
PROJECT APPLICATION APPROVAL

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

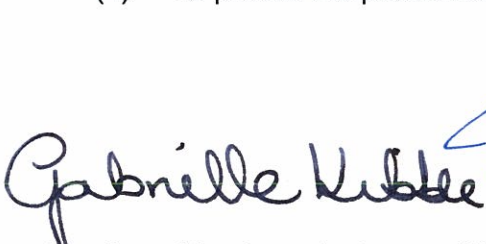
DETERMINATION OF A PROJECT APPLICATION FOR RESIDENTIAL DEVELOPMENT – 12 – 40 BONAR AND 5 LOFTUS STREET, ARNCLIFFE

(MP NO. 09_0148)

The Planning Assessment Commission of New South Wales (the Commission) having considered all relevant matters prescribed under Section 75J(2) of the *Environmental Planning & Assessment Act, 1979*, including those relevant matters prescribed by Section 75I(2) as contained in the Director General's Environmental Assessment report determine Major Project (MP09_0148) by **granting approval** to the major project described in the attached Schedule 1 subject to the conditions of approval in the attached Schedule 2 and the Proponent's Statement of Commitments in Schedule 3 pursuant to Section 75J(1) of the Environmental Planning and Assessment Act 1979.

The reasons for the conditions are:

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



Member of the Commission



Member of the Commission



Member of the Commission

SYDNEY,

3 March

2010

SCHEDULE 1

PART A — TABLE

Application made by:	Meriton Apartments Pty Ltd .
Application made to:	Minister for Planning
Major Project Application:	MP 09_0148
On land comprising:	12 – 40 Bonar Street and 5 Loftus Street, Arncliffe.
Local Government Area	City of Rockdale
For the carrying out of:	<ul style="list-style-type: none"> • Excavation of and dewatering of site. • Construction of basement level car parking for 450 vehicles • Erect 4 residential flat buildings comprising 305 apartments • Undertake landscaping works
Estimated Cost of Works	\$109, 324, 820
Type of development:	Major Project under Part 3A of the Act.
Determination made on:	
Date approval is liable to lapse:	5 years from the date of determination unless the development has been physically commenced.

PART B—NOTES RELATING TO THE APPROVAL OF MP NO. MP09_0148

Responsibility for other consents / agreements

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

Appeals

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

Legal notices

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

PART C—DEFINITIONS

In this approval,

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

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

BCA means the Building Code of Australia.

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

Council means City of Rockdale.

Department means the Department of Planning or its successors.

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

Environmental Assessment (EA) means the Environmental Assessment prepared by Meriton Apartments and dated 11 September 2009.

Minister means the Minister for Planning.

MP No. MP09_0148 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.

Preferred Project Report (PPR) means Preferred Project Report prepared by Meriton Apartments dated December 2009.

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.

End of Section

SCHEDULE 2

RECOMMENDED CONDITIONS OF APPROVAL

MAJOR PROJECT NO. 09_0148

PART A - ADMINISTRATIVE CONDITIONS

A1 *Development Description*

- (1) Development approval is granted only to carrying out the development described in detail below:
- Excavation and dewatering of site; and
 - Construction of basement level car parking for 433 vehicles
 - Erection of four residential flat buildings containing 305 apartments
 - Undertake landscaping works

A2 *Development in Accordance with Plans and Documentation*

The development will be undertaken in accordance with MP No. 09_0148 and the Environmental Assessment dated 11 September 2009, prepared by Meriton Apartments, except where amended by the Preferred Project Report, dated December 2009, additional information to the Preferred Project Report, and the following drawings:

12 – 40 Bonar Street and 5 Loftus Street, Arncliffe, MP09_0148		
Revision	Name of Plan	Date
B	Cover Sheet, Sheet No. 0800	Nov-08, Amendment date 18.12.09
C	Parking Level 1 overall, Sheet No.1001	Nov 08 Amendment No. 18.12.09
F	Ground overall Sheet No.1002	Nov 08 Amendment No. 18.12.09
F	Level 1, overall plan, Sheet No.1003	Nov 08 Amendment No. 18.12.09
C	Level 2, overall plan, Sheet No.1004	Nov 08, Amendment No. 18.12.09
B	Level 3, overall plan, Sheet No.1005	Nov 08 Amendment No. 18.12.09
B	Level 4, overall plan, Sheet No.1006	Nov 08 Amendment No. 18.12.09
B	Level 5, overall plan, Sheet No. 1007	Nov 08 Amendment No. 18.12.09
B	Level 6, overall plan, Sheet No. 1008	Nov 08 reissued 07/01/2010
B	Level 7, overall plan, Sheet No.1009	Nov 08 Amendment No. 18.12.09
B	Roof – overall plan, Sheet No. 1010	Nov 08, Amendment No. 18.12.09
A	Building Separation plan, Sheet No. 9000	Nov 08
E	Sections Site, Sheet No. 3000	Nov 08 amendment 22.12.09
D	Elevations Building A Sheet 2000	Nov 08 amendment date 18.12.09
C	Elevations Building B Sheet 2001	Nov 08 amended 18.12.09
C	Elevations Building C, Sheet 2002	Nov 08 amended 18.12.09
C	Elevations Building D, Sheet 2003	Nov 08 amendment no. 18.12.09
C	Site Elevations, Sheet No.3001	Nov 08 amendment No. 18.12.09

C	Deep planting areas , Sheet No.4009	Nov 08 amendment 16.12.09
DA-0532-01	Hardscape plan, Job No.0532	02.09.09
DA-0532-02	Planting Plan Job No. 0532	16.12.09
DA-0523-03	Sections, Job No. 0532	18.12.09
B	Typical unit plans, Sheet No.6000	Nov-08 Amendment date 18.12.09
A	Street Courtyard Elevations – Building A, Sheet No. 2002	Nov-08 Amendment date 18.12.09
A	Street courtyard elevations – Building B, Sheet No. 2005	Nov-08 Amendment date 18.12.09
A	Street courtyard elevations – Building C, Sheet No.2006	Nov-08, issued for council date 09.12.09
A	Street Courtyard Elevations – Building D, Sheet No.2007	Nov-08, Amendment date 18.12.09

except for:

- (1) any modifications which are 'Exempt and Complying Development' as identified in City of Rockdale Development Control Plan No. 57 – Exempt and Complying Development, 2004, or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA; and
- (2) otherwise provided by the conditions of this approval.

A3 *Inconsistency between documents*

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

A4 *Prescribed Conditions*

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

A5 *Construction Certificate*

This Determination Notice does not constitute permission to begin works associated with the development. A Construction Certificate (where applicable) must be obtained prior to the commencement of any development works.

End of Section

PART B - PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

B1 Amended plans

The following amendments shall be made to the approved plans:

- a. Fixed privacy louvers are to be fitted to all north east facing balconies, on levels 2 – 4, of Building D to minimise privacy impacts for neighbouring residential properties in Knoll Avenue.
- b. The enclosed basement car park projection to Building A and D is limited to a maximum height of 1m (measured from the lowest point on the site above finished ground) along the property boundary shared by Knoll Avenue residents and Arncliffe West Infants School.
- c. Courtyard fencing along street frontages (at ground or similar over the car park at level 1) are to be limited to a maximum height of 1.8m. This is to be made up of 1.2 wall height with open form fencing above (such as spaced timber or metal pickets) to the full height of the courtyard fence.
- d. Graffiti resistant, durable building materials shall be used for all courtyard walls along the street frontage.

The above changes shall be reflected on the plans submitted to and approved by the Principal Certifying Authority prior to the release of the relevant Construction Certificate for the proposed development.

B2 Infrastructure Contribution

A Section 94 contribution of \$1,829,959.00 shall be paid to Council. Such contributions are only used towards the provision or improvement of the amenities and services identified below. The amount to be paid is adjusted at the time of payment, in accordance with the contribution rates contained in Council's current Adopted Fees and Charges. The contribution is to be paid prior to the issue of a construction certificate in accordance with Council's adopted Section 94 contributions plan

- Construct widening of the western side of Bonar Street adjacent to the site in accordance with the requirements of DCP 80 and the Wollongong Streetscape Design Manual (or any design manual that supersedes this manual), including design, new levels, pavement, kerb and gutter and drainage. Design and construct a threshold or raised street level within Bonar Street to constrain floodwater / overland flows (\$846,972).
- Traffic / pedestrian management facilities on existing roads within and around precinct (roundabouts, traffic lights, intersection improvements and pedestrian islands, crossings, safety fence) (\$211,409)
- Provide / upgrade pedestrian / cycle links to Arncliffe and Turrella stations (\$47,289)
- Provide additional traffic management facilities within Wollongong Road system (\$5,563)
- Upgrade existing bus stops within precinct (lighting, seating, shelters) (\$11,127)
- Central square - provide land and embellish (\$44,507)
- Streetscaping of Bonar Street (\$185,475)
- Undergrounding the existing State Rail 33kV power lines in Bonar Street and Hirst Street (\$477,617). If this money is not used for this purpose within 5 years it is to be returned to the Proponent.

B3 *Bonar Street Stormwater Works*

The following is required to be carried out with respect to the provision of public infrastructure:

- (a) The proponent shall design and construct stormwater drainage within Bonar Street to drain the street, the subject site and existing pipes to the upstream end of the drainage pipe through 45 Bonar Street to the satisfaction of Council's Manager – Technical Services.

In accordance with Rockdale Section 94 Contributions Plan 2004, Council will accept an offer from the applicant to provide these works as a material public benefit (works in kind), in part satisfaction of the monetary contribution for Local Infrastructure and Facilities within the Bonar Street Precinct. Any such offer must:

- (i) be made and accepted by Council prior to the issue of the construction certificate, and
- (ii) meet the requirements of clause 3.4 of Rockdale Section 94 Contributions Plan 2004 relating to works in kind.

Where the applicant does not offer to undertake the works, a Section 94 contribution of \$197,961.00 shall be paid to Council towards Local Infrastructure and Facilities within the Bonar Street Precinct, such contribution only to be used towards the provision or improvement of those amenities and services. 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 a construction certificate in accordance with Council's adopted Section 94 contributions plan. The contribution is calculated from Council's adopted Section 94 contributions plan.

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

B4 *Additional provision of public infrastructure*

The following is also required to be carried out with respect to the provision of public infrastructure:

- (a) The proponent shall design and construct widening of the northern side of Hirst Street in accordance with the requirements of DCP 80 and the Wolli Creek Streetscape Design Manual (or any design manual that supersedes this manual), including design, pavement, kerb and gutter and drainage to the satisfaction of Council's Manager – Technical Services.
- (b) The proponent shall provide on-street parking facilities on all street frontages of the site, including the provision of parking bays, line marking and signage, in accordance with DCP 80 and the Wolli Creek Streetscape Design Manual (or any design manual that supersedes this manual) to the satisfaction of Council's Manager – Technical Services.
- (c) The proponent shall design and construct the streetscaping of the Hirst Street (northern side only) and Loftus Street (eastern side only) frontages of the site, including all paving, footpaths, tree planting, landscaping, lighting, and street furniture and the undergrounding of electricity and other service (excluding railcorp power lines), in accordance with the requirements of DCP 80 and the Wolli Creek Streetscape Design Manual (or any design manual that supersedes this manual), to the satisfaction of Council's Manager – Technical Services. Prior to streetscaping the proponent shall provide conduits within the footpath / nature strip along the entire Bonar Street and Hirst Street frontages of the site suitable to accommodate the future undergrounding of the power lines.

Plans of the work are to be submitted to and approved by Council prior to issue of the relevant construction certificate. The work shall be undertaken and dedicated at no cost to Council. No Section 94 credits shall be given for this work.

B5 Stormwater drainage

The proponent shall design and construct stormwater drainage along the northern boundary of the site connecting to the new stormwater pipe within Bonar Street to the satisfaction of Council's Manager – Technical Services.

B6 Section 94 contributions towards provision/improvement of amenities and services

A Section 94 contribution of \$2,411,019.32 shall be paid to Council. Such contributions are only used towards the provision or improvement of the amenities and services identified below. The amount to be paid is adjusted at the time of payment, in accordance with the contribution rates contained in Council's current Adopted Fees and Charges. The contribution is to be paid prior to the issue of the construction certificate in accordance with Council's adopted Section 94 contributions plan. The contribution is calculated from Council's adopted Section 94 contributions plan in the following manner:

Regional Open Space	\$218,757.54
City Wide Open Space	\$337,555.96
Arncliffe Local Open Space	\$1,364,516.03
City Wide Town Centre & Streetscape	\$45,612.72
Arncliffe Local Town Centre & Streetscape	\$33,112.71
Pollution Control	\$201,371.44
Administration & Management – Arncliffe Precinct	\$15,985.29
Administration & Management – Bonar Street Precinct	\$54,031.75
Child Care Services	\$8,218.11
Community Services	\$13,065.69
Library Services	\$118,792.08

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

B7 Public infrastructure works within existing/future public road reserve

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

B8 Works to mitigate traffic and related impacts in Loftus, Hirst and Bonar Streets

DCP 80 and the Rockdale Section 94 Contributions Plan outline works to be undertaken in Loftus Street, Hirst Street and Bonar Street to mitigate the likely traffic and related impacts of development with the Bonar Street precinct. The DCP and Section 94 Contributions Plan impose an obligation for works to be constructed in conjunction with development, and expect that works will be designed and carried out by developers under agreements made in accordance with the relevant clauses of the Section 94 Contributions Plan. In anticipation of such an agreement detailed plans and supporting documentation is required to be submitted to Council for further assessment prior to the relevant Construction Certificate stage.

The detailed design is to make amendments to the current project application as follows:

- i) Relocate the Hirst Street north side kerb blister adjacent to the access driveway in an easterly direction to improve sight distance at the access driveway, and relocation of other Hirst Street north side kerb blisters to accommodate the relocation.
- ii) Delete the Hirst Street north side kerb extension at the proposed roundabout at the intersection with Bonar Street, and replace with roundabout entry linemarking, to improve kerb blister distribution and on-street parking distribution, and assist with overland flow flood management.
- iii) Relocate the Hirst Street south side kerb blister adjacent to 4 Hirst Street in an easterly direction adjacent to the Hirst Street frontage of 8-10 Bonar Street, to provide better distribution of kerb blisters along the Hirst Street south kerb line.
- iv) Provide pedestrian refuges in Bonar Street for the crossing of Bonar Street at pedestrian desire lines. Pedestrian desire lines are: between the site and the proposed town park between CH 100.000 and CH 120.000 (approx); and between the site and the Bonar Street east side kerb between CH 10.000 and CH 30.000 (approx). The pedestrian refuge between CH 100.000 and CH 120.000 (approx) will require treatment to extend the kerb blister and provide for crossing of the "bio-swale" in Bonar Street.
- v) Delete the gutter gaps at tree bay locations throughout Loftus Street, and remove the tree bay at the northern end of the site that interferes with overlands flows. Realign the stormwater kerb inlet pits.

B9 Detailed design plans for public infrastructure works

The detailed documentation in relation to the public infrastructure works to be submitted to Council at the relevant construction certificate stage for further assessment (subject to the making of an agreement under the relevant clauses of the Rockdale Section 94 Contributions Plan) is to include the following:

- (a) Design plans prepared in accordance with Specification DQS from AUS-SPEC 1. Plans shall be included as follows (refer Annexure DQS-B from AUS-SPEC 1):
 - 1. Cover notes, locality sketch, and sheet index.
 - 2. General Plan with contour details and a clear indication of the extent of work.
 - 3. Typical Road Cross Sections showing road widths, pavement (design) configuration, batter slopes, kerb and gutter types.
 - 4. Plan and Longitudinal Section of each road showing set-out data and services.
 - 5. Drainage Plan and Schedule of Drainage Elements (Pipe lines and structures).
 - 6. Drainage Profiles.
 - 7. Drainage Structure Details.
 - 8. Road Cross Sections.
 - 9. Intersection Layout Details.
 - 10. Pavement Marking and Signposting.
 - 11. Structure Details – Bridges, Retaining Walls, etc.
 - 12. Works Staging Plan.
 - 13. Erosion and Sedimentation Control Plans (short term and long term treatment).
 - 14. Traffic Management Plan.

Note

- 15. Any one set of Roadworks Plans may require more than 1 sheet for each of the topics listed and may also require supplementary sheets for site specific details.

16. Scales are required to be nominated on all drawings and north points shown on all plan views.

- (b) Design certification reports prepared in accordance with Specification DQS from AUS-SPEC 1.
- (c) A detailed construction specification for the works. (Unless otherwise agreed with Council the works specification for the project shall be AUS-SPEC 1).
- (d) A Quality Plan, an Environmental Management Plan, and an Occupational Health and Safety Plan for the works.
- (e) Any other documents as agreed in accordance with the Rockdale Section 94 Contributions Plan.

B10 Phase II Contamination Assessment Report

All recommendations contained in the Phase II Contamination Assessment Report prepared by Urban Environmental Consultants Pty Ltd dated 02 September 2005 Ref: SJ259.R01 shall be adopted and implemented prior to the issue of the relevant construction certificate.

B11 Existing trees on adjoining properties / Council nature strip

Trees located within adjoining properties or Council's nature strip shall not be removed or pruned, including root pruning, without the written consent of Council in the form of a Permit issued under Council's Tree Preservation Order

B12 Arboriculture Assessment Report

All recommendations contained in the Arboriculture Assessment Report dated 10 March 2009 by Tree & Landscape Consultants must be implemented and complied with.

B13 Requirements for Access

Compliance with Council's Development Control Plan (DCP) 28 - Requirements for Access. in accordance with Australian Standard 4299 must be provided to and within the adaptable residential unit, and between this unit(s) and its allocated car parking space.

The allocated parking space will be located in close proximity to the access points of the building. Please note that compliance with this condition requires the relevant unit(s) to be constructed to comply with all the essential (Type C) requirements of AS4299. Details to be provided prior to the issue of a relevant Construction Certificate.

Note: Compliance with Council's Development Control Plan (DCP) 28 - Requirements for Access and the Building Code of Australia does not necessarily guarantee that the development meets the full requirements of the Disability Discrimination Act (DDA) 1992. It is the responsibility of the applicant to make the necessary enquiries to ensure that all aspects of the DDA legislation are met.

B14 Footpath Reserve Restoration Deposit

A Footpath Reserve Restoration Deposit shall be paid to Council prior to the issue of a construction certificate for excavation works. This is to cover repair of any damages, or other works to be done by Council. This includes construction, removal, or repair as required to: kerb and guttering, existing or new driveways; paved areas and concrete footpaths. Where the Deposit is in the form of a Bank Guarantee, this shall be provided on Council's Bank Guarantee Form. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charge.

B15 Bond for provision of public infrastructure

Council requires a bond to be paid to cover the cost of the works relating to the provision of public infrastructure, where the works are not funded by the Rockdale Section 94 Contributions Plan and proposed to be undertaken by a Private Licensed Contractor. A bond, the value of which shall be determined by Council upon application to Council, shall be paid prior to the issue of the Construction Certificate. The bond may be provided as a monetary payment or as a bank guarantee.

The operation of the bond commences on the date of completion of the works, being the date of instruction by Council that works have been completed in accordance with the consent provided by Council pursuant to the *Roads Act 1993*. The bond is obtained to enable Council to retain and expend money to make good incorrectly or inadequately constructed works, or complete the works as determined by Council.

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

B16 Section 94 –land to be dedicated to Council at no cost for public roads

In accordance with the applicant's offer and pursuant to relevant clauses of the Rockdale Section 94 Contributions Plan 2004, the following land is to be dedicated to Council at no cost for the purpose of public roads:

- (a) A 3.34 metre wide road widening along the Bonar Street frontage of the site,
- (b) A 1.1 metre wide road widening along the Hirst Street frontage of the site, and
- (c) A 5m x 5m splay at the corner of Bonar Street and Hirst Street, in addition to the road widening above.

A plan of subdivision for the dedication of roads shall be registered with the NSW Department of Lands prior to the issue of an Occupation Certificate.

B17 Structural adequacy of public road Section 94

Prior to the issue of the relevant Construction Certificate, a certificate from a practicing Structural Engineer, registered with NPER, shall be submitted to Council stating that the subsurface structural components located on the boundary of the public road, including but not limited to the slabs, walls and columns, have been designed in accordance with all SAA Codes for the design loading from truck and vehicle loads.

B18 Electricity Substation requirement by Energy Australia

The applicant shall confer with Energy Australia to determine if an electricity distribution substation is required. Written confirmation of Energy Australia's requirements shall be obtained prior to issue of the relevant Construction Certificate.

B19 Stormwater management requirements

Stormwater management requirements for the development site, including the final discharge / end connection point, must comply with DCP 78 – Stormwater Management.

Prior to the issue of the relevant Construction Certificate, detailed drainage design plans for the management of stormwater are to be submitted to Council or an Accredited Certifier for assessment and approval. Design certification, in the form specified in DCP 78, and drainage design calculations are to be submitted with the plans. Council's DCP 78 sets out the minimum documentation requirements for detailed design plans.

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.

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 drip lines of trees, which are to be retained.

B20 Acoustic certification

Certification is to be provided confirming that all recommendations made in the Acoustic Logic Consultancy P/L report, dated 9 September 2009 ref: 2009146.4/0409/R2/TA, have been incorporated in the plans prior to the issue of a Construction Certificate for above ground works.

B21 Fees for Soil and Water Management Sign

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

B22 Application for boundary levels

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

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

B23 Dilapidation Survey

A dilapidation survey shall be undertaken of all properties and/or Council infrastructure, including but not limited to all footpaths, kerb and gutter, stormwater inlet pits, and road carriageway pavements, in the vicinity which could be potentially affected by the construction of this development. Any damage caused to other properties during construction shall be rectified. A copy of the dilapidation survey and an insurance policy that covers the cost of any rectification works shall be submitted to the Accredited Certifier (AC) prior to issue of the relevant Construction Certificate. The insurance cover shall be a minimum of \$10 million.

B24 Revised 2D flood study at intersection of Hirst /Bonar Streets

Prior to release of the relevant Construction Certificate the 2D flood study by WMAwater at the intersection of Hirst and Bonar Streets is to be revised to address the following:

- a. Reduce the rise in flood level as a result of the new Bonar Street road works to below 0.02 m adjacent to the villas in Hirst Street and in Bonar Street to the south of Hirst St and proposed development at 45 Bonar Street.
- b. The flood study needs to clearly indicate what the peak water level is at the crest in Bonar Street and what is the required freeboard.

- c. The study needs to quantify the flood waters that will spill into 45 Bonar Street along the line of the side of the crest in Bonar Street (excluding flow direct into the main downstream channel) to assess the impacts on 45 Bonar Street in the 1 in 100 year event and assure that there is no adverse upstream impact..

B25 Flood Study for Hirst Street

Prior to release of the relevant Construction Certificate, a flood study is to be prepared for Hirst Street using DRAINS and HEC-RAS in sub-critical mode to assess the 1 in 100 year overland flow level along Hirst Street. The flood consultant needs to demonstrate that the crest in the driveway and the habitable floor levels are always above the 1 in 100 year flow level plus a freeboard. The freeboard is equivalent to the maximum depth of flow subject to a minimum of 200 mm and a maximum of 500 mm at all points along Hirst Street. The driveway also needs to be protected from outflanking.

B26 Freeboard for driveways / habitable floors

Prior to release of the relevant Construction Certificate, an experienced engineering flood consultant is to detail and certify that the habitable floor levels and any openings to the basement car park including driveways and ventilation openings are above the 1 in 100 year mainstream flood level plus 0.5 m freeboard at the intersection of Hirst and Bonar Streets and above the 1 in 100 year overland flow level plus freeboard at all points around the building. The freeboard is equivalent to the maximum depth of flow subject to a minimum of 200 mm and a maximum of 500 mm.

B27 Flood management plan

Prior to release of the relevant Construction Certificate a flood management plan is to be prepared for the site that detail whether evacuation procedures are required and if so how they will be initiated, required warning signs and preservation of flood awareness as owners and/or occupants change through time. An example is available from Council.

B28 Drainage details

Prior to release of the relevant Construction Certificate, drainage details are to be provided showing the catchments and 1 in 100 year flows draining to the culvert and swale at the northern end of Bonar Street. The calculations are to justify the nominated culvert size and detail the downstream flow.

B29 Flow collection system

Prior to release of the relevant Construction Certificate, details are to be provided of the flow collection system at the Bonar Street end of the northern overland flow route to ensure effective collection of the flow. Allow for 50% blockage of the screens and bars at 120 mm spacings.

B30 Detailed Landscape Plan

Street trees are to be selected in consultation with Rockdale Council's landscape architect, guided by DCP No. 80, located in harmony with the required street lighting and submitted to Rockdale Council for approval prior to the relevant CC stage.

All footpaths are to be 1800mm wide concrete and other pavement materials, street furniture and the street lights are to be consistent with the relevant clauses of the Wolli Creek Streetscape Design Manual

B31 Waste management plan

A Waste Management Plan, prepared in accordance with Council's DCP 53 – Construction Site Waste Management and Minimisation Plan shall be submitted to the PCA prior to the issue of the relevant Construction Certificate.

B32 Construction Management Plan

A Construction Management Plan, prepared in accordance with clause 6.7 of Council's DCP 80 shall be submitted to the PCA prior to the release of the Construction Certificate for excavation works.

B33 BASIX Certificate requirements

Prior to the issue of the relevant Construction Certificate for above ground works, details of all amendments and treatments outlined in the *BASIX Certificate No's* 237202M, 235406M_02, 237205M_02 and 235350M_02, to achieve satisfactory levels of thermal comfort, and satisfactory water and energy ratings, shall be incorporated into the proposed development and provided to the PCA.

B34 Traffic and Access

- The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) should be in accordance with AS 2890.1 – 2004 and AS 2890.2 – 2002 for heavy vehicle usage.
- All vehicles are to enter and leave the site in a forward direction.
- Provision for building maintenance vehicles and removalists need to be provided on site.
- The proposed turning areas are to be kept clear of any obstacles, including parked cars, at all times.
- A management plan should be created to address the stacked car parking spaces. Stacked car parking spaces are to be assigned to one apartment to avoid locking cars in spaces or alternatively spaces should be deleted.
- Any proposed landscaping and / or fencing must not restrict sight distance to pedestrians and cyclists travelling along the footpath of Bonar and Hirst Street.
- Any traffic control during construction must be carried out by accredited RTA approved traffic controllers.
- Any traffic facilities including regulatory signs associated with the subject development will be at no cost to the RTA.
- The developer shall be responsible for all public utility adjustment / relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.

B35 Safety / Security

Evenly lit, pedestrian scale lighting is to be used throughout all pedestrian pathways and within the communal open space to increase security/safety across the development for all future users on the site.

B36 Landscaping

To ensure the landscape area is appropriately managed and maintained and suitable trees are selected details on frequency of irrigation, microclimatic, anchorage and location, size at maturity requirements of medium to large trees within communal open space area are to be provided.

B37 Pre-construction Dilapidation Report

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

End of Section

PART C - PRIOR TO COMMENCEMENT OF WORKS

C1 Construction Management Plan

A Construction Management Plan shall be prepared in accordance with the requirements of DCP 80. Prior to the commencement of the relevant works the Certifying Authority shall be satisfied that the Construction Management Plan has obtained all relevant regulatory approvals.

C2 Construction Noise Management Plan

A noise management plan produced by a suitably qualified person* shall be submitted with the relevant CC and complied with during any construction works. The plan should include, however not be limited to the following: -

- a) Identify sensitive locations near to the site;
- b) Identify potential impacts (ie exceedances of the goals at the identified sensitive locations);
- c) Mitigation measures to control noise and dusts from the site, the noise reduction likely and the feasibility and reasonableness of these measures;
- d) Selection criteria for plant and equipment;
- e) Community consultation
- f) Details of work schedules for all construction phases
- g) Selection of traffic routes to minimise residential noise intrusion
- h) Schedule of plant and equipment use and maintenance programs;
- i) Noise monitoring techniques and method of reporting results;
- j) The methodology to be employed for handling and investigating any complaints should they arise;
- k) Site induction details for employees and contractors, and
- l) A declaration of available technologies and the reason for the selection of the preferred technology from a noise generating perspective should be included.

*where suitably qualified person is defined as "must possess appropriate qualifications and experience necessary to render them eligible as a full member of the Australian Acoustical Society (AAS), Institution of Engineers.

C3 Traffic & Pedestrian Construction Management Plan

Prior to the issue of the relevant 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 Department and Council.

C4 Soil and sedimentation controls

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.

C5 Tree Protection guidelines

Prior to the commencement of work, Tree Protection Guidelines as detailed in Section 3 of the Arboriculture Assessment Report dated 10 March 2009 by Tree & Landscape Consultants shall be implemented and Tree Protection Zones, as detailed in Section 4 of the Report shall be established around trees to be retained. Tree Protection Fences as described in Section 4.2 of the Report shall be erected around each tree or group of trees to be retained at distances identified in Table 2 of the Report. The Tree Protection Fences shall be in place prior to the commencement of any work on site and remain until the completion of all building and hard landscape construction. Excavations for services, waste bins, storage of materials and equipment, site residue, site sheds, vehicle access or cleaning of tools and equipment are not permitted within the Tree Protection Zones at any time.

C6 Tree Protection Zone signage

Prior to the commencement of any work on site, signs as described in Section 4.3 of the Arboriculture Assessment Report dated 10 March 2009 by Tree & Landscape Consultants shall be placed in prominent positions on each protective fence identifying the area as a **Tree Protection Zone**.

C7 Public Utilities

The Proponent to arrange with the relevant public utility authority the alteration or removal of any affected services in connection with the development. Any such work being carried out at the Proponent's cost.

C8 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,, PCA 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.

End of Section

PART D - DURING EXCAVATION / CONSTRUCTION

D1 Obligations by contractors during stages of demolition and construction

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

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

D2 Road Opening License

A separate Road Opening License must be obtained from Council's Construction Regulations section prior to the commencement of any:

- (a) Excavation in or disturbance of a public way; and/or
- (b) Excavation on land that, if shoring were not provided, may disturb the surface of a public road (including footpaths).

D3 Warning signs for soil and water management

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.

D4 Work involved in erection or demolition of a building

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.

D5 Hours of construction

Hours of construction shall be confined to between 7 am and 6.30 pm Mondays to Fridays, inclusive, and between 8 am and 3.30 pm Saturdays with no work being carried out on Sundays and all public holidays.

D6 Contact Telephone Number

Prior to the commencement of the works, the Proponent shall forward to Council a 24 hour telephone number for the site manager to be operated for the duration of the construction works. Signage shall be erected on all alignments of the site identifying the 24hr number and its purpose.

D7 PCA obligations to sediment control measures / perimeter fences or hoarding

Upon inspection of each stage of construction, the Principal Certifying Authority (or other suitably qualified person on behalf of the Principal Certifying Authority) is also required to ensure that adequate provisions are made for the following measures (as applicable), to ensure compliance with the terms of Council's approval:

- Sediment control measures
- Provision of perimeter fences or hoardings for public safety and restricted access to building sites.

D8 Waste disposal

All waste generated on site shall be disposed of in accordance with the submitted Waste Management Plan.

D9 Site contamination works

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.

D10 Dust Control Measures

Adequate measures shall be taken to prevent dust from stockpile and construction activities affecting the amenity of the neighbourhood during demolition, excavation and 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.

D11 Encroachment of works onto / over adjoining properties

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

D12 Stockpiles

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.

End of Section

PART E - PRIOR TO OCCUPATION CERTIFICATE OR COMMENCEMENT OF USE

E1 Surveyed Location of electricity substation required by Energy Australia

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

E2 Roadworks and streetscape works

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

E3 Car parking

No more than 450 car spaces shall be provided in accordance with the submitted plan. These spaces shall be sealed and line marked. The pavement of all car parking spaces, manoeuvring areas and internal driveways shall comply with Australian Standard AS3727 – Guide to Residential Pavements.

E4 Positive covenant for stormwater detention facility

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

E5 Acoustic Certification

Provide certification that confirms that the acoustic requirements listed in the Acoustic Logic Consultancy P/L report, dated 9 September 2009 ref:2009146.4/0409/R2/TA have been met prior to the issue of an Occupation Certificate.

E6 Landscape certification of approved plans and documentation

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

E7 Flood engineer certification for flood management plan requirements

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

E8 Drainage easement and positive covenant for overland flows

Prior to the issue of an occupation certificate a drainage easement and Positive Covenant for Overland Flows is to be provided over the flow route from Loftus Street to Bonar Street along the northern boundary of the site in favour of Council.

E9 *Registered survey of habitable floor levels and finished ground levels of swale along northern side of development.*

Prior to occupation a registered surveyor is to certify that:

- a. All the habitable floor levels, driveway crests and ventilation openings are at or above the minimum 1 in 100 year flood level plus freeboard.
- b. The finished ground levels of the swale along the northern side of the development is at or below the nominated ground levels.

E10 *Consolidation of allotments*

Lot 100 DP 706950, Lot 101 DP 706950 and Lot E DP 399131 are to be consolidated into one allotment. A copy of the plan of consolidation must be provided to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

E11 *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*, *AS1669* and other relevant codes;
- (3) The development approval and any relevant modifications; and,
- (4) Any dispensation granted by the New South Wales Fire Brigade.

E12 *Section 73 Certificate*

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

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

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, as it may take some time to build water/sewer pipes and this may impact on other services and building, driveway or landscape design.

A copy of Sydney Water's Notice of Requirements must be submitted to Council.

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

E13 *Post-construction Dilapidation Report*

- (1) The Proponent shall engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works. This report to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads.
- (2) The report is to be submitted to the PCA. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the PCA must:

- (a) compare the post-construction dilapidation report with the pre-construction dilapidation report required by Condition B38, 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 Department of Planning and Council.

E14 Underground services

All overhead electricity lines shall be located underground in Loftus Street. All work is to be carried out by an approved contractor in accordance with Energy Australia requirements, at the Proponent's cost prior to the issue of any occupation certificate.

End of Section

PART G - POST OCCUPATION

G1 Street numbering

The street numbering should be as follows:

- Building A shall be known as No. 5 Loftus Street, Arncliffe.
- Building B shall be known as No. 1 Loftus Street, Arncliffe.
- The Bonar Street entrance to Building C shall be known as No. 18 Bonar Street, Arncliffe.
- The Hirst Street entrance to Building C shall be known as No. 12 Bonar Street, Arncliffe.

The northern entrance to Building D shall be known as No. 38 Bonar Street, Arncliffe. The southern entrance to Building D shall be known as No. 28 Bonar Street, Arncliffe.

G2 Loading / unloading of commercial vehicles

Loading and unloading within the site shall be restricted to commercial vehicles not exceeding the 11.4m refuse vehicle. Commercial vehicles greater in size and mass than the 11.4m refuse vehicle are not permitted to enter the parking facility.

G3 Resident parking permit restrictions

Residents and tenants of the development are ineligible for parking permits in any Resident Parking Scheme that either exists or is proposed to be created by Council for any street surrounding the development. This restriction is required to be included into the Strata By Laws of the development at the time of Strata Subdivision.

G4 Public Utility Services

Prior to the issue of a Subdivision Certificate for the dedication of the future roads and Public Park within the site, documentary evidence is to be submitted to the Principal Certifying Authority for the civil works that the requirements of the Public Utility Service Authorities have been satisfied with regard to the completion of the construction and installation of those services.

G5 Overland Flow Covenant

Prior to the issue of an Occupation Certificate a drainage easement and Positive Covenant for Overland Flows is to be provided over the flow route from Loftus Street to Bonar Street along the northern boundary of the site in favour of Council.

G6 Operation and maintenance of stormwater management systems

The existing and future owners (Registered Proprietor) of the property will be responsible for the operation and maintenance of the stormwater management systems, including on-site stormwater detention.

The Registered Proprietor will:

- i) permit stormwater to be temporarily detained by the system;
- ii) keep the system clean and free of silt, rubbish and debris;
- iii) maintain, renew and repair the whole or parts of the system so that it functions in a safe and efficient manner; and in doing so complete the same within the time and in the manner specified in written notice issued by the Council;
- iv) carry out the matters referred to in paragraphs (ii) and (iii) at the proprietor's expense;

- v) not make alterations to the system or elements thereof without prior consent in writing of the Council.
- vi) permit the Council or its authorised agents from time to time upon giving reasonable notice (but at any time and without notice in the case of emergency) to enter and inspect the land for compliance with the requirement of this clause;
- viii) comply with the terms of any written notice issued by the Council in respect to the requirements of this clause within the time stated in the notice.

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

End of Section

ADVISORY NOTES

AN1 Compliance with Roads Act

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

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

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

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

AN2 Compliance with Roads Act for public infrastructure works in public road reserve

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

- (a) Undertake testing as specified in Specification CQS or CQC of AUS-SPEC 1, as nominated by Council;
- (b) Provide Council with one (1) copy of works as executed drawings upon completion of the works. The works as executed drawings shall be based on a survey of the works by a registered surveyor;
- (c) Provide Council with 48 hours notice of the nominated inspections;
- (d) Maintain the works for the duration of the nominated Defects Correction Period.

Satisfy conditions imposed by Council under an agreement made with respect to Section 3.4 of the *Rockdale Section 94 Contributions Plan*.

AN3 Timing of public infrastructure works in public road reserve

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

AN4 Compliance with Building Code of Australia

- (1) The Proponent is advised to consult with the PCA about any modifications needed to comply with the BCA prior to submitting the application for a Construction Certificate.
- (2) Compliance with the Building Code of Australia does not guarantee protection from prosecution under "The Disability Discrimination Act". Further information is available from the Human Rights and Equal Opportunity Commission on 1800 021 199.

AN5 Structural Capability for Existing Structures

The structural capabilities of an existing structure will need to meet the requirements of the BCA and may require engaging a structural engineer.

AN6 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.

AN7 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.

AN8 Construction Inspections

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) 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 approval.

AN9 Noise Generation

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.

AN10 Excavation – Aboriginal Objects

Should any Aboriginal objects be unexpectedly discovered then all excavations or disturbance to the area is to stop immediately and the National Parks and Wildlife Service shall be informed in accordance with Section 91 of the *National Parks and Wildlife Act, 1974*.

AN11 Excavation – Historical Relics

Should any historical relics be unexpectedly discovered then all excavations or disturbance to the area is to stop immediately and the Heritage Council of NSW shall be informed in accordance with Section 146 of the *Heritage Act, 1977*.

AN12 Application under Part 4A of the Act

An application under Part 4A of the Act shall be submitted to the approval authority or the Council along with a plan of subdivision prepared by a registered surveyor, for certification prior to the issue of the Subdivision Certificate.

AN13 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.

AN14 Temporary Structures

An approval under State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007 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 State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007 to certify the structural adequacy of the design of the temporary structures.

AN15 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.

AN16 Roads Act, 1993

A separate application shall be made to RTA for approval under Section 138 of the *Roads Act, 1993* to undertake any of the following:

- (1) erect a structure or carry out a work in, on or over a public road, or
- (2) dig up or disturb the surface of a public road, or
- (3) remove or interfere with a structure, work or tree on a public road, or
- (4) pump water into a public road from any land adjoining the road, or
- (5) connect a road (whether public or private) to a classified road.

AN17 Asbestos Removal

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

AN18 Certifying Authority

The Certifying Authority shall coordinate and collate all certificates required by AUS-SPEC to enable compliance with this consent.

AN19 Road Closure

A temporary road closure permit is to be obtained by Council/RTA prior to the closure of any roads. Any works to be carried out by Council at the Proponent's cost need to be applied for in advance.

AN20 Bicycle parking facilities

Bicycle parking facilities shall be designed in accordance with AS2890.3:1993. Bicycle parking facilities provided in the basement shall be Class 1 facilities to ensure adequate security of the bicycle parking.

AN21 Off street parking areas

The off-street parking areas associated with the subject development shall be designed strictly in accordance with AS2890.1:2004. Parking spaces shall not be enclosed without further approval of Council. The enclosure of car spaces is not permitted unless the enclosure complies with the design requirements of AS2890.1.

Internal height clearance shall be designed throughout the car park and access driveway in accordance with AS2890.1:2004

AN22 Overland Flow Path

The overland flow path shall not be obstructed, restricted or altered without the approval of Rockdale City Council.

AN23 Loading access and areas

All loading, unloading and transfer of goods to and from the loading bay and premises shall take place wholly within the property. Loading areas are to be used only for the loading and unloading of goods, materials etc. not for any other purpose. Loading areas shall be designed strictly in accordance with AS2890.2:2002.

Loading and unloading within the site shall be restricted to commercial vehicles not exceeding the 11.4m refuse vehicle. Commercial vehicles greater in size and mass than the 11.4m refuse vehicle are not permitted to enter the parking facility.

End of Section