

# NOTICE OF DETERMINATION

Section 96 of Environmental Planning and Assessment Act, 1979

---

S96 Approval Date	7 June 2018
Authority	Delegated Authority
Reference	DA-2014/203/B
Contact	Fiona Prodromou 9562 1672

---

Grand City International Development Pty Ltd  
803/59 Golburn St  
SYDNEY NSW 2000

**Property:** 4-6 Princes Highway & 4-10 Gertrude Street, WOLLI CREEK NSW 2205  
Lot 4 DP 124366, Lot 1 DP 124366, Lot 3 DP 124366, Lot 2 DP 124366,  
Lot 55 DP 4301, Lot A DP 322579, Lot A DP 365339, Lot B DP 365339,  
Lot C DP 365339, Lot C DP 325535

**Proposal:** Integrated Development - Demolition of existing structures and  
construction of fourteen (14) storey mixed use development comprising  
5 commercial units, 185 residential units and basement car parking

Your application to modify Development Consent No. DA-2014/203 dated 14 August 2014 was considered under Section 4.55(1A) 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 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.

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.

Architectural plan numbered A080 Rev A (Basement 2) drawn by Tony Owen Partners dated 23/06/14 and received by Council on 23/06/14.

Architectural plan numbered A090 Rev A (Basement 1) drawn by Tony Owen Partners dated 23/06/14 and received by Council on 23/06/14.

Architectural plan numbered A100 Rev A (Ground Floor Plan) drawn by Tony Owen Partners dated 23/06/14 and received by Council on 23/06/14.

Architectural plan numbered A101 Rev A (L1) drawn by Tony Owen Partners dated 23/06/14 and received by Council on 23/06/14.

Architectural plan numbered A102 (L2) drawn by Tony Owen Partners dated April 2014 and received by Council on 15/05/2014

Architectural plan numbered A103 (L3) drawn by Tony Owen Partners dated April 2014 and received by Council on 15/05/2014.

Architectural plan numbered A104 (L4) drawn by Tony Owen Partners dated April 2014 and received by Council on 15/05/2014.

Architectural plan numbered A105 (L5) drawn by Tony Owen Partners dated April 2014 and received by Council on 15/05/2014.

Architectural plan numbered A106 (L6) drawn by Tony Owen Partners dated April 2014 and received by Council on 15/05/2014.

Architectural plan numbered A107 (L7) drawn by Tony Owen Partners dated April 2014 and received by Council on 15/05/2014.

Architectural plan numbered A108 (L8) drawn by Tony Owen Partners dated April 2014 and received by Council on 15/05/2014.

Architectural plan numbered A109 (L9) drawn by Tony Owen Partners dated April 2014 and received by Council on 15/05/2014.

Architectural plan numbered A110 (L10) drawn by Tony Owen Partners dated April 2014 and received by Council on 15/05/2014.

Architectural plan numbered A111 (L11) drawn by Tony Owen Partners dated April 2014 and received by Council on 15/05/2014.

Architectural plan numbered A112 (L12) drawn by Tony Owen Partners dated April 2014 and received by Council on 15/05/2014.

Architectural plan numbered A113 (L13) drawn by Tony Owen Partners dated April 2014 and received by Council on 15/05/2014.

Architectural plan numbered A120 (Roof Plan) drawn by Tony Owen Partners dated April 2014 and received by Council on 15/05/2014.

Architectural plan numbered A130 (Adaptable Units) drawn by Tony Owen Partners dated April 2014 and received by Council on 15/05/2014.

Architectural plan numbered A200 (Section A) drawn by Tony Owen Partners dated April 2014 and received by Council on 15/05/2014.

Architectural plan numbered A201 (Section B) drawn by Tony Owen Partners dated April 2014 and received by Council on 15/05/2014.

Architectural plan numbered A202 (Driveway Profile) drawn by Tony Owen Partners dated April 2014 and received by Council on 15/05/2014.

Architectural plan numbered A204 (Section C) drawn by Tony Owen Partners dated April 2014 and received by Council on 15/05/2014.

Architectural plan numbered A205 Rev A (Section D) drawn by Tony Owen Partners dated 23/06/14 and received by Council on 23/06/14.

Architectural plan numbered A300 Rev A (North Elevation) drawn by Tony Owen Partners dated 18/06/14 and received by Council on 19/06/2014.

Architectural plan numbered A301 Rev A (East Elevation) drawn by Tony Owen Partners dated 18/06/14 and received by Council on 19/06/14.

Architectural plan numbered A302 Rev A (South Elevation) drawn by Tony Owen Partners dated 18/06/14 and received by Council on 19/06/14.

Architectural plan numbered A303 Rev B (West Elevation) drawn by Tony Owen Partners dated 23/06/14 and received by Council on 23/06/14.

Architectural plans numbered A250 (Principle Section for Snorkel Bedrooms – Daylight Provision) drawn by Tony Owen Partners dated June 2014 and received by Council on 19/06/14.

Architectural plans numbered A251 (Main Entry Lobby Principle Section) drawn by Tony Owen Partners dated June 2014 and received by Council on 19/06/14.

Architectural plans numbered A252 (Greenwall Planter Section A) drawn by Tony Owen Partners dated June 2014 and received by Council on 19/06/14.

Architectural plans numbered A253 (Greenwall Planter Section B) drawn by Tony Owen Partners dated June 2014 and received by Council on 19/06/14.

Architectural plans numbered A254 (Greenwall Planter Section North / Eastern) drawn by Tony Owen Partners dated June 2014 and received by Council on 19/06/14.

Architectural plans numbered A256 (Lift / Core Stair Principle) drawn by Tony Owen Partners dated June 2014 and received by Council on 19/06/14.

3. All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).
4. **A Construction Certificate must be obtained from Council or an Accredited Certifier prior to any building work commencing.**
5. The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate Numbers 505484M\_02 and 505648M\_02 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. A separate approval is required for the strata subdivision & use of the ground floor retail / commercial tenancies.
7. Excavation, filling of the site (with the exception of the area immediately under the building envelope), or construction of retaining walls are not permitted unless shown on the approved plans and authorised by a subsequent construction certificate.
8. 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.
9. The development shall comprise the following address details. New address information as follows shall be reflected on any subdivision application for the site.
  1. Commercial Tenancies (1 – 5) shall be identified as 4-6 Princes Highway Wollie Creek.
  2. Residential dwellings within the westernmost tower shall be identified as 6 Gertrude Street Wollie Creek.
  3. Residential dwellings within the central tower shall be identified as 8 Gertrude Street Wollie Creek.
  4. Residential dwellings within the easternmost tower shall be identified as 10 Gertrude Street Wollie Creek.
10. Prior to the commencement of any building works on the property, including the removal of the existing Council drainage pipe on 2 Gertrude Street, the contractor must:
  - Construct new RC Council diversion drainage pipes and pits in Gertrude Street, Princes Highway and Cahill Park as agreed by Council; and
  - Obtain acceptance from Council for all pipe construction, pit construction, and pavement and footpath restorations.

Removal of the existing Council pipe on 2 Gertrude Street **MUST NOT** occur until the pipe relocation works have been completed and accepted by Council.

11. 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 Rockdale City Council and the necessary fee paid under the Roads Act 1993 and/or the Local Government Act 1993.

**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 may result in fines or prosecution.**

12. The implementation of this Consent generates a need for works to be completed in a public place owned by Council.

#### **A. Design**

The scope of works is to be identified by Rockdale City Council. For identified works the preparation of the design and specification shall be undertaken in accordance with the design brief issued by Rockdale City 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 Rockdale City Council.

Note: To enable the scope of works to be determined and alignment levels issued a completed *Application for Activities on Council Sites* 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 determined and alignment levels issued.

Note: The works required will be determined 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 infrastructure and existing infrastructure.

## **B. Before Construction**

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 Rockdale City Council pursuant to the Roads Act and/or Local Government Act prior to construction. All fees for inspection by Rockdale City 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 may result in fines or prosecution.**

## **C. Before Occupation**

All works required in the public place as detailed by the approved design and specification must be completed before occupation of the development. All works-as-executed records for works establishing infrastructure assets to be handed over to Council for ongoing maintenance shall be provided to Rockdale City Council, and a handover certificate issued by Rockdale City Council.

13. The implementation of this Consent generates a need for works on the development site and in a public place to be appropriately managed to ensure the protection of the environment and safety of the other public place users.

## **A. Before Commencement of Works including Demolition**

A Site Management Plan must accompany the completed *Application for Activities on Council Sites* 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 Rockdale City Council a separate Demolition Site Management Plan. These plans must satisfy the Objectives and Controls of Rockdale City 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

### **B. During Works**

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.

14. The implementation of this Consent generates a need for the adequate regulation of the works and activities in a public place.

### **A. Before Works**

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 Rockdale City 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;
- 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.

**Note:** The consent for the works approval for works in a public place must be activated and all inspection fees must be paid to Rockdale City Council prior to the meeting. Please refer to Rockdale City Council Councils Adopted Schedule of Fees and Charges.

15. The implementation of this Consent generates a need for the adequate supervision of the works and activities in a public place.

**A. Before Construction**

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 Rockdale City 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.

**B. During Construction**

The supervising engineer must supervise the works as listed above to ensure compliance with:

- i) any consent issued by Rockdale City 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.

**C. Before Occupation**

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.

16. The implementation of this Consent may generate a need to a works-in-kind agreement to be formulated between the consent holder and Council.

**A. Before Construction**

Where the consent holder proposes to make an offer to provide material public benefit (i.e. work in kind), in lieu of a monetary contribution in accordance with Council's Section 94 Contributions Plan, either in part or in full satisfaction of the condition prescribing the Section 94 Contribution for Wolli Creek - Town Centre & Streetscape Improvements, for the provision of streetscaping, Council may accept the offer subject to the following terms:

- (i) The offer must be made and accepted by Council prior to the issue of the first construction certificate, and
- (ii) The requirements of Clause 3.4 of the Rockdale Section 94 Contributions Plan 2004 relating to works in kind must be met; and
- (iii) The works in kind being limited to the work item identified in the Rockdale Section 94 Contributions Plan 2004; and
- (iv) The value of the material benefit contribution for the works identified in each of these conditions is limited to the estimated cost of these works, as identified in the Rockdale Section 94 Contributions Plan 2004 and as annually reviewed under Clause 3.2 of the plan; and
- (v) The value of the material public benefit contribution for the provision of all of the works will not exceed the total amount of the contribution specified in this consent, as annually reviewed under Clause 3.2 of the Rockdale Section 94

Contributions Plan 2004.

### **B. During Construction**

The consent holder is responsible for ensuring that the terms of the works in kind agreement are satisfied at all times during the construction of the works listed in the works in kind agreement.

### **C. Before Occupation**

All works specified in the works in kind agreement must be completed before occupation of the development. All works-as-executed records for works establishing infrastructure assets to be handed over to Council for ongoing maintenance shall be provided to Rockdale City Council, and a handover certificate issued by Rockdale City Council.

17. 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.

## **DEVELOPMENT SPECIFIC CONDITIONS**

The following conditions are specific to the Development Application proposal:

18. Materials, goods or machinery shall not be stored, placed or otherwise permitted to stand between the building line and the street alignment.
19. All loading, unloading and transfer of goods to and from the loading bay and premises shall take place wholly within the property.
20. Loading areas are to be used only for the loading and unloading of goods, materials etc. not for any other purpose.
21. 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.
22. The existing and future owners (Registered Proprietor) of the property will be responsible for the operation and maintenance of the detention system.

The Registered Proprietor will:

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



- of this clause;
- 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.
23. The existing and future owners (Registered Proprietor) of the property will be responsible for the efficient operation and maintenance of the pump system.
- The Registered Proprietor will:
- i) permit stormwater to be temporarily detained and pumped by the system;
  - ii) keep the system clean and free of silt, rubbish and debris;
  - iii) maintain, renew and repair the whole or parts of the system so that it functions in a safe and efficient manner; and in doing so complete the same within the time and in the manner specified in written notice issued by the Council;
  - iv) carry out the matters referred to in paragraphs (ii) and (iii) at the proprietor's expense;
  - v) not make alterations to the system or elements thereof without prior consent in writing of the Council.
  - vi) permit the Council or its authorised agents from time to time upon giving reasonable notice (but at any time and without notice in the case of emergency) to enter and inspect the land for compliance with the requirement of this clause;
  - vii) comply with the terms of any written notice issued by the Council in respect to the requirements of this clause within the time stated in the notice.
24. 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.
25. 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.
26. 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.
- 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.
27. Temporary dewatering of the site to enable the construction of the subsurface structure shall not be carried out unless a permit has been issued pursuant to the *Water Management Act 2000*, and, in the case where water is to be pumped into the public road, a permit has been issued pursuant to the *Roads Act 1993*.
28. The development shall comprise 12 x studio, 15 x 1-bedroom, 31 x 1-bedroom plus study, 111 x 2-bedroom and 16 x 3-bedroom units.
29. 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.

30. Monitored CCTV cameras shall be installed in and around the building to maximize surveillance opportunities. Digital or video technology should be used to record images from the cameras.
31. The following conditions relate to compliance with relevant standards in regard to the design of the basement and parking areas:
  - a) Bicycle parking facilities shall be designed in accordance with AS2890.3:1993.
  - b) Commercial vehicle facilities shall be designed strictly in accordance with AS2890.2:2002.
  - c) The off-street parking areas associated with the subject development shall be designed strictly in accordance with AS2890.1 and AS2890.6.
  - d) Internal height clearance shall be designed throughout the car park and access driveway in accordance with AS2890.1 and AS2890.6.
32. All existing and proposed lights shall comply with the Australian Standard AS4282 - 1997 "Control of the Obtrusive Effects of Outdoor Lighting". In this regard, the lighting of the premises shall be directed so as not to cause nuisance to the owners or occupiers of adjacent/adjoining premises or to motorists on adjoining or nearby roads.
33. Services or utility systems shall not be located in the garbage room. Hot and cold water hose cocks shall be installed to the garbage room.
34. Where natural ventilation fails to comply with the provisions of the Building Code of Australia, mechanical ventilation shall be provided in accordance with Australian Standard, 1668, Part 2.
35. Balustrades shall be constructed from a solid/opaque material to a minimum height of 1000mm. The top of the balustrade shall be a minimum height of 1200mm.
36. Ceiling heights for all habitable areas shall be a minimum of 2.7 metres as measured vertically from finished floor level to the underside of the ceiling.  
Ceiling heights for all non-habitable areas shall be a minimum of 2.7 m as measured vertically from finished floor level to the underside of the ceiling.
37. The contaminated site shall be remediated in accordance with 'State Environmental Planning Policy No 55 Remediation of Land' (SEPP55). All remediation and validation works shall be carried out in accordance with the Site Remedial Action Plan called Report to Greencruise Development Group Pty Ltd on Additional Environmental Site Assessment & Remediation Action Plan for Proposed Mixed Use Development at 4-6 Princes Highway & 4-10 Gertrude Street, Wollie Creek – Ref: E26743Krpt2 prepared by EIS – Environmental Investigation Services dated 30 June 2014.
38. The remediation strategy documented in the Remedial Action Plan (RAP) must not be changed without the written approval of the Site Auditor and Council.
39. The basement must be designed and constructed as a tanked structure that allows minimal seepage of groundwater into the basement over the design life of the structure.
40. No work, including excavation or removal of any trees, shall commence within Crown Land (Cahill Park) without written agreement in principle to a suitable temporary

licence under s.108 of the Crown Lands Act, from reserve trust manager, being Rockdale City Council.

41. A minimum eastern side setback of 1.81m to the building line shall be provided to the NE corner of units 201 / 301 / 401 / 501 / 601 / 701 / 801 / 901 / 1001 / 1101 / 1201 / 1301.
42. A separate development application is to be submitted seeking approval of a signage strategy for the building. The signage strategy development application must include information and scale drawings of the location, type, construction, materials and total number of signs appropriate for the building. The approved signage strategy is to be followed during the life of the building and should be incorporated into the by-laws.  
  
Some forms of signage require separate development consent. Please refer to relevant planning policies for more information.
43. The materials and façade details approved under condition 2 and any other relevant condition of this consent shall not be altered or amended at the construction certificate stage without a prior S96 application and approval under the EP&A Act.
44. The following wind amelioration measures as specified within the report prepared by Wind Tech dated 6 May 2014 (WB775-01F03(rev0)) are to be implemented.
  - Provision of a 1.5m maximum height impermeable balustrade along the northern boundary of the ground level outdoor seating area.
  - Provision of a 2.5m maximum height impermeable screen along the perimeter of the pedestrian footpath located at the SE corner of the site on level 1.
  - Provision of a 2.5m maximum height impermeable screen along the NE perimeter of the communal terrace on level 7.
  - Inclusion of densely foliating trees capable of growing to a height of 3m, with a 3m wide canopy within the landscaped areas of the communal open space on level 7.
  - Provision of full height impermeable or louvered screens along the SE perimeter of the SE private corner balconies on the east tower on levels 2 – 7.
  - Provision of full height impermeable or louvered screens along the SE perimeter of the SW private corner balconies on the east tower on levels 2 – 13.

Should any further Wind Amelioration measures be required which modify the design of the development a further Section 96 Application must be submitted to Council.

45. *[Amendment B – S4.55(1A) deleted on \_\_\_\_\_]*
46. All loading and unloading shall be carried out on site.

## PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE

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

47. 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 \$51 648.30. 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 (811) of \$16.50.
  - iv. 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.
  - v. An application for Boundary levels shall be made to Council's Customer Service Centre prior to issue of the Construction Certificate. All boundary works, egress paths, driveways and fences shall comply with this level.  
A fee of \$370 is payable to Council for the determination of boundary levels.
48. Council requires a bond to be paid to cover the partial cost of the works relating to the new Council drainage pipe and pits, and footpath and pavement restorations, where the works are undertaken by a Private Licensed Contractor. Contact Council for details of the value of the bond to be paid to Council.
  49. The connection of stormwater drainage pipes to the existing kerb inlet pit in Gertrude Street must be inspected by Council prior to backfilling. A payment of \$276.80 is required prior to the issue of the Construction Certificate for inspection of the connection and/or alteration to the Council pipeline. If payment is made after the end of the financial year the amount is to be adjusted in accordance with Council's adopted fees and charges. Where the inspection is unsatisfactory, each additional inspection will incur an extra charge.
  50. A Section 94 contribution of \$2,682,177.69 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 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	\$1,320,990.90
Community Services & Facilities	\$86,854.42
Town Centre & Streetscape Improvements	\$198,691.84
Flood Mitigation & Stormwater	\$307,861.80

Pedestrian & Cyclist	\$103,110.81
Roads & Traffic Management	\$608,821.46
Plan Administration & Management	\$55,846.41

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

51. Prior to the issue of the Construction Certificate a certificate from a practicing Structural Engineer, registered with NPER, shall be submitted to Council stating that the subsurface structural components located on the boundary of the public road, including but not limited to the slabs, walls and columns, have been designed in accordance with all SAA Codes for the design loading from truck and vehicle loads.
52. A suitable qualified engineer is to certify that the structure can withstand the forces of floodwater, scour, debris and buoyancy in a 1% AEP flood event.
53. All building materials shall be flood resistant, or flood compatible to a height of 500mm above the 1% AEP flood, or flow level. All internal electrical switches, power points or similar utilities liable to flood damage shall be set at a minimum of 500mm above the 1% AEP flood, or flow level. Details shall be provided and approved prior to the issue of a construction certificate.
54. A suitable qualified engineer is to certify that the structure can withstand the forces of floodwater, scour, debris and buoyancy in a 1% AEP flood event and a PMF event.
55. The building shall be constructed with coloured finishes as per the approved schedule of finishes. This requirement shall be reflected on the Construction Certificate plans and supporting documentation.
56. 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 19 residential unit, and between this unit(s) and its allocated carparking space. The allocated parking space will be located in close proximity to the access points of the building. The adaptable unit(s) are to be unit number(s) 201, 301, 401, 501, 601, 701, 801, 901, 1001, 1101, 1201, 1301, 207, 307, 407, 507, 607, 707, 111. 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.  
  
Compliance with Council's Development Control (DCP) 2011 in relation to requirements for access. Compliance with this condition will require the design and fitout of the commercial/retail areas to be in accordance with Australian Standard 1428.1-2009.  
  
**Note:** Compliance with Council's Development Control Plan (DCP) 2011 – 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.
57. Compliance with Council's Development Control Plan (DCP) 2011 – Requirements for Access. Compliance with this condition requires a minimum of 19 adaptable carparking space/s to be provided. The car spaces shall be identified and reserved at all times and be in the vicinity to lifts or as close as possible to public areas and

facilities. The car spaces shall have minimum dimensions in accordance with AS 2890.6 and all spaces shall have an uninterrupted minimum headroom clearance of 2.5 metres free of all obstructions, such as service pipes, fittings etc for use by vehicles fitted with roof mounted wheelchair racks.

58. Prior to the issue of a Construction Certificate, the report by Acoustic Logic dated 10/12/2013 and received by Council on 18/12/2013, shall be submitted to the Accredited Certifier (AC). The report is to be amended to detail any necessary modifications to the structure of the building to reduce the intrusion of road traffic noise into occupied rooms. The design sound levels shall comply with the requirements of Australian Standard 2107-2000 *'Recommended Design Sound Levels and Reverberation Times for Building Interiors'*. The measurement methodology shall comply with the requirements of Australian Standard 2702-1984 *'Acoustics - Methods for the measurement of road traffic noise'*. The sound levels design calculations and construction methodology shall comply with the requirements of Australian Standard 3671-1989 *'Road Traffic Noise Intrusion - Business Siting and Construction'*.

The report shall also include measures to mitigate aircraft and mechanical plant noise.

Where Council is not the PCA, a copy of the report shall be provided concurrently to Council.

59. The applicant shall confer with Ausgrid to determine:
- a) if an electricity distribution substation is required.
  - b) if satisfactory clearances to any existing overhead High Voltage mains will be affected.
  - c) if installation of electricity conduits in the footway is required.

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

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

61. 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.

62. If the development is likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing, whichever occurs first; and the arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/ developer.

63. 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 drainage pits and pipes.
  - ii) Construction of footpath and streetscape works.
  - iii) Construction of a vehicular entrance.
64. 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 20 and shall include all relevant levels, grades (%) and lengths.
65. The subsurface structure shall be designed with a waterproof retention system (ie tanking and waterproofing) with adequate provision for future fluctuation of the water table. The subsurface structure is required to be designed with consideration of uplift due to water pressure and "flotation" (buoyancy) effects. Subsoil drainage around the subsurface structure must allow free movement of groundwater around the structure, but must not be connected to the internal drainage system. The design of subsurface structure, tanking and waterproofing, and subsoil drainage shall be undertaken by a suitably experienced Chartered Professional Engineer(s). Design details and construction specifications shall be included in the documentation accompanying the Construction Certificate.
66. As malicious damage (graffiti) is often an offence committed at such developments, strong consideration is to be given to the use of graffiti resistant materials, particularly on fences and all ground floor areas. Details to be provided prior to the issue of the Construction Certificate.
67. Prior to the issue of the Construction Certificate, amended drainage plans shall be submitted to Council for assessment and approval. The amended drainage plans shall identify stormwater management for the development and be prepared using a *Water Sensitive Urban Design (WSUD)* approach, as detailed in Council's Technical Specification Stormwater Management. The plans must be accompanied by a design certificate in the form specified by Council.
68. Prior to the issue of the Construction Certificate, a report shall be submitted to Council for assessment and approval detailing the *Water Sensitive Urban Design (WSUD)* approach for the development. The report shall identify, and discuss in detail, the 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.
69. Prior to the issue of the Construction Certificate a Flood Evacuation Management Plan shall be submitted to Council 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 plus 0.5 m. 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.

70. All recommendations contained in the report prepared by JK Geotechnics Ref: 26743Srpt, dated 10 September 2013 shall be implemented. A report from a qualified engineer shall be submitted to the Certifying Authority addressing the recommendations prior to the issue of the relevant Construction Certificate.

71. **Geotechnical**

There are built structures, (including public assets) which may be in the zone of influence of the proposed works and excavations on this site. A qualified practicing geotechnical engineer must prepare a Construction Methodology report demonstrating that the proposed construction method 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.

Where a Private Certifier issues the Construction Certificate the document mentioned in the above paragraph must be provided to Council.

The report must include an investigation to determine the design parameters appropriate to the specific development and site. This would typically include:

- Location & level of nearby foundations/footings (site and neighbouring)
- Proposed method of excavation
- Permanent and temporary support measures for excavation
- Potential settlements affecting footings/foundations
- Ground-water levels (if any)
- Batter slopes
- Potential vibration caused by method of excavation
- Likely vibration effects for the recommended construction equipment
- Recommended regime of construction inspections by Geotechnical engineer.
- De-watering including seepage and off site disposal rate (if any).

72. **Vibration monitoring**

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

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

Where any such alarm triggers all excavation works must cease immediately. Prior to the vibration monitoring equipment being reset by the professional engineer



and any further work recommencing the event must be recorded and the cause of the event identified and documented by the professional engineer.

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

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

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

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

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

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

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

73. 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.
74. In addition to complying with the requirements of the BCA walls separating tenancies shall be of discontinuous construction, satisfy the AAAC 5 Star attribute for walls and provide an  $D'nT, w + Crt \geq 50$ .

A report shall be submitted to the Principal Certifying authority for approval prior to the issue of the Construction Certificate. The report is to include BCA requirements and details of the common walls between residential apartments within the development.

75. In addition to complying with the requirements of the BCA floors/ceilings separating tenancies shall be constructed to satisfy the AAAC 5 Star attribute for floors and provide an  $L'nT \leq 45$ .

A report shall be submitted to the Principal Certifying authority for approval prior to the issue of the Construction Certificate. The report is to include BCA requirements and details of floor/ceilings between residential apartments. Apartments designed with carpet covered floors shall be identified in the report.

If carpet is provided and removed from the floor and replaced with a hard floor surface the floor/ceiling construction shall be upgraded to satisfy the AAAC 5 Star attribute for floors and provide an  $L'nT \leq 45$ .

76. A dilapidation survey shall be undertaken of all properties and/or Council infrastructure, including but not limited to all footpaths, kerb and gutter, stormwater inlet pits, and road carriageway pavements, in the vicinity which could be potentially affected by the construction of this development. Any damage caused to other properties during construction shall be rectified. A copy of the dilapidation survey and an insurance policy that covers the cost of any rectification works shall be submitted to the Accredited Certifier (AC) prior to issue of the Construction Certificate. The insurance cover shall be a minimum of \$10 million.
77. A Waste Management Plan shall be prepared and implemented in accordance with Rockdale Technical Specification Waste Minimisation and Management.
78. The mechanical ventilation & air conditioning systems shall comply with the requirements of the Building Code of Australia, and/or relevant standards AS1668.1-1998 The Use of Ventilation and Air-conditioning in Buildings Part 1: Fire and Smoke Control in Multi-compartment Buildings, and/or AS 1668.2 - 2002: The Use of Ventilation and Air-conditioning in Buildings Part 2: Ventilation Design for Indoor Air Contaminant Control.  
  
The system shall be certified by a suitably qualified and experienced engineer at the completion of installation prior to the issue of an Occupation Certificate. A copy of the certificate shall be provided to the Principal Certifying Authority (PCA). A copy shall also be provided to Council if Council is not the PCA.
79. 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.
80. 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.
81. 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.
82. A visitor car space shall also operate as a car wash bay. A tap shall be provided. A sign shall be fixed saying 'Visitor Car Space and 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.
83. Prior to the issue of the Construction Certificate, 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.

**Note:** The detailed plans are required to show the basement levels as tanked system and also to incorporate an oil separator.

84. Prior to the issue of the Construction Certificate, the "*Conclusions*" as specified within the Environmental Site Assessment, prepared by Environmental Investigation Services, dated September 2013 are to be prepared and approved by the Principal Certifying Authority, with copies concurrently submitted to Council.
85. Kitchen and bathroom windows on the western elevation of the eastern tower, level 8 and above, are to be frosted glass. Details are to be provided prior to the issue of the Construction Certificate.
86. All vertical plumbing, other than roofwater heads and downpipes, shall be concealed within the brickwork of the building. Any electrical kiosks or fire booster valves shall be located in unobtrusive locations away from entrances into the building. Utilities shall be embedded into the walls of the building so as not to detract from the overall appearance of the development and amenity of the streetscape.

The fire hydrant & sprinkler booster at ground level fronting Gertrude Street, shall be screened and covered, whilst ensuring appropriate access to NSW Fire & Rescue Services is provided. Colours, finishes and materials are to be consistent with the approved development and written approval is to be sought from NSW Fire & Rescue Services as to the suitability of selected screening for access purposes. Details to be submitted to Council for approval prior to the issue of the Construction Certificate.

87. The Landscape documentation prepared by Tony Owen Partners is to be amended to provide specific construction design details, including a detailed specification, in regards to:
  - a. The north facing park terrace materials and finishes, levels, and stairs, with cross-sections clearly demonstrating the interface of the development to Cahill Park and relationship to it.
  - b. Planter finishes, soil media, mulch and automatic irrigations system (required for all planters), and treatment of the planters attached to the eastern and north eastern side of the development at ground and Level 1
  - c. Pergolas within Level 1 & 7 communal open space areas
  - d. Seating types
  - e. Provision of a specific plant schedule to each level of the development.
  - f. Clarification of proposed gravel and concrete surfacing. *Note that gravel pathways in communal areas are not acceptable.*
  - g. Proposed green walls, in keeping with design advice outlined in the Wolli Creek Development - Feasibility Review by Junglify submitted to Council on 19/06/2014.

The above information shall be submitted and approved by Council prior to the issue of the Construction Certificate.

88. Car parking spaces 6 and 7 at ground floor level shall be allocated as visitor spaces within the development. Plans are to be updated prior to the issue of the Construction Certificate.
89. Retail and visitor spaces are to be freely accessible and not controlled by security access doors. Details to be approved by the Principal Certifying Authority and submitted to Council prior to the issue of the Construction Certificate.
90. 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 constructions changes 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 Council prior to the release of the Construction Certificate.

The design architect of the project is not to be changed without prior notice and approval of the Council.

## PRIOR TO COMMENCEMENT OF WORKS

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

91. A Soil and Water Management Plan shall be prepared. 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.
92. 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.
93. 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.
94. 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.
95. 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.
96. 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.
97. 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.

98. 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.
99. A system of fire and smoke alarms and/or detection system (as applicable) shall be provided throughout the building. Details shall be submitted for assessment and approval prior to commencement of works.
100. 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.
101. 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.
102. The Acid Sulfate Soil Management Plan (ASSMP) and Material Tracking Plan (MTP) must be reviewed and approved by the Site Auditor prior to the commencement of remediation work.
103. A Construction Management Plan (CMP) shall be prepared in accordance with the requirements of all relevant regulatory approval bodies. Access to the site for construction purposes via Princes Highway is not permitted. Prior to the commencement of works the applicant and Certifying Authority shall be satisfied that the Construction Management Plan has obtained all relevant regulatory approvals.  
 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.
 The CMP and TMP shall be implemented during demolition, excavation and construction. Copies of the CMP and TMP shall be submitted to Council.

## DURING DEMOLITION / EXCAVATION / CONSTRUCTION

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

104. 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.
105. 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.
106. For Class 2, 3 and 4 structures, the building works are to be inspected during construction, by the principal certifying authority (or other suitably qualified person on behalf of the principal certifying authority) to monitor compliance with Council's approval and the relevant standards of construction encompassing the following stages:
  - i) after excavation for, and before the placement of, any footing, and
  - ii) prior to covering waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within a building, and
  - iii) prior to covering any stormwater drainage connections, and
  - iv) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

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

107. 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.
108. 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.

109. 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.
110. All waste generated on site shall be disposed of in accordance with the submitted Waste Management Plan.
111. 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.
112. All excavation and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards and guarded and protected to prevent them from being dangerous to life or property.

When excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building or an adjoining allotment of land, you shall:

- i) preserve and protect the building from damage and
- ii) underpin and support the building in an approved manner, if necessary and
- iii) give notice of intention to excavate below the level of the base of the footings of a building on an adjoining allotment of land to the owner at least 7 days prior to excavation and furnish particulars of the excavation to the owner of the building being erected or demolished.

**Note:** The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this conditions **allotment of land** includes a public road and any other public place.

Works shall not encroach onto or over adjoining properties, including retaining walls, fill material or other similar works. Soil shall not be lost from adjoining sites due to construction techniques employed on the subject site.



113. 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.
114. 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.
115. 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.
116. 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.
117. The new building work shall be protected in accordance with the provisions of AS 3660.1-2000 "Termite Management - Part 1: New Building Work", as required by Part 3.1.3 of the Building Code of Australia. Certification is required to be submitted to the Principal Certifying Authority (PCA), prior to the next stage of works to ensure that the selected method of treatment is in compliance with the relevant provisions of the standard. Such certification is to be prepared by a suitably qualified person.

118. Spoil generated by the construction of a cement-bentonite or similar type of cut off wall is potentially contaminated and must be tested and classified in accordance with NSW EPA requirements prior to off-site disposal.
119. Acid Sulfate Soil (ASS) must be treated and disposed in accordance with NSW EPA guidelines.
120. All excavated materials at the site must be tracked from cradle-to-grave and sufficient documentation provided in the validation report to allow the Site Auditor to check the movement and management of these materials.
121. The base of the excavation must not be covered until it has been inspected by the Site Auditor.
122. A site audit statement (SAS) certifying the remediated site is suitable for the intended land use must be issued prior to the commencement of building work above basement level. A copy is to be submitted to Council.
123. 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.
- 124. 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.
- 125. The three existing Callistemon street trees in Gertrude Street, trees and shrubs located directly adjacent to the property boundary within Cahill Park, the dead Monterey Pine within Cahill Park and any existing trees within the property may be removed.

Note: Refer to condition 40.

## 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.

- 126. An Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of the building.
- 127. 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.
- 128. 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.
- 129. 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.

130. 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.
131. Damage to brick kerb and/or gutter and any other damage in the road reserve shall be repaired using brick kerb and gutter of a similar type and equal dimensions. All works shall be to Council's satisfaction at the applicant's expense. Repairs shall be completed prior to the issue of the Occupation Certificate.
132. Ground level surfaces are to be treated with anti-graffiti coating to minimise the potential of defacement. In addition, any graffiti evident on the exterior facades and visible from a public place shall be removed forthwith.
133. The approved recommendations from the Flood Management Report shall be implemented prior to occupation.
134. Lots 1, 2, 3, 4 of DP 124366, Lot 55 DP 4301, Lot A DP4301, Lots A, B, C DP 365339 and Lot C DP 325535, shall be consolidated into one allotment. Council requires proof of lodgement of the plan of consolidation with the Land and Property Information Office prior to the release of the Occupation Certificate.
135. All landscape works are to be carried out in accordance with the approved landscape plans. The landscaping is to be maintained to the approved standard at all times.
136. 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.
137. 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.
138. 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.
139. A lighting maintenance policy shall be established for the development. Details to be provided to the PCA prior to the issue of the Construction Certificate.
140. The vehicular entry in Gertrude Street to be clearly marked and signposted "entry" or "no entry" from the street and "exit" or "no exit" internally.
141. 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".

142. 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.
143. A convex mirror is to be installed on the central island at the entry to provide increased sight distance for vehicles.
144. The gate for the basement shall be located in order to permit the queuing of two (2) vehicles when waiting to enter the basement garage. The control mechanism for the gate shall be arranged such that access to the basement garage for registered proprietors of the commercial units, and their visitors, does not require security clearance or assisted entrance between the hours of 7:30am to 6:00pm Monday to Saturday and 7:30am to 1:00pm on Sunday. Where the hours of operation of the commercial units are approved outside of these hours, the access arrangements shall match the approved hours of operation.
145. The dedication to Council of land for road widening purposes. The land to be dedicated shall be:
  - a 3m strip along the full frontage of Princes Highway;
  - a 3.1m strip along the full frontage of Gertrude Street; and
  - a 3m x 3m splay corner at the intersection of Princes Highway and Gertrude Street.

Council requires proof of lodgement of the signed Linen Plan and 88B Instrument with the Land Titles Office.

146. 251 off-street car spaces shall be provided in accordance with the submitted plan and shall be sealed and linemarked to Council's satisfaction. The pavement of all car parking spaces, manoeuvring areas and internal driveways shall comply with Australian Standard AS3727 – Guide to Residential Pavements.
147. 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.

148. 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.

149. 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.
150. Prior to any field acoustic compliance testing of the walls and floors a report shall be provided to the testing engineer certifying that the walls and floors have been constructed in accordance with the details submitted with the documentation provided for the Construction Certificate. Any variations to CC approved documentation shall be approved by the Principal Certifying authority and identified in the report.  
  
Field testing and evaluation of the wall and floor insulation systems is to be carried out at a post construction stage by a suitably qualified acoustic engineer with MIE Australia membership or employed by a consulting firm eligible for AAAC membership to demonstrate compliance with acoustic conditions within this consent.  
  
A report is to be submitted to Council and the Principal Certifying authority prior to the issue of the Occupation Certificate. The report is to include details of the walls and floors separating apartments within the development.
151. The aircraft; traffic and mechanical plant noise reduction measures specified in the noise report prepared by Acoustic Logic dated 10/12/2013 and received by Council on 18/12/2013 shall be validated by a Certificate of Compliance prepared by the acoustic consultant and submitted to the Principal Certifying Authority (PCA) prior to the issue of an Occupation Certificate. If Council is not the PCA, a copy shall be submitted to Council concurrently.
152. On completion of the building, a suitably qualified Consultant is to certify that The Environmental Criteria for Road Traffic Noise, May 1999 standard has been met or, where this standard would not practically or reasonably be met, the internal noise objectives of the Building Code of Australia have been met before an occupation certificate will be issued.
153. 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.
154. 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.
155. The Air Conditioning and Mechanical Ventilation Systems shall be certified by a suitably qualified and experienced engineer at the completion of installation prior to the issue of an Occupation Certificate.
156. After completion of the remedial works, a copy of the Validation Report shall be submitted to Council being the Regulatory Authority for the management of contaminated land, prior to the issue of an Occupation Certificate. The Validation Report shall be prepared in accordance with the NSW Environment Protection Authority's (EPA) guidelines, *Consultants Reporting on Contaminated Sites*, and shall:
  - describe and document all works performed;

- include results of validation testing and monitoring;
  - include validation results of any fill imported on to the site;
  - show how all agreed cleanup criteria and relevant regulations have been complied with; and
  - include clear justification as to the suitability of the site for the proposed use and the potential for off-site migration of any residual contaminants.
157. 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 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.
158. Prior to occupation, 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.
159. 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.
160. 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 1% A.E.P Annual Exceedance Probability (AEP) Flood Level OR [in the case of the garage floor/parking level being below the 1% 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 1% 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.
161. 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.
162. A benchmark shall be established adjacent to the site to Australian Height Datum to enable comparison to the flood standard.
163. The underground garage shall be floodproofed to a minimum of 500mm above the 1% Annual Exceedance Probability flood level. The levels shall be certified by a registered surveyor prior to construction of the driveway or other openings.

164. The development shall comply with Rockdale Development Control Plan (DCP) 2011, and the Planning Considerations and Development Controls listed in the Flood Advice letter issued by Council on 21 January 2014, *Reference* F08/691, 13/6240.
165. A positive covenant pursuant to the Conveyancing Act 1919 shall be created on the title of the lots that contain the stormwater detention and pump facility to provide for the maintenance of the detention and pump facility.
166. 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.
167. 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.
168. The outside finished ground level shall be constructed a minimum of 200mm below the habitable floor level for the whole building perimeter.
169. Signs shall be displayed adjacent to all stormwater drains on the premises, clearly indicating "Clean water only - No waste".
170. 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.
171. A Public Positive Covenant shall be created on site, under Section 88E of the Conveyancing Act 1919, which requires the Owner's Corporation to ensure the maintenance, survival, repair and / or insurance of the green wall structure on the land.  
  
Council requires proof of lodgement of the signed 88E with the Land Titles Office prior to the issue of the Occupation Certificate.  
  
Where Council is not engaged as the Principal Certifying Authority for the issue of the Positive Covenant, Council must be provided with all relevant supporting information



(such as works-as-executed plans for the green wall structure and landscape certification) prior to the issue of the Occupation Certificate.

172. A suitably qualified Wind Consultant shall confirm that the wind amelioration measures as specified within the report prepared by Wind Tech dated 6 May 2014 (WB775-01F03(rev0)) have been implemented. Certification is to be submitted to Council prior to the issue of the Occupation Certificate.
173. A by-law shall be registered and maintained for the life of the development, which requires that 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. Proof of registration of the By Law shall be submitted to Council prior to the issue of the Occupation Certificate.
174. A positive covenant shall be created over the visitor parking spaces to ensure that the commercial units retain exclusive use of the 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 to enter upon The Burdened Land with a vehicle or vehicles whether motorized 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. ”
175. Parking spaces shall be allocated to residential apartments / non-residential units in the development in the following manner and this shall be reflected in any subsequent strata subdivision of the development:

**Allocated Spaces**

Studio apartments, 1 bedroom apartments and 2 bedroom apartments      1 space per apartment

3 bedroom apartments and 3+ bedroom apartments      2 spaces per apartment

TOTAL 201 SPACES

Commercial Units      1 space per 40 m<sup>2</sup> gross floor area

TOTAL 13 SPACES

**Non-Allocated Spaces**

Residential Visitor Spaces	1 space per 5 apartments
TOTAL 37 SPACES	

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

Visitor parking spaces are to be shared spaces servicing the commercial and retail uses. In this regard, a Shared Parking Register is to be submitted to Council in accordance with the requirements of clause 4.6 of Council's DCP 2011. Details are to be submitted to and approved by Council prior to the release of the Construction Certificate for the first stage of development.

The onsite car parking spaces allocated for residential use are not to be used other than by a resident within the respective building.

**Note:** The strata subdivision of the site is to include a restriction on user pursuant to section 39 of the *Strata Schemes (Freehold Development) Act, 1973* as amended, so burdening all car parking allotments in the strata plan and/or an appropriate documentary restriction pursuant to section 88B of the *Conveyancing Act 1919*, burdening all car parking part lots in the strata plan.

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

This parking allocation condition applies to any Strata Certificate issued with respect to a Consent issued in accordance with Section 81 (1)(A) of the *Environmental Planning and Assessment Act 1979* or a Complying Development Certificate issued in accordance with Part 6 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

## INTEGRATED DEVELOPMENT/EXTERNAL AUTHORITIES

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

### 176. SYDNEY AIRPORT CORPORATION LIMITED

Sydney Airport Corporation Limited (SACL) has approved the maximum height of the proposed building at RL 47.6 relative to Australian Height Datum (AHD). This height is inclusive of all vents, chimneys, aerials, TV antennae and construction cranes etc. No permanent or temporary structure is to exceed this height without further approval from Sydney Airport Corporation Limited.

**Note:** Under Section 186 of the Airports Act 1996, it is an offence not to give information to the Airport Operator that is relevant to a proposed "controlled activity" and is punishable by a fine of up to 50 penalty units.

For further information on Height Restrictions please contact SACL on 9667 9246.

### Bird and Obstacle Hazard Management

To minimise the potential for bird habitation and roosting, the Proponent must ensure the following plans are prepared prior to construction commencing:

- Landscape Plan which only includes non-bird attracting plant species;

- Site Management Plan which minimises the attractiveness for foraging birds, i.e. site is kept clean regularly, refuse bins are covered, and detention ponds are netted.
- The proposed development incorporates anti-bird roosting measures to discourage bird habitation.

The Proponent must consult with Sydney Airport Corporation Limited on the preparation of each plan.

All trees to be planted shall not be capable of intruding into the Obstacle Limitation Surface when mature.

#### 177. **ROADS AND MARITIME SERVICE**

- a) Any redundant driveway fronting Princes Highway should be removed and replaced with kerb and gutter to RMS satisfaction.

The construction of the kerb and gutter on Princess Highway shall be in accordance with RMS's requirements. Details of these requirements should be obtained from RMS's Project Services Manager, Traffic Projects Section, Parramatta (telephone 8849 2496).

- b) A Road Occupancy Licence should be obtained from Transport Management Centre (TMC) (phone 02 8396 1513) for any works that may impact on traffic flows on Princes Highway during construction activities.

- c) Developers should be aware of the potential for the existing and future road traffic noise impact from Princes Highway on residential development on the subject site.

The developer should provide and maintain noise attenuation measures in accordance with EPA's Environmental Criteria for Road Traffic Noise. RMS will not provide noise mitigation for future residences on the subject land. RMS's Environmental Noise Management Manual provides practical advice in selecting noise mitigation treatments.

- d) The developer is to submit detailed documents and geotechnical reports relating to the excavation of the site and support structures to RMS for approval in accordance with Technical Direction (GTD 2012/001) (Copy is attached).

- e) Post development storm water discharge from the subject site into the RMS drainage system is not to exceed the pre development discharge.

Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to the RMS for approval, prior to the commencement of any works.

Details should be forwarded to :-  
The Sydney Asset Management  
PO Box 973  
Parramatta CBD NSW 2124

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

- f) The layout of the proposed car parking areas and access driveway associated with the subject development (including, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS2890.1- 2004.
- g) All works associated with the proposed development shall be at no cost to RMS.

Any inquiries in relation to this development application can be directed to Ravi Ravendra on telephone 8849 2540 or via email at RaviN.Raveendra@rms.nsw.gov.au

## 178. **OFFICE OF WATER**

### **General**

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.

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.

Construction methods and material used in and for construction shall not cause pollution of the groundwater.

### **Prior to excavation**

Measurements of groundwater levels beneath the site from a minimum of three monitoring bores shall be taken and a report provided to the NSW Office of Water. A schedule and indicative plans of the proposed ongoing water level monitoring from the date of consent until at least two months after the cessation of pumping shall be included in the report.

A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and a report provided to the NSW Office of Water. Details of the calculation method shall be included in the report.

A copy of a valid development consent for the project shall be provided to the NSW Office of Water.

Groundwater quality testing shall be conducted and a report supplied to the NSW Office of Water. Samples must be taken prior to the commencement of pumping, and a schedule of the ongoing testing throughout the dewatering activity shall be included in the report. Collection and testing and interpretation of results must be done by suitably qualified persons and NATA certified laboratory identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria.

The method of disposal of pumped water shall be nominated (i.e. street drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided to the NSW Office of Water. The disposal of any contaminated pumped groundwater (tailwater) must comply with

the provisions of the *Protection of the Environment Operations Act 1997* and any requirements of the relevant controlling authority.

Contaminated groundwater shall not be reinjected into any aquifer. The reinjection system design and treatment methods to remove contaminants shall be nominated and a report provided to the NSW Office of Water. The quality of any pumped water (tailwater) that is to be reinjected must be compatible with, or improve the intrinsic or ambient groundwater in the vicinity of the reinjection site.

### **During excavation**

Piping or other structures used in the management of pumped groundwater (tailwater) shall not create a flooding hazard. Control of pumped groundwater (tailwater) is to be maintained at all times during dewatering to prevent unregulated off-site discharge.

Measurement and monitoring arrangements to the satisfaction of the NSW Office of Water are to be implemented. Monthly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a report provided to the NSW Office of Water after dewatering has ceased. Daily records of groundwater levels are to be kept and a report provided to the NSW Office of Water after dewatering has ceased.

Pumped groundwater (tailwater) shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc) without the controlling authorities approval and/or owners consent. 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 (tailwater) shall be complied with.

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 sulphate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.

The location and construction of groundwater extraction works that are abandoned are to be recorded and a report provided to the NSW Office of Water after dewatering has ceased. The method of abandonment is to be identified in the documentation.

Access to groundwater management works used in the activity is to be provided to permit inspection when required by the NSW Office of Water under appropriate safety precautions.

### **Following excavation**

All monitoring records must be provided to the NSW Office of Water after the required monitoring period has ended together with a detailed interpreted hydrogeological report identifying all actual resource and third party impacts.

## **179. ROADS ACT**

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.

180. 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.
181. In addition to the works in the road reserve listed above, the following modification and/or improvement works to the road and drainage in Princes Highway and Gertrude Street will be required to be undertaken at the applicant's expense:
  - i) Construction of stormwater pits and pipes in Gertrude Street, Princes Highway and Cahill Park;
  - ii) Construction of streetscape works in Gertrude Street and Princes Highway.

**Note:** Detailed plans, including plans and longsections of the pipes, 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. In addition to engineering plans, detailed traffic management plans and erosion and sediment control plans are required. Traffic management plans are required to be prepared in accordance with AS1742 and RTA guidelines. Erosion and sediment control plans shall be prepared in accordance with the Department of Housing "Blue Book".
182. 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.
183. 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.

184. Where the works are undertaken by a Private licensed Contractor, the contractor shall:

- i) Undertake quality system testing as specified in Specification CQS of AUS-SPEC. Records of quality testing shall be made available to Council at the completion of the works;
- ii) Engage a supervising engineer (superintendent). The supervising engineer shall, upon completion of the works, submit an engineering certificate for the completed works.
- iii) Provide Council with one (1) copy of works as executed drawings upon completion of the works. The works as executed drawings shall be based on a survey of the works by a registered surveyor.
- iv) Make a payment to Council of \$787.00 for inspection of the works. The payment shall be made prior to the commencement of works. If payment is to be made after the end of financial year, this amount shall be adjusted in accordance with Council's adopted fees and charges.
- v) Provide Council with 48 hours notice of the following:
  - a) Commencement of the works
  - b) Completion of excavation;
  - c) Completion of laying drains;
  - d) Completion of back filling; and
  - e) Completion of works.

**Note:** An inspection by Council is required at each of these stages. Works shall not continue until inspected by Council. Inspection by Council does not relieve the responsibility of a Private Licensed Contractor to undertake quality testing in accordance with the Council's Construction Specifications (AUS-SPEC), have the works inspected by the superintendent and have the superintendent submit an engineering certificate.

- vi) Maintain the works for the duration of the Defects Correction Period, which shall be 6 months. (The Defects Correction Period commences on the date of acceptance of the completed works by Council). During this period the contractor shall:
  - a) Keep the works clean and free of silt, rubbish and debris;
  - b) Maintain, renew and repair, either in whole or in part, defective works as identified in written notice by the Council so that the works function 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;
  - c) Carry out the matters referred to in paragraphs (i) and (ii) at the contractor's expense;
  - d) Not make alterations to the system or elements thereof without prior consent in writing of the Council;
  - e) Comply with the terms of any written notice issued by the Council in respect to the requirements of this condition within the time stated in the notice.

In the event of the contractor failing to comply with the terms of any written notice served in respect of the matters in this condition the Council or its authorised agents may carry out any work required to ensure the safe and efficient operation of the system and recover from the registered proprietor the cost of carrying out the work, and if necessary, recover the amount due by legal proceedings (including legal costs and fees).

185. 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.
186. 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.
187. 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.
188. All works associated with the proposed development shall be at no cost to the RMS.
189. Council requires a bond to be paid to cover the partial cost of the works relating to the new RC Council drainage pipe and pits, and footpath and pavement restorations, where the works are undertaken by a Private Licensed Contractor. A bond equal to 20% of the full construction cost shall be provided to Council prior to the completion of the works. The bond may be provided as a monetary payment or as a bank guarantee.

The operation of the bond commences on the date of completion of the works, being the date of instruction by Council that works have been completed in accordance with any consent provided by Council pursuant to the *Roads Act 1993*. The bond is obtained to enable Council to retain and expend money to make good incorrectly or inadequately constructed works or to construct incomplete non-constructed works or parts of them associated with the new RC Council drainage pipe and pits, and footpath and pavement restorations as determined by Council.

The bond shall remain in force for not less than six (6) months from the date of completion of the works. Council is not obliged to release the bond or any part of it whilst the bond is in force as described above.

190. The following works will be required to be undertaken in the road reserve at the applicant's expense:
  1. A 'No Stopping' zone at the front of the site for a length of 20m from the traffic signals at the junction of the Princes Highway & Gertrude Street.
  2. A 'No Stopping' restriction be investigated near the vehicular entry and exit to the site and directly opposite.

"No stopping" signs referred to above are subject to the Rockdale Traffic Committee concurrence.



## 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. *Telstra Advice – 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](http://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.
- c. *Telstra Advice - Telecommunications Act 1997 (Commonwealth)*  
Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Commonwealth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800810443.
- d. If Council is appointed as the Principal Certifying Authority (PCA), a fee shall be paid before a Construction Certificate is issued. If the fee is paid after the end of the financial year, it will be adjusted in accordance with Council's adopted fees and charges. The fees charged encompass **all** matters related to ensuring that the proposed development is carried out in accordance with the approved plans and any post inspection issues that may arise.
- e. If Council is the Principal Certifying Authority for the development, a drainage inspection fee shall be paid prior to the issue of the Construction Certificate. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges.  
  
NB: This fee does not include a confined space entry into the on-site detention tank. Where a confined space entry is required, an additional fee is payable. A confined space entry will be required where:
  - a) Information provided in the works-as-executed drawing and engineering certification is inconclusive as to the compliance of the system with the approved plans; and/or
  - b) Visual inspection from outside the tank is inconclusive as to the compliance of the system with the approved plans.
- f. 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.

- g. 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.

- h. Hazardous and/or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of the relevant statutory authorities (NSW WorkCover Authority and the NSW Environment Protection Authority), together with the relevant regulations, including:

- Work Health and Safety Act 2011
- Work Health and Safety Regulation 2011
- Protection of the Environment Operations (Waste) Regulation 2005.

- i. 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.

- j. The water from the rainwater tank should not be used for drinking, Sydney Water shall be advised of the installation of the rainwater tank.

- k. If the development is **not** subject to BASIX, a mandatory rainwater tank may be required. Rainwater tank requirements for development **not** subject to BASIX are specified in Council's DCP 78.
  - l. 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.
- 

## 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 Fiona Prodromou on 9562 1672 .

Christopher Mackey  
**Coordinator Development Assessment**