

NOTICE OF DETERMINATION

Section 96 of Environmental Planning and Assessment Act, 1979

S96 Approval Date

Authority Sydney Central Planning Panel

Reference DA-2016/241/A

Contact Marta M Gonzalez-Valdes 9562 1743

Combined Projects (Rockdale) Pty Ltd
Suite 301, Level 3
161 Redfern St
REDFERN NSW 2016

- Property:** 15-21 Bay Street, 1-11 Chapel Street, 1-3 Chapel Lane & 6-12 Lister Avenue, ROCKDALE NSW 2216
Lot 1 DP 79509, Lot 1 DP 522410, Lot 2 DP 522410, Lot 19 DP 59816, PT 1 DP 84102, PT 1 DP 84102, Lot 1 DP 551369, Lot 2 DP 551369, Lot 1 DP 309448, Lot 2 DP 309448, Lot 1 DP 450104, Lot 2 DP 450104, Lot 61 DP 703624, Lot 3 DP 13570, Lot 4 DP 13570, Lot 5 DP 13570, Lot D DP 420619, Lot 2 DP 1027204
- Proposal:** Integrated Development- Construction of a mixed use development comprising 365 residential apartments, six (6) commercial premises, communal roof top open space, associated basement parking, public carpark, public domain works, and demolition of existing structures

Your application to modify Development Consent No. DA-2016/241 dated 23 June 2017 was considered under Section 96(AA) of the Environmental Planning and Assessment Act 1979 and is approved subject to the following conditions:

GENERAL CONDITIONS

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

1. The term of this consent is limited to a period of **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	Drawn by	Dated
DA0000; DA0001; DA0002 DA0003; DA0004; DA0005; DA0006; DA0007; DA0010; DA0014; DA0016; DA0017; DA0018; DA0019; DA0020; DA0021 DA1001; DA1002 DA2001; DA2002; DA2003; DA2004; DA2005; DA2006; DA2007; DA2008; DA2009; DA2010; DA2011; DA2012; DA2013; DA2014; DA2015; DA2016; DA2017; DA2019; DA2020 DA2050; DA2051; DA2052; DA2053; DA2054; DA2055; DA2056; DA2057; DA2058; DA2059 DA2060; DA2061; DA2062; DA2063; DA64; DA2065; DA2067; DA2068; DA2069; DA2070; DA2071 DA2072; DA2073; DA2074; DA2075; DA2076; DA2077 DA2078; DA2079; DA2080; DA2081; DA2082; DA2083; DA2084; DA2087; DA2088; DA3000; DA3001; DA3002; DA3003; DA3004; DA3005; DA3006; DA3007; DA3008; DA3009; DA3010; DA3011; DA4000; DA4002; DA6000; DA6001; DA6002; DA6003; DA6004; DA6005; DA6006; DA6007; DA6008; DA6009; DA6010; DA6011; DA6012; DA6013; DA6014; DA6015; DA7000; DA7001; DA7002; DA7003; DA7004; DA7005; DA8000; DA8001; DA8802; DA8003; DA8020; DA8021; DA8022	Architecture & Building Works	April 2017
DA000 Rev 4; DA100 Rev 4; DA101 Rev 4; DA102 Rev 4; DA103 Rev 4; DA104 Rev 4; DA105 Rev 4; DA106 Rev 4; DA0107 Rev 4; DA108 Rev 1; DA109 Rev 1; DA110 Rev 1; DA200 Rev 4; DA201 Rev 4; DA202 Rev 4; DA203 Rev 4; DA204 Rev 4; DA000 Rev 4; DA000 Rev 4;	Scott Carver	Rev 1 dated 26.11.17; Rev 4 dated 20.4.17 – all print date 20 April, 2017

In the event of any inconsistency between conditions of this approval and the drawings/documents referred to above, the conditions of this approval prevail.

3. Stratum subdivision is not approved by this consent. Any development application for stratum subdivision shall include to the satisfaction of Council:
 - a) any necessary public easement over the driveways lifts and associated travel paths in favour of Council from the 40 public car spaces on basement levels 1 and 2 of Building C so as to allow public access to the spaces from surrounding public access;
 - b) a public easement is required by condition 26 for the pedestrian link through Building C from Bay Street to Chapel Grove.

- c) The easement through the carpark of Building C in favour of Council so as to allow for the future underground access to No.13 Bay Street should Council approve a redevelopment of that site.

The stratum subdivision for Building C is to be registered prior to issue of the occupation certificate or strata subdivision certificate for Building C.

- 3A. Non-residential uses are not approved by this consent. Separate approval is required for those uses.

4. **A Construction Certificate must be obtained from Council or an Accredited Certifier prior to any building work commencing.**

5. The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate Number 1011168372 dated 14 June 2017 other than superseded by any further amended consent and BASIX certificate.

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

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

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

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

6. Any pergola, shade structure or balcony shall not be enclosed at any future time without prior development consent and the approval of Council's Director of City Futures.
7. This approval is not to be construed as permission to erect any structure on or near a boundary contrary to the provisions of the Dividing Fences Act, other than as clearly indicated on the approved plans above.
8. The materials and façade details approved under condition No 18 and any other relevant condition of this consent are a fundamental element of this consent and shall not be altered or amended at the construction certificate stage or during the construction process without a prior s96 application and approval under the EP&A Act.
9. In the event that the existing building at No. 13 Bay Street Rockdale is demolished and not rebuilt within 12 months, the owners corporation(s) responsible for the management of Building C shall within six (6) months from the direction of Council, clad the exposed part of the northern wall of Building C in sandstone to match the remainder of the building. The proposed external walls are to be constructed with an appropriate offset to facilitate a flush finish in the future. The construction certificate plans with detailed sections shall be provided to Council for approval prior to issue of the Construction Certificate. This requirement shall be provided for in any stratum strata plan for Building C.
10. Street numbers shall be defined in consultation with Council's Spatial and Asset Information Coordinator. Mail boxes must be installed in accordance with Australia

Post Guidelines. Prominent house numbers are to be displayed, with a minimum number size of 150 mm in height for each number and letter in the alphabet. These requirements shall be met prior to the issue of the Occupation Certificate for the relevant building.

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

Allocated Spaces

Residential Spaces - 395 Spaces to be specified and 1 car was bay as shown in the approved plans.

Commercial Units - 38 spaces to be specified as shown in the approved plans.

Bicycle requirements - 37 residential places, 8 retail staff spaces and 2 retail visitor spaces

Motorcycle - 25 residential and 2 staff (commercial) and optimization of the public parking area to provide as many motorcycle spaces as possible.

Non-Allocated Spaces

Residential Visitor Spaces 70 spaces as shown in the approved plans.

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

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

Forty(40) car parking spaces shaded yellow on the plans for basement levels one and two of Building C shall be allocated, provided and managed for public use in accordance with the Voluntary Planning Agreement offered by the applicant and required to be entered into under this consent.

This parking allocation condition is to be applied and reflected in any Stratum and/or 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*.

The above car parking numbers may only be varied with the lodgement of a further application to Council.

12. **Before Works commencing**

Prior to any works being carried out on a public place (land) a pre-commencement Inspection/meeting is to be convened by the holder of the Consent for the works approval for works in a public place. The meeting shall be held on-site a minimum 5 days prior to any demolition and/or construction activity and be held between the hours of 8.00 am and 4.30 pm Monday to Friday. The meeting must be attended by a representative of the Principal Certifying Authority, the builder/site manager of the building/civil construction company and supervising engineer, in addition to a representative of Bayside Council. The attendance of the owner is required when it is intended to use more than one builder/principal contractor throughout the course of construction.

The purpose of the meeting is to:

- i. Ensure safe passage for pedestrians, Work and Hoarded Zones are maintained in accordance with Rockdale City Council requirements and as required by Condition 63;
- ii. Check the installation and adequacy of all traffic management devices;
- iii. Confirm that the consents, approved design plans and approved specifications are retained on site.

The consent for the works approval for works in a public place given by the Manager of Infrastructure of Bayside City Council must be obtained and activated and all inspection fees must be paid to Bayside Council prior to the meeting.

Note - Please refer to Bayside Councils Adopted Schedule of Fees and Charges.

13. **Required Infrastructure Works – Roads Act 1993**

No occupation or works are to be carried out on public land (including a road or footpath) or access provided over a public reserve adjacent to the development site without approval being obtained from Bayside Council's Manager Infrastructure and the necessary fee paid under the Roads Act 1993 and/or the Local Government Act 1993 and the requirement of this condition complied with.

The implementation of this Consent generates a need for works to be completed in a public place owned by Council and RMS, and such works are to be provided being at no cost to Council. The works include the following works:

- i. Landscaping and embellishment of Bay Street (which includes where anywhere later referred to Chapel Grove and Chapel Walk), Chapel square, Chapel Street, Chapel Lane and the Lister Avenue, frontages to the development site, including footpaths, paving, street trees, tree pits/grates and other planting, and street furniture etc in accordance with the approved plans;
- ii. Undergrounding of existing Ausgrid electricity supply cabling (low and high voltage, as applicable) in above Street frontages to the development site;
- iii. Installation of new street lighting in Chapel square and road frontages to the development site;
- iv. Construction of a driveway (vehicular entrance) and associated construction and reconstruction of driveway layback, footpath and kerb and gutter.
- v. Removal of redundant driveway laybacks and reinstatement with kerb and gutter in above streets.
- vi. Proposed Drainage Pipe relocation.

The scope of the works identified in this condition are to be confirmed by Bayside Council's Manager Infrastructure. For identified works the preparation of the design and specification shall be undertaken in accordance with the design brief issued by Bayside Council, and the Engineering Drawing Guide: For Works In Association With Developments And Subdivisions and Engineering Specification Guide: For Works In Association With Developments And Subdivisions, or approved replacement documents. For identified works the preparation of the design and specification shall be undertaken by a professional engineer, or other professional person, meeting the requirements of the design brief issued by Bayside Council.

Note: To enable the scope of works to be determined and alignment levels issued a completed Driveway/Frontage Works Application Form must be submitted together

with the required fee, under the Roads Act 1993 and/or the Local Government Act 1993 for the scope of works to be confirmed and alignment levels issued.

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

14. For the Proposed Drainage works (along sections of the Chapel Street, Chapel Lane and the Lister Avenue, Rockdale) full Hydrologic+Hydraulic (H+H) assessment is required to determine required pipe size for proposed pipe extension along the section of the Chapel Street, Chapel Lane and the Lister Avenue. This assessment is to be provided to Council for specific approval of the engineering design.

Such study shall be based on the following assumptions

H+H analysis is to be carried out for all combinations of the following design components:

1. Design Events (AEP): 10% and 20%
2. Catchment Development: Existing and Ultimate (contributing catchment fully developed up to the level allowed by current zoning)
3. Downstream Boundary Conditions: Downstream pipe is flowing full at a nominated pipe friction slope.

Following factors are also to be taken into account:

- location of any services along and on the proposed/realignment route,
- upstream and downstream pipe sizes,
- location of existing ("to remain") entry pits and junctions,
- cover to ground,
- overland flow path,
- final route selection.

Pipes size is to be determined on the basis that the pipe full velocity is approximately:

- 2.5 m/s.

Lower pipe velocity is to be avoided to prevent sedimentation in the pipes. Higher pipe velocity is to be avoided to prevent large energy losses (at pits and/or junctions).

- Construction of twin/several smaller pipes rather than single large pipe is allowed subject to site/construction/services constraints.
- New pits and junctions are to be designed to minimise head loss and allow for maximum entry/inlet capacity.
- A pipe slope of greater than 0.5% is required to prevent siltation. If/where physical restraints prevented this requirement being met slope under 0.5% is acceptable.
- The existing pipe/pits ("to remove") are to be decommissioned/removed at a developer's expense.

(Note: The works required will be assessed by Council using the following criteria:

- i. To ensure that infrastructure construction and reconstruction required to facilitate both pedestrian and vehicular access into and around the site is provided.
- ii. To ensure that there is adequate construction and reconstruction of stormwater infrastructure to facilitate drainage of the site and minimise impacts to the site and adjoining properties as a result of the development.
- iii. To ensure that infrastructure relevant to the proposed development meets current standards and specifications.
- iv. To mitigate any impacts the development may have on traffic and pedestrian safety.
- v. To satisfy the requirements of any Development Control Plan, Public Domain Plan, Streetscape Manual or any other relevant Council Plan, including the Section 94 Contributions Plan.
- vi. To ensure there are adequate transitions between newly constructed infrastructures and existing infrastructure.)

The Council's Manager Infrastructure shall approve that engineering design plans and specifications and certify that they have been prepared for the above identified works. For identified works the preparation of the design and specification shall be undertaken by meeting the qualifications and registration requirements of the Rockdale Technical Guide: Computer Aided Design and Drafting (CADD), 2012. The plans and specifications must be to a detail suitable for construction issue purposes and comply with all documentation specifications identified in the Rockdale Technical Guide: Computer Aided Design and Drafting (CADD), 2012.

The detailed design and specification shall be undertaken in accordance with Rockdale City Council's current infrastructure design and specifications guidelines:

- i) Applicable Australian Standards, AUSTRODS guidelines and Council's Minor Works Specifications;
- ii) *Infrastructure Design Manual / AUS-SPECs (neither approved / adopted);*
- iii) *Engineering Specification Guide: For Works in Association with Developments and Subdivisions.*

(Note: An application is to be made to Bayside Council for a permit for *Frontage Works Construction*, along with payment of the required fees and charges prior to undertaking design. Under this application, Council will provide boundary levels and confirm technical specifications for design of the works. A minimum of 21 days will be required for Council to design submissions. Early submission is recommended to avoid any delays in obtaining a Construction Certificate.)

PRIOR TO THE ISSUE OF ANY CONSTRUCTION CERTIFICATE

The following conditions are specific to the Development Application proposal:

15. ***Prior to the issue of any construction certificate entailing any works above existing ground level including public domain works:***

- a. *The side walls are to be designed of a high architectural standard and treated to provide visual interest and present as wall art with dynamic and highly animated façade treatment utilising a variation of maintenance free materials, colours, and textures with textured exposed concrete, cladding and bolt on screens and fins. Full coloured elevational details and sections of this treatment are to be provided for the approval of Council's Director of City Futures;*
- b. *Building C is to be provided with a 9m gap to Bay Street and 7m to Chapel Grove generally as reflected in SK01 – SK-05 dated 9 May, 2017, except as follows: Single storey (ie there should be no direct vertical stacking of bays) projecting glazed bays a maximum 500mm are to be provided to each unit facing the gap, with such bays to be offset so as not to be directly adjacent at each level. Glazing is to be opaque treated for privacy and provided with concealed LED lighting to emphasise the boxes and provide visual interest. Detailed plans (elevations, sections and plans) of works complying with this condition are to be provided for the approval of Council's Director of City Futures.*

The details required to be provided and approved under this condition are not to be varied by a construction certificate or otherwise altered by a private certifier.

[Amendment A – S96(AA) amended on date month 2017]

Prior to the Issue of Construction Certificate for Above Ground Works - Voluntary Planning Agreement

16. Prior to the issue of any construction certificate for above ground works or such works commencing
 - a. A Voluntary Planning Agreement (VPA) in the terms attached to this consent and marked "A" and with any agreed amendments following public exhibition is to be entered into, with such VPA to be in accordance with the public benefit offers made by Combined Projects (Rockdale) Pty Ltd.
 - b. The VPA, as executed, must be registered on the titles of the land the subject of this consent (other than Chapel Lane) and in accordance with the terms of the VPA.
17. A detailed design and specification for works to be carried out on public land (including a road or footpath) shall be completed and approved by the Director of City Futures of Bayside Council pursuant to the Roads Act and/or Local Government Act prior to the issue of any Construction Certificate for above ground works. All fees for inspection by Bayside Council shall be paid and the works approval for works in a public place activated.

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

A Construction Certificate for any works or use of public roads cannot be issued without the formal written approval of Council (as Roads Authority) under the Roads Act 1993. Construction of any works on public land must proceed only in accordance with any conditions attached to the Council Roads Act 1993 approval.

18. *Prior to the Issue of any Construction Certificate **entailing any works above existing ground level including public domain works** :*

*Two (2) sample boards containing original samples and swatches of all external materials and colours including: sandstone wall cladding; balustrading (to be frame-less or semi frame-less opaque); glazing; wall and roof cladding; balcony edge treatments; louvres and screens; driveway, footpath and roadway finishes. Sandstone cladding is to be a natural Australian quarry sandstone (Gosford Quarry or similar) material in a brown hue range with a honed banded finish of minimum 600mm x 400mm x 40mm dimension and is to be returned with mired joints at all corners and junctions to avoid the appearance of a tile. The boards are to be submitted and stamped as approved by the Director of City Futures of Bayside Council prior to issue of any Construction Certificate **entailing any works above existing ground level including public domain works**. The construction certificate shall be precisely consistent with these approved materials.*

[Amendment A – S96(AA) amended on date, month 2017]

Prior to Issue of any Construction Certificate

- 18A. *Prior to the Issue of any Construction Certificate **entailing any works above existing ground level including public domain works**: Public infrastructure requirements for the development should be designed and approved by Council Manager of Infrastructure prior to the issues of any Construction Certificate **for public Infrastructure**:*

- (i) The applicant shall design new Chapel Street Plaza, extending from Bay Street along Chapel Street until Lister Avenue generally in accordance with the Chapel Square Public Domain Plan submitted in this application. Prior to the issue of any Construction Certificate **entailing any works above existing ground level including public domain works**, a detailed design should be determined in consultation with and approved by Council's Strategic Planning section in relation to:*
 - (a) the exact alignment, design and levels of the road;*
 - (b) all pavements, kerb and gutter, drainage, the provision of car parking bays (including any associated line-marking and signage);*
 - (c) type and colour of paving finishes;*
 - (d) type and style of public domain fittings and fixtures;*
 - (e) landscaping types; and*
 - (f) any other infrastructure proposed within the public domain, not limited to undergrounding of electricity supply for the development together with the provision of underground mains water, sewer, gas, electrical services and telecommunications (which includes any relevant telephone, internet, and television services).*

The design and construction of public infrastructure shall be undertaken in accordance, AUS-SPEC (including all referenced AUSTROADS guidelines and Australian Standards), and any design and construction requirements imposed by Council in a Voluntary Planning Agreement as per Condition 16.

[Amendment A – S96(AA) amended on date month 2017]

Prior to occupation certificate

19. Prior to issue of any Occupation Certificate the supervising/certifying registered architect is to provide written confirmation to Bayside Council's Director of City Futures that the building has been constructed in accordance with the approved materials and colours.
20. All works required in the public domain associated with either the Building C site or the Building A/B site and as detailed by the approved design and specifications and in the VPA must be completed before the occupation certificate is issued for the works or any building works within the associated stage of the Building C site or Building A/B site of that development as is specified in this consent. All works-as-executed records for works establishing infrastructure assets to be handed over to Council for ongoing maintenance shall be provided to Bayside Council, and a handover certificate issued by Bayside Council.
21. A site Management Plan for works on the development site and in a public place shall be prepared and approved by Council's Manager Infrastructure prior to any construction certification to ensure public lands are appropriately managed to ensure the protection of the environment and safety of the other public place users.

Before Commencement of Works including Demolition, the Site Management Plan must accompany the completed Driveway/Frontage Works Application Form. If any demolition of infrastructure in a public place is to commence prior to the issue of a works approval for works in a public place the applicant must submit to Bayside Council a separate Demolition Site Management Plan. These plans must satisfy the Objectives and Controls of Bayside Council Development Control Plan 2011 relating to site management and must incorporate the following throughout demolition and construction:

- i) safe access to and from the site during construction and demolition
- ii) safety and security of the site, road and footpath area including details of proposed fencing, hoarding and lighting
- iii) method of loading and unloading excavation machines, building materials
- iv) how and where, construction materials, excavated and waste materials will be stored.
- v) methods to prevent material being tracked off the site onto surrounding roadways
- vi) erosion and sediment control measures
- vii) continued pedestrian and vehicular access to the satisfaction of Council's Director of City Futures to all adjoining and surrounding properties

The site management plan measures must remain in place and be maintained throughout the period of works and until the site has been stabilised and/or restored in accordance with the works approval for works in a public place

22. **Public Place Works – Supervising Engineer**

Prior to any construction on a public place the consent holder must engage an appropriately qualified supervising engineer to supervise construction of any works approved to be carried out in a public place approved by Bayside Council under the Roads Act and/or Local Government Act. The supervising engineer must hold qualifications, licenses and insurance as determined by Council, and submit evidence of the qualifications, licenses and insurance prior to the commencement of construction. During Construction the supervising engineer must supervise the works as listed above to ensure compliance with:

- i) any consent issued by Bayside Council pursuant to the Roads Act and/or the Local Government Act, including conditions annexed to this consent.
- ii) the approved design and specification, including any approved amendments by Rockdale City Council to the design and specification.
- iii) the consent issued by the consent authority under the Environmental Planning and Assessment Act.
- iv) any related design and construction parameters specified by Council.
Before Occupation of any works on a public place the engineer must certify the Works-as-Executed drawings or provide a separate certification that the requirements of the consent for the works approval for works in a public place have been met.
- v) This consent.

DEVELOPMENT SPECIFIC CONDITIONS

The following conditions are specific to the Development Application proposal.

- 23. The western ground floor terrace and stairs leading to Chapel Grove shall be constructed in sandstone paving to match the banding within Chapel Grove. Details to be shown in the construction certificate drawings prior to issue of any Construction Certificate.
- 24. All doors to service and utility doors etc facing a public place are to be concealed by providing a material and finish consistent with the adjacent wall treatment to marry in with the façade. No external vents shall discharge directly onto a public place such as to affect pedestrians etc.
- 25. The Balcony screens to A407 and A411 and above are to extend along internal returns as blind battens as aesthetic treatment to emphasise the return and recess. Amended plans to be provided for the approval of the Director of City Futures prior to issue of any Construction Certificate for Building A.
- 26. A public access link through building from Bay Street and Chapel Grove adjacent to the commercial area and separated by a full height glazed wall as depicted on Drawing No DA2075 Issue C shall be provided. Unimpeded public access is to be available between the hours of operation of the adjacent commercial tenancies. Such access is to be formalised by a Right of Way in favour of the Council and which is to be registered prior to issue of any Occupation Certificate for Building C easement's terms however may reflect the most expansive opening hours of the adjoining business and this shall and be identified in the finally executed VPA being annexure "A".

27. Bollards to prevent general car access in Chapel Place/Grove to be provided however turning/manoeuvring into No 13 Bay St and the Uniting Church is to be provided allowing for entry and departure in a forward direction. The landscape plans are to be amended accordingly and certified by a qualified Traffic Engineer. Amended plans are to be submitted for the approval of the Director City Infrastructure prior to issue of the Construction Certificate and to establish to fulfilment of the requirements condition 21(vii).
28. Under no circumstances are balconies to be used for clothes drying or for storage of any purpose that may be visible from outside the building.
29. The sandstone cladding to north elevation of Building C shall be extended to return to align with the blade/screen wall of Unit C401. Amended plans to be submitted approval of the Director City Infrastructure prior to issue of the Construction Certificate.
30. The use of flush glass walling is not permitted. Any glazing is to be recessed with a minimum 200mm setback/surround and not exceed a width of 1000mm without being screened with louvres or broken up into 1000mm bays with 100mm commercial section mullions. Detailed amended plans to be submitted approval of the Director City Futures prior to issue of the Construction Certificate.

The balconies to the corners of Units B402 and above to be provided with solid balustrading for a length of 2.1m to the south and the alignment of the dining room corner. Amended plans clarifying this detail to be submitted for the approval of the Director City Futures prior to issue of the Construction Certificate for Building B.

- 31a. Any cladding or louvres proposed must be certified as complying with the Australian Standards for flammability.
31. A Plan of Management is required for the approval of Council that addresses noise and amenity impacts of the use of the roof top communal areas, including hours of use, noise mitigation; access; safety and security and landscape and equipment maintenance. The PoM is to be submitted for the approval of approval of the Director City Projects prior to issue of any Occupation Certificate. The provisions of the Plan are to be adopted by the Owners Corporation as a By – Law.
32. A wind impact assessment report, prepared by a suitably qualified person shall be submitted to Council for approval prior to issue of any Construction Certificate for above ground works. The recommendations of the report shall be implemented unless otherwise advised by Council. NB: If any structures or mitigation measures are required, a s96 or DA may need to be submitted for those works.
33. The followings ceiling heights shall be provided:
 - 2.7m to habitable rooms,
 - 2.4m to non-habitable rooms;
 - 3.3m to commercial tenancies

Details shall be shown in the construction certificate drawing prior to issue of the Construction Certificate. Compliance with the above does not purport to imply any approval to increase the height of the building.

34. Commercial/ Retail Premises - Operational Requirements

The operations of the commercial/ retail premises must comply with the following:

- (a) The commercial/retail premises must have separate stratum and/or strata plan from the residential units;
 - (b) Parking allocation must be provided in accordance with the requirements of this consent;
 - (c) Signs or goods shall not be displayed or placed on the public footpath or any other part of the public road at any time without Council's consent;
 - (d) All loading, unloading and transfer of goods to and from the loading bay and premises shall take place wholly within the property;
 - (e) The front windows of the ground floor commercial/ retail tenancies must be kept open and allowing for visibility to and from the street and free of posters, stickers etc, shelves, and a maximum of 15% of the window display area may be covered with promotional materials to ensure expansive passive surveillance is maintained to and from the tenancies;
 - (f) Any proposed signs must, unless separately approved, comply with the requirements of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 and cannot use flashing lights; electronically changeable messages; animated display, moving parts or simulated movement; or a method and level of illumination that distracts or dazzles;
 - (g) All other relevant conditions of this consent.
35. Approval for the footpath dining is not expressed or implied and a separate approval is required for the footpath dining. In this regard you are advised to contact Council to obtain a copy of the licensing agreement entitled Outdoor Dining Licensing Agreement.
 36. Materials, goods or machinery shall not be stored, placed or otherwise permitted to stand between the building line and the street alignment.
 37. 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.
 38. 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.
 39. The visible light reflectivity from building materials used on the facade 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 any Construction Certificate for above ground works.
 40. All proposed lights shall comply with the Australian Standard AS4282 - 1997 "Control of the Obtrusive Effects of Outdoor Lighting". In this regard, the lighting of the premises shall be directed so as not to cause nuisance to the owners or occupiers of

adjacent/adjoining premises or to motorists on adjoining or nearby roads.

41. Noise Impacts

The plans and documentation submitted with the Construction Certificate must demonstrate compliance with the following requirements:

- (a) Internal noise levels shall comply with the relevant requirements of the following policies:

Rockdale Council Development Control Plan (RDCP 2011);

NSW Department of Planning's 'Development near Rail Corridors and Busy Roads (Interim Guideline);

State Environmental Planning Policy (INFRASTRUCTURE) 2007;

Australian Standard AS2021:2000 for Aircraft Noise Intrusion (the site is located within an area affected by between the ANEF 25 and ANEF 30 contour, based on the Sydney Airport 2033 ANEF plan. The proposed development must be designed and constructed to comply with the requirements of AS2120-2000); and

Australian Standard AS2107:2000.

- (b) *The report by Koikas Acoustics Pty Ltd dated 30 November 2015 with reference 2850R20151130mfcChapeiStPrecinctRockdalev3 shall be amended prior to the issue of any construction Certificate to incorporate the approve plans listed in this consent and any other relevant condition of consent. The amended report shall be submitted to Council to Director of City Futures for approval prior to the issue of the Construction Certificate **entailing any works above existing ground level including public domain works.** The proposal shall be designed and constructed in accordance with the approved report.*

- (c) Noise Impacts between units:

- (i) An acoustic report shall be prepared by a suitably qualified Acoustic Consultant prior to issue of any Construction Certificate for above ground works. The report must demonstrate that the plans submitted with the Construction Certificate will ensure compliance with the inter-tenancy flooring & wall construction requirements contained in RDCP 2011 which are as follows:

(A) Flooring within the development shall achieve the following minimum equivalent Association of Australian Acoustical Consultants (AAAC) Star Rating within the below specified areas of the development:

- 3 Star for tiled areas within kitchens, balconies, bathrooms and laundries. Tiled flooring within corridors, living areas and bedrooms is not permitted.
- 4 Star for timber flooring in any area.
- 5 Star for carpet in any area.

- (B) Walls within the development shall be constructed to satisfy the requirements of the Building Code of Australia.
- (ii) A suitably qualified acoustic engineer with MIE Australia membership or employed by a consulting firm eligible for AAAC membership is to certify that the details provided in the report required by (c) above satisfies the requirements of this condition, with the certification to be submitted to the Principal Certifying Authority for approval prior to the issue of the Construction Certificates for buildings A, B and C..
- (iii) *Prior to issue of **the** occupation certificate compliance shall be certified by and suitability qualified noise expert.*
- (d) Noise from Mechanical Plan / Ventilation - **A** detailed acoustic assessment of all proposed mechanical services plant including fans, compressors, condensers, air-conditioning plant, basement ventilation, and exhaust systems for the commercial tenancies must be undertaken by a suitably qualified acoustic consultant prior to issue of the Construction Certificates for Buildings B and C to determine what acoustic treatments will be required to control noise emissions to achieve the noise emission levels identified in the Acoustic Report.

[Amendment A – S96(AA) amended on date month 2017]

42. The approved completed landscape works in both the public and private domain shall be maintained for a period not less than 12 months.

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

43. Protection of existing trees

- a) The Macadamia tree located within 11 Bay Street (Tree #3 in the Arboricultural Impact Assessment Report by The Ents Tree Consultancy dated 4 November 2014), the three Brushbox street trees located at the front of 17-19, 21 and 23 Chapel Street (trees 20a, 20b and 20c), trees located adjacent to the site within 41 Bay Street (trees 23-26), trees located within 2-4 Lister Avenue (trees 31-33 and 44-47) and Callistemon street trees located at the front of 2-4, 8 and 12 Lister Avenue Rockdale (trees 41 and 43) shall not be removed or pruned, including root pruning, without the written consent of Council in the form of a Permit issued under Council's Development Control Plan 2011.
- b) Prior to the commencement of work on site, a Site Arborist with minimum AQF Level 5 qualifications in Arboriculture and extensive experience in protection of trees on development sites shall be appointed to supervise and certify installation of tree protection measures and supervise works in the vicinity of trees required to be retained adjacent to the site.
- c) Prior to the commencement of work, Tree Protection Zones shall be established in accordance with AS4970-2009 (Protection of trees on Development Sites) and as directed by the Site Arborist around each tree or group of trees located adjacent to the site which is required to be retained.

Tree protection measures as detailed in Sections 4 and 5 and Appendix 8 of the Arboricultural Impact Assessment report by the Ents Tree Consultancy dated 4 November 2015 shall be implemented and complied with. A sign identifying the Tree Protection Zone is to be placed in a prominent location on each tree protection fence.

44. The contaminated site shall be remediated in accordance with 'State Environmental Planning Policy No 55 Remediation of Land' (SEPP55). All remediation works shall be carried out in accordance with the Site Remedial Action Plan titled, 'Remediation Action Plan' for Chapel Street Precinct- Bay Street, Chapel Street, Chapel Lane and Lister Avenue, Rockdale (Report No. E22682 AB) dated 24 November 2015 prepared by Environmental Investigations Australia.

45. **Landscape Conditions**

*The following conditions shall be incorporated into the landscape documentation prior to issue of the Construction Certificate **entailing any works above existing ground level including public domain works:***

a) Stormwater and drainage systems are not to be located in, or under those areas shown as landscaped beds, or where existing or proposed trees are located.

b) Retaining walls used for raised planter beds on concrete slabs shall provide adequate soil depth to comply with the Apartment Design Guide Section 4P Planting on Structures.

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

d) A minimum soil depth to comply with the Apartment Design Guide Section 4P Planting on Structures shall be provided for all planted areas (other than turf) on podiums or roof-tops or any other concrete slab.

e) Podium landscaping and paved areas shall be drained into the stormwater drainage system. All waterproofing for planters on slab shall be installed and certified by a licensed waterproofing contractor.

f) All playground structures and softfall treatments shall satisfy the relevant AS/NZS standards (AS/NZS 4486.1:1997, AS/NZS 4422:1996).

g) All pavements shall comply with AS/NZ 4586:1999 standards Class W (low) for slip resistance on both private and Council property.

h) Communal Roof Tops

Play Spaces must all comply with AS 4685

Shade is to be provided trees, or slatted structures similar to those over the outdoor dining areas. No Shade Sails permitted.

i) Public Domain

Electricity substations are not to be located within the public domain areas.

Deep soil areas are essential, as per the Rockdale DCP 2011 - at 15% of the total site area and these areas must have the necessary solar access to ensure that they can successfully sustain a robust landscape.

f) The Grove

Minimum 10 percent of seating in Chapel Grove needs to be DDA compliant – arms and backs in this area, plus a space beside them to allow a pram or wheelchair to be 'parked', clear and easy access to and through the area.

g) Plant Species-

Following species are not acceptable in the Public Domain areas Eucalyptus citriodora- replace with Corymbia maculata

Angophora costata- replace with Angophora floribunda

Lomandra longifolia- use less prickly cultivars

Ficus macrophylla - use only in areas with no civil infrastructure, services etc. The palette of plant species must be increased to include a greater diversity of species in both the public domain and the roof top garden areas. Endemic species are preferred wherever possible.

[Amendment A – S96(AA) amended on date month 2017]

Government Requirements

46. Ausgrid

- (i) The applicant shall confer with Ausgrid to determine if an electricity distribution substation and/or the installation of electricity conduits in the footway is required. The applicant shall confer with Ausgrid to determine if satisfactory clearances to any existing overhead High Voltage mains will be affected.
- (ii) All low voltage street mains in that section of the street/s adjacent to the development shall be placed underground. This shall include any associated services and the installation of underground supplied street lighting columns where necessary.

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

Note: In the event that sub stations are required in positions differing from those indicated in the approved development consent plans a s96 is to be submitted and approved by Council.

47. NSW Water Requirements

The following requirements of NSW Water, Department of Primary Industries (the **Department**), contained in their letter of concurrence dated 8 February 2016 must be complied with unless the Department amends its requirements. Prior to the issue of any construction certificate any amended requirements must be notified to the Council and the principle certifier if or when appointed, the construction certificate plans reflect such amendments and the development carried out in accordance with the amended requirement:

A. General

A1. An authorisation shall be obtained for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development

application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take identified.

A2. The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be impacted by any water table watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation.

A3. Sufficient permanent drainage shall be provided beneath and around the outside of the watertight structure to ensure that natural groundwater flow is not impeded and:

(a) any groundwater mounding at the edge of the structure shall be at a level not greater than 10 % above the level to which the water table might naturally rise in the location immediately prior to the construction of the structure; and

(b) any elevated water table is more than 1.0 m below the natural ground surface existent at the location immediately prior to the construction of the structure; and

(c) where the habitable structure is founded in bedrock or impermeable natural soil then the requirement to maintain groundwater flows beneath the structure is not applicable.

A4. Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves cause pollution of the groundwater.

A5. DPI Water requires documentation (referred to as 'report') comprising measurements, maps, bore logs, calculations, results, discussion and justification for various matters related to the dewatering process. Information will be required at several stages: prior to construction commencing (initial report - which will accompany the application for the authorisation), at any time when an authorisation renewal is required or a significant change in activities occurs (intermediate report); and at the completion of dewatering and related operations (completion report). Reports need to be submitted to DPI Water at Parramatta Office, in a format consistent with electronic retrieval without editing restrictions; raw data should be presented in Excel spreadsheets without editing restrictions.

B. Prior to excavation

B6. The following shall be included in the initial report:

measurements of groundwater levels beneath the site from a minimum of three relevant monitoring bores, together with details of the bores used in the assessment including bore logs and three-dimensional identification information.

a map of the site and its immediate environs depicting the water table (baseline conditions) shown relative to the topography and approved construction footprint from the surface level and below. An assessment of the potential variation in the water table during the life of the proposed building together with a discussion of the methodology and information on which this assessment is based.

details of the present and potential groundwater flow paths and hydraulic gradients in and around the site; the latter in response to the final volumetric emplacement of the construction.

a schedule for the ongoing water level monitoring and description of the methodology to be used, from the date of consent until at least two months after the cessation of

pumping. [DPI Water prefers that monitoring be undertaken on a continuous basis using automatic loggers in boreholes.]

B7. The Applicant shall assess the likely impacts of the dewatering activities on other groundwater users or structures or public infrastructure; this assessment will include an appropriate bore, spring or groundwater seep census and considerations relevant to potential subsidence or excessive settlement induced in nearby buildings and property, and be documented together with all calculations and information to support the basis of these in the initial report.

B8. Groundwater quality testing of samples taken from outside the footprint of the proposed construction, with the intent of ensuring that as far as possible the natural and contaminant hydrochemistry of the potential dewatered groundwater is understood, shall be conducted on a suitable number of samples and tested by a NATA-certified laboratory. Details of the sampling locations and the protocol used, together with the test results accompanied by laboratory test certificates shall be included in the initial report. An assessment of results must be done by suitably qualified persons with the intent of identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria for the intended dewatering purpose. In the event of adverse quality findings, the Applicant must develop a plan to mitigate the impacts of the hydrochemistry on the dewatered groundwater and present the details of all assessments and plans in the initial report.

B9. Groundwater quality testing generally in accordance with Clause 8, shall be undertaken on any anniversary or other renewal or alteration of any dewatering authorisation.

B10. A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and included in the initial report; together with details and calculation methods for the parameters and supporting information to confirm their development or measurement (e.g. permeability predicted by slug-testing, pump-testing or other means).

B11. A copy of a valid consent for the development shall be provided in the initial report.

B12. The method of disposal of pumped water shall be nominated (i.e. reinjection, drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided in the initial report. The disposal of any contaminated pumped groundwater (sometimes called "tailwater") must comply with the provisions of the Protection of the Environment Operations Act 1997 and any requirements of the relevant controlling authority.

B13. Contaminated groundwater (i.e. above appropriate NEPM 2013 thresholds) shall not be reinjected into any aquifer. The reinjection system design and treatment methods to remove contaminants shall be nominated and included in the initial report and any subsequent intermediate report as necessary. The quality of any pumped water that is to be reinjected must be demonstrated to be compatible with, or improve, the intrinsic or ambient groundwater in the vicinity of the reinjection site.

C. During excavation

C14. Engineering measures designed to transfer groundwater around and beneath the basement shall be incorporated into the basement construction to prevent the completed infrastructure from restricting pre-existing groundwater flows.

C15. Piping, piling or other structures used in the management of pumped groundwater shall not create a flooding hazard or induce mounding of groundwater.

Control of pumped groundwater is to be maintained at all times during dewatering to prevent unregulated off-site discharge.

C16. Measurement and monitoring arrangements to the satisfaction of DPI Water are to be implemented. Weekly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a completion report provided after dewatering has ceased. Records of groundwater levels are to be kept and a summary showing daily or weekly levels in all monitoring bores provided in the completion report.

C17. Pumped groundwater shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc.) without the controlling authority's approval and/or owner's consent/s. The pH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater shall be complied with.

C18. Dewatering shall be undertaken in accordance with groundwater-related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulfate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.

C19. The location and construction of groundwater extraction works that are decommissioned are to be recorded in the completion report. The method of decommissioning is to be identified in the documentation.

C20. Access to groundwater management works used in the activity is to be provided to permit inspection when required by DPI Water under appropriate safety procedures.

D. Following excavation

D21. Following completion of the dewatering operations, the applicant shall submit to DPI Water, Parramatta Office, the completion report which shall include:

- (a) detail of the volume of water taken, the precise periods and location of water taken, the details of water level monitoring in all of the relevant bores; and
- (b) a water table map depicting the aquifer's settled groundwater condition and a comparison to the baseline conditions; and
- (c) a detailed interpreted hydrogeological report identifying all actual resource and third party impacts, including an assessment of altered groundwater flows and an assessment of any subsidence or excessive settlement induced in nearby buildings and property and infrastructure.

D22. The completion report is to be assessed by DPI Water prior to any certifying agency's approval for occupation or use of the completed construction.

48. Sydney Airport Conditions

The proposal shall be constructed to the maximum height approved by the Department of Infrastructure and Regional Development and conditions in letter with File Reference F17/87-42 dated 31 March 2017.

49. Design Quality

- a) In order to ensure the design quality excellence of the development is retained:
 - i. A Registered Architect is to have direct involvement in the design

documentation, contract documentation and construction stages of the project;

- ii. The design architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of design issues throughout the life of the project;
 - iii. Evidence of the design architect's commission is to be provided to the Council prior to release of the Construction Certificates for Buildings A, B and C.
- (b) The design architect of the project is not to be changed without prior notice and approval of the Council.
 - (c) Prior to issue of the Construction Certificate, an independent registered architect is to review and certify the construction certificate plans and relevant documentation as being consistent with the approved plans and conditions.

50. Storage

The plans submitted with the Construction Certificate shall demonstrate that accessible storage has been provided to all apartments in accordance with the following requirements from the Apartment Design Guide (ADG):

- (i) The minimum storage area to be provided for each dwelling shall be:
 - Studio / 1 bed unit = 6m³
 - 2 bed unit = 8m³
 - 3 bed unit = 10m³
- (ii) A minimum 50% of the storage space required by (b) above shall be provided in each apartment.
- (iii) The storage areas located within the basement levels shall be of metal construction (mesh and/or solid metal) and must be provided with lock and key.
- (b) The storage areas required by (a) above must be provided in accordance with the above requirements prior to issue of the Occupation Certificate.

51. Services

- (a) Fire Boosters -The fire hydrant booster valves shall be enclosed in a cabinet and provided with appropriate locks and signage in accordance with AS2419.1. The boosters can be provided vertically to reduce space requirements. The Fire Booster location must be approved in writing by Council's Director of City Futures prior to the issue of any Construction Certificate.
- (b) Substation- If any substation other than those shown on the approved plans is required by Ausgrid, the location shall be approved in writing by Council's Director of City Futures prior to issue of any Construction Certificate. A S96 application may be required.
- (c) Antenna / Satellite Dishes -The proposal may include the

installation of a single master antenna for each building 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). Any such structures however must strictly comply with the height requirements of condition 48.

52. Safer by Design

*To maximise security in and around the development and in addition to the recommendations of the report titled 'Crime Prevention through Environmental Design Assessment' by Barker Ryan Stewart dated November 2015 with reference SY150019, the following shall be incorporated into the development. Details for the following are to be approved by the Principal Certifying Authority prior to the issue of the Construction Certificate, **entailing any works above existing ground level including public domain works**, implemented prior to issue of the Occupation Certificate, and maintained for the lifetime of the development:*

- (a) 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 and public areas adjacent to the buildings.
- (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. 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.
- (e) The front window of the ground floor commercial tenancies must be kept free of shelves, and a maximum of 15% of the window display area may be covered with promotional materials to ensure passive surveillance is maintained to and from the tenancies and to encourage the use of the areas to facilitate an active street frontage.

Prior to the issue of any Occupation Certificate for the relevant stage of works a report from a suitably qualified person is to be submitted to the Principal Certifying Authority Certifying that the above measures have been implemented. A copy of the report shall also be submitted to Council.

[Amendment A – S96(AA) amended on date month 2017]

- 53. 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.
- 54. The overland flow path shall not be obstructed, restricted or altered without the approval of Rockdale City Council.

55. Parking Facilities

Parking & Vehicular Access

The design and construction of the offstreet car & bicycle parking facilities shall comply with the following requirements:

- Bicycle parking facilities shall be designed in accordance with AS2890.3:1993.
- The off-street parking areas associated with the subject development shall be designed strictly in accordance with AS2890.1 and AS2890.6.
- Internal height clearance shall be designed throughout the car park and access driveway in accordance with AS2890.1 and AS2890.6.
- Commercial vehicle facilities shall be designed strictly in accordance with AS2890.2:2002.

One (1) loading bay shall be provided to accommodate Garbage collection vehicle – RCV.

The RCV space shall be in accordance with Council DCP, Rockdale Technical specification – Traffic, Parking and Access and AS 2890.2 and the swept path analysis for the VAN entering the loading bay shall be provided using a recognised computer software package such as Autoturn, complying with Section B3 of ASNZS 2890.1:2004.

(Note: Any vehicular path of travel to or from loading bay for RCV shall have minimum headroom clearance of 3.9m)

PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE

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

56 The following fees apply to the proposed development and shall be paid to Council prior to the issue of the Construction Certificate:

- i. A Footpath Reserve Restoration Deposit of \$213,600 to cover repair of any damages, or other works to be done by Council. This includes construction, removal, or repair as required to: kerb and guttering, existing or new driveways; paved areas and concrete footpaths. The deposit may be lodged with Council in the form of a Bank Guarantee (Any proposed Bank Guarantee must not have an expiry date). The deposit will not be returned by Council until works are completed and all damage is restored and all specified works are completed by Council.
- ii. An environmental enforcement fee of 0.25% of the cost of the works.
- iii. A Soil and Water Management Sign of \$17.50.

Note: 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.

57. 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 131441.

58. A Section 94 contribution of \$2,183,529.15 shall be paid to Council. Such

contributions are only used towards the provision or improvement of the amenities and services identified below. The amount to be paid is adjusted at the time of payment, in accordance with the contribution rates contained in Council's current Adopted Fees and Charges. The contribution is to be paid prior to the issue of any construction certificate for works above the floor level of the ground floor. (Payment of the contribution is not required prior to any separate construction certificates issued only for demolition, site preparation works and the construction of basement levels). Payment of the Contribution can be apportioned according to the particular buildings included in the relevant above ground works for staged construction certificates as follows: Building C and associated Bay Street and Chapel Grove works = 30% and Buildings A and B and other public works = 70%. The contribution is calculated from Council's adopted Section 94 contributions plan in the following manner:

Open Space	\$1,695,943.85
Community Services & Facilities	\$ 172,465.15
Town Centre & Streetscape Improvements	\$ 88,649.95
Pollution Control	\$ 255,766.80
Plan Administration & Management	\$ 10,929.60

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

59. An engineering design certificate is to be provided with any construction certificate application and its requirements incorporated into any construction certificate for the design of the Basement system including shoring wall.

60. **Sydney Water**

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 issuing a Construction Certificate.

Prior to issue of any Construction Certificate:

- (a) 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 issuing any Construction Certificate.
- (b) The approved plans must be submitted to Sydney Water's Tap in™ 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.

The Tap in™ online self-service replaces Sydney Water's Quick Check Agents, and is available at:

<https://www.sydneywater.com.au/SW/plumbingbuildingdeveloping/building/Sydney-water-tap-in/index.htm>

61. Prior to the issue of the construction certificate approval from the utility provider is required for the works to the existing utility within the road reserve fronting boundary. You are required to consult with your utility providers (i.e. Energy Aust, Telstra etc) in order to fully understand their requirements before commencement of any work.
62. Details shall be submitted to Council for assessment and approval pursuant to Section 138 of the Roads Act 1993 in relation to the following:

- i) Construction of footpath and streetscape works.
- ii) Public domain works.
- iii) Public drainage works.
- iv) Construction of vehicular entrance.

63. 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 any 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;
- (d) pedestrian and traffic management methods; and
- (e) the maintenance of vehicular and pedestrian access to 13 Bay Street and the Uniting Church site and all surrounding properties both during and post construction. This will require the construction of the laneway extension of Chapel Lane prior to the completion of Chapel Square.
- (f) The maintenance of pedestrian access from Chapel Street to Bay Street via the proposed Chapel Square/Grove.

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.

(Note: The swept path of the longest vehicle entering and existing the subject site, as well as maneuverability 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.)

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

64. **Adjoining buildings founded on loose foundation materials**

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

- (a) Implement all recommendations contained in the report prepared by Environmental Investigations Australia Pty Ltd. Ref: E22682 GA, dated 9 November 2015.
- (b) Provide a certificate that the construction certificate plans are satisfactory from a geotechnical perspective and
- (c) Confirm the proposed construction methodology

A Construction Methodology report 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.

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

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.

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

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

Where any such alarm triggers all excavation works must cease immediately.

Prior to the vibration monitoring equipment being reset by the professional engineer and any further work recommencing the event must be recorded and the cause of the event identified and documented by the professional engineer.

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

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

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

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

any further damage and restore support to the supported land.

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

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

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

66. 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 signal system is to be designed and installed to manage vehicular movement in relation to public car parking that provides vehicle access to the basement and parking availability. The traffic signal system shall control traffic to ensure safe movement of vehicles within public 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, car park full sign, regulatory signs and warning signs), line marking and pavement markers, and other controls such as passing bays, traffic islands, median or separator, convex mirror and traffic signals to ensure safe movement of vehicles within the site at all times.

67. The low level driveway must be designed to prevent inflow of water from the road reserve. The assessment of flows and design of prevention measures shall be in accordance with the requirements of Rockdale Technical Specification Stormwater Management. Details shall be included in the documentation presented with the Construction Certificate application.
68. 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 Certificate plans and supporting documentation.
69. Any part of the proposed building within 3m of the proposed detention tank or absorption trench shall be constructed on a pier and beam foundation with piers extending no less than 300mm below the bottom of the tank or trench base. This requirement shall be reflected on the Construction Certificate plans and supporting documentation
70. A dedicated car wash bay is required for 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.
71. All basement surface runoff including car wash bay shall be directed through a propriety oil and sediment filtration system prior to discharge. Details of the pit type, location, performance and manufacturer's maintenance and cleaning requirements shall be submitted and approved prior to the issue of the construction certificate. The owners/occupiers are to undertake all future maintenance and cleaning to the manufacturer's requirements.

72. Prior to the issue of any Construction Certificate, excavation shall be undertaken to confirm the location of the Council pipeline that traverses the development site and surrounding road network.
73. *Prior to the issue of any Construction Certificate **for any below ground level works entailing basement walls, basement slabs and sub-surface drainage (i.e other than demolition, bulk earthworks and shoring)**, amended detailed drainage design plans for the management of stormwater are to be submitted to Council's Manager Development Services for assessment and approval.*
- Note:*

- a. DCP requires the provision of on-site detention. Concept drainage design plans, supporting calculations and design certification will be required to be submitted in accordance with the design, documentation and certification requirements of DCP and Rockdale Technical Specification – Stormwater Management.
- b. The basement pump storage shall be sized to contain the total volume of runoff generated by the two hour 1 in 50 year storm assuming the pumps are not operating. This is equivalent to 10.6 m³ per 100 m² of area being drained anticipated groundwater seepage capacity. All the pump storage volume is to be underground and to have minimum dual pumps.
- c. To implement any required drainage measures on the base of geotechnical Engineer's advice on the drainage under the floor slab and basement walls.

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, but is not to be connected to the internal drainage system.

- d. The proposed basement ramps to have a crest level to prevent inundation from gutter flows.
- e. The openings (grated covers) to the proposed OSD tank shall be kept away from overland flow paths to prevent inundation from flooding.
- f. The detailed plans are required to incorporate an oil interceptor for the driveway and carpark stormwater run-off in accordance with Rockdale Technical Specification Stormwater Management, section 7.5.4.
- g. The design shall identify, and discuss generally WSUD measures put in place to re-use water, maintain groundwater quality, minimise at source generation of water pollutants, and convey stormwater flows through the site.)

[Amendment A – S96(AA) amended on date month 2017]

PRIOR TO COMMENCEMENT OF WORKS

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

74. A dilapidation survey shall be undertaken of all properties and/or Council infrastructure, including but not limited to all footpaths, kerb and gutter, stormwater

inlet pits, and road carriageway pavements, in the vicinity (100m of the site) 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 shall be submitted to the Council for review prior to Commencement of Works. The insurance cover shall be a minimum of \$10 million.

75. A Soil and Water Management Plan shall be prepared in accordance with Soil and Water Management for Urban Development Guidelines produced by the Southern Sydney Region Organisation of Councils. A copy of the plan must be submitted to Council. The Plan must include details of the proposed erosion and sediment controls to be installed on the building site. A copy of the Soil and Water Management Plan must be kept on-site at all times and made available on request.

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.

76. 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.
77. 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.
78. 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.
79. A hoarding or fence shall be erected between the work site and the public place when the work involved in the erection or demolition of a building:
- i) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - ii) building involves the enclosure of a public place,

Where the development site adjoins a public thoroughfare, the common boundary

between them must be fenced for its full length with a hoarding, unless, the least horizontal distance between the common boundary and the nearest part of the structure is greater than twice the height of the structure. The hoarding must be constructed of solid materials (chain wire or the like is not acceptable) to a height of not less than 1.8m adjacent to the thoroughfare.

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

- (i) the vertical height above footpath level of the structure being demolished is less than 4m; or
- (ii) the least horizontal distance between footpath and the nearest part of the structure is greater than half the height of the structure.

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

- (i) extend from the common boundary to 200mm from the edge of the carriageway for the full length of the boundary;
- (ii) have a clear height above the footpath of not less than 2.1m;
- (iii) terminate not less than 200mm from the edge of the carriageway (clearance to be left to prevent impact from passing vehicles) with a continuous solid upstand projecting not less than 0.5m above the platform surface; and
- (iv) together with its supports, be designed for a uniformly distributed live load of not less than 7 kPa

The 'B' Class hoarding is to be lit by fluorescent lamps with anti-vandalism protection grids.

Any such hoarding, fence or awning is to be removed when the work has been completed.

The principal contractor or owner builder must pay all fees and rent associated with the application and occupation and use of the road (footway) for required hoarding or overhead protection.

80. 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.

81. Pre commencement dilapidation report

The applicant must prepare and submit a pre-commencement dilapidation report providing an accurate record of the existing condition of private properties within 50m of the site. A copy of the report must be provided to Council and any other owners prior to commencement of demolition or excavation works. In the event that access for undertaking the photographic survey and dilapidation report is denied by an adjoining owner, the applicant MUST DEMONSTRATE, in writing (in the form of a statutory declaration), to the satisfaction of Private Certifier or Council (as the case may be), that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed. In such case, the dilapidation report will need to be based on a survey of what can be easily

observed externally. *"Reasonable attempt" shall be deemed to be at least two (2) letters to the neighbours giving 8 days to make contact and arrange access.*

DURING DEMOLITION / EXCAVATION / CONSTRUCTION

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

82. A copy of the Construction Certificate and the approved plans and specifications must be kept on the site at all times and be available to Council officers upon request.
83. 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.
84. Upon inspection of each stage of construction, the Principal Certifying Authority (or other suitably qualified person on behalf of the Principal Certifying Authority) is also required to ensure that adequate provisions are made for the following measures (as applicable), to ensure compliance with the terms of Council's approval:
 - Sediment control measures
 - Provision of perimeter fences or hoardings for public safety and restricted access to building sites.
 - Maintenance of the public place free from unauthorised materials, waste containers or other obstructions.
85. Ground water shall only be pumped or drained to Council's stormwater system if the water is clean and unpolluted. The standard used to determine the acceptability of the quality of the water is the 'Australian and New Zealand Environment and Conservation Council -Australian Water Quality Guidelines for Fresh and Marine Waters 1992'.
(Note: Prior treatment and/or filtration of the water may be necessary to achieve acceptable quality, including a non-filterable residue not exceeding 50 milligrams/litre or small quantities may be removed by the services of a Licenced Liquid Waste Transporter. It is an offence under the provisions of the Protection of the Environment Operations Act 1997 to pollute the stormwater system).
86. 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.
87. All waste generated on site shall be disposed of in accordance with the submitted Waste Management Plan which shall be provided and approved prior to the issue of a construction certificate.
88. 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.
89. Any new information discovered during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination, shall be notified to Council being the Regulatory Authority for the management of contaminated land.
90. All demolition work shall be carried out in accordance with AS 2601 – 200: The Demolition of Structures and with the following during all stages of demolition and construction.
91. All contractors shall comply with the following during all stages of demolition and construction:
- A Waste Container on Public Road Reserve Permit must be obtained prior to the placement of any waste container or skip bin in the road reserve (i.e. road or footpath or nature strip). Where a waste container or skip bin is placed in the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
- A Road Opening Permit must be obtained prior to any excavation in the road reserve (i.e. road or footpath or nature strip). Where excavation is carried out on the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
- A Hoarding Permit must be obtained prior to the erection of any hoarding (Class A or Class B) in the road reserve (i.e. road or footpath or nature strip). Where a hoarding is erected in the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
- A Crane Permit must be obtained from Council prior to the operation of any activity involving the swinging or hoisting of goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway. Permits can be obtained from Council's Customer Service Centre.
- A Permit to Dewater or Pump Out a site must be obtained prior to the discharge of pumped water into the road reserve, which includes Council stormwater pits and the kerb and gutter. Permits can be obtained from Council's Customer Service Centre.
92. 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.

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE OR COMMENCEMENT OF USE

The following conditions must be complied with prior to issue of any Occupation Certificate for Building C or Commencement of Use of Building C.

- 93. The applicant is to submit for Council's written approval details of a boom gate system to manage publicly available car parks (or such alternative system as is acceptable to Council to meet this objective and the requirements of these conditions). The boom gate system must be provided on level surface for queued vehicles and queuing analysis needs to be submitted to Council by a suitably qualified engineer demonstrating that the boom gate system will not cause any queues on to the public road. The boom gate system approved by Council is to be in place prior to the issue of any occupation certificate. The boom gate system is to be maintained at all times. This shall provide for a minimum of 3 hours free parking.
- 94. An Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of the building.
- 95. Where Council's public domain areas are damaged as a result of building work or vehicular building traffic, this area shall be restored by Council at the applicant's expense such repairs shall be completed prior to the issue of any Occupation Certificate.
- 96. A by-law shall be registered and maintained for the life of the development, which requires that :
 - (a) balconies are not to be used as clothes drying areas, storage of household goods and air-conditioning units that would be visible from the public domain;
 - (b) an owner of a lot must ensure that all floor space within the lot complies with the acoustic conditions for floors specified in this consent;
 - (c) Notwithstanding subclause (b), in the event that a floor covering in the lot is removed, the newly installed floor covering shall have a weighted standardized impact sound pressure level not greater than L'nT, w 45 measured in

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

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

97. All landscape works are to be carried out in accordance with the approved landscape plans prior to the issue of any Occupation Certificate each stage of the approved development as identified on plan Dug No 1002. The landscaping is to be maintained to the approved standard at all times for the life of the development.
98. The underground garage shall be waterproofed to a minimum 100mm above the 1% Annual Exceedance Probability Gutter Flow level. The levels shall be certified by a registered surveyor prior to construction of the driveway or other openings.
99. An easement shall be created over the carparking area of Building C to facilitate future vehicular access to the adjoining site at No. 13 Bay Street, Rockdale in accordance with the terms of the VPA. Prior to the issue of the Construction Certificate for the basement levels, construction details shall be provided to the PCA demonstrating that the proposed structure is able to achieve the required link without affecting the structural stability of the building.
100. All works within the road reserve, which are subject to approval pursuant to Section 138 of the Roads Act 1993, shall be completed and accepted.
101. The underground placement of all low voltage street mains in that section of the street/s adjacent to the development, and associated services and the installation of underground supplied street lighting columns, shall be carried out at the applicant's expense. The works shall be completed and Ausgrid's requirements shall be met prior to issue of the Occupation Certificate.
102. 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.
103. Prior to completion of the building works, a full width vehicular entry is to be constructed to service the proposed buildings. 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.
104. The dedication to Council of that part of the site adjacent to Chapel Lane and Bay Street for road widening purposes in accordance with the VPA. Council requires proof of lodgement of the signed Subdivision Certificate and 88B Instrument with the Land Titles Office.

105. Prior to the issue of any 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.
106. Prior to occupation, a registered surveyor shall certify that the driveway(s) over the footpath and within the property have been constructed in accordance with the approved driveway profile(s). The certification shall be based on a survey of the completed works. A copy of the certificate and a works-as-executed driveway profile shall be provided to Council if Council is not the Principal Certifying Authority.
107. Noise Requirements - Compliance
- a) Prior to issue of an Occupation Certificate for Buildings A, B or C, a Certificate of Compliance prepared by a suitably qualified and experienced acoustic consultant must be submitted to the Principal Certifying Authority (PCA) validating that:
 - (i) Noise emissions from all mechanical services plant including fans, compressors, condensers, air conditioners etc. to the nearest residential receiver do not exceed the noise emission criteria approved for this development;
 - (ii) The acoustic treatments and measures specified in the approved Acoustic report; and
 - (iii) The internal noise environment within all units complies with all relevant legislation and all other requirements contained in relevant conditions of this consent.
 - (b) If Council is not the PCA, a copy of the Certificate of Compliance required by(a) above must be submitted to Council prior to issue of the Occupation Certificate.
108. A Landscape Architect shall provide a report to the certifying authority (with a copy provided to Council, if Council is not the principal certifying authority) stating that the landscape works have been carried out in accordance with the approved plans and documentation (note further specific conditions for Landscape works on public area contained in this consent).
109. A Site Audit Statement (SAS) shall be submitted to Council being the Regulatory Authority for the management of contaminated land, prior to the issue of any Occupation Certificate, clearly demonstrating that the site is suitable for the intended use. Conditions imposed on the SAS shall form part of this consent. In circumstances where the SAS conditions (if applicable) are not consistent with the consent, the consent shall prevail to the extent of inconsistency and a S96 application pursuant to the Environmental Planning & Assessment Act 1979 will be required.
110. Suitable vehicular bollards shall be provided within adaptable shared areas.
- 544 off-street car spaces (plus a car park wash bay) shall be provided in accordance with the submitted plan and shall be linemarked to Council's satisfaction. The pavement of all car parking spaces, manoeuvring areas and internal driveways shall comply with Australian Standard AS3727 – Guide to Residential Pavements. The

above car parking numbers may only be varied with the lodgement of a further application to Council.

111. Where the installation of electricity conduits is required in the footway, the builder shall install the conduits within the footway across the frontage/s of the development site, to Ausgrid's specifications. Ausgrid will supply the conduits at no charge. A Road Opening Permit must be obtained from Council prior to the installation of the conduits. The builder is responsible for compaction of the trench and restoration of the footway in accordance with Council direction. A Compliance Certificate from Ausgrid shall be obtained prior to the issue of the Occupation Certificate.
112. Prior to the issue of any occupation certificate, a chartered professional engineer shall certify that the tanking and waterproofing has been constructed in accordance with the approved design and specification. A copy shall be provided to Council if council is not the Principal Certifying Authority.
113. Prior to occupation a Chartered Professional Engineer shall certify that the stormwater system has been constructed in accordance with the approved plans and as required by Rockdale Technical Specification Stormwater Management. The certificate shall be in the form specified in Rockdale Technical Specification Stormwater Management and include an evaluation of the completed drainage works. A works-as-executed drainage plan shall be prepared by a registered surveyor based on a survey of the completed works. A copy of the certificate and works-as-executed plan(s) shall be supplied to the Principal Certifying Authority. A copy shall be provided to Council if Council is not the Principal Certifying Authority.
114. Positive covenants pursuant to the Conveyancing Act 1919 shall be created on the title of the lots that require:
 1. the stormwater OSD facility and system to be maintained;
 2. Management plan for Garbage collection; and
 3. Shared arrangement of car parking for visitors and commercial tenancies.
 4. The boomgate system required by condition 91.
 5. Public access link in Building C pursuant to requirements of condition 26 and the VPA.

The applicant shall contact Council's Development Services Manager for advice on the terms of the covenant.

115. 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.
116. 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.
117. Drainage grates shall be provided at the boundary, ramps and external stairs. Width of the drainage grates shall be in accordance with Rockdale Technical Specification Stormwater Management.
118. A silt/litter arrestor pit as detailed in Rockdale Technical Specification Stormwater

Management shall be provided prior to discharge of stormwater from the site.

PRIOR TO ISSUE OF ANY SUBDIVISION CERTIFICATE

The following conditions must be complied with prior to the issue of the Subdivision Certificate for the road dedication / subdivision of land along Bay Street and Chapel Lane.

119. The registered lots of the property/development site, other than any Council Property, shall be consolidated into one allotment for each of building Site A, B and C. A copy of the plan of consolidation shall be submitted to Council prior to release of Subdivision/Strata Certificate.
120. The dedication to Council of a part Site A and C for road widening purposes as proposed by the application and VPA. These provisions are to be put into effect prior to release of the Subdivision Certificate.
121. An 88B Instrument is to be provided for the right of carriageway and is to be lodged with any Subdivision Certificate.
122. The submission and approval of a subdivision certificate application. In this regard, a fee is payable in accordance with Council's current adopted Fees and Charges.
123. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.
Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.
Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.
The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to release of the Subdivision/Strata Certificate.
124. All visitor car parking spaces are to be clearly shown as common property on the Strata Certificate for the strata subdivision.
125. The parking spaces on site are to be allocated to each unit as per the approved plans and this development consent.
126. A positive covenant shall be created over the visitor parking spaces in Building Co ensure that the users of the commercial units may use spaces between 7.30am to 6.00pm Monday to Friday and 7.30am to 1.00pm on Saturdays. A suggested wording for the covenant is indicated below:
"The Registered Proprietors covenant as follows with Council in respect to the area of common property identified as 'Visitor Parking' spaces on the Strata Plan (herein called 'The Burdened Land').
The Registered Proprietor will:
i) permit the registered proprietors and/or invitees of the registered proprietors of the commercial lots # inclusive to enter upon The Burdened Land with a vehicle or vehicles whether motorised or not and to park, leave or place such a vehicle upon The Burdened Land within the times commencing at 7.30am in the morning Monday to Saturday and ending at 6.00pm in the evening Monday to Friday and 1.00pm in the afternoon on Saturdays. The times referred to are Australian Eastern Standard time or

Australian Eastern daylight saving time whichever is in effect at the time that the registered proprietor or invitee enters upon The Burdened Land.

ii) not obstruct or inhibit in any manner whatsoever access to or exclusive use of The Burdened Land in accordance with the prior cause.

iii) comply with the terms of any written notice issued by Council in respect to the requirements of this clause within the time stated in the notice." All existing and proposed services on the property shall be shown on a plan, and shall be submitted to Council. This includes electricity, gas, water, sewer, stormwater and telephone services. Where any service crosses one lot but benefits another lot, it is to be covered by an easement. The service easement is to be covered by a Section 88B Instrument, which may only be varied or extinguished with the consent of Bayside Council. These provisions are to be put into effect prior to the release of the Subdivision/Strata Certificate.

127. Deleted

128. All positive covenants listed in the consent shall be created. A Section 88B Instrument and four copies shall be lodged with the Subdivision Certificate.

ROADS ACT

129. The design and construction of the gutter crossing shall be in accordance with RMS requirements. Details of these requirements should be obtained from RMS's Project Services Manager, Traffic Projects Section, Blacktown (Ph 02 8814 2144).

Detailed design plans of the proposed gutter crossing are to be submitted to the RMS for approval prior to the commencement of any roadworks.

It should be noted that a plan checking fee (amount to be advised) and lodgment of a performance bond may be required from the applicant prior to the release of the approved road design plans by the RMS.

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

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

Activities involving occupation of the parking lane for durations longer than allowed under a Temporary Roadside Closure Permit require a Construction Zone Permit and must not occur prior to the erection of Construction Zone signs by the RMS.

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

131. 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.
132. In addition to the works in the road reserve listed above, the following modification and/or improvement works to the road and drainage in Arncliffe Street will be required to be undertaken at the applicant's expense:
- i) Public Domain works in accordance with the confirmed plans and VPA;
 - ii) Drainage Pipe extension (along sections of the Chapel Street and Lister Avenue)

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

133. 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.
134. 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.
- (Note: 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).
135. The following details shall be submitted to Council for assessment and approval pursuant to *Section 138* of the *Roads Act 1993*, in relation to the awning over Council's footpath.
- i) Detailed design plans and specifications, including structural details; and
 - ii) Design certificate.

The awning shall be designed by a Chartered Professional Engineer (Structural).

Note: Awnings are required to comply with the requirements under Rockdale Development Control Plan 2011. Drainage from the awning shall be connected to the stormwater system for the development.

Following completion of the installation of the awning a certificate from a Chartered Professional Engineer (Structural) shall be submitted to Council stating that the awning has been constructed in accordance with the design plans and specifications.

(Note: 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).

136. Following completion of concrete works in the footpath reserve area, the balance of the area between the fence and the kerb over the full frontage of the proposed development shall be turfed with either buffalo or couch (**not kikuyu**) or landscaped. If landscaping is proposed rather than turfing, details shall be submitted to the Property and Community Services Department for approval.

137. All works associated with the proposed development shall be at no cost to the RMS.

RMS Conditions of 13 June 2017

Note: The detailed design for the project has not been finalised and accordingly land requirements may be subject to change. For more information on the WestConnex project, please call 1300 660 248, email – info@estconnex.com.au or visit the project website at www.westconnex.com.au.

138. The subject property is also affected by a road proposal for the widening of Bay Street, as shown by pink colour on the aerial marked "X" attached to the letter from RMS to Bayside Council dated 13 June 2017. There shall be no works carried out on this area by way of any new building or structures (including basement levels), together with any improvements integral to the future use of the site, are erected clear of the land acquired (grey colour) or required for road (pink colour) unlimited in height or depth other than landscaping.
139. The area required for road widening should be identified as a separate lot/part of the common property in any plan of subdivision.
- (Note: This property is also within a broad area under investigation for the proposed new M5 WestConnex project. The contractor for this project has now been announced and the contractor's current design requirements for this project do not require this property.)
140. Following occupation of Building C no direct vehicular shall occur to Bay Street, therefore all redundant driveways on Bay Street are to be removed and replaced with kerb and gutter to Roads and Maritime requirements.
- The design and construction of the kerb and gutter on Bay Street shall be in accordance with Roads and Maritime requirements. Note: Details of these requirements should be obtained from Roads and Maritime Services, Manager Developer Works, Statewide Delivery, Parramatta (telephone 9598 7798).
- Note: 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.
141. A Construction Traffic Management detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of a Construction Certificate.
142. Should the post development storm water discharge from the subject site into the Roads and Maritime system exceed the pre-development discharge, detailed design plans and hydraulic calculations of any charges are to be submitted to Roads and

Maritime for approval, prior to the commencement of works on site.

Note: Details should be submitted to Suppiah Thillai: suppiah.thillai@rms.nsw.gov.au

Note: 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.

143. 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.

Note: Details should be submitted to Suppiah Thillai: suppiah.thillai@rms.nsw.gov.au
144. 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.
145. 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 Bay Street.
146. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Bay Street during construction activities.
147. All works/signposting associated with the subject development shall be at no cost to Roads and Maritime.
148. 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. Details of plans meeting this requirement are to be submitted for written approval of Council prior to the issue of a construction certificate. Evidence from a suitably qualified person demonstrating compliance with this requirement shall also be submitted prior to the issue of an occupation certificate.
149. The swept path of the longest vehicle (to service the site) entering and exiting the subject site, as well as manoeuvrability through the site, shall be accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement prior to the issue of a construction certificate.

Positive Covenant

150. The detailed design for the construction of the works in internal roads shall comply with all current Australian Standards, current AUSTROADS Guides, and Rockdale City Council's AUS-SPEC 1. Where a conflict exists between the provisions of these design standards the provisions of AUS-SPEC 1 shall prevail.

DEVELOPMENT CONSENT ADVICE

- a. You are advised to consult with your utility providers (i.e. Energy Aust, Telstra etc) in order to fully understand **their** requirements **before** commencement of any work.
- b. Where Council is **not** engaged as the Principal Certifying Authority for the issue of the Subdivision Certificate (Strata), and the Section 88B Instrument contains easements and/or covenants to which Council is a Prescribed Authority, the Council must be provided with all relevant supporting information (such as works-as-executed drainage plans and certification) prior to Council endorsing the Instrument.
- c. Some forms of signage require separate development consent. Please refer to relevant planning policies for more information.
- d. *Dial Before You Dig*
Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets, please contact Dial before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before You Dig service in advance of any construction or planning activities.
- e. All asbestos fibre demolition material and asbestos dust shall be handled, stored and removed in accordance with the relevant legislation and guidelines including:
 - Work Health and Safety Act 2011
 - Work Health and Safety Regulation 2011
 - Code of Practice for the Safe Removal of Asbestos [NOHSC: 2002 (2005)]
 - Code of Practice for the Management and Control of Asbestos in Workplaces [NOHSC:2018 (2005)]
 - Protection of the Environment Operations (Waste) Regulation 2005

All work procedures shall be devised to minimise the release of dust and fibres. A checklist of safety precautions when working with asbestos is available in Health & Safety Guidelines prepared by the WorkCover Authority of NSW. Collection, storage and transportation is subject to the Protection of the Environment Operations (Waste) Regulation 2005.
- f. Demolition and construction shall minimise the emission of excessive noise and prevent "offensive noise" as defined in the Protection of the Environment Operations Act 1997. Noise reduction measures shall include, but are not limited to the following strategies:
 - choosing quiet equipment
 - choosing alternatives to noisy activities
 - relocating noise sources away from affected neighbours

- educating staff and contractors about quiet work practices
 - informing neighbours of potentially noise activities in advance
- equipment, such as de-watering pumps, that are needed to operate on any evening or night between the hours of 8 p.m. and 7 a.m. or on any Sunday or Public Holiday, shall not cause a noise nuisance to neighbours of adjoining or nearby residences. Where the emitted noise exceeds 5 dB(A) [LAeq{15m)] above the background sound level [LA90] at the most affected point on the nearest residential boundary at any time previously stated, the equipment shall be acoustically insulated, isolated or otherwise enclosed so as to achieve the sound level objective.

ADDITIONAL INFORMATION

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

Should you have any further queries please contact Marta M Gonzalez-Valdes on 9562 1743.