



# ROCKDALE CITY COUNCIL

## Planning Assessment Report

### Application Details

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<b>Application Number:</b>	DA-2016/58
<b>Date of Receipt:</b>	12 August 2015
<b>Property:</b>	17 - 37 Wollongong Road, ARNCLIFFE NSW 2205 SP 57198
<b>Owner:</b>	The Prop Of Strata Plan 57198
<b>Applicant:</b>	CT Arncliffe Pty Ltd
<b>Proposal:</b>	Integrated Development - Construction of part six (6) and part eight (8) storey residential flat building, basement car parking and demolition of existing structures
<b>Recommendation:</b>	Deferred commencement
<b>No. of submissions:</b>	Two (2) submissions received
<b>Author:</b>	Shaylin Moodliar
<b>Date of Report:</b>	22 January 2016

### Key Issues

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The subject site is zoned R4 - High Density Residential under Rockdale Local Environmental Plan 2011 (RLEP 2011). The proposed residential flat building is permissible with consent.

The proposal relies on a CI 4.6 variation to clause 4.3 - Height and Clause 4.4 Floor Space Ratio (FSR) under RLEP 2011.

The maximum height limit of 21 metres applies to the majority of the site, with the exception of the front 5 metre portion of Wollongong Road which has a height limit of 15 metres and the north-eastern corner which has a height limit of 24 metres. The proposed development seeks to vary the 15 metre maximum building height control on the site by 6.92m (to the top of the planter box to unit 5.15 private open terrace at RL 31.30). The proposed development seeks to vary the 21 metre maximum building height control on the site by 0.46-6.4 metres to the uppermost levels of the building, roof, parapet and lift core structures along the northern side of the site.

This variation is not agreeable in its entirety and conditions of consent are proposed to achieve a reduction in building height on the northern apex of the building. As a result the building height will be reduced to approximately 17m within this area. Overall, the non compliance with the 21m building height will be in the order of 0.46-5.4m. The applicant has submitted a justification under Clause 4.6 of the RLEP 2011. This has been assessed and subject to the proposed condition, is generally supported as outlined within this report.

The proposal incorporates single sided corridors and double loaded corridors to access the units. The applicant and Council are in disagreement as to the calculation of the gross floor area (GFA). The applicant has excluded all corridors in the calculation of the GFA. The applicant is also of the view that the garbage room is located below ground and as such should not be included in the GFA calculation. The applicant states that the proposal complies with the FSR standard of 2:1 under clause 4.4 of RLEP 2011.

Council's view, however, is that the corridors and garbage room should be included in the GFA

calculation and as such, the proposed development exceeds the maximum floor space ratio (FSR) on the site by 2761 sq.m. (FSR is 2.47:1). The applicant has submitted a 'without prejudice' justification under Clause 4.6 of the RLEP 2011. The argument by the applicant has been considered and is not supported in its entirety. Whilst the single sided corridors and garbage room can be supported in the context of Cl 4.6, the area occupied by double loaded corridors is not supported for the reasons outlined within this report. Consequently, this report recommends that conditions of consent be imposed to reduce the GFA of the development by 358sq.m. to 11 560 m<sup>2</sup> (compared to 11 938 m<sup>2</sup> as proposed). Furthermore, the proposed reduction in GFA will assist in reducing the height of the building on the northern end, which will allow greater solar access to the central communal open space and will improve the amenity for future residents. These proposed changes are consistent with the advice of the St George Design Review Panel (DRP) and will result in a development that better responds to the design principles in SEPPP 65.

The proposal also contains variations to the bicycle and car parking and the private open space and balcony sizes, both of which have been conditioned to comply with the SEPP 65. The proposal, as amended by conditions of consent, is consistent with the advice of the DRP, the objectives of SEPP 65 and RLEP 2011.

The proposal includes variations to the Rockdale Development Control Plan (RDCP 2011) with regard to unit mix and number of lifts above the sixth floor level. These matters have been discussed within this report and are worthy of support.

As a consequence of the pending response from Sydney Airports Corporation Limited (SACL) a proposed deferred commencement condition is recommended in this instance.

The development application has been notified in accordance with RDCP 2011 on two occasions. Two (2) submissions have been received from two (2) residential properties during both notification periods. The issues raised have been addressed later in this report.

The development application is required to be referred to the Joint Regional Planning Panel pursuant to Clause 3 of Schedule 4A of the Environmental Planning and Assessment Act 1979 (EP&A Act) as the Capital Investment Value of the proposal exceeds \$20 million.

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

## Recommendation

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1. That the Joint Regional Planning Panel support the variation to Clause 4.3 - Building height of Rockdale Local Environmental Plan 2011 (RLEP2011), as detailed within the Clause 4.6 section of this report.

2. That the Joint Regional Planning Panel support the variation to Clause 4.4 - Floor space ratio of Rockdale Local Environmental Plan 2011 (RLEP2011), as detailed within the Clause 4.6 section of this report.

3. That the Development Application No.DA-2016/58 for the Construction of part six (6) and part eight (8) storey residential flat building, basement car parking and demolition of existing structures be granted deferred commencement consent pursuant to Section 80(3) of the Environmental Assessment and Planning Act, 1979, as follows:

The consent shall not operate until you satisfy Council about the following matters:

i. Approval from Sydney Airport Corporation Limited (SACL) for the proposed maximum building height of RL 34.80 be granted.

The period of the Deferred Commencement is twelve (12) months from the date of determination. It is important we hear from you about the outstanding matters above as soon as possible so as to avoid any other delay.

4. That the NSW Department of Planning and Environment be advised of the Joint Regional Planning Panel's decision.

5. That the objectors be advised of the Joint Regional Planning Panel's decision.

## Background

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### History

Council's records show that the following applications were previously lodged:

- On 16 June 2015, Council held a pre-development application meeting (PDA-2015/37) with the applicant and four other representatives for a scheme with significant departures from the maximum building height and floor space ratio controls under RLEP 2011. In a letter dated 10 July 2015, Council advised the applicant that the proposed scheme cannot be supported and any development application is to be amended to achieve compliance with the controls.
- On 12 August 2015, Council received Development Application No.DA-2016/58 which is the subject of this report.

### Proposal

The proposed development comprises the construction of part six (6) and part eight (8) storey residential flat building comprising 166 residential units (64 x 1-beds, 96 x 2-beds & 6 x 3-beds), basement car parking and demolition of existing structures.

Features of the proposal include:

#### Basement Level 1 Plan (RL 5.10 – RL 5.50)

- 148 car parking spaces which includes 17 accessible spaces & 18 visitor car parking spaces, 3 lift cores and 3 fire stairwells.

#### Lower Ground Floor Plan (RL 8.50)

- 19 car parking spaces including 15 visitor car parking spaces, 1 car wash bay, 21 bicycle space storage room, 3 lift cores, 2 car park supply air fan rooms, switch room, communication room, hydrant tank room, hydraulic pump room, car park exhaust fan room, 100 000L sprinkler tank, sprinkler tank pump room, domestic tank and pump room, storage cages, 3 fire stairwells and garbage room.
- 11 residential units (6 x 1-bedroom units & 5 x 2-bedroom units)
- 1 x communal deep soil zoned open space area
- 1 x central triangular landscaped terraced area with clothes drying area

#### Ground Floor Plan (RL 11.60)

- Vehicular access is provided via Wollongong Road.
- Three (3) pedestrian access points via Wollongong Road.
- Locking dock with turntable at RL 9.80.
- 21 residential units (7 x 1-bedroom units, 13 x 2-bedroom units & 1 x 3-bedroom unit)
- 1 x central triangular landscaped terraced area

#### First Floor Plan (RL 14.70)

- 24 x residential units (9 x 1-bedroom units, 14 x 2-bedroom units & 1 x 3-bedroom unit)

#### Second Floor Plan (RL 17.80)

- 24 x residential units (9 x 1-bedroom units, 14 x 2-bedroom units & 1 x 3-bedroom unit)

#### Third Floor Plan (RL 20.90)

- 24 x residential units (9 x 1-bedroom units, 14 x 2-bedroom units & 1 x 3-bedroom unit)

#### Fourth Floor Plan (RL24.00)

- 24 x residential units (9 x 1-bedroom units, 14 x 2-bedroom units & 1 x 3-bedroom unit)

#### Fifth Floor Plan (RL27.10)

- 24 x residential units (9 x 1-bedroom units, 14 x 2-bedroom units & 1 x 3-bedroom unit)

#### Sixth Floor Plan (RL30.20)

- 14 x residential units (6 x 1-bedroom units 8 x 2-bedroom units)
- 5 x private open terraces to units U5.15, U5.21, U5.22, U5.23 & U5.24.
- 2 x communal rooftop areas orientated towards Wollongong Road

Associated landscape and storm-water works are proposed on site, including the provision of a range of trees, shrubs & ground covers within the north western and south-eastern section of the site at ground level, along Wollongong Road and to the rooftop terraces.

Dedication of a 1.27m width along the front of the site to Wollongong Road to Council. Dedication of approximately 4.58m width to Council to the south-eastern section of the site for the future new road. Fire hydrant / booster, substation and fire exits to the Wollongong Road frontage.

No public improvement works along the Wollongong Road frontage and to the new eastern road are proposed, however, conditions of consent address associated public domain works in accordance with the Wollongong Creek and Bonar Street precinct: Public Domain Plan.

## Site location and context

The site is legally known as SP 57198 and is more commonly known as 17-37 Wollongong Road, Arncliffe. The site is located on the northern side of Wollongong Road, between Bonar Street to the south-west and Martin Avenue to the north-east, Arncliffe and is bounded on the southern boundary by Wollongong Road.

The land is irregular in shape and comprises one allotment, with a combined southern boundary to Wollongong Road of approximately 129 metres, a combined eastern boundary measuring approximately 90 metres, a combined northern boundary measuring approximately 65 metres and a surveyed western boundary measuring 70.515 metres.

The total surveyed site area is 5,790 m<sup>2</sup>.

The land contains trees along its southern boundary which is located within the 1.27 metre wide Wollongong Road widening corridor. There is a slight cross fall (2.1%) from the rear north-western to

the rear north-eastern boundary of approximately 1.4 metres. There is a slight cross fall (3.4%) across the front Wollongong Road boundary of approximately 4.4 metres. There is a cross fall (6.2%) along the western boundary from the front south-western corner to the rear north-western boundary of approximately 4.4 metres. There is a cross fall (1.7%) along the eastern boundary (following dedication of land to Council and approximate location of new boundary) from the front south-eastern corner to the rear north-eastern boundary of approximately 1.6 metres.

The land contains light industrial/warehouse type brick buildings with metal roofs which occupy the majority of the site with two vehicle crossings from Wollongong Road which leads to a concrete car park along the southern portion of the site. The site contains an underground on-site detention tank within the front southern portion of the site.

Across the road to the south of the subject site, is No.14 Wollongong Road which is a three-to-four storey residential flat building. To the south-west of the subject site are one-and-two storey dwelling houses along Dome Street and Wollongong Road. Further to the south, is No.2 Firth Street which is a three-to-four storey residential flat building.

To the west of the subject site at No.39 Wollongong Road and 43 Bonar Street are single-storey commercial buildings. To the north-west, is No.45 Bonar Street which is occupied by 4 x multi-storey residential flat buildings.

To the north-east of the subject site is No.13-15 Wollongong Road which contains the Arncliffe Industrial Estate which contains warehouses, light industrial units and ancillary offices and a café. Further to the east, is No.9-11 Wollongong Road which is occupied by a multi-storey residential flat building.

The subject site is potentially affected by contaminated land due to the previous industrial land uses. The subject site is affected by acid sulphate soils - Class 5.

The site is affected by approximately 164 m<sup>2</sup> of land to be dedicated to Council for local road widening (along Wollongong Road) and approximately 134m<sup>2</sup> of land to be dedicated to Council for a new road (along the eastern boundary). The site is flood-affected by the minimum floor levels, probable maximum extreme flood (PMF), 1 in 100 year overland flows and the Wolli Creek 100 year flood.

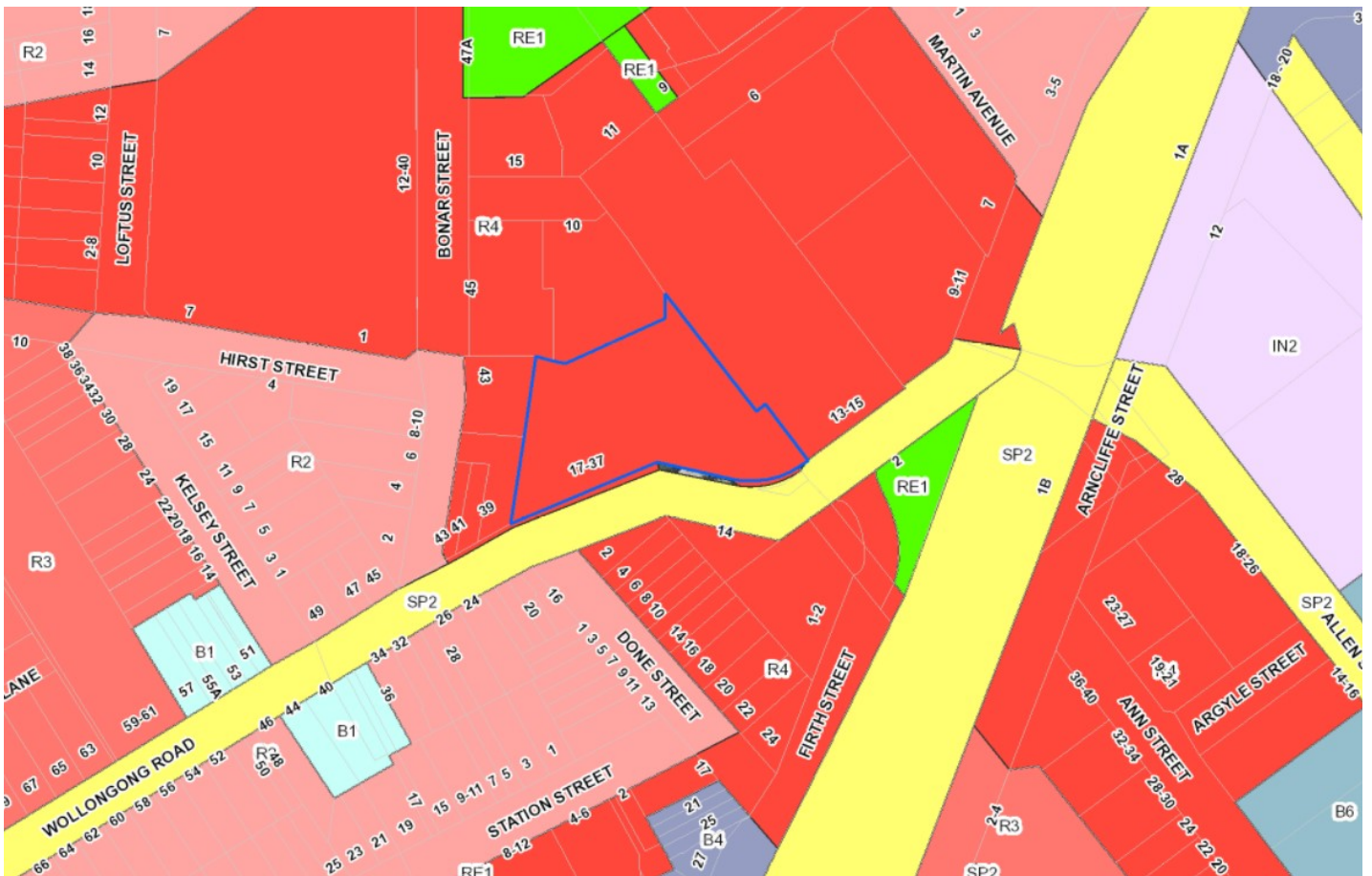
The subject site is located approximately 320 metres walking distance from the entrance to the Arncliffe Railway Station on the Sydney Trains Eastern Suburbs and Illawarra Railway Line and the Arncliffe Town Centre.

A site location plan and land use zoning map are provided below:





**Figure 1 - Site Location Plan**



**Figure 2 - Zoning Map**



# Statutory Considerations

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## *Environmental Planning and Assessment Act, 1979*

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

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

The proposal includes excavation works for 2 levels of basement car parking that will transect the water-table and require temporary dewatering during the construction phase. The proposal is therefore Integrated Development pursuant to Section 91 of the Environmental Planning and Assessment Act 1979, and requires approval from the NSW Department of Primary Industries (Water). The NSW Department of Primary Industries (Water) deemed that the construction dewatering proposed for the project would be an 'aquifer interference activity' in accordance with the definition in the *Water Management Act 2000*, and issued General Terms of Approval (GTA) appropriate to this activity. 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 647840M\_04, issued on 7 January 2016.

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

Reduction in Energy Consumption 20% (Target 20%)

Reduction in Water Consumption 40% (Target 40%)

Thermal Comfort Pass (Target pass)

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

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

Given the previous industrial uses on the subject site a 'Report to CityState Property on Remediation Action Plan for Proposed Residential Development, 17-37 Wollongong Road, Arncliffe, NSW' Ref:E28285KHp3-RAP2, dated 3 February 2016, prepared by Environmental Investigation Services (EIS), has been submitted. The report states that "...the site can be made suitable for the proposed residential land use, subject to implementation of this RAP." Council's Environmental Health Officer is satisfied that the land is suitable after the implementation of the remediation action plan for the purpose for which the development is proposed to be carried out.

Recommendations of the report by EIS will form part of the conditions of consent. The application does not require further consideration under clause 7(1) (a), (b) and (3) 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 18 September 2015, with revised plans reviewed on the 9th December 2015. The DRP reviewed amended plans and were supportive of the revised scheme subject to changes to the landscaping, built form and amenity.

Council has considered the advice of the DRP and requested the applicant to make further amendments addressing the concerns of the DRP. Comments are provided, where relevant, below.

*b. The design quality of the development when evaluated in accordance with the design quality principles.*

The 9 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 Neighbourhood Character

*Existing site characteristics*

The site has been identified for high-density redevelopment in accordance with the provisions for the RLEP 2011 and the RDCP 2011. The proposal responds to the topography by splitting the floor levels across the middle of the site along the length of Wollongong Road whilst contributing to the identity of the Bonar Street precinct area.

*Interface with the future new road to the east*

The amended proposal provides a part six and part eight storey building (including the split floor levels), which ameliorates the mass as viewed from 90 metre length of the future new road and the one-and-two storey detached industrial building across the south-eastern boundary. It is envisioned to have a 18.4 metre wide future new road reserve along the eastern boundary with the abutting property having a similar controls (i.e. R4 zone and 21m building height) pertaining to the eastern property.

The DRP noted that the revised proposal added '*...clear improvement to the major communal space. However, the splitting of levels of the triangular communal space is problematic. While the future streetscape is also improved, the Panel remains concerned about the lack of activity along its length.*'

With regard to the above response from the DRP, Council requested the applicant to provide split floor levels to adequately address the flood planning requirements and to reduce the perceived building bulk and height across the site. The proposed scheme, as amended, is considered to break the length of the frontages by adequate building articulation and landscaping.

Issues relating to landscaping detail within the triangular courtyard is subject to further approval by Council's Landscape Architect. Overall, the proposal transforms an industrial land use into a burgeoning



high-density residential development. The proposal as amended by the recommendations of this report, relates satisfactorily to the existing and emerging context.

### Principle 2 – Built Form and Scale

The DRP noted that the *'...while the proponent has lowered the overall building height for a portion of the proposal, it still (substantially) exceeds the height requirement for the site.'*

The height and scale of the development is proposed to be further reduced, as recommended by the draft conditions of consent. Subject to this, the proposal is considered to be generally consistent with the built form envisaged for the subject site under RLEP 2011 and RDCP 2011. The proposal does not present a blank wall to Wollongong Road and minimises the perceived blank wall to the future new road. The facades and architectural treatment are considered to adequately moderate the massing of the buildings. The amended proposal is considered to achieve an appropriate sense of scale, which fits appropriately with adjacent approved developments and those under construction to the north and east.

The development form is appropriate with tasteful manipulation of building elements such as articulated and modulated facades, rendered and painted features, concrete roof and feature blades and concrete massing provides visual interest along the streetscape.

### Principle 3 – Density

It is acknowledged that the proposal exceeds the FSR requirement for the site. The DRP noted that the *'...while it is accepted that open galleries can be argued as not being GFA, it is not clear whether or not the enclosed corridor – which is definitely GFA – has been included in the area calculation. Storage on balcony should also be included in GFA calculations.'*

Subject to the draft conditions of consent, the proposed density is considered satisfactory and is supported under CI 4.6 as discussed in further detail within this report.

### Principle 4 - Sustainability

The DRP noted that the *'...scheme is to be commended for the extent of deep soil provided. It is recommended that the building configuration be modified to improve solar access and amenity to the triangular courtyard.'*

The location, orientation and design of the development provides direct or diffused solar access and cross ventilation to all residential units. The Apartment Design Guide (ADG) recommends that at least 60% of the proposed units shall achieve natural flow through ventilation. All proposed units and their habitable spaces are able to achieve adequate cross flow ventilation.

The ADG recommends that in high density areas at least 70% of all proposed units living areas and balconies shall achieve 2 hours of direct sunlight during the period 9.00am and 3.00pm at mid-winter, with no greater than 15% of all proposed units receiving no direct mid-winter sunlight. The proposal has

112 units (67.5%) of all units receiving a minimum 2 hours direct sunlight during mid-winter to living areas and balconies, however, a condition of consent to delete 6 units (U4.08, U4.09, U5.08, U5.09, U6.08 & U6.09) will ensure the proposal achieves a minimum 2 hours diffused sunlight during mid-winter to living areas and balconies to at least 70% of all proposed units.

The proposal does not optimise the numbers of apartments receiving direct sunlight. This is in part given a ten-storey development to the north at 45 Bonar Street and its lengthy south-facing Wollongong Road frontage. The proposed condition of consent to reduce the building height and mass on the northern corner will improve solar access to the units at lower levels. The development is considered to perform well and meets the intent of the objective to receive diffused sunlight rather than direct sunlight to all units. The proposal meets the intent of the objective by orientating all units' rooms, main windows and private open spaces to receive diffused sunlight.

It is noted that all units within the development are designed with open layouts and private balconies and/or courtyards. A BASIX Certificate has been submitted with the application demonstrating the development is capable of meeting thermal, energy, and water efficiency targets.

#### Principle 5 – Landscape

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

- Relocation of the OSD tank out of landscaping areas and within hardstand spaces (such as under driveways, within basement level car park, etc.*
- Relocation of fire sprinkler, booster and valves out of landscaping and into the building elevation.*
- Relocation of the substation into the building elevation and out of deep soil zones.*
- The internal courtyard incorporates a terraced landscape. Again this space is primarily for outlook, predominantly shaded year round and offers very little usable space for the development.*
- Modifications to built form and provision of a new entry into the courtyard from the future street would improve its use and amenity.*
- Redesign of the Wollongong Street interface to allow for retention of the existing trees*
- Provision of a communal roof top space on top of the south-western building and reduction of private terraces have been provided, however, The Panel recommends the private terrace spaces and the small communal space to be realigned and expanded to the building edge.*

Comment: Amended architectural plans indicate the provision of an expanded deep soil zone in the north-western corner. Amended landscape plans have not addressed the above, therefore, the application has been conditioned to require the above matters via further amended landscape plans to be submitted to Council for approval prior to the issue of the Construction Certificate which integrates the retention of recommended street trees and large trees within the internal courtyard.

#### Principle 6 – Amenity

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

- *The access gaps between buildings are very constrained currently and should be given much greater height to conform to the scale of the building.*
- *The access arrangements to the main entrance on ground floor lobbies are unsatisfactory as shown. There are concerns relating to exposure to strong winds, lack of security and tight spaces in front of lift lobbies. The location of lift entrances adjacent to balcony access in the triangular block and the corridor in the southern block should be more generous.*
- *The space in front of the elevator to the southwest is still too constrained and should be widened accordingly*
- *The Panel believes that the galley kitchens located in the middle of apartments such as in apartment U1.06 would be better located on the gallery*
- *Toilets directly accessed from the dining room such as in Units U1.10 are not acceptable.*
- *The sole waste chute on each floor is not in a central location which causes great travel distance to most residents. The Panel recommends that the secure bicycle storage on lower ground level is swapped with the garbage room and the chute relocated to a more centralized location.*

Comment: Amended architectural plans have not adequately addressed all of the above to Council's satisfaction, therefore, the application has been conditioned for further amended architectural plans to be submitted to Council for approval prior to the issue of the Construction Certificate which provides a reduction in the gross floor area (by deleting 6 units), thus providing improved amenity to the occupants and a garbage chute/room adjacent to each lift core with a bin lift to the loading dock.

Nonetheless, all units within the building achieve a satisfactory standard of amenity with regards to privacy, cross ventilation, and direct/diffused solar access. The proposed design provides adequate room dimensions and layouts appropriate for residential use and the maximum separation distance possible for the site has been achieved for visual outlook and privacy.

Private recreational areas are provided in the form of balconies/courtyards off the living areas. Some balconies are undersized and a condition of consent is proposed to ensure they comply with the minimum size recommended in the ADG. Several communal landscaped areas ensure an overall quality of living for future occupants.

The proposal complies with disability access requirements and incorporates sufficient service areas as required. It is considered that the development satisfies the provisions with respect to layout and amenity, and therefore the development is consistent with this principle.

#### Principle 7 - Safety

The development provides for safe direct pedestrian access from Wollongong Road, with future street access to the lower ground floor units along the new road. Pedestrian and vehicular entries are clearly separated. Safe internal access is available from the basement car parking level directly into the building and the public/private domain is clearly distinguished from Wollongong Road. Security roller door access to the basement car park and the loading dock along with intercom entry to the lobby areas ensures the internal security of the residents.

## Principle 8 - Housing Diversity and Social Interaction

The development provides a range of apartment style accommodation that is located within close proximity to public transport, recreation facilities, and shopping facilities. The subject site is located in an area identified for high-density residential and is approximately 320m walking distance from the entrance to Arncliffe Railway Station on the Sydney Trains Eastern Suburbs and Illawarra Railway Line and the Arncliffe Town Centre.

The applicant proposes a moderate mix of unit types, both in terms of layout and number of bedrooms that are likely to provide an appropriate style of dwelling for a variety of demographics.

## Principle 9 – Aesthetics

Particular emphasis has been placed on the external appearance to enhance the streetscape, and to create a visual interest in the architecture of the building along all elevations, with a selection of appropriate finishes. The essence of the DRP response has been addressed and external details have been conditioned to satisfy Council's requirements. The deletion of 6 units will provide opportunity for all communal areas to receive direct sunlight. As amended by the conditions, the contemporary design of the building is compatible with the design and scale of the urban form for the locality.

### *c. the 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 and public open space	<p>Minimum 25% (1447.5m<sup>2</sup>) of site area set aside for communal open space.</p> <p>50% direct sunlight to principal usable part of the communal open space for a minimum of 2 hours between 9am and 3pm during mid-winter.</p>	<p>The proposal provides a total of 1770 m<sup>2</sup> of communal open space in the form of four (4) separate areas: north-western area of 980m<sup>2</sup>, central courtyard area of 405m<sup>2</sup>, the south-western rooftop area of 85m<sup>2</sup> &amp; the eastern rooftop area of 300m<sup>2</sup>.</p> <p>Communal areas are generally well designed, provide seating facilities, equitable access and varied spaces for interaction and play.</p>	Yes / Partial Solar access to the central courtyard area is restricted. The proposed condition of consent will improve this.
3E - Deep soil zones	Deep soil zones to provide minimum 15% (868.5m <sup>2</sup> ) of site area with minimum dimension of 6m	Excluding the road widening and new road provision, the proposal provides 1340m <sup>2</sup> as deep soil areas (including a 490m <sup>2</sup> north-western area) with dimensions ranging from 5m (along the road frontages) and 9m to the north-western corner boundaries.	Yes
3F - Visual Privacy	Building separation for a building up to 8 storeys should be 9m between habitable areas and 4.5m between non habitable rooms.	The building separation on the northern corner encroaches upon the 9m setback.	No - The proposed condition to reduce the building height in this area will result in compliance.

3J - Bicycle and car parking	<p>As per the RMS Guide to Traffic Generating Developments, or per council requirement, <i>whichever is less</i>.</p> <p>Parking provided off street.</p>	<p>The proposal provides 167 car parking spaces (33 visitor &amp; 134 residential spaces).</p> <p>To reduce the gross floor area, a condition will be imposed to delete 6 units from the scheme. Under the RMS Guide to Traffic Generating Developments for 160 units, the proposal requires 163 car parking spaces (32 visitor &amp; 130 residential spaces).</p>	<p>Yes, subject to condition</p> <p>With the draft conditions of consent, the proposed development complies with the residential visitor car parking spaces, motorcycle and bicycle spaces.</p> <p>A condition will be imposed to provide at least 163 car parking spaces (32 visitor &amp; 130 residential spaces &amp; 1 dedicated car wash bay). Subject to the condition, the proposal will comply with this Clause.</p>
4A - Solar and daylight access	<p>Living rooms + POS of at least 70% of apartments receive min 2hrs direct sunlight between 9am &amp; 3 pm mid-winter</p> <p>Max 15% apartments receive no direct sunlight between 9am &amp; 3pm mid-winter</p>	See Principle 4 – Sustainability above	<p>Yes, subject to condition</p> <p>A condition of consent to delete 6 units (U4.08, U4.09, U5.08, U5.09, U6.08 &amp; U6.09) will ensure the proposal achieves a minimum 2 hours diffused sunlight during mid-winter to living areas and balconies to at least 70% of all proposed units.</p>
4B - Natural ventilation	<p>Min 60% of apartments are naturally cross ventilated in the first nine storeys of the building.</p> <p>Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</p>	<p>81.3% (135 of 166 units) are cross ventilated</p> <p>&lt;18m building depth</p>	<p>Yes</p> <p>Yes</p>

4C - Ceiling heights	<b>Minimum ceiling heights</b>		2.7m provided to habitable areas 2.4m provided to non-habitable areas	Yes  Yes	
	Habitable	2.7m			
	Non-habitable	2.4m			
4D – Apartment size and layout	Minimum internal areas:		Apartment sizes, rooms and bathrooms comply with the minimum requirements (i.e. 1-bedroom units are 50-52m <sup>2</sup> , 2-bedroom units are 75-76m <sup>2</sup> & 3-bedroom units are 90m <sup>2</sup> ).  Units incorporating bathroom and ensuite are of sufficient size (i.e. 2-bedroom units are 75m <sup>2</sup> )  Adequate cross-ventilation and provide windows to all habitable rooms.	Yes	
	<b>Apartment type</b>	<b>Minimum internal area</b>			
	Studio	35m <sup>2</sup>			
	1 bedroom	50m <sup>2</sup>			
	2 bedroom	70m <sup>2</sup>			
	3 bedroom	90m <sup>2</sup>			
	Internal areas includes only one bathroom. Additional bathrooms increase area by 5m <sup>2</sup> each.				
	Further bedrooms increase minimum internal area by 12m <sup>2</sup> each.				
4E – Private open space and balconies	Primary balconies as follows:		Proposed balcony sizes does not comply with the minimum requirements of the ADG.  1-bedroom units provide 7-20m <sup>2</sup> of POS/balconies, 2-bedroom units provide 8.5-54m <sup>2</sup> of POS/balconies & 3-bedroom units provide 9-57m <sup>2</sup> of POS/balconies.	<b>No.</b> A condition will be imposed to ensure all 1-bedroom units provide at least 8m <sup>2</sup> of POS/balconies, 2-bedroom units provide at least 10m <sup>2</sup> of POS/balconies, 3-bedroom units provide at least 12m <sup>2</sup> of POS/balconies & all ground floor/podium level units provide at least 15m <sup>2</sup> of POS/balconies. Subject to the condition, the proposal will comply with this Clause.	
	<b>Dwelling type</b>	<b>Minimum area</b>			<b>Minimum depth</b>
	Studio	4m <sup>2</sup>			-
	1 bed	8m <sup>2</sup>			2m
	2 bed	10m <sup>2</sup>			2m
	3+ bed	12m <sup>2</sup>			2.4m
	Min balcony depth contributing to the balcony area is 1m.				
	Ground level, podium or similar -POS provided instead of a balcony: min area 15m <sup>2</sup> and min depth of 3m.				

4F – Common circulation and spaces	Max apartments off a circulation core on level is eight.	Maximum of 8 units per lift core	Yes										
4G – Storage	<div>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</div> <table><tr><th>Dwelling type</th><th>Storage size volume</th></tr><tr><td>Studio</td><td>4m<sup>2</sup></td></tr><tr><td>1 bed</td><td>6m<sup>2</sup></td></tr><tr><td>2 bed</td><td>8m<sup>2</sup></td></tr><tr><td>3 bed</td><td>10m<sup>2</sup></td></tr></table> <div>At least 50% of the required storage is located within apartment</div>	Dwelling type	Storage size volume	Studio	4m <sup>2</sup>	1 bed	6m <sup>2</sup>	2 bed	8m <sup>2</sup>	3 bed	10m <sup>2</sup>	Generally satisfactory. Some units do not have 50% of their storage within their unit, however, in these instances basement storage is provided	Yes
Dwelling type	Storage size volume												
Studio	4m <sup>2</sup>												
1 bed	6m <sup>2</sup>												
2 bed	8m <sup>2</sup>												
3 bed	10m <sup>2</sup>												

## Rockdale Local Environmental Plan 2011

Relevant clauses	Compliance with objectives	Compliance with standard/provision
2.3 Zone R4 High Density Residential	Yes	Yes - see discussion
2.7 Demolition requires consent	Yes	Yes - see discussion
4.3 Height of buildings	Yes	No - see discussion
4.4 Floor space ratio - Residential zones	Yes	No - see discussion
4.6 Exceptions to development standards	Yes	No - see discussion
5.1 R4 High Density Residential	Yes	Yes
5.1A Development on land intended to be acquired for a public purpose	Yes	Yes - see discussion
5.9 Preservation of trees or vegetation	Yes	Yes - see discussion
5.10 Heritage conservation	Yes	Yes - see discussion
6.1 Acid Sulfate Soil - Class 5	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 R4 High Density Residential

The subject site is zoned R4 - High Density Residential under the provisions of Rockdale Local Environmental Plan 2011 (RLEP 2011). The proposal is defined as residential flat building which constitutes a permissible development only with development consent.

The objectives of the R4 zone are:

- To provide for the housing needs of the community within a high density residential environment.
- To provide a variety of housing types within a high density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

The proposed development is consistent with the objectives of the zone providing housing needs and a



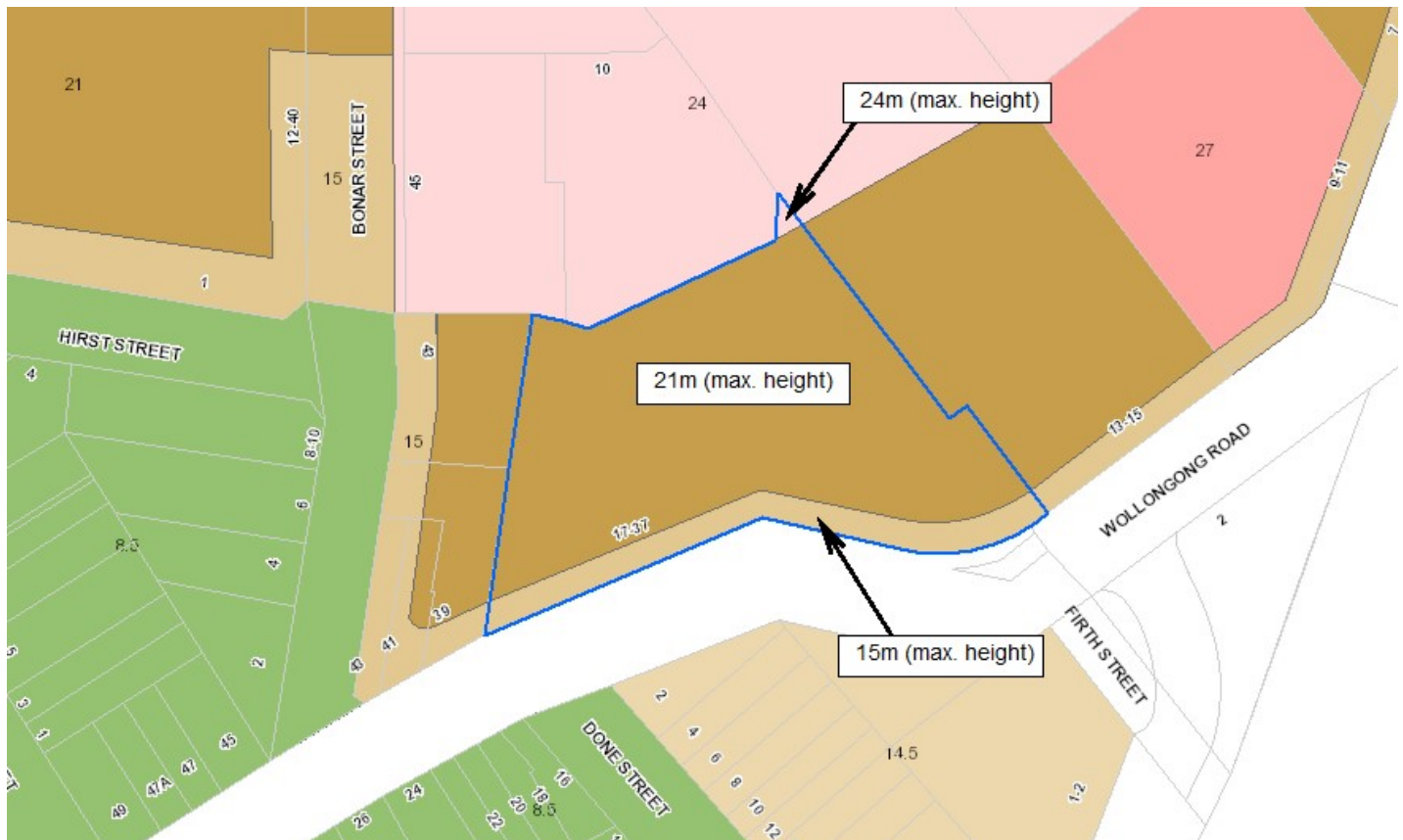
variety of housing types within a high density residential environment.

#### 2.7 Demolition requires consent

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

#### 4.3 Height of buildings

The maximum height limit of 21 metres applies to the majority of the site, with the exception of the front 5 metre portion of Wollongong Road which has a height limit of 15 metres and the north-eastern corner which has a height limit of 24 metres (see **Figure 2**).



**Figure 3 - Building Height Map**

The objectives of this clause are as follows:

- (a) to establish the maximum limit within which buildings can be designed and floor space can be achieved,
- (b) to permit building heights that encourage high quality urban form,
- (c) to provide building heights that maintain satisfactory sky exposure and daylight to buildings, key areas and the public domain,
- (d) to nominate heights that will provide an appropriate transition in built form and land use intensity.

The proposed scheme seeks a building height of up to 21.92m (to the top of the planter box to unit 5.15 private open terrace at RL 31.30) thus seeking a variation of 6.92m to the maximum 15m height permitted in Clause 4.3 (Height of buildings) of RLEP 2011.

The proposal seeks a variation of between 0.46-6.40m to the maximum 21m height permitted in Clause 4.3 (Height of buildings) of RLEP 2011 as follows:

- 26.65-27.40m (to the parapet of the northern apex of the building of RL 34.40),

- 25.8m (to the roof of the northern apex of the building of RL 33.30),
- 25.5m building height (to the top of the south-western lift core RL 34.60) and
- 21.46m building height (to the top of the Wollongong Road parapet RL 31.30).

To achieve better amenity to the central courtyard and the units, to achieve compliance with the objectives of the FSR control, to minimise impacts and to satisfy the recommendations by the DRP (refer to SEPP 65 assessment), a condition is proposed recommending that the top three units (6 in total) located on the northern apex be deleted. This will consequently reduce the building height at the northern apex of the building footprint. In this area, the proposal will result in a building below the permissible height (approximately 17 metres). The height will be marginally reduced in other parts in proximity to the northern apex by approximately 1 metre to the parapet and the roof. However, at these points, the proposal still exceeds the 21 metre height control by between 3.8m and 5.4m.

The applicant has submitted a CI 4.6 justification to the non compliance with the building height development standard. The applicant's justification is generally agreed with, and the variation to the height is supported subject to minor reductions to the building height in part of the site as stated above. Refer to Clause 4.6 section of this report.

#### 4.4 Floor space ratio - Residential zones

The applicant is of the view that the proposal complies with clause 4.4(2) in RLEP 2011, which restricts the floor space ratio (FSR) to 2:1 in the R4 zone. This is because the applicant has excluded all corridors and the garbage room when calculating the FSR. The applicant states that their calculation of GFA (11,548 m<sup>2</sup>) would result in a compliant FSR of 1.99:1 which is 32m<sup>2</sup> under the maximum gross floor area. Nonetheless, the applicant has submitted a 'without prejudice' Clause 4.6 justification, which is not supported in its entirety (see discussion below under Clause 4.6 Exceptions to Development Standards).

It is Council's view that the following areas should be included in the FSR calculation:

Double sided corridors - 390sq.m.

Single sided corridors - 2288sq.m.

Garbage room located at lower ground level - 83sq.m.

Based on the above, the proposal exceeds the maximum gross floor area by approximately 2761 sq.m. This results in an FSR of 2.47:1.

The objectives of this clause are as follows:

- (a) to establish the maximum development density and intensity of land use, accounting for the availability of infrastructure and generation of vehicular and pedestrian traffic to achieve the desired future character of Rockdale,
- (b) to minimise adverse environmental effects on the use or enjoyment of adjoining properties,
- (c) to maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing or likely to undergo a substantial transformation.

The applicant's request for a variation to the FSR has been supported in respect to areas such as single sided corridors and garbage room (refer to assessment under Clause 4.6 below). However, for the reasons provided in this report, the additional area occupied by double sided corridors is not supported. As such, a reduction of 378 m<sup>2</sup> of GFA across the site is recommended by the conditions of consent, which will result in a gross floor area of 11 560 m<sup>2</sup>.

#### 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.*

Consideration has been given to the Land and Environment court judgement *Four2Five v Ashfield Council [2015] NSWLEC 90* where it was established that justification was required in order to determine whether the development standard was unreasonable or unnecessary on grounds other than whether the development achieved the objectives of the development standard. Consideration is to be given to the particular circumstances of the site and proposal.

#### CLAUSE 4.3 - BUILDING HEIGHT

As previously discussed within this report, a maximum height limit of 21 metres applies to the majority of the site, with the exception of the front 5 metre portion of the Wollongong Road which has a height limit of 15 metres and the north-eastern corner which has a height limit of 24 metres. The proposed development seeks to vary the 15 metre maximum building height control on the site by 6.92m building height (to the top of the planter box to unit 5.15 private open terrace at RL 31.30). The proposed development seeks to vary the 21 metre maximum building height control on the site by 0.46-6.4 metres to the northern and south-western portions of the seventh storey and the entire eighth storey building (including lift core structures, parapet and roof levels). The proposed variation as proposed by the recommended conditions of consent will be in the order of 0.46-5.4 metres.

In accordance with the above and clause 4.6 of RLEP 2011, the applicant has requested that a variation to the **height of buildings** development standard be allowed on the following basis:

- *The proposal in part exceeds the maximum height of building development standard of 21m by a maximum of 4% to Wollongong Road and 19% to the central and rear of the site. The building has been elevated by 1.45m to accommodate the flood planning level of RL11.60 to the Wollongong Road frontage. Given the proposed stepping of the building from eight (part lower ground plus 7 upper storeys) to six storeys from the rear to Wollongong Road the non-compliance with maximum building height is predominantly restricted to the central and rear of the site;*
- *The non-conforming element of the building is setback and still facilitates the built form transition encouraged by the height of buildings development standard i.e. away from Wollongong Road and toward the 24m height control to the rear portion of the site and adjacent to the residential development to the north.;*
- *The non-compliance is unreasonable in the circumstance as a strictly numerically compliant development would result in a poorer amenity outcome to the proposed development compared to the proposed design as demonstrated in the SEE and would impact SEPP 65 compliance;*
- *The non-compliance to the building height development standard does not result in additional development potential rather facilitates the accommodation of the permitted FSR on the site in a manner that achieves superior urban outcomes as well as superior amenity outcomes;*
- *The form and scale responds to the broader context of the site and the high density residential form that has emerged as the locality has transitioned from an industrial precinct to a residential precinct;*
- *A strictly compliant development would fail to maximise the housing contribution of the site in a locality that has been specifically planned to accommodate housing to the density proposed and which is well served by passenger rail services in an easy walkable distance; and*
- *The numerical non-compliance is a result of the overriding imperative to seek consistency with the apartment amenity considerations required by the provisions of SEPP 65 Design Quality of Apartment Development which is a higher level Environmental Planning Instrument than the LEP which contains the height of buildings development standard.*

The applicant's justification is considered satisfactory (Cl4.6(4)(a)(i)). A variation to the height of building development standard is worthy of support in the context of Cl 4.6, subject to minor amendments as recommended in the draft notice of determination, for the following reasons:

- The breach of the 21m building height control across the site is not considered a detrimental planning outcome to the adjoining properties, and does not result in significant loss of views or adverse privacy impacts on the streetscape from the bulk and scale of the buildings.
- The breach to the 15m building height control across the site is restricted to a minor portion of units 4.15 & 5.15 within the south-eastern portion of the site fronting Wollongong Road. The location of the variation, design of the development and choice of materials allows the proposal to integrate with the streetscape.
- Given the above, and as a result of the flood planning level constraints on site which require the development to be raised, the flexible application of the height of building development standard is not inappropriate in this instance and is very specific to this site.
- The height along Wollongong Road contextually fits within the established bulk and scale of existing future residential flat buildings within the Bonar Street special precinct.
- The proposal is consistent with the aims of the building height control as specified within Part 2C of the ADG, ensuring the development responds to the desired future scale and character of Wollongong Road.
- The proposal achieves an appropriate balance of space around the building and complies with the building height objectives.
- There are sufficient environmental planning grounds and public benefit (i.e. local road widening and new road provisions) in which to justify the contravention of the height standard for the site.
- Given the above, compliance with the development standard in this instance is unreasonable and unnecessary.

Particular to the circumstances of the proposed development the proposed building height variation is supported subject to the modifications recommended by conditions of consent, as the proposal would



satisfy the objectives of the height of building standard, the objectives of the R4 High Density Residential zone, results in minimal adverse impacts to adjoining properties (and to future occupants within the development site itself), provide a satisfactory level of residential amenity, and comply with the key requirements and objectives of the relevant policies and plans as discussed in this report.

#### CLAUSE 4.4 - FSR

As previously discussed within this report, a maximum floor space ratio of 2:1 applies to the site. The proposed development seeks to vary the maximum floor space ratio (FSR) on the site by 2761 sq.m. resulting in an FSR of 2.47:1. In accordance with clause 4.6 of RLEP 2011, the applicant has requested that a variation to the maximum **floor space ratio** requirement be allowed due to the following:

- *Open circulation areas for the building should not be included as GFA, however it is understood that Council are of the opinion that open circulation areas should be included.*
- *The form and scale of the development responds to and is consistent with the broader context of the site and the high density residential form that has emerged as the locality has transitioned from an industrial precinct to a residential precinct and bulk and scale of the Development Proposal is consistent with this transition;*
- *A strictly compliant development would fail to maximise the housing contribution of the site. This is particularly important given the location of the site within an area in a locality that has been specifically planned to accommodate high density housing and is also well served by existing passenger rail services in an easy walkable distance of the site;*
- *A strictly compliant development would result in a loss of apartments in the Development Proposal and would undermine the objectives of the zone to provide for a variety of housing types within a high density residential environment;*
- *The variation to the residential FSR control does not increase the intensity of the development in such a way that will give rise to adverse environmental impacts such as increased traffic, bulk and scale, overshadowing or loss of views;*
- *Overall, it is unreasonable to deny a variation that would promote a more efficient use of transport infrastructure whilst also promoting housing choice, particularly in circumstances where the variation to the FSR control can be approved without resulting in significant adverse impacts; and*
- *The site is in a well-served locality that has been specifically zoned to accommodate the scale of developed proposed by this application.*

In the submission, the applicant cites LEC judgements in *Haralambis Management Pty Ltd v Council of the City of Sydney [2013] NSWLEC 2009* and the recent decision by Commissioner O'Neill in *GGD Danks Street Pty Ltd and CR Danks Street Pty Ltd v Council of the City of Sydney [2015] NSWLEC*. The applicant also argues that the objectives of the standard would be defeated or thwarted if strict compliance was required. The applicant has provided examples of approvals within Wolli Creek where Council and the JRPP have supported a variation to the FSR control. It is the applicant's view that the strict application of the development standard is unreasonable and unnecessary in the circumstances, there are sufficient environmental planning grounds to justify contravening the development standard, there are public benefits in breaching the standard, the development does not hinder the attainment of the objects specified within clause 5(a)(i) and (ii) of the Act and as such the objection is well founded.

The applicant's submission is considered to be acceptable under CI 4.6(4)(a)(i). The proposed variation to the floor space ratio development standard is supported in the context of clause 4.6 for the areas allocated to single sided corridors and garbage room, however, the additional area of 358 sq.m. pertaining to the double sided corridors is not supported and as such a condition of consent is proposed to reduce the GFA by 358sq.m. The reasons are as follows:

- The breach to the 2:1 FSR is considered to create a precedent in an emerging high density character of re-development within the R4 zone of the Bonar Street Special Precinct.
- The double loaded corridors contribute to the overall building bulk. A reduction in GFA as proposed by conditions of consent will achieve a better built form and residential amenity.

- The applicant argues that the proposed dedication for road widening purposes and the anticipated public benefits justifies the non-compliance. However, the subject site benefits from the road widening dedication, such that, if this area were excluded from the site area calculations the FSR variation request would be greater than what is requested now. Further, the south-facing apartments along Wollongong Street also benefit from a wider road corridor, thus, improving residential amenity within the development site and the locality.
- The internal triangular-shaped communal area is under shade for long periods and does not facilitate a usable area for the future occupants. Despite the provision of additional communal open space elsewhere in the development, achieving solar access in this area will improve the amenity of the units located at the lower levels, which have no access to sunlight. Reducing the FSR as proposed would allow better amenity to this area.
- There is no record to demonstrate that Council has abandoned the FSR control within the Bonar Street special precinct and therefore there is no precedence which supports the proposed FSR variation request.
- The site is not overly constrained.
- The applicant's written request refers to the public benefits arising from the additional housing that would be delivered by the development. This is not considered to be well founded as any development for residential flat buildings would provide additional housing, and as such this is not particular to the circumstances of this proposed development on the site.
- The separation requirements in SEPP 65 are not achieved on the northern end creating visual and privacy impacts to neighbouring properties.
- The proposed FSR variation does not comply with the objectives of the floor space ratio development control.
- The proposed reduction in GFA is consistent with the advice of the DRP and SEPP 65 principles.
- In the circumstances, the request to reduce the FSR is not unreasonable or unnecessary.

The additional GFA attributed to the single sided corridors and garbage room is supported based on case law and on the following basis:

- These corridors are internal and do not contribute to the building bulk as perceived from the street.
- The corridors do not have a negative impact on the amenity of the residents and surrounding properties.
- The garbage room is partially underground, is located within the internal footprint and is not seen from the street as it is located below footpath level.

Based on the above, the strict application of the FSR development standard is considered to be unreasonable and unnecessary as it will hinder the attainment of the objectives of the R4 zone and will prevent an optimal development of the site in an area close to public infrastructure. Subject to the recommendations in this report, the proposal is considered to be in the public interest.

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

The subject site is affected by land marked as "Local road widening" within the R4 zone along the northern side of Wollongong Road. A new 'local road' with the R4 zone affects the eastern and south-eastern portion of the site. The proposal provides adequate setback provision from the eastern boundary and the future new 'local road'.

The proposal includes a 1.27m dedication to the northern side of Wollongong Road. All vehicular access to the subject site is from Wollongong Road and the land dedication provided within Wollongong Road will ensure there is improved pedestrian and vehicular access for the occupants/owners.

#### 5.9 Preservation of trees or vegetation

There are 13 trees along the Wollongong Road frontage. Council's Tree Management Officer has reviewed the proposal and the submitted Arboricultural Impact Report, dated 30 July 2015, prepared by Landscape Matrix Pty Ltd. Council's Tree Management Officer has recommended that "...trees

*numbered 1, 6, 9, 10, 11 and 12 will either be severely impacted by the proposed development and/or in poor condition or are undesirable in an urban setting and may be removed."*

Tree numbered 13 is located on the footpath in conflict with the future new road and can be removed. Trees numbered T2, T3, T4, T5, T7 & T8 are to be retained.

A condition has been imposed in the draft Notice of Determination regarding the protection during construction of trees marked for retention. Subject to compliance with this condition, the proposed development satisfies the requirements and meets the objectives of this clause.

#### 5.10 Heritage conservation

The proposed development is located in the vicinity of local heritage item No.18 'street plantings along Firth Street'. The proposed development is sympathetic to the heritage item in terms of building design, materials and streetscape. In this regard, the proposed development does not affect the integrity or character of the heritage item. Therefore the qualities that makes the heritage item and it's setting significant will not be diminished.

#### 6.1 Acid Sulfate Soil - Class 5

The site is affected by Class 5 Acid Sulfate Soils (ASS). The applicant provided an 'Preliminary Geotechnical Site Assessment', Report No. 28552Vrpt.rev1, dated 22 July 2015, prepared by JK Geotechnics Pty Ltd. Draft conditions of consent have been imposed to ensure development satisfies the recommendations and conclusions of this report without disturbing, exposing or draining acid sulfate soils and causing environmental damage.

#### 6.2 Earthworks

The proposal involves extensive excavation within the site to accommodate one (1) basement level and a partial below ground car parking level. The impacts of the proposed earthworks have been considered in the assessment of this proposal. Subject to relevant conditions of consent the proposal will result in minimal impacts on the amenity of surrounding properties, drainage patterns and soil stability. The proposal therefore meets the objectives of this clause.

#### 6.4 Airspace operations

The site is not located on land near Sydney Airport or on land affected by the Aircraft Noise Exposure Forecast (ANEF) chart. The subject site is affected by the Obstacle Limitation Surface (OLS) Map that limit the height of structures to 51 metres OLS above the existing ground height without prior approval of the Civil Aviation Safety Authority. The residential flat building will have a height of RL 34.80 (including the plant zone) and the proposal was therefore referred to Sydney Airports Corporation Limited (SACL) for consideration. At the time of writing this report, SACL has not responded to this referral. As such, a deferred commencement condition has been imposed. Upon receipt of a SACL response, the consent will be activated.

#### 6.6 Flood Planning Land

The site is flood-affected by the minimum floor levels, probable maximum extreme flood (PMF), 1 in 100 year overland flows and the Wolli Creek 100 year flood. Regarding the Flood Planning Levels, the amended concept plans and details submitted generally comply with Council's Flood Advice letter of 15 May 2015 (Council's reference FA-50/2015). The amended plans were referred to Council's Engineers and appropriate conditions of consent have been incorporated in the draft Notice of Determination, including compliance with the amended Flood Management Plan. Subject to compliance with these conditions, the proposal is satisfactory in regards to flooding.

## 6.7 Stormwater

Council's Senior Development Engineer has reviewed the proposal and the on-site detention system and recommended conditions to satisfy the stormwater and drainage issues, which have been incorporated in the draft conditions of consent.

## 6.12 Essential services

Services will generally be available on the site. Sydney Water (Urban Growth) has indicated that amplification of the water mains will be required. Additional conditions have been incorporated in the draft Notice of Determination requiring consultation with relevant utility providers in regards to any specific requirements for the provision of services on the site.

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

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:

<b>Relevant clauses</b>	<b>Compliance with objectives</b>	<b>Compliance with standard/provision</b>
4.1.1 Views and Vista	Yes	Yes - see discussion
4.1.2 Heritage Conservation - Vicinity of Heritage Item	Yes	Yes - see discussion
4.1.3 Water Management	Yes	Yes - see discussion
4.1.3 Flood Risk Management	Yes	Yes
4.1.3 Groundwater Protection	Yes	Yes
4.1.4 Soil Management	Yes	Yes
4.1.6 Development on Sloping Sites	Yes	Yes
4.1.7 Tree Preservation	Yes	Yes
4.1.9 Lot size and Site Consolidation - isolated sites	Yes	Yes - see discussion
4.2 Streetscape and Site Context - General	Yes	Yes - see discussion
4.2 Streetscape and Site Context - Fencing	Yes	Yes - see discussion
4.3.1 Open Space and Landscape Design - Residential Flat Buildings	Yes	Yes - see discussion
4.3.3 Communal Open Space	Yes	Yes
4.4.1 Energy Efficiency - Residential	Yes	Yes
4.4.4 Glazing - General Controls	Yes	Yes
4.4.5 Acoustic privacy	Yes	Yes - see discussion
4.4.6 Noise Impact	Yes	Yes
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 - see discussion
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



<b>Relevant clauses</b>	<b>Compliance with objectives</b>	<b>Compliance with standard/provision</b>
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 - see discussion
4.7 Hot Water Systems	Yes	Yes
5.2 RFB - Site Coverage	Yes	Yes
5.2 RFB - Building Entry	Yes	Yes - see discussion
5.2 RFB - Lift Size and Access	Yes	No - see discussion
7.2 Bonar Street Precinct	Yes	Yes - see discussion

#### 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 fulfils the objectives and satisfies the controls of this clause.

#### 4.1.2 Heritage Conservation - Vicinity of Heritage Item

The local heritage item (No.18) 'street plantings along Firth Street' is diagonally opposite the south-eastern corner of the subject site. As stated above, the proposed development will not affect the integrity or character of the heritage item.

#### 4.1.3 Water Management

The proposal has been assessed with regard to the stormwater management, flood risk management, groundwater protection and water quality and conservation. Council's Senior Development Engineer has reviewed the proposal and provided conditions of consent which will be incorporated into the Notice of Determination.

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

The proposal is built up to the western boundary, which straddle four (4) allotments that are occupied by industrial and warehouse type buildings. A future amalgamated and redeveloped site to the west (i.e. 39-41 Wollongong Road & 43 Bonar Street, Arncliffe) will occupy approximately 2100 square metres with 2 street frontages resulting in a future development site capable of achieving the development control standards as per SEPP 65 and RLEP 2011. As such, the amended proposal is considered acceptable in respect to providing opportunity to a future amalgamated and site to the west to be redeveloped in accordance with the controls. Therefore, the proposed development satisfies in Parts 4.1.9 and 7.2 of the RDCP 2011.

#### 4.2 Streetscape and Site Context - General

The proposed building includes sufficient modulation and articulation so that it provides a suitable series of elevations that have a positive relationship with the street. The built form and the floor levels are split across the site and will allow a suitable context in light of the lower-scale development further to the south with a high-scale development to the north and east.

The proposed development is articulated into separate forms to reduce its bulk, and minimise the length and mass to Wollongong Road. The proposal incorporates a varied schedule of colours and materials to create visual interest when viewed from the public domain. While the materials and finishes submitted with the application are not unreasonable, a condition is to be imposed in respect to the final materials and finishes being acceptable to Council given they could be different in the construction

certificate lodged for the site. This has been addressed by way of a condition of development consent.

#### 4.2 Streetscape and Site Context - Fencing

The new Wollongong Road boundary features a low fence and grass coverage to the kerb which is satisfactory. With the exception of the south-eastern corner and along portions of the future new road to the east, the 90 metre front fence/wall length will be no higher than 1.2 metres above the existing footpath level. The existing footpath level near the roundabout is approximately RL 7.50. The future new road reserve, which includes the future footpath, will be constructed adjacent to the low wall and grass verge along the 90 metre long boundary. There is a higher wall, 1.2m behind the boundary line along the future new road, which demarks the private open space. Given the 1.7% slope along the future 90 metre long new road boundary, the wall will not detract from casual surveillance of the new road from the units and is acceptable in this instance.

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

A minimum of 15% (868.5 m<sup>2</sup>) of the site is required to be provided as landscaped area. The basement levels are proposed to be constructed off the boundaries, thus, providing 1340m<sup>2</sup> as deep soil areas (including a 490m<sup>2</sup> north-western area) in addition to landscaped areas above the basement levels. Excluding areas less than 2 metres in width, the proposal provides approximately 2235 m<sup>2</sup> or 38.6% of the site area as landscaped areas.

Essential to the design is a centrally located podium providing approximately 405 m<sup>2</sup> of communal area for the occupants which can sustain a couple of trees.

The proposal provides generous levels of open space including the appropriate management of stormwater on site, podium planting, deep soil planting zones along the eastern and southern boundaries and a design worthy of visual interest in an emerging high density residential area.

#### 4.4.5 Acoustic privacy

An acoustic assessment report, Revision 3, prepared by Renzo Tonin & Associates, dated 30 July 2015 was submitted to Council. The report considered internal acoustic amelioration between units, mechanical ventilation systems and acoustic noise and vibration. The proposal has been conditioned to ensure the recommendations of the report are implemented.

In addition, an acoustic review of the internal courtyard statement, prepared by Renzo Tonin & Associates, dated 16 October 2015 was submitted to Council. This statement included a review of the submitted landscape and architectural document in regards to the internal courtyard acoustic environment. The statement has found *"...the courtyard space to be suitable from an acoustic perspective for casual seating and conversation due to extensive landscape design which incorporates approximately 250m<sup>2</sup> of dense low-growing shrubs and a mix of short and tall trees distributed throughout the entire courtyard."* The proposal is satisfactory in regard to this clause.

#### 4.4.7 Wind Impact

A pedestrian wind environment study report, Report No:WC498-01F02(REV0)- WE REPORT, prepared by Windtech Consultants Pty Ltd, dated 27 July 2015 has been submitted

The report provides recommendations in order to mitigate wind impacts on site given the height of the development, and concludes that *"...hence with the inclusion of these treatments and proposed design features as indicated in the architectural drawings, the results of this study indicate that wind conditions for all outdoor trafficable areas within and around the proposed development are expected to be acceptable for their intended uses. The inclusion of proposed densely foliating vegetation such as trees and shrubs is expected to further enhance the localised wind conditions along the various outdoor trafficable areas of the site on the ground level; particularly within the communal courtyard, open space and pedestrian footpaths."*

A condition will be imposed to ensure the proposal is acceptable in respect to wind conditions and the public access ways around the building are considered suitable for use.

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

The following dwelling mix applies: 1-bedroom/studio (10%-30%), 2-bedroom (50%-75%) and 3-bedroom or more (10%-20%). A total of 166 apartments are proposed, comprising of 64 x studio/one-bedroom units (38.6%), 96 x two-bedroom units (57.8%) and 6 x three-bedroom units (3.6%).

Variations are proposed to the number of 1 and 3 bedroom units which is considered a similar unit mix of recent mixed-use/residential flat building approvals within Wolli Creek/Turrella/Arncliffe. The applicant proposes a moderate mix of unit types, both in terms of layout and number of bedrooms that are likely to provide an appropriate style of dwelling for a variety of demographics.

#### 4.5.2 Social Equity - Equitable Access

The proposal was accompanied by a 'Disability Access Report', Revision 1, Ref:091399, prepared by Cheung Access, dated 24 July 2015. The report confirms that the development provides for a total of 17 adaptable units in compliance with the requirements of this clause.

*The report concludes that "...we note some further assessment at Construction Certificate stage is required to ensure compliance with Part D3 BCA (2015) and Rockdale Council DCP (2011)...on the basis of our assessment, we confirm that the Development Application plans for 17-37 Wollongong Road, Arncliffe has the capacity to meet 10% of adaptable housing Class C requirements and Performance Requirements of the Disability (Access to Premises-Buildings) Standards 2010 and Part D3 and E3.6 of the Building Code of Australia (BCA) (2015) through the deemed-to-satisfy provisions."*

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

#### 4.6 Car Park Location and Design

The proposal provides 167 residential car parking spaces which equates to a shortfall of two (2) car parking space under the RMS Guide to Traffic Generating Development. The proposal provides 17 adaptable units. To ensure the minimum car parking spaces as per the RMS Guide to Traffic Generating Development and a dedicated car wash bay are provided a condition will be imposed requiring compliance with the minimum car parking control. Refer to Part 3J of the 'State Environmental Planning Policy No.65 - Design Quality of Residential Flat Development (SEPP 65)' within the ADG table of this report.

The proposal includes basement car parking levels which does not occupy the entire site. The basement levels are within the footprint of the building above. In this regard, the proposal provides sufficient landscaped area which is capable of screening and softening the development. Accordingly, the proposal is considered acceptable in respect to the building footprint.

The proposed driveway access from Wollongong Road has been reviewed by Council's Traffic Engineer and Senior Development Engineer who raised no adverse safety and vehicular sightlines concerns with the basement entry point.

Subject to the satisfaction of recommended conditions of consent, the proposal is satisfactory in regard to Part 4.6 of the RDCP 2011.

#### 4.6 Driveway Widths

Plans indicate the provision of approximately 9.36 metres wide driveway at Wollongong Road, the proposal will be conditioned to ensure the driveway has a maximum width (at the new boundary) of 9 metres.

#### 4.6 Access to Parking

Vehicular access to the site is provided via Wollongong Road. The proposal provides secure car parking behind a sliding gate and flood gate, with the provision of an intercom for visitor/owner/occupant 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 provision of this clause.

#### 4.6 Design of Loading Facilities

The proposed development incorporates an on-site loading/unloading area and garbage collection/furniture removal area within the loading dock facility. There is sufficient dimensions to enable passenger vehicles and medium rigid vehicles to enter and exit the loading dock facility without interfering with the main basement entry. The proposal is satisfactory in regards to the provisions of this clause.

#### 4.6 Car Wash Facilities

A condition will be incorporated to include provision of a dedicated car wash bay in accordance with this clause.

#### 4.7 Air Conditioning and Communication Structures

Plans do not explicitly refer to the provision of air conditioning and hot water units located on the balconies to the units. Nonetheless, a condition of consent will be imposed to ensure air conditioning unit structures are sufficiently screened from the streetscape. The proposal is satisfactory in this regard.

#### 4.7 Waste Storage and Recycling Facilities

Plans indicate the provision of a garbage room on the lower ground floor level with a bin lift accessing the loading dock facility. The proposal caters for one garbage chute which is unsatisfactory for all units to utilise, therefore, a condition of consent will be imposed to ensure a additional garbage chute and ancillary garbage room is accommodated within the basement level. The proposed loading dock facility is considered satisfactory with regard to the waste collection.

Subject to the satisfaction of recommended conditions of consent, the proposal is satisfactory in regard to Part 4.7 of the RDCP 2011.

#### 4.7 Service Lines/Cables

Submitted plans indicate the provision of a substation (if required by Ausgrid) within the Wollongong Road elevation towards the south-western side of the site. Adequate servicing will be provided on the site. The proposal is consistent with the requirements of this clause.

#### 4.7 Laundry Facilities and Drying Areas

Submitted 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.

#### 4.7 Letterboxes

In accordance with the guidance from Australia Post, a condition will be imposed to ensure letterboxes are located at the same gradient as the footpath along Wollongong Road and within the wall of the landscaping and at the base of the ramp.

#### 5.2 RFB - Building Entry

There are three (3) residential building entries provided along Wollongong Road. Residential entries are spacious, inviting, accessible and clearly identifiable, providing a direct physical and visual connection between Wollongong Road and the development. The proposal is considered to satisfy the requirements and objectives of this clause.

#### 5.2 RFB - Lift Size and Access

Three (3) lift cores have been provided within the site, each providing access from the basement level to the upper floor levels. Lifts are appropriately dimensioned and common corridors have a minimum 2m width.

The units on levels above the sixth floor do not have access to 2 lifts, which is not in accordance with the requirements of the RDCP 2011. Nonetheless, it is noted that cross-over to all 3 lifts is provided on the uppermost floor levels and the rooftop areas which will provide future owners/occupiers with access in the event of a lift malfunction. Given the large scale development, the number of units on levels above the sixth floor can utilise any one of three lift to obtain access to their dwelling. This situation is not

uncommon in similar designed developments and is not considered to be unreasonable in this instance.

### 7.2 Bonar Street Precinct

The proposal is consistent with the structure plan for the area, providing compatible and permissible development which is consistent with the emerging character of the surrounding area. Ground floor units along Wollongong and to the new road to the east are provided with adequate floor levels and sufficient access for a connection with the public and private domains.

Given that the ground floor level is raised to combat flood planning levels, appropriate provision is provided in the form of steps and ramps in order to enable ground level pedestrian entries. As a result of the above access requirements, the development has been raised and setback at the ground floor levels.

The development addresses the street frontages with balconies, building entrances and living rooms or bedrooms at ground & upper levels. The development has located vehicular basement entries from the northern side of Wollongong Road at the southern portion of the site and the 1.27m wide land dedication provided within Wollongong Road will ensure there is improved access for the occupants/owners.

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 Bonar Street special precinct. The proposal is consistent with the objectives of this clause, and seeks to alter the character of the area from an older industrial environment to a high quality residential development.

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

All relevant provisions of the Regulations have been taken into account in the assessment of this proposal.

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

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

#### **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. The residential units have access to good public transport that will assist to reduce the reliance upon private car use, and the proposal includes a secured area for bicycle parking. The proposal provides well designed communal areas with facilities which will encourage social interaction by future occupants/owner on site. The proposal is not considered to result in any significant adverse social impacts and is satisfactory for the site.

#### **Noise**

An acoustic report has been submitted and the recommendations of the report have been included as conditions of consent. The anticipated noise emitting from the development has been assessed by Council's Environmental Health Officer who raised no objections subject to conditions which will be incorporated into the draft Notice of Determination. The proposal will increase the density of development on the site and will result in an increase in noise emissions. However, the anticipated increase in noise from the development is not considered to be unreasonable and would include noise normally associated with the redevelopment of the site for such a purpose which is permissible with consent on the land. Noise from the construction of the building is temporary and would end at completion of the development. Accordingly, the proposal is considered to be satisfactory in regard to noise emissions.

#### **Visual Privacy**

Although the habitable floor levels of the proposed building are no greater than 1.5m above the natural ground level across the site, the proposal provides sufficient deep soil and podium landscaping depths and widths along the boundaries. Despite this, the remaining parts of the proposed building do provide sufficient separation between units that face each other between the 'Y-shaped' building footprint. In this regard, the proposal contains sufficient separation to retain adequate privacy between the 'Y-shaped' building footprint.

The proposal uses privacy measures such as appropriate location of openings, appropriate building forms, perforated screens along the perimeters of the balconies, varying setbacks and landscaping elements to retain adequate levels of privacy within the development. As such, the proposal is considered to have adequate privacy measures and be of a design which is not considered unreasonable in respect to the resulting internal amenity and external privacy conditions for the site. The proposal is consistent with the nature of the existing and future design character of the Wollongong and Bonar Street special precinct. As such the proposal is considered satisfactory in relation to amenity and privacy.

### **Safety and Security**

Safer by Design principles of crime prevention through environmental design are incorporated into RDCP 2011 and this aspect has been considered in the assessment of this proposal. The proposal has been designed as a secure development, with restricted access to private and communal areas. The proposed development also provides for passive surveillance of Wollongong Road. Standard conditions are proposed requiring the installation of CCTV at ground floor and basement parking levels to minimise theft from vehicles, storage areas, letterboxes and open residential interface areas.

### **Construction**

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

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

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

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

The development has been notified in accordance with the provisions of Rockdale DCP 2011 and applicable legislation for a period of thirty (30) days from 24 August 2015 until 28 September 2015 and two (2) letters of objections were received.

In light of Council's request to revise the design scheme, the proposal was subsequently amended with a wider northern apex to the triangular courtyard and improvements to the residential amenity. The development application was re-notified in accordance with RDCP 2011 for a period of fourteen (14) days from 3 December 2015 until 18 December 2015 and no objections were received.

The issues raised in the submission are discussed below:

### ***Traffic access and parking***

Concern that the proposal will increase traffic congestion and create street parking impacts.

**Comment:** A condition has been imposed to ensure the proposed provision of on-site car parking complies with the minimum requirements SEPP 65 and the ADG, which includes the provision of adequate on-site car parking spaces with access from the new driveway off Wollongong Road.

Council's Senior Development Engineer has reviewed the proposal and raised no significant concerns in relation to the proposal subject to conditions which have been included in the consent.

Accordingly, the concerns raised in relation to the provision of car parking and traffic impacts do not warrant the refusal of the application.

### ***Lack of public amenity***

Concern was raised that "...the development should take into account the extra traffic and pressure put on infrastructure. How is the developer contributing to public amenity with the hundreds of extra people / cars in what is already a high density area? If there is no substantial contribution (i.e public space, amenity etc) then it should not be approved."

**Comment:** Whilst the proposal does not provide a public park it does contribute to the local area by providing a 1.27 metre wide provision for the widening of Wollongong Road. The proposal will activate and enhance the public domain and includes residential units of adequate size and mix for the demographics of the locality. The proposal provides adequate amenity for the future owners/occupants of the building and will not unreasonably impact upon the amenity of the adjoining and surrounding properties and contributes to facilities via Section 94 developer contributions. Accordingly, the concerns raised in relation to the public amenity do not warrant the refusal of the application.

### ***Noise***

Concern has been raised that "...we noticed that air models were based at the street. However, we suggest that this fails to consider the specific natural and urban topography of the development site, such as the elevation of the rail line, the close and almost unbroken wall of apartments or walls surrounding the site on three sides and also the houses on Dome Street, with their naturally elevated, hill-top position which overlooks the designated work site associated with the construction will be disruptive."

**Comment:** Conditions of consent addressing acoustic measures have been incorporated within the draft Notice of Determination. Refer to comments regarding 'noise' and 'construction' under 'Impact of the Development' section in this report.

### ***Removal of native street trees***



Concern has been raised '...that several native trees located on the site running along Wollongong Road...are constantly used by local bird species such as honey eaters, for food and roosting...which will be otherwise walls of concrete...and it was not obvious that these street trees had been retained.'

**Comment:** Council's Tree Management Officer has reviewed the proposal and stated no objections subject to the retention of street trees numbered T2, T3, T4, T5, T7 & T8. Accordingly, the concerns raised in relation to the removal of street trees do not warrant the refusal of the application.

### **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. The proposal relies on a variation to the building height and FSR development standards under clause 4.3 and 4.4 (respectively) in RLEP 2011. The applicant has provided a justification to these variations under clause 4.6. The justification has been considered and supported in part.

To achieve better residential amenity and a development consistent with the objectives of the controls and the zone, conditions of consent are recommended to reduce the height and GFA on the northern side of the building. Subject to compliance with this condition, the proposal is generally in accordance with the provisions of SEPP 65 and will provide visual interest along the Wollongong Road streetscape. The proposed building is a high quality building that will set a high standard for developments in the Bonar Street precinct and surrounding area. As such it is considered that the development application is in the public interest.

## **Schedule 1 - Draft Conditions of consent**

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### **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.

<b>Plan/Dwg No.</b>	<b>Drawn by</b>	<b>Dated</b>	<b>Received by Council</b>
A-0101, Revision 4 - Site Plan	SJB Architects	6 January 2016	11 January 2016
A-0198, Revision 13 - Basement Level 1	SJB Architects	6 January 2016	11 January 2016
A-0199, Revision 14 - Floor Plan-Lower Ground	SJB Architects	6 January 2016	11 January 2016
A-0200, Revision 21 - Floor Plan-Ground	SJB Architects	6 January 2016	11 January 2016
A-0201, Revision 18 - Floor Plan-Levels 1-4	SJB Architects	6 January 2016	11 January 2016

A-0205, Revision 15 - Floor Plan-Level 5	SJB Architects	6 January 2016	11 January 2016
A-0206, Revision 20 - Floor Plan-Level 6	SJB Architects	6 January 2016	11 January 2016
A-0207, Revision 18 - Floor Plan-Roof	SJB Architects	6 January 2016	11 January 2016
A-0501, Revision 7 - Elevations (North & East)	SJB Architects	6 January 2016	11 January 2016
A-0502, Revision 7 - Elevations (South & West)	SJB Architects	6 January 2016	11 January 2016
A-0520, Revision 4 - Streetscape Analysis	SJB Architects	6 January 2016	11 January 2016
A-0601, Revision 12 - Sections (A & B)	SJB Architects	6 January 2016	11 January 2016
A-0602, Revision 11 - Sections (C & D)	SJB Architects	6 January 2016	11 January 2016
(Survey) Plan of detail and levels over land at 17-37 Wollongong Road, Arncliffe, Sheet 1 of 3 - existing easements marked in solid red & dedication of easement marked in dotted red marker	LTS Lockley surveyors (marked in solid red & dotted red)	19 March 2015 (date of survey)	-

3. 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.
4. All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).
5. **A Construction Certificate must be obtained from Council or an Accredited Certifier prior to any building work commencing.**
6. The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate Number 647840M\_04, date of issue 7 January 2016 other than superseded by any further amended consent and BASIX certificate.  
**Note:** Clause 145(1)(a1) of the Environmental Planning & Assessment Regulation 2000 provides: A certifying authority must not issue a construction certificate for building work unless it is satisfied of the following matters: -
  - (a1) that the plans and specifications for the building include such matters as each relevant BASIX certificate requires.**Note:** Clause 154B(2) of the Environmental Planning & Assessment Regulation 2000 provides: "A certifying authority must not issue a final occupation certificate for a BASIX affected building to which this clause applies unless it is satisfied that each of the commitments whose fulfilment it is required to monitor has been fulfilled."  
Note: For further information please see <http://www.basix.nsw.gov.au>.
7. The ground floor/podium courtyards and/or balconies, car parking spaces & balconies shall not be enclosed at any future time without prior development consent.

The arbour structures and part of the roof provided on the rooftop terraces shall not be enclosed at any future time without prior development consent.

8. This approval is not to be construed as permission to erect any structure on or near a boundary contrary to the provisions of the Dividing Fences Act.
9. Excavation, filling of the site (with the exception of the area immediately under the building envelope), or construction of retaining walls are not permitted unless shown on the approved plans and authorised by a subsequent construction certificate.
10. No occupation or works are to be carried out on public land (including a road or footpath) or access provided over a public reserve adjacent to the development site without approval being obtained from Rockdale City Council and the necessary fee paid under the Roads Act 1993 and/or the Local Government Act 1993.

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

11. Parking spaces shall be allocated to residential apartments in the development in the following manner and this shall be reflected in any subsequent strata subdivision of the development:

0.6 spaces per 1 bedroom units  
0.9 spaces per 2 bedroom units  
1.4 spaces per 3 bedroom units

#### **Non-Allocated Spaces**

Residential visitor spaces 1 space per 5 apartments  
1 designated car wash bay

Total spaces required (minimum) = 163 spaces including a dedicated car wash bay

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.

12. **Integrated Development / External Authorities**

#### **Sydney Water**

##### *Water*

- The proposed development can connect to the existing 200mm drinking water main on the northern side of Wollongong Road.
- Detailed water requirements will be provided at the Section 73 application phase.

##### *Wastewater*

- The proposed development can connect to the existing 225mm wastewater main located within the property boundary.
- Detailed wastewater requirements will be provided at the Section 73 application phase.

#### **Sydney Water E-Planning**

Sydney Water has an email address for planning authorities to submit statutory or strategic planning documents for review. This email address is [urbangrowth@sydneywater.com.au](mailto:urbangrowth@sydneywater.com.au)

Further advice and requirements for this proposal are below. If you require any further information, please contact Beau Reid of Urban Growth Strategy on 02 8849 4357 or e-mail [beau.reid@sydneywater.com.au](mailto:beau.reid@sydneywater.com.au).

### **Sydney Water Servicing**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water.

Make an early application for the certificate, as there may be water and wastewater pipes to be built that can take some time. This can also impact on other services and buildings, driveways or landscape designs.

Applications must be made through an authorised Water Servicing Coordinator. For help either visit [www.sydneywater.com.au](http://www.sydneywater.com.au) > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

### **Building Plan Approval**

You must have your building plans stamped and approved before any construction is commenced. Approval is needed because construction/building works may affect Sydney Water's assets (e.g. Water, sewer and stormwater mains).

For further assistance please telephone 13 20 92 or refer to the Building over or next to assets page on the Sydney Water website (see Plumbing, building and developing then Building over or next to assets).

### **13. Integrated Development / External Authorities**

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

#### **Department of Primary Industries - Water**

##### General

- 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.

- 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.

- 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 1.0m 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.

- 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.

- 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 stages: prior to construction commencing (initial report - which will accompany the application for the authorisation), at any time when an authorisation renewal is required or a significant change in activities occurs (intermediate report); and at the completion of dewatering and related operations (completion report). Reports need to be submitted to DPI Water at Parramatta Office, in a format consistent with electronic retrieval without editing restrictions; raw data should be presented in Excel spreadsheet without editing restrictions.

#### Prior to excavation

- 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 a least two months after the cessation of the pumping. [DPI Water prefers that monitoring be undertaken on a continuous basis using automatic loggers in boreholes].

- 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.

- 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.

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

- A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and included in the initial report; together with details and calculation methods for the parameters and supporting information to confirm their development or measurement (e.g. permeability predicted by slug-testing, pump-testing or other means).
- A copy of a valid consent for the development shall be provided in the initial report.
- The method of disposal of pumped water shall be nominated (i.e. reinjection, drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided in the initial report. The disposal of any contaminated pumped groundwater (sometimes called 'tallwater') must comply with the provisions of the Protection of the Environment Operations Act 1997 and any requirements of the relevant controlling authority.
- Contaminated groundwater (i.e. above appropriate NEPM 2013 thresholds) shall not be reinjected into any aquifer. The reinjection system design and treatment methods to remove contaminants shall be nominated and included in the initial report and any subsequent intermediate report as necessary. The quality of any pumped water that is to be reinjected must be demonstrated to be compatible with, or improve, the intrinsic or ambient groundwater in the vicinity of the reinjection site.

#### During excavation

- 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.
- 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.
- 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 monitoring bores provided in the completion report.
- 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.
- 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.
- 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.
- 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

- 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.

•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.

14. The following amendments to the architectural plans must be adhered to:

- i. Incorporate an additional garbage room and chute adjacent to the south-western lift core in the basement level.
- ii. Delete 6 apartments: Level 4 - U4.08 & U4.09, Level 5 -U5.08 & U5.09 and Level 6 - U6.08 &U6.09.
- iii. Provide a new north-facing communal rooftop terrace at Level 4 at the northern apex of the building footprint.
- iv. Provide vertical access (i.e. bin lift) to the floor level of the loading dock facility from the basement garbage room.
- v. Incorporate a minimum of 163 car parking spaces (including the dedicated car wash bay) within the basement and lower ground floor levels.
- vi. Provide the minimum private open space (POS)/balconies for each apartment type: 1-bedroom units must provide minimum 8m<sup>2</sup> of POS/balconies, 2-bedroom units provide minimum 10m<sup>2</sup> of POS/balconies, 3-bedroom units provide minimum 12m<sup>2</sup> of POS/balconies & all ground floor/podium level units provide minimum 15m<sup>2</sup> of POS/balconies.
- vii. Any relevant condition of this consent.

Details of the above items shall be submitted for approval by the Director City Planning and Development of Rockdale City Council prior to the issue of the Construction Certificate. The approved documentation shall be included in the Construction Certificate.

15. The following amendments to the landscape plans must be adhered to:

- i. Details to show landscape levels, planter details, proposed soil depths and a full plant schedule (including proposed plant numbers) as per the requirements of the Rockdale Development Control Plan (RDCP 2011).
- ii. Any existing conflicts or discrepancies between the stormwater plan in terms of pit locations must be resolved and correctly indicated.
- iii. The height of any fence or wall that separates the private open space of terraces to units is to be a maximum of 1.8m high above the finished level of the terrace.
- iv. Retaining walls (ie. at podium, rooftop level and/or within planter boxes) used for raised planter beds on concrete slabs shall accommodate a minimum 1000mm of soil plant mix (over and above any drainage medium).
- v. The timber (or aluminium) fences provided to the courtyard level units are to be slatted batten timber fences with horizontal battens to allow some light penetration into the courtyard spaces.
- vi. A minimum soil depth of 300mm is required for turfed areas on podiums or rooftops or any other concrete slab, including the soil above stormwater drainage tanks.
- vii. 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.
- viii. Fully automatic irrigation systems are required to be installed in all podium planted areas, including areas or lawn, the use of stored grey water or rainwater from



the development is strongly recommended.

ix. Details of the roof top communal areas including provision of amenities for residents.

x. Relocation of the OSD tank out of landscaping areas and within hardstand spaces (such as under driveways, within basement level car park, etc.

xi. Relocation of fire sprinkler, booster and valves out of landscaping and into the building elevation.

xii. Relocation of the substation into the building elevation and out of deep soil zones.

xiii. Redesign of the Wollongong Street interface to allow for retention of the trees numbered 2, 3, 4, 5, 7 & 8 in the submitted Arboricultural Impact Report, dated 30 July 2015, prepared by Landscape Matrix Pty Ltd.

xiv. Any relevant condition of this consent.

The details of all of the above items shall be shown on the construction certificate architectural and landscape plans and supporting documentation to the satisfaction of the Director City Planning and Development of Rockdale City Council prior to the issue of the Construction Certificate.

16. A complete schedule of finishes (including details where external louvers, external walls, perforated screens or screen panels to the windows/balconies are provided), render colours, balustrade colour/finishes, window frame samples and details, type of paving for the entry the podium courtyard and balconies/courtyards, internal fencing/privacy screen details surrounding the open space on the ground floor apartments and paint colours/finishes must be submitted to the to the satisfaction of the Director of City Planning and Development of Rockdale City Council prior to the issue of Construction Certificate.

Details shall be reflected on the Construction Certificate plans and supporting documentation.

## **Development specific conditions**

The following conditions are specific to the Development Application proposal.

17. 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.
18. Materials, goods or machinery shall not be stored, placed or otherwise permitted to stand between the building line and the street alignment.
19. 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.

20. The existing and future owners (Registered Proprietor) of the property will be responsible for the operation and maintenance of the detention system. The registered proprietor will:
- (i) permit stormwater to be temporarily detained by the system;
  - (ii) keep the system clean and free of silt, rubbish and debris;
  - (iii) maintain, renew and repair the whole or parts of the system so that it functions in a safe and efficient manner, and in doing so complete the same within the time and in the manner specified in written notice issued by the Council;
  - (iv) carry out the matters referred to in paragraphs (ii) and (iii) at the proprietor's expense;
  - (v) not make any alterations to the system or elements thereof without prior consent in writing of the Council;
  - (vi) permit the Council or its authorised agents from time to time upon giving reasonable notice (but at any time and without notice in the case of emergency) to enter and inspect the land for compliance with the requirements of this clause;
  - (vii) comply with the terms of any written notice issued by the Council in respect to the requirements of this clause within the time stated in the notice.
21. 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.
22. 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.
23. 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.
24. The following amendments to the stormwater and driveway cross-section must be adhered to:
- i. A Gutter Flow Analysis must be provided in accordance with the requirements of Section 8 of the Stormwater Design Code.  
The analysis is required to make recommendations regarding the creation of a crest to protect the site from excess gutter flows.
  - ii. A driveway long-section in accordance with Council's requirements. where the driveway long-section is to start in the centre of the road and be along the critical

edge (worst case) of the driveway. Gradients and transitions are to be in accordance with Council's Codes. The long-section is to be drawn to 1:20 scale and to include all relevant levels, grades (in %) and lengths. Unless longer transition lengths are called up by a Council Code, transition lengths are a minimum of 1.5m long with a maximum change of grade 11%. As these lengths are and grade changes do not fit all circumstances, the profile is to be checked using the 85% vehicle ground clearance template (with 20mm minimum clearance) from AS2890.1. Absolute maximum grade shall be 20%.

25. The use of the premises, building services, equipment, machinery and, ancillary fittings shall not give rise to an "offensive noise" as defined under the provisions of the Protection of the Environment Operations Act, 1997.
26. 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.
27. Residential air conditioners shall not cause 'offensive noise' as defined by the Protection of the Environment Operations Act 1997 or contravene provisions of the Protection of the Environment (Noise Control) Regulation 2008 where emitted noise from a residential air conditioner can be heard within a habitable room in any other residential premises at night.
28. Temporary dewatering of the site to construct the subsurface structure is not permitted without approval.
29. 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.
30. 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.
31.
  - 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 Council 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.
32. All vertical plumbing shall be concealed within the brickwork of the building. Any electrical kiosks or fire booster valves shall be located in unobtrusive locations toward site boundaries and away from entrances into the building. Utilities shall be softened with landscaping so as not to detract from the overall appearance of the development and amenity of the streetscape. Details demonstrating compliance with this requirement shall be submitted to the Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate.
33. Adopt and implement all recommendations contained in the 'Acoustic Assessment for DA' report prepared by Renzo Tonin & Associates Ref: TH365-01F02 Acoustic Report for DA (r3), dated the 30 July 2015.
34. All hot water systems/units which are located on the balcony of a dwelling/unit must

be encased in a recessed box on the balcony with the lid/cover of the box designed to blend in with the building. All associated pipe work is to be concealed.

35. 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.
36. All pavements shall comply with AS/NZ 4586:1999 standards Class W (low) for slip resistance on both private and Council property.
37. The approved completed landscape works shall be maintained for a period not less than 12 months.

On completion of the maintenance period, a Landscape Architect shall provide a report to the certifying authority (with a copy provided to Council if Council is not the principal certifying authority) stating the landscape maintenance has been carried out in accordance with approved landscape plans and designated specifications before release of the nominated landscape bond.

38. Any soil disposed of off-site shall be classified in accordance with the procedures in the NSW Environment Protection Authority's Environmental Guidelines: Waste Classification Guidelines (2009).
39. The contaminated site shall be remediated in accordance with 'State Environmental Planning Policy No 55 Remediation of Land' (SEPP55). All remediation and validation works shall be carried out in accordance with the Site Remedial Action Plan called 'Report to CityState Property on Remediation Action Plan for Proposed Residential Development, 17-37 Wollongong Road, Arncliffe, NSW' Report, Ref:E28285KHrpt3-RAP2, prepared by Environmental Investigation Services, dated 3 February 2016.
40. 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.

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

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

41. 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 \$51,090.00. This is to cover repair of any damages, or other works to be done by Council. This includes construction, removal, or repair as required to: kerb and guttering, existing or new driveways; paved areas and concrete footpaths. The deposit may be lodged with Council in the form of a Bank Guarantee (Any proposed Bank Guarantee must not have an expiry date). The deposit will not be returned by Council until works are completed and all damage is restored and all specified works are completed by Council.
  - ii. An environmental enforcement fee of 0.25% of the cost of the works.
  - iii. A Soil and Water Management Sign of \$17.00.
42. 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.
43. The footpath, kerb, road, nature strip and any other element of public infrastructure shall be protected from damage during construction. To ensure this, Council requires a bond to be paid to cover the cost of repairing any infrastructure damage during construction. A bond of \$100,000.00 shall be paid prior to the issue of a Construction Certificate. The bond shall not be released until all work is completed in accordance with the Development Consent and any damage has been repaired.
44. The connection of stormwater drainage pipes to the existing kerb inlet pits in Wollongong Road must be inspected by Council prior to backfilling. A payment of \$294.00 is required prior to the issue of the Construction Certificate for inspection of the connection and/or alteration to the Council pipeline. If payment is made after the end of the financial year the amount is to be adjusted in accordance with Council's adopted fees and charges. Where the inspection is unsatisfactory, each additional inspection will incur an extra charge .
45. A Section 94 contribution of \$3,200,000.00 shall be paid to Council. Such contributions are only used towards the provision or improvement of the amenities and services identified below. The amount to be paid is adjusted at the time of payment, in accordance with the contribution rates contained in Council's current Adopted Fees and Charges. The contribution is to be paid prior to the issue of any construction certificate for works above the floor level of the ground floor. (Payment of the contribution is not required prior to any separate construction certificates issued only for demolition, site preparation works and the construction of basement levels). The contribution is calculated from Council's adopted Section 94 contributions plan in the following manner:  
  
Open Space \$1,532,356.16  
Community Services & Facilities \$60,810.32  
Town Centre & Streetscape Improvements \$32,297.69  
Pollution Control \$90,182.43  
Bonar Street Precinct Infrastructure \$1,455,888.76  
Plan Administration & Management \$28,464.63  
  
Copies of Council's Section 94 Contribution Plans may be inspected at Council's Customer Service Centre, Administration Building, 2 Bryant Street, Rockdale.
46. The following recommendations of the Pedestrian wind environment study, ref WC498-01F02(REV0)- WE REPORT and dated 27 July 2015 are to be implemented on site.

- Densely foliating trees capable of growing to at least 4m high with 4m wide canopy along the pedestrian footpath along Wollongong Road.
- Densely foliating shrubs, capable of growing to a height of at least 1.5m on the western part of the rooftop communal open terrace on Level 6.
- 2m high impermeable screen along the northern and south-western perimeter of the rooftop communal open terrace on Level 6.
- 2m high impermeable screen along the south-western perimeter edge of the south-western private terrace on Level 6.
- Full height impermeable screen to meet with the floor slab above on the northern perimeter of the walkway between the eastern and western buildings on Level 6.
- 2m high impermeable screens on the south-eastern and south-western perimeter of the southern private rooftop terrace on Level 7.
- 2m high impermeable screens on the south-eastern and south-western perimeter of the south-eastern walkway/staircase on Level 7.

47. 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.
48. 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.
49. A suitable qualified engineer is to certify that the structure can withstand the forces of floodwater, scour, debris and buoyancy in a 1% AEP flood event. 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.
50. 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 17 residential units, and between this unit(s) and its allocated car parking space. The allocated parking spaces will be located in close proximity to the access points of the building. The adaptable unit(s) are to be unit number(s) UO.12, UO.13, UO16, U1.12, U1.13, U1.16, U2.12, U2.13, U2.16, U3.12, U3.13, U3.16, U4.12, U4.13, U4.16, U5.12 & U5.13. 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.

The conclusion and recommendations of the submitted 'Disability Access Report', Revision 1, Ref:091399, prepared by Cheung Access and dated 24 July 2015 must be met and achieved. Details are to be submitted to Principal Certifying Authority for assessment and approval.

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.

51. The following conditions must be adhered to:
  - i) The applicant shall confer with Ausgrid to determine if an electricity distribution

substation is required.

ii) The applicant shall confer with Ausgrid to determine if installation of electricity conduits in the footway is required.

iii) The applicant shall confer with Ausgrid to determine if satisfactory clearances to any existing overhead High Voltage mains will be affected.

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

52. The approved plans must be submitted to a Sydney Water (Tap in Tap off) 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 Tap in Tap off agent/Sydney Water has appropriately stamped the plans before issue of any Construction Certificate.

53. Prior to issue of the Construction Certificate, a longitudinal driveway profile shall be submitted to Principal Certifying Authority for assessment and approval. The profile shall start in the centre of the road and be along the critical edge (worst case) of the driveway. Gradients and transitions shall be in accordance with Council's Code. The profile shall be drawn to a scale of 1 to 20 and shall include all relevant levels, grades (%) and lengths.
54. 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.
55. A Construction Management Plan (CMP) shall be prepared in accordance with the requirements of all relevant regulatory approval bodies. Prior to the commencement of works the Certifying Authority shall be satisfied that the Construction Management Plan has obtained all relevant regulatory approvals. The Construction Management Plan shall be implemented during demolition, excavation and construction.

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

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

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



Any proposed landscaping, fencing or signage is not to impede the desired sight lines of all road users including pedestrians and cyclists.

All road works / regulatory signposting associated with the proposed development shall be at no cost to the Council or RMS.

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

56. As the basement floor are 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 JK Geotechnics Pty Ltd, Report Ref: 28552Vrpt.rev1 Arncliffe Desk Study, Dated 22 July 2015;
  - (b) Provide a certificate that the construction certificate plans are satisfactory from a geotechnical perspective; and
  - (c) Confirm the proposed construction methodology, including the preparation of a Construction Methodology report demonstrating that the proposed construction methods (including any excavation, and the configuration of the built structures) will have no adverse impact on any surrounding property and infrastructure. The report must be submitted with the application for a Construction Certificate for the relevant stage of works.
  - (d) Inspect the works as they progress. The Inspections are to occur at frequencies determined by the Geotechnical Engineer;
  - (e) The Geotechnical Engineer to comment on the proposed stormwater drainage design for the basement area, mainly on AGG line connections / permanent dewatering and a tanked basement structure.

NB: (i) If the proposed construction of the basement car park impedes the water table, thus requiring dewatering of the site, a permit must be obtained from the NSW Department of Primary Industries (Water);

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

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

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

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

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

excavated material from the land being developed.

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

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

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

The principal contractor and any sub-contractor must comply with all work directions, verbal or written, given by the professional engineer.

A copy of any written direction required by this condition must be provided to the Principal Certifying Authority within 24 hours of any event.

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

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

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

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

58. Any sub-surface structure within the highest known groundwater table level (plus 0.5m) shall be designed with a waterproof retention system (i.e. tanking and waterproofing) with adequate provision for future fluctuation of the water table. The subsurface structure is required to be designed with consideration of uplift due to water pressure and "flotation" (buoyancy) effects. Subsoil drainage around the subsurface structure must allow free movement of groundwater around the structure, but must not be connected to the internal drainage system. The design of subsurface structure, tanking and waterproofing, and subsoil drainage shall be undertaken by a suitably experienced Chartered Professional Engineer(s). Design details and construction specifications shall be included in the documentation accompanying the Construction Certificate.
59. The low level driveway must be designed to prevent inflow of water from the road reserve. The assessment of flows and design of prevention measures shall be in

accordance with the requirements of Rockdale Technical Specification Stormwater Management. Details shall be included in the documentation presented with the Construction Certificate application.

60. 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.
61. A dedicated car wash bay (minimum 3.5 metres wide) is required. A tap shall be provided. A sign shall be fixed saying 'Car Wash Bay'. The runoff shall be directed and treated as per Rockdale Technical Specification Stormwater Management. Details shall be provided with the plans accompanying the Construction Certificate.
62. Prior to the issue of the Construction Certificate, detailed drainage design plans for the management of stormwater are to be submitted to Principal Certifying Authority for assessment and approval. Design certification, in the form specified in Rockdale Technical Specification Stormwater Management, and drainage design calculations are to be submitted with the plans. Council's Rockdale Technical Specification Stormwater Management sets out the minimum documentation requirements for detailed design plans. Stormwater management requirements for the development site, including the final discharge/end connection point, must comply with Rockdale Technical Specification Stormwater Management and the following:
  - (a) The stormwater management for the proposed development should be in accordance with the requirements of Part 4.1.3 of the RDCP 2011 and the Rockdale Technical Specification — Stormwater Management. The provision of on-site detention shall have 2 years and 50 years orifice controls;
  - (b) The Water Sensitive Urban Design Approach (WSUD) to the design of the drainage system such as:
    - (i) Reduce runoff and peak flows;
    - (ii) Conserve water by reducing demand on potable water supplies;
    - (iii) Protect water quality;
    - (iv) To incorporate an oil separator in accordance with Rockdale Technical Specification — Stormwater Management, section 7.5.4;
    - (v) The basement pump well size shall be in accordance with Clause 4.2.4 of RDCP 2011- Technical Specification for Stormwater Management
63. The groundwater shall be assessed by a suitably qualified and experienced environmental consultant in accordance with relevant contaminated sites guidelines published by NSW Department of Environment Climate Change and Water. A copy of the report shall be submitted to Principal Certifying Authority prior to the issue of the Construction Certificate. A copy shall also be submitted to Council if Council is not the Principal Certifying Authority.
64. All fire boosters, hydrants, substations, services and the like shall be concealed within the building envelope. The fire sprinkler booster must be incorporated into the central Wollongong Road pedestrian entrance wall rather than incorporating these into the landscaping zones.

Details of the aforementioned shall be submitted to Council for approval prior to the issue of the Construction Certificate.

## **Prior to commencement of works**

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

65. 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.
66. 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.

67. 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.
68. 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.
69. Prior to the commencement of work, Tree Protection Zones shall be established with protective fences at least 1.5 metres high erected, at the greater of the drip lines metres from the trunks, around trees numbered T2, T3, T4, T5, T7 & T8 which are to be retained as per tree numbering in the submitted Arboricultural Impact Report, dated 30 July 2015, prepared by Landscape Matrix Pty Ltd.

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

A sign shall be placed in a prominent position on each protective fence identifying the area as a Tree Protection Zone and prohibiting vehicle access, waste bins, storage of materials and equipment, site residue and excavations within the fenced off area.

70. 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.
71. 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.
72. Where construction/building works require the use of a public place including a road or footpath, approval under Section 68 of the Local Government act 1993 for a Barricade Permit is to be obtained from Council prior to commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.
73. 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.
74. 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.

75. 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.
76. 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.
77. 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.
78. Ground water shall only be pumped or drained to Council's stormwater system if the water is clean and unpolluted. The standard used to determine the acceptability of the quality of the water is the 'Australian and New Zealand Environment and Conservation Council - Australian Water Quality Guidelines for Fresh and Marine Waters 1992'.

Note: Prior treatment and/or filtration of the water may be necessary to achieve acceptable quality, including a non-filterable residue not exceeding 50 milligrams/litre or small quantities may be removed by the services of a Licenced Liquid Waste Transporter. It is an offence under the provisions of the Protection of the Environment Operations Act 1997 to pollute the stormwater system.

79. 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.
80. 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.

81. 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.

82. 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.
83. 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.

84. 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.

85. 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.
- 86. 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.
- 87. 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.
- 88. Building materials, site residue, machinery and building equipment shall not be placed or stored under the dripline of trees required to be retained.

### **Prior to issue of occupation certificate or commencement of use**

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

- 89. An Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of the building.
- 90. 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.
- 91. 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.
- 92. A by-law shall be registered and maintained for the life of the development, which requires that :
  - (a) balconies are not to be used as clothes drying areas, storage of household goods and air-conditioning units that would be visible from the public domain;
  - (b) an owner of a lot must ensure that all floor space within the lot complies with the acoustic conditions for floors specified in this consent;
  - (c) Notwithstanding subclause (b), in the event that a floor covering in the lot is removed, the newly installed floor covering shall have a weighted standardized impact sound pressure level not greater than L<sub>nT,w</sub> 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.

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

A graffiti management plan to be incorporated into the maintenance plan for the development. Research has shown that the most effective strategy for reducing graffiti offences is the quick removal of such material, generally within a forty-eight hour period.

- 95. 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.
- 96. 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.
- 97. 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.
- 98. Where an electricity substation is required by Ausgrid, a final film survey plan shall be endorsed with an area having the required dimensions as agreed with Ausgrid over the location of the proposed electricity distribution substation site. The substation must be located within the boundary of the development site, or within the building, subject to compliance with the BCA. The substation site shall be dedicated to Council as public roadway, or as otherwise agreed with Ausgrid. Ausgrid's requirements shall be met prior to release of the issue of the Occupation Certificate.
- 99. The vehicular entry in Wollongong Road to be clearly marked and signposted ("entry" or "no entry") from the street and ("exit" or "no exit") internally.

The car park area should be secured and monitored to minimise the opportunity for intruders to access such areas.

- 100. 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.
- 101. The width of the driveway at the new boundary at Wollongong Road (after dedication to Council) shall be a maximum of 9 metres. Note: Council's Vehicular Entrance Policy restricts the width of the vehicular entrance over the footpath to a maximum of 4.5 metres.

102. The dedication to Council is required for the following parcels of land, at no cost to Council:
- i) A 1.27 metre wide frontage along Wollongong Road for road widening purposes; and
  - ii) Approximately 4.8 metres along the new road to the east for 18.4 metre corridor for new road purposes; and,
  - iii) Dedication and creation of two (2) triangular parcels of land to Council for the creation of easements for drainage, variable width, over land previously nominated (i.e. a north-western corner of the site and the northern corner of the site).

The drainage easement is to be created in favour of Rockdale City Council, at no cost, and covered by a Section 88B Instrument, which may only be varied or extinguished with the consent of Rockdale City Council. A restriction to user preventing building works within the easement is also required. Note: No structures are permitted to be constructed by the developer within these dedication of land for road widening and easements.

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

103. Bollard(s) shall be installed by the Developer on adaptable shared spaces of the vehicular entry. Such bollard(s) are to be evenly spaced between the kerb and the adaptable shared spaces.

Bollards are to be constructed from steel pipe minimum 100mm diameter, domed at the top and filled with concrete. They are to be installed a minimum of 900mm into the ground and are to be 1100 mm out of the ground, painted white, with reflectors attached. Future maintenance will be the responsibility of the owner and/or occupier.

104. A minimum 163 off-street car spaces shall be provided in accordance with the submitted plan and shall be sealed and linemarked to Council's satisfaction. The pavement of all car parking spaces, manoeuvring areas and internal driveways shall comply with Australian Standard AS3727 – Guide to Residential Pavements.

105. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.  
Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.  
Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.  
The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development.

106. Prior to occupation, a registered surveyor shall certify that the driveway(s) over the footpath and within the property have been constructed in accordance with the approved driveway profile(s). The certification shall be based on a survey of the completed works. A copy of the certificate and a works-as-executed driveway profile shall be provided to Council if Council is not the Principal Certifying Authority.

107. Where the installation of electricity conduits is required in the footway, the builder shall install the conduits within the footway across the frontage/s of the development site, to Ausgrid's specifications. Ausgrid will supply the conduits at no charge. A Road Opening Permit must be obtained from Council prior to the installation of the

conduits. The builder is responsible for compaction of the trench and restoration of the footway in accordance with Council direction. A Compliance Certificate from Ausgrid shall be obtained prior to the issue of the Occupation Certificate.

108. Prior to issue of Occupation Certificate the applicant shall submit to the Principal Certifying Authority (PCA) an acoustic compliance report to verify that the measures stated in the 'Acoustic Assessment for Development Application 17-37 Wollongong Road Arncliffe by Renzo Tonin & Associates – Doc Reference; TH365-01F02 Acoustic Report for DA (r3) dated the 30 July 2015' and all other noise mitigation measures associated with the mechanical plants (ventilation systems, exhaust fans, ventilation fans and condenser units) and equipment including air-conditioners have been carried out and certify that the construction meets the above requirements. If Council is not the PCA, a copy shall be submitted to Council concurrently. The report shall be prepared by a suitably qualified and experienced acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australian Acoustical Consultants).
109. 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.
110. A Site Audit Statement (SAS) shall be submitted to Council being the Regulatory Authority for the management of contaminated land, prior to the issue of Occupation Certificate, clearly demonstrating that the site is suitable for the intended use. Conditions imposed on the SAS shall form part of this consent. In circumstances where the SAS conditions (if applicable) are not consistent with the consent, the consent shall prevail to the extent of inconsistency and a S96 application pursuant to the Environmental Planning & Assessment Act 1979 will be required.
111. Within one (1) month of completion of the remedial works as per the submitted 'Report to CityState Property on Remediation Action Plan for Proposed Residential Development, 17-37 Wollongong Road, Arncliffe, NSW', a copy of the Validation Report shall be submitted to Council being the Regulatory Authority for the management of contaminated land. The Validation Report shall be prepared in accordance with the NSW Environment Protection Authority's (EPA) guidelines, Consultants Reporting on Contaminated Sites, and shall:
  - describe and document all works performed;
  - include results of validation testing and monitoring;
  - include validation results of any fill imported on to the site;
  - show how all agreed clean up criteria and relevant regulations have been complied with; and
  - include clear justification as to the suitability of the site for the proposed use and the potential for off-site migration of any residual contaminants.
112. 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.
113. Prior to occupation, a Chartered Professional Engineer shall certify that the construction of the overland flow path, including construction of all channels, pipes, banks, levees, etc has been undertaken in accordance with the approved plans and flood assessment/flood management report. The Chartered Professional Engineer shall also certify that habitable floor levels and garage floor levels adjacent to the overland flow path have been constructed in accordance with the approved plans and

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

114. A certificate from a Registered Surveyor shall be provided to the Principal Certifying Authority (PCA) certifying that the habitable/commercial floor level is constructed a minimum of 500mm above the 1% Annual Exceedance Probability (A.E.P) Flood Level. A copy of the certificate shall be provided to Council where Council is not the Principal Certifying Authority.
115. 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.
116. Flow through fencing shall be provided along the bottom of the fencing for the width and depth of overland flow. Details of approved types of flow through fencing can be obtained from Council. A positive covenant pursuant to the Conveyancing Act 1919 shall be created on the title of the lot(s) that contain the pool fencing preventing interference with the pool fencing and overland flow route.  
Council requires proof of lodgement of the signed Instrument with the Land Titles Office.
117. A benchmark shall be established adjacent to the site to Australian Height Datum to enable comparison to the flood standard.
118. 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.
119. The development shall comply with Rockdale Development Control Plan (DCP) 2011, and the Planning Considerations and Development Controls listed in the Flood Advice letter issued by Council on 15 May 2015 (Council's reference FA-50/2015).
120. Flow through open form fencing is required for all new front fencing and all internal fences and gates up to the 1% AEP flood level. Any new boundary fences adjoining private property shall have an 80mm gap at the bottom to allow flows through.
121. Prior to the issue of the Occupation Certificate, details of the registration of any private drainage easement/s across the site and over or on adjoining properties with NSW Department of Lands shall be obtained. A copy shall be provided to Council if Council is not the Principal Certifying Authority.
122. A positive covenant pursuant to the Conveyancing Act 1919 shall be created on the title of the lots that contain the stormwater detention facility, loading dock turntable and flood gate to provide for the maintenance of the facilities.
123. 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.
124. Signs shall be displayed adjacent to all stormwater drains on the premises, clearly indicating "Clean water only - No waste".

125. 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.
126. Letterboxes are to be provided in location accordance with Controls 15, 16 and 17 of Part 4.7 of Rockdale DCP 2011 which requires the following:
- (i) to be integrated with building design and are preferably to be located in a covered area attached to or within the building;
  - (ii) to be centrally located either/or close to the major street entry and lockable; and
  - (iii) to be visible from at least some of the dwellings, and located where residents can meet and talk, preferably with seating and pleasant ambience.

Letterboxes must be installed along the street frontage of the property boundary (i.e. at the bottom of the central Wollongong Road pedestrian entrance and within the landscape wall) 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.

The development shall be known as 25 Wollongong Road, Arncliffe. New address information as above shall be reflected on any subdivision application for the site.

## **Roads Act**

127. 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.
128. The following works will be required to be undertaken in the new Wollongong Road reserve at the applicant's expense:

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

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

129. In addition to the works in the road reserve listed above, the following modification and/or improvement works to the road and drainage in Wollongong Road will be required to be undertaken at the applicant's expense:

- i) Relocating the existing stormwater lintel and related works;
- ii) Relocation of Telstra pit
- iii) Works recommended by the Traffic Committee shall be implemented.

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

130. 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.

131. 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.

132. Where public infrastructure works are undertaken in the public road reserve by a Private licensed Contractor, the contractor shall:

- i) Undertake testing as specified in Specification CQS or CQC of AUS-SPEC 1, as nominated by Council;
- ii) Provide Council with one (1) copy of works as executed drawings upon completion of the works. The works as executed drawings shall be based on a survey of the works by a registered surveyor;
- iii) Provide Council with 48 hours notice of the nominated inspections;
- iv) Maintain the works for the duration of the nominated Defects Correction Period.

133. 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.



134. 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.
135. Following completion of concrete works in the footpath reserve area, the balance of the area between the fence and the kerb over the full frontage of the proposed development shall be turfed with either buffalo or couch (not kikuyu) or landscaped. If landscaping is proposed rather than turfing, details shall be submitted to the Property and Community Services Department for approval.
136. Public infrastructure works in the public road reserve shall not commence without prior approval of the design in accordance with the Roads Act 1993, the Transport Administration Act 1988 and the Road Transport (Safety and Traffic Management) Act 1999.

## Development consent advice

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

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

- 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. All asbestos fibre demolition material and asbestos dust shall be handled, stored and removed in accordance with the relevant legislation and guidelines including:
  - Work Health and Safety Act 2011
  - Work Health and Safety Regulation 2011
  - Code of Practice for the Safe Removal of Asbestos [NOHSC: 2002 (2005)]
  - Code of Practice for the Management and Control of Asbestos in Workplaces [NOHSC: 2018 (2005)]
  - Protection of the Environment Operations (Waste) Regulation 2005

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

- e. Demolition and construction shall minimise the emission of excessive noise and prevent “offensive noise” as defined in the Protection of the Environment Operations Act 1997. Noise reduction measures shall include, but are not limited to the following strategies:
- choosing quiet equipment
  - choosing alternatives to noisy activities
  - relocating noise sources away from affected neighbours
  - educating staff and contractors about quiet work practices
  - informing neighbours of potentially noise activities in advance
  - equipment, such as de-watering pumps, that are needed to operate on any evening or night between the hours of 8 p.m. and 7 a.m. or on any Sunday or Public Holiday, shall not cause a noise nuisance to neighbours of adjoining or nearby residences. Where the emitted noise exceeds 5 dB(A) [LAeq(15m)] above the background sound level [LA90] at the most affected point on the nearest residential boundary at any time previously stated, the equipment shall be acoustically insulated, isolated or otherwise enclosed so as to achieve the sound level objective.
- f. The removal, cleaning and disposal of lead-based paint shall conform with the requirements of the NSW Environment Protection Authority’s guideline - "Lead Alert - Painting Your Home".
- g. All site works shall comply with the occupational health and safety requirements of the NSW WorkCover Authority.

