

# NOTICE OF DETERMINATION

Section 96 of Environmental Planning and Assessment Act, 1979

---

S96 Approval Date	
Authority	Joint Regional Planning Panel
Reference	DA-2012/293/E
Contact	Shaylin Moodliar 9562 1583

---

Open Space Pty Ltd  
Unit A  
11-13 Short Street  
AUBURN NSW 2144

DRAFT

**Property:** 564 Princes Highway, ROCKDALE NSW 2216  
Lot 11 DP 1074481

**Proposal:** *Demolition of existing structures and erection of a mixed-use development comprising two separate buildings being twelve and nine storeys with rooftop terrace, including ground floor retail premises, 96 residential units (including 8 work/live units) and ground and basement car parking*

[Amendment D – S96(1A) amended on 5 January 2015]

[Amendment E – S96(2) amended on 10 March 2016]

Your application to modify Development Consent No. DA-2012/293 dated 12 July 2012 was considered under Section 96(2) of the Environmental Planning and Assessment Act 1979 and is approved subject to the following conditions:

## GENERAL CONDITIONS

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

1. The term of this consent is limited to a period of **three** (3) years from the date of the original approval. The consent will lapse if the development does not commence within this time.
2. The development must be implemented 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>Dwg Number / Name</b>	<b>Date</b>	<b>Author</b>	<b>Received at Council</b>
<i>101, Issue A - Basement 3</i>	<i>02/09/2015</i>	<i>Urban Link Architecture</i>	<i>16/09/2015</i>
<i>102, Issue A - Basement 2</i>	<i>02/09/2015</i>	<i>Urban Link Architecture</i>	<i>16/09/2015</i>
<i>103, Issue A - Basement 1</i>	<i>02/09/2015</i>	<i>Urban Link Architecture</i>	<i>16/09/2015</i>
<i>104, Issue A – Ground Floor</i>	<i>02/09/2015</i>	<i>Urban Link Architecture</i>	<i>16/09/2015</i>
Project No.1211, A-204, Issue 03 – Level 01	14/10/2013	SWA Group	17/10/2013
Project No.1211, A-205, Issue 02 – Level 02, 04 & 06	02/09/2013	SWA Group	05/09/2013
Project No.1211, A-106, Issue F – Level 03, 05 & 07	07/01/2013	Architects & Partners	31/01/2013
<i>108, Issue A - Level 8</i>	<i>02/09/2015</i>	<i>Urban Link Architecture</i>	<i>16/09/2015</i>
<i>109, Issue A - Level 9</i>	<i>02/09/2015</i>	<i>Urban Link Architecture</i>	<i>16/09/2015</i>
<i>110, Issue A - Level 10</i>	<i>02/09/2015</i>	<i>Urban Link Architecture</i>	<i>16/09/2015</i>
<i>111, Issue A – Level 11</i>	<i>02/09/2015</i>	<i>Urban Link Architecture</i>	<i>16/09/2015</i>
<i>112, Issue A - Roof</i>	<i>02/09/2015</i>	<i>Urban Link Architecture</i>	<i>16/09/2015</i>
<i>201, Issue A – East and West Elevation</i>	<i>02/09/2015</i>	<i>Urban Link Architecture</i>	<i>16/09/2015</i>
<i>202, Issue A – South Elevation</i>	<i>02/09/2015</i>	<i>Urban Link Architecture</i>	<i>16/09/2015</i>
<i>203, Issue A – North Elevation</i>	<i>02/09/2015</i>	<i>Urban Link Architecture</i>	<i>16/09/2015</i>
<i>204, Issue A – Inner East and West Elevations</i>	<i>02/09/2015</i>	<i>Urban Link Architecture</i>	<i>16/09/2015</i>
<i>401, Issue A – Section A-A</i>	<i>02/09/2015</i>	<i>Urban Link Architecture</i>	<i>16/09/2015</i>
<i>402, Issue A – Section B-B</i>	<i>02/09/2015</i>	<i>Urban Link Architecture</i>	<i>16/09/2015</i>

A-405, Issue 01 – Driveway Ramp Profile	02/09/2013	SWA Group	05/09/2013
Project No.12030, SW01, Issue F – Basement 2	22/07/2013	Scott Collis Consulting	20/08/2013
Project No.12030, SW04, Issue E – Level 01	20/08/2013	Scott Collis Consulting	05/09/2013
Project No.12030, H10, Issue B – Level 08	31/07/2013	Scott Collis Consulting	05/09/2013
Project No.12030, H11, Issue B – Level 09	31/07/2013	Scott Collis Consulting	05/09/2013
Project No.12030, H12, Issue B – Level 10	31/07/2013	Scott Collis Consulting	05/09/2013
Project No.12030, H13, Issue B – Roof plan	31/07/2013	Scott Collis Consulting	28/03/2012
Project No.12030, SW-102, Issue B – Basement 1	13/03/2012	Steve NSYNC Services P/L	28/03/2012
Project No.12030, SW-105, Issue B – Level 02, 04 & 06	13/03/2012	Steve NSYNC Services P/L	28/03/2012
Project No.12030, SW-106, Issue B – Level 03, 05 & 07	13/03/2012	Steve NSYNC Services P/L	28/03/2012
Project No.12030, SW-300, Issue A – Detention Tank Detail	13/03/2012	Steve NSYNC Services P/L	28/03/2012
Project No.12030, SW-301, Issue B – Sediment & erosion control	13/03/2012	Steve NSYNC Services P/L	28/03/2012
Project No.10183, LP01, Issue I Landscape Plan – Level 1	26/09/2013	Site Design	17/10/2013
Project No.10183, LP02, Issue I Landscape Plan –	26/09/2013	Site Design	17/10/2013

Roof Gardens Planting schedule			
Project No.10183, LP03, Issue I Landscape Plan – Sectional Detail A- A	26/09/2013	Site Design	17/10/2013

[Amendment A – S96(1A) amended on 12 February 2013]

[Amendment C – S96(1A) amended on 11 November 2013]

[Amendment D – S96(1A) amended on 5 January 2015]

[Amendment E – S96(2) amended on 10 March 2016]

2a *The following design excellence requirements must be adhered to:*

- a) *The Princes Highway facades of levels 8 to 11 must be redesigned in a manner that is similar to or, at the very least, that complements, the 'zigzag' balcony structure which is a feature of levels 1 to 7 by either one of the two options below:*
  - i. *Spandrels and end walls should stand at least half a metre forward of windows on levels 8 to 11, and the alignment of those projecting spandrels should complement the approved balconies on levels 1 to 7. Or, the projecting spandrels-and-walls could incorporate two intersecting planes that match the approved zig-zag balconies on levels 1 to 7, and which have minimum setbacks from the street frontage of approximately 1.5m; and*
  - ii. *The projecting spandrels-and-walls might involve a simple 'single' splayed plane which is 'hinged' from the north-western corner of the levels 8 to 11 (i.e. from a point 3m behind the street boundary), which extends parallel to balconies on levels 2, 4 and 6, and which terminates a point near the site's SW corner with a setback of approximately 1.5m to 2m from the street boundary;*
- b) *The Chapel Lane facade of level 8 in Block B must be redesigned to achieve a complementary relationship to the 'banded' facade between levels 1 and 7 by either one of the two options below:*
  - i. *The laneway frontage at level 8 should be a continuous balcony which may vary in depth from a minimum of 1m to approximately 2m, and should incorporate adjustable sunscreens to create the appearance of a shaded verandah.*
  - ii. *The east-facing balcony should return along the northern elevation in order to maintain proportions of the four-bay balcony between levels 1 and 7.*

*Details demonstrating compliance with these requirements must be submitted to the satisfaction of the Director of City Planning and Development of Rockdale City Council prior to the issue of the Construction Certificate for above ground works.*

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

*[Amendment E – S96(2) inserted on 10 March 2016]*

3. All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).
4. **A Construction Certificate must be obtained from Council or an Accredited Certifier prior to any building work commencing.**
5. The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate Number (317678M\_06) other than superseded by any further amended consent and BASIX certificate.

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

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

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

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

*[Amendment A – S96(1A) amended on 12 February 2013]*

*[Amendment E – S96(2) amended on 10 March 2016]*

6. A separate development application shall be submitted for the Strata Subdivision of the site.
7. A separate development application shall be submitted for the specific use/uses of the property. Additional conditions may be imposed on any such consent.  
**Note:** Parking and loading provisions in a mixed use development may preclude certain uses.
8. Some forms of signage require separate development consent. Please refer to relevant planning policies for more information.
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. Mail boxes must be installed along the street frontage of the property boundary in accordance with Australia Post Guidelines. Prominent house numbers are to be displayed, with a minimum number size of 150 mm in height for each number and letter in the alphabet.
11. *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:*

<b>Allocated Spaces</b>		<b>Total</b>
<i>Studio apartments, 1 bedroom apartments and 2 bedroom apartments</i>	<i>1 space per apartment</i>	<i>93 spaces</i>
<i>3 bedroom apartments and 3+ bedroom apartments</i>	<i>2 spaces per apartment</i>	<i>6 spaces</i>
<i>Residential Visitor Spaces</i>	<i>1 space per 5 apartments less 20% reduction in parking for non-residential users (8 shared with retail)</i>	<i>16 spaces</i>
<i>Retail Units</i>	<i>1 space per 40m<sup>2</sup> gross floor area minimum less 20% reduction in parking for non-residential users (8 shared with visitors)</i>	<i>12 spaces</i>
<i>Car wash bays</i>	<i>Dedicated car wash bay, 1 per 60 dwellings</i>	<i>2 spaces</i>
<b><i>Bicycle Parking</i></b>		
<i>Residential</i>	<i>1 space per 10 apartments</i>	<i>10 bicycle spaces</i>
<i>Retail</i>	<i>1 space per 200m<sup>2</sup> GFA (min 15% public accessible)</i>	<i>3 bicycle spaces</i>
<b><i>Motorcycle Parking</i></b>		
<i>Residential</i>	<i>1 space per 15 apartments</i>	<i>7 motorcycle</i>
<i>Retail</i>	<i>1 space per 20 car spaces</i>	<i>1 motorcycle space</i>
<b><i>Loading</i></b>		
<i>Residential/Retail</i>	<i>1 MRV loading dock</i>	<i>1 MRV loading dock</i>

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

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

*A positive covenant shall be created over the share parking register.*

**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.

[Amendment D – S96(1A) amended on 5 January 2015]

[Amendment E – S96(2) amended on 10 March 2016]

## NSW POLICE

The following conditions are specific to the NSW Police requirements:

12. Monitored CCTV facilities shall be implemented throughout the development (including in and around the building) to maximize surveillance opportunities. Areas of focus include the basement car park (including entry and exits), main entry areas to the development and garbage/storage areas. Digital or video technology should be used to record images from the cameras. Details to be provided prior to the issue of the Construction Certificate.
13. 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.  
A lighting maintenance policy shall be established for the development. Details to be provided prior to the issue of the Construction Certificate.
14. A street sign shall be prominently displayed at the front of the development to comply with Local Government Act, 1993, Section 124, Order No. 8.
15. As malicious damage (graffiti) is often an offence committed at such developments, strong consideration is to be given to the use of graffiti resistant materials, particularly on fences and all ground floor areas. Details to be provided prior to the issue of the Construction Certificate.
16. 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.

## DEVELOPMENT SPECIFIC CONDITIONS

The following conditions are specific to the Development Application proposal:

17. Materials, goods or machinery shall not be stored, placed or otherwise permitted to stand between the building line and the street alignment.
18. All loading, unloading and transfer of goods to and from the loading bay and premises

shall take place wholly within the property.

Loading areas are to be used only for the loading and unloading of goods, materials etc. not for any other purpose.

19. Parking spaces shall not be enclosed without further approval of Council. The enclosure of car spaces is not permitted unless the enclosure complies with the design requirements of AS2890.1.

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 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;
  - viii) 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. A Landscape Management Plan is to be established and submitted to and approved by Council prior to the release of the Construction Certificate. The Landscape Management Plan is to:
    - Be prepared by a suitably qualified landscape architect;
    - Outline detailed procedures for the on going maintenance of all landscaped area on the podium and roof top levels;
    - Include maintenance of the public facilities in the development which include the seating and barbeque facilities on the podium level.

A copy of the Landscape Management Plan must be kept on-site at all times and made available on request. All landscape areas within the development are to be identified within the Landscape Management Plan and measures stated within the plan for the maintenance and upkeep of these areas.
  22. 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.
  23. 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.

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.

24. The communal open space areas on the podium level are to contain public seating and barbeque areas for the future occupants of the building. These facilities are to be designed and located having adequate safety and to maximise their use all year round.
25. *The proposed development is to be designed in accordance with:*
  - i. *the recommendations of the Wind report submitted with the application prepared by Windtech, dated 30 November 2010 as amended by the letter prepared by Windtech, dated 5 March 2012 and as amended by the Pedestrian Wind Statement Memo prepared by Windtech, dated 31 August 2015*
  - ii. *the relevant provisions of AS/NZS 1170.2:2011 (Wind Actions)*
  - iii. *the following recommendations of the Pedestrian Wind Statement Memo, WB003-04F01- WS Memo and dated 31 August 2015 are to be implemented on site.*
    - a) *The inclusion of densely foliating vegetation such as trees and shrubs within and around the Communal Roof Garden as indicated in the architectural drawings. In particular along the southern and eastern boundary of the site.*
    - b) *The inclusion of an additional densely foliating tree on the Level 1 Podium between the two towers of the development.*
    - c) *The inclusion of a 2m high impermeable screen along the southern edge of the Level 1 Podium between the two towers of the development.*
    - d) *The inclusion of the 3m high impermeable screen along the southern edge of the Communal Roof Garden.*
    - e) *The inclusion of the 1.5m high impermeable balustrade around the remaining perimeter of the Communal Roof Garden.*

*[Amendment E – S96(2) amended on 10 March 2016]*

- 25a. a) *In order to ensure the design quality / excellence of the development is retained:*
  - i. *A design architect is to have direct involvement in the design documentation, contract documentation and construction stages of the project;*
  - ii. *The design architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of design issues throughout the life of the project;*
  - iii. *Evidence of the design architect's commission is to be provided to the Director City Planning and Development of Rockdale City Council prior to release of the Construction Certificate for the above ground works.*

- b) *The design architect of the project is not to be changed without prior notice and approval of the Director City Planning and Development of Rockdale City Council.*

*[Amendment E – S96(2) inserted on 10 March 2016]*

26. Street numbering of the proposed units within each building is to be provided in accordance with Council's requirements. In this regard, Council's Spatial Information officer can be contacted on 9652 1693 during business hours.
27. The study / media rooms within the following residential units will not include any enclosing walls or doors:
  - Level 1 – Units 101, 106 and 108,
  - Level 2 – Units 201, 206, 207 and 210,
  - Level 3 – Units 301, 306, 307 and 310,
  - Level 4 – Units 401, 406, 407 and 410,
  - Level 5 – Units 501, 506, 507 and 510,
  - Level 6 – Units 601, 606, 607 and 610,
  - Level 7 – Units 701, 706, 707 and 710,
  - Level 8 – Unit 804, and
  - Level 9 – Unit 904."

*[Amendment C – S96(1A) amended on 11 November 2013]*

28. All external glazing shall have a maximum reflectivity of 20%.
29. Bicycle parking facilities shall be designed in accordance with AS2890.3:1993. In this regard, 7 spaces shall be provided for residents and 3 spaces for the retail occupants of the building. Details of the facilities are to be provided on plans and submitted to and approved by Council prior to the release of the Construction Certificate. If Council is not the PCA, a copy shall be submitted to Council concurrently.
30. Internal height clearance shall be designed throughout the car park and access driveway in accordance with AS2890.1:2004. Details of the minimum height clearance are to be provided on plans and submitted to and approved by Council prior to the release of the Construction Certificate. If Council is not the PCA, a copy shall be submitted to Council concurrently.  
  
The off-street parking areas associated with the subject development shall be designed strictly in accordance with AS2890.1:2004.
31. Commercial vehicle facilities shall be designed strictly in accordance with AS2890.2:2002.
32. All existing and proposed lights shall comply with the Australian Standard AS4282 - 1997 "Control of the Obtrusive Effects of Outdoor Lighting". In this regard, the lighting of the premises shall be directed so as not to cause nuisance to the owners or occupiers of adjacent/adjoining premises or to motorists on adjoining or nearby roads.
33. 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.

34. *The development shall be insulated to achieve an Acoustical star rating of 5 in accordance with the standards prescribed by the Association of Australian Acoustical Consultants (AAAC) in accordance with the report by Acoustic Logic Consultancy, dated 18 August 2015, and received by Council on 16 September 2015. The acoustic treatments are to be undertaken in accordance with section 3 of the report.*  
*[Amendment E – S96(2) amended on 10 March 2016]*
35. *The development shall have an impact isolation between floors which achieves an Acoustical star rating of 5 in accordance with the standards prescribed by the Association of Australian Acoustical Consultants (AAAC) in accordance with the report by Acoustic Logic Consultancy, dated 18 August 2015, and received by Council on 16 September 2015. The acoustic treatments are to be undertaken in accordance with section 3 of the report.*  
*[Amendment E – S96(2) amended on 10 March 2016]*
36. All vertical plumbing, other than roofwater heads and downpipes, shall be concealed within the brickwork of the building.
37. Where natural ventilation fails to comply with the provisions of the Building Code of Australia, mechanical ventilation shall be provided in accordance with Australian Standard, 1668, Part 2.
38. Balustrades shall be constructed from a solid/opaque material to a minimum height of 1000 mm.  
 The top of the balustrade shall be a minimum height of 1200mm.
39. Ceiling heights for all habitable areas shall be a minimum of 2.7 metres as measured vertically from finished floor level to the underside of the ceiling.  
 Ceiling heights for all non-habitable areas shall be a minimum of 2.4 m as measured vertically from finished floor level to the underside of the ceiling.
40. 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.  
 A fully automated irrigation system, approved by Sydney Water, shall be installed and maintained to ensure adequate water is provided to the podium/roofing landscaping.
41. 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.
42. The species selection and location of planting shall maximise winter solar access and summer shade to dwellings.  
 Screening species shall be included into the side setbacks to improve privacy between adjacent dwellings.
43. Retaining walls used for raised planter beds on concrete slabs shall accommodate a

minimum 800 mm of soil/plant mix (over and above any drainage medium).

44. A minimum soil depth of 300 mm is required for turfed areas on podiums or roof-tops or any other concrete slab, including the soil above stormwater drainage tanks.

## PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE

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

45. The following fees / levies / deposits are to be paid prior to the issue of a construction certificate:
- A Footpath Reserve Restoration Deposit of \$13,580.60 shall be paid to Council prior to the issue of a construction certificate. 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). 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. 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.
  - A footpath inspection fee of \$284.20 shall be paid to Council with lodgement of the Construction Certificate with Council, or by the PCA when submitting the copy to Council.
  - A fee is payable to Council for a Soil and Water Management Sign (811) of \$15.45. 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.
  - An environmental enforcement fee of 0.25% of the cost of the works shall be paid to Council prior to the issue of a construction certificate in accordance with Rockdale Council's City Plan (adopted fees and charges).
  - 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.
46. An application for Boundary levels shall be made to Council's Customer Service Centre prior to issue of the Construction Certificate. All boundary works, egress paths, driveways and fences shall comply with this level.
- A fee of \$224 is payable to Council for the determination of boundary levels. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges.
47. The connection of stormwater drainage pipes to the existing kerb inlet pit in The Princes Highway must be inspected by Council prior to backfilling. A payment of the actual cost 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.
48. A Section 94 contribution of \$345,005.13 shall be paid to Council. Such contribution is

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	\$244,291.65
Community Services and Facilities	\$32,909.45
Town Centre and Streetscape Improvements	\$16,915.28
Pollution Control	\$48,803.74
Plan Administration and Management	\$2,085.01

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

[Amendment C – S96(1A) amended on 11 November 2013]

- 48a *For the additional 20 residential units, a further Section 94 contribution of \$98,885.84 shall be paid to Council. Such contribution is 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 \$74,447.54*

*Community Services and Facilities \$7,993.00*

*Town Centre and Streetscape Improvements \$4,108.55*

*Pollution Control \$11,853.89*

*Plan Administration and Management \$482.86*

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

*[Amendment E – S96(2) inserted on 10 March 2016]*

49. 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.
50. 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.

51. The building shall be constructed of a masonry or brick wall construction with select coloured finishes as per the approved schedule of finishes. This requirement shall be reflected on the Construction Certificate plans and supporting documentation.
52. *Compliance with Council's Development Control Plan (DCP) 2011. Access in accordance with Australian Standard 4299 must be provided to and within the five (5) residential units, and between these units and its allocated car parking spaces. The allocated parking space will be located in close proximity to the access points of the building. The adaptable units are to be unit numbers 106, 108, 210, 310 & 1103. Please note that compliance with this condition requires the relevant unit(s) to be constructed to comply with all the essential (Type C) requirements of AS4299.*

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

*[Amendment E – S96(2) amended on 10 March 2016]*

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

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

54. *Compliance with Council's Development Control Plan (DCP) 2011. Compliance with this condition requires a minimum of seven (7) adaptable car parking spaces to be provided. The adaptable car spaces shall be identified and reserved at all times and be in the vicinity to lifts or as close as possible to public areas and facilities. The car spaces shall have shall be in accordance AS 2890.6 and all spaces shall have an uninterrupted minimum headroom clearance of 2.5 metres free of all obstructions, such as service pipes, fittings etc for use by vehicles fitted with roof mounted wheelchair racks.*

*[Amendment E – S96(2) amended on 10 March 2016]*

55. The applicant shall confer with Ausgrid to determine if :
  1. an electricity distribution substation is required,
  2. installation of electricity conduits in the footway are required, and
  3. 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.

56. *[Amendment B – S96(1A) deleted on 23 October 2013]*

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

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

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

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

- i) Reconstruction of stormwater kerb inlet pits in Princes Highway and Chapel Lane.

▪ Note: A design brief must be obtained from Council's Technical Services Section prior to commencement of design.

60. Prior to issue of the Construction Certificate, a longitudinal driveway profile shall be submitted to Council or an Accredited Certifier 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.

61. ▪ The subsurface structure shall be waterproofed with adequate provision for future fluctuation of the water table by these methods:

- (i) the entire basement floor is to be dosed with Xypex Admixture C - 1000NF;
- (ii) the Shotcrete is to be dosed with a recommended Xypex Admixture; and
- (iii) Kuniseal C - 31 Waterstops are to be installed to all joints including floor / wall joints against the concrete piles,

or a similar alternative system.

Subsoil drainage must allow free movement of groundwater around the subsurface structure. The design of the subsurface structure, waterproofing and subsoil drainage shall be undertaken by a suitably experienced Chartered Professional Engineer(s) –

structural, geotechnical and hydraulic. Design details and construction specifications shall be included in the documentation accompanying the Construction Certificate.

[Amendment B – S96(1A) amended on 23 October 2013]

- 61A. All recommendations contained in the additional geotechnical investigation report prepared by JK Geotechnics, dated 13 May 2014, Ref: 23993Lrpt5 shall be implemented.

[Amendment D – S96(1A) inserted on 5 January 2015]

62. The air conditioning system shall comply with the requirements of the Building Code of Australia, and/or relevant standards AS1668.1-1998 The Use of Ventilation and Air-conditioning in Buildings Part 1: Fire and Smoke Control in Multi-compartment Buildings, and/or AS 1668.2 - 2002: The Use of Ventilation and Air-conditioning in Buildings Part 2: Ventilation Design for Indoor Air Contaminant Control.

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

63. 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.

64. Stormwater management requirements for the development site, including the final discharge/end connection point, must comply with Rockdale Technical Specification Stormwater Management.

65. *[Amendment E – S96(2) deleted on 10 March 2016]*

66. *A minimum of 2 dedicated car wash bay are 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.*

*[Amendment E – S96(2) amended on 10 March 2016]*

67. Prior to the issue of the Construction Certificate, excavation shall be undertaken to confirm the location of the Council pipeline that traverses the property.
68. Prior to the issue of the Construction Certificate, detailed drainage design plans for the management of stormwater are to be submitted to Council or an Accredited Certifier for assessment and approval. Design certification, in the form specified in Rockdale Technical Specification Stormwater Management, and drainage design calculations are to be submitted with the plans. Rockdale Technical Specification Stormwater Management sets out the minimum documentation requirements for detailed design plans.

- 68A. Adjoining buildings founded on loose foundation materials

The principal contractor must ensure that a professional engineer determines the possibility of any adjoining buildings founded on loose foundation materials being affected by piling, piers or excavation. The professional engineer (geotechnical consultant) must assess the requirements for underpinning any adjoining or adjacent buildings founded on such soil on a case by case basis and the principal contractor must comply with any reasonable direction of the professional engineer.

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.

[Amendment D – S96(1A) inserted on 5 January 2015]

68B. Vibration monitoring

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.

[Amendment D – S96(1A) inserted on 5 January 2015]

Reasons for additional conditions are:

- To achieve compliance with the objectives and development standards in Council's Development Control Plan 2011 in respect to the additional basement level.
- To ensure that the proposed amendment will retain good levels of safety in respect to the proposed excavation and construction of basement car parking areas and vehicular access locations.

[Amendment D – S96(1A) inserted on 5 January 2015]

## PRIOR TO COMMENCEMENT OF WORKS

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

69. 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.
70. 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.  
  
The controls are to be designed and installed in accordance with the Soil and Water Management for Urban Development Guidelines produced by the Southern Sydney Regional Organisation of Council. Copies of the guidelines are available from Council.
71. A Soil and Water Management Plan shall be prepared in accordance with Soil and Water Management for Urban Development Guidelines produced by the Southern Sydney Region Organisation of Councils. A copy of the plan must be submitted to Council. 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.  
  
Sediment control devices shall not be located beneath the driplines of trees, which are to be retained.
72. 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.
73. 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.

74. 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.
75. The site shall be secured by a 1500 mm (minimum) high temporary fence for the duration of the work. Gates shall be provided at the opening points.
76. 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.
77. 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,
 a hoarding or fence shall be erected between the work site and the public place.  
 When necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.  
 Any such hoarding, fence or awning is to be removed when the work has been completed.  
 The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
78. 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.
79. A system of fire and smoke alarms and/or detection system (as applicable) shall be provided throughout the building. Details shall be submitted for assessment and approval prior to commencement of works.
80. Where clearances to any existing overhead High Voltage mains are affected, the builder shall make arrangements with Ausgrid for any necessary modification to the electrical network in question. These works shall be at the applicant's expense. Ausgrid's requirements under *Section 49 Part 1* of the *Electricity Supply Act 1995* shall be met prior to commencement of works or as agreed with Ausgrid.

## DURING DEMOLITION / EXCAVATION / CONSTRUCTION

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

81. 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.

82. 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.
83. For Class 2, 3 and 4 structures, the building works are to be inspected during construction, by the principal certifying authority (or other suitably qualified person on behalf of the principal certifying authority) to monitor compliance with Council's approval and the relevant standards of construction encompassing the following stages:
- i) after excavation for, and before the placement of, any footing, and
  - ii) prior to covering waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within a building, and
  - iii) prior to covering any stormwater drainage connections, and
  - iv) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

Documentary evidence of compliance with Council's approval and relevant standards of construction is to be obtained prior to proceeding to the subsequent stages of construction and copies of the documentary evidence are to be maintained by the principal certifying authority and be made available to Council officers upon request.

84. 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.
85. 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.
86. All waste generated on site shall be disposed of in accordance with the submitted Waste Management Plan.
87. 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.
88. 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.
89. 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.
90. When soil conditions require it:
- i) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil shall be provided, and
  - ii) adequate provision shall be made for drainage.
91. Wind blown dust from stockpile and construction activities shall be minimised by one or more of the following methods:
- i) spraying water in dry windy weather
  - ii) cover stockpiles
  - iii) fabric fences
92. 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.
93. 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.
94. 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.
  95. The new building work shall be protected in accordance with the provisions of AS 3660.1-2000 "Termite Management - Part 1: New Building Work", as required by Part 3.1.3 of the Building Code of Australia. Certification is required to be submitted to the Principal Certifying Authority (PCA), prior to the next stage of works to ensure that the selected method of treatment is in compliance with the relevant provisions of the standard. Such certification is to be prepared by a suitably qualified person.
  96. 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.
  97. 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.
  98. All disturbed areas shall be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls.
  99. Stormwater from roof areas shall be linked via a temporary downpipe to an approved stormwater disposal system immediately after completion of the roof area.
  100. 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.

**Note:** The Applicant may be liable to prosecution under the Environmental Planning and Assessment Act 1979 for a breach of an approval condition, or under the Protection of the Environment Operations Act 1997, if its employees, agents or sub-contractors allow sediment, including soil, excavated material, building materials, or other materials to be pumped, drained or allowed to flow to the street, stormwater pipes or waterways. The Applicant shall ensure that its employees, agents or sub-contractors understand and maintain sediment control measures.

101. Owners/Applicants/Builders and demolishers are required to confine access to building and demolition sites to no more than two 3m driveways, and provide a footpath protection pad over Council's footpath at these points (see attached detail). 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.

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

## PRIOR TO ISSUE OF OCCUPATION CERTIFICATE OR COMMENCEMENT OF USE

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

103. An Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of the building.
104. Appropriate signage and tactile information indicating accessible facilities shall be provided at the main entrance directory, or wherever directional signage such as lifts or building directories or information is provided to those buildings where access and facilities for people with disabilities has been provided. Such signage shall have regard to the provisions of AS1428.1 and AS1428.2.
105. Tactile differentiation on floor surfaces indicating change of gradient shall be provided to those buildings where access and facilities for people with disabilities has been

provided. This includes the external parts of the building, eg. access walkways and ramps. Such differentiation shall have regard to the provisions of AS1428.4.

106. 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.
107. 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.
108. Ground level surfaces are to be treated with anti-graffiti coating to minimise the potential of defacement. In addition, any graffiti evident on the exterior facades and visible from a public place shall be removed forthwith.
109. 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.
110. 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.
111.
  - a. 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.
  - b. 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.
  - c. Ausgrid's requirements shall be met and a Compliance Certificate from Ausgrid shall be obtained in respect to the above works as required prior to the issue of the Occupation Certificate.

[Amendment B – S96(1A) amended on 23 October 2013]

112. Vehicles shall enter and exit the site in a forward direction at all times. A plaque with minimum dimensions 300mm x 200mm shall be permanently fixed to the inside skin of the front fence, or where there is no front fence a prominent place approved by the Principal Certifying Authority, stating the following: "Vehicle shall enter and exit the site in a forward direction at all times".  
  
The vehicular entry in Chapel Lane to be clearly marked and signposted "entry" from the street and "exit" internally.
113. 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.



The width of the double driveway at the boundary shall be a maximum of 6 metres.  
 Note: Council's Vehicular Entrance Policy restricts the width of the vehicular entrance over the footpath to a maximum of 4.5 metres.

114. *A minimum of 121 off-street car spaces (including two dedicated car wash bays) 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. A positive covenant pursuant to the Conveyancing Act 1919 shall be created over the shared parking register. [Amendment C – S96(1A) amended on 11 November 2013]*

*[Amendment D – S96(1A) amended on 5 January 2015]*

*[Amendment E – S96(2) amended on 10 March 2016]*

115. 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.

116. Testing and evaluation of the wall insulation system is to be carried out at post construction stage by a suitably qualified acoustical engineer to show an Acoustical Star Rating of 5 has been achieved in accordance with the standards prescribed by the Association of Australian Acoustical Consultants (AAAC) in accordance with the report submitted to Council with the Development Application. A report is to be submitted to the Principal Certifying authority prior to the issue of the Occupation Certificate.
117. Testing and evaluation of the floor system is to be carried out at post construction stage by a suitably qualified acoustical engineer to show that an Acoustical Star Rating of 5 in accordance with the standards prescribed by the Association of Australian Acoustical Consultants (AAAC) and in accordance with the report submitted to Council with the Development Application has been achieved. A report is to be submitted to the Principal Certifying authority prior to the issue of the Occupation Certificate.
118. *The noise reduction measures specified in the noise report by Acoustic Logic Consultancy, dated 12 March 2012 (and amended 18 August 2015) shall be validated by a Certificate of Compliance prepared by the acoustic consultant and submitted to the Principal Certifying Authority (PCA) prior to the issue of an Occupation Certificate. If Council is not the PCA, a copy shall be submitted to Council concurrently.*  
*[Amendment E – S96(2) amended on 10 March 2016]*
- 118a. *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 standardised impact sound pressure level not greater than  $L_{inT,w} 45$  measured in accordance with AS ISO 140.7 and AS ISO 717.2. A test report from a qualified acoustic engineer employed by a firm eligible to membership of the Association of Australian Acoustical Consultants shall be submitted to the Owners Corporation within 14 days of the installation of the new floor covering demonstrating compliance with that standard. In the event that the standard is not complied with, the floor covering shall be removed and replaced with a floor covering that conforms to that standard in accordance with any directions given by the Owners Corporation.*

*Proof of registration of the by-law shall be submitted to Council prior to the issue of the Occupation Certificate.*

*[Amendment E – S96(2) inserted on 10 March 2016]*

- 119. A certificate is to be provided to Council that all wet areas have been effectively waterproofed (prior to tiling) in accordance with AS3740 and the product manufacturer's recommendations.
- 120. 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.
- 121. The air conditioning system shall be certified by a suitably qualified and experienced engineer at the completion of installation prior to the issue of an Occupation Certificate.
- 122. 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.
- 123. A positive covenant pursuant to the Conveyancing Act 1919 shall be created on the title of the lots that contain the stormwater detention facility to provide for the maintenance of the detention facility.

A positive covenant shall be provided over the on-site detention system. A Section

88B Instrument and four copies shall be lodged with the Subdivision/Strata Certificate.

124. The drainage system shall be constructed in accordance with the approved drainage plans and any amendments in red. All stormwater drainage plumbing work shall comply with the NSW Code of Practice: Plumbing and Drainage and Australian Standard AS3500.
125. The outside finished ground level shall be constructed a minimum of 200mm below the habitable floor level for the whole building perimeter.
126. Signs shall be displayed adjacent to all stormwater drains on the premises, clearly indicating "Clean water only - No waste".
127. A drainage easement is to be provided on the site, limited in height and depth, over the proposed stormwater drainage pipe between Chapel Lane and Princes Highway, for the drainage of roof and surface runoff. The drainage easement is to be in favour of Rockdale Council 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.  
  
Council requires proof of lodgement of the signed Strata Certificate and 88B Instrument with the Land Titles Office.
128. 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 Energy Australia's specifications. Energy Australia 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 Energy Australia shall be obtained prior to the issue of the Subdivision Certificate.

## INTEGRATED DEVELOPMENT/EXTERNAL AUTHORITIES

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

129. *The proposal shall be constructed in accordance with the requirements of Sydney Airport Corporation Limited (SACL).*

*[Amendment E – S96(2) amended on 10 March 2016]*

### **Roads and Maritime Services**

130. If it is necessary to excavate below the level of the base of the footings of the adjoining roadway, the person acting on the consent shall ensure that the owners of the roadway is given at least seven (7) days' notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.
131. The developer is to submit detailed design drawings and geotechnical reports relating to the excavation of the site and support structures to RMS for assessment. The developer is to meet the full cost of the assessment by the RMS.

This report would need to address the following key issues:

- a. The impact of excavation/rock anchors on the stability of Princes Highway and detailing how the carriageway would be monitored for settlement.

- b. The impact of the excavation on the structural stability of Princes Hwy.

The report and any enquiries should be forwarded to:-

Project Engineer, External Works  
Sydney Asset Management  
Roads and Maritime Services  
PO Box 973, Parramatta CBD 2124  
Telephone: 8848 2114  
Fax: 8849 2766

132. The swept path of the longest vehicle entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan showing the swept path of service vehicles entering and exiting the site shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.
133. Resident parking should be clearly signposted at entry to car parking areas.
134. The layout of the car parking area associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions, loading dock etc.) should be in accordance with AS 2890.1- 2004 and AS 2890.2 —2002.
135. All activities including loading and unloading associated with this development shall take place within the subject site. All vehicles must be wholly contained on site before being required to stop.
- All demolition and construction vehicles shall be contained wholly within the site as a work zone permit will not be approved along Princes Highway.
136. Due to the restricted size of the site, the proposed turning areas for medium rigid trucks are to be kept clear of any obstacles, including parked cars, at all times.
- All works/regulatory signposting associated with the proposed development are to be borne by the developer with no cost to RMS.
137. The developer shall be responsible for all public utility adjustment works, necessitated by the above work and as required by the various public utility authorities and/or their agents.
138. A Road Occupancy License shall be obtained from Transport Management Centre for any works that may impact on traffic flows along Princes Highway during construction activities.

### **Roads Act**

139. 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 Construction Zone signs by the RMS.

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

140. Where applicable, the following works will be required to be undertaken in the road reserve at the applicant's expense:
- i) construction of a concrete footpath along the frontage of the development site;
  - ii) construction of a new fully constructed concrete vehicular entrance/s;
  - iii) removal of the existing concrete vehicular entrance/s, and/or kerb laybacks which will no longer be required;
  - iv) reconstruction of selected areas of the existing concrete Footpath/vehicular entrances and/or kerb and gutter;
  - v) construction of paving between the boundary and the kerb;
  - vi) removal of redundant paving;
  - vii) construction of kerb and gutter.
141. In addition to the works in the road reserve listed above, the following modification and/or improvement works to the road and drainage will be required to be undertaken at the applicant's expense:
- ii) Reconstruction of stormwater kerb inlet pits in Princes Highway and Chapel Lane.

**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.

142. 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 on 9562 1670. 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.
143. 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.

## ADDITIONAL CONDITIONS

144. [Amendment A – S96(1A) inserted on 12 February 2013]  
 [Amendment D – S96(1A) amended on 5 January 2015]  
 [Amendment E – S96(2) deleted on 10 March 2016]
145. 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.

[Amendment B – S96(1A) inserted on 23 October 2013]

146. 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 Licensed Liquid Waste Transporter. It is an offence under the provisions of the Protection of the Environment Operations Act 1997 to pollute the stormwater system.

[Amendment B – S96(1A) inserted on 23 October 2013]

147. Prior to occupation, a chartered professional engineer shall certify that the waterproofing of the subsurface structure has been constructed in accordance with the approved design and specification. A copy shall be provided to Council if Council is not the Principal Certifying Authority.

[Amendment B – S96(1A) inserted on 23 October 2013]

148. 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.

[Amendment B – S96(1A) inserted on 23 October 2013]

149. *The covered sections of the Block B (eastern building) rooftop areas is not to be enclosed at any future time.*

[Amendment C – S96(1A) inserted on 11 November 2013]

*[Amendment E – S96(2) amended on 10 March 2016]*

150. *All balustrade structures on the Princes Highway frontage of Building A (west elevation) are to have a maximum height of 1.4 metres and the balcony openings are to have a minimum height of 1.7m.*

[Amendment C – S96(1A) inserted on 11 November 2013]

*[Amendment E – S96(2) amended on 10 March 2016]*

151. All dwellings within Level 1 are to be designed as flexible space to allow future adaptation as commercial space.

[Amendment C – S96(1A) inserted on 11 November 2013]

152. The storage space provided to each dwelling must meet, at a minimum, the 'Rule of Thumb' storage requirements set out in Part 03 the Residential Flat Design Code, published by the NSW Department of Planning and Infrastructure.

[Amendment C – S96(1A) inserted on 11 November 2013]

153. The Roof Planter Section Detail contained in approved Architectural Plan numbered A-0405 is to be implemented within the planters along the southern and northern edges of the rooftop recreation area on Block A and within the planters along the southern edge of the rooftop recreation area on Block B. The proposed handrail is to be a frosted glass balustrade.

[Amendment C – S96(1A) inserted on 11 November 2013]

Reasons for additional conditions:

- To ensure that the rooftop recreation areas are retained as useable open space for the benefit of residents.
- To ensure that the rooftop recreation areas do not become additional gross floor area or habitable floor space. To maintain the minimal impact of the covered rooftop recreation areas on the bulk and appearance of the building.
- To retain the relatively open appearance of the building façade on the Princes Highway frontage and minimise the building bulk within the Princes Highway streetscape.
- To maintain adequate light and air to the balconies and windows on the Princes Highway frontage.
- To ensure that adequate floor space is provided within the development that is capable of being converted to future commercial floor space, in keeping with the objectives of the B2 zone, the original approved development and the requirements of Rockdale Development Control Plan 2011.
- To ensure that adequate storage space is provided for each dwelling in accordance with the requirements of the Residential Flat Design Code.
- To ensure that the use of the rooftop recreation areas does not adversely affect the privacy of adjoining residents.
- To continue to require the provision of high quality communal open space and landscaping within the development that meets the requirements of Council and State Environmental Planning Policy No 65.

154. *The following requirements by the NSW Department of Industries (Water), Ref No.10ERM2015/1306, dated 17 February 2016, must be adhered to:*

- *Monitoring (measurement and recording) of discharge volumes arising from ongoing dewatering groundwater take must be carried out on a monthly basis for the life of the building by the building management entity using a method compliant with the NSW Water Extraction Monitoring Policy (e.g. pumping diary, pump revolution meter, operating hour meter, electricity meter or flow meter).*

*Note: The design of the drainage system to isolate groundwater inflows from other sources of water is the responsibility of the proponent of the development (i.e. the developer).*

- *All monitoring records are to be maintained by the building management*

*entity for the life of the development, and provided to DPI Water or Council on request, to demonstrate the actual take of groundwater is consistent with the volumes anticipated during the design of the project.*

*Note: Where sump pumps have not been operated during the calendar month this must nevertheless be identified in the monitoring record (e.g. as a 'nil' entry).*

- *A copy of the written permission from the relevant controlling authority for the selected method of disposal of any pumped groundwater shall be retained by the building management entity with the monitoring records.*

[Amendment D – S96(1A) inserted on 5 January 2015]

[Amendment E – S96(2) amended on 10 March 2016]

155. The modified approved plans must be re-submitted to RMS to determine whether the development will affect RMS infrastructure and if further requirements need to be met.

The consent authority or a private accredited certifier must ensure that RMS has granted approval for the proposed modified works before issue of relevant Construction Certificate.

[Amendment D – S96(1A) inserted on 5 January 2015]

156. All car parking spaces shall be used exclusively by the future occupants of the building and in association with the approved uses thereon.

[Amendment D – S96(1A) inserted on 5 January 2015]

## DEVELOPMENT CONSENT ADVICE

- 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.
- If Council is appointed as the Principal Certifying Authority (PCA), a fee shall be paid before a Construction Certificate is issued. If the fee is paid after the end of the financial year, it will be adjusted in accordance with Council's adopted fees and charges. The fees charged encompass **all** matters related to ensuring that the proposed development is carried out in accordance with the approved plans and any post inspection issues that may arise.
- If Council is the Principal Certifying Authority for the development, a drainage inspection fee of \$274 shall be paid prior to the issue of the Construction Certificate. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges.

NB: This fee does not include a confined space entry into the on-site detention tank. Where a confined space entry is required, an additional fee of \$414.45 is payable. A confined space entry will be required where:

- Information provided in the works-as-executed drawing and engineering certification is inconclusive as to the compliance of the system with the approved plans; and/or
  - Visual inspection from outside the tank is inconclusive as to the compliance of the system with the approved plans.
- d. 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.

- e. All asbestos fibre demolition material and asbestos dust shall be handled, stored and removed in accordance with the relevant legislation and guidelines including:
- Occupational Health and Safety Act 2000
  - Occupational Health and Safety Regulation 2001
  - Code of Practice for the Safe Removal of Asbestos [NOHSC: 2002 (2005)]
  - Code of Practice for the Management and Control of Asbestos in Workplaces [NOHSC: 2018 (2005)]
  - Protection of the Environment Operations (Waste) Regulation 2005

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

- f. 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.
- g. Residents and tenants of the development are ineligible for parking permits in any Resident Parking Scheme that either exists or is proposed to be created by Council for any street surrounding the development. This restriction is required to be included into the Strata By-Laws of the development at the time of Strata Subdivision.
- h. A new Construction Certificate may be required to be submitted to and approved by your Principal Certifying Authority prior to carrying out works the subject of the proposed amendment/s.

---

## ADDITIONAL INFORMATION

- To confirm the date upon which this consent becomes effective, refer to Section 83 of the Environmental Planning and Assessment Act, 1979. Generally the consent becomes effective from the determination date shown on the front of this notice. However if unsure applicants should rely on their own enquiries.
- To confirm the likelihood of consent lapsing, refer to Section 95 of the Act. Generally consent lapses if the development is not commenced within five years of the date of approval. However if a lesser period is stated in the conditions of consent, the lesser period applies. If unsure applicants should rely on their own enquiries.
- Section 82A allows Council to reconsider your proposal. Should you wish to have the matter reconsidered you should make an application under that section with the appropriate fee.
- Under Section 97 of the Act applicants who are dissatisfied with the outcome of a consent authority have a right of appeal to the Land and Environment Court. This right must be exercised within 12 months from the date of this notice. The Court's Office is

situated at Level 1, 225 Macquarie Street, Sydney (Telephone 9228 8388), and the appropriate form of appeal is available from the Clerk of your Local Court.

---

Should you have any further queries please contact Shaylin Moodliar on 9562 1583.

Marta Gonzalez-Valdes  
**Coordinator Major Assessments**