

Our Ref: DA-2017/371
Contact: Pascal van de Walle 9562 1666

NSW Land And Housing Corporation
LOCKED BAG 4009 ASHFIELD

NOTICE OF DETERMINATION

Issued in accordance with section 4.18(1a) of the *Environmental Planning and Assessment Act, 1979*

Application Number: DA-2017/371
Property: 84 New Illawarra Road, BEXLEY NORTH (Lot 38 DP 1103672),
(Lot 40 DP 8315)
Proposal: 84 New Illawarra Road, BEXLEY NORTH - also including former 313 Bexley Road, BEXLEY NORTH NSW 2207 - Construction of a part two and three storey residential flat building comprising 10 units fronting New Illawarra Road (Building B) and a second residential flat building of up to five (5) stories in height and comprising 14 residential units fronting Bexley Road (Building A), including parking underneath

Authority:

Determination:

Date of determination:

Date consent commences:

Date consent lapses:

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General Conditions

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

1. The term of this consent is limited to a period of five (5) years from the date of 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 by the following conditions.

Plan/Dwg No.	Issue No.	Dated	Received by Council
ARCHITECTURAL PLANS – prepared by Family and Community Service: Land & Housing Corporation			
Block Analysis Plan	C	12 December 2018	21 December 2018
Site Analysis Plan	C	12 December 2018	21 December 2018
Site & Ground Floor Plan – Sheet 4 of 14	C	12 December 2018	21 December 2018
Basement Parking Plan – Sheet 5 of 14	C	12 December 2018	21 December 2018
First Floor Plan – Sheet 6 of 14	C	12 December 2018	21 December 2018
Second Floor Plan – Sheet 7 of 14	C	12 December 2018	21 December 2018
Third Floor Plan – Sheet 8 of 14	C	12 December 2018	21 December 2018
Roof Plan – Sheet 9 of 14	C	12 December 2018	21 December 2018
Elevations – Sheet 11 of 14	C	12 December 2018	21 December 2018
Sections – Sheet 12 of 14	C	12 December 2018	21 December 2018
Driveway Section	A	10 March 2017	9 June 2017
LANDSCAPE PLANS – Precinct Landscapes Landscape Architects			
Landscape Plan – L-01/1	1	11 December 2018	21 December 2018
Landscape Plan – L-02/1	1	11 December 2018	21 December 2018
DRAINAGE PLANS – Jones Nicholson Consulting Engineers			
Cover Sheet – C01	4	4 May 2018	4 July 2018
Details 1 – C02	4	4 May 2018	4 July 2018
Details 2 – C03	4	4 May 2018	4 July 2018
Details 3 – C04	4	4 May 2018	4 July 2018
OSD Calculations Sheet – C05	4	4 May 2018	4 July 2018
Stormwater Drainage Basement Plan – C10	4	4 May 2018	4 July 2018
Stormwater Drainage Ground Floor Plan Building A – C20	4	4 May 2018	4 July 2018
Stormwater Drainage Ground Floor Plan Building A – C21	4	4 May 2018	4 July 2018
BASIX CERTIFICATE – prepared by Building Sustainability			
660081M	-	19 February 2019	21 February 2019

Document No.	Prepared By	Dated	Received by Council
Flood Study S17283-REP-F-0001	BG&E	6 December 2018	21 December 2018
Access Design Assessment Report P215_273-5 (Access) NH	Design Confidence	29 May 2018	4 July 2018
BCA Design Assessment Report P215_273-5 (BCA) NH	Design Confidence	29 May 2018	4 July 2018
Traffic and Parking Assessment Report Ref. 17832	Varga Traffic Planning	1 May 2018	4 July 2018
Arboricultural Impact Assessment Report	Earthscape Horticultural Services	March 2017	9 June 2017
Acoustic Report 20151303.1/1603A/R2/JD	Acoustic Logic	16 March 2017	9 June 2017
GEOTECHNICAL INVESTIGATION 17/2504A	SMEC Testing Services	June 2017	9 June 2017

3. All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).
4. Prior to commencement of any works associated with the approved development, it is mandatory to obtain certification under Section 6.28 of the Environmental Planning & Assessment Act, 1979. Plans, Specifications and relevant documentation accompanying the certification must include any requirement imposed by conditions of this Development Consent. In addition, any condition requiring compliance prior to commencement of works must be complied with.
5. A reference in this consent to 'compliance certificate' or 'certification of the works' means the certification of the building works (approved under this consent) under Part 6 of the Environmental Planning and Assessment Act, 1979. In addition, any reference to 'Principal certifier' means a person authorised to certify the works.
6. The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate Number (660081M) other than superseded by any further amended consent and BASIX certificate.
Note: Clause 145(1)(a1) of the Environmental Planning & Assessment Regulation 2000 provides: A certifying authority must not issue a construction certificate for building work unless it is satisfied of the following matters: -
 - (a1) that the plans and specifications for the building include such matters as each relevant BASIX certificate requires.**Note:** Clause 154B(2) of the Environmental Planning & Assessment Regulation 2000 provides: "A certifying authority must not issue a final occupation certificate for a BASIX affected building to which this clause applies unless it is satisfied that each of the commitments whose fulfilment it is required to monitor has been fulfilled."
 Note: For further information please see <http://www.basix.nsw.gov.au>.
7. Further alterations and/or additions to the subject building shall not be undertaken without first obtaining approval. This includes the fitting of any form of doors and/or walls.

8. This approval is not to be construed as permission to erect any structure on or near a boundary contrary to the provisions of the Dividing Fences Act.
9. Excavation, filling of the site (with the exception of the area immediately under the building envelope), or construction of retaining walls are not permitted unless shown on the approved plans and authorised by a subsequent construction certificate.

Development specific conditions

The following conditions are specific to the Development Application proposal.

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10. RMS Concurrence

The development must be undertaken in accordance with the conditions of concurrence provided by RMS in their letter dated 18 May 2018, as follows:

- (a) All buildings and structures, together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth), along the Bexley Road boundary.
- (b) The design and construction of the gutter crossing on Bexley Road shall be in accordance with Roads and Maritime requirements. Details of these requirements should be obtained from Roads and Maritime Services, Manager Developer Works, Statewide Delivery, Parramatta (telephone 9598 7798).

Detailed design plans of the proposed gutter crossing are to be submitted to Roads and Maritime for approval prior to the issue of a Construction Certificate and commencement of any road works.

A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by Roads and Maritime.

- (c) Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works.

Details should be forwarded to:
The Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124.

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766.

- (d) The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime.

The report and any enquiries should be forwarded to:
Project Engineer, External Works

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

- (e) A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.
- (f) A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Bexley Road during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.
- (g) All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Bexley Road.
- (h) All vehicles are to enter and leave the site in a forward direction.
- (i) All vehicles to be contained on site before being required to stop.
- (j) The developer is to install regulatory signposting to enforce/increase awareness of the left in/left out treatment for all movements e.g. No Right Turn, Left Only.
- (k) The designated Bus Stops/Zone along both Bexley Road and New Illawarra Road are to be retained. Roads and Maritime reserves the right to alter regulatory signposting along the frontages of this development to maintain safety and improve traffic flow efficiency.

11. Ausgrid Conditions

The following conditions imposed by Ausgrid in their letter dated 28 June 2017 must be complied with:

- (a) **Method of Electricity Connection**
The method of connection will be in line with Ausgrid's Electrical Standard (ES)1 – 'Premise Connection Requirements.
- (b) **Supply of Electricity**
It is recommended for the nominated electrical consultant/contractor to provide a preliminary enquiry to Ausgrid to obtain advice for the connection of the proposed development to the adjacent electricity network infrastructure. An assessment will be carried out based on the enquiry which may include whether or not:
 - (i) The existing network can support the expected electrical load of the development
 - (ii) A substation may be required on-site, either a pad mount kiosk or chamber style and;
 - (iii) site conditions or other issues that may impact on the method of supply.

- (iv) Please direct the developer to Ausgrid's website, www.ausgrid.com.au about how to connect to Ausgrid's network.
- (c) **Conduit Installation**
The need for additional electricity conduits in the footway adjacent to the development will be assessed and documented in Ausgrid's Design Information, used to prepare the connection project design.
- (d) **Proximity to Existing Network Assets**
Overhead Powerlines
There are existing overhead electricity network assets in New Illawarra Rd and Bexley Rd.
Safework NSW Document – Work Near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between these mains/poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given the locating and operations of cranes and the location of any scaffolding.
The “as constructed” minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid's website, www.ausgrid.com.au.
Based on the design of the development provided, it is expected that the “as constructed” minimum clearances will not be encroached by the building development. However it remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite.
Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost.
It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site.

12. Amended / Additional Information and/or Plans

Amended plan shall be submitted to Council and approved by Council's Manager of Development Assessment prior to the commencement of works, containing the following design amendments:

- (a) To reduce the number of storeys within Block A, the third (top) floor to Block A is to be deleted from the proposal. If required by Council, or desired by the proponent, changes may be made to the roof design so as to accommodate the deleted level, and to the façade design, so as to emphasise the second floor as the approved top level.
- (b) To improve the relationship to Bexley Road, individual entries from Bexley Road are to be provided to Unit 2 and Unit 3 of Block A. These entries are to be perpendicular to Bexley Road and located towards the centre of the building. Some minimal changes to the landscape scheme are permitted to accommodate this change.
- (c) A detailed colours and finishes schedule is to be submitted to, and approved by, Council prior to commencement of works. To improve the façade design and to permit natural light into the parking area of Block A, the schedule shall detail the external finishes of the basement/parking level of Block A, which are to be compatible with the remainder of the building. Windows to the southern, western and northern façade are to be included at this level (these windows may be inoperable).

- (d) To ensure the façade design is appropriate, details of the horizontal louvres to the first floor of the street façade of Block B are to be provided. These louvres must be designed so as to maintain passive surveillance to New Illawarra Road, to provide a suitable balance of fenestration, and to enable natural light and ventilation into the associated apartments.
- (e) To reduce overshadowing to neighbouring properties, the maximum height of Block B (i.e. the highest point of the lift overrun) is to be reduced by 0.6m to be a maximum height of 34.02 AHD.

13. Buildings not to be separated by fencing

The two buildings are not to be separated by any fences or the like (aside from those shown on the approved architectural plans).

14. State Environmental Planning Policy (Affordable Rental Housing) 2009

Prior to the issue of any Compliance Certificate or Occupation, the following restriction(s) on Use of Land shall be imposed under Section 88B/88E of the Conveyancing Act 1919 on the title of the land and lodged with the NSW Land and Property Information:

(a) SEPP (Affordable Rental Housing) -

“For a continuous period of ten (10) years from the date of issue of any occupation certificate / compliance certificate for the development the following Restrictions on the Use of the Land will apply:

- (i) All of the dwellings must be used for the purposes of affordable housing for a continuous period of 10 years from the date of the issue of any Occupation Certificate / Compliance Certificate;
- (ii) All accommodation that is used for affordable housing will be managed by a social housing provider or a registered community housing provider;
- (iii) A restriction must be registered, before the date of the issue of the occupation certificate, against the title of the subject property, in accordance with Section 88E of the Conveyancing Act 1919, that will ensure that the requirements of this condition are met.

Bayside Council is to be nominated as the Authority to release, vary or modify this restriction/s on the use of land. This Restriction(s) shall burden each lot of the Strata Scheme (where relevant) and benefit Bayside Council. The Restriction/s are to be submitted to Council for approval prior to lodgement with NSW Land and Property Information. Proof of registration shall be submitted to the Principal Certifier prior to the issue of an Occupation Certificate / Compliance Certificate.

15. Service Location

Details demonstrating compliance with this requirement shall be included in the construction documentation / plans and shall be submitted to the Principal Certifier prior to the Commencement of Works:

- (a) Fire Boosters - The fire hydrant booster valves shall not be located on a corner. They should be located in a discreet location and shall be enclosed by a door. such as located within the driveways, away from and perpendicular to the frontage, or in another similarly discreet location. If enclosed by a The door, it shall be provided with appropriate locks and signage in accordance with AS2419.1. The details of the location and structure shall be provided to Council for approval prior to the issue of the construction certificate.

- (b) Substation - If a substation is required by Ausgrid, a s4.55 modification application will be required.
- (c) Antenna / Satellite Dishes → The proposal may include the installation of a single master antenna for the development in accordance with Controls C1 and C2, Part 4.7 of RDCP 2011. No further antennas or satellite dishes may be installed without obtaining further approval (unless permitted as exempt development).
- (d) All vertical plumbing shall be concealed within the brickwork of the building.

16. A total of minimum 11 residential (including 1 car wash bay available for common use), 2 motorcycle parking spaces and 3 bicycle parking spaces must be provided within the car park for each building. This parking must be reflected in any subsequent strata subdivision of the development with parking in any strata plan allocated, as much as possible, in accordance with the Apartment Design Guide requirements (including visitors parking allocation).

Notes:

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- *All residential visitor spaces and car wash bays shall be labelled as common property on any future strata plan for the site.*
- *The car-wash bays must be connected to the Sydney Water sewer system in accordance with Sydney Water requirements.*
- *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.*

17. Car Parking Design & Construction

The design and construction of the off-street parking facilities shall comply with Australian Standards and other requirements, as follows:

- (a) Comply with Council's Vehicular Entrance Policy in relation to the design of the access driveways, in particular the layout of the access driveways shall be provided in the form of a layback in the kerb and gutter.
- (b) Bicycle parking facilities shall be designed in accordance with AS2890.3:1993.
- (c) The off-street parking areas associated with the subject development shall be designed strictly in accordance with AS2890.1 and AS2890.6.
- (d) Internal height clearance shall be designed throughout the car park and access driveway in accordance with AS2890.1 and AS2890.6.
- (e) The car parking spaces shall not be enclosed at any time.
- (f) For parking with people with disabilities, the clearance above the parking bay shall be 2.5 minimum.
- (g) Allocate all off-street visitor parking and car wash bay as 'common property' on any future strata plan of subdivision under the Strata (Freehold) Schemes Act.
- (h) The access ramp to Building A shall be amended to comply with AS 2890.1

for Two-way circulation ramp – 5.5m minimum between kerbs (2 large B99 vehicles will be able to pass each other at curved ramp, top and bottom of the ramp).

- (i) To install left in left out treatment for all movements.
- (j) Sight distances from the proposed vehicular crossings to vehicles on Bexley Road are to be in accordance with the Austroads Guide to Road Design: Part 4A: Unsignalised and Signalised Intersections (Section 3 – Sight Distance) and AS 2890. Vegetation and proposed landscaping/fencing must not hinder sight lines to and from the vehicular crossings to motorists, pedestrians and cyclists.
- (k) The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004, AS2890.6-2009 and AS 2890.2 – 2002 for heavy vehicle usage. Parking Restrictions may be required to maintain the required sight distances at the driveway.

18. Safer by Design

To maximise security in and around the development the following shall be incorporated into the development. Details for the following are to be approved by the Principal Certifier prior to the commencement of works, implemented prior to issue of any Occupation / Compliance Certificate, and maintained for the lifetime of the development:

- a) Monitored CCTV facilities shall be implemented throughout the development. Areas of focus include the basement car park (including entry and exits), main entry areas to the development and garbage/storage areas.
- b) A lighting maintenance policy shall be established for the development. Lighting shall be designed to the Australian and New Zealand Lighting Standards. Australia and New Zealand Lighting Standard 1158.1 - Pedestrian, requires lighting engineers and designers to consider crime risk and fear when selecting lamps and lighting levels.
- c) Security mirrors shall be installed within corridors and on blind corners to enable users to see around blind corners.
- d) Graffiti resistant materials shall be used to ground level external surfaces.
- e) Intercom facilities shall be installed at all vehicular and pedestrian entry/exit points to enable residents to communicate and identify with people prior to admitting them to the development.

19. The existing and future owners (Registered Proprietor) of the property will be responsible for the operation and maintenance of the detention system. The registered proprietor will:

- (i) permit stormwater to be temporarily detained by the system;
- (ii) keep the system clean and free of silt, rubbish and debris;
- (iii) maintain, renew and repair the whole or parts of the system so that it functions in a safe and efficient manner, and in doing so complete the same within the time and in the manner specified in written notice issued by the Council;

- (iv) carry out the matters referred to in paragraphs (ii) and (iii) at the proprietor's expense;
- (v) not make any alterations to the system or elements thereof without prior consent in writing of the Council;
- (vi) permit the Council or its authorised agents from time to time upon giving reasonable notice (but at any time and without notice in the case of emergency) to enter and inspect the land for compliance with the requirements of this clause;
- (vii) comply with the terms of any written notice issued by the Council in respect to the requirements of this clause within the time stated in the notice.

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

The Registered Proprietor will:

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

21. 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.

22. The overland flow path shall not be obstructed, restricted or altered without the approval of Bayside Council.

23. Noise from mechanical Plant / Air-Conditioning

- (a) 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.
- (b) Residential air conditioners shall not cause 'offensive noise' as defined by the Protection of the Environment Operations Act 1997 or contravene provisions of the Protection of the Environment (Noise Control) Regulation 2008 where emitted noise from a residential air conditioner can be heard within a habitable room in any other residential premises at night.

24. Temporary dewatering of the site to construct the subsurface structure is not permitted.

25. 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.
26. All existing and proposed lights shall comply with the Australian Standard AS4282 - 1997 "Control of the Obtrusive Effects of Outdoor Lighting". In this regard, the lighting of the premises shall be directed so as not to cause nuisance to the owners or occupiers of adjacent/adjoining premises or to motorists on adjoining or nearby roads.
27. All hot water systems/units which are located on the balcony of a dwelling/unit must be encased in a recessed box on the balcony with the lid/cover of the box designed to blend in with the building. All associated pipe work is to be concealed.
28. (b) The approved Landscape Concept Plans prepared by Precinct landscape Architects, Drawing numbers L01 and L02, Revision 1, dated 11th December 2018 shall comprise detailed landscape documentation to be submitted to and approved by Bayside Council Landscape Architect prior to Issue of Construction Certificate. The landscape documentation is to be prepared by a suitably qualified Landscape Architect, in accordance with Council's Landscape DCP and include the following amendments:
 - (i) Overflow area
 - (A) Rough stone edging proposed in the northwest corner between building and boundary of 311A Bexley Road shall not protrude natural ground level more than 100mm to avoid blockage of water flow in flooding events.
 - (B) All shrubs proposed in these area shall be replaced with rushes and sedges, as follow: all Callistemon spp varieties and Doryanthes excelsa shall be removed from overflow area and if provided shall be only in the borders outside the overflow area. Instead of these shrubs rushes and sedges shall be provided.
 - (C) Banksia robur can only be planted in the overflow border, not the central flow channel, isolated or in maximum 3 plants grouping with minimum distance 1.5 meters centre.
 - (D) Two (2) proposed Casuarina glaucas shall be replaced with Melaleuca quiquenervia, as Casuarinas evergreen leaves and branchlets tend to block drainage pits.
 - (ii) Tree planting: The landscape proposal shall include a minimum of five (5) native canopy trees to reach a minimum mature height of ten (10) meters in local conditions, location shall be as follow:
 - (A) One (1) canopy tree shall be located in the frontage setback of New Illawarra Road, between front fence and footpath with a tree guard as per Bayside Council Specifications. Minimum pot size to be supplied shall be 100 litres.
 - (B) One (1) canopy tree shall be located in the frontage setback of Bexley Road, adjacent to Whitebread Park. Minimum pot size to be supplied shall be 100 litres.
 - (C) Three (3) canopy trees shall be planted between proposed block A and proposed block B. Minimum pot size to be supplied shall be 45 Litres.

- (iii) The area above the OSD tank located to the north of Block B, and to the east of the Block B driveway, is to be provided with additional facilities to enable it to function as the principal communal open space area to the development. This space shall provide recreation facilities for users such as a barbecue, shaded areas with trees and pergolas, seating and tables. This space shall be well connected with each building and with other landscape elements. Any pergola proposed shall include climbers to provide shade in summer months.
- (iv) Northern Boundary shall replace *Syzygium australe* var "Resilience" (Dwarf Lilly pilli) with a larger screen shrub, *Syzygium "Cascada"* to address privacy.
- (v) A Landscape Maintenance Schedule is required: Cover a 12 month period and provides a guide to the landowner or occupier on how to best maintain the constructed landscaped areas; and include the following information:
 - (A) Screen Shrub pruning/trimming (frequency, plant requirements);
 - (B) Fertilising and pest control (soil testing, types, rate, frequency);
 - (C) Mulching, weeding and soil improvement (frequency, materials);
 - (D) Irrigation (checks, adjustments);
 - (E) Adjustment of tree stakes and ties;
 - (F) Tree maintenance (fertilising, mulching, special tree requirements);
 - (G) Maintenance of hard landscape elements (paving, edges, walls, pergolas, seats, planter box walls etc);
- (c) Any irrigation and garden tap shall be connected to rainwater tank as an environmentally sustainable approach.
- (d) Tree retention in private domain:
 - (i) The following tree shall be retained and protected at all times: T13 and T15 *Callistemon viminalis* (Weeping Bottlebrush), T14 *Omalanthus populifolius* (Bleeding Heart), T16 Camphor laurel,
 - (ii) Tree retention in public domain: The Water Gum (T26) and Magenta Lilly Pilly (T27) located on the nature strip fronting 84 New Illawarra Road are to be retained and protected. The Magenta Lilly Pilly (*Syzygium paniculatum*) (T27) is listed as an Endangered Species under the Threatened Species Conservation Act 1995 and must be retained and protected under all circumstances.
 - (iii) Tree No 5 *Callistemon viminalis* (Weeping Bottlebrush) fronting 313 Bexley Road shall be retained and protected.
 - (iv) T1, T2 and T3: three (3) *Eucalyptus microcorys* (Tallowwood) located in the public reserve are to be retained and protected.
- (e) Public Domain Landscape Works. A Public Domain Frontage Works application shall be submitted separately to Council, with Civil and Landscape works plans prior issue of Construction Certificate. Tree planting specifications as per Council specifications. Public Domain Landscape Works shall also include the following tree planting in public domain:
 - (i) Bexley Road, (State Road, RMS managed road) Verge strip shall be planted with three (3) *Tristanopsis laurina*, (Water Gum) instead of *Callistemon viminalis* as per Rockdale Street Tree Master Plan. Pot size supplied shall be not less than 200 Litre.

- (ii) New Illawarra Road, (LGA managed road) Verge strip shall be planted with one (1) *Corymbia maculata* (Spotted Gum) min. height 1.6 metres and pot size 75-100 litre, shall be installed in the New Illawarra Road nature strip as per Rockdale Street Tree Master Plan.
- (iii) All new trees planted in public domain shall will be planted as specified by Council landscape architect in frontage works specifications.

29. Tree Protection / Removal

- (a) All recommendations in the Earthscape Horticultural Services Impact Assessment Report dated March 2017 shall be implemented and complied with (with the exception of any amendments required by (b) below).
- (b) Prior to the commencement of works, an amended/new Arboricultural Impact Assessment Report (arborist report) is to be submitted to consider the changes made to the basement since the approved arborist report (listed within Condition 2) was prepared. The amended/new arborist report is to be prepared by an experienced Arborist with minimum AQF Level 2 qualifications in Arboriculture. Any recommendations made within the amended/new arborist report are to be followed throughout construction.
- (c) The existing Water Gum, Magenta Lilly Pilly and Callistemon street trees along New Illawarra Road and Bexley Road frontages shall be retained and protected during construction.
- (d) The existing street trees located at the front of the property (New Illawarra Road and Bexley Road frontage) are not to be removed or pruned, including root pruning, without the written consent of Council.
- (e) Existing site trees numbered 4, 6, 7, 11, 14, 17, 18, 19, 22, 23, 24 and 25 as per *Ethscape Horticultural Services Impact Assessment Report* dated March 2017 may be removed.
- (f) No other trees located within the site, adjoining properties or Council's nature strip shall be removed or pruned without the prior written consent of Council in the form of a Permit issued under Council's Development Control Plan 2011.
- (g) Prior to the commencement of any work on site, a sign shall be placed in a prominent position on each protective fence identifying the area as a Tree Protection Zone and prohibiting vehicle access, waste bins, storage of materials and equipment, site residue and excavations within the fenced off area.
- (h) Prior to the commencement of work, Tree Protection Zones shall be established in accordance with AS4970-2009 (Protection of trees on Development Sites) with protective fences at least 1.8 metres high erected outside the drip lines from the trunks around each tree or group of trees which are required to be retained. The protective fences shall consist of chain wire mesh temporary fence panels securely mounted and braced to prevent movement, shall be in place prior to the commencement of any work on site and shall remain until the completion of all building and hard landscape construction. Excavations for services, waste bins, storage of materials and equipment, site residue, site sheds, vehicle access or cleaning of tools and equipment are not permitted with the Tree Protection Zones at any time.
- (i) Any pruning of branches or roots of trees growing from within adjoining properties requires the prior written consent of the tree's owners and the prior written consent of Council in the form of a Permit issued under Council's

Development Control Plan 2011. The work must be carried out in accordance with AS4373:2007 by an experienced Arborist with minimum AQF Level 2 qualifications in Arboriculture.

- (j) Where drainage or paving works are proposed to be constructed in the area below the dripline of trees, the proposed works and construction methods must not damage the tree. Where either the trees or works were not shown in detail on the approved plans, then Council approval must be obtained by contacting Council's Tree Management Officer.
- (k) Underground Services such as pipelines or cables to be located close to trees, must be installed by boring or by such other method that will not damage the tree rather than open trench excavation. The construction method must be approved by Council's Tree Management Officer.
- (l) Existing soil levels within the drip line of trees to be retained shall not be altered without reference to Council's Tree Management Officer.
- (m) Building materials, site residue, machinery and building equipment shall not be placed or stored under the dripline of trees required to be retained.

30. Address / Mailbox location

- (a) Mailboxes for Building A shall be provided in the location shown in the approved plans.
- (b) Mailboxes for Building B shall be installed along the street frontage of the property boundary in accordance with Australia Post Guidelines.
- (c) Prominent house numbers are to be displayed for both buildings, with a minimum number size of 150 mm in height for each number and letter in the alphabet.
- (d) Prior to the commencement of construction works for the development, an application for Property Address Allocation and associated fee are required to be submitted to Council. All new addresses will be allocated in accordance with AS/NZS 4819:2011 Rural and Urban Addressing Standard and Section 5.2 of the NSW Address Policy.

The general principles of addressing in NSW are described in the NSW Addressing User Manual, Ch.6 Addressing Principles. The manual is available for download at:

[http://www.gnb.nsw.gov.au/__data/assets/pdf_file/0007/199411/NSW_AUM_July2011](http://www.gnb.nsw.gov.au/__data/assets/pdf_file/0007/199411/NSW_AUM_July2011.pdf)

31. The external walls of the building including attachments must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of a Construction Certificate and Occupation Certificate the Certifying Authority and Principal Certifying Authority must:

- a. Be satisfied that suitable evidence is provided to demonstrate that the products and systems (including installation) proposed for use or used in the construction of external walls, including finishes and claddings such as synthetic or aluminium composite panels, comply with the relevant requirements of the NCC; and
- b. Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.

32. Waste Management

- (a) Waste bin storage areas must be provided in the location shown in the approved plans and in accordance with the submitted Waste Management Plan;
- (b) The waste bins storage rooms must be fitted with a cold and hot water tap for cleaning;
- (c) Space must be made available and marked within each basement for the purposes of the storage of bulky waste items.
- (d) Waste/recycling bins must be taken out for collection no sooner than the day prior to collection. The bins must be returned to the basement no later than the day following collection.

Prior to commencement of works

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

- 33. A dilapidation survey shall be undertaken of all properties and/or Council infrastructure, including but not limited to all footpaths, kerb and gutter, stormwater inlet pits, and road carriageway pavements, that either adjoin the site, or are in the vicinity of the site and which could be potentially affected by the construction of this development. Any damage caused to other properties during construction shall be rectified. A copy of the dilapidation survey and an insurance policy that covers the cost of any rectification works shall be submitted to the Accredited Certifier (AC) or Council prior to Commencement of Works. The insurance cover shall be a minimum of \$10 million.
- 34. A Soil and Water Management Plan shall be prepared in accordance with the Soil and Water management for Urban Development Guidelines produced by the Southern Sydney Regional Organisation of Councils. 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.

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

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

- (a) ingress and egress of vehicles to the site;
- (b) loading and unloading, including construction zones;

- (c) predicted traffic volumes, types and routes; and
- (d) pedestrian and traffic management methods.

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

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

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

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

36. **Vibration Monitoring**

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

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

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

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

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

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

Where there is any movement in foundations such that damaged is occasioned to any adjoining building or such that there is any removal of support to supported land

the professional engineer, principal contractor and any sub-contractor responsible for such work must immediately cease all work, inform the owner of that supported land and take immediate action under the direction of the professional engineer to prevent any further damage and restore support to the supported land.

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

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

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

37. 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.
38. 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.
39. The following fees shall be paid to Council prior to commencement of works. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges.
 - i. A Footpath Reserve Restoration Deposit of \$33,391.40. This is to cover repair of any damages, or other works to be done by Council. This includes construction, removal, or repair as required to: kerb and guttering, existing or new driveways; paved areas and concrete footpaths. The deposit may be lodged with Council in the form of a Bank Guarantee (Any proposed Bank Guarantee must not have an expiry date). The deposit will not be returned by Council until works are completed and all damage is restored and all specified works are completed by Council.
 - ii. An additional \$1,084.00 shall be paid for public notification carried out on 13 February 2019.
 - iii. An environmental enforcement fee of 0.25% of the cost of the works.
 - iv. A Soil and Water Management Sign of \$18.00.
40. 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.
41. A Section 94 contribution of \$50,276.30 shall be paid to Council. Such contributions are only used towards the provision or improvement of the amenities and services identified below. The amount to be paid is adjusted at the time of payment, in accordance with the contribution rates contained in Council's current Adopted Fees and Charges. The contribution is to be paid prior to the issue of any compliance certificate for works above the floor level of the ground floor. (Payment of the

contribution is not required prior to any separate compliance certificate issued only for demolition, site preparation works and the construction of basement levels). The contribution is calculated from Council's adopted Section 94 contributions plan in the following manner:

Open Space	\$32,866.60
Community Services & Facilities	\$5,384.38
Town Centre & Streetscape Improvements	\$3,736.62
Pollution Control	\$7,985.04
Plan Administration & Management	\$303.66

Copies of Council's Section 94 Contribution Plans may be inspected at Council's Customer Service Centre, Administration Building, 444-446 Princes Highway, Rockdale.

42. 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.
43. Flooding related requirements
The following Engineer requirements related to flooding must be implemented in the construction plans:
 - (a) All building materials shall be flood resistant, or flood compatible to a height of 500mm above the 1% AEP flood, or flow level. All internal electrical switches, power points or similar utilities liable to flood damage shall be set at a minimum of 500mm above the 1% AEP flood, or flow level. Details shall be provided and approved prior to the commencement of works.
 - (b) A suitable qualified engineer is to certify that the structure can withstand the forces of floodwater, scour, debris and buoyancy in a 1% AEP flood event and a PMF event.
 - (c) The low level driveway must be designed to prevent inflow of water from the road reserve, up to 1% AEP flood water. The assessment of flows and design of prevention measures shall be in accordance with the requirements of Rockdale Technical Specification Stormwater Management. Details shall be included in the documentation presented for Construction.
 - (d) The wall between the overland flow path and the basement access road will be watertight and top of the wall is at least 0.5 m above the flood level in the flow path which provides a protection from flooding.

Any opening in the basement wall shall be positioned a minimum 500mm above the flood level.
 - (e) Any sub-surface structure within the highest known groundwater table 0.5m 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. Subsoil drainage around the subsurface structure must allow free movement of groundwater around the structure. 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 Documentation / Plans for the relevant stage

of works.

A design certificate is required to be submitted for the design of the Basement system including shoring wall. The certificate shall be issued by a Chartered Professional Engineer competent in Structural engineering. The design of the basement and any other underground structure or excavation shall take into consideration of geotechnical recommendations.

Note:

a. After construction is completed no seepage water is to discharge to the kerb. Permanent dewatering will not be permitted.

b. Continuous monitoring of ground water levels may be required.

44. Works near pipelines / drainage systems

- (a) Prior to the commencement of any works, excavation shall be undertaken to confirm the location of the Council pipeline that traverses the property.
- (b) Any part of the proposed building located in the vicinity of the existing pipeline shall be constructed on a pier and beam type foundation, piers shall be located outside the boundary of the drainage easement and to extend to a depth of no less than 300mm below the pipeline invert. This requirement shall be reflected on the Construction plans and supporting documentation.
- (c) Any part of the proposed building within 3m of the proposed detention tank or absorption trench shall be constructed on a pier and beam foundation with piers extending no less than 300mm below the bottom of the tank or trench base. This requirement shall be reflected on the Construction plans and supporting documentation.

45. Details shall be submitted to, and approved by, Council prior to commencement of works pursuant to Section 138 of the Roads Act 1993 in relation to the following:

- (a) Construction of footpath and streetscape works.
- (b) Public domain and drainage works.
- (c) Footpath alignment, width and surface finish;
- (d) Landscaping and tree planting areas;
- (e) Street lighting layout and details;
- (f) Drainage plus kerb & gutter alignment and details;
- (g) Relocation of power poles and bus stop signs and furniture (where required).
- (h) Removal of redundant power pole(s) (where required).
- (i) Construction of vehicular entrance.

46. (a) 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,

(b) 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.

(c) Where a development site adjoins a public thoroughfare with a footpath alongside the common boundary then, in addition to the hoarding required above, the footpath must be covered by an overhead protective structure, type B Hoarding, and the facing facade protected by heavy duty scaffolding unless either:

(i) the vertical height above footpath level of the structure being demolished is less than 4m; or

(ii) the least horizontal distance between footpath and the nearest part of the structure is greater than half the height of the structure.

The overhead structure must consist of a horizontal platform of solid construction and vertical supports, and the platform must -

(i) extend from the common boundary to 200mm from the edge of the carriageway for the full length of the boundary;

(ii) have a clear height above the footpath of not less than 2.1m;

(iii) terminate not less than 200mm from the edge of the carriageway (clearance to be left to prevent impact from passing vehicles) with a continuous solid upstand projecting not less than 0.5m above the platform surface; and

(iv) together with its supports, be designed for a uniformly distributed live load of not less than 7 kPa. The 'B' Class hoarding is to be lit by fluorescent lamps with anti-vandalism protection grids. Any such hoarding, fence or awning is to be removed when the work has been completed.

(d) 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.

47. 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.
48. Any building proposed to be erected over or near the existing Sydney Water pipeline is to be approved by Sydney Water. A copy of Sydney Water's approval and requirements are to be submitted to Council prior to commencement of works.
49. Prior to the commencement of any works, the approved plans must be submitted to Sydney Water Tap inTM online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

Sydney Water's Tap inTM online service is available at: <https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

50. Prior to the commencement of any works, a longitudinal driveway profile shall be submitted to Principal Certifier for assessment and approval. The profile shall start in the centre of the road and be along the critical edge (worst case) of the driveway. Gradients and transitions shall be in accordance with Council's Code. The profile shall be drawn to a scale of 1 to 25 and shall include all relevant levels, grades (%) and lengths.
51. The subsurface structure shall be designed with a waterproof retention system (ie tanking and waterproofing) with adequate provision for future fluctuation of the water table. The subsurface structure is required to be designed with consideration of uplift due to water pressure and "flotation" (buoyancy) effects. Subsoil drainage around the subsurface structure must allow free movement of groundwater around the structure, but must not be connected to the internal drainage system. The design of subsurface structure, tanking and waterproofing, and subsoil drainage shall be

undertaken by a suitably experienced Chartered Professional Engineer(s). Design details and construction specifications shall be included in the Construction documentation.

52. Traffic and Parking Compliance

- (a) Prior to the commencement of construction / building works, the Certifying Authority shall ensure that a letter from a qualified practicing Traffic Engineer registered on the National Engineering Register (NER), or a Compliance Certificate (issued in accordance with Section 109C of the Environmental Planning and Assessment Act 1979), has been issued to the Certifying Authority stating that the design of the off-street parking facilities including access comply with all relevant conditions of consent (refer to 51(b) & (c) below, Condition 11, Condition 17, Condition 18 and other relevant conditions).
- (b) The design of parking areas shall be in accordance with DCP Part 4 Sec 4.6 and Rockdale Technical Specification – Traffic, Parking and Access. Where additional design criteria are required the design shall be in accordance with AS/NZS2890.1:2004.

A traffic signs are to be designed and installed to manage vehicular movement in all basement car parks that provides safe vehicle access to the basements. The arrangement shall control traffic to ensure safe movement of vehicles within basement car park at all times.

A suitably qualified and experienced engineer shall design traffic management facilities within the site to the requirements of AS2890.1:2004 and relevant Austroads Guidelines. The facilities designed by the engineer shall include signs (including vehicular guide signs, regulatory signs and warning signs), line marking and pavement markers, and other controls such as passing bays, traffic islands, median or separator and convex mirror to ensure safe movement of vehicles within the site at all times.

- (c) A visitor car space shall also operates as a car wash bay in each building. A tap shall be provided. A sign shall be fixed saying 'Car Wash Bay'. The runoff shall be directed and treated as per Rockdale Technical Specification Stormwater Management. Details shall be provided with the plans accompanying the Construction Certificate.

53. The approved plans must be submitted to State Transport Authority (STA) to determine whether the development will affect STA bus stop, and if further requirements need to be met. Plans will be appropriately stamped.

The consent authority or a private accredited certifier must ensure that the STA has approved the location for the new vehicle crossing along New Illawarra Road before issue of any Construction Certificate.

Note: Relocation of a Bus stop warrants concurrence from STA and Council Traffic Committee.

54. Adjoining buildings founded on loose foundation materials

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

(a) All recommendations contained in the report prepared by SMEC Testing Services Pty Ltd, Report No: 17/2504A, Project No: 10530/2504A, dated June 2017 and Site Investigation report, project No: 10530/2504, dated 2 November 2010 shall be implemented.

(b) Provide a certificate that the construction certificate plans are satisfactory from a geotechnical perspective and

(c) Confirm that the proposed construction methodology

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

(d) Inspect the works as they progress. The Inspections are to occur at frequencies determined by the geotechnical engineer.

(e) The geotechnical engineer to comment on proposed stormwater drainage design for the basement area, mainly on AGG line connections / permanent dewatering and a tanked basement structure.

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

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

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

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

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

55. Stormwater Drainage System / Easement

(a) Drainage Easement

A plan of subdivision shall be submitted to Council for a 1.83 metre wide drainage easement over Council's existing pipeline. The drainage easement shall be in favour of Rockdale City Council for the drainage of roof and surface waters, and shall be covered by a Section 88B Instrument, to which Council

shall be a signatory. A restriction on the user preventing building works within the easement is also required.

Council requires proof of lodgement of the signed Plan of Subdivision with the Land Titles Office prior to the commencement of construction works.

(b) Stormwater Drainage System

Prior to the commencement of construction works, amended detailed drainage design plans for the management of stormwater are to be submitted to Principal Certifier for assessment and approval. Design certification, in the form specified in Rockdale Technical Specification Stormwater Management, and drainage design calculations are to be submitted with the plans. Council's Rockdale Technical Specification Stormwater Management sets out the minimum documentation requirements for detailed design plans. Stormwater management requirements for the development site, including the final discharge/end connection point, must comply with Rockdale Technical Specification Stormwater Management.

The drainage plans must show how groundwater is managed within basement including shoring walls, temporary and permanent.

Subsoil drainage shall be provided and designed to allow the free movement of groundwater around any proposed structure.

The design shall take into consideration of geotechnical recommendations.

Notes:

- (i) The subsoil drainage for groundwater management for the proposed development should be in accordance with the requirements of DCP 4.1.3, 4.1.4 and Rockdale Technical Specification – Stormwater Management.
- (ii) The basement pumpwell size shall be in accordance with Clause 4.2.4 of DCP2011- Technical Specification for Stormwater Management.
- (iii) Implement all recommendations contained in the geotechnical investigation report prepared by SMEC Testing Services Pty Ltd, Report No: 17/2504A, Project No: 10530/2504A, dated June 2017.
- (iv) The low level driveway shall be protected from street gutter flows. The design of the basement carpark access ramp crest level is to be 500mm above the 1 in 100 year flood level.
- (v) To incorporate an oil separator in accordance with Rockdale Technical Specification – Stormwater Management, section 7.5.4. Grated pit shown within the easement shall have 200 mm lip above the ground to avoid sediment/litter entering the stormwater pit.
- (vi) Landscaping/other form of planter boxes/large trees shall not obstruct flood water flow.

56. Acoustic Requirements

- (a) The development shall be implemented in accordance with the submitted Acoustic Report listed in Condition 2 to achieve the required inter-tenancy noise requirements and to minimise road traffic noise impacts.

- (b) A report shall be submitted to the Principal Certifier for approval prior to the commencement of construction works. The report is to demonstrate that the construction plans achieve compliance with all requirements detailed in the submitted Acoustic Report listed in Condition 2.

During demolition / excavation / construction

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

57. A copy of the approved construction plans and specifications must be kept on the site at all times and be available to Council officers upon request.
58. 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.
59. Work Activities on Council Sites / Land - Application Requirements
All contractors shall obtain permits for, and comply with permit conditions during all stages of demolition and construction. Refer to Council "Work Activities on Council Sites Application Form" to obtain permits for the following activities listed below. Contractors must have a valid permit prior to undertaking any work or activity within the public domain. Fines apply if an activity commences without a valid permit being issued.
1. Road, Footpath and Road Related Area Closure (EP05). This permit will allow the applicant to close a road or part of, footpath or car park to vehicle or pedestrian traffic.
 2. Stand and Operate Registered Vehicle or Plant (EP03). This permit is used when construction activities involve working from a vehicle parked on the street including mobile crane, concrete truck, concrete pump or other similar vehicles.
 3. Occupy Road with Unregistered Item (EP02). This permit will allow the applicant to place unregistered items within the roadway including waste containers and skip bins.
 4. Works Zone (EP01). This permit is used when a statutory work zone is required to conduct construction activities adjacent to the work site. These applications are assessed by Council officers and are referred to the Traffic Committee for approval.
 5. Scaffolding, Hoarding and Fencing (EP04). This permit applies to all temporary structures to enclose a work area within the public domain. These include site fencing, types A & B hoarding, type A & B hoarding with scaffolding and type B hoarding plus site sheds.
 6. Temporary Shoring/Support (EP09). This permit will allow the applicant to install temporary support system in or under a public road to support excavation below the existing road surface level. The support systems include ground anchors and shoring.
 7. Tower Crane (EP06). This permit is used when tower crane(s) are used inside the work site and will swing, slew or hoist over Council property or asset.
 8. Public Land Access (EP08). This permit is used by applicants to access or occupy Council land including access over and occupy any part of Council land.
 9. Temporary Dewatering (EP07). This permit is used when temporary dewatering is required to pump out water from the construction site into

Council stormwater drainage system including gutter, pits and pipes.
Dewatering management plan and water quality plan are required for this application.

60. 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.
61. All waste generated on site shall be disposed of in accordance with the submitted Waste Management Plan.
62. 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.
63. 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.

64. 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.
65. 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.
66. 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.

- 67. An Occupation Certificate and/or Compliance Certificates shall be obtained in relation to the approved works prior to any use or occupation of the buildings.
- 68. 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 any Compliance Certificate.
- 69. Photovoltaic solar power is to be used for all common area power and lighting. Details are to be provided with the application for a compliance certificate.
- 70. The approved recommendations from the Flood Management Report shall be implemented prior to occupation.

Flood warning signs to be designed at least with three languages. This shall be incorporated in the flood management plan.

- 71. The two (2) existing lots shall be consolidated into one (1) allotment. Council requires proof of lodgement of the plan of consolidation with the Land and Property Information Office prior to occupation.

72. Landscape Completion / Certification

- (a) All landscape works are to be carried out in accordance with the approved landscape plans (refer to Condition 29) prior to the issue of any Compliance Certificate for the approved development. The landscaping is to be maintained to the approved standard at all times.
 - (b) A Landscape Architect shall provide a report to the certifying authority (with a copy provided to Council, if Council is not the principal certifier) stating that the landscape works have been carried out in accordance with the approved plans and documentation (refer to Condition 29).
73. All works within the road reserve, which are subject to approval pursuant to Section 138 of the Roads Act 1993, shall be completed prior to issue of any Compliance Certificate and accepted by council.
74. 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.

75. Vehicles shall enter and exit the site in a forward direction at all times. Prior to issue of any Compliance Certificate, a plaque with minimum dimensions 300mm x 200mm shall be permanently fixed to the inside skin of the front fence, or where there is no front fence a prominent place approved by the Principal Certifier, stating the following: "Vehicle shall enter and exit the site in a forward direction at all times".
76. Prior to completion of the building works, a full width vehicular entry is to be constructed to service the property. Any obsolete vehicular entries are to be removed and reconstructed with kerb and gutter. This work may be done using either a Council quote or a private contractor. There are specific requirements for approval of private contractors.
77. Bollard(s) shall be installed by the Developer on adaptable shared spaces.
78. Prior to the issue of the Final Occupation Certificate, a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water.

It is recommended that applicants apply early for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

79. Prior to occupation, a registered surveyor shall certify that the driveway(s) over the footpath and within the property have been constructed in accordance with the approved driveway profile(s). The certification shall be based on a survey of the completed works. A copy of the certificate and a works-as-executed driveway profile shall be provided to Council if Council is not the Principal Certifier.
80. Prior to occupation, a chartered professional engineer shall certify that the Basement structure tanking and waterproofing has been constructed in accordance with the approved design and specification. A copy shall be provided to Council if council is not the Principal Certifier.
81. Prior to occupation, a Chartered Professional Engineer shall certify that the construction of the overland flow path, including construction of all channels, pipes, banks, levees, etc has been undertaken in accordance with the approved plans and flood assessment/flood management report. The Chartered Professional Engineer shall also certify that habitable floor levels and garage floor levels adjacent to the overland flow path have been constructed in accordance with the approved plans and that freeboard is provided in accordance with Rockdale Development Control Plan (DCP) 2011. The certificate must be based on inspection of the site and review of a works-as-executed plan of the overland flow path, which shall be prepared by a Registered Surveyor. A copy of the engineer's certificate and surveyor's works-as-executed plan shall be provided to Council where Council is not the Principal Certifier.
82. A certificate from a Registered Surveyor shall be provided to the Principal Certifier certifying that the habitable/commercial floor level is constructed a minimum of 500mm above the 1% Annual Exceedance Probability (A.E.P) Flood Level. A copy of the certificate shall be provided to Council where Council is not the Principal Certifier.
83. 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 Certifier. A copy shall be provided to Council if Council is not the Principal Certifier.

84. Flow through fencing shall be provided along the bottom of the fencing for the width and depth of overland flow. Details of approved types of flow through fencing can be obtained from Council. A positive covenant pursuant to the Conveyancing Act 1919 shall be created on the title of the lot(s) that contain the pool fencing preventing interference with the pool fencing and overland flow route.
Council requires proof of lodgement of the signed Instrument with the Land Titles Office.
85. A benchmark shall be established adjacent to the site to Australian Height Datum to enable comparison to the flood standard.
86. Prior to occupation the underground garage shall be floodproofed to a minimum of 500mm above the 1% Annual Exceedance Probability flood level.
- Driveway crest level shall be designed to at least 100mm above the top of road kerb level.
 - The wall between the overland flow path and the basement access road will be watertight and top of the wall is at least 0.5 m above the 1% AEP flood level in the flow path which provides a protection from flooding.
 - Any opening in the basement wall shall be positioned a minimum 500mm above the flood level.

The levels shall be certified by a registered surveyor prior to construction of the driveway or other openings.

87. A drainage easement shall be provided over the extent of the 1% Annual Exceedance Probability (AEP) flow width, for the drainage of overbank flooding and/or overland flows. The drainage easement shall be in favour of Bayside Council and be covered by a Section 88B Instrument, which may only be varied or extinguished with the consent of Bayside Council. A restriction on the user preventing building works within the easement is also required. The Subdivision/ Strata Certificate shall be referred to Council for confirmation of flow extent prior to lodgement at the Land Titles Office.
Council requires proof of lodgement of the signed Subdivision/Strata Certificate and 88B Instrument with the Land Titles Office.
88. The side passages between the house and the side boundaries shall remain clear of obstructions up to the 1% AEP flood level. Air conditioning units, electrical connections to hot water tanks, and other items that may be damaged by flood waters shall be set at or above 500mm above the 1% AEP flood level.
89. The development shall comply with Rockdale Development Control Plan (DCP) 2011, and the Planning Considerations and Development Controls listed in the Flood Advice letter issued by Council on Advice – Ref : F08/691, dated 25 October 2010 & Flood report – By BG & E Pty Ltd., Couement No / S17283-REP-F0001 Rev/C, dated 06 December 2018.
90. Prior to commencement of operations, an advisory plaque shall be fixed to appropriate locations within the basement / car parking level and adjacent to the communal open space areas located centrally within the site in such a way that it cannot be removed, containing the wording “The basement / car parking level and the common outdoor areas may be subject to overland flows in heavy storms. Keep

clear of the area when flows occur". The owners shall preserve the plaque in good condition and keep it visible.

91. Flow through open form fencing is required for all new front fencing and all internal fences and gates up to the 1% AEP flood level. Any new boundary fences adjoining private property shall have an 80mm gap at the bottom to allow flows through.
92. Prior to issue of any Compliance Certificate, positive covenants pursuant to the Conveyancing Act 1919 shall be created on the title of the lots that contain
 1. the stormwater detention facility to provide for the maintenance of the system.
 2. A positive covenant for overland flow path shall be imposed (between subject site and eastern boundary 311A Bexley Road).
93. 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.
94. Prior to occupation, the drainage system shall be constructed in accordance with the approved drainage plans and any amendments in red. All stormwater drainage plumbing work shall comply with the NSW Code of Practice: Plumbing and Drainage and Australian Standard AS3500.

Drainage grates shall be provided at the boundary. Width of the drainage grates shall be in accordance with Rockdale Technical Specification Stormwater Management.

A silt/litter arrestor pit as detailed in Rockdale Technical Specification Stormwater Management shall be provided prior to discharge of stormwater from the site.

95. Signs shall be displayed adjacent to all stormwater drains on the premises, clearly indicating "Clean water only - No waste".
96. A sign is to be erected in each unit prior to issue of any Compliance Certificate to inform all the new residents that a flood management plan exists for each dwelling which demonstrates the safety procedure in a flooding event and a copy of the emergency procedure must be handed to each new residents. The Land and Housing Corporation and any future Strata Owners Corporation must inform all the residents that flood management plan must be maintained in each property. This requirement must be included in flood management plan.

Roads Act

97. Construction related activities must not take place on the roadway without Council approval.

Short-term activities (including operating plant, materials delivery) that reduce parking spaces, affect access to a particular route or prevent or restrict the passage of vehicles along the road must not occur without a valid Temporary Roadside Closure Permit.

Activities involving occupation of the parking lane for durations longer than allowed under a Temporary Roadside Closure Permit require a Construction Zone Permit and must not occur prior to the erection of Works Zone signs by Council's Traffic and Road Safety Section.

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

98. Where applicable, the following works will be required to be undertaken in the road reserve at the applicant's expense:
- i) construction of a concrete footpath along the frontage of the development site;
 - ii) construction of a new fully constructed concrete vehicular entrance/s;
 - iii) removal of the existing concrete vehicular entrance/s, and/or kerb laybacks which will no longer be required;
 - iv) reconstruction of selected areas of the existing concrete Footpath/vehicular entrances and/or kerb and gutter;
 - v) construction of paving between the boundary and the kerb;
 - vi) removal of redundant paving;
 - vii) construction of kerb and gutter.
99. 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.
100. All driveway, footpath, or road and drainage modification and/or improvement works to be undertaken in the road reserve shall be undertaken in accordance with Council's Subdivision and Civil Works Construction Specification (AUS-SPEC 1). Amendment to the works specification shall only apply where approved by Council. Where a conflict exists between design documentation or design notes and AUS-SPEC 1, the provisions of AUS-SPEC 1 shall apply unless otherwise approved by Council.
101. This Roads Act approval does not eradicate the need for the Contractor to obtain a Road Opening Permit prior to undertaking excavation in the road or footpath.
102. Any driveway works to be undertaken in the footpath reserve by a private contractor requires an "Application for Consideration by a Private Contractor" to be submitted to Council together with payment of the application fee. Works within the footpath reserve must not start until the application has been approved by Council.
103. Following completion of concrete works in the footpath reserve area, the balance of the area between the fence and the kerb over the full frontage of the proposed development shall be turfed with either buffalo or couch (not kikuyu).

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. Section 88E 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 rainwater tank should not be used for drinking, Sydney Water shall be advised of the installation of the rainwater tank.

Additional Information

- To confirm the date upon which this consent becomes effective, refer to Section 83 of the *Environmental Planning and Assessment Act, 1979*. Generally the consent becomes effective from the determination date shown on the front of this notice. However if unsure applicants should rely on their own enquiries.
- To confirm the likelihood of consent lapsing, refer to Section 95 of the Act. Generally consent lapses if the development is not commenced within five (5) years of the date of approval. However if a lesser period is stated in the conditions of consent, the lesser period applies. If unsure applicants should rely on their own enquiries.
- Section 82A allows Council to reconsider your proposal. Should you wish to have the matter reconsidered you should make an application under that section with the appropriate fee.
- Under Section 8.7 and 8.10 of the Act, applicants who are dissatisfied with the outcome of a consent authority have a right of appeal to the Land and Environment Court. This right must be exercised within six (6) months from the date of this notice. The Court's Office is situated at Level 1, 225 Macquarie Street, Sydney (Telephone 9228 8388), and the appropriate form of appeal is available from the Clerk of your Local Court.

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Should you have any further queries please contact Pascal van de Walle on 9562 1666