
Bayside Planning Panel

27/06/2017

Item No	5.2
Application Type	Section 96(1A)
Application Number	DA-2016/247/A
Lodgement Date	7 February 2017
Property	3 Holland Avenue, Rockdale NSW 2216
Owner	Mr Warren Peter Chan
Applicant	Green Square Design Pty Ltd
Proposal	Modifications to alterations and additions to dwelling house, including rebuilding of all existing external walls, minor adjustments to external walls, changes to internal layout, increase parapet height, alterations to windows and relocation of stair to roof terrace
No. of Submissions	11
Cost of Development	\$400,000
Report by	Luis Melim, Manager Development Services

Officer Recommendation

- 1 That the Panel resolve pursuant to Section 96(1A) of the Environmental Planning & Assessment Act 1979, to modify Development Consent DA-2016/247/A, as follows:
 - A. Modify Condition 2 to refer to the amended plans;
 - B. Modify Condition 5 to refer to the change in BASIX certificate;
 - C. Modify Condition 12 to improve the privacy between the subject site and adjoining neighbours.
 - 2 That the objectors be advised of Council's decision.
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Attachments

- 1 Planning Assessment Report
 - 2 Elevation 1
 - 3 Elevations 2
 - 4 Site/roof Plan
 - 5 Shadow Diagram Sheet 1
 - 6 Shadow Diagram Sheet 1 (June - Showing change in impact)
 - 7 Shadow Diagram Sheet 2 (March – Showing change in impact)
-

Location Plan



BAYSIDE COUNCIL

Planning Assessment Report

Application Details

Application Number:	DA-2016/247/A
Date of Receipt:	7 February 2017
Property:	3 Holland Avenue, ROCKDALE NSW 2216 Lot 12 DP 13153 Lot B DP 349523
Owner:	Mr Warren Peter Chan
Applicant:	Green Square Design Pty Ltd
Proposal:	Modifications to alterations and additions to dwelling house, including rebuilding of all existing external walls, minor adjustments to external walls, changes to internal layout, increase parapet height, alterations to windows and relocation of stair to roof terrace
Recommendation:	Approved
No. of submissions:	11
Author:	Adam Iskander
Date of Report:	19 June 2017

Key Issues

The key issues related to this application are:

- 11 neighbour submissions

Recommendation

A. That the Panel resolve pursuant to Section 96(1A) of the Environmental Planning & Assessment Act 1979, to modify Development Consent DA-2016/247/A, as follows:

1. Modify Condition 2 to refer to the amended plans;
2. Modify Condition 5 to refer to the change in BASIX certificate;
3. Modify Condition 12 to improve the privacy between the subject site and adjoining neighbours.

B. That the objectors be advised of Council's decision.

Background

History

Council's records show that the following applications were previously lodged:

- On 30 November 2012 Council received Development Application DA-2013/155 for demolition of outbuilding and construction of double garage and reconfigure stair access and alterations to front stone wall. The application was approved 26 February 2013 subject to conditions;
- On 21 June 2013, Council received a s96 application DA-2013/155/A for modification to consent comprising of an increase in wall height to detached garage, height of roof and include WC in garage. The application was approved 15 July 2013; and
- On 8 January 2016, Council received Development Application DA-2016/247 for alterations and first floor addition to dwelling house. The application was approved on 19 August 2016.

Proposal

Council is in receipt of a section 96(1A) application DA-2016/247/A at 3 Holland Avenue, seeking consent to carry out modifications to approved alterations and additions to a dwelling house, including rebuilding of existing external walls on ground floor level, minor adjustments to the rear external walls of the sub-floor level, changes to internal layout, increase parapet height, alterations to windows and relocation of stair to roof terrace.

The proposal consists of:

Sub-floor:

- Changes in location of western wall (reduced size of sub-floor level)

Ground floor:

- Replace walls which were demolished to bedrooms 1 and 2; and
- Changes to internal configuration of laundry, pantry, kitchen and bathroom.

First floor:

- Expand ensuite to master bedroom on first floor;
- New W.I.R in master bedroom;
- Deletion of library to include new bedroom 3 and 4 on first floor;
- Changed location of bathroom and void;
- Reduce side setback from 1.5m to 1.45m; and
- Increase parapet height on western elevation by 100mm.

Terrace;

- Enlarge size of terrace from 47.4sqm to 48.9sqm; and
- Change location of staircase to rear centre.

Southern Elevation (side) :

- New window to void area; and

- New window to pantry.

North Elevation (side):

- Deletion of window to bedroom 3;
- Replace windows which were demolished on sub-floor.

The application also proposes to amend condition 2, 5 and 12 to read:

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.

Plan/Dwg No.	Drawn by	Dated	Received by Council
DA-00 REV C	Green Square Design	6 February 2017	14 March 2017
DA-01, DA-02, DA-03 REV C	Green Square Design	6 February 2017	14 March 2017
DA-04 and DA-05 REV D	Green Square Design	6 February 2017	14 March 2017
DA-06 REV C	Green Square Design	19 April 2016	19 April 2016
DA-11 REV A	Green Square Design	8 January 2016	8 January 2016
Stormwater Drainage S1	MBC Engineering	4 January 2016	8 January 2016

5. The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate Number A229351_04 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>.

12. The windows to the void area, W.I.R, ensuite and pantry on the southern elevation shall be constructed with fixed obscure glazing.

Site location and context

The subject site is located on the south-western side of Holland Avenue, Rockdale. The site is rectangular in shape and is located between Oswell Street and Arlington Street, Rockdale. The site slopes heavily to the front by 10m, at an average gradient of 22°. Part of the original dwelling has since been demolished and all that is remaining on site is the front garage and sub-floor level external walls.

Surrounding dwellings consist of similar residential dwellings.

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*.

S.96(1A) - Modification

Section 96(1A) of the Environmental Planning & Assessment Act 1979 states:

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify a development consent if:

a) It is satisfied that the proposed modification is of minimal environmental impact, and

Comment: the proposed modifications are minor in nature, including replacing of external walls, new windows and internal modifications. In this regard, the proposed modifications are of minimal environmental impact.

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

Comment: The application is only for minor modifications to the development consent. The proposal remains as previously approved, namely alterations and additions to an existing residential dwelling. The proposed modifications will not change the land use or substantially alter the nature of the development. As such it is considered substantially the same development. It should be noted, that the external sandstone base walls to the sub-floor area remain on site. The retention of these walls allow the application to be considered as alterations and additions to an existing dwelling.

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, and

Comment: The application has been notified in accordance with the provisions of Council's DCP 2011.

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.

Comment: Eleven (11) letters of objections have been received and addressed later in this report.

S96(3) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT

S96(3) of the Environmental Planning and Assessment Act 1979 states:

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 79C(1) as are of relevance to the development the subject of the application.

An assessment of the application has been carried out under the provisions of Section 79(C) of the Environmental Planning and Assessment Act, 1979. The matters of relevance to this application have been considered. The following is an assessment of the proposed development under the provisions of Section 79C (1) of the Environmental and Planning Assessment Act.

S.79C(1) - Matters for Consideration - General

S.79C(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The applicant has submitted a BASIX Certificate for the proposed development. The Certificate number is A229351_04

A condition has been imposed on the consent to ensure that these requirements are adhered to.

Rockdale Local Environmental Plan 2011

Relevant clauses	Compliance with objectives	Compliance with standard/provision
2.3 Zone R2 Low Density Residential	Yes	Yes - see discussion
4.3 Height of buildings	Yes	Yes - see discussion
4.4 Floor space ratio - Residential zones	Yes	Yes - see discussion
6.1 Acid Sulfate Soil - Class 5	Yes	Yes
6.4 Airspace operations	Yes	Yes - see discussion

2.3 Zone R2 Low Density Residential

The subject site is zoned R2 - Low Density Residential under the provisions of Rockdale Local Environmental Plan 2011 (RLEP 2011). The proposal is defined as dwelling house which constitutes a permissible development with development consent. The objectives of the zone are:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that land uses are carried out in a context and setting that minimises any impact on the character and amenity of the area.

The proposed development is consistent with the objectives of the zone.

4.3 Height of buildings

The height of the proposed building is 8.5m and therefore does not exceed the maximum 8.5m height shown for the land on the Height of Buildings Map.

To ensure that the addition does not exceed the building height standard of 8.5m, a condition will be set in the recommendations of the report limiting the height to 8.5m and requiring a registered surveyor's check survey certificate at several stages during the construction process.

The proposed development will result in a high quality urban form, maintain satisfactory sky exposure and daylight to buildings, key areas and public domain, and will provide an appropriate transition in built form and land use intensity. Accordingly, the proposed height of the building satisfies the objectives of this clause.

4.4 Floor space ratio - Residential zones

The Gross floor area of the proposed development has been calculated as 313sqm over a site area of 628.4sqm. In this regard, the proposed floor space ratio (FSR) for the building is 0.50:1 and therefore does not exceed the maximum FSR for the land (0.50:1) as shown on the Floor Space Ratio Map.

Further, the proposed density is in accordance with the desired future character of Rockdale, will have minimal adverse environmental effects on the use or enjoyment of adjoining properties, and will maintain an appropriate visual relationship between new development and the existing character of area.

Accordingly, the proposed FSR for the development meets the objectives and satisfies the maximum FSR permitted by Clause 4.4 in RLEP 2011.

6.4 Airspace operations

The proposed development is affected by the Obstacle Limitation Surface (OLS) which is set at 51m AHD. The building height is at 8.5m (RL50.260) and in this regard, it is considered that the proposed building will have minimal adverse impact on the OLS. The application was referred off to Sydney Airport with the original application. Several conditions were imposed on the development, with one condition limiting the building height to RL50.1. This application maintains the building height below RL 50.1.

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

The following Development Control Plan is relevant to this application:

Rockdale Development Control Plan 2011

The application is subject to Rockdale DCP 2011. A compliance table for the proposed development is provided below:

Relevant clauses	Compliance with objectives	Compliance with standard/provision
4.1.3 Water Management	Yes	Yes
4.1.3 Groundwater Protection	Yes	Yes
4.1.4 Soil Management	Yes	Yes
4.1.6 Development on Sloping Sites	Yes	Yes - see discussion
4.2 Streetscape and Site Context - General	Yes	Yes - see discussion

Relevant clauses	Compliance with objectives	Compliance with standard/provision
4.3.1 Open Space & Landscape Design - Low & medium density residential	Yes	Yes - see discussion
4.4.2 Solar Access - Low and medium density residential	Yes	No - see discussion
4.4.5 Visual privacy	Yes	Yes - see discussion
4.6 Parking Provisions - Alterations and additions	Yes	Yes
5.1 Storey Height and Setbacks - Dwelling house and Attached Dwellings	Yes	Yes - see discussion

4.1.6 Development on Sloping Sites

The objectives of this clause are to limit site excavation and minimise cut and fill by allowing the building mass to step in accordance with the slope of the land; and to protect the amenity of adjoining properties. In this regard, the topography of the site is unique, such that the site falls to the street by 10m.

In this regard, design elements have been incorporated in the proposed development, allowing it to respond to the natural sloping topography of the land. These include:

- Having a split level design, with the single storey portion at the front and a two storey portion located at the rear of the site
- Skillion corrugated metal roofing have also been incorporated in the design of the dwelling, to further alleviate bulk, scale and height of the development when viewed from the street and adjoining properties.
- The building steps in accordance with the topography of the site, with the use of internal stairs within the ground and first floor levels, as an attempt to lower the front section of the dwelling.

Taking into consideration the above, the proposed development appropriately responds to the slope of the land, minimising environmental impacts and amenity impacts on adjoining residents.

4.2 Streetscape and Site Context - General

The proposal is located in a R2 Low Residential Zone. The immediate context is relatively low scale, consisting of residential dwellings. The proposed residential dwelling is consistent with the desired and future character of the area in terms of bulk and scale and is generally appropriate in this context.

The proposed modifications are minor with the changes to setbacks having no significant impacts to the adjoining properties in terms of over-shadowing and over-looking and will not detract from the existing streetscape and neighbourhood character.

4.3.1 Open Space & Landscape Design - Low & medium density residential

The proposal provides adequate landscaping, with capability to contain storm water runoff. Private open spaces are usable, accessible, clearly defined and will meet occupants requirements of privacy, solar access, outdoor activities and landscaping.

4.4.2 Solar Access - Low and medium density residential

The development, which seeks to vary from the minimum standards of RDCP 2011, has demonstrated that the site constraints and orientation prohibit the achievement of these standards.

The applicant had submitted shadow diagrams with the original DA. The diagrams provide information relating to the effect of the proposed development at 9 a.m, noon and 3 p.m in the middle of winter. The June 21 shadow diagrams clearly indicate that the adjoining residential building will not receive the prescribed amount of sunlight due to the east-west orientation of the adjoining property.

The proposed height increase on the first floor level parapet by 100mm will not generate excessive impacts onto the adjoining properties in terms of overshadowing. The applicant was requested to submit additional shadow diagrams for the proposed modifications. These shadow diagrams have formed part of this assessment. The shadow diagrams show that the proposed modifications will have negligible impacts onto the adjoining property to the south.

The proposed development had sought to minimise the adverse impact on the adjoining property to the south by designing the residential building with the required minimum ceiling heights and through the design of the building bulk being under 8.3m in height and by adhering to the minimum setback requirements.

It should be noted that the residential subdivision pattern in the street is such that many of the allotments including the subject lot and adjoining lots exhibit a predominantly east-west orientation and have narrow frontage widths. Therefore, the provision of full solar access to adjoining residential buildings predominantly south of each allotment is difficult to achieve, as the shadows projected by two storey buildings are consistent with allotments of this orientation, width and size.

Given the above it is considered that the proposed development has demonstrated that the constraints and orientation of the block prohibit the achievement of the numerical controls in RDCP 2011, as the proposed development would have to be extensively modified to comply with Part 4.4.2 of RDCP 2011.

Accordingly, any amendments to the plans would result in an incongruous design and building appearance and consequently an internal design that is impractical in terms of the functionality of the residential building. However, notwithstanding, the proposed development complies with the objectives in RDCP 2011 in terms of the provision of sunlight access to adjoining private open space and the habitable rooms within the development. Where possible sunlight to the neighbouring properties and within the development site is not unreasonably diminished.

Therefore, in this instance, requesting compliance with the controls in RDCP 2011 would be unreasonable and unnecessary.

4.4.5 Visual privacy

The application proposes some changes to the windows on the side elevations. The changes are as follows:

North Elevation (first floor):

- Deletion of window to the rear of bedroom 3 - no impacts

South Elevation (first floor):

- New window to void area - no impacts - non habitable area

- New obscure glazing to ensuite - no impacts - non habitable room
- New obscure glazing to W.I.R - no impacts - non habitable room
- New highlight window to bathroom - no impacts - non habitable room

South elevation (ground floor)

- New window to pantry - no impacts - non habitable room

It is recommended that the windows on the southern elevation, specifically the void area, W.I.R and ensuite be constructed with fixed obscure glazing along with the pantry window on the northern elevation. These changes to the proposed windows will address any privacy concerns raised by the adjoining properties. The new windows will provide solar access to a non-habitable rooms or non-trafficable areas. Having regard to the above, the proposed development provides a reasonable level of visual privacy between the adjoining properties.

5.1 Storey Height and Setbacks - Dwelling house and Attached Dwellings

Setback

The application proposes reduced side setbacks measured from the first first floor level. The proposed setbacks are as follows:

DCP2011	PROPOSED	COMPLIES?
Front setback consistent with street	No change	No change
Ground floor side setback 900mm	1.6m	Yes
First floor side setback – 1.2m	North– 1.45m South– 1.45m	Yes

Further, the proposal is not considered to adversely impact upon the adjoining dwelling by way of overlooking, and taking into consideration the orientation of the site will not unreasonably reduce the solar access, light and air received by the adjoining dwelling. Therefore, the proposed setbacks are consistent with the numerical requirements and objectives of this control.

Storey Height

This application does not modify the approved three storey element of the dwelling. It should be noted, that this non-compliance was addressed in the original application and does not form part of this S96. The following is an extract from the original report addressing storey height:

"Control 1 of Part 5.1 of RDCP 2011 restricts storey height for residential dwellings to two storeys. The proposal has a maximum building height of 8.5m and the third floor is setback 3.6m from the northern boundary and 1.85 to 3.9m from the southern boundary. As such, the impacts of the three storey development onto the neighbours to is not unreasonable as the impacts of overlooking have been reduced by way of conditions and the applicant has amended the plans to reduce the height of the dwelling and floor to ceiling heights and have provided generous setbacks. The application satisfies Objectives A and B of RDCP 2011 where the development is of a high standard of architectural merit and design and ensures privacy and that the size and location of the development

allows for an acceptable level of solar access given the orientation of the site."

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

All relevant provisions of the Regulations have been taken into account in the assessment of this proposal.

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

The relevant matters pertaining to the suitability of the site for the proposed development have been considered in the assessment of the proposal. Additional conditions of consent are proposed to further minimise any impacts on neighbouring properties. There are no known major physical constraints, environmental impacts, natural hazards or exceptional circumstances that would hinder the suitability of the site for the proposed development.

S.79C(1)(d) - Public submissions

The development has been notified in accordance with the provisions of Rockdale DCP 2011 and eleven (11) submissions have been received. The issues raised in the submission are discussed below:

Issue 1: Roof top terrace has been increased in floor space and has not been identified in the modification list;

Comment: The roof top terrace is increasing in size by 1.5sqm, from 47.4sqm to 48.9sqm. The increase has been addressed in the statement of environmental effects. The increase is minor and will not have significant impacts onto the adjoining neighbours and will not contribute significantly to the perceived bulk and scale of the development.

Issue 2: The change in side setbacks measured from the first floor level will also create additional overshadowing impacts and the increase in building height by 100mm will create overshadowing impacts

Comment: The changes to setback will not generate any significant overshadowing impacts to warrant refusal of this proposal. The change in setbacks remain compliant with Council's setback controls. The increase in building height by 100mm at the rear portion of the first floor level is not assessed as significant and the increase will have no discernible impacts onto the adjoining property to the south in terms of over-shadowing. Shadow diagrams were received as additional information and have been assessed. The changes to setback remain compliant with the numerical controls. Refer to part 4.4.2 of this report.

Issue 3: The sub-floor level can be accessed and should be included as a storey. The three storey element of the dwelling does not comply with Council's controls.

Comment: The three storey element has been addressed in the original application. Refer to Section 5.1 of this report.

Issue 4: Reject the S96 and request for a new development application with a new description of 'demolition and construction of new dwelling':

Comment: The S96 is for modification to approved development application, and is assessed as substantially the same as the original approved DA for alterations and additions to an existing dwelling. The S96 seeks to replace the ground floor external walls and rear wall of sub floor area, however the front facing portion of the sub-floor walls remain, and therefore, it remains as alterations to an existing dwelling.

Issue 5: AHD levels should be provided along the natural ground level to measure the 8.5m height line and the height of the building should be limited to RL 48.35;

Comment: The levels provided are consistent with that of the original application. No change in overall height proposed with two conditions forming part of the original consent limiting the height to 8.5m and a surveyor's check survey certificate at each floor level and setback to ensure the development is built in accordance with approved plans.

Issue 6: Plans should show fencing outline on the southern elevation to accurately measure the extent of bulk and scale;

Comment: This request is not considered necessary. The RL's and other measurements provided on the amended plans are sufficient to measure the impacts of the development in accordance with Council's controls

Issue 7: Request for dilapidation Report:

Comment: This has been dealt with in the original development application. Refer to condition number 22 within the Notice of Approval for the original DA.

Issue 8: No air conditioning units are to be located on the southern side of the subject site:

Comment: This has been dealt with in the original development application. Refer to condition 8 within the Notice of approval of the original DA which ensures air conditioning units to not cause offensive noises, requiring compliance with the Protection of the Environment (Noise Control) Regulation 2008.

Issue 9: Provide details of storm water;

Comment: Stormwater runoff has been addressed in the original application. Several conditions have been placed in the original conditions of consent requiring compliance with Councils Stormwater Technical Specifications.

Issue 10: Privacy and noise impacts resulting from windows and terrace and the privacy screen on terrace should not have any gaps, holes or openings;

Comment: There are no significant privacy impacts associated with this modification resulting from the windows and roof terrace. A privacy screen remains around the perimeter of the roof top terrace. Refer to part 4.4.5 of this report. Surrounding neighbours to the east and west have raised concerns relating to the balconies and windows having direct over-looking into their property. The balconies were approved under the original application. The front and rear windows are significantly setback from these neighbours and therefore the issues raised relating to over-looking are not assessed as significant.

Issue 11: Existing garage on the subject site has taken up three frontages worth of parking spaces creating additional on street demand for parking;

Comment: The garage and parking does not form part of this application.

Issue 12: The proposed works are not sympathetic to the streetscape character;

Comment: The application seeks to reinstate the existing walls on the ground floor. The works will not detract from the existing streetscape character.

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

The proposed development is considered satisfactory having regard to the objectives and requirements of Rockdale Local Environmental Plan 2011 and Development Control Plan 2011.

Impacts on adjoining properties have been considered and addressed. As such it is considered that the proposed development is in the public interest.

Civil Aviation Act, 1988

The site is within an area that is subject to the Civil Aviation (Building Controls) Regulations 1988 made under the *Civil Aviation Act, 1988*.

Civil Aviation (Building Control) Regulations 1988

The Regulations require a separate approval from the Civil Aviation Safety Authority if a building or structure exceeds a prescribed height limit.

Section 4 Prohibition of the construction of buildings of more than 25 feet in height in specified areas

Section 4 Prohibition of the construction of buildings of more than 25 feet in height in specified areas

The subject site is affected by the 7.62m building height Civil Aviation Regulation. The proposed building height at 8.5m, and therefore the proposal was referred to Sydney Airports for comment. Sydney Airports approved the proposed height subject to conditions. The recommended conditions have been included in the draft Notice of Determination.

Section 4 Prohibition of the construction of buildings of more than 25 feet in height in specified areas

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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.

Plan/Dwg No.	Drawn by	Dated	Received by Council
DA-00	Green Square Design	19 April 2016	19 April 2016
DA-01, DA-02, DA-03 REV B	Green Square Design	19 April 2016	19 April 2016

DA-04, DA-05 and DA-06 REV C	Green Square Design	19 April 2016	19 April 2016
DA-11 REV A	Green Square Design	8 January 2016	8 January 2016
Stormwater Drainage S1	MBC Engineering	4 January 2016	8 January 2016

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 A229351_03 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 residential dwelling must not exceed 8.5m in height when measured from the natural ground level.

Development specific conditions

The following conditions are specific to the Development Application proposal.

7. 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.
8. Residential air conditioners shall not cause 'offensive noise' as defined by the Protection of the Environment Operations Act 1997 or contravene provisions of the Protection of the Environment (Noise Control) Regulation 2008 where emitted noise from a residential air conditioner can be heard within a habitable room in any other residential premises at night.
9. The balcony attached to bedroom 1 on the ground floor shall have the side return deleted to minimise over-looking to the adjoining neighbour to the south.
10. The terrace attached to the first floor master bedroom shall have the side returns on both the southern and northern elevation deleted to reduce over looking to the adjoining neighbours.
11. 1.8m high privacy screens are to be constructed along the side elevations of both ground floor and first floor balconies and terraces.
12. The windows to the void area, W.I.R, ensuite and pantry on the southern elevation shall be constructed with fixed obscure glazing.

Prior to issue of the construction certificate

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

13. 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.
A Footpath Reserve Restoration Deposit of \$2,508.00. 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.
An environmental enforcement fee of 0.25% of the cost of the works.
A Soil and Water Management Sign of \$17.50.
14. 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.
15. a. Pursuant to section 94A of the Environmental Planning and Assessment Act 1979 and Rockdale Section 94A Development Contributions Plan 2008, a report is to be submitted to Council, prior to approval of the first Part 4A certificate required for the development, identifying the proposed cost of carrying out the development, as follows:
- i. Where the proposed cost of carrying out the development is less than \$1,000,000, a cost summary report prepared and certified by a building industry professional, or
 - ii. Where the proposed cost of carrying out the development is \$1,000,000 or more, a detailed cost report prepared and certified by a quantity surveyor registered with the Australian Institute of Quantity Surveyors or a person who can demonstrate equivalent qualifications. This report is to be prepared in the form specified in Rockdale Section 94A Development Contributions Plan 2008 and the costs must be determined in accordance with clause 25J of the Environmental Planning and Assessment Regulation 2000.

Note:

1. Council may review the costs contained in the report and may seek the services of an independent person to verify them. In such a case, all costs associated with obtaining this advice will be at the expense of the applicant and no Part 4A certificate is to be issued until such time as these costs have been paid.

2. The proposed cost of carrying out the development excludes any part of the proposed development that is exempt from the section 94A levy by reason of a Ministerial direction or an exemption specified in Rockdale Section 94A Development Contributions Plan 2008. Where the applicant considers that the proposed development, or any part of it, is or should be exempt from the levy they may submit to Council, prior to approval of the required certificate, an application for exemption giving reasons and providing any necessary evidence for the exemption.

b. Where the proposed cost of carrying out the development, as specified in the cost summary report, the registered surveyor's detailed cost report or the independent review of costs obtained by Council (as the case may be), is more than \$100,000 a section 94A levy is to be paid to Council for the following amount:

- i. Where the proposed cost of carrying out the development is greater than \$100,000 but not more than \$200,000 – 0.5% of that cost, or
- ii. Where the proposed cost of carrying out the development is greater than \$200,000 – 1% of that cost.

This levy is to be paid prior to the issue of the first Part 4A certificate required for the development.

If the levy is not paid within the same financial year as the date on which Council accepted the cost summary report, the registered surveyor's detailed cost report or the independent review of costs (as the case may be), the amount of the levy is to be adjusted at the time of actual payment to reflect changes in construction costs, in accordance with the provisions of Rockdale Section 94A Development Contributions Plan 2008.

Note: This requirement to pay the section 94A levy does not apply if the proposed cost of carrying out the development is \$100,000 or less or Council has confirmed in writing that the proposed development is exempt from the levy.

- 16. A certificate from a practising Structural Engineer shall be submitted prior to the issue of the construction certificate confirming that the existing building elements are structurally adequate to support all proposed additional loads.
- 17. If Council is appointed as the Principal Certifying Authority (PCA) then structural engineer's details shall be submitted prior to the issue of the Construction Certificate; such structural drawings shall be certified by the Structural Engineer that the design complies with the relevant S.A.A. Codes for the following (where applicable):
 - i. the footings of the proposed structure;
 - ii. the footings of the slab-on-ground (having due regard to the possible differential settlement of the cut and fill areas);
 - iii. all reinforced concrete floor slabs;
 - iv. all reinforced concrete stairs;
 - v. the piers to natural ground or rock, detailing the size and position of the piers;
 - vi. the proposed retaining wall;
 - vii. the work required to stabilise the excavation;
 - viii. the work required to stabilise the footpath area;
 - ix. the design of each roof truss type showing the layout of each truss on a marking plan and the method of connecting each truss to its supporting members of the method of bracing;
 - x. all structural steel work;
 - xi. first floor joists;
 - xii. fire rated ceilings/fire protective ceilings.
- 18. The approved plans must be submitted to Sydney Water 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. The Principal Certifying Authority must ensure that Sydney Water has approved the plans before issue of any Construction Certificate. For more information, visit www.sydneywater.com.au.
- 19. Prior to the issue of the Construction Certificate, detailed drainage design plans for the management of stormwater are to be submitted to Principal Certifying Authority

for assessment and approval.

Surface water shall be captured by grates and catchpits and shall be directed to silt arrestor pit prior to the final discharge. No concentrated flow shall be directed to the neighbouring property.

Design certification, in the form specified in Rockdale Technical Specification Stormwater Management, and drainage design calculations are to be submitted with the plans. Council's Rockdale Technical Specification Stormwater Management sets out the minimum documentation requirements for detailed design plans. Stormwater management requirements for the development site, including the final discharge/end connection point, must comply with Rockdale Technical Specification Stormwater Management.

20. There are built structures, (including public assets) which may be in the zone of influence of the proposed works and excavations on this site. Prior to the issue of the construction certificate a qualified practicing Geotechnical Engineer must prepare geotechnical report including an investigation to determine the design parameters appropriate to the specific development site and proposal will have no adverse impact on any surrounding property and infrastructure.

The Geotechnical Investigation report shall include, but not be limited to, the following topics:

- (i). A site description, including vegetation, bedrock outcrops, high rainfall & drainage, site seepage & groundwater, existing development, etc.
- (ii). Description of site substrata and identification of the geological formations present in accordance with standard geological practice
- (iii). The depth to weathered bedrock over the site generally and within the building area in particular. Logs of boreholes put down to determine depth of soil/weathered rock strata. The borehole to penetrate the site strata to bedrock and at least one borehole to be within the building area of the site.
- (iv). The site slopes observed [expressed in degrees] and maximum site slope. Delineation of site into areas of common slope and measured slope angles in the various areas.
- (v). A statement of the effect of the proposed site development on the site, and adjoining land, stability, and suitability of the proposal.
- (vi). An assessment of the stability of the land immediately surrounding and above/below the site and possible effects of instability [eg. a rock fall, landslide] on the adjoining/nearby land on the site.
- (vii). Report shall also include
 - Sufficient detailed information and recommendations for a structural engineer and/or civil engineer to provide a design for the development to accommodate any instability considered to affect the land and/or related land and site stormwater management.
 - Location & level of nearby foundations/footings (subject site and neighbouring)
 - Proposed method of excavation
 - Batter slopes
 - Review of the dilapidation survey and provide recommendations
 - Location & level of nearby foundations/footings (subject site and neighbouring)
 - Potential settlements affecting footings/foundations
 - Foundation recommendation
 - Proposed method of excavation & Permanent and temporary support measures for excavation
 - Potential vibration caused by method of excavation
 - De-watering including seepage and off site disposal rate (if any)

Where a Private Certifier issues the Construction Certificate the document mentioned in the above paragraph must be provided to Council.

21. DA-2013/155 for the subject site shall be surrendered to Council prior to the issue of the construction certificate for DA-2016/247.

Prior to commencement of works

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

22. A dilapidation survey shall be undertaken of all properties and/or Council infrastructure, including but not limited to all footpaths, kerb and gutter, stormwater inlet pits, and road carriageway pavements, in the vicinity which could be potentially affected by the construction of this development. Any damage caused to other properties during construction shall be rectified. A copy of the dilapidation survey and an insurance policy that covers the cost of any rectification works shall be submitted to the Accredited Certifier (AC) prior to issue of the Construction Certificate. The insurance cover shall be a minimum of \$10 million.
23. 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.

24. 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.
25. 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.
26. 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.

During demolition / excavation / construction

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

27. 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.
28. 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.
29. For Class 1 and 10 structures, the building works are to be inspected during construction, by the principal certifying authority (or other suitably qualified person on behalf of the principal certifying authority) to monitor compliance with Council's approval and the relevant standards of construction encompassing the following stages:
 - i. after excavation for, and prior to the placement of, any footings, and
 - ii. prior to pouring any in-situ reinforced concrete building element, and
 - iii. prior to covering the framework for any floor, wall, roof or other building element, and
 - iv. prior to covering waterproofing in any wet areas, and
 - v. prior to covering any stormwater drainage connections, and
 - vi. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

Documentary evidence of compliance with Council's approval and relevant standards of construction is to be obtained prior to proceeding to the subsequent stages of construction and copies of the documentary evidence are to be maintained by the principal certifying authority and be made available to Council officers upon request.

30. 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.

31. 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.
32. All waste generated on site shall be disposed of in accordance with the submitted Waste Management Plan.
33. 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.
34. All contractors shall comply with the following during all stages of demolition and construction:
- A Waste Container on Public Road Reserve Permit must be obtained prior to the placement of any waste container or skip bin in the road reserve (i.e. road or footpath or nature strip). Where a waste container or skip bin is placed in the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
 - A Road Opening Permit must be obtained prior to any excavation in the road reserve (i.e. road or footpath or nature strip). Where excavation is carried out on the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
 - A Hoarding Permit must be obtained prior to the erection of any hoarding (Class A or Class B) in the road reserve (i.e. road or footpath or nature strip). Where a hoarding is erected in the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
 - A Crane Permit must be obtained from Council prior to the operation of any activity involving the swinging or hoisting of goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway. Permits can be obtained from Council's Customer Service Centre.
 - A Permit to Dewater or Pump Out a site must be obtained prior to the discharge of pumped water into the road reserve, which includes Council stormwater pits and the kerb and gutter. Permits can be obtained from Council's Customer Service Centre.
35. 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.

- 36. All existing trees located within the site may be removed.
- 37. Any pruning of branches or roots of trees growing from within adjoining properties requires the prior written consent of the tree's owners and the prior written consent of Council in the form of a Permit issued under Council's Development Control Plan 2011. The work must be carried out in accordance with AS4373:2007 by an experienced Arborist with minimum AQF Level 2 qualifications in Arboriculture.

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.

- 38. An Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of the building.
- 39. 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.

40. At least three (3) native or ornamental trees of at least 45 litre pot size and capable of growing to a minimum height of three (3) metres shall be planted in suitable locations within the property on completion of the building works and prior to the final inspection.
41. 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.
42. 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.
43. 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.
44. 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.
45. Prior to occupation a Chartered Professional Engineer competent in geotechnics shall certify that the construction works has been constructed in accordance with the approved geotechnical report and include an evaluation of the completed works. A copy of the certificate shall be supplied to the Principal Certifying Authority. A copy shall be provided to Council if Council is not the Principal Certifying Authority.
46. Prior to the issue of occupation certificate Lot 12 DP 13153 & Lot B DP 349523 shall be consolidated into one allotment. Council requires proof of lodgement of the plan of consolidation with the Land and Property Information Office prior to occupation.

Integrated development/external authorities

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

47. Sydney Airport Corporation Limited (SACL) has approved the maximum height of the proposed building at 50.1 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.

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.

Development consent advice

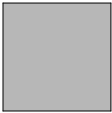
- a. You are advised to consult with your utility providers (i.e. Energy Aust, Telstra etc) in order to fully understand their requirements before commencement of any work.
- b. The water from the rainwater tank should not be used for drinking, Sydney Water shall be advised of the installation of the rainwater tank.
- c. In the event of any inconsistency between conditions of this approval and the drawings/documents referred to in condition 2, the conditions of this approval prevail.



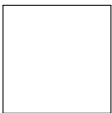
FINISHES SCHEDULE



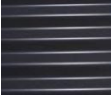
RENDERED WALLS




FEATURE WALL COLOUR



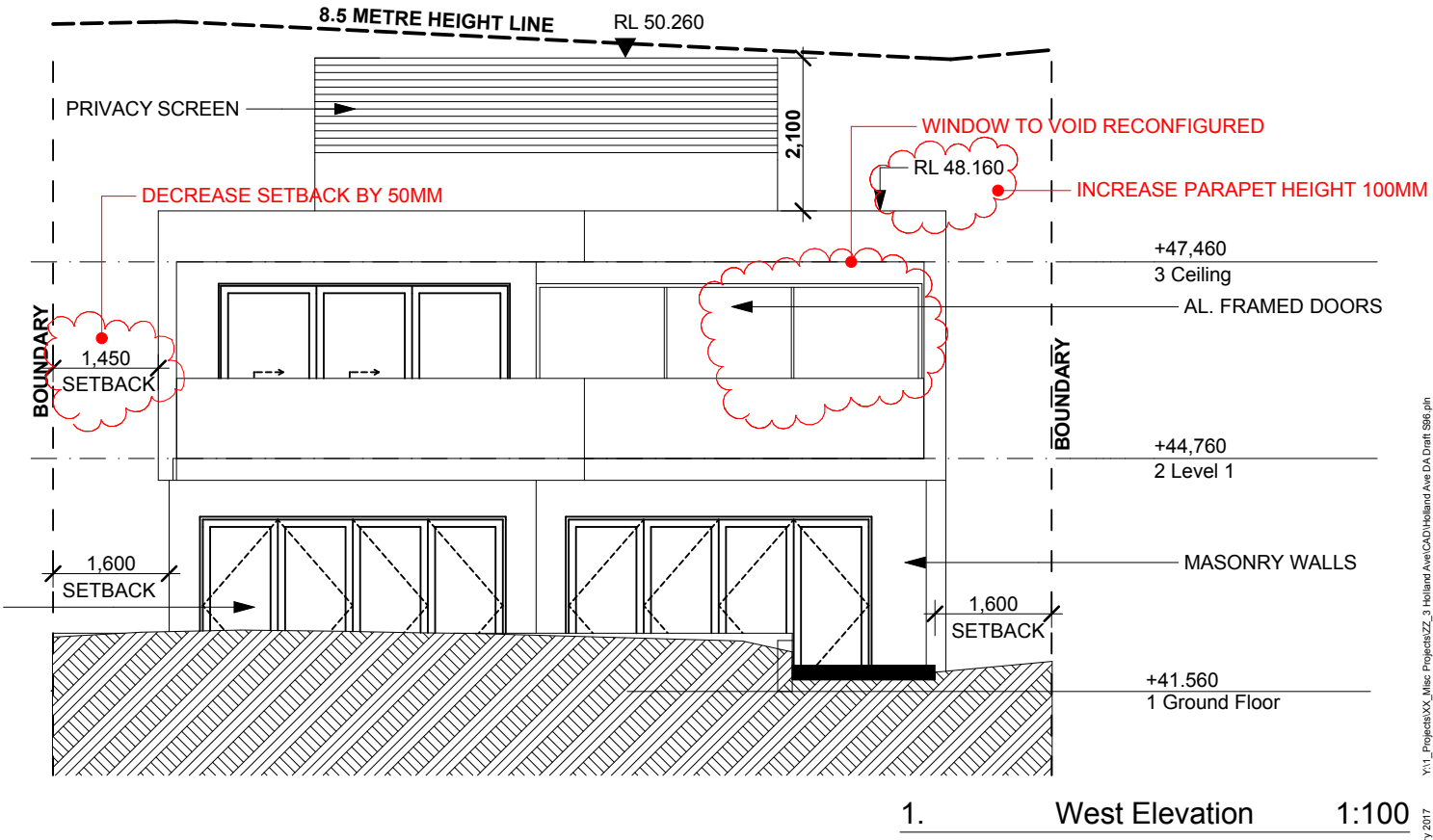
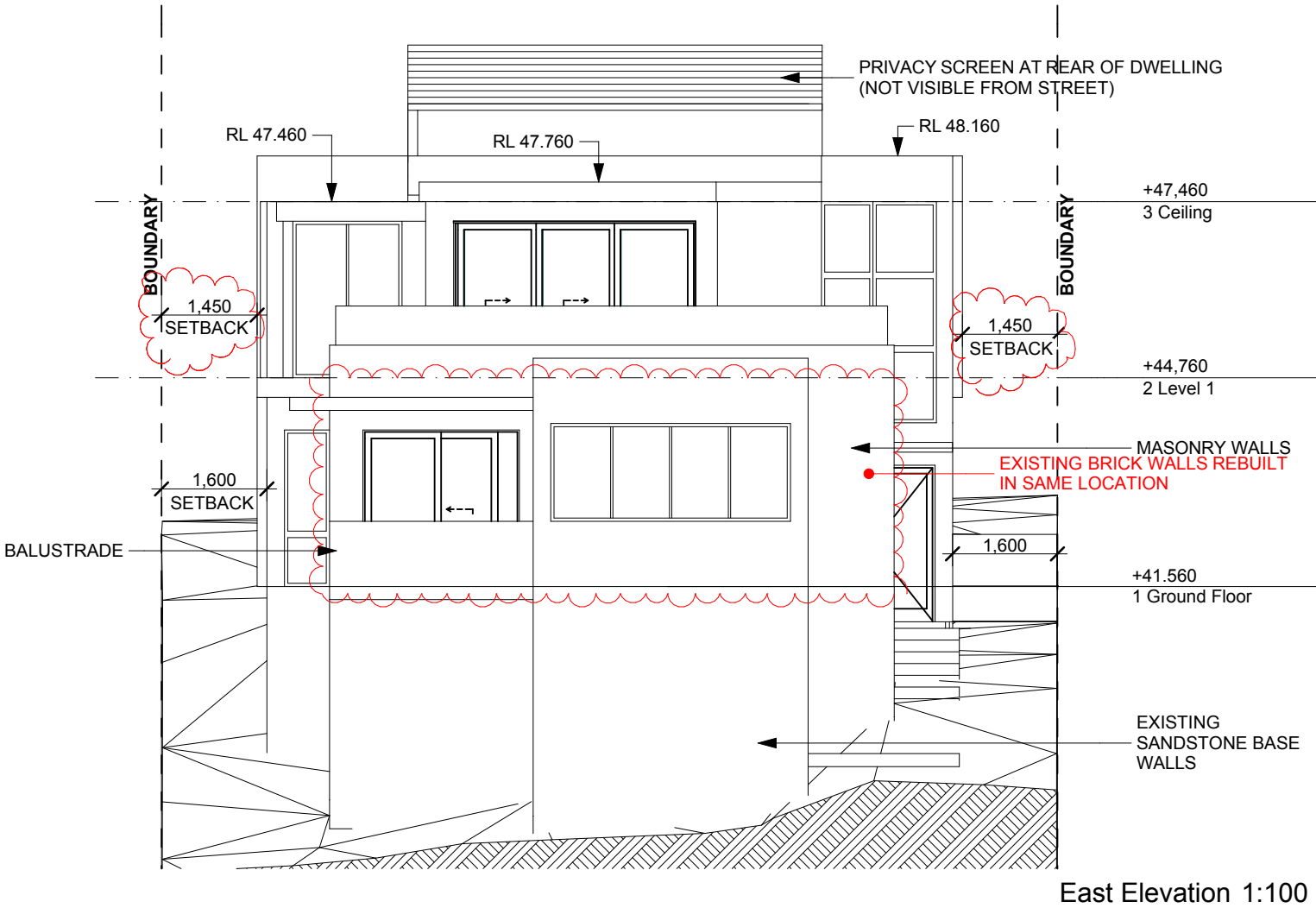
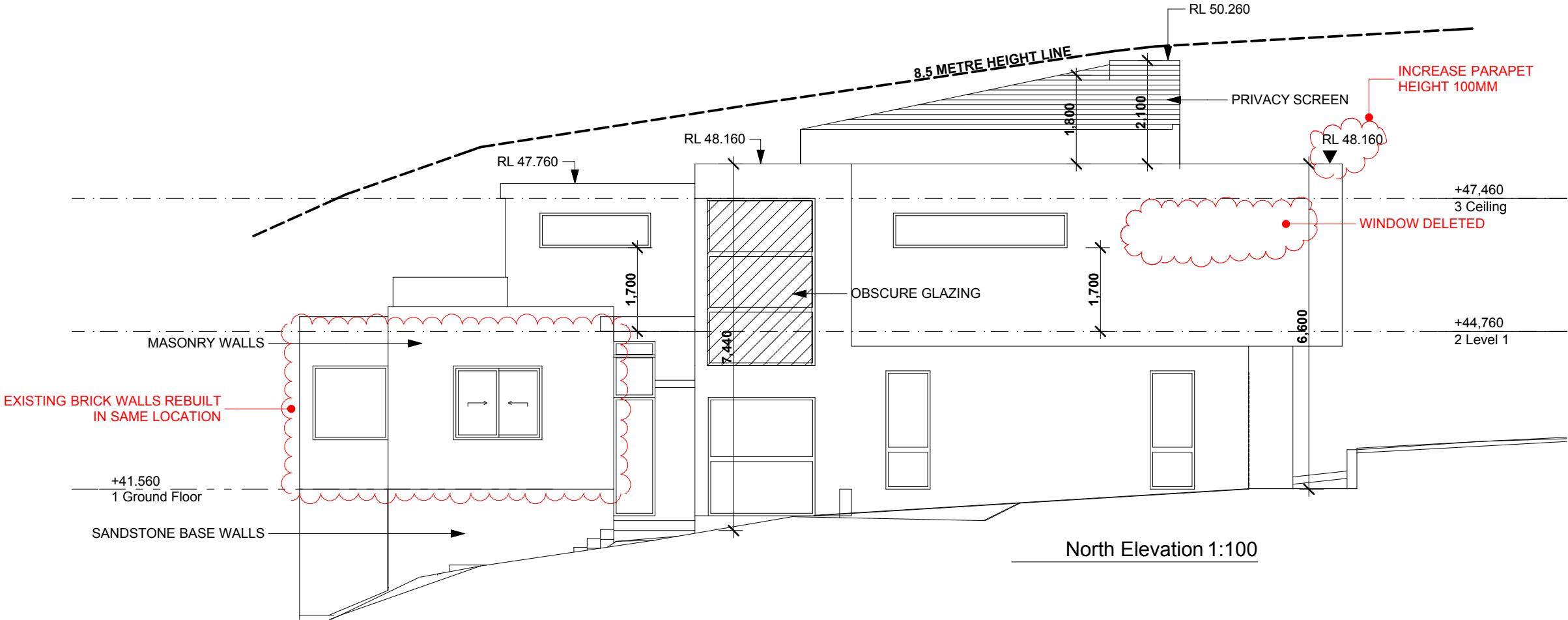
DOOR & WIN FRAMES



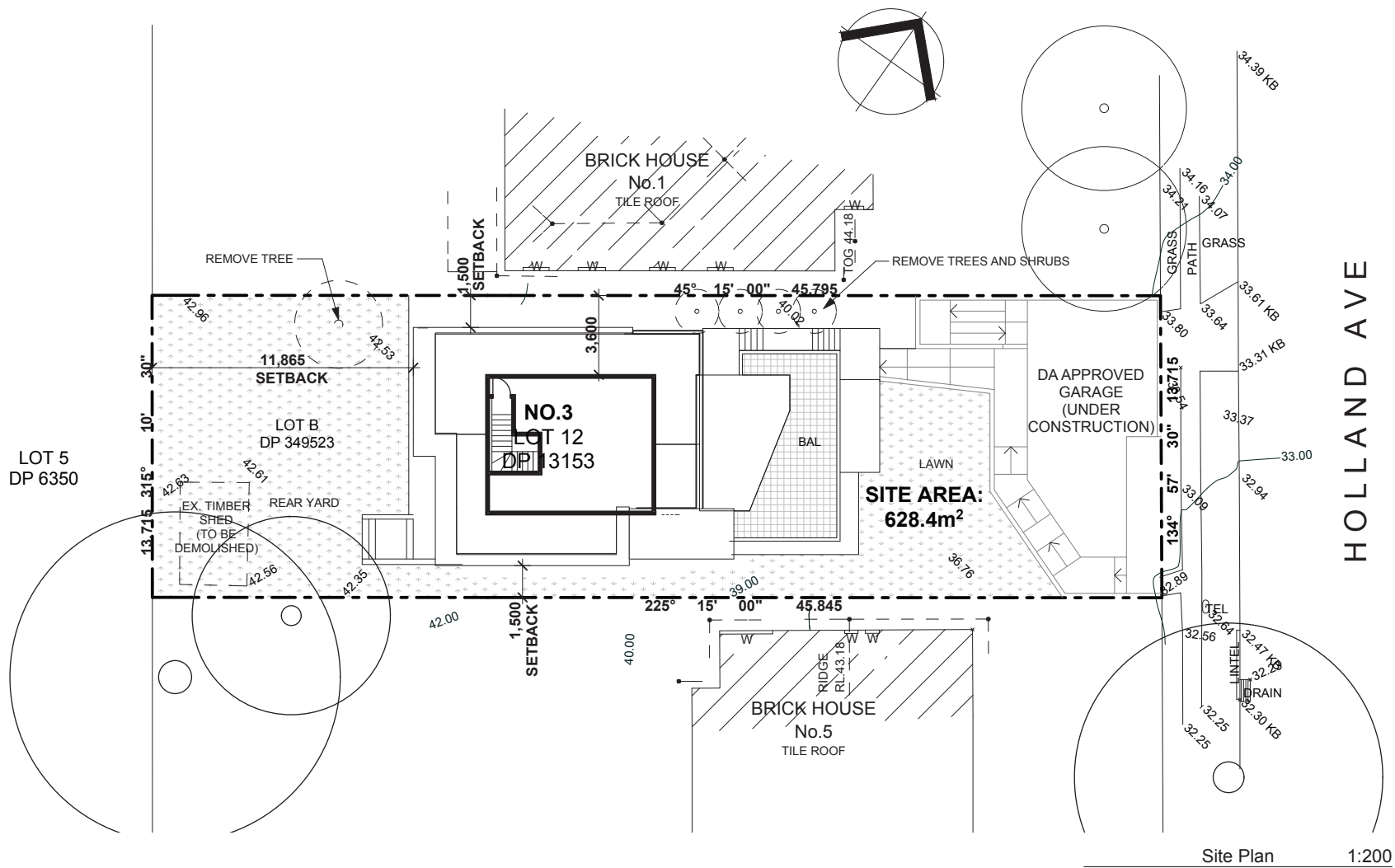
FEATURE CORRUGATED IRON

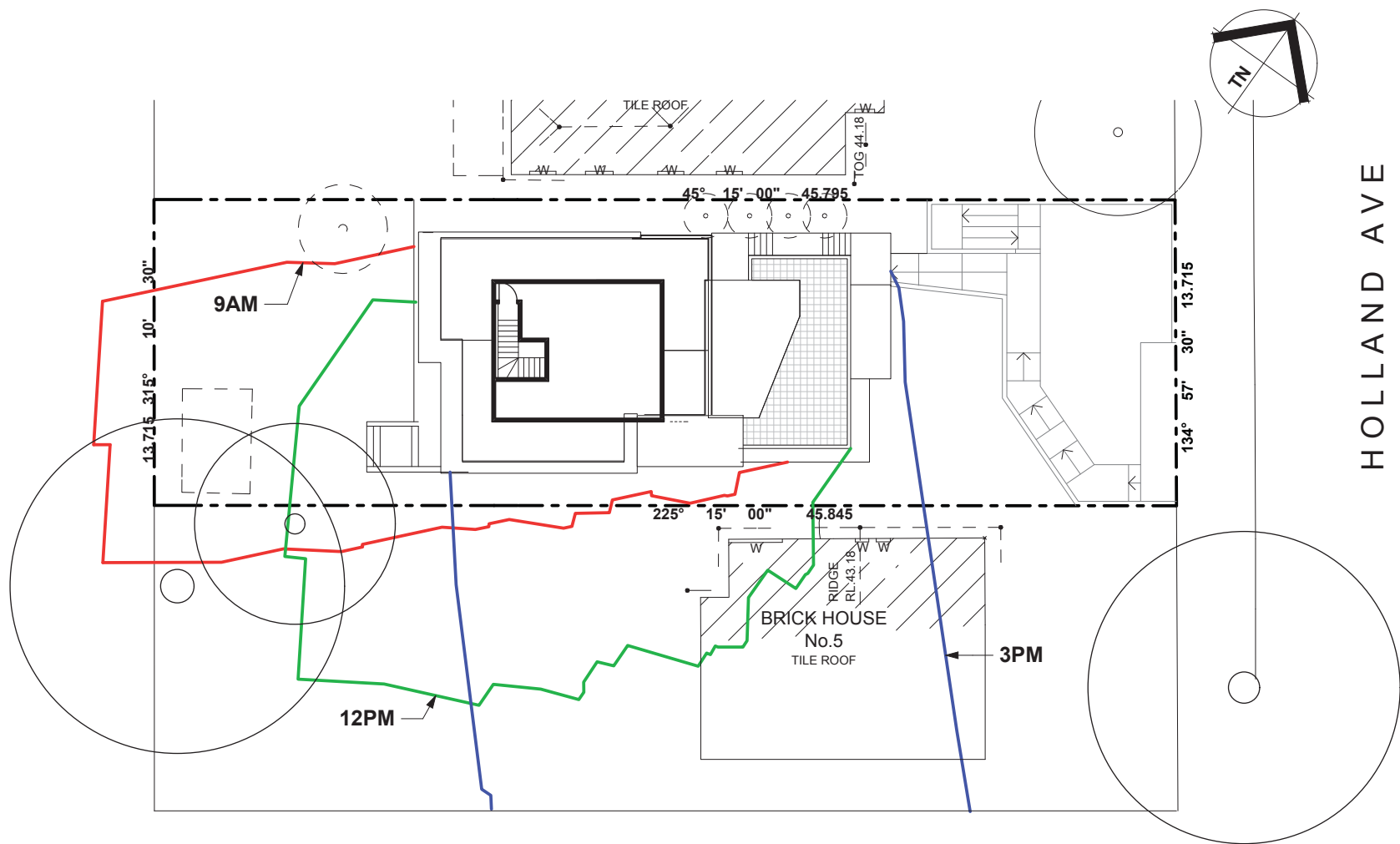


SANDSTONE BASE WALLS

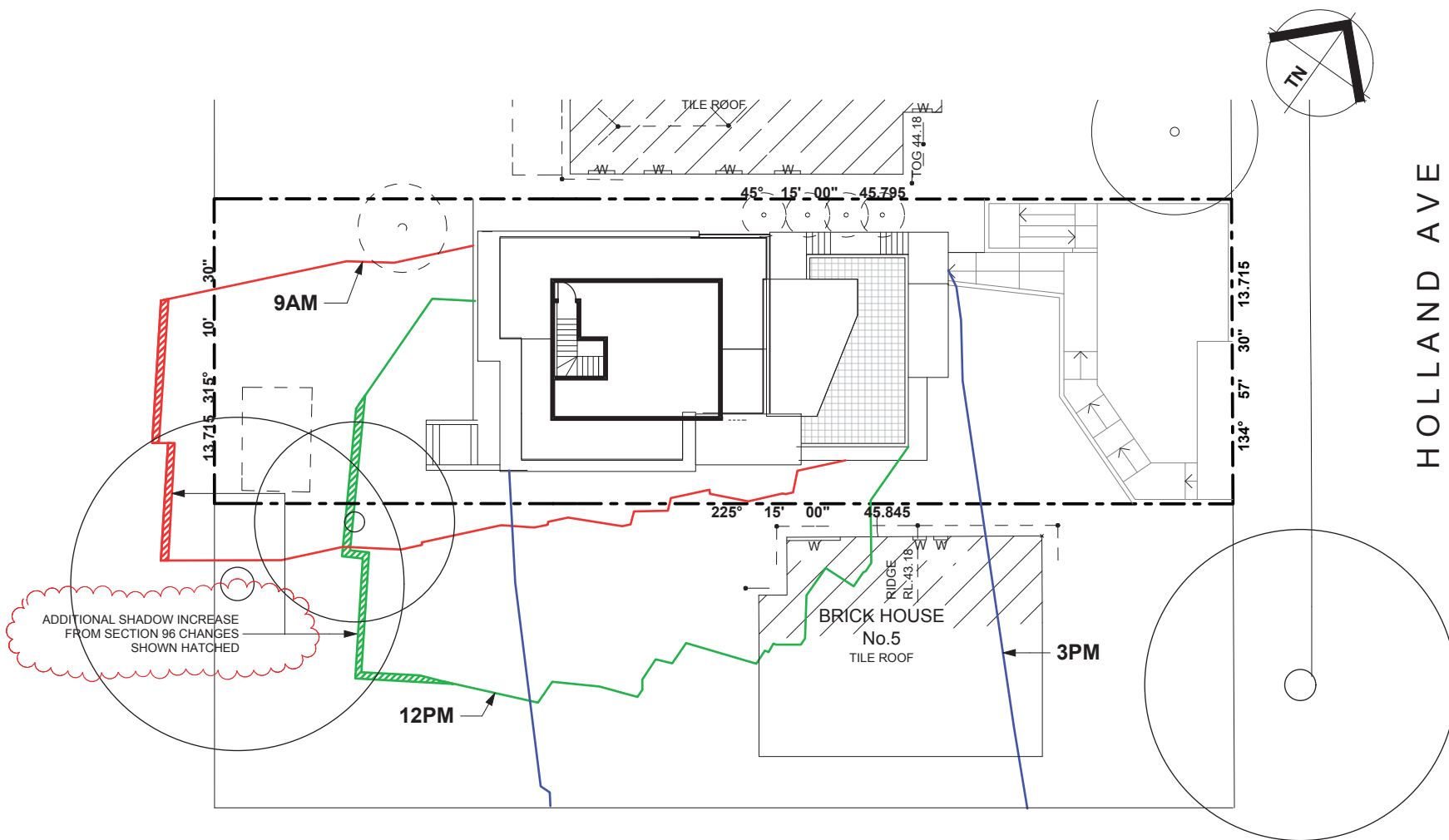


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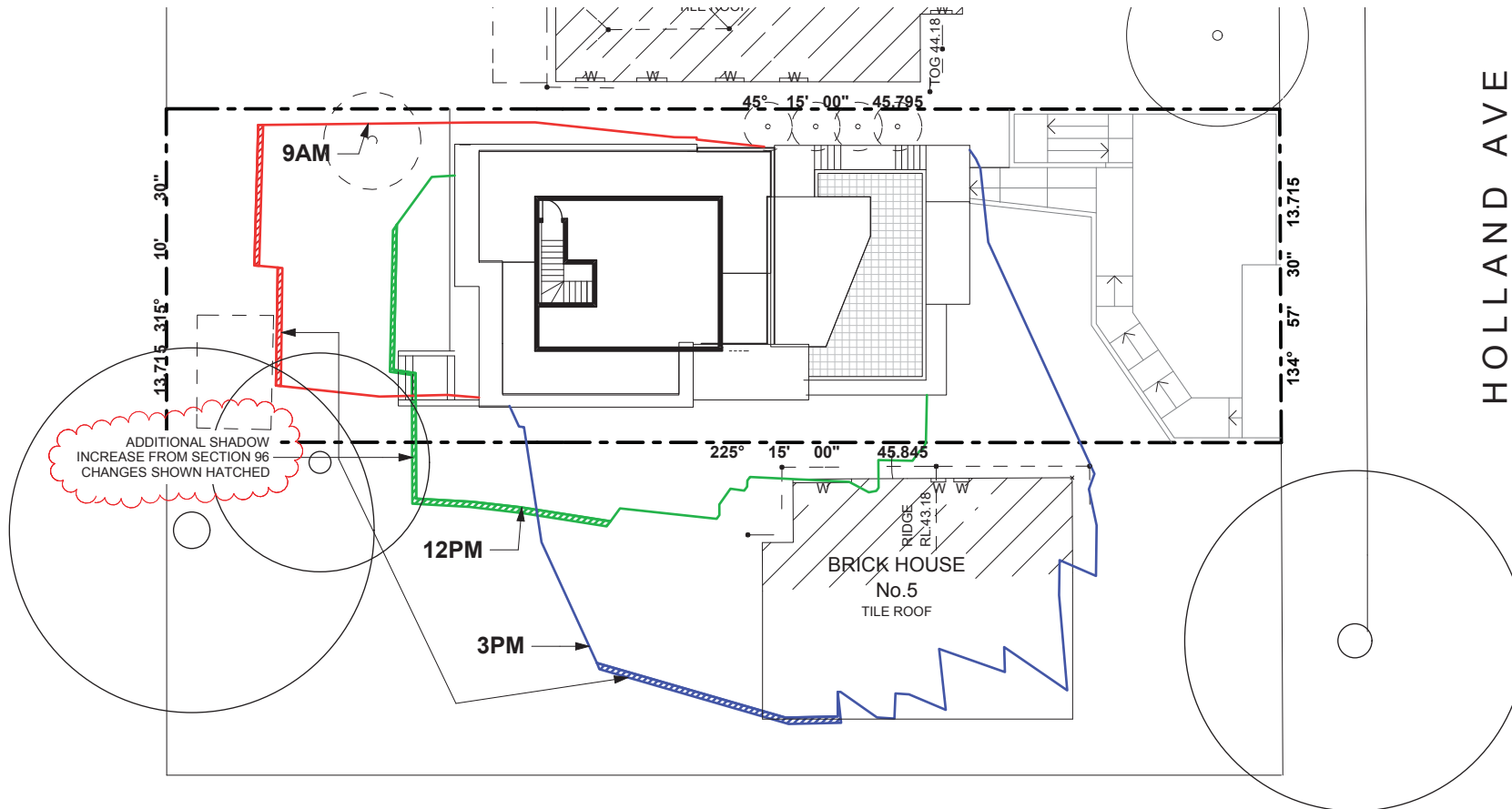
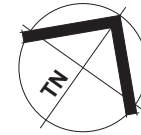




1. Shadows June 22 1:200



1. Shadows June 22 1:200



1. Shadows March/Sept 22 1:200