

# NOTICE OF DETERMINATION

Section 96 of Environmental Planning and Assessment Act, 1979

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S96 Approval Date	
Authority	Joint Regional Planning Panel
Reference	DA-2014/283/C
Contact	Fiona Prodromou 9562 1672

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Fox Johnston  
105 Reservoir Street  
SURRY HILLS NSW 2010

DRAFT

**Property:** 286A, 294-298 Forest Road & 159 Frederick Street, BEXLEY NSW 2207  
Lot 3 DP 1114882, Lot 4 DP 1114882, Lot C DP 327795, Lot B DP 327795, Lot A DP 380056, Lot B DP 380056, Lot X DP 33367, Lot Y DP 33367, Lot A DP 327795, Lot 31 DP 1353

**Proposal:** *Demolition of existing structures and construction of a part 7, part 6 and part 5 storey mixed use development, including 5 retail shops, 87 residential units, two basement levels comprising 120 parking spaces, front fencing, lap pool and strata subdivision creating 93 lots*

*[Amendment C – Section 96(1A) amended on xxxxxxxx]*

Your application to modify Development Consent No. DA-2014/283 dated 28 October 2014 was considered under Section 96(1A) of the Environmental Planning and Assessment Act 1979 and is approved subject to the following conditions:

## GENERAL CONDITIONS

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

1. The term of this consent is limited to a period of **five** (5) years from the original date of the original 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 Title	Number	Rev	Dated	Received
Architectural Plans by Fox Johnston				
Site Plan	DA0.02	G	March 2015	05/05/2015

<i>Basement 2 Plan</i>	<i>DA1.00</i>	<i>G</i>	<i>March 2015</i>	<i>05/05/2015</i>
<i>Basement 1 Plan</i>	<i>DA1.01</i>	<i>G</i>	<i>March 2015</i>	<i>05/05/2015</i>
<i>Ground Floor Plan</i>	<i>DA1.02</i>	<i>G</i>	<i>March 2015</i>	<i>05/05/2015</i>
<i>L1 Plan</i>	<i>DA1.03</i>	<i>G</i>	<i>March 2015</i>	<i>05/05/2015</i>
<i>L2 Plan</i>	<i>DA1.04</i>	<i>G</i>	<i>March 2015</i>	<i>05/05/2015</i>
<i>L3 Plan</i>	<i>DA1.05</i>	<i>G</i>	<i>March 2015</i>	<i>05/05/2015</i>
<i>L4 Plan</i>	<i>DA1.06</i>	<i>G</i>	<i>March 2015</i>	<i>05/05/2015</i>
<i>L5 Plan</i>	<i>DA1.07</i>	<i>G</i>	<i>March 2015</i>	<i>05/05/2015</i>
<i>L6 Plan</i>	<i>DA1.08</i>	<i>G</i>	<i>March 2015</i>	<i>05/05/2015</i>
<i>Roof Plan</i>	<i>DA1.09</i>	<i>H</i>	<i>June 2015</i>	<i>25/06/2015</i>
<i>North &amp; East Elevations</i>	<i>DA2.01</i>	<i>H</i>	<i>June 2015</i>	<i>25/06/2015</i>
<i>South &amp; West Elevations</i>	<i>DA2.02</i>	<i>G</i>	<i>March 2015</i>	<i>05/05/2015</i>
<i>Section AA</i>	<i>DA2.03</i>	<i>G</i>	<i>March 2015</i>	<i>05/05/2015</i>
Stormwater Plans numbered I4009 drawn by Scott Collis Consulting, dated 11 August 2014 and received by Council on 14 August 2014.				
Landscape plans numbered L101 & L102, Issue D, drawn by Jane Irwin Landscape Architecture, dated 13/03/2015 and received by Council on 05/05/2015.				
Draft Plan of Subdivision drawn by John A Watson, reference number 13/533, Sheets 1 to 9 and received by Council on 14 August 2014.				
Pool shelter plans (DA5.03B) dated July 2015, drawn by Fox Johnston and received by Council on 1 July 2015.				

*[Amendment C – Section 96(1A) amended on xxxxxxxx]*

3. All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).
4. **A Construction Certificate must be obtained from Council or an Accredited Certifier prior to any building work commencing.**
5. *The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate Number (531852M\_04) other than*

*superseded by any further amended consent and BASIX certificate.*

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

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

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

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

*[Amendment C – Section 96(1A) amended on xxxxxxxx]*

6. Approval is required for the specific use/uses of the property. Additional conditions may be imposed on any such consent.

**Note:** Parking and loading provisions in a mixed use development may preclude certain uses.

7. Excavation, filling of the site (with the exception of the area immediately under the building envelope), or construction of retaining walls are not permitted unless shown on the approved plans and authorised by a subsequent construction certificate.
8. The commercial / retail lots are to be known as having the following street addresses:

Retail Lot	Street Address
01	294 Forest Road
02	296 Forest Road
03	298 Forest Road
04	300 Forest Road

The residential apartments are to be known as having the following street addresses:

Entrance Level	Residential Lot	Street Address	Entry
Ground Floor	Lot 1 & 2	165 Frederick Street	Frederick Street Lobby
1st Floor	Lots 8 to 18	165 Frederick Street	
2nd Floor	Lots 26 to 36	165 Frederick Street	
3rd Floor	Lots 44 to 54	165 Frederick Street	
4th Floor	Lots 62 to 72	165 Frederick Street	

5th Floor	Lots 78 to 87	165 Frederick Street	
Ground Floor	Lot 3	163 Frederick Street	Street Access
Ground Floor	Lot 6	161 Frederick Street	
Ground Floor	Lots 4,5 & 7	159 Frederick Street	Forest Road Lobby
1st Floor	Lots 19 to 25	159 Frederick Street	
2nd Floor	Lots 37 to 43	159 Frederick Street	
3rd Floor	Lots 55 to 61	159 Frederick Street	
4th Floor	Lots 73 to 77	159 Frederick Street	

9. 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 prior to the issue of the Construction Certificate.
- Intercom facilities shall be installed into entry/exit points to enable residents to communicate and identify with people prior to admitting them to the development.
10. A lighting maintenance policy shall be established for the development. Details are to be provided prior to the issue of Occupation Certificate.
11. A street sign shall be prominently displayed at the front of the development to comply with Local Government Act, 1993, Section 124, Order No. 8.

## DEVELOPMENT SPECIFIC CONDITIONS

The following conditions are specific to the Development Application proposal:

12. Materials, goods or machinery shall not be stored, placed or otherwise permitted to stand between the building line and the street alignment.
13. All loading, unloading and transfer of goods to and from the loading bay and premises shall take place wholly within the property.
- Loading areas are to be used only for the loading and unloading of goods, materials etc. not for any other purpose.
- Loading and unloading within the site shall be restricted to commercial vehicles not exceeding the size and mass description of the Small Rigid Vehicle from AS2890.2:2002. Commercial vehicles greater in size and mass than the SRV are not permitted to enter the site.
14. 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.

15. The existing and future owners (Registered Proprietor) of the property will be responsible for the operation and maintenance of the detention system. The registered proprietor will:
  - i) permit stormwater to be temporarily detained by the system;
  - ii) keep the system clean and free of silt, rubbish and debris;
  - iii) maintain, renew and repair the whole or parts of the system so that it functions in a safe and efficient manner, and in doing so complete the same within the time and in the manner specified in written notice issued by the Council;
  - iv) carry out the matters referred to in paragraphs (ii) and (iii) at the proprietor's expense;
  - v) not make any alterations to the system or elements thereof without prior consent in writing of the Council;
  - vi) permit the Council or its authorised agents from time to time upon giving reasonable notice (but at any time and without notice in the case of emergency) to enter and inspect the land for compliance with the requirements of this clause;
  - vii) comply with the terms of any written notice issued by the Council in respect to the requirements of this clause within the time stated in the notice.
16. All wastewater and stormwater treatment devices (including drainage systems, sumps and traps) shall be regularly maintained in order to remain effective. All solid and liquid wastes collected from the device shall be disposed of in accordance with the Protection of the Environment Operations Act, 1997.
17. The rainwater tank shall be routinely de-sludged and all contents from the de-sludging process disposed – solids to the waste disposal and de-sludged liquid to the sewer.
18. The use of the 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.  
 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.  
 The pool pump, motor, filter and all sound producing equipment or fittings associated with or forming part of the pool filtering system shall be sound insulated and/or isolated so as not to create an offensive noise to the neighbours.
19. Temporary dewatering of the site to construct the subsurface structure is not permitted.
20. Prior to the release of the Construction Certificate, the following conditions relating to landscaping within the site and the public domain shall be satisfied:

Fully documented Landscape Plans and details including Landscape Specification are to be submitted for Council approval (City Operations Section). Details are to include the following:

- Provision of street trees within Frederick Street. The species of the street trees are to be Pistacio chinesis with a minimum 75L size container, being 2 or 3 specimens.
- Additional trees planted in the communal open space area which are to be at least 5m high with a minimum spread of 4m at maturity being an evergreen species. This condition specifically relates to the recommendations contained in the WindTech Consultant's Report by WindTech Consultants Pty Ltd dated 18 March 2014.
- The full length of the right of way containing the existing gravel driveway from Forest Road is to be refurbished in accordance with the details on the approved Landscape Plan. Submit details of materials and finishes.
- The sandstone block work within the landscaping bed along the Frederick Street frontage is to be retained, refurbished and reused on the subject site in connection with the proposed development.
- Direct pedestrian access from ground level to the rear of Lot A in DP 375889 and Lot B in DP 375889 known as 292 and 290 Forest Road, respectively is provided.
- A minimum soil depth of 800mm is required for planted areas (other than turf) on podiums or roof-tops or any other concrete slab.
- Details demonstrating that podium landscaping and paved areas will be drained into the stormwater drainage system. All waterproofing for planters on slab shall be installed and certified by a licensed waterproofing contractor.

21. *[Amendment C – S96(1A) deleted on xxxxxxxx]*

22. A pedestrian refuge island of appropriate size and design is to be installed by the developer within Frederick Street immediately east of Forest Road to assist pedestrians crossing the street. Details shall be submitted to and approved by Council prior to the release of the Construction Certificate.

23. In order to ensure the design quality excellence of the development is retained:

- (i) The design architect is to have direct involvement in the design documentation, contract documentation and construction stages of the project;
- (ii) The design architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of design issues throughout the life of the project;
- (iii) Evidence of the design architect's commission is to be provided to the Council prior to release of the Construction Certificate.
- (iv) The design architect of the project is not to be changed without prior notice and approval of the Council's Director City Planning and Development.

24. This land is subject to the Commonwealth of Australia's Airports (Protection of Airspace) Regulations 1996. The proposed building constitutes a "controlled activity" under Section 182 of the Airports Act 1996. No building or other structure may be constructed/installed on this land, which may contravene the approval given under

these Regulations. The conditions of approval imposed by Sydney Airport shall be implemented.

25. 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.
26. Bicycle parking facilities shall be designed in accordance with AS2890.3:1993.  
The off-street parking areas associated with the subject development shall be designed strictly in accordance with AS2890.1 and AS2890.6, except as varied by Council's DCP as follows:
  - The minimum parking space length is 5.5m and the minimum parking space width is 2.5m.
  - The gradients of the access driveways must not exceed 1:16 (6%) for the first 3 metres from the property boundary/footpath alignment/control point, 1:6 (16%) for the intermediate distance and 1:10 (10%) for the last 2m.

Parking for persons with a disability shall be designed to comply with the BCA.

Internal height clearance shall be designed throughout the car park and access driveway in accordance with AS2890.1 and AS2890.6.

Commercial vehicle facilities shall be designed strictly in accordance with AS2890.2:2002.

The loading bay and access ramp shall be designed to achieve a minimum internal height clearance of 3.5m to accommodate a SRV.

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

Lighting shall be designed to the Australian and New Zealand Lighting Standards. Australia and New Zealand Lighting Standard 1158.1 – Pedestrian, requires lighting engineers and designers to consider crime risk and fear when selecting lamps and lighting levels.

28. Hot and cold water hose cocks shall be installed to the garbage room. Services or utility systems shall not be located in the garbage room.
29. All plumbing, electrical kiosks or fire booster valves shall be concealed within the brickwork of the building.

All hot water systems/units which are located on the balcony of a dwelling/unit must be encased in a recessed box on the balcony with the lid/cover of the box designed to blend in with the building.

Details demonstrating compliance with these requirements shall be submitted to the satisfaction of the Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate.

30. 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.
31. The glass balustrades (denoted GB) shown on the approved plans shall be constructed from an opaque material to a minimum height of 1000 mm. The top of the balustrade shall be a minimum height of 1200 mm above the finished floor level.
32. *Construction details demonstrating Ceiling heights as measured vertically from finished floor level to the underside of the ceiling shall be provided as follows:*
- *Habitable areas shall be a minimum of 2.7 metres (excluding portions of bedrooms, studies & circulation spaces to units G07/304/305/306/404/405 /406/108/208/308/408/110/113/210/213 /310/313/410/413/506/509 which are to be a minimum of 2.4metres)*
  - *Non-habitable areas shall be a minimum of 2.4 metres*
  - *Commercial units shall be a minimum of 3 metres*

*Construction details demonstrating compliance with the above shall be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of the Construction Certificate.*

*[Amendment C – Section 96(1A) amended on xxxxxxxxx]*

### 33. **Swimming Pool**

- (i). The pool is for the private use of the dwelling residents only and not for public use.
- (ii). The pool/spa pump hours of operation shall be restricted to between 7am to 8pm weekdays and 8am to 8pm weekends.
- (iii). The pool area shall be enclosed by a 1200mm high pool safety fence and all associated gates shall be fitted with a self-latching device in accordance with AS1926.

**Note:** A dividing fence will be accepted as part of the pool safety fence provided the fence complies with the requirements of AS1926 and provided the outside of the fence is kept clear for a distance of 1200mm of any item that would reduce the effectiveness of the fence as a safety barrier.

- (iv). Suitable depth markers shall be provided at each end of the swimming pool.
- (v). A warning notice must be erected near swimming pools/spas. There shall be at all times maintained, in a prominent position in the immediate vicinity of the swimming pool, a sign erected and bearing the notice: "Young Children should be Supervised when using this Swimming Pool", together with details of resuscitation techniques (for adults, children and infants) in accordance with the document entitled "Cardio Pulmonary Resuscitation" published by the Australia Resuscitation Council. The warning notice may be purchased from Rockdale Council or the Royal Life Saving Society.
- (vi). Compliance with the provisions of the Swimming Pool Safety Act.



34. The contaminated site shall be remediated in accordance with 'State Environmental Planning Policy No 55 Remediation of Land' (SEPP55). All remediation and validation works shall be carried out in accordance with the recommendations contained in Stage 2 Detailed Site Investigation Report submitted to Council.
35. The entry lobby located at the corner of Forest Road and Frederick Street shall be enlarged to have a minimum clear internal dimension of 5.7m by 6.7m. Details are to be provided to the Principle Certifying Authority prior to the issue of the Construction Certificate.

## PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE

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

36. The following fees shall be paid to Council prior to the issue of a Construction Certificate. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges.
  - i. A Footpath Reserve Restoration Deposit of \$47,593.70. This is to cover repair of any damages, or other works to be done by Council. This includes construction, removal, or repair as required to: kerb and guttering, existing or new driveways; paved areas and concrete footpaths. The deposit may be lodged with Council in the form of a Bank Guarantee (Any proposed Bank Guarantee must not have an expiry date). The deposit will not be returned by Council until works are completed and all damage is restored and all specified works are completed by Council.
  - ii. An environmental enforcement fee of 0.25% of the cost of the works.
  - iii. A fee of \$190 is payable to Council for the determination of boundary levels. All boundary works, egress paths, driveways and fences shall comply with this level.
  - iv. A Soil and Water Management Sign (811) of \$16.50.
37. For work costing \$25,000 or more, a Long Service Leave Levy shall be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.
38. A Section 94 contribution of \$635,536.21 shall be paid to Council. Such contributions are only used towards the provision or improvement of the amenities and services identified below. The amount to be paid is adjusted at the time of payment, in accordance with the contribution rates contained in Council's current Adopted Fees and Charges. The contribution is to be paid prior to the issue of any construction certificate for works above the floor level of the ground floor. (Payment of the contribution is not required prior to any separate construction certificates issued only for demolition, site preparation works and the construction of basement levels). The contribution is calculated from Council's adopted Section 94 contributions plan in the following manner:

Open Space	\$533,055.64
Community Services & Facilities	\$ 34,512.32
Town Centre & Streetscape Improvements	\$ 12,971.03
Pollution Control	\$ 51,182.51
Plan Administration & Management	\$ 3,814.71

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

39. Flooring within 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.

Walls within the development shall be constructed to satisfy the requirements of the Building Code of Australia.

A report shall be submitted to the Principal Certifying authority for approval prior to the issue of any Construction Certificate for each of the building stages. The report is to include BCA requirements and details of floor/ceilings between residential apartments. Floor coverings within apartments shall be identified within the report.

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

[Amendment B – S96(1A) amended on 9 July 2015]

40. Prior to the issue of the Construction Certificate a certificate from a practicing Structural Engineer, registered with NPER, shall be submitted to Council stating that the subsurface structural components located on the boundary of the public road, including but not limited to the slabs, walls and columns, have been designed in accordance with all SAA Codes for the design loading from truck and vehicle loads.
41. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance or owner builder's permit in force in accordance with Part 6 of that Act, that such a contract or permit is in place.
42. The following conditions relate to the quality of construction and finishes to ensure a high quality development:
- *The building shall be constructed of a masonry or brick wall construction with select coloured finishes as per the approved Schedule of Colours and Finishes submitted to Council on 05/05/2015.*

[Amendment C – S96(1A) amended on xxxxxxxx]

- The north eastern side elevation of the building adjacent to 292 Forest Road is to be treated to create visual interest and provide relief until such time as the neighbouring properties are redeveloped. The proposed architectural treatment should include recesses to create shadow lines and variations in colours, materials and finishes as appropriate.
- The materials and finishes in all elevations are to conceal the edge of the concrete slab on each floor of the building.

- The use of graffiti resistant materials, particularly on fences and all ground floor areas.

Details of the above are to be submitted to and approved by Council prior to the release of the Construction Certificate.

Any changes to the approved schedule of colours and finishes shall require further approval by way of a Section 96 application to Council.

43. *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 nine (9) residential units, and between these units and their allocated car parking spaces. The allocated parking space will be located in close proximity to the access points of the building. The adaptable units are to be lot numbers 6, 18, 21, 36, 39, 54, 57, 72 and 75. 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.*

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

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

*[Amendment C – S96(1A) amended on xxxxxxxx]*

44. *Compliance with Council's Development Control Plan (DCP) 2011 – Requirements for Access. Compliance with this condition requires a minimum of 10 adaptable car parking spaces on site to be provided (9 residential / 1 visitor). The car spaces shall be identified and reserved at all times and be in the vicinity to lifts or as close as possible to public areas and facilities. The car spaces shall have minimum dimensions in accordance with AS 2890.6 and all spaces shall have an uninterrupted minimum headroom clearance of 2.5 metres free of all obstructions, such as service pipes, fittings etc for use by vehicles fitted with roof mounted wheelchair racks.*

*[Amendment C – Section 96(1A) amended on xxxxxxxx]*

45. **Ausgrid**

- The applicant shall confer with Ausgrid to determine if an electricity distribution substation and/or the installation of electricity conduits in the footway is required. The applicant shall confer with Ausgrid to determine if satisfactory clearances to any existing overhead High Voltage mains will be affected.
- All low voltage street mains in that section of the street/s adjacent to the development shall be placed underground. This shall include any associated services and the installation of underground supplied street lighting columns where necessary.

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

46. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For Quick Check agent details please contact Sydney Water.

The consent authority or a private accredited certifier must ensure that a Quick Check agent/Sydney Water has appropriately stamped the plans before issue of any Construction Certificate.

47. If the development is likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing, whichever occurs first; and the arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/ developer.
48. Prior to issue of the Construction Certificate, a longitudinal driveway profile shall be submitted to Principal Certifying Authority for assessment and approval. The profile shall start in the centre of the road and be along the critical edge (worst case) of the driveway. Gradients and transitions shall be in accordance with Council's Code. The profile shall be drawn to a scale of 1 to 20 and shall include all relevant levels, grades (%) and lengths.
49. The subsurface structure within the highest known groundwater table + 0.5m shall be waterproofed with adequate provision for future fluctuation of the water table. The entire basement floor be dosed with the Xypex Admixture C - 1000NF, the Shotcrete to be dosed with a recommended Xpex Admixture and Install Kuniseal C - 31 waterstops to all joints including floor / wall joints against the concrete piles or a similar alternative system.

Subsoil drainage around the subsurface structure must allow free movement of groundwater around the structure. The strip drains to be installed behind the walls and floor slab with waters collected directed to a basement sump and filtered through an Ecosol Gross Pollutant Trap or equivalent before discharging it via a pumpout system into the existing stormwater system located along the Frederick Street. The design of subsurface structure, waterproofing, and subsoil drainage shall be undertaken by a suitably experienced Chartered Professional Engineers – structural, geotechnical and hydraulics. Design details and construction specifications shall be included in the documentation accompanying the Construction Certificate.

[Amendment A – S96 (1A) amended on 29 May 2015]

50. A detailed acoustic assessment of all mechanical plants shall be conducted by a suitably qualified and experienced acoustic consultant and an acoustic report shall be provided to the Principal Certifying Authority prior to the issue of a construction certificate. All mechanical plant noise emissions must comply with the criteria given in the NSW Industrial Noise Policy 2000.

The mechanical ventilation system shall comply with the requirements of the Building Code of Australia, and/or relevant standards AS1668.1-1998 The Use of Ventilation and Air-conditioning in Buildings Part 1: Fire and Smoke Control in Multi-compartment Buildings, and/or AS 1668.2 - 2002: The Use of Ventilation and Air-conditioning in

## Buildings Part 2: Ventilation Design for Indoor Air Contaminant Control.

51. A Construction Management Plan (CMP) shall be prepared in accordance with the requirements of all relevant regulatory approval bodies. Access to the site for construction purposes via Forest Road is not permitted. 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.

52. All recommendations contained in the contamination report submitted to satisfy the deferred commencement condition shall be implemented. A report from a qualified engineer shall be submitted to the Principal Certifying Authority addressing the recommendations prior to the issue of the relevant Construction Certificate.

53. Prior to the issue of the Construction Certificate a Geotechnical report shall be undertaken.

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

Location & level of nearby foundations/footings and driveways (site and neighbouring)

Proposed method of excavation

Permanent and temporary support measures for excavation

To protect the amenity of adjoining properties. NB: The proposed construction of the basement carpark is within the influence line of the boundary / neighbouring building / foundation

Ground-water levels (if any)

Batter slopes

Potential vibration caused by method of excavation

De-watering including seepage and off-site disposal rate (if any)

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

Note:(i) If the proposed construction of the basement car park impedes the water table, thus requiring dewatering of the site, a permit is required under the Water

Management Act.

- (ii) From the proposed basement pumped discharge drainage systems are permitted subject to complying with the design criteria listed in Rockdale DCP 2011.
  - (iii) The design of the basement structure will require consideration of the effects of the water table, both during and after construction (Tanking and waterproofing construction).
54. The driveway areas and entries to the garage/car spaces are to be designed to match the 85th percentile Australian Standard Sweep Paths to enable vehicles to enter and exit the site in a forward direction.
  55. A Waste Management Plan shall be prepared and implemented in accordance with Rockdale Technical Specification Waste Minimisation and Management.
  56. The low level driveway must be designed to prevent inflow of water from the road reserve. The assessment of flows and design of prevention measures shall be in accordance with the requirements of Rockdale Technical Specification Stormwater Management. Details shall be included in the documentation presented with the Construction Certificate application.
  57. A visitor car space shall also operate as a car wash bay. A tap shall be provided. A sign shall be fixed saying 'Visitor Car Space and Car Wash Bay'. The runoff shall be directed and treated as per Rockdale Technical Specification Stormwater Management. Details shall be provided with the plans accompanying the Construction Certificate.
  58. All 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.
  59. Prior to the issue of the Construction Certificate, detailed drainage design plans for the management of stormwater are to be submitted to Principal Certifying Authority for assessment and approval.  
  
The drainage system shall be constructed in accordance with the approved drainage plans and any amendments in red. All stormwater drainage plumbing work shall comply with the NSW Code of Practice: Plumbing and Drainage and Australian Standard AS3500.  
  
Drainage grates shall be provided at the boundary. Width of the drainage grates shall be in accordance with Rockdale Technical Specification Stormwater Management.  
  
A silt/litter arrestor pit as detailed in Rockdale Technical Specification Stormwater Management shall be provided prior to discharge of stormwater from the site.  
  
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.

## PRIOR TO COMMENCEMENT OF WORKS

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

60. A dilapidation survey shall be undertaken of all properties and/or Council infrastructure, including but not limited to all footpaths, kerb and gutter, stormwater inlet pits, and road carriageway pavements, in the vicinity which could be potentially affected by the construction of this development. Any damage caused to other properties during construction shall be rectified. A copy of the dilapidation survey and an insurance policy that covers the cost of any rectification works shall be submitted to the Accredited Certifier (AC) prior to issue of the Construction Certificate. The insurance cover shall be a minimum of \$10 million.
61. 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.
62. 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.
63. 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.
64. Prior to the commencement of work, Tree Protection Zones shall be established with protective fences at least 1.5 metres high erected outside the drip lines around each of the small street trees located adjacent to the site in Frederick Street which are to be retained. The protective fences shall consist of parawebbing or chain wire mesh

mounted on star pickets or similar metal posts, shall be in place prior to the commencement of any work on site and shall remain until the completion of all building and hard landscape construction. Excavations for services, waste bins, storage of materials and equipment, site residue, site sheds, vehicle access or cleaning of tools and equipment are not permitted within the Tree Protection Zones at any time.

65. Prior to the commencement of any work on site, a sign shall be placed in a prominent position on each protective fence identifying the area as a Tree Protection Zone and prohibiting vehicle access, waste bins, storage of materials and equipment, site residue and excavations within the fenced off area.
66. 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.
67. The site shall be secured by an 1800 mm (minimum) high temporary fence for the duration of the work. Gates shall be provided at the opening points.
68. Where construction/building works require the use of a public place including a road or footpath, approval under Section 68 of the Local Government act 1993 for a Barricade Permit is to be obtained from Council prior to commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.
69. 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.

- 70. 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.
- 71. 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.
- 72. Where clearances to any existing overhead High Voltage mains are affected, the builder shall make arrangements with Ausgrid for any necessary modification to the electrical network in question. These works shall be at the applicant's expense. Ausgrid's requirements under *Section 49 Part 1* of the *Electricity Supply Act 1995* shall be met prior to commencement of works or as agreed with Ausgrid.

## DURING DEMOLITION / EXCAVATION / CONSTRUCTION

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

- 73. 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.
- 74. 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.
- 75. 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.
76. 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.
77. All waste generated on site shall be disposed of in accordance with the submitted Waste Management Plan.
78. 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.
79. 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.
80. 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.
81. 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.

82. All demolition work shall be carried out in accordance with AS2601 – 2001: The Demolition of Structures and with the requirements of the WorkCover Authority of NSW.

83. 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 brick cutting, 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.
84. 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.
85. Existing street trees shall be adequately protected from damage during operations.
- Trees located within adjoining properties or adjacent to the site in Frederick Street shall not be removed or pruned, including root pruning, without the written consent of Council in the form of a Permit issued under Council's Development Control Plan 2011.

## 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.

- 86. An Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of the building.

87. All excess excavated material, demolition material, vegetative matter and builder's rubbish shall be removed to the Waste Disposal Depot or the Regional Tip prior to final inspection.

**Note:** Burning on site is prohibited.

88. Damage to brick kerb and/or gutter and any other damage in the road reserve shall be repaired using brick kerb and gutter of a similar type and equal dimensions. All works shall be to Council's satisfaction at the applicant's expense. Repairs shall be completed prior to the issue of the Occupation Certificate.

Where Council's park/ road 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.

89. Lots B & C in DP 327795 (294 & 296 respectively), Lots A & B in DP 380056, Lots X & Y in DP 33367 and Lot A DP 327795 (298) and Lot 31 in DP 1353 (159) and parts of Lots 3 & 4 in DP 1114882 (286A) shall be consolidated into one allotment. Council requires proof of lodgement of the plan of consolidation with the Land and Property Information Office prior to occupation.
90. All works within the road reserve, which are subject to approval pursuant to Section 138 of the Roads Act 1993, shall be completed and accepted by council.
91. The underground placement of all low voltage street mains in that section of the street/s adjacent to the development, and associated services and the installation of underground supplied street lighting columns, shall be carried out at the applicant's expense. The works shall be completed and Ausgrid's requirements shall be met prior to issue of the Occupation Certificate.
92. 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.
93. Prior to the issue of the Occupation Certificate, all roadwork's and streetscape works are to be completed, and all conditions associated with the approval of the design under the Roads Act 1993, the Transport Administration Act 1988 and the Road Transport (Safety and Traffic Management) Act 1999 shall be satisfied. Any road signs or on street loading zones are subject to the concurrence of the Traffic Committee.
94. Vehicles shall enter and exit the site in a forward direction at all times. A plaque with minimum dimensions 300mm x 200mm shall be permanently fixed to the inside skin of the front fence, or where there is no front fence a prominent place approved by the Principal Certifying Authority, stating the following: "Vehicle shall enter and exit the site in a forward direction at all times".
95. Prior to completion of the building works, a full width vehicular entry is to be constructed to service the property. Any obsolete vehicular entries are to be removed and reconstructed with kerb and gutter. This work may be done using either a Council

quote or a private contractor. There are specific requirements for approval of private contractors.

96. The width of the double driveway at the boundary shall be a maximum of 6 metres.
97. A convex mirror and Pedestrian Indicator Lamp shall be installed at site boundary to provide increased sight distance for vehicles.
98. The gate for the basement shall be located in order to permit the queuing of two (2) vehicles when waiting to enter the basement garage. The control mechanism for the gate shall be arranged such that access to the basement garage for registered proprietors of the commercial units, and their visitors, does not require security clearance or assisted entrance between the hours of 7:30am to 6:00pm Monday to Saturday and 7:30am to 1:00pm on Sunday. Where the hours of operation of the commercial units are approved outside of these hours, the access arrangements shall match the approved hours of operation.
99. 120 off-street car spaces shall be provided in accordance with the submitted plan and shall be sealed and linemarked to Council's satisfaction. The pavement of all car parking spaces, manoeuvring areas and internal driveways shall comply with Australian Standard AS3727 – Guide to Residential Pavements.
100. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

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

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

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

101. 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.
102. 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 39 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.

Acoustic recommendations in relation to traffic, aircraft and plant emissions contained in the Noise Impact Assessment report 286A & 294-298 Forest Road & 159 Frederick Street, Bexley prepared by Acoustic Logic dated 27 February 2014 Ref: 20140210.1/2702A/R0/BW 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.

[Amendment B – S96(1A) amended on 9 July 2015]

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

All landscape works are to be carried out in accordance with the approved landscape plans. The landscaping is to be maintained to the approved standard at all times.

104. The mechanical ventilation system and all mechanical plants shall be certified by a suitably qualified and experienced engineer at the completion of installation prior to the issue of an Occupation Certificate. A copy of the certificate shall be provided to the Principal Certifying Authority (PCA). A copy shall also be provided to Council if Council is not the PCA.

105. Prior to occupation, a chartered professional engineer shall certify that the waterproofing of subsurface structure within the highest known groundwater table + 0.5m 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.

[Amendment A – S96(1A) amended on 29 May 2015]

106. Prior to occupation a Chartered Professional Engineer shall certify that the stormwater system has been constructed in accordance with the approved plans and as required by Rockdale Technical Specification Stormwater Management. The certificate shall be in the form specified in Rockdale Technical Specification Stormwater Management and include an evaluation of the completed drainage works. A works-as-executed drainage plan shall be prepared by a registered surveyor based on a survey of the completed works. A copy of the certificate and works-as-executed plan(s) shall be supplied to the Principal Certifying Authority. A copy shall be provided to Council if Council is not the Principal Certifying Authority.
107. The underground garage shall be flood proofed to a minimum of 500mm above the 1% Annual Exceedance Probability flood level (Gutter flow). The levels shall be certified by a registered surveyor prior to construction of the driveway or other openings.
108. 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.
109. Signs shall be displayed adjacent to all stormwater drains on the premises, clearly indicating "Clean water only - No waste".
110. The owner of the premises is required to comply with the following requirements when installing a rainwater tank:
- Inform Sydney Water that a Rainwater tank has been installed in accordance with applicable requirements of Sydney Water.
  - The overflow from the rainwater tank shall be directed to the storm water system.
  - All plumbing work proposed for the installation and reuse of rainwater shall comply with the NSW Code of Practice: Plumbing and Drainage and be installed

in accordance with Sydney Water “Guidelines for rainwater tanks on residential properties.

- A first flush device shall be installed to reduce the amount of dust, bird faeces, leaves and other matter entering the rainwater tank.
111. After completion of the remedial works, a copy of the Validation Report shall be submitted to Council prior to the issue of an Occupation Certificate. The Validation Report shall be prepared in accordance with the NSW Environment Protection Authority’s (EPA) guidelines, Consultants Reporting on Contaminated Sites, and shall:
- describe and document all works performed;
  - include results of validation testing and monitoring;
  - include validation results of any fill imported on to the site;
  - show how all agreed cleanup criteria and relevant regulations have been complied with; and
  - include clear justification as to the suitability of the site for the proposed use and the potential for off-site migration of any residual contaminants.
112. A Site Audit Statement (SAS) shall be submitted to Council being the Regulatory Authority for the management of contaminated land, prior to the issue of Occupation Certificate, clearly demonstrating that the site is suitable for the intended use. Conditions imposed on the SAS shall form part of this consent. In circumstances where the SAS conditions (if applicable) are not consistent with the consent, the consent shall prevail to the extent of inconsistency and a S96 application pursuant to the Environmental Planning & Assessment Act 1979 will be required.
113. All recommendations contained in Section 12 of the Detailed Environmental Site Assessment Report prepared by Environmental Site Investigations dated 24 October 2014 shall be implemented and complied with.

## PRIOR TO THE ISSUE OF THE STRATA CERTIFICATE

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

114. Where Council is the Principal Certifying Authority, a Strata Certificate and four (4) copies of the plans for the endorsement of the General Manager shall be submitted prior to lodgement with the Land and Property Information office. If applicable, an original and four (4) copies of the 88B Instrument are to be submitted.
115. As construction of the building nears completion, or after it has been completed, council or an accredited certifier shall inspect the building, and the common property areas around the building so as to be satisfied that:
- The floors, external walls and ceilings depicted in the proposed strata plan for the building correspond to those of the building as constructed.
  - The floors, external walls and ceilings of the building as constructed correspond to those depicted in the building plans that accompanied the construction certificate for the building.
  - Any facilities required by the relevant development consent (such as parking spaces, terraces and courtyards) have been provided in accordance with those requirements.



116. A Strata Certificate must be obtained prior to registration of the Strata Plan with the Land and Property Information Office. Where Council is the Principal Certifying Authority for the Strata Title Subdivision, an application form and associated fee are required to be submitted to Council's Customer Service Centre with lodgement of the Strata Plan.
117. A positive covenant shall be provided over the on-site detention system to provide for the maintenance of the detention facility. A Section 88B Instrument and four copies shall be lodged with the Subdivision/Strata Certificate.
118. Pursuant to the Conveyancing Act 1919 an 88B Instrument is to be provided over the four car parking spaces within the basement car parking level referred to in the Deed prepared by Pikes & Verekers Lawyers dated 2 May 2014 and received by Council on 10 October 2014. The four lots are to be transferred to the owners of Lot A in DP 375889 (292 Forest Rd) and Lot B in DP 375889 (290 Forest Rd) with two spaces each.

The 88B Instrument shall contain the following:

1. A restriction as to user over the 4 car parking spaces (Lot 92 and Lot 93 in the Strata Plan) to remain in the ownership of Lot A in DP 375889 and Lot B in DP 375889 respectively. The 88B Instrument is to identify how the four spaces within the Strata Plan will operate and are not to be used by anyone other than the occupant, tenant, lessee or registered proprietor of Lot A in DP 375889 and Lot B in DP 375889.
2. The 88B Instrument may only be varied or extinguished with the consent of Rockdale City Council.

Details of the 88B Instrument shall be submitted to Council for endorsement prior to the release of the Strata Certificate.

119. *Parking spaces shall be allocated to dwellings in the development in the following manner: (This shall be reflected in the subsequent strata subdivision certificate):*

<i>Small/medium dwelling (s) (&lt;100m2 GFA) 1 space each</i>	<i>83 spaces</i>
<i>Large dwelling(s) (&gt;100m2) 2 spaces each</i>	<i>8 spaces</i>
<i>Four lots (2 to 290 and 292 Forest Rd) 2 spaces each</i>	<i>4 spaces</i>
<i>Commercial and retail units</i>	<i>7 spaces</i>
<i>Visitor spaces</i>	<i>18 spaces including 1 shared space with commercial / retail</i>
<i>Minimum total</i>	<i>120 spaces</i>
<i>Motorcycle</i>	<i>7 spaces</i>
<i>Bicycle</i>	<i>11 spaces</i>

*All common property spaces shall be labelled as visitor spaces on the final strata plan for the site.*

*The Loading / Delivery bay shown on the basement 1 plan (Drawing DA1.01 Revision H) shall be designated as a service vehicle space (common property) on the strata plan.*

### **Shared parking register**

*One visitor parking space shall be a shared space servicing the commercial and retail uses. In this regard, a Shared Parking Register is to be submitted to Certifying Authority in accordance with the requirements of clause 4.6 of Council's DCP 2011 prior to the release of the Construction Certificate for the relevant stage of development.*

*Where Council is not the PCA, a copy of the report shall be provided concurrently to Council.*

*[Amendment C – Section 96(1A) amended on xxxxxxxx]*

120. A by-law shall be registered and maintained for the life of the development, which requires that:
- a) balconies are not to be used as clothes drying areas, storage of household goods and air-conditioning units that would be visible from the public domain;
  - b) an owner of a lot must ensure that all floor space within the lot complies with the acoustic conditions for floors specified in this consent.
  - c) Notwithstanding subclause (b), in the event that a floor covering in the lot is removed, the newly installed floor covering shall 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 a Strata Certificate.

*[Amendment B – S96(1A) amended on 9 July 2015]*

- 120A *A positive covenant shall be created over the visitor parking space to ensure that the commercial units retain exclusive use of the spaces between 7.30am to 6.00pm Monday to Friday and 7.30am to 1.00pm on Saturdays. A suggested wording for the covenant is indicated below:*

*“The Registered Proprietors covenant as follows with Council in respect to the area of common property identified as ‘Visitor Parking’ spaces on the Strata Plan (herein called ‘The Burdened Land’).*

*The Registered Proprietor will:*

- i) permit the registered proprietors and/or invitees of the registered proprietors of the commercial / retail lots to enter upon The Burdened Land with a vehicle or vehicles whether motorized or not and to park, leave or place such a vehicle upon The Burdened Land within the times commencing at 7.30am in the morning Monday to Saturday and ending at 6.00pm in the evening Monday to Friday and 1.00pm in the afternoon on Saturdays. The times referred to are Australian Eastern Standard time or Australian Eastern daylight saving time whichever is in effect at the time that the registered proprietor or invitee enters upon The Burdened Land.*
- ii) not obstruct or inhibit in any manner whatsoever access to or exclusive use of The Burdened Land in accordance with the prior cause.*
- iii) comply with the terms of any written notice issued by Council in respect to the requirements of this clause within the time stated in the notice."*

*[Amendment C – S96(1A) inserted on xxxxxxxx]*

**Reason for additional condition 120A is:**

*To allow for the management of the shared visitor / commercial car parking space within the development.*

*[Amendment C – S96(1A) inserted on xxxxxxxx]*

## INTEGRATED DEVELOPMENT/EXTERNAL AUTHORITIES

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

### Sydney Airport

121. *The building must not exceed a maximum height of 77.810 metres relative to Australian Height Datum (AHD). This height is inclusive of all lift over-runs, vents, chimneys, aerials, TV antennae, lightning rods, exhaust flues and construction cranes etc. No permanent or temporary structure is to exceed this height without further approval from Sydney Airport Corporation Limited.*

*The building must be obstacle lit with low intensity red steady obstacle lights at the highest point of the building. The obstacle lights are to be arranged so as to at least indicate the points' or edges of the building to ensure the object can be observed in a 360° radius as per subsection 9.4.3 of the Manual of Standards Part 139 - Aerodromes.*

*Separate approval must be sought under the Airports (Protection of Airspace) Regulations 1996 for any cranes 'required to construct the building. Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Airports (Protection of Airspace) Regulations.*

*At the completion of the construction of the building, a certified surveyor is to notify (in writing) the airfield design manager of the finished height of the building.*

**Note:** Under Section 186 of the Airports Act 1996, it is an offence not to give information to the Airport Operator that is relevant to a proposed “controlled activity” and is punishable by a fine of up to 50 penalty units. For further information on Height Restrictions please contact SACL on 9667 9246.

*[Amendment C – S96(1A) amended on xxxxxxxx]*

## 122. Roads and Maritime Services

- i. Any redundant driveway fronting Forest Road should be removed and replaced with kerb and gutter to RMS satisfaction.

The construction of the kerb and gutter works on Princess Highway shall be in accordance with RMS's requirements. Details of these requirements should be obtained from RMS's Project Services Manager, Traffic Projects Section, Parramatta (telephone 8849 2496).

- ii. A Road Occupancy Licence should be obtained from Transport Management Centre (TMC) (phone 02 8396 1513) for any works that may impact on traffic flows on Forest Road during construction activities.
- iii. Developers should be aware of the potential for the existing and future road traffic noise impact from Forest Road on residential development on the subject site.

The developer should provide and maintain noise attenuation measures in accordance with EPA's Environmental Criteria for Road Traffic Noise. RMS will not provide noise mitigation for future residences on the subject land. RMS's Environmental Noise Management Manual provides practical advice in selecting noise mitigation treatments.

- iv. The developer is to submit detailed documents and geotechnical reports relating to the excavation of the site and support structures to RMS for approval in accordance with Technical Direction (GTD 2012/001).
- v. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to the RMS for approval, prior to the commencement of any works.

Details should be forwarded to:-

The Sydney Asset Management PO Box 973  
Parramatta CBD NSW 2124

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

- vi. The layout of the proposed car parking areas and access driveway associated with the subject development (including, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS2890.1- 2004.
- vii. All works associated with the proposed development shall be at no cost to RMS.

## ROADS ACT

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

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

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

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

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

- i) construction of a concrete footpath along the frontage of the development site;
- ii) construction of a new fully constructed concrete vehicular entrance/s;
- iii) removal of the existing concrete vehicular entrance/s, and/or kerb laybacks which will no longer be required;
- iv) reconstruction of selected areas of the existing concrete Footpath/vehicular entrances and/or kerb and gutter;
- v) construction of paving between the boundary and the kerb;
- vi) removal of redundant paving;
- vii) construction of kerb and gutter.

125. 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.

126. All driveway, footpath, or road and drainage modification and/or improvement works to be undertaken in the road reserve shall be undertaken in accordance with Council's Subdivision and Civil Works Construction Specification (AUS-SPEC 1). Amendment to the works specification shall only apply where approved by Council. Where a conflict exists between design documentation or design notes and AUS-SPEC 1, the provisions of AUS-SPEC 1 shall apply unless otherwise approved by Council.

127. This Roads Act approval does not eradicate the need for the Contractor to obtain a Road Opening Permit prior to undertaking excavation in the road or footpath.

128. The following details shall be submitted to Council for assessment and approval pursuant to *Section 138* of the *Roads Act 1993*, in relation to the awning over road reserve:

- i) Detailed design plans and specifications, including structural details; and
- ii) Design certificate.

The awning shall be designed by a Chartered Professional Engineer (Structural).

**Note:** Awnings are required to be set back a minimum of 600 mm from the kerb face and be a minimum height of 2.4 metres above the footpath level and at a site corner a minimum height of 4.6 metres above the footpath level. Drainage from the awning shall be connected to the stormwater system for the development.

Following completion of the installation of the awning a certificate from a Chartered Professional Engineer (Structural) shall be submitted to Council stating that the awning has been constructed in accordance with the design plans and specifications.

129. Any driveway works to be undertaken in the footpath reserve by a private contractor requires an “Application for Consideration by a Private Contractor” to be submitted to Council together with payment of the application fee. Works within the footpath reserve must not start until the application has been approved by Council.
130. Public infrastructure works in the public road reserve shall not commence without prior approval of the design in accordance with the *Roads Act 1993*, the *Transport Administration Act 1988* and the *Road Transport (Safety and Traffic Management) Act 1999*.

## DEVELOPMENT CONSENT ADVICE

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

- b. *Dial Before You Dig*

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

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

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

significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800810443.

- d. If Council is appointed as the Principal Certifying Authority (PCA), a fee shall be paid before a Construction Certificate is issued. If the fee is paid after the end of the financial year, it will be adjusted in accordance with Council's adopted fees and charges. The fees charged encompass **all** matters related to ensuring that the proposed development is carried out in accordance with the approved plans and any post inspection issues that may arise.
- e. If Council is the Principal Certifying Authority for the development, a drainage inspection fee of \$285.10 shall be paid prior to the issue of the Construction Certificate. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges.

NB: This fee does not include a confined space entry into the on-site detention tank. Where a confined space entry is required, an additional fee of \$417.20 is payable. A confined space entry will be required where:

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

All work procedures shall be devised to minimise the release of dust and fibres. A checklist of safety precautions when working with asbestos is available in Health & Safety Guidelines prepared by the WorkCover Authority of NSW. Collection, storage and transportation is subject to the Protection of the Environment Operations (Waste) Regulation 2005.
- h. The water from the rainwater tank should not be used for drinking, Sydney Water shall be advised of the installation of the rainwater tank.
- i. If the development is **not** subject to BASIX, a mandatory rainwater tank may be required. Rainwater tank requirements for development **not** subject to BASIX are specified in Council's DCP 78.

- j. In the event of any inconsistency between conditions of this approval and the drawings/documents referred to in condition 2, the conditions of this approval prevail.
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## ADDITIONAL INFORMATION

- To confirm the date upon which this consent becomes effective, refer to Section 83 of the Environmental Planning and Assessment Act, 1979. Generally the consent becomes effective from the determination date shown on the front of this notice. However if unsure applicants should rely on their own enquiries.
  - To confirm the likelihood of consent lapsing, refer to Section 95 of the Act. Generally consent lapses if the development is not commenced within five years of the date of approval. However if a lesser period is stated in the conditions of consent, the lesser period applies. If unsure applicants should rely on their own enquiries.
  - Section 82A allows Council to reconsider your proposal. Should you wish to have the matter reconsidered you should make an application under that section with the appropriate fee.
  - Under Section 97 of the Act applicants who are dissatisfied with the outcome of a consent authority have a right of appeal to the Land and Environment Court. This right must be exercised within six (6) months from the date of this notice. The Court's Office is situated at Level 1, 225 Macquarie Street, Sydney (Telephone 9228 8388), and the appropriate form of appeal is available from the Clerk of your Local Court.
  - A new Construction Certificate may be required to be submitted to and approved by your Principal Certifying Authority prior to carrying out works the subject of the proposed amendment/s.
  - A new Construction Certificate may be required to be submitted to and approved by your Principal Certifying Authority prior to carrying out works the subject of the proposed amendment/s.
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Should you have any further queries please contact Fiona Prodromou on 9562 1672.

Marta Gonzalez-Valdes  
**Coordinator Major Assessment**