

Bayside Planning Panel

22/05/2018

Item No	6.1
Application Type	Modification to Submission
Application No	DA-2016/402/A
Lodgement Date	18/09/2017
Property	686 and 688 Princes Highway, Kogarah
Ward	Bexley
Owner	Tonuja Constructions Pty Ltd
Applicant	Tonuja Constructions Pty Ltd
Proposal	Modification application to delete condition number 11A, 11B, 31, and 51 relating to loading bay, location of services and swept paths. Original application approved the construction of a four (4) storey residential flat building comprising sixteen (16) residential units, rooftop terrace, basement parking and demolition of existing structures.
No. of Submissions	Nil.
Cost of Development	N/A
Report by	Marta Gonzalez-Valdes, Coordinator Major Assessments

Officer Recommendation

That the development application DA-2016/402/A for the modification application to delete condition number 11A, 11B, 31, and 51 relating to loading bay, location of services and swept paths at 686 & 688 Princes Highway, Kogarah be APPROVED pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 subject to recommended conditions of consent.

Location Plan



Attachments

- 1 Planning Assessment Report
- 2 Landscape Plan
- 3 Finish Schedule
- 4 Mailbox and Canopy Plan
- 5 Draft Conditions

BAYSIDE COUNCIL

Planning Assessment Report

Application Details

Application Number:	DA-2016/402/A
Date of Lodgement:	18 September 2017
Property:	686 and 688 Princes Highway, KOGARAH NSW 2217 Lot 2 DP 1188540
Owner:	Tonuja Constructions Pty Ltd
Applicant:	Tonuja Constructions Pty Ltd
Proposal:	Modification application to delete condition number 11A, 11B, 31, and 51 relating to loading bay, location of services and swept paths. Original application approved the construction of a four (4) storey residential flat building comprising sixteen (16) residential units, rooftop terrace, basement parking and demolition of existing structures.
Recommendation:	Approval, subject to recommended conditions of consent
No. of submissions:	None
Author:	Patrick Waite – Creative Planning Solutions
Date of Report:	24 April 2018

Key Issues

Key Issues:

- **Traffic (Loading Bay):** Council's Traffic Engineer has reviewed the proposed modification and supports the applicant's claim that at the current ramp gradient a loading bay cannot be accommodated within the driveway from Cross Lane. Council's engineer further confirmed that a loading bay is required for the proposal and if it were located away from the driveway the surface of the loading bay could be made to be permeable.
- **Streetscape:** The accompanying Landscape Plan, prepared by Ray Fuggle + Associates, illustrates that the visual appearance of proposed location of the loading bay, when viewing from Cross Lane, is improved by landscape treatments. Council's Landscape Architect does not object to the proposal subject to the loading bay being treated with a permeable surface.
- **Deep soil:** Council's Traffic Engineer and Landscape Architect support the treatment of the proposed loading bay with a permeable surface to enhance the water filtration into the deep soil zone. Furthermore, the accompanying Landscape Plan, prepared by

Ray Fuggle + Associates, illustrates that trees capable of a mature height of 12m can be accommodated within the site.

Recommendation

That the development application DA-2016/402/A for the modification application to delete condition number 11A, 11B, 31, and 51 relating to loading bay, location of services and swept paths at 686 & 688 Princes Highway, Kogarah be APPROVED pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 subject to recommended conditions of consent.

Background

History

The development history applicable to the subject site is summarised as follows:

- In 1991, a development application (DA) was lodged with Council seeking consent for the erection of a spray booth (DA-1991/291). In 1992, a building application was lodged for the works associated with the spray booth.
- In 2005, a pre-application development meeting (PDA-2005/22) was requested to discuss a potential mixed residential/ commercial development (686-690 Princes Highway, Kogarah).
- In 2008, a pre-application development meeting (PDA-2008/19) was requested to discuss a potential mixed use development comprising 2 commercial tenancies and 24 residential units and one basement parking level (686-690 Princes Highway, Kogarah).
- On 16 May 2014, Council granted approval to Development Application (DA-2014/279) for boundary adjustment and Torrens title subdivision of three (3) lots into two (2) lots at 688 and 690 Princes Highway, Kogarah which involved the creation two equally sized allotments of approximately 1,289 m² in size. The subject site occupies the southernmost of the two equally sized allotments.
- In 2015, a pre-application development meeting (Pre-DA) was held at Council offices. The meeting discussed a development proposal for a four (4) storey residential flat building with basement car parking at the subject site. A letter outlining a summary of issues relating to the discussed proposal was sent to the applicant of the Pre-DA on 3 December 2015.
- In 2017, development application DA-2016/402 for the construction of a four (4) storey residential flat building comprising sixteen (16) residential units, rooftop terrace, basement parking and demolition of existing structures was approved by Bayside Planning Panel.

The DA history of the subject DA is summarised as follows:

- On 18 September 2017, the subject modification application (DA-2016/402/A) was lodged with Council. The proposed development in this application is the subject of this planning report.

- On 7 December 2017, the applicant notified Council via email that the subject modification application is to further include the removal of conditions 31 of DA-2016/402. An amended SEE and a letter from a Fire Engineer were attached to the email.
- On 7 February 2018, Council's Traffic Engineer provided comments on the proposal.
- On 8 February 2018, Council's Landscape Architect provided comments on the proposal.

Proposal

The proposed application seeks to modify six (6) of the conditions contained in the Notice of Determination of DA-2016/402.

The proposal modification submits that conditions, 11A, 11B, 31, and 51 cannot be complied with and require deletion. The proposal is also accompanied by additional information that satisfies conditions 11 and 24.

The six (6) conditions, which are the subject of this application, are reproduced as follows:

1. Condition 11 – Landscape Plan:

The approved Landscape Plan prepared by Ray Fuggle + Associates, Drawing No: L-01, and dated 29 April 2016, including the rooftop terrace plan and roof plan shall be updated and submitted to Bayside Council for approval prior to the issue of the Construction Certificate addressing the following:

- *Consistency with the building footprint and design provided within the approved architectural plans prepared by ideas-design listed in condition 2.*
- *The third flood rooftop terrace shall include a non-trafficable area of 1.5 metres in width measured from the building edge surrounding the terrace.*
- *The non-trafficable area shall include landscape planter beds with plantings as illustrated within the outdated Landscape Plan prepared by Ray Fuggle + Associated, Drawing No: L-01, and dated 29 April 2016.*
- *The front setback area shall incorporate tree planting which does not conflict with the on site detention system.*
- *Screening species shall be included into the side setbacks to improve privacy between adjacent dwellings.*
- *Podium landscaping and paved areas shall be drained into the stormwater drainage system. All waterproofing for planters on slab shall be installed and certified by a licensed waterproofing contractor.*
- *The landscape treatment of the communal undercroft area to the rear of the building so as to activate the space, and include such embellishments as:*
 - *additional podium planters and softscape features;*
 - *ground surface treatments to provide visual interest (paving patterns, sizes, textures, etc);*
 - *ceiling treatment (e.g. timber panelling and lighting);*
 - *landscape & wayfinding light fixtures;*
 - *concealment of services;*
 - *interface with the property boundary at the rear.*

The above shall include detailed sections at scale 1:50:

- *Fencing details*

Comment: The subject modification application is accompanied by an updated Landscape Plan.

2. Condition 11A – Deletion of Loading Bay

The loading dock area is to be deleted as shown on the plan and replaced with deep soil planting as shown on the landscape plan L-01.

Comment: The subject modification application is accompanied by a Statement of Environmental Effects which argues that loading dock area (illustrated on the approved architectural plans DA-2016/402) needs to be retained, because a loading dock cannot be accommodated in the driveway from Cross Lane.

3. Condition 11B – Loading bay on driveway

The driveway from Cross Land be configured to allow for short stay loading and unloading.

The reason for additional conditions 11A, and 11B is:

- *To provide for a landscape setting for the building when viewed from Cross Lane.*

Comment: The subject modification application is accompanied by a Statement of Environmental Effects which argues the loading dock cannot be accommodated in the driveway from Cross Lane, without raising the basement ceiling level which would result in a further breach of the 14.5m height limit. The approved proposal (DA-2016/402) included a minor height variation to the 14.5m height development standard.

4. Condition 24 – Materials and Finishes

The following shall be submitted to Bayside Council for approval prior to the issue of the Construction Certificate:

- A samples' board showing finishes of walls, roof, balustrades (including any required balustrade around the communal and children's play area at the rear), windows/door frames, louvres and roof pergola.*
- Details of glass canopy at the entrance and mail boxes.*

Comment: The subject modification application is accompanied by a Finish Schedule, prepared by Ideas Design, which includes additional details on proposed materials, however excludes the children's play area to the rear.

5. Condition 31 – Fire Booster

The location of the fire booster is not approved. Prior to the issue of the Construction Certificate, the applicant shall contact the fire brigade to ascertain whether the fire coaster located in proximity to the site's boundary at 690 Princes Highway Kogarah are suitable for the proposed development, if this option is not approved by the Fire Brigade, different options for the location of the fire boosters so they do not constitute a focal

point in the street shall be investigated. Details of the structure and location shall be submitted to Council for approval prior to issue of the Construction Certificate.

Comment: The subject modification application is accompanied by a letter from an Accredited Fire Engineer which outlines that utilisation of the adjoining fire booster at the adjoining site (690 Princes Hwy) is not possible and that a separate booster associated to the subject site will need to be located on the Princes Highway frontage.

6. Condition 51 – Swept Path Analysis

Prior to the issue of a Construction Certificate, swept path analysis shall be submitted to the Certifying Authority for assessment and approval. The swept path drawings shall include the entry/exit of the internal ramps within the basement levels and a 'SRV' sized vehicle entering/exiting of the driveway/loading bay within the basement in accordance with section 7.2 of Council's Technical Specification – Traffic, Parking and Access.

Comment: The subject modification seeks to locate the loading bay separately from the driveway on Cross Lane.

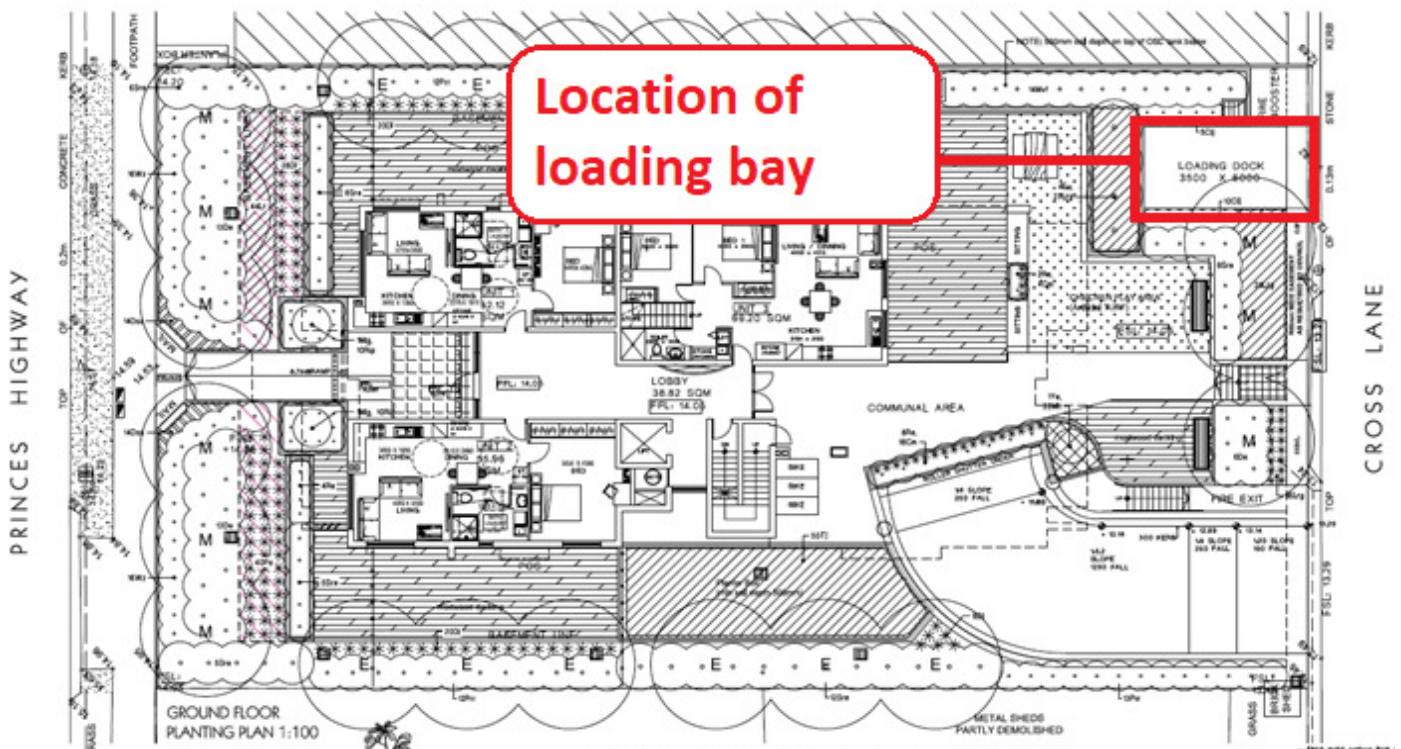
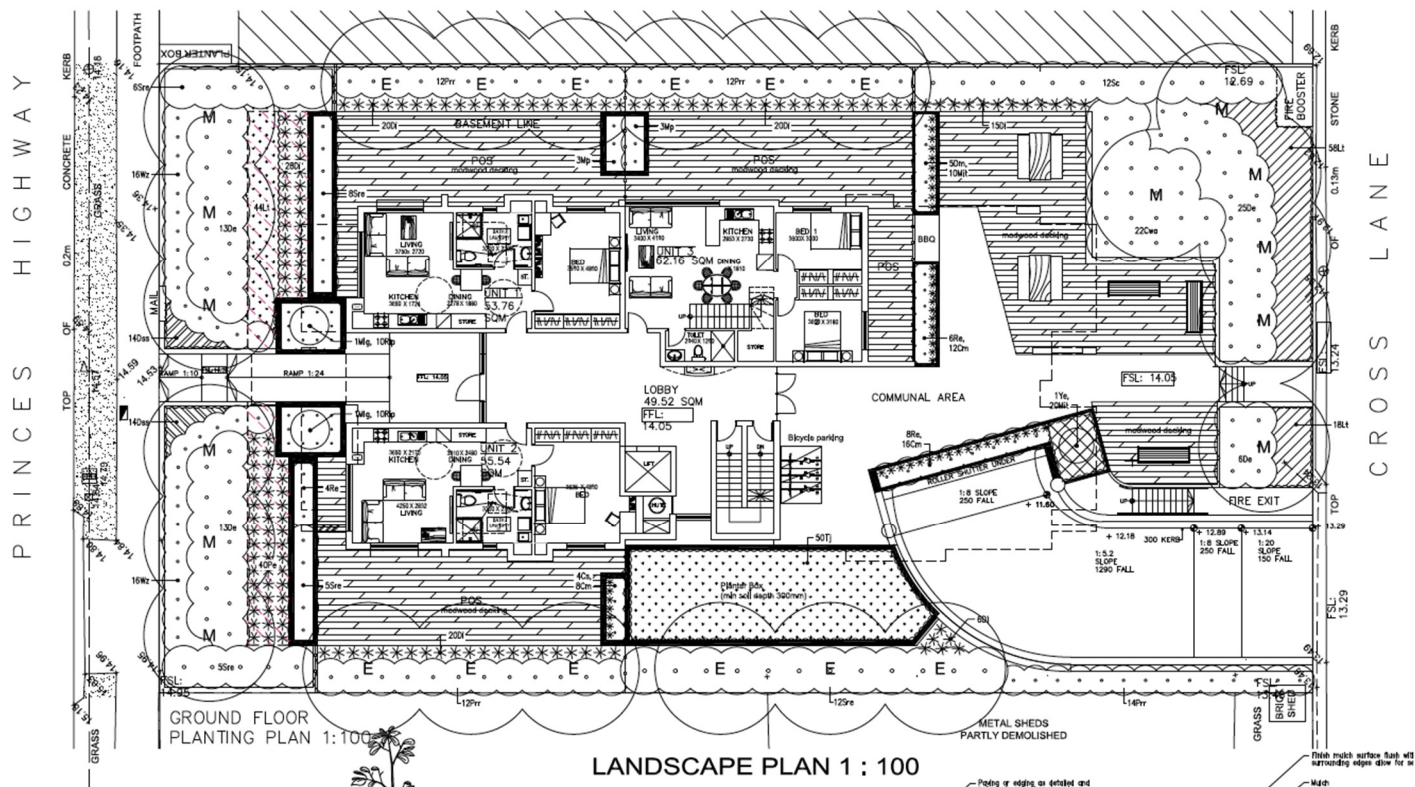


Figure 1 - Updated Landscape Plan, illustrating the presence of Loading Dock on the northern portion of the Cross Lane frontage.

Source: Landscape Plan prepared by Ray Fuggle + Associates, Drawing No: L-01, and dated 29 August 2018



Site location and context

The subject site is legally known as Lot 2 in Deposited Plan 1188540 and is commonly known as 686 and 688 Princes Highway, Kogarah. The subject site comprises a 26.52m western frontage to the Princes Highway, 48.60m northern and southern side boundaries, and a 26.52m eastern rear boundary abutting Cross Lane. The site area has a surveyed land area of 1,289m². Refer to **Figure 3**.



Figure 3 - Aerial image of 688 Princes Hwy, Kogarah, illustrating lot alignment and orientation.
Source: maps.google.com, as adapted by CPS

The site is currently occupied by a single storey vacant building, and numerous metal sheds and the partly demolished brick building (which was previously used as a mechanical repairs workshop 'Express Automotive Solutions'). Primary vehicular access is currently gained from the Princes Highway with a secondary vehicular access from Cross Lane. Metal sheds are located along the rear boundary.

Opposite the site to the south is No.690 Princes Highway which is currently undergoing construction works for an approved four-storey residential flat building with basement car parking (DA-2014/336).

To the north at No.684 Princes Highway is a modern three-storey office building with a roof-top terrace.

To the east of the subject site is No.2-4 French Street which is currently occupied by a four-storey residential flat building with eleven (11) residential units and vehicular access from Cross Lane.

To the west is the traffic signalled intersection of Regent Street and Princes Highway which provides access to the Kogarah Town Centre. On the western side of Princes Highway is No.43 Princes Highway which is a two-storey shop-top housing development and No.99 Regent Street is a two-storey residential flat building comprising of four (4) apartment units with a light pink external render finish with a tiled roof. Further to the southwest is the Kogarah Public School and St Pauls Church.

The subject site is affected by potentially contaminated land due to the previous industrial land uses of No.688 Princes Highway and the rear portion of No.690 Princes Highway that were historically being used as an industrial storage area. The subject site is affected by Acid Sulphate Soils, with a nominated classification under the RLEP 2011 of 'Class 5'.

Refer to site inspection photographs as follows.



Site Inspection Photo 1 – Viewing subject site looking across Princess Hwy and Regent St signalised intersection.



Site Inspection Photo 2 – Viewing adjoining development at 690 Princess Hwy (under construction).



Site Inspection Photo 3 – Viewing adjoining development at 684 Princes Hwy.



Site Inspection Photo 4 – Viewing recently constructed development at 29-31 Princes Hwy, located north-west of the subject site within the Georges River Council local government area.



Site Inspection Photo 5 – Viewing from Cross Lane at construction fencing of 690 Princes Hwy and adjoining subject site (rear of subject site).



Site Inspection Photo 6 – Viewing adjoining development at 690 Princes Hwy from Cross Lane (rear of subject site).



Site Inspection Photo 7 – Viewing rear of subject site and adjoining development under construction at 690 Princes Hwy from Cross Lane (rear of subject site).



Site Inspection Photo 8 – Viewing part of the rear of subject site (building with corrugated sheeting) and adjoining development at 684 Princes Hwy from Cross Lane.

Statutory Considerations

Environmental Planning and Assessment Act, 1979

An assessment of the application has been undertaken pursuant to the provisions of the *Environmental Planning and Assessment Act, 1979* (the Act).

Section 4.55(1A) Modification involving minimal environmental impact

(a) it is satisfied that the proposed modification is of minimal environmental impact,

The proposed modification is considered to have a potential impact on the traffic (loading bay), deep soil, and streetscape. The level of impact the proposal has on these aspects are discussed in the following.

Traffic (loading bay)

The Bayside Planning Panel, at their meeting on 13 June 2017, imposed the following conditions of consent.

- 1. The loading dock area is to be deleted as shown on the plan and replaced with deep soil planting as shown on the landscape plan L-01.*
- 2. The driveway from Cross Lane be configured to allow for short stay loading and unloading.*

The applicant has advised, within the accompanying Statement of Environmental Effects, that driveway re-configuration to allow for short stay loading and unloading would require the basement ceiling height to be raised a minimum 500mm. It is understood that the increase in basement ceiling height would enable the ramp grade (steepness) to be reduced to a complying level (1:20 slope) as required for the length of the loading bay (3.8m).

The 500mm increase in building height would result in the building exhibiting a greater breach of Council's 14.5m maximum building height limit (refer to clause 4.3 of the RLEP 2011), and with it increase in level of overshadowing to adjoining properties, visual bulk and scale, and a greater height plane inconsistency on the subject side of Princes Highway. The placement of the loading bay within the driveway requiring a breach of the maximum height limit is not considered be necessary or reasonable should an alternative viable location be available on the site.

Council's Traffic Engineer has reviewed the proposed modification and supports the applicant's claim that at the current ramp gradient a loading bay cannot be accommodated within the driveway from Cross Lane.

Council's Traffic Engineer further confirmed that a loading bay is required for the proposal and if it were located away from the driveway the surface of the loading bay could be made to be permeable. The modification seeks to locate the loading bay on the northern end of the Cross Lane frontage.

In this regard, it is considered that the location of the loading bay away from the driveway would result in an acceptable traffic outcome by ensuring loading bay facilities are provided for the proposed apartment building, and without resulting in an increase to maximum building height.

Streetscape

The placement of a loading bay that is separate from the driveway has the potential to impact the streetscape amenity as the amount of visible hardstand area is increased and the amount of visible landscaping may be reduced.

The accompanying Landscape Plan, prepared by Ray Fuggle + Associates, illustrates that the visual appearance of proposed location of the loading bay, when viewing from Cross Lane, is improved by landscape treatments. These treatments include:

- Framing the rear and northern side boundary of the loading bay with 0.5m high planter beds containing *Metrosideros vitiensis* (Fiji Fire) hedge plantings;
- Anchored the southern boundary of the loading bay with 2 x Spotted Gum tree plantings, which would serve as a greater focal point along this frontage;
- The fire booster (identified as adjoining the loading bay on the Landscape Plan) will need to be relocated to Princes Hwy to comply with Fire and Rescue NSW requirements, and will be required to be replaced by landscaping.

Recommended condition as follows:

Landscaping – Cross Lane

The area nominated as Fire Booster on the approved (updated) Landscape Plan will require landscape treatment commensurate to the treatment provided immediately adjoining along the adjoining northern boundary.

Refer to **Figure 4** for a diagrammatic image of the discussed landscape treatment.

Noting the above, the proposed landscaping ensures that the loading bay will not become a focal point of this frontage and ensures that the development continues to set a high level for landscape character in Cross Lane, which future development will need to consider.

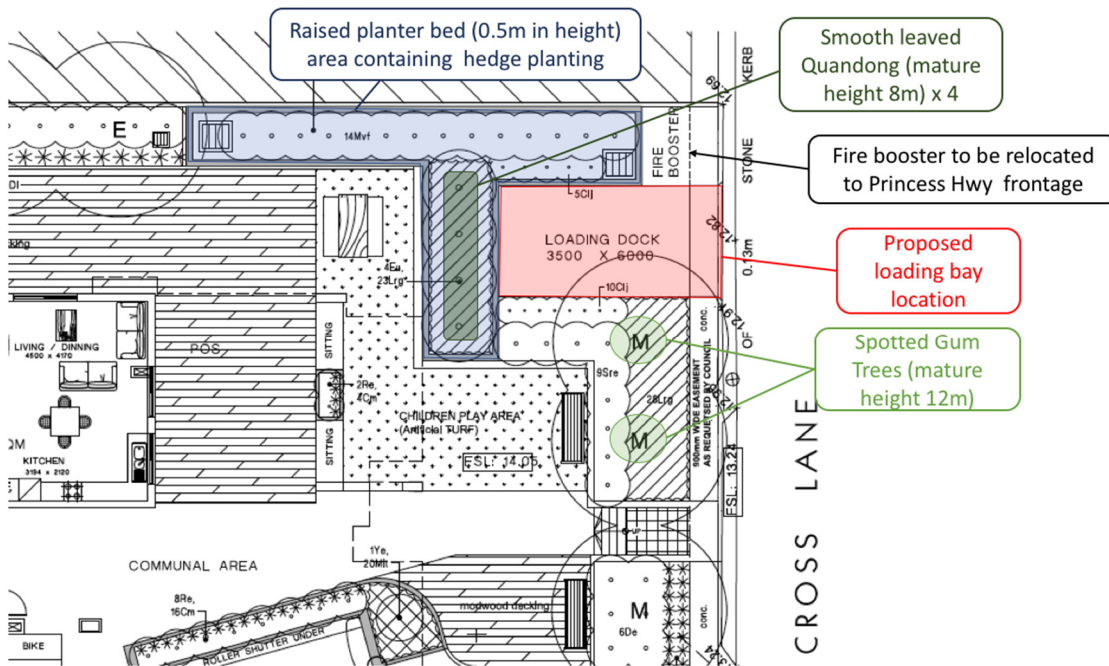


Figure 4 - Proposed location of the loading bay as framed by landscape treatment

Source: Landscape Plan prepared by Ray Fuggle + Associates, Drawing No: L-01, and dated 29 August 2018, as adapted by CPS Planning.

Council's Landscape Architect has reviewed the proposed modification and makes the following assessment:

1. The loading bay off Cross Lane has appropriate screen planting, looking from the private open space, BBQ area and children play area, and from adjoining northern neighbour (closer to the loading bay).
2. Condition 11. Rooftop terrace includes a 1.5m wide non trafficable area, dedicated to screen planting. The setbacks include trees and shrubs to provide screen planting to the development and to adjoining properties. Some embellishment treatment had been added to the communal undercroft, although not all detailed in the landscape plan.
3. Condition 11.A. The loading zone off Cross lane is present on the proposal, to provide access to Fire Booster, (Condition 31).
4. Condition 11.B. The retaining of the loading bay annulated condition 11B. Loading bay should be treated with a permeable surface, to enhance water filtration in deep soil zone.

Accordingly, Council's Landscape Architect does object to the proposal subject to the loading bay being treated with a permeable surface.

Deep soil

The placement of an impervious hardstand area within the primary deep soil area of the subject site can impact the management of stormwater on the site and eliminate the opportunity for large tree plantings.

As discussed earlier, both Council's Traffic Engineer and Landscape Architect support the treatment of the proposed loading bay with a permeable surface to enhance the water filtration into the deep soil zone. In this regard the following condition is recommended:

Treatment of loading bay

The surface of the proposed loading bay is required to be permeable as to allow water filtration into the soil.

Furthermore, the accompanying Landscape Plan, prepared by Ray Fuggle + Associates, illustrates that trees capable of a mature height of 12m (Spotted Gums) can be accommodated within both of the street frontages.

In this regard, the impact of the loading bay on deep soil is considered to be minor and is acceptable subject to the recommended conditions.

(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and

In accordance with the standard of assessment for "substantially the same" development, a test of comparison between the approved development and the modified development as proposed must find that the modified consent is "essentially and materially" the same to satisfy section 4.55(1A)(b).

The primary purpose of the proposed modification is limited to changing the conditioned location of the loading bay required by the approved four (4) storey residential flat building, comprising sixteen (16) residential units, rooftop terrace, basement car parking and demolition of existing structures.

As the proposal does not seek any change to the use or capacity of the building nor amend the approved built form, it is considered that the proposed development, as modified by this application, remains essentially and materially the same as the originally approved proposal.

(3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The proposed modifications do not result in a change to the residential flat building's compliance with the applicable environmental planning instruments. The previous assessment DA-2016/402 remains applicable.

S.79C(1)(a)(ii) - Provisions of any Draft EPI's

No relevant proposed instruments are applicable to this proposal.

S79C(1)(a)(iii) - Provisions of any Development Control Plan

Rockdale Development Control Plan 2011 (RDCP 2011)

The impact of the proposal on traffic (loading bay), streetscape, and deep soil, which are all aspects guided by the RDCP 2011, has been assessed under Section 4.55(1A)(a) of the Act and been found to be acceptable. In this regard the proposal is considered to satisfy with the objectives of the RDCP 2011.

S.79C(1)(a)(iv) - Provisions of regulations

The modifications do not impact on the development's ability to comply with the regulations.

S.79C(1)(b) - Likely impacts of development

The likely impacts of the proposed modification have been considered earlier in this report and were found to be acceptable.

S.79C(1)(c) - Suitability of the site

The subject site continues to be suitable for the approved development as proposed to be modified by this application.

S.79C(1)(d) – Public Submissions

Subject to the assessment undertaken within this report, the proposed modification is considered to result in no greater impact on surrounding development, and therefore notification is not required in accordance with Part 8 of the RDCP 2011.

S.79C(1)(e) - Public Interest

The proposal, as modified, continues to facilitate for the development of the site in accordance with its environmental capacity. The proposed building is a high-quality building that will add architectural value to the existing streetscape. Furthermore, the proposal does not create unreasonable impacts on surrounding properties. As such it is considered that the modified DA is in the public interest.

(c) it has notified the application in accordance with:

(i) the regulations, if the regulations so require, or

(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent,

Part 8 of the RDCP 2011 outlines that modifications resulting in no greater impact on surrounding development need not be notified. This report has considered the impacts of the proposal and considers the proposed modification will result in no greater impact on surrounding development when compared to the approved development of DA-2016/402.

(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

No submissions have been received.

- End of report -

Schedule 1 - Assessment of proposed modifications

CONDITION of DA-2016/402 SUBJECT TO MODIFICATION	IMPACT OF PROPOSED DEVELOPMENT
Condition 11:	
<i>The approved Landscape Plan prepared by Ray Fuggle + Associates, Drawing No: L-01, and dated 29 April 2016, including the rooftop terrace plan and roof plan shall be updated and submitted to Bayside Council for approval prior to the issue of the Construction Certificate addressing the following:</i>	<p>Condition satisfied.</p> <p>The modification application is accompanied by an updated Landscape Plan prepared by Ray Fuggle + Associates, Drawing No: L-01, and dated 29 August 2017, which includes a rooftop terrace plan.</p> <p>An updated Roof Garden Plan, prepared by Ideas Design, Drawing No: A-08, Revision: C, and dated Oct 2016 also accompanies the application.</p>
<ul style="list-style-type: none"> Consistency with the building footprint and design provided within the approved architectural plans prepared by ideas-design listed in condition 2. 	<p>Condition satisfied.</p> <p>The amended landscape plan is consistent with the approved architectural plans by ideas-design listed in condition 2.</p>
<ul style="list-style-type: none"> The third flood rooftop terrace shall include a non-trafficable area of 1.5 metres in width measured from the building edge surrounding the terrace. 	<p>Condition satisfied.</p> <p>The updated Landscape Plan and Roof Garden Plans illustrate that the third floor rooftop terrace includes a non-trafficable area of 1.5m in width along the building edge.</p>
<ul style="list-style-type: none"> The non-trafficable area shall include landscape planter beds with plantings as illustrated within the outdated Landscape Plan prepared by Ray Fuggle + Associated, Drawing No: L-01, and dated 29 April 2016. 	<p>Condition satisfied.</p> <p>The non-trafficable area of the updated Landscape Plan includes plantings, commensurate to what is illustrated in outdated Landscape Plan prepared by Ray Fuggle + Associated, Drawing No: L-01, and dated 29 April 2016.</p>
<ul style="list-style-type: none"> The front setback area shall incorporate tree planting which does not conflict with the on site detention system. 	<p>Condition not satisfied.</p> <p>No information has been submitted to confirm the proposed tree plantings do not conflict with on site detention system. Accordingly, this condition is recommended to be retained.</p>
<ul style="list-style-type: none"> Screening species shall be included into the side setbacks to improve privacy between adjacent dwellings. 	<p>Condition satisfied.</p> <p>Refer to Council's Landscape Architect's comments.</p>
<ul style="list-style-type: none"> Podium landscaping and paved areas shall be drained into the stormwater drainage system. All waterproofing for planters on slab shall be installed and certified by a licensed waterproofing contractor. 	<p>Condition not satisfied.</p> <p>No information has been submitted to confirm podium landscaping will be drained into the stormwater drainage system. Accordingly, this condition is recommended to be retained.</p>
<ul style="list-style-type: none"> The landscape treatment of the communal undercroft area to the rear of the building so as to activate 	<p>Partially satisfied.</p> <p>Council's Landscape Architect outlined that some embellishment treatment had been added to the communal undercroft, although not all detailed in the landscape plan.</p>

<p><i>the space, and include such embellishments as:</i></p> <ul style="list-style-type: none"> <i>• additional podium planters and softscape features;</i> <i>• ground surface treatments to provide visual interest (paving patterns, sizes, textures, etc);</i> <i>• ceiling treatment (e.g. timber panelling and lighting);</i> <i>• landscape & wayfinding light fixtures;</i> <i>• concealment of services;</i> <i>• interface with the property boundary at the rear</i> <p><i>The above shall include detailed sections at scale 1:50:</i></p>	<p>In this regard, this condition is recommended to be retained.</p>
<ul style="list-style-type: none"> <i>• Fencing details</i> 	<p>Condition not satisfied. No fencing details has been submitted. Accordingly, this condition is recommended to be retained.</p> <p>Condition to be retained.</p>
<p>Modified condition:</p> <p><u>Condition 11 – Landscape Plan:</u></p> <p><i>The approved Landscape Plan prepared by Ray Fuggle + Associates, Drawing No: L-01, and dated 29 August 2017, shall be updated and submitted to Bayside Council for approval prior to the issue of the Construction Certificate addressing the following:</i></p> <ul style="list-style-type: none"> <i>• The front setback area shall incorporate tree planting which does not conflict with the on site detention system.</i> <i>• Podium landscaping and paved areas shall be drained into the stormwater drainage system. All waterproofing for planters on slab shall be installed and certified by a licensed waterproofing contractor.</i> <i>• The landscape treatment of the communal undercroft area to the rear of the building so as to activate the space, and include such embellishments as:</i> <ul style="list-style-type: none"> <i>• additional podium planters and softscape features;</i> <i>• ground surface treatments to provide visual interest (paving patterns, sizes, textures, etc);</i> <i>• ceiling treatment (e.g. timber panelling and lighting);</i> <i>• landscape & wayfinding light fixtures;</i> <i>• concealment of services;</i> <i>• interface with the property boundary at the rear.</i> <p><i>The above shall include detailed sections at scale 1:50:</i></p> <ul style="list-style-type: none"> <i>• Fencing details</i> 	
<p>Condition 11A – Deletion of Loading Bay</p>	
<p><i>The loading dock area is to be deleted as shown on the plan and replaced with deep soil planting as shown on the landscape plan L-01.</i></p>	<p>Condition to be deleted. The application has demonstrated that the loading bay location to the northern end of the Cross Lane frontage is acceptable.</p>

<p><i>The reason for additional conditions 11A, and 11B is: To provide for a landscape setting for the building when viewed from Cross Lane.</i></p>	<p>In this regard, the condition is to be deleted.</p>
<p>Condition 11B – Loading bay on driveway</p>	
<p><i>The driveway from Cross Lane be configured to allow for short stay loading and unloading.</i></p> <p><i>The reason for additional conditions 11A, and 11B is: To provide for a landscape setting for the building when viewed from Cross Lane.</i></p>	<p>Condition to be deleted.</p> <p>The application has demonstrated that re-configuring the driveway off Cross lane to accommodate short stay loading and unloading requires increasing the overall height of the building.</p> <p>The application has further demonstrated that the loading bay location to the northern end of the Cross Lane frontage is acceptable.</p> <p>In this regard, the condition is to be deleted.</p>
<p>Condition 24 – Materials and Finishes</p>	
<p><i>The following shall be submitted to Bayside Council for approval prior to the issue of the Construction Certificate:</i></p> <p>(i) <i>A samples' board showing finishes of walls, roof, balustrades (including any required balustrade around the communal and children's play area at the rear), windows/door frames, louvres and roof pergola.</i></p> <p>(ii) <i>Details of glass canopy at the entrance and mail boxes.</i></p>	<p>Condition partially satisfied.</p> <p>A Schedule of Finishes, submitted with the application provides for balustrade, window, privacy screen, and pergola details for the Princes Hwy frontage, however no details have been provided for the communal and children's play area at the rear.</p> <p><i>A Details: Mail Box & Canopy</i> diagram, prepared by Ideas Design Associates, have been submitted with the application.</p> <p>In order to consider the Materials and Finishes proposed for the development as a whole, a samples board that covers all the prescribed building elements and areas should be submitted to Council in full.</p> <p>In this regard the condition is recommended to be retained in full.</p>
<p>Condition 31 – Fire Booster</p>	
<p><i>The location of the fire booster is not approved. Prior to the issue of the Construction Certificate, the applicant shall contact the fire brigade to ascertain whether the fire coaster located in proximity to the site's boundary at 690 Princes Highway Kogarah are suitable for the proposed development, if this option is not approved by the Fire Brigade, different options for the location of the fire boosters so they do not constitute a focal point in the street shall be investigated. Details of the structure and location shall be submitted to Council for approval prior to issue of the Construction Certificate.</i></p>	<p>Condition to be deleted.</p> <p>The subject modification application is accompanied letter from an Accredited Fire Engineer which outlines that utilisation of the adjoining fire booster at the adjoining site (690 Princes Hwy) is not possible and that a separate booster associated to the subject site will need to located on the Princes Highway frontage. See extract below.</p> <p>The subject development is bounded by Princes Highway to the west and Cross Lane to the east. Since Cross Lane is less than 6 m wide (kerb to kerb), Fire and Rescue NSW will not support the fire hydrant booster assembly being located next to a roadway that is not accessible by a fire pumping appliance.</p> <p>Based on the above reasons, the proposed location of the fire hydrant booster assembly is to face Princes Highway along the front façade and located within the subject allotment boundary, as shown in Figure 1 below.</p> <p>To ensure that the resulting fire booster does not detract from the streetscape of Princess Hwy, the condition is recommended to be modified.</p>
<p>Modified condition:</p>	

The location and design of the proposed fire booster must not become a focal point within the streetscape of Princess Hwy. Appropriate design and landscaping solutions must be used to positively integrate the fire booster into the streetscape. Details of the structure and location shall be submitted to Council for approval prior to issue of the Construction Certificate.

Condition 51 – Swept Path Analysis

Prior to the issue of a Construction Certificate, swept path analysis shall be submitted to the Certifying Authority for assessment and approval. The swept path drawings shall include the entry/exit of the internal ramps within the basement levels and a 'SRV' sized size vehicle entering/existing of the driveway/loading bay within the basement in accordance with section 7.2 of Council's Technical Specification – Traffic, Parking and Access

Condition to be deleted.

The subject modification seeks to locate the loading bay separately from the driveway on Cross Lane.

Note. Council Traffic Engineer to determine whether swept paths are required for the proposal without a driveway way that includes a short stay loading and unloading loading bay.

Schedule 2 - Draft Conditions of consent

Additional conditions to be imposed as part of the modification application:

- **Condition 2 – Implementation of Plans**

Title	Prepared by	Drawing Number/ Reference/ Pages	Issue/ Revision	Date
Landscape Plan	Ray Fuggle	L-01	C	29 August 2017

- **(Condition 11C) Landscaping – Cross Lane**

The area nominated as Fire Booster on the approved (updated) Landscape Plan will require landscape treatment commensurate to the treatment provided immediately adjoining along the adjoining northern boundary.

- **(Condition 11D) Treatment of loading bay**

The surface of the proposed loading bay is required to be permeable as to allow water filtration into the soil.

Conditions to be amended as part of the modification application

- **Condition 11 – Landscape Plan:**

The approved Landscape Plan prepared by Ray Fuggle + Associates, Drawing No: L-01, and dated 29 August 2018, shall be updated and submitted to Bayside Council for approval prior to the issue of the Construction Certificate addressing the following:

- *The front setback area shall incorporate tree planting which does not conflict with the on site detention system.*
- *Podium landscaping and paved areas shall be drained into the stormwater drainage system. All waterproofing for planters on slab shall be installed and certified by a licensed waterproofing contractor.*
- *The landscape treatment of the communal undercroft area to the rear of the building so as to activate the space, and include such embellishments as:*
 - a) additional podium planters and softscape features;*
 - b) ground surface treatments to provide visual interest (paving patterns, sizes, textures, etc);*
 - c) ceiling treatment (e.g. timber panelling and lighting);*
 - d) landscape & wayfinding light fixtures;*
 - e) concealment of services;*
 - f) interface with the property boundary at the rear.**The above shall include detailed sections at scale 1:50:*
- *Fencing details*

- **Condition 31 – Fire Booster**

The location and design of the proposed fire booster must not become a focal point within the streetscape of Princess Hwy. Appropriate design and landscaping solutions must be used to positively integrate the fire booster into the streetscape. Details of the structure and location shall be submitted to Council for approval prior to issue of the Construction Certificate.

Conditions to be deleted as part of the modification application

- **Condition 2 – Implementation of Plans**

Title	Prepared by	Drawing Number/ Reference/ Pages	Issue/ Revision	Date
Landscape Plan	Ray Fuggle	L-01	B	29 April 2016
Roof Plan	Ideas-design	A-08A	B	26 April 2017
Roof Garden Plan	Ideas-design	A-08	B	26 April 2017

- **Condition 11A – Deletion of Loading Bay**

The loading dock area is to be deleted as shown on the plan and replaced with deep soil planting as shown on the landscape plan L-01.

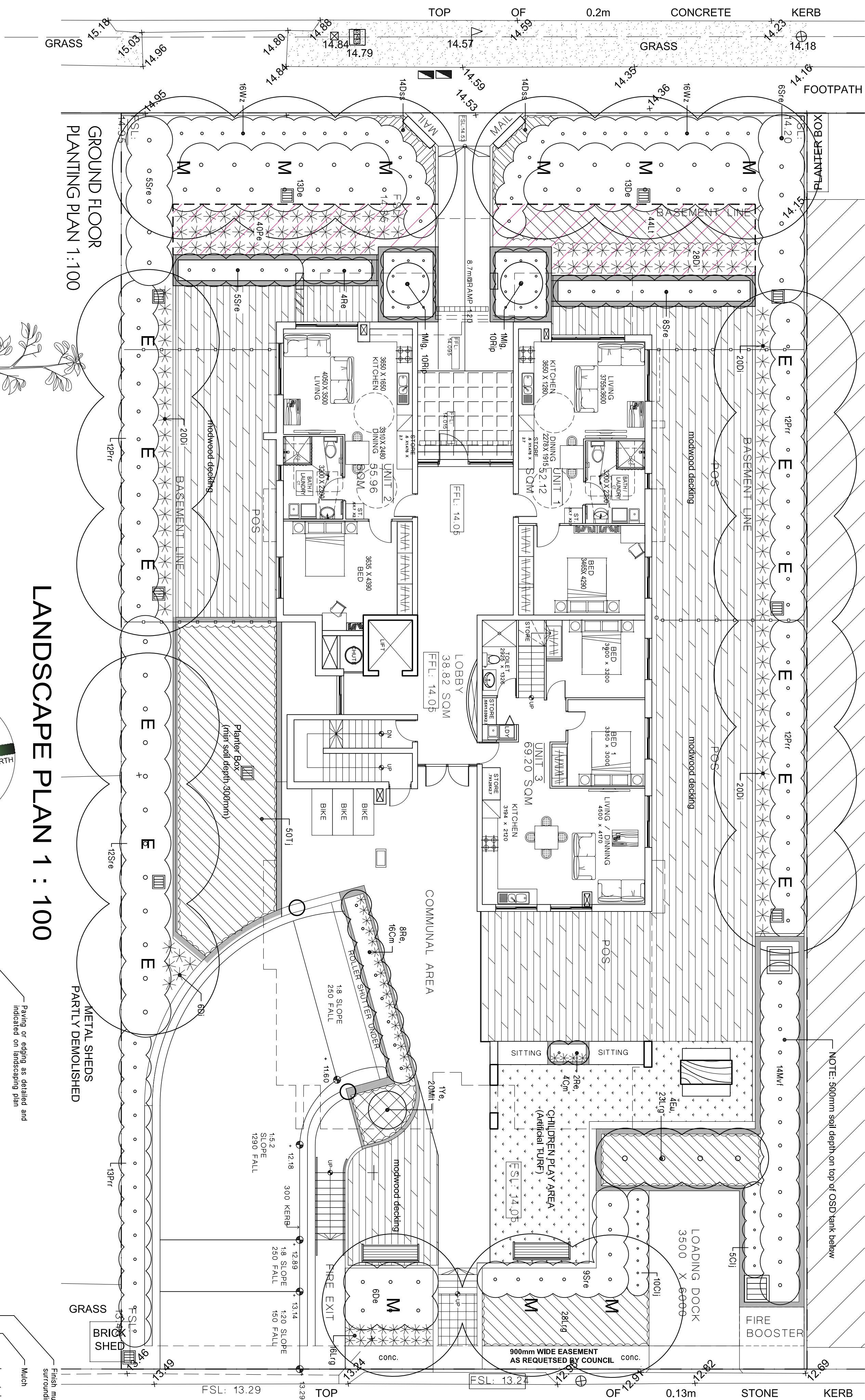
- **Condition 11B – Driveway configuration**

The driveway from Cross Lane be configured to allow for short stay loading and unloading.

- **Condition 51 – Swept Path Analysis**

Prior to the issue of a Construction Certificate, swept path analysis shall be submitted to the Certifying Authority for assessment and approval. The swept path drawings shall include the entry/exit of the internal ramps within the basement levels and a 'SRV' sized size vehicle entering/existing of the driveway/loading bay within the basement in accordance with section 7.2 of Council's Technical Specification – Traffic, Parking and Access.

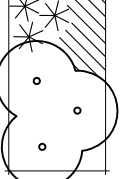


PRINCES HIGHWAY



CROSS LANE

LEGEND

- Excavate a grade all areas to be turfed to 120mm below required finished levels. Do not excavate within 1500mm of the trunk of any existing tree to be retained. Ensure that all surface water runoff is directed towards inlet pits, kerbs etc., and away from buildings. Ensure that no ponding will occur. Rip the subgrade to 150mm, nominal 10mm depth of imposed topsoil. Just prior to spreading the turf, spread Striety's Soil 17mm fertilizer over the topsoil at the recommended rate. Lay 'Kikuyu' turf rows closely butted. Fill and seal gaps with topsoil. Water thoroughly. Water throughout.

- | | |
|---|---|
|  | <p>wooded decking
 Modwood decking or similar</p> <p>planter boxes</p> <p>Planter box on top of concrete slab (Refer to detail)</p> |
|  | <p>garden bed on slab</p> |
|  | <p>planting areas</p> <p>Ensure that the mass planting areas have been excavated to 300mm below finished levels. Rip to a further depth of 150mm. Supply and install 300mm soil mix. Soil mix to comprise of one part approved compost to three parts topsoil. Topsoil shall be either imported topsoil or stockpiled site topsoil (if suitable ie. No clay). install 75mm depth of selected mulch.</p> |

maintenance: All landscape works are to be maintained for a period of three months from the date of practical completion. This includes all watering, weeding, spraying and re-mulching necessary to achieve vigorous growth. Any defects which arise during this period are to be rectified immediately. Any plants or areas of turf which fail during this period are to be replaced at no additional cost.

All planting areas on the landscape plan are to be covered by a fully automatic drip irrigation system. All pipework is to be PVC to satisfy AS 1477. All installation is to satisfy the Sydney Water Code and AS 3500. The system is to be installed by a suitable licensed contractor. All equipment and workmanship is to be guaranteed for a minimum period of 12 months.

For all fencing types and materials refer to the Architects plans.

PLANT SCHEDULE

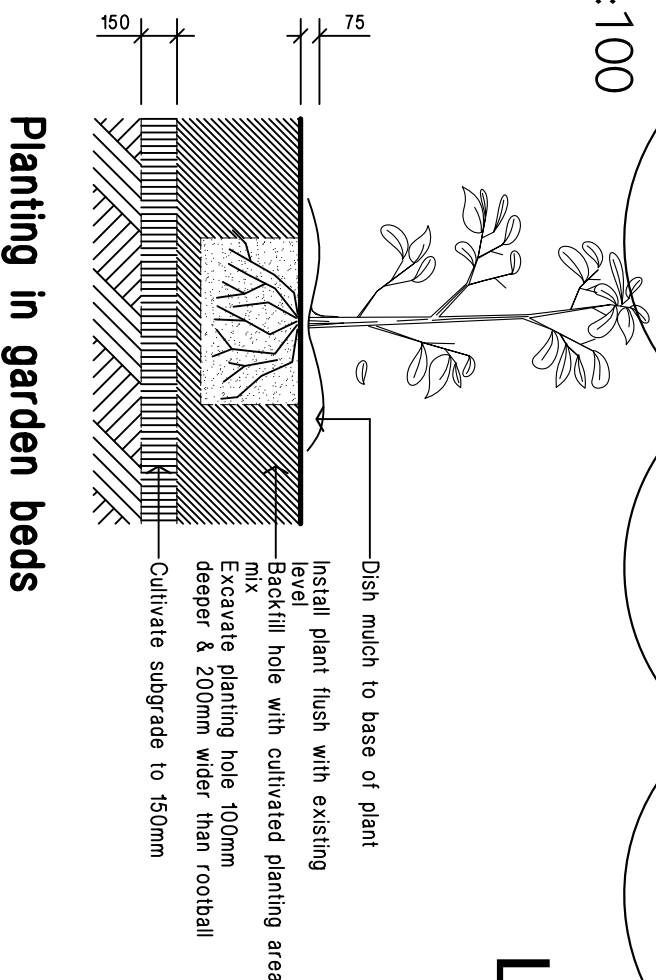
	Latin Name (Common Name - Mature Height)	Qty	Size	State
■ Trees	<i>Elaeocarpus reticulatus</i> (Blue berry ash - 6m)	12	35 litre	yes
	<i>E Magnolia</i> (Little Star (Dwarf Magnolia - 4m)	13	35 litre	yes
	<i>Eucalyptus globulus</i> (Gum) (2m)	9	35 litre	yes
	<i>Lagerströmia indica</i> (Natalplum - 10m)	4	35 litre	yes
	<i>Myrica</i> (Myrica - 10m)	1	35 litre	yes
■ Shrubs				

■ Shrubs

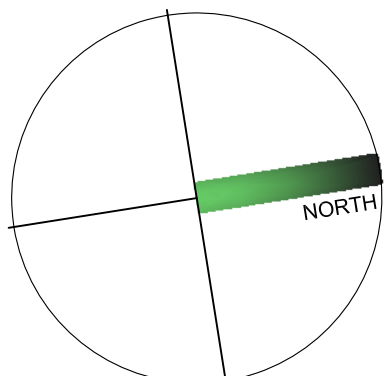
Cif	Callistemon 'Little John' (Dwarf Bottlebrush - m)	15	5 litre
De	Doryanthes excelsa (Gymea Lilly - m)	32	5 litre
Eg	Elaeocarpus sumatrensis (Smooth leaved Quandong - 8m)	4	5 litre
Mg	Magnolia 'Little Gem' (Dwarf Magnolia - 4m)	2	5 litre
Mt	Mussaenda filipes (Mother in law's tongue - 0.6m)	20	5 litre
Mt	Metrosideros viticarpa 'Fiji fire' (N/A - 2m)	54	5 litre
Pf	Podocarpus Neri (Podium - 2.5m)	19	5 litre
Rb	Rapanea bartramii (Dwarf Hawaiian hawthorne - 1m)	14	5 litre
Rb	Rapanea vespa (Pineapple - 15m)	14	5 litre
Re	Ruscus aculeata (Resilience 'Lilly Pilly' - 3m)	45	5 litre
Sz	Syzygium australe (Resilience 'Lilly Pilly' - 3m)	45	5 litre
Sz	Strutia repens 'mini bird' (Dwarf bird of paradise - m)	36	5 litre
Wz	Westringia 'Zena' (Westringia - 1m)	28	5 litre
Ye	Yucca elephantipes (Spineless Yucca - 3m)	1	5 litre

■ Groundcovers

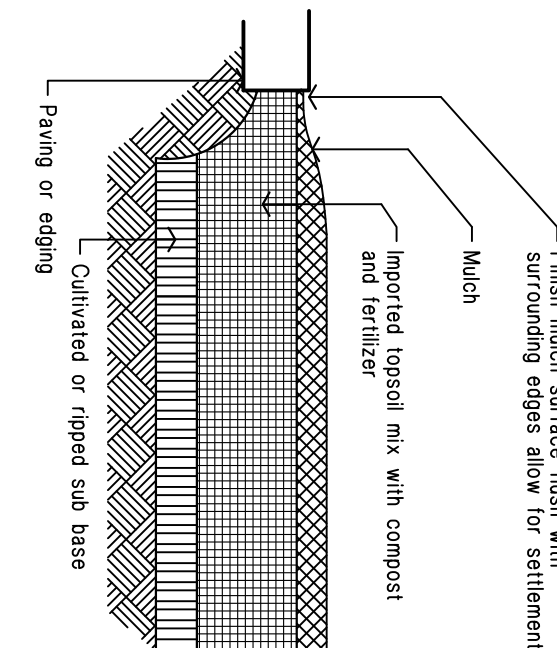
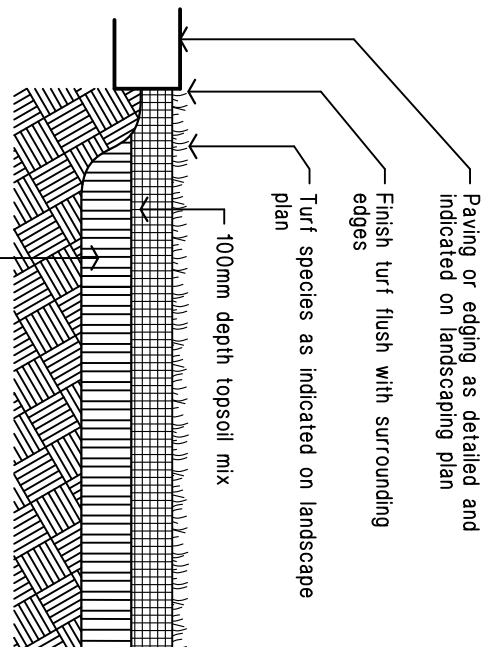
Cm	<i>Civaa minata</i> (Kailir fly - 0.5m)	20	550mm pot
Ds	<i>Dietes intricata</i> (Wild iris - 0.5m)	34	550mm pot
Ds	<i>Dianella</i> 'Silver Star' (Variegated Dianella - 0.6m)	28	550mm pot
Lg	<i>Ligularia</i> 'Black Star' (Large leafed plant - 0.6m)	28	550mm pot
Lg	<i>Ligularia</i> 'Evergreen Giant' (Large iridopsis - 0.5m)	67	550mm pot
Pa	<i>Poa polytrichos</i> 'Eskdale' (Poa grass - 0.6m)	40	550mm pot
Ti	<i>Trachelospermum jasminoides</i> (Star jasmine - 0.3m)	50	550mm pot
Ti	<i>Trachelospermum incultum</i> (Variegated jasmine - 0.3m)	56	550mm pot



Planting in garden beds
Detail. Not To Scale.

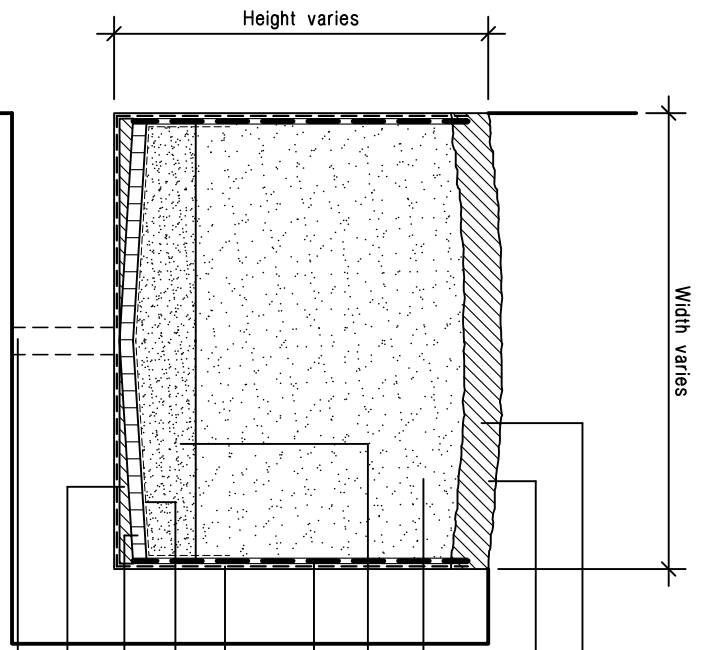


LANDSCAPE PLAN 1 : 100

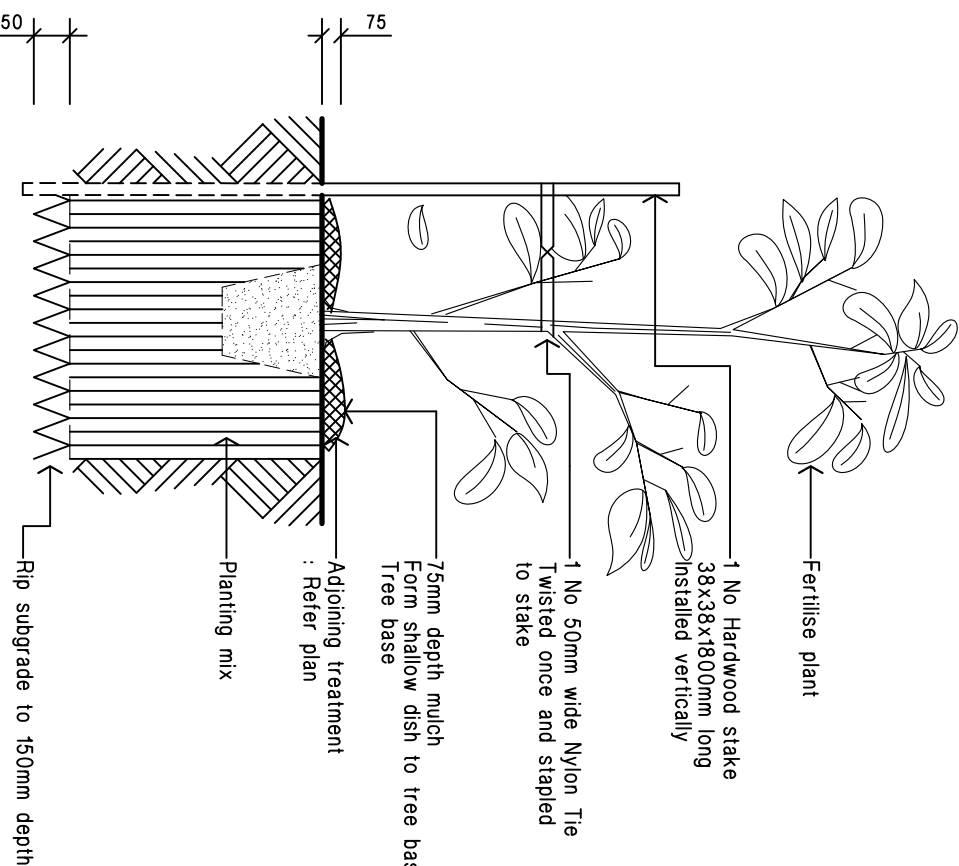


Ground preparation
Grassed area: turf using imported topsoil

**Ground preparation
Planting area using imported topsoil
Detail.** Not To Scale.



Typical planter box Detail.
Not To Scale.



15 - 35 litre Tree planting

issue:	CC	date:	29/08/17	issue no:	C
file name:	c:\			drawing No:	
drawn:	HK	scale:	1:100 @ A1		
checked:	RF	project No:	4016c		L-01

LANDSCAPE PLAN

Tonuja Developments P/L

No. 688 Princess Highway;
KOGARAH



29.08.17	CC Issue	C
29.04.16	DA Issue	B
14.04.16	Sketch Design	A
DATE	AMENDMENT	ISSUE

PROPOSED RESIDENTIAL DEVELOPMENT

KOGARAH








Client

AT 688 PRINCES HIGHWAY
KOGARAH, NSW

FINISH SCHEDULE
PROPOSED RESIDENTIAL APARTMENT
AT 688 PRINCES HIGHWAY KOGARAH, NSW



VIEW FROM PRINCES HIGHWAY

Walls	Double Brick External Wall Rendered Walls (Gray)	
RENDERED WALL	OR Hebel Power Panel External Wall Rendered Finish (Gray)	
Walls	Double Brick External Wall Rendered Walls (Gray)	
RENDERED WALL	OR Hebel Power Panel External Wall Rendered Finish (White)	
Windows Doors	Aluminium frame with glass to BASIX & BCA Colour - Dark Gray Dowell or Vantage windows or similar	
Balustrades	Stainless Steel/ Toughend glass to BCA Balcony & COMMUNAL & CHILDREN PLAY AREA Stainless Steel	
Privacy Screen	Aluminium timber colour finish Timber Colour	
Pathway	Slip resistant Tiles Gray	
Driveway	Broom Finish & Colour concrete Charcoal	

PROJECT: PROPOSED RESIDENTIAL APARTMENT AT 688 PRINCES HIGHWAY KOGARAH, NSW
CLIENT: TONUJA CONSTRUCTIONS PTY.LTD

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NOTES:
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DRAWING TO BE READ IN CONJUNCTION WITH SPECIFICATION, ENGINEERING DESIGN AND RELEVANT CONSULTANTS' DRAWINGS.
FIGURED DIMENSIONS TO TAKE PREFERENCE OVER SCALED DIMENSIONS

DRAWING TITLE: FINISH SCHEDULE
--

DESIGNED: IFTEKHAR ABDULLAH B. Arch., M. Urb. Des. (Sydney Uni) Architect (Reg. 8626 NSW, 2410 ACT)

DESIGN DEV & DRAWN: PALLAB CHAKRABARTY (B.ARCH)
--

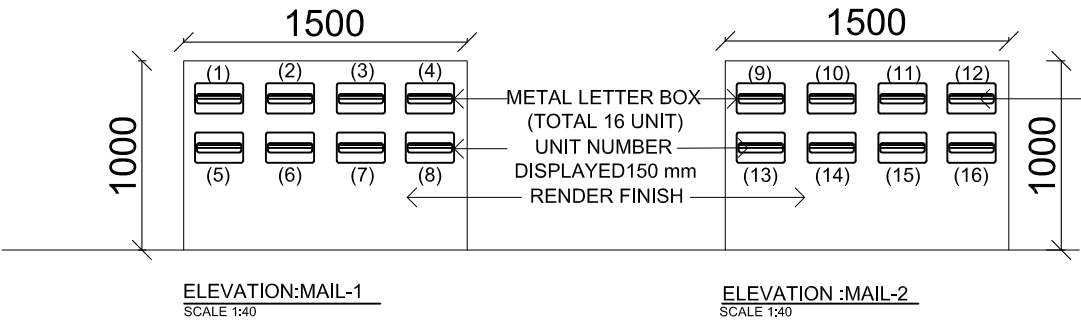
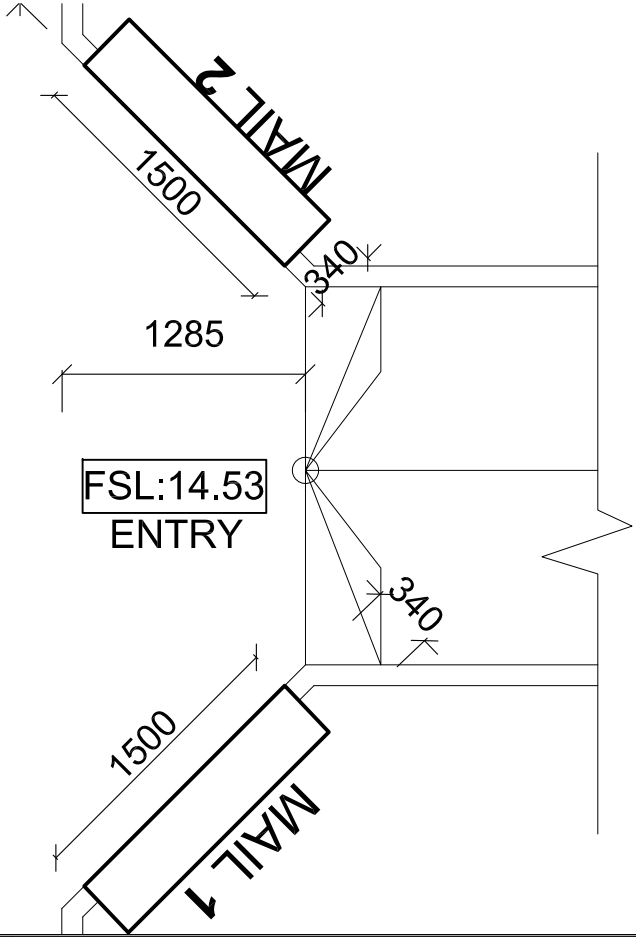
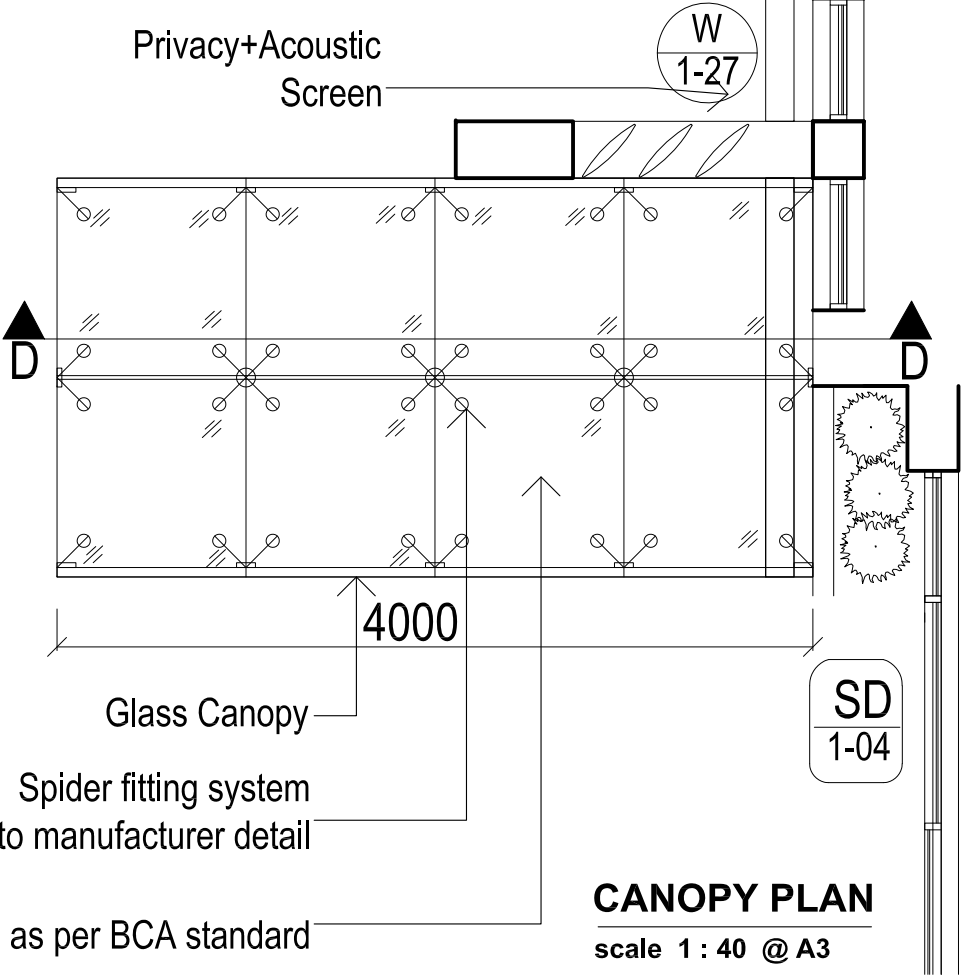
ideas Architects • Urban Designers
iftekhara+design associates
17 Warragamba Cr. Leumeah, NSW - 2560
Ph: 02 46257733, Mobile: 0404 891 326
e-mail: info@ideas-design.com.au
www.ideas-design.com.au

AMENDMENTS:

SCALE: As Shown
DATE: DEC, 2015
DWG. NO:
revision: A B C D E F

Steel beam
Glass
Spider systems
Steel beam anchor to wall

SECTION D-D
scale 1 : 40 @ A3



MAIL BOX scale 1 : 40 @ A3

PROJECT:
PROPOSED RESIDENTIAL APARTMENT
AT 688 PRINCES HIGHWAY KOGARAH, NSW

CLIENT:

TONUJA CONSTRUCTIONS PTY.LTD

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NOTES:
ALL WORKS TO COMPLY WITH CURRENT VERSIONS OF BCA, AUSTRALIAN STANDARDS, COUNCIL REQUIREMENTS AND OTHER RELATED BUILDING REGULATIONS.
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DRAWING TO BE READ IN CONJUNCTION WITH SPECIFICATION, ENGINEERING DESIGN AND RELAVENT CONSULTANTS DRAWINGS.
FIGURED DIMENSIONS TO TAKE PREFERENCE OVER SCALED DIMENSIONS

DRAWING TITLE:

DETAILS: MAIL BOX & CANOPY

DESIGNED:
IFTEKHAR ABDULLAH
B. Arch., M. Urb. Des. (Sydney Uni.)
Architect (Reg.8626 NSW, 2410 ACT)

DESIGN DEV & DRAWN:
PALLAB CHAKRABARTY
(B.ARCH)

P CHAKMA
(B.ARCH)

ideas •Architects •Urban Designers
iftekhara+design asociates
17 Warragamba Cr. Leumeah, NSW - 2560
Ph: 02 46257733, Mobile: 0404 891 326
e-mail: info@ideas-design.com.au
www.ideas-design.com.au

AMENDMENTS:

SCALE: 1:100 in A3
DATE: AUG, 2017
DWG. NO: Details-01

revision: A B C D E F

Schedule 1 - Draft Conditions of consent

General Conditions

The following conditions restrict the work to the detail provided in the Development Application and are to ensure that the development is complete.

1. The term of this consent is limited to a period of five (5) years from the date of the original approval. The consent will lapse if the development does not commence within this time.
2. The development must be implemented substantially in accordance with the plans listed below, the application form and on any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.

Title	Prepared by	Drawing Number/ Reference/ Pages	Issue/ Revision	Date
Basement Plan	Ideas-design	A-03	B	26 April 2017
Ground Floor Plan with Site & Design Calculation	Ideas-design	A-02	B	26 April 2017
Ground Floor Plan	Ideas-design	A-04	B	26 April 2017
First Floor Plan	Ideas-design	A-05	B	26 April 2017
First Floor Plan (close-up)	Ideas-design	A-05A	B	26 April 2017
Second Floor Plan	Ideas-design	A-06	B	26 April 2017
2nd Floor Plan (close-up)	Ideas-design	A-06A	B	26 April 2017
3rd Floor Plan	Ideas-design	A-07	B	26 April 2017
3rd Floor Plan	Ideas-design	A-07A	B	18 Oct 2016
North & South Elevations	Ideas-design	A-09	B	24 April 2017
East & West Elevations	Ideas-design	A-10	B	24 April 2017
Sections& Elevations	Ideas-design	A-10a	C	26 April 2017
<i>Landscape Plan</i>	<i>Ray Fuggle</i>	<i>L-01</i>	<i>C</i>	<i>29 August 2017</i>
Finishes Schedule	Ideas-design			December 2015

[Amendment A - S96(1A) amended on 22 May 2018]

3. All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).
4. **A Construction Certificate must be obtained from Council or an Accredited Certifier prior to any building work commencing.**
5. The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate Number 719578M_02 other than superseded by any further amended consent and BASIX certificate.
Note: Clause 145(1)(a1) of the Environmental Planning & Assessment Regulation 2000 provides: A certifying authority must not issue a construction certificate for building work unless it is satisfied of the following matters: -
 - (a1) that the plans and specifications for the building include such matters as each relevant BASIX certificate requires.**Note:** Clause 154B(2) of the Environmental Planning & Assessment Regulation 2000 provides: "A certifying authority must not issue a final occupation certificate for a BASIX affected building to which this clause applies unless it is satisfied that each of the commitments whose fulfilment it is required to monitor has been fulfilled."
Note: For further information please see <http://www.basix.nsw.gov.au>.
6. The balconies incorporated into the development and the communal area at the rear shall not be enclosed at any future time, without consent from Council.
7. This approval is not to be construed as permission to erect any structure on or near a boundary contrary to the provisions of the Dividing Fences Act.
8. The materials and façade details approved under condition 2 and any other relevant condition of this consent shall not be altered or amended at the construction certificate stage without a prior S96 application and approval under the EP&A Act.
9. Mail boxes must be installed along the street frontage of the property boundary in accordance with Australia Post Guidelines. Prominent house numbers are to be displayed, with a minimum number size of 150 mm in height for each number and letter in the alphabet.
10. Parking spaces shall be allocated to residential apartments in the development in the following manner and this shall be reflected in any subsequent strata subdivision of the development:

Allocated Spaces

Studio apartments/1 bedroom apartments	1 space per apartment
and 2 bedroom apartments	
3 bedroom apartments and 3+ bedroom apartments	2 spaces per apartment

Non-Allocated Spaces

Residential Visitor Spaces	1 space per 5 apartments
Car wash bays	1 car wash bay with 5 dwellings or more.

One Loading bay for a SRV space

Parking calculations that are not whole numbers must be rounded up to the nearest whole number.

All residential visitor spaces, car wash bays and loading bays shall be labelled as common property on the final strata plan for the site.

Note: This parking allocation condition applies to any Strata Certificate issued with respect to a Consent issued in accordance with Section 81 (1)(A) of the *Environmental Planning and Assessment Act 1979* or a Complying Development Certificate issued in accordance with Part 6 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Development specific conditions

The following conditions are specific to the Development Application proposal.

11. *The approved Landscape Plan prepared by Ray Fuggle + Associates, Drawing No: L-01, and dated 29 August 2018, shall be updated and submitted to Bayside Council for approval prior to the issue of the Construction Certificate addressing the following:*
- *The front setback area shall incorporate tree planting which does not conflict with the on site detention system.*
 - *Podium landscaping and paved areas shall be drained into the stormwater drainage system. All waterproofing for planters on slab shall be installed and certified by a licensed waterproofing contractor.*
 - *The landscape treatment of the communal undercroft area to the rear of the building so as to activate the space, and include such embellishments as:*
 - a) additional podium planters and softscape features;*
 - b) ground surface treatments to provide visual interest (paving patterns, sizes, textures, etc);*
 - c) ceiling treatment (e.g. timber panelling and lighting);*
 - d) landscape & wayfinding light fixtures;*
 - e) concealment of services;*
 - f) interface with the property boundary at the rear.*
- The above shall include detailed sections at scale 1:50.*
- *Fencing details*
- [Amendment A - S96(1A) amended on 22 May 2018]*
- 11A. *[Amendment A - S96(1A) deleted on 22 May 2018]*
- 11B. *[Amendment A - S96(1A) deleted on 22 May 2018]*
- 11C. The area nominated as Fire Booster on the approved (updated) Landscape Plan will require landscape treatment commensurate to the treatment provided immediately adjoining along the adjoining northern boundary.
[Amendment A - S96(1A) inserted on 22 May 2018]
Reason for additional condition 11C is:
- To ensure consistency with the landscape plan.
- 11D. The surface of the proposed loading bay is required to be permeable as to allow water filtration into the soil.
[Amendment A - S96(1A) inserted on 22 May 2018]
Reason for additional condition 11D is:
- To minimise visual impacts from the loading bay and enhance the landscaping on site.
12. 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.

13. The existing and future owners (Registered Proprietor) of the property will be responsible for the operation and maintenance of the detention system. 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 any 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 requirements of this clause;
 - (vii) 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.
14. The existing and future owners (Registered Proprietor) of the property will be responsible for the efficient operation and maintenance of the pump system.
- The Registered Proprietor will:
- (i) permit stormwater to be temporarily detained and pumped 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;
 - (vii) 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.
15. All wastewater and stormwater treatment devices (including drainage systems, sumps and traps) shall be regularly maintained in order to remain effective. All solid and liquid wastes collected from the device shall be disposed of in accordance with the Protection of the Environment Operations Act, 1997.
16. The rainwater tank shall be routinely de-sludged and all contents from the de-sludging process disposed – solids to the waste disposal and de-sludged liquid to the sewer.
17. Noise Impacts

- The proposal shall be designed and constructed in accordance with the report by Koikas Acoustics Pty Ltd dated 6 April 2016 and received by Council on 7 July 2016.
- The use of the premises, building services, equipment, machinery and, ancillary fittings shall not give rise to an “offensive noise” as defined under the provisions of the Protection of the Environment Operations Act, 1997.
- Residential air conditioners must be designed so as not to operate:

(1) during peak time—at a noise level that exceeds 5 dB(A) above the ambient background noise level measured at any property boundary, or

(2) during off peak time—at a noise level that is audible in habitable rooms of adjoining residences.

Note - peak time means:

- the time between 8:00 am and 10:00 pm on any Saturday, Sunday or public holiday, or
- the time between 7:00 am and 10:00 pm on any other day.

- Noise Impacts between units:

(i) An acoustic report shall be prepared by a suitably qualified Acoustic Consultant prior to issue of the relevant Construction Certificate. The report must demonstrate that the plans submitted with the Construction Certificate will ensure compliance with the inter-tenancy flooring & wall construction requirements contained in RDCP 2011 which are as follows:

(A) Flooring within the development shall achieve the following minimum equivalent Association of Australian Acoustical Consultants (AAAC) Star Rating within the below specified areas of the development:

- 3 Star for tiled areas within kitchens, balconies, bathrooms and laundries. Tiled flooring within corridors, living areas and bedrooms is not permitted.
- 4 Star for timber flooring in any area.
- 5 Star for carpet in any area.

(B) Walls within the development shall be constructed to satisfy the requirements of the Building Code of Australia.

(ii) A suitably qualified acoustic engineer with MIE Australia membership or employed by a consulting firm eligible for AAAC membership is to certify that the details provided in the report required by (c) above satisfies the requirements of this condition, with the certification to be submitted to the Principal Certifying Authority for approval prior to the issue of the relevant Construction Certificate.

18. The use of 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.

19. Dewatering Not Approved

This consent does not grant approval for any dewatering of the site on a temporary, permanent or semi-permanent basis. If groundwater is encountered, the works must cease until a permit has been issued by the Department of Primary Industries (NSW

Office of Water) pursuant to the Water Management Act 2000, and, in the case where water is to be pumped into the public road, a permit has been issued pursuant to the Roads Act 1993.

20. The visible light reflectivity from building materials used on the façade of the building 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 shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for the relevant stage of works.
21. The design and construction of the offstreet parking facilities shall comply with Australian Standards, as follows:
 - AS/NZS 2890.1:2004
 - AS2890.2:2002
 - AS2890.3:1993
 - AS/NZS2890.6:2009
 - The Loading Bay facilities are to be designed to accommodate a SRV for furniture delivery / removal. The details should be in accordance with Council DCP, Rockdale Technical specification – Traffic, Parking and Access and AS 2890.2. (Minimum dimension 3.5m X 7.0m)
 - Comply with Rockdale Technical Specification – Stormwater Management, in relation to the minimum width and configuration of car wash bays.
 - Comply with Council's Vehicular Entrance Policy in relation to the design of the access driveways, in particular the layout of the access driveways shall be provided in the form of a layback in the kerb and gutter.
 - Headroom clearance under planter boxes or deep soil areas and roller shutter areas shall be minimum of 2.3m
 - The twoway ramp width shall be of minimum 6.1m clear,
22. All proposed lights shall comply with the Australian Standard AS4282 - 1997 "Control of the Obtrusive Effects of Outdoor Lighting". In this regard, the lighting of the premises shall be directed so as not to cause nuisance to the owners or occupiers of adjacent/adjoining premises or to motorists on adjoining or nearby roads.
23. Hot and cold water hose cocks shall be installed to the garbage room.
24. Materials and finishes

The following shall be submitted to Bayside Council for approval prior to the issue of the Construction certificate:

- (i) A samples' board showing finishes of walls, roof, balustrades (including any required balustrade around the communal and children's play area at the rear), window/door frames, louvres and roof pergola.
 - (ii) Details of glass canopy at the entrance and mail boxes.
25. a) In order to ensure the design quality / excellence of the development is retained:
 - i. A registered architect is to have direct involvement in the design documentation, contract documentation and construction stages of the project;
 - ii. The design architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of design issues throughout the life of the

project;

iii. Evidence of the design architect's commission is to be provided to Bayside Council prior to issue of the Construction Certificate.

b) The design architect of the project is not to be changed without prior notice and approval of Bayside Council.

26. Where natural ventilation fails to comply with the provisions of the Building Code of Australia, mechanical ventilation shall be provided in accordance with Australian Standard, 1668, Part 2.
27. Retaining walls over 600mm in height shall be designed and specified by a suitably qualified structural engineer.
28. The approved completed landscape works shall be maintained for a period not less than 12 months.

On completion of the maintenance period, 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 the landscape maintenance has been carried out in accordance with approved landscape plans and designated specifications before release of the nominated landscape bond.

29. All carwash, engine degreasing and steam cleaning shall be conducted in a washbay which is graded to an internal drainage point and connected to the sewer with the approval of Sydney Water.
30. All condensation from the air conditioning unit shall be discharged into the sewerage system.
31. *The location and design of the proposed fire booster must not become a focal point within the streetscape of Princess Hwy. Appropriate design and landscaping solutions must be used to positively integrate the fire booster into the streetscape. Details of the structure and location shall be submitted to Council for approval prior to issue of the Construction Certificate.*
[Amendment A - S96(1A) amended on 22 May 2018]
32. To ensure passive surveillance of Cross Lane, no high solid walls shall be constructed around the communal and children's play area at the rear. If an additional barrier is required to achieve compliance with the BCA, a balustrade to match the balconies' balustrade shall be installed. Details shall be submitted to the PCA prior to the issue of the Construction Certificate.

33. Strata By-Laws

(a) By-laws shall be registered prior to registration of any Strata Plan and maintained for the life of the development, which requires that :

(i) balconies are not to be used as clothes drying areas, storage of household goods and air-conditioning units that would be visible from the public domain;

(ii) an owner of a lot must ensure that all floor space within the lot complies with the acoustic conditions for floors specified in this consent;

(iii) Notwithstanding subclause (b), in the event that a floor covering in the lot is removed, the newly installed floor covering shall have a weighted standardized impact sound pressure level not greater than L'nT,w 45 measured in accordance with AS ISO 140.7 and AS ISO 717.2, A test report from a qualified acoustic engineer

employed by a firm eligible to membership of the Association of Australian Acoustical Consultants shall be submitted to the Owners Corporation within 14 days of the installation of the new floor covering demonstrating compliance with that standard. In the event that the standard is not complied with, the floor covering shall be removed and replaced with a floor covering that conforms to that standard in accordance with any directions given by the Owners Corporation.

(b) Proof of registration of the By Law shall be submitted to Council prior to the registration of any Strata Plan.

34. Safer by Design

To maximise security in and around the development the following shall be incorporated into the development. Details for the following are to be approved by the Principal Certifying Authority prior to the issue of the Construction Certificate, implemented prior to issue of the Occupation Certificate, and maintained for the lifetime of the development:

(a) Monitored CCTV facilities shall be implemented throughout the development. Areas of focus include the basement car park (including entry and exits), main entry areas to the development and garbage/storage areas.

(b) A lighting maintenance policy shall be established for the development. Lighting shall be designed to the Australian and New Zealand Lighting Standards. Australia and New Zealand Lighting Standard 1158.1 - Pedestrian, requires lighting engineers and designers to consider crime risk and fear when selecting lamps and lighting levels.

(c) Security mirrors shall be installed within corridors and on blind corners to enable users to see around blind corners.

(d) Graffiti resistant materials shall be used to ground level external surfaces.

(e) Intercom facilities shall be installed at all vehicular and pedestrian entry/exit points to enable residents to communicate and identify with people prior to admitting them to the development.

35. Amended / Additional Plans and/or Information

The plans submitted with the Construction Certificate shall include and/or be amended to address the following matters:

(a) Additional columns other than the ones shown in the approved plans within the communal undercroft area are not permitted. If additional columns are proposed a S96 application must be submitted to Council.

(b) No structure is permitted in the 900mm right of way along Cross Lane.

(c) Any hot water systems/units located on the balcony of a dwelling shall be encased in a recessed box with the lid/cover of the box designed to blend in with the building and all associated pipe work is to be concealed, as required by Control 19 of Part 4.7 of Rockdale DCP 2011.

(d) Ceiling Heights

(i) Ceiling heights for all habitable areas shall be a minimum of 2.7 metres

and ceiling heights for non-habitable areas shall be a minimum of 2.2m as measured vertically from finished floor level to the underside of the ceiling.

(ii) Ceiling heights for all non-habitable areas shall be a minimum of 2.4 metres as measured vertically from finished floor level to the underside of the ceiling.

(iii) The ceiling height of the undercroft area at the rear shall be a minimum height of 2.7 metres. Pipes and services shall be screened by a false ceiling.

(e) Lift Size – All lift cars are to have minimal internal dimensions of 2.1m x 1.5m, must be capable of carrying stretchers and have lift door openings wide enough to enable bulky goods (white goods, furniture etc) to be easily transported.

(f) Mechanical ventilation - Any mechanical ventilation system for the basement car park must comply in all respects with the requirements of Australian Standard 1668, Part 1 & 2. The vents for this system must be appropriately designed and screened by landscape planting.

(g) Any air-conditioning units shall not be fixed to the external walls of the balcony or building and must be located in a position that is not visible from the public domain.

(h) All plumbing, including down pipes shall be concealed within the brickwork / facade of the building.

(i) Accessible storage has been provided to all apartments in accordance with the following requirements from the Apartment Design Guide (ADG):

- The minimum storage area to be provided for each dwelling shall be:
 - Studio / 1 bed unit = 6m³
 - 2 bed unit = 8m³
 - 3 bed unit = 10m³
- A minimum 50% of the storage space required by (b) above shall be provided in each apartment.
- The storage areas located within the basement levels shall be of metal construction (mesh and/or solid metal) and must be provided with lock and key.

(j) Balustrades shall be constructed from a solid/opaque material to a minimum height of 1000mm. The top of the balustrade shall be a minimum height of 1200mm.

(k) The POS of Unit 3 shall not extend beyond that hatch area shown on the approved plans. A fence is to be installed to delineate the private and communal open space areas.

Prior to issue of the construction certificate

The following conditions must be completed prior to the issue of the Construction Certificate.

36. The following fees shall be paid to Council prior to the issue of a Construction Certificate. 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.
- i. A Footpath Reserve Restoration Deposit of 21,465. 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. The deposit may be lodged with Council in the form of a Bank Guarantee (Any proposed Bank Guarantee must not have an expiry date). The deposit will not be returned by Council until works are completed and all damage is restored and all specified works are completed by Council.

- ii. An environmental enforcement fee of 0.25% of the cost of the works.
- iii. A Soil and Water Management Sign of \$17.50.

37. For work costing \$25,000 or more, a Long Service Leave Levy shall be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.

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

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

39. A Section 94 contribution of \$138,833.52 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 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	\$113,931.68
Community Services & Facilities	\$8,196.95
Town Centre & Streetscape Improvements	\$3,740.98
Pollution Control	\$12,155.80
Plan Administration & Management	\$808.11

Copies of Council's Section 94 Contribution Plans may be inspected at Council's Customer Service Centre, Administration Building, 444-446 Princes Highway, Rockdale.

40. Prior to the issue of the 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.

41. 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.

42. The applicant shall confer with Ausgrid to determine if an electricity distribution substation and/or the installation of electricity conduits in the footway is required. The

applicant shall confer with Ausgrid to determine if satisfactory clearances to any existing overhead High Voltage mains will be affected.

All low voltage street mains in that section of the street/s adjacent to the development shall be placed underground. This shall include any associated services and the installation of underground supplied street lighting columns where necessary.

Written confirmation of Ausgrid's requirements shall be obtained prior to issue Construction Certificate.

43. The applicant shall confer with Energy Australia to determine if satisfactory clearances to any existing overhead High Voltage mains will be affected. Written confirmation of Energy Australia's requirements shall be obtained prior to issue Construction Certificate.

All low voltage street mains in that section of the street/s adjacent to the development shall be placed underground. This shall include any associated services and the installation of underground supplied street lighting columns where necessary. The applicant shall confer with Energy Australia to determine Energy Australia requirements. Written confirmation of Energy Australia's requirements shall be obtained prior to issue Construction Certificate.

The relocation of the existing electricity supply pole in the road reserve at (specify location if required) to (specify location if required), is required to avoid conflict with the new driveway. The relocation works shall be undertaken in accordance with the requirements of Energy Australia. The applicant shall enter into a contract with Energy Australia for the relocation works prior to the issue of the Construction Certificate, and the works must be completed prior to the commencement of the driveway works and issue of the Occupation Certificate. The applicant is responsible for all relocation costs, including costs associated with other cabling such as telecommunications cables.

44. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For Quick Check agent details please contact Sydney Water.

The consent authority or a private accredited certifier must ensure that a Quick Check agent/Sydney Water has appropriately stamped the plans before issue of any Construction Certificate.

45. Details shall be submitted to Council for assessment and approval pursuant to Section 138 of the Roads Act 1993 in relation to the following:

- i) Construction of footpath and streetscape works
- ii) Construction of a vehicular entrance

46. Prior to issue of the Construction Certificate, a longitudinal driveway profile shall be submitted to Principal Certifying Authority for assessment and approval. The profile shall start in the centre of the road and be along the critical edge (worst case) of the driveway. Gradients and transitions shall be in accordance with Council's Code. The

profile shall be drawn to a scale of 1 to 25 and shall include all relevant levels, grades (%) and lengths.

The proposed basement ramps to have a crest level to prevent inundation from gutter flows.

47. A Construction Management Plan (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.

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.

Copies of the CMP and TMP shall be submitted to Council.

48. All recommendations contained in the report prepared by Caldwell & Kent Consulting, Ref: CKC CV688PHV01, Dated 29 April 2016 shall be implemented.

49. As the basement floor is being proposed closer to existing built structures on neighbouring properties, which may be in the zone of influence of the proposed works and excavations on this site, a qualified practicing geotechnical engineer must:

(a) Implement the recommendations contained in the Geotechnical and Acid Sulfate Soil assessments report prepared by STS GeoEnvironmental Pty Ltd, Report No. 15/2936A, dated May 2016;

(b) Provide a certificate that the construction certificate plans are satisfactory from a geotechnical perspective and

(c) Confirm the proposed construction methodology.

Prepare a Construction Methodology report demonstrating that the proposed construction methods (including any excavation, and the configuration of the built structures) will have no adverse impact on any surrounding property and infrastructure. The report must be submitted with the application for a Construction Certificate for the relevant stage of works.

(d) Inspect the works as they progress. The Inspections are to occur at frequencies determined by the geotechnical engineer.

Where a Private Certifier issues the Construction Certificate a copy of the above

documentation must be provided to Council, once the Construction Certificate is issued for the relevant stage of works.

Note: A failure by contractors to adequately assess and seek professional engineering (geotechnical) advice to ensure that appropriate underpinning and support to adjoining land is maintained prior to commencement may result in damage to adjoining land and buildings. Such contractors are likely to be held responsible for any damages arising from the removal of any support to supported land as defined by section 177 of the Conveyancing Act 1919.

50. Vibration monitoring equipment must be installed and maintained, under the supervision of a professional engineer with expertise and experience in geotechnical engineering, between any potential source of vibration and any building identified by the professional engineer as being potentially at risk of movement or damage from settlement and/or vibration during the excavation and during the removal of any excavated material from the land being developed.

If vibration monitoring equipment detects any vibration at the level of the footings of any adjacent building exceeding the peak particle velocity adopted by the professional engineer as the maximum acceptable peak particle velocity an audible alarm must activate such that the principal contractor and any sub-contractor are easily alerted to the event.

Where any such alarm triggers all excavation works must cease immediately.

Prior to the vibration monitoring equipment being reset by the professional engineer and any further work recommencing the event must be recorded and the cause of the event identified and documented by the professional engineer.

Where the event requires, in the opinion of the professional engineer, any change in work practices to ensure that vibration at the level of the footings of any adjacent building does not exceed the peak particle velocity adopted by the professional engineer as the maximum acceptable peak particle velocity these changes in work practices must be documented and a written direction given by the professional engineer to the principal contractor and any sub-contractor clearly setting out required work practice.

The principal contractor and any sub-contractor must comply with all work directions, verbal or written, given by the professional engineer.

A copy of any written direction required by this condition must be provided to the Principal Certifying Authority within 24 hours of any event.

Where there is any movement in foundations such that damage is occasioned to any adjoining building or such that there is any removal of support to supported land the professional engineer, principal contractor and any sub-contractor responsible for such work must immediately cease all work, inform the owner of that supported land and take immediate action under the direction of the professional engineer to prevent any further damage and restore support to the supported land.

Note: Professional engineer has the same mean as in Clause A1.1 of the BCA.

Note: Building has the same meaning as in section 4 of the Act i.e. "building includes part of a building and any structure or part of a structure".

Note: Supported land has the same meaning as in section 88K of the Conveyancing Act 1919.

51. *[Amendment A - S96(1A) deleted on 22/06/2018]*

52. All recommendations contained in the Preliminary Site Investigation report prepared by Martens Consulting, Ref: P1605467JR01V02 , dated 13 September 2016 shall be implemented. These recommendations include the following:

(1) The property is to undergo a hazardous materials assessment by appropriately qualified contractor pre-demolition to determine if asbestos or other hazardous material is present. Where hazardous materials are identified, the material is to be removed and disposed of by an appropriately qualified contractor under current controls

(2) A walkover inspection following demolition is required to determine any residual impacts or unexpected finds from previous use.

(3) All fill material is to be removed from site as a part of the site excavation works. Prior to any fill or soil being removed from site, a formal waste classification assessment in accordance with NSW EPA Waste Classification Guidelines (2014) is required.

53. A Waste Management Plan shall be prepared and implemented in accordance with Rockdale Technical Specification Waste Minimisation and Management.

54. The low level driveway must be designed to prevent inflow of water from the road reserve. A gutter flow analysis, in accordance with Council's Technical Specification – Stormwater Management, is required to be submitted to the Certifying Authority.

The analysis is required to:

- Estimate the flow of water in the street kerb and gutter; and
- Recommend the required crest level in the driveway to protect the low level driveway from flooding.

Where a crest is required, a longitudinal surface profile must be also be submitted for assessment. Details shall be included in the documentation presented with the Construction Certificate application.

55. Any part of the proposed building within 3m of the proposed detention tank or absorption trench shall be constructed on a pier and beam foundation with piers extending no less than 300mm below the bottom of the tank or trench base. This requirement shall be reflected on the Construction Certificate plans and supporting documentation.

56. A visitor car space shall also operate as a car wash bay. A tap shall be provided. A sign shall be fixed saying 'Visitor Car Space and Car Wash Bay'. The runoff shall be directed and treated as per Rockdale Technical Specification Stormwater Management. Details shall be provided with the plans accompanying the Construction Certificate.

57. Prior to the issue of the Construction Certificate, amended detailed drainage design

plans for the management of stormwater are to be submitted to Principal Certifying Authority for assessment and approval.

Note: The detailed plans are required to incorporate an oil interceptor for the driveway and carpark stormwater run-off in accordance with the Rockdale Technical Specification Stormwater Management, Section 7.5.4.

- a. The basement pump storage shall be sized to contain the total volume of runoff generated by the two hour 1 in 50 year storm assuming the pumps are not operating. This is equivalent to 10.6 m³ per 100 m² of area being drained anticipated groundwater seepage capacity. All the pump storage volume is to be underground and to have minimum dual pumps.
- b. To implement any required drainage measures on the base of Geotechnical Engineer's advice on the drainage under the floor slab and basement walls.
- c. DCP requires the provision of on-site detention. Concept drainage design plans, supporting calculations and design certification will be required to be submitted in accordance with the design, documentation and certification requirements of DCP and Rockdale Technical Specification – Stormwater Management.
- d. The proposed basement ramps to have a crest level to prevent inundation from gutter flows.

Prior to commencement of works

The following conditions must be completed prior to the commencement of works.

- 58. 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) or Council prior to Commencement of Works. The insurance cover shall be a minimum of \$10 million.
- 59. A Soil and Water Management Plan shall be prepared. 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.

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.

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.

- 60. A sign must be erected at the front boundary of the property clearly indicating the Development Approval Number, description of work, builder's name, licence number and house number before commencement of work. If owner/builder, the

Owner/Builder Permit Number must be displayed.

61. 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.
62. Where it is necessary to import landfill material onto the site to fill the land to levels shown on the plans forming part of the consent, a certificate, prepared by a suitably qualified and experienced Contaminated Land Consultant, shall be submitted to Council being the Regulatory Authority prior to the commencement of works, certifying that the imported fill is suitable for the land use.
63. The site shall be secured by a 1800 mm (minimum) high temporary fence for the duration of the work. Gates shall be provided at the opening points.
64. A hoarding or fence shall be erected between the work site and the public place 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,
- Where the development site adjoins a public thoroughfare, the common boundary between them must be fenced for its full length with a hoarding, unless, the least horizontal distance between the common boundary and the nearest part of the structure is greater than twice the height of the structure. The hoarding must be constructed of solid materials (chain wire or the like is not acceptable) to a height of not less than 1.8m adjacent to the thoroughfare.
- Where a development site adjoins a public thoroughfare with a footpath alongside the common boundary then, in addition to the hoarding required above, the footpath must be covered by an overhead protective structure, type B Hoarding, and the facing facade protected by heavy duty scaffolding unless either:
- (i) the vertical height above footpath level of the structure being demolished is less than 4m; or
 - (ii) the least horizontal distance between footpath and the nearest part of the structure is greater than half the height of the structure.
- The overhead structure must consist of a horizontal platform of solid construction and vertical supports, and the platform must -
- (i) extend from the common boundary to 200mm from the edge of the carriageway for the full length of the boundary;
 - (ii) have a clear height above the footpath of not less than 2.1m;
 - (iii) terminate not less than 200mm from the edge of the carriageway (clearance to be left to prevent impact from passing vehicles) with a continuous solid upstand projecting not less than 0.5m above the platform surface; and
 - (iv) together with its supports, be designed for a uniformly distributed live load of not less than 7 kPa
- The 'B' Class hoarding is to be lit by fluorescent lamps with anti-vandalism protection grids.
- Any such hoarding, fence or awning is to be removed when the work has been completed.

The principal contractor or owner builder must pay all fees and rent associated with the application and occupation and use of the road (footway) for required hoarding or overhead protection.

65. Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.
66. Consultation with Ausgrid is essential prior to commencement of work. Failure to notify Ausgrid may involve unnecessary expense in circumstances such as:
 - i) where the point of connection and the meter board has been located in positions other than those selected by Ausgrid or
 - ii) where the erection of gates or fences has restricted access to metering equipment.

During demolition / excavation / construction

The following conditions must be complied with during demolition, excavation and or construction.

67. 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.
68. 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.
69. 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.
 - Maintenance of the public place free from unauthorised materials, waste containers or other obstructions.
70. Ground water shall only be pumped or drained to Council's stormwater system if the water is clean and unpolluted. The standard used to determine the acceptability of the quality of the water is the 'Australian and New Zealand Environment and Conservation Council - Australian Water Quality Guidelines for Fresh and Marine Waters 1992'.

Note: Prior treatment and/or filtration of the water may be necessary to achieve acceptable quality, including a non-filterable residue not exceeding 50 milligrams/litre or small quantities may be removed by the services of a Licenced Liquid Waste Transporter. It is an offence under the provisions of the Protection of the Environment Operations Act 1997 to pollute the stormwater system.

71. 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.
72. All waste generated on site shall be disposed of in accordance with the submitted Waste Management Plan.

73. A Registered Surveyor's check 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.
74. 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.

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 conditions allotment of land includes a public road and any other public place.

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.

75. 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.
76. 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 current 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.

77. All demolition work shall be carried out in accordance with AS2601 – 2001: The Demolition of Structures and with the requirements of the WorkCover Authority of NSW.

78. The following conditions are necessary to ensure minimal impacts during construction:

- i. 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.
- ii. Stormwater from roof areas shall be linked via a temporary downpipe to an approved stormwater disposal system immediately after completion of the roof area.
- iii. All disturbed areas shall be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls.
- iv. 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.
- v. 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.

- vi. Wind blown dust from stockpile and construction activities shall be minimised by one or more of the following methods:
 - a) spraying water in dry windy weather
 - b) cover stockpiles
 - c) fabric fences
- vii. Access to the site shall be restricted to no more than two 3m driveways. Council's footpath shall be protected at all times. Within the site, provision of a minimum of 100mm coarse crushed rock is to be provided for a minimum length of 2 metres to remove mud from the tyres of construction vehicles.

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

In addition builders / demolishers are required to erect a 1.5m high fence along the whole of the street alignment other than at the two openings. Such protection work, including fences, is to be constructed, positioned and maintained in a safe condition to the satisfaction of the Principal Certifying Authority, prior to the demolition of the existing structures and commencement of building operations.

- viii. Any noise generated during 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.

- 79. 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 must be displayed throughout construction. A copy of the sign is available from Council.
- 80. All existing trees located within the site may be removed.

Prior to issue of occupation certificate or commencement of use

The following conditions must be complied with prior to issue of the Occupation Certificate or Commencement of Use.

- 81. An Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of the building.
- 82. Where Council's park/reserve is damaged as a result of building work or vehicular building traffic, this area shall be restored by Council at the applicant's expense. Repairs shall be completed prior to the issue of the Occupation Certificate.
- 83. Ground level surfaces are to be treated with anti-graffiti coating to minimise the potential of defacement. In addition, any graffiti evident on the exterior facades and visible from a public place shall be removed forthwith.

84. All landscape works are to be carried out in accordance with the approved landscape plans prior to the issue of an Occupation Certificate for the approved development. The landscaping is to be maintained to the approved standard at all times.
85. All works within the road reserve, which are subject to approval pursuant to Section 138 of the Roads Act 1993, shall be completed and accepted by Council.
86. The underground placement of all low voltage street mains in that section of the street/s adjacent to the development, and associated services and the installation of underground supplied street lighting columns, shall be carried out at the applicant's expense. The works shall be completed and Ausgrid's requirements shall be met prior to issue of the Occupation Certificate.
87. Where an electricity substation is required by Ausgrid, a final film survey plan shall be endorsed with an area having the required dimensions as agreed with Ausgrid over the location of the proposed electricity distribution substation site. The substation must be located within the boundary of the development site, or within the building, subject to compliance with the BCA. The substation site shall be dedicated to Council as public roadway, or as otherwise agreed with Ausgrid. Ausgrid's requirements shall be met prior to release of the issue of the Occupation Certificate.
88. Vehicles shall enter and exit the site in a forward direction at all times. A plaque with minimum dimensions 300mm x 200mm shall be permanently fixed to the inside skin of the front fence, or where there is no front fence a prominent place approved by the Principal Certifying Authority, stating the following: "Vehicle shall enter and exit the site in a forward direction at all times".
89. Prior to completion of the building works, a full width vehicular entry is to be constructed to service the property. Any obsolete vehicular entries are to be removed and reconstructed with kerb and gutter. This work may be done using either a Council quote or a private contractor. There are specific requirements for approval of private contractors.
90. A convex mirror is to be installed at a suitable location to provide increased sight distance for vehicles.
91. The dedication to Council of a 900mm width footway easement along the Cross Lane frontage for footway widening purposes. The area shall be kept clear of any structures.
92. Bollard/s shall be installed by the Developer on adaptable shared spaces.
93. Off-street car spaces and the loading bay shall be provided in accordance with the submitted plan and shall be linemarked to Council's satisfaction. The pavement of all car parking spaces, manoeuvring areas and internal driveways shall comply with Australian Standard AS3727 – Guide to Residential Pavements.
94. 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 Developing and Plumbing section of the web site 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, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

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

95. Prior to occupation, a registered surveyor shall certify that the driveway(s) over the footpath and within the property have been constructed in accordance with the approved driveway profile(s). The certification shall be based on a survey of the completed works. A copy of the certificate and a works-as-executed driveway profile shall be provided to Council if Council is not the Principal Certifying Authority.
96. Noise Requirements - Compliance
 - (a) Prior to issue of the Occupation Certificate, a Certificate of Compliance prepared by a suitably qualified and experienced acoustic consultant must be submitted to the Principal Certifying Authority (PCA) validating:
 - (i) The acoustic treatments and measures specified in the approved Acoustic report prepared by Koikas Acoustics Pty Ltd (Report No. 2950R20160316jt688PrincesHwyKogarah.docx) dated 6 April 2016
 - (iii) The internal noise environment within all units complies with all relevant legislation and all other requirements contained in Conditions 17 and 18.
 - (b) If Council is not the PCA, a copy of the Certificate of Compliance required by (a) above must be submitted to Council prior to issue of the Occupation Certificate.
97. 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.
98. 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.
99. 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.
100. 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 Rockdale Technical Specification Stormwater Management. The certificate shall be in the form specified in Rockdale Technical Specification Stormwater Management and include an evaluation of the completed drainage works. A works-as-executed drainage plan shall be prepared by a registered surveyor based on a survey of the completed works. A copy of the certificate and works-as-executed plan(s) shall be supplied to the Principal Certifying Authority. A copy shall be provided to Council if Council is not the Principal Certifying Authority.
101. The underground garage shall be floodproofed to a minimum of 100mm above the 1% Annual Exceedance Probability gutter flow. The levels shall be certified by a registered surveyor prior to construction of the driveway or other openings.
102. 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.

103. The pump system, including all associated electrical and control systems, shall be tested and inspected by a suitably qualified and experienced person. Records of testing shall be retained and provided to the certifying hydraulic engineer and/or PCA upon request.
104. The drainage system shall be constructed in accordance with the approved drainage plans and any amendments in red. All stormwater drainage plumbing work shall comply with the NSW Code of Practice: Plumbing and Drainage and Australian Standard AS3500.

Drainage grates shall be provided at the boundary. Width of the drainage grates shall be in accordance with Rockdale Technical Specification Stormwater Management.

A silt/litter arrestor pit as detailed in Rockdale Technical Specification Stormwater Management shall be provided prior to discharge of stormwater from the site.

105. The outside finished ground level shall be constructed a minimum of 200mm below the habitable floor level for the whole building perimeter.
106. Signs shall be displayed adjacent to all stormwater drains on the premises, clearly indicating "Clean water only - No waste".
107. The owner of the premises is required to comply with the following requirements when installing a rainwater tank:
 - Inform Sydney Water that a Rainwater tank has been installed in accordance with applicable requirements of Sydney Water.
 - The overflow from the rainwater tank shall be directed to the storm water system.
 - All plumbing work proposed for the installation and reuse of rainwater shall comply with the NSW Code of Practice: Plumbing and Drainage and be installed in accordance with Sydney Water "Guidelines for rainwater tanks on residential properties.
 - A first flush device shall be installed to reduce the amount of dust, bird faeces, leaves and other matter entering the rainwater tank.
108. The development is required to provide for a master TV or satellite antenna.

Note: Should the proposed master TV or satellite antenna not be permitted as exempt development pursuant to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, then separate approval must be obtained from Council prior to installation.

Note: Should the erection of the master TV or satellite antenna exceed a height of 30.3 metres AHD, then separate approval pursuant to s.183 Airports Act - Notification of decision under Reg 15A(2) of the Airports (Protection of Airspace) Reg's 1996 must be obtained from the Sydney Airport Corporation Limited (SACL)

Integrated development/external authorities

The following conditions have been imposed in accordance with Section 91A of the Environmental Planning and Assessment Act, 1979.

109. Sydney Airport

Sydney Airport Corporation Limited (SACL) has approved the maximum height of

the proposed building at 30.3 metres relative to Australian Height Datum (AHD). This height is inclusive of all vents, chimneys, aerials, TV antennae and construction cranes etc. No permanent or temporary structure is to exceed this height without further approval from Sydney Airport Corporation Limited.

Should the height of any temporary structure and/or equipment be greater than 15.24 metres AEGH, a new approval must be sought in accordance with the Civil Aviation (Buildings Control) Regulations Statutory Rules 1988 No. 161.

Construction cranes may be required to operate at a height significantly higher than that of the proposed development and consequently, may not be approved under the Airports (Protection of Airspace) Regulations.

Sydney Airport advises that approval to operate construction equipment (ie cranes) should be obtained prior to any commitment to construct.

Note: Under Section 186 of the Airports Act 1996, it is an offence not to give information to the Airport Operator that is relevant to a proposed “controlled activity” and is punishable by a fine of up to 50 penalty units.

For further information on Height Restrictions please contact SACL on 9667 9246.

110. **Roads & Maritime Service**

1. Any redundant driveways on Princes Highway shall be removed and replaced with kerb and gutter to match the existing. The design and construction of the kerb and gutter on Princes Highway shall be in accordance with Roads and Maritime's requirements. Details of these requirements should be obtained from Roads and Maritime's Statewide Delivery Section (9598 7798).

Detailed design plans of the proposed kerb and gutter are to be submitted to Roads and Maritime for approval prior to the commencement of any road works.

A plan checking fee and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by Roads and Maritime.

2. Roads and Maritime has previously vested a strip of land as road along Princes Highway frontage of the subject property as shown by grey colour on the attached Aerial - "X".

All buildings and structures, together with any improvements integral to the future use of the site, are to be wholly within the freehold property (unlimited in height or depth) along the Princes Highway boundary.

The subject property is within a broad area under investigation for the proposed M5 WestConnex project. For information on the WestConnex project, please call 1300 660 248, email info@westconnex.com.au or visit the project website www.westconnex.com.au.

The subject property is also within a broad area currently under investigation in relation to the proposed F6 project. Further information can be obtained by visiting website www.rms.nsw.gov.au/projects/motorwaydevelopment or by contacting the F6 Corridor Study Team - Email:

motorwaydevelopment@rms.nsw.gov.au. Phone: 1800 789 297.

3. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime. The report and any enquiries should be forwarded to:

Project Engineer, External Works
Sydney Asset Management
Roads and Maritime Services
P O Box 973 Parramatta CBD 2124

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

4. Detailed design plans and hydraulic calculations of any changes to the Roads and Maritime's stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works.

Details should be forwarded to:
The Sydney Asset Management
Roads and Maritime Services
P O Box 973 Parramatta CBD 2124

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 8849 2114.

5. A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Princes Highway during construction activities.
6. A construction zone will not be permitted on Princes Highway.

Roads Act

111. 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 Works Zone signs by Council's Traffic and Road Safety Section.

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

112. Where applicable, the following works will be required to be undertaken in the road reserve at the applicant's expense:
 - i) construction of a concrete footpath along the frontage of the development site;
 - ii) construction of a new fully constructed concrete vehicular entrance/s;
 - iii) removal of the existing concrete vehicular entrance/s, and/or kerb laybacks which will no longer be required;
 - iv) reconstruction of selected areas of the existing concrete Footpath/vehicular entrances and/or kerb and gutter;
 - v) construction of paving between the boundary and the kerb;
 - vi) removal of redundant paving;
 - vii) construction of kerb and gutter.
113. All footpath, or road and drainage modification and/or improvement works to be undertaken in the road reserve shall be undertaken by Council, or by a Private Licensed Contractor subject to the submission and approval of a Private Contractor Permit, together with payment of all inspection fees. An estimate of the cost to have these works constructed by Council may be obtained by contacting Council. The cost of conducting these works will be deducted from the Footpath Reserve Restoration Deposit, or if this is insufficient the balance of the cost will be due for payment to Council upon completion of the work.
114. This Roads Act approval does not eradicate the need for the Contractor to obtain a Road Opening Permit prior to undertaking excavation in the road or footpath.
115. Any driveway works to be undertaken in the footpath reserve by a private contractor requires an "Application for Consideration by a Private Contractor" to be submitted to Council together with payment of the application fee. Works within the footpath reserve must not start until the application has been approved by Council.
116. Following completion of concrete works in the footpath reserve area, the balance of the area between the fence and the kerb over the full frontage of the proposed development shall be turfed with either buffalo or couch (not kikuyu).

Development consent advice

- a. You are advised to consult with your utility providers (i.e. Energy Aust, Telstra etc) in order to fully understand their requirements before commencement of any work.
- b. In order for the final Subdivision/Strata Certificate to be signed and released by Council, the following must occur:
 - i) all of the above conditions of consent must be complied with;
 - ii) a Section 73 certificate from Sydney Water must be supplied. If it is for a Torrens Title subdivision, the certificate must clearly state subdivision into 2 lots;
 - iii) a Section 88B Instrument which contains a positive covenant written in accordance with Council's standard wording for on site detention systems must be

submitted. The 88B Instrument should also provide a space for Council's authorized person to sign on each page;

iv) If Council is the PCA, Council's Building Surveyor, Engineer and Landscape Officer must conduct satisfactory final inspections of the development, or if a Private Certifier is the PCA, Council must receive a copy of the final Occupation Certificate including a note that the landscaping and drainage works have been completed in accordance with the approved plans.

- c. Where Council is not engaged as the Principal Certifying Authority for the issue of the Subdivision Certificate (Strata), and the Section 88B Instrument contains easements and/or covenants to which Council is a Prescribed Authority, the Council must be provided with all relevant supporting information (such as works-as-executed drainage plans and certification) prior to Council endorsing the Instrument.
- d. The water from the rainwater tank should not be used for drinking, Sydney Water shall be advised of the installation of the rainwater tank.
- e. If the development is not subject to BASIX, a mandatory rainwater tank may be required. Rainwater tank requirements for development not subject to BASIX are specified in Council's DCP 78.