



ROCKDALE CITY COUNCIL

Planning Assessment Report

Application Details

Application Number:	DA-2015/373
Date of Receipt:	24 April 2015
Property:	1 - 15 Chisholm Street, WOLLI CREEK NSW 2205 Lot 557 DP 1192909
Owner:	Discovery Point Devt Pty Ltd
Applicant:	Discovery Point Pty Ltd
Proposal:	Discovery Point Stages 11 and 12 - Construction of two (2) x fifteen (15) storey residential flat buildings over a four (4) storey podium, comprising a total of 231 units, basement and above ground parking, podium landscaping, stratum title subdivision into 3 lots and foundation works for future Stage 13
Recommendation:	Approved
No. of submissions:	Nil
Author:	Pascal van de Walle
Date of Report:	16 June 2016

Key Issues

The key issues related to this application are:

- **Concept Plan** - The proposal is generally consistent with the Discovery Point Concept Plan approved by the Minister for Planning, pursuant Part 3A of the EP&A Act on 5 May 2011 (MP 10_0003, as modified). The variations to the Concept Plan are minor and found to be acceptable as detailed in the body of the report.
- **Residential amenity** - units, lobbies and entrance forecourts were reconfigured to ensure that residential amenity is generally in accordance with SEPP 65 and Design Review Panel recommendations. Furthermore, the applicant has submitted an acoustic report which demonstrates that the units will comply with the rail noise criteria established in State Environmental Planning Policy (Infrastructure) 2007, and an additional acoustic letter report was submitted on 24 May 2016 which concludes that the internal noise levels within future residential apartments as a result of the external waste collection will comply with the relevant EPA Sleep Disturbance criteria. The impacts to the future amenity of residents will be satisfactory and has been adequately addressed.
- **Waste Management** - this proposal includes the garbage room for the 474 units located within Buildings 11, 12 & 13 which generates demand for 9 x 1,100L waste bins and 120 x 240L recycling bins. The waste will now be collected from Spark Lane adjacent to the garbage room

within Building 12, however the application originally proposed that waste be collected on-street in-front of Building 10 at the same location where waste from the 485 units within Buildings 6, 7, 8, 9 & 10 will be collected. The collection of waste from 959 units on-street in front of Building 10 was considered to result in unacceptable amenity impacts to the future occupants of Building 10. The applicant has demonstrated that the collection of waste & recycling from Buildings 11, 12 & 13 can be undertaken from Spark Lane in-front of Building 12 without significant adverse impacts to the future occupants of this building.

- Spark Lane - The application includes a section of Spark Lane, and inadequate information has been provided to demonstrate that the lane can accommodate the two-way movement of traffic as anticipated by the Concept Plan. No objection is raised to the one-way movement of traffic along the section of Spark Lane in a south-bound direction between Discovery Point Place & the southern driveway entrance to Building 12, as requested by the applicant, subject to the submission of a traffic study demonstrating that this would not prevent relevant Council and RMS intersections from operating at a suitable level of service. A draft condition is therefore proposed requiring that Spark Lane be constructed to permit the two-way movement of traffic unless a traffic study is submitted to, and approved by, Council prior to issue of the Construction Certificate for the relevant stage of works which demonstrates that one-way traffic flow will not prevent relevant Council and RMS intersections from operating at a suitable level of service. If the applicant is unable to satisfy this requirement, then Spark Lane must be constructed to permit two-way movement through this section. The applicant has agreed to the proposed condition of consent.
- Wind Impacts - the applicant's wind tunnel testing report demonstrated that the proposal would result in adverse wind impacts to the some parts of the public domain without implementation of suitable mitigation measures. The proposal has been updated to include recommended measures, and subject to compliance with the recommended conditions wind impacts are now considered to be satisfactory.
- Public Domain - the entrance forecourt for Building 11 and 13 has been redesigned to improve public domain and residential amenity.

Recommendation

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

History

In April 2001, Council approved the Masterplan for the Precinct under DA-2001/50. Subsequently, buildings and associated works identified in the Masterplan as 1, 2 and 4 were approved and constructed. These buildings are known as Greenbank, Verge and Vine (respectively) and are currently occupied. Additionally, approval was granted and development completed for the restoration of the heritage buildings and Mt Olympus, known as Tempe Estate.

A Concept Plan for Discovery Point was subsequently approved on 5 May 2011 (M10_0003) by the

then Minister for Planning. It approved a maximum GFA of 132,000m² (of which at least 9,000m² was to be non-residential floor space) and a maximum of 2,240 parking spaces in a series of 14 buildings of varying heights up to RL 79.65 AHD, in a landscaped setting.

The Concept Plan has been modified on four (4) occasions. The key criteria of the Concept Plan (as amended) includes:

- a maximum of 142,685m² of GFA (an increase of 10,685m² from the original Concept Plan approval);
- a maximum of 133,685m² of residential GFA (an increase of 10,685m² from the original Concept Plan approval);
- a minimum of 9,000m² of non-residential GFA;
- provision of a maximum of 2,100 car spaces (a reduction of 140 car spaces from the original Concept Plan approval);
- a maximum of 13,590m² of above ground car parking.

The developments completed under the Masterplan DA-2001/500 are not part of the Concept Plan approval.

The Concept Plan Stage 1 and Stage 6 were approved by the Minister for Planning under MP10_0030 and MP10_0031, respectively. The Joint Regional Planning Panel has determined Stages 2, 3, 4, 5, 7, 8, 9 and 10.

Only one (1) residential stage of the Concept Plan remains after this proposal - Stage 13. The application for Stage 13 has been lodged with Council on 16 September 2015 (DA-2016/99) and the application is currently under assessment.

The Concept Plan also includes one commercial building (Building 14) which is located immediately to the south of Wolli Creek Station. There are currently no plans for the development of this stage.

Proposal

The proposal includes the construction of two (2) x fifteen (15) storey residential flat buildings over a four (4) storey podium, comprising Building 11 and Building 12 of the Discovery Point Concept Plan Approval (MP-10_003, as modified).

The two buildings will contain a total of 231 units, including 106 in Building 11 and 125 in Building 12, comprising:

- 9 x studio units (4%)
- 65 x one Bedroom units (28.1%)
- 129 x 2 bedroom units (55.8%) (including 39 x two bedroom + 1 bathroom, 88 x two bedroom + 2 bathrooms, and 2 x dual key x two bedroom + 2 bathrooms)
- 28 x three bedroom units (12.1%)

Two (2) basement levels and four (4) above ground levels of car parking are proposed with two access points from Sparks Lane, providing for:

- 227 line-marked car parking spaces (Note: parking was reduced from 230 to 227 to accommodate the additional waste storage requirements. Also, the plans show 470 car parking spaces, which include 227 for Buildings 11 & 12 and the remaining 240 spaces are included in DA-2016/99 and are to be allocated to Building 13. The Applicant does not seek approval for

the line marking of those 240 spaces in this Application).

- 16 motorcycle spaces,
- 16 bicycle spaces, and
- 3 car wash bays are shown on the plans at Level B1 (Note - Conditions require provision of only 2 car wash bays for Building 11 & 12).

Pedestrian access to Building 11 is from Brodie Spark Drive and pedestrian access to Building 12 is from Chisholm Street. Ground level units with frontage to Chisholm Street can be accessed directly from the street.

The proposal also includes:

- Landscaping works to the shared podium level,
- Public domain works to create a new entry plaza off Brodie Sparks Drive between Building 11 and future Building 13,
- Early works associated with the future Building 13 including site preparation, foundations and establishment works,
- Construction of a portion of Spark Lane,
- Stratum subdivision into 3 lots, including:
 - (a) Proposed Lot 731 will contain Stage 11 & 12 buildings,
 - (b) Proposed Lot 732 will contain Stage 13 building, and
 - (c) Proposed Lot 733 will contain a section of Spark Lane, Chisholm Street and Brodie Spark Drive (being part of the roads proposed under this and previous applications),
- Extension / augmentation of services and utilities to the development.

Site location and context

The site is part of the Discovery Point development located at Wollie Creek. The Precinct is bounded by Princes Highway, Brodie Spark Drive, Magdalene Terrace, the Illawarra and East Hills Railway Lines and Cooks River. Wollie Creek railway station is located within the boundaries of Discovery Point. The development site at Discovery Point is divided into two precincts; to the north and the south of the railway line (see **Figure 1 & Figure 2**).



Figure 1 - Discovery Point Concept Plan (Buildings 11 & 12 in dark orange colour)



Figure 2 - The location of Stages 11 & 12 within the approved boundary of the Concept Plan.

The site is known as Stages 11 and 12 at Discovery Point, No 1-15 Chisholm Street, Wolli Creek. Located within the mid north-western portion of Discovery Point, between the future Stage 13 development, the East Hills & Illawarra Railway line and approved stages 8-10. The site has frontage to both Brodie Spark Drive and Chisholm Street, as well as rear frontage to Spark Lane.

The site is currently vacant and has a total site area is 8,341 sq.m. The natural ground level across the site is generally level, and contains no vegetation.

The surrounding area is largely either a construction site for earlier stages or contains multi-storey mixed use buildings that have been completed and are occupied. To the immediate west of the site is the Illawarra Railway line, which is located approximately 4m from the site boundary.

The site is in the vicinity of Tempe House and Magdalene Chapel, which are listed as items of State heritage significance. The heritage item includes the buildings and the curtilage of the buildings contained mainly within Discovery Point Park.

The buildings associated with stages 1, 2, 3, 4, 5, 6 & 7 have been completed, and these buildings are occupied.

Construction works on Stages 8, 9 & 10 are currently underway and the works are nearing completion.

These buildings are located within the northern precinct on the opposite side of proposed Chisholm Street.

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.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 two BASIX Certificates for the proposed development. The Certificate numbers are 621841M and 621846M_02. The certificates are accompanied by a BASIX report prepared by WSP Global Inc.

The commitments made demonstrate that the proposal achieves the targets for a reduction in energy and water consumption, and provides adequate thermal comfort. The certificates demonstrate that both buildings achieve a 61% water saving, which is well in excess of the 40% target. A condition is proposed on the consent to ensure that the requirements and recommendations of the BASIX Report are adhered to. The proposal therefore satisfies the requirements of the SEPP.

In addition to the above, the applicant has also confirmed that Stages 11 & 12 will also make use of the approved blackwater recycling plant to be provided within Discovery Point which commits to reuse of blackwater and the use of non-potable water to supply the landscape irrigation, garbage room, car wash area, laundry washing machines and toilet flushes.

State Environmental Planning Policy (Infrastructure) 2007

The proposal is adjacent to the Illawarra Railway Line (only separated by Spark Lane). In accordance with Division 15 of the ISEPP, consideration has been given to the impact of the proposal on the rail corridor and vice versa. In this regard, the applicant has submitted an acoustic report which concludes that the proposal can be constructed to achieve the internal noise levels required by clause 87 of the SEPP, and the proposal was referred to Sydney Trains for their assessment. Sydney Trains provided their concurrence to the proposed development by letter dated 10 March 2016 (received by Council on 18 March 2016). The conditions of consent recommended by Sydney Trains, as well as relevant conditions requiring compliance with the internal noise environment of the SEPP, have been included in the draft Notice of Determination and will ensure that an appropriate response has been provided to the requirements of the ISEPP. The proposal is therefore satisfactory having regard to this policy.

State Environmental Planning Policy (Major Development) 2005

The Discovery Point Concept Plan (MP 10_0003) was a Part 3A Project as it was "*development for the purpose of residential...projects with a capital investment of more than \$100 million*" in accordance with Schedule 1 of the Major Developments SEPP as in force at the time. The Major Developments SEPP has since been amended, however the modifications to the Concept Plan

continue to be assessed under Section 75W of the EP&A 1979, in accordance with the transition provisions, and individual project applications are required to be assessed by Council.

This section of the report therefore addresses compliance with the Concept Plan Approval.

Compliance with the Concept Plan Approval (MP 10_0030)

Consideration has been given to the Concept Plan approval, including relevant Conditions of Approval, Statement of Commitments and Design Guidelines. The application was accompanied by a compliance table which addresses the relevant matters. The applicants assessment is generally agreed with and demonstrates that the proposed development, including the design of the roads and the stratum subdivision, is generally consistent with the Concept Plan approval. A number of minor variations are proposed that are found to be acceptable.

The key matters relating to the Concept Plan approval are discussed below:

Conditions of Approval

The proposal is located within the area defined by the Concept Plan, and is generally consistent with the conditions, approved plans and documents (as modified). The following are the key matters relating to the Conditions of Approval:

<u>Condition</u>	<u>Requirement</u>	<u>Proposal</u>	<u>Complies</u>
A6	Maximum GFA of 142,685m ² for the whole development, including a minimum 9,000m ² of non-residential development.	The proposal includes 19,680m ² of GFA, resulting in a cumulative GFA for the Concept Plan of 118,328m ² . This is comprised of 113,664m ² of residential GFA and 4,664m ² of non-residential GFA. A total of 24,358m ² of GFA therefore remains for the final two (2) buildings in the Concept Plan (Buildings 13 & 14), of which a minimum of 4,336m ² must be non-residential GFA. The proposal for Building 13 has been lodged (DA-2016/99) and includes 19,917m ² of residential GFA. If building 13 is approved as currently proposed, a total of 4,441m ² of GFA will remain for Building 14 (comprising 105m ² of residential and 4,336m ² of non-residential GFA).	Yes
A8	Building Height - The buildings shall not exceed 55.3m (AHD) as shown in the approved plans and as approved by the Department of Infrastructure & Transport and Sydney Airport Corporation.	The maximum height of Buildings 11 & 12 is 55.1m (AHD).	Yes

A9	Building Envelopes & Separation - Approved building envelopes shown in Plan DA3-001 prepared by Bates Smart Architects dated 23 February 2011.	The proposal complies with the building envelopes and setbacks provided in the approved plans.	Yes
A10	Private Open Space, minimum required is: - 2m depth - 6m ² - studios & 1 bed. - 8m ² - 2 bed - 10m ² - 3 bed	The proposal complies with the minimum sizes except for balconies of two (2) apartments - G04 (2 bed = 6m ²) and 106 (2 bed = 7m ²). Originally the proposal was non-compliant for four (4) units, however amendments were made so that two additional units comply. The balconies retain a minimum depth of 2m and the sizes are a minimum of 5m ² for the one bedroom units and 6m ² for the 2 bedroom units. This represents a minor variation for 1.7% of the 233 units. The variation is minimal and acceptable.	NO- however minor variation acceptable.
A11	Adaptable Units - 2% of dwellings across the site to be adaptable	The SEE states that stages 11 & 12 include 5 adaptable units (2.1%) and a condition is proposed accordingly as only 4 units could be identified on the plans. In addition, the proposed adaptable units are all 1 bedroom units (located on levels 1, 2 and 3). Therefore the condition requires that at least one 2 bedroom unit be provided for adaptable purposes. The applicant has advised that the Concept Plan complies with the minimum 2% of adaptable units across the whole site, and compliance with this requirement will be confirmed with the final stage (Stage 13).	Yes
A12	Apartment Mix - applied to whole Concept Plan: - Max. of 45% studio & 1 bed - Min. 45% x 2 bed - Min. 10% x 3 bed	Stages 11 & 12 (as amended) will comprise 32% studio & 1 bed units (9 studio & 65 x 1 bed), 55.9% x 2 bed (143 units, including 2 x dual key), and 12.1% x 3 bed (28 units). Overall, the Concept Plan now includes 35.1% x studio/1bed, 55.2% x 2 bed and 9.7% x 3 bed units. The percentage of 3 bedroom units does not comply, however Building 13 includes 27 x 3 bedroom units and the Concept Plan will comply with the minimum 10% x 3 bedroom units.	Yes

A13	Apartment Size - Minimum size to be: - 40m²- studio - 50m²- 1 bed - 70m²- 2 bed - 80m²- 2 bed & 2 bath - 100m²- 3 bed	Units comply with the minimum size requirements.	Yes
A14	Natural Cross Ventilation - minimum 60% of dwellings.	146 units = 62%	Yes
A15	Roadways - New roads to be provided as per Concept Plan.	Yes - the proposal includes the section of Spark Lane in accordance with the Concept Plan. The Concept Plan is not conclusive about the width of the laneway, and the southern end of Spark Lane is too narrow for two-way traffic and the section of Spark Lane between Building 12 & Discovery Point Place must be one-way. The Applicant has also confirmed that Spark Lane is not to be accessed by Pedestrians as the lane is too narrow to the south of Building 12 to allow safe pedestrian passage. Council's Development Engineer has assessed the road design and raises no objection subject to conditions including a condition requiring that appropriate signage be erected by the applicant and that the signage be approved by Council's Traffic Committee prior to issue of the Occupation Certificate.	
A16	Car Parking - Concept Plan to comply with the following: (a)Maximum of 2,100 cars; and (b)Maximum 13,590m²above ground parking. (c)One car was facility per residential building with more than 20 units.	(a) The proposal includes the provision and line-marking of 227 parking spaces, however adequate space has been provided for line-marking of an additional 240 car spaces that is proposed under DA-2016/99 for Building 13. In accordance with the Statement of Commitments, a minimum of 197 and a maximum of 391 car spaces are required for Stages 11 & 12, and the proposal is therefore compliant. In addition, the overall parking provision for the Concept Plan (excluding Building 13) is 1,816 car spaces which does not exceed the maximum 2,100 permitted. Including the 240 spaces for Building 13, the total parking provided for the Concept Plan is 2,056 which is also compliant. (b) A total of 9,642m²of above ground parking has been provided, with 3,948m²remaining. (c) The proposal requires two (2) car wash bays. While three (3) spaces are proposed in Basement Level B1, a condition requires the provision of two (2) bays.	Yes

A17	Public Domain - accessible 24 hours, 7 days, with details of Rights of Ways, Easements etc. to be provided to ensure public access is maintained over private land.	A condition is proposed requiring the creation of an easement for public access to ensure that the public domain areas will be accessible 24 hours, 7 days.	Yes
Schedule 3, Cond 2	Privacy - separation distances for Buildings 11 & 12 to be consistent with the Concept Plan.	Separation distances comply with the Concept Plan.	Yes

Other conditions contained in Schedule 3 relate to the environmental assessment requirements for each future stage, including compliance with SEPP 65, consideration of privacy impacts, provision of detailed landscape plans, acoustic impacts, heritage impacts, protection of railways, flooding, and so on. These matters have been dealt separately in the assessment and have been found to be satisfactory.

Statement of Commitments

The Statement of Commitments includes various matters, including many items addressed previously under the Concept Plan conditions. The proposal as amended is generally consistent with the SoC approved under the Concept Plan (as amended by MOD 4, approved 5 June 2015).

The proposal is also consistent with the minimum and maximum parking rates established in the SoC as detailed below:

Requirement	Required	Complies
Maximum 1 space/ studio or 1 bed apartment	Min 0- Max 65	Yes
1-2 spaces/ 2 bed apartment	Min 129 - Max 258	Yes
2 spaces/3 bed or more apartment	56	Yes
1 space/ 20 apartments for visitors	12	Yes
1 space/ 50m2 for commercial	-	N/A
1 space/35m2 for retail	-	N/A
1 bicycle space/ 15 apartments	16	Yes
1 motorcycle space/ 15 apartments	16	Yes
1 non-residential bicycle space/ 200m2non residential uses	-	N/A
1 non-residential motor cycle space/20 non-residential car spaces	-	N/A

TOTAL	Car Parking - minimum 197 & maximum 391 Bicycle Parking - 16 spaces Motorcycle parking - 16 spaces	Yes
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Development Design Guidelines

The proposal has been assessed against the Development Design Guidelines (DDG) as modified by MOD 4 to the Concept Plan Approval (updated October 2014). The DDG provides specific controls to guide the development in Discovery Point to achieve the desired design and environmental amenity outcomes for the precinct. These controls include many of those contained in the "Conditions of Approval" and the "Statement of Commitments" discussed above (e.g. minimum unit sizes, building separation distances, balcony sizes etc.). Some other examples of requirements contained in the DDG include minimum common corridor widths of 1.6m, minimum ceiling heights of 2.7m for habitable & 2.4m non-habitable, minimum lift size requirements (2.1m x 1.4m), amongst other matters.

The DDG also includes measures to ensure that the proposal achieves a satisfactory level of amenity for future occupants of the development, addressing issues such as solar access, visual privacy, acoustic privacy and wind impacts. The applicant has submitted additional information to demonstrate that the noise emissions from waste collection will be minimised and would comply with the EPA sleep disturbance criteria for the most affected residential units. The applicant has also updated their Wind Report to address the Heggies Wind Tunnel Testing report submitted with the Concept Plan and to ensure that adequate measures would be implemented to ensure that the winds that would exceed the 23 m/sec safety criterion without mitigation would be adequately minimised. The key recommendations from the wind report include the provision of blades along the Spark Lane frontage and the planting of trees at the perimeter of Discovery Point Park between Building 6 & 7 (see **Figure 3**).

The proposal has been found to be generally consistent with the DDG subject to compliance with the recommended conditions of consent.

Figure 19 Copy of Recommendation from SLR report 610.10951-R1R1

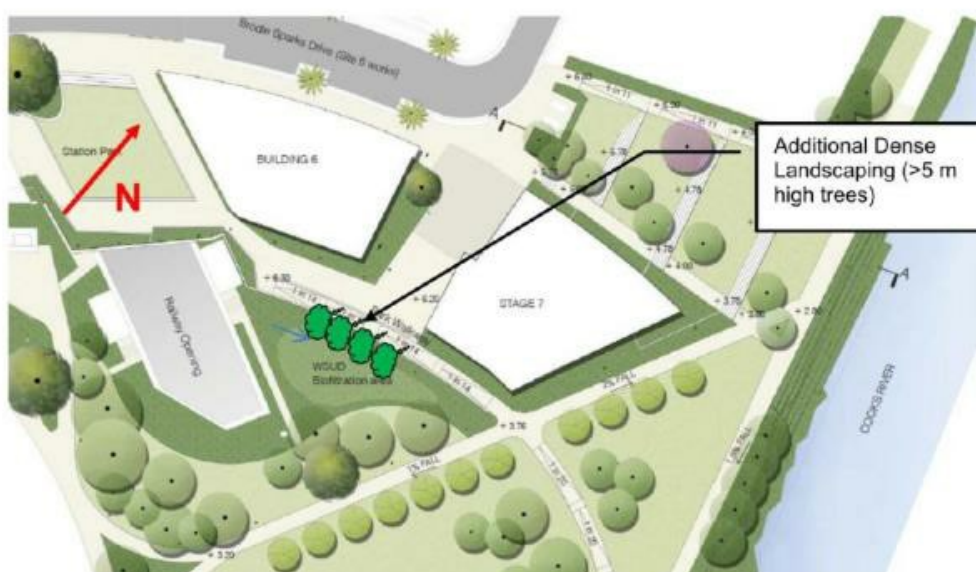


Figure 3 - Recommended tree planting to minimise wind impacts (Figure 19, Wind Report, SLR, dated 9 March 2016).

State Environmental Planning Policy (State and Regional Development) 2011

The proposed development comprises a class of development included within Schedule 4A of the EPA Act 1979 (as amended), as it is a general development with a capital investment value in excess of \$20 million. As such under the provisions of the SEPP, the proposal is referred to the Sydney East Joint Regional Planning Panel for determination. The proposal complies with the provisions of this clause.

State Environmental Planning Policy No 55—Remediation of Land

The property is identified in Council's records as being potentially contaminated. The application is subject to the Concept Plan approval. The Concept Plan Environmental Assessment provided an assessment of the suitability of the land from a contamination perspective and concluded that the site can be made suitable for the proposed land use subject to compliance with the Site Environmental Management Plan.

Council's Environmental Health Officers requested copies of the relevant reports, including the Site Audit Statement (prepared by Enviroview Pty Ltd, dated 21 April 2015) and the Site Environmental Management Plan (prepared by DLA Environmental, Revision 1.2, dated February 2015) during the assessment process. The SAS concludes the the site "is suitable" for the proposed uses, and the Environmental Health Team have therefore advised that conditions are not required on the consent. Therefore the proposal meets the requirements of SEPP 55.

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 referred to the Design Review Panel for consideration at pre-DA stage on 5 February 2015, and again following lodgement of the application on 17 June 2015. The DRP recommended that a number of changes be made and referred to Council for further consideration. The amended proposal has been assessed and is considered to adequately address the DRP recommendations as detailed in the table below:

The DRP found that the proposal fit the context established by the concept plan and that the four storey podium was strongly supported as it will provide a 'comfortable human scale at street level'. The DRP did, however, identify a number of issues which have been adequately addressed in the amended plans. The key issues include:

- *The corner unit Apartment G03 is very close to the street and will have a hostile environment. The DRP recommended that it be deleted.*
Comment: Unit G03 has been amended. The balcony has been recessed and stepped planter beds have been provided in front of the balcony area. The amended proposal is acceptable.
- *Larger tree species in Chisholm Street*
Comment: Council's Landscape Architect found that larger tree species are not possible in Spark Lane due to constraints (e.g. inadequate soil volume).
- *Improvements to the lobbies and entrance corridors*
Comment: The entrance lobbies and access areas to both Building 11 & Building 12 have been improved, specifically the lobby for Building 12, and are acceptable.
- *The layout and circulation of the two tower buildings results in awkward apartment entries*
Comment: The applicant has provided plans showing that large furniture can fit through the

entrance corridors.

- *The public domain entry plaza to Buildings 11 & 13 is 'confused', provides potential concealment opportunities and letterbox locations in this space are not functional. This space requires careful consideration to exploit its potential as a public place as well as an entry forecourt.*

Comment: The area has been modified and is satisfactory.

- *The podium level landscape area is predominantly formed by raised planters with narrow paths. It has very limited capacity for informal gatherings or usable space for residents and needs to be substantially redesigned to provide usable communal open space for the proposed number of residences in accordance with the requirements of SEPP 65 and the RFDC, including better concealment of the extraction vent.*

Comment: The landscape design and circulation at podium level has been amended to address the recommendations made. A recommended condition also requires that the private courtyards be reduced in size to improve the amenity for the communal area.

- *The streetscape arrangement should improve on existing to incorporate green edge setback between footpath and building envelope.*

Comment: This matter has been addressed in amended plans.

- *Various unit layouts were identified by the DRP as being inefficient and/or problematic.*

Comment: the amended plans adequately address the issues raised, including the use of dual key apartments for Units 201 & 301 to resolve the amenity issues.

- *Within each block it would be highly desirable to provide a small communal room and terrace at roof top level, and at each individual floor a small seating area where residents of that floor can meet.*

Comment: The landscape podium has generally been amended as requested, however the applicant has not provided roof top recreation space as the lift and roofing required could not be contained within the building envelope. While roof top recreation is preferable, the podium landscape areas has been improved, and the site is within 150m of Discovery Park. The buildings also will benefit from the communal room located within the adjacent Building 13. The proposal is therefore acceptable.

(b) The design quality of the residential flat building when evaluated in accordance with the ten design quality principles

The application was accompanied by a Design Report prepared by GSA Architects that address the ten (10) design quality principles under the SEPP. The applicant's position is generally agreed with, and the 10 design quality principles have been considered in the assessment of the proposal and are found to be satisfactory as indicated below.

Principle 1 - Context

The response of the proposal to its surroundings is as anticipated by the Concept Plan approval.

Principle 2 - Scale

The proposed development complies with the envelope controls in the Concept Plan. The scale of the buildings responds to the character and context of the surrounding area and is acceptable.

Principle 3 - Built Form

The proposed built form is consistent with the Concept Plan. While the building would benefit from additional articulation, the building elements achieve an acceptable response for the sites location, including the modifications made to the street corner of Brodie Sparks Drive & Chisholm Street.

Principle 4 - Density

The proposal is consistent with the density controls in the Concept Plan.

Principle 5 - Resource, Energy and Water Efficiency

The BASIX Certificate and supporting documents demonstrate that the proposal meets the targets of the SEPP, and the applicant has also demonstrated compliance with the precinct WSUD requirements.

Principle 6 - Landscape

The proposed landscaping has been amended to satisfy the recommendations of the Design Review Panel has been approved by Council's landscape architect subject to recommended conditions of consent.

Principle 7 - Amenity

The design of the apartments satisfies the natural cross ventilation and solar access requirements of SEPP 65 and given the constraints of the approved Concept Plan layout and as such is considered to be acceptable. The apartments enjoy reasonable areas of private open space, internal areas and storage areas, and the units will be acoustically treated to minimise potential adverse noise impacts from the rail line, aircraft noise and from waste collection.

Principle 8 - Safety and Security

The proposal achieves a satisfactory level of safety and security and additional conditions of consent are proposed in line with safer by design principles, including the provision of CCTV.

Principle 9 - Social Dimensions

The proposal is consistent with the unit mix recommended in the Concept Plan. A variety of apartment layouts will serve a range of household types. In addition, the proposal has direct access to the swimming pool, gym and communal room proposed as part of Stage 13 (DA-2016/99). As such the proposed development is supported in regard to social dimensions.

Principle 10 - Aesthetics

The proposed development incorporates contemporary architectural elements and finishes in the façade. It is considered that the overall aesthetics of the development is acceptable.

(c) The Residential Flat Building Code (RFDC)

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 Building Code.

Some of the controls under the RFDC have been incorporated into the Discovery Point Development Design Guidelines approved under the Concept Plan. The proposal is consistent with the controls in regards to height, unit sizes, natural ventilation to kitchens, single aspect apartments, storage etc.

The proposal also complies with the key requirements of the RFDC, including cross ventilation which is provided for 145 of the proposed 233 apartments (62%) and at least 2 hours solar access to 70.4% of units in Building 11 and 72.8% of units in Building 12. Both of these requirements are consistent with the rules of thumb of the RFDC for cross ventilation and solar access.

The proposal does not, however, comply with the following controls, but is found to be acceptable for the reasons as discussed:

- 24% of units are south-east facing units which exceeds the rule of thumb which recommends that south facing units are limiting to 10% of overall apartments. The variation is considered acceptable given their layouts, south-east orientation, separation distance and height of buildings which is in accordance with the Concept Plan. The units are located in a high-density area adjacent to the Wolli Creek Railway Station, and the development provides in excess of 70% of units with a minimum of 2 hours sunlight at mid-winter. As such the variation to the solar access rule of thumb is acceptable.
- The proposed development provides a maximum of 13 apartments accessed from a single corridor. This occurs at Level 2 only. Therefore, this minor variation is acceptable.
- The proposal does not comply with the maximum 18m building depth requirement or the minimum building separation requirements for some parts of the buildings above 4 storeys in height. The proposed building depth varies between 21m (Building 12) and 24.2m (Building 11), and the separation distance of between 9m & 17.9m is provided to future Building 13 and a separation distance of between 22.6 & 37.2m is provided between Building 11 & 12. The proposed buildings have been designed to comply with the building envelopes approved by the Concept Plan and are therefore acceptable in this case. The elevations have also been provided with screening and the units oriented to minimise overlooking.

Rockdale Local Environmental Plan 2011

Relevant clauses	Compliance with objectives	Compliance with standard/provision
2.3 Zone B4 Mixed Use	Yes	Yes - see discussion
2.6 Subdivision - consent requirements	Yes	Yes - see discussion
5.10 Heritage conservation	Yes	Yes - see discussion
6.1 Acid Sulfate Soil - Class 3	Yes	Yes - see discussion
6.2 Earthworks	Yes	Yes - see discussion
6.3 Between 20 and 25 ANEF (2033) contours	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 site is zoned B4 Mixed Use under the provisions of RLEP 2011. Development for the purpose of a residential flat building is permissible with consent. The proposal is consistent with the objectives of the zone, which are to "provide a mixture of compatible land uses" and 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 proposal is located adjacent to Wolli Creek Railway Station, and the application includes bicycle parking within the basement levels. Therefore the proposal encourages public transport and non-car modes of transport. The proposal is also compatible with surrounding residential and mixed use developments.

2.6 Subdivision - consent requirements

The proposed stratum subdivision will subdivide Lot 557 and Lot 779 in DP 1192909 into three stratum

lots. The proposed lots will divide the site into the proposed uses, comprising the residential accommodation and roads as follows:

- Lot 731 - Buildings 11 & 12;
- Lot 732 - Future Building 13; and
- Lot 733 - roadways (Brodie Spark Drive (part), Chisholm Street and Spark Lane (part)).

The proposed subdivision is found to be acceptable, and relevant conditions require compliance with certain matters in any future strata subdivision of the residential lots.

5.10 Heritage conservation

Tempe House Estate is identified as a Heritage Item on the State Heritage Register and under the Rockdale Local Environmental Plan 2011 (Rockdale LEP). Stages 11 and 12 are located outside of the curtilage boundary of Tempe House listed under the State Heritage Register and the listing in the Rockdale LEP, and these sites are also located a considerable distance from the Tempe House curtilage boundary.

The Concept Plan approval requires that all applications address the recommendations of the Statement of European Heritage Impacts prepared by Tanner Architects and dated June 2010. The recommendations are addressed in the Statement of Heritage Impacts, which concludes that the proposed development is not within the curtilage of the Tempe Estate, will be obscured from view by existing / approved residential developments, and will not impact on the heritage significance of this State significant item.

Consideration has also been given to Non-Indigenous Heritage and Indigenous (Aboriginal) Heritage in the assessment against the Concept Plan approval.

- Non-Indigenous Heritage - A report titled "Heritage Impact for Non-Indigenous Archaeological Remains" prepared by Casey & Lowe Pty Ltd (dated April 2015) was submitted with the application that concluded that there is a limited to low level potential for archaeological remains to be found due to past activities and previous investigations. Notwithstanding, the report recommends inclusion of a condition to manage any unexpected finds. The proposal is therefore acceptable subject to inclusion of the recommended condition.
- Indigenous Heritage - An "Aboriginal Heritage Due Diligence Report" prepared by Godden Mackay Logan (GML) (dated April 2015) was submitted with the application. The report provides an assessment of potential Aboriginal (Indigenous) Heritage on the site and was based on investigations of the site and an AHIMS search. The report concludes that there are not likely to be any Aboriginal objects in the Stages 11-12 site and that the proponent can proceed with caution without an Aboriginal Heritage Impact Permit (AHIP). The report includes recommended conditions that have been included in the draft Notice of Determination.

Furthermore, proposed tree planting at the perimeter of Discovery Point Park required by the submitted Wind Report is located outside of the curtilage boundary of Tempe House and recommended conditions require that the trees not adversely impact on the Local Heritage Significance or restrict views toward Fatima Island.

6.1 Acid Sulfate Soil - Class 3

The site is located within an area classified as Class 3 in the acid sulfate soils map. The applicant has submitted an Acid Sulphate Soils Management Plan prepared by DLA Environmental (dated January

2012). ASS are only expected to be encountered as a result of piling works. A treatment plan has been detailed to ensure minimal acid generation and run-off during construction. The recommendations of the Management Plan have been included in the draft Notice of Determination. The proposal is therefore consistent with the objectives and requirements of clause 6.1.

6.2 Earthworks

A number of geotechnical investigations have previously been completed by Coffey Geosciences and Douglas Partners as part of the Concept Plan documentation and these reports describe the ground conditions, the geotechnical issues associated with excavation and the groundwater issues. The present advice contained in the Groundwater and Railway Corridor Impact letter by Douglas Partners, Ref: Project 72148.15 dated 1 June 2015 contained a number of recommendations regarding excavation works, monitoring of groundwater levels, and construction requirements. For example, the report concludes that the proposed finished basement floor level is RL 2.0m AHD is between 1.0m and 1.6m above the observed groundwater table and that a drained basement incorporating a drainage system to accommodate extreme rainfall/flood events should be suitable for the site (and that tanking of the basement is therefore considered unnecessary from an engineering perspective). Temporary dewatering may be required during the construction of pile caps, lift pits, the installation of services etc. if excavation is undertaken below or close to the groundwater table, and relevant permits would be required.

Given that groundwater levels may rise above the measured levels during periods of extreme rainfall and/or flooding, relevant conditions are proposed to ensure that the structural engineer considers the potential impacts during the design of the basement structure prior to issue of the Construction Certificate. Also provision should be made in the basement drainage system to relieve hydrostatic pressures acting on basement slabs and walls.

The application has also been assessed by Sydney Trains to ensure that impacts from excavation works will not adversely affect their infrastructure. Sydney Trains has issued their General Terms of Agreement and the recommended conditions are included in this report.

Subject to imposition of relevant conditions, the proposed excavation works are considered to satisfy the requirements of this clause.

6.3 Between 20 and 25 ANEF (2033) contours

The applicant's Noise Impact Assessment Report advises that the site is affected by above ANEF 20 (prepared by Acoustic Logic dated 14 April 2015 (Version 1)). The report recommends acoustic treatments to ensure noise levels from aircraft comply with Australian Standard AS2021:2000 as required by clause 6.3. A condition of consent is proposed to ensure that the recommendations of the report are implemented.

6.4 Airspace operations

The proposed development is affected by the Obstacle Limitation Surface (OLS) which is set at 51m AHD. The proposed buildings have a maximum height of 55.3m to AHD and therefore will penetrate the OLS by 4.3m. The application was referred to Sydney Airports Corporation Limited (SACL) who confirmed by email that the proposed building heights have been approved by the Australian Department of Infrastructure and Transport under the *Airports (Protection of Airspace) Regulations 1996* as part of the Concept Plan approval. A copy of the letter of approval dated 15 December 2010 has been provided to Council, and relevant conditions have been included in the draft Notice of Determination.

6.6 Flood Planning Land

The Discovery Point site is located in the lower Cooks River floodplains. As a result of this the site, including Stages 11 & 12, has the potential for flooding. A Flood Evacuation Plan for Stages 11 & 12 has been prepared by J. Wyndham Prince Consulting engineers. It has been determined in the case of a flood that the 'shelter in place' strategy should be adopted. This will involve residents remaining in the building above PMF flood level (ground level and above) for the duration of the flooding, which is expected to be limited to 2-3 hours.

A Certificate of Compliance with Flood Assessment has also been completed by J. Wyndham Prince Consulting engineers. This certificate confirms that the development will be compliant with the minimum floor levels to meet Council's 0.5% AEP and PMF flood level design standards.

Therefore, subject to implementation of recommended conditions, the proposal is satisfactory with regards to flooding.

6.7 Stormwater

The proposed stormwater drainage system is shown in the Civil Report and Stormwater Management Plans prepared by Robert Bird Group Pty Ltd. The system shall have the capacity to convey the 100 year ARI flow from the development to the system outlet in the Cooks River.

A Water Sensitive Urban Design (WSUD) strategy for the current Stages has been prepared by Alluvium (dated April 2015) which addresses the site-wide WSUD strategy that was previously developed for the entire Discovery Point development site (Equatica, 2012) and aims to ensure that the development meets the pollution reduction targets of the Botany Bay Water Quality Improvement Program as required by Council's Stormwater Management Technical Specification (DCP 2011). The report confirms that the treatment of stormwater from Building 11 will be provided by bioretention basin 11, and that the building 12 will be provided by system 18A.

Recommended conditions require that the development be carried out in accordance with the submitted stormwater management plans and the WSUD Report, and that these systems be maintained in good condition and working order at all times.

The proposal is satisfactory with regards to this clause subject to implementation of the recommended conditions of consent.

6.12 Essential services

Consultation has been undertaken with relevant authorities, and conditions of consent are also proposed requiring consultation with utility providers to ensure the appropriate provision 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:

Relevant clauses	Compliance with objectives	Compliance with standard/provision
Rockdale Development Control Plan 2011	Yes	Yes - see discussion

Rockdale Development Control Plan 2011

The proposal has been assessed against the objectives and controls under DCP 2011 and associated documents being the Wolli Creek Public Domain Plan and Manual (PDP), Technical Specifications for Parking, Technical Specifications for Stormwater, Waste Minimisation and Management and Landscaping.

The proposal is generally consistent with the controls in DCP 2011, particularly in regards to views and vistas, streetscape, pedestrian environment, site facilities, pedestrian and vehicular access, loading and unloading, letter box provision etc. Where variations exist, the proposal is generally consistent with the Concept Plan Approval or the requirements of SEPP 65. For example, the proposal does not comply with the minimum unit size, private open space, storage, unit mix, building separation or car parking requirements in RDCP 2011, however the proposal complies with the requirements of the Concept Plan Approval (MP 10_0003) and/or SEPP 65 and the proposal is therefore satisfactory in this regard.

The proposal is consistent with the Water Sensitive Urban Design (WSUD) strategy for Discovery Point aimed at improving stormwater quality and reducing the stormwater runoff rates to the Cooks River. The WSUD strategy for Discovery Point will achieve the stormwater pollutant reduction targets in Council's Technical Specifications for Stormwater.

Proposed road design and landscape design are supported by Council officers subject to recommended conditions.

The proposal is found to be generally consistent with Concept Plan approval, SEPP 65 and is generally in accordance with RDCP 2011 subject to imposition of recommended conditions of consent.

S.79C(1)(a)(iv) - Provisions of regulations

The EP&A Regulation 2000 requires notification to relevant authorities that may have an interest in the application. The proposal has been notified to Sydney Water and Ausgrid, as well as other authorities as discussed separately in the report. Sydney Water advised that they are no longer the network operator for Discovery Point however a response was not received from Ausgrid. The issues raised have been considered and where relevant matters addressed in the draft Notice of Determination.

All relevant provisions of the Regulations have been considered in the assessment of this proposal.

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:

Construction

Proposed construction works will be undertaken in five (5) phases as shown in the Staging Plans submitted with the application. The phases are:

1. Phase 1 - Construction of Basement Levels B0 & B1;
2. Phase 2 - Construction of podium levels, G-3, Building 11 Levels 4-14, and ground works below proposed Building 13;
3. Phase 3 - Construction of Building 12 Levels 4-14;
4. Phase 4 - Completion of Level 4 podium landscaping; and
5. Phase 5 - Completion of ground level entry plaza and associated landscaping.

There are no objections to, or anticipated impacts associated with, the proposed staging. Standard conditions of consent have been imposed on the consent relating to hours of construction, noise emissions and so on, and the conditions have been imposed in a manner that will allow the requested staging of works

Waste Management

The proposal includes a waste storage area at basement level to accommodate all bins for the 474 units within Buildings 11, 12 & 13. There was some disagreement between the applicant and Council regarding the required number of bins, however it has been agreed that the proposal requires 120 x 240L recycling bins and 9 x 1,100L waste bins (Council cannot accept compaction rates in excess of 1:2 due to bin damage etc.). The waste storage room has been increased to accommodate the required number of bins.

The application also proposed that waste be collected from in front of residential units located in Building 10. This is where the garbage bins for the remainder of the northern precinct have approval for collection (i.e. waste from the 485 units in Buildings 6, 7, 8, 9 & 10 will be collected from this location). This assessment has found that the impacts resulting from the collection of garbage for the whole northern precinct in front of the residential units in Building 10 (i.e. waste from 959 residential units) would result in adverse amenity impacts to the future occupants of these units. The applicant was therefore requested to provide waste collection within the building. It was established that this could be achieved, however would result in a loss of 22 car parking spaces. As an alternative, the applicant requested that Council agree to the collection of waste from Spark Lane in front of Building 12. This is not ideal, however has been found to be acceptable for the following reasons which demonstrate that impacts will be minimised:

- That the calculated noise level within bedroom of the worst affected residential receiver from the collection of waste from Spark Lane will be no more than 40dB(A)L1 in accordance with the Acoustic Letter Report prepared by Acoustic Logic, dated 17 May 2016;
- Bins must not be moved to the street on the day prior to waste collection. Bins must be left in the bin room and will be collected by the waste collection staff at the time of collection. This requires that the ramp have a maximum gradient of 1:16 for OH&S purposes, and the amended plans comply.
- A loading bay must be established prior to issue of the Occupation Certificate to permit collection of waste between 5am-7am Monday & Thursday.
- That Spark Lane will be two-way or one-way in a south-bound direction to ensure that waste can

be collected using Council's waste collection vehicles which use left-hand side collection only.

Character / Streetscape / Density / Bulk / Scale

The bulk and scale of the proposal is consistent with the Concept Plan building envelope. The proposal has been amended to improve the buildings interface with the public domain and provide a building design of appropriate quality that is supported by the SEPP 65 design principles.

Safety and Security

The design of the buildings incorporate appropriate measures in line with the safer by design principles such as the location of private open space to allow passive surveillance of the surrounding public domain, a security system at entry points and appropriate landscaping. Conditions of consent are recommended to ensure that the above measures are implemented and that CCTV is provided at key locations (including at basement levels). Subject to compliance with these conditions, the proposal is satisfactory having regard to safety and security.

Views and Vistas

The proposal is not considered to create unreasonable visual impacts to surrounding properties as the building is generally contained within the approved envelope.

Stratum Subdivision

The proposed stratum subdivision will divide the site into the proposed uses, including the residential buildings and roadway. The proposed subdivision is not anticipated to have any adverse impacts and proposed conditions include requirements for compliance with certain matters in any future strata subdivision of the residential lots.

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 the environment and future residents. 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 application has been notified in accordance with Council's Development Control Plan 2011 and no submissions have been received.

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

The proposal is subject to the Concept Plan approval issued by the Minister for Planning, pursuant Part 3A of the EP&A Act on 5 May 2011 (MP 10_0003). As demonstrated in the assessment of the development application, the proposal will allow the development of the site in accordance with its environmental capacity and future vision for the area. The proposed building design is generally consistent with the Concept Plan & SEPP 65. The proposal is also consistent with State and Local planning strategies as it provides a range of housing choice in proximity to transport infrastructure. As such it is considered that approval of the development application is in the public interest.

S94 Contribution towards provision or improvement of amenities or services

The Concept Plan Statement of Commitments requires the execution of a Voluntary Planning Agreement (VPA) prior to determination of the third Project application. The developer has been in

consultation with Council officers to initiate the process for the VPA. However the VPA has not been finalised to date. Therefore, as per the previous application DA-2014/84 for Stages 8, 9 & 10, in the absence of a VPA the rates under Council's S94 Contribution Plan should apply.

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 subject site is affected by the 15.24m building height Civil Aviation Regulation. The proposed building heights have previously been approved by Sydney Airports and the federal departments subject to conditions that have been imposed in the draft consent.

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.

Plan/Dwg No.	Drawn by	Dated	Received by Council
Site Plan & Building Separation Plan DA-A1100 (E)	Group GSA	27 May 2016	27 May 2016
Bulk Earthworks Plan - Job No. 14689C, Drawing No. C-0-2-01 (4)	Robert Bird Group	14 April 2015	24 April 2015
Staging Diagram Ground Level DA-A1110 (C)	Group GSA	10 April 2015	24 April 2015

Staging Diagram Level 04 DA-A1111 (D)	Group GSA	14 April 2015	24 April 2015
Staging Diagram Elevations DA-A1112 (D)	Group GSA	14 April 2015	24 April 2015
Basement B1 DA-A2000 (Issue H)	Group GSA	1 Sep 2015	7 Sep 2015
Basement B0 DA-A2001 (Issue H)	Group GSA	1 Sep 2015	7 Sep 2015
Podium Ground Floor DA-A2003 (Issue I)	Group GSA	1 Sep 2015	7 Sep 2015
Podium Level 1 DA-A2004 (Issue I)	Group GSA	1 Sep 2015	7 Sep 2015
Podium Level 2 DA-A2005 (Issue I)	Group GSA	1 Sep 2015	7 Sep 2015
Podium Level 3 DA-A2006 (Issue I)	Group GSA	1 Sep 2015	7 Sep 2015
Overall Level 4 DA-A2007 (Issue I)	Group GSA	1 Sep 2015	7 Sep 2015
Overall Levels 5-8 DA-A2008 (Issue I)	Group GSA	1 Sep 2015	7 Sep 2015
Overall Level 9 DA-A2009 (Issue I)	Group GSA	1 Sep 2015	7 Sep 2015
Overall Levels 10-14 DA-A2010 (Issue I)	Group GSA	1 Sep 2015	7 Sep 2015
Overall Roof Plan DA-A2011 (Issue D)	Group GSA	1 Sep 2015	7 Sep 2015
North-East Elevation - Chisholm Street DA-A3000 (Issue M)	Group GSA	30 Nov 2015	9 Dec 2015
South-East Elevation - Brodie Spark DA-A3001 (Issue O)	Group GSA	30 Nov 2015	9 Dec 2015
North-West Elevation - Spark Lane DA-A3004 (Issue L)	Group GSA	30 Nov 2015	9 Dec 2015
Building 11 & 12 - South-West Elevation DA-A3013 (Issue M)	Group GSA	30 Nov 2015	9 Dec 2015
Building 11 - Podium Elevation / Section DA-A3014 (Issue L)	Group GSA	30 Nov 2015	9 Dec 2015
Building 12 - Podium Elevation / Section DA-A3015 (Issue L)	Group GSA	30 Nov 2015	9 Dec 2015
External Finishes Board DA-A8200 (A)	Group GSA	10 Apr 2015	24 Apr 2015
APT G03 Additional Information DA-A1213 (D)	Group GSA	4 Feb 2016	4 March 2016
Landscape Plans with Job No. SS13-2588			

Ground Floor Plaza - Plan No. 007(D)	Site Image Landscape Architects	8 Sep 2015	15 Sep 2015
Level 4 Podium - Plan No. 008(D)	Site Image Landscape Architects	8 Sep 2015	15 Sep 2015
Hardworks Plans with Job No. SS14-2923			
Level 1 / Ground Floor Plan No. - 301(C)	Site Image Landscape Architects	30 July 2015	10 Mar 2016
Level 1 / Ground Floor Plan No. 302(C)	Site Image Landscape Architects	30 July 2015	10 Mar 2016
Stratum Subdivision			
Draft Stratum Subdivision Plans - Sheets 1 of 8 to 8 of 8	Joseph Monardo	16 April 2015	24 April 2015

3. Staging of Construction Works

Notwithstanding any other condition of this consent, the consent permits separate Construction Certificates and Occupation Certificates to be issued, provided that all conditions of consent relevant to the development incorporated within each stage of works has been complied with prior to the release of the Construction Certificate or Occupation Certificate for that stage.

The development comprises five (5) stages of construction generally as shown in the Staging Plans with Drawing No. DA-A1110(C), DA-A1111(D), DA-A1112(D) submitted with the application, and as detailed below:

- Phase 1 - Construction of Basement Levels B0 & B1;
- Phase 2 - Construction of podium levels (Ground - Level 3), Building 11 Levels 4-14, and ground works below proposed Building 13;
- Phase 3 - Construction of Building 12 Levels 4-14;
- Phase 4 - Completion of Level 4 podium landscaping; and
- Phase 5 - Completion of ground level entry plaza and associated landscaping.

4. The development is to be carried out in compliance with all relevant requirements of the Concept Plan (MP 10_0003), approved by the Minister for Planning on 5 May 2011, including any subsequent modification to the Concept Plan.

5. All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).

6. **A Construction Certificate must be obtained from Council or an Accredited Certifier prior to any building work commencing.**

7. The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate Number's 621841M (Building 11) and 621846M_02 (Building 12) other than superseded by any further amended consent and BASIX certificate.

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

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

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

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

8. All works are to be carried out within the subject site, except as specified in the letter of Landowner's consent issued by Rail Corporation New South Wales (dated 20 May

2016), and the letter of concurrence issued by Sydney Trains (dated 10 March 2016) (refer to Condition 12 of this consent).

9. Excavation, filling of the site (with the exception of the area immediately under the building envelope), or construction of retaining walls are not permitted unless shown on the approved plans and authorised by a subsequent construction certificate.
10. 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.

Development specific conditions

The following conditions are specific to the Development Application proposal.

11. SYDNEY AIRPORT

(a) The Sydney Airport Corporation Limited (SACL) and Australian Department of Infrastructure and Transport has approved the maximum height of the proposed buildings at 55.3 metres relative to Australian Height Datum (AHD). The maximum height of buildings 11 and 12 may not exceed 55.3m AHD, inclusive of all lift over-runs, vents, chimneys, aerials, TV antennae, construction cranes, rooftop gardens and trees etc;

(b) A separate application must be submitted to SACL for any equipment or crane to be used that exceeds 51m AHD for the construction of each building within this development.

(c) Prior to issue of the Occupation Certificate, the proponent must:

(i) notify SACL upon completion of construction of each building in the development.

(ii) provide SACL with the finished building height (in metres AHD) upon completion with its geo coordinates at its highest point or to the building centre, so that SACL can update its plans and other records for Sydney Airport and its surrounds. The data is to be properly surveyed and verified as accurate provided to SACL on completion of each building.

Notes:

- *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.

12. SYDNEY TRAINS

The following conditions A1 - A23 are imposed by Sydney Trains in accordance with their letter dated 10 March 2016 granting concurrence to the proposal. The conditions 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, all excavation and

construction works are to be undertaken in accordance with the details, methodology, advice, undertakings and recommendations detailed in the following documents:

- Geotechnical Investigation by Douglas Partners - Project No. 72148.15, dated July 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 below. The measures detailed in the documents approved/certified by Sydney Trains are 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 "Rail Infrastructure Report" prepared by Robert Bird Group addressing the following, but not limited to, items:
- Pile design report by Vibropile ("30xx - Discovery Point 11 - 13 Retention Design Package - rev 2.pdf", dated 17/12/2015) indicates 50mm gaps between piles. The wall is retaining loose sand. This design will likely result in unacceptable losses of material through the wall. The Wallap analysis in the design indicates the L-VL sand is over-consolidated and uses a wall adhesion coefficient. Please justify these parameters.
- Inclusion in the report of specification as to the minimum loadings on the shoring walls in different locations.
- Final Structural Drawings addressing the following, but not limited to, items:
- One pile every circa 8m to be extended to rock level (toe level circa RL-14m to be confirmed) to support vertical loads. Details of the remaining pile depths are to be provided.
- As the basement shoring is located very close to the existing substation an analysis is required to show the wall is capable of supporting the surcharge loads from the substation and the wall (and anchors) are clear of the earthing grid under the substation. Additional calculations and drawings with anchor positions are to be provided.
- Calculations confirming that the proposed sizing of the piles and dimensions of the capping beams are appropriate.
- Structural engineer to requirements for concrete piles with Geotechnical engineer, and if required, change to 50MPa concrete with 70mm cover to enable a 50 year design life.
- Details regarding how the lateral loads on the upper building levels (wind/earthquake) are transferred down to the building basement levels and into the supporting/founding material. That is, are the piles expected to transfer these loads, and if yes, the Applicant is to demonstrate that allowance have been made for this in the design/analysis.
- 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 movement monitoring plan. Limitations shall be in accordance with DIN4150-3-1999.

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

A4. No rock anchors/bolts are to be installed into Sydney Trains property or easements.

A5. 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.

A6. The Applicant is to submit to Council, for its records, copies of any certificates, drawings or approvals given to or issued by Sydney Trains.

A7. 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.

A8. 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.

A9. 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.

A10. 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.

A11. 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".

A12. 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.

A13. 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.

A14. 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.

A15. 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.

A16. 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. It should be noted that Sydney Trains may not permit any craneage or aerial operations over the 33kV wires located within Arthur Street. 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.

A17. Prior to the issue of a Construction Certificate the Applicant is to submit to Sydney Trains the 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.

A18. Prior to the issue of a Construction Certificate the Applicant shall obtain final certification from Sydney Trains of the following documents:

- i. Earth Potential Rise Hazard Assessment report
- ii. Derailment Risk Assessment report

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.

A19. 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 catenary, contact and pull-off wires of the adjacent tracks, and to any aerial power supplies within or adjacent to the rail corridor.

A20. 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.

A21. 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.

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.

A22. No scaffolding is to be used facing the rail corridor unless prior written approval has been obtained from Sydney Trains. To obtain approval the proponent will be required to submit details of the scaffolding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor. Unless agreed to by Sydney Trains in writing, scaffolding shall not be erected without isolation and protection panels.

A23. 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.

13. The plans submitted with the relevant stage of the Construction Certificate must demonstrate compliance with the following requirements:

(a) Apartment G03 in Building 11 - the plans must reflect the approved amendments to Unit G03 shown in the architectural plan with Drawing Title "APT G03 Additional Information", Project No. 14299, Drawing No. DA-A1213 (Issue D), dated 4 February 2016.

(b) The plans to be updated to reflect the amended internal layout for Units 1002,

1102, 1202 & 1302 shown in Sheet Number 10.02, Revision D, submitted to Council on 5 May 2016.

(c) Compliance with the Development Design Guidelines and/or Statement of Commitments for the Concept Plan MP10_0003 (as modified), including:

(i) Minimum floor to ceiling heights of 2.7m for habitable spaces and minimum 2.4m for non-habitable spaces.

(ii) Minimum dwelling sizes;

(iii) Minimum storage requirements (in addition to kitchen cupboards and bedroom wardrobes) provided in the basement or apartment of:

- 6m³ for studio & 1 bedroom apartments,
- 8m³ for 2 bedroom apartments; and
- 10m³ for 3 bedroom apartments.

(iv) Minimum common corridor widths of 1.6m.

(v) Minimum lift car size of 2.1 x 1.4m, capable of carrying stretchers, with lift door openings wide enough to enable bulky goods (white goods, furniture, etc.) to be easily transported.

14. Dewatering Not Approved

This consent does not grant approval for any dewatering of the site on a temporary, permanent or semi-permanent basis. If groundwater is encountered, the works must cease until a permit has been issued by the Department of Primary Industries (NSW Office of Water) pursuant to the Water Management Act 2000, and, in the case where water is to be pumped into the public road, a permit has been issued pursuant to the Roads Act 1993.

15. Wastewater & Stormwater Maintenance

All wastewater and stormwater treatment devices (including drainage systems, sumps and traps) shall be regularly maintained in order to remain effective. All solid and liquid wastes collected from the device shall be disposed of in accordance with the Protection of the Environment Operations Act, 1997.

16. Dual Key Units - Units 201 and 301 must be retained in single ownership (as dual key apartments) for the lifetime of the development. This must be reflected in any future strata subdivision of the buildings.

17. Noise Management & Mitigation - Operational Noise

(a) 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.

(b) The use of mechanical plant including air conditioners, fans, compressors, condensers, freezers, swimming pool or spa pumps (whether commercial or domestic) shall not cause sound pressure levels in excess of the criteria given in the NSW Industrial Noise Policy – 2000.

18. Noise Attenuation

(a) The development shall be implemented in accordance with the recommendations of the Noise Impact Assessment Report for "*Discovery Point — Buildings 11-13*" prepared by Acoustic Logic Consultancy Pty Ltd, Rev 1, Ref 20130329.1/1904A/R1/BW dated 14/04/2015.

(b) Prior to the issue of the Construction Certificate for the relevant stage of works, a statement prepared by a qualified acoustic consultant shall be submitted to the

Certifying Authority confirming that the proposal:

- complies with the recommendations of the Noise Impact Assessment report identified in (a) above;
- ensures that internal noise levels will achieve those required by AS2021:2000;
- complies with the project specific road traffic noise requirements identified in the Noise Impact Assessment Report;
- ensures that rail vibration impacts (including structure borne noise) comply with the Rail Infrastructure Corporation's "*Interim Guidelines for Councils - Consideration of rail noise and vibration in the planning process*" and other relevant standards identified in the submitted Noise Impact Assessment report.
- complies with clause 87(3) of State Environmental Planning Policy (Infrastructure) 2007, which requires that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:
 - (a) in any bedroom in the building—35 dB(A) at any time between 10.00 pm and 7.00 am,
 - (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

19. Reflectivity

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.

20. Lighting of Premises

All proposed lights shall comply with the Australian Standard AS4282 - 1997 "Control of the Obtrusive Effects of Outdoor Lighting". In this regard, the lighting of the premises shall be directed so as not to cause nuisance to the owners or occupiers of adjacent/adjoining premises or to motorists on adjoining or nearby roads.

21. Waste Management

(a) The plans submitted with the relevant Construction Certificate shall demonstrate that the waste storage areas provided within Building 11 & 12 comply with the following:

(i) The proposal will require adequate space to accommodate the following number of bins:

(A) 120 x 240L recycling bins;

(B) 9 x 1,100L waste bins as follows:

- Building 11 (106 units) = 2 x 1,100L
- Building 12 (125 units) = 2 x 1,100L
- Building 13 (243 units) = 5 x 1,100L

(ii) An extra 10m² is required to be provided within the main bin collection room for "hard waste" - e.g. fridges, furniture, etc.

(iii) Services or utility systems shall not be located in any of the garbage rooms.

(iv) Hot and cold water hose cocks shall be installed within each proposed garbage room.

(b) Prior to issue of the relevant occupation certificate a loading bay must be created within Spark Lane in the area shown in the plans (SK-0175(B)) to permit waste collection to be undertaken between the hours of 5:00am and 7:00am on Mondays and Thursdays. The required loading bay must be approved by the Rockdale Local Traffic Committee.

(c) Ongoing Operations - Waste must be collected from within Spark Lane in the area shown in the plans (SK-0175(B)) unless otherwise approved by Council.

22. Acoustic Treatment Internal Floors between Units

(a) The development shall achieve the following minimum equivalent 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.
- BCA for walls dividing occupancies.

(b) A report shall be submitted to the Principal Certifying authority for approval prior to the issue of any Construction Certificate for the relevant stage of works. The report is to include BCA requirements and details of floor/ceilings between residential apartments to ensure the requirements in (a) above are satisfied. Floor coverings within apartments shall be identified within the report.

(c) 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 report required under (b) above 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 the relevant stage of works.

23. Vertical Plumbing to be Concealed

All vertical plumbing shall be concealed behind / within the outer face 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. Details demonstrating compliance with this requirement shall be submitted to the Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate for the relevant stage of works.

24. Mechanical Ventilation

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.

25. Landscape Plans

The landscape plans submitted with the relevant construction certificate must comply with the following requirements:

- Retaining walls used for raised planter beds on concrete slabs shall accommodate a minimum 400mm of soil/plant mix (over and above any drainage medium).
- A minimum soil depth of 300mm is required for turfed areas and ground cover on podiums or roof-tops or any other concrete slab, including the soil above stormwater drainage tanks.
- A minimum soil depth of 600mm for shrubs and 800mm for trees 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.
- 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.
- All pavements shall comply with AS/NZ 4586:1999 standards Class W (low) for slip resistance on both private and Council property.

26. Landscape Maintenance & Reporting

The approved completed landscape works shall be maintained for a period not less than 12 months.

On completion of the 12 month maintenance period, 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 the landscape maintenance has been carried out in accordance with approved landscape plans and designated specifications before release of the nominated landscape bond.

27. Wind Impacts

(a) Prior to issue of the Construction Certificate for Stage 2 works, adequate trees of a suitable species & height must be planted within Discovery Point Park generally in the position shown in Figure 19 of the "Wind Tunnel Testing" report prepared by SLR (Report No. 610.14698-R3, dated 9 March 2016, Revision 3). The proposed trees must ensure that wind impacts to the public domain and Buildings 11 & 12 will be adequately mitigated in accordance with the submitted report. The tree species must be capable of growing in (or adjacent to) the bio-retention basin, must be in minimum 400L pot size and must be planted in positions where roots will not be adversely obstructed by underground services (e.g. sewer mains, etc.). Consideration must also be given to the suitability of the two existing trees that have been planted in this location, being the Angophora and Blueberry Ash, which naturally grow over sandstone and prefer well drained moderately fertile sandy loam soils. Replacement of these two trees with more suitable species must be considered. The requirements of this condition must be approved by the Rockdale City Council's Director of City Operations (Contact Fiona MacColl, Council's Landscape Infrastructure Planner - 9562 1618).

(b) The trees required by Condition 27(a) above must not be planted within the State Heritage Register curtilage, nor impact on the State Heritage Significance of Tempe House and St Magdalene's Chapel, the Local Heritage Significance or restrict views toward Fatima Island. Details to be provided to, and approved by, the Principal Certifying Authority prior to planting of the required trees.

(c) The plans and documentation submitted with each relevant Construction Certificate shall be accompanied by certification from a suitably qualified Wind Consultant confirming that the recommendations contained in the "Wind Tunnel Testing" report prepared by SLR (Report No. 610.14698-R3, dated 9 March 2016, Revision 3) and the Heggies Wind Tunnel Study (dated July 2010, and identified in the Statement of Commitments) have been included as recommended.

28. Street Numbering / Mailboxes

(a) Building 11 shall be known as No. 15 Brodie Spark Drive, Wolli Creek.

(b) The Townhouses with direct access to the western side of Chisholm Street will be numbered 1 - 15 Chisholm Street, Wolli Creek, beginning with No. 1 at the southern end of Chisholm Street.

(c) Building 12 shall be known as 17 Chisholm Street, Wolli Creek.

(d) 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.

29. Non-Indigenous Heritage

During works, should unexpected remains of non-indigenous heritage be found (e.g. deposits or artefacts belonging to the original nineteenth-century estate household), the find must be reported to the archaeologist so that the find can be assessed and recorded in accordance with the "Statement of Heritage Impact - Non-Indigenous Archaeological Remains" report prepared by Casey & Lowe Pty Ltd (dated April 2015) submitted with the application.

30. Aboriginal Heritage

(a) Works are to proceed with caution and the following requirements must be followed if an unexpected Aboriginal objects is discovered:

- During works, should any suspected Aboriginal objects be discovered, work must cease immediately and an archaeologist must be called to document and assess the find(s). The objects must be reported to the Office of Environment and Heritage (OEH) under Section 89A of the NPW Act. If any objects were present, an Aboriginal Heritage Impact Permit would be required before works can continue.
- During works, in the unlikely event that any human remains are discovered, work must immediately cease and the local police must be notified. The OEH must also be contacted along with a specialist consulted to determine the nature of the remains. The local Aboriginal community should also be informed immediately by telephone call of any remains discovered during the works.

(b) Prior to issue of any Construction Certificate, a copy of the Aboriginal Heritage Due Diligence Report must be provided to the Metropolitan Local Aboriginal Land Council for their records in accordance with the recommendations contained in the report.

31. Flood Risk Management

The following conditions apply to the management of flood risk.

(i) A flood evacuation plan is to be prepared for each stage. The plan is to include warning alarms and evacuation routes. The approved flood evacuation plan is to be updated every five (5) years and copies are to be provided to Council and the local State Emergency Service (SES).

(ii) Underground car parking areas are to be floodproofed to a minimum of 4.3m AHD. The flood proofing system is to be independent of the stormwater drainage

system.

(iii) The habitable floor level and entry to the underground areas is to be constructed to a minimum of 500mm above the 0.5% Annual Exceedence Probability (AEP) flood. These levels are to be certified by a registered surveyor prior to pouring of slabs.

(iv) All local services (power, water, gas, telephone) within the sub-podium levels must be flood protected to the 0.5% AEP level.

32. Acid Sulfate Soils (ASS)

Piling works must be monitored for ASS, with field testing and treatment as required as indicated in the Acid Sulphate Soil Management Plan prepared by DLA Environmental, dated January 2012.

33. CCTV

Monitored CCTV facilities shall be implemented throughout the development. Areas of focus include the basement car park (including entry and exits), main entry areas to the development and garbage/storage areas. Details to be provided to the Principal Certifying Authority prior to the issue of the Construction Certificate for the relevant stage of works.

34. Parking Allocation

(a) Car parking spaces located within the site boundary of Stages 11, 12 and 13 must only be allocated to units located within these three stages of the Concept Plan approval in accordance with the Statement of Commitments. These car parking spaces must not be allocated to residents of any other stage / building.

(b) 227 car parking spaces shall be allocated to residential apartments / non-residential units in stages 11 & 12. The spaces shall be allocated in accordance with the Concept Plan approval, as detailed below, and this shall be reflected in any subsequent strata subdivision of the development:

- Studio & 1 bedroom apartments - maximum 1 space per apartment;
- 2 bedroom apartments - minimum 1 space per apartment and maximum 2 spaces per apartment;
- 3 bedroom apartments - 2 spaces per apartment;
- Five (5) adaptable parking spaces for the five (5) adaptable units (as required by Condition 46).
- Car Wash Bay - Minimum 2 car wash bays;

(c) Bicycle and Motorcycle parking shall be provided in accordance with the Concept Plan approval as follows:

- Motorcycle spaces - Minimum 1 motorcycle space per 15 apartments = Min. 16 spaces;
- Bicycle spaces - Minimum 1 bicycle space per 15 apartments = Min. 16 spaces.

Notes:

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

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

(iii) 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.

35. Parking, Access & Street Signage Requirements

The following conditions apply to the design, provision and operation of parking within the Discovery Point site, including existing developments that are completed and underway. The relevant requirements shall be included in the plans submitted with the Construction Certificate for the relevant stage of works and/or be complied with during the ongoing operation of the development.

(a) Parking facilities shall be designed in accordance with Australian Standard AS/NZS 2890.1, except as varied by Council's technical specifications for design of parking facilities.

(b) Commercial vehicle facilities shall be designed in accordance with Australian Standard AS 2890.2, except as varied by Council's technical specifications for design of commercial vehicle facilities.

(c) Bicycle parking facilities shall comply with Australian Standard AS 2890.3, except as varied by Council's technical specifications for design of bicycle parking.

(d) The design of the parking facilities shall be designed such that all vehicles can enter and exit the facility in a forward direction.

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

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

(f) Two (2) dedicated car wash bays are required for Buildings 11 & 12. A tap & power point shall be provided adjacent to each car wash bay. A sign shall be fixed saying 'Car Wash Bay'. The runoff shall be directed and treated as per Rockdale Technical Specification Stormwater Management. Details shall be provided with the plans accompanying the Construction Certificate.

(g) 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.

36. Regulatory Signage & Traffic Management Facilities - Installation and Compliance

(a) Traffic signs are to be designed and installed to manage vehicular and pedestrian movement in Spark Lane between Chisholm Street & Brodie Spark Drive. The traffic signs shall be to RMS standards and shall control traffic and pedestrians to ensure safe movement of vehicles & pedestrians in Spark Lane.

(b) A suitably qualified and experienced engineer shall design traffic management facilities related to this application in accordance with the requirements of the relevant Austroads Guidelines. The facilities designed by the engineer shall include signs (including vehicular guide signs, regulatory signs and warning signs), linemarking and pavement markers, and other controls such as traffic islands to ensure safe movement of vehicles & pedestrians within Discovery Point at all times. The design shall also include details of the road pavements.

(c) The design details for traffic management facilities required in Conditions 36(a) and (b) above must be approved by the Rockdale Local Traffic Committee prior to

the issue of the Construction Certificate for the relevant stage of works.

(d) Upon completion of each stage of the internal road network Spark Lane, and prior to issue of the final Occupation Certificate, the Discovery Point development shall enter into an agreement with Rockdale City Council that will delegate powers to Rockdale City Council to enforce regulatory signage.

37. Public Domain & Road Construction

The implementation of this Consent generates a need for works to be completed in the public domain, including within Spark Lane, Chisholm Street and Brodie Spark Drive as shown in the approved plans.

The following conditions apply to the design, provision and operation of the public domain and road infrastructure works:

(i) The Certifying Authority must ensure that detailed design plans and works specifications have been prepared for all works in the public domain areas, and that the plans have been submitted to, and approved by, the Principal Certifying Authority prior to the commencement of road infrastructure and public domain works. The documentation required for approval shall include:

- a. General arrangement plan(s);
- b. Erosion and Sediment Control Plan(s);
- c. Stormwater Management Plan(s);
- d. Stormwater Management Detail(s);
- e. Stormwater Management Profile(s);
- f. Roadworks Plan(s);
- g. Roadwork Vertical Alignment(s);
- h. Roadwork Cross Sections;
- i. Kerb Return Profiles;
- j. Electrical Services Plan(s);
- k. Street Lighting Plan(s) and Details;
- l. Traffic Facilities Plan(s);
- m. Landscaping and Landscape Finishes Plan(s);

(ii) The design of the streetscape in the internal road network shall comply with the Wolli Creek and Bonar Street Public Domain Plan, or as otherwise agreed in writing by the Director of City Planning & Development, Rockdale City Council.

(iii) The detailed design for the construction of the road infrastructure shall comply with all current Australian Standards, current AUSTROADS Guides and RMS Guidelines.

(iv) Emergency vehicle access shall be designed in accordance with the NSW Fire Brigade Code of Practice.

(v) The works specification for the construction of the road infrastructure shall be in accordance with AUSTROADS Guides and RMS Guidelines.

(vi) The cost of all road infrastructure works, including the provision of roads, footpaths, services, traffic management, traffic and parking signage, landscaping, lighting and street furniture within the development and where it connects to adjacent roads shall be provided by the developer or other party executing the consent at no

cost to Council or the NSW Roads and Maritime Services (RMS).

(vii) Traffic Management Plans shall be submitted to the Director - City Planning & Development at Rockdale City Council for approval of any activity that affects traffic or pedestrian movements on public roads or the private internal road network. The plans shall be prepared in accordance with NSW Roads and Maritime Services (RMS) guidelines and include details of traffic diversions, timings and the methodology for achieving the activities during the various stages of construction.

(viii) The road infrastructure, and property containing the road infrastructure, shall be owned by the Discovery Point Co-operative.

(ix) Prior to the completion of each stage of road infrastructure works a road infrastructure maintenance specification shall be prepared and submitted to Council for approval. The specification shall include:

- a. Maintenance Management Plan;
- b. Activity Specifications; and
- c. Activity Contract Requirements, which includes:
 - i. Road Traffic Score (Category);
 - ii. Recording Levels;
 - iii. Response Times; and
 - iv. Compulsory Intervention Levels.

(x) A positive covenant for the management of the road infrastructure shall be placed on the Certificate of Title of the lot containing the infrastructure. The positive covenant shall instruct that all management undertaken in the road reserve (including but not limited to maintenance and cleaning) shall be conducted in accordance with the approved Road Reserve Maintenance Specification. The public infrastructure in the road reservation includes, but is not limited to, all:

- a. Road carriageway and footpath pavements;
- b. Road carriageway and footpath furniture;
- c. Road carriageway and footpath pavement markings and signs;
- d. Road drainage pipelines, inlet pits, and subsoil drainage; and
- e. Street trees and landscaping.

38. Stormwater Drainage

The following conditions apply to the design and provision of stormwater drainage and must be complied with.

(i) The design of stormwater drainage facilities shall be undertaken in accordance with Council technical specifications for the design of stormwater management facilities, and the principles of Water Sensitive Urban Design (WSUD), and generally in accordance with the Discovery Point WSUD Strategy prepared by Alluvium, specifically in relation to Site 11-12 (dated April 2015).

(ii) All pipelines within the internal road network shall have a minimum internal diameter of 375 mm and shall be certified by a design engineer and approved by the Principal Certifying Authority.

(iii) Detailed soil and water management plans shall be developed and implemented in accordance with the NSW Department of Housing "Managing Urban Stormwater, Soils and Construction". The design shall include the preparation of an inspection and maintenance programme for soil and water management controls.

(iv) Soil and water management controls shall be installed and maintained in accordance with the inspection and maintenance programme in the detailed soil and water management plans.

(v) Maintenance of WSUD structures for the life of the development and implementation of a monitoring program to ensure WSUD continues to meet targets — reporting to be provided to Council on an annual basis.

39. Spark Lane

(a) Prior to issue of the Construction Certificate for the relevant Stage of Works:

(i) a study prepared by a suitably qualified consultant must be submitted to, and approved by, Council's Director City Planning & Development. The report must demonstrate that the Level of Service (LoS) of the intersection of Magdalene Terrace / Mount Olympus Boulevard / Spark Lane, the intersection of Brodie Spark Drive / Magdalene Terrace / Arncliffe Street and the intersection of Brodie Spark Drive / Princes Highway will operate at a suitable level of service with the proposal for one-way movement along the section of Spark Lane between the southern driveway entrance of Stages 11, 12 & 13 and Discovery Point Place being in a south-bound direction; and

(ii) Approval has been granted by RMS for the one-way movement of the section of Spark Lane, including associated street signage requirements.

(b) The Study required by Condition 39(a) above shall be peer reviewed by an external traffic consultant of Council's nomination at the Applicant's expense.

(c) If the Study required by Condition 39(a) above demonstrates that the one-way movement of traffic through the section of Spark Lane between the southern driveway entrance of Stages 11, 12 & 13 and Discovery Point Place will result in an inadequate level of service at the intersections identified in Condition 39(a), then this section of Spark Lane must be designed and constructed to allow two-way movement of vehicles prior to issue of the relevant Occupation Certificate. This two-way movement may be via a single lane for part of Spark Lane, as necessitated by site constraints and envisaged in the Concept Plan. Appropriate means of allowing two-way movements should be demonstrated in this instance. The road must be constructed in accordance with the standards and specifications contained in Condition 37.

Prior to issue of the construction certificate

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

40. 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. An environmental enforcement fee of 0.25% of the cost of the works.
- ii. A Soil and Water Management Sign of \$17.00.

41. For work costing \$25,000 or more, a Long Service Leave Levy shall be paid prior to issue of the Construction Certificate for the relevant stage. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.
42. A total Section 94 contribution of \$3,942,716.89 shall be paid to Council. Such contributions are only used towards the provision or improvement of the amenities and services identified below. The amount to be paid is adjusted at the time of payment, in accordance with the contribution rates contained in Council's current Adopted Fees and Charges. The contribution is to be paid prior to the issue of any construction certificate for the relevant stage of works above the floor level of the ground floor. (Payment of the contribution is not required prior to any separate construction certificates issued only for demolition, site preparation works and the construction of basement levels). The contribution is calculated from Council's adopted Section 94 contributions plan in the following manner:

Podium Level Units

Child Care Services	\$1,601.22
Community Services	\$1,715.70
Library Services	\$23,185.00
Wolli Creek Regional Open Space Fund	\$42,958.48
Wolli Creek City Wide Open Space Fund Residential	\$67,946.46
Wolli Creek Local Open Space Fund	\$404,863.44
Wolli Creek Local Streetscape Fund	\$7,636.62
Wolli Creek City Wide TC & Streetscape Fund	\$51,107.96
Wolli Creek Flood Mitigation & Stormwater	\$90,567.36
Wolli Creek Pedestrian & Cyclist Facilities	\$30,334.38
Wolli Creek Admin & Mgt Residential	\$16,166.52
Wolli Creek Roads Traffic Mgt Residential	\$197,866.50

Building 11

Child Care Services	\$2,549.21
Community Services	\$2,731.11
Library Services	\$36,904.46
Wolli Creek Regional Open Space Fund	\$68,397.27
Wolli Creek City Wide Open Space Fund Residential	\$108,153.11
Wolli Creek Local Open Space Fund	\$644,439.30
Wolli Creek Local Streetscape Fund	\$81,351.01
Wolli Creek City Wide TC & Streetscape Fund	\$12,155.62
Wolli Creek Flood Mitigation & Stormwater	\$144,160.15
Wolli Creek Pedestrian & Cyclist Facilities	\$48,283.93
Wolli Creek Admin & Mgt Residential	\$25,732.86
Wolli Creek Roads Traffic Mgt Residential	\$314,747.74

Building 12

Child Care Services	\$2,595.69
Community Services	\$2,780.97
Library Services	\$37,582.67
Wolli Creek Regional Open Space Fund	\$69,635.22
Wolli Creek City Wide Open Space Fund Residential	\$110,140.29
Wolli Creek Local Open Space Fund	\$656,278.08

Wolli Creek Local Streetscape Fund \$82,845.66
 Wolli Creek City Wide TC & Streetscape Fund \$12,378.84
 Wolli Creek Flood Mitigation & Stormwater \$146,808.20
 Wolli Creek Pedestrian & Cyclist Facilities \$49,171.05
 Wolli Creek Admin & Mgt Residential \$26,205.74
 Wolli Creek Roads Traffic Mgt Residential \$320,739.07

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

43. A certificate from a practising Structural Engineer shall be submitted prior to the issue of the construction certificate for the relevant stage of works confirming that the existing building elements approved under separate development applications are structurally adequate to support all proposed additional loads.
44. Prior to the issue of the Construction Certificate for the relevant stage of works a certificate from a practicing Structural Engineer, registered with NPER, shall be submitted to the Principal Certifying Authority stating that the subsurface structural components located on the boundary of the Public Private 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.
45. All building materials shall be flood resistant, or flood compatible to a height of 500mm above the 0.5% AEP flood, or flow level. All internal electrical switches, power points or similar utilities liable to flood damage shall be set at a minimum of 500mm above the 0.5% AEP flood, or flow level. Details shall be provided and approved prior to the issue of a construction certificate for the relevant stage of works.
46. A suitable qualified engineer is to certify that the structure can withstand the forces of floodwater, scour, debris and buoyancy in a 0.5% AEP flood event and a PMF event, prior to issue of the Construction Certificate for the relevant stage of works.
47. 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 five (5) residential units, and between these unit(s) and their allocated carparking spaces. The allocated parking space will be located in close proximity to the access points of the building. Four (4) adaptable studio / one-bedroom unit(s) are shown in the approved plans, and one (1) additional unit must be allocated for these purposes. The fifth unit is required to be a two (2) bedroom unit to provide a variation in unit sizes. 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.

48. Prior to issue of the Construction Certificate for the relevant stage of works, a longitudinal driveway profile for both driveways 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.

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

Note:

- Any sub-surface structure within the highest known groundwater table / rock + 0.5m shall be designed with a waterproof retention system (i.e. tanking and waterproofing)

50. The following conditions are flood related conditions affecting the property.

Details by a suitable qualified engineer shall be provided to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for the relevant stage of works.

(i) That the structure can withstand the forces of floodwater, scour, debris and buoyancy in a 0.5% AEP flood event and a PMF event.

(ii) That all building materials are flood resistant, or flood compatible to a height of 500mm above the 0.5% AEP flood, or flow level. All internal electrical switches, power points or similar utilities liable to flood damage shall be set at a minimum of 500mm above the 0.5% AEP flood, or flow level.

51. Prior to the issue of a Construction Certificate for the relevant stage of works the Applicant must submit to Sydney Trains the proposed stormwater diversion including proposed drainage easement for review and endorsement. The Principle Certifying Authority must not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

DELETED AS AGREED WITH MARTA GONZALEZ-VALDES. THE APPLICATION HAS THE CONCURRENCE OF SYDNEY TRAINS AND THIS ISSUE SHOULD BE DEALT WITH IN THEIR CONDITIONS.

52. All recommendations contained in all previous geotechnical investigation reports and the advice contained in the Groundwater and Railway Impact letter by report prepared by Douglas Partners Pty Ltd dated 01 June 2015 Ref: Project 72148.15 shall be implemented. A report from a qualified engineer shall be submitted to the Certifying Authority addressing the recommendations prior to the issue of the relevant Construction Certificate for the relevant stage of works.
53. 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.

- 54. A Waste Management Plan (WMP) for construction related waste shall be prepared and approved by the Principal Certifying Authority prior to issue of the Construction Certificate for each relevant stage of works. The WMP must be in accordance with Rockdale Technical Specification Waste Minimisation and Management.
- 55. Prior to the issue of the Construction Certificate for the relevant stage of works, detailed drainage design plans for the management of stormwater are to be submitted to Principal Certifying Authority for assessment and approval. Design certification, in the form specified in Rockdale Technical Specification Stormwater Management, and drainage design calculations are to be submitted with the plans. Council's Rockdale Technical Specification Stormwater Management sets out the minimum documentation requirements for detailed design plans. Stormwater management requirements for the development site, including the final discharge/end connection point, must comply with Rockdale Technical Specification Stormwater Management.
- 56. A temporary drainage pond is to be provided on site. It is to be designed so that it is capable of containing the 1 in 100 year flood events and be located to capture at least 75% of the runoff from the site.
- 57. If the development is likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate for the relevant stage of works or any works commencing, whichever occurs first; and the arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/ developer.
- 58. The applicant shall confer with Ausgrid to determine the following:
 - i. if an electricity distribution substation is required.
 - ii. if installation of electricity conduits in the footway is required.
 - iii. if satisfactory clearances to any existing overhead High Voltage mains will be affected.

Written confirmation of Ausgrid's requirements shall be obtained prior to the issue of a Construction Certificate for the relevant stage of works.

Prior to commencement of works

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

- 59. 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.

60. A sign must be erected at the front boundary of the property clearly indicating the Development Approval Number, description of work, builder's name, licence number and house number before commencement of work. If owner/builder, the Owner/Builder Permit Number must be displayed.
61. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - i. stating that unauthorised entry to the work site is prohibited, and
 - ii. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours. Any such sign is to be removed when the work has been completed. This condition does not apply to:
 - iii. building work carried out inside an existing building or
 - iv. building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
62. 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.
63. The site shall be secured by a 1800 mm (minimum) high temporary fence for the duration of the work. Gates shall be provided at the opening points.
64. A hoarding or fence shall be erected between the work site and the public place when the work involved in the erection or demolition of a building:
 - i) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - ii) building involves the enclosure of a public place,Where the development site adjoins a public thoroughfare, the common boundary between them must be fenced for its full length with a hoarding, unless, the least horizontal distance between the common boundary and the nearest part of the structure is greater than twice the height of the structure. The hoarding must be constructed of solid materials (chain wire or the like is not acceptable) to a height of not less than 1.8m adjacent to the thoroughfare.
Where a development site adjoins a public thoroughfare with a footpath alongside the common boundary then, in addition to the hoarding required above, the footpath must be covered by an overhead protective structure, type B Hoarding, and the facing facade protected by heavy duty scaffolding unless either:
 - (i) the vertical height above footpath level of the structure being demolished is less than 4m; or
 - (ii) the least horizontal distance between footpath and the nearest part of the structure

is greater than half the height of the structure.

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

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

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

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

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

- 65. Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.
- 66. Consultation with Ausgrid is essential prior to commencement of work. Failure to notify Ausgrid may involve unnecessary expense in circumstances such as:
 - i) where the point of connection and the meter board has been located in positions other than those selected by Ausgrid or
 - ii) where the erection of gates or fences has restricted access to metering equipment.

During demolition / excavation / construction

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

- 67. 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. (a) 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.

(b) Notwithstanding (a) above, a variation to the hours of work specified above is acceptable when approved in writing by the Director City Planning & Development at Rockdale City Council or his nominee in advance of the proposed out of hours works. Any request to alter these hours of construction shall be:
 - (i) justified and considered on a case by case basis;
 - (ii) accompanied by details of the nature and need for activities to be undertaken during the varied construction hours; and
 - (iii) accompanied by any information necessary to evaluate the amenity of environmental impacts of the proposal.
 - (iv) accompanied by written confirmation from any relevant agency or stakeholder that:
 - consultation to vary the hours of construction has been undertaken;
 - acknowledgement of the necessity of the works to be undertaken;

- agreement of the dates and times of extension to hours; and

(v) Upon approval of a variation, the proponent must notify all occupants of the residential buildings in Magdalene Terrace and Brodie Spark Drive, prior to commencement of work. The notification letter is to provide details of the dates and times of the extended construction hours

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. If ground water is intercepted during construction of subsurface structure, and a permit is issued by the NSW Water, Department of Primary Industries, the following conditions apply to management of the ground water discharge.

Ground water shall only be pumped or drained to Council's stormwater system if the water is clean and unpolluted, and if approval has first been obtained from the NSW Office of Water. 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 construction related waste shall be disposed of in accordance with the Waste Management Plan submitted to, and approved by, the PCA prior to issue of the relevant Construction Certificate.
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. 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.

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

Prior to issue of occupation certificate or commencement of use

The following conditions must be complied with prior to issue of the Occupation Certificate or Commencement of Use.

- 80. An Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of the building for the relevant stage.
- 81. Where Council's park/reserve is damaged as a result of building work or vehicular building traffic, this area shall be restored by Council at the applicant's expense. Repairs shall be completed prior to the issue of the Occupation Certificate for the final stage.
- 82. 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 comply with the conditions of this consent. 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 the conditions of this consent. In the event that the conditions are not complied with, the floor covering shall be removed and replaced with a floor covering that conforms to the conditions and 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.

- 83. Ground level surfaces are to be treated with anti-graffiti coating to minimise the

potential of defacement. In addition, any graffiti evident on the exterior facades and visible from a public place shall be removed forthwith.

84. The approved recommendations from the Flood Management Report shall be implemented prior to issue of the Occupation Certificate for the relevant stage of works.

85. Prior to issue of the Occupation Certificate for the final stage:

- (a) All landscape works are to be carried out in accordance with the approved landscape plans; and
- (b) A Landscape Architect shall provide a report to the certifying authority (with a copy provided to Council, if Council is not the principal certifying authority) stating that the landscape works have been carried out in accordance with the approved plans and documentation.

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

86. Where an electricity substation is required by Ausgrid, a final film survey plan shall be endorsed with an area having the required dimensions as agreed with Ausgrid over the location of the proposed electricity distribution substation site. The substation must be located within the boundary of the development site, or within the building, subject to compliance with the BCA. The substation site shall be dedicated to Council as public roadway, or as otherwise agreed with Ausgrid. Ausgrid's requirements shall be met prior to release of the issue of the Occupation Certificate.

87. A Certificate of Compliance must be obtained from Discovery Point Water, the licensed Network Operator for Discovery Point. The certificate must demonstrate that adequate water and sewer infrastructure has been provided for the approved development, and that the proposal complies with all relevant requirements of the *Water Industry Competition Act 2006* (WICA 2006) and other relevant legislation. The Certificate of Compliance must be submitted to the Principal Certifying Authority prior to issue of the Final Occupation Certificate.

88. 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.

89. Acoustic Requirements

Prior to issue of the Occupation Certificate for the relevant stage of works:

- (a) The noise reduction measures specified in the noise report prepared by Acoustic Logic – Discovery Point – Buildings 11-13 Noise Impact Assessment Project Number 20150031.1 - Document Reference 20150031.1/1504A/R1/BW dated 14 April 2015 shall be validated by a Certificate of Compliance prepared by the acoustic consultant and submitted to the Principal Certifying Authority (PCA) prior to the issue of an Occupation Certificate. If Council is not the PCA, a copy shall be submitted to Council concurrently.

- (b) A measurement report from a qualified acoustic consultant shall be prepared and submitted to the PCA (and a copy to Council if Council is not the PCA), demonstrating:

- (i) Compliance with the criteria established in the Noise Impact Assessment report, the requirements of AS2021-2000, the noise criteria for rail noise contained in clause 87(3) of State Environmental Planning Policy (Infrastructure) 2007, being:

"The following LAeq levels are not exceeded:

- (A) in any bedroom in the building—35 dB(A) at any time between 10.00 pm and 7.00 am,*
- (B) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time".*

As a minimum, this report shall provide the L_{Amax} and L_{AE} noise levels of at least ten (10) consecutive trains, measured in the habitable room potentially most affected by train noise. The report shall include the calculated maximum LAeq (1 hour) noise levels for day and night-time periods, taking into account the maximum number of trains per hour and the types of trains in each period.

(ii) That the calculated noise level within bedroom of the worst affected residential receiver from the collection of waste from Spark Lane will be no more than 40dB(A)L1 in accordance with the Acoustic Letter Report prepared by Acoustic Logic, dated 17 May 2016.

(c) Testing and evaluation of the wall insulation system and floor system is to be carried out at post construction stage by a suitably qualified acoustical engineer with MIE Australia membership or employed by a consulting firm eligible for AAAC membership to confirm compliance with Condition 22 of this consent. A report is to be submitted to the PCA and Council, prior to the issue of the Occupation Certificate. The report is to include details & finishes of the walls and floors separating apartments.

- 90. A certificate is to be provided to Council that all wet areas have been effectively waterproofed (prior to tiling) in accordance with AS3740 and the product manufacturer's recommendations prior to issue of the Occupation Certificate for the relevant stage of works.
- 91. Prior to issue of the Occupation Certificate for the relevant stage, a qualified mechanical engineer shall certify that the mechanical ventilation/air conditioning system complies in all respects with the requirements of Australian Standard 1668, Part 1 & 2.
- 92. Prior to occupation, a chartered professional engineer shall certify that the waterproofing of the subsurface structure 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.
- 93. A certificate from a Registered Surveyor shall be provided to the Principal Certifying Authority (PCA) certifying that the habitable/commercial floor level is constructed a minimum of 500mm above the 0.5% Annual Exceedance Probability (A.E.P) Flood Level. A copy of the certificate shall be provided to Council where Council is not the Principal Certifying Authority.
- 94. Prior to issue of the Occupation Certificate for the relevant stage of works, 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.

95. A benchmark shall be established adjacent to the site to Australian Height Datum to enable comparison to the flood standard.
96. Prior to issue of the Occupation Certificate, the underground garage shall be floodproofed to a minimum of Probable Maximum Flood (PMF) level. The levels shall be certified by a registered surveyor prior to construction of the driveway or other openings.
97. A positive covenant pursuant to the Conveyancing Act 1919 shall be created on the title of the lots that contain the bio retention facility to provide for the maintenance of the bio retention facility.
98. 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.
99. The outside finished ground level shall be constructed a minimum of 200mm below the habitable floor level for the whole building perimeter.
100. Signs shall be displayed adjacent to all stormwater drains on the premises, clearly indicating "Clean water only - No waste".
101. Prior to issue of the Occupation Certificate, a suitably qualified Wind Consultant must certify that the mitigation measures detailed in the Wind Tunnel Testing report (SLR, 9 March 2016, Revision 3) have been implemented. This includes written confirmation that the trees planted in the Common Open Space as shown in Figure 19 of the report (between Buildings 6 & 7) are in good health. Where the trees are found to be in poor health, have died or are inadequate in number to adequately mitigate wind impacts as detailed in the submitted report, the trees must be replaced with trees of 400L pot size and of a species approved by the Director City Planning & Development, Rockdale City Council. The replacement trees must not be located within the State Heritage curtilage nor impact on the view corridor to Fatima Island. The trees must be maintained at all times to ensure that wind impacts are adequately mitigated.
102. Prior to issue of the Occupation Certification for the relevant stage, a certificate from a Registered Surveyor shall be provided to the Principal Certifying Authority (PCA) certifying that the habitable floor level is constructed to the approved minimum floor level. A copy of the certificate shall be provided to Council where Council is not the Principal Certifying Authority.
103. Prior to issue of the Occupation Certificate, monitored CCTV cameras shall be installed in and around the building to maximize surveillance opportunities. Digital or video technology should be used to record images from the cameras. The CCTV system shall be maintained in good order and working condition at all times.

Prior to issue of subdivision certificate

The following conditions must be complied with prior to the issue of the Subdivision Certificate or the Strata Certificate.

104. The subdivision is to occur in accordance with this Development Consent and any subsequent Section 96 modifications.
105. A Subdivision Certificate and four (4) copies of the plans for the endorsement of the General Manager shall be submitted to Council prior to lodgment with the Land and Property Information office. If applicable, an original and four (4) copies of the 88B Instrument are to be submitted.
106. The subdivision is to occur in accordance with the Concept Plan Approval

MP10_0003 issued by the Minister for Planning on 5 May 2011, DA-2012/42 issued by Rockdale City Council on 22 December 2011, Development Consent DA-2015/373, and any subsequent modifications. Details of compliance with the relevant conditions shall be provided to Council prior to the issue of the Subdivision Certificate.

107. The submission and approval of a subdivision certificate application. In this regard, a fee is payable in accordance with Council's current adopted Fees and Charges.
108. A Subdivision Certificate must be obtained prior to registration of the Stratum Subdivision Plan with the Land and Property Information Office. An application form and associated fee are required to be submitted to Council's Customer Service Centre with lodgment of the Stratum plans.
109. In accordance with Section 109J of the *Environmental Planning and Assessment Act 1979*, the Subdivision Certificate must not be issued for the proposed stratum subdivision unless the applicant has obtained a certificate of compliance from the Network Operator (Discovery Point Water) under the *Water Industry Competition Act 2006* for the subdivision of the land.
110. All existing and proposed services on the property shall be shown on a plan, and shall be submitted to Council. This includes electricity, gas, water, sewer, stormwater and telephone services. Where any service crosses one lot but benefits another lot, it is to be covered by an easement. The service easement is to be covered by a Section 88B Instrument, which may only be varied or extinguished with the consent of Rockdale City Council. These provisions are to be put into effect prior to the release of the Subdivision/Strata Certificate.
111. A positive covenant pursuant to the Conveyancing Act 1919 shall be created on the title of the lots that contain the stormwater Bio-retention facility to provide for the maintenance of the Bio-retention facility.
112. The on-site residential car parking spaces, are not to be used by those other than an occupant or tenant of the residential buildings within the Discovery Point Development. Any occupant, tenant, lessee or registered proprietor of the development site or part thereof shall not enter into an agreement to lease, license or transfer ownership of any car parking spaces to those other than an occupant, tenant or lessee of the building.

These requirements are to be enforced through the following:

 1. restrictive covenant placed on title pursuant to Section 88B of the Conveyancing Act, 1919,
 2. restriction on use under Section 68 of the Strata Schemes (Leasehold Development) Act, 1986 to all lots comprising in part or whole car parking spaces, and
 3. sign visible at exits (excluding fire stairs and individual unit entries) from car parking areas.

These requirements are to be made to the satisfaction of Council. All costs associated with the above requirements are to be borne solely by the Proponent.
113. Prior to the issue of a Subdivision Certificate, an easement for public access in gross for the public to enter, pass, re-pass, use and enjoy the open areas around the buildings (including Buildings 11, 12 & 13) shall be registered over the land in favour of Rockdale City Council. The terms of the easement shall be approved by Council prior to the issue of any Certificate of Subdivision or registration of the approved Plan of Subdivision.

Roads Act

114. 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.
115. 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 Austroads and RMS Guidelines.
116. 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) reconstruction of selected areas of the existing concrete Footpath/vehicular entrances and/or kerb and gutter;
 - iv) construction of paving between the boundary and the kerb;
 - v) construction of kerb and gutter

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. 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.
- c. The water from the wastewater tank should not be used for drinking, Sydney Water shall be advised of the installation of the tank.
- d. In the event of any inconsistency between conditions of this approval and the drawings/documents referred to in condition 2, the conditions of this approval prevail.

- e. Council will not issue the Subdivision Certificate for the Stratum Subdivision unless the following has been provided to Council :
 - Works-As-Executed Plan for Stormwater Drainage System
 - Engineer's Compliance certificate for Stormwater Drainage System & work as executed drawing
 - Final Occupation Certificate
 - Utility Service Plan
 - Original of Section 73 Compliance Certificate referring to Subdivision – (Discovery Point Water under Sydney Water Act 1994)
 - Landscape certification (if Council not appointed as PCA)
 - Administration Sheet and 88B instruments prepared by a qualified surveyor.
- f. The car park area should be secured and monitored to minimize the opportunity for intruders to access such areas.
- g. A graffiti management plan to be incorporated into the maintenance plan for the development. Research has shown that the most effective strategy for reducing graffiti offences is the quick removal of such material, generally within a forty-eight hour period.