
Bayside Planning Panel

25/07/2017

Item No	5.2
Application Type	Development Application
Application Number	DA-2017/131
Lodgement Date	15 October 2016
Property	4 Abercorn Street, Bexley NSW 2207
Owner	Ms M Manuela
Applicant	Ms M Manuela
Proposal	Construction of a two (2) storey dwelling house with basement, in-ground pool and demolition of existing structures
No. of Submissions	Nil
Cost of Development	\$680,000.00
Report by	Luis Melim – Development Services Manager

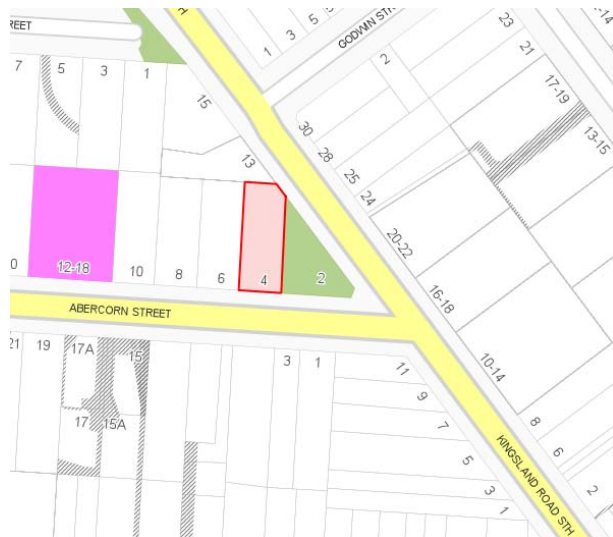
Officer Recommendation

- 1 That this Development Application be **APPROVED** pursuant to Section 80(1)(a) of the Environmental Planning and Assessment Act 1979 and subject to the conditions of consent attached to this report.
 - 2 That the Bayside Planning Panel supports the variation to the Height development standard, as contained in Clause 4.3 - Height of Buildings within Rockdale LEP 2011, in accordance with the request under Clause 4.6 of RLEP 2011 submitted by the applicant.
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Attachments

- 1 Planning Assessment Report;
- 2 Clause 4.6 Variation – Building Height;
- 3 Draft Notice of Approval;
- 4 Survey Plan;
- 5 Site / Roof Plan;
- 6 North, South, East, and West Elevation; and
- 7 Shadow Diagram.

Location Plan



BAYSIDE COUNCIL

Planning Assessment Report

Application Details

Application Number:	DA-2017/131
Date of Receipt:	15 October 2016
Property:	4 Abercorn Street, BEXLEY NSW 2207 Lot 1 DP 202344
Owner:	Ms Mariah Manuela
Applicant:	Ms Mariah Manuela
Proposal:	Construction of a two (2) storey dwelling house with basement, inground pool and demolition of existing structures
Recommendation:	Approval, subject to recommended conditions of consent
No. of submissions:	None
Author:	Creative Planning Solutions
Date of Report:	15 July 2017

Key Issues

The key issues of the proposed development, as discussed in detail within this assessment report, are summarised as follows:

- **Height exceedance:** The proposed development exceeds the 8.5m maximum height of building standard by 560mm, which represents a variation of 6.35%. A written request justifying the variation pursuant to clause 4.6 has been lodged by the applicant. The written request is supported in the circumstances of the proposed development.
- **Visual privacy:** The proposed development will be afforded with direct sightlines to the adjoining property at 6 Abercorn Street. In this regard, conditions of consent are included requiring windows be obscured to a height of 1.7m above the corresponding ground level to ensure a suitable level of privacy is maintained.

- **Site context and streetscape:** The architectural design of the proposal is representative of a contemporary dwelling incorporating a flat roof design and utilising modern construction materials. Although distinctive to the design of the eastern adjoining single storey federation style dwellings, the proposal has been determined to result in a non-offensive contribution to the built form diversity already present within Abercorn Street, and more generally, is consistent with the greater context of the locality.

Recommendation

That Development Application DA-2017/131 for the construction of a two-storey dwelling with basement, and an inground swimming pool, and demolition of all existing structures at 4 Abercorn Street, Bexley NSW 2207 be **APPROVED** pursuant to Section 80(1)(a) of the Act and subject to the conditions of consent attached to this report.

Background

History

Relevant site history as follows:

- A review of the subject site's development history using Council's online development application search returned no results. It is noted that the online development application portal applies to development applications submitted after 1 July 2004.
- The subject DA was lodged with Council on 15 October 2016. The development was notified for a period of two weeks commencing on 25 October 2016. No submissions have been received during the notification period.
- An additional information request was sent to the applicant on 10 January 2017, requested the following items to be addressed:
 - a) Height of building exceedance with no accompanying clause 4.6 written request to vary the maximum height development standard;
 - b) Floor space ratio exceedance with no accompanying clause 4.6 written request to vary the maximum floor space ratio development standard;
 - c) Consideration of streetscape and site context;
 - d) Preparation of a flood management plan;
 - e) Traffic, parking and access design changes;

- f) Stormwater design changes;
 - g) Survey of Council drainage pit; and
 - h) Geotechnical commentary ensuring appropriate construction methods are utilised.
- A response to the additional information request was received by Council on 28 March 2017, and forwarded to CPS Planning on 3 April 2017. The response included the provision of the following information:
 - a) Amended architectural plans demonstrating design changes which reduced the building height exceedance, and provided for a compliant floor space ratio;
 - b) Justification for the lesser building height exceedance;
 - c) Commentary on streetscape and site context;
 - d) Flood Management Plan; and
 - e) Traffic, parking and access design changes
 - f) Revised Concept Stormwater Plan;
 - g) Surveyed location of stormwater main and corresponding drainage pit height denoted in revised Concept Stormwater Plan; and
 - h) Agreement that geotechnical information regarding construction methods will be submitted at the Construction Certificate stage.
- A second additional information request was sent to the applicant on 7 June 2017, requesting the following items to be addressed:
 - a) Height of building exceedance. Should the height exceedance be sought be varied, then a formal written request pursuant to clause 4.6 must be submitted to Council for review; and
 - b) Streetscape and site context. The proposal has not demonstrated that Part 4.2, and Part 5.1 of the *Rockdale Development Control Plan 2011* have been appropriately considered.
- A response to the second additional information request was received by Council on 19 June 2017, and forwarded to CPS Planning on 20 June 2017. The response included the provision of the following information:
 - a) A formal written request justifying the maximum height of buildings development standard prepared in accordance with clause 4.6 of the *Rockdale Local Environmental Plan 2011*; and
 - b) A formal address of streetscape consideration and justification.

The assessment of the proposed development discussed within this report is based on the amended plans received by Council on 28 March 2017, and dated 21 March 2017.

Proposal

Council is in receipt of development application DA-2017/131 at 4 Abercorn Street, Bexley which seeks consent for the demolition of existing structures, construction of a two-storey dwelling with basement, and in-ground swimming pool

In detail, the development application seeks consent for the following works:

Demolition of existing structures:

- a) Demolition of the all existing structures, including the single storey brick dwelling with an attached garage, and an in-ground swimming pool.

Construction of a two-storey dwelling, including:

- a) Basement garage with vehicular access from Kingsland Road South. A store room is located to the rear of the basement garage. Stairs provide access to the ground floor.
- b) Ground floor comprising a study, rumpus, bathroom, laundry with separate external access, an open plan kitchen, dining and family room. The family and rumpus room have direct access to the eastern principal private open space area in which the swimming pool and spa are proposed.
- c) First floor comprising of four (4) bedrooms including a master bedroom with access to a rear balcony, walk-in-robe and en-suite bathroom. A second balcony overlooking the private open space (POS) is accessible from the first-floor hallway.

Removal of Trees

- d) The four (4) trees, of varying sizes, located on the subject site are proposed to be removed. The street tree located in the reserve of Kingsland Road South nearest to the subject site is proposed to be removed.

Site location and context

The subject site is formally known as Lot 1 in Deposited Plan 202344 and is located at 4 Abercorn Street, Bexley. The site is rectangular in shape with a total site area of 585.3m² (Detail and Level Survey, prepared by S.J Surveying Services and dated 04/04/2016).

The site is afforded a dual frontage, with a primary frontage of 15.24 metres to Abercorn Street and a secondary frontage of 5.3 metres to Kingsland road South. The frontage to Kingsland Road South is set at an oblique angle to the general orientation

of the site which has resulted in the north-east corner being somewhat recessed. Refer to **Figure 1**.

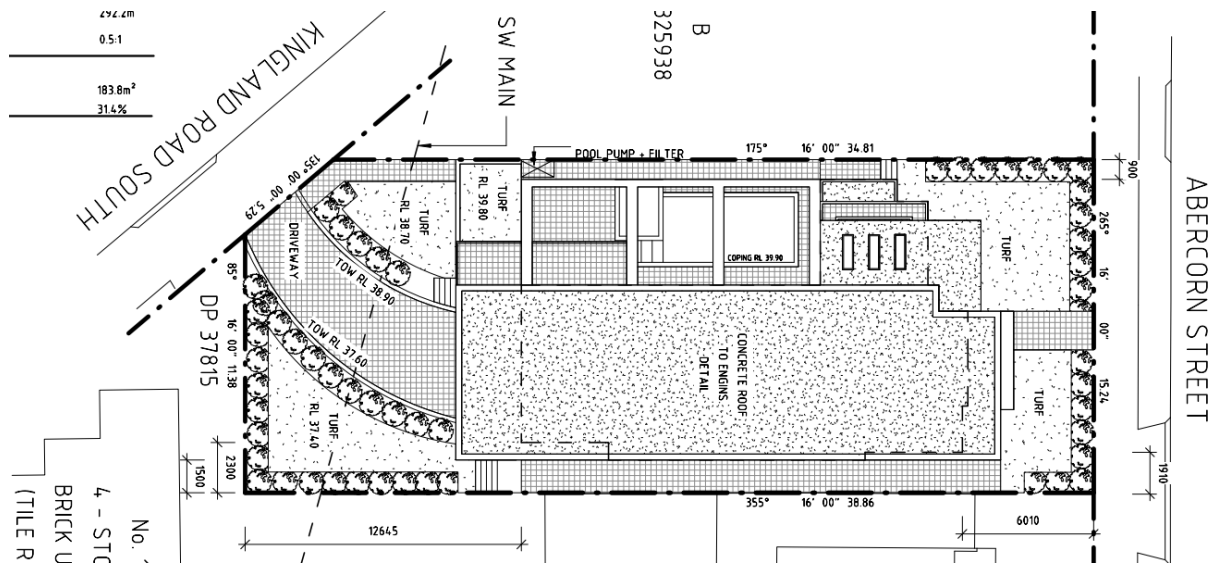


Figure 1 – Extract of the Site Plan, illustrating duel frontage and allotment shape

Source: Site Plan prepared by Resolute Building Solutions

The subject site contains single-storey brick dwelling with a tiled roof, and an attached garage that is built up to the western boundary, along with an in-ground swimming pool.



Figure 2 - Site photo depicting a southward view of 4 Abercorn Street Bexley

Source: Site inspection photo taken by CPS, dated 9 January 2017

The site is located at the eastern-most end of the north side of Abercorn Street. The adjoining site, located at 2 Abercorn Street, to the east is an irregular wedge-shaped lot and is used as a Council reserve. This reserve contains five (5) large mature trees and is embellished by two (2) park benches, and has a pedestrian footpath that runs along the eastern boundary of the subject site – refer to **Figure 3**.



Figure 3 – Site photo of Council reserve located at 2 Abercorn Street Bexley, westward view

Source: Site inspection photo taken by CPS, dated 9 January 2017

Adjoining the subject site to the west is a single-storey fibro constructed dwelling that has a visual appearance of being well maintained. A garage is attached to the east side of the dwelling built up to the boundary which adjoins the subject site's garage.



Figure 4 Site inspection of western (side) adjoining development at 6 Abercorn Street Bexley, southward view

Source: Site inspection photo taken by CPS, dated 9 January 2017

Adjoining to the rear is Kingsland Road South is a red brick three-storey residential flat building development containing nine (9) apartments. A mature street tree is located adjacent to the subject site on the Kingsland Road South frontage.



Figure 5 - Site inspection of north (rear) adjoining development at 13 Kingsland Road South Bexley, northward view

Source: Site inspection photo taken by CPS, dated 9 January 2017

The subject site is located within an established low density residential neighbourhood that is characteristic of single and some double-storey detached dwellings. However, several non-residential forms of development are present in the surrounds, including the opposite side of the road which is the rear service entrance to the Bexley RSL, and further west along Abercorn Street is the Bexley Gospel Hall. Across the road of Kingsland Road South to the east, denser forms of residential development, such as three-storey walk-up apartment blocks are evident – refer to **Figure 6**.

The subject site is in proximity to amenities such as shops with Bexley local shops being 150 metres walk south east of the subject site, and recreational opportunities with Bexley Park being a 600m south west.



Figure 6 - Aerial location image depicting the subject site in red highlight

Source: maps.six.gov.au, retrieved 28 June 2017

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.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 767240S.

The commitments made result in the following reductions in energy and water consumption:

- Reduction in Energy Consumption 43 (Target:40);
- Reduction in Water Consumption 40 (Target: 40); and
- Thermal Comfort Pass (Target: Pass).

The Certificate demonstrates the proposed development satisfies the relevant thermal; ventilation and water commitments as required by SEPP (BASIX).

The BASIX Certificate outlines that the proposal must install a 3,000L rainwater tank which is configured to collect rain runoff from 160sqm of roof area, and limits the maximum volume of the pool and spa to 20 kilolitres and 4 kilolitres, respectively. The proposed concept stormwater drainage plan includes a 9,500L underground rainwater tank, and the submitted architectural plans suggest that the pool and spa are limited to 20 kilolitres and 4 kilolitres, respectively.

A condition of consent shall be imposed ensuring the development comply with the submitted BASIX Certificate.

State Environmental Planning Policy (Infrastructure) 2007

Clause 45 - works within the vicinity of electricity infrastructure

The application is subject to clause 45 of this SEPP as the development proposes works within the vicinity of electricity infrastructure and therefore in accordance with clause 45(2) the consent authority must give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and take into consideration any response to the notice that is received within 21 days after the notice is given.

Accordingly, the proposal has been sent to Ausgrid. Council received a response letter from Ausgrid on 19 January 2017, which provided support to the proposed development subject to recommended conditions of consent.

Subject to the imposition of Ausgrid's recommended conditions of consent, the proposed development satisfies the provisions of this SEPP and is therefore acceptable in this regard.

State Environmental Planning Policy No. 55 – Remediation of Land

Clause 7 of SEPP 55 requires the consent authority to consider whether the land that is subject to the proposed development is contaminated. If the land is contaminated, the consent authority must be satisfied that the land is suitable for the development in its current state or can be made suitable via land remediation measures.

In accordance with the Planning Guidelines SEPP 55 – Remediation of Land, prepared by Department of Urban Affairs and Planning in 1998, the history of land use needs to be considered as an indicator of potential contamination. Where there is no reason to suspect contamination after acting substantially in accordance with these guidelines, the proposal may be processed in the usual way. Table 1 on page 12 of the guidelines lists activities that may cause contamination.

In this regard, the suggested checklist for evaluation contained in the guidelines are addressed as follows:

- Council is not aware of any previous investigations of contamination applying to the subject land;
- No records made publicly available by Council illustrates that an activity listed in Table 1 that has been approved on the subject land, nor is the subject site is not currently known to be used for an activity listed in Table 1;
- The subject land is zoned R2 – Low Density Residential under the current planning instrument, the *Rockdale Local Environmental Plan 2011*. Under the previous planning instrument, the *Rockdale Local Environmental Plan 2000*, the subject land was zoned 2(a) Low Density Residential. In this regard, the subject land has not been zoned for contaminating land use activities such as industrial, agricultural or defence purposes within the known past;
- The proposed development seeks to continue using the land for residential purposes
- No known notices or EPI licences, issued by the EPA apply to the site;
- Aerial image taken in 1943, available from maps.six.gov.au, illustrates that a dwelling house occupied the site at this time;
- Observations from a physical site inspection does not suggest that any unauthorised contaminating activities are occurring or appear to have occurred on the subject site;
- There is are no indications that adjoining land accommodate any contaminating activities.

Accordingly, subject to the consideration of contamination summarised in the dot-points above, there are no indicators to suggest the subject site is contaminated, and therefore no further land investigations are considered to be necessary.

In this regard, the provisions of SEPP 55 have been satisfied with respect to the proposed development.

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	No - see discussion
4.4 Floor space ratio - Bexley	Yes	Yes - see discussion
5.9 Preservation of trees or vegetation	Yes	Yes - see discussion
6.1 Acid Sulfate Soil - Class 5	Yes	Yes - see discussion
6.2 Earthworks	Yes	Yes - see discussion
6.6 Flood Planning	Yes	Yes - see discussion
6.7 Stormwater	Yes	Yes - see discussion
6.12 Essential services	Yes	Yes - see discussion

2.3 Zone R2 Low Density Residential

The subject site is zoned R2 Low Density Residential under the provisions of the *Rockdale Local Environmental Plan 2011* (RLEP 2011). The proposed development is defined as a 'dwelling house' under the Dictionary section of the RLEP 2011, which constitutes a permissible form of development with Council consent within the zone.

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 dwelling house development is consistent with the objectives of the zone as it supports the provision of low-density housing consistent within the low-density residential environment. The proposal will not exclude any adjoining land or the subject land from providing for facilities or services that meet the day to day needs of residents

in the future, and will have an acceptable impact on the character and amenity of the area as discussed within the balance of this report.

4.3 Height of buildings

The maximum building height for the land on the Height of Buildings Map is 8.5 metres.

The height of the proposed building has been measured as being a non-complying 9.04m (EGL 37.36 – Ridge RL 46.40), which is an exceedance of 0.56m or a 6.35% variation to the development standard.

In response to the building height exceedance, a written request pursuant to Clause 4.6 has been submitted with the proposal, as discussed within the following paragraphs.

4.6 Exception to development standards – variation to height of buildings

A written request has been submitted in support of the application justifying the proposed contravention of the building height development standard. The applicant contends that compliance with the building height standard is unreasonable and unnecessary in the circumstances of the case, and offers the following justification:

- a) *Despite the building height variation, the proposed development satisfies the objectives of the R2 Low Density Residential Zone;*
- b) *The subject site adequately accommodates the proposed development and results in negligible amenity impacts, as per the following reasons:*
 - *The proposed development has a limited visual bulk and scale impact, and the built form is compatible with that of other newer contemporary in fill housing within the locality;*
 - *Proposal provides for compliant front, rear, side setbacks and landscaping requirements;*
 - *Proposal complies with Council's solar access and overshadowing requirements;*
 - *The height exceedance will not impact the neighbouring properties access to air, ventilation, and light, as assisted by the north-south orientation of the site;*
 - *Proposal provides for appropriate window placement and floor levels to ensure any material impact to the privacy of adjoining properties is not increased;*
 - *Proposed infill development is considered to be compatible, sympathetic and harmonious in relation to existing and desired streetscape character.*

- *The extent of the variation would be appropriately setback from the public domain and would not clearly be appearance when viewed by a casual observer from the streetscape.*

Assessment comments: The justification provided within the written request has been reviewed and is, in principle, supported. The proposed development is considered to exhibit the following which support the notion that compliance with the building height development standard is unreasonable or unnecessary in this instance:

- a) The level of the height exceedance is numerically overstated. The land exhibits a north-south slope of 3.5m, and a cross slope of 2.6m at the cross section of height non-compliance. The angle of the slope accelerates at the northern section of the site, and is where the height exceedance occurs. In this regard, when considering the height exceedance in the context of the whole development, it is acknowledged that the area of the development that offends the height development standard is limited to 8% of the building foot print. Refer to **Figure 7**.

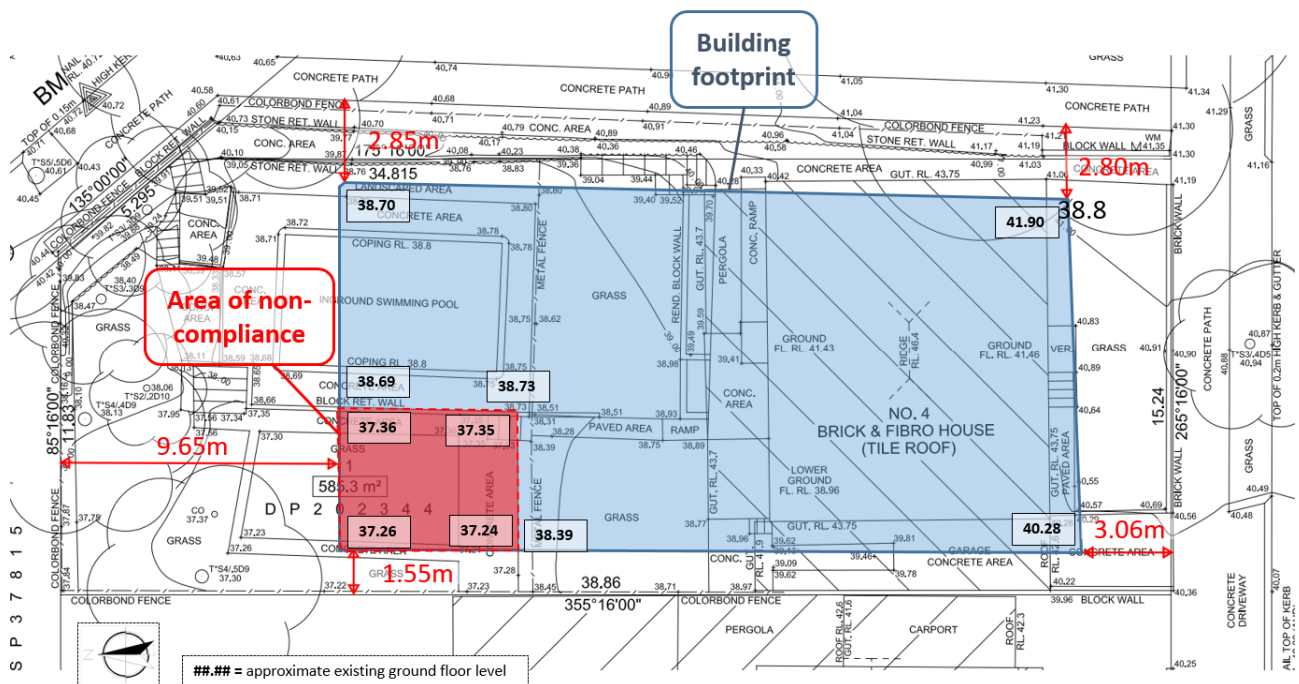


Figure 7 - Diagram illustrating the proposed building envelope (approx.) overlayed on the submitted survey. The area of non-compliance is depicted by red shading.

Source: Submitted Survey, as adapted by CPS Planning

- b) The apparent height of the dwelling is considered to be in keeping with adjoining developments. On the Abercorn Street frontage, the proposal appears like a two-storey dwelling with a height of about 6.5m, which is consistent with the heights of the one (1) and two (2) storey residential developments within Abercorn Street. On the Kingsland South Road frontage, the proposal appears like a three-storey dwelling with a height of about 8.5m-9m, which provides an appropriate built form transition to the adjoining four-storey residential flat building.

- c) The subject site is situated at a junction of varying land uses and built forms. The site adjoins a small Council nature reserve to the east which is located at the intersection of Abercorn Street and Kingsland Road South. Low density residential development exists to the west along Abercorn Street, and high density residential development exist to the north and east along Kingsland Road South. In this regard, the proposal provides for an appropriate contextual response with a built form that is sympathetic to both adjoining residential developments, supports the provision of passive surveillance over adjoining nature reserve and road intersection, and provides a suitable urban connection to the larger developments within visual catchment of the site.
- d) The architectural design of the proposal is a contemporary dwelling incorporating a flat roof design and utilising modern construction materials. Although distinctive to that of the design of eastern adjoining single storey federation style dwellings, is not considered to detract from the streetscape of Abercorn Street. This is due to the eclectic mix of buildings already present within Abercorn Street, noting the presence of a large two-storey commercial building used by Bexley RSL at 5-13 Abercorn Street, the Bexley Gospel Hall located at 12 Abercorn Street, and more contemporary dwellings such as the two-storey dual occupancy development at 21 Abercorn Street. Furthermore, when acknowledging the general development trend favouring contemporary building designs and materials, the proposal is consistent with the likely future built forms and subsequent streetscape within the local area.
- e) As discussed later within this report, the proposal complies with the RDCP 2011 controls pertaining to setbacks, landscaping, solar access, and overshadowing. In this regard, the environmental impacts of the height exceedance are minimised.
- f) As discussed earlier within this report, the proposal is consistent with the three (3) objectives of R2 Low Density Residential zone.
- g) The proposal is consistent with the objectives of the building height development standard, as discussed as follows:

(a) to establish the maximum limit within which buildings can be designed and floor space can be achieved,

Comment: The proposed development complies with the floor space ratio.

(b) to permit building heights that encourage high quality urban form,

Comment: The proposed dwelling is of a contemporary design with a distinctive flat roof form, however demonstrates high quality design.

(c) to provide building heights that maintain satisfactory sky exposure and daylight to buildings, key areas and the public domain,

Comment: As the subject site exhibits a north-south orientation with the height exceedance occurring to the north of the development remains satisfactory

when considering sky exposure and daylight to adjoining buildings, key areas, and public domain will still be maintained.

- (d) to nominate heights that will provide an appropriate transition in built form and land use intensity.*

Comment: It is acknowledged that the proposed height is representative of a low density residential environment. The height exceedance does not result in an increase in land use intensity as demonstrate by a compliance with the corresponding floor space ratio.

The applicant further contends that there are sufficient environmental planning grounds to justify contravening the development standard, and offers the following to back up the contention:

- a) The site contains a cross fall from front to rear of 3.5m. Strict numerical compliance is considered to be unnecessary and unreasonable given that it is considered that Council has abandoned strict compliance allowing for a degree of flexibility by supporting recent variations with similar justification to that sought in this application (DA-2014/412, and DA-2016/281 are offered as support)*
- b) The exceedance in height of building does not result in any unacceptable or material impacts to adjoining properties or impact the amenity for the future occupants of the site. This also does not unreasonably detract from the ability of the adjoining sites to achieve appropriate development potential. The Height of Building (HOB) extract below indicates that the subject site forms close on an interface zone of 14.5m which predominately consist of residential flat buildings and some detached dwelling houses. It is noted that the Hall opposite the subject site (No. 5-13 Abercorn Street) to the south has a height limit of 13m. No 2 Abercrombie Street is heavily vegetated with trees and contains seating and fixtures. Given the context it is considered that the visual presentation of the variation would be generally compatible to that at/within a close proximity to an interface zone.*
- c) The proposal complies with in most other aspects of the proposal without resulting in any unacceptable material planning impacts. By supporting this variation in its current form, it is considered that an appropriate flexibility be applied on planning merit which results in a reasonable built form which is commensurate of other similar built forms within the locality and visual catchment.*
- d) It is noted that Council has abandoned strict numerical compliance for roof top terraces and access to such. It is considered that whilst the proposal does not seek such an element as part of the proposal, such a variation, similar to other variations in the past would generate a greater material impact than the 300mm exceedance in height of that sought in this proposal.*
- e) The extent of the variation is considered to be in the public interest as the proposal conforms to the majority of the relevant planning controls. The extent of the*

variation will not detract from the streetscape and does not result in any material poor design or built form. Furthermore, the extent of the variation is located to the rear of the site and would not be clearly apparent from a casual viewer when viewed from the public domain given the cross slope of the site.

- f) The extent of the variation is not considered to result in any material view loss impacts given that the surrounding area is of a residential context. No iconic, water or interface zone views are considered to be obtained from adjoining properties.*
- g) The proposal would result in an improvement to the existing condition and results in the improvement to the existing housing stock and creates an addition to existing housing stock within the locality which adopts a desirable low density residential built form.*
- h) As previously discussed, the proposal adequately satisfies the underlying objectives of the controls and R2 zoning objectives of which do not result in any unacceptable impacts to the built, natural, social or economic impacts for consideration under the Act.*

Assessment comments: The planning grounds provided within the written request have been reviewed and is, in principle, supported. The proposed development is considered to exhibit the following planning grounds which support the justification to contravene the building height development standard:

- a) As discussed above, the subject site experiences a substantial south-north descent where the height exceedance is experienced on the lowest point on the northern side of the proposed dwelling, adjacent to the Kingsland Road South frontage (refer to **Figure 7**). Furthermore, the public footpath direct adjacent to the subject lot on the Kingsland Road South frontage with a relative level of 40.6m ADH is significantly higher than compared to corresponding north-eastern corner of the subject site which has a relative level of 38.40m AHD. In this regard, the height exceedance has no contextual bearing on the height of development experienced from the urban domain (Kingsland Road South footpath).
- b) The proposal is consistent with the urban context of the immediate built forms adjoining the subject site. The adjoining land to the east is an irregular shaped allotment used as a public reserve, the adjoining land to the north contains a part four-storey apartment building (approved under a previous instrument), and the land across the road on the north-east side of Kingsland Road South is zoned for R4 High Density Residential purposes.
- c) A coherent building height plane is not present within the immediate urban fabric adjoining subject site. The proposed height is not considered to be out of character when considering the existing higher density developments located directly to the west, and directly across Abercorn Street, and to the north-east across Kingsland Road South. Furthermore, when viewing from Abercorn Street the proposal is 6.78m in height, which provides for a better urban relationship to that of adjoining

single storey dwellings on this street frontage when compared with a full 8.5m building height at this point.

With consideration to the discussion above, there is no public benefit in enforcing a building height of 8.5m on the Kingsland Road South frontage, and therefore the Clause 4.6 exception to the building height development standard is supported in this instance.

4.4 Floor space ratio - Bexley

The gross floor area of the proposed development has been calculated as 293.1m² over a site area of 585.3m². In this regard, the proposed floor space ratio (FSR) for the building is 0.5:1 and therefore does not exceed the maximum FSR for the land (0.5:1) as shown on the Floor Space Ratio Map.

Further, the proposed density is in accordance with the desired future character of Bexley, 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.

5.9 Preservation of trees or vegetation

The removal or pruning of any tree or vegetation to which any development control plan applies requires Council consent.

In this regard, the proposed development seeks consent for the removal of four (4) trees located on the subject site to facilitate the proposed development, and one (1) street tree located on the Kingsland Road South frontage to facilitate the proposed vehicle access to the site.

Council's Tree Management Officer has reviewed the proposal in relation to preservation of trees and vegetation, tree removal, and adjacent trees, and offers the following comments:

- *The existing Brushbox street tree located in the area of the proposed vehicle crossing in Kingsland Road will be removed by Council's contractor on payment of the relevant fees.*
- *The existing trees located within the footprint of the proposed dwelling and the rear yard are somewhat significant but may be removed, subject to at least three replacement trees being planted on site.*
- *Other street trees and within the small reserve adjoining the site are to be retained and protected*

As such, subject to the recommended conditions of consent provided by Council's Tree Management Officer, the provisions of this clause have been satisfied.

6.1 Acid Sulfate Soil - Class 5

Acid Sulfate Soils (ASS) – Class 5 affect the property. However, development consent is not required as the proposed excavation will not extend below 1m AHD and therefore dewatering below 1m AHD will not be necessary. In this regard, an acid sulphate management plan will not be necessary.

6.2 Earthworks

Development requiring earthworks must consider the impact of such works on the existing drainage patterns and soils stability in the locality, the effect of the proposed development on future use or redevelopment of land, quality of any fill or soils to be excavated, effect of the proposed development on the amenity of adjoining properties, likelihood of disturbing relics, and proximity to a watercourse, drinking water catchment or environmentally sensitive area.

The proposal will require excavation works of approximately 1.95m for the construction of the semi-basement garage. The concept Stormwater Drainage Details plan accompanies the application (discussed in detail under 6.7 *Stormwater*) ensures that existing drainage patterns will not be adversely impacted by the proposal. To support the preservation of soil stability and minimise dust and building waste effluence, the developer will be required submit a Soil and Water Management Plan, prepared in accordance with Soil and Water Management for Urban Development Guidelines produced by the Southern Sydney Region Organisation of Councils, prior to the issue of a Construction Certificate.

Council's Development Engineer has reviewed the proposal in relation to geotechnical considerations and outlines that there are built structures, (including public assets) which may be in the zone of influence of the proposed works and excavations on this site, and therefore recommends the following condition of consent to be included in the draft Notice of Determination:

- # *'A qualified practicing geotechnical engineer to prepare a Geotechnical report demonstrating that the proposed construction method including any excavation and the configuration of the built structures will have no adverse impact on any surrounding property and infrastructure'*

Subject to the recommended conditions of consent, the proposal satisfies the provisions of this clause.

6.6 Flood Planning

The subject site is identified as being located within a flood planning area (Flood Planning Map – Sheet FLD_002). Accordingly, development consent cannot be granted until such time the proposal demonstrates:

- a) *to be compatible with the flood hazard of the land,*
- b) *to not likely to significantly adversely affect flood behaviour,*
- c) *to incorporate measures to manage risk to life from flood,*
- d) *to not likely to significantly adversely affect the environment, and*
- e) *to not likely to result in unsustainable social and economic cost to the community as a consequence of flooding.*

With reference to a) – e) above, Council advised within the Flood Advice Letter (FA-2016/120) sent to the applicant on 18 March 2016, that the proposal must incorporate minimum floor levels of 37.90m AHD, include flow through open form fencing, and be accompanied by a Flood Management Plan.

The proposal provides for habitable floor levels of 40.70m AHD. Details of fencing are not provided within the development application; therefore, it is appropriate to include the following conditions of consent within the Notice of Determination:

Flood permeable fencing

- # *'All new rear, front fencing and all new internal fencing and gates up to the 1% A.E.P Flood Level be constructed as flow through open form fencing'*
- # *'Any new side boundary fencing adjoining private properties are to have a minimum 80 mm gap at the bottom to allow water to flow through.'*

A Flood Management Plan, prepared by TAA Consulting Engineers, for the subject site was submitted in support of the application.

The application was referred to Council's Development Engineer for review and comment. The Development Engineer provides for no objection subject to compliance with flood planning levels of 37.90m AHD for habitable rooms, and the recommended conditions of consent regarding flood permeable fencing and adherence to the Flood Management Plan, prepared by TAA Consulting Engineers.

6.7 Stormwater

The application is accompanied by a concept Stormwater Drainage Details plan, Dwg No.: 857-S1/3 -857-S3/3, prepared by TAA Consulting Engineers Pty Ltd, issue: B, and dated 20 March 2017. Council's Development Engineer has reviewed the concept stormwater drainage plan, and provided the following comments:

'Pump system is proposed within the basement. A 9500 litre belowground rainwater tank is proposed to collect all roof water runoff. Overflow from the rainwater tank and pump system is directed to the silt arrestor pit and finally discharged to the drainage connection to Council's pipe. An inspection of the drainage connection is required prior to the back filling. Stormwater plans are considered acceptable according to the technical specification of stormwater management'.

Accordingly, Council's Development Engineer provides no objection to the proposal on stormwater grounds, subject to the imposition of the recommended conditions of consent into the draft Notice of Determination which are included in the attached draft Notice of Determination.

6.12 Essential Services

Due to the existing residential nature of the subject site, essential services are generally already available. Additional conditions have been incorporated in the draft Notice of Determination requiring consultation with relevant utility providers regarding any specific requirements for the provision of services on the site.

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 Development Control Plan 2011 (DCP2011). A compliance table for the proposed development is provided below:

Relevant clauses	Compliance with objectives	Compliance with standard/provision
4.1.1 Views and Vista	Yes	Yes
4.1.2 Heritage Conservation - Vicinity of Heritage Item	Yes	Yes - see discussion
4.1.3 Water Management	Yes	Yes
4.1.4 Soil Management	Yes	Yes
4.1.6 Development on Sloping Sites	Yes	Yes - see discussion
4.1.7 Tree Preservation	Yes	Yes
4.1.9 Lot size and Site Consolidation	Yes	Yes
4.2 Site Context	Yes	Yes - see discussion
4.2 Streetscape	Yes	Yes - see discussion

Relevant clauses	Compliance with objectives	Compliance with standard/provision
4.3.1 Open Space and Landscape Design	Yes	Yes - see discussion
4.3.2 Private Open Space – Dwelling House	Yes	Yes - see discussion
4.4.2 Solar Access	Yes	Yes
4.4.3 Natural Lighting and Ventilation	Yes	Yes
4.4.5 Visual privacy	Yes	No- see discussion
4.4.5 Acoustic privacy	Yes	Yes
4.4.6 Noise Impact	Yes	Yes
4.6 Parking Rates - Dwelling House	Yes	Yes
4.6 Car Park Location and Design	Yes	Yes
4.6 Mechanical Parking Systems	Yes	Yes – see discussion
4.7 Site Facilities	Yes	Yes
5.1 Low Density Residential – Setbacks	Yes	Yes
5.1 Low Density Residential – Building Design	Yes	Yes - see discussion

4.1.2 Heritage Conservation - Vicinity of Heritage Item

The subject site is located within the vicinity of two (2) heritage listed items, with an intact federation style house (Item 151) being located about 22m north of the subject site at 30 Kingsland Road South, and a stone federation style cottage (Item 94) being located about 62m to the south-east at 17 Abercorn Road.

The proposed development is not considered to impact the heritage value of the two (2) heritage items as it is a suitable form of development for the subject site and consistent with the low density residential environment. Furthermore, due to the location and limited frontage the subject site has to Kingsland Road South, the proposed development is not considered to have any visual bearing on the heritage listed houses.

4.1.6 Development on Sloping Sites

The DCP 2011 outlines that development should be designed to minimise the size of the building footprint, and minimise the amount of cut and fill.

The proposed building footprint is approximately 193m² and is appropriately positioned on the subject site. In this regard, the building footprint is suitable. The proposed development requires excavation of up to 3.73m (EGL 40.83 – Basement FFL 37.10) in depth, located at the southern part of the development, to accommodate the

basement garage. Excavation to the northern part of the development is limited to a depth of about 200mm.

The extent of excavation is required to accommodate the basement level that is accessible from Kingsland Road South. The relative level (RL) of the proposed basement is generally in line with the garage parking of the adjoining residential flat building (RFB) at 13 Kingsland Road South (submitted survey - Garage FL. RL 35.9).

Council's Development Engineer has reviewed the proposal, and advised that built structures, (including public assets) may be in the zone of influence of the proposed works and excavations on this site. In this regard, a condition of consent shall be included in the draft Notice of Determination requiring a qualified geotechnical engineer to advise on construction methods including any excavation and the configuration of the built structures to ensure no minimise any impact on any surrounding property and infrastructure

4.2 Site Context

The urban context in which the subject site is located is typified by low density residential developments (detached dwellings) west of Kingsland Rd South, with three-storey redbrick walk-up RFBs to the east nearing Bexley local shops. Within the immediate vicinity, the sites urban context is influenced by the adjoining reserve at 2 Abercorn St, the prominent rear frontage of Bexley RSL located directly across the road of from the subject site, the Bexley Gospel Hall which is located four (4) allotments west, and the red brick four-storey RFB adjoining the subject site to the north at 13 Kingsland Road South. In this regard, the context wherein the site is located is not representative of one dominant architectural theme or style of development, but rather an eclectic mix land uses and land use intensities, with the presence of dwellings of differing ages and sizes.

The proposed development will maintain the existing block pattern and provide for a street alignment consistent with the current dwelling on the subject site and adjoining developments at 6 and 8 Abercorn Street. The architectural design of the proposal follows the general pattern of development within the locality where existing aged single storey residential dwellings with pitched roofs are replaced by contemporary dwellings reflective of modern materials and designs, as demonstrated by the recently constructed dwellings at 21 Abercorn Street, 61 Highgate Street, and 27 Eddystone Road.

In this regard, the proposed two and three storey dwelling is contextually appropriate in terms of the existing urban fabric.

4.2 Streetscape

A setback of 6.01m is provided from the exterior dwelling wall, and a setback of 4.3m is provide from the external balcony wall. Existing development provides for a street setback of 4.2m, and adjoining development at No's 4 and 6 Abercorn Street provide

for street setbacks of 4m and 4.05m, respectively. In this regard, a consistent street setback is maintained. The front setback area adjoining Abercorn Street will include an increased amount of landscaping as the existing vehicle access will be moved to the Kingsland Road South frontage. The additional landscaping supports the landscaped character of the adjoining reserve at 2 Abercorn Street and existing developments further west on Abercorn Street.

The architectural design of the proposal, being of a contemporary dwelling incorporating a flat roof design and utilising modern construction materials, although distinctive to that of the design of the eastern adjoining single storey federation style dwelling, is not considered to detract from the streetscape of Abercorn Street. This is due to the eclectic range of built forms within Abercorn Street; with the presence of a prominent large two-storey commercial building used by Bexley RSL at 5-13 Abercorn Street, the Bexley Gospel Hall located at 12 Abercorn Street, and more contemporary dwellings such as the two-storey dual occupancy development at 21 Abercorn Street.

4.3.1 Open Space and Landscape Design

The submitted Site Plan, prepared by Resolut Building Solutions, identifies that about 160m² of landscaping covering about 27.5% of the subject site is proposed. This satisfies the DCP 2011 requirement of 25% landscaping. Furthermore, the proposal provides for an appropriate landscaped street setback to both Abercorn Street, and Kingsland road South.

The proposal was not accompanied by a concept landscape plan. However, the submitted Site Plan identifies that suitable areas of landscaping are proposed to be included in the design for the dwelling. In this regard, the following conditions of consent is considered to be appropriate:

Screening Species Included into Side Setbacks

Screening species shall be included into the side setbacks to improve privacy between adjacent dwellings.

Front Setback to Incorporate Tree Planting

The front setback area of Abercorn Street shall incorporate tree planting which does not conflict with the on-site detention system.

Submission of a landscape plan

Prior to the issue of a construction certificate, a landscape plan, prepared by a qualified Landscape Architect shall be submitted to Council or the accredited certifier (AC) for approval with or before the application for a Construction Certificate. The plan shall be at a scale of 1:100 or 1:200 and comply with Rockdale Technical Specification Landscape and all other relevant conditions of this Consent.

4.3.2 Private Open Space – Dwelling House

The proposal, being a dwelling with a gross floor area of more than 125m², is required to provide 80m² of private open space (POS) area.

The proposal provides for a terraced POS area of about 100m² that is directly accessible from the dwelling's dining and family room, and is located to the east of the dwelling on the side of the nature reserve. This POS area is proposed to incorporate a pool and spa. The development further includes turfed areas that area accessible via stairs from the terraced POS area.

In this regard, the proposal satisfies Council's POS controls for dwelling houses larger than 125m².

4.4.5 Visual privacy

The DCP 2011 requires any window of a habitable room that has a direct sightline and is within 9m of an adjacent dwelling, to include privacy mitigating measures. Balconies are to be designed to minimise overlooking.

The DCP 2011 defines a habitable room as follows:

Habitable room means a room used for normal domestic activities other than a bathroom, toilet, pantry, walk-in wardrobe, corridor lobby, photographic darkroom, clothes drying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods of time.

The proposed dwelling will be afforded with direct sightlines to adjoining property at 6 Abercorn Street from the following locations within the dwelling:

- Ground floor kitchen windows. Due to the slope of the land and raised nature of the ground floor at the point of the kitchen, opportunities exist to look into the adjoining property and potential dwelling at 6 Abercorn Street. See **Figure 8**.
- Bedroom 2 and Bedroom 3. These windows are located are located 1.5m from the adjoining boundary with the property at 6 Abercorn Street, and will be afforded with direct overlooking opportunities into this property. See **Figure 8**.
- North facing balconies. The western side of the north facing balconies on the ground floor and first floor are afforded with direct overlooking opportunities into this property. See **Figure 8**.

4.6 Mechanical Parking System

The proposed development incorporates a vehicle turn table within the basement garage to enable vehicles to enter and exist in a forward direction.

Council's Development Engineer has reviewed the proposal and raised no objection to the proposed vehicle turn table subject to the recommendation that a positive covenant for the vehicle turn table be created on the title.

The positive covenant will ensure that the vehicle turn table is maintained and guarantees its continued use.

4.7 Site Facilities

- *Air Conditioning and Waste Storage*

The air conditioning unit and bins storage area are located within an indentation of the western wall of the proposed dwelling, and is enclosed by timber cladding that is flush with the western dwelling wall.

In this regard, the location and treatment of the air conditioning unit and bins storage area is supported, as they are not visually apparent from the streetscape and do not impact the architectural character of the building to which they are attached.

- *Laundry Facilities and Drying Areas*

A laundry room is proposed on the ground floor of the dwelling. The rear setback of the development is considered to contain a sufficient area to accommodate a clothes drying area. In this regard, the proposal provides for suitable laundry facilities.

- *Letterboxes*

No details of letter boxes are included within the submitted architectural plans. In this regard, the following condition of consent is recommended to be imposed within the Notice of Determination:

Mail boxes

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.

- *Hot Water Systems*

No details regarding a hot water system are included within the submitted architectural plans. In this regard, the following condition of consent is recommended to be imposed within the Notice of Determination:

Hot Water Systems (RAIS)

All hot water systems/units which are located on the balcony of a dwelling/unit must be encased in a recessed box on the balcony with the lid/cover of the box designed to blend in with the building. All associated pipe work is to be concealed.

5.1 - Low Density Residential – Building Design

The DCP 2011 outlines that building design is to interpret and respond to character of the locality, and that the roof must provide for continuity and character of streetscape.

As outlined earlier within this report, the architectural design of the proposal, being of a contemporary dwelling incorporating a flat roof design and utilising modern construction materials, although distinctive to that of the design of eastern adjoining single storey federation style dwellings, is not considered to detract from the streetscape of Abercorn Street. This is due to the eclectic mix of buildings already present within Abercorn Street, noting the presence of a large two-storey commercial building used by Bexley RSL at 5-13 Abercorn Street, the Bexley Gospel Hall located at 12 Abercorn Street, and more contemporary dwellings such as the two-storey dual occupancy development at 21 Abercorn Street.

A coherent building height plane is not present within the immediate urban fabric adjoining the subject site. The proposed height is not considered to be out of character when considering the existing higher density developments located directly to the west, and directly across Abercorn Street, and to the north-east across Kingsland Road South. Furthermore, when viewed from Abercorn Street the proposal is 6.78m in height, which provides for a better urban relationship to that of adjoining single storey dwellings on this street frontage, when compared with a full permitted 8.5m building height at this point. In this regard, the scale and design of the proposed development is considered to be appropriate to the contextual location of the subject site, being at a junction of varying land uses and resultant built forms.

Furthermore, noting the trend for contemporary building designs and materials apparent within newer developments, the proposal will additionally be sympathetic to that of the likely future built forms and subsequent streetscape within the local area.

Accordingly, the proposal is considered to be consistent with the objectives of Part 5.1 of the DCP 2011.

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

Clauses 92-94 of the Regulations outline the matters to be considered in the assessment of a development application. Clause 92 requires the consent authority to consider the provisions of AS 2601:1991 - *Demolition of Structures* when demolition

of a building is involved. In this regard, a condition of consent is proposed to ensure compliance with the standard.

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

S.79C(1)(b) - Likely impacts of development on natural and built environments, and social and economic impacts in the locality

The likely impacts of the proposed development on the natural and built environment have been assessed in detail against the provisions of the LEP 2011 and DCP 2011, and have been found to be acceptable subject to recommended conditions of consent. The likely impacts of the development not covered within LEP 2011 and DCP 2011 are discussed in the following.

Construction

Construction of the proposed development includes excavation works, piling and the construction of the building. Impacts will be minimized through the use of standard conditions of consent relating to hours of construction, noise, dust suppression traffic management and the like.

Should any hazardous and/or intractable wastes arise from the demolition process, they are required to be removed and disposed of in accordance with the requirements of the relevant statutory authorities (NSW WorkCover Authority and the NSW Environment Protection Authority), together with the relevant regulations. A condition of consent to this effect is recommended to be included in the draft Notice of Determination.

Safety & Security

The proposed development is considered to result in improved passive surveillance over the adjoining Council reserve at 2 Abercorn Street, and the streetscapes of Abercorn and Kingsland Road South. Opportunities for concealment from the public environment within the proposed development are minimised. The development provides for a well-defined delineation between the public and private domain, with direct pedestrian access being provided from the Abercorn Street.

In this regard, it is considered that the development has incorporated the principles of Crime Prevention Through Environmental Design and will provide future residents with an appropriate level of safety and security.

Pool and Spa

The proposal incorporates the development of a pool with an attached spa. In accordance with the BASIX certificate, the volume of the pool is limited to a maximum 20 kilolitres and the spa is limited to a maximum 4 kilolitres.

The pool and spa are appropriately located to the eastern side setback of the development site which means the adjoining property at 4 Abercorn Street is shielded from the pool and spa by the proposed dwelling house.

The use of the pool will be subject to the Australian Standards for safety barrier for swimming pools (AS1926), and there will be a condition of consent to ensure the pool is for private use of the dwelling residents only and not for public use.

The pool/spa pump hours of operation shall be restricted to between 7am to 8pm weekdays and 8am to 8pm weekends, and the associated motor, filter, pump and all sound producing equipment or fittings of the pool filtering system shall be sound insulated and/or isolated so as not to create an offensive noise to the neighbours.

In this regard, the likely impact of the pool and spa have been appropriately considered, and subject to recommended conditions of consent, is suitable to the proposed development and the local area.

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 proposal was notified to adjoining owners for a period of two (2) weeks on 25 October 2016. No submissions were received in response to the notification period.

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

The proposal has been assessed against the relevant planning policies applying to the site having regard to the objectives of the controls. Despite the proposed building height exceedance, it is considered that there is no public benefit in enforcing a building height of 8.5m where the adjoining building height plane already exceeds 8.5m, and where no additional environmental impacts are created by the exceedance.

As demonstrated in the assessment of the development application, the proposal will allow the development of the site in accordance with its environmental capacity. The proposed building is contextually appropriate and is considered to 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 development application is in the public interest.

MAXIMUS DEVELOPMENTS AUSTRALIA

TOWN PLANNING / URBAN DESIGN / PROJECT MANAGEMENT

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CLAUSE 4.6 VARIATION EXCEPTION TO DEVELOPMENT STANDARD CL 4.3 HEIGHT OF BUILDING

4 ABERCORN STREET BEXLEY NSW 2207

DEMOLITION OF EXISTING AND CONSTRUCTION OF NEW DWELLING HOUSE



Source: Google Earth 2017

PROJECT DETAILS

Legal Description	Lot 1 in DP 202344	Property Address	4 Abercorn Street Bexley NSW 2207
Project Reference	227-17		
Date	8/06/17	Revision	C
Client	Resolut Building Solutions	Land Owner	

Mark Raymundo

BPlan (Hons) UNSW, MUDD UNSW, Grad Cert (Project Management) UTS

Director – Maximus Developments Australia

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(1) CLAUSE 4.6 VARIATION TO DEVELOPMENT STANDARD IN RELATION TO CLAUSE 4.3 HEIGHT OF BUILDING WITHIN THE ROCKDALE LOCAL ENVIRONMENTAL PLAN 2011

In supporting a variation to this Development Standard, the proposal seeks a variation to Development Standard Clause 4.3 Height of Building which states the following;

“ROCKDALE LOCAL ENVIRONMENTAL PLAN 2011 -

Height of buildings (1) The objectives of this clause are as follows:

(a) to establish the maximum limit within which buildings can be designed and floor space can be achieved,

(b) to permit building heights that encourage high quality urban form,

(c) to provide building heights that maintain satisfactory sky exposure and daylight to buildings, key areas and the public domain,

(d) to nominate heights that will provide an appropriate transition in built form and land use intensity.

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

Comment: The proposal is considered to adequately satisfy the above objectives and results in a built form which is compatible to adjoining development and fits into the character of the area in terms of bulk and scale. The proposal complies with the maximum permitted floor space ratio. The design of the proposal forms a contemporary modern built form with flat roof. Despite the variation sought, the proposal maintains sky exposure and daylight to adjoining properties. Furthermore, the extent of the variation is not considered to be significant given the higher density transition to the east which comprises of residential flat buildings. The proposal has been designed to provide appropriate massing whilst reducing unnecessary solar access and privacy impacts to adjoining properties. The site contains a cross fall of 3.5m from front to rear.

(2) DEVELOPMENT CONSENT MAY, SUBJECT TO THIS CLAUSE, BE GRANTED FOR DEVELOPMENT EVEN THOUGH THE DEVELOPMENT WOULD CONTRAVENT A DEVELOPMENT STANDARD IMPOSED BY THIS OR ANY OTHER ENVIRONMENTAL PLANNING INSTRUMENT. HOWEVER, THIS CLAUSE DOES NOT APPLY TO A DEVELOPMENT STANDARD THAT IS EXPRESSLY EXCLUDED FROM THE OPERATION OF THIS CLAUSE

Comment: Clause 4.3 Height of Buildings forms a Development Standard to which a Clause 4.6 – Exception to Development Standard maybe sought for Council’s consideration. Which states “(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map (which equates to 8.5m (denoted as “I”). The proposal seeks a variation to the Development Standard at 8.8m (+300mm) along the northern side elevation at the rear of the proposed dwelling.

(3) DEVELOPMENT CONSENT MUST NOT BE GRANTED FOR DEVELOPMENT THAT CONTRAVENES A DEVELOPMENT STANDARD UNLESS THE CONSENT AUTHORITY HAS CONSIDERED A WRITTEN REQUEST FROM THE APPLICANT THAT SEEKS TO JUSTIFY THE CONTRAVENTION OF THE DEVELOPMENT STANDARD:

Comment: Justification provided as per below addressing the variation proposed. It is considered that on planning merit that the intent of the underlying objectives have been satisfied reasonably satisfied given the design and circumstances of the site.

(A) THAT COMPLIANCE WITH THE DEVELOPMENT STANDARD IS UNREASONABLE OR UNNECESSARY IN THE CIRCUMSTANCES OF THE CASE, AND

It is considered that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case. The proposed variation is sought on its merits on the basis that strict compliance with the development standard is unreasonable or unnecessary in this circumstance.

The objectives of the R2 Low Density Residential Zone are as follows;

- ***To provide for the housing needs of the community within a low density residential environment.***

Comment: The proposal seeks development consent for a dwelling house which forms a permissible use in the zone. The proposal seeks to replace an existing older established dwelling house with a contemporary dwelling house. The proposal is considered to result in an improvement to the existing housing stock and is reflective of contemporary dwelling houses recently approved within the locality.

- ***To enable other land uses that provide facilities or services to meet the day to day needs of residents.***

Comment: The proposal seeks development consent for a dwelling house on site. The extent of the variation is not considered to result in any material impact/or detract in relation to material amenity to non-residential uses. Furthermore, approval of the variation will not result in diminishing any future redevelopment of adjoining sites.

- ***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.***

Comment: The proposal is considered to be compatible to the character of the area. The proposal is considered to be in relative close proximity to the R4 High Density Residential Zone to the east on the opposite side of Kingsland Road South. The proposed exceedance in building height is considered to be compatible with the higher density built form and hall on the opposite side of the street to the south. The proposal presents to the primary frontage as a two storey dwelling house to Abercorn Street which is well below the maximum building height. Due to the cross slope of the site which falls from front to rear, the proposal forms a three storey component with a generous setback to Kingsland Road South. The extent of the proposal is not considered to result in any material impact to adjoining properties in relation to solar access, ventilation, access to light or the like. The extent of the variation being 300mm is not considered to materially detract from the streetscape or amenity of the area on its merits given that the site slopes from front to rear.

The site is considered to adequately accommodate the development which is considered to be consistent in satisfying the underlying objectives and results in negligible amenity impacts given the additional height of building sought for the following reasons;

- Limited impact - visual bulk and scale – The proposal adopts a built form which is considered to be compatible of that of other newer contemporary in fill housing within

the locality. It is acknowledged that the design of the proposal is not of a typical traditional architectural style however, the proposal with its bold vertical and horizontal projections form its distinct architectural design. Strict numerical compliance is considered not to result in any material amenity benefit to adjoining properties whilst compromising the architectural integrity of the design.

- Despite the height of building sought, the proposal comfortably fits within the subject site with compliant front, rear, side setbacks and landscaping requirements.
- Limited impact - solar access – The proposal complies with Council’s solar access and overshadowing requirements resulting in good levels of solar access being achieved to adjoining properties and to the subject site given the solar orientation. Compliant levels of solar access are afforded to adjoining properties. The additional height of building not result in any unreasonable or excessive overshadowing impacts to adjoining properties this is due to the north-south orientation of the site. During Winter Solstice, at 9.00am the morning shadow falls onto No 6 Abercorn Street to the west, at 12.00pm the shadow falls towards the front of the subject site and Abercorn Street and at 3.00pm the shadow falls onto the No. 2 Abercorn Street which does not contain any form of dwelling.
- Limited impact – The height will not detract from neighbouring access to air, ventilation and light, being direct or ambient or impact any development potential on adjoining properties. This is, similar to the above, assisted by the north-south orientation of the site.
- Limited impact - privacy – The proposal does not result any material increased privacy impacts as the proposal is appropriately setback from adjoining properties in relation to window placement and floor levels. No windows are located along the western side elevation to which the extent of the variation is sought.
- The proposed infill development is considered to be compatible, sympathetic and harmonious in relation to the existing and desired streetscape character within the locality. The extent of the variation is appropriately setback from the public domain and would not be clearly apparent when viewed by a casual observer.
- The numerical extent of the variation is considered to be minor at +300mm equating to 3.5% which is considered to be negligible.
- The objects of the Act are considered to have been satisfied regarding the merits of the proposal.

(B) THAT THERE ARE SUFFICIENT ENVIRONMENTAL PLANNING GROUNDS TO JUSTIFY CONTRAVENING THE DEVELOPMENT STANDARD.

Comment: The proposal has satisfied the following objectives;

(1) The objectives of this clause are as follows:

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

In relation to the proposal,

- The site contains a cross fall from front to rear of 3.5m. Strict numerical compliance is considered to be unnecessary and unreasonable given that it is considered that Council has abandoned strict compliance allowing for a degree of flexibility by supporting recent variations with similar justification to that sought in this application as per the table below for single dwelling houses (excluding variations for roof terraces);

DA	Address	Development Standard and Development Type	Extent of variation	Comment/Justification
DA-2016/412	115 Station Street Arncliffe	CI 4.3 Dwelling House	9.1m	No material or amenity impacts to adjoining properties. Slope of site.
DA-2016/281	150 Farr Street Rockdale	CI 4.3 Dwelling House	9.43m	Topography
DA-2017/131 Proposal	4 Abercorn Street Bexley	CI 4.3 Dwelling House	8.8m	No material impact to amenity, solar access, ventilation, views, sloping topography

- The exceedance in height of building does not result in any unacceptable or material impacts to adjoining properties or impact the amenity for the future occupants of the site. This also does not unreasonably detract from the ability of the adjoining sites to achieve appropriate development potential. The Height of Building (HOB) extract below indicates that the subject site forms close on an interface zone of 14.5m which predominately consist of residential flat buildings and some detached dwelling houses. It is noted that the Hall opposite the subject site (No. 5-13 Abercorn Street) to the south has a height limit of 13m. No 2 Abercrombie Street is heavily vegetated with trees and contains seating and fixtures. Given the context it is considered that the visual presentation of the variation would be generally compatible to that at/within a close proximity to an interface zone.



Extract: Photograph of adjoining eastern property, 2 Abercorn Street which appears to function as a reserve. (Source: Google Earth, 2017).



Extract: Height of Building Map extract of subject site and surrounding context. (Source: Department of Planning, 2017)

- The proposal complies with in most other aspects of the proposal without resulting in any unacceptable material planning impacts. By supporting this variation in its current form, it is considered that an appropriate flexibility be applied on planning merit which results in a reasonable built form which is commensurate of other similar built forms within the locality and visual catchment.
- It is noted that Council has abandoned strict numerical compliance for roof top terraces and access to such. It is considered that whilst the proposal does not seek such an element as part of the proposal, such a variation, similar to other variations in the past would generate a greater material impact than the 300mm exceedance in height of that sought in this proposal.
- The extent of the variation is considered to be in the public interest as the proposal conforms to the majority of the relevant planning controls. The extent of the variation will not detract from the streetscape and does not result in any material poor design or built form. Furthermore, the extent of the variation is located to the rear of the site and would not be clearly apparent from a casual viewer when viewed from the public domain given the cross slope of the site.

- The extent of the variation is not considered to result in any material view loss impacts given that the surrounding area is of a residential context. No iconic, water or interface zone views are considered to be obtained from adjoining properties.
- The proposal would result in an improvement to the existing condition and results in the improvement to the existing housing stock and creates an addition to existing housing stock within the locality which adopts a desirable low density residential built form.
- As previously discussed, the proposal adequately satisfies the underlying objectives of the controls and R2 zoning objectives of which do not result in any unacceptable impacts to the built, natural, social or economic impacts for consideration under the Act.

**(8) THIS CLAUSE DOES NOT ALLOW DEVELOPMENT CONSENT TO BE GRANTED FOR DEVELOPMENT THAT WOULD CONTRAVENE ANY OF THE FOLLOWING:
(C) CLAUSE 5.4**

Comment: Clause 4.3 Height of Building is not a development standard expressed as excluded within Clause 5.4 within the Rockdale Local Environmental Plan 2011. In this regard, a Clause 4.6 – Exception to Development Standard can be considered.

CONCLUSION – SUPPORT ADDITIONAL HEIGHT OF BUILDING

For the reasons identified above, it is considered that supporting the Clause 4.6 – Exception to Development Standard for additional height of building is reasonable and appropriately justified. Strict numerical compliance is considered to be unnecessary and unreasonable given that an appropriate built form can be reasonably accommodated on site on its merits. As previously discussed, this extent of the variation is inconsequential and does not result in any unreasonable material planning impacts. Furthermore, it is noted that Council has previously supported variations to height of building and therefore has applied planning merit when considering such justification. More importantly, the proposal satisfies the objectives of the zone, underlying intent of Clause 4.6, and therefore the merits of the proposal, are considered to be worthy of approval.

Kind regards,

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Director

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25 July 2017

Our Ref: DA-2017/131
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Ms Mariah Manuela
71 Bayview St
BEXLEY NSW 2207

NOTICE OF DETERMINATION

Issued in accordance with section 81(1a) of the *Environmental Planning and Assessment Act, 1979*

Application Number:	DA-2017/131
Property:	4 Abercorn Street, BEXLEY NSW 2207 Lot 1 DP 202344
Proposal:	Construction of a two (2) storey dwelling house with basement, inground pool and demolition of existing structures
Authority:	Delegated to Bayside Planning Panel
Determination:	Approved
Date of determination:	25 July 2017
Date consent commences:	25 July 2017
Date consent lapses:	25 July 2022

The above development is approved subject to the following conditions:

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
Site / Roof Plan	Resolut Building Solutions	A.301	2	21 March 2017
Basement Plan	Resolut Building Solutions	A.302	2	21 March 2017
Ground Floor Plan	Resolut Building Solutions	A.303	2	21 March 2017
First Floor Plan	Resolut Building Solutions	A.304	2	21 March 2017
Elevations	Resolut Building Solutions	A.305	2	21 March 2017
Elevations, Indicative Section	Resolut Building Solutions	A.306	2	21 March 2017
Pool Section Plan	N/A	N/A	N/A	N/A
Flood Management Plan	TAA Consulting Engineers	N/A	N/A	20 March 2017

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 767240S 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 shall not be enclosed at any future time without prior development consent.
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. Excavation, filling of the site (with the exception of the area immediately under the building envelope), or construction of retaining walls are not permitted unless shown on the approved plans and authorised by a subsequent construction certificate.
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. The proposal must be carried out in accordance with the approval provided by Ausgrid as provided in their response letter of 18 January 2017 (Reference: TRIM 2017/7/3) and listed at the end of this consent.

Development specific conditions

The following conditions are specific to the Development Application proposal.

11. A privacy screen with a minimum height of 1.8m above the corresponding floor level must be affixed to the western side of both the north facing balconies.
Reason: to prevent overlooking into the dwelling or private open space areas of the adjoining properties.
12. The existing and future owners (Registered Proprietor) of the property will be responsible for the operation and maintenance of the detention (rainwater tank) and pump 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.
13. 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.
14. The off-street parking areas associated with the subject development shall be designed strictly in accordance with AS2890.1 and AS2890.6.
15. 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.
16. All hot water systems/units which are located on the balcony of a dwelling/unit must be encased in a recessed box on the balcony with the lid/cover of the box designed to blend in with the building. All associated pipe work is to be concealed.
17. Retaining walls over 600mm in height shall be designed and specified by a suitably qualified structural engineer.
18. The pool is for the private use of the dwelling residents only and not for public use.
19. The bond beam or concrete pool surround shall be provided with a dish drain graded

away from the adjoining premises. Alternatively, the outer edge of the bond beam or concrete surround shall be provided with a 100mm hob and all waste water shall be drained away from the adjoining premises.

20. Where the spacing between vertical members of the pool fence is greater than 10mm and horizontal surfaces that could be used as holds for climbing are permanently located near the inside of the fence, such surfaces shall be separated from the fence by a distance of not less than 300mm.
21. The motor, filter, pump and all sound producing equipment or fittings associated with or forming part of the pool filtering system shall be sound insulated and/or isolated so as not to create an offensive noise to the neighbours.
22. A warning notice must be erected near swimming pools/spas. There shall be at all times maintained, in a prominent position in the immediate vicinity of the swimming pool, a sign erected and bearing the notice: "Young Children should be Supervised when using this Swimming Pool", together with details of resuscitation techniques (for adults, children and infants) in accordance with the document entitled "Cardio Pulmonary Resuscitation" published by the Australia Resuscitation Council. The warning notice may be purchased from Bayside Council or the Royal Life Saving Society.
23. The two ground floor western facing windows to the kitchen and first floor western facing windows to bedroom 2 and 3 shall be constructed with obscure glazing with sill heights measuring 1.7m from the finished floor level.
24. Screening species shall be included into the side setbacks to improve privacy between adjacent dwellings
25. The front setback area of Abercorn Street shall incorporate tree planting which does not conflict with the on-site detention system.
26. All hot water systems/units which are located on the balcony of a dwelling must be encased in a recessed box on the balcony with the lid/cover of the box designed to blend in with the building. All associated pipe work is to be concealed.

Prior to issue of the construction certificate

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

27. 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 \$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.
 - ii. An environmental enforcement fee of 0.25% of the cost of the works.
 - iii. A Soil and Water Management Sign of \$17.50.
28. 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.

29. 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.
30. The connection of stormwater drainage to the existing pipe located inside the property adjacent to the frontage to the Kingsland Road South must be inspected by Council prior to backfilling. A payment of \$153 is required prior to the issue of the Construction Certificate for inspection of the connection and/or alteration to the Council pipeline. If payment is made after the end of the financial year the amount is to be adjusted in accordance with Council's adopted fees and charges. Where the inspection is unsatisfactory, each additional inspection will incur an extra charge.
31. 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.

- 32. Prior to the issue of the Construction Certificate the sum of \$2,404.00 is payable to Council for removal of a Brushbox street tree, however as contractors quotes are usually only valid for periods of up to 30 days, this amount is indicative only and is subject to revision prior to payment.
- 33. Storage wall shall be deleted and parking spaces shall be relocated closer to the southern basement wall to allow vehicle manoeuvring area within the basement. All vehicles shall enter and exit the basement in forward direction. Relevant documentations shall be submitted to the Certifying Authority prior to the issue of the construction certificate.
- 34. Detailed specification of the car turn table to be provided to the Certifying Authority for the assessment and approval prior to the issue of the construction certificate. A copy of above shall be submitted to Council.
- 35. Storage wall shall be deleted and parking spaces shall be relocated closer to the southern basement wall to allow vehicle manoeuvring area within the basement. All vehicles shall enter and exit the basement in forward direction.
- 36. A suitable qualified engineer is to certify that the structure can withstand the forces of floodwater, scour, debris and buoyancy in a 1% AEP flood event.
- 37. All building materials shall be flood resistant, or flood compatible to a height of 500mm above the 1% AEP flood, or flow level. All internal electrical switches, power points or similar utilities liable to flood damage shall be set at a minimum of 500mm above the 1% AEP flood, or flow level. Details shall be provided and approved prior to the issue of a construction certificate.
- 38. Prior to the issue of the Construction Certificate, the approved plans must be submitted to Sydney Water Tap in™ online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

Sydney Water's Tap in™ online service is available at:

<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

- 39. 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 20 and shall include all relevant levels, grades (%) and lengths.

Longitudinal section shall be taken along the inside edge of the curved ramp and shall comply with AS2890.1:2004: section 2.5.3 (c).

40. Detailed specification of the vehicle turn table to be provided to the Certifying Authority for the assessment and approval prior to the issue of the construction certificate. A copy of above shall be submitted to Council.
41. There are built structures, (including public assets) which may be in the zone of influence of the proposed works and excavations on this site. A qualified practicing geotechnical engineer must prepare a Construction Methodology report demonstrating that the proposed construction method 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 to Certifying Authority with the application for a Construction Certificate. A copy of above document mentioned in the above paragraph must be provided to Council.

The report must include an investigation to determine the design parameters appropriate to the specific development and site. This would typically include:

- Location & level of nearby foundations/footings (site and neighbouring)
 - Proposed method of excavation
 - Permanent and temporary support measures for excavation
 - Potential settlements affecting footings/foundations
 - Ground-water levels & seepage (If any)
 - Batter slopes
 - Potential vibration caused by method of excavation
 - Tanking and waterproofing the basement structures
 - De-watering including seepage and off site disposal rate (if any)
42. Any part of the proposed building located in the vicinity of the existing pipeline shall be constructed on a pier and beam type foundation, piers shall be located outside the boundary of the drainage easement (800mm either side of the existing drainage pipe) and to extend to a depth of no less than 300mm below the pipeline invert. This requirement shall be reflected on the Construction Certificate plans and supporting documentation.
 43. Any part of the proposed building within 3m of the proposed detention tank shall be constructed on a pier and beam foundation with piers extending no less than 300mm below the bottom of the tank base. This requirement shall be reflected on the Construction Certificate plans and supporting documentation.
 44. Prior to the issue of the Construction Certificate, excavation shall be undertaken to confirm the location of the Council pipeline that traverses the property.
 45. 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. 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.
 46. Prior to the issue of the construction certificate consultation to be made with utility providers (i.e. Energy Aust, Telecommunication services, Sydney Water, Dial Before Dig etc) in order to fully understand their requirements. Documentation shall be provided to the Certifying Authority for assessment.

Prior to commencement of works

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

47. 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.
48. 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.

49. 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.
50. 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.
51. Prior to the commencement of work, Tree Protection Zones shall be established in accordance with AS4970-2009 (Protection of trees on Development Sites) with protective fences at least 1.8 metres high erected outside the drip lines where possible around each tree or group of trees located adjacent to the site which is required to be retained. The protective fences shall consist of chain wire mesh temporary fence panels securely mounted and braced to prevent movement, shall be in place prior to the commencement of any work on site and shall remain until the completion of all building and hard landscape construction. Excavations for services, waste bins, storage of materials and equipment, site residue, site sheds, vehicle access or cleaning of tools and equipment are not permitted within the Tree Protection Zones at any time.

52. Prior to the commencement of any work on site, a sign shall be placed in a prominent position on each protective fence identifying the area as a Tree Protection Zone and prohibiting vehicle access, waste bins, storage of materials and equipment, site residue and excavations within the fenced off area.
53. 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.
54. 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 kPaThe '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.
55. 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.
56. 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.

57. 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.
58. 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.
59. 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.

60. 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.

61. 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.
62. All waste generated on site shall be disposed of in accordance with the submitted Waste Management Plan.
63. 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.

64. 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.

65. When soil conditions require it:

- i. retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil shall be provided, and
- ii. adequate provision shall be made for drainage.

66. 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.

67. 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.

68. 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.

69. 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.

- 70. Removal of the Brushbox street tree to enable construction of the new vehicle crossing is approved.
As street trees are Council assets, removal of the tree must be undertaken by Council or its nominated contractor at the applicant/property owners' cost. Removal or cutting of this tree by anyone other than Council or its nominated contractor will be deemed a breach of Council's Development Consent and may be subject to legal action.
- 71. All existing trees located within the site may be removed.
- 72. Trees located within adjoining properties or Council's nature strip shall not be removed or pruned without the written consent of Council in the form of a Permit issued under Council's Development Control Plan 2011.

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.

- 73. An Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of the building.
- 74. 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.

75. All excess excavated material, demolition material, vegetative matter and builder's rubbish shall be removed to the Waste Disposal Depot or the Regional Tip prior to final inspection.
Note: Burning on site is prohibited.
76. The approved recommendations from the Flood Management Report shall be implemented prior to occupation.
77. 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.
78. At least three (3) native or ornamental trees of at least 45 litre pot size and capable of growing to a minimum height of five (5) metres shall be planted in suitable locations within the property on completion of the building works and prior to the final inspection.
79. 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.
80. 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.
81. The width of the single driveway shall be minimum width of 3.6m and maximum of 4.5m at the property boundary.
82. Prior to the issue of the Final Occupation Certificate, a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water.

It is recommended that applicants apply early for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

83. 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.
84. 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.
85. A certificate from a Registered Surveyor shall be provided to the Principal Certifying Authority (PCA) certifying that the habitable floor level is constructed a minimum of 500mm above the 1% Annual Exceedance Probability (A.E.P) Flood Level. A copy of the certificate shall be provided to Council where Council is not the Principal Certifying Authority.
86. A certificate from a Registered Surveyor shall be provided to the Principal Certifying Authority certifying that the garage floor/parking level is either constructed at or

above 1% A.E.P Annual Exceedance Probably (AEP) Flood Level OR [in the case of the garage floor/parking level being below the 1% A.E.P Annual Exceedance Probability (AEP) Flood Level] the garage floor/parking level is protected from inundation to a minimum of 500mm above the 1% A.E.P Annual Exceedance Probability (AEP) Flood Level. A copy of the certificate shall be provided to Council where Council is not the Principal Certifying Authority.

87. 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.
88. Flow through open form fencing (louvers or pool fencing) is required for all new front fencing and all internal fences and gates up to the 1% AEP flood level. Any new boundary fences adjoining private property shall have an 80mm gap at the bottom to allow flows through. Documentation shall be provided to Certifying Authority prior to occupation. Details of approved types of flow through fencing can be obtained from Council.
89. The development shall comply with Rockdale Development Control Plan (DCP) 2011, and the Planning Considerations and Development Controls listed in the Flood Advice letter issued by Council on 18/3/2016, ref no. FA-2016/120.
90. The provision of a 1.6m wide drainage easement (800mm on both side of the centre of the pipe). The drainage easement is to be in favour of Rockdale Council and covered by a Section 88B Instrument, which may only be varied or extinguished with the consent of Rockdale City Council. A restriction to user preventing building works within the easement is also required.
Council requires proof of lodgement of the signed Subdivision/Strata Certificate and 88B Instrument with the Land Titles Office.
91. 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
92. 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.
93. Signs shall be displayed adjacent to all stormwater drains on the premises, clearly indicating "Clean water only - No waste".
94. 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.

95. 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.
96. A positive covenant pursuant to the Conveyancing Act 1919 shall be created on the title to provide for the maintenance of the vehicular turning template facility.

Roads Act

97. 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.

98. The following works will be required to be undertaken in the road reserve at the applicant's expense:

- i) construction of two new fully constructed concrete vehicular entrance/s;
- ii) removal of the existing concrete vehicular entrance/s, and/or kerb laybacks which will no longer be required;
- iii) removal of redundant paving;
- iv) smooth transition with new driveways and footpath areas

99. 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.
100. 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.
101. 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.

102. 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. *Telstra Advice – Dial Before You Dig*

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets, please contact Dial before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before You Dig service in advance of any construction or planning activities.

- c. All asbestos fibre demolition material and asbestos dust shall be handled, stored and removed in accordance with the relevant legislation and guidelines including:
 - Work Health and Safety Act 2011
 - Work Health and Safety Regulation 2011
 - Code of Practice for the Safe Removal of Asbestos [NOHSC: 2002 (2005)]
 - Code of Practice for the Management and Control of Asbestos in Workplaces [NOHSC: 2018 (2005)]
 - Protection of the Environment Operations (Waste) Regulation 2005

All work procedures shall be devised to minimise the release of dust and fibres. A checklist of safety precautions when working with asbestos is available in Health & Safety Guidelines prepared by the WorkCover Authority of NSW. Collection, storage and transportation is subject to the Protection of the Environment Operations (Waste) Regulation 2005.

- d. Hazardous and/or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of the relevant statutory authorities (NSW WorkCover Authority and the NSW Environment Protection Authority), together with the relevant regulations, including:
 - Work Health and Safety Act 2011
 - Work Health and Safety Regulation 2011
 - Protection of the Environment Operations (Waste) Regulation 2005.

- e. Demolition and construction shall minimise the emission of excessive noise and prevent “offensive noise” as defined in the Protection of the Environment Operations Act 1997. Noise reduction measures shall include, but are not limited to the following strategies:

- choosing quiet equipment
 - choosing alternatives to noisy activities
 - relocating noise sources away from affected neighbours
 - educating staff and contractors about quiet work practices
 - informing neighbours of potentially noisy activities in advance
 - equipment, such as de-watering pumps, that are needed to operate on any evening or night between the hours of 8 p.m. and 7 a.m. or on any Sunday or Public Holiday, shall not cause a noise nuisance to neighbours of adjoining or nearby residences. Where the emitted noise exceeds 5 dB(A) [LAeq(15m)] above the background sound level [LA90] at the most affected point on the nearest residential boundary at any time previously stated, the equipment shall be acoustically insulated, isolated or otherwise enclosed so as to achieve the sound level objective.
- f. The water from the rainwater tank should not be used for drinking, Sydney Water shall be advised of the installation of the rainwater tank.
- g. 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.

Additional Information

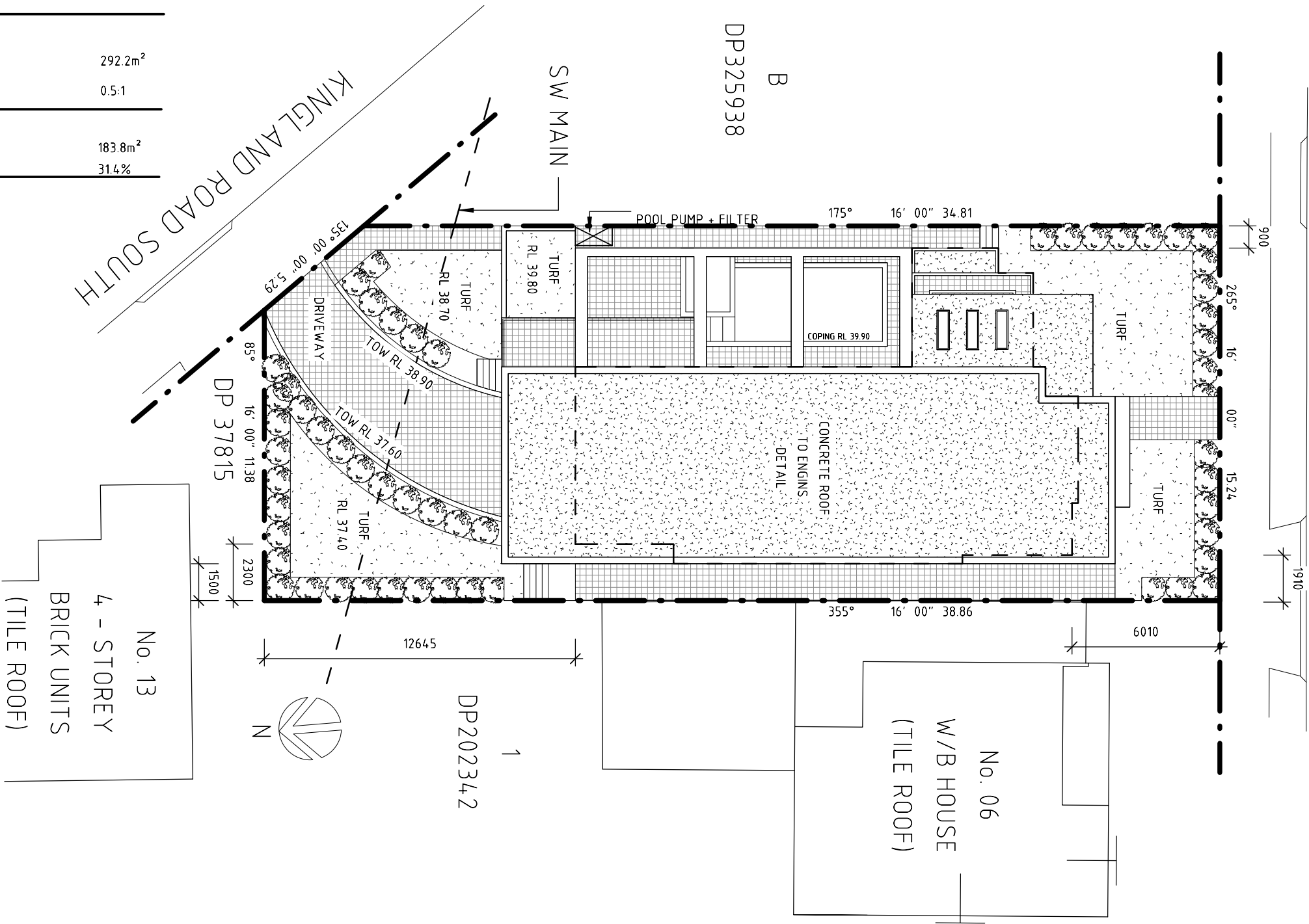
- To confirm the date upon which this consent becomes effective, refer to Section 83 of the *Environmental Planning and Assessment Act, 1979*. Generally the consent becomes effective from the determination date shown on the front of this notice. However if unsure applicants should rely on their own enquiries.
- To confirm the likelihood of consent lapsing, refer to Section 95 of the Act. Generally consent lapses if the development is not commenced within five (5) years of the date of approval. However if a lesser period is stated in the conditions of consent, the lesser period applies. If unsure applicants should rely on their own enquiries.
- Section 82A allows Council to reconsider your proposal. Should you wish to have the matter reconsidered you should make an application under that section with the appropriate fee.
- Under Section 97 of the Act applicants who are dissatisfied with the outcome of a consent authority have a right of appeal to the Land and Environment Court. This right must be exercised within six (6) months from the date of this notice. The Court's Office is situated at Level 1, 225 Macquarie Street, Sydney (Telephone 9228 8388), and the appropriate form of appeal is available from the Clerk of your Local Court.

Should you have any further queries please contact Adam Iskander on 9562 1666

Luis Melim
Manager - Development Services

DEVELOPMENT DATA

SITE AREA	585.3m ²
FLOOR AREA	
GROSS FLOOR AREA	292.2m ²
FSR	0.5:1
LANDSCAPING	
Soft Landscaping	183.8m ² 31.4%



1 SITE / ROOF PLAN
1:200

BASIX SPECIFICATION

Please note that this specification is to be read in conjunction with the prepared BASIX certificate for this project. Where discrepancies or omissions are found, the BASIX certificate will take precedence over the details in this specification.

The applicant must construct the new or altered construction (floor(s), walls, and ceilings/roofs) in accordance with the specifications listed below, except that a) additional insulation is not required where the area of new construction is less than 2m², b) insulation specified is not required for parts of altered construction where insulation already exists.

- Floor: Concrete slab on ground and suspended concrete slab
- External walls: Cavity brickwork - R-Value 0.50 or 1.17 including construction
- Ceiling and Roof: Flat ceiling and flat roof - Ceiling = 2.5(up), Roof: none
- Concrete/plasterboard internal Light roof colour (Solar absorptance <0.475)

The applicant must install the windows, glazed doors and shading devices, in accordance with the specifications listed on page 6 of the BASIX certificate No 767240S.

Relevant overshadowing specifications must be satisfied for each window and glazed door. The following requirements must also be satisfied in relation to each window and glazed door: Each window or glazed door with standard aluminium or timber frames and single clear or toned glass may either match the description, or, have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table on the attached BASIX Certificate. Total system U-values and SHGCs must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions.

Each window or glazed door with improved frames, or pyrolytic low-e glass, or clear/air gap/clear glazing, or toned/air gap/clear glazing must have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table on the attached BASIX Certificate. Total system U-values and SHGCs must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions. The description is provided for information only. Alternative systems with complying U-value and SHGC may be substituted.

For projections described in millimetres, the leading edge of each eave, pergola, verandah, balcony or awning must be no more than 500 mm above the head of the window or glazed door and no more than 2400 mm above the sill.

Pergolas with polycarbonate roof or similar translucent material must have a shading coefficient of less than 0.35.

Pergolas with fixed battens must have battens parallel to the window or glazed door above which they are situated, unless the pergola also shades a perpendicular window. The spacing between battens must not be more than 50 mm.

Overshadowing buildings or vegetation must be of the height and distance from the centre and the base of the window and glazed door, as specified in the 'overshadowing' column in the table on the attached BASIX Certificate.

Minimum of 170sqm of indigenous or low water use vegetation on site.

Minimum 3 Star rated shower heads. Minimum 5 Star rated toilet flushing system. Basin and kitchen taps minimum 6 Star rating.

Install minimum 3000L water tank or as specified by Hydraulic Engineer. The tank must be connected to at least one outdoor tap and within 10m of the swimming pool. Rainwater tank to collect rain run off from at least 140sqm of the roof area.

The applicant must install the following hot water system in the development, or a system with a higher energy rating: Gas instantaneous 6 Star rated.

Install individual ducted fan to all bathrooms and kitchen: Interlocked to light. Natural Ventilation to Laundry.

Install gas cooktop and electric oven to kitchen. Ensure refrigerator space space is well ventilated.

Install an external fixed clothes drying line.

Install dedicated Fluouescent or LED lighting to all bathrooms, kitchen and laundry and all bedrooms, study, bedrooms and living areas.

Install Cooling and Heating system as follows: Energy 3 Star 1-phase air conditioning zoned for day/night between living areas and bedrooms.

The swimming pool must not have a volume greater than 21kL. Spa 4kL.

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A3 SHEET

Do not scale drawings.
Verify all dimensions on site

- notes
- Location of new smoke detectors is nominal & is to be verified by a qualified licensed electrician & fitted in accordance with Australian Standards

- Location of downpipes is nominal & is to be verified by a qualified hydraulic engineer.

- Architectural drawings to be read in conjunction with detailed survey plans prepared by a registered surveyor

- Unless otherwise noted, all new internal doors to be 820mm w x 2100h

- The applicant must ensure all BASIX requirements listed herein are adhered to during construction

- Openable window to be fitted with a device to limit opening or a suitable screen so a 125mm sphere cannot pass through in accordance with clause 3.9.2.5 of the BCA (applies to all windows higher than 2m from the finished ground level)

- Wet areas in accordance with BCA requirements

- Steps: Tread - 250min, Riser 190max

- Balustrade: 1000(min) high

- Written Dimensions will take precedence over scale

- Unless otherwise shown, hinged doors to be 820-wide

- Unless otherwise indicated all wall dimensions are:

-External 250mm - 110 brick + 40 cavity + 100 stud

-Internal 100mm stud

OR

-External 270mm - 110 brick + 50 cavity + 110 brick

-Internal 110mm - 110 brick

- Expansion joints are to be provided where shown

- WC door removable where required and fitted with lift off hinges in accordance with BCA amendment 3 part 3.8.3.3

- Mechanical ventilation to outside air provided where required and in accordance with B.C.A.P.2.4.5

Dimensions shown on plans are taken from wall or brick face, not finished plaster or render

issue	purpose	date
1	ISSUED FOR DA	11/10/16

project Proposed New Dwelling:	
4 ABERCORN ST, BEXLEY LOT 1, DP202344	
client	MANUELA
drawing	SITE / ROOF PLAN
drawing no.	issue
A.301	
1	

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lga

rockdale city council

scale

1:100 @ A3 UNO

drawn

checked

project no

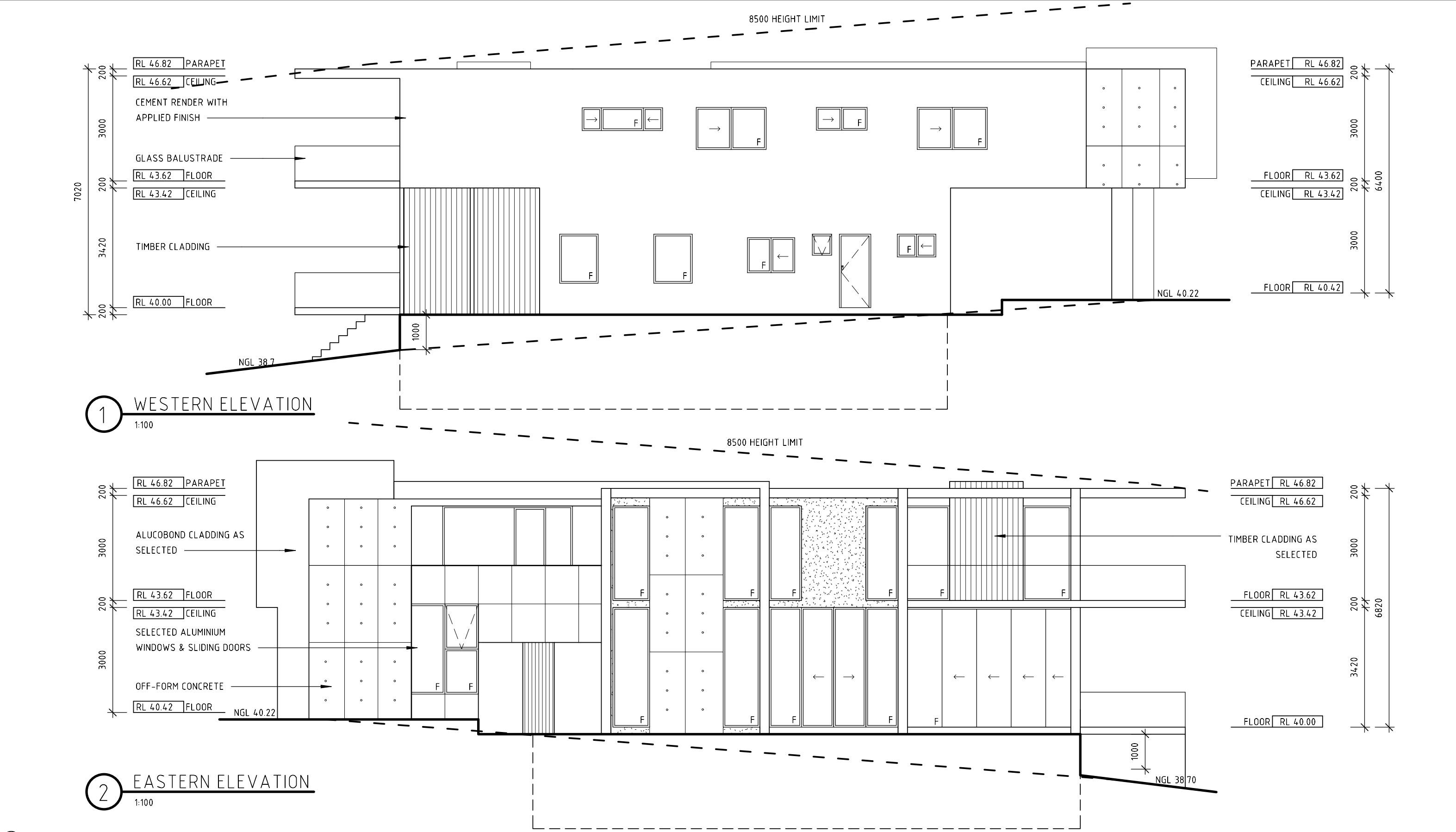
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issue	purpose	date
1	ISSUED FOR DA	11/10/16

project

Proposed New Dwelling:

4 ABERCORN ST, BEXLEY

LOT 1, DP202344

client

MANUELA

drawing

ELEVATIONS

drawing no.

issue

A.305

1

Iga

ROCKDALE CITY COUNCIL

scale

1:100 @ A3 UNO

drawn

checked

project no

SN

CJH

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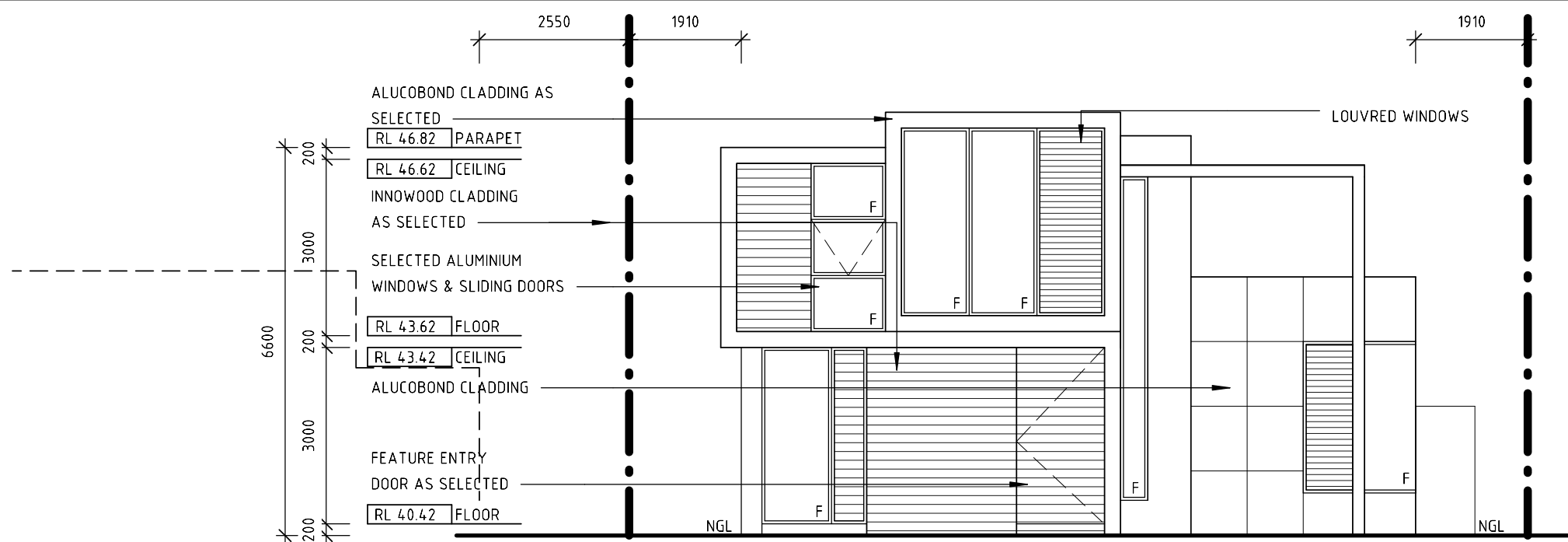
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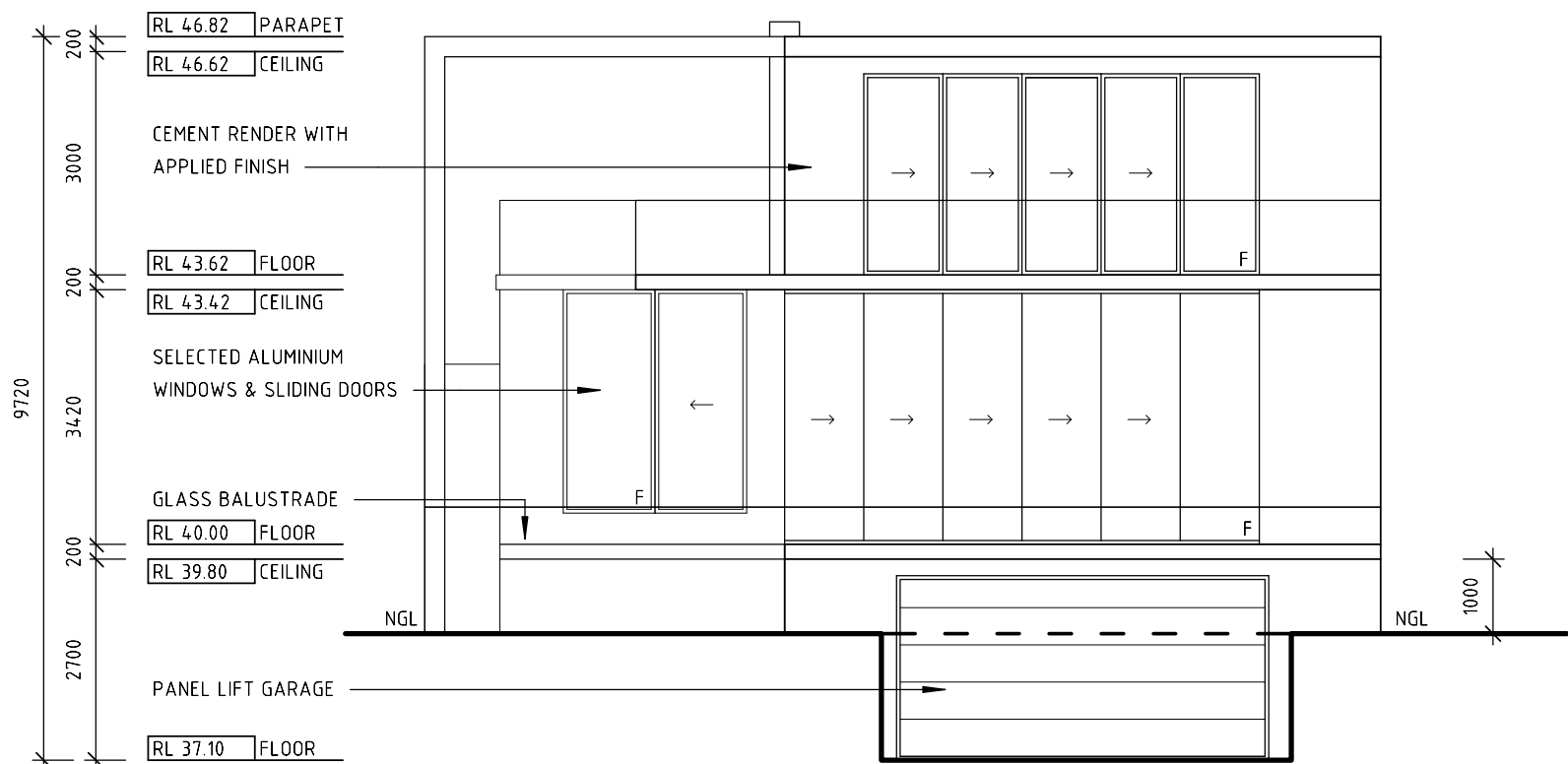
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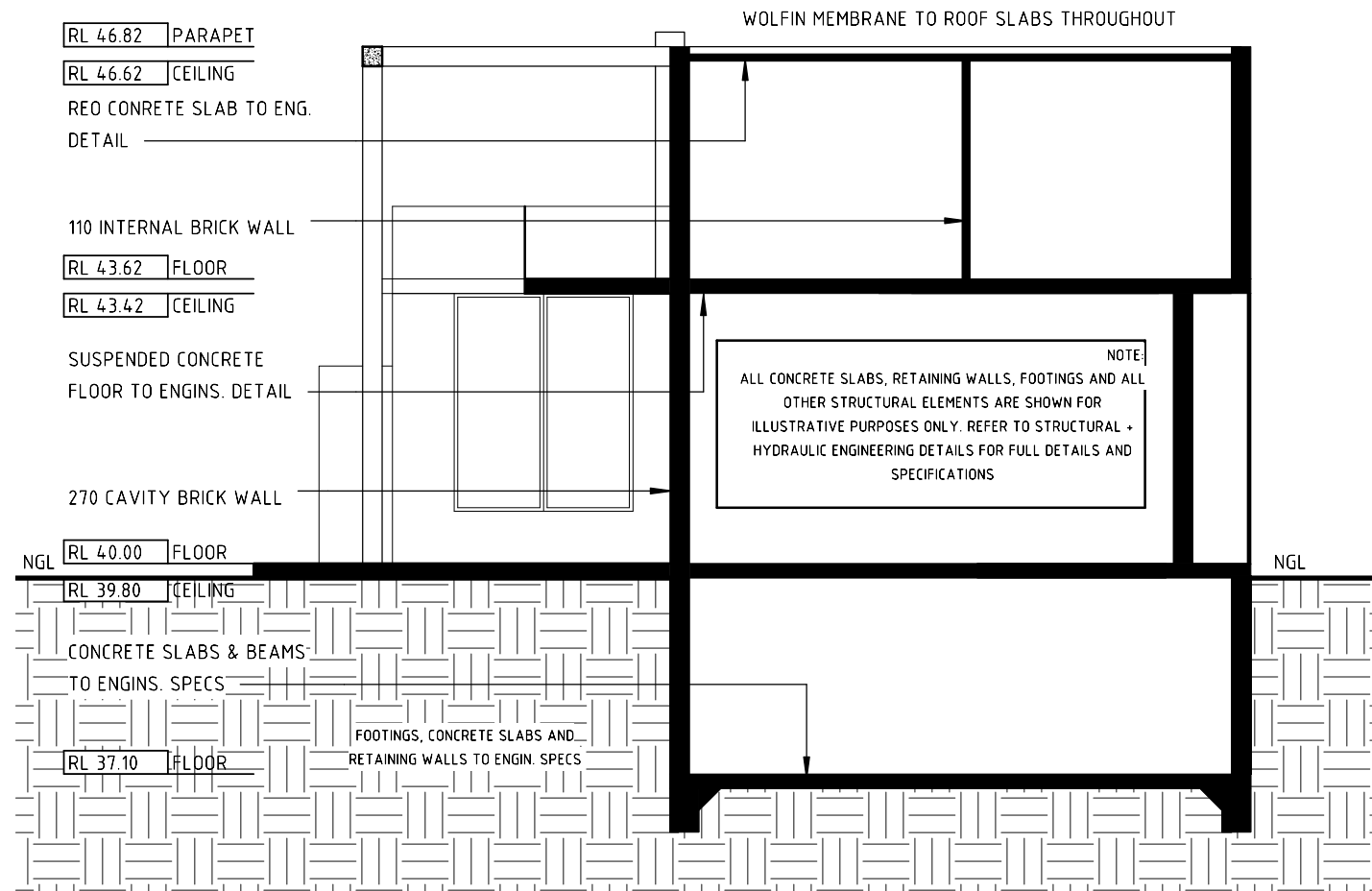
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1 SOUTHERN ELEVATION
1:100



2 NORTHERN ELEVATION
1:100



3 INDICATIVE SECTION
N.T.S

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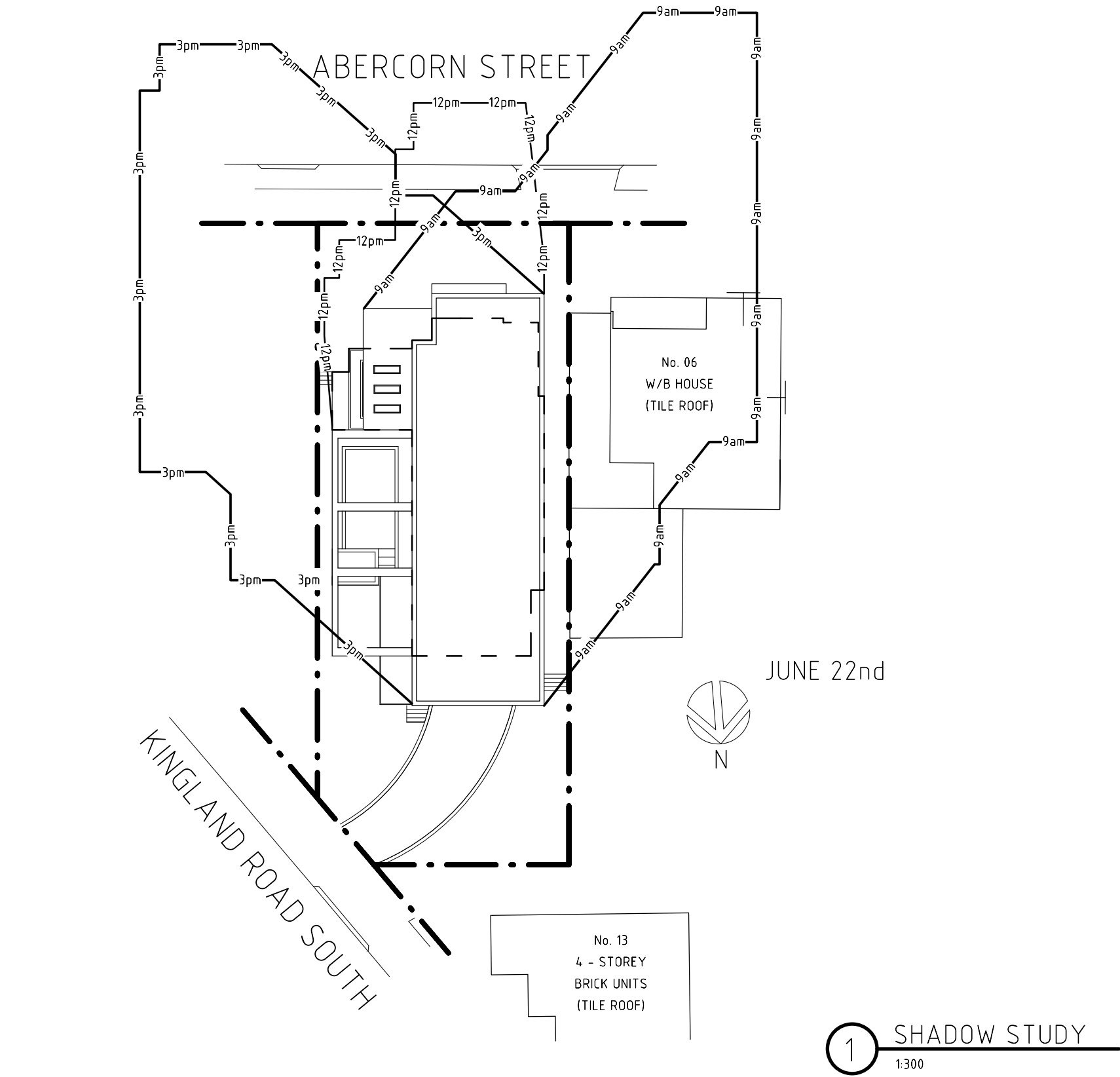
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issue	purpose	date
1	ISSUED FOR DA	11/10/16

project Proposed New Dwelling:	
4 ABERCORN ST, BEXLEY LOT 1, DP202344	
client	MANUELA
drawing	ELEVATIONS, INDICATIVE SECTION
drawing no.	issue
A.306	1

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drawn	checked
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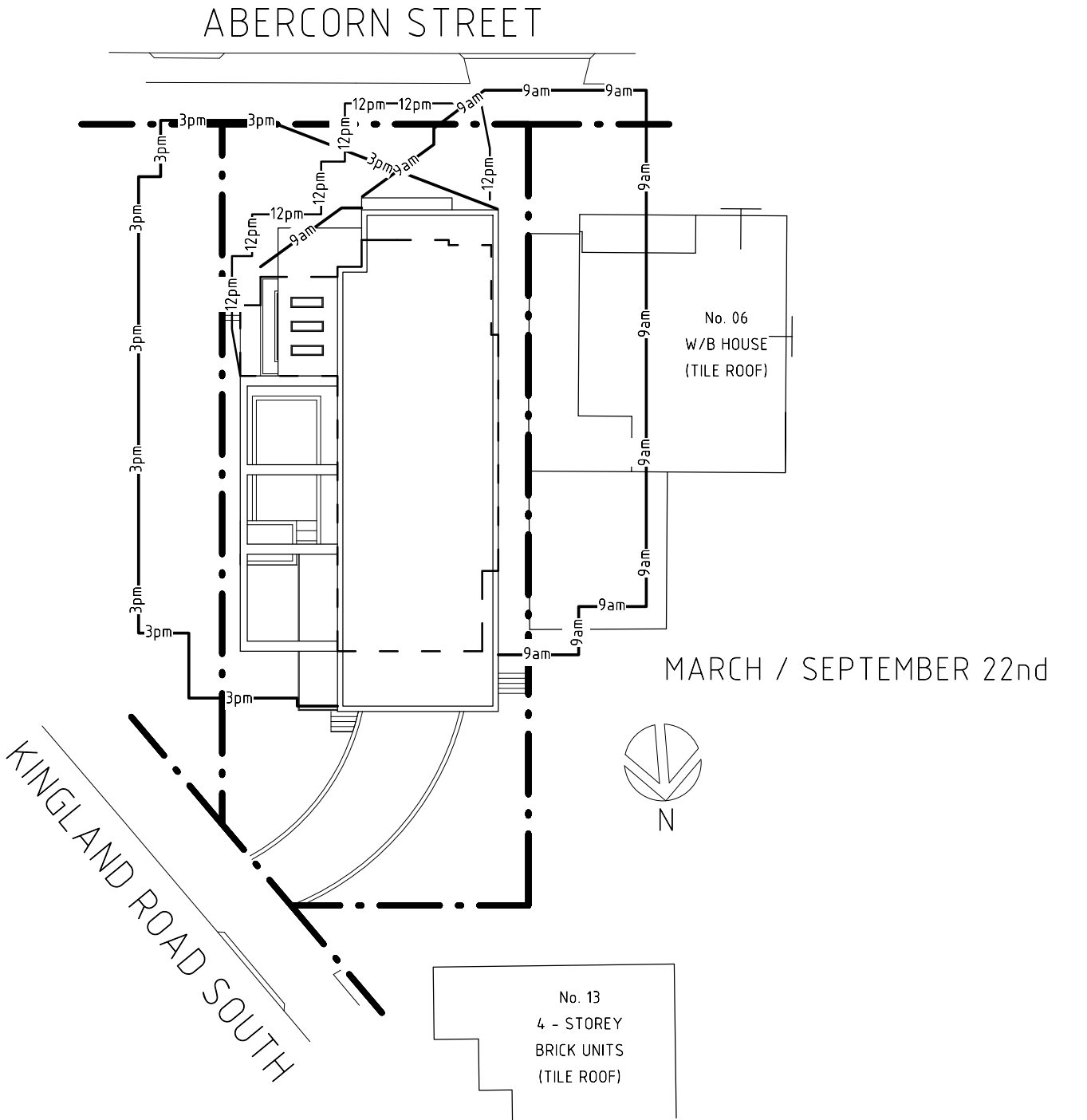
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 - Internal 100mm stud
 - OR
 - External 270mm - 110 brick + 50 cavity + 110 brick
 - Internal 110mm - 110 brick
- Expansion joints are to be provided where shown
- WC door removable where required and fitted with lift off hinges in accordance with BCA amendment 3 part 3.8.3.3
- Mechanical ventilation to outside air provided where required and in accordance with B.C.A.P.2.4.5
- Dimensions shown on plans are taken from wall or brick face, not finished plaster or render



issue	purpose	date
1	ISSUED FOR DA	11/10/16

project Proposed New Dwelling:	
4 ABERCORN ST, BEXLEY LOT 1, DP202344	
client	MANUELA
drawing	SHADOW STUDY
drawing no.	issue
A.307	1

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ROCKDALE CITY COUNCIL		scale 1:100 @ A3 UNO
drawn	checked	project no
SN	CJH	1284