

ROCKDALE CITY COUNCIL

Planning Assessment Report

Application Details

Application Number:	DA-2016/99
Date of Receipt:	16 September 2015
Property:	1 - 15 Chisholm Street, WOLLI CREEK NSW 2205 Lot 557 DP 1192909
Owner:	Discovery Point Devt Pty Ltd
Applicant:	Discovery Point Pty Ltd
Proposal:	Discovery Point Stage 13 - Construction of a twenty-two (22) storey residential flat building comprising of 234 units
Recommendation:	Approved
No. of submissions:	One (1)
Author:	Pascal van de Walle
Date of Report:	2 September 2016

Key Issues

The key issues related to this application are:

- **Concept Plan** - The proposal is generally consistent with the Discovery Point Concept Plan approved by the Minister for Planning, pursuant Part 3A of the EP&A Act on 5 May 2011 (MP 10_0003, as modified), including the building envelope and heights permitted under that approval. The variations to the Concept Plan are minor and found to be acceptable as detailed in the body of the report.
- **Impact on the adjoining railway** - the site is located adjacent to both the Illawarra & East Hills railway lines and impacts have been assessed and Sydney Trains have now issued their Concurrence to the proposal subject to compliance with recommended conditions of consent.
- **Residential amenity** - The proposal includes minor variations to some of the amenity requirements contained in the Apartment Design Guide (ADG), including solar access, communal open space, maximum apartment depth and building separation distances. The proposal is generally consistent with the Concept Plan Approval and the plans have been amended in accordance with the recommendations provided by the Council's Design Review Panel. Furthermore, many units will benefit from district views due to the height of the building which protrudes above all others in the precinct. Therefore, the proposal is considered to provide a satisfactory level of residential amenity as discussed in the body of the report.
- **Spark Lane** - The application includes a section of Spark Lane, and inadequate information has been provided to demonstrate that the lane can accommodate the two-way movement of traffic

as anticipated by the Concept Plan. Similar to Stages 11 & 12 (DA-2015/373), no objection is raised to the one-way movement of traffic along the section of Spark Lane in a south-bound direction between Discovery Point Place & the southern driveway entrance to Building 12 subject to the submission of a traffic study demonstrating that this would not prevent relevant Council and RMS intersections from operating at a suitable level of service. A draft condition is therefore proposed requiring that Spark Lane be constructed to permit the two-way movement of traffic unless a traffic study is submitted to, and approved by, Council prior to issue of the Construction Certificate for the relevant stage of works which demonstrates that one-way traffic flow will not prevent relevant Council and RMS intersections from operating at a suitable level of service. If the applicant is unable to satisfy this requirement, then Spark Lane must be constructed to permit two-way movement through this section. The applicant has agreed to the proposed condition of consent which has also been imposed on DA-2015/373 for Stages 11 & 12.

- Public bicycle & motorcycle parking - the Concept Plan required that secure public bicycle and motorcycle parking be provided within Stage 13 at the northern entrance to the railway station. The northern station entrance has now been deleted and the required public bicycle parking must therefore to be provided adjacent to the southern station entrance.
- Public Submission - one letter of objection was received to the proposal and the issues raised included bulk, scale, built form, amenity for future residents and traffic. The issues have been considered in the assessment and the proposal is found to have minimal impacts subject to imposition of recommended conditions of consent.

Recommendation

1. That this Development Application be **APPROVED** pursuant to Section 80(1)(a) of the Environmental Planning and Assessment Act 1979 and subject to the conditions of consent attached to this report.
2. That the objector be notified of the Joint Regional Planning Panel's decision.

Background

History

In April 2001, Council approved the Masterplan for the Precinct under DA-2001/50. Subsequently, buildings and associated works identified in the Masterplan as 1, 2 and 4 were approved and constructed. These buildings are known as Greenbank, Verge and Vine (respectively) and are currently occupied. Additionally, approval was granted and development completed for the restoration of the heritage buildings and Mt Olympus, known as Tempe Estate.

A Concept Plan for Discovery Point was subsequently approved on 5 May 2011 (M10_0003) by the then Minister for Planning. It approved a maximum GFA of 132,000m² (of which at least 9,000m² was to be non-residential floor space) and a maximum of 2,240 parking spaces in a series of 14 buildings of varying heights up to RL 79.65 AHD, in a landscaped setting.

The Concept Plan has been modified on four (4) occasions. The key criteria of the Concept Plan (as

amended) includes:

- a maximum of 142,685m² of GFA (an increase of 10,685m² from the original Concept Plan approval);
- a maximum of 133,685m² of residential GFA (an increase of 10,685m² from the original Concept Plan approval);
- a minimum of 9,000m² of non-residential GFA;
- provision of a maximum of 2,100 car spaces (a reduction of 140 car spaces from the original Concept Plan approval);
- a maximum of 13,590m² of above ground car parking.

The developments completed under the Masterplan DA-2001/500 are not part of the Concept Plan approval.

The Concept Plan Stage 1 and Stage 6 were approved by the Minister for Planning under MP10_0030 and MP10_0031, respectively. The Joint Regional Planning Panel has determined Stages 2, 3, 4, 5, 7, 8, 9, 10, 11 & 12. This application is the final residential stage of the Concept Plan and is closely linked to Stages 11 & 12 (DA-2015/373). Construction works on Stages 1 - 10 are generally completed and occupied.

The Concept Plan also includes one non-residential building (Building 14) which located immediately to the south of Wolli Creek Station. There are currently no plans for the development of this stage.

Proposal

The proposal includes the construction of a twenty-two (22) storey triangular shaped residential flat building, known as Building 13 of the Discovery Point Concept Plan Approval (MP-10_003, as modified).

The building adjoins the shared four (4) storey podium of Buildings 11 & 12 (approved under DA-2015/373), and will contain a total of 234 units, comprising:

- 105 x one Bedroom units (45%)
- 98 x 2 bedroom units (42%)
- 31 x three bedroom units (13%)

This proposal does not include construction of any car parking spaces, however includes line-marking of 237 car parking spaces located within the basement and podium levels of Buildings 11 & 12 for use by residents of this building. The application also includes 16 motorcycle spaces and 16 bicycle spaces.

Pedestrian access to Building 13 is from Brodie Spark Drive utilising the landscaped plaza entry adjacent to Building 11.

The proposal also includes:

- Landscaping works to the shared podium level,
- Public domain works to create a new entry to Building 13;
- Swimming Pool (for use by all residents of Discovery Point);
- Communal Meeting Room (for use by all residents of Discovery Point);
- Blast wall adjacent to substation;
- Extension / augmentation of services and utilities to the development;

- Minor roadworks including resurfacing the station yard pavement and driveway (interfacing with the existing Spark Lane pavement), and a minor reconstruction of a narrow strip of Brodie Spark Drive where new public domain works and kerbing will be installed.
- A traffic barrier is proposed to be constructed on the northern boundary of Spark Lane, adjacent to the rail corridor. The precise alignment and type of barrier is to be coordinated with Transport for NSW/Sydney Trains.

Construction Staging

Construction works are proposed to be undertaken in four (4) phases as shown in the Staging Plans submitted with the application and the conditions have been imposed in a manner that will allow the requested staging of works. The phases are:

1. Phase 1 - Construction of Tower Support Columns & Core;
2. Phase 2 - Construction of Tower Core and Upper Floor Levels 2 - 22;
3. Phase 3A & 3B - Completion of plaza and area below plaza (e.g. rail staff parking, etc.); and
4. Phase 4 - Completion of ground level entry plaza and associated landscaping.

Photomontages

Photomontages of the proposal are provided below (see **Figures 1 & 2**):



Figure 1 - Photomontage - view from Brodie Spark Drive



Figure 2 - Photomontage - view from Spark Lane

Site location and context

The site is part of the Discovery Point development located at Wollri Creek. The Precinct is bounded by Princes Highway, Brodie Spark Drive, Magdalene Terrace, the Illawarra and East Hills Railway Lines and Cooks River. Wollri Creek railway station is located within the boundaries of Discovery Point. The development site at Discovery Point is divided into two precincts; to the north and the south of the railway line (see **Figure 3**).



Figure 3 - Discovery Point Concept Plan (Building 13 in orange colour)

The site is known as Stage 13 at Discovery Point, No 1-15 Chisholm Street, Wollri Creek. It is located within the mid northern precinct of Discovery Point, between the East Hills Railway Line, the Illawarra Railway line and approved Stages 11 & 12. The site has its frontage to Brodie Spark Drive and rear frontage to Spark Lane.

The site is currently vacant and has a total site area is 6,658sq.m. The natural ground level across the

site is generally level, and contains no vegetation.

The surrounding area is largely either a construction site for earlier stages or contains multi-storey mixed use buildings that have been completed and are occupied. To the immediate west of the site is the Illawarra Railway line, which is located approximately 4m from the site boundary.

The site is in the vicinity of Tempe House and Magdalene Chapel, which are listed as items of State heritage significance. The heritage item includes the buildings and the curtilage of the buildings contained mainly within Discovery Point Park.

The buildings associated with stages 1 - 10 have been completed and these buildings are occupied (or nearing final occupation).

Statutory Considerations

Environmental Planning and Assessment Act, 1979

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

S.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 & Nathers Report prepared by WSP Global Inc. (dated 26 July 2016). The report includes commitments such as inclusion of sensor lighting in the basement levels and within other parts of the development. The report also includes the required BASIX Certificates for the proposed development (Certificate number 650867M_04 and 650992M_05).

The commitments made demonstrate that the proposal achieves the targets for a reduction in energy and water consumption, and provides adequate thermal comfort. The certificates demonstrate that both buildings achieve a 64% water saving, which is well in excess of the 40% target, and a 21% energy saving. A condition is proposed on the consent to ensure that the requirements and recommendations of the BASIX Report are adhered to. The proposal therefore satisfies the requirements of the SEPP.

In addition to the above, Stage 13 will make use of the approved blackwater recycling plant to be provided within Discovery Point which commits to reuse of blackwater and the use of non-potable water to supply the landscape irrigation, garbage room, car wash area, laundry washing machines and toilet flushes. It is for this reason that the development achieves a 64% reduction in water consumption and, according to the applicant, one of the reasons why Discovery Point was recently awarded the Sustainable Development award at the UDIA NSW/ACT Awards for Excellence.

State Environmental Planning Policy (Infrastructure) 2007

The proposal is located immediately adjacent to both the East Hills Railway Line and the Illawarra Railway Line (only separated by Spark Lane). In accordance with Part 3, Division 15 of the ISEPP, consideration has been given to the impact of the proposal on the rail corridor and vice versa. In this regard:

- the proposal was referred to Sydney Trains who provided their concurrence to the proposed development by letter dated 17 August 2016;
- the applicant has submitted an acoustic report which concludes that the proposal can be constructed to achieve the internal noise levels required by clause 87 of the SEPP.

The conditions of consent recommended by Sydney Trains as well as other relevant conditions requiring compliance with the internal noise environment of the ISEPP, have been included in the draft Notice of Determination and will ensure that an appropriate response has been provided to the requirements of the ISEPP. The proposal is therefore satisfactory having regard to this policy.

State Environmental Planning Policy (Major Development) 2005

The Discovery Point Concept Plan (MP 10_0003) was a Part 3A Project as it was "*development for the purpose of residential...projects with a capital investment of more than \$100 million*" in accordance with Schedule 1 of the Major Developments SEPP as in force at the time. The Major Developments SEPP has since been amended, however modifications to the Concept Plan continue to be assessed under Section 75W of the EP&A 1979 in accordance with the transition provisions and all project applications are required to be assessed by the relevant Council.

This section of the report therefore addresses compliance with the Concept Plan Approval (as modified).

Compliance with the Concept Plan Approval (MP 10_0030)

Consideration has been given to the Concept Plan approval, including relevant Conditions of Approval, Statement of Commitments and Development Design Guidelines. The application was accompanied by a compliance table which addresses the relevant matters. The applicants assessment is generally agreed with and demonstrates that the proposed development, including the design of the roads and the stratum subdivision, is generally consistent with the Concept Plan approval. A number of minor variations are proposed that are found to be acceptable.

The key matters relating to the Concept Plan approval are discussed below:

(a) Conditions of Approval

The proposal is located within the area defined by the Concept Plan, and is generally consistent with the conditions, approved plans and documents (as modified). The following are the key matters relating to the Conditions of Approval:

Condition	Requirement	Proposal	Complies
A6	Maximum GFA of 142,685m ² for the whole development, including a minimum 9,000m ² of non-residential development.	The proposal includes 19,633m ² of residential GFA and 210m ² of above-ground parking GFA. The cumulative residential GFA for the Discovery Point Concept Plan is 133,377m ² , the cumulative non-residential GFA is 4,664m ² , and the cumulative car parking GFA is 9,852m ² . Therefore, 308m ² of residential GFA, 4,336m ² of non-residential GFA and 3,810m ² of above ground car parking remains for the final stage (Stage 14) of the Concept Plan.	Yes

A8	Building Height - The buildings shall not exceed 79.65m (AHD) as shown in the approved plans and as approved by the Department of Infrastructure & Transport and Sydney Airport Corporation.	The maximum height of Buildings 11 & 12 is 79.45m (AHD).	Yes
A9	Building Envelopes & Separation - Approved building envelopes shown in Plan DA3-001 prepared by Bates Smart Architects dated 23 February 2011.	The proposal complies with the building envelopes and setbacks provided in the approved plans.	Yes
A10	Private Open Space, minimum required is: - 2m depth - 6m2- studios & 1 bed. - 8m2- 2 bed - 10m2- 3 bed	The proposal complies with the minimum sizes for all units.	Yes
A11	Adaptable Units - 2% of dwellings across the site to be adaptable	An Access Review Report prepared by Morris-Goding Accessibility Consulting (dated 31 August 2015) has been submitted with the proposal which considers the provision of adaptable units within the building and allocates five (5) x 1 bedroom units as adaptable units, being Unit 205, 305, 405, 409 & 505. A mix of unit sizes should be provided for these purposes, and a draft condition requires that at least one 2 bedroom unit be provided for adaptable purposes. This is the final residential stage of the Concept Plan and the applicant has demonstrated that a minimum 2% of adaptable units has been provided across the site.	Yes

A12	Apartment Mix - applied to whole Concept Plan: - Max. of 45% studio & 1 bed - Min. 45% x 2 bed - Min. 10% x 3 bed	Stage 13 will comprise 105 x 1 bed units (45%), 98 x 2 bed (42%), and 31 x 3 bed units (13%). Overall, the Concept Plan now includes 587 x 1 bed/studio units (37%), 857 x 2 bed units (55%), and 165 x 3 bed units (10%). Therefore the proposal complies with the Concept Plan.	Yes
A13	Apartment Size - Minimum size to be: - 40m2- studio - 50m2- 1 bed - 70m2- 2 bed - 80m2- 2 bed & 2 bath - 100m2- 3 bed	All units comply with the minimum size requirements.	Yes
A14	Natural Cross Ventilation - minimum 60% of dwellings.	146 units = 62%	Yes
A15	Roadways - New roads to be provided as per Concept Plan.	The proposal includes the resurfacing and other minor works to a section of Spark Lane, however similar to DA-2015/373 for Stages 11 & 12, inadequate information has been provided to demonstrate that the lane can accommodate the two-way movement of traffic as anticipated by the Concept Plan. No objection is raised to the one-way south-bound movement of traffic through this section of Spark Lane subject to the submission of a traffic study demonstrating that the proposal will not prevent relevant Council & RMS intersections from operating at a suitable level of service. This was also a requirement of DA-2015/373 for Stages 11 & 12, and the same condition is proposed on this consent.	

A16	<p>Car Parking - Concept Plan to comply with the following:</p> <p>(a) Maximum of 2,100 cars; and</p> <p>(b) Maximum 13,590m² above ground parking.</p> <p>(c) One car was facility per residential building with more than 20 units.</p>	<p>(a) The proposal does not seek approval for the construction of any car spaces, however includes the use of 237 parking spaces that have been approved (and will be constructed) as part of Stages 11 & 12 (DA-2015/373). In accordance with the Statement of Commitments, a minimum of 160 and a maximum of 363 car spaces are required for Stage 13, and the proposal is therefore compliant (refer to separate table below). In addition, the overall parking provision for the Concept Plan is 2,056 car spaces which does not exceed the maximum 2,100 permitted.</p> <p>(b) A total of 9,678m² of above ground parking has been provided, with 3,912m² remaining.</p> <p>(c) The proposal relies on the car wash bays provided with Stages 11 & 12 and the provision of two (2) car wash bays for the three buildings is considered adequate and satisfactory in this case,</p>	Yes
A17	Public Domain - accessible 24 hours, 7 days, with details of Rights of Ways, Easements etc. to be provided to ensure public access is maintained over private land.	A condition is proposed requiring the creation of an easement for public access to ensure that the public domain areas will be accessible 24 hours, 7 days.	Yes
Schedule 3, Cond 2	Privacy - separation distances for Buildings 11 & 12 to be consistent with the Concept Plan.	Separation distances comply with the Concept Plan.	Yes

Other conditions contained in Schedule 3 relate to the environmental assessment requirements for each future stage, including compliance with SEPP 65, consideration of privacy impacts, provision of detailed landscape plans, acoustic impacts, heritage impacts, protection of railways, flooding, and so on. These matters have been dealt separately in the assessment and have been found to be satisfactory.

Statement of Commitments

The Statement of Commitments includes various matters, including many items addressed previously under the Concept Plan conditions. The proposal is consistent with the SoC approved under the Concept Plan (as amended by MOD 4, approved 5 June 2015).

The proposal is also consistent with the minimum and maximum parking rates established in the SoC as detailed below:

Requirement	Required	Complies
Maximum 1 space/ studio or 1 bed apartment	Min 0- Max 105	Yes
1-2 spaces/ 2 bed apartment	Min 98 - Max 196	Yes
2 spaces/3 bed or more apartment	62	Yes
1 space/ 20 apartments for visitors	12	Yes
1 space/ 50m2 for commercial	-	N/A
1 space/35m2 for retail	-	N/A
1 bicycle space/ 15 apartments	16	Yes
1 motorcycle space/ 15 apartments	16	Yes
1 non-residential bicycle space/ 200m2non residential uses	-	N/A
1 non-residential motor cycle space/20 non-residential car spaces	-	N/A
TOTAL	Car Parking - minimum 160 & maximum 363 Bicycle Parking - 16 spaces Motorcycle parking - 16 spaces	Yes

Note: The total 'minimum' and 'maximum' number of parking spaces does not include visitors spaces as the visitor spaces are provided centrally within the 'public carpark' and are not included in the 240 spaces provided within the basement of Buildings 11, 12 & 13.

Development Design Guidelines

The proposal has been assessed against the Development Design Guidelines (DDG) as modified by MOD 4 to the Concept Plan Approval (updated October 2014). The DDG provides specific controls to guide the development in Discovery Point to achieve the desired design and environmental amenity outcomes for the precinct. These controls include many of those contained in the "Conditions of Approval" and the "Statement of Commitments" discussed above (e.g. minimum unit sizes, building separation distances, balcony sizes etc.). Some other examples of requirements contained in the DDG include minimum common corridor widths of 1.6m, minimum ceiling heights of 2.7m for habitable & 2.4m non-habitable, minimum lift size requirements (2.1m x 1.4m), amongst other matters.

The DDG also includes measures to ensure that the proposal achieves a satisfactory level of amenity for future occupants of the development, addressing issues such as solar access, visual privacy, acoustic privacy and wind impacts. Several of these matters have been addressed elsewhere in the report, and the following two key issues are discussed below:

- Noise Impacts (Part 5.7) - The applicant has submitted a Noise Impact Assessment Report prepared by Acoustic Logic (Revision 3, dated 9 July 2016) which concludes that the potential adverse impacts from noise sources (including aircraft noise, traffic noise and train noise and vibration) can be mitigated to achieve compliance with the relevant standards through implementation of the treatments measures recommended in the report.
- Wind Impacts (Part 5.8) - The objective of Part 5.8 of the DDG is to *"provide for that adverse wind conditions in streets, public spaces and private open spaces are minimised through*

appropriate built form to provide pedestrian comfort in these spaces" and the controls require that the development be consistent with the recommendations contained in the Wind Tunnel Study prepared by Heggies (2010). The applicant has submitted a Wind Tunnel Testing Report prepared by SLR (dated 26 May 2015) which confirms that, in the absence of any mitigation measures, some locations surrounding the site have the potential to experience elevated wind speeds, in several isolated cases, in excess of the standard once per year walking safety and walking comfort criteria. The report includes the following recommended amelioration measures to mitigate adverse wind impacts (specifically impacts to the undercroft area) (see **Figure 5**):

- (i) 2 metre high wall along the west perimeter of the site to block strong westerly winds (Already planned).
- (ii) A vertical mesh wind break, south of the substation. The proposed wind mitigation will be further refined during the detailed design stage when the rail interface design is progressed.
- (iii) Dense landscaping or vertical wind break or alternative practical wind mitigation solution along the west of the substation and the undercroft walkway. Exact mitigation measures will be finalised during the detailed design stage when the façade design is progressed.

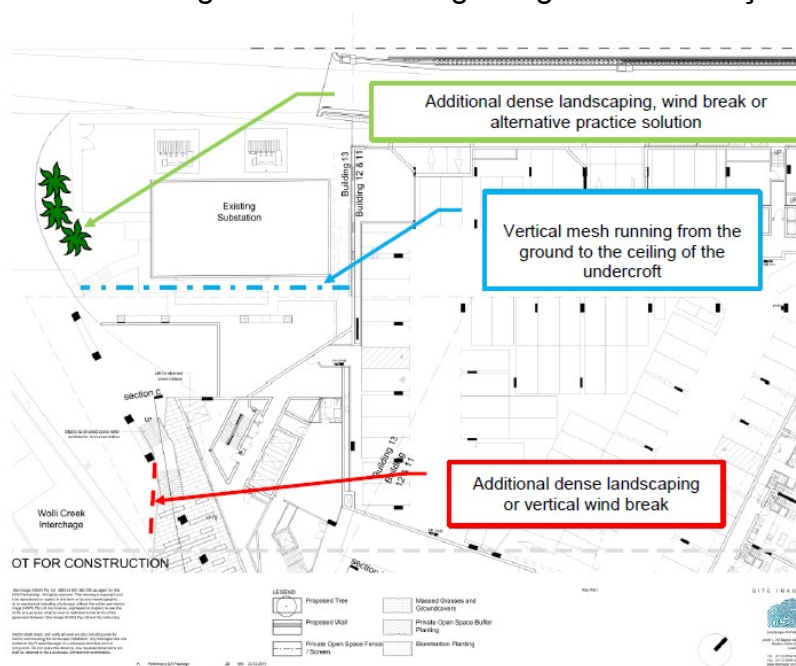


Figure 4 - Proposed Wind Mitigation Measures (extract from SLR Wind Report, dated 26 May 2015)

The report does not consider the Heggies Wind Tunnel Testing Report (2010) submitted with the Concept Plan, and the affected areas of the site have been modified without further consideration of potential changes to the wind impacts. In addition, some of the proposed mitigation measures appear to be located on land (or airspace) owned by railways. Therefore, a condition is proposed requiring that the an amended report be submitted to, and approved by, Council prior to issue of the relevant Construction Certificate to address these concerns and ensure that the adverse wind impacts will be adequately mitigated.

Subject to compliance with the recommended conditions of consent, the proposal is generally consistent with the DDG.

State Environmental Planning Policy (State and Regional Development) 2011

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

State Environmental Planning Policy No 55—Remediation of Land

The property is identified in Council's records as being potentially contaminated. The application is subject to the Concept Plan approval. The Concept Plan Environmental Assessment provided an assessment of the suitability of the land from a contamination perspective and concluded that the site can be made suitable for the proposed land use subject to compliance with the Site Environmental Management Plan.

Council's Environmental Health Officers requested copies of the relevant reports, including the Site Audit Statement (prepared by Enviroview Pty Ltd, dated 21 April 2015) and the Site Environmental Management Plan (prepared by DLA Environmental, Revision 1.2, dated February 2015) during the assessment process. The SAS concludes the site "is suitable" for the proposed uses, and the Environmental Health Team have therefore advised that conditions are not required on the consent. Therefore the proposal meets the requirements of SEPP 55.

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

In accordance with clause 30 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 for consideration at pre-DA stage on 11 August 2015. The Panel found that the proposal satisfied the design quality principles of SEPP 65 subject to minor changes. The plans were updated prior to lodgement and generally address the issues raised by the DRP. Therefore referral to the DRP at DA stage was not required. The latest amended proposal did not require re-referral to the DRP as the design has addressed the comments made by the panel. The amended proposal has been assessed and is considered to adequately address the DRP recommendations as discussed below:

- *The current configuration requires further refinement including:*
 - *Re-alignment of the planter wall on the southern boundary of the development to align with the proposed access stair/lift to the railway station*
 - *Extension of north wall adjacent to entry to the west to positively screen the void at ground and first floor level*
 - *Simplification of the screening element to provide an appropriately civic character*
 - *An integrated seat wall element on the southern interface to the plaza*
 - *Simplification of the planter extent on the western edge of the plaza and consideration of the western outlook*
 - *The fire boosters should be fully integrated into the building footprint.*

Comment: Access to the railway station has been deleted in accordance with Sydney Trains requirements and many of the above recommendations are therefore no longer relevant. In addition, this has resulted in further changes to the entry plaza for Building 13 which has permitted additional landscape planting, the provision of additional screening at the termination of the plaza, increasing the size of the entry foyer so that the glazed elements protrude into the

void and are visible from the street, and provision of additional seating. The amended space has been resolved generally in accordance with the recommendations above and is satisfactory.

- *It is noted that the built form has been improved subsequent to comments made by the panel at the last meeting. Scale is acceptable. However, it is crucial that the scale of the public thoroughfare referred to above meets the expectation of a high quality civic space and is not merely a scattering of individual urban design elements.*

Comment: As noted above, the proposal no longer includes a pedestrian entrance to Wolli Creek Station. The amended 'plaza' design is found to be acceptable for its main intended use as an entry plaza to Building 13.

- *The plaza should be modified as discussed above. It is noted that some locations of planting may be difficult to achieve given their limited solar access. This should be clearly identified and appropriate solutions tabled. It is recommended that the proposed street tree planting be a substantial feature tree (larger than 12m in height) that can emphasize this important civic link. This should be located clear of the roof line.*

Comment: The tree planting has been approved under Stages 11 & 12 (see DA-2015/373) and includes a Weeping Lily Pilly which has a mature height of up to 15m.

- *Given the high number of residents using this space, the podium landscape though much improved, should be modified in the following ways:*
 - *Reduced areas/depths of private courtyards and increased screen planting between private and communal circulation spaces*
 - *Reduce areas of unnecessary paving and consolidate usable spaces where possible (for example, remove any unnecessary access points)*
 - *Where possible remove/redesign planter beds to provide additional seating areas for gathering (particularly in the southern corner of the podium in front of apartments 407 and 408)*

Comment: The size of the private courtyards has been reduced and screen planting has been included to improve privacy for occupants. The applicant is of the view that the entry points are required for the proposal and given improvements to the space this is acceptable. Seating has been provided in front of Units 407 & 408 while retaining privacy for future occupants as recommended.

- *As noted above some significant changes have been made to building 12 which has improved the amenity markedly. While the entry sequence to buildings 11 and 12 is much improved, entry to building 13 and internal amenity still needs improvement as follows:*
 - *See notes above in built form regarding improvement to the public thoroughfare generally*
 - *Carefully consider potential conflicts between private access to building 13 and public access to the railway station*
 - *Some room widths do not comply with the ADG*
 - *Some bedrooms such as bedroom 1 to unit 408 and all those above are exceedingly deep in the plan. Unit 508 appears to have a 4m long study separating it from a balcony, this is excessive and may not comply with the ADG's requirements for all bedrooms to have windows.*

Comment: The applicant has confirmed that the room sizes and layouts comply with the Concept Plan requirements and are acceptable in this case.

(b) The design quality of the residential flat building when evaluated in accordance with the ten design quality principles

The application was accompanied by a Design Report prepared by GSA Architects that address the design quality principles under the SEPP. The applicant's position is generally agreed with, and the nine (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

The response of the proposal to its surroundings is as anticipated by the Concept Plan approval. The Council's Design Review Panel also found that the proposal was a 'coherent addition' to the high density 'Wolli Creek Transit Village'.

Principle 2 - Built form & scale

The proposed development complies with the envelope controls in the Concept Plan. The scale and built form of the building responds to the character and context of the surrounding area, and is in accordance with the Concept Plan, and is therefore acceptable.

Principle 3 - Density

The proposal is consistent with the density controls in the Concept Plan.

Principle 4 - Sustainability

The BASIX Certificate and supporting documents demonstrate that the proposal meets the targets of the SEPP, and the applicant has also demonstrated compliance with the precinct WSUD requirements result in significant water savings for the proposal. While the proposal does not achieve the minimum solar access requirements of the ADG, the units will have a good level of amenity with many apartments benefiting from district views.

Principle 5 - Landscape

The proposed landscaping has been amended to satisfy the recommendations of the Design Review Panel and has been approved by Council's landscape architect subject to recommended conditions of consent. Amended landscape plans are, however, required for the entry foyer due to the modifications to the plaza design, however this can be by way of condition.

Principle 6 - Amenity

The design of the apartments satisfies the natural cross ventilation requirements of SEPP 65 and of the approved Concept Plan, however proposes a variation to the solar access requirements. The apartments enjoy reasonable areas of private open space, internal areas and storage areas, the units will be acoustically treated to prevent adverse noise impacts from the rail line, and many of the units benefit from district views as they are located above the height of the adjoining buildings. Refer to assessment of the ADG below in Item (c) for further discussion regarding solar access. Furthermore, it is unfortunate that a large number of balconies must be provided as 'winter gardens' to satisfy Sydney Trains requirements to prevent objects being thrown onto the adjoining railway line, notwithstanding all units have the use of an 'external' space and their overall amenity is found to be satisfactory.

Principle 7 - Safety

The proposal achieves a satisfactory level of safety and security and additional conditions of consent

are proposed in line with safer by design principles subject to recommended conditions.

Principle 8 - Housing diversity and social interaction

The proposal is consistent with the unit mix recommended in the Concept Plan and provides a variety of apartment layouts that will serve a range of household needs. In addition, the proposal includes a swimming pool, gym and communal room for use of residents, and the landscape areas have been redesigned to include additional seating opportunities and provide opportunities for social interaction. As such the proposed development is supported in regard to social dimensions.

Principle 10 - Aesthetics

The proposed development incorporates contemporary architectural elements and finishes in the façade that are appropriate to ensure that the large facades are broken up and of an acceptable proportion. It is considered that the overall aesthetics of the development is acceptable within the existing and proposed context of the area.

c) Apartment Design Guide

The Apartment Design Guide (ADG) is the recent State Government publication (adopted 15 July 2015) which further expands on the nine (9) design quality principles in SEPP 65 by providing some detailed practical guidance for the design of residential flat buildings.

The Concept Plan was approved in 2010 and includes several of the controls that were required by, or similar to, the Residential Flat Design Code (RFDC) - the design guide for residential flat buildings that was current at that time. These controls were incorporated into the Discovery Point Development Design Guidelines (DDG) approved under the Concept Plan as discussed previously under SEPP (Major Developments) 2007. Therefore, while the proposal is consistent with most of the controls in the DDG, the proposal results in some variations to the the ADG which is a more current document. The variations are found to be acceptable as the proposal generally complies with the Concept Plan (including the DDG) and remains compliant with key controls from the ADG including natural ventilation and other matters.

The key variations to the ADG are discussed below:

- **Solar Access** - the proposed building is triangular in shape to fit within the building envelope approved under the Concept Plan. One of its three facades faces south and therefore results in a non-compliance with the minimum solar access requirements under the ADG as only 58% of units achieve 2 hours direct sunlight at mid-winter. The DDG approved under the Concept Plan permits '*a deviation from the [solar access] controls... where it is demonstrated that building design maximises solar access and amenity in light of site constraints*'. In this case, the applicant has maximised the number of units that benefit from dual orientation (i.e. corner units) to maximise solar access to units. Many of the units within the southern facade will also benefit from district views as they will be higher than adjoining buildings, therefore providing improved amenity despite the lack of direct sunlight. The units also contain expansive areas of glazing, have access to north facing communal open space, and have access to extensive public open space within close proximity to the site which benefits from direct sunlight. Therefore, the variation to solar access is primarily a function of the building envelope approved under the Concept Plan and is acceptable in this case due to the building design which aims to maximise amenity despite the constraint.
- **Communal Open Space** - the ADG requires that a minimum area equal to 25% of the site area be provided as communal open space. The proposal does not provide 25%, however it includes a common entry plaza and building foyer with seating and landscape planting, a communal room,

a swimming pool, a gym and a podium landscaped area which includes both passive and active spaces (including a BBQ area). The site is also located within close proximity to Discovery Point Park, a large public open space area. Therefore, while the proposal does not achieve an equivalent 25% of the site area as communal open space, the proposal is compliant with the Concept Plan and is also found to provide access to a good range of communal spaces and is acceptable in this case.

- Deep Soil - the proposal does not include any deep soil, however the proposal complies with the Concept Plan approval and is therefore acceptable.
- Maximum apartment depth - many of the apartments have a depth in excess of 8 metres from a window, with some having a depth of nearly 12 metres. Again, this is a result of the large triangular shape of the building envelope approved under the Concept Plan. The applicant has confirmed that the proposal complies with the room depth to ceiling height ratio of 2.5 x the ceiling height, and that the units are generally open plan spaces with limited obstructions and ample glazing to permit light to access the spaces. Given the depth of the building envelope approved under the Concept Plan, combined with the unit layout and design, the unit depths are acceptable in this case.
- Common Circulation - The proposed development provides a maximum of 13 apartments accessed from a single corridor. This occurs at Levels 4-10 only, and these corridors are not a single long corridor but in essence two separate corridors with approximately 6 units off each corridor. Therefore, this minor variation is acceptable in this case.
- Building Separation Distance - the ADG requires a minimum separation distance between habitable rooms / balconies of 12m for up to 4 storeys, 18m for up to 8 storey and 24m for any building above 25m (9 storey). The proposed separation distance of between 9m & 18m to Buildings 11 & 12 and of 14.4m to Building 6 has been designed to comply with the building envelopes approved by the Concept Plan and are therefore acceptable in this case. The elevations have also been provided with screening and the units oriented to minimise overlooking opportunities.
- Lift Servicing - If the proposal were to comply with the design criteria related to lift servicing, a total of six (6) lifts would be required. This provision would double the proposed number of lifts, and would result in a significantly increased lift core in the centre of the building. The intent of the design criteria is articulated in Objective 4F-1 which is to ensure that apartments are properly serviced. The applicant has submitted a traffic analysis which confirms that the three lifts proposed within Building 13 will ensure that future occupants will be provided with an adequate level of service for the 243 apartments. Furthermore, the proposed number of lifts will ensure that lift access can be provided for accessible purposes at all times.

Rockdale Local Environmental Plan 2011

Relevant clauses	Compliance with objectives	Compliance with standard/provision
Rockdale Local Environmental Plan 2011		
2.3 Zone B4 Mixed Use	Yes	Yes - see discussion
5.10 Heritage conservation	Yes	Yes - see discussion
6.1 Acid Sulfate Soil - Class 3	Yes	Yes - see discussion
6.2 Earthworks	Yes	Yes - see discussion

Relevant clauses	Compliance with objectives	Compliance with standard/provision
6.3 Between 20 and 25 ANEF (2033) contours	Yes	Yes - see discussion
6.4 Airspace operations	Yes	Yes - see discussion
6.6 Flood Planning Land	Yes	Yes - see discussion
6.7 Stormwater	Yes	Yes - see discussion
6.12 Essential services	Yes	Yes - see discussion

2.3 Zone B4 Mixed Use

The site is zoned B4 Mixed Use under the provisions of RLEP 2011. Development for the purpose of a residential flat building is permissible with consent. The proposal is consistent with the objectives of the zone, which are to "provide a mixture of compatible land uses" and to "integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling". The proposal is located adjacent to Wolli Creek Railway Station, and the application includes bicycle parking within the basement levels. Therefore the proposal encourages public transport and non-car modes of transport. The proposal is also compatible with surrounding residential and mixed use developments.

5.10 Heritage conservation

Tempe House Estate is identified as a Heritage Item on the State Heritage Register and under the Rockdale Local Environmental Plan 2011 (Rockdale LEP). Stage 13 is located outside of the curtilage boundary of Tempe House listed under the State Heritage Register and the listing in the Rockdale LEP, and the site is also located a considerable distance from the Tempe House curtilage boundary.

The Concept Plan approval requires that all applications address the recommendations of the Statement of European Heritage Impacts prepared by Tanner Architects (dated June 2010). The recommendations are addressed in the Statement of Heritage Impacts, which concludes that the proposed development is not within the curtilage of the Tempe Estate, will be obscured from view by existing / approved residential developments, and will not impact on the heritage significance of this State significant item.

Consideration has also been given to Non-Indigenous Heritage and Indigenous (Aboriginal) Heritage in the assessment against the Concept Plan approval.

- Non-Indigenous Heritage - A report titled "Statement of Heritage Impact" prepared by TKD Architects (dated April 2015) was submitted with the application that concluded that the proposal is generally consistent with the approved Concept Plan (as amended) and that the proposal *"is not considered to adversely impact on the significance of Tempe House, St Magdalen's Chapel nor the Discovery Point Precinct as set out in the 2001 Conservation Management Plan and as re-iterated by the State Heritage Register"*. The report does not recommend the inclusion of any additional conditions, however for consistency with the conditions imposed on Stages 11 & 12 a condition is proposed to manage any unexpected finds (as recommended in the Heritage Impact Report submitted for that stage). The proposal is therefore acceptable subject to inclusion of the recommended condition.
- Indigenous Heritage - The applicant submitted a "Aboriginal Heritage Due Diligence Report"

prepared by Godden Mackay Logan (GML) (dated April 2015) for Buildings 11 & 12, accompanied by a letter report confirming that the recommendations and conclusions in that report remain valid for Building 13. The submitted report and letter report provides an assessment of potential Aboriginal (Indigenous) Heritage on the site and was based on investigations of the site and an AHIMS search. The reports conclude that there are not likely to be any Aboriginal objects in the Stages 11, 12 and 13 site area and that the proponent can proceed with caution without an Aboriginal Heritage Impact Permit (AHIP). The reports include recommended conditions that have been included in the draft Notice of Determination.

6.1 Acid Sulfate Soil - Class 3

The site is located within an area classified as Class 3 in the acid sulfate soils map. The applicant has submitted an Acid Sulphate Soils Management Plan prepared by DLA Environmental (dated January 2012). The report found that potential acid sulphate soils (PASS) have been found at various locations and depths across the Concept Plan site. ASS are only expected to be encountered as a result of piling works. A treatment plan has been detailed to ensure minimal acid generation and run-off during construction. Compliance with the ASS Management Plan have been included in the draft Notice of Determination. The proposal is therefore consistent with the objectives and requirements of clause 6.1.

6.2 Earthworks

The proposal involves minor earthworks associated with construction of tower support columns, footings, paving for rail staff parking area and other minor public domain works. The proposed works will not transect the groundwater and the primary excavation works associated with basement car parking will be undertaken as part of Stages 11 & 12. Therefore, the proposal will not involve significant excavation works, however works will be undertaken in close proximity to the adjoining railway lines and RailCorp substation. Sydney Trains has issued relevant conditions to ensure protection of their infrastructure that have been included in the draft consent. The application was also accompanied by a Geotechnical Report prepared by Douglas Partners (dated July 2015) for Stages 11, 12 & 13 that includes excavation support requirements during excavation works. Additional conditions are proposed to manage the remaining impacts associated with the proposed earthworks. Therefore the proposal is satisfactory subject to imposition of recommended conditions.

6.3 Between 20 and 25 ANEF (2033) contours

The applicant's Noise Impact Assessment Report advises that the site is affected by above ANEF 20 (prepared by Acoustic Logic dated 9 July 2015 (Revision 3)). The report recommends acoustic treatments to ensure noise levels from aircraft comply with Australian Standard AS2021:2000 as required by clause 6.3. A condition of consent is proposed to ensure that the recommendations of the report are implemented.

6.4 Airspace operations

The proposed development is affected by the Obstacle Limitation Surface (OLS) which is set at 51m AHD. The proposed buildings have a maximum height of 79.45m to AHD and therefore will penetrate the OLS by 28.45m. A maximum building height of 79.65 has been approved by the Australian Department of Infrastructure and Transport under the *Airports (Protection of Airspace) Regulations 1996* as part of the Concept Plan approval, and the proposal complies. A copy of the letter of approval dated 15 December 2010 has been provided to Council, and relevant conditions have been included in the draft Notice of Determination.

6.6 Flood Planning Land

The site is affected by flooding and Stage 13 is subject to a Probable Maximum Flood (PMF) level of RL3.6, and the 200 year Average Recurrence Interval (SRI) flood event for the site has been identified at RL2.4 (Note: the 200 year ARI is the design flood level applicable to the Discovery Point site). The site is flood protected to a level of RL4.3 and the recommended freeboard is therefore provided. Furthermore, Council's Development Engineer advises that a flood protection bund was constructed for Stages 8, 9 & 10 which will be maintained during construction works associated with Buildings 11-13 and provide adequate protection until permanent structures are built to the same level (or higher).

Council's Development Engineer has, however, advised that a 2010 report prepared by Smart Civil indicated that flood water could over-top the Illawarra Railway Line and enter the Discovery Point site at approximately RL5.0m. While Spark Lane is generally higher than RL5.0m, it has a maximum elevation of RL4.5m at its lowest point which forms part of this application. While the applicant does not recommend that the increased levels be adopted, Council's Development Engineer has recommended that relevant conditions be imposed in the consent to ensure that potential flood impacts are minimised. This includes the provision of permanent flood warning signs at the entry to the train station and in the basement level of the building.

Subject to compliance with recommended conditions the proposal is considered to be satisfactory with regards to clause 6.6. of RLEP 2011.

6.7 Stormwater

The site is located within the with the Northern Precinct Stormwater Catchment Plan as defined in the report prepared by Bonnaci Group P/L. The stormwater drainage associated with Stage 13 will connect into the combined hydraulic system proposed for Stages 11-13, which predominantly connects into the primary drainage network in Spark Lane (refer also to DA-2015/373 for Stages 11-12). The Council's Development Engineer has assessed the proposal and confirmed that the system has the capacity to manage stormwater in accordance with Council's requirements, however notes that the proposal directs stormwater from Spark Lane into the adjacent railway corridor which is not permitted without approval from Sydney Trains. A deferred commencement condition was recommended by Council's Engineer, however Sydney Trains has imposed a condition in their letter of concurrence which states that *"drainage from the development must be adequately disposed of/managed and not allowed to be discharged into the corridor unless prior approval has been obtained from Sydney Trains"*.

A site-wide WSUD strategy has also been developed for the entire Discovery Point development site (Equatica, 2012), which aims to ensure that the development meets the pollution reduction targets of the Botany Bay Water Quality Improvement Program as required by Council's Stormwater Management Technical Specification (DCP 2011). This application for Stage 13 was accompanied by a WSUD letter report prepared by Alluvium (dated 16 July 2015) which confirms that the stormwater modelling and conclusions of the Stages 11-12 WSUD report (DA-2015/373) remain valid for Stage 13 and that no further WSUD assessment is required. The report submitted with Stages 11 & 12 identified that the proposed plaza bioretention treatment system adjacent to Building 13 was no longer feasible due to constraints associated with the Wolli Creek station interface, but that an additional 20m² of capacity would be provided in bioretention system 18A to cater for the removal of the system 13. In their opinion, the increased size of the bioretention system 18A *"is a better WSUD solution as it centralises the stormwater system into a smaller number of larger systems which will result in efficient maintenance"*.

The report also confirmed that around half of the WSUD systems planned for Discovery Point had been completed at the time of writing, and that once all of the WSUD systems have been constructed and are fully functional the water quality targets set for the entire precinct will be achieved.

Recommended conditions require compliance with the submitted stormwater management plans, the WSUD Letter report for Stage 13 (dated 16 July 2015), and the WSUD Report for Discovery Point Stages 11 & 12 (prepared by Alluvium, dated April 2015), and that these systems be maintained in good condition and working order at all times.

Therefore, the proposal is satisfactory with regards to this clause subject to implementation of the recommended conditions of consent.

6.12 Essential services

Services will generally be available on the site, including water and waste water services provided by a licensed Network Operator. 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

No relevant proposed instruments are applicable to this proposal.

S79C(1)(a)(iii) - Provisions of any Development Control Plan

The following Development Control Plan is relevant to this application:

Rockdale Development Control Plan 2011

The application is subject to Rockdale DCP 2011. A compliance table for the proposed development is provided below:

Relevant clauses	Compliance with objectives	Compliance with standard/provision
Rockdale Development Control Plan 2011	Yes	Yes - see discussion

Rockdale Development Control Plan 2011

The proposal has been assessed against the objectives and controls under DCP 2011 and associated documents being the Wolli Creek Public Domain Plan and Manual (PDP), Technical Specifications for Parking, Technical Specifications for Stormwater, Waste Minimisation and Management and Landscaping.

The proposal is generally consistent with the objectives and controls in DCP 2011, particularly in regards to views and vistas, heritage conservation, water & flood risk management, streetscape, pedestrian and vehicular access, letter box provision, etc. Where variations exist, the proposal is generally consistent with the Concept Plan Approval (including the Statement of Commitments and the Development Design Guidelines) and the requirements and/or objectives of SEPP 65 & the Apartment Design Guide (ADG). For example, the proposal does not comply with RDCP 2011 requirements for minimum unit size, private open space, storage, unit mix, building separation or car parking, however the proposal is generally consistent with the Concept Plan Approval (MP 10_0003) and/or SEPP 65 as discussed previously in the report and the proposal is therefore satisfactory in this regard.

The proposal is also consistent with the Water Sensitive Urban Design (WSUD) strategy for Discovery Point aimed at improving stormwater quality and reducing the stormwater runoff rates to the Cooks River so that it will achieve the stormwater pollutant reduction targets in Council's Technical

Specifications for Stormwater.

Proposed road design and landscape design are generally supported by Council officers subject to recommended conditions regarding stormwater and design of Spark Lane as well as conditions requiring compliance with Council's Public Domain Plan.

The proposal is found to be generally consistent with Concept Plan approval, SEPP 65 and is generally in accordance with RDCP 2011 subject to imposition of recommended conditions of consent.

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

Clauses 92-94 of the Regulations outline the matters to be considered in the assessment of a development application. Clause 92 requires the consent authority to consider the provisions of *AS 2601:1991 - Demolition of Structures* when demolition of a building is involved. In this regard a condition of consent is proposed to ensure compliance with the standard. 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:

Construction

Proposed construction works will be undertaken in five (5) phases as shown in the Staging Plans submitted with the application. There are no objections to, or unexpected impacts associated with, the proposed construction works and/or staging of these works subject to imposition of standard conditions of consent relating to hours of construction, noise emissions and so on.

Waste Management

The proposal was accompanied by a Waste Management Plan prepared by GHD which addresses waste management during ongoing operations. The waste management plan is generally agreed, with the exception of the proposed compaction ratio of 3:1 for the 1,100L bins, the proposed number of bins, and the proposed collection point in front of Building 10. Council will permit a maximum compaction ratio of 2:1 in accordance with Council's Waste Management Technical Specifications, will require five (5) x 1,100L waste bins for Building 13, and require that waste collection to take place on Spark Lane in front of Building 12 together with the waste for Buildings 11 & 12 (refer to DA-2015/373). Subject to imposition of recommended conditions, impacts associated with waste management have been considered and minimised.

Character / Streetscape / Density / Bulk / Scale

The bulk and scale of the proposal is consistent with the Concept Plan building envelope. The proposal has been amended to improve the buildings interface with the public domain and provide a building design of appropriate quality that is supported by the SEPP 65 design principles.

Safety and Security

The application was accompanied by a Crime Prevention Through Environmental Design (CPTED) report prepared by JBA, dated 15 September 2015. The report was provided specifically due to the public through site link to the railway station, however this public access has now been deleted from the proposal and the amended plaza design terminates beyond the lobby and fire egress for Building 13. The area is an undercroft area with a two-storey height which now contains landscape planting and

building columns. It provides pedestrian access to the community centre (including swimming pool, community room & gym), and the entrance lobby of Building 13 only. The submitted report includes an assessment of the area and provides recommendations which are considered to be relevant for the amended plaza design. The report demonstrates that the area will be a high quality space that will be designed to encourage activity and promote passive surveillance opportunities. The report includes recommendations that will further improve the safety and security of the development, such as way finding signage, provision of CCTV, and use of correct lighting. A draft condition of consent recommends that the recommendations be implemented and that CCTV is provided at key locations (including at the pool, within the common room and at basement levels) prior to issue of the Occupation Certificate for the relevant stage of works. Subject to compliance with this condition, the proposal is satisfactory having regard to safety and security.

Views and Vistas

The proposal is not considered to create unreasonable visual impacts to surrounding properties as the building is generally contained within the approved envelope.

Access

An Access Review Report prepared by Morris-Goding Accessibility Consulting (dated 31 August 2015) has been submitted with the proposal which considers equitable access requirements to and within the site. The report identifies the statutory requirements, addresses the provision of adaptable units and accessible parking spaces, considers access requirements to proposed communal facilities (e.g. swimming pool, community room, bbq area, etc.) and provides recommendations to ensure compliance with the relevant statutory requirements. Subject to recommended conditions of consent and compliance with recommendations made by the Access Consultant, the proposed development is considered satisfactory with regards to access.

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 the environment and future residents. 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 one (1) submission has been received. The issues raised in the submission are discussed below:

Issue 1: Bulk, scale & built form - the buildings '*look absolutely terrible*', '*unattractive*' and '*have spoilt the area in the Wolli Creek region and surroundings*'.

Comment: The proposed building is contained within the building envelopes approved by the Minister for Planning, pursuant Part 3A of the EP&A Act on 5 May 2011 (MP 10_0003, as modified), and Council therefore has no real ability to require a reduction in the height, bulk and scale of the development. This application provides the detailed built form and layout, which has been considered by Council's Design Review Panel (a panel of three independent architects) who found the proposal to be generally acceptable subject to minor changes generally agreed to by the applicant. The proposal is therefore considered to have an acceptable built form, bulk and scale.

Issue 2: Amenity of future residents

Comment: The proposal generally complies with the requirements of SEPP 65 - Design Quality of Residential Flat Buildings - as detailed in the body of the report, including the minimum unit size and cross ventilation requirements of the policy. In addition, most of the residents will benefit from high quality views, and all residents are provided with access to the communal swimming pool, common room, and both public and private open space areas. For example, the site is located in close proximity to Discovery Point Park which provides a large area of public open space area on the Cooks River for use by residents. This area is also linked to the broader Wolli Creek area and the Cooks River foreshore. Combined with the proximity of high quality and frequent public transport, and local shops & cafes, the future amenity of residents is considered to be satisfactory.

Issue 3: Traffic

Comment: Traffic impacts associated with the proposal were assessed by the NSW Department of Planning & Environment during the assessment of the Concept Plan. The site is located nearby two railway lines which, combined with buses, provide good public transport options for future residents who will not need to be reliant on car transport. Furthermore, Council is investigating potential traffic improvements in the locality. The proposal also includes secure bicycle and motorcycle parking at basement level and is therefore found to have minimal traffic impacts subject to imposition of recommended conditions.

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

The proposal is subject to the Concept Plan approval issued by the Minister for Planning, pursuant Part 3A of the EP&A Act on 5 May 2011 (MP 10_0003). As demonstrated in the assessment of the development application, the proposal will allow the development of the site in accordance with the concept plan and future vision for the area. The proposed building design is generally consistent with SEPP 65. The proposal is also consistent with State and Local planning strategies as it provides a range of housing choice in proximity to transport infrastructure. As such it is considered that approval of the development application is in the public interest.

S94 Contribution towards provision or improvement of amenities or services

The Concept Plan Statement of Commitments requires the execution of a Voluntary Planning Agreement (VPA) prior to determination of the third Project application. The developer has been in consultation with Council officers to initiate the process for the VPA. However the VPA has not been finalised to date. Therefore, as per the previous application DA-2015/373 for Stages 11 & 12, in the absence of a VPA the rates under Council's S94 Contribution Plan should apply.

Civil Aviation Act, 1988

The site is within an area that is subject to the Civil Aviation (Building Controls) Regulations 1988 made under the *Civil Aviation Act, 1988*.

Civil Aviation (Building Control) Regulations 1988

The Regulations require a separate approval from the Civil Aviation Safety Authority if a building or structure exceeds a prescribed height limit.

Section 5 Prohibition of the construction of buildings of more than 50 feet in height in specified areas

The subject site is affected by the 15.24m building height Civil Aviation Regulation. The proposed building heights have previously been approved by the Australian Government Department of

Infrastructure and Regional Development (see letter dated 20 September 2013, Ref: 13/9047). In making their decision, the Department took into consideration the opinions of the proponent, the Civil Aviation Safety Authority, Airservices Australia and Sydney Airports Corporation Limited (SACL). The recommended conditions have been imposed in the draft consent.

Schedule 1 - Draft Conditions of consent

General Conditions

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

1. The term of this consent is limited to a period of five (5) years from the date of the original approval. The consent will lapse if the development does not commence within this time.
2. The development must be implemented substantially in accordance with the plans listed below, the application form and on any supporting information received with the application, except as may be amended in red on the attached plans and/or by the following conditions of consent.

Plan / Dwg No.	Drawn by	Dated	Received by Council
Staging Diagram Level B0 - DA-13-A1112 (G)	Group GSA	29/03/16	4 April 2016
Staging Diagram Ground - DA-13-A1113 (G)	Group GSA	29/03/16	4 April 2016
Staging Diagram Level 04 - DA-13-A1114 (I)	Group GSA	19/07/16	3 August 2016
Site Plan - DA-13-A1100 (I)	Group GSA	29/03/16	4 April 2016
Basement B0 - DA-13-A2000 (P)	Group GSA	19/07/16	2 August 2016
Ground Floor - DA-13-A2001 (Q)	Group GSA	19/07/16	2 August 2016
Level 01 - DA-13-A2002 (Q)	Group GSA	19/07/16	2 August 2016
Level 02 - DA-13-A2003 (Q)	Group GSA	19/07/16	2 August 2016
Level 03 - DA-13-A2004 (Q)	Group GSA	19/07/16	2 August 2016
Level 04 - DA-13-A2005 (M)	Group GSA	19/07/16	2 August 2016
Level 05 - DA-13-A2006 (L)	Group GSA	19/07/16	2 August 2016
Levels 06-10 - DA-13-A2007 (L)	Group GSA	19/07/16	2 August 2016
Levels 11-15 - DA-13-A2008 (M)	Group GSA	19/07/16	2 August 2016
Levels 16-18 - DA-13-A2009 (L)	Group GSA	19/07/16	2 August 2016

Levels 19-22 - DA-13-A2010 (M)	Group GSA	19/07/16	2 August 2016
Roof Plan - DA-13-A2011 (D)	Group GSA	19/07/16	3 August 2016
South Elevation / Plaza Interface - DA-13-A3000 (N)	Group GSA	19/07/16	3 August 2016
East Elevation / Podium Interface - DA-13-A3001 (J)	Group GSA	19/07/16	3 August 2016
West Elevation - DA-13-A3002 (N)	Group GSA	19/07/16	3 August 2016
Section A-A - DA-13-A3100 (H)	Group GSA	19/07/16	3 August 2016
Section B-B - DA-13-A3101 (F)	Group GSA	19/02/16	25 Feb 2016
Section C-C, D-D and E-E - DA-13-A3110 (D)	Group GSA	19/02/16	25 Feb 2016
Perspective - Spark Lane - DA-13-A8202 (I)	Group GSA	19/07/16	3 August 2016
Perspective - Brodie Spark Drive - DA-13-A8201 (H)	Group GSA	19/07/16	2 August 2016
External Finishes Board - DA-13-A8200 (D)	Group GSA	11/09/15	16 Sept 2015
Civil Engineering Documentation Set: <ul style="list-style-type: none"> • Cover Sheet - C-1-0-00(2) • Erosion & Sediment Control Plan - C-1-1-01(2) • General Arrangement Plan - C-1-3-01(2) • Civil Details - C-1-3-10(1) • Pavement Layout Plan and Details - Basement - C-1-4-01(2) • Stormwater Layout Plan - C-1-6-01(2) • Stormwater Details - C-1-6-10(2) • Post development stormwater catchment plan - C-1-6-51(2) 	Robert Bird Group	01/09/15	16 Sept 2015

Blast Wall Ground Floor - DA-13-A7000 (C)	Group GSA	19/07/16	2 August 2016
Blast Wall Level 1 - DA-13-A7001 (D)	Group GSA	19/07/16	2 August 2016
Blast Wall Level 2 - DA-13-A7002 (E)	Group GSA	19/07/16	2 August 2016
Blast Wall Elevations - DA-13-A7003 (C)	Group GSA	19/07/16	2 August 2016

3. Notwithstanding any other condition of this consent, the consent permits separate Construction Certificates and Occupation Certificates to be issued, provided that all conditions of consent relevant to the development incorporated within each stage of works has been complied with prior to the release of the Construction Certificate or Occupation Certificate for that stage.

The development comprises four (4) stages of construction generally as shown in the Staging Plans with Drawing No. DA-13-A1112(G), DA-13-A1113(G), DA-13-A1114(G) submitted with the application, and as detailed below:

1. Stage 1 - Construction of Tower Support Columns & Core;
 2. Stage 2 - Construction of Tower Core and Upper Floor Levels 2 - 22;
 3. Stage 3A & 3B - Completion of plaza and area below plaza (e.g. rail staff parking, etc.); and
 4. Stage 4 - Completion of ground level entry plaza and associated landscaping.
4. The development is to be carried out in compliance with all relevant requirements of the Concept Plan (MP 10_0003), approved by the Minister for Planning on 5 May 2011, including any subsequent modification to the Concept Plan.
5. All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).
6. **A Construction Certificate must be obtained from Council or an Accredited Certifier prior to any building work commencing.**
7. The development must be implemented in accordance with the BASIX & Natthers Report prepared by WSP Global Inc. (dated 26 July 2016), including all commitments contained in the Basix Certificates with number 650867M_04 and 650992M_05. The commitments shall be thereafter maintained in accordance with the submitted BASIX Certificates 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>.
8. All works are to be carried out within the subject site, except as specified in the letter of Landowner's consent issued by Rail Corporation New South Wales (dated 20 May 2016), and the letter of concurrence issued by Sydney Trains (dated 17 August 2016) (refer to Condition 12 of this consent).
9. Excavation, filling of the site (with the exception of the area immediately under the

building envelope), or construction of retaining walls are not permitted unless shown on the approved plans and authorised by a subsequent construction certificate.

10. The materials and façade details approved under condition 2 and any other relevant condition of this consent shall not be altered or amended at the construction certificate stage without a prior S96 application and approval under the EP&A Act.

Development specific conditions

The following conditions are specific to the Development Application proposal.

11. Sydney Airports

The proposal must comply with the letter issued by the Australian Government Department of Infrastructure and Transport's dated 20 December 2013 during works and prior to issue of the Occupation Certificate, which includes the requirements detailed below:

(a) The maximum height of Building 13 must not exceed 79.65 metres relative to Australian Height Datum (AHD), inclusive of all lift over-runs, vents, chimneys, aerials, TV antennae, construction cranes, rooftop gardens and trees etc;

(b) A separate application must be submitted to SACL for any equipment or crane to be used that exceeds 79.65m AHD for the construction of the building within this development.

(c) Prior to issue of the Occupation Certificate, the proponent must:

(i) notify SACL upon completion of construction of each building in the development.

(ii) provide SACL (in writing) with the finished building height (in metres AHD) upon completion with its geo coordinates at its highest point or to the building centre, so that SACL can update its plans and other records for Sydney Airport and its surrounds. The data is to be properly surveyed and verified as accurate provided to SACL on completion of each building.

(iii) Ensure that Building 13 is obstacle lit with medium intensity flashing red obstacle lights in accordance with the Manual of Standards for Part 139- Aerodromes, of the Civil Aviation Safety Regulations 1998 (CASR Part 139 MOS), Chapter 9, Section 9.4 (http://casa.gov.au/wcmswr/_assets/main/rules/1998casr/139/139m09.pdf).

(d) The obstruction lights required by the Australian Government Department of Infrastructure and Transport, and as detailed in Condition 11(b)(iii) above, must operate 24 hours and be maintained in working order at all times by the proponent; and

Notes:

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

12. Sydney Trains

The following conditions A1 - A21 are imposed by Sydney Trains in accordance with their letter dated 17 August 2016 granting concurrence to the proposal. The following conditions must be complied with:

A1. Prior to the commencement of works the Applicant shall peg-out the common property boundary with RailCorp's land. This work is to be undertaken by a registered surveyor.

A2. In relation to the 1000mm thick shear walls, prior to the issuing of a construction certificate, the applicant shall provide to Sydney Trains for review and endorsement details of the shear wall elements to be excavated and the measures proposed to support the excavation any excavation. The Principle Certifying Authority is not to issue the Construction Certificate until it has been furnished with Sydney Trains written endorsement.

A3. The Applicant is to submit to Council, for its records, copies of any certificates, drawings or approvals given to or issued by Sydney Trains.

A4. During all stages of the development extreme care shall be taken to prevent any form of pollution entering the railway corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.

A5. Drainage from the development must be adequately disposed of/managed and not allowed to be discharged into the corridor unless prior approval has been obtained from Sydney Trains.

A6. Sydney Trains and Transport for NSW, or any persons authorised by them for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought.

A7. Prior to the commencement of works, on the completion of works, or at any time during the works period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.

A8. An acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines".

A9. Prior to the issue of a Construction Certificate the Applicant is to engage an

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

A10. Given the possible likelihood of objects being dropped or thrown onto the rail corridor from balconies, windows and other external features (eg roof terraces and external fire escapes) that are within 20m and face the rail corridor, the Applicant is required to install measures (eg awning windows, louvres, enclosed balconies, window restrictors etc) which prevent the throwing of objects onto the rail corridor. These measures are to comply with Sydney Trains requirements. The Principle Certifying Authority is not to issue the Construction Certificate until it has confirmed that these measures are to be installed and have been indicated on the Construction Drawings.

A11. The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of Sydney Trains. The Principle Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

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

A13. Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. The Principal Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

A14. Prior to the issue of a Construction Certificate the Applicant is to submit to Sydney Trains the construction methodology and staging for review and endorsement. The Principle Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

A15. Prior to the issue of a Construction Certificate the Applicant shall obtain final certification from Sydney Trains of the following documents:

- i. Earth Potential Rise Hazard Assessment report
- ii. Derailment Risk Assessment report

The Principle Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

A16. No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and catenary, contact and pull-off wires of the adjacent tracks, and to any aerial power supplies within or adjacent to the rail corridor.

A17. Prior to the undertaking of works or the issuing of a Construction Certificate (whichever occurs first), the Applicant must hold current public liability insurance cover for a sum to be determined by Sydney Trains. This insurance shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The Applicant is to contact Sydney Trains Rail Corridor Management Group to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.

A18. Prior to the undertaking of works or the issuing of a Construction Certificate (whichever occurs first), the Applicant is to contact Sydney Trains Rail Corridor Management Group to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the entire works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to the issuing of the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.

A19. Prior to the issuing of an Occupation Certificate the Applicant is to submit the as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into Sydney Trains property or easement. The Principal Certifying Authority is not to issue the Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

A20. No scaffolding is to be used facing the rail corridor unless prior written approval has been obtained from Sydney Trains. To obtain approval the proponent will be required to submit details of the scaffolding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor. Unless agreed to by Sydney Trains in writing, scaffolding shall not be erected without isolation and protection panels.

A21. No work is permitted within the rail corridor, or its easements, at any time unless prior approval or an Agreement has been entered into with Sydney Trains. Where the Applicant proposes to enter the rail corridor, the Principal Certifying Authority shall not issue a Construction Certificate until written confirmation has been received from Sydney Trains confirming that its approval has been granted.

13. The plans submitted with the relevant stage of the Construction Certificate must demonstrate compliance with the following requirements:

- (a) Compliance with the Development Design Guidelines and/or Statement of Commitments for the Concept Plan MP10_0003 (as modified), including:
- (i) Minimum floor to ceiling heights of 2.7m for habitable spaces and minimum 2.4m for non-habitable spaces.
 - (ii) Minimum dwelling sizes;
 - (iii) Minimum storage requirements (in addition to kitchen cupboards and bedroom wardrobes) provided in the basement or apartment of:
 - 6m³ for studio & 1 bedroom apartments,
 - 8m³ for 2 bedroom apartments; and
 - 10m³ for 3 bedroom apartments.
 - (iv) Minimum common corridor widths of 1.6m.
 - (v) Minimum lift car size of 2.1 x 1.4m, capable of carrying stretchers, with lift door openings wide enough to enable bulky goods (white goods, furniture, etc.) to be easily transported.

(b) Compliance with the lift Traffic Analysis commitment provided in the letter report prepared by DSC with title "Wolli Creek - Building 13 #7684 - Rev B", submitted to Council on 16 September 2016.

14. Dewatering Not Approved

This consent does not grant approval for any dewatering of the site on a temporary, permanent or semi-permanent basis. If groundwater is encountered, the works must cease until a permit has been issued by the Department of Primary Industries (NSW Office of Water) pursuant to the Water Management Act 2000, and, in the case where water is to be pumped into the public road, a permit has been issued pursuant to the Roads Act 1993.

15. Wastewater & Stormwater Maintenance

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.

16. Noise Management & Mitigation - Operational Noise

(a) 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.

(b) 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.

17. Noise Attenuation

(a) The development shall be implemented in accordance with the recommendations of the Noise Impact Assessment Report for "Discovery Point — Stage 13", prepared by Acoustic Logic – with Project Number 20150031.1 - Document Reference 20150031.1/0907A/R3/BW dated 9 July 2015.

(b) Prior to the issue of the Construction Certificate for the relevant stage of works, a statement prepared by a qualified acoustic consultant shall be submitted to the Certifying Authority confirming that the proposal:

- complies with the recommendations of the Noise Impact Assessment report

identified in (a) above;

- ensures that internal noise levels will achieve those required by AS2021:2000;
- complies with the project specific road traffic noise requirements identified in the Noise Impact Assessment Report;
- ensures that rail vibration impacts (including structure borne noise) comply with the Rail Infrastructure Corporation's "Interim Guidelines for Councils - Consideration of rail noise and vibration in the planning process" and other relevant standards identified in the submitted Noise Impact Assessment report.
- complies with clause 87(3) of State Environmental Planning Policy (Infrastructure) 2007, which requires that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:
 - (i) in any bedroom in the building—35 dB(A) at any time between 10.00 pm and 7.00 am,
 - (ii) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

18. Reflectivity

The visible light reflectivity from building materials used on the façade of the building shall not exceed 20% and shall be designed so as not to result in glare that causes any nuisance or interference to any person or place. A statement demonstrating compliance with these requirements shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for the relevant stage of works.

19. Lighting of Premises

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.

20. Waste Management

(a) Prior to issue of the Construction Certificate for the relevant stage of works the applicant must demonstrate that :

(i) adequate space is available within the basement level of Buildings 11, 12 & 13 to accommodate the following number of bins for these buildings, being:

- (A) 120 x 240L recycling bins;
- (B) 9 x 1,100L waste bins as follows:
 - Building 11 (106 units) = 2 x 1,100L
 - Building 12 (125 units) = 2 x 1,100L
 - Building 13 (234 units) = 5 x 1,100L

(ii) An extra 10m² is required to be provided within the main bin collection room in the basement of Buildings 11, 12 & 13 for "hard waste" - e.g. fridges, furniture, etc.

(iii) Services or utility systems shall not be located in any of the garbage rooms.

(iv) Hot and cold water hose cocks shall be installed within each proposed garbage room.

(b) Prior to issue of the relevant occupation certificate a loading bay must be created within Spark Lane in the area shown in the plans (SK-0175(B)) to permit waste collection to be undertaken between the hours of 5:00am and 7:00am on Mondays and Thursdays. The required loading bay must be approved by the Rockdale Local Traffic Committee.

(c) Ongoing Operations

(i) Waste & recycling bins for Stages 11, 12 & 13 must be collected from the designated area within Spark Lane shown in the approved plans (SK-0175(B)) unless otherwise approved by Council.

(ii) Waste and recycling bins for Stages 11, 12 & 13 must not be stored in the road reserve prior to collection. The bins must be collected from within the garbage room, and returned to the garbage room, by the waste contractors at the time of collection.

21. Acoustic Treatment Internal Floors between Units

(a) 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.
- BCA for walls dividing occupancies.

(b) A report shall be submitted to the Principal Certifying authority for approval prior to the issue of any Construction Certificate for the relevant stage of works. The report is to include BCA requirements and details of floor/ceilings between residential apartments to ensure the requirements in (a) above are satisfied. Floor coverings within apartments shall be identified within the report.

(c) 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 report required under (b) above satisfies 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.

22. Vertical Plumbing Concealed

All vertical plumbing shall be concealed behind / within the outer face 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. Details demonstrating compliance with this requirement shall be submitted to the Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate for the relevant stage of works.

23. Mechanical Ventilation

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.

24. Landscape Plans

(a) Amended landscape plans are required to be submitted to, and approved by, Council prior to issue of the Construction Certificate for Stage 2. The amended plans shall reflect the approved changes to the architectural plans, including deletion of the railway access.

(b) The amended landscape plans must comply with the following requirements:

- Retaining walls used for raised planter beds on concrete slabs shall accommodate a minimum 400mm of soil/plant mix (over and above any drainage medium).
- A minimum soil depth of 300mm is required for turfed areas and ground cover

on podiums or roof-tops or any other concrete slab, including the soil above stormwater drainage tanks.

- A minimum soil depth of 600mm for shrubs and 800mm for trees is required for planted areas (other than turf) on podiums or roof-tops or any other concrete slab.
- 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.
- 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.
- All pavements shall comply with AS/NZ 4586:1999 standards Class W (low) for slip resistance on both private and Council property.

25. Landscape Maintenance & Reporting

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

(b) On completion of the 12 month 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.

26. Swimming Pool Requirements

(a) The pool is for the private use of Discovery Point residents and their guests only and not for public use. The pool/spa pump hours of operation shall be restricted to between 7am to 10pm weekdays and 8am to 10pm weekends.

(b) The pool area, including access to the pool, shall comply with the requirements of Australian Standard AS1926.1-2012.

(d) Suitable depth markers shall be provided at each end of the swimming pool.

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

(f) Waste water from the pool or spa is to be discharged into a Sydney Water gully riser, in accordance with the typical connection shown in Council's Swimming Pool and Spa Code.

(g) The motor, filter, pump and all sound producing equipment or fittings associated with or forming part of the pool filtering system shall be sound insulated and/or isolated, if required, so as not to create an offensive noise to the residents of Building 13.

27. Wind Impacts

Prior to issue of the Construction Certificate for Stage 3, the submitted Wind Tunnel

Testing report prepared by SLR (dated 26 May 2015) must be updated and approved by the Director of City Planning and Development, Rockdale City Council. The report must be updated to:

- demonstrate that the development is consistent with the recommendations contained in the Wind Tunnel Study prepared by Heggies (2010);
- include final details of wind mitigation / amelioration measures for the amended proposal that will ensure that wind impacts within the public and private open space areas will be minimised in accordance with the requirements of the Concept Plan approval (including associated Development Design Guidelines) and relevant standards; and,
- demonstrate that proposed mitigation measures are located wholly within land owned by Australand / Frasers, or that owners consent is provided to the construction of the proposed measures.

28. Street Numbering / Mailboxes

(a) Building 13 shall be known as No. 9 Brodie Spark Drive, Wolli Creek.

(b) Mail boxes must be installed 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.

29. Non-Indigenous Heritage

During works, should unexpected remains of non-indigenous heritage be found (e.g. deposits or artefacts belonging to the original nineteenth-century estate household), the find must be reported to the archaeologist so that the find can be assessed and recorded in accordance with the "Statement of Heritage Impact - Non-Indigenous Archaeological Remains" report prepared by Casey & Lowe Pty Ltd (dated April 2015) submitted with the application.

30. Aboriginal Heritage

(a) Works are to proceed with caution and the following requirements must be followed if an unexpected Aboriginal objects is discovered:

- During works, should any suspected Aboriginal objects be discovered, work must cease immediately and an archaeologist must be called to document and assess the find(s). The objects must be reported to the Office of Environment and Heritage (OEH) under Section 89A of the NPW Act. If any objects were present, an Aboriginal Heritage Impact Permit would be required before works can continue.
- During works, in the unlikely event that any human remains are discovered, work must immediately cease and the local police must be notified. The OEH must also be contacted along with a specialist consulted to determine the nature of the remains. The local Aboriginal community should also be informed immediately by telephone call of any remains discovered during the works.

(b) Prior to issue of any Construction Certificate, a copy of the Aboriginal Heritage Due Diligence Report must be provided to the Metropolitan Local Aboriginal Land Council for their records in accordance with the recommendations contained in the report.

31. Flood Risk Management

The following conditions apply to the management of flood risk and the submitted Flood Risk Management Plan must be updated and submitted with the

documentation for the Construction Certificate for the relevant stage of works:

(a) A flood evacuation plan is to be prepared for each stage. The plan is to include warning alarms and evacuation routes. The approved flood evacuation plan is to be updated every five (5) years and copies are to be provided to Council and the local State Emergency Service (SES).

(b) Underground car parking areas are to be floodproofed to a minimum of 4.3m AHD. The flood proofing system is to be independent of the stormwater drainage system.

(c) The habitable floor level and entry to the underground areas is to be constructed to a minimum of 500mm above the 0.5% Annual Exceedence Probability (AEP) flood. These levels are to be certified by a registered surveyor prior to pouring of slabs.

(d) All local services (power, water, gas, telephone) within the sub-podium levels must be flood protected to the 0.5% AEP level.

(e) The provision of permanent flood warning signs at the entry to the train station and in the basement level of the building.

32. Crime Prevention Through Environmental Design (CPTED)

(a) Prior to issue of the Construction Certificate for the relevant stage of works, the plans and documentation shall demonstrate that the proposal generally complies with the safety and security measures recommended in the Crime Prevention Through Environmental Design report prepared by JBA (dated 9 September 2015), including:

(i) A way finding signage strategy shall be prepared that reinforces pedestrian's perception of safety and legibility. The signage is to be designed and located to provide clear means of identifying the building entry, the community centre entry, as well as general directional prompts.

(ii) The landscaping design shall not give rise to concealment opportunities and does not restrict sightlines or surveillance opportunities from the development overlooking the public domain spaces, and in particular maintain the landscaping within the entry plaza from Brodie Spark Drive.

(iii) Provision of CCTV, particularly at the points of entry to the buildings and any other areas of potential loitering/ concealment. The CCTV must be used in conjunction with adequate illumination to ensure clear CCTV footage can be captured.

(iv) Provide correct lighting in the plaza area that meets the minimum Australia and New Zealand Lighting Standards and will enable sufficient surveillance of the entire site and be vandal proof or resistant to limit breakage and minimise maintenance. The proposed lighting shall be designed by a qualified lighting engineer.

(v) Use high quality materials for construction to lessen the likelihood of damage and help to reduce maintenance costs.

(b) A policy must be established and implemented to ensure the rapid repair of vandalism, the removal of graffiti, and the maintenance of landscaped spaces within

and adjacent to the plaza.

(c) The requirements of Condition 32 (a) & (b) above must be implemented prior to issue of the Occupation Certificate for the relevant stage of works.

33. Parking Allocation

(a) Car parking spaces located within the site boundary of Stages 13 must only be allocated to units located within Stages 11, 12 & 13 of the Concept Plan approval in accordance with the Statement of Commitments. These car parking spaces must not be allocated to residents of any other stage / building.

(b) 237 car parking spaces shall be allocated to residential apartments / non-residential units in Stage 13. The spaces shall be allocated in accordance with the Concept Plan approval, as detailed below, and this shall be reflected in any subsequent strata subdivision of the development:

- Studio & 1 bedroom apartments - maximum 1 space per apartment;
- 2 bedroom apartments - minimum 1 space per apartment and maximum 2 spaces per apartment;
- 3 bedroom apartments - 2 spaces per apartment;
- Five (5) adaptable parking spaces for the five (5) adaptable units.

(c) Bicycle and Motorcycle parking shall be provided in accordance with the Concept Plan approval as follows:

- Motorcycle spaces - Minimum 1 motorcycle space per 15 apartments = Min. 16 spaces;
- Bicycle spaces - Minimum 1 bicycle space per 15 apartments = Min. 16 spaces.

Notes:

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

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

(iii) 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.

34. Parking, Access & Street Signage Requirements

The following conditions apply to the design, provision and operation of parking within the Discovery Point site, including existing developments that are completed and underway. The relevant requirements below shall be included in the plans submitted with the Construction Certificate for the relevant stage of works and/or be complied with during the ongoing operation of the development:

(a) Parking facilities shall be designed in accordance with Australian Standard AS/NZS 2890.1, except as varied by Council's technical specifications for design of parking facilities.

(b) Bicycle parking facilities shall comply with Australian Standard AS 2890.3, except as varied by Council's technical specifications for design of bicycle parking.

(c) The design of the parking facilities shall be designed such that all vehicles can enter and exit the facility in a forward direction.

(d) All basement car park surface runoff shall be directed through a propriety oil and sediment filtration system prior to discharge. Details of the pit type, location, performance and manufacturer's maintenance and cleaning requirements shall be submitted and approved prior to the issue of the construction certificate for the relevant stage of works. The owners/occupiers are to undertake all future maintenance and cleaning to the manufacturer's requirements.

(e) 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.

35. Public Domain & Road Construction

(a) The implementation of this Consent generates a need for works to be completed in the public domain, including within Spark Lane and Brodie Spark Drive.

The required works are generally shown in the approved Civil Engineering plans listed in Condition 2, except the following must be addressed in the final design plans:

(i) The section of Spark Lane identified in the Civil Plans must be resurfaced and upgraded to relevant standards identified in (b) below;

(ii) The northern station entrance to be deleted and the plans to be amended in accordance with the approved architectural and landscape plans;

(iii) Compliance with other relevant conditions of consent, including (b) below and compliance with relevant Sydney Trains requirements provided in Condition 12;

(b) The following conditions apply to the design, provision and operation of the public domain and road infrastructure works:

(i) The Certifying Authority must ensure that detailed design plans and works specifications have been prepared for all works in the public domain areas, and that the plans have been submitted to, and approved by, the Principal Certifying Authority prior to the commencement of road infrastructure and public domain works. The documentation required for approval shall include:

- a. General arrangement plan(s);
- b. Erosion and Sediment Control Plan(s);
- c. Stormwater Management Plan(s);
- d. Stormwater Management Detail(s);
- e. Stormwater Management Profile(s);
- f. Roadworks Plan(s);
- g. Roadwork Vertical Alignment(s);
- h. Roadwork Cross Sections;
- i. Kerb Return Profiles;
- j. Electrical Services Plan(s);
- k. Street Lighting Plan(s) and Details;
- l. Traffic Facilities Plan(s);
- m. Landscaping and Landscape Finishes Plan(s);

(ii) The design of the streetscape in the internal road network shall comply with the Wolli Creek and Bonar Street Public Domain Plan, or as otherwise agreed in writing by the Director of City Planning & Development, Rockdale City Council.

(iii) The detailed design for the construction of the road infrastructure shall comply

with all current Australian Standards, current AUSTROADS Guides and RMS Guidelines.

(iv) Emergency vehicle access shall be designed in accordance with the NSW Fire Brigade Code of Practice.

(v) The works specification for the construction of the road infrastructure shall be in accordance with AUSTROADS Guides and RMS Guidelines.

(vi) The cost of all road infrastructure works, including the provision of roads, footpaths, services, traffic management, traffic and parking signage, landscaping, lighting and street furniture within the development and where it connects to adjacent roads shall be provided by the developer or other party executing the consent at no cost to Council or the NSW Roads and Maritime Services (RMS).

(vii) Traffic Management Plans shall be submitted to the Director - City Planning & Development at Rockdale City Council for approval of any activity that affects traffic or pedestrian movements on public roads or the private internal road network. The plans shall be prepared in accordance with NSW Roads and Maritime Services (RMS) guidelines and include details of traffic diversions, timings and the methodology for achieving the activities during the various stages of construction.

(viii) The road infrastructure, and property containing the road infrastructure, shall be owned by the Discovery Point Co-operative.

(ix) Prior to the completion of each stage of road infrastructure works a road infrastructure maintenance specification shall be prepared and submitted to Council for approval. The specification shall include:

- a. Maintenance Management Plan;
- b. Activity Specifications; and
- c. Activity Contract Requirements, which includes:
 - i. Road Traffic Score (Category);
 - ii. Recording Levels;
 - iii. Response Times; and
 - iv. Compulsory Intervention Levels.

(x) A positive covenant for the management of the road infrastructure shall be placed on the Certificate of Title of the lot containing the infrastructure. The positive covenant shall instruct that all management undertaken in the road reserve (including but not limited to maintenance and cleaning) shall be conducted in accordance with the approved Road Reserve Maintenance Specification. The public infrastructure in the road reservation includes, but is not limited to, all:

- a. Road carriageway and footpath pavements;
- b. Road carriageway and footpath furniture;
- c. Road carriageway and footpath pavement markings and signs;
- d. Road drainage pipelines, inlet pits, and subsoil drainage; and
- e. Street trees and landscaping.

36. Regulatory Signage & Traffic Management Facilities - Installation and Compliance

(a) Traffic signs are to be designed and installed to manage vehicular and pedestrian movement in Spark Lane between Chisholm Street & Discovery Point Place (and include signage in the lead up to Spark Lane if required). The traffic signs shall be to RMS standards and shall control traffic and pedestrians to ensure safe movement of vehicles & pedestrians in Spark Lane.

(b) A suitably qualified and experienced engineer shall design traffic management facilities related to this application in accordance with the requirements of the relevant Austroads Guidelines. The facilities designed by the engineer shall include signs (including vehicular guide signs, regulatory signs and warning signs), linemarking and pavement markers, and other controls such as traffic islands to ensure safe movement of vehicles & pedestrians within Discovery Point at all times. The design shall also include details of the road pavements.

(c) The design details for traffic management facilities required in Conditions 36 (a) and (b) above must be approved by the Rockdale Local Traffic Committee prior to the issue of the Construction Certificate for the relevant stage of works.

(d) Upon completion of each stage of the internal road network Spark Lane, and prior to issue of the final Occupation Certificate, the Discovery Point development shall enter into an agreement with Rockdale City Council that will delegate powers to Rockdale City Council to enforce regulatory signage.

37. Stormwater Drainage & Water Quality

(a) The following conditions apply to the design and provision of stormwater drainage & water quality management and must be complied with in the plans submitted with the Construction Certificate for the relevant stage of works, and during construction.

(i) The design of stormwater drainage facilities shall be undertaken in accordance with Council technical specifications for the design of stormwater management facilities, and the principles of Water Sensitive Urban Design (WSUD), and generally in accordance with the Discovery Point WSUD Strategy prepared by Equatica (2012) except where amended by the WSUD letter report for Stage 13 prepared by Alluvium (dated 16 July 2015) and the WSUD report for Stages 11-12 prepared by Alluvium (dated April 2015). The detailed drainage design plans are to be submitted to Principal Certifying Authority for assessment and approval prior to issue of the Construction Certificate for the relevant stage of works. Design certification, in the form specified in Rockdale Technical Specification Stormwater Management, and drainage design calculations are to be submitted with the plans.

(ii) All pipelines within the internal road network shall have a minimum internal diameter of 375 mm and shall be certified by a design engineer and approved by the Principal Certifying Authority.

(iii) Detailed soil and water management plans shall be developed and implemented in accordance with the NSW Department of Housing "Managing Urban Stormwater, Soils and Construction". The design shall include the preparation of an inspection and maintenance programme for soil and water management controls.

(iv) Soil and water management controls shall be installed and maintained in accordance with the inspection and maintenance programme in the detailed soil and water management plans.

(b) All stormwater treatment assets must be included in an asset management

database that is to be created prior to issue of the Occupation Certificate. Records of inspections and maintenance activities should be kept by the asset owner.

(c) Maintenance of WSUD structures for the life of the development and implementation of a monitoring program to ensure WSUD continues to meet targets outlined in the Rockdale Technical Specification (Stormwater Management) — reporting to be provided to Council every three (3) years.

38. Spark Lane

(a) Prior to issue of the Construction Certificate for the relevant stage of Works:

(i) a study prepared by a suitably qualified consultant must be submitted to, and approved by, Council's Director City Planning & Development. The report must demonstrate that the Level of Service (LoS) of the intersection of Magdalene Terrace / Mount Olympus Boulevard / Spark Lane, the intersection of Brodie Spark Drive / Magdalene Terrace / Arncliffe Street and the intersection of Brodie Spark Drive/ Princes Highway will operate at a suitable level of service with the proposal for one-way movement along the section of Spark Lane between the southern driveway entrance of Stages 11, 12 & 13 and Discovery Point Place being in a south-bound direction; and

(ii) Approval has been granted as required by RMS for the one-way movement of the section of Spark Lane, including associated street signage requirements.

(b) The Study required by Condition 38 (a) above shall be peer reviewed by an external traffic consultant of Council's nomination at the Applicant's expense.

(c) If the Study required by Condition 38 (a) above demonstrates that the one-way movement of traffic through the section of Spark Lane between the southern driveway entrance of Stages 11, 12 & 13 and Discovery Point Place will result in an inadequate level of service at the intersections identified in Condition 38 (a), then this section of Spark Lane must be designed and constructed to allow two-way movement of vehicles prior to issue of the relevant Occupation Certificate. The road must be constructed in accordance with the standards and specifications contained in Condition 38.

39. Public Bicycle Parking

(a) Secure public bicycle parking must be provided within Discovery Point in accordance with the objectives and requirements of the Concept Plan approval. Such parking shall be provided within Stage 14 or an alternative location adjacent to, or in close proximity to, the pedestrian entrance to Wolli Creek Station to ensure that it is an easily accessible and visible location for users of the rail network (subject to approval from the relevant land owner(s)).

The required number of bicycle spaces must be based on a detailed analysis of expected demand for such facilities following completion of the bicycle network and all development in the locality. The bicycle parking must comply with the requirements of AS2890.3:1993 and other relevant Australian Standards, and should be roofed to satisfy the objectives of the Concept Plan.

The amount, location and design of the secure bicycle parking spaces must be

provided to, and approved by, the Director of City Planning and Development at Rockdale City Council.

(b) The bicycle parking required by (a) above must be provided prior to issue of the Occupation Certificate, unless:

- i. a separate development application has been approved for the delivery of this parking; and
- ii. a bond has been provided that would cover all costs associated with its provision.

The bond will be refunded once bicycle parking has been provided. Alternatively, if the parking is not constructed within 12 months after issue of the Occupation Certificate for Building 13, the bond will be used to provide parking in accordance with the approved design.

Notes:

- The meaning of 'secure' may not require the provision of bicycle lockers or a lockable caged area. It may be possible to provide 'secure' bicycle parking if that parking is provided in a suitable location that is well lit and clearly visible from the public domain, etc.
- The bicycle parking was originally required to be provided within Stage 13 under the Concept Plan, however was deleted given that the northern station entrance is no longer provided.

Prior to issue of the construction certificate

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

40. 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. An environmental enforcement fee of 0.25% of the cost of the works.
 - ii. A Soil and Water Management Sign of \$17.50.
41. 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.
42. An application for Boundary levels shall be made to Council's Customer Service Centre prior to issue of the Construction Certificate. All boundary works, egress paths, driveways and fences shall comply with this level.

A fee is payable to Council for the determination of boundary levels. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges.
43. A Section 94 contribution of \$4,062,321.15 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 the construction certificate for works above the floor level of the ground floor (Payment of the contribution is not required prior to any separate construction certificates issued only for demolition, site preparation works and the construction of

basement levels). The contribution is calculated from Council's adopted Section 94 contributions plan in the following manner:

Child Care Services	\$6,622.09
Community Services	\$7,095.09
Library Services	\$95,882.49
Wolli Creek Regional Open Space Fund	\$177,655.85
Wolli Creek City Wide Open Space Fund Residential	\$280,993.86
Wolli Creek Local Open Space Fund	\$1,808,467.72
Wolli Creek Local Streetscape Fund	\$211,359.10
Wolli Creek City Wide TC & Streetscape Fund	\$31,581.59
Wolli Creek Flood Mitigation & Stormwater	\$374,542.36
Wolli Creek Pedestrian & Cyclist Facilities	\$125,446.32
Wolli Creek Admin & Mgt Residential	\$66,857.09
Wolli Creek Roads Traffic Mgt Residential	\$875,817.59

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

44. Prior to the issue of the Construction Certificate a certificate from a practicing Structural Engineer, registered with NER, shall be submitted to the Principal Certifying Authority (PCA) stating that the subsurface structural components located on the boundary of the public private 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.
A copy of the certificate shall be provided to Council if Council is not the PCA.
45. All building materials shall be flood resistant, or flood compatible to a height of 500mm above the 0.5% 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 for the relevant stage of works.
46. A suitable qualified engineer is to certify that the structure can withstand the forces of floodwater, scour, debris and buoyancy in a 0.5% AEP flood event and a PMF event.
47. 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 five (5) residential units, and between these unit(s) and their allocated carparking spaces. The allocated parking space will be located in close proximity to the access points of the building. Four (4) of the adaptable units may be studio / one-bedroom unit(s) as shown in the approved plans, and one (1) adaptable unit must be a minimum two-bedroom unit to be allocated for these purposes to provide a variation in unit sizes. This must be shown in the plans submitted with the Construction Certificate for the relevant stage of works. Please note that compliance with this condition requires the relevant unit(s) to be constructed to comply with all the essential (Type C) requirements of AS4299.

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

48. Prior to the issue of a Construction Certificate for the relevant stage of works, an Acoustic Report, prepared by a suitably qualified and experienced Acoustic Consultant shall be submitted to the Accredited Certifier (AC), detailing any necessary modifications to the structure of the building to reduce the intrusion of rail traffic vibration into occupied rooms.

The measurement methodology and frequency weighting shall comply with the requirements of International Standard 2631-2 - 2003 'Mechanical Vibration and shock - Evaluation of human exposure to whole-body vibration. Part 2 - Vibration in buildings.

49. The subsurface structure shall be designed with a waterproof retention system 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 (taking into account climate change). 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, waterproofing and subsoil drainage shall be undertaken by a suitably experienced Chartered Professional Engineer(s). Design details and construction specifications shall be included in the documentation accompanying the Construction Certificate for the relevant stage of works.

Note:

- Any sub-surface structure within the highest known groundwater table / rock + 0.5m shall be designed with a waterproof retention system (i.e. tanking and waterproofing)

50. The following conditions are flood related conditions affecting the property.

Details by a suitable qualified engineer shall be provided to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for the relevant stage of works.

(i) That the structure can withstand the forces of floodwater, scour, debris and buoyancy in a 0.5% AEP flood event and a PMF event.

(ii) That all building materials are flood resistant, or flood compatible to a height of 500mm above the 0.5% 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 0.5% AEP flood, or flow level.

51. Construction Management Plan & Construction Traffic Management Plan
- (a) 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.
- (b) 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:

- (i) ingress and egress of vehicles to the site;
- (ii) loading and unloading, including construction zones;
- (iii) predicted traffic volumes, types and routes; and
- (iv) pedestrian and traffic management methods.

(c) Copies of the CMP and TMP shall be submitted to Council prior to issue of the construction certificate for the relevant stage of works.

52. Geotechnical Report - Compliance

All recommendations contained in the report prepared by Douglas Partners Pty Ltd dated 03 July 2015 Ref: Project 72148.15 Document No. 1, Rev. 0 shall be implemented. A report from a qualified engineer shall be submitted to the Certifying Authority addressing the recommendations of the report prior to the issue of the Construction Certificate for the relevant stage of works.

Prior to commencement of works

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

53. 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.

54. 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.
55. 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.
56. 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.

57. 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.
58. 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 kPaThe '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.
59. 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.
60. Consultation with Ausgrid is essential prior to commencement of work. Failure to notify Ausgrid may involve unnecessary expense in circumstances such as:
 - i) where the point of connection and the meter board has been located in positions other than those selected by Ausgrid or
 - ii) where the erection of gates or fences has restricted access to metering equipment.

During demolition / excavation / construction

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

61. 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.
62. (a) 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.
- (b) Notwithstanding (a) above, a variation to the hours of work specified above is acceptable when approved in writing by the Director City Planning & Development at Rockdale City Council or his nominee in advance of the proposed out of hours works. Any request to alter these hours of construction shall be:
- (i) justified and considered on a case by case basis;
 - (ii) accompanied by details of the nature and need for activities to be undertaken during the varied construction hours; and
 - (iii) accompanied by any information necessary to evaluate the amenity of environmental impacts of the proposal.
 - (iv) accompanied by written confirmation from any relevant agency or stakeholder that:
 - consultation to vary the hours of construction has been undertaken;
 - acknowledgement of the necessity of the works to be undertaken;
 - agreement of the dates and times of extension to hours; and
 - (v) Upon approval of a variation, the proponent must notify all occupants of the residential buildings in Magdalene Terrace and Brodie Spark Drive, prior to commencement of work. The notification letter is to provide details of the dates and times of the extended construction hours
63. 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.
64. If ground water is intercepted during construction of subsurface structure, and a permit is issued by the NSW Water, Department of Primary Industries, the following conditions apply to management of the ground water discharge.

Ground water shall only be pumped or drained to Council's stormwater system if the water is clean and unpolluted, and if approval has first been obtained from the NSW Office of Water. 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.

65. 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.

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

69. 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.
70. 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.

71. 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.
72. Adopt and implement all recommendations contained in the Acid Sulphate Soil Management Plan prepared by DLA environmental – DL2844 - dated January 2012.
73. 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.
74. 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.

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

77. 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'nT,w 45 measured in accordance with AS ISO 140.7 and AS ISO 717.2. A test report from a qualified acoustic engineer employed by a firm eligible to membership of the Association of Australian Acoustical Consultants shall be submitted to the Owners Corporation within 14 days of the installation of the new floor covering demonstrating compliance with that standard. In the event that the standard is not complied with, the floor covering shall be removed and replaced with a floor covering that conforms to that standard in accordance with any directions given by the Owners Corporation.

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

78. Ground level surfaces up to a height of 2 metres above the finished ground level are to be treated with anti-graffiti coating to minimise the potential of defacement prior to issue of the Occupation Certificate for the relevant stage of works. In addition, any graffiti evident on the exterior facades and visible from a public place shall be removed forthwith.
79. The recommendations from the Flood Management Plan (that was amended prior to issue of the Construction Certificate) shall be implemented prior to issue of the Occupation Certificate for the relevant stage of works. This includes the provision of permanent flood warning signs at the entry to the train station and in the basement level of the building.
80. Prior to issue of the Occupation Certificate for the final stage:
- (a) All landscape works are to be carried out in accordance with the approved landscape plans; and
 - (b) 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.

The approved landscaping is to be maintained to the approved standard at all times.

81. 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.
82. A Certificate of Compliance must be obtained from Discovery Point Water, the licensed Network Operator for Discovery Point. The certificate must demonstrate that adequate water and sewer infrastructure has been provided for the approved development, and that the proposal complies with all relevant requirements of the Water Industry Competition Act 2006 (WICA 2006) and other relevant legislation.

The Certificate of Compliance must be submitted to the Principal Certifying Authority

prior to issue of the Final Occupation Certificate.

83. Acoustic Requirements

Prior to issue of the Occupation Certificate for the relevant stage of works:

(a) The noise reduction measures specified in the noise report prepared by Acoustic Logic – Discovery Point – stage 13 Noise Impact Assessment Project Number 20150031.1 - Document Reference 20150031.1/0907A/R3/BW dated 9 July 2015 shall be validated by a Certificate of Compliance prepared by the acoustic consultant and submitted to the Principal Certifying Authority (PCA) prior to the issue of an Occupation Certificate. If Council is not the PCA, a copy shall be submitted to Council concurrently.

(b) A measurement report from a qualified acoustic consultant shall be prepared and submitted to the PCA (and a copy to Council if Council is not the PCA), demonstrating:

(i) Compliance with the criteria established in the Noise Impact Assessment report, the requirements of AS2021-2000 and the noise criteria for rail noise contained in clause 87(3) of State Environmental Planning Policy (Infrastructure) 2007, being:

"The following LAeq levels are not exceeded:

(A) in any bedroom in the building—35 dB(A) at any time between 10.00 pm and 7.00 am,

(B) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time".

As a minimum, this report shall provide the LAmax and LAE noise levels of at least ten (10) consecutive trains, measured in the habitable room potentially most affected by train noise. The report shall include the calculated maximum LAeq (1 hour) noise levels for day and night-time periods, taking into account the maximum number of trains per hour and the types of trains in each period.

(c) Testing and evaluation of the floor insulation system is to be carried out at post construction stage by a suitably qualified acoustical engineer with MIE Australia membership or employed by a consulting firm eligible for AAAC membership to confirm compliance with Condition 21 of this consent. A report is to be submitted to the PCA and Council, prior to the issue of the Occupation Certificate. The report is to include details & finishes of the walls and floors separating apartments.

84. 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 prior to the issue of an Occupation Certificate for the relevant stage of works.

85. Prior to the issue of an Occupation Certificate for the relevant stage of works, a qualified mechanical engineer shall certify that the mechanical ventilation/air conditioning system complies in all respects with the requirements of Australian Standard 1668, Part 1 & 2.

86. Prior to occupation, a chartered professional engineer shall certify that the waterproofing of 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.

87. 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 0.5% 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

88. 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.
89. A benchmark shall be established adjacent to the site to Australian Height Datum to enable comparison to the flood standard.
90. Prior to issue of the Occupation Certificate for the relevant stage of works, the underground garage shall be floodproofed to a minimum of Probable Maximum Flood (PMF) level. The levels shall be certified by a registered surveyor prior to construction of the driveway or other openings.
91. A positive covenant pursuant to the Conveyancing Act 1919 shall be created on the title of the lots that contain the bio retention facility to provide for the maintenance of the bio retention facility prior to issue of the Construction Certificate for the relevant stage of works.
92. 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.
93. 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.
94. The outside finished ground level shall be constructed a minimum of 200mm below the habitable floor level for the whole building perimeter.
95. Signs shall be displayed adjacent to all stormwater drains on the premises, clearly indicating "Clean water only - No waste".
96. Prior to issue of the final Occupation Certificate, the Crime Prevention measures required by Condition 32 (including monitored CCTV cameras) shall be installed and implemented. The CCTV system, and all other required measures, shall be maintained in good order and working condition at all times.
97. Prior to issue of the Occupation Certification for the relevant stage, a certificate from a Registered Surveyor shall be provided to the Principal Certifying Authority (PCA) certifying that the habitable floor level is constructed to the approved minimum floor level. A copy of the certificate shall be provided to Council where Council is not the Principal Certifying Authority.
98. Wind Impacts - Certification
Prior to issue of the Occupation Certificate for the relevant stage of works, a suitably qualified Wind Consultant must certify that the mitigation measures detailed in the Wind report approved by Council prior to issue of the Construction Certificate for Stage 3 (refer to Condition 27) have been implemented.

Roads Act

99. 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) reconstruction of selected areas of the existing concrete Footpath/vehicular entrances and/or kerb and gutter;
 - iv) construction of paving between the boundary and the kerb;
 - v) construction of kerb and gutter.
100. 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.
101. 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 Austroads and RMS Guidelines.

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. 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.
- c. The water from the wastewater - reclaimed water tanks should not be used for drinking. Sydney Water and/or Discovery Point Water shall be advised of the installation of these tanks.
- d. 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.