



ROCKDALE CITY COUNCIL

Planning Assessment Report

Application Details

Application Number:	DA-2016/24
Date of Receipt:	16 July 2015
Property:	2 Willis Street, WOLLI CREEK NSW 2205 Lot 21 DP 67300 Lot 20 DP 67300 Lot 19 DP 67300 Lot 1 DP 549423
Owner:	Pacific Springs Investments PTY LTD
Applicant:	Urban Link Pty Ltd
Proposal:	2-6 Willis Street WOLLI CREEK NSW 2205 - Integrated Development - Construction of nine (9) storey residential flat building comprising 92 residential units, basement car parking and demolition of existing buildings
Recommendation:	Approved
No. of submissions:	Nil
Author:	Fiona Prodromou
Date of Report:	19 November 2015

Key Issues

The subject site is zoned B4 - Mixed Use under Rockdale Local Environmental Plan 2011 (RLEP 2011). The proposed residential flat building is permissible with consent.

The proposed development seeks to vary the maximum height limit on site by 0.81m to a portion of the building. It is further proposed to vary the maximum FSR on site by 20%. Variations as proposed are supported in this instance for the reasons outlined within this report.

The proposal indicates variations to DCP 2011 with regard to unit mix, deep soil planting and number of lifts above the sixth floor. These matters have been discussed within this report and are worthy of support.

Part of the site is subject to a previous approval for the construction of an 8 storey residential flat building with roof terrace, 68 units and car parking. The proposed development however incorporates a previously isolated narrow site within Willis Street which did not form part of the previous approval for the site, or approvals upon adjoining neighbouring properties. Amalgamation with the isolated site is in the public interest.

The applicant has offered to agree to a bond for the provision of future public domain works along the frontage of the subject site. These future works are to be undertaken by Council and will provide a community public benefit within Willis Street.

The development application has been notified in accordance with Council's Development Control Plan 2011. No submissions were received in relation to the proposed development.

The proposed development is recommended for approval subject to the conditions attached to this report.

Recommendation

1. That the JRPP support the variation to the FSR & height development standards, as contained in Clauses 4.3 – Height & Clause 4.4 – FSR of Rockdale LEP 2011, in accordance with the request under clause 4.6 of RLEP 2011 submitted by the applicant.
2. That development application DA-2016/24 for the construction of a nine (9) storey residential flat building comprising 92 residential units, basement car parking and demolition of existing buildings, 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 NSW Department of Planning and Environment be advised of the JRPP decision.

Background

History

5 May 2014

DA-2014/89 at 4-6 Willis Street was approved by Council, being the construction of an 8 storey residential flat building with roof terrace, 68 units and car parking. This development complied in full with Height / FSR requirements.

15 May 2014

DA-2014/122 at 13-21 Arncliffe Street was approved by Council, being the construction of an 8 storey mixed use development with roof terrace, 60 units and car parking. This development also complied in full with height and FSR requirements.

1 April 2015

Council considered a report recommending refusal for modifications to 13-21 Arncliffe Street, Wolli Creek (DA-2014/122) resulting in an additional floor (to create a 9th storey building), reduction in landscaping and an additional 15 units on site. The amended proposal contravened the Height and Floor Space Ratio requirements by 1.45m and an additional 0.56:1 (or 20%). Council resolved to approve the modifications.

Overall the approval of the above two applications resulted in the isolation of 2 Willis Street Wolli Creek.

Negotiations to incorporate 2 Willis Street into the above applications was unsuccessful.

The applicant has since acquired the isolated site at 2 Willis Street and as such DA-2016/24 for 2-6 Willis Street Wolli Creek was submitted to Council and is thus the subject of this application.

Proposal

The proposed development comprises the construction of an L shaped nine (9) storey residential flat building comprising 92 (24 x 1 bed / 62 x 2 bed / 6 x 3 bed) residential units, basement car parking and demolition of existing buildings. The proposed development comprises as follows;

Basement

61 car spaces (including 11 accessible), residential storage, 3 motorbike spaces, 10 bicycle spaces, pedestrian and vehicular circulation, fire stairs and access to three lift cores.

Ground Floor

2 x 1 bedroom units fronting Willis Street with street facing courtyards. Two residential lobbies, vehicular access, associated landscaping within the front setback and fire stairs. 38 car spaces including 19 visitor and 3 accessible, 1 car wash bay, 3 motorbike spaces, residential storage, waste storage rooms, loading / unloading bay, substation and vehicular access ramp to basement level.

Level 1

7 x 2 bedroom units, 5 x 1 bedroom units, associated private open spaces and rear split level landscaped podium communal open space area, incorporating playground areas, bbq facilities, active and passive spaces.

Level 2

10 x 2 bedroom units, 2 x 1 bedroom units

Level 3 - 4 (per floor)

8 x 2 bedroom units, 3 x 1 bedroom units, 1 x 3 bedroom unit

Level 5

10 x 2 bedroom units, 2 x 1 bedroom units

Level 6 - 7 (per floor)

8 x 2 bedroom units, 3 x 1 bedroom units, 1 x 3 bedroom unit

Level 8

3 x 2 bedroom units, 1 x 1 bedroom unit, 2 x 3 bedroom units, rooftop communal open space area with associated landscaping and shade structure.

Associated landscape and storm-water works are proposed on site, including the provision of a range of trees, shrubs and ground covers within the western side boundary setback at ground level, adjoining the railway line.

It is further proposed to undertake public improvement works along the Willis Street frontage of the site, including but not limited to the provision of paving, street lighting, kerb and gutter and street tree planting.



Figure 1 - Photo-montage of the proposed development.

Site location and context

The subject site is known as 2-6 Willis Street, Wolli Creek. It has an irregular shape with 54.86m frontage to Willis Street and a total site area of 2233.2sq/m by survey. The site has a slight cross fall of 1m from the western rear corner to the eastern front corner of the site. The site is currently partially vacant with buildings upon 4-6 Willis Street having been demolished, with a lone two storey industrial building entirely currently occupying 2 Willis Street.

Directly adjoining the site to the west is the railway line, to the east is 13-21 Arncliffe Street, this property is currently being redeveloped for a 9 storey mixed use development with 75 residential units above ground level commercial tenancies.

To the rear of the site (south west) is 9-11 Arncliffe Street, an irregularly shaped allotment, currently being redeveloped for an 8 storey residential flat building with 39 units.

Opposite the site to the north east lies 19-21 Arncliffe Street, recently approved for the construction of 2 x 8 storey residential flat buildings with 57 units. A development application is currently under assessment for 9-13 Willis Street for the construction of 2 x 8 storey residential flat buildings with 44 units. The image below depicts the context of approvals surrounding the site.



Figure 2 - Subject site

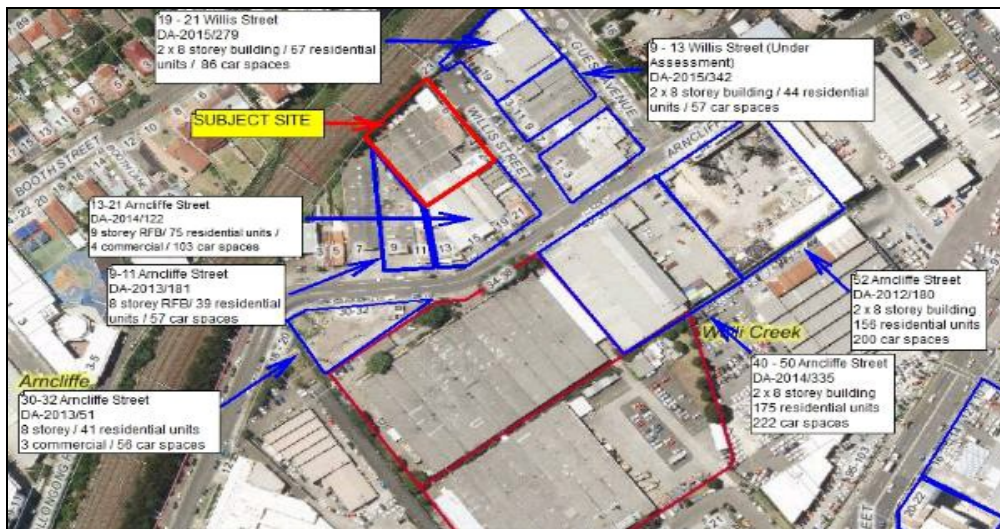


Figure 3 - Aerial context

No significant trees or vegetation exist on the subject site and the property is affected by Class 3 acid sulfate soils, potential contamination and flooding.

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 construction dewatering proposed for the project is deemed to be an aquifer interference activity in accordance with the definition in the Water Management Act 2000 and required referral to NSW Office of Water. General Terms of Approval appropriate to this activity have been provided, in accordance with the principles of the Aquifer Interference Policy. This will be included as a condition of the development consent.

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 501554M_04. The commitments made result in the following reductions in energy and water consumption:

Reduction in Energy Consumption 25

Reduction in Water Consumption 40

Thermal Comfort Pass

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

State Environmental Planning Policy (Infrastructure) 2007

Division 15 - Development in or adjacent to Railway Corridors

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

Proposed development that involves ground penetration at least 2m depth that is within 25m of a rail corridor, Railcorp is required to provide its concurrence to the proposal - 86(1)(b).

Comment: The proposal involves excavation within 25 metres of the East Hills rail corridor. Sydney Trains provided Council with correspondence which details their concurrence in relation to the subject DA. Conditions of consent by Sydney Trains have been incorporated into the draft notice of determination for approval.

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

A building for residential use adjacent to a rail corridor requires that measures are taken to limit LAeq (equivalent continuous noise levels) and they are not exceeded:

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

Comment: An Acoustic Report has been prepared and recommends measures to ensure that these levels are not exceeded. In this regard the proposal is considered satisfactory and the proposal has been conditioned accordingly.

State Environmental Planning Policy (State and Regional Development) 2011

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

State Environmental Planning Policy No 55—Remediation of Land

The property has the potential to be contaminated because of its use for industrial purposes since the 1950's. An Environmental Report prepared by Environmental Investigations, ref: E1902.1 AA Rev 01 dated 12 October 2015 has been submitted confirming that the site is suitable for the proposed development. The proposal has been conditioned to take on board the recommendations of the above stated report. The proposal satisfies the requirements of SEPP 55.

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 proposal was referred to the Design Review Panel on two occasions, initially on the 11th August, with revised plans reviewed on the 13th October 2015. The DRP reviewed amended plans and were supportive of the revised scheme subject to minor changes in relation to the removal of surplus on site carparking, increase in deep soil zones on site increase to setbacks to units 8006/8007, provision of additional communal facilities at rooftop level, internalized bedrooms to units 3007/4007/6007/7007 and layout revisions.

The above issues were resolved and have been discussed in detail below.

b. The design quality of the development 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 and Neighborhood Character

The Design Review Panel noted that the revised *"proposal represents a significant improvement in the building form, appearance and the relationship to the public domain"*.

The proposal 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. It is noted that 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 Wolli Creek railway station. The proposal relates satisfactorily to the existing and emerging context and approved neighborhood character.

Principle 2 – Built Form and Scale

The DRP noted that the *"built form has been reconfigured to create an L-shape which has removed privacy issues between adjacent apartments"*. It was further stated that potential areas of on site vehicular conflict between loading, visitor and residential vehicles had been resolved.

The DRP stated that the *"proposal over provides car parking on site by approximately 18 spaces. The basement car parking area should be redesigned to remove excess parking and expand deep soil zones in the southern corner of the site."*

The applicant has amended the scheme to resolve the above, deleting surplus car parking, increasing deep soil planting on site and providing additional residential storage at ground and basement levels.

The scale of the development fits appropriately with adjacent approved developments under construction to the east and south. The proposed development is consistent with the scale of existing and emerging contextual development and is generally consistent with the desired future character of the area. The proposal is satisfactory in regards to this principle.

Principle 3 – Density

It is acknowledged that the proposal exceeds the FSR requirements for the site. The additional FSR in this instance has been supported for the reasons discussed under Clause 4.6 – Exceptions to Development Standards below.

The DRP stated that *"the proposal still appears to be more dense than permissible. The Panel, however, sees no obvious impacts flowing from this additional floor space. Increased setbacks to 8006 and 8007 to the south and east would reduce impacts somewhat"*.

The applicant has revised the scheme, merging units 8006 / 8007 at the top floor and recessing this unit as can be seen below, in order to minimise overshadowing impacts to neighbouring properties.



Figure 4 - Initial and final setbacks top floor

The density as proposed and designed on site is deemed to be satisfactory.

Principle 4 - Sustainability

The DRP stated that the *"proposal seems to have improved sustainability performance considerably (more cross ventilated apartments and better solar access)"*. The proposed development provides optimal solar access and cross ventilation to units, with generous landscaped areas on site. The proposal was accompanied by a BASIX certificate which confirms energy efficiency measures proposed to be implemented on site.

Principle 5 – Landscape

The DRP noted that the following matters remain and are required to be resolved;

- *An expanded deep soil zone with large trees should be provided to improve amenity, micro-climate and outlook for this development and adjacent developments. Deep soil zones in adjacent development should be clearly shown in relation to the deep soil zone within this site and generally consolidated/integrated. Large trees greater than 8 metres height should be provided in the zone.*

Comment: Amended architectural plans indicate the provision of an expanded deep soil zone in the southern corner of the site. Amended landscape plans have not however been submitted and as such the application has been conditioned to require the submission of an amended Landscape Plan be submitted to Council for approval prior to the issue of the Construction certificate which integrates trees greater than 8m in height within the southern deep soil zone on site.

- *The redesign of the deep soil zone could facilitate removal of the lower level space to provide a consolidated communal open space at level 1.*

Comment: The communal open space at level 1 has been provided as a split level area in order to enable the lower level to be consistent in level with the rear communal open space of the adjoining development at 9-11 Arncliffe Street. The split level communal area is satisfactory given its intended urban outcome.

- *Private open space at ground floor level could be expanded to units 1.011 and 1.012 on the western elevation. Common landscape planting could be provided along this boundary.*

Comment: Private open space areas to the aforementioned units comply with the requirements of the ADG. Notwithstanding, plans have been amended to provide periphery planting to the western edge of these courtyards.

- *Tree planting species on the rail corridor interface should be reconsidered (remove water gums and replace with larger trees).*

Comment: As noted above, the proposal has been conditioned to require an amended landscape plan be submitted to Council for approval prior to the issue of the Construction Certificate. The above comment of the DRP has been incorporated into this condition to ensure suitable trees are provided on site adjoining the railway corridor.

- *On the common rooftop terrace, tables and benches should be provided, possibly a BBQ facility and storage and toilet facilities.*

Comment: Plans have been amended to provide tables, chairs, a storage bench and bbq facility upon the rooftop communal open space area. Toilet facilities are not depicted, yet the proposal has been conditioned to require that toilets are provided.

Principle 6 – Amenity

The DRP noted that the following matters remain and are required to be resolved;

- *Units 3007, 4007, 6007 and 7007 have internal bedroom without windows and these should be removed.*

Comment: The aforementioned bedrooms have been opened and converted to study nooks with

adjoining storage cupboards.

- *The door to Unit 3008 and similar above should be relocated away from the kitchen bench to avoid circulation conflicts.*

Comment: The layout of the affected units has been reconfigured to avoid circulation conflicts and maximize usable area.

- *All balcony areas should be of adequate and habitable depths. See particularly Units 3008 and 3009 in front of bedrooms.*

Comment: Balcony areas referred to above are 0.5m in depth and accessed via a sliding door from a bedroom, in order to enable separate, direct and external access to the main balcony space from bedrooms. The main balcony spaces provided to aforementioned units are of reasonable size and dimensions to ensure appropriate amenity is provided to future occupants.

The proposed development satisfies the solar access and cross ventilation requirements of the SEPP and ADG. Units, habitable rooms and balconies are of adequate size and dimensions and appropriate storage has been provided within dwellings. Two communal open space areas are provided on site, at podium and rooftop levels, with varied outdoor spaces which will encourage social interaction between future occupants.

The proposal as designed will ensure that a satisfactory level of amenity is afforded to future residents, in addition to the future residents of adjoining sites.

Principle 7 - Safety

The development provides two prominent and clearly identifiable building entries to Willis Street which comprise direct pedestrian access, generous lobbies and provide a high level of visibility to the street. Ground level units are also provided with direct independent street 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 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 8 - Housing Diversity and Social Interaction

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 two appropriate communal facilities at podium and rooftop level with various spaces including bbq, lawn and childrens playground area, which

will encourage and provide opportunities for social interaction between future occupants.

The DRP was supportive of the proposal in regards to this principle.

Principle 9 – Aesthetics

The proposed development is articulated into two separate forms to reduce its bulk, and minimise the length and mass to Willis 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, glass balustrades, timber and sandstone cladding. These materials will provide a modern, contemporary, high quality and visually appealing development on site.

At ground level, planting is provided forward of the building line, adjoining the Willis Street property boundary to soften the base of the development, provide amenity and visual interest. Planting includes ground covers as well as shrubs and trees capable of growing to a mature height of 15m.

The DRP was supportive of the proposal and it is considered that the proposed development satisfies this principle.

c. Apartment Design Guide

The proposal has been assessed against the Apartment Design Guide (ADG). The proposed development is considered to have performed adequately in respect to the objectives and design criteria contained within the ADG. The relevant issues are discussed below:

CLAUSE	DESIGN CRITERIA	COMMENTS	COMPLIES
3D - Communal Open Space	25% (558.3sq/m) Site Area 50% Direct sunlight to principal useable part of communal open space for minimum 2 hours between 9am - 3pm on 21 June	See comments below.	Partial
3J - Bicycle and car parking	As per Guide to Traffic Generating Developments 100 spaces required (80 residential / 19 visitor) 1 car wash bay as per DCP 2011	100 spaces	Yes

4D – Apartment size and layout	Minimum internal areas: <table><tr><th>Apartment type</th><th colspan="2">Minimum internal area</th></tr><tr><td>Studio</td><td colspan="2">35m²</td></tr><tr><td>1 bedroom</td><td colspan="2">50M²</td></tr><tr><td>2 bedroom</td><td colspan="2">70m²</td></tr><tr><td>3 bedroom</td><td colspan="2">90m²</td></tr></table>			Apartment type	Minimum internal area		Studio	35m ²		1 bedroom	50M ²		2 bedroom	70m ²		3 bedroom	90m ²		Minimum apartment sizes adhered to. i.e. 1 bedroom units 50sq/m / 2 bedroom units 80sq/m + / 3 bedroom units 101sq/m - 121sq/m. Units incorporating bathroom and ensuite are of sufficient area i.e. 2 bedroom units minimum 80sq/m	Yes
Apartment type	Minimum internal area																			
Studio	35m ²																			
1 bedroom	50M ²																			
2 bedroom	70m ²																			
3 bedroom	90m ²																			
4C – Ceiling heights	<table><tr><th colspan="3">Minimum ceiling heights:</th></tr><tr><td>Habitable</td><td colspan="2">2.7m</td></tr><tr><td>Non-habitable</td><td colspan="2">2.4m</td></tr></table>			Minimum ceiling heights:			Habitable	2.7m		Non-habitable	2.4m		2.7m & 2.4m floor to ceiling heights provided respectively for habitable and non habitable areas	Yes						
Minimum ceiling heights:																				
Habitable	2.7m																			
Non-habitable	2.4m																			
3F Visual Privacy	Min separation - side & rear boundaries: <table><tr><th>Building height</th><th>Habitable rooms and balconies</th><th>Non habitable rooms</th></tr><tr><td>Up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr><tr><td>Up to 25m (5-8 Storeys)</td><td>9m</td><td>4.5m</td></tr><tr><td>Over 25m (9+storeys)</td><td>12m</td><td>6m</td></tr></table>			Building height	Habitable rooms and balconies	Non habitable rooms	Up to 12m (4 storeys)	6m	3m	Up to 25m (5-8 Storeys)	9m	4.5m	Over 25m (9+storeys)	12m	6m	The proposed development is located a minimum of 24.47m from the rear of the building under construction at 9-11 Arncliffe Street and a minimum of 32.3m from the eastern wing of the building under construction at 13-21 Arncliffe Street. The proposed development is satisfactory with respect to visual privacy between neighbours.	Yes			
Building height	Habitable rooms and balconies	Non habitable rooms																		
Up to 12m (4 storeys)	6m	3m																		
Up to 25m (5-8 Storeys)	9m	4.5m																		
Over 25m (9+storeys)	12m	6m																		

4A – Solar and daylight access	Living rooms + POS of at least 70% of apartments receive min 2hrs direct sunlight b/w 9am & 3 pm mid-winter Max 15% apartments receive no direct sunlight b/w 9am & 3pm mid-winter	70% (80 of 92) 15% (maximum 14 with southerly orientation)	Yes Yes															
4F – Common circulation and spaces	Max apartments off a circulation core on a single level is eight.	Maximum 5 units off single lift core	Yes															
4E – Private open space and balconies	Primary balconies as follows:<table><tr><th>Dwelling type</th><th>Minimum area</th><th>Minimum depth</th></tr><tr><td>Studio</td><td>4m²</td><td>-</td></tr><tr><td>1 bed</td><td>8m²</td><td>2m</td></tr><tr><td>2 bed</td><td>10m²</td><td>2m</td></tr><tr><td>3+ bed</td><td>12m²</td><td>2.4m</td></tr></table> Min balcony depth contributing to the balcony area is 1m / Ground level, podium or similar -POS provided instead of a balcony: min area 15m² and min depth of 3m.	Dwelling type	Minimum area	Minimum depth	Studio	4m ²	-	1 bed	8m ²	2m	2 bed	10m ²	2m	3+ bed	12m ²	2.4m	Proposed balcony sizes comply with and exceed the requirements of ADG. i.e. 1 bedroom unit 10sq/m - 14sq/m balconies / 2 bedroom units with 12sq/m primary balcony some with secondary bedroom balconies / 3 bedroom unit with 26sq/m - 33sq/m balconies.	Yes
Dwelling type	Minimum area	Minimum depth																
Studio	4m ²	-																
1 bed	8m ²	2m																
2 bed	10m ²	2m																
3+ bed	12m ²	2.4m																
4B – Natural ventilation	Min 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	60% (56 of 92) are cross ventilated <18m building depth	Yes Yes															

4G – Storage	In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided, with a minimum of 50% located within the unit.	Appropriate storage has been provided within residential dwellings, with additional storage provided within ground and basement level car parking areas for future occupants.	Yes										
	<table><tr><th>Dwelling type</th><th>Storage size volume</th></tr><tr><td>Studio</td><td>4m²</td></tr><tr><td>1 bed</td><td>6M²</td></tr><tr><td>2 bed</td><td>8m²</td></tr><tr><td>3 bed</td><td>10m²</td></tr></table>			Dwelling type	Storage size volume	Studio	4m ²	1 bed	6M ²	2 bed	8m ²	3 bed	10m ²
	Dwelling type			Storage size volume									
	Studio			4m ²									
	1 bed			6M ²									
	2 bed			8m ²									
3 bed	10m ²												

Communal Open Space

The proposal comprises a total of 715sq/m communal open space provided in the form of two separate areas. i.e. Podium 523sq/m / Rooftop 192sq/m. Communal open space areas on site are well designed, provided with facilities, seating, equitable access and varied spaces for interaction and play.

Solar access to podium communal open space is restricted, given its orientation to the south behind the proposed development. Solar access in midwinter is achieved to the lower level lawn and paved areas following 3pm in midwinter. Notwithstanding, the proposed rooftop communal area receives in excess of 2 hours solar access in midwinter given its location. The communal open space areas proposed will provide for appropriate on site amenity for future occupants and the proposed development is considered to satisfy the objectives of 3D communal and public open space of the Apartment Design Guide.

Rockdale Local Environmental Plan 2011

Relevant clauses	Compliance with objectives	Compliance with standard/provision
2.3 Zone B4 Mixed Use	Yes	Yes - see discussion
2.7 Demolition requires consent	Yes	Yes
4.3 Height of buildings	Yes	No - see discussion
4.4 Floor space ratio	Yes	No - see discussion
4.6 Exceptions to development standards	Yes	Yes - see discussion
6.1 Acid Sulfate Soil - Class 3	Yes	Yes - see discussion
6.2 Earthworks	Yes	Yes - see discussion
6.4 Airspace operations	Yes	Yes - see discussion
6.6 Flood Planning Land	Yes	Yes - see discussion
6.7 Stormwater	Yes	Yes - see discussion
6.12 Essential services	Yes	Yes - see discussion

2.3 Zone B4 Mixed Use

The subject site is zoned B4 - Mixed Use under the provisions of Rockdale Local Environmental Plan 2011 (RLEP 2011). The proposal is defined as a residential flat building which constitutes a permissible development with development consent. The proposed development is consistent with the objectives of the zone providing a compatible land use in an accessible location within close proximity to public transportation within Wolli Creek.

4.3 Height of buildings

A maximum height limit of 28m applies to the subject site. The proposal comprises a maximum height of 28.81m to the highest point, thus proposing a variation of 0.81m to the maximum height limit on site.

The applicant has submitted a clause 4.6 variation to development standard in relation to the proposed above exceedance. The above has been addressed within Clause 4.6 of this report. The proposal is deemed to be consistent with the objectives of clause 4.3 - Height of Building for the reasons outlined within Clause 4.6.

4.4 Floor space ratio

A maximum FSR of 2.85:1 applies to the subject site. This equates to a maximum gross floor area of 6364.6sq/m. The proposal breaches the FSR development standard, with a proposed FSR of 7635sq/m, being 1270.4sq/m in excess of that permitted. This results in an FSR of 3.4:1 on site, being 20% in addition to that permitted by Rockdale LEP 2011.

The applicant has submitted a clause 4.6 variation to development standard in relation to the proposed above exceedance. The above has been addressed within Clause 4.6 of this report. The proposal subject to conditions is deemed to be consistent with the objectives of clause 4.4 - FSR.

4.6 Exceptions to development standards

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

(3)(a) that compliance with the standard is unreasonable or unnecessary in the circumstances of the case, and

(3)(b) that there are sufficient environmental planning grounds to justify the variation.

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

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

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

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

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

As noted within Clause 4.3 - Height of Buildings, the proposal seeks to vary the height standard applicable to the subject site. The proposal comprises a maximum height of 28.81m being 0.81m at the highest point in excess of the maximum 28m permitted.



Figure 5 - Proposed height variation

The proposal further seeks to vary the FSR standard for the site as noted in Clause 4.4 - FSR. The proposal comprises a maximum FSR of 3.4:1 being 1270.4sq/m (20%) of surplus floor space on site. The applicant has submitted a detailed justification to the proposed variations to both the height and FSR development standards. Variations to height and FSR have been assessed below.

A. Clause 4.3 - Height of Buildings

A summary of the key arguments of the applicant's clause 4.6 arguments in respect of the height development standard are as follows;

- *The proposal is a relatively minor variation to the maximum building height and as such the variation is not substantially different to the maximum building height anticipated on the site.*
- *The proposed area of non compliance results from distribution of building mass on the site in a manner that as far as practicable does not impact upon neighbouring properties and minimizes impacts on area character.*
- *The proposed area of non compliance is not considered to result in a size or scale of development that is incompatible with the desired future character of the locality.*
- *The proposal achieves a high quality urban form with significant detailing and a variety of materials, resulting in a building form which is consistent with other buildings in the area. The use of a variety of materials, colours and differing treatments to balconies and louvres ensures any bulk of the building is reduced and allows the development to sit comfortably within the streetscape.*
- *The proposal does not contribute to additional overshadowing of living / private open space areas of neighbouring properties.*

The applicant's justification and area of non compliance is supported in this instance, in context of clause 4.6 for the following reasons:

- The proposed height variation is restricted to a minor portion of the top floor of the development, within the north eastern portion of the site fronting Willis Street. The location of the variation, design of the development and choice of materials allows the proposal to integrate with the adjoining 9 storey development under construction and provide for a cohesive streetscape appearance within Willis Street.
- The additional height proposed is minor and is not considered to be a detrimental environmental planning outcome as it does not give rise to adverse solar access, view loss or visual or acoustic privacy impacts on site, or to neighbouring properties.
- Given the above, and as a result of the flooding constraints on site which require the development to be raised, the flexible application of the Height standard is not inappropriate in this instance.
- The proposal is consistent with the objectives of Clause 4.3 – Height of Buildings of Rockdale LEP 2011, in that the development is a high quality urban form & retains appropriate sky exposure and solar access on site and to neighbouring properties.
- The proposal is consistent with the objectives of the B4 – Mixed Use zone, providing for a suitable residential use within a highly accessible location within the Wolli Creek town centre.
- The proposal is consistent with the aims of the Building Height control as specified within Part 2C of the Apartment Design Guide, ensuring the development responds to the desire future scale and character of Willis Street.
- The proposal demonstrates a high standard of architectural design that will provide an appropriate visual relationship with other new development in the area.

B. Clause 4.4 - FSR

A summary of the key arguments of the applicant's clause 4.6 arguments in respect of the FSR development standard are as follows;

- *The proposed GFA is consistent with recent approvals for development in the vicinity of the site and the Wolli Creek Precinct in general.*
- *The proposed FSR non-compliance does not contribute to any additional overshadowing of living areas or private open spaces of neighbouring properties.*
- *The proposal achieves a high quality urban form outcome with appropriate detailing and a variety of materials resulting in a building that is visually consistent with other buildings in the*

area.

- *The proposal will complement the future character of the locality when viewed in conjunction with the adjoining building to the east by creating a building size that is consistent with the adjoining development approval.*
- *The urban design response in the form of the proposed development achieves a high quality urban form which allows for increased housing opportunities and choice for future occupants without adversely impacting on the amenity of adjoining properties.*
- *The proposal is compatible with the mixed uses in the area comprising residential and commercial uses within a well serviced location.*
- *The proposal creates a significantly better planning outcome for the locality by obtaining and including a previously isolated site (No. 2 Willis Street) between 2 approved developments. The proposed additional building mass at the upper level along the street and in an area that adjoins a similar scale of building to the east is a superior planning outcome as it allows the rear setback area to be used for common open space and reduces impacts to adjoining properties to the rear of the site.*

The applicant's justification is supported in this instance, in context of clause 4.6 for the following reasons:

- The development continues a street wall periphery development and is consistent in overall building height, bulk, scale and FSR with the approved adjoining eastern development currently under construction at 13-21 Arncliffe Street which was approved by Council with an FSR of 3.41:1.
- Apartment layouts as designed maximize solar access, cross ventilation and outlook to optimize internal amenity for future occupants.
- The redevelopment of the site will facilitate a use which is consistent with the objectives of the zone and built form which does not result in adverse environmental planning impacts upon adjoining or nearby properties in terms of overshadowing, aural and visual privacy, solar access, natural ventilation and views & vistas.
- The subject site is of an overall area, depth & orientation, which enables the proposed development to be sited to align with and continue the approved built form of the eastern adjoining neighbour at 13-21 Arncliffe Street, without resulting in adverse environmental planning impacts to surrounding approved development. As such the proposed development will not set an undue precedent.
- 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 Wolli Creek.
- The offer from the applicant to agree to a bond to ensure that future public domain works along

the frontage of the subject site are undertaken. This will provide a demonstrable public benefit to the future local community.

- The proposal is consistent with the objectives of Clause 4.4 – FSR in that the development does not result in adverse amenity impacts on site, to neighbours or properties within the context of the site.
- The proposal provides a development that facilitates the orderly economic development of the site in an appropriate manner and results in the elimination of an isolated site by a development with a bulk, height, scale and mass which is not inconsistent with approved built forms within close proximity to the subject site. The design of the development sits comfortably within the likely future built form context and future desired character for the area.
- The proposal is consistent with the aims of the FSR control as specified within Part 2D of the Apartment Design Guide.
- The proposal is consistent with the objectives of Part 4 - Designing the Building, of the Apartment Design Guide, providing appropriate internal and external amenity, satisfactory environmental performance and an aesthetically pleasing built form on the subject site.

The public benefit of orderly development of this site outweighs strict adherence to the numeric standards presented by the height & FSR controls of RLEP 2011. The height and FSR development standards aforementioned are deemed unreasonable and unnecessary in this instance for the reasons noted above.

It is considered that in this instance, there are sufficient environmental planning grounds and public benefit in which to justify the contravention of the height & FSR standards for the site.

6.1 Acid Sulfate Soil - Class 3

The site is within an area classified as Class 3 in the acid sulfate soils map and as such an acid sulfate soils management plan is required given the depth of excavation proposed on site.

An Acid Sulfate Soils Management Plan prepared by Environmental Investigations Australia Pty Ltd ref: E1902.1 AB Rev 1 dated 14 July 2015 was submitted to Council with the application. The proposal has been conditioned to ensure the measures outlined within the acid sulfate soils management plan 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. 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 subject site is affected by the 15.24m building height Civil Aviation Regulation. The proposal was referred to Sydney Airports for comment. Sydney Airports approved the proposed height subject to conditions. The recommended conditions have been included in the draft Notice of Determination.

6.6 Flood Planning Land

The site is affected by Probable Maximum Flood (PMF) and a minimum floor level of 3.21RL is required. Due to flooding constraints the ground floor of the development is raised up to 0.68m to ensure the development is flood proofed. The proposal has been designed with a floor level of 3.21RL to ensure that driveway crossings and floor levels are above the 100 year street flood level.

Additional conditions of consent are proposed in line with the requirements of this clause. Subject to compliance with these conditions, the proposal is satisfactory in regards to flooding.

6.7 Stormwater

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

6.12 Essential services

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

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

There are no draft environmental planning instruments currently applying to the subject site.

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 - see discussion
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
4.1.9 Lot size and Site Consolidation - Residential flat buildings	Yes	Yes - see discussion
4.2 Streetscape and Site Context - General	Yes	Yes - see discussion

Relevant clauses	Compliance with objectives	Compliance with standard/provision
4.3.1 Open Space and Landscape Design - Residential Flat Buildings	Yes	No - see discussion
4.4.5 Acoustic privacy	Yes	Yes - see discussion
4.4.7 Wind Impact	Yes	Yes - see discussion
4.5.1 Social Equity - Housing Diversity and Choice	Yes	No - see discussion
4.5.2 Social Equity - Equitable Access	Yes	Yes - 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 - see discussion
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
4.7 Laundry Facilities and Drying Areas	Yes	Yes - see discussion
4.7 Letterboxes	Yes	Yes
4.7 Hot Water Systems	Yes	Yes
5.2 RFB - Building Entry	Yes	Yes - see discussion
5.2 RFB - Lift Size and Access	Yes	No - see discussion
7.1.2 Wolli Creek Vision	Yes	Yes
7.1.3 Wolli Creek Structure Plan	Yes	Yes - see discussion
7.1.4 Wolli Creek Land Use Strategy	Yes	Yes - see discussion
7.1.5 Wolli Creek Road Network and Vehicular Access	Yes	Yes
7.1.8 - Wolli Creek Mixed Use Street Frontage	Yes	Yes - see discussion
7.1.9 Wolli Creek - Environmental Management	Yes	Yes

4.1.1 Views and Vista

Given the location of the subject site and its context, it is not considered that there are any significant or iconic views which would be obstructed by the proposed development. The proposal satisfies the objectives of this clause.

4.1.9 Lot size and Site Consolidation - Residential flat buildings

A minimum lot width of 24m is required for residential flat development. The subject site has a minimum lot width of 54.86m and as such complies with this requirement.

4.2 Streetscape and Site Context - General

The proposed development has been aligned and sited to physically connect to the development approved and under construction upon the adjoining eastern site at 13-21 Arncliffe Street. The proposed development continues a street wall periphery form of development, maintains a central podium courtyard akin to adjoining approved developments and is compatible in its overall bulk, scale and character with surrounding approved developments.

Given the length of the 45.7m frontage of the site, the proposed development is articulated into two separate forms to reduce its bulk, and minimise the length and mass to Willis 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, glass balustrades, timber and sandstone cladding. These materials will provide a modern, contemporary, high quality and visually appealing development on site.

Units 806/805 which comprise the eastern most portion of the building and exceed the height limit are 18m in width and are proposed to be setback 2m from the front property boundary of the site in line with the floors below. Additional habitable areas at level 8 of the development are recessed in excess of 13.6m from the front property boundary and as such are not visually discernible from the the public domain at street level. Forward of these units is a communal rooftop open space area with periphery mass planting which is capable of growing to a height of 1.2m and as such will further obscure any elevated view of the top level of the development. Designing the development in this manner provides a continuation of the street wall development approved upon the adjoining eastern development upon 13-21 Arncliffe Street.

At ground level, planting is provided forward of the building line, adjoining the Willis Street property boundary to soften the base of the development, provide amenity and visual interest. Planting includes ground covers as well as shrubs and trees capable of growing to a mature height of 15m.

It is noted that the area is undergoing a transition from an industrial to high density mixed use area containing retail, commercial and residential uses to take advantage of the proximity to the railway station. 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.

4.3.1 Open Space and Landscape Design - Residential Flat Buildings

A minimum of 15% (334.9sq/m) of the subject site is required to be provided as deep soil landscaped area. The proposal comprises a total of 284.2sq/m of landscaped area on site, being 12.7% of the site area. The proposal is 50.7sq/m deficient of the landscaped area requirement for the site.

Given the high density context of the site and surrounding area, appropriate on site storm water management and satisfactory level of planting proposed, the proposal is considered to meet the objectives of the clause and a minor variation is acceptable in this instance.

4.4.5 Acoustic privacy

An acoustic report prepared by Acoustic Noise & Vibration Solutions Pty Ltd, dated 2nd July 2015 was submitted to Council. The report considered internal acoustic amelioration between units, mechanical ventilation systems and acoustic noise and vibration given the proximity of the site to the railway line.

The report provides recommendations to maximize the acoustic amenity of future occupants. The proposal has been conditioned to ensure the recommendations of the report are implemented. The proposal is therefore satisfactory in this regard.

4.4.7 Wind Impact

The application was accompanied by a Wind Report prepared by Wind Tech, dated 15 July 2015 ref WB755-02FO2 (Rev1). The report provides recommendations as follows in order to mitigate wind impacts on site given the height of the development.

1. The inclusion of densely foliating vegetation in the form of trees and shrubs within the proposed planters; in particular around the playground and outdoor chess area, within and around the Level 1 communal open space.
2. The retention of the proposed blade walls, operable louver screens and balustrades on the private corner balconies.
3. The inclusion of densely foliating shrubs or hedge planting capable of growing to a height of 1.5m within perimeter planters on the rooftop terrace.

Note that if recreational facilities are to be included on the roof top terrace at a later design stage then further mitigation measures, such as covered shelters with full-height impermeable screens; in particular along the western perimeter, may be required. The densely foliating vegetation along the western boundary of the Level 1 and rooftop communal open spaces should be of an evergreen species to ensure their effectiveness in wind mitigation throughout the year. The use of loose glass-tops and light-weight sheets or covers (including loose BBQ lids) is not appropriate on high-rise outdoor terraces and balconies. Furthermore, lightweight furniture is not recommended unless it is securely attached to the balcony or terrace floor slab.

Landscape and architectural plans submitted with the application depict the above. The proposal has been conditioned to ensure the above recommendations are implemented on site. The proposal complies with the requirements of this clause.

4.5.1 Social Equity - Housing Diversity and Choice

The proposal indicates the following mix of units on site. Variations are proposed to the number of 1 and 3 bedroom units within the development.

<i>DCP Requirement</i>	<i>Proposed</i>	<i>Complies</i>
1 bedroom 10% (10) - 20% (19)	24 x 1 bedroom 26%	No
2 bedroom 50% (47) - 75% (70)	62 x 2 bedroom 67%	Yes
3 bedroom 10% (10) - 30% (28)	6 x 3 bedroom 7%	No

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 Accessibility Solutions (NSW) Pty Ltd, dated 3 July 2015. The report confirms that the development provides for a total of 10 adaptable units in compliance with the requirements of this clause.

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.

The proposal has been conditioned accordingly and complies with the objectives and requirements of this clause.

4.6 Driveway Widths

Plans indicate the provision of a 7.5m wide driveway, the proposal will be conditioned to ensure the driveway has a maximum width of 8m in accordance with Councils technical specifications.

4.6 Access to Parking

Vehicular access to the site is provided via Willis Street. 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

The proposed development incorporates an on site loading / unloading area and garbage collection area with sufficient dimensions to enable passenger vehicles and medium rigid vehicles to enter and exit the site in a forward direction, maximizing vehicular and pedestrian safety. The proposal is satisfactory in regards to the provisions of this clause.

4.6 Car Wash Facilities

One car wash bay is provided within the development, this area is of sufficient dimensions and is to be conditioned to ensure the provision of a cold water tap and connection to the sewer system. The proposal satisfies the requirements and objectives 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 glass balustrades to balconies. To ensure the aforementioned services are not visible from the public domain the proposal has been conditioned to ensure glass balustrades to balconies is opaque. The proposal is satisfactory in this regard.

4.7 Waste Storage and Recycling Facilities

Plans indicate the provision of isolated suitably sized and located residential waste storage areas at ground level. Additionally the proposed development incorporates garbage chutes within the building for convenience of future users and a separate bulk waste store adjoining lift 2 at ground level. Garbage collection will be undertaken on site as appropriate headroom has been provided to enable trucks to enter, collect rubbish and exit in a forward direction. The proposal provides for appropriate waste management on site. The proposal is acceptable in this regard and satisfies the objectives and requirements of this clause.

4.7 Service Lines/Cables

Plans indicate the provision of a substation within the building envelope. Adequate servicing will be provided on site. The proposal is consistent with the requirements of this clause.

4.7 Laundry Facilities and Drying Areas

Plans indicate the provision of internal laundries to residential dwellings within the development. The proposal has been conditioned to require a by law which restricts the use of balconies for clothes drying purposes. The proposal is consistent with the requirements of this clause.

5.2 RFB - Building Entry

Two residential building entries are provided at ground level from Willis Street. Residential entries are spacious, inviting, accessible and clearly identifiable, providing a direct physical and visual connection between the street, pedestrian connection and the development. The proposal satisfies the requirements and objectives of this clause.

5.2 RFB - Lift Size and Access

Lift access has been provided on site. Three lifts are provided within the development, each providing access from basement levels to the uppermost storey of the development. Lifts are appropriately dimensioned and common corridors have a minimum width of 2m, to enable the movement of bulky and large items within the building.

Levels 6/7/8 of the eastern most wing of the development comprise 9 units. This eastern wing comprises 1 lift, which is not in accordance with the requirements of DCP 2011 which requires access to two lifts for each dwelling on a level above the sixth storey.

Notwithstanding it is noted that cross over to all three lifts is provided at rooftop level which will provide future occupants with access in the event of a lift malfunction. Given the the scale of the development, number of units aforementioned and the potential for cross over at rooftop level, one lift servicing levels above the 6th floor to the eastern wing of the development is not deemed to be unreasonable in this instance.

7.1.3 Wolli Creek Structure Plan

The proposal is consistent with the structure plan for the area, providing a compatible and permissible development which is consistent with the emerging character of the surrounding area.

7.1.4 Wolli Creek Land Use Strategy

The proposal does not provide a retail component within the development, yet residential flat buildings are permissible within the subject zoning and the development is consistent with the nature of

residential development approved within the Wolli Creek precinct. The proposal is consistent with the objectives of this clause, and seeks to alter the character of the site from a degraded industrial environment to a high quality residential development.

7.1.8 - Wolli Creek Mixed Use Street Frontage

The proposed development provides the required 2m front setbacks on site to the Willis Street frontage of the development. The proposal further provides an activated ground floor street edge with the provision of residential courtyards, individual unit entries, large spacious and visually prominent common lobbies which maximize visual connections and reinforce the public domain.

The proposal is consistent with the street character diagram within DCP 2011 and is satisfactory with regards to the provisions of this clause.

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

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

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. Council did not receive any submissions on this proposal.

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

The proposal has been assessed against the relevant planning policies applying to the site having regard to the objectives of the controls. As demonstrated in the assessment of the development application, the proposal will allow the development of the site in accordance with its environmental capacity. The proposed development will not only provide for a high quality residential building, maximizing amenity for future occupants on site and enhancing the streetscape, but will also provide for future public domain works which are in the public interest. The proposal does not create unreasonable impacts on surrounding properties. As such it is considered that the development application is in the public interest.

S94 Contribution towards provision or improvement of amenities or services

The proposal has been conditioned accordingly to require the payment of S94 Contributions for the increase in density on site.

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
Basement Floor Plan (Dwg 02) Issue F	Urban Link Pty Ltd	11/11/2015	18/11/2015
Ground Floor Plan (Dwg 03) Issue F	Urban Link Pty Ltd	11/11/2015	18/11/2015
Level 1 (Dwg 04) Issue F	Urban Link Pty Ltd	11/11/2015	18/11/2015
Level 2 (Dwg 05) Issue F	Urban Link Pty Ltd	11/11/2015	18/11/2015
Level 3 (Dwg 06) Issue F	Urban Link Pty Ltd	11/11/2015	18/11/2015
Level 4 (Dwg 07) Issue F	Urban Link Pty Ltd	11/11/2015	18/11/2015
Level 5 (Dwg 08) Issue F	Urban Link Pty Ltd	11/11/2015	18/11/2015

Level 6 (Dwg 09) Issue F	Urban Link Pty Ltd	11/11/2015	18/11/2015
Level 7 (Dwg 10) Issue F	Urban Link Pty Ltd	11/11/2015	18/11/2015
Level 8 (Dwg 11) Issue F	Urban Link Pty Ltd	11/11/2015	18/11/2015
South Elevation (Dwg 16) Issue F	Urban Link Pty Ltd	11/11/2015	11/11/2015
East Elevation (Dwg 15) Issue F	Urban Link Pty Ltd	11/11/2015	11/11/2015
North Elevation (Dwg 14) Issue E	Urban Link Pty Ltd	26/10/2015	26/10/2015
West Elevation (Dwg 17) Issue E	Urban Link Pty Ltd	26/10/2015	26/10/2015
Section AA (Dwg 12) Issue E	Urban Link Pty Ltd	26/10/2015	26/10/2015
Section BB (Dwg 13)	Urban Link Pty Ltd	26/10/2015	26/10/2015
Perspective / Colours & Finishes Issue D	Urban Link Pty Ltd	28/08/2015	28/09/2015

3. All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).
4. **A Construction Certificate must be obtained from Council or an Accredited Certifier prior to any building work commencing.**
5. The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate Number 501554M_04 other than superseded by any further amended consent and BASIX certificate.
Note: Clause 145(1)(a1) of the Environmental Planning & Assessment Regulation 2000 provides: A certifying authority must not issue a construction certificate for building work unless it is satisfied of the following matters: -
 - (a1) that the plans and specifications for the building include such matters as each relevant BASIX certificate requires.**Note:** Clause 154B(2) of the Environmental Planning & Assessment Regulation 2000 provides: "A certifying authority must not issue a final occupation certificate for a BASIX affected building to which this clause applies unless it is satisfied that each of the commitments whose fulfilment it is required to monitor has been fulfilled."
Note: For further information please see <http://www.basix.nsw.gov.au>.
6. Balconies shall not be enclosed at any future time without prior development consent.
7. This approval is not to be construed as permission to erect any structure on or near a boundary contrary to the provisions of the Dividing Fences Act.
8. 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.
9. 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.
10. 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.

11. All works are to be carried out in accordance with the integrated development conditions provided by NSW Office of Water and listed at the end of this consent.
12. 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

0.6 spaces per 1 bedroom unit (15)

0.9 spaces per 2 bedroom unit (56)

1.4 spaces per 3 bedroom unit (9)

Non-Allocated Spaces

Residential Visitor Spaces 1 space per 5 apartments (19)

1 designated car wash bay

Total spaces required = 100

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.

13. The management of acid sulfate soils on site shall be in accordance with the treatment and contingency measures specified within the Acid Sulfate Soils Management Plan, prepared by Environmental Investigations, dated 14 July 2015 and submitted to Council on 16/07/2015.
14. Recommendations contained in the acoustic report prepared by Acoustic Noise & Vibration Solutions Pty Ltd reference 2015-354, dated 2 July 2015 in relation to mechanical ventilation systems and noise / vibration near railway lines shall be implemented on site.
15. Loading areas are to be used only for the loading and unloading of goods, materials etc. not for any other purpose. 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.

Commercial vehicle facilities shall be designed strictly in accordance with AS2890.2:2002. Loading and maneuvering areas to have minimum 4.5m headroom clearance.

Loading and unloading within the site shall be restricted to commercial vehicles not

exceeding the size and mass description of the RCV, Refuse Collection Vehicle from AS2890.2:2002. Commercial vehicles greater in size and mass than the RCV, Refuse Collection Vehicle are not permitted to enter the site.

16. Parking spaces shall not be enclosed without further approval of Council. The enclosure of car spaces is not permitted unless the enclosure complies with the design requirements of AS2890.1.
17. The existing and future owners (Registered Proprietor) of the property will be responsible for the 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.
18. 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.
 19. 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.
 20. 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.
 21. Bicycle parking facilities shall be designed in accordance with AS2890.3:1993. Off-street parking areas associated with the subject development shall be designed strictly in accordance with AS2890.1 and AS2890.6. Internal height clearance shall be designed throughout the car park and access driveway in accordance with AS2890.1 and AS2890.6.
 22. All proposed lights shall comply with the Australian Standard AS4282 - 1997 "Control of the Obtrusive Effects of Outdoor Lighting". In this regard, the lighting of the premises shall be directed so as not to cause nuisance to the owners or occupiers of adjacent/adjoining premises or to motorists on adjoining or nearby roads.
 23. Hot and cold water hose cocks shall be installed to the garbage room. Services or utility systems shall not be located in the garbage room.
 24. 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.

25. a) In order to ensure the design quality excellence of the development is retained:
 - i. A Registered Architect is to have direct involvement in the design documentation, contract documentation and construction stages of the project;
 - ii. The design architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of design issues throughout the life of the project;
 - iii. Evidence of the design architect's commission is to be provided to the Department prior to release of the Construction Certificate.b) The design architect of the project is not to be changed without prior notice and approval of the Council or Department.
26. Where natural ventilation fails to comply with the provisions of the Building Code of Australia, mechanical ventilation shall be provided in accordance with Australian Standard, 1668, Part 2.
27. To maximize security in and around the development the following shall be incorporated into the development, with details to be approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.
 1. 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.
 2. A lighting maintenance policy shall be established for the development. Lighting shall be designed to the Australian and New Zealand Lighting Standards. Australia and New Zealand Lighting Standard 1158.1 - Pedestrian, requires lighting engineers and designers to consider crime risk and fear when selecting lamps and lighting levels.
 3. Security mirrors shall be installed within corridors and on blind corners to enable users to see around blind corners.

4. Graffiti resistant materials shall be used to ground level external surfaces.
5. Intercom facilities shall be installed into entry/exit points to enable residents to communicate and identify with people prior to admitting them to the development.
28. The recommendations of the Environmental Report prepared by Environmental Investigations, ref: E1902.1 AA Rev 01 dated 12 October 2015 shall be implemented on site.
29. No works within the public domain form part of this approval.
30. **Public Domain**
Prior to the commencement of construction above the ground floor, the applicant shall provide to Council a bank guarantee to the total value of \$100,000 to be used for the sole purpose of design and construction of public domain improvement works along the Willis Street frontage of the development site in accordance with the Rockdale Public Domain Technical Manual and Rockdale DCP 2011. This work is to include but not be limited to paving, street lighting and planting across the frontage of the site to Willis Street. These works are to be commenced by Council within 12 months of the issue of a Final Occupation Certificate. If works do not commence within this specified period, the bank guarantee shall be relinquished.

Prior to issue of the construction certificate

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

31. 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 \$21 559.98. This is to cover repair of any damages, or other works to be done by Council. This includes construction, removal, or repair as required to: kerb and guttering, existing or new driveways; paved areas and concrete footpaths. The deposit may be lodged with Council in the form of a Bank Guarantee (Any proposed Bank Guarantee must not have an expiry date). The deposit will not be returned by Council until works are completed and all damage is restored and all specified works are completed by Council.
 - ii. An environmental enforcement fee of 0.25% of the cost of the works.
 - iii. A Soil and Water Management Sign of \$17.00.
32. All fire boosters, hydrants, substations, services and the like shall be concealed within the building envelope. Details of the aforementioned shall be submitted to Council for approval prior to the issue of the Construction Certificate.
33. For work costing \$25,000 or more, a Long Service Leave Levy shall be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.
34. 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 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.

35. A Section 94 contribution of \$15 86316.97 shall be paid to Council. Such contributions are only used towards the provision or improvement of the amenities and services identified below. ***The amount to be paid is adjusted at the time of payment, in accordance with the contribution rates contained in Council's current Adopted Fees and Charges.*** The contribution is to be paid prior to the issue of any construction certificate for works above the floor level of the ground floor. (Payment of the contribution is not required prior to any separate construction certificates issued only for demolition, site preparation works and the construction of basement levels). The contribution is calculated from Council's adopted Section 94 contributions plan in the following manner:

Child Care Services Amend 5	\$2 714.68
Community Services Amend 5	\$2 908.11
Library Services Amend 5	\$39 296.13
Wolli Creek Regional Open Space Fund Amend 5	\$72 809.80
Wolli Creek City Wide Open Space Fund Residential Amend 5	\$115 160.09
Wolli Creek Local Open Space Fund Amend 5	\$68 6192.58
Wolli Creek Local Streetscape Fund Amend 5	\$86 622.03
Wolli Creek City Wide TC & Streetscape Fund Amend 5	\$12 942.52
Wolli Creek Flood Mitigation & Stormwater Amend 5	\$15 3500.18
Wolli Creek Pedestrian & Cyclist Facilities Amend 5	\$51 412.09
Wolli Creek Admin & Mgt Residential Amend 5	\$27 400.45
Wolli Creek Roads Traffic Mgt Residential Amend 5	\$335 358.31

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

36. *Geotechnical - adjoining buildings founded on loose foundation materials*

As the basement floor is being 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 Environmental Investigations Pty Ltd, dated 2 July 2015.
- (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 is to be prepared 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.

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.

37. 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.
38. 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.
39. A suitable qualified engineer is to certify that the structure can withstand the forces of floodwater, scour, debris and buoyancy in a 0.5% AEP flood event.
40. 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.
41. Where the front fence and or side walls are greater than 1200mm in height at the vehicular entry shall be set back a minimum of 2m from the boundary. The return fences and planter boxes on each side are to be splayed at an angle of 45 degrees to the boundary. Details of the fence and or planter boxes are to be included in the documentation accompanying the Construction Certificate.
42. 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 ten (10) residential units, and between these unit(s) and allocated carparking spaces. The allocated parking spaces 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.

43. 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.

44. 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.

45. 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.
46. Details shall be submitted to Council for assessment and approval pursuant to Section 138 of the Roads Act 1993 in relation to the following:

i) Parallel parking along the frontage of the property.

47. 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.
Recommend the required crest level in the driveway to protect the low level driveway from flooding.

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

49. The plans submitted with the Construction Certificate shall demonstrate compliance with the following:

- 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.
- All vertical plumbing, other than roofwater heads and downpipes, shall be concealed within the brickwork of the building. Any electrical kiosks or fire

booster valves shall be located in unobtrusive locations toward site boundaries and away from entrances into the building. Utilities shall be softened with landscaping so as not to detract from the overall appearance of the development and amenity of the streetscape.

- 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.
- 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 ten (10) adaptable units.
- Acoustic Attenuation - The noise reduction measures specified in the noise report prepared by Acoustic Noise & Vibration Solutions P/L (Dated 2 July 2015) shall be shown in the construction plans. This includes all measures including measures to ensure compliance with the following LAeq (equivalent continuous noise levels) in accordance with SEPP (Infrastructure) 2007:
 - (i) in any bedroom in the building-35 dB(A) at any time between 10.00pm and 7.00 am; and
 - (ii) anywhere else in the building (other than a garage, kitchen, bathroom or hallway) - 40dB(A) at any time.

50. Any part of the proposed building within 3m of the proposed detention tank or absorption trench shall be constructed on a pier and beam foundation with piers extending no less than 300mm below the bottom of the tank or trench base. This requirement shall be reflected on the Construction Certificate plans and supporting documentation.
51. A designated car wash bay is to be provided on site. 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.
52. Prior to the issue of the Construction Certificate, detailed drainage design plans for the management of stormwater are to be submitted to Council or an Accredited Certifier for assessment and approval. Design certification, in the form specified in Council's Technical Specification – Stormwater Management, and drainage design calculations are to be submitted with the plans. Council's Technical Specification – Stormwater Management sets out the minimum documentation requirements for detailed design plans.

Note:

1. The detailed plans are required to show the basement levels as tanked system and the basement carpark runoff to be treated by an oil separator. To implement any required drainage measures on the base of geotechnical Engineer's

advice on the drainage under the floor slab and basement walls

2. Minimum height clearance within proposed rain tank and basement pump storage shall be 1m minimum.
3. The basement pump storage shall be sized to contain the total volume of runoff generated by the two hour 1 in 50 year storm assuming the pumps are not operating. This is equivalent to 10.6 m³ per 100 m² of area being drained anticipated groundwater seepage capacity. All the pump storage volume is to be underground and to have minimum dual pumps.
4. Stormwater management for the area will need to include the provision of water reuse, the first 10-20mm of stormwater run-off is to be retained on site for on-site irrigation and perhaps limited toilet flushing. Concept drainage design plans, supporting calculations and design certification will be required to be submitted in accordance with the design, documentation and certification requirements of DCP and Rockdale Technical Specification – Stormwater Management.
5. The final design shall demonstrate the use of a Water Sensitive Urban Design Approach (WSUD) to the design of the drainage system. DCP 2011 requires significant multi-unit development to confirm the targets for the stormwater pollution reduction and to justify the target by an analysis using MUSIC. The DCP2011 also outlines the stormwater reduction targets for multi-unit developments as followed:

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

Generally, WSUD involves recognition of a need to:

- a) Protect and enhance natural water systems within urban developments.
- b) Integrate stormwater treatment devices.
- c) Protect water quality.

53. Balustrades to balconies are to comprise opaque / frosted glass only. Details are to be submitted and approved by Council prior to the issue of the Construction Certificate.
54. The following recommendations of the Wind Report prepared by Wind Tech, ref WB755-02F02(REV1) and dated 15 July 2015 are to be implemented on site.
 1. The inclusion of densely foliating vegetation in the form of trees and shrubs within the proposed planters; in particular around the playground and outdoor chess area, within and around the Level 1 communal open space.
 2. The retention of the proposed blade walls, operable louver screens and balustrades on the private corner balconies.
 3. The inclusion of densely foliating shrubs or hedge planting capable of growing to a height of 1.5m within perimeter planters on the rooftop terrace.

Note that if recreational facilities are to be included on the roof top terrace at a later design stage then further mitigation measures, such as covered shelters with full-height impermeable screens; in particular along the western perimeter, may be required. The densely foliating vegetation along the western boundary of the Level 1 and rooftop communal open spaces should be of an evergreen species to ensure their effectiveness in wind mitigation throughout the year. The use of loose glass-tops and light-weight sheets or covers (including loose BBQ lids) is not appropriate on high-rise outdoor terraces and balconies. Furthermore, lightweight furniture is not recommended unless it is securely attached to the balcony or terrace floor slab.

Details to be approved by the PCA prior to the issue of the Construction Certificate.

55. Prior to issue of the Construction Certificate, amended Landscape Plans prepared by Melissa Wilson Landscape Architect shall be submitted to, and approved by the Director of City Planning and Development of Rockdale City Council. The amended plans shall:
- Be consistent with the approved architectural plans.
 - Incorporate large trees 8m and higher within the deep soil zone in the southern corner of the site.
 - Tree planting species on the rail corridor interface should be reconsidered (remove water gums and replace with larger trees).
 - Incorporate unisex accessible toilet facilities upon the rooftop communal open space area.

Prior to commencement of works

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

56. A dilapidation survey shall be undertaken of all properties and/or Council infrastructure, including but not limited to all footpaths, kerb and gutter, stormwater inlet pits, and road carriageway pavements, in the vicinity which could be potentially affected by the construction of this development. Any damage caused to other properties during construction shall be rectified. A copy of the dilapidation survey and an insurance policy that covers the cost of any rectification works shall be submitted to the Accredited Certifier (AC) or Council prior to Commencement of Works. The insurance cover shall be a minimum of \$10 million.
57. 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.

58. A Construction Management Plan (CMP) shall be prepared in accordance with the requirements of all relevant regulatory approval bodies. Prior to the commencement of works the Certifying Authority shall be satisfied that the Construction Management Plan has obtained all relevant regulatory approvals. The Construction Management Plan shall be implemented during demolition, excavation and construction.

Prior to the issue of the relevant Construction Certificate, a Construction Traffic Management Plan (TMP) prepared by a suitably qualified person shall be submitted to and approved by the Certifying Authority. The Plan shall address, but not be limited to, the following matters:

- (a) ingress and egress of vehicles to the site;
- (b) loading and unloading, including construction zones;
- (c) predicted traffic volumes, types and routes; and
- (d) pedestrian and traffic management methods.

Copies of the CMP and TMP shall be submitted to Council.

59. 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.
60. 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.
61. 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.
62. 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.
63. 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.

- 64. 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.

During demolition / excavation / construction

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

- 65. 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.
- 66. 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.
- 67. 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.
68. 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.
 69. All waste generated on site shall be disposed of in accordance with the submitted Waste Management Plan.
 70. 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.
 71. 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.

72. Any new information discovered during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination, shall be notified to Council being the Regulatory Authority for the management of contaminated land.
73. 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.
74. 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.
75. 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.

76. 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.

77. Trees located within adjoining properties shall not be removed or pruned without the written consent of Council in the form of a Permit issued under Council's Development Control Plan 2011.

Prior to issue of occupation certificate or commencement of use

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

78. An Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of the building.
79. Prior to the issue of the final Occupation Certificate the following shall be complied with:
1. 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.
 2. All playground structures and softfall treatments shall satisfy the relevant AS/NZS standards (AS/NZS 4486.1:1997, AS/NZS 4422:1996).
 3. All pavements shall comply with AS/NZ 4586:1999 standards Class W (low) for slip resistance on both private and Council property.
 4. Stormwater and drainage systems are not to be located in, or under those areas shown as landscaped beds, or where existing or proposed trees are located.
80. 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.
81. 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.
82. A by-law shall be registered and maintained for the life of the development, which requires that :
- (a) balconies are not to be used as clothes drying areas, storage of household goods and air-conditioning units that would be visible from the public domain;
 - (b) an owner of a lot must ensure that all floor space within the lot complies with the acoustic conditions for floors specified in this consent;
 - (c) notwithstanding subclause (b), in the event that a floor covering in the lot is removed, the newly installed floor covering shall have a weighted standardized impact
 - (d) in the event of a lift malfunction / breakdown, residents are to have access to an alternative lift within the building.
- sound pressure level not greater than L'nT,w 45 measured in accordance with AS ISO 140.7 and AS ISO 717.2, A test report from a qualified acoustic engineer employed by a firm eligible to membership of the Association of Australian

Acoustical Consultants shall be submitted to the Owners Corporation within 14 days of the installation of the new floor covering demonstrating compliance with that standard. In the event that the standard is not complied with, the floor covering shall be removed and replaced with a floor covering that conforms to that standard in accordance with any directions given by the Owners Corporation.

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

83. Ground level surfaces are to be treated with anti-graffiti coating to minimise the potential of defacement. In addition, any graffiti evident on the exterior facades and visible from a public place shall be removed forthwith.
84. The approved recommendations from the Flood Management Report shall be implemented prior to occupation.
Note: The Wolli Creek Precinct has minimum floor levels based on the 0.5% AEP Flood.
85. Lots 21 DP 67300, Lot 20 DP 67300, Lot 19 DP 67300, Lot 1 DP 549423 shall be consolidated into one allotment. Council requires proof of lodgement of the plan of consolidation with the Land and Property Information Office prior to occupation.
86. 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.
87. 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.
88. 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.
89. Vehicles shall enter and exit the site in a forward direction at all times. A plaque with minimum dimensions 300mm x 200mm shall be permanently fixed to the inside skin of the front fence, or where there is no front fence a prominent place approved by the Principal Certifying Authority, stating the following: "Vehicle shall enter and exit the site in a forward direction at all times".
90. 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.
91. The driveway is to be constructed to a minimum width of 8 metres at the boundary.
92. Mirrors are to be provided on site at key locations (i.e. outside of bends in the car park), close to give way signs and entry signs recommending drivers turn on their headlights.
93. The gate for the basement shall be located in order to permit the queuing of two (2) vehicles when waiting to enter the basement garage. The control mechanism for the gate shall be arranged such that access to the basement garage for registered proprietors of the commercial units, and their visitors, does not require security clearance or assisted entrance between the hours of 7:30am to 6:00pm Monday to

Saturday and 7:30am to 1:00pm on Sunday. Where the hours of operation of the commercial units are approved outside of these hours, the access arrangements shall match the approved hours of operation.

94. One hundred (100) off-street car spaces including 1 x designated car wash bay and a separate designated the loading bay shall be provided in accordance with the submitted plan and shall be sealed and linemarked to Council's satisfaction. The pavement of all car parking spaces, manoeuvring areas and internal driveways shall comply with Australian Standard AS3727 – Guide to Residential Pavements.
95. 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.
96. 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.

Acoustic recommendations in relation to rail noise, vibration and plant emissions contained in the report prepared by Acoustic Noise & Vibration Solutions Pty Ltd, reference 2015-354, dated 2 July 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.

97. Prior to issue of an Occupation Certificate, a measurement report from a qualified acoustic consultant shall be submitted, demonstrating compliance with the noise criteria.
As a minimum, this report shall provide the L_{Amax} and L_AE noise levels of at least ten consecutive trains, measured in the habitable room potentially most affected by train noise. The report shall include the calculated maximum L_Aeq (1 hour) noise levels for day and night-time periods, taking into account the maximum number of trains per hour and the types of trains in each period.
98. 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.
99. 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.

100. A certificate of playground safety installation compliance shall be submitted to Council prior to release of the Occupation Certificate.
101. 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.
102. 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.
103. 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.
104. 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.
105. A positive covenant pursuant to the Conveyancing Act 1919 shall be created on the title of the lots that contain the stormwater pump facility to provide for the maintenance of the pump facility.
106. 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.
107. 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.

108. The level of the side passage immediately adjacent to the garage shall be a minimum of 100mm lower than the garage floor level to provide an emergency escape route for drainage overflows from the low level driveway. Flows from the driveway to the side passage shall be free and unrestricted.
109. 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.

Integrated development/external authorities

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

110. *SYDNEY AIRPORT CORPORATION LIMITED*

Sydney Airport Corporation Limited (SACL) has approved the maximum height of the proposed building at 31.72AHD 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.

111. *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 water table watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table 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 level not greater than 10% above the level to which the water table might naturally rise in the location immediately prior to the construction of the structure: and

- B. any elevated water table 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. DPI Water requires documentation (referred to as 'report') comprising measurements, maps, bore logs, calculations, results, discussion and justification for various matters related to the dewatering process. Information will be required at several states: 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 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 bore logs and three-dimensional identification information.
 - (b) a map of the site and its immediate environs depicting the water table (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 water table 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. [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 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 consent for the development 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 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 designed 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 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 DPI Water under appropriate safety procedures.

Following excavation

21. Following completion of the dewatering operations, the applicant shall submit to 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 water table 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 DPI Water prior to any certifying agency's approval for occupation or use of the completed construction.

112. *SYDNEY TRAINS*

A1. All works are to be undertaken in accordance with the following documentation:

- Asset Geotechnical Report- 4-10 Willis St, Wolli Creek (Ref: 2211-A) dated 12 Sept 2013;
- Geotechnical Investigation prepared by Environmental Investigations Pty Ltd (Ref: E1902.2 GA)
- Structural drawings prepared by Alpha Engineering & Development as follows:
 - A4120-E00 Revision I dated 06/03/2015
 - A4120-E01 Revision I dated 06/03/2015

- A4120-E02 Revision I dated 06/03/2015
- A4120-E03 Revision I dated 06/03/2015
- A4120-E04 Revision I dated 06/03/2015
- A4120-E05 Revision I dated 06/03/2015
- Finite Element (FE) Analysis prepare by Environmental Investigations (Re No: E1902.2 GB Rev2) dated 9 March 2015. (Note: The Transport for NSW engineers have noted that for Case 2 when the train loading of 80kPa is applied, the predicted deflection at rail track level is 0.8mm. For the same case, the corresponding deflection at rail track level is 1.1mm when the train loading is assumed to be 48.8kPa. The deflection reduces with increasing train loading, which is not correct. As the predicted deflection at rail track level is very low (of the order of 1mm), TfNSW engineer has made the decision to close this item).

A2. All excavation/ground penetration works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects.

A3. No rock anchors/bolts are to be installed into Sydney Trains property.

A4. The Applicant is to submit to Council, for its records, copies of any certificates, drawings or approvals given to or issued by Sydney Trains.

A5. Prior to the commencement of works and prior to the issue of the Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.

A6. The following items are to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate:

- Machinery to be used during demolition, excavation and construction

A7. Prior to the commencement of works the Applicant shall peg-out the common property boundary with Sydney Trains land. This work is to be undertaken by a registered surveyor.

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

A9. An acoustic assessment is to be submitted to Council and Sydney Trains prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines". The Applicant must incorporate

in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.

A10. Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.

A11. Given the development site's location next to the rail corridor, drainage from the development must be adequately disposed of/managed and not allowed to be discharged into the corridor unless prior approval has been obtained from Sydney Trains.

A12. Prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

A13. Prior to the issue of a Construction Certificate the Applicant must hold current public liability insurance cover for a sum to be determined by Sydney Trains. This insurance shall not contain any exclusion in relation to works on or near the rail corridor. The Applicant is to contact Sydney Trains Rail Corridor Management Group to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.

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

A15. Given the possible likelihood of objects being dropped or thrown onto the rail corridor from balconies, windows and other external features (eg roof terraces and external fire escapes) that are within 20m and face the rail corridor, the Applicant is required to install measures (eg awning windows, louvres, enclosed balconies, window restrictors etc) which prevent the throwing of objects onto the rail corridor. These measures are to comply with Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until it has confirmed that these measures are to be installed and have been indicated on the Construction Drawings.

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

condition has been satisfied.

A17. Prior to the commencement of works appropriate fencing shall be installed along the rail corridor to prevent unauthorised access to the rail corridor. Details of the type of fencing and the method of erection are to be to Sydney Trains satisfaction prior to the fencing work being undertaken. Sydney Trains may provide supervision, at the developer's cost, for the erection of the new fencing.

A18. Prior to the issue of a Construction Certificate the Applicant is to submit to Sydney Trains the demolition, excavation and construction methodology and staging for review and endorsement. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

A19. No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and 1500V catenary, contact and pull-off wires of the adjacent tracks, and to any high voltage aerial supplies within or adjacent to the rail corridor.

A20. Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations (eg concrete pumps) for the development and must comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.

A21. Prior to the commencement of works appropriate fencing is to be installed along the rail corridor property boundary to prevent unauthorised access to the rail corridor. Details of the type of fencing and the method of erection are to be to Sydney Trains satisfaction prior to the fencing work being undertaken.

A22. The developer must provide a plan of how future maintenance of the development facing the rail corridor is to be undertaken. The maintenance plan is to be submitted to Sydney Trains prior to the issuing of the Occupancy Certificate. The Principal Certifying Authority is not to issue an Occupation Certificate until written confirmation has been received from Sydney Trains advising that the maintenance plan has been prepared to its satisfaction.

A23. The Applicant is to obtain Sydney Trains endorsement prior to the installation of any hoarding or scaffolding facing the common boundary with the rail corridor.

A24. No work is permitted within the rail corridor, or its easements, at any time unless prior approval or an Agreement has been entered into with Sydney Trains. Where the Applicant proposes to enter the rail corridor, the Principal Certifying Authority shall not issue a Construction Certificate until written confirmation has been received from Sydney Trains confirming that its approval has been granted.

A25. There is a need to ensure that the roots and foliage of trees being planted beside the rail corridor do not have an impact on the rail corridor. The development landscaping and planting plan should be submitted to Sydney Trains for review.

A26. Prior to the issuing of an Occupancy Certificate the Applicant shall provide Sydney Trains and Council as-built drawings and survey locating the development with respect to any rail boundary, Sydney Trains easement and rail infrastructure. This work is to be undertaken by a registered surveyor, to the satisfaction of Sydney Trains representative. The as-built survey is to confirm that there has been no encroachment into any Sydney Trains land or easement area.

A27. Where a condition of consent requires Sydney Trains endorsement the Principal Certifying Authority is not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from Sydney Trains that the particular condition has been complied with.

Roads Act

113. 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.

114. The following modification and/or improvement works to the road and drainage in Willis Street are to be undertaken at the applicant's expense, subject to approval from the Traffic Committee:

1. Parallel parking along the frontage of the property.

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.

115. 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.
116. 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.

117. 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.
118. 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.

Development consent advice

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

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

- c. Where Council is not engaged as the Principal Certifying Authority for the issue of the Subdivision Certificate (Strata), and the Section 88B Instrument contains easements and/or covenants to which Council is a Prescribed Authority, the Council must be provided with all relevant supporting information (such as works-as-executed drainage plans and certification) prior to Council endorsing the Instrument.
- d. 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.

- e. The water from the rainwater tank should not be used for drinking, Sydney Water shall be advised of the installation of the rainwater tank.
- f. If the development is not subject to BASIX, a mandatory rainwater tank may be required. Rainwater tank requirements for development not subject to BASIX are specified in Council's DCP 7.
Note: 1. Wolli Creek and Bonar Street Precinct Public Domain Plan and Technical Manual related works are to be assessed by City Assets Dept.
2. For the scale of the development it is recommended that discussion be held with John Arvanitidis, Council's Waste Education and Contract Supervisor.
- g. All site works shall comply with the occupational health and safety requirements of the NSW WorkCover Authority.
- h. In the event of any inconsistency between conditions of this approval and the drawings/documents referred to in condition 2, the conditions of this approval prevail.
- i. 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.