

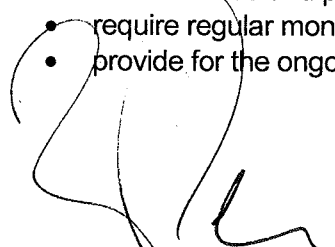
Project Approval

Section 75J of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning & Infrastructure under delegation executed on 14 September 2011, I approve the project referred to in Schedule 1, subject to the conditions of approval in the attached Schedule 2 and the Statement of Commitments in Schedule 3.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the project.



Richard Pearson
Deputy Director General
Development Assessment & Systems Performance

Sydney

18 July

2012

SCHEDULE 1

PART A: PARTICULARS

Application No.:

MP10_0031

Proponent:

Discovery Point Pty Ltd

Approval Authority:

Minister for Planning & Infrastructure

Land:

Discovery Point: 1 Princes Highway Wolli Creek
Lots 199; 200; 201; 202; and 203 in DP 1103650
Lot 12 DP 1062413; and
Lot 2 DP1048491 and Lot 13 DP1062413

Project:

Discovery Point, Stage 6, including:

- construction of a 13 storey residential flat building incorporating 88 apartments;
- roof top plant;
- basement car parking;
- construction of part of the basement structure of Stages 8 and 11;
- public domain works including extension of Brodie Spark Drive, Station Park, pedestrian areas and utilities;
- landscape works;
- temporary works; and
- stratum subdivision;

PART B: NOTES RELATING TO THE DETERMINATION OF MP10_0031

Responsibility for other consents / agreements

The Proponent is responsible for ensuring that all additional consents and agreements are obtained from other authorities as relevant, including (but not limited to) State and Federal airports/ aviation authorities.

Appeals

The Proponent has the right to appeal to the Land and Environment Court in the manner set out in the Act and the Regulation.

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 Building Code of Australia.

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

Council means Rockdale City Council.

Department means the Department of Planning & Infrastructure or its successors.

Director-General means the Director-General of the Department or his nominee.

Environmental Assessment (EA) means the Environmental Assessment prepared by JBA Planning and dated September 2011.

Minister means the Minister for Planning & Infrastructure

MP No. 10_0031 means the Major Project described in the Proponent's EA as amended by the Preferred Project Report.

Preferred Project Report (PPR) means the Preferred Project Report prepared by JBA Planning and dated May 2012 incorporating addendums to the PPR/additional information submitted on 30 May 2012, 6 June 2012 and 13 June 2012.

Proponent means Discovery Point Pty Ltd. 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.

End of Schedule 1

SCHEDULE 2

PART A - ADMINISTRATIVE CONDITIONS

Development Description

- A1. Except as amended by the conditions of this approval, approval is only granted to carrying out the of development as described in Schedule 1 and development must be carried out consistently with the Statement of Commitments (Schedule 3)

Development in Accordance with Plans and Documentation

- A2. The development will be undertaken in accordance with MP No. 10_0031 and the Environmental Assessment dated September 2011, prepared by JBA Planning Pty Ltd, except where amended by:

- the Preferred Project Report dated May 2012, and all appendices;
- additional information submitted by JBA Planning on 30 May 2012, 6 June 2012 and 13 June 2012;
- Statement of Commitments prepared by JBA Planning;
- BASIX Certificate No. 357637M; and
- the following drawings:

Drawing No.	Revision	Name of Plan	Date
Architectural Drawings prepared by Bates Smart Pty Ltd:			
DA1-01	E	Site Above Ground - Existing	06/06/12
DA1-102	E	Site Plan on completion of Stage 1	06/06/12
DA1-103	E	Site Plan on completion of Stage 6	06/06/12
DA2-01	E	Ground Floor Plan	06/06/12
DA2-02	E	Level 01 – 10 Floor Plan	06/06/12
DA2.03	E	Level 11 – 12, Plant & Roof Plan	06/06/12
DA2.B1	E	Basement 1 Plan	06/06/12
DA8.01	E	Section A – Building 6 North West Elevation	06/06/12
DA8.02	E	Section B – Building 6 North East Elevation	06/06/12
DA8.03	E	Section C – Building 6 South East Elevation	06/06/12
DA8.04	E	Section D – Building 6 South West Elevation	06/06/12
DA8.05	E	Section E, F, G Carpark Elevations	06/06/12
DA8.06	E	Section H – Building 6 Section	06/06/12
Landscape Plans prepared by Turf Design Studios:			
L2	C	Landscape Masterplan	12/06/12
L3	C	Station Park + Stage 6 Landscape Plan	12/06/12
L4	C	Public Domain - Design Intent	12/06/12
L5	C	Station Park – North Sectional Elevation AA	12/06/12
L6	C	Station Park – West Sectional Elevation BB	12/06/12
L7	C	Garden Walk +Bio-filtration - South Sectional Elevation CC	12/06/12
L8	C	Station Walk – North Sectional Elevation DD	12/06/12
L9	C	Railway opening Interface - Sectional Elevation EE	12/06/12
L10	C	Podium and Station Park Planting	12/06/12
L11	C	Planting within 20m of the railway corridor	12/06/12
L12	C	Terrace Garden - Level 11	12/06/12
SO6-PPR-L-GA	B	Site 6 – Landscape General Arrangements	12/06/12

Drawing No.	Revision	Name of Plan	Date
Engineering Plans prepared by Bonacci Group Pty Ltd:			
C020	04	Stormwater Plan Layout Sheet 1	05/04/12
C021	05	Stormwater Plan Layout Sheet 2	05/04/12
C025	03	Stormwater Details	17/04/2012
C030	03	Pavement Detail Plan	17/04/2012
C031	03	Pavement Details	17/04/2012
C040	04	Brodie Spark Drive Detail Plan	17/04/2012
C045	04	Brodie Spark Drive Cross Sections Sheet 1	17/04/2012
C046	04	Brodie Spark Drive Cross Sections Sheet 2	17/04/2012

Other				
Drawing No.	Revision	Name of Plan	Prepared By	Date
2700/34139 DP	B	Subdivision Plans	Joseph Monardo	04/04/12

except for:

- any modifications which are 'Exempt and Complying Development' as identified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA; and
- otherwise provided by the conditions of this approval.

Inconsistencies between Documents

- A3. 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.

Prescribed Conditions

- A4. 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).

Lapsing of Approval

- A5. This approval shall lapse 5 years after the determination date shown above in this Instrument of Approval, unless the development has been physically commenced.

Responsibility for other approvals / agreements

- A6. The Proponent is responsible for ensuring that all additional approvals and agreements are obtained from other authorities, as relevant.

Concept Plan Approval

- A7. The Proponent shall comply with all relevant requirements of the approved 'Concept Plan' (MP 10_0003), approved by the Minister on 5 May 2011, including any approved modifications to the Concept Plan.

Compliance with Basix Certificate

- A8. The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate No. 357637M submitted with the application other than superseded by any further amended consent and BASIX Certificate.

Restriction on Test Excavations

- A9. No further test excavations are to be carried out within the land identified as "Zone 2" in the Aboriginal Heritage Assessment prepared by Jo McDonald Cultural Heritage Management.

End of Part A

PART B – PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Construction Certificate

- B1. A Construction Certificate must be obtained from Council or an Certifying Authority prior to any stage of building work commencing. Staged Construction Certificates may be issued prior to any stage of building works commencing.

Landscape Plans

- B2. Prior to the issue of a Construction Certificate for landscape works or public domain works, fully documented landscape plans and public domain design specifications for all public domain works are to be approved by Council. Plans are to be generally in accordance with Plans approved under Condition A2, but must provide further details of the proposed material and furniture paving palette, including lighting, levels, planter heights and types, drainage, irrigation, seating and also soft works such as planting, mulching and soils. Plans should also provide design details for the proposed bio-retention systems. In addition, plans are to be generally consistent with the Wolli Creek and Bonar Street Precinct Public Domain Plan (PDP), particularly the Technical Manual unless variations are agreed in consultation with Council.

Soil and Water Management Sign Fee

- B3. A fee is payable to Council for a Soil and Water Management Sign (811) of \$14.95. 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

Section 94 Contributions

- B4. A Section 94 contribution of \$967,341.28 shall be paid to Council in relation to the development. Such a contribution is only used towards the provision or improvement of the amenities and services identified below. The amount to be paid is adjusted at the time of payment, in accordance with the contribution rates contained in Council's current Adopted Fees and Charges. The contribution is to be paid prior to the issue of any construction certificate for works above the floor level of the ground floor. (Payment of the contribution is not required prior to any separate construction certificates issued only for demolition, site preparation works and the construction of basement levels.) The contribution is calculated from Council's adopted Section 94 contributions plan in the following manner:

Open Space	\$459,823.92
Community Services & Facilities	\$37,676.16
Town Centre & Streetscape Improvements	\$83,512.10
Wolli Creek Redevelopment Area Infrastructure	\$363,346.22
Plan Administration & Management	\$22,982.88

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

Home Building Act

- B5. 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.

Energy Australia

- B6. The Proponent 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 of the Construction Certificate for any relevant stage of work.

Dilapidation Survey

- B7. A dilapidation survey shall be undertaken of all adjoining properties which could be potentially affected by the construction of this development. Any damage caused to other properties during construction shall be rectified. A copy of the dilapidation survey and an insurance policy that covers the cost of any rectification works shall be submitted to the Certifying Authority prior to issue of the Construction Certificate. The insurance cover shall be a minimum of \$1 million.

Construction Management Plan (CMP)

- B8. The Proponent shall submit, for approval by the Certifying Authority, a detailed Construction Management Plan (CMP) prior to the issue of the Construction Certificate for each stage of works (each Construction Certificate). The CMP shall be prepared in accordance with the requirements of all relevant regulatory approval bodies. Prior to the commencement of works the Certifying Authority shall be satisfied that the Construction Management Plan has obtained all relevant regulatory approvals. The Construction Management Plan shall be implemented during demolition, excavation and construction.

Construction Traffic Management Plan (TMP)

- B9. Prior to the issue of the relevant Construction Certificate, a Construction Traffic Management Plan (TMP) prepared by a suitably qualified person shall be submitted to and approved by the Certifying Authority. The Plan shall address, but not be limited to, the following matters:
- (a) ingress and egress of vehicles to the site;
 - (b) loading and unloading, including construction zones;
 - (c) predicted traffic volumes, types and routes; and
 - (d) pedestrian and traffic management methods.

A copy of the TMP shall be submitted to Council.

Waste Management Plan

- B10. A Construction Waste Management Plan shall be prepared and submitted to the Certifying Authority prior to the issue of a construction certificate for the relevant stage of works implemented in accordance with the project application.

Groundwater

- B11. The groundwater shall be assessed by a suitably qualified and experienced environmental consultant in accordance with relevant contaminated sites guidelines published by NSW Department of Environment Climate Change and Water. A copy of the report shall be submitted to Certifying Authority prior to the issue of the Construction Certificate for the relevant stage of works. A copy shall also be submitted to Council if Council is not the Certifying Authority.

Stormwater

- B12. Stormwater management requirements for the development site, must comply with DCP 2011 and Rockdale Technical Specification – Stormwater Management.

Drainage Design

- B13. Prior to the issue of the Construction Certificate, detailed drainage design plans for the management of stormwater are to be submitted to Council or a Certifying Authority for assessment and approval. Design certification, in the form specified in DCP 2011, and drainage design calculations are to be submitted with the plans.

Consistency with AUSTROADS

- B14. Prior to the issue of the Construction Certificate of the relevant stage of works, engineers certification that all roads and public domain works are generally consistent with the requirements of AUSTROADS is to be submitted to Council or a Certifying Authority with the plans.

Remediation of Land

- B15. Prior to the issue of a Construction Certificate for the relevant stage of works the Proponent shall submit to the Certifying Authority a report from a qualified environmental engineer addressing the relevant recommendations of the Coffey Environments Australia Pty Ltd Environmental Assessment report dated 9 June 2010 accompanying the Concept Plan Application.

All Construction works are to be carried out in accordance with the recommendations of that report.

Reflectivity

- B16. 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 statement demonstrating compliance with these requirements is to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for the relevant stage of works.

Outdoor Lighting

- B17. All outdoor lighting and street 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*, the BCA and any relevant standards for public lighting. Appropriate lighting shall be provided at the driveway entry in order to provide adequate visibility at night. Appropriate 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 for the relevant stage of works.

Disabled Access

- B18. Access and facilities for people with disabilities shall be provided in accordance with Part D3 of the BCA's Access Policy and in accordance with the recommendations of the Access Review by Morris Goding Accessibility Consulting submitted as part of the EA. 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.

Number of Vehicle and Motorcycle Spaces

- B19. 79 car parking spaces and 6 motor cycle spaces are to be provided at basement level in accordance with the approved plans. All car spaces are to be allocated to dwellings in accordance with the parking rates specified in Section 7.2 of the Discovery Point Development Design Guidelines. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate.

Number of Bicycle Spaces

B20. A minimum of 6 bicycle spaces are to be provided for the development within the basement level, with details clearly indicated on the plans and submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate.

Car Park and Service Vehicle Layout

B21. The layout of the car park shall comply with Australian Standard AS2890.1: 1993 *Parking Facilities Part 1: Off Street Parking*. All parking spaces are to be linemarked.

Details demonstrating compliance with these requirements shall be submitted to the satisfaction of the Certifying Authority prior the issue of a Construction Certificate

Certification of Façade Treatments

B22. Detailed design plans of the proposed building facades demonstrating consistency with Section 5 of the Bates Smart Project Application Design Report (as amended by the approved plans) shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate and all materials, finishes, and architectural detailing are to be maintained in the construction documentation and final product.

RailCorp Requirements

B23. Prior to the issue of a Construction Certificate for any works involving fencing or landscaping within 20m of the rail corridor, the Proponent is to obtain endorsement from Railcorp as to the proposed method of fencing along the rail corridor and obtain species details from Railcorp's Biodiversity Specialist and have these details incorporated into the Application.

Prior to the issue of a construction certificate for any works that will involve excavation or other ground penetration (piles / footings) of greater than 2 metres and within 25 metres of the rail corridor, the following documentation must be received and endorsed by RailCorp:

- a. A Geotechnical and Structural Report, and Excavation and Construction methodology that meets RailCorp's requirements
- b. Detailed 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 distances from the rail corridor and infrastructure are to be confirmed as accurate by a Registered Surveyor.

Prior to the issue of a Construction Certificate for the relevant stage of works, a services search must be undertaken to establish the existence and location of any rail services. Persons performing the service search shall use equipment that will not have any impact on rail services and signalling. Should rail services be identified within the subject development site, the Proponent must obtain approval from RailCorp as to whether these services are to be relocated or incorporated within the development site.

Prior to the issue of a Construction Certificate for the relevant stage of works, 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 measures recommended in the report to control that risk. A copy of the report is to be provided to the Principle Certifying Authority with the application for a Construction Certificate.

Prior to the issue of a Construction Certificate for the relevant stage of works, a Risk Assessment/Management Plan and detailed Safe Work Method Statements are to be submitted to RailCorp for review and comment. Written confirmation from Railcorp that this requirement has been satisfied must be provided to the Principle Certifying Authority prior to the issue of the Construction Certificate.

Prior to the issue of a CC for the relevant stage of works a plan showing all craneage and other aerial operations complying with RailCorp's requirements must be confirmed by RailCorp.

No future rock anchors are permitted within Railcorp land or easements other than those already addressed and specifically identified in detail design drawings attached to the existing Deed of Agreement dated 10 September 2009.

Prior to the issue of a Construction Certificate which involves any work within the rail corridor or its easements, evidence of prior approval or an agreement entered into with the Rail Authority for the works must be submitted to the Principle Certifying Authority.

Prior to the issue of a Construction Certificate for any relevant stage of works, the proponent is to enter into an agreement with Railcorp defining the controls to be implemented in managing the access required and / or the potential impacts of the development on Railcorp, and the involvement of Railcorp staff in ensuring appropriate safety and technical standards are complied with throughout the development.

End of Part B

PART C – PRIOR TO CONSTRUCTION

Notify Council of Intention to Commence Works

- C1. In accordance with the provisions of Clause 81A(2) of the Environmental Planning and Assessment Act 1979 the person having the benefit of the project approval shall appoint a Certifying Authority and give at least 2 days notice to Council, in writing, of the persons intention to commence the erection of the building.

Licensee Details

- C2. The name, address and contractor licence number of the licensee who has contracted to carry out the work shall be furnished in writing to Council.

NB: Should changes be made for the carrying out of the work Council must be immediately informed.

Soil and Sedimentation Controls

- C3. 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.

The controls are to be designed and installed in accordance with the Soil and Water Management for Urban Development Guidelines produced by the Southern Sydney Regional Organisation of Council. Copies of the guidelines are available from Council.

Soil and Water Management Plan

- C4. 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.

Signs

- C5. A sign must be erected at the front boundary of the property clearly indicating the Approval Number, description of work, builder's name, licence number and street number before commencement of work.

A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

- i) stating that unauthorised entry to the work site is prohibited, and
- ii) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

Any such sign is to be removed when the work has been completed.

This condition does not apply to:

- iii) building work carried out inside an existing building or
- iv) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.

Warning sign

- C6. 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. A copy of the sign is available from Council.

Landfill

- C7. 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 approval, 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.

Fence

- C8. The site shall be secured by a 1500 mm (minimum) high temporary fence for the duration of the work. Gates shall be provided at the opening points

Suitable Screens

- C9. Suitable screens and/or barricades shall be erected during demolition, excavation and construction and where required by the certifying authority to reduce the emission of noise, dust, water effluent or other matter from the site.

Other approvals

- C10. The proponent shall apply as required for all necessary permits including crane permits, road opening permits, hoarding permits, footpath occupation permits and/or any other approvals under Section 68 (Approvals) of the Local Government Act, 1993 or Section 138 of the Roads Act, 1993.

Road opening permit

- C11. Where it is proposed to carry out works in public roads or Council controlled lands, a road opening permit shall be obtained from Council before the carrying out of any works in public roads or Council controlled lands.

Roadworks

- C12. 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.

Pedestrian and Vehicular Safety

- C13. When the work involved in the erection or demolition of a building:
- i) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - ii) building involves the enclosure of a public place,
- 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

Toilet Facilities

C14. Toilet facilities are to be provided, at or in the vicinity of the work site, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site and the toilet facilities must be designed and installed in accordance with the provisions of clause 781 of the Environmental Planning and Assessment Regulation 1994, and be installed before any other work is commenced.

Acid Sulfate Soils

C15. An Acid Sulfate Soils Management Plan shall be prepared by a suitably qualified and experienced environmental consultant and a copy shall be provided to the Certifying Authority.

RailCorp Requirements

C16. Prior to the commencement of works, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be undertaken by the proponent and RailCorp.

An agreement with RailCorp defining the controls to be implemented in managing the access required and/or the potential impacts of the development on RailCorp and the involvement of RailCorp staff in ensuring appropriate safety and technical standards must occur.

End of Part C

PART D – DURING CONSTRUCTION

Documentation on site

- D1. 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.

Construction Hours

- D2. Hours of construction shall be confined to between 7 am and 6.30 pm Mondays to Fridays, inclusive, and between 7 am and 3.30 pm Saturdays with no work being carried out on Sundays and all public holidays

Mandatory Critical Stage Inspections

- D3. Building work must be inspected by the Certifying Authority on the mandatory critical stage occasions prescribed by the EP&A Act and its Regulations, and as directed by the Certifying Authority.

Inspections

- D4. Upon inspection of each stage of construction, the Certifying Authority (or other suitably qualified person on behalf of the 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.

Groundwater pumping

- D5. Ground water shall only be pumped or drained to Council's stormwater system if the water is clean and unpolluted. The required standards are set out in Council's Application form and conditions for a permit to pump out.

Note: Where water does not meet the required standards, a permit for discharge will only be issued where prior treatment and/or filtration of the water is undertaken to achieve an acceptable water quality. It is an offence under the provisions of the Protection of the Environment Operations Act 1997 to pollute the stormwater system.

Protection of stormwater drainage

- D6. 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.

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

Compliance Certificate

- D7. A Registered Surveyor's survey certificate or compliance certificate shall be forwarded to the certifying authority detailing compliance with Council's approval at the following stage/s of construction:

- i) After excavation work for the footings, but prior to pouring of concrete, showing the area of the land, building and boundary setbacks.

- ii) Prior to construction of each floor level showing the area of the land, building and boundary setbacks and verifying that the building is being constructed at the approved level.
- iii) Prior to fixing of roof cladding verifying the eave, gutter setback is not less than that approved and that the building has been constructed at the approved levels.
- iv) On completion of the building showing the area of the land, the position of the building and boundary setbacks and verifying that the building has been constructed at the approved levels.
- v) On completion of the drainage works (comprising the drainage pipeline, pits, overland flow paths, on-site detention or retention system, and other relevant works) verifying that the drainage has been constructed to the approved levels, accompanied by a plan showing sizes and reduced levels of the elements that comprise the works.

Excavation and Backfilling Safety

D8. 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.

Excavation Works

D9. 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 condition **allotment of land** includes a public road and any other public place.

Site contamination

D10. Any new information discovered during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination, shall be notified to Council being the Regulatory Authority for the management of contaminated land.

Dust Management

D11. Wind blown dust from stockpile and construction activities shall be minimised by one or more of the following methods:

- i) spraying water in dry windy weather
- ii) cover stockpiles
- iii) fabric fences

Permits

D12. All contractors shall comply with the following during all stages of demolition and construction:

- A Waste Container on Public Road Reserve Permit must be obtained prior to the placement of any waste container or skip bin in the road reserve (i.e. road or footpath or nature strip). Where a waste container or skip bin is placed in the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
- A Road Opening Permit must be obtained prior to any excavation in the road reserve (i.e. road or footpath or nature strip). Where excavation is carried out on the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
- A Hoarding Permit must be obtained prior to the erection of any hoarding (Class A or Class B) in the road reserve (i.e. road or footpath or nature strip). Where a hoarding is erected in the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
- A Crane Permit must be obtained from Council prior to the operation of any activity involving the swinging or hoisting of goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway. Permits can be obtained from Council's Customer Service Centre.
- A Permit to Dewater or Pump Out a site must be obtained prior to the discharge of pumped water into the road reserve, which includes Council stormwater pits and the kerb and gutter

Stockpiles

D13. 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

Erosion Control

D14. All disturbed areas shall be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls

Stormwater from roof areas

D15. Stormwater from roof areas shall be linked via a temporary downpipe to an approved stormwater disposal system immediately after completion of the roof area.

Stormwater pollution

D16. 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.

Note: The Proponent may be liable to prosecution under the Environmental Planning and Assessment Act 1979 for a breach of an approval condition, or under the Protection of the Environment Operations Act 1997, if its employees, agents or sub-contractors allow sediment, including soil, excavated material, building materials, or other materials to be pumped, drained or allowed to flow to the street, stormwater

pipes or waterways. The Proponent shall ensure that its employees, agents or sub-contractors understand and maintain sediment control measures.

Drainage System

D17. The drainage system shall be constructed in accordance with the approved drainage plans. All stormwater drainage plumbing work shall comply with the NSW Code of Practice: Plumbing and Drainage and Australian Standard AS3500.

Discovery of Archaeological Heritage

D18. If substantial intact archaeological deposits or features not already identified are discovered, work must stop in the affected area(s) and the Heritage Branch of the Office of Environment & Heritage contacted for advice. Additional assessment and approval may be required prior to works continuing. Should any unexpected 'relics' be uncovered, the Heritage Council will be notified in accordance with Section 146 of the NSW Heritage Act 1977

Discovery of Aboriginal Heritage

D19. If Aboriginal objects are uncovered during work, excavation or disturbance of the area, work must stop immediately. The Environmental Protection and Regulation Group of the Office of the Environment and Heritage is to be contacted. Aboriginal archaeological excavation must be co-ordinated with any proposed investigation of non-indigenous material.

Protection of Railcorp Infrastructure

D20. All railcorp infrastructure will be protected during construction periods.

Railcorp Access

D21. Provision will be made for easy and ongoing access by Railcorp's vehicles, plant and equipment to support maintenance and emergency activities.

RailCorp safety requirements

D22. No scaffolding is to be used within 6 horizontal metres of the rail corridor unless prior approval has been given by RailCorp. To obtain this approval, the details will need to be submitted to RailCorp, including the means of erecting and securing the scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor.

End of Part D

PART E – PRIOR TO ISSUE OF OCCUPATION CERTIFICATE / PRIOR TO OPERATIONS

Occupation Certificate

- E1. An Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of the building.

Unit Numbers and Mailboxes

- E2. To ensure clarity and easy identification of the units within the buildings, unit numbers shall be nominated in consultation with Council's Spatial Information team.
Mail boxes must be installed in accordance with Australia Post Guidelines. Prominent building numbers are to be displayed, with a minimum number size of 150 mm in height for each number and letter in the alphabet

Excess material and waste cleared

- E3. 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.

Anti-graffiti treatment

- E4. Ground level surfaces are to be treated with anti-graffiti coating to minimise the potential of defacement.

Public Domain works

- E5. All road, footpath, drainage, traffic management, landscaping and civil works are to be carried out in accordance with the landscape plans approved under Condition B2. The landscaping is to be maintained to the approved standard at all times.

A Landscape Architect shall provide a report to the certifying authority (with a copy provided to Council, if Council is not the Certifying Authority) stating that the works have been carried out in accordance with the approved plans and documentation.

Acoustic Testing

- E6. Testing and evaluation of the wall insulation system is to be carried out at post construction stage by a suitably qualified acoustical engineer to show compliance with the Impact Isolation Class 55 which is over and above BCA for residential units has been achieved in accordance with the standards prescribed by the Association of Australian Acoustical Consultants (AAAC) in accordance with the report submitted to Council with the Development Application. A report is to be submitted to the Certifying Authority prior to the issue of the Occupation Certificate.

Testing and evaluation of the floor system is to be carried out at post construction stage by a suitably qualified acoustical engineer to show that compliance with the Impact Isolation Class 55 which is over and above BCA for residential units the report submitted to Council with the Development Application has been achieved. A report is to be submitted to the Certifying Authority prior to the issue of the Occupation Certificate

Certification of Waterproofing

- E7. A certificate is to be provided to Council that all wet areas have been effectively waterproofed (prior to tiling) in accordance with AS3740 and the product manufacturer's recommendations.

Certification of mechanical ventilation

- E8. Prior to occupation or use of the premises, a qualified mechanical engineer shall certify that the mechanical ventilation/air conditioning system complies in all respects with the requirements of Australian Standard 1668, Part 1 & 2.

Certification of floor levels

- E9. A certificate from a Registered Surveyor shall be provided to the Certifying Authority certifying that the habitable floor level is constructed to the approved minimum floor level. A copy of the certificate shall be provided to Council where Council is not the Certifying Authority .

Certification of Stormwater

- E10. 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 2011. The certificate shall be in the form specified in DCP 2011 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 Certifying Authority . A copy shall be provided to Council if Council is not the Certifying Authority .

Certification of connection to Water Recycling System

- E11. Prior to occupation, certification shall be provided to the certifying authority that all units are connected to the blackwater recycling / treatment system for the purposes of toilet flushing and laundry connections and that all common landscape areas are also connected to the system.

Fire Safety Certificate

- E12. A Fire Safety Certificate shall be furnished to the Certifying Authority 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 consent authority and Council by the Certifying Authority .

Clothesline provision

- E13. The Proponent shall submit to the Certifying Authority details that all that units have a clothes line in accordance with the requirements of the Development Design guidelines.

RailCorp Requirements

- E14. Prior to the issue of an Occupation Certificate (OC), a joint inspection of the rail infrastructure and property in the vicinity of the project is to be undertaken by the proponent and RailCorp.

A plan of how future maintenance of the development facing the rail corridor is to be undertaken is to be submitted and prepared to the satisfaction of RailCorp prior to the issue of the Occupation Certificate.

End of Part E

PART F – PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

Subdivision Certificate

- F1. A Subdivision Certificate and four (4) copies of the plans for the endorsement of the General Manager shall be submitted to Council or the Certifier prior to lodgement with the Land and Property Information office. If applicable, an original and four (4) copies of the 88B Instrument are to be submitted.

Submission of Subdivision Certificate Application

- F2. The submission and approval of a subdivision certificate application. In this regard, a fee is payable in accordance with Council's or Certifiers current adopted Fees and Charges.

Services shown on Plan

- F3. 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 Rockdale City Council. These provisions are to be put into effect prior to the release of the Subdivision/Strata Certificate.

Subdivision in accordance with Previous approvals

- F4. The subdivision is to occur in accordance with the Concept Approval MP 10_0003 issued by the Minister for Planning on 5 May 2011, DA-2012/42 issued by Rockdale City Council on 22 December 2011 and any subsequent modifications. Details of compliance with the relevant conditions shall be provided to Council prior to the issue of the Subdivision Certificate.

Access

- F5. Documentary easements for access must be created over the appropriate lots in the subdivision to provide for public access to public domain areas which may include lifts, lobbies, fire stairs, service areas, loading areas and car parking areas, and created pursuant to Section 88B of the *Conveyancing Act 1919*.

Services

- F6. 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 over the appropriate lots in the subdivision pursuant to Section 88B of the *Conveyancing Act 1919*.

Car Parking Restrictions

- F7. The on-site residential car parking spaces, are not to be used by those other than an occupant or tenant of the residential buildings within the Discovery Point Development. Any 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:

- (1) restrictive covenant placed on title pursuant to Section 88B of the *Conveyancing Act, 1919*,

- (2) 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
- (3) 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. All costs associated with the above requirements are to be borne solely by the Proponent.

Easement in gross

- F8. Prior to the issue of a Subdivision Certificate, an easement for public access in gross for the public to enter, pass, re-pass, use and enjoy Station Park is to be registered over the land in favour of Rockdale City Council.

The terms of the easement are to be approved by Council prior to the issue of any Certificate of Subdivision or registration of the approved Plan of Subdivision.

End of Part F

PART G – DURING OPERATIONS

Establishment of Car Share Scheme

- G1. Within 6 months of the issue of the Occupation Certificate for Building 6, an additional car share space adjacent to Building 6 is to be operational as part of the car share scheme established in accordance with Condition G1 of the Stage 1 Major Project approval MP10_0030.

Enclosure of Parking Spaces

- G2. The enclosure of car spaces is not permitted unless the enclosure complies with the design requirements of AS2890.1.

Unobstructed Driveways and Parking Areas

- G3. 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

Noise Emissions

- G4. The use of the premises including mechanical plant including air conditioners, fans, compressors, condensers, freezers, or pumps (whether commercial or domestic) shall not cause sound pressure levels in excess of the criteria given in the NSW Industrial Noise Policy - 2000.

Annual Fire Safety Certification

- G5. 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.

End of Part G

ADVISORY NOTES

Requirements of Public Authorities for Connection to Services

AN1. 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 Certifying Authority prior to the issue of the Construction Certificate.

Compliance with Building Code of Australia

AN2. The Proponent is advised to consult with the Certifying Authority about any modifications needed to comply with the BCA prior to submitting the application for a Construction Certificate.

Use of Mobile Cranes

AN3. The Proponent shall obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works. In particular, the following matters shall be complied with to the satisfaction of the Certifying Authority .

- (1) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council:
 - (i) at least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions, and
 - (ii) at least 4 weeks prior to the works for full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (2) The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7.30am without the prior approval of Council.

Movement of Trucks Transporting Waste Material

AN4. The Proponent shall notify the Roads and Maritime Service 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.

Construction Inspections

AN5. Compliance certificate/s shall be issued by the Certifying Authority and submitted to Council in accordance with the mandatory inspection requirements of the *Building Legislation Amendment—Quality of Construction Act, 2002* for each stage of construction, such as the following:

- (1) Foundations,
- (2) Footings,
- (3) Damp proof courses and waterproofing installation,
- (4) Structural concrete, including placing of reinforcement and formwork prior to pouring,
- (5) Structural beam and column framing,
- (6) Timber wall and roof framing, and
- (7) Stormwater disposal.

Any Compliance Certificate issued for the above stages of construction shall certify that all relevant ancillary or dependent work has been undertaken in accordance with the Building Code of Australia and any other conditions of consent.

Noise Generation

AN6. 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.

Temporary Structures

AN7. An approval under Section 68 of the Local Government Act 1993 must be obtained from the Council for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the Building Code of Australia.

Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Council with the application under Section 68 of the Local Government Act 1993 to certify the structural adequacy of the design of the temporary structures.

Disability Discrimination Act

AN8. 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.

Commonwealth Environment Protection and Biodiversity Conservation Act 1999

AN9. The Commonwealth Environment Protection and Biodiversity Conservation Act 1999 provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.

This application has been assessed in accordance with the New South Wales Environmental Planning & Assessment Act, 1979. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the proponents responsibility to consult Environment Australia to determine the need or otherwise for Commonwealth approval and you should not construe this grant of consent as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

Sydney Water

AN10. An application will need to be made to Sydney Water for a Certificate under Part 6, Division 9, Section 73 of the Sydney Water Act, 1994 (Compliance Certificate). Evidence that a Compliance Certificate has been applied for (i.e. Notice of Requirements) will need to be produced to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate. The Section 73 Certificate will need to be submitted to the Certifying Authority prior to the occupation of the development or release of the linen plan.

End of Schedule 2

SCHEDULE 3

Proponent's Statement of Commitments

Subject	Commitments	Approved by Whom	Timing
ESD	The Stage 6 Project Application will include those ESD measures identified in the Cundall Design Consultants ESD report (dated 11 April 2012).	Department of Planning and Infrastructure	No Timing. General Statement of Commitment
Electrolysis	The recommendations of the Building 6 Electrolysis Analysis prepared by CPS and dated 20 August will be implemented.	Department of Planning and Infrastructure	No Timing. General Statement of Commitment
Non Indigenous Archaeology	Should any intact archaeological deposits or features be discovered, work must cease in the affected area(s) and the Heritage Branch of the Office of Environment and Heritage contacted for advice. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery. Should any unexpected 'relics' be uncovered, the Heritage Council will be notified in accordance with Section 146 of the NSW Heritage Act 1977.	Department of Planning and Infrastructure	No Timing. General Statement of Commitment
Indigenous Archaeology	No further test excavations will be undertaken in the Zone 2 area of the Stage 6 development area. Excavations deeper than the fill layers within the Zone 2 area of Stage 6 are to be avoided.	-	During construction
Environmental and Construction Management	The following Management Plans will be issued prior to works commencing for each stage: - Construction Management Plan - Construction Traffic Management Plan - Erosion and Sediment Control Plan - Waste Management Plan - Dust Control Plan. - Acid Sulphate Soil Management Plan.	Relevant Certifying Authority	Prior to issue of CC for relevant stage of the works
Railcorp requirements	The preparation of the required procedures, safety plans, methodologies and assessment reports required by Railcorp will be submitted prior to those specific works commencing.	Railcorp	Prior to issue of CC for relevant stage of the works
Accessibility	The Stage 6 Project Application will include those access measures identified in the Morris Goding Accessibility Consulting report (dated 22 August 2011).	Relevant Certifying Authority	Prior to issue of CC for relevant stage of the works
Acoustic and Vibration	The following measures are required to mitigate noise impacts from road and aircraft noise: - Laminated glazing will be appropriate for rooms where the majority of the façade is glazed; and - Lower specification glazing is suitable for rooms with small windows. Mechanical plant noise is to be mitigated through standard use of attenuators, acoustic louvers, barriers, enclosures, and the appropriate location and orientation of air inlets / outlets and items of plant.	Relevant Certifying Authority	Prior to issue of CC for relevant stage of the works
Structural	Construction movement joints and vibration	Relevant	Prior to issue of

	isolation provisions will be incorporated into the structural design where necessary. Construction will be carried out by experienced building contractors who will issue appropriate safe working method statements for all parts of the works.	Certifying Authority	CC for relevant stage of the works
Excavation	Excavation method statements are to be prepared by the excavation contractor.	Relevant Certifying Authority	Prior to issue of CC for relevant stage of the works
Stormwater	The locations of additional stormwater sumps and grates will be determined during detailed design..	Relevant Certifying Authority	Prior to issue of CC for relevant stage of the works
Infrastructure and Services	The Stage 6 Project Application will be in accordance with the recommendations of the Building Services Infrastructure Planning Considerations Report (17 August 2011), prepared by Donnelley Simpson Cleary	Relevant Certifying Authority	Prior to issue of CC for relevant stage of the works
Public Domain	Details of Rights of Way and Easements will be provided as part of future subdivision applications.	The relevant consent authority	Prior to issue of CC for relevant stage of the works
Internal Roads	- Emergency vehicle access to be designed in accordance with the NSW Fire Brigade Code of Practice. - Traffic Management Plans will be submitted for any activity that affects traffic or pedestrian movements on public roads or the private internal road network during construction. The plans shall be prepared in accordance with NSW Roads and Traffic Authority guidelines and include details of traffic diversions, timings and the methodology for achieving the activities during the various stages of construction. - The road infrastructure, and property containing the road infrastructure, will be owned by Discovery Point Pty Ltd.	The relevant consent authority	Prior to issue of CC
Car Share	Provision of one on-street care share space for Stage 6, in consultation with residents and commercial operator.	-	To be established within 6 months of issue of Occupation Certificate.