

**ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979**

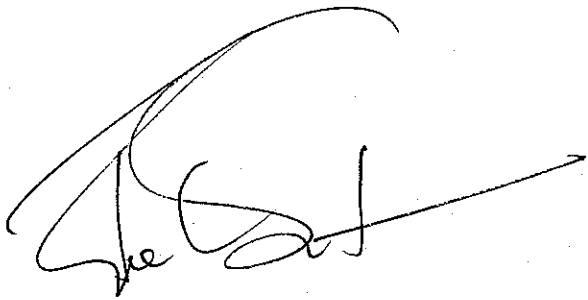
**DETERMINATION OF MAJOR PROJECT NO. 05\_0039**

**(FILE NO. 9040457-2)**

**179 RESIDENTIAL UNITS AND RETAIL FACILITY IN THREE BUILDINGS,  
BASEMENT CARPARKING AND ASSOCIATED LANDSCAPING**

I, the Minister for Planning, having considered the following, pursuant to Part 3A of the *Environmental Planning & Assessment Act, 1979*, Section 75J Clause (2) determine the major project proposal referred to in the attached Director-General's Environmental Assessment Report, by **granting approval** to the major project referred to in the attached Schedule 1 subject except as varied by the conditions of consent in the attached Schedule 2.

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



Frank Sartor MP  
**Minister for Planning**

Sydney,

12 June

2007

## SCHEDULE 1

### PART A—TABLE

Application made by:	Renewing Homebush Bay Pty Ltd
Application made to:	Minister for Planning
Major Project Application:	MP 05_0039
On land comprising:	Lot 100, 42 Walker Street, Rhodes
Local Government Area	Canada Bay
For the carrying out of:	<ul style="list-style-type: none"><li>• Three buildings containing 179 residential dwellings</li><li>• a retail facility at ground level</li><li>• basement carparking over two levels containing a total of 201 spaces</li><li>• associated landscaping works and shared facilities including a pool and gym</li></ul>
Estimated Cost of Works	\$51,027,929
Type of development:	Major Project
S.119 Public inquiry held:	No
Determination made on:	
Date approval is liable to lapse:	Approval shall lapse in 5 years after the determination date of this approval unless works have physically commenced on the development.

### PART B—NOTES RELATING TO THE DETERMINATION OF MP NO. 05\_0039

#### ***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).

#### ***Appeals—Third Party***

A third party right to appeal to this approval 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).

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

**Council** means Canada Bay 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 Meriton Apartments Pty Ltd and dated September 2006 and amendments prepared by Meriton Apartments dated march 2007 and BASIX certificates dated 24 April 2007.

**Minister** means the Minister for Planning.

**MP No. 05\_0039** 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.

**Proponent** means Meriton Apartments 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.

## SCHEDULE 2

### RECOMMENDED CONDITIONS OF APPROVAL

MAJOR PROJECT NO. 05\_0039

#### PART A—ADMINISTRATIVE CONDITIONS

##### **A1 Development Description**

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

- 179 residential dwellings contained within three buildings with a GFA of no more than 19,153m<sup>2</sup>;
- A retail facility at ground level;
- Basement car park over two levels containing a total of 201 spaces; and
- Provision of landscaping works and shared facilities.

##### **A2 Development in Accordance with Plans**

The development will be undertaken in accordance with the Environmental Assessment dated September 2006 prepared by Meriton Apartments including all Appendices and the following drawings:

Architectural (or Design) Drawings prepared by Nation.Viney Architects/Urban Designers			
Drawing No.	Revision	Name of Plan	Date
DA		Drawing Schedule	28/2/07
01 DA	A	Site Location Plan	28/2/07
02 DA	A	Site Plan	28/2/07
03 DA	A	Basement Floor 2	28/2/07
04 DA	A	Basement Floor 1	5/3/07
05 DA	A	Level 1	5/3/07
06 DA	A	Level 2	28/2/07
07 DA	A	Level 3	28/2/07
08 DA	A	Level 4	28/2/07
09 DA	A	Level 5	28/2/07
10 DA	A	Level 6	28/2/07
11 DA	A	Level 7	28/2/07
12 DA	A	Level 8	28/2/07
13 DA	A	Level 9	28/2/07
14 DA	A	Level 10	28/2/07
15 DA		Level 11	28/2/07
16 DA		Roof Level	5/3/07

17 DA	A	Roof Plan	28/2/07
19 DA	A	North elevation/South elevation	5/3/07
20 DA	A	West Elevation/East elevation	28/2/07
21 DA	A	Section 1, Section 2	28/2/07
<b>Landscape Drawings prepared by Guy Sturt and Associates at Appendix 13 of the Environmental Assessment</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
DA-0542-01 C		Landscape Plan	28/08/06

except for:

- (1) any modifications which are 'Exempt and Complying Development' as identified in Canada Bay Council's DCP 34: Exempt and Complying Development for the Concord area or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA;
- (2) otherwise provided by the conditions of this approval.

### **A3 Development in Accordance with Documents**

The development will be undertaken in accordance with the following documents:

- (1) *Environmental Assessment Report* including Draft Statement of Commitments prepared by Meriton Apartments Pty Ltd, dated September 2006;
- (2) Traffic and Parking Assessment report prepared by Masson Wilson Twinney dated 6 September 2006 (Appendix 14 to *Environmental Assessment*);
- (3) Waste Management Plan prepared by Ryburn Industries Pty Ltd dated 28 August 2006 (Appendix 15 to *Environmental Assessment*);
- (4) *Train Noise and Vibration Assessment* prepared by Acoustic Logic Consultancy Pty Ltd dated 23 August 2006 (Appendix 19 to *Environmental Assessment*);
- (5) Stray Currents report prepared by Savcor dated 10 November 2005 (Appendix 20 to *Environmental Assessment*);
- (6) Correspondence prepared by Meriton Apartments dated 2 January 2007;
- (7) Correspondence prepared by Meriton Apartments dated March 2007; and
- (8) Correspondence prepared by Meriton Apartments dated 7 March 2007
- (9) BASIX Certificates Nos. 133769M, 133770M, 133772M and 133773M dated 24 April 2007.

### **A4 Inconsistency between documents**

In the event of any inconsistency between conditions of this approval and the drawings/documents referred to above, the conditions of this approval prevail.

### **A5 Prescribed Conditions**

The Proponent shall comply with the prescribed conditions of development approval under clause 98 of the Regulation.

### **A6 Use of Retail Facility**

Separate approval is required to be obtained from Council for the use, fitout, hours of operation, and loading arrangements for the retail premises.

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## **PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

### ***Design Details and Changes***

#### **B1     *Design Modifications***

In order to satisfy the objectives of the Renewing Rhodes DCP and achieve a satisfactory level of amenity for residents, the design of the building shall be amended as follows:

- (1) The sliding sashes are to be deleted from all balconies so that the balconies are not able to be enclosed, with the fixed glass louvres only to remain (as per Drawing No. SK 01 'Balcony Glazing' dated 26/3/07 prepared by Meriton Apartments), so to reduce the appearance of bulk and scale of the development.
- (2) The eastern side walls of the retail building that are less than 3m from the site boundary to Walker Street are to be glass to reduce the appearance of the bulk and scale of the structure.
- (3) The balcony area serving the northwestern unit on Level 2 of Block B shall be limited so it does not extent to any area north of the northern wall of the unit. The plans shall be amended to include a barrier so that the area north of the unit, as indicated on red on the plans, is non-trafficable to maintain the amenity of units to the north. The north facing living room window serving this unit shall either be deleted or replaced by a highlight window with a minimum sill height of 1.6m to protect the privacy of the adjoining unit.

Details shall be submitted to the Certifying Authority demonstrating compliance with this condition prior to the issue of a Construction Certificate above ground works.

#### **B2     *GFA for the remainder of Precinct C***

A covenant shall be placed on title to state that the total Gross Floor Area (GFA) of the remaining development lots in Precinct C (ie. all lots other than Lot 100) shall not exceed 51,836m<sup>2</sup> to ensure compliance with the GFA cap as specified in Clause 14(3)(c) of *Sydney Regional Environmental Plan No. 29 – Rhodes Peninsula*, subject to satisfying Clause 14(2) regarding dedication of land zoned open space as a public reserve. Details shall be submitted to the Certifying Authority prior to issue of the Construction Certificate for above ground works demonstrating compliance with this condition. The covenant may be removed on completion and occupation of the whole development in Precinct C with the approval of the Department of Planning or Council.

#### **B3     *GFA Certification***

A Registered Surveyor is to certify that the Gross Floor Area (GFA) of the development at Lot 100 does not exceed 19,014m<sup>2</sup>, in accordance with the definition of GFA contained within *Sydney Regional Environmental Plan No. 29-Rhodes Peninsula*. Details shall be provided to the Certifying Authority demonstrating compliance with this condition prior to the issue of a Construction Certificate for above ground works.

#### **B4     *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.

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## **Remediation / Demolition / Earthworks**

### **B5 Risk to Construction workers**

Relevant documentation is to be provided to the Certifying Authority prior to issue of any Construction Certificate to demonstrate that WorkCover is satisfied with the risk for workers exposure to contaminants.

### **B6 Remediation of Land**

Prior to release of any Construction Certificate, the Proponent shall submit a detailed Site Audit Summary Report and Site Audit Statement and Validation Report to the Certifying Authority. The Site Audit Statement 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 approved uses before the issue of any Construction Certificate.

### **B7 Acid Sulphate Soil Management Plan**

If any excavation is required on site, including excavation for footings, an Acid Sulphate Soil Management Plan shall be prepared by a suitably qualified person in accordance with the *Acid Sulphate Soil Assessment Guidelines* (Acid Sulphate Soil Management Advisory Committee, 1998). The Management Plan shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for below ground works.

### **B8 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 any Construction Certificate.

### **B9 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 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 Canada Bay Council.

## **Construction Management**

### **B10 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 B11 below),
- (4) noise and vibration management (see also B12 below),
- (5) waste management (see also B13 below)

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- (6) soil and water management plan (see also B14 below),

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

### ***B11 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 vehicles to the site,
- (2) loading and unloading, including construction zones,
- (3) predicted traffic volumes, types and routes,
- (4) pedestrian and traffic management methods, and

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

### ***B12 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, 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,
- (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 Department and Council.

### **B13 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 Canada Bay Council's Concord Development Control Plan No. 38 – Waste Minimisation and Management. The Proponent shall submit a copy of the plan to the Council.

### **B14 Soil and Water Management Plan**

Prior to issue of a Construction Certificate, the Proponent shall submit to the satisfaction of the Certifying Authority a Soil and Water Management Plan prepared by a suitably qualified person and in accordance with the requirements of Canada Bay Council's "Managing Urban Stormwater-Soils and Construction" commonly known as the "Blue Book"

Appropriate strategies and systems are to be installed to ensure the prevention of discharge of any pollutant, which may degrade the environment or be prejudicial to its inhabitants.

### **B15 Stormwater Management Plan**

A Stormwater Management Plan for the site is to include the following:

- Minimisation of stormwater runoff into the Parramatta River
- Scour and erosion control for the internal drainage system, including the use of porous paving within the site
- Subterranean water disposal needs in the basement

Canada bay Council's document 'Specification for the Management of Stormwater' should be used to address the above.

Roof water collection for irrigating landscaped areas is to be in accordance with NSW Health's guidelines for use of grey water for landscaping.

### **Traffic**

### **B16 Number of Car Spaces**

The maximum number of car 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 a Construction Certificate

<b>Car parking allocation</b>	<b>Number</b>
Residential Car parking spaces	183
Number of residential car spaces to be disabled spaces	2 (minimum)
Visitor Spaces maximum	17
Number of visitor car spaces to be disabled spaces	1 (minimum)
Retail tenant space	1

Each pair of stacked car spaces shall be allocated to one unit.

### **B17 Number of Bicycle Spaces**

A minimum of 60 bicycle spaces are to be provided for the development for residents, and a minimum 15 bicycles spaces are to be provided for visitors. Details shall be submitted to the

satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for below ground works.

### **B18 Garbage Collection**

Details are to be provided to the Certifying Authority prior to issue of a Construction Certificate to demonstrate the following:

- The car park entry ramp from Meredith Avenue and the loading ramp servicing the main garbage storage has been approved by Council's Waste Collection Contractor to ensure the area is adequate for servicing by garbage and recycling trucks
- Detailed plans of bin storage rooms clearly showing storage space for 700 litre commercial waste collected on at least a weekly basis
- The main storage room will need to be of adequate dimensions to accommodate 90 x 240 litre mobile bins, 45 x 240 litre garbage bins and 90 x 240 litre recycling bins
- A floor plan showing where chutes are located in relation to units
- All garbage and recycling is to be collected on the same day

### **B19 Car Park and Service Vehicle Layout**

- (1) 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. Provision for motorcycles and push bikes are also to be detailed.
- (2) The layout of the service vehicle area shall comply with Australian Standard AS2890.2: 1989 *Off Street Parking Part 2 – Commercial Vehicles Facilities*.
- (3) Details are to be provided of a security parking system in order to allow vehicles to be queued within the development.
- (4) Details demonstrating compliance with these requirements shall be submitted to the satisfaction of the Certifying Authority prior the issue of a Construction Certificate for below ground works.

### **B20 Basement Access**

- (1) The access ramps into the site are to comply with safe sight distances and scraping provisions of AS/NZS2890.1
- (2) The first 6 metres of the basement ramps within the property boundary are not to exceed 5% maximum gradient.
- (3) The gradient within the footway reserve into the boundary must not exceed 1 in 20 (5%)

### **B21 Storage**

Prior to issue of any Construction Certificate, the plans are to be amended to demonstrate that each unit is provided with separate storage areas, with half to be located within the dwelling, not forming part of a bedroom or kitchen. Provision has be in accordance with the following rates so as to comply with Section 5.5.5 of the Renewing Rhodes DCP:

- 1 bedroom      7.5 cubic metres
- 2 bedrooms    10 cubic metres
- 3+ bedrooms   12.5 cubic metres

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## **Landscaping**

### **B22 Landscape Plan**

In order to create a landscape setting responding to the Concord area, and comply with the objectives of the Renewing Rhodes DCP a revised landscape plan is to be submitted incorporating the following:

- (1) Locally native species to be at least 20% of plants by number. Species shall be from Canada Bay Council's document "Native Plants Endemic to the City of Canada Bay"

Details shall be submitted to the Certifying Authority demonstrating compliance with this condition prior to the issue of a Construction Certificate for above ground works.

### **B23 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 for above ground works.

### **B24 Outdoor Lighting**

All outdoor lighting shall comply with, where relevant, AS/NZ1158.3: 1999 *Pedestrian Area (Category P) Lighting* and AS4282: 1997 *Control of the Obtrusive Effects of Outdoor Lighting*. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for above ground works.

### **B25 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.

### **B26 Clotheslines**

- (1) The Proponent shall submit to the Certifying Authority a plan and written statement identifying those units to have clothes drying lines installed that are:
  - (a) not visible from the public domain, and
  - (b) preferably on secondary balconies or secondary areas of main balconies.
- (2) Clothes lines are to be installed at a minimum height of 1 metre with a minimum of 3.5 metres combined line length.

## **Health**

### **B27 Mechanical Ventilation**

All mechanical ventilation systems shall be installed in accordance with the Building Code of Australia and shall comply with the Public Health (Microbial Control) Regulation 2000 under the Public Health Act 1991. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for above ground works.

## **Sydney Water requirements**

### **B28 Plan stamping by Sydney Water for new buildings**

The relevant approved plan, which shows the building footprint, must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met prior to the issue of a Construction Certificate.

For Quick Check agent details please refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au), see Your Business then Building & Developing then Building & Renovating or telephone 13 20 92.

## **Monetary Contributions and Contributions-in-lieu**

### **B29 Monetary Contributions**

In accordance with Division 6 of Part 4 of the Act, the Proponent shall pay the following monetary contributions:

#### **(1) Amount of Contribution**

<b>Contribution Category</b>	<b>Rate of Contribution</b>	<b>Amount</b>
Open Space	\$1,196.39 per 1 bed unit	\$7,178.34
	\$2,175.26 per 2 bed unit	\$282,783.80
	\$2,827.84 per 3 bed unit	\$121,597.12
<b>SUB TOTAL</b>		<b>\$411,559.26</b>
Community Facilities	\$1,176.44 per 1 bed unit	\$7,058.64
	\$2,138.98 per 2 bed unit	\$278,067.40
	\$2,780.67 per 3 bed unit	\$119,568.81
<b>SUB TOTAL</b>		<b>\$404,694.85</b>
Roads	\$630.33 per 1 bed unit	\$3,781.98
	\$1,146.06 per 2 bed unit	\$148,987.80
	\$1,489.88 per 3 bed unit	\$64,064.84
<b>SUB TOTAL</b>		<b>\$216,834.62</b>
<b>TOTAL</b>		<b>\$1,033,088.73</b>

#### **(2) Timing and Method of Payment**

The contribution shall be paid in the form of cash or bank cheque, made out to Canada Bay Council. For accounting purposes, the contribution may require separate payment for each of the categories above and you are advised to check with Council.

Evidence of the payment to Council shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate for above ground works.

#### **(3) Indexing**

All monetary amounts referred to in this condition are based on the Rhodes Peninsula Contributions Framework and the actual amount for payment or calculating offsets must be adjusted in accordance with Clause 7 of Part 2 of City of Canada Bay s94 Contributions Plan for the Concord Area.

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## **PART C—PRIOR TO COMMENCEMENT OF WORKS**

### ***Structural Works***

#### ***C1 Structural Details***

Prior to the commencement of construction, the Proponent shall submit to the satisfaction of the PCA structural drawings for the area of work which is the subject of the construction certificate, prepared and signed by a suitably qualified practising Structural Engineer that comply with:

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

#### ***C2 Contact Telephone Number***

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

## **PART D—DURING CONSTRUCTION**

### ***Site Maintenance***

#### ***D1 Erosion and Sediment Control***

All erosion and sediment control measures, as designed in accordance with Condition B11, 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.

#### ***D2 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.

### ***Structural Works***

#### ***D3 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 Certifying Authority that structural works are in accordance with the approved development application.

### ***Construction Management***

#### ***D4 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.

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**D5     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.

**D6     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.

**D7     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.

**D8     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.

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## **Noise and Vibration**

### **D9 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 6:00 pm, Mondays to Fridays inclusive;
- (2) between 8:00 am and 1:00 pm, Saturdays;
- (3) no work on Sundays and public holidays.

Works may be undertaken outside these hours where:

- (4) the delivery of materials is required outside these hours by the Police or other authorities;
- (5) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;
- (6) the work is approved through the Construction Noise and Vibration Management Plan; and
- (7) residents likely to be affected by the works are notified of the timing and duration of these works at least 48 hours prior to the commencement of the works.

### **D10 Construction Noise Management**

The Proponent shall:

- (1) schedule rock breaking, rock hammering, sheet piling, pile driving and any similar activity only between the following hours unless otherwise approved in the Construction Noise and Vibration Management Plan:
  - (a) 9.00 am to 12.00 pm, Monday to Friday;
  - (b) 1.00 pm to 5.00 pm Monday to Friday; and
  - (c) 9.00 am to 12.00 pm, Saturday
- (2) ensure that wherever practical, and where sensitive receivers may be affected, piling activities are completed using bored piles. If driven piles are required they must only be installed where approved in the Construction Noise and Vibration Management Plan.

### **D11 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.

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## **PART E—PRIOR TO STRATA SUBDIVISION**

Nil. Strata subdivision not approved with this application.

## **PART F—PRIOR TO OCCUPATION OR COMMENCEMENT OF USE**

### **F1      *Issuing of Occupation Certificates***

No Occupation Certificate (including interim certificates) shall be issued prior to the completion of remediation activities in Precinct C. In this regard, a Site Audit Statement is to be prepared in accordance with the *Contaminated Land Management Act 1997* and completed by a site auditor accredited by the Environmental Protection Agency. The site audit statement shall be provided to the PCA verifying that the whole of 42 Walker Street (also known as Precinct C), is fully remediated in accordance with development consent DA 233-7-2002.

### **F2      *Occupation prior to completion of remediation in Precinct B***

Should occupation of the site be sought prior to completion of remediation activities on the Lednez site (also known as Precinct 'B') the applicant shall submit a human health risk assessment for occupants, having regard to the cumulative health implications of the site and surrounding construction and remediation activities of the Rhodes Peninsula, to demonstrate that there are no significant health risks to occupants of the development. The report shall be submitted to the satisfaction of the Director-General prior to issue of any occupation certificate.

### **F3      *Notation on title related to remediation activities***

Prior to issue of occupation certificate a notation on title must be created over the residential lot with respect to the approved development stating:

*"the subject property may be affected by remediation activities occurring within adjoining site to the south at 40 Walker Street (also known as 'Lednez site' or 'Precinct B') and general surrounds of the Homebush Bay by way of odour, dust etc. The remediation activities are expected to be finished by end of 2008 but, may extend beyond this date".*

Once remediation activities are finished the above notation may be lifted.

### **F4      *Design Verification Statement***

Prior to the issue of any final Occupation Certificate, the Proponent shall submit to the Certifying Authority a Design Verification Statement from a qualified designer, verifying that the plans and specifications achieve or improve the design quality of the development, having regard to the design quality principles set out in Part 2 of *State Environmental Planning Policy No. 65—Design Quality of Residential Flat Development*.

### **F5      *BASIX Certificate***

Certification is to be provided to the Certifying Authority that the commitments identified in the BASIX Certificate have been fulfilled prior to issue of an occupation certificate.

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**F6      *Treatment of Vehicular Entry***

In order to improve the appearance of the building when viewed from the street, any part of the walls and ceilings of vehicular entry points that are visible from the street shall be finished in high quality materials and no service ducts or pipes are to be visible.

***Engineering*****F7      *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.

**F8      *Annual Fire Safety Statement***

An Annual Fire Safety Statement must be provided to Council and the NSW Fire Brigade commencing within 12 months after the date on which the approval authority initial Fire Safety Certificate is received.

**F9      *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.

**F10      *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.

**F11      *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.

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## **Easements**

### **F12 Registration of Easements**

Prior to the issue of any Occupation Certificate, the Proponent shall provide to the PCA evidence that all easements/notations/caveats required by this approval have been registered on the certificates of title.

### **Second Dilapidation Report**

### **F13 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 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.

## **PART G—POST OCCUPATION**

### **Fire Safety**

#### **G1 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.

### **Traffic and Parking**

#### **G2 Loading and Unloading**

All loading and unloading of service vehicles in connection with the use of the premise shall be carried out wholly within the site at all time

#### **G3 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.

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**G4 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.

**Public Access****G5 Public Way to be Unobstructed**

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

**Compliance****G6 Compliance Report**

The Proponent, or any party acting upon this approval, shall submit to the Department a report addressing compliance with conditions of this consent.

**ADVISORY NOTES****AN1 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.

**AN2 Application for Hoardings and Scaffolding**

A separate application shall be made to Council for approval under Section 68 of the *Local Government Act, 1993*, to erect a hoarding or scaffolding in a public place. Such an application shall include:

- (1) Architectural, construction and structural details of the design
- (2) Structural certification prepared and signed by an suitably qualified practising structural engineer.

The Proponent shall provide evidence of the issue of a Structural Works Inspection Certificate and structural certification shall be submitted to the satisfaction of the PCA prior to the commencement of works.

**AN3 Signage**

All works/regulatory signposting associated with the proposed development shall be at no cost to the RTA.

**AN4 Use of Mobile Cranes**

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 PCA:

- (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:
  - (a) at least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions, and
  - (b) 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.

#### ***AN5 Movement of Trucks Transporting Waste Material***

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.

#### ***AN6 Stormwater drainage works or effluent systems***

A construction certificate for works that involve any of the following:

- (1) water supply, sewerage and stormwater drainage work
- (2) management of waste

as defined by Section 68 of the Local Government Act, 1993 will not be issued until prior separate approval to do so has been granted by Council under Section 68 of that Act. Applications for these works must be submitted on Council's standard Section 68 application form accompanied by the required attachments and the prescribed fees.

#### ***AN7 Temporary Structures***

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.

#### ***AN8 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.

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**SCHEDULE 3**

**MP 05\_0039**

**LOT 100, 42 WALKER STREET, RHODES**

**STATEMENT OF COMMITMENTS**

**(SOURCE: ENVIRONMENTAL ASSESSMENT)**

## **9 PART D: DRAFT STATEMENT OF COMMITMENTS**

### **9.1 PROPOSED MITIGATION AND MANAGEMENT OF RESIDUAL IMPACTS**

Relevant to the proposed development, statement of commitments relate to stormwater management, construction impacts, project waste management, waste collection, crane management, staging of construction/open space and staging of construction/amenity of existing residents. The commitments proposed below also identify the general environmental risk associated with construction and provides solutions to remedy the risk. Each of these issues and commitments are made in the paragraphs that follow in this section.

### **9.2 STORMWATER MANAGEMENT**

Stormwater management of the site will be designed in accordance with the relevant guidelines of Canada Bay Council.

An undertaking is be made that stormwater will be removed from the development lot by way of pipes and pits connected to the public drainage system (currently being designed on behalf of Meriton Apartments Pty Ltd).

Drainage pipes will be designed to account for 1 in 20 and 1 in 100 year flooding similar to the development by Meriton Apartments Pty Ltd at Lot 12 Mary Street, Rhodes Peninsula (DA 143-6-2005i).

### **9.3 CONSTRUCTION IMPACTS**

Dust emissions will be minimised in accordance with the approval for remediating all development lots within 42 Walker Street. Remediation will include the excavation of soil to depths required for the construction of basement car parking. Should additional excavation be required for the car parking basement levels after remediation, then water tanks placed upon trucks will be used to water the site on a periodical basis to reduce dust emissions, which is a standard method on construction site.

Noise emissions are primarily from machinery on the site and trucks entering and leaving a development site. To minimise noise impacts, the hours of work will be restricted to between 7am-6pm Monday-Fridays 7am-3pm Saturdays, and no work on Sundays.

Sediment run off will be managed with the provision of siltation traps, silt meshing at sensitive locations along the perimeter of the site during construction of the buildings. Sediment control management will be based on the Canada Bay Council's guidelines.

### **9.4 WASTE GENERATION AND COLLECTION**

Construction material on the site is used in an efficient manner to reduce wastage and costs. All construction material that is no longer requires is sent to local building recycling companies or reused elsewhere on site where applicable.

Waste collection for the final development has been designed to take place from the basement car parking levels. The ceiling to floor heights and manoeuvrability of trucks have been designed as instructed by Masson Wilson and Twiney Pty Ltd to ensure Council garbage trucks and service vehicles can enter and leave the site in a forward direction (refer to *Annexure 14*). Ryburn Waste Management Pty Ltd have advised on the location and size of garbage rooms in accordance with Council's requirements (refer to *Annexure 15*).

## **9.5 USE OF CRANES**

Cranes and other equipment will not intrude above rail corridor land.

Wiring will be appropriately covered where equipment or cranes are over transmission lines.

## **9.6 STAGING OF DEVELOPMENT AND OCCUPATION**

Remediation of the 5 development lots will take place starting with Lot 100, moving south along Walker Street to Lots 101 and 102. Remaining remediation works will then take place to Lot 104 and then Lot 103 in accordance with the Remediation Development Consent.

There is no intention of commencing construction works or occupation prior to the completion of remediation works at either 40 Walker Street (Lednez site) or 42 Walker Street (Allied Feeds site). However, should the commencement of construction and/or occupation be required prior to completion of those remediation works, Meriton commits to undertaking and addressing the necessary and relevant requirements in respect of:

- detailing occupational health and safety (OH&S) requirements as advised and required by WorkCover NSW and the NSW Department of Health; and
- providing a human health risk assessment for occupants of the development, having regard to the cumulative health implications of impacts from the subject site and surrounding construction and remediation activities of the Rhodes Peninsula.

In the event of construction activities on the site, the above information will be provided prior to issue of a Construction Certificate; and in the event of occupation on the site, the above information will be provided prior to an Occupation Certificate being issued for the site.

The embellishment of public open space and other public domain areas will take place as required by the approvals for applications currently with the Department of Planning. The construction of roads will be undertaken in conjunction with the construction of apartment buildings. For Lot 100, it is expected that by completion of the apartment buildings, the road system around Lot 100 will be completed.

To reduce the impact of existing residents, operating hours of 7am-6pm Monday to Friday and 7am-3pm Saturdays will be undertaken by construction companies and subcontractors. No work will take place on Sundays or public holidays. A truck route map will be made available to Council identifying which way vehicles will arrive and depart Lot 100 and other sites.

## **9.7 MITIGATION OF AMENITY IMPACTS FROM CONSTRUCTION ACTIVITIES**

Relevant mitigation matters have been identified and addressed above. A complete Construction Management Plan will be prepared and submitted with an application for a Construction Certificate for the development.

## 10 CONCLUSION

In accordance with Part 3A of the Act, the proposed development is a major project application by virtue of Schedule 2 pursuant to SEPP (Major Projects) and is an appropriate form of development.

The proposed development of 179 residential apartments and 1 retail tenancy at Lot 100 Walker Street, Rhodes, is permissible with the Minister's consent and provides a high quality development, which exhibits award winning architectural design and excellent residential amenity. The development will make a notable contribution to the Rhodes Peninsula assisting in the revitalising of this former industrial land.

The design concept provides for a build form that has a strong sense of edge to the streetscape whilst creating an internal courtyard/communal area for its residents. The design adopts both strong architectural and urban design principles that allow the development to integrate well within its context.

Visual corridors are maintained whilst view vistas through to the site are established to provide visual linkages through and beyond the site advancing the public environment at street level.

The key design consideration was to create a positive lifestyle environment for the residents and take advantage of the site location with its proximity to foreshore open space and outlook to Homebush Bay. The site comprises an entire block and an appropriate response is developed to embrace its immediate context as well as contributing to the precinct as a whole.

The proposal satisfies the planning principles and requirements of Sydney Regional Environmental Plan No. 29 and the Rhodes Peninsula DCP as well as the other relevant planning instruments. The apartments provide a high level of residential amenity through their spacious design, orientation, natural ventilation and visual outlook to contribute to providing a mix of housing choices on the Rhodes Peninsula.

This Environmental Assessment Report has demonstrated that the development is an appropriate residential development in terms of floor space, building height, quality of design and finishes, provision of active street frontages, provision of quality open space, access to natural light, traffic, parking and waste management.

The development will significantly improve the view of the Rhodes Peninsula from Homebush Bay and will enhance the address of the surrounding street network. Occupants of the development will enjoy immediate access to excellent public transport, recreational, cultural, and retail, services of the Rhodes Peninsula. The development supports and reinforces the continuing redevelopment of the Rhodes Peninsula as a lively, sustainable, and pleasant place to live.