

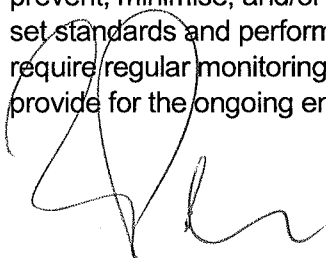
# Project Approval

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

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

These conditions are required to:

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



**Deputy Director General  
Development Assessment & Systems Performance  
Department of Planning & Infrastructure**

Sydney

19 March

2012

### SCHEDULE 1

#### PART A: PARTICULARS

**Application No.:**

**MP 10\_0030**

**Proponent:**

Discovery Point Pty Ltd

**Approval Authority:**

Minister for Planning & Infrastructure

**Land:**

Discovery Point, 1 Princes Highway Wolli Creek  
Lot 400 DP1161708; Lot 12 DP1062413; Lot 2 DP1048491;  
Lot 13 DP1062413; Lot 2 DP1043061 and Lot 2 DP  
1019205.

**Project:**

Discovery Point, Stage 1, including:

- demolition of existing structures, gabion wall and roadway;
- construction of 2 mixed use buildings incorporating 126 apartments; total retail area of 2531m<sup>2</sup>;
- basement car parking;
- rooftop courtyard including gym; community room and pool; water recycling facility;
- public domain works including roads, neighbourhood parks and utilities;
- landscape works;
- stratum subdivision;
- early works including earthworks and / or construction of part of the basement structure for stages 2, 4, 5 and 14; and
- temporary works including temporary bus turning loop; changes to Wolli Creek Station Access; excavation and earthworks adjacent to Stage 1 boundary.

## **PART B: NOTES RELATING TO THE DETERMINATION OF MP10\_0030**

### **Responsibility for other consents / agreements**

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

### **Appeals**

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

### **Legal notices**

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

## PART C — DEFINITIONS

In this approval,

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

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

**BCA** means the Building Code of Australia.

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

**Council** means Rockdale City Council.

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

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

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

**Minister** means the Minister for Planning & Infrastructure

**MP No. 10\_0030** means the Major Project described in the Proponent's EA as amended by the Preferred Project Report.

**Preferred Project Report (PPR)** means the Preferred Project Report prepared by JBA Planning and dated November 2011.

**Proponent** means Discovery Point Pty Ltd. or any party acting upon this approval.

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

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

**End of Schedule 1**

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## SCHEDULE 2

### PART A - ADMINISTRATIVE CONDITIONS

#### Development Description

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

#### Development in Accordance with Plans and Documentation

- A2. The development will be undertaken in accordance with MP No. 10\_0030 and the Environmental Assessment dated June 2011, prepared by JBA Planning Pty Ltd, except where amended by:

- the Preferred Project Report dated November 2011, and all appendices;
- additional information submitted by JBA Planning on 15 and 23 December 2011 and 5 March 2012
- Statement of Commitments prepared by JBA Planning;
- BASIX Certificate Nos. 343553M and 343532M; and
- the following drawings:

Drawing No.	Revision	Name of Plan	Date
<b>Architectural Drawings prepared by Bates Smart Pty Ltd:</b>			
DA1.001	C	Location Plan	22/06/11
DA1.002	A	Site Analysis	22/06/11
DA1.101	D	Proposed Site Plan	15/11/11
DA2.101	C	Basement Level B0 Part Plan (West)	11/11/11
DA2.102	B	Basement Level B0 Part Plan (East) & Basement Level B1 Plan	11/11/11
DA2.103	B	Basement Level B2 Plan	11/11/11
DA2.104	B	Basement Level B3 Plan	11/11/11
DA2.200	E	Ground Level Plan	15/11/11
DA2.201	C	Level 01 Plan	11/11/11
DA2.202	C	Level 02 Plan	11/11/11
DA2.203	B	Level 03 - 10	11/11/11
DA2.204	D	Level 11 - 13 & Plant Level Plan	11/11/11
DA2.205	D	Roof Level Plan	11/11/11
DA3.100	D	Permanent and Temporary Bus Stops	15/11/11
DA3.101	D	Station Stairs (as amended by SK581 below)	15/11/11
DA8.001	B	Section E - Linc Tower East Elevation Section C - Building 1C East Elevation	11/11/11
DA8.002	B	North Elevation & Section 1 - Building 1B & 1C South Elevation	11/11/11
DA8.003	B	West Elevation; Section B - Building 1B East Elevation; & Section A	11/11/11
DA8.004	B	Section D & Section 2	11/11/11
DA8.101	C	Western Boundary Section; Spark Lane	11/11/11
SK581	-	Sketch and information submitted with letter dated 23 December 2011 for temporary station stairs and ramp	8/12/11
SK582	-	Sketch and information submitted with letter dated 23 December 2011 for temporary station stairs and ramp	8/12/11
<b>Landscape Plans prepared by Turf Design Studios:</b>			
L3	D	Stage 1 Landscape Masterplan	18/11/11

Drawing No.	Revision	Name of Plan	Date
L4	D	Street Typology – Brodie Spark Drive	18/11/11
L5	C	Street Typology - Discovery Point Place	18/11/11
L6	C	Street Typology - Spark Lane	18/11/11
L7	D	Neighbourhood Park + Stage 1 - Landscape Plan	18/11/11
L8	C	Neighbourhood Park - Design Intent	18/11/11
L9	C	Neighbourhood Park - Section AA	18/11/11
L10	C	Neighbourhood Park - Section BB	18/11/11
L11	C	Neighbourhood Park - Section GG	18/11/11
L12	C	Neighbourhood Park - Planting	18/11/11
L13	C	Podium Rooftop 1B - Landscape Plan	18/11/11
L14	C	Unnamed	18/11/11
L15	C	Tower Rooftop 1C- Landscape Plan	18/11/11
L16	A	Unnamed	18/11/11
L17	A	Rooftop Terrace - Planting	18/11/11
<b>Engineering Plans prepared by Bonacci Group Pty Ltd:</b>			
CSK01	P5	Pavement / Stormwater Trunk Drainage Plan	21/01/11
CSK02	P3	Stage 1 Pavement / Stormwater Sections	21/01/11
CSK03	P3	Stage 1 Stormwater Catchment Plan Layout	21/01/11
C005	07	Early Earthworks Bulk Earthworks Plan	15/12/11
C006	07	Early Earthworks Bulk Earthworks Sections – Sheet 1	15/12/11
C007	07	Early Earthworks Bulk Earthworks Sections – Sheet 2	15/12/11
C126	03	Typical Road Sections	07/10/11
C005	04	Stg 6 Bulk Earthworks	25/11/11
C006	04	Stg 6 Bulk Earthworks Sections Sheet 1	25/11/11
C007	04	Stg 6 Bulk Earthworks Sections Sheet 2	25/11/11

<b>Other</b>				
Drawing No.	Revision	Name of Plan	Prepared By	Date
2700-34267	A	Draft Subdivision Plans	Joseph Monardo	26/09/11

except for:

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

#### Inconsistencies between Documents

- A3. In the event of any inconsistency between conditions of this approval and the drawings / documents referred to above, including the Proponent's Statement of Commitments, the conditions of this approval prevail.

#### Prescribed Conditions

- A4. The Proponent shall comply with the prescribed conditions of approval under Clause 98 of the Environmental Planning and Assessment Regulation 2000 in relation to the requirements of the Building Code of Australia (BCA).

**Lapsing of Approval**

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

**Responsibility for other approvals / agreements**

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

**Concept Plan Approval**

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

**Separate Approval required for fit-out and use of Retail Tenancies**

- A8. A separate development application shall be submitted for the internal fit out and use of the non-residential floor space within the development. Any future fit-out is to ensure active retail frontages along Brodie Spark Drive and on both sides of the pedestrian thoroughfare between Buildings 1B and 1C.

**Compliance with BASIX Certificate**

- A9. The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate Nos. 343553M and 343532M submitted with the application other than superseded by any further amended consent and BASIX Certificate.

**End of Part A**

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

### **Construction Certificate**

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

### **Landscape Plans and Public Domain Works**

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

### **Landscape Plans and Rooftop Podiums**

- B3. Prior to the issue of a Construction Certificate for Building 1B or Building 1C, fully documented landscape plans for the rooftop podiums are to be approved by the Certifying Authority. Landscaping is to be carried out generally in accordance with Plans approved under Condition A2 (L14 – L17). Any modifications or variations to these plans are to be fully compliant with the requirements of the Discovery Point Development Design Guidelines.

### **Soil and Water Management Sign Fee**

- B4. A fee is payable to Council for a Soil and Water Management Sign (811) of \$14.95. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges

### **Section 94 Contributions**

- B5. A Section 94 contribution of \$1,553,762.65 shall be paid to Council in relation to the residential floor space within the development and the non-residential floor space within Building 1C only. Such a contribution is only used towards the provision or improvement of the amenities and services identified below. The amount to be paid is adjusted at the time of payment, in accordance with the contribution rates contained in Council's current Adopted Fees and Charges. The contribution is to be paid prior to the issue of any construction certificate for works above the floor level of the ground floor. (Payment of the contribution is not required prior to any separate construction certificates issued only for demolition, site preparation works and the construction of basement levels.) The contribution is calculated from Council's adopted Section 94 contributions plan in the following manner:

Open Space	\$701,989.23
Community Services & Facilities	\$54,171.56
Town Centre & Streetscape Improvements	\$128,417.09
Wolli Creek Redevelopment Area Infrastructure	\$632,265.10
Plan Administration & Management	\$36,919.67

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

Note: A further Section 94 contribution shall be paid to Council in relation to the non-residential floor space within Building 1B. The amount of this contribution will be determined

by Council once the commercial mix of the non-residential floor space is known. This contribution will be required as a condition of consent for the detailed fit-out and use of this floor space.

#### **Home Building Act**

- B6. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance or owner builder's permit in force in accordance with Part 6 of that Act, that such a contract or permit is in place.

#### **Energy Australia**

- B7. The Proponent shall confer with Energy Australia to determine if an electricity distribution substation is required. Written confirmation of Energy Australia's requirements shall be obtained prior to issue of the Construction Certificate for any relevant stage of work.

#### **Dilapidation Survey**

- B8. A dilapidation survey shall be undertaken of all adjoining properties and/or Council infrastructure, including but not limited to all footpaths, kerb and gutter, stormwater inlet pits, and road carriageway pavements, adjoining the site which could be potentially affected by the construction of this development. Any damage caused to other properties during construction shall be rectified. A copy of the dilapidation survey and an insurance policy that covers the cost of any rectification works shall be submitted to the Certifying Authority prior to issue of the Construction Certificate. The insurance cover shall be a minimum of \$1 million.

#### **Construction Management Plan (CMP)**

- B9. The Proponent shall submit, for approval by the Certifying Authority, a detailed Construction Management Plan (CMP) prior to the issue of the Construction Certificate for each stage of works (each Construction Certificate) The CMP shall be prepared in accordance with the requirements of all relevant regulatory approval bodies. Prior to the commencement of works the Certifying Authority shall be satisfied that the Construction Management Plan has obtained all relevant regulatory approvals. The Construction Management Plan shall be implemented during demolition, excavation and construction.

#### **Construction Traffic Management Plan (TMP)**

- B10. Prior to the issue of the relevant Construction Certificate, a Construction Traffic Management Plan (TMP) prepared by a suitably qualified person shall be submitted to and approved by the Certifying Authority. The Plan shall address, but not be limited to, the following matters:
- (a) ingress and egress of vehicles to the site;
  - (b) loading and unloading, including construction zones;
  - (c) predicted traffic volumes, types and routes; and
  - (d) pedestrian and traffic management methods.

A copy of the TMP shall be submitted to Council.

#### **Waste Management Plan**

- B11. A Construction Waste Management Plan shall be prepared and submitted to the Certifying Authority prior to the issue of a construction certificate for the relevant stage of works implemented in accordance with the project application.

#### **Groundwater**

- B12. The groundwater shall be assessed by a suitably qualified and experienced environmental consultant in accordance with relevant contaminated sites guidelines published by NSW Department of Environment Climate Change and Water. A copy of the report shall be



submitted to Certifying Authority prior to the issue of the Construction Certificate for the relevant stage of works. A copy shall also be submitted to Council if Council is not the Certifying Authority.

### **Stormwater**

- B13. Stormwater management requirements for the development site, including the final discharge/end connection point in Magdalene Terrace, must comply with DCP 2011 and Rockdale Technical Specification – Stormwater Management.

### **Drainage Design**

- B14. Prior to the issue of the Construction Certificate, detailed drainage design plans for the management of stormwater are to be submitted to Council or an Certifying Authority for assessment and approval. Design certification, in the form specified in DCP 2011, and drainage design calculations are to be submitted with the plans.

### **Consistency with AUSTROADS**

- B15. Prior to the issue of the Construction Certificate of the relevant stage of works, engineers certification that all roads and public domain works are generally consistent with the requirements of AUSTROADS is to be submitted to Council or a Certifying Authority with the plans.

### **Remediation of Land**

- B16. Prior to the issue of a Construction Certificate for the relevant stage of works the Proponent shall submit to the Certifying Authority a report from a qualified environmental engineer addressing the following recommendations of the Coffey Environments Australia Pty Ltd Environmental Assessment report dated 9 June 2010 accompanying the Concept Plan Application:
- (a) placement and validation of an appropriate capping system to the neighbourhood park;
  - (b) an updated Site Management Plan including maintenance of clean fill capping in the neighbourhood park;
  - (c) a review of other additional areas of accessible soils,
  - (d) a review of construction activities and imported materials, and
  - (e) validation of all materials imported to the site or any site won materials for the approved land use and/or certification as VENM/ENM.

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

In the event that any residual contamination is found on the site, the Proponent shall submit to the Certifying Authority a Remedial Action Plan and a Hazardous Materials Survey. The Remedial Action Plan must be accompanied by a statement from a site auditor accredited by the Environmental Protection Agency to issue site audit statements. Upon completion of any remediation works on the site, a detailed Site Audit Summary Report and Site Audit Statement and Validation Report are to be submitted to the Certifying Authority. The site audit must be prepared in accordance with the Contaminated Land Management Act 1997 and completed by a site auditor accredited by the Environmental Protection Agency to issue site audit statements. The site audit must verify that the land is suitable for the proposed uses.

### **Reflectivity**

- B17. The visible light reflectivity from building materials used on the facades of the buildings shall not exceed 20% and shall be designed so as not to result in glare that causes any nuisance or interference to any person or place. A statement demonstrating compliance with these requirements is to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for the relevant stage of works.

### **Outdoor Lighting**

- B18. All outdoor lighting and street lighting shall comply with, where relevant, AS/NZ1158.3: 1999 *Pedestrian Area (Category P) Lighting* and AS4282: 1997 *Control of the Obtrusive Effects of Outdoor Lighting*, the BCA and any relevant standards for public lighting. Appropriate lighting shall be provided at the driveway entry in order to provide adequate visibility at night. Appropriate Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for the relevant stage of works.

#### **Disabled Access**

- B19. 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.

#### **Number of Vehicle and Motorcycle Spaces**

- B20. 261 car parking spaces and 17 motor cycle spaces are to be provided in accordance with the approved plans. All vehicle spaces are to be allocated to residential and non-residential uses in accordance with the parking rates specified in Section 7.2 of the Discovery Point Development Design Guidelines. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

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

- B21. A minimum of 21 bicycle spaces are to be provided for the development, including 10 within the basement and 11 at the footpath / street level. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

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

- B22. 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.

The layout of the service vehicle area shall comply with Australian Standard AS2890.2: 1989 *Off Street Parking Part 2 – Commercial Vehicles Facilities*.

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

#### **Certification of Façade Treatments**

- B23. Detailed design plans of the proposed building facades demonstrating consistency with Section 5.4 of the Bates Smart Project Application Design Report shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate and all materials, finishes, and architectural detailing are to be maintained in the construction documentation and final product.

#### **Natural Ventilation**

- B24. To ensure a reasonable level of ventilation to kitchens, and to comply with the details provided in the Environmental Assessment, the natural ventilation ducts proposed to the 2 kitchens on level 13 as described in the EA, and the externally ducted kitchen exhausts for all kitchens are to be detailed on the construction drawings prior to the issue of a Construction Certificate for the relevant stage of works.

#### **RailCorp Requirements**

- B25. Before issuing a Construction Certificate for any works within 25m of the rail corridor, the following documentation must be received and endorsed by RailCorp:

- Geotechnical and Structural Reports
- Construction methodology and drawings
- Structural support during excavation

If necessary after reviewing this documentation, RailCorp may also need:

- Track monitoring requirements
- A rail safety plan
- Any other matter in order to protect the rail corridor.

Prior to the issue of a Construction Certificate for the relevant stage of works, a services search must be undertaken to establish the existence and location of any rail services. If found, the proponent must discuss with RailCorp these services relocation or incorporation into the development site.

The design, installation and use of lights, signs and reflective materials must limit glare and reflectivity to the satisfaction of RailCorp.

Prior to the issue of a Construction Certificate for the relevant stage of works, a Risk Assessment/Management Plan and detailed Safe Work Method Statements are to be submitted to RailCorp for review and comment.

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

Provide details of any encroachment into RailCorp's easement or RailCorp owned lands for review and approval prior to commencement of works.

#### **End of Part B**

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## **PART C – PRIOR TO CONSTRUCTION**

### **Notify Council of Intention to Commence Works**

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

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

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

### **Soil and Sedimentation Controls**

- C3. Soil and sedimentation controls are to be put in place prior to commencement of any work on site. The controls are to be maintained in effective working order during construction.

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

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

- C4. A Soil and Water Management Plan shall be prepared in accordance with Soil and Water Management for Urban Development Guidelines produced by the Southern Sydney Region Organisation of Councils. A copy of the plan must be submitted to Council. The Plan must include details of the proposed erosion and sediment controls to be installed on the building site. A copy of the Soil and Water Management Plan must be kept on-site at all times and made available on request. Sediment control devices shall not be located beneath the driplines of trees, which are to be retained.

### **Signs**

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

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

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

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

This condition does not apply to:

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

### **Warning sign**

- C6. Council's warning sign for soil and water management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign shall be erected prior to commencement of works and shall be displayed throughout construction. A copy of the sign is available from Council.

### **Landfill**

- C7. Where it is necessary to import landfill material onto the site to fill the land to levels shown on the plans forming part of the approval, a certificate, prepared by a suitably qualified and experienced Contaminated Land Consultant, shall be submitted to Council being the Regulatory Authority prior to the commencement of works, certifying that the imported fill is suitable for the land use.

#### **Fence**

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

#### **Suitable Screens**

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

#### **Other approvals**

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

#### **Road opening permit**

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

#### **Roadworks**

- C12. Where construction/building works require the use of a public place including a road or footpath, approval under Section 68 of the Local Government Act 1993 for a Barricade Permit is to be obtained from Council prior to commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

#### **Pedestrian and Vehicular Safety**

- C13. When the work involved in the erection or demolition of a building:
- i) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
  - ii) building involves the enclosure of a public place,
- a hoarding or fence shall be erected between the work site and the public place.  
When necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.  
Any such hoarding, fence or awning is to be removed when the work has been completed.  
The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place

#### **Toilet Facilities**

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

#### **Acid Sulfate Soils**

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

### **Management of Archaeological Heritage**

- C16. Before the commencement of works, the Proponent will nominate an excavation director approved by the heritage Branch. Details must be submitted to the Heritage Branch, and must meet the NSW Heritage Council endorsed Excavation Director Criteria and how their work will conform with the Archaeological Management Plan for the site.

Construction contractors, subcontractors and personal are to be briefed on their obligations and requirements in regard to historical archaeological sites and relics by the excavation director.

Before construction commences for the relevant stage of works, all historical archaeological relics and/or deposits of local and state significance must be excavated and recorded in accordance with the Archaeological Management Plan.

After archaeological works have been undertaken, a copy of the final excavation report must be lodged with the Heritage Council of NSW and Rockdale Council. This report must include:

- An executive summary
- Due credit to the client paying for the excavation
- Accurate site location and site plan
- Historical research, references and Bibliography
- Information on the excavation including the aim, context, procedures, treatment of artefacts and analysis of information retrieved
- Nominated repository for the salvaged relics
- Response to research questions
- Conclusions from the archaeological programme. Revisit the prior assessment
- Details how information was publicly exhibited, providing copies of such releases
- Other reporting requirements specified in the Archaeological Management Plan of 2002

On completion of archaeological works, the interpretation of results should be in accordance with "Interpreting Heritage Places and Items Guidelines" and the Archaeological Management Plan, to help the public understand the history and significance of the site. Details on this must be provided to the Heritage Council of NSW for written approval within three months completion of works.

### **RailCorp Requirements**

- C17. Prior to the commencement of works, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be undertaken by the proponent and RailCorp.

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

Provide a bond for all the temporary works on RailCorp's land, forming a part of the deed/agreement.

### **End of Part C**

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## **PART D – DURING CONSTRUCTION**

### **Documentation on site**

- D1. A copy of the Construction Certificate and the approved plans and specifications must be kept on the site at all times and be available to Council officers upon request.

### **Construction Hours**

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

### **Mandatory Critical Stage Inspections**

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

### **Inspections**

- D4. Upon inspection of each stage of construction, the Certifying Authority (or other suitably qualified person on behalf of the Certifying Authority ) is also required to ensure that adequate provisions are made for the following measures (as applicable), to ensure compliance with the terms of Council's approval:
- Sediment control measures
  - Provision of perimeter fences or hoardings for public safety and restricted access to building sites.
  - Maintenance of the public place free from unauthorised materials, waste containers or other obstructions.

### **Groundwater pumping**

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

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

### **Protection of stormwater drainage**

- D6. Demolition operations shall not be conducted on the roadway or public footway or any other locations, which could lead to the discharge of materials into the stormwater drainage system.

Building and demolition operations such as brickcutting, washing tools or paint brushes, and mixing mortar shall not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system

### **Compliance Certificate**

- D7. A Registered Surveyor's survey certificate or compliance certificate shall be forwarded to the certifying authority detailing compliance with Council's approval at the following stage/s of construction:
- i) After excavation work for the footings, but prior to pouring of concrete, showing the area of the land, building and boundary setbacks.

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

### **Excavation and Backfilling Safety**

D8. All excavation and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards and guarded and protected to prevent them from being dangerous to life or property.

### **Excavation Works**

D9. When excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building or an adjoining allotment of land, you shall:

- i) preserve and protect the building from damage and
- ii) underpin and support the building in an approved manner, if necessary and
- iii) give notice of intention to excavate below the level of the base of the footings of a building on an adjoining allotment of land to the owner at least 7 days prior to excavation and furnish particulars of the excavation to the owner of the building being erected or demolished.

**Note:** The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land. In this condition **allotment of land** includes a public road and any other public place.

### **Site contamination**

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

### **Dust Management**

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

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

### **Permits**

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

- A Waste Container on Public Road Reserve Permit must be obtained prior to the placement of any waste container or skip bin in the road reserve (i.e. road or footpath or nature strip). Where a waste container or skip bin is placed in the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from



the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.

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

### **Stockpiles**

- D13. Stockpiles are not permitted to be stored on Council property (including nature strip) unless prior approval has been granted. In addition stockpiles of topsoil, sand, aggregate, soil or other material shall be stored clear of any drainage line or easement, natural watercourse, kerb or road surface

### **Erosion Control**

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

### **Stormwater from roof areas**

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

### **Stormwater pollution**

- D16. Building, demolition and construction works not to cause stormwater pollution and being carried out in accordance with Section 2.8 of Council's Stormwater Pollution Control Code 1993. Pollutants such as concrete slurry, clay and soil shall not be washed from vehicles onto roadways, footways or into the stormwater system. Drains, gutters, roadways and access ways shall be maintained free of sediment. Where required, gutters and roadways shall be swept regularly to maintain them free from sediment.

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

### **Drainage System**

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

**Discovery of Archaeological Heritage**

D18. If substantial intact archaeological deposits or features not already identified are discovered, work must stop and the Heritage Branch contacted. Additional assessment and approval may be required prior to works continuing.

**Discovery of Aboriginal Heritage**

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

**Deed required for track possessions and power outages**

D20. If track possessions and power outages are needed, a deed must be entered into with RailCorp. The proponent should be referred to the Rail Corridor Management Group for further details.

**Station Construction Liaison Group**

D21. If required by RailCorp, a Station Construction Liaison Group comprising of representatives of the proponent and RailCorp is to be established. It will meet prior to construction and at required intervals during the construction. This will ensure there is an appropriate interface to manage RailCorp's customer and operational requirements.

**RailCorp safety requirements**

D22. No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment.

No scaffolding is to be used within 6 horizontal metres of the rail corridor unless prior approval has been given by RailCorp. To obtain this approval, the details will need to be submitted to RailCorp, including the type of screening to prevent materials to fall onto the rail corridor.

**Timing of temporary infrastructure provision**

D23. The temporary ramp shall be constructed prior to the commencement of any works that will impact, in RailCorp's opinion, on the current access to Wollie Creek Station. unless otherwise agreed by RailCorp.

The temporary bus turning loop road and station access shall be constructed prior to the removal of the current bus turning loop, unless otherwise agreed by RailCorp.

Temporary access ramp shall be removed within 2 months of final endorsement by RailCorp that the stairs are acceptable and fit for purpose to provide access to Wollie Creek Station, unless otherwise agreed by RailCorp.

**End of Part D**

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

### **Occupation Certificate**

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

### **Unit Numbers and Mailboxes**

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

### **Excess material and waste cleared**

- E3. All excess excavated material, demolition material, vegetative matter and builder's rubbish shall be removed to the Waste Disposal Depot or the Regional Tip prior to final inspection.

**Note:** Burning on site is prohibited.

### **Anti-graffiti treatment**

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

### **Public Domain works**

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

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

### **Acoustic Testing**

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

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

### **Certification of Waterproofing**

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

### **Certification of mechanical ventilation**

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

**Certification of floor levels**

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

**Certification of Stormwater**

- E10. Prior to occupation a Chartered Professional Engineer shall certify that the stormwater system has been constructed in accordance with the approved plans and as required by Council's DCP 2011. The certificate shall be in the form specified in DCP 2011 and include an evaluation of the completed drainage works. A works-as-executed drainage plan shall be prepared by a registered surveyor based on a survey of the completed works. A copy of the certificate and works-as-executed plan(s) shall be supplied to the Certifying Authority. A copy shall be provided to Council if Council is not the Certifying Authority.

**Certification of connection to Water Recycling System**

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

**Positive Covenant**

- E12. A positive covenant pursuant to the Conveyancing Act 1919 shall be created on the title of the lots that contain the water treatment facility to provide for the maintenance of the facility.

**Flood Evacuation Management Plan**

- E13. A detailed flood evacuation management plan, with warning alarms and evacuation routes for Stage 1 is required to be prepared in accordance with Requirement 11(a) of approval MP 10\_0003. This must be developed with consideration to the worst case flooding scenario identified with climate change factors, the continuing flood events up to and including the Predicted Maximum Flood with copies provided to Council and the local State Emergency Service.

**Fire Safety Certificate**

- E14. A Fire Safety Certificate shall be furnished to the Certifying Authority for all the Essential Fire or Other Safety Measures forming part of this approval prior to issue of any Occupation Certificate. A copy of the Fire Safety certificate must be submitted to the consent authority and Council by the Certifying Authority.

**Clothesline provision**

- E15. The Proponent shall submit to the Certifying Authority details that all that units have a clothes line in accordance with the requirements of the Development Design guidelines.

**RailCorp Requirements**

- E16. Prior to the issue of an Occupation Certificate (OC), a joint inspection of the rail infrastructure and property in the vicinity of the project is to be undertaken by the proponent and RailCorp.

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

**End of Part E**

## **PART F – PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE**

### **Subdivision Certificate**

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

### **Submission of Subdivision Certificate Application**

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

### **Services shown on Plan**

- F3. All existing and proposed services on the property shall be shown on a plan, and shall be submitted to Council. This includes electricity, gas, water, sewer, stormwater and telephone services. Where any service crosses one lot but benefits another lot, it is to be covered by an easement. The service easement is to be covered by a Section 88B Instrument, which may only be varied or extinguished with the consent of Rockdale City Council. These provisions are to be put into effect prior to the release of the Subdivision/Strata Certificate.

### **Dedication of Land to Council**

- F4. The dedication to Council for road widening purposes of a strip of land along the Magdalene Terrace frontage to achieve compliance with the Wolli Creek and Bonar Street Precinct Public Domain Plan. These provisions are to be put into effect prior to release of the Subdivision Certificate.

### **Subdivision in accordance with Previous approvals**

- F5. The subdivision is to occur in accordance with the Concept Approval MP 10\_0003 issued by the Minister for Planning on 5 May 2011, DA-2012/42 issued by Rockdale City Council on 22 December 2011 and any subsequent modifications. Details of compliance with the relevant conditions shall be provided to Council prior to the issue of the Subdivision Certificate.

### **Access**

- F6. Documentary easements for access must be created over the appropriate lots in the subdivision to provide for public access to public domain areas which may include lifts, lobbies, fire stairs, service areas, loading areas and car parking areas, and created pursuant to Section 88B of the *Conveyancing Act 1919*.

### **Services**

- F7. Documentary easements for services, drainage, support and shelter, use of plant, equipment, loading areas and service rooms, repairs, maintenance or any other encumbrances and indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision, must be created over the appropriate lots in the subdivision pursuant to Section 88B of the *Conveyancing Act 1919*.

### **Car Parking Restrictions**

- F8. The on-site residential car parking spaces, are not to be used by those other than an occupant or tenant of the residential buildings within the Discovery Point Development. Any occupant, tenant, lessee or registered proprietor of the development site or part thereof shall not enter into an agreement to lease, license or transfer ownership of any car parking spaces to those other than an occupant, tenant or lessee of the building.

These requirements are to be enforced through the following:

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

- (2) restriction on use under Section 68 of the *Strata Schemes (Leasehold Development) Act, 1986* to all lots comprising in part or whole car parking spaces, and
- (3) sign visible at exits (excluding fire stairs and individual unit entries) from car parking areas.

These requirements are to be made to the satisfaction of Council. All costs associated with the above requirements are to be borne solely by the Proponent.

#### **Easement in gross**

- F9. Prior to the issue of a Subdivision Certificate, an easement for public access in gross for the public to enter, pass, re-pass, use and enjoy the neighbourhood park is to be registered over the land in favour of Rockdale City Council.

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

**End of Part F**

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## **PART G – DURING OPERATIONS**

### **Establishment of Car Share Scheme**

- G1. Within 6 months of the issue of the Occupation Certificate for Building 1C, a car share scheme is to be established on the site, including at least one operational car share space for the use of residents.

### **Enclosure of Parking Spaces**

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

### **Unobstructed Driveways and Parking Areas**

- G3. All driveways and parking areas shall be unobstructed at all times. Driveways and car spaces shall not be used for the manufacture, storage or display of goods, materials or any other equipment and shall be used solely for vehicular access and for the parking of vehicles associated with the use of the premises

### **Noise Emissions**

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

### **Annual Fire Safety Certification**

- G5. The owner of the building shall certify to Council every year that the essential services installed in the building for the purpose of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard. This purpose of this condition is to ensure that there is adequate safety of persons in the building in the event of fire and for the prevention of fire, the suppression of fire and the prevention of spread of fire.

**End of Part G**

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## **ADVISORY NOTES**

### **Requirements of Public Authorities for Connection to Services**

AN1. The Proponent shall comply with the requirements of any public authorities (e.g. Energy Australia, Sydney Water, Telstra Australia, AGL, etc) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services shall be the responsibility of the Proponent. Details of compliance with the requirements of any relevant public authorities are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

### **Compliance with Building Code of Australia**

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

### **Use of Mobile Cranes**

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

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

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

AN4. The Proponent shall notify the Roads and Maritime Service Traffic Management Centre (TMC) of the truck route(s) to be followed by trucks transporting waste material from the site, prior to the commencement of the removal of any waste material from the site.

### **Construction Inspections**

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

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

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



### **Noise Generation**

AN6. Any noise generated during the construction of the development shall not exceed limits specified in any relevant noise management policy prepared pursuant to the *Protection of the Environment Operations Act, 1997* or exceed approved noise limits for the site.

### **Temporary Structures**

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

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

### **Disability Discrimination Act**

AN8. This application has been assessed in accordance with the Environmental Planning and Assessment Act 1979. No guarantee is given that the proposal complies with the Disability Discrimination Act 1992. The Proponent/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The Disability Discrimination Act 1992 covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS 1428.1 - Design for Access and Mobility. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the Disability Discrimination Act 1992 currently available in Australia.

### **Commonwealth Environment Protection and Biodiversity Conservation Act 1999**

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

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

### **Sydney Water**

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

### **End of Schedule 2**

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### SCHEDULE 3

#### Proponent's Statement of Commitments

Subject	Commitments	Approved by Whom	Timing
ESD	The Stage 1 Project Application will include those ESD measures identified in the Cundall Design Consultants ESD report (dated February 2011).	Department of Planning.	No Timing. General Statement of Commitment
Non Indigenous Archaeology	The management of the potential archaeological remains of the Gardener's Cottage and Pine House should be in line with the approved Archaeological Management Plan which covered Area 6 (Casey and Lowe 2002). As such, the likely location of these buildings should be determined through triangulation of historic plans and any remains be recorded in detail using archaeological excavation, detailed planning and GIS survey and mapping.	Department of Planning	No Timing. General Statement of Commitment
Electrolysis	The recommendations of the Stage 1 Electrolysis Analysis prepared by CPS and dated January 2011 will be implemented.	Department of Planning	No Timing. General Statement of Commitment
Active Frontages	Active frontages will be provided on both sides of the pedestrian thoroughfare between Buildings 1B and 1C through either specialty shops, cafe dining or clear visual links into a supermarket tenancy.	The relevant consent authority.	On the detailed fit out plans.
Environmental and Construction Management	The following Management Plans will be issued prior to works commencing for each stage: <ul style="list-style-type: none"> <li>Construction Management Plan</li> <li>Construction Traffic Management Plan</li> <li>Erosion and Sediment Control Plan</li> <li>Waste Management Plan</li> <li>Dust Control Plan.</li> <li>Acid Sulphate Soil Management Plan.</li> </ul>	-	Prior to issue of CC
Railcorp requirements	The preparation of the required procedures, safety plans, methodologies and assessment reports required by Railcorp will be submitted prior to those specific works commencing.	Railcorp	Prior to construction commencing
Contamination	The fill material for the neighbourhood park is to be suitable for open space land uses in accordance with relevant guidelines. If it were proposed to use soils sourced from the site these would need to be validated to confirm they are of suitable quality.	Relevant Certifying Authority	Prior to works commencing
Indigenous Archaeology	Further archaeological investigation is required in the Zone 2 area of the Stage 1 development area. This part of the Precinct has not been investigated previously. Prior to commencement of construction works in this area a test excavation programme should be carried out by a suitably qualified archaeologist to ascertain whether intact archaeological material is present here.	-	During construction
Excavation	Excavation method statements are to be prepared by the excavation contractor.	Relevant Certifying Authority	Prior to issue of CC

Accessibility	<p>Ensure an accessible path of travel to and within common-use facilities in line with DDA Premises Standards and AS1428.1:2009.</p> <p>Ensure the designs of the three adaptable units are compliant with AS4299 and AS1428.1:2009.</p>	Relevant Certifying Authority	Prior to issue of CC
Infrastructure and Services	<ul style="list-style-type: none"> <li>• New communications fibre or copper services are to be installed in accordance with Telstra, NBN and the Australian Communications Authority Requirements; and</li> <li>• The external roadway and public lighting will be installed in accordance with AS1158.</li> <li>• Street fire hydrants are to be provided on</li> <li>• the Authorities water main, in accordance with Sydney Water requirements.</li> <li>• Fire hydrants and fire sprinklers are to be provided as required by the BCA and relevant Australian Standards (all as confirmed with the NSW Fire Brigades);</li> <li>• Supplementary hydrants and hose reels will be installed to provide sufficient coverage to all areas as required by the relevant</li> <li>• Each building will have a fire control centre to comply with BCA.</li> </ul>	Relevant Certifying Authority	Prior to issue of CC
Stormwater	Additional stormwater sumps and grates will be constructed to limit surface stormwater depths.	Relevant Certifying Authority	Prior to issue of CC
Acoustic and Vibration	<p>The following measures are required to mitigate noise impacts from road and aircraft noise:</p> <ul style="list-style-type: none"> <li>▪ laminated glazing will be appropriate for rooms where the majority of the façade is glazed; and</li> <li>▪ Lower specification glazing is suitable for rooms with small windows.</li> </ul> <p>Mechanical plant noise is to be mitigated through standard use of attenuators, acoustic louvres, barriers, enclosures, and the appropriate location and orientation of air inlets / outlets and items of plant.</p>	Relevant Certifying Authority	Prior to issue of CC
Public Domain	Details of Rights of Way and Easements will be provided as part of future subdivision applications.	The relevant consent authority	With future application.
Car Share	Provision of one on-street care share space for Stage 1, in consultation with residents and commercial operator.	-	During early operation of the development.