
Bayside Planning Panel

12/09/2017

Item No	5.3
Application Type	Development Application
Application Number	DA-2017/284
Lodgement Date	2 March 2017
Property	1 Caledonian Street, Bexley
Owner	Nova Investment Trading Pty Ltd
Applicant	The Site Foreman
Proposal	Construction of a two (2) storey multi dwelling housing development containing seven (7) townhouses, basement car parking and demolition of existing structures
No. of Submissions	Seventeen (17)
Cost of Development	\$2,952,383
Report by	Creative Planning Solutions Pty Ltd

Officer Recommendation

- 1 That the Development Application No. DA-2017/284 for construction of a two (2) storey multi dwelling housing development containing seven (7) townhouses, basement car parking and demolition of existing structures at 1 Caledonian Street, Bexley be approved subject to the conditions attached to this report.
 - 2 That the objectors be advised of the Bayside Planning Panel's decision.
-

Attachments

- 1 Planning Report
 - 2 Draft conditions
 - 3 Site Plan
 - 4 Basement Plan
 - 5 Roof Plan
 - 6 Northwest Elevation
 - 7 Southeast Elevation
 - 8 Southwest/Street Elevation
 - 9 Side Elevations
 - 10 Sections
-

Location Plan

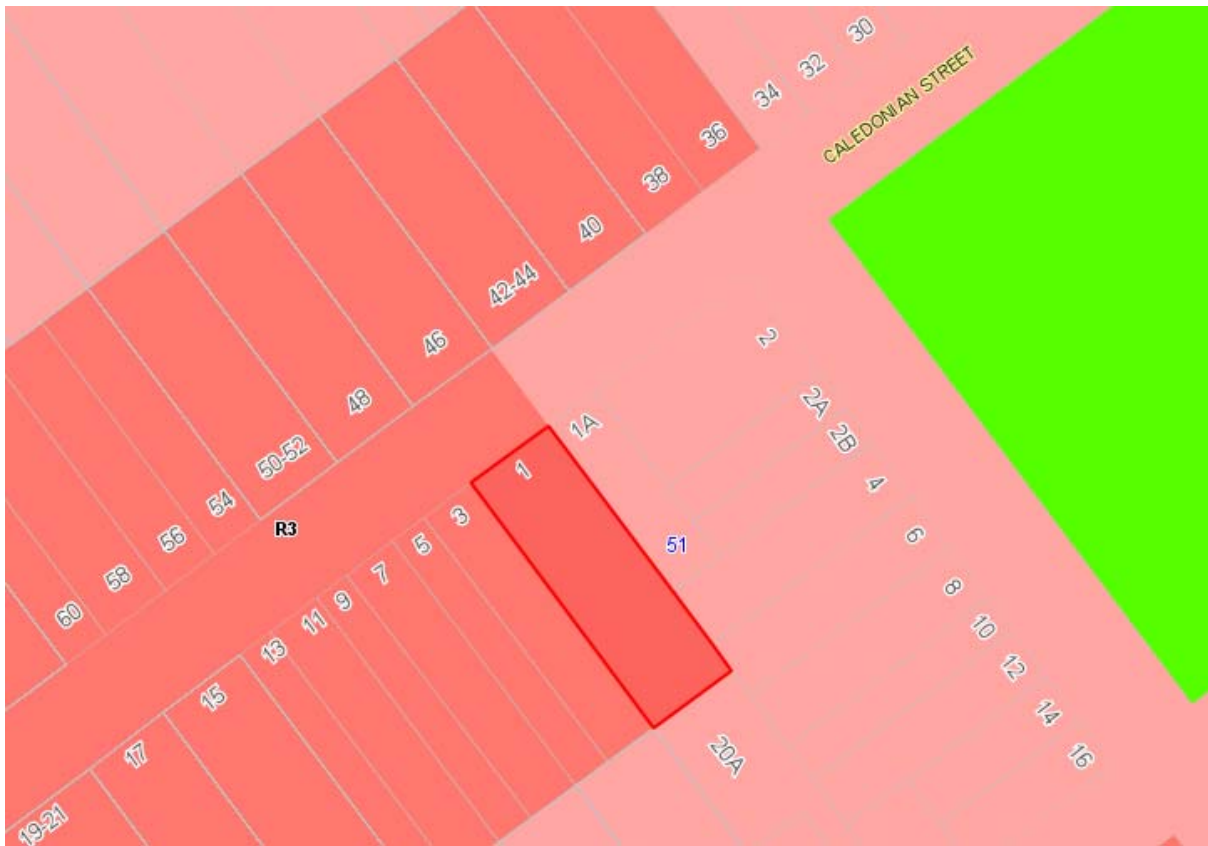


Fig 1 – Location Plan

BAYSIDE COUNCIL

Planning Assessment Report

Application Details

Application Number:	DA-2017/284
Date of Receipt:	2 March 2017
Property:	1 Caledonian Street, Bexley NSW 2207
Owner:	Nova Investment Trading Pty Ltd
Applicant:	The Site Foreman
Proposal:	Construction of a two (2) storey multi dwelling housing development containing seven (7) townhouses, basement car parking and demolition of existing structures.
Recommendation:	Approval, subject to conditions
Submissions:	Seventeen (17) submissions – all objecting to the proposal
Author:	Creative Planning Solutions Pty Ltd: <ul style="list-style-type: none">– Prepared by: James Arnold, Senior Planner– Reviewed by: Ben Tesoriero, Director
Date of Report:	25 August 2017

Key Issues

- **Streetscape** – The proposal is the first new multi dwelling housing development within the streetscape which is characterised by traditional architectural styles and older multi dwelling housing developments. The proposed design has been considered within this context and has been determined to be satisfactory.
- **Privacy** – Privacy issues in the form of overlooking, primarily from the first floor of the development into adjoining private open space and habitable room windows has been identified. A range of conditions have been recommended that are considered to appropriately mitigate against these privacy issues.

- **Submissions** – Seventeen (17) submissions have been received all of which objected to the proposal.

Recommendation

1. That the Development Application No.DA-2017/284 for construction of a two(2) storey multi dwelling housing development containing seven (7) townhouses, basement car parking and demolition of existing structures at 1 Caledonian Street Bexley be approved subject to the conditions attached to this report.
2. That the objectors be advised of the Bayside Planning Panel's decision.

Background

Relevant Site History

- Council's records indicate that a private drainage easement review was submitted to Council under application number PDE-2016/3.
- On 30 November 2015, Council records show that development application DA-2016/208 was lodged with Council seeking consent for the construction of a two (2) storey multi dwelling housing development comprising seven (7) dwellings, including rooftop terrace, basement parking, strata subdivision and demolition of existing structures.
- On 14 March 2016, DA-2016/208 was refused as the DA failed to satisfy the necessary items as required by Clause 50(1)(a) and Clause 50(1)(c) of the *Environmental Planning and Assessment Regulation 2000*. This included:
 - Failure to make payment of the DA lodgement fees – noting the cheque supplied had been dishonoured and payment remained outstanding at the time of completing the DA assessment; and
 - The DA was not accompanied by a Statement of Environmental Effects.
- On 10 August 2016, a preliminary development application (DA) meeting (PDA-2017/4) was held between Council officers and the applicant. A summary of the key issues discussed at the meeting is as follows:
 - The site was not identified as being contaminated,
 - The site is located in proximity to a heritage item, being street planting in Caledonian Street. Any application would need to address impact on the heritage item. Street planting cannot be impacted by any development of the site.
 - The plans submitted indicate that the proposal exceeded the 8.5m height limit and this is unlikely to be supported.

- The podium should be located within the ground as far as possible to reduce the impact on neighbouring sites and promote accessibility.
- The site is subject to a 0.6:1 floor space ratio limit and the proposal demonstrates compliance.
- The existing Brushbox street trees are to be retained and protected.
- Excavation to be confined to the building envelope as far as possible.
- The site is affected by aircraft noise, and an acoustic report will be required.
- The land is subject to airspace provisions and may require referral to Sydney Airport.
- The site is not identified as being flood prone.
- The Council has identified that this property falls to the rear and may need to control the stormwater flows from the site as part of any development on the property. This requires compliance with the Council's Drainage of Low Level Properties procedure and completion of the low level checklist. Provision may also need to be made for the safe conveyance of surface flows through the property from adjoining properties. This flow route may also be used for a future Council or private inter-allotment drainage pipeline.
- The minimum lot frontage for multi dwelling housing is 18m. The site meets this requirement.
- Concern in relation to the contemporary design and the impact in the streetscape, which is more traditional in style. The roof terraces were not supported as they promoted a height non-compliance, as well as being contrary to the streetscape and would likely have a negative impact on the amenity of the surrounding developments from an aural and visual privacy viewpoint.
- A minimum of 25% of the site is required to be landscaped area as defined in the *Rockdale Local Environmental Plan 2011* (RLEP2011).
- A Landscape Plan is to be prepared by a qualified Landscape Architect meeting the objectives of the *Rockdale Development Control Plan 2011* (RDCP2011) and comply with Council's Technical Specification – Landscape.
- The proposal would require 50m² private open space per dwelling.
- No communal open space is required.
- Detailed sunlight and shadow diagrams are to be submitted with the application to confirm that sunlight is provided to private open space and habitable rooms within the development in accordance with the RDCP2011.
- Design of buildings to ensure acoustic and visual privacy for occupants and neighbours.
- The proposal is also to provide a minimum of 1 adaptable dwelling in accordance with AS4299.
- The car space associated with the dwelling must be designed to be suitable for use by a person with a disability. This is shown on the plans, however there is no indication of accessibility from the accessible car space to the dwelling. Normally a lift would be provided.
- Equitable access throughout the development is to be achieved. An Access Report showing compliance with RDCP2011, the Premises Standard of the Disability Discrimination Act and the Building Code of Australia is to be submitted.
- Car parking provision is to comply with Part 4.6 of the RDCP2011.

- The maximum height limit is 2 storey. The proposal is part 3 storey and exceeds the maximum metre height limit. The variation over the height limit is not supported.
 - The podium should be lowered into the site and consideration to stepping the building, if possible to accommodate the fall to the rear.
 - The street setback proposed appears to align with the adjoining sites and is satisfactory. The front setback to be landscape area. The rear setback required is 3m at ground floor level and 6m at first. The plans were unclear, however the applicant indicated at the meeting that the proposal was compliant.
 - The design is to respond to the character of the locality and streetscape, including dominant patterns, textures and compositions of buildings. Large expanses of blank walls are not supported and roof forms are to respond to the local context, in particular to scale and pitch.
 - The front dwellings are to address the street and provide informal surveillance.
- On 2 March 2017, the subject DA was lodged with Council.
 - Between 8 March 2017 and 29 March 2017, notification of the DA was undertaken in accordance with the provisions of the RDCP2011. In response to the notification of the DA, seventeen (17) submissions objecting to the proposal were received. It is noted that some of these submissions were received after the notification close date, despite this, all submissions have been considered in the assessment of this DA. A summary of the key issues raised in the objections is as follows:
 - Height and scale,
 - Streetscape impacts,
 - Privacy impacts,
 - Overshadowing,
 - Noise, and
 - Lack of architectural consideration apparent within the neighbourhood.
 - On 18 May 2017, following a preliminary assessment, the consultant planner provided a request for additional information letter to Council raising the following issues:
 - Building height – The proposal included non-compliant building heights for Unit 1 and Unit 2 up to 9.25m exceeding the 8.5m limit which was not supported.
 - Ceiling heights – The proposal included non-compliant ceiling heights for the first floor at 2.4m and a non-habitable room within the basement at 2.2m. This did not comply with the RDCP2011 requirements of 2.7m for habitable spaces and 2.4m for non-habitable spaces.
 - Roof Terrace – The proposal included a roof terrace to Unit 1 and 2 which was not supported due to the promotion of a height non-compliance and privacy impacts.
 - Streetscape – Issues were raised with the inconsistency of the proposed

- design with the streetscape including the roof form, large expanses of rendered walls, blank walls, and contemporary Juliet street facing balconies.
 - Basement – The proposed basement protruded from NGL between 0.5m to 2m which was not supported due to privacy impacts, accessibility, and usability.
 - Overlooking from decks – The proposed decks were raised up to 2m above NGL and would facilitate unacceptable overlooking into adjoining properties.
 - Overlooking from first floor – Issues were raised with overlooking potential from the south-western facing bedroom windows of Units 4 – 7.
 - Plans and documentation – Additional details and clarification was requested with regards to the submitted shadow diagrams, rainwater tank locations, and hot water system locations.
- On 29 June 2017, in response to Council's additional information request, amended plans were submitted to Council. While these amended plans addressed many of the issues raised in Council's additional information request, two important matters relating to the protruding basement and related overlooking potential remained outstanding. These concerns were conveyed by the consultant to Council on 7 July 2017 and are outlined in more detail below:

- Basement located below NGL –

Part 4.6 (11) of the RDCP2011 outlines that basement car parking is to be located fully below natural ground level, and where site conditions means that this is unachievable, the maximum projection above natural ground level is to be 1.0m at any point.

It is recognised that the Traffic Planning/ Traffic Engineering Advice prepared by Henson Consulting attempted to justify the basement level projection above natural ground level of 1.0m (most severe at Unit 7). Justification was sought on the basis that lowering the basement car-park further will result in non-compliances relating to ramp grades in accordance with Australian Standards for Off-Street Car Parking AS2890.1.

Although it was appreciated that the subject site experienced a minor slope, Council remained of the opinion that locating the basement car park 1.0m above natural ground level was unacceptable due to the severe overlooking opportunities that would be created to adjoining properties.

- Overlooking from raised decks –

Part 4.4.5 (2) of the RDCP2011 requires terraces, balconies and the like to be located to minimise overlooking of adjoining property's open space or windows.

The private open space deck areas of Units 3-7 remained raised approximately 450mm to 950mm above the existing ground levels – taken from the accompanying Survey Plan.

Although it was noted that the decks for Units 3-6 had been lowered by 150mm; they continued to exhibit opportunities for overlooking into the north and east adjoining properties located at 1A Caledonian Street, 4 & 6 Seaforth Street, and 20A Beaconsfield Street.

Furthermore, it has been noted that no change to the height of the raised deck for Unit 7 had occurred. This was considered unacceptable as direct sightlines into neighbouring properties were most severe from the deck of Unit 7.

- On 27 July 2017, following issue of the second additional information request, the applicant requested a meeting be held with Council to discuss the outstanding matters. This meeting was held on 27 July 2017 with the applicant, the applicant's project team, Council officers and the consultant planner. The outstanding issues identified above were reiterated to the applicant, and Council reinforced its non-support of the proposal in its current form.
- The applicant resolved to take leave and prepare another set of amended plans which sought to lower the basement parking level, and therefore create an opportunity to then lower the decks on the podium level of the basement car park. The applicant also advised that they would explore opportunities to improve the accessibility of the car park by placing a disabled stair lift on those stairs closest to the adaptable dwelling – i.e. Unit 7, rather than relying on a convoluted access arrangement for less mobile persons that would require them to traverse the length of the basement car part to the front of the site, only having to then traverse all the way to the rear of the site at grade to access the Unit 7.
- On 4 August 2017, amended plans were submitted to Council.
- A comprehensive assessment of these amended plans has determined that the proposal is now satisfactory, subject to the imposition of consent conditions as discussed within this assessment report. These amended plans are the basis of the assessment contained within this report.

The Proposal

The development application DA-2017/284 at 1 Caledonian Street, Bexley, seeks consent for the demolition of all existing structures on the site and the construction of a two (2) storey multi dwelling housing development containing seven (7) townhouses, basement car parking and demolition of existing structures.

The key development statistics are outlined in the following table.

Site area	1,278sqm (survey)
Site dimensions	<ul style="list-style-type: none"> • Frontage/width: 20.115m • Length: 63.55m
Gross floor area	751.03sqm
Floor space ratio	0.588:1
Building Height	8.5m (Maximum occurs at Unit 5)
Dwelling types	Four(4) x 3-bedroom + study dwellings Three(3) x 4 bedroom dwellings
Dwelling sizes	100.5sqm – 118.5sqm
Private Open Space sizes	50sqm – 84sqm
Parking	<ul style="list-style-type: none"> • Car spaces: 16 (incl. 1 accessible space) • Motorcycle spaces: 1 • Bicycle spaces: 4

Built form

The proposed built form consists of a two (2) storey building containing seven (7) attached dwellings above a single level of basement car parking. The building is roughly rectangular in shape and located in a central position on the site. The roof is pitched and hipped, and will be of metal sheet construction.

The dwellings are arranged with two (2) facing the street, and the remaining five (5) being oriented across the site fronting the south-western side boundary. Private open space areas are provided primarily along the north-eastern side of the building.

The two (2) street facing dwellings are accessed directly from Caledonian Street. The dwellings at the rear are accessed via a communal pathway running along the south-western side boundary to a ground level front door to each dwelling oriented to the south-western side of the site.

The building is setback 11.025m from Caledonian Street, 4.5m – 6.73m from the south-western side boundary, 4.03m – 7.345m from the north-eastern side boundary, and 3m from the rear boundary. The first floor has been setback further from the rear boundary and in portions to the north-eastern side boundary.

Basement

The development includes a single level of basement car parking which comprises sixteen (16) car parking spaces, a motorcycle space, a waste bin storage room, plant rooms, storage cages, and two (2) stairs providing pedestrian access to the ground floor above. Vehicular access to the basement is provided off a single width driveway

to Caledonian Street. The car park is arranged in a single loaded double-width aisle of 90-degree spaces.

Materials and finishes

The design of the development provides for a dark face brick ground floor base to the building with vertical light toned cladding to the first floor.

Trees and landscaping

The proposal includes the retention of one (1) existing tree on the site located within the northern corner having a height of approximately 10m. The remaining six (6) trees on site are proposed to be removed. There is a street tree fronting the site that is proposed to be retained.

A concept landscape plan was submitted with the application which indicates a range of trees to be planted around the building with mature heights of up to 6m, boundary shrub plantings, and turfed areas for the private open space and within a portion of the front setback.



Figure 1. 3D View 1
(Source: The Site Foreman, 2017)

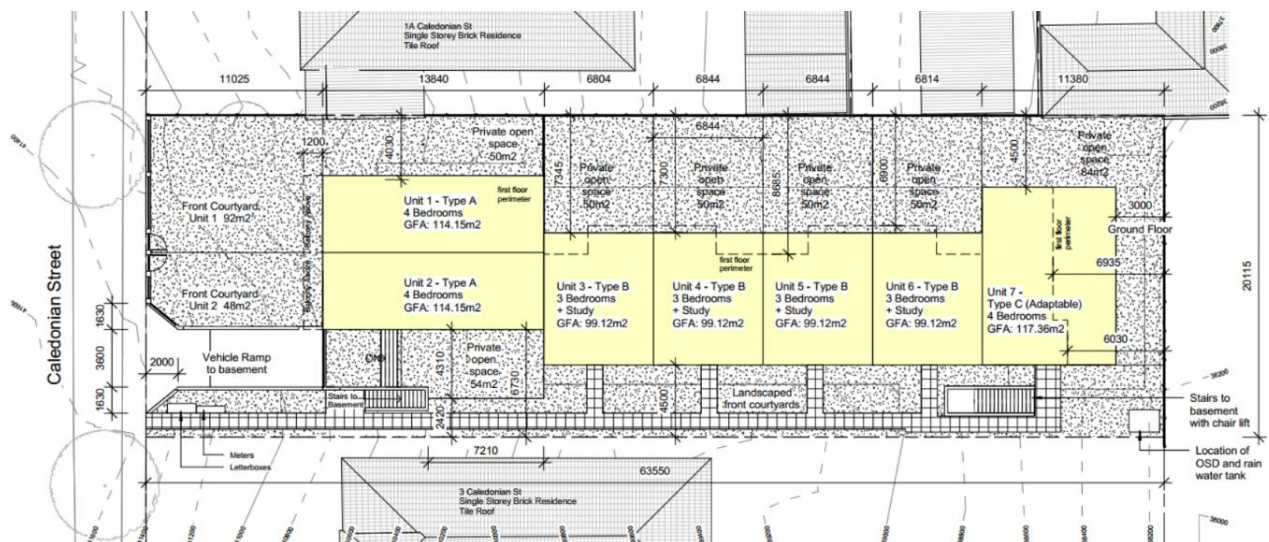


Figure 2. Site Plan
(Source: The Site Foreman, 2017)

Site location and context

Subject site

The subject site is addressed as 1 Caledonian Street, Bexley and comprises a single allotment legally described as Lot 28 Section 11 in Deposited Plan 1680. The site is rectangular in shape with a width and frontage of 20.115m to Caledonian Street, length of 60.55m, and an area of 1,278m². The site has a steady fall from the street to the rear of approximately 4m.

Improvements on the site consist of a single-storey brick dwelling house with a pitched and hipped tiled roof (**Figure 4**). The only other improvement on the site is a garage of weatherboard construction with a metal roof located along the north-western side of the dwelling. Vehicular access is provided via a single concrete driveway located on the north-western end of the frontage to Caledonian Street and providing access to the garage on site.

As identified in the submitted Survey Plan, the site contains seven (7) trees ranging in height from 4m – 10m. The street verge fronting the site contains a street tree with a height of 10m.

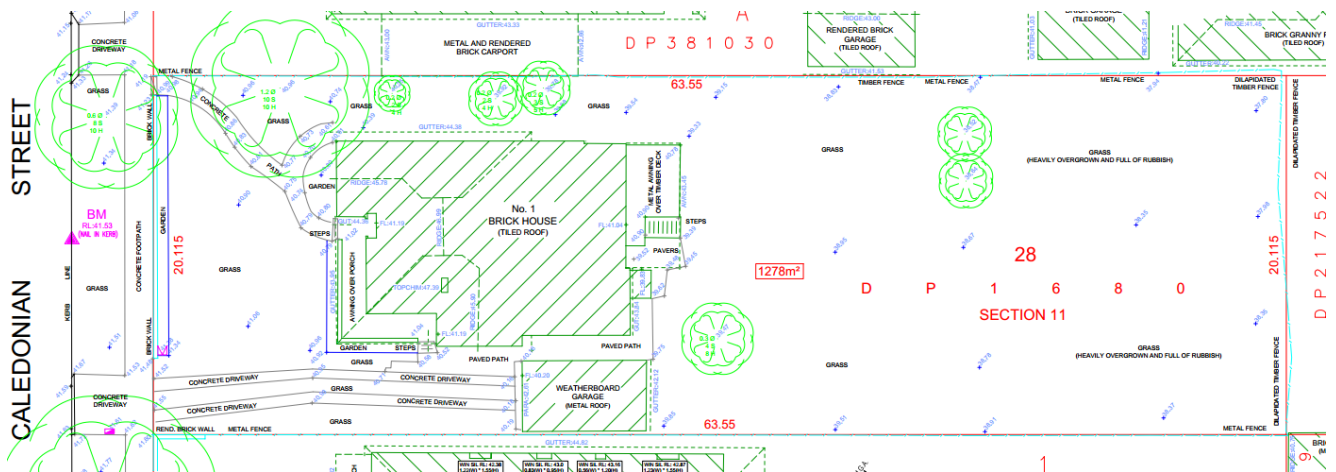


Figure 3. Survey Plan
(Source: Peak Surveying Services, 2016)



Figure 4. Subject site as viewed from Caledonian Street
(Source: CPS, 2017)

Adjoining properties

The adjoining property to the south-western side of the site is 3 Caledonian Street, which contains a single storey dwelling house of rendered brick construction with a pitched tiled roof (**Figure 5**). The adjoining property to the north-eastern side of the front portion of the site is 1A Caledonian Street, which contains a single storey dwelling house of rendered brick construction with a pitched tiled roof (**Figure 6**). Adjoining to the north-eastern side towards the rear of the site, are the rear boundaries of 4 and 6 Seaforth Street. These properties contain dwelling houses and single storey rear outbuildings adjacent to the site's north-eastern side boundary.

The adjoining property to the rear is 20A Beaconsfield Street, which is a battle-axe allotment containing a single storey dwelling house with a pitched tiled roof.



Figure 5. 3 Caledonian Street adjoining property to the south-western side of site
(Source: CPS, 2017)



Figure 6. 1A Caledonian Street adjoining property to northern-eastern side of site
(Source: CPS, 2017)

Local area

The subject site is located within a residential area that comprises a mix of one and two storey dwelling houses and multi dwelling houses in traditional architectural styles utilising brick construction and pitched tiled roofs (**Figure 7**). The subject site itself is within a portion of the street which contains only dwelling houses.



Figure 7. Aerial image of the subject site and surrounds
(Source: maps.six.nsw.gov.au)

Statutory Considerations

Environmental Planning and Assessment Act, 1979

An assessment of the application has been undertaken in accordance with the matters for consideration under section 79C(1) 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 proposed development includes BASIX affected buildings and therefore requires assessment against the provisions of this SEPP and BASIX certification. A BASIX certificate has been submitted with the DA in accordance with the provisions of this SEPP. The BASIX certificate demonstrates the proposal complies with the relevant sustainability targets and will implement those measures required by the certificate.

In this regard, the proposal satisfies the provision and objectives of this SEPP.

State Environmental Planning Policy No 55 – Remediation of Land

In accordance with clause 7 of SEPP 55, a consent authority must consider whether the land is contaminated before providing consent to the carrying out of any development on the land.

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:

- The subject site is currently zoned for residential purposes, that is R3 Medium Density Residential, as per the *Rockdale Local Environmental Plan 2011* (RLEP 2011);
- Prior to the gazettal of the RLEP2011 the subject site was also zoned for residential purposes;
- The proposal seeks to continue using the land for residential purposes;
- Adjoining properties are similarly zoned for residential purposes;
- A review of aerial imagery and a site inspection revealed that there is no evidence to suggest that the site or any adjoining sites have previously been used for any of the commercial, industrial, or agricultural activities as detailed in Table 1 of the guidelines; and,
- There are no known clean-up notices or licences issued by the Environmental Protection Authority that apply to the site.

Given the above, there is no evidence to suggest that the land is contaminated or unsuitable for the proposed development, and as such no further investigation is considered to be warranted.

Accordingly, the proposal is satisfactory with regard to the provisions of SEPP 55.

Rockdale Local Environmental Plan 2011

The following are the relevant clauses from the RLEP 2011 that have been taken into consideration in the assessment.

Relevant clauses	Compliance with standard/provision
2.3 Zone R3 Medium Density Residential	Yes – see discussion
2.7 Demolition requires consent	Yes – see discussion

Relevant clauses	Compliance with standard/provision
4.3 Height of buildings	Yes – see discussion
4.4 Floor space ratio - Residential zones	Yes – see discussion
5.9 Preservation of trees or vegetation	Yes – see discussion
5.10 Heritage conservation	Yes – see discussion
6.1 Acid Sulfate Soil - Class 5	Yes – see discussion
6.2 Earthworks	Yes – see discussion
6.3 Aircraft noise	Yes – see discussion
6.7 Storm water	Yes – see discussion
6.12 Essential services	Yes – see discussion

2.3 Zone objectives and Land Use Table

The subject site is zoned R3 – Medium Density Residential under the provisions of the RLEP 2011. The proposed development is characterised as ‘multi dwelling housing’ which is a land use that is permitted with consent in the zone.

The proposal is considered to be not inconsistent with the objectives of the R3 zone. Below are the objectives and an assessment of the proposal against each objective:

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

Comment: The proposal is not inconsistent with this objective as it provides for the housing needs of the community within a multi dwelling housing development comprising seven (7) dwellings on a 1,278sqm allotment – which is considered to be medium density.

- *To provide a variety of housing types within a medium density residential environment.*

Comment: The proposal is not inconsistent with this objective as it provides for a variety of housing types including 3 and 4-bedroom dwellings in a variety of configurations.

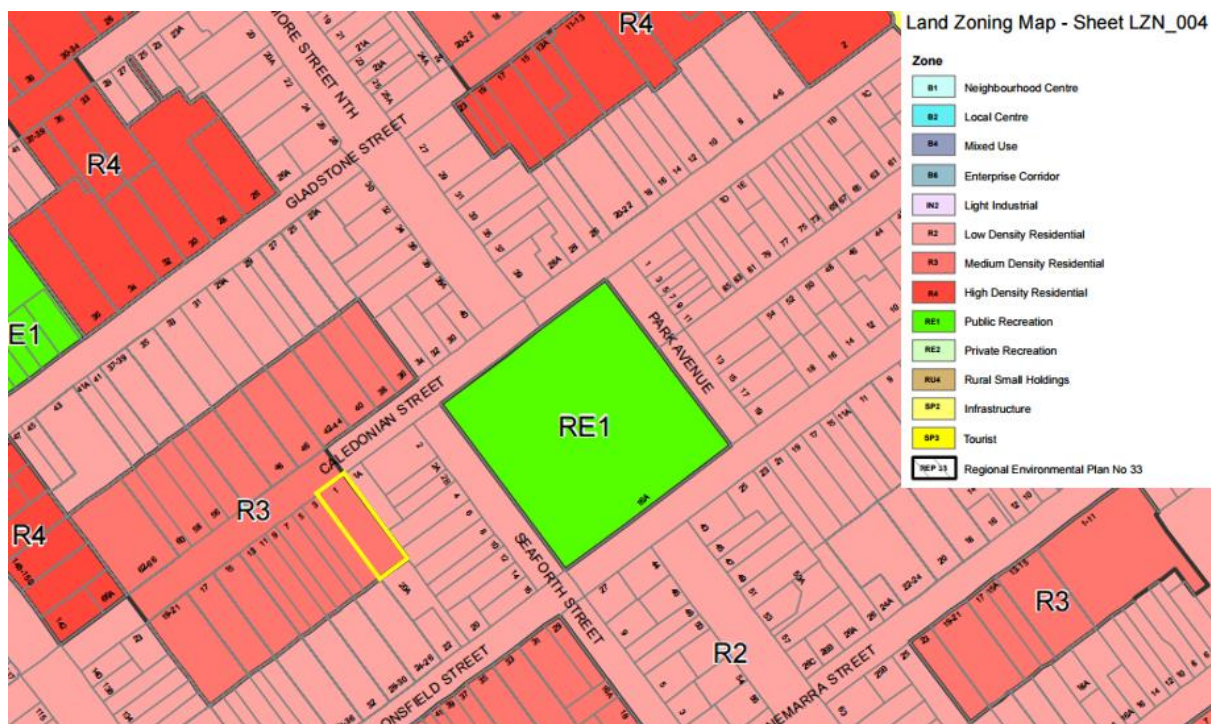
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Comment: The proposal is not inconsistent with this objective as it does not impede the ability of the zone to accommodate 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.*

Comment: The proposal is not inconsistent with this objective as it has been assessed as generally consistent with the relevant planning controls which seek to minimise impacts on character and amenity of the area.

Accordingly, the proposal is considered to satisfactory with regards to permissibility and zone objectives.



**Figure 8. Zoning map extract with the subject site outlined in yellow in the R3 zone
(Source: legislation.nsw.gov.au / Edited: CPS)**

2.7 Demolition requires consent

The subject development application seeks approval for the demolition of existing structures on the site in accordance with the requirements of this clause.

4.3 Height of buildings

Clause 4.3 provides a maximum height of buildings on the subject site of 8.5 metres. The maximum height of the proposed building is 8.5m which occurs for Unit 5. The relevant levels utilised to determine the height are as follows:

- Maximum building height: 8.5m
- Unit 5 Ridge: RL47.23m
- Lowest Existing Ground Level (EGL) beneath ridge: RL38.73m

The proposal complies with the development standard and therefore satisfies this clause.

4.4 Floor space ratio

Clause 4.4 provides a maximum floor space ratio (FSR) on the subject site of 0.6:1.

The development has been calculated to have a gross floor area of 751.03sqm which equates to a compliant FSR of 0.59:1.

5.9 Preservation of trees or vegetation

Clause 5.9 requires consent or a permit to be obtained before removing, injuring or destroying any vegetation.

The proposal seeks to remove six (6) existing trees on site and retain one tree. The existing Brushbox Street tree fronting the site is proposed to be retained. Council's Tree Management Officer has reviewed the proposal and raised no objection subject to conditions. The Tree Management Officer made the following comments:

- *With the exception of the Lilli Pilli tree located adjacent to the north eastern boundary of the front yard, which has been really poorly pruned in the past, all site trees are relatively insignificant in the local landscape. All existing site trees may be removed. Adequate compensation is provided in the proposed landscaping.*
- *Existing Brushbox street trees located on the nature strip at the front of the site are to be retained and protected.*

Given the above, the proposal is considered to satisfy this clause.

5.10 Heritage conservation

The subject site does not contain any heritage items nor is it within a heritage conservation area.

The site is adjacent to the following heritage item listed in Schedule 5 of the RLEP2011 (**Figure 9**):

- I107 Caledonian Street Plantings, Local Heritage

There is one street tree fronting the subject site that forms part of the heritage listed street tree plantings. This tree is proposed to be retained and protected. Council's Landscape Architect and Tree Management Officer have reviewed the proposal with regards to the impact on this tree and have raised no objection subject to conditions of consent. Accordingly, the proposal is considered to have minimal impact on the heritage significance of the Caledonian Street Plantings and as such the proposal satisfies this clause.



Figure 9. Heritage map extract with the subject site outlined in red
(Source: legislation.nsw.gov.au / Edited: CPS)

6.1 Acid Sulfate Soils

In accordance with the RLEP 2011 the subject site is identified as (potentially) containing Class 5 Acid Sulfate Soils (ASS).

For any works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land, an acid sulfate soils management plan is required.

A review of the ASS maps contained within the RLEP2011 has revealed the subject site is not within 500m of any Class 1, 2, 3 or 4 land that is below 5 metres AHD. In this regard, there is no need for an ASS assessment or management plan. The proposal is therefore considered to satisfy this clause.

6.2 Earthworks

The proposal seeks consent for earthworks, the majority of which will be for the basement car park.

It is considered that the level of excavation proposed has been minimised as far as practical and the basement will be appropriately setback from the sites boundaries. It is considered that subject to standard conditions of consent to mitigate the potential environmental impacts associated with excavation works that the proposed earthworks are acceptable and satisfy the requirements of this clause.

6.3 Development in areas subject to aircraft noise

This clause applies on land that is near Sydney Airport and is in an ANEF contour of 20 or greater.

It has been identified that the site is within ANEF 20-25 contours and therefore this clause applies. An Acoustic Report has been submitted with the application which indicates that the development can be constructed to meet the internal noise criteria as per AS 2021-2015. Accordingly, subject to a condition of consent requiring the development to be constructed in accordance with this report, the proposal satisfies this clause.

6.7 Stormwater

Stormwater drainage concept plans, prepared by Hyten Engineering (dated 16 November 2016) were submitted with the application. These plans have been reviewed by Council's Development Engineer who raised no objection subject to conditions of consent. Accordingly, the proposed stormwater management is considered to satisfy this clause.

6.12 Essential Services

Given the existing residential use of the site and the details provided on the Survey Plan, it is understood that connection to essential services is available.

Accordingly, the proposal is considered to satisfy this clause.

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

No draft environmental planning instruments have been identified as being applicable to the proposed development.

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

A summary of the compliance assessment against the *Rockdale Development Control Plan 2011* (RDCP2011) for the proposed development is provided below. Detailed discussions are provided for non-complying aspects and key merit based assessments of the proposal.

Relevant Parts of the RDCP 2011	Compliance with standard/provision
4.1.1 Views and Vista	Yes
4.1.2 Heritage Conservation	Yes – see discussion under RLEP CI 5.10
4.1.3 Water Management	Yes
4.1.4 Soil Management	Yes
4.1.5 Contaminated Land	Yes – see discussion under SEPP 55.
4.1.6 Development on sloping sites	Yes

Relevant Parts of the RDCP 2011	Compliance with standard/provision
4.1.7 Tree Preservation	Yes
4.1.8 Biodiversity	Yes
4.1.9 Lot size and Site Consolidation	Yes
4.2 Streetscape and Site Context	Yes – see discussion
4.3.1 Open Space and Landscape Design	Yes
4.3.2 Private Open Space	Yes – see discussion
4.3.3 Communal Open Space	N/A
4.4.1 Energy Efficiency	Yes
4.4.2 Solar Access	Yes – see discussion
4.4.3 Natural Lighting and Ventilation	Yes
4.4.4 Glazing	Yes
4.4.5 Visual privacy	No – see discussion
4.4.6 Noise impact	Yes
4.5.1 Housing Diversity and Choice	Yes
4.5.2 Social Equity – Equitable Access	Yes – see discussion
4.6 Car Parking, Access and Movement	Yes – see discussion
4.7 Site facilities	Yes
5.1 Building Types	Yes

Part 4.2 – Streetscape and Site Context

Control 1 – Development is to respond and sensitively relate to the broader urban context including topography, block patterns and subdivision, street alignments, landscape, views and the patterns of development within the area.

Control 4 – The building design and use of materials, roof pitch and architectural features and styles must have regard to those of surrounding buildings to ensure a cohesive streetscape.

The relevant urban context for the subject site is considered to be the area where the development will be principally viewed from the public domain. This area would capture development fronting to Caledonian Street in the section between Queen Victoria Street to the south-west and Dunmore Street North to the north-east. In addition, the development in the immediate surrounds of the site are within this visual catchment including those fronting to Seaforth Street and Beaconsfield Street. The visual catchment is demonstrated in **Figure 10** below.



Figure 10. Visual catchment of the development representing the relevant urban context for the site
 (Source: six.maps.nsw.gov.au / Marked by CPS, 2017)

Development within the urban context of the site is characterised by a mixture of multi dwelling housing developments and dwelling houses. The multi dwelling housing developments are older style, one and two storeys in height, and arranged in detached dwelling format alongside a common driveway running the length of the site. The construction materials are typically brick with pitched tiled roofs. The dwelling houses within the catchment are typically single storey in traditional architectural forms with brick construction and pitched tiled roofs.

Despite the similarities of surrounding development in terms of the broad architectural styles and materials, there is significant variation present in terms of dwelling sizes, roof form details, landscape treatment of the front setbacks and front fencing. This variation is evident in **Figure 13** which shows the adjoining properties immediately to the south-west of the site along Caledonian Street.



Figure 11. Caledonian Street looking south-west with the subject site on the left
(Source: [googlemaps.com.au](https://www.googlemaps.com.au))



Figure 12. Caledonian Street looking north-east with the subject site on the left
(Source: [googlemaps.com.au](https://www.googlemaps.com.au))



Figure 13. Adjoining properties to the south-west of the site (left) along Caledonian Street
(Source: [googlemaps.com.au](https://www.googlemaps.com.au))

Within the aforementioned urban context, the proposal provides a multi dwelling housing development with compliant setbacks including a 11.025m front setback consistent with adjoining development and the street. The architectural style of the development is generally considered contemporary however has been designed to respect the urban context. The development presents a pitched and hipped roof to the

street which is consistent with the variety of pitched roof styles in the street. Furthermore, the development presents primarily brick construction materials to the street with a picket front fence, both considered to reflect development in the street.

The rear portion of the development provides articulation between each of the dwellings with the roof dropping down with the site and push-pull façades. The upper level is finished with vertical timber cladding which softens and provides detailing to the upper portion of the building.

Also important, the proposal includes the retention of a 10m high tree within the front setback and also the retention of the Brushbox street tree fronting the site. These trees will ensure the front of the development will immediately mould into the existing streetscape and provide softening and screening of the development's built form.

Given the above, the design of the proposal satisfactorily responds to the streetscape and site context.

Part 4.3.2 Private Open Space

Section 4.3.2 of the RDCP2011 requires multi dwelling housing developments to provide a minimum private open space (POS) of 50sqm per 3 or more bedroom dwelling. Furthermore, Section 4.3.2 stipulates that the POS area must have a minimum width of 3m for villas.

The proposal comprises four (4) x 3-bedroom and three (3) x 4-bedroom dwellings (ie. seven (7) x 3 or more bedroom dwellings). Accordingly, each dwelling is required to be provided with a minimum of 50sqm of POS with a minimum width of 3m. Each of the proposed dwellings are provided with a POS area in the form of a deck and adjacent lawned area with areas of 50sqm to 84sqm with minimum dimensions exceeding 3m which complies with the requirements.

Part 4.4 Sustainable Building Design

Part 4.4.2 Solar Access

Control 4a – Dwellings within the development site and adjoining properties should receive a minimum of 3 hours direct sunlight in habitable rooms and in at least 50% of the private open space between 9am and 3pm in mid-winter.

Adjoining properties

Given the north-west to south-east orientation of the site, shadows of the proposed development will fall on the adjoining property to the south-western side, 3 Caledonian Street, and the adjoining property to the rear, 20A Beaconsfield Street. Shadow diagrams have been submitted which indicate shadows on 22 June (mid-winter) at hourly intervals between 9am and 3pm in both site plan view and elevational view for 3 Caledonian Street.

The elevational shadow diagrams indicate that the proposal will overshadow the habitable room windows along the adjoining north-eastern elevation of 3 Caledonian

Street for 1 hour between 9am and 10am. These windows are then expected to receive direct sunlight for a compliant 3 hours between 10am and 1pm. The proposal will not overshadow any other adjoining habitable room windows and as such the proposal is compliant in regards to overshadowing of adjoining habitable room windows.

In relation to overshadowing of adjoining private open space, the shadow diagrams indicate that the proposal will overshadow 100% of the rear yard private open space of 3 Caledonian Street at 9am which will recede to approximately 50% by 10am. For the following 4 hours between 10am and 2pm at least 50% of the area of the rear yard is expected to receive direct sunlight which complies with the 3 hour requirement.

The proposal will also overshadow the rear private open space of the adjoining property to the rear, 20A Beaconsfield Street. The shadow diagrams indicate that the rear yard is expected to receive direct sunlight to at least 50% of the area for 5 hours between 9am and 2pm. The proposal will not overshadow any other adjoining private open space and as such the proposal is compliant with regards to overshadowing of adjoining private open space.

Proposed Dwellings

An inspection of the floor plans and the shadow diagrams reveals that the majority of the north-eastern side facing habitable room windows of the proposed dwellings will receive direct sunlight for 4 hours between 9am and 1pm in mid-winter. All of the dwellings with the exception of Unit 2 (located at the front of the development) open out to this north-eastern side with full width and height glazed sliding doors providing direct sunlight to an open plan living, dining and kitchen area. This orientation of the dwellings is considered to be optimum for solar access and complies with the 3 hour requirement.

The only dwelling which does not achieve the 3 hour requirement is Unit 2 which receives approximately 1 hour direct sunlight between 2pm and 3pm to the living area. Non-compliance for this dwelling is considered acceptable in the context that 86% of the dwellings within the development achieve solar access compliance, the building is sited and setback appropriately, and that the frontage of the dwelling to the street will receive uninterrupted sunlight which will serve to supplement the lack of sunlight to the living area.

Like the internal areas of the dwellings, the private open spaces are also oriented to the north-eastern side of the site to maximise solar access. The shadow diagrams indicate that these private open space areas will receive direct sunlight to at least 50% of the area for a compliant 4 hours between 10am and 2pm in mid-winter. Once more, the only dwelling not to comply is Unit 2 which has its private open space area on the south-western side of the building. The shadow diagrams indicate this area will receive direct sunlight to at least 50% of the area for a non-compliant 1.5 hours between 1.30pm and 3pm. Non-compliance for this dwelling is considered acceptable in the context that 86% of the dwellings within the development achieve solar access compliance, the building is sited and setback appropriately, and that the frontage of the dwelling to the street will receive uninterrupted sunlight which will serve to supplement the lack of sunlight to the private open space area.

4.4.5 Visual and Acoustic Privacy

Control 1 – The windows of a habitable room with a direct sightline to the windows of a habitable room of an adjacent dwelling and located within 9.0m:

- a. are sufficiently off-set to preclude views into the windows of the adjacent building; or*
- b. have sill heights of 1.7m above floor level; or*
- c. have fixed obscure glazing in any part of the window below 1.7m above floor level*

Control 2 – Balconies, terraces, rooftop recreation areas and the like should be located to minimise overlooking of an adjoining property's open space or windows. Techniques such as recessing, screens or landscaping may be used to prevent direct views into habitable rooms or private open space of adjacent dwellings.

Privacy assessment to the south-western side

The proposed ground floor levels have been compared to existing ground levels along the south-western side of the development. The ground floor levels step down with the site to the rear and do not exceed more than approximately 200mm above or below existing ground levels. Given these levels, and that this side is setback a compliant 4.5m to 6.7m, the side boundary fencing will appropriately restrict any potential for overlooking from the ground floor.

At the first floor on the south-western elevation there are windows to eight (8) bedrooms, three (3) bathrooms, and four (4) staircases. Each of the bathroom windows has high-level sill heights of 1.6m above the floor level which will appropriately restrict any overlooking. The remaining windows will enable direct views to the rear yard and indirect views to the north-eastern side facing habitable room windows of the adjoining property to the south-west, 3 Caledonian Street. These views will generally be within 9m and as such privacy measures are required in accordance with the aforementioned control.

The south-western elevation plan provides a note that 'all south west facing bedroom windows in units 3-7 to be obscured to a height of 1.7m'. This would be appropriate to restrict overlooking however the bedroom windows are shown as sliding openable windows and as such when the windows are open the potential for overlooking will remain. To ensure overlooking is appropriately restricted, it is recommended that these bedroom windows be obscure glazed and non-openable to a height of 1.7m above the finished floor level. The recommended condition of consent is as follows:

Prior to the issue of a Construction Certificate, the first-floor bedroom windows on the south-western elevation are to be obscured glazed and non-openable to a height of at least 1.7m above the finished floor level to prevent overlooking of adjoining properties.

The remaining windows at the first floor on the south-western elevation are to the stair cases of each of the rear dwellings. Whilst there will be some potential for overlooking

from these windows, it will be casual and transient as residents travel up and down the stairs. This is not considered to be an issue that would warrant privacy measures and as such is acceptable.

Privacy assessment to the north-eastern side

The proposed ground floor levels have been compared to existing ground levels along the north-eastern side of the development. The ground floor levels step down with the site to the rear and do not exceed more than approximately 200mm above or below existing ground levels. Given these levels and that this side is setback a compliant 3.77m to 7.3m, the side boundary fencing will appropriately restrict any potential for overlooking from the ground floor.

At the first floor on the north-eastern elevation there are windows to 12 bedrooms and two (2) bathrooms. An analysis of the survey plan and the proposed first floor plan reveals that there is only a single habitable room window being that at 1A Caledonian Street which would be visible from the first floor of the development (**Figure 14**). This window is 10m and 13m from the nearest windows within view from the development which complies with the minimum 9m control. Furthermore, the window is not aligned with and is at the ground floor, as opposed to the subject windows at first floor, which will further restrict views. Accordingly, privacy impacts on this window are considered to be minimal and compliant with the controls.

In terms of adjoining private open space to the north-eastern side, only the private open space in the form of rear yards of 2A and 2B Seaforth Street will be within view of the first floor windows (**Figure 14**). The nearest of the windows is over 20m from these private open space areas which far exceeds the minimum 9m requirement and as such privacy impacts are considered minimal and compliant. The remainder of the structures adjoining to the north-eastern side are non-habitable outbuildings and do not have any habitable windows within view.

Given the above, the proposal is considered acceptable in terms of its privacy impacts to the north-eastern adjoining properties.

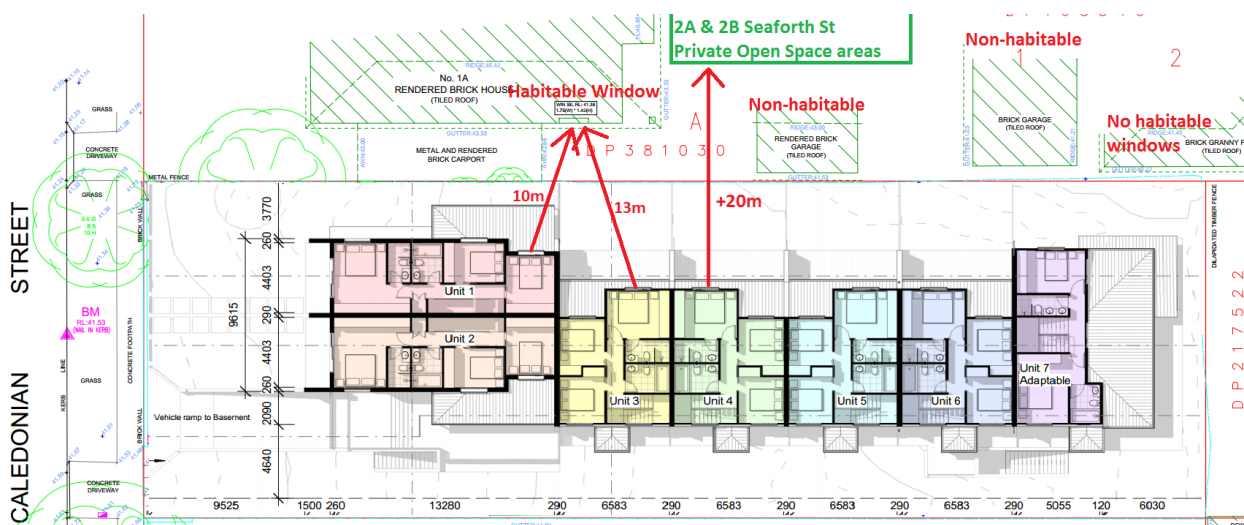


Figure 14. First floor plan overlaid on survey plan indicating privacy interface to north-eastern side
(Source: The Site Foreman, 2017; Peak Surveying Services, 2016; CPS, 2017)

Privacy assessment to the south-eastern rear

The rear of the development presents a single dwelling to the rear boundary labelled as 'Unit 7'. The proposed ground floor level of this dwelling has been compared to the existing ground levels along the rear boundary. It has been determined that the ground floor will be raised approximately 900mm above the existing ground level along the rear boundary. As such the 1.8m rear boundary fence will be insufficient in height to prevent overlooking. There will be direct views into the rear yard private open space of the adjoining property at the rear, 20A Beaconsfield Street. This overlooking will occur from Unit 7's rear facing glazed sliding doors adjacent to the living room, and also from the windows to the study and bathroom (**Figure 15**).

Of particular privacy concern is the views from the main open plan living, dining and kitchen area of Unit 7 which is considered to be the highest utilised and most active area within the dwelling. Furthermore, the views from this area to the adjoining private open space will be expansive as full width and height glazed sliding doors are proposed to the rear. Given these circumstances, it is recommended the rear glazed sliding doors are replaced with a singular door that is obscure glazed or solid to a height of 1.7m above finished floor level. The wording of this condition is specified below. This singular door will ensure that when opened that only narrow restricted views will be possible and will still allow for direct access to the rear deck. It is noted that this requirement will not significantly reduce the amenity Unit 7 as the living room is oriented to the north-eastern side rather than the rear, with glazed sliding doors providing access to the primary private open space area within that side. The rear doors to be replaced are south facing, receive no direct sunlight, and only provide access to a narrow ancillary portion of the deck.

Of less concern is the privacy impact of the views from the ground floor bathroom and study of Unit 7. Despite these being low use rooms, it is considered that obscure glazing to these rear windows is also warranted given the direct and close views to the adjoining private open space and also to protect the privacy of future residents within these rooms. A condition is recommended to this effect as per below.

Prior to the issue of a Construction Certificate, the ground-floor sliding doors to the south-eastern elevation of Unit 7 are to be replaced with a singular door, no greater in width than that is required to meet BCA and accessibility standards, that is obscure glazed or solid to a height of 1.7m above finished floor level to prevent overlooking of adjoining properties.

Prior to the issue of a Construction Certificate, the ground-floor windows to the bathroom and study on the south-eastern elevation of Unit 7 are to be obscure glazed and non-openable to a height of 1.7m above finished floor level to prevent overlooking of adjoining properties.

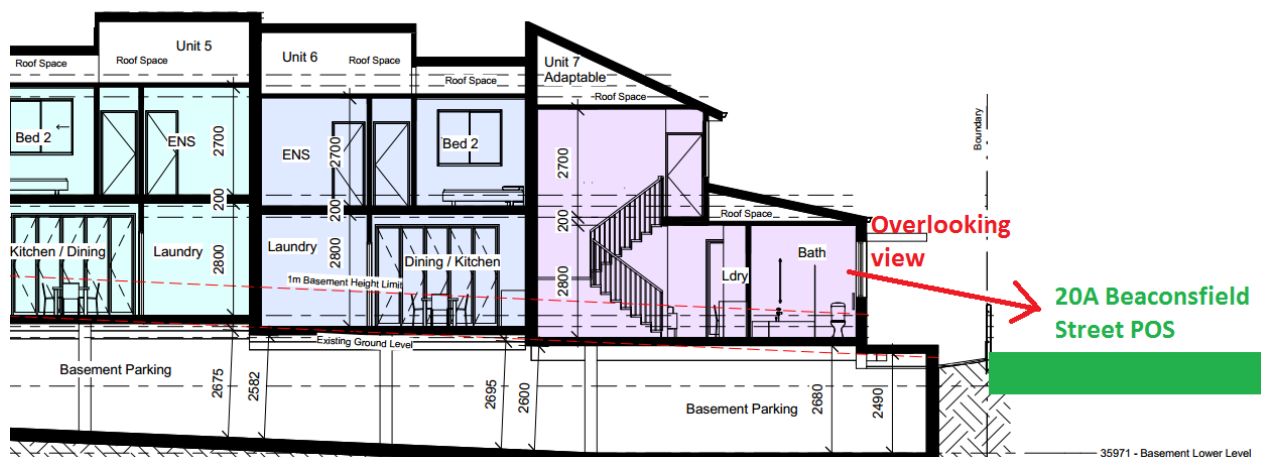


Figure 15. Section drawing indicating view lines from the ground floor of Unit 7 to adjoining POS
(Source: The Site Foreman, 2017; Marked by CPS, 2017)

In regards to the first floor of Unit 7, there are two (2) windows facing the rear to a bedroom and a corridor. These windows will enable direct and relatively close views being within 7m of the rear private open space of the adjoining property to the rear, 20A Beaconsfield Street. The views from the corridor window are not considered to result in significant privacy impacts as the use of these spaces is casual and transient as residents travel along the corridor. The views from the bedroom are not acceptable given the direct and close nature which will lead to unacceptable impacts on the privacy of the adjoining private open space. It is recommended this window be obscure glazed to a height of 1.7m above finished floor level as per the condition below.

Prior to the issue of a Construction Certificate, the first-floor 'Bedroom 2' window on the south-eastern of Unit 7 is to be obscured glazed and non-openable to a height of at least 1.7m above the finished floor level to prevent overlooking of adjoining properties.

4.5 Social Equity

4.5.2 Equitable Access

Control 2 – An Access Report may be required to be submitted with a development application for development other than single dwellings and dual occupancies

The proposal is for a multi dwelling house development comprising seven (7) dwellings and as such an Access Report was required to be submitted with the application. An Access Report was submitted with the application however the architectural plans have since been amended. The amendments include floor level and deck level changes which may have an impact on the conclusions of the original Access Report. In particular, the latest amended plans have resulted in the living area and adjoining deck of Unit 7 being at different levels and hence requiring stairs. It is recommended that a revised Access Report is submitted to account for the amendments as per the following condition.

Prior to the issue of a Construction Certificate, a revised Access Report is to be submitted to ensure the amended plans as referenced in Condition 1 are compliant with the relevant accessibility requirements, in particular the adaptable dwelling 'Unit 7'.

Part 4.6 – Car Parking, Access and Movement

Section 4.6 of the RDCP2011 requires multi dwelling housing development to provide off street car parking at a rate of 2 car parking spaces per 3 or more bedroom dwelling and 1 visitor's car parking space per 5 dwellings.

The proposal comprises four (4) x 3-bedroom and three (3) x 4-bedroom dwellings (ie. seven (7) x 3 or more bedroom dwellings) which generates an off-street car parking requirement of 14 residential spaces and 1 visitors space (rounded to nearest whole number). The proposal provides 15 residential spaces and 1 visitors space which complies with the control.

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

The development is satisfactory with regards to the provisions of the regulations.

S.79C(1)(b) – Likely Impacts of Development

The likely environmental impacts of the proposed development have been assessed comprehensively throughout the preceding sections of this report. These impacts are generally minor in nature and have been determined to be consistent with the relevant planning controls which apply to the development. Accordingly, the proposal is considered acceptable with regards to environmental impacts.

S.79C(1)(c) – Suitability of the site

The subject site has been identified as being suitable for residential development with considerations of access to services and absence of evidence of land contamination. Furthermore, the site is considered to have appropriate size and dimensions to accommodate the type and scale of the proposal.

S.79C(1)(d) – Submissions

The development has been notified in accordance with the provisions of the RDCP2011. Notification of the application occurred between 8 March 2017 and 29 March 2017. In response, seventeen (17) submissions were received, all of which objected to the proposal.

The amended Architectural Plans which were received by Council on 29 June 2017 and on 4 August 2017 were not re-notified as the environmental impacts of the development were considered to have been reduced by the amendments. Accordingly, the issues raised in the submissions are in relation to the originally submitted plans.

The issues raised in the submissions have been taken into consideration in the assessment of the application and are discussed below:

Issue 1: Visual Privacy

Comment: A comprehensive analysis of the visual privacy impacts of the development has been undertaken within the RDCP2011 section of this report, which should be referred to for detail. To summarise, the assessment has identified privacy impacts from the first floor to the south-western side and the ground and first floor to the rear to be generally unacceptable. To mitigate these impacts a number of conditions of consent are recommended which will primarily introduce obscure glazing to prevent overlooking from the windows of concern. Furthermore, these conditions will result in the large expanse of glazed sliding doors to the rear (Unit 7) being replaced with a single obscured glazed door.

Issue 2: Overshadowing

Comment: A comprehensive analysis of the overshadowing impacts of the development has been undertaken as discussed within the RDCP2011 section of this report, which should be referred to for detail. To summarise, the assessment has determined that the proposal achieves compliance with the overshadowing of adjoining habitable windows and private open space controls contained within Section 4.4.2 of the RDCP2011.

In accordance with Section 79(3A) of the Act, if a development achieves compliance with a standard stipulated within a Development Control Plan, the Council is not to require more onerous standards for the development. The effect of this is that since the proposal achieves compliance with the requirements for solar access to adjoining properties, Council may not request higher standards and as such overshadowing cannot be raised as a valid issue.

Issue 3: Heritage qualities of the existing dwelling

Comment: Whilst the objector's concerns regarding the heritage qualities of the existing dwelling are acknowledged, this dwelling is not a heritage listed item, is not within a heritage conservation area and is not subject to a draft heritage order. Accordingly, there are no legal requirements to retain this dwelling as part of the proposed development and therefore objection to the demolition of this dwelling on heritage grounds cannot be raised as a valid issue.

Issue 4: Out of Character Design

Comment: A comprehensive analysis of the design of the proposal in its urban context has been undertaken as discussed within the RDCP2011 section of this report which should be referred to for detail. To summarise, the design of the proposal which incorporates brick construction with a pitched hipped roof form is considered to appropriately respond and respect the prevailing features of the streetscape context. Accordingly, the streetscape character of the proposal is not considered to be an issue.

Issue 5: Street Parking

Comment: Section 4.6 of the RDCP2011 requires the proposal to provide 2 car parking spaces per 3 or more bedroom dwellings and 1 visitor's car parking space per 5 dwellings. This equates to a requirement for a total of 16 car parking spaces for the proposed development which has been provided.

In accordance with Section 79(3A) of the Act, if a development achieves compliance with a standard stipulated within a Development Control Plan, the Council is not to require more onerous standards for the development. The effect of this is that since the proposal achieves compliance with the requirements for car parking, Council may not request higher standards and as such car parking cannot be raised as a valid issue.

Issue 6: Bulk and Scale

Comment: The bulk and scale for the proposed development is tightly governed by a range of controls within the RLEP2011 and the RDCP2011. These controls include restrictions in relation to the height of the buildings, floor space, and setbacks. The proposal achieves compliance with these key bulk and scale related controls. Furthermore, the design of the proposal includes appropriate articulation, fenestration, and a variety of materials and finishes to soften the built form and provide for a visually interesting development. Accordingly, the bulk and scale of the proposal is not considered to be an issue.

Issue 7: Stormwater run-off

Comment: The proposal includes compliant levels of permeable deep soil area across the site which are located around the basement within the setbacks. This will serve to minimise stormwater run-off to adjoining properties. The stormwater run-off from the hardstand areas of the development are proposed to be collected and discharged to Caledonian Street via a pump out system. Council's Development Engineer has reviewed this stormwater management plan and raised no objection subject to standard conditions of consent. Accordingly, stormwater run-off from the development site is not considered to be an issue.

Issue 8: Height

Comment: The proposal has been assessed to have a maximum height of 8.5m which complies with the maximum height of buildings on the subject site of 8.5m under the RLEP2011.

In accordance with Section 79(2)(a) of the Act, if an environmental planning instrument contains a non-discretionary development standard and the proposal complies with that standard the Council is not entitled to take that standard into further consideration. The effect of this is that since the proposal achieves compliance with height standard from the RLEP2011 which is an environmental planning instrument, Council may not further assess the height of the building and as such height cannot be raised as a valid issue.

Issue 9: Acoustic Privacy

Comment: Acoustic privacy is typically mitigated through setbacks, the appropriate location of noisy areas, and through limiting density on a site. The proposal has a compliant density when expressed as floor space ratio and provides compliant setbacks to the adjoining property boundaries. Furthermore, the design has provided the highest use areas, being the living areas, an additional setback to the north-eastern boundary of 7.3m where the requirement is only 4.5m. Accordingly, the acoustic privacy impacts on neighbours is considered to be consistent with the planning controls for the development and therefore is acceptable.

Issue 10: Density

Comment: The primary means of controlling density is through the floor space ratio control. The RDCP2011 sets a maximum floor space ratio (FSR) for the site at 0.6:1. The proposal has been assessed as having a FSR of 0.59:1 which complies with the development standard.

In accordance with Section 79(2)(a) of the Act, if an environmental planning instrument contains a non-discretionary development standard and the proposal complies with that standard the Council is not entitled to take that standard into further consideration. The effect of this is that since the proposal achieves compliance with FSR standard from the RLEP2011 which is an environmental planning instrument, Council may not further assess the FSR of the development and as such FSR and therefore density cannot be raised as a valid issue.

Issue 11: Inconsistent with zone objectives

Comment: An assessment of the proposal against the objectives of the R3 Medium Density Residential zone has been undertaken as discussed within the RLEP2011 section of this report, which should be referred to for detail. The proposal is considered to be consistent with the zone objectives as the proposed multi dwelling housing is a permissible land use within the zone, and it is considered to be a medium density development which is evident by the proposal's compliance with all of the key controls relating to density and built form such as FSR, height and setbacks. Accordingly, the proposal is consistent with the zone objectives.

Issue 12: Site Coverage

Comment: There are no site coverage controls that apply to the proposed development. The extent of the building footprint for the proposal is generally limited by deep soil and setback controls among others. The proposal achieves compliance with these controls and as such the site coverage of the development is not considered to be an issue.

Issue 13: Construction impacts on adjoining properties

Comment: The proposed building and basement beneath are generally well setback from the adjoining property boundaries, which will reduce potential construction

impacts. Furthermore, standard conditions of consent will apply during the construction period – many of which have the effect of protecting adjoining properties from damage or disturbance. Accordingly, the potential for construction impacts on adjoining properties is considered to be appropriately mitigated against through consent conditions.

S.79C(1)(e) – Public interest

The proposed development is considered to be in the public interest because it is general consistency with the provisions of the relevant planning instruments being the RLEP2011 and the RDCP2011.

Our Ref: DA-2017/284
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The Site Foreman
PO BOX 361
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NOTICE OF DETERMINATION

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

Application Number: DA-2017/284
Property: 1 Caledonian Street, BEXLEY (Lot 28 Sec11 DP 1680)
Proposal: Construction of a two (2) storey multi dwelling housing development containing seven (7) townhouses with roof top terrace and basement carparking and demolition of existing structures

Authority:

Determination: Approved

Date of determination:

Date consent commences:

Date consent lapses:

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.

PLANS	AUTHOR	REFERENCE AND DATE
Site Plan	The Site Foreman	DA03 I; 04.08.2017
Basement	The Site Foreman	DA11 I; 04.08.2017
Ground Floor / Level 1	The Site Foreman	DA12 I; 04.08.2017
Ground Floor Units 3-7	The Site Foreman	DA14 I; 04.08.2017

Level 1 Units 3-7	The Site Foreman	DA15 I; 04.08.2017
Roof Plan	The Site Foreman	DA16 I; 04.08.2017
North West Elevation	The Site Foreman	DA17 I; 04.08.2017
South East Elevation	The Site Foreman	DA18 I; 04.08.2017
South West Elevation	The Site Foreman	DA19 I; 04.08.2017
Front		
South West Elevation	The Site Foreman	DA20 I; 04.08.2017
Rear		
North East Elevation	The Site Foreman	DA21 I; 04.08.2017
Front		
North East Elevation	The Site Foreman	DA22 I; 04.08.2017
Rear		
Long Sections 1 & 1A	The Site Foreman	DA30 I; 04.08.2017
Long Sections 2 & 2A	The Site Foreman	DA31 I; 04.08.2017
Cross Sections 3 & 4	The Site Foreman	DA32 I; 04.08.2017
Parking Details	The Site Foreman	DA33 I; 04.08.2017
Stormwater Concept Plans	Hyten Engineering	S01-04; Issue B; 26.06.2017
Landscape Plan	Michael Sui	L01/1; 02.02.2017
Parking Details	The Site Foreman	DA33 I; 04.08.2017
Parking Details	The Site Foreman	DA33 I; 04.08.2017
Parking Details	The Site Foreman	DA33 I; 04.08.2017
Parking Details	The Site Foreman	DA33 I; 04.08.2017
Parking Details	The Site Foreman	DA33 I; 04.08.2017
Parking Details	The Site Foreman	DA33 I; 04.08.2017

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 781978M 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 deck areas and 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. The materials and façade details approved under condition 2 and any other relevant condition of this consent shall not be altered or amended at the construction

certificate stage without a prior S96 application and approval under the EP&A Act.

9. Mail boxes must be installed along the street frontage of the property boundary in accordance with Australia Post Guidelines. Prominent house numbers are to be displayed, with a minimum number size of 150 mm in height for each number and letter in the alphabet.
10. Parking spaces shall be allocated in the following manner and this shall be reflected in any subsequent strata subdivision of the development:

Allocated Spaces

3+ bedroom units = 2 spaces per apartment

Non-Allocated Spaces

Residential Visitor Spaces 1 space per 5 apartments

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

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

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

Development specific conditions

The following conditions are specific to the Development Application proposal.

11. Maximum size vehicles entering the basement must not exceed mass description of the VAN from AS2890. Internal height clearance shall be designed throughout the car park and access driveway in accordance with AS2890.1 and AS2890.6.
12. Parking spaces shall not be enclosed without further approval of Council. The enclosure of car spaces is not permitted unless the enclosure complies with the design requirements of AS2890.1.
13. The existing and future owners (Registered Proprietor) of the property will be responsible for the efficient operation and maintenance of the pump system.

The Registered Proprietor will:

- (i) permit stormwater to be temporarily detained and pumped by the system;
- (ii) keep the system clean and free of silt, rubbish and debris;
- (iii) maintain, renew and repair the whole or parts of the system so that it functions in a safe and efficient manner; and in doing so complete the same within the time and in the manner specified in written notice issued by the Council;
- (iv) carry out the matters referred to in paragraphs (ii) and (iii) at the proprietor's expense;
- (v) not make alterations to the system or elements thereof without prior consent in writing of the Council.

- (vi) permit the Council or its authorised agents from time to time upon giving reasonable notice (but at any time and without notice in the case of emergency) to enter and inspect the land for compliance with the requirement of this clause;
 - (vii) comply with the terms of any written notice issued by the Council in respect to the requirements of this clause within the time stated in the notice.
14. Residential air conditioners shall not cause 'offensive noise' as defined by the Protection of the Environment Operations Act 1997 or contravene provisions of the Protection of the Environment (Noise Control) Regulation 2008 where emitted noise from a residential air conditioner can be heard within a habitable room in any other residential premises at night.
 15. Temporary dewatering of the site to construct the subsurface structure is not permitted.
 16. The off-street parking areas associated with the subject development shall be designed strictly in accordance with AS2890.1 and AS2890.6.
 17. All proposed lights shall comply with the Australian Standard AS4282 - 1997 "Control of the Obtrusive Effects of Outdoor Lighting". In this regard, the lighting of the premises shall be directed so as not to cause nuisance to the owners or occupiers of adjacent/adjoining premises or to motorists on adjoining or nearby roads.
 18. All vertical plumbing, other than roofwater heads and downpipes, shall be concealed within the brickwork of the building. Any electrical kiosks or fire booster valves shall be located in unobtrusive locations toward site boundaries and away from entrances into the building. Utilities shall be softened with landscaping so as not to detract from the overall appearance of the development and amenity of the streetscape. Details demonstrating compliance with this requirement shall be submitted to the Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate.
 19. Stormwater and drainage systems are not to be located in, or under those areas shown as landscaped beds, or where existing or proposed trees are located.
 20. The species selection and location of planting shall maximise winter solar access and summer shade to dwellings.
 21. Minimum of one (1) small deciduous tree or evergreen tree shall be incorporated into each courtyard planting area.
 22. All trees shall be located within mulched landscaped beds except where this may interfere with the performance of an on site detention system.
 23. Screening species shall be included into the side setbacks to improve privacy between adjacent dwellings.
 24. Retaining walls over 600mm in height shall be designed and specified by a suitably qualified structural engineer.
 25. All pavements shall comply with AS/NZ 4586:1999 standards Class W (low) for slip resistance on both private and Council property.
 26. The approved completed landscape works shall be maintained for a period not less than 12 months.

On completion of the maintenance period, a Landscape Architect shall provide a report to the certifying authority (with a copy provided to Council if Council is not the principal certifying authority) stating the landscape maintenance has been carried out in accordance with approved landscape plans and designated specifications before release of the nominated landscape bond.

27. If kerb and gutter and footpath replacement is required all work must be undertaken under the supervision and direction of Council's Tree Management Officer. This

includes the demolition of existing structures, to be undertaken with small machinery only, excavation for required subgrades/drainage and the construction of formwork. Tree roots 35mm in diameter or greater that require pruning shall be done only under the direction of Council's Tree Management Officer after site inspection so as not to impact or harm the existing street tree.

28. An Irrigation Plan detailing WSUD that utilises a 5000 litre Rainwater tank shall be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate. Irrigation shall comply with both Sydney Water and Council requirements as well as Australian Standards, and be maintained in effective working order at all times.

An updated Landscape plan is to be submitted concurrently which includes location of the Rainwater Tank, an updated plant schedule and revision of plant selection that follows Council requirements.

The Landscape Calculation Plan and other plans impacted by these revisions should also be amended.

29. To prevent overlooking of adjoining properties, the following measures are to be adhered to:
- The first-floor bedroom windows on the south-western elevation are to be obscured glazed and non-openable to a height of at least 1.7m above the finished floor level; and
 - the ground-floor sliding doors to the south-eastern elevation of Unit 7 are to be replaced with a singular door, no greater in width than that is required to meet BCA and accessibility standards, that is obscure glazed or solid to a height of 1.7m above finished floor level; and
 - the ground-floor windows to the bathroom and study on the south-eastern elevation of Unit 7 are to be obscure glazed and non-openable to a height of 1.7m above finished floor level; and
 - the first-floor 'Bedroom 2' window on the south-eastern of Unit 7 is to be obscured glazed and non-openable to a height of at least 1.7m above the finished floor level.

The above shall be reflected in the Construction Certificate documentation. The final Occupation Certificate shall not be issued until the measures listed above have been implemented.

30. Prior to the issue of a Construction Certificate, a revised Access Report is to be submitted to the Principal Certifying Authority to ensure the amended plans as referenced in Condition 1 are compliant with the relevant accessibility requirements, in particular the adaptable dwelling 'Unit 7'.

Prior to issue of the construction certificate

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

31. 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 \$8420.00. 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 \$18.00.

32. 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.
33. An application for Driveway Works (Public Domain Construction – Vehicle Entrance/Driveway Application) / Frontage Works (Public Domain Frontage Works Construction Application) shall be made to Council's Customer Service Centre prior to issue of the Construction Certificate. All boundary frontage works, egress paths, driveways and fences shall comply with the approval. A fee is payable to Council. 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.
34. A Section 94 contribution of \$86,674.21 shall be paid to Council. Such contributions are only used towards the provision or improvement of the amenities and services identified below. The amount to be paid is adjusted at the time of payment, in accordance with the contribution rates contained in Council's current Adopted Fees and Charges. The contribution is to be paid prior to the issue of any construction certificate for works above the floor level of the ground floor. (Payment of the contribution is not required prior to any separate construction certificates issued only for demolition, site preparation works and the construction of basement levels). The contribution is calculated from Council's adopted Section 94 contributions plan in the following manner:

Open Space	\$74,928.84
Community Services & Facilities	\$3,955.59
Town Centre & Streetscape Improvements	\$1,486.59
Pollution Control	\$5865.96
Plan Administration & Management	\$437.23

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

35. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance or owner builder's permit in force in accordance with Part 6 of that Act, that such a contract or permit is in place.
36. Compliance with Council's Development Control Plan (DCP) 2011 – Requirements for Access. Access in accordance with Australian Standard 4299 must be provided to and within the adaptable residential unit, and between this unit(s) and its allocated carparking space. Please note that compliance with this condition requires the relevant unit(s) to be constructed to comply with all the essential (Type C) requirements of AS4299.

Note: Compliance with Council's Development Control Plan (DCP) 2011 –

Requirements for Access and the Building Code of Australia does not necessarily guarantee that the development meets the full requirements of the Disability Discrimination Act (DDA) 1992. It is the responsibility of the applicant to make the necessary enquiries to ensure that all aspects of the DDA legislation are met.

37. The applicant shall confer with Ausgrid to determine if an electricity distribution substation and the installation of electricity conduits in the footway are required. Written confirmation of Ausgrid's requirements shall be obtained prior to issue of the 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 25 and shall include all relevant levels, grades (%) and lengths.
40. Swept path analysis (using Autoturn software) shall be provided (for B85 vehicle) for all parking spaces and demonstrate area required to manoeuvre vehicle in and out from the site and parking spaces. All vehicle shall enter and exit in a forward direction.
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 geotechnical report demonstrating that the proposed excavation & construction method and the configuration of the built structures will have no adverse impact on any surrounding property and infrastructure.

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 & site classification
- 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), any other site drainage issue

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

43. The low level driveway must be designed to prevent inflow of water from the road reserve. The assessment of flows and design of prevention measures shall be in accordance with the requirements of Rockdale Technical Specification Stormwater Management, section 8.2.1. Details shall be included in the documentation presented with the Construction Certificate application.
44. Any part of the proposed building within 3m of the proposed belowground detention/pump/rainwater tank or absorption trench shall be constructed on a pier and beam foundation with piers extending no less than 300mm below the bottom of the tank base. This requirement shall be reflected on the Construction Certificate plans and supporting documentation.
45. A visitor car space shall also operate as a car wash bay. A tap shall be provided. A sign shall be fixed saying 'Visitor Car Space and Car Wash Bay'. The runoff shall be directed and treated as per Rockdale Technical Specification Stormwater Management. Basement architectural plan to be amended widening car wash bay to minimum 3.5m width. Details shall be provided with the plans accompanying the Construction Certificate.
46. Prior to the issue of the Construction Certificate, amended detailed drainage design plans for the management of stormwater are to be submitted to Principal Certifying Authority for assessment and approval.

Amended stormwater plan to be provided addressing following prior to the issue of the CC:

- a) Minimum 75% Roof water runoff to be directed to a 5000 litre rainwater reuse tank and overflow to be charged to the street
- b) Surface water and remaining roof water runoff to be directed to a pump system. Risk assessment shall be undertaken for the pump failure as per the section 4.2.6.
- c) Pump system to have a minimum setback of 2m from the rear boundary and minimum 1m setback from the side boundary. Emergency overflow (in an event over 1 in 50 year) runoff to be converted to broad sheet flow so that no concentrated flow cause adverse impact to the downstream properties.
- d) Inspection grate over the pump system to be relocated away from the side boundary. These pits shall be sealed.
- e) No concentrated flow is to be directed to the downstream neighbouring properties.
- f) Gutter flow analysis to be provided determining the depth of flow in the street kerb and driveway crest level must be provided in accordance with Rockdale Technical specification – stormwater management section 8.2.1.

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.

47. Prior to the issue of the relevant Construction Certificate, a Workzone Traffic Management Plan (WZTMP) prepared by a suitably qualified person shall be submitted to and approved by the Certifying Authority. The Plan shall address, but not be limited to, the following matters:
 - (a) ingress and egress of vehicles to the site;

- (b) loading and unloading, including construction zones;
- (c) predicted traffic volumes, types and routes; and
- (d) pedestrian and traffic management methods.

Prior to commencement of works

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

- 48. 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.
- 49. 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.

- 50. 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.
- 51. 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.
- 52. Prior to the commencement of work, a Tree Protection Zone 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 line where possible around the Brushbox street tree located at the front of 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 Zone at any time.

53. 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.
54. 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.
55. Where construction/building works require the use of a public place including a road or footpath, approval under Section 68 of the Local Government Act 1993 for a Barricade Permit is to be obtained from Council prior to commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.
56. 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.
57. Prior to the commencement of excavation works, Vibration monitoring equipment must be installed and maintained, under the supervision of a professional engineer with expertise and experience in geotechnical engineering, between any potential source of vibration and any building identified by the professional engineer as being potentially at risk of movement or damage from settlement and/or vibration during the excavation and during the removal of any excavated material from the land being developed.

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

Where any such alarm triggers all excavation works must cease immediately. Prior to the vibration monitoring equipment being reset by the professional engineer and any further work recommencing the event must be recorded and the cause of the event identified and documented by the professional engineer.

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

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

A copy of any written direction required by this condition must be provided to the

Principal Certifying Authority within 24 hours of any event.

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

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

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

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

58. A Construction Management Plan (CMP) shall be prepared in accordance with the requirements of all relevant regulatory approval bodies. Prior to the commencement of works the Certifying Authority shall be satisfied that the construction Management Plan has obtained all relevant regulatory approvals. The Construction Management Plan shall be implemented during demolition, excavation and construction.

During demolition / excavation / construction

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

59. 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.
60. 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.
61. For Class 2, 3 and 4 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 before the placement of, any footing, and
 - ii. prior to covering waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within a building, and
 - iii. prior to covering any stormwater drainage connections, and
 - iv. 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.

62. Upon inspection of each stage of construction, the Principal Certifying Authority (or other suitably qualified person on behalf of the Principal Certifying Authority) is also

required to ensure that adequate provisions are made for the following measures (as applicable), to ensure compliance with the terms of Council's approval:

- Sediment control measures
- Provision of perimeter fences or hoardings for public safety and restricted access to building sites.
- Maintenance of the public place free from unauthorised materials, waste containers or other obstructions.

63. 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.

64. 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.

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. 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.

67. 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.

68. 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.
- 69. The Brushbox street tree located on the nature strip at the front of the site shall not be removed or pruned, including root pruning, without the written consent of Council in the form of a Permit issued under Council's Development Control Plan 2011.
- 70. All existing trees located within the site may be removed.
- 71. Where drainage or paving works are proposed to be constructed in the area below the dripline of trees, the proposed works and construction methods must not damage the tree. Where either the trees or works were not shown in detail on the approved plans, then Council approval must be obtained by contacting Council's Tree Management Officer.
- 72. Underground Services such as pipelines or cables to be located close to trees, must be installed by boring or by such other method that will not damage the tree rather than open trench excavation. The construction method must be approved by Council's Tree Management Officer.
- 73. Existing soil levels within the drip line of trees to be retained shall not be altered without reference to Council's Tree Management Officer.
- 74. Building materials, site residue, machinery and building equipment shall not be placed or stored under the dripline of trees required to be retained.

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.

- 75. An Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of the building.
- 76. 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.
- 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. 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.
79. The underground placement of all low voltage street mains in that section of the street/s adjacent to the development, and associated services and the installation of underground supplied street lighting columns, shall be carried out at the applicant's expense. The works shall be completed and Ausgrid's requirements shall be met prior to issue of the Occupation Certificate.
80. Where an electricity substation is required by Ausgrid, a final film survey plan shall be endorsed with an area having the required dimensions as agreed with Ausgrid over the location of the proposed electricity distribution substation site. The substation must be located within the boundary of the development site, or within the building, subject to compliance with the BCA. The substation site shall be dedicated to Council as public roadway, or as otherwise agreed with Ausgrid. Ausgrid's requirements shall be met prior to release of the issue of the Occupation Certificate.
81. Vehicles shall enter and exit the site in a forward direction at all times. A plaque with minimum dimensions 300mm x 200mm shall be permanently fixed to the inside skin of the front fence, or where there is no front fence a prominent place approved by the Principal Certifying Authority, stating the following: "Vehicle shall enter and exit the site in a forward direction at all times".
82. 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.
83. The width of the driveway access at the boundary shall be minimum 3.6m wide and maximum 4.5m wide.
84. 1 bollard to be installed by the developer in the shared space dedicated for the disable car space as per AS2890.6.
85. 16 off-street car spaces shall be provided in accordance with the submitted plan and shall be sealed and linemarked to Council's satisfaction. The pavement of all car parking spaces, manoeuvring areas and internal driveways shall comply with Australian Standard AS3727 – Guide to Residential Pavements.
86. 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.

87. 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.
88. A Landscape Architect shall provide a report to the certifying authority (with a copy provided to Council, if Council is not the principal certifying authority) stating that the landscape works have been carried out in accordance with the approved plans and documentation.

89. 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.
90. A positive covenant pursuant to the Conveyancing Act 1919 shall be created on the title of the lots that contain the stormwater pump facility to provide for the maintenance of the pump facility.
91. The pump system, including all associated electrical and control systems, shall be tested and inspected by a suitably qualified and experienced person. Records of testing shall be retained and provided to the certifying hydraulic engineer and/or PCA upon request.
92. Signs shall be displayed adjacent to all stormwater drains on the premises, clearly indicating "Clean water only - No waste".
93. 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.
94. 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.

Roads Act

95. The following works will be required to be undertaken in the road reserve at the applicant's expense:
- i) construction of a new fully constructed concrete vehicular entrance;
 - ii) removal of the existing concrete vehicular entrance/s, and/or kerb laybacks, redundant paving which will no longer be required;
 - iii) replace redundant layback with kerb and gutter;

96. 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.
97. 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.
98. 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.
99. 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. *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. Where Council is not engaged as the Principal Certifying Authority for the issue of the Subdivision Certificate (Strata), and the Section 88B Instrument contains easements and/or covenants to which Council is a Prescribed Authority, the Council must be provided with all relevant supporting information (such as works-as-executed drainage plans and certification) prior to Council endorsing the Instrument.
- d. The water from the rainwater tank should not be used for drinking, Sydney Water shall be advised of the installation of the rainwater tank.
- e. 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

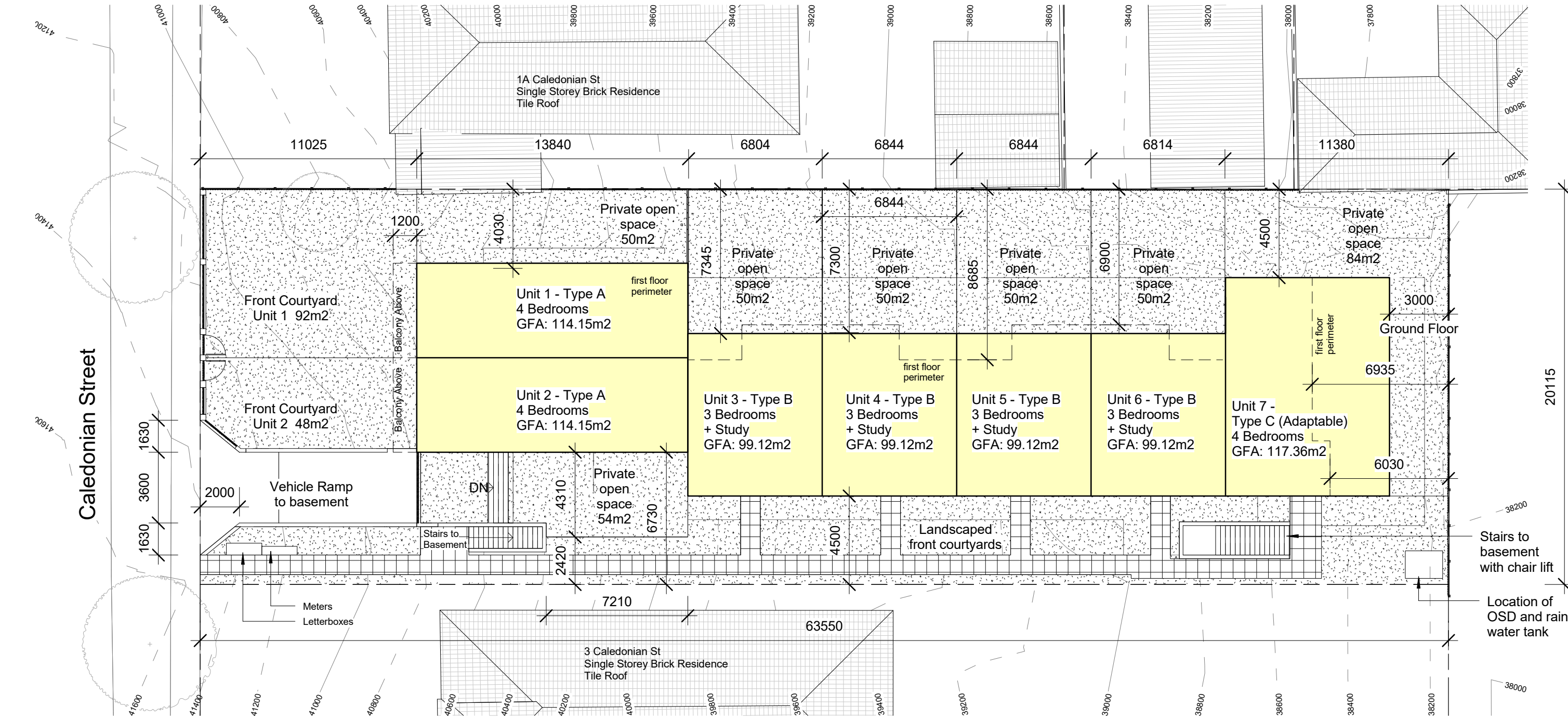
- To confirm the date upon which this consent becomes effective, refer to Section 83 of the *Environmental Planning and Assessment Act, 1979*. Generally the consent

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 Marta M Gonzalez-Valdes on 9562 1666

Luis Melim
Manager - Development Services



1 Site
1 : 200

NOTE: Refer to acoustic report prepared by Noise & Sound services for additional acoustic requirements

- BASIX REQUIREMENTS**
- 1. All shower heads are to have a flow rate of no greater than 7.5 litres per minute and a 3 star water rating
 - 2. All toilets are to have a minimum 4 star water rating
 - 3. All taps are to have a minimum 4 star water rating
 - 4. Hot water system to be gas instantaneous 3 star
 - 5. Bathroom, kitchen and laundry ventilation systems to be individual fan, ducted to facade or roof, manual on/timer off
 - 6. Heating and cooling to be 1-phase airconditioning 1 star (new rating)
 - 7. Well ventilated fridge space
 - 8. All taps in common areas to have minimum 3 star water rating
 - 9. Central water tank minimum 5000L to collect run off from roof area, impervious area and garden/lawn area for landscape irrigation and in car washing bay
 - 10. Car park area ventilation (exhaust only) with carbon monoxide monitor + VSD fan
 - 11. Car park lighting - fluorescent with motion sensors
 - 12. Plant and waste room lighting - incandescent manual on / manual off

Area (Proposed GFA)	
Level	Area
Ground Floor	60.39 m²
Level 1	53.76 m²
Unit 1	114.15 m²
Ground Floor	60.39 m²
Level 1	53.76 m²
Unit 2	114.15 m²
Ground Floor	53.26 m²
Level 1	45.86 m²
Unit 3	99.12 m²

Area (Proposed GFA)	
Level	Area
Ground Floor	53.26 m²
Level 1	45.86 m²
Unit 4	99.12 m²
Ground Floor	53.26 m²
Level 1	45.86 m²
Unit 5	99.12 m²
Ground Floor	53.26 m²
Level 1	45.86 m²
Unit 6	99.12 m²

Area (Proposed GFA)	
Level	Area
Ground Floor	78.07 m²
Level 1	41.23 m²
Unit 7	119.30 m²
Grand total	744.08 m²
Site Area	1,277m2
Allowable FSR	0.6:1
FSR	0.58:1

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F	DESIGN AMENDMENTS	01.02.2017
G	DESIGN AMENDMENTS	22.02.2017
H	REPLY TO COUNCIL RFI	19.06.2017
I	DA AMENDMENTS	04.08.2017

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PROJECTNEW MULTI DWELLING DEVELOPMENT

ADDRESS1 CALEDONIAN STREET, BEXLEY

DRAWINGSITE PLAN

Fabricio Siqueira Architect NSW Reg 8308

DRAWN BYFS

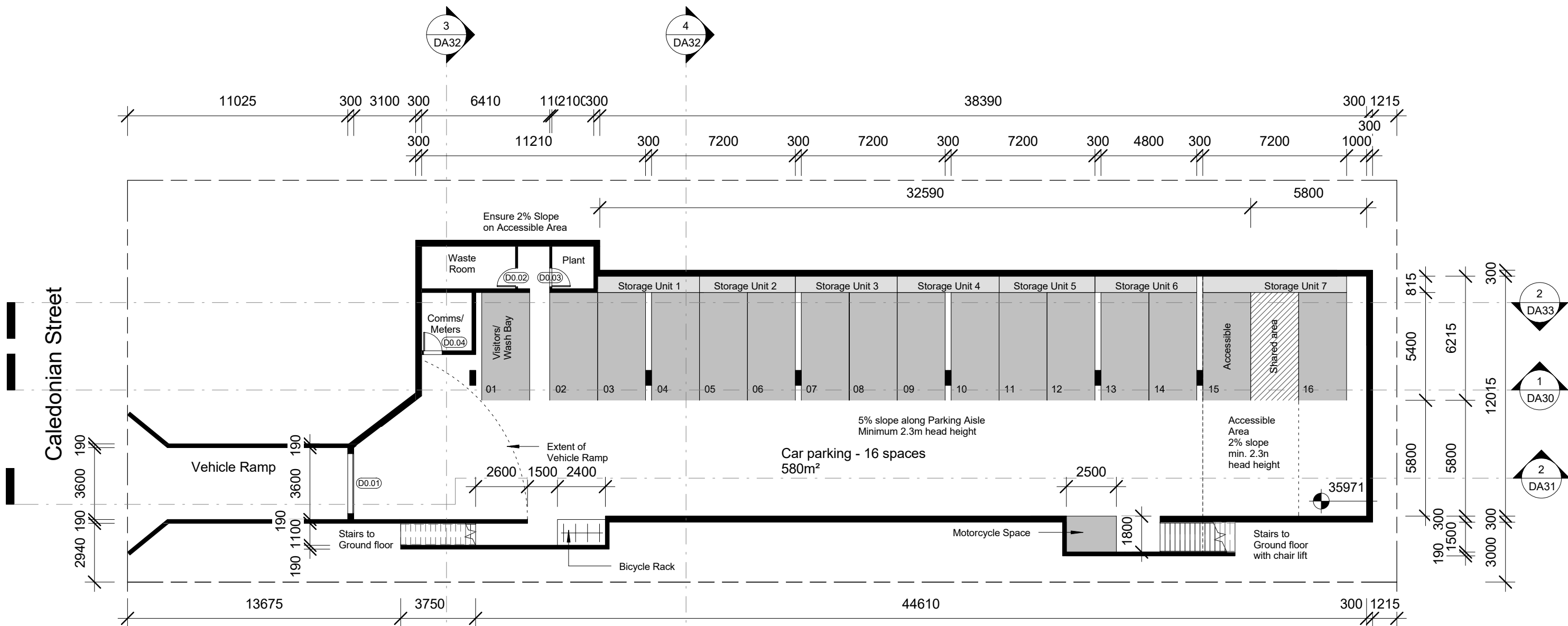
SCALE1 : 200

JOB NO2509

DRAWING NODA03 I

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1 Basement
1 : 200

NOTE: Non compliant head heights over parts of the basement garage. Additional safety and warning measures required. Refer to traffic engineering report.

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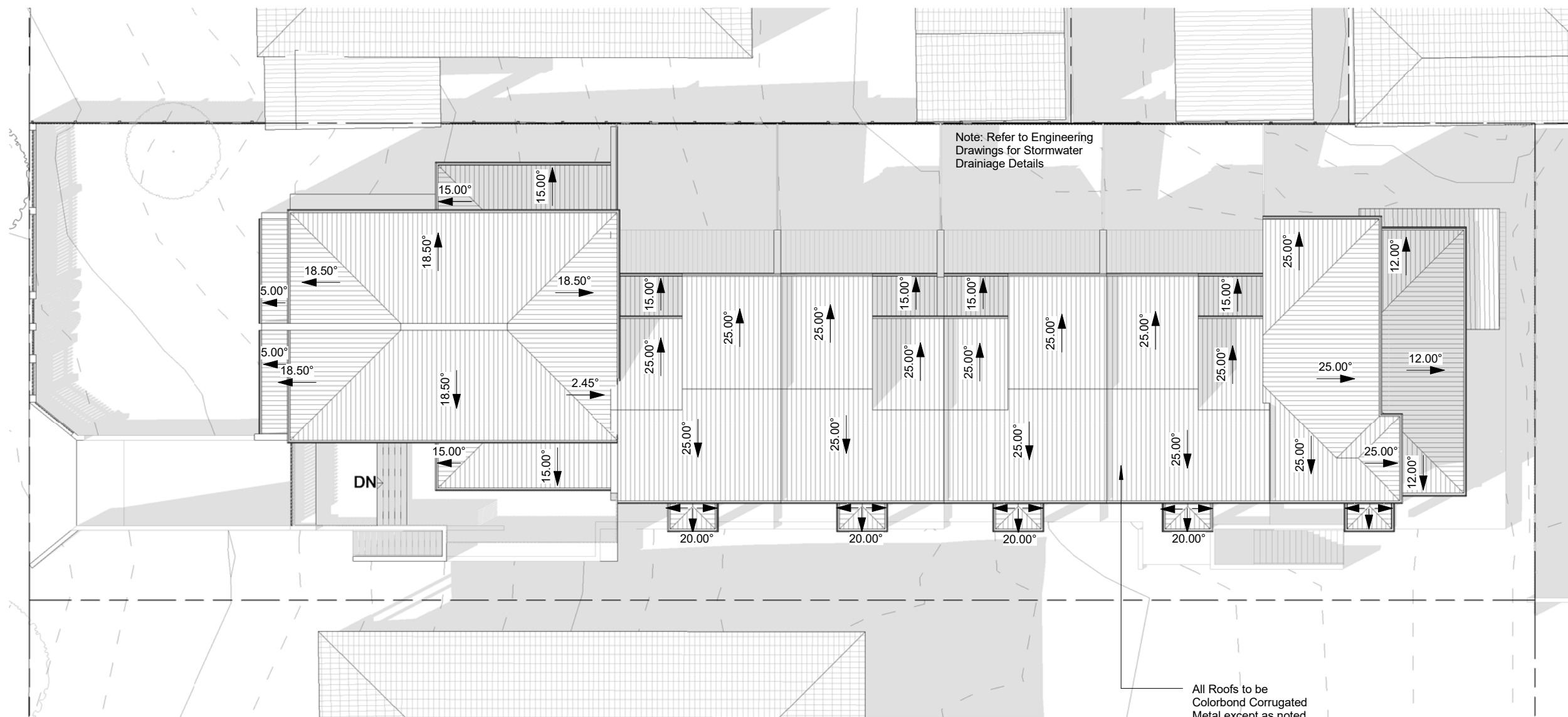
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PROJECT	NEW MULTI DWELLING DEVELOPMENT	Fabricio Siqueira Architect NSW Reg 8308
ADDRESS	1 CALEDONIAN STREET, BEXLEY	DRAWN BY FS
DRAWING	FLOOR PLANS - PROPOSED	SCALE 1 : 200
		JOB NO 2509
		DRAWING NO DA11 I

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Caledonian Street



1

Roof Plan

1 : 200

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PROJECT NEW MULTI DWELLING DEVELOPMENT
ADDRESS 1 CALEDONIAN STREET, BEXLEY
DRAWING ROOF PLAN

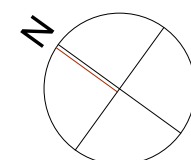
Fabricio Siqueira Architect NSW Reg 8308

DRAWN BY FS

SCALE 1 : 200

JOB NO 2509

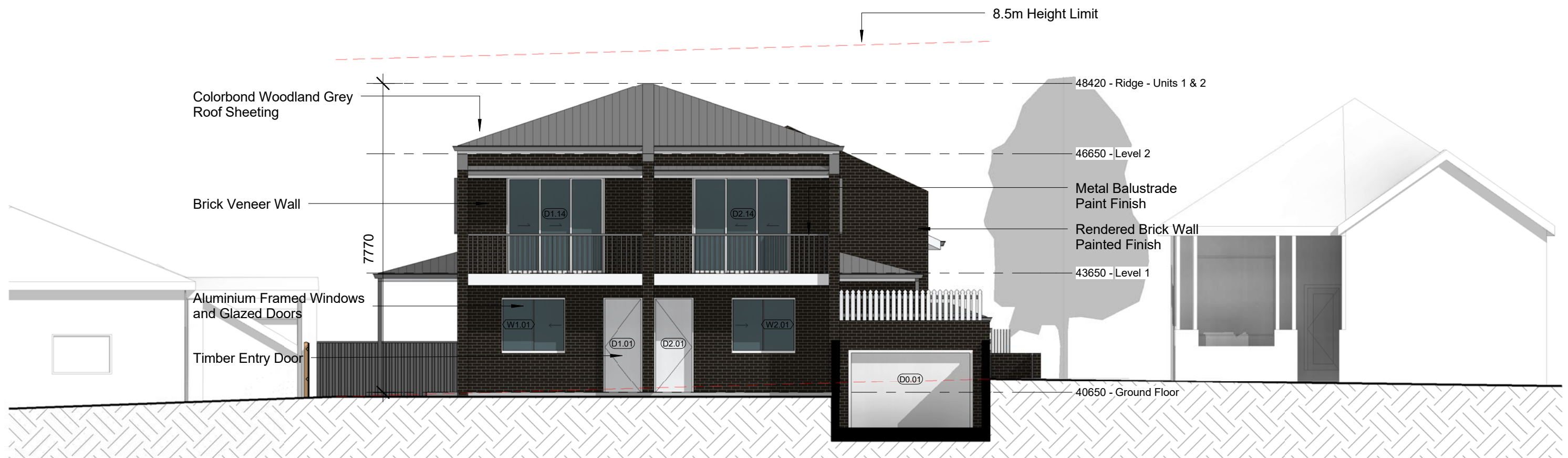
DRAWING NO DA16 I



Page 55

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1 NW Elevation
1 : 100



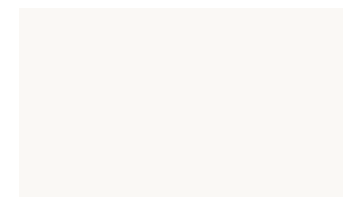
Colorbond
Woodland grey
Corrugated Profile



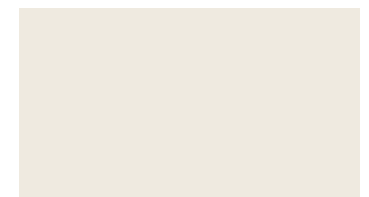
Austral Bricks
Eveyday Life
230x110x76
Freedom



Dulux
Kahlua Milk PN1D8
Skyon Cladding



White Finish to match
Colorbond Surfmist
Rendered Brick Walls



Dulux Antique White
(Details, Window &
Door Frames)

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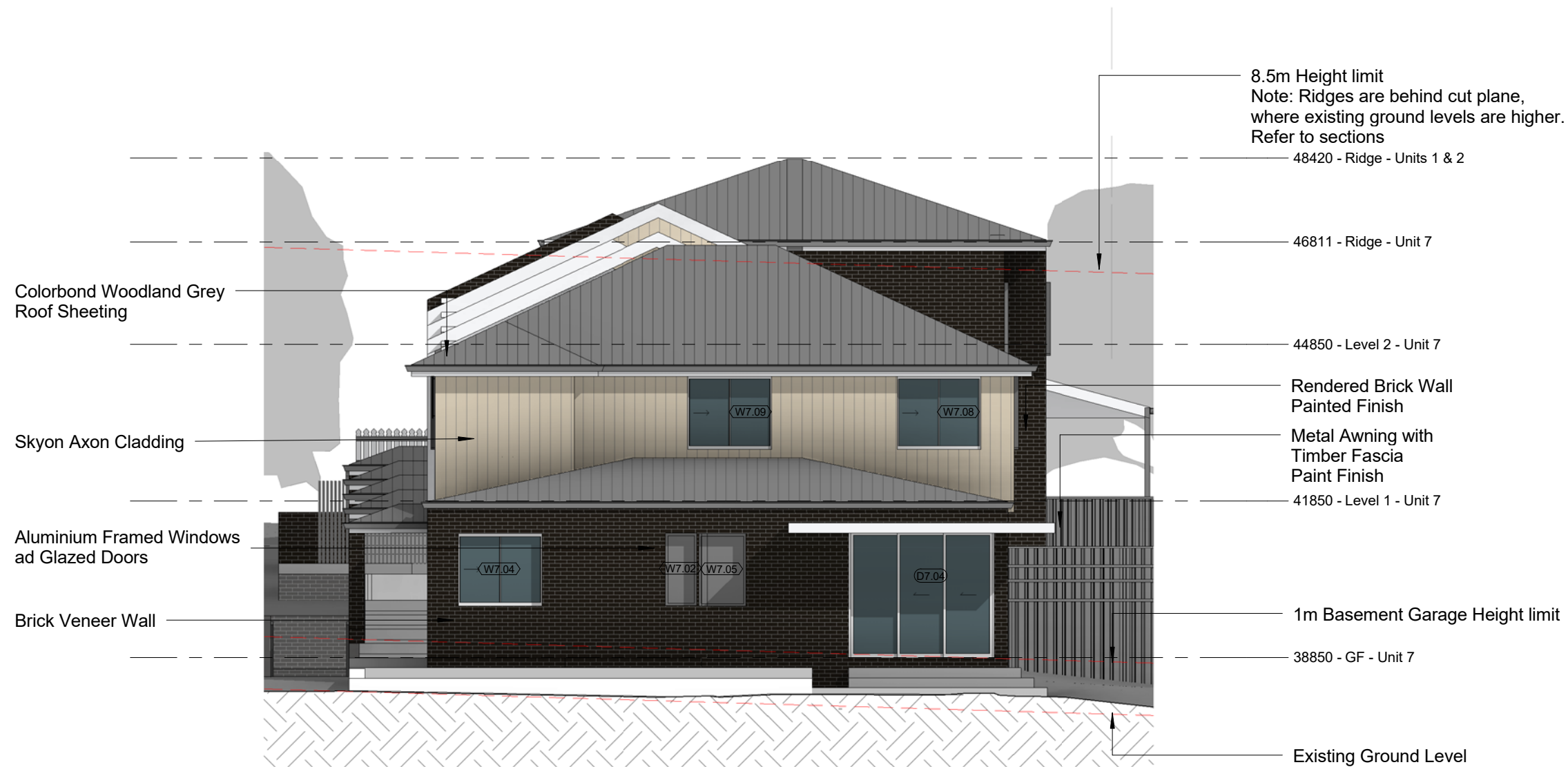
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PROJECT	NEW MULTI DWELLING DEVELOPMENT
ADDRESS	1 CALEDONIAN STREET, BEXLEY
DRAWING	ELEVATIONS - PROPOSED

Fabricio Siqueira Architect NSW Reg 8308

DRAWN BY	FS
SCALE	1 : 100
JOB NO	2509
DRAWING NO	DA17 I



1 SE Elevation
1 : 100

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PROJECT	NEW MULTI DWELLING DEVELOPMENT
ADDRESS	1 CALEDONIAN STREET, BEXLEY
DRAWING	ELEVATIONS - PROPOSED

Fabricio Siqueira Architect NSW Reg 8308

DRAWN BY	FS
SCALE	1 : 100
JOB NO	2509
DRAWING NO	DA18 I

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1 SW Elevation - Front
1 : 100

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PROJECT	NEW MULTI DWELLING DEVELOPMENT
ADDRESS	1 CALEDONIAN STREET, BEXLEY
DRAWING	ELEVATIONS - PROPOSED

Fabricio Siqueira Architect NSW Reg 8308

DRAWN BY	FS
SCALE	1 : 100
JOB NO	2509
DRAWING NO	DA19 I

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NOTE: All south west facing bedroom windows in units 3-7 to be obscured to a height of 1.7m



1 SW Elevation - Rear
1 : 100

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PROJECTNEW MULTI DWELLING DEVELOPMENT

ADDRESS1 CALEDONIAN STREET, BEXLEY

DRAWINGELEVATIONS - PROPOSED

Fabricio Siqueira Architect NSW Reg 8308

DRAWN BYFS

SCALE1 : 100

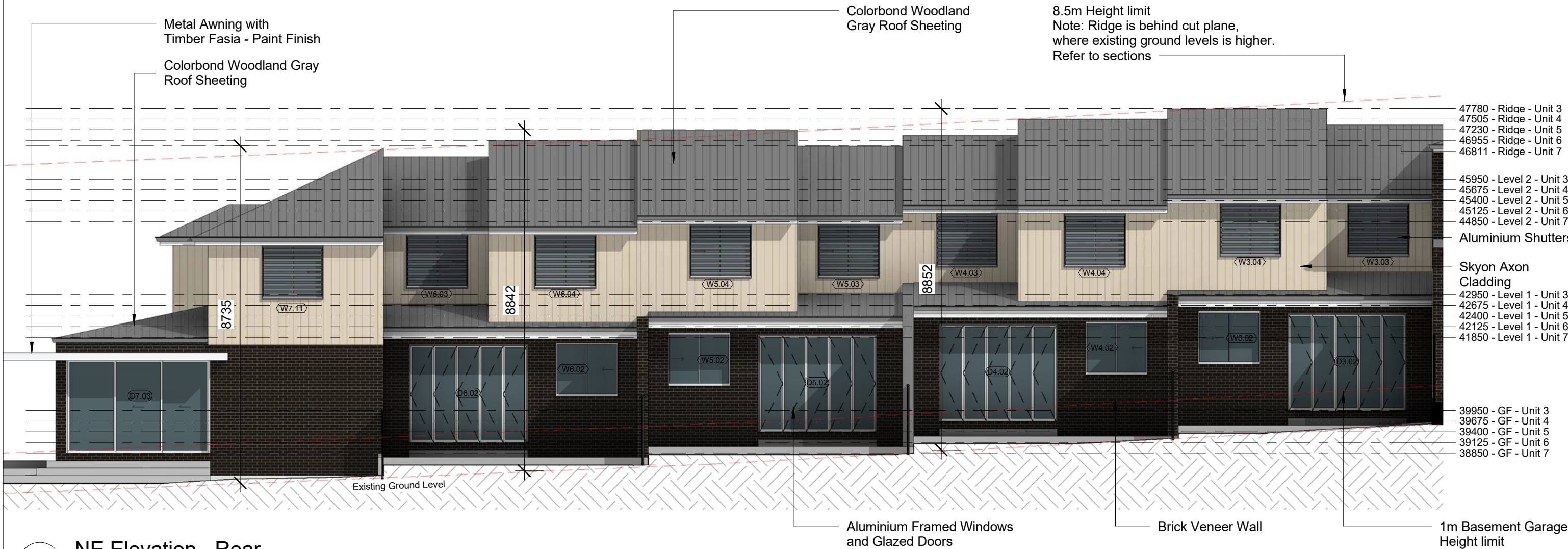
JOB NO2509

DRAWING NODA20 I

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1 NE Elevation - Rear
1 : 100

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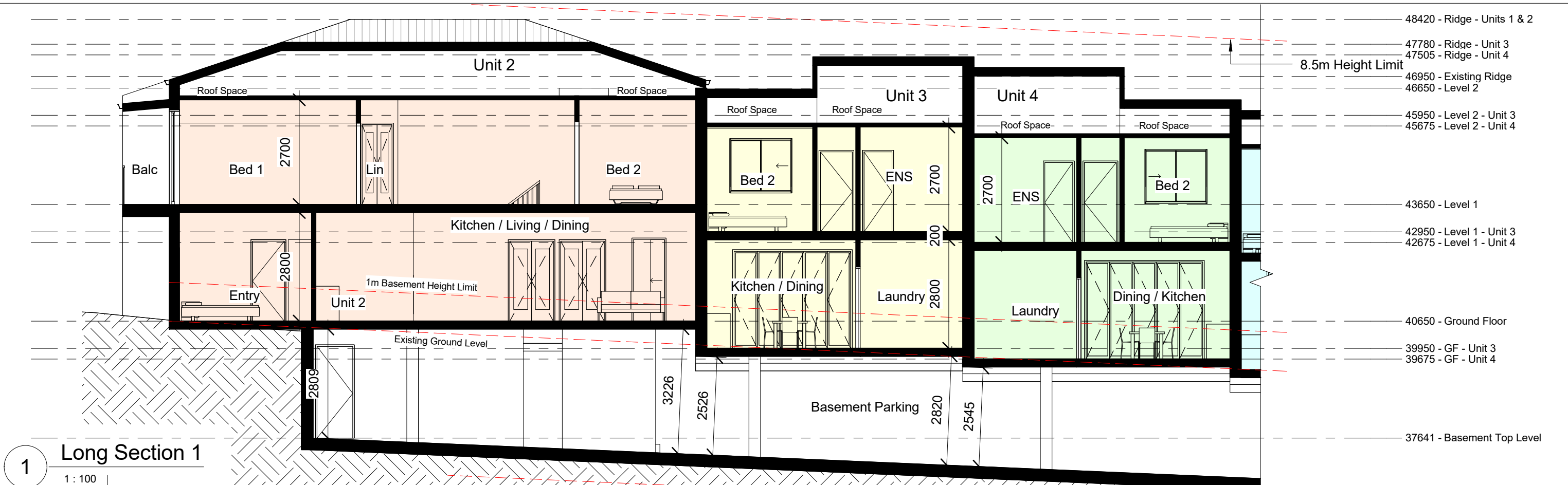
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PROJECT	NEW MULTI DWELLING DEVELOPMENT
ADDRESS	1 CALEDONIAN STREET, BEXLEY
DRAWING	ELEVATIONS - PROPOSED

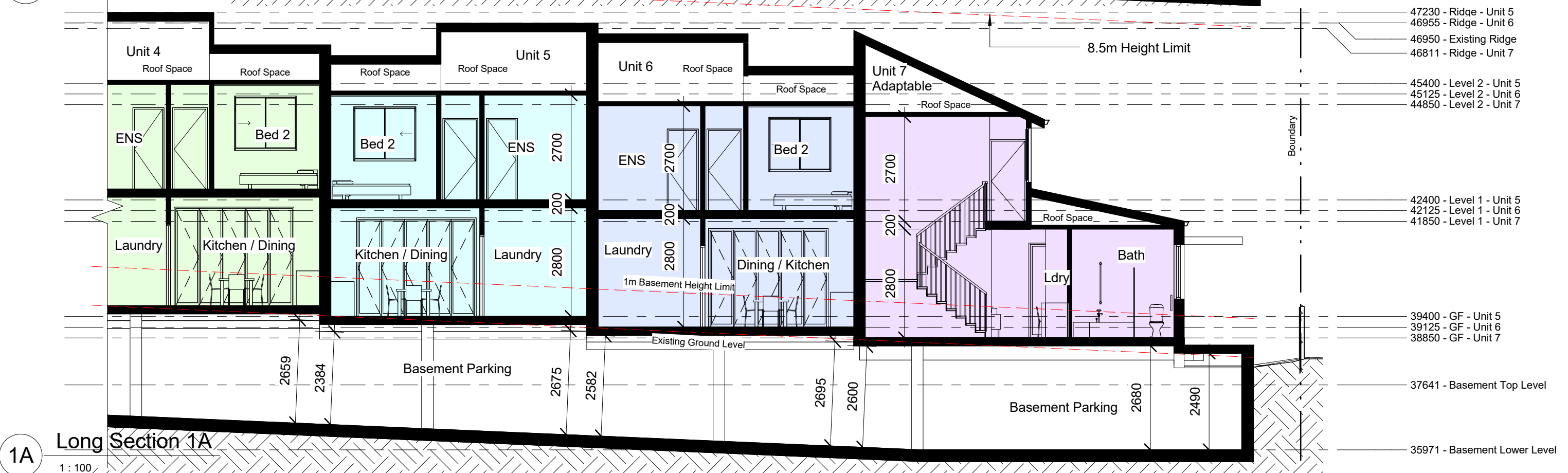
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JOB NO	2509
DRAWING NO	DA22 I



Long Section 1

1 : 100



Long Section 1A

1 : 100

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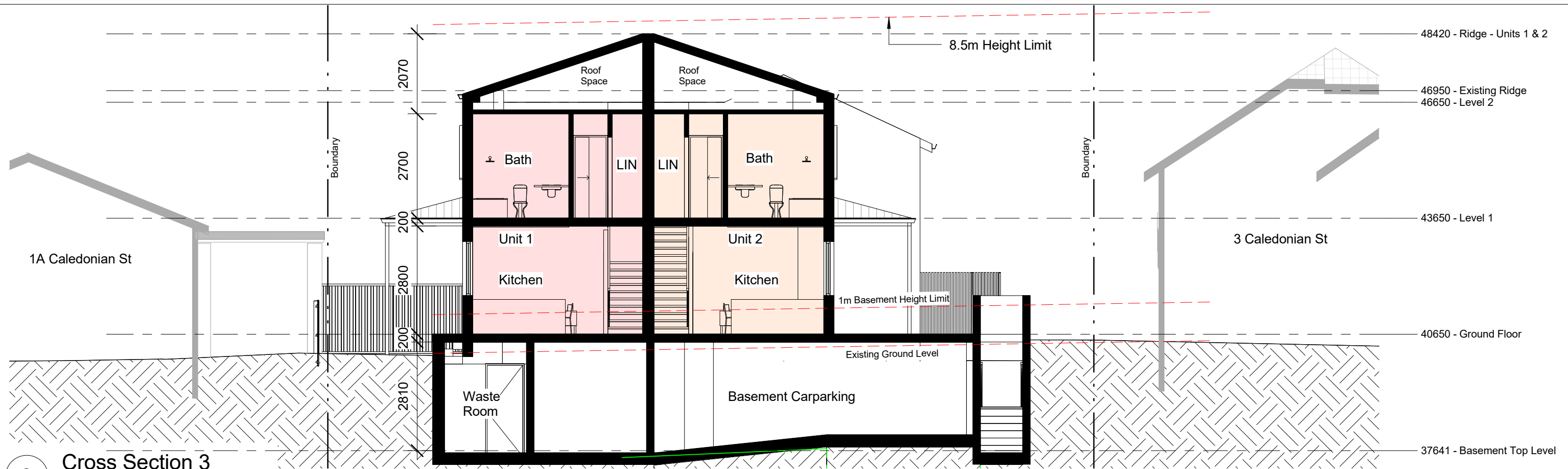
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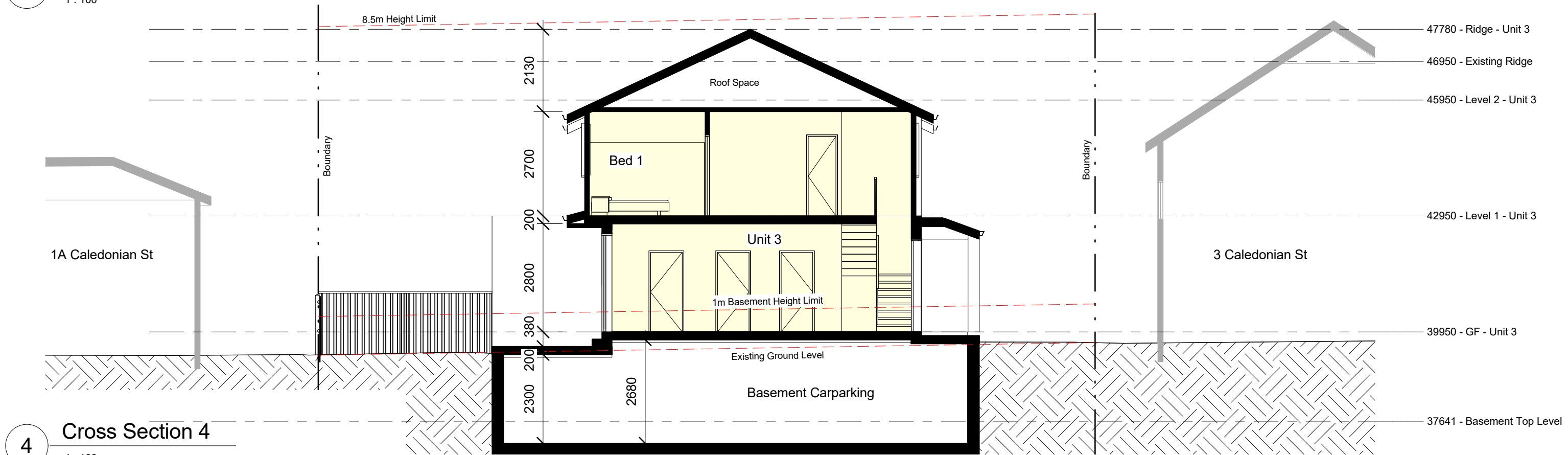
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PROJECT	NEW MULTI DWELLING DEVELOPMENT
ADDRESS	1 CALEDONIAN STREET, BEXLEY
DRAWING	SECTIONS - PROPOSED

Fabricio Siqueira Architect NSW Reg 8308	
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SCALE	1 : 100
JOB NO	2509
DRAWING NO	DA30 I



3 Cross Section 3
1 : 100



4 Cross Section 4
1 : 100

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PROJECTNEW MULTI DWELLING DEVELOPMENT

ADDRESS1 CALEDONIAN STREET, BEXLEY

DRAWINGSECTIONS - PROPOSED

Fabricio Siqueira Architect NSW Reg 8308

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SCALE1 : 100

JOB NO2509

DRAWING NODA32 I

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