



ROCKDALE CITY COUNCIL

Planning Assessment Report

Application Details

Application Number:	DA-2015/421
Date of Receipt:	29 May 2015
Property:	8 Martin Avenue, ARNCLIFFE NSW 2205 Lot 2309 DP 1159612 Lot C DP 158978 Lot 1 DP 233666 Lot 2 DP 233666
Owner:	Lot 2310 DP 1159612 Flues & Fireplace Accessories Pty Ltd
Applicant:	Mecone Pty Ltd
Proposal:	8-10 Martin Avenue, 47-49 Bonar Street & 9 Bidjigal Road, ARNCLIFFE NSW 2205 - Integrated Development - Construction of part seven (7) to part nine (9) storey residential flat building comprising 149 residential units, basement parking, roof terraces, fencing, community park, public domain works, consolidation of 5 existing lots and subdivision into 5 lots.
Recommendation:	Approved
No. of submissions:	Two (2)
Author:	Fiona Prodromou
Date of Report:	1 June 2016

Key Issues

In accordance with the provisions of Section 93F of the EPA Act 1979 (as amended), the developer has entered into a Voluntary Planning Agreement (VPA) with Council in connection with the Planning Proposal (LEP Amendment 12) for the site resulting in increased height and fsr.

This assessment has been prepared on the basis that Amendment No. 12 has been made, as provided for by s 72J of the EPA Act. At the time of preparing this report, it is understood that the making of the Amendment No. 12 is imminent, though the precise date that it will be made is unknown.

If Amendment No. 12 has been made prior to 23 June 2016, the JRPP will be in an appropriate position to determine the application, as the assessment contained in this report will relate to the increased height and FSR which were sought by the planning proposal. If however Amendment No. 12 has not been made by 23 June 2016, then consideration of this report will need to be deferred so as to await the making of the amendment.

Concerns were raised by the Applicant and Council in relation to the potential impact of the Land and

Environment Court's decision in *De Angelis v Wingecarribee Shire Council* [2016] NSWLEC 1, which arguably gave an interpretation to cl 1.8A of the LEP there in question (which is identical to cl 1.8A of Council's LEP) which would have required that the current application be assessed as if Amendment No. 12 had not been made. This would have been an illogical outcome, given that the precise purpose of the planning proposal, being to increase height and FSR for the subject site to facilitate the proposed development, would technically have no application.

As a result of the above Council requested an amendment to Amendment No. 12 to make it clear, for the avoidance of any doubt, that Amendment No. 12 applies to the application which is the subject of this report. The Department of Planning and Environment has confirmed in writing that Amendment No. 12 is proposed to contain this provision. Therefore, at the time of writing it appears that once Amendment No. 12 is made, none of the previous concerns regarding the potential application of the *De Angelis* decision will arise.

The proposal as submitted to Council has not satisfied the requirements of State Environmental Planning Policy No. 55 - Remediation of Land. As such it is recommended that the determination of the application be deferred by the JRPP to require the applicant to provide appropriate documentation to Council confirming that the entire site is suitable for the proposed development.

The proposal does not comply in full with the requirements of the Residential Flat Design Code with respect to building separation, solar access, apartment building depth, unit depth and total number of south facing apartments. Notwithstanding, the proposal has been supported for the reasons outlined within this report.

The proposal also demonstrates non compliance's with respect to the provisions of Rockdale DCP 2011, specifically in relation to private open space, unit mix and size, insufficient bicycle parking and non compliance with the structure plan within the Bonar Street Precinct. Despite non compliance with the requirements of the aforementioned, the proposal satisfies the relevant objectives and is thus considered to be satisfactory.

The proposal was publicly notified from 5 June - 13 July 2015, a total of two (2) submissions were received opposing the proposed development. Matters raised by objectors relate to solar access, visual privacy, traffic and carparking impacts, acoustic impacts and insufficient services within the local area. The issues raised have been discussed within this report.

Recommendation

1. That the determination of the application be deferred by the JRPP until such time the applicant can provide additional information to the JRPP to confirm that the entire site is suitable for the proposed development and therefore the development application satisfies State Environmental Planning Policy No. 55 - Remediation of Land.
2. That subject to item 1 being satisfied, the development application DA-2015/421 for the construction of part seven (7) to part nine (9) storey residential flat building comprising 149 residential units, basement parking, roof terraces, fencing, community park, public domain works, consolidation of 5 existing lots and subdivision into 5 lots at 8-10 Martin Avenue, 47-49 Bonar Street and 9 Bidjigal Road, Arncliffe 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.

3. That the objectors be advised of the JRPP's decision.

Background

History

Pre DA - 31 March 2014

Demolition of existing structures and construction of a seven storey plus basement residential flat building development, comprising 61 residential units and 79 car spaces

DA-2015/179 - Approved 12 March 2015

Demolition of existing warehouse on site

DA-2015/421 - Subject Application

Integrated Development - Construction of part seven (7) to part nine (9) storey residential flat building comprising 149 residential units, basement parking, roof terraces, fencing, community park and public domain works.

Final amended plans submitted to Council for DA-2015/421 on 12/11/2015.

DA-2016/71 - Approved under delegated authority December 2015

Integrated Development - Early works for shoring, piling and excavation of the site

Proposal

This application is subject to a Voluntary Planning Agreement and Planning Proposal. These aspects have been discussed separately within this report.

The proposal seeks to consolidate five (5) existing lots, re subdivide the site, create five new allotments A - E as follows:

- a. Lot A - 2022sq/m with 35.245m frontage to Bonar Street
- b. Lot B - 90.47m frontage to Bidjigal Road. (3177sq/m) site area.
- c. Lot C - 45.2sq/m, 0.5m wide with 90.47m frontage to Bidjigal Road.
- d. Lot D - 178.2sq/m with 11.22m frontage to Bidjigal Road.
- e. Lot E - 24.4sq/m, with 15.24m frontage to Martin Avenue.

The proposal further seeks to redevelop the site as follows:

Lots A & D (2200.2sq/m)

Proposed dedication of future Arncliffe Community Park and Square with associated landscaping and embellishment works including pathways connecting Bonar Street to Bidjigal Road, of which works form part of a voluntary planning agreement between Rockdale City Council and the developer. A range of physical works and embellishments are also proposed in order to construct the future Arncliffe Community Park and Square. Works include but are not limited to the provision of fill, dedicated pathways, ramps, staircases, planting of ground covers, shrubs, trees, storm water works and lighting.

Lot C & Lot E(45.2sq/m)

To be dedicated to Council for road widening along with land fronting Bonar Street, annotated as R1 (95sq/m) in Figure 2.

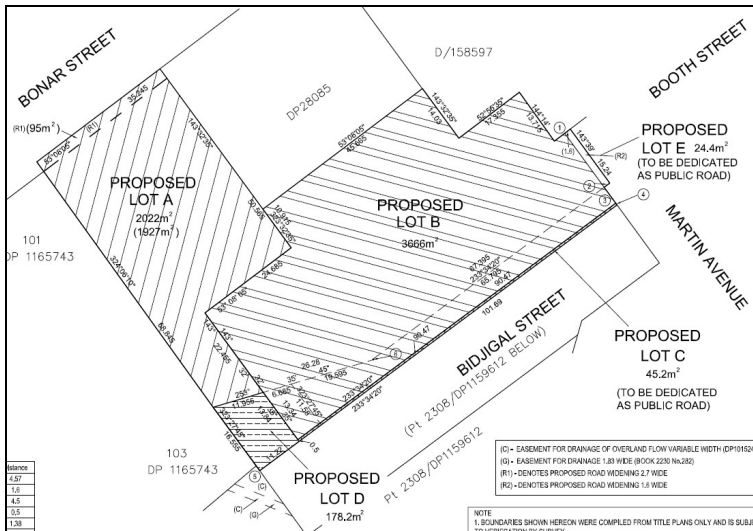


Figure 1 - Proposed subdivision into 5 lots.

Lot B

Construction of a part 9/8/7 storey residential flat building incorporating 149 residential units (80 x 1 bed / 54 x 2 bed / 15 x 3 bed) two basement car parking levels and two rooftop communal open space areas as follows:

Basement 2

109 car spaces, 9 bicycle and 5 motorbike spaces, residential storage, rainwater tank, service cupboards, circulation, lift access and fire stairs.

Basement 1

86 car spaces, 5 motorbike and 9 bicycle spaces, residential storage, services, circulation, lift access and fire stairs.

Ground Level

Residential units with associated private open space areas, individual pedestrian entries & raised courtyards from Martin Ave, Bidjigal Road and the proposed future Arncliffe Park. Two waste storage rooms, front fencing to Martin Avenue, Bidjigal Road and frontage to future Arncliffe Park with planters at the periphery of the site.

Level 1 - Level 7

Residential units, associated fire stairs, lift access and garbage chutes.

Level 8 / 9

Residential units associated fire stairs, lift access and garbage chutes. Rooftop communal open space areas (three in total) with associated bbq facilities, seating, shade structures, planting and landscaping.

Mass multi tiered planting is proposed to be incorporated into the façade of the development to Bidjigal Road and Martin Avenue within 0.9m deep planters. A range of landscaping is proposed within the front and side setbacks of the site to Bidjigal Road, Martin Avenue and the proposed Arncliffe Park. Face brick planters are proposed to house this landscaping.

Vehicular access to the site is proposed via Bidjigal Road. Level access is provided from the street to each of the two building entry points with a lift from basement to each level. The Bidjigal

Road frontage comprises a number of services, including a screened fire hydrant / booster, garbage rooms recessed into the building and fire exit stairs. A substation is proposed to be installed along the frontage of the site to Bidjigal Road.

A mix of finishes and materials are proposed, including face brick, rendered paintwork, aluminium window frames, obscure glazed and metal balustrades in addition to perforated metal sliding balcony screens. Wind amelioration measures are proposed in the form of 3m high impermeable screen along the western perimeter and 2m height impermeable screen along the southern perimeter of level 8 roof terrace. Associated stormwater, public domain and landscape works are proposed on site along with the removal of as is the removal of six trees and shrubs.



Figure 2 - Frontage of proposed development to Bidjigal Road

Site location and context

The subject site is an irregularly shaped property with direct street frontage to Martin Avenue (19.33m), Bonar Street (35.71m) and Bidjigal Road (90.45m). The site comprises 5 parcels of land (Lot C DP158978 / Lot 2309 DP 1159612 / Lot 2310 DP 1159612 / Lot 1 DP 233666 / Lot 2 DP 233666) and has a total site area of 5936.4sq/m. The site has a downwards slope of 2m -2.5m from Bonar Street to Bidjigal Road.

8-10 Martin Avenue is currently vacant following the recent demolition of industrial buildings on site with a total of seven trees scattered across the entire site. 47 Bonar Street is partially vacant and partially occupied by a marketing office for the development, with 49 Bonar Street currently vacant. The subject site is zoned RE1 public recreation and R4 - high density residential.

The images below depict the surrounding context of the site, which incorporates a future community park and square, in addition to high density mixed use and residential flat building development as existing and currently under construction. To the rear of the site lie six semi detached dwelling houses which are zoned for high density residential flat development.

To the north east of the site lies 63-69 Bonar & 27 Booth Street. This site was recently approved for the construction of a 4-6 storey residential flat building with 55 units. This development is currently under construction. To the south west lies 45 Bonar Street, this site comprises 4 x 10 storey recently completed residential towers with a total of 225 units. A substantial portion of this site was dedicated to form the remainder of the future Arncliffe community park.

To the south east on the opposite corner of Martin Avenue and Bidjigal Road lies 7 Wollongong Road. This site has approval for 2 x 6 storey residential flat buildings comprising a total of 82 units. This development is currently under construction. Directly opposite the site to the south in Bidjigal Road lies 11-15 Bidjigal Road, an 8 storey residential flat building with the upper level recessed. This building

formed part of 9 - 11 Wollongong Road which was redeveloped with two built forms one fronting Bidjigal Road the other a 9 storey building fronting Wollongong Road. This site comprises a total of 182 residential units.



Figure 3 - Subject site (vacant) and development on the opposite side of Bidjigal Road



Figure 4 - Development under construction to the north east and semi's to the rear



Figure 5 - Zoning map excerpt RLEP 2011



Figure 6 - Reservations as per RLEP 2011



Figure 7 - Context of approvals

The subject site is affected by:

- Flooding / Minimum floor levels
- Obstacle limitation surface / 15.24m building height civil aviation regulations
- Reserved land / Local road widening
- Class 5 - Acid Sulfate Soils - Class 5 (LEP 2011)
- Groundwater protection zone 3
- Affected by council pipes.

Statutory Considerations

Environmental Planning and Assessment Act, 1979

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

S.91A - Development that is Integrated Development

The proposal includes excavation works on site for two levels of basement car parking that will transect the water-table and require temporary dewatering during the construction phase. The proposal is therefore Integrated Development pursuant to Section 91 of the Environmental Planning and Assessment Act 1979, and requires approval from the NSW Office of Water (NOW). The NOW deemed that the construction dewatering proposed for the project would be an 'aquifer interference activity' in accordance with the definition in the Water Management Act 2000, and issued General Terms of Approval (GTA's) appropriate to this activity on 20 July 2015 which have been included in the Draft Notice of Determination.

S.93F - Planning Agreements

JRPP Operational Procedures require Council to detail any proposed Voluntary Planning Agreement (VPA) and its relationship to the application under assessment.

In accordance with the provisions of Section 93F of the EPA Act 1979 (as amended), the developer has entered into a Voluntary Planning Agreement (VPA) with Council in connection with the Planning Proposal for the site resulting in increased height and fsr.

The VPA will allow for the funding, construction and dedication of Lots A & D to Rockdale City Council in Figure 7 below, for the purposes of public open space and associated amenities. A range of works are proposed within the future intended park, including the provision of fill, dedicated pathways, ramps, staircases, planting of ground covers, shrubs, trees, stormwater works and lighting.

The VPA provides the following community benefits:

- Dedication of part of 47 and 49 Bonar St, Arncliffe for the purposes of Arncliffe Community Park and Central Square.
- The developer is to design and construct Arncliffe Community Park and and Central Square to Council's satisfaction, and
- Payment of \$200,000 of monetary contribution towards the embellishment of the aforementioned park.

Through entering the VPA, the developer will be excluded from any further S94 or S94A development contributions. However, the VPA contains a sliding scale clause where if the development achieves an FSR above 3.60:1 then the developer will pay Council a further development contribution of \$363,000 per FSR 0.1:1. In reverse, if the development results in an FSR below 3.60:1 then the Council must contribute \$363,000 per FSR 0.1:1 to the cost of the works.

This application has been conditioned to ensure any consent operates in conjunction with the Voluntary Planning Agreement for the subject site. The proposal has been conditioned to ensure the works subject of this approval are undertaken in tandem and that the final occupation certificate for the residential flat building on Lot B not be issued prior to the completion of public domain works within Arncliffe Community Park and Square (Lots A & D).

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

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

The following Environmental Planning Instruments are relevant to this application:

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

The applicant has submitted a BASIX Certificate for the proposed development. The Certificate number is 634006M. A condition has been imposed on the consent to ensure that these requirements are adhered to.

State Environmental Planning Policy No 55—Remediation of Land

The property is not identified in Council's records as being potentially contaminated, yet given its past industrial nature it is prudent to ensure the site is suitable for the proposed use. In accordance with the requirements of SEPP 55 two detailed site contamination investigation reports were prepared by Douglas Partners dated July 2014 and March 2015. The reports concluded as follows:

July 2014 - 47-49 Bonar Street, 9 Bidjigal Road and 8 Martin Avenue

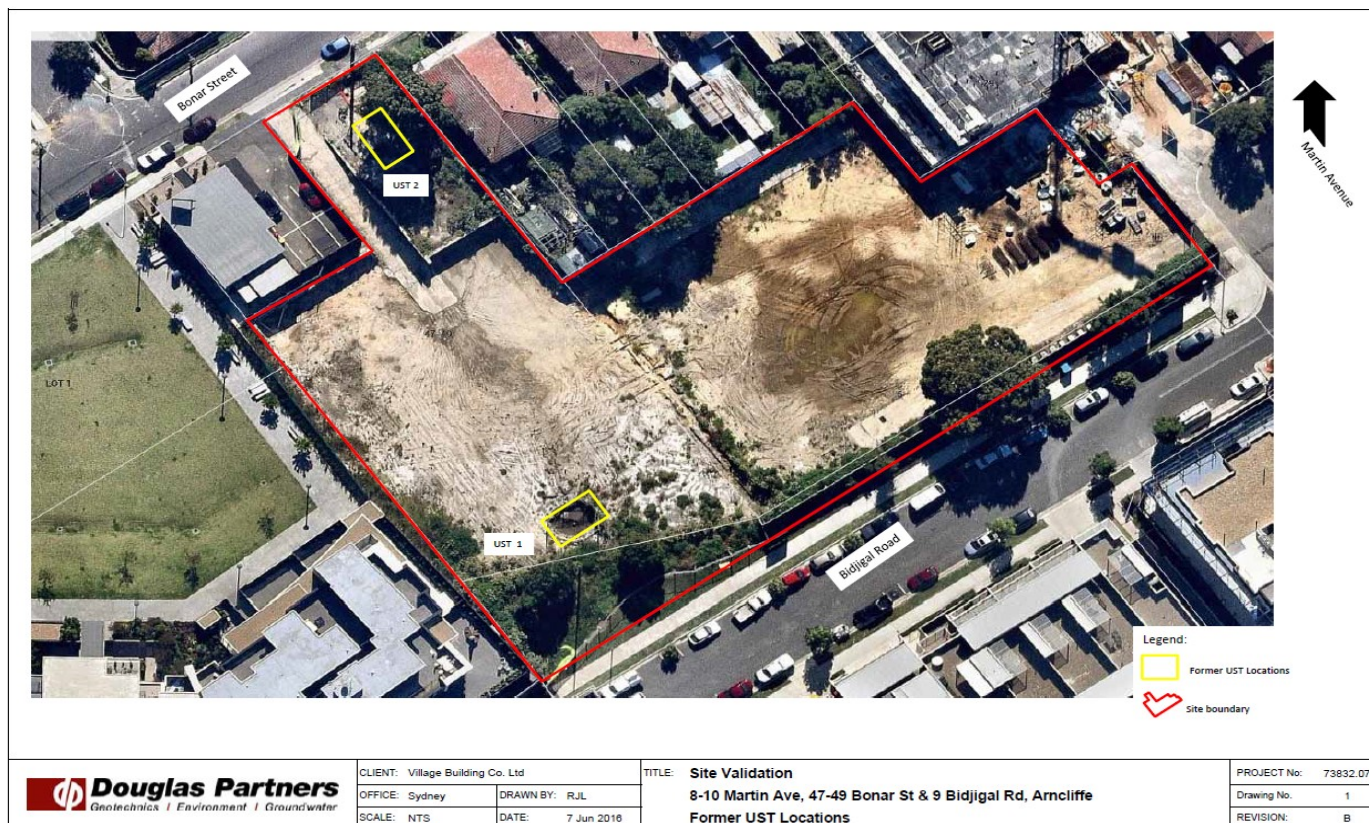
"The site can be made suitable for the proposed residential and public park development, subject to assessment of the surface and near surface soils upon completion of demolition of the existing buildings, identification, emptying and removal of the UST in the north-eastern corner of the site, and validation of the removal of the UST and any associated soil or groundwater impacts."

March 2015 - 10 Martin Avenue

"the site is suitable for the proposed high density residential development subject to assessment of the surface and near surface soils upon completion of demolition of the existing buildings."

Given the above, and in accordance with 'Managing Land Contamination Planning Guidelines' the above is understood to be Category 2 remediation works, being remediation work which may be carried out on site without development consent in accordance with the aforementioned guidelines and SEPP 55.

Accordingly, the applicant has commenced remediation works on site and submitted to Council a Validation Assessment, prepared by Douglas Partners Pty Ltd dated 7 June 2016, which stated *'the site is suitable, from a contamination standpoint, for the proposed development.'*



Douglas Partners Pty Ltd was engaged by the applicant to carry out a contaminated land assessment on the "site" as illustrated above. The validation assessment, by Douglas Partners Pty Ltd concluded the site is suitable for the proposed development, however, it should be noted that the "site" referred to by Douglas partners is not the "site" referred to in the subject application. The Douglas Partners Pty Ltd version of the "site" excludes the northwest corner of the property identified in the development application.

Concern is raised in regards to the above, given a portion of the subject site (47 Bonar Street) proposed to be public park has not been tested nor characterized given the existing single storey display suite building and hard stand car parking areas on the site.

Clause 7 of SEPP 55 requires the consent authority to be satisfied the site is suitable for the proposed development prior to consenting to a development. At this time, based on the information provided, only a portion of the site is suitable for the proposed use.

As such, it cannot be stated that the subject site in its entirety satisfies the requirements of SEPP 55 and is suitable for the proposed development.

In this regard, it is recommended that the determination of the application be deferred by the JRPP until such time that the applicant can provide additional information in order to ensure the entire site is suitable for the proposed development and the requirements of the SEPP are satisfied.

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

In accordance with clause 28(2) of this policy, the consent authority must take into consideration the following:

a. The advice of the Design Review Panel (DRP)

The preliminary proposal was referred to the Design Review Panel on two occasions in October and December 2014, prior to the formal submission of the subject development application. The preliminary proposal evolved from two ten storey towers on the subject site, to a single 9 storey building form and subsequently a stepped building form comprising a 7 - 9 storey building on site which is the subject development application.



Figure 8 - Preliminary scheme October 2014 prior to DA submission

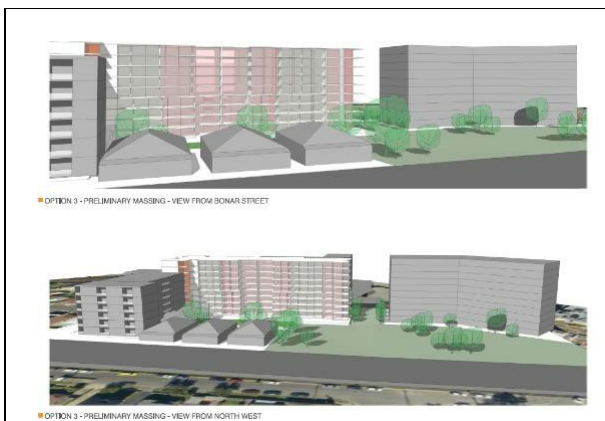


Figure 9 - Preliminary scheme December 2014 prior to DA submission

The DRP reviewed preliminary schemes, raising concerns with respect to FSR, scale, interface of the development with the future park, design and resolution of future proposed park, solar access, amenity and aesthetics. The DRP supported the form and configuration of pre-DA submission in principle but noted that the design was over scaled and that the proposal needed to be reduced in height and density to become appropriate to its context. These issues are discussed in detail below.

b. The design quality of the residential flat building when evaluated in accordance with the design quality principles.

The 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 DRP noted that the *"park, the chief focus of the area and the recipient of funding resulting from*

GFA over and above density requirements – was not sufficiently well documented (integrated with neighbouring open space to form one large open space, with building and access shown, levels, landscape etc) to gauge how the proposal addresses and facilitates movement through it".

Comment: Detailed plans and information for the proposed future park were submitted with the development application. Original park plans depicted various pathways zig zagging through the park. Councils Assets Department worked in tandem with the applicant to evolve and finalize the design of the park. Plans were ultimately amended with means of access through the park being simplified, public seating being appropriately positioned adjoining designated pathways, tables and seating provided adjoining the main turfed area and direct, integrated pedestrian access with the residential flat building proposed.



Figure 10 - Original park plan as proposed

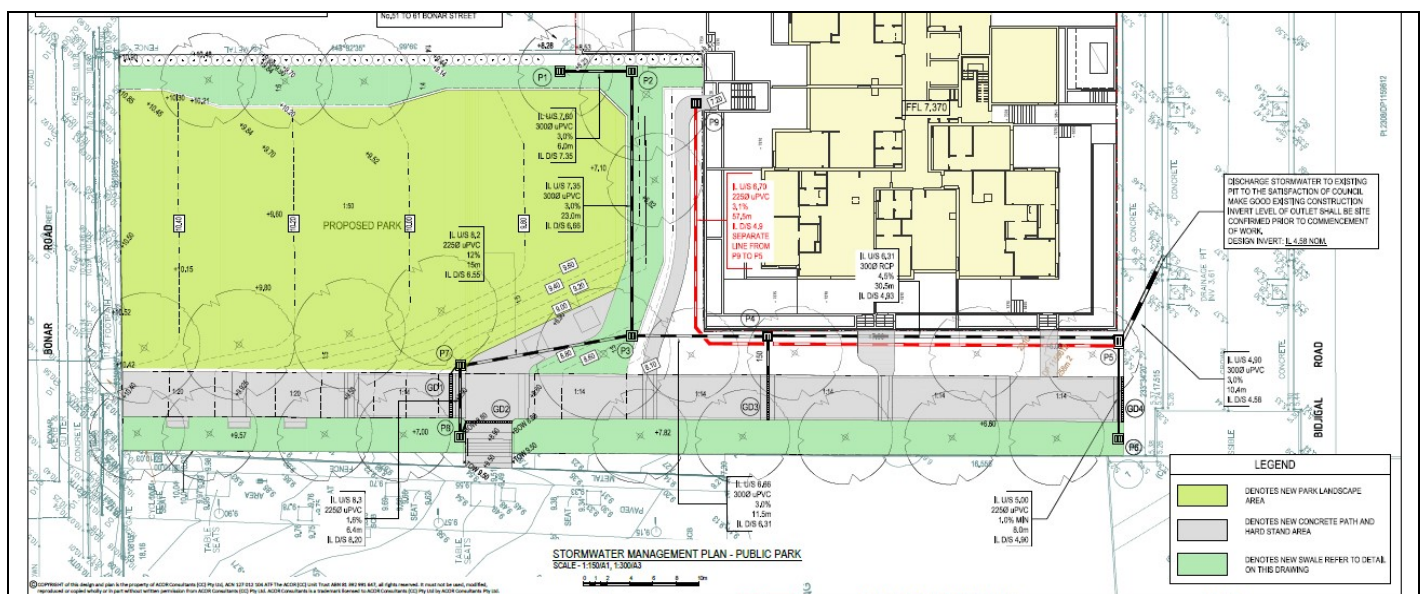


Figure 11 - Final park plan as proposed

In addition to the above, the proposed residential flat building has been designed to fit comfortably within the approved streetscape and is considered to be consistent with the nature of approvals

contextually surrounding the site. The immediately surrounding area is undergoing change from a relatively low density industrial area to a high density residential area to take advantage of the proximity to Arncliffe Railway station. The proposal relates satisfactorily to the existing and emerging context and approved neighborhood character.

Principle 2 – Scale

When considering the December 2014 scheme, the DRP noted that *"seven storey parapet of the building opposite establishes an appropriate scale for this proposal. Additional height should be minimized and setback from the street and park so as to read as discrete lightweight volumes so as to maintain an appropriately scaled street and park edge. Further articulation of the base levels would also be desirable to address the scale of this façade."*

Comment: Following a site inspection it was noted that the established building opposite the site, also fronting Bidjigal Road was eight storeys, with the top level recessed. Accordingly, and in accordance with the DRP comments above, the proposal has been designed to provide a scale of development which is sympathetic with its neighbour opposite and appropriately relates to the established existing streetscape within Bidjigal Road.

Plans indicate that the proposed development is 8 - 9 storeys in height, directly opposite the established 8 storey building form within Bidjigal Road. The 8th and 9th levels of the proposed development are recessed a minimum of 1.3m - 5.4m from the floors below to both the Bidjigal Road and future Park frontages of the site. The recess of upper levels, provision of openings to box framed balcony elements and use of varying light weight materials to upper levels allows the proposal to provide an appropriately scaled development which is considered to be consistent with established and emerging development within the vicinity of the subject site and will be generally consistent with the desired future character of the area. The proposal is satisfactory in regards to this principle.

Principle 3 – Built Form

When reviewing the December 2014 scheme, the DRP noted that the *"building would still be unduly assertive in the street due to its height, being one to two floors above the recently completed residential development on the opposite side of Bidjigal Street. As indicated on the shadow diagrams provided by the applicant there would be overshadowing in winter of the lower units in this same building. Although this as argued may still allow 3 hours sunlight to these units, the critical constraint is that loss of sunlight should be no greater than that caused by a development complying with the height and setback controls. As proposed the height is in the 30-31 metre range as against the permissible 21-24 metres."*

Comment: The matter of solar access has been discussed further within this report. The proposal retains appropriate levels of solar access to the established development opposite at 11-15 Bidjigal Road. From 9am - 12pm, 3 hours solar access is retained to habitable / private open space areas of units of 88/93 (94.6%) of residential dwellings within 11-15 Bidjigal Road. It is noted that 5 residential dwellings within this development, being four (4) units at ground level and unit G106 at first floor will receive a minimum of 2 hours and maximum of 2.5 hours of solar access in midwinter.

It is noted that as per the Planning Proposal for the subject site, exhibited Thursday 26 November 2015 to Wednesday 13 January 2016 the maximum height limit for the site is 31m. The proposed development comprises a maximum height of 28.7m to the top of the western most lift overrun and

28.86m to the highest building parapet at the western most portion of the building. The proposal complies with the height requirement for the subject site.

Given the frontage of the site to Bidjigal Road, the proposed development has been articulated into three distinct forms to reduce its bulk, and minimise the length and mass to the street. The proposed development will result in an attractive and consistent streetscape and building form within Bidjigal Road.

The DRP further noted that the *"two main entrance lobbies are potentially large enough to be welcoming, with space for seating etc. However they should surely both also open to the north to give attractive outlook and direct access to the communal open space. The upper-level floor plans provide the highly desirable daylight and ventilation to internal corridors, and this should also be provided to levels 2-4."*

Comment: Current plans do not propose communal open space at ground level to the rear of the site, as such the extension of corridors to the north are unnecessary given the current design and floor layout of the development. Floor plans indicate the provision of operable windows to internal corridors within the development, thus allowing for daylight and ventilation.

Principle 4 - Density

The DRP noted that the *"proposed density remains unchanged. It will need to be reduced in view of concerns set out above in relation to the bulk and height of the building, its adverse impacts on streetscape and existing buildings to the south and the physical and visual amenity of the park to the north."*

Comment: The proposed development complies with the FSR controls for the subject site. The proposed development has been designed to minimise overshadowing impacts on site and to neighbouring properties, with the development being designed to respond to its existing and emerging context. The density as proposed and designed on site is deemed to be satisfactory.

Principle 5 – Resource Energy and Water Efficiency

The DRP noted that *"in a development of this large scale the inclusion of environmental initiatives such as grey water recycling, solar energy collectors and greening of roofs is strongly encouraged."*

Comment: The proposal was accompanied by a BASIX certificate which confirms energy efficiency measures proposed to be implemented on site. The proposal meets the required water, thermal comfort and energy efficiency targets of SEPP - BASIX. Additionally the proposal has been conditioned to require the provision of natural turf and / or timber decking within rooftop communal open space areas in lieu of artificial turf as proposed. The proposal satisfies the requirements of this principle.

Principle 6 – Landscape

The DRP noted that *"the design response should consider the delineation of public and private areas and the interface between the two, welcoming the public into public spaces and thoroughfares and clearly delineating private areas through design character, materials, structures and other elements. Grading, access and drainage from Bonar Street through to the development needs to be resolved. In principle, the area of deep soil available should be leveraged for planting of large*

canopy tree species."

Comment: The detailed design of the park forms part of the Voluntary Planning Agreement referred to within this report. As discussed within 'Context' above, the applicants consulting team has worked in tandem with Councils Assets Department to evolve and finalize the design of the park to an acceptable standard which incorporates graded and accessible pathways, substantial planting, appropriate drainage, tree planting, public furniture, materials and finishes.

Further to the above, with respect to the residential development on site, it is noted that the proposed residential development provides for three communal outdoor spaces which are considered to be appropriately located and include bbq facilities, planting, seating and associated shade structures.

The design of the rooftop communal open space areas will encourage social interaction and provide a high level of amenity for future occupants.

Principle 7 - Amenity

The DRP noted that the *'floor plans demonstrate that the amenity of units should be of good standard and readily satisfy the recommendations of the RFDC'*. The proposed development achieves the cross ventilation requirements of the SEPP and RFDC. Units, habitable rooms and balconies are of reasonable size and dimensions and appropriate storage has been provided within dwellings. Three communal open space areas are provided on site, with varied outdoor spaces which will encourage social interaction between future occupants. Additionally the proposed development is located adjoining a future public park which will offer valuable amenity to future residents.

Solar access to residential units is restricted as noted within the table below, with 83 of 149 units (56%) receiving 2 hours solar access to living areas in midwinter and 73 of 149 units (49%) achieving 2 hours solar access to private open space areas in midwinter.

It is important to quantify that given the site orientation, natural topography, adjoining approved high density development to the north east at 63-69 Bonar Street & 27 Booth Street and design of the proposal which provides a continuous street address to Bidjigal Road, it is inevitable that reduced levels of solar access will be achieved within the proposed development. Notwithstanding, the proposal has been designed with spacious and appropriately dimensioned living and private open space areas which are oriented in the best manner possible on site. The configuration, layout and design of units, and their overall size, spaces and rooms are practical and achieve appropriate ventilation and outlook. Additionally the development benefits from the provision of an accessible rooftop communal open space area which will receive maximum solar access in midwinter.

The proposal as designed will ensure that a satisfactory level of amenity is afforded to future residents.

Principle 8 - Safety and Security

The DRP noted that the design was satisfactory with respect to this principle subject to the *"detail design of the interface between the new public park and the communal spaces which are part of the development."*

Comment: The current scheme does not incorporate communal open space at ground level to the rear of the building, as proposed in previous schemes. The rear of the building is provided as private open space areas for ground level residential units. Appropriate periphery planter boxes, individual unit

entries and courtyard fencing are provided along the site frontage to the new public park.

The development provides two prominent and clearly identifiable building entries to Bidjigal Road which comprise direct pedestrian access, generous lobbies and provide a high level of visibility to the street.

Ground level units fronting Bidjigal Road and the future park are also provided with direct independent access. Residential apartments, communal open space & car parking areas will be accessible via a secure electronic system. Common areas are proposed to be well lit and accessible with clearly defined pathways.

The proposal will be conditioned to require the provision of CCTV security cameras at residential entries and basement levels, with clear directional signage to be provided on site to advise users of security measures in place. The proposal is satisfactory in regards to the requirements of this principle.

Principle 9 – Social Dimensions

The DRP notes that "entrance lobbies should be developed to include seating, notice boards etc and it would be highly desirable to include two small enclosed communal spaces at roof-top level served by the elevators of each service core. These could have excellent views and sunlight, and potentially be also commercially attractive in relation to sale of units."

Comment: Plans depict the provision of externally located letter boxes on site at ground level. There does not appear to be provision for seating or notice boards within ground level residential lobbies, as such the proposal has been conditioned to require their installation.

Enclosed communal rooms are not provided within the level 8 or 9 external communal open space areas on site. These communal open space areas are provided with covered areas for casual gatherings along with a kitchen and bbq facilities. Both lifts extend to levels 8 and 9 with an enclosed lobby provided for access to these spaces. Perimeter landscaping will shield the communal open space area from the effects of wind and assist in providing an aesthetically pleasing and attractive space.

The design of the development and proposed unit mix provides for varied housing choice for a variety of household types. The development is designed to provide three communal facilities with various spaces including lawn and paved areas, timber shade structures, benches, sun lounges, communal bbq and sink facilities an array of vegetation. The proposal has been designed to encourage and provide opportunities for social interaction between future occupants. The DRP was supportive of the proposal in regards to this principle.

Principle 10 - Aesthetics

The DRP noted that "the important Bidjigal Road/Martin Avenue corner form appears too high and far to assertive, an alternative would be to return the corner at the scale of the approved north south wing of the approved development to the north and introduce setback higher massing closer to the higher adjoining building to the west. The balconies generally are also over-emphasized".

Comment: The height of the development at the Bidjigal Road / Martin Avenue corner has been reduced from 9 to 7 storeys following review by the DRP in December 2014. The reduced scale of this corner allows the development to better relate to the approved development under construction within

the adjoining north eastern site at 63-69 Bonar & 27 Booth Street. The frontage of the proposed development to Bidjigal Road is articulated into three forms to reduce its bulk, and minimise the length and mass of the proposed development to Bidjigal Road.

Balconies addressing street frontages are appropriately located and design to incorporate a number of treatments, including obscure glass, sliding screens and angled aluminium louvres. Additionally the proposal incorporates a varied palette of colours and materials to create visual interest when viewed from the public domain. Materials proposed include but are not limited to rendered concrete, face brick, obscure glass balustrades, horizontal timber slat fencing and perforated metal sliding screens to balconies. These materials will provide a modern, contemporary, high quality and visually appealing development on site.

At ground level, planter boxes are provided along the periphery of the site to Bidjigal Road and the future park, with plants capable of growing to a height of up to 3m. These planters will soften the raised floor level of the development, which is directly correlated to the flood affectation of the property and provide amenity and visual interest. The DRP proposed development satisfies this principle.

c. The Residential Flat Building Code.

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

Development Standard	Yes / No	Compliance
Apartment building depth 10-18m, with wider buildings need to demonstrate satisfactory daylight and natural ventilation	Partial	Maximum 25.7m maximum building depth at western wing of building comprising units 615/616/617 & at levels above. These units are corner / single aspect with western orientation and obtain appropriate solar access & cross ventilation.
Building Separation Varies	Partial	See discussion below.
Single-aspect apartments should be limited in depth to 8m from a window	Partial	8.139m i.e. unit 112/113/114 & above. Minor variation unlikely to result in adverse amenity impacts.
The back of a kitchen should be no more than 8metres from a window	Partial	8.479m i.e. units 111/107 & above. Minor variation unlikely to result in adverse impacts, dual aspect units provide opportunities to cross ventilate.
Provide primary balconies to all apartments with minimum depth of 2 metres	Yes	Balcony depth >2m
Habitable rooms to be a minimum 2.7metres ceiling height	Yes	2.7m floor to ceiling

Accessible storage to apartments: One bed = 6m³ Two bed = 8m³ Three bed = 10m³ Minimum 50% within unit	Yes	Suitable fixed storage provided within units, with supplementary provided at basement level.
Living rooms and private open space for at least 70% of apartment receive a minimum of 3 hours sunlight between 9am and 3pm in mid-winter. In dense urban areas a minimum of two hours may be acceptable	No	83 of 149 units (56%) receive 2 hours solar access to living areas in midwinter. 73 of 149 units (49%) achieve 2 hours solar access to private open space areas in midwinter A variation to the solar access requirement is evident as noted above. Given the orientation, natural topography of the site, adjoining approved high density development to the north east at 63-69 Bonar Street & 27 Booth Street and the design of the proposal which provides a continuous street address to Bidjigal Road, it is inevitable that reduced levels of solar access will be achieved within the proposed development. The RFDC stipulates that a minimum of two hours of solar access is acceptable in high density urban areas. In order to counter the above variations and maximize amenity to proposed residential units, the proposal has been designed with spacious and appropriately dimensioned living and private open space areas. The configuration, layout and design of units, and their overall size, spaces and rooms are practical and achieve appropriate ventilation and outlook. Additionally the development benefits from the provision of an accessible rooftop communal open space area which will receive maximum solar access in midwinter. A variation is supported in this instance given the above factors.

Limit single-aspect apartments with southerly aspect to 10% (15 of 149)	No	36 of 149 units = 24% south facing Proposal indicates a variation of 14% to this requirement. Given the orientation of the site and design of the development to provide a continuous street address to Bidjigal Road, it is inevitable that a number of south facing units will eventuate. These units as discussed above comprise well designed, functional internal layouts, ample private open space areas and will benefit from well designed and accessible rooftop communal open space areas which receive maximum solar access. A variation in this instance is supported.
60% (90 of 149) of residential units should be naturally cross ventilated.	Yes	62.4% (93 of 149) units are naturally cross ventilated.
25% (38 of 149) kitchen of development should have natural ventilation	Yes	34.2% (51 of 149) kitchens have natural ventilation to kitchens
Minimum 20% (30 of 149) dwellings in the development have barrier free access.	Yes	Development comprises barrier free access from basement to residential levels and communal rooftop open space areas.

Building Separation

The RFDC recommends a minimum building separation of 12m - 18m between the proposed development and its adjoining neighbours. Properties to the rear of the site being 51-61 Bonar Street are as yet not developed to their full potential and exist as semi detached dwellings. Nonetheless, the proposal has been designed to ensure appropriate building separation is provided on site between the proposed development and any future development likely to occur upon the Bonar Street properties to the rear. The development provides a rear building setback of 17.4m - 22.2m from the rear of the building / balconies of units within the development to the rear property boundary with Bonar Street properties.

To the north / north east, the adjoining property at 63-69 Bonar & 27 Booth Street is currently under development. The design of the building on this adjoining property on this site is such that it adjoins part of the north eastern and north western boundaries of the site. Given the natural topography of the area, and design of the approved development to the north / north east, the floor levels of the proposed development and adjoining approved development do not align.

The approved neighbouring development has been designed with east/west oriented units, with bedrooms to the south western wall of this building from ground to level 2. Given the alignment of the approved and proposed development, difference in floor levels and lack of balconies to bedrooms of the approved neighbouring development, visual privacy between the proposed development and its

approved neighbour are satisfactory.

It is noted however that levels 3 (18.1RL), 4 (23.5RL) and 5 (27.5RL) of the approved neighbouring development comprise balconies to bedrooms as can be seen below. The proposed development has been designed with balconies facing the rear of the site. Although proposed levels 5 (19.17RL), 6 (22.12RL) and 7 (25.07RL) of the development do not directly align with levels 3/4/5 of the approved neighbouring development, given the reduced building separation (7.7m - 10m) there is the potential for adverse visual privacy impacts between neighbouring developments.

As such the applicant has amended plans to incorporate privacy screening to balcony edges as can be seen below. This ensures that the potential for direct sight lines is eliminated and maximizes privacy between neighbouring developments. In this regard, despite the insufficient building separation proposed in this instance, visual privacy is considered to be retained.

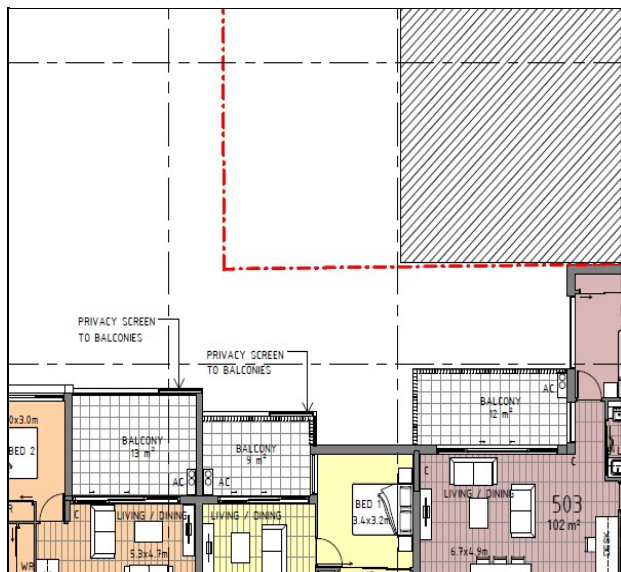


Figure 12 - Proposed privacy screens to balconies

Rockdale Local Environmental Plan 2011

Relevant clauses	Compliance with objectives	Compliance with standard/provision
2.3 Zone R4 High Density Residential	Yes	Yes - see discussion
2.3 Zone RE1 Public Recreation	Yes	Yes - see discussion
2.6 Subdivision - consent requirements	Yes	Yes
4.3 Height of buildings	Yes	Yes - see discussion
4.4 Floor space ratio - Residential zones	Yes	Yes - see discussion
5.1 Local open space	Yes	Yes - see discussion
5.1 R4 High Density Residential	Yes	Yes - see discussion
5.1A Development on land intended to be acquired for a public purpose	Yes	Yes - see discussion
5.9 Preservation of trees or vegetation	Yes	Yes - see discussion
5.9AA Trees or vegetation not prescribed by development control plan	Yes	Yes
6.1 Acid Sulfate Soil - Class 5	Yes	Yes - see discussion
6.2 Earthworks	Yes	Yes - see discussion

Relevant clauses	Compliance with objectives	Compliance with standard/provision
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 R4 High Density Residential

Part of the subject site is zoned R4 - High Density Residential under the provisions of Rockdale Local Environmental Plan 2011 (RLEP 2011). This part of the site is proposed to be redeveloped for the purposes of a 'residential flat building' which constitutes a permissible development with consent. The proposed development is consistent with the objectives of the zone and provides for the housing needs and of the community.

2.3 Zone RE1 Public Recreation

Part of the subject site is zoned RE1 - Public Recreation under the provisions of Rockdale Local Environmental Plan 2011 (RLEP 2011). The proposal incorporates a "community facility" within that part of the site, being the future Arncliffe community park and square, which constitutes a permissible development with consent. The proposed development is consistent with the objectives of the zone and provides for a future public open space for recreational purposes for the local community.

4.3 Height of buildings

As per the Planning Proposal for the subject site, exhibited Thursday 26 November 2015 to Wednesday 13 January 2016 the maximum height limit for the site is 31m. The proposed development comprises a maximum height of 28.7m to the top of the western most lift overrun and 28.86m to the highest building parapet at the western most portion of the building. The proposal complies with the height requirement for the subject site and objectives of this clause.

4.4 Floor space ratio - Residential zones

For the purposes of FSR calculations, the total site area is 3177sq/m. This excludes the total site area of the properties at 8 Martin Avenue and part of 9 Bidjigal Road. Both aforementioned parcels are residual land of the development opposite the subject site at 9-11 Wollongong Road. They were unable to be incorporated in the redevelopment of 9-11 Wollongong Road because of the requirement to construct Bidjigal Road. The residual land, however, was included in the calculation of the gross floor area entitlements and the resulting development at 9 - 11 Wollongong Road benefited from these entitlements.

Condition 68 of the approved DA at 9-11 Wollongong Road required the dedication of these lots to Council at no cost. These lots were then to be transferred to the owner of 10 Martin Avenue with no FSR entitlement. A covenant was to be registered on the title of each aforementioned parcel noting that the floor space ratio entitlement has already been exhausted. As such for the purposes of this assessment, the developable site area is 3177sq/m.

As per the Planning Proposal for the subject site, exhibited Thursday 26 November 2015 to Wednesday 13 January 2016 a maximum FSR of 3.93:1 applies to the subject site. This equates to a maximum permissible gross floor area of 12 485.61sq/m. The proposal comprises a total of 12 458sq/m of gross floor area and FSR of 3.92:1 and complies with the FSR requirement for the site.

5.1 Local open space

The portion of the subject site zoned RE1 - Public Recreation is to be dedicated by the applicant to Council for a community park in accordance with the provisions of this clause, the subject zoning and the voluntary planning agreement entered into by the applicant. The proposal has been conditioned accordingly to ensure this occurs.

5.1 R4 High Density Residential

As per the local road reservations identified upon RLEP 2011 mapping, the site is affected by three local road reservations. Of these, it is noted that the Bidjigal Road reservation affecting the site has been acquired by Council, with Bidjigal Road having been constructed and completed, prior to the lodgement of this application.

Notwithstanding the aforementioned, an additional strip of land 0.5m in depth identified as Lot C on the proposed subdivision plan and running the length of proposed Lot B is to be dedicated to Council in addition to the below reservations.

Accordingly the following two reservations are required as per RLEP 2011 and will require the dedication of the following portions of the site.

- a. Martin Avenue - 1.6m depth strip of land along the entire Martin Avenue frontage of the site.
- b. Bonar Street - 2.7m depth strip of land along the entire Bonar Street frontage of the site.

Plans confirm that the above reservations are provided and as such the proposal complies with the requirements of this clause.

5.1A Development on land intended to be acquired for a public purpose

As previously discussed within this report, proposed works for the construction of the residential flat building and basement car parking levels are clear of the reservations affecting the subject site. The proposal has been conditioned accordingly and complies with the relevant provisions of this clause.

5.9 Preservation of trees or vegetation

The proposal seeks to remove six (6) trees on site in order to facilitate the redevelopment of the property. A seventh tree (Camphor Laurel) within 49 Bonar Street was proposed to be retained and incorporated into the future Arncliffe Community Park. The aforementioned trees were approved for removal and retention as part of DA-2016/71 which was approved under delegated authority to enable excavation, shoring and piling upon the subject site in December 2015.



Notwithstanding the above it is noted that an Arboricultural Impact Appraisal and Method Statement prepared by 'Naturally Trees' and dated 27 May 2015 was submitted with the application. The report concludes that trees 1-6 are "low category trees" and that they may be removed from the site.

Council's Tree Management Officer has reviewed the aforementioned report and raised no objection to its findings. Appropriate conditions have been imposed in the draft Notice of Determination, regarding the protection and retention of the existing tree to be retained and the removal of site trees subject to suitable replacement trees being planted in appropriate locations.

6.1 Acid Sulfate Soil - Class 5

Acid Sulfate Soils (ASS) – Class 5 affect the property. Development Consent is required as the proposed works are within 500 metres of adjacent Class 3 land and proposed excavation works on site are likely to disturb potential acid sulphate soils on site.

An Acid Sulfate Soils Management Plan (ASSMP) prepared by Douglas Partners and dated May 2015 was submitted with the application. The ASSMP outlines procedures for the appropriate management/mitigation of potential environmental impacts that may result from the disturbance of acid sulphate soils (ASS), provides a monitoring program for validating the effectiveness of the management process and contingency procedures.

Conditions of consent are imposed in the draft Notice of Determination to ensure the procedures, monitoring and contingency measures outlined within the ASSMP are implemented on site. The proposal is consistent with the objectives and requirements of clause 6.1.

6.2 Earthworks

The proposal involves extensive excavation within the site to accommodate the basement levels in addition to proposed fill within parts of 47-49 Bonar Street in order to provide level areas for the future intended Arncliffe Community Park and Central Square.

The impacts of the proposed earthworks have been considered in the assessment of this proposal. Conditions of consent have been imposed in the draft Notice of Determination to ensure minimal impacts on the amenity of surrounding properties, drainage patterns and soil stability. The proposal meets the objectives of this clause.

6.4 Airspace operations

The proposed development is affected by the Obstacle Limitation Surface (OLS) 51AHD. The building height is at 35.36RL and in this regard, it is considered that the proposed building will have minimal adverse impact on the OLS.

6.6 Flood Planning Land

The site is affected by flooding and accordingly, the proposed development will require protection from flooding by setting minimum floor level. The applicant submitted a Flood Advice Letter with the Development Application, indicating the minimum floor levels required for the proposed development on the subject site at 7.37RL.

The proposal has been designed to ensure that driveway crossings and floor levels are above the 100 year street flood level. The plans were referred to the Council's Engineer and appropriate conditions of consent have been incorporated in the draft Notice of Determination, including compliance with the Flood Management Plan. Subject to compliance with these conditions, the proposal is satisfactory in regards to flooding.

6.7 Stormwater

The proposal involves the construction of an on site detention system to manage stormwater. The proposed stormwater system has been approved by Council's development engineers and is consistent with this clause.

6.12 Essential services

Services will generally be available on the site. Additional conditions have been incorporated in the draft Notice of Determination requiring consultation with relevant utility providers in regards to any specific requirements for the provision of services on the site.

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

At the time of writing this report, the subject site is affected by draft Rockdale LEP Amendment 12, also referred to as the Planning Proposal within this report. Draft LEP Amendment 12 relates to increased height and FSR upon the subject site.

It is reiterated that this assessment has been prepared on the basis that Amendment No. 12 has been made, as provided for by s 72J of the EPA Act. At the time of preparing this report, it is understood that the making of the Amendment No. 12 is imminent, though the precise date that it will be made is unknown.

Concern was raised in relation to the potential impact of the Land and Environment Court's decision in *De Angelis v Wingecarribee Shire Council* [2016] NSWLEC 1, which arguably gave an interpretation to cl 1.8A of the LEP there in question (which is identical to cl 1.8A of Council's LEP) which would have required that the current application be assessed as if Amendment No. 12 had not been made. This would have been an illogical outcome, given that the precise purpose of the planning proposal, being to increase height and FSR for the subject site to facilitate the proposed development, would technically have no application.

As a result of the above Council requested an amendment to Amendment No. 12 to make it clear, for the avoidance of any doubt, that Amendment No. 12 applies to the application which is the subject of this report.

The Department of Planning and Environment confirmed in writing that Amendment No. 12 is proposed to contain this provision. Therefore, at the time of writing this report it appears that once Amendment No. 12 is made, none of the aforementioned concerns regarding the potential application of the De Angelis decision will arise and the proposal will be consistent with the draft environmental planning instrument known as Amendment 12.

Further to the above, 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. The subject application was submitted to Council on 29 May 2015, 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
4.1.1 Views and Vista	Yes	Yes
4.1.3 Water Management	Yes	Yes
4.1.3 Flood Risk Management	Yes	Yes
4.1.3 Groundwater Protection	Yes	Yes
4.1.4 Soil Management	Yes	Yes
4.1.6 Development on Sloping Sites	Yes	Yes - see discussion
4.1.7 Tree Preservation	Yes	Yes - see discussion
4.1.9 Lot size and Site Consolidation - Residential flat buildings	Yes	Yes - see discussion
4.2 Streetscape and Site Context - General	Yes	Yes - see discussion
4.2 Streetscape and Site Context - Fencing	Yes	Yes - see discussion
4.3.1 Open Space and Landscape Design - Residential Flat Buildings	Yes	Yes - see discussion
4.3.2 Private Open Space - Residential Flat Building/Shoptop housing	Yes	No - see discussion
4.3.3 Communal Open Space	Yes	Yes - see discussion
4.4.1 Energy Efficiency - Residential	Yes	Yes - see discussion
4.4.2 Solar Access - Residential Flat Buildings and Shop Top Housing	Yes	Yes - see discussion
4.4.4 Glazing - General Controls	Yes	Yes - see discussion
4.4.5 Visual privacy	Yes	Yes - see discussion
4.4.5 Acoustic privacy	Yes	Yes - see discussion
4.4.7 Wind Impact	Yes	Yes - see discussion

Relevant clauses	Compliance with objectives	Compliance with standard/provision
4.5.1 Social Equity - Housing Diversity and Choice	Yes	No - see discussion
4.5.2 Social Equity - Equitable Access	Yes	Yes - see discussion
4.6 Parking Rates Residential Flat Buildings	Yes	No - see discussion
4.6 Car Park Location and Design	Yes	Yes
4.6 Vehicles Enter and Exit in a Forward Direction	Yes	Yes
4.6 Basement Parking - General	Yes	Yes
4.6 Driveway Widths	Yes	Yes
4.6 Basement Parking - Residential Flat Buildings	Yes	Yes
4.6 Access to Parking	Yes	Yes - see discussion
4.6 Design of Loading Facilities	Yes	Yes - see discussion
4.6 Car Wash Facilities	Yes	Yes - see discussion
4.6 Pedestrian Access and Sustainable Transport	Yes	Yes
4.7 Air Conditioning and Communication Structures	Yes	Yes - see discussion
4.7 Waste Storage and Recycling Facilities	Yes	Yes - see discussion
4.7 Service Lines/Cables	Yes	Yes - see discussion
4.7 Servicing - Wolli Creek and Bonar Street	Yes	Yes - see discussion
4.7 Laundry Facilities and Drying Areas	Yes	Yes
4.7 Letterboxes	Yes	Yes - see discussion
4.7 Hot Water Systems	Yes	Yes
5.2 RFB - Apartment Size	Yes	No - see discussion
5.2 RFB - Building Entry	Yes	Yes - see discussion
5.2 RFB - Lift Size and Access	Yes	Yes - see discussion
7.2 Bonar Street Precinct	Yes	No - see discussion

4.1.6 Development on Sloping Sites

As a result of the topography of the site and flood affectation of the property, plans indicate the provision of raised courtyards at ground level to the frontage of the site to Martin Avenue, Bidjigal Road and fronting the future intended park.

Raised courtyards are setback 2m from the periphery of the site and are provided with open form fencing. Additionally planter boxes with screen planting ranging in height from 1.2m - 3m are provided along the periphery of the site boundaries to soften raised courtyard walls.

Further to the above, a number of rear ground level courtyards within the development have been stepped in order to respond to the natural topography of the site.

Consideration has been given to the proposed levels of the future intended park. Fill is proposed in order to provide a level open space fronting Bonar Street, with ramp access provided directly from Bonar Street linking to Bidjigal Road. Councils City Assets Department has reviewed and approved the proposed design of the park. Pathways, ramps and various spaces within the future intended park have been designed to relate to the topography of the site and correlate with the proposed residential flat building the subject of this application.

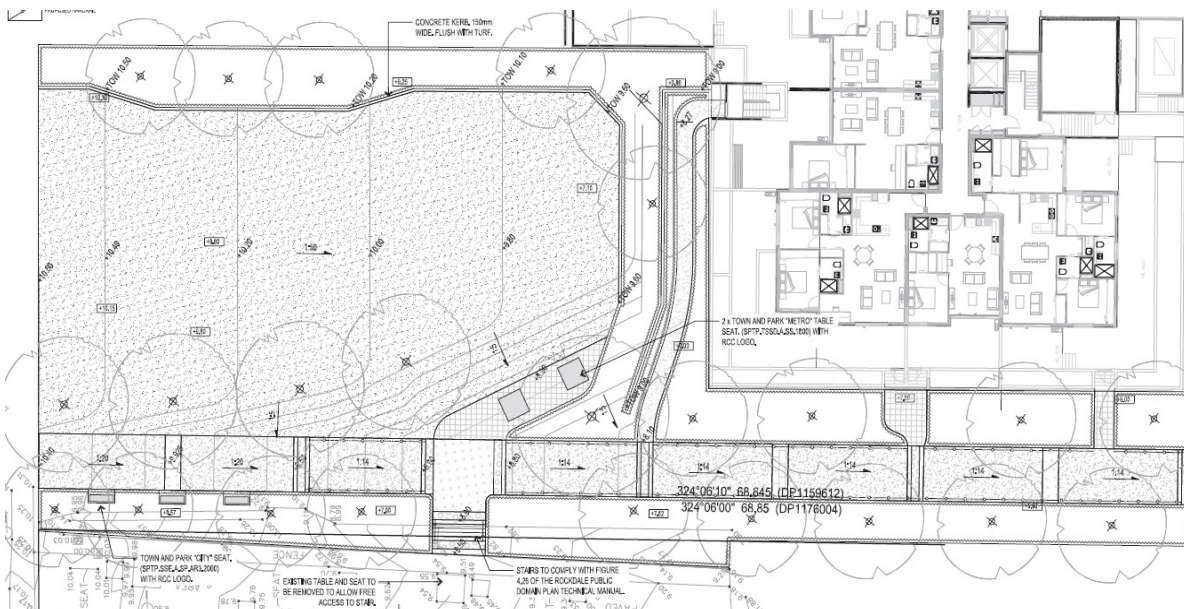


Figure 14 - Final design of Arncliffe Community Park and Central Square

The proposal is considered to be satisfactory with respect to the objectives and requirements of this clause.

4.1.7 Tree Preservation

The matter of trees has been previously addressed within this report.

4.1.9 Lot size and Site Consolidation - Residential flat buildings

A minimum 24m frontage is required for the redevelopment of the site for residential flat development. The subject site is proposed to comprise a frontage of 90.47m to Bidjigal Road and as such complies with the requirements and objectives of this clause.

4.2 Streetscape and Site Context - General

The proposed development has been aligned and sited to address its extensive street frontage to Bidjigal Road and secondary frontage to Martin Avenue. The proposed development provides a street wall periphery form of development and discussed within the SEPP 65 section of this report, is considered to then be compatible in its overall bulk, scale and streetscape character with the existing development opposite the site at 9-11 Wollongong Road which comprises an 8 storey residential flat building fronting Bidjigal Road.

The proposed development is seven storeys at the junction of Martin Ave and Bidjigal Road. The proposal at this location is considered satisfactory, as it addresses the corner location of the site and is consistent in height and scale with development approved and under construction upon the adjoining north eastern property at 63-69 Bonar and 27 Booth Street.

With respect to the eastern elevation of the development, fronting Martin Ave and Booth Street, it is noted that a portion of this elevation at levels 5-7 is located on the boundary of the site with the NE adjoining neighbour. Given its location on the boundary and relevant fire safety considerations, it has been provided as a blank wall, 10m in length for 3 storeys. The provision of the aforementioned blank wall is visually dominant and as such it is proposed that this wall be treated with a textured concrete finish with a decorative pattern as can be seen below.

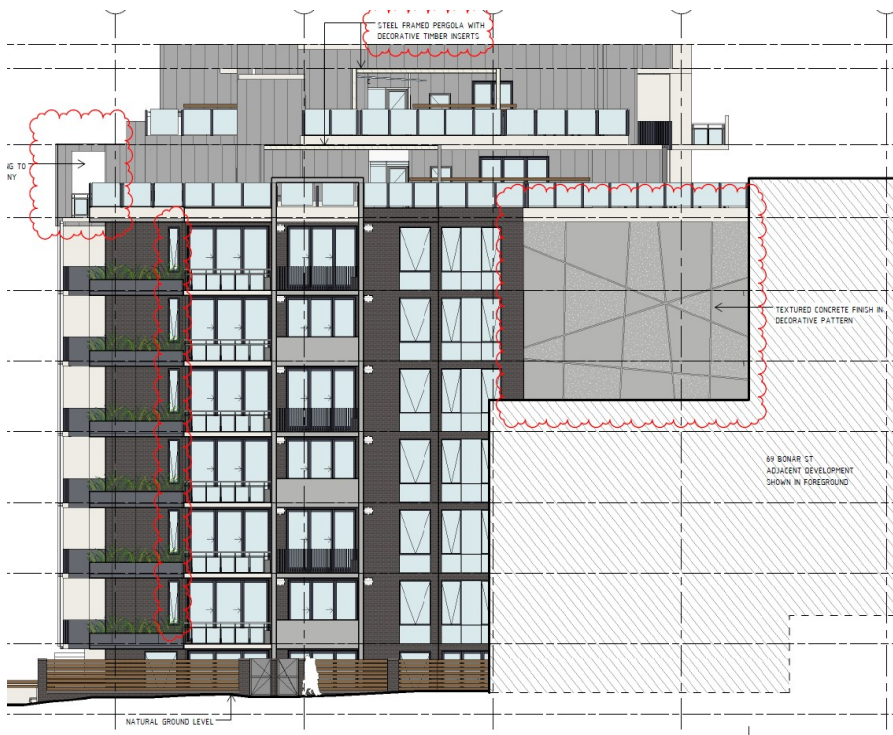


Figure 15 - Textured concrete elevation

Given the frontage of the site to Bidjigal Road, the proposed development is articulated vertically into three forms to reduce its bulk, and minimise the length and mass to the street. The proposal incorporates a varied palette of colours and materials to create visual interest when viewed from the public domain. Materials proposed include but are not limited to rendered concrete, face brick, obscure glass balustrades, timber and perforated screens to balconies. These materials will provide a modern, contemporary, high quality and visually appealing development on site.

The proposed development provides an appropriate built form, intensity and public domain response on the subject site and contributes to the streetscape character of emerging development within context of the site.

It is reiterated that the area is undergoing a transition from an industrial to high density residential area, to take advantage of the proximity to Arncliffe railway station. The design of the development is consistent and sympathetic with the desired future character and context of the area in terms of bulk, building height and scale and provides for a suitable building configuration within the zone and context of the site.

4.2 Streetscape and Site Context - Fencing

As per the requirements of DCP 2011, open construction front fences to a maximum height of 1.8 m may be permitted, given the circumstances of the case. The controls further require that the solid portion in open construction fences is to be no higher than 600mm. Established front boundary fencing within Bidjigal Road opposite the site comprises a maximum height of 1.8m, with a solid masonry component at the lower portion with horizontal aluminium slats above.

Fencing of the proposed development incorporates a range of heights as follows at the front alignment of the site to Martin Avenue, Bidjigal Road and the future Arncliffe Community Park.

- Martin Avenue - Slat horizontal timber fencing with masonry columns 1.5m - 1.95m in height at junction of Martin Avenue and Bidjigal Road.

- Bidjigal Road - 0.2m - 0.95m high planters to Bidjigal Road site boundary. Planters have a 2m depth into the site, with fencing to residential courtyards adjoining. Courtyard fencing comprises a height of up to 1.8m, with solid base elements 1m - 1.2m in height and horizontal timber slats varying in height (0.5m - 1m) given the natural topography of the site which slopes down from the junction of Martin Avenue & Bidjigal Road.
- Future Arncliffe Community Park - Planters at the periphery of the site in this location have a 1.3m depth into the site and maximum height of 1m. Behind proposed planters are courtyard fences, which are partially raised given the topography of the site and basement slab below and comprise heights from 1.8m - 2.5m above natural ground level.

Given the above, taking into consideration the topography of the site and use of planters at the periphery of the site, fencing as proposed is considered to be satisfactory and satisfies the objectives of this clause.

4.3.1 Open Space and Landscape Design - Residential Flat Buildings

A minimum of 15% (553.65sq/m) of the site is required to be retained as landscaped area. The development provides a total of 2276sq/m deep soil planting in the form of the proposed future park (Lot A) and 191.6sq/m along the rear boundary of Lot B forming the site of the residential flat building. Accordingly a total of 2467.6sq/m (66%) of the site is retained as landscaped area and as such the proposal complies with the objectives and requirements of this clause.

4.3.2 Private Open Space - Residential Flat Building/Shoptop housing

Proposed balconies comprise minimum dimensions of 2m, yet do not all satisfy the minimum external area requirements of this clause and the RFDC. i.e. 21sq/m balcony required for 2 bedroom cross through apartment, 9sq/m balcony proposed / 11sq/m balcony required for 2 bedroom corner apartment, 9sq/m and 10sq/m balconies proposed. In this regard a merit assessment has been undertaken.

Proposed balconies adjoin main habitable areas, some also providing access from a bedroom. Balconies are oriented to maximize outlook and solar access whilst enabling future functional use. Balconies are of sufficient dimensions to allow them to be suitably furnished and the development has been provided with three rooftop communal open space areas for the benefit of future occupants. It is further reiterated that part of the subject site is to be dedicated to Council and be constructed for the purposes of a community park and square. The overall size and dimension of proposed private open spaces is therefore considered to be satisfactory.

Further to the above, it is noted that all units with access to private ground level courtyards both are provided with private open space areas with '*artificial turf*' in lieu of natural turf. An excerpt from Section AA below, clearly indicates 0.6m of fill atop the basement slab level which becomes the resultant level of the private open space area for unit 119, forward of the building line to Bidjigal Road.

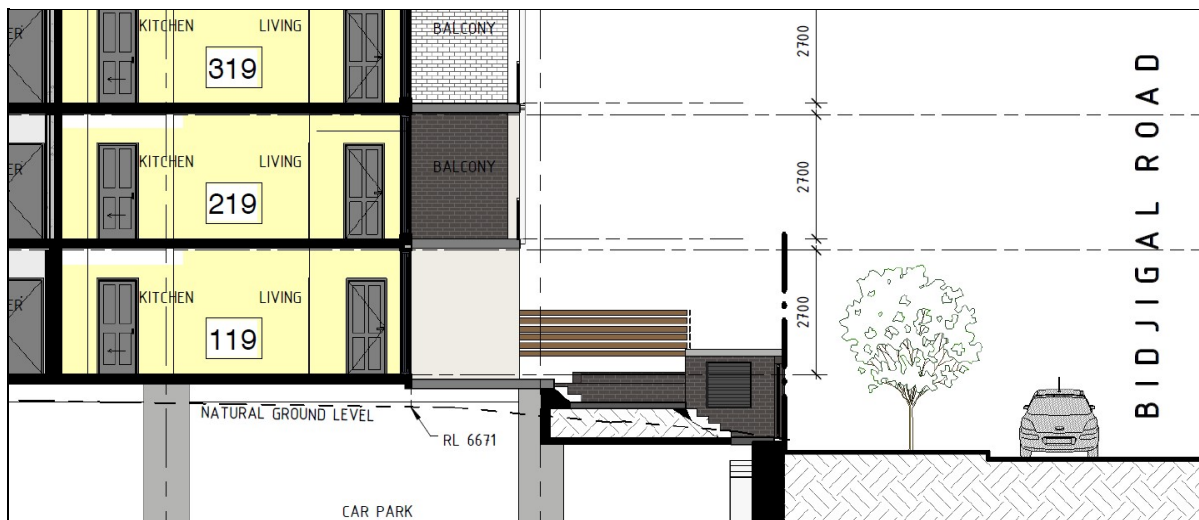


Figure 16 - Private open space forward of building line to Bidjigal Road

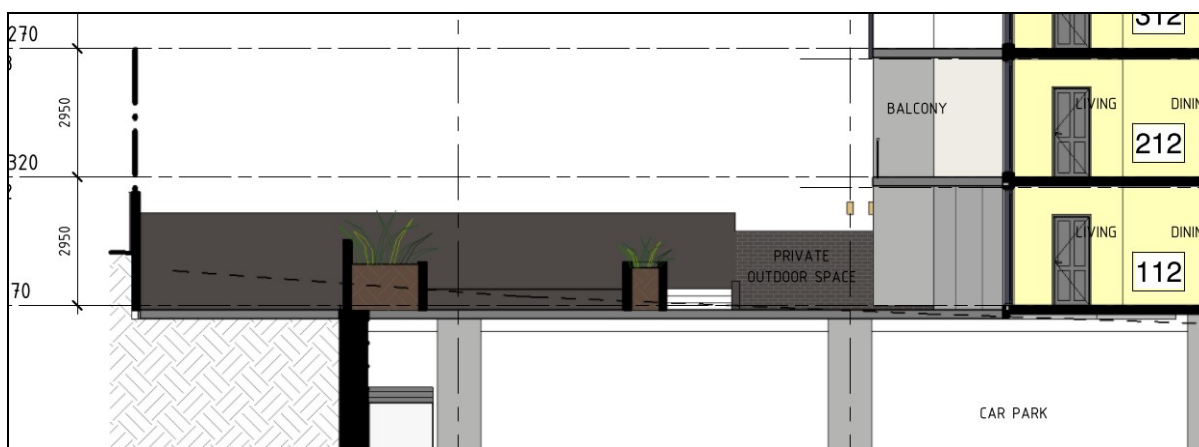


Figure 17 - Section depicting ground level courtyard to rear of site

Figure 17 above further indicates that private open space areas to the rear of the site are provided with artificial turf, which is proposed directly above the basement level slab.

Concern is raised in regards to the provision of artificial turf on site. Artificial turf is essentially a plastic carpet which has a limited lifespan, requires regular cleaning and maintenance, has no ecological benefit, does not allow for natural drainage and retains excessive thermal massing in hot weather. Given the southern orientation of some courtyards at ground level, there is also the potential that moss and algae may grow on artificial turf.

The applicant has noted their strong preference for artificial turf and noted that *"allowing for a 500mm deep soil and turf profile causes problems, in that the slab would have to fold down lower than it currently does, becoming complicated with the services running below in the basement."* The applicant further noted that artificial turf at ground level in these locations is preferred as it is low maintenance, lessens water use and unsightly lawns which may not be mowed regularly.

Contrary to the applicants arguments above, the Apartment Design Guide recommends a 200mm soil depth for natural turf. Accordingly, it is not deemed to be unreasonable to require the installation of natural turf on site for ground level courtyards. Although natural turf also requires regular maintenance it is considered to be more appealing than artificial turf and provides increased amenity to future occupants. Additionally, alternative flooring in the form of timber decking would also provide appropriate amenity to ground level courtyards in lieu of artificial turf.

The proposal will be conditioned to require that timber decking or natural turf is provided within ground level courtyards with a minimum soil depth of 200mm. This may necessitate the addition or deletion of a step within courtyards, yet is not considered to be unreasonable or likely to constrain the construction of the development.

4.3.3 Communal Open Space

A minimum of 745sq/m of communal open space is required to be provided on site. Plans indicate the provision of three rooftop level communal open space areas at levels 8 and 9 on site with a total of 848.6sq/m of communal open space provided within the residential flat building. The three communal open space areas are provided with varied outdoor spaces and incorporate a range of seating, shelters and bbq facilities which will encourage social interaction between future occupants.

It is noted that the proposal does not seek to provide natural turf but rather artificial turf within communal outdoor areas on site. As discussed earlier in this report, concern is raised in regards to the provision of artificial turf within communal open space areas.

Artificial turf is essentially a plastic carpet which has a limited lifespan, requires regular cleaning and maintenance, has no ecological benefit, does not allow for natural drainage and retains excessive thermal massing in hot weather.

The applicant has noted their strong preference for artificial turf as it is low maintenance, lessens water use and unsightly lawns which may not be mowed regularly.

Contrary to the applicants arguments, and as an alternative treatment, it is not deemed to be unreasonable to require the installation of timber decking and/or paving or natural turf in lieu of artificial turf within communal open space areas on site.

The proposal will be conditioned to require that timber decking and/or paving or natural grass is provided in lieu of artificial turf within communal open space areas at levels 8 and 9 on site.

4.4.1 Energy Efficiency - Residential

The applicant has submitted a BASIX Certificate for the proposed development. The commitments made result in reductions in energy and water consumption, and will achieve the efficiency target set under SEPP BASIX.

4.4.2 Solar Access - Residential Flat Buildings and Shop Top Housing

DCP 2011 requires that living rooms and private open spaces for at least 70% of units within adjoining properties receive a minimum of 3 hours of solar access between 9am - 3pm in midwinter.

The subject site and proposed development are primarily located to the north and north west of the residential development at 11-15 Bidjigal Road opposite the subject site within Bidjigal Road. This established building comprises a total of 93 residential dwellings. Given the orientation of the proposed development to the north / north west of this neighbour opposite it is inevitable that some degree of solar access to north facing units within 11-15 Bidjigal Road opposite will be lost.



Figure 19 - Blue line depicts shadow of proposed development.

An assessment of midwinter hourly shadow diagrams submitted with the application indicates as follows:

From 9am - 11am, 2 hours of solar access is retained to habitable / private open space areas of the four (4) ground level units (G01/G02/G03/G04) fronting Bidjigal Road, opposite the proposed development, at 11-15 Bidjigal Road.

Of these 4 units, it is important to note that three units (G01/G02/G03) are 3 bedroom cross through dwellings with alternative access to north eastern sunlight from rear balcony spaces which overlook a central communal open area. Unit G04 has no alternative access to solar access and as such will be limited to receive 2 hours of solar access in midwinter.

From 9am - 12pm, 3 hours solar access is retained to habitable / private open space areas of units of 88/93 (94.6%) of residential dwellings within 11-15 Bidjigal Road. It is noted that 5 residential dwellings within this development, being four (4) units at ground level and unit G106 at first floor will receive a minimum of 2 hours and maximum of 2.5 hours of solar access in midwinter.

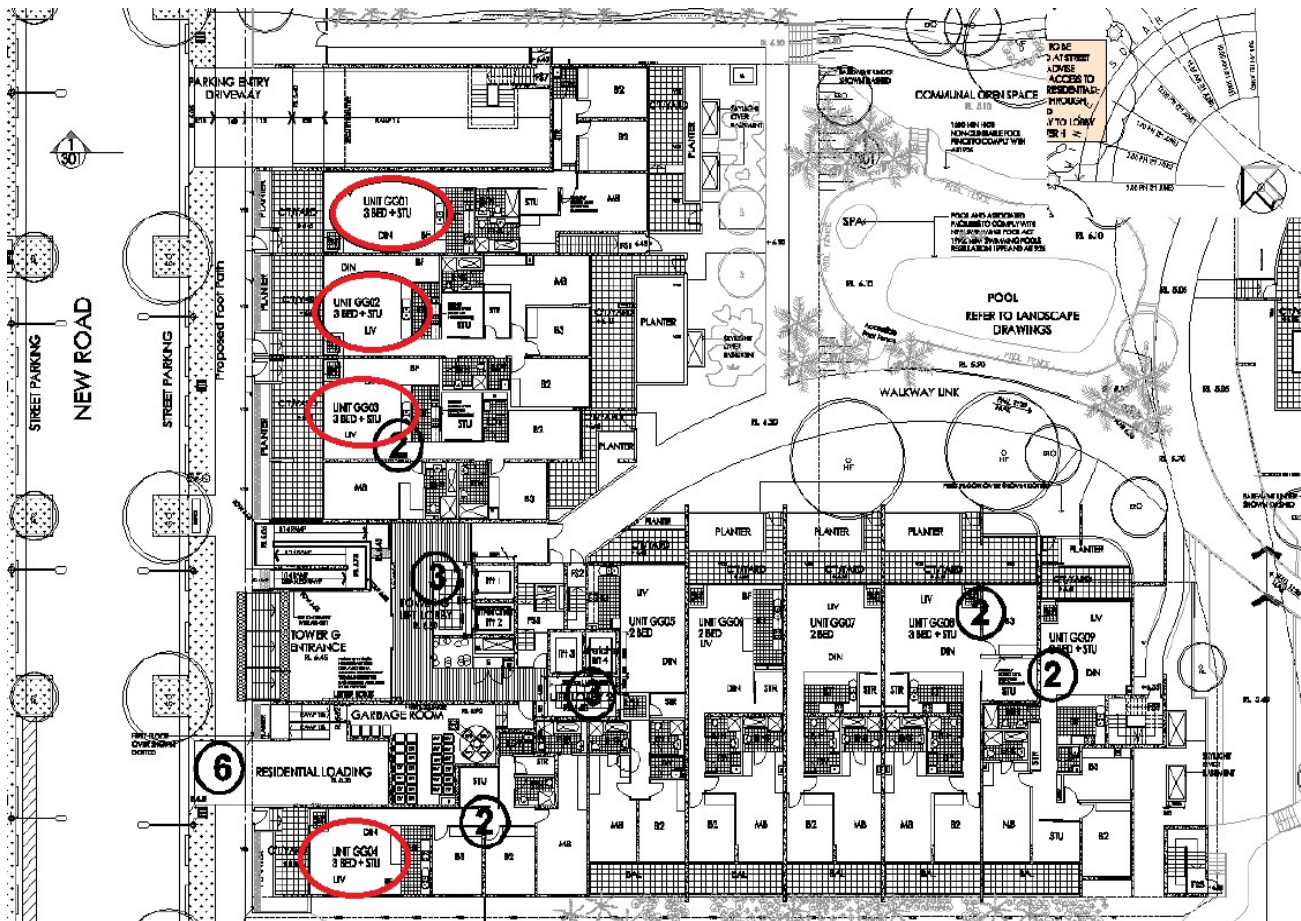


Figure 20 - Ground level units within 11-15 Bidjigal Road (G01/G02/G03/G04 circled red will receive 2 hours solar access in midwinter)

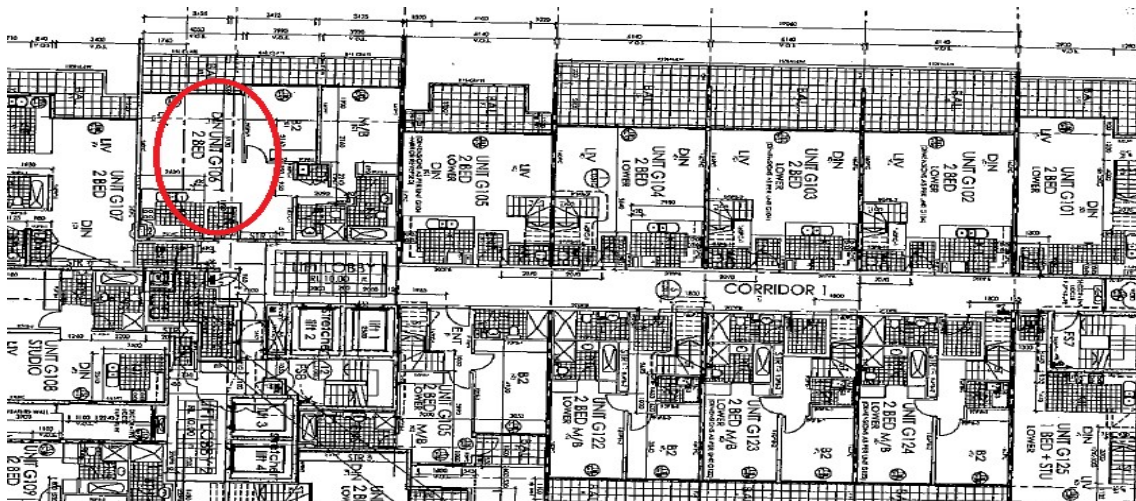


Figure 21 - First floor units within 11-15 Bidjigal Road (G106 circled red will receive 2.5 hours solar access in midwinter)

Given the above, the proposal satisfies the requirements and objectives of this clause and is not considered to unreasonably diminish sunlight to neighbouring properties.

4.4.4 Glazing - General Controls

The proposed development provides appropriate sun shading devices during summer for glazed areas facing north, east and west including the use of awnings and external screen louvers. The proposal is satisfactory in regards to this clause.

4.4.5 Visual privacy

The development has been designed, taking into consideration approved development under construction upon the north eastern property at 63-69 Bonar Street & 27 Booth Street. Additionally design consideration has been given to the potential redevelopment of the sites to the rear which currently comprises six semi detached houses and the existing development opposite the site within Bidjigal Road.

Appropriate setbacks, building separation, window locations, blank party and blade walls and screening elements to balconies are incorporated into the design of the development, in order to ensure visual privacy on site and between neighbouring developments is retained. The provision of adequate building setback from the rear property boundary ensures that the adjoining properties to the rear can be redeveloped in the future.

4.4.5 Acoustic privacy

An Acoustic report prepared by Acoustic Logic, dated 28/07/2015 was submitted with the application. The report provided recommendations on appropriate measures to be incorporated into the design and construction of the building in relation to potential aircraft, traffic and inter tenancy noise.

Appropriate conditions have been incorporated in the draft Notice of Determination for the implementation and compliance of the recommendations in the Acoustic report to ensure the provisions of this clause are achieved.

4.4.7 Wind Impact

Plans were accompanied by a Pedestrian Wind Environment Study undertaken by Windtech dated 27 May 2015. The report recommends as follows in order to mitigate wind impacts unto the development.

- *The inclusion of the proposed densely foliating trees on the ground level as indicated in architectural drawing are recommended to be retained.*
- *The inclusion of the recommended densely foliating trees on the ground level.*
- *The inclusion of the recommended 3m height impermeable screen along the western perimeter of the level 8 roof terrace.*
- *The inclusion of the recommended 2m height impermeable screen along the southern perimeter of level 8 roof terrace.*

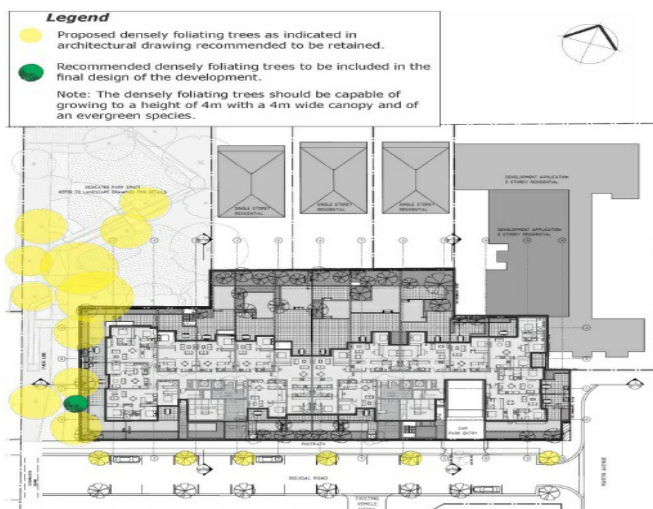


Figure 6a: Recommended Treatments - Ground Level

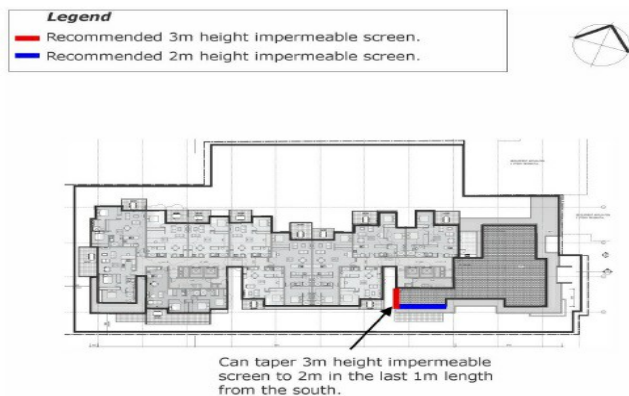


Figure 6b: Recommended Treatments - Level 8

Figure 22 - Wind amelioration as proposed

With the implementation of the above, the proposed development will have a minor influence in the local wind environment & provide for appropriate amenity to future occupants of the rooftop terrace areas. The proposal has been conditioned to ensure the above is implemented on site.

4.5.1 Social Equity - Housing Diversity and Choice

The proposal indicates a unit mix on site as follows:

<i>Requirement</i>	<i>Proposed</i>	<i>Complies</i>
1 bed (15-30)	80	No
2 bed (75 – 112)	54	No
3 bed (15 – 45)	15	Yes

Notwithstanding the above, the proposal provides for a range of housing within the development to cater to diverse household types. The proposal provides for a range of housing options which will enable changing lifestyle needs and cater to different income groups. The proposal is considered to be consistent with the objectives of this clause. A variation in this instance is deemed satisfactory.

4.5.2 Social Equity - Equitable Access

The proposal was accompanied by an Access Report prepared by Wall to Wall Design and Consulting, dated 26 May 2015. The report confirms that the proposed development demonstrates compliance with the objectives and design requirements of DCP 2011 in relation to equitable access in addition to the relevant provisions of the Building Code of Australia and Australian Standards in relation to the provision of access to and throughout the development for persons with disabilities / mobility impairments.

A minimum of 15 adaptable units are required to be provided within the development as per the requirements of DCP 2011. The Access Report identifies that two apartment types within the development are adaptable, providing a yield of 23 adaptable apartments. Accordingly, 15 accessible car spaces are provided at basement level.

The proposal complies with the objectives and requirements of this clause.

4.6 Parking Rates Residential Flat Buildings

As per the provisions of DCP 2011, a total of 164 residential, 30 visitor and 1 car wash bay are required for the proposed development, being a total of 195 on site car spaces. Additionally an on site loading / unloading bay, a designated car wash bay, 15 bicycle spaces and 10 motorbike spaces are to be provided.

Plans indicate the provision of a total of 87 car spaces in basement 1, 108 spaces in basement 2, being a total of 195 car spaces on site.

satisfying the required number of car spaces for the development. Additionally a loading / unloading bay is provided adjoining the entrance to the basement on site with direct access from Bidjigal Road. This loading / unloading area has the capacity to accommodate a medium rigid vehicle.

The proposal appears to have a deficiency of 5 bicycle spaces on site and as such has been conditioned to require their installation. In this regard the proposal is acceptable and complies with the objectives of this clause.

4.6 Access to Parking

Vehicular access to the site is provided via Bidjigal Road. The proposal provides secure carparking behind a shutter, with the provision of an intercom for visitor access. Parking for persons with a disability / mobility impairment has been provided within close proximity to lifts and vehicles are able to enter and exit the site in a forward direction. The proposal is satisfactory in regards to the provisions of this clause.

4.6 Design of Loading Facilities

A loading / unloading bay for an MRV has been provided on site within the frontage of the property to Bidjigal Road. The loading and unloading bay is to be conditioned to require the installation of signage to restrict the use of the loading / unloading area specifically for loading and unloading. The proposal is satisfactory in this regard.

4.6 Car Wash Facilities

Plans indicate the provision of a designated car wash bay within the basement of the development. The proposal will be conditioned to ensure this space is capable of being drained to the sewer. The proposal complies with the objectives and requirements of this clause.

4.7 Air Conditioning and Communication Structures

Plans indicate the provision of air conditioning and hot water units located upon balconies of residential units. The submitted schedule of colours and finishes indicates the provision of both obscure glass and vertical blade balustrades to balconies. To ensure the aforementioned services are not visible from the public domain the proposal has been conditioned to ensure the aforementioned finishes and materials are adhered to. The proposal is satisfactory in this regard.

4.7 Waste Storage and Recycling Facilities

The proposed development provides for two appropriately sized and dimensioned waste storage rooms at ground level and garbage chutes integrated into the building for ease of waste management for future occupants. Garbage collection from the site will occur via on street collection to Bidjigal Road. The proposal has been conditioned to require the implementation of a By Law on site which requires that bins are to be returned to on site storage rooms as promptly as possible by the Building Manager, following collection. The proposal is satisfactory with respect to the provisions of this clause.

4.7 Service Lines/Cables

Plans indicate the provision of a substation for the development within the front setback of the site to Bidjigal Road. The substation is raised 1m above natural ground level as a result of the flooding affectation of the site. The submitted Landscape Plan indicates the provision of mass planting surrounding the substation to minimise its dominance at the street frontage. In this regard the proposal complies with the requirements of this clause.

4.7 Servicing - Wolli Creek and Bonar Street

The proposal has been conditioned to require the developer to relocate electricity cables underground. Subject to compliance with conditions the proposal satisfies the requirements of this clause.

4.7 Letterboxes

Letter boxes are provided for the development, adjoining the main residential lobbies from Bidjigal Road. The proposal complies with the requirements and objectives of this clause.

5.2 RFB - Apartment Size

Plans indicate the provision of a number of units within the development which do not strictly comply with the unit or balcony sizes specified within the RFDC or DCP 2011. i.e. 1 bedroom single aspect proposed at 58sq/m in lieu of 63.4sq/m and 3 bedroom proposed at 102sq/m with 12.5sq/m balcony as opposed to 124sq/m with 24sq/m balcony.

In this regard a merit assessment has been undertaken. The proposed development provides for a range of unit sizes and types within the development ranging from one to 3 bedroom dwellings. The configuration, layout and design of units, their overall size, spaces & rooms are practical and will allow future users to furnish their homes in a variety of ways.

Main habitable areas are oriented to maximise solar access, and units are generally provided with sufficient ventilation, reasonable solar access and outlook in order to maximise amenity to future occupants.

The design of the proposed dwellings & associated balconies is satisfactory in this regard and the development satisfies the objectives of this requirement.

5.2 RFB - Building Entry

Two separate and spacious and functional residential entries are provided to the development from Bidjigal Road. Level access is provided to the foyer, with lift access to the basement and upper levels. The entries are clearly identifiable within the street and ground level dwellings are proposed to comprise their own individual access. The proposal is satisfactory in this regard.

5.2 RFB - Lift Size and Access

The proposed development provides for two dual lift cores within the development. Each of the four lifts has dimensions of 2.29m x 2.29m. The proposal indicates a maximum of 10 units serviced by 2 lifts off a double loaded corridor, DCP 2011 restricts the number of units off such a corridor to 8.

Proposed corridors are provided with natural light, access to two lifts and are generous in width (2m). The development as designed is capable of accommodating 10 units as proposed to be configured and a variation is supported in this instance. The proposal satisfies the objectives of this clause.

7.2 Bonar Street Precinct

The proposed residential development partially differs from the building structure plan envisaged by DCP 2011 for the Bonar Street precinct. Given the significant number of land owners in the area, the amalgamation and redevelopment of sites within the immediate vicinity has not occurred as envisaged by DCP 2011. Notwithstanding, the massing of the proposed residential development evolved from its early to final stages with input from the Design Review Panel, in order to achieve a good outcome on site and satisfy the objectives of this clause. Notwithstanding the aforementioned it is important to highlight that the proposal ensures that the public park and central square as indicated within the structure plan are provided.

The proposal is considered to be consistent with the objectives of this clause.

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

Legal Access

Proposed vehicular and pedestrian access to the site (Lot B) is from Bidjigal Road and traverses directly over proposed Lot C which is intended to be dedicated to Rockdale City Council for the purposes of road widening. Upon the subdivision and dedication of proposed Lot C to Council, given this lot will be dedicated as public road, legal access to proposed Lot B will remain available, allowing future users access over Council land to physically enter the site and ensuring the property is not land locked.

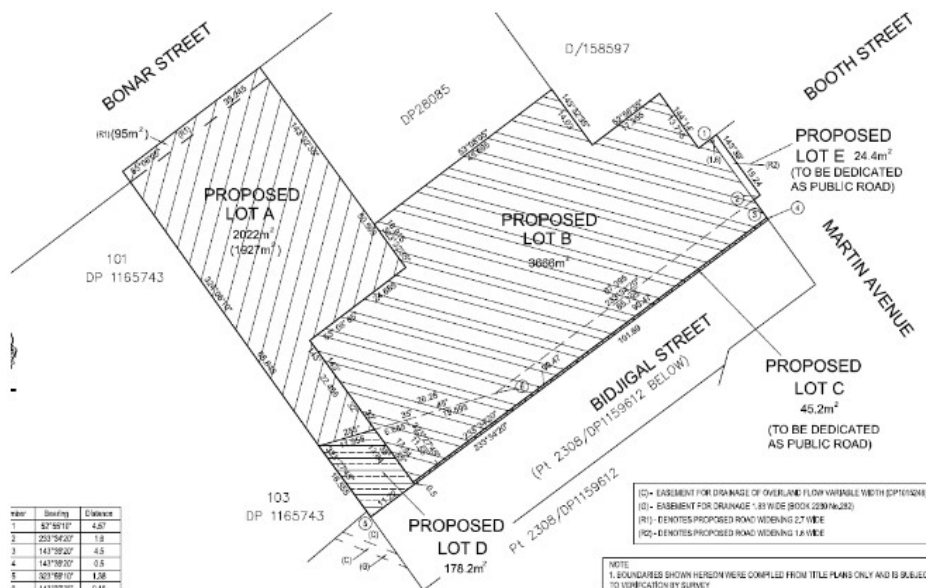


Figure 23 - Subdivision Plan

Safety & Security

The development provides for two clearly identifiable and legible communal building entries from Bidjigal Road, with individual building entries to units fronting Martin Avenue and the future Arncliffe Community Park. Communal residential lobbies comprise direct pedestrian access and are glazed to provide a high level of visibility and connectivity to the street.

Residential apartments, communal open space & car parking areas will be accessible via a secure electronic system. Common areas are proposed to be well lit with clearly defined pathways. The proposal will be conditioned to require clear directional signage to be provided on site to advise users of security measures in place.

The proposal is satisfactory in this regard.

Social Impact

The proposal will activate and enhance the public domain and includes residential units of adequate size and mix for the demographics of the locality. Proposed residential units have access to good public transport which will assist in the reduction of car use, and the proposal incorporates alternative transportation modes, via the provision of bicycle and motorbike parking. The proposal further provides well designed and located communal areas with facilities which will encourage social interaction between future occupants on site. The proposed development is not considered to result in any adverse social impacts and is satisfactory for the site.

Construction

Construction of the proposed development includes excavation works, piling and the construction of the development. Impacts will be minimized through the use of standard conditions of consent relating to hours of construction, noise, dust suppression traffic management and the like.

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

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

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

The development has been notified in accordance with the provisions of Rockdale DCP 2011 and two (2) submissions were received from residents opposite the site within Bidjigal Rad. The issues raised in the submissions are discussed below:

Overshadowing onto 11-15 Bidjigal Road opposite, particularly ground floor dwellings in midwinter

Comment: The matter of overshadowing has been previously addressed within this report. The proposal is satisfactory in this regard.

Visual Privacy impacts to residents within 11-15 Bidjigal Road opposite the site

Comment: The proposed development is positioned opposite the objectors property with the front building alignment of the proposed development located 25m from the front building alignment of 11-15 Bidjigal Road. Communal rooftop spaces are setback further at upper levles. As such, given the separation distances between buildings, the proposed development is unlikely to adversely impact upon the visual privacy of occupants within 11-15 Bidjigal Road.

Car parking and traffic impacts

Comment: The proposed development complies with the carparking requirements of Council. Councils Engineers have reviewed the documentation submitted with the application and noted that the local streets have the capacity to accommodate the minor increase in traffic likely to be generated by the proposed development.

Loss of air flow to residents within 11-15 Bidjigal Road opposite the site

Comment: The proposed development is positioned opposite the objectors property with the front building alignment of the proposed development located 25m from the front building alignment of 11-15 Bidjigal Road. The proposed development is unlikely to adversely impact upon ventilation to the existing building opposite as suggested by the objector.

Acoustic impact of additional residents i.e. parties, construction noise, vehicles etc

Comment: The proposal has been conditioned to restrict the hours of construction. Any acoustic impacts related to the use of the subject site for residential purposes will remain residential in nature and are not likely to be unreasonable given the high density nature of the area.

Insufficient child care services, schools and health care in area

Comment: The proposed development is permissible within the zone.

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

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

S94 Contribution towards provision or improvement of amenities or services

Given the existence of a Voluntary Planning Agreement for the subject site and dedication of a significant portion of land to ultimately result in the construction of the future Arncliffe Community Park, S94 contributions are not applicable in this instance.

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
Architectural Plans			

AR-1701 Issue 6 (Section BB)	Mode Design	10/03/2016	16/03/2016
AR - 1700 Issue 6 (Section AA)	Mode Design	10/03/2016	16/03/2016
AR-1604 Issue 9 (North Elevation)	Mode Design	10/03/2016	16/03/2016
AR-1603 Issue 8 (West Elevation)	Mode Design	10/03/2016	16/03/2016
AR-1602 Issue 9 (East Elevation)	Mode Design	10/03/2016	16/03/2016
AR-1601 Issue 9 (South Elevation)	Mode Design	10/03/2016	16/03/2016
AR-1201 Issue 9 (Basement 2)	Mode Design	10/03/2016	16/03/2016
AR-1200 Issue 8 (Basement 1)	Mode Design	10/03/2016	16/03/2016
AR-1109 Issue 6 (Roof Plan)	Mode Design	10/03/2016	16/03/2016
AR-1108 Issue 8 (Level 9)	Mode Design	10/03/2016	16/03/2016
AR-1107 Issue 9 (Level 8)	Mode Design	10/03/2016	16/03/2016
AR-1106 Issue 8 (Level 7)	Mode Design	10/03/2016	16/03/2016
AR-1105 Issue 8 (Level 6)	Mode Design	10/03/2016	16/03/2016
AR-1104 Issue 8 (Level 5)	Mode Design	10/03/2016	16/03/2016
AR-1103 Issue 7 (Level 4)	Mode Design	10/03/2016	16/03/2016
AR-1102 Issue 8 (Level 3)	Mode Design	10/03/2016	16/03/2016
AR-1101 Issue 8 (Level 2)	Mode Design	10/03/2016	16/03/2016
AR-1100 Issue 10 (Level 1)	Mode Design	10/03/2016	16/03/2016
AR-320 Issue 8 (Site Plan)	Mode Design	10/03/2016	16/03/2016
Landscape Plans			
AR-8002 Issue 4 (Level 9)	Mode Design	11/03/2015	16/03/2016
AR-8001 Issue 4 (Level 8)	Mode Design	11/03/2015	16/03/2016
AR-8000 Issue 4 (Ground level)	Mode Design	11/03/2016	16/03/2016
Subdivision Plan	Cardno Hard and Forrester	31/03/2016	05/04/2016
Finishes Schedule	Mode Design	April 2016	11/04/2016
Park Landscape Plans			

PP-L000-E Cover Sheet (Materials & Finishes Specification)	Mode Design	18/03/2016	31/03/2016
PP-L400-F Landscape Plan 1 of 2	Mode Design	18/03/2016	31/03/2016
PP-L401-F Landscape Plan 2 of 2	Mode Design	18/03/2016	31/03/2016
PP-L500-D Planting Plan 1 of 2	Mode Design	18/03/2016	31/03/2016
PP-L501-D Planting Plan 2 of 2	Mode Design	18/03/2016	31/03/2016
PP-L600- C Typical Landscape Details Sheet 1 of 3	Mode Design	18/03/2016	31/03/2016
PP-L601- C Typical Landscape Details Sheet 2 of 3	Mode Design	18/03/2016	31/03/2016
PP-L602- C Typical Landscape Details Sheet 3 of 3	Mode Design	18/03/2016	31/03/2016

3. 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 Corporation Limited (SACL)

SACL has approved the maximum height of the proposed building at 35.36RL relative to Australian Height Datum (AHD). This height is inclusive of all vents, chimneys, aerials, TV antennae and construction cranes etc. No permanent or temporary structure is to exceed this height without further approval from Sydney Airport Corporation Limited.

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

NSW Office of Water

General

1. An authorisation shall be obtained for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take identified.
2. The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be impacted by any watertable watertight for the anticipated life of the building.

Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high watertable elevations to prevent potential future inundation.

3. Sufficient permanent drainage shall be provided beneath and around the outside of the watertight structure to ensure that natural groundwater flow is not impeded and:

A. any groundwater mounding at the edge of the structure shall be at a level not greater than 10 % above the level to which the watertable might naturally rise in the location immediately prior to the construction of the structure; and

B. any elevated watertable is more than 1.0 m below the natural ground surface existent at the location immediately prior to the construction of the structure; and

C. where the habitable structure is founded in bedrock or impermeable natural soil then the requirement to maintain groundwater flows beneath the structure is not applicable.

4. Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves cause pollution of the groundwater.

5. The NSW DPI Water requires documentation (referred to as 'report') comprising measurements, maps, borelogs, calculations, results, discussion and justification for various matters related to the dewatering process. Information will be required at several stages: prior to construction commencing (initial report - which will accompany the application for the authorisation), at any time when an authorisation renewal is required or a significant change in activities occurs (intermediate report); and at the completion of dewatering and related operations (completion report).

Reports need to be submitted to the NSW DPI Water at Parramatta Office, in a format consistent with electronic retrieval without editing restrictions; raw data should be presented in Excel spreadsheets without editing restrictions.

Prior to Excavation

6. The following shall be included in the initial report:

(a) measurements of groundwater levels beneath the site from a minimum of three relevant monitoring bores, together with details of the bores used in the assessment including borelogs and three-dimensional identification information.

(b) a map of the site and its immediate environs depicting the watertable (baseline conditions) shown relative to the topography and approved construction footprint from the surface level and below. An assessment of the potential variation in the watertable during the life of the proposed building together with a discussion of the methodology and information on which this assessment is based.

(c) details of the present and potential groundwater flow paths and hydraulic gradients in and around the site; the latter in response to the final volumetric emplacement of the construction.

(d) a schedule for the ongoing water level monitoring and description of the methodology to be used, from the date of consent until at least two months after the cessation of pumping. [The DPI Water prefers that monitoring be undertaken on a continuous basis using automatic loggers in boreholes.]

7. The Applicant shall assess the likely impacts of the dewatering activities on other groundwater users or structures or public infrastructure; this assessment will include an appropriate bore, spring or groundwater seep census and considerations relevant to potential subsidence or excessive settlement induced in nearby buildings and property, and be documented together with all calculations and information to support the basis of these in the initial report.

8. Groundwater quality testing of samples taken from outside the footprint of the proposed construction, with the intent of ensuring that as far as possible the natural and contaminant hydrochemistry of the potential dewatered groundwater is

understood, shall be conducted on a suitable number of samples and tested by a NATA-certified laboratory. Details of the sampling locations and the protocol used, together with the test results accompanied by laboratory test certificates shall be included in the initial report. An assessment of results must be done by suitably qualified persons with the intent of identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria for the intended dewatering purpose. In the event of adverse quality findings, the Applicant must develop a plan to mitigate the impacts of the hydrochemistry on the dewatered groundwater and present the details of all assessments and plans in the initial report.

9. Groundwater quality testing generally in accordance with Clause 8, shall be undertaken on any anniversary or other renewal or alteration of any dewatering authorisation.

10. A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and included in the initial report; together with details and calculation methods for the parameters and supporting information to confirm their development or measurement (e.g. permeability predicted by slug-testing, pump-testing or other means).

11. A copy of a valid development consent for the project shall be provided in the initial report.

12. The method of disposal of pumped water shall be nominated (i.e. reinjection, drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided in the initial report. The disposal of any contaminated pumped groundwater (sometimes called "tailwater") must comply with the provisions of the Protection of the Environment Operations Act 1997 and any requirements of the relevant controlling authority.

13. Contaminated groundwater (i.e. above appropriate NEPM 2013 thresholds) shall not be reinjected into any aquifer. The reinjection system design and treatment methods to remove contaminants shall be nominated and included in the initial report and any subsequent intermediate report as necessary. The quality of any pumped water that is to be reinjected must be demonstrated to be compatible with, or improve, the intrinsic or ambient groundwater in the vicinity of the reinjection site.

During Excavation

14. Engineering measures designed to transfer groundwater around and beneath the basement shall be incorporated into the basement construction to prevent the completed infrastructure from restricting pre-existing groundwater flows.

15. Piping, piling or other structures used in the management of pumped groundwater shall not create a flooding hazard or induce mounding of groundwater. Control of pumped groundwater is to be maintained at all times during dewatering to prevent unregulated off-site discharge.

16. Measurement and monitoring arrangements to the satisfaction of the NSW DPI Water are to be implemented. Weekly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a completion report provided after dewatering has ceased. Records of groundwater levels are to be kept and a summary showing daily or weekly levels in all monitoring bores provided in the completion report.

17. Pumped groundwater shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc) without the controlling authority's approval and/or owner's consent/s. The pH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater shall be complied with.

18. Dewatering shall be undertaken in accordance with groundwater-related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulfate soils management plan or remediation

action plan) shall not be compromised by the dewatering activity.

19. The location and construction of groundwater extraction works that are decommissioned are to be recorded in the completion report. The method of decommissioning is to be identified in the documentation.

20. Access to groundwater management works used in the activity is to be provided to permit inspection when required by the NSW DPI Water under appropriate safety procedures.

Following excavation

21. Following completion of the dewatering operations, the Applicant shall submit to the NSW DPI Water, Parramatta Office, the completion report which shall include:

(a) detail of the volume of water taken, the precise periods and location of water taken, the details of water level monitoring in all of the relevant bores; and

(b) a watertable map depicting the aquifer's settled groundwater condition and a comparison to the baseline conditions; and

(c) a detailed interpreted hydrogeological report identifying all actual resource and third party impacts, including an assessment of altered groundwater flows and an assessment of any subsidence or excessive settlement induced in nearby buildings and property and infrastructure.

22. The completion report is to be assessed by NSW DPI Water prior to any certifying agency's approval for occupation or use of the completed construction.

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

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

6. The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate Number 634006M 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>.

7. Balconies shall not be enclosed at any future time without prior development consent.

8. This approval is not to be construed as permission to erect any structure on or near a boundary contrary to the provisions of the Dividing Fences Act.

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.

11. 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.

12. All works are to be carried out in accordance with the integrated development conditions provided by NSW Office of Water and listed within this consent.
13. Parking spaces shall be allocated to residential apartments / non-residential units in the development in the following manner and this shall be reflected in any subsequent strata subdivision of the development:

Allocated Spaces

Residential 165

(1 space per Studio - 2 bedroom dwelling / 2 spaces per 3 bedroom dwelling)

Non-Allocated Spaces

Residential Visitor Spaces 30 (including 2 van loading / unloading spaces)

Bicycle Spaces 15

Motorbike Spaces 10

Loading / Unloading Bay 1 MRV

Carwash 1

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

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

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

Development specific conditions

The following conditions are specific to the Development Application proposal.

14. The plans submitted with the Construction Certificate shall demonstrate compliance with the following:
 - a. Glass balustrades shall be provided as frosted or opaque.
 - b. All hot water systems/units located on the balcony of a dwelling shall be encased in a recessed box with the lid/cover of the box designed to blend in with the building and all associated pipe work is to be concealed, as required by Control 19 of Part 4.7 of Rockdale DCP 2011
 - c. All vertical plumbing, shall be concealed within the brickwork of the building. Any electrical kiosks or fire booster valves shall be located in unobtrusive locations toward site boundaries and away from entrances into the building.
 - d. Ceiling heights for all habitable areas shall be a minimum of 2.7 metres as measured vertically from finished floor level to the underside of the ceiling. Ceiling heights for all non-habitable areas shall be a minimum of 2.4 metres as measured vertically from finished floor level to the underside of the ceiling.
 - e. Relevant objectives and design code requirements of the Building Code of Australia 2015 / DDA Premises Standard pertaining to accessible common domain areas and access to all apartments and the Adaptable Housing standard AS4299 for fifteen (15) adaptable units.
 - f. Natural turf or timber decking is to be provided in lieu of artificial turf within ground level courtyards, with a minimum soil depth of 200mm where natural turf is proposed.

- g. Artificial turf within communal open space areas at level 9 is to be replaced with paving.
 - h. Artificial turf within the level 8 communal open space area is to be replaced with paving, timber decking or natural grass with a minimum soil depth of 200mm.
 - i. Five additional bicycle spaces are to be provided within the basement of the development. A total of 15 bicycle spaces shall be provided on site.
 - j. The existing Camphor Laurel within 49 Bonar Street is to be retained and incorporated into the landscape plan for the future Arncliffe Community Park.
 - k. The recommendations of the Pedestrian Wind Environment Study undertaken by Windtech dated 27 May 2015 shall be illustrated and detailed upon Construction Certificate drawings.
 - l. The dedicated car wash bay on site is to be capable of being drained to the sewer.
 - m. 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.
 - n. Fixed seating and notice boards shall be provided within all ground level residential lobbies.
 - o. Acoustic Attenuation - The noise reduction measures specified in the noise report prepared by Acoustic Logic Dated 28 July 2015 Project Number 20141219.1 Document Reference 20141219.1/2807A/R1/YK shall be shown in the construction plans.
 - p. Amenities as noted on plans i.e. seating, pergola structures, bbq facilities and kitchens shall be provided within communal open space areas on site.
 - q. Periphery fencing shall comprise as follows.
 - Martin Avenue - Slat horizontal timber fencing with masonry columns 1.5m - 1.95m in height at junction of Martin Avenue and Bidjigal Road.
 - Bidjigal Road - 0.2m - 0.95m high planters to Bidjigal Road site boundary. Planters being 2m width into the site, with fencing to residential courtyards adjoining. Courtyard fencing comprises a height of up to 1.8m, with solid base elements 1m - 1.2m in height and horizontal timber slats varying in height (0.5m - 1m) given the natural topography of the site which slopes down from the junction of Martin Avenue & Bidjigal Road.
 - Future Arncliffe Community Park - Planters at the periphery of the site in this location to have a 1.3m width into the site and maximum height of 1m. Courtyard fences behind planters are to comprise heights of 1.8m - 2.5m above natural ground level.
15. The design of the park shall be as per the Voluntary Planning Agreement entered into between Rockdale City Council and Canberra Estates Consortium No.42 Pty Ltd.
 16. Ground level under croft areas to rear of units 103/104/105/106/107/111/112/113/114/115 shall not be enclosed at any future time without prior development consent.
 17. No additions or alterations shall be made to the existing reserve for Bidjigal Road. The road reserve boundaries are defined by Lot 2311.
 18. 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.
 19. Loading areas are to be used only for the loading and unloading of goods, materials

etc. not for any other purpose.

20. 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.
21. 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.
22. The existing and future owners (Registered Proprietor) of the property will be responsible for the efficient operation and maintenance of the pump system.

The Registered Proprietor will:

- i) permit stormwater to be temporarily detained and pumped by the system;
 - ii) keep the system clean and free of silt, rubbish and debris;
 - iii) maintain, renew and repair the whole or parts of the system so that it functions in a safe and efficient manner; and in doing so complete the same within the time and in the manner specified in written notice issued by the Council;
 - iv) carry out the matters referred to in paragraphs (ii) and (iii) at the proprietor's expense;
 - v) not make alterations to the system or elements thereof without prior consent in writing of the Council.
 - vi) permit the Council or its authorised agents from time to time upon giving reasonable notice (but at any time and without notice in the case of emergency) to enter and inspect the land for compliance with the requirement of this clause;
 - vii) comply with the terms of any written notice issued by the Council in respect to the requirements of this clause within the time stated in the notice.
23. 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.
24. The overland flow path shall not be obstructed, restricted or altered without the approval of Rockdale City Council.
25. 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.

26. 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.
27. 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.
28. Residential air conditioners shall not cause ‘offensive noise’ as defined by the Protection of the Environment Operations Act 1997 or contravene provisions of the Protection of the Environment (Noise Control) Regulation 2008 where emitted noise from a residential air conditioner can be heard within a habitable room in any other residential premises at night.
29. Permanent or semi-permanent pumping of groundwater to protect the building will not be allowed during the operational stage. The development shall be consistent with the General Terms of Approval (GTAs) and Licence issued by the Office of Water under the Water Act 1912.
30. a) In order to ensure the design quality I excellence of the development is retained:
 - i. Mode Design is to have direct involvement in the design documentation, contract documentation and construction stages of the project;
 - ii. The design architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of design issues throughout the life of the project;
 - iii. Evidence of the design architect's commission is to be provided to the Department prior to release of the Construction Certificate.
 b) The design architect of the project is not to be changed without prior notice and approval of the Council or Department.
31. Prior to the commencement of works within the future designated public domain, the applicant/owner must obtain written approval for the detailed design of the Bonar Street Community Park Stage 2 and the Community Square from Council's Manager Technical Services.

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

A. Before Construction

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

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

Public Place Activities - Design and Construction of Works in Public Places

The implementation of this Consent generates a need for works to be completed in a public place owned by Council.

A. Before the Issue of the First Construction Certificate for Above Ground Works

The scope of works required in the public place(s) and boundary alignment levels are to be identified and issued by Rockdale City Council.

Note: To enable the scope of works to be determined, and alignment levels issued, an application must be submitted together with the required fee, under the Roads Act 1993 and/or the Local Government Act 1993 for the scope of works to be determined and alignment levels issued. The scope of works required in the public place(s) and boundary alignments levels under the Roads Act or Local Government Act cannot be issued by a Principal Certifying Authority or by a Private Certifier. Failure to obtain these from Rockdale City Council may result in fines or prosecution

B. Design

For identified works the preparation of the design and specification shall be undertaken in accordance with the design brief issued by Rockdale City Council, and the referenced specifications for design and construction. For identified works the preparation of the design and specification shall be undertaken by a professional engineer, or other professional person, meeting the requirements of the design brief issued by Rockdale City Council.

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

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

C. Before Construction

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

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

D. Before Occupation

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

Public Place Activities - Site Management Plan

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

A. Before Commencement of Works including Demolition

A Site Management Plan is to be submitted to Council together with the application for the determination of the scope of works to be undertaken in the public place(s). If any demolition of infrastructure in a public place is to commence prior to the issue of a works approval for works in a public place the applicant must submit to Rockdale City Council a separate Demolition Site Management Plan. These plans must satisfy the Objectives and Controls of Rockdale City Council Development Control Plan 2011 relating to site management and must incorporate the following throughout demolition and construction:

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

B. During Works

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

Public Place Works - Pre-commencement Inspection

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

A. Before Works

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

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

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

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

Public Place Works - Supervising Engineer

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

A. Before Construction

The consent holder must engage an appropriately qualified supervising engineer to supervise construction of any works approved to be carried out in a public place approved by Rockdale City Council under the Roads Act and/or Local Government Act. The supervising engineer must hold qualifications, licenses and insurance as determined by Council, and submit evidence of the qualifications, licenses and insurance prior to the commencement of construction.

B. During Construction

The supervising engineer must supervise the works as listed above to ensure compliance with:

- i) any consent issued by Rockdale City Council pursuant to the Roads Act and/or the Local Government Act, including conditions annexed to this consent.
- ii) the approved design and specification, including any approved amendments by Rockdale City Council to the design and specification
- iii) the consent issued by the consent authority under the Environmental Planning and Assessment Act
- iv) any related design and construction parameters specified by Council.

C. Before Occupation

The engineer must certify the Works-as-Executed drawings or provide a separate certification that the requirements of the consent for the works approval for works in a public place have been met.

32. The design and construction of the off-street parking facilities shall:

(i) Comply with Australian Standards, as follows:

- AS/NZS 2890.1:2004
- AS2890.2:2002
- AS2890.3:1993
- AS/NZS2890.6:2009

(ii) Comply with Rockdale Technical Specifications Stormwater Management, in relation to the minimum width and configuration of car wash bays.

(iii) Provide bicycle parking facilities for residents that are class 1 or 2 in accordance with AS2890.3:1993. Bicycle parking facilities for residents shall not be Class 3

facilities.

(iv) Provide for a raised median between ingress and egress lanes of access driveways to allow for installation of entry and communication systems at entry gates.

(v) Comply with Council's Vehicular Entrance Policy in relation to the design of the access driveways, in particular the layout of the access driveways shall be provided in the form of a layback in the kerb and gutter.

(vi) Design the entry gate location for the basements so that there is no effect to traffic on the road (including footpath / cycleway) from vehicle queuing at the gate, and as a minimum of 1 car space must be provided between the gate and the future property boundary, subject to compliance with AS2890.1:2004, which may require more than 1 car space queue length.

(vii) Provide visitor parking in a centralized location of the basement of each building.

The visitor parking should be conveniently located close to the ingress and egress location and the tenant parking should be able to be securely separated from the visitor parking area. Two (2) visitor parking spaces within each stage of building shall be marked for use by a Van for loading and unloading purposes, and be a minimum dimension of 5.4m x 3.0m, with an unrestricted height clearance of 2.3m.

(viii) The MRV loading dock area shall have a minimum 4.5m height clearance.

(ix) All off street visitor parking, loading bays and car wash bays shall be identified as 'common property' on any future strata plan of subdivision under the Strata (Freehold) Schemes Act.

Note: Parking allocation conditions apply 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.

33. This consent operates in conjunction with the executed Voluntary Planning Agreement for the subject site. The final Occupation Certificate for the residential flat building on site shall not be issued prior to the completion of public domain works within Arncliffe Community Park and Square.
34. All structures upon Lot B are to be clear of the road reservations stipulated within Rockdale LEP 2011.
35. Excavation works on site shall be undertaken in accordance with the procedures, monitoring and contingency measures outlined within the Acid Sulfate Soils Management Plan (ASSMP) prepared by Douglas Partners and dated May 2015.

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 \$57 177.57. This is to cover repair of any damages, or other works to be done by Council. This includes construction, removal, or repair as required to: kerb and guttering, existing or new driveways; paved areas and concrete footpaths. The deposit may be lodged with Council in the form of a Bank Guarantee (Any proposed Bank Guarantee must not have an expiry date). The deposit will not be returned by Council until works are completed and all damage is restored

and all specified works are completed by Council.

- ii. An environmental enforcement fee of 0.25% of the cost of the works.
 - iii. A Soil and Water Management Sign of \$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. An application for Boundary levels shall be made to Council's Customer Service Centre prior to issue of the Construction Certificate. All boundary works, egress paths, driveways and fences shall comply with this level. A fee of \$190 is payable to Council for the determination of boundary levels. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges.
 - 39. The connection of stormwater drainage pipes to the existing kerb inlet pit in Bidjigal Road must be inspected by Council prior to back filling. A payment is required prior to the issue of the Construction Certificate for inspection of the connection and/or alteration to the Council pipeline. If payment is made after the end of the financial year the amount is to be adjusted in accordance with Council's adopted fees and charges. Where the inspection is unsatisfactory, each additional inspection will incur an extra charge.
 - 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. All building materials shall be flood resistant, or flood compatible to a height of 500mm above the 1% AEP flood, or flow level. All internal electrical switches, power points or similar utilities liable to flood damage shall be set at a minimum of 500mm above the 1% AEP flood, or flow level. Details shall be provided and approved prior to the issue of a construction certificate.
 - 43. A suitable qualified engineer is to certify that the structure can withstand the forces of floodwater, scour, debris and buoyancy in a 1% AEP flood event and a PMF event.
 - 44. A list of the proposed essential services to be installed in the building shall be submitted to Council in accordance with the relevant requirements.
 - 45. 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 15 residential units, and between these units and their allocated carparking spaces. The allocated parking space will be located in close proximity to the access points of the building. 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.

- 46. The applicant shall confer with Energy Australia to determine if an electricity

distribution substation is required. Written confirmation of Energy Australia's requirements shall be obtained prior to issue Construction Certificate.

47. The applicant shall confer with Ausgrid to determine if satisfactory clearances to any existing overhead High Voltage mains will be affected. Written confirmation of Ausgrid's requirements shall be obtained prior to issue Construction Certificate.
48. All low voltage street mains in that section of the street/s adjacent to the development shall be placed underground. This shall include any associated services and the installation of underground supplied street lighting columns where necessary. The applicant shall confer with Ausgrid to determine Ausgrid's requirements. Written confirmation of Ausgrid's requirements shall be obtained prior to issue Construction Certificate.
49. Any building proposed to be erected over or near the existing Sydney Water pipeline is to be approved by Sydney Water. A copy of Sydney Water's approval and requirements are to be submitted to Council prior to issuing a Construction Certificate.
50. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For Quick Check agent details please contact Sydney Water.

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

51. 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.

52. 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.
53. 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.
54. 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.

Note: The swept path of the longest vehicle entering and existing the subject site, as well as maneuverability through the site, shall be in accordance with Austroads. A swept path plan shall be submitted to Certifying Authority for approval illustrating compliance with this requirement, prior to release of the Construction Certificate.

Any proposed landscaping, fencing or signage is not to impede the desired sight lines of all road users including pedestrians and cyclists. All road works / regulatory signposting associated with the proposed development shall be at no cost to the Council or RMS.

COPIES OF THE CMP AND TMP SHALL BE SUBMITTED TO COUNCIL.

55. As the basement floor is proposed closer to existing built structures on neighbouring properties, which may be in the zone of influence of the proposed works and excavations on this site, a qualified practicing geotechnical engineer must;

- (a) Implement all recommendations contained in the report prepared by Douglas Partners Pty Ltd- Ref: 73832.02, dated 11 June 2014.
- (b) Provide a certificate that the construction certificate plans are satisfactory from a geotechnical perspective and
- (c) Confirm the proposed construction methodology.

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

- (d) Inspect the works as they progress. The Inspections are to occur at frequencies determined by the geotechnical engineer.
- (e) The geotechnical engineer to comment on proposed stormwater drainage design for the basement area, mainly on AGG line connections / permanent dewatering and a tanked basement structure.

NB: (i) If the proposed construction of the basement carpark impedes the water table, thus requiring dewatering of the site, the application is Integrated Development.

(ii) From the proposed basement pumped discharge drainage systems are permitted subject to complying with the design criteria listed in DCP.

(iii) The design of the basement structure will require consideration of the effects of the water table, both during and after construction (Tanking / waterproofing).

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

Note: A failure by contractors to adequately assess and seek professional

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

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

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

Where any such alarm triggers all excavation works must cease immediately. Prior to the vibration monitoring equipment being reset by the professional engineer and any further work recommencing the event must be recorded and the cause of the event identified and documented by the professional engineer.

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

The principal contractor and any sub-contractor must comply with all work directions, verbal or written, given by the professional engineer. A copy of any written direction required by this condition must be provided to the Principal Certifying Authority within 24 hours of any event.

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

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

Note: Building has the same meaning as in section 4 of the Act i.e. "building includes part of a building and any structure or part of a structure".

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

57. 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) with adequate provision for future fluctuation of the water table. The subsurface structure is required to be designed with consideration of uplift due to water pressure and "flotation" (buoyancy) effects. Subsoil drainage around the subsurface structure must allow free movement of groundwater around the structure, but must not be

connected to the internal drainage system. The design of subsurface structure, tanking and waterproofing, and subsoil drainage shall be undertaken by a suitably experienced Chartered Professional Engineer(s). Design details and construction specifications shall be included in the documentation accompanying the Construction Certificate for the relevant stage of works.

58. 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.
59. A dedicated car wash bay is required. A tap shall be provided. A sign shall be fixed saying 'Car Wash Bay'. The runoff shall be directed and treated as per Rockdale Technical Specification Stormwater Management. Details shall be provided with the plans accompanying the Construction Certificate.
60. Prior to the issue of the Construction Certificate, amended detailed drainage design plans for the management of stormwater are to be submitted to Principal Certifying Authority for assessment and approval. The amended design shall address the following issues:

Detailed plans are required to demonstrate compliance with the following:

- a. basement levels as a tanked system and shall incorporate an oil separator in accordance with Rockdale Technical Specification – Stormwater Management, section 7.5.4;
- b. driveway trench grates shall be in accordance with Rockdale Technical Specification Stormwater Management section 3.2;
- c. proposed OSD shall be in accordance with Rockdale Technical Specification Stormwater Management section 6.4;
- d. basement pumpwell size shall be in accordance with Clause 4.2.4 of DCP 2011- Technical Specification for Stormwater Management;
- e. design should meet water sensitive urban design principles; and
- f. geotechnical engineer is to review and comment on proposed stormwater drainage design, mainly the impact on tanked basement / subsoil drains / permanent dewatering and ground water table.

Overflow from the detention tank shall be directed to the existing kerb inlet pit located in Bidjigal Road.

Rainwater tank volume can be used to offset the detention requirement providing reuse facilities as per section 7.24 of Rockdale technical specification – stormwater management. Maximum 50% detention volume can be offset by the rainwater reuse tank.

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.

61. Prior to the issue of a Construction Certificate for building works, the Certifying Authority shall ensure that a letter from a qualified practicing Traffic Engineer

registered on the National Engineering Register (NER), or a Compliance Certificate (issued in accordance with Section 109C of the Environmental Planning and Assessment Act 1979), has been issued to the Certifying Authority stating that the design of the off-street parking facilities comply with the conditions of consent.

62. As required by the Voluntary Planning Agreement, the area of land to be dedicated for the proposed Community Park and associated road widening's shall be marked out and certified by a registered surveyor prior to commencement of any works on the site.
63. The groundwater shall be assessed by a suitably qualified and experienced environmental consultant in accordance with relevant contaminated sites guidelines published by NSW Department of Environment Climate Change and Water. A copy of the report shall be submitted to Principal Certifying Authority prior to the issue of the Construction Certificate. A copy shall also be submitted to Council if Council is not the Principal Certifying Authority.
64. The recommendations of the Pedestrian Wind Environment Study undertaken by Windtech dated 27 May 2015 are to be implemented on site.
- The inclusion of the proposed densely foliating trees on the ground level as indicated in architectural drawing are recommended to be retained.
 - The inclusion of the recommended densely foliating trees on the ground level.
 - The inclusion of the recommended 3m height impermeable screen along the western perimeter of the level 8 roof terrace.
 - The inclusion of the recommended 2m height impermeable screen along the southern perimeter of level 8 roof terrace.

65. *Acoustic*

Recommendations contained in the acoustic report prepared by Acoustic Logic, dated 28/07/2015 in relation to aircraft and traffic noise shall be implemented on site.

Inter tenancy units 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.

The development shall comply with the Building Code of Australia requirement for walls dividing occupancies.

A report shall be submitted to the Principal Certifying Authority for approval prior to the issue of any Construction Certificate. The report is to include BCA requirements and details of 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 the relevant stage of works.

66. *Landscape*

Prior to the issue of the Construction Certificate the landscape plan shall be amended to ensure as follows:

- Stormwater and drainage systems are not located in, or under those areas shown as landscaped beds, or where existing or proposed trees are located.
- All trees are located within mulched landscaped beds except where this may interfere with the performance of an on site detention system.
- Retaining walls used for raised planter beds on concrete slabs shall accommodate a minimum 800mm of soil/plant mix (over and above any drainage medium).
- A minimum soil depth of 200mm is provided for turfed areas on podiums or roof-tops or any other concrete slab, including the soil above stormwater drainage tanks.
- 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.
- All pavements shall comply with AS/NZ 4586:1999 standards Class W (low) for slip resistance on both private and Council property.

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

On completion of the 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.

Prior to commencement of works

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

67. 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.
68. 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.

69. 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.
70. 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.
71. Prior to the commencement of work, a Tree Protection Zone shall be established in accordance with AS4970-2009 (Protection of trees on Development Sites) and as detailed in section 4 of the Arboricultural Impact Appraisal and Method Statement by Naturally Trees dated 27 May 2015 around the Camphor Laural tree located near Bonar street which is required to be retained and protected. The protective fences shall consist of chain wire mesh temporary fence panels securely mounted and braced to prevent movement, shall be in place prior to the commencement of any work on site and shall remain until the completion of all building and hard landscape construction. Excavations for services, waste bins, storage of materials and equipment, site residue, site sheds, vehicle access or cleaning of tools and equipment are not permitted within the Tree Protection Zone at any time.
72. 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.
73. 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.
74. 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.
75. 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.

76. 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.
77. 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.
78. 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.

79. 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.
80. 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.
81. 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.

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

Note: Prior treatment and/or filtration of the water may be necessary to achieve acceptable quality.

83. 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.
84. All waste generated on site shall be disposed of in accordance with the submitted Waste Management Plan.
85. 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.
86. 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.

87. 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.

88. 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.

89. 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.

90. 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.

- 91. 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.

92. The Camphor Laurel located near the Bonar Street boundary (Tree 7 in the Arboricultural Impact Appraisal and Method Statement by Naturally Trees dated 27 May 2015) shall not be removed or pruned without the prior written consent of Council in the form of a Permit issued under Council's Development Control Plan 2011. All other existing site trees may be removed.
93. All recommendations contained in the Arboricultural Impact Appraisal and Method Statement by Naturally Trees dated 27 May 2015 shall be implemented and complied with.
94. For subdivision works, the Principal's agent shall monitor compliance with Council's approval and the standards of construction detailed in the approved specification and drawings. The Principal's agent shall undertake their required duties at all designated hold points under the specification, and ensure that the Contractor submits all information required by the specification.

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.

95. An Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of the building.
96. The footpaths and streetscape on Martin Avenue and Bonar Street shall be constructed in accordance with Rockdale City Council Public Domain Plan for 'Wolli Creek and Bonar Street Precinct'. Existing surface levels shall remain unchanged unless approved by the Council in writing.

Street lighting shall be provided on Martin Avenue and within Bonar Street and is to comply with Ausgrid requirements and Australian Standard AS 1158.

No work shall commence within the road reserve fronting Martin Avenue and Bonar Street prior to obtaining a section s138 permit from the Council.

97. A Public Positive Covenant shall be created on site, under Section 88E of the Conveyancing Act 1919, which requires the Owner's Corporation to ensure the maintenance, survival, repair and / or insurance of the communal planter boxes located at the periphery of the subject site.

Council requires proof of lodgement of the signed 88E with the Land Titles Office prior to the issue of the Occupation Certificate. Where Council is not engaged as the Principal Certifying Authority for the issue of the Positive Covenant, Council must be provided with all relevant supporting information (such as works-as-executed plans and landscape certification) prior to the issue of the Occupation Certificate.

98. 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.
99. 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.
100. 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) bins are to be returned to on site storage rooms within 1 hour following collection to ensure Bidjigal Road is not obstructed. This shall be the responsibility of the building manager on site.

(c) 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;

(d) Notwithstanding subclause (b), in the event that a floor covering in the lot is removed, the newly installed floor covering shall have a weighted standardized impact sound pressure level not greater than L'nT,w 45 measured in accordance with AS ISO 140.7 and AS ISO 717.2, A test report from a qualified acoustic engineer employed by a firm eligible to membership of the Association of Australian Acoustical Consultants shall be submitted to the Owners Corporation within 14 days of the installation of the new floor covering demonstrating compliance with that standard. In the event that the standard is not complied with, the floor covering shall be removed and replaced with a floor covering that conforms to that standard in accordance with any directions given by the Owners Corporation.

(e) Future occupants maintain planters located upon the edges of residential balconies.

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

101. Details of signage to be located within the loading / unloading bay on site are to be submitted to the PCA for approval. Signage is to clarify the use of the space as a loading and unloading bay at all times.
102. 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.
103. *Acoustic Attenuation*

Prior to the issue of an Occupation Certificate, the following is to be prepared, undertaken and submitted to Council:

A. Testing and evaluation of the wall insulation system and floor system is to be carried out at post construction stage by a suitably qualified acoustical engineer with MIE Australia membership or employed by a consulting firm eligible for AAAC membership to confirm compliance with conditions 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.

B. Acoustic recommendations in relation to traffic, aircraft and plant emissions contained in the report prepared by Acoustic Logic, dated 28/07/2015 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.

104. Lot C DP158978 / Lot 2309 DP 1159612 / Lot 2310 DP 1159612 / Lot 1 DP 233666 / Lot 2 DP 233666 shall be consolidated and re-subdivided into five allotments as noted upon the approved subdivision plan. Council requires proof of lodgement of the plan of consolidation and re-subdivision with the Land and Property Information Office prior to occupation.

105. 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.
106. 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.
107. 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.
108. 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.
109. 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.
110. 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.
111. A convex mirror is to be installed as per the approved plans to provide increased sight distance for vehicles.
112. The dedication to Council of the following for road widening purposes.
 - a. Martin Avenue - 1.6m depth strip of land along the entire Martin Avenue frontage of the site.
 - b. Bonar Street - 2.7m depth strip of land along the entire Bonar Street frontage of the site.
 - c. A strip of land 0.5m in depth for 90.47m along the frontage to Bidjigal Road.

Council requires proof of lodgement of the signed Subdivision Certificate and 88B Instrument with the Land Titles Office.

Note: The public domain related works to be in accordance with Bonar Street Precinct Public Domain Plan and Technical Manual.

113. Bollard(s) shall be installed by the Developer within adaptable shared spaces.
114. 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 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.

115. 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.
116. Where the installation of electricity conduits is required in the footway, the builder shall install the conduits within the footway across the frontage/s of the development site, to Ausgrid's specifications. Ausgrid will supply the conduits at no charge. A Road Opening Permit must be obtained from Council prior to the installation of the conduits. The builder is responsible for compaction of the trench and restoration of the footway in accordance with Council direction. A Compliance Certificate from Ausgrid shall be obtained prior to the issue of the Occupation Certificate.
117. Prior to issue of Occupation Certificate the applicant shall submit to the Principal Certifying Authority (PCA) an acoustic compliance report to verify that the measures stated in the 'DA Acoustic Assessment prepared by Acoustic Logic Dated 28 July 2015 Project Number 20141219.1 Document Reference 20141219.1/2807A/R1/YK' and all other noise mitigation measures associated with the mechanical plants and equipment including air-conditioners have been carried out and certify that the construction meets the above requirements. If Council is not the PCA, a copy shall be submitted to Council concurrently. The report shall be prepared by a suitably qualified and experienced acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australian Acoustical Consultants).
118. 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.
119. 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.
120. Prior to occupation or use of the premises, a qualified mechanical engineer shall certify that the mechanical ventilation/air conditioning system complies in all respects with the requirements of Australian Standard 1668, Part 1 & 2.
121. Prior to occupation, a chartered professional engineer shall certify that the tanking and waterproofing has been constructed in accordance with the approved design and specification. A copy shall be provided to Council if council is not the Principal Certifying Authority.
122. Prior to occupation, a Chartered Professional Engineer shall certify that the construction of the overland flow path, including construction of all channels, pipes, banks, levees, etc has been undertaken in accordance with the approved plans and flood assessment/flood management report. The Chartered Professional Engineer shall also certify that habitable floor levels and garage floor levels adjacent to the overland flow path have been constructed in accordance with the approved plans and that freeboard is provided in accordance with Rockdale Development Control Plan (DCP) 2011. The certificate must be based on inspection of the site and review of a works-as-executed plan of the overland flow path, which shall be prepared by a Registered Surveyor. A copy of the engineer's certificate and surveyor's works-as-executed plan shall be provided to Council where Council is not the Principal Certifying Authority.

123. A certificate from a Registered Surveyor shall be provided to the Principal Certifying Authority (PCA) certifying that the habitable floor level is constructed a minimum of 500mm above the 1% Annual Exceedance Probability (A.E.P) Flood Level. A copy of the certificate shall be provided to Council where Council is not the Principal Certifying Authority.
124. 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.
125. The minimum distance between the outside finished surface level and the underside of the adjacent floor shall be 300mm in all cases where overland flow produced by the 1% AEP rainfall exceeds a depth of 100mm.
126. Flow through open form fencing is required for all new front fencing and all internal fences and gates up to the 1% AEP flood level. Any new boundary fences adjoining private property shall have an 80mm gap at the bottom to allow flows through. Details of approved types of flow through fencing can be obtained from Council.
127. The underground garage shall be floodproofed to a minimum of 500mm above the 1% Annual Exceedance Probability flood level. The levels shall be certified by a registered surveyor prior to construction of the driveway or other openings.
128. The development shall comply with Rockdale Development Control Plan (DCP) 2011, and the Planning Considerations and Development Controls listed in the Flood Advice letter ref: F08/691P04, dated 16 June 2014.
129. Prior to commencement of operations, an advisory plaque shall be fixed within the drainage easement in such a way that it cannot be removed, containing the wording "The drainage easement may be subject to overland flows in heavy storms. Keep clear of the area when flows occur". The owners shall preserve the plaque in good condition and keep it visible.
130. Flow through open form fencing is required for all new front fencing and all internal fences and gates up to the 1% AEP flood level. Any new boundary fences adjoining private property shall have an 80mm gap at the bottom to allow flows through.
131. A positive covenant pursuant to the Conveyancing Act 1919 shall be created on the title of the lots that contain the stormwater detention and treatment devices to provide for their maintenance.
132. 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.
133. 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.

134. Signs shall be displayed adjacent to all stormwater drains on the premises, clearly indicating "Clean water only - No waste".
135. 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.
136. The approved recommendations from the Flood Management Report shall be implemented prior to occupation.
137. The dedication to Council of Lots A and D. This land is to be dedicated as 'public reserve', held in one ownership by Council and suitable from a contamination standpoint for the proposed development. These provisions are to be put into effect prior to release of the final Occupation Certificate.
138. The following land is to be dedicated to Council for road widening purposes.
 - a. A strip of land 0.5m in depth for 90.47m along the frontage to Bidjigal Road. (Lot C)
 - b. A strip of land 1.6m in depth for the entire frontage of the site to Martin Avenue. (Lot E)
 - c. A strip of land 2.7m depth for the entire frontage of the site to Bonar Street, identified as 'R1' on the approved subdivision plan.

This land is to be dedicated as 'public road', held in one ownership by Council and suitable from a contamination standpoint. These provisions are to be put into effect prior to release of the final Occupation Certificate.

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.

139. The new lots created are to be as follows:
 - a. Lot A - 2022sq/m with 35.245m frontage to Bonar Street
 - b. Lot B - 90.47m frontage to Bidjigal Road.
 - c. Lot C - 45.2sq/m, 0.5m wide with 90.47m frontage to Bidjigal Road.
 - d. Lot D - 178.2sq/m with 11.22m frontage to Bidjigal Road.
 - e. Lot E - 24.4sq/m, with 15.24m frontage to Martin Avenue.

The subdivision plan is to be reviewed and approved by Council prior to the issue of the Subdivision Certificate.

140. Flow through fencing shall be provided along the bottom of the fencing for the width and depth of overland flow. Details of approved types of flow through fencing can be obtained from Council. A positive covenant pursuant to the Conveyancing Act 1919 shall be created on the title of the lot(s) that contain the pool fencing preventing interference with the flow through fencing and overland flow route.

These provisions are to be put into effect prior to the release of the Subdivision Certificate.

141. The subdivision is to occur in accordance with Development Consent 2015/421, 2015/231 and any subsequent Section 96 modifications, prior to release of the Subdivision Certificate.
142. 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.
143. 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.
144. 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 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 release of the Subdivision/Strata Certificate.

145. 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.
146. A positive covenant shall be provided over the on-site detention system. A Section 88B Instrument and four copies shall be lodged with the Subdivision Certificate.
147. a. The subdivision works shall be completed (or as otherwise agreed with Council pursuant to Section 109J (2) of the Environmental Planning and Assessment Act 1979); and
- b. The Principal's agent shall certify that the subdivision works have been constructed in accordance with the approved plans and specifications, subject to the tolerances listed in the specification; and
- c. Works-as-executed plans, prepared by a registered surveyor based on a survey of the completed works in accordance with the specification, shall be submitted to Council as follows:

- (i) One (1) copy of A1 or A0 sheet; and
- (ii) One (1) CD, containing WAE files in DWG and PDF format.

d. The requirements of Energy Australia shall be met, and a Compliance Certificate shall be issued by Energy Australia where applicable, for the installation of:

- (i) Underground low voltage street mains; and
- (ii) Underground supplied street lighting columns; and
- (iii) Servicing for the development.

Roads Act

148. 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.

149. The following works will be required to be undertaken in the road reserve at the applicant's expense:

- i) 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;

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

150. 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.

151. 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.

152. 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.
153. 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.
154. Following completion of concrete works in the footpath reserve area, the balance of the area between the fence and the kerb over the full frontage of the proposed development shall be turfed with either buffalo or couch (not kikuyu) or landscaped. If landscaping is proposed rather than turfing, details shall be submitted to the Property and Community Services Department for approval.

Development consent advice

- a. A street number shall be prominently displayed at the front of the development. The street number shall be a minimum of 120 mm in height to assist emergency services and visitors to locate the property. The numbering shall be erected prior to commencement of operations.
- b. You are advised to consult with your utility providers (i.e. Energy Aust, Telstra etc) in order to fully understand their requirements before commencement of any work.
- c. *Telstra Advice - 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. In order for the final Subdivision Certificate to be signed and released by Council, the following must occur:
 - i) all of the above conditions of consent must be complied with;
 - ii) a Section 73 certificate from Sydney Water must be supplied. If it is for a Torrens Title subdivision, the certificate must clearly state subdivision into 5 lots;
 - iii) a Section 88B Instrument which contains a positive covenant written in accordance with Council's standard wording for on site detention systems must be submitted. The 88B Instrument should also provide a space for Council's authorized person to sign on each page.
- e. All asbestos fibre demolition material and asbestos dust shall be handled, stored and removed in accordance with the relevant legislation and guidelines including:
 - Work Health and Safety Act 2011
 - Work Health and Safety Regulation 2011
 - Code of Practice for the Safe Removal of Asbestos [NOHSC: 2002 (2005)]

- Code of Practice for the Management and Control of Asbestos in Workplaces [NOHSC: 2018 (2005)]
- Protection of the Environment Operations (Waste) Regulation 2005

All work procedures shall be devised to minimise the release of dust and fibres. A checklist of safety precautions when working with asbestos is available in Health & Safety Guidelines prepared by the WorkCover Authority of NSW. Collection, storage and transportation is subject to the Protection of the Environment Operations (Waste) Regulation 2005.

- f. 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.
- g. a. Note: Under clause 22.2 and Item B1 of Schedule 3 of the Planning Agreement, the Developer is to complete a detailed design for the whole of the proposed Community Park and Public Square within the Bonar Street Precinct to the satisfaction of Council, prior to the issue of the first construction certificate for the development.
- b. Note: Under clause 22.2 and Schedule 3 of the Planning Agreement, the Developer is to:
- (a) demolish all buildings on the land required to be dedicated to Council under the Agreement,
 - (b) remediate any contamination on the land to be dedicated to Council for the Community Park suitable for its use as public open space to the satisfaction of Council,
 - (c) construct the portion of the Community Park within the land in accordance with the design approved by Council,
 - (d) enter into a Maintenance Agreement with Council for maintenance of that portion of the Community Park within the land, and
 - (e) design and construct to Council’s satisfaction the widening of Bonar Street and associated works around the perimeter of the Community Park, prior to the issue of the first occupation certificate for the development.
- c. Council is currently obtaining a detailed design for the reconstruction of Bonar Street under a contract for consultancy services. Once detailed design information

has been submitted to and approved by Council under the contract, the developer may make an application to Council to obtain the information for incorporation into the detailed design of the development.

d. As per the requirements of the Voluntary Planning Agreement (VPA), a detailed design for the Community Park is to be prepared to the satisfaction of Council and submitted for approval prior to CC stage. The applicant's landscape architect is to liaise with Council's senior landscape architect and Co-Coordinator Urban Strategy in relation to the required changes to the Community Park design.

e. It is advised that a maintenance program is implemented to ensure surveillance opportunities are not hindered due to neglected landscaping areas, especially around the perimeter of the development, communal areas and along walkways.

- h. The removal, cleaning and disposal of lead-based paint shall conform with the requirements of the NSW Environment Protection Authority's guideline - "Lead Alert - Painting Your Home".
- i. All site works shall comply with the occupational health and safety requirements of the NSW WorkCover Authority.
- 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.