

NOTICE OF DETERMINATION

Section 4.55 of Environmental Planning and Assessment Act, 1979

S4.55 Approval Date	
Authority	Sydney City Eastern Planning Panel
Reference	DA-2014/319/C
Contact	Marta M Gonzalez-Valdes 0411 526 558

Ralan Arncliffe Pty Ltd
C/- Momentum Project Group Pty Ltd
PO BOX 928
NEUTRAL BAY NSW 2089

Property: 213 Princes Highway & 4 Wardell Street, ARNCLIFFE NSW 2205
Lot 1 DP 1214364, Lot 1 DP 124275, Lot 2 DP 124275, Lot 3 DP 124275,
Lot 4 DP 124275, Lot 5 DP 124275, Lot 6 DP 124275, Lot 7 DP 124275,
Lot 8 DP 124275, Lot 9 DP 124275, Lot 10 DP 124275, Lot 11 DP
124275, Lot 12 DP 124275, Lot 13 DP 124275, Lot 14 DP 12..., Lot 1 DP
652922

Proposal: Demolition of existing structures and construction of a mixed use development including 36 commercial suites, 318 residential units, Youth Centre and associated ball courts, basement parking, public reserve, landscaping, road works and torrens title subdivision creating 3 lots, including public park.

[Amendment A – S96(AA) amended on 21 December 2017]

Your application to modify Development Consent No. DA-2014/319 dated 12 June 2015 was considered under Section 4.56 of the Environmental Planning and Assessment Act 1979 and is approved subject to the following conditions:

The above development is approved subject to the following conditions:

Your Development Application has been approved under Section 80(3) of the Environmental Planning and Assessment Act, 1979 as a **Deferred Commencement** consent.

The consent shall not operate until you comply with the following matters:

1. The Applicant shall prepare and provide to Sydney Trains for approval / certification the following items:
 - a) Final Geotechnical and Structural report/drawings that meet the requirements of Sydney Trains. The Geotechnical Report must be based on actual borehole testing conducting on the site closest to the rail corridor.
 - b) Final Construction methodology with construction details pertaining to structural support during excavation.
 - c) Final cross sectional drawings showing ground surface, rail tracks, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the Rail Corridor. All measurements are to be verified by a Registered Surveyor.

- d) Detailed Survey Plan showing the relationship of the proposed developed with respect to rail and infrastructure.
- e) If required by Sydney Trains, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.

Any conditions issued as part of the Sydney Trains approval/certification of the above documents will also form part of the consent conditions that the applicant is required to comply with.

2. Disability Access Plan / Assessment for the site shall be prepared to ensure compliance with the Disability Discrimination Act 1992.
3. Approval from Sydney Airport Corporation (SACL) for the proposed maximum building height.
4. A wind impact assessment, including wind tunnel testing shall be carried out. The recommendations of the report shall be incorporated into the approved architectural and landscape plans.
5. Concept drainage design plans, supporting calculations and design certification in accordance with the design, documentation and certification requirements of DCP 2011 and Rockdale Technical Specification – Stormwater Management shall be prepared. The amended design shall address the following matters:
 - (a) The concept plans are required to show any proposed tanking of the basement levels.
 - (b) The stormwater reuse from proposed rain tanks.
 - (c) The demonstration of the use of Water Sensitive Urban Design Approach (WSUD) to the design of the drainage system. (DCP 2011 requires significant development to conform to the targets for the stormwater pollution reduction). To justify the target by an analysis using MUSIC and provide the model and out puts for Council's review.
That no treatment devices shall be located within the public roads.
 - (d) The incorporation of an oil separator in accordance with Rockdale Technical Specification – Stormwater Management, section 7.5.4.
6. Provide plans and details of the following:
 - i. The leafstream privacy screens provided to all buildings -
 - a. these screens are to be varied in colour within the same metallic tonal range to achieve a distinctive identity to each of the individual buildings. (Building G screens are to be bronze in colour as depicted in the images and materials board. Building E, D and C are to have screens of a progressively darker metallic tone so that each is subtly distinctive.)
 - b. The leafstream privacy screens to Buildings A, B and F are to be varied in colour using a different metallic tonal range to Buildings C, D, E and G (to achieve a distinctive identity to each of the individual buildings.)
 - ii. The colour of the feature panels adjacent to the entry points for each building (these panels are to be colour matched to the filigree privacy screen colour to allow easy identification of the entry for each building.)

- iii. The proposed detailed façade treatment, colours and materials for the ground level facades of Buildings A, B, C, D, E, F and G -
 - a. all solid façade surfaces on these facades are to be clad in a minimum 28mm thick solid stone cladding (which coordinates with the landscape paving) to the underside of the level above.
 - b. 'Stackstone' applied panels and similar products are not to be proposed for wall cladding.
- iv. The colour of the powder coated aluminium vertical adjustable sunshade screen in the Youth Centre.
- v. Where all buildings overhang the footpaths/verges above the ground floor level of Princes Highway, Townsend Place and the internal street system the building structure is to be cantilevered. No columns or other structure is to provide bearing into the area of the footpath, communal areas (and those accessed by the public) and public domain. A report by a registered structural engineer shall be submitted certifying that the structure can support the undercroft area without the need for columns.
- vi. A minimum clearance of 3.35m is to be provided from the finished footpath level to the underside of any overhanging part of any building.
- vii. Streetscape planting along Prince's Highway frontage is to include detailed design tree pits approved by Council. Tree pit design to include aeration / irrigation pipe to tree root ball, selected soil mix, tree species and tree surround / protection details, with 'terrabond' surface around trees. Street tree species to be Eucalyptus punctata in minimum 25 litre.
- viii. The Princes Highway, Townsend Place and the lineal park frontage is to be fully paved with approved paving material, no turf, with tree pits (as detailed above) at 15 – 20 metres centres dependant upon site conditions.

The recommendations and plans approved under the above conditions shall form part of the approved plans and consent conditions and as such shall be reflected in the construction certificate documentation.

The period of the Deferred Commencement is eighteen (18) months from the date of this letter. It is important we hear from you about the outstanding matters above as soon as possible so as to avoid any other delay.

[Deferred Commencement conditions satisfied on 8 April 2016]

Upon receiving written notification from Council that the above requirements have been satisfied, your consent will become operable and will be subject to the following conditions:

GENERAL CONDITIONS

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

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

Site Plan	DA-000	C	20/11/2017
Basement 2 Plan	DA-100	F	06/12/2017
Basement 1 Plan	DA-101	F	06/12/2017
Ground Level 1 Plan	DA-102	F	06/12/2017
Ground Level 2 Plan	DA-103	F	06/12/2017
Ground Level 3 Plan	DA-104	H	06/12/2017
Ground Level 4 Plan	DA-105	C	20/11/2017
Level 1 Floor Plan	DA-106	C	20/11/2017
Level 2 Floor Plan	DA-107	C	20/11/2017
Level 3 Floor Plan	DA-108	C	20/11/2017
Level 4 Floor Plan	DA-109	C	20/11/2017
Level 5 Floor Plan	DA-110	C	20/11/2017
Level 6 Floor Plan	DA-111	C	20/11/2017
Level 7 Floor Plan	DA-112	C	20/11/2017
Level 8 Floor Plan	DA-113	C	20/11/2017
Level 9 Floor Plan	DA-114	C	20/11/2017
Roof Plan	DA-115	C	20/11/2017
Ground Level 1 Floor Plan Bin Strategy	DA-116	A	20/11/2017
Elevation A Street Elevation Princes Highway	DA-200	G	6/12/2017
Elevation B	DA-201	G	6/12/2017

Elevation C	DA-202	J	6/12/2017
Elevation D	DA-203	F	6/12/2017
Elevation E	DA-204	F	6/12/2017
Elevation F	DA-205	G	6/12/2017
Elevation G	DA-206	F	6/12/2017
Elevation H	DA-207	C	6/12/2017
Elevation I	DA-208	E	6/12/2017
Elevation J	DA-209	D	6/12/2017
Elevation K	DA-210	D	20/11/2017
Building G – Proposed Detailed Façade Treatment, Colour & Materials for Ground Level Façade	DA-212	C	20/11/2017
Building E – Proposed Detailed Façade Treatment, Colour & Materials for Ground level façade	DA-213	C	20/11/2017
Building D – Proposed Detailed Façade Treatment, Colour & Materials for Ground level façade	DA-214	B	20/11/2017
Building C – Proposed Detailed Façade Treatment, Colour & Materials for Ground Level Façade	DA-215	B	20/11/2017
Building A & B – Proposed Detailed Façade treatment colour & materials for ground level façade	DA-216	C	20/11/2017
Building F & G – Proposed Detailed Façade treatment, colour & materials for ground level façade	DA-217	C	20/11/2017
Typical Unit Plans (01)	DA-300	B	20/11/2017
Typical Unit Plans (02)	DA-301	B	20/11/2017
Typical Unit Plans (03)	DA-302	B	20/11/2017
Indicative Wall Section & floor to ceiling height and Privacy Screen	DA-400	B	28/07/2017
SB00 Sample board materials and finishes	DA-401	C	30/11/2017
SB01 Sample board finishes residential and commercial	DA-402	A	26/07/2017

Sample board materials and finishes	DA-403	A	26/07/2017
Townsend Place Footpath Plan	DA-404	A	26/07/2017
Typical wall section of boundary	DA-405	A	26/07/2017
Townsend Place Footpath elevation Typical RCP for undercroft	DA-406	B	28/07/2015
Typical winter garden details	DA-407	A	26/07/2015
North east boundary fence Elevation and Section	SK-009	B	May 2015
Typical Privacy Screen Details	DA-409	A	26/07/2017
Section from Townsend Place	DA-410	B	28/07/2017
General Notes and Wall types	DA-411	A	26/07/2017
Window privacy screen & glass louvres details schedule	DA-412	B	26/07/2017
Overhead Clearance Elevation Building G, E & D	DA-413	A	26/07/2017
Overhead Clearance Elevation Building C	DA-414	A	26/07/2017
Overhead Clearance Elevation Building A, B & C	DA-415	A	26/07/2017
Overhead Clearance Elevation Building F	DA-416	A	26/07/2017
Princes Highway	DA-500	C	20/11/2017
Landscape Plans by Iscape			
Cover Sheet	165.15(12)/488	A	Nov 17
Overall Plan	165.17(12)/489	B	Dec 2017
Park/Building A Plan	165.17(12)/490	A	Nov 17
Buildings B and C Plans	165.17(12)/491	A	Nov 17
Central Pathway Plan	165.17(12)/492	A	Nov 17
Communal Open Space Plan	165.17(12)/493	B	Dec 2017
Youth Centre Plan	165.17(12)/494	A	Nov 17
Sections 1	8/13		Apr-15
Sections 2	9/13		Apr-15

Sections 3	10/13		Apr-15
Materials 1	11/13		Apr-15
Materials 2	12/13		Apr-15
Materials 3	13/13		Apr-15
Detailed Floor Plans	DA Appendix 001 - 010	A	Nov 2017
Hydraulic Design Plans by Jones Nicholson Consulting Engineers			
Stormwater Notes and Legend	D01	4	Oct-15
Basement 2 – Stormwater Plan	D02	3	Oct-15
Basement 1 – Stormwater Plan	D03	5	Oct-15
Ground Level 1 – Stormwater Plan	D04	5	Oct-15
Ground Level 2 – Stormwater Plan	D05	4	Oct-15
Ground Level 3-4 – Stormwater Plan – Sheet 1	D06	7	Oct-15
Ground Level 3-4 – Stormwater Plan – Sheet 2	D07	5	Oct-15
Stormwater Details	D10	4	Oct-15
Typical Stormwater details – Sheet 1	D11	4	Oct-15
Typical Stormwater details – Sheet 2	D12	4	Oct-15
Typical Stormwater details – Sheet 3	D13	1	Oct-15
Railway Site Plan	SK100	5	Nov-15
Setback from Railway Site Plan	SK101		Jul-17
Railway Sections – Sheet 2	SK102	2	Nov-15
Subdivision Plan			
Plan of Subdivision by Gary Edwards		F	9/6/2015

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.

[Amendment A - S96(AA) amended on 21 December 2017]

- 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. The construction certificate shall not vary the details of the development as provided under conditions 12, 14 and 19.
5. The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate Number 540937M_08.

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>.

[Amendment A - S96(AA) amended on 21 December 2017]

6. A separate approval is required for the specific use/uses of the non-residential units (excluding the Youth Centre and Ball Courts) and for the strata subdivision of the development. Additional conditions may be imposed on any such consent.
Note: Parking and loading provisions in a mixed use development may preclude certain uses.
7. The materials and façade details approved under the plans specified in 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 Environmental Planning and Assessment Act, 1979.
8. Prior to the issue of the Construction Certificate, the Certifying Authority must be satisfied that parking spaces are allocated to residential apartments / non-residential units in the development in the following manner:

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
Commercial Units	1 space per 40 m ² gross floor area
Youth Centre	60 spaces of which a maximum of 30 spaces may be shared with commercial units
Bicycle	145 spaces
Motorcycle	21 spaces

Non-Allocated Spaces

Residential Visitor Spaces	1 space per 5 apartments
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Parking calculations that are not whole numbers must be rounded up to the nearest whole number.

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

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

The strata subdivision of the site is to include a restriction to 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.

Note: 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*.

DEVELOPMENT SPECIFIC CONDITIONS

The following conditions are specific to the Development Application proposal:

9. Loading areas are to be used only for the loading and unloading of goods, materials etc. not for any other purpose. All loading, unloading and transfer of goods to and from the loading bay and premises shall take place wholly within the property. Loading areas are to be used only for the loading and unloading of goods, materials or any other purpose. The loading dock shall be made available for removalist trucks serving the residential development.
10. 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.
11. The existing and future owners (Registered Proprietor) of Lot 1 shall be responsible for the operation and maintenance of the retention / detention system. The registered proprietor will:
 - i) permit stormwater to be retained / temporarily detained by the system;
 - ii) keep the system clean and free of silt, rubbish and debris;
 - iii) maintain, renew and repair the whole or parts of the system so that it functions in a safe and efficient manner, and in doing so complete the same within the time and in the manner specified in written notice issued by the Council;
 - iv) carry out the matters referred to in paragraphs (ii) and (iii) at the proprietor's expense;
 - v) not make any alterations to the system or elements thereof without prior consent in writing of the Council;
 - vi) permit the Council or its authorised agents from time to time upon giving reasonable notice (but at any time and without notice in the case of emergency) to enter and inspect the land for compliance with the requirements of this

clause;

- vii) comply with the terms of any written notice issued by the Council in respect to the requirements of this clause within the time stated in the notice.

12. **Building Design quality**

Prior to the issue of the Construction Certificate, the applicant is to provide samples and plan details for approval by the Director City Planning and Development of Rockdale City Council of the following:

- i. The leafstream privacy screens provided to all buildings -
 - a. Are to be varied in colour within the same metallic tonal range to achieve a distinctive identity to each of the individual buildings. Building G screens are to be bronze in colour as depicted in the images and materials board. Building E, D and C are to have screens of a progressively darker metallic tone so that each is subtly distinctive.
 - b. The leafstream privacy screens to Buildings A, B and F are to be varied in colour using a different metallic tonal range to Buildings C, D, E and G to achieve a distinctive identity to each of the individual buildings.
- ii. The colour of the feature panels adjacent to the entry points for each building are to be colour matched to the filigree privacy screen colour to allow easy identification of the entry for each building.
- iii. The proposed detailed façade treatment, colours and materials for the ground level facades of Buildings A, B, C, D, E, F and G -
 - a. all solid façade surfaces on these facades are to be clad in a minimum 23mm thick solid stone cladding (which coordinates with the landscape paving) to the underside of the level above.
 - b. 'Stackstone' applied panels and similar products are not to be proposed for wall cladding.
- iv. The slab beam that terminates the cantilevered floors above the ground floor for Buildings G, E, D and C are to be rendered and painted and finished in Dulux colour "Peplum".
- v. The balconies to apartments within the inset portions of the building link Building G and E and E and D are to have clear glass balustrades individually fixed at the base of each the glass panels with polished u-channel strip capping. The slab edges and solid façade elements of these balconies are to be rendered and painted and finished in Dulux colour "Peplum".
[Amendment A - S96(AA) amended 21 December 2017]
- vi. The solid angled panels to the protruding windows for units in the southern façade of Building F and the northern façade of Building C are to be finished in aluminium high-quality durable cladding materials to match the colour of the leafstream privacy screens for each building.
[Amendment A - S96(AA) amended on 21 December 2017]
- vii. [Amendment A - S96(AA) deleted on 21 December 2017]
- viii. The colour of the powder coated aluminium vertical adjustable sunshade screen in the Youth Centre.

- ix. The roof of the ball courts shall be a dark coloured colorbond sheeting. Details of the roof, including drainage details such as downpipes, raining heads, gutter locations are to be provided and shall be designed by a suitably qualified engineer.
- x. The gates at the entry points from the central linear courtyard to Buildings D, E, F and G are to be deleted and replaced with full height double glass entry doors for better weather protection and amenity for residents.
- xi. Where all buildings overhang the footpaths/verges above the ground floor level of Princes Highway, Townsend Place and the internal street system the building structure is to be cantilevered. No columns or other structure is to provide bearing into the area of the footpath and public domain.
- xii. A minimum clearance of 3.35m is to be provided from the finished footpath level to the underside of any overhanging part of any building.
- xiii. Detailing of rendered walls to the side of buildings fronting the highway. The walls shall not express the floor slabs.
- xiv. The curved balconies to Building G are to glazed balustrades with vertical steel balusters and a base and top rail. The design is to be contemporary and minimise the visual impact of the balustrade. The glass panels, handrail and base rail are to be curved where they occur around the curved portion of the balcony to match the curvature of the façade. No faceted railings or pool fencing product is to be used.

[Amendment A - S96(AA) amended on 21 December 2017]

- ic. The leaf-stream privacy screens are to be reinstated **provided** to Elevation A and F **in accordance with** as per the following approved plans under DA-2014/319:

Drawing number DA203, Revision H, Dated Dec 2015, Elevation A

Drawing number DA208, Revision H, Dated Dec 2015, Elevation F

Drawing Number DA 203 - Proposed Elevations A, Revision B (DBI & EJE), dated 15/11/18;

Drawing Number DA 208 - Proposed Elevation F, Revision B, (DBI & EJE), dated 15/11/18.

The plans are to be amended to satisfy the following:

- i. The box framed element is to protrude at least 300mm beyond the plane of the screens and balustrades for the tower element of Building C facing Princes Highway (as approved); and**
- ii. The box framed element is to protrude at least 150mm beyond the plane of the screens and balustrades the tower element of Building D facing Princes Highway (as approved); and**
- iii. Metal panels with expressed joints are to be provided where the leaf screens are removed. The metal panels must be coloured to match the leaf screens (in accordance with Proposed Da 203 Elevation A, Proposed DA 208 Elevation F in Appendix A).**

The amended elevations are to be approved by Director City Futures at

Bayside Council prior to the issue of the Construction Certificate.

[Amendment A - S96(AA) inserted on 21 December 2017]

[Amendment C - S4.55(AA) amended on]

The horizontal privacy screen and/or shelf shown on Building A and C facing north shall be fixed and angled to prevent overlooking viewing in a downward direction to the residential properties to the north for the three levels of residential above commercial space.

- 12A Should the approved cladding material be determined to be unsafe by the certifying authority based on current BCA and associated standards, alternate materials with an equivalent appearance and longevity should be submitted to Council for approval prior to the issue of a construction certificate incorporating their use.

Reason for Additional Condition 12A is:

- For public safety and visual amenity.

[Amendment B - Section 4.56 inserted on 19 July 2018]

13. **Building Amenity**

The following details shall be shown on the construction certificate plans and documentation to the satisfaction of the certifying authority prior to the issue of the Construction Certificate:

- i. All windows for both residential and commercial windows within the south western side elevation of Building C (opposite the north eastern side façade of Building D) are to be high level windows only as shown on the plans for level 4 and above.
- ii. The sides of all balconies facing Building D on the corner of Building C are to have privacy screens as shown on the plans for level 4 and above.
- iii. Details of internal storage and storage within the basement must be provided in accordance with SEPP 65 in the following manner (where at least 50% of the required storage is to be provided within the apartments not including wardrobes or kitchen cupboards):
 - a) one-bedroom apartments must provide a minimum 6 cubic metres of storage
 - b) two-bedroom apartments must provide a minimum 8 cubic metres of storage
 - c) three-bedroom or more apartments must provide a minimum 10 cubic metres of storage.
- iv. [Amendment A - S96(AA) deleted on 21 December 2017]
- v. A window with a sill height above 1.5m from the floor level of the unit and a width of 2m is to be provided to the south west external wall of B1 in units 35, 43 and 51 of Building A to provide additional light and ventilation without compromising privacy.
- vi. A window with a with a sill height above 1.5m from the floor level of the unit and a width of 2m is to be provided to the external north east facing wall of B1 and external north west facing wall B2 for units 11, 17, 23 and 29 of Building C

to provide additional light and ventilation without compromising privacy.

- vii. A window with a sill height above 1.5m from the floor level of the unit with a width of 2m is to be provided to the north east external wall of B2 in units 12, 18, 24 and 30 of Building C to provide additional light and ventilation without compromising privacy.
- viii. All ceilings for habitable areas within the units are to be suspended plasterboard ceilings with recessed downlights and other feature lighting at a height of 2.7m above the finished floor level of the unit.

[Amendment A - S96(AA) amended on 21 December 2017]

- ix. Set plaster ceilings with surface mounted light fittings to the underside of the exposed slab are not to be provided or approved to any living or dining rooms, kitchens or bedrooms or studies of any units within the development.
- x. The bifold doors shown on the study to Unit 7, 13, 19, 25, and 31 in Building C are to be deleted to ensure the study area is open to the main circulation area of the apartments and cannot be used as a separate bedroom.
- xi. The lift door opening for Building D in the ground level car park is to be reversed and adjoining visitor car space relocated 1m from the face of the lift. The space shall comply with AS2890.1 and AS2890.6.
- xii. The lift cores servicing Building G and E are to ensure that residents waiting for or exiting the lifts are not standing or walking into the vehicle aisles in the basement car park.
- xiii. Plumbing shall not be visible in the undercoft areas of any building.

- 13A *A minimum 600mm building setback shall be maintained from the face of the kerb along Townsend Place with the exception of Building G which can be setback a minimum of 425mm from the face of the kerb along Townsend place.*

Reason for Additional Condition 13A is:

- *To provide sufficient clearance between the building and vehicles on the road.*

[Amendment B - Section 4.56 inserted on 19 July 2018]

14. Landscaping

The following details shall be shown on the construction certificate architectural and landscape plans to the satisfaction of the Director City Planning and Development of Rockdale City Council prior to the issue of the Construction Certificate:

- i. The terrace area shown on Ground Level Plan 3 for commercial suite C24 in Building C is to be reduced in size to a maximum width of 1.2m to permit additional landscaping to increase the landscape character of the development and to provide additional screen planting to the side boundary.
- ii. Where the retaining wall/separating wall between the new park and the terrace of Building A Unit 1 exceeds a maximum height of 1.8m above the lowest ground level adjacent to it a 1m high by 1m wide landscape planter is to be provided between footpath and the wall or the terrace area and the wall.
- iii. The height of any fence or wall that separates the private open space of terraces to units is to be a maximum of 1.8m high above the finished level of the terrace.

- iv. The timber fences provided to the courtyard level units in Building G are to be slatted batten timber fences with horizontal battens to allow some light penetration into the courtyard spaces.
- v. The terraced areas of Units 1 to 4 of Building A and Unit 2 of Building B (as shown on the Ground Level 4 Plan) being above the basement car park along the northern boundary shall be reduced in width by 1 metre and this area shall contain a planter box contiguous with the current proposed planter box. The length of the planter box width shall be a minimum of 2.5 metres and planted with shrubs and small trees. This area is to be identified as common property in any future strata plan.
- vi. The area of the car park set back with a 'checkout' being 6 metres wide and some 24-32 metres from the front boundary to the Princes Highway shall be landscaped with deep soil planting and not hard surfaced areas and decking. This area shall contain at least two large trees of native species.
- vii. There shall be no construction other than the boundary fence, within the 2.7 metre setback from the northern boundary to the car park wall. This includes walls retaining structures or other buildings.
- viii. The deep soils landscaped planting areas to be provided along the northern boundary of a minimum depth of 2 metres and a minimum width of 2.7 metres.
- ix. Recreation Zone shown on plan number 165.15 (12) /172 to remove proposed BBQ.
- x. All pavements shall comply with AS/NZ 4586:1999 standards Class W (low) for slip resistance on both private and Council property.
- xi. Stormwater and drainage systems are not to be located in, or under those areas shown as deep soil landscaped beds, or where existing or proposed trees are located.
- xii. A minimum soil depth of 800mm is required for planted areas (other than turf) on podiums or roof-tops or any other concrete slab.
- xiii. A minimum soil depth of 300mm is required for turfed areas on podiums or roof-tops or any other concrete slab, including the soil above stormwater drainage tanks.
- xiv. Podium landscaping, lawn, planters and paved areas shall be drained effectively into the stormwater drainage system.
- xv. Retaining walls used for raised planter beds on concrete slabs shall accommodate a minimum 1000mm of soil/plant mix (over and above any drainage medium).
- xvi. Fully automatic irrigation systems are required to be installed in all podium planted areas, including areas or lawn, the use of stored grey water or rainwater from the development is strongly recommended.
- xvii. Streetscape planting along Prince's Highway frontage is to include detailed design tree pits approved by Council. Tree pit design to include aeration / irrigation pipe to tree root ball, selected soil mix, tree species and tree surround / protection details, with 'terrabond' surface around trees. Street tree species to be Eucalyptus punctata in minimum 25 litre.

- xviii. The Princes Highway, Townsend Place and the lineal park frontage is to be fully paved with approved paving material, no turf, with tree pits (as detailed above) at 15 – 20 metres centres dependant upon site conditions.
 - xix. Details of the roof top communal areas including provision of amenities for residents.
15. The approved completed landscape works shall be maintained by the applicant for a period not less than 24 months. The landscaping shall not be altered other than by way of a S96 application.
- On completion of the maintenance period, a Landscape Architect shall provide a report to the certifying authority (with a copy provided to Council if Council is not the principal certifying authority) stating the landscape maintenance has been carried out in accordance with approved landscape plans and designated specifications.
16. Prior to the issue of the Construction Certificate, the Principal Certifying Authority shall be satisfied that the playground meets the following requirements:
- (i). All playground structures and soffall treatments shall satisfy the relevant AS/NZS standards (AS 4685.1-5:2014, AS/NZS 4422:1996 AS/NZS & 4486.1:1997).
 - (ii). Playground fencing to be 1.2 metre high palicade type fence (not glass) with childproof self locking gate.
17. In order to ensure the design quality excellence of the development is retained:
- (i). The design review architect is to have direct involvement in the design documentation, contract documentation and construction stages of the project;
 - (ii). The design review 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 review architect's commission is to be provided to the Council prior to release of the Construction Certificate;
 - (iv). The design review architect of the project (Architectus) is not to be changed without prior notice and approval of the Council's Director City Planning and Development.
18. A by-law shall be registered and maintained for the life of the development, which requires that :
- a) Balconies are not to be used as clothes drying areas, storage of household goods and air-conditioning units that would be visible from the public domain;
 - b) The studies within the residential units as shown on the approved plans shall not be used, or modified and used, as bedrooms;
 - c) An owner of a lot must ensure that all floor space within the lot complies with the acoustic conditions for floors specified in this consent;
 - d) Notwithstanding subclause (c), in the event that a floor covering in the lot is removed, the newly installed floor covering shall have a weighted standardized impact sound pressure level not greater than L'nT,w 45 measured in

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

- e) Where exposed ceilings are required to meet the minimum floor to ceiling height specified in the table below for individual commercial tenancies, the owner and/or occupier is required to maintain the exposed ceilings and may not further lower the minimum ceiling height beyond that specified.

However, within commercial units that achieve a minimum floor to ceiling height of 3.3m, a maximum of 20% of the individual tenancy ceiling area may be lowered up to a maximum depth of 200mm to encase services (or similar).

Commercial Unit No.	Minimum Floor to Ceiling Height (metres)
1-7	3.3
8-9	2.8
10 - 13	3.3
14 - 15	2.8
16 - 19	3.3
20 - 22	2.8
23 - 24	3.0
25 - 26	2.9
27 - 29	2.8
30 - 35	2.8
36	2.8

Proof of registration of the By Law shall be submitted to Council prior to the issue of any Occupation Certificate. In the event that the development is not strata subdivided and/or the by-law cannot be registered prior to the issue of an Occupation Certificate, a restriction on title is to be created which achieves the same outcome within the development as that required within this condition. If/once the development is strata subdivided and a By Law registered, the restriction on title may be removed.

[Amendment B - Section 4.56 amended on 19 July 2018]

19. **Youth Centre**

The following details shall be shown on the construction certificate plans and documentation to the satisfaction of the certifying authority prior to the issue of the Construction Certificate:

- i. To assist in managing heat gain within the Youth Centre a minimum of 11 windows within the upper level window slot along the northern façade are to be operable. A minimum of 4 windows per panel are to also be operable in the vertical windows of the Youth Centre on its south eastern and north western façades. These windows are to be electronically operated from a series of switches within the associate spaces.
 - ii. Powder coated aluminium vertical adjustable sunshade screens are to be provided to the vertical glazed windows facing to the north west on the Youth Centre for the full height of the windows to assist in heat dispersal during summer months.
 - iii. A horizontal canopy is to be provided to a depth of 0.9m above the ground level windows and doors to provide additional shadow to these glazed surfaces during summer months.
 - iv. The clear glass mullions with Dulux Powder Coated Woodland Grey facing internally to the linear park at the lower level of the Youth Centre (Elevation E) and all glass at all levels associated with both basketball courts shall be certified glass as impact proof to withstand balls hitting the glass. This shall be certified by a suitably qualified professional engineer and include the impact rating of the glass. The wall shall be constructed in accordance with the certificate details/recommendations of the certifier.
20. Ground level surfaces are to be treated with anti-graffiti coating to minimise the potential of defacement. Details shall be provided to the Principal Certifying Authority prior to the issue of the Construction Certificate.
- Any graffiti evident on the exterior facades and visible from a public place shall be removed forthwith.
21. Stormwater and service easements (including connections to onsite detention tanks) shall be created over Lot 1 in favour of Lot 2. The Subdivision Plan shall be detailed to show such easements and approved by Council's Director of City Planning and Development prior to the issue of the construction certificate.
22. 1. Remediation and validation works shall be carried out in accordance with the 'Remediation Action Plan 213 Princes Highway, Arncliffe, NSW' prepared by Environmental Investigations Australia Report No. E1727 AC Rev 1 Dated 05 May 2015.
2. Any new information discovered during remediation, demolition or constructions works which has be potential to alter previous conclusions about site contamination, shall be notified to Council being the Regulatory for the management of contaminated land.
3. Within one (1) month of 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. The Validation Report shall be prepared in accordance with the NSW Environment Protection Authority's (EPA) guidelines, *Consultants Reporting on Contaminated Sites*, and shall include, but not be limited to the following:
- 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.
4. An accredited site auditor under the Contaminated Land Management Act 1997 shall review the Validation Report prepared by the contaminated land consultant and issue a Site Audit Statement. The accredited site auditor shall provide Council being the Regulatory Authority for the management of contaminated land, with a copy of the Site Audit Report and Site Audit Statement, clearly demonstrating that the site is suitable for the intended use.
23. The use of mechanical plant including air conditioners, fans, compressors, condensers, freezers, swimming pool or spa pumps, etc (whether commercial or domestic) shall not cause a sound pressure level measured as the $L_{Aeq\ 15\ minute}$ that exceeds the background level (measured as the $L_{A90\ 15\ minute}$ in the absence of the noise under consideration) by more than 5dBA at any time. The noise shall be assessed at boundary of the development site and/or on the balcony of any residential apartment within the development site and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content where necessary. In addition noise from any mechanical plant shall not to be audible within habitable room of any residence before 7.00am or after 10.00pm (Monday to Friday) or before 8.00am or after 10.00pm (Sat/Sun/Public Holidays).
- No plant or air-conditioning apparatus or other services shall be placed on the roof of the Youth Centre due to amenity impacts on adjacent apartments and the visual exposure of the roof.
24. Noise from the operation of mechanical plant installed on the development site shall not cause 'offensive noise' as defined by the Protection of the Environment Operations Act 1997 or contravene provisions of the Protection of the Environment (Noise Control) Regulation.
25. The report by Koikas Acoustics dated 4 August 2014 shall be *amended* to incorporate the following:
- a) Approved architectural plans and any resulting changes in the design.
 - b) Demonstrate compliance with Rockdale DCP 2011 in that walls separating tenancies, satisfy the AAAC 5 Star attribute for the walls and provide an $D'nT, w + Ctr \geq 50$ and the walls are discontinuous construction,
 - c) Demonstrate compliance with Rockdale DCP 2011 in that walls separating a lobby/corridor and bedroom satisfy the AAAC 5 Star attribute for the walls and provide an $D'nT, w + Ctr \geq 45$.
 - d) Demonstrating compliance with Rockdale DCP 2011 in that walls separating a lobby/corridor and living area satisfy the AAAC 5 Star attribute for walls and provide an $D'nT, w + Ctr \geq 40$.
 - e) Demonstrate compliance with Rockdale DCP 2011 in that ceilings separating tenancies satisfy the AAAC 5 Star attribute and provide an $L'nTw \leq 45$.

- f) Demonstrate compliance with Rockdale DCP 2011 in that ceilings separating all other spaces and tenancies satisfy the AAAC 5 Star attribute and provide an $L'nTw \leq 45$.
- g) Demonstrate compliance with Rockdale DCP 2011 for walls between tenancies and walls between common area and tenancies and satisfy the AAAC 5 Star attribute for impact isolation.

The amended report shall be submitted to the Principal Certifying authority for approval prior to the issue of the Construction Certificate. The report is to include a statement referenced to compliance with BCA requirements.

The development must be carried out in accordance with the recommendations of the revised acoustic report. These requirements shall be reflected in the approved construction certificate plans and shall not be varied at construction certificate stage.

[Amendment B - Section 4.56 amended on 19 July 2018]

- 26. The visible light reflectivity from building materials used on the façade and roofs of the buildings 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 the Construction Certificate.
- 27. The following conditions are to ensure compliance with the Australian Standards:
 - i. Bicycle parking facilities shall be designed in accordance with AS2890.3:1993.
 - ii. The off-street parking areas associated with the subject development shall be designed strictly in accordance with AS2890.1 and AS2890.6.
 - iii. Internal height clearance shall be designed throughout the car park and access driveway in accordance with AS2890.1 and AS2890.6.
 - iv. Commercial vehicle facilities shall be designed strictly in accordance with AS2890.2:2002. The service/loading bay facilities shall be designed to accommodate a Small Rigid Vehicle (SRV) for furniture removal. The details should be in accordance with Council's DCP, Rockdale Technical Specification – Traffic, Parking and Access and AS 2890.2.

Certification shall be provided to the satisfaction of the Principal Certifying Authority prior to the issue of the Construction Certificate.
- 28. All outdoor lighting shall comply with, where relevant, AS/NZ1158.3:1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting. Details demonstrating compliance with these requirements shall be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of a Construction Certificate.
- 29. 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. Details shall be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of the Construction Certificate.
- 30. In addition to complying with the requirements of the BCA walls *and* ceilings separating tenancies shall be constructed to satisfy the AAAC 5 Star attribute for walls

and ceilings as per the acoustic report prepared by Koikas Acoustics dated 4 August 2014.

In addition to complying with the requirements of the BCA and satisfying the AAAC 5 Star attribute for walls and ceiling:

- a) walls separating tenancies shall provide an DnT, w + Ctr \geq 50;
- b) walls separating tenancies shall be discontinuous construction,
- c) walls separating a lobby/corridor and bedroom shall provide an DnT, w + Ctr \geq 45.
- d) walls separating a lobby/corridor and living area shall provide an DnT, w + Ctr \geq 40.
- e) ceilings separating tenancies shall provide an LnTw \leq 45.
- f) ceilings separating all other spaces and tenancies shall provide an LnTw \leq 45.
- g) walls between tenancies and walls between common area and tenancies shall incorporate impact isolation as per the acoustic report prepared by Koikas Acoustics dated 4 August 2014.

A report shall be submitted to the Principal Certifying authority for approval prior to the issue of any Construction Certificate for each of the building stages. The report is to include BCA requirements and details of ceilings and common walls between residential apartments and between residential apartments and non residential uses.

Apartments designed with carpet covered floors shall be identified in the report.

A suitably qualified acoustic engineer with MIE Australia membership or employed by a consulting firm eligible for AAAC membership is to certify that the details provided in the said report satisfy the requirements of this condition, with the certification to be submitted to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate for each building stage.

[Amendment B - Section 4.56 amended on 19 July 2018]

- 30A a) Flooring within the development shall achieve the following minimum equivalent Association of Australian Acoustical Consultants (AAAC) Star Rating within the below specified areas of the development:
- 3 Star for tiled areas within kitchens, balconies, bathrooms and laundries. Tiled flooring within corridors, living areas and bedrooms is not permitted.
 - 4 Star for timber flooring in any area.
 - 5 Star for carpet in any area.
- b) Walls within the development shall be constructed to satisfy the requirements of the Building Code of Australia.
- (i) A suitably qualified acoustic engineer with MIE Australia membership or employed by a consulting firm eligible for AAAC membership is to certify that the details provided in the report required by (c) above satisfies the requirements of this condition, with the certification to be submitted to the Principal Certifying Authority for approval prior to the issue of the relevant Construction Certificate.

Further, a by-law shall be registered and maintained for the life of the development which requires that:

An owner of a lot must ensure that all floors within the lot comply with condition 30A.

Notwithstanding the above, in the event that a floor covering in the lot is removed, the newly installed floor covering shall have a weighted standardized impact sound pressure level not greater than $L'_{nT,w} 45$ measured in accordance with AS ISO 140.7 and AS ISO 717.2. A test report from a qualified acoustic engineer employed by a firm eligible to membership of the Association of Australian Acoustical Consultants shall be submitted to the Owners Corporation within 14 days of the installation of the new floor covering demonstrating compliance with that standard. In the event that the standard is not complied with, the floor covering shall be removed and replaced with a floor covering that conforms to that standard in accordance with any directions given by the Owners Corporation.

Reason for Additional Condition 30A is:

- For amenity reasons

[Amendment B - Section 4.56 inserted on 19 July 2018]

31. Noise attenuation shall be incorporated into the development complying with the requirements of Australian Standard 2021-2000 in relation to aircraft noise exposure and interior design sound level.

A report shall be submitted to the Principal Certifying authority for approval prior to the issue of any Construction Certificate. The report shall include Australian Standard 2021-2000 requirements and details of noise attenuation recommendations for the development.

A suitably qualified acoustic engineer with MIE Australia membership or employed by a consulting firm eligible for AAAC membership is to certify that the details provided in the said report satisfy the requirements of this condition, with the certification to be submitted to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate for each building stage.

32. Noise attenuation measures shall be incorporated into the development complying with the design requirements of Clauses 87 (Rail) and 102 (Road) of the State Environmental Planning Policy (SEPP) (Infrastructure) 2007 in relation to road and rail noise and vibration and interior design sound levels,

A report shall be submitted to the Principal Certifying authority for approval prior to the issue of any Construction Certificate. The report shall include reference to Clauses 87 (Rail) and 102 (Road) of the State Environmental Planning Policy (SEPP) (Infrastructure) 2007 requirements and details of noise attenuation recommendations for the development.

A suitably qualified acoustic engineer with MIE Australia membership or employed by a consulting firm eligible for AAAC membership is to certify that the details provided in the said report satisfy the requirements of this condition, with the certification to be submitted to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate for each building stage.

33. The cumulative noise from any mechanical plant installed on the development site including exhaust fans, air-conditioning plant, etc (measured as the $L_{Aeq\ 15\ minute}$) shall not exceed the background level (measured as the $L_{A90\ 15\ minute}$ in the absence of the noise under consideration) by more than 5dBA at any time. The noise shall be

assessed at boundary of the development site and/or on the balcony of any residential apartment within the development site and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content where necessary. In addition noise from any mechanical plant shall not be audible within habitable room of any residence before 7.00am or after 10.00pm (Monday to Friday) or before 8.00am or after 10.00pm (Sat/Sun/Public Holidays).

34. All plumbing, electrical kiosks or fire booster valves, shall be concealed within the brickwork of the building so as not to detract from the overall appearance of the development and impact on the amenity of residents and the streetscape. Details demonstrating compliance with this requirement shall be submitted to the satisfaction of the Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate.
35. 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.
36. Ceiling heights for residential apartments shall be a minimum of 2.7 metres and ceiling heights for commercial units as measured vertically from finished floor level to the underside of the ceiling shall be as outlined in the table below:

Commercial Unit No.	Minimum Floor to Ceiling Height (metres)
1 - 7	3.3*
8 - 9	2.8
10 - 13	3.3*
14 - 15	2.8
16 - 19	3.3*
20 - 22	2.8
23 - 24	3.0
25 - 26	2.9
27 - 29	2.8
30 - 35	2.8
36	2.8

Exposed ceilings may be required to meet the minimum floor to ceiling heights outlined above. If these are required, a by-law shall be registered and maintained in perpetuity requiring exposed ceilings be provided which shall not be lowered beyond the minimum floor to ceiling heights specified in the table above.

* Within commercial units that achieve a minimum floor to ceiling height of 3.3m, a maximum of 20% of the individual tenancy ceiling area may be lowered up to a maximum of 200mm to encase services (or similar).

Details demonstrating compliance with this requirement shall be included in the

Construction Certificate documentation prior to the issue of the Construction Certificate.

Proof of registration of the By Law, if required, shall be submitted in accordance with Condition 18.

[Amendment B - Section 4.56 amended on 19 July 2018]

37. The mature *Corymbia citriodora* (Lemon Scented Gum) tree (Tree No. 1) located on the corner of Townsend and Princes Highway shall not be removed and shall be protected during all stages of the development. The following conditions are to ensure the protection of the tree:
- a) The proposed building footprint at ground floor level is to be setback a minimum of 4 metres from Tree number 1 and is not to encroach within more than 10% of the area of the tree's identified tree protection zone (TPZ) under AS4970-2009, being a 7.2 metre radial offset from centre of trunk.
 - b) The areas of the TPZ of tree No. 1 outside the ground floor footprint of the approved building are to be retained and protected with no changes to existing ground levels. Any site features such as paving etc. are to be constructed without level changes (i.e. no excavation).
 - c) A minimum of 50% of the remaining area of TPZ is to be retained as soft landscape area.

The above conditions shall be shown on the Construction certificate drawings to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

Prior to commencement of any works on site (including demolition) the tree is to be protected by a combination of:

- Tree protection fencing as specified in Figure 3 of AS4970-2009 Protection of trees on development sites for the majority of the TPZ and, where access is required:
- Trunk and ground protection as specified in Figure 4 of AS4970-2009 Protection of trees on development sites where access is construction is required.

The tree protection fencing and trunk and ground protection shall be installed as closely as possible to the alignment of the identified TPZ and shall be approved and certified by the Site/Project Arborist prior to commencement of any construction or demolition works on the site.

No more than 20% of the live crown area of Tree number 1 is to be pruned to provide for construction of the building (this includes pruning for scaffolding)

All pruning of the tree's canopy that is unavoidable to provide for construction of the building (including scaffolds) shall be undertaken under the supervision of the Site/Project Arborist (or an AQF Level 5 arborist) and in accordance with AS4373-2007 Pruning of amenity trees.

Any excavation within the identified TPZ of tree No. 1 shall be carried out by hand to minimize disturbance to tree roots. Roots greater than 25mm are not to be damaged or severed without prior assessment by the Site/Project Arborist to determine likely level of impact and the restorative actions required to minimise the impacts of root damage.

Tree roots between 10mm and 25mm diameter, severed during excavation, shall be cleanly severed back to sound wood using hand tools under the direction of the

Site/Project Arborist.

The following activities/actions are prohibited from the TPZ of tree number 1:

- Soil cut or fill including excavation and trenching
- Soil cultivation, disturbance or compaction
- Stockpiling storage or mixing of materials
- The parking, storing, washing and repairing of tools, equipment and machinery
- The disposal of liquids and refuelling
- The disposal of building materials
- The sitting of offices or sheds
- Any action leading to the impact on tree health or structure.

Excavations for services, waste bins, storage of materials and equipment, site residue, site sheds, vehicle access or cleaning of tools and equipment are not permitted within the Tree Protection Zones at any time.

Prior to the commencement of any work on site, a sign shall be placed in a prominent position on each protective fence identifying the area as a Tree Protection Zone and prohibiting vehicle access, waste bins, storage of materials and equipment, site residue and excavations within the fenced off area

The trees identified for retention shall not be removed or pruned, including root pruning, without the written consent of Council in the form of a Permit issued under Council's Development Control Plan 2011.

PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE

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

38. 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 \$126,492.00. 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. An application for boundary levels fee of \$570. All boundary works, egress paths, driveways and fences shall comply with this level.
39. For work costing \$25,000 or more, a Long Service Leave Levy shall be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.

40. A Section 94 contribution of \$5,297,419.74 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 the first payment, in accordance with the contribution rates contained in Council's current Adopted Fees and Charges. Fifty Percent (50%) of the contribution is to be paid prior to the issue of any construction certificate for works above the floor level of the ground floor. Fifty Percent (50%) of the contribution is to be paid prior to the issue of any Occupation Certificate plus interest at 4.8% per annum. (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	\$4,699,402.86
Community Services & Facilities	\$ 159,220.72
Town Centre & Streetscape Improvements	\$ 84,566.78
Pollution Control	\$ 236,125.38
Plan Administration & Management	\$ 18,104.00

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

[Amendment B - Section 4.56 amended on 19 July 2018]

41. Prior to the issue of the Construction Certificate, a Civil Engineering Design report and final design plans shall be submitted to the Director City Operations of Rockdale City Council for review and approval. The design / plans to address but being not limited to the following:
- The proposed road geometry in accordance with Austroads Standards.
 - Clearly define public and private roads.
 - Pedestrian movement along the new roads.
 - Road marking / signs.
 - Surface finish.
 - Long and cross sections of the roads including any retaining structures.
42. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance or owner builder's permit in force in accordance with Part 6 of that Act, that such a contract or permit is in place.
43. 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 adaptable units, 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. Please note that compliance with this condition requires the relevant unit(s) to be constructed to comply with all the essential (Type C) requirements of AS4299.
- Note:** Compliance with Council's Development Control Plan (DCP) 2011 – Requirements for Access and the Building Code of Australia does not necessarily guarantee that the development meets the full requirements of the Disability Discrimination Act (DDA) 1992. It is the responsibility of the applicant to make the necessary enquiries to ensure that all aspects of the DDA legislation are met.

44. Compliance with Council's Development Control Plan (DCP) 2011 – Requirements for Access. Compliance with this condition requires that accessible carparking space/s be provided. The car spaces shall be clearly marked and reserved at all times. 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.
45. The applicant shall confer with Ausgrid to determine if:
- An electricity distribution substation is required.
 - Installation of electricity conduits in the footway is required.
 - Satisfactory clearances to any existing overhead High Voltage mains will be affected.

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

46. 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.

47. Prior to the issue of the Construction Certificate, the following shall be submitted to Rockdale Council's Director City Operations for approval:
1. Details of the traffic, access and parking arrangements including swept path analysis, including:
 - i. The roller shutter security gate for entrance to the basements must be situated to permit queuing for two vehicles at the entry/exit location.
 - ii. The width of car wash bay (minimum width should be 3.5m).
 - iii. Showing appropriate access for garbage vehicles with respect to vehicle manoeuvrability into the site.
 - iv. Showing appropriate access to all loading bays.
 - v. Confirmation that a minibus can safely undertake the u-turn (in a single manoeuvre) at the roundabout at the northern end of Townsend Place.
 - vi. Confirmation of safe entry / exits from Townsend Place to Princes Highway for garbage vehicles / School bus.
 - vii. Show the design of raised median at the Townsend Place / Princes Highway intersection to ensure exiting vehicles do not mount the median.
 - viii. Confirmation of safe entry / exits from the Princes Highway into the shared design vehicle.
 - ix. Disable carparking bays to comply with Australian Standards for 2890.6 (Off-street parking for people with disabilities).

- x. Structural columns location not conflicting with access to the required shared area and shared areas not located within the parking aisle.
 - xi. Parallel parking not provided in blind aisle.
 - xii. Provision of approved car space numbers for the Youth Centre.
 - xiii. Provision of appropriate vehicle movement and access between the Youth Centre car park and the joining car park.
 - xiv. Provision of appropriate access to the retail car park (building to the north) without any conflict to the main entry on Princes Highway.
 - xv. Confirmation of adequate manoeuvrability for buses around the Youth Centre in accordance with AUSTRROADS. A swept path analysis is required.
2. A longitudinal surface profile for the proposed driveways. 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 to shall include all relevant levels, grades (%) and lengths.
48. Prior to the issuing of a Construction Certificate, a registered surveyor shall certify that the construction certificate plans provide the following maximum gross floor areas:
- a) Total residential gross floor area – 24,717.26m²
 - b) Total commercial gross floor area – 2262.6m²
 - c) Total youth centre gross floor area – 2562.8m²

The certification shall ensure that all areas defined as gross floor area by Rockdale Local Environmental Plan 2011 are included.

49. Vibration limits shall be established and monitoring equipment 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 demolition, excavation and the removal of any 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.

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

- (a) ingress and egress of vehicles to the site (access via Princes Highway and Wardell Street frontages is not permitted);
- (b) loading and unloading, including construction zones;
- (c) predicted traffic volumes, types and routes;
- (d) pedestrian and traffic management methods;
- (e) parking for construction workers shall be provided for all workers within the site. The parking area can change in accordance with construction schedule;
- (f) approach and departure routes to the site from the wider road network;
- (g) there shall be no parking in Wardell Street and View Street associated with the development. A high fence shall be placed along the frontage in Wardell Street preventing access to the site.

A copy of the TMP shall be submitted to Council. Construction shall be undertaken strictly in accordance with the TMP.

51. Prior to the issue of the Construction Certificate a Geotechnical report shall be undertaken.

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 and road reserve (site and neighbouring)
- Proposed method of excavation
- Permanent and temporary support measures for excavation

- To protect the amenity of adjoining properties. NB: The proposed construction of the basement carpark is within the influence line of the boundary / neighbouring building / foundation
- Ground-water levels (if any)
- Batter slopes
- Vibration caused by method of demolition and excavation
- De-watering including seepage and off site disposal rate (if any)

Where a Private Certifier issues the Construction Certificate a copy of the above documentation must be provided to Council, once the Construction Certificate is issued.

- NB:** (i) If the proposed construction of the basement carpark impedes the water table, thus requiring dewatering of the site, the application requires a permit under the Water Management Act.
- (ii) From the proposed basement pumped discharge drainage systems are permitted subject to complying with the design criteria listed in Rockdale DCP 2011.
- (iii) The design of the basement structure will require consideration of the effects of the water table, both during and after construction.

52. Prior to the issue of the Construction Certificate, a Waste Management Plan shall be prepared and implemented in accordance with Rockdale Technical Specification Waste Minimisation and Management. The management of waste for the operation of the commercial and residential units shall be reviewed and approved by Rockdale City Council Director City Operations. Waste shall be handled in accordance with this plan.
53. Six(6) car wash bays shall be provided. 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.
54. Detailed drainage design plans, supporting calculations and design certification will be required to be submitted in accordance with the design, documentation and certification requirements of DCP and Rockdale Technical Specification – Stormwater Management. The amended design shall address the following issues:
- (a) The detailed plans are required to show that the subsurface structure within the highest known groundwater table + 0.5m shall be waterproofed with adequate provision for future fluctuation of the water table.
 - (b) The stormwater reuse from proposed rain tanks.
 - (c) The demonstration of the use of Water Sensitive Urban Design Approach (WSUD) to the design of the drainage system. (DCP 2011 requires significant development to conform to the targets for the stormwater pollution reduction). To justify the target by an analysis using MUSIC and provide the model and out puts for Council's review.

That no treatment devices shall be located within the public roads.
 - (d) To incorporation of an oil separator in accordance with Rockdale Technical Specification – Stormwater Management, section 7.5.4.

The plans shall be submitted to the satisfaction of the Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate.

Where Rockdale Council is not the PCA, a copy of the above documentation must be provided to Rockdale Council, once the Construction Certificate is issued.

55. A gutter flow analysis will be required to be submitted for the protection of the proposed basement car park in accordance with DCP 2011 as follows:
- (a) The 1 in 100 year flow discharge is to be determined using the Rational Method;
 - (b) The depth of flow is to be determined using Mannings Equation, HEC-RAS or standard nomographs where applicable;
 - (c) The driveway crest level is to be 100mm above the 1 in 100 year flow level;
 - (d) Full details of the analysis, including method statement, calculations and assumptions is to be provided.

The above documentation shall be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of the Construction Certificate.

56. An overland flowpath system shall be designed and implemented through the site, the internal access roads, and precinct. The drainage system shall comprise pipe or culvert underground conduits and overland flow paths. The overland flow paths must convey the design flows while maintaining design free board at all times.

The applicant to comply with the following:

- All pipelines within the internal road network shall have a minimum internal diameter of 375 mm, shall be capable of conveying the 1% AEP flows and shall be RCP or FRC.
- Filling is limited to the building footprint and under the driveway.
- The piped drainage within the site should be capable of conveying the 5% AEP flow; and
- Overland flow paths (i.e. situated internally within the building and used when the flow in the piped drainage exceeds the 5% AEP flow) should be capable of conveying the 1% AEP flows.
- The capacity of the proposed stormwater system should be re-confirmed.

The plans and documentation shall be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of the Construction Certificate.

PRIOR TO COMMENCEMENT OF WORKS

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

57. A dilapidation survey shall be undertaken, to the satisfaction of the Principal Certifying Authority (PCA), 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, including 2 Wardell Street, 211 Princes Highway and 1-9 Hattersley Street providing consent is given by the owner of each property for an inspection/s to take place to enable the report to be prepared.

Any damage caused to other properties as a result of the 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 PCA and Council prior to Commencement of Works. The insurance cover shall be a minimum of \$10 million.

58. A Soil and Water Management Plan shall be prepared. The Plan must include details of the proposed erosion and sediment controls to be installed on the building site. A copy of the Soil and Water Management Plan must be kept on-site at all times and made available to Council 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.

59. 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.

60. 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.

61. 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.
62. 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 Council.
63. The site shall be secured by a 1800 mm (minimum) high temporary fence for the duration of the work. No gate is permitted in the Wardell Street frontage for the duration of the works.
64. 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) 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. No gate is permitted in Wardell Street frontage.

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

- 65. 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 plus one additional toilet.
- 66. The applicant shall design and construct the widening of the Townsend Place carriageway along the entire frontage of the site, including new paving, kerb and gutter and any necessary relocation of services. The design of the works shall be to the satisfaction of Council's City Infrastructure Department. Such work is to be designed and carried out in accordance with AUSTRROADS.

No works shall commence until approval has been obtained for road and streetscape works listed above under the Roads Act 1993, the Transport Administration Act 1988 and the Road Transport (Safety and Traffic Management) Act 1999.

- 67. Construction Management
 - i. Prior to commencement of any works a Construction Management Plan (CMP) shall be prepared in accordance with the requirements of all relevant regulatory

approval bodies. The Certifying Authority shall be satisfied that the applicant has obtained all relevant regulatory approvals. Any access to the site for construction purposes via Princes Highway and Wardell Street frontages is not permitted. The CMP shall address, but not be limited to the following matters:

- (a) assessment procedures and guidelines recommended in the DECC Interim Construction Noise Guideline dated July 2009.
- (b) Vibration limits established and monitoring 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.
- (c) Access to the site shall be restricted to no more than two x 10m 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.

Parking for construction workers shall be provided within the site for the duration of all stages of the development if at all reasonably possible. Proof as to why it is not reasonably possible to park on site is to be provided to the satisfaction of the certifying authority. Construction workers are not to park in Wardell Street, Princes Highway or Townsend Place.

In addition builders / demolishers are required to erect a 1.8m 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 any work.

- (d) Any other relevant condition of this consent.

No works shall commence prior to submission to Council of the CMP. The CMP shall be implemented during demolition, excavation and construction. A copy of the CMP shall be submitted to Council.

- 68. i. Prior to commencement of any work, the applicant shall provide to Rockdale Council, the immediate residential neighbours in Wardell Street, Princes Highway and Townsend Place, the school Principal at Arncliffe Public School and St Francis Xaviers Primary School and the Church the name of a site manager and their mobile and landline phone numbers with 24 hour access. Once an issue is identified, it shall be dealt with immediately and the

- complainant (if they wish), be notified of action taken. Should the site manager change, this should be notified to Council, the immediate residential neighbours, the school headmaster and the Church.
- ii. In the event that reports find that vibration/noise from the excavation of rock can be felt/heard from the Church, the excavation of rock on the site shall not be undertaken at a time when the Church notifies the site manager with at least fourteen (14) days notice that a wedding, baptism or other similar function will be undertaken at the Church and the period of time such function will take.
 - iii. A Community Complaint Register shall be created and maintained until the issue of the Final Occupation Certificate. The Register shall be available to Council officers upon request.
69. Vibration monitoring equipment to 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.

DURING DEMOLITION / EXCAVATION / CONSTRUCTION

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

70. 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.
71. 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.
72. 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.
73. 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.
74. All waste generated on site shall be disposed of in accordance with the approved Waste Management Plan.
75. A Registered Surveyor's check survey certificate or compliance certificate shall be forwarded to the certifying authority and to Council if Council is not the certifying authority, detailing compliance with the development consent and RLs shown on the approved plans 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.
76. 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.
77. 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.
78. Road Reserve Permits - Work Activities on Council sites, pursuant to Section 138 of the Roads Act 1993.
- 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.
- 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.
- 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.
- 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.
- A Road / Footpath closure permit must be obtained prior to the erection of an awning in the road reserve.

Note: Permits can be obtained from Council's Customer Service Centre.

79. 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.
80. The following conditions are necessary to ensure minimal impacts during construction:
- i. Building, demolition and construction works shall not 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 outside the boundary of the development site (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. Any noise or vibration generated from site activities during demolition / excavation / 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 and/or exceed limits established by the Geotechnical Engineer for the site.

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.

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.

81. Prior to issue of any Interim Occupation Certificate, safe and negotiable pedestrian and vehicle access to the building/s the subject of the Certificate must be provided. A Final Occupation Certificate shall be obtained in relation to the approved works upon completion of the development.
- a) safe and negotiable pedestrian and vehicle access to the building/s the subject of the Certificate must be provided; and
 - b) the requirements of conditions 82 to 101A below have been complied with to the extent considered by Council to be relevant for the building/s the subject of the Certificate.

A Final Occupation Certificate shall be obtained in relation to the approved works upon completion of the development.

82. 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.

83. Prior to the issue of the Final Occupation Certificate, all roadworks and streetscape works are to be completed, and all conditions associated with the approval of the design under the *Roads Act 1993*, the *Transport Administration Act 1988* and the *Road Transport (Safety and Traffic Management) Act 1999* shall be satisfied.

84. Vehicles shall enter and exit the site in a forward direction at all times.

Prior to the issue of the Final Occupation Certificate, a plaque with minimum dimensions 300mm x 200mm shall be permanently fixed at a visible location at the driveway entrance from Princes Highway to the shared accessway, stating the following: "No access by vehicles larger than 4 tonnes capacity and 7 metres in length".

85. 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.
86. 487 off-street car spaces shall be provided in accordance with the submitted plans. A minimum of 60 spaces shall be available to the users of the Youth Centre. The parking spaces shall be allocated in accordance with condition 8. Such spaces shall be paved and linemarked to the satisfaction of the principal certifying authority prior to the issue of the Final Occupation Certificate.
87. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the web site

www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development.

88. Prior to the issue of the Final Occupation Certificate, 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.

89. Prior to any field acoustic compliance testing of the walls and floors in accordance with this condition, a report shall be provided to the testing engineer/ organisation certifying that the walls and floors have been constructed in accordance with the details submitted with the Construction Certificate/s. 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. Any variations to CC approved documentation shall be approved by the Principal Certifying Authority and identified in the report.

A report is to be submitted to Council and the Principal Certifying Authority prior to the issue of the Final Occupation Certificate. The report is to include details and the results of the field tests and a statement confirming compliance with the noise conditions and that the works have been carried out in accordance with the approved plans and documentation.

90. Field testing and evaluation of the building facades and mechanical plant installations 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 relevant conditions of consent.

A report demonstrating compliance with this condition is to be submitted to the Principal Certifying authority for approval prior to the issue of any Final Occupation Certificate for each of the building stages. The report is to include details of the facades, mechanical and results of the site noise measurements and a statement that the works have been carried out in accordance with the approved plans and documentation.. A copy of the report must be provided to Council if Council is not the Principal Certifying Authority.

91. Within three months of the Final Occupation Certificate occupation field testing is to be carried out by a suitably qualified acoustic engineer with MIE Australia membership or employed by a consulting firm eligible for AAAC membership to demonstrate compliance with relevant conditions of consent relating to noise from the use of the Community Centre.

A report demonstrating compliance with this condition is to be submitted to the Principal Certifying authority for approval. The report is to include details of the site noise measurements and a statement that the works have been carried out in accordance with the approved plans and documentation. A copy of the report must be provided to Council if Council is not the Principal Certifying Authority.

92. Prior to the issue of the Final Occupation Certificate, a certificate is to be provided to the Principal Certifying Authority and Council demonstrating that:
 - i. All wet areas have been effectively waterproofed (prior to tiling) in accordance with AS3740 and the product manufacturer's recommendations.
 - ii. All waterproofing for planting areas on slab have been installed and certified by a licensed waterproofing contractor.
93. Prior to the Final Occupation Certificate, a chartered professional engineer shall certify that the tanking and waterproofing has been constructed in accordance with the approved design and specification. A copy shall be provided to Council if council is not the Principal Certifying Authority.
94. 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.

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.
95. All mechanical systems shall be certified by a suitably qualified and experienced engineer at the completion of installation prior to the issue of a Final Occupation Certificate.
96. Prior to the Final Occupation Certificate, 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.
97. The underground garage shall be floodproofed. The driveways crest level to be a minimum of 100mm above the 1 in 100 year gutter flow level. The levels shall be certified by a registered surveyor prior to construction of the driveway or other openings.
98. Any 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.
99. 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.

100. Signs shall be displayed adjacent to all stormwater drains on the premises, clearly indicating "Clean water only - No waste".
101. 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.
- 101A A post-construction dilapidation report shall be prepared by a suitably qualified person. This report is to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads.
- The report is to be submitted to and approved by the Certifying Authority prior to the issue of the Final Occupation Certificate. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and road, the Certifying Authority must:
- a) compare the post-construction dilapidation report with the pre-construction dilapidation report required under this consent, and
 - b) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
- A copy of the dilapidation report shall be submitted to Council.
- 101B Prior to the issue of any Occupation Certificate, all existing and proposed services on the property shall be shown on a plan, and shall be submitted to Council. This includes electricity, gas, water, sewer, stormwater and telephone services. Where any service crosses one lot but benefits another lot, it is to be covered by an easement. The service easement is to be covered by a Section 88B Instrument, which may only be varied or extinguished with the consent of Bayside Council. These provisions are to be put into effect prior to the release of any Occupation Certificate.
- [Amendment B - Section 4.56 inserted on 19 July 2018]
- 101C Any easement not already identified and registered shall be shown on a plan to be submitted with a Subdivision Certificate prior to the issue of any Occupation Certificate. This includes easements for electricity, gas, water, sewer, stormwater, public access and telephone services. Where any service crosses one lot but benefits another lot, it is to be covered by an easement. The service easement is to be covered by a Section 88B Instrument, which may only be varied or extinguished with the

consent of Bayside Council. These provisions are to be put into effect prior to the release of any Occupation Certificate.

[Amendment B - Section 4.56 inserted on 19 July 2018]

- 101D A positive covenant shall be provided over the on-site detention and retention systems. A Section 88B Instrument and four copies shall be lodged with and approved by Council prior to the issue of any Occupation Certificate.

[Amendment B - Section 4.56 inserted on 19 July 2018]

- 101E The on-site residential car parking spaces are not to be used other than by an occupant or tenant of the residential buildings within the development site. An occupant, tenant, lessee or registered proprietor of the development site or part thereof shall not enter into an agreement to lease, license or transfer ownership of any car parking spaces to those other than an occupant, tenant or lessee of the building.

These requirements are to be enforced through the following:

- i) restrictive covenant placed on title pursuant to Section 88B of the Conveyancing Act, 1919,
- ii) restriction on use under Section 68 of the Strata Schemes (Leasehold Development) Act, 1986 to all lots comprising in part or whole car parking spaces, and
- iii) sign visible at exits (excluding fire stairs and individual unit entries) from car parking areas.

These requirements are to be made to the satisfaction of Council and shall be in place prior to the issue of any Strata Certificate. All costs associated with the above requirements are to be borne solely by the applicant.

[Amendment B - Section 4.56 inserted on 19 July 2018]

- 101F Prior to the issue of any Occupation Certificate, documentary easements for services, drainage, support and shelter, use of plant, equipment, loading areas and service rooms, repairs, maintenance or any other encumbrances and indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision, must be created pursuant to Section 88B of the Conveyancing Act 1919.

[Amendment B - Section 4.56 inserted on 19 July 2018]

- 101G The children playground next to the Youth Centre along the lineal park frontage shall be maintained in perpetuity by the body corporate and should be available to the public and the residents of the development. Prior to the issue of the Occupation Certificate for the Youth Centre, a positive covenant shall be created pursuant to Section 88E of the Conveyancing Act 1919, which may only be varied or extinguished with the consent of Rockdale City Council.

[Amendment B - Section 4.56 inserted on 19 July 2018]

PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE

The following conditions must be complied with prior to the issue of the Subdivision Certificate.

102. *The plan of subdivision must be amended to the proposed dedication of land to Council with a variable width and approximate area of 548.3m² along Townsend Place for road widening purposes.*

[Amendment B - Section 4.56 amended on 19 July 2018]

103. The subdivision and dedication is to occur in accordance with this development consent and any subsequent Section 96 modifications.
104. The Subdivision Certificate and four (4) copies of the plans for the endorsement of the General Manager shall be submitted to Council prior to lodgment with the Land and Property Information office. If applicable, an original and four (4) copies of the 88B Instrument are to be submitted.
105. The plan of subdivision and dedication shall be registered with the Land and Property Information Centre before any Strata Certificate is issued.
106. The submission and approval of a subdivision certificate application. In this regard, a fee is payable in accordance with Council's current adopted Fees and Charges.
107. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to release of the Subdivision/Strata Certificate.

108. [Amendment B - Section 4.56 deleted on 19 July 2018]
109. [Amendment B - Section 4.56 deleted on 19 July 2018]
110. [Amendment B - Section 4.56 deleted on 19 July 2018]
111. [Amendment B - Section 4.56 deleted on 19 July 2018]
112. [Amendment B - Section 4.56 deleted on 19 July 2018]
113. [Amendment B - Section 4.56 deleted on 19 July 2018]
114. [Amendment B - Section 4.56 deleted on 19 July 2018]
115. [Amendment B - Section 4.56 deleted on 19 July 2018]

INTEGRATED DEVELOPMENT/EXTERNAL AUTHORITIES

The following conditions have been imposed in accordance with advices received from external authorities or General Terms of Approval received pursuant to Section 91A of the Environmental Planning and Assessment Act, 1979.

116. NSW Police

The following conditions are specific to the NSW Police requirements:

- i) Monitored CCTV facilities shall be implemented throughout the development. Areas of focus include the basement car park (including entry and exits), main entry areas to the development, commercial premises, Youth Centre inside/out, external public communal spaces and garbage/storage areas.
- ii) The landscaping around the boundary and throughout the development (pedestrian walkways) should not restrict surveillance opportunities and should be maintained regularly.
- iii) Digital technology should be used to record images from the cameras.
- iv) Installed surveillance equipment should be maintained in working order and regularly tested.
- v) Recording equipment should be installed away from the public areas to avoid tampering.
- vi) Lighting should be positioned appropriately to ensure that illumination supports picture quality obtained from surveillance cameras.
- vii) Any surveillance system should be manufactured and installed by a qualified and reputable company and regularly function tested.
- viii) Intercom facilities shall be provided at entry/exit points to enable residents to communicate and identify with people prior to admitting them to the development.

117. Sydney Trains

- All excavation, shoring and piling works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects.
- No rock anchors/bolts are to be installed into Sydney Trains property.
- The effect of construction induced settlement due to groundwater drawdown potentially leading to track settlement is to be avoided at all times.
- The following items are to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate:
 - Machinery to be used during excavation/construction.

- If required by Sydney Trains, track monitoring plan detailing the proposed method of track monitoring during excavation and construction phases.
- If required by Sydney Trains, a rail safety plan including instrumentation and the monitoring regime.

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

- No work is permitted within the rail corridor, or rail easements, at any time unless prior approval or an Agreement has been entered into with Sydney Trains.
- The Applicant must provide a plan of how future maintenance of the retaining wall along the rail corridor is to be undertaken. The maintenance plan is to be submitted to Sydney Trains prior to the issuing of a Construction Certificate. The Principle Certifying Authority is not to issue a Construction Certificate until written confirmation has been received from Sydney Trains advising that the maintenance plan has been prepared to its satisfaction.
- Prior to the commencement of works and prior to the issue of the Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the project (especially the retaining wall and rail track formation) is to be carried out by representatives from Sydney Trains and the applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.
- Prior to the commencement of works, the applicant shall peg-out the common boundary with the rail corridor and/or rail easement to ensure that there is no encroachment. This work is to be undertaken by a registered surveyor.
- An acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads – Interim Guidelines". The Applicant must incorporate in the development all the measures recommended in the report.
- Prior to the issue of a Construction Certificate, the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.
- Given the possible likelihood of objects being dropped or thrown onto the rail corridor from balconies, windows and other external features (eg roof terraces and external fire escapes) that are within 20m and face the rail corridor, the Applicant is required to install measures (eg awning windows, louvres, enclosed balconies, window restrictors etc) which prevent the throwing of objects onto the rail corridor. These measures are to comply with Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until it has confirmed that these measures are to be installed and have been indicated on the Construction Drawings.

- The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of Sydney Trains.

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

- Prior to the issue of a Construction Certificate, a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- No metal ladders, tapes and plan/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and 1500V catenary, contact and pull-off wires of the adjacent tracks, and to any high voltage aerial supplies within or adjacent to the rail corridor.
- Prior the issuing of a Construction Certificate, the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
- The Applicant is to obtain Sydney Trains endorsement prior to the installation of any hoarding or scaffolding facing the common boundary with the rail corridor.
- Prior to the issuing of an Occupation Certificate, the Applicant is to submit the as-built drawings to Sydney Trains and Council.

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

118. **Sydney Airport Corporation Limited**

All conditions imposed by SACL shall be complied with prior to the issue of the Occupation Certificate.

119. **Roads and Maritime Service**

- i) If the internal connecting road is to be public road then the proposed marked foot crossing shall meet Roads and Maritime criteria for pedestrian crossings.
- ii) View Street off Princes Highway does not have adequate footpath width in front of and around the perimeter of the development to cater for pedestrians. Adequate provisions should be made for pedestrians.
- iii) Waste collection shall be carried out within the site not on public roads (existing or proposed).

- iv) The developer will be required to enter into a Works Authorisation Deed (WAD) for the new laneway. If required, please note that the Works Authorisation Deed (WAD) will need to be executed prior to the Roads and Maritime assessment of the detailed civil design plans.
- v) The swept path of the bus entering and exiting View Street, as well as manoeuvrability through View Street, shall be in accordance with AUSTRROADS. In this regard, a swept path plan should be submitted to Council illustrating compliance with this requirement.

The swept path of the longest vehicle (including garbage trucks) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTRROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.

- vi) The design and construction of the driveway and gutter crossing off the Princes Highway shall be in accordance with AS2890.1 – 2004 and the RMS's requirements. Details of these requirements could be obtained from the RMS's Statewide Delivery Manager, Parramatta Ph: 8849 2144.

A certified copy of the design plans shall be submitted to the RMS for consideration and approval prior to the release of any construction certificate by Council and commencement of road works.

The RMS fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.

- vii) The layout of the proposed car parking areas associated with the subject development (including grades, turn paths, sight distance requirements, aisle widths and parking bay dimensions should be in accordance with AS 2890.1-2004.
- viii) The proposed development should be designed such that road traffic noise from Princes Highway is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102.3 of State Environmental Planning Policy (Infrastructure) 2007.

- ix) 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).

- x) That post development storm water discharge from the subject site into the RMS drainage system does not 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 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.

- xi) All vehicles must enter/exit the site in a forward direction.
- xii) All vehicles must be wholly contained within the property before being required to stop.
- xiii) All work / regulatory signposting associated with the development will be at no cost to the RMS.

ROADS ACT

120. Public infrastructure works in the public road reserve shall not commence without prior approval of the design in accordance with the Roads Act 1993, the Transport Administration Act 1988 and the Road Transport (Safety and Traffic Management) Act 1999.

121. Construction related activities must not take place on the roadway without the approval of Council's Director City Operations.

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.

122. 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 or in accordance with the approved landscape plan;
- 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.

123. 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.

124. 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.
125. This Roads Act approval does not remove the need for the Contractor to obtain a Road Opening Permit prior to undertaking excavation in the road or footpath.
126. The following details shall be submitted to the Principal Certifying Authority (PCA) for assessment and approval in relation to the awning over the public footpath:
 - i) Detailed design plans and specifications, including structural details; and
 - ii) Design certificate.

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

Note: Awnings are required to be set back a minimum of 600 mm from the kerb face and be a minimum height of 2.4 metres above the footpath level. Drainage from the awning shall be connected to the stormwater system for the development.

Pursuant to Section 142(1) of the Road Act responsibility for structure and maintenance shall be vested with the building owner.

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

127. 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.

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. *Dial Before You Dig*

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets, please contact Dial before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the

individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before You Dig service in advance of any construction or planning activities.

- c. 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.

- d.
 - Lighting shall be installed in all areas of the development in particular, all communal areas, adjacent park and walkways throughout the development should be equipped with adequate lighting (as per Australian and New Zealand Standards) to assist with way finding and to ensure the safety of residents and guests.
 - A graffiti management plan to be incorporated into the maintenance plan for the development. Research has shown that the most effective strategy for reducing graffiti offences is the quick removal of such material generally within a forty-eight hour period.
- f. A new Construction Certificate may be required to be submitted to and approved by your Principal Certifying Authority prior to carrying out works the subject of the proposed amendment/s.

[Amendment A - S96(AA) inserted on 21 December 2017]

Should you have any further queries please contact Marta M Gonzalez-Valdes on 0411 526 558.

Luis Melim
Manager Development Services