
ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF MAJOR PROJECT NO. MP 09_0169

(FILE NO. 09/00542-3)

**STAGE 1 PROJECT APPLICATION FOR THE TEMPORARY USE OF THE SITE
FOR RETAIL PURPOSES, INCLUDING DEMOLITION AND CONSTRUCTION
WORKS AT 78-96 ARNCLIFFE STREET & 31-45 PRINCES HIGHWAY, WOLLI
CREEK**

I, the Deputy Director General, as a delegate of the Minister for Planning, having considered all relevant matters prescribed under Section 75J(2) of the *Environmental Planning and Assessment Act* 1979, including those relevant matters prescribed by Section 75I(2) as contained in the Director General's Environmental Assessment report determine Major Project (MP09_0169) by **granting approval** to the Major Project described in the attached Schedule 1 subject to the conditions of approval in the attached Schedule 2, pursuant to Section 75J(1) of the *Environmental Planning and Assessment Act* 1979.

This approval applies to the plans, drawings and documents cited by the Proponent in their Environmental Assessment, Response to Submissions and the Proponent's revised Statement of Commitments (Schedule 3), subject to the conditions of approval in the attached Schedule 2.

The reasons for the conditions are:

- (1) To ensure the site is appropriately managed for the proposed use;
- (2) To adequately mitigate the environmental and construction impacts of the development;
- (3) To reasonably protect the amenity of the local area; and
- (4) To protect the public interest.

Deputy Director General
**Development Assessment &
Systems Performance**

Sydney, 7 July

2010

The Department has prepared a consolidated version of the consent which is intended to include all modifications to the original determination instrument.

The consolidated version of the consent has been prepared by the Department with all due care. This consolidated version is intended to aid the consent holder by combining all consents relating to the original determination instrument but it does not relieve a consent holder of its obligation to be aware of and fully comply with all consent obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.

SCHEDULE 1

PART A — TABLE

Application made by:	Mecone on behalf of NAHAS Constructions
Application made to:	Minister for Planning
Major Project Application:	MP No. 09_0169
On land comprising:	78-96 Arncliffe Street and 31-45 Princes Highway, Wollie Creek and includes Lots 1-9 DP 24018 and Lots 3 & 4 DP 1032962
Local Government Area	Rockdale Council
For the carrying out of:	Stage 1 Project Application for the temporary use of the site for retail purposes, including demolition and construction works
Estimated Cost of Works	\$7.3 Million
Type of development:	Major Project
S.119 Public inquiry held:	No
Determination made on:	7 July 2010
Date approval is liable to lapse:	5 years from the date of determination unless specified action has been taken in accordance with Section 75Y of the Act.

APPLICATION NUMBER	DETERMINATION DATE	DECIDER	MODIFICATION DESCRIPTION
MOD 1	22 FEBRUARY 2011	DIRECTOR	MODIFICATION TO: <ul style="list-style-type: none"> • INCREASE RETAIL FLOOR AREA BY 408M² • EXTEND LOADING DOCK OPERATION HOURS • AMEND CAR PARKING LAYOUT • RELOCATE PLANT AND EQUIPMENT • MINOR DESIGN CHANGES TO THE BUILDING, LAYOUT AND ELEVATIONS; AND • AMEND SECTION 94 CONTRIBUTIONS
MOD 2	WITHDRAWN	N/A	N/A
MOD 3	14 MARCH 2013	DIRECTOR	MODIFICATION TO: <ul style="list-style-type: none"> • INCREASE THE HEIGHT OF THE ROOF RIDGELINE TO RL 10.10 • TO MODIFY THE ROOF TO INCLUDE A CONCRETE LIFT OVERRUN TO A HEIGHT OF RL 10.10 • NEW FAN AND DRAINAGE TRAYS TO ROOF • TO MODIFY THE FINISHES TO THE NORTH-EASTERN AND NORTH-WESTERN ELEVATIONS.
MOD 4	4 MARCH 2022	DIRECTOR	EXTEND THE LAPSE DATE OF THE SITES TEMPORARY RETAIL USE.

PART B—NOTES RELATING TO THE DETERMINATION OF MP NO. 09_0169

Responsibility for other consents / agreements

The Proponent is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Appeals

The Proponent has the right to appeal to the Land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act, 1979* and the *Environmental Planning and Assessment Regulation, 2000* (as amended).

Legal notices

Any advice or notice to the approval authority shall be served on the Director-General.

PART C—DEFINITIONS

In this approval,

Act means the *Environmental Planning and Assessment Act, 1979* (as amended).

Advisory Notes means advisory information relating to the approved development but do not form a part of this approval.

BCA means the edition of the Building Code of Australia in force at the time of the issue of a Construction Certificate.

Certifying Authority has the same meaning as Part 4A of the Act.

Council means Rockdale Council.

CPI means Consumer Price Index.

Department means the Department of Planning or its successors.

Director-General means the Director-General of the Department.

Environmental Assessment means the Environmental Assessment prepared by Mecone and dated December 2009.

Minister means the Minister for Planning.

MP No. 09_0169 means the Major Project described in the Proponent's Environmental Assessment.

PCA means a Principal Certifying Authority and has the same meaning as Part 4A of the Act.

PPR means Preferred Project Report

Proponent means Mecone on behalf of NAHAS Constructions or any party acting upon this approval.

Regulation means the *Environmental Planning and Assessment Regulation, 2000* (as amended).

Subject Site has the same meaning as the land identified in Part A of this schedule.

SCHEDULE 2

RECOMMENDED CONDITIONS OF APPROVAL

MAJOR PROJECT NO. 09_0169

PART A - ADMINISTRATIVE CONDITIONS

A1 Development Description

(1) Development approval is granted only to carrying out the development described in detail below:

- Stage 1 Project Application for the temporary use of the site for retail purposes, including demolition and construction works

A2 Development in Accordance with Plans and Documentation

The development will be undertaken in accordance with MP No. 09_0169, the Environmental Assessment and Appendices dated December 2009 prepared by Mecone, the Response to submissions dated 9 April 2010, 16 April 2010 and 15 May 2010 and the following drawings prepared by Marchese and Partners International, **as amended by the modification documentation submitted by Mecone on 12 February 2013 including plans prepared by Morrison Design Partnership Architects and Xeriscapes Pty Ltd Landscape Architects:**

Architectural Drawings prepared for the Environmental Assessment			
Drawing No.	Revision	Name of Plan	Date
DA 00.00	A	Cover Sheet	27/11/2009
DA 00.02		Site Survey	31/10/2007
DA 01.01	A	Site Location	27/11/2009
DA 01.02	A	Site Analysis & Locality Content	27/11/2009
DA 01.03	A	Demolition Plan	27/11/2009
DA 02.00	B	Ground Floor Plan Phase A	27/11/2009
A110	L	Site Plan	06/2010
A203	H1	Roof Plan	31/01/2013
A204	D2	Roof Plan – Phase 2	11/02/2013
A401	G2	Elevations	07/03/2013
A402	G1	Elevations	31/01/2013
DA 04.01	A2	Sections A-A & B-B	11/02/2013
DA 05.01	A	Shadow Diagrams	27/11/2009
DA 06.01	A	Signage Details	27/11/2009
DA 06.02	A	Corner feature details	27/11/2009

except for:

- (1) any modifications which are 'Exempt and Complying Development' as identified in any relevant environmental planning instrument or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA; and
- (2) otherwise provided by the conditions of this approval.

FOR INFORMATION ONLY

A3 Inconsistency between documents

In the event of any inconsistency between conditions of this approval and the drawings/documents referred to above, including the Proponent's Statement of Commitments, the conditions of this approval prevail.

A4 Prescribed Conditions

The Proponent shall comply with the prescribed conditions of approval under Clause 98 of the *Environmental Planning and Assessment Regulation 2000* in relation to the requirements of the *Building Code of Australia* (BCA).

END OF SECTION**PART B - PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE****B1 Temporary Use**

The site shall be used for retail purposes for a **maximum of 15 20 years** from the **original** date of this approval.

B2 Landscaping

- (1) The south eastern boundary along the Princes Highway up to, and including the corner treatment at Brodie Spark Drive, shall be landscaped in accordance with the Landscape Plan SS09-1956 Issue B. This landscaping shall be carried out during landscaping works associated with construction Phase A to improve the presentation of the development to the street prior to construction Phase B works commencing. The Landscape Plans shall be amended to reflect this change and submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate
- (2) The landscape planting associated with the 'Green Wall' feature shall be provided with automatic irrigation and shall be maintained in a healthy state for a period of 5 years or until the planting has established itself. Any plants which die in that period shall be replaced at the Proponent's expense.

B3 Future Applications

Signage and internal fitout of retail areas shall be the subject of a separate Development Application to Council.

B4 Loading Dock

The driveway from the loading dock onto Arncliffe Street shall be increased in width to allow a shallower turning radius into Arncliffe Street. This is to ensure that large trucks exiting the site onto Arncliffe Street do not encroach over the centreline, to maintain the safety of other road users. Amend plans shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

B5 Compliance with the Building Code of Australia (BCA)

Details shall be provided to the satisfaction of the Certifying Authority, with the application for a Construction Certificate, which demonstrate that the proposal complies with the prescribed conditions of approval under Clause 98 of the *Environmental Planning and Assessment Regulation* in relation to the requirements of the *Building Code of Australia* (BCA).

B6 Structural Details

Prior to the issue of a Construction Certificate, the Proponent shall submit to the satisfaction of the Certifying Authority, structural drawings prepared and signed by a suitably qualified practising Structural Engineer that complies with:

- (3) the relevant clauses of the BCA,
- (4) the relevant development approval,
- (5) drawings and specifications comprising the Construction Certificate, and
- (6) the relevant Australian Standards listed in the BCA (Specification A1.3).

B7 Monetary Contributions

A Section 94 contribution of **\$674,767.88** shall be paid to Council unless offset by agreed works-in-kind. Such contributions are only used towards the provision or improvement of the amenities and services identified below. The amount to be paid is adjusted at the time of payment, in accordance with the contribution rates contained in Council's current Adopted Fees and Charges. The contribution is to be paid **in accordance with Council's agreement for periodic payment of Section 94 Contributions, as per Council's letter dated 27 October 2010, and any subsequent letter from Council adjusting payment of fees in accordance with the Section 94 Contribution required below**, prior to the issue of the Construction Certificate for construction Phase A works and evidence of payment shall be provided to the Certifying Authority. The contribution is calculated from Council's adopted Section 94 Contributions Plan in the following manner:

Fund	Contribution
City Wide Open Space Fund	\$28,000.68
Wolli Creek Local Open Space Fund	\$158,480.14
Wolli Creek Local Town Centre & Streetscape Fund	\$36,508.72
Road Traffic Management and Public Parking	\$347,538.42
Flood Mitigation and Stormwater	\$64,698.46
Pedestrian and Cyclist	\$21,677.14
Administration and Management	\$16,088.02
Community Services	\$1,776.30
Total Contribution:	\$674,767.88

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

Note: The above contributions are based on the temporary use of the land and a maximum of 50 persons working in the supermarket premises at any one time. The contributions payable by any future development on the land will be calculated strictly in accordance with the requirements of the development contributions plan applicable at the time, with deductions only for the contributions paid pursuant to this condition.

B8 Staff Numbers

The maximum number of persons working in the supermarket premises at any one time shall be limited to 50.

B9 Long Service Levy

Prior to the issue of the Construction Certificate, receipt of payment to the Long Service Payments Corporation in accordance with Section 34 of the Building Construction Industry Payments Act 1986 must be presented to the Certifying Authority.

B10 Security Bond – Protection of Works

A Footpath Reserve Restoration Deposit of \$128 000.00 shall be paid to Council prior to the issue of a Construction Certificate. 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. Where the Deposit is in the form of a Bank Guarantee, this shall be provided on Council's Bank Guarantee Form. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charge.

NOTE: The Bond shall be released following certification by the PCA on the practical completion of the works.

B11 Reflectivity

The visible light reflectivity from building materials used on the facades 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 report demonstrating compliance with these requirements is to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

B12 Outdoor Lighting

All outdoor lighting shall comply with, where relevant, AS/NZ1158.3: 1999 *Pedestrian Area (Category P) Lighting*. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

B13 External Lighting

External Lighting shall comply with AS4282: 1997 *Control of the Obtrusive Effects of Outdoor Lighting* to avoid detrimental impacts on properties surrounding the site in terms of light spill. Upon installation of lighting, but before it is finally commissioned, the Proponent shall submit to the Certifying Authority evidence from an independent qualified practitioner demonstrating compliance in accordance with this condition prior to the issue of a Construction Certificate.

B14 Details of Materials, Colours and Finishes

Final design details of the proposed external materials and finishes, including schedules and a sample board of materials and colours, shall be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate.

All building materials shall be flood resistant, or flood compatible to a height of 500mm above the 0.5% AEP flood, or flow level. All internal electrical switches, power points or similar utilities liable to flood damage shall be set at a minimum of 500mm above the 0.5% AEP flood, or flow level. Details shall be provided and approved prior to the issue of a Construction Certificate.

B15 Disabled Access

Access and facilities for people with disabilities shall be provided in accordance with Part D3 of the BCA's Access Policy. Prior to the issue of a Construction Certificate, a certificate certifying compliance with this condition from an appropriately qualified person shall be provided to the Certifying Authority.

B16 Erosion and Sedimentation Control

Soil erosion and sediment control measures shall be designed in accordance with the document *Managing Urban Stormwater – Soils & Construction Volume 1 (2004)* by Landcom. Details are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

B17 Pre-Construction Dilapidation Reports

The Proponent is to engage a qualified structural engineer to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all existing and adjoining buildings, infrastructure and roads. The report shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

A copy of the report is to be forwarded to the Council.

B18 Construction Management Plan

Prior to the issue of a Construction Certificate, a Construction Management Plan shall be submitted to and approved by the Certifying Authority. The Plan shall address, but not be limited to, the following matters where relevant:

- (1) hours of work,
- (2) contact details of site manager,
- (3) traffic management (see also B19 below),
- (4) noise and vibration management (see also B20 below),
- (5) waste management (see also B21 below),
- (6) erosion and sediment control (see also B32),
- (7) flora and fauna management, and
- (8) the recommendation of the Remediation Action Plan by Douglas Partners referenced 45635.01 dated October 2009.

The Proponent shall submit a copy of the approved plan to the Council.

B19 Traffic & Pedestrian Management Plan

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

- (1) Ingress and egress of construction vehicles to the site;
- (2) Routing and control of construction vehicles;
- (3) Parking of employees vehicles;
- (4) Loading and unloading, including construction zones, for all construction vehicles;
- (5) Predicted traffic volumes, types and routes;

- (6) Pedestrian and traffic management methods;
- (7) The hours of operation of the construction site;
- (8) Holding areas for demolition/excavation/construction delivery vehicles wanting to access the site;
- (9) Means of ensuring vehicular and pedestrian access to adjoining resident's properties for the duration of the works.

The Proponent shall notify the Roads and Traffic Authority's Traffic Management Centre (TMC) of the truck route(s) to be followed by trucks transporting waste material from the site, prior to the commencement of the removal of any waste material from the site.

The "Traffic & Pedestrian Management Plan" shall be to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate and the undertaking of any demolition, remediation or construction on the site. The Proponent shall submit a copy of the approved plan to the Council.

B20 Noise and Vibration Management Plan

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

- (1) Identification of the specific activities that will be carried out and associated noise sources,
- (2) Identification of all potentially affected sensitive receivers including residences, schools, and properties containing noise sensitive equipment,
- (3) The construction noise objective specified in the conditions of this approval,
- (4) The construction vibration criteria specified in the conditions of this approval,
- (5) Determination of appropriate noise and vibration objectives for each identified sensitive receiver,
- (6) Noise and vibration monitoring, reporting and response procedures,
- (7) Assessment of potential noise and vibration from the proposed construction activities including noise from construction vehicles and any traffic diversions,
- (8) Description of specific mitigation treatments, management methods and procedures that will be implemented to control noise and vibration during construction
- (9) Justification of any proposed activities outside the construction hours specified in the conditions of this approval.
- (10) Construction timetabling to minimise noise impacts including time and duration restrictions, respite periods, and frequency,
- (11) Procedures for notifying residents of construction activities that are likely to affect their amenity through noise and vibration, and
- (12) Contingency plans to be implemented in the event of non-compliances and/or noise complaints.

The Proponent shall submit a copy of the approved plan to the Council.

B21 Construction Waste Management Plan

Prior to the issue of a Construction Certificate, the Proponent shall submit to the satisfaction of the Certifying Authority a Waste Management Plan prepared by a suitably qualified person in accordance with Council's requirements. The Proponent shall submit a copy of the plan to the Council.

B22 Traffic Management Works

The following traffic management works are required as a result of this development including:

- (1) The proposed pedestrian crossings within the roundabout splitter islands must conform to the RTA's technical direction for Pedestrian Refuges. This must include all parking restrictions and island design criteria. The existing gap within the islands shall be reinstated.
- (2) The pedestrian crossing located on Arncliffe Street must conform to the RTA warrants for the installation of a marked foot crossing i.e. vehicle and pedestrian volumes must be met. If the warrants are satisfied, the associated parking restrictions must be installed. The location of the crossing is in close proximity to the entry and exit driveway into the shopping complex. As the ramp has a gradient up to Arncliffe Street, sight distance is limited for vehicles turning right and conflicting with pedestrians.
- (3) The pedestrian crossing located on the deceleration lane is **not** supported due to the high entry speed of vehicles from the Princes Highway. The entry point to this site from the deceleration lane shall be constructed as a vehicle layback to maintain pedestrian priority.
- (4) The provision of the deceleration lane requires a 3.6 metre wide land dedication along the Princes Highway frontage of the subject site to be dedicated as public road at full cost to the developer. A Stage 3 detailed design Road Safety Audit prepared by an independent certified auditor is to be carried out.
- (5) Should the audit of the deceleration lane show that it is acceptable, and is subsequently approved by the RTA, the deceleration lane would need to be designed in accordance with current RTA standards and approved by the RTA with all costs being met by the developer.
- (6) The deceleration lane will require at least 2 left turn pavement arrows, UA3(L) over the proposed 30 metre lane.
- (7) Full time 'No Stopping' restrictions shall be installed for the entire length of the deceleration lane.
- (8) Subject to acceptable findings of a Stage 3 detailed design Road Safety Audit prepared by an independent certified auditor the RTA grants concurrence to the proposed deceleration lane on the Princes Highway subject to the following requirements being included in the determination notice:
 - a. The proposed deceleration lane from the Princes Highway shall be designed to meet RTA's requirements, and endorsed by a suitably qualified and chartered Engineer (i.e. who is registered with the Institute of Engineers, Australia). The design requirements shall be in accordance with the RTA's Road Design Guide and other Australian Codes of Practice. The certified copies of the civil design plans shall be submitted to the RTA for consideration and approval prior to the release of Construction Certificate by Council and commencement of road works. The RTA fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.
 - b. The developer may be required to enter into a Works Authorisation Deed (WAD) for the abovementioned works. Please note that the Works Authorisation Deed (WAD) will need to be executed prior to the RTA's assessment of the detailed civil design

plans. Any realignment boundary to facilitate a footway resulting from the proposed deceleration lane must be dedicated as road at no cost to the RTA.

- c. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to the RTA for approval, prior to the commencement of any works. Details should be forwarded to:

The Sydney Asset Management
Roads and Traffic Authority
PO Box 973 Parramatta CBD 2124.

A plan checking fee will be payable and a performance bond may be required before the RTA's approval is issued. With regard to the Civil Works requirement please contact the RTA's Project Engineer, External Works Ph: 8849 21 14 or Fax: 8849 2766.

Documentary evidence of compliance with the above shall be submitted to the RTA for approval prior to issuing a Construction Certificate. The traffic management works shall be carried out at no cost to Council or the RTA.

A Copy of all documentation, including any RTA approval shall be submitted to the Certifying Authority and Council prior to the issue of a Construction Certificate.

B23 Roads

The following works will be required to be undertaken along the frontage of the development site:

Princes Highway Frontage

- (1) Construct the deceleration lane including all road and footpath pavements, kerb and gutter.
- (2) Relocate and/or underground all Public Utility Services along the frontage to allow for the deceleration lane.
- (3) Construct a footpath in the new dedicated strip along the frontage of the site.
- (4) Close all obsolete vehicular entrances with new kerbing and concrete paving.
- (5) Construct a 6m wide heavy duty concrete driveway set square to the kerb and with 1m wide splays on either side of the driveway.
- (6) Reconstruct the pram ramp at the corner of the Highway and Brodie Sparke Drive to make it compatible to the requirements of the Disability Discrimination Act 1992.

Brodie Sparke Drive Frontage

- (1) Reconstruct the footpath in accordance with Council's Wolli Creek Public Domain Master Plan.
- (2) Close all obsolete vehicular entrances with new kerbing and asphalt paving.
- (3) Construct new asphalt footpath around the new splay corner south east of the roundabout.
- (4) Construct a heavy duty concrete driveway into the loading dock area.

Arncliffe Street Frontage

- (1) Reconstruct the footpath in accordance with Council's Wolli Creek Public Domain Master Plan.
- (2) Close all obsolete vehicular entrances with new kerbing and asphalt footpath.
- (3) Construct a heavy duty concrete driveway at the exit from the loading dock.
- (4) Construct a 7m wide heavy duty concrete driveway at the parking area entry/exit set square to the kerb and with 1m wide splays on either side of the driveway.

- (5) Relocate and/or underground all Public Utility Services along this frontage in accordance with the Master Plan.

Detailed design of the above works shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate. All of the above works shall be completed and be certified as being complete by the Certifying Authority prior to the issue of an Occupation Certificate.

B24 Road Occupancy Licence

The developer is to arrange with the RTA's Transport Management Centre (TMC) for any required road occupancy licence during construction of the deceleration lane on the Princes Highway.

B25 Number of Car/Motorcycle Spaces

The maximum number of car/motorcycle spaces to be provided for the development shall comply with the table below. Details confirming the parking numbers shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate.

Car parking allocation – Phase A	Number
Customer car parking spaces	158
Disabled car parking spaces	4
Staff car parking spaces	6
TOTAL	168
Motorcycle parking spaces	8
Car parking allocation – Phase B	Number
Customer car parking spaces	166
Disabled car parking spaces	4
Staff car parking spaces	6
TOTAL	172
Motorcycle parking spaces	8

Such spaces are to be identified on-site by line-marking and numbering upon the completion of the works for each Phase and prior to issue of an Occupation Certificate. Carparking provided shall only be used in conjunction with the uses contained within the development.

B26 Car Park and Service Vehicle Layout

- (1) The layout of the car park shall comply with Australian Standard AS2890.1:2004 *Parking Facilities Part 1: Off Street Parking*. All parking spaces are to be linemarked.
- (2) The layout of the service vehicle area shall comply with Australian Standard AS2890.2:2002 *Off Street Parking Part 2 – Commercial Vehicles Facilities*.
- (3) Bicycle parking facilities shall be designed in accordance with AS2890.3:1993.
- (3a) A pedestrian marked crossing shall be provided between the landscaping bay north of the vehicular entrance at Princes Highway and the Phase B Retail area as per Drawing No. DA 02.01, issue A and dated 21/05/08.**
- (4) Details demonstrating compliance with these requirements shall be submitted to the satisfaction of the Certifying Authority prior the issue of a Construction Certificate.

NOTE: 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 and the like and not for any other purpose.

B27 Landscape Plan

The Proponent shall prepare a final landscape plan including planting details, plant numbers, species, plant schedule and staging shall be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate taking into account Condition B2 of this approval. All street furniture and paving shall be in accordance with the Draft Wolli Creek and Bonar Street Precinct Public Domain Plan and Technical Manual. Crime Prevention Through Environmental Design (CPTED) principles are to be incorporated in the landscape design proposals. Details shall be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate.

NOTE: The landscape plan shall be prepared in consultation with Council. Evidence of consultation shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

B28 Water Ratings

All water fixtures installed within the premises are to have a AAA water rating or more. The Proponent shall submit to the Certifying Authority a statement demonstrating compliance with the requirements of this condition.

B29 Storage and Handling of Operational Waste

The design and management of facilities for the storage and handling of operational waste must comply with the requirements of Council. Details are to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

B30 Sydney Water - Wastewater

As the development is in close proximity to Sydney Water's Sewer Pumping Station No. 99, odour and noise issues need to be addressed. The Proponent should engage a consultant to undertake a study on these pre-existing and post development conditions, and a copy of the findings be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

B31 Stormwater and Drainage Works Design

Final design plans of the stormwater drainage systems, prepared by a qualified practicing Civil Engineer and in accordance with the requirements of Rockdale Council, shall be submitted to and approved by the Certifying Authority prior to issue of a Construction Certificate. The hydrology and hydraulic calculations shall be based on models described in the current edition of Australian Rainfall and Runoff.

The final plans shall include, but not be limited to, the following:

1. The recommendations of the Flooding and Drainage Assessment by Hughes Trueman dated September 2009 shall be incorporated into the final stormwater drainage system.
2. Stormwater management requirements for the development site, including the final discharge / end connection point, must comply with DCP 7-8 Stormwater Management.
3. Design certification, in the form specified in DCP 78, and drainage design calculations. Council's DCP 78 sets out the minimum documentation requirements for detailed design plans.

4. All surface runoff shall be directed through a proprietary oil and sediment filtration system prior to discharge. Details of the pit type, location, performance and manufacturer's maintenance and cleaning requirements shall be submitted and approved prior to the issue of the Construction Certificate. Though there are no existing Sydney Water stormwater drainage assets directly affected by the development, the stormwater from the site will drain to the Cooks River, where Sydney Water has an interest in maintaining and improving water quality. A proprietary Gross Pollutant Trap (GPT) that traps oil and hydrocarbons as well as gross litter should be installed to collect and treat all the flow off the carparks and driveways. The proposed development as a whole shall meet contemporary water quality discharge requirements of the 1997 NSW Environmental Protection Authority guidelines'
5. The owners/occupiers are to undertake all future maintenance and cleaning to the manufacturer's requirements.
6. Internal pipe drainage system to be designed for the 100 year ARI storm. Alternately, the system can be designed to the 20 year ARI provided the difference is carried as overlaid flow across the site.
7. Post development storm water discharge from the subject site into the RTA drainage system shall not exceed the pre-development discharge.
8. Drainage grates shall be provided at the boundary. Width of the drainage grates shall be in accordance with Council's DCP 78 – Stormwater Management.

The connection of stormwater drainage pipes to the existing kerb inlet pit in Arncliffe Street must be inspected by Council prior to backfilling. A payment of \$265 is required prior to the issue of the Construction Certificate for inspection of the connection and/or alteration to the Council pipeline. If payment is made after the end of the financial year the amount is to be adjusted in accordance with Council's adopted fees and charges. Where the inspection is unsatisfactory, each additional inspection will incur an extra charge.

B32 Soil and Water Management Plan

A Soil and Water Management Plan shall be prepared in accordance with Soil and Water Management for Urban Development Guidelines produced by the Southern Sydney Region Organisation of Councils. A copy of the plan must be submitted to Council. The Plan must include details of the proposed erosion and sediment controls to be installed on the building site. A copy of the Soil and Water Management Plan must be kept on-site at all times and made available on request. Sediment control devices shall not be located beneath the driplines of trees, which are to be retained. The soil and water management plan shall be submitted to and approved by the Certifying Authority prior to issue of a Construction Certificate.

A fee is payable to Council for a Soil and Water Management Sign (811) of \$14.00. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Rockdale Council's adopted fees and charges.

B33 Acoustic Assessment

The Proponent shall comply with the Acoustic Assessment by Heggies referenced 10-8045-R1 dated 24 September 2009, including but not limited to, the following:

1. When the powered roller shutter doors are selected during the design stage the selected mechanical equipment must be reviewed and assessed by a qualified acoustic consultant for conformance with the established noise criteria.
2. When specific plant selection and location is determined during the design stage they must be reviewed and assessed by a qualified acoustic consultant for conformance with the established noise criteria.

3. The rooftop plant areas shall be located and designed to ensure no adverse noise impacts.
4. The loading dock areas shall be located and designed to ensure no adverse noise impacts.
5. Noise management techniques shall be implemented to minimise the noise from delivery vehicles slowly entering and departing the loading dock

Details of compliance with this condition shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

B34 Electricity Requirements

1. The applicant shall confer with Energy Australia to determine if an electricity distribution substation is required. Written confirmation of Energy Australia's requirements shall be obtained prior to issue Construction Certificate.
2. The relocation of the existing electricity supply pole in the road reserve at Princes Highway frontage is required to avoid conflict with the new driveway. The relocation works shall be undertaken in accordance with the requirements of Energy Australia. The applicant shall enter into a contract with Energy Australia for the relocation works prior to the issue of the Construction Certificate, and the works must be completed prior to the commencement of the driveway works and issue of the Occupation Certificate. The applicant is responsible for all relocation costs, including costs associated with other cabling such as telecommunications cables.

B35 Boundary Levels

An application for Boundary levels shall be made to Rockdale Council's Customer Service Centre prior to issue of the Construction Certificate. All boundary works, egress paths, driveways and fences shall comply with this level.

A fee is payable to Council for the determination of boundary levels. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges.

B36 Compliance Report

Prior to the issue of each Construction Certificate, the Proponent, or any party acting upon this approval, shall submit to the Certifying Authority a report addressing compliance with all relevant conditions of this Part as related to works within each stage of works.

B37 Compliance with SEPP 55 – Contaminated Land

The Proponent shall implement the following strategy by Douglas Partners:

1. Undertake further analysis around hotspot areas in order to more accurately gauge the extent of any contamination, especially around Underground Storage Tanks (USTs) or pits.
2. Further assessment is to be undertaken in accordance with DECCW (EPA) guidelines.
3. Any removal of USTs to be undertaken in accordance with WorkCover and DECCW (EPA) guidelines.
4. Validation of waste material and location of USTs will be undertaken in accordance with DECCW (EPA) guidelines.
5. Any contaminated material will be disposed of to an EPA licensed facility.
6. All works will be undertaken to Council's satisfaction prior to the issue of Stage 1 Early Works Construction Certificate.

B38 Flood Management

The recommendations of the Flood Management Plan by Hughes Trueman dated 24 September 2009 shall be implemented for the life of the temporary Stage 1 development.

Materials which may be damaged by flood waters shall be stored, or able to be stored at or above 3.05m Australian Height Datum, which is 500mm above the 0.5% Annual Exceedance Probability (AEP) Flood.

The development shall comply with Council's DCP 66 – Management of Flood Risk, and the Planning Considerations and Development Controls listed in the Flood Advice letter issued by Council on 6 July 2009.

Claims shall not be made against Council for disruption to business or damage to stock or machinery due to flooding of the premises.

Details of compliance shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

B42 Crime Prevention Measures

The development shall incorporate the Crime Prevention Through Environmental Design measures contained within the Landscape Design Statement dated September 2009 and prepared by Site Image (NSW) Pty Limited – Landscape Architects. Details of compliance with the nominated measures shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate.

END OF SECTION**PART C - PRIOR TO COMMENCEMENT OF WORKS****C1 Commencement of Works**

Demolition, excavation, clearing, construction, subdivision or associated activities must not commence until Construction Certificates for relevant staged works, i.e. Stage 1 early works and Stage 2 remainder of works have been issued for the proposed development pursuant to the *Environmental Planning and Assessment Act, 1979*.

C2 Commencement

The erection of a building / subdivision works in accordance with this development consent must not be commenced until:

- a) Detailed plans and specifications have been endorsed with a Construction Certificate (by the consent authority or an accredited certifier), and
- b) The person having benefit of the Development Consent has appointed a 'principal certifying authority' (PCA), and has notified the consent authority and the Council (if Council is not the consent authority) of the appointment, and
- c) The person having benefit of the development consent has given at least 2 days notice to the Council of their intention to commence the development works the subject of this consent.

C3 Statement of Compliance with Australian Standards

The demolition work shall comply with the provisions of Australian Standard AS2601: 2001 *The Demolition of Structures*. The work plans required by AS2601: 2001 shall be accompanied by a written statement from a suitably qualified person that the proposals

contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance shall be submitted to the satisfaction of the PCA prior to the commencement of works.

C4 Notice to be Given Prior to Excavation

The PCA and Council shall be given written notice, at least 48 hours prior to the commencement of excavation, shoring or underpinning works on the site.

C5 Contact Telephone Number

Prior to the commencement of the works, the Proponent shall forward to Council a 24 hour telephone number to be operated for the duration of the construction works.

C6 Removal of Hazardous Materials

All hazardous materials shall be removed from the site and shall be disposed of at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works. Details demonstrating compliance with the relevant legislative requirements, particularly the method of containment and control of emission of fibres to the air, are to be submitted to the satisfaction of the PCA prior to the removal of any hazardous materials.

C7 Site Audit

Prior to the commencement of building works, a Site Audit conducted by a suitably qualified person shall be undertaken to ascertain that all identified hazardous materials have been removed from the site and shall be submitted to the PCA.

C8 Warning Signage

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.

C9 Imported Landfill Material

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.

C10 Use of Public Places

Where construction/building works require the use of a public place including a road or footpath, approval under Section 68 of the Local Government act 1993 for a Barricade Permit is to be obtained from Council prior to commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

C11 Compliance Report

Prior to the commencement of works, the Proponent, or any party acting upon this approval, shall submit to the Private Certifying Authority a report addressing compliance with all relevant conditions of this Part.

C12 Construction on the Roadway

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

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

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

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

C13 Public Infrastructure Works

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*.

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.

This Roads Act approval does not eradicate the need for the Contractor to obtain a Road Opening Permit prior to undertaking excavation in the road or footpath.

END OF SECTION

PART D - DURING DEMOLITION AND CONSTRUCTION

D1 Hours of Work

The hours of construction, including the delivery of materials to and from the site, shall be restricted as follows:

- (1) between 7:00 am and 6:30 pm, Mondays to Fridays inclusive;
- (2) between 8:00 am and 3:30 pm, Saturdays;
- (3) no work on Sundays and public holidays.

Works may be undertaken outside these hours where:

- (1) the delivery of materials is required outside these hours by the Police or other authorities; and
- (2) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm.

D2 Erosion and Sediment Control

All erosion and sediment control measures are to be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

D3 Disposal of Seepage and Stormwater

Any seepage or rainwater collected on-site during construction shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.

Building, demolition and construction works not to cause stormwater pollution and being carried out in accordance with Section 2.8 of Council's Stormwater Pollution Control Code 1993. Pollutants such as concrete slurry, clay and soil shall not be washed from vehicles onto roadways, footways or into the stormwater system. Drains, gutters, roadways and access ways shall be maintained free of sediment. Where required, gutters and roadways shall be swept regularly to maintain them free from sediment.

D4 Permits during Demolition and Construction

All contractors shall comply with the following during all stages of demolition and construction:

1. A Waste Container on Public Road Reserve Permit must be obtained prior to the placement of any waste container or skip bin in the road reserve (i.e. road or footpath or nature strip). Where a waste container or skip bin is placed in the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
2. A Road Opening Permit must be obtained prior to any excavation in the road reserve (i.e. road or footpath or nature strip). Where excavation is carried out on the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
3. A Hoarding Permit must be obtained prior to the erection of any hoarding (Class A or Class B) in the road reserve (i.e. road or footpath or nature strip). Where a hoarding is erected in the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
4. 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.
5. A Permit to Dewater or Pump Out a site must be obtained prior to the discharge of pumped water into the road reserve, which includes Council stormwater pits and the kerb and gutter. Permits can be obtained from Council's Customer Service Centre.

D5 Site Access during Demolition and Construction

Owners/Applicants/Builders and demolishers are required to confine access to building and demolition sites to no more than two 3m driveways, and provide a footpath protection pad over Council's footpath at these points (see attached detail). Within the site, provision of a minimum of 100mm coarse crushed rock is to be provided for a minimum length of 2 metres to remove mud from the tyres of construction vehicles.

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

In addition builders / demolishers are required to erect a 1.5m high fence along the whole of the street alignment other than at the two openings. Such protection work, including fences,

is to be constructed, positioned and maintained in a safe condition to the satisfaction of the Principal Certifying Authority, prior to the demolition of the existing structures and commencement of building operations.

When the work involved in the erection or demolition of a building:

1. is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
2. building involves the enclosure of a public place

a hoarding or fence shall be erected between the work site and the public place.

When necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

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

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

D6 Approved Plans to be On-site

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of the Department, Council or the PCA.

D7 Contact Telephone Number

The Proponent shall ensure that the 24 hour contact telephone number is continually attended by a person with authority over the works for the duration of the development.

D8 Site Notice

A site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Principal Certifying Authority and Structural Engineer. The notice(s) is to satisfy all but not be limited to, the following requirements:

- (1) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
- (2) The notice is to be durable and weatherproof and is to be displayed throughout the works period;
- (3) The approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
- (4) The notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

D9 Archaeology Assessment

The Proponent shall comply with the Archaeology Assessment by Godden Mackay Logan Heritage Consultants dated November 2009, including but not limited to, the following:

1. The site of the former Tempe House outbuildings should be subject to test excavation following removal of existing site elements (buildings and ground slabs) but prior to any ground preparation works in this area (eg grading or removal of any subsurface elements).

2. Other areas of archaeological potential along the southern and eastern boundaries of the site should be subject to archaeological monitoring in conjunction with any excavation or ground preparation works in this area (eg grading or removal of any subsurface elements, service trenching and landscaping).
3. An Archaeological Research Design (ARD) report should be prepared to guide these proposed investigation works and to provide the client and site contractors with a clear understanding of the nature and extent of the proposed archaeological works.

D10 Remediation Action Plan

The Proponent shall comply with the Remediation Action Plan by Douglas Partners referenced 45635.01 dated October 2009, including but not limited to, the following:

1. Further sampling and analysis prior to site demolition.
2. Preparation of a Hazardous Building Materials report prior to demolition.
3. Implementation of the Acid Sulphate Soils Management Plan if acid sulphate soils are encountered during excavation.
4. Preparation of a Validation Assessment Report by a qualified environmental consultant.

D11 Preliminary Contamination Assessment

The Proponent shall comply with the Preliminary Contamination Assessment by Douglas Partner reference 43034 dated June 2005.

D12 Remediation of Land

Upon completion of the demolition and remediation works on the site and the commencement of any new construction works, the Proponent shall submit a detailed Site Audit Summary Report and Site Audit Statement and Validation Report to the Certifying Authority. The site audit must be prepared in accordance with the *Contaminated Land Management Act 1997* and completed by a site auditor accredited by the Environmental Protection Agency to issue site audit statements. The site audit must verify that the land is suitable for the proposed uses.

D13 Structural Engineers Advice

The Proponent shall adhere to the recommendation within the Structural Engineers Advice by HKMA Engineers reference 6065_SCO_L1 dated 28 September 2009 at all times during demolition.

D14 Structural Certification of Retained Components of Existing Buildings

Upon completion of demolition and prior to the commencement of any new construction works, a qualified structural engineer shall inspect all retained components of the existing buildings and certify that they are structurally sound and capable of supporting the new construction.

D15 Council Land and Adjoining Property

1. 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.
2. Stockpiles are not permitted to be stored on Council property (including nature strip) unless prior approval has been granted. In addition stockpiles of topsoil, sand, aggregate,

soil or other material shall be stored clear of any drainage line or easement, natural watercourse, kerb or road surface.

3. Building and demolition operations such as brick cutting, 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.

D16 Setting Out of Structures

The buildings shall be set out by a registered surveyor to verify the correct position of each structure in relation to property boundaries and the approved alignment levels. The registered surveyor shall submit a plan to the PCA certifying that structural works are in accordance with the approved development application.

D17 External Lighting

External Lighting shall comply with AS4282: 1997 *Control of the Obtrusive Effects of Outdoor Lighting*. Upon installation of lighting, but before it is finally commissioned, the Proponent shall submit to the Certifying Authority evidence from an independent qualified practitioner demonstrating compliance in accordance with this condition.

D18 Protection of Trees – Street Trees

All street trees shall be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction, shall be replaced, to the satisfaction of Council.

Trees located within adjoining properties or Council's nature strip 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 Tree Preservation Order.

D19 Dust Control Measures

Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures must be adopted:

- (1) Physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust emissions,
- (2) Earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed,
- (3) All materials shall be stored or stockpiled at the best locations,
- (4) The surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs,
- (5) All vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material,
- (6) All equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays,
- (7) Gates shall be closed between vehicle movements and shall be fitted with shade cloth, and
- (8) Cleaning of footpaths and roadways shall be carried out regularly.

D20 Recycling of Concrete

Any existing concrete of suitable volume, which is not used as fill, shall be taken to a concrete recycling works and evidence that this has occurred shall be provided to the PCA.

D21 Services to be Underground

All services associated with the development are to be located underground and works associated with this are to be fully born by the Proponent, within the development and along all street frontages for the length of the development.

D22 Noise

Any noise generated during the construction of the development shall not exceed limits specified in any relevant noise management policy prepared pursuant to the *Protection of the Environment Operations Act, 1997* or exceed approved noise limits for the site.

D23 Vibration Criteria

Vibration caused by construction at any residence or structure outside the subject site must be limited to:

- (1) for structural damage vibration, German Standard DIN 4150 Part 3 Structural Vibration in Buildings. Effects on Structures; and
- (2) for human exposure to vibration, the evaluation criteria presented in British Standard BS 6472- Guide to Evaluate Human Exposure to Vibration in Buildings (1Hz to 80 Hz) for low probability of adverse comment.

These limits apply unless otherwise approved in the Construction Noise and Vibration Management Plan.

D24 Impact of Below Ground (Sub-surface) Works – Non-Aboriginal Objects

If any archaeological relics are uncovered during the course of the work, then all works shall cease immediately in that area and the NSW Heritage Office contacted. Depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the NSW *Heritage Act 1977* may be required before further works can continue in that area.

D25 Impact of Below Ground (Sub-surface) Works – Aboriginal Objects

If any Aboriginal archaeological objects are exposed during construction works, the Proponent shall immediately notify the National Parks and Wildlife Service and obtain any necessary approvals to continue the work. The Proponent shall comply with any request made by the NPWS to cease work for the purposes of archaeological recording.

D26 Anti Graffiti

All ground level surfaces are to be treated with anti-graffiti coating to minimise the potential of defacement. In addition, any graffiti evident on the exterior facades and visible from a public place is to be removed within 24 hours.

D27 Public Infrastructure Works

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 on 9562 1670. 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.

Where public infrastructure works are undertaken in the public road reserve by a Private licensed Contractor, the contractor shall:

- a. Undertake testing as specified in Specification CQS or CQC of AUS-SPEC 1, as nominated by Council;
- b. Provide Council with one (1) copy of works as executed drawings upon completion of the works. The works as executed drawings shall be based on a survey of the works by a registered surveyor;
- c. Provide Council with 48 hours notice of the nominated inspections;
- d. Maintain the works for the duration of the nominated Defects Correction Period.
- e. Satisfy conditions imposed by Council under an agreement made with respect to Section 3.4 of the *Rockdale Section 94 Contributions Plan*.

D28 Vehicular Crossings

All new vehicular crossings are to be constructed in accordance with Council's specifications.

D29 Removal of Redundant Crossings

The Proponent shall remove all redundant crossings together with any necessary reinstatement of the footpath, nature strip, kerb and gutter. Such work shall be carried out in accordance with Council's specification.

D30 Entry and Exit

The vehicular entry in Arncliffe Street and The Princes Highway to be clearly marked and signposted from the street and internally.

A convex mirror is to be installed at Arncliffe Street entry/exit driveway.

D31 Parking Restrictions

'No parking' and/or 'No Stopping' signs shall be installed on Brodie Spark Drive and Arncliffe Street along the development site frontage. The installation shall be undertaken in accordance with the Roads Act 1993, the Road Transport (Safety and Traffic Management) Act 1999, the Road Transport (Safety and Traffic Management) Regulation 1999 and RTA Technical Directions.

D32 Installation of Drainage

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.

D33 Disposal Information

Upon completion of works and prior to occupation, the person entitled to act on this consent shall provide to the PCA a hard copy of the following information:

- (a) the total tonnage of all waste and excavated material disposed of from the site (including any tipping docket); and
- (b) the disposal points and methods used.

D34 Compliance Report

The Proponent, or any party acting upon this approval, shall, for the duration of construction period, submit to the Department a three monthly report addressing compliance with all relevant conditions of this Part.

END OF SECTION

PART E - PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

E1 Occupation Certificate to be Submitted

An Occupation Certificate must be obtained from the Certifying Authority and a copy submitted to the Department and Council prior to the commencement of occupation or use of the building.

The following documents should be forwarded to the Department and Council within two (2) days of the date of the Certificate being determined:

- (1) A copy of the determination;
- (2) Copies of any documents that were lodged with the Occupation Certificate application;
- (3) A copy of Occupation Certificate, if it was issued;
- (4) A copy of the record of all critical stage inspections and any other inspection required
- (5) by the PCA;
- (6) A copy of any missed inspections; and
- (7) A copy of any compliance certificate and any other documentary evidence relied upon in issuing the Occupation Certificate.

E2 Fire Safety Certificate

A Fire Safety Certificate shall be furnished to the PCA for all the Essential Fire or Other Safety Measures forming part of this approval prior to issue of any Occupation Certificate. A copy of the Fire Safety certificate must be submitted to the approval authority and Council by the PCA.

E3 Sydney Water

A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained. **Application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water website www.sydneywater.com.au/customer/urban/index or telephone 13 20 92.**

Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact **with the Coordinator**, since building of water/sewer extensions 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 Certifying Authority prior to release of the linen plan/occupation of the development.

E4 Mechanical Ventilation

Following completion, installation and testing of all the mechanical ventilation systems, the Proponent shall provide evidence to the satisfaction of the PCA, prior to the issue of any

Occupation Certificate, that the installation and performance of the mechanical systems complies with:

- (1) The Building Code of Australia;
- (2) Australian Standard AS1668 and other relevant codes;
- (3) The development approval and any relevant modifications; and,
- (4) Any dispensation granted by the New South Wales Fire Brigade.

E5 Structural Inspection Certificate

A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the PCA prior to the issue of any Occupation Certificate and/or use of the premises. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) shall be submitted to the approval authority and the Council after:

- (1) The site has been periodically inspected and the Certifier is satisfied that the Structural Works is deemed to comply with the final Design Drawings; and,
- (2) The drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

E6 Road Damage

The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the subject site as a result of construction works associated with the approved development, is to be met in full by the Proponent/developer prior to the issue of any Occupation Certificate.

Note: Should the cost of damage repair work not exceed the road maintenance bond, Council will automatically call up the bond to recover the costs. Should the repair costs exceed the bond amount, a separate invoice will be issued.

E7 Post-construction Dilapidation Report

- (1) The Proponent shall engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works. This report to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads.
- (2) The report is to be submitted to the PCA. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the PCA must:
 - (a) compare the post-construction dilapidation report with the pre-construction dilapidation report required by Condition B11, and
 - (b) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
- (3) A copy of this report is to be forwarded to the Director and Council.

E8 Flooding

Prior to occupation an experienced engineering flood consultant is to certify that the flood management plan requirements have been implemented.

E9 Stormwater Certification

Prior to occupation a Chartered Professional Engineer shall certify that the stormwater system has been constructed in accordance with the approved plans and as required by

Council's DCP 78 – Stormwater Management. The certificate shall be in the form specified in DCP 78 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.

E10 Landscaping

A Landscape Architect shall provide a report to the Certifying Authority at the completion of construction Phase 1 and construction Phase 2 (with 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, including Condition B2 above, following completion of Phase 1 and Phase 2.

E11 Road and Streetscape Works

Prior to the issue of the 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.

E12 Dedication of Land

The dedication to Council for the purpose of public roads of:

- (a) A 5m x 5m splay at the corner of Arncliffe Street and Brodie Spark Drive.
- (b) A 3.6m strip along the Princes Highway.

A plan of subdivision for the dedication of roads shall be registered with the NSW Department of Lands prior to the issue of an Occupation Certificate. Council requires proof of lodgement of the signed Linen Plan and 88B instrument with the Land Titles Office.

E13 Electricity Works

The underground placement of all low voltage street mains in that section of the street/s adjacent to the development, and associated services and the installation of underground supplied street lighting columns, shall be carried out at the applicant's expense. The works shall be completed and Energy Australia's requirements shall be met prior to issue of the Occupation Certificate.

Where an electricity substation is required by Energy Australia, a final film survey plan shall be endorsed with an area having the required dimensions as agreed with Energy Australia over the location of the proposed electricity distribution substation site. The substation must be located within the boundary of the development site, or within the building, subject to compliance with the BCA. The substation site shall be dedicated to Council as public roadway, or as otherwise agreed with Energy Australia. Energy Australia's requirements shall be met prior to release of the issue of the Occupation Certificate.

E14 Consolidation of Lots

Prior to occupation, the lots which form the subject site are to be consolidated and the Plan of Consolidation registered with the Land Titles Office. Evidence of the registration of the Consolidation shall be provided to the satisfaction of the Self-Certifying Authority.

E15 Line Marking

Off-street car-parking spaces and motorcycle parking spaces, together with access driveways, shall be constructed, paved, line marked and signposted in accordance with the approved development plans, appropriate Australian Standards and industry best practice as appropriate. The plans shall also nominate the allocation of parking spaces for specific purposes as required by condition B23 of this approval. A certificate prepared and certified by an appropriately qualified and practising Civil Engineer for the construction of these areas in accordance with this requirement shall be submitted to the Certifying Authority prior to issue of the final Occupation Certificate.

E16 Utility Services

All utility services shall be adjusted, to the correct levels and/or location/s required by this consent, prior to issue of a final occupation certificate. This shall be at no cost to Council.

E17 Remediation and Validation Report

Following the completion of remediation works on the site a Remediation and Validation Report is to be prepared by a suitably qualified environmental consultant. This report, together with a final site audit statement by an Environmental Protection Agency accredited environmental consultant, including Notice of Completion statement, pursuant to clauses 17(2) and 18 of *State Environmental Planning Policy No. 55—Remediation of Land*, is to be submitted to the satisfaction of the approval authority prior to occupation of the building.

E18 Loading Dock Operation Management Plan

Prior to the issue of any Occupation Certificate, a Loading Dock Management Plan shall be submitted and approved by the Director, Metropolitan and Regional Projects South of Department of Planning. The Loading Dock Operation Management Plan shall identify potential noise sources during operation of the loading dock and implement appropriate systems and procedures, and prove training to staff and drivers in mitigation of noise impacts on adjoining neighbours. The Management Plan shall also prescribe complaints handling procedures. A complaints register shall be maintained on site at all times.

END OF SECTION

PART F - POST OCCUPATION**F1 Annual Fire Safety Certification**

The owner of the building shall certify to Council every year that the essential services installed in the building for the purpose of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard. This purpose of this condition is to ensure that there is adequate safety of persons in the building in the event of fire and for the prevention of fire, the suppression of fire and the prevention of spread of fire.

F2 Unobstructed Driveways and Parking Areas

All driveways and parking areas shall be unobstructed at all times. Driveways and car spaces shall not be used for the manufacture, storage or display of goods, materials or any other equipment and shall be used solely for vehicular access and for the parking of vehicles associated with the use of the premises.

F3 Hours of Operation

The hours of operation shall be restricted to between:

- trading hours are 6:00am – 12:00 midnight seven days per week, and

F3A Hours of Operation for loading dock

The loading dock hours of operation shall be restricted to between:

- 7:00am 10:00pm Monday to Saturday, and
- 8:00am - 9:00pm Sundays and Public Holidays,

and shall operate for a trial period of 6 months from date of issue of the Final Occupation Certificate. During the 6 month trial, a report shall be submitted to the Director, Metropolitan and Regional Projects South of Department of Planning every 3 months, outlining complaints, if any, received relating to operation of the loading dock. In the event that the Department advises the Proponent, in writing at the end of the 6 month period, that it is not satisfied that the loading dock is operating with an acceptable level of impact on adjoining residents, the loading dock hours of operation will be restricted to operate between:

- 8:00am - 9:00pm Monday to Saturday, and
- 8:00am 7:00pm Sundays and Public Holidays .

F4 Noise Control – Plant and Machinery

Noise associated with the operation of any plant, machinery or other equipment on the site, shall not exceed 5dB(A) above the background noise level when measured at the boundary of the site.

F5 Public Way to be Unobstructed

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.

F6 Storage of Hazardous or Toxic Material

Any hazardous or toxic materials must be stored in accordance with Workcover Authority requirements and all tanks, drums and containers of toxic and hazardous materials shall be stored in a bunded area. The bund walls and floors shall be constructed of impervious materials and shall be of sufficient size to contain 110% of the volume of the largest tank plus the volume displaced by any additional tanks within the bunded area.

F7 Treatment of Waste Water and Stormwater

All waste water and stormwater treatment devices (including drainage systems, sumps and traps) shall be regularly maintained in order to remain effective. All solid and liquid wastes collected from the device shall be disposed of in accordance with the Protection of the Environment Operations Act, 1997.

END OF SECTION

ADVISORY NOTES**AN1 Sydney Water**

2. The proponent should engage a Water Servicing Coordinator to get a Section 73 Certificate and manage the servicing aspects of the development.
3. The proponent must fund any adjustments needed to Sydney Water infrastructure as a result of any development.
4. The access road to Sewer Pumping Station No. 99 and Maintenance Holes in the wastewater network require 24/7 vehicle access.

AN2 Requirements of Public Authorities for Connection to Services

The Proponent shall comply with the requirements of any public authorities (e.g. Energy Australia, Sydney Water, Telstra Australia, AGL, etc) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services shall be the responsibility of the Proponent. Details of compliance with the requirements of any relevant public authorities are to be submitted to the satisfaction of the PCA prior to the issue of the Construction Certificate.

AN3 Disability Discrimination Act

This application has been assessed in accordance with the Environmental Planning and Assessment Act 1979. No guarantee is given that the proposal complies with the Disability Discrimination Act 1992. The Proponent/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The Disability Discrimination Act 1992 covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS 1428.1 - Design for Access and Mobility. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the Disability Discrimination Act 1992 currently available in Australia.

AN4 Asbestos Removal

All excavation works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with NOHSC: "Code of Practice for the Safe Removal of Asbestos".

AN5 Road Closure

A temporary road closure permit is to be obtained by Council/RTA prior to the closure of any roads.

AN6 Public Infrastructure

All public infrastructure works to be undertaken within the existing and future public road reserve shall be designed and constructed in accordance with Council's A US-SPEC 1 *Development Specification Series*

AN7 Stormwater Detention

Where stormwater detention is installed, a positive covenant pursuant to the Conveyancing Act 1919 shall be created on the title of the lots that contain the stormwater detention facility to provide for the maintenance of the detention facility.

AN8 Gertrude Street Extension

Should the proposed land use activity change on the subject site from the proposed supermarket, or the Gertrude Street extension be established (whichever comes first), the RTA reserves the right to remove all access to the Princes Highway.

FOR INFORMATION ONLY

SCHEDULE 3

MP 09_0169

***STAGE 1 PROJECT APPLICATION FOR THE TEMPORARY USE OF THE SITE
FOR RETAIL PURPOSES, INCLUDING DEMOLITION AND CONSTRUCTION
WORKS***

78-96 ARNCLIFFE STREET & 31-45 PRINCES HIGHWAY, WOLLI CREEK

REVISED STATEMENT OF COMMITMENTS

(SOURCE: PROPONENTS RESPONSE TO SUBMISSIONS)

FOR INFORMATION ONLY