

## COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	2018ECI015
<b>DA Number</b>	DA-2016/276/B
<b>LGA</b>	Bayside Council
<b>Proposed Development</b>	S4.55(2) Application - Modification to change rear colorbond fence to masonry, add accessible toilet to rooftop open terrace, change front facade material, modify window openings to southern elevation and change street number from No. 4 to No. 6
<b>Street Address</b>	4 Innesdale Road, Wolli Creek
<b>Applicant/Owner</b>	VP1 Pty Ltd
<b>Date of DA lodgement</b>	26/11/2018
<b>Number of Submissions</b>	Nil
<b>Recommendation</b>	Approval subject to conditions
<b>Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)</b>	Affordable Housing CIV >\$5M  The proposal as modified is referred to the Regional Panel for determination, as required by clause '123BA - Functions exercisable by council on behalf of regional panel' of the Environmental Planning and Assessment Regulation 2000.
<b>List of all relevant s4.15(1)(a) matters</b>	S4.55 – EP&A Act 1979 (as amended) SEPP – Affordable Rental Housing 2009 Rockdale LEP 2011 Rockdale DCP 2011 EPA Regulations
<b>List all documents submitted with this report for the Panel's consideration</b>	Architectural Plans SEE
<b>Report prepared by</b>	Fiona Prodromou – Senior Assessment Planner
<b>Report date</b>	27 February 2019

### Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarized in the Executive Summary of the assessment report? **Yes**

### Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**  
*e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP*

### Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Not Applicable**

### Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **Not Applicable**  
*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*

### Conditions

Have draft conditions been provided to the applicant for comment? **Yes**  
*Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report*

# BAYSIDE COUNCIL

## Planning Assessment Report

### Application Details

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<b>Application Number:</b>	DA-2016/276/B
<b>Date of Receipt:</b>	26 November 2018
<b>Property:</b>	4 Innesdale Road, WOLLI CREEK (Lot 15 DP 4032)
<b>Owner:</b>	VP1 Pty Ltd
<b>Applicant:</b>	VP1 Pty Ltd
<b>Proposal:</b>	Modification to change rear colorbond fence to masonry, add accessible toilet to rooftop open terrace, change front facade material, modify window openings to southern elevation and change street number from No. 4 to No. 6
<b>Recommendation:</b>	Approved
<b>No. of submissions:</b>	Nil
<b>Author:</b>	Fiona Prodromou
<b>Date of Report:</b>	27 February 2019

### Key Issues

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A maximum height of 17.5m applies to the site. Whilst the proposal as modified seeks to introduce an accessible toilet within the rooftop communal open space area, the top of this structure has a height of 21.5m and the proposal as modified does not exceed the previously approved height of 22.3m to the top of lift overrun.

The proposed toilet structure creates an minor increase in FSR, yet the proposal as modified remains compliant at 2.49:1 with the 2.7:1 development standard permitted.

### Recommendation

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That Development Application No 2016/276/B, being a Section 4.55(2) application to amend Development Consent Number 2016/276, for the construction of a six (6) storey boarding house, comprising 38 boarding rooms including one manager's room, rooftop communal open space and ground level parking and demolition of existing structures at 4 Innesdale Road, Wolli Creek be APPROVED and the consent amended in the following manner:

A. By amending Condition 2 to read as follows;

*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.*

<i>Plan/Dwg No.</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Received by Council</i>
<i>Plan Level 00 and 01 Issue M s01</i>	<i>Provident Homes</i>	<i>24/02/2019</i>	<i>27/02/2019</i>
<i>Plan Level 02 and 03 Issue G s02</i>	<i>Provident Homes</i>	<i>24/02/2019</i>	<i>27/02/2019</i>
<i>Plan Level 04 and 05 Issue G s03</i>	<i>Provident Homes</i>	<i>24/02/2019</i>	<i>27/02/2019</i>
<i>Roof Terrace and Roof Plan Issue F s04</i>	<i>Provident Homes</i>	<i>24/02/2019</i>	<i>27/02/2019</i>
<i>Sections and Hydrant Booster Elevations s05 Issue G</i>	<i>Provident Homes</i>	<i>25/11/2018</i>	<i>27/11/2018</i>
<i>Solar Pergola Elevations, Plan, Section and Details Issue B s06</i>	<i>Provident Homes</i>	<i>25/11/2018</i>	<i>27/11/2018</i>
<i>Elevations Issue M s041</i>	<i>Provident Homes</i>	<i>24/02/2019</i>	<i>27/02/2019</i>
<i>Materials Board Issue D</i>	<i>Provident Homes</i>	<i>24/02/2019</i>	<i>27/02/2019</i>

[Amendment A - S96(1A) modified on 30/08/2017]

[Amendment B - S4.55(2) modified on \_\_\_\_\_]

## Background

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### History

DA-2016/276 - Approved By Regional Panel 14 November 2016

Construction of a six (6) storey boarding house, comprising 38 boarding rooms including one manager's room, rooftop communal open space and ground level parking and demolition of existing structures.

DA-2016/276/A - amended on 30 August 2017 by Regional Panel

Modification to conditions of consent including condition 35 resulting in an increase to the number of boarders to 72, condition 15 to allow microwaves to each room; addition of pergola to roof terrace and widening of hydrant enclosure.

### Proposal

The proposal as modified seeks to;

- Ground Level - Modify rear and side boundary fencing from colourbond to masonry. Top of wall height 4.15RL, equivalent to a height of 1.3m.
- Rooftop Level - Addition of communal accessible toilet structure adjoining lift core.
- Modification to materials upon southern elevation to Innesdale Road.
- Minor reduction to width of windows fronting Innesdale Road to levels 1, 2, 3, 5.
- Glass sliding doors to boarding rooms 4.2 & 4.3 at level 4, fronting Innesdale Road shifted slightly to the west and centred on southern elevation.
- Modification of site address from 4 Innesdale Road to 6 Innesdale Road.



## Site location and context

The subject site is rectangular in shape, with a frontage of 12.19m to Innesdale Road and total site area of 519.5sq/m. The site is zoned R4 high density residential and the previously approved 6 storey boarding house is currently under construction on site. The approved boarding house is the first DA proposed within the existing row of dwellings, being 2 – 18 Innesdale Road which are all zoned for high rise residential development.

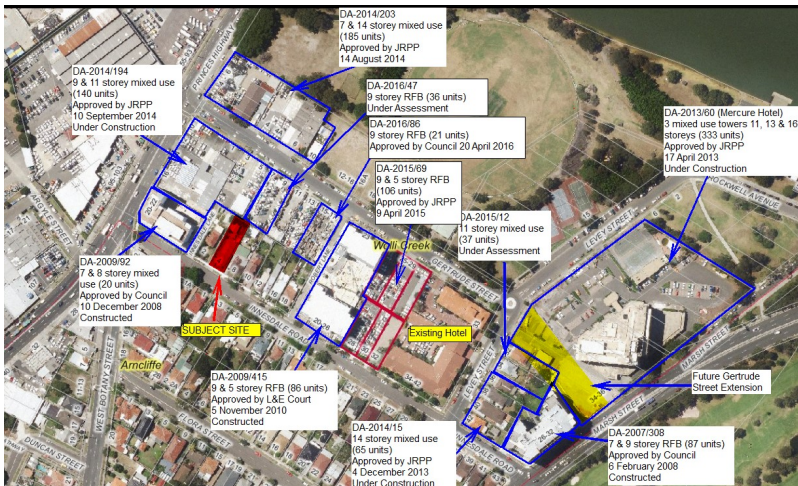


*Aerial Context*



To the east and west the site is adjoined by single storey detached residential dwellings with associated outbuilding structures. Along the rear boundary of the site an open box drainage reserve spans the width of the site, this is 1.22m in width.

The image below details recent approvals and proposals of adjoining and nearby properties within close proximity to the subject site.



*Context of proposed development and approvals.*

The subject site is affected by:

- Flooding
- Class 3 Acid Sulfate Soils
- Obstacle Limitation Surface & 15.24m Building Height Civil Aviation Regulations
- Open box drainage reserve to rear of site.

## Statutory Considerations

### *Environmental Planning and Assessment Act, 1979*

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

### **S4.55 (2) - Modification**

#### 1.2. S4.55(2) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT

S4.55(2) states:

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

*a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*

Comments: Proposed modifications are minor in nature, including alterations to the material of the sites rear and side boundary fencing within the rear of the property, addition of a communal toilet facility and modifications to the facade materials to the southern elevation. The application seeks minor modifications to the development consent. The proposal remains as previously approved, namely a boarding house development. Proposed modifications will not change the land use or substantially alter the nature of the development. As such the proposal is substantially the same development.

*b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*

Comments: Division 4.8 of the Act does not apply to this application.

*c) it has notified the application in accordance with:*

*(i) the regulations, if the regulations so require, or*

*(ii) a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of applications for modification of a development consent, and*

Comments: The application was notified in accordance with the provisions of Rockdale DCP 2011 from 4 - 20 December 2018.

*d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

Comments: Nil submissions were received in relation to the proposal as modified

#### **S4.55(3) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT**

S(3) of the Environmental Planning and Assessment Act 1979 states:

In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application.

An assessment of the application has been carried out under the provisions of Section 4.15 of the Environmental Planning and Assessment Act, 1979. The matters of relevance to this application have been considered. The following is an assessment of the proposed development under the provisions of Section 4.15(1) of the Environmental and Planning Assessment Act.

### **S4.15 (1) - Matters for Consideration - General**

#### **S4.15 (1)(a)(i) - Provisions of Environmental Planning Instruments**

The following Environmental Planning Instruments are relevant to this application:

#### **State Environmental Planning Policy (Affordable Rental Housing) 2009**

<b>Part 2 – New Affordable Rental Housing</b> <b>Division 3 – Boarding Houses</b>			
<b>Clause</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Complies</b>
29 - Standards that cannot be used to refuse consent	FSR – 2.7:1 <i>(bonus 0.5:1 as permitted by clause 29(1)(c)(i) of SEPP)</i> 2.48:1 (as approved)	Additional 6sq/m GFA 2.49:1 FSR proposed	Yes
	Height – 17.5m maximum  22.3m (as approved to top of lift overrun)	21.5m to top of proposed toilet structure at rooftop level.	<b>No</b> -However proposal as modified does not increase the maximum overall height of the development as previously approved.
	Landscape front setback – compatible with streetscape	Landscaping as approved	Yes - remains as approved.
	Parking  Totalrequired=9 spaces	9 on site car spaces as approved within car stackers & at grade.	Yes - no change to approved room numbers.
30 - Development Standards	Boarding room max size 25sq/m	No change to approved boarding room sizes	Yes - remains as approved.
	Boarding room max 2 adult person occupancy	Double and singleoccupancy boarding rooms	Yes - remains as approved.
	Provision of kitchen / bathroom facilities for each lodger	Individual ensuite per room. Microwaves proposed within rooms.	Yes - remains as approved.
30A - Character of local area	Development to be compatible with local area	Refer to Part 4.2 - Streetscape and site context of this report.	Yes

## Rockdale Local Environmental Plan 2011

Relevant clauses	Compliance with objectives	Compliance with standard/provision
2.3 Zone R4 High Density Residential	Yes	Yes - see discussion
6.6 Flood Planning Land	Yes	Yes

#### 2.3 Zone R4 High Density Residential

The subject site is zoned R4 - High Density Residential under the provisions of Rockdale Local Environmental Plan 2011 (RLEP 2011). The proposal as modified retains the previously approved 'boarding house' use. The proposal as modified remains compliant with the requirements and objectives of the zone.

#### **S4.15(1)(a)(ii) - Provisions of any Draft EPI's**

No relevant proposed instruments are applicable to the proposal as modified.

#### **S4.15 (1)(a)(iii) - Provisions of any Development Control Plan**

The following Development Control Plan is relevant to this application:

##### **Rockdale Development Control Plan 2011**

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

Relevant clauses	Compliance with objectives	Compliance with standard/provision
4.2 Streetscape and Site Context - General	Yes	Yes - see discussion
4.4.2 Solar Access - General Controls	Yes	Yes

#### 4.2 Streetscape and Site Context - General

The proposal seeks to slightly reduce the size of window openings to levels 1, 2, 3 and 5, in order to ensure compliance with BCA separation distances from the side boundaries. Additionally, the sliding glass balcony doors to boarding rooms 4.2 & 4.3 at level 4, fronting Innesdale Road are shifted slightly to the west and centred on southern elevation.

The aforementioned results in a minor increase of solid elements upon the streetscape façade, however the variation in the colour scheme is proposed, windows are centred upon the façade and comprise a 1.6m glazed height. This will ensure passive surveillance of the public domain is retained, as is an appropriate streetscape response to Innesdale Road.

Further to the above, it is proposed to alter a portion of the previously approved materials to the streetscape (southern elevation) as follows;

<i>Approved Finish</i>	<i>Proposed Finish</i>
Frosted glass on solid spandrel	White Coloured Fibro Panel
White coloured perforated panel	Painted Fibro Panel on solid spandrel

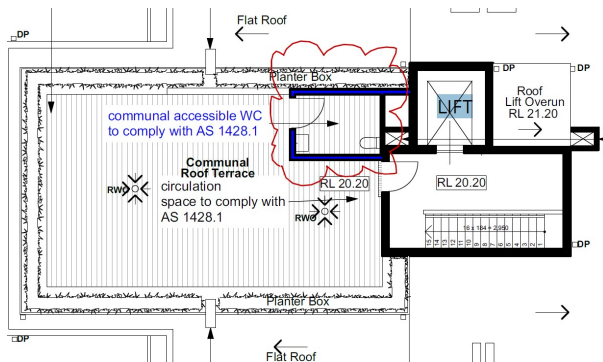


Colours as proposed are as follows;



The proposed change in materials is not unreasonable and does not adversely impact upon the appearance of the development.

The addition of a proposed toilet structure at rooftop level is limited to the rear portion of the building beyond the recessed lift / stair overrun within the centre of the building and will not likely be visible from the public domain at street level from Innesdale Road.



Given the location of the structure, its limited size, scale and discernible shadow impact, the provision of a communal accessible toilet facility at rooftop level is not unreasonable. The proposal as modified is thus supported.

#### **S4.15(1)(a)(iv) - Provisions of regulations**

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

#### **4.15(1)(b) - Likely Impacts of Development**

##### Modification to Street Numbering

The proposal as modified seeks to alter the property address from 4 to 6 Innesdale Road Wolli Creek. The applicant has advised that this modification is a "commercial decision" based on ABS population demographic trends.

As per the Australian Standard AS/NZS 4819:2011 Rural & Urban Addressing there is no legitimate reason to modify the street address of the property.

All new addresses are based on Australian Standard AS/NZS 4819:2011 Rural and Urban Addressing and must comply with the NSW Addressing Policy and User Manual.

Numbering shall adhere to the aforementioned policy / user manual, regardless of individual preferences regarding number or naming types.

Property numbers cannot be changed for reasons such as superstitions or unlucky numbers. Council does not support the change to the property number, this was verbally relayed onto the applicant.

#### **S4.15(1)(c) - Suitability of the site**

The suitability of the site for the proposed development was confirmed with the original application. The proposal as modified does not alter the suitability of the site for the development.

#### **S4.15(1)(d) - Public submissions**

The proposal as modified was notified in accordance with the provisions of Rockdale DCP 2011. Council did not receive any submissions.

#### **S4.15(1)(e) - Public interest**

Modifications as proposed in relation to the provision of a communal toilet facility at rooftop level and addition of a masonry fence within the rear portion of the site are supported as they will further maximize security and amenity for future occupants of the development. Alterations to façade materials and window placement are further supported for the reasons previously discussed within this report. The proposed change to street numbering is not supported as previously discussed.

The proposal as modified is deemed to be in the public interest.

### **S7.11 Contribution towards provision or improvement of amenities or services**

Nil modification is required to previously imposed s7.11 contributions as a result of the proposal as modified.

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

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### **General Conditions**

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

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

<i>Plan/Dwg No.</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Received by Council</i>

<i>Plan Level 00 and 01 Issue M s01</i>	<i>Provident Homes</i>	<i>24/02/2019</i>	<i>27/02/2019</i>
<i>Plan Level 02 and 03 Issue G s02</i>	<i>Provident Homes</i>	<i>24/02/2019</i>	<i>27/02/2019</i>
<i>Plan Level 04 and 05 Issue G s03</i>	<i>Provident Homes</i>	<i>24/02/2019</i>	<i>27/02/2019</i>
<i>Roof Terrace and Roof Plan Issue F s04</i>	<i>Provident Homes</i>	<i>24/02/2019</i>	<i>27/02/2019</i>
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<i>Solar Pergola Elevations, Plan, Section and Details Issue B s06</i>	<i>Provident Homes</i>	<i>25/11/2018</i>	<i>27/11/2018</i>
<i>Elevations Issue M s041</i>	<i>Provident Homes</i>	<i>24/02/2019</i>	<i>27/02/2019</i>
<i>Materials Board Issue D</i>	<i>Provident Homes</i>	<i>24/02/2019</i>	<i>27/02/2019</i>

[Amendment A - S96(1A) modified on 30/08/2017]

[Amendment B - S4.55(2) modified on \_\_\_\_\_]

3. All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).
4. **A Construction Certificate must be obtained from Council or an Accredited Certifier prior to any building work commencing.**
5. Balconies shall not be enclosed at any future time without prior development consent.
6. 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.
7. Mail boxes must be installed along the street frontage of the property boundary in accordance with Australia Post Guidelines. Prominent house numbers are to be displayed, with a minimum number size of 150 mm in height for each number and letter in the alphabet.

## Development specific conditions

The following conditions are specific to the Development Application proposal.

8. To avoid clutter and enhance the visual quality of the development, the following shall be implemented on site.
  - A. All hot water systems/units must be enclosed with the lid/cover designed to blend in with the development. All associated pipe work is to be concealed.
  - B. Balconies and windows are not to be used as clothes drying areas or for the storage of household goods and air-conditioning units that would be visible & detract from the public domain.
  - C. Air conditioning units shall be concealed and not visible from the public domain.

9. The operation of all air conditioning units singly and /or collectively must not emit:

- i) a noise level that is more than 5 dB(A) above the ambient background noise level measured at any property boundary (during peak time), and
- ii) a noise level that is audible in habitable rooms of adjoining residences (during off peak time).

*peak time means:*

*(a) the time between 8:00 am and 10:00 pm on any Saturday, Sunday or public holiday, or*

*(b) the time between 7:00 am and 10:00 pm on any other day.*

*off peak time means any time other than peak time.*

*habitable room has the same meaning as in the Building Code of Australia.*

Each individual air conditioning unit installed on the premises shall have a maximum sound power level of Lw 66 dB(A).

10. The boarding house on site shall be at all times operated in accordance with the Plan of Management which forms part of this consent and is dated and received by Council on 14 June 2017.

One (1) Boarding House Manager shall permanently reside on site at all times, whilst the boarding house is in operation. One (1) car parking space on site is to be permanently allocated to the boarding house manager and signposted as such.

Prior to the commencement of the use, a publicly visible sign is to be installed and displayed in a prominent position within the ground floor lobby and shall specify the following:

- (a) the maximum number of persons, as specified in the development consent, that are permitted in any part of the building,
- (b) the name, address and telephone number of the council of the area in which the building is located,
- (c) the name and direct mobile telephone number of the owner and/or manager of the building.

At no time are the boarding rooms to be advertised or made available for short term (less than 3 consecutive months) accommodation.

Communal open space areas both indoor and outdoor are not permitted to be used at any time between;

- a) 10pm — 8am Monday — Friday, and
- b) 11pm — 8am Saturday — Sunday.

[Amendment A - S96(1A) modified on 30/08/2017]

11. A minimum of 3 x 1100 litre rubbish bins and 10 x 240 litre recycling bins are to be provided on site within the garbage room at ground level for use by future occupants of the development.

12. No substation has been approved on the subject site. Should a substation be required, a S96 is required to be submitted to and approved by Council, showing the

location and integration of the substation into the façade of the building.

13. The 'go get' car parking space shown on plans within Innesdale Road does not form part of this consent.
14. Glass balustrades on site are to comprise frosted or opaque glazing only. Details are to be provided within Construction Certificate documentation.
15. Cooking facilities including hot plates and ovens are not permitted within boarding rooms. One (1) microwave is permitted within each boarding room.

[Amendment A - S96(1A) modified on 30/08/2017]

16. The glazed windows to the ground level lobby fronting Innesdale Road shall not be obscured or frosted and shall remain as clear glazing at all times to enable passive surveillance of the street.
17. Parking spaces shall not be enclosed without further approval of Council. The enclosure of car spaces is not permitted unless the enclosure complies with the design requirements of AS2890.1.
18. The existing and future owners (Registered Proprietor) of the property will be responsible for the operation and maintenance of the Rain Tank system. The registered proprietor will:
  - (i) permit stormwater to be temporarily detained by the system;
  - (ii) keep the system clean and free of silt, rubbish and debris;
  - (iii) maintain, renew and repair the whole or parts of the system so that it functions in a safe and efficient manner, and in doing so complete the same within the time and in the manner specified in written notice issued by the Council;
  - (iv) carry out the matters referred to in paragraphs (ii) and (iii) at the proprietor's expense;
  - (v) not make any alterations to the system or elements thereof without prior consent in writing of the Council;
  - (vi) permit the Council or its authorised agents from time to time upon giving reasonable notice (but at any time and without notice in the case of emergency) to enter and inspect the land for compliance with the requirements of this clause;
  - (vii) comply with the terms of any written notice issued by the Council in respect to the requirements of this clause within the time stated in the notice.
19. The rainwater tank shall be routinely de-sludged and all contents from the de-sludging process disposed – solids to the waste disposal and de-sludged liquid to the sewer.
20. 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.

The use of the premises, building services, equipment, machinery and, ancillary fittings shall not give rise to an “offensive noise” as defined under the provisions of the Protection of the Environment Operations Act, 1997.

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.

21. The visible light reflectivity from building materials used on the façade of the building shall not exceed 20% and shall be designed so as not to result in glare that causes any nuisance or interference to any person or place. A statement demonstrating compliance with these requirements shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for the relevant stage of works.
22. 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.
23. Hot and cold water hose cocks shall be installed to the garbage room. Services or utility systems shall not be located in the garbage room.
24. a) In order to ensure the design quality excellence of the development is retained:
  - i. Marchese Partners 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 Department prior to release of the Construction Certificate.b) The design architect of the project is not to be changed without prior notice and approval of the Council or Department.
25. Receptacles are to be provided within the boarding house for the disposal of cigarette rubbish. The receptacles are to be located adjacent to the entrances of the buildings on private property. The receptacles are to be attractive and functional. Maintenance of the receptacles is the responsibility of the building owner/manager.
26. Retaining walls over 600mm in height shall be designed and specified by a suitably qualified structural engineer.
27. The approved completed landscape works shall be maintained for a period not less than 12 months.

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

28. The building shall be designed, constructed and maintained to comply with the requirements of the Local Government Act 1993 and Local Government (General) Regulations 2005 and Public Health Act 2010 and Public Health Regulation 2012 with regards to Places of Shared Accommodation / Boarding Houses.
29. Trading shall not commence until a final inspection has been carried out by Councils Environmental Health Officer and all health related requirements have been complied with regards to Places of Shared Accommodation / Boarding Houses.
30. The proprietor of the premises - places of shared accommodation / boarding houses



shall provide Council with details for Council's Environmental Health Unit register by completing the Registration form available on request from the customer service centre.

31. Any soil disposed of off-site shall be classified in accordance with the procedures in the NSW Environment Protection Authority's Environmental Guidelines: Waste Classification Guidelines (2009).

32. The design and construction of the off-street parking facilities shall:

(i) Comply with Australian Standards AS/NZS 2890.1:2004, AS2890.3:1993 and AS/NZS2890.6:2009.

One (1) on site car space shall be provided as an accessible space.

(ii) Comply with Council's Vehicular Entrance Policy in relation to the design of the access driveways, in particular the layout of the access driveways shall be provided in the form of a layback in the kerb and gutter.

(iii) Provide Semi-automatic car stacker that enables parking of both cars independently, without pit. The minimum vehicle heights on lower and upper levels are to be 1.55m and 2.0m respectively with a ground to ceiling clearance of 3.65m minimum.

33. All recommendations contained in the Preliminary Site Investigation report by Environmental Investigations Australia, dated 22 September 2015, Ref: E22693 AA\_Rev0 shall be implemented.

34. Safety and Security

- Signage is provided internally within the communal room of the boarding house with details of the managing agent and emergency services.
- A landline is to be installed within the internal communal room
- The boarding house will be a secure development with appropriate locking mechanisms and swipe card access to communal doors and private boarding rooms within 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.
- Where applicable, security mirrors shall be installed within corridors and on blind corners to enable users to see around blind corners.
- A street sign shall be prominently displayed at the front of the development to comply with Local Government Act, 1993, Section 124, Order No 8 prior to the issue of the Occupation Certificate.
- Signage shall be erected at entry/exit points and throughout the development to assist users and warn intruders they may be prosecuted.
- Graffiti resistant materials are to be used to all ground floor external surface areas. Details to be provided prior to the issue of the Construction Certificate.
- Intercom facilities shall be installed into entry/exit points to enable residents to communicate and identify with people prior to admitting them to the development prior to the issue of the Occupation Certificate.

35. The boarding house shall comprise a maximum of 38 individual boarding rooms, including 1 manager's room and 1 accessible room. Each room greater than 16sq/m in area may be double occupancy, with rooms less than 16sq/m, being rooms

4.1/5.1/5.2/5.3 in area being single occupancy only. A maximum of 72 individual persons are permitted to reside within the boarding house on site.

[Amendment A - S96(1A) modified on 30/08/2017]

36. No strata/community title or other subdivision of the boarding house is permitted.

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

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

37. The following fees shall be paid to Council prior to the issue of a Construction Certificate. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges.
- i. A Footpath Reserve Restoration Deposit of \$4936.95. This is to cover repair of any damages, or other works to be done by Council. This includes construction, removal, or repair as required to: kerb and guttering, existing or new driveways; paved areas and concrete footpaths. The deposit may be lodged with Council in the form of a Bank Guarantee (Any proposed Bank Guarantee must not have an expiry date). The deposit will not be returned by Council until works are completed and all damage is restored and all specified works are completed by Council.
  - ii. An environmental enforcement fee of 0.25% of the cost of the works.
  - iii. A Soil and Water Management Sign of \$17.50.
38. A minimum of eight (8) bicycle and eight (8) motorbike spaces shall be provided on site in accordance with relevant Australian Standards. These spaces are to be shown on Construction Certificate drawings and approved by Principal Certifying Authority (PCA) prior to the release of the Construction Certificate.
39. For work costing \$25,000 or more, a Long Service Leave Levy shall be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.
40. An application for Boundary levels shall be made to Council's Customer Service Centre prior to issue of the Construction Certificate. All boundary works, egress paths, driveways and fences shall comply with this level.  
A fee is payable to Council for the determination of boundary levels. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges.
41. A front fence is to be provided along Innesdale Road front boundary of the subject site. The colours and materials of the front fence are to complement the approved development and fencing is to be a maximum height of 1.2m above natural ground level. Where the front fence and or planter boxes or Fire Booster enclosure are greater than 1200mm in height, the vehicular access area shall be kept clear and the return fences / planter boxes / fire booster enclosure on each side are to be splayed minimum 900mm at an angle of 45 degrees to the boundary or kept as open form construction.

Details are to be submitted to the PCA prior to the issue of the Construction Certificate.

[Amendment A - S96(1A) amended on 30/08/2017]

42. A schedule of colours, finishes and materials is to be submitted to the PCA prior to the issue of the Construction Certificate.
43. A Section 94 contribution of \$451,240.37 shall be paid to Council. Such contributions are only used towards the provision or improvement of the amenities and services identified below. The amount to be paid is adjusted at the time of payment, in accordance with the contribution rates contained in Council's current Adopted Fees and Charges. The contribution is to be paid prior to the issue of any construction certificate for works above the floor level of the ground floor. (Payment of the contribution is not required prior to any separate construction certificates issued only for demolition, site preparation works and the construction of basement levels). The contribution is calculated from Council's adopted Section 94 contributions plan in the following manner:

Open Space \$251,830.01

Town Centre / Streetscape \$26,985.88

Roads, Traffic Management, Public Parking \$97,285.91

Flood Mitigation / Stormwater \$41,603.51

Pedestrian / Cyclist \$13,934.50

Administration / Management \$7,426.69

Community Facilities / Services \$12,173.87

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

44. All building materials shall be flood resistant, or flood compatible to a height of 500mm above the 0.5% AEP flood, or flow level. All internal electrical switches, power points or similar utilities liable to flood damage shall be set at a minimum of 500mm above the 0.5% AEP flood, or flow level. Details shall be provided and approved prior to the issue of a construction certificate.
45. A suitable qualified engineer is to certify that the structure can withstand the forces of floodwater, scour, debris and buoyancy in a 0.5% AEP flood event and a PMF event.
46. The Council owned open channel will be required to continue to operate and convey stormwater flows from Innesdale Lane to Robert Lane. The development shall be designed and constructed to provide a setback from the drainage reserve of 1.5 metres (measured from the centreline of the channel) for the purposes of an easement to drain water, to enable upgrade to the culvert width and passage of overland flow. Details shall be provided and approved prior issue of initial Construction Certificate for the development.
47. Compliance with Council's Development Control Plan (DCP) 2011 – Requirements for Access. Access in accordance with Australian Standard 4299 must be provided to and within one(1) boarding room and between this boarding room and its allocated carparking space. The allocated parking space will be located in close proximity to the access points of the building. Please note that compliance with this condition requires the relevant unit(s) to be constructed to comply with all the essential (Type C) requirements of AS4299.one(1)

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

48. Ausgrid

The applicant shall confer with Energy Australia to determine if:

- i) satisfactory clearances to any existing overhead High Voltage mains will be affected.
- ii) an electricity distribution substation is required
- iii) installation of electricity conduits in the footway is required

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

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

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

50. Details shall be submitted to Council for assessment and approval pursuant to Section 138 of the Roads Act 1993 prior to the issued of the construction certificate, in relation to the following:

- i) Construction of footpath and streetscape works.
- ii) Construction of a vehicular entrance.

51. Prior to issue of the Construction Certificate, a longitudinal driveway profile shall be submitted to Principal Certifying Authority for assessment and approval. The profile shall start in the centre of the road and be along the critical edge (worst case) of the driveway. Gradients and transitions shall be in accordance with Council's Code. The profile shall be drawn to a scale of 1 to 25 and shall include all relevant levels, grades (%) and lengths.

52. 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. The applicant shall confer with Energy Australia to determine Energy Australia requirements. Written confirmation of Energy Australia's requirements shall be obtained prior to issue Construction Certificate.

53. Prior to the issue of the Construction Certificate a Flood Evacuation Management Plan shall be submitted to Principal Certifying Authority (PCA) for assessment and approval. The Flood Evacuation Management Plan shall demonstrate whether evacuation provisions are required, and if so how they will be managed. Alternatively, where it is recommended that occupants stay within the building, how is this to be communicated to occupants. In this situation occupants need to escape above the

PMF level. The plan is also to detail how the flood awareness of owners, residents or occupants, who change through time, can be preserved. The Plan shall be prepared by a suitably qualified and experienced Flood/Hydraulic Engineer.

54. The number of car parking spaces accommodated in the ground floor car park shall be restricted to 9 spaces, in which 1 space shall be an accessible space.
55. Where excavation greater than 1m in depth is required on site, an Acid Sulfate Soils Management Plan (ASSMP) shall be prepared and implemented prior to any excavation occurring on the subject site. A copy of the ASSMP shall be submitted to Council prior to the issue of the Construction Certificate.
56. Prior to the issue of a Construction Certificate a detailed acoustic assessment report of all mechanical plant (ventilation systems, exhaust fans, ventilation fans and condenser units) and equipment including air-conditioners, shall be prepared by a suitably qualified and experienced acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australian Acoustical Consultants). Plant and associated equipment shall comply with the NSW EPA Industrial Noise Policy and Protection Of Environment Operations Act 1997 noise emission criteria .

The acoustic assessment / report shall include at least the following information:

- the name and qualifications or experience of the person(s) preparing the report
- the project description, including proposed or approved hours of operation
- relevant guideline or policy that has been applied
- results of background and any other noise measurements taken from most noise affected location at the boundary line
- meteorological conditions and other relevant details at the time of the measurements
- details of instruments and methodology used for noise measurements (including reasons for settings and descriptors used, calibration details)
- a site map showing noise sources, measurement locations and potential noise receivers
- noise criteria applied to the project
- noise predictions for the proposed activity
- a comparison of noise predictions against noise criteria
- a discussion of proposed mitigation measures, the noise reduction likely and the feasibility and reasonableness of these measures
- how compliance can be determined practically

All recommendations and/or noise mitigation measures (If applicable) shall be complied with. A copy of the report shall be submitted to Council.

57. Any part of the proposed building located in the vicinity of the existing open channel 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 channel invert. This requirement shall be reflected on the Construction Certificate plans and supporting documentation.
58. Any part of the proposed building within 3m of the proposed rain tank shall be constructed on a pier and beam foundation with piers extending no less than 300mm

below the bottom of the tank base. This requirement shall be reflected on the Construction Certificate plans and supporting documentation.

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

The design shall address the following particular issues regarding Stormwater management and flood management:

- (i) The overflow from the rainwater tank must be set at or above the level of the 0.5% AEP level, as specified by Council's Flood Advice Letter.
- (ii) Integrate stormwater treatment into the landscape.
- (iii) The stormwater reuse from proposed rain tanks. The size of the rainwater storage tank should be sized such that water can be reused without supply from town water for the majority of the year. As a minimum, the storage tank should be capable of storing the first 10-20mm of runoff from the site. Rainwater should be used for landscape irrigation, car washing, and toilet flushing in apartments and general cold water supply at lower levels.
- (iv) The piped drainage within the site should be capable of conveying the 5% AEP flow; and Overland flow paths (i.e. situated internally within the building and used when the flow in the piped drainage exceeds the 5% AEP flow) should be capable of conveying the 1% AEP flows.

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

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

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

COPIES OF THE CMP AND TMP SHALL BE SUBMITTED TO COUNCIL

61. The development shall implement the recommendations of the Section J Report, prepared by Wind Tech, dated 17 October 2016 with respect to building fabric and sealing, glazing and ventilation systems, artificial power, lighting, water supply and facilities for energy monitoring. Details are to be illustrated on plans to be reviewed and approved by the PCA prior to the issue of the Construction Certificate.
62. Samples of the materials, colours and textures to be installed to party walls at



common boundaries are to be submitted and approved by the PCA prior to the issue of the Construction Certificate.

63. The following recommendations of the Wind Report prepared by Wind Tech Pty Ltd are to be implemented on site.
- a. Inclusion of 2-3m high densely foliating hedge planting on the south-western perimeter of the ground level driveway.
  - b. Inclusion of 2-3m high densely foliating hedge planting on the western edge of the private terrace on Level 1.
  - c. Inclusion of 1.8m high impermeable screen in the middle of the private balconies on Level 5.

The above details are to be illustrated upon Construction Certificate drawings and amended Landscape Plans. Documentation is to be approved by the PCA prior to the issue of the Construction Certificate.

63A. Periphery landscaping at the rooftop terrace level shall be planted with 'Camellia Sasanquas' 40cm pot size. Details to be illustrated upon Construction Certificate drawings and approved by the PCA prior to the issue of the Construction Certificate.

63B. The carpark basement retaining wall structure shall be designed with a waterproof retention system to a height of 500mm above the 0.5% AEP flood by a qualified engineer.

The runoff from deep soil landscaping and motorbike parking areas is to be collected and pumped out in accordance with the Australian Standard 3500.3 and the Council's Technical Specification Stormwater Management.

Details demonstrating compliance with this requirement shall be submitted to the Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate.

63C. The car parking area shall be flood proofed to a minimum of 500mm above the 0.5% Annual Exceedence Probability flood level. The levels shall be certified by a registered surveyor prior to construction of the driveway, retaining walls or other openings.

## **Prior to commencement of works**

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

64. A dilapidation survey shall be undertaken of all properties and/or Council infrastructure, including but not limited to all footpaths, kerb and gutter, stormwater inlet pits, and road carriageway pavements, in the vicinity which could be potentially affected by the construction of this development. Any damage caused to other properties during construction shall be rectified. A copy of the dilapidation survey and an insurance policy that covers the cost of any rectification works shall be submitted to the Accredited Certifier (AC) or Council prior to Commencement of Works. The insurance cover shall be a minimum of \$10 million.
65. A Soil and Water Management Plan shall be prepared. The Plan must include details of the proposed erosion and sediment controls to be installed on the building site. A copy of the Soil and Water Management Plan must be kept on-site at all times and made available on request.

Soil and sedimentation controls are to be put in place prior to commencement of any work on site. The controls are to be maintained in effective working order during construction.

Council's warning sign for soil and water management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign shall be erected prior to commencement of works and shall be displayed throughout construction.

66. 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.
67. 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.
68. 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.
69. The site shall be secured by a 1800 mm (minimum) high temporary fence for the duration of the work. Gates shall be provided at the opening points.
70. Where construction/building works require the use of a public place including a road or footpath, approval under Section 68 of the Local Government Act 1993 for a Barricade Permit is to be obtained from Council prior to commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.
71. 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.
72. Consultation with Ausgrid is essential prior to commencement of work. Failure to notify Ausgrid may involve unnecessary expense in circumstances such as:
  - i) where the point of connection and the meter board has been located in positions other than those selected by Ausgrid or
  - ii) where the erection of gates or fences has restricted access to metering equipment.
73. Where clearances to any existing overhead High Voltage mains are affected, the builder shall make arrangements with Ausgrid for any necessary modification to the electrical network in question. These works shall be at the applicant's expense. Ausgrid's requirements under Section 49 Part 1 of the Electricity Supply Act 1995 shall be met prior to commencement of works or as agreed with Ausgrid.

## **During demolition / excavation / construction**

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

74. 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.
75. 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.
76. 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.

77. 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.

78. 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.
79. All waste generated on site shall be disposed of in accordance with the submitted Waste Management Plan.
80. A Registered Surveyor's check survey certificate or compliance certificate shall be forwarded to the certifying authority detailing compliance with Council's approval at the following stage/s of construction:
  - i. After excavation work for the footings, but prior to pouring of concrete, showing the area of the land, building and boundary setbacks.
  - ii. Prior to construction of each floor level showing the area of the land, building and boundary setbacks and verifying that the building is being constructed at the approved level.
  - iii. Prior to fixing of roof cladding verifying the eave, gutter setback is not less than that approved and that the building has been constructed at the approved levels.

- iv. On completion of the building showing the area of the land, the position of the building and boundary setbacks and verifying that the building has been constructed at the approved levels.
  - v. On completion of the drainage works (comprising the drainage pipeline, pits, overland flow paths, on-site detention or retention system, and other relevant works) verifying that the drainage has been constructed to the approved levels, accompanied by a plan showing sizes and reduced levels of the elements that comprise the works.
81. When soil conditions require it:
- i. retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil shall be provided, and
  - ii. adequate provision shall be made for drainage.
82. Any new information discovered during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination, shall be notified to Council being the Regulatory Authority for the management of contaminated land.
83. All contractors shall comply with the following during all stages of demolition and construction:
- A Waste Container on Public Road Reserve Permit must be obtained prior to the placement of any waste container or skip bin in the road reserve (i.e. road or footpath or nature strip). Where a waste container or skip bin is placed in the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
  - A Road Opening Permit must be obtained prior to any excavation in the road reserve (i.e. road or footpath or nature strip). Where excavation is carried out on the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
  - A Hoarding Permit must be obtained prior to the erection of any hoarding (Class A or Class B) in the road reserve (i.e. road or footpath or nature strip). Where a hoarding is erected in the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
  - A Crane Permit must be obtained from Council prior to the operation of any activity involving the swinging or hoisting of goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway. Permits can be obtained from Council's Customer Service Centre.
  - A Permit to Dewater or Pump Out a site must be obtained prior to the discharge of pumped water into the road reserve, which includes Council stormwater pits and the kerb and gutter. Permits can be obtained from Council's Customer Service Centre.
84. All demolition work shall be carried out in accordance with AS2601 – 2001: The Demolition of Structures and with the requirements of the WorkCover Authority of NSW.

85. The following conditions are necessary to ensure minimal impacts during construction:

- i. Building, demolition and construction works not to cause stormwater pollution and being carried out in accordance with Section 2.8 of Council's Stormwater Pollution Control Code 1993. Pollutants such as concrete slurry, clay and soil shall not be washed from vehicles onto roadways, footways or into the stormwater system. Drains, gutters, roadways and access ways shall be maintained free of sediment. Where required, gutters and roadways shall be swept regularly to maintain them free from sediment.
- ii. Stormwater from roof areas shall be linked via a temporary downpipe to an approved stormwater disposal system immediately after completion of the roof area.
- iii. All disturbed areas shall be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls.
- iv. Building and demolition operations such as brickcutting, washing tools or paint brushes, and mixing mortar shall not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
- v. Stockpiles are not permitted to be stored on Council property (including nature strip) unless prior approval has been granted. In addition stockpiles of topsoil, sand, aggregate, soil or other material shall be stored clear of any drainage line or easement, natural watercourse, kerb or road surface.
- vi. Wind blown dust from stockpile and construction activities shall be minimised by one or more of the following methods:
  - a) spraying water in dry windy weather
  - b) cover stockpiles
  - c) fabric fences
- vii. Access to the site shall be restricted to no more than two 3m driveways. Council's footpath shall be protected at all times. Within the site, provision of a minimum of 100mm coarse crushed rock is to be provided for a minimum length of 2 metres to remove mud from the tyres of construction vehicles.

An all weather drive system or a vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be installed prior to commencement of any site works or activities, to prevent mud and dirt leaving the site and being deposited on the street. Vehicular access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site is muddy. Where any sediment is deposited on roadways it is to be removed by means other than washing and disposed of appropriately.

In addition builders / demolishers are required to erect a 1.5m high fence along the whole of the street alignment other than at the two openings. Such protection work, including fences, is to be constructed, positioned and maintained in a safe condition to the satisfaction of the Principal Certifying Authority, prior to the demolition of the existing structures and commencement of building operations.

- viii. Any noise generated during construction of the development shall not exceed limits specified in any relevant noise management policy prepared

pursuant to the Protection of the Environment Operations Act, 1997 or exceed approved noise limits for the site.

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

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

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

87. An Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of the building.
88. Tactile differentiation on floor surfaces indicating change of gradient shall be provided to those buildings where access and facilities for people with disabilities has been provided. This includes the external parts of the building, eg. access walkways and ramps. Such differentiation shall have regard to the provisions of AS1428.4.

Appropriate signage and tactile information indicating accessible facilities shall be provided at the main entrance directory, or wherever directional signage such as lifts or building directories or information is provided to those buildings where access and facilities for people with disabilities has been provided. Such signage shall have regard to the provisions of AS1428.1 and AS1428.2.

89. Where Council's park/reserve is damaged as a result of building work or vehicular building traffic, this area shall be restored by Council at the applicant's expense. Repairs shall be completed prior to the issue of the Occupation Certificate.
90. All excess excavated material, demolition material, vegetative matter and builder's rubbish shall be removed to the Waste Disposal Depot or the Regional Tip prior to final inspection.  
Note: Burning on site is prohibited.
91. All fixtures, fittings, furniture, shall be constructed of durable, smooth, impervious materials capable of being easily cleaned. All parts of the premises and all appurtenances (including furniture, fittings, bedsteads, beds and bed linen) must be kept in a clean and healthy condition, and free from vermin.

A schedule showing the numeral designating each boarding room and the maximum number of persons permitted to be accommodated in each must be conspicuously displayed within the communal lobby at ground level within the premises.

Each boarding room must be numbered in accordance with the schedule and there must be displayed clearly on the door of or in each boarding room the maximum number of persons permitted to be accommodated within the room.

92. The approved recommendations from the Flood Management Report shall be implemented prior to the issue of the final Occupation Certificate.
93. All landscape works are to be carried out in accordance with the approved landscape plans prior to the issue of an Occupation Certificate for the approved development. The landscaping is to be maintained to the approved standard at all times.



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.

94. All works within the road reserve, which are subject to approval pursuant to Section 138 of the Roads Act 1993, shall be completed and accepted by council.
95. 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.
96. Vehicles shall enter and exit the site in a forward direction at all times. A plaque with minimum dimensions 300mm x 200mm shall be permanently fixed to the inside skin of the front fence, or where there is no front fence a prominent place approved by the Principal Certifying Authority, stating the following: "Vehicle shall enter and exit the site in a forward direction at all times".
97. Prior to completion of the building works, a full width vehicular entry is to be constructed to service the property. Any obsolete vehicular entries are to be removed and reconstructed with kerb and gutter. This work may be done using either a Council quote or a private contractor. There are specific requirements for approval of private contractors.

**Note:** Council's Vehicular Entrance Policy restricts the width of the vehicular entrance over the footpath to a maximum of 4.5 metres.

98. Suitable vehicular bollards shall be provided within shared area that adjoining the accessible parking spaces.
99. Nine (9) off-street car spaces (including 1 accessible space) shall be provided in accordance with the approved plans and shall be sealed and line marked to Certifying Authority's satisfaction. The pavement of all car parking spaces, manoeuvring areas and internal driveways shall comply with Australian Standard AS3727 – Guide to Residential Pavements.
100. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.  
Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.  
Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.  
The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development.
101. Prior to issue of Occupation Certificate the applicant shall submit to the Principal Certifying Authority (PCA) an acoustic compliance report to verify that the measures stated in the 'Acoustic Assessment for Development Application by Renzo Tonin & Associates – Doc Reference: TH631-01F02 Acoustic Report for DA (r1).docx, '4 Innesdale Road, Wolli Creek Acoustic Assessment for Development Application' dated the 16 September 2015' and all other noise mitigation measures associated

with the mechanical plants (ventilation systems, exhaust fans, ventilation fans and condenser units) and equipment including air-conditioners have been carried out and certify that the construction meets the above requirements. If Council is not the PCA, a copy shall be submitted to Council concurrently. The report shall be prepared by a suitably qualified and experienced acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australian Acoustical Consultants).

102. A certificate is to be provided to Council that all wet areas have been effectively waterproofed (prior to tiling) in accordance with AS3740 and the product manufacturer's recommendations.
103. A certificate from a Registered Surveyor shall be provided to the Principal Certifying Authority (PCA) certifying that the habitable/commercial floor level is constructed a minimum of 500mm above the 0.5% Annual Exceedance Probability (A.E.P) Flood Level. A copy of the certificate shall be provided to Council where Council is not the Principal Certifying Authority.
104. A certificate from a Registered Surveyor shall be provided to the Principal Certifying Authority certifying that the garage floor/parking level is either constructed at or above 0.5% A.E.P Annual Exceedance Probability (AEP) Flood Level OR [in the case of the garage floor/parking level being below the 0.5% A.E.P Annual Exceedance Probability (AEP) Flood Level] the garage floor/parking level is protected from inundation to a minimum of 500mm above the 0.5% A.E.P Annual Exceedance Probability (AEP) Flood Level. A copy of the certificate shall be provided to Council where Council is not the Principal Certifying Authority.
105. 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.
106. The development shall comply with Rockdale Development Control Plan (DCP) 2011, and the Planning Considerations and Development Controls listed in the Flood Advice letter referenced FA-2016/42, dated September 2015.
107. The Provision of a 0.875m wide drainage easement to Council along open drainage channel. The drainage easement is to be in favour of Bayside Council and covered by a Section 88E Instrument, which may only be varied or extinguished with the consent of Bayside Council. A restriction to user preventing building works within the easement is also required.

The drainage reserve of 1.5 metres (measured from the centreline of the channel) for the purposes of an easement to drain water, to enable upgrade to the culvert width and passage of overland flow.

These provisions are to be put into effect prior issue of initial Occupation Certificate.

108. A positive covenant pursuant to the Conveyancing Act 1919 shall be created on the title for the maintenance of the rain tank facility.
109. 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.

110. The drainage system shall be constructed in accordance with the approved drainage plans and any amendments in red. All stormwater drainage plumbing work shall comply with the NSW Code of Practice: Plumbing and Drainage and Australian Standard AS3500.

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

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

111. The owner of the premises is required to comply with the following requirements when installing a rainwater tank:
- Inform Sydney Water that a Rainwater tank has been installed in accordance with applicable requirements of Sydney Water.
  - The overflow from the rainwater tank shall be directed to the storm water system.
  - All plumbing work proposed for the installation and reuse of rainwater shall comply with the NSW Code of Practice: Plumbing and Drainage and be installed in accordance with Sydney Water "Guidelines for rainwater tanks on residential properties.
  - A first flush device shall be installed to reduce the amount of dust, bird faeces, leaves and other matter entering the rainwater tank.
112. The boarding house shall be registered with the NSW Department of Fair Trading, prior to the occupation of the premises.

The boarding house must be registered with Council prior to its Occupation. Details including name, address, contact number & email of the Building's Manager and Managing Agent are to be submitted to Council prior to the issue of the Occupation Certificate.

Should the above details change at any time, revised confirmation of the managing agents details are to be forwarded to Council within 7 days of the change in management.

## **Roads Act**

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

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

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

## Road Safety Section.

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

114. 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.
115. 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.
116. 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.
117. 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.
118. 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.

## Development consent advice

- a. A street number shall be prominently displayed at the front of the development. The street number shall be a minimum of 120 mm in height to assist emergency services and visitors to locate the property. The numbering shall be erected prior to commencement of operations.
- b. 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.
- c. Where Council is not engaged as the Principal Certifying Authority and the Section 88B Instrument contains easements and/or covenants to which Council is a Prescribed Authority, the Council must be provided with all relevant supporting information (such as works-as-executed drainage plans and certification) prior to Council endorsing the Instrument.
- d. 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.
- e. The water from the rainwater tank should not be used for drinking, Sydney Water shall be advised of the installation of the rainwater tank.
- f. If the development is not subject to BASIX, a mandatory rainwater tank may be required.
- g. All site works shall comply with the occupational health and safety requirements of the NSW WorkCover Authority.
- h. In the event of any inconsistency between conditions of this approval and the drawings/documents referred to in condition 2, the conditions of this approval prevail.
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- k. Where Council is not engaged as the Principal Certifying Authority 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.
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