

MEETING NOTICE

The **Ordinary Meeting** of
Bayside Council
will be held in the Committee Room of Botany Town Hall,
Corner of Edward Street and Botany Road, Botany
on Wednesday 14 December 2016 at 7.00 pm.

AGENDA

- 1 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**
- 2 OPENING PRAYER**
- 3 APOLOGIES**
- 4 MINUTES OF PREVIOUS MEETINGS**
 - 4.1 Council Meeting – 9 November 2016
- 5 DISCLOSURES OF INTEREST**
- 6 ADMINISTRATOR MINUTES**
 - 6.1 Bayside Council's Stronger Communities Fund
 - 6.2 Student Excellence Award Program
- 7 PUBLIC FORUM**
- 8 OFFICER REPORTS**
 - 8.1 Schedule of Council Meeting Dates and Venues for 2017
 - 8.2 Public Interest Disclosures Policy
 - 8.3 Financial Assistance and Community Grants Policies
 - 8.4 Code of Conduct Complaints
 - 8.5 Annual Reports 2015/16
 - 8.6 Request for Financial Assistance – Coogee Surf Life Saving Club
 - 8.7 Request for Financial Assistance – Mascot Juniors Rugby League
 - 8.8 Request for Financial Assistance – NSW Athletic League
 - 8.9 Botany Bay Gift
 - 8.10 Stronger Councils Framework
 - 8.11 Statutory Financial Report September 2016
 - 8.12 SSROC and Former Councillors
 - 8.13 Tender - 72 Laycock Street, Bexley North – Proposed Lease

9 PLANNING MATTERS

9.1 Independent Hearing and Assessment Panel for Bayside Council

9.2 Representation on Sydney Central Planning Panel

East Bayside Planning Office

9.3 New Alcohol-Free Zone in Mascot

9.4 Refusal of Planning Proposal – 51-53 Rhodes Street, Hillsdale

9.5 DA-13/280/03 - 581-587 Gardeners Road, Mascot: Section 96(1A) Application to Modify Development Consent No. 13/280

9.6 DA-16/123 - 86 Maloney Street, Eastlakes

9.7 DA-15/223 - 162 King Street, Mascot - Section 82A application

9.8 DA-15/166 - 9 Sparks Street, Mascot

9.9 DA-16/63 - 64 Wellington Street, Mascot

9.10 DA-10/486/02 - 16-24 Beauchamp Road, Hillsdale - Voluntary Planning Agreement

West Bayside Planning Office

9.11 DA-2016/205 - 78-80 Ramsgate Road, Ramsgate - Mixed Use Development

9.12 DA-2017/30 – 4 Primrose Avenue, Sandringham

9.13 Planning Proposal - Kingsland Road South, Bexley

9.14 Heritage Conservation Areas Discussion Paper - Report on Community Feedback

10 MINUTES OF COMMITTEES

10.1 Botany Historical Trust Committee – 7 November 2016

10.2 Bayside Traffic Committee – 7 December 2016

10.3 Local Representation Committee – 7 December 2016

11 CONFIDENTIAL ITEMS

11.1 Closed Session of Council

11.2 CONFIDENTIAL – Extension of Waste Collection Contract

11.3 CONFIDENTIAL – Tender – COBB 1610 - King Street, Mascot Car Park Development

11.4 CONFIDENTIAL – Tender – COBB 1620 Mascot Oval Car Park Development

11.5 CONFIDENTIAL - Court of Appeal Proceedings - Council and V-Corp (Builder), Council and Aramini (Private Certifier)

11.6 CONFIDENTIAL – Legal Proceedings - Rating Categorisation

11.7 Resumption of Open Session of Council

Meredith Wallace
General Manager

Council Meeting

14/12/2016

Item No	4.1
Subject	Minutes of Council Meeting – 9 November 2016
Report by	Evan Hutchings, Acting Manager Governance Liz Rog, Acting Manager Governance
File	(R) SF16/1004

Council Resolution

Resolved by the Administrator at the meeting of 14 December 2016

That the Minutes of the Council Meeting held on 9 November 2016 be confirmed as a true record of proceedings.

Officer Recommendation

That the Minutes of the Council Meeting held on 9 November 2016 be confirmed as a true record of proceedings.

Present

Greg Wright, Administrator

Also Present

Meredith Wallace, General Manager
Stuart Dutton, Director City Infrastructure
Karin Hartog, Director City Operations
Evan Hutchings, Acting Director Corporate & Community
Fausto Sut, Acting Director Corporate & Community
Michael McCabe, Acting Director City Planning & Development
Heather Warton, Director City Planning & Environment
Luis Melim, Manager Development Services
Erika Roka, Manager Place Outcomes
Liz Rog, Acting Manager Governance
Vince Carrabs, Coordinator City Media & Events
Shayaz Hussain, IT Support Officer
Anne Suann, Executive Services Support Officer
Lauren Thomas, Governance Officer

The Administrator opened the meeting in the Rockdale Town Hall at 7.00 pm.

1 Acknowledgement of Traditional Owners

The Administrator acknowledged the traditional custodians of the land, the Gadigal and Bidjigal clans.

2 Opening Prayer

Pastor Andrew Harper of Bay City Church Rockdale led the meeting in prayer.

At this stage, the Administrator noted that with Remembrance Day approaching we remember those men and women who have served their countries in times of war.

3 Apologies

There were no apologies received.

4 Minutes of Previous Meetings

4.1 Council Meeting – 12 October 2016

Minute 2016/044

Resolved by the Administrator at the meeting of 9 November 2016

That the Minutes of the Council Meeting held on 12 October 2016 be confirmed as a true record of proceedings.

5 Disclosures of Interest

There were no disclosures of interest.

6 Administrator Minutes

6.1 Administrator Minute – Vale Bill Batley

Minute 2016/045

Resolved by the Administrator

That the Minute be received and noted.

At this stage, the Administrator advised that the meeting is being audio recorded for accurate and appropriate record keeping purposes.

6.2 Administrator Minute – Update Botany Historical Trust and Other Advisory Committees

Minute 2016/046

Resolved by the Administrator

That the Minute be received and noted.

7 Public Forum

The Administrator invited the following public speakers to address the Council:

- 1 Mr Glen Mackenzie speaking against the Officer Recommendation (Item 9.2) - Development Application 2016/105 - 153 Bay Street Botany - Subdivision and Semi-Detached Dwellings.
- 2 Mr Paul Vergotis speaking for the Officer Recommendation (Item 9.2) - Development Application 2016/105 - 153 Bay Street Botany - Subdivision and Semi-Detached Dwellings.
- 3 Mr Thomas Mithen, on behalf of Nadir Ahmadi, speaking for the Officer Recommendation (Item 9.3) - Development Application 15/231 - 16A Vernon Avenue Eastlakes - s.82A Review of Determination for Construction of Secondary Dwelling
- 4 Ms Michaela Stevens, on behalf of Mick Petkoski, speaking against the Officer Recommendation (Item 9.6) - Development Application 16/1394 - 56 Terry Street, Arncliffe
- 5 Mr John Spiliopoulos speaking for the Officer Recommendation (Item 9.7) - Development Application 2016/164 – 1 Duke Street, Brighton Le Sands.
Mr Spiliopoulos advised he no longer required the opportunity to speak.
- 6 Mr Dani Carr speaking for the Officer Recommendation (Item 9.9) Development - Application 16/119 - 1/20-22 Princes Highway Wolli Creek.
Mr Carr advised he no longer required the opportunity to speak.

At this stage, the Administrator dealt with the items that had been addressed during the Public Forum prior to considering all other reports.

8 Reports

8.1 Appointment of External Auditor – Former Rockdale

Minute 2016/047

Resolved by the Administrator

- 1 That the report be received and noted.
- 2 That Council engage PricewaterhouseCoopers to undertake the audit of the 2015-16 financial reports of the former Rockdale City Council.

8.2 Privacy Management Plan

Minute 2016/048

Resolved by the Administrator

That Council adopt Bayside Council Privacy Management Plan attached to the report.

8.3 Botany Bay Health Centre – Arthur Park, Botany

Minute 2016/049

Resolved by the Administrator

- 1 That Council enter into a Temporary Licence Agreement with the Sydney Children's Hospital to use the Botany Bay Health Centre as a Baby Health Centre.
- 2 That the Temporary Licence Agreement be subject to public notification and submission.
- 3 That the General Manager be authorised to execute the Temporary Licence Agreement.

8.4 Australia Day Sporting Grants

Minute 2016/050

Resolved by the Administrator

- 1 That the commitment of the former Rockdale City Council proceed with the Australia Day grants of \$500 being awarded to Bexley Golf Club and Moorefield Bowls Club for 2017.
- 2 That the harmonisation of Bayside Council's grant programs include incorporation of Australia Day funding applications into the organisation wide community grants program for future years.

9 Planning Reports

9.1 Planning Proposal – 177 Russell Avenue, Dolls Point

Minute 2016/051

Resolved by the Administrator

- 1 That Council supports the proposed change in the maximum Height of Building on the site from 14.5m to 17.75m, and maximum FSR on the site from 1:1 to 1.65:1.
- 2 That Council does not support the amendment to clause 1.8A of the Rockdale LEP 2011 in accordance with the assessment provided in the report.
- 3 That the Planning Proposal be amended in accordance with the report prior to submission to the Department of Planning and Environment for Gateway determination.
- 4 That Council continues to pursue negotiations with the proponent to develop a Voluntary Planning Agreement.

- 5 That the amended Planning Proposal and supporting documents be submitted to the Department of Planning and Environment for Gateway determination.
- 6 That Council publicly exhibits the Planning Proposal and Voluntary Planning Agreement concurrently, in accordance with the Department Planning and Environment's Gateway determination.

East Bayside Planning Office

9.2 DA 16/105 - 153 Bay Street, Botany

Minute 2016/052

Resolved by the Administrator

That Council APPROVE Development Application No. 16/105 for the demolition of the existing dwelling, construction of 2 x two storey semi-detached dwellings and subdivision of the allotment of land into two lots at 153 Bay Street, Botany, subject to conditions in the Schedule attached to the report.

9.3 DA-2015/231 - 16A Vernon Avenue, Eastlakes

Minute 2016/053

Resolved by the Administrator

That the determination of Development Application DA-2015/231 for the construction of a secondary dwelling attached to the northern side of the existing dwelling at 16A Vernon Avenue, Eastlakes, be reviewed pursuant to section 82A of the Environmental Planning & Assessment Act 1979 and that the determination be changed from refusal to APPROVAL, subject to the conditions of consent in the Schedule attached to the report.

9.4 DA-2016/081 - 25 Hicks Avenue, Mascot

Minute 2016/054

Resolved by the Administrator

- 1 That Council is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3) of Botany Bay Local Environmental Plan 2013 and that the proposed development is in the public interest because it is consistent with the objectives of the height of building standard and the objectives for the R2 Low Density Residential zone.
- 2 That the development application DA-2016/081 for the construction of a two (2) storey dwelling at 25 Hicks Avenue, Mascot be APPROVED pursuant to Section 80(1)(a) of the Environmental Planning and Assessment Act 1979 and subject to the conditions of consent attached to the report.
- 3 That the NSW Department of Planning and Environment be advised of Council's decision.

West Bayside Planning Office

9.5 DA-2016/388 - 44 Wilson Street, Kogarah

Minute 2016/055

Resolved by the Administrator

- 1 That Council support the variation to the floor space ratio (FSR) control as contained in Clause 4.4(2) - Floor Space Ratio of Rockdale Local Environmental Plan (LEP) 2011, in accordance with the request under Clause 4.6 of Rockdale LEP 2011 submitted by the applicant.
- 2 That Development Application DA-2016/388 for the construction of a two (2) storey residential dwelling house at 44 Wilson Street Kogarah NSW be APPROVED pursuant to Section 80(1)(a) of the Environmental Planning and Assessment Act 1979 and subject to the conditions of consent attached to the report.
- 3 That the NSW Department of Planning and Environment be advised of Council's decision.

9.6 DA-2016/394 - 56 Terry Street, Arncliffe

Minute 2016/056

Resolved by the Administrator

- 1 That the development application DA-2016/394 for the construction of a multi dwelling housing development containing five (5) dwellings with basement parking, strata subdivision and demolition of existing structures at 56 Terry Street, Arncliffe, be APPROVED pursuant to Section 80(1)(a) of the Environmental Planning and Assessment Act 1979 and subject to the conditions of consent attached to the report.
- 2 That the objectors be advised of Council's decision.

9.7 DA-2016/164 - 1 Duke Street, Brighton Le Sands

Minute 2016/057

Resolved by the Administrator

- 1 That the development application DA-2016/164 for alterations to mixed use building including modifications to ground floor boarding house to provide three (3) additional boarding rooms (11 in total) and alterations to first floor dwelling/boarding house manager residence to provide a third level at 1 Duke Street Brighton Le Sands be APPROVED pursuant to Section 80(1)(a) of the Environmental Planning and Assessment Act 1979 and subject to the conditions of consent attached to the report, which preclude the use of the unauthorised boarding rooms from the consent.
- 2 That the objectors be advised of Council's decision.

9.8 DA-2015/427 - 4 Warialda Street, Kogarah

Minute 2016/058

Resolved by the Administrator

- 1 That Council support the variation to the floor space ratio (FSR) development standard as contained in Clause 4.4 - FSR of Rockdale Local Environmental Plan (LEP) 2011, in accordance with the request under clause 4.6 of Rockdale LEP 2011 submitted by the applicant.
- 2 That DEFERRED COMMENCEMENT consent be granted to this Development Application pursuant to Section 80(1)(3) of the Environmental Planning and Assessment Act 1979, and subject to the conditions of consent attached to the report.

This consent shall not operate until the applicant submits the following detailed documentation and receives approval from Council for the following:

- a) Detailed plans and sections illustrating that a 2.9m floor to floor height is capable of incorporating a minimum 2.7m floor to ceiling height, including bulkheads, acoustic treatments and the like to be incorporated into the development. The overall height of the building shall not exceed 14.5m.
- 3 That the NSW Department of Planning and Environment be advised of Council's decision.
- 4 That the objectors be advised of Council's decision.

9.9 DA-2016/119 - 1/20-22 Princes Highway Wolli Creek

Minute 2016/059

Resolved by the Administrator

- 1 That DEFERRED COMMENCEMENT consent be granted to this Development Application pursuant to Section 80(1)(3) of the Environmental Planning and Assessment Act 1979, and subject to the conditions of consent attached to the report.

This consent shall not to operate until the applicant submits the following detailed documentation and receives approval from Council for the following:

- a) Land Owners Consent. The submission of documentary evidence from the Owners Corporation SP83578 that vehicular and lift/pedestrian access to all car parking areas depicted on the revised Site Plan and Upper Basement Plan to be submitted to Council is permitted 24 hours a day, 7 days per week for both staff and members of the Anytime Fitness gymnasium.
- b) A revised Acoustic Report prepared by a suitably qualified person is to be submitted to Council addressing the following matters:

- i. Detailing that the noise and vibration will be inaudible in all the above residential apartments for all Day, Evening and Night periods.
- ii. Testing is to be carried out within all units positioned directly above the gymnasium.
- iii. Data is to be provided of a similar gym scenario which has been in operation 24/7 (with residential apartments directly above gym).
- iv. Details of any stereo/background music and any group classes are to be provided.
- v. A Plan of Management, incorporating misuse of equipment e.g. such as slapping of weights or quick release weights by customers.
- vi. Testing is to be undertaken of gym equipment associated with the use.eg – leg press, cable cross, pin loaded chest press, and shoulder press.
- vii. Detail is to be provided of any pin loaded equipment or gym equipment with extra mechanisms to allow a slow release of weights. Or the provision of any further protective rubber/plastic coated weights coverings for all weight equipment.

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

9.10 DA-2017/156 - Request for Development Application Fees for DA-2017/156 to be waived

Minute 2016/060

Resolved by the Administrator

- 1 That Council approves the request to waive \$1,636.80 in Development Application fees associated with DA-2017/156 for the installation of seven (7) x 15 metre high light poles at Gardiner Park, 15A Wolli Creek Road, Banksia.
- 2 That the \$1,636.80 Development Application fees be funded from Council's Donations Program.

10 Minutes of Committees

10.1 Bayside Traffic Committee – 2 November 2016

Minute 2016/061

Resolved by the Administrator at the meeting of 9 November 2016

That the Minutes of the Bayside Traffic Committee meeting held on 2 November 2016 be received and the recommendations therein be adopted.

10.2 Local Representation Committee – 2 November 2016

Minute 2016/062

Resolved by the Administrator at the meeting of 9 November 2016

That the minutes of the Local Representation Committee meeting held on 2 November 2016 be received.

11 Confidential Items

11.1 Closed Council Meeting

In accordance with Section 10A(1) of the Local Government Act 1993, the Administrator invited members of the public to make representations as to whether this part of the meeting should be closed to the public.

There were no representations.

Minute 2016/063

Resolved by the Administrator

- 1 That, in accordance with section 10A (1) of the Local Government Act 1993, the Council considers the following items in closed Council Meeting, from which the press and public are excluded, for the reasons indicated:

11.2 CONFIDENTIAL – Court of Appeal Proceedings - Council and V-Corp (Builder), Council and Aramini (Private Certifier)

In accordance with Section 10A (2) (g) of the Local Government Act 1993, by reasons of advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

On balance, the public interest in preserving the confidentiality of the information, on the grounds of legal professional privilege, outweighs the public interest in considering this matter in open session of Council.

11.3 CONFIDENTIAL – Proceedings Brought Against the Council by Savvas

In accordance with Section 10A (2) (g) of the Local Government Act 1993, by reasons of advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

On balance, the public interest in preserving the confidentiality of the information, on the grounds of legal professional privilege, outweighs the public interest in considering this matter in open session of Council.

11.4 CONFIDENTIAL – Supply and Delivery of Industrial Footwear

In accordance with Section 10A (2) (d) of the Local Government Act 1993, by reasons of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

It is considered that if the matter were discussed in an open Council Meeting it would, on balance, be contrary to the public interest due to the fact that tenderers provide information about their pricing arrangements and operations in the confidence that they will not be made public.

- 2 That, in accordance with section 11 (2) and (3) of the Local Government Act 1993, the reports, correspondence and other documentation relating to these items be withheld from the press and public.

The meeting was closed to the press and public at 7.36 pm.

11.2 CONFIDENTIAL - Court of Appeal Proceedings – Council and V-Corp (Builder), Council and Armani (Private Certifier)

Minute 2016/064

Resolved by the Administrator

That this item be deferred pending mediation and determination of the legal matter.

11.3 CONFIDENTIAL - Proceedings Brought Against the Council by Savvas

Minute 2016/065

Resolved by the Administrator

- 1 That the General Manager be authorised to settle the legal proceedings before the matter proceeds to a hearing in the Supreme Court and for this purpose, the Council agree to re-align the culvert through 276 King Street, Mascot, the disposal of the land area of the closed road section of Hatfield Street to the registered proprietors of 276 King Street, Mascot, subject to the closed road part being vested in the Council and undertakings to secure an easement for stormwater drainage.
- 2 That the General Manager be authorised to act pursuant to Section 34 of the Roads Act 1993 and institute procedures to close those parts of the redundant road reserve of Hatfield Street, Mascot that have not been officially closed including that section of Hatfield Street to the immediate rear of the land owned by the registered proprietors of 276 King Street, Mascot.
- 3 That where, apart from the Plaintiffs land an adjoining landowner expresses an interest to acquire those parts of the Hatfield Street (as closed) for incorporation into their existing landholdings, then the General Manager be authorised to dispose of the road reserve at market value and effect the land transfer process at the proponent's expense.

11.4 CONFIDENTIAL - Supply and Delivery of Industrial Footwear

Minute 2016/066

Resolved by the Administrator

That, in accordance with Regulation 178(1)a of the Local Government (General) Regulations 2005, Council accepts the Tender from J. Blackwood & Sons Pty Ltd for supply and delivery of industrial footwear for the entire Bayside Council region.

11.5 Resumption of Open Council Meeting

Minute 2016/067

Resolved by the Administrator

That, the closed part of the meeting having concluded, the open Council Meeting resume and it be open to the press and public.

The open Council Meeting resumed at 7.39 pm.

The Administrator made public the resolutions that were made during the closed part of the meeting.

The Administrator closed the meeting at 7.40 pm.

Greg Wright
Administrator

Meredith Wallace
General Manager

Council Meeting

14/12/2016

Item No	6.1
Subject	Administrator Minute – Bayside Council's Stronger Communities Fund
File	(R) F16/140437

Council Resolution

Minute 2016/069

Resolved by the Administrator

That the Minute be received and noted.

Administrator Minute

Bayside Council has been allocated a total of \$10 million by the State Government for its Stronger Communities Fund, which includes \$1 million for community grants. The remaining \$9 million will be invested by Council in larger infrastructure projects. Council is now working to identify these priority projects and will be seeking community feedback to inform the priority listing.

Local not-for-profit groups will also be able to apply for grants of up to \$50,000 as part of Bayside Council's Stronger Communities Fund. A total of \$1 million is being made available as part of the program, which was endorsed at the November Council meeting. This is a great opportunity for community groups to benefit from a large pool of funding for projects that will help to build more vibrant, sustainable and inclusive local communities.

The NSW Government established the fund as part of the Local Government amalgamations process, with the intention of kick-starting projects that will deliver a positive community benefit. The funds are in addition to the former Councils' existing successful community grants programs that delivered approximately \$180,000 in 2015/2016 to a variety of local community groups.

Applications for the Stronger Communities Fund must deliver social, cultural, economic or environmental benefits to local communities and address an identified community priority.

The NSW Government has outlined its expectations for high governance standards in the project identification and decision making processes, which includes the appointment of a Stronger Communities Fund Assessment Panel, comprising the local members of parliament and includes an independent probity advisor.

Applications for Stronger Communities Fund grants will be accepted from early December 2016 with funding decisions to be finalised in March 2017. Council hosted information workshops to assist applicants complete their submissions on 8 and 9 December 2016; with a further two workshop dates planned for 31 January and 2 February 2017.

Registration details about the application process and the dates of information workshops is available at www.bayside.nsw.gov.au/haveyoursay.

Greg Wright
Administrator

Motion

That this Minute be received and noted.

Attachments

Nil

Council Meeting

14/12/2016

Item No 6.2

Subject **Administrator Minute – Student Excellence Award Program**

File (R) F16/140439

Council Resolution

Minute 2016/070

Resolved by the Administrator

That the Minute be received and noted.

Administrator Minute

Since 2001, the previous Rockdale City Council offered a Student Excellence Award program to schools within its local government area and I am pleased to advise this gesture will continue to be extended to all schools in Bayside Council.

The program will now offer \$200 to each school to reward and encourage a deserving student or students who have made a significant and positive contribution to the school community. The school will have discretion for selecting the student or students to be the recipients for 2016. The \$200 can be divided amongst several students and turned into an appropriate prize or gift card for educational purposes.

In addition, schools in the former City of Botany Bay Council area have also been provided with a copy of the recently published "Postings from the Front." This publication is a tribute to all Australians, particularly those from the local area who served their country at home and abroad in World War 1. The publication was federally funded through a Commonwealth grant, "Postings from the Front" and is a joint initiative of the former Council and the Botany Historical Trust.

The General Manager and I look forward to continuing to grow strong relationships with all schools in the Bayside Local Government Area. Where possible, it is our intention to attend the school awards presentation ceremonies, schedules permitting.

Greg Wright
Administrator

Motion

That this Minute be received and noted.

Attachments

Nil

Council Meeting

14/12/2016

Item No	8.1
Subject	Schedule of Council Meeting Dates and Venues for 2017
Report by	Liz Rog – Acting Manager Governance
File	(R)16/140448

Council Resolution

Minute 2016/071

Resolved by the Administrator

- 1 That Bayside Council Meetings for 2017 be held on the second Wednesday of each month, commencing from 8 February 2017 and ending on 9 August 2017.
 - 2 That the first meeting for 2017, being the 8 February, be held at Rockdale Town Hall, with Council meetings alternating between Rockdale Town Hall and Botany Town Hall.
-

Summary

To adopt the 2017 Schedule of Council Meetings for Bayside Council.

Officer Recommendation

That the schedule of Council Meetings for Bayside Council 2017, as listed in the report, be adopted.

Background

In accordance with the Code of Meeting Practice, Ordinary Meetings are scheduled to be held on the second Wednesday of each month, commencing at 7.00pm. The proposed dates for the 2017 Schedule of Council Meetings for Bayside Council are included below.

The venue for the Council meetings will be rotated between the Rockdale and Botany Town Hall, with the first Ordinary Meeting being held at Botany.

The proposed dates for the 2017 Bayside Council Meeting schedule are as follows:

- 8 February 2017
- 8 March 2017
- 12 April 2017
- 10 May 2017
- 14 June 2017

- 12 July 2017
 - 9 August 2017
 - 13 September 2017
 - 11 October 2017
 - 8 November 2017
 - 13 December 2017
-

Financial Implications

Not applicable

Community Engagement

Not applicable

Attachments

Nil

Council Meeting

14/12/2016

Item No	8.2
Subject	Public Interest Disclosures Policy
Report by	Liz Rog, Acting Manager Governance
File	(R) F11/316

Summary

This report proposes a new Public Interest Disclosures Policy that is based on the Ombudsman's Model and embraces the former City of Botany Bay Council's distributed approach across the organisation in relation to a number of Council officers at various work-based locations, who can receive a disclosure report.

Council Resolution

Minute 2016/072

Resolved by the Administrator

- 1 That the attached draft Public Interest Disclosures Policy be adopted.
 - 2 That, in accordance with the policy, the General Manager nominates the Disclosure Officers in line with the Ombudsman's recommendation.
-

Officer Recommendation

- 1 That the attached draft Public Interest Disclosures Policy be adopted.
 - 2 That, in accordance with the policy, the General Manager nominates the Disclosure Officers in line with the Ombudsman's recommendation.
-

Background

The proclamation that amalgamated the local government areas of the City of Rockdale and the City of Botany Bay to form the new area of Bayside Council stated:

22 (1) The codes, plans, strategies and policies of the new council are to be, as far as practicable, a composite of the corresponding codes, plans, strategies and policies of each of the former councils.

22 (2) This clause ceases to have effect in relation to a code, plan, strategy or policy when the new council adopts a code, plan, strategy or policy that replaces that code, plan, strategy or policy.

To give effect to the establishment of a new suite of policies across Bayside Council, a policy harmonisation project is underway. In due course, new policies will be brought to Council with a view to their being adopted.

However, given that the current transition phase is partly a time of 'discovery', it is desirable that the Public Interest Disclosures Policy be brought forward now. Whereas the policies of the two former councils covered the core issues of the Ombudsman's Model Internal Policy, there was a different approach to the breadth of disclosure officers:

- Rockdale had smaller group: General Manager; Disclosures Coordinator (Public Officer); Mayor (in the case of report against the General Manager).
- Botany had more of a decentralised approach: General Manager; Directors; identified Managers; identified Coordinators and Supervisors of City Services; Mayor (in the case of report against the General Manager).

In its Model Internal Reporting Policy, the Ombudsman recommends "council nominates more than one person in this role. Councils should ensure they nominate a sufficient number of disclosure officers so they are easily accessible to staff, taking into account the council's size, geographic locations, etc. Staff selected to be nominated officers should also be at an appropriate level so as to be approachable by all staff".

Given the Ombudsman's recommendation, it is proposed that Bayside Council follows the former Botany approach with a more distributed group of disclosure officers comprising:

- General Manager;
- Disclosures Coordinator;
- Others nominated by the General Manager (in line with the Ombudsman's recommendation)
- Mayor (in case of report against the General Manager).

It is noted, that if the policy is adopted:

- the Disclosures Officer be the Public Officer
- training will be arranged for the disclosure officers as soon as is practicable
- it will add to the three governance policies adopted at the inaugural meeting of Bayside Council.

Financial Implications

Included in existing approved budget

Community Engagement

Not required

Attachments

Public Interest Disclosures Policy (R) 16/128902

Public Interest Disclosures Policy

Draft 8 November 2016



© Bayside Council

Public Interest Disclosures Policy
File: F11/316 Document: 16/128902
Adopted:
Class of document: Council Policy

Enquiries: Manager Governance



Telephone Interpreter Services - 131 450 Τηλεφωνικές Υπηρεσίες Διερμηνέων بخدمة الترجمة الهاتفية 電話傳譯服務處 Служба за преведување по телефон

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Foreword

Bayside Council is committed to high standards of ethical and accountable conduct. Council encourages staff, Councillors and contractors to come forward and report wrongdoing. Those who report wrongdoing are helping to promote integrity, accountability and good management within our Council.

Council will strongly support and protect those who report wrongdoing.

This public interest disclosures policy is the culmination of best practice guidance documentation by the NSW Ombudsman.

Categories of reportable wrong doing include: corrupt conduct, maladministration, serious and substantial waste of local government money, government information contravention, local government pecuniary interest contravention or other wrong doing such as discrimination.

Reports of wrong-doing can be made to the General Manager, the Disclosures Coordinator, other Disclosure Officers or the Administrator¹. Some reports can also be made to investigative authorities such as the ICAC, NSW Ombudsman or the Office of Local Government.

There are penalties for taking reprisal action against a person that has made a disclosure. Any person taking reprisal action may face disciplinary action, a fine or imprisonment.

We encourage anyone having any evidence of wrongdoing at Council to report it.

¹ Mayor following local government elections in September 2017

1 Introduction

1.1 Policy Statement

Bayside Council is committed to protecting staff who report wrongdoing in the work place.

Some reports of wrongdoing may be classified as “public interest disclosures” under the *Public Interest Disclosures Act 1994* (PID Act). This policy specifically addresses those types of reports and is supported by procedures based on guidelines issued by the NSW Ombudsman.

Other reports of wrongdoing may not meet the definition of “public interest disclosures”, however Council supports and encourages such reports as we do not condone or tolerate wrongdoing in the workplace.

In addition to this policy, staff should refer to the Code of Conduct which sets out the standards of conduct and behaviour we expect of all of our staff.

1.2 Definitions

The definitions of certain terms are:

PID

Public Interest Disclosures

GIPA

Government Information (Public Access)

2 Organisational Commitment

Bayside Council will:

- keep the identity of the reporting staff member confidential, wherever possible and appropriate
- protect staff who make disclosures from any adverse action motivated by their report
- deal with reports thoroughly and impartially and, if some form of wrongdoing has been found, take appropriate action to rectify it
- keep staff who make reports informed of their progress and the outcome
- respect any decision to disclose wrongdoing outside the organisation – if that outside disclosure is made in accordance with the PID Act
- ensure Council managers and supervisors understand the benefits of reporting wrongdoing, are familiar with this policy, and are aware of the needs of those who report wrongdoing.

Bayside Council will also provide adequate resources to:

- encourage reports of wrongdoing
- protect and support those who make them
- provide training for key personnel
- investigate allegations
- properly manage any workplace issues that the allegations identify or create
- remedy any wrongdoing that is found
- re-assess / review the policy at least every two years to ensure it is still relevant and effective.

3 Scope of Policy

This policy applies to all people who perform public official functions including:

- Council staff and Councillors
- permanent employees, whether full-time or part-time
- temporary or casual employees
- consultants
- volunteers
- individual contractors working for Council.

In this policy the term “staff” means all persons who perform public official functions including those persons listed above unless the context in which the term staff appears makes it clear that it applies only to Council employees.

Staff should be aware there are various Council policies in addition to this one, which apply to wrongdoing. Each staff member should make themselves familiar with these policies, to follow the correct procedure in dealing with such conduct.

These additional policies include the Code of Conduct and Workplace Bullying and Harassment Policy.

If you become aware of a colleague who has made a disclosure, we encourage you to support that person and protect their confidentiality.

Bayside Council will not tolerate staff victimising or harassing a person who has made a disclosure.

4 What Should be Reported?

You should report any wrongdoing you see within Bayside Council. Reports about the four categories of serious wrongdoing – corrupt conduct, maladministration, serious and substantial waste of public money, and government information contravention – will be dealt with under the PID Act as public interest disclosures and in accordance with this policy.

Other wrongdoing or misconduct will be dealt with according to the relevant legislation, the Code of Conduct or policy referred to below.

4.1 Corrupt Conduct

Corrupt conduct is the dishonest or partial exercise of official functions by a public official. For example, this could include:

- the improper use of knowledge, power or position for personal gain or the advantage of others
- acting dishonestly or unfairly, or breaching public trust
- a member of the public influencing, or trying to influence, a public official to use their position in a way that is dishonest, biased or breaches public trust.

For more information about corrupt conduct, see the NSW Ombudsman's guideline on what can be reported.

4.2 Maladministration

Maladministration is conduct that involves action or inaction of a serious nature that is contrary to law, unreasonable, unjust, oppressive or improperly discriminatory or based wholly or partly on improper motives. For example, this could include:

- making a decision and/or taking action that is unlawful
- refusing to grant someone a licence for reasons that are not related to the merits of their application.

For more information about maladministration, see the NSW Ombudsman's guideline on what can be reported.

4.3 Serious and Substantial Waste in Local Government

Serious and substantial waste is the uneconomical, inefficient or ineffective use of resources that could result in the loss or wastage of local government money. This includes all revenue, loans and other money collected, received or held by, for or on account of, the Council. For example, this could include:

- poor project management practices leading to projects running over time
- having poor or no processes in place for a system involving large amounts of public funds.

For more information about serious and substantial waste, see the NSW Ombudsman's guideline on what can be reported.

4.4 Government Information Contravention

A government information contravention is a failure to properly fulfil functions under the *Government Information (Public Access) Act 2009* (GIPA Act).

For example, this could include:

- destroying, concealing or altering records to prevent them from being released
- knowingly making decisions that are contrary to the legislation
- directing another person to make a decision that is contrary to the legislation.

For more information about government information contravention, see the NSW Ombudsman's guideline on what can be reported.

4.5 Local Government Pecuniary Interest Contravention

A local government pecuniary interest contravention is a failure to fulfil certain functions under the Local Government Act 1993 relating to the management of pecuniary interests. Generally, there are obligations to lodge disclosure of interest returns, lodge written declarations and disclose pecuniary interests at council and council committee meetings. A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. For example, this could include:

- a senior council staff member recommending a family member for a council contract and not declaring the relationship
- a general manager holding an undisclosed shareholding in a company competing for a council contract

For more information about local government pecuniary interest contravention, see the NSW Ombudsman's guideline on what can be reported.

4.6 Other Wrongdoing

Although reports about the previous four categories of conduct can attract the specific protections of the PID Act, you should report all activities or incidents that you believe are wrong. For example, these could include:

- harassment or unlawful discrimination
- reprisal action against a person who has reported wrongdoing practices that endanger the health or safety of staff or the public.

These types of issues should be reported to a supervisor, in line with Council policies.

Even if these reports are not dealt with as public interest disclosures, Council will consider each matter and make every attempt to protect the staff member making the report from any form of reprisal.

5 When Will a Report be Protected?

Bayside Council will support any staff who reports wrongdoing. For a report to be considered a public interest disclosure, it has to meet all of the requirements under the PID Act. These requirements are:

- the person making the disclosure must honestly believe on reasonable grounds that the information shows, or tends to show, wrongdoing; and
- the report has to be made to one or more of the following:
 - a position nominated in this policy (refer Section 9 below)

- the General Manager; or
- one of the investigating authorities nominated in the PID Act (refer Section 10 below).

Reports by staff and councillors will not be considered to be public interest disclosures if they:

- mostly question the merits of government policy, including the policy of the governing body of the Council
- are made with the sole or substantial motive of avoiding dismissal or other disciplinary action.

6 How to Make a Report

You can report wrongdoing in writing or verbally. You are encouraged to make a report in writing as this can help to avoid any confusion or misinterpretation.

If a report is made verbally, the person receiving the report must make a comprehensive record of the disclosure and ask the person making the disclosure to sign this record. The staff member should keep a copy of this record.

If you are concerned about being seen making a report, ask to meet in a discreet location away from the workplace.

7 Can a Report be Anonymous?

There will be some situations where you may not want to identify yourself when you make a report. Although these reports will still be dealt with by Council, it is best if you identify yourself. This allows us to provide you with any necessary protection and support, as well as feedback about the outcome of any investigation into the allegations.

It is important to realise that an anonymous disclosure may not prevent you from being identified. If we do not know who made the report, it is very difficult for us to prevent any reprisal action.

8 Maintaining Confidentiality

Bayside Council realises many staff will want their report to remain confidential. This can help to prevent any action being taken against you for reporting wrongdoing.

We are committed to keeping your identity, and the fact you have reported wrongdoing, confidential. However there may be situations where this may not be possible or appropriate. We will discuss with you whether it is possible to keep your report confidential.

If confidentiality cannot be maintained, we will develop a plan to support and protect you from risks of reprisal. You will be involved in developing this plan. You will also be told if your report will be dealt with under Council's Code of Conduct, as this may mean certain information will have to be tabled at a Council meeting.

If you report wrongdoing, you should only discuss your report with those dealing with it. This will include the Disclosures Coordinator, the General Manager and the Administrator (or Mayor after local government elections in September 2017).

If you discuss your report more broadly, you may affect the outcome of any investigation.

9 Who can Receive a Report Within Bayside Council?

You are encouraged to report general wrongdoing to your supervisor. However the PID Act requires that – for a report to be a protected disclosure – it must be made to a public official in accordance with Council’s disclosure procedures. For Bayside, this means this policy and any supporting procedures.

Any supervisor who receives a report that they believe may be a protected disclosure must refer the staff member making the report to one of the positions listed below. The broader responsibilities of these positions will be outlined in the guidelines supporting this policy.

If you are a member of Council staff and your report involves the Administrator, you should make your report to the General Manager. If you are a Councillor and your report is about another Councillor, you should make your report to the General Manager or the Mayor.

Only the following staff within Bayside Council may receive a protected disclosure.

9.1 General Manager

You can report wrongdoing directly to the General Manager. The General Manager is responsible for:

- deciding if a report is a protected disclosure
- determining what needs to be done next, including referring it to other authorities
- deciding what needs to be done to correct the problem that has been identified.

The General Manager must make sure there are systems in place within Council to support and protect staff who report wrongdoing.

The General Manager is also responsible for referring actual or suspected corrupt conduct to the Independent Commission Against Corruption.

9.2 Administrator²

If you are making a report about the General Manager, you should make your report to the Administrator. The Administrator is responsible for:

- deciding if a report is a protected disclosure
- determining what needs to be done next, including referring it to other authorities
- deciding what needs to be done to correct the problem that has been identified.

² Mayor following local government elections in September 2017

The Administrator must make sure there are systems in place within Council to support and protect staff who report wrongdoing.

If the report is about the General Manager, the Administrator is also responsible for referring actual or suspected corrupt conduct to the Independent Commission Against Corruption.

9.3 Disclosures Coordinator

The Disclosures Coordinator has a central role in dealing with reports made by staff. The Disclosures Coordinator's role is to receive them, assess them, and refer them to the people within Bayside Council who can deal with them appropriately. Council's Disclosure Coordinator is the Manager – Governance.

9.4 Disclosures Officers

Other officers, to whom a report can be made, are nominated by the General Manager, taking into consideration the Council's size, geographic locations, and their level so as to be approachable by all staff.

10 Who Can Receive a Report Outside of the Bayside Council

Staff are encouraged to report wrongdoing within the Council, however internal reporting is not your only option. If you follow the guidance below, your report can still be a protected disclosure.

You can choose to make your report to an investigating authority. You can do this first, or at any stage after your initial report to Bayside Council. If your report is about the General Manager or the Administrator (Mayor), you should consider making it to an investigating authority.

You can also choose to make a report to a Member of Parliament or a journalist, but only in limited circumstances.

10.1 Investigating Authorities

The PID Act lists a number of investigating authorities in NSW that staff can report wrongdoing to and the categories of wrongdoing each authority can deal with. In relation to Council, these authorities are:

- Independent Commission Against Corruption (ICAC) — for corrupt conduct
- NSW Ombudsman — for maladministration
- Office of Local Government, Department of Premier and Cabinet
- Privacy Information Commissioner — for disclosures about a government information contravention.

You should contact the relevant authority for advice about how to make a disclosure to them. Contact details for each investigating authority are provided at the end of this policy.

You should be aware that it is very likely the investigating authority will discuss the case with Bayside Council. We will make every effort to assist and cooperate with the investigating authority to ensure the matter is dealt with appropriately and there is a satisfactory outcome. We will also provide appropriate support and assistance to staff who report wrongdoing to an investigating authority.

10.2 Members of Parliament or Journalists

To have the protections of the PID Act, staff reporting wrongdoing to a Member of Parliament (MP) or a journalist must have already made substantially the same report to one of the following:

- the General Manager
- a person nominated in this policy; or
- an investigating authority in accordance with the PID Act.

Also, Council or an investigating authority that received the report must have either:

- decided not to investigate the matter
- decided to investigate the matter, but not completed the investigation within six months of the original report
- investigated the matter but not recommended any action as a result; or
- not told the person who made the report, within six months of the report being made, whether the matter will be investigated.

Most importantly – to be protected under the PID Act – if you report wrongdoing to an MP or a journalist you will need to be able to prove that you have reasonable grounds for believing that the disclosure is substantially true and that it is in fact substantially true.

If you report wrongdoing to a person or an organisation that is not listed above, you will not be protected under the PID Act. This may mean you will be in breach of legal obligations Council's Code of Conduct – by, for example, disclosing confidential information.

For more information about reporting wrongdoing outside Bayside Council, contact the Disclosures Coordinator or the NSW Ombudsman's Public Interest Disclosures Unit. Their contact details are provided at the end of this policy.

11 Feedback to Staff Who Report Wrongdoing

Staff who report wrongdoing will be told what is happening in response to their report. When you make a report, you will be given:

- an acknowledgement that your disclosure has been received
- the timeframe for when you will receive further updates
- the name and contact details of the people who can tell you what is happening.

The PID Act requires that you are provided with an acknowledgement letter and a copy of this policy within 45 days after you have made your report. We will attempt

to get this information to you within five working days from the date you make your report.

After a decision is made about how your report will be dealt with, you will be given:

- information about the action that will be taken in response to your report
- likely timeframes for any investigation
- information about the resources available within Bayside Council to handle any concerns you may have
- information about external agencies and services you can access for support.

This information will be given to you within 10 working days from the date you make your report. During any investigation, you will be given:

- information on the ongoing nature of the investigation
- information about the progress of the investigation and reasons for any delay
- advice if your identity needs to be disclosed for the purposes of investigating the matter, and an opportunity to talk about this.

At the end of any investigation, you will be given:

- enough information to show that adequate and appropriate action was taken and/or is proposed to be taken in response to your disclosure and any problem that was identified
- advice about whether you will be involved as a witness in any further matters, such as disciplinary or criminal proceedings.

12 Protection Against Reprisals

The PID Act provides protection for people reporting wrongdoing by imposing penalties on anyone who takes detrimental action substantially in reprisal for them making the public interest disclosure.

Bayside Council will not tolerate any reprisal action against staff who report wrongdoing. The criminal penalties that can be imposed include imprisonment or fines. Detrimental action is also misconduct that may result in disciplinary action. People who take detrimental action against someone who has made a disclosure can also be required to pay damages for any loss suffered by that person. Detrimental action means action causing, comprising or involving any of the following:

- injury, damage or loss
- intimidation or harassment
- discrimination, disadvantage or adverse treatment in relation to employment
- dismissal from, or prejudice in, employment
- disciplinary proceedings.

12.1 Responding to Reprisals

Bayside Council will act to protect staff who report wrongdoing from reprisals. When a report is received, we will ensure that a thorough risk assessment is conducted. This will identify any risks to the member of staff who reported the wrongdoing, as well as strategies to deal with those risks.

If you believe that detrimental action has been or is being taken against you or someone else who has reported wrongdoing in reprisal for making a report, you should tell your supervisor, the Disclosures Coordinator or the General Manager immediately.

All supervisors must report any suspicions they have that reprisal action against a staff member is occurring, or any reports that are made to them, to the Disclosures Coordinator or the General Manager.

If the Disclosures Coordinator becomes aware of reprisal action against a person who has made a disclosure, they will:

- ensure a senior and experienced member of staff, who has not been involved in dealing with the initial disclosure, will investigate the suspected reprisal
- give the results of that investigation to the General Manager for a decision
- give the results of that investigation to the Mayor for a decision if the allegation of reprisal action is about the General Manager
- if it has been established that reprisal action is occurring against someone who has made a disclosure, take all steps possible to stop that activity and protect the member of staff who made the disclosure
- take appropriate disciplinary action against anyone proven to have taken or threatened any action in reprisal for making a disclosure
- refer any evidence of reprisal action to the Police, DPP or other investigative authority.

If you report reprisal action, you will be kept informed of the progress of any investigation and the outcome.

The General Manager may issue specific directions to help protect against reprisals. If the allegation of reprisal action is about the General Manager, the Mayor may issue similar directions. These may include:

- issuing warnings to those alleged to have taken reprisal action against the member of staff who made the disclosure
- relocating the member of staff who made the disclosure or the subject officer within the current workplace
- transferring the member of staff who made the disclosure or the staff member who is the subject of the allegation to another position for which they are qualified
- granting the member of staff who made the disclosure or the subject officer leave of absence during the investigation of the disclosure.

These directions will only be taken if the member of staff who made the disclosure agrees to it. The Disclosures Coordinator will make it clear to other staff that this

action was taken in consultation with the staff member and with management support – and it is not a punishment.

If you have reported wrongdoing and feel that any reprisal action is not being dealt with effectively, contact the NSW Ombudsman or the ICAC – depending on the type of wrongdoing you reported. Contact details for all these investigating authorities are included at the end of this policy.

12.2 Protection Against Legal Action

If you make a disclosure in accordance with the PID Act, you will not be subject to any liability and no action, claim or demand can be taken against you for making the disclosure. You will not have breached any confidentiality or secrecy obligations and you will have the defence of absolute privilege in defamation.

13 Support for Those Reporting Wrongdoing

Bayside Council will make sure that staff who have reported wrongdoing, regardless of whether they have made a protected disclosure, are provided with access to any professional support they may need as a result of the reporting process – such as stress management, counselling services, legal or career advice.

We also have staff who will support those who report wrongdoing. They are responsible for initiating and coordinating support, particularly to those who are suffering any form of reprisal. Any request for support should be made to Council's Disclosure Coordinator, the Manager – Governance.

All supervisors must notify the Disclosures Coordinator if they believe a staff member is suffering any detrimental action as a result of disclosing wrongdoing.

14 Sanctions for Making False or Misleading Disclosures

It is important that all staff are aware that it is a criminal offence under the PID Act to wilfully make a false or misleading statement when reporting wrongdoing.

15 Support for the Subject of a Report

Bayside Council is committed to ensuring staff who are the subject of a report of wrongdoing are treated fairly and reasonably. If you are the subject of a report, you will be:

- treated fairly and impartially
- told your rights and obligations under our policies and procedures
- kept informed during any investigation
- given the opportunity to respond to any allegation made against you
- told the result of any investigation.

16 More Information

More information around public interest disclosures is available on our intranet governance page. Staff can also access advice and guidance from Council's Disclosures Coordinator and the NSW Ombudsman's website at www.ombo.nsw.gov.au.

17 Resources

The contact details for external investigating authorities that staff can make a protected disclosure to, or seek advice from, are listed below.

For disclosures about corrupt conduct:

Independent Commission Against Corruption (ICAC)

Phone: 02 8281 5999

Toll free: 1800 463 909

Tel. typewriter (TTY): 02 8281 5773 Facsimile: 02 9264 5364

Email: icac@icac.nsw.gov.au

Web: www.icac.nsw.gov.au Address: Level 21, 133 Castlereagh Street,

For disclosures about maladministration:

NSW Ombudsman

Phone: 02 9286 1000

Toll free (outside Sydney metro): 1800 451 524 Tel. typewriter (TTY): 02 9264 8050

Facsimile: 02 9283 2911

Email: nswombo@ombo.nsw.gov.au

Web: www.ombo.nsw.gov.au

Address: Level 24, 580 George Street, Sydney NSW 2000

Sydney NSW 2000

For disclosures about serious and substantial waste:

Auditor-General of the NSW Audit Office Phone: 02 9275 7100

Facsimile: 02 9275 7200

Email: mail@audit.nsw.gov.au

Web: www.audit.nsw.gov.au Address: Level 15, 1 Margaret Street, Sydney NSW 2000

For disclosures about serious and substantial waste in local government agencies:

Office of Local Government in the Department of Premier and Cabinet

Phone: 02 4428 4100

Tel. typewriter (TTY): 02 4428 4209

Facsimile: 02 4428 4199

Email: dlg@dlg.nsw.gov.au

Web: www.dlg.nsw.gov.au

Address: 5 O'Keefe Avenue, Nowra, NSW 2541

For disclosures about breaches of the GIPA Act:

Privacy Information Commissioner

Toll free: 1800 463 626

Facsimile: 02 8114 3756

Email: oiinfo@oic.nsw.gov.au

18 Policy Implementation

18.1 Policy Responsibilities

The General Manager has overall responsibility for this policy.

The Manager Governance has responsibility for the implementation of the policy, and for providing advice.

18.2 Procedures

Procedures that support this policy, may be approved by the General Manager from time to time.

18.3 Breaches

Breaches of the policy may be dealt with in accordance with the PID Act.

19 Document Control

19.1 Review

This policy will be reviewed by Council at least every four years. For any advice or guidance about this review, contact the NSW Ombudsman's Public Interest Disclosures Unit.

19.2 Related Documents

Public Interest Disclosures Act 1994
Government Information (Public Access) Act 2009

19.3 Version History

Version	Release Date	Author	Reason for Change
0.1	Draft	Liz Rog	New document harmonising the former Councils' policies including alignment to NSW Ombudsman Guidelines

Council Meeting

14/12/2016

Item No	8.3
Subject	Financial Assistance and Community Grants Policies
Report by	Karen Purser, Manager Community Planning and Reporting
File	(R) F16/140596

Summary

Bayside Council is aligning the Council run Community Grants program with the Stronger Communities Grant Program so that all applications for Community Grants will be accepted at the same time. In order to achieve this it is necessary to harmonise Bayside Council's Financial Assistance and Community Grants Policies.

Council Resolution

Minute 2016/073

Resolved by the Administrator

- 1 That Council receives and notes the report.
 - 2 That Council adopts the attached draft Financial Assistance and Community Grant Policies.
-

Officer Recommendation

- 1 That Council receives and notes the report.
 - 2 That Council adopts the attached draft Financial Assistance and Community Grant Policies.
-

Background

Bayside Council has been allocated \$10 million Stronger Communities funding as a result of the merger of the former Rockdale City and City of Botany Bay Council's. The funding is in two programs:

- 1 A Community Grant Program – total allocation of \$1 million in grants. This funding provides grants of up to \$50k to incorporated not for profit community groups for projects that build more vibrant, sustainable and inclusive local communities; and
- 2 A Major Project Program – allocating the remaining \$9 million to priority infrastructure projects that deliver long term economic and social benefit to communities.

It should be noted that Bayside Council has a Community Grants Program that provides a separate and ongoing source of funding to the local community.

Bayside Council is aligning the former Rockdale Community Grants program with the Stronger Communities Grant Program so that all applications for Community Grants will be accepted at the same time. In order to achieve this it is necessary to harmonise the former council's Financial Assistance and Community Grants Policies, so that the Bayside Community Grants program is appropriately administered.

A review of the Financial/Community Assistance policies shows that they are broadly consistent. Where there are differences they have been addressed in the following way:

- The Community Grants Policy has been revised to cover Bayside Council area
- All requests for donations, outside Community Grants and Youth Assistance must be referred to Council under the Local Government Act.
- Schools access to sports grounds and facilities will be regularised in the next round of Fees and Charges.
- Not-for-profit groups and associations will be able to apply for a 50% fee waiver for the use of Council Facilities as per the policy, but applications for 100% waivers will go to Council for determination.
- Facilities that are designated "Seniors Centres" will be available free of charge to Seniors Groups
- Donations to schools will be made each year for academic awards as outlined in the community Grants Policy.

Where formal arrangements are in place under the old policies they will continue for the 2016/17 financial year.

Financial Implications

Included in existing approved budgets.

Existing Financial Assistance Budgets will be combined in support of these policies.

Community Engagement

Not required

Attachments

- 1 Draft Bayside Financial Assistance Policy
- 2 Draft Bayside Community Grants Policy

Draft Financial Assistance Policy

28 November 2016



© Bayside Council

Financial Assistance Policy

File: Document: 16/104075

Class of document: Council Policy

Enquiries: Manager Community Planning and Reporting



Telephone Interpreter Services - 131 450

Τηλεφωνικές Υπηρεσίες Διερμηνέων

بخدمة الترجمة الهاتفية

電話傳譯服務處

Служба за преведување по телефон

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1 Introduction

1.1 Background

Council receives many requests for financial and in-kind financial assistance from individuals and community organisations. This policy allows Council to determine a fair and equitable basis for the provision of financial assistance to meet the special needs of the community in accordance with Section 356 of the Local Government Act 1993.

In providing grants, donations, subsidies and in-kind support Council demonstrates its commitment to community capacity building and its support for appropriate services to the Bayside community.

1.2 Definitions

Community Grants

A community grant is a financial award given to a community organisation to develop a project or assist in the provision of a service or activity. A grant is given with conditions about its administration and with requirements regarding reporting the acquittal of the grant.

Donations

A donation is the provision of a one-off monetary contribution to a cause, community organisation or individual that may or may not be part of an ongoing program. Generally there are no conditions attached to the provision of a donation by Council.

Subsidy

A subsidy is a financial contribution provided to offset the operating costs of a community organisation over a time period. Subsidies are provided to organisations to enable Council to fulfill its community service obligations such as aged care providers, disability service providers, sporting organisations, etc.

In-Kind Support

An in-kind contribution (gift in kind) is the provision of assistance in lieu of providing a monetary contribution to support the programs or daily operations of a community organisation. Such contributions include products, supplies and equipment, the use of corporate services or facilities and professional services or expertise. The monetary value of in-kind contributions are calculated as the actual costs of the products, services and/or salaries/wages plus statutory on-costs.

Applicant refers to an eligible community organisation or individual (or group of individuals) applying for Council financial assistance.

Community organisation refers to incorporated or unincorporated groups, clubs and service - providers that are predominantly voluntary, have charitable status and/or are recognised as not-for-profit, and that provide

community, social, cultural, and/or leisure services to the Bayside community.

Financial assistance includes grants, donations, subsidies, in-kind support or other allocation of Council funds to individuals or organisations in accordance with section 356 of the Local Government Act 1993.

Individual refers to a person or group of people that are not operating as a community group or any other type of organisation residing in the Bayside LGA.

Not-for-profit refers to an organisation that is not carried on for the purposes of profit or gain to its individual members nor allowed to make any distribution, whether in money, property or otherwise, to its members. Any surplus made by the organisation is retained by the organisation to carry out its purposes.

Resident refers to a person whose permanent place of residence in the Bayside Council local government area.

Schools refers to primary, secondary and tertiary educational institutions that are operated by the state government, private sector or religious sector.

Seniors groups refers to a group of older people (over 60) who meet regularly for recreational and/or social purposes.

Special circumstances refers to targeted situations of financial hardship arising from specific uncontrollable events.

Sporting association/national association /governing body refers to an incorporated organisation or institution that has regulatory or sanctioning functions.

Young person is interchangeable with "youth" for the purpose of this policy.

Youth refers to a young person aged less than or equal to 24 years old at the time of the event.

1.3 Policy Statement

Council is committed to providing appropriate financial assistance to eligible individuals and/or community organisations whose activities are aligned with Council's Delivery Program and Operational Plan.

1.4 Scope of Policy

The types of assistance dealt with in this Policy are:

- Community Grants
- Donations

- Subsidies
- Fee Structures for Senior Citizens and Community Centres
- In-kind support.

No financial assistance shall be provided for or approved for political purposes.

Community Grants

Council acknowledges the important role that community organisations have in improving and sustaining community life and community harmony.

Based upon the priorities in its Operational Plan, Council provides funds and resources to assist in the delivery of local services. Council takes a partnership approach with community organisations to the delivery of services and activities. Council's Community Grants Program ensures the equitable distribution of funds to community organisations to deliver services and activities. These grants are made with the condition that outcomes are reported to Council within a designated timeframe.

Donations

Council recognises that there are situations where it is appropriate to respond to requests for a one-off donation to individual person, a charitable community organisation or a not-for-profit community organisation for a general or a specific purpose.

Subsidies

Council recognises that in order to provide community access to the widest possible range of services there is a need to provide rental support to organisations.

For leased or licensed premises Council has adopted a Rental Assessment and Subsidy Policy to provide Council with a framework for the equitable, efficient and effective management of Council's properties. Subsidies are usually associated with long-term leases or licenses that are subject to negotiation between Council and the lessee / licensee, rather than being set rates as published in Council's Fees and Charges.

Senior citizens/pensioners groups are able to use Senior Citizens and Community Centres free of charge.

On the other hand, concessions (including the waiving of fees) for certain categories of community organisations that apply for short-term permits (such as bookings of Council's facilities) are set by Council's annually adopted Fees and Charges, and may include a subsidy of 50% for charities and not-for-profit community organisations. Any additional concessions sought are subject to a 'general donation' application to Council.

In-Kind Support

Council recognises that there are situations where its support for a community organisation may be best given through the provision of in-

kind support. For example Council may allow the use of its facilities in order for an organisation to provide services and activities to the wider community.

2 Statutory Requirements

Legislation governing the provision of financial assistance by councils is outlined in sections 356 and 377 of the Local Government Act 1993. These sections are included here for easy reference.

Section 356 - Can a council financially assist others?

- (1) A council may, in accordance with a resolution of the council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.*
- (2) A proposed recipient who acts for private gain is not ineligible to be granted financial assistance but must not receive any benefit under this section until at least 28 days' public notice of the council's proposal to pass the necessary resolution has been given.*
- (3) However, public notice is not required if:*
 - the financial assistance is part of a specific program, and*
 - (b) the program's details have been included in the council's draft operational plan for the year in which the financial assistance is proposed to be given, and the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and*
 - the program applies uniformly to all persons within the council's area or to a significant group of persons within the area.*
 - (4) Public notice is also not required if the financial assistance is part of a program of graffiti removal work.*
 - Section 377 - General power of the council to delegate*
 - A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council, other than the following:*
 - (q) Decision under section 356 to contribute money or otherwise grant financial assistance to persons.*
 - Section 610E - Council may waive or reduce fees*

A council may waive payment of, or reduce, a fee (whether expressed as an actual or a maximum amount) in a particular case if the council is satisfied that the case falls within a category of hardship or any other category in respect of which the council has determined payment should be so waived or reduced.

However, a council must not determine a category of cases under this section until it has given public notice of the proposed category in the same way as it is

required to give public notice of the amount of a proposed fee under section 610F (2) or (3).

Approval of financial assistance requests requires Council resolution as section 377 (1) of the Local Government Act 1993 as amended, states that only Council can make a decision under section 356 to contribute money or otherwise grant financial assistance to persons. This power cannot be delegated by Council.

Where fees are waived for particular categories of community organisations (or individuals), the categories are published in the annual Fees and Charges, in accordance with section 610E of the Act.

3 Assessment Criteria

General

All proposals for financial assistance are considered on their merits (taking into account the circumstances of each), subject to the availability of funds within the approved budget, and should meet the following general criteria and the specific criteria of the assistance type below:

- Alignment with the desired outcomes of the Bayside CityPlan.
- Recipients, if individuals, are to be a resident of the Bayside local government area (unless otherwise specified).
- Recipients, if community organisations, must be based in the Bayside local government area, or where the organisation is based outside the area, it makes a significant contribution to the Bayside area (unless otherwise specified).
- All applications for financial assistance are to be on the appropriate form with supporting documentation. All applicants will be advised of the outcome of the application.

Council generally invites submissions for community grants once each year through advertisements in the local newspapers, Council's newsletter and on Council's website.

The criteria that will be used to assess applications received and the guidelines for community grants are included in the Community Grants Program Policy.

Donations

Ideally, ad-hoc requests for donations are held over and dealt with as part of the Community Grants program. However some requests that are time-sensitive may be considered on an ' individual basis under the following criteria:

General donations

- demonstrate a significant contribution to the social, economic and/or environmental well-being of the Rockdale Community, or
- meet needs of people affected by a national or international event that caused human suffering

Youth Financial Assistance

Council may support the youth of the Bayside local government area within budget constraints when they are selected to represent NSW or Australia in a competition or event in the areas of sport, academic studies, music or artistic endeavours at a national or international level

The intent of this assistance is to benefit a range of individuals or teams based in the Bayside area. Council reserves the right to decline an application from a candidate or team who have been supported in the previous round of assistance.

The following criteria to qualify for assistance apply:

- The applicant's must be aged less than or equal to 24 years old (at the time of the event).
- Individual applicants must be residents of the Bayside area
- The applicants must be competing, representing or attending an event following selection or recognition by the relevant governing body to represent NSW or Australia in their chosen amateur field including sporting, academic, music or artistic endeavours.
- Teams of young people may apply when 75% of their members reside in the Bayside area and their club is based in the Bayside area. Only three teams per club per year may apply.
- Evidence that the individual/team has been selected by the relevant state or national • governing body.

Representation	Maximum funding levels available annually per application	
National	Individual:	Up to a maximum of \$250
	Team:	Up to a maximum of \$500 (two or more individuals)
International	Individual:	Up to a maximum of \$500
	Team:	Up to a maximum of \$ 1000 (two or more

Other conditions for this Youth Assistance are:

- Applications must be submitted on the relevant form and include financial documentation and proof of other expenditure.
- Applications must be supported by official documentation from the relevant national or governing body about the event and indicating the individual / team is attending.
- Where the young person is participating in a leadership / development program the application must be supported by additional information about the program, how participation will benefit the young person in their chosen field, and the potential benefit to the community.

- Successful applicants must provide Council with evidence (such as a copy of the program or certificate that includes the name of the individual / team) of their attendance and the outcome of their involvement at the nominated event within two months of the event. If evidence is not provided then applicants may be ineligible for future Youth Assistance.

Schools Academic Prizes

Schools within the Bayside area will be provided with a nominal amount as a contribution towards end of year academic prize/s for a student who has excelled in citizenship, academic studies, artistic endeavor, or sporting proficiency, for which no application is necessary.

Subsidies

For requests for subsidy on leased or licensed properties Council's adopted Rental Assessment and Subsidy Policy is applied.

Any requests for an additional concessional rental associated with a permit over and above to that published in Council's annually adopted Fees and Charges, is to be applied for under the same criteria as 'general donations'.

In-Kind Support

Requests for in-kind support will be assessed according to Council's published Fees and Charges. In the case of Seniors Centres, Council provides the centres free of charge to seniors groups.

4 Policy Implementation

4.1 Policy Responsibilities

The Council has the responsibility for approving financial assistance provided under section 356 of the Act.

The Manager Community Reporting and Planning is responsible for the maintenance of this policy, and its day-to-day operations.

4.2 Reporting

All financial assistance provided, including in-kind support and revenue forgone, is recorded in Council's financial system and reported as part of Council's Annual Report.

5 Document Control

5.1 Review

This policy should be reviewed at least every four years.

Between reviews the Director or Manager Governance may approve non-significant and/or minor editorial amendments that do not change the policy substance.

5.2 Related Documents

This document should be read in conjunction with:

- Local Government Act 1993
- Local Government Code of Accounting Practice and Financial Reporting
- Bayside Council's Code of Conduct
- Sponsorship Policy
- Community Grants Program Policy
- Rental Assistance and Subsidy Policy.

5.3 Version History

Version	Release Date	Author	Reason for Change
0.1	Draft	Karen Purser	New document

Draft Community Grants Policy

16 November 2016



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Bayside Council Community Grants Policy

File: Document: 16/140494

Adopted:

Class of document: Council Policy

Enquiries: Manager Community Planning and Reporting



Telephone Interpreter Services - 131 450

Τηλεφωνικές Υπηρεσίες Διερμηνέων

خدمة الترجمة الهاتفية

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1. Introduction

Background

Council recognises the significant role local voluntary groups, local community service providers and clubs play in the provision of community, cultural and leisure services for local residents of Bayside Council.

Council supports these groups and organisations to provide these services and introduce new services through our Community Grants Program, offering one off small grants and seeding grants to local voluntary groups, community service providers and clubs operating in the Bayside Council area.

Council encourages applications for projects that aim to create a more socially inclusive community and that engage diverse communities of all ages and backgrounds.

Definitions

Community Grants Program

Bayside Council's annual grants program, offering one-off small grants and seeding grants to local voluntary groups, local community service providers and clubs operating in the Bayside Council LGA.

Small Grants

refers to one-off grants of up to \$1,500 to voluntary community groups, local community service providers and clubs to purchase items of equipment, run a specific activity or event, or produce an information resource.

Seeding Grants

one-off grants of up to \$5,000 to voluntary community groups, local community based services providers and clubs to establish a new community, social, cultural or leisure program that will have enduring community benefit.

Grant Applications Evaluation Panel

refers to the panel established to assess applications received against the agreed selection criteria for each grant category and make recommendations on the recipients of grants.

Voluntary Community Groups and Clubs

refers to incorporated or unincorporated groups or clubs that are located in the Bayside Council area and operated predominately by volunteers to provide community, social, cultural and leisure services to the Bayside community.

Local Based Community Service Providers

refers to incorporated community service providers, located in the Bayside LGA that provide community, social, cultural services to the Bayside Community.

Applicant

refers to an application for Council's Community Grants Program that is submitted on the official application form and received by the stated closing date.

Policy Statement

The purpose of this policy is to establish a model for the management and administration of Council's Community Grants Program to support the effective allocation of financial assistance to local community groups and clubs, supporting the development of a broad range of sustainable community, cultural and leisure services for residents.

Scope of Policy

This policy applies to the overall operation of the Bayside Council Community Grants Program and all applications received under the Program.

2. Principles

The Community Grants Program upholds the five following principles:

- Applications for Community Grants will be processed fairly and impartially.
- Council's Community Grants Program will be administered and implemented in a transparent and open manner.
- Information provided to Council in grant applications will be treated confidentially.
- Council staff, Assessment Panel Members and Elected Representatives are bound by Council's Code of Conduct to declare any conflict of interest when assessing grant applications.
- Successful grants will demonstrate best value to the community.

3. Grants

Categories of Grants

Council will establish three Community Grant categories, as listed here:

1. Small Grants (up to \$1,500.00 per application)
2. Seeding Grants (up to \$5,000 per application)
3. Australia Day Sporting Grants (up to \$500.00 per application)

Grants	Type of Activities Supported	Selection Criteria
Small Grants	<ul style="list-style-type: none">• Purchase of equipment to provide an activity.• Conduct of a specific activity or event in the	<ul style="list-style-type: none">• The majority of recipients or participants are residents of Bayside Council.

Grants	Type of Activities Supported	Selection Criteria
	<p>category of community, social, cultural or leisure.</p> <ul style="list-style-type: none"> • Production of a new information resource for either a community, social, cultural, leisure program. 	<ul style="list-style-type: none"> • Promotes increased access and usage of the activity, program or service. • Supports the principle of best value community benefit. • Encourages collaboration and sharing of resources. • The funding addresses an identified need • Promotes health, well-being or lifelong learning.
Seeding Grants	An unfunded, new, community, social, cultural or leisure program that will have enduring community benefit.	<ul style="list-style-type: none"> • The majority of recipients or participants are residents of Bayside Council. • Is innovative. • Aims to strengthen and increase the community's capacity • Supports the principle of best value community benefit. • Encourages the formation of co-operative community partnerships • Encourages collaboration and sharing of resources. • The funding addresses an identified need • Promotes health, well-being or lifelong learning. • Encourages participation of a broad cross section of the community from the perspective of cultural, genders and ages.
Australia Day Sporting Grants (for trophies)	Local sporting events open to both sexes	<ul style="list-style-type: none"> • Must be a sporting association or group within the Bayside Local Government Area. • Must recognise Bayside Council

Grants	Type of Activities Supported	Selection Criteria
		<ul style="list-style-type: none"> Must deliver the event on Australia Day

Grants cannot be applied for projects that are already funded through other funding bodies, or projects that have already commenced.

Note: Ongoing operating costs or staff salaries will not be funded. Projects will not be funded retrospectively.

Eligibility Criteria

Grant Category	Eligibility Criteria
Small Grants Seeding Grants	<p>The applicant:</p> <ul style="list-style-type: none"> must be a voluntary community group, community based service provider or club. must be located within Bayside Council or deliver the majority of services to residents in Bayside Council. must not be in receipt of funds from Council or another organisation to purchase the requested equipment, or for the conduct of the proposed event/activity/program, or production of the proposed information resource. must not be a recipient of Club Grant funding in the same financial year or annual funding round as the Community Grants Program. must have met all previous acquittal and reporting obligations for previous grants awarded under the Community Grants Program. must not be in receipt of recurrent government funding to conduct activities that they are applying for under the Community Grants Program. must not have substantial unallocated resources of their own that could be used to fund the activity, event or information resource. must not have previously received funding under the Community Grants Program for the purchase of the requested equipment, or for the conduct of the proposed event/activity/program, or production of the proposed information resource.
Australia Day Sporting Grants (for trophies)	The applicant:

	<ul style="list-style-type: none"> • must be a sporting association or group within the Bayside Local Government Area. • must deliver an event open to both sexes. • must deliver the event on Australia Day
--	---

Applications received from the following will not be considered eligible:

- Political parties and groups associated with political parties.
- Community organisations or groups in receipt of Club Grant funding or recurrent government funding over \$200,000 per annum for the conduct of the group's or club's operations or activities to conduct the activities being applied for.
- For profit, government, business or private organisations.
- Applications for activities or services that are an identified responsibility of a government instrumentality.
- Fundraising organisations or fundraising drives.

Grant Application Process

Each year Bayside Council will publish the opening and closing dates of the Community Grant program.

Council will hold information sessions for intending applicants, who will be provided with detailed guidelines for submitting their applications.

Applications must conform to those guidelines to be considered for funding, and late applications will not be considered.

Grant Applications Evaluation Panel

A Grant Applications Evaluation Panel will be established to assess applications received for Council's annual Community Grants Program. Each year the General Manager will invite and appoint members to serve on the panel. The composition of the evaluation panel will be:

- A Principal of a school in the Bayside Council area (on a rotational basis)
- A Community Policing Officer from the St George or Botany Local Area Command
- A representative from a local community group
- A representative from the Department of Family and Community Services
- Bayside Citizen of Year
- Council's Director City Life or their nominated representative.
- A Bayside youth representative

The Grant Applications Evaluation Panel will be responsible for:

- Assessing all applications received against the eligibility and selection criteria matrix established for each grant category and award a ranking for each criteria.
- Making recommendations to Council on those applications deemed successful.
- In making this recommendation the members must ensure the recommended recipients of grants for each category meet the required eligibility and selection criteria.
- The Grant Applications Evaluation Panel will meet and act according to the Grant Applications Evaluation Panel Terms of Reference.

Grant Acquittal and Reporting Requirements

All recipients of funds under Council's Community Grants Program are required to meet the following funding conditions, acquittal and reporting requirements:

- Recipients must enter into a written agreement with Council that states the conditions for the use of the grant funds and agreed performance outcomes.
- Recipients must spend the grant funds as detailed in the application and written agreement, unless written approval is obtained from Council to vary the expenditure. This approval must be sought prior to varying the expenditure.
- Recipients must expend and complete the funded activity within 12 months from the date of receiving the grant.
- Recipients must submit proof of expenditure in the form of official receipts and/or expenditure statements - depended on size of grant. Full records of project expenditure must be kept by the recipient.
- Recipients must submit an evaluation report as detailed in the written agreement with Council at the end of the grant funding period.
- Recipients must acknowledge the support of Bayside Council on any promotional material or publicity features.
- Recipients must refund unspent funds exceeding \$50.00.

4. Breaches of the Policy

All breaches of this policy should be reported to the Unit Manager that is responsible for the management of Council's annual Community Grants Program.

Penalties for breaches of this policy will be implemented in accordance the Council's Code of Conduct Policy

5. Policy Implementation

The General Manager is responsible for this policy overall.

Procedures that support this policy, may be approved by the General Manager from time to time

6. Document Control

Review

This policy should be reviewed in two years

Between reviews a Director or Manager Governance may approve non-significant and/or minor editorial amendments that do not change the policy substance.

Related documents

- This document should be read in conjunction with:
- Council's Financial Assistance Policy
- Council's Code of Conduct
- Council's Conflict of Interest Policy
- Community Grants Guidelines.

Version history

Include the details of the original adoption / approval and subsequent changes.
Version 1.0 is the initial adopted/approved version.

Version	Release Date	Author	Reason for Change
1.0	2016	K Purser	Bayside Policy Harmonisation

Council Meeting

14/12/2016

Item No	8.4
Subject	Code of Conduct Complaints 2015/16
Report by	Liz Rog, Acting Manager Governance
File	(R) F16/96

Summary

This report provides a statistical summary of the Code of Conduct complaints for 2015/16 of the former Rockdale City and City of Botany Councils.

Council Resolution

Minute 2016/074

Resolved by the Administrator

That the Code of Conduct Complaints statistics for 2015/16 for the two former Councils of Rockdale City Council and City of Botany Bay Council are received and noted.

Officer Recommendation

That the Code of Conduct Complaints statistics for 2015/16 for the two former Councils of Rockdale City Council and City of Botany Bay Council are received and noted.

Background

Bayside Council's Code of Conduct Procedures is based on "the Model Code Procedures", which are prescribed for the purposes of the administration of the Model Code of Conduct for Local Councils in NSW ("the Model Code").

The Model Code and Model Code Procedures are made under sections 440 and 440AA respectively of the *Local Government Act 1993* ("the Act") and the *Local Government (General) Regulation 2005* ("the Regulation").

The Procedures support Council's Code of Conduct. They outline the administrative framework, including how complaints are made and managed, and reporting requirements. This report fulfils the requirements of the legislation and the Procedures.

Council is committed to setting, promoting and expecting ethical and behavioural standards that are higher than the abovementioned Model Code. In particular, Council's Code and the Gifts and Benefits Policy require that:

In normal circumstances, all gifts and/or benefits offered to a Council official of Rockdale City Council are to be declined. No gift or benefit will be personally retained by a Council official.

Council has appointed a Complaints Coordinator and is committed to managing the complaints process with rigor, impartiality and in accordance with the Procedures.

The statistical information on Code complaints (about the Mayor, Councillors and General Manager) is to be reported to Council within 3 months of the end of September of each year.

The two attached statistical reports indicate that there was one Code of Conduct complaint in the period for the former Rockdale City Council and none for the City of Botany Bay Council.

Financial Implications

Not applicable

Community Engagement

Not required

Attachments

- 1 Rockdale Code of Conduct complaint statistics 2015/2016
- 2 Botany Code of Conduct complaint statistics 2015/2016

Office of Local Government

Model Code of Conduct Complaints Statistics

Reporting Period: 1 September 2015 – 31 August 2016

Date Due: [31 December 2016](#)

To assist with the compilation of the Time Series Data Publication it would be appreciated if councils could return this survey by 30 November 2016.

Survey return email address: codeofconduct@olg.nsw.gov.au

Council Name:	Rockdale City Council
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Contact Name:	Bruce Cooke
Contact Phone:	02 9562 1590
Contact Position:	Coordinator Governance
Contact Email:	Bruce.Cooke@bayside.nsw.gov.au

All responses to be numeric.

When there is a zero value, please enter 0.

Enquiries: Performance Team
Office of Local Government
Phone: (02) 4428 4100
Enquiry email: olg@olg.nsw.gov.au

Model Code of Conduct Complaints Statistics Rockdale City Council

Number of Complaints

- | | | | |
|---|---|---|---|
| 1 | a | The total number of complaints received in the period about councillors and the General Manager (GM) under the code of conduct | 1 |
| | b | The total number of complaints finalised in the period about councillors and the GM under the code of conduct | 1 |

Overview of Complaints and Cost

- | | | | |
|---|---|---|---|
| 2 | a | The number of complaints finalised at the outset by alternative means by the GM or Mayor | 1 |
| | b | The number of complaints referred to the Office of Local Government under a special complaints management arrangement | 0 |
| | c | The number of code of conduct complaints referred to a conduct reviewer | 0 |
| | d | The number of code of conduct complaints finalised at preliminary assessment by conduct reviewer | 0 |
| | e | The number of code of conduct complaints referred back to GM or Mayor for resolution after preliminary assessment by conduct reviewer | 0 |
| | f | The number of finalised code of conduct complaints investigated by a conduct reviewer | 0 |
| | g | The number of finalised code of conduct complaints investigated by a conduct review committee | 0 |
| | h | The number of finalised complaints investigated where there was found to be no breach | 0 |
| | i | The number of finalised complaints investigated where there was found to be a breach | 0 |
| | j | The number of complaints referred by the GM or Mayor to another agency or body such as the ICAC, the NSW Ombudsman, the Office or the Police | 0 |
| | k | The number of complaints being investigated that are not yet finalised | 0 |
| | l | The total cost of dealing with code of conduct complaints within the period made about councillors and the GM including staff costs | 0 |

Preliminary Assessment Statistics

- 3 The number of complaints determined by the conduct reviewer at the preliminary assessment stage by each of the following actions:
- a To take no action 0
 - b To resolve the complaint by alternative and appropriate strategies 0
 - c To refer the matter back to the GM or the Mayor, for resolution by alternative and appropriate strategies 0
 - d To refer the matter to another agency or body such as the ICAC, the NSW Ombudsman, the Office or the Police 0
 - e To investigate the matter 0
 - f To recommend that the complaints coordinator convene a conduct review committee to investigate the matter 0

Investigation Statistics

- 4 The number of investigated complaints resulting in a determination that there was **no breach**, in which the following recommendations were made:
- a That the council revise its policies or procedures 0
 - b That a person or persons undertake training or other education 0
- 5 The number of investigated complaints resulting in a determination that there **was a breach** in which the following recommendations were made:
- a That the council revise any of its policies or procedures 0
 - b That the subject person undertake any training or other education relevant to the conduct giving rise to the breach 0
 - c That the subject person be counselled for their conduct 0
 - d That the subject person apologise to any person or organisation affected by the breach 0
 - e That findings of inappropriate conduct be made public 0
 - f In the case of a breach by the GM, that action be taken under the GM's contract for the breach 0
 - g In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Local Government Act 1993 0
 - h In the case of a breach by a councillor, that the matter be referred to the Office for further action 0
- 6 Matter referred or resolved after commencement of an investigation under clause 8.20 of the Procedures 0

Categories of misconduct

7 The number of investigated complaints resulting in a determination that there was a breach with respect to each of the following categories of conduct:

a General conduct (Part 3)

0

b Conflict of interest (Part 4)

0

c Personal benefit (Part 5)

0

d Relationship between council officials (Part 6)

0

e Access to information and resources (Part 7)

0

Outcome of determinations

8 The number of investigated complaints resulting in a determination that there was a breach in which the council failed to adopt the conduct reviewers recommendation

0

9 The number of investigated complaints resulting in a determination that there was a breach in which the council's decision was overturned following a review by the Office

0

Office of Local Government

Model Code of Conduct Complaints Statistics

Reporting Period: 1 September 2015 - 31 August 2016.

Date Due: 31 December 2016

To assist with the compilation of the Time Series Data Publication it would be appreciated if councils could return this survey by 30 November 2016.

Survey return email address: codeofconduct@olg.nsw.gov.au

Council Name:	Botany Bay City Council
----------------------	-------------------------

Contact Name:	Martyn Perry
Contact Phone:	02 9366 3619
Contact Position:	Manager Governance
Contact Email:	Martyn.Perry@bayside.nsw.gov.au

All responses to be numeric.

Where there is a zero value, please enter 0.

Enquiries: Performance Team
Office of Local Government
Phone: (02) 4428 4100
Enquiry email: olg@olg.nsw.gov.au

Model Code of Conduct Complaints Statistics

Botany Bay City Council

Number of Complaints

- | | | | |
|---|---|---|---|
| 1 | a | The total number of complaints received in the period about councillors and the General Manager (GM) under the code of conduct | 0 |
| | b | The total number of complaints finalised in the period about councillors and the GM under the code of conduct | 0 |

Overview of Complaints and Cost

- | | | | |
|---|---|---|---|
| 2 | a | The number of complaints finalised at the outset by alternative means by the GM or Mayor | 0 |
| | b | The number of complaints referred to the Office of Local Government under a special complaints management arrangement | 0 |
| | c | The number of code of conduct complaints referred to a conduct reviewer | 0 |
| | d | The number of code of conduct complaints finalised at preliminary assessment by conduct reviewer | 0 |
| | e | The number of code of conduct complaints referred back to GM or Mayor for resolution after preliminary assessment by conduct reviewer | 0 |
| | f | The number of finalised code of conduct complaints investigated by a conduct reviewer | 0 |
| | g | The number of finalised code of conduct complaints investigated by a conduct review committee | 0 |
| | h | The number of finalised complaints investigated where there was found to be no breach | 0 |
| | i | The number of finalised complaints investigated where there was found to be a breach | 0 |
| | j | The number of complaints referred by the GM or Mayor to another agency or body such as the ICAC, the NSW Ombudsman, the Office or the Police | 0 |
| | k | The number of complaints being investigated that are not yet finalised | 0 |
| | l | The total cost of dealing with code of conduct complaints within the period made about councillors and the GM including staff costs | 0 |

Preliminary Assessment Statistics

- 3 The number of complaints determined by the conduct reviewer at the preliminary assessment stage by each of the following actions:
- a To take no action 0
 - b To resolve the complaint by alternative and appropriate strategies 0
 - c To refer the matter back to the GM or the Mayor, for resolution by alternative and appropriate strategies 0
 - d To refer the matter to another agency or body such as the ICAC, the NSW Ombudsman, the Office or the Police 0
 - e To investigate the matter 0
 - f To recommend that the complaints coordinator convene a conduct review committee to investigate the matter 0

Investigation Statistics

- 4 The number of investigated complaints resulting in a determination that there was **no breach**, in which the following recommendations were made:
- a That the council revise its policies or procedures 0
 - b That a person or persons undertake training or other education 0
- 5 The number of investigated complaints resulting in a determination that there **was a breach** in which the following recommendations were made:
- a That the council revise any of its policies or procedures 0
 - b That the subject person undertake any training or other education relevant to the conduct giving rise to the breach 0
 - c That the subject person be counselled for their conduct 0
 - d That the subject person apologise to any person or organisation affected by the breach 0
 - e That findings of inappropriate conduct be made public 0
 - f In the case of a breach by the GM, that action be taken under the GM's contract for the breach 0
 - g In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Local Government Act 1993 0
 - h In the case of a breach by a councillor, that the matter be referred to the Office for further action 0
- 6 Matter referred or resolved after commencement of an investigation under clause 8.20 of the Procedures 0

Categories of misconduct

7 The number of investigated complaints resulting in a determination that there was a breach with respect to each of the following categories of conduct:

a General conduct (Part 3)

0

b Conflict of interest (Part 4)

0

c Personal benefit (Part 5)

0

d Relationship between council officials (Part 6)

0

e Access to information and resources (Part 7)

0

Outcome of determinations

8 The number of investigated complaints resulting in a determination that there was a breach in which the council failed to adopt the conduct reviewers recommendation

0

9 The number of investigated complaints resulting in a determination that there was a breach in which the council's decision was overturned following a review by the Office

0

Council Meeting

14/12/2016

Item No 8.5
Subject **Annual Reports 2015/2016**
Report by Bruce Cooke, Coordinator Governance
File (R) F16/96

Summary

This report provides the community with the final Annual Reports 2014/2015 of the former Rockdale City Council and the City of Botany Bay Council.

Council Resolution

Minute 2016/075

Resolved by the Administrator

- 1 That the attached Annual Reports 2015/2016 of the former Rockdale City Council and City of Botany Bay Council be received and noted.
 - 2 That it be noted, that the reports will be forwarded to the Minister and published on Council's website.
-

Officer Recommendation

- 1 That the attached Annual Reports 2015/2016 of the former Rockdale City Council and City of Botany Bay Council be received and noted.
 - 2 That it be noted, that the reports will be forwarded to the Minister and published on Council's website.
-

Background

Section 428 of the Local Government Act 1993 requires that:

" Within 5 months after the end of each year, a council must prepare a [*annual*] report for that year reporting as to its achievements in implementing its delivery program and the effectiveness of the principal activities undertaken in achieving the objectives at which those principal activities are directed."

It also requires:

" A copy of the council's annual report must be posted on the council's website and provided to the Minister and such other persons and bodies as the regulations may require."

The Annual Report normally contains a copy of the Council's audited Annual Financial Statements prepared in accordance with the *Local Government Code of Accounting Practice and Financial Reporting* published by the Office of Local Government Department.

The Proclamation that merged Rockdale City Council and City of Botany Bay Council does not require annual reports of the former councils to be prepared. However, in terms of good governance practice, reports (excluding the normal annual financial statements) are provided for the final year of both former councils.

It is noted that the Proclamation requires Financial Statements (July 2015 to the day of Proclamation) of the former councils to be prepared, and these statements will be submitted to Council separately.

The two attached Annual Reports are published by Bayside Council, but refer to the former Councils. They will be posted on Council's website, and will be forwarded to the Minister in the spirit of the legislation.

Financial Implications

Not applicable

Community Engagement

Not required

Attachments

- 1 Rockdale Annual Report
- 2 Botany Annual Report

ANNUAL REPORT

Rockdale City Council [2015 / 2016]

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Public Interest Disclosures
Access to Information

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INTRODUCTION

ADMINISTRATOR'S MESSAGE

On 9 September 2016, the Minister for Local Government issued the Governor's Proclamation that created Bayside Council by amalgamating the former local government areas of the City of Rockdale and the City of Botany Bay.

This report is for the period 1 July 2015 to 30 June 2016. It includes the achievements of those Councils in implementing their Delivery Programs (as required by section 428 of the Local Government Act 1993), as well as the statutory information required by clause 217 of the Local Government (General Election) Regulation 2005. This report does not include audited financial statements, which will be published separately at a later date and relate to the period from 1 July 2015 to 9 September 2016.

This is the final Annual Report of the former Rockdale City Council.

Council actively engaged with stakeholders such as Urban Growth NSW, Kogarah Golf Course, Roads & Maritime, and NSW Department of Planning.

I would like to thank all Councillors for their support in making Rockdale a Better City.

Greg Wright
Administrator
Bayside Council

ABOUT ROCKDALE

The City of Rockdale is located 12km from the heart of Sydney's CBD and is only minutes from the Sydney Airport. Rockdale City covers 28 square kilometres (2,823 hectares). Our suburbs include Arncliffe, Banksia, Bardwell Park, Bardwell Valley, Bexley, Bexley North, Brighton Le Sands, Carlton (part), Dolls Point, Kingsgrove (part), Kogarah (part), Kyeemagh, Monterey, Mascot (part), Ramsgate (part), Ramsgate Beach, Rockdale, Sandringham, Sans Souci (part), Turella and Wolli Creek.

- Population: 106,712 (2013 estimate)
- Population density: 37.80 persons per hectare

The City is a culturally diverse area with 44% of Rockdale City residents born overseas. The 5 main countries of birth are China, Greece, Former Yugoslav Republic of Macedonia, Lebanon and Nepal.

A multilingual community with 39% of residents from a non-English speaking background and 54% speak a language other than English at home. The top 5 languages spoken at home excluding English are Greek, Arabic, Mandarin, Macedonian and Cantonese.

THE CITY'S INFRASTRUCTURE ASSETS

8km	of Lady Robinsons Beach
522km	Kerb and Gutter
386km	Paved Footpaths
254km	Sealed Roads
10km	Creeks and Channels
5973	Drainage Pits
44	Bridges and Culverts
227	Parks and Reserves
82	Playgrounds
23	Reserves with Sport Facilities
6	Swimming Enclosures
2	Eighteen Hole Golf Courses
1	Boat Ramp and Pontoon
46	Community Buildings
67	Parks Buildings
1	Swimming Pool Complex (under construction)
11	Depot Buildings
16	Commercial Buildings
17	Residential Buildings
5	Rockdale City Branch Libraries
1	Rockdale City Library (under construction)
1	Administration Building and Town Hall

ABOUT COUNCIL

COUNCIL'S ROLE

The Local Government Act requires Council to:

- Properly manage appropriate services and facilities for the local community
- Exercise community leadership
- Exercise its functions taking into account the principles of multiculturalism and social justice
- Look after the environment, taking into account the long-term and cumulative effects of its decisions
- Effectively account for and manage local assets
- Plan for future and current communities
- Aid the involvement of Councillors, the public and Council staff for the benefit of local government
- Raise money for local purposes by such means as levying rates, charges and fees in a fair way
- Keep our community and the State Government informed about its activities
- Exercise its regulatory functions consistently and without bias
- Be a responsible employer.

OUR VISION, MISSION AND VALUES

Our Vision

One Community, Many Cultures, Endless Opportunity

Our Mission

To provide quality local government services that protect our environment, are respectful to our community's needs and are delivered in a financially, socially and environmentally responsible way

Our Values

At Rockdale City Council, we believe that to achieve sustainable success, we need to grow in a responsible way and meet the expectations of our customers, regulators, employees and the wider community. This belief is reflected in the values that are at the heart of our culture and guide us in our day-to-day operations.

We aim to be dependable, open and connected in everything we do. We want to ensure that our employees feel able to stand up for what is right, highlight potential risks and act with integrity, even when faced with pressure to act otherwise. To make sure everybody at Council lives up to these values, they form part of everyone's annual performance review. The values include identifying statements and signature behaviours to demonstrate what working at Rockdale means. Our values are:

- Working together
- Being respectful
- Taking pride in what we do
- Recognising the efforts of others
- Showing leadership
- Being creative

COUNCILLORS AND DECISION-MAKING

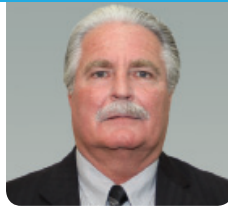
FIRST WARD



Councillor
Andrew Tsounis



Councillor
Peter Poulos



Councillor
Mark Hanna

SECOND WARD



Councillor
Tarek Ibrahim



Councillor
Nicholas Mickovski



Councillor
Michael Nagi

THIRD WARD



Councillor
Petros Kalligas



Councillor
Bill Saravinovski



Councillor
Lydia Sedrak

FOURTH WARD



Councillor
Liz Barlow



Councillor
Paul Sedrak



Councillor
Joe Awada

FIFTH WARD



Councillor
Ron Bezic



Councillor
Shane O'Brien

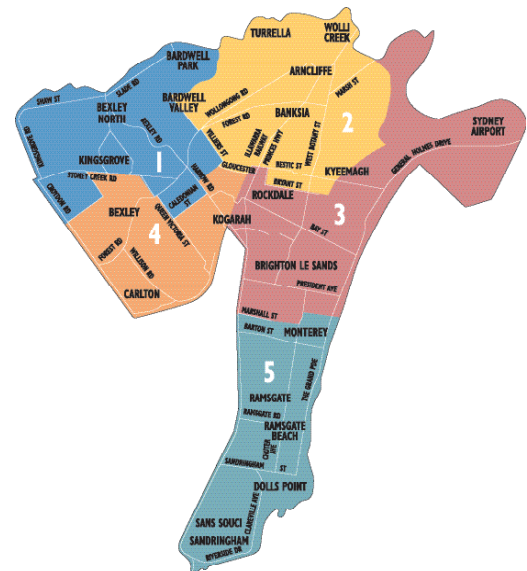


Councillor
James Macdonald

Council is made up of 15 Councillors, three for each of the five wards. They are elected by the residents for a four year term. The current Council's term began in September 2012. Council has a Code of Meeting Practice that governs the Council's meeting procedures including the type of meetings to be held.

Council meetings are held in the Council Chambers on the first and third Wednesday of each month to consider reports requiring their decision. Council meetings are open to the public except on occasions when confidential items such as sensitive legal or commercial matters are discussed. Business papers are available on the Friday before each meeting on Council's website at www.rockdale.nsw.gov.au

Residents have an opportunity to address Council on any issue that is on the agenda at the beginning of a Council meeting.



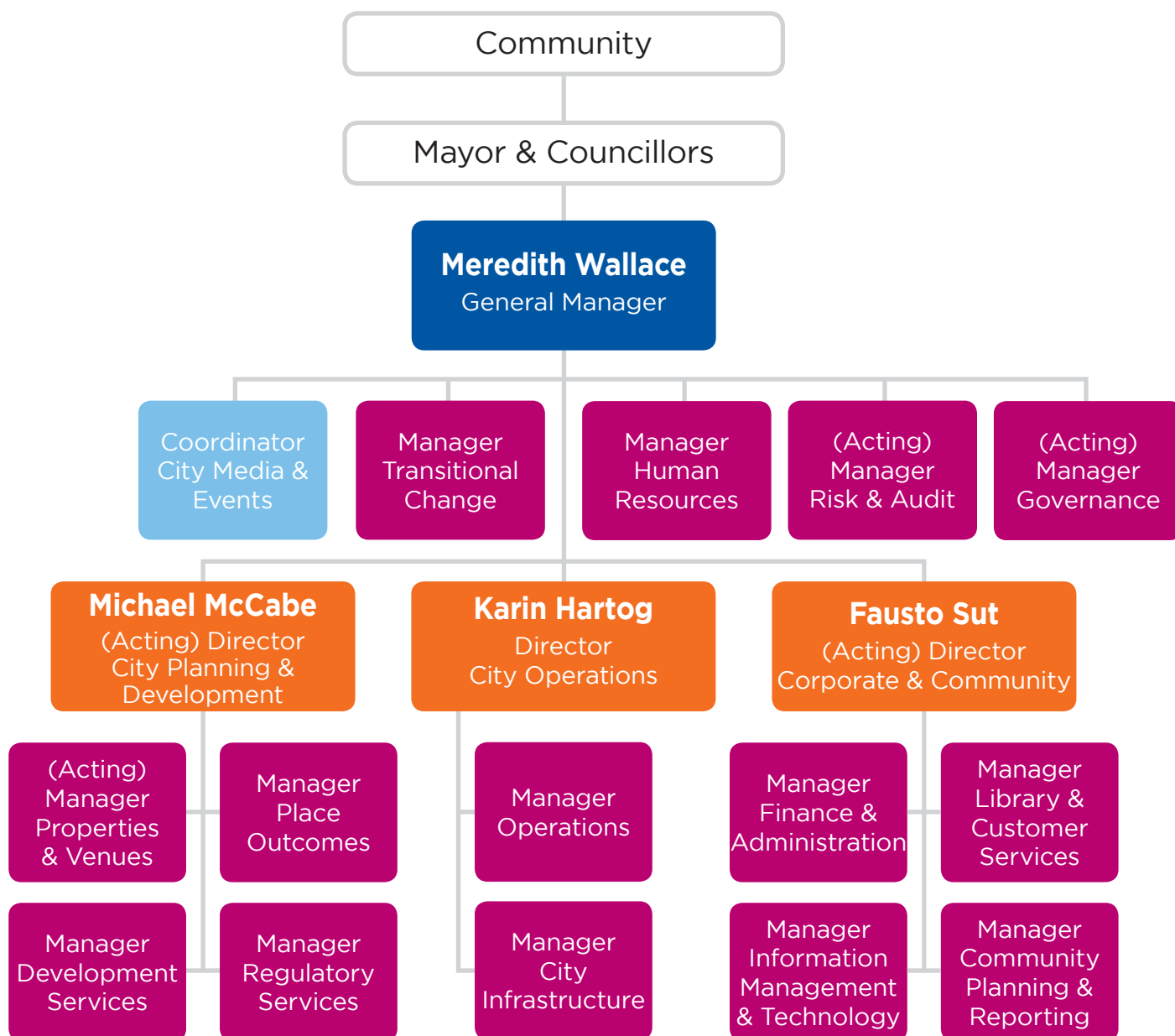
Mayor

Cr Bill Saravinovski (Sept 2015 - Sept 2016)

Deputy Mayor

Cr Michael Nagi (Sept 2015 - Sept 2016)

ORGANISATIONAL STRUCTURE



Management Levels

Level 1 Level 2 Level 3 Level 4

EXECUTIVE AND SERVICES



MEREDITH WALLACE

General Manager

Principal Activities & Services

- Corporate Leadership
- Human Resource Management
- City Media & Events
- Governance and Councillor Support
- Internal Audit and Risk Management



KARIN HARTOG

Director
City Operations

Principal Activities & Services

- Delivery of Major Projects
- Construction & Maintenance of City Assets
- Spatial & Asset Information
- Traffic & Road Safety
- Construction, Upgrade and Maintenance of Council's Assets
- Cleaning of Council's Commercial and Recreational Areas
- Waste Services
- Procurement & Fleet Services
- Management of the Rockdale Community Nursery Joint Venture



MICHAEL MCCABE

(Acting) Director
City Planning & Development

Principal Activities & Services

- Regulatory Services
- Development Services
- Strategic Asset Management
- Town Centres Management
- Urban & Environmental Strategy



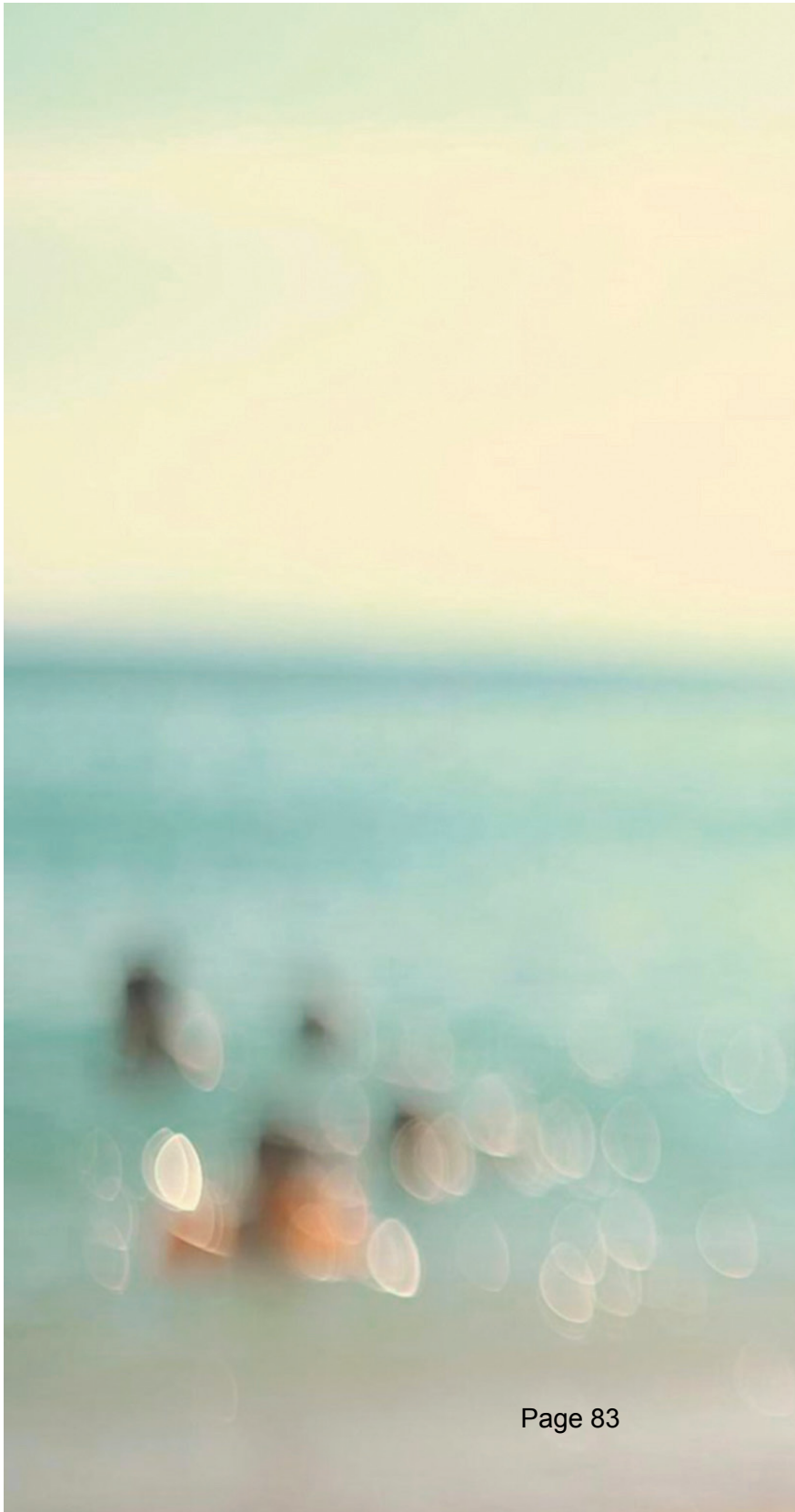
FAUSTO SUT

(Acting) Director
Corporate & Community

Principal Activities & Services

- Financial & Administrative Management
- Library & Information Services
- Customer Services
- Document Management
- Information Management & Technology
- Integrated Planning & Reporting
- Community Engagement
- Sport & Recreation Strategy
- Community Safety
- Art & Cultural Development
- Community Development





PROGRESS REPORTING

MAJOR PROJECTS

Council is committed to progressing four major community projects to provide quality and appropriate facilities which support community life in the City of Rockdale.

These projects are currently underway:

- Rockdale Library
- Angelo Anestis Aquatic Centre
- Arncliffe Youth Centre
- Ramsgate Beach Thriving Town Centre

The milestones for the four major community projects are as follows:

										2015												2016												2017												
	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	
Rockdale City Library																																														
Angelo Anestis Aquatic Centre																																														
Arncliffe Youth Centre																																														
Ramsgate Beach Thriving Town Centre																																														

Key

Expression of Interest

Development Application

Project Investigation, Community Engagement and Concept Design

Design Development

Documentation

Tender

Construction Period

Facility Opens



ROCKDALE CITY LIBRARY

The library was officially opened by Mayor Bill Saravinovski at a gala evening on Thursday 28 July 2016. The following is a list of desired outcomes for the library which have been realised:

1. A modern library facility with street frontages to Princes Highway and King Lane.
2. Provision of conference rooms and meeting rooms available for use by Council and the community.
3. A reception space which provides the dual function of customer service for Council business.
4. The existing Town Hall building remains the heart of the Civic Centre, with the new library building being sympathetic to its heritage fabric.

Some of the key facilities are:

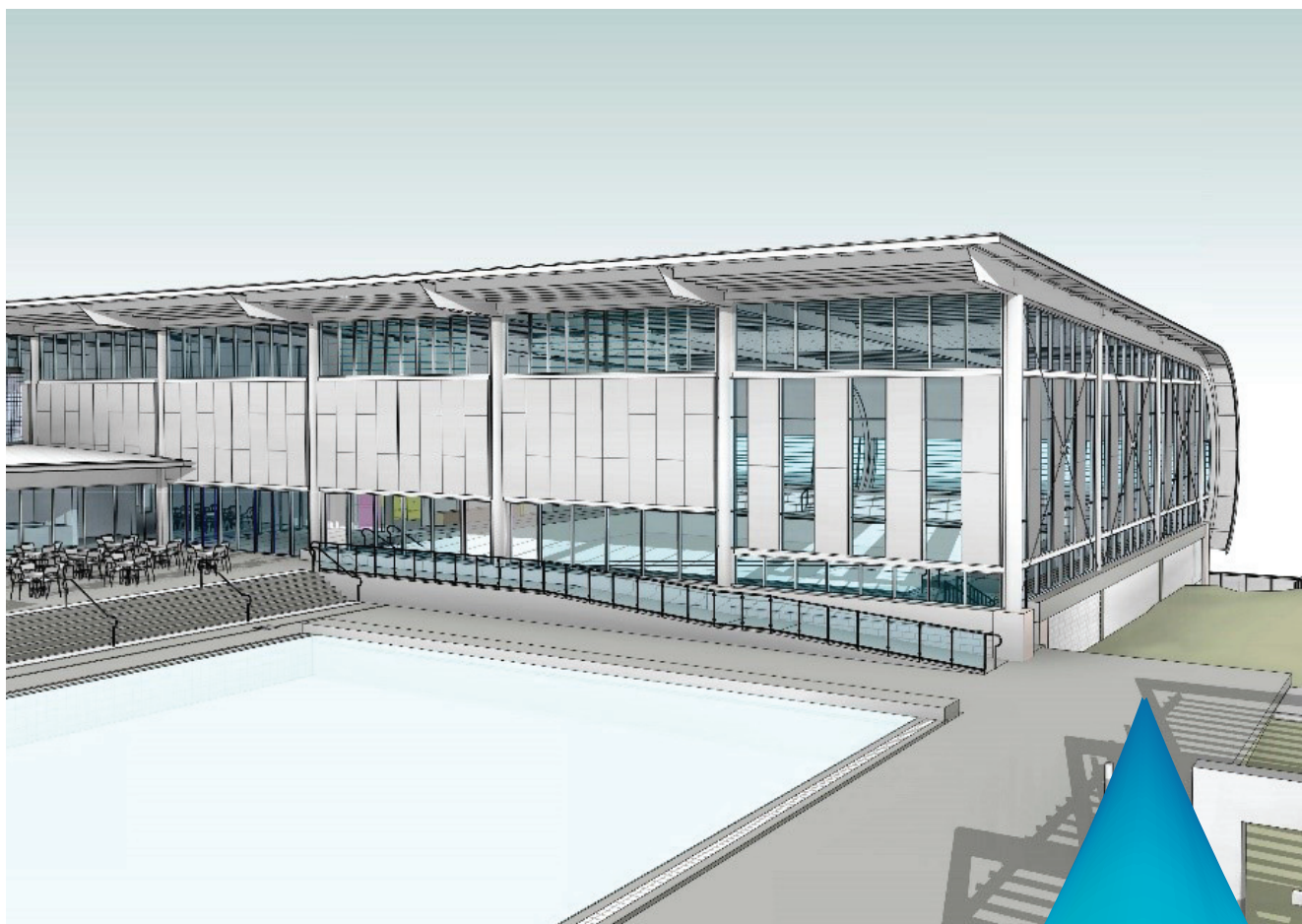
- A roof level conference room
- Small meeting and tutorial rooms
- Improved computer facilities and the capability to embrace technological changes
- Open and more diverse spaces.

Councils in NSW take guidance for any upgrade of their public libraries from the State Library of NSW, 'People Places' planning document.

Total Project Cost: \$16 million

Funding sources:

- Developer contributions = \$4.7 million
- Library reserve = \$2.3 million
- Asset sales / loans = \$9 million
- Asset sales / loans = \$9.0 million



ANGELO ANESTIS AQUATIC CENTRE

Council is progressing with the redevelopment of the Bexley Pool site to provide the community with a state-of-the-art aquatic and leisure centre. Some of the proposed facilities include:

- 50 metre outdoor pool capable of hosting water polo, with a covered grandstand adjacent
- 25 metre indoor pool functioning as a combined learn-to-swim and competition pool (8 lanes)
- Children's club / creche combined with community space
- Gymnasium and fitness area
- Café
- Changerooms and amenities
- Administrative rooms
- Car parking for approximately 109 cars.

Total Project Cost: \$24 million

Funding sources:

- Developer (Section 94) contributions = \$13.2 million
- Asset renewal funds = \$5 million
- Asset sales = \$5.8 million

DID YOU KNOW?

Naming the Angelo Anestis Aquatic Centre

As a local Councillor, Angelo Anestis served the First Ward for eight years from April 2004 until September 2012. He was a true man of the people, a respected public figure and a great Greek-Australian. As a Councillor his convictions inspired many and he was a persuasive supporter of the Bexley Pool.

It was Councillor Anestis, at a Council Meeting on Wednesday 19 November 2008, who moved the Notice of Motion to improve the Bexley Swimming Pool that ultimately led to the construction of the Aquatic Centre. The new pool is scheduled to open in 2017.

In recognition of Angelo Anestis' initiative and tireless support for the new pool complex, it was renamed by Council resolution in May 2015.

ARNCLIFFE YOUTH CENTRE

The Arncliffe Youth Centre will be a state-of-the-art facility able to accommodate a wide range of services focused on young people and recreational activities. The Centre will provide young people with opportunities for learning, study, homework space, musical and artistic pursuits as well as a safe haven to receive ongoing support and counselling.

The two indoor multi-purpose courts, one with grandstand seating for up to 280 spectators, will provide for a variety of recreational activities including basketball, volleyball, futsal and badminton to the current and future needs of the growing population of young people in the Arncliffe and wider local government area.

The Youth Centre will be constructed in Arncliffe in conjunction with the housing development proposed for the same site. It is anticipated to commence in the first half of 2017.



RAMSGATE BEACH THRIVING TOWN CENTRE

Rockdale City Council created the Thriving Town Centres Program as a means to establish sustained public investment in areas which function as focal points for economic activity and the community as a whole.

Planning for the upgrade of the Ramsgate Beach Thriving Town Centre commenced in late 2012 with the engagement of a multi-disciplinary design team to develop master plan options and detailed design documentation. Construction commenced in February 2016.

The key improvements of the reconfigured town centre are:

- Improved circulation and parking, including additional disabled parking
- Creation of public plaza
- Improved lighting
- Additional seating
- New public amenities
- Wider paved footpaths suitable for outdoor dining and improved access and safety for pedestrians
- Street trees and landscaping.



ANNUAL PERFORMANCE

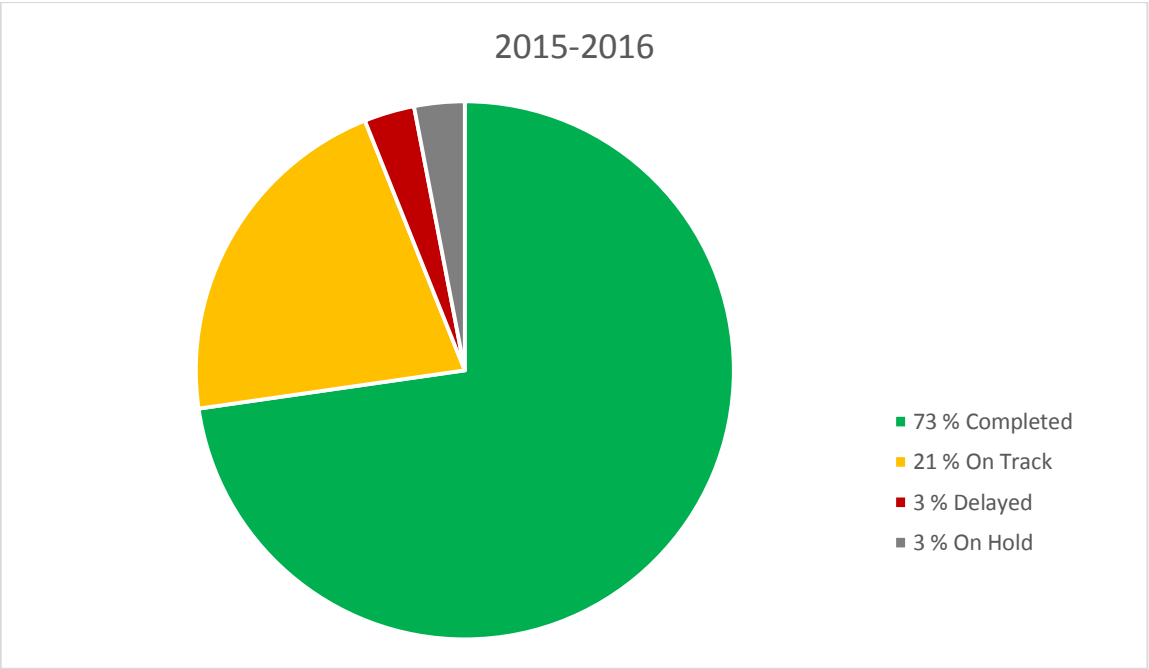
ABBREVIATIONS

GM	General Manager
DCC	Director Corporate and Community
DCO	Director City Operations
DCPD	Director City Planning and Development
MCPR	Manager Community Planning and Reporting
MDS	Manager Development Services
MES	Manager Executive Services
MFA	Manager Finance and Administration
MHR	Manager Human Resources
MIMT	Manager Information Management and Technology
MLCS	Manager Library and Customer Service
MO	Manager Operations
MRS	Manager Regulatory Services
MSAM	Manager Strategic Asset Management
MCI	Manager City Infrastructure
MUES	Manager Urban and Environmental Strategy
CCME	Coordinator City Media and Events

Overall Performance

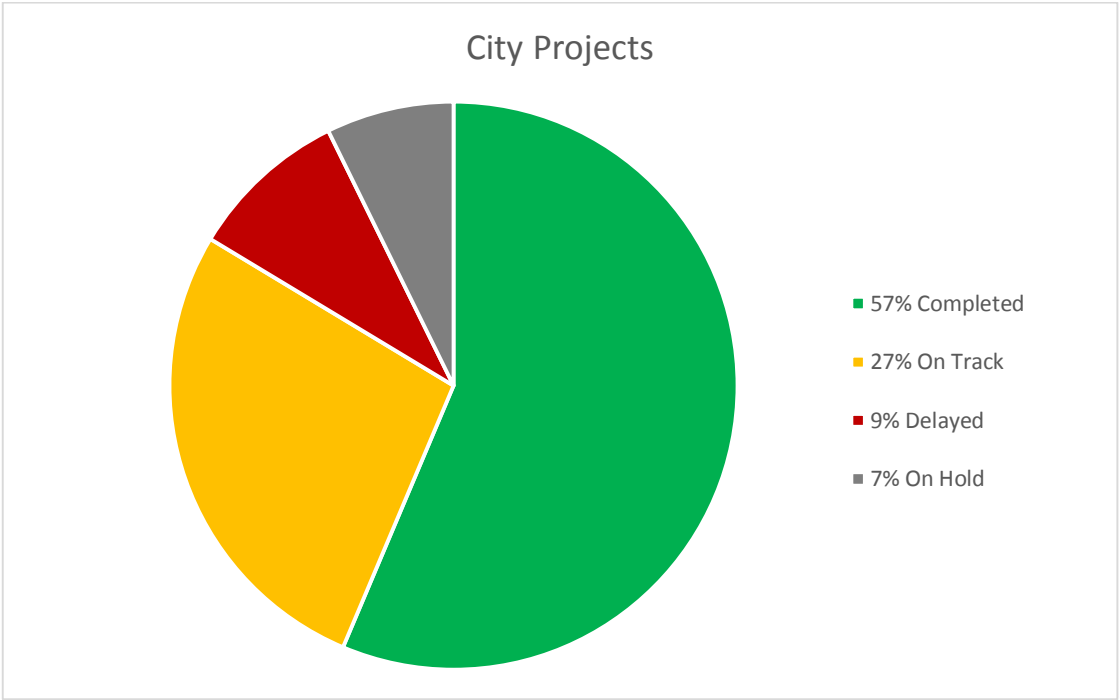
Operational Plan 2015/16

The Operational Plan 2015/16 had 132 Actions that addressed 57 Principal Activities in the Delivery Program 2013/17. Overall in the third year of the Delivery Program 96 Operational Plan Actions were completed, 28 were on track, 4 delayed and 4 actions are on hold.



City Projects Program

There are 259 individual projects in the City Projects Program, with 55 milestones. In 2015/16, 31 milestones were completed, 15 were on track, 5 were delayed and 4 were on hold. Within this program there are 14 projects funded by the Renewing Rockdale Special Rate Variation (SRV).



About this report

Welcome to Rockdale City Council's Delivery Program and Operational Plan 12 Month Performance Report. This report is the 12 month progress report on the Rockdale City Delivery Program 2013/17.

Our aim in all we do is to make progress in achieving the following four community outcomes which were developed through extensive community engagement and form the basis for Rockdale's City Plan.

The City of Rockdale is:

- 1 Welcoming and creative City with active, healthy and safe communities.
- 2 High quality natural and built environment and valued heritage in liveable neighbourhoods. A City that is easy to get around and has good links and connections to other parts of Sydney and beyond.
- 3 City with a thriving economy that provides jobs for local people and opportunities for lifelong learning.
- 4 City with engaged communities, effective leadership and access to decision-making.

In this report Council details the principal activities it is undertaking to achieve these objectives – that is our progress in meeting our obligations to deliver both the community's long term aspirations and current needs and expectations.





The report also looks at our progress towards our four year Delivery Program Principal Activities and uses a range of measures to measure their progress (as set out in the Delivery Program 2013/17).

It details the work done by Council and where possible measures the effectiveness of each Delivery Program Principal Activity in achieving the objectives at which the activity is directed. Developing measures against which Council's progress can be measured is an ongoing process. As we identify reliable measures, from both internal and external sources, we will include them in our reports and update them as necessary.

How to read this report

The activities in this report are grouped by the above community outcomes and our City Projects Program.

We have colour coded our performance on our activities, programs, projects and works as follows:

	Completed - Target 100% met
	On Track - Nearing completion
	Delayed - Behind schedule
	On Hold - Not being undertaken at this time

Where the measure is a community survey result, the 'performance gap' score is the difference between importance and satisfaction. It is calculated by subtracting the mean satisfaction score from the mean importance score. To find the mean satisfaction and mean importance score, community survey participants were asked to rate a range of Council services / facilities on a scale of 1 to 5, where 1 = very low importance / satisfaction and 5 = extremely high importance / satisfaction. The gap performance represents the difference between a service / facility Council provides and the community expectation for that service / facility. Ideally the performance gap score is less than 1.00 or negative, meaning residents' satisfaction meets or exceeds their expectation for Council's service / facility. It is important to recognise a performance gap score of 1.00 is acceptable when the mean importance rating is 4.00 or higher as residents have rated the satisfaction score to be 'high' to 'very high' for the service / facility. To view the community survey results in detail refer to the 'Rockdale City Council Community Research 2015' document on Council's website.

The first part of the report shows our work towards achieving our Community Outcomes and details the Delivery Program activities designed to address that Outcome, and the Operational Plan Outcomes attached to each activity.

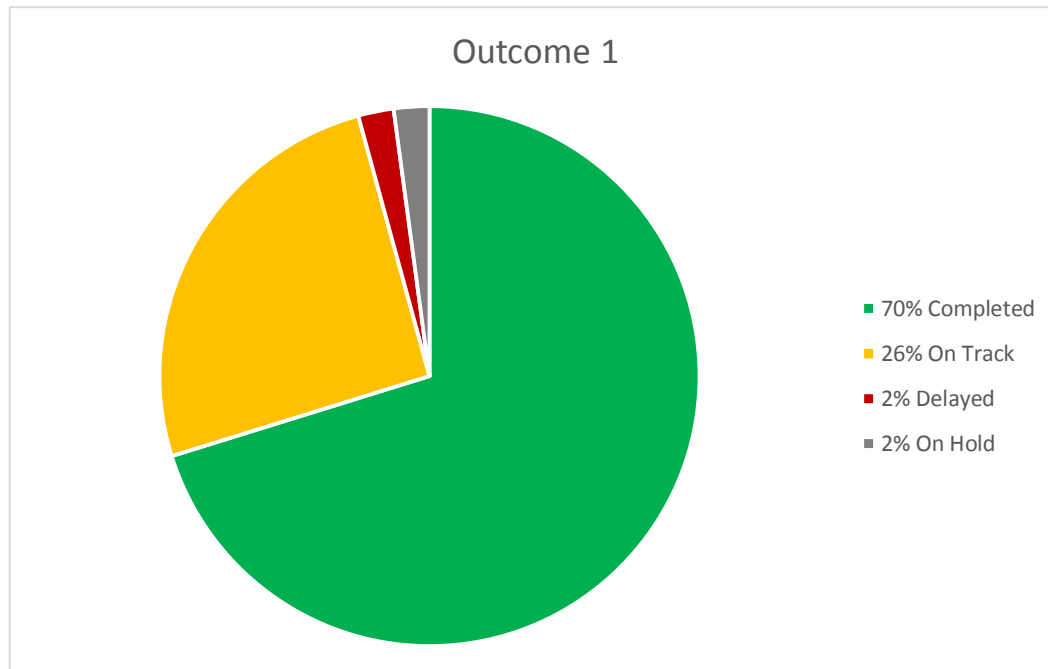
The second part of the report shows the performance of our City Projects Program, including description of the project, the anticipated milestone for 2015/16, and our progress against those milestones.

Performance: Outcome 1

Rockdale is a welcoming and creative City with active, healthy and safe communities

Overview

Overall performance on Operational Plan Actions which collectively work towards achieving Outcome 1 was high with 33 of 47 actions were completed, 12 were on track, 1 was delayed and 1 was on hold.



Highlights

Community facilities and assets

- Significant progress on the Angelo Anestis Aquatic Centre with the steel structure and roofing of complex complete, internal fit-out commenced and the tiling of the main 50 metre pool completed.
- The Guild Theatre refurbishment
- Bexley Oval Grandstand refurbishment
- New playgrounds delivered at Arncliffe Park, Arncliffe; Dominey Reserve, Bexley; Bexley North; and Kingsland Road Reserve Playground, Bexley.
- The Beach and Waterways Program implemented which included completion of the rock revetment along the foreshore south of Lena Street, sandbag stabilisation works completed in the Sandringham Baths. Repairs to Kyeemagh boat ramp pontoon and dune restoration in two locations.

Community safety

- 400 health inspections carried out at food premises across the City.
- A total of 441 school parking patrols have been conducted to keep children safe around schools.
- Weekend Ranger Summer Program ran again until the end of Daylight Savings. The Program is a community education and awareness program aimed at the many visitors to the Cook Park beachfront.
- 79 playground sites inspected quarterly and reported defects repaired as required to ensure safety.
- Illegal dumping reduced through ongoing CCTV monitoring at 14 sites across the City.

Community capacity

- Established the \$150,000 “Doing it Differently” ABCD-based Community Grants program in partnership with South East Area Health Department (SEAH).
- 15 new Youth Councillors recruited, who were instrumental in delivering Council’s events for young people including a ‘Poetry Slam’ event called ‘Express Yourself’, with 120 high school students participating.

Community events

- Delivered over 22 events including: Rockdale Around The Christmas Tree, Carols By The Sea, Mayoral Charity Christmas Dinner, New Year’s Eve Fireworks, Australia Day, Lunar New Year, Rockdale Arts Festival, citizenship ceremonies and several flag raising events.
- Held four specific ‘Focus on Ability’ film screenings facilitated in local cafes in with over 100 people attending to celebrate the ability levels of those with a disability.

Outcome 1: Rockdale is a welcoming and creative City with active, healthy and safe communities

Objective 1.1 Our community's health and wellbeing will increase




Strategy 1.1.1 Build a healthy community where people of all ages and abilities can enjoy an environment free of public health risks

Delivery Program Principal Activity		Action		Target	Annual Achievement	
I.1.1.A	Develop an effective and efficient regulatory program to support a safe environment and address public safety matters (DC, PD)	I.1.1.A.1	Conduct minimum of 2 Food Handling Workshops with food businesses across our Local Government Area (MRS)	2 handling food workshops delivered	Combined Food Handling Workshops carried out for food businesses in Local area.	●
I.1.1.A	Develop an effective and efficient regulatory program to support a safe environment and address public safety matters (DCPD)	I.1.1.A.2	Council to carry out 100% of its health inspections program annually comprising 400 inspections (MRS)	400 inspections completed	Health inspections completed.	●

Delivery Program Method of Assessment		
	Measure	Result
I.1.1.A	Community Survey, increasing satisfaction with public health inspections (baseline 2012)	Performance gap: 0.92 Minimal change since 2013, decreased by 0.10.


Strategy 1.1.2 Work with the community and increase the cleanliness of Rockdale City

Delivery Program Principal Activity		Action		Target	Annual Achievement	
I.1.2A	Implement a Community Waste Education program (DCO)	I.1.2.A.1	Program and undertake interactive recycling education programs at 23 schools and 6 community events p.a. (MO)	6 events and 23 schools completed	In a joint effort between Council and Keep Australia Beautiful, Council has delivered on this program.	●
I.1.2B	Implement Council's sweeping program (DCO)	I.1.2.B.1	Deliver street sweeping program across the city of Rockdale (MO)	100% of 12-month schedule completed (weather permitting)	Street sweeping program completed in line with guarantee of service for each street to be swept twice per month. This program has been improved with the adoption of GPS tracking and video recording of the sweeping runs.	●
I.1.2C	Implement a coordinated program to address illegal dumping across the City (DCC / DCO)	I.1.2.C.1	Ascertain hotspots through mapping and analysing reported incidents of illegal dumping (MCPR)	Data analysed and reported	Maps produced identifying the illegal dumping sites. CCTV cameras located at areas of high illegal dumping resulting in a reduction in dumping.	●
I.1.2C	Implement a coordinated program to address illegal dumping across the City (DCC / DCO)	I.1.2.C.2	Deploy mobile CCTV cameras at illegal dumping hotspots and monitor their effectiveness (MCPR)	100% requests received addressed within 5 working days	CCTV Cameras continue to monitor and reduce illegal dumping at a range of locations.	●
I.1.2C	Implement a coordinated program to address illegal dumping across the City (DCC / DCO)	I.1.2.C.3	Remove and dispose of illegally dumped materials within 14 days after investigation proceedings (MO)	100% illegally dumped materials removed and disposed	After investigation illegally dumped materials are removed and disposed of within a 14 day period.	●
I.1.2C	Implement a coordinated program to address illegal dumping across the City (DCC / DCO)	I.1.2.C.4	Seek funding through the NSW Environment Protection Authority's 'Waste Less, Recycle More' Waste and Resource Recovery Initiative to develop a regional illegal dumping campaign (MO)	Regional illegal dumping campaign implemented	SSROC members agreed in August of 2015 to implement a Regional Illegal Dumping (RID) squad for the SSROC group. The Sydney RID Squad was announced and commenced operations in October 2015. Council is a committee member for the monthly meetings with the Sydney RID Squad and there is one RID Officer appointed for the region. This process is assisted with CCTV surveillance, educational programs and enforcement.	●

Delivery Program Principal Activity		Action		Target	Annual Achievement	
I.1.2C	Implement a coordinated program to address illegal dumping across the City (DCC / DCO)	I.1.2.C.5	Inform residents about Council's Domestic Waste and Clean Up Programs (MO)	Waste Clean Up Guide delivered	Council has coordinated a program which involved all Waste educational material sent to all households, updated Council's website with educational material, use of Regional Illegal Dumping (RID) squad to assist Council officers deliver community message and arranged a variety of educational community workshops.	
I.1.2C	Implement a coordinated program to address illegal dumping across the City (DCC / DCO)	I.1.2.C.6	Investigate incidents of illegal dumping and prosecute offenders (MRS)	100% reported incidents investigated	All reported dumping incidents and breaches of Council's programmed collection have been investigated. Investigation of incidents detected on Council's CCTV cameras have been reviewed and where possible fines have been issued. The introduction of the RID Squad within the LGA has seen hot spots targeted by them with numerous fines issued to persons or companies involved in dumping practices.	
I.1.2D	Implement a service review of Council's Street Tree Maintenance program to move from Reactive to Proactive (DCO)	I.1.2.D.1	Efficiently deliver Council's Tree Maintenance service (MO)	100% CRMS investigated within 14 days	A focus on responsive maintenance due to storm damage has delayed programmed maintenance schedule with a 75% completion rate of all customer requests. Completion of street tree removal and planting at the following locations: Richmond Street Rockdale, West Botany Street - President Avenue Kogarah to Princes Highway Arncliffe, Willison Road Bexley to Carlton.	



Delivery Program Method of Assessment		
	Measure	Result
I.1.2.A	Council Statistics, increase in waste recover / recycling	The recycling rate remained constant at 56% in 2015/16.
	Community Survey, increasing community satisfaction with general waste and garbage collection, and with recycling (baseline 2012)	Performance gap: 0.47 Minimal change since 2013, increased by 0.13.
I.1.2.B	Community Survey, satisfaction with the cleanliness of City streets (baseline 2012)	Performance gap: 0.60 Minimal change since 2013, increased by 0.11.
I.1.2.C	Council Statistics, reduction in illegal dumping that is cleared up at Council's cost (baseline set in 2012/13)	The 2015/16 cost was \$89,687 which represented 417.5 tonnes. The annual cost decreased by 14.5% over 2014/15.
	Community Survey, increasing community satisfaction with litter control and rubbish dumping (baseline 2012)	Performance gap: 0.83 Minimal change since 2013, increased by 0.02.
I.1.2.D	Community Survey, satisfaction with condition and maintenance of Council's Trees is increasing	Performance gap: 0.93 (set as baseline)
	Council Statistics, reduced the number of Customer Requests for Council Tree Maintenance services	Council received 1827 request for tree maintenance services within the 2015/16 period. This reflected a substantial decrease of 11% on the 2014/15 financial year.



Strategy I.1.3 Build a healthy community with people of all ages and abilities

Delivery Program Principal Activity		Action		Target	Annual Achievement	
I.1.3A	Work in partnership with South Eastern Sydney Local Health District and South Eastern Sydney Medicare to improve the health and wellbeing of the community (DCC)	I.1.3.A.1	Partner with local and state stakeholders to advocate on behalf of the community and explore local health initiatives (MCPR)	Two health specific related programs planned and underway	The Doing it Differently Grants Program was developed and ready to roll out. Community groups and organisations will be able to access \$150,000 of grant funding for community-based initiatives designed to build on community strengths.	

Delivery Program Method of Assessment		
	Measure	Result
I.1.3.A	Measures of state of health of the community included in the Community Strategic Plan to be reported on every two years (set baselines) (results - smoothed rate per 100,000 population) <i>Source: Health Statistics NSW</i>	
	Obesity decreasing	Obesity levels remains stable: There were 484.6 high body mass attributable hospitalisations of Rockdale residents during 2013/15.
	Life expectancy stable or increasing	Life expectancy at birth in NSW is 84.4 years for females and 80.3 years for males. This is an increase of 0.4 for females and 0.3 for males.
	Smoke frequency decreasing	The trend for smoking frequency is decreasing. In 2015, an estimated 8.1% of residents in SES Area Health district (16 years and over) smoked daily. This is less than the NSW average of 10.5%.
	Risky alcohol consumption decreasing	Risky alcohol consumption is stable. There were 545.8 alcohol attributed hospitalisations for Rockdale residents between 2013/15.
	Prevalence of disease decreasing	There was a slight decrease in hospitalisations of Rockdale residents due to coronary heart disease in 2012-14 totalling 481.7, compared to 490.4 in 2011/13.
	Fall related injury decreasing	There were 664.6 fall related injuries of Rockdale residents requiring overnight hospitalisations between 2012/14. This is an increase of 21.7 since 2011/13.

Strategy I.1.4 Improve the access and effectiveness of services and facilities available to all members of the community to encourage active living to improve health and wellbeing

Delivery Program Principal Activity		Action		Target	Annual Achievement	
I.1.4A	Ensure that a range of active recreation, leisure and sporting opportunities are available for all ages, genders, ethnicities, ability levels and socio-economic groups (DCC)	I.1.4.A.1	Develop policy and plans to identify, promote and support active recreation, leisure and sporting activities and initiatives delivered in our City (MCPR)	Active Living Plan drafted	Access Audit of open space completed, including passive and active recreation areas and data will be used to update the Active Living Plan.	
I.1.4A	Ensure that a range of active recreation, leisure and sporting opportunities are available for all ages, genders, ethnicities, ability levels and socio-economic groups (DCC)	I.1.4.A.2	Monitor existing active and passive park usage via park users survey (MCPR)	Survey completed	Draft survey finalised. Survey to be conducted in October 2016.	





Delivery Program Principal Activity		Action		Target	Annual Achievement	
I.1.4A	Ensure that a range of active recreation, leisure and sporting opportunities are available for all ages, genders, ethnicities, ability levels and socio-economic groups (DCC)	I.1.4.A.3	Explore the development of standardised policies and procedures with Kogarah and Hurstville Councils, state and regional peak bodies regarding recreational and sporting opportunities (MCPR)	Policy updates completed	Quarterly meetings will take place with the newly-formed Georges River Council. Once their new council structure is established we will meet again on a quarterly basis to further our discussions from our first meeting focussed on areas for development in regards to recreational and sporting opportunities. In partnership with NSW Office of Sport a range of training opportunities for sports clubs across the region has been organised.	
I.1.4A	Ensure that a range of active recreation, leisure and sporting opportunities are available for all ages, genders, ethnicities, ability levels and socio-economic groups (DCC)	I.1.4.A.4	Improve participation of under-represented groups in a range of active recreation, leisure and sporting opportunities (MCPR)	Draft Participation Strategy completed	Discussions on targeted sport provision for under-represented groups has continued with sporting clubs / associations through Council's Sport and Recreation Working Party.	
		I.1.4.A.5	Implement Beach and Waterways Program (MCI)		Refer to City Projects Program CPP3 and CPP4	
		I.1.4.A.6	Implement Sports Field Rehabilitation Program (MCI)		Refer to City Projects Program CPP26	
		I.1.4.A.7	Commence construction of the Rockdale City Aquatic Centre (DCO)		Refer to City Projects Program CPP23	

Delivery Program Method of Assessment		
	Measure	Result
I.1.4.A	Community Survey, satisfaction with condition and maintenance of sporting fields and gardens is increasing (baseline 2012)	Maintenance sporting fields Performance gap: 0.69 Minimal change since 2013, increased by 0.02.
	NSW Benchmark Park User Satisfaction Survey, visitor satisfaction with park asset maintenance, park usage, and users requirements	2014 satisfaction mean score: 7.0 Minimal change since 2013, decreased by 0.10.
	Community Survey, satisfaction with opportunities to participate in sporting and recreation activities is increasing	Sporting and Recreation 70% of residents are satisfied with opportunities to participate in sporting and recreation activities (set as baseline)
	Cycling Participation and Riders Perception Survey, Rockdale City residents, workers and visitors are increasingly cycling to work and leisure activities	Survey carried out by Bicycle Network across Australia every 3 years. Next survey due 2016. In 2013, 16% of males and 11% of females reported cycling in a typical week. Of those 90% cycle for leisure and 17% cycle to work.
	Community Survey, satisfaction with foreshore and beachfront cleaning is increasing (baseline 2012)	Foreshore and Beach Performance gap: 0.51 Minimal change since 2013, increased by 0.13

Objective 1.2 Our community feels safe in their homes, workplace and in public spaces

Strategy 1.2.1 Work with partners and the community to identify and address community safety issues

Delivery Program Principal Activity		Action		Target	Annual Achievement	
I.2.1A	Children will have a safe place to play within the community (DCO)	I.2.1.A.1	Carry out safety inspections on playground equipment every 3 months covering the 79 sites to ensure compliance and safety (MO)	4 inspections completed at each site	All playground sites have been inspected quarterly and reported defects repaired as required. Schedule Program for the continuous topping up and / or replacement of the soft fall material to ensure compliance also delivered.	●
		I.2.1.A.2	Undertake Playground Safety Renewal program to maintain safety compliance (MCI)		Refer to City Projects Program CPP8	
		I.2.1.A.3	Undertake 2015/16 Special Rate Variation playground upgrade (MCI)		Refer to City Projects Program CPP11-CPP17	

Delivery Program Principal Activity		Action		Target	Annual Achievement	
1.2.1B	Develop and implement Council's Community Safety Strategy and Plan – 'Community Safety is Everybody's Business' (DCC)	1.2.1.B.1	Implement Community Safety Plan, with a focus on external partnerships, addressing perceptions of safety and streamlining community reporting systems (MCPR)	Community Safety Plan adopted and implementation commenced	Consultation on the Draft Community Safety Plan will be completed by October 2016 in partnership with our interagency and the community.	
1.2.1B	Develop and implement Council's Community Safety Strategy and Plan – 'Community Safety is Everybody's Business' (DCC)	1.2.1.B.2	Broaden Community Safety Plan by including water safety strategies, including education and awareness (MCPR)	Community Safety Plan adopted and implementation commenced	The Draft Community Safety Plan includes Water Safety and Education awareness on Community Safety issues. In addition we have Community Water Safety messages via Electronic Message Boards near beach-side areas.	
1.2.1C	Develop annual Road Safety Action Plan to seek funding from NSW Roads and Maritime Services (DCO)	1.2.1.C.1	Implement the Road Safety Program 2015-16 with annual matching funding from Roads and Maritime Services (MCI)	6 programs delivered: - Bike Week Event 'On Ya Bike' - Motorcycle Safety Event called 'Breakfast Torque' - 3 Free Child Restraint Check Days - 2 Free Workshops Helping Learner Drivers Become Safer Drivers - 'Don't Rush' Speed campaign - Pedestrian Safety Campaign 'Walking Safely In Rockdale'	The 2015/2016 safety program has been delivered: Free Child Restraint Check Days, Workshops Helping Learner Drivers Become Safer Drivers, and 'Don't Rush' Speed campaign. 'On Ya Bike' was not conducted this year.	
1.2.1D	Support a safe living environment through a proactive approach to public safety matters (DCPD)	1.2.1.D.1	Enforce School Parking Patrol Program (276 parking patrols) (MRS)	100% of the annual Program completed	A total of 441 School Parking Patrols have been conducted, exceeding the annual requirement.	

Delivery Program Principal Activity		Action		Target	Annual Achievement	
I.2.ID	Support a safe living environment through a proactive approach to public safety matters (DCPD)	I.2.I.D.2	Implement Footway Trading Program to regulate the use of footpaths (MRS)	100% of enquiries responded to within service agreement	Council has one Regulations Inspector allocated to assist with Footway Trading Enforcement. All reported breaches investigated and infringements issued to non-complying businesses. Out of hours patrols conducted by Regulations Staff over weekend periods as required.	●
I.2.ID	Support a safe living environment through a proactive approach to public safety matters (DCPD)	I.2.I.D.3	Implement Summer holiday season Cook Park initiative (increased regulatory presence on weekends and parking patrols) (MRS)	Program continued and completed	The Weekend Ranger Summer Program ran until the end of Daylight Savings with all required tasks being fulfilled. Program is an education program along with parking Enforcement over the busy summer months along the beachfront. All targets were met. Program will continue in 2016/17 during relevant period.	●
I.2.ID	Support a safe living environment through a proactive approach to public safety matters (DCPD)	I.2.I.D.4	Deliver the Companion Animal Enforcement Program (MRS)	100% reported incidents investigated within service agreement period	All reported animal control matters have been investigated and where required, action taken. Animal seizure forms actioned and fines issued to owners in breach of the legislation. All reported dog attacks have been actioned as per the Office of Local Government requirements, documented and finalised within service period.	●

Delivery Program Method of Assessment		
	Measure	Result
1.2.1.A	Community Survey, increasing satisfaction with provision and maintenance of playgrounds (baseline 2012)	Performance gap: 0.60 Moderate change since 2013, increased by 0.20.
1.2.1.B	Reported crime in the City of Rockdale is falling (NSW Bureau of Crime Statistics and Research)	For the period April 2015 - March 2016 (BOCSAR): The number of reported incidents of crime remained stable for Rockdale LGA. There were 11,483 reported offences in Rockdale for all incidents.
	Recorded offences for crimes against the person and crimes against property decreasing (NSW Bureau of Crime Statistics and Research)	As at March 2016 there was a decrease in recorded offences in Rockdale. Crimes against the person constituted 1491 incidents. <ul style="list-style-type: none"> For incidents of Indecent assault this is a decrease of 35.6% per year; Incidents of Malicious damage to property remained stable with 2730 incidents recorded. Incidents of theft decreased by 13% per year. There were 2693 incidents recorded.
	The proportion of people who feel safe in our community is steadily increasing (Community Survey)	In 2015: <ul style="list-style-type: none"> 96% of residents feel safe at home during the day, minimal change increased by 1% since 2013 95% feel safe walking alone during the day, no change since 2013 90% feel safe at home alone at night, moderate change increased by 5% since 2013 51% feel safe walking home alone at night, moderate change increased by 8% since 2013.
	Family violence decreasing – Recorded incidents of domestic violence per 100,000 population decreasing	As at April 2016, reported Domestic Violence incidents numbered 339. This is an annual increase of 11.8% since 2012/13.
	Community Survey, community satisfaction with community safety services is increasing (baseline 2012)	Performance gap: 0.93 Minimal change since 2013, decreased by 0.05.
	Council Statistics, six monthly measures will include amount of graffiti reported by the community and speed of removal	During the 2015/16 period 3059 incidents of graffiti were removed from Rockdale LGA compared to 3,180 from the previous financial year. 98% of graffiti was removed within Council Standard Service Agreement of 3 days. The amount of incidents decreased but the volume of graffiti increased from 6,422m2 to 6,588m2.
1.2.1.C	Road safety statistics are improving in City of Rockdale	For the period July 2014 to June 2015 a total of 576 accidents were reported in Rockdale LGA. Of these: <ul style="list-style-type: none"> 0 fatality 234 resulted in injury 332 vehicles required towing
	Community Survey, community satisfaction with traffic management increasing (baseline 2012)	Performance gap: 1.45 Moderate change since 2013, increased by 0.21.

Delivery Program Method of Assessment		
	Measure	Result
1.2.1.D	Road safety statistics are improving in City of Rockdale	For the period July 2014 to June 2015 there were a total of 576 accidents reported in Rockdale LGA. Of these: <ul style="list-style-type: none"> • 0 fatality • 234 resulted in injury • 332 vehicles required towing.
	Community Survey, community satisfaction with animal control is increasing (baseline 2012)	Performance gap: -0.01 Minimal change since 2013, decreased by 0.09.





Objective 1.3 Our community is welcoming and inclusive and celebrates its cultural diversity and community harmony

Strategy 1.3.1 Ensure we value and support our Aboriginal and Torres Strait Islander communities

Delivery Program Principal Activity		Action		Target	Annual Achievement	
1.3.1A	Improve Council's capacity to partner with Aboriginal people; Aboriginal expertise and to better understand the Aboriginal cultural landscape of the city (DCC)	1.3.1.A.1	Implement 4 year Reconciliation Action Plan (MCPR)	Reconciliation Plan adopted and implementation commenced	In consultation with our Aboriginal community we have agreed to place on hold the implementation of a 4 year Reconciliation Action Plan until we are certain of the State Government's amalgamation decision.	●



Delivery Program Method of Assessment		
	Measure	Result
1.3.1.A	Community Survey, proportion of residents who are satisfied with 'feeling part of the community' in the City of Rockdale is steadily increasing	54% of residents agree or strongly agree to feeling a sense of community, decreased by 2% since 2013.





Strategy 1.3.2 Build a welcoming and empowered community that embraces cultural diversity

Delivery Program Principal Activity		Action		Target	Annual Achievement	
1.3.2.A	Work with partners to encourage volunteering across the City (DCC)	1.3.2.A.1	Support partners in the recruitment, training and support of volunteers (MCPR)	2 volunteer planning forums held	A volunteer planning forum was organised in April 2016 with the community and local partners in regards to volunteering opportunities in the community. The forum focussed on the benefits of volunteering, the role of volunteers and provided an opportunity to match local people to volunteering opportunities in the community.	
1.3.2.A	Work with partners to encourage volunteering across the City (DCC)	1.3.2.A.2	Develop a volunteer strategy (MCPR)	Volunteer Strategy drafted	A volunteer reference group will be established with community partners in September. Results will inform the Volunteer Strategy. The results from the Volunteer Forum held in April 2016 will also inform the Volunteer Strategy.	
1.3.2.B	Work in partnership with Culturally and Linguistically Diverse (CALD) communities and ensure they are recognised and represented through Council policies and programs (DCC)	1.3.2.B.1	Develop and implement a community capacity building program with the Community Development Advisory Committee and other partners including Hurstville and Kogarah councils (MCPR)	Community Capacity Building Program drafted and exhibited	In partnership with Advance Diversity Services and the St George Multicultural Network, a second 'Working Together' community planning workshop was held in May 2016 with local St George organisations and Georges River Council.	
1.3.2.C	Work in partnership with young people to ensure that they are recognised and represented through Council policies and programs (DCC)	1.3.2.C.1	Develop and implement a community capacity building program with the Rockdale Youth Council and other partners (MCPR)	- Youth Week event promoted and held - Speak Up Hub reviewed and updated	15 new Youth Council representatives aged 12 - 24 years recruited and inducted. Youth Councillors trained in meeting procedures, events planning, facilitation skills and engaged in preparations for Youth Week 2016 event 'Express Yourself.' The event was held with 120 local high school students and local youth services engaging in a Poetry Slam and creative art based activities. The event was a finalist in the Local Government Dougherty Youth Week Awards for most innovative youth week event. St George Youth Network engaged in Child Safe, Child Friendly workshop in partnership with the Office of the Children's Guardian.	

Delivery Program Method of Assessment		
	Measure	Result
1.3.2.A	Council and Partner Statistics, levels of volunteering increasing	10.3% of residents volunteered in some capacity (ABS 2011)
1.3.2.B	Community Survey, proportion of residents who are satisfied with 'feeling part of the community' in the City of Rockdale is steadily increasing	54% of residents agree or strongly agree to feeling a sense of community, decreased by 2% since 2013.
	Satisfaction with support for multicultural communities is increasing (baseline 2012)	Performance gap: 0.23 Minimal change since 2013, increased by 0.10.
1.3.2.C	Community Survey, proportion of residents who are satisfied with 'feeling part of the community' in the City of Rockdale is steadily increasing	54% of residents agree or strongly agree to feeling a sense of community, decreased by 2% since 2013.
	Increasing proportion of Young People who feel they can have a say on important issues	Performance gap: 0.83 Minimal change since 2013, increased by 0.08.
	Community satisfaction with support for young people is increasing (baseline 2012)	Performance gap: 0.83 Minimal change since 2013, increased by 0.08.
	Council Statistics, increasing levels of participation by young people in community engagement activities	120 young people attended Council's 'Express Yourself' event. Council engaged directly or indirectly with 160 young people during 2015/16.

Strategy 1.3.3 Build a vibrant and exciting City that reflects the range of cultures, entertainment, events and networks that contribute to the wellbeing of its community



Delivery Program Principal Activity		Action		Target	Annual Achievement	
1.3.3A	Ensure that a variety of opportunities for arts and cultural assets, programs and partnerships are offered throughout the City (DCC)	1.3.3.A.1	Promote Rockdale City as a premier cultural hub (MCPR)	12 Rockdale Arts Festival events delivered	A variety of cultural and arts programs took place in the Town Centre as part of our Seniors' Program and Rockdale Arts Festival. The Living Laneways Town Centre Program is currently being reviewed by a Working Party.	
1.3.3A	Ensure that a variety of opportunities for arts and cultural assets, programs and partnerships are offered throughout the City (DCC)	1.3.3.A.2	Develop Arts and Cultural Services Map (MCPR)	1 stakeholder forum held	Data collection from the cultural mapping surveys and online survey has been completed with the first meeting of the newly established St George Arts & Cultural Forum taking place in October 2015 and May 2016.	



Delivery Program Principal Activity		Action		Target	Annual Achievement	
I.3.3A	Ensure that a variety of opportunities for arts and cultural assets, programs and partnerships are offered throughout the City (DCC)	I.3.3.A.3	Facilitate the implementation of the Public Art Policy across Council (MCPR)	- 100% of public art / festival opportunities considered as they arise - Public Art Policy reviewed	Electrical Box public art completed.	
I.3.3B	Develop, support and promote an exciting and engaging range of accessible events for our diverse community and visitors (GM)	I.3.3.B.1	Deliver an inclusive Events Program which adds value to our community and City, activates public spaces and invigorates town centres (CCME)	22 events held	Council delivered over 22 annual events including: NAIDOC Week Event Assistance, Lebanese Flag Raising, Greek and Serbian Flag Raising, Iftar dinner, HKR - Arts Forum, Citizenship Ceremonies, Bexley, Gardiner & Arncliffe Park, Egyptian National Day, Town Hall Events, Rockdale Around The Christmas Tree, Carols By The Sea, Mayoral Charity Christmas Dinner, New Year's Eve Fireworks, Australia Day, Lunar New Year, Rockdale Arts Festival.	
I.3.3B	Develop, support and promote an exciting and engaging range of accessible events for our diverse community and visitors (GM)	I.3.3.B.2	Funding opportunities for events identified and pursued (CCME)	No milestone scheduled	Current sponsorships are maintained.	
I.3.3B	Develop, support and promote an exciting and engaging range of accessible events for our diverse community and visitors (GM)	I.3.3.B.3	Develop and publish Council's events calendar (CCME)	Events calendar revised	Events calendar revised and updated.	

Delivery Program Method of Assessment		
	Measure	Result
I.3.3.A	Community Survey, perception of range and quality of cultural events and activities increasing	63% of residents agree or strongly agree to the range and quality of cultural events increasing (set as baseline)
	Community Survey: Satisfaction with public art increasing	Performance gap: -0.13 (set as baseline)
I.3.3.B	Community Survey, satisfaction with festivals and major events is increasing (baseline 2012)	Performance gap: -0.15 Moderate change since 2013, increased by 0.23.
	Community Survey: Perception of range and quality of cultural events and activities increasing	63% of residents agree or strongly agree to the range and quality of cultural events increasing (set as baseline)

Objective 1.4 Our City has quality and accessible services, and community and recreational facilities





Strategy 1.4.1 Ensure that community buildings and facilities are designed, delivered and maintained in a manner that is sustainable and reflects the needs of the community

Delivery Program Principal Activity		Action		Target	Annual Achievement	
I.4.1A	Ensure the Community Services Plan is implemented to optimise the quality and use of facilities, and the accountability of community groups for the subsidies received (DCC)	I.4.1.A.1	Review utilisation and promote community facilities to encourage increasing use and align with Council strategies (MPV)	Utilisation rate higher than the 2014/15 period	Council continues to implement the Community Facilities - Occupancy Renewal Policy.	
I.4.1A	Ensure the Community Services Plan is implemented to optimise the quality and use of facilities, and the accountability of community groups for the subsidies received (DCC)	I.4.1.A.2	Develop a building rationalisation strategy (MPV)	Draft rationalisation strategy completed	Further work occurred to progress the shortlisted properties for divestment.	

Delivery Program Principal Activity		Action		Target	Annual Achievement	
I.4.1A	Ensure the Community Services Plan is implemented to optimise the quality and use of facilities, and the accountability of community groups for the subsidies received (DCC)	I.4.1.A.3	Monitor the impact of the revised subsidy and fee waivers on Council facilities (MCPR)	4 quarterly reports completed	Sport Facility fees, charges and conditions of hire being explored as part of investigation into artificial turf.	
I.4.1B	Develop a comprehensive understanding of the condition of facilities and buildings (DCO)	I.4.1.B.1	Undertake buildings inspections from Asset Management Strategy (MCI)	No milestone scheduled	Program of inspections and procedures reviewed to ensure all buildings covered. Inspection routine being established as part of Council's new Asset Management System.	
		I.4.1.B.2	Complete the Property and Buildings 2015/16 Special Rate Variation Program (MCI)		Refer to City Projects Program CPP29-CPP34	
		I.4.1.B.3	Comply with Council's obligations under the Development Agreement to progress the construction of the Arncliffe Youth Centre (DCO)		Refer to City Projects Program CPP22	

Delivery Program Method of Assessment		
	Measure	Result
1.4.1.A	Community Survey: Satisfaction with the condition of Council's community facilities including libraries, Town Hall and community halls is increasing (baseline 2012)	Performance gap: 0.39 Moderate change since 2013, increased by 0.22.
	Council Statistics, increase in facility use	Facility usage (in hours): <ul style="list-style-type: none"> 84,139 Community facilities (leased / licenced / permitted), increase of 27% from 2014/15. 36,319 Sporting facilities increase of 9% from 2014/2015.
1.4.1.B	Community Survey: Satisfaction with the condition of Council's community facilities including libraries, Town Hall and community halls is increasing (baseline 2012)	Performance gap: 0.39 Moderate change since 2013, increased by 0.22.
	Community Survey: Community satisfaction with the provision and maintenance of public toilets increasing (baseline 2012)	Performance gap: 1.47 Minimal change since 2013, increased by 0.08.


Strategy 1.4.2 Provide parks, reserves and recreation areas which reflect the qualities of the City's social and environmental needs

Delivery Program Principal Activity		Action		Target	Annual Achievement	
1.4.2A	An increasing range of accessible recreational sport and leisure opportunities are provided for the wider community (DCC)	1.4.2.A.1	Establish partnerships with local education institutions to maximise the use of public facilities by the community (MCPR)	Pilot program implemented with 1 local school	Department of Education are currently reviewing their approach to shared use of facilities and are piloting a number of joint developments in Sydney and NSW. Council is working with Department of Education to identify specific local opportunities. Department of Education and Department of Premier and Cabinet are collaborating on this work.	
1.4.2B	Ensure that the use of all parks, reserves and recreational areas are guided by Plans of Management which reflect the City's social and environmental needs (DCO)	1.4.2.B.1	Carry out scheduled works of Council's parks and reserves to ensure they are fit for purpose to meet the community's needs (MO)	100% 12 month schedule completed	Parks maintenance schedules have been on target and conducted to an acceptable standard, any work requiring rectification is usually recorded on weekly site inspections.	
1.4.2B	Ensure that the use of all parks, reserves and recreational areas are guided by Plans of Management which reflect the City's social and environmental needs (DCO)	1.4.2.B.2	Review and consolidate Playground and Sports Field Infrastructure Strategies (MCPR)	Revised Playground and Sports Field Infrastructure Strategies complete	Playground Replacement and Renewal Program has been drafted.	
1.4.2B	Ensure that the use of all parks, reserves and recreational areas are guided by Plans of Management which reflect the City's social and environmental needs (DCO)	1.4.2.B.3	Investigate opportunities for synthetic sports fields including maintenance and cost recovery options (MPO)	Implementation strategy developed	On 7 October 2015 Council endorsed the concept of two synthetic sporting hubs in Rockdale: one at the Bicentennial Precinct and the other at Arncliffe Park.	

DP Method of Assessment		
	Measure	Result
I.4.2.A	Community Survey, satisfaction with the condition and maintenance of sporting fields, parks and gardens is increasing (baseline 2012)	Performance gap: 0.69 Minimal change since 2013, increased by 0.02.
I.4.2.B	Community Survey, satisfaction with opportunities to participate in sporting and recreation activities is increasing	70% of residents agree or strongly agree to being satisfied with opportunities to participate in sporting and recreation activities (set as baseline)
	NSW Benchmark Park User Satisfaction Survey, visitor satisfaction with park asset maintenance, park usage, and users requirements	2014 satisfaction mean score: 7.0 Minimal change since 2013, decreased by 0.10. No current survey results available.

Strategy I.4.3 Ensure equitable and affordable access to services and facilities for our established and emerging communities

Delivery Program Principal Activity		Action		Target	Annual Achievement	
I.4.3A	Ensure that the needs of children are recognised and represented through Council policies and programs (DCC)	I.4.3.A.1	Implement the Children's and Family Plan (MCPR)	Children's and Family Plan adopted and implemented	Draft Children & Families Plan has been developed.	●
I.4.3B	Ensure that the needs of older people and people with disabilities are recognised and represented through Council policies and programs (DCC)	I.4.3.B.1	Implement the Ageing Strategy (MCPR)	Ageing Strategy implementation commenced	Draft Ageing Strategy has been completed for public comment.	●
I.4.3B	Ensure that the needs of older people and people with disabilities are recognised and represented through Council policies and programs (DCC)	I.4.3.B.2	Develop the Disability Access and Inclusion Plan in response to NSW Government guidelines (MCPR)	Disability Access and Inclusion Plan completed	A scoping plan has been drafted which meets the consultation requirements of the NSW legislation.	●

Delivery Program Principal Activity		Action		Target	Annual Achievement	
1.4.3B	Ensure that the needs of older people and people with disabilities are recognised and represented through Council policies and programs (DCC)	1.4.3.B.3	Promote international Day of Disability event (MCPR)	No milestone scheduled	International Day of Disability was promoted via 4 specific 'Focus on Ability' film screenings facilitated in local cafes in November and December. Over 100 people attended the film screenings which raised awareness of the ability levels of those with a disability.	

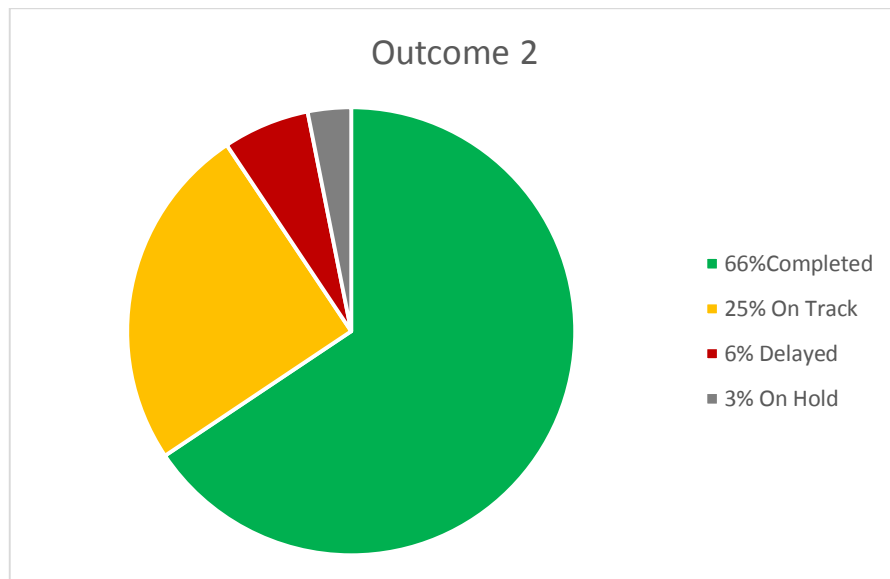
Delivery Program Method of Assessment		
	Measure	Result
1.4.3.A	Community Survey, proportion of residents who are satisfied with 'feeling part of the community' in the City of Rockdale is steadily increasing	54% of residents agree or strongly agree to feeling a sense of community, decreased by 2% since 2013.
1.4.3.B	Community Survey, proportion of residents who are satisfied with 'feeling part of the community' in the City of Rockdale is steadily increasing	54% of residents agree or strongly agree to feeling a sense of community, decreased by 2% since 2013.
	Increasing satisfaction with support for older people and people with disabilities (baseline 2012)	Performance gap: 0.94 Moderate change since 2013, increased by 0.22.

Performance: Outcome 2

Rockdale is a City with a high quality natural and built environment and valued heritage in liveable neighbourhoods. A City that is easy to get around and has good links and connections to other parts of Sydney and beyond.

Overview

Overall performance on Operational Plan Actions which collectively work towards achieving Outcome 2 was high with 21 of 32 actions completed, 8 were on track, 2 were delayed and 1 was on hold.



Highlights

Community education

- 600 residents participated in sustainability and environmental workshops on a range of topics .
- Council also funded eight environmentally themed children events that were part of the Library's school holiday programs.

Planning for our City

- *New Contributions Plan - Urban Renewal Area* was adopted by Council on 16 March 2016 to support appropriate facilities and services in high urban renewal areas of Bonar Street Precinct and Wolli Creek.
- Council officers have continued to work with Department of Planning & Environment on progressing planning for Banskia and Arncliffe Priority Precincts.
- Council has been actively processing and assessing Planning Proposals over the past 12 months that will help deliver more homes across the City.
- Council commenced the Master Planning process with the commissioning of consultants to prepare an economic study of the Brighton Le Sands investigation area.
- Council adopted a Community Gardens Policy in October 2015 which has received a generous amount of community interest.

Community assets

- New sections of pathway completed at Lorraine Avenue, Bardwell Valley, St Kilda Avenue, Bexley North, Mitchell St, Arncliffe and repairs to the stone wall at Crewe Lane, Bardwell Valley.
- Stormwater drainage augmentation works were completed at the following locations: Bryant St, Rockdale; Agonis Close, Banksia; Bado Barong Creek; Arncliffe St pipe renewal; Cooks River drainage outlet and Canonbury Grove, Bexley North.

Traffic calming




- Council successfully obtained \$135,500 Federal and State funding for a number of traffic projects.
- New traffic facilities were provided at a variety of locations (including: King Edwards Street, Rockdale; Arncliffe St, Arncliffe; Moate Avenue, Brighton Le Sands; Malua St, Dolls Point; Edward St, Bexley North; Pine Park carpark; England St, Brighton Le Sands; Chuter Ave, Ramsgate) and line marking at a number of locations around the City.
- New traffic signals at Slade Road and Hartill-Law Avenue, Bardwell Valley well underway.



Outcome 2 : Rockdale is a City with a high quality natural and built environment and valued heritage in liveable neighbourhoods. A City that is easy to get around and has good links and connections to other parts of Sydney and beyond



Objective 2.1 Our City protects and enhances our natural environment including our beaches, waterways, bushland and foreshore areas


Strategy 2.1.1 Protect, preserve and promote the City's natural resources

Delivery Program Principal Activity		Action		Target	Annual Achievement	
2.1.1A	Develop a strategic planning framework for environmental management that enhances and protects the City's biodiversity, waterways, catchments and natural heritage (DCPD)	2.1.1.A.1	Implement key priorities of the Natural Areas Restoration Plan (MPO)	Key restoration works commenced	Restoration works completed for 2015/16 in Bardwell Valley, Fry's Reserve, Wolli Creek, Stotts Reserve, Hawthorne Street Natural Area, Landings Lights wetland, Scarborough Park, Bicentennial Park, Binnamitalong, Cooilbah Reserve, Bado Berong Creek, Scott Park and Lady Robinsons Beach.	●
2.1.1A	Develop a strategic planning framework for environmental management that enhances and protects the City's biodiversity, waterways, catchments and natural heritage (DCPD)	2.1.1.A.2	Establish a pilot community garden initiative (MPO)	Community Garden pilot commenced	Council completed and exhibited the draft Rockdale Community Gardens Policy. The exhibition demonstrated strong support for the policy and it was adopted by Council in October 2015. With the assistance of Council, The Bay community garden group lodged an application to develop a community garden in Lance Studdert Reserve in June 2016. Council also investigated the possibility of a community garden in the pocket park on the corner of King Lane and Bryant Street. However, the assessment determined the location was not feasible.	●

Delivery Program Principal Activity		Action		Target	Annual Achievement	
2.1.1A	Develop a strategic planning framework for environmental management that enhances and protects the City's biodiversity, waterways, catchments and natural heritage (DCPD)	2.1.1.A.3	Develop Riparian Buffer Revegetation Plan (MPO)	Plan completed	Draft Plan completed, final plan under review.	
2.1.1A	Develop a strategic planning framework for environmental management that enhances and protects the City's biodiversity, waterways, catchments and natural heritage (DCPD)	2.1.1.A.4	Develop Priority Species Management Plan (MPO)	Plan completed	Draft plan completed, final plan under review.	
2.1.1B	Deliver best practice initiatives to protect and enhance the City's creeks, rivers, coastal systems, bushland areas and wetlands (DCPD)	2.1.1.B.1	Implement 'Learn, Grow, Build, Share' community sustainability program with participating Councils (MPO)	20 community events completed	In 2015/16, 28 environment / sustainability workshops were held with a total attendance of approximately 600 residents. Additionally, Council funded eight environmentally themed children events in the 2015/16 financial year, as part of the Library's school holiday programs. Due to Council amalgamations the multi-Council 'Learn, Grow, Build, Share' program has reverted to being solely a Rockdale City Council program titled, 'Sustainability Matters'. From the beginning of 2016 the OEH grant funded program, 'Wild Things', has also been incorporated into the program.	



Delivery Program Principal Activity		Action		Target	Annual Achievement	
2.1.1B	Deliver best practice initiatives to protect and enhance the City's creeks, rivers, coastal systems, bushland areas and wetlands (DCPD)	2.1.1.B.2	Develop user-friendly community resources to inform and educate the community on key local environmental issues (MPO)	Environment section of the website upgrade completed	Website content upgrade under development. In addition, Council produced community education resources (eg brochures, web information, events) on urban wildlife, natural areas and renewable energy. This has included wetland tours, presentations, upgrades to project specific web pages, brochures, articles in the community newsletter 'Rockdale Review', and the St George & Sutherland Shire Leader, YouTube videos, email newsletters and social media (Council's Facebook and Twitter sites). A number of these have been produced in multiple languages.	
2.1.1B	Deliver best practice initiatives to protect and enhance the City's creeks, rivers, coastal systems, bushland areas and wetlands (DCPD)	2.1.1.B.3	Coordinate the implementation of the Georges River Coastal Zone Management Plan (MPO)	Key actions underway	<p>Actions implemented from Plan included: prioritise and remediate erosion, using vegetation, where possible - Council undertook dunal works in sections along Lady Robinsons Beach.</p> <p>Sydney Water liaison - Council attended a number of workshops with Sydney Water to better identify opportunities to work together, particularly in relation to sewer overflows.</p> <p>Rehabilitation of estuarine wetlands and riparian vegetation - environmental restoration works commenced at Scarborough / Bicentennial Ponds and Hawthorne Street Natural Area.</p> <p>Support and continue Bushcare / Landcare groups - in 2015/16 Council volunteers contributed 337 volunteer hours to bush regeneration projects across the Local Government Area (LGA).</p> <p>Use Best Management Practices for Council Works - Council undertakes environmental assessments for Council works, as needed.</p>	

Delivery Program Principal Activity		Action		Target	Annual Achievement	
2.1.1B	Deliver best practice initiatives to protect and enhance the City's creeks, rivers, coastal systems, bushland areas and wetlands (DCPD)	2.1.1.B.4	Implement the Georges River and Cooks River catchments River Health Monitoring Program (MPO)	<ul style="list-style-type: none"> - Spring Monitoring complete - Annual report cards complete - Report findings published and promoted 	Annual report cards for 2014/15 were completed and distributed in 2015/16. Water quality monitoring for 2015/16 completed and report cards for 2015/16 are in development.	
2.1.1B	Deliver best practice initiatives to protect and enhance the City's creeks, rivers, coastal systems, bushland areas and wetlands (DCPD)	2.1.1.B.5	Advocate for State agencies to develop plans to repair / stabilise river banks and beach nourishment (MCI / MO)	No milestone scheduled	<p>To address the ongoing problems of beach erosion along Lady Robinsons Beach in September 2015 a meeting was convened between Council, the Roads and Maritime Services (RMS) and Transport for New South Wales (TfNSW) to discuss problems with the view that the RMS would fund works to address these problems. The Meeting recommended that the Coastal Consultant Advisian (Formerly known as Worley Parsons) refine its 2014 Report titled 'Lady Robinsons Beach - Management Plan Review' to prepare a list of priority works along Lady Robinsons Beach which would be submitted to the RMS for consideration for future funding.</p> <p>Consultants have been engaged, with a scope confirmation held 14 January 2016, and an update report provided on 30 June 2016. Draft report expected in October 2016 to enable the NSW Government to consider action items as part of its budget preparation.</p>	

Delivery Program Principal Activity		Action		Target	Annual Achievement	
2.1.1B	Deliver best practice initiatives to protect and enhance the City's creeks, rivers, coastal systems, bushland areas and wetlands (DCPD)	2.1.1.B.6	Maintain Stormwater Quality Improvement Devices (SQIDS) (MO)	100% of programmed SQID maintenance completed	<p>The quality of our waterways, coastal and wetlands is maintained through the adoption of the following programs / schedules:</p> <ol style="list-style-type: none"> 1. Mechanical street sweeping runs 2. Manual sweeping schedules for streets with heavy leaf fall and streets that are continuously parked out 3. Drainage pits inspection and cleaning schedule 4. CCTV and cleaning of nominated sections of the drainage network 5. Quarterly inspection and cleaning of our Gross Pollutant Traps (GPTs). These measures have proved successful with no major flooding with the LGA through the 2015/16 flood events. 	
		2.1.1.B.7	Implement the Stormwater Drainage Program (MCI)		Refer to City Projects Program CPP35-CPP39	

Delivery Program Method of Assessment		
	Measure	Result
2.1.1.A	Community Survey, increasing satisfaction with the management of Rockdale City's natural environment (baseline 2012)	<p>Foreshore / beachfront cleaning Performance gap: 0.51 Minimal change since 2013, increased by 0.13.</p> <p>Natural bushland Performance gap: 0.77 Moderate change since 2013, increased by 0.33.</p> <p>Natural Waterways Performance gap: 1.20 Minimal change since 2013, increased by 0.10.</p> <p>Seal level rise and impact of climate change Performance gap: 0.75 Moderate change since 2013, increased by 0.35.</p>
2.1.1.B	Council Statistics, no deterioration in river health (baseline 2010)	<p>Council participates in an annual regional River Health Program at targeted sites in the Cooks and Georges River catchments. Compared to the 2013/14 results within both catchments, water quality remained stable at Rockdale City Council sites. The State of the Beaches Report for 2014/15 (Office of Environment and Heritage) identified that swimming baths sites monitored within Lady Robinsons Beach were rated as good quality. This remains consistent with the previous year.</p>
	Office of Environment and Heritage Beach Watch results – No deterioration in beach water quality	
	Community Survey, increasing satisfaction with the management of healthy natural waterways	



Strategy 2.1.2 Demonstrate leadership in responding to climate change through action and adaptation

Delivery Program Principal Activity		Action		Annual target	Annual Achievement	
2.1.2A	Ensure that Council actions show leadership in responding for climate change (DCPD)	2.1.2.A.1	Partner with regional Council alliances to advance Council's and the community's understanding of emerging coastal hazards and extreme weather events (MPO)	Urban Heat Mapping Complete and results analysed	For two consecutive summer periods in 2014/15 and 2015/16, suitable weather conditions for this project did not arise. This meant that it was not possible to complete the promised project outcomes of remote sensing, data analysis, development of the heat mapping tool and community education, within the funding period. For these reasons the project was terminated in March 2016 and the remaining funds returned to the funding body the NSW Environmental Trust.	
2.1.2A	Ensure that Council actions show leadership in responding for climate change (DCPD)	2.1.2.A.3	Plan for the effects of climate change on the floodplain through the Floodplain Management Committee (MCI)	- 4 committee meetings held - Commence Flood Risk Management Study	Climate change effects considered in active studies of the Bonnie Doon, Eve Street and Cahill Park catchment. Study also progressed in the Muddy Creek, Spring Street, and Scarborough Ponds catchment.	

Delivery Program Method of Assessment		
	Measure	Result
2.1.2.A	Community Survey, increasing satisfaction with the management of the risk of sea level rise and the impact of climate change (baseline 2012)	Performance gap: 0.75 Moderate change since 2013, increased by 0.35.



Objective 2.2 Our City has a well-managed and sustainable built environment, quality and diverse development with effective housing choice in liveable neighbourhoods




Strategy 2.2.1 Ensure that planning enables the provision of quality affordable housing



Delivery Program Principal Activity		Action		Target	Annual Achievement	
2.2.1.A	Facilitate the provision of affordable and diverse housing (DCPD)	2.2.1.A.1	Advocate for the strengthening of State Government policy to facilitate affordable housing across NSW (MCPR / MPO)	No milestone scheduled	Council liaised with key NSW Agencies, local councils and St George Housing through the SSROC Affordable Housing Forum in February 2016 to advance issues and options for affordable housing at a regional level. Council was also a member and active participant in the SSROC Liveability Indicators and Mapping Advisory Group to ensure that District Planning took liveability issues such as affordable housing into account. To that end, Council was an active contributor to the Greater Sydney Commission's South District planning process, ensuring that affordable housing was integrated into future district planning.	
2.2.1.A	Facilitate the provision of affordable and diverse housing (DCPD)	2.2.1.A.2	Conduct research on affordable housing strategies and initiatives of other councils (MCPR)	No milestone scheduled	Researched neighbouring councils' affordable housing strategies, and contributed to SSROC Draft Affordable Housing Issues Paper.	

Delivery Program Method of Assessment		
	Measure	Result
2.2.1.A	ABS Statistics, number of dwelling commencements in City of Rockdale compared with target for Rockdale in the Metropolitan Strategy	In 2015, there were 1260 approved new dwellings in Rockdale. This is an increase of 197 since 2013 (ABS). On 30 June 2016 there were 40,222 rateable residential properties, an increase of 853 from 39,369 at 30 June 2015.
	ABS Census Data, households with housing costs 30% or more of gross income decreasing (baseline 2011)	Current ABS data not due until 2016/17. 10% of Australian households are estimated to be in housing stress (Shelter NSW). The HIA Housing Affordability Index improved by 2.7 per cent during the March 2016 quarter.

Strategy 2.2.2 Promote high quality, well-designed and sustainable development and places that enhances the City

Delivery Program Principal Activity		Action		Target	Annual Achievement	
2.2.2.A	Demonstrate leadership and commitment in the management of development that enhances the City (DCPD)	2.2.2.A.1	Participate in the review and implementation of options for the Cooks Cove Precinct (MPO)	Determination of appropriate planning pathway	Department of Planning & Environment conducted a preliminary planning assessment of the Cooks Cove Precinct based on transport and flooding. The Department has advised the planning assessment will be exhibited in 2016.	
2.2.2.A	Demonstrate leadership and commitment in the management of development that enhances the City (DCPD)	2.2.2.A.2	Partner with NSW Government to deliver Arncliffe and Banksia Priority Precincts (MPO)	LEP and DCP amendments and Infrastructure Plan drafted	Council staff have been working with the Department of Planning and Environment (DPE) to deliver structure plans for the Banksia and Arncliffe areas. A Draft Development Control Plan is also being prepared to accompany the plan proposals that will further guide development. A list of infrastructure has also been prepared as part of the Structure plans. The DPE has delayed the release of information. Final amendments to the proposals are being prepared with the release of documentation for public consultation due in late 2016.	


Delivery Program Principal Activity		Action		Target	Annual Achievement	
2.2.2.A	Demonstrate leadership and commitment in the management of development that enhances the City (DCPD)	2.2.2.A.3	Manage proposals for major development to ensure growth is appropriately scaled and located and delivers community benefits (MPO)	No milestone scheduled	Council has been actively processing and assessing Planning Proposals across the City. Over the past 12 months, a total of 12 Planning Proposals were processed, with 5 Planning Proposals finalised.	
2.2.2.A	Demonstrate leadership and commitment in the management of development that enhances the City (DCPD)	2.2.2.A.4	Prepare the Brighton Le Sands Implementation Plan (MPO)	Adopted	<p>Council commenced the Master Planning process with the commissioning of consultants to prepare an economic study of the Brighton Le Sands investigation area.</p> <p>A survey of shoppers, users and residents in the Brighton Le Sands Area has been conducted, seeking their input.</p> <p>This information will inform the progress of the Master Plan, with further community engagement to be conducted.</p> <p>Initial investigations commenced regarding parking actions including liaison with RMS (as a consent authority for some roads).</p>	
2.2.2.A	Demonstrate leadership and commitment in the management of development that enhances the City (DCPD)	2.2.2.A.5	Finalise and implement the Rockdale Contributions Plans (MPO)	Adopted	<p>The Draft Contributions Plan - Urban Renewal Area was publicly exhibited from 10 December 2015 to 19 February 2016 and was reported to and adopted by Council on 16 March 2016.</p> <p>The Plan came into effect on 30 March 2016 by Public Notice.</p> <p>Council made a submission to IPART and assessment of the Contributions Plan is currently underway.</p>	

Delivery Program Principal Activity		Action		Target	Annual Achievement	
2.2.2.B	Demonstrate leadership and commitment in the management of development that enhances the City (DCPD)	2.2.2.B.1	Investigate and implement new technology to improve assessment processing times for development applications including tablets and eLodgement (MDS)	Implemented	The implementation of electronic devices is still under investigation in terms of practicality. The two competing issues are instantaneous access to electronic data on Council's network and via internet portals versus the size of current devices on the market from a practical plan reading point of view. The DPE are introducing a eLodgement Portal in early 2017 to which Council shall connect / participate in.	
2.2.2.B	Demonstrate leadership and commitment in the management of development that enhances the City (DCPD)	2.2.2.B.2	Undertake annual Development Applications customer satisfaction survey (MDS)	Survey completed	Survey undertaken with 132 respondents.	

Delivery Program Method of Assessment		
	Measure	Result
2.2.2.A	Community Survey, increasing community satisfaction with the management of Rockdale City's built environment (baseline 2012)	Town Planning Controls Performance gap: 1.33 Minimal change since 2013, increased by 0.12.
	Increasing community satisfaction with the quality of new development (baseline 2012)	New Development Performance gap: 1.30 Minimal change since 2013, increased by 0.07.
	Increasing community satisfaction with the appropriateness of town planning controls (baseline 2012)	Town Planning Controls Performance gap: 1.33 Minimal change since 2013, increased by 0.12.
2.2.2.B	DA Customer Satisfaction Survey, increasing community satisfaction with Council's management of development applications (baseline 2012)	In 2015/16 a total of 132 respondents were surveyed with a response rate of 78.8% which was an increased response rate from a total response rate of 70% in the previous year. A total of 56.86% of customers surveyed in Council's DA Customer Satisfaction Survey reported being treated well by Council, which was a decrease from 68.37% in the previous year. This can be accounted for by rise in the property market and the resultant number of complex applications received by Council during this period. Also in 2015/16 a total of 92.3% of customers surveyed in Council's DA Customer Satisfaction Survey reported that the service provided is about the same or better compared to previous years. This is a significant increase from 75.55% in the previous year.

Objective 2.3 Our community will demonstrate leadership in maximising efficient use of resources and minimising waste


Strategy 2.3.1 Ensure waste minimisation to reduce the impact on the environment

Delivery Program Principal Activity		Action		Target	Annual Achievement	
2.3.1.A	Demonstrate leadership in waste minimisation to reduce impacts on the environment (DCO)	2.3.1.A.1	Implement Council's Waste Avoidance Resource Recovery Strategy (WARRS) 2007 (MO)	WARRS 2015/16 projects completed	Council delivered on programs identified in the WARRS and developed new policies and procedures for 2016/17 and beyond, as part of a continuous improvement plan. Council won a Highly Commended Dougherty Award for a series of its waste-based videos	

Delivery Program Method of Assessment		
	Measure	Result
2.3.1.A	Council Statistics – Increasing per capita tonnes in waste recovery / recycling	29,652 tonnes of material was processed in 2015/16 with an increase of 3.8% to 0.27 tonnes per resident.
	Community Survey, community satisfaction with recycling is increasing (baseline 2012)	Performance gap: 0.44 Minimal change since 2013, increased by 0.05.

Strategy 2.3.2 Ensure Council increases its efficient use of resources


Delivery Program Principal Activity		Action		Target	Annual Achievement	
2.3.2B	Demonstrate leadership in the efficient use of energy and water conservation to reduce the impact on the environment (DCPD)	2.3.2 B.1	Coordinate integration of energy conservation and water saving opportunities into City Plan projects (MPO)	No milestone scheduled	External funding acquired and committed to Rockdale Town Hall energy efficient air-conditioning upgrade and for installation of water saving devices as part of the amenities upgrade at Arncliffe Park. Quotes received for installation of solar cells at Council's depot.	●
2.3.2B	Demonstrate leadership in the efficient use of energy and water conservation to reduce the impact on the environment (DCPD)	2.3.2.B.2	Monitor Council's energy and water usage for all of its sites (MPO)	Monitoring outcomes reported to the Executive	The 2015/16 financial year was Council's second lowest energy consuming year in the past decade at 9102 Giga Joules (electricity and gas). In 2014/15, Council consumed 8441 GJ of energy, with the average for the previous 9 years at around 14,000 GJ per year. The closure of the Town Hall, Pool and decommissioning of the finance building are the main reasons for lower energy consumption during the past two years. The re-opening of the Town Hall and construction of the Rockdale Library are largely the reasons for increased energy consumption in 2015/16. Water consumption for 2015/16 was 98,508kL compared to 108,000kL in 2014/15 with an average of 99,000kL a year for the previous 9 years.	●



Delivery Program Principal Activity		Action		Target	Annual Achievement	
2.3.2B	Demonstrate leadership in the efficient use of energy and water conservation to reduce the impact on the environment (DCPD)	2.3.2.B.3	Implement key priorities of the Regional Renewable Energy Master Plan for Southern Sydney Councils (MPO)	Priority actions implemented	By the end of June 2016, the Our Solar Future website has been up and running for 15 months. There has been approximately 350 requests for quotations in the past year (there have been approximately 3000 website hits), generated through the website which has resulted in more than 50 solar installations. A process for reviewing and updating the current suppliers on the Our Solar Future website is in process and also for updating the Our Solar Future website. Parramatta Council has joined the Our Solar Future group of Councils and will begin promoting the website to Parramatta residents. SSROC has completed the tender process for suppliers to establish an energy services organisation.	

Delivery Program Method of Assessment		
	Measure	Result
2.3.2.B	Council Statistics, Council's use of water and energy from its major facilities continues to decrease (baseline 2010)	<p>2015/16 was Council's second lowest energy consuming year in the past decade at 9102 Giga Joules (electricity and gas). In 2014/15, Council consumed 8441 GJ of energy, with the average for the previous 9 years at around 14,000 GJ / year. The closure of the Town Hall, Pool and decommissioning of the finance building are the main reasons for lower energy consumption during the past 2 years. The re-opening of the Town Hall and construction of the Rockdale Library are largely the reasons for increased energy consumption in 2015/16 from 2014/15.</p> <p>Council's water consumption for 2015/16 was 98,508 kL compared to 108,000 kL in 2014/15 with an average of 99,000kL a year for the previous 9 years.</p>

Objective 2.4 Our City will value and protect our natural, built and Aboriginal heritage

Strategy 2.4.1 Ensure that Rockdale's natural and built heritage and history is respected, protected and well-maintained reflecting the rich and diverse past of both Aboriginal and European settlement


Delivery Program Principal Activity		Action		Target	Annual Achievement	
2.4.1A	Protect and promote Rockdale's heritage and history that is valued by the community (DCPD / DCC)	2.4.1.A.1	Continue strategy to digitise Council records including valuation books and engineering drawings (MLCS)	Digitisation of consent books and engineering drawings completed - Development Applications commenced	Council continues to move to digitisation of its key documents as outlined in its strategy.	

Delivery Program Principal Activity		Action		Target	Annual Achievement	
2.4.1A	Protect and promote Rockdale's heritage and history that is valued by the community (DCPD/DCC)	2.4.1.A.2	Identify opportunities to improve the management of heritage (MPO)	Adopted	<p>Council prepared and exhibited the Heritage Conservation Areas Discussion Paper, which provided the community with information on heritage conservation areas as a way of managing change.</p> <p>Based on the feedback from the Discussion Paper exhibition, Council is considering possible locations of these areas, with a draft to be presented to Council in 2016/17.</p> <p>Investigations into the application of Heritage Conservation Areas and their location and extent is ongoing.</p>	
2.4.1B	Ensure that Aboriginal heritage and history is respected, protected and well-maintained (DCC). Implemented through Principal Activity. See also 1.3.1.A (Improve Council's capacity to partner with Aboriginal people; Aboriginal expertise and to better understand the Aboriginal cultural landscape of the City)	2.4.1.B.1	Implement 4 year Reconciliation Action Plan (1.3.1.A) (MCPR)	No milestone scheduled	4 Year Reconciliation Action Plan is on hold pending amalgamation - preliminary discussions have been held with local Aboriginal communities with a view to developing a joint Reconciliation Action Plan.	

Delivery Program Method of Assessment		
	Measure	Result
2.4.1.A	Community Survey, increasing satisfaction with heritage conservation (baseline 2012)	Performance gap: 0.66 Moderate change since 2013, increased by 0.20.
2.4.1.B	Community Survey, proportion of residents who are satisfied with 'feeling part of the community' in the City of Rockdale is steadily increasing	54% of residents agree or strongly agree to feeling a sense of community, a decrease by 2% since 2013.



Objective 2.5 Our community will be able to get around and connect with a range of effective linkages across the City and beyond

Strategy 2.5.1 Ensure that the City's transport networks and infrastructure are well-planned, integrated and maintained

Delivery Program Principal Activity		Action		Target	Annual Achievement	
2.5.1A	Develop and implement a range of works programs to improve the road network, by improving traffic flow, accessibility, amenity (DCO)	2.5.1.A.1	Implement the roads, cycleway and footpaths capital works program (MCI)	Program completed	New sections of pathway have been completed at Lorraine Avenue, Bardwell Valley; St Kilda Avenue, Bexley North; Mitchell St, Arncliffe; and repairs to the stone wall at Crewe Lane, Bardwell Valley.	
		2.5.1.A.2	Implement the 2015/16 SRV funded Kerb and Guttering program (MCI)		Refer to City Projects Program CPP47	
		2.5.1.A.3	Install traffic devices as included in the annual City Projects Program (MCI)		Refer to City Projects Program CPP50-CPP53	


Delivery Program Method of Assessment		
	Measure	Result
2.5.1.A	Community Survey, the proportion of the adult population satisfied with the condition of local roads, and the quality and maintenance of footpaths is increasing (baseline 2012)	<p>Local roads Performance gap: 1.55 Moderate change since 2013, increased by 0.27.</p> <p>Footpaths Performance gap: 1.26 Minimal change since 2013, increased by 0.01.</p>

Strategy 2.5.2 Ensure sustainable current and future transport needs of the community providing access to services and facilities and enabling active living. See also Strategy

Delivery Program Principal Activity		Action		Target	Annual Achievement	
2.5.2A	Plan and advocate for sustainable transport services and facilities (DCPD)	2.5.2.A.1	Plan for and advocate to minimise the impact of the proposed F6 / Westconnex (MPO)	No milestone scheduled	<p>Council prepared a comprehensive submission on the WestConnex New M5 EIS, which was submitted on 29 January 2016. Council also provided input into ancillary construction management plans on a variety of subjects to ensure concerns were being highlighted and addressed. Council commenced liaison with the New M5 works Joint Venture to ensure that operational plans and works were being conducted appropriately and that Council concerns were being considered.</p> <p>Council continued its liaison with RMS to successfully advocate for a cycleway inclusion as part of the Marsh Street road widening project, in Arncliffe. Council also commenced liaison with RMS to commence initial geotechnical investigations in parts of the F6 corridor, as part of future feasibility planning for a WestConnex Southlink extension.</p>	
2.5.2A	Plan and advocate for sustainable transport services and facilities, (DCPD)	2.5.2.A.2	Adopt and implement the Rockdale Cycling Strategy (MPO)	Implementation Plan developed	<p>Development of the Cycling Strategy continues in parallel with the following achievements:</p> <ul style="list-style-type: none"> • Council liaised with bicycle stakeholder user groups and RMS representatives to ensure that community and Council views were considered as part of road infrastructure planning and works. • Funding applications were submitted to RMS for future implementation of cycling. • Airport to Rockdale LGA bike / pedestrian facility. • Detailed investigation was undertaken of bike route from Kingsgrove to Wolli Creek to identify options. 	

Delivery Program Method of Assessment		
	Measure	Result
2.5.2.A	Community Survey, transport limitations are decreasing	72% of residents agree or strongly agree to finding it easy to travel around Rockdale City and to other destinations from Rockdale City (set as baseline)
	Community satisfaction with access to public transport, cycle paths and walking tracks is increasing (baseline 2012)	Public transport Performance gap: 0.91 Minimal change since 2013, increased by 0.07. Cycle paths and walking tracks Performance gap: -0.13 Minimal change since 2013, decreased by 0.08
	ABS Statistics, increase in the use of active and alternative transport, bicycle usage, sustainable and public transport	As at 2011, the main methods of alternative transport include: <ul style="list-style-type: none"> - Train 24.7% - Bus 2.4% - Bicycle 0.3% - Walk only 2.0%
	Cycling Participation and Riders Perception Survey, Rockdale City residents, workers and visitors are increasingly cycling to work and leisure activities	Survey carried out by Bicycle Network across Australia every 3 years. In 2013, 16% of males and 11% of females reported cycling in a typical week. Of those 90% cycle for leisure and 17% cycle to work. The next survey is due in 2016.
	Bureau of Transport Statistics, increased use of public transport	Rail usage rose by 23 per cent across NSW and on the Illawarra Line between 2004/14. Usage at Arncliffe, Rockdale and Wolli Creek rail stations increased between 133% and 387.5%.

Strategy 2.5.3 Ensure the City has access to wireless technology and opportunities to enhance a digital economy

Delivery Program Principal Activity		Action		Target	Annual Achievement	
2.5.3A	Ensure the benefits of the National Broadband Network to the local community are maximised (DCC)	2.5.3.A.1	Work with National Broadband Network Co to identify opportunities based on the timetable confirmed in the revised statement for expectations (MCPR / MIMT)	Local National Broadband timetable confirmed and community engagement commenced	NBN still not available in Rockdale.	

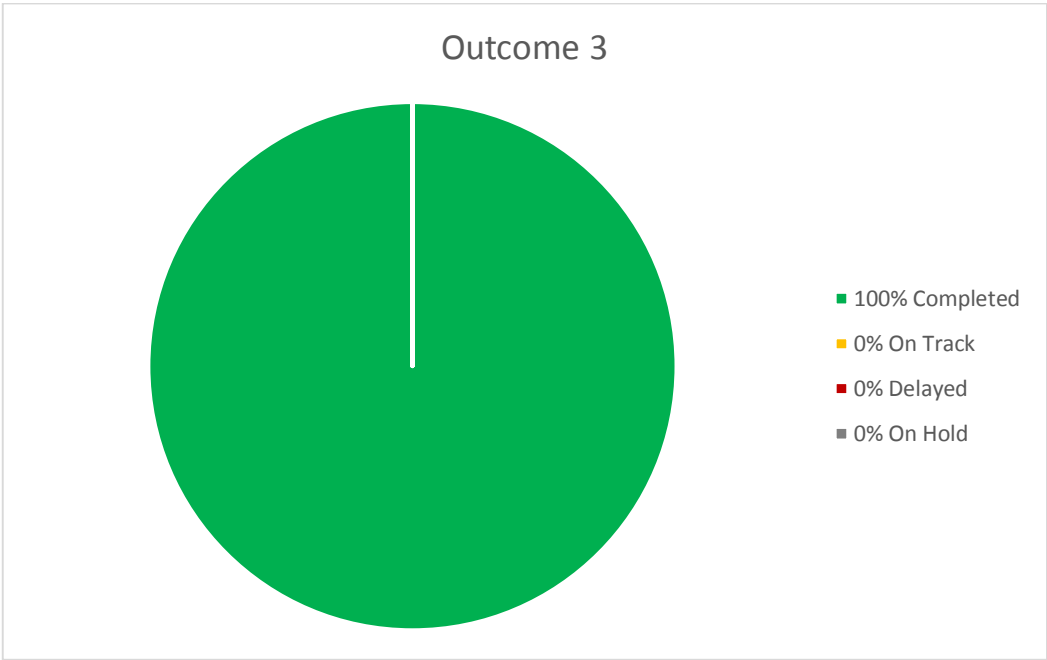
Delivery Program Method of Assessment		
	Measure	Result
2.5.3.A	<p>Community survey and ABS statistics. Internet access increasing proportion of adult population measured by:</p> <ul style="list-style-type: none"> – People with internet access at home – People with broadband internet access at home 	In 2011, 72% of Rockdale residents had access to internet at home. In 2014/15 it is estimated that number of households with access to the internet at home increased to 86%.

Performance: Outcome 3

Rockdale is a City with a thriving economy that provides jobs for local people and opportunities for lifelong learning

Overview

Overall performance on Operational Plan Actions which collectively work towards achieving Outcome 3 was high with 14 of 14 actions were completed.



Highlights

Supporting learning

- New Rockdale Library completed and ready for opening in July 2016. The Library incorporates an interactive area for children, an extensive collection of local history, meeting / private study rooms for community use and self-service kiosks to borrow and return items.
- Preparations for the celebrations planned for Rockdale Library opening in July 2016 well underway.
- Extended hours for the library continued with minimal disruption to lifelong learning programs held at all the branches and in the Town Hall.

Supporting local business

- Council in partnership with the Southern Sydney BEC (Business Enterprise Centre) have organised the first of a series of 'Start a Business' workshops. The first workshop took place on 12 April 2016.
- Council in partnership with the Business Enterprise Centre and Rockdale Chamber of Commerce organised a business network meeting at VW Rockdale on 22 June 2016 to identify programs.




Rockdale Town Centre improvements

- Council has been investigating a number of key sites within the Town Centre and negotiating with land owners in an effort to drive the desired outcomes of the Rockdale Town Centre Masterplan.
- Council has also been responding to development inquiries in response to the changed development controls, and working with proponents to achieve the desired outcomes for the Town Centre. Three design excellence competitions were undertaken for particular properties in the Town Centre.
- Ramsgate Beach Thriving Town Centre Project is now well-advanced with new car spaces in Alfred Street complete and available to the public. Coordination of services with supply authorities has largely been resolved and works are now progressing with some confidence. Works to footpaths and car parking in front of shops underway.

Outcome 3: Rockdale is a City with a thriving economy that provides jobs for local people and opportunities for lifelong learning

Objective 3.1 Our City offers a diverse range of education and lifelong learning opportunities

Strategy 3.1.1 Ensure access to lifelong learning so that our community can maximise its potential

Delivery Program Principal Activity		Action		Target	Annual Achievement	
3.1.1A	Ensure opportunities for lifelong learning are promoted and accessible (DCC)	3.1.1.A.1	Deliver ongoing programs and events across all libraries to enhance lifelong learning opportunities for the range of demographic groups within the community (MLCS)	25 programs delivered including: - Storytime - Summer Reading Club - Author talks - School holiday activities - Chinese book groups - Library Week - Mandarin classes	Ongoing programs implemented and delivered throughout the year.	
3.1.1A	Ensure opportunities for lifelong learning are promoted and accessible (DCC)	3.1.1.A.2	Implement strategies to minimise the disruption in delivery of programs to the community during the construction of the new Rockdale Library (MLCS)	Additional program and extended hours continued	Extended hours for the library continued until the new library opens in July 2016 with minimal disruption. Lifelong learning programs were held at all the branches and in the Town Hall.	
3.1.1A	Ensure opportunities for lifelong learning are promoted and accessible (DCC)	3.1.1.A.3	Develop programs and shared services including customer services and development advisory services (MLCS)	Programs, activities, policy and technology developed	One Team Shared Space workshops with Customer Service, Development Advisory Service and the Library was completed successful.	

Delivery Program Principal Activity		Action		Target	Annual Achievement	
3.1.1B	Develop the new Rockdale Library to provide a quality library service and revitalise Rockdale Town Centre (DCC)	3.1.1.B.1	Implement a new Library Management System (MLCS)	Rockdale Library implementation completed	New Library Management System in place and working to specification.	●
3.1.1B	Develop the new Rockdale City library to provide a quality library service and revitalise Rockdale Town Centre (DCC)	3.1.1.B.2	Implement RFID technology across the branch libraries (except Brighton due to space restraint) and plan for implementation for the new Rockdale Library (MLCS)	RFID installation completed	Completed in September 2015.	●
		3.1.1.B.3	Commence the construction of the Rockdale Library (DCO)		Refer to City Projects Program CPP24	
3.1.1B	Develop the new Rockdale City library to provide a quality library service and revitalise Rockdale Town Centre (DCC)	3.1.1.B.4	Implement library service model (MLCS)	Revised service model for Rockdale Library implemented	Improvements to customer service delivery implemented in new Rockdale Library, Further improvements to branch library service delivery will be implemented in 2016/17.	●
3.1.1B	Develop the new Rockdale City library to provide a quality library service and revitalise Rockdale Town Centre (DCC)	3.1.1.B.5	Implement library service Marketing Plan (MLCS)	Review of success of opening of new Library completed - Plan developed to monitor ongoing success of new Rockdale Library	Opening celebrations planned for new library in July 2016. Marketing materials designed, printed and distributed ready for opening.	●
3.1.1C	Facilitate partnerships with Culturally and Linguistically Diverse (CALD) communities to enhance skills and learning opportunities (DCC)	3.1.1.C.1	Deliver ongoing programs and events across all libraries to enhance lifelong learning opportunities for the range of demographic groups within the community (MLCS)	No milestone scheduled	New partnerships and programs established such as Mandarin Class, English Conversation Class, workshops with the Chinese Services Society of Sydney and the Australian Electoral Commission.	●

Delivery Program Principal Activity		Action		Target	Annual Achievement	
3.1.1.D	Work with other levels of government and educational training providers to develop skills and meet the needs of businesses (DCPD)	3.1.1.D.1	Partner with the Southern Sydney Business Enterprise Centre to deliver Building Better Business workshop program (MCPR)	Minimum of 6 Building Better Business Workshops delivered	Council in partnership with the Southern Sydney BEC organised the first of a series of 'Start a Business' workshops. The first workshop was held in April 2016.	●
3.1.1.D	Work with other levels of government and educational training providers to develop skills and meet the needs of businesses (DCPD)	3.1.1.D.2	Facilitate bridging programs for students between schools, BEC, TAFE and business (MCPR)	Programs delivered and evaluated	Council in partnership with the BEC and Rockdale Chamber of Commerce partnered for a business network meeting at VW Rockdale on 22 June 2016 to identify programs. Further meetings and events including a Job Skills Day in partnership with the St George Employment and Training Action Network are planned for September 2016.	●

Delivery Program Method of Assessment		
	Measure	Result
3.1.1.A	Community Survey, increased participation in lifelong learning programs and activities	<ul style="list-style-type: none"> The 2015 apparent retention rate for all students in Rockdale LGA from Year 7/8 to Year 12 was 84.0%, a slight (0.4 percentage point) increase on the previous year (ABS Schools Australia 2015).
3.1.1.B	Community engagement through Library Communications Strategy, increasing community support for the development of the new building and facilities	<ul style="list-style-type: none"> 3 Central Library Advisory Committee meetings held 4 articles in the St George and Sutherland Shire Leader Newsletter 4 articles in the community newsletter 'Rockdale Review' 14 Social Media posts in relation to new Library
	Community Survey, increasing satisfaction with provision of libraries (baseline 2012)	Performance gap: 0.24 Moderate change since 2013, increased by 0.26.
3.1.1.C	Council evaluation of the effectiveness of new partnership initiatives in ensuring access to lifelong learning to increasing numbers of people from CALD communities	8 new CALD programs were conducted in partnership with community and government organisations. 400 participants in total, an increase of 320.
3.1.1.D	Community Survey, residents' level of satisfaction with education services increasing	Not evaluated


Objective 3.2 Our city has a thriving and robust economy with diverse industry and employment

Strategy 3.2.1 Develop effective partnerships to build a prosperous economy

Delivery Program Principal Activity		Action		Target	Annual Achievement	
3.2.1A	Ensure compliance to public parking provisions for the economic prosperity (DCPD)	3.2.1A.1	Enforce Council's shopping centre car parking program (MRS)	100% private parking lots and town centre programs enforced	There have been 1629 patrols of shopping centres conducted over the 2015/16 year with the requirement being 1020. The last 6 months saw 790 patrols conducted where 510 were required to meet our KPIs (Key Performance Indicators). The requirement was exceeded.	●
3.2.1B	Ensure a positive environment for commercial and business activities through a range of programs (DCPD)	3.2.1B.1	Administer Town Centre Improvement Program (MPO)	Report on number and type of Council actions directly triggered by the Town Centre Improvement Plans	All tasks achieved according to budget and Council prioritisation	●
Delivery Program Method of Assessment						
	Measure			Result		
3.2.1A	Customer Survey, increasing satisfaction with quality and maintenance of parking facilities (baseline 2012)			Performance gap: 1.52 Minimal change since 2013, increased by 0.14.		
3.2.1B	4 yearly Business and Community Survey shows increasing satisfaction with City of Rockdale's retail and commercial centres			Data unavailable, Business Survey under consideration		

Objective 3.3 Our City has vibrant town centres that provide a range of services and experiences for our residents, workers and visitors

Strategy 3.3.1 Ensure Town Centres are improved on a rolling program

Delivery Program Principal Activity		Action		Target	Annual Achievement	
3.3.1.A	Plan and implement the Town Centre Improvement Program (DCPD)	3.3.1.A.1	Implement the Rockdale Town Centre Masterplan (MPO)	Opportunities for town centre key sites completed	<p>Council has undertaken investigations into a number of key sites within the town centre including the former Target site. Negotiations with land owners of the Interchange and Toyota sites have also taken place in an effort to drive the desired outcomes. The vision of the Master Plan is beginning to take shape with a number of Development Applications that have been submitted, which have incorporated aspects of the Master Plan.</p> <p>Council has also been responding to development inquiries in response to the changed development controls, and working with proponents to achieve the desired outcomes for the town centre. Three design excellence competitions were undertaken for particular properties in the town centre.</p>	
		3.3.1.A.2	Commence construction of the Ramsgate Beach Thriving Town Centre (MCI)		Refer to City Projects Program CPP45	
		3.3.1.A.3	Commence project investigation, community engagement and concept development of the York Street multi-deck car park (DCO)		Refer to City Projects Program CPP25	

Delivery Program Method of Assessment		
	Measure	Result
3.3.1.A	Community Survey, increasing community satisfaction with town centres and surrounding areas (baseline 2012)	Performance gap: 0.68 Moderate change since 2013, increased by 0.23. Rockdale LGA scored relatively high on the SEIFA index of Disadvantage, ranking 49th out of 133 LGAs in NSW (ABS 2011).

Strategy 3.3.2 Provide a strategic approach to tourism

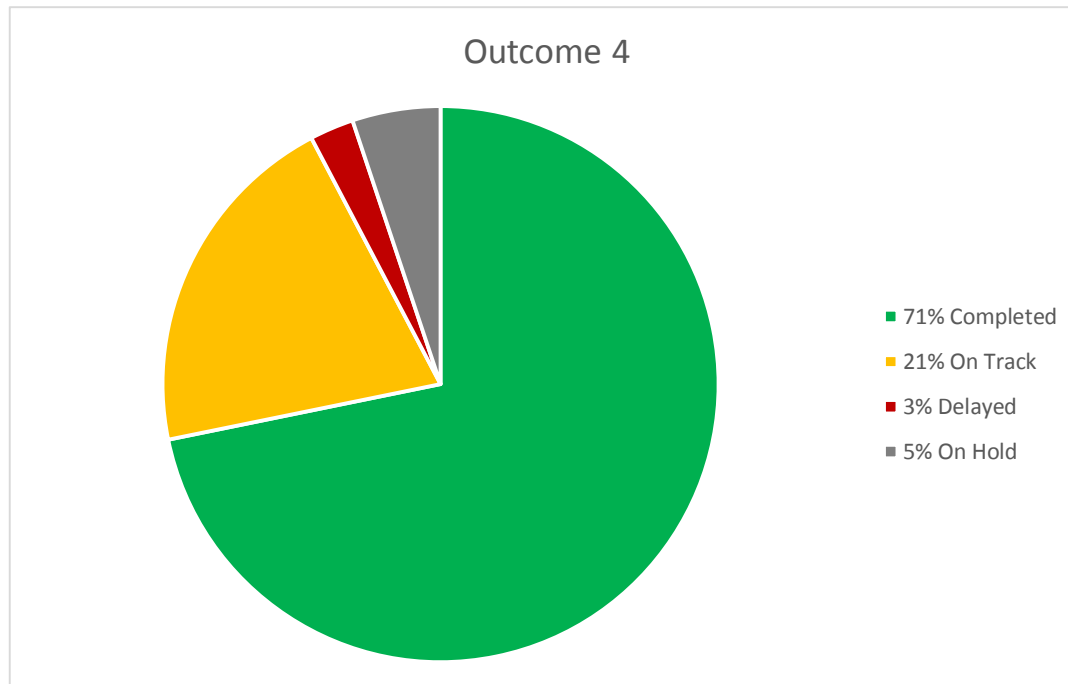
Delivery Program Principal Activity		Action		Target	Annual Achievement	
3.3.2A	Develop and implement strategies to market the City as a visitor / tourist destination and promote the benefits of tourism (DCPD)	3.3.2.A.1	Work with local Chambers of Commerce	No milestone scheduled	Council works with the local Chambers of Commerce and local businesses to promote tourism within the town centres throughout the LGA.	●

Performance: Outcome 4

Rockdale is a City with engaged communities, effective leadership and access to decision-making

Overview

Overall performance on Operational Plan Actions which collectively work towards achieving Outcome 4 was high with 28 of 39 actions completed, 8 were on track, 1 was delayed and 2 were on hold.



Highlights

Asset Management

- Purchased a modern asset management information system to improve our capability to better manage our assets and finances
- Recruited a dedicated Project Manager to oversee
- Systems are anticipated to 'go live' in 3 phases being October, November 2016 and February 2017.

Community Engagement

- Two Mayoral Community Forums were held in August 2015 and March 2016 with a total of 100 participants
- Over 160 young people were engaged in Council specific events
- Council engaged the community on 23 specific projects through which 517 people were actively engaged.

Advocacy




Council has been an active advocate on issues including: environmental amenity, traffic and sustainable transport, housing and strategic land use planning. Council:




- Reviewed and prepared a submission on the draft Kogarah City Local Environmental Plan
- Successfully advocated for the integration of a dedicated cycleway as part of the Marsh Street widening as well as a cycleway as part of the renewal of the Cooks River Utilities bridge
- Liaised with the Sydney Airport Corporation to ensure that Rockdale's needs are recognised and considered
- Completed and submitted a comprehensive submission on the WestConnex New M5 EIS on 29 January 2016
- Actively contributed to the Greater Sydney Commission's South District Plan process and ensured that Rockdale's major attributes and future needs were considered in a future South District Plan
- Has taken a strong position that future District Plans should have liveability as a core principle
- Continued to advocate for improved sustainable transport outcomes through its liaison with RMS and Sydney Airport for road infrastructure plans
- Continued to advocate for improvements to public transport infrastructure
- Has been preparing documentation, responding to inquiries and positioning Council as Fit for the Future for any future Council merger opportunities.

Outcome 4 : Rockdale is a City with engaged communities, effective leadership and access to decision-making

Objective 4.1 Rockdale City's citizens are enabled, encouraged and able to participate in planning and decision-making that affects the City

Strategy 4.1.1 Council engages the community in decision-making, planning and delivery of outcomes

Delivery Program Principal Activity		Action		Target	Annual Achievement	
4.1.1.A	Ensure improved community and stakeholder engagement, for the planning and implementation of Council services, programs, projects and infrastructure that provides for better outcomes for the community of Rockdale (DCC / GM)	4.1.1.A.1	Establish an internal Community Engagement Working Group with Councillor representation, that ensures high standards of engagement are developed and maintained (MCPR)	No milestone scheduled	Report drafted and work undertaken as part of Community Engagement Policy & Framework Review to expand the scope of the Community Development & Safety Advisory Committee. This will need to be considered post-amalgamation once new Council Committee structure is determined.	
4.1.1.A	Ensure improved community and stakeholder engagement, for the planning and implementation of Council services, programs, projects and infrastructure that provides for better outcomes for the community of Rockdale (DCC/GM)	4.1.1.A.2	Implement revised Community Engagement Policy, Strategy, practice and systems (MCPR)	No milestone scheduled	Existing Policy & Strategy, Guidelines, practices and systems reviewed in consultation with staff. New Policy, Handbook, online Toolkit and Corporate Portal page developed to support staff. Community Engagement Policy adopted by Council on 15 June 2016.	
4.1.1.A	Ensure improved community and stakeholder engagement, for the planning and implementation of Council services, programs, projects and infrastructure that provides for better outcomes for the community of Rockdale (DCC/GM)	4.1.1.A.3	Review the draft Social Media Policy to ensure alignment with the revised community engagement related policies and strategies (MCPR / CCME)	No milestone scheduled	The Rockdale City Council Social Media Policy was re-drafted and will be adopted in early 2016/17. Training has been identified and will be implemented following adoption.	






Delivery Program Principal Activity		Action		Target	Annual Achievement	
4.1.1.A	Ensure improved community and stakeholder engagement, for the planning and implementation of Council services, programs, projects and infrastructure that provides for better outcomes for the community of Rockdale (DCC/GM)	4.1.1.A.4	Implement a range of methods to engage the community (MCPR)	No milestone scheduled	Council engaged community members on 23 matters (projects, plans, policies and planning proposals) through surveys, exhibitions and 1 Public Hearing.	
4.1.1.A	Ensure improved community and stakeholder engagement, for the planning and implementation of Council services, programs, projects and infrastructure that provides for better outcomes for the community of Rockdale (DCC/GM)	4.1.1.A.5	Continue to develop and maintain the 'Talking Rockdale' Community Panel (MCPR)	Achieve Panel membership of 250	Panel will be reconsidered for establishment post Council's amalgamation, to incorporate new entity's organisational needs and the broader community.	
4.1.1.A	Ensure improved community and stakeholder engagement, for the planning and implementation of Council services, programs, projects and infrastructure that provides for better outcomes for the community of Rockdale (DCC/GM)	4.1.1.A.6	Review and enhance Council's website and online presence (MCPR / CCME)	New website developed	Website enhancement is currently on hold, awaiting the outcome of proposed amalgamation.	

Delivery Program Method of Assessment
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	Measure	Result
4.1.1.A	Community Survey, increasing community satisfaction with Council's community engagement and opportunities for participation (baseline 2012)	Performance gap: 0.58 Moderate change since 2013, increased by 0.38.
	Increasing proportion of the City of Rockdale community who feel they have a say on important issues, including hard to reach groups (baseline 2013)	53% of residents agree or strongly agree that Council provides opportunities for residents to have a say on important issues (set as baseline).
	Council Statistics, increased participation in stakeholder engagement from the Rockdale City community including hard to reach groups	517 residents were engaged.
	Increase in transactions undertaken through interactive technologies	167,127 electronic transactions processed, increased by 21% since 2014/15

Strategy 4.1.2 Build a sound partnership between council and the community and other stakeholders


Delivery Program Principal Activity		Action		Target	Annual Achievement	
4.1.2A	Ensure that a diverse representation of the community and stakeholders is involved in the planning of Council projects and services to identify community needs and solutions (DCC)	4.1.2.A.1	Review Council's Advisory Committee system (MES)	No milestone scheduled	Review undertaken and considered at a Councillor Information Session in September 2015. There was a consensus that the committee arrangements are satisfactory.	●
4.1.2A	Ensure that a diverse representation of the community and stakeholders is involved in the planning of Council projects and services to identify community needs and solutions (DCC)	4.1.2.A.2	Undertake responsive and accountable Integrated Planning and Reporting to deliver the community vision and needs (MCPR)	- Operational Plan 2015/16 adopted - 6 month and Annual Performance Reports completed	2015/16 Operational Plan 6 month Performance Report complete. 2016/17 Operational Plan developed and adopted.	●
4.1.2A	Ensure that a diverse representation of the community and stakeholders is involved in the planning of Council projects and services to identify community needs and solutions (DCC)	4.1.2.A.3	Hold 6 monthly Rockdale Mayoral Community Forums (MCPR)	August 2015 Forum and February 2016 Forum held	Two Mayoral Community Forums were held in August 2015 and March 2016 with a total of 100 participants.	●


Delivery Program Principal Activity		Action		Target	Annual Achievement	
4.1.2A	Ensure that a diverse representation of the community and stakeholders is involved in the planning of Council projects and services to identify community needs and solutions (DCC)	4.1.2.A.4	Inform the community and stakeholders about Council business, news and activities via multimedia channels (CCME)	No milestone scheduled	Community is informed via Rockdale Review community newsletter (circulation approx 39,000 letterboxes), Twitter, Facebook, YouTube, media releases sent to local and main stream media outlets including local newspaper, Council's website, posters, flyers, brochures and all also attend to responding to all mainstream and local media enquiries.	
4.1.2A	Ensure that a diverse representation of the community and stakeholders is involved in the planning of Council projects and services to identify community needs and solutions (DCC)	4.1.2.A.5	Develop Customer Service Strategy (MLCS)	No milestone scheduled	Strategy was adopted.	
4.1.2A	Ensure that a diverse representation of the community and stakeholders is involved in the planning of Council projects and services to identify community needs and solutions (DCC)	4.1.2.A.6	Expansion of online customer self-service (MLCS)	ePathway online transaction system implemented	EPathway payment solution developed, tested by stakeholders and ready for implementation in August 2016.	
4.1.2A	Ensure that a diverse representation of the community and stakeholders is involved in the planning of Council projects and services to identify community needs and solutions (DCC)	4.1.2.A.7	Analyse customer requests and complaints recorded in the Customer Request Management System (completed within or outside of workflow timeframes) (MLCS)	4 quarterly reports completed	Quarterly reports with data analysis presented to Executive as scheduled	
4.1.2A	Ensure that a diverse representation of the community and stakeholders is involved in the planning of Council projects and services to identify community needs and solutions (DCC)	4.1.2.A.8	Participate in the National Local Government Customer Service Network Benchmarking Program and report performance (MLCS)	No milestone scheduled	Performance data collected throughout the year, enhanced by the qualitative mystery shopper survey.	

Delivery Program Method of Assessment		
	Measure	Result
4.1.2.A	Community Survey, increasing proportion of the City of Rockdale community who feel they have a say on important issues, including hard to reach groups (baseline 2013)	53% of residents agree or strongly agree that Council provides opportunities for residents to have a say on important issues (set as baseline).
	Increasing community satisfaction with the transparency and accountability of Council activities (baseline 2012)	Transparent and Accountable Performance gap: 1.36 Minimal change since 2013, increased by 0.16.
	Increasing community satisfaction with Council reporting to the community on Council activities, services and facilities (baseline 2012)	Reporting to the community Performance gap: 1.02 Minimal change since 2013, increased by 0.13.
	Increasing community satisfaction with customer service (baseline 2012)	66% of residents were very satisfied or satisfied with the way their contact with customer service was handled, decreased by 7% in satisfaction since 2013.

Objective 4.2 Increase understanding and value of democratic processes and role of elected representatives

Strategy 4.2.1 Ensure high level of Council representation exists to adequately advocate and lobby on issues relevant to the City and the community

Delivery Program Principal Activity		Action		Target	Annual Achievement	
4.2.1.A	Ensure that Council's and Councillors' advocacy on behalf of the City of Rockdale is well-publicised to encourage overseas residents to become involved in local democracy (GM)	4.2.1.A.1	Council takes a leadership role in advocating and lobbying on issues relevant to the City and the community (DCC / MPO / DCO)	No milestone scheduled	<p>Council has been an active advocate on issues including: environmental amenity, traffic and sustainable transport, housing and strategic land use planning. Council:</p> <ul style="list-style-type: none"> Reviewed and prepared a submission on the draft Kogarah City Local Environmental Plan Successfully advocated for the integration of a dedicated cycleway as part of the Marsh Street widening as well as a cycleway as part of the renewal of the Cooks River Utilities bridge Liaised with the Sydney Airport Corporation to ensure that Rockdale's needs are recognised and considered Completed and submitted a comprehensive submission on the WestConnex New M5 EIS on 29 January 2016 	



Delivery Program Principal Activity		Action		Target	Annual Achievement	
					<ul style="list-style-type: none"> Actively contributed to the Greater Sydney Commission's South District Plan process and ensured that Rockdale's major attributes and future needs were considered in a future South District Plan Has taken a strong position that future District Plans should have liveability as a core principle Continued to advocate for improved sustainable transport outcomes through its liaison with RMS and Sydney Airport for road infrastructure plans Continued to advocate for improvements to public transport infrastructure Has been preparing documentation, responding to inquiries and positioning Council as Fit for the Future for any future Council merger opportunities. 	
4.2.1.A	Ensure that Council's and Councillors' advocacy on behalf of the City of Rockdale is well-publicised to encourage overseas residents to become involved in local democracy (GM)	4.2.1.A.2	Investigate and implement avenues to promote active participation of residents in local democracy (MCPR)	Draft program to increase participation completed	<p>Council continues to promote opportunities for communities to engage and develop systems which support active participation including:</p> <ul style="list-style-type: none"> Mayoral Forums Q&A publications Improvement of the 'Have Your Say' online engagement portal Primary schools competition Targeted community engagement Extensive community engagement was undertaken on Rockdale City's Future as part of Council's Fit for the Future submission Talking Rockdale 	




Delivery Program Principal Activity		Action		Target	Annual Achievement	
4.2.1.A	Ensure that Council's and Councillors' advocacy on behalf of the City of Rockdale is well-publicised to encourage overseas residents to become involved in local democracy (GM)	4.2.1.A.3	Conduct civics training with local primary and high schools (MCPR)	6 schools participating per year	School Civics Program has been drafted and delivered to Rockdale Public School. Over 120 primary students attended the presentation by the Mayor and staff from the Community Capacity Building Team. Civics Education delivered to over 180 students at Bexley North Public School.	●
4.2.1B	Increase participation in regional initiatives to improve the delivery of services to the Rockdale Community (GM)	4.2.1.B.1	Participate in regional initiatives through SSROC, and lobby on behalf of Council at state and federal forums (GM)	Financial summary and business results reported to Council	Council participated in the following SSROC advocacy projects: * Liveability Benchmarks for Central and Southern Sydney, including a draft Memorandum of Understanding to prepare district plans * Commenting on the IPART Red Tape Review * Review of the Local Government Act * Our Solar Future, a joint project to promote sustainable energy options.	●
4.2.1B	Increase participation in regional initiatives to improve the delivery of services to the Rockdale Community (GM)	4.2.1.B.2	Actively participate in the Fit for the Future reform program (GM)	All Fit for the Future milestones met or exceeded	All NSW Government 'Fit for the Future' Milestones have been met within required timeframes. The Minister has indicated in principle support for a merge of Rockdale LGA with a neighbouring LGA. Council is awaiting proclamation.	●

Delivery Program Method of Assessment		
	Measure	Result
4.2.1.A	ABS Statistics – Increasing proportion of overseas residents (residents for 2 years or more) who are citizens	650 residents participated in Council's citizenship ceremonies in 2015/16.
4.2.1.B	Community Survey, increasing community satisfaction with Council's advocacy role to benefit the community (baseline 2012)	Performance gap: 0.70 Minimal change since 2013, increased by 0.13.

Objective 4.3 Rockdale City Council ensures and implements an effective governance framework for the delivery and management of its services and infrastructure

Strategy 4.3.1 Enable continuous improvement through technology, service and process review to deliver effective services to meet community needs

Delivery Program Principal Activity		Action		Target	Annual Achievement	
4.3.1A	Ensure that Council maintains the highest governance standards by continuously updating and implementing its Governance Review Framework (GM)	4.3.1A.1	Key governance policies reviewed and updated as necessary (MES)	Risk Management Policy and Strategy reviewed	Policy and procedure improved framework completed; all policies being reviewed for appropriateness and currency; some policies have been rescinded.	
4.3.1A	Ensure that Council maintains the highest governance standards by continuously updating and implementing its governance Review Framework (GM)	4.3.1A.2	Conduct and report on 4 internal audits (MES)	4 audits completed	Completed with extra reviews; in addition the Internal Audit Plan 2016/09 also undertaken.	




Delivery Program Principal Activity		Action		Target	Annual Achievement	
4.3.1A	Ensure that Council maintains the highest governance standards by continuously updating and implementing its governance Review Framework (GM)	4.3.1.A.3	Provide Executive Services to support Councillors in their decision-making (MES)	21 meetings held	The number of Council Meetings for the period 1 January 2016 to 30 June 2016 is: 11 meetings held. Typically 200 Council meeting decisions requiring action are made per 6 monthly reporting period. Notice of decisions from Council meetings are distributed within 2 days of publishing Minutes. Important information is also provided weekly or as required, via updates to the Councillor Portal.	
4.3.1A	Ensure that Council maintains the highest governance standards by continuously updating and implementing its governance Review Framework (GM)	4.3.1.A.4	Prepare for September 2016 Local Government Elections (MES)	<ul style="list-style-type: none"> - Councillor Induction program developed - Coordinate with NSW EC (electoral commission) on electoral requirements 	NSW Government has announced that local government elections will be deferred until 2017.	
4.3.1B	ICT systems and services are integrated and allow the community to interact with Council in a simple and reliable manner and underpin the delivery of corporate goals (DCC)	4.3.1.B.1	Implement adopted Information Communication Technology Strategy and Action Plans (MIMT)	IMT Security Policy developed, Council Chambers refurbishment (wired network) completed, messaging and collaboration installed PABX replacement completed	<ul style="list-style-type: none"> • IMT Security Policy delivered the new Rockdale Library technology setup on time for Library go-live • Messaging will be addressed in 2016 Aug-Oct • PABX replacement will be addressed following Council amalgamation. 	

Delivery Program Method of Assessment		
	Measure	Result
4.3.1.A	Community Survey, increasing community satisfaction with the transparency and accountability of Council's activities (baseline 2012)	Performance gap: 1.36 Minimal change since 2013, increased by 0.16.
4.3.1.B	Council Statistics, IT system operating in excess of 95% of available time to public and staff (internal customer)	Of Council's 138 servers and network equipment within the IMT monitoring system, operated with an availability in excess of 99% in 2015/16.
	Community Survey, increasing customer satisfaction with the reliability and quality of Council's IT services	Community Survey – Increasing Satisfaction with Council's financial management. (Baseline 2012)

Objective 4.4 Rockdale City Council ensures transparent and effective human resource, financial, asset and risk management



Strategy 4.4.1 Ensure that Council has effective and efficient financial planning and management that ensures a sustainable future for the community

Delivery Program Principal Activity		Action		Target	Annual Achievement	
4.4.1A	Ensure that Council makes steady progress towards financial sustainability (DCC)	4.4.1.A.1	Review the Long Term Financial Plan (MFA)	Review completed	Long Term Financial Plan reviewed and update completed April 2015.	●
4.4.1A	Ensure that Council makes steady progress towards financial sustainability (DCC)	4.4.1.A.2	Coordinate the implementation of Council's Productivity and Savings Program (MFA)	Program completed and implemented	The productivity and savings program achieved a 250,000 transfer from operational expenditure to capital renewals during the development of 2016/17 budget.	●

Delivery Program Principal Activity		Action		Target	Annual Achievement	
4.4.1A	Ensure that Council makes steady progress towards financial sustainability (DCC)	4.4.1.A.3	Council's Investment Strategy Working Group investigate property portfolio opportunities to improve financial sustainability and service delivery (MPV)	Report on increased value (financial performance and community services) directly attributable to ISWG strategies	Work continued in Q4 to action resolutions of the Council relating to opportunities for Council's property portfolio.	
4.4.1A	Ensure that Council makes steady progress towards financial sustainability (DCC)	4.4.1.A.4	Develop and coordinate the implementation of the Service Review Framework including the development of detailed service plans (MCPR)	<ul style="list-style-type: none"> - Piloted methodology with review of Library / Customer / Service / Development Advisory Service - Rockdale Meal Service - Cleaning services 	Service reviews are on hold pre-amalgamation.	
4.4.1A	Ensure that Council makes steady progress towards financial sustainability (DCC)	4.4.1.A.5	Prepare and monitor the 2015/16 Operational Budget (MFA)	4 quarterly reports presented to Council - 2016/17 budget adopted	The March quarterly review was completed and adopted by Council in May 2016.	


Delivery Program Method of Assessment		
	Measure	Result
4.4.1.A	Audited Accounts, Council meets or exceeds Local Government Industry targets in terms of the level of debt, liquidity, and working capital	Audited financial statement 2015/16 not available till October 2016.
	External Auditor rates the Council as satisfactory	External Auditor rates the Council as satisfactory.
	Community Survey, increasing Satisfaction with Council's financial management (baseline 2012)	Performance gap: 1.45 Minimal change since 2013, increased by 0.17.

Strategy 4.4.2 Ensure effective planning and management of Council's assets to meet current and future community needs

Delivery Program Principal Activity		Action		Target	Annual Achievement	
4.4.2A	Continue to develop and implement a corporate asset management system for roads, drainage, community buildings, parks and recreation, and other assets to maintain assets to an appropriate standard (DCO)	4.4.2.A.1	Review and implement the Asset Improvement Program in the Rockdale Asset Management Strategy 2013/25 (MPO)	100% of 2015/16 actions completed. Corporate Asset & Finance Management System implemented	6 of the High Priority improvement activities nominated in the Asset Management Improvement Program (1.01, 1.02, 4.01, 4.02, 4.03 & 4.04) are all related to Council's decision to procure a Corporate Asset & Finance Management System. Council accepted a tender submission from Technology One Pty Ltd for the supply, implementation and support of the 'One Council' asset and financial management software. Installation of the 'One Council' system is underway with Go-Live for the Finance Management System scheduled for October 2016 and the Asset Management system in November 2016.	
4.4.2A	Continue to develop and implement a corporate asset management system for roads, drainage, community buildings, parks and recreation, and other assets to maintain assets to an appropriate standard (DCO)	4.4.2.A.2	Finalise asset specific management plans for critical assets (libraries, IT, plant and equipment) (MO / MIMT)	<ul style="list-style-type: none"> - IT Asset Management Plan completed - Identify opportunities for plant and equipment shared services or income generation with neighbour LGAs - Plant and Equipment Asset Management Plan completed 	Asset Management for IT components has been planned and is on track.	

Delivery Program Method of Assessment		
	Measure	Result
4.4.2.A	Community satisfaction increasing with the condition of sporting fields, community buildings, parks and garden, parking facilities, footpaths, local roads and public toilets (baseline 2012)	<p>Sporting fields, parks and gardens Performance gap: 0.69 Minimal change since 2013, increased by 0.02.</p> <p>Community Facilities Performance gap: 0.39 Moderate change since 2013, increased by 0.22.</p> <p>Parking Facilities Performance gap: 1.52 Minimal change since 2013, increased by 0.14.</p> <p>Local roads Performance gap: 1.55 Moderate change since 2013, increased by 0.27.</p> <p>Footpaths Performance gap: 1.26 Minimal change since 2013, increased by 0.01.</p> <p>Public toilets Performance gap: 1.47 Minimal change since 2013, increased by 0.08.</p>




Strategy 4.4.3 Ensure Council undertakes effective risk management planning and processes



Delivery Program Principal Activity			Action	Target	Annual Achievement	
4.4.3A	Ensure an enterprise risk management approach and principles are embedded across the organisation (GM)	4.4.3.A.1	Review Enterprise Risk Management Policy, strategies and action plans (MES)	Review completed	Risk Management Strategy and Policy reviewed and adopted on 4 November 2015. To be reviewed again 2016/17.	

Delivery Program Principal Activity			Action	Target	Annual Achievement	
4.4.3A	Ensure an enterprise risk management approach and principles are embedded across the organisation (GM)	4.4.3.A.2	Undertake risk analysis for all key business services and implement relevant action plans (MES)	4 quarterly reviews	Comprehensive Risk Assessment undertaken across organisation with participation by risk owners and managers in all service units. Process of transferring complete management of service unit action plans to be implemented 2016/17 as a post-amalgamation activity.	●
4.4.3A	Ensure an enterprise risk management approach and principles are embedded across the organisation (GM)	4.4.3.A.3	Action and review Business Continuity plans to ensure Council can recover quickly from an incident or disaster (MES)	1 test undertaken	<ul style="list-style-type: none"> Business Continuity Plan (BCP) reviewed and updated. Documentation of Council Business Systems Disaster Recovery Plan (DRP) by Information Management & Technology (IMT) completed and subjected to first pass testing with satisfactory outcomes demonstrating successful failover capacity. Funds obtained under UIP Risk Enhance Funding Program for consultants to independently facilitate and report on combined BCP / DRP scheduled to be completed Q1 2016/17. 	●

Delivery Program Method of Assessment		
	Measure	Result
4.4.3.A	Council Statistics, external insurance claims reported annually to measure the effectiveness of the Risk Action Plans	<ul style="list-style-type: none"> Received a total of 18 insurance claims in 2015/16, increased by 3 since 2014/15. Received a total of 96 reported incidents and / or claims in 2015/16, decreased by 3 since 2014/15.

Strategy 4.4.4 Ensure that Council has a capable and motivated workforce committed to excellence in customer service and service delivery

Delivery Program Principal Activity		Action		Target	Annual Achievement	
4.4.4A	Ensure Council attracts and retains a skilled and motivated workforce (GM)	4.4.4.A.1	Implement the Human Resources Strategy (MHR)	<ul style="list-style-type: none"> - Workforce Skills Audit complete - CHRIS 21 Human Resources Information System modules developed and implemented 	<ul style="list-style-type: none"> • Staff survey process completed: workshops with staff and management. Hogan profiling completed, 360 Degree completed: both assessment tools included into supervisors work plans. • Engaged consultant to develop a HR transition strategy and action plans. • Reviewed and Improved recruitment process. • Reviewed and improved job evaluation process. • Reviewed and updated position descriptions including a competency framework. • Completed Performance and Planning Review process. 	
4.4.4B	Ensure the safety and wellbeing of staff, contractors and visitors to our workplaces by meeting Council's legislative obligations and by providing best practice safe systems of work, consultation, training and information (GM)	4.4.4.B.1	Improve Work Health and Safety (WHS) systems to provide a safe workplace and strive to create a safety culture (MHR)	<ul style="list-style-type: none"> - WHS Environmental Management System implemented - All HR related policies reviewed 	Council was externally audited in March / April 2016 to ensure we meet the requirements under the WHS Act and AS4801 Standard. External audit confirmed the organisation meets its legislative obligations. The organisation continually reviews its WHS standards and legislative obligations through internal audit programs.	
4.4.4B	Ensure the safety and wellbeing of staff, contractors and visitors to our workplaces by meeting Council's legislative obligations and by providing best practice safe systems of work, consultation, training and information (GM)	4.4.4.B.2	Hold quarterly WHS Committee Meetings to improve Workplace Safety (MHR)	4 WHS Committee Meetings held	4 WHS Committee meetings undertaken.	

Delivery Program Principal Activity		Action		Target	Annual Achievement	
4.4.4B	Ensure the safety and wellbeing of staff, contractors and visitors to our workplaces by meeting Council's legislative obligations and by providing best practice safe systems of work, consultation, training and information (GM)	4.4.4.B.3	WHS inspections carried out in accordance with annual schedule (MHR)	100% WHS workplace inspections including contract sites and capital works completed	100% completed as reported in the WHS Committee Meeting dated Wednesday 3 August 2016.	
4.4.4B	Ensure the safety and wellbeing of staff, contractors and visitors to our workplaces by meeting Council's legislative obligations and by providing best practice safe systems of work, consultation, training and information (GM)	4.4.4.B.4	Annual review of WHS and Injury Management Manual and WHS Policy (MHR)	Review completed	WHS Policy & Manual was reviewed and updated in December 2015 (annual review) and again in February 2016 to ensure it was compliant with the current legislation to meet the requirements under AS4801 for re-certification.	


Delivery Program Method of Assessment		
	Measure	Result
4.4.4.A	Council Research: Rockdale City Council recognised as an Employer of choice within the industry and community as well as by Council staff through an Internal staff survey. (Baseline for staff survey 2011)	Staff Engagement Survey conducted September 2015. Results were presented to all staff. 2 focus groups were conducted to gather qualitative information. 2 workshops conducted with Leadership team to determine improvement activities.
4.4.4.B	Council Statistic: reduce the number, lost time hours and severity of lost time injuries. Increase 'Near Miss' reporting all lost time injuries within 2 working days.	Since 2014/15: <ul style="list-style-type: none"> 15 Lost Time Injuries received in 2015/16, a decrease of 2 since 2014/15. 25 For Report Only and Near Miss reported in 2015/16, a decrease of 53. 100% of LTIs have been reported within 2 business days, an increase of 10% on 2014/15.

City Projects Program


There are 259 individual projects in the City Projects Program, with 55 milestones. In 2015/16, 31 milestones were completed, 15 were on track, 5 were delayed and 4 were on hold. Within this program there are 14 projects funded by the Renewing Rockdale SRV. These are highlighted with green text.

Asset Management

Ancillary & Minor Works



Project		Description	Target	Annual Achievement	
CPP54	Ancillary & Minor Works	For small projects outside the normal sub-programs but related to asset development (eg tree pruning for re-sheet program) (MCI)	Program completed	Retiled floors in public amenities at Rockdale, Carlton, and Bexley. Minor works completed at Bexley North Library, and ancillary items provided at Brighton Community centre and Syd Frost Hall.	

Design & Forward Planning




Project		Description	Target	Annual Achievement	
CPP55	Design & Forward Planning	Prepare designs for future Asset Development Projects (MCI)	Program completed	Program completed	


Transport & Infrastructure

Footpath Construction




Project		Description	Target	Annual Achievement	
CPP42-CPP43	Footpath Construction	Footpath construction - various locations (MCI)	Program completed		
CPP42-CPP43	Footpath Construction	Monk Ave, Arncliffe - Booth to Bonar, both sides (MCI)	Program completed		

Traffic and Road Safety Program


Project		Description	Target	Annual Achievement	
CPP50	Signs and Lines Rehabilitation	Rehabilitation of regulatory and advisory traffic signage, line marking and traffic facilities, includes on-road cycleways (MCI)	Program completed	Ongoing annual program to renew signs and lines.	
CPP51	Street Lighting	Lighting upgrades (MCI)	Program completed	Design complete for lighting over pedestrian crossing in Market Street, Rockdale. Pending AusGrid certification and installation of the lighting.	
CPP52	Traffic Management	Installation of traffic devices as endorsed through the Rockdale Traffic Committee, and urgent works (MCI)	Program completed		

Project		Description	Target	Annual Achievement	
CPP53	Pedestrian Access & Mobility Improvement Program	Undertake PAMP upgrades in various locations, including kerb ramps, bus stops and pedestrian facilities (MCI)	Program completed	Minor pedestrian improvements made in Clareville Avenue.	


Thriving Town Centres

Project		Description	Target	Annual Achievement	
CPP44	Arncliffe Town Centre	Investigation and concept development (MPO)	Concept completed for endorsement	The investigation and concept development for Arncliffe Town Centre is scheduled to commence in 2016/17. The community engagement strategy was developed for implementation from July.	
CPP45	Ramsgate Beach Town Centre	Commence construction (DCO)	Construction commenced	Works are well underway and some areas like the new parking to Alfred street and the islands in Ramsgate Road are complete and handed over. Issues relating to the demands imposed by supply authorities have mostly been resolved. A revised program and work sequence has been developed which targets a pre-Christmas completion. This program to be carefully monitored against the actual performance. The project is about to enter a phase which will have greater interface with the shopkeepers as footpaths and parking in front of the shops are about to commence .	
CPP46	Street Furniture Rehabilitation	Repair / replace bins, seats, flag poles and planter boxes. Includes all town centres (MPO)	Project completed	PO was not alerted to this item until 3rd quarter and so a revised approach was developed so that new assets are needs assessed rather than in response to individual demands.	


Cycleway Rehabilitation


Project		Description	Target	Annual Achievement	
CPP41	Cycleway Rehabilitation	Rehabilitation of pavement, lines and signs for on-street and off-street cycleway, and cycle racks (MCI)	Program completed	Minor program of line renewal and sign replacements complete with works at Wolli Creek to Kingsgrove and Cook Park.	

Bridge Culvert & Retaining Wall Rehabilitation


Project		Description	Target	Annual Achievement	
CPP40	Structures Rehabilitation	Rehabilitation of Bridge piers and footings, deck, railings and ancillary items. Rehabilitation of Retaining walls including clearing weepholes annually (MCI)	Program completed	Retaining wall constructed in Canonbury Grove, Bexley North and investigations into stabilisation of rock face at Bardwell Valley.	

Road Pavement Rehabilitation and Resheet Program

Project		Description	Target	Annual Achievement	
CPP48-CPP49	Road Pavement Rehabilitation and Resheet Program	Resheet and rehabilitation of road pavements. Grant funds include the Australian Government's Roads to Recovery Program (MCI)	Program completed	Pavement condition reviews are being completed by consultant for priority programming. Rehabilitation works completed at Slade and Hartill-Law Avenue, and Warialda Street.	


Project		Description	Target	Annual Achievement	
CPP48-CPP49	Road Pavement Rehabilitation and Resheet Program	The Roads Component and Supplementary Component are specifically allocated for works on Regional Roads, which are local roads, under Council's maintenance responsibility, but are considered as major traffic routes (MCI)	Program completed	Resheet works completed on Harrow Road, between Alexandra Parade and the subway.	


Kerb & Gutter Rehabilitation

Project		Description	Target	Annual Achievement	
CPP47	Kerb & Gutter Rehabilitation	Reconstruction of sections of kerb & guttering (MCI)	Program completed	Kerb and gutter rehabilitation works completed in Richmond Street.	

Plant, Fleet & Equipment



Plant, Fleet & Equipment

Project		Project Description	Target	Annual Achievement	
CPP20	Purchase Medium & Heavy Plant	Purchase Medium & Heavy Plant (MO)	Program completed	With the exception of 1 Large Plant Item, (which was ordered but delivery delayed), all other plant on the replacement program were received within the 2015/16 period.	

Project		Project Description	Target	Annual Achievement	
CPP21	Purchase of light vehicle fleet	Purchase of light vehicle fleet (MO)	Program completed	Council's passenger vehicle fleet has been replaced as per the requirements within Council Motor Vehicle and Plant Policy.	


Parks, Recreation & Natural Environment

Beach & Waterways Program


Project		Description	Target	Annual Achievement	
CPP3	Foreshore Rehabilitation	Rehabilitation of boardwalk, retaining walls, repairs to stairs, railings, fences and other waterways assets (MCI)	Program completed	Works completed include the finalisation of works at Sandringham Baths to protect the toe of the seawall, and completion of the rock revetment wall in Sandringham Bay.	
CPP4	Rehabilitation of swimming enclosures	Rehabilitation of swimming enclosures including installation of piles, improving accessories, nets and associated infrastructure (MCI)	Program completed	Restoration of swimming enclosures complete following storm damage.	

Greening Rockdale



Project Name		Project Description	Target	Annual Achievement	
CPP6	Seaforth Park	Seaforth Park - Landscape embellishment (MCI)	Project completed	Community Engagement Strategy ready to implement. Project investigation identified a need to undertake a Tree Management Plan for senescent trees. Community engagement to commence once the tree management plan is completed.	

Project Name		Project Description	Target	Annual Achievement	
CPP7	Street Tree Program	Continuation of street tree planting in accordance with the Masterplan (MCI)	Project completed		




Environmental Strategy








Project		Description	Target	Annual Achievement	
CPP5	Biodiversity Strategy Implementation	Rehabilitation to protect and enhance these natural areas and enhance the movement of priority species within and between these areas. Actions from the biodiversity strategy (MPO)	Program completed	Restoration works completed for 2015/16 in Bardwell Valley, Fry's Reserve, Wolli Creek, Stotts Reserve, Hawthorne Street Natural Area, Landing Lights wetland, Scarborough Park, Bicentennial Park, Binnamitalong, Cooilbah Reserve, Bado Berong Creek, Scott Park and Lady Robinsons Beach.	

Parks Improvements - Active

Project		Project Description	Target	Achievement	
CPPI8	Sportsfield Maintenance	Topsoil and minor repairs to sport field surface (MCI)	Project completed		
CPPI9	Special Rate Variation Program	Scarborough Park - Irrigation, surface and drainage (MCI)	Design and Staging Plan complete	Project rescheduled and now on track to meet the 2016/17 milestones. Topographic survey complete, concept design underway. Two-dimensional flood study review underway for the catchment.	


Parks Improvement Program - Passive Recreation

Project		Project Description	Target	Annual Achievement	
CCP8-CPPI0	Playground & Park Rehabilitation General	Safety renewals program to meet compliance requirements (MCI)	Program completed		
Playground & Park Rehabilitation General	Lighting restoration - Ador Reserve (MCI)	Program completed			
Playground & Park Rehabilitation General	Cook Park Cycleway – Lena Lane to Sanoni Ave Stage I (MCI)	Construction commenced	Delay in commencement due to emergency repairs associated with seawall. Project rescheduled for implementation 2016/17. Detail design underway.		

Project		Project Description	Target	Annual Achievement	
Special Rate Variation Program	Stotts Reserve (MCI)	Project completed	Project deferred as requested by Sport & Recreation Committee for further consideration by Ward Councillors.		
CPPII-CPP17	Special Rate Variation Program	Cahill Park (MCI)	Contingent on Stage I Masterplan priorities	Masterplan endorsed June 2016. Tender process for Stage I playground implementation to commence Q2 2016/17. Scheduled for construction following tendering in 3rd Quarter 2016/17.	
CPPII-CPP17	Special Rate Variation Program	Cook Park (Emmaline St - President Ave) (MCI)	Project completed	Project deferred to future financial year and subject to development of a Play Space Asset Management Plan.	
CPPII-CPP17	Special Rate Variation Program	Cook Park (Ramsgate St - Emmaline St) MCI	Project completed	Project deferred to future financial year and subject to development of a Play Space Asset Management Plan.	
CPPII-CPP17	Special Rate Variation Program	Silver Jubilee Park (MCI)	Project completed	Construction commenced in Quarter 4 2015/16. Construction Completion scheduled for Quarter 2 2016/17.	
CPPII-CPP17	Special Rate Variation Program	Dominey Reserve (MCI)	Project completed	Construction completed Quarter 4 2015/16.	
CPPII-CPP17	Special Rate Variation Program	Slade Road Reserve (MCI)	Project completed	Project delayed and rescheduled for construction commencement in Quarter 2 2016/17. Delays due to latent soil conditions and the need to undertake additional site investigations. Design complete, pending amendments resulting from soil condition.	


Library Resouces

Library Resouces





Project		Description	Target	Annual Achievement	
CPP2	Library Resources	Purchase books and media for libraries (MLCS)	Program completed	-Books and materials purchased as purchase program.	

Property & Buildings

Parks Improvements - Active Recreation

Project		Description	Target	Annual Achievement	
CPP26	Sports field rehabilitation	Rehabilitation of sporting fields and grounds including surface restoration and replacement of ancillary equipment (MCI)	Program completed	All programmed rehabilitation activities completed at 16 locations.	




Property Improvements - General

Project		Description	Target	Annual Achievement	
CPP27- CPP28	Building Rehabilitation Program	Rehabilitation program and minor modifications of Council buildings including: painting; pointing; roofing; electricals, etc (MCI)	Program completed		
CPP27- CPP28	Building Rehabilitation Program	Energy efficient upgrade of the auditorium air-conditioning. Works in conjunction with the Library (MCI)	Works complete	Commissioning of air-conditioning at the end of August 2016	
CPP29- CPP34	Special Rate Variation Program	Brighton Community Space (MCI)	Under construction	Interim air-conditioning solution implemented and complete. This work enabled further work to be deferred by 12 - 18 months. Initial investigation has commenced for long-term solution.	
CPP29- CPP34	Special Rate Variation Program	Depena Reserve toilets and change south (MCI)	Under construction	Scope revised and program prepared. Proposed consolidation of 3 amenity buildings into one at this location.	

Project		Description	Target	Annual Achievement	
CPP29- CPP34	Special Rate Variation Program	Jack & Jill Preschool (MCI)	Under construction	Project submitted for NSW Government grant funding through Community Building Partnership Program. Tender to be released August / September 2016.	●
CPP29- CPP34	Special Rate Variation Program	Arncliffe Preschool Kindergarden (MCI)	Under construction	Project submitted for NSW Government grant funding through Community Building Partnership Program. Request for Quotation released August 2016.	●
CPP29- CPP34	Special Rate Variation Program	Scarborough Park Amenities	Under construction	Revised delivery program endorsed by Sport and Recreation Committee to track with Tonbridge Reserve.	●
CPP29- CPP34	Special Rate Variation Program	Bicentennial Park Central (MCI)	Under construction	Location of building endorsed by Sport and Recreation Committee. Revised program under development. Location to be coordinated with proposed basketball court.	●


Major Projects Program

Project		Description	Target	Annual Achievement	
CPP22	Arncliffe Youth Centre	Legals and preliminaries, commence fitout (DCO)	Works commenced	<p>Council has varied certain milestone dates for the project, namely:</p> <ul style="list-style-type: none"> • Subdivision and transfer of the land to Council by 30 September 2016; • Application for construction certificate to be lodged by 31 January 2017; and • Practical completion of the Youth Centre 24 months after issuance of the construction certificate. <p>Conditional Development Approval for the Arncliffe Youth Centre and associated mixed use development (DA-2014/319) was obtained on 12 June 2015. On 8 March 2016 the deferred commencement conditions were satisfied and the Development Consent became operative.</p>	●

Project		Description	Target	Annual Achievement	
CPP23	Rockdale City Aquatic Centre	Construction commencement (DCO)	Construction underway 50% complete	Works proceeding above expectations. The structure is virtually complete and the roof sheeting is complete. The external envelop is being clad. Services rough in is virtually complete and ceiling framing and internal wall sheeting and render are well under way. The 50 metre pool has been tiled and the wall tiles to the 25 metre pool has commenced. We remain confident of a pre-Christmas completion.	
CPP24	Rockdale Library	Construction of the library (DCO)	Open to public	Kane Construction was awarded Practical Completion for the building and all interior works on June 30. The library opened to the public on July 30. The external works including the pavement to Bryant Street and the Princes Hwy are virtually complete. Negotiations of the final account are underway and progressing well.	
CPP25	York Street Car Park	Project investigation, community engagement and concept development (MPO)	Community engagement and concept development completed	Project investigation and concept development of 2 options has been completed and was reported to Council at its Meeting of 18 May 2016. Council resolved to not proceed to Phase 2, 3 and 4 of the project, at the time, and that this matter be referred back to Council within 9 months.	






IT & Communications

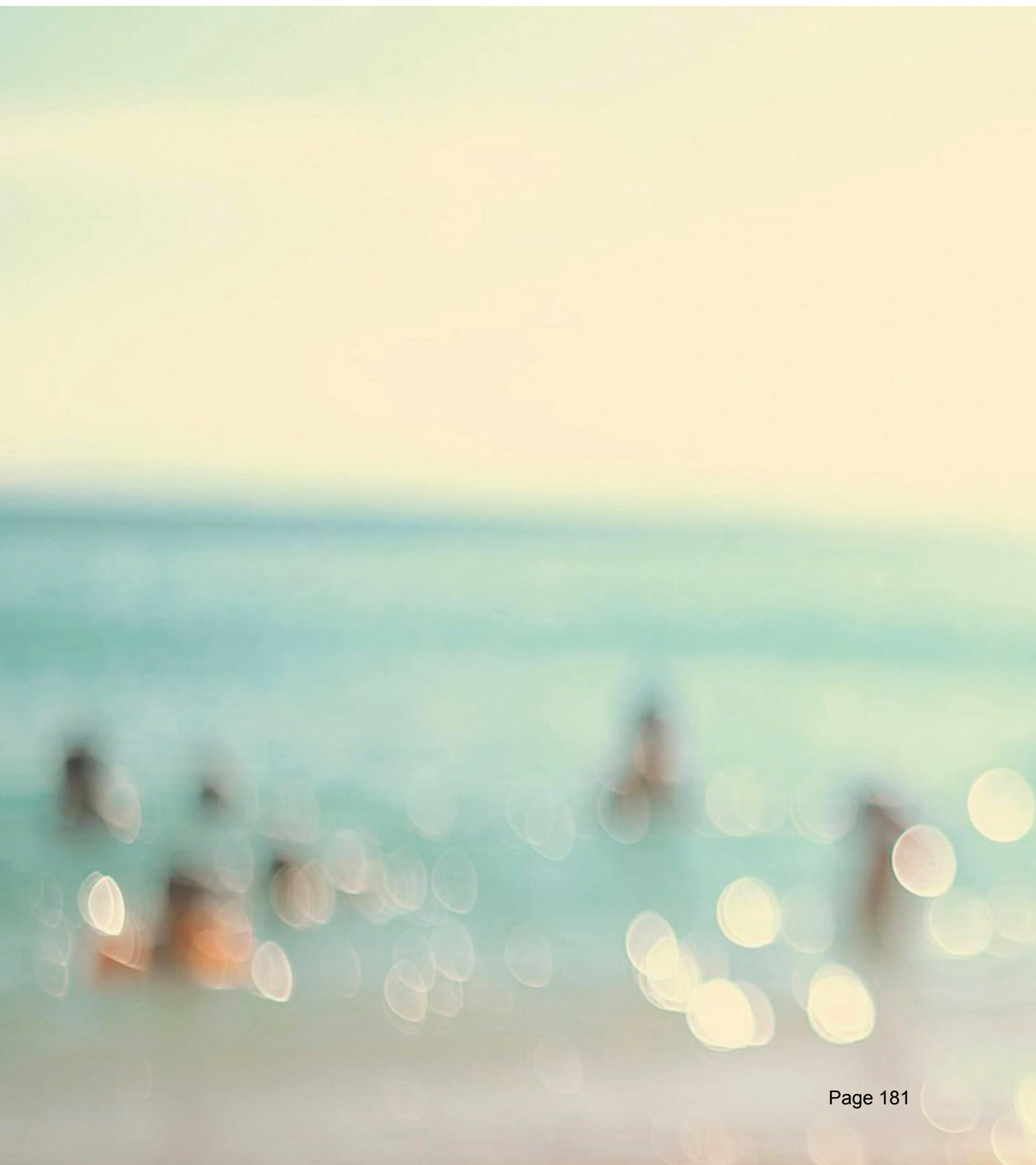
IT & Communications

Project		Description	Target	Annual	
CPPI	IT & Communications	Undertake work as per Information Management Strategy (MIMT)	Program completed	IMT Security Policy Delivered New Library technology setup delivered on time for Library go-live Messaging will be addressed in 2016 Aug-Oct PABX replacement will be addressed within future council amalgamations	

Stormwater Drainage

Stormwater Drainage

Project		Description	Target	Annual	
CPP35- CPP36	Drainage and WSUD augmentation-various locations	New and / or major upgrade of drainage infrastructure, including environmentally responsible water management by carrying out works such as wetlands, swales, bioretention basins or other similar projects (MCI)	Program completed	Ongoing program. Works complete at O'Connell Street, Monterey to provide additional capacity and remove an undrained low-point. Minor works completed on a stormwater pit in Agonis Close.	
CPP35- CPP36	Drainage and WSUD augmentation - various locations	Bryant and York Street augmentation (MCI)	Project completed	Completed works will decrease the risk of overland flow affecting the Library, Town Hall and Council administration building.	
CPP39	GPT Maintenance	Servicing of GPTs funded by the SWIM Levy (MCI)	Project completed	Council Gross Pollutant Traps (GPTs) are inspected and cleaned quarterly as per our annual schedule. This service is funded through SWIM Levy and the actual expenditure for 2015/16 on this program was \$101,520 against budget of \$101,900.	
DPP37- DPP38	Drainage Rehabilitation	Rehabilitation of open drains, pipelines and inlets to restore drainage capacity (MCI)	Program completed	Ongoing program. New drainage line installed in Arncliffe Street, Arncliffe to provide additional relief near Guess Avenue. Design work undertaken for repairs to Cooks River drainage outlet structure. Bado Barong creek restoration works commenced.	
DPP37- DPP38	Drainage Rehabilitation	Scarborough Park - clearing of open channel and naturalisation (MCI)	Project completed	Project delayed to align with Scarborough Park Concept Plan. Project deferred to 2016/17.	



STATUTORY INFORMATION

In addition to the progress report, Council reports on the following matters in accordance with the Local Government Act 1993, the associated (General) Regulation and other legislation.

ADDITIONAL INFORMATION

Local Government Act 1993

Sec 428 (3) & (4) (b)	Condition of Public Assets
Sec 428 (4) (b) cl 217 (1) (a1)	Elected Members
Sec 428 (4) (b) cl 217 (1) (b) & (c)	Senior Staff
Sec 428 (4) (b) cl 217 (1) (a)	Overseas Visits
Sec 428 (4) (b) cl 217 (1) (a2)	Contracts Awarded
Sec 428 (4) (b) cl 217 (1) (a4)	Private Works
Sec 428 (4) (b) cl 217 (1) (a3)	Legal Proceedings
Sec 428 (4) (b) cl 217 (1) (a5)	Financial Assistance
Sec 428 (4) (b) cl 217 (1) (a6), (a7) & (a8)	External Organisations
Sec 428 (4) (b) cl 217 (1) (a9)	Equal Employment Opportunity
Sec 428 (4) (b) cl 217 (1) (e)	Stormwater Management
Sec 428 (4) (b) cl 217 (1) (e1)	Coastal Protection
Sec 428 (4) (b) cl 217 (1) (f)	Companion Animals Act
Sec 508 & 508 (a)	Special Rate Variations

ACCESS TO INFORMATION

Government Information (Public Access) Act 2009

FINANCIAL STATEMENTS

Local Government Act 1993

CONDITION OF PUBLIC ASSETS

Sections 428 (3) & 4 (b) – IP&R Planning & Reporting Manual

The Rockdale Asset Management Strategy (RAMS) 2013/2025 forms part of the long-term resource strategy for the City Plan. The RAMS contains detailed information on Council's approach to asset management, quantum of public assets, and the condition of assets. Prepared in 2013, the RAMS will remain current until it is reviewed under the Integrated Planning and Reporting cycle. Council undertakes information gathering and improvements in accordance with the adopted Improvement Program.

The RAMS outlines the framework for the management of all Public Assets, covering:

- 1** Transport & Infrastructure
- 2** Property & Buildings
- 3** Stormwater & Drainage
- 4** Parks, Recreation & Natural Environment
- 5** Plant Fleet & Equipment
- 6** IT & Communications
- 7** Library Resources

The South Sydney Region of Councils (SSROC), of which Rockdale City Council is an active member, has embarked on an asset management improvement program. An objective of the program is to standardise the approach and methodology of rating and reporting on assets across the region. The outcome of this work will see the production of more consistent data across the region so that data can be more readily compared to monitor the sustainability of asset investment.

Asset management is a process of continual review and revaluation, to assist with decision-making on best value investment for infrastructure. Council is currently reviewing asset management systems to assist with the process of collecting and analysing data to make well-informed decisions.

Details of the condition of public works is included in the Special Schedule 7 in the Financial Statements.

ELECTED MEMBERS

Councillor Fees

Council adopted the following amounts as determined by the Remuneration Tribunal in respect of Mayoral and Councillor Fees.

Classification	510 - TSOUNIS	511 - HANNA	512 - POULOS	520 - IBRAHIM	521 - NAGI	522 - MICKOVSKI	530 - SARAVIN	532 - KAL
Councillor Fees	18,380.04	18,380.04	18,380.04	18,380.04	18,380.04	18,380.04	49,981.10	18,3

COUNCIL'S EXPENSES & FACILITIES

Section 428 (4)(b) cl 217(1)(a1)

Council's Expenses and Facilities Policy can be found on the website. During the financial year, the amounts expended on the provision of facilities and payment of expenses is outlined in the tables below. Council's policy requires Council to itemise such expenditure by individual Councillor.

Classification	510 - TSOUNIS	511 - HANNA	512 - POULOS	520 - IBRAHIM	521 - NAGI	522 - MICKOVSKI	530 - SARAVIN	532 - KAL
Telephone Calls	1227.58	133.51	1371.62	0.00	0.00	587.74	575.00	2100
Conference & Seminars	3774.55	0.00	1684.54	0.00	1540.00	0.00	2357.27	1258
Training & Skill Development	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Interstate Visits	229.93	0.00	0.00	0.00	545.46	0.00	1367.77	0.00
Overseas Visits	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Office Equipment	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Spouse / Partner	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Child / Family Care	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Other Expenses	7069.36	0.00	483.36	0.00	4800.00	413.36	807.72	413.
Total	12,301.42	133.51	3539.52	0.00	6885.46	1001.11	5107.76	377

- LLIGAS	533 - L. SEDRAK	540 - AWADA	541 - BARLOW	542 - P. SEDRAK	550 - O'BRIEN	551 - MACD.	552 - BEZIC	TOTAL
80.04	18,380.04	18,380.04	18,380.04	18,380.04	18,380.04	18,380.04	18,380.04	307,301.66

- LLIGAS	533 - L. SEDRAK	540 - AWADA	541 - BARLOW	542 - P. SEDRAK	550 - O'BRIEN	551 - MACD.	552 - BEZIC	TOTAL
0.00	1592.69	980.00	1017.53	622.00	0.00	0.00	976.72	11,184.39
3.18	0.00	0.00	140.00	1258.18	908.18	3702.72	1258.18	17,881.80
0	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2143.16
0	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
36	1383.36	0.00	60.00	491.37	0.00	0.00	413.36	16,335.25
1.54	2976.05	980.00	1217.53	2371.55	908.18	3702.72	2648.26	47,544.60

SENIOR STAFF

Section 428 (4)(b) cl 217(1)(b) & (c)

The total remuneration packages (TRP) for the General Manager and senior staff for the financial year are as follows:

Senior Officer	TRP
Ms Meredith Wallace, General Manager	\$ 329,588.43
Ms Karin Hartog, Director City Operations	\$ 234,851.00
Mr Geoff King, Director Corporate & Community (part year)	\$ 136,808.81
Mr Stephen Kerr, Director City Planning & Development (part year)	\$ 62,843.28
Mr Fausto Sut, Acting Director Corporate & Community (part year)	\$ 84,368.48
Mr Michael McCabe, Acting Director City Planning & Development (part year)	\$ 159,696.10

OVERSEAS VISITS

Section 428 (4) (b) cl 217 (1) (a)

There were no overseas visits by Councillors, Council staff and other council representatives during the financial year.

PRIVATE WORKS

Section 428 (4) (b) cl 217 (1) (a4)

Council did not resolve to undertake Private Works in accordance with Section 67 of the Local Government Act 1993 during the financial year.

CONTRACTS AWARDED

Section 428 (4) (b) cl 217 (1) (a2)

Council awarded the following major contracts during the financial year:

Contractor	Goods or Services	Contract Value
DEM	Architectural Consultancy – York Street Carpark	\$135,555
Fuji Xerox Australia	Print Management	\$208,312
M. Collins and Sons (Contractor) Pty Ltd	Top Dressing Supply Spread and Rub-in (per tonne rate based on approx. 3000t per year)	\$152,850
Technology One Ltd	Asset & Financial Management System	\$1,234,556
Traffic Lights NSW Pty Ltd	Traffic Control Signals – Slade Road and Hartill-Law Ave Bardwell Park	\$104,636
Rocktown Pty Ltd	Canonbury Grove – Embankment stabilisation and drainage upgrade	\$242,857
Connect Infrastructure	Supply and Installation of Street Lights – Mt Olympus Boulevard, Wolli Creek	\$120,390
Ichor Constructions Pty Ltd	Construction Services – Ramsgate Beach Thriving Town Centre	\$6,413,333
Cooper Commercial Constructions Pty Ltd	Construction of Cook Park Amenities	\$558,977
St Marks Coptic Orthodox Church	Lease – 9 Ador Avenue, Rockdale	\$1,000,234
Fireworks Australia	New Year's Eve Family Pyrotechnics display on Botany Bay	\$32,500

LEGAL PROCEEDINGS

Section 428 (4) (b) cl 217 (1) (a3)

The following is a summary of legal proceedings and associated costs incurred during the financial year.

LEGAL PROCEEDINGS TAKEN BY COUNCIL

Planning and development matters

Class 4 matters are generally actions instigated in the Court by Council to stop illegal building works, illegal uses or non-compliance with Conditions of Consent.

Name	Issues	State of progress	Result (if finalised)	Cost to date
Nil	-	-	-	-

Other matters

Name	Issues	State of progress	Result (if finalised)	Cost to date
Frank Russo and Vitina Russo	Fail to comply with EP&A Act Order	Local Court mention	Appeal Upheld - S34 Conference approved by Land & Environment Court on 30/6/14	\$3,086
21 June 2016 (adjourned to 23 August 2016)	Ongoing	\$20,983	Appeal Upheld - approved by Land & Environment Court on 24/12/14	\$61,963
Nanevski Developments Pty Ltd	Defended Penalty Notice - Development not in accordance with consent - corporation	Finalised	Fined \$3,000	\$121,450

LEGAL PROCEEDINGS TAKEN AGAINST COUNCIL

Planning and development matters

Class 1 matters are generally those appeals by an applicant against a Council decision to refuse an application or to vary a Condition of Approval.

Name	Issues	State of progress	Result (if finalised)	Cost to date
QBE Corp Pty Ltd	Class 1 Appeal against Council's deemed refusal (DA-2015/173)	Finalised	Appeal Upheld – S34 Conference approved by Land & Environment Court on 6/8/15	\$4,359
Nine Fruits Pty Ltd	Class 1 Appeal against Council's refusal (DA-2015/259)	Pending decision from Land & Environment Court	Ongoing	\$140,000
Urbanesque Planning Pty Ltd	Class 1 Appeal against Council's deemed refusal (DA-2014/372/A)	Finalised	Appeal Upheld – S34 Conference approved by Land & Environment Court on 16/5/16	\$76,828
Oxford No 1 Pty Ltd	Class 1 Appeal against Council's refusal (DA-2015/426)	Finalised	Appeal Upheld – S34 Conference approved by Land & Environment Court on 19/7/16	\$23,443
Canberra Estates Consortium No 42 Pty Ltd	Class 1 Appeal against Council's deemed refusal (DA-2015/421)	Pending decision from Land & Environment Court	Appeal Upheld – S34 Conference approved by Land & Environment Court on 15/6/16	\$9,082.80
Fox Johnston Pty Ltd	Class 1 Appeal against Council's deemed refusal (DA-2016/279)	Ongoing	Ongoing	Costs not known yet

Other matters

Name	Issues	State of progress	Result (if finalised)	Cost to date
Nil	–	–	–	–

FINANCIAL ASSISTANCE

Section 428 (4) (b) cl 217 (1) (a5)

Recipient	Amount (\$)
14 Stars Children Foundation	250
3Bridges Community	3500
Aged & Community Services NSW	500
Al Zahra College	100
Arncliffe Public School	100
Arncliffe Scots FC Inc	1900
Arncliffe West Infants	100
Athelstane Public School	100
Australia Day Botany Bay Regatta	900
Bardwell Park Infants School	100
Being Greek Festival	2500
Bethany College Hurstville	100
Bexley Golf Club	500
Bexley North P & C Association	5000
Bexley North Public School	100
Bexley Public School	100
Brighton Bunnies Playgroup	1500
Brighton Le Sands Public School	100
Cairnsfoot Special School	100
Carlton Public School	100
Carol Lin	250
Co.As.It	500
Dandelion Support Network Inc	900
Danelle Fowler	500
Daniel Arahua	750
Emily Preketes	500
Exodus Youth Worx	2455
Garry Huang	250
Greek Seniors Citizens of Rock	500
Holistic Wellbeing Club Inc	500
Ilinden - Macedonian Cultural	1500
James Cook Boys Technology High School	100
Jitterbugz Carlton	800
Kids with Cancer Foundation	500
Kingsgrove Community Aid Centre	5000
Kingsgrove High School	100
Kingsgrove Public School	100
Kogarah Community Services Inc	500
Kyeemagh Infants School	100

Lioness Club of the Sutherland	550
Macedonian Australian Pensioner Group	500
Marist College Kogarah	100
Moorefield Girls High School	100
Moorefield Women's Bowling Club	500
National Indigenous Rights Awards	2000
North Brighton Preschool Community Kindergarten	1500
Organisation of Hellene & Hellene-Cypriot	1000
Our Lady of Fatima School	100
Ramsgate Life Saving Club	10,000
Ramsgate Public School	100
Rockdale Public School	100
Sans Souci Public School	100
St Dominic Savio School	100
St Francis Xavier's Primary School	100
St Gabriel's Primary School	100
St George Area Tenant Council	1490
St George Art Society	4500
St George College of TAFE	100
St George District Athletic Club	1174
St George Dog Training Club	1500
St George Instrumental Eisteddfod	1000
St George Potters Group	1500
St George School	100
St George Sutherland Medical Research	1000
St George Youth Services Inc	5000
St Joseph Italian Pensioner Group	500
St Joseph's Primary School	100
St Mary's Star of the Sea Primary School	100
St Thomas More School	100
St Ursula's College	100
Sunnyfield Disability Services	4999
Sydney Technical High School	100
The Intellectual Disability Foundation	500
The Rotary Club of Hurstville	660

EXTERNAL ORGANISATIONS

Council participated in various ways in the following external bodies, including corporations, partnerships, trusts, joint ventures, syndicates or other bodies.

EXTERNAL BODIES WITH COUNCIL DELEGATION

Section 428 (4) (b) cl 217 (1) (a6)

There are no external bodies which carry out functions delegated by Council.

CONTROLLING INTEREST BY COUNCIL

Section 428 (4) (b) cl 217 (1) (a7)

Council has no controlling interest in companies or other bodies.

PARTICIPATION BY COUNCIL

SECTION 428 (4)(B) CL 217(1)(A8)

Council participates in the following external forums in order to further its objectives. Such forums are often community bodies or groups of councils with a particular interest and these are listed below:

Australia Day Botany Bay Regatta Committee

Organises, conducts and promotes water-based activities for Australia Day.

Australian Mayoral Aviation Council

Represents aviation interests of councils that have airports in their area.

Cooks River Alliance Board

An association of councils, implementing a strategic plan for the Cooks River Catchment.

Georges River Combined Councils Committee (GRCCC)

The GRCCC is a formal group of nine Councils, as well as community and agency representatives in the Georges River catchment, whose mission is to advocate for the protection, conservation and enhancement of the health of the Georges River, by developing programs and partnerships, and by lobbying government organisations and other stakeholders.

Lydham Hall Management Committee

Lydham Hall is one of the oldest homes in the St George area and dates back to the 1860s. The Committee comprises a group of volunteers and Councillors who meet on a regular basis to run and administer the historical Lydham Hall for functions including weddings and morning teas.

Metro Pool Insurance Group

Established to help stabilise insurance premium costs, achieve significant cost savings and other long-term benefits for member councils through effective risk management. The organisation was established in 1990 and commenced a self-insurance program in 1992. The eight member councils (including Rockdale City Council) have joined together to secure adequate public liability and professional indemnity cover. Financial contributions to the Pool are based on the relative size of each council and incorporate a proportion of underlying claims experience so as to reflect risk exposure. Metro Pool is owned, governed and administered by elected and appointed delegates from each member Council, with the assistance of professional staff and service providers. Metro Pool members have a long-term view of the advantages of pooling and seek to benefit through excellent risk management and prudent financial strategies.

Metropolitan Mayors Association

An association of the Sydney councils focused on coordination, advocacy and action on matters of shared concern of all councils in the Sydney metropolitan area.

NSW Metropolitan Public Libraries Association

Represents the concerns of local government libraries in the Greater Sydney Region to the State and Federal

Governments.

Southern Sydney Regional Organisation of Councils (SSROC)

SSROC is an association of 16 municipal and city councils in the southern area of Sydney. SSROC provides

a forum for the councils to deal with common issues, particularly those that cross boundaries. Key issues include planning, environment, transport, sustainability, procurement and waste management.

St George and Sutherland Business Enterprise Centre

A non-profit organisation that promotes and supports small business.

Sydney Coastal Councils Committee

The Sydney Coastal Councils Committee is a group of 15 councils established to promote coordination between member councils on environmental issues relating to the sustainable management of the urban coastal environment.

United Independent Pools Insurance Group

United Independent Pools is an incorporated organisation established in 2005. It is a local government joint venture that provides a variety of quality risk management services to meet the needs of its members. The Pool is wholly owned and controlled by the members which are the eight councils in Metro Pool and the nine member councils of West Pool.

CALD Partnerships

Culturally and Linguistically Diverse (CALD) initiatives are delivered through a memorandum of understanding with Skills Council of Australia, and other partnering arrangements with Advanced Diversity Services, local and state government agencies, health organisations, educational institutions and other community organisations.

Rockdale Community Nursery, Management Committee

The purpose of this committee is to direct the operations of the nursery by providing guidance, professional advice, funding and community support to the Nursery Manager. The committee is made up of representatives from Council and the Intellectual Disability Foundation of St George.

EQUAL EMPLOYMENT OPPORTUNITY

Section 428 (4) (b) cl 217 (1) (a9)

IMPLEMENTATION OF EEO PLAN

Council's Equal Employment Opportunity (EEO) Management Plan sets out four primary objectives, that aim to:

1. Create a diverse and skilled workforce, one that reflects the diversity of the City's communities
2. Create a workplace culture that displays fair practices and behaviours
3. Create a workplace free of discrimination, bullying and harassment
4. Target EEO groups through employment.

During the financial year a number of initiatives were implemented against Council's EEO objectives.

In regard to Objective 1, during the year:

- A number of staff continued to avail themselves of training and development opportunities through Council's Learning & Development Plan
- A number of staff across Council were recognised and rewarded for additional skills being utilised through Council's Skills Assessment processes
- The collection of data on our culturally diverse workforce has progressed with the implementation of the CHRIS 21 Human Resources Information System during 2014/15.

In regard to Objective 2 and 3:

- Council developed and implemented its Performance, Planning & Review System which has been designed to provide feedback on performance and on the key workplace behaviours displayed by staff.
- Council completed a review of its Recruitment and Selection policies against the ICAC Guidelines for Recruitment and Selection, with minor changes made to the existing policy and procedures, to ensure Council's 'merit based' system continues to enhance equality and fairness and training in Selection Practices was provided.
- Council undertook e-learning training in regard to Bullying and Harassment, and Anti-Discrimination / EEO during the year, building on the Code of Conduct training provided in 2014/15.
- Council undertook a Council-wide project to discover the values we demonstrate when we do our work well. The values identified will form the foundation that underpins all Human Resources processes such as training & development plans, performance management and recruitment.

In regard to Objective 4, as in previous years, Council's low staff turnover rate (9.87%) limited employment opportunities for EEO target groups. However the year again saw Council facilitate a number of work placement requests for students from both secondary and tertiary institutions.

STORMWATER MANAGEMENT

Section 428 (4) (b) cl 217 (1) (e)

As a result of increased urbanisation, councils are faced with an increasing financial burden of managing the quantity and quality of stormwater runoff. Council levied an annual charge during the financial year for stormwater management services. The stormwater management service charge, which is levied against privately owned urban land, assists with funding the cost of providing new or additional stormwater management services for the community. The services will result in a stormwater system that provides a cleaner and safer environment for the local community.

The following projects were funded during the financial year:

- Preventing pollution entering waterways – through the servicing of gross pollutant traps (GPTs) that collect and remove large suspended debris from stormwater to improve the water quality of streams, creeks, rivers and Botany Bay. Council removes tons of waste from these devices annually.
- Stormwater improvement works in Bryant Street and York Street.
- New drainage line installed in Arncliffe Street, Wolli Creek.
- Investigation and design work undertaken for headwall repairs at Cooks River drainage outlets, Wolli Creek.
- Bado Barong creek works.
- Drainage pit works in Agonis Close.
- Review of planning documents used to determine the extent and severity of flooding and strategies to adapt to climate change as required by the NSW Government. These documents enable Council to plan upgrades and augmentation of drainage systems in its asset management plans to respond to high priority issues.

COASTAL PROTECTION

Section 428 (4) (b) cl 217 (1) (e1)

Council did not levy an annual charge for coastal protection services during the financial year.

COMPANION ANIMALS

Section 428 (4) (3) Reg 217 (1) (f)

In accordance with the 'Guideline on the Exercise of the Functions under the Companion Animals Act', a summary of the activities of Council during the financial year are provided.

Pound data collection returns

Pound data collection returns were submitted to the Office of Local Government.

Data relating to dog attacks

Council investigated 29 dog attack reports, ensuring all attacks were entered into the Companion Animals Register within 72 hours.

Companion animal management expenditure

\$185,890 was the cost to Council on animal management, education, control and pound facilities.

Companion animal community education programs

An education program providing information to the community on the lawful reasons for the seizure of cats was continued by Council resulting in an ongoing reduction in the number of cats being transported to the Pound.

Strategies to promote and assist the desexing of dogs and cats

Desexing of dogs and cats is promoted in the following ways:

- Information on desexing of Companion Animals on Council's website
- Promotion by Regulations Inspectors as they deal with pet owners while investigating complaints
- Distribution of Cat Protection Society pamphlets by Regulations Inspectors
- Publicising discounted cat de-sexing programs run by the Cat Protection Society at Council's Customer Service Centre.

Strategies for alternatives to euthanasia for unclaimed animals

In relation to section 64 of the Companion Animals Act, all dogs and cats associated with Council are kept at the Sydney Dogs and Cats Home Inc (the Pound). A total of 258 cats and 214 dogs were received by the Pound for this reporting period and they continue their successful re-homing program for pets with 18% of dogs and 34% of cats re-homed during the year. Further, 74% of dogs and 5% of cats seized were reunited with their owners, an increase on the previous year's results.

Off-leash areas

Five strategically located 'dogs off-leash' exercise areas continued to be maintained throughout the City. The locations are promoted on Council's website and Council's Regulations Inspectors also provide information to dog owners encouraging the use of the designated exercise areas.

Companion Animals Fund details

\$60,094 was generated in animal registration and fines income which was put towards the \$245,984 for companion animal management and control, being \$60,952 for pound services, \$76,089 for contracted animal seizure / impounding, and \$108,943 for staff and other resources associated with Regulatory enforcement.

SPECIAL RATE VARIATIONS

Section 508 & 508 (a)

Council has two levies arising from three approved Special Rate Variations. The additional income raised through these levies (and the movement in the associated reserves) is shown in Note 6(c) of the Financial Statements which will be published separately.

SAFER CITY PROGRAM

The Safer City Program contributes to the Delivery Program's Outcome 1 'Rockdale is a welcoming and creative city with active, healthy and safe communities', and in particular Objective 1.2 'Our community feels safe in their homes, workplace and in public spaces'. It is funded by the Community Safety Levy (Special Rate Variation), which came into effect on 1 July 2007 and continues in perpetuity, yielding \$387,293 in the financial year.

The Safer City Program has three key components:

- Graffiti – assessment and removal
- CCTV – maintenance and coordination of facility
- Community safety vandalism and education.

A summary of the expenditure for the various financial years is shown in the table.

Safer City Program	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16
Graffiti	\$108,000	\$104,000	\$104,966	\$84,430	\$99,006	\$91,050
CCTV	\$14,000	\$59,000	\$4,949	\$44,076	\$33,546	\$145,400
Community safety and vandalism education	\$152,000	\$161,000	\$136,480	\$128,826	\$152,400	\$150,550
Total	\$274,000	\$324,000	\$246,395	\$257,332	\$284,952	\$387,000

Graffiti was removed from 3059 different sites during the 2015/16 financial year. A total of 6,588m² was removed as shown in the table. This represents an increase of 268m² over the 2014/15 financial year.

Month	2013/14 Graffiti Removed Area (m ²)	2014/15 Graffiti Removed Area (m ²)
July	476	407
August	466	550
September	350	507
October	580	652
November	444	531
December	527	613
January	473	711
February	673	807
March	542	431
April	562	430
May	724	373
June	508	575
Total	6325	6588

INFRASTRUCTURE PROGRAM

A special rate variation program was approved to assist Council in partly meeting the funding gap for the renewal of assets. The program includes renewal and replacement works on community buildings; public amenities, kerb and guttering; sporting facilities; parks and playgrounds as well as town centre improvements. The following table lists projects approved and the status as at 30 June 2016.

If projects have not yet commenced, the financial year in which they are programmed are indicated by green shading in the table below.

Special Rate Variation Program

Civil Infrastructure	Suburb	2015/2016 Achievement	2015/16	2016/17	2017/18
Kerb and guttering rehabilitation		Program complete.			
Resheet and rehabilitation of road pavements	Various				
Thriving Town Centres Program	Suburb	2015/2016 Achievement	2015/16	2016/17	2017/18
Ramsgate Beach Thriving Town Centre	Ramsgate Beach	Works commenced – programmed completion in 2016/17.			
Wollongong Road	Arncliffe				
Playground and Park Improvements	Suburb	2015/2016 Achievement	2015/16	2016/17	2017/18
Safety renewals program to meet compliance requirements	Various Locations	Complete			
Kingsland Road Reserve - playground upgrade	Bexley	Project completed			
Arncliffe Park - playground upgrade	Arncliffe	Project completed			
Bexley Park - playground upgrade	Bexley	Project completed	Stage 2		
Stotts Reserve - playground upgrade	Bardwell Park	Deferred – location under review			
Silver Jubilee Park - playground upgrade	Bardwell Valley	Project under construction. Expected completion in quarter one of 2016/17			
Dominey Reserve - playground upgrade	Bexley	Project completed			
Cahill Park (Sect 94 to supplement) - playground upgrade	Wolli Creek	Design and consultation complete. Project to be tendered for construction in 2016/17.			
Slade Road Reserve - playground upgrade	Bardwell Park	Design and consultation complete. Project to be constructed in 2016/17.			
Cook Park (Emmaline St - President Ave)	Monterey	Project deferred for other higher priority locations			

Cook Park (Ramsgate St - Emmaline St)	Ramsgate Beach	Grant funding application lodged for Pine Park			
Highgate St Reserve	Bexley				
Yamba Woorra Reserve	Rockdale				
Kingsgrove Avenue Reserve	Kingsgrove				
Scott Park	Sans Souci				

Sport and Recreation	Suburb	2015/2016 Achievement	2015/16	2016/17	2017/18
Bexley Oval and outer - field refurbishment	Bexley	Turf wicket replaced, irrigation installed and lights replaced.			
Scarborough Park - Irrigation, surface and drainage	Kogarah	Consultant engage to review and prepare masterplan for field layout and field refurbishment works			
AAAC - Loan repayment	Bexley				
Arncliffe Park	Arncliffe				
Firmstone Gardens	Rockdale				
AS Tanner Reserve	Monterey				

Community Buildings and Public Amenities	Suburb	2015/2016 Achievement	2015/16	2016/17	2017/18
Cook Park - Scarborough St public amenities	Monterey	Completed Dec 15			
Arncliffe Park Amenities	Arncliffe	Completed Dec 15			
Gardiner Park Amenities	Banksia	Completed Dec 15			
Cook Park opposite Emmaline Street public amenities	Ramsgate Beach	Under construction, for completion 2016/17.			
Guild theatre air-conditioning	Rockdale	Completed Aug 15.	stage 2		
Depena Reserve - South amenities	Dolls Point	Scope revised and program prepared. Propose consolidation of three amenity buildings into one.			
Jack & Jill Preschool	Bexley	Project submitted for NSW Community Building Partnership Program to assist with implementation. Design complete for improved accessibility.	Stage 2		
Arncliffe Preschool	Arncliffe	Project submitted for NSW Community Building Partnership Program to assist with implementation. Project scoped and design work complete.			

Bicentennial Park Central Amenities	Rockdale	Location of building endorsed by the Sport & Recreation Advisory Committee. Revised program under development. Location to be coordinated with proposed basketball court.			
Brighton Community Centre	Brighton Le Sands	Interim air-conditioning installed.			
Wilson's Cottage heritage item	Rockdale	Statement of Heritage Significance being prepared to enable scope to be defined.			
Bexley Oval Toilets and Kiosk	Bexley	Concept plan under development.			
Scott Park Toilet Block	Sans Souci	Design only in 2016/17. Construction in 2017/18.			
Depena Reserve Toilets West	Dolls Point	Demolition only - not to be replaced.			
Old St David's Church	Turrella				
Rockdale Park Amenities	Rockdale				
Syd Frost Hall - internal refurbishment	Ramsgate				
Rockdale Community Aid	Rockdale				
Tonbridge Street Reserve Amenities and Kiosk	Ramsgate Beach	Investigation and site planning commenced ahead of schedule			
Administration Building refurbishment	Rockdale				
Kyeemagh Boat Ramp Reserve	Kyeemagh	Project to be brought forward due to successful grant application.			

ACCESS TO INFORMATION

Government Information (Public Access) Act 2009 – Section 125

ACTIVITY REPORT

The Government Information (Public Access) Act 2009 gives members of the public a means to access Government Information. Information is restricted only when there is an overriding public interest against disclosure. Allowing access to Council information and documents engenders a more open, accountable, fair and effective government.

Council received over 708 requests for information in this reporting period. Fifteen formal access applications were received. All other requests were dealt with as open or informal requests.

Council is proud of these statistics as it indicates information is being provided informally, without requiring a formal access application and accompanying fee, and facilitating improved public access to Government Information in accordance with the intentions of the GIPA Act.

OBLIGATIONS UNDER THE GIPA ACT

1. Review of proactive release program - Clause 7 (a)

Under Section 7 of the GIPA Act, agencies must review their programs for the release of government information to identify the kinds of information that can be made publicly available. This review must be undertaken at least once every 12 months.

Our agency's program for the proactive release of information involves identifying documents and information consistently applied for, and making these documents available online where possible.

Throughout this reporting period Council received an increased number of requests to view Complying Development documents submitted to Council by Private Certifiers.

As a result of this review Council is currently investigating options to make these documents more accessible to the public, which may include making the documents available online, subject to copyright restrictions.

2. Number of access applications received - Clause 7 (b)

During the reporting period, our agency received a total of 15 formal access applications (including withdrawn applications but not invalid applications). One application was brought forward from the previous reporting period and decided during this reporting period. Fifteen formal access applications in total were decided in this reporting period.

3. Number of refused applications for Schedule 1 information - Clause 7 (c)

During the reporting period, our agency refused no requests because the information requested was information referred to in Schedule 1 of the GIPA Act.

Statistical information about access applications - Clause 7 (d)

Table A: Number of applications by type of applicant and outcome*								
	Access granted in full	Access granted in part	Access refused in full	Information not held	Information already available	Refuse to deal with application	Refuse to confirm or deny whether information is held	Application withdrawn
Media	0	0	0	0	0	0	0	0
Members of Parliament	0	0	0	0	0	0	0	0
Private sector business	1	2	0	0	0	0	0	0
Not-for-profit organisations or community groups	0	0	0	0	0	0	0	0
Members of the public (application by legal representative)	5	2	0	0	0	0	0	1
Members of the public (other)	2	0	0	2	0	0	0	0

Table B: Number of applications by type of application and outcome								
	Access granted in full	Access granted in part	Access refused in full	Information not held	Information already available	Refuse to deal with application	Refuse to confirm or deny whether information is held	Application withdrawn
Personal information applications	0	0	0	0	0	0	0	0
Access applications (other than personal information applications)	8	4	0	2	0	0	0	1
Access applications that are partly personal information applications and partly other	0	0	0	0	0	0	0	0

Table C: Invalid applications	
Reason for invalidity	Number of applications
Reason for invalidity	0
Application does not comply with formal requirements (section 41 of the Act)	0
Application is for excluded information of the agency (section 43 of the Act)	0
Application contravenes restraint order (section 110 of the Act)	0
Total number of invalid applications received	0
Invalid applications that subsequently became valid applications	0

Table D: Conclusive presumption of overriding public interest against disclosure: matters listed in Schedule 1 of the Act

	Number of times consideration used*
Overriding secrecy laws	0
Cabinet information	0
Executive Council information	0
Contempt	0
Legal professional privilege	0
Excluded information	0
Documents affecting law enforcement and public safety	0
Transport safety	0
Adoption	0
Care and protection of children	0
Ministerial code of conduct	0
Aboriginal and environmental heritage	0

Table E: Other public interest considerations against disclosure: matters listed in table to Section 14 of the Act

	Number of occasions when application was not successful
Responsible and effective government	2
Law enforcement and security	0
Individual rights, judicial processes and natural justice	0
Business interests of agencies and other persons	2
Environment, culture, economy and general matters	0
Secrecy provisions	0
Exempt documents under interstate Freedom of Information legislation	0

Table F: Timeliness

	Number of applications
Decided within the statutory timeframe (20 days plus any extensions)	13
Decided after 35 days (by agreement with applicant)	2
Not decided within time (deemed refusal)	0
Total	15

Table G: Number of applications reviewed under Part 5 of the Act (by type of review and outcome)

	Decision varied	Decision upheld	Total
Internal review	0	0	0
Review by Information Commissioner	0	0	0
Internal review following recommendation under section 93 of Act	0	0	0
Review by ADT	0	0	0
Total	0	0	0

Table H: Applications for review under Part 5 of the Act (by type of applicant)

	Number of applications for review
Applications by access applicants	0
Applications by persons to whom information the subject of access application relates (see section 54 of the Act)	0

ANNUAL REPORT

City of Botany Bay [2015 / 2016]

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Ref F16/96

Administrator's message

On 9 September 2016, the Minister for Local Government issued the Governor's Proclamation that created Bayside Council by amalgamating the former local government areas of the City of Rockdale and the City of Botany Bay.

This report is for the period 1 July 2015 to 30 June 2016. It includes the achievements of those Councils in implementing their Delivery Programs (as required by section 428 of the Local Government Act 1993), as well as the statutory information required by clause 217 of the Local Government (General Election) Regulation 2005. This report does not include audited financial statements, which will be published separately at a later date and relate to the period from 1 July 2015 to 9 September 2016.

This is the final Annual Report of the former City of Botany Bay Council.

Greg Wright
Administrator
Bayside Council

INTRODUCTION

Our City Vision

The City of Botany Bay is committed to improving the total environment to allow all community members who live, work, or use the facilities in the Council area to enjoy and benefit from the services provided.

Our Corporate Values

Leadership

We are inspired by a shared vision, lead by example and encourage and support others to do the same.

Collaboration

We are committed to working collaboratively across the whole organisation for the common good of the Council and the community we serve.

Customer Service

We are committed to understanding and responding to our customers' needs.

Accountability

We hold ourselves accountable for our actions, celebrate our success and learn from our mistakes.

Integrity

We are committed to acting ethically, fairly, selflessly, impartially, honestly and with integrity in everything we do.

Communication

We are committed to communicating openly, transparently and clearly.

Excellence

We will strive for excellence in all that we do.

Innovation

We value innovation, initiative, resourcefulness and creativity.

Respect

We respect our differences, celebrate our similarities and treat everyone with courtesy.

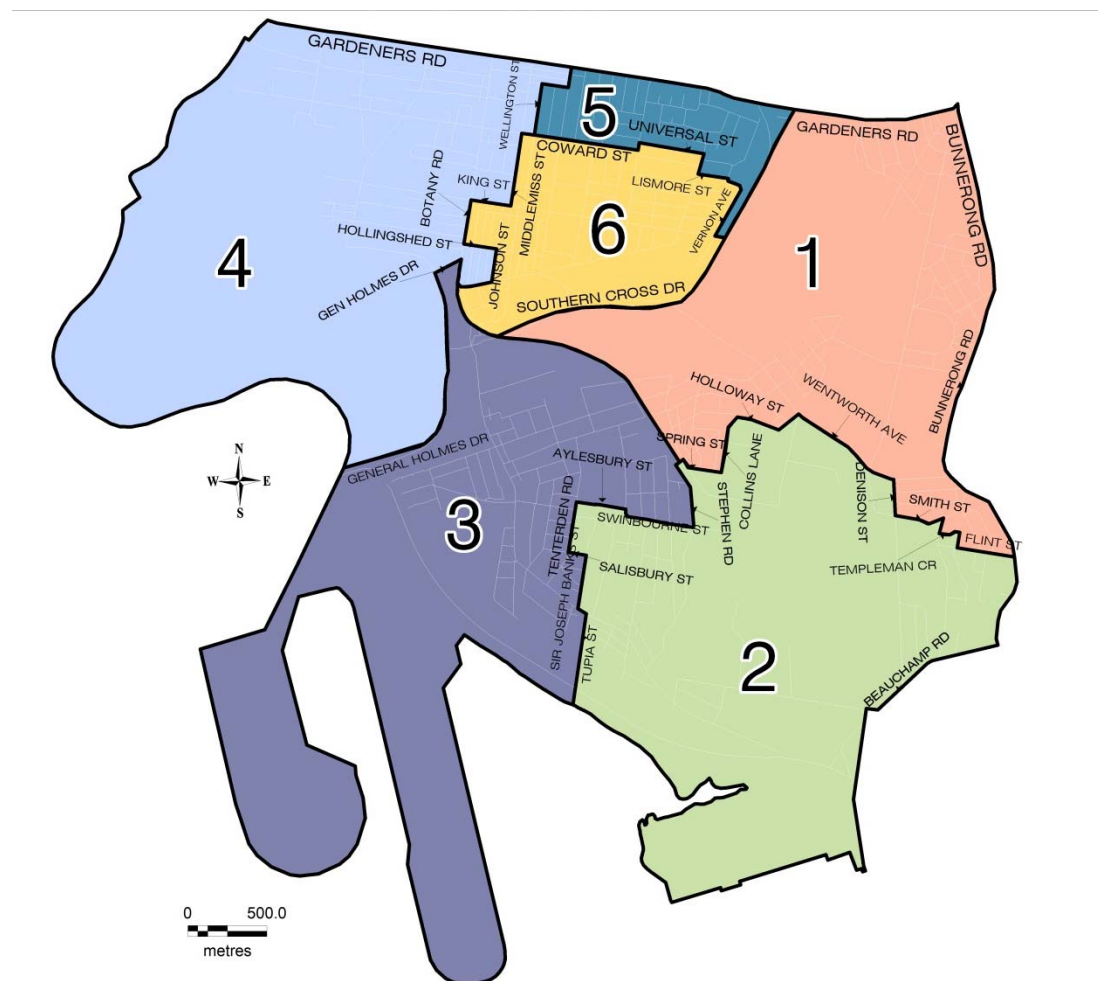
About Us

The Council of the City of Botany Bay is responsible for the planning and delivery of services and facilities for a population of 45,000 and 18,600 rateable properties over 22 square kilometres.

The Council of the City of Botany Bay

The City of Botany Bay is divided into six wards with an individual Councillor elected to represent the interests of residents in each ward. His Worship the Mayor is popularly elected.

Elections are normally held every four years however, due to the proposed amalgamation of Councils, the election for this area has been postponed from September 2016 until September 2017



Like all Councils in New South Wales, the City of Botany Bay operates under the Local Government Act 1993. This Act directs the way Council provides services to our local community. The core principles governing Council's functions are set out in the Act under the Local Government charter:

- Provide directly, or on behalf of other levels of government after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively.

- Exercise community leadership.
- Exercise its functions in a manner that is consistent with, and actively promotes, the principles of multiculturalism.
- Promote and to provide and plan for the needs of children.
- Properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically-sustainable development.
- Have regard to the long-term and cumulative effects of its decisions.
- Bear in mind that it is the custodian and trustee of public assets and to effectively plan for, account for and manage the assets for which it is responsible.
- Engage in long-term strategic planning on behalf of the local community.
- Exercise its functions in a manner that is consistent with and promotes social justice principles of equity, access, participation and rights.
- Facilitate the involvement of Councillors, members of the public, users of facilities and services and Council staff in the development, improvement and co-ordination of local government.
- Raise funds for local purposes by the fair imposition of rates, charges and fees, by income earned from investments and, when appropriate, by borrowings and grants.
- Keep the local community and the State government (and through it, the wider community) informed about its activities.
- Ensure that, in the exercise of its regulatory functions, it acts consistently and without bias, particularly where an activity of the Council is affected.
- Be a responsible employer.

Council and Committee Meetings

In 2015/16 Meetings were held at Botany Town Hall, Edward Street, Botany.

- Council meetings were held on the fourth Wednesday of the month commencing at 7pm.
- Committee Meetings were held on the first and third Wednesday of the month at 6.30pm.

Council Committees

COMMITTEE	RESPONSIBILITIES
City Services	Matters relating to the operational and capital works programs, parks, streetscapes, the environment, traffic and parking, health, heritage and waste management.
Community Engagement	Matters relating to events, communication and engagement, healthy and active lifestyle initiatives, accessibility, community services, the arts and our history.
Development	Development and sub-division applications and all matters relating to Planning Policies and Instruments.
Finance and Performance	Matters relating to performance of Council including the review of financial and audit reports as well as integrated planning and reporting.
Policies and Priorities	Matters relating to integrated planning and reporting, corporate governance, advocacy, civic recognition, legislative compliance, grants and elections.

Council actively supports open government and encourages members of the public to attend Council and Committee meetings. To enhance the community's opportunity to see and hear the deliberations of Council and Committee Meetings, proceedings are broadcast live on the Internet via the Council webpage.

Council has adopted a Code of Meeting Practice and a Code of Conduct. These documents provide the highest standards of probity, transparency and accountability to be adhered to at all times.

Connecting with our Community

The Council of the City of Botany Bay is committed to engaging with the community to inform our planning and decision making. Council seeks to keep the community informed on matters which affect them and actively encourages input and feedback from all members of the community.

Advisory Committees

A number of advisory committees have been established, providing an opportunity for community input on specific issues to assist Council in the decision-making process.

Committees usually meet bi-monthly and each Committee comprises of up to seven community members, a Councillor and Council staff.

COMMITTEE	ROLE
Aboriginal and Torres Strait Islander Advisory Committee	Advising on the views, needs and interest of Aboriginal and Torres Strait Islander people.
Access Advisory Committee	Advising on the views, needs and interests of people with a disability.
Botany Historical Trust	Advising on local history and heritage issues.
Senior Citizen Advisory Committee	Advising on the views, needs and interests of our senior residents.

COMMITTEE	ROLE
Traffic Advisory Committee	Advising on the technical and community issues of proposed changes to the roads and footpaths.

Council also provides a range of other forums to encourage community involvement and participation in the decision-making processes including:

- Public exhibition of planning and reporting documents that comprise Council's Integrated Planning Framework .
- Public exhibition and community consultation on draft Plans and Codes.
- Public exhibition and notification on proposed development activity in the area.
- Community consultation on traffic-management proposals.
- Community consultation on special infrastructure works.
- Customer requests for service.
- Representations.
- Complaint-handling processes.
- Opportunities to address Council and Committee meetings.
- Community participation in Advisory Committees.
- The Mayor's Facebook and Twitter accounts.
- Community polls and surveys.
- Community forums and workshops.



Figure 1 Integrated Planning and Reporting Framework

What We Do

The City of Botany Bay Council delivers a comprehensive range of direct services and is a respected provider of traditional and value-added services.

The community of Botany Bay is overwhelmingly satisfied with the performance of Council and the services it provides as indicated by the results of the Community Satisfaction Survey undertaken by Council in June 2015.

Services Provided by Council Include:

Asset Construction and Maintenance

Council plans, constructs and maintains assets and infrastructure including roads, footpaths, parks, sports fields and recreational facilities, to meet the needs of the growing community.

Children's Services

Council supports local families through the provision of high quality long day care, before and after school care, vacation care and family day care.

Community Services

Council works with locals to build a sense of community, provide services to enhance the lives of our residents and visitors and assist the more vulnerable and disadvantaged in our community. Meals-on-Wheels, centre-based day care for seniors and people with a disability, list shopping services and lawn mowing for pensioners are all services that improve the lives of our residents.

Cultural Service

Council provides a modern library service and museum which is free and accessible to everyone in the community.

Health and Safety

Council provides a range of services to enhance the health and safety of the community, from regular food shop inspections to immunisation clinics for local children.

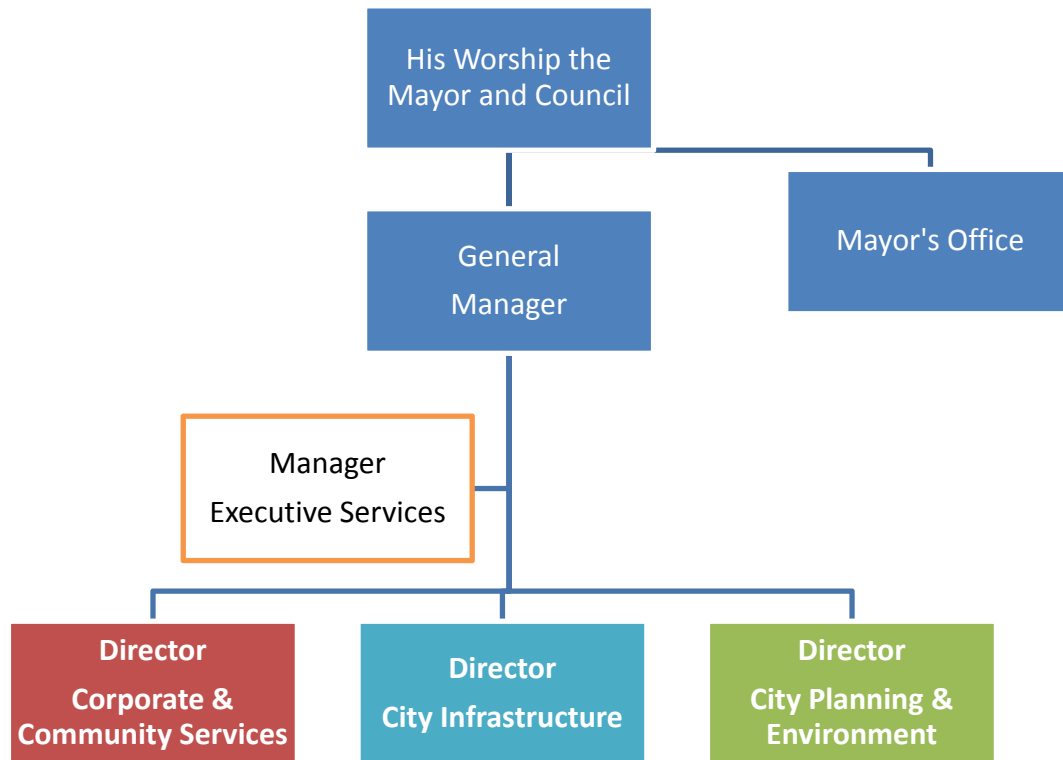
Planning and Development

Council encourages the sustainable growth of the City while respecting local heritage and protecting the local environment.

Waste Management and Recycling

Council delivers a high level of service through weekly and responsive waste collection services whilst also encouraging recycling and environmentally-sustainable practices.

ORGANISATIONAL STRUCTURE



The General Manager is responsible for the day-to-day management of the Council and the implementation of Council decisions. The role of the General Manager is outlined in the Local Government Act.

The Office of the General Manager also provides support to the Mayor and Councillors and undertakes special projects with the aim of achieving the Council's vision.

Corporate and Community Services

- Corporate Services
- Communications
- Finance & IT
- Community Services

The Corporate and Community Services Directorate is responsible for:

- Implementing and maintaining a robust governance framework to ensure the organisation meets its statutory obligations.
- Strong financial planning and monitoring systems to ensure financial integrity and sustainability.
- Developing and implementing systems to provide for open and transparent communication strategies and responsive customer service.
- Providing a range of community services, programs and activities to meet the needs and aspirations of the community.
- Provide well-resourced libraries and a museum to showcases our rich history and heritage.
- Providing IT resources to meet the organisation's current and future needs.

Planning and Environment

- Development Assessment
- Strategic Planning
- Compliance
- Urban Environment

The Planning and Environment Directorate is responsible for:

- The development of a strategic framework including policy and planning for land use, traffic and transport, urban design, recreation and environmental management.
- Assessment of development applications and proposals.
- Compliance management including health, environmental, building, fire safety, parking, waste and ranger services.

City Infrastructure

- Parks and Landscape
- City Services
- Botany Bay Council Business Services Unit

The City Infrastructure directorate delivers services to the residents and businesses of the City of Botany Bay, such as:

- Waste collection and street cleaning.
- Maintenance and construction of roads, footpaths, drainage, buildings and streetscapes.
- Design and maintenance of our parks, reserves and open space.

DELIVERY PROGRAM PROGRESS

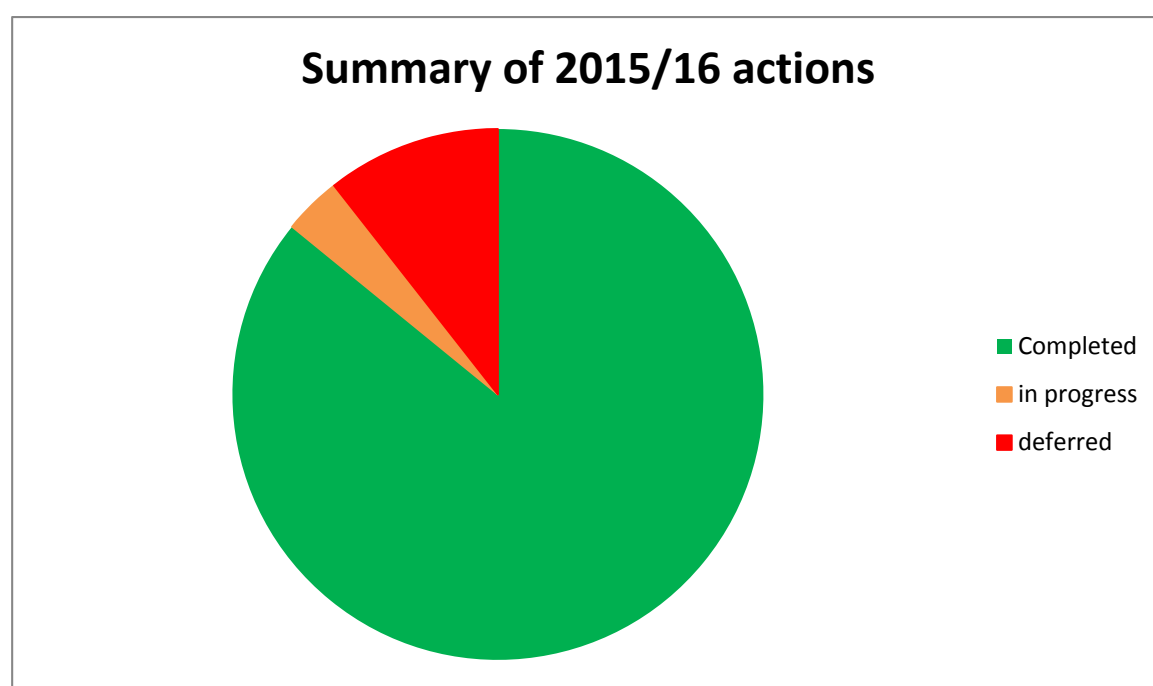
An Inclusive Community

A culturally diverse and cohesive community based on tolerance, understanding and respect and supports and encourages all community members to fully participate in community life.

OVERVIEW

8 Outcomes

1. *Opportunities to participate in Community Life*
2. *A community where cultural diversity is valued, celebrated and respected*
3. *A community that values and celebrates its history*
4. *A cohesive community for the good of all members*
5. *A strong sense of community through community events programs*
6. *A safe community*
7. *A healthy active community*
8. *Valuing life-long learning*



SUMMARY

Opportunities to participate in Community Life

Community Consultation is used extensively to help plan services, programs and activities which meet the needs of the community.

The principles of social justice and multiculturalism are applied to all services, programs and activities ensuring that all members of the community are considered and catered for in Council's extensive calendar of events and activities.

Throughout the year Council continued to collaborate with a wide range of government agencies, local service providers and community groups to deliver quality services to the community including:

- NSW Department of Education and Communities
- NSW Family and Community Services
- NSW Health
- Families NSW
- NSW Aboriginal Land Council and La Perouse Land Council
- NSW Ageing, Disability and Home Care
- NSW Housing
- Legal Aid NSW
- NSW Volunteering
- NSW Food Authority
- NSW Police
- NSW Roads and Maritime Services
- NSW Commission for Children and Young People
- Veterans Affairs
- South Eastern Sydney Local Area Health Service
- Black Dog Institute
- Prince of Wales Community Health
- COTA NSW
- Deli Women and Children's Centre
- Botany Family and Children's Centre
- Inner and Eastern Sydney Migrant Interagency
- Sydney and Randwick TAFE
- Allied Health

- Inner and Eastern Sydney Child and Family Interagency
- LifeStart
- SDN Children's Services
- Pathways
- Sydney Multicultural Community Services

Council continues to develop the capacity of local community groups by supporting their programs, providing access to venues and resources and by helping to develop the skills of their members.

A community where cultural diversity is valued, celebrated and respected

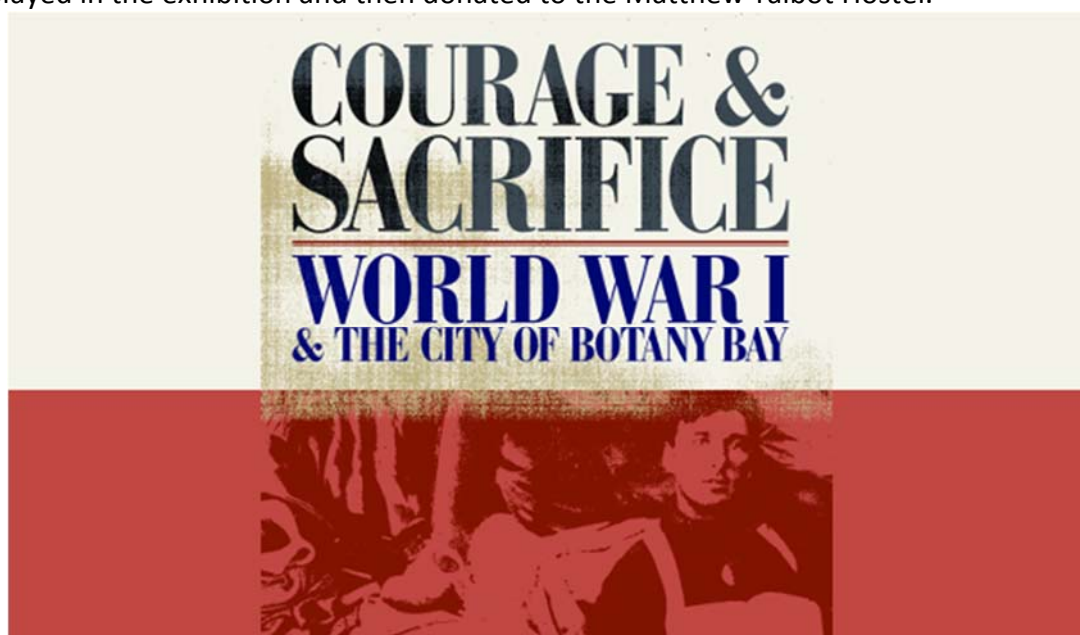
The Botany Bay local government area (LGA) is very diverse and Council continues to build strong, positive and sustainable relationships with indigenous and multicultural members of the community.

Throughout the year Council hosted a range of events to recognise national days of significance thereby encouraging understanding and tolerance and providing opportunities for the community to come together in harmony.

A community that values and celebrates its history

Throughout the year Council continued to honour, respect and preserve the City's history and heritage.

A key focus of 2015/16 was the World War 1 Centenary Projects. The WWI Courage and Sacrifice Exhibition at the George Hanna Memorial Museum was a major focal point for the community and was widely supported by local knitters who were invited to knit a pair of woollen socks using a special World War 1 knitting pattern. The completed socks were displayed in the exhibition and then donated to the Matthew Talbot Hostel.



Council also recognises the importance of the area's pre-European settlement heritage and has facilitated the ongoing participation of the Aboriginal Advisory Committee in preserving and acknowledging the important indigenous history associated with Botany Bay.

A cohesive community for the good of all members

Volunteering is recognised by Council as an important avenue to help enhance and improve the lives of local residents. Volunteering opportunities identified and promoted throughout the year included:

- Meals on Wheels
- Centre-Based Meals
- Justice of the Peace service at the libraries
- Membership on Council's advisory committees
- The knitting network
- State Emergency Service

A strong sense of community through community events programs

The wide range of events hosted by Council are designed to increase community connectedness and strengthen community cohesiveness. Some of the significant community events hosted by Council included:

- Multicultural Fair
- Garden competition
- Photographic competition
- A Taste of Mascot
- Carols in the Park
- Australia Day
- Trees for Mum program
- Chinese New Year celebrations

A safe community

Council is committed to providing an environment where residents and visitors alike feel safe and welcomed. Public spaces and community facilities utilise safer design principles to promote community safety and enhance crime prevention in community areas.

In addition Council has worked to empower individuals with the knowledge and awareness they need to remain safe. Programs have included:

- Child restraint fitting days

- Learner Driver workshops
- Learn to swim and water safety programs

A healthy active community

Council encourages people to be active and healthy through a wide range of initiatives. Residents and visitors have access to a diverse range of sporting, recreational and community facilities. The City has a network of well-maintained parks inviting passive activities such as walking and relaxing as well as sporting grounds which host organised sports such as football, rugby league, basketball, netball, cricket and athletics. Council also provides squash courts and tennis courts and a quality golf course. The Botany Aquatic Centre is a first class facility for lap swimmers and recreational swimmers alike.

A network of walking paths and bicycle paths also promote an active lifestyle, and leash free dog parks encourage pet owners to remain active.

In addition to the above infrastructure, Council also provides a range of programs to support an active lifestyle including exercise classes, line dancing, carpet bowls, table tennis and pool.

Valuing life-long learning

Providing people with the opportunity to continue to learn and develop throughout each stage of their life enhances both the individual's wellbeing and the community's sense of connectedness. Central to Botany Bay's lifelong learning program is the library service which provides a wide range of resources and programs that individuals can access easily to support their lifelong learning journey.

In addition, Council's Community Services section also provides access to a wide range of learning opportunities including programs for young children, teenagers and seniors. Programs include:

- Technology classes
- HSC sessions
- Story times for young children
- Learn to swim classes
- Positive parenting workshops
- First aid courses
- Learner driver workshops
- Exercise classes
- Computer Pals for seniors
- Safety in the home workshops
- Food safety programs

HIGHLIGHTS

Celebrating Citizenship

Throughout the year Council hosted 11 citizenship ceremonies and welcomed over 600 new citizens to the area. The main ceremony was held at Sir Joseph Banks Park on 26 January with our Australia Day Ambassador, Susie Maroney, helping to welcome 100 new citizens who have chosen to make Australia their home.

Aboriginal Torres Strait Islander Advisory Committee

The Inaugural meeting of the Aboriginal Torres Strait Islander Advisory Committee was held on Monday 10 August 2015.

Harmony Day

Harmony Day is a celebration of cultural diversity and promotes inclusiveness, respect and a sense of belonging. Harmony Day 2016 was celebrated at Eastlakes Reserve with local schools and community groups enjoying a day of entertainment, information stalls and food from around the world. A highlight of the day was a performance by the Yama Aboriginal Dance Group.

Botany Bay Gift 2016

An active lifestyle is important to the quality of life for everyone. For the energetic and fit residents the City of Botany Bay again hosted Botany Bay Gift at Sir Joseph Banks Park, Botany. The Gift was held on the 26 January 2016 in conjunction with Council's Australia Day celebrations. This is a great event which involves the whole community, either as participants or spectators.





Aboriginal & Torres Strait Islander Cultural Protocols Booklet

An Aboriginal and Torres Strait Islander Cultural Protocols Booklet has been developed as a draft that will provide our community with a resource to assist, understand and respect the importance of Cultural Protocols when working with Australia's First Peoples. The first draft of the Cultural Protocol Booklet has been presented to the Aboriginal and Torres Strait Islander Advisory Committee for their feedback.

Observing appropriate protocols when working with Aboriginal and Torres Strait Islander peoples and communities is critical to establishing positive and respectful relationships. Consulting with Aboriginal and Torres Strait Islander peoples and communities should always be seen as a two-way process, with both parties learning together and from each other.

Community Events

Council has developed a calendar of community events that encourage the participation of the whole community and celebrate the diversity and energy of the local area.



Two annual highlights are the Multicultural Fair and the Taste of Mascot. In October Andy Allen, winner of MasterChef Australia 2012, presented a cooking demonstration to an appreciative audience at the 2015 Taste of Mascot. The community enjoyed the cooking demonstrations and entertainment as well as the wide variety of food and produce stalls.

Our A to Z Exhibition

On Saturday 28 May 2016 Council launched an exhibition titled 'Our A to Z' at the George Hanna Memorial Museum. This innovative exhibition was organised around the letters of the alphabet, for example "B" focused on the "Botany Environment Watch" which was the name of the group led by Nancy Hillier, who in the 1970s, campaigned against the construction of the Botany Port. The subjects of the exhibition varied from the well-known, such as the history of the Botany Harriers, to those tales recently unearthed in Council's archives, such as the fascinating story of the Mascot Baby Health Clinic. There was also a profile of Louisa Collins, the Botany resident accused of murder. Louisa Collins features in the book by Caroline Overington titled *Last Woman Hanged*, published in 2014.

This exhibition highlights Council's commitment to celebrating our history.

Our A to Z exhibition on now.

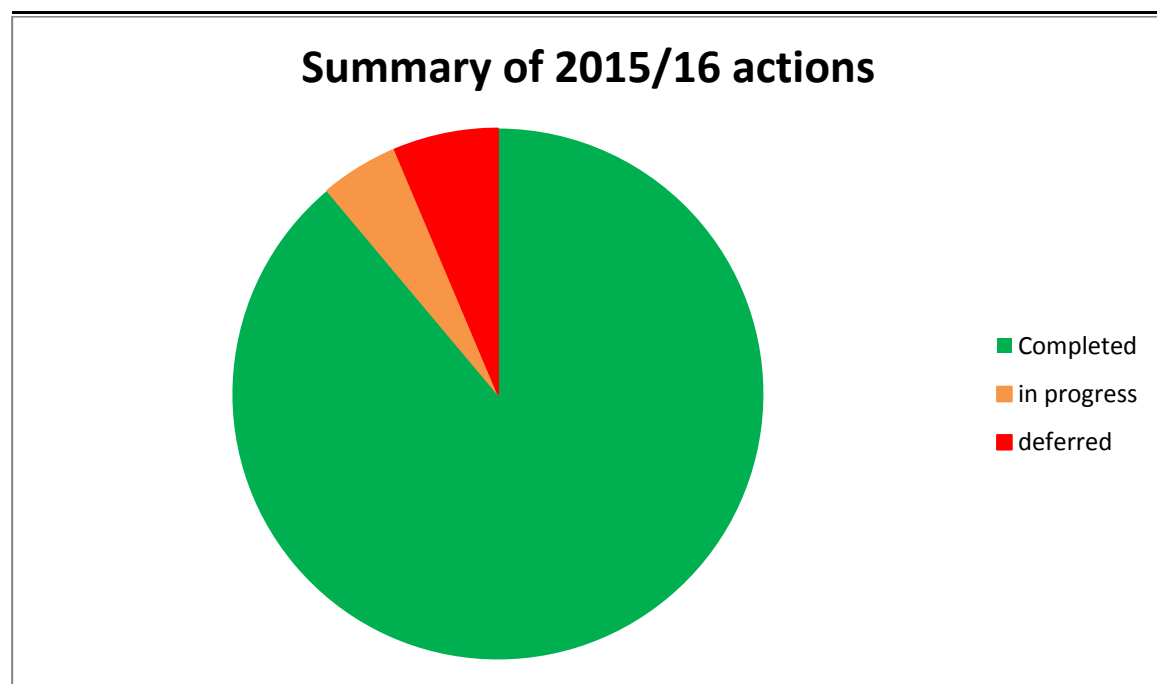
A Liveable City

A City with a built environment that has character and architectural integrity; community open space and facilities that are accessible, well maintained and well managed; safe accessible and well maintained infrastructure that connects communities together and to place; vibrant, sustainable and well supported business precincts that meet the needs of local communities.

OVERVIEW

6 Outcomes:

9. *Sustainable development outcomes*
10. *Community facilities*
11. *Provides areas of open space*
12. *Safe and less congested transport options*
13. *Greater use of alternate transport options*
14. *Vibrant and economically viable shopping precincts*



Sustainable Development Outcomes

Council is committed to delivering high-quality planning and urban design outcomes. Development applications (DAs) are assessed professionally and in accordance with planning controls under the City of Botany Bay Local Environment Plan (LEP) and Development Control Plan (DCP)

The on-line DA tracker has made it easier for the community to view proposals and make online submissions. The Botany Bay DCP outlines controls that ensure the delivery of environmentally-sustainable developments.

Community Facilities

Community facilities are developed in consultation with the community and are developed utilising safer-by-design principles. Council is also aware of the need to ensure barriers are minimised to allow equal access to all members of the community. The Disability Action Plan helps to guide the development of the new facilities to ensure buildings and paths of travel are accessible.

Council continues to explore funding opportunities to upgrade existing community facilities and improve accessibility. In addition, Council actively encourages the provision of community space in new developments.

Provides Areas of Open Space

Council is responsible for over seventy parks, gardens and reserves covering over twenty-eight hectares of parkland across nine separate suburbs. They are one of Council's most valued resources, popular with families, seniors and residents who enjoy passive and active recreation. Open spaces, currently maintained to the agreed Service Standards, and seasonal bookings are managed efficiently to enhance equitable access to sporting grounds.

As the population increases, the need for open space continues to grow and Council places a strong emphasis on the provision of open spaces in new developments. In addition, the Section 94 Developer Contribution Plans are regularly reviewed to ensure adequate open space can be provided to the residents of the future growing City.

Safe and less congested transport options

The Local Traffic Committee comprises representatives from Council, Roads and Maritime Services, local police, State Transit and local State Members of Parliament and plays a vital role in Council's management of local traffic issues.

The Annual Capital Works Program supports the ongoing maintenance of the local road network which in turn supports a safer experience for drivers and pedestrians alike.

Community safety is a high priority for Council and Parking Patrol Officers and Rangers regularly undertake community safety education programs, particularly in relation to school zones and pedestrian safety.

Greater Use of Alternate Transport Options

Council continues to expand the network of cycle-ways in the area and the Bourke Street cycleway was completed during 2015/16.

Council also supports the Go-Get car sharing initiative as an innovative program to reduce car ownership and promote more sustainable practices.

The Pedestrian Access and Mobility Plan (PAMP) promotes the development of a City which encourages accessible and safe pedestrian routes.

In addition, Council has continued to lobby for improved public transport options that are accessible to all residents in the area.

Vibrant and Economically Viable Shopping Precincts

Council supports the development of vibrant attractive and accessible shopping precincts. As an example, work has continued on the Mascot Urban Strategy project ensuring the development of an economically sustainable retail precinct.

Council is also a member and major sponsor of the Botany Bay Business Enterprise Centre (BEC). The Botany Bay BEC is the local chamber of commerce and the hub of business networking and support to small business in South Eastern Sydney.

The Botany Bay BEC provides assistance and advice on a range of business related issues including:

- Starting a new business.
- Running and growing a successful business.
- Adapting to the ever changing business environment.
- Training, referrals and networking opportunities for small business.

HIGHLIGHTS

Park Upgrades

During 2015/16 Council continued to improve the popular Rowland Park at Pagewood. Following the installation of new cricket nets, a ring path and outdoor fitness stations have been added. The outdoor fitness stations have proven very popular at Garnet Jackson Reserve and their installation at Rowland Park was in response to requests from local residents.

Booralee Park was improved with the provision of a new barbeque and shelter, an underground filtration system was installed at Firmstone Reserve and the fencing was replaced at Foreshore Road.

The playground at John Curtin Reserve was also upgraded and another ring path and outdoor gym was installed.

Progress on the new Linear Park in Mascot

The City of Botany Bay is committed to providing high-quality green space to improve the amenity of all residents. In order to cater for the current and future residents of the Mascot Station Precinct, a corridor of land running from Gardeners Road through to Coward Street has been set aside for parklands. This corridor of land is owned by Sydney Water but after much negotiation Council has signed a lease to develop the park. Plans have been drawn up, the development application submitted and work is expected to commence in 2016/17. This park will provide recreational facilities, fitness stations, walking and cycle paths, a café and passive recreational areas for one of the most densely-populated areas of our City.

Paying tribute to the NSW Light Horse

On Saturday 21 November 2015 the City of Botany Bay officially renamed Eastlakes Reserve to Light Horse Reserve. The upgrade and renaming of the Reserve was part of Council's broader commemoration of the centenary of ANZAC. The land that is now Light Horse Reserve was part of the Rosebery Racecourse from which the 1st Light Horse Regiment departed for the Front during World War 1. The upgrade improved the amenity of the park and upgraded the existing monument to the Light Horse.

The ceremony was attended by Lieutenant Colonel Robert Lording of the 1st/5th Royal New South Wales Lancers. Lieutenant Colonel Lording commands the 1st/5th Royal New South Wales Lancers, who are the successor unit to the 1st Light Horse Regiment. Colonel Mark Welburn attended as a representative of the Chief of the Army as well as Paul Graham of the Mascot RSL Sub Branch and Barry McGrath of the Botany RSL Sub Branch.

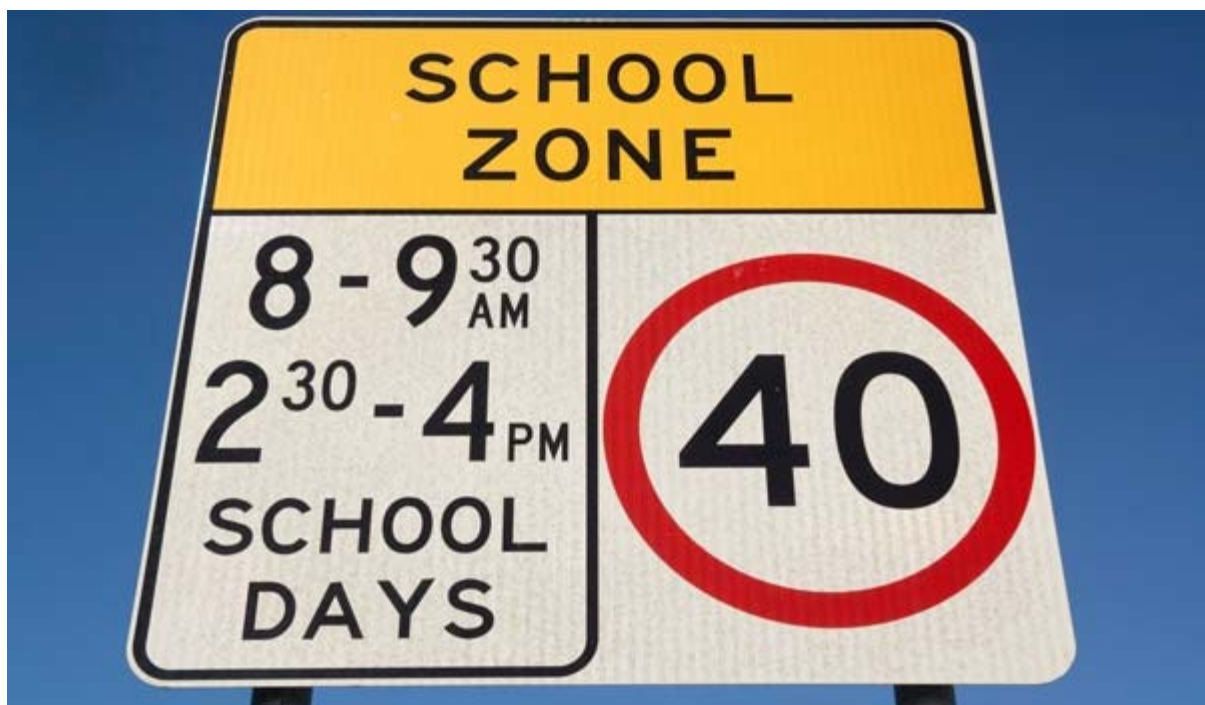
The upgrade to the memorial was made possible through a grant awarded to The Botany Historical Trust. Works undertaken included the replacement of an existing damaged footpath, and a new footpath to the memorial, the installation of sandstone paving around the memorial, and upgrading of the stonework and bronze plate on the memorial.



Pedestrian Safety

Council is committed to improving pedestrian safety across the local government area and particularly around schools. As well as providing safe walking path and community education programs such as 'the safe use of mobility scooters' and 'pedestrian safety for seniors, Council continues to lobby for improved conditions for pedestrians.

Mascot Public School has two entry points, one on Botany Road and one on King Street. There are currently school zone flashing lights on Botany Road but not King Street. In an effort to improve safety Council installed a raised pedestrian crossing in King Street outside the School in January 2015 and continued to campaign for the second set of school zone flashing lights. Following an approach to the RMS, Council has been advised that the request for a second set of school zone flashing lights on King Street outside Mascot Public School has been referred to the Centre for Road Safety for consideration.



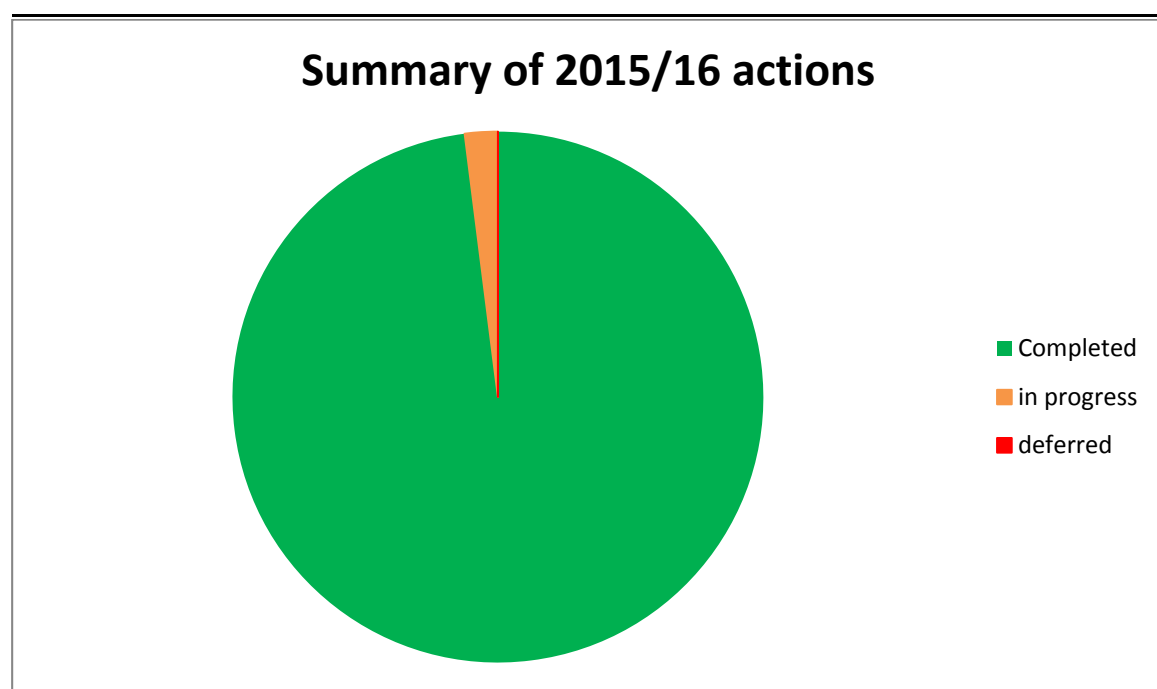
A City of Natural Beauty

Clean and Green - A Natural Environment with a Future, for the Future

OVERVIEW

8 Outcomes:

1. *An environmentally sustainable city*
2. *Thriving natural habitats*
3. *Lands free of contamination*
4. *Clean waterways*
5. *A water sensitive city*
6. *An energy efficient city*
7. *Improved waste management*
8. *Increase community participation in sustainable practices*



SUMMARY

An Environmentally Sustainable City

Botany Bay Council supports, provides and promotes a broad range of services and initiatives aimed at achieving a high standard of environmental sustainability within the community including:

- Managing and remediating contaminated lands.
- Incorporating ecologically-sustainable development (ESD) principles in the development of the urban environment.
- Promoting water conservation.
- Reduction in energy consumption.
- Support for recycling initiatives.
- Community education and awareness.
- Undertaking enforcement and regulatory responsibilities.

Thriving Natural Habitats

The Botany Bay DCP identifies the wetlands and endangered ecological communities which are significant to the local area. Council's aims is to protect the endangered ecological communities and improve the biodiversity across the area. Endangered ecological environments include:

Sand Based Vegetation Communities

- Bangalay Sand Forest
- Eastern suburbs Banksia scrub

Wetland Vegetation Communities

- Sydney freshwater wetlands
- Swamp Sclerophyll Forest on Coastal Floodplains

Wetlands

- Wetland ponds

In addition, Council is implementing the Greening our City program by planting more street trees across the Local Government Area (LGA) to enhance the local streetscapes. The plantings are being undertaken in accordance with the Street Tree Master Plan, which was developed in consultation with the community and aims to ensure the "right tree, in the right location with the right care".

Lands free of contamination

Land contamination is a significant issue in the City of Botany Bay as the area has been heavily used by industries such as tanneries, wool scourers, chemical manufacturers, metal platers, service stations depots and dry cleaners. All development sites are assessed for contamination as part of the Development Application process.

Council maintains a register of contaminated lands and works with the NSW Environment Protection Authority (EPA) to manage contaminated lands and develop clean-up strategies for contaminated sites.

Council continues to work with the EPA and the community to oversee the review of information concerning the historical mercury emissions from the former Orica plant at Botany.

Clean Waterways

Council has implemented a range of strategies to reduce the amount of pollution entering our waterways through stormwater. Council's stormwater management strategies include:

- Planning controls.
- Ongoing maintenance and upgrading of stormwater infrastructure.
- Manual and mechanical street sweeping.
- Litter management.
- Installation of Gross Pollutants Traps.
- Education and advice on stormwater management.
- Provision of services to safely dispose of hazardous materials.
- Regular water testing of local waterways and catchment areas.
- Undertaking enforcement proceedings for breaches under Protection of Environment Act.

A Water Sensitive City

Council is a strong supporter of water conservation initiatives and has installed rain water tanks and water-efficient fixtures in Council facilities to help conserve water. Where possible, bore water is utilised for streetscape and parks watering. Ongoing water usage monitoring occurs at Council facilities.

In relation to the community, the DCP ensures that new developments are water sensitive and meet the Building Sustainable Index requirements (BASIX)

Council also provides advice to residents on water conservation initiatives such as rainwater tanks, utilising grey water and developing drought-tolerant gardens. The annual water rebate continues to be a popular initiative with more than 1,500 applications received, inspected and approved.

An Energy Efficient City

Council's Energy Saving Action Plan has been developed to assist Council to conserve energy and includes initiatives such as the use of solar lights in parks and reserves, solar panels on facilities with high energy consumption, the introduction of energy-efficient vehicles and ongoing monitoring of energy consumption.

Council also encourages residents and businesses to adopt energy-efficient practices including the use of solar power and energy-efficient appliances, car-share schemes and public transport options, and energy-efficient developments.

Improved Waste Management

Council provides weekly domestic waste management services and fortnightly recycling and green waste services.

Initiatives to decrease the volume of waste that goes to landfill include fortnightly recycling and green waste collection, monthly drop-off service for the safe recycling of electronic items, metals, mattresses etc. and Council support of the Garage Sale Trail.

Scheduled and pre-booked clean up services provide residents with the ability to dispose of unwanted household items efficiently and reducing the amount of illegal dumping that occurs in the area.

Council also makes worm farms and compost bins available to members of the community to help reduce the amount of food waste entering landfill.

The collection of hazardous material is important as it prevents these items contaminating the environment and Council provides a range of services including:

- Household Chemical Clean Out events conducted by the EPA.
- Collection points for the recycling of hand held batteries.
- Collection points for recycling mobile phones and charges.

Increase Community Participation in Sustainable Practices

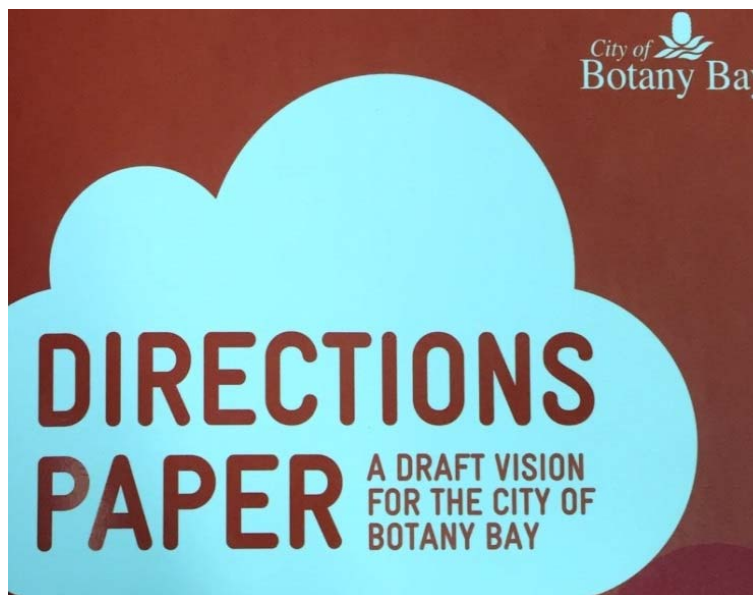
Council is continually looking for opportunities to promote sustainable programs and increase community awareness and participation in environmentally-friendly practices. Community education and the raising of community awareness of the issues is an important function of Council and ongoing initiatives such as the "Love Food, Hate Waste" program help to mobilise public support for environmentally-friendly practices.

HIGHLIGHTS

Directions Paper: A Draft Vision for the City Of Botany Bay

In 2015/16 the City of Botany Bay Council released the *Directions Paper: A Draft Vision for the City of Botany Bay*.

The centrepiece of the Vision is the plan to establish a significant new park at the Botany Wetlands. The park will give access to this very large heritage listed site for our residents and visitors. It is important to note that this is a long-term objective which would be implemented after the completion of the current lease held by the Eastlakes Golf Club but it highlights Council's commitment to preserving natural habitats and respecting the heritage of the local area.



Grant to help Council protect the local heritage

The Botany Bay Local Environment Plan (LEP) 2013 lists 171 items on our Local Heritage Register. The local heritage reflects the City's fascinating local history and includes items as diverse as the Alexandria Canal, the Botany Wetlands, the original and current Sir Joseph Banks Hotel and a Sewage Pumping Station.

Before any new items can be added to the register Council requires a formal review by a qualified heritage consultant. The last heritage review was undertaken in 1995. Since then there have been a number of changes to the built environment and to State and Council planning policies. The Office of Environment and Heritage has approved a \$50,000 grant which will allow Council to conduct a new heritage review and a further \$3,000 funding for a heritage advisor. These funds have assisted Council's ongoing aim to preserve the heritage of our natural and built environments.

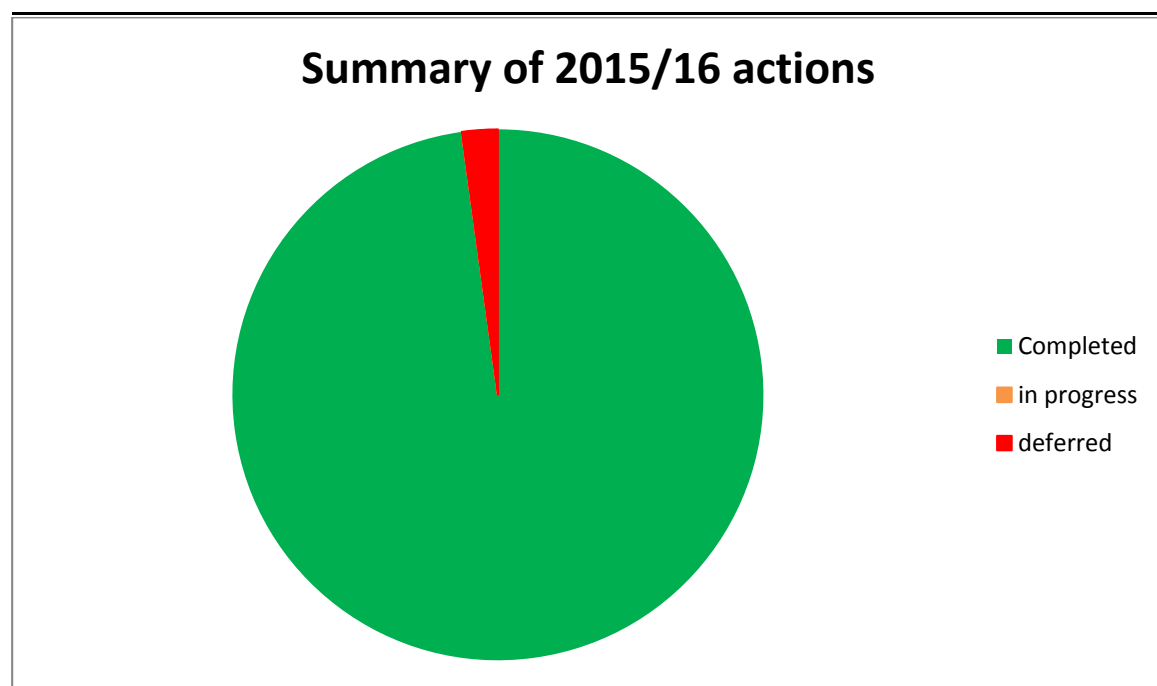
A Place to be Proud of

A City that engenders a sense of pride and community spirit – a City where people are proud to say they come from the City of Botany Bay.

OVERVIEW

4 Outcomes:

- 9. *A proud City – welcoming and accessible*
- 10. *A proud City – image and uniqueness*
- 11. *An attractive City*
- 12. *A clean City*



SUMMARY

A proud City – welcoming and accessible

Council is committed to providing attractive, well maintained and accessible public places and community facilities that encourage a sense of pride in the community.

Programs such as the 'Greening our City' are creating more attractive streetscapes and town centres are being upgraded to encourage vibrant and accessible retail precincts that people enjoy visiting.

A proud City – image and uniqueness

Council has an extensive program of consultation with residents, businesses and other key stakeholders and as a result, understands the community values that are espoused in all Council's planning and decision-making processes.

An attractive City

Council understands that an attractive City is one that residents and visitors will enjoy and respect and has continued a program of streetscape improvements and town centre upgrades. Parks and reserves are maintained to a high standard; street cleaning and verge mowing all contribute to the overall attractiveness of the City.

The annual garden competition also encourages residents and businesses to take pride in their own gardens and recognises those gardens that are outstanding and add to the overall enjoyment of the City.

A clean City

Council has established service standards that ensure all community spaces are cleaned and maintained to a high standard.

Illegal dumping remains an issue and Council Officers respond quickly to reports of dumped rubbish and issue penalty notices where possible.

Council membership of the Sydney Metropolitan Regional Illegal Dumping (RID) squad has seen a more efficient and methodical strategy to reduce the incidence of illegal dumping across the region. The RID Squad commenced in the City of Botany Bay Council in November 2015. In that time 361 investigations have been undertaken in relation to an estimated 215 tonnes of waste. Approximately 38.4 tonnes of waste was removed by the offenders, owners or occupiers and \$7,500 of Penalty Infringement Notices have been issued by the RID Squad.

Council also responds quickly to remove graffiti from community spaces and repair infrastructure that is subject to an attack by vandals. Council has a zero tolerance to vandalism and instigates prosecutions against any individual identified as being responsible for vandalising a public asset.

HIGHLIGHTS

Another successful Garden Competition

This year's Garden Competition attracted over 80 individual entrants and Council's new category for 'Best New Entry' attracted a lot of first timers such as Merv and Margaret Matheson from Botany who scooped the pool on the night taking out Best Domestic Garden, Best Courtyard or Balcony and Overall Winner!



The Winners for 2015 were:

Best Domestic Garden: Merv and Margaret Matheson, Botany

Best Annuals Display: Mike Bilton, Botany

Best Native Garden: Alison Austin, Eastlakes

Best Courtyard or Balcony: Merv and Margaret Matheson

Best School or Community Garden: John Brotchie Pre-School

Best Industrial/Commercial/or Residential Complex landscaping: Paul Hogben, Botany

Best Vegetable Garden: The Thongsiri Family, Pagewood

Best Nature Strip: Jason and Julie McFadyen, Daceyville

Best New Entry: Wendie McCaffley, Botany

Highly Commended: Dagney Payet, Botany; Chris and Rita Charalambous, Deborah Weisz, Pagewood and Banksmeadow Public School

Roy and Aileen Bilton Memorial Award: Windgap

Overall Winner: Margaret and Merv Matheson, Botany



Commemorative Name Plaques make the community proud

Many of the streets in Daceyville and Pagewood are named after prominent figures from the First World War. As part of Council's program to commemorate the Centenary of ANZAC, seventeen plaques have been installed to educate residents and visitors about the stories behind the names, instilling both an appreciation of our history and a sense of pride in the local area.



A City Built on Trust and Community Engagement

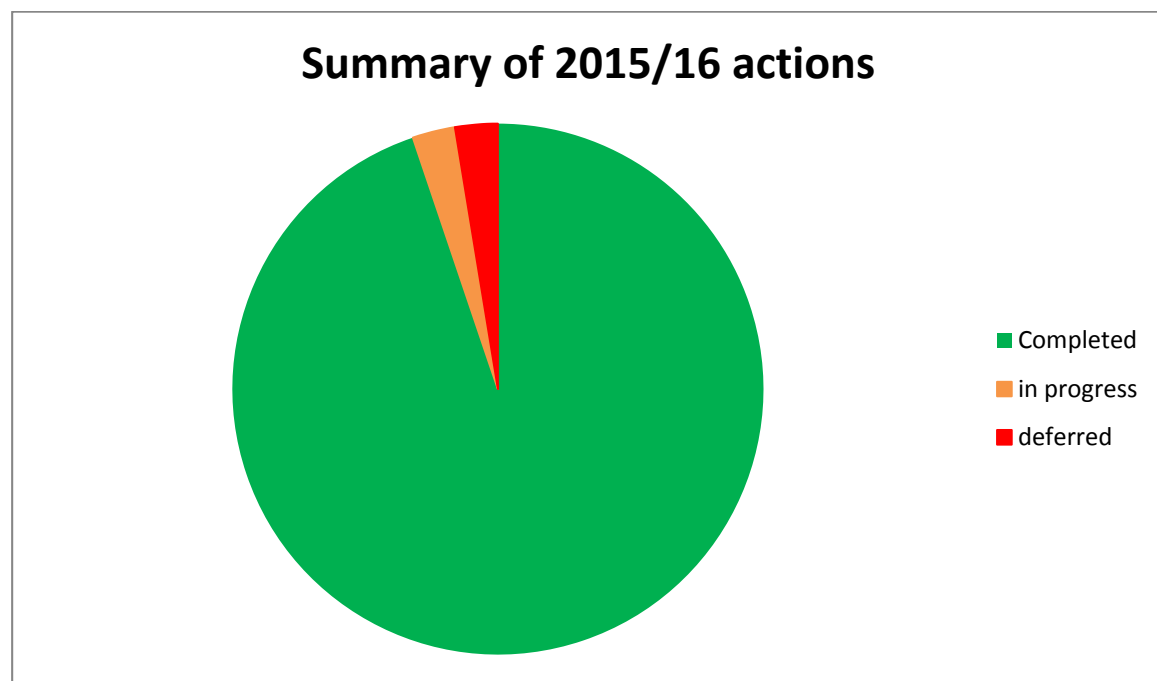
An elected body that is reflective of its community; is committed to engaging, communication, listening to and responding to its community; encourages and inspires creativity and innovation; values honesty and integrity; and works collaboratively to achieve a shared vision.

OVERVIEW

2 Outcomes:

13. Local Democracy

14. Responsible and ethical Governance



SUMMARY

Local Democracy

The City of Botany Bay is divided into six wards with an individual Councillor elected to represent the interests of residents in each ward. His Worship the Mayor is popularly elected.

Throughout the year Ordinary Council Meetings were held on the fourth Wednesday of each month and Committee Meetings were held on the first and third Wednesday of each month.

COMMITTEE	RESPONSIBILITIES
City Services	Matters relating to the operational and capital works programs, parks, streetscapes, the environment, traffic and parking, health, heritage and waste management.
Community Engagement	Matters relating to events, communication and engagement, healthy and active lifestyle initiatives, accessibility, community services, the arts and our history.
Development	Development and sub-division applications and all matters relating to Planning Policies and Instruments.
Finance and Performance	Matters relating to performance of Council including the review of financial and audit reports as well as integrated planning and reporting.
Policies and Priorities	Matters relating to integrated planning and reporting, corporate governance, advocacy, civic recognition, legislative compliance, grants and elections.

Members of the public were welcome to attend Council and Committee meetings or watch the meetings streamed on-line via the Council webpage. Members of the community were also able to speak directly to Councillors during a Council or Committee Meeting on matters listed in the Agenda.

To provide a framework for conducting its meetings, Council has adopted a Code of Conduct and a Code of Meeting Practice. This framework has been implemented to ensure all Council meetings are:

- Consistent, orderly and efficient.
- Fair and respectful for all meeting participants.
- Conducted with transparency.

Responsible and Ethical Governance

Council is committed to accountable and transparent decision making with business papers and minutes available on Council's website and at Council and Committee meetings and member of the public invited to view meetings either in person or on-line.

Advisory Committees provide a voice for interested residents to ensure the views of the community are considered in the Council decision making process. Council recognises that an engaged and informed community is a priority and have ensured all residents have the opportunity to participate in engagement processes such as surveys, community forums, workshops and other methods of consultation.

Council has adopted a wide range of strategies to keep people informed including:

- Council's webpage.
- Social media.
- Weekly column in the local Southern Courier newspaper.
- Letters to residents.
- Community forums and information sessions.
- Councillor street meetings.
- Published Business papers and minutes.
- Annual report.

Council has continued to offer high quality, efficient and effective customer service and delivers services and facilities in a sustainable, ethical of cost effective manner. The Customer Service staff handled over 8,000 customer requests in 2015/16.

HIGHLIGHTS

Community consultation in action - VISION 2040: Directions Paper.

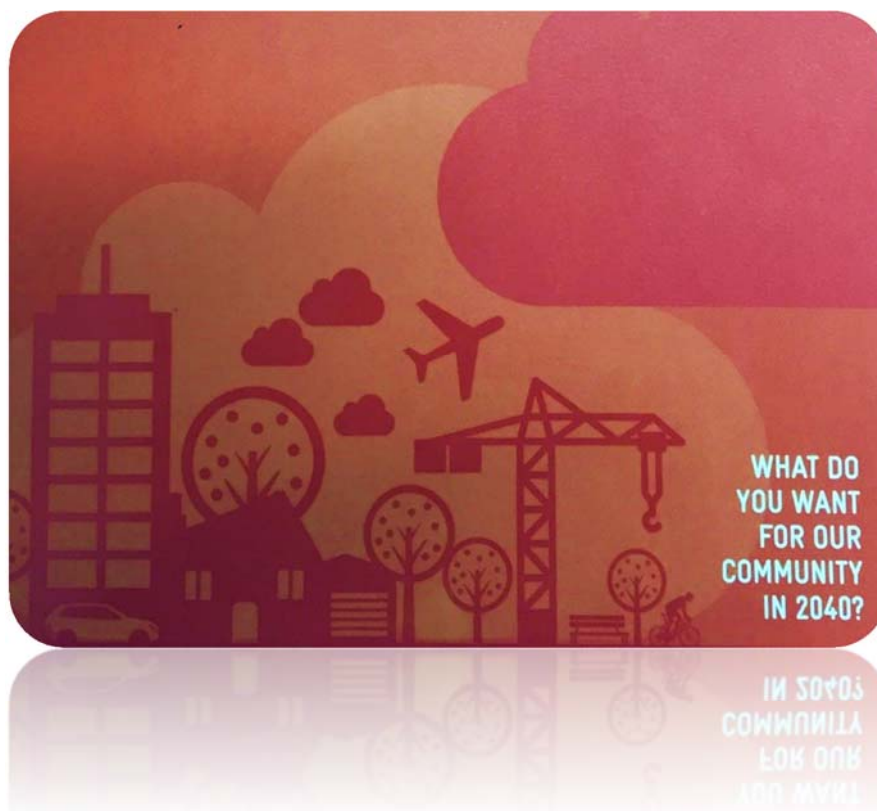
The release of the *Directions Paper – A Draft Vision for the City of Botany Bay* was the result of more than eighteen months of consultation with local residents, ratepayers and stakeholders. Council held street stalls, mailed information to local residents and provided displays at Council events. A random phone poll of 815 local residents was also conducted and Council provided an online survey which received 149 responses. These initiatives were accompanied by a dedicated email address which received 48 submissions.

This was followed by a series of workshops and all residents were invited to attend to provide feedback on the big ideas to make up the Vision 2040.

All of this feedback, information and suggestions were taken into consideration and used to formulate the Directions Paper. Council has identified six priorities from the consultations:

- *Housing for a Diverse Community,*
- *Connected Not Congested,*
- *Staying Active*
- *Great Local Streets,*
- *High Value Jobs and*
- *Everyone Belongs.*

Council now has a solid understanding of how residents view the City today and what is important for the community over the next 25 years.

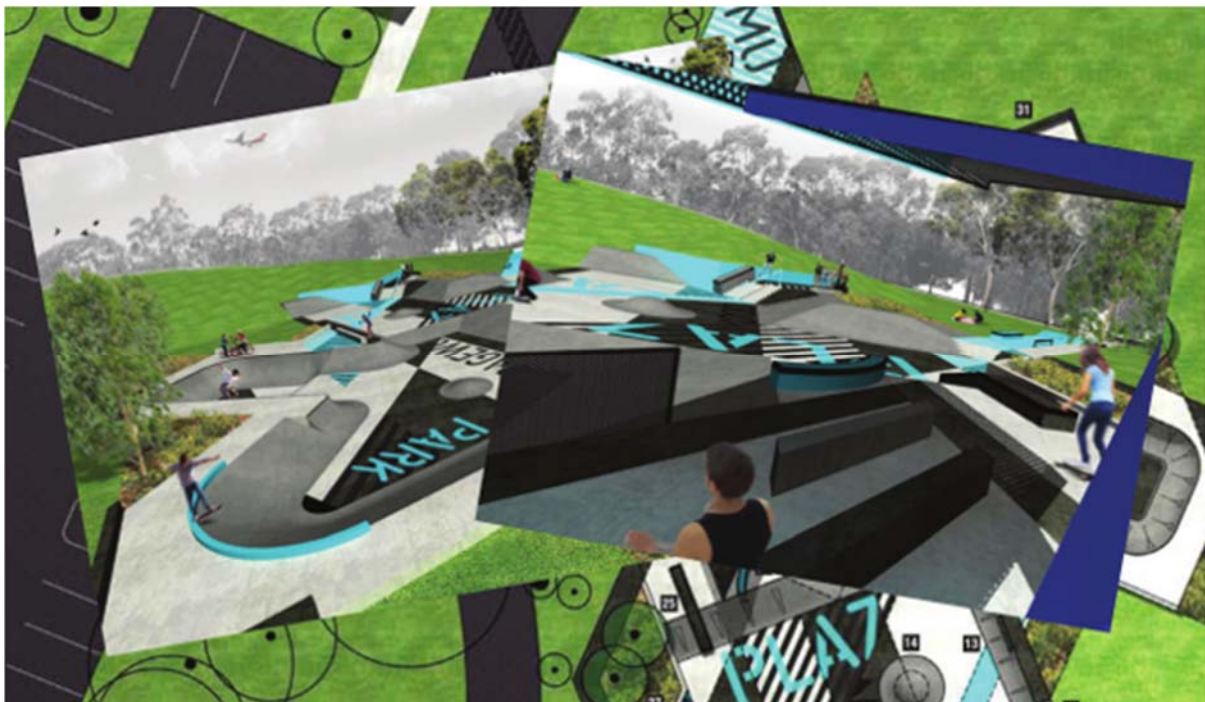


A Skate Park for Botany Bay!

Botany's first skate park is being planned for Mutch Park on Wentworth Avenue. During the year Council has been consulting with skateboarders and local young people about the design of the park. As a result of those interactions the design will incorporate level changes, terracing, stairs, ledges and flat banks in order to provide challenges for skaters and scooter users of all ages and skill levels.



The skate plaza will also serve as an important social gathering place for youth, skaters and other members of the community. The skate park will be an important first step in ensuring the maximum use of Mutch Park by the local community.



STATUTORY REPORTING

The following information details Council's response to the statutory reporting requirements of the Local Government Act 1993 under section 428 Annual Reports and the more detailed response to the Local Government (General) Regulation 2005.

Amount of Rates and Charges Written Off

An amount of \$638,325.10 was written off in Pensioner Rates and Charges during 2015/16.

Overseas Visits

There were no overseas visits undertaken in 2015/16 by Councillors, Council staff or other persons representing the City of Botany Bay.

Mayor and Councillors' Expenses

Details of amounts paid in respect of Mayoral and Councillor fees for the year ended June 30, 2016 are as follows:

Mayoral Allowance	\$40,090
Councillor Fees	\$128,660

Council adopted those amounts as determined by the Remuneration Tribunal in respect of the Mayoral and Councillor Fees.

During the year, after public consultation, Council re-adopted a Policy in respect of Payment of Expenses and Provision of Facilities to the Mayor and Councillors.

Details of expenses incurred under the Expenses and facilities Policy are as follows:

- Provision of dedicated office equipment, mobile telephones, landline telephones, facsimile machines and Internet facilities - \$35,680
- Telephone calls made by Councillors from mobile telephones and landline telephone and facsimile services – costs included in provider plans for equipment
- Attendance of Councillors at conferences - \$23,837
- Training of Councillors and provision of skills development – Nil
- Interstate visits by Councillors, including transport, accommodation and other out of pocket travelling expenses - Nil
- Overseas visits by Councillors, including transport, accommodation and other out of pocket travelling expenses - Nil
- Health and Fitness Expenses - \$1,843
- Travel expenses - \$7,495
- Printing expenses - \$6,149
- Sustenance expenses - \$2,778
- Subscriptions - \$4,366
- Care Expenses- Nil

Contracts Awarded

Below are the details of each contract awarded in 2015/16 for amounts greater than \$150,000

Contractor	Contract (Project/Leases/Licenses) Name	Value (inc GST)	Commencement Date	Description
Civil Construction Partners (CCP)	Mascot Shopping Centre West Streetscape Upgrade Work	\$605,000	29/03/2016	Streetscape Upgrade Work
Mack Civil	Aylesbury Street Drainage Upgrade Work	\$346,500	6/05/2016	Drainage Upgrade Work
Glascott	Linear Park	\$5,137,858	24/06/2016	Construction of new park
Garwood International Pty Ltd	Supply and delivery of 3 rear loading compactors.	\$1,126,290	17/02/2016	Supply and delivery of 3 rear loading compactors. 3 Garwood rear loading compactors each fitted to a Mercedes Econic 2630 cab-chassis
Hino Motor Sales Australia Pty Ltd	Supply and delivery of Water Cart.	\$206,931	11/02/2016	Supply and delivery of Water Cart. Allquip water tanker body fitted to a Hino FG1680 cab-chassis
Bucher Municipal Pty Ltd	Supply and delivery of 1 Road Suction and Broom Sweeper.	\$351,359	3/02/2016	Supply and delivery of 1 Road Suction and Broom Sweeper. Bucher Municipal body fitted to a Hino FG1628 cab-chassis.

Legal Expenses

Legal proceedings undertaken during 2015/16 comprised:

Detail	Outcome	Cost
DMD Property Pty t/as Icon Construction Group v Council	Appeal Upheld	\$23,373
1356 Botany Road Pty Ltd -v- Council	Appeal Upheld	\$55,250
1390 Botany Road Botany Pty Limited -v- Council	Matter Conciliated	\$26,295
JKN Australia Pty Ltd -v- Council	Ongoing	\$46,477
Capital Corporation Pty Ltd -v- Council	Matter Conciliated	\$42,645
Karimbla Constructions Pty Ltd -v- Council	Matter Conciliated	\$20,072
JB HILLSDALE PTY LTD -v- Council	Ongoing	\$22,550
Hy-Tec Industries -v- Council	Matter Conciliated	\$35,137
ISAK INVESTMENTS PTY LTD -v- Council	Appeal Dismissed	\$52,417
JKN Rhodes Street Pty Ltd -v- Council	Matter Conciliated	\$4,363
Hicks Ave Developments Pty Ltd –v- Council	Appeal Dismissed	\$5,822
Council –v- DSK Kitchens & Furniture Pty Ltd	Matter Conciliated	\$54,412
Council –v- Turner Architects Pty Ltd	Appeal Upheld	\$62,493
Council –v- Swell Built Pty Ltd	Appeal Upheld	\$114,203
Council –v- V Corp Constructions Pty Ltd	Matter Conciliated	\$107,793
Council v Skyton Developments Pty Ltd	Ongoing	\$61,012
Council –v- Olson and Associates Architects Pty Ltd	Matter Conciliated	\$21,202
Council –v- Fidel Turkel Pty Ltd	Appeal Discontinued	\$6,534
Bonfoal Pty Ltd -v -Council	Matter Conciliated	\$27,837
JKN Australia –v- Council	Matter Conciliated	\$24,551
12-14 Hereford St Pty Ltd –v- Council	Appeal Dismissed	\$38,157
Toplace Pty Ltd –v- Council	Appeal Upheld	\$10,688
Council –v- Elkhorn Investments	Ongoing	\$7,747
Council –v- Botany Development Pty Ltd	Appeal Dismissed	\$11,905
Council –v- Bunnings Group Ltd	Matter Conciliated	\$26,054
Local Government Reform	Appeal Discontinued	\$478,883
Freezing assets of Goodman and others	Ongoing	\$173,592

Works on Private land

Council undertakes a ‘pensioner lawn mowing service’ that provides assistance to those residents with disabilities or who are frail aged and unable to maintain their own lawns. In 2015/16 Council expended \$150,173 on this program.

Council’s Business Unit undertakes works in accordance with a contract with Sydney Airport Corporation, Centennial Parklands Trust and other minor works.

Financial Assistance provided by Council

Council approved \$46,909 in financial assistance to community groups/organisations in 2015/16.

Council also provided in-kind assistance to local schools, churches and community-based organisations.

External Bodies that exercised functions delegated by Council

Council did not delegate any functions to external bodies during 2015/16

Corporations, Partnerships, Trusts and Joint Ventures

- Southern Sydney Regional Organisation of Councils (SSROC)
- Metropool – United Independent Pools
- Botany Bay Business Enterprise Centre
- Australian Mayoral Aviation Council

Controlling interests in Corporations, Partnerships etc

Council did not have any controlling interests in any corporations, partnerships, trusts, joint ventures, syndicates or other bodies during 2015/16.

Statement of Activities to Implement the EEO Management Plan

Council has an adopted Equal Employment Opportunity (EEO) Management Plan and has continued its strong commitment to the principles of EEO. The aims of the City of Botany Bay EEO Management Plan are:

- To ensure that all prospective employees are given equal opportunity when applying for a position at Council.
- To provide equal opportunity to all staff to advance their careers and/or to maximise their potential.
- To facilitate the fair and equitable treatment of its employees by promoting a workplace which is free of unlawful discrimination and harassment as outlined in the relevant legislation.

Council undertook the following actions in 2015/16 in relation to the EEO Management Plan:

- Advertised all vacant positions in accordance with EEO principles.

- Ensured recruitment procedures and processes conformed to EEO and anti-discrimination legislation.
- Maintained a campaign to inform all staff of their rights and responsibilities in relation to EEO.
- Promoted the Employee Assistance Program to all staff.
- Provided opportunities for Higher Grade and Acting roles in accordance with EEO principles.

Senior Staff Remuneration

Council's General Manager, Director City Planning and Environment and Director City Infrastructure are employed under a five year contract. The total amount payable for all purposes including salary, superannuation, provision of fringe benefits, and all other on-costs were \$345, 843, \$215,000 and \$200,000 respectively.

Stormwater Management

Council has a stormwater network of over 1500 local drains and approximately 50kms of pipes. It is essential that Council effectively manages and maintains this important infrastructure to protect our local community from damaging flooding and our local waterways from pollution.

By managing the stormwater effectively and efficiently, Council aims to improve the quality of stormwater so that the ecosystem of our waterways is protected. Council also aims to manage the quantity of stormwater to prevent nuisance flooding and property damage.

The stormwater levy was expended undertaking drainage works and/or studies at the following locations during 2015 – 2016:

- Flint Street, Hillsdale
- Page Street, Pagewood
- Firmstone Reserve Flood Storage Basin
- Botany Bay Foreshore beach catchment flood study
- Maloney Street, Eastlakes
- Wilson Street, Botany
- Universal Street, Eastlakes
- Isaac Smith Street, Daceyville
- Tupia Street, Botany
- Baker Street, Botany

- Banksia Street, Botany
- Floodvale and Springvale drains flood risk management study and plan
- Mascot, Rosebery and Eastlakes flood risk management study and plan
- Aylebury Street, Botany
- Banks Ave and Heffron Rd, Pagewood
- Begonia Street and Bay Street, Pagewood
- Beresford Street and Bronti Street, Mascot
- Mascot Drive, Eastlakes.

Companion Animal Act

Impounded Animals

There were 46 dogs and 5 cats impounded during the period. Of the 46 dogs impounded, 29 were reclaimed by their owner, 11 were adopted / re-homed and 5 were euthanised (1 due to untreatable health issues or injury).

Of the 5 cats impounded, 1 was adopted, 2 passed away and 3 were euthanised (2 due to untreatable health issues or injury and 1 untreatable sociability (feral)).

Dog Attacks

Data relating to dog attacks is recorded in the Companion Animals Database managed by the Office of Local Government. During the period, 12 dog attacks were reported and investigated.

Funding

Council expended approximately \$97,500 attending to matters under the Companion Animals Act. Income from registration fees, penalty notices and the like are applied against these costs, however, the majority of costs are met from general revenues.

Community Education

Council promotes information provided by the Sydney Dog Home, RSPCA and the Office of Local Government on responsibilities of pet owners and the care of pets. Council endeavours to educate pet owners about their responsibilities by issuing warnings where appropriate, and has promoted responsible pet ownership through local media and other printed material. Sydney Dog Home also has a volunteer coordinator who regularly talks to

children at various schools in the region to educate them about animal behaviour and caring for animals.

Complaints

During the year Council received and investigated 159 complaints in relation to companion animals.

Strategies as an Alternative to Euthanasia

One of the factors taken into account when deciding to use Sydney Dog Home was their commitment to re-home dogs and cats as opposed to choosing to euthanise animals.

Off-Leash Areas

Off-leash areas are provided at Astrolabe Park, Daceyville, Sir Joseph Banks Reserve, Botany, Firmstone Reserve, Pagewood, Gaiairine Gardens, Pagewood and Sparks Street Reserve, Mascot.

One additional off-leash area (High Street Reserve) has been approved by Council for establishment in 2016/2017.

Government Information Public Access

Government Information (Public Access) Act

The Government Information (Public Access) Act (GIPA) commenced on 1 July 2010. This Act replaced the Freedom of Information Act 1989.

In respect of access to information, Council is committed to the principles of:

- Open and transparent government.
- Consideration of matters where there is an overriding public interest in relation to access and disclosure.
- The proactive release and dissemination of public information.
- Respect of the rights of privacy of individuals.
- Respect of the commercial value of information and copyright provisions.

During the period of this annual report the following “Formal Access” applications were received. These statistics are reported in the format required by the Information and Privacy Commission of NSW.

Statistical return 2015/2016

Table A: Number of applications by type and outcome

	Access granted in full	Access granted in part	Access refused in full	Information not held	Information already available	Refuse to deal with application	Refuse to confirm/deny whether information is held	Application withdrawn
Media	0	0	0	0	0	0	0	0
Members of Parliament	0	0	0	0	0	0	0	0
Private sector business	1	0	0	0	0	0	0	0
Not for profit organisations or community groups	0	0	0	0	0	0	0	0
Members of the public (application by legal representative)	0	0	0	0	0	0	0	0
Members of the public (other)	1	0	0	0	0	0	0	0

Table B: Number of applications by type of application and outcome

	Access granted in full	Access granted in part	Access refused in full	Information not held	Information already available	Refuse to deal with application	Refuse to confirm / deny whether information is held	Application withdrawn
Personal information applications	0	0	0	0	0	0	0	0
Access applications (other than personal information applications)	1		0	0	0	0	0	0
Access applications that are partly personal information applications and partly other	0	0	0	0	0	0	0	0

Table C: Invalid applications	
Reason for invalidity	Number of applications
Application does not comply with formal requirements (section 41 of the Act)	0
Application is for excluded information of the agency (section 43 of the Act)	0
Application contravenes restraint order (section 110 of the Act)	0
Total number of invalid applications received	0
Invalid applications that subsequently became valid applications	0

Table D: Conclusive presumption of overriding public interest against disclosure: matters listed in Schedule 1 of the Act	
	Number of times consideration used*
Overriding secrecy laws	0
Cabinet information	0
Executive Council information	0
Contempt	0
Legal professional privilege	0
Excluded information	0
Documents affecting law enforcement and public safety	0
Transport safety	0
Adoption	0
Care and protection of children	0
Ministerial code of conduct	0
Aboriginal and environmental heritage	0

Public interest Disclosures

During the 2015/16 period no public interest disclosures were received.

Planning Agreements

Planning Agreement for 185-191 O'Riordan Street, Mascot

The Goodman Funds Management Australia Limited as responsible entity for the Goodman Australia Industrial Trust No.3 (ABN 69 000 123 071) ('Goodman Funds') and Goodman Property Services (Aust) Pty Limited (ABN 40 088 981 793) ('Goodman Property') and The Trust Company Limited as custodian for the Goodman Australia Industrial Trust No. 3 (ACN 004 027 749) ('the Landowner') has made an offer to the City of the Botany Bay ('the Council') to enter into a Planning Agreement in relation to a Development Application (DA-08/287) approved on 7 July 2010 and as amended by a Section 96 application approved on 17 December 2015 by the City of Botany Bay.

Application Number: DA08/287

Address: 185-191 O'Riordan Street, Mascot being the land comprised in Certificate of Title Folio Identifier 1/1213409 formerly known as 'the Motorcade Site', and which previously comprised Title Folio Identifier 1/878949 and Folio Identifier 1/804703.

Description: In accordance with Condition 3(a) of the Stage 1 Development Consent (DA08/287), Goodman Funds, Goodman Property and the Landowner offered to provide to Council the following:

1. The construction of all footpaths and kerb and guttering works along the frontages of the Motorcade Site to Bourke Road and O'Riordan Street, in accordance with Condition 75 of the Stage 1 Consent,
2. Underground relocation of all power cabling presently located on poles along the frontages of Motorcade Site to Bourke Road and O'Riordan Street and replacement of existing street lighting associated therewith, in accordance with the condition 47 of Stage 1 Consent, and
3. Payment of \$226,719.95 being in lieu of the costs previously incurred by the Council for the upgrading of Lionel Bowen Reserve and Mascot Oval to be put towards future upgrade works.

The Planning Agreement was executed on 27 February 2016.

Southlands - 26 McPherson Street Banksmeadow

The Trust Company Ltd (ACN 004 027 749) as custodian for the Goodman Australia Industrial Trust No. 1 and Goodman Property Services (Aust) Pty Ltd made an offer to the City of Botany Bay to enter into a Planning Agreement in relation to a Major Project Application (MP06_019 Mod 2) approved by the Minister for Planning on 22 April 2015.

Application Number: MP06_019 Mod 2

Address: Lot 101 and 102 DP 1189375, Lot 1 DP 85542 and Lot 11 DP 109505, Crown Land containing 'Springvale Drain' (between Nant Street and Lot 101 and 102 DP 1189375), known as 26 McPherson Street, Banksmeadow. This is known as 'Southlands'.

Description: In lieu of the full payment of a monetary contribution, the Developer and Land Owner offered to provide to Council the following public benefits with a total value of \$3,133,577:

1. The dedication of land to Council at no cost and construction of a cycle way on Coal Pier Road along the western edge of Southlands;
2. The provision of a monetary contribution for the upgrade and repair of public pavement to Hills, Exell and McPherson Streets; and,

3. The provision of a monetary contribution for upgrading of the drainage to the stormwater system in accordance with the recommendations contained in the future risk management study.

The Planning Agreement was executed on 18 December 2015.

Planning Agreement for 5 Haran Street Mascot

Central Element Pty Ltd and C E Concepts Pty Ltd have made an offer to the City of Botany Bay to enter into a Planning Agreement in relation to a Development Application approved by the Land and Environment Court on 5 June 2013 and as amended by a Section 96AA modification application, submitted to Council on 11 November 2015, and approved on 6 April 2016.

Development Application Number: DA12/86

Address: Lot 1 in DP 1189157 known as 5 Haran Street, Mascot

Description: In accordance with Condition 66B of the Development Consent (DA12/86) as amended, Central Element Pty Ltd and C E Concepts Pty Ltd offered to provide to Council within the payments of a monetary contribution of \$48,405, for the material public benefit of public open space works in respect of Council's proposed Linear Park.

The Planning Agreement was executed on 26 May 2016.

Capital Works Program 2015/16

1. 2014/15 Works carried forward into 2015/16

Project	Description	Status
Light Horse Memorial	Memorial upgrade and landscaping	Complete
Botany Depot Fuel Tanks	Replacement of fuel tanks	Complete
Botany Depot Offices	Conversion of old store into office space	Complete
Rowland Park Upgrade	Fitness stations, walking track	Complete
Jellicoe Park Lighting	Sports field lighting	Complete
John Curtin Reserve Upgrade	Fitness stations, new paths, playground	Complete
Flint Street Drainage	Drainage upgrade	Complete
Isaac Smith Street Drainage	Drainage upgrade	Complete
Mascot North Stage 1	Streetscape improvements	Complete
Botany Road Tree Up-lighting	Up-lighting of Plane trees	Stage 1 complete. Stage 2 options for consideration in 16/17 Budget
Aquatic Centre pump replacement	Replacement of main pump	Complete
Aquatic Centre learners pool shade	Shade structure for learners pool	Complete
Aquatic Centre shade shelters	New shade shelters	Complete
Aquatic Centre chlorine tanks	Replacement of chlorine tank	Complete

2. 2015/16 Capital Works

Parks and Reserves

Project	Description	Status
Gaiarine Gardens Off Leash Dog Area	Off leash dog park	Complete
Gaiarine Gardens Playground	Playground upgrade	Play equipment ordered, and due for installation late 2016
High Street Off Leash Dog Area	Off leash dog park	Reviewing engineering report.
Lever Street Reserve	Playground upgrade	Underway – finish end June
Linear Park	New park	Waiting on approvals from Sydney Water
Botany Golf Course	Safety fencing at 1 st Tee	Complete
Sir Joseph Banks Park	Hale Street walking track links	Complete
Booralee Park	Construction of new club facility and public amenities	DA submitted
Lionel Bowen Park	Shade shelter to playground	Complete
Spark Street Reserve Dog Off Leash Area	Off leash dog park	Complete
Tierney Ave Reserve	Safety fencing and playground equipment	Fencing complete Playground equipment ordered. Installation June. Landscape July / August 2016
Mutch Park	Skate park	Traffic advice being sought from Traffic Advisory Committee
Botany Golf Course	Fencing - Foreshore Road	Underway
Sir Joseph Banks Park	Fencing - Foreshore Road	Complete
Booralee Park	BBQ and shelter	Complete

Project	Description	Status
Eastlakes Reserve	Upgrade	Community consultation underway

Parking

Project	Description	Status
King Street Car Park	Multi-storey car park	Out to tender
Mascot Car Park	Multi-storey car park	Out to tender

Building Works

Project	Description	Status
Botany Town Hall	Restoration of windows	Underway
Mascot Child Care Centre and Baby Health Centre	Baby Health centre and 0-2 room	Reviewing draft concept design and staging

Street Paving and Furniture

Project	Description	Status
Mascot Shopping Centre (west)	Paving, seating, planter boxes	Underway - Finish June 2016
Mascot North	Paving and furniture	Complete
Botany Shopping Centre	Paving, seating, planter boxes	Tender under review
Maloney Street / Harry Street / King Street	Paving	Underway – finish June 2016
King Street fencing	Pedestrian safety fencing	Underway

Planning

Project	Description	Status
Jellicoe Park	Concept Plan for synthetic field and club facilities	Complete
Botany Parking	Concept Plan for Multi-level car park	Complete
Sir Joseph Banks	Master Plan	Rolled over to 2016/17
Botany Aquatic Centre	Master Plan	Consultant engaged for preliminary works

Road Works Program

Project	Description	Work Scheduled
Clevedon Street	Road re-sheeting works (Sir Joseph Banks Park to Pemberton Street)	Complete
Pemberton Street	Road re-sheeting works (Clevedon Street to Warrana Street)	Complete
Coward Street	Road re-sheeting works (O’Riordan Street to Bourke Road)	Complete
Maloney Street	Road re-sheeting works (Randolph Street to Universal Street)	Complete
Coleman Street	Road re-sheeting works (Duguid Street to dead end)	Complete
Stephen Road (Regional Road)	Road re-sheeting works (Page Street to Swinbourne Street)	Complete
Barber Avenue	Road re-sheeting works (Hearne Close to Mascot Drive)	Complete

Project	Description	Work Scheduled
Barber Avenue	Road re-sheeting works (St Helena Parade to Evans Avenue)	Complete
Mascot Drive	Road re-sheeting works (St Helena Parade to Evans Avenue)	Complete
Baker Street	Road re-sheeting works (Wentworth Avenue to Moore Street)	Complete
McPherson Street (VPA)	Road re-sheeting works Exell Street to Railway Lane	Complete
Exell Street (VPA)	Road re-sheeting works McPherson Street to Botany Council	Complete
Hill Street (VPA)	Road re-sheeting works Botany Road to McPherson Street	Complete

Footpaths

Project	Description	Work Scheduled
Rhodes Street	Eastern side , Full Frontage from Flint Street to Brittain Crescent	Complete
Cook Avenue	Eastern Side, Full Length, between Willis Crescent and Gwea Avenue	Complete
Haig Avenue	Western Side, Full Length between Gwea Avenue and Willis Crescent	Complete
Boonah Avenue	Southern Side section	Complete
Tierney Avenue	Eastern Side, from Flint Street to Day Care Centre	Complete
Barber Avenue	Northern Side, Between Longworth Avenue and Shopping Centre, Adjacent to Park	Complete
O'Riordan Street	Near Ibis Hotel between King Street and Ibis and opposite side. 50m on Ibis side between Ibis and King Street. Opposite 99 meters from King Street towards Coward Street.	Complete
Lord Street	Missing section of footpath on southern side next to RMS depot.	Complete
Botany Road	Footpath and Tree Pits Hollingshed Street to General Holmes Drive	Complete
Malcolm Street	Eastern side between Coward Street and David Street	Complete
Arthur Street	Southern side between Horner Avenue and Cleland Street	Complete
Picton Street	Western side between King Street and Sparks Street	Complete

Kerb and Gutter

Project	Description	Work Scheduled
Holloway Street	Southern side, Page Street to Dalley Avenue and Dalley Avenue to Holloway Street	Complete
Maloney Street	Western side, Coward Street to King Street	Complete
Robinson Street	Both sides, St Helena Parade to Chipman Street	Complete
Merchant Street	Eastern side Botany Road to Bronti Street	Complete
King Street	South eastern side, O’Riordan Street towards Botany Road	Complete
Coward Street	Northern side between Maloney Street and Gordon Street and between Sutherland Street and Napoleon Street	Complete
Evans Avenue	Northern side between Florence Avenue and Barber Avenue and southern side between car park gate and Longworth Avenue	Complete
Kenny Road	Western side (85m)	Complete
Livingstone Avenue	Eastern side, dead end to Botany Road	Complete
Mascot Drive	Between Evans Avenue and Barber Avenue and some sections between Barber Avenue and St Helena Parade	Complete
Baker Street	Both sides between Wentworth Avenue and anderson Street	Complete

Bus Shelters

Project	Description	Work Scheduled
13 Wentworth Avenue	Bus Shelter	Complete
1416 Botany Road	Bus Shelter	Complete
63 George Street	Bus Shelter	Complete

Pram Ramps

Project	Description	Work Scheduled
Flint Street and Tierney Avenue	3 pram ramp replacement	Complete
Jauncey Place and Flint Street	2 Pram ramps replacement	Complete
Bourke Street and Coward Street	2 Pram ramps replacement	Complete
Horner Avenue and Coward Street	2 Pram ramps replacement	Complete
Ney Street and Sparks Street	2 Pram ramps replacement	Complete
Rose Street and Daphne Street	2 Pram ramps replacement	Complete
Dalby Place and Evans Avenue	2 Pram ramps replacement	Complete
Fremlin Street and Dent Street	2 Pram ramps replacement	Complete
Botany Road and Stephen Road	2 Pram ramps replacement	Complete
Coward Street and Wellington Street	2 Pram ramps replacement	Complete
Napolean Street and Coward Street	2 Pram ramps replacement	Complete

Project	Description	Work Scheduled
Colonel Braund Crescent and Banks Avenue	2 Pram ramps replacement	Complete

Traffic Works Program

Project	Description	Status
Rawson Street/Lane, Mascot	Angle Parking	Complete
Aylesbury Street, Botany	Raised thresholds	Underway
Henley Street	Angle parking	See separate report
Bourke Street Cycleway – Stage 2	Cycleway	Complete
Bourke Street Cycleway – Stage 3	Cycleway	Complete
Baxter Road Cul-de-sac	Mid street cul-de-sac	Commences 16/6/16
Hastings / Rochester St	Roundabout	Early July 2016

Drainage Improvement Program

Project	Description	Status
Aylesbury Street	Drainage upgrade	Underway
Tupia Street	Drainage, kerb and gutter construction	Complete
Firmstone Reserve	Drainage upgrade – flood detention basin	Complete

Project	Description	Status
Risk Management Plan and Mitigation Strategy	Springvale and Floodvale Drain	Underway
Risk Management Plan and Mitigation Strategy	Mascot, Eastlakes, Rosebery	Underway

Council Meeting

14/12/2016

Item No	8.6
Subject	Request for Financial Assistance – Coogee Surf Life Saving Club
Report by	Stuart Dutton, Director of City Infrastructure
File	(R) F16/140455

Summary

Coogee Surf Life Saving Club have requested discounted lane hire at the Botany Aquatic Centre to train club members. The request is referred to Council as it is outside of the scope of the former City of Botany Bay Community Assistance Policy.

Council Resolution

Minute 2016/076

Resolved by the Administrator

- 1 That the report of the Director City Infrastructure be received and noted.
 - 2 That Council support the request of Coogee Surf Life Saving Club for a 50% reduction in fees for the hire of two lanes, three times per week at Botany Aquatic Centre for the remainder of the 2016/17 swimming season.
 - 3 That Council staff monitor Coogee Surf Life Saving Club's usage of Botany Aquatic Centre and, if their activities have any adverse effect on the general public, the club's access is to be re-assessed by Council.
-

Officer Recommendation

- 1 That the report of the Director City Infrastructure be received and noted.
 - 2 That Council support the request of Coogee Surf Life Saving Club for a 50% reduction in fees for the hire of two lanes, three times per week at Botany Aquatic Centre for the remainder of the 2016/17 swimming season.
-

Background

From time to time Council receives requests from community groups for financial assistance and or reduction in fees for use of facilities. The former City of Botany Bay and Rockdale Council had policies in place to manage these requests. Until a Bayside Council policy is approved the policies of the former Councils remain in operation. This request relates to the former Botany Bay LGA.

The former City of Botany Bay Council had a Community Assistance Policy which outlines the following ways that financial assistance may be approved;

- A resolution of council
- An approval under the Community Assistance policy
- Inclusion in an adopted Council Delivery Program or Operational Plan.

A request for assistance has been received from Coogee Surf Life Saving Club seeking a reduction in fees for use of lane space in the Botany Aquatic Centre to enable the club to utilise the facility to train club members to perform their lifesaving duties.

The Botany Aquatic Centre is a facility covered by the Community Assistance Policy however the policy states that *“any applications received outside of the parameters of this policy will be referred to Council for determination”*. As the value of this request is above the \$1,000 limit stipulated by the Community Assistance Policy it is therefore referred to Council for consideration.

Coogee Surf Life Saving Club is not located in the former Botany LGA, however, they provide a significant service to the community including residents of the former City of Botany Bay that use Coogee beach.

The support requested is a 50% reduction in fees for lane hire of two lanes three days per week e.g. Tuesday, Thursday and Saturday mornings from 6.00 am – 7.30am. This equates to a discount of \$97.50 per session / \$292.50 per week or \$4,680 (for 16 weeks from beginning of January to the end of the swimming season).

A request from Coogee Surf Life Saving Club supported by the Federal Member for Kingsford Smith for reduced fees was considered by the City of Botany Bay Council in February 2016. It was resolved to offer the club 50% off the lane hire fee until the end of the 2015/16 swimming season. Due to timing the offer was not taken up, however, a request has been received for the same discount for the 2016/17 swimming season.

The request is only feasible if there is lane space available. The pool use at the suggested time is as follows;

- Tuesday and Thursday - Three lanes allocated to squad swimming, four lanes allocated to public swimming and one lane for walking.
- Saturday - Three lanes allocated to squad swimming, four lanes allocated to public swimming and one lane for walking (6.00am-7.00am). Between 7am-7.30am three lanes are allocated to squad swimming, the RSL Swimming Club use three or four lanes for warm up prior to their competition at 7.30am and one or two lanes are left for public use.

Observations from Pool staff indicate that at the requested times there are approximately 2-7 swimmers in each public lane at any one time. Given this level of pool usage, public swimmers could utilise three lanes (two for swimming and one for walking) whilst the two additional lanes could be used by the surf club group. This would be suitable in most instances, however, some swimmers that are used to the extra space or on days that have maximum swimmers in attendance may draw some complaints.

Given the strong community nature of Coogee Surf Life Saving Club it is recommended that a discount of 50% off lane hire for two lanes on three occasions per week up to the end of the 2016/17 swimming season be offered.

Financial Implications

The value of the recommended support is \$4,680. This is not a direct cost and no additional funds are required.

Additional revenue of \$4,680 for lane hire plus pool entry for swimmers would be received.

Community Engagement

Not required

Attachments

Nil

Council Meeting

14/12/2016

Item No	8.7
Subject	Request for Financial Assistance – Mascot Juniors Rugby League Club
Report by	Stuart Dutton, Director of City Infrastructure
File	(R) F16/140459

Summary

Mascot Juniors Rugby League Club have requested free use of the Botany Aquatic Centre Function Space for their junior presentation day. The request is referred to Council as it is outside of the scope of the former City of Botany Bay Community Assistance Policy.

Council Resolution

Minute 2016/077

Resolved by the Administrator

- 1 That the report of the Director City Infrastructure be received and noted.
 - 2 That Council support the request of Mascot Juniors Rugby League Club for the use of the Botany Aquatic Centre function space free of charge in February 2017 to conduct their junior presentation day.
-

Officer Recommendation

- 1 That the report of the Director City Infrastructure be received and noted.
 - 2 That Council support the request of Mascot Juniors Rugby League Club for the use of the Botany Aquatic Centre function space free of charge in February 2017 to conduct their junior presentation day.
-

Background

From time to time Council receives requests from community groups for financial assistance and or reduction in fees for use of facilities. The former City of Botany Bay and Rockdale Council had policies in place to manage these requests. Until a Bayside Council policy is approved the policies of the former Councils remain in operation. This request relates to the former Botany Bay Local Government Area.

The former City of Botany Bay Council had a Community Assistance Policy which outlines the following ways that financial assistance may be approved;

- A resolution of council

- An approval under the Community Assistance policy
- Inclusion in an adopted Council Delivery Program or Operational Plan.

A request for assistance has been received from Mascot Juniors Rugby League Club for the free use of the function space at Botany Aquatic Centre for their junior presentation day. The function space is part of the Aquatic Centre grounds and consists of open space, cooking facilities and amenities. This is not a direct cost to council but rather an opportunity cost as providing the venue will preclude other users from using the facility at that time. The value of the space for this request is \$2,235.

The Botany Aquatic Centre is a facility covered by the Community Assistance Policy however the policy states that *“any applications received outside of the parameters of this policy will be referred to Council for determination”*. As the value of this request is above the \$1,000 limit stipulated by the Community Assistance Policy it is therefore referred to Council for consideration.

Mascot Juniors Rugby League Football Club caters for approximately 500 players aged from 5 years old and upwards and is supported by approximately 100 local volunteers. The club is based at Macot Oval (corner of O’Riordan and Coward Streets, Mascot).

Mascot Juniors Rugby League Club have enjoyed free access to the Botany Aquatic Centre function space for their junior presentation day for many years. Council has also provided support to the club in the form of a long term lease for the use of Mascot Oval and its associated facilities as well as providing upkeep of the field.

Council has managed numerous capital works programs to upgrade the facilities at Mascot Oval. At present Council is managing the upgrade of the grand stand seating, fencing surrounding the field of play and the emergency access point. These works are funded through a NSW Government Grant of \$186,000 and funding of \$58,075 from council.

Given the strong community involvement of the football club and the purpose of the support being for a junior sporting activity it is recommended that the request for use of the aquatic centre function space be supported.

Financial Implications

The value of the request is \$2,235. This is not a direct cost and no additional funds are required.

Community Engagement

Not required

Attachments

Nil

Council Meeting

14/12/2016

Item No	8.8
Subject	Request for Financial Assistance – NSW Athletic League
Report by	Christine Stamper Manager Events/Public Relations
File	(R) 16/141696

Summary

NSW Athletic League has requested Council waive the hiring fee for Hensley Athletic Field for three separate events they are running in December 2016 and 2017. The request is referred to Council for a determination.

Council Resolution

Minute 2016/078

Resolved by the Administrator

That Council support the request of NSW Athletic League and waive the fee for the hire of the track and field at Hensley Athletic Field on each occasion.

Officer Recommendation

That Council support the request of NSW Athletic League and waive the fee for the hire of the track and field at Hensley Athletic Field on each occasion.

Background

From time to time Council receives requests from community groups for financial assistance and or reduction in fees for use of facilities. The former City of Botany Bay and Rockdale Council had policies in place to manage these requests. Until a Bayside Council policy is approved the policies of the former Councils remain in operation. This request relates to the former Botany Bay LGA.

The former City of Botany Bay Council had a Community Assistance Policy which outlines the following ways that financial assistance may be approved;

- A resolution of council
- An approval under the Community Assistance policy
- Inclusion in an adopted Council Delivery Program or Operational Plan.

A request has been received by NSW Athletic League requesting Council waive the hire fees for Hensley Athletic Field in order to hold three small carnivals over the December/January period.

They wish to hold the Hensley Xmas Gift on Saturday 17th December from 9.30am to 12 noon. This is traditionally a small meeting organised mainly for runners and trainers to socialise in the spirit of the festive season.

The second event is Saturday, 14th January, 2017 from 1.30pm to 4.30pm to celebrate The Simon Brown Memorial Gift which is held in memory of a young athlete with great potential, who sadly passed away.

New South Wales Athletics League is an incorporated association (Y1250207 / ABN 800436476760) not for profit governing body of professional athletics in NSW and ACT and has been since 1903.

The former City of Botany Bay schedule of fees has a reduced rate for Little Athletics, being \$110 per hour for a minimum of four hours on a weekend. The total number of hours required for the two events is six (6) hours. Based on the Little Athletic rate for 2016 the cost to council to waive the fee would be a maximum of \$880.

Council has always encouraged and supported local sporting groups including little athletics. Over the past two years council has previously given assistance to the NSW Athletic League to hold a pre-Bay Gift event at Hensley Field.

Whilst this event does attract participation for the greater Sydney area it also provides opportunities for local athletes to test themselves against other athletes from other clubs.

Financial Implications

For the two events waiving the fees based on the Little Athletics hire fee will be under \$1000. There will be staff requirements to open and close the field.

Community Engagement

Not required

Attachments

Nil

Council Meeting

14/12/2016

Item No 8.9
Subject **Botany Bay Gift 2017**
Report by Christine Stamper Events
File (R) 16/141724

Summary

Council was approached by two entities to stage a “Botany Bay Gift” professional footrace in Sir Joseph Banks Park on Australia Day, 26 January 2017. The entities are NSW Athletic League and Professional Track League. For the past two years these two entities have worked together to put on the “Botany Bay Gift.” This year they have parted ways and are both working towards holding the event. NSW Athletic League is a not for profit organisation and Professional Track League is a business running events to earn a profit.

Council staff has met with both entities and have encouraged them to work out their differences in the interests of preserving the Botany Bay Gift and athletics in general. Unfortunately this does not appear to have happened and both are committed to running a “Botany Bay Gift” on Australia Day in Sir Joseph Banks Park.

NSW Athletic League has booked the park but no submission has been received to date. No fees have been paid for the hire of the ground. NSW Athletic League is a not for profit organisation.

NSW Professional Track League do not have a booking but have submitted the attached proposal – even though it was lodged past the deadline given by council for it to be considered. NSW Professional Track League is more advanced in organising an event and is actively seeking sponsorship, however, it should be noted that this company is also a business and run events for profit.

Both entities were looking for Council to prepare the ground, waive any hiring fees and support the event both in kind and financially.

Council has contacted both parties with a recommendation that the Botany Bay Gift be returned to its original date in March and that the best outcome would be for them to resolve their differences and work together.

Council has advised the NSW Athletic League it will consider supporting a March Botany Bay Gift event to be held at Hensley Athletic Field where the track and infrastructure is already in place.

Council has informed the NSW Professional League that it would consider supporting an event under a different name, however, as it is a commercial operation all costs including ground preparation and hire would need to be covered by them and their sponsors.

NSW Athletics League have responded and it will consider a March Botany Bay Gift event. In the meantime they are requesting Council waive the hiring fee for Hensley Athletic Field for two small events in December and January. This is being dealt with under a separate report.

No response has been received as yet from NSW Professional League.

Council Resolution:

Minute 2016/079

Resolved by the Administrator

- 1 That Council continue to work with the NSW Athletic League to develop a program for March 2017 at Hensley Athletic Field.
 - 2 That applications by the NSW Professional League be considered in accordance with Council's policy on commercial hire.
 - 3 That Council note that it will register and trademark the names Botany Bay Gift and Bayside Gift to preserve the history of the race.
 - 4 That staff be commended on negotiating this successful outcome.
-

Officer Recommendation:

- 1 That Council continue to work with the NSW Athletic League to develop a program for March 2017 at Hensley Athletic Field.
 - 2 That applications by the NSW Professional League be considered in accordance with Council's policy on commercial hire.
 - 3 That Council note that it will register and trademark the names Botany Bay Gift and Bayside Gift to preserve the history of the race.
-

Further Background

The Botany Bay Gift was the first professional footrace to be held in Australia and it was run in Botany in the park now known as the Sir Joseph Banks Park in the 1800's.

In 1988 the then Council, as its bi-centennial project, recreated the Sir Joseph Banks Pleasure Gardens including the oval which was home to the historical footrace.

At that time a local businessman the late Graham Wright owner of Maritime Container Services in Botany saw an opportunity to give back to, and create something special for the local community in which he ran his business. So, he formed the Botany Bay Gift Committee to bring back the famous race. And with the support of the Council the Botany Bay Gift was re-born in March 1989. It was a community event, not a business venture.

It proved to be a popular community event attracting large crowds not only from the local community, but from throughout Sydney, as people flocked to see some of the world's greatest athletes including Linford Christie, Maurice Green, Cathy Freeman, Melinda Gainsford Taylor, Nova Peris Kneebone, Lauren Hewitt, Matt Shirvington and many more.

For the athletic community, in its hey-day there was over \$200,000 in prize money up for grabs. With the Botany Bay Gift 120m Handicap paying \$100,000.

The event continued as an annual event in until 2001.

In 2000, for the first time, to celebrate the new millennium the Botany Bay Gift was held on Australia Day, 26 January – adding an evening concert in the park and fireworks.

Whilst the local Committee was the driving force behind the event the actual racing aspect of the carnival was conducted under the rules and regulations of the NSW Athletics League and Athletics Australia.

In its later years it became difficult to attract the necessary sponsorship to run the event and the decision was made for it to fold.

In 2014 Members of the NSW Athletic League approached Council to discuss the possibility of bringing back the event: Starting small and slowly bringing it back to its glory days. They advised they had engaged a professional person to run the event and to actively seek sponsorship on their behalf.

The NSW Athletic League meet with the then General Manager and a report was prepared for Council. Council agreed to support the proposal both financially and in kind and to give the Botany Bay Gift a new home at Hensley Athletic Field as the track and infrastructure was in place at this venue. Sponsorship was \$5000.

NSW Athletic League then introduced Council to Andrew Muhlhan from NSW Professional League who they informed would be running the event on their behalf, including seeking sponsorship from local businesses for the event.

From that time on Council dealt with Mr Muhlhan as their representative.

Following the 2015 event the Mayor and Councillors reviewed their decision and agreed to return the 2016 Botany Bay Gift to its “home” the Sir Joseph Banks Pleasure Gardens in Botany.

The 2016 Botany Bay Gift was held in Sir Joseph Banks Pleasure Gardens on Australia Day. The event was organised, promoted and run by the NSW Professional League an athletic event organising business run by Andrew Muhlhan with the support of the NSW Athletic League.

Council again supported the event in kind with the preparation of the grounds and financially by sponsoring the Botany Bay Gift for \$5000.

To assist further Council relocated its Australia Day Citizenship Ceremony to the park so that the infrastructure could be used for the event in the afternoon without incurring additional costs. This included use of the marquee, staging, tables, chairs and portable toilets.

This year Council has been approached by both parties, but in separate capacities. Both are claiming ownership and the right to hold the Botany Bay Gift. Both are seeking the support of the council both in kind and financially.

Both would like to hold the event on Australia Day 26 January 2017 in the Sir Joseph Banks Pleasure Garden.

At this time council is holding a booking under the name of NSW Athletic League.

Council staff has met with both parties encouraging them to try and resolve their difference and continue to work together to hold this event in the best interest of the athletic

community. Further, should a resolution not be forthcoming then each party should submit a formal proposal to Council.

Only one party, the NSW Professional League, has submitted a proposal to council for consideration. The Professional Track League, Andrew Muhlhan, believes he had the support of the former Mayor and Councillors to continue to run the Botany Bay Gift because of a congratulatory letter and Mayoral Minute. Mr Muhlhan also alleges he had had a conversation with the staff in the former Mayor's Office who had confirmed Council's support and encouraged him to continue to organise the event and seek sponsorship. He was also of the opinion that that discussion and the correspondence, meant the ground was reserved for him to run the event on the 26 January 2017.

The NSW Athletic League has advised it is still working on putting a proposal together.

Financial Implications

The financial cost to council is excessive if this event was to proceed in its current format:

- a) Preparing and maintaining the grounds.
- b) Overnight security to ensure the ground is not damaged prior to the event. Approximate cost \$900.
- c) Providing garbage bins and rubbish removal after the event
- d) Park staff to clean the grounds throughout the day and after the event.

Optional expenditure:

- e) Sponsoring a race for the Botany Bay Gift \$5000.
 - f) Assisting with infrastructure approximately \$10,000
 - g) Having a stall at the event and giving away promotional material/items – e.g. Bayside canvas bags
-

Community Engagement

There would be an opportunity for Council to have a stall at the event and monitor community participation, as well as engage with those who attend.

Attachments

- 1 Botany Bay Gift 2017 Proposal
- 2 Letter from NSW Athletic League

Botany Bay Gift 2017 Proposal



Introduction

Gift races are 'professional' athletics events which allow athletes of all ages and abilities to compete in a fun and competitive environment. Each athlete is given a mark, or handicap, based on their ability, giving them an equal opportunity to triumph in their chosen event. Gifts are traditionally held on a grass surface. 2016 saw the Botany Bay Gift return to Sir Joseph Banks Pleasure Gardens for the first time since 2001. The 2016 Gift was a great success with a few thousand people in attendance. The 2017 Gift will continue with this momentum and be bigger again with more media interest and much greater public participation.

Organisational Structure

Professional Running Australia Inc. (A0059133A) is the managing entity for the event. PRA is a non-profit organisation that already oversees professional athletics events within the Victorian Athletic League. PRA has engaged with local athletic bodies in Sydney for the successful running of the Botany Bay Gift. Primarily, this includes the New South Wales Professional Track League to hold the event within their calendar and in conjunction with other events in the season.

NSWPTL have the relevant insurances and risk management frameworks for this event.

Event Time and Date

Thursday 26 January 2017 9am-5pm (*Alternate date: Saturday 19 March 2017*)

There are no other major sports events held in Sydney on Australia Day.



2016 Crowd watching on



2016 BBG Gift winner: Will Roberts



U12 70m Finals Action

2016 Botany Bay Gift

NSWPTL was the operating body who drove the success in its revival at Sir Joseph Banks Park earlier this year.

This included:

- Athlete registrations and recruitment
- Liaise with Roy and team for ground set up
- Sourcing sponsorship
- Local community participation
- VIP function

All Media

- Promotional videos (City of Botany Bay, Mayor Keneally) <https://youtu.be/12HpHSFKnUU> and post production pieces https://youtu.be/Y_NzJkcaqM8
- Live broadcasting <https://youtu.be/mWFKtBLoG-Y?t=2h1m25s>
- Mainstream press articles <http://www.smh.com.au/sport/athletics/harry-triguboff-provides-australian-sprinters-with-a-great-gift-20151107-gkt8fp.html>

2017 Botany Bay Gift

Resources have already been confirmed by sponsors and local groups, pending this proposal.

Bayside Council's partnership in the Botany Bay Gift can be comparable to the City of Botany Bay's contribution at the 2016 event.

The 2017 Botany Bay Gift will continue with the momentum created in 2015 and 2016.

The event budget includes provision for:

- Household mail-outs to advertise event time and date (approx. 60,000)
- Elite athlete participation
- Celebrity athlete ambassadors
- Prize money
- Event staff
- Entertainers
- VIP function
- Live broadcasting
- Social media advertising
- Fun Run
- Insurances
- Public amenities
- First Aid
- Event Security



City of Botany Bay Councillors ready to present the winners

Community Benefit to Bayside

The 2017 Botany Bay Gift will evolve the community engagement of the 2016 event.

- A dedicated Facebook group for the event was created after consulting with local attendees in 2016. The can be one conduit reaching to the local community.
- Conduct mass mail out advertising the range attractions to local residents on event day.
- Contact all Bayside schools advertising participation in Junior and Fun Run events
- 4km and 8km fun run in the park. Attracting the social runners and families to promote healthy living. RunNSW have been consulted as our partner to provide for this component. RunNSW is a branch of Athletics NSW, the state amateur athletic provider. <http://www.runnsw.com.au/>

*The fun run was a big part of the Gift in the 1990's and this is an important tradition to continue.

- Jumping castles, face painting and fun activities for families.
- Local community utilising the park on a National holiday and promoting a sense of community.
- Engage local traders to sponsor or be involved and advertise their business to the local community.
- Involve Randwick Botany Little Athletics Club and Randwick Botany Harriers to participate.



Future - 2017 and beyond

Botany Bay Gifts for 2018-2020 can be considered for a two day event as Australia Day occurs on a Friday, Saturday, Sunday or Monday. If a March date is considered we would utilise Saturday and Sunday.

The Botany Bay Gift has a history which rivals the iconic Stawell Gift in Victoria, except without the continuous running of the carnival. The Stawell Gift model is one to draw upon when considering community benefit, commercial appeal (National live free to air broadcasting) and its impact on the National sporting landscape.

This proposal is presented by:

Andrew Muhlhan
General Manager
 NSW Professional Track League
 Email: Andrew@cesports.com.au
 Ph: 0412339294

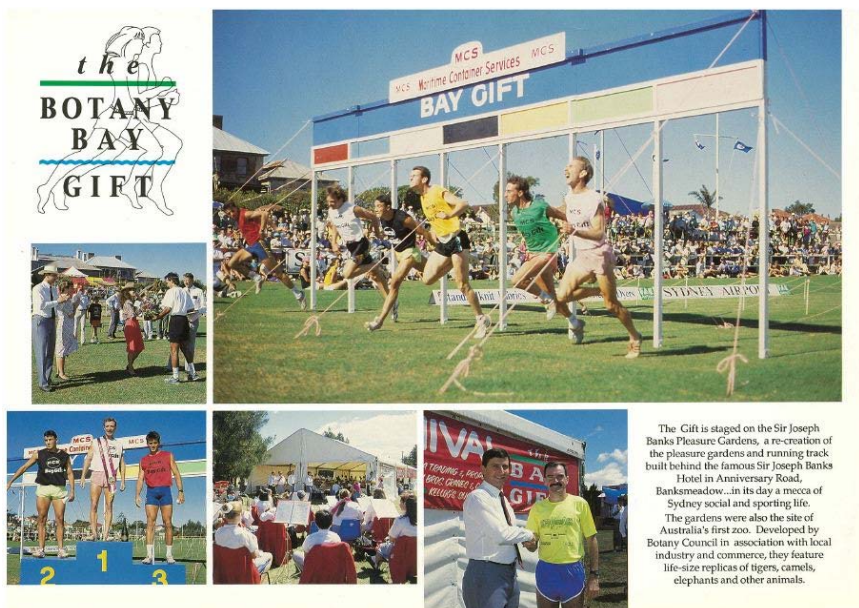
On behalf of:
 Professional Running Australia Inc.
 Consumer Affairs Registration Number: A0059133A



Above: Live stream broadcasting of 2016 Botany Bay Gift

Left: A flyer for the Botany Bay Gift circa 1990's.

Below: Fun and games at the Gift in 2016





NSW ATHLETIC LEAGUE INC.
PO Box 182, Bexley, NSW 2207
Mob: 0400 063 003
Email: billyedw@hotmail.com
Website: www.nswal.com

Presentation to : Stuart Dutton(Assistant General Manager)
The Bayside Council
On behalf of the NSW Athletics League Inc.
By William Edwards

Dated : 17th November 2016

Dear Sir,

The New South Wales Athletics League inc.(#Y1250207), would like to submit a proposal, similar to last year, to promote an Australia Day community event, and would hope to organise and encourage all NSW and Interstate Athletes to participate in The Botany Bay Athletic Gift on Thursday 26th January 2017 at the historical Sir Joseph Banks Park, subject to your approval. We would hope that Bayside Council would support this iconic celebration of our Nation as did the Botany Bay Councils in 2016, which the NSWAL regards as the Jewel in the Crown of professional athletics in NSW.

To organise this event which normally commences in the afternoon after the Citizenship Ceremony the NSWAL would require :

- The Sir Joseph Banks Park to be prepared for a 120metres 8 lane Athletic straight track and
- a 400metre(approximately), circular five lane wide track as per the NSWAL advice to Council's ground staff.
- Four to six Portable Toilets for public use on the day.
- One large Marquee on the northern side of the park near finish line for Sponsors and Council personnel use.
- One 5 metre square (approx) Marquee erected on the southern side (Bay Side), near events finish line for NSWAL Officials to use, and a smaller 3 metre tent adjoining for NSWAL Athletes colour stewards.
- On-ground electricity required for the Officials Marquee to operate Photo Finish Machine.
- One tent to be made available for a selected Charity Organisation to organise a food facility fund raiser.
- One small tent for co-sponsor NSW Ports to supply free bottled water and other promotional items to all patrons.
- Overnight security to allow NSWAL to set up equipment on Wednesday 25th January 2017 so as to not interfere with the Citizenship Ceremony the following morning.



NSW ATHLETIC LEAGUE INC.
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Mob: 0400 063 003
Email: billyedw@hotmail.com
Website: www.nswal.com

The Botany Bay Council contributed \$5,000 to this event for the 26th January 2016 which they received the naming rights of the main event, "The Botany Bay Gift". Because of the recent amalgamation Bayside Council may wish to change the name to "The Bay Gift" which this event was called back in the 1880's.

The New South Wales Athletics League inc is an incorporated association (Y1250207 / ABN 80-043-647-6760) not-for-profit governing body of professional athletics in NSW/ACT and has been since 1903. We would also require a wavered booking fee as previously approved by the Botany Bay Council for 2016.

We would encourage the Bayside Council to organise two overhead street signs at Mascot and Botany shopping centres commencing pre Xmas to help us advertise this historical event to local residents.

We have also booked two dates at Hensley Athletic Field with your employee Leonie for Saturday 17th December 2016 from 9.30am-12.00pm for the Hensley Xmas Gift which is traditionally a small meeting and organised mainly for runners and trainers to socialise (no alcohol) in the true spirit of Xmas.

The other date is an annual event on the 14th January 2017 from 1.30-4.30pm to celebrate the life of a great young man who unfortunately took his own life, The Simmon Brown Memorial Gift which also is a small meeting.

We would hope that Bayside council could waver both of these special meets booking fees, as previously mentioned we are a non for profit organisation and this consideration would be most appreciated as Botany is where the NSWAL was born 113 years ago.

Look forward to speaking with you in the near future.

Bill Edwards
President
NSW Athletics League
Mobile 0400 463 003

Council Meeting

14/12/2016

Item No 8.10
Subject **Stronger Council's Framework - Bayside Council**
Report by Transition Change Manager
File F16/734

Summary

The Department of Premier and Cabinet (DPC) requires all amalgamated councils in New South Wales to develop a high level Stronger Council's Framework. Bayside Council's Framework is presented for consideration and adoption.

Council Resolution

Minute 2016/080

Resolved by the Administrator

- 1 That Bayside Council's Stronger Council's Framework be adopted and integrated into Council's Transition Implementation Plan.
 - 2 That Bayside Council's Stronger Council's Framework be made available to the community for information, including periodically reporting to the community on the progress of key Transition Implementation Projects.
 - 3 That Council adopt the following changes, agreed with the Department of Premier and Cabinet:
 - a A new evidence measure for Governance is to be added: "% of the community satisfied with the Council's performance in making decisions in the interest of the community".
 - b Two new measures are to be added:
 - i. "A % of the community satisfied with Council's overall performance".
 - ii. "Increase in the % of the community satisfied with Council's consultation and engagement performance."
 - c "Staff and culture" is to be changed to "% of staff who feel the organisation has a positive future and are committed to its success".
-

Officer Recommendation

- 1 That Bayside Council's Stronger Council's Framework be adopted and integrated into Council's Transition Implementation Plan.
 - 2 That Bayside Council's Stronger Council's Framework be made available to the community for information, including periodically reporting to the community on the progress of key Transition Implementation Projects.
-

Background

Council has, in consultation with the Department of Premier and Cabinet, developed the Framework to support and guide the transitioning of Bayside Council. The Framework provides both an outward and community focus to support Council decision making until the September 2017 elections (the integration period). It incorporates:

- A Vision for and characteristics of a strong Council (generic amongst amalgamated councils)
- Council's vision and priorities for the local community (Bayside specific)
- Ten key result areas which Council must deliver (generic amongst amalgamated councils) and
- Eight local benefits which Council's transition work will deliver or set up as foundations for delivery (Bayside specific).

The framework also identifies priority areas and specific measures which will determine Council's success in achieving these priorities. It is important to note that reporting on success will occur in August 2017.

The priority areas and measures are listed below. The attachment contains the remaining elements of the framework.

Priority area	Evidence
Savings & efficiencies	Net financial savings (NPV) of \$32M over 10 years included in Council's financial forecasts
Infrastructure	5 year costed renewal works program adopted by June 2017
Asset and Finance Integration	Harmonised finance, procurement & asset functions implemented by September 2017
Governance	Governance Framework and policies in place to support 2017 local government elections and new Council.
Enhanced Customer Experience	Increase in the number of online services available (Baseline September 2016)
Community engagement and confidence	An improvement in overall satisfaction with Council's performance (Baseline: October 2016)
Staff and culture	An improvement in number of staff who feel the organisation has a positive future and are committed to its success
Housing	90% of housing development applications determined within 40 days (new single dwellings, dual occupancy and alterations/additions).

Financial Implications

Not applicable

Community Engagement

It is recommended that the community is kept informed about the direction Council is taking and in particular the identified priority areas and local benefits it is working towards. It is also recommended that Council keep the community informed on progress of key projects through reporting on its Transition Implementation Project Plan.

Attachments

Stronger Councils Framework – Bayside Council

Managing What are the first steps?		Measuring What is the evidence to show we’re on the right path?	Transforming Where are we going?												
A strong council	10 Key Results Areas 1. Service continuity, with smart service improvements 2. Robust governance that delivers confidence to communities 3. Easy to do business with, in person and online 4. Engaged staff who understand their roles and how they contribute to the new council 5. Involved communities who have their say 6. Communities can readily identify with their new council 7. A shared vision and direction for the whole community 8. Rates maintained within existing pathways and resources used wisely to serve the entire council area 9. Expected benefits which are clear, measurable and on target 10. A newly elected Council for the whole community.	Evidence of success to September 2017 Measurable evidence <table><tr><th>Priority area</th><th>Evidence</th></tr><tr><td>Savings & efficiencies</td><td>▪ Net financial savings (NPV) of \$32M over 10 years included in Council’s financial forecasts.</td></tr><tr><td>Infrastructure</td><td>▪ 5 year costed renewal works program adopted by June 2017.</td></tr><tr><td>Asset and Finance Integration</td><td>▪ Harmonised finance, procurement & asset functions implemented by September 2017.</td></tr><tr><td>Governance</td><td>▪ Governance Framework and policies in place to support 2017 local government elections and new Council.</td></tr><tr><td>Enhanced Customer Experience</td><td>▪ Increase in the number of online services available (Baseline September 2016).</td></tr></table>	Priority area	Evidence	Savings & efficiencies	▪ Net financial savings (NPV) of \$32M over 10 years included in Council’s financial forecasts.	Infrastructure	▪ 5 year costed renewal works program adopted by June 2017.	Asset and Finance Integration	▪ Harmonised finance, procurement & asset functions implemented by September 2017.	Governance	▪ Governance Framework and policies in place to support 2017 local government elections and new Council.	Enhanced Customer Experience	▪ Increase in the number of online services available (Baseline September 2016).	Vision A strong council delivers results for its community, builds successful partnerships and has the leadership, culture, people and capacities to make this happen. Characteristics <ul style="list-style-type: none">▪ Strategic capacity▪ Outstanding service provision▪ Robust community relationships▪ Strong performance▪ Sound organisational health
	Priority area	Evidence													
	Savings & efficiencies	▪ Net financial savings (NPV) of \$32M over 10 years included in Council’s financial forecasts.													
	Infrastructure	▪ 5 year costed renewal works program adopted by June 2017.													
	Asset and Finance Integration	▪ Harmonised finance, procurement & asset functions implemented by September 2017.													
	Governance	▪ Governance Framework and policies in place to support 2017 local government elections and new Council.													
	Enhanced Customer Experience	▪ Increase in the number of online services available (Baseline September 2016).													
	A strong community	Local Benefits <ul style="list-style-type: none">▪ Transparent and sound governance to support Council planning and decision making for current and future citizens.▪ Improved strategic capacity through more responsive partnerships with State and Federal Governments and other agencies in planning for and delivering local priorities and services.▪ Services are harmonised, responsive and digitally transformed.▪ Savings achieved from the merger are quarantined and identified for reinvestment in improved services.▪ Key community capacity building infrastructure and other priority community projects are funded by the Stronger Communities Fund.▪ A broad range of face to face and digital community engagement platforms which enable residents to engage with Council when and how they prefer.▪ Improved financial and asset integration and management that delivers well maintained and modern facilities.▪ Council delivers local training and employment opportunities with an emphasis on apprenticeships, traineeships and graduate programs. <i>Note: Community = residents, businesses, visitors/ tourists and people who work in the LGA</i>	<table><tr><td>Community engagement and confidence</td><td>▪ An improvement in overall satisfaction with Council’s performance (Baseline: October 2016)</td></tr><tr><td>Staff and culture</td><td>▪ An improvement in number of staff who feel the organisation has a positive future and are committed to its success.</td></tr><tr><td>Housing</td><td>▪ 90% of housing development applications determined within 40 days (new single dwellings, dual occupancy and alterations/additions).</td></tr></table> <table><tr><td colspan="2"></td></tr></table>	Community engagement and confidence	▪ An improvement in overall satisfaction with Council’s performance (Baseline: October 2016)	Staff and culture	▪ An improvement in number of staff who feel the organisation has a positive future and are committed to its success.	Housing	▪ 90% of housing development applications determined within 40 days (new single dwellings, dual occupancy and alterations/additions).			Vision and Priorities <ul style="list-style-type: none">▪ Strong, diverse leadership and an adaptable, performance culture with an outward focus▪ Improved transparency and governance through the establishment of processes and frameworks such as IHAP and live streaming of Council meetings (with Twitter feed)▪ Council’s is an employer of choice within the LGA▪ Council has meaningful and ongoing relationships with the community. Citizens can have confidence that they can have an impact on the way Council develops the community.▪ More opportunities for customer contact points so citizens can interact with the Council in ways they prefer, at convenient times and places▪ Well maintained and modern facilities across the LGA and with a focus on key facilities in particular places▪ Ongoing program and focus on the renewal of community assets that are current and ‘fit for purpose’ and in line with community expectations▪ Repurposing of assets for greater community benefit, backed up by a clear, connected and integrated strategy across the organisation▪ Leveraging funding sources (e.g. Developer Contributions) for optimal asset management.▪ Council decisions benefit current and future communities.			
		Community engagement and confidence	▪ An improvement in overall satisfaction with Council’s performance (Baseline: October 2016)												
		Staff and culture	▪ An improvement in number of staff who feel the organisation has a positive future and are committed to its success.												
Housing		▪ 90% of housing development applications determined within 40 days (new single dwellings, dual occupancy and alterations/additions).													

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Council Meeting

14/12/2016

Item No	8.11
Subject	Statutory Financial Report September 2016
Report by	Alister Duncan, Manager- Finance & Administration
File	F09/605

Summary

This report is provided in accordance with the Local Government (General) Regulations, 2005, Div 5, paragraph 212 and s625 of the Local Government Act, 1993.

The necessary certificate by the Responsible Accounting Officer is included in this report, and the Statutory Financial Reports are presented as follows:-

- Investment Performance Against Benchmark
- Statement of Bank Balances
- Restricted and Unrestricted Cash Balances
- Schedule of Investments

As at 30 September 2016 Bayside Council had \$279.0m in cash and investments with an adjusted portfolio yield of 2.89%. Details of individual investments held are tabled in the body of this report.

Council Resolution

Minute 2016/081

Resolved by the Administrator

That the Statutory Financial Report by the Responsible Accounting Officer be received and noted.

Officer Recommendation

That the Statutory Financial Report by the Responsible Accounting Officer be received and noted.

Background

Balance of report is attached.

Financial Implications

There are no financial implications applicable to this report.

Community Engagement

The issues raised in this report do not require community consultation under Council's Community Engagement Policy.

Attachments

Statutory Financial Report September 2016

REPORT HEADER

Subject: STATUTORY FINANCIAL REPORT- 30 September 2016
File Number: F09/605
Report By: Manager-Finance & Administration (Alister Duncan)
Contributors:
Community Engagement: No
Financial Implications: No

Officer Recommendations

That the Statutory Financial Report by the Responsible Accounting Officer be received and noted.

Precis

This report is provided in accordance with the Local Government (General) Regulations, 2005, Division 5 paragraph 212 and s625 of the Local Government Act, 1993.

The necessary certificate by the Responsible Accounting Officer is included in this report, and the Statutory Financial Reports are presented as follows:-

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As at 30 September 2016, Bayside Council had \$279.0m in cash and investments with an adjusted portfolio yield of 2.89%. Details of individual investments held are tabled in the body of this report.

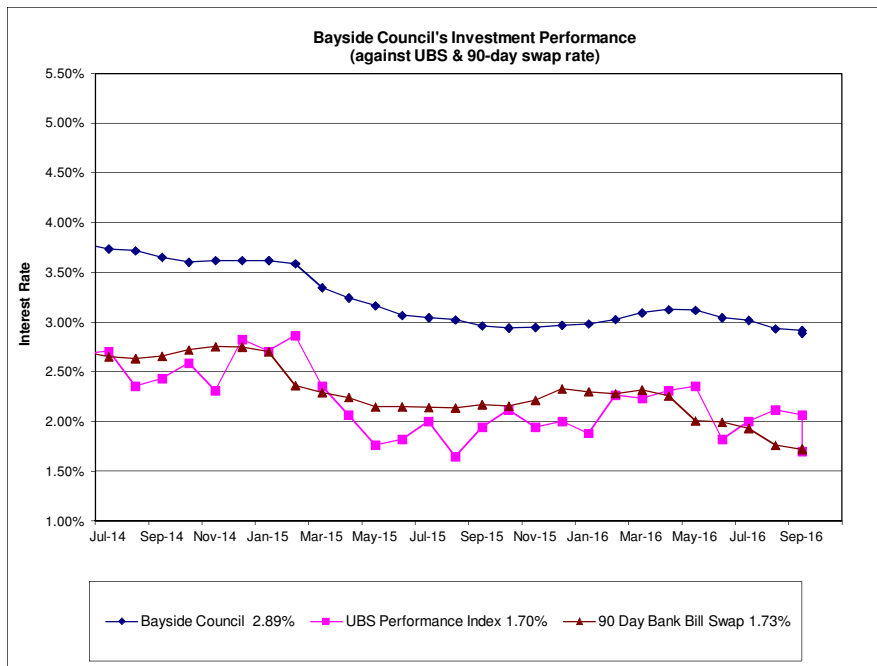
REPORT BACKGROUND

Legislative Reporting Requirements

Clause 212 of the Local Government (General) Regulation 2005 requires that the Responsible Accounting Officer must provide Council with a report detailing Council's investments under s625 of the Local Government Act 1993. This is to be reported to Council on a monthly basis.

Investment Performance

The table below shows the performance of Council's investments since July 2014. The UBS Rate is used for comparison as this is a generally accepted industry benchmark used by Australian businesses. The 90-day Bank Bill Swap Rate is the worldwide rate that is reviewed by the financial markets every 90 days. This rate underpins the majority of investments which makes it a meaningful comparison for measuring investment performance. For the current period, Council outperformed the market by 119 basis points. As demonstrated by the following graph, investment returns are stable and consistently above the industry benchmark and 90-day Bank Bill Swap Rate.



Statement of Bank Balances

The table below shows details of movements in Council's cash at bank as at 30th September 2016.

STATEMENT OF BANK BALANCES AS AT 30 SEPTEMBER 2016		
		GENERAL FUND
Cash at Bank (Overdraft) as at:	09/09/2016	\$7,503,891
Add:		
Receipts for Period		
- Rates		\$7,481,183
- Sundry Debtors		\$1,370,518
- Other Direct Deposits		\$140,122
- DA Fees & FCDs		\$180,723
- Interest		\$78,950
- GST		\$558,803
- Parking and Other Infringements		\$201,764
- Long Service Levy		\$69,215
- Grants		\$293,241
- Outstanding Deposits *		\$240,475
- Transfer from Short-Term Money Market		\$7,660,000
		\$18,274,994
Less:		
Accounts Paid for Period (includes urgent cheques)		-\$8,754,267
Direct Payroll		-\$2,850,247
Loan Repayments		-\$148,108
Cancelled Cheques		\$0
Unpresented Cheques		\$33,331
Dishonoured Cheques		-\$9,133
Bank Charges (including Agency Fees)		-\$32,613
Transfer to Investments		-\$9,070,000
		-\$20,831,037
Cash at Bank (Overdraft) as per General Ledger:		\$4,947,848
Unreconciled/Outstanding Items as at 30/09/2016		\$38,218
Cash at Bank (Overdraft) as per Bank Statement at:	30/09/2016	\$4,986,066
Limit of overdraft arranged at Bank		-\$350,000

* Outstanding deposits include rates payments via Australia Post and bank tape not receipted.

Restricted Cash

Council has established various Internal Cash Reserves as a financial strategy to provide funds for future expenditure that could not otherwise be financed during a single financial year. External reserves (s.94 Developer Funds) are quarantined for a specific purpose and are not to be reallocated to other programs.

THE INVESTED FUNDS ARE HELD FOR:-	BALANCE 9/09/2016	NET MOVEMENTS	BALANCE 30/09/2016
<u>Bayside East Branch General Funds and Reserves</u>			
Separation of funds between Internal and External Restrictions is not available due to financial statements not being finalised	\$124,365,771	\$521,734.00	\$124,887,505
<u>UNRESTRICTED Bayside West Branch</u>			
General Funds	\$5,223,592	-\$9,149,169	-\$3,925,578
<u>INTERNAL RESTRICTIONS Bayside West Branch</u>			
CASH RESERVES			
- Employee Liability Reserve	\$4,953,800	\$0	\$4,953,800
- Office & IT Reserve	\$1,958,499	\$0	\$1,958,499
- Plant Reserve	\$800,000	\$0	\$800,000
- S.94 Obligation Reserve	\$1,508,609	\$0	\$1,508,609
- Arncliffe Youth Centre Reserve	\$2,969,690	\$0	\$2,969,690
- Public Liability Reserve	\$345,869	\$0	\$345,869
- Workers Compensation Reserve	\$115,870	\$0	\$115,870
- Council Election Reserve	\$569,750	\$0	\$569,750
- Strategic Priorities Reserve	\$39,211,584	\$0	\$39,211,584
- Street Lighting Reserve	\$597,534	\$0	\$597,534
- Brighton Bath Amenities Build Reserve	\$2,295,391	\$0	\$2,295,391
Total Internal Restrictions	\$55,326,596	\$0	\$55,326,596
<u>EXTERNAL RESTRICTIONS Bayside West Branch</u>			
LOCAL AREA FUNDS			
- Arncliffe	\$113,687	\$0	\$113,687
- Banksia	\$23,024	\$0	\$23,024
- Bexley	\$377,045	\$0	\$377,045
- Brighton	\$281,532	\$0	\$281,532
- Kingsgrove	\$1,097,847	\$0	\$1,097,847
- Ramsgate	\$499,358	\$0	\$499,358
- Ramsgate Beach	\$262,621	\$0	\$262,621
- Rockdale	\$5,460,646	\$0	\$5,460,646
- West Botany Street	\$4,643,097	\$0	\$4,643,097
Total Local Area Funds	\$12,758,857	\$0	\$12,758,857
- Domestic Waste Reserve	\$6,567,144	\$0	\$6,567,144
- Stormwater Levy Reserve	\$662,683	\$0	\$662,683
- Unexpended Grants	\$1,938,724	\$139,081	\$2,077,805
- Infrastructure Levy Reserve	\$7,225,915	\$0	\$7,225,915
- s94 Developer Contributions	\$63,314,657	\$9,562,912	\$72,877,569
- Community Levy Reserve	\$529,482	\$0	\$529,482
Total External Restrictions (incl Local Area Funds)	\$92,997,462	\$9,701,993	\$102,699,455
Total for all Reserves and Unrestricted Cash	\$277,913,421	\$1,074,558	\$278,987,979

Schedule of Investments Held

Bayside West Branch currently holds \$154.1m and Bayside East Branch currently holds \$124.9m in investments and cash at call as detailed in the table below. In accordance with current accounting standards, investments are recorded at Fair Value (market value).

SCHEDULE OF INVESTMENTS HELD ON BEHALF OF BAYSIDE COUNCIL AS AT: 30/09/2016								
	Credit Rating	Purchase Price	Purchase Date	Maturity Date	Term Days	Prop %	Interest Rate	Market Value
Bayside West Branch Term Deposits:								
Bank of Western Australia	A1	\$1,160,519	23/08/2016	26/10/2016	64	0.90%	2.60%	\$1,160,519
Bank of Western Australia	A1	\$2,049,367	27/09/2016	30/11/2016	64	1.59%	2.55%	\$2,049,367
Bank of Western Australia	A1	\$1,148,731	21/09/2016	24/11/2016	64	0.89%	2.55%	\$1,148,731
Bank of Western Australia	A1	\$1,179,681	02/08/2016	04/10/2016	63	0.92%	2.70%	\$1,179,681
Bank of Western Australia	A1	\$1,089,212	09/08/2016	10/10/2016	62	0.85%	2.60%	\$1,089,212
Bank of Western Australia	A1	\$1,064,339	12/08/2016	13/10/2016	62	0.83%	2.60%	\$1,064,339
Bank of Western Australia	A1	\$1,227,889	20/07/2016	17/11/2016	120	0.95%	2.70%	\$1,227,889
Bank of Western Australia	A1	\$1,042,240	03/08/2016	05/10/2016	63	0.81%	2.65%	\$1,042,240
Bank of Western Australia	A1	\$1,043,044	03/08/2016	03/11/2016	92	0.81%	2.60%	\$1,043,044
Bank of Western Australia	A1	\$1,292,204	11/08/2016	12/10/2016	62	1.00%	2.60%	\$1,292,204
Bank of Western Australia	A1	\$1,101,091	19/09/2016	21/11/2016	63	0.86%	2.55%	\$1,101,091
Bank of Western Australia	A1	\$1,082,498	14/09/2016	14/11/2016	61	0.84%	2.55%	\$1,082,498
Bank of Western Australia	A1	\$1,122,071	31/08/2016	02/11/2016	63	0.87%	2.55%	\$1,122,071
Bank of Western Australia	A1	\$1,298,151	22/09/2016	21/11/2016	60	1.01%	2.55%	\$1,298,151
Bank of Western Australia	A1	\$1,298,092	18/08/2016	18/10/2016	61	1.01%	2.60%	\$1,298,092
Bank of Western Australia	A1	\$1,153,926	10/08/2016	11/01/2017	154	0.90%	2.60%	\$1,153,926
Bank of Western Australia	A1	\$1,157,018	20/09/2016	22/11/2016	63	0.90%	2.55%	\$1,157,018
Bank of Western Australia	A1	\$1,151,930	30/08/2016	31/10/2016	62	0.89%	2.55%	\$1,151,930
Bank of Western Australia	A1	\$1,155,239	12/09/2016	16/11/2016	65	0.90%	2.55%	\$1,155,239
Bank of Western Australia	A1	\$1,246,454	16/06/2016	19/10/2016	125	0.97%	2.85%	\$1,246,454
Bank of Western Australia	A1	\$1,256,393	06/09/2016	09/11/2016	64	0.98%	2.55%	\$1,256,393
Bank of Western Australia	A1	\$2,000,000	11/08/2016	14/12/2016	125	1.55%	2.55%	\$2,000,000
						21.22%		
Illawarra Mutual Building Society	A2	\$1,225,781	7/09/2016	08/12/2016	92	0.95%	2.60%	\$1,225,781
Illawarra Mutual Building Society	A2	\$1,145,269	12/07/2016	13/10/2016	93	0.89%	2.75%	\$1,145,269
Illawarra Mutual Building Society	A2	\$1,510,088	17/08/2016	15/12/2016	120	1.17%	2.60%	\$1,510,088
Illawarra Mutual Building Society	A2	\$1,361,291	21/09/2016	16/12/2016	86	1.06%	2.50%	\$1,361,291
Illawarra Mutual Building Society	A2	\$1,350,146	6/07/2016	05/10/2016	91	1.05%	2.65%	\$1,350,146
Illawarra Mutual Building Society	A2	\$1,090,603	29/09/2016	17/01/2017	110	0.85%	2.50%	\$1,090,603
Illawarra Mutual Building Society	A2	\$1,154,087	16/08/2016	15/11/2016	91	0.90%	2.60%	\$1,154,087
Illawarra Mutual Building Society	A2	\$1,316,251	4/08/2016	02/12/2016	120	1.02%	2.60%	\$1,316,251
Illawarra Mutual Building Society	A2	\$1,699,571	1/09/2016	13/12/2016	103	1.32%	2.60%	\$1,699,571
Illawarra Mutual Building Society	A2	\$1,251,927	14/07/2016	14/10/2016	92	0.97%	2.75%	\$1,251,927
Illawarra Mutual Building Society	A2	\$1,213,524	30/08/2016	30/11/2016	92	0.94%	2.60%	\$1,213,524
						11.12%		
Newcastle Permanent Build Society	A2	\$1,229,108	15/09/2016	16/12/2016	92	0.95%	2.60%	\$1,229,108
Newcastle Permanent Build Society	A2	\$1,248,519	13/09/2016	15/03/2017	183	0.97%	2.70%	\$1,248,519
Newcastle Permanent Build Society	A2	\$1,148,227	24/08/2016	22/11/2016	90	0.89%	2.70%	\$1,148,227
Newcastle Permanent Build Society	A2	\$1,306,842	02/09/2016	02/12/2016	91	1.01%	2.70%	\$1,306,842
Newcastle Permanent Build Society	A2	\$1,184,936	10/08/2016	08/11/2016	90	0.92%	2.80%	\$1,184,936
Newcastle Permanent Build Society	A2	\$1,089,134	17/08/2016	15/11/2016	90	0.85%	2.65%	\$1,089,134
Newcastle Permanent Build Society	A2	\$1,197,754	04/08/2016	03/11/2016	91	0.93%	2.60%	\$1,197,754
Newcastle Permanent Build Society	A2	\$1,267,589	06/09/2016	07/12/2016	92	0.98%	2.65%	\$1,267,589
Newcastle Permanent Build Society	A2	\$1,150,597	02/08/2016	02/11/2016	92	0.89%	2.70%	\$1,150,597
						8.41%		
ME Bank	A2	\$1,000,000	08/09/2016	10/03/2017	183	0.78%	2.65%	\$1,000,000
ME Bank	A2	\$1,000,000	09/08/2016	09/02/2017	184	0.78%	2.65%	\$1,000,000
ME Bank	A2	\$1,000,000	08/08/2016	07/02/2017	183	0.78%	2.65%	\$1,000,000
ME Bank	A2	\$1,000,000	08/06/2016	06/10/2016	120	0.78%	2.95%	\$1,000,000
ME Bank	A2	\$1,000,000	24/08/2016	22/02/2017	182	0.78%	2.65%	\$1,000,000
						3.88%		
AMP Bank	A1	\$3,000,000	16/08/2016	14/03/2017	210	2.33%	2.95%	\$3,000,000
AMP Bank	A1	\$2,000,000	17/08/2016	15/02/2017	182	1.55%	2.95%	\$2,000,000
						3.88%		

Schedule of Investments cont'd								
National Australia Bank	A1	\$1,000,000	31/05/2016	29/11/2016	182	0.78%	2.90%	\$1,000,000
National Australia Bank	A1	\$1,000,000	08/09/2016	10/03/2017	183	0.78%	2.55%	\$1,000,000
National Australia Bank	A1	\$1,000,000	31/08/2016	28/02/2017	181	0.78%	2.55%	\$1,000,000
National Australia Bank	A1	\$1,000,000	23/08/2016	21/02/2017	182	0.78%	2.55%	\$1,000,000
National Australia Bank	A1	\$1,000,000	18/05/2016	16/11/2016	182	0.78%	2.90%	\$1,000,000
National Australia Bank	A1	\$2,000,000	06/09/2016	08/03/2017	183	1.55%	2.55%	\$2,000,000
National Australia Bank	A1	\$2,000,000	01/09/2016	02/03/2017	182	1.55%	2.55%	\$2,000,000
National Australia Bank	A1	\$2,000,000	25/05/2016	23/11/2016	182	1.55%	2.90%	\$2,000,000
National Australia Bank	A1	\$1,000,000	16/08/2016	14/12/2016	120	0.78%	2.69%	\$1,000,000
National Australia Bank	A1	\$2,000,000	07/09/2016	09/03/2017	183	1.55%	2.55%	\$2,000,000
National Australia Bank	A1	\$2,000,000	15/06/2016	15/12/2016	183	1.55%	2.90%	\$2,000,000
National Australia Bank	A1	\$1,000,000	14/09/2016	14/03/2017	181	0.78%	2.56%	\$1,000,000
National Australia Bank	A1	\$2,000,000	02/06/2016	01/12/2016	182	1.55%	2.90%	\$2,000,000
National Australia Bank	A1	\$2,000,000	28/04/2016	25/10/2016	180	1.55%	3.05%	\$2,000,000
National Australia Bank	A1	\$2,000,000	13/04/2016	12/10/2016	182	1.55%	3.05%	\$2,000,000
						<u>17.86%</u>		
ING Direct	A2	\$1,000,000	02/06/2016	01/12/2016	182	0.78%	2.84%	\$1,000,000
ING Direct	A2	\$1,000,000	13/09/2016	15/03/2017	183	0.78%	2.65%	\$1,000,000
ING Direct	A2	\$1,000,000	14/09/2016	14/12/2016	91	0.78%	2.60%	\$1,000,000
ING Direct	A2	\$3,000,000	05/09/2016	07/03/2017	183	2.33%	2.63%	\$3,000,000
ING Direct	A2	\$1,000,000	07/06/2016	06/12/2016	182	0.78%	2.83%	\$1,000,000
ING Direct	A2	\$2,000,000	12/09/2016	14/03/2017	183	1.55%	2.65%	\$2,000,000
						<u>6.99%</u>		
Bayside West Branch Direct Investments (Floating & Fixed Term Deposits -TDs)								
Westpac Bank Fixed Term Deposit	A1+	\$1,000,000	04/09/2016	04/01/2017	122	0.78%	2.70%	\$1,000,000
CBA- ME Bank 3Yr FRN (9/8/16-18/7/19)	BBB	\$3,000,000	09/08/2016	18/10/2016	70	2.33%	3.40%	\$3,028,890
CBA- GBS FR TD (30/8/16-30/8/19)	BBB+	\$2,000,000	30/08/2016	30/11/2016	92	1.55%	3.28%	\$2,011,720
CBA- Bank of QLD FRN (26/02/16-06/11/19)	A-	\$2,000,000	08/08/2016	07/11/2016	91	1.55%	2.86%	\$2,007,580
CBA- Bendigo & Adelaide FRN (26/02/16-18/1)	A-	\$2,000,000	18/08/2016	18/11/2016	92	1.55%	2.85%	\$2,009,140
CBA - Rabobank FRN (4/3/16- 4/3/2021)	A+	\$2,000,000	05/09/2016	05/12/2016	91	1.55%	3.22%	\$2,038,440
CBA- ME Bank 3Yr FRN (28/11/13-28/11/16)	BBB	\$1,000,000	29/08/2016	28/11/2016	91	0.78%	2.98%	\$1,004,180
CBA TD (31/8/16-3/11/16)	A1+	\$2,000,000	31/08/2016	03/11/2016	64	1.55%	2.55%	\$2,000,000
CBA- GBS FR TD (7/6/16-7/6/19)	BBB	\$3,000,000	07/09/2016	07/12/2016	91	2.33%	3.33%	\$3,022,020
CBA- GBS Cert of Dep(24/2/14-24/2/17)	BBB	\$1,000,000	24/08/2016	24/11/2016	92	0.78%	3.03%	\$1,003,550
CBA- Police Bank FRN (09/09/14-21/08/17)	BBB+	\$1,000,000	22/08/2016	21/11/2016	91	0.78%	2.83%	\$1,004,890
CBA- CUA FRN (1/04/16-1/04/19)	BBB+	\$2,000,000	01/07/2016	04/10/2016	95	1.55%	3.56%	\$2,004,960
CBA- CUA FRN(31/7/14-20/3/17)	BBB	\$1,000,000	20/09/2016	20/12/2016	91	0.78%	3.04%	\$1,002,870
CBA- CUA FRN(20/3/14-20/3/17)	BBB	\$1,000,000	20/09/2016	20/12/2016	91	0.78%	3.04%	\$1,002,870
CBA- Bendigo & Adelaide FRN (9/08/16-19/01)	A-	\$2,000,000	19/09/2016	19/12/2016	91	1.55%	2.66%	\$1,997,280
ANZ Bank Fixed Term Deposit	A1+	\$1,149,001	01/05/2016	01/11/2016	184	0.89%	2.90%	\$1,149,001
ANZ Bank Fixed Term Deposit	A1+	\$1,149,572	21/09/2016	21/03/2017	181	0.89%	2.50%	\$1,149,572
CBA TD (3/8/16-5/10/16)	A1+	\$2,000,000	03/08/2016	05/10/2016	63	1.55%	2.64%	\$2,000,000
CBA TD (18/8/16-18/10/16)	A1+	\$2,000,000	18/08/2016	18/10/2016	61	1.55%	2.57%	\$2,000,000
Bendigo and Adelaide Bank	A2	\$2,000,000	19/09/2016	19/06/2017	273	1.55%	2.55%	\$2,000,000
						<u>26.64%</u>		
BOQ= Bank of Queensland Greater BS= Greater Building Society								
Unlisted Community Bank Shares								
Bendigo Bank	A2	\$5,000				0.01%		
Total Investments		\$128,764,906				100.00%		
CASH ACCOUNT (at call)		\$25,335,568						
Total Investments and Cash for Bayside West Branch		\$154,100,474						

	Credit Rating	Purchase Price	Purchase Date	Maturity Date	Term Days	Prop %	Interest Rate	Market Value
Bayside East Branch Term Deposits:								
AMP Bank	A1	\$2,000,000	21/05/2015	29/11/2016	558	2.18%	2.90%	\$2,000,000
AMP Bank	A1	\$2,000,000	16/02/2016	14/02/2017	364	2.18%	2.85%	\$2,000,000
AMP Bank	A1	\$1,000,000	09/08/2016	08/08/2017	364	1.09%	2.80%	\$1,000,000
						<u>5.45%</u>		
Illawarra Mutual Building Society	A2	\$1,000,000	27/09/2016	02/05/2017	217	1.09%	2.65%	\$1,000,000
						<u>1.09%</u>		
Bank of QLD	A2	4,000,000.00	30/06/2016	04/10/2016	96	4.36%	2.70%	\$4,000,000
Bank of QLD	A2	2,000,000.00	01/02/2016	11/10/2016	253	2.18%	3.03%	\$2,000,000
Bank of QLD	A2	2,000,000.00	30/06/2016	25/10/2016	117	2.18%	2.80%	\$2,000,000
Bank of QLD	A2	2,000,000.00	16/06/2015	13/12/2016	546	2.18%	2.95%	\$2,000,000
Bank of QLD	A2	2,000,000.00	19/07/2016	17/01/2017	182	2.18%	2.85%	\$2,000,000
Bank of QLD	A2	1,000,000.00	14/06/2016	28/03/2017	287	1.09%	2.85%	\$1,000,000
						<u>14.17%</u>		
National Australia Bank	A1	\$2,000,000	14/04/2016	11/10/2016	180	2.18%	3.05%	\$2,000,000
National Australia Bank	A1	\$2,000,000	26/04/2016	25/10/2016	182	2.18%	3.05%	\$2,000,000
National Australia Bank	A1	\$2,000,000	31/05/2016	15/11/2016	168	2.18%	2.87%	\$2,000,000
National Australia Bank	A1	\$1,000,000	07/06/2016	20/12/2016	196	1.09%	2.88%	\$1,000,000
National Australia Bank	A1	\$2,000,000	28/06/2016	10/01/2017	196	2.18%	2.85%	\$2,000,000
National Australia Bank	A1	\$1,000,000	14/06/2016	21/03/2017	280	1.09%	2.85%	\$1,000,000
National Australia Bank	A1	\$2,000,000	22/05/2015	23/05/2017	732	2.18%	2.95%	\$2,000,000
National Australia Bank	A1	\$5,000,000	27/09/2016	03/10/2017	371	5.45%	2.65%	\$5,000,000
National Australia Bank	A1	\$2,000,000	26/07/2016	23/01/2018	546	2.18%	2.75%	\$2,000,000
National Australia Bank	A1	\$2,000,000	29/07/2016	30/01/2018	550	2.18%	2.73%	\$2,000,000
National Australia Bank	A1	\$2,000,000	02/08/2016	06/02/2018	553	2.18%	2.75%	\$2,000,000
National Australia Bank	A1	\$2,000,000	11/08/2016	13/02/2018	551	2.18%	2.60%	\$2,000,000
						<u>27.25%</u>		
ME Bank	A2	\$2,000,000	04/02/2016	01/11/2016	271	2.18%	2.95%	\$2,000,000
ME Bank	A2	\$2,000,000	15/03/2016	14/03/2017	364	2.18%	3.07%	\$2,000,000
ME Bank	A2	\$2,000,000	06/09/2016	06/03/2018	546	2.18%	2.65%	\$2,000,000
ME Bank	A2	\$4,000,000	08/09/2016	13/03/2018	551	4.36%	2.65%	\$4,000,000
ME Bank	A2	\$2,000,000	13/09/2016	20/03/2018	553	2.18%	2.65%	\$2,000,000
						<u>13.08%</u>		
Rural Bank	A2	\$2,000,000	31/03/2016	01/11/2016	215	2.18%	3.15%	\$2,000,000
Rural Bank	A2	\$2,000,000	31/03/2016	08/11/2016	222	2.18%	3.15%	\$2,000,000
Rural Bank	A2	\$2,000,000	31/03/2016	06/12/2016	250	2.18%	3.15%	\$2,000,000
						<u>6.54%</u>		
ING Direct	A2	\$2,000,000	25/02/2016	07/03/2017	376	2.18%	3.10%	\$2,000,000
						<u>2.18%</u>		
Bendigo Bank	A2	\$3,000,000	31/08/2016	20/02/2018	538	3.27%	2.70%	\$3,000,000
Bendigo Bank	A2	\$3,000,000	31/08/2016	27/02/2018	545	3.27%	2.70%	\$3,000,000
						<u>6.54%</u>		
MyState Banking	A2	\$2,000,000	01/02/2016	04/10/2016	246	2.18%	3.00%	\$2,000,000
MyState Banking	A2	\$2,000,000	01/02/2016	18/10/2016	260	2.18%	3.00%	\$2,000,000
MyState Banking	A2	\$1,000,000	04/02/2016	08/11/2016	278	1.09%	3.00%	\$1,000,000
MyState Banking	A2	\$2,000,000	16/08/2016	14/02/2017	182	2.18%	2.55%	\$2,000,000
						<u>7.63%</u>		
Bayside East Branch Direct Investments (Floating & Fixed Term Deposits -TDs)								
Bank of China FRN	A	\$1,000,000	09/04/2015	09/04/2018	1096	1.09%	3.22%	\$1,010,920
Bank of QLD FRN	A	\$1,000,000	29/10/2015	29/04/2019	1278	1.09%	3.01%	\$1,007,708
AMP FRN	A	\$750,000	11/12/2015	11/06/2019	1278	0.82%	3.12%	\$751,403
Bank of QLD FRN	A	\$2,000,000	05/02/2016	05/02/2018	731	2.18%	2.79%	\$2,014,018
NAB FRN	AA	\$2,000,000	25/02/2016	25/02/2019	1096	2.18%	2.71%	\$2,016,704
Westpac FRN	AA	\$1,000,000	11/03/2016	10/05/2019	1155	1.09%	3.00%	\$1,007,230
Newcastle PBS FRN	BBB+	\$2,000,000	22/03/2016	22/03/2019	1095	2.18%	3.34%	\$2,008,285
Suncorp FRN	A	\$2,000,000	12/04/2016	12/04/2021	1826	2.18%	3.12%	\$2,032,008
Bank of QLD FRN	A	\$1,000,000	18/05/2016	18/05/2021	1826	1.09%	3.47%	\$1,008,990
CBA FRN	AA	\$2,000,000	12/07/2016	12/07/2021	1826	2.18%	3.18%	\$2,018,586
						<u>16.08%</u>		
Total Investments		\$91,750,000				100.00%		
CASH (at call & 31 day notice account)		\$33,137,505						
Total Investments and Cash for Bayside East Branch		\$124,887,505						
TOTAL INVESTMENTS FOR BAYSIDE COUNCIL		\$278,987,979						

NOTE: In accordance with current accounting standards Council is required to obtain market values on its investments and hence the inclusion in the above table. It is important to note that Council does not hold any CDOs which have adversely affected many councils in NSW.

I hereby certify in accordance with Clause 212 of the Local Government (General) Regulation 2005 that the above investments have been made in accordance with Section 625 of the Local Government Act 1993, and Council's investment policies.

ALISTER DUNCAN
RESPONSIBLE ACCOUNTING OFFICER

Investment Translation

The following investment information is provided as translation of what the types of investments are:

- * A Term Deposit is a short term deposit held at a financial institution for a fixed term and attracts interest at the prevailing market rate.
- * A Bank Bill is a short term investment issued by a bank representing its promise to pay a specific sum to the bearer on settlement. The amount payable to Council at maturity is the face value which represents the purchase price and interest earned.
- * A Floating Rate Note is a longer term investment issued by a financial institution with a variable interest rate. The adjustments to the interest rate are usually made every three months are tied to a certain money-market index such as the Bank Bill Swap Rate (BBSW).
- * A CDO (Collateralised Debt Obligation) is an investment backed by a diversified pool of one or more classes of debt. These investments are for longer terms and offer a higher rate of interest. Council does not invest in CDOs.
- * A Capital Guaranteed Note is a longer term investment issued by a financial institution with a fixed coupon that is paid contingent on the performance of the underlying investments, being equities, property bonds etc. In addition, this form of investment also can attract capital growth. The issuer of the note has provided a guarantee that the capital is guaranteed at maturity.
- * A Floating Term Deposit and Variable Rate Deposits are exactly the same as term deposits except they automatically roll over (reinvest) at the end of the 90-day period for up to 2 years.
- * Money Market Call Account refers to funds held at a financial institution and can be recalled by Council either same day or overnight.
- * Unlisted Community Bank Shares refer to bank shares not listed on the Australian Stock Exchange. The local community owns and operates the Bendigo Bank branch which assists the bank in providing banking infrastructure and community support.

Credit Ratings

- * AAA - Extremely strong capacity to meet financial commitments (highest rating).
- * AA - Very strong capacity to meet financial commitments.
- * A - Strong capacity to meet financial commitments, but somewhat more susceptible to adverse economic conditions and changes in circumstances.
- * BBB - Adequate capacity to meet financial commitments with adverse economic conditions or changing circumstances more likely to lead to a weakened capacity of the obligor to meet its financial commitments.
- * BB - Less vulnerable in the near term, but faces uncertainties and exposures to adverse business, financial and economic conditions.
- * B - More vulnerable to non-payment than obligations rated 'BB', but the obligor has the capacity to meet its financial commitment on the obligation.
- * CCC - Currently vulnerable, dependent upon favourable business, financial and economic conditions to meet its financial commitments.
- * CC - Currently highly vulnerable.
- * C - Highly likely to default.

Council Meeting

14/12/2016

Item No	8.12
Subject	SSROC and Former Councillors
Report by	Liz Rog, Acting Manager Governance
File	(R) F14/259

Summary

This report considers the appointment of one delegate and two alternate delegates to the Southern Sydney Regional Organisation of Council (SSROC).

Council Resolution

Minute 2016/082

Resolved by the Administrator

- 1 That the Administrator and the previous Mayor, Bill Saravinovski, be appointed as Council's delegates to the Southern Sydney Regional Organisation of Councils (SSROC).
 - 2 That George Glinatisis and Brian Troy be appointed as Council's alternate delegates to the Southern Sydney Regional Organisation of Councils (SSROC).
-

Officer Recommendation

- 1 That previous Mayor, Bill Saravinovski, be appointed as Council's delegate to the Southern Sydney Regional Organisation of Councils (SSROC).
 - 2 That George Glinatisis and Brian Troy be appointed as Council's alternate delegates to the Southern Sydney Regional Organisation of Councils (SSROC).
-

Background

Southern Sydney Regional Organisation of Councils (SSROC) is an association of twelve Sydney councils. The role of SSROC is to undertake projects that cross council boundaries achieving results that will contribute to the sustainability of member councils and their communities.

At Bayside Council's meeting held on 12 October 2016, it was resolved:

- 1 *That the Administrator be appointed as Council's delegate to:*
 - *Southern Sydney Regional Organisation of Councils (SSROC)*

However, with the Administrator's increasing number of commitments, it is unrealistic for him to be Council's only delegate for SSROC.

This report examines the roles of the various SSROC committees and proposes a delegate and two alternate delegates to the SSROC. The functions of SSROC and its committees are as follows:

SSROC (Southern Sydney Regional Organisation of Councils)

Membership is two (2) delegates (usually the Mayor and Deputy Mayor) and two (2) alternate delegates from each of the SSROC member Councils. SSROC advocates and lobbies on regional matters in the interests of the 12 Councils in the region. It meets quarterly.

SSROC Program Delivery Committee

Membership is one (1) Councillor and an alternate from each member Council. The areas of responsibility are Asset Management, Public Works, Procurement, Waste Management and SSROC Financial Reports. The Committee meets quarterly.

SSROC Sustainability Program Committee

Membership is one (1) Councillor and an alternate from each member Council. The areas of responsibility are Regional Planning, Environment Management, Transport Planning and Management, and Community Development. The Committee meets quarterly.

It is recommended that Council be represented at the Southern Sydney Regional Organisation of Councils (SSROC) by previous Mayor, Bill Saravinovski, with alternate delegates nominated as George Glinatsis and Brian Troy.

Financial Implications

Included in existing approved budget.

Community Engagement

Not required.

Attachments

Nil

Council Meeting

14/12/2016

Item No	8.13
Subject	Tender - 72 Laycock Street, Bexley North
Report by	Ben Heraud, (Acting) Manager – Property and Venues
File	F16/45

Summary

Council at their meeting of 20 April 2016 considered tender submissions proposing works to, and the subsequent lease of, a Council owned property situated at 72 Laycock Street, Bexley North. At the same meeting, Council resolved to accept the tender proposal submitted by the Order of AHEPA NSW Inc. (AHEPA).

To progress the resolution of Council, advice was sought on whether an amendment was required to the existing Plan of Management based on the lease and intended use. The advice received notes that the Plan of Management will require an amendment to change the categorisation of the site from Sportsground to that of a dual category of Sportsground and Community Use.

Separately, AHEPA has submitted a revised proposal to undertake additional works to the site.

This report addresses both the Plan of Management amendment and the revised proposal.

Council Resolution

Minute 2016/083

Resolved by the Administrator

- 1 That Council, in its capacity as landowner, endorses the revised proposal for works to 72 Laycock Street, Bexley North, as outlined in the attachment to this report.
 - 2 That the endorsement noted in Resolution 1 above, by no means surrenders or fetters Council's independent judgement of any development application submitted for the proposed works.
 - 3 That Council undertakes the process to seek an amendment to the Plan of Management for Community Land 2016 to re-categorise 72 Laycock Street, Bexley North from Sportsground (s36F) to both Sportsground (s36F) and General Community Use (s36I).
 - 4 That the General Manager be authorised to sign any documentation to action the above resolutions.
-

Officer Recommendation

- 1 That Council, in its capacity as landowner, endorses the revised proposal for works to 72 Laycock Street, Bexley North, as outlined in the attachment to this report.

- 2 That the endorsement noted in Resolution 1 above, by no means surrenders or fetters Council's independent judgement of any development application submitted for the proposed works.
 - 3 That Council undertakes the process to seek an amendment to the Plan of Management for Community Land 2016 to re-categorise 72 Laycock Street, Bexley North from Sportsground (s36F) to both Sportsground (s36F) and General Community Use (s36I).
 - 4 That the General Manager be authorised to sign any documentation to action the above resolutions.
-

Background

Council owns the property situated at 72 Laycock Street, Bexley North ('the Site') and the incumbent occupant for the site is the Bexley Bowling and Community Club ('the Club'). The Club occupies the Site by way of an expired licence.

The Community Facilities: Occupancy Renewal Policy, adopted by Council on 21 October 2015, was established to provide an equitable and effective basis for the review of expiring or expired occupancy agreements, for sites occupied by a community group.

Council at its meeting of 2 December 2015 received a report that considered an assessment of the expired licence with the Club, in line with the Community Facilities: Occupancy Renewal Policy, whereby Council resolved to call for tenders for leasing proposals from community organisations.

The results of the tenders received was the subject of a further report submitted to Council on 20 April 2016, where Council resolved:

- 1 *That after consideration of the tenders submitted, and in accordance with Section 178(1) of the Local Government Regulation 2005, Council accept the tender submitted by the Order of AHEPA NSW Inc.*
- 2 *That Council formally write to all other parties who made a tender submission to thank them for their submission and to advise the parties of the decision of Council.*
- 3 *That the Mayor and General Manager be authorised to sign, and seal where required, any documentation required to finalise this matter, subject to Section 47 of the Local Government Act 1993.*

Tender Proposal (Existing) – AHEPA

The proposal submitted by AHEPA by way of tender, as a general description, included:

- Refurbishment of the existing Bowling Club premises.
- Retention of one bowling green to accommodate and continue bowling functions;
- Delivery of at grade parking; and
- Development (within 18 months) of a multi-purpose community centre.

Tabled as Annexure 1 is an extract from the original tender that outlines AHEPA's proposal.

Revised Proposal

AHEPA has submitted a revised proposal, centring on additional works for the site. These works are to better accommodate the functions of the organisation. Tabled as Annexure 2 is the revised proposal submitted by AHEPA, the additional works of which include:

- Extension of the existing building to accommodate offices, seminar rooms and cultural museum;
- Sub-grade parking below the stage 2 multi-purpose community centre.

The revised proposal is to be funded directly by AHEPA, based on the same lease terms as per the original tender submitted.

Council's solicitor advises a revision of the proposal requires formal endorsement by the Council.

Statutory Considerations and Next Steps

Advice was received on the statutory considerations and requirements to finalise a lease over the site, specifically in terms of the existing Plan of Management (required for land Classified as Community).

In summary, the existing Plan of Management over the site categorises the site as Sportsground (s36F). The intended use by AHEPA aligns with both Sportsground (s36F) and General Community Use (s36I). This holds relevance as the proposed use (in terms of a lease) needs to align with the core objectives outlined in s36E to 36N within the Local Government Act.

To this end, Council staff seek to undertake the statutory process to re-categorise the site to be both Sportsground (s36F) and General Community Use (s36I).

The re-categorisation of the site will require public notification, in addition to the public notification required for the proposed lease over Community Land. It is proposed that these will occur concurrently.

Financial Implications

This report does not incur any further financial implications on the Council.

Community Engagement

This report outlines a requirement to undertake community engagement to both advertise the proposed lease to AHEPA and the proposed re-categorisation of 72 Laycock Street to be both Sportsground (s36F) and General Community Use (s36I).

Attachments

- 1 AHEPA Tender Extract
- 2 Revised Proposal

1 CURRENT USE

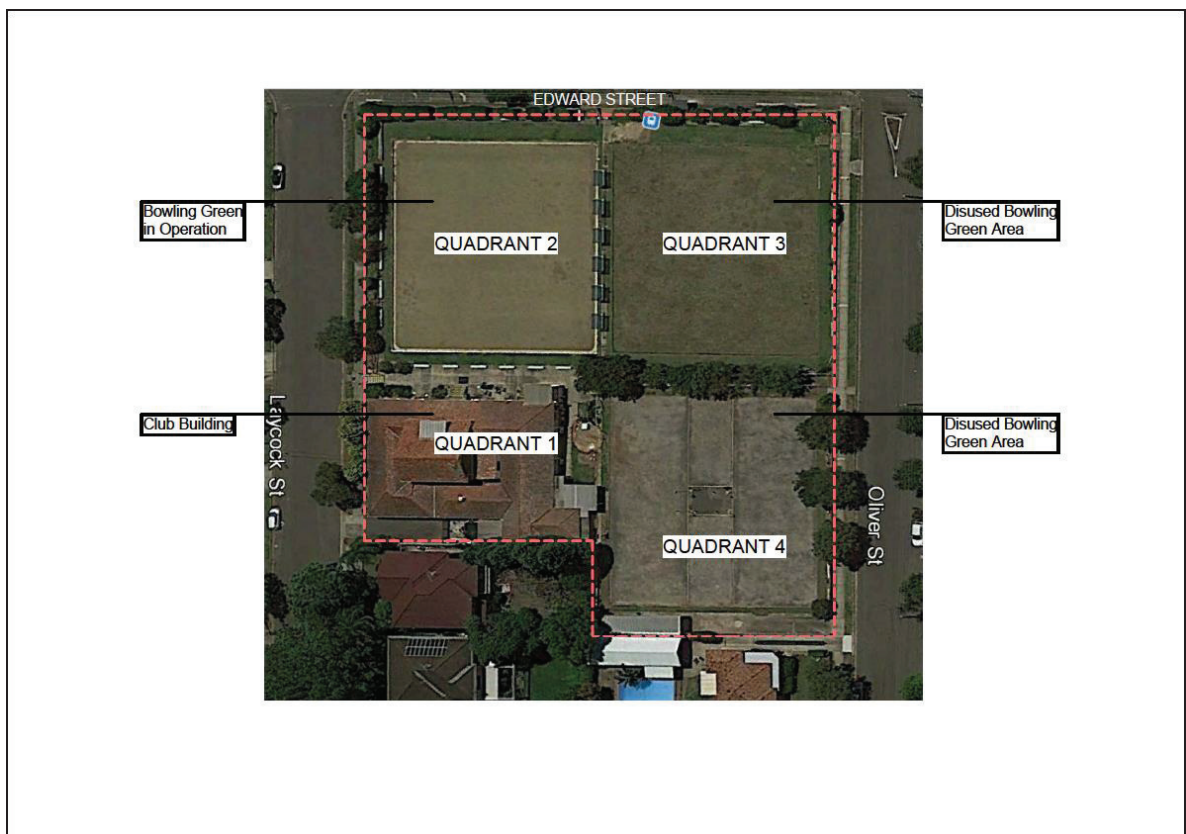
This proposal has been prepared by **ORDER OF AHEPA NSW INC** (AHEPA NSW) and forms part of our submission for Tender F16/45, to Lease property which is owned by Rockdale City Council, at 72 Laycock Street, Bexley North NSW. The site is currently occupied by the Bexley Bowling Club.

The site is approximately 7,200 square metres and is made of 4 quadrants, each capable of accommodating separate activities. Currently on the site is a two storey Building which is being used as a club and three bowling greens, of which, only one is in use.

As it stands currently, our observations are:

1. Quadrant 1 accommodates the Club-building
2. Quadrant 2 is an active bowling-green.
3. Quadrants 3 and 4 are not utilised.
4. There is no parking facilities on the site

Below is an aerial perspective of the plan showing the site in its “current utilisation”.



AERIAL PLAN- CURRENT UTILISATION: 72 Laycock Street, Bexley North NSW

The Building is used by the Bowling club is in need of major refurbishment and repairs as it does not comply with the current Building Code of Australia and National Construction Code under a class 9, building classification .

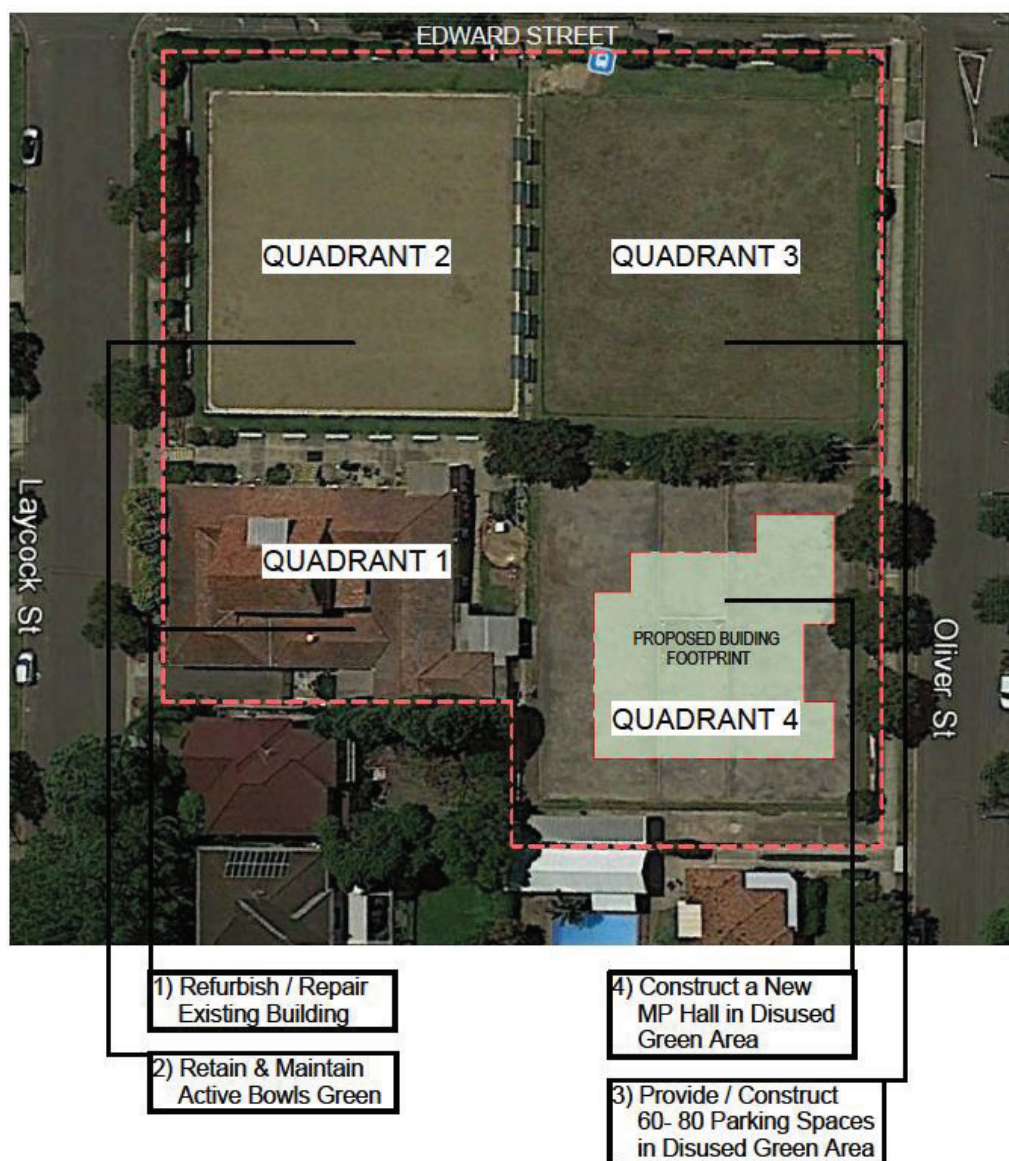
The Bowling-green is occasionally used by the 32 current members of the Bexley Bowling Club.

2 PROPOSAL SUMMARY

AHEPA NSW's Tenderer's Proposal can be summarised as follows:

- 1) Refurbish and Repair the existing Building and infrastructure in Quadrant 1 to achieve compliance with relevant Australian standards applicable for the intended use of the building.
- 2) Retain and maintain the existing active Bowling green in Quadrant 2 for ongoing future use.
- 3) Provide/construct 60 to 80 new off-street parking spaces in Quadrant 3.
- 4) Upon completion of Above Works, AHEPA NSW will submit a DA to Rockdale City Council for the construction of a new "Multipurpose Hall" in Quadrant 4, which will be approximately 1,200 square metres over 2 levels.

A simplified pictorial representation of the **PROPOSED USES** is shown below:



PROPOSED MASTERPLAN: 72 Laycock Street, Bexley North NSW

3 PROPOSAL DETAILS

3.1 REFURBISHMENT OF EXISTING BUILDING

AHEPA NSW will commit to invest approximately \$950,000 to refurbish and repair the current building and infrastructure on the site.

Extensive repairs will be carried out to the ground and first floors of the existing to ensure that the building will comply with all relevant Australian standards and legislation. The building details are itemised and costed in "Schedule 5: Itemised Works and Costings".

In brief, the main fabric of the building will need to be repaired renovated and upgraded to achieve required compliance, improve the quality of the building and enhance amenity to its occupiers and users. This will include:

- Ceilings
- Walls
- Floors
- Windows
- Doors
- Existing services and fixtures

We are planning to create a new coffee shop/cafe with a separate small kitchen in the section of the ground floor which overlooks the bowling-green currently in use. New windows will be installed to fully capture the view.

The main function room on the adjacent side of the ground floor will also be upgraded and modernised and a commercial-grade kitchen will be installed to cater for the needs of its users. It is anticipated that this will have the capacity for approximately 250 people.

Particular attention will be paid to the air conditioning, ventilation, lighting and audio-visual services throughout the building.

The bar area will be upgraded and modernised and all of the amenity rooms will be extensively renovated to a high standard of service and finishes.

It is envisaged that a new lift will be installed to serve the first floor which in turn will be refurbished to a high standard and used as offices and an administration area.

Once the repairs/refurbishments are completed, the building will be professionally managed and maintained to ensure that the building, furnishings and all services are kept in top condition at all times.

We believe that in carrying out these extensive works we will certainly be satisfying/exceeding the Council's minimum tender requirements of: "Asset refurbishment works to the existing building improvements at no cost to Council, and compliance with BCA for permitted use under the Lease, and maintenance during the term of the Lease"

3.2 BOWLING GREEN

The existing "active" Bowling-Green in Quadrant 2 (the only one currently in use) will be retained and will continue to operate. AHEPA NSW will maintain the Green which currently appears to be in good condition. This be undertaken in a professional manner and in accordance with the recommended practices and guidelines of "Bowls Australia".

We believe there are 32 current members in the Bexley Bowling Club and AHEPA has a number of member Bowlers who will also be using the facilities. The service will be promoted to the local community to invite increase patronage.

Bowling is a low-impact exercise which can increase the fitness and physical coordination of players. It contributes to enhancing a person's physical and mental wellbeing; and because of its relaxed nature and light activity requirements it is a popular sport especially amongst older people. It can also offer potential therapeutic benefits.

Although there has been a significant decrease in the number of operational Bowling clubs in Sydney in recent years, AHEPA NSW will continue to operate the Bowling-Green and properly maintain it in the future for the benefit of the local Bexley and Rockdale communities.

3.3 OFF-STREET CAR PARKING

As noted above, the site currently does not offer any off-street parking.

The need for adequate parking is of paramount significance and is obviously a major consideration when buying or leasing any site. The significance of providing parking can't be stressed enough.

We observe that people are using their cars more frequently, even for the shortest trips and a lack of parking facilities causes stress, inconvenience and generally has an adverse effect on our community's well-being.

AHEPA NSW proposes to create a parking lot with approximately 60-80 parking spaces by converting the currently disused Bowling-green in Quadrant 3. The space is currently abandoned and it is totally unused and therefore presents an excellent opportunity to achieve more effective utilisation.

With professional planning and construction in terms of surface construction, drainage, access, acoustic screening and lighting, the area can be transformed into a very efficient parking lot which will have no negative effects to the surrounding area and obviously significant benefits for the occupiers and users of the site.

In brief, a sealed driveway will provide access to the 60 to 80 parking spaces which will be created on an unsealed surface of gravel /bluestone or similar bed.

Appropriate stormwater/surface water drainage facilities will be provided as required.

A row of carefully selected trees will be planted along the Oliver Street boundary which will aid to the acoustic comfort of the residents.

The ingress/egress driveway location will be selected based on a traffic study.

3.4 MULTI-PURPOSE COMMUNITY RECREATION & FUNCTION HALL

Once the building renovation and parking facilities have been completed AHEPA NSW will prepare and submit to Rockdale Council a Development Application for the construction of a Multipurpose Community Recreation and Function Hall on the site. It is proposed that the new hall is built on the second disused Bowling-Green in Quadrant 4.

Subject to Council Approval, AHEPA NSW will be investing between \$3M and \$4M for the construction of the new hall which will be approximately 1,200 sqm in total area. The proposed building will have two floors (ground and first floor).

A concept depicting how the site is **now** and is **envisaged** to be is shown below.



BEFORE



AFTER

CONCEPT PLAN



The final design and capacity of the Hall will be finalised closer the time. At this point, we anticipate that it will comprise the following:

- Reception Area / Administration Office(s)
- Disabled Access and circulation / seating area
- Main Hall Area for sport and social uses
- Stage area
- Spectator seating integrated into one wall
- Canteen, food and drink dispensing
- A minimum of 4 community rooms (2 small and 2 large)
- Gymnasium
- Showers and toilets with disabled provisions
- Locker room, store room and cleaner's store room
- First Aid room

The new multipurpose community recreation and function hall will be a quality building, architecturally designed, built to last, well maintained and a pleasure to use.

It will be professionally managed and will provide the local community with a modern social, sports and recreational facility for many-many years into the future. It will cater for the needs of the various community groups of all ages and interests.

We believe that the construction of such a facility is directly related to, and compatible with, the mandate of the Council in providing a high level of services to the community and manage its assets in a manner that will return positive tangible benefits to its residents.

Following are a selection of preliminary concept plans and perspectives for the proposed multipurpose hall which include the surrounding spaces and existing buildings.





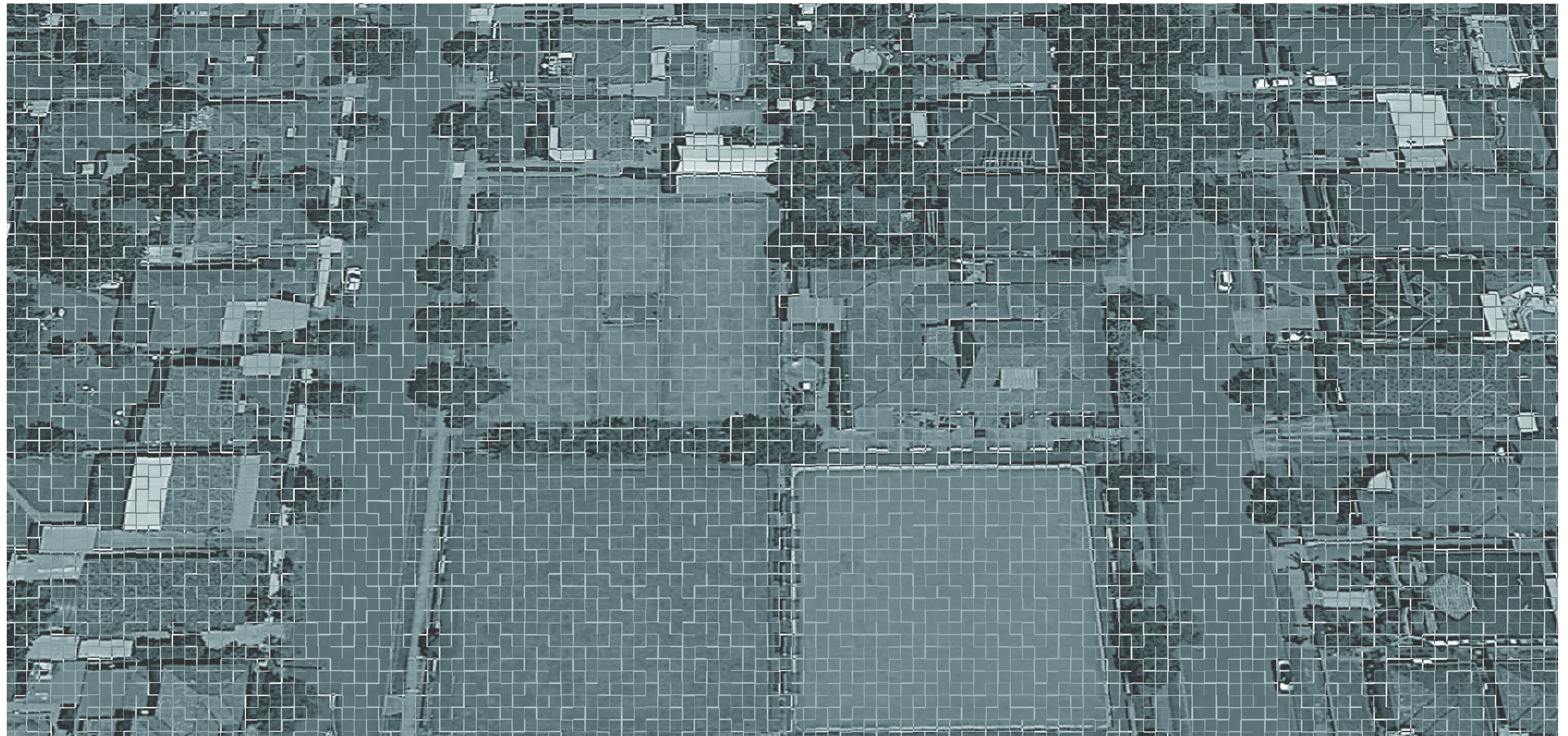
72 Laycock Street, Bexley North, NSW - AHEPA NSW Inc

PROPOSED MULTIPURPOSE HALL CONCEPT DRAWING

katis architects pty ltd
Level 1, 33 Liverpool Road, Concord NSW 2137
PO Box 403 Burswood NSW 1505
02 97 29 300 02 97 29 300
www.katis.com.au



P 02 97 29 300
F 02 97 29 300
www.katis.com.au



Bexley Bowling & Recreation Club

Laycock Street, Bexley North

Design Proposal

September 2016

KATRIS ARCHITECTS



QUADRANT 2

Retain and maintain active
Bowls green.

QUADRANT 3

Provide a 60 - 80 car space
parking area.

QUADRANT 1

Add an additional level and
refurbish existing building.
Approx. 400m² in floor area depending
on structural constraints.

QUADRANT 4

Construct a new MP hall
in disused green area. Including a lower
ground carpark below proposed hall.



Detail Plan A

PROPOSED USES FOR FIRST FLOOR LEVEL:

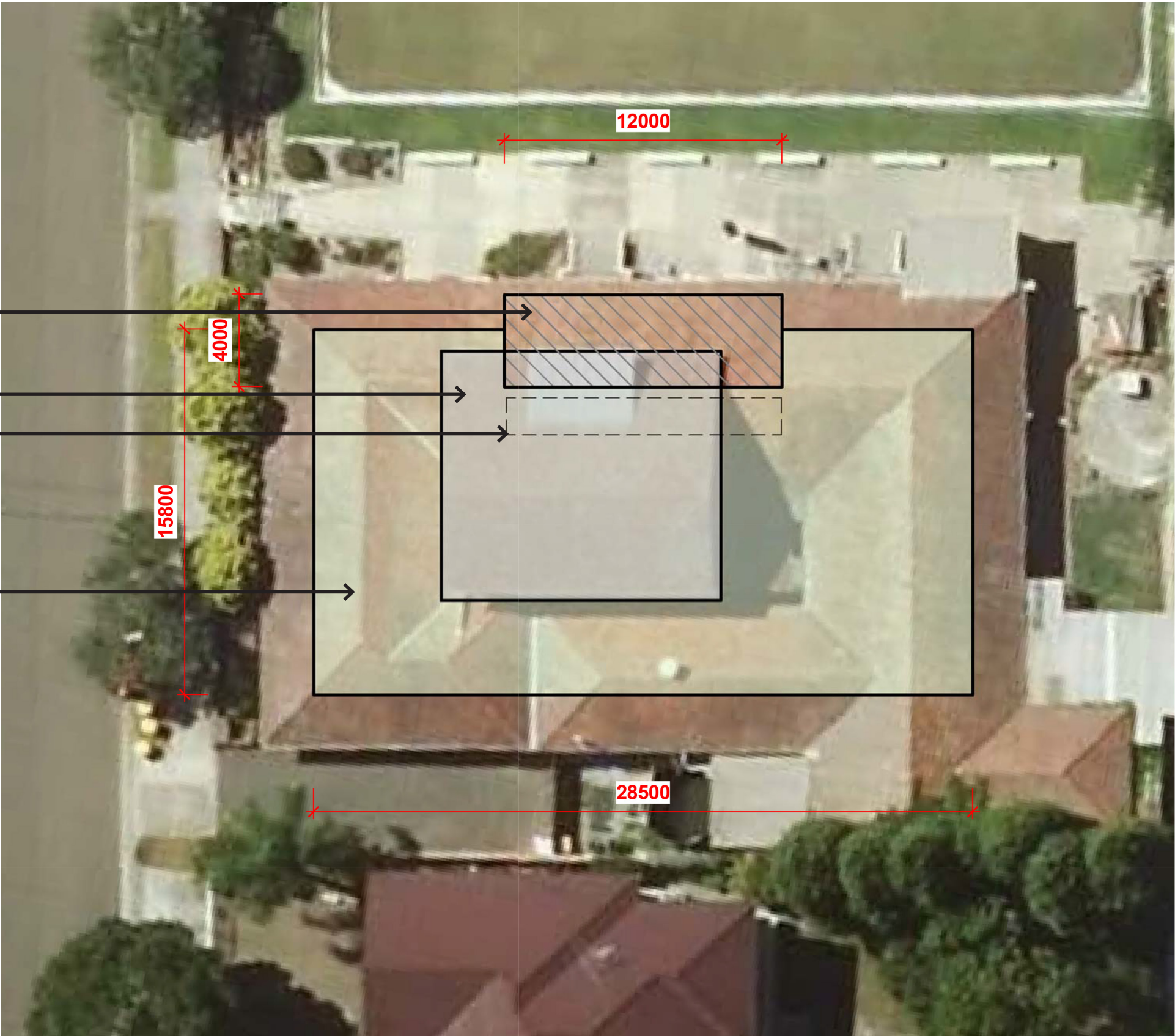
- Disabled lift and access to first floor
- Offices for organisation
- Lecture and seminar room(s)
- Historical cultural museum
- Conference and meeting room(s)
- Outdoor balcony
- Area for cultural / ethnic activities

Balcony area approximately 45m²

Existing upper first floor area
approximately 130m²

Skylight overhead

Proposed upper first floor area
excluding the balcony approxi-
mately 400m² in floor area de-
pending on structural constraints



NOTE: The original ground floor proposal will be implemented and will ensure community access / use and activities. It will also include an exhibition wall for the historical chattels for the Bexley Bowling Club.

The actual sizes of the extension on the first floor will depend on the following:

- The adequacy of the existing structure on the ground floor
- The merit based assessment for all the DA stages



Existing Site



Proposed Stage I (Extension to first floor and lower ground parking below new MP hall)

Bexley Bowling & Recreation Club Concept Design Photomontage



Lower Ground Parking Entry

Extension to First Floor

Proposed Stage 1 & 2

Photomontage



Proposed Stage I

Bexley Bowling & Recreation Club Concept Design Drawing



Proposed Stage 2

Proposed Multipurpose Hall Concept Design Drawing





Council Meeting

14/12/2016

Item No	9.1
Subject	Independent Hearing and Assessment Panel for Bayside Council
Report by	Michael McCabe, Acting Director – City Planning & Development
File	(R) F14/64 & (B) S16/168

Summary

At the 12 October 2016 Council meeting the decision to establish an Independent Hearing and Assessment Panel (IHAP) was deferred so that further information could be provided (refer Annexure 1).

A presentation by Peter Brennan – Independent Town Planner on the relative merits of an IHAP was provided to the Local Representation Committee on 2 November.

The presentation included a pros and cons analysis of an IHAP (refer Annexure 2)

Feedback from the Local Representation Committee has resulted in some amendments (tracked changes) to the IHAP Charter (refer Annexure 3). The changes address membership, appointment of the Chairperson and the IHAP's role in relation to Planning Proposals.

This report recommends that an IHAP be established for the Bayside Council based on the amended Charter and that the performance of the IHAP is to be routinely reported back to Council.

Council Resolution

Minute 2016/084

Resolved by the Administrator

- 1 That an Independent Hearing and Assessment Panel be established for the Bayside Council.
- 2 That the Charter dated 7 December for the Bayside Council Independent Hearing and Assessment Panel appended to the report be adopted.
- 3 That the General Manager, in consultation with the Administrator appoint three (3) Independent Hearing and Assessment Panel professional members and seek expressions of interest for a 'pool' of five (5) community representatives (one from each Ward of the Council) to represent the community on the Independent Hearing and Assessment Panel.
- 4 That the current delegations and sub-delegations for development assessment determinations, planning proposals and voluntary planning agreements for Bayside Council be modified by the General Manager to reflect this report and the Charter of the Independent Hearing and Assessment Panel.

That the performance of the Independent Hearing and Assessment Panel, including the surveying participants, is to be reported back to Council on a minimum six (6) monthly basis.

- 5 That in the Charter of the Bayside Council Independent Hearing and Assessment Panel:
 - a Paragraph 6.3 (i) is to be amended to read as follows:

“ The Bayside Independent Hearing and Assessment Panel meeting is a public meeting. The meeting will be held on a monthly basis or more often at the discretion of the General Manager and at a time of day that respects the ability of the public to attend.”
 - b The following wording is to be added to the end of Paragraph 6.7:

“ Council also reserves the right to seek an independent review of the Independent Hearing and Assessment Panels at its discretion.”
-

Officer Recommendation

- 1 That an Independent Hearing and Assessment Panel be established for the Bayside Council.
 - 2 That the Charter dated 7 December for the Bayside Council Independent Hearing and Assessment Panel appended to the report be adopted.
 - 3 That the General Manager, in consultation with the Administrator appoint three (3) Independent Hearing and Assessment Panel professional members and seek expressions of interest for a ‘pool’ of five (5) community representatives (one from each Ward of the Council) to represent the community on the Independent Hearing and Assessment Panel.
 - 4 That the current delegations and sub-delegations for development assessment determinations, planning proposals and voluntary planning agreements for Bayside Council be modified by the General Manager to reflect this report and the Charter of the Independent Hearing and Assessment Panel.
 - 5 That the performance of the Independent Hearing and Assessment Panel, including the surveying participants, is to be reported back to Council on a minimum six (6) monthly basis.
-

Background

The Council report item 9.1 dated 12 October 2016 (refer Annexure 1) is relied upon for background information.

Feedback from the Local Representation Committee meeting dated 2 November has resulted in some amendments (tracked changes) to the IHAP Charter (refer Annexure 3).

The changes address:

- membership of the panel increasing to 5 members due to the number of community members increasing from 1 to 2;

- the appointment of a chairperson; and
 - recommendation powers only for the IHAP in regard to Planning Proposals received by Council.
-

Financial Implications

Additional funds will be required above the current budget as the Independent Hearing and Assessment Panel has not been specifically budgeted for.

The General Manager will be responsible for determining the remuneration of the members of the Panel.

Community Engagement

It is recommended that the General Manager implement an Expression of Interest process for one community member from each Ward of the City to be a member of the Independent Hearing and Assessment Panel.

Attachments

Annexure 1 - Council report item 9.1 dated 12 October 2016

Annexure 2 - Pros and Cons analysis of an IHAP

Annexure 3 - Charter of the Bayside Council Independent Hearing and Assessment Panel dated 7 December 2016

Council Meeting

12/10/2016

Item No	9.1
Subject	Independent Hearing and Assessment Panel for Bayside Council
Report by	Anthony Newland, Manager Statutory Planning (Mascot) Luis Melim, Manager Development Services (Rockdale)
File	(R) F14/64 & (B) S16/168

Summary

An Independent Hearing and Assessment Panel (IHAP) is an expert panel of development professionals who determine development applications, particularly those applications which are larger and more complex and/or attract considerable community attention. An Independent Hearing and Assessment Panel consists of qualified industry professionals including persons from the fields of urban planning, urban design, the legal profession, architecture, environmental science and the like. Independent Hearing and Assessment Panels may also have community representatives.

The independence and expertise of the Panel members is acknowledged as creating greater integrity in decision making (through transparency and public confidence) and can also have benefits in efficiency in decision making.

The purpose of this report is to:

- 1 Outline the role and function of an Independent Hearing and Assessment Panel and the proposal to establish an Independent Hearing and Assessment Panel for the Bayside Council;
- 2 Outline the proposed Charter of the Bayside Independent Hearing and Assessment Panel, including rules of operation and Code of Conduct;
- 3 Outline which applications are to be referred to the Independent Hearing and Assessment Panel for determination;
- 4 Outline the delegations of the Bayside Independent Hearing and Assessment Panel to determine applications, and
- 5 Outline how the applicant and the community interact with the Independent Hearing and Assessment Panel and have the ability to represent their interests within the Independent Hearing and Assessment Panel process.

Note: Independent Hearing and Assessment Panel's have been well documented by NSW local government and it is acknowledged that this report draws closely on the currently established Independent Hearing and Assessment Panel Charters of Georges River and Wollongong Council's as effective models.

Council Resolution

Resolved by the Administrator:

- 1 That this item be deferred for one month so that further information can be provided in the report.
 - 2 That a presentation, by an expert, on the relative merits of an Independent Hearing and Assessment Panel be provided to the November meeting of the Local Representation Committee.
 - 3 That feedback on the presentation to the Local Representation Committee be provided to the subsequent Council meeting.
-

Officer Recommendation

- 1 That an Independent Hearing and Assessment Panel be established for the Bayside Council.
 - 2 That the Charter for the Bayside Council Independent Hearing and Assessment Panel appended to the report be adopted.
 - 3 That the General Manager, in consultation with the Administrator appoint three (3) Independent Hearing and Assessment Panel professional members and seek expressions of interest for a 'pool' of five (5) community representatives (one from each Ward of the Council) to represent the community on the Independent Hearing and Assessment Panel.
 - 4 That the current delegations and sub-delegations for development assessment determinations, planning proposals and voluntary planning agreements for Bayside Council be modified by the General Manager to reflect this report and the Charter of the Independent Hearing and Assessment Panel.
-

Background

An Independent Hearing and Assessment Panel is an expert panel of development professionals who determine development applications, particularly those applications which are larger and more complex and/or attract considerable community attention. The Independent Hearing and Assessment Panel consists of qualified industry professionals including persons from the fields of urban planning, urban design, the legal profession, architecture, environmental science and the like. Independent Hearing and Assessment Panels may also have community representatives.

Independent Hearing and Assessment Panels have been established at a number of NSW Council's for several years, including Liverpool, Lane Cove, Wollongong, Sutherland, Mosman, Warringah and Waverley. An Independent Hearing and Assessment Panel is considered industry best practice as it assists in providing transparency, confidence, integrity, professional (expert) advice and community input into the development assessment process, particularly for larger, more complex and potentially contentious development applications.

The Department of Planning and Environment have noted in their publication “Guidance for merged councils on planning functions, May 2016” that merged councils consider establishing an Independent Hearing and Assessment Panel.

The Independent Commission Against Corruption has recommended on a number of occasions to various Council’s and in various reports that Council’s consider measures to increase transparency in decision making and reduce opportunities for corruption, including the voluntary use of Independent Hearing and Assessment Panels.

Benefits of Independent Hearing and Assessment Panels

Acknowledged and potential benefits include:

- Removing much of the perception of decision making on political grounds, with emphasis on professional opinion and application merit;
- Increasing transparency and probity in decision making, thus bettering community and industry perception;
- Providing an avenue for applicants and the community to engage with the panel decision makers in a facilitated, but less formal manner than a Council meeting;
- Encouraging development of the City through an applicant’s knowledge that they will get a fair hearing at Bayside;
- Strengthening the Council’s case where a matter proceeds to the NSW Land and Environment Court, and
- Further peer review of the assessment work put forward by the Council’s professional staff (this is of benefit to staff accountability, staff professional development and the community perception of the decision making process).

Decision making role of an Independent Hearing and Assessment Panel – review only or determinative?

The role of an Independent Hearing and Assessment Panel does vary between Councils. For example an Independent Hearing and Assessment Panel can review development matters and provide recommendations to the Council or Council committee, or the Independent Hearing and Assessment Panel can exercise the full delegation of the Council under section 377 of the Local Government Act 1993.

It is proposed that the Bayside Independent Hearing and Assessment Panel exercise the full delegation of the Council under section 377 of the Local Government Act 1993 for the matters which are referred to it. These matters are outlined below under “Matters to be referred to the Independent Hearing and Assessment Panel”.

If the Independent Hearing and Assessment Panel is a recommendation body only, the strong potential exists for the Independent Hearing and Assessment Panel to become another ‘process step’ in assessing development, which will add more time to the overall assessment, and will not meet the primary goal of the Independent Hearing and Assessment

Panel, which is to provide increased transparency and probity in decision making and take some of the politics out of development assessment and land use planning.

Matters to be referred to the Independent Hearing and Assessment Panel

It is recommended that applications which must be referred to the Bayside Independent Hearing and Assessment Panel include:

- any Planning Proposals received by Council; or
- any application where an offer of a voluntary planning agreement has been made to the Council; or
- any matter where the applicant or owner is a member of staff, Councillor, State of Federal Member of Parliament; or
- any application where the applicant or owner is the Council, or where the Council holds a commercial interest or recent commercial interest in the land, and the application has an estimated cost of development of more than \$1 million; or
- any application where a clause 4.6 variation is submitted to vary an LEP development standard by 10% or more; or
- an application where five (5) or more objections have been received that are considered valid and that cannot be resolved through the imposition of appropriate conditions, or any application where there is a significant level of community objection; or
- an application which involves the demolition of a heritage item, a contributory building within a Heritage Conservation Area or any application which invokes the heritage incentives provisions within the LEP; or
- any application which the General Manager or Director of Planning (or equivalent) considers should be considered and determined by the Independent Hearing and Assessment Panel.

Note: In relation to objections, pro-forma letters, petitions or multiple letters from a single address are counted as one objection.

Proposed Members of an Independent Hearing and Assessment Panel

The proposed Charter of the Bayside Independent Hearing and Assessment Panel attached to this report outlines matters such as the functions of the Independent Hearing and Assessment Panel, membership, appointment of members, requirements for a quorum, term of membership, voting rights and other administrative matters such as obligations of members. For ease of reference the Charter also include the Independent Hearing and Assessment Panel Code of Conduct.

The Bayside Independent Hearing and Assessment Panel is proposed to have the following membership (not dissimilar to other Independent Hearing and Assessment Panels in Sydney):

- A total of four (4) members – three (3) of whom could comprise any of the following professionals with relevant qualifications and experience, such as a lawyer, urban

designer, town planner; and one (1) community member, drawn from a 'pool' of five (5) community representatives – one from each Ward of the LGA.

- A two (2) year service period (with option to extend for a further 2 years);
- The lawyer as the Chairperson;
- A minimum of three (3) Independent Hearing and Assessment Panel members to form a quorum;
- The chairperson has the 'casting vote' if votes are tied; and
- Meetings are open to the public (although the Independent Hearing and Assessment Panel will have discretion to close part of the meeting in order to protect commercial information or to deliberate after public representations have been made by the applicant and interested residents).
- Site inspections by the Independent Hearing and Assessment Panel are undertaken as a group, not individually.

Applicant and community involvement in the Independent Hearing and Assessment Panel

Applicant and community involvement in the Bayside Independent Hearing and Assessment Panel is discussed in more detail in the draft Charter (see attachment).

It is intended that Panel would engage with the applicant or representative and the community not unlike the Council meeting process, albeit with less formality. In short the engagement would work as follows.

- Panel meeting Agenda's will be made available on the Council website at least five calendar (5) days prior to the meeting.
- Generally any person wishing to address the panel is to register at least 24 hours prior to the meeting.
- The applicant or their representative or a person who has made a written submission to an application is eligible to speak to the Panel, and should keep to the timeframe allotted by the Chairperson.
- Minutes of the Panel will be made available on the Council website as soon as practicable.

Independent Hearing and Assessment Panel Charter & Code of Conduct

The Independent Hearing and Assessment Panel Charter in draft form includes the various matters/provisions within this report and also includes a Code of Conduct (Code). The Code is based on the Model Code of Conduct and the Code of Conduct for members of Joint Regional Planning Panels.

Financial Implications

Additional funds will be required above the current budget as the Independent Hearing and Assessment Panel has not been specifically budgeted for.

The General Manager will be responsible for determining the remuneration of the members of the Panel.

Community Engagement

It is recommended that the General Manager implement an Expression of Interest process for one community member from each Ward of the City to be a member of the Independent Hearing and Assessment Panel.

Attachments

Draft Charter of the Bayside Council Independent Hearing and Assessment Panel

Independent Hearing and Assessment Panel for Bayside Council Peter Brennan - Town Planner - 31/10/2016

The Bayside Council is considering a report recommending the establishment of an Independent Hearing and Assessment Panel (IHAP). It is proposed that the Independent Hearing and Assessment Panel would have delegated authority to determine development applications, particularly those applications which are larger and more complex and/or attract considerable community attention.

The Independent Hearing and Assessment Panel consists of qualified industry professionals including persons from the fields of urban planning, urban design, the legal profession, architecture, heritage, environmental science, social planning and the like. Independent Hearing and Assessment Panels may also have community representatives.

Independent Hearing and Assessment Panels have operated in NSW over the past 20 years since the establishment of the first Panel by Liverpool City Council in 1997. Soon after Panels were established at Fairfield, Warringah and Sutherland Councils and later on at a number of other Councils.

These Panels were initially established in an advisory capacity only (i.e. no determinative powers) and provide independent assessment and recommendation to the Council on various types of development applications.

There was some concern that Independent Hearing and Assessment Panels performing an advisory role were not providing substantial or measurable improved development outcomes or efficiencies in the development assessment process and were merely adding another layer in the approval process.

Over the past 5 years, a number of Councils, including Mosman, Manly, Lane Cove North Sydney, Waverley, and Leichardt have established Independent Hearing and Assessment Panels with delegated authority to determine a range of development application. More recently IHAPs with determinative powers have also been established at a number of newly formed Councils including Cumberland, Northern Beaches, Georges River and Inner West. Parramatta City Council has also recently established an IHAP with determinative powers.

Pros of introducing Independent Hearing and Assessment Panels

- Planning panels, by including a broad selection of experts would be in a better position to make the right decision than Councillors who are not familiar with the detail of environmental planning controls. Independent planning panels are less adversarial than politically charged council chambers. (LGI-Allen Report 2006)
- There would be a clear separation between Councillors, who set planning policies, and the independent panel, who ensure that the policies are implemented. The chances of conflicts of interest would significantly be reduced. (LGI-Allen Report 2006)
- It would remove lobbying on DA related matters
- It would allow Council to focus greater attention and interest on strategic development controls and plans which would result in clearer and more coherent controls
- Removing much of the perception of decision making on political grounds, with emphasis on professional opinion and application merit (Bayside October 2016)
- It would maintain community input in the DA assessment process by incorporating community representation on the panel
- Increasing transparency and probity in decision making, thus bettering community and industry perception (Bayside October 2016)
- Providing an avenue for applicants and the community to engage with the panel decision makers in a facilitated, but less formal manner than a Council meeting (Bayside October 2016)
- Encouraging development of the City through an applicant's knowledge that they will get a fair hearing at Bayside (Bayside October 2016)
- Strengthening the Council's case where a matter proceeds to the NSW Land and Environment Court, (Bayside 2016)
- It may result in decreased appeals to the Land and environment Court along with decreased related costs
- Further peer review of the assessment work put forward by the Council's professional staff (this is of benefit to staff accountability, staff professional development and the community perception of the decision making process) (Bayside October 2016)
- It could be implemented as a trial, which would allow refinement and be the subject of review.
- It is reversible. The Panel can be dissolved or delegations amended or revoked by the Council.

Cons of introducing Independent Hearing and Assessment Panels

- Would weaken local democratic accountability since the involvement of Councillors would be removed. Local/community input into local planning decisions might be reduced. (LGI-Allen Report 2006)
- Reduced opportunity for Councillors as the elected members to represent the interest of residents and ratepayers.
- There remains a potential for corruption with professional members (architects, urban planners etc) dependent for work on the development industry. Corruption risks would be transferred rather than eliminated. (LGI-Allen report 2006)
- A perception by the community (both applicants and objectors) that the Panel would merely 'rubber stamp' the recommendations of the Council officers.
- Would increase bureaucracy and cost since panel members would need to be paid. Cost estimate approx. \$120,000 to \$150,000 a year.

Charter Independent Hearing and Assessment Panel

DRAFT 7 December 2016

Deleted: 12 October



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Charter Bayside Independent Hearing and Assessment Panel

File: F14/64 Document: 16/120591

Adopted:

Class of document: Council Policy

Enquiries: Governance/Development Services

Charter Bayside Independent Hearing and Assessment Panel

2

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1 Aim of the Bayside Independent Hearing and Assessment Panel

The Bayside Independent Hearing and Assessment Panel (the Panel) was formed by resolution of the Council on October 12, 2016. The aim of the Bayside Independent Hearing and Assessment Panel is to provide greater transparency, probity and public confidence in the decision making process for development applications, by using an independent panel of industry related professionals and community representatives.

2 Functions of the Bayside Independent Hearing and Assessment Panel

The functions of the Bayside Independent Hearing and Assessment Panel are to:

- i. Determine development applications, modifications of applications and reviews of development applications, except as limited by Section 377 of the Local Government Act 1993, on behalf of and in accordance with the delegations given by the Council;
- ii. Make recommendations only in regard to any Planning Proposals received by Council;
- iii. Provide an independent and open forum for the community, applicants and interested persons to make submissions to and express their views on applications before the Panel;
- iv. Support the development, urban design and community outcomes consistent with the relevant planning legislation, local development, strategic planning and place making controls.

3 Matters to be referred to the Bayside Independent Hearing and Assessment Panel

Applications which must be referred to the Bayside Independent Hearing and Assessment Panel include:

- i. Any Planning Proposals received by the Council; or
- ii. Any application where an offer of a voluntary planning agreement has been made to the Council, or
- iii. Any matter where the applicant or owner is a member of staff, Councillor, Administrator, State or Federal Member of Parliament; or
- iv. Any application where the applicant or owner is the Council, or where the Council holds a commercial interest or recent commercial interest in the land, and the application has an estimated cost of development of more than \$1 million; or
- v. Any application where a clause 4.6 variation is submitted to vary an LEP development standard by 10% or more, or
- vi. An application where five (5) or more objections have been received that are considered valid and that cannot be resolved through the imposition of appropriate conditions, or any application where there is a significant level of community objection, or

- vii. An application which involves the demolition of a heritage item, a contributory building within a Heritage Conservation Area or any application which invokes the heritage incentives provisions within the LEP; or
- viii. Any application which the General Manager or Director Planning (or equivalent) considers should be considered and determined by the Bayside Independent Hearing and Assessment Panel.

Note: In relation to objections, multiple letters from a single address will be counted as one objection.

4 Constitution of the Bayside Independent Hearing and Assessment Panel

4.1 Members

The Bayside Independent Hearing and Assessment Panel is a body constituted for the purpose of the delegation of functions by the Council under Section 377 of the Local Government Act and consists of the following members.

- i. A total of four (5) members – three (3) of whom would comprise any of the following professionals with relevant qualifications and experience, such as a lawyer, urban designer, town planner; and two (2) community members, drawn from a 'pool' of five (5) community representatives – one from each Ward of the LGA.
- ii. A lawyer who is currently admitted to practice law in NSW as a Barrister or Solicitor; or non-lawyers with significant levels of experience such as retired Land and Environment Court Commissioners; and
- iii. A professional expert with a University degree in urban design or architecture; and
- iv. A professional expert with a University degree in town/urban planning.

The Chairperson may request that one (1) additional community representative from the pool of community members, be available, to attend meetings for controversial or significant items.

4.2 Appointment

Members of the Bayside Independent Hearing and Assessment Panel will be appointed by the General Manager by a Memorandum of Understanding signed by each member and the General Manager.

4.3 Term

The term of the members of Bayside Independent Hearing and Assessment Panel as appointed by the General Manager will be for a period of two (2) years with an option to extend the term for a further two (2) years, at the discretion of the General Manager.

4.4 Remuneration

A member or an alternate member will be paid such remuneration as the General Manager will from time to time determine in respect of the member.

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4.5 Chairperson

The Chairperson of the Bayside Independent Hearing and Assessment Panel will be appointed from the panel members. The Chairperson must hold a professional discipline as outlined in 4.1 and be able to continually demonstrate qualities, skills and knowledge that are characteristic of an effective chairperson. Should the Chairperson not be present / available for a meeting the members attending will elect a Chairperson.

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4.6 Alternate members

The General Manager may, from time to time, appoint a person or a pool of persons to be alternate members, and may revoke any such appointment. While acting in place of a member, the alternate member has all the functions and obligations of the member and is taken to be a member.

4.7 Vacancies

A members position will become vacant if the members dies, completes a term of office, resigns in writing to the General Manager, or is removed from the position (notice or reason of the removal of the member is not required to be given by the General Manager).

4.8 Quorum

A minimum of three Independent Hearing and Assessment Panel members will form a quorum for a meeting.

5 Bayside Independent Hearing and Assessment Panel members obligations

All Bayside Independent Hearing and Assessment Panel members are required to meet the following obligations.

- i. All provisions of this Charter and the Council's Code of Conduct.
- ii. (Except as required to properly perform their duties) member/s must not disclose any confidential information (as advised by the Council) obtained in connection with the functions.
- iii. Members will not make verbal or written statements of any description to any media or social media network, group or platform or to any person associated with such organisations, in connection with any work undertaken relating to the members functions.
- iv. Members may communicate with the General Manager, Director Planning (or equivalent) and the Manager Development Services or Manager Strategic Planning (or equivalent) or other officers as nominated by the General Manager.
- v. Members must not approach or communicate with an applicant or a person representing an applicant, or a Councillor/Administrator, except during the course of a Panel meeting where the particular application concerned forms part of the agenda and the applicant/representative/Councillor/Administrator has a right to be heard by the Panel.

- vi. To act in the best interests of the Bayside Council and its community.
- vii. To take into account any relevant planning legislation, local development, strategic planning and place making controls, and to comply with statutory provisions, particularly the Local Government Act 1993 and Environmental Planning and Assessment Act 1979.
- viii. To attend all meetings reasonably required by the General Manager.
- ix. To have read and be familiar with the documents provided by Council prior to attending an Bayside Independent Hearing and Assessment Panel meeting.
- x. The relationship between the Council and the Bayside Independent Hearing and Assessment Panel members is that of a client and independent contractor, and nothing will be taken as constituting the Bayside Independent Hearing and Assessment Panel member/s or any of their employees as an employee or servant of the Council.
- xi. Nothing causes the Bayside Independent Hearing and Assessment Panel members or any of their employees or agents to be the legal representative, agent, joint venturer or partner of the Council; or to have authority to assume or create any obligations of any kind or to make any representations or warranties on behalf of the Council or to bind the Council in any respect (unless exercising its delegations in the determination of development applications).

6 Meeting processes

6.1 Meeting notification and registering to address the Panel

- i. Bayside Independent Hearing and Assessment Panel meeting agendas will be made available to the Panel members in soft copy at least five calendar (5) days prior to the meeting, and will be available on the Council website at least five calendar (5) days prior to the meeting.
- ii. The applicant or their representative or a person who has made a written submission to an application is eligible to speak to the Panel. Any person wishing to address the Panel is to register through the "Community Access – Request to Speak" registration process, with Council by midday the day before the meeting.

6.2 Site inspections by the Panel

- i. Site inspections will be held where possible on the day of the meeting, in respect of each matter to go before the Panel. Site inspections will be held collectively as a Panel and may be accompanied by relevant senior staff of the Council.
- ii. The site inspection will be under the control of the Chairperson and will not be used as a platform for lobbying by the applicant and /or objector.
- iii. Adjoining and/or affected properties will be visited by the Panel if the objector has first registered their interest for an inspection or if the Panel otherwise agrees to do so at its discretion. It is not a requirement for the Panel to visit an objector's property to complete its assessment.

- iv. The Chairperson will call for declarations of pecuniary or non-pecuniary interests from members of the Panel that may prevent them from participating in or considering any particular item on the agenda. If the member so declares an interest they will take no part in the site inspection or the Panel meeting in relation to that item.

6.3 Bayside Independent Hearing and Assessment Panel public meeting

- i. The Bayside Independent Hearing and Assessment Panel meeting is a public meeting. The meeting will be held on a monthly basis or more often at the discretion of the General Manager.
- ii. However, the Bayside Independent Hearing and Assessment Panel may close part of a public meeting to the public where the Panel is of the opinion that such action is strictly necessary in order to protect commercial information of a confidential nature.
- iii. The Chairperson will open the meeting and call for declarations of pecuniary or non-pecuniary interests from members of the Panel that may prevent them from participating in or considering any particular item on the agenda. If the member so declares an interest they will take no part in the site inspection or Panel meeting in relation to that item.
- iv. Unless the Panel otherwise permits, no resident, objector, applicant or supporter who addresses the Panel at any meeting of the Panel may speak for more than five (5) minutes in respect of any one matter before any particular meeting. The Chairperson is to exercise discretion and allow for an extension of time, subject to the general agreement of the Panel, as required to ensure all issues are properly considered. As it is acknowledged that this discretion may be exercised more frequently at Site Inspections, it is not required to obtain general agreement of the Panel in this instance.
- v. Where, at any public meeting, there are a large number of objectors with a common interest, the Bayside Independent Hearing and Assessment Panel may, in its absolute discretion, hear a representative of those persons with a view to discharging its responsibilities in a timely manner.
- vi. The meetings and other process of the Bayside Independent Hearing and Assessment Panel will be undertaken in accordance with any guideline issued by the General Manager from time to time.

6.4 Bayside Independent Hearing and Assessment Panel assessment

- i. The Panel will consider the Council officers report. The Panel will not receive substantive additional documentation to be included in the assessment during the meeting.
- ii. Each member of the Bayside Independent Hearing and Assessment Panel, unless otherwise disentitled to vote, is entitled to one vote. However, the person presiding at a meeting of the Bayside Independent Hearing and Assessment Panel has, in the event of an equal number of votes, a second or casting vote.

- iii. Deliberations and decisions of the Bayside Independent Hearing and Assessment Panel will be conducted and made in open session, with the exception of matters that relate to Section 10A (2) (g) of the Local Government Act 1993 where the Panel on behalf of Council: *"resolves itself into closed session with the press and public excluded by reasons of advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege."*
- iv. The Bayside Independent Hearing and Assessment Panel will hear submissions on behalf of the applicant and any other interested parties in open session.
- v. Following any deliberations in closed session (refer 6.4 iii. above) the Bayside Independent Hearing and Assessment Panel must reconvene the public meeting to vote and deliver its decision(s).
- vi. In the event that the Bayside Independent Hearing and Assessment Panel determines an application contrary to the officer's recommendation the Bayside Independent Hearing and Assessment Panel will publish its reasons for that decision.

6.5 Minutes

- i. The Minutes of the Bayside Independent Hearing and Assessment Panel meeting will be completed as soon as practicable and will be published on the Council website generally within seven (7) days of the meeting.
- ii. The Decision Notice will be provided to the applicant. Those parties which have made written submissions will be made aware of the decision in writing.

6.6 Bayside Independent Hearing and Assessment Panel support

The General Manager may appoint an officer of the Council as a secretary to the Panel and that person may be present to assist the Panel in taking Minutes or providing other assistance as required.

6.7 Bayside Independent Hearing and Assessment Panel operations review

At the first meeting of the Bayside Independent Hearing and Assessment Panel the Chairperson may consider the provisions of this Charter and may make a recommendation to the General Manager as to those provisions. The Bayside Independent Hearing and Assessment Panel should review its operations annually and report back to the General Manager.

7 Document control

7.1 Review

This Charter will be reviewed every two (2) years or at the request of the General Manager. The Director Planning (or equivalent) or the Manager Governance may approve non-significant and/or minor editorial amendments that do not change the substance of this Charter.

7.2 Version history

Version	Release Date	Author	Reason for Change
1.0	12 October 2016	Luis Melim Anthony Newland	Draft for consideration
<u>1.1</u>	<u>7 December 2016</u>	<u>Michael McCabe</u>	<u>Feedback from the Local Representation Committee</u>

Council Meeting

14/12/2016

Item No	9.2
Subject	Representation on Sydney Central Planning Panel
Report by	Liz Rog, Acting Manager Governance
File	(R) F16/793

Summary

Effective 21 November 2016, Bayside Council was advised by the Department of Planning that changes have been made to the former Sydney East and Sydney West Joint Regional Planning Panels. Bayside Council is now placed in the Sydney Central Planning District, with matters facilitated by the Sydney Central Planning Panel.

Council Resolution

Minute 2016/085

Resolved by the Administrator

- 1 That Bayside Council's placement in the Sydney Central Planning Panel be noted.
 - 2 That formal endorsement be provided, reflecting the appointment of the General Manager and Director of City Infrastructure as delegates to the Sydney Central Planning Panel, to facilitate matters for Bayside Council.
-

Officer Recommendation

- 1 That Bayside Council's placement in the Sydney Central Planning Panel be noted.
 - 2 That formal endorsement be provided, reflecting the appointment of the General Manager and Director of City Infrastructure as delegates to the Sydney Central Planning Panel, to facilitate matters for Bayside Council.
-

Background

Bayside Council has been advised by the Department of Planning and Environment that changes have been made to the distribution of the Joint Regional Planning Panels. These changes came into effect Monday 21 November 2016 with Bayside Council now placed in the Sydney Central Planning Panel.

With immediate matters to progress before the Sydney Central Planning Panel scheduled as early as 8 December 2016, immediate action was required and the following actions have been taken to ensure Council's participation:

- 1 Former Councillor delegates to the Sydney West (Tsounis; Nagi) and Sydney East (Glinatsis; Castle) Joint Regional Planning Panels have been formally acknowledged by Council in a letter of appreciation for their commitment and representation to date.

The letter notes they are no longer required to attend meetings of the respective JRPPs.

- 2 The General Manager (MWallace) and Director City Infrastructure (SDutton) have been appointed as delegates to represent Bayside Council at the Sydney Central Planning Panel effective 21 November 2016, with attendance at the first meeting on 8 December 2016.
 - 3 The Department of Planning has been notified by email of the new delegates.
 - 4 Delegates to external bodies will be reviewed again by the newly elected Council, pending the outcome of the Local Government elections in September 2017.
-

Financial Implications

Not applicable

Community Engagement

Not required

Attachments

- 1 Greater Sydney Commission Regulation 2016
- 2 Greater Sydney Commission (Planning Panels Order) 2016
- 3 NSW Planning and Environment Letter to Bayside Council General Manager advising appointment of State Members and alternates to the Sydney Central Planning Panel



New South Wales

Greater Sydney Commission Regulation 2016

under the

Greater Sydney Commission Act 2015

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Greater Sydney Commission Act 2015*.

ROBERT STOKES, MP
Minister for Planning

Explanatory note

Under section 18 (6) of the *Greater Sydney Commission Act 2015*, any existing joint regional planning panel that applies to a part of the Greater Sydney Region is taken to be abolished when a Sydney planning panel is constituted for that part of the Greater Sydney Region.

The object of this Regulation is to provide savings and transitional provisions consequent on the abolition of the Sydney East Joint Planning Panel and Sydney West Joint Planning Panel as a result of the constitution of the Sydney planning panels by the *Greater Sydney Commission (Planning Panels) Order 2016*.

This Regulation is made under the *Greater Sydney Commission Act 2015*, including sections 18 (6) and 25 (the general regulation-making power).

This Regulation comprises or relates to matters set out in Schedule 3 to the *Subordinate Legislation Act 1989*, namely, matters of a savings or transitional nature.

Greater Sydney Commission Regulation 2016

under the

Greater Sydney Commission Act 2015

1 Name of Regulation

This Regulation is the *Greater Sydney Commission Regulation 2016*.

2 Commencement

This Regulation commences on 21 November 2016 and is required to be published on the NSW legislation website.

3 Definitions

(1) In this Regulation:

commencement date means the date on which the *Greater Sydney Commission (Planning Panels) Order 2016* commences.

document means any Act or statutory or other instrument, or any contract or agreement.

former panel means the Sydney East Joint Planning Panel or Sydney West Joint Planning Panel as constituted under section 23G (1) of the Planning Act immediately before the abolition of those panels as provided by section 18 (6) of the Act.

the Act means the *Greater Sydney Commission Act 2015*.

(2) Notes in this Regulation do not form part of this Regulation.

Note. The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Regulation.

4 Provisions consequent on the abolition of certain joint regional planning panels constituted under the Planning Act

(1) Any function that a former panel had under the Planning Act or any other Act in relation to land within the area to which a Sydney planning panel applies is, on the commencement date, taken to be a function of that Sydney planning panel.

(2) Anything done or omitted to be done by a former panel in relation to land within the area to which a Sydney planning panel applies is, on the commencement date, taken to have been done or omitted to be done by that Sydney planning panel.

(3) Without limiting subclause (2):

(a) any determination by a former panel in relation to land within the area to which a Sydney planning panel applies that had effect immediately before the commencement date continues to have effect as if it had been determined by that Sydney planning panel, and

(b) anything commenced but not completed by a former panel in relation to land within the area to which a Sydney planning panel applies may be completed or discontinued by that Sydney planning panel.

- (4) A reference in any document to a former panel is, if used in relation to land within the area to which a Sydney planning panel applies, to be construed as a reference to that Sydney planning panel.



New South Wales

Greater Sydney Commission (Planning Panels) Order 2016

under the

Greater Sydney Commission Act 2015

I, Robert Stokes, the Minister for Planning, in pursuance of section 18 (1) of the *Greater Sydney Commission Act 2015*, make the following Order.

Dated, this 19th day of October 2016.

ROBERT STOKES, MP
Minister for Planning

Explanatory note

The object of this Order is to constitute 6 Sydney planning panels for districts of the Greater Sydney Region, namely, the Sydney Central Planning Panel, Sydney West Central Planning Panel, Sydney West Planning Panel, Sydney North Planning Panel, Sydney South West Planning Panel and Sydney South Planning Panel. This Order is made under section 18 (1) of the *Greater Sydney Commission Act 2015*.

Greater Sydney Commission (Planning Panels) Order 2016

under the

Greater Sydney Commission Act 2015

1 Name of Order

This Order is the *Greater Sydney Commission (Planning Panels) Order 2016*.

2 Commencement

This Order commences on 21 November 2016 and is required to be published on the NSW legislation website.

3 Constitution of Sydney planning panels

- (1) Pursuant to section 18 (1) of the *Greater Sydney Commission Act 2015*, the following Sydney planning panels are constituted:

- (a) Sydney Central Planning Panel for the Central District of the Greater Sydney Region,
- (b) Sydney West Central Planning Panel for the West Central District of the Greater Sydney Region,
- (c) Sydney West Planning Panel for the West District of the Greater Sydney Region,
- (d) Sydney North Planning Panel for the North District of the Greater Sydney Region,
- (e) Sydney South West Planning Panel for the South West District of the Greater Sydney Region,
- (f) Sydney South Planning Panel for the South District of the Greater Sydney Region.

Note. The Sydney Central Planning Panel may not be authorised by an environmental planning instrument to exercise the consent authority functions of a local council in respect of development within the City of Sydney local government area—see clause 2 of Schedule 4A to the Planning Act.

- (2) A reference in this clause to a district of the Greater Sydney Region is a reference to the district by that name declared under section 75AB (b) of the *Environmental Planning and Assessment Act 1979*.

Note. The following districts of the Greater Sydney Region have been declared by order under section 75AB (b) of the *Environmental Planning and Assessment Act 1979*:

- (a) Central District (comprising the local government areas of Bayside, Burwood, Canada Bay, Inner West, City of Randwick, Strathfield, City of Sydney, Waverley and Woollahra),
- (b) West Central District (comprising the local government areas of City of Blacktown, Cumberland, City of Parramatta and The Hills Shire),
- (c) West District (comprising the local government areas of City of Blue Mountains, City of Hawkesbury and City of Penrith),

- (d) North District (comprising the local government areas of Hornsby, Hunters Hill, Ku-ring-gai, Lane Cove, Mosman, North Sydney, Northern Beaches, City of Ryde and City of Willoughby),
- (e) South West District (comprising the local government areas of Camden, City of Campbelltown, City of Fairfield, City of Liverpool and Wollondilly),
- (f) South District (comprising the local government areas of Canterbury-Bankstown, Georges River and Sutherland Shire).

Ms Meredith Wallace
General Manager
Bayside Council
PO Box 21
ROCKDALE NSW 2216

16/14547

Dear Ms Wallace

Sydney Planning Panel Appointments

I am pleased to advise Council of the appointments of State members and alternates to the Sydney Central Planning Panel, which will operate across the Central district.

The Minister for Planning has appointed Maria Atkinson AM, Central District Commissioner of the Greater Sydney Commission, as Chair and Dr John Roseth and Sue Francis as members. A table outlining all State members and alternates of the planning panel is attached as Annexure A.

The Sydney West and Sydney East Joint Regional Planning Panels will cease operation on 20 November 2016 to make way for the Sydney Planning Panels. Council should have already nominated its members to the new panel in time for its commencement on 21 November 2016.

Previous advice to you in relation to member's remuneration, annual declarations of interests and the recently revised *Planning Panels Operational Procedures* and *Code of Conduct* remains relevant to the new Sydney Planning Panels, including the need for Council to provide written acknowledgement from its members that they will comply with the requirements of the *Code of Conduct*.

The Planning Panels Secretariat will continue to support the Sydney Planning Panels to ensure a smooth transition and a 'business as usual' approach.

Once again I would like to take this opportunity to thank you for your Council's ongoing co-operation with and support for the planning panels.

Should you have any enquiries about this matter, please contact Mr Stuart Withington, Manager, Planning Panels Secretariat at the Department of Planning and Environment, on (02) 8217 2061.

Yours sincerely


11/11/2016

Marcus Ray
Deputy Secretary
Planning Services

Annexure A

Membership of Sydney Planning Panels

Panel	Chair	Members	Pool of Alternates
Sydney North Planning Panel	Deborah Dearing	John Roseth Sue Francis	Peter Brennan Clare Brown Susan Budd Louise Camenzuli Lindsay Fletcher Abigail Goldberg Mark Grayson John Griffin Andrew Kelly Stuart McDonald Julie Savet Ward
Sydney Central Planning Panel	Maria Atkinson	John Roseth Sue Francis	
Sydney South Planning Panel	Morris Iemma	Nicole Gurrn Bruce McDonald	
Sydney South West Planning Panel	Sheridan Dudley	Nicole Gurrn Bruce McDonald	
Sydney West Central Planning Panel	Edward Blakely	Mary-Lynne Taylor Paul Mitchell	
Sydney West Planning Panel	Sean O'Toole	Mary-Lynne Taylor Paul Mitchell	

Council Meeting

14/12/2016

Item No	9.3
Subject	New Alcohol-Free Zone in Mascot
Report by	Catherine McMahon, Manager Strategic Planning
File	(B) S14/108 (R)16/139692

Summary

The proposal to establish a new Alcohol-Free Zone affecting public roads in the vicinity of the Mascot Railway Station and the proposed Alcohol Prohibited Area affecting the public plazas known as Station Square East and Station Square West were notified in November and December 2015. One submission was received. The proposals are supported by NSW Police. It is recommended that the proposals be adopted.

It is also recommended that a Plan of Management be prepared for the public reserves known as Station Square East and Station Square West. This will allow the future approval of outdoor dining areas in this location. This is in response to a submission to the notification of the proposed Alcohol Free Area that identified that outdoor dining in this location would be desirable, but Council is unable to approve this without a Plan of Management for the locations.

Council Resolution

Minute 2016/086

Resolved by the Administrator

- 1 That pursuant to Section 644 of the Local Government Act 1993 that Council resolve to establish an Alcohol-Free Zone for public roads in the vicinity of Mascot Railway Station for a period of four years.
 - 2 That pursuant to Section 632(A)(4) of the Local Government Act 1993 that Council resolve to establish an Alcohol Prohibited Area affecting Station Square East (Lot 102 in DP 1128404, near 1-5 Bourke Street) and Station Square West (Lot 2 in DP 1188343, near 8 Bourke Street) for a period of 4 years.
 - 3 That Council resolve to create a Plan of Management for Station Square East (Lot 102 in DP 1128404, near 1-5 Bourke Street) and Station Square West (Lot 2 in DP 1188343, near 8 Bourke Street) and that the Plan of Management allow outdoor dining.
-

Officer Recommendation

- 1 That pursuant to Section 644 of the Local Government Act 1993 that Council resolve to establish an Alcohol-Free Zone for public roads in the vicinity of Mascot Railway Station for a period of four years.

- 2 That pursuant to Section 632(A)(4) of the Local Government Act 1993 that Council resolve to establish an Alcohol Prohibited Area affecting Station Square East (Lot 102 in DP 1128404, near 1-5 Bourke Street) and Station Square West (Lot 2 in DP 1188343, near 8 Bourke Street) for a period of 4 years.
 - 3 That Council resolve to create a Plan of Management for Station Square East (Lot 102 in DP 1128404, near 1-5 Bourke Street) and Station Square West (Lot 2 in DP 1188343, near 8 Bourke Street) and that the Plan of Management allow outdoor dining.
-

Background

On 19 August 2015, the City Services Committee of the former City of Botany Bay resolved as follows:

Council prepare a proposal to establish an Alcohol-Free Zone for public roads in the vicinity of Mascot Railway Station for a period of four years and undertake the necessary public consultation process required by Section 644A of the Local Government Act 1993.

Council prepare a proposal to establish an Alcohol Prohibited Area affecting both Station Square East (Lot 102 in DP 1128404, near 1-5 Bourke Street) and Station Square West (Lot 2 in DP 1188343, near 8 Bourke Street) for a period of 4 years and undertake the public consultation process required by Section 632A of the Local Government Act 1993.

Alcohol free zones apply to public roads and footpaths, whereas alcohol prohibited areas apply to parks and civic spaces

Attachment 1 contains the report dated 19 August 2015, which gives further background to the proposal.

It appears that following the advertising period, a report was not referred back to Council. This report formalises the adoption of the Alcohol Free Zone and Alcohol Prohibited Area.

Community Engagement

A Notice regarding the proposed Alcohol Free Zone and Alcohol Prohibited Area was published in the Southern Courier on 17 November 2015 and NSW Police were separately notified.

No submissions were received in response to the proposed Alcohol-Free Zone and one submission was received in response to the proposed Alcohol Prohibited Area.

The public submission in response to the proposed Alcohol Prohibited Area requests that the paved area known as Mascot Station Square East be available for the sale of alcohol and food in association with the adjoining approved food uses at 1-5 Bourke Street Mascot.

Issues

In relation to the submission made, Council Officers have reviewed the records and it was found that –

- None of the shops at 1-5 Bourke Street or 8 Bourke Street had been given permission for outdoor dining on Station Square East or Station Square West; and

- Station Square East and Station Square West are public reserves classified as community land and neither has a current Plan of Management that would allow outdoor dining.

It is noted that part of Station Square East has been occupied and is being used for outdoor dining without consent. The unauthorised occupation is being followed up by the Council's Compliance Section. There are benefits in allowing the Square to be occupied and used as outdoor dining. It activates that area of the Town Centre at night and provides surveillance. It is therefore proposed that outdoor dining on the Public Reserve be formalised by way of a Plan of Management and the Plan of Management should designate specific areas for outdoor dining.

When the Plan of Management has been implemented, each of the adjoining shops could be invited to apply for an outdoor dining licence and each licenced outdoor dining area could be given an exemption from the Alcohol Prohibited Area.

Implications for Mascot Food and Wine Festival

The annual Mascot Wine and Food Festival involves the closure of part of Bourke Street and extends into Station Square East and Station Square West. There will be no impact of the proposed Alcohol Free Zone and Alcohol Prohibited Area on the Festival as Section 645 of the Local Government Act 1993 allows Council to suspend the operation of an Alcohol Free Zone by publishing notice in a newspaper circulating in the area. A suspension is appropriate to accommodate a community event such as the Mascot Food and Wine Festival

The Ministerial Guidelines on Alcohol Free Zones dated February 2009 indicates that council:

- Must pass a resolution to suspend a particular alcohol free zone. This can be at Council's initiative.
- Liaise with the local police, before and after the council resolution.
- Take any other community consultation that it is considered necessary.
- Must publish a notice of suspension as required under Section 645(1) and (3) of the LGA 1993.
- Alcohol free zone signage should be removed for the duration of the suspension of the zone.

With respect to the Alcohol Prohibited Areas – Station Square East and West, an application for a liquor licence to Liquor and Gaming NSW would need to be sought by Council. If approved, then the consumption of alcohol will be permitted because the area is effectively part of the licensed premises and the liquor licence permits consumption.

Financial Implications

There are no direct financial implications to Council as a result of the proposed restrictions.

Attachments

Previous report to City of Botany Bay dated 19 August 2015.

5.1 PROPOSED NEW ALCOHOL-FREE ZONE IN MASCOT

File No: S14/108

Report Author: Peter Ward - Development Control Planner

Responsible Director: Heather Warton - Director of City Planning & Environment

Date of Preparation: 19 June 2015

EXECUTIVE SUMMARY

Council has received representations in relation to consumption of alcohol on the public footpath in the vicinity of the Mascot Railway Station. This matter was referred to NSW Police and the Police have recommended that a number of streets around Mascot Station become an alcohol free zones.

It is recommended that Council undertake consultation to establish the streets around Mascot Station as an Alcohol Free Zone and to establish two open space areas Station Square East and Station Square West as Alcohol Prohibited Zones.

Background

Council has received representations that alcohol was being purchased from Licenced Premises (the Spar Supermarket at Bourke Street, Mascot) and people were then congregating on the footpath and consuming alcohol in a public place.

This matter was referred to NSW Police to seek their advice on the extent of a possible new alcohol-free zone in Bourke Street.

Issue

Section 644 of the Local Government Act 1993 (the Act) allows Council to establish an Alcohol-Free Zones. The maximum term of an alcohol-free zone is 4 years and this term may be renewed.

Mascot Police requested that the following locations be included in new alcohol-free zone:

Bourke Street, Mascot (between Gardeners Road & O’Riordan Street)

Church Avenue, Mascot (between Kent Road & O’Riordan Street)

Coward Street, Mascot (between Kent Road & O’Riordan Street)

John Street, Mascot (between Bourke Street & O’Riordan Street)

Gardeners Road, Mascot (between Kent Road & O’Riordan Street)

Kent Road, Mascot (between Coward Street & Gardeners Road)

Laycock Walk, Mascot (between Coward Street & John Street) and

O'Riordan Street, Mascot (between Bourke Road & Gardeners Road)



NSW Police state that the implementation of the Alcohol-Free Zone would assist Police by displacing alcohol consumption and associated anti-social behaviour within public areas of north-west Mascot precinct.

In addition to the list of public roads described above, Haran Street is marked in the diagram supplied by NSW Police and should also be included.

Also two other public areas, being Station Square East, Lot 102 in DP 1128404 (near 1-5 Bourke Street) and Station Square West, Lot 2 in DP 1188343 (near 8 Bourke Street) are located in the vicinity of the proposed Alcohol Free Zone and consideration should be given to creating these areas as Alcohol Prohibited Areas.

To establish or re-establish an Alcohol Free Zone, Council must publicly notify a proposal and consider submissions made in response to the public notification.

Financial Implications

If the proposal is implemented, Council must erect appropriate signage. Costs associated with signage can be accommodated with existing budget allocations.

Conclusion

NSW Police have proposed that the streets in the vicinity of the Mascot Station precinct be declared an Alcohol Free Zone. This proposal is supported for a proposed period of four years.

The next step is that public consultation be undertaken and the proposed Alcohol-Free Zone and Alcohol Prohibited Areas are advertised by way of a public notice in the local newspaper and all licenced premises within the affected area are notified and comments requested.

At the conclusion of the public notification period, a further report will be submitted to Council for determination.

RECOMMENDATION

THAT:

1. Council prepare a proposal to establish an Alcohol-Free Zone for Public Roads in the vicinity of Mascot Railway Station for a period of 4 years and undertake the public consultation process required by Section 644A of the Local Government Act 1993; and
2. Council prepare a proposal to establish an Alcohol Prohibited Area affecting both Station Square East (Lot 102 in DP 1128404, near 1-5 Bourke Street) and Station Square West (Lot 2 in DP 1188343, near 8 Bourke Street) for a period of 4 years and undertake the public consultation process required by Section 632A of the Local Government Act 1993.

Council Meeting

14/12/2016

Item No	9.4
Subject	Refusal of Planning Proposal – 51-53 Rhodes Street, Hillsdale
Report by	Stephanie Lum, Senior Strategic Planner
File	S14/63

Summary

On 9 April 2015, the former City of Botany Bay received a Planning Proposal for 51-53 Rhodes Street, Hillsdale (Lot 7 DP 8542) prepared by Willana Associates on behalf of the owner, Palmpoint Pty Ltd. The proposal seeks to change the zoning of the site from B7 - Business Park to B4 - Mixed Use; increase the FSR from 1:1 to 1.5:1; and increase the height from 12 metres to 22 metres. The intended outcome of the Planning Proposal is to facilitate the delivery of the redevelopment of the site to accommodate a residential flat building development and commercial/light industrial ground floor tenancy to the street frontage.

At its meeting on 12 October 2016, Council considered a report recommending the Planning Proposal be refused based on the risk issues identified in the *Denison Street Land Use Safety Study Review of Planning Controls* Report. The Administrator resolved to defer the item for further discussions to take place between Council staff and the applicant.

Following the deferral, Council's consultant reviewed the submission made by Willana on the day of the October 2016 meeting and a formal response on the application was also sought from the Hazards Branch of the Department of Planning and Environment – see attachment dated 10 November 2016. This advice confirmed the previous recommendation. Council officers then met with the applicant's representatives on 22 November 2016 and notified them of the advice, informed them that a report will be considered by Council at its December meeting recommending refusal and that they have the option of lodging a rezoning review with the Department of Planning and Environment.

The site is located within the study area of the *Denison Street Land Use Safety Study Review of Planning Controls* Report which recommends that it would not be appropriate to rezone this area for higher density residential uses due to the risks associated with the Denison Street dangerous goods route and the hazards at the Botany Industrial Park. Furthermore, the site is affected by flooding and contamination and would result in the loss of employment land. Accordingly, it is recommended that the Planning Proposal be refused.

Council Resolution

Minute 2016/087

Resolved by the Administrator

- 1 That Council refuse the Planning Proposal for 51-53 Rhodes Street, Hillsdale based on the risk issues identified in the *Denison Street Land Use Safety Study Review of Planning Controls* Report and a lack of strategic merit.

- 2 That Council notify the applicant of the decision and refund any remaining application fees.
-

Officer Recommendation

- 1 That Council refuse the Planning Proposal for 51-53 Rhodes Street, Hillsdale based on the risk issues identified in the *Denison Street Land Use Safety Study Review of Planning Controls* Report and a lack of strategic merit.
 - 2 That Council notify the applicant of the decision and refund any remaining application fees.
-

Background

The subject site is located in the Banksmeadow Industrial Precinct in Hillsdale; adjoins the land covered by *SEPP Three Ports (2013)*; and is in close proximity to Denison Street and the Botany Industrial Park (BIP) (i.e. major hazard land uses).

The applicant submitted additional information dated 11 October 2016 (**Attachment 3**) in response to the officer's report to Council on 12 October 2016 that recommended refusal of the application. The applicant provided a report from Systra Scott Lister disputing the findings of the *Denison Street Land Use Safety Study Review of Planning Controls* (the Arriscar Report - see **Attachment 2**) and determining that the site is capable of accommodating residential development.

The Administrator resolved to defer the item for further discussions to take place between Council staff and the applicant. This report addresses the further information provided by the applicant, and should be read in conjunction with the previous report in **Attachment 1**.

Issues

There are a number of strategic land use planning issues with the Planning Proposal that render the site unsuitable for the proposed development. Based on these issues which are outlined below, Council cannot support the Planning Proposal.

Risk

Denison Street Land Use Safety Study Review of Planning Controls Report

The former City of Botany Bay engaged a risk consultant, Arriscar Pty Ltd, to review the current planning controls in regards to risk, including societal risk from the BIP. The consultant's findings are published in the Arriscar Report as provided in **Attachment 2**.

The Arriscar Report identifies risk-related planning measures surrounding Denison Street, Hillsdale to inform land use safety decisions for existing and future developments. Some of the measures may involve restrictions on the use of land for the continued safety of residents and workers in the area.

Council officers are now working closely with the Department of Planning and Environment to prepare risk-related planning measures which may include amendments to the *Botany*

Bay Local Environmental Plan (BBLEP) 2013 and the Botany Bay Development Control Plan (BBDCP) 2013 to address the issues identified in the Arriscar Report.

The subject site at 51-53 Rhodes Street, Hillsdale is located in Area H (Business Park Zone in the Banksmeadow Industrial Precinct) of the Study Area as indicated in **Figure 1** below. In regards to Area H, the Report makes the following recommendations:

- Prohibit sensitive uses within this Area.
- It would not be appropriate to rezone this Area for higher density residential uses due to potential contribution to the cumulative societal risk.
- Any proposed population intensification (including residential and commercial uses) will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.
- Lower risk general and light industries that will not increase the cumulative risk in the Study Area are the preferred type of development in this Area.

The Planning Proposal for 51-53 Rhodes Street, Hillsdale seeks to change the zoning of the site from B7 - Business Park to B4 - Mixed Use; increase the FSR from 1:1 to 1.5:1; and increase the height from 12 metres to 22 metres. The intended outcome of the Planning Proposal is to facilitate the delivery of the redevelopment of the site to accommodate a residential flat building development and commercial/light industrial ground floor tenancy to the street frontage.

Therefore, the proposal will result in higher density residential uses and population intensification which is inconsistent with the recommendations of the Report.

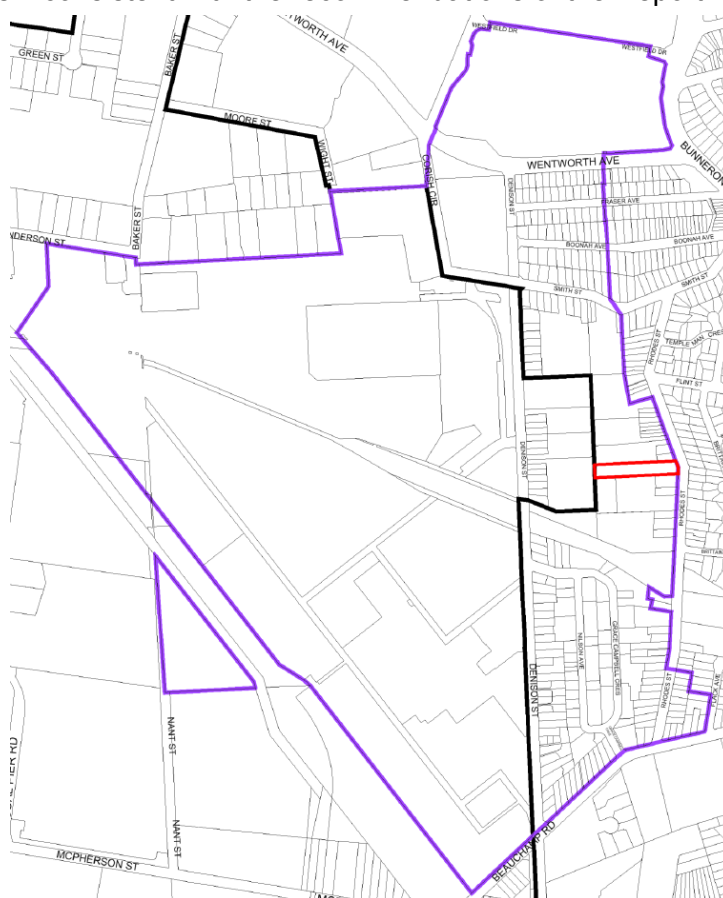


Figure 1 – Study Area (outlined in purple) and the subject site (outlined in red).

Applicant's submission dated 11 October 2016

Council officers make the following comments in response to the submission:

Issue 1

Submission

The Arriscar Report recommends that residential developments are “permitted with consent” provided that the development does not cause a large increase in societal risk.

Council Response

This is incorrect as the Arriscar Report on page 84 states it would not be appropriate to rezone Area H (80% of the site is within Area H) for higher density residential uses.

Issue 2

Submission

Council has not referred to the societal risk calculations that Willana Associates (applicant's consultant) has provided.

Council Response

This is incorrect as all the information lodged on risk by the applicant has been assessed by either Dryden Consulting (a risk consultant previously engaged by Council to review sites in this location) or Arriscar Pty Ltd. Arriscar Pty Ltd has also worked with the Department of Planning and Environment and BIP in the preparation of their Report and with the Department in preparing the conclusions and recommendations of the Report. As discussed below, the Department and Arriscar Pty Ltd also provided comment on the applicant's submission dated 11 October 2016.

Issue 3

Submission

The requirements for Areas H and I of the Planning Controls Report do not prohibit development.

Council Response

The Arriscar Report does not prohibit development. However, in Areas H and I, existing dwellings are permitted to remain but new dwellings and residential development is prohibited. The Report also clearly states that it would not be appropriate to rezone Area H for higher density residential uses.

Comments from Department of Planning and Environment

In light of the Administrator's recommendation to defer the item at the October Council meeting, the Planning Proposal, including additional information submitted on 12 October

2016 was referred to the Department of Planning and Environment who provided the following assessment in **Attachment 4**.

The Department advise that the rezoning will introduce a residential population which from a hazards and risk perspective, is considered a more sensitive land use than the current use. The Planning Proposal should consider the suitability of land for the proposed range of uses with regard to existing risk exposure and the sensitivity of the current land use. An increase in the sensitivity of the land uses in an area with existing risk exposure should be carefully considered to ensure alignment with the principles for strategic land use planning provided in HIPAP No 10.

The proposal should consider whether it satisfies the qualitative risk criteria in Section 5.2 of HIPAP No 10 of *"All avoidable risks should be avoided"* i.e. if the risk of introducing a larger and more sensitive population is an avoidable risk. Any planning proposal that significantly increases the population in the area is likely to result in an increase in cumulative societal risk. Consideration and justification is required to determine whether the benefits of the proposal clearly outweigh its risks. A precautionary approach should be undertaken in relation to any further increase in the population. The Department notes that the proponent does not appear to have adequately addressed this in the Planning Proposal.

The Department also raise concerns regarding whether people can be relocated and evacuated to safe locations in the events of major release scenarios which may become more challenging when introducing a higher and more sensitive population. The Department notes that this does not appear to have been adequately addressed in the Planning Proposal.

Accordingly, the Department of Planning and Environment supports Council's recommendation to refuse the Planning Proposal.

Arriscar Pty Ltd

The Planning Proposal was also re-referred to Council's risk consultant, Arriscar Pty Ltd and the further assessment is in **Attachment 5**.

The advice from Arriscar Pty Ltd is consistent with the Department in regards to avoiding unnecessary risk. The proposed application to rezone the land for a more intensive use (i.e. higher population density) is not consistent with the qualitative risk criteria since:

- Changing the zoning to permit a higher residential population than is permitted under the current zoning would not be consistent with the requirement to avoid all 'avoidable' risks.
- Rezoning the subject land will potentially expose a relatively high residential population to major hazard events (i.e. events capable of causing multiple fatalities).
- The risk from the existing installations and dangerous goods transport is already relatively high for the district as a whole. Further development should not pose any incremental risk for the district as a whole, not only for this specific location.

Other factors, such as the ability to evacuate in the event of an emergency may also be relevant given that the relatively long and narrow site has been identified as having access constraints.

In conclusion, Arriscar Pty Ltd determines that it would be inappropriate for Council to rezone the subject site for higher density residential uses.

Outcome of Meeting with Applicant

On 22 November 2016, Council officers met with the applicant's representatives who emphasised the arguments in their submission dated 11 October 2016, namely that the Planning Proposal would not increase societal risk and would have a negligible risk. Council officers reiterated the views of the Department of Planning and Environment and Arriscar Pty Ltd in regards to the proposal's inconsistency with the qualitative risk criteria in HIPAP No 10 of *"All avoidable risks should be avoided"*.

The applicant's representatives argued that the advice provided by the Department of Planning and Environment and Arriscar Pty Ltd did not dispute their risk submission. However, officers from the Department and Arriscar Pty Ltd informed Council officers that it was their intention to provide their own assessment of the proposal.

Council officers informed the applicant's representatives that a report will be considered by Council at its December meeting recommending refusal and that they have the option of lodging a rezoning review with the Department of Planning and Environment.

Other Issues

In addition to the risk issue, there are further strategic issues that limit the potential of the site for rezoning, as follows:

Flooding

As the Planning Proposal recognises, the site is subject to flooding and the proposed internal street has a high probability of flooding. In accordance with the NSW Floodplain Development Manual 2005, Council has a responsibility to reduce the impact of flooding and flood liability on owners and occupiers of flood prone property and to reduce private and public losses resulting from floods. Accordingly, it would not be appropriate to increase residential densities in a location affected by flooding.

Loss of Employment Land

According to the Planning Proposal, the site contains a number of light industrial uses and a residential dwelling house to the Rhodes Street frontage, including:

- Car repair/ panel beating premises.
- Art workshop.
- Cabinet making/ carpentry workshop.
- Turner and fitter/ general handyman workshop.
- Waste collecting depot.
- Home appliance repair workshop.
- Mechanical workshop.
- Attached dual occupancy dwellings.

The Planning Proposal intends to rezone the site from B7 - Business Park to B4 - Mixed Use to permit residential development. The rezoning proposal would result in the loss of employment land.

The Planning Proposal argues that due to the changing nature of manufacturing, there has been a decline in the demand for traditional manufacturing and light industry close to the Sydney CBD and a need for emerging industries, such as biotechnology and creative industries. The applicant believes the development will increase the existing employment numbers as the site is currently underutilised.

The applicant also argues that due to the interface issues with the surrounding residential land uses, restrictions are placed on truck movements and hours of operation, rendering industrial uses unviable. Accordingly, the application proposes a commercial tenancy that could provide for a broader range of uses including high technology industries and office-based creative industries. However, it can be argued that in a mixed use development, the range of suitable industrial uses is limited to minimise the impact on adjoining residential development.

Council and the Department of Planning and Environment recognise that there has been a significant loss of industrial land to residential land uses in recent years. The Employment Lands Development Program initiated by the Department in 2014 notes that in 2013, the former City of Botany Bay LGA was responsible for rezoning the largest quantity of employment lands to residential uses in NSW. The Department has emphasised the importance of retaining industrial land to accommodate future jobs growth within these industries and to support the major employment gateways, such as Port Botany and Sydney Airport.

Given the importance of the remaining employment land area in the LGA, any request to rezone land must be thoroughly justified and where possible, replaced with equal or greater employment opportunities. The proposal is inconsistent with the Section 117 Direction – 1.1 Business and Industrial Zones – which aims to protect employment land in business and industrial zones. The proposal has not adequately addressed the inconsistency with no supporting economic studies provided to justify the loss of employment land.

In regards to strategic strategies, the Planning Proposal merely states the applicable directions from *A Plan for Growing Sydney* and the *Botany Bay Planning Strategy 2031*, rather than addressing how the proposal is consistent with the policies. Furthermore, the Planning Proposal does not include the Industrial Lands Strategic Assessment Checklist which provides councils with guidance for the assessment of rezoning proposals.

Inconsistency with the Intent of the Zone

The subject site is surrounded by industrial uses to the north and west with residential to the east. The subject site is zoned B7 - Business Park with the intention to act as a buffer zone to mitigate adverse impacts from the nearby BIP on the R3 residential zone in Hillsdale. The buffer creates a physical barrier between the two incompatible land uses. The rezoning would place residential land uses closer to the hazardous industries located in the BIP and increase the number of residents exposed to adverse impacts on amenity. Accordingly, the proposal would increase land use conflict and risk and is in conflict with the original intent of the zone.

Contamination

The Planning Proposal was referred to Council's Environmental Scientist who noted that the site currently has several potentially contaminating uses. The applicant provided a Stage 1 Environmental Site Assessment (ESA). However, the historical uses have not been investigated. Furthermore, the Stage 1 ESA has only recommended that a Stage 2 ESA be undertaken to assess potential contamination associated with identified areas of environmental concern at the site. No recommendation has been provided as to the likely suitability of the site for residential use.

Justification for Additional Dwellings

The Planning Proposal argues that it provides additional housing which will assist in meeting demand for housing in the LGA and achieving the State Government's dwelling targets for the area. However, the proposal fails to justify why the subject site is suitable for residential development when there are risk and strategic planning issues with the site as discussed above.

There are a number of risk and strategic planning implications with the Planning Proposal. The issues culminate in the site having minimal strategic merit and is unsuitable for the proposed development. Accordingly, it is recommended the Planning Proposal be refused.

Financial Implications

On 9 April 2015, Palmpoint Pty Ltd lodged the Planning Proposal with the former City of Botany Bay accompanied with an application fee of \$25,000 (the fee required by the 2015/16 Fees and Charges). A portion of the application fee was utilised by Council to engage Arriscar Pty Ltd to undertake the Planning Controls Report. It is recommended that in light of the findings of the Report, strategic issues and site constraints, the Planning Proposal be refused and any remaining funds be refunded to the applicant.

Conclusion

The former City of Botany Bay received a Planning Proposal for 51-53 Rhodes Street, Hillsdale seeking to rezone the site and increase the maximum FSR and height to permit residential flat buildings. The site is located near both Denison Street which is a dangerous goods route and the Botany Industrial Park which contains major hazardous industries and operations.

The proposal is inconsistent with the *Denison Street Land Use Safety Study Review of Planning Controls* Report which recommends that it would not be appropriate to rezone this Area for higher density residential uses due to potential contribution to the cumulative societal risk. The additional information submitted by the application on 11 October 2016 has been considered by Council officers, Council's risk consultant and the Department of Planning and Environment. The recommendation of the October 2016 report for refusal of the Planning Proposal has been confirmed.

The site is also affected by environmental constraints and would result in the loss of employment land.

Accordingly, it is recommended that the Planning Proposal be refused and any remaining funds not expended from the application be refunded.

Attachments

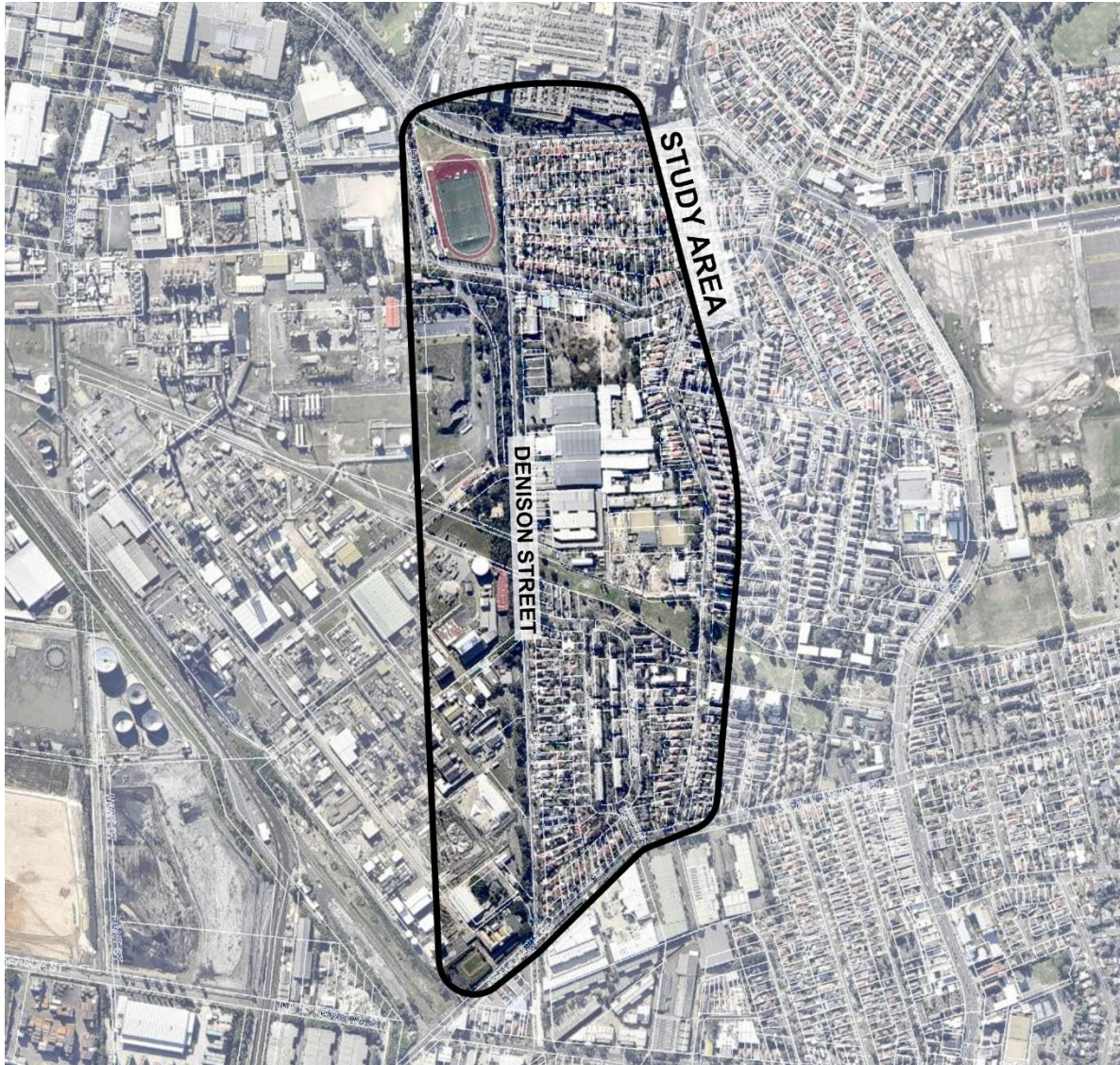
- 1 Report to Council 12 October 2016
- 2 *Denison Street Land Use Safety Study Review of Planning Controls* Report
- 3 Additional information from the applicant dated 11 October 2016
- 4 Advice from the Department of Planning and Environment
- 5 Advice from Arriscar Pty Ltd

Review of Planning Controls

Denison Street, Hillsdale

For Botany Bay City Council

16 August 2016



Doc. No.: J-000166-REP-RPC

Revision: 0

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B	9-May-16	PS	Consultation draft (Not for circulation) incorporating feedback from BBCC	RR	RR
C	29-Jun-16	PS	Draft incorporating feedback from DP&E	JL	PS
0	16-Aug-16	PS	Final report.	RR	RR

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Summary

The Botany Industrial Park and Port Botany industrial facilities generate significant movements of bulk and packaged dangerous goods (DGs) by road in the local government area of Botany Bay City Council (BBCC). Some packaged goods trucks and bulk liquids road tanker trucks use a 1 km stretch of road at Denison Street, Hillsdale.

To inform the Joint Regional Planning Panel (JRPP) on the risks posed by DG transport on a proposed Bunnings Warehouse at 25-49 Smith Street Hillsdale, BBCC in partnership with the Department of Planning and Environment (DP&E) commissioned a Quantitative Risk Assessment (QRA) of Dangerous Goods (DG) movements on Denison Street, Hillsdale ('Transport QRA').

The Transport QRA Report [Ref. 25] recommended that BBCC should":

"review its planning controls for the area, in light of this study, to ensure new development does not result in a significant exposure to risks from dangerous goods transport incidents. For example, it may be desirable to discourage intensification of residential development within areas with an individual fatality risk in excess of one chance in a million, as indicated in HIPAP 4, Section 2.5.2.1".

BBCC is undertaking a review of the Botany Bay Development Control Plan (BBDCP2013) and is preparing a new DCP specifically for land covered by the new 'Three Ports' State Environmental Planning Policy (SEPP). To assist in this review, BBCC engaged Arriscar Pty Limited (Arriscar) to undertake a review of land use safety planning controls due to the proximity of the Botany Industrial Park (BIP) and the transport of Dangerous Goods (DGs) along Denison Street.

The Review included consideration of:

- Current and predicted future development in the Study Area.
- Current, and predicted changes to, transport of DGs along Denison Street.
- Available risk assessments for the Study Area, including:
 - *Dangerous Goods Transport QRA, Denison Street Hillsdale* (12 February 2015) [Ref. 25].
 - *Addendum to Dangerous Goods Transport QRA, Denison Street Hillsdale* (19 May 2015) [Ref. 24].
 - *Quantitative Risk Assessment, Summary Report, Botany Industrial Park* [Ref. 27].

The implications of future redevelopment in the Study Area and changes to DG heavy vehicle movements along Denison Street were considered when developing the proposed risk-based planning controls. For example, the forecast population growth could increase the demand for higher density residential development to the east of Rhodes Street. There would also be a corresponding increase in DG truck traffic along Denison Street. Based on information from Ports NSW, a 50% increase in DG heavy vehicle movements along Denison Street would appear to be a reasonable conservative assumption over the next 10 years.

It is important to note that:

- A detailed verification of the currently available quantitative risk assessments (QRAs) was excluded from the scope of the Review (Refer to Section 1.3). The proposed risk-based planning controls are based on the risk results presented in these available QRAs, provided for this Review to Arriscar by BBCC.

- There are no established quantitative risk criteria in NSW for land use safety planning due to the transport of DGs (Refer to Section 6.1). Therefore, the proposed risk-based planning controls are based on the risk criteria for fixed facilities in NSW, which are consistent with criteria that have been adopted in previous QRAs and international practice.

Within the four main precincts in the Study Area, there are 20 areas where the combination of land use zoning and major risk contributor/s warrants specific risk-based planning controls (Refer to Section 7.2). The large number of areas arises because the Study Area includes nine different land use zones (B3, B4, B5, B7, R2, R3, RE1, IN1 and SP1) and the dominant risk contributor (e.g. cumulative location-specific individual fatality risk, cumulative injury / irritation risk and/or cumulative societal risk) varies throughout the Study Area.

A guide for land use safety planning has been provided for each of the 20 specific areas, and this includes recommendations for restrictions on some categories of future development. How these risk-based planning controls are to be implemented needs to be determined by BBCC as some of the proposed controls will only apply to some specific parts the Study Area and should not be applied to all other similarly zoned areas defined within the Local Environmental Plan.

The current zoning, and any potential restrictions on future rezoning (particularly to a more sensitive use category), is identified for each area. Also, the proposed controls for future developments (i.e. potentially hazardous industry and/or other types of development in the vicinity of existing potentially hazardous industry) are included, together with the basis for each of the recommended planning controls.

The proposed risk based planning controls will need to be periodically reviewed as new QRAs become available (e.g. as required by the development consent conditions for the BIP) and/or if the NSW government establishes quantitative risk criteria for the transport of DGs. It will continue to be important to ensure all underlying assumptions and data sources (e.g. truck accident frequency) are thoroughly scrutinised in any future QRAs and it may be appropriate to undertake a sensitivity analysis to test the impact of the data and assumptions.

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Notation

Abbreviation	Description
ALARP	As Low As Reasonably Practicable
Arriscar	Arriscar Pty Limited
ARTC	Australian Rail Track Corporation
BBCC	Botany Bay City Council
BBLEP2013	Botany Bay Local Environmental Plan 2013
BBDCP2013	Botany Bay Development Control Plan 2013
BIP	Botany Industrial Park
BLEVE	Boiling Liquid Expanding Vapour Explosion
DCP	Development Control Plan
DG/s	Dangerous Good/s
DP&E	Department of Planning and Environment
FN Curve	Log-log plat of cumulative frequency of fatality versus of number of fatalities
HIPAP	Hazardous Industry Planning Advisory Paper
IMT	Intermodal Terminal. A facility used to transfer freight from one transport mode to another, for example from road to rail.
JRPP	Joint Regional Planning Panel
km	kilometre
kPa	Kilo-Pascals
kW/m ²	Kilo-Watts per square metre
LEP	Local Environmental Plan
LGA	Local Government Area
LSIFR	Location-Specific Individual Fatality Risk
LUSS	Land Use Safety Study
m	metre
MHF	Major Hazard Facility
NSW	New South Wales
p.a.	Per annum
QRA	Quantitative Risk Assessment
RAC	Risk Assessment Criteria
Ref	Reference
RFB	Residential flat building

Abbreviation	Description
RMS	Roads and Maritime Services
SEPP	State Environmental Planning Policy
SPC	Special Purpose Company
TEU	Twenty-foot equivalent unit. A unit of measurement equal to the space occupied by a standard twenty foot container. One 40 foot container is equal to two TEU.
Three Ports SEPP	State Environmental Planning Policy (Three Ports) 2013

1 INTRODUCTION

1.1 Background

The Botany Industrial Park and Port Botany industrial facilities generate significant movements of dangerous goods (DGs) by road in the local government area of Botany Bay City Council (BBCC). Some packaged goods trucks and bulk liquids road tanker trucks use Denison Street, Hillsdale.

To inform the Joint Regional Planning Panel (JRPP) on the risks posed by DG transport on a proposed Bunnings Warehouse at 25-49 Smith Street Hillsdale, BBCC in partnership with the Department of Planning and Environment (DP&E) commissioned a Quantitative Risk Assessment (QRA) of Dangerous Goods (DG) movements on Denison Street, Hillsdale ('Transport QRA').

The Transport QRA Report [Ref. 25] recommended that BBCC should":

"review its planning controls for the area, in light of this study, to ensure new development does not result in a significant exposure to risks from dangerous goods transport incidents. For example, it may be desirable to discourage intensification of residential development within areas with an individual fatality risk in excess of one chance in a million, as indicated in HIPAP 4, Section 2.5.2.1".

There are some existing risk-based land use safety planning controls within the Botany Bay Local Environmental Plan 2013 (BBLEP2013). For example:

- Part 6.2.8 of the Botany Bay Development Control Plan (BBDCP2013) outlines the recommendations of three previous studies undertaken by the State Government concerning risk in the Banksmeadow / Randwick area and includes planning controls for employment / industrial development.
- Part 8 — Character Precincts (for Hillsdale and Botany) of BBDCP2013 includes planning controls for residential development.

BBCC is undertaking a review of the BBDCP2013 and is preparing a new DCP specifically for land covered by the new 'Three Ports' State Environmental Planning Policy (SEPP). As part of this review, BBCC has engaged Arriscar Pty Limited (Arriscar) to undertake a review of land use safety planning controls due to the proximity of the Botany Industrial Park and the transport of Dangerous Goods (DGs) along Denison Street.

This report provides details of the land use planning controls review conducted by Arriscar for the Denison Street truck transport route.

1.2 Objectives

In the Hazardous Industry Planning Advisory Paper (HIPAP) No. 10 – *Land Use Safety Planning* [Ref. 8, Section 4.2.1], it is stated that it is important for local councils to have "policies and follow procedures for ensuring appropriate zoning and development assessment in areas that could be impacted by major accidents".

BBCC's current policies and procedures for land use safety planning in the Study Area are included as risk-based development controls in the BBDCP2013 [Ref. 1].

Therefore, the overall objective was to review the BBCC's existing risk-based planning controls for the Study Area and to propose any amendments that will assist Council to make informed land use safety decisions for existing and future development.

A secondary objective is to address the relevant recommendation from the Transport QRA [Ref. 25] in relation to their applicability to the Study Area.

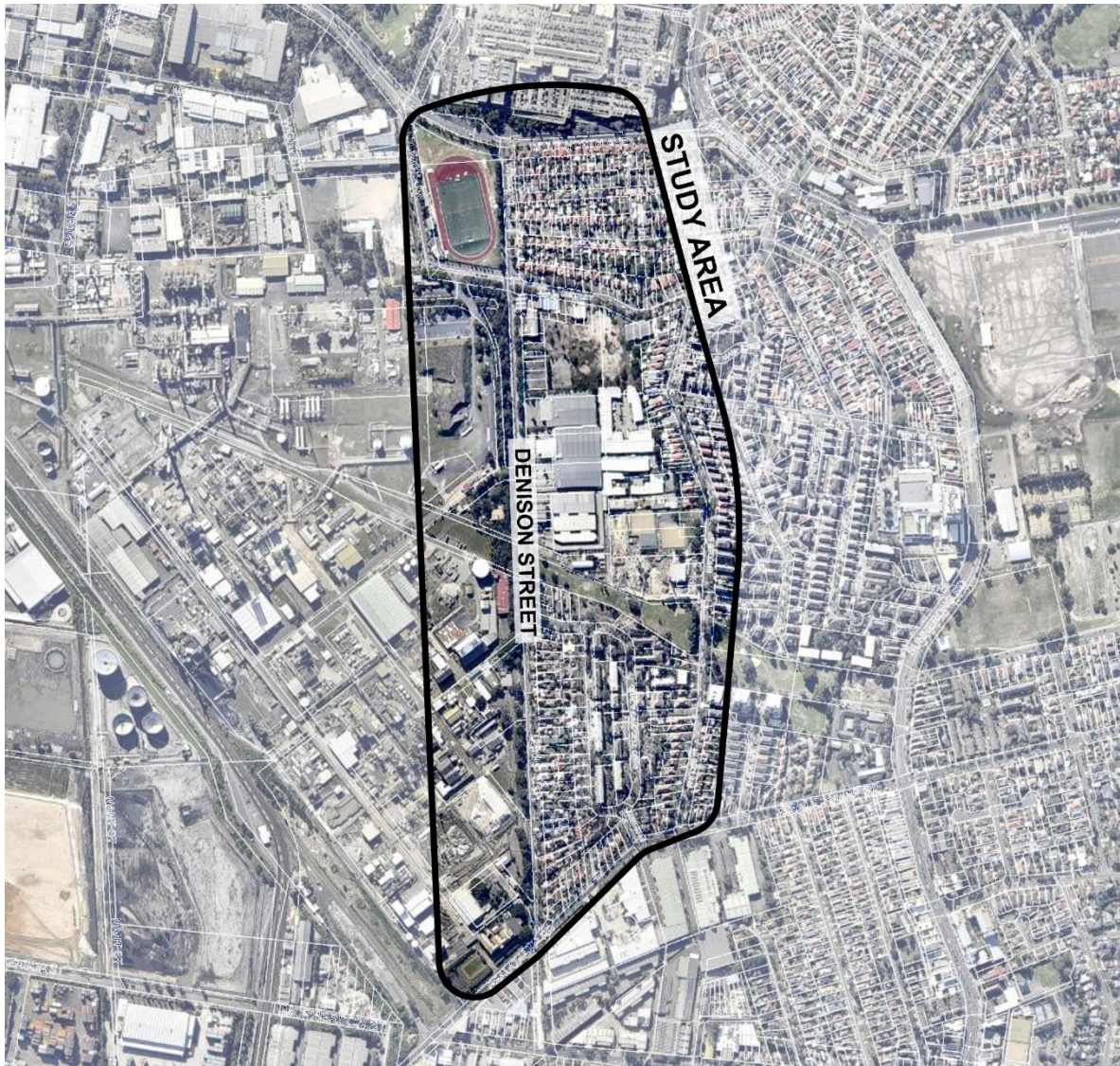
1.3 Scope of Work

The scope of work, as reported in BBCC's project brief, includes:

1. A review of the existing:
 - a. land uses and development standards in BBLEP2013; and
 - b. planning controls in the BBDCP2013,as they relate to the Study Area shown in Figure 1 and in the context of the findings and recommendations of the QRA for DG movements on Denison Street.
2. Identification of BCC's existing planning controls and standards that are relevant to the risk within the study area and therefore require review.
3. Reviewing the identified existing planning controls and standards against the results / findings of the key risk studies, in the context of strategic land use safety planning.
4. Recommending any necessary amendments to the relevant existing planning controls and standards.

The scope of the review did not include verification of the data and results included in any of the currently available QRAs for the Study Area. This includes, *inter alia*, the: *Dangerous Goods Transport QRA, Denison Street Hillsdale* (12 February 2015) [Ref. 25]; *Addendum to Dangerous Goods Transport QRA, Denison Street Hillsdale* (19 May 2015) [Ref. 24]; and *Quantitative Risk Assessment, Summary Report, Botany Industrial Park* [Ref. 27].

Figure 1 Study Area



2 APPROACH

The review involved the following key activities:

- Inception (kick-off) meeting with BBCC and visit to the Study Area.
- Briefings with representatives from BBCC, DP&E, NSW Ports, Transport NSW, Roads and Maritime Services (RMS) and Australian Rail Track Corporation (ARTC).
- Development of the proposed (draft) amendments to the existing planning controls and standards, based on a review of:
 - Existing planning control documents relating to the Study Area, including:
 - *Botany Bay Development Control Plan 2013* [Ref. 1].
 - *Botany Bay Local Environmental Plan 2013* [Ref. 14].
 - *State Environmental Planning Policy (Three Ports) 2013* (Three Ports SEPP) [Ref. 15].
 - *Botany / Randwick Industrial Area Land Use Safety Study* (2001) [Ref. 9].
 - Current and predicted future development in the Study Area.
 - Current, and predicted changes to, transport of DGs along Denison Street.
 - Available risk assessments for the Study Area, including:
 - *Dangerous Goods Transport QRA, Denison Street Hillsdale* (12 February 2015) [Ref. 25].
 - *Addendum to Dangerous Goods Transport QRA, Denison Street Hillsdale* (19 May 2015) [Ref. 24].
 - *Quantitative Risk Assessment, Summary Report, Botany Industrial Park* [Ref. 27].
 - Consideration of the relevant risk criteria for land use safety planning in the Study Area, including from the transport of DGs. This included a review of the risk criteria from HIPAP No. 4, *Risk Criteria for Land Use Safety Planning* (2011) [Ref. 7] and HIPAP No. 10, *Land Use Safety Planning* (2011) [Ref. 8].
- Finalisation of the proposed amendments to the existing planning controls and reporting.

3 DESCRIPTION OF STUDY AREA

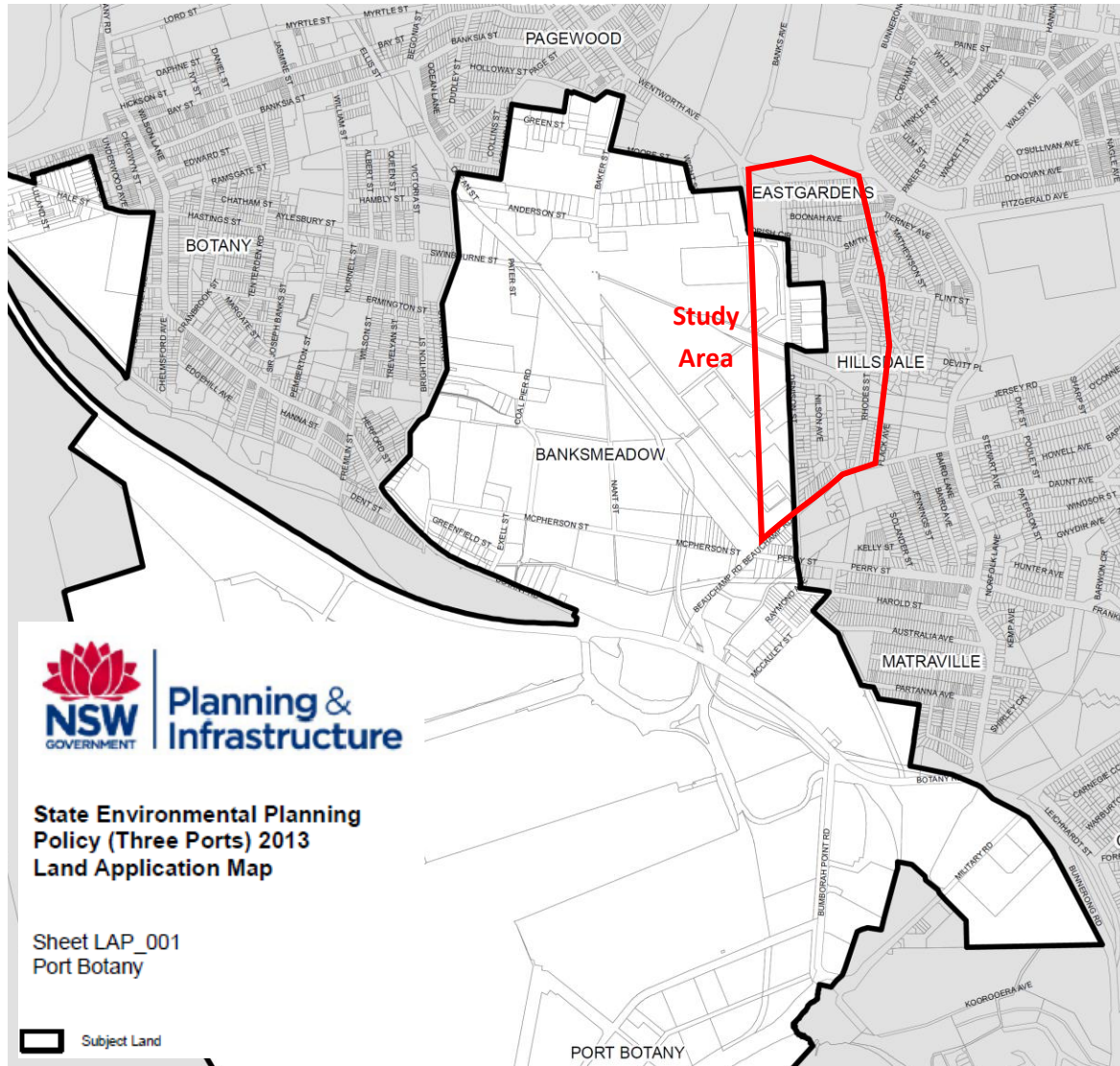
3.1 Introduction

The Study Area partly overlaps two of BBCC's planning precincts: Hillsdale and Eastgardens (Refer to Figure 2). It also partly overlaps land that falls under the Three Ports SEPP, which is principally the Botany Industrial Park (BIP) to the west of Denison Street (Refer to Figure 3), and includes part of the Banksmeadow Industrial Precinct (Refer to Section 3.1.2).

Figure 2 BBCC Planning Precincts [Ref. 1]



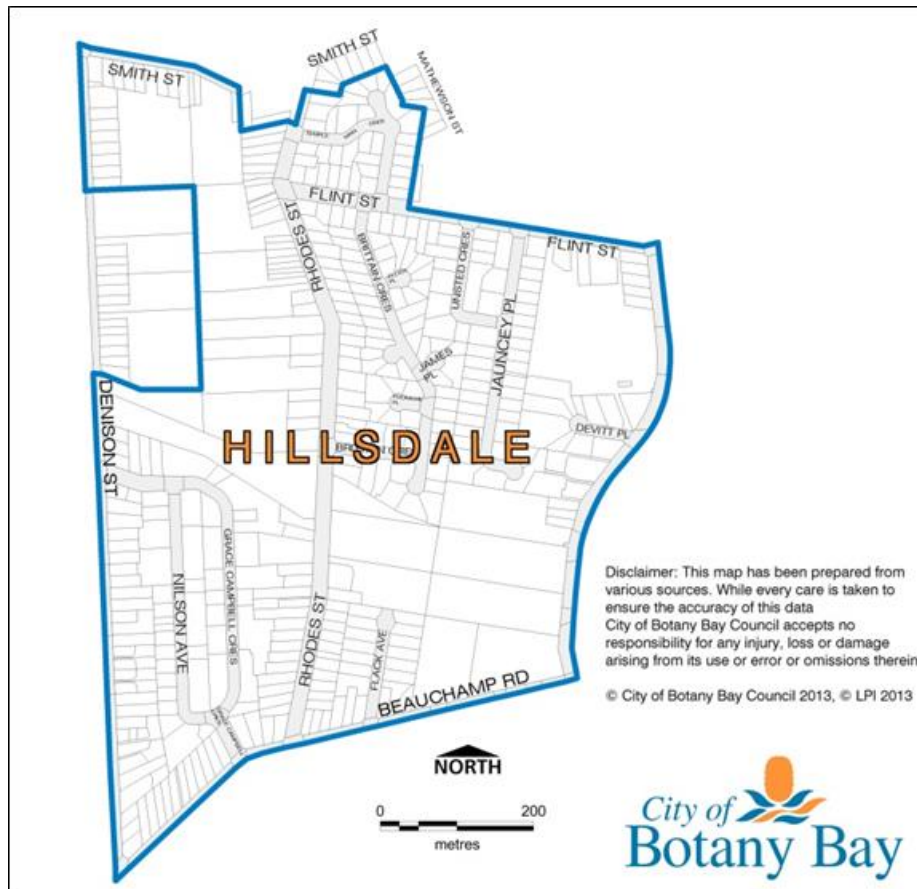
Figure 3 Land Application Map for Three Ports SEPP [Ref. 4]



3.1.1 Hillsdale Precinct

The Hillsdale Precinct is generally bounded by Smith Street, Bunnerong Road, Beauchamp Road and Denison Street (Refer to Figure 4). Rhodes Street Reserve bisects Hillsdale (between Denison Street and Rhodes Street).

Figure 4 Hillsdale Precinct [Ref. 1]



Two and three storey Residential Flat Buildings (RFB) are the dominant multi-unit residential style building type to the east of Rhodes Street. These sites were traditionally detached dwelling sites redeveloped for flat buildings in the 1960s-1970s. More recently, some RFBs have been approved (under construction) to the east and west of Rhodes Street near the Bowling Club.

Villa and townhouse developments occupy the western side of Nilson Avenue and are in the vicinity of Flint Street, Unsted Crescent and Jauncey Place. Dwelling Houses are scattered throughout the Precinct, with the majority located on Rhodes Street (south of the Rhodes Street Reserve) and along Beauchamp Road/Denison Street.

The Hillsdale Local Centre, which is not located within the Study Area, includes major supermarkets and specialty stores.

3.1.2 Eastgardens Precinct

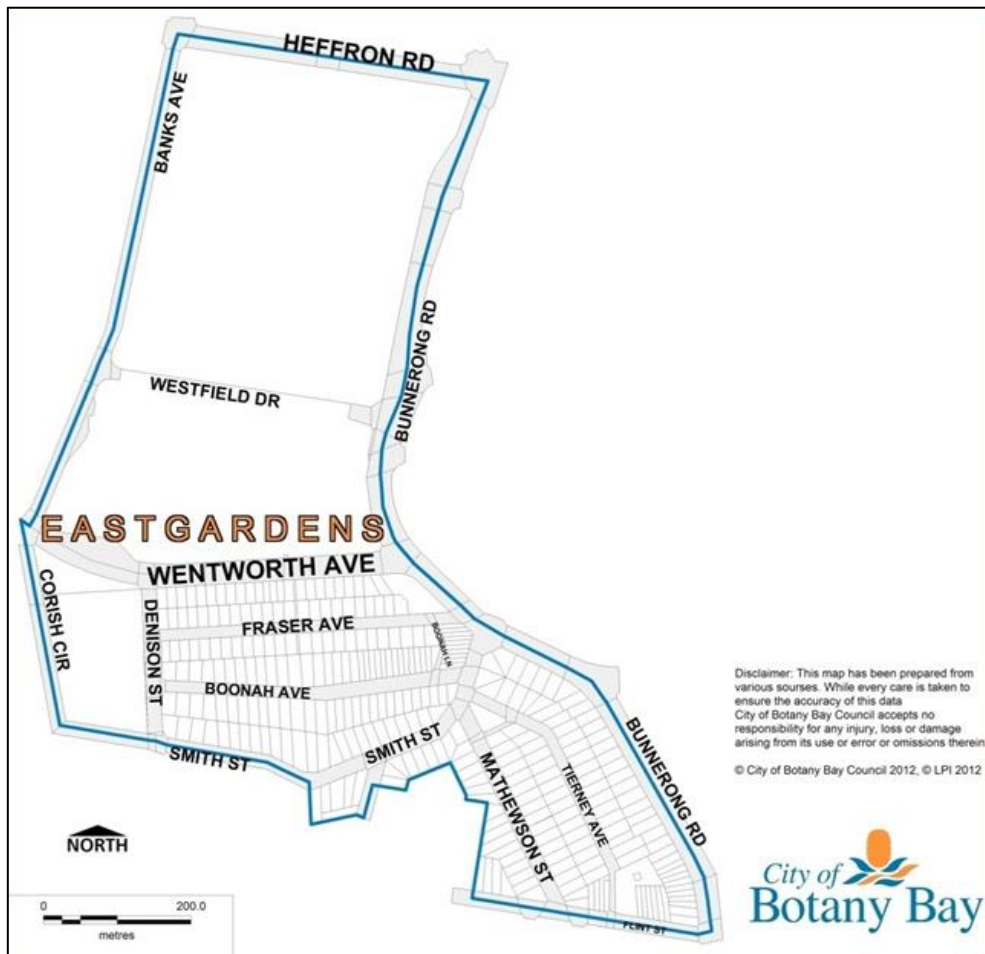
The Eastgardens Precinct (Refer to Figure 5) includes: the Westfield Eastgardens shopping centre (North of Wentworth Avenue); low density detached dwelling houses (South of Wentworth Avenue in Fraser Avenue, Boonah Avenue, Bunnerong Road, Tierney Avenue, Matheson Street and Smith Street); and the Hensley Athletic Field (Bounded by Wentworth Avenue, Denison Street, Smith Street and Corish Circle).

Westfield Eastgardens is a major shopping centre in the area and includes a major bus interchange facility with bus routes connecting Eastgardens with the City, Bondi Junction, Burwood, Rockdale, Little Bay, Port Botany and La Perouse. The shopping centre is bounded by an approved masterplan comprising 2205 dwellings to the north, and a golf course to the west.

Hensley Athletic Field is the only major open space area within this Precinct. It includes: a running track and field events area for athletics; an infield area for field sports such as soccer, rugby league and cricket practice nets.

There are two small pocket parks in the Precinct: (i) Tierney Avenue Reserve at the corner of Flint Street and Tierney Avenue; and (ii) Muller Reserve at the corner of Tierney Avenue and Mathewson Street.

Figure 5 Eastgardens Precinct [Ref. 1]



3.1.3 Banksmeadow Industrial Precinct

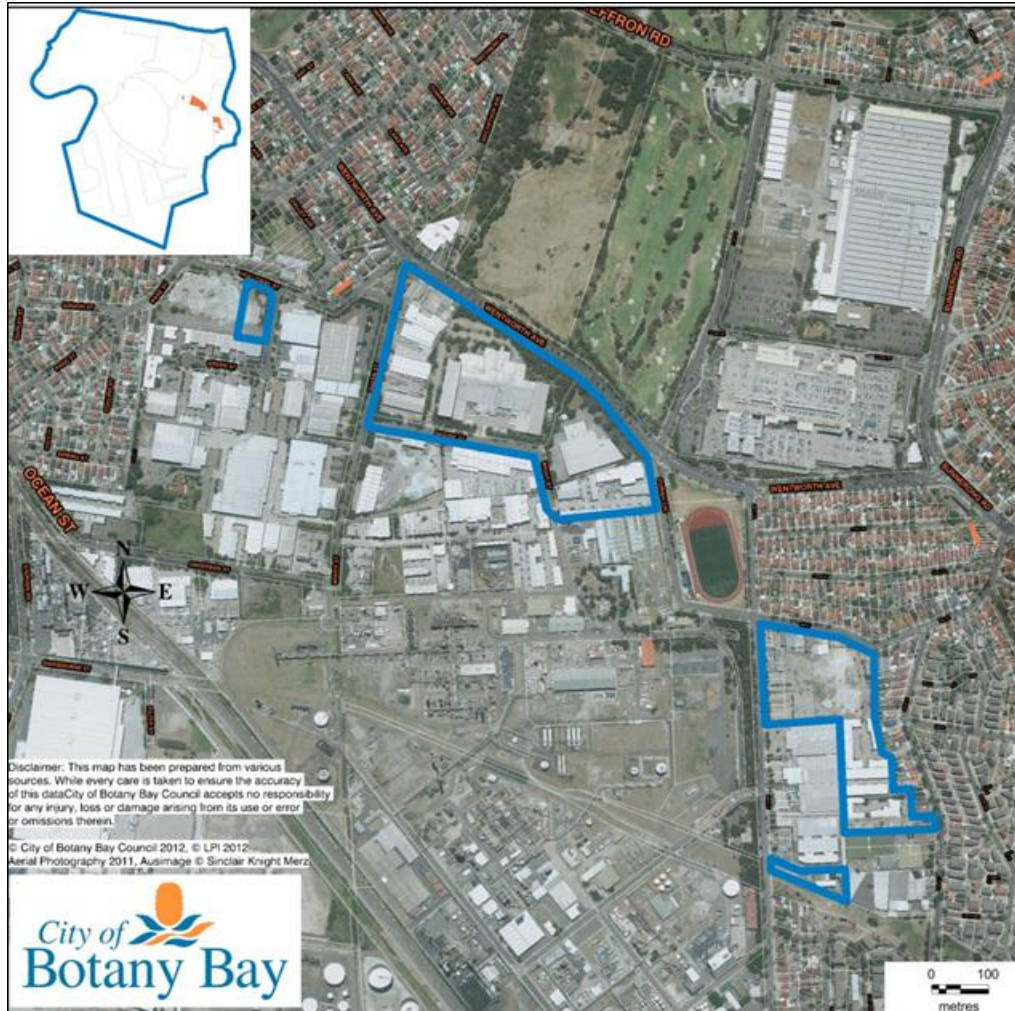
The Study Area includes part of the Banksmeadow Industrial Precinct (Refer to Figure 6).

The Banksmeadow Industrial Precinct includes the following areas [Ref. 1, Part 6.2.8]:

- An area zoned IN2 Light Industrial bounded by Wentworth Avenue, Baker Street, Moore Street, Wight Street, & Corish Circle;
- The B7 Business Park at 32 Page Street, Pagewood; and
- The B5 Business Development and B7 Business Park along Denison, Smith and Rhodes Streets Hillsdale. Note: This is the only part of the Banksmeadow Industrial Precinct located within the Study Area and it is bordered by residential uses in the Hillsdale and Eastgarden Precincts. Refer to Appendix A for description of B5 and B7 land use zones.

The remaining industrial area (Refer to Section 3.1.4) in the Study Area is zoned under the State Environmental Planning Policy (Three Ports) 2013.

Figure 6 Banksmeadow Industrial Precinct [Ref. 1]



The main land uses in this Precinct include manufacturing, warehousing and transport. The Bunnings hardware store, which is currently under construction, is the largest single use in the Study Area (Bounded by Denison Street and Smith Street).

3.1.4 Three Ports SEPP

The Three Ports SEPP applies to the leased port areas (i.e. land leased to a private port operator under the Ports Assets (Authorised Transactions) Act 2012) as well as surrounding land that needs to be maintained for port-related and industrial uses.

The Study Area is outside of the port lease area, but does include land that is covered by the Three Ports SEPP (Refer to Figure 3). The Minister for Planning is the relevant consent authority for State Significant Development and the BBCC is the relevant consent authority for other developments on this land as per Clause 8 of the Three Ports SEPP [Ref. 15].

This area also includes a number of pipelines carrying hazardous substances such as natural gas and jet fuel (Note: These pipelines are located outside the Study Area).

The Botany Industrial Park (BIP), which is located to the west of Denison Street, is the largest industrial use within the Study Area. This area is covered by the Three Ports SEPP and several companies own and operate plants at the BIP. The facilities at the BIP include: a chloralkali plant (manufacture of chlorine, hydrochloric acid, caustic soda, ferric chloride, and sodium hypochlorite), operated by Ixom (Formerly operated by Orica); an olefines plant and plastics manufacturing plants operated by Qenos; and a surfactants facility operated by Huntsman Chemicals. These are potentially hazardous facilities and are categorised as Major Hazard Facilities (MHFs) in accordance with the NSW Work Health and Safety Regulations [Ref. 16].

Land covered by the Three Ports SEPP is also located to the east of Denison Street (Refer to Figure 3). This is currently used for manufacturing and warehousing (i.e. Similar to the adjacent Banksmeadow Industrial Precinct – Refer to Section 3.1.3).

3.2 Land Use Zoning

Land use zones for the Study Area are defined in the BBLEP2013 [Ref. 14] and Three Ports SEPP [Ref. 15]. All of the land in the Study Area that this covered by the Three Ports SEPP is zoned for general industrial use (IN1) [Ref. 5]. The section of the land use zone map from the BBLEP2013 that is applicable to the Study Area is reproduced below (Refer to Figure 7).

The description of each relevant zone (i.e. B5, R2, etc. as shown on Figure 7) from the BBLEP2013 and Three Ports SEPP is reproduced in Appendix A. Each zone description includes:

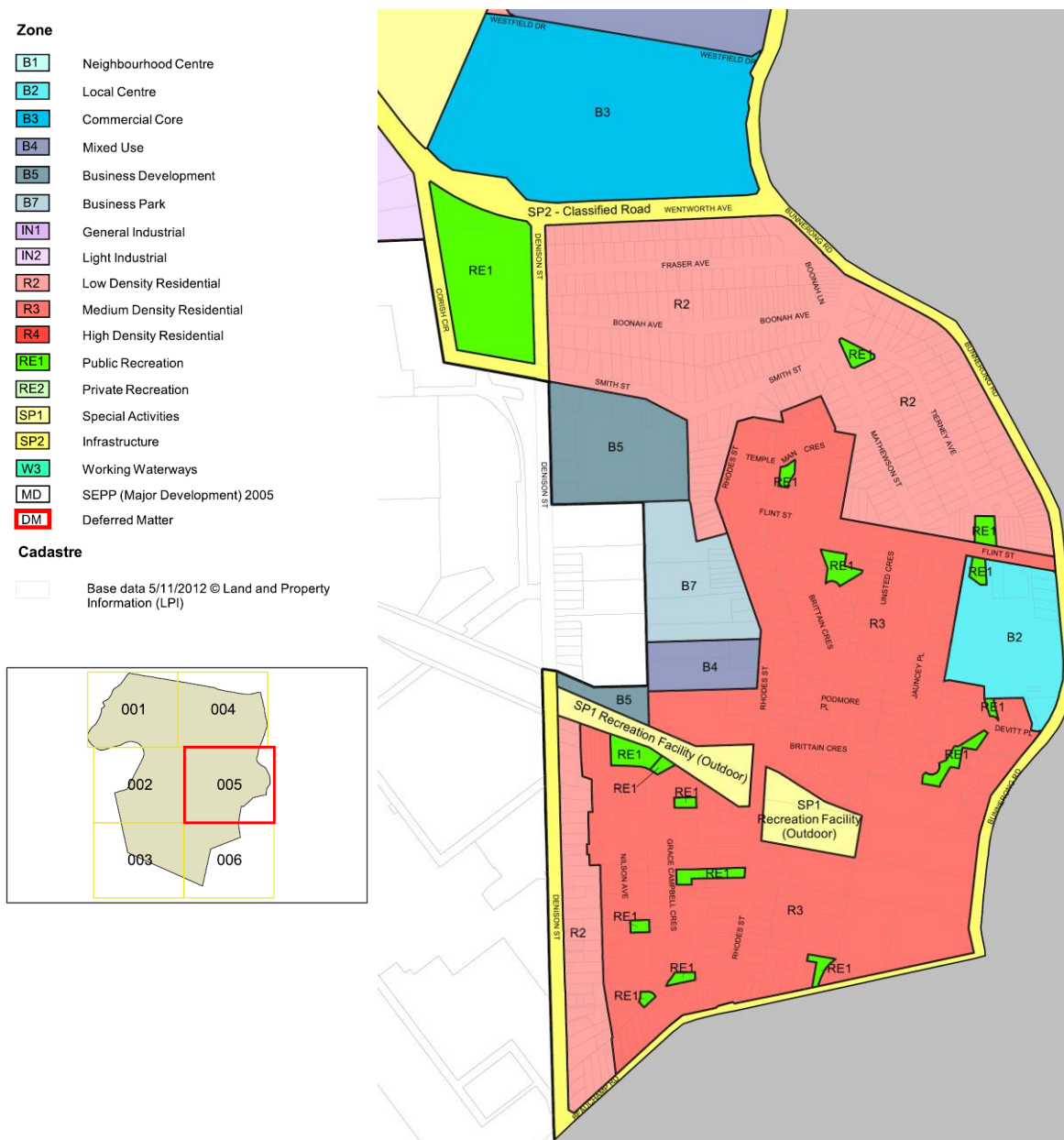
- The objectives for development;
- Development that may be carried out without development consent;
- Development that may be carried out only with development consent; and
- Development that is prohibited.

The consent authority is required to have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

Additional permitted uses also apply for the Hensley Athletics Field and Rhodes Street Reserve [Ref. 14, Schedule 1]. Specifically:

- Development at the Hensley Athletics Field for the purposes of a car park, entertainment facility, food and drink premises, function centre and registered club is permitted with development consent.
- Development at the Rhodes Street Reserve for the purposes of a recreation area is permitted with development consent.

Figure 7 Land Use Zones in Study Area [Ref. 14]



3.3 Population

Current and forecast population data for the Hillsdale - Eastgardens precincts is presented on the forecast.id website [Ref. 12]. Whilst the average number of persons per household is forecast to remain relatively constant (viz. 2.57 in 2011 to 2.58 by 2026), the total population is forecast to grow from 6,103 in 2011 to 9,306 by 2026 - an increase of over 1,200 households with an average annual growth rate of 1.89% to 4.25% [Ref. 12]. The forecast.id data is reproduced in Table 1 below.

The forecast.id data does not indicate where the additional households would be located and it is not clear if the forecast growth can be accommodated within the existing land use zones (particularly the R3 zone for medium density residential uses) or if future rezoning will be necessary. However, recent development applications for medium density residential units to the west of Rhodes Street (Refer to Section 3.4) would suggest that land to the east of Rhodes Street has already been developed for this use.

Table 1 Population Forecast for Hillsdale – Eastgardens [Ref. 12]

	Forecast year					
	2011	2016	2021	2026	2031	2036
Population	6,103	6,883	7,558	9,306	11,126	12,691
Change in population (5 yrs)	--	780	676	1,748	1,820	1,565
Average annual change	--	2.43%	1.89%	4.25%	3.64%	2.67%
Households	2,373	2,664	2,941	3,611	4,334	4,988
Average household size	2.57	2.58	2.57	2.58	2.57	2.54
Dwellings	2,437	2,740	3,033	3,743	4,503	5,196
Dwelling occupancy rate	97.37	97.23	96.97	96.47	96.25	96.00

3.4 Current and Predicted Future Development

3.4.1 Residential Development

Up to 568 additional dwellings are forecast for the Hillsdale and Eastgardens Precincts between 2016 and 2021 (Refer to data presented in Table 1). At the time of this Review, the following residential development applications were being considered by BBCC in the Study Area:

- 41 to 45 Rhodes Street – Demolition of the existing buildings (a vehicle repair building and residential dwelling) and the erection of a 6 storey residential apartment building with 46 apartments.
- 51 to 53 Rhodes Street – Three multi-storey residential apartment buildings with 70-85 residential apartments. This Site is currently zoned B7 Business Park and would require rezoning to permit residential development.
- 42 Beauchamp Road – Replacement of existing residential dwelling with 2 x 3 bedroom townhouses and 1 x 4 bedroom townhouse. This was refused on 14/4/16.

These development applications appear to be representative of the recent residential intensification in the Study Area, which includes a mixture of medium density apartments and townhouses. For example, the multi-storey apartment complex currently being constructed at 39 Rhodes Street includes three apartment blocks and up to 250 apartments.

The current residential development applications for the Study Area, which represent only a part of the Hillsdale and Eastgardens Precincts, suggest that the increases being forecast in Table 1 are not unrealistic.

3.4.2 Commercial and Industrial Development

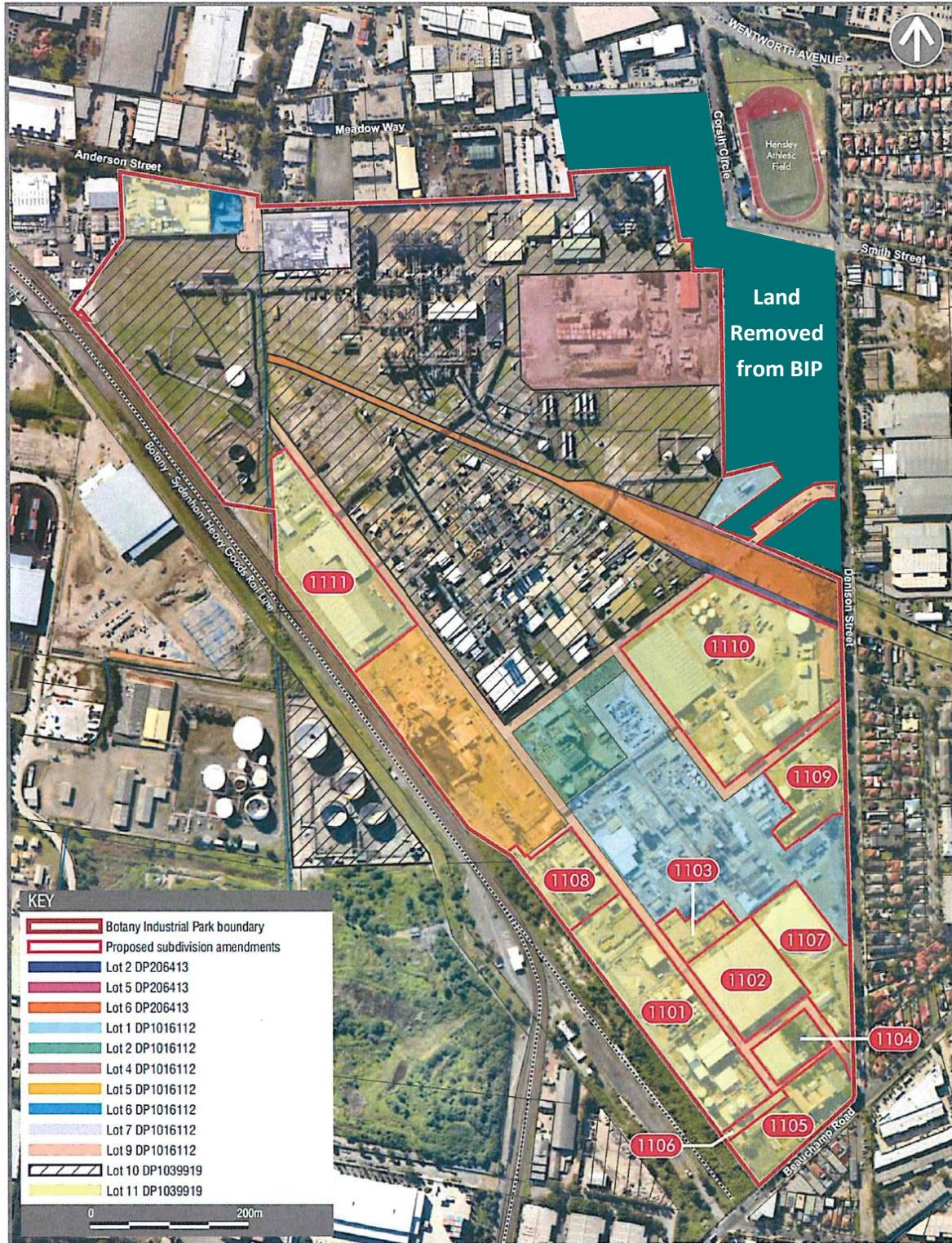
An expansion to the Westfields Eastgardens shopping centre was approved in March 2015. This extension to level 3 has been estimated to increase the number of staff by 168 and persons visiting the centre by c. 84 per day [Ref. 26].

A subdivision of the BIP was approved by the DP&E in August 2015 [Ref. 2]. This reduced the area occupied by the BIP and has released some land for future development along Denison Street and

Corish Circle. This land (Refer to Figure 8) is still within the area that is covered by the Three Ports SEPP and is still zoned for general industrial use (IN1).

No current or predicted future major industrial developments were identified within the Study Area.

Figure 8 Sub-Division of BIP Approved in August 2015 [Ref. 2]

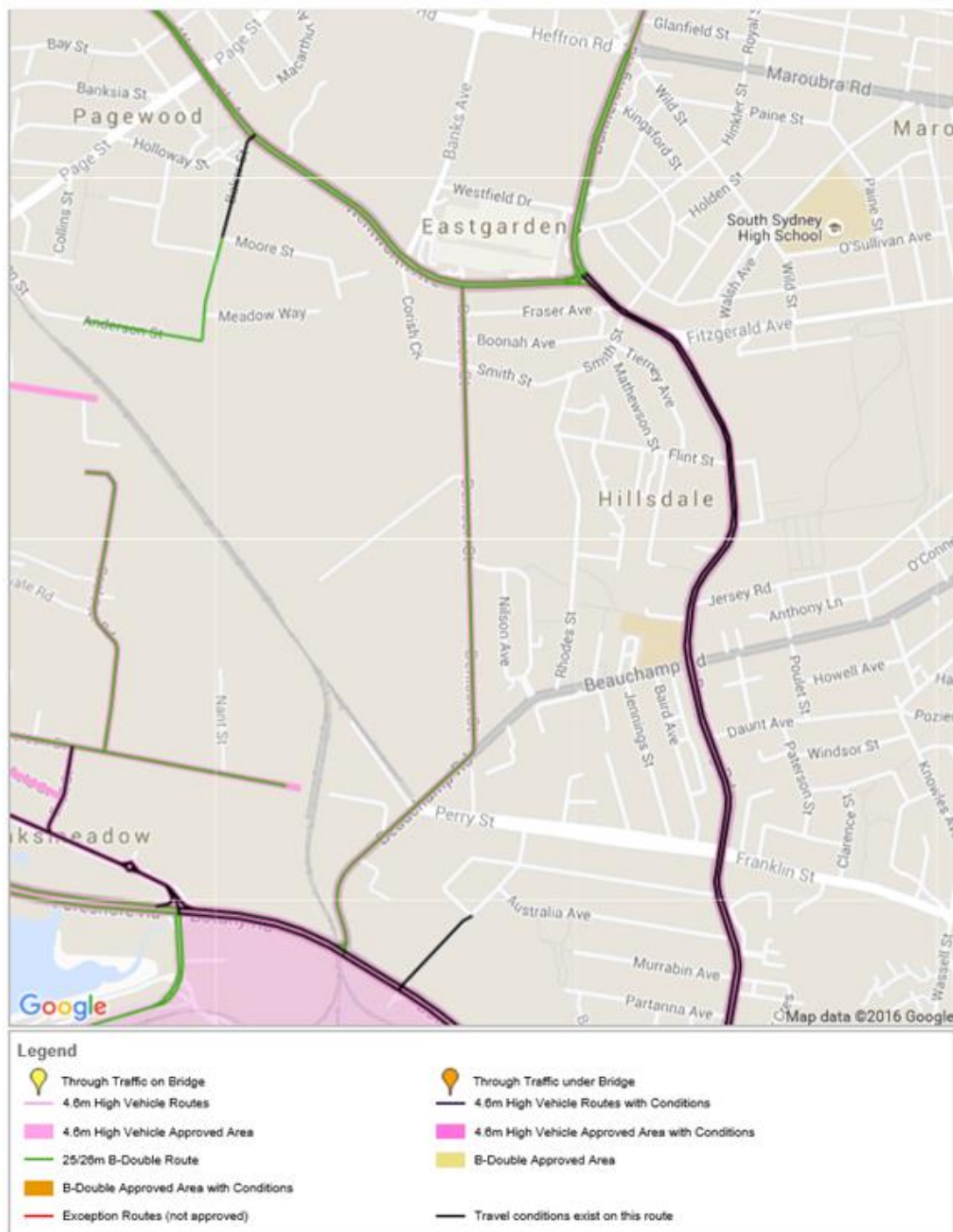


3.5 Roads and Traffic Management

Denison Street is a Roads and Maritime Services (RMS) approved road for heavy vehicles, including vehicles 4.6 m high and B-double trucks up to 25/26 m long (Refer to Figure 9).

Although referred to as a 'designated DG route' in the Botany-Randwick Land Use Safety Study (LUSS, and subsequently cited in the BBDCP2013 – Refer to Section 7.1), this designation appears to have been created for the LUSS and is not based on an RMS policy. RMS does not designate specific roads for the transport of DGs (Note: DGs are prohibited in Sydney's road tunnels).

Figure 9 Heavy Vehicle Access for Denison Street [Ref. 20]



The only proposed change to traffic management on Denison Street is provision of a new intersection (with traffic lights) to access the Bunnings development (under construction). This intersection will control access to / from the new Bunnings Access Road and is proposed to include a restriction on right hand turns from Denison Street (Northbound) into the Bunnings Access Road between 6 am and 10 am Monday to Friday [Ref. 21]. A new left-hand exit lane will be provided for southbound traffic on Denison Street to access the new Bunnings Access Road.

3.6 Summary of Key Points

The following characteristics of the Study Area are particularly relevant for the review of development controls:

- There are multiple precincts in the Study Area: Hillsdale; Eastgardens; and, the Banksmeadow Industrial Precinct. These precincts include a mixture of residential, industrial / commercial and recreational land uses.
- The Hillsdale Precinct and Banksmeadow Industrial Precinct overlap.
- The industrial zoned land covered by the Three Ports SEPP is land that should be maintained for port-related and industrial use [Ref. 15]. The subdivision of the BIP, approved in August 2015, has released some land for future development along Denison Street and Corish Circle.
- There are adjacent residential and industrial land uses, including multiple MHFs in the BIP.
- The forecast population growth could increase the demand for higher density residential development to the east of Rhodes Street.

4 TRANSPORT OF DANGEROUS GOODS IN STUDY AREA

4.1 Current Transport of DGs

An estimate of the frequency of DG heavy vehicle movements along Denison Street is included in the DG Transport QRA ('Transport QRA' and 'Transport QRA Addendum') issued by Scott-Lister in 2015 [Ref. 24 and 25]. It is reported in Section 1 of the more recent Transport QRA Addendum [Ref. 24] that the DG heavy vehicle movements were based on:

- Survey data collected by ROAR Data Pty Ltd (Traffic counts collected during June to July, 2012) [Ref. 23];
- Maximum potential traffic movements from the BIP, based on maximum approved operational capacity and consultation with BIP operators; and
- Northbound through traffic of 4,000 movements per year of DG Class 2.1 liquefied flammable gases (principally LPG) from the bulk liquid and gas storage facilities in Port Botany. Note: This was not included in the original Transport QRA and was added to the later Transport QRA Addendum.

Based on this information, Scott-Lister estimated the frequency of DG heavy vehicle movements along Denison Street [Ref. 25].

It was assumed in the Transport QRA and Transport QRA Addendum that the heavy vehicles travelling south to Port Botany were empty and the heavy vehicles travelling north were full [Ref. 25, Section A2.1]. Therefore, the majority of the southbound vehicle movements are 'empty' vehicles. The 'empty' DG Class 2 and Class 3 bulk tankers were still assumed to contain a heel of liquid and were modelled accordingly [Ref. 25, Section A2.1].

Although not explicitly stated in the Transport QRA and Transport QRA Addendum, the reported data appears to include both packaged DGs and bulk DGs. This is based on the observation that the cited ROAR survey data [Ref. 23] includes vehicle types used for packaged and bulk DGs (viz. Rigid, Rigid Tanker, Articulated, Articulated Tanker, B-Double and B-Double Tanker) and that Chlorine is referred to in Section 2.1.1 of the Transport QRA as being transported in "drums, cylinders or isotainers". The distribution of packaged vs. bulk DG movements cannot be determined from the information provided in the Transport QRA and Transport QRA Addendum, although the emphasis would appear to be on bulk DG movements (i.e. tankers).

In 2003, Sydney Ports' (now NSW Ports) estimated that 1% of the total containerised trade through Port Botany would be transported via Beauchamp Road [Cited in Ref. 19, Section 7.3], which would then presumably follow Denison Street. In 2015, NSW Ports reported that "around 10 per cent of port related trucks using Beauchamp Road/Denison Street to travel to and/or from Port Botany" [Ref. 17, p.49], and this % appears to include both containerised and bulk trade.

In 2015, NSW Ports reported that that there were 3,900 heavy vehicle movements per day at the port [Ref. 17, p.47], which includes approximately: 3,580 trucks per day (full and empty containers) and 320 bulk tankers per day from the bulk liquid and gas storage facilities. 10% of the 320 bulk liquid tankers per day equates to 11,680 tankers per year along Denison Street. This is very close to the total northbound (i.e. laden) vehicle movements used in the Transport QRA Addendum for the southern section of Denison Street (i.e. prior to additional laden vehicles entering Denison Street from Gate 3 at the BIP).

In 2015, NSW Ports reported that that the total container trade at Port Botany was 2.3 million TEUs [Ref. 17, p.37]. Currently, approximately 3% of containerised goods include DGs.

4.2 Predicted Changes to DG Transport

It is difficult to predict accurately how the transport of DGs will change along Denison Street in the future. There are many external factors that could change the frequency of vehicle movements and/or the type of DGs being transported. These factors include: major changes to road infrastructure (e.g. such as the proposed WestConnex project); changes to the modes of transport for DGs (e.g. more or less use of rail infrastructure); and/or changes to the global and local market for DGs (viz. changes to the type and quantity of chemicals imported / exported through Port Botany and those produced locally). Therefore, the longer the forecast period, the greater would be the uncertainty associated with any prediction.

Over the next 10 years, NSW Ports has predicted that the frequency of bulk tanker movements at Port Botany could increase to between 390 to 430 tankers per day (Refer to Table 2). This represents an increase of approximately 22% to 34% on the 390 actual movements per day in 2015 [Ref. 17]. This increased volume is currently predicted to remain relatively constant through to 2045 (Refer to Table 2).

Over the same 10 years, NSW Ports has predicted that the frequency of container truck movements (full / empty containers) at Port Botany could increase to between 4,310 to 5,270 trucks per day (Refer to Table 2); an increase of approximately 20% to 47% on the 2015 actual movements of 3,580 per day [Ref. 17]. The longer term forecast is an increase of approximately 80% (Refer to Table 2).

Table 2 Forecast Increase to Heavy Vehicle Movements (per day) at Port Botany [Ref. 17]

Heavy Vehicle Type	Year			
	2015	2025	2035	2045
Trucks (Full / empty containers)	3,580	4,310 to 5,270	5,310 to 6,470	5,910 to 6,470
Bulk Tankers	320	390 to 430	390 to 430	390 to 430
Total =	3,900	4,700 to 5,700	5,700 to 6,900	6,300 to 6,900

In 2015, NSW Ports reported that that the total container trade at Port Botany was forecast to grow from 2.3 million TEUs in 2015 to: between 3.4 and 4.3 million TEUs per year by 2025; and, between 7.5 million and 8.4 million TEUs per year by 2045 [Ref. 17, p.37]. NSW Ports does not believe that the proportion of containerised goods including DGs (currently c. 3%) will change in the next 5 to 10 years.

It is understood from discussions with ARTC and NSW Ports that there is no current plan to increase the proportion of DGs transported by rail.

4.3 Summary of Key Points on DG movements in Study Area

The following points summarise the discussions in Sections 4.1 and 4.2.

- The scope of this Review did not include a detailed verification of the transport data used in any of the currently available QRAs for the Study Area (Refer to Section 1.3). However, based on the information presented in Section 4.1:

- The frequency of DG heavy vehicle movements for Denison Street reported in the Transport QRA / Transport QRA Addendum [Ref. 24 and 25] and in the NSW Ports' 30 Year Master Plan [Ref. 17] appear to be comparable when applied for 2015. However, the uncertainty in this data could be high due to the relatively short survey period (viz. June to July, 2012) reported in the Transport QRA / Transport QRA Addendum.
- The data reported in the Transport QRA / Transport QRA Addendum [Ref. 24 and 25] appears to include both packaged DGs and bulk DGs, although the emphasis would appear to be on bulk DG movements (i.e. tankers). The split is unknown.
- It is reported in the Transport QRA / Transport QRA Addendum [Ref. 24 and 25] that the DG heavy vehicle movements were based on the maximum potential traffic movements from the BIP (i.e. based on maximum approved operational capacity). It is not known if the facilities operate to the approved capacity.
- NSW Ports has predicted that the frequency of bulk DG tanker movements at Port Botany could increase by 34% over the next 10 years, and will then remain relatively constant through to 2045 (Refer to Section 4.2). A similar proportional increase may be applicable for Denison Street, although many factors have the potential to affect the frequency of vehicle movements and/or the type of DGs being transported at this specific location (Refer to Section 4.2).
- It is understood from discussions with ARTC and NSW Ports that there is no current plan to increase the proportion of DGs transported by rail.
- A 50% increase to DG heavy vehicle movements along Denison Street would appear to be a reasonable conservative assumption for the Study Area over the next 10 years.

5 RISK ANALYSES FOR STUDY AREA

5.1 Introduction

Quantitative Risk Assessments (QRA) and Land Use Safety Studies (LUSS) have been undertaken for the industrial facilities in the Study Area since 1985. These studies have, on occasion, also included consideration of DG transport along Denison Street.

The first risk study undertaken by the DP&E specifically for land use safety planning was in 1985 and included the industrial facilities in the Botany-Randwick area and Port Botany. This was followed by two LUSSs: (i) The *Port Botany Land Use Safety Study* in 1996; and; the *Botany / Randwick Industrial Area Land Use Safety Study* in 2001.

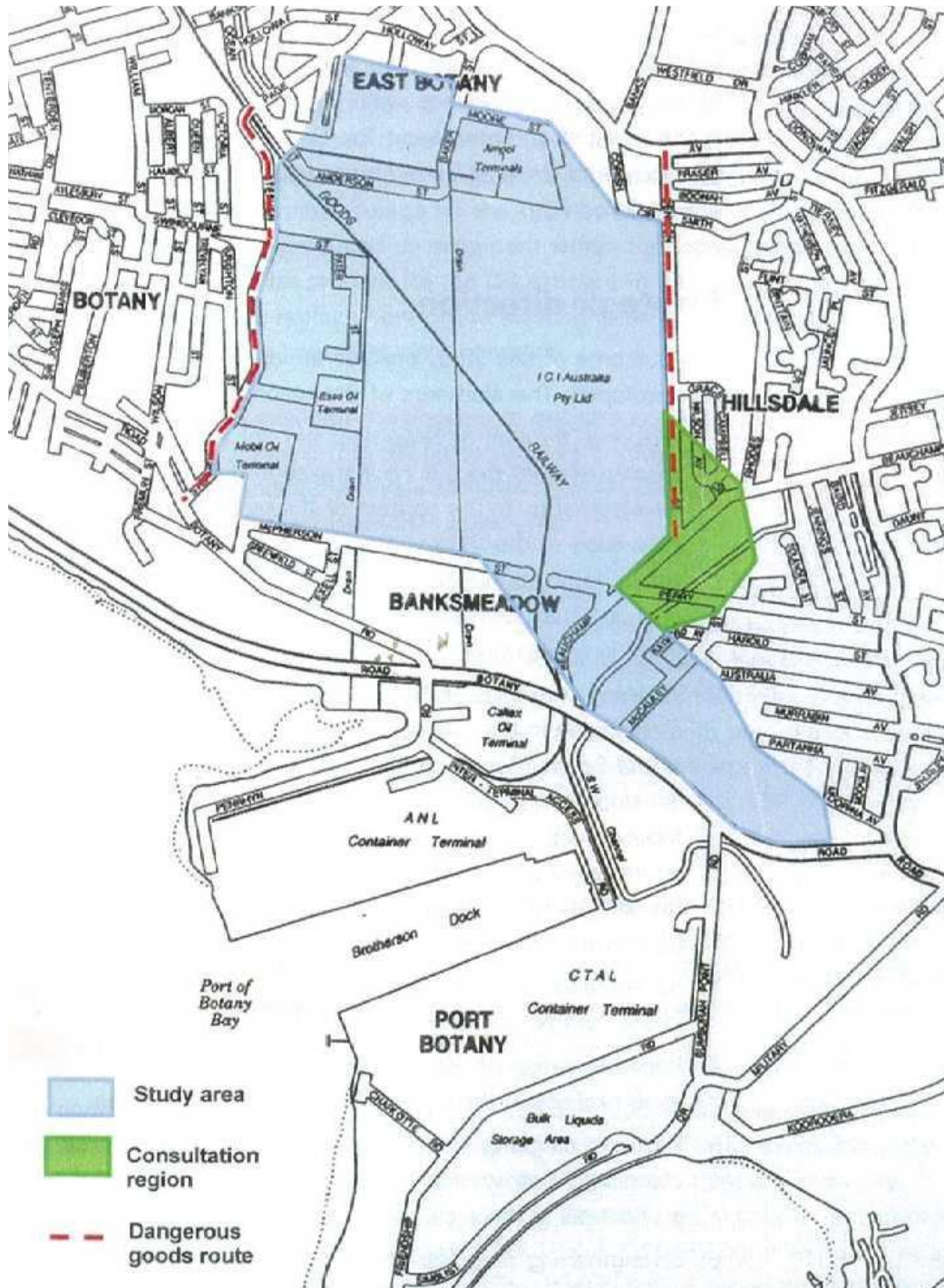
The most relevant QRAs for industrial facilities and DG transport in the Study Area, currently include:

- Industrial facilities:
 - *Quantitative Risk Assessment, Summary Report, Botany Industrial Park* [Ref. 27].
- DG transport:
 - *Port Botany Expansion Preliminary Hazard Analysis (June 2003)* [Ref. 19].
 - *Dangerous Goods Transport QRA, Denison Street Hillsdale (12 February 2015)* [Ref. 25] and *Addendum to Dangerous Goods Transport QRA, Denison Street Hillsdale (19 May 2015)* [Ref. 24].

5.2 Land Use Safety Studies for Botany-Randwick Industrial Area

The risk study undertaken by the DP&E in 1985 for the industrial facilities in the Botany-Randwick area recommended there be no intensification of residential development within areas identified in the study and that planning controls be implemented accordingly. A similar finding was made in the most recent LUSS for the Botany-Randwick industrial area in 2001 [Ref. 9], however, the extent of the cumulative individual risk contours has progressively reduced as operations have changed. In particular, the change to the Chlorine production process at the Ixom facility (including ceasing the bulk storage of liquid chlorine) has significantly reduced the cumulative risk. Only part of the Hillsdale Precinct is now identified in the 2001 LUSS as being an area where 'residential intensification' or 'sensitive use intensification' should be specifically reviewed in consultation with the DP&E (Refer to Figure 10). Note: The 2001 LUSS did not include the impacts of DG traffic along Stephen Road and Denison Street.

Figure 10 Consultation Region from 2001 LUSS [Ref. 9]



The key recommendations from the 2001 LUSS are summarised in the current BBDCP2013 as follows:

1. Future developments in the Botany / Randwick industrial area should be subject to early risk assessment and comprehensive environmental impact processes to conclusively demonstrate they will not contribute to risk impacts outside the industrial area that are inappropriate for surrounding land uses.

2. Effective land use safety planning should be implemented to allow future developments in the area, and to reconcile any potential land use planning conflicts.
3. A process of regular reviews and updates for site safety management systems should be undertaken.
4. Emergency plans and procedures, and fire prevention and protection systems should be kept up-to-date.
5. Industrial facilities should adopt community right-to-know principles to ensure the community is adequately informed about activities, associated risks and safety management measures adopted within the Botany / Randwick industrial area.

5.3 QRA for Botany Industrial Park

In 2012, a cumulative QRA was undertaken by Sherpa Consulting (Sherpa) for the facilities in the Botany Industrial Park (BIP) [Ref. 27]. This QRA ('2012 BIP QRA') was carried out to comply with the following Condition of Consent [Ref. 10]:

Site Cumulative Risk Assessment

- (a) *The SPC will maintain an updated Cumulative Risk Assessment for the BIP. The Assessment report: shall include individual fatality, injury and irritation risk and societal risk using the most recently available population and meteorological data. This report and all documentation shall be in accordance with the Department's Hazardous Industry Planning Advisory Paper No 6: Hazard Analysis Guidelines.*
- (b) *Each member of SPC must provide the relevant information and resources to the SPC to ensure that the Assessment is reviewed and updated as necessary.*
- (c) *The Site Cumulative Risk Assessment report shall be maintained as a 'living document' and updated as modifications occur on the BIP. The updated report shall be submitted to the Director-General for approval on a three yearly basis.*
- (d) *All State significant development applications submitted to the Department for consideration containing a preliminary hazard analysis must include updated BIP Cumulative Risk Assessment results.*

(Note: 'SPC' stands for 'Special Purpose Company'. The SPC was set up for the BIP to address this, and other Conditions of Consent).

The Condition of Consent requiring a site cumulative risk assessment was subsequently modified in 2015 and the standard renewal period for the QRA was extended from 3 to 5 years. The modified Condition of Consent is as follows [Ref. 2]:

Site Cumulative Risk Assessment

- (a) *The SPC shall maintain an updated Quantitative Risk Assessment for the BIP. This Risk Assessment shall be updated:*
 - i. *if there is a change at the BIP, which will significantly change the results of the Risk Assessment; or*
 - ii. *if required by the Secretary; or*
 - iii. *in accordance with the provisions of the Work Health and Safety Regulation 2011; or*
 - iv. *at least every 5 years.*

- (b) *Each quantitative risk assessment (or update to such an assessment) shall include individual, fatality, injury, and irritation risks and societal risks using the most recently available population and meteorological data. Each quantitative risk assessment (or update to such an assessment) shall be in accordance with Hazardous Industry Planning Advisory Paper No. 6 – Guidelines for Hazard Analysis (DoP, 2011).*
- (c) *Each member of SPC shall provide the relevant information and resources to the SPC to ensure that each quantitative risk assessment (or update to such an assessment) is reviewed and updated as necessary.*
- (d) *Each quantitative risk assessment (or update to such an assessment) shall be submitted to the Secretary for approval.*

The QRA model was first compiled in 2006; and, the 2012 version, which included some relatively minor updates made as a result of the MHF/Safety Report process, only included some minimal differences to the overall risk results presented in the 2010 version [Ref. 27, Section 1.6].

The 2012 BIP QRA did not include [Ref. 27, Section 2.10]:

- Vehicle movements within the BIP.
- Vehicle transport to and from the BIP.
- Pipelines external to the BIP.

In Section 8.4 of the 2012 BIP QRA it is reported that “the largest impact distance is from a liquid chlorine leak from an in-transit 13 tonne road tanker”. Other high consequence events with the potential to affect populations in proximity to the BIP are listed in Section 1.9 of the BIP QRA as follows:

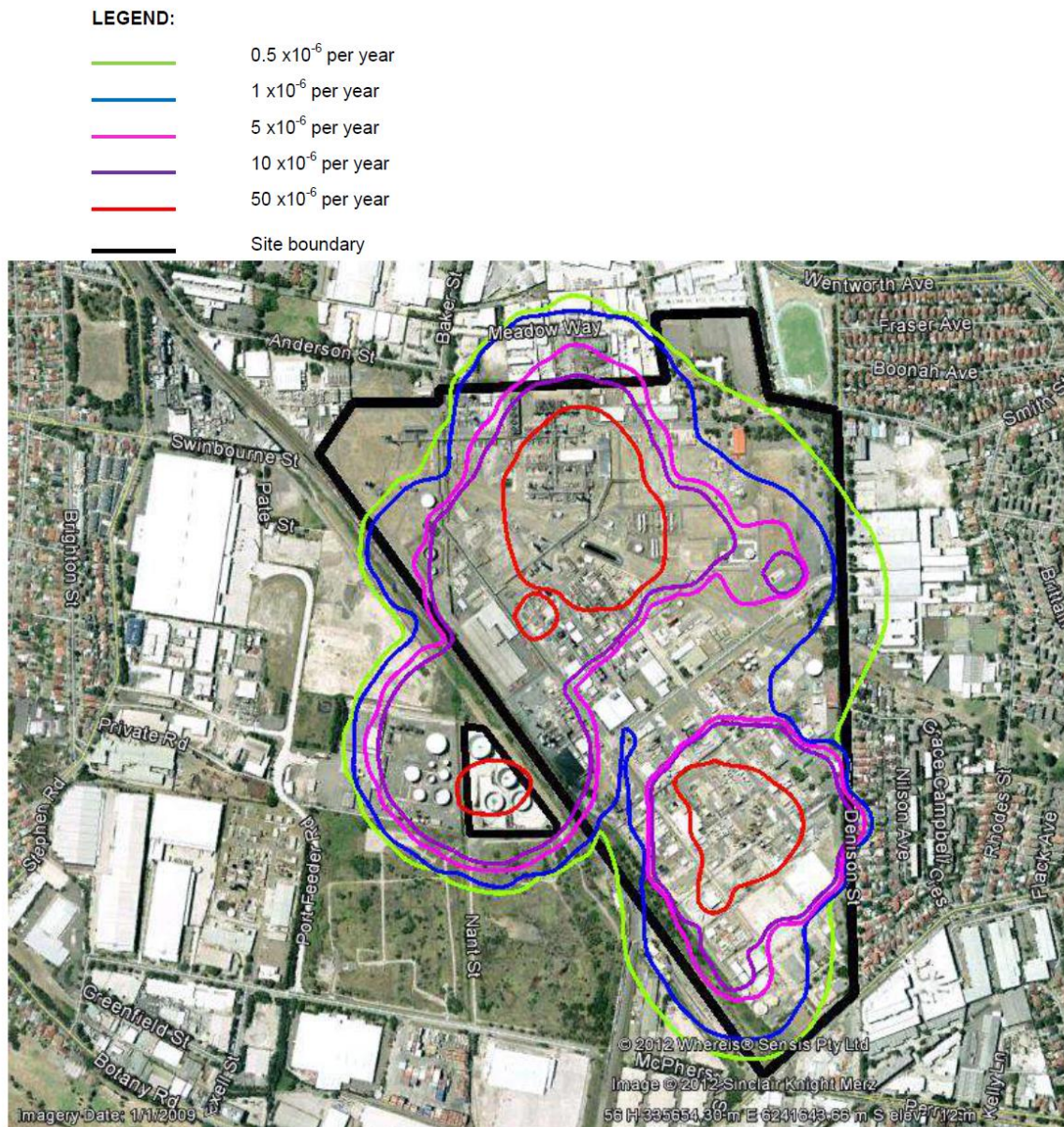
- Flashfire / explosions due to large leak or rupture of the ethylene sphere.
- Flashfire / explosions (including BLEVEs) due to large leak or rupture of the propane / propylene storages.
- Ethylene oxide decomposition events.
- Liquid chlorine leaks from in-transit road tanker or in-transit drums.

5.3.1 Individual Fatality Risk

The cumulative individual fatality risk contours included in the 2012 BIP QRA are shown on Figure 11. Whilst the cumulative individual fatality risk contours generally comply with the DP&E’s relevant risk criteria for proposed developments (Refer to Section 6.2.3.1), there is a small encroachment (c. 30 m) of the 1×10^{-6} per year individual fatality risk contour to the east of the Huntsman facility across the Denison Street eastern BIP boundary into the residential area [Ref. 27, Section 10.1] (Refer to Figure 11).

The 0.5×10^{-6} per year contour extends approximately 50 to 100 m beyond the BIP site boundary in most directions, but does not reach any sensitive land uses [Ref. 27, Section 1.7] (Refer to Figure 11). The individual fatality risk at the nearest sensitive use (viz. Matraville Public School around 400 m from the Denison St boundary) is reported to be below 1×10^{-8} per year [Ref. 27, Section 1.7].

Figure 11 Cumulative Individual Fatality Risk for BIP in 2012 [Ref. 27]



5.3.2 Injury Risk

The cumulative individual injury risk contours included in the 2012 BIP QRA are shown on Figure 12 (Heat Radiation $\geq 4.7 \text{ kW/m}^2$), Figure 13 (Overpressure $\geq 7 \text{ kPa}$), Figure 14 (Acute Toxic Injury) and Figure 15 (Acute Toxic Irritation).

The 50×10^{-6} per year injury risk contours for heat radiation ($\geq 4.7 \text{ kW/m}^2$) and overpressure ($\geq 7 \text{ kPa}$) marginally extend into residential areas along Denison Street.

The 50×10^{-6} per year acute toxic injury and irritation risk contours extend several hundred metres into residential areas (Predominantly south of the Rhodes Street Reserve and west of Rhodes Street).

Figure 12 Cumulative Risk of Heat Radiation $\geq 4.7 \text{ kW/m}^2$ for BIP in 2012 [Ref. 27]

LEGEND:



Figure 13 Cumulative Risk of Overpressure $\geq 7 \text{ kPa}$ for BIP in 2012 [Ref. 27]

LEGEND:



Figure 14 Cumulative Acute Toxic Injury Risk (ERPG-3) for BIP in 2012 [Ref. 27]


LEGEND:

 10×10^{-6} per year



Figure 15 Cumulative Acute Toxic Irritation Risk (ERPG-2) for BIP in 2012 [Ref. 27]

LEGEND:

 50×10^{-6} per year



5.3.3 Risk of Property Damage and Accident Propagation

The cumulative property damage and accident propagation risk contours included in the 2012 BIP QRA are shown on Figure 16 (Heat Radiation $\geq 23 \text{ kW/m}^2$) and Figure 17 (Overpressure $\geq 14 \text{ kPa}$). The 50×10^{-6} per year risk contours for heat radiation ($\geq 23 \text{ kW/m}^2$) and overpressure ($\geq 14 \text{ kPa}$) do not extend beyond the boundary of the BIP into any industrial use areas along Denison Street.

Figure 16 Cumulative Risk of Heat Radiation $\geq 23 \text{ kW/m}^2$ for BIP in 2012 [Ref. 27]

LEGEND:



Figure 17 Cumulative Risk of Overpressure $\geq 14 \text{ kPa}$ for BIP in 2012 [Ref. 27]

LEGEND:



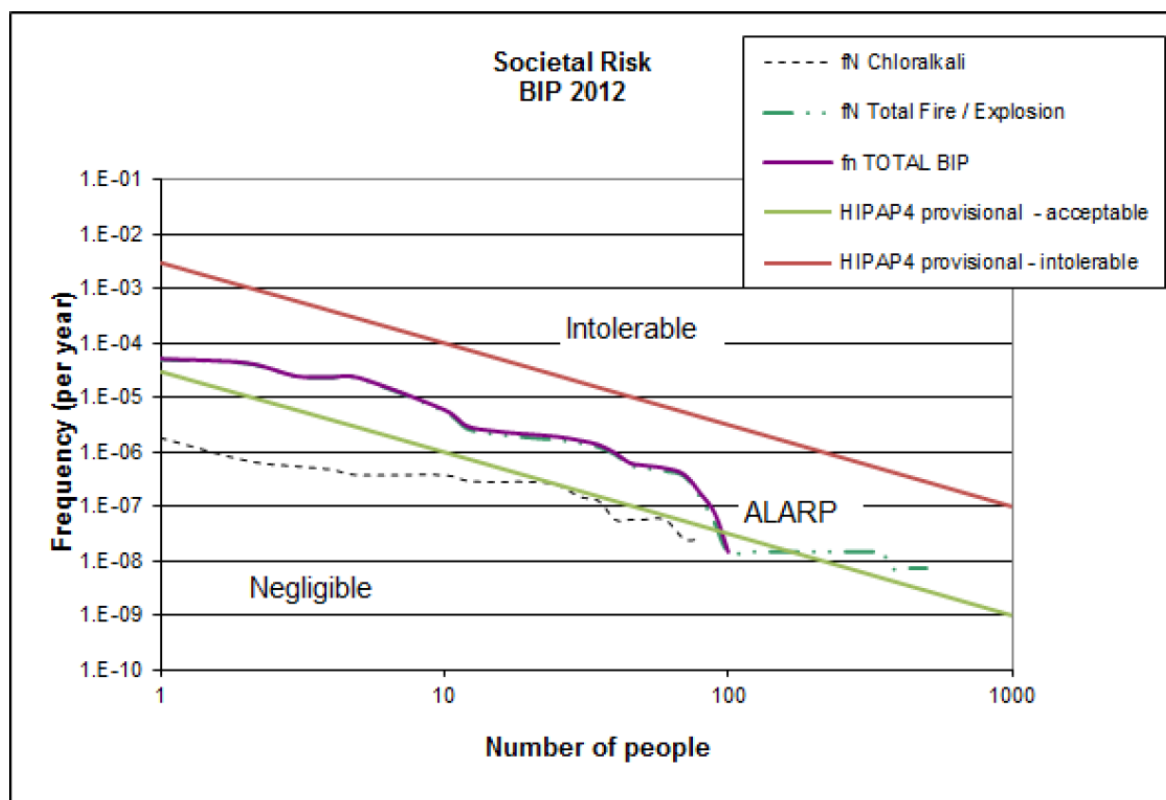
5.3.4 Societal Fatality Risk

The societal fatality risk results ('FN Curve') included in the 2012 BIP QRA are shown on Figure 18. These results exclude the populations at the BIP, Nant Street, the rail corridor and Southlands; and this approach is reported to have been agreed with the DP&E [Ref. 27, Section 9.5.2].

It is reported in the 2012 BIP QRA that the societal risk is dominated by fire / explosion events (viz. > 80%, which is difficult to determine on Figure 18 as this almost coincides with the 'total' curve), rather than toxic exposure events (viz. c. 10%-15%) [Ref. 27, Section 9.5.2].

The societal risk results ('FN Curve') for the toxic events alone is wholly within the 'Negligible' risk zone (Refer to Figure 18). The societal risk results ('FN Curve') for all events is predominantly within the 'Tolerable if ALARP' zone and does not extend into the 'Intolerable' zone (Refer to Figure 18).

Figure 18 Societal Fatality Risk for BIP in 2012 [Ref. 27]

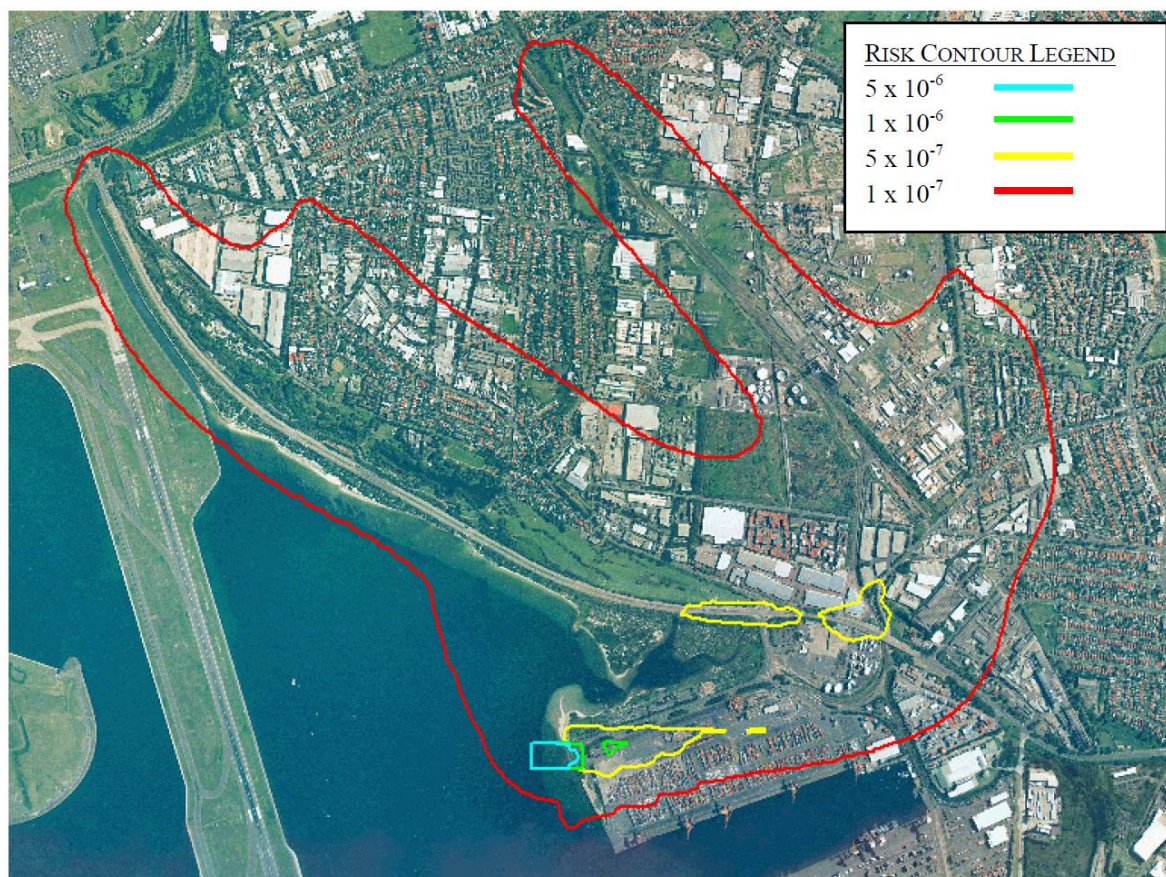


5.4 QRAs for Transport of Dangerous Goods

5.4.1 Port Botany Terminal Expansion

In 2003, Qest Consulting Group undertook a QRA for the expansion of the container terminal at Port Botany [Ref. 19]. This included an estimate of the individual fatality risk associated with a forecast 3.4 million TEUs throughput for the entire terminal (i.e. not just the throughput for the expansion) and only included the transport of containerised DGs [Ref. 19, Section 7.2]. The individual fatality risk along Denison Street (Refer to Figure 19) was based on Sydney Ports' (now NSW Ports) estimate that 1% of the total containerised trade would be transported via Beauchamp Road [Ref. 19, Section 7.3], which would then presumably follow Denison Street.

Figure 19 Cumulative Individual Fatality Risk for Transport of 3.4 Million TEUs - Port Botany Terminal Expansion, 2003 [Ref. 19]



The total trade of containerised goods in 2015 was 2.1 million TEUs per year and based on NSW Ports' current forecast estimates (Refer to Section 4.2) it is not expected to reach 3.4 million TEUs until c. 2025. Therefore, the individual fatality risk contour shown on Figure 19 may still be valid (Assuming the mix of DGs has not significantly changed).

5.4.2 QRA for Transport of DGs on Denison Street

In February 2015, Scott-Lister issued a Transport QRA for movement of DGs along Denison Street [Ref. 25]. Later in 2015, Scott-Lister issued an addendum [Ref. 24] to include the risks associated with an additional 4,000 movements per year of DG Class 2.1 liquefied flammable gases (principally LPG) from the bulk liquids berth in Port Botany. As noted in Section 4.1, the Scott-Lister Transport QRA and Transport QRA Addendum appear to predominantly focus on bulk DG movements (i.e. road tankers) and the transport of Chlorine in "drums, cylinders or isotainers"

In Section 2.2.2 of the Transport QRA [Ref. 25] it is reported that an analysis of the RMS accident data was undertaken and this revealed that 66% of accidents had occurred at main intersections and the remaining 33% had occurred "mid-block". Therefore, 66% of the release frequency was allocated to the three main intersections (22% at each) at:

- Denison Street and Beauchamp Road;
- Denison Street and Wentworth Avenue; and
- Denison Street and BIP Gate 3.

The remaining release frequency was evenly distributed along Denison St.

More recent crash data (Refer to Table 3) was obtained from RMS for Denison Street (Including the intersections at Wentworth Avenue and Beauchamp Road) for 1 Jan 2010 to 31 Dec 2014 [Ref. 22]. This includes *all* vehicle types and would appear to justify the assumption from the Transport QRA that the majority of crashes may be expected to occur at intersections (Refer to Table 3). The majority of the reported crashes involved multiple vehicles (c. 94%) and did not result in an injury (c. 67%). Approximately two-thirds of the reported crashes occurred between midday and 7 pm.

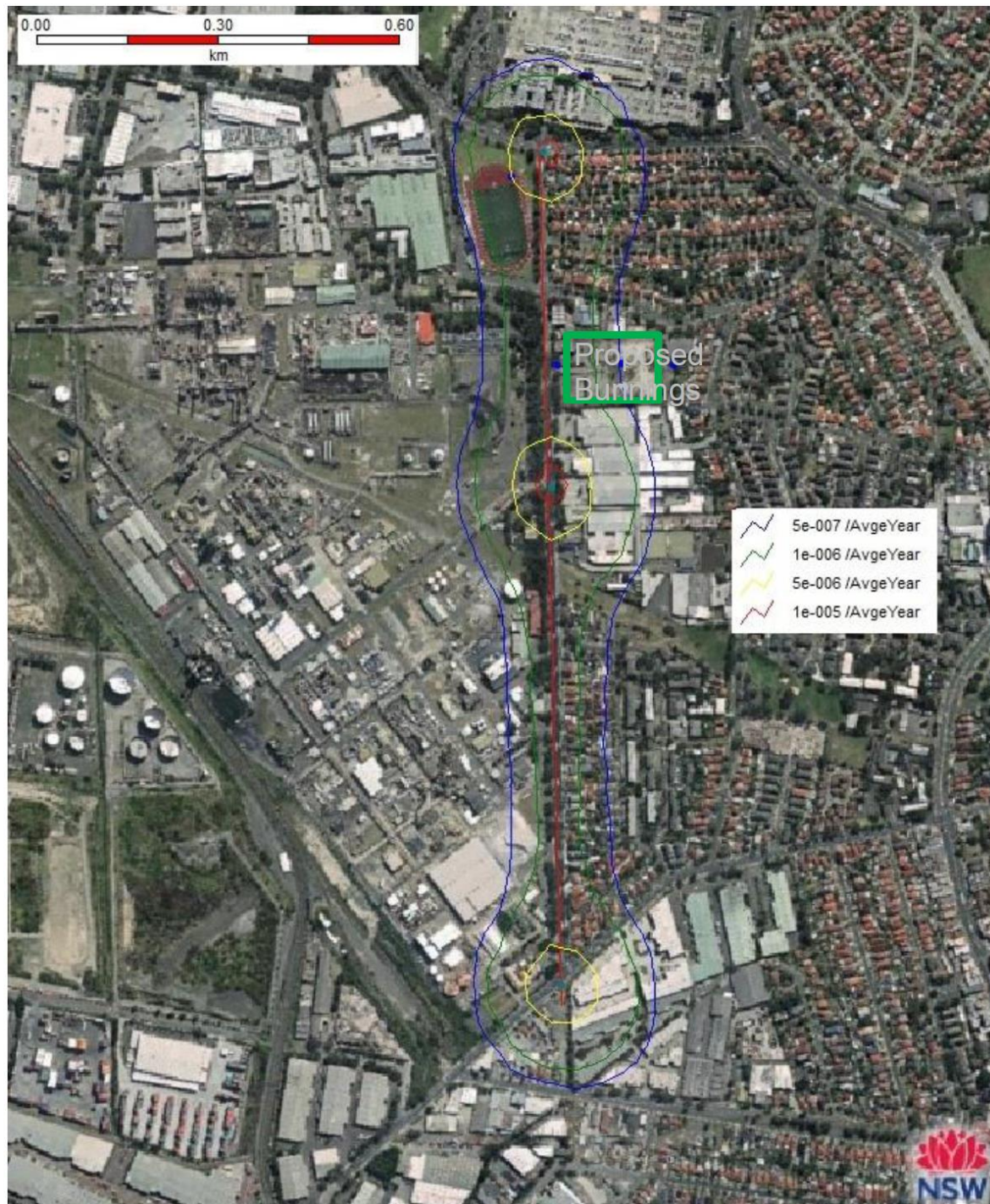
Table 3 Vehicle Crash Data for Denison Street (2010 to 2014) [Ref. 22]

Location Type	No. of Crashes	%
Intersection (Includes up to 10 m from an intersection)	41	83.7%
Non intersection	8	16.3%
Collision Type	No. of Crashes	%
Single Vehicle	3	6.1%
Multi Vehicle	46	93.9%

The effect of assuming a higher accident rate at intersections is clearly indicated by the shape of the cumulative individual fatality risk contours (Refer to Figure 20). The magnitude and extent of the contours is the greatest in the vicinity of three intersections, particularly the intersection of Denison Street and BIP Gate 3.

In Section 3.1.1 of the Transport QRA it is reported that events involving the transport of Polymer Grade Propylene (PGP) account for over 65% of the 'near field' fatality risk and events involving the transport of Chlorine account for over 97% of 'far field' fatality risk (i.e. at the extremity of the contours presented) [Ref. 25].

Figure 20 Cumulative Individual Fatality Risk for Transport of DGs along Denison St [Ref. 24]



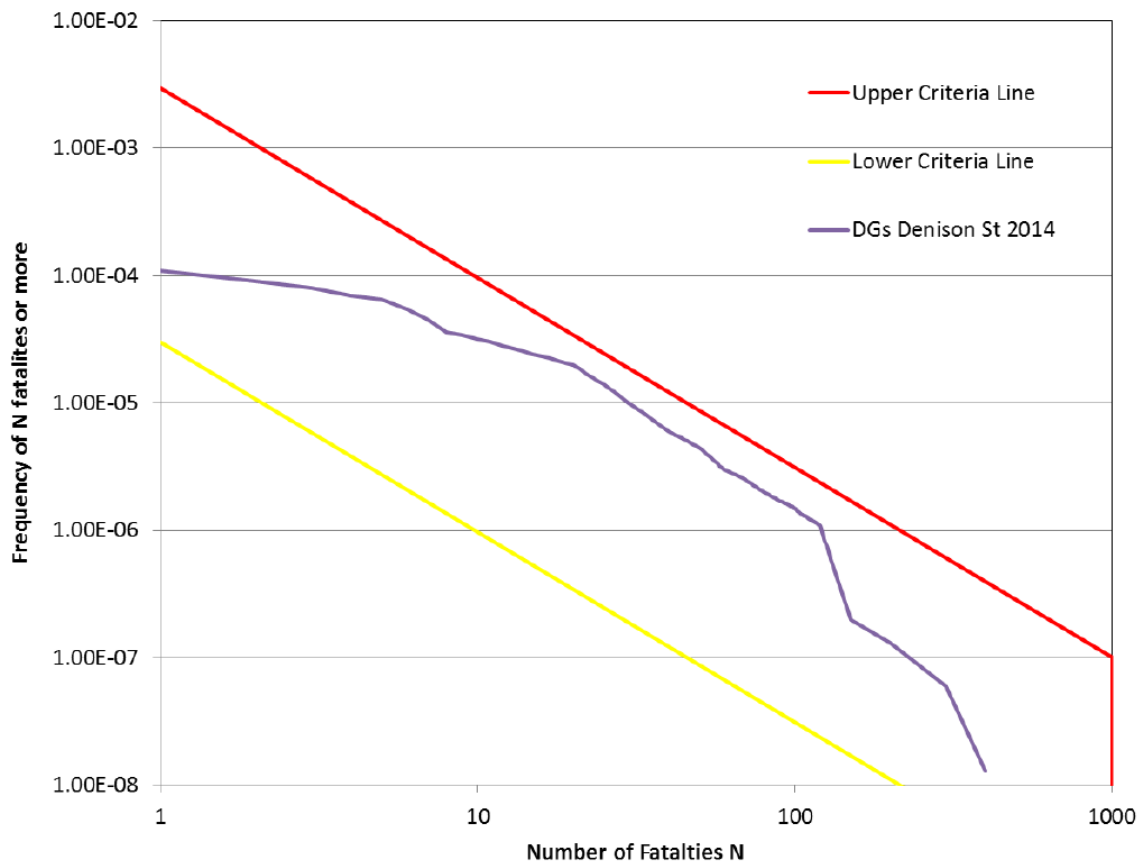
The maximum fatality risk from transport of containerised goods along Denison Street (Refer to Figure 19) appears to be an order of magnitude lower than the corresponding risk from transport of (predominantly) bulk DGs (Refer to Figure 20).

The societal fatality risk results ('FN Curve') included in the Transport QRA Addendum are shown on Figure 21 [Ref. 24]. These results include nearby industrial populations in addition to all other population categories, as described in the Transport QRA [Ref. 25, Appendix A, Section 2.4].

The societal risk results ('FN Curve') for all DG transport events is predominantly within the 'Tolerable if ALARP' zone and does not extend into the 'Intolerable' zone (Refer to Figure 21).

However, it is noted that the societal risk results ('FN Curve') included in the Transport QRA Addendum is closer to the 'Intolerable' zone than for the fixed facilities at the BIP (Refer to Figure 18 in Section 5.3.4). This may be in part due to the population at the BIP being excluded from the societal risk calculations in the 2012 BIP QRA, whereas it was included in the societal risk calculations in the Transport QRA (Note: This is consistent with the standard practice for QRAs of fixed industrial facilities and the transport of DGs).

Figure 21 Societal Fatality Risk for Transport of DGs along Denison St [Ref. 24]



5.5 Cumulative Risk for Fixed Facilities and Transport of DGs

5.5.1 Current Cumulative Risk

There are no cumulative individual fatality risk contours presented in the available risk assessments that show the combined individual fatality risk for the fixed facilities at the BIP and the transport of DGs along Denison Street. The cumulative individual fatality risk for the fixed facilities at the BIP and the transport of DGs along Denison Street can only be estimated from Figure 11 (Section 5.3.1) and Figure 20 (Section 5.4.2).

There are two locations where the cumulative individual fatality risk would increase sufficiently to be relevant for development of planning controls in the Study Area: (i) to the east of the intersection of Denison Street and BIP Gate 3; and (ii) the location where the 1×10^{-6} per year individual fatality risk contour from the fixed facilities at the BIP extends across Denison Street. The individual fatality risk from the transport of DGs along Denison Street appears to be the major contributor at both of these locations.

The following issues were considered when developing the planning controls for the Study Area:

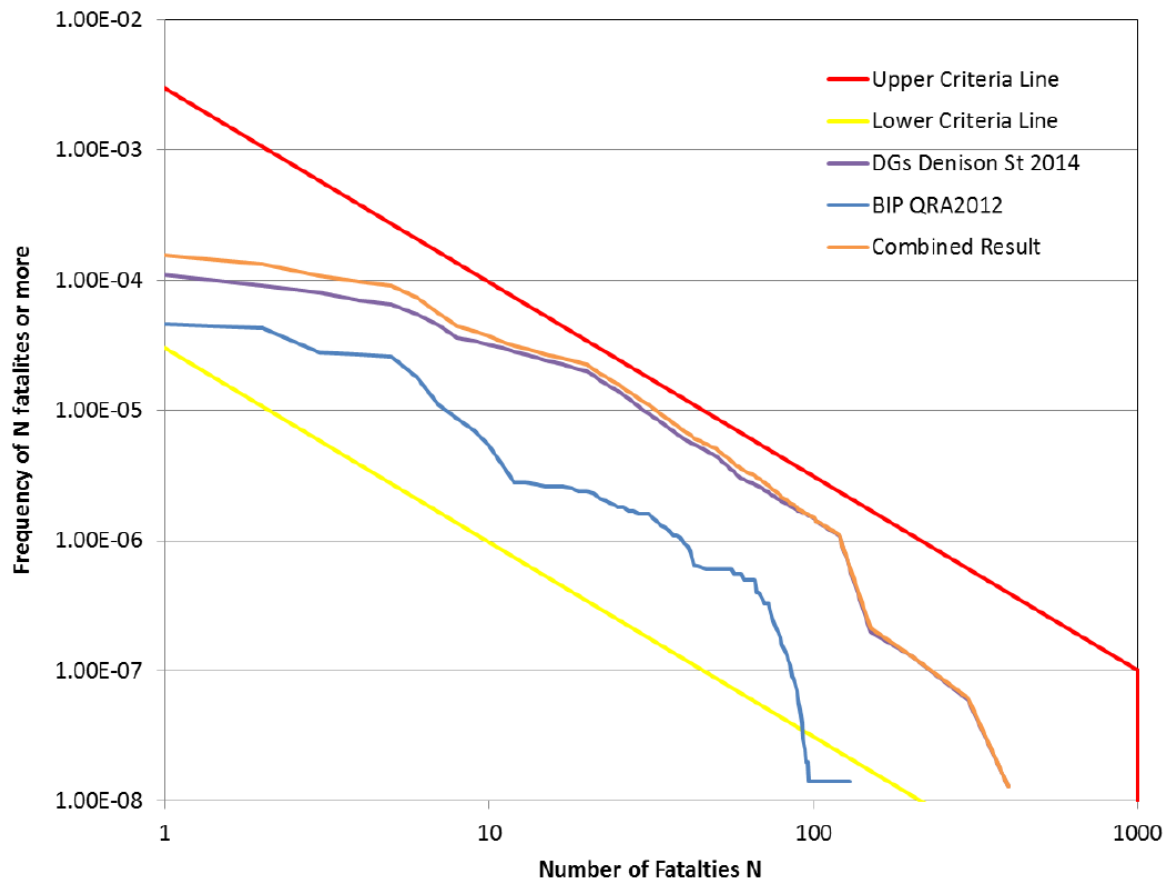
- The DP&E's societal risk criteria (viz. upper and lower criteria lines shown on Figure 22 below) do not strictly apply for the transport of DGs (Refer to Section 6.3). However, due to the absence of any other equivalent criteria in NSW, these have previously been adopted in the Transport QRA and Transport QRA Addendum [Ref. 24, 25].
- The DP&E's societal risk criteria are not 'scalable' to the length of the road network being considered (i.e. the criteria do not change irrespective of the length of road being considered). This is partly addressed in the Netherlands by only applying a similar upper criterion to the 'worst-case' 1 km road segment (Refer to Section 6.3). In this case, Denison Street is approximately 1 km long.

The population at the BIP was excluded from the societal risk calculations in the 2012 BIP QRA, whereas it was included in the societal risk calculations in the Transport QRA. This is consistent with the standard practice for QRAs of fixed industrial facilities and the transport of DGs, and is another reason why the societal risk results ('FN Curves') are not normally combined (As in the Netherlands – Refer to Section 6.3).

The cumulative societal risk ('FN Curve') for the fixed facilities at the BIP and the transport of DGs along Denison Street is provided in the Transport QRA Addendum [Ref. 24]. It appears that the 'FN Curve' from the 2012 BIP QRA [Ref. 27] and Transport QRA [Ref. 25] have been combined to obtain a cumulative 'FN Curve', which is included in the Transport QRA Addendum [Ref. 24]. Details of how this cumulative 'FN Curve' was determined are not available in the Transport QRA Addendum [Ref. 24]. This Review is based on the cumulative 'FN Curve' in the Transport QRA Addendum [Ref. 25] and a projection based on the future changes to DG movements along Denison Street.

The cumulative societal risk ('FN Curve') is wholly within the 'Tolerable if ALARP' zone and is relatively close to the 'Intolerable' zone (Refer to Figure 22). It is noted that the transport of DGs along Denison Street is the dominant contributor to the cumulative societal risk results ('FN Curve').

Figure 22 Cumulative Societal Fatality Risk for Fixed Facilities at the BIP and Transport of DGs along Denison St [Ref. 24]



5.5.2 Predicted Change to Cumulative Risk

The predicted change to the cumulative individual fatality risk over the next 10 years for the fixed facilities at the BIP and the transport of DGs along Denison Street can be estimated from Figure 11 (Section 5.3.1) and Figure 20 (Section 5.4.2) based on the assumption that the risk contribution from the transport of DGs along Denison Street will potentially increase by up to 50% due to the projected increase in DG traffic (Refer to Section 4.2).

If it assumed that the individual fatality risk due to the transport of DGs along Denison Street will increase by 50% over the next 10 years, and that the individual fatality risk contribution from the fixed facilities at the BIP will remain constant, then:

- To the south of the Rhodes Reserve:
 - The future location of the 0.5×10^{-6} per year cumulative individual fatality risk contour would probably extend to the eastern side of Nilson Avenue.
 - The future location of the 1×10^{-6} per year cumulative individual fatality risk contour would be closer to Nilson Avenue, potentially close to the current location of the 0.5×10^{-6} per year individual fatality risk contour shown in the Transport QRA Addendum (Refer to Figure 20 in Section 5.4.2).
 - The future cumulative individual fatality risk is not expected to reach 10×10^{-6} per year at the Rhodes Reserve or any of the other small reserves in the Study Area to the south of Rhodes Reserve.

- The future cumulative individual fatality risk is not expected to reach 50×10^{-6} per year.
- To the east of BIP Gate 3:
 - The future location of the 0.5×10^{-6} per year cumulative individual fatality risk contour would extend further into the Banksmeadow Industrial Precinct, but probably would not extend as far as Rhodes Street.
 - The future location of the 1×10^{-6} per year cumulative individual fatality risk contour would extend further east into the Banksmeadow Industrial Precinct, potentially as far as the current location of the 0.5×10^{-6} per year individual fatality risk contour shown in the Transport QRA Addendum (Refer to Figure 20 in Section 5.4.2).
 - The future location of the 5×10^{-6} per year cumulative individual fatality risk contour would extend further east into the Three Ports SEPP land to the east of BIP Gate 3, but is not expected to extend as far as the Banksmeadow Industrial Precinct (Except possibly into the part of the Banksmeadow Industrial Precinct adjacent to the Rhodes Reserve).
 - The future cumulative individual fatality risk is not expected to reach 50×10^{-6} per year.
- To the north of BIP Gate 3:
 - The future location of the 0.5×10^{-6} per year cumulative individual fatality risk contour would extend further east and north into the Eastgardens Precinct (A similar distance as for east of BIP Gate 3 – see above).
 - The future location of the 1×10^{-6} per year cumulative individual fatality risk contour would extend further east and north into the Eastgardens Precinct, but is not expected to extend as far as the current location of the 0.5×10^{-6} per year individual fatality risk contour shown in the Transport QRA Addendum (Refer to Figure 20 in Section 5.4.2).
 - The future location of the 5×10^{-6} per year cumulative individual fatality risk contour at the intersection of Denison Street and Wentworth Avenue would only marginally extend across the southern boundary of the Eastgardens Shopping Centre.
 - The future location of the 10×10^{-6} per year cumulative individual fatality risk contour at the intersection of Denison Street and Wentworth Avenue would extend into the Hensley Athletic Field, but is not expected to extend as far as the current location of the 5×10^{-6} per year individual fatality risk contour shown in the Transport QRA Addendum (Refer to Figure 20 in Section 5.4.2).
 - The future cumulative individual fatality risk is not expected to reach 50×10^{-6} per year.

A 50% increase in the transport of DGs along Denison Street will potentially increase the cumulative societal risk ('FN Curve') close to the 'Intolerable' zone (Refer to Figure 22). The risk is still in the ALARP range, which does not automatically mean that it is 'tolerable', but it means that it is 'tolerable if ALARP criteria are satisfied', i.e. risk must be reduced further to as low as reasonably practicable.

Therefore, even where the future cumulative individual fatality risk complies with the relevant DP&E fatality risk criteria, a development proposal may still be inappropriate if there is an increase in the

population density, as the FN curve may exceed the tolerability limit. For example, the future cumulative individual fatality risk at Hensley Athletic Field is predominantly less than the DP&E criterion of 10 pmpy (with only a marginal exceedence in the north east corner). A development at the Hensley Athletic Field that complies with the DP&E criterion for individual fatality risk may not comply with the cumulative societal risk ('FN Curve') criterion if it significantly increases the population density (e.g. new stands for spectators).

It is difficult to determine the permissible future population density for all lots within the Study Area based on the information in the available QRAs. However, any intensification of the population to the east of Denison Street (particularly to approximately halfway between Denison Street and Rhodes Street) is expected to drive the future cumulative societal risk ('FN Curve') into the 'Intolerable' zone. Similarly, since the population at the BIP is included in the calculation of the societal risk ('FN Curve') from transport of DGs along Denison Street, any intensification of the population to the west of Denison Street (particularly where the individual fatality risk is higher) is expected to drive the cumulative societal risk ('FN Curve') into the 'Intolerable' zone.

5.6 Summary of Key Points

The following observations can be made from a review of existing risk literature for the study area.

- The most recent QRA for the BIP was undertaken in 2012 by Sherpa Consulting [Ref. 27]. This QRA ('2012 BIP QRA') did not include vehicle transport to and from the BIP or the population at the BIP (Refer to Section 5.3). The risk due to road transport of DGs was assessed separately by Scott-Lister and the most recent risk results for Denison Street are presented in the 2015 Transport QRA Addendum [Ref. 24].
- Whilst the cumulative individual fatality risk contours from the existing facilities presented in the 2012 BIP QRA generally comply with the DP&E's relevant risk criteria for proposed developments (Refer to Section 6.2.3.1), there is a small encroachment (c. 30 m) of the 1×10^{-6} per year individual fatality risk contour to the east of the Huntsman facility across the Denison Street eastern BIP boundary into the residential area [Ref. 27, Section 10.1] (Refer to Figure 11).
- The extent of the acute toxic injury and irritation risk contours presented in the 2012 BIP QRA (Refer to Figure 14 and Figure 15 in Section 5.3.2) is greater than the 'consultation zone' shown in the Botany-Randwick LUSS in 2001 (Refer to Section 5.2).
- The societal risk ('FN Curve') presented in the 2012 BIP QRA is predominantly within the 'Tolerable if ALARP' zone and does not extend into the 'Intolerable' zone (Refer to Figure 18 in Section 5.3.4). It is reported in the 2012 BIP QRA that the societal risk is dominated by fire / explosion events (viz. > 80%), rather than toxic exposure events (viz. c. 10%-15%) [Ref. 27, Section 9.5.2].
- The cumulative individual and societal risks ('FN Curve') from the 2012 BIP QRA comply with the risk criteria applicable for existing use situations (Refer to Section 6.2.5).
- To comply with the relevant development consent condition (Refer to Section 5.3), the 2012 BIP QRA is due to be updated in 2017.
- The subdivision of the BIP, approved in August 2015, has released some land for future development along Denison Street and Corish Circle. This will potentially introduce new populations that were not included in the 2012 BIP QRA (Since this land would have been considered part of the BIP at that time and therefore any population would have been excluded from the societal risk calculations – Refer to Section 5.3.4).

- The individual fatality risk contour included in the QRA for the container terminal expansion at Port Botany [Ref. 19] is assumed to be valid for containerised DG movements through to c. 2025 (Refer to Section 5.4.1).
- The individual fatality risk contours presented in the Transport QRA Addendum may be valid for 2015, however, the risk may potentially increase by up to 50% over the next 10 years due to the projected increase in DG traffic (Refer to Section 4.2).
- The intersection of Denison Street and Smith Street and the new intersection to access the Bunnings development do not appear to have been considered as major intersections in the Transport QRA and Transport QRA Addendum. Consequently, these intersections were not allocated an increased accident rate in the same way as the other main intersections (viz. Denison Street and Beauchamp Road; Denison Street and Wentworth Avenue; and Denison Street and BIP Gate 3). Furthermore, a review of more recent accident data for Denison Street (Refer to Section 5.4.2) suggests that a higher proportion of accidents occur at intersections than was assumed in the Transport QRA and Transport QRA Addendum. The net effect of these observations is that the larger risk contours shown at the intersections should probably also apply for the two additional intersections and hence the risk on the road between the intersections may have been overestimated. However, this would not appear to be so significant as to affect the overall conclusions from the Transport QRA and Transport QRA Addendum.
- The societal risk results ('FN Curve') included in the Transport QRA Addendum is closer to the 'Intolerable' zone than for the fixed facilities at the BIP (Refer to Figure 18 in Section 5.3.4). This may be in part due to the population at the BIP being excluded from the societal risk calculations in the 2012 BIP QRA, whereas it was included in the societal risk calculations in the Transport QRA.
- The cumulative individual and societal risks ('FN Curve') from the Transport QRA and Transport QRA Addendum comply with the risk criteria applicable for existing use situations (Refer to Section 6.2.5 – Note: In the absence of established quantitative risk criteria in NSW for land use safety planning due to the transport of DGs, the (location-specific) individual fatality risk and societal risk criteria for fixed facilities have been used).
- There are no cumulative individual fatality risk contours presented in the available risk assessments that show the combined fatality risk for the fixed facilities at the BIP and the transport of DGs along Denison Street. The cumulative individual fatality risk for the fixed facilities at the BIP and the transport of DGs along Denison Street can only be estimated from Figure 11 (Section 5.3.1) and Figure 20 (Section 5.4.2). There are two locations where the cumulative individual fatality risk would increase sufficiently to be relevant for development of planning controls in the Study Area: (i) the intersection of Denison Street and BIP Gate 3; and (ii) the location where the 1×10^{-6} per year contour from the fixed facilities at the BIP extends across Denison Street. The individual fatality risk from the transport of DGs along Denison Street appears to be the major contributor at both of these locations.
- The projected increase in DG traffic along Denison Street over the next 10 years (Refer to Section 4.2) will marginally increase the extent of the cumulative individual fatality risk contours. This increase does not materially affect the nature of the proposed planning controls, but will eventually affect the extent of the area where development should be limited (e.g. future residential development within the extent of the 1×10^{-6} per year cumulative individual fatality risk contour).

- The projected increase in DG traffic along Denison Street over the next 10 years will have a significant effect on the cumulative societal risk as it will potentially increase the cumulative societal risk ('FN Curve') to very close to the 'Intolerable' zone (Refer to Figure 22). If the projected increase in DG traffic occurs in conjunction with intensification of the population in the Study Area, then the cumulative societal risk ('FN Curve') is likely to extend into the 'Intolerable' zone. It is not possible with the existing risk reports available to predict exactly when and where this will occur due to the large number of factors involved.

6 RISK CRITERIA FOR LAND USE SAFETY PLANNING

6.1 Introduction

Land use safety planning (including the development of planning controls) for the Study Area, requires an understanding of the hazards and risks posed by the relevant potentially hazardous operations. However, a hazard and risk analysis cannot be carried out in isolation and requires criteria against which the acceptability of the estimated risk can be assessed.

Qualitative and quantitative risk criteria for land use safety planning have been established in NSW by the Department of Planning & Environment (DP&E) and these apply for three broad contexts [Ref. 7 (Section 2.1.4) and Ref. 8 (Section 5.1.2)]:

1. Strategic planning (Zoning and rezoning).
2. Assessment of development for potentially hazardous development.
3. Assessment of development in the vicinity of potentially hazardous development.

The qualitative and quantitative risk criteria for land use safety planning currently established in NSW, which may be common to more than one context, are summarised in Section 6.2.

There are no established quantitative risk criteria in NSW for land use safety planning due to the transport of DGs. Therefore, the (location-specific) individual fatality risk and societal risk criteria for fixed facilities have been used to assess the risks from the transport of DGs (Refer to Section 6.3). The established qualitative principles should still be considered (Refer to Section 6.2.1).

The risk criteria used to establish the development controls for the Study Area are summarised in Section 6.4.

6.2 Risk Criteria for Land Use Safety Planning in NSW

Two aspects of risk need to be considered for land use safety planning [Ref. 7, Section 2) and Ref. 8, Section 5.2]:

- individual risk, which considers the acceptability of a particular level of risk to an exposed individual; and
- societal risk, which takes into account society's aversion to accidents which can result in multiple fatalities.

6.2.1 Qualitative Risk Criteria

While it is relevant to have quantitative risk criteria, qualitative principles are equally important. These are applicable for all three planning contexts and include [Ref. 7 (Section 2) and Ref. 8 (Section 5.2)]:

- all 'avoidable' risks should be avoided;
- particular attention needs to be given to eliminating or reducing major hazards, irrespective of whether numerical criteria are met;
- as far as possible, the consequences of significant events should be kept within facility boundaries; and
- where the risk from an existing installation is already high, further development should not pose any incremental risk.

6.2.2 Strategic Planning (Zoning)

Strategic planning (Zoning and rezoning) is typically undertaken by the relevant planning authorities as part of a periodic review of the LEP and DCP (i.e. not as a result of a specific development application) or if a planning proposal is submitted to the relevant planning authority.

When assessing the zoning around a potentially hazardous facility, it is important to ensure that this will not introduce or aggravate existing land use safety conflicts. As noted in HIPAP No. 10 [Ref.8, Section 5.3]: “When considering strategic planning, the primary emphasis needs to be on the suitability of land for the proposed range of uses, having regard to existing risk exposure and the sensitivity of the current land use. For example, it would be inappropriate for land to be zoned for residential or more sensitive uses if there was already a significant risk exposure from nearby industrial activities.”

In addition to the qualitative risk criteria (Refer to Section 6.2.1), the quantitative risk criteria set out in HIPAP No. 10 [Ref. 8, Section 5.5] are relevant to strategic planning (Zoning and rezoning). These quantitative criteria are discussed in Section 6.2.4 of this report.

If a land use safety conflict arises from a rezoning decision (i.e. the relevant risk criteria for the new zone would be exceeded), then the parties to the rezoning should bear the responsibility for resolving the conflict [Ref. 8, Section 4.2.4]. Possible approaches include [Ref. 8, Section 4.2.4]:

- (a) Rezoning of risk affected portions of the land to a less sensitive use;
- (b) Placing conditions of consent on new development that will reduce the risk exposure for people within the development to less than the relevant risk criteria (Note: while this approach may be feasible for industrial or commercial land uses, it is not appropriate for sensitive uses); and
- (c) Negotiation with the Operator of the risk source to implement appropriate risk reduction measures.

6.2.3 Assessment of Development for Potentially Hazardous Development

In addition to the qualitative risk criteria (Refer to Section 6.2.1), quantitative risk criteria for the assessment of development for potentially hazardous development are included in HIPAP No. 4 [Ref. 7]. The main quantitative criteria are for: individual fatality risk; injury risk; property damage and incident propagation; and environmental damage.

6.2.3.1 Individual Fatality Risk

The individual fatality risk imposed by a proposed industrial activity should be low relative to the background risk. This forms the basis for the following location-specific individual fatality risk (‘LSIFR’) criteria adopted by the NSW DP&E [Ref. 7].

Table 4 Individual Fatality Risk Criteria [Ref. 7]

Land Use	Risk Criterion [per million per year]
Hospitals, schools, child care facilities and old age housing developments	0.5
Residential developments and places of continuous occupancy, such as hotels and tourist resorts	1
Commercial developments, including offices, retail centres, warehouses with showrooms, restaurants and entertainment centres	5
Sporting complexes and active open space areas	10
Industrial sites	50 *

* HIPAP No. 4 allows flexibility in the interpretation of this criterion. For example, 'where an industrial site involves only the occasional presence of people, such as in the case of a tank farm, a higher level of risk may be acceptable'.

The DP&E has adopted a fatality risk criterion of 1×10^{-6} p.a. (or 1 chance of fatality per million per year) for residential area exposure because this risk is very low in relation to typical background risks for individuals in NSW.

6.2.3.2 Injury Risk

The DP&E has adopted risk criteria for levels of effects that may cause injury to people but will not necessarily cause fatality. Criteria are included in HIPAP No. 4 [Ref. 7] for potential injury caused by exposure to heat radiation, explosion overpressure and toxic gas/ smoke/dust.

The DP&E's suggested injury risk criterion for heat radiation is as follows:

- *Incident heat flux radiation at residential and sensitive use areas should not exceed 4.7 kW/m² at a frequency of more than 50 chances in a million per year.*

The DP&E's suggested injury/damage risk criterion for explosion overpressure is as follows:

- *Incident explosion overpressure at residential and sensitive use areas should not exceed 7 kPa at frequencies of more than 50 chances in a million per year.*

The DP&E's suggested injury risk criteria for toxic gas/ smoke/dust exposure are as follows:

- *Toxic concentrations in residential and sensitive use areas should not exceed a level which would be seriously injurious to sensitive members of the community following a relatively short period of exposure at a maximum frequency of 10 in a million per year.*
- *Toxic concentrations in residential and sensitive use areas should not cause irritation to eyes or throat, coughing or other acute physiological responses in sensitive members of the community over a maximum frequency of 50 in a million per year.*

6.2.3.3 Risk of Property Damage and Accident Propagation

The DP&E's criteria for risk of damage to property and accident propagation are as follows [Ref. 7]:

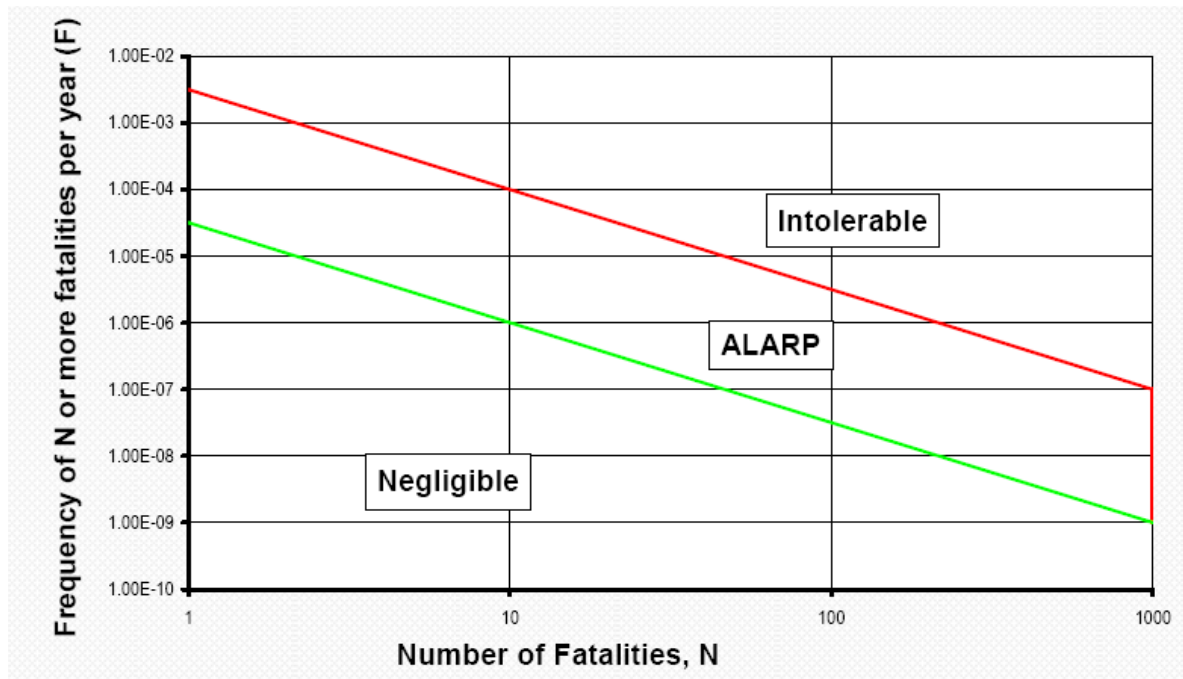
- *Incident heat flux radiation at neighbouring potentially hazardous installations or at land zoned to accommodate such installations should not exceed a risk of 50 in a million per year for the 23 kW/m² heat flux level.*

- Incident explosion overpressure at neighbouring potentially hazardous installations, at land zoned to accommodate such installations or at nearest public buildings should not exceed a risk of 50 in a million per year for the 14 kPa explosion overpressure level.

6.2.3.4 Societal Fatality Risk

The DP&E's suggested societal risk criteria (Refer to Figure 23), take into account the fact that society is particularly intolerant of accidents, which though infrequent, have a potential to create multiple fatalities [Ref. 7 and 8]. Below the negligible line, provided other individual criteria are met, societal risk is not considered significant. Above the intolerable level, an activity is considered undesirable, even if individual risk criteria are met. Within the 'As Low As Reasonably Practicable' (ALARP) region, the emphasis is on reducing risks as far as possible towards the negligible line. Provided other quantitative and qualitative criteria of HIPAP 4 are met, and additional risk reduction measures considered to reduce the risk to as low as reasonably practicable, the risks from the activity would be considered tolerable in the ALARP region.

Figure 23 Indicative Societal Risk Criteria [Ref. 7 and 8]



6.2.3.5 Risk to Biophysical Environment

The DP&E suggests the following criteria for assessing the risk to the biophysical environment:

- Industrial developments should not be sited in proximity to sensitive natural environmental areas where the effects (consequences) of the more likely accidental emissions may threaten the long-term viability of the ecosystem or any species within it.
- Industrial developments should not be sited in proximity to sensitive natural environmental areas where the likelihood (probability) of impacts that may threaten the long-term viability of the ecosystem or any species within it is not substantially lower than the background level of threat to the ecosystem.

6.2.4 Assessment of Development in the Vicinity of Potentially Hazardous Development

In addition to the qualitative risk criteria (Refer to Section 6.2.1), quantitative risk criteria for the assessment of development in the vicinity of potentially hazardous development are included in HIPAP No. 10 [Ref. 8, Section 5.5].

The following principles apply to residential and sensitive use development in the vicinity of existing industry [Ref. 8, Section 5.5.2.1]:

- the half in a million per year individual fatality risk level is an appropriate criterion above which no intensification of sensitive use development should take place;
- the one in a million per year individual fatality risk level is an appropriate criterion above which no intensification of residential development should take place;
- residential intensification may be appropriate where mitigating measures can be implemented to reduce risk exposure to less than the one in a million per year individual fatality risk level, provided the pre-mitigation residual risk levels are below the 10 in a million per year individual fatality risk level; and
- no residential intensification should take place where pre-mitigation residual risk levels are in excess of the 10 in a million per year individual fatality risk level.

For other types of development (e.g. commercial, industrial) in the vicinity of existing industry, the relevant fatality risk criteria are the same as for a new industrial development (Refer to Section 6.2.3.1). Where these criteria are initially exceeded, commercial and industrial land development may be appropriate where mitigating measures can be implemented to reduce risk exposure to less than the target individual fatality risk level [Ref. 8, Section 5.5.2.2].

The possible injury and irritation impacts should also be considered in the case of proposed development for residential and sensitive uses [Ref. 8, Section 5.5.3]. The relevant risk criteria are the same as for a new industrial development (Refer to Section 5.3.2).

If a development proposal involves a significant intensification of population (e.g. medium to high density residential development, shopping complexes) in the vicinity of potentially hazardous facility, then the change in societal risk needs to be taken into account, even if individual risk criteria are met [Ref. 8, Section 5.5.4].

The *incremental* societal risk should be compared against the indicative societal risk criteria (Refer to Figure 23 in Section 6.2.3.4). If the *incremental* societal risk lies within the 'Negligible' region, then the development should not be precluded and if it lies within the 'Tolerable if ALARP' region, then options should be considered to relocate people away from the affected areas [Ref. 8, Section 5.5.4]. If, after taking this step, there is still a significant portion of the societal risk plot within the 'Tolerable if ALARP' region, the proposed development should only be approved if benefits clearly outweigh the risks [Ref. 8, Section 5.5.4].

6.2.5 Risk Criteria for Existing Land Uses

In Section 3 of HIPAP No. 4 [Ref. 7], it is noted that the implementation of the risk criteria should differentiate between existing land use situations and new situations. This is to reflect a tighter locational and technological standard applying now than at earlier times.

For existing situations, the following principles should be applied [Ref. 7, Section 3]:

- The criteria suggested in Section 6.2.4 are still relevant.

- Safety updates/reviews and risk reduction at facilities where resultant levels are in excess of the 10×10^{-6} individual fatality risk level should be implemented to ensure that operational and organisational safety measures are in place to reduce the likelihood of major hazardous events to low levels. A target level is to be established on an area basis.
- Intensification of hazardous activities in an existing complex accommodating a number of industries of a hazardous nature should only be allowed if the resultant 1×10^{-6} individual fatality risk level is not exceeded by the proposed facility and subject to cumulative risk threshold considerations.
- Mitigating the impact on existing residential areas from existing hazardous activities (in addition to safety review/updates) should essentially include specific area-based emergency plans. Emergency planning should be on the basis of consequences for credible scenarios with emphasis on areas within the 1×10^{-6} risk contour.

6.3 Risk Criteria for Land Use Safety Planning due to Transport of DGs

There are no established quantitative risk criteria in NSW for land use safety planning related to the transport of DGs. Therefore, the individual fatality risk and societal (fatality) risk criteria for fixed facilities have been used, which is consistent with the approach adopted in previous QRAs in NSW and a review of international approaches (See below). The established qualitative principles should still be considered (Refer to Section 6.2.1).

In 2014, DNV GL published a review of risk criteria adopted by European Countries for the transport of DGs [Ref. 11]. Significantly different approaches were identified in the DNV GL report, with some countries having no criteria at all and others having qualitative / quantitative criteria that were not explicitly stated in relevant legislation. The following finding is included in Section 5.5 of the DNV GL report (Note: RAC = Risk Acceptance Criteria):

“It appears that the only approaches considered immediately suitable as harmonised RAC are approaches used in the Netherlands and Spain. It is significant that these are very different to each other, being mainly quantitative in the Netherlands and based on judgement in Spain” [Ref. 11].

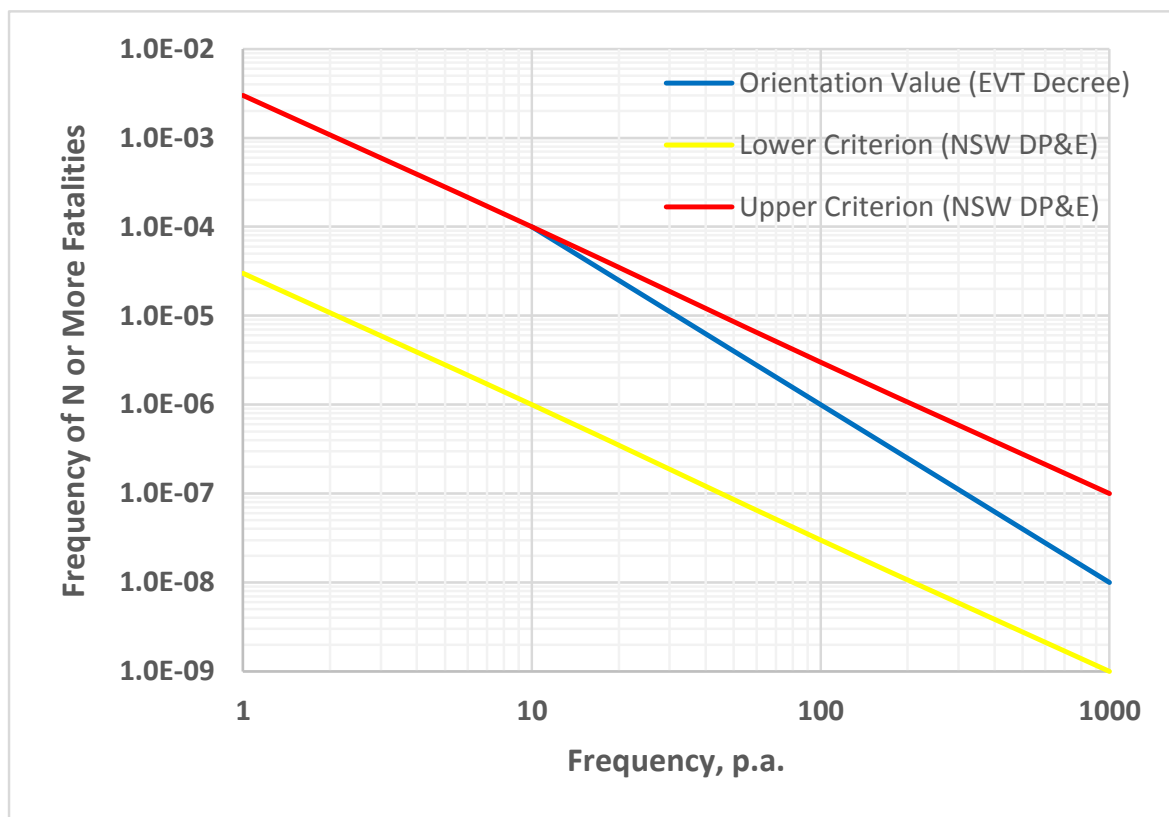
The quantitative criteria used in the Netherlands for DG transport are very similar to the quantitative risk criteria adopted in NSW for fixed facilities (See below).

In the Netherlands, the Externe Veiligheid Transportroutes (‘External Safety Transport Routes’) decree of 11 November 2013, includes the following risk criteria for the transport of dangerous goods:

- Individual fatality risk criterion: The individual fatality risk criterion in the EVT Decree [Ref. 13], which is referred to as a ‘limit value’, is 1×10^{-6} per year. This applies for a person who would stay sustained and unprotected at a location and is therefore defined on the same basis as the NSW DP&E individual fatality risk criterion for residential land uses due to fixed facilities (viz. 1×10^{-6} per year - Refer to Section 6.2.3.1).

- Societal risk ('FN Curve') criterion: A single criterion line (Referred to as an 'orientation value') is included in the EVT Decree. This is defined as the: "value for the group risk represented by the line connecting the dots where the probability of an accident with ten or more fatalities 10^{-4} per year, the risk of an accident with 100 or more fatalities 10^{-6} per year and the probability of an accident with 1000 or more fatalities 10^{-8} per year". The 'orientation value' is shown on Figure 24 below, together with the lower and upper indicative societal risk criterion lines for NSW. The 'orientation value' applies to the 'worst-case' 1 km transport route segment and only applies for incidents capable of causing 10 or more fatalities. It is understood to include all people along the DG route, but excludes any individuals involved in the transport activity (i.e. DG vehicle driver).

Figure 24 Societal Risk 'Orientation Value' for DG Transport in the Netherlands [Ref. 13]



During this review, quantitative individual fatality risk and societal fatality risk criteria were not identified for DG transport in any other non-European countries (e.g. Hong Kong, USA). Nor were quantitative criteria identified for injury or property damage risks.

The quantitative individual fatality risk and societal fatality risk criteria currently being used in the Netherlands for DG transport are similar to the quantitative risk criteria adopted in NSW for fixed facilities. Therefore, the risk criteria for individual fatality risk and societal (fatality) risk due to DG transport in the Study Area were assumed to be the same as the current criteria for fixed facilities. This is consistent with the approach adopted in the Transport QRA and Transport QRA Addendum.

6.4 Risk Criteria Proposed for Study Area

Qualitative and quantitative risk criteria for land use safety planning have been established in NSW by the DP&E for three broad contexts [Ref. 7 (Section 2.1.4) and Ref. 8 (Section 5.1.2)]:

- strategic planning (Zoning and rezoning);
- assessment of development for potentially hazardous development; and
- assessment of development in the vicinity of potentially hazardous development.

These criteria are applicable for land use safety planning in the Study Area and are summarised in Table 5.

Table 5 Summary of Risk Criteria for Land Use Safety Planning in the Study Area

Land Use Safety Planning Context	Risk Source	Risk Receptor	Risk Criteria for Land Use Safety Planning in the Study Area
Strategic Planning (Zoning and Rezoning)	Existing potentially hazardous fixed facility	Existing land use (i.e. Zoning) or proposed change to land use category (i.e. Rezoning) <i>Note: 'Industrial', 'residential', etc. uses, as defined in Section 2.4.2.1 of HIPAP No. 4, may not align with land use zones defined in the LEP (e.g. IN1, etc.).</i>	Existing land uses (i.e. Zoning), and any proposed change to land uses (i.e. Rezoning), should be consistent with all relevant qualitative and quantitative risk criteria from HIPAP No. 4 and HIPAP No. 10 (Refer to Section 6.2.1, Section 6.2.2 and Section 6.2.4). Risk mitigation measures, and/or rezoning of risk affected portions of the land to a less sensitive use, should be considered if the risk criteria are not being met (Refer to Section 6.2.2). Although not explicitly stated in HIPAP No. 4 and HIPAP No. 10, strategic planning decisions should be based on the cumulative risks from all risk sources. This approach is consistent with the DP&E's LUSS for the Botany-Randwick area [Ref. 9] and the development consent conditions for the BIP, which require a cumulative risk assessment [Ref. 2].
	Existing potentially hazardous transport operation		There are no established quantitative risk criteria in NSW for land use safety planning related to the transport of DGs. Therefore, the (location-specific) individual fatality risk and societal risk criteria for fixed facilities should be used to assess the risks from the transport of DGs (Refer to Section 6.3). The established qualitative principles should still be considered (Refer to Section 6.2.1). Existing land uses (i.e. Zoning), and any proposed change to land uses (i.e. Rezoning), in the Study Area should be consistent with the quantitative risk criteria (Refer to Section 6.2.5 and Section 6.3). Although not explicitly stated in HIPAP No. 4 and HIPAP No. 10, strategic planning decisions should be based on the cumulative risks from all risk sources. This approach is consistent with the QRA undertaken for transport of DGs along Denison Street [Ref. 24 and 25], in which the cumulative (location-specific) individual fatality risk and cumulative societal risk were assessed (i.e. for the BIP <u>and</u> transport of DGs along Denison Street). Note: Whilst this is appropriate for the Study Area, the assessment of cumulative societal risk from fixed facilities and transport of DGs might not be appropriate for other areas (Refer to Section 6.3). There is still one difficulty in this approach for the present study. The cumulative risk on Denison street is due to BIP industrial activity from fixed installations, as well as DG transport in Denison street. The latter is not contributed entirely by BIP, but a significant part from Port Botany facilities. Therefore, any risk reduction on Denison Street must not be placed entirely on BIP Operators, if these facilities comply with the fixed facilities risk criteria.

Land Use Safety Planning Context	Risk Source	Risk Receptor	Risk Criteria for Land Use Safety Planning in the Study Area
Assessment of Development for Potentially Hazardous Development	New potentially hazardous fixed facility or modifications to an existing potentially hazardous fixed facility	Existing land use (i.e. Zoning) <i>Note: 'Industrial', 'residential', etc. uses, as defined in Section 2.4.2.1 of HIPAP No. 4, may not align with land use zones defined in the LEP (e.g. IN1, etc.).</i>	<p>A new potentially hazardous fixed facility, or modifications to an existing potentially hazardous fixed facility, should be assessed against all relevant qualitative and quantitative risk criteria from HIPAP No. 4 and HIPAP No. 10 (Refer to Section 6.2.1 and Section 6.2.3).</p> <p>Typically, the risk for a proposed development is assessed based on the incremental risk from this development alone (i.e. not cumulatively with other potentially hazardous developments). However, the development consent conditions for the BIP require a cumulative risk assessment [Ref. 2] and therefore the risks associated with any modifications to the BIP, including new facilities/subdivisions within the boundary of the BIP, should be assessed cumulatively.</p> <p>If another potentially hazardous development (i.e. outside BIP) were to affect the Study Area, then it should be assessed individually and in the context of the cumulative risk presented in the BIP QRA [Ref. 27] and Transport QRA Addendum [Ref. 24].</p>
	New or modified potentially hazardous transport operation		<p>There are no established quantitative risk criteria in NSW for land use safety planning due to the transport of DGs. Therefore, the (location-specific) individual fatality risk and societal risk criteria for fixed facilities should be used to assess the risks from the transport of DGs (Refer to Section 6.3). The established qualitative principles should still be considered (Refer to Section 6.2.1).</p> <p>Any proposed changes to the transport of DGs within the Study Area (Including new operations or modifications to existing operations), should be assessed individually and in the context of the cumulative risk presented in the BIP QRA [Ref. 27] and Transport QRA Addendum [Ref. 24].</p>

Land Use Safety Planning Context	Risk Source	Risk Receptor	Risk Criteria for Land Use Safety Planning in the Study Area
Assessment of Development in the Vicinity of Potentially Hazardous Development	Existing potentially hazardous fixed facility	Development in the vicinity of an existing potentially hazardous fixed facility and/or transport operation (e.g. increase in number of potentially exposed individuals due to residential or commercial intensification)	<p>Any development in the vicinity of an existing potentially hazardous fixed facility should be consistent with all relevant qualitative and quantitative risk criteria from HIPAP No. 10 (Refer to Section 6.2.1 and Section 6.2.4). A proposed development may still be appropriate if mitigating measures can be implemented to reduce the risk exposure to less than the relevant criteria (Refer to Section 6.2.4).</p> <p>Although not explicitly stated in HIPAP No. 10, the assessment of a proposed development in the vicinity of an existing potentially hazardous fixed facility should be based on the cumulative risk from all risk sources. Therefore, any proposed development in the Study Area should be assessed in the context of the cumulative risks presented in the BIP QRA [Ref. 17] and Transport QRA Addendum [Ref. 16].</p> <p>For societal risk, the incremental societal risk should be compared against the indicative criteria in HIPAP 10 (Refer to Section 6.2.4). If this incremental societal risk lies within the negligible region, then the development should not be precluded. If incremental risks lie within the ALARP region, options should be considered to relocate people away from the affected areas. If, after taking this step, there is still a significant portion of the societal risk plot within the ALARP region, the proposed development should only be approved if the benefits clearly outweigh the risks, and other reasonably practicable risk reduction measures are adopted.</p>
	Existing potentially hazardous transport operation		<p>There are no established quantitative risk criteria in NSW for land use safety planning relating to the transport of DGs. Therefore, the (location-specific) individual fatality risk and societal risk criteria for fixed facilities should be used to assess the risks from the transport of DGs (Refer to Section 6.3). The established qualitative principles should still be considered (Refer to Section 6.2.1).</p> <p>Although not explicitly stated in HIPAP No. 10, the assessment of a proposed development in the vicinity of an existing potentially hazardous transport operation should be based on the cumulative risk from all risk sources. Therefore, any proposed development in the Study Area should be assessed in the context of the cumulative risks presented in the BIP QRA [Ref. 17] and Transport QRA Addendum [Ref. 16].</p> <p>For societal risk, the incremental societal risk should be compared against the indicative criteria in HIPAP 10 (Refer to Section 6.2.4). If this incremental societal risk lies within the negligible region, then the development should not be precluded. If incremental risks lie within the ALARP region, options should be considered to relocate people away from the affected areas. If, after taking this step, there is still a significant portion of the societal risk plot within the ALARP region, the proposed development should only be approved if the benefits clearly outweigh the risks.</p>

6.5 Summary of Key Points

- Qualitative and quantitative risk criteria for land use safety planning have been established in NSW by the DP&E for three broad contexts: strategic planning (Zoning and rezoning); assessment of development for potentially hazardous development; and assessment of development in the vicinity of potentially hazardous development. These criteria are applicable for land use safety planning in the Study Area.
- There are no established quantitative risk criteria in NSW for land use safety planning due to the transport of DGs. Therefore, the (location-specific) individual fatality risk and societal risk criteria for fixed facilities should be used to assess the risks from the transport of DGs (Refer to Section 6.3).
- The application of the risk criteria is based on a risk assessment that inherently contains a number of assumptions, primarily the truck accident frequency applicable to the Study Area.

7 PLANNING CONTROLS FOR STUDY AREA

7.1 Current Risk-Related Planning Controls

The risk-related planning controls in the BBDCP2013 are currently included in: Part 6 ('Employment Zones', which includes the IN1 and IN2 industrial zones and the B5 and B7 business zones); and, Part 8 ('Character Zones', which are predominantly the residential precincts in the Study Area). There are no risk-related planning controls in the BBDCP2013 for the IN1 zoned land covered by the Three Ports SEPP.

The relevant text from Part 6 and Part 8 of the BBDCP2013 is reproduced below in Sections 7.1.1 - 7.1.3.

7.1.1 Hillsdale Precinct (Part 8.2 of DCP)

The existing and desired future character of the Hillsdale Precinct (Refer to Section 3.1.1) is included in Part 8.2 of the BBDCP2013 [Ref. 1]. Risk-related development controls are referred to in Part 8.2.1 of the BBDCP2013 for the existing local character and Part 8.2.1 for the desired future character. The relevant text from these parts is reproduced below.

Extract from Section 8.2.1 of the Botany Bay Development Control Plan 2013 [Ref. 1]

Risk

The Botany / Randwick industrial area forms a significant industrial complex of State and National significance. The location of the industrial area, within the vicinity of residential areas, has required that safety studies into the cumulative risk of industrial activity be undertaken to quantify and measure hazard risk associated with such activities.

The Department of Planning & Environment has released three studies that investigate industrial operations and make land use planning recommendations. Studies released to date include the '*Risk Assessment Study for the Botany / Randwick Industrial Complex and Port Botany*' (1985), the '*Port Botany Land Use Safety Study*' (1996) and the '*Botany / Randwick Industrial Area Land Use Safety Study*' (2001).

A Risk Assessment Study for the Botany / Randwick Industrial Complex and Port Botany - 1985

Analysis of hazard risk implications within the Botany / Randwick Industrial area was first examined in 1985 by Planning NSW (formerly the Department of Environment and Planning) within a report titled '*A Risk Assessment Study for the Botany / Randwick Industrial Complex and Port Botany*'. The risk assessment study was initiated by the Department in response to concerns expressed by community groups and local councils about the intensification of potentially hazardous installations and associated facilities in the area and their risk implications on nearby residential land uses.

The recommendations from the 1985 study that relate to residential risk implications and land use controls under recommendation 12, state that:

- No intensification of residential developments should be allowed within areas identified in the study;
- Provisions within a planning instrument that permit an increase in existing residential dwelling density should be reviewed;
- New residential intensification within the cumulative risk areas identified within the study should be the subject of the Director's concurrence.

The study had no statutory significance under the Environmental Planning and Assessment Act 1979 and subsequently relied on the support of Council to implement the recommendations contained in the study. Council has supported the recommendations of the study relating to land use planning and has in practice referred residential development applications, which aim to intensify development to Planning NSW for concurrence.

Port Botany Land Use Safety Study – 1996

Port Botany is a major infrastructure facility that handles and accommodates activities involving hazardous materials including - loading / unloading, storage and distribution of dangerous goods and materials.

The Port Botany Land Use Safety Study was undertaken by the Department of Planning to update the 1985 Study, develop updated cumulative risk contours (to provide a framework for assessment and decision making for future developments) and formulate a strategic land use safety framework.

The recommendations of the Study were:

- Future developments in the Port should undergo early risk assessment and comprehensive environmental impact processes to demonstrate that the use will not contribute to any cumulative risk – as identified in the Port area.
- Development controls are put in place to ensure there is no significant increase in the number of people exposed to risk – as identified in the residential risk contour.
- Individual site studies are undertaken to develop programs that are then implemented to create risk reduction and safety management measures.
- The Port and Port users prepare emergency plans / procedures and fire prevention / protection systems.
- The Port and Port users adopt a program to ensure the community is adequately informed on Port activities, associated risks and safety management measures.

Botany / Randwick Industrial Area Land Use Safety Study

Planning NSW in 2001 published the 'Botany / Randwick Industrial Area Land Use Safety Study' with the objectives of:

- Updating the 1985 cumulative risk study for the Botany / Randwick industrial area;
- Developing a framework for the efficient assessment and decision making for future developments; and
- Formulating a strategic land use safety framework for future developments in the Botany / Randwick Industrial Area and surround land uses.

The review investigated two cases based on two industrial scenarios. The cases were aimed at identifying the cumulative risk levels resulting from the industrial area under the current conditions (pre – 2001) and a predicted future case (2001). An explanation of the cases are as follows:-

- The Existing Case (Pre-2001): The Orica mercury cell chlorine plant and chlorine liquefaction facilities and associated bulk chlorine storage. Risks associated with the chlorine plant include incidences such as a chlorine vapour cloud release due to equipment failure or due to fire / radiation impacts on the plant and storage from a fire in the vicinity.

- The Future Case (2001): The Existing Orica chlorine plant being replaced with membrane production facilities. The bulk storage of chlorine has ceased. The removal of chlorine liquefaction and storage on site will reduce the likelihood of chlorine releases occurring.

It should be noted that Council received a letter from the then Planning NSW dated 31 October 2002 advising that the recommendations in the Land Use Safety Study for the Future Case now apply. The Future Case applied from 31 October 2002.

The key findings of the Botany / Randwick Industrial Area Land Use Safety Study has been a significant improvement in the cumulative risk areas that result from the industrial operations located within the Botany / Randwick industrial area

Recommendations that resulted from the study were:

1. Future developments in the Botany / Randwick industrial area should be subject to early risk assessment and comprehensive environmental impact processes to conclusively demonstrate they will not contribute to risk impacts outside the industrial area that are inappropriate for surrounding land uses.
2. Effective land use safety planning should be implemented to allow future developments in the area, and to reconcile any potential land use planning conflicts.
3. A process of regular reviews and updates for site safety management systems should be undertaken.
4. Emergency plans and procedures, and fire prevention and protection systems should be kept up-to-date.
5. Industrial facilities should adopt community right-to-know principles to ensure the community is adequately informed about activities, associated risks and safety management measures adopted within the Botany / Randwick industrial area.

Implementation of recommendations 1, 3, 4, and 5 listed above are the responsibility of State, Local Governments and industry to administer through consultation and development approvals. Implementation of recommendation 2 is achieved by the City of Botany Bay Council through the preparation of this Development Control Plan to give the Study status under the Environmental Planning and Assessment Act 1979.

Extract from Section 8.2.2 of the Botany Bay Development Control Plan 2013 [Ref. 1]

Risk

- Recognise that development within the 'Consultation Region' identified in **Figure 4** that will result in 'residential intensification' or 'sensitive use intensification' will require the concurrence of the Department of Planning & Environment.
- Recognise that development for 'residential intensification', 'sensitive use intensification', and development that will result in increased traffic volumes or access points onto Denison Street (being a designated Dangerous Goods Route) must:

- Consider a transport risk assessment report. The contents and outcomes of a transport risk assessment report are to be in general accordance with the principles outlined in the *Hazardous Industry Advisory Paper N° 6: Guidelines for Hazard Analysis* (Planning NSW, 1992), *Hazardous Industry Advisory Paper N° 4: Risk Criteria for Land Use Safety Planning* (Planning NSW, 1992), 'Hazardous Industry Planning Advisory Paper No. 10 Land Use Safety Planning' published by the NSW Department of Planning in January 2011 and 'Hazardous Industry Planning Advisory Paper No. 11 – Route Selection' dated January 2011.
- Receive development concurrence for the application from the Department of Planning & Environment.
- Any other applications for development adjacent to / or within the vicinity of routes designated as 'Dangerous Goods Routes' will be assessed under the relevant Council planning instruments and controls.
- Where a site is considered by Council to be located partly within any region or adjacent to a dangerous goods route defined in this plan, any development on the site will be assessed and viewed as though it was located within the area with the more stringent risk-related development controls specified in this development control plan.

Note: In 2012, BBCC commissioned a traffic count for Denison Street (in both directions, north and south); which includes a separate count for dangerous goods traffic as Council wanted to compare the overall traffic to the dangerous goods traffic. Whilst this data is available to applicants who are required to prepare a Transport Risk Assessment Report, the data is over 12 months old and depending on the proposed development Council may require a new Transport Risk Survey to be conducted at the applicant's costs. Please contact Council for more information.

Figure 4 - Consultation Region shown in Blue



Definitions:

Dangerous Goods Routes means identified within the Botany/Randwick Industrial Area Land Use Safety Study.

The Botany / Randwick Industrial Area Land Use Safety Study does not include an assessment of the risk implications of dangerous goods transport, but does identify some routes as having a significant likelihood of carrying such goods. The routes identified within the Botany / Randwick Industrial Area Land Use Safety Study form a wider local and regional road network that may also carry traffic containing dangerous goods. The consideration of risk arising from the transportation of dangerous goods on this local and regional road network and the impacts this may have on residential and sensitive use development within the Study area needs to be considered as part of the assessment process for future development activity.

Residential intensification means an increase in the number of dwellings or an increase in the number of rooms providing temporary or permanent accommodation.

Residential land uses considered incompatible with residential fatality risk, injury or irritation risk (as defined in *Hazardous Industry Planning Advisory Paper No.4 – Risk Criteria for Land Use Safety Planning* - Planning NSW, 1992) resulting from operations within the Botany / Randwick industrial area under this plan include dwelling houses, hotels, motels, and caretakers residences resulting from any of the following:

- The alteration and / or addition of an existing building;
- The conversion and / or utilisation of an existing building or vacant land;
- The subdivision of land to create a new allotment; and
- The rezoning of land.

Sensitive use intensification means the establishment of a sensitive use or an increase in the gross operational floor space of an existing building that is occupied by a sensitive land use.

Sensitive land uses that are considered incompatible with fatality risk, injury or irritation risk (as defined in *Hazardous Industry Planning Advisory Paper No.4 – Risk Criteria for Land Use Safety Planning* - Planning NSW, 1992) resulting from operations within the Botany / Randwick industrial area under this plan include:- child care centres, nursing homes, educational establishments, hospitals and units for aged persons.

7.1.2 Eastgardens Precinct (Part 8.8 of DCP)

The existing and desired future character of the Eastgardens Precinct (Refer to Section 3.1.2) is included in Part 8.8 of the DCP [Ref. 1]. Risk-related development controls are referred to in Part 8.8.1 of the DCP for the existing local character and Part 8.8.1 for the desired future character. The relevant text from these parts is reproduced below.

Extract from Section 8.8.1 of the Botany Bay Development Control Plan 2013 [Ref. 1]

Risk

Eastgardens is adjacent to the Botany / Randwick industrial area which forms a significant industrial complex of State and National significance. The location of the industrial area, within the vicinity of residential areas, has required that safety studies into the cumulative risk of industrial activity be undertaken to quantify and measure hazard risk associated with such activities.

The Department of Planning & Environment has released three studies that investigate industrial operations and make land use planning recommendations. Studies released to date include the 'Risk Assessment Study for the Botany / Randwick Industrial Complex and Port Botany' (1985), the

'Port Botany Land Use Safety Study' (1996) and the 'Botany / Randwick Industrial Area Land Use Safety Study' (2001).

A Risk Assessment Study for the Botany / Randwick Industrial Complex and Port Botany - 1985

Analysis of hazard risk implications within the Botany / Randwick Industrial area was first examined in 1985 by Planning NSW (formerly the Department of Environment and Planning) within a report titled 'A Risk Assessment Study for the Botany / Randwick Industrial Complex and Port Botany'. The risk assessment study was initiated by the Department in response to concerns expressed by community groups and local councils about the intensification of potentially hazardous installations and associated facilities in the area and their risk implications on nearby residential land uses.

The recommendations from the 1985 study that relate to residential risk implications and land use controls under recommendation 12, state that:-

- no intensification of residential developments should be allowed within areas identified in the study;
- provisions within a planning instrument that permit an increase in existing residential dwelling density should be reviewed;
- new residential intensification within the cumulative risk areas identified within the study should be the subject of the Director's concurrence.

The study had no statutory significance under the Environmental Planning and Assessment Act 1979 and subsequently relied on the support of Council to implement the recommendations contained in the study. Council has supported the recommendations of the study relating to land use planning and has in practice referred residential development applications, which aim to intensify development to Planning NSW for concurrence.

Port Botany Land Use Safety Study – 1996

Port Botany is a major infrastructure facility that handles and accommodates activities involving hazardous materials including - loading / unloading, storage and distribution of dangerous goods and materials.

The Port Botany Land Use Safety Study was undertaken by the Department of Planning to update the 1985 Study, develop updated cumulative risk contours (to provide a framework for assessment and decision making for future developments) and formulate a strategic land use safety framework.

The recommendations of the Study were:

- Future developments in the Port should undergo early risk assessment and comprehensive environmental impact processes to demonstrate that the use will not contribute to any cumulative risk – as identified in the Port area.
- Development controls are put in place to ensure there is no significant increase in the number of people exposed to risk – as identified in the residential risk contour.
- Individual site studies are undertaken to develop programs that are then implemented to create risk reduction and safety management measures.
- The Port and Port users prepare emergency plans / procedures and fire prevention / protection systems.
- The Port and Port users adopt a program to ensure the community is adequately informed on Port activities, associated risks and safety management measures.

Botany / Randwick Industrial Area Land Use Safety Study

Planning NSW in 2001 published the *'Botany / Randwick Industrial Area Land Use Safety Study'* with the objectives of:

- Updating the 1985 cumulative risk study for the Botany / Randwick industrial area;
- Developing a framework for the efficient assessment and decision making for future developments;
- Formulating a strategic land use safety framework for future developments in the Botany / Randwick Industrial Area and surround land uses.

The review investigated two cases based on two industrial scenarios. The cases were aimed at identifying the cumulative risk levels resulting from the industrial area under the current conditions (pre – 2001) and a predicted future case (2001). An explanation of the cases are as follows:

- The Existing Case (Pre-2001): The Orica mercury cell chlorine plant and chlorine liquefaction facilities and associated bulk chlorine storage. Risks associated with the chlorine plant include incidences such as a chlorine vapour cloud release due to equipment failure or due to fire / radiation impacts on the plant and storage from a fire in the vicinity.
- The Future Case (2001): The Existing Orica chlorine plant being replaced with membrane production facilities. The bulk storage of chlorine has ceased. The removal of chlorine liquefaction and storage on site will reduce the likelihood of chlorine releases occurring.

It should be noted that Council received a letter from the then Planning NSW dated 31 October 2002 advising that the recommendations in the Land Use Safety Study for the Future Case now apply. The Future Case applied from 31 October 2002.

The key findings of the Botany / Randwick Industrial Area Land Use Safety Study has been a significant improvement in the cumulative risk areas that result from the industrial operations located within the Botany / Randwick industrial area.

Recommendations that resulted from the study were:

1. Future developments in the Botany / Randwick industrial area should be subject to early risk assessment and comprehensive environmental impact processes to conclusively demonstrate they will not contribute to risk impacts outside the industrial area that are inappropriate for surrounding land uses.
2. Effective land use safety planning should be implemented to allow future developments in the area, and to reconcile any potential land use planning conflicts.
3. A process of regular reviews and updates for site safety management systems should be undertaken.
4. Emergency plans and procedures, and fire prevention and protection systems should be kept up-to-date.
5. Industrial facilities should adopt community right-to-know principles to ensure the community is adequately informed about activities, associated risks and safety management measures adopted within the Botany / Randwick industrial area.

Implementation of recommendations 1, 3, 4, and 5 listed above are the responsibility of State, Local Governments and industry to administer through consultation and development approvals. Implementation of recommendation 2 is achieved by the City of Botany Bay Council through the

preparation of this Development Control Plan to give the Study status under the Environmental Planning and Assessment Act 1979.

Extract from Section 8.8.2 of the Botany Bay Development Control Plan 2013 [Ref. 1]

Risk

- Recognise that development for ‘residential intensification’, ‘sensitive use intensification’, and development that will result in increased traffic volumes or access points onto Denison Street (being a designated Dangerous Goods Route) must:
 - Consider a transport risk assessment report. The contents and outcomes of a transport risk assessment report are to be in general accordance with the principles outlined in the *Hazardous Industry Advisory Paper N° 6: Guidelines for Hazard Analysis* (Planning NSW, 1992), *Hazardous Industry Advisory Paper N° 4: Risk Criteria for Land Use Safety Planning* (Planning NSW, 1992), ‘*Hazardous Industry Planning Advisory Paper No. 10 Land Use Safety Planning*’ published by the NSW Department of Planning in January 2011 and ‘*Hazardous Industry Planning Advisory Paper No. 11 – Route Selection*’ dated January 2011.
 - Receive development concurrence for the application from the Department of Planning & Environment.
- Any other applications for development adjacent to / or within the vicinity of routes designated as ‘Dangerous Goods Routes’ will be assessed under the relevant Council planning instruments and controls.
- Where a site is considered by Council to be located adjacent to a dangerous goods route defined in this plan, any development on the site will be assessed and viewed as though it was located within the area with the more stringent risk-related development controls specified in this development control plan.

Note: Council in 2012 commissioned a traffic count for Denison Street (in both directions, north and south); which includes a separate count for dangerous goods traffic as Council wanted to compare the overall traffic to the dangerous goods traffic. Whilst this data is available to applicants who are required to prepare a Transport Risk Assessment Report, the data is over 12 months old and depending on the proposed development Council may require a new Transport Risk Survey to be conducted at the applicant’s costs. Please contact Council for more information.

Definitions:

Dangerous Goods Routes means identified within the Botany/Randwick Industrial Area Land Use Safety Study.

The Botany / Randwick Industrial Area Land Use Safety Study does not include an assessment of the risk implications of dangerous goods transport, but does identify some routes as having a significant likelihood of carrying such goods. The routes identified within the Botany / Randwick Industrial Area Land Use Safety Study form a wider local and regional road network that may also carry traffic containing dangerous goods. The consideration of risk arising from the transportation of dangerous goods on this local and regional road network and the impacts this may have on residential and sensitive use development within the Study area needs to be considered as part of the assessment process for future development activity.

Residential intensification means an increase in the number of dwellings or an increase in the number of rooms providing temporary or permanent accommodation.

Residential land uses considered incompatible with residential fatality risk, injury or irritation risk (as defined in *Hazardous Industry Planning Advisory Paper No.4 – Risk Criteria for Land Use Safety Planning* - Planning NSW, 1992) resulting from operations within the Botany / Randwick industrial area under this plan include dwelling houses, hotels, motels, and caretakers residences resulting from any of the following:-

- The alteration and / or addition of an existing building;
- The conversion and / or utilisation of an existing building or vacant land;
- The subdivision of land to create a new allotment; and
- The rezoning of land.

Sensitive use intensification means the establishment of a sensitive use or an increase in the gross operational floor space of an existing building that is occupied by a sensitive land use.

Sensitive land uses that are considered incompatible with fatality risk, injury or irritation risk (as defined in *Hazardous Industry Planning Advisory Paper No.4 – Risk Criteria for Land Use Safety Planning* - Planning NSW, 1992) resulting from operations within the Botany / Randwick industrial area under this plan include:- child care centres, nursing homes, educational establishments, hospitals and units for aged persons.

7.1.3 Banksmeadow Industrial Precinct (Parts 6.2.8 and 6.3.15 of the DCP)

Part 6 of the DCP includes planning controls for 'employment zones' (i.e. IN1 and IN2 industrial zones and the B5 and B7 business zones). Risk-related development controls for the Banksmeadow Industrial Precinct are referred to in Part 6.2.8 of the DCP. Risk-related development controls applicable for all employment zones are also included in Part 6.3.15 and these include a cross-reference to Part 6.2.8. The relevant text from these parts is reproduced below.

Extract from Section 6.2.8 of the Botany Bay Development Control Plan 2013 [Ref. 1]

Controls

General

- | | |
|-----------|--|
| C1 | Business Park and industrial uses with access from Rhodes Street or Smith Street are to have low vehicular generation characteristics and exclude the use of container handling or semi-trailers. |
| C2 | Development on the B7 Business Park Zone at the corner of Holloway and Green Streets are to have their commercial offices (or other non-industrial activity) fronting Holloway Street and the school with a return (no less than 10m) to Green Street. All industrial activities are to be undertaken behind the commercial building buffer. |
| C3 | The transport of hazardous substances should be directed away from residential areas and a Traffic Route Study showing the proposed traffic route of such transport is required. |
| C4 | Development fronting Denison Street, Rhodes Street, and Smith Street are to have their commercial offices (or other non-industrial activity) fronting the road/street. All industrial activities are to be undertaken behind the commercial building buffer. |

- C5** Development is not to adversely impact on the surrounding established residential areas through noise, traffic, pollution and risk.
- C6** A survey is required to identify any pipelines, easements etc affecting the development site. If the pipeline enters Council land an appropriate deed of agreement is to be executed.
- C7** Redevelopment of land at the corner of Denison Street & Beauchamp Road (the Orica site) is to take into account the road widening affectation proposed by RMS.
- C8** Developments within the vicinity of Floodvale Drain, Springvale Drain and Bunnerong Stormwater Channel No. 11 (SWC 11 – Sydney State Water) shall submit a detailed Flood Study/Assessment for 1 in 100 year average recurrence interval (ARI) design storm events and probable maximum flood (PMF). The Flood Study/Assessment is to be prepared by a suitably qualified and experienced civil engineer. The Flood Study/Assessment is required to:
- (i) Be in accordance with the current version of Australian Rainfall and Runoff (ARR) and the NSW Floodplain Development Manual; and
 - (ii) Consider the impacts from Climate Change and Sea Level Rise.
- C9** Development shall:
- (i) Have finished floor levels of a minimum 500mm above the 1 in 100 year flood level for habitable areas and 300mm for industrial areas and garages; and
 - (ii) Not impede the passage of floodwater to cause a rise (afflux) in the flood level upstream and/or increase the downstream velocities of flow.
- C10** Restricted Access Vehicles (RAV) classified by Roads and Maritime Services (RMS) (including B-Doubles) are not permitted to access:
- (i) Holloway Street;
 - (ii) Green Street;
 - (iii) Ocean Street;
 - (iv) Swinbourne Street;
 - (v) Stephen Road;
 - (vi) Smith Street; and
 - (vii) Rhodes Street.
- C11** The maximum size of vehicle accessing Smith Street and Rhodes Street is restricted to Medium Rigid Vehicles (MRV) as defined by AS2890.2.
- Risk Management:**
- C12** In order to address the recommendations, a Risk Assessment Evaluation is required to accompany all applications for sites:
- (i) Within the study area of the Botany/Randwick Industrial Area Land Use Safety Study - 2001; and/or
 - (ii) Affected by the recommendations of the Port Botany Land Use Safety Study Overview Report - 1996.
- Note:** Recommendation No. 2-2.2 of the Port Botany Safety Study states that proposals for the development or redevelopment of residential, commercial or high density developments

outside the Port area, particularly inside the one in a million residential risk contour, identified in figure 2 of the Port Botany Land Use Safety Study Overview Report should not take place.

- C13** The Risk Assessment Evaluation to Council is to be completed by a qualified risk management professional and take into account the nature of the proposed business and the proximity of the site to surrounding hazardous facilities. The report is to recommend safety procedures to be followed.

The report needs to conclude whether or not the activities proposed for the premises constitute an escalation of existing hazards, and that the risk posed by neighbouring uses in the exposure of hazards to the site is acceptable.

Applicants are to refer to the applicable Hazardous Industry Planning Advisory Papers (HIPAPs) and other guidelines such as *Applying SEPP 33* and *Multi-level Risk Assessment* found at <http://www.planning.nsw.gov.au/planning-guidelines-for-hazardous-development>

- C14** If a site fronts Denison Street a Transport Risk Assessment Report is required to be lodged with Council. The assessment report to Council should be completed by a qualified risk management professional and address the hazard analysis methodology outlined within the Hazardous Industry Advisory Paper N° 6: Guidelines for Hazard Analysis. The areas of assessment should include:

- (i) Identification of potential release scenarios, including analysis of the hazards associated with transport of potentially hazardous materials;
- (ii) Estimation of release frequencies, using information available from such sources as Botany Bay City Council, the Bureau of Statistics and from the Roads and Traffic Authority, NSW;
- (iii) Assessment of consequences in terms of effect zones following the ignition or dispersion of a release, including the assessment of the evaporation and permeation of a spill and of the resulting heat radiation in case of ignition;
- (iv) Estimation of risk by combining release frequencies, consequences, and population distribution for the particular route under survey; and
- (v) Comparing the estimated risk with relevant tolerability criteria and guidelines.

Results from the traffic hazard analysis should be assessed on the basis of generally accepted land use safety guidelines provided in the 'Hazardous Industry Planning Advisory Paper N° 4: Risk Criteria for Land Use Safety Planning' published by Planning NSW in 1992 and 'Hazardous Industry Planning Advisory Paper No. 10 Landuse Safety Planning' published by the NSW Department of Planning in January 2011.

Note: Council in 2012 commissioned a traffic count for Denison Street (in both directions, north and south); which includes a separate count for dangerous goods traffic as Council wanted to compare the overall traffic to the dangerous goods traffic. Whilst this data is available to applicants who are required to prepare a Transport Risk Assessment Report, the data is over 12 months old and depending on the proposed development Council may require a new Transport Risk Survey to be conducted at the applicant's costs. Please contact Council for more information.

- C15** Where a site is considered by Council to be located partly adjacent to a dangerous goods route defined in this plan, any development on the site will be assessed and viewed as though

it was located within the area or route with the more stringent risk-related development controls specified in this development control plan.

Dangerous Goods Routes means identified within the Botany/Randwick Industrial Area Land Use Safety Study.

The Botany / Randwick Industrial Area Land Use Safety Study does not include an assessment of the risk implications of dangerous goods transport, but does identify some routes as having a significant likelihood of carrying such goods. The routes identified within the Botany / Randwick Industrial Area Land Use Safety Study form a wider local and regional road network that may also carry traffic containing dangerous goods. The consideration of risk arising from the transportation of dangerous goods on this local and regional road network and the impacts this may have on residential and sensitive use development within the Study area needs to be considered as part of the assessment process for future development activity.

Sensitive use intensification means the establishment of a sensitive use or an increase in the gross operational floor space of an existing building that is occupied by a sensitive land use.

Sensitive land uses that are considered incompatible with fatality risk, injury or irritation risk (as defined in *Hazardous Industry Planning Advisory Paper No.4 – Risk Criteria for Land Use Safety Planning* - Planning NSW, 1992) resulting from operations within the Botany / Randwick industrial area under this plan include:- child care centres, nursing homes, educational establishments, hospitals and units for aged persons.

Additional information: A number of other Hazardous Industry Planning Advisory Papers (HIPAPs) and other guidelines have been issued by the Department of Planning & Environment to assist stakeholders in implementing an integrated risk assessment process and can be found at <http://www.planning.nsw.gov.au/planning-guidelines-for-hazardous-development>

Applicants are also to refer to **Part 6.3.15 - Risk**.

Extract from Section 6.3.15 of the Botany Bay Development Control Plan 2013 [Ref. 1]

Controls

- C1** Should the proposed use involve the storage and/or transport hazardous substances Council will require an assessment of the Development Application under **State Environmental Planning Policy No. 33 - Hazardous and Offensive Development**.

Note: All applications to carry out potentially hazardous or potentially offensive development will have to be advertised.

- C2** Development Applications to carry out potentially hazardous development will also have to be supported by a Preliminary Hazard Analysis (PHA). Applicants should refer to the provisions of **State Environmental Planning Policy No. 33 - Hazardous and Offensive Development**

Note: Applicants are to refer to the applicable Hazardous Industry Planning Advisory Papers (HIPAPs) and other guidelines such as *Applying SEPP 33* and *Multi-level Risk Assessment* found on the Department of Planning and Environment's website at <http://www.planning.nsw.gov.au/planning-guidelines-for-hazardous-development>

C3 Development adjacent or adjoining sites/uses/pipelines that involve the storage and/or transport of hazardous substances are to prepare a risk assessment in accordance with the Hazardous Industry Planning Advisory Papers.

Note: Banksmeadow Industrial Precinct has specific risk related controls that have to be complied with. If your site is within the Banksmeadow Industrial Precinct you need to also refer to the Precinct controls in **Part 6.2.8 - Banksmeadow Industrial Precinct**.

7.1.4 Three Ports SEPP

The Three Ports SEPP applies to land at the three ports covering both the lease areas (i.e. land leased to a private port operator under the Ports Assets (Authorised Transactions) Act 2012) as well as surrounding land that needs to be maintained for port-related and industrial uses. The Study Area is outside of the lease area and therefore the BBCC is the relevant consent authority for this land in accordance with Clause 8 of the Three Ports SEPP [Ref. 15].

There are no risk-related planning controls in the BBDCP2013 for the IN1 zoned land covered by the Three Ports SEPP.

7.2 Proposed Planning Controls

Within the Study Area, there are 20 areas where the combination of land use zoning and major risk contributor/s warrants specific risk-based planning controls (Refer to Figure 25). The large number of areas arises because the Study Area includes nine different land use zones (B3, B4, B5, B7, R2, R3, RE1, IN1 and SP1) and the dominant risk contributor (e.g. cumulative LSIFR, cumulative injury / irritation risk and/or cumulative societal risk) varies throughout the Study Area. For example, to the east of the Orica chloralkali plant, the LSIFR is the dominant risk near Denison Street, but the cumulative injury / injury risk and societal risk are more relevant to the east of Nilson Avenue.

A summary table is included after Figure 25 for each of the 20 specific areas. The information in each table provides a guide for land use safety planning throughout the Study Area. How this is achieved needs to be determined by BBCC in conjunction with the DP&E as some of the proposed controls will only apply to the areas identified in Figure 25 and should not be applied to all other similarly zoned areas defined within the BBLEP2013. For example, sensitive use developments (e.g. child care centres) are currently 'permitted with consent' in areas zoned RE1; however, this type of development should be prohibited in Area A (Hensley Athletic Field), despite its RE1 zoning, since the cumulative risk from the fixed facilities and DG transport along Denison Street exceeds the relevant DP&E risk criteria for land use safety planning.

The current zoning, and any potential restrictions on future rezoning (particularly to a more sensitive use category), is identified in each table for each area. Also, the proposed controls for future developments (i.e. potentially hazardous industry and/or other types of development in the vicinity of existing potentially hazardous industry) are included, together with the basis for each control. If it is proposed to change a control from the current BBLEP2013, then this is highlighted in red.

The following points are of interest:

1. If the projected increase in DG traffic occurs in conjunction with intensification of the population in the Study Area, then the cumulative societal risk ('FN Curve') is likely to extend into the 'Intolerable' zone (Refer to Section 5.5.2). Therefore, any modification to an existing development that may increase population density (i.e. including subdivision, multiple occupancy, etc.) in the Study Area should be reviewed on a case-by-case basis.

2. For Areas close to the BIP and Denison Street, any increase in population density will be constrained by the cumulative individual fatality risk and/or the cumulative societal risk ('FN Curve') and therefore applies for all types of development, not only sensitive use and residential development (Refer to Section 6.2.4).
3. An increase to population density becomes progressively less significant with increasing distance from the BIP and Denison Street, particularly beyond the 0.5 pmpy cumulative individual fatality risk contour. Therefore, increasing the population density at the eastern extremity of the Study Area may be permissible if it can be demonstrated that the development will have a negligible incremental contribution to the cumulative societal risk ('FN Curve'). This has been used as a basis for the proposed planning controls.
4. In the vicinity of the BIP and Denison Street, the societal risk ('FN Curve') is relatively high. The predominant risk contributors are fires in near field and toxic gas exposure in far field. Therefore, the proposed planning controls have not included provision to permit developments by meeting the target individual risk of fatality alone through implementation of mitigating measures (Refer to Section 6.2.4). This approach is consistent with the relevant qualitative risk criteria (Refer to Section 6.2.1).
5. The cumulative individual and societal risks ('FN Curve') from the BIP QRA and Transport QRA / Transport QRA Addendum comply with the risk criteria applicable for existing use situations (Refer to Section 6.2.5). Therefore, the proposed controls are only applicable for: (i) proposed new developments; and/or (ii) modifications to existing developments where these would result in an increase to the average population density (Refer to Section 7.2.1). Alterations to an existing development that do not increase the average population density should be in accordance the BBCC's current assessment process.
6. Where a particular category of new development and/or modification to an existing development would not comply with the relevant risk criteria, then the proposed control has been categorised as 'Prohibited' in the relevant summary table (e.g. child care facilities in Area A). It is recognised that this terminology may have a slightly different context in the NSW statutory planning framework, particularly as the 'Industrial', 'residential', etc. land use categories defined in HIPAP No. 4 do not perfectly align with the zones defined in the LEP (e.g. IN1, etc.). Therefore, how this prohibition is achieved through the relevant planning instrument/s needs to be determined by BBCC in conjunction with the DP&E (This is addressed in Recommendation No. 1 - Refer to Section 8).

7.2.1 Population Intensification Issues

The following definition of population intensification should be included in the DCP:

Population intensification means any change that increases the average population density. This may include, but is not limited, to:

- The addition of a building or room for new occupants or an increase to the number of rooms providing temporary or permanent accommodation (e.g. hotel rooms);
- Increasing the gross operational area for non-residential buildings (e.g. child care centres, commercial buildings, etc. that may, or may not, be permanently occupied);
- The conversion and / or utilisation of an existing building or vacant land for additional occupation;

- *The subdivision of land to create a new allotment for additional occupation; and*
- *The rezoning of land for a uses with a higher average population density (e.g. rezoning from low density residential to medium density residential).*

Population intensification is potentially relevant for all categories of development (e.g. recreational, residential, commercial, industrial, etc.).

For residential development, increasing the number of rooms providing temporary or permanent accommodation within the same residence would not normally be considered population intensification. However, this would be considered population intensification for a hotel, motel, boarding house, etc.

All future development applications for a new development, or a modification to an existing development, in the Study Area that are listed as potentially 'Permissible with Consent' in the relevant tables following Figure 25, must include a risk assessment.

7.2.2 Assessment of Development for Potentially Hazardous Development

- (a) A new potentially hazardous fixed facility, or modifications to an existing potentially hazardous fixed facility, should be assessed against all relevant qualitative and quantitative risk criteria from HIPAP No. 4 and HIPAP No. 10 (Refer to Section 6.2.1 and Section 6.2.3). Such a development may be subject to other development approval requirements (e.g. under the EP&A Act, SEPP No. 33, existing conditions of development consent, etc.).
- (b) The risk for a proposed development is typically assessed based on the incremental risk from this development alone (i.e. not cumulatively with other potentially hazardous developments). However, the development consent conditions for the BIP require a cumulative risk assessment [Ref. 2] and therefore the risks associated with any modifications to the BIP, including new facilities/subdivisions within the boundary of the BIP, should be assessed cumulatively.
- (c) If another potentially hazardous development (i.e. outside BIP) has the potential to affect the risk profile in the Study Area, then it should be assessed individually and in the context of the cumulative risk presented in the most recent available risk assessments for the Study Area (Including the individual and societal risks from fixed facilities and transport of DGs).

7.2.3 Assessment of Development in the Vicinity of Potentially Hazardous Development

- (a) Any development in the vicinity of an existing potentially hazardous fixed facility should be consistent with all relevant qualitative and quantitative risk criteria from HIPAP No. 10 (Refer to Section 6.2.1 and Section 6.2.4). A proposed development may still be appropriate if mitigating measures can be implemented to reduce the risk exposure to less than the relevant criteria (Refer to Section 6.2.4).

- (b) Although not explicitly stated in HIPAP No. 10, the assessment of a proposed development in the vicinity of an existing potentially hazardous fixed facility should be based on the cumulative risk from all risk sources. Therefore, any proposed development within the Study Area should be assessed in the context of the most recent available risk assessments for the Study Area (Including the individual and societal risks from fixed facilities and transport of DGs).
- (c) For societal risk, the incremental societal risk should be compared against the indicative criteria in HIPAP 10 (Refer to Section 6.2.4). If this incremental societal risk lies within the negligible region, then the development should not be precluded on risk grounds. If incremental risks lie within the ALARP region, options should be considered to relocate people away from the affected areas. If, after taking this step, there is still a significant portion of the societal risk plot within the ALARP region, the proposed development may only be approved if the benefits clearly outweigh the risks.

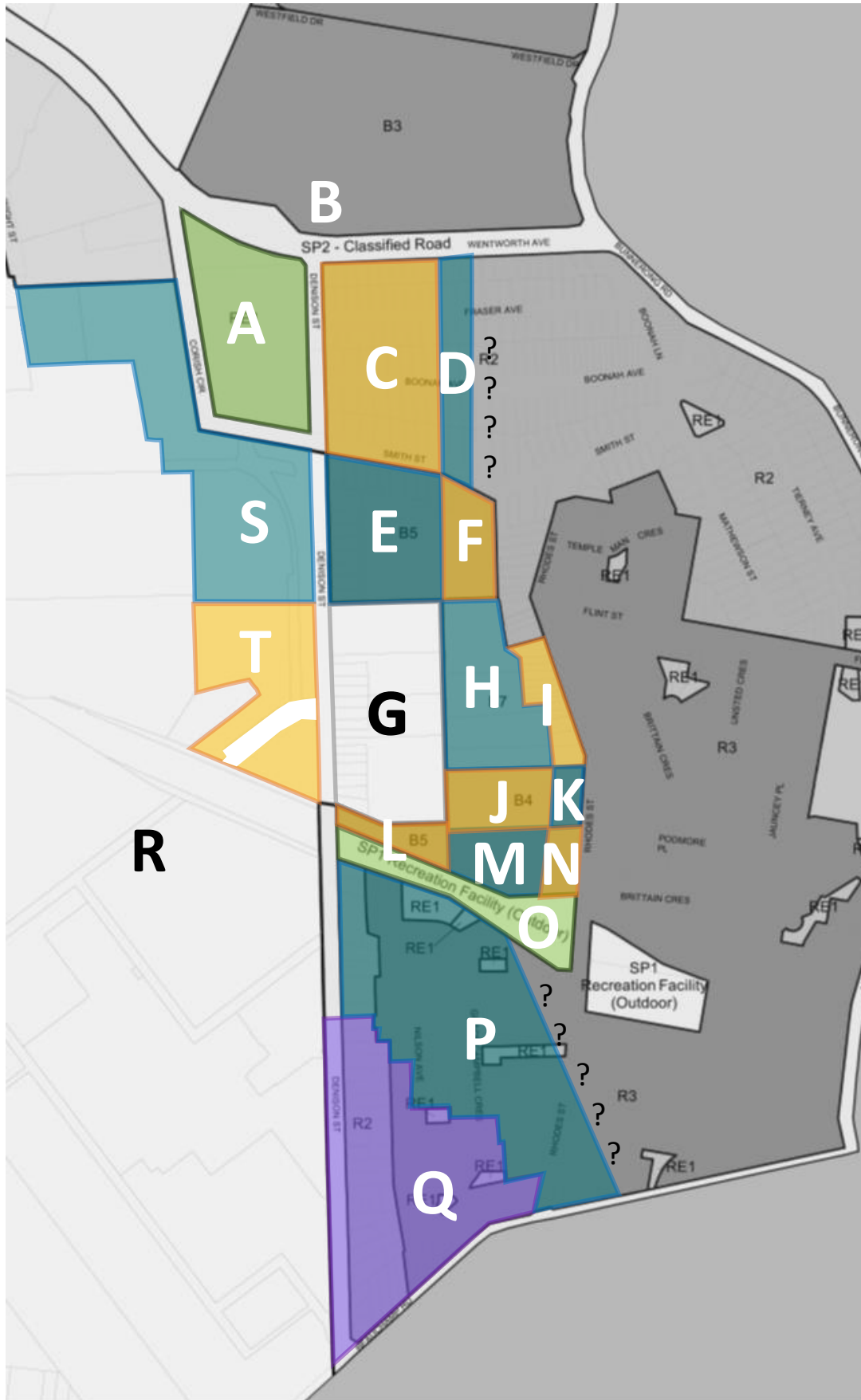
7.2.4 Assessment of Potentially Hazardous Transport Operations

- (a) A Transport Risk Assessment report should be submitted with all future development applications with the potential to directly or indirectly affect DG traffic along Denison Street. For example, this could include developments outside the Study Area that might significantly increase non-DG traffic along Denison Street, and therefore have the potential to affect the predicted accident rate for DG traffic. This will require ongoing consultation between BBCC and Ports NSW, its neighbouring Councils and the DP&E.
- (b) There are no established quantitative risk criteria in NSW for land use safety planning due to the transport of DGs (Refer to Section 6.3). Therefore, the (location-specific) individual fatality risk and societal risk criteria for fixed facilities should be used to assess the risks from the transport of DGs (Refer to Section 6.3). The established qualitative principles should also be considered (Refer to Section 6.2.1).
- (c) Any proposed changes to the transport of DGs the Study Area (Including new operations or modifications to existing operations), should be assessed individually and in the context of the cumulative risk presented in the most recent available risk assessments for the Study Area (Including the individual and societal from fixed facilities and transport of DGs).

7.2.5 Assessment of Development in the Vicinity of Existing Potentially Hazardous Transport Operations

- (a) Although not explicitly stated in HIPAP No. 10, the assessment of a proposed development in the vicinity of an existing potentially hazardous transport operation should be based on the cumulative risk from all risk sources. Therefore, any proposed development in the Study Area should be assessed in the context of the cumulative risks presented in the most recent available risk assessments for the Study Area (Including the individual and societal from fixed facilities and transport of DGs).
- (b) For societal risk, the incremental societal risk should be compared against the indicative criteria in HIPAP 10 (Refer to Section 6.2.4). If this incremental societal risk lies within the negligible region, then the development should not be precluded. If incremental risks lie within the ALARP region, options should be considered to relocate people away from the affected areas. If, after taking this step, there is still a significant portion of the societal risk plot within the ALARP region, the proposed development should only be approved if the benefits clearly outweigh the risks.

Figure 25 Areas Requiring Specific Risk-Based Planning Controls



Area A – Hensley Athletics Field

Description	Lots bounded by Wentworth Avenue, Corish Crescent and Denison Street (i.e. principally Hensley Athletics Field).
Zoning	<p>RE1 - Public Recreation (With Additional Permitted Uses)</p> <p>The zoning for this Area is primarily for recreational uses (viz. Defined as ‘open space’ uses in HIPAP No. 4). However, child care centres and respite day care centres (viz. Defined as ‘sensitive uses’ in HIPAP No. 4) are also permissible with consent.</p> <p>Environmental works are permitted without consent. These works are not expected to introduce large populations and a higher LSIFR criterion would typically apply (viz. equivalent to an industrial use as defined in HIPAP No. 4) than for the other permissible uses.</p> <p>It would not be appropriate to rezone this Area for residential or sensitive uses based on the cumulative LSIFR (See below).</p>
Individual Risk	The cumulative LSIFR is ≥ 0.5 pmpy at this Area, with a maximum LSIFR of c. 10 pmpy near the NE corner at the intersection of Wentworth Avenue and Denison Street. The cumulative acute toxic injury (10 pmpy) and irritation (50 pmpy) contours do not extend to this Area.
Societal Risk	It is not possible to determine the contribution to the cumulative societal risk (‘FN Curve’) for the population at this specific Area based on the available risk assessments. However, relatively high populations may be present during sporting events and this will contribute to the cumulative societal risk (‘FN Curve’) for the Study Area.

Category of Development for Land Use Safety Planning *	Current Control	Proposed New Development or Modification to Existing Development	
		Proposed Control	Basis
SENSITIVE USES (Hospitals, schools, child-care facilities & old age housing)	Permitted with consent	Prohibited	The cumulative LSIFR is ≥ 0.5 pmpy at this Area. There are no existing sensitive use developments and future sensitive use developments are to be prohibited.
RESIDENTIAL (Residential developments & places of continuous occupancy, such as hotels & tourist resorts)	Prohibited	Prohibited	The cumulative LSIFR is ≥ 1 pmpy at this Area. There are no existing residential developments and future residential developments are prohibited.
COMMERCIAL (Including offices, retail centres, warehouses with showrooms, restaurants & entertainment centres)	Permitted with consent	Permitted with consent	The cumulative LSIFR is ≤ 5 pmpy for most of this Area (Note: Commercial development is unlikely to be permitted in the NE corner of this Area where the LSIFR is ≥ 5 pmpy). There are no existing commercial developments; however, these developments may be permitted in the future. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.
OPEN SPACE (Sporting complexes & active open space areas)	Permitted with consent	Permitted with consent	The cumulative LSIFR is ≤ 10 pmpy for most of this Area. There are existing open space uses in this Area. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.
INDUSTRIAL	Prohibited	Prohibited	This Area is not zoned for industrial uses. There are no existing industrial uses and future industrial uses are prohibited.

* Note: ‘Industrial’, ‘residential’, etc. uses, as defined in HIPAP No. 4, may not align with zones defined in the LEP (e.g. IN1, etc.).

Area B – Commercial Core Zone North of Wentworth Avenue

Description	Lot/s in Study Area to the north of Wentworth Avenue (i.e. principally Westfields Shopping Centre).
Zoning	<p>B3 – Commercial Core</p> <p>The zoning for this Area is primarily for retail, business, office, entertainment, and community uses (viz. Defined as ‘residential’ or ‘commercial’ uses in HIPAP No. 4) including: commercial premises; community facilities; educational establishments; entertainment facilities; function centres; hotel or motel accommodation; information and education facilities; medical centres; passenger transport facilities; recreation facilities (indoor); and, registered clubs. However, respite day care centres (viz. Defined as ‘sensitive uses’ in HIPAP No. 4), and other ‘sensitive uses’ that are not specifically prohibited (e.g. child care facilities, hospitals) are also permissible with consent and should be prohibited in the southern part of this Area based on the cumulative LSIFR.</p> <p>It would not be appropriate to rezone the southern part of this Area for residential or sensitive uses based on the cumulative LSIFR (See below).</p>
Individual Risk	The cumulative LSIFR is ≥ 0.5 pmpy for the southern part of this Area, with a maximum LSIFR of c. 10 pmpy at the intersection of Wentworth Avenue and Denison Street. The cumulative acute toxic injury (10 pmpy) and irritation (50 pmpy) contours do not extend to this Area.
Societal Risk	It is not possible to determine the contribution to the cumulative societal risk (‘FN Curve’) for the population at this specific Area based on the available risk assessments. However, relatively high populations may be present during operating hours and this will contribute to the cumulative societal risk (‘FN Curve’) for the Study Area.

Category of Development for Land Use Safety Planning *	Current Control	Proposed New Development or Modification to Existing Development	
		Proposed Control	Basis
SENSITIVE USES (Hospitals, schools, child-care facilities & old age housing)	Permitted with consent	Prohibited (South) or Permitted with consent (North)	The cumulative LSIFR is ≥ 0.5 pmpy for the southern part of this Area. Any proposed population intensification for the northern part of this Area will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.
RESIDENTIAL (Residential developments & places of continuous occupancy, such as hotels & tourist resorts)	Prohibited or Permitted with consent #	Prohibited (South) or Permitted with consent (North)	# Currently: residential accommodation is prohibited; and, hotels / motels and tourist & visitor accommodation are permitted with consent. The cumulative LSIFR is ≥ 1 pmpy for the southern part of this Area. Any proposed population intensification for the northern part will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.
COMMERCIAL (Including offices, retail centres, warehouses with showrooms, restaurants & entertainment centres)	Permitted with consent	Permitted with consent	The cumulative LSIFR is ≤ 5 pmpy for most of this Area (Note: Commercial development is unlikely to be permitted near the intersection of Denison St and Wentworth Avenue where the LSIFR is ≥ 5 pmpy). There are existing commercial uses in this Area. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.
OPEN SPACE (Sporting complexes & active open space areas)	Permitted with consent #	Permitted with consent	# Currently, recreation areas and recreation facilities (indoor) are permitted with consent. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.
INDUSTRIAL	Prohibited	Prohibited	This Area is not zoned for industrial uses. There are no existing industrial uses and future industrial uses are prohibited.

* Note: ‘Industrial’, ‘residential’, etc. uses, as defined in HIPAP No. 4, may not align with zones defined in the LEP (e.g. IN1, etc.).

Area C – Low Density Residential Zone in Eastgardens Precinct

Description	Lots bounded by Wentworth Avenue, Denison Street and Smith Street in Eastgardens Precinct.
Zoning	<p>R2 – Low Density Residential</p> <p>The zoning for this Area is primarily for residential uses and places of continuous occupancy (as defined in HIPAP No. 4), including: attached dwellings; bed and breakfast accommodation; boarding houses; community facilities; dwelling houses; group homes; multi dwelling housing; places of public worship; recreation areas; residential flat buildings; and semi-detached dwellings. Home occupations are permitted without consent.</p> <p>Child care centres, health consulting rooms, hospitals and respite day care centres (viz. Defined as ‘sensitive uses’ in HIPAP No. 4) and neighbourhood shops and office premises (viz. Defined as ‘commercial uses’ in HIPAP No. 4) are also permissible with consent.</p> <p>Building identification signs, business identification signs, environmental protection works and flood mitigation works are permissible with consent.</p> <p>It would not be appropriate to rezone this Area for higher density residential or sensitive uses based on the cumulative LSIFR and societal risk (See below).</p>
Individual Risk	The cumulative LSIFR is ≥ 0.5 pmpy at this Area, with a maximum LSIFR of c. 10 pmpy in the NW corner at the intersection of Wentworth Avenue and Denison Street. The cumulative acute toxic injury (10 pmpy) and irritation (50 pmpy) contours do not extend to this Area.
Societal Risk	It is not possible to determine the contribution to the cumulative societal risk (‘FN Curve’) for the population at this specific Area based on the available risk assessments. However, residential populations are expected to be present all the time and this will contribute to the cumulative societal risk (‘FN Curve’) for the Study Area.

Category of Development for Land Use Safety Planning *	Current Control	Proposed New Development or Modification to Existing Development	
		Proposed Control	Basis
SENSITIVE USES (Hospitals, schools, child-care facilities & old age housing)	Permitted with consent	Prohibited	The cumulative LSIFR is ≥ 0.5 pmpy at this Area.
RESIDENTIAL (Residential developments & places of continuous occupancy, such as hotels & tourist resorts)	Permitted with consent	Prohibited	The cumulative LSIFR is ≥ 1 pmpy at this Area.
COMMERCIAL (Including offices, retail centres, warehouses with showrooms, restaurants & entertainment centres)	Permitted with consent #	Permitted with consent	<p># Currently, neighbourhood shops and office premises are permitted with consent.</p> <p>The cumulative LSIFR is ≤ 5 pmpy for most of this Area (Note: Commercial development is unlikely to be permitted in the NW corner where the LSIFR is ≥ 5 pmpy).</p> <p>There are no existing commercial developments; however, these developments may be permitted in the future.</p> <p>Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.</p>
OPEN SPACE (Sporting complexes & active open space areas)	Permitted with consent #	Permitted with consent	<p># Currently, recreation areas are permitted with consent.</p> <p>The cumulative LSIFR is ≤ 10 pmpy at this Area (Except for a small area in the NW corner at the intersection of Wentworth Avenue and Denison Street).</p> <p>Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.</p>
INDUSTRIAL	Prohibited	Prohibited	<p>This Area is not zoned for industrial uses.</p> <p>There are no existing industrial uses and future industrial uses are prohibited.</p>

* Note: ‘Industrial’, ‘residential’, etc. uses, as defined in HIPAP No. 4, may not align with zones defined in the LEP (e.g. IN1, etc.).

Area D – Low Density Residential Zone in Eastgardens Precinct

Description	Lots bounded by Wentworth Avenue and Smith Street in Eastgardens Precinct.
Zoning	<p>R2 – Low Density Residential</p> <p>The zoning for this Area is primarily for residential uses and places of continuous occupancy (as defined in HIPAP No. 4), including: attached dwellings; bed and breakfast accommodation; boarding houses; community facilities; dwelling houses; group homes; multi dwelling housing; places of public worship; recreation areas; residential flat buildings; and semi-detached dwellings. Home occupations are permitted without consent.</p> <p>Child care centres, health consulting rooms, hospitals and respite day care centres (viz. Defined as ‘sensitive uses’ in HIPAP No. 4) and neighbourhood shops and office premises (viz. Defined as ‘commercial uses’ in HIPAP No. 4) are also permissible with consent.</p> <p>Building identification signs, business identification signs, environmental protection works and flood mitigation works are permissible with consent.</p> <p>It would not be appropriate to rezone this Area for higher density residential or sensitive uses based on the cumulative LSIFR and societal risk (See below).</p>
Individual Risk	The cumulative LSIFR is ≥ 0.5 pmpy at this Area, with a maximum LSIFR of c. 1 pmpy at the boundary with Area C. The cumulative acute toxic injury (10 pmpy) and irritation (50 pmpy) contours do not extend to this Area.
Societal Risk	It is not possible to determine the contribution to the cumulative societal risk (‘FN Curve’) for the population at this specific Area based on the available risk assessments. However, residential populations are expected to be present all the time and this will contribute to the cumulative societal risk (‘FN Curve’) for the Study Area.

Category of Development for Land Use Safety Planning *	Current Control	Proposed New Development or Modification to Existing Development	
		Proposed Control	Basis
SENSITIVE USES (Hospitals, schools, child-care facilities & old age housing)	Permitted with consent	Prohibited *	The cumulative LSIFR is ≥ 0.5 pmpy at this Area. * The eastern boundary of this area is difficult to determine from the available risk assessments (This area of uncertainty is indicated by the ‘?’ symbols on Figure 25).
RESIDENTIAL (Residential developments & places of continuous occupancy, such as hotels & tourist resorts)	Permitted with consent	Permitted with consent	The cumulative LSIFR is ≤ 1 pmpy at this Area. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.
COMMERCIAL (Including offices, retail centres, warehouses with showrooms, restaurants & entertainment centres)	Permitted with consent #	Permitted with consent	# Currently, neighbourhood shops and office premises are permitted with consent. The cumulative LSIFR is ≤ 5 pmpy at this area. There are no existing commercial developments; however, these developments may be permitted in the future. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.
OPEN SPACE (Sporting complexes & active open space areas)	Permitted with consent #	Permitted with consent	# Currently, recreation areas are permitted with consent. The cumulative LSIFR is ≤ 10 pmpy at this Area. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.
INDUSTRIAL	Prohibited	Prohibited	This Area is not zoned for industrial uses. There are no existing industrial uses and future industrial uses are prohibited.

* Note: ‘Industrial’, ‘residential’, etc. uses, as defined in HIPAP No. 4, may not align with zones defined in the LEP (e.g. IN1, etc.).

Area E – Business Development Zone in Banksmeadow Industrial Precinct

Description	Lot/s in Banksmeadow Industrial Precinct bounded by Denison Street and Smith Street (i.e. principally Bunnings Development).
Zoning	<p>B5 – Business Development</p> <p>The zoning for this Area is primarily for business and warehouse uses, and bulky goods premises that require a large floor area (viz. Defined as ‘commercial’ uses in HIPAP No. 4), including: bulky goods premises; food and drink premises; garden centres; hardware and building supplies; high technology industries; landscaping material supplies; neighbourhood shops; passenger transport facilities; vehicle sales or hire premises; warehouse or distribution centres. However, child care centres and respite day care centres (viz. Defined as ‘sensitive uses’ in HIPAP No. 4) and tourist & visitor accommodation (viz. Defined as ‘residential uses’ in HIPAP No. 4) are also permissible with consent and should be prohibited based on the cumulative LSIFR (see below). Recreation areas (viz. Defined as ‘open space uses’ in HIPAP No. 4) are also permissible with consent.</p> <p>It would not be appropriate to rezone this Area for residential or sensitive uses based on the cumulative LSIFR (See below).</p>
Individual Risk	The cumulative LSIFR is ≥ 1 pmpy for this Area. The maximum LSIFR appears to be ≤ 5 pmpy. The cumulative acute toxic injury (10 pmpy) and irritation (50 pmpy) contours do not extend to this Area.
Societal Risk	It is not possible to determine the contribution to the cumulative societal risk (‘FN Curve’) for the population at this specific Area based on the available risk assessments. However, relatively high populations may be present during operating hours and this will contribute to the cumulative societal risk (‘FN Curve’) for the Study Area.

Category of Development for Land Use Safety Planning *	Current Control	Proposed New Development or Modification to Existing Development	
		Proposed Control	Basis
SENSITIVE USES (Hospitals, schools, child-care facilities & old age housing)	Permitted with consent	Prohibited	The cumulative LSIFR is ≥ 0.5 at this Area.
RESIDENTIAL (Residential developments & places of continuous occupancy, such as hotels & tourist resorts)	Permitted with consent #	Prohibited	# Currently, tourist & visitor accommodation is permitted with consent. The cumulative LSIFR is ≥ 1 pmpy at this Area.
COMMERCIAL (Including offices, retail centres, warehouses with showrooms, restaurants & entertainment centres)	Permitted with consent	Permitted with consent	The cumulative LSIFR is ≤ 5 pmpy at this Area. There are existing commercial uses in this Area. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.
OPEN SPACE (Sporting complexes & active open space areas)	Permitted with consent #	Permitted with consent	# Currently, recreation areas are permitted with consent. The cumulative LSIFR is ≤ 10 pmpy at this Area. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.
INDUSTRIAL	Permitted with consent #	Permitted with consent	# Currently, high-technology industry is permitted with consent. The cumulative LSIFR is ≤ 50 pmpy at this Area. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.

* Note: ‘Industrial’, ‘residential’, etc. uses, as defined in HIPAP No. 4, may not align with zones defined in the LEP (e.g. IN1, etc.).

Area F – Business Development Zone in Banksmeadow Industrial Precinct

Description	Lot/s in Banksmeadow Industrial Precinct bounded by Area E and Smith Street.
Zoning	<p>B5 – Business Development</p> <p>The zoning for this Area is primarily for business and warehouse uses, and bulky goods premises that require a large floor area (viz. Defined as ‘commercial’ uses in HIPAP No. 4), including: bulky goods premises; food and drink premises; garden centres; hardware and building supplies; high technology industries; landscaping material supplies; neighbourhood shops; passenger transport facilities; vehicle sales or hire premises; warehouse or distribution centres. However, child care centres and respite day care centres (viz. Defined as ‘sensitive uses’ in HIPAP No. 4), tourist & visitor accommodation (viz. Defined as ‘residential uses’ in HIPAP No. 4) and recreation areas (viz. Defined as ‘open space uses’ in HIPAP No. 4) are also permissible with consent.</p>
Individual Risk	The cumulative LSIFR is ≤ 0.5 pmpy at this Area, with a maximum LSIFR of c. 0.5 pmpy near the boundary with Area E. The cumulative acute toxic injury (10 pmpy) and irritation (50 pmpy) contours do not extend to this Area.
Societal Risk	It is not possible to determine the contribution to the cumulative societal risk (‘FN Curve’) for the population at this specific Area based on the available risk assessments. However, relatively high populations may be present during operating hours and this will contribute to the cumulative societal risk (‘FN Curve’) for the Study Area.

Category of Development for Land Use Safety Planning *	Current Control	Proposed New Development or Modification to Existing Development	
		Proposed Control	Basis
SENSITIVE USES (Hospitals, schools, child-care facilities & old age housing)	Permitted with consent	Permitted with consent	The cumulative LSIFR is ≤ 0.5 pmpy at this Area. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.
RESIDENTIAL (Residential developments & places of continuous occupancy, such as hotels & tourist resorts)	Permitted with consent #	Permitted with consent	# Currently, tourist & visitor accommodation is permitted with consent. The cumulative LSIFR is ≤ 0.5 pmpy at this Area. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.
COMMERCIAL (Including offices, retail centres, warehouses with showrooms, restaurants & entertainment centres)	Permitted with consent	Permitted with consent	The cumulative LSIFR is ≤ 5 pmpy at this Area. There are no existing commercial developments; however, these developments may be permitted in the future. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.
OPEN SPACE (Sporting complexes & active open space areas)	Permitted with consent #	Permitted with consent	# Currently, recreation areas are permitted with consent. The cumulative LSIFR is ≤ 10 pmpy at this Area. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.
INDUSTRIAL	Permitted with consent #	Permitted with consent	# Currently, high-technology industry is permitted with consent. The cumulative LSIFR is ≤ 50 pmpy at this Area. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.

* Note: ‘Industrial’, ‘residential’, etc. uses, as defined in HIPAP No. 4, may not align with zones defined in the LEP (e.g. IN1, etc.).

Area G – Land Covered by Three Ports SEPP (East of Denison Street)

Description	Lot/s to the east of Denison Street covered by the Three Ports SEPP.
Zoning	<p>IN1 – General Industrial</p> <p>The zoning for this Area is primarily for port-related general industrial uses (viz. Defined as ‘commercial’ or ‘industrial’ uses in HIPAP No. 4), including: boat building and repair facilities; business premises; depots; food and drink premises; freight transport facilities; general industries; jetties; light industries; neighbourhood shops; office premises; signage; truck depots; vehicle body repair workshops; vehicle repair stations; warehouse or distribution centres; waste or resource management facilities.</p> <p>It would not be appropriate to rezone this Area for residential or sensitive uses based on the cumulative LSIFR and acute toxic irritation risk (See below).</p>
Individual Risk	<p>The cumulative LSIFR is ≥ 1 pmpy at this Area and is ≥ 5 pmpy for the western half adjacent to Denison Street. The maximum LSIFR appears to be c. 10 pmpy, however this only occurs near the BIP Gate 3 on Denison Street. The cumulative acute toxic injury (10 pmpy) contour does not appear to extend to this Area. The cumulative acute toxic irritation (50 pmpy) contour does extend to this Area.</p>
Societal Risk	<p>It is not possible to determine the contribution to the cumulative societal risk (‘FN Curve’) for the population at this specific Area based on the available risk assessments. However, relatively high populations may be present during operating hours and this will contribute to the cumulative societal risk (‘FN Curve’) for the Study Area.</p>

Category of Development for Land Use Safety Planning *	Current Control	Proposed New Development or Modification to Existing Development	
		Proposed Control	Basis
SENSITIVE USES (Hospitals, schools, child-care facilities & old age housing)	Prohibited	Prohibited	The cumulative LSIFR is ≥ 0.5 pmpy, and the cumulative acute toxic irritation risk is ≥ 50 pmpy, at this Area.
RESIDENTIAL (Residential developments & places of continuous occupancy, such as hotels & tourist resorts)	Prohibited	Prohibited	<p>The cumulative LSIFR is ≥ 1 pmpy at this Area.</p> <p>The cumulative acute toxic irritation risk is ≥ 50 pmpy at this area.</p>
COMMERCIAL (Including offices, retail centres, warehouses with showrooms, restaurants & entertainment centres)	Prohibited *	Prohibited *	<p>The cumulative LSIFR is ≤ 5 pmpy at the eastern, and ≥ 5 pmpy at the western, half of this Area.</p> <p>* Office premises, shops, etc. are only permissible in this area if they are associated with, or ancillary to, a port-related industrial use (See below). Other commercial uses are prohibited.</p>
OPEN SPACE (Sporting complexes & active open space areas)	Prohibited	Prohibited	<p>This Area is not zoned for open space uses.</p> <p>There are no existing open space uses and future open space uses are prohibited.</p>
INDUSTRIAL	Permitted with consent	Permitted with consent *	<p>The cumulative LSIFR is ≤ 50 pmpy at this Area.</p> <p>* Lower risk general and light industries that will not increase the cumulative risk in the Study Area would be the preferred type of development in this Area.</p> <p>Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.</p>

* Note: ‘Industrial’, ‘residential’, etc. uses, as defined in HIPAP No. 4, may not align with zones defined in the LEP (e.g. IN1, etc.).

Area H – Business Park Zone in Banksmeadow Industrial Precinct

Description	Lot/s in Banksmeadow Industrial Precinct bounded by Areas F, G, H and I.
Zoning	<p>B7 – Business Park</p> <p>The zoning for this Area is primarily for office and light industrial uses (viz. Defined as ‘commercial’ or ‘industrial’ uses in HIPAP No. 4), including: food and drink premises; light industries; neighbourhood shops; office premises; passenger transport facilities; vehicle sales or hire premises; warehouse or distribution centres. However, child care centres and respite day care centres (viz. Defined as ‘sensitive uses’ in HIPAP No. 4) are also permissible with consent and should be prohibited based on the cumulative LSIFR (see below).</p> <p>Home occupations are permitted without consent and dwelling houses and home industries (viz. Defined as ‘residential’ uses in HIPAP No. 4) are permissible with consent. Recreation areas and recreation facilities (indoor) (viz. Defined as ‘open space uses’ in HIPAP No. 4) are also permissible with consent.</p> <p>It would not be appropriate to rezone this Area for sensitive uses based on the cumulative LSIFR (See below).</p>
Individual Risk	The cumulative LSIFR is ≥ 0.5 pmpy at this Area, with a maximum LSIFR of c. 1 pmpy near the boundary with Area G. The cumulative acute toxic injury (10 pmpy) and irritation (50 pmpy) contours do not extend to this Area.
Societal Risk	It is not possible to determine the contribution to the cumulative societal risk (‘FN Curve’) for the population at this specific Area based on the available risk assessments. However, some people may be present and this will contribute to the cumulative societal risk (‘FN Curve’) for the Study Area.

Category of Development for Land Use Safety Planning *	Current Control	Proposed New Development or Modification to Existing Development	
		Proposed Control	Basis
SENSITIVE USES (Hospitals, schools, child-care facilities & old age housing)	Permitted with consent	Prohibited	The cumulative LSIFR is ≥ 0.5 pmpy at this Area.
RESIDENTIAL (Residential developments & places of continuous occupancy, such as hotels & tourist resorts)	Permitted with consent	Permitted with consent *	The cumulative LSIFR is ≤ 1 pmpy at this Area. * Higher density residential development (including hotels, etc.) is prohibited under the current zoning and is unlikely to be permissible in this Area due to its potential contribution to the cumulative societal risk. It would not be appropriate to rezone this Area for higher density residential uses. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.
COMMERCIAL (Including offices, retail centres, warehouses with showrooms, restaurants & entertainment centres)	Permitted with consent	Permitted with consent	The cumulative LSIFR is ≤ 5 pmpy at this Area. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.
OPEN SPACE (Sporting complexes & active open space areas)	Permitted with consent #	Permitted with consent	# Currently, recreation areas and recreation facilities (indoor) are permitted with consent. The cumulative LSIFR is ≤ 10 pmpy at this Area. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.
INDUSTRIAL	Permitted with consent	Permitted with consent *	The cumulative LSIFR is ≤ 50 pmpy at this Area. * Lower risk general and light industries that will not increase the cumulative risk in the Study Area would be the preferred type of development in this Area. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.

* Note: ‘Industrial’, ‘residential’, etc. uses, as defined in HIPAP No. 4, may not align with zones defined in the LEP (e.g. IN1, etc.).

Area I – Business Park Zone in Hillsdale Precinct

Description	Lot/s in Banksmeadow Industrial Precinct bounded by Area H and Rhodes Street.
Zoning	<p>B7 – Business Park</p> <p>The zoning for this Area is primarily for office and light industrial uses (viz. Defined as ‘commercial’ or ‘industrial’ uses in HIPAP No. 4), including: food and drink premises; light industries; neighbourhood shops; office premises; passenger transport facilities; vehicle sales or hire premises; warehouse or distribution centres. However, child care centres and respite day care centres (viz. Defined as ‘sensitive uses’ in HIPAP No. 4) are also permissible with consent.</p> <p>Home occupations are permitted without consent and dwelling houses and home industries (viz. Defined as ‘residential’ uses in HIPAP No. 4) are permissible with consent. Recreation areas and recreation facilities (indoor) (viz. Defined as ‘open space uses’ in HIPAP No. 4) are also permissible with consent.</p>
Individual Risk	The cumulative LSIFR is ≤ 0.5 pmpy at this Area. The cumulative acute toxic injury (10 pmpy) and irritation (50 pmpy) contours do not extend to this Area.
Societal Risk	It is not possible to determine the contribution to the cumulative societal risk (‘FN Curve’) for the population at this specific Area based on the available risk assessments. However, some people may be present and this will contribute to the cumulative societal risk (‘FN Curve’) for the Study Area.

Category of Development for Land Use Safety Planning *	Current Control	Proposed New Development or Modification to Existing Development	
		Proposed Control	Basis
SENSITIVE USES (Hospitals, schools, child-care facilities & old age housing)	Permitted with consent	Permitted with consent	The cumulative LSIFR is ≤ 0.5 pmpy at this Area.
RESIDENTIAL (Residential developments & places of continuous occupancy, such as hotels & tourist resorts)	Permitted with consent	Permitted with consent *	The cumulative LSIFR is ≤ 1 pmpy at this Area. * Higher density residential development (including hotels, etc.) is prohibited under the current zoning. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.
COMMERCIAL (Including offices, retail centres, warehouses with showrooms, restaurants & entertainment centres)	Permitted with consent	Permitted with consent	The cumulative LSIFR is ≤ 5 pmpy at this Area. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.
OPEN SPACE (Sporting complexes & active open space areas)	Permitted with consent #	Permitted with consent	# Currently, recreation areas and recreation facilities (indoor) are permitted with consent. The cumulative LSIFR is ≤ 10 pmpy at this Area. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.
INDUSTRIAL	Permitted with consent	Permitted with consent *	The cumulative LSIFR is ≤ 50 pmpy at this Area. * Lower risk general and light industries that will not increase the cumulative risk in the Study Area would be the preferred type of development in this Area. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.

* Note: ‘Industrial’, ‘residential’, etc. uses, as defined in HIPAP No. 4, may not align with zones defined in the LEP (e.g. IN1, etc.).

Area J – Mixed Use Zone in Hillsdale Precinct

Description	Lot/s in Hillsdale Precinct bounded by Areas G, H, M and K.
Zoning	<p>B4 – Mixed Use</p> <p>The zoning for this Area is primarily for a mixture of business, office, residential and retail development (viz. Defined as ‘residential’, ‘commercial’ or ‘industrial’ uses in HIPAP No. 4), including: boarding houses; commercial premises; community facilities; dwelling houses; educational establishments; entertainment facilities; function centres; hotel or motel accommodation; information and education facilities; light industries; medical centres; passenger transport facilities; recreation facilities (indoor); registered clubs; residential flat buildings; restricted premises; and shop top housing. However, child care centres, respite day care centres and seniors housing (viz. Defined as ‘sensitive uses’ in HIPAP No. 4) are also permissible with consent and should be prohibited based on the cumulative LSIFR (see below).</p> <p>Home occupations are permitted without consent.</p> <p>Recreation areas (viz. Defined as ‘open space uses’ in HIPAP No. 4) are also permissible with consent.</p>
Individual Risk	The cumulative LSIFR is ≥ 0.5 pmpy at this Area, with a maximum LSIFR of c. 1 pmpy near the boundary with Area G. The cumulative acute toxic injury (10 pmpy) and irritation (50 pmpy) contours do not extend to this Area (Although the 50 pmpy irritation contour appears to be close to the SW corner of this Area).
Societal Risk	It is not possible to determine the contribution to the cumulative societal risk (‘FN Curve’) for the population at this specific Area based on the available risk assessments. However, some people may be present and this will contribute to the cumulative societal risk (‘FN Curve’) for the Study Area.

Category of Development for Land Use Safety Planning *	Current Control	Proposed New Development or Modification to Existing Development	
		Proposed Control	Basis
SENSITIVE USES (Hospitals, schools, child-care facilities & old age housing)	Permitted with consent	Prohibited	The cumulative LSIFR is ≥ 0.5 pmpy at this Area.
RESIDENTIAL (Residential developments & places of continuous occupancy, such as hotels & tourist resorts)	Permitted with consent	Permitted with consent *	The cumulative LSIFR is ≤ 1 pmpy at this Area. * Higher density residential development (including hotels, etc.) is permissible with consent under the current zoning. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.
COMMERCIAL (Including offices, retail centres, warehouses with showrooms, restaurants & entertainment centres)	Permitted with consent	Permitted with consent	The cumulative LSIFR is ≤ 5 pmpy at this Area. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.
OPEN SPACE (Sporting complexes & active open space areas)	Permitted with consent #	Permitted with consent	# Currently, recreation areas and recreation facilities (indoor) are permitted with consent. The cumulative LSIFR is ≤ 10 pmpy at this Area. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.
INDUSTRIAL	Permitted with consent	Permitted with consent *	The cumulative LSIFR is ≤ 50 pmpy at this Area. * Lower risk general and light industries that will not increase the cumulative risk in the Study Area would be the preferred type of development in this Area. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.

* Note: ‘Industrial’, ‘residential’, etc. uses, as defined in HIPAP No. 4, may not align with zones defined in the LEP (e.g. IN1, etc.).

Area K – Mixed Use Zone in Hillsdale Precinct

Description	Lot/s in Hillsdale Precinct bounded by Area J and Rhodes Street.
Zoning	<p>B4 – Mixed Use</p> <p>The zoning for this Area is primarily for a mixture of business, office, residential and retail development (viz. Defined as ‘residential’, ‘commercial’ or ‘industrial’ uses in HIPAP No. 4), including: boarding houses; commercial premises; community facilities; dwelling houses; educational establishments; entertainment facilities; function centres; hotel or motel accommodation; information and education facilities; light industries; medical centres; passenger transport facilities; recreation facilities (indoor); registered clubs; residential flat buildings; restricted premises; and shop top housing. However, child care centres, respite day care centres and seniors housing (viz. Defined as ‘sensitive uses’ in HIPAP No. 4) are also permissible with consent.</p> <p>Home occupations are permitted without consent.</p> <p>Recreation areas (viz. Defined as ‘open space uses’ in HIPAP No. 4) are also permissible with consent.</p>
Individual Risk	The cumulative LSIFR is ≤ 0.5 pmpy at this Area. The cumulative acute toxic injury (10 pmpy) and irritation (50 pmpy) contours do not extend to this Area (Although the 50 pmpy irritation contour appears to be close to the SW corner of this Area).
Societal Risk	It is not possible to determine the contribution to the cumulative societal risk (‘FN Curve’) for the population at this specific Area based on the available risk assessments. However, some people may be present and this will contribute to the cumulative societal risk (‘FN Curve’) for the Study Area.

Category of Development for Land Use Safety Planning *	Current Control	Proposed New Development or Modification to Existing Development	
		Proposed Control	Basis
SENSITIVE USES (Hospitals, schools, child-care facilities & old age housing)	Permitted with consent	Permitted with consent	The cumulative LSIFR is ≤ 0.5 pmpy at this Area.
RESIDENTIAL (Residential developments & places of continuous occupancy, such as hotels & tourist resorts)	Permitted with consent	Permitted with consent *	The cumulative LSIFR is ≤ 1 pmpy at this Area. * Higher density residential development (including hotels, etc.) is permissible with consent under the current zoning. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.
COMMERCIAL (Including offices, retail centres, warehouses with showrooms, restaurants & entertainment centres)	Permitted with consent	Permitted with consent	The cumulative LSIFR is ≤ 5 pmpy at this Area. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.
OPEN SPACE (Sporting complexes & active open space areas)	Permitted with consent #	Permitted with consent	# Currently, recreation areas and recreation facilities (indoor) are permitted with consent. The cumulative LSIFR is ≤ 10 pmpy at this Area. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.
INDUSTRIAL	Permitted with consent	Permitted with consent *	The cumulative LSIFR is ≤ 50 pmpy at this Area. * Lower risk general and light industries that will not increase the cumulative risk in the Study Area would be the preferred type of development in this Area. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.

* Note: ‘Industrial’, ‘residential’, etc. uses, as defined in HIPAP No. 4, may not align with zones defined in the LEP (e.g. IN1, etc.).

Area L – Business Development Zone in Banksmeadow Industrial Precinct

Description	Lot/s in Banksmeadow Industrial Precinct adjacent to Denison Street and Rhodes Street Reserve
Zoning	<p>B5 – Business Development</p> <p>The zoning for this Area is primarily for business and warehouse uses, and bulky goods premises that require a large floor area (viz. Defined as ‘commercial’ uses in HIPAP No. 4), including: bulky goods premises; food and drink premises; garden centres; hardware and building supplies; high technology industries; landscaping material supplies; neighbourhood shops; passenger transport facilities; vehicle sales or hire premises; warehouse or distribution centres. However, child care centres and respite day care centres (viz. Defined as ‘sensitive uses’ in HIPAP No. 4) and tourist & visitor accommodation (viz. Defined as ‘residential uses’ in HIPAP No. 4) are also permissible with consent and should be prohibited based on the cumulative LSIFR (see below). Recreation areas (viz. Defined as ‘open space uses’ in HIPAP No. 4) and high-technology industry (viz. Defined as an ‘industrial use’ in HIPAP No. 4) are also permissible with consent.</p> <p>It would not be appropriate to rezone this Area for residential or sensitive uses based on the cumulative LSIFR and acute toxic irritation risk (See below).</p>
Individual Risk	The cumulative LSIFR is ≥ 1 pmpy at this Area. The maximum LSIFR appears to be ≤ 5 pmpy. The cumulative acute toxic injury (10 pmpy) contour does not appear to extend to this Area. The cumulative acute toxic irritation (50 pmpy) contour does extend to this Area.
Societal Risk	It is not possible to determine the contribution to the cumulative societal risk (‘FN Curve’) for the population at this specific Area based on the available risk assessments. However, relatively high populations may be present during operating hours and this will contribute to the cumulative societal risk (‘FN Curve’) for the Study Area.

Category of Development for Land Use Safety Planning *	Current Control	Proposed New Development or Modification to Existing Development	
		Proposed Control	Basis
SENSITIVE USES (Hospitals, schools, child-care facilities & old age housing)	Permitted with consent	Prohibited	The cumulative LSIFR is ≥ 0.5 at this Area. The cumulative acute toxic irritation risk is ≥ 50 pmpy at this area.
RESIDENTIAL (Residential developments & places of continuous occupancy, such as hotels & tourist resorts)	Permitted with consent #	Prohibited	# Currently, tourist & visitor accommodation is permitted with consent. The cumulative LSIFR is ≥ 1 pmpy at this Area. The cumulative acute toxic irritation risk is ≥ 50 pmpy at this area.
COMMERCIAL (Including offices, retail centres, warehouses with showrooms, restaurants & entertainment centres)	Permitted with consent	Permitted with consent	The cumulative LSIFR is ≤ 5 pmpy at this Area. There are existing commercial uses in this Area. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.
OPEN SPACE (Sporting complexes & active open space areas)	Permitted with consent #	Permitted with consent	# Currently, recreation areas are permitted with consent. The cumulative LSIFR is ≤ 10 pmpy at this Area. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.
INDUSTRIAL	Permitted with consent #	Permitted with consent	# Currently, high-technology industry is permitted with consent. The cumulative LSIFR is ≤ 50 pmpy at this Area. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.

* Note: ‘Industrial’, ‘residential’, etc. uses, as defined in HIPAP No. 4, may not align with zones defined in the LEP (e.g. IN1, etc.).

Area M – Medium Density Residential Zone in Hillsdale Precinct

Description	Lot/s in Hillsdale Precinct bounded by Areas J, L, N and O.
Zoning	<p>R3 – Medium Density Residential</p> <p>The zoning for this Area is primarily for medium density residential uses and places of continuous occupancy (as defined in HIPAP No. 4), including: attached dwellings; bed and breakfast accommodation; boarding houses; community facilities; dwelling houses; group homes; multi dwelling housing; places of public worship; residential flat buildings; and, semi-detached dwellings. Child care centres, respite day care centres and seniors housing (viz. Defined as ‘sensitive uses’ in HIPAP No. 4) and neighbourhood shops and office premises (viz. Defined as ‘commercial’ uses in HIPAP No. 4) are also permissible with consent.</p> <p>Home occupations are permitted without consent.</p> <p>Recreation areas (viz. Defined as ‘open space uses’ in HIPAP No. 4) are also permissible with consent.</p>
Individual Risk	The cumulative LSIFR is ≤ 0.5 pmpy at this Area. The cumulative acute toxic injury (10 pmpy) contour does not appear to extend to this Area. The cumulative acute toxic irritation (50 pmpy) contour does extend to this Area.
Societal Risk	It is not possible to determine the contribution to the cumulative societal risk (‘FN Curve’) for the population at this specific Area based on the available risk assessments. However, some people may be present and this will contribute to the cumulative societal risk (‘FN Curve’) for the Study Area.

Category of Development for Land Use Safety Planning *	Current Control	Proposed New Development or Modification to Existing Development	
		Proposed Control	Basis
SENSITIVE USES (Hospitals, schools, child-care facilities & old age housing)	Permitted with consent	Prohibited	The cumulative LSIFR is ≤ 0.5 pmpy at this Area. However, the cumulative acute toxic irritation risk is ≥ 50 pmpy at this area.
RESIDENTIAL (Residential developments & places of continuous occupancy, such as hotels & tourist resorts)	Permitted with consent	Prohibited	The cumulative LSIFR is ≤ 1 pmpy at this Area. However, the cumulative acute toxic irritation risk is ≥ 50 pmpy at this area.
COMMERCIAL (Including offices, retail centres, warehouses with showrooms, restaurants & entertainment centres)	Permitted with consent	Permitted with consent	The cumulative LSIFR is ≤ 5 pmpy at this Area. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.
OPEN SPACE (Sporting complexes & active open space areas)	Permitted with consent #	Permitted with consent	# Currently, recreation areas are permitted with consent. The cumulative LSIFR is ≤ 10 pmpy at this Area. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.
INDUSTRIAL	Prohibited	Prohibited	This Area is not zoned for industrial uses. There are no existing industrial uses and future industrial uses are prohibited.

* Note: ‘Industrial’, ‘residential’, etc. uses, as defined in HIPAP No. 4, may not align with zones defined in the LEP (e.g. IN1, etc.).

Area N – Medium Density Residential Zone in Hillsdale Precinct

Description	Lot/s in Hillsdale Precinct bounded by Area M and Rhodes Street.
Zoning	<p>R3 – Medium Density Residential</p> <p>The zoning for this Area is primarily for medium density residential uses and places of continuous occupancy (as defined in HIPAP No. 4), including: attached dwellings; bed and breakfast accommodation; boarding houses; community facilities; dwelling houses; group homes; multi dwelling housing; places of public worship; residential flat buildings; and, semi-detached dwellings. Child care centres, respite day care centres and seniors housing (viz. Defined as ‘sensitive uses’ in HIPAP No. 4) and neighbourhood shops and office premises (viz. Defined as ‘commercial’ uses in HIPAP No. 4) are also permissible with consent.</p> <p>Home occupations are permitted without consent.</p> <p>Recreation areas (viz. Defined as ‘open space uses’ in HIPAP No. 4) are also permissible with consent.</p>
Individual Risk	The cumulative LSIFR is ≤ 0.5 pmpy at this Area. The cumulative acute toxic injury (10 pmpy) and irritation (50 pmpy) contours do not extend to this Area.
Societal Risk	It is not possible to determine the contribution to the cumulative societal risk (‘FN Curve’) for the population at this specific Area based on the available risk assessments. However, some people may be present and this will contribute to the cumulative societal risk (‘FN Curve’) for the Study Area.

Category of Development for Land Use Safety Planning *	Current Control	Proposed New Development or Modification to Existing Development	
		Proposed Control	Basis
SENSITIVE USES (Hospitals, schools, child-care facilities & old age housing)	Permitted with consent	Permitted with consent	The cumulative LSIFR is ≤ 0.5 pmpy at this Area. The cumulative acute toxic injury risk is ≤ 10 pmpy, and the cumulative acute toxic irritation risk is ≤ 50 pmpy, at this Area. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.
RESIDENTIAL (Residential developments & places of continuous occupancy, such as hotels & tourist resorts)	Permitted with consent	Permitted with consent	The cumulative LSIFR is ≤ 1 pmpy at this Area. The cumulative acute toxic injury risk is ≤ 10 pmpy, and the cumulative acute toxic irritation risk is ≤ 50 pmpy, at this Area. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.
COMMERCIAL (Including offices, retail centres, warehouses with showrooms, restaurants & entertainment centres)	Permitted with consent	Permitted with consent	The cumulative LSIFR is ≤ 5 pmpy at this Area. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.
OPEN SPACE (Sporting complexes & active open space areas)	Permitted with consent #	Permitted with consent	# Currently, recreation areas are permitted with consent. The cumulative LSIFR is ≤ 10 pmpy at this Area. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.
INDUSTRIAL	Prohibited	Prohibited	This Area is not zoned for industrial uses. There are no existing industrial uses and future industrial uses are prohibited.

* Note: ‘Industrial’, ‘residential’, etc. uses, as defined in HIPAP No. 4, may not align with zones defined in the LEP (e.g. IN1, etc.).

Area O – Rhodes Street Reserve

Description	Lots bounded by Denison Street and Rhodes Street (i.e. principally Rhodes Street Reserve).
Zoning	<p>SP1 – Special Activities</p> <p>The zoning for this Area is primarily for the purpose shown on the Land Zoning Map (i.e. recreational uses, which are defined as ‘open space’ uses in HIPAP No. 4).</p> <p>Environmental works are permitted without consent. These works are not expected to introduce large populations and a higher LSIFR criterion would typically apply (viz. equivalent to an industrial use as defined in HIPAP No. 4) than for the other permissible uses.</p> <p>It would not be appropriate to rezone this Area for residential or sensitive uses based on the cumulative LSIFR and acute toxic injury risk (See below).</p>
Individual Risk	The cumulative LSIFR is ≥ 0.5 pmpy for the western half of this Area, with a maximum LSIFR ≤ 5 pmpy at the NW corner near Denison Street. The cumulative acute toxic injury (10 pmpy) contour does not extend to this Area. The cumulative acute toxic irritation (50 pmpy) contour does extend to this Area.
Societal Risk	It is not possible to determine the contribution to the cumulative societal risk (‘FN Curve’) for the population at this specific Area based on the available risk assessments. However, relatively low populations may be present at the park and this will contribute to the cumulative societal risk (‘FN Curve’) for the Study Area.

Category of Development for Land Use Safety Planning *	Current Control	Proposed New Development or Modification to Existing Development	
		Proposed Control	Basis
SENSITIVE USES (Hospitals, schools, child-care facilities & old age housing)	Prohibited	Prohibited	The cumulative LSIFR is ≥ 0.5 pmpy at the western half of this Area. The cumulative acute toxic irritation risk is ≥ 50 pmpy at this Area. This Area is not zoned for sensitive uses. There are no existing sensitive uses and future sensitive uses are prohibited.
RESIDENTIAL (Residential developments & places of continuous occupancy, such as hotels & tourist resorts)	Prohibited	Prohibited	The cumulative LSIFR is ≥ 1 pmpy at the western half of this Area. The cumulative acute toxic irritation risk is ≥ 50 pmpy at this Area. This Area is not zoned for residential uses. There are no existing residential uses and future residential uses are prohibited.
COMMERCIAL (Including offices, retail centres, warehouses with showrooms, restaurants & entertainment centres)	Prohibited	Prohibited	The cumulative LSIFR is ≤ 5 pmpy at this Area. This Area is not zoned for commercial uses. There are no existing commercial uses and future commercial uses are prohibited.
OPEN SPACE (Sporting complexes & active open space areas)	Permitted with consent	Permitted with consent	The cumulative LSIFR is ≤ 10 pmpy at this Area. There are existing open space uses in this Area. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.
INDUSTRIAL	Prohibited	Prohibited	This Area is not zoned for industrial uses. There are no existing industrial uses and future industrial uses are prohibited.

* Note: ‘Industrial’, ‘residential’, etc. uses, as defined in HIPAP No. 4, may not align with zones defined in the LEP (e.g. IN1, etc.).

Area P – Low and Medium Residential Zone in Hillsdale Precinct

Description	Lot/s in Hillsdale Precinct bounded by Denison Street and Rhodes Street.
Zoning	<p>The zoning in this Area includes low and medium density residential and small open spaces for public recreation.</p> <p>R2 – Low Density Residential / R3 – Medium Density Residential</p> <p>The R2 and R3 zoning in this Area is primarily for low and medium residential uses and places of continuous occupancy (as defined in HIPAP No. 4), including: attached dwellings; bed and breakfast accommodation; boarding houses; community facilities; dwelling houses; group homes; multi dwelling housing; places of public worship; recreation areas; residential flat buildings; and semi-detached dwellings.</p> <p>Home occupations are permitted without consent in the R2 and R3 zones.</p> <p>Child care centres, health consulting rooms, hospitals and respite day care centres (viz. Defined as ‘sensitive uses’ in HIPAP No. 4) and neighbourhood shops and office premises (viz. Defined as ‘commercial uses’ in HIPAP No. 4) are also permissible with consent in the R2 and/or R3 zones.</p> <p>RE1 - Public Recreation</p> <p>The RE1 zoning in this Area is primarily for recreational uses (viz. Defined as ‘open space’ uses in HIPAP No. 4). However, child care centres and respite day care centres (viz. Defined as ‘sensitive uses’ in HIPAP No. 4) are also permissible with consent.</p> <p>Environmental works are permitted without consent. These works are not expected to introduce large populations and a higher LSIFR criterion would typically apply (viz. equivalent to an industrial use as defined in HIPAP No. 4) than for the other permissible uses.</p>
Individual Risk	The cumulative LSIFR is ≥ 1 pmpy at this Area (principally to the west of Nilson Avenue). The cumulative acute toxic injury (10 pmpy) and irritation (50 pmpy) contours extend to this Area.
Societal Risk	It is not possible to determine the contribution to the cumulative societal risk (‘FN Curve’) for the population at this specific Area based on the available risk assessments. However, residential populations are expected to always be present and this will contribute to the cumulative societal risk (‘FN Curve’) for the Study Area.

Category of Development for Land Use Safety Planning *	Current Control	Proposed New Development or Modification to Existing Development	
		Proposed Control	Basis
SENSITIVE USES (Hospitals, schools, child-care facilities & old age housing)	Permitted with consent	Prohibited *	The cumulative LSIFR is ≥ 0.5 pmpy at this Area (principally to the west of Nilson Avenue). The cumulative acute toxic injury risk is ≥ 10 pmpy and/or the cumulative acute toxic irritation risk is ≥ 50 pmpy, at this Area. * The eastern boundary of this Area is difficult to determine from the available risk assessments (This area of uncertainty is indicated by the row of ‘?’ symbols on Figure 25).
RESIDENTIAL (Residential developments & places of continuous occupancy, such as hotels & tourist resorts)	Permitted with consent	Prohibited *	The cumulative LSIFR is ≥ 1 pmpy at this Area (principally to the west of Nilson Avenue). The cumulative acute toxic injury risk is ≥ 10 pmpy and/or the cumulative acute toxic irritation risk is ≥ 50 pmpy, at this Area. * The eastern boundary of this Area is difficult to determine from the available risk assessments (This area of uncertainty is indicated by the row of ‘?’ symbols on Figure 25).
COMMERCIAL (Including offices, retail centres, warehouses with showrooms, restaurants & entertainment centres)	Permitted with consent	Permitted with consent	The cumulative LSIFR is ≤ 5 pmpy at this Area. There are no existing commercial developments; however, these developments may be permitted in the future. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.

Category of Development for Land Use Safety Planning *	Current Control	Proposed New Development or Modification to Existing Development	
		Proposed Control	Basis
OPEN SPACE (Sporting complexes & active open space areas)	Permitted with consent	Permitted with consent	The cumulative LSIFR is ≤10 pmpy at this Area. There are existing open space uses in this Area. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.
INDUSTRIAL	Prohibited	Prohibited	This Area is not zoned for industrial uses. There are no existing industrial uses and future industrial uses are prohibited.

* Note: 'Industrial', 'residential', etc. uses, as defined in HIPAP No. 4, may not align with zones defined in the LEP (e.g. IN1, etc.).

Area Q – Low and Medium Residential Zone in Hillsdale Precinct

Description	Lot/s in Hillsdale Precinct bounded by Denison Street and Rhodes Street (Principally the 'consultation zone from the 2001 LUSS).
Zoning	<p>The zoning in this Area includes low and medium density residential and small open spaces for public recreation.</p> <p>R2 – Low Density Residential / R3 – Medium Density Residential</p> <p>The R2 and R3 zoning in this Area is primarily for low and medium residential uses and places of continuous occupancy (as defined in HIPAP No. 4), including: attached dwellings; bed and breakfast accommodation; boarding houses; community facilities; dwelling houses; group homes; multi dwelling housing; places of public worship; recreation areas; residential flat buildings; and semi-detached dwellings.</p> <p>Home occupations are permitted without consent in the R2 and R3 zones.</p> <p>Child care centres, health consulting rooms, hospitals and respite day care centres (viz. Defined as 'sensitive uses' in HIPAP No. 4) and neighbourhood shops and office premises (viz. Defined as 'commercial uses' in HIPAP No. 4) are also permissible with consent in the R2 and/or R3 zones.</p> <p>RE1 - Public Recreation</p> <p>The RE1 zoning in this Area is primarily for recreational uses (viz. Defined as 'open space' uses in HIPAP No. 4). However, child care centres and respite day care centres (viz. Defined as 'sensitive uses' in HIPAP No. 4) are also permissible with consent.</p> <p>Environmental works are permitted without consent. These works are not expected to introduce large populations and a higher LSIFR criterion would typically apply (viz. equivalent to an industrial use as defined in HIPAP No. 4) than for the other permissible uses.</p>
Individual Risk	The cumulative LSIFR is ≥ 1 pmpy at this Area (principally to the west of Nilson Avenue), with a maximum LSIFR of c. 5 pmpy in the SW corner near the intersection of Beauchamp Road and Denison Street. The cumulative acute toxic injury (10 pmpy) and irritation (50 pmpy) contours extend to this Area.
Societal Risk	It is not possible to determine the contribution to the cumulative societal risk ('FN Curve') for the population at this specific Area based on the available risk assessments. However, residential populations are expected to always be present and this will contribute to the cumulative societal risk ('FN Curve') for the Study Area.

Category of Development for Land Use Safety Planning *	Current Control	Proposed New Development or Modification to Existing Development	
		Proposed Control	Basis
SENSITIVE USES (Hospitals, schools, child-care facilities & old age housing)	Permitted with consent	Prohibited	<p>The cumulative LSIFR is ≥ 0.5 pmpy at this Area (principally to the west of Nilson Avenue).</p> <p>The cumulative acute toxic injury risk is ≥ 10 pmpy and the cumulative acute toxic irritation risk is ≥ 50 pmpy, at this Area.</p>
RESIDENTIAL (Residential developments & places of continuous occupancy, such as hotels & tourist resorts)	Permitted with consent	Prohibited	<p>The cumulative LSIFR is ≥ 1 pmpy at this Area (principally to the west of Nilson Avenue).</p> <p>The cumulative acute toxic injury risk is ≥ 10 pmpy and the cumulative acute toxic irritation risk is ≥ 50 pmpy, at this Area.</p>
COMMERCIAL (Including offices, retail centres, warehouses with showrooms, restaurants & entertainment centres)	Permitted with consent	Permitted with consent	<p>The cumulative LSIFR is ≤ 5 pmpy for most of this Area (Note: Commercial development is unlikely to be permitted in the SW corner of this Area where the LSIFR is ≥ 5 pmpy).</p> <p>There are no existing commercial developments; however, these developments may be permitted in the future.</p> <p>Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.</p>

Category of Development for Land Use Safety Planning *	Current Control	Proposed New Development or Modification to Existing Development	
		Proposed Control	Basis
OPEN SPACE (Sporting complexes & active open space areas)	Permitted with consent	Permitted with consent	The cumulative LSIFR is ≤10 pmpy at this Area. There are existing open space uses in this Area. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.
INDUSTRIAL	Prohibited	Prohibited	This Area is not zoned for industrial uses. There are no existing industrial uses and future industrial uses are prohibited.

* Note: 'Industrial', 'residential', etc. uses, as defined in HIPAP No. 4, may not align with zones defined in the LEP (e.g. IN1, etc.).

Area R – Land Covered by Three Ports SEPP (Botany Industrial Park)

Description	Lot/s to the west of Denison Street covered by the Three Ports SEPP (Principally BIP).
Zoning	<p>IN1 – General Industrial</p> <p>The zoning for this Area is primarily for port-related general industrial uses (viz. Defined as ‘commercial’ or ‘industrial’ uses in HIPAP No. 4), including: boat building and repair facilities; business premises; depots; food and drink premises; freight transport facilities; general industries; jetties; light industries; neighbourhood shops; office premises; signage; truck depots; vehicle body repair workshops; vehicle repair stations; warehouse or distribution centres; waste or resource management facilities.</p> <p>It would not be appropriate to rezone this Area for residential or sensitive uses based on the cumulative LSIFR and acute toxic irritation risk (See below).</p>
Individual Risk	<p>The maximum cumulative LSIFR is ≥ 50 pmpy at this Area. The cumulative LSIFR is typically between 1 and 5 pmpy at the boundary of this Area (In some areas these risk levels are reached beyond the boundary of this Area).</p> <p>The cumulative acute toxic injury (10 pmpy) and irritation (50 pmpy) contours extend to most of this Area. Other injury and property damage contours are also located within the boundary of this Area (Refer to Section 5.3).</p>
Societal Risk	It is not possible to determine the contribution to the cumulative societal risk (‘FN Curve’) for the population at this specific Area based on the available risk assessments. However, relatively high populations may be present during operating hours and this will contribute to the cumulative societal risk (‘FN Curve’) for the Study Area.

Category of Development for Land Use Safety Planning *	Current Control	Proposed New Development or Modification to Existing Development	
		Proposed Control	Basis
SENSITIVE USES (Hospitals, schools, child-care facilities & old age housing)	Prohibited	Prohibited	The cumulative LSIFR is ≥ 0.5 pmpy at this Area.
RESIDENTIAL (Residential developments & places of continuous occupancy, such as hotels & tourist resorts)	Prohibited	Prohibited	The cumulative LSIFR is ≥ 1 pmpy at this Area.
COMMERCIAL (Including offices, retail centres, warehouses with showrooms, restaurants & entertainment centres)	Prohibited *	Prohibited *	The cumulative LSIFR is ≥ 5 pmpy for the majority of this Area. * Office premises, shops, etc. are only permissible in this area if they are associated with, or ancillary to, a port-related industrial use (See below). Other commercial uses are prohibited.
OPEN SPACE (Sporting complexes & active open space areas)	Prohibited	Prohibited	This Area is not zoned for open space uses. There are no existing open space uses and future open space uses are prohibited.
INDUSTRIAL	Permitted with consent	Permitted with consent	The cumulative LSIFR is ≥ 50 pmpy at this Area and this is primarily from the existing potentially hazardous industries in the BIP. A new potentially hazardous industrial development, or modifications to the existing BIP facilities, is potentially permissible with consent in accordance with SEPP No. 33. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.

* Note: ‘Industrial’, ‘residential’, etc. uses, as defined in HIPAP No. 4, may not align with zones defined in the LEP (e.g. IN1, etc.).

Area S – Land Covered by Three Ports SEPP (West of Denison Street)

Description	Lot/s to the west of Denison Street (North of BIP Gate 3) covered by the Three Ports SEPP.
Zoning	<p>IN1 – General Industrial</p> <p>The zoning for this Area is primarily for port-related general industrial uses (viz. Defined as ‘commercial’ or ‘industrial’ uses in HIPAP No. 4), including: boat building and repair facilities; business premises; depots; food and drink premises; freight transport facilities; general industries; jetties; light industries; neighbourhood shops; office premises; signage; truck depots; vehicle body repair workshops; vehicle repair stations; warehouse or distribution centres; waste or resource management facilities.</p> <p>It would not be appropriate to rezone this Area for residential or sensitive uses based on the cumulative LSIFR (See below).</p>
Individual Risk	The cumulative LSIFR is ≥ 0.5 pmpy at most of this Area. The maximum cumulative LSIFR is ≤ 5 pmpy. The cumulative acute toxic injury (10 pmpy) and irritation (50 pmpy) contours do not extend to this Area.
Societal Risk	It is not possible to determine the contribution to the cumulative societal risk (‘FN Curve’) for the population at this specific Area based on the available risk assessments. However, relatively high populations may be present during operating hours and this will contribute to the cumulative societal risk (‘FN Curve’) for the Study Area.

Category of Development for Land Use Safety Planning *	Current Control	Proposed New Development or Modification to Existing Development	
		Proposed Control	Basis
SENSITIVE USES (Hospitals, schools, child-care facilities & old age housing)	Prohibited	Prohibited	The cumulative LSIFR is ≥ 0.5 pmpy at this Area.
RESIDENTIAL (Residential developments & places of continuous occupancy, such as hotels & tourist resorts)	Prohibited	Prohibited	The cumulative LSIFR is ≥ 1 pmpy at this Area.
COMMERCIAL (Including offices, retail centres, warehouses with showrooms, restaurants & entertainment centres)	Prohibited *	Prohibited *	The cumulative LSIFR is ≤ 5 pmpy at this Area. * Office premises, shops, etc. are only permissible in this area if they are associated with, or ancillary to, a port-related industrial use (See below). Other commercial uses are prohibited.
OPEN SPACE (Sporting complexes & active open space areas)	Prohibited	Prohibited	This Area is not zoned for open space uses. There are no existing open space uses and future open space uses are prohibited.
INDUSTRIAL	Permitted with consent	Permitted with consent *	The cumulative LSIFR is ≤ 50 pmpy at this Area. * Lower risk general and light industries that will not increase the cumulative risk in the Study Area would be the preferred type of development in this Area. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.

* Note: ‘Industrial’, ‘residential’, etc. uses, as defined in HIPAP No. 4, may not align with zones defined in the LEP (e.g. IN1, etc.).

Area T – Land Covered by Three Ports SEPP (West of Denison Street)

Description	Lot/s to the west of Denison Street (Near BIP Gate 3) covered by the Three Ports SEPP.
Zoning	<p>IN1 – General Industrial</p> <p>The zoning for this Area is primarily for port-related general industrial uses (viz. Defined as ‘commercial’ or ‘industrial’ uses in HIPAP No. 4), including: boat building and repair facilities; business premises; depots; food and drink premises; freight transport facilities; general industries; jetties; light industries; neighbourhood shops; office premises; signage; truck depots; vehicle body repair workshops; vehicle repair stations; warehouse or distribution centres; waste or resource management facilities.</p> <p>It would not be appropriate to rezone this Area for commercial, residential or sensitive uses based on the cumulative LSIFR and acute toxic irritation risk (See below).</p>
Individual Risk	The cumulative LSIFR is ≥ 5 pmpy at this Area and is c. 10 pmpy near the BIP Gate 3 entrance on Denison Street. The cumulative acute toxic injury (10 pmpy) and irritation (50 pmpy) contours extend to this Area.
Societal Risk	It is not possible to determine the contribution to the cumulative societal risk (‘FN Curve’) for the population at this specific Area based on the available risk assessments. However, relatively high populations may be present during operating hours and this will contribute to the cumulative societal risk (‘FN Curve’) for the Study Area.

Category of Development for Land Use Safety Planning *	Current Control	Proposed New Development or Modification to Existing Development	
		Proposed Control	Basis
SENSITIVE USES (Hospitals, schools, child-care facilities & old age housing)	Prohibited	Prohibited	The cumulative LSIFR is ≥ 0.5 pmpy at this Area. The cumulative acute toxic injury risk is ≥ 10 pmpy, and the cumulative acute toxic irritation risk is ≥ 50 pmpy, at this Area.
RESIDENTIAL (Residential developments & places of continuous occupancy, such as hotels & tourist resorts)	Prohibited	Prohibited	The cumulative LSIFR is ≥ 1 pmpy at this Area. The cumulative acute toxic injury risk is ≥ 10 pmpy, and the cumulative acute toxic irritation risk is ≥ 50 pmpy, at this Area.
COMMERCIAL (Including offices, retail centres, warehouses with showrooms, restaurants & entertainment centres)	Prohibited *	Prohibited *	The cumulative LSIFR is ≥ 5 pmpy at this Area. * Office premises, shops, etc. are only permissible in this area if they are associated with, or ancillary to, a port-related industrial use (See below). Other commercial uses are prohibited.
OPEN SPACE (Sporting complexes & active open space areas)	Prohibited	Prohibited	This Area is not zoned for open space uses. There are no existing open space uses and future open space uses are prohibited.
INDUSTRIAL	Permitted with consent	Permitted with consent *	The cumulative LSIFR is ≤ 50 pmpy at this Area. * Lower risk general and light industries that will not increase the cumulative risk in the Study Area would be the preferred type of development in this Area. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.

* Note: ‘Industrial’, ‘residential’, etc. uses, as defined in HIPAP No. 4, may not align with zones defined in the LEP (e.g. IN1, etc.).

7.3 Summary of Key Points

The risk-related planning controls in the current BBDCP2013:

- Are included in Part 6 ('Employment Zones') and Part 8 ('Character Zones'). Part 6 only covers the industrial land in the Study Area (i.e. Banksmeadow Industrial Precinct), however, there are also provisions in Part 8 to apply the risk-related planning controls from Part 6 in adjacent areas (This approach is consistent with the recommendations from the Botany Randwick LUSS [Ref. 9]). The inclusion of risk-related planning controls in multiple Parts of the BBDCP2013 (Including in multiple sections in Part 8) is potentially confusing and increases the likelihood of inconsistencies.
- Do not specifically address the land within the Study Area that is covered by the Three Ports SEPP (Refer to Section 7.1.4).
- Include a summary of the previous LUSSs and QRAs (Note: The BBDCP2013 does not specifically refer to the Transport QRA Addendum). This information is included to provide a historical basis for the risk-related planning controls, but is not required to apply the risk-related planning controls. It is suggested that the historical information be removed from next revision of the BBDCP.
- Sometimes refer to superseded versions of the HIPAPs.
- Include a definition of 'residential intensification' and 'sensitive use intensification'. The definition of 'residential intensification' includes: "an increase in the number of rooms providing temporary or permanent accommodation". If the maximum floor space ratios for a dwelling house are met (As already specified in Clause 4.4 of the LEP), then increasing the number of rooms within a single dwelling should not be considered residential intensification.
- Require that industrial development fronting Denison Street have their commercial offices (or other non-industrial activity) fronting the road/street. All industrial activities are to be undertaken behind the commercial building buffer.
- Require a Transport Risk Assessment Report to be lodged with Council if a site fronts Denison Street. However, a site that does not front Denison Street could increase the movement of DGs along Denison Street. Applications that potentially affect DG traffic along Denison Street (Directly or indirectly) should require a Transport Risk Assessment Report to be lodged with Council.

The proposed risk-related planning controls:

- Identify specific areas within the Study Area where new development, or a modification to an existing development (Including intensification of population), should be prohibited or may potentially be permitted with consent.
- Require a risk assessment to be submitted with a development application for any use that may potentially be permitted with consent.
- Do not supersede any other development approval requirements (e.g. under the EP&A Act, SEPP No. 33, existing conditions of development consent, etc.) that may apply for development of a new potentially hazardous industry, or modification to an existing potentially hazardous industry, in the Study Area.
- Should replace all of the risk-related planning controls in Part 6 ('Employment Zones') and Part 8 ('Character Zones') of the BBDCP2013 and do not need to include a summary of the

previous LUSSs and QRAs. It is suggested that these be included in a new Part of the next revision of the BBDCP (With cross-referencing in Part 6 and 8 as required).

- Include a revised definition for 'intensification of population', which is applicable for all types of development (i.e. not only residential and sensitive uses).
- Require a Transport Risk Assessment report to be submitted for all future development applications with the potential to affect DG traffic along Denison Street. For example, this could include developments outside the Study Area that might significantly increase non-DG traffic along Denison Street, and therefore have the potential to affect the predicted accident rate for DG traffic.

8 RECOMMENDATIONS

The following recommendations are included to assist BBCC in making informed land use safety decisions for existing and future development in the Study Area:

1. BBCC should implement the proposed risk-based planning controls, as outlined in Section 7.2, as soon as practicable. Exactly how this is achieved will need to be determined by BBCC as some of the proposed controls will only apply to some parts of the Study Area and should not be applied to all other similarly zoned areas defined within the BBLEP2013.
2. BBCC should require a risk assessment to be submitted with a development application for any use that is categorised as 'permitted with consent' where the development may potentially significantly increase the population density in the Study Area (As per Recommendation No. 7 above). Approval should be contingent on the proponent demonstrating compliance with relevant risk guidelines.
3. BBCC should require a Transport Risk Assessment report to be submitted for all future development applications with the potential to affect DG traffic along Denison Street. For example, this could include developments outside the Study Area that might significantly increase non-DG traffic along Denison Street, and therefore have the potential to affect the predicted accident rate for DG traffic. Approval should be contingent on the proponent demonstrating compliance with relevant risk guidelines, including evaluation of possible alternative routes.

Note: For DG traffic, the screening threshold criteria in the NSW DP&E's *Applying SEPP 33* guidelines [Ref. 6 (Table 2)] would be appropriate. For non-DG traffic, an increase in total vehicle movements of >50% is likely to be significant.

4. BBCC should consider adopting the proposed risk-related planning controls to replace all of the risk-related planning controls in Part 6 ('Employment Zones') and Part 8 ('Character Zones') of the BBDCP2013. It is suggested that these be included in a new Part of the next revision of the BBDCP (With cross-referencing in Part 6 and 8 as required), which should also include land covered by the Three Ports SEPP. It may also be appropriate to consolidate the risk-related planning controls for other relevant areas in the Botany Bay district (e.g. along Stephen Road) in this new Part of the DCP.
5. The summary of the previous LUSSs and QRAs included in the BBDCP2013 be removed from next revision of the BBDCP.
6. A revised definition for 'intensification of population', as outlined in Section 7.2, should be included in the next revision of the BBDCP. This is applicable for all types of development (i.e. not only residential and sensitive uses).
7. BBCC should review the risk-based planning controls for the Study Area every 5 years (at a minimum) to ensure they are still appropriate based on the most recent available risk assessments for the Study Area (Including for the fixed industrial facilities and transport of DGs).
8. BBCC should review DG transport in the Study Area every 5 years (at a minimum) and update the Transport QRA if there is a significant change. It may also be appropriate to extend the DG review and Transport QRA to include Wentworth Avenue (up to intersection with Bunnerong Road and the intersection with Banks Avenue).

The review should be timed to coincide with the next update of the BIP QRA (which is also required to be updated every five years) to allow any updated risk results to be considered in

the next periodic review of the risk-based planning controls (As per Recommendation No. 7 above). As the next revision of the BIP QRA is due in c. 2017, it may be appropriate in the first instance to review / update the Transport QRA and risk-based planning controls in c. 2017.

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Appendices

Appendix A Land Use Zones

Land use zone descriptions are included in the BBLEP2013 [Ref. 1] and Three Ports SEPP [Ref. 15]. The descriptions for the relevant zones in the Study Area are reproduced below.

A.1 Local Environmental Plan

Zone B3 Commercial Core

1 Objectives of zone

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.
- To encourage appropriate employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.

2 Permitted without consent

Nil

3 Permitted with consent

Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Any other development not specified in item 2 or 4

4 Prohibited

Advertising structures; Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Port facilities; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Residential accommodation; Resource recovery facilities; Rural industries; Sewage treatment plants; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste disposal facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities; Wholesale supplies

Zone B4 Mixed Use

1 Objectives of zone

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.

2 Permitted without consent

Home occupations.

3 Permitted with consent

Boarding houses; Child care centres; Commercial premises; Community facilities; Dwelling houses; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Light industries; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Residential flat buildings; Respite day care centres; Restricted premises; Roads; Seniors housing; Shop top housing; Any other development not specified in item 2 or 4.

4 Prohibited

Advertising structures; Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Port facilities; Recreation facilities (major); Research stations; Residential accommodation; Resource recovery facilities; Rural industries; Sewage treatment plants; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste disposal facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities; Wholesale supplies.

Zone B5 Business Development

1 Objectives of zone

- To enable a mix of business and warehouse uses, and bulky goods premises that require a large floor area, in locations that are close to, and that support the viability of, centres.

2 Permitted without consent

Nil.

3 Permitted with consent

Bulky goods premises; Child care centres; Food and drink premises; Garden centres; Hardware and building supplies; High technology industries; Landscaping material supplies; Neighbourhood shops; Passenger transport facilities; Respite day care centres; Roads; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4.

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Port facilities; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Residential accommodation; Resource

recovery facilities; Restricted premises; Retail premises; Rural industries; Sewage treatment plants; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Waste disposal facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities; Wholesale supplies.

Zone B7 Business Park

1 Objectives of zone

- To provide a range of office and light industrial uses.
- To encourage employment opportunities.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To encourage uses in the arts, technology, production and design sectors.

2 Permitted without consent

Home occupations.

3 Permitted with consent

Child care centres; Dwelling houses; Food and drink premises; Home industries; Light industries; Neighbourhood shops; Office premises; Passenger transport facilities; Respite day care centres; Roads; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4.

4 Prohibited

Advertising structures; Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home-based child care; Home occupations (sex services); Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Port facilities; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Resource recovery facilities; Restricted premises; Retail premises; Rural industries; Sewage treatment plants; Sex services premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Waste disposal facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities.

Zone R2 Low Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

- To encourage development that promotes walking and cycling.

2 Permitted without consent

Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Child care centres; Community facilities; Dwelling houses; Environmental protection works; Flood mitigation works; Group homes; Health consulting rooms; Hospitals; Multi dwelling housing; Neighbourhood shops; Office premises; Places of public worship; Recreation areas; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings

4 Prohibited

Any development not specified in item 2 or 3

Zone R3 Medium Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To encourage development that promotes walking and cycling.

2 Permitted without consent

Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Child care centres; Community facilities; Dwelling houses; Group homes; Multi dwelling housing; Neighbourhood shops; Office premises; Places of public worship; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Any other development not specified in item 2 or 4

4 Prohibited

Advertising structures; Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Emergency services facilities; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home businesses; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Port facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major);

Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Restricted premises; Rural industries; Service stations; Sewage treatment plants; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities; Wholesale supplies

Zone SP1 Special Activities

1 Objectives of zone

- To provide for special land uses that are not provided for in other zones.
- To provide for sites with special natural characteristics that are not provided for in other zones.
- To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.

2 Permitted without consent

Environmental protection works

3 Permitted with consent

The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose

4 Prohibited

Any development not specified in item 2 or 3

Zone SP2 Infrastructure

1 Objectives of zone

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Roads; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose

4 Prohibited

Any development not specified in item 2 or 3

Zone RE1 Public Recreation

1 Objectives of zone

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Child care centres; Community facilities; Emergency services facilities; Environmental facilities; Flood mitigation works; Information and education facilities; Jetties; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Roads; Signage; Water storage facilities

4 Prohibited

Any development not specified in item 2 or 3

A.2 Three Ports SEPP

Zone IN1 General Industrial

1 Objectives of zone

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To facilitate and encourage port related industries that will contribute to the growth and diversification of trade through the port.
- To enable development for the purposes of business premises or office premises associated with, and ancillary to, port facilities or industries.
- To encourage ecologically sustainable development.

2 Permitted without consent

Environmental protection works.

3 Permitted with consent

Boat building and repair facilities; Business premises; Depots; Food and drink premises; Freight transport facilities; General industries; Jetties; Light industries; Neighbourhood shops; Office premises; Roads; Signage; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste or resource management facilities.

4 Prohibited

Any development not specified in item 2 or 3.

From: [Michael Petrovic](#)
To: [Bayside Council](#); [Stephanie Lum](#)
Cc: [Gaby Boskovitz](#); [David Petrovic](#)
Subject: 51-53 Rhodes Street Hillsdale - Item number 9.3 at Council Meeting on Wednesday 12 October 2016
Date: Wednesday, 12 October 2016 10:06:26 AM
Attachments: [RhodesletterOct16 \(003\).pdf](#)
[Paper 51-53 Rhodes St Development App SM20161010 \(1\).pdf](#)

Dear Administrator,

Re: 51-53 Rhodes Street Hillsdale - Item number 9.3 at Council Meeting on Wednesday 12 October 2016

In response to the Officer Recommendation for refusal of the application for 51-53 Rhodes St Hillsdale I attach information with this email countering the basis of the recommendation. I request that you please consider the attached information from my professional consultants.

I hope that you decide to set aside the recommendation to allow a thorough consideration of the issues relating to the application.

I thank you.

Kind regards,

Michael Petrovic
Palmpoint Pty Ltd

11 October 2016

The Administrator
Bayside Council
141 Coward Street
Mascot, 2020.

Attention: Greg Wright

Re: Item No.9.3 – Planning Proposal for 51-53 Rhodes Street, Hillsdale

Dear Mr Wright,

We have been requested to review and respond to the planning report that is scheduled to be considered at the Bayside Council meeting on Wednesday 12 October 2016.

Willana Associates prepared a Planning Proposal for the abovementioned site on behalf of our client, the land owner. The Planning Proposal sought to rezone the site from B7 – Business Park to B4 – Mixed Use to be consistent with adjoining sites. The proposal was based on the difficulty in developing the land for industrial purposes but also the suitability of the land for Mixed Use Development.

The proposal follows the trend of adjoining sites, many of which have recently been rezoned and are currently approved for residential development (e.g medium density residential redevelopment of the former bowling club next door). The sites proximity to residential development and access issues for large vehicles make mixed use development highly appropriate.

The report before Council recommends refusal of the proposed rezoning on the basis that the risks for residential development on the Site, as identified within the *Denison Street Land Use Safety Study Review of Planning Controls*, are too high. However, the proponent has furnished additional details and technical data which provides sufficient evidence that the *Denison Street Land Use Safety Study Review of Planning Controls* report does not prohibit residential development at the Site.

In brief, Council engaged the services of Arriscar Pty Ltd to conduct a review of the current risk-related planning controls relevant to the area around Denison Street Hillsdale. This occurred as a result of the recommendation contained in the *Dangerous Goods Transport Quantitative Risk Assessment (QRA)* conducted in 2015 for the Bunnings Development.

The *Denison Street Land Use Safety Study Review of Planning Controls* (the Study) is the result of this review. The study identifies risk-related planning measures to inform land use safety decisions for existing and future developments. **Some of the measures may involve restrictions on the use of the land, for the continued safety of residents and workers in the area.** The subject site falls within the areas designated as H and I (around a quarter of the site is within these areas).

The Planning report to Council states that “*The subject site at 51-53 Rhodes Street, Hillsdale is located in Area H (Business Park Zone in the Banksmeadow Industrial Precinct) of the Study Area as indicated in Figure 1 below. In regards to Area H, the Report makes the following recommendations:*

- *Prohibit sensitive uses within this Area;*
- *It would not be appropriate to rezone this Area for higher density residential uses due to potential contribution to the cumulative societal risk;*
- *Any proposed population intensification (including residential and commercial uses) will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone; and*
- *Lower risk general and light industries that will not increase the cumulative risk in the Study Area are the preferred type of development in this Area.”*

The findings of the Study do not prohibit residential development within areas H and I subject to the preparation of a societal risk assessment. The “societal assessment” would allow for consent to be given “provided the incremental societal risk lies within the negligible region” (HIPAP 4 and 10).

The Proponent’s expert engineering consultant, Systra Scott Lister has considered Council’s recommendations and has prepared a technical submission in response, dated 10 October 2016. The report highlights that the Site is capable of accommodating residential development and a number of design options have been tabled as part of the Planning Proposal that can minimise risk to an “acceptable” and near “negligible” amount in accordance with the requirements of the Study.

Systra Scott Lister’s report provides detailed technical analysis of the proposal in line with the Study’s findings and supports the Planning Proposal and maintains that it has merit. Willana supports this advice and technical analysis that surrounds the recommendation. Willana maintains that the Planning Proposal should be reconsidered by Council’s staff given the additional expert advice that has been tabled.

Yours sincerely’
Willana Associates Pty Ltd



Paper in response to recommended “Refusal of Planning Proposal – 51-53 Rhodes Street, Hillsdale” (item 9.3)

10th October 2016

Issue

On 9 April 2015, Palmpoint Pty Ltd submitted to the former City of Botany Bay a Planning Proposal prepared by Willana Associates for 51-53 Rhodes Street, Hillsdale (Lot 7 DP 8542). The proposal seeks to change the zoning of the site from B7 - Business Park to B4 - Mixed Use; increase the FSR from 1:1 to 1.5:1; and increase the height from 12 metres to 22 metres. The intended outcome of the Planning Proposal is to facilitate the delivery of the redevelopment of the site to accommodate a residential flat building development and commercial/light industrial ground floor tenancy to the street frontage. A large multi-storey residential development at the former bowls club has been approved next door – slightly earlier than the Palmpoint proposal.

The site is located within the study area of the *Denison Street Land Use Safety Study Review of Planning Controls* Report which recommends that residential developments are “Permitted with Consent”, provided that the development does not cause a large increase in societal risk.

Council, however, have taken the view that the proposal should not be permitted, although they have not referred to the societal risk calculations that Willana Associates have provided. These calculations show that the “incremental societal risk” meets the DPEs criteria and that the total societal risk has an almost imperceptible increase and remains “tolerable” when all current and future developments are considered. Therefore the proponent believes that the reason for recommending refusal is unfounded and the development should be permitted.

Denison Street Land Use Safety Study Review of Planning Controls

The Denison St Land Use Safety Study Review of Planning Controls report, has different recommendations for permitted land use for a series of areas around Denison St. The 51-53 Rhodes St site falls between areas H and I, with around ¼ in area I and the remainder in area H.

The proposed restrictions on development for Area I are reproduced in Table 1 and the restrictions for Area H are reproduced in Table 2.

The key criteria for 51-53 Rhodes St are the societal risk entries for residential developments. For Area I the proposed control is:

“Higher density residential development (including hotels, etc.) is prohibited under the current zoning. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.”

And for Area H the proposed control is:

“Higher density residential development (including hotels, etc.) is prohibited under the current zoning and is unlikely to be permissible in this Area due to its potential contribution to the cumulative societal risk. It would not be appropriate to rezone this Area for higher density residential uses.

Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.”

Both these requirements: a) do not prohibit residential development, but b) require the societal risk to be assessed to allow consent. The “societal risk assessment” would allow consent to be given “provided the incremental societal risk lies within the negligible region” (HIPAP 4 and 10) of the DPE’s criteria. The increment should not also discernibly increase the cumulative societal risk.

The proposed control for Area H states that higher density residential development “*is unlikely to be permissible in this Area due to its potential contribution to the cumulative societal risk*” and “*It would not be appropriate to rezone this Area for higher density residential uses.*”. This postulation that a development “is unlikely to be permissible” is not supported with any calculations or evidence. Systra Scott Lister however have performed this calculation to establish the overall societal risk with all approved future developments how the contribution to the cumulative societal risk is undetectable (these results are presented in the following sections of this paper).

Table 1 Proposed Controls for Area I

Area I – Business Park Zone in Hillsdale Precinct

Description	Lot/s in Banksmeadow Industrial Precinct bounded by Area H and Rhodes Street.
Zoning	<p>B7 – Business Park</p> <p>The zoning for this Area is primarily for office and light industrial uses (viz. Defined as ‘commercial’ or ‘industrial’ uses in HIPAP No. 4), including: food and drink premises; light industries; neighbourhood shops; office premises; passenger transport facilities; vehicle sales or hire premises; warehouse or distribution centres. However, child care centres and respite day care centres (viz. Defined as ‘sensitive uses’ in HIPAP No. 4) are also permissible with consent.</p> <p>Home occupations are permitted without consent and dwelling houses and home industries (viz. Defined as ‘residential’ uses in HIPAP No. 4) are permissible with consent. Recreation areas and recreation facilities (indoor) (viz. Defined as ‘open space uses’ in HIPAP No. 4) are also permissible with consent.</p>
Individual Risk	The cumulative LSIFR is ≤ 0.5 pmpy at this Area. The cumulative acute toxic injury (10 pmpy) and irritation (50 pmpy) contours do not extend to this Area.
Societal Risk	It is not possible to determine the contribution to the cumulative societal risk (‘FN Curve’) for the population at this specific Area based on the available risk assessments. However, some people may be present and this will contribute to the cumulative societal risk (‘FN Curve’) for the Study Area.

Category of Development for Land Use Safety Planning *	Current Control	Proposed New Development or Modification to Existing Development	
		Proposed Control	Basis
SENSITIVE USES (Hospitals, schools, child-care facilities & old age housing)	Permitted with consent	Permitted with consent	The cumulative LSIFR is ≤ 0.5 pmpy at this Area.
RESIDENTIAL (Residential developments & places of continuous occupancy, such as hotels & tourist resorts)	Permitted with consent	Permitted with consent *	<p>The cumulative LSIFR is ≤ 1 pmpy at this Area.</p> <p>* Higher density residential development (including hotels, etc.) is prohibited under the current zoning. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.</p>
COMMERCIAL (Including offices, retail centres, warehouses with showrooms, restaurants & entertainment centres)	Permitted with consent	Permitted with consent	<p>The cumulative LSIFR is ≤ 5 pmpy at this Area.</p> <p>Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.</p>

Table 2 Proposed Controls for Area H

Area H – Business Park Zone in Banksmeadow Industrial Precinct

Description	Lot/s in Banksmeadow Industrial Precinct bounded by Areas F, G, H and I.
Zoning	<p>B7 – Business Park</p> <p>The zoning for this Area is primarily for office and light industrial uses (viz. Defined as ‘commercial’ or ‘industrial’ uses in HIPAP No. 4), including: food and drink premises; light industries; neighbourhood shops; office premises; passenger transport facilities; vehicle sales or hire premises; warehouse or distribution centres. However, child care centres and respite day care centres (viz. Defined as ‘sensitive uses’ in HIPAP No. 4) are also permissible with consent and should be prohibited based on the cumulative LSIFR (see below).</p> <p>Home occupations are permitted without consent and dwelling houses and home industries (viz. Defined as ‘residential’ uses in HIPAP No. 4) are permissible with consent. Recreation areas and recreation facilities (indoor) (viz. Defined as ‘open space uses’ in HIPAP No. 4) are also permissible with consent.</p> <p>It would not be appropriate to rezone this Area for sensitive uses based on the cumulative LSIFR (See below).</p>
Individual Risk	The cumulative LSIFR is ≥ 0.5 pmpy at this Area, with a maximum LSIFR of c. 1 pmpy near the boundary with Area G. The cumulative acute toxic injury (10 pmpy) and irritation (50 pmpy) contours do not extend to this Area.
Societal Risk	It is not possible to determine the contribution to the cumulative societal risk (‘FN Curve’) for the population at this specific Area based on the available risk assessments. However, some people may be present and this will contribute to the cumulative societal risk (‘FN Curve’) for the Study Area.

Category of Development for Land Use Safety Planning *	Current Control	Proposed New Development or Modification to Existing Development	
		Proposed Control	Basis
SENSITIVE USES (Hospitals, schools, child-care facilities & old age housing)	Permitted with consent	Prohibited	The cumulative LSIFR is ≥ 0.5 pmpy at this Area.
RESIDENTIAL (Residential developments & places of continuous occupancy, such as hotels & tourist resorts)	Permitted with consent	Permitted with consent *	<p>The cumulative LSIFR is ≤ 1 pmpy at this Area.</p> <p>* Higher density residential development (including hotels, etc.) is prohibited under the current zoning and is unlikely to be permissible in this Area due to its potential contribution to the cumulative societal risk. It would not be appropriate to rezone this Area for higher density residential uses.</p> <p>Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.</p>
COMMERCIAL (Including offices, retail centres, warehouses with showrooms, restaurants & entertainment centres)	Permitted with consent	Permitted with consent	<p>The cumulative LSIFR is ≤ 5 pmpy at this Area.</p> <p>Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.</p>

Societal Risk of Development

Scott Lister prepared a report for Willana Partners for the proposed development¹ and a subsequent addendum² to show options for reducing societal risk. The addendum showed that if the population was kept unchanged at 17 at day and 170 at night, but if the western site edge of the site was moved by 10m away from Denison St resulted in a societal risk that was almost entirely within the negligible zone. Equally a similar result was obtained if the population was reduced to 15 at day and 150 at night.

¹ Quantitative Risk Modelling, 51-53 Rhodes St, Hillsdale Revision 1.0, 28 July 2015

² Addendum to report 21 August 2015, Ref MC20150821

The result from the addendum where the population was kept unchanged at 17 at day and 170 at night, but if the western site edge of the site was moved by 10m away from Denison St is presented as Figure 1. Note how the result follows the lower DPE criteria line, showing an acceptable “incremental risk”.

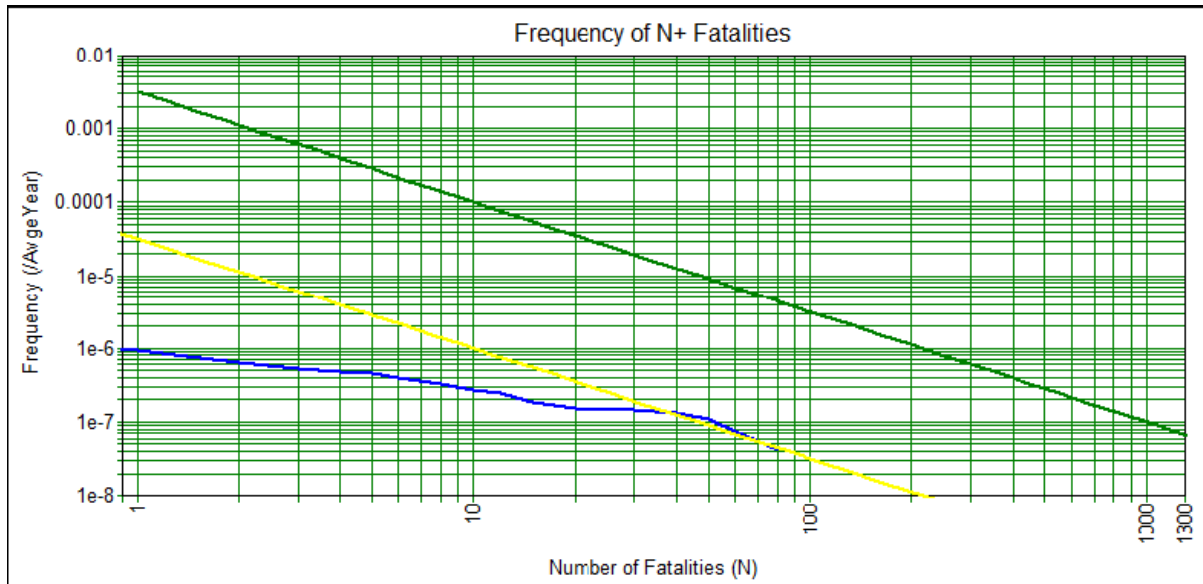


Figure 1: Societal Risk (F-N) Curve for risks from the transport of DGs along Denison St. Western edge of building relocated by 10m

The Denison St DGs study has been updated recently to assess implications of expansion in the bulk liquids part of the port with the increase in DGs and the revised Lot 20 sub-division of Orica land formerly part of the BIP³. This update has added all proposed and recently approved developments to the population densities surrounding Denison St. In this way it establishes the maximum societal risk that can be expected with the developments in the bulk liquids part of the port and with all proposed and approved developments. This result is shown as Figure 2. Note how whilst the result is nearing the upper criteria it still has some way to go, and that it should be remembered that the scales are logarithmic, meaning large increases need to occur before the line moves significantly.

³ DENISON STREET/CORISH CIRCLE SUBDIVISION, LOT 20 SUBDIVISION – S96, DBI Property, 02/05/2016, Revision B.

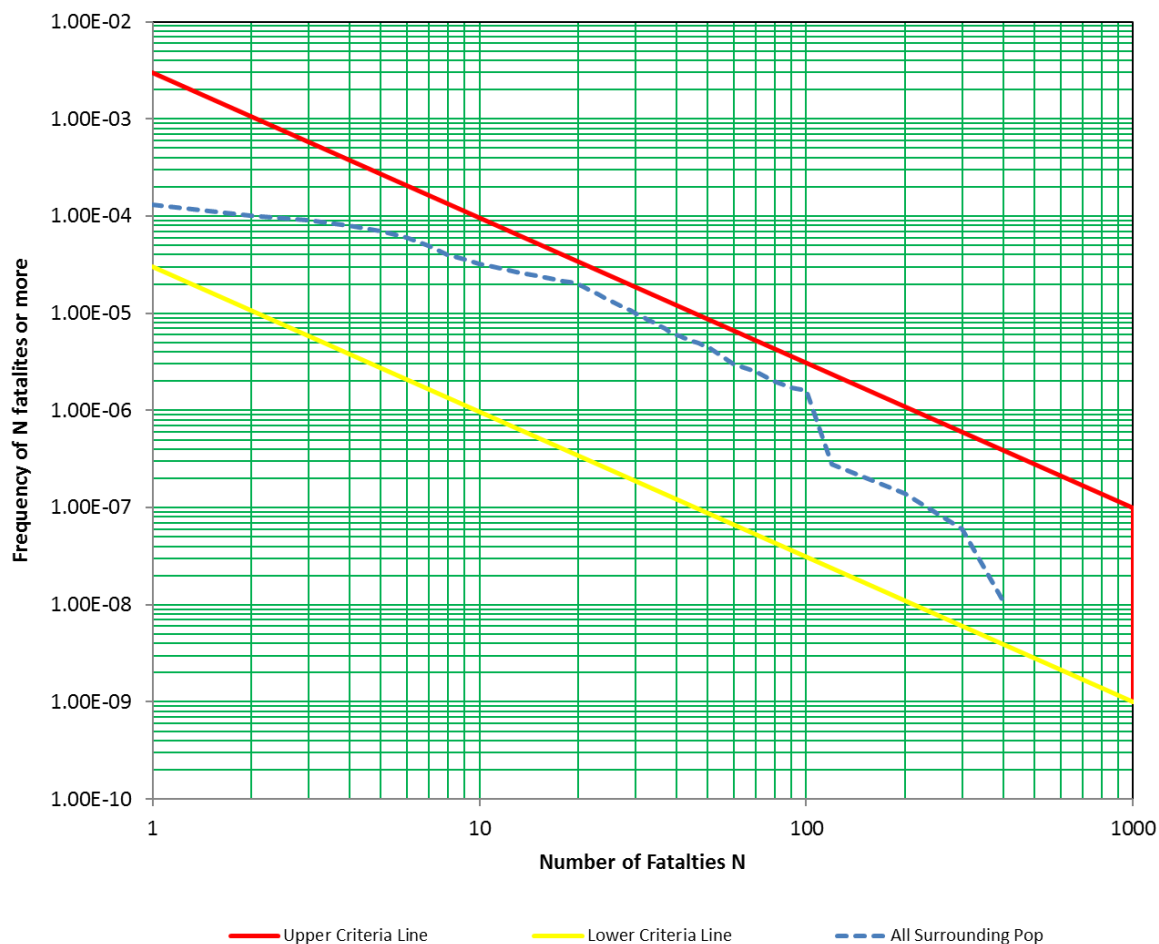


Figure 2: Societal Risk (F-N) Curve for risks from the transport of DGs along Denison St with all approved development and bulk liquids DG increase

The combination of the increment from 51-53 Rhodes St and the societal risk from all proposed and approved developments in Figure 2 is shown in Figure 3. Note how the influence of the increment on the overall result is undetectable.

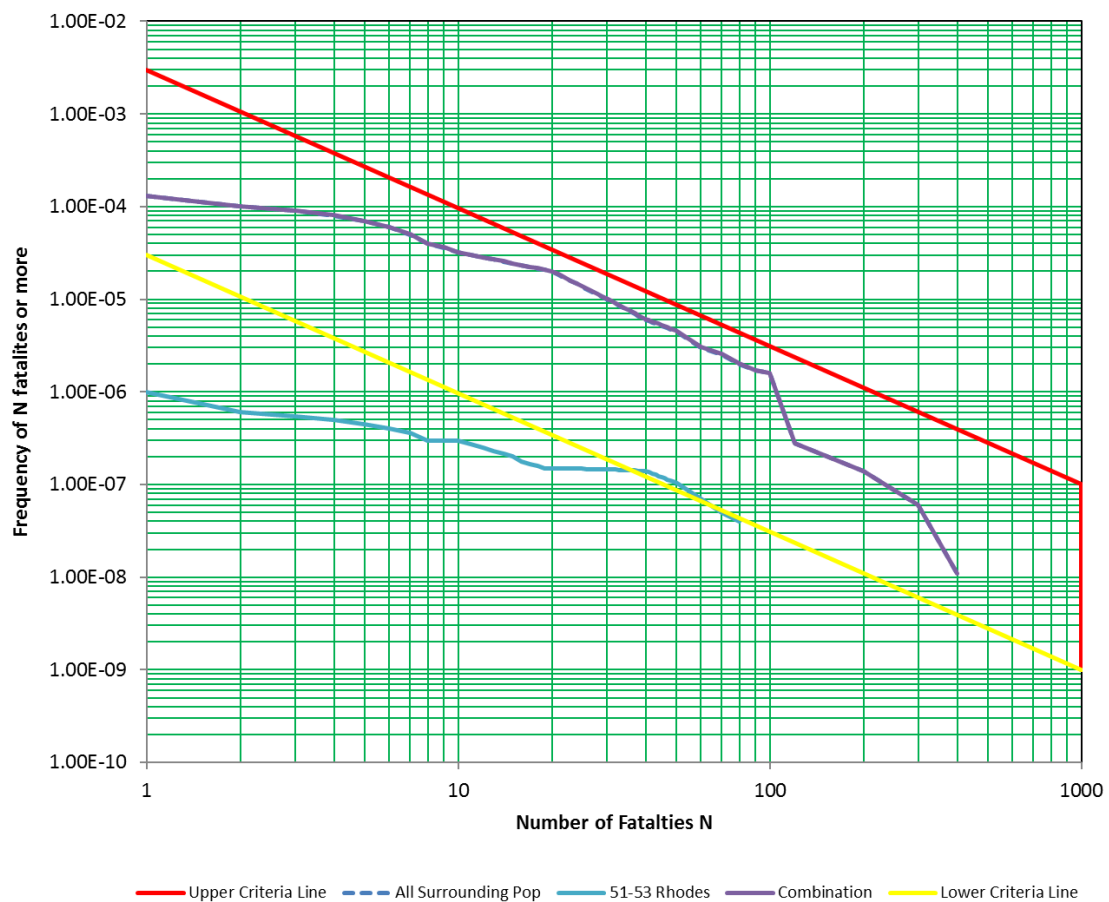


Figure 3: Societal Risk (F-N) Curve for risks from the transport of DGs along Denison St with all approved development and bulk liquids DG increase

Conclusion

The paper from Council recommending that the development be refused has the following statement when discussing the proposed developments societal risk implications:

Given the likely exposure to risks from dangerous goods transport incidents and potential incidents from the BIP, it is imperative that the significant increase in residential density proposed is considered thoroughly, taking into account accurate information, and with a comprehensive understanding of the implications of all increased development in the area.

By looking at all applications for and approved developments in the area and the DG increases coming from the bulk liquids section of the port, we have shown that a “comprehensive understanding of the implications of all increased development in the area” has been reached. Also the increase in residential density proposed has been considered thoroughly, taking into account accurate information.

The proposed control for Area H, part of the site, mentions that:

Higher density residential development (including hotels, etc.) is prohibited under the current zoning and is unlikely to be permissible in this Area due to its potential contribution to the cumulative societal risk.

The judgement “unlikely to be permissible” is unsupported as the author did not have access to any detailed analysis. Having actually done the calculations we have shown that the societal risk increment to be small, and in compliance with the DPE criteria for developments within the vicinity of industrial hazards. When the increment is added to the overall societal risk from all existing, approved and applied for developments around Denison St, the increase in societal risk (“its contribution to cumulative societal risk”) is undetectable.

HIPAP 4 and 10 states that for developments in the vicinity of potentially hazardous facilities:

... where a development proposal involves a significant intensification of population in the vicinity of such a facility, the change in societal risk needs to be taken into account, even if individual risk criteria are met.

Examples of such situations would include medium to high density residential development ...

In such instances, the incremental societal risk should be compared against the indicative criteria of Figure 3. Provided the incremental societal risk lies within the negligible region, development should not be precluded.

HIPAP 10 also states in section 5.3 that:

The criteria set out in section 5.5 (Risk Criteria for Development in the Vicinity of Potentially Hazardous Facilities) are relevant to strategic planning as well as for the assessment of specific development proposals.

This shows the criteria is equally suitable for re-zoning as well as development applications.

We have shown the incremental societal risk lies within the negligible region and the increment combined with the societal risk for all existing, approved and applied for developments around Denison St. Therefore we believe the development has merit and can be shown to meet the proposed controls for the area surrounding Denison St and the development should not be precluded on the basis of societal risk.

From: Meagan.Kanaley@planning.nsw.gov.au
To: [Stephanie Lum](#); [Catherine McMahon](#)
Cc: Chris.Ritchie@planning.nsw.gov.au; lilia.donkova@planning.nsw.gov.au;
Felicity.Greenway@planning.nsw.gov.au; doris.yau@planning.nsw.gov.au; [DPE PSVC Hazards Mailbox](#);
Charlene.Nelson@planning.nsw.gov.au; Martin.Cooper@planning.nsw.gov.au; [Karen Armstrong](#); [Caleb Ball](#);
Sabina.Miller@planning.nsw.gov.au
Subject: Planning Proposal for 51-53 Rhodes Street, Hillsdale
Date: Thursday, 10 November 2016 8:39:38 AM
Attachments: [image002.png](#)

Hi Stephanie and Catherine,

I refer to Council's request on 13th October 2016 to clarify the Department of Planning and Environment's position in relation to the following:

- Planning Proposal for the rezoning of 51-53 Rhodes Street, Hillsdale; and
- The findings of the attached *Denison Street Land Use Safety Study Review of Planning Controls* Report.

1. Introduction

The Department of Planning and Environment (DPE) has reviewed the Planning Proposal for the rezoning of land at 51-53 Rhodes Street Hillsdale. The site is within Bayside Council, and within close proximity of Port Botany, Botany Industrial Park and Denison Street (a dangerous goods route). The site directly adjoins land within the *State Environmental Planning Policy (Three Ports) 2013* (the Three Ports SEPP).

The rezoning seeks to change the zoning of the site from B7 – Business Park to B4 – Mixed Use, and increase in the FSR from 1:1 to 1.5:1, and an increase in height from 12 metres to 22 metres. The change in land use zoning would allow for some residential development of the land, with the intended outcome of the Planning Proposal to facilitate the delivery of the redevelopment of the site to accommodate a residential flat building development and commercial/light industrial ground floor tenancy to the street frontage.

DPE notes that the Planning Proposal is:

outside of the consultation region, as provided in Fig 9 – Consultation Regions – Future Case (2001) of the *Botany/Randwick Industrial Area Land Use Safety Study*; and

outside the land covered by Three Ports SEPP (2013).

Nevertheless, DPE has reviewed the following documents:

Planning Proposal for the rezoning of 51-53 Rhodes Street, Hillsdale;

Willana Associate's letter to the Bayside Council of 11 October 2016;

Paper in response to recommended "Refusal of Planning Proposal – 51-53 Rhodes Street, Hillsdale", prepared by Systra Scottlister, 10 October 2016; and

Council Meeting Note Item 9.3 - Refusal of Planning Proposal – 51-53 Rhodes Street, Hillsdale, prepared by Bayside Council, 12 October 2016

DPE also acknowledges the Council's reference to *Review of Planning Controls, Denison St, Hillside* Report, prepared by Arriscar. Following the review of the abovementioned documents, the Department broadly agrees with the Council's position

in relation to the proposal.

2. Issues

DPE raises the following concerns with the rezoning:

- The subject site adjoins land that is zoned IN1 – General Industrial in the Three Ports SEPP. The aims of the Three Ports SEPP includes “to ensure that land around the Lease Area is maintained for port-related and industrial uses...”.
- The objectives of the IN1 zones land in the Three Ports SEPP is to “encourage port related industries that will contribute to the growth and diversification of trade through the port” and “minimise any adverse effect of industry on other land uses”.
- Intensification of land surrounding the Three Ports SEPP to include more sensitive land uses has the potential to sterilise land within the Three Ports SEPP for its intended use because of issues including noise, traffic, and hazards and risks.
-

3. Hazards and risk - Hazardous Industry Planning Advisory Paper No 10 - Land Use Safety Planning (HIPAP No 10)

Hazardous Industry Planning Advisory Paper No 10 - Land Use Safety Planning (HIPAP No 10) outlines the principles of land use safety planning in NSW and aims to assist the planning authorities in relation to strategic land use planning. DPE further provides the following clarification in relation to strategic land use safety planning.

Strategic Planning Proposals vs Development Proposals

Land use safety planning is relevant at the strategic planning stage (e.g. zoning and change of use) as well as through the stages of development assessment and control. The request for a planning proposal for rezoning requires careful consideration to ensure that a preventable land use safety conflict is not introduced. As this particular proposal seeks to rezone the land from B7 (business Park) to B4 (Mixed Use), it will introduce a residential population at that location. From a hazards and risk perspective, a residential population is considered a more sensitive land use than the current use.

- Fundamentals of Land Use Safety Planning

One of the fundamentals of land use safety planning mechanism, listed in Section 2.1 of HIPAP No 10, is:

“land use safety planning aims to ensure on one hand that industrial development does not pose an unacceptable risk to the surrounding area, on the other, that exposure to risk from existing industrial development are not increased by changes in land uses surrounding such development.”

The request for a planning proposal should consider the suitability of land for the proposed range of uses, having regard to existing risk exposure and the sensitivity of the current land use. An increase in the sensitivity of the land uses in an area with existing risk exposure should be carefully considered to ensure alignment with the principles for Strategic Land Use Planning provided in HIPAP No 10.

- Risk Criteria for Strategic Land Use Safety Planning

DPE would like to emphasise, that the land use safety acceptability of a proposal is

defined not only by simple compliance with the numerical risk criteria, but also by “goals” or “standards” based on health, safety, environmental or amenity criteria. HIPAP No 10 sets both qualitative and quantitative risk criteria (Sections 5.2 and 5.3) for strategic land use planning. Satisfaction of both qualitative and quantitative risk criteria are equally important.

DPE considers that, while the individual risk criteria are well understood and easily applied, the qualitative risk criteria and the societal risks criteria are more complex. The following comments are provided in relation to the latter.

- *Qualitative Risk Criteria*

The qualitative risk criteria are listed in Section 5.2 of HIPAP No 10, and the criterion of “*All avoidable risks should be avoided*” is of particular relevance to this proposal. Consideration should be given on whether this proposal satisfies the qualitative risk criteria, i.e. if the risk of introducing higher population at this location, which is also more sensitive, is an avoidable risk.

- *Societal risk*

The *Addendum to Dangerous Goods Transport QRA, Denison St, Hillsdale* prepared by ScottLister in 2015 estimated the cumulative societal risk from BIP fixed facilities and DG transport in the area.

It is also noted that the societal risk has progressively increased over time and it is currently in the very upper area of the ALARP region. Any planning proposal that significantly increases the population in the area is likely to result in an increase in cumulative societal risk. Therefore a precautionary approach should be undertaken in relation to any further increase in the population. The following is also in relevant to the societal risk consideration.

- *Incremental Societal Risk*

The following guidance is provided in HIPAP 10 “*If incremental risks lie within ALARP region, options should be considered to relocate people away from the affected areas. If, after taking this step, there is still a significant portion of the societal risk plot within the ALARP region, the proposed development should only be approved if benefits clearly outweigh the risks*”.

A planning proposal with incremental risks encroaching to ALARP (including marginally crossing into ALARP region) requires further consideration and justification on whether the benefits of the proposal clearly outweigh its risks. DPE notes that the proponent does not appear to have adequately addressed this in the planning proposal.

- *Evacuation*

When the incremental risk lies within the ALARP region, consideration should also be given on whether people can be relocated and evacuated to safe locations in the events of major release scenarios. Considering the potential release scenarios at that location, an evacuation may become more challenging when introducing a higher and more sensitive population. DPE notes that this does not appear to have been adequately addressed in the planning proposal.

4. Conclusion

DPE supports Council's recommendation to refuse the planning proposal for 51-53 Rhodes Street Hillsdale.

Let me know if you have any further questions.

Kind regards,

Meagan Kanaley

Principal Policy Officer | Industry and Infrastructure Policy
Department of Planning & Environment
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From: Stephanie Lum
Sent: Thursday, 13 October 2016 3:00 PM
To: 'Chris.Ritchie@planning.nsw.gov.au'; 'lilia.donkova@planning.nsw.gov.au'; 'Felicity.Greenway@planning.nsw.gov.au'; 'Meagan.Kanaley@planning.nsw.gov.au'; 'doris.yau@planning.nsw.gov.au'
Subject: RE: Risk - Denison St Report and Planning Proposal for 51-53 Rhodes Street, Hillsdale

Dear All,

As requested, to give you some background information, the attached report was considered at last night's Council meeting recommending that the Planning Proposal for the rezoning of 51-53 Rhodes Street, Hillsdale be refused based on risk.

Please also find attached the original Planning Proposal which contains a risk report and subsequent addendum reports, including additional information submitted by the applicant yesterday in response to the Council report.

The Council report was deferred at last night's Council meeting with the Administrator requesting the applicant's submission be addressed. Accordingly, it would be appreciated if you could please clarify the Department of Planning and Environment's position in relation to the following:

- Planning Proposal for the rezoning of 51-53 Rhodes Street, Hillsdale; and
- The findings of the attached *Denison Street Land Use Safety Study Review of*

Planning Controls Report.

A report will need to be prepared for next month's Council meeting so if possible, comments would be appreciated by next Thursday, 20 October.

If you have any issues or questions please let me know.

Kind regards,

Stephanie Lum
Senior Strategic Planner
Strategic Planning
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Bayside Council

Bringing together the City of Botany Bay and Rockdale City Councils

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From: Stephanie Lum
Sent: Thursday, 13 October 2016 11:32 AM
To: 'Chris.Ritchie@planning.nsw.gov.au'; 'Lilia.donkova@planning.nsw.gov.au'; 'Felicity.Greenway@planning.nsw.gov.au'; 'Meagan.Kanaley@planning.nsw.gov.au'
Subject: Risk - Denison St Report and Planning Proposal for 51-53 Rhodes Street, Hillsdale

Dear Chris, Lilia, Felicity and Meagan,

As you are aware, in April 2015, Council received a Planning Proposal for the rezoning of 51-53 Rhodes Street, Hillsdale (Lot 7 DP 8542). The proposal seeks to change the zoning of the site from B7 - Business Park to B4 - Mixed Use; increase the FSR from 1:1 to 1.5:1; and increase the height from 12 metres to 22 metres. The intended outcome of the Planning Proposal is to facilitate the delivery of the redevelopment of the site to accommodate a residential flat building development and commercial/light industrial ground floor tenancy to the street frontage.

The site is located within the study area (Area H and I) of the attached Arriscar *Denison Street Land Use Safety Study Review of Planning Controls* Report which recommends that it would not be appropriate to rezone this area for higher density residential uses due to the risks associated with the Denison Street dangerous goods route and the hazards at the Botany Industrial Park. Accordingly, Council are recommending the Planning Proposal be refused.

It would be appreciated if you could please clarify the Department of Planning and Environment's position in relation to the following:

- Planning Proposal for the rezoning of 51-53 Rhodes Street, Hillsdale; and
- The findings of the attached *Denison Street Land Use Safety Study Review of Planning Controls* Report.

Kind regards,

Stephanie Lum
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Bayside Council

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Your Ref:

Botany Bay City Council
141 Coward Street, Mascot, NSW 2020
Attention: Stephanie Lum

OCTOBER 18, 2016

RE: Planning Proposal - 51-53 Rhodes Street, Hillsdale

Dear Stephanie,

We have reviewed the information provided for the planning proposal at 51-53 Rhodes Street, Hillsdale and have the following comments.

When assessing the zoning around a potentially hazardous facility, it is important to ensure that this will not introduce or aggravate land use safety conflicts. This strategic assessment needs to address the same risk issues as would be considered in assessing a development application, but on a broader scale. Therefore, the risk implications of the planning proposal should not be considered in isolation, but should be assessed in the broader context of the risks for the Hillsdale and adjoining precincts and then weighed against the strategic need for such a change.

As noted in HIPAP No. 10 [Section 5.3]: "When considering strategic planning, the primary emphasis needs to be on the suitability of land for the proposed range of uses, having regard to existing risk exposure and the sensitivity of the current land use. For example, it would be inappropriate for land to be zoned for residential or more sensitive uses if there was already a significant risk exposure from nearby industrial activities."

Whilst the quantitative risk criteria set out in HIPAP No. 4 and HIPAP No. 10 are relevant, the following qualitative risk criteria are particularly relevant for strategic planning (Zoning and rezoning) [Ref. HIPAP No. 4 (Section 2) and HIPAP No. 10 (Section 5)]:

- all 'avoidable' risks should be avoided;
- the risk from a major hazard should be reduced wherever practicable, even where the likelihood of exposure is low;
- the effects of significant events should, wherever possible be contained within the site boundary; and
- where the risk from an existing installation is already high, further development should not pose any incremental risk.

In this case, 51-53 Rhodes Street is located closer to the Gate 3 intersection on Denison Street than any other existing medium density residential use on Denison Street (The Gate 3 intersection on Denison Street has been identified in the Transport Risk Analysis as one of the highest risk locations on Denison Street). Furthermore, the cumulative societal risk for the fixed industrial facilities and DG transport along Denison Street is already high and is mostly at the higher end of the 'Tolerable if ALARP' zone.

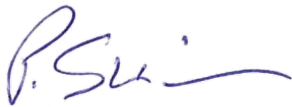
The proposed application to rezone the land for a more intensive use (i.e. higher population density) is not consistent with the qualitative risk criteria since:

- Changing the zoning to permit a higher residential population than is permitted under the current zoning would not be consistent with the requirement to avoid all 'avoidable' risks.
- Irrespective of whether numerical criteria can be met, rezoning the subject land will potentially expose a relatively high residential population to major hazard events (i.e. events capable of causing multiple fatalities). This exposure can be reduced by retaining the current zoning, which only permits lower density dwelling houses.
- The risk from the existing installations and DG transport is already relatively high for the district as a whole. Therefore, it would not be appropriate to rezone 51-53 Rhodes Street from a strategic perspective as further development should not pose any incremental risk for the district as a whole, not only for this specific location. This is a key difference between an application for a development application within a zone where the use is permitted and an application for a change of zoning.

Other factors, such as the ability to evacuate in the event of an emergency may also be relevant given that the relatively long and narrow site has been identified as having access constraints.

In conclusion, we still consider that it would be inappropriate for Council to rezone this Area for higher density residential uses.

Regards,



Philip Skinner

DIRECTOR

Council Meeting

12/10/2016

Item No	9.3
Subject	Refusal of Planning Proposal – 51-53 Rhodes Street, Hillsdale
Report by	Stephanie Lum, Senior Strategic Planner
File	(B) S14/63

Summary

On 9 April 2015, the former City of Botany Bay received a Planning Proposal for 51-53 Rhodes Street, Hillsdale (Lot 7 DP 8542) prepared by Willana Associates on behalf of the owner, Palmpoint Pty Ltd. The proposal seeks to change the zoning of the site from B7 - Business Park to B4 - Mixed Use; increase the FSR from 1:1 to 1.5:1; and increase the height from 12 metres to 22 metres. The intended outcome of the Planning Proposal is to facilitate the delivery of the redevelopment of the site to accommodate a residential flat building development and commercial/light industrial ground floor tenancy to the street frontage.

The site is located within the study area of the *Denison Street Land Use Safety Study Review of Planning Controls* Report which recommends that it would not be appropriate to rezone this area for higher density residential uses due to the risks associated with the Denison Street dangerous goods route and the hazards at the Botany Industrial Park. Accordingly, it is recommended that the Planning Proposal be refused.

Council Resolution

Resolved by the Administrator:

That this item be deferred for one month so that further discussions can take place between Council staff and the applicant.

Officer Recommendation

- 1 That Council refuse the Planning Proposal for 51-53 Rhodes Street, Hillsdale based on the risk issues identified in the *Denison Street Land Use Safety Study Review of Planning Controls* Report; and
 - 2 That Council notify the applicant of the decision and refund any remaining application fees.
-

Background

The subject site is located in the Banksmeadow Industrial Precinct in Hillsdale; adjoins the land covered by SEPP Three Ports (2013); and is in close proximity to Denison Street and the Botany Industrial Park (BIP) (i.e. major hazard land uses).

A Quantitative Risk Assessment (QRA) of dangerous goods movements on Denison Street, Hillsdale was undertaken by the former City of Botany Bay in partnership with the Department of Planning and Environment (DP&E), who engaged Scott Lister (a risk consultant) to undertake the study.

The QRA was required as part of the assessment of an application for a Bunnings store at 140-148 Denison Road, Hillsdale (DA No. 11/224) that was determined by the Joint Regional Planning Panel (JRPP) on 1 April 2015. The purpose of the study was to understand the level of risk associated with dangerous goods (DG) transport on Denison Street to inform the determination on the proposed Bunnings development as well as other potential future developments around the BIP.

Following the finalisation of the QRA, the DP&E requested a sensitivity analysis be undertaken to estimate the contribution of increased DG Class 2.1 movements (flammable gases) from the bulk liquids port to 4,000 movements per year to the overall risk. The results of this analysis were published in the *Addendum to Dangerous Goods Transport QRA, Denison Street Hillsdale* (Addendum Report).

Due to the proximity of the site to Denison Street and the BIP, the subject site is affected by the findings of the *Dangerous Goods Transport QRA, Denison Street Hillsdale* and *Addendum to Dangerous Goods Transport QRA, Denison Street Hillsdale*. The findings of the Addendum Report indicate that there is a greater level of risk associated with the Planning Proposal than the submission suggests. The current dangerous goods transport risk affecting the site alone is nearing the maximum acceptable risk criterion for residential development which may increase in the future and subsequently render the use of the site for residential accommodation intolerable.

Given the likely exposure to risks from dangerous goods transport incidents and potential incidents from the BIP, it is imperative that the significant increase in residential density proposed is considered thoroughly, taking into account accurate information, and with a comprehensive understanding of the implications of all increased development in the area.

Accordingly, at its meeting on 1 July 2015, the former City of Botany Bay Council resolved to defer detailed assessment of the Planning Proposal until a working group has been formed with the DP&E to address the findings of the QRA and Addendum, and the potential impacts to Council's planning controls. It was concluded that when the working group was in a position to determine the implications upon planning controls of the area, the proposal could be more adequately assessed with a greater understanding of the real impacts of significantly increasing public exposure to risk related incidents in the area.

Issues

The QRA recommended that the former City of Botany Bay Council review its planning controls for the area to ensure that new development does not result in a significant exposure to risks from dangerous goods transport incidents. Accordingly, the former Council engaged a risk consultant, Arriscar Pty Ltd, to review the current planning controls in context of the results of the Transport QRA and Addendum Report, as well as the societal risk from the BIP. The consultant's findings are published in the *Denison Street Land Use Safety Study Review of Planning Controls* Report (Planning Controls Report) which is provided in **Attachment 1**.

The Report identifies risk-related planning measures surrounding Denison Street, Hillsdale to inform land use safety decisions for existing and future developments. Some of the

measures may involve restrictions on the use of land for the continued safety of residents and workers in the area.

At its meeting on 7 September 2016, the former Council considered a report on the Study and resolved that:

- 1 The contents of this report are noted;
- 2 Council make the report *Denison Street Land Use Safety Study Review of Planning Controls* public on its website; and
- 3 A further report on the possible changes required to the current planning controls be presented at a future Development Committee Meeting.

Council officers are now working closely with the DP&E to prepare risk-related planning measures which may include amendments to the *Botany Bay Local Environmental Plan (BBLEP) 2013* and the *Botany Bay Development Control Plan (BBDCP) 2013* to address the issues identified in the *Denison Street Land Use Safety Study Review of Planning Controls* Report.

The subject site at 51-53 Rhodes Street, Hillsdale is located in Area H (Business Park Zone in the Banksmeadow Industrial Precinct) of the Study Area as indicated in **Figure 1** below. In regards to Area H, the Report makes the following recommendations:

- Prohibit sensitive uses within this Area;
- It would not be appropriate to rezone this Area for higher density residential uses due to potential contribution to the cumulative societal risk;
- Any proposed population intensification (including residential and commercial uses) will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone; and
- Lower risk general and light industries that will not increase the cumulative risk in the Study Area are the preferred type of development in this Area.

The Planning Proposal for 51-53 Rhodes Street, Hillsdale seeks to change the zoning of the site from B7 - Business Park to B4 - Mixed Use; increase the FSR from 1:1 to 1.5:1; and increase the height from 12 metres to 22 metres. The intended outcome of the Planning Proposal is to facilitate the delivery of the redevelopment of the site to accommodate a residential flat building development and commercial/light industrial ground floor tenancy to the street frontage.

Therefore, the proposal will result in higher density residential uses and population intensification which is inconsistent with the recommendations of the Report.

Accordingly, it is recommended that in light of the recommendations of the Report and the risk issues, the Planning Proposal be refused.

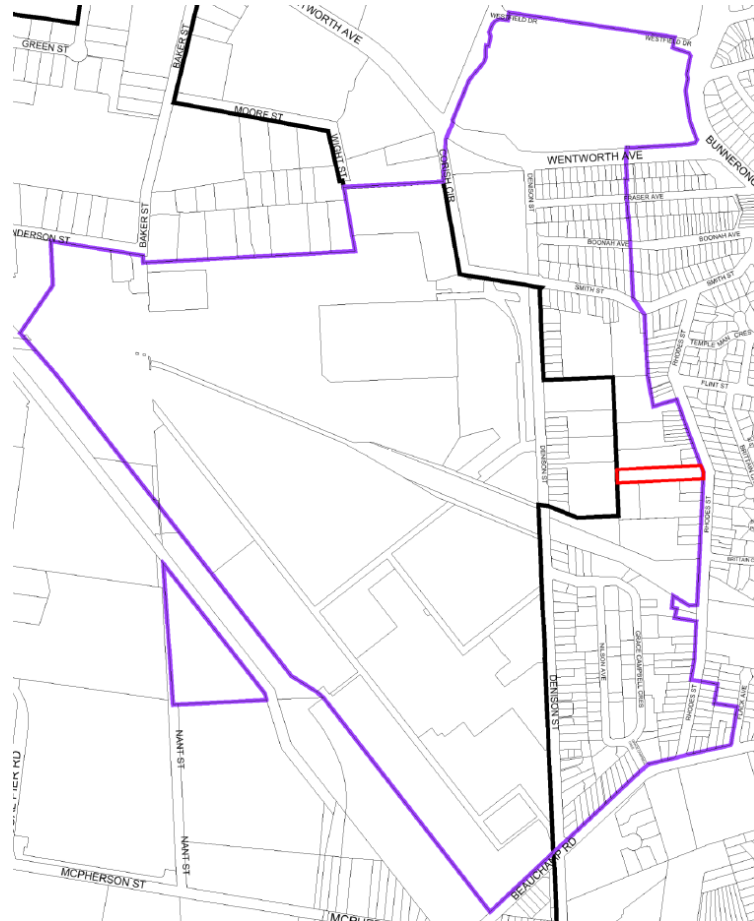


Figure 1 – Study Area (outlined in purple) and the subject site (outlined in red).

Financial Implications

On 9 April 2015, Palmpoint Pty Ltd lodged the Planning Proposal with the former City of Botany Bay accompanied with an application fee of \$25,000 (the fee required by the 2015/16 Fees and Charges). A portion of the application fee was utilised by the former Botany Bay Council to engage Arriscar Pty Ltd to undertake the Planning Controls Report. It is recommended that in light of the findings of the Report, the Planning Proposal be refused and any remaining funds be refunded to the applicant.

Conclusion

The former City of Botany Bay received a Planning Proposal for 51-53 Rhodes Street, Hillsdale seeking to rezone the site and increase the maximum FSR and height to permit residential flat buildings. The site is located near both Denison Street which is a dangerous

goods route and the Botany Industrial Park which contains major hazardous industries and operations.

The proposal is inconsistent with the *Denison Street Land Use Safety Study Review of Planning Controls* Report which recommends that it would not be appropriate to rezone this Area for higher density residential uses due to potential contribution to the cumulative societal risk.

In light of the findings of the Report, it is recommended that the Planning Proposal be refused and any remaining funds not expended from the application be refunded.

Community Engagement

Nil.

Attachments

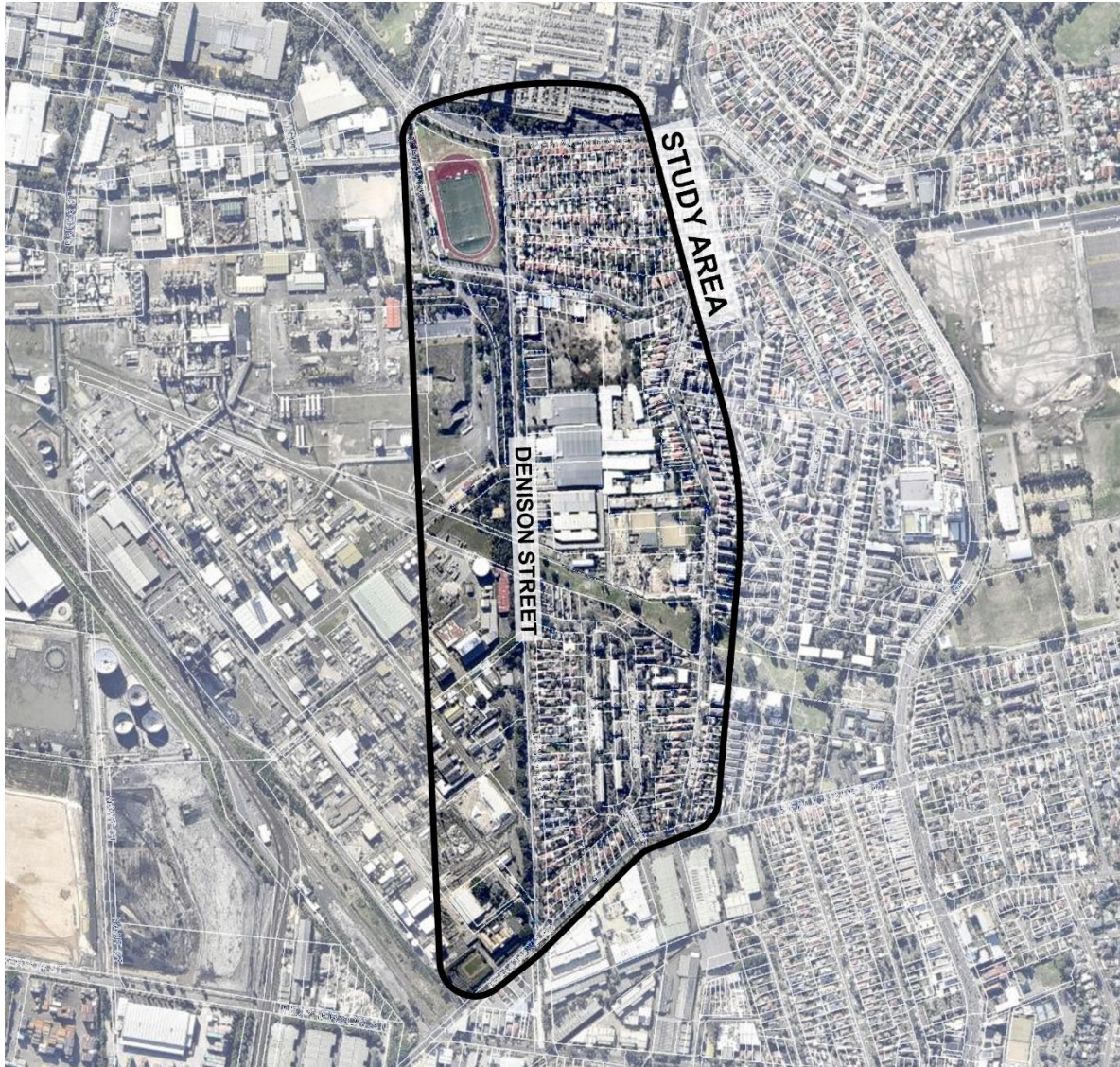
Denison Street Land Use Safety Study Review of Planning Controls Report

Review of Planning Controls

Denison Street, Hillsdale

For Botany Bay City Council

16 August 2016



Doc. No.: J-000166-REP-RPC

Revision: 0

DISTRIBUTION LIST

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Cathy McMahon	Botany Bay Council	A	Current
Project Master File	Arriscar Pty Ltd	A	Current

DOCUMENT HISTORY AND AUTHORISATION

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B	9-May-16	PS	Consultation draft (Not for circulation) incorporating feedback from BBCC	RR	RR
C	29-Jun-16	PS	Draft incorporating feedback from DP&E	JL	PS
0	16-Aug-16	PS	Final report.	RR	RR

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Summary

The Botany Industrial Park and Port Botany industrial facilities generate significant movements of bulk and packaged dangerous goods (DGs) by road in the local government area of Botany Bay City Council (BBCC). Some packaged goods trucks and bulk liquids road tanker trucks use a 1 km stretch of road at Denison Street, Hillsdale.

To inform the Joint Regional Planning Panel (JRPP) on the risks posed by DG transport on a proposed Bunnings Warehouse at 25-49 Smith Street Hillsdale, BBCC in partnership with the Department of Planning and Environment (DP&E) commissioned a Quantitative Risk Assessment (QRA) of Dangerous Goods (DG) movements on Denison Street, Hillsdale ('Transport QRA').

The Transport QRA Report [Ref. 25] recommended that BBCC should":

"review its planning controls for the area, in light of this study, to ensure new development does not result in a significant exposure to risks from dangerous goods transport incidents. For example, it may be desirable to discourage intensification of residential development within areas with an individual fatality risk in excess of one chance in a million, as indicated in HIPAP 4, Section 2.5.2.1".

BBCC is undertaking a review of the Botany Bay Development Control Plan (BBDCP2013) and is preparing a new DCP specifically for land covered by the new 'Three Ports' State Environmental Planning Policy (SEPP). To assist in this review, BBCC engaged Arriscar Pty Limited (Arriscar) to undertake a review of land use safety planning controls due to the proximity of the Botany Industrial Park (BIP) and the transport of Dangerous Goods (DGs) along Denison Street.

The Review included consideration of:

- Current and predicted future development in the Study Area.
- Current, and predicted changes to, transport of DGs along Denison Street.
- Available risk assessments for the Study Area, including:
 - *Dangerous Goods Transport QRA, Denison Street Hillsdale* (12 February 2015) [Ref. 25].
 - *Addendum to Dangerous Goods Transport QRA, Denison Street Hillsdale* (19 May 2015) [Ref. 24].
 - *Quantitative Risk Assessment, Summary Report, Botany Industrial Park* [Ref. 27].

The implications of future redevelopment in the Study Area and changes to DG heavy vehicle movements along Denison Street were considered when developing the proposed risk-based planning controls. For example, the forecast population growth could increase the demand for higher density residential development to the east of Rhodes Street. There would also be a corresponding increase in DG truck traffic along Denison Street. Based on information from Ports NSW, a 50% increase in DG heavy vehicle movements along Denison Street would appear to be a reasonable conservative assumption over the next 10 years.

It is important to note that:

- A detailed verification of the currently available quantitative risk assessments (QRAs) was excluded from the scope of the Review (Refer to Section 1.3). The proposed risk-based planning controls are based on the risk results presented in these available QRAs, provided for this Review to Arriscar by BBCC.

- There are no established quantitative risk criteria in NSW for land use safety planning due to the transport of DGs (Refer to Section 6.1). Therefore, the proposed risk-based planning controls are based on the risk criteria for fixed facilities in NSW, which are consistent with criteria that have been adopted in previous QRAs and international practice.

Within the four main precincts in the Study Area, there are 20 areas where the combination of land use zoning and major risk contributor/s warrants specific risk-based planning controls (Refer to Section 7.2). The large number of areas arises because the Study Area includes nine different land use zones (B3, B4, B5, B7, R2, R3, RE1, IN1 and SP1) and the dominant risk contributor (e.g. cumulative location-specific individual fatality risk, cumulative injury / irritation risk and/or cumulative societal risk) varies throughout the Study Area.

A guide for land use safety planning has been provided for each of the 20 specific areas, and this includes recommendations for restrictions on some categories of future development. How these risk-based planning controls are to be implemented needs to be determined by BBCC as some of the proposed controls will only apply to some specific parts the Study Area and should not be applied to all other similarly zoned areas defined within the Local Environmental Plan.

The current zoning, and any potential restrictions on future rezoning (particularly to a more sensitive use category), is identified for each area. Also, the proposed controls for future developments (i.e. potentially hazardous industry and/or other types of development in the vicinity of existing potentially hazardous industry) are included, together with the basis for each of the recommended planning controls.

The proposed risk based planning controls will need to be periodically reviewed as new QRAs become available (e.g. as required by the development consent conditions for the BIP) and/or if the NSW government establishes quantitative risk criteria for the transport of DGs. It will continue to be important to ensure all underlying assumptions and data sources (e.g. truck accident frequency) are thoroughly scrutinised in any future QRAs and it may be appropriate to undertake a sensitivity analysis to test the impact of the data and assumptions.

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Notation

Abbreviation	Description
ALARP	As Low As Reasonably Practicable
Arriscar	Arriscar Pty Limited
ARTC	Australian Rail Track Corporation
BBCC	Botany Bay City Council
BBLEP2013	Botany Bay Local Environmental Plan 2013
BBDCP2013	Botany Bay Development Control Plan 2013
BIP	Botany Industrial Park
BLEVE	Boiling Liquid Expanding Vapour Explosion
DCP	Development Control Plan
DG/s	Dangerous Good/s
DP&E	Department of Planning and Environment
FN Curve	Log-log plat of cumulative frequency of fatality versus of number of fatalities
HIPAP	Hazardous Industry Planning Advisory Paper
IMT	Intermodal Terminal. A facility used to transfer freight from one transport mode to another, for example from road to rail.
JRPP	Joint Regional Planning Panel
km	kilometre
kPa	Kilo-Pascals
kW/m ²	Kilo-Watts per square metre
LEP	Local Environmental Plan
LGA	Local Government Area
LSIFR	Location-Specific Individual Fatality Risk
LUSS	Land Use Safety Study
m	metre
MHF	Major Hazard Facility
NSW	New South Wales
p.a.	Per annum
QRA	Quantitative Risk Assessment
RAC	Risk Assessment Criteria
Ref	Reference
RFB	Residential flat building

Abbreviation	Description
RMS	Roads and Maritime Services
SEPP	State Environmental Planning Policy
SPC	Special Purpose Company
TEU	Twenty-foot equivalent unit. A unit of measurement equal to the space occupied by a standard twenty foot container. One 40 foot container is equal to two TEU.
Three Ports SEPP	State Environmental Planning Policy (Three Ports) 2013

1 INTRODUCTION

1.1 Background

The Botany Industrial Park and Port Botany industrial facilities generate significant movements of dangerous goods (DGs) by road in the local government area of Botany Bay City Council (BBCC). Some packaged goods trucks and bulk liquids road tanker trucks use Denison Street, Hillsdale.

To inform the Joint Regional Planning Panel (JRPP) on the risks posed by DG transport on a proposed Bunnings Warehouse at 25-49 Smith Street Hillsdale, BBCC in partnership with the Department of Planning and Environment (DP&E) commissioned a Quantitative Risk Assessment (QRA) of Dangerous Goods (DG) movements on Denison Street, Hillsdale ('Transport QRA').

The Transport QRA Report [Ref. 25] recommended that BBCC should":

"review its planning controls for the area, in light of this study, to ensure new development does not result in a significant exposure to risks from dangerous goods transport incidents. For example, it may be desirable to discourage intensification of residential development within areas with an individual fatality risk in excess of one chance in a million, as indicated in HIPAP 4, Section 2.5.2.1".

There are some existing risk-based land use safety planning controls within the Botany Bay Local Environmental Plan 2013 (BBLEP2013). For example:

- Part 6.2.8 of the Botany Bay Development Control Plan (BBDCP2013) outlines the recommendations of three previous studies undertaken by the State Government concerning risk in the Banksmeadow / Randwick area and includes planning controls for employment / industrial development.
- Part 8 — Character Precincts (for Hillsdale and Botany) of BBDCP2013 includes planning controls for residential development.

BBCC is undertaking a review of the BBDCP2013 and is preparing a new DCP specifically for land covered by the new 'Three Ports' State Environmental Planning Policy (SEPP). As part of this review, BBCC has engaged Arriscar Pty Limited (Arriscar) to undertake a review of land use safety planning controls due to the proximity of the Botany Industrial Park and the transport of Dangerous Goods (DGs) along Denison Street.

This report provides details of the land use planning controls review conducted by Arriscar for the Denison Street truck transport route.

1.2 Objectives

In the Hazardous Industry Planning Advisory Paper (HIPAP) No. 10 – *Land Use Safety Planning* [Ref. 8, Section 4.2.1], it is stated that it is important for local councils to have "policies and follow procedures for ensuring appropriate zoning and development assessment in areas that could be impacted by major accidents".

BBCC's current policies and procedures for land use safety planning in the Study Area are included as risk-based development controls in the BBDCP2013 [Ref. 1].

Therefore, the overall objective was to review the BBCC's existing risk-based planning controls for the Study Area and to propose any amendments that will assist Council to make informed land use safety decisions for existing and future development.

A secondary objective is to address the relevant recommendation from the Transport QRA [Ref. 25] in relation to their applicability to the Study Area.

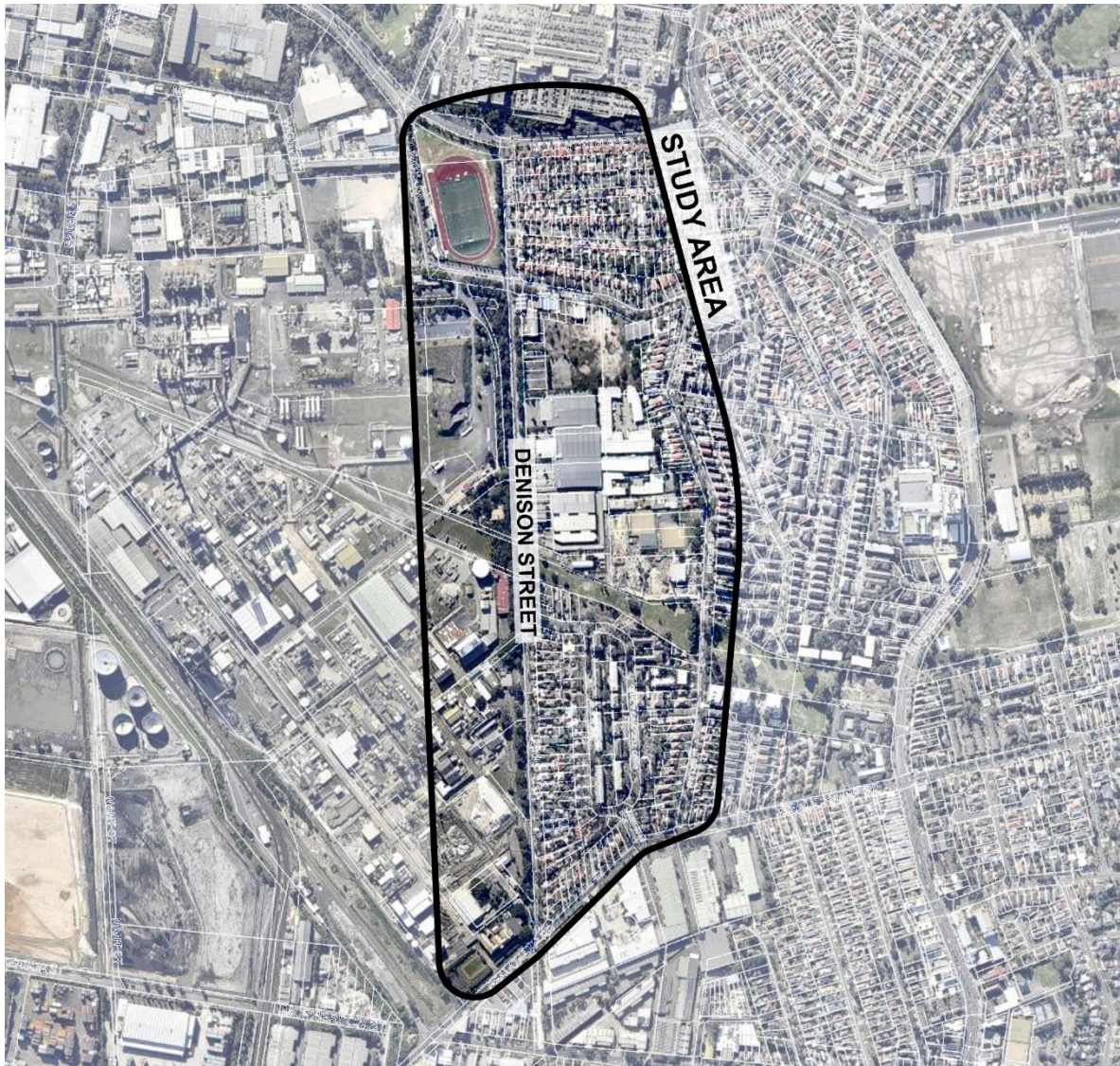
1.3 Scope of Work

The scope of work, as reported in BBCC's project brief, includes:

1. A review of the existing:
 - a. land uses and development standards in BBLEP2013; and
 - b. planning controls in the BBDCP2013,as they relate to the Study Area shown in Figure 1 and in the context of the findings and recommendations of the QRA for DG movements on Denison Street.
2. Identification of BCC's existing planning controls and standards that are relevant to the risk within the study area and therefore require review.
3. Reviewing the identified existing planning controls and standards against the results / findings of the key risk studies, in the context of strategic land use safety planning.
4. Recommending any necessary amendments to the relevant existing planning controls and standards.

The scope of the review did not include verification of the data and results included in any of the currently available QRAs for the Study Area. This includes, *inter alia*, the: *Dangerous Goods Transport QRA, Denison Street Hillsdale* (12 February 2015) [Ref. 25]; *Addendum to Dangerous Goods Transport QRA, Denison Street Hillsdale* (19 May 2015) [Ref. 24]; and *Quantitative Risk Assessment, Summary Report, Botany Industrial Park* [Ref. 27].

Figure 1 Study Area



2 APPROACH

The review involved the following key activities:

- Inception (kick-off) meeting with BBCC and visit to the Study Area.
- Briefings with representatives from BBCC, DP&E, NSW Ports, Transport NSW, Roads and Maritime Services (RMS) and Australian Rail Track Corporation (ARTC).
- Development of the proposed (draft) amendments to the existing planning controls and standards, based on a review of:
 - Existing planning control documents relating to the Study Area, including:
 - *Botany Bay Development Control Plan 2013* [Ref. 1].
 - *Botany Bay Local Environmental Plan 2013* [Ref. 14].
 - *State Environmental Planning Policy (Three Ports) 2013* (Three Ports SEPP) [Ref. 15].
 - *Botany / Randwick Industrial Area Land Use Safety Study* (2001) [Ref. 9].
 - Current and predicted future development in the Study Area.
 - Current, and predicted changes to, transport of DGs along Denison Street.
 - Available risk assessments for the Study Area, including:
 - *Dangerous Goods Transport QRA, Denison Street Hillsdale* (12 February 2015) [Ref. 25].
 - *Addendum to Dangerous Goods Transport QRA, Denison Street Hillsdale* (19 May 2015) [Ref. 24].
 - *Quantitative Risk Assessment, Summary Report, Botany Industrial Park* [Ref. 27].
 - Consideration of the relevant risk criteria for land use safety planning in the Study Area, including from the transport of DGs. This included a review of the risk criteria from HIPAP No. 4, *Risk Criteria for Land Use Safety Planning* (2011) [Ref. 7] and HIPAP No. 10, *Land Use Safety Planning* (2011) [Ref. 8].
- Finalisation of the proposed amendments to the existing planning controls and reporting.

3 DESCRIPTION OF STUDY AREA

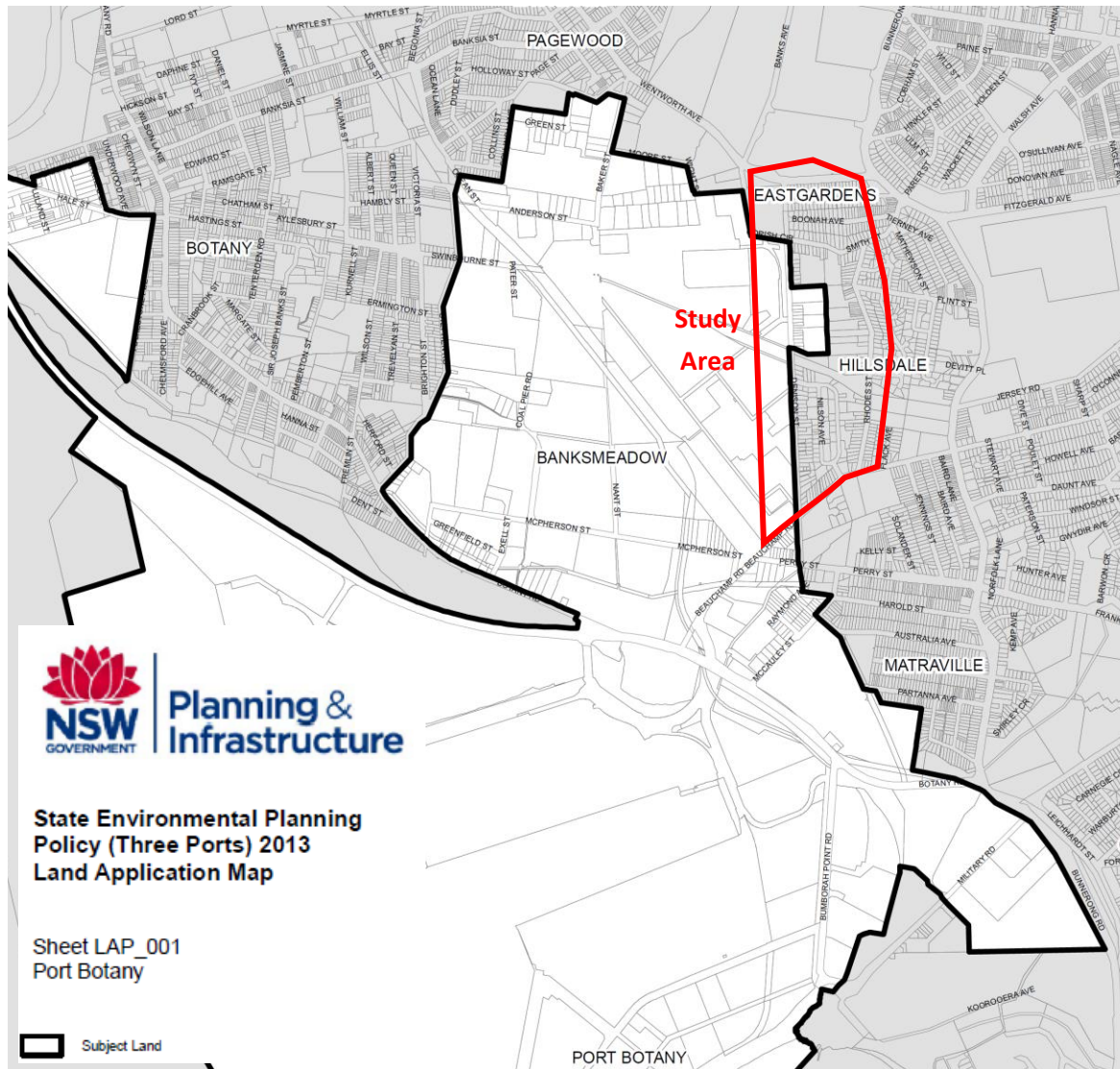
3.1 Introduction

The Study Area partly overlaps two of BBCC's planning precincts: Hillsdale and Eastgardens (Refer to Figure 2). It also partly overlaps land that falls under the Three Ports SEPP, which is principally the Botany Industrial Park (BIP) to the west of Denison Street (Refer to Figure 3), and includes part of the Banksmeadow Industrial Precinct (Refer to Section 3.1.2).

Figure 2 BBCC Planning Precincts [Ref. 1]



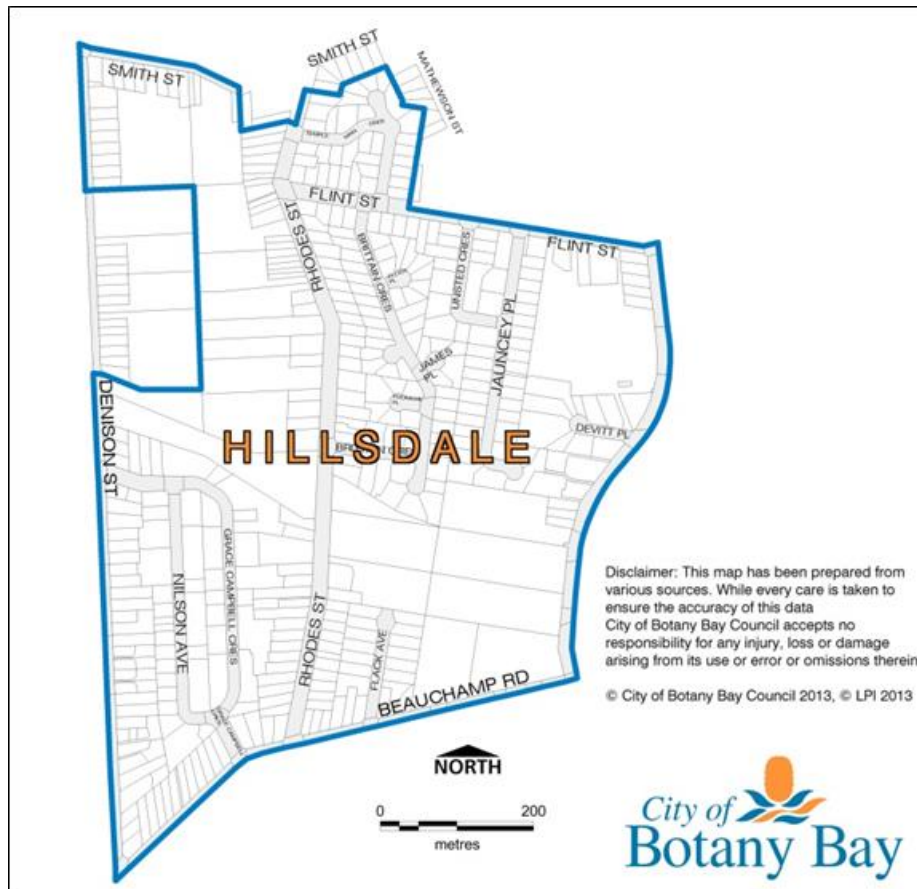
Figure 3 Land Application Map for Three Ports SEPP [Ref. 4]



3.1.1 Hillsdale Precinct

The Hillsdale Precinct is generally bounded by Smith Street, Bunnerong Road, Beauchamp Road and Denison Street (Refer to Figure 4). Rhodes Street Reserve bisects Hillsdale (between Denison Street and Rhodes Street).

Figure 4 Hillsdale Precinct [Ref. 1]



Two and three storey Residential Flat Buildings (RFB) are the dominant multi-unit residential style building type to the east of Rhodes Street. These sites were traditionally detached dwelling sites redeveloped for flat buildings in the 1960s-1970s. More recently, some RFBs have been approved (under construction) to the east and west of Rhodes Street near the Bowling Club.

Villa and townhouse developments occupy the western side of Nilson Avenue and are in the vicinity of Flint Street, Unsted Crescent and Jauncey Place. Dwelling Houses are scattered throughout the Precinct, with the majority located on Rhodes Street (south of the Rhodes Street Reserve) and along Beauchamp Road/Denison Street.

The Hillsdale Local Centre, which is not located within the Study Area, includes major supermarkets and specialty stores.

3.1.2 Eastgardens Precinct

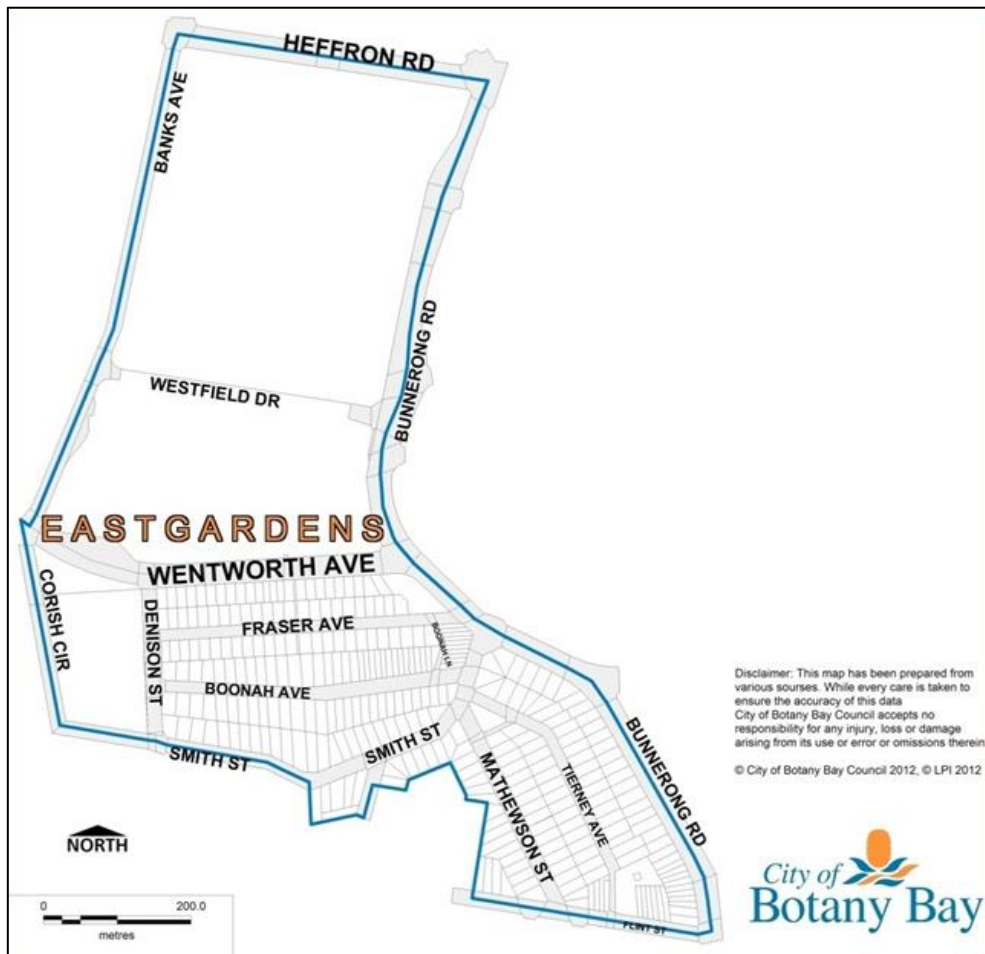
The Eastgardens Precinct (Refer to Figure 5) includes: the Westfield Eastgardens shopping centre (North of Wentworth Avenue); low density detached dwelling houses (South of Wentworth Avenue in Fraser Avenue, Boonah Avenue, Bunnerong Road, Tierney Avenue, Matheson Street and Smith Street); and the Hensley Athletic Field (Bounded by Wentworth Avenue, Denison Street, Smith Street and Corish Circle).

Westfield Eastgardens is a major shopping centre in the area and includes a major bus interchange facility with bus routes connecting Eastgardens with the City, Bondi Junction, Burwood, Rockdale, Little Bay, Port Botany and La Perouse. The shopping centre is bounded by an approved masterplan comprising 2205 dwellings to the north, and a golf course to the west.

Hensley Athletic Field is the only major open space area within this Precinct. It includes: a running track and field events area for athletics; an infield area for field sports such as soccer, rugby league and cricket practice nets.

There are two small pocket parks in the Precinct: (i) Tierney Avenue Reserve at the corner of Flint Street and Tierney Avenue; and (ii) Muller Reserve at the corner of Tierney Avenue and Mathewson Street.

Figure 5 Eastgardens Precinct [Ref. 1]



3.1.3 Banksmeadow Industrial Precinct

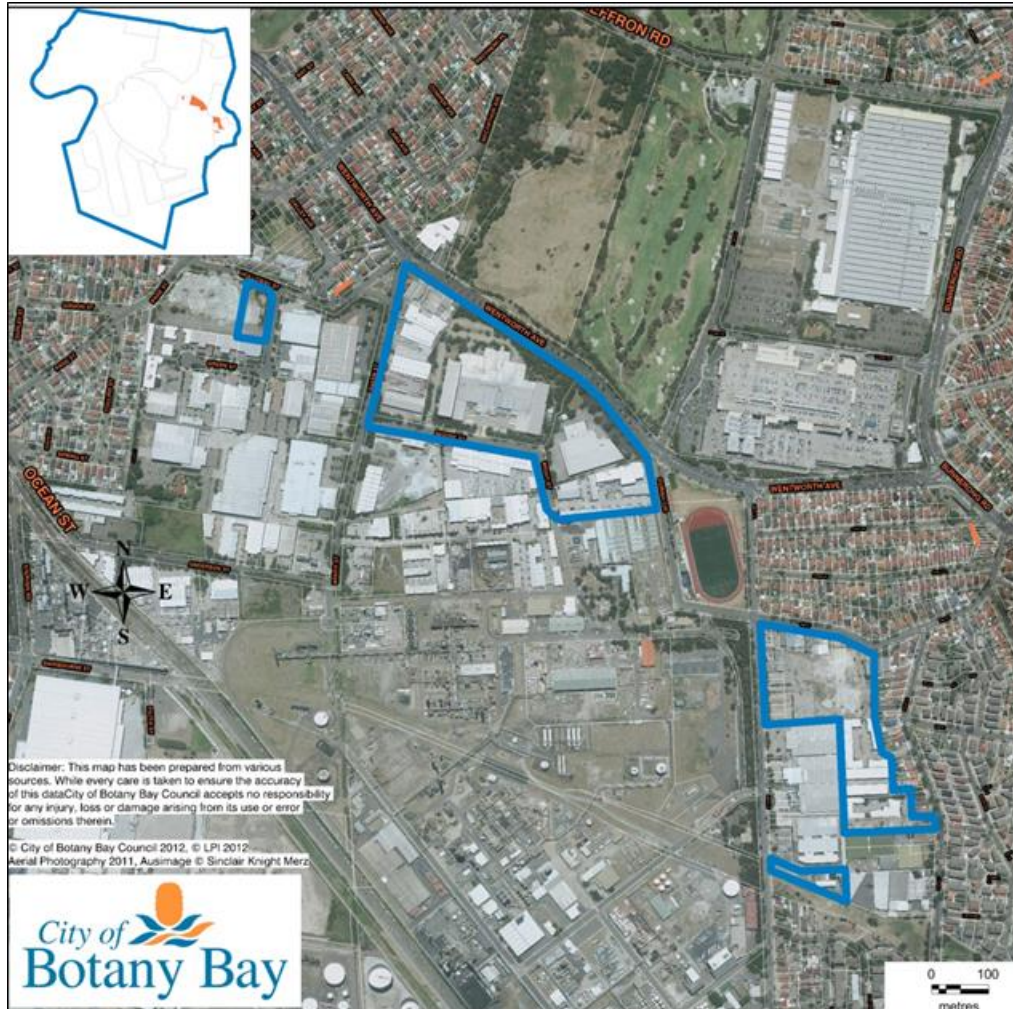
The Study Area includes part of the Banksmeadow Industrial Precinct (Refer to Figure 6).

The Banksmeadow Industrial Precinct includes the following areas [Ref. 1, Part 6.2.8]:

- An area zoned IN2 Light Industrial bounded by Wentworth Avenue, Baker Street, Moore Street, Wight Street, & Corish Circle;
- The B7 Business Park at 32 Page Street, Pagewood; and
- The B5 Business Development and B7 Business Park along Denison, Smith and Rhodes Streets Hillsdale. Note: This is the only part of the Banksmeadow Industrial Precinct located within the Study Area and it is bordered by residential uses in the Hillsdale and Eastgarden Precincts. Refer to Appendix A for description of B5 and B7 land use zones.

The remaining industrial area (Refer to Section 3.1.4) in the Study Area is zoned under the State Environmental Planning Policy (Three Ports) 2013.

Figure 6 Banksmeadow Industrial Precinct [Ref. 1]



The main land uses in this Precinct include manufacturing, warehousing and transport. The Bunnings hardware store, which is currently under construction, is the largest single use in the Study Area (Bounded by Denison Street and Smith Street).

3.1.4 Three Ports SEPP

The Three Ports SEPP applies to the leased port areas (i.e. land leased to a private port operator under the Ports Assets (Authorised Transactions) Act 2012) as well as surrounding land that needs to be maintained for port-related and industrial uses.

The Study Area is outside of the port lease area, but does include land that is covered by the Three Ports SEPP (Refer to Figure 3). The Minister for Planning is the relevant consent authority for State Significant Development and the BBCC is the relevant consent authority for other developments on this land as per Clause 8 of the Three Ports SEPP [Ref. 15].

This area also includes a number of pipelines carrying hazardous substances such as natural gas and jet fuel (Note: These pipelines are located outside the Study Area).

The Botany Industrial Park (BIP), which is located to the west of Denison Street, is the largest industrial use within the Study Area. This area is covered by the Three Ports SEPP and several companies own and operate plants at the BIP. The facilities at the BIP include: a chloralkali plant (manufacture of chlorine, hydrochloric acid, caustic soda, ferric chloride, and sodium hypochlorite), operated by Ixom (Formerly operated by Orica); an olefines plant and plastics manufacturing plants operated by Qenos; and a surfactants facility operated by Huntsman Chemicals. These are potentially hazardous facilities and are categorised as Major Hazard Facilities (MHFs) in accordance with the NSW Work Health and Safety Regulations [Ref. 16].

Land covered by the Three Ports SEPP is also located to the east of Denison Street (Refer to Figure 3). This is currently used for manufacturing and warehousing (i.e. Similar to the adjacent Banksmeadow Industrial Precinct – Refer to Section 3.1.3).

3.2 Land Use Zoning

Land use zones for the Study Area are defined in the BBLEP2013 [Ref. 14] and Three Ports SEPP [Ref. 15]. All of the land in the Study Area that this covered by the Three Ports SEPP is zoned for general industrial use (IN1) [Ref. 5]. The section of the land use zone map from the BBLEP2013 that is applicable to the Study Area is reproduced below (Refer to Figure 7).

The description of each relevant zone (i.e. B5, R2, etc. as shown on Figure 7) from the BBLEP2013 and Three Ports SEPP is reproduced in Appendix A. Each zone description includes:

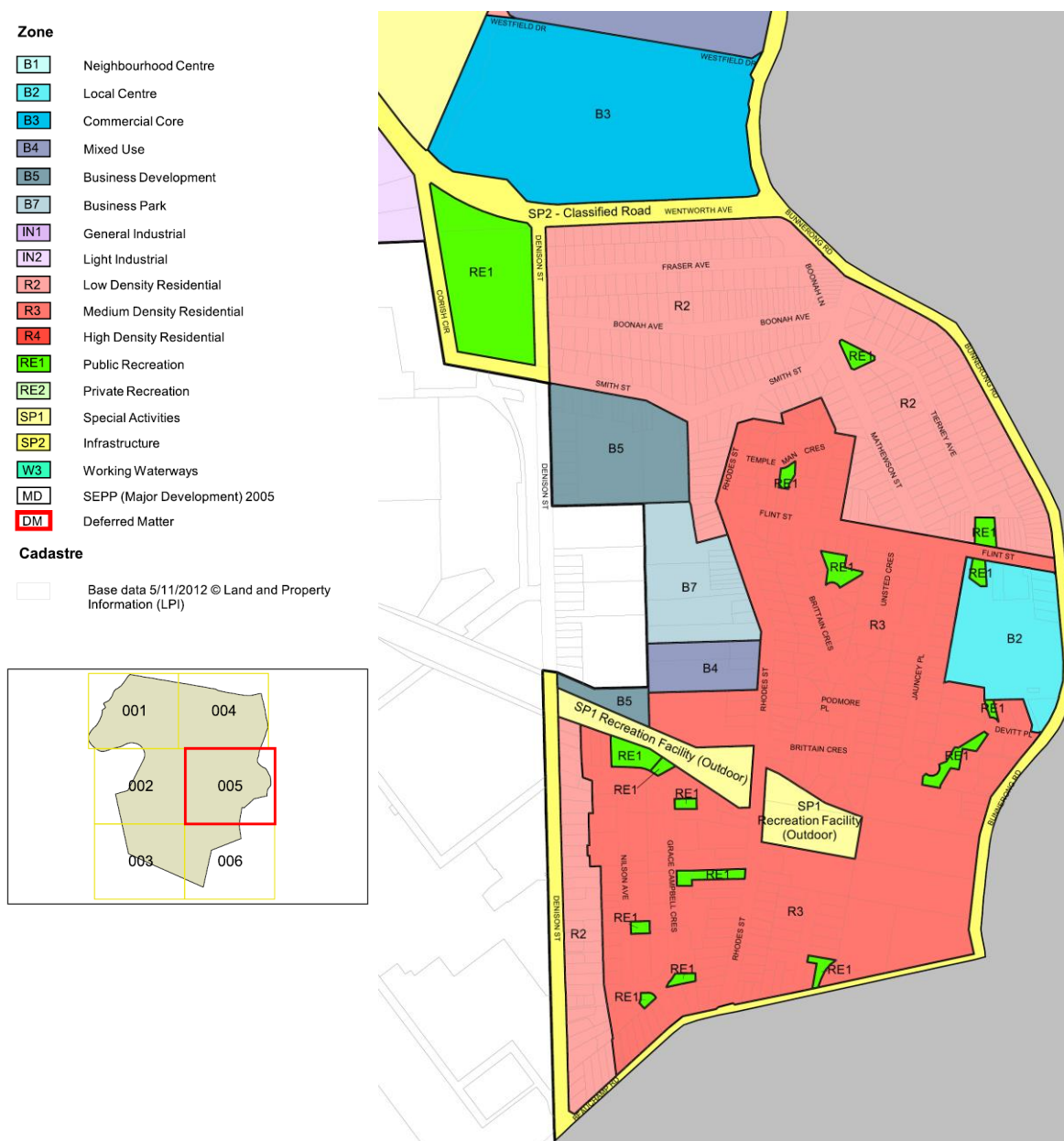
- The objectives for development;
- Development that may be carried out without development consent;
- Development that may be carried out only with development consent; and
- Development that is prohibited.

The consent authority is required to have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

Additional permitted uses also apply for the Hensley Athletics Field and Rhodes Street Reserve [Ref. 14, Schedule 1]. Specifically:

- Development at the Hensley Athletics Field for the purposes of a car park, entertainment facility, food and drink premises, function centre and registered club is permitted with development consent.
- Development at the Rhodes Street Reserve for the purposes of a recreation area is permitted with development consent.

Figure 7 Land Use Zones in Study Area [Ref. 14]



3.3 Population

Current and forecast population data for the Hillsdale - Eastgardens precincts is presented on the forecast.id website [Ref. 12]. Whilst the average number of persons per household is forecast to remain relatively constant (viz. 2.57 in 2011 to 2.58 by 2026), the total population is forecast to grow from 6,103 in 2011 to 9,306 by 2026 - an increase of over 1,200 households with an average annual growth rate of 1.89% to 4.25% [Ref. 12]. The forecast.id data is reproduced in Table 1 below.

The forecast.id data does not indicate where the additional households would be located and it is not clear if the forecast growth can be accommodated within the existing land use zones (particularly the R3 zone for medium density residential uses) or if future rezoning will be necessary. However, recent development applications for medium density residential units to the west of Rhodes Street (Refer to Section 3.4) would suggest that land to the east of Rhodes Street has already been developed for this use.

Table 1 Population Forecast for Hillsdale – Eastgardens [Ref. 12]

	Forecast year					
	2011	2016	2021	2026	2031	2036
Population	6,103	6,883	7,558	9,306	11,126	12,691
Change in population (5 yrs)	--	780	676	1,748	1,820	1,565
Average annual change	--	2.43%	1.89%	4.25%	3.64%	2.67%
Households	2,373	2,664	2,941	3,611	4,334	4,988
Average household size	2.57	2.58	2.57	2.58	2.57	2.54
Dwellings	2,437	2,740	3,033	3,743	4,503	5,196
Dwelling occupancy rate	97.37	97.23	96.97	96.47	96.25	96.00

3.4 Current and Predicted Future Development

3.4.1 Residential Development

Up to 568 additional dwellings are forecast for the Hillsdale and Eastgardens Precincts between 2016 and 2021 (Refer to data presented in Table 1). At the time of this Review, the following residential development applications were being considered by BBCC in the Study Area:

- 41 to 45 Rhodes Street – Demolition of the existing buildings (a vehicle repair building and residential dwelling) and the erection of a 6 storey residential apartment building with 46 apartments.
- 51 to 53 Rhodes Street – Three multi-storey residential apartment buildings with 70-85 residential apartments. This Site is currently zoned B7 Business Park and would require rezoning to permit residential development.
- 42 Beauchamp Road – Replacement of existing residential dwelling with 2 x 3 bedroom townhouses and 1 x 4 bedroom townhouse. This was refused on 14/4/16.

These development applications appear to be representative of the recent residential intensification in the Study Area, which includes a mixture of medium density apartments and townhouses. For example, the multi-storey apartment complex currently being constructed at 39 Rhodes Street includes three apartment blocks and up to 250 apartments.

The current residential development applications for the Study Area, which represent only a part of the Hillsdale and Eastgardens Precincts, suggest that the increases being forecast in Table 1 are not unrealistic.

3.4.2 Commercial and Industrial Development

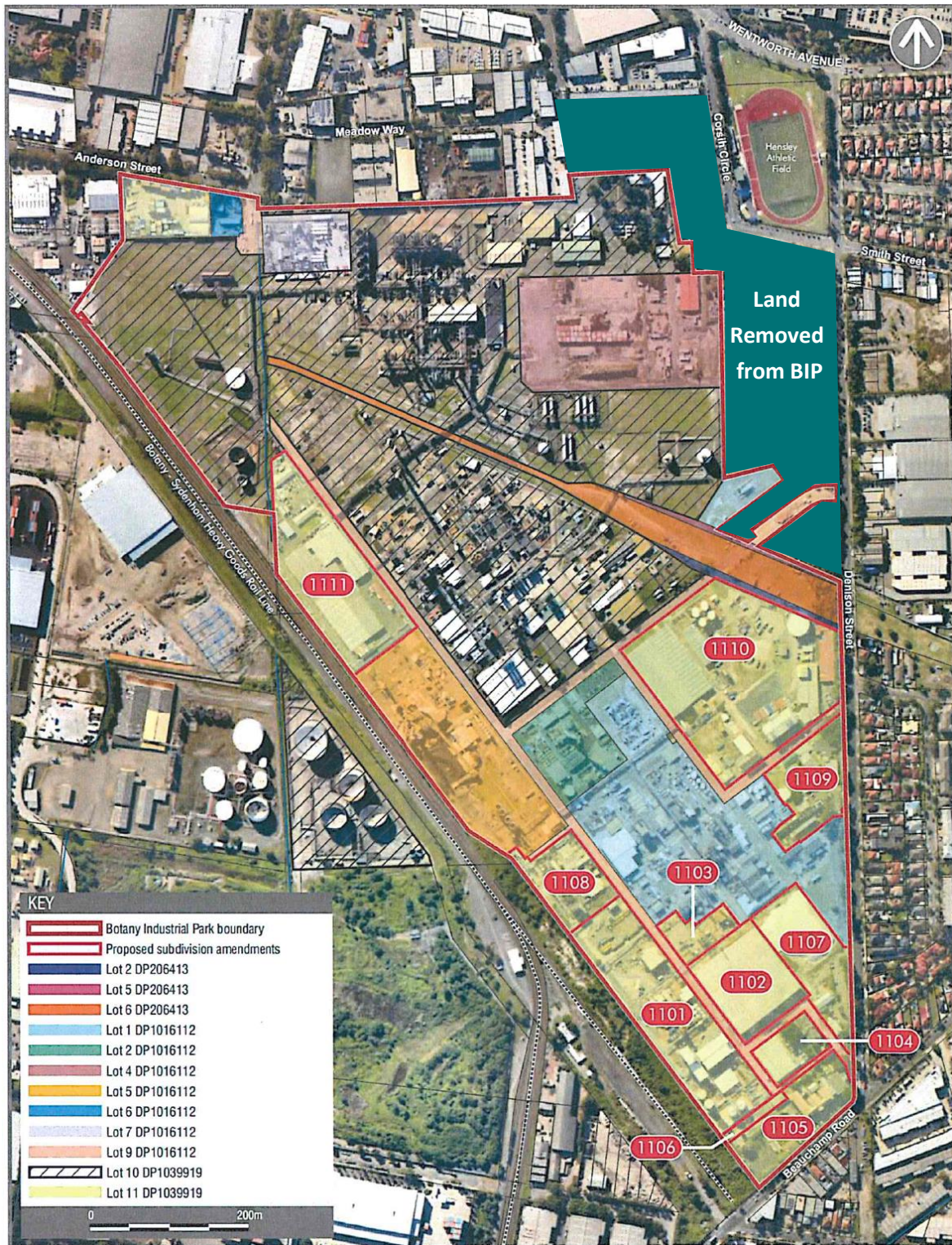
An expansion to the Westfields Eastgardens shopping centre was approved in March 2015. This extension to level 3 has been estimated to increase the number of staff by 168 and persons visiting the centre by c. 84 per day [Ref. 26].

A subdivision of the BIP was approved by the DP&E in August 2015 [Ref. 2]. This reduced the area occupied by the BIP and has released some land for future development along Denison Street and

Corish Circle. This land (Refer to Figure 8) is still within the area that is covered by the Three Ports SEPP and is still zoned for general industrial use (IN1).

No current or predicted future major industrial developments were identified within the Study Area.

Figure 8 Sub-Division of BIP Approved in August 2015 [Ref. 2]

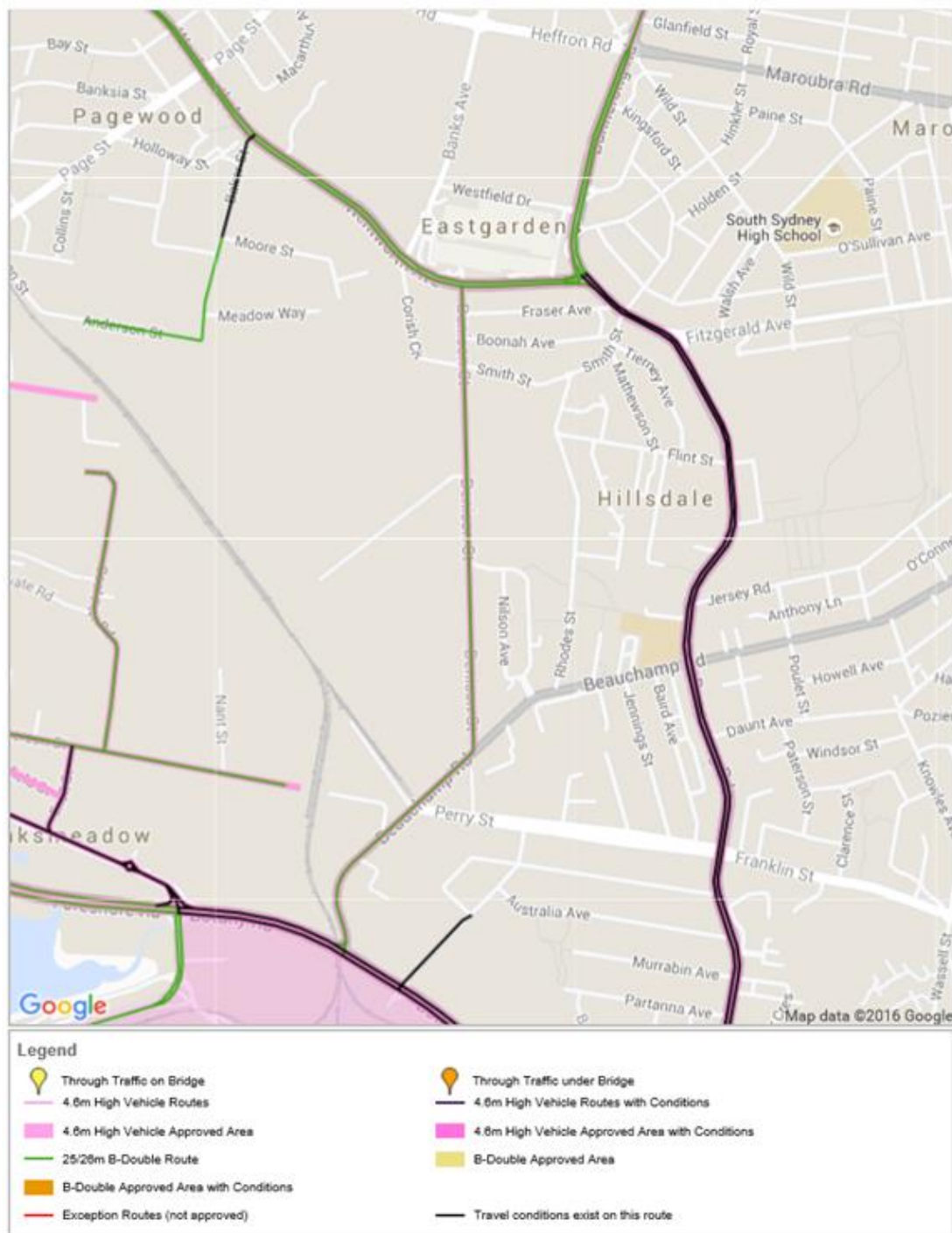


3.5 Roads and Traffic Management

Denison Street is a Roads and Maritime Services (RMS) approved road for heavy vehicles, including vehicles 4.6 m high and B-double trucks up to 25/26 m long (Refer to Figure 9).

Although referred to as a 'designated DG route' in the Botany-Randwick Land Use Safety Study (LUSS, and subsequently cited in the BBDCP2013 – Refer to Section 7.1), this designation appears to have been created for the LUSS and is not based on an RMS policy. RMS does not designate specific roads for the transport of DGs (Note: DGs are prohibited in Sydney's road tunnels).

Figure 9 Heavy Vehicle Access for Denison Street [Ref. 20]



The only proposed change to traffic management on Denison Street is provision of a new intersection (with traffic lights) to access the Bunnings development (under construction). This intersection will control access to / from the new Bunnings Access Road and is proposed to include a restriction on right hand turns from Denison Street (Northbound) into the Bunnings Access Road between 6 am and 10 am Monday to Friday [Ref. 21]. A new left-hand exit lane will be provided for southbound traffic on Denison Street to access the new Bunnings Access Road.

3.6 Summary of Key Points

The following characteristics of the Study Area are particularly relevant for the review of development controls:

- There are multiple precincts in the Study Area: Hillsdale; Eastgardens; and, the Banksmeadow Industrial Precinct. These precincts include a mixture of residential, industrial / commercial and recreational land uses.
- The Hillsdale Precinct and Banksmeadow Industrial Precinct overlap.
- The industrial zoned land covered by the Three Ports SEPP is land that should be maintained for port-related and industrial use [Ref. 15]. The subdivision of the BIP, approved in August 2015, has released some land for future development along Denison Street and Corish Circle.
- There are adjacent residential and industrial land uses, including multiple MHFs in the BIP.
- The forecast population growth could increase the demand for higher density residential development to the east of Rhodes Street.

4 TRANSPORT OF DANGEROUS GOODS IN STUDY AREA

4.1 Current Transport of DGs

An estimate of the frequency of DG heavy vehicle movements along Denison Street is included in the DG Transport QRA ('Transport QRA' and 'Transport QRA Addendum') issued by Scott-Lister in 2015 [Ref. 24 and 25]. It is reported in Section 1 of the more recent Transport QRA Addendum [Ref. 24] that the DG heavy vehicle movements were based on:

- Survey data collected by ROAR Data Pty Ltd (Traffic counts collected during June to July, 2012) [Ref. 23];
- Maximum potential traffic movements from the BIP, based on maximum approved operational capacity and consultation with BIP operators; and
- Northbound through traffic of 4,000 movements per year of DG Class 2.1 liquefied flammable gases (principally LPG) from the bulk liquid and gas storage facilities in Port Botany. Note: This was not included in the original Transport QRA and was added to the later Transport QRA Addendum.

Based on this information, Scott-Lister estimated the frequency of DG heavy vehicle movements along Denison Street [Ref. 25].

It was assumed in the Transport QRA and Transport QRA Addendum that the heavy vehicles travelling south to Port Botany were empty and the heavy vehicles travelling north were full [Ref. 25, Section A2.1]. Therefore, the majority of the southbound vehicle movements are 'empty' vehicles. The 'empty' DG Class 2 and Class 3 bulk tankers were still assumed to contain a heel of liquid and were modelled accordingly [Ref. 25, Section A2.1].

Although not explicitly stated in the Transport QRA and Transport QRA Addendum, the reported data appears to include both packaged DGs and bulk DGs. This is based on the observation that the cited ROAR survey data [Ref. 23] includes vehicle types used for packaged and bulk DGs (viz. Rigid, Rigid Tanker, Articulated, Articulated Tanker, B-Double and B-Double Tanker) and that Chlorine is referred to in Section 2.1.1 of the Transport QRA as being transported in "drums, cylinders or isotainers". The distribution of packaged vs. bulk DG movements cannot be determined from the information provided in the Transport QRA and Transport QRA Addendum, although the emphasis would appear to be on bulk DG movements (i.e. tankers).

In 2003, Sydney Ports' (now NSW Ports) estimated that 1% of the total containerised trade through Port Botany would be transported via Beauchamp Road [Cited in Ref. 19, Section 7.3], which would then presumably follow Denison Street. In 2015, NSW Ports reported that "around 10 per cent of port related trucks using Beauchamp Road/Denison Street to travel to and/or from Port Botany" [Ref. 17, p.49], and this % appears to include both containerised and bulk trade.

In 2015, NSW Ports reported that that there were 3,900 heavy vehicle movements per day at the port [Ref. 17, p.47], which includes approximately: 3,580 trucks per day (full and empty containers) and 320 bulk tankers per day from the bulk liquid and gas storage facilities. 10% of the 320 bulk liquid tankers per day equates to 11,680 tankers per year along Denison Street. This is very close to the total northbound (i.e. laden) vehicle movements used in the Transport QRA Addendum for the southern section of Denison Street (i.e. prior to additional laden vehicles entering Denison Street from Gate 3 at the BIP).

In 2015, NSW Ports reported that that the total container trade at Port Botany was 2.3 million TEUs [Ref. 17, p.37]. Currently, approximately 3% of containerised goods include DGs.

4.2 Predicted Changes to DG Transport

It is difficult to predict accurately how the transport of DGs will change along Denison Street in the future. There are many external factors that could change the frequency of vehicle movements and/or the type of DGs being transported. These factors include: major changes to road infrastructure (e.g. such as the proposed WestConnex project); changes to the modes of transport for DGs (e.g. more or less use of rail infrastructure); and/or changes to the global and local market for DGs (viz. changes to the type and quantity of chemicals imported / exported through Port Botany and those produced locally). Therefore, the longer the forecast period, the greater would be the uncertainty associated with any prediction.

Over the next 10 years, NSW Ports has predicted that the frequency of bulk tanker movements at Port Botany could increase to between 390 to 430 tankers per day (Refer to Table 2). This represents an increase of approximately 22% to 34% on the 390 actual movements per day in 2015 [Ref. 17]. This increased volume is currently predicted to remain relatively constant through to 2045 (Refer to Table 2).

Over the same 10 years, NSW Ports has predicted that the frequency of container truck movements (full / empty containers) at Port Botany could increase to between 4,310 to 5,270 trucks per day (Refer to Table 2); an increase of approximately 20% to 47% on the 2015 actual movements of 3,580 per day [Ref. 17]. The longer term forecast is an increase of approximately 80% (Refer to Table 2).

Table 2 Forecast Increase to Heavy Vehicle Movements (per day) at Port Botany [Ref. 17]

Heavy Vehicle Type	Year			
	2015	2025	2035	2045
Trucks (Full / empty containers)	3,580	4,310 to 5,270	5,310 to 6,470	5,910 to 6,470
Bulk Tankers	320	390 to 430	390 to 430	390 to 430
Total =	3,900	4,700 to 5,700	5,700 to 6,900	6,300 to 6,900

In 2015, NSW Ports reported that that the total container trade at Port Botany was forecast to grow from 2.3 million TEUs in 2015 to: between 3.4 and 4.3 million TEUs per year by 2025; and, between 7.5 million and 8.4 million TEUs per year by 2045 [Ref. 17, p.37]. NSW Ports does not believe that the proportion of containerised goods including DGs (currently c. 3%) will change in the next 5 to 10 years.

It is understood from discussions with ARTC and NSW Ports that there is no current plan to increase the proportion of DGs transported by rail.

4.3 Summary of Key Points on DG movements in Study Area

The following points summarise the discussions in Sections 4.1 and 4.2.

- The scope of this Review did not include a detailed verification of the transport data used in any of the currently available QRAs for the Study Area (Refer to Section 1.3). However, based on the information presented in Section 4.1:

- The frequency of DG heavy vehicle movements for Denison Street reported in the Transport QRA / Transport QRA Addendum [Ref. 24 and 25] and in the NSW Ports' 30 Year Master Plan [Ref. 17] appear to be comparable when applied for 2015. However, the uncertainty in this data could be high due to the relatively short survey period (viz. June to July, 2012) reported in the Transport QRA / Transport QRA Addendum.
- The data reported in the Transport QRA / Transport QRA Addendum [Ref. 24 and 25] appears to include both packaged DGs and bulk DGs, although the emphasis would appear to be on bulk DG movements (i.e. tankers). The split is unknown.
- It is reported in the Transport QRA / Transport QRA Addendum [Ref. 24 and 25] that the DG heavy vehicle movements were based on the maximum potential traffic movements from the BIP (i.e. based on maximum approved operational capacity). It is not known if the facilities operate to the approved capacity.
- NSW Ports has predicted that the frequency of bulk DG tanker movements at Port Botany could increase by 34% over the next 10 years, and will then remain relatively constant through to 2045 (Refer to Section 4.2). A similar proportional increase may be applicable for Denison Street, although many factors have the potential to affect the frequency of vehicle movements and/or the type of DGs being transported at this specific location (Refer to Section 4.2).
- It is understood from discussions with ARTC and NSW Ports that there is no current plan to increase the proportion of DGs transported by rail.
- A 50% increase to DG heavy vehicle movements along Denison Street would appear to be a reasonable conservative assumption for the Study Area over the next 10 years.

5 RISK ANALYSES FOR STUDY AREA

5.1 Introduction

Quantitative Risk Assessments (QRA) and Land Use Safety Studies (LUSS) have been undertaken for the industrial facilities in the Study Area since 1985. These studies have, on occasion, also included consideration of DG transport along Denison Street.

The first risk study undertaken by the DP&E specifically for land use safety planning was in 1985 and included the industrial facilities in the Botany-Randwick area and Port Botany. This was followed by two LUSSs: (i) The *Port Botany Land Use Safety Study* in 1996; and; the *Botany / Randwick Industrial Area Land Use Safety Study* in 2001.

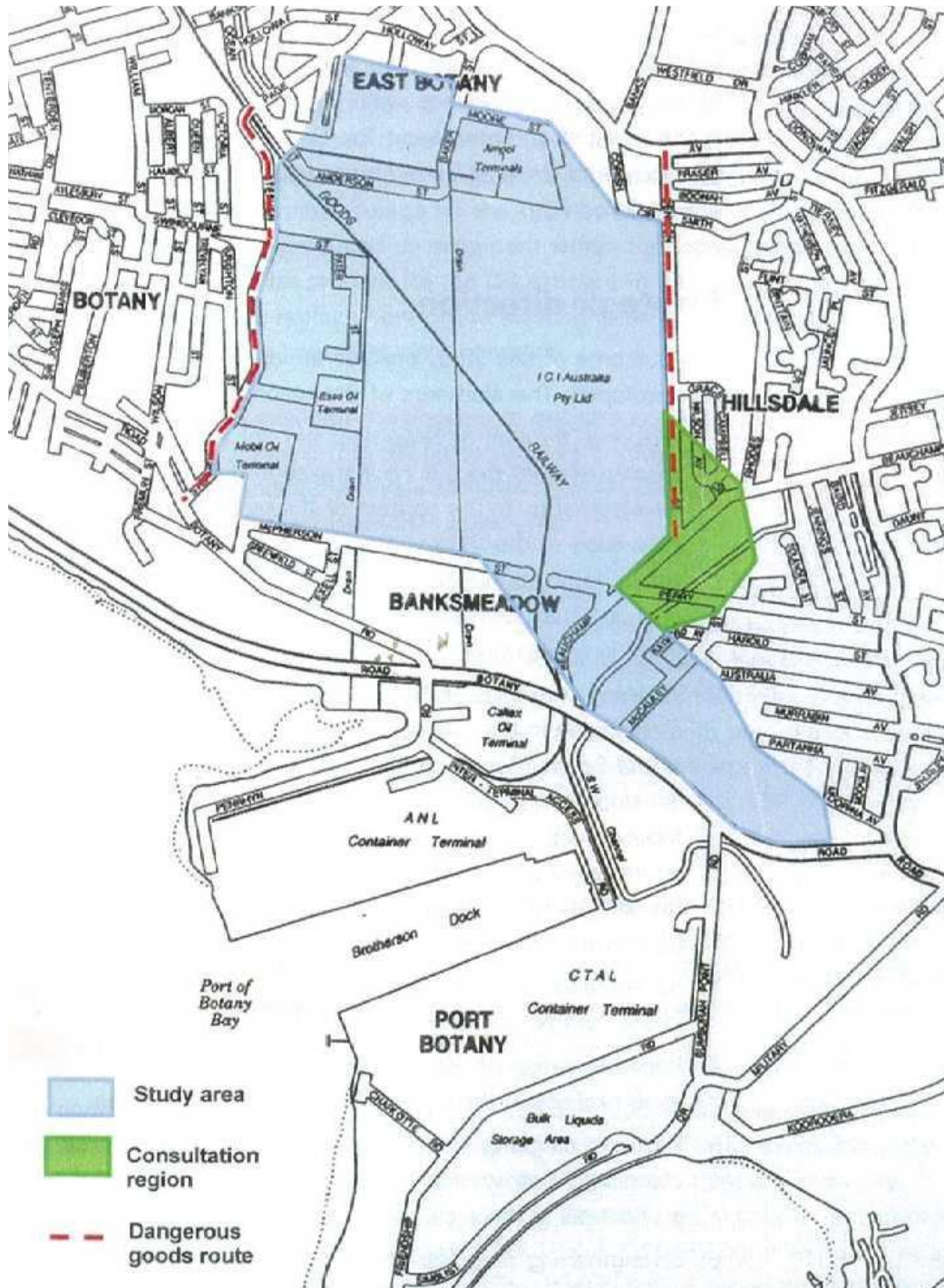
The most relevant QRAs for industrial facilities and DG transport in the Study Area, currently include:

- Industrial facilities:
 - *Quantitative Risk Assessment, Summary Report, Botany Industrial Park* [Ref. 27].
- DG transport:
 - *Port Botany Expansion Preliminary Hazard Analysis (June 2003)* [Ref. 19].
 - *Dangerous Goods Transport QRA, Denison Street Hillsdale (12 February 2015)* [Ref. 25] and *Addendum to Dangerous Goods Transport QRA, Denison Street Hillsdale (19 May 2015)* [Ref. 24].

5.2 Land Use Safety Studies for Botany-Randwick Industrial Area

The risk study undertaken by the DP&E in 1985 for the industrial facilities in the Botany-Randwick area recommended there be no intensification of residential development within areas identified in the study and that planning controls be implemented accordingly. A similar finding was made in the most recent LUSS for the Botany-Randwick industrial area in 2001 [Ref. 9], however, the extent of the cumulative individual risk contours has progressively reduced as operations have changed. In particular, the change to the Chlorine production process at the Ixom facility (including ceasing the bulk storage of liquid chlorine) has significantly reduced the cumulative risk. Only part of the Hillsdale Precinct is now identified in the 2001 LUSS as being an area where 'residential intensification' or 'sensitive use intensification' should be specifically reviewed in consultation with the DP&E (Refer to Figure 10). Note: The 2001 LUSS did not include the impacts of DG traffic along Stephen Road and Denison Street.

Figure 10 Consultation Region from 2001 LUSS [Ref. 9]



The key recommendations from the 2001 LUSS are summarised in the current BBDCP2013 as follows:

1. Future developments in the Botany / Randwick industrial area should be subject to early risk assessment and comprehensive environmental impact processes to conclusively demonstrate they will not contribute to risk impacts outside the industrial area that are inappropriate for surrounding land uses.

2. Effective land use safety planning should be implemented to allow future developments in the area, and to reconcile any potential land use planning conflicts.
3. A process of regular reviews and updates for site safety management systems should be undertaken.
4. Emergency plans and procedures, and fire prevention and protection systems should be kept up-to-date.
5. Industrial facilities should adopt community right-to-know principles to ensure the community is adequately informed about activities, associated risks and safety management measures adopted within the Botany / Randwick industrial area.

5.3 QRA for Botany Industrial Park

In 2012, a cumulative QRA was undertaken by Sherpa Consulting (Sherpa) for the facilities in the Botany Industrial Park (BIP) [Ref. 27]. This QRA ('2012 BIP QRA') was carried out to comply with the following Condition of Consent [Ref. 10]:

Site Cumulative Risk Assessment

- (a) *The SPC will maintain an updated Cumulative Risk Assessment for the BIP. The Assessment report: shall include individual fatality, injury and irritation risk and societal risk using the most recently available population and meteorological data. This report and all documentation shall be in accordance with the Department's Hazardous Industry Planning Advisory Paper No 6: Hazard Analysis Guidelines.*
- (b) *Each member of SPC must provide the relevant information and resources to the SPC to ensure that the Assessment is reviewed and updated as necessary.*
- (c) *The Site Cumulative Risk Assessment report shall be maintained as a 'living document' and updated as modifications occur on the BIP. The updated report shall be submitted to the Director-General for approval on a three yearly basis.*
- (d) *All State significant development applications submitted to the Department for consideration containing a preliminary hazard analysis must include updated BIP Cumulative Risk Assessment results.*

(Note: 'SPC' stands for 'Special Purpose Company'. The SPC was set up for the BIP to address this, and other Conditions of Consent).

The Condition of Consent requiring a site cumulative risk assessment was subsequently modified in 2015 and the standard renewal period for the QRA was extended from 3 to 5 years. The modified Condition of Consent is as follows [Ref. 2]:

Site Cumulative Risk Assessment

- (a) *The SPC shall maintain an updated Quantitative Risk Assessment for the BIP. This Risk Assessment shall be updated:*
 - i. *if there is a change at the BIP, which will significantly change the results of the Risk Assessment; or*
 - ii. *if required by the Secretary; or*
 - iii. *in accordance with the provisions of the Work Health and Safety Regulation 2011; or*
 - iv. *at least every 5 years.*

- (b) Each quantitative risk assessment (or update to such an assessment) shall include individual, fatality, injury, and irritation risks and societal risks using the most recently available population and meteorological data. Each quantitative risk assessment (or update to such an assessment) shall be in accordance with Hazardous Industry Planning Advisory Paper No. 6 – Guidelines for Hazard Analysis (DoP, 2011).*
- (c) Each member of SPC shall provide the relevant information and resources to the SPC to ensure that each quantitative risk assessment (or update to such an assessment) is reviewed and updated as necessary.*
- (d) Each quantitative risk assessment (or update to such an assessment) shall be submitted to the Secretary for approval.*

The QRA model was first compiled in 2006; and, the 2012 version, which included some relatively minor updates made as a result of the MHF/Safety Report process, only included some minimal differences to the overall risk results presented in the 2010 version [Ref. 27, Section 1.6].

The 2012 BIP QRA did not include [Ref. 27, Section 2.10]:

- Vehicle movements within the BIP.
- Vehicle transport to and from the BIP.
- Pipelines external to the BIP.

In Section 8.4 of the 2012 BIP QRA it is reported that “the largest impact distance is from a liquid chlorine leak from an in-transit 13 tonne road tanker”. Other high consequence events with the potential to affect populations in proximity to the BIP are listed in Section 1.9 of the BIP QRA as follows:

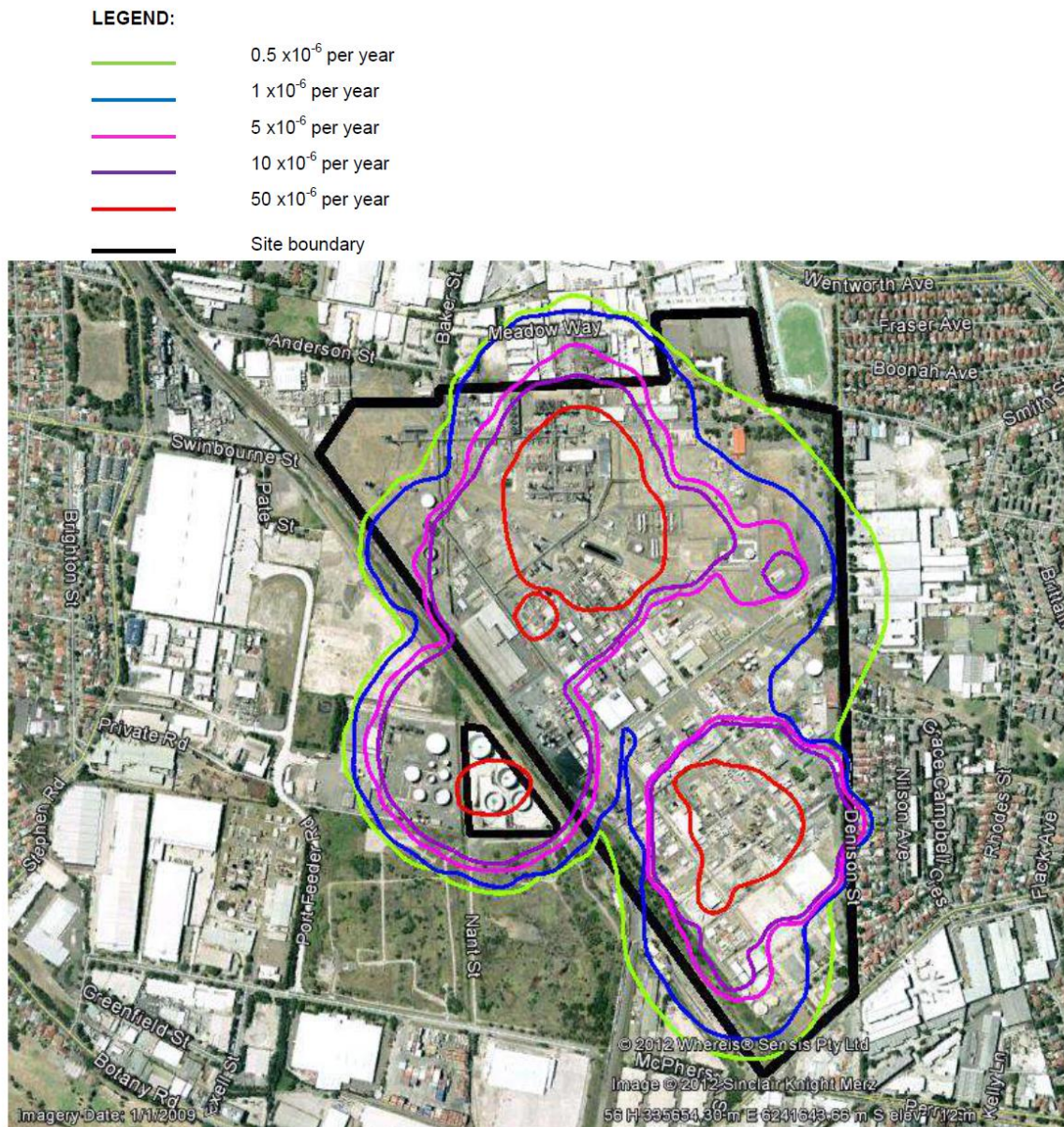
- Flashfire / explosions due to large leak or rupture of the ethylene sphere.
- Flashfire / explosions (including BLEVEs) due to large leak or rupture of the propane / propylene storages.
- Ethylene oxide decomposition events.
- Liquid chlorine leaks from in-transit road tanker or in-transit drums.

5.3.1 Individual Fatality Risk

The cumulative individual fatality risk contours included in the 2012 BIP QRA are shown on Figure 11. Whilst the cumulative individual fatality risk contours generally comply with the DP&E’s relevant risk criteria for proposed developments (Refer to Section 6.2.3.1), there is a small encroachment (c. 30 m) of the 1×10^{-6} per year individual fatality risk contour to the east of the Huntsman facility across the Denison Street eastern BIP boundary into the residential area [Ref. 27, Section 10.1] (Refer to Figure 11).

The 0.5×10^{-6} per year contour extends approximately 50 to 100 m beyond the BIP site boundary in most directions, but does not reach any sensitive land uses [Ref. 27, Section 1.7] (Refer to Figure 11). The individual fatality risk at the nearest sensitive use (viz. Matraville Public School around 400 m from the Denison St boundary) is reported to be below 1×10^{-8} per year [Ref. 27, Section 1.7].

Figure 11 Cumulative Individual Fatality Risk for BIP in 2012 [Ref. 27]



5.3.2 Injury Risk

The cumulative individual injury risk contours included in the 2012 BIP QRA are shown on Figure 12 (Heat Radiation $\geq 4.7 \text{ kW/m}^2$), Figure 13 (Overpressure $\geq 7 \text{ kPa}$), Figure 14 (Acute Toxic Injury) and Figure 15 (Acute Toxic Irritation).

The 50×10^{-6} per year injury risk contours for heat radiation ($\geq 4.7 \text{ kW/m}^2$) and overpressure ($\geq 7 \text{ kPa}$) marginally extend into residential areas along Denison Street.

The 50×10^{-6} per year acute toxic injury and irritation risk contours extend several hundred metres into residential areas (Predominantly south of the Rhodes Street Reserve and west of Rhodes Street).

Figure 12 Cumulative Risk of Heat Radiation $\geq 4.7 \text{ kW/m}^2$ for BIP in 2012 [Ref. 27]

LEGEND:



Figure 13 Cumulative Risk of Overpressure $\geq 7 \text{ kPa}$ for BIP in 2012 [Ref. 27]

LEGEND:



Figure 14 Cumulative Acute Toxic Injury Risk (ERPG-3) for BIP in 2012 [Ref. 27]


LEGEND:

 10×10^{-6} per year



Figure 15 Cumulative Acute Toxic Irritation Risk (ERPG-2) for BIP in 2012 [Ref. 27]

LEGEND:

 50×10^{-6} per year



5.3.3 Risk of Property Damage and Accident Propagation

The cumulative property damage and accident propagation risk contours included in the 2012 BIP QRA are shown on Figure 16 (Heat Radiation $\geq 23 \text{ kW/m}^2$) and Figure 17 (Overpressure $\geq 14 \text{ kPa}$). The 50×10^{-6} per year risk contours for heat radiation ($\geq 23 \text{ kW/m}^2$) and overpressure ($\geq 14 \text{ kPa}$) do not extend beyond the boundary of the BIP into any industrial use areas along Denison Street.

Figure 16 Cumulative Risk of Heat Radiation $\geq 23 \text{ kW/m}^2$ for BIP in 2012 [Ref. 27]

LEGEND:



Figure 17 Cumulative Risk of Overpressure $\geq 14 \text{ kPa}$ for BIP in 2012 [Ref. 27]

LEGEND:



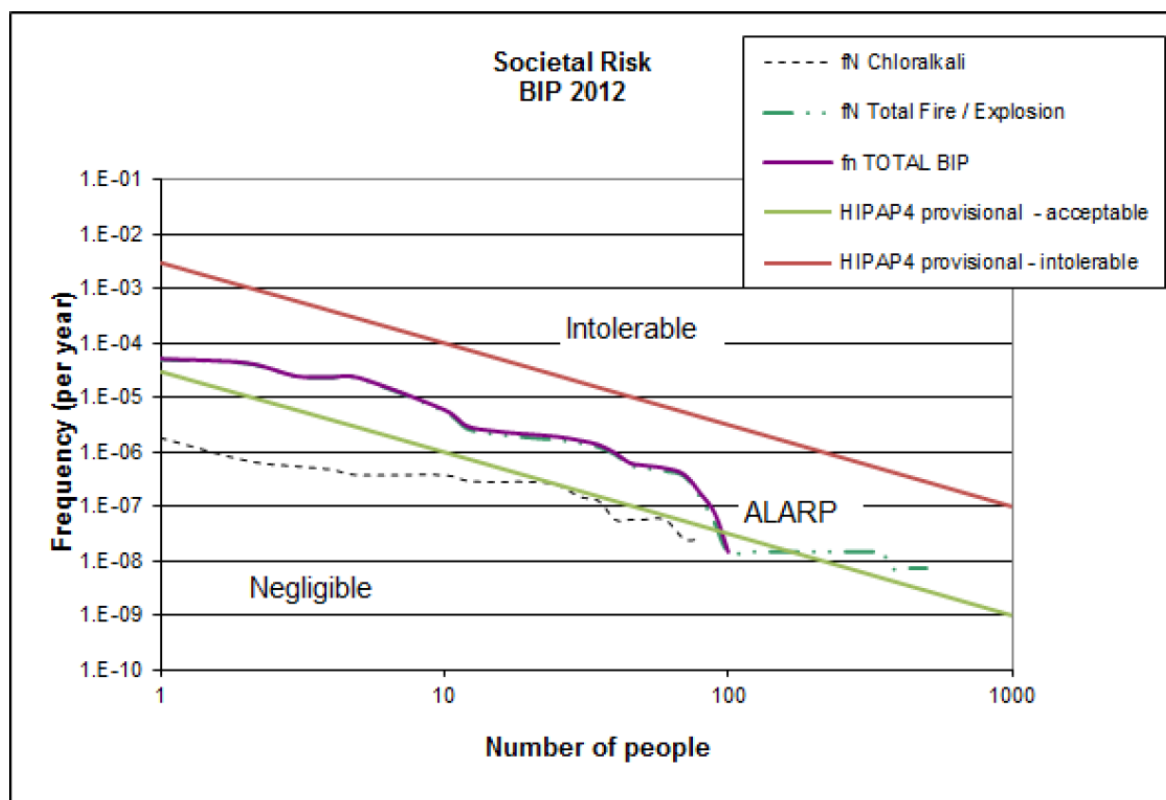
5.3.4 Societal Fatality Risk

The societal fatality risk results ('FN Curve') included in the 2012 BIP QRA are shown on Figure 18. These results exclude the populations at the BIP, Nant Street, the rail corridor and Southlands; and this approach is reported to have been agreed with the DP&E [Ref. 27, Section 9.5.2].

It is reported in the 2012 BIP QRA that the societal risk is dominated by fire / explosion events (viz. > 80%, which is difficult to determine on Figure 18 as this almost coincides with the 'total' curve), rather than toxic exposure events (viz. c. 10%-15%) [Ref. 27, Section 9.5.2].

The societal risk results ('FN Curve') for the toxic events alone is wholly within the 'Negligible' risk zone (Refer to Figure 18). The societal risk results ('FN Curve') for all events is predominantly within the 'Tolerable if ALARP' zone and does not extend into the 'Intolerable' zone (Refer to Figure 18).

Figure 18 Societal Fatality Risk for BIP in 2012 [Ref. 27]

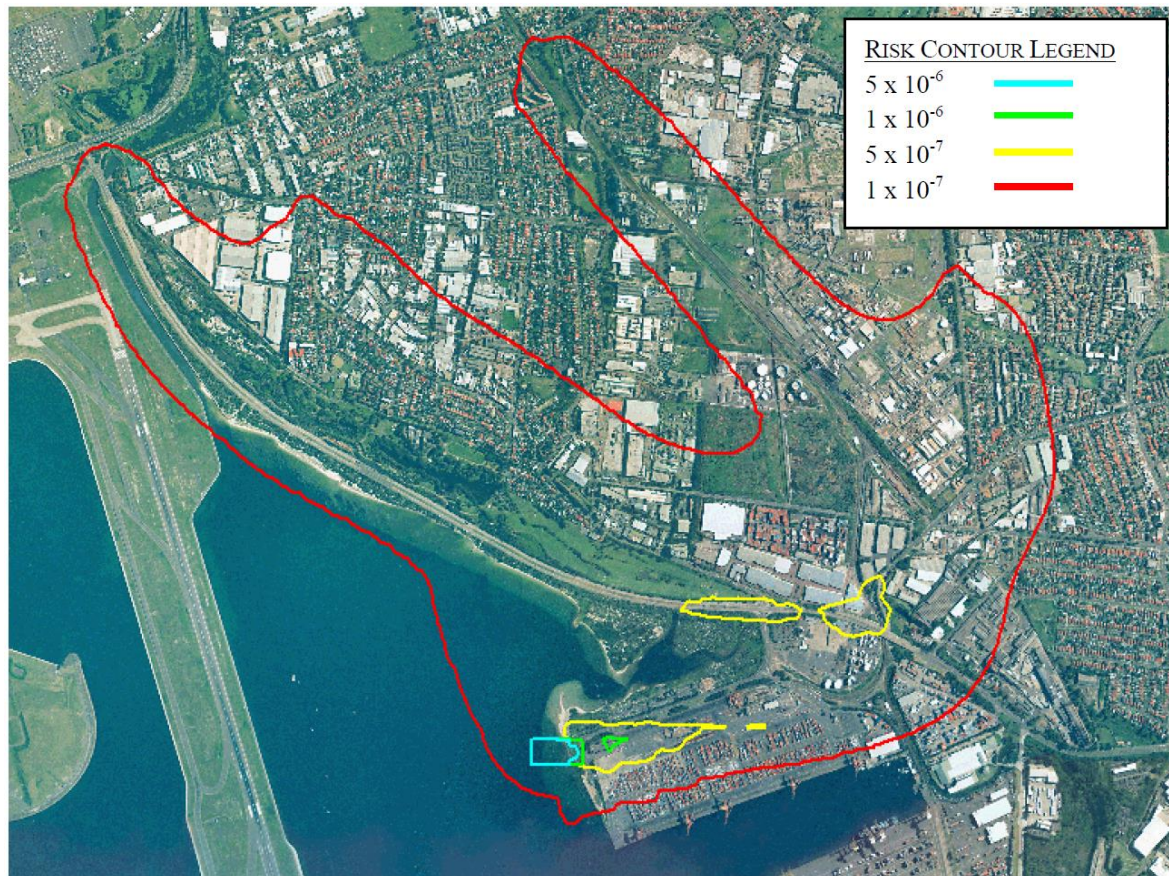


5.4 QRAs for Transport of Dangerous Goods

5.4.1 Port Botany Terminal Expansion

In 2003, Qest Consulting Group undertook a QRA for the expansion of the container terminal at Port Botany [Ref. 19]. This included an estimate of the individual fatality risk associated with a forecast 3.4 million TEUs throughput for the entire terminal (i.e. not just the throughput for the expansion) and only included the transport of containerised DGs [Ref. 19, Section 7.2]. The individual fatality risk along Denison Street (Refer to Figure 19) was based on Sydney Ports' (now NSW Ports) estimate that 1% of the total containerised trade would be transported via Beauchamp Road [Ref. 19, Section 7.3], which would then presumably follow Denison Street.

Figure 19 Cumulative Individual Fatality Risk for Transport of 3.4 Million TEUs - Port Botany Terminal Expansion, 2003 [Ref. 19]



The total trade of containerised goods in 2015 was 2.1 million TEUs per year and based on NSW Ports' current forecast estimates (Refer to Section 4.2) it is not expected to reach 3.4 million TEUs until c. 2025. Therefore, the individual fatality risk contour shown on Figure 19 may still be valid (Assuming the mix of DGs has not significantly changed).

5.4.2 QRA for Transport of DGs on Denison Street

In February 2015, Scott-Lister issued a Transport QRA for movement of DGs along Denison Street [Ref. 25]. Later in 2015, Scott-Lister issued an addendum [Ref. 24] to include the risks associated with an additional 4,000 movements per year of DG Class 2.1 liquefied flammable gases (principally LPG) from the bulk liquids berth in Port Botany. As noted in Section 4.1, the Scott-Lister Transport QRA and Transport QRA Addendum appear to predominantly focus on bulk DG movements (i.e. road tankers) and the transport of Chlorine in "drums, cylinders or isotainers"

In Section 2.2.2 of the Transport QRA [Ref. 25] it is reported that an analysis of the RMS accident data was undertaken and this revealed that 66% of accidents had occurred at main intersections and the remaining 33% had occurred "mid-block". Therefore, 66% of the release frequency was allocated to the three main intersections (22% at each) at:

- Denison Street and Beauchamp Road;
- Denison Street and Wentworth Avenue; and
- Denison Street and BIP Gate 3.

The remaining release frequency was evenly distributed along Denison St.

More recent crash data (Refer to Table 3) was obtained from RMS for Denison Street (Including the intersections at Wentworth Avenue and Beauchamp Road) for 1 Jan 2010 to 31 Dec 2014 [Ref. 22]. This includes *all* vehicle types and would appear to justify the assumption from the Transport QRA that the majority of crashes may be expected to occur at intersections (Refer to Table 3). The majority of the reported crashes involved multiple vehicles (c. 94%) and did not result in an injury (c. 67%). Approximately two-thirds of the reported crashes occurred between midday and 7 pm.

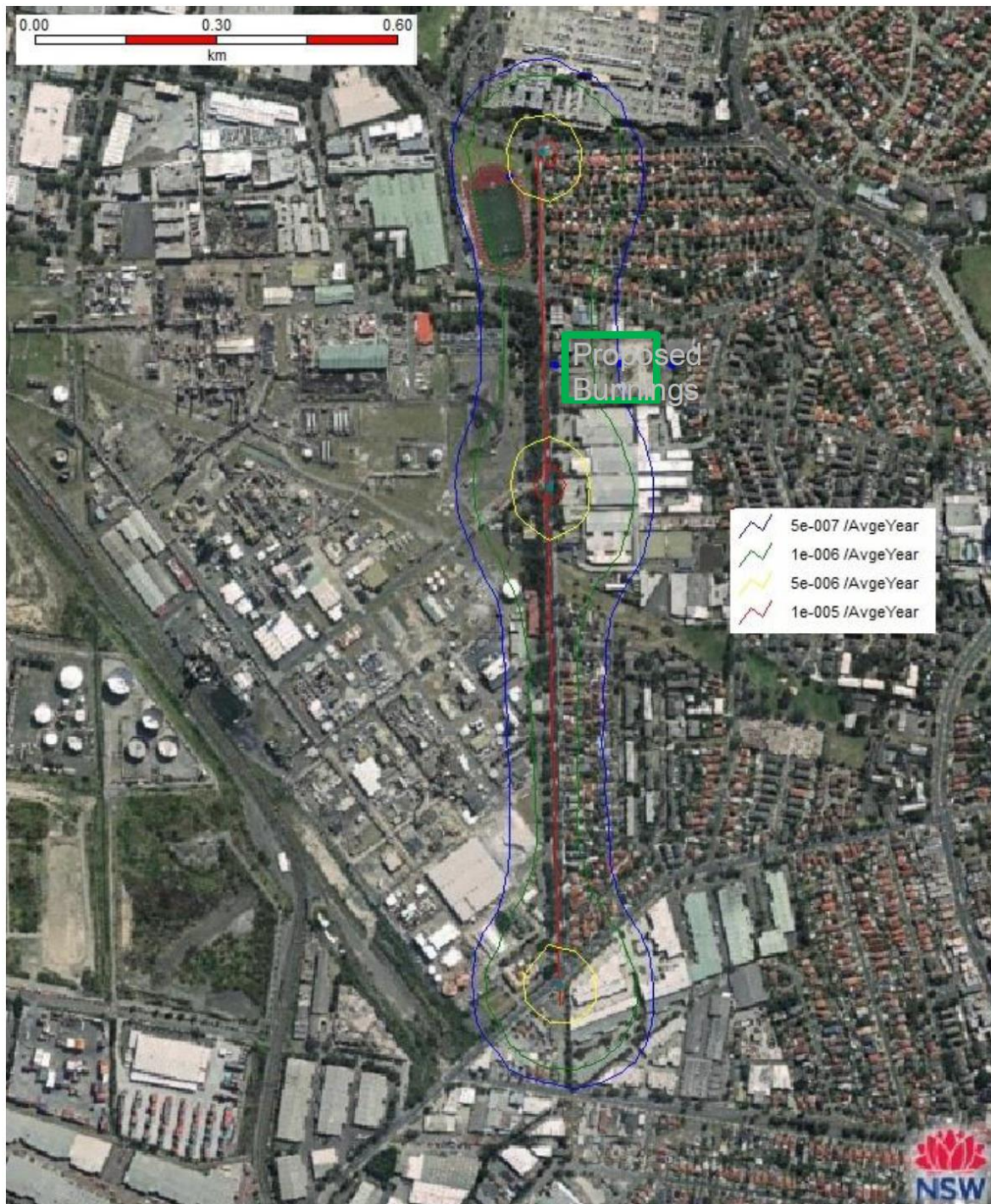
Table 3 Vehicle Crash Data for Denison Street (2010 to 2014) [Ref. 22]

Location Type	No. of Crashes	%
Intersection (Includes up to 10 m from an intersection)	41	83.7%
Non intersection	8	16.3%
Collision Type	No. of Crashes	%
Single Vehicle	3	6.1%
Multi Vehicle	46	93.9%

The effect of assuming a higher accident rate at intersections is clearly indicated by the shape of the cumulative individual fatality risk contours (Refer to Figure 20). The magnitude and extent of the contours is the greatest in the vicinity of three intersections, particularly the intersection of Denison Street and BIP Gate 3.

In Section 3.1.1 of the Transport QRA it is reported that events involving the transport of Polymer Grade Propylene (PGP) account for over 65% of the 'near field' fatality risk and events involving the transport of Chlorine account for over 97% of 'far field' fatality risk (i.e. at the extremity of the contours presented) [Ref. 25].

Figure 20 Cumulative Individual Fatality Risk for Transport of DGs along Denison St [Ref. 24]



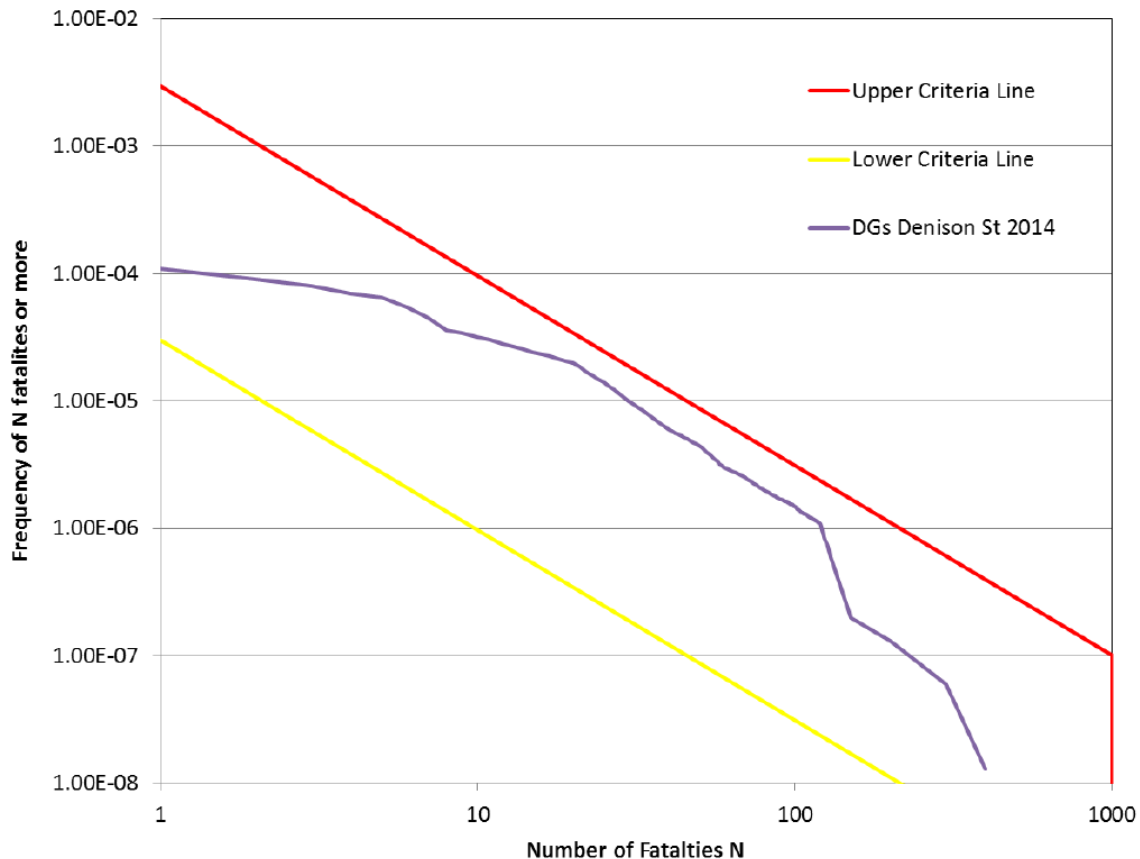
The maximum fatality risk from transport of containerised goods along Denison Street (Refer to Figure 19) appears to be an order of magnitude lower than the corresponding risk from transport of (predominantly) bulk DGs (Refer to Figure 20).

The societal fatality risk results ('FN Curve') included in the Transport QRA Addendum are shown on Figure 21 [Ref. 24]. These results include nearby industrial populations in addition to all other population categories, as described in the Transport QRA [Ref. 25, Appendix A, Section 2.4].

The societal risk results ('FN Curve') for all DG transport events is predominantly within the 'Tolerable if ALARP' zone and does not extend into the 'Intolerable' zone (Refer to Figure 21).

However, it is noted that the societal risk results ('FN Curve') included in the Transport QRA Addendum is closer to the 'Intolerable' zone than for the fixed facilities at the BIP (Refer to Figure 18 in Section 5.3.4). This may be in part due to the population at the BIP being excluded from the societal risk calculations in the 2012 BIP QRA, whereas it was included in the societal risk calculations in the Transport QRA (Note: This is consistent with the standard practice for QRAs of fixed industrial facilities and the transport of DGs).

Figure 21 Societal Fatality Risk for Transport of DGs along Denison St [Ref. 24]



5.5 Cumulative Risk for Fixed Facilities and Transport of DGs

5.5.1 Current Cumulative Risk

There are no cumulative individual fatality risk contours presented in the available risk assessments that show the combined individual fatality risk for the fixed facilities at the BIP and the transport of DGs along Denison Street. The cumulative individual fatality risk for the fixed facilities at the BIP and the transport of DGs along Denison Street can only be estimated from Figure 11 (Section 5.3.1) and Figure 20 (Section 5.4.2).

There are two locations where the cumulative individual fatality risk would increase sufficiently to be relevant for development of planning controls in the Study Area: (i) to the east of the intersection of Denison Street and BIP Gate 3; and (ii) the location where the 1×10^{-6} per year individual fatality risk contour from the fixed facilities at the BIP extends across Denison Street. The individual fatality risk from the transport of DGs along Denison Street appears to be the major contributor at both of these locations.

The following issues were considered when developing the planning controls for the Study Area:

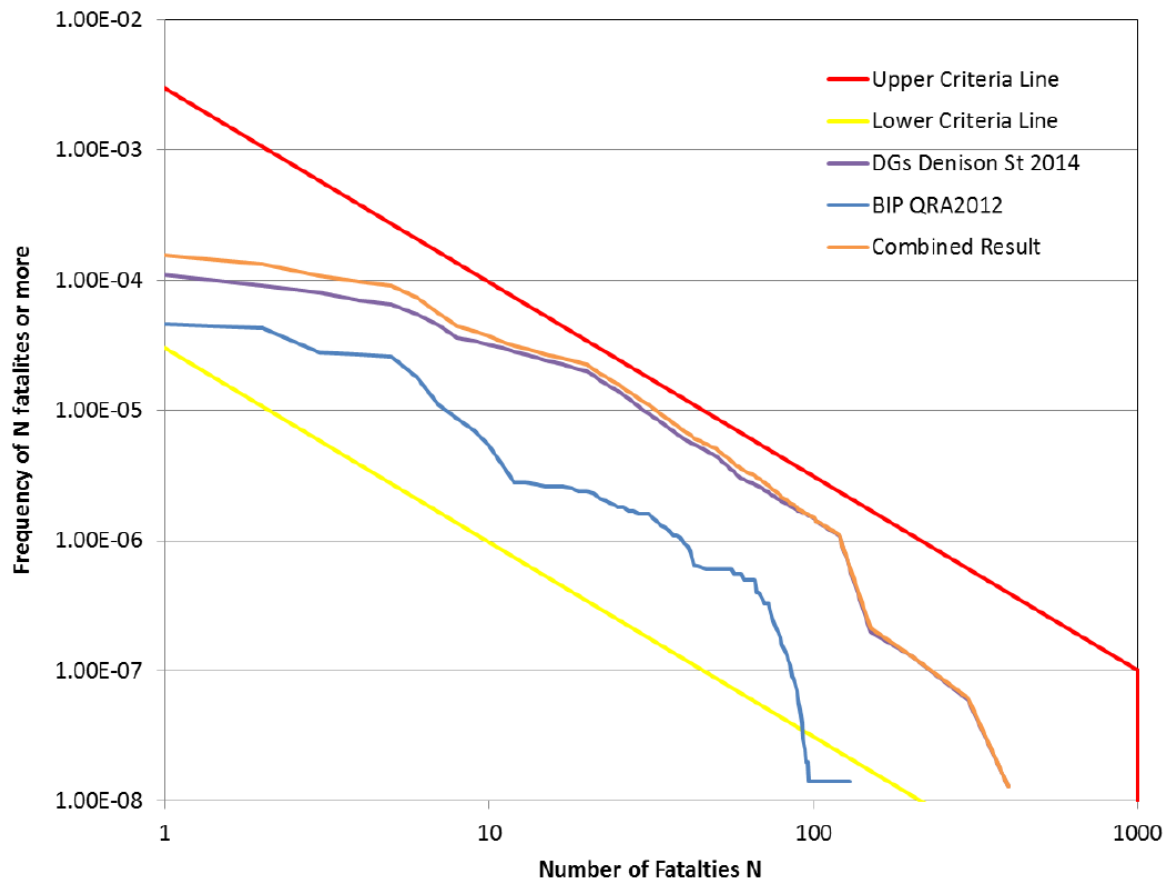
- The DP&E's societal risk criteria (viz. upper and lower criteria lines shown on Figure 22 below) do not strictly apply for the transport of DGs (Refer to Section 6.3). However, due to the absence of any other equivalent criteria in NSW, these have previously been adopted in the Transport QRA and Transport QRA Addendum [Ref. 24, 25].
- The DP&E's societal risk criteria are not 'scalable' to the length of the road network being considered (i.e. the criteria do not change irrespective of the length of road being considered). This is partly addressed in the Netherlands by only applying a similar upper criterion to the 'worst-case' 1 km road segment (Refer to Section 6.3). In this case, Denison Street is approximately 1 km long.

The population at the BIP was excluded from the societal risk calculations in the 2012 BIP QRA, whereas it was included in the societal risk calculations in the Transport QRA. This is consistent with the standard practice for QRAs of fixed industrial facilities and the transport of DGs, and is another reason why the societal risk results ('FN Curves') are not normally combined (As in the Netherlands – Refer to Section 6.3).

The cumulative societal risk ('FN Curve') for the fixed facilities at the BIP and the transport of DGs along Denison Street is provided in the Transport QRA Addendum [Ref. 24]. It appears that the 'FN Curve' from the 2012 BIP QRA [Ref. 27] and Transport QRA [Ref. 25] have been combined to obtain a cumulative 'FN Curve', which is included in the Transport QRA Addendum [Ref. 24]. Details of how this cumulative 'FN Curve' was determined are not available in the Transport QRA Addendum [Ref. 24]. This Review is based on the cumulative 'FN Curve' in the Transport QRA Addendum [Ref. 25] and a projection based on the future changes to DG movements along Denison Street.

The cumulative societal risk ('FN Curve') is wholly within the 'Tolerable if ALARP' zone and is relatively close to the 'Intolerable' zone (Refer to Figure 22). It is noted that the transport of DGs along Denison Street is the dominant contributor to the cumulative societal risk results ('FN Curve').

Figure 22 Cumulative Societal Fatality Risk for Fixed Facilities at the BIP and Transport of DGs along Denison St [Ref. 24]



5.5.2 Predicted Change to Cumulative Risk

The predicted change to the cumulative individual fatality risk over the next 10 years for the fixed facilities at the BIP and the transport of DGs along Denison Street can be estimated from Figure 11 (Section 5.3.1) and Figure 20 (Section 5.4.2) based on the assumption that the risk contribution from the transport of DGs along Denison Street will potentially increase by up to 50% due to the projected increase in DG traffic (Refer to Section 4.2).

If it assumed that the individual fatality risk due to the transport of DGs along Denison Street will increase by 50% over the next 10 years, and that the individual fatality risk contribution from the fixed facilities at the BIP will remain constant, then:

- To the south of the Rhodes Reserve:
 - The future location of the 0.5×10^{-6} per year cumulative individual fatality risk contour would probably extend to the eastern side of Nilson Avenue.
 - The future location of the 1×10^{-6} per year cumulative individual fatality risk contour would be closer to Nilson Avenue, potentially close to the current location of the 0.5×10^{-6} per year individual fatality risk contour shown in the Transport QRA Addendum (Refer to Figure 20 in Section 5.4.2).
 - The future cumulative individual fatality risk is not expected to reach 10×10^{-6} per year at the Rhodes Reserve or any of the other small reserves in the Study Area to the south of Rhodes Reserve.

- The future cumulative individual fatality risk is not expected to reach 50×10^{-6} per year.
- To the east of BIP Gate 3:
 - The future location of the 0.5×10^{-6} per year cumulative individual fatality risk contour would extend further into the Banksmeadow Industrial Precinct, but probably would not extend as far as Rhodes Street.
 - The future location of the 1×10^{-6} per year cumulative individual fatality risk contour would extend further east into the Banksmeadow Industrial Precinct, potentially as far as the current location of the 0.5×10^{-6} per year individual fatality risk contour shown in the Transport QRA Addendum (Refer to Figure 20 in Section 5.4.2).
 - The future location of the 5×10^{-6} per year cumulative individual fatality risk contour would extend further east into the Three Ports SEPP land to the east of BIP Gate 3, but is not expected to extend as far as the Banksmeadow Industrial Precinct (Except possibly into the part of the Banksmeadow Industrial Precinct adjacent to the Rhodes Reserve).
 - The future cumulative individual fatality risk is not expected to reach 50×10^{-6} per year.
- To the north of BIP Gate 3:
 - The future location of the 0.5×10^{-6} per year cumulative individual fatality risk contour would extend further east and north into the Eastgardens Precinct (A similar distance as for east of BIP Gate 3 – see above).
 - The future location of the 1×10^{-6} per year cumulative individual fatality risk contour would extend further east and north into the Eastgardens Precinct, but is not expected to extend as far as the current location of the 0.5×10^{-6} per year individual fatality risk contour shown in the Transport QRA Addendum (Refer to Figure 20 in Section 5.4.2).
 - The future location of the 5×10^{-6} per year cumulative individual fatality risk contour at the intersection of Denison Street and Wentworth Avenue would only marginally extend across the southern boundary of the Eastgardens Shopping Centre.
 - The future location of the 10×10^{-6} per year cumulative individual fatality risk contour at the intersection of Denison Street and Wentworth Avenue would extend into the Hensley Athletic Field, but is not expected to extend as far as the current location of the 5×10^{-6} per year individual fatality risk contour shown in the Transport QRA Addendum (Refer to Figure 20 in Section 5.4.2).
 - The future cumulative individual fatality risk is not expected to reach 50×10^{-6} per year.

A 50% increase in the transport of DGs along Denison Street will potentially increase the cumulative societal risk ('FN Curve') close to the 'Intolerable' zone (Refer to Figure 22). The risk is still in the ALARP range, which does not automatically mean that it is 'tolerable', but it means that it is 'tolerable if ALARP criteria are satisfied', i.e. risk must be reduced further to as low as reasonably practicable.

Therefore, even where the future cumulative individual fatality risk complies with the relevant DP&E fatality risk criteria, a development proposal may still be inappropriate if there is an increase in the

population density, as the FN curve may exceed the tolerability limit. For example, the future cumulative individual fatality risk at Hensley Athletic Field is predominantly less than the DP&E criterion of 10 pmpy (with only a marginal exceedence in the north east corner). A development at the Hensley Athletic Field that complies with the DP&E criterion for individual fatality risk may not comply with the cumulative societal risk ('FN Curve') criterion if it significantly increases the population density (e.g. new stands for spectators).

It is difficult to determine the permissible future population density for all lots within the Study Area based on the information in the available QRAs. However, any intensification of the population to the east of Denison Street (particularly to approximately halfway between Denison Street and Rhodes Street) is expected to drive the future cumulative societal risk ('FN Curve') into the 'Intolerable' zone. Similarly, since the population at the BIP is included in the calculation of the societal risk ('FN Curve') from transport of DGs along Denison Street, any intensification of the population to the west of Denison Street (particularly where the individual fatality risk is higher) is expected to drive the cumulative societal risk ('FN Curve') into the 'Intolerable' zone.

5.6 Summary of Key Points

The following observations can be made from a review of existing risk literature for the study area.

- The most recent QRA for the BIP was undertaken in 2012 by Sherpa Consulting [Ref. 27]. This QRA ('2012 BIP QRA') did not include vehicle transport to and from the BIP or the population at the BIP (Refer to Section 5.3). The risk due to road transport of DGs was assessed separately by Scott-Lister and the most recent risk results for Denison Street are presented in the 2015 Transport QRA Addendum [Ref. 24].
- Whilst the cumulative individual fatality risk contours from the existing facilities presented in the 2012 BIP QRA generally comply with the DP&E's relevant risk criteria for proposed developments (Refer to Section 6.2.3.1), there is a small encroachment (c. 30 m) of the 1×10^{-6} per year individual fatality risk contour to the east of the Huntsman facility across the Denison Street eastern BIP boundary into the residential area [Ref. 27, Section 10.1] (Refer to Figure 11).
- The extent of the acute toxic injury and irritation risk contours presented in the 2012 BIP QRA (Refer to Figure 14 and Figure 15 in Section 5.3.2) is greater than the 'consultation zone' shown in the Botany-Randwick LUSS in 2001 (Refer to Section 5.2).
- The societal risk ('FN Curve') presented in the 2012 BIP QRA is predominantly within the 'Tolerable if ALARP' zone and does not extend into the 'Intolerable' zone (Refer to Figure 18 in Section 5.3.4). It is reported in the 2012 BIP QRA that the societal risk is dominated by fire / explosion events (viz. > 80%), rather than toxic exposure events (viz. c. 10%-15%) [Ref. 27, Section 9.5.2].
- The cumulative individual and societal risks ('FN Curve') from the 2012 BIP QRA comply with the risk criteria applicable for existing use situations (Refer to Section 6.2.5).
- To comply with the relevant development consent condition (Refer to Section 5.3), the 2012 BIP QRA is due to be updated in 2017.
- The subdivision of the BIP, approved in August 2015, has released some land for future development along Denison Street and Corish Circle. This will potentially introduce new populations that were not included in the 2012 BIP QRA (Since this land would have been considered part of the BIP at that time and therefore any population would have been excluded from the societal risk calculations – Refer to Section 5.3.4).

- The individual fatality risk contour included in the QRA for the container terminal expansion at Port Botany [Ref. 19] is assumed to be valid for containerised DG movements through to c. 2025 (Refer to Section 5.4.1).
- The individual fatality risk contours presented in the Transport QRA Addendum may be valid for 2015, however, the risk may potentially increase by up to 50% over the next 10 years due to the projected increase in DG traffic (Refer to Section 4.2).
- The intersection of Denison Street and Smith Street and the new intersection to access the Bunnings development do not appear to have been considered as major intersections in the Transport QRA and Transport QRA Addendum. Consequently, these intersections were not allocated an increased accident rate in the same way as the other main intersections (viz. Denison Street and Beauchamp Road; Denison Street and Wentworth Avenue; and Denison Street and BIP Gate 3). Furthermore, a review of more recent accident data for Denison Street (Refer to Section 5.4.2) suggests that a higher proportion of accidents occur at intersections than was assumed in the Transport QRA and Transport QRA Addendum. The net effect of these observations is that the larger risk contours shown at the intersections should probably also apply for the two additional intersections and hence the risk on the road between the intersections may have been overestimated. However, this would not appear to be so significant as to affect the overall conclusions from the Transport QRA and Transport QRA Addendum.
- The societal risk results ('FN Curve') included in the Transport QRA Addendum is closer to the 'Intolerable' zone than for the fixed facilities at the BIP (Refer to Figure 18 in Section 5.3.4). This may be in part due to the population at the BIP being excluded from the societal risk calculations in the 2012 BIP QRA, whereas it was included in the societal risk calculations in the Transport QRA.
- The cumulative individual and societal risks ('FN Curve') from the Transport QRA and Transport QRA Addendum comply with the risk criteria applicable for existing use situations (Refer to Section 6.2.5 – Note: In the absence of established quantitative risk criteria in NSW for land use safety planning due to the transport of DGs, the (location-specific) individual fatality risk and societal risk criteria for fixed facilities have been used).
- There are no cumulative individual fatality risk contours presented in the available risk assessments that show the combined fatality risk for the fixed facilities at the BIP and the transport of DGs along Denison Street. The cumulative individual fatality risk for the fixed facilities at the BIP and the transport of DGs along Denison Street can only be estimated from Figure 11 (Section 5.3.1) and Figure 20 (Section 5.4.2). There are two locations where the cumulative individual fatality risk would increase sufficiently to be relevant for development of planning controls in the Study Area: (i) the intersection of Denison Street and BIP Gate 3; and (ii) the location where the 1×10^{-6} per year contour from the fixed facilities at the BIP extends across Denison Street. The individual fatality risk from the transport of DGs along Denison Street appears to be the major contributor at both of these locations.
- The projected increase in DG traffic along Denison Street over the next 10 years (Refer to Section 4.2) will marginally increase the extent of the cumulative individual fatality risk contours. This increase does not materially affect the nature of the proposed planning controls, but will eventually affect the extent of the area where development should be limited (e.g. future residential development within the extent of the 1×10^{-6} per year cumulative individual fatality risk contour).

- The projected increase in DG traffic along Denison Street over the next 10 years will have a significant effect on the cumulative societal risk as it will potentially increase the cumulative societal risk ('FN Curve') to very close to the 'Intolerable' zone (Refer to Figure 22). If the projected increase in DG traffic occurs in conjunction with intensification of the population in the Study Area, then the cumulative societal risk ('FN Curve') is likely to extend into the 'Intolerable' zone. It is not possible with the existing risk reports available to predict exactly when and where this will occur due to the large number of factors involved.

6 RISK CRITERIA FOR LAND USE SAFETY PLANNING

6.1 Introduction

Land use safety planning (including the development of planning controls) for the Study Area, requires an understanding of the hazards and risks posed by the relevant potentially hazardous operations. However, a hazard and risk analysis cannot be carried out in isolation and requires criteria against which the acceptability of the estimated risk can be assessed.

Qualitative and quantitative risk criteria for land use safety planning have been established in NSW by the Department of Planning & Environment (DP&E) and these apply for three broad contexts [Ref. 7 (Section 2.1.4) and Ref. 8 (Section 5.1.2)]:

1. Strategic planning (Zoning and rezoning).
2. Assessment of development for potentially hazardous development.
3. Assessment of development in the vicinity of potentially hazardous development.

The qualitative and quantitative risk criteria for land use safety planning currently established in NSW, which may be common to more than one context, are summarised in Section 6.2.

There are no established quantitative risk criteria in NSW for land use safety planning due to the transport of DGs. Therefore, the (location-specific) individual fatality risk and societal risk criteria for fixed facilities have been used to assess the risks from the transport of DGs (Refer to Section 6.3). The established qualitative principles should still be considered (Refer to Section 6.2.1).

The risk criteria used to establish the development controls for the Study Area are summarised in Section 6.4.

6.2 Risk Criteria for Land Use Safety Planning in NSW

Two aspects of risk need to be considered for land use safety planning [Ref. 7, Section 2) and Ref. 8, Section 5.2]:

- individual risk, which considers the acceptability of a particular level of risk to an exposed individual; and
- societal risk, which takes into account society's aversion to accidents which can result in multiple fatalities.

6.2.1 Qualitative Risk Criteria

While it is relevant to have quantitative risk criteria, qualitative principles are equally important. These are applicable for all three planning contexts and include [Ref. 7 (Section 2) and Ref. 8 (Section 5.2)]:

- all 'avoidable' risks should be avoided;
- particular attention needs to be given to eliminating or reducing major hazards, irrespective of whether numerical criteria are met;
- as far as possible, the consequences of significant events should be kept within facility boundaries; and
- where the risk from an existing installation is already high, further development should not pose any incremental risk.

6.2.2 Strategic Planning (Zoning)

Strategic planning (Zoning and rezoning) is typically undertaken by the relevant planning authorities as part of a periodic review of the LEP and DCP (i.e. not as a result of a specific development application) or if a planning proposal is submitted to the relevant planning authority.

When assessing the zoning around a potentially hazardous facility, it is important to ensure that this will not introduce or aggravate existing land use safety conflicts. As noted in HIPAP No. 10 [Ref.8, Section 5.3]: “When considering strategic planning, the primary emphasis needs to be on the suitability of land for the proposed range of uses, having regard to existing risk exposure and the sensitivity of the current land use. For example, it would be inappropriate for land to be zoned for residential or more sensitive uses if there was already a significant risk exposure from nearby industrial activities.”

In addition to the qualitative risk criteria (Refer to Section 6.2.1), the quantitative risk criteria set out in HIPAP No. 10 [Ref. 8, Section 5.5] are relevant to strategic planning (Zoning and rezoning). These quantitative criteria are discussed in Section 6.2.4 of this report.

If a land use safety conflict arises from a rezoning decision (i.e. the relevant risk criteria for the new zone would be exceeded), then the parties to the rezoning should bear the responsibility for resolving the conflict [Ref. 8, Section 4.2.4]. Possible approaches include [Ref. 8, Section 4.2.4]:

- (a) Rezoning of risk affected portions of the land to a less sensitive use;
- (b) Placing conditions of consent on new development that will reduce the risk exposure for people within the development to less than the relevant risk criteria (Note: while this approach may be feasible for industrial or commercial land uses, it is not appropriate for sensitive uses); and
- (c) Negotiation with the Operator of the risk source to implement appropriate risk reduction measures.

6.2.3 Assessment of Development for Potentially Hazardous Development

In addition to the qualitative risk criteria (Refer to Section 6.2.1), quantitative risk criteria for the assessment of development for potentially hazardous development are included in HIPAP No. 4 [Ref. 7]. The main quantitative criteria are for: individual fatality risk; injury risk; property damage and incident propagation; and environmental damage.

6.2.3.1 Individual Fatality Risk

The individual fatality risk imposed by a proposed industrial activity should be low relative to the background risk. This forms the basis for the following location-specific individual fatality risk (‘LSIFR’) criteria adopted by the NSW DP&E [Ref. 7].

Table 4 Individual Fatality Risk Criteria [Ref. 7]

Land Use	Risk Criterion [per million per year]
Hospitals, schools, child care facilities and old age housing developments	0.5
Residential developments and places of continuous occupancy, such as hotels and tourist resorts	1
Commercial developments, including offices, retail centres, warehouses with showrooms, restaurants and entertainment centres	5
Sporting complexes and active open space areas	10
Industrial sites	50 *

* HIPAP No. 4 allows flexibility in the interpretation of this criterion. For example, 'where an industrial site involves only the occasional presence of people, such as in the case of a tank farm, a higher level of risk may be acceptable'.

The DP&E has adopted a fatality risk criterion of 1×10^{-6} p.a. (or 1 chance of fatality per million per year) for residential area exposure because this risk is very low in relation to typical background risks for individuals in NSW.

6.2.3.2 Injury Risk

The DP&E has adopted risk criteria for levels of effects that may cause injury to people but will not necessarily cause fatality. Criteria are included in HIPAP No. 4 [Ref. 7] for potential injury caused by exposure to heat radiation, explosion overpressure and toxic gas/ smoke/dust.

The DP&E's suggested injury risk criterion for heat radiation is as follows:

- *Incident heat flux radiation at residential and sensitive use areas should not exceed 4.7 kW/m² at a frequency of more than 50 chances in a million per year.*

The DP&E's suggested injury/damage risk criterion for explosion overpressure is as follows:

- *Incident explosion overpressure at residential and sensitive use areas should not exceed 7 kPa at frequencies of more than 50 chances in a million per year.*

The DP&E's suggested injury risk criteria for toxic gas/ smoke/dust exposure are as follows:

- *Toxic concentrations in residential and sensitive use areas should not exceed a level which would be seriously injurious to sensitive members of the community following a relatively short period of exposure at a maximum frequency of 10 in a million per year.*
- *Toxic concentrations in residential and sensitive use areas should not cause irritation to eyes or throat, coughing or other acute physiological responses in sensitive members of the community over a maximum frequency of 50 in a million per year.*

6.2.3.3 Risk of Property Damage and Accident Propagation

The DP&E's criteria for risk of damage to property and accident propagation are as follows [Ref. 7]:

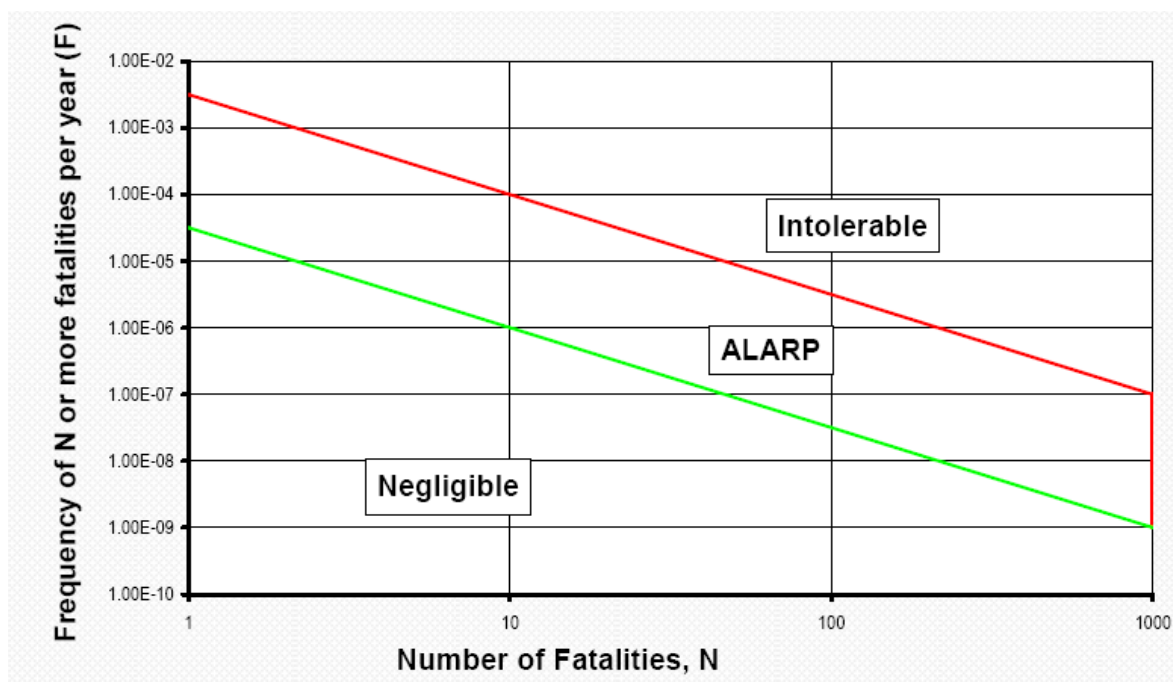
- *Incident heat flux radiation at neighbouring potentially hazardous installations or at land zoned to accommodate such installations should not exceed a risk of 50 in a million per year for the 23 kW/m² heat flux level.*

- Incident explosion overpressure at neighbouring potentially hazardous installations, at land zoned to accommodate such installations or at nearest public buildings should not exceed a risk of 50 in a million per year for the 14 kPa explosion overpressure level.

6.2.3.4 Societal Fatality Risk

The DP&E's suggested societal risk criteria (Refer to Figure 23), take into account the fact that society is particularly intolerant of accidents, which though infrequent, have a potential to create multiple fatalities [Ref. 7 and 8]. Below the negligible line, provided other individual criteria are met, societal risk is not considered significant. Above the intolerable level, an activity is considered undesirable, even if individual risk criteria are met. Within the 'As Low As Reasonably Practicable' (ALARP) region, the emphasis is on reducing risks as far as possible towards the negligible line. Provided other quantitative and qualitative criteria of HIPAP 4 are met, and additional risk reduction measures considered to reduce the risk to as low as reasonably practicable, the risks from the activity would be considered tolerable in the ALARP region.

Figure 23 Indicative Societal Risk Criteria [Ref. 7 and 8]



6.2.3.5 Risk to Biophysical Environment

The DP&E suggests the following criteria for assessing the risk to the biophysical environment:

- Industrial developments should not be sited in proximity to sensitive natural environmental areas where the effects (consequences) of the more likely accidental emissions may threaten the long-term viability of the ecosystem or any species within it.
- Industrial developments should not be sited in proximity to sensitive natural environmental areas where the likelihood (probability) of impacts that may threaten the long-term viability of the ecosystem or any species within it is not substantially lower than the background level of threat to the ecosystem.

6.2.4 Assessment of Development in the Vicinity of Potentially Hazardous Development

In addition to the qualitative risk criteria (Refer to Section 6.2.1), quantitative risk criteria for the assessment of development in the vicinity of potentially hazardous development are included in HIPAP No. 10 [Ref. 8, Section 5.5].

The following principles apply to residential and sensitive use development in the vicinity of existing industry [Ref. 8, Section 5.5.2.1]:

- the half in a million per year individual fatality risk level is an appropriate criterion above which no intensification of sensitive use development should take place;
- the one in a million per year individual fatality risk level is an appropriate criterion above which no intensification of residential development should take place;
- residential intensification may be appropriate where mitigating measures can be implemented to reduce risk exposure to less than the one in a million per year individual fatality risk level, provided the pre-mitigation residual risk levels are below the 10 in a million per year individual fatality risk level; and
- no residential intensification should take place where pre-mitigation residual risk levels are in excess of the 10 in a million per year individual fatality risk level.

For other types of development (e.g. commercial, industrial) in the vicinity of existing industry, the relevant fatality risk criteria are the same as for a new industrial development (Refer to Section 6.2.3.1). Where these criteria are initially exceeded, commercial and industrial land development may be appropriate where mitigating measures can be implemented to reduce risk exposure to less than the target individual fatality risk level [Ref. 8, Section 5.5.2.2].

The possible injury and irritation impacts should also be considered in the case of proposed development for residential and sensitive uses [Ref. 8, Section 5.5.3]. The relevant risk criteria are the same as for a new industrial development (Refer to Section 5.3.2).

If a development proposal involves a significant intensification of population (e.g. medium to high density residential development, shopping complexes) in the vicinity of potentially hazardous facility, then the change in societal risk needs to be taken into account, even if individual risk criteria are met [Ref. 8, Section 5.5.4].

The *incremental* societal risk should be compared against the indicative societal risk criteria (Refer to Figure 23 in Section 6.2.3.4). If the *incremental* societal risk lies within the 'Negligible' region, then the development should not be precluded and if it lies within the 'Tolerable if ALARP' region, then options should be considered to relocate people away from the affected areas [Ref. 8, Section 5.5.4]. If, after taking this step, there is still a significant portion of the societal risk plot within the 'Tolerable if ALARP' region, the proposed development should only be approved if benefits clearly outweigh the risks [Ref. 8, Section 5.5.4].

6.2.5 Risk Criteria for Existing Land Uses

In Section 3 of HIPAP No. 4 [Ref. 7], it is noted that the implementation of the risk criteria should differentiate between existing land use situations and new situations. This is to reflect a tighter locational and technological standard applying now than at earlier times.

For existing situations, the following principles should be applied [Ref. 7, Section 3]:

- The criteria suggested in Section 6.2.4 are still relevant.

- Safety updates/reviews and risk reduction at facilities where resultant levels are in excess of the 10×10^{-6} individual fatality risk level should be implemented to ensure that operational and organisational safety measures are in place to reduce the likelihood of major hazardous events to low levels. A target level is to be established on an area basis.
- Intensification of hazardous activities in an existing complex accommodating a number of industries of a hazardous nature should only be allowed if the resultant 1×10^{-6} individual fatality risk level is not exceeded by the proposed facility and subject to cumulative risk threshold considerations.
- Mitigating the impact on existing residential areas from existing hazardous activities (in addition to safety review/updates) should essentially include specific area-based emergency plans. Emergency planning should be on the basis of consequences for credible scenarios with emphasis on areas within the 1×10^{-6} risk contour.

6.3 Risk Criteria for Land Use Safety Planning due to Transport of DGs

There are no established quantitative risk criteria in NSW for land use safety planning related to the transport of DGs. Therefore, the individual fatality risk and societal (fatality) risk criteria for fixed facilities have been used, which is consistent with the approach adopted in previous QRAs in NSW and a review of international approaches (See below). The established qualitative principles should still be considered (Refer to Section 6.2.1).

In 2014, DNV GL published a review of risk criteria adopted by European Countries for the transport of DGs [Ref. 11]. Significantly different approaches were identified in the DNV GL report, with some countries having no criteria at all and others having qualitative / quantitative criteria that were not explicitly stated in relevant legislation. The following finding is included in Section 5.5 of the DNV GL report (Note: RAC = Risk Acceptance Criteria):

“It appears that the only approaches considered immediately suitable as harmonised RAC are approaches used in the Netherlands and Spain. It is significant that these are very different to each other, being mainly quantitative in the Netherlands and based on judgement in Spain” [Ref. 11].

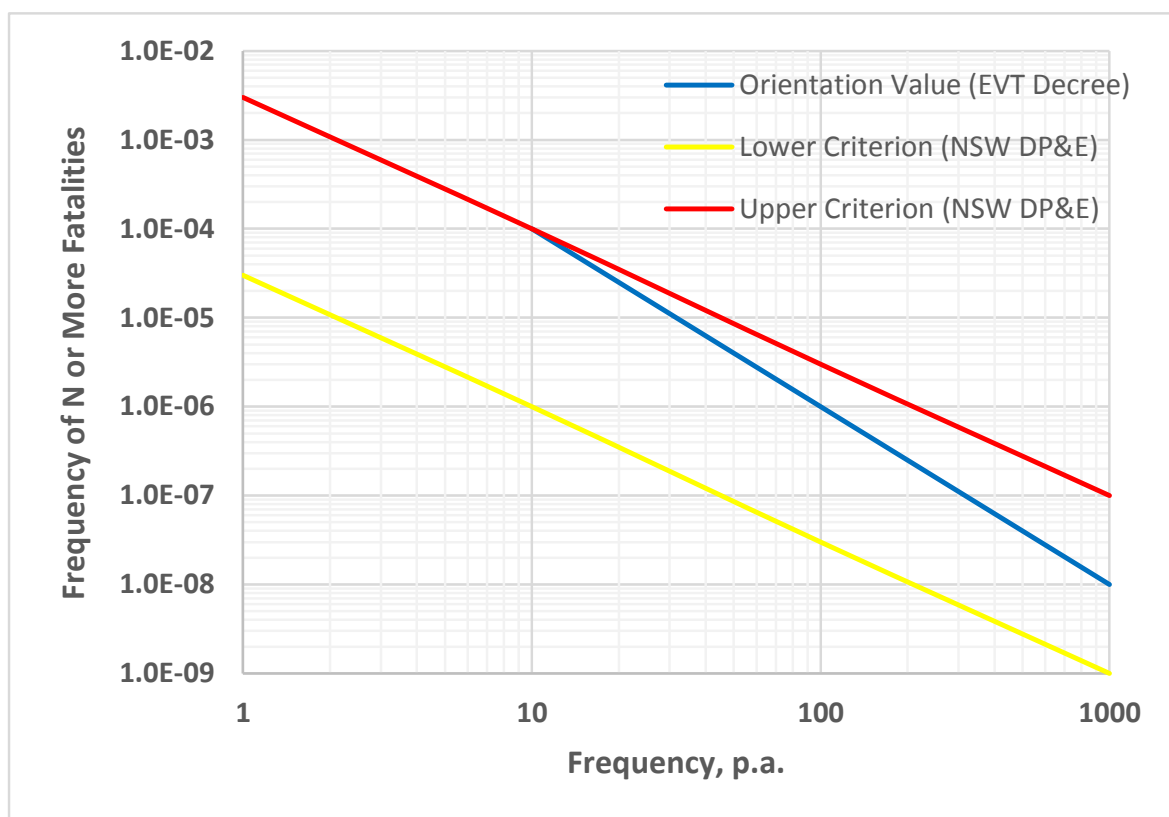
The quantitative criteria used in the Netherlands for DG transport are very similar to the quantitative risk criteria adopted in NSW for fixed facilities (See below).

In the Netherlands, the Externe Veiligheid Transportroutes (‘External Safety Transport Routes’) decree of 11 November 2013, includes the following risk criteria for the transport of dangerous goods:

- Individual fatality risk criterion: The individual fatality risk criterion in the EVT Decree [Ref. 13], which is referred to as a ‘limit value’, is 1×10^{-6} per year. This applies for a person who would stay sustained and unprotected at a location and is therefore defined on the same basis as the NSW DP&E individual fatality risk criterion for residential land uses due to fixed facilities (viz. 1×10^{-6} per year - Refer to Section 6.2.3.1).

- Societal risk ('FN Curve') criterion: A single criterion line (Referred to as an 'orientation value') is included in the EVT Decree. This is defined as the: "value for the group risk represented by the line connecting the dots where the probability of an accident with ten or more fatalities 10^{-4} per year, the risk of an accident with 100 or more fatalities 10^{-6} per year and the probability of an accident with 1000 or more fatalities 10^{-8} per year". The 'orientation value' is shown on Figure 24 below, together with the lower and upper indicative societal risk criterion lines for NSW. The 'orientation value' applies to the 'worst-case' 1 km transport route segment and only applies for incidents capable of causing 10 or more fatalities. It is understood to include all people along the DG route, but excludes any individuals involved in the transport activity (i.e. DG vehicle driver).

Figure 24 Societal Risk 'Orientation Value' for DG Transport in the Netherlands [Ref. 13]



During this review, quantitative individual fatality risk and societal fatality risk criteria were not identified for DG transport in any other non-European countries (e.g. Hong Kong, USA). Nor were quantitative criteria identified for injury or property damage risks.

The quantitative individual fatality risk and societal fatality risk criteria currently being used in the Netherlands for DG transport are similar to the quantitative risk criteria adopted in NSW for fixed facilities. Therefore, the risk criteria for individual fatality risk and societal (fatality) risk due to DG transport in the Study Area were assumed to be the same as the current criteria for fixed facilities. This is consistent with the approach adopted in the Transport QRA and Transport QRA Addendum.

6.4 Risk Criteria Proposed for Study Area

Qualitative and quantitative risk criteria for land use safety planning have been established in NSW by the DP&E for three broad contexts [Ref. 7 (Section 2.1.4) and Ref. 8 (Section 5.1.2)]:

- strategic planning (Zoning and rezoning);
- assessment of development for potentially hazardous development; and
- assessment of development in the vicinity of potentially hazardous development.

These criteria are applicable for land use safety planning in the Study Area and are summarised in Table 5.

Table 5 Summary of Risk Criteria for Land Use Safety Planning in the Study Area

Land Use Safety Planning Context	Risk Source	Risk Receptor	Risk Criteria for Land Use Safety Planning in the Study Area
Strategic Planning (Zoning and Rezoning)	Existing potentially hazardous fixed facility	Existing land use (i.e. Zoning) or proposed change to land use category (i.e. Rezoning) <i>Note: 'Industrial', 'residential', etc. uses, as defined in Section 2.4.2.1 of HIPAP No. 4, may not align with land use zones defined in the LEP (e.g. IN1, etc.).</i>	Existing land uses (i.e. Zoning), and any proposed change to land uses (i.e. Rezoning), should be consistent with all relevant qualitative and quantitative risk criteria from HIPAP No. 4 and HIPAP No. 10 (Refer to Section 6.2.1, Section 6.2.2 and Section 6.2.4). Risk mitigation measures, and/or rezoning of risk affected portions of the land to a less sensitive use, should be considered if the risk criteria are not being met (Refer to Section 6.2.2). Although not explicitly stated in HIPAP No. 4 and HIPAP No. 10, strategic planning decisions should be based on the cumulative risks from all risk sources. This approach is consistent with the DP&E's LUSS for the Botany-Randwick area [Ref. 9] and the development consent conditions for the BIP, which require a cumulative risk assessment [Ref. 2].
	Existing potentially hazardous transport operation		There are no established quantitative risk criteria in NSW for land use safety planning related to the transport of DGs. Therefore, the (location-specific) individual fatality risk and societal risk criteria for fixed facilities should be used to assess the risks from the transport of DGs (Refer to Section 6.3). The established qualitative principles should still be considered (Refer to Section 6.2.1). Existing land uses (i.e. Zoning), and any proposed change to land uses (i.e. Rezoning), in the Study Area should be consistent with the quantitative risk criteria (Refer to Section 6.2.5 and Section 6.3). Although not explicitly stated in HIPAP No. 4 and HIPAP No. 10, strategic planning decisions should be based on the cumulative risks from all risk sources. This approach is consistent with the QRA undertaken for transport of DGs along Denison Street [Ref. 24 and 25], in which the cumulative (location-specific) individual fatality risk and cumulative societal risk were assessed (i.e. for the BIP <u>and</u> transport of DGs along Denison Street). Note: Whilst this is appropriate for the Study Area, the assessment of cumulative societal risk from fixed facilities and transport of DGs might not be appropriate for other areas (Refer to Section 6.3). There is still one difficulty in this approach for the present study. The cumulative risk on Denison street is due to BIP industrial activity from fixed installations, as well as DG transport in Denison street. The latter is not contributed entirely by BIP, but a significant part from Port Botany facilities. Therefore, any risk reduction on Denison Street must not be placed entirely on BIP Operators, if these facilities comply with the fixed facilities risk criteria.

Land Use Safety Planning Context	Risk Source	Risk Receptor	Risk Criteria for Land Use Safety Planning in the Study Area
Assessment of Development for Potentially Hazardous Development	New potentially hazardous fixed facility or modifications to an existing potentially hazardous fixed facility	Existing land use (i.e. Zoning) <i>Note: 'Industrial', 'residential', etc. uses, as defined in Section 2.4.2.1 of HIPAP No. 4, may not align with land use zones defined in the LEP (e.g. IN1, etc.).</i>	<p>A new potentially hazardous fixed facility, or modifications to an existing potentially hazardous fixed facility, should be assessed against all relevant qualitative and quantitative risk criteria from HIPAP No. 4 and HIPAP No. 10 (Refer to Section 6.2.1 and Section 6.2.3).</p> <p>Typically, the risk for a proposed development is assessed based on the incremental risk from this development alone (i.e. not cumulatively with other potentially hazardous developments). However, the development consent conditions for the BIP require a cumulative risk assessment [Ref. 2] and therefore the risks associated with any modifications to the BIP, including new facilities/subdivisions within the boundary of the BIP, should be assessed cumulatively.</p> <p>If another potentially hazardous development (i.e. outside BIP) were to affect the Study Area, then it should be assessed individually and in the context of the cumulative risk presented in the BIP QRA [Ref. 27] and Transport QRA Addendum [Ref. 24].</p>
	New or modified potentially hazardous transport operation		<p>There are no established quantitative risk criteria in NSW for land use safety planning due to the transport of DGs. Therefore, the (location-specific) individual fatality risk and societal risk criteria for fixed facilities should be used to assess the risks from the transport of DGs (Refer to Section 6.3). The established qualitative principles should still be considered (Refer to Section 6.2.1).</p> <p>Any proposed changes to the transport of DGs within the Study Area (Including new operations or modifications to existing operations), should be assessed individually and in the context of the cumulative risk presented in the BIP QRA [Ref. 27] and Transport QRA Addendum [Ref. 24].</p>

Land Use Safety Planning Context	Risk Source	Risk Receptor	Risk Criteria for Land Use Safety Planning in the Study Area
Assessment of Development in the Vicinity of Potentially Hazardous Development	Existing potentially hazardous fixed facility	Development in the vicinity of an existing potentially hazardous fixed facility and/or transport operation (e.g. increase in number of potentially exposed individuals due to residential or commercial intensification)	<p>Any development in the vicinity of an existing potentially hazardous fixed facility should be consistent with all relevant qualitative and quantitative risk criteria from HIPAP No. 10 (Refer to Section 6.2.1 and Section 6.2.4). A proposed development may still be appropriate if mitigating measures can be implemented to reduce the risk exposure to less than the relevant criteria (Refer to Section 6.2.4).</p> <p>Although not explicitly stated in HIPAP No. 10, the assessment of a proposed development in the vicinity of an existing potentially hazardous fixed facility should be based on the cumulative risk from all risk sources. Therefore, any proposed development in the Study Area should be assessed in the context of the cumulative risks presented in the BIP QRA [Ref. 17] and Transport QRA Addendum [Ref. 16].</p> <p>For societal risk, the incremental societal risk should be compared against the indicative criteria in HIPAP 10 (Refer to Section 6.2.4). If this incremental societal risk lies within the negligible region, then the development should not be precluded. If incremental risks lie within the ALARP region, options should be considered to relocate people away from the affected areas. If, after taking this step, there is still a significant portion of the societal risk plot within the ALARP region, the proposed development should only be approved if the benefits clearly outweigh the risks, and other reasonably practicable risk reduction measures are adopted.</p>
	Existing potentially hazardous transport operation		<p>There are no established quantitative risk criteria in NSW for land use safety planning relating to the transport of DGs. Therefore, the (location-specific) individual fatality risk and societal risk criteria for fixed facilities should be used to assess the risks from the transport of DGs (Refer to Section 6.3). The established qualitative principles should still be considered (Refer to Section 6.2.1).</p> <p>Although not explicitly stated in HIPAP No. 10, the assessment of a proposed development in the vicinity of an existing potentially hazardous transport operation should be based on the cumulative risk from all risk sources. Therefore, any proposed development in the Study Area should be assessed in the context of the cumulative risks presented in the BIP QRA [Ref. 17] and Transport QRA Addendum [Ref. 16].</p> <p>For societal risk, the incremental societal risk should be compared against the indicative criteria in HIPAP 10 (Refer to Section 6.2.4). If this incremental societal risk lies within the negligible region, then the development should not be precluded. If incremental risks lie within the ALARP region, options should be considered to relocate people away from the affected areas. If, after taking this step, there is still a significant portion of the societal risk plot within the ALARP region, the proposed development should only be approved if the benefits clearly outweigh the risks.</p>

6.5 Summary of Key Points

- Qualitative and quantitative risk criteria for land use safety planning have been established in NSW by the DP&E for three broad contexts: strategic planning (Zoning and rezoning); assessment of development for potentially hazardous development; and assessment of development in the vicinity of potentially hazardous development. These criteria are applicable for land use safety planning in the Study Area.
- There are no established quantitative risk criteria in NSW for land use safety planning due to the transport of DGs. Therefore, the (location-specific) individual fatality risk and societal risk criteria for fixed facilities should be used to assess the risks from the transport of DGs (Refer to Section 6.3).
- The application of the risk criteria is based on a risk assessment that inherently contains a number of assumptions, primarily the truck accident frequency applicable to the Study Area.

7 PLANNING CONTROLS FOR STUDY AREA

7.1 Current Risk-Related Planning Controls

The risk-related planning controls in the BBDCP2013 are currently included in: Part 6 ('Employment Zones', which includes the IN1 and IN2 industrial zones and the B5 and B7 business zones); and, Part 8 ('Character Zones', which are predominantly the residential precincts in the Study Area). There are no risk-related planning controls in the BBDCP2013 for the IN1 zoned land covered by the Three Ports SEPP.

The relevant text from Part 6 and Part 8 of the BBDCP2013 is reproduced below in Sections 7.1.1 - 7.1.3.

7.1.1 Hillsdale Precinct (Part 8.2 of DCP)

The existing and desired future character of the Hillsdale Precinct (Refer to Section 3.1.1) is included in Part 8.2 of the BBDCP2013 [Ref. 1]. Risk-related development controls are referred to in Part 8.2.1 of the BBDCP2013 for the existing local character and Part 8.2.1 for the desired future character. The relevant text from these parts is reproduced below.

Extract from Section 8.2.1 of the Botany Bay Development Control Plan 2013 [Ref. 1]

Risk

The Botany / Randwick industrial area forms a significant industrial complex of State and National significance. The location of the industrial area, within the vicinity of residential areas, has required that safety studies into the cumulative risk of industrial activity be undertaken to quantify and measure hazard risk associated with such activities.

The Department of Planning & Environment has released three studies that investigate industrial operations and make land use planning recommendations. Studies released to date include the '*Risk Assessment Study for the Botany / Randwick Industrial Complex and Port Botany*' (1985), the '*Port Botany Land Use Safety Study*' (1996) and the '*Botany / Randwick Industrial Area Land Use Safety Study*' (2001).

A Risk Assessment Study for the Botany / Randwick Industrial Complex and Port Botany - 1985

Analysis of hazard risk implications within the Botany / Randwick Industrial area was first examined in 1985 by Planning NSW (formerly the Department of Environment and Planning) within a report titled '*A Risk Assessment Study for the Botany / Randwick Industrial Complex and Port Botany*'. The risk assessment study was initiated by the Department in response to concerns expressed by community groups and local councils about the intensification of potentially hazardous installations and associated facilities in the area and their risk implications on nearby residential land uses.

The recommendations from the 1985 study that relate to residential risk implications and land use controls under recommendation 12, state that:

- No intensification of residential developments should be allowed within areas identified in the study;
- Provisions within a planning instrument that permit an increase in existing residential dwelling density should be reviewed;
- New residential intensification within the cumulative risk areas identified within the study should be the subject of the Director's concurrence.

The study had no statutory significance under the Environmental Planning and Assessment Act 1979 and subsequently relied on the support of Council to implement the recommendations contained in the study. Council has supported the recommendations of the study relating to land use planning and has in practice referred residential development applications, which aim to intensify development to Planning NSW for concurrence.

Port Botany Land Use Safety Study – 1996

Port Botany is a major infrastructure facility that handles and accommodates activities involving hazardous materials including - loading / unloading, storage and distribution of dangerous goods and materials.

The Port Botany Land Use Safety Study was undertaken by the Department of Planning to update the 1985 Study, develop updated cumulative risk contours (to provide a framework for assessment and decision making for future developments) and formulate a strategic land use safety framework.

The recommendations of the Study were:

- Future developments in the Port should undergo early risk assessment and comprehensive environmental impact processes to demonstrate that the use will not contribute to any cumulative risk – as identified in the Port area.
- Development controls are put in place to ensure there is no significant increase in the number of people exposed to risk – as identified in the residential risk contour.
- Individual site studies are undertaken to develop programs that are then implemented to create risk reduction and safety management measures.
- The Port and Port users prepare emergency plans / procedures and fire prevention / protection systems.
- The Port and Port users adopt a program to ensure the community is adequately informed on Port activities, associated risks and safety management measures.

Botany / Randwick Industrial Area Land Use Safety Study

Planning NSW in 2001 published the 'Botany / Randwick Industrial Area Land Use Safety Study' with the objectives of:

- Updating the 1985 cumulative risk study for the Botany / Randwick industrial area;
- Developing a framework for the efficient assessment and decision making for future developments; and
- Formulating a strategic land use safety framework for future developments in the Botany / Randwick Industrial Area and surround land uses.

The review investigated two cases based on two industrial scenarios. The cases were aimed at identifying the cumulative risk levels resulting from the industrial area under the current conditions (pre – 2001) and a predicted future case (2001). An explanation of the cases are as follows:-

- The Existing Case (Pre-2001): The Orica mercury cell chlorine plant and chlorine liquefaction facilities and associated bulk chlorine storage. Risks associated with the chlorine plant include incidences such as a chlorine vapour cloud release due to equipment failure or due to fire / radiation impacts on the plant and storage from a fire in the vicinity.

- The Future Case (2001): The Existing Orica chlorine plant being replaced with membrane production facilities. The bulk storage of chlorine has ceased. The removal of chlorine liquefaction and storage on site will reduce the likelihood of chlorine releases occurring.

It should be noted that Council received a letter from the then Planning NSW dated 31 October 2002 advising that the recommendations in the Land Use Safety Study for the Future Case now apply. The Future Case applied from 31 October 2002.

The key findings of the Botany / Randwick Industrial Area Land Use Safety Study has been a significant improvement in the cumulative risk areas that result from the industrial operations located within the Botany / Randwick industrial area

Recommendations that resulted from the study were:

1. Future developments in the Botany / Randwick industrial area should be subject to early risk assessment and comprehensive environmental impact processes to conclusively demonstrate they will not contribute to risk impacts outside the industrial area that are inappropriate for surrounding land uses.
2. Effective land use safety planning should be implemented to allow future developments in the area, and to reconcile any potential land use planning conflicts.
3. A process of regular reviews and updates for site safety management systems should be undertaken.
4. Emergency plans and procedures, and fire prevention and protection systems should be kept up-to-date.
5. Industrial facilities should adopt community right-to-know principles to ensure the community is adequately informed about activities, associated risks and safety management measures adopted within the Botany / Randwick industrial area.

Implementation of recommendations 1, 3, 4, and 5 listed above are the responsibility of State, Local Governments and industry to administer through consultation and development approvals. Implementation of recommendation 2 is achieved by the City of Botany Bay Council through the preparation of this Development Control Plan to give the Study status under the Environmental Planning and Assessment Act 1979.

Extract from Section 8.2.2 of the Botany Bay Development Control Plan 2013 [Ref. 1]

Risk

- Recognise that development within the 'Consultation Region' identified in **Figure 4** that will result in 'residential intensification' or 'sensitive use intensification' will require the concurrence of the Department of Planning & Environment.
- Recognise that development for 'residential intensification', 'sensitive use intensification', and development that will result in increased traffic volumes or access points onto Denison Street (being a designated Dangerous Goods Route) must:

- Consider a transport risk assessment report. The contents and outcomes of a transport risk assessment report are to be in general accordance with the principles outlined in the *Hazardous Industry Advisory Paper N° 6: Guidelines for Hazard Analysis* (Planning NSW, 1992), *Hazardous Industry Advisory Paper N° 4: Risk Criteria for Land Use Safety Planning* (Planning NSW, 1992), 'Hazardous Industry Planning Advisory Paper No. 10 Land Use Safety Planning' published by the NSW Department of Planning in January 2011 and 'Hazardous Industry Planning Advisory Paper No. 11 – Route Selection' dated January 2011.
- Receive development concurrence for the application from the Department of Planning & Environment.
- Any other applications for development adjacent to / or within the vicinity of routes designated as 'Dangerous Goods Routes' will be assessed under the relevant Council planning instruments and controls.
- Where a site is considered by Council to be located partly within any region or adjacent to a dangerous goods route defined in this plan, any development on the site will be assessed and viewed as though it was located within the area with the more stringent risk-related development controls specified in this development control plan.

Note: In 2012, BBCC commissioned a traffic count for Denison Street (in both directions, north and south); which includes a separate count for dangerous goods traffic as Council wanted to compare the overall traffic to the dangerous goods traffic. Whilst this data is available to applicants who are required to prepare a Transport Risk Assessment Report, the data is over 12 months old and depending on the proposed development Council may require a new Transport Risk Survey to be conducted at the applicant's costs. Please contact Council for more information.

Figure 4 - Consultation Region shown in Blue



Definitions:

Dangerous Goods Routes means identified within the Botany/Randwick Industrial Area Land Use Safety Study.

The Botany / Randwick Industrial Area Land Use Safety Study does not include an assessment of the risk implications of dangerous goods transport, but does identify some routes as having a significant likelihood of carrying such goods. The routes identified within the Botany / Randwick Industrial Area Land Use Safety Study form a wider local and regional road network that may also carry traffic containing dangerous goods. The consideration of risk arising from the transportation of dangerous goods on this local and regional road network and the impacts this may have on residential and sensitive use development within the Study area needs to be considered as part of the assessment process for future development activity.

Residential intensification means an increase in the number of dwellings or an increase in the number of rooms providing temporary or permanent accommodation.

Residential land uses considered incompatible with residential fatality risk, injury or irritation risk (as defined in *Hazardous Industry Planning Advisory Paper No.4 – Risk Criteria for Land Use Safety Planning* - Planning NSW, 1992) resulting from operations within the Botany / Randwick industrial area under this plan include dwelling houses, hotels, motels, and caretakers residences resulting from any of the following:

- The alteration and / or addition of an existing building;
- The conversion and / or utilisation of an existing building or vacant land;
- The subdivision of land to create a new allotment; and
- The rezoning of land.

Sensitive use intensification means the establishment of a sensitive use or an increase in the gross operational floor space of an existing building that is occupied by a sensitive land use.

Sensitive land uses that are considered incompatible with fatality risk, injury or irritation risk (as defined in *Hazardous Industry Planning Advisory Paper No.4 – Risk Criteria for Land Use Safety Planning* - Planning NSW, 1992) resulting from operations within the Botany / Randwick industrial area under this plan include:- child care centres, nursing homes, educational establishments, hospitals and units for aged persons.

7.1.2 Eastgardens Precinct (Part 8.8 of DCP)

The existing and desired future character of the Eastgardens Precinct (Refer to Section 3.1.2) is included in Part 8.8 of the DCP [Ref. 1]. Risk-related development controls are referred to in Part 8.8.1 of the DCP for the existing local character and Part 8.8.1 for the desired future character. The relevant text from these parts is reproduced below.

Extract from Section 8.8.1 of the Botany Bay Development Control Plan 2013 [Ref. 1]

Risk

Eastgardens is adjacent to the Botany / Randwick industrial area which forms a significant industrial complex of State and National significance. The location of the industrial area, within the vicinity of residential areas, has required that safety studies into the cumulative risk of industrial activity be undertaken to quantify and measure hazard risk associated with such activities.

The Department of Planning & Environment has released three studies that investigate industrial operations and make land use planning recommendations. Studies released to date include the 'Risk Assessment Study for the Botany / Randwick Industrial Complex and Port Botany' (1985), the

'Port Botany Land Use Safety Study' (1996) and the 'Botany / Randwick Industrial Area Land Use Safety Study' (2001).

A Risk Assessment Study for the Botany / Randwick Industrial Complex and Port Botany - 1985

Analysis of hazard risk implications within the Botany / Randwick Industrial area was first examined in 1985 by Planning NSW (formerly the Department of Environment and Planning) within a report titled 'A Risk Assessment Study for the Botany / Randwick Industrial Complex and Port Botany'. The risk assessment study was initiated by the Department in response to concerns expressed by community groups and local councils about the intensification of potentially hazardous installations and associated facilities in the area and their risk implications on nearby residential land uses.

The recommendations from the 1985 study that relate to residential risk implications and land use controls under recommendation 12, state that:-

- no intensification of residential developments should be allowed within areas identified in the study;
- provisions within a planning instrument that permit an increase in existing residential dwelling density should be reviewed;
- new residential intensification within the cumulative risk areas identified within the study should be the subject of the Director's concurrence.

The study had no statutory significance under the Environmental Planning and Assessment Act 1979 and subsequently relied on the support of Council to implement the recommendations contained in the study. Council has supported the recommendations of the study relating to land use planning and has in practice referred residential development applications, which aim to intensify development to Planning NSW for concurrence.

Port Botany Land Use Safety Study – 1996

Port Botany is a major infrastructure facility that handles and accommodates activities involving hazardous materials including - loading / unloading, storage and distribution of dangerous goods and materials.

The Port Botany Land Use Safety Study was undertaken by the Department of Planning to update the 1985 Study, develop updated cumulative risk contours (to provide a framework for assessment and decision making for future developments) and formulate a strategic land use safety framework.

The recommendations of the Study were:

- Future developments in the Port should undergo early risk assessment and comprehensive environmental impact processes to demonstrate that the use will not contribute to any cumulative risk – as identified in the Port area.
- Development controls are put in place to ensure there is no significant increase in the number of people exposed to risk – as identified in the residential risk contour.
- Individual site studies are undertaken to develop programs that are then implemented to create risk reduction and safety management measures.
- The Port and Port users prepare emergency plans / procedures and fire prevention / protection systems.
- The Port and Port users adopt a program to ensure the community is adequately informed on Port activities, associated risks and safety management measures.

Botany / Randwick Industrial Area Land Use Safety Study

Planning NSW in 2001 published the '*Botany / Randwick Industrial Area Land Use Safety Study*' with the objectives of:

- Updating the 1985 cumulative risk study for the Botany / Randwick industrial area;
- Developing a framework for the efficient assessment and decision making for future developments;
- Formulating a strategic land use safety framework for future developments in the Botany / Randwick Industrial Area and surround land uses.

The review investigated two cases based on two industrial scenarios. The cases were aimed at identifying the cumulative risk levels resulting from the industrial area under the current conditions (pre – 2001) and a predicted future case (2001). An explanation of the cases are as follows:

- The Existing Case (Pre-2001): The Orica mercury cell chlorine plant and chlorine liquefaction facilities and associated bulk chlorine storage. Risks associated with the chlorine plant include incidences such as a chlorine vapour cloud release due to equipment failure or due to fire / radiation impacts on the plant and storage from a fire in the vicinity.
- The Future Case (2001): The Existing Orica chlorine plant being replaced with membrane production facilities. The bulk storage of chlorine has ceased. The removal of chlorine liquefaction and storage on site will reduce the likelihood of chlorine releases occurring.

It should be noted that Council received a letter from the then Planning NSW dated 31 October 2002 advising that the recommendations in the Land Use Safety Study for the Future Case now apply. The Future Case applied from 31 October 2002.

The key findings of the Botany / Randwick Industrial Area Land Use Safety Study has been a significant improvement in the cumulative risk areas that result from the industrial operations located within the Botany / Randwick industrial area.

Recommendations that resulted from the study were:

1. Future developments in the Botany / Randwick industrial area should be subject to early risk assessment and comprehensive environmental impact processes to conclusively demonstrate they will not contribute to risk impacts outside the industrial area that are inappropriate for surrounding land uses.
2. Effective land use safety planning should be implemented to allow future developments in the area, and to reconcile any potential land use planning conflicts.
3. A process of regular reviews and updates for site safety management systems should be undertaken.
4. Emergency plans and procedures, and fire prevention and protection systems should be kept up-to-date.
5. Industrial facilities should adopt community right-to-know principles to ensure the community is adequately informed about activities, associated risks and safety management measures adopted within the Botany / Randwick industrial area.

Implementation of recommendations 1, 3, 4, and 5 listed above are the responsibility of State, Local Governments and industry to administer through consultation and development approvals. Implementation of recommendation 2 is achieved by the City of Botany Bay Council through the

preparation of this Development Control Plan to give the Study status under the Environmental Planning and Assessment Act 1979.

Extract from Section 8.8.2 of the Botany Bay Development Control Plan 2013 [Ref. 1]

Risk

- Recognise that development for ‘residential intensification’, ‘sensitive use intensification’, and development that will result in increased traffic volumes or access points onto Denison Street (being a designated Dangerous Goods Route) must:
 - Consider a transport risk assessment report. The contents and outcomes of a transport risk assessment report are to be in general accordance with the principles outlined in the *Hazardous Industry Advisory Paper N° 6: Guidelines for Hazard Analysis* (Planning NSW, 1992), *Hazardous Industry Advisory Paper N° 4: Risk Criteria for Land Use Safety Planning* (Planning NSW, 1992), ‘*Hazardous Industry Planning Advisory Paper No. 10 Land Use Safety Planning*’ published by the NSW Department of Planning in January 2011 and ‘*Hazardous Industry Planning Advisory Paper No. 11 – Route Selection*’ dated January 2011.
 - Receive development concurrence for the application from the Department of Planning & Environment.
- Any other applications for development adjacent to / or within the vicinity of routes designated as ‘Dangerous Goods Routes’ will be assessed under the relevant Council planning instruments and controls.
- Where a site is considered by Council to be located adjacent to a dangerous goods route defined in this plan, any development on the site will be assessed and viewed as though it was located within the area with the more stringent risk-related development controls specified in this development control plan.

Note: Council in 2012 commissioned a traffic count for Denison Street (in both directions, north and south); which includes a separate count for dangerous goods traffic as Council wanted to compare the overall traffic to the dangerous goods traffic. Whilst this data is available to applicants who are required to prepare a Transport Risk Assessment Report, the data is over 12 months old and depending on the proposed development Council may require a new Transport Risk Survey to be conducted at the applicant’s costs. Please contact Council for more information.

Definitions:

Dangerous Goods Routes means identified within the Botany/Randwick Industrial Area Land Use Safety Study.

The Botany / Randwick Industrial Area Land Use Safety Study does not include an assessment of the risk implications of dangerous goods transport, but does identify some routes as having a significant likelihood of carrying such goods. The routes identified within the Botany / Randwick Industrial Area Land Use Safety Study form a wider local and regional road network that may also carry traffic containing dangerous goods. The consideration of risk arising from the transportation of dangerous goods on this local and regional road network and the impacts this may have on residential and sensitive use development within the Study area needs to be considered as part of the assessment process for future development activity.

Residential intensification means an increase in the number of dwellings or an increase in the number of rooms providing temporary or permanent accommodation.

Residential land uses considered incompatible with residential fatality risk, injury or irritation risk (as defined in *Hazardous Industry Planning Advisory Paper No.4 – Risk Criteria for Land Use Safety Planning* - Planning NSW, 1992) resulting from operations within the Botany / Randwick industrial area under this plan include dwelling houses, hotels, motels, and caretakers residences resulting from any of the following:-

- The alteration and / or addition of an existing building;
- The conversion and / or utilisation of an existing building or vacant land;
- The subdivision of land to create a new allotment; and
- The rezoning of land.

Sensitive use intensification means the establishment of a sensitive use or an increase in the gross operational floor space of an existing building that is occupied by a sensitive land use.

Sensitive land uses that are considered incompatible with fatality risk, injury or irritation risk (as defined in *Hazardous Industry Planning Advisory Paper No.4 – Risk Criteria for Land Use Safety Planning* - Planning NSW, 1992) resulting from operations within the Botany / Randwick industrial area under this plan include:- child care centres, nursing homes, educational establishments, hospitals and units for aged persons.

7.1.3 Banksmeadow Industrial Precinct (Parts 6.2.8 and 6.3.15 of the DCP)

Part 6 of the DCP includes planning controls for 'employment zones' (i.e. IN1 and IN2 industrial zones and the B5 and B7 business zones). Risk-related development controls for the Banksmeadow Industrial Precinct are referred to in Part 6.2.8 of the DCP. Risk-related development controls applicable for all employment zones are also included in Part 6.3.15 and these include a cross-reference to Part 6.2.8. The relevant text from these parts is reproduced below.

Extract from Section 6.2.8 of the Botany Bay Development Control Plan 2013 [Ref. 1]

Controls

General

- | | |
|-----------|--|
| C1 | Business Park and industrial uses with access from Rhodes Street or Smith Street are to have low vehicular generation characteristics and exclude the use of container handling or semi-trailers. |
| C2 | Development on the B7 Business Park Zone at the corner of Holloway and Green Streets are to have their commercial offices (or other non-industrial activity) fronting Holloway Street and the school with a return (no less than 10m) to Green Street. All industrial activities are to be undertaken behind the commercial building buffer. |
| C3 | The transport of hazardous substances should be directed away from residential areas and a Traffic Route Study showing the proposed traffic route of such transport is required. |
| C4 | Development fronting Denison Street, Rhodes Street, and Smith Street are to have their commercial offices (or other non-industrial activity) fronting the road/street. All industrial activities are to be undertaken behind the commercial building buffer. |

- C5** Development is not to adversely impact on the surrounding established residential areas through noise, traffic, pollution and risk.
- C6** A survey is required to identify any pipelines, easements etc affecting the development site. If the pipeline enters Council land an appropriate deed of agreement is to be executed.
- C7** Redevelopment of land at the corner of Denison Street & Beauchamp Road (the Orica site) is to take into account the road widening affectation proposed by RMS.
- C8** Developments within the vicinity of Floodvale Drain, Springvale Drain and Bunnerong Stormwater Channel No. 11 (SWC 11 – Sydney State Water) shall submit a detailed Flood Study/Assessment for 1 in 100 year average recurrence interval (ARI) design storm events and probable maximum flood (PMF). The Flood Study/Assessment is to be prepared by a suitably qualified and experienced civil engineer. The Flood Study/Assessment is required to:
- (i) Be in accordance with the current version of Australian Rainfall and Runoff (ARR) and the NSW Floodplain Development Manual; and
 - (ii) Consider the impacts from Climate Change and Sea Level Rise.
- C9** Development shall:
- (i) Have finished floor levels of a minimum 500mm above the 1 in 100 year flood level for habitable areas and 300mm for industrial areas and garages; and
 - (ii) Not impede the passage of floodwater to cause a rise (afflux) in the flood level upstream and/or increase the downstream velocities of flow.
- C10** Restricted Access Vehicles (RAV) classified by Roads and Maritime Services (RMS) (including B-Doubles) are not permitted to access:
- (i) Holloway Street;
 - (ii) Green Street;
 - (iii) Ocean Street;
 - (iv) Swinbourne Street;
 - (v) Stephen Road;
 - (vi) Smith Street; and
 - (vii) Rhodes Street.
- C11** The maximum size of vehicle accessing Smith Street and Rhodes Street is restricted to Medium Rigid Vehicles (MRV) as defined by AS2890.2.

Risk Management:

- C12** In order to address the recommendations, a Risk Assessment Evaluation is required to accompany all applications for sites:
- (i) Within the study area of the Botany/Randwick Industrial Area Land Use Safety Study - 2001; and/or
 - (ii) Affected by the recommendations of the Port Botany Land Use Safety Study Overview Report - 1996.

Note: Recommendation No. 2-2.2 of the Port Botany Safety Study states that proposals for the development or redevelopment of residential, commercial or high density developments

outside the Port area, particularly inside the one in a million residential risk contour, identified in figure 2 of the Port Botany Land Use Safety Study Overview Report should not take place.

- C13** The Risk Assessment Evaluation to Council is to be completed by a qualified risk management professional and take into account the nature of the proposed business and the proximity of the site to surrounding hazardous facilities. The report is to recommend safety procedures to be followed.

The report needs to conclude whether or not the activities proposed for the premises constitute an escalation of existing hazards, and that the risk posed by neighbouring uses in the exposure of hazards to the site is acceptable.

Applicants are to refer to the applicable Hazardous Industry Planning Advisory Papers (HIPAPs) and other guidelines such as *Applying SEPP 33* and *Multi-level Risk Assessment* found at <http://www.planning.nsw.gov.au/planning-guidelines-for-hazardous-development>

- C14** If a site fronts Denison Street a Transport Risk Assessment Report is required to be lodged with Council. The assessment report to Council should be completed by a qualified risk management professional and address the hazard analysis methodology outlined within the Hazardous Industry Advisory Paper N° 6: Guidelines for Hazard Analysis. The areas of assessment should include:

- (i) Identification of potential release scenarios, including analysis of the hazards associated with transport of potentially hazardous materials;
- (ii) Estimation of release frequencies, using information available from such sources as Botany Bay City Council, the Bureau of Statistics and from the Roads and Traffic Authority, NSW;
- (iii) Assessment of consequences in terms of effect zones following the ignition or dispersion of a release, including the assessment of the evaporation and permeation of a spill and of the resulting heat radiation in case of ignition;
- (iv) Estimation of risk by combining release frequencies, consequences, and population distribution for the particular route under survey; and
- (v) Comparing the estimated risk with relevant tolerability criteria and guidelines.

Results from the traffic hazard analysis should be assessed on the basis of generally accepted land use safety guidelines provided in the 'Hazardous Industry Planning Advisory Paper N° 4: Risk Criteria for Land Use Safety Planning' published by Planning NSW in 1992 and 'Hazardous Industry Planning Advisory Paper No. 10 Landuse Safety Planning' published by the NSW Department of Planning in January 2011.

Note: Council in 2012 commissioned a traffic count for Denison Street (in both directions, north and south); which includes a separate count for dangerous goods traffic as Council wanted to compare the overall traffic to the dangerous goods traffic. Whilst this data is available to applicants who are required to prepare a Transport Risk Assessment Report, the data is over 12 months old and depending on the proposed development Council may require a new Transport Risk Survey to be conducted at the applicant's costs. Please contact Council for more information.

- C15** Where a site is considered by Council to be located partly adjacent to a dangerous goods route defined in this plan, any development on the site will be assessed and viewed as though

it was located within the area or route with the more stringent risk-related development controls specified in this development control plan.

Dangerous Goods Routes means identified within the Botany/Randwick Industrial Area Land Use Safety Study.

The Botany / Randwick Industrial Area Land Use Safety Study does not include an assessment of the risk implications of dangerous goods transport, but does identify some routes as having a significant likelihood of carrying such goods. The routes identified within the Botany / Randwick Industrial Area Land Use Safety Study form a wider local and regional road network that may also carry traffic containing dangerous goods. The consideration of risk arising from the transportation of dangerous goods on this local and regional road network and the impacts this may have on residential and sensitive use development within the Study area needs to be considered as part of the assessment process for future development activity.

Sensitive use intensification means the establishment of a sensitive use or an increase in the gross operational floor space of an existing building that is occupied by a sensitive land use.

Sensitive land uses that are considered incompatible with fatality risk, injury or irritation risk (as defined in *Hazardous Industry Planning Advisory Paper No.4 – Risk Criteria for Land Use Safety Planning* - Planning NSW, 1992) resulting from operations within the Botany / Randwick industrial area under this plan include:- child care centres, nursing homes, educational establishments, hospitals and units for aged persons.

Additional information: A number of other Hazardous Industry Planning Advisory Papers (HIPAPs) and other guidelines have been issued by the Department of Planning & Environment to assist stakeholders in implementing an integrated risk assessment process and can be found at <http://www.planning.nsw.gov.au/planning-guidelines-for-hazardous-development>

Applicants are also to refer to **Part 6.3.15 - Risk**.

Extract from Section 6.3.15 of the Botany Bay Development Control Plan 2013 [Ref. 1]

Controls

- C1** Should the proposed use involve the storage and/or transport hazardous substances Council will require an assessment of the Development Application under **State Environmental Planning Policy No. 33 - Hazardous and Offensive Development**.

Note: All applications to carry out potentially hazardous or potentially offensive development will have to be advertised.

- C2** Development Applications to carry out potentially hazardous development will also have to be supported by a Preliminary Hazard Analysis (PHA). Applicants should refer to the provisions of **State Environmental Planning Policy No. 33 - Hazardous and Offensive Development**

Note: Applicants are to refer to the applicable Hazardous Industry Planning Advisory Papers (HIPAPs) and other guidelines such as *Applying SEPP 33* and *Multi-level Risk Assessment* found on the Department of Planning and Environment's website at <http://www.planning.nsw.gov.au/planning-guidelines-for-hazardous-development>

C3 Development adjacent or adjoining sites/uses/pipelines that involve the storage and/or transport of hazardous substances are to prepare a risk assessment in accordance with the Hazardous Industry Planning Advisory Papers.

Note: Banksmeadow Industrial Precinct has specific risk related controls that have to be complied with. If your site is within the Banksmeadow Industrial Precinct you need to also refer to the Precinct controls in **Part 6.2.8 - Banksmeadow Industrial Precinct**.

7.1.4 Three Ports SEPP

The Three Ports SEPP applies to land at the three ports covering both the lease areas (i.e. land leased to a private port operator under the Ports Assets (Authorised Transactions) Act 2012) as well as surrounding land that needs to be maintained for port-related and industrial uses. The Study Area is outside of the lease area and therefore the BBCC is the relevant consent authority for this land in accordance with Clause 8 of the Three Ports SEPP [Ref. 15].

There are no risk-related planning controls in the BBDCP2013 for the IN1 zoned land covered by the Three Ports SEPP.

7.2 Proposed Planning Controls

Within the Study Area, there are 20 areas where the combination of land use zoning and major risk contributor/s warrants specific risk-based planning controls (Refer to Figure 25). The large number of areas arises because the Study Area includes nine different land use zones (B3, B4, B5, B7, R2, R3, RE1, IN1 and SP1) and the dominant risk contributor (e.g. cumulative LSIFR, cumulative injury / irritation risk and/or cumulative societal risk) varies throughout the Study Area. For example, to the east of the Orica chloralkali plant, the LSIFR is the dominant risk near Denison Street, but the cumulative injury / injury risk and societal risk are more relevant to the east of Nilson Avenue.

A summary table is included after Figure 25 for each of the 20 specific areas. The information in each table provides a guide for land use safety planning throughout the Study Area. How this is achieved needs to be determined by BBCC in conjunction with the DP&E as some of the proposed controls will only apply to the areas identified in Figure 25 and should not be applied to all other similarly zoned areas defined within the BBLEP2013. For example, sensitive use developments (e.g. child care centres) are currently 'permitted with consent' in areas zoned RE1; however, this type of development should be prohibited in Area A (Hensley Athletic Field), despite its RE1 zoning, since the cumulative risk from the fixed facilities and DG transport along Denison Street exceeds the relevant DP&E risk criteria for land use safety planning.

The current zoning, and any potential restrictions on future rezoning (particularly to a more sensitive use category), is identified in each table for each area. Also, the proposed controls for future developments (i.e. potentially hazardous industry and/or other types of development in the vicinity of existing potentially hazardous industry) are included, together with the basis for each control. If it is proposed to change a control from the current BBLEP2013, then this is highlighted in red.

The following points are of interest:

1. If the projected increase in DG traffic occurs in conjunction with intensification of the population in the Study Area, then the cumulative societal risk ('FN Curve') is likely to extend into the 'Intolerable' zone (Refer to Section 5.5.2). Therefore, any modification to an existing development that may increase population density (i.e. including subdivision, multiple occupancy, etc.) in the Study Area should be reviewed on a case-by-case basis.

2. For Areas close to the BIP and Denison Street, any increase in population density will be constrained by the cumulative individual fatality risk and/or the cumulative societal risk ('FN Curve') and therefore applies for all types of development, not only sensitive use and residential development (Refer to Section 6.2.4).
3. An increase to population density becomes progressively less significant with increasing distance from the BIP and Denison Street, particularly beyond the 0.5 pmpy cumulative individual fatality risk contour. Therefore, increasing the population density at the eastern extremity of the Study Area may be permissible if it can be demonstrated that the development will have a negligible incremental contribution to the cumulative societal risk ('FN Curve'). This has been used as a basis for the proposed planning controls.
4. In the vicinity of the BIP and Denison Street, the societal risk ('FN Curve') is relatively high. The predominant risk contributors are fires in near field and toxic gas exposure in far field. Therefore, the proposed planning controls have not included provision to permit developments by meeting the target individual risk of fatality alone through implementation of mitigating measures (Refer to Section 6.2.4). This approach is consistent with the relevant qualitative risk criteria (Refer to Section 6.2.1).
5. The cumulative individual and societal risks ('FN Curve') from the BIP QRA and Transport QRA / Transport QRA Addendum comply with the risk criteria applicable for existing use situations (Refer to Section 6.2.5). Therefore, the proposed controls are only applicable for: (i) proposed new developments; and/or (ii) modifications to existing developments where these would result in an increase to the average population density (Refer to Section 7.2.1). Alterations to an existing development that do not increase the average population density should be in accordance the BBCC's current assessment process.
6. Where a particular category of new development and/or modification to an existing development would not comply with the relevant risk criteria, then the proposed control has been categorised as 'Prohibited' in the relevant summary table (e.g. child care facilities in Area A). It is recognised that this terminology may have a slightly different context in the NSW statutory planning framework, particularly as the 'Industrial', 'residential', etc. land use categories defined in HIPAP No. 4 do not perfectly align with the zones defined in the LEP (e.g. IN1, etc.). Therefore, how this prohibition is achieved through the relevant planning instrument/s needs to be determined by BBCC in conjunction with the DP&E (This is addressed in Recommendation No. 1 - Refer to Section 8).

7.2.1 Population Intensification Issues

The following definition of population intensification should be included in the DCP:

Population intensification means any change that increases the average population density. This may include, but is not limited, to:

- The addition of a building or room for new occupants or an increase to the number of rooms providing temporary or permanent accommodation (e.g. hotel rooms);
- Increasing the gross operational area for non-residential buildings (e.g. child care centres, commercial buildings, etc. that may, or may not, be permanently occupied);
- The conversion and / or utilisation of an existing building or vacant land for additional occupation;

- *The subdivision of land to create a new allotment for additional occupation; and*
- *The rezoning of land for a uses with a higher average population density (e.g. rezoning from low density residential to medium density residential).*

Population intensification is potentially relevant for all categories of development (e.g. recreational, residential, commercial, industrial, etc.).

For residential development, increasing the number of rooms providing temporary or permanent accommodation within the same residence would not normally be considered population intensification. However, this would be considered population intensification for a hotel, motel, boarding house, etc.

All future development applications for a new development, or a modification to an existing development, in the Study Area that are listed as potentially 'Permissible with Consent' in the relevant tables following Figure 25, must include a risk assessment.

7.2.2 Assessment of Development for Potentially Hazardous Development

- (a) A new potentially hazardous fixed facility, or modifications to an existing potentially hazardous fixed facility, should be assessed against all relevant qualitative and quantitative risk criteria from HIPAP No. 4 and HIPAP No. 10 (Refer to Section 6.2.1 and Section 6.2.3). Such a development may be subject to other development approval requirements (e.g. under the EP&A Act, SEPP No. 33, existing conditions of development consent, etc.).
- (b) The risk for a proposed development is typically assessed based on the incremental risk from this development alone (i.e. not cumulatively with other potentially hazardous developments). However, the development consent conditions for the BIP require a cumulative risk assessment [Ref. 2] and therefore the risks associated with any modifications to the BIP, including new facilities/subdivisions within the boundary of the BIP, should be assessed cumulatively.
- (c) If another potentially hazardous development (i.e. outside BIP) has the potential to affect the risk profile in the Study Area, then it should be assessed individually and in the context of the cumulative risk presented in the most recent available risk assessments for the Study Area (Including the individual and societal risks from fixed facilities and transport of DGs).

7.2.3 Assessment of Development in the Vicinity of Potentially Hazardous Development

- (a) Any development in the vicinity of an existing potentially hazardous fixed facility should be consistent with all relevant qualitative and quantitative risk criteria from HIPAP No. 10 (Refer to Section 6.2.1 and Section 6.2.4). A proposed development may still be appropriate if mitigating measures can be implemented to reduce the risk exposure to less than the relevant criteria (Refer to Section 6.2.4).

- (b) Although not explicitly stated in HIPAP No. 10, the assessment of a proposed development in the vicinity of an existing potentially hazardous fixed facility should be based on the cumulative risk from all risk sources. Therefore, any proposed development within the Study Area should be assessed in the context of the most recent available risk assessments for the Study Area (Including the individual and societal risks from fixed facilities and transport of DGs).
- (c) For societal risk, the incremental societal risk should be compared against the indicative criteria in HIPAP 10 (Refer to Section 6.2.4). If this incremental societal risk lies within the negligible region, then the development should not be precluded on risk grounds. If incremental risks lie within the ALARP region, options should be considered to relocate people away from the affected areas. If, after taking this step, there is still a significant portion of the societal risk plot within the ALARP region, the proposed development may only be approved if the benefits clearly outweigh the risks.

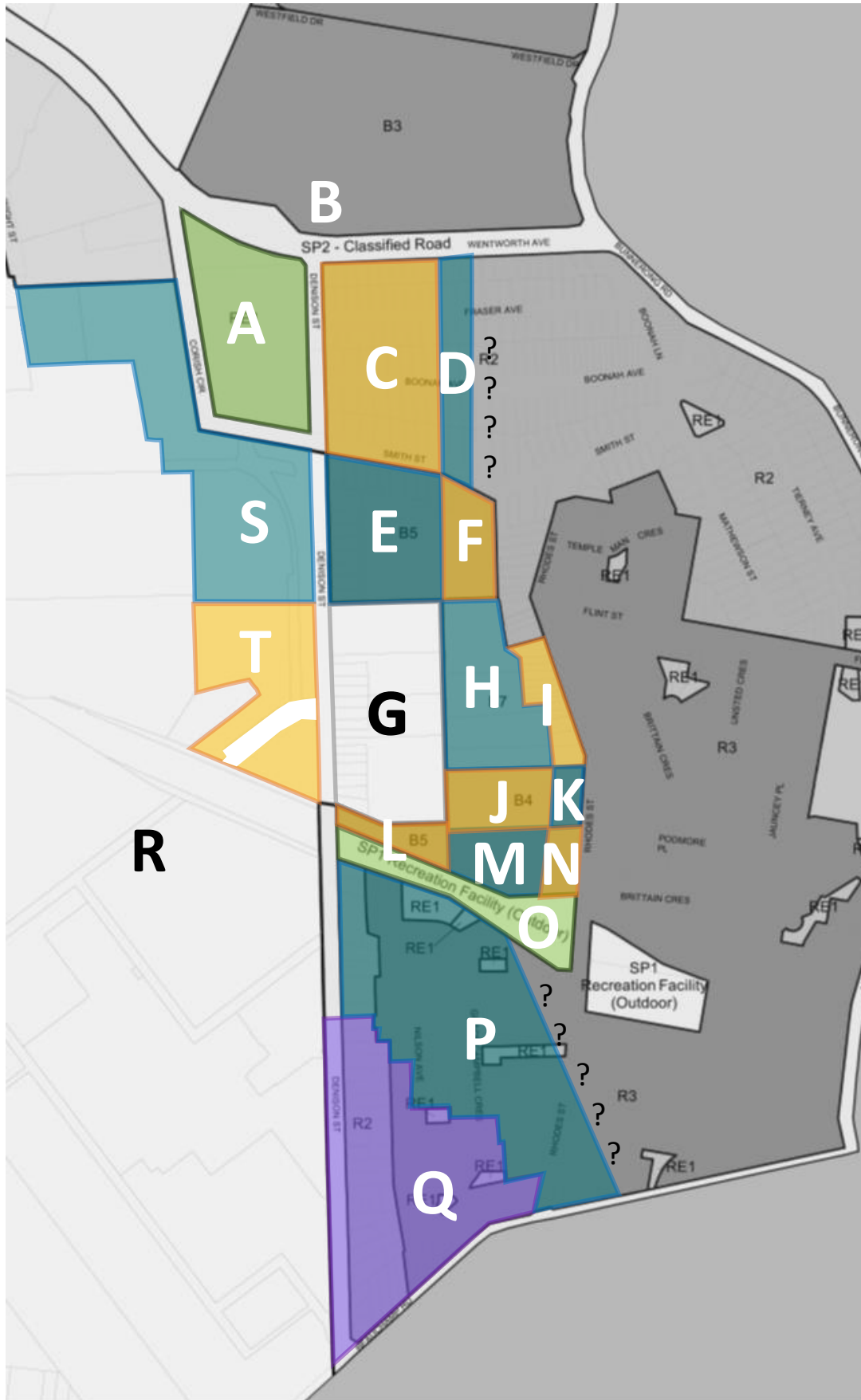
7.2.4 Assessment of Potentially Hazardous Transport Operations

- (a) A Transport Risk Assessment report should be submitted with all future development applications with the potential to directly or indirectly affect DG traffic along Denison Street. For example, this could include developments outside the Study Area that might significantly increase non-DG traffic along Denison Street, and therefore have the potential to affect the predicted accident rate for DG traffic. This will require ongoing consultation between BBCC and Ports NSW, its neighbouring Councils and the DP&E.
- (b) There are no established quantitative risk criteria in NSW for land use safety planning due to the transport of DGs (Refer to Section 6.3). Therefore, the (location-specific) individual fatality risk and societal risk criteria for fixed facilities should be used to assess the risks from the transport of DGs (Refer to Section 6.3). The established qualitative principles should also be considered (Refer to Section 6.2.1).
- (c) Any proposed changes to the transport of DGs the Study Area (Including new operations or modifications to existing operations), should be assessed individually and in the context of the cumulative risk presented in the most recent available risk assessments for the Study Area (Including the individual and societal from fixed facilities and transport of DGs).

7.2.5 Assessment of Development in the Vicinity of Existing Potentially Hazardous Transport Operations

- (a) Although not explicitly stated in HIPAP No. 10, the assessment of a proposed development in the vicinity of an existing potentially hazardous transport operation should be based on the cumulative risk from all risk sources. Therefore, any proposed development in the Study Area should be assessed in the context of the cumulative risks presented in the most recent available risk assessments for the Study Area (Including the individual and societal from fixed facilities and transport of DGs).
- (b) For societal risk, the incremental societal risk should be compared against the indicative criteria in HIPAP 10 (Refer to Section 6.2.4). If this incremental societal risk lies within the negligible region, then the development should not be precluded. If incremental risks lie within the ALARP region, options should be considered to relocate people away from the affected areas. If, after taking this step, there is still a significant portion of the societal risk plot within the ALARP region, the proposed development should only be approved if the benefits clearly outweigh the risks.

Figure 25 Areas Requiring Specific Risk-Based Planning Controls



Area A – Hensley Athletics Field

Description	Lots bounded by Wentworth Avenue, Corish Crescent and Denison Street (i.e. principally Hensley Athletics Field).
Zoning	<p>RE1 - Public Recreation (With Additional Permitted Uses)</p> <p>The zoning for this Area is primarily for recreational uses (viz. Defined as ‘open space’ uses in HIPAP No. 4). However, child care centres and respite day care centres (viz. Defined as ‘sensitive uses’ in HIPAP No. 4) are also permissible with consent.</p> <p>Environmental works are permitted without consent. These works are not expected to introduce large populations and a higher LSIFR criterion would typically apply (viz. equivalent to an industrial use as defined in HIPAP No. 4) than for the other permissible uses.</p> <p>It would not be appropriate to rezone this Area for residential or sensitive uses based on the cumulative LSIFR (See below).</p>
Individual Risk	The cumulative LSIFR is ≥ 0.5 pmpy at this Area, with a maximum LSIFR of c. 10 pmpy near the NE corner at the intersection of Wentworth Avenue and Denison Street. The cumulative acute toxic injury (10 pmpy) and irritation (50 pmpy) contours do not extend to this Area.
Societal Risk	It is not possible to determine the contribution to the cumulative societal risk (‘FN Curve’) for the population at this specific Area based on the available risk assessments. However, relatively high populations may be present during sporting events and this will contribute to the cumulative societal risk (‘FN Curve’) for the Study Area.

Category of Development for Land Use Safety Planning *	Current Control	Proposed New Development or Modification to Existing Development	
		Proposed Control	Basis
SENSITIVE USES (Hospitals, schools, child-care facilities & old age housing)	Permitted with consent	Prohibited	The cumulative LSIFR is ≥ 0.5 pmpy at this Area. There are no existing sensitive use developments and future sensitive use developments are to be prohibited.
RESIDENTIAL (Residential developments & places of continuous occupancy, such as hotels & tourist resorts)	Prohibited	Prohibited	The cumulative LSIFR is ≥ 1 pmpy at this Area. There are no existing residential developments and future residential developments are prohibited.
COMMERCIAL (Including offices, retail centres, warehouses with showrooms, restaurants & entertainment centres)	Permitted with consent	Permitted with consent	The cumulative LSIFR is ≤ 5 pmpy for most of this Area (Note: Commercial development is unlikely to be permitted in the NE corner of this Area where the LSIFR is ≥ 5 pmpy). There are no existing commercial developments; however, these developments may be permitted in the future. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.
OPEN SPACE (Sporting complexes & active open space areas)	Permitted with consent	Permitted with consent	The cumulative LSIFR is ≤ 10 pmpy for most of this Area. There are existing open space uses in this Area. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.
INDUSTRIAL	Prohibited	Prohibited	This Area is not zoned for industrial uses. There are no existing industrial uses and future industrial uses are prohibited.

* Note: ‘Industrial’, ‘residential’, etc. uses, as defined in HIPAP No. 4, may not align with zones defined in the LEP (e.g. IN1, etc.).

Area B – Commercial Core Zone North of Wentworth Avenue

Description	Lot/s in Study Area to the north of Wentworth Avenue (i.e. principally Westfields Shopping Centre).
Zoning	<p>B3 – Commercial Core</p> <p>The zoning for this Area is primarily for retail, business, office, entertainment, and community uses (viz. Defined as ‘residential’ or ‘commercial’ uses in HIPAP No. 4) including: commercial premises; community facilities; educational establishments; entertainment facilities; function centres; hotel or motel accommodation; information and education facilities; medical centres; passenger transport facilities; recreation facilities (indoor); and, registered clubs. However, respite day care centres (viz. Defined as ‘sensitive uses’ in HIPAP No. 4), and other ‘sensitive uses’ that are not specifically prohibited (e.g. child care facilities, hospitals) are also permissible with consent and should be prohibited in the southern part of this Area based on the cumulative LSIFR.</p> <p>It would not be appropriate to rezone the southern part of this Area for residential or sensitive uses based on the cumulative LSIFR (See below).</p>
Individual Risk	The cumulative LSIFR is ≥ 0.5 pmpy for the southern part of this Area, with a maximum LSIFR of c. 10 pmpy at the intersection of Wentworth Avenue and Denison Street. The cumulative acute toxic injury (10 pmpy) and irritation (50 pmpy) contours do not extend to this Area.
Societal Risk	It is not possible to determine the contribution to the cumulative societal risk (‘FN Curve’) for the population at this specific Area based on the available risk assessments. However, relatively high populations may be present during operating hours and this will contribute to the cumulative societal risk (‘FN Curve’) for the Study Area.

Category of Development for Land Use Safety Planning *	Current Control	Proposed New Development or Modification to Existing Development	
		Proposed Control	Basis
SENSITIVE USES (Hospitals, schools, child-care facilities & old age housing)	Permitted with consent	Prohibited (South) or Permitted with consent (North)	The cumulative LSIFR is ≥ 0.5 pmpy for the southern part of this Area. Any proposed population intensification for the northern part of this Area will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.
RESIDENTIAL (Residential developments & places of continuous occupancy, such as hotels & tourist resorts)	Prohibited or Permitted with consent #	Prohibited (South) or Permitted with consent (North)	# Currently: residential accommodation is prohibited; and, hotels / motels and tourist & visitor accommodation are permitted with consent. The cumulative LSIFR is ≥ 1 pmpy for the southern part of this Area. Any proposed population intensification for the northern part will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.
COMMERCIAL (Including offices, retail centres, warehouses with showrooms, restaurants & entertainment centres)	Permitted with consent	Permitted with consent	The cumulative LSIFR is ≤ 5 pmpy for most of this Area (Note: Commercial development is unlikely to be permitted near the intersection of Denison St and Wentworth Avenue where the LSIFR is ≥ 5 pmpy). There are existing commercial uses in this Area. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.
OPEN SPACE (Sporting complexes & active open space areas)	Permitted with consent #	Permitted with consent	# Currently, recreation areas and recreation facilities (indoor) are permitted with consent. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.
INDUSTRIAL	Prohibited	Prohibited	This Area is not zoned for industrial uses. There are no existing industrial uses and future industrial uses are prohibited.

* Note: ‘Industrial’, ‘residential’, etc. uses, as defined in HIPAP No. 4, may not align with zones defined in the LEP (e.g. IN1, etc.).

Area C – Low Density Residential Zone in Eastgardens Precinct

Description	Lots bounded by Wentworth Avenue, Denison Street and Smith Street in Eastgardens Precinct.
Zoning	<p>R2 – Low Density Residential</p> <p>The zoning for this Area is primarily for residential uses and places of continuous occupancy (as defined in HIPAP No. 4), including: attached dwellings; bed and breakfast accommodation; boarding houses; community facilities; dwelling houses; group homes; multi dwelling housing; places of public worship; recreation areas; residential flat buildings; and semi-detached dwellings. Home occupations are permitted without consent.</p> <p>Child care centres, health consulting rooms, hospitals and respite day care centres (viz. Defined as ‘sensitive uses’ in HIPAP No. 4) and neighbourhood shops and office premises (viz. Defined as ‘commercial uses’ in HIPAP No. 4) are also permissible with consent.</p> <p>Building identification signs, business identification signs, environmental protection works and flood mitigation works are permissible with consent.</p> <p>It would not be appropriate to rezone this Area for higher density residential or sensitive uses based on the cumulative LSIFR and societal risk (See below).</p>
Individual Risk	The cumulative LSIFR is ≥ 0.5 pmpy at this Area, with a maximum LSIFR of c. 10 pmpy in the NW corner at the intersection of Wentworth Avenue and Denison Street. The cumulative acute toxic injury (10 pmpy) and irritation (50 pmpy) contours do not extend to this Area.
Societal Risk	It is not possible to determine the contribution to the cumulative societal risk (‘FN Curve’) for the population at this specific Area based on the available risk assessments. However, residential populations are expected to be present all the time and this will contribute to the cumulative societal risk (‘FN Curve’) for the Study Area.

Category of Development for Land Use Safety Planning *	Current Control	Proposed New Development or Modification to Existing Development	
		Proposed Control	Basis
SENSITIVE USES (Hospitals, schools, child-care facilities & old age housing)	Permitted with consent	Prohibited	The cumulative LSIFR is ≥ 0.5 pmpy at this Area.
RESIDENTIAL (Residential developments & places of continuous occupancy, such as hotels & tourist resorts)	Permitted with consent	Prohibited	The cumulative LSIFR is ≥ 1 pmpy at this Area.
COMMERCIAL (Including offices, retail centres, warehouses with showrooms, restaurants & entertainment centres)	Permitted with consent #	Permitted with consent	<p># Currently, neighbourhood shops and office premises are permitted with consent.</p> <p>The cumulative LSIFR is ≤ 5 pmpy for most of this Area (Note: Commercial development is unlikely to be permitted in the NW corner where the LSIFR is ≥ 5 pmpy).</p> <p>There are no existing commercial developments; however, these developments may be permitted in the future.</p> <p>Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.</p>
OPEN SPACE (Sporting complexes & active open space areas)	Permitted with consent #	Permitted with consent	<p># Currently, recreation areas are permitted with consent.</p> <p>The cumulative LSIFR is ≤ 10 pmpy at this Area (Except for a small area in the NW corner at the intersection of Wentworth Avenue and Denison Street).</p> <p>Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.</p>
INDUSTRIAL	Prohibited	Prohibited	<p>This Area is not zoned for industrial uses.</p> <p>There are no existing industrial uses and future industrial uses are prohibited.</p>

* Note: ‘Industrial’, ‘residential’, etc. uses, as defined in HIPAP No. 4, may not align with zones defined in the LEP (e.g. IN1, etc.).

Area D – Low Density Residential Zone in Eastgardens Precinct

Description	Lots bounded by Wentworth Avenue and Smith Street in Eastgardens Precinct.
Zoning	<p>R2 – Low Density Residential</p> <p>The zoning for this Area is primarily for residential uses and places of continuous occupancy (as defined in HIPAP No. 4), including: attached dwellings; bed and breakfast accommodation; boarding houses; community facilities; dwelling houses; group homes; multi dwelling housing; places of public worship; recreation areas; residential flat buildings; and semi-detached dwellings. Home occupations are permitted without consent.</p> <p>Child care centres, health consulting rooms, hospitals and respite day care centres (viz. Defined as ‘sensitive uses’ in HIPAP No. 4) and neighbourhood shops and office premises (viz. Defined as ‘commercial uses’ in HIPAP No. 4) are also permissible with consent.</p> <p>Building identification signs, business identification signs, environmental protection works and flood mitigation works are permissible with consent.</p> <p>It would not be appropriate to rezone this Area for higher density residential or sensitive uses based on the cumulative LSIFR and societal risk (See below).</p>
Individual Risk	The cumulative LSIFR is ≥ 0.5 pmpy at this Area, with a maximum LSIFR of c. 1 pmpy at the boundary with Area C. The cumulative acute toxic injury (10 pmpy) and irritation (50 pmpy) contours do not extend to this Area.
Societal Risk	It is not possible to determine the contribution to the cumulative societal risk (‘FN Curve’) for the population at this specific Area based on the available risk assessments. However, residential populations are expected to be present all the time and this will contribute to the cumulative societal risk (‘FN Curve’) for the Study Area.

Category of Development for Land Use Safety Planning *	Current Control	Proposed New Development or Modification to Existing Development	
		Proposed Control	Basis
SENSITIVE USES (Hospitals, schools, child-care facilities & old age housing)	Permitted with consent	Prohibited *	The cumulative LSIFR is ≥ 0.5 pmpy at this Area. * The eastern boundary of this area is difficult to determine from the available risk assessments (This area of uncertainty is indicated by the ‘?’ symbols on Figure 25).
RESIDENTIAL (Residential developments & places of continuous occupancy, such as hotels & tourist resorts)	Permitted with consent	Permitted with consent	The cumulative LSIFR is ≤ 1 pmpy at this Area. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.
COMMERCIAL (Including offices, retail centres, warehouses with showrooms, restaurants & entertainment centres)	Permitted with consent #	Permitted with consent	# Currently, neighbourhood shops and office premises are permitted with consent. The cumulative LSIFR is ≤ 5 pmpy at this area. There are no existing commercial developments; however, these developments may be permitted in the future. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.
OPEN SPACE (Sporting complexes & active open space areas)	Permitted with consent #	Permitted with consent	# Currently, recreation areas are permitted with consent. The cumulative LSIFR is ≤ 10 pmpy at this Area. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.
INDUSTRIAL	Prohibited	Prohibited	This Area is not zoned for industrial uses. There are no existing industrial uses and future industrial uses are prohibited.

* Note: ‘Industrial’, ‘residential’, etc. uses, as defined in HIPAP No. 4, may not align with zones defined in the LEP (e.g. IN1, etc.).

Area E – Business Development Zone in Banksmeadow Industrial Precinct

Description	Lot/s in Banksmeadow Industrial Precinct bounded by Denison Street and Smith Street (i.e. principally Bunnings Development).
Zoning	<p>B5 – Business Development</p> <p>The zoning for this Area is primarily for business and warehouse uses, and bulky goods premises that require a large floor area (viz. Defined as ‘commercial’ uses in HIPAP No. 4), including: bulky goods premises; food and drink premises; garden centres; hardware and building supplies; high technology industries; landscaping material supplies; neighbourhood shops; passenger transport facilities; vehicle sales or hire premises; warehouse or distribution centres. However, child care centres and respite day care centres (viz. Defined as ‘sensitive uses’ in HIPAP No. 4) and tourist & visitor accommodation (viz. Defined as ‘residential uses’ in HIPAP No. 4) are also permissible with consent and should be prohibited based on the cumulative LSIFR (see below). Recreation areas (viz. Defined as ‘open space uses’ in HIPAP No. 4) are also permissible with consent.</p> <p>It would not be appropriate to rezone this Area for residential or sensitive uses based on the cumulative LSIFR (See below).</p>
Individual Risk	The cumulative LSIFR is ≥ 1 pmpy for this Area. The maximum LSIFR appears to be ≤ 5 pmpy. The cumulative acute toxic injury (10 pmpy) and irritation (50 pmpy) contours do not extend to this Area.
Societal Risk	It is not possible to determine the contribution to the cumulative societal risk (‘FN Curve’) for the population at this specific Area based on the available risk assessments. However, relatively high populations may be present during operating hours and this will contribute to the cumulative societal risk (‘FN Curve’) for the Study Area.

Category of Development for Land Use Safety Planning *	Current Control	Proposed New Development or Modification to Existing Development	
		Proposed Control	Basis
SENSITIVE USES (Hospitals, schools, child-care facilities & old age housing)	Permitted with consent	Prohibited	The cumulative LSIFR is ≥ 0.5 at this Area.
RESIDENTIAL (Residential developments & places of continuous occupancy, such as hotels & tourist resorts)	Permitted with consent #	Prohibited	# Currently, tourist & visitor accommodation is permitted with consent. The cumulative LSIFR is ≥ 1 pmpy at this Area.
COMMERCIAL (Including offices, retail centres, warehouses with showrooms, restaurants & entertainment centres)	Permitted with consent	Permitted with consent	The cumulative LSIFR is ≤ 5 pmpy at this Area. There are existing commercial uses in this Area. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.
OPEN SPACE (Sporting complexes & active open space areas)	Permitted with consent #	Permitted with consent	# Currently, recreation areas are permitted with consent. The cumulative LSIFR is ≤ 10 pmpy at this Area. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.
INDUSTRIAL	Permitted with consent #	Permitted with consent	# Currently, high-technology industry is permitted with consent. The cumulative LSIFR is ≤ 50 pmpy at this Area. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.

* Note: ‘Industrial’, ‘residential’, etc. uses, as defined in HIPAP No. 4, may not align with zones defined in the LEP (e.g. IN1, etc.).

Area F – Business Development Zone in Banksmeadow Industrial Precinct

Description	Lot/s in Banksmeadow Industrial Precinct bounded by Area E and Smith Street.
Zoning	<p>B5 – Business Development</p> <p>The zoning for this Area is primarily for business and warehouse uses, and bulky goods premises that require a large floor area (viz. Defined as ‘commercial’ uses in HIPAP No. 4), including: bulky goods premises; food and drink premises; garden centres; hardware and building supplies; high technology industries; landscaping material supplies; neighbourhood shops; passenger transport facilities; vehicle sales or hire premises; warehouse or distribution centres. However, child care centres and respite day care centres (viz. Defined as ‘sensitive uses’ in HIPAP No. 4), tourist & visitor accommodation (viz. Defined as ‘residential uses’ in HIPAP No. 4) and recreation areas (viz. Defined as ‘open space uses’ in HIPAP No. 4) are also permissible with consent.</p>
Individual Risk	The cumulative LSIFR is ≤ 0.5 pmpy at this Area, with a maximum LSIFR of c. 0.5 pmpy near the boundary with Area E. The cumulative acute toxic injury (10 pmpy) and irritation (50 pmpy) contours do not extend to this Area.
Societal Risk	It is not possible to determine the contribution to the cumulative societal risk (‘FN Curve’) for the population at this specific Area based on the available risk assessments. However, relatively high populations may be present during operating hours and this will contribute to the cumulative societal risk (‘FN Curve’) for the Study Area.

Category of Development for Land Use Safety Planning *	Current Control	Proposed New Development or Modification to Existing Development	
		Proposed Control	Basis
SENSITIVE USES (Hospitals, schools, child-care facilities & old age housing)	Permitted with consent	Permitted with consent	The cumulative LSIFR is ≤ 0.5 pmpy at this Area. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.
RESIDENTIAL (Residential developments & places of continuous occupancy, such as hotels & tourist resorts)	Permitted with consent #	Permitted with consent	# Currently, tourist & visitor accommodation is permitted with consent. The cumulative LSIFR is ≤ 0.5 pmpy at this Area. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.
COMMERCIAL (Including offices, retail centres, warehouses with showrooms, restaurants & entertainment centres)	Permitted with consent	Permitted with consent	The cumulative LSIFR is ≤ 5 pmpy at this Area. There are no existing commercial developments; however, these developments may be permitted in the future. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.
OPEN SPACE (Sporting complexes & active open space areas)	Permitted with consent #	Permitted with consent	# Currently, recreation areas are permitted with consent. The cumulative LSIFR is ≤ 10 pmpy at this Area. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.
INDUSTRIAL	Permitted with consent #	Permitted with consent	# Currently, high-technology industry is permitted with consent. The cumulative LSIFR is ≤ 50 pmpy at this Area. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.

* Note: ‘Industrial’, ‘residential’, etc. uses, as defined in HIPAP No. 4, may not align with zones defined in the LEP (e.g. IN1, etc.).

Area G – Land Covered by Three Ports SEPP (East of Denison Street)

Description	Lot/s to the east of Denison Street covered by the Three Ports SEPP.
Zoning	<p>IN1 – General Industrial</p> <p>The zoning for this Area is primarily for port-related general industrial uses (viz. Defined as ‘commercial’ or ‘industrial’ uses in HIPAP No. 4), including: boat building and repair facilities; business premises; depots; food and drink premises; freight transport facilities; general industries; jetties; light industries; neighbourhood shops; office premises; signage; truck depots; vehicle body repair workshops; vehicle repair stations; warehouse or distribution centres; waste or resource management facilities.</p> <p>It would not be appropriate to rezone this Area for residential or sensitive uses based on the cumulative LSIFR and acute toxic irritation risk (See below).</p>
Individual Risk	<p>The cumulative LSIFR is ≥ 1 pmpy at this Area and is ≥ 5 pmpy for the western half adjacent to Denison Street. The maximum LSIFR appears to be c. 10 pmpy, however this only occurs near the BIP Gate 3 on Denison Street. The cumulative acute toxic injury (10 pmpy) contour does not appear to extend to this Area. The cumulative acute toxic irritation (50 pmpy) contour does extend to this Area.</p>
Societal Risk	<p>It is not possible to determine the contribution to the cumulative societal risk (‘FN Curve’) for the population at this specific Area based on the available risk assessments. However, relatively high populations may be present during operating hours and this will contribute to the cumulative societal risk (‘FN Curve’) for the Study Area.</p>

Category of Development for Land Use Safety Planning *	Current Control	Proposed New Development or Modification to Existing Development	
		Proposed Control	Basis
SENSITIVE USES (Hospitals, schools, child-care facilities & old age housing)	Prohibited	Prohibited	The cumulative LSIFR is ≥ 0.5 pmpy, and the cumulative acute toxic irritation risk is ≥ 50 pmpy, at this Area.
RESIDENTIAL (Residential developments & places of continuous occupancy, such as hotels & tourist resorts)	Prohibited	Prohibited	<p>The cumulative LSIFR is ≥ 1 pmpy at this Area.</p> <p>The cumulative acute toxic irritation risk is ≥ 50 pmpy at this area.</p>
COMMERCIAL (Including offices, retail centres, warehouses with showrooms, restaurants & entertainment centres)	Prohibited *	Prohibited *	<p>The cumulative LSIFR is ≤ 5 pmpy at the eastern, and ≥ 5 pmpy at the western, half of this Area.</p> <p>* Office premises, shops, etc. are only permissible in this area if they are associated with, or ancillary to, a port-related industrial use (See below). Other commercial uses are prohibited.</p>
OPEN SPACE (Sporting complexes & active open space areas)	Prohibited	Prohibited	<p>This Area is not zoned for open space uses.</p> <p>There are no existing open space uses and future open space uses are prohibited.</p>
INDUSTRIAL	Permitted with consent	Permitted with consent *	<p>The cumulative LSIFR is ≤ 50 pmpy at this Area.</p> <p>* Lower risk general and light industries that will not increase the cumulative risk in the Study Area would be the preferred type of development in this Area.</p> <p>Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.</p>

* Note: ‘Industrial’, ‘residential’, etc. uses, as defined in HIPAP No. 4, may not align with zones defined in the LEP (e.g. IN1, etc.).

Area H – Business Park Zone in Banksmeadow Industrial Precinct

Description	Lot/s in Banksmeadow Industrial Precinct bounded by Areas F, G, H and I.
Zoning	<p>B7 – Business Park</p> <p>The zoning for this Area is primarily for office and light industrial uses (viz. Defined as ‘commercial’ or ‘industrial’ uses in HIPAP No. 4), including: food and drink premises; light industries; neighbourhood shops; office premises; passenger transport facilities; vehicle sales or hire premises; warehouse or distribution centres. However, child care centres and respite day care centres (viz. Defined as ‘sensitive uses’ in HIPAP No. 4) are also permissible with consent and should be prohibited based on the cumulative LSIFR (see below).</p> <p>Home occupations are permitted without consent and dwelling houses and home industries (viz. Defined as ‘residential’ uses in HIPAP No. 4) are permissible with consent. Recreation areas and recreation facilities (indoor) (viz. Defined as ‘open space uses’ in HIPAP No. 4) are also permissible with consent.</p> <p>It would not be appropriate to rezone this Area for sensitive uses based on the cumulative LSIFR (See below).</p>
Individual Risk	The cumulative LSIFR is ≥ 0.5 pmpy at this Area, with a maximum LSIFR of c. 1 pmpy near the boundary with Area G. The cumulative acute toxic injury (10 pmpy) and irritation (50 pmpy) contours do not extend to this Area.
Societal Risk	It is not possible to determine the contribution to the cumulative societal risk (‘FN Curve’) for the population at this specific Area based on the available risk assessments. However, some people may be present and this will contribute to the cumulative societal risk (‘FN Curve’) for the Study Area.

Category of Development for Land Use Safety Planning *	Current Control	Proposed New Development or Modification to Existing Development	
		Proposed Control	Basis
SENSITIVE USES (Hospitals, schools, child-care facilities & old age housing)	Permitted with consent	Prohibited	The cumulative LSIFR is ≥ 0.5 pmpy at this Area.
RESIDENTIAL (Residential developments & places of continuous occupancy, such as hotels & tourist resorts)	Permitted with consent	Permitted with consent *	The cumulative LSIFR is ≤ 1 pmpy at this Area. * Higher density residential development (including hotels, etc.) is prohibited under the current zoning and is unlikely to be permissible in this Area due to its potential contribution to the cumulative societal risk. It would not be appropriate to rezone this Area for higher density residential uses. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.
COMMERCIAL (Including offices, retail centres, warehouses with showrooms, restaurants & entertainment centres)	Permitted with consent	Permitted with consent	The cumulative LSIFR is ≤ 5 pmpy at this Area. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.
OPEN SPACE (Sporting complexes & active open space areas)	Permitted with consent #	Permitted with consent	# Currently, recreation areas and recreation facilities (indoor) are permitted with consent. The cumulative LSIFR is ≤ 10 pmpy at this Area. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.
INDUSTRIAL	Permitted with consent	Permitted with consent *	The cumulative LSIFR is ≤ 50 pmpy at this Area. * Lower risk general and light industries that will not increase the cumulative risk in the Study Area would be the preferred type of development in this Area. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.

* Note: ‘Industrial’, ‘residential’, etc. uses, as defined in HIPAP No. 4, may not align with zones defined in the LEP (e.g. IN1, etc.).

Area I – Business Park Zone in Hillsdale Precinct

Description	Lot/s in Banksmeadow Industrial Precinct bounded by Area H and Rhodes Street.
Zoning	<p>B7 – Business Park</p> <p>The zoning for this Area is primarily for office and light industrial uses (viz. Defined as ‘commercial’ or ‘industrial’ uses in HIPAP No. 4), including: food and drink premises; light industries; neighbourhood shops; office premises; passenger transport facilities; vehicle sales or hire premises; warehouse or distribution centres. However, child care centres and respite day care centres (viz. Defined as ‘sensitive uses’ in HIPAP No. 4) are also permissible with consent.</p> <p>Home occupations are permitted without consent and dwelling houses and home industries (viz. Defined as ‘residential’ uses in HIPAP No. 4) are permissible with consent. Recreation areas and recreation facilities (indoor) (viz. Defined as ‘open space uses’ in HIPAP No. 4) are also permissible with consent.</p>
Individual Risk	The cumulative LSIFR is ≤ 0.5 pmpy at this Area. The cumulative acute toxic injury (10 pmpy) and irritation (50 pmpy) contours do not extend to this Area.
Societal Risk	It is not possible to determine the contribution to the cumulative societal risk (‘FN Curve’) for the population at this specific Area based on the available risk assessments. However, some people may be present and this will contribute to the cumulative societal risk (‘FN Curve’) for the Study Area.

Category of Development for Land Use Safety Planning *	Current Control	Proposed New Development or Modification to Existing Development	
		Proposed Control	Basis
SENSITIVE USES (Hospitals, schools, child-care facilities & old age housing)	Permitted with consent	Permitted with consent	The cumulative LSIFR is ≤ 0.5 pmpy at this Area.
RESIDENTIAL (Residential developments & places of continuous occupancy, such as hotels & tourist resorts)	Permitted with consent	Permitted with consent *	The cumulative LSIFR is ≤ 1 pmpy at this Area. * Higher density residential development (including hotels, etc.) is prohibited under the current zoning. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.
COMMERCIAL (Including offices, retail centres, warehouses with showrooms, restaurants & entertainment centres)	Permitted with consent	Permitted with consent	The cumulative LSIFR is ≤ 5 pmpy at this Area. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.
OPEN SPACE (Sporting complexes & active open space areas)	Permitted with consent #	Permitted with consent	# Currently, recreation areas and recreation facilities (indoor) are permitted with consent. The cumulative LSIFR is ≤ 10 pmpy at this Area. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.
INDUSTRIAL	Permitted with consent	Permitted with consent *	The cumulative LSIFR is ≤ 50 pmpy at this Area. * Lower risk general and light industries that will not increase the cumulative risk in the Study Area would be the preferred type of development in this Area. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.

* Note: ‘Industrial’, ‘residential’, etc. uses, as defined in HIPAP No. 4, may not align with zones defined in the LEP (e.g. IN1, etc.).

Area J – Mixed Use Zone in Hillsdale Precinct

Description	Lot/s in Hillsdale Precinct bounded by Areas G, H, M and K.
Zoning	<p>B4 – Mixed Use</p> <p>The zoning for this Area is primarily for a mixture of business, office, residential and retail development (viz. Defined as ‘residential’, ‘commercial’ or ‘industrial’ uses in HIPAP No. 4), including: boarding houses; commercial premises; community facilities; dwelling houses; educational establishments; entertainment facilities; function centres; hotel or motel accommodation; information and education facilities; light industries; medical centres; passenger transport facilities; recreation facilities (indoor); registered clubs; residential flat buildings; restricted premises; and shop top housing. However, child care centres, respite day care centres and seniors housing (viz. Defined as ‘sensitive uses’ in HIPAP No. 4) are also permissible with consent and should be prohibited based on the cumulative LSIFR (see below).</p> <p>Home occupations are permitted without consent.</p> <p>Recreation areas (viz. Defined as ‘open space uses’ in HIPAP No. 4) are also permissible with consent.</p>
Individual Risk	The cumulative LSIFR is ≥ 0.5 pmpy at this Area, with a maximum LSIFR of c. 1 pmpy near the boundary with Area G. The cumulative acute toxic injury (10 pmpy) and irritation (50 pmpy) contours do not extend to this Area (Although the 50 pmpy irritation contour appears to be close to the SW corner of this Area).
Societal Risk	It is not possible to determine the contribution to the cumulative societal risk (‘FN Curve’) for the population at this specific Area based on the available risk assessments. However, some people may be present and this will contribute to the cumulative societal risk (‘FN Curve’) for the Study Area.

Category of Development for Land Use Safety Planning *	Current Control	Proposed New Development or Modification to Existing Development	
		Proposed Control	Basis
SENSITIVE USES (Hospitals, schools, child-care facilities & old age housing)	Permitted with consent	Prohibited	The cumulative LSIFR is ≥ 0.5 pmpy at this Area.
RESIDENTIAL (Residential developments & places of continuous occupancy, such as hotels & tourist resorts)	Permitted with consent	Permitted with consent *	The cumulative LSIFR is ≤ 1 pmpy at this Area. * Higher density residential development (including hotels, etc.) is permissible with consent under the current zoning. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.
COMMERCIAL (Including offices, retail centres, warehouses with showrooms, restaurants & entertainment centres)	Permitted with consent	Permitted with consent	The cumulative LSIFR is ≤ 5 pmpy at this Area. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.
OPEN SPACE (Sporting complexes & active open space areas)	Permitted with consent #	Permitted with consent	# Currently, recreation areas and recreation facilities (indoor) are permitted with consent. The cumulative LSIFR is ≤ 10 pmpy at this Area. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.
INDUSTRIAL	Permitted with consent	Permitted with consent *	The cumulative LSIFR is ≤ 50 pmpy at this Area. * Lower risk general and light industries that will not increase the cumulative risk in the Study Area would be the preferred type of development in this Area. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.

* Note: ‘Industrial’, ‘residential’, etc. uses, as defined in HIPAP No. 4, may not align with zones defined in the LEP (e.g. IN1, etc.).

Area K – Mixed Use Zone in Hillsdale Precinct

Description	Lot/s in Hillsdale Precinct bounded by Area J and Rhodes Street.
Zoning	<p>B4 – Mixed Use</p> <p>The zoning for this Area is primarily for a mixture of business, office, residential and retail development (viz. Defined as ‘residential’, ‘commercial’ or ‘industrial’ uses in HIPAP No. 4), including: boarding houses; commercial premises; community facilities; dwelling houses; educational establishments; entertainment facilities; function centres; hotel or motel accommodation; information and education facilities; light industries; medical centres; passenger transport facilities; recreation facilities (indoor); registered clubs; residential flat buildings; restricted premises; and shop top housing. However, child care centres, respite day care centres and seniors housing (viz. Defined as ‘sensitive uses’ in HIPAP No. 4) are also permissible with consent.</p> <p>Home occupations are permitted without consent.</p> <p>Recreation areas (viz. Defined as ‘open space uses’ in HIPAP No. 4) are also permissible with consent.</p>
Individual Risk	The cumulative LSIFR is ≤ 0.5 pmpy at this Area. The cumulative acute toxic injury (10 pmpy) and irritation (50 pmpy) contours do not extend to this Area (Although the 50 pmpy irritation contour appears to be close to the SW corner of this Area).
Societal Risk	It is not possible to determine the contribution to the cumulative societal risk (‘FN Curve’) for the population at this specific Area based on the available risk assessments. However, some people may be present and this will contribute to the cumulative societal risk (‘FN Curve’) for the Study Area.

Category of Development for Land Use Safety Planning *	Current Control	Proposed New Development or Modification to Existing Development	
		Proposed Control	Basis
SENSITIVE USES (Hospitals, schools, child-care facilities & old age housing)	Permitted with consent	Permitted with consent	The cumulative LSIFR is ≤ 0.5 pmpy at this Area.
RESIDENTIAL (Residential developments & places of continuous occupancy, such as hotels & tourist resorts)	Permitted with consent	Permitted with consent *	The cumulative LSIFR is ≤ 1 pmpy at this Area. * Higher density residential development (including hotels, etc.) is permissible with consent under the current zoning. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.
COMMERCIAL (Including offices, retail centres, warehouses with showrooms, restaurants & entertainment centres)	Permitted with consent	Permitted with consent	The cumulative LSIFR is ≤ 5 pmpy at this Area. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.
OPEN SPACE (Sporting complexes & active open space areas)	Permitted with consent #	Permitted with consent	# Currently, recreation areas and recreation facilities (indoor) are permitted with consent. The cumulative LSIFR is ≤ 10 pmpy at this Area. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.
INDUSTRIAL	Permitted with consent	Permitted with consent *	The cumulative LSIFR is ≤ 50 pmpy at this Area. * Lower risk general and light industries that will not increase the cumulative risk in the Study Area would be the preferred type of development in this Area. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.

* Note: ‘Industrial’, ‘residential’, etc. uses, as defined in HIPAP No. 4, may not align with zones defined in the LEP (e.g. IN1, etc.).

Area L – Business Development Zone in Banksmeadow Industrial Precinct

Description	Lot/s in Banksmeadow Industrial Precinct adjacent to Denison Street and Rhodes Street Reserve
Zoning	<p>B5 – Business Development</p> <p>The zoning for this Area is primarily for business and warehouse uses, and bulky goods premises that require a large floor area (viz. Defined as ‘commercial’ uses in HIPAP No. 4), including: bulky goods premises; food and drink premises; garden centres; hardware and building supplies; high technology industries; landscaping material supplies; neighbourhood shops; passenger transport facilities; vehicle sales or hire premises; warehouse or distribution centres. However, child care centres and respite day care centres (viz. Defined as ‘sensitive uses’ in HIPAP No. 4) and tourist & visitor accommodation (viz. Defined as ‘residential uses’ in HIPAP No. 4) are also permissible with consent and should be prohibited based on the cumulative LSIFR (see below). Recreation areas (viz. Defined as ‘open space uses’ in HIPAP No. 4) and high-technology industry (viz. Defined as an ‘industrial use’ in HIPAP No. 4) are also permissible with consent.</p> <p>It would not be appropriate to rezone this Area for residential or sensitive uses based on the cumulative LSIFR and acute toxic irritation risk (See below).</p>
Individual Risk	The cumulative LSIFR is ≥ 1 pmpy at this Area. The maximum LSIFR appears to be ≤ 5 pmpy. The cumulative acute toxic injury (10 pmpy) contour does not appear to extend to this Area. The cumulative acute toxic irritation (50 pmpy) contour does extend to this Area.
Societal Risk	It is not possible to determine the contribution to the cumulative societal risk (‘FN Curve’) for the population at this specific Area based on the available risk assessments. However, relatively high populations may be present during operating hours and this will contribute to the cumulative societal risk (‘FN Curve’) for the Study Area.

Category of Development for Land Use Safety Planning *	Current Control	Proposed New Development or Modification to Existing Development	
		Proposed Control	Basis
SENSITIVE USES (Hospitals, schools, child-care facilities & old age housing)	Permitted with consent	Prohibited	The cumulative LSIFR is ≥ 0.5 at this Area. The cumulative acute toxic irritation risk is ≥ 50 pmpy at this area.
RESIDENTIAL (Residential developments & places of continuous occupancy, such as hotels & tourist resorts)	Permitted with consent #	Prohibited	# Currently, tourist & visitor accommodation is permitted with consent. The cumulative LSIFR is ≥ 1 pmpy at this Area. The cumulative acute toxic irritation risk is ≥ 50 pmpy at this area.
COMMERCIAL (Including offices, retail centres, warehouses with showrooms, restaurants & entertainment centres)	Permitted with consent	Permitted with consent	The cumulative LSIFR is ≤ 5 pmpy at this Area. There are existing commercial uses in this Area. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.
OPEN SPACE (Sporting complexes & active open space areas)	Permitted with consent #	Permitted with consent	# Currently, recreation areas are permitted with consent. The cumulative LSIFR is ≤ 10 pmpy at this Area. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.
INDUSTRIAL	Permitted with consent #	Permitted with consent	# Currently, high-technology industry is permitted with consent. The cumulative LSIFR is ≤ 50 pmpy at this Area. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.

* Note: ‘Industrial’, ‘residential’, etc. uses, as defined in HIPAP No. 4, may not align with zones defined in the LEP (e.g. IN1, etc.).

Area M – Medium Density Residential Zone in Hillsdale Precinct

Description	Lot/s in Hillsdale Precinct bounded by Areas J, L, N and O.
Zoning	<p>R3 – Medium Density Residential</p> <p>The zoning for this Area is primarily for medium density residential uses and places of continuous occupancy (as defined in HIPAP No. 4), including: attached dwellings; bed and breakfast accommodation; boarding houses; community facilities; dwelling houses; group homes; multi dwelling housing; places of public worship; residential flat buildings; and, semi-detached dwellings. Child care centres, respite day care centres and seniors housing (viz. Defined as ‘sensitive uses’ in HIPAP No. 4) and neighbourhood shops and office premises (viz. Defined as ‘commercial’ uses in HIPAP No. 4) are also permissible with consent.</p> <p>Home occupations are permitted without consent.</p> <p>Recreation areas (viz. Defined as ‘open space uses’ in HIPAP No. 4) are also permissible with consent.</p>
Individual Risk	The cumulative LSIFR is ≤ 0.5 pmpy at this Area. The cumulative acute toxic injury (10 pmpy) contour does not appear to extend to this Area. The cumulative acute toxic irritation (50 pmpy) contour does extend to this Area.
Societal Risk	It is not possible to determine the contribution to the cumulative societal risk (‘FN Curve’) for the population at this specific Area based on the available risk assessments. However, some people may be present and this will contribute to the cumulative societal risk (‘FN Curve’) for the Study Area.

Category of Development for Land Use Safety Planning *	Current Control	Proposed New Development or Modification to Existing Development	
		Proposed Control	Basis
SENSITIVE USES (Hospitals, schools, child-care facilities & old age housing)	Permitted with consent	Prohibited	The cumulative LSIFR is ≤ 0.5 pmpy at this Area. However, the cumulative acute toxic irritation risk is ≥ 50 pmpy at this area.
RESIDENTIAL (Residential developments & places of continuous occupancy, such as hotels & tourist resorts)	Permitted with consent	Prohibited	The cumulative LSIFR is ≤ 1 pmpy at this Area. However, the cumulative acute toxic irritation risk is ≥ 50 pmpy at this area.
COMMERCIAL (Including offices, retail centres, warehouses with showrooms, restaurants & entertainment centres)	Permitted with consent	Permitted with consent	The cumulative LSIFR is ≤ 5 pmpy at this Area. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.
OPEN SPACE (Sporting complexes & active open space areas)	Permitted with consent #	Permitted with consent	# Currently, recreation areas are permitted with consent. The cumulative LSIFR is ≤ 10 pmpy at this Area. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.
INDUSTRIAL	Prohibited	Prohibited	This Area is not zoned for industrial uses. There are no existing industrial uses and future industrial uses are prohibited.

* Note: ‘Industrial’, ‘residential’, etc. uses, as defined in HIPAP No. 4, may not align with zones defined in the LEP (e.g. IN1, etc.).

Area N – Medium Density Residential Zone in Hillsdale Precinct

Description	Lot/s in Hillsdale Precinct bounded by Area M and Rhodes Street.
Zoning	<p>R3 – Medium Density Residential</p> <p>The zoning for this Area is primarily for medium density residential uses and places of continuous occupancy (as defined in HIPAP No. 4), including: attached dwellings; bed and breakfast accommodation; boarding houses; community facilities; dwelling houses; group homes; multi dwelling housing; places of public worship; residential flat buildings; and, semi-detached dwellings. Child care centres, respite day care centres and seniors housing (viz. Defined as ‘sensitive uses’ in HIPAP No. 4) and neighbourhood shops and office premises (viz. Defined as ‘commercial’ uses in HIPAP No. 4) are also permissible with consent.</p> <p>Home occupations are permitted without consent.</p> <p>Recreation areas (viz. Defined as ‘open space uses’ in HIPAP No. 4) are also permissible with consent.</p>
Individual Risk	The cumulative LSIFR is ≤ 0.5 pmpy at this Area. The cumulative acute toxic injury (10 pmpy) and irritation (50 pmpy) contours do not extend to this Area.
Societal Risk	It is not possible to determine the contribution to the cumulative societal risk (‘FN Curve’) for the population at this specific Area based on the available risk assessments. However, some people may be present and this will contribute to the cumulative societal risk (‘FN Curve’) for the Study Area.

Category of Development for Land Use Safety Planning *	Current Control	Proposed New Development or Modification to Existing Development	
		Proposed Control	Basis
SENSITIVE USES (Hospitals, schools, child-care facilities & old age housing)	Permitted with consent	Permitted with consent	The cumulative LSIFR is ≤ 0.5 pmpy at this Area. The cumulative acute toxic injury risk is ≤ 10 pmpy, and the cumulative acute toxic irritation risk is ≤ 50 pmpy, at this Area. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.
RESIDENTIAL (Residential developments & places of continuous occupancy, such as hotels & tourist resorts)	Permitted with consent	Permitted with consent	The cumulative LSIFR is ≤ 1 pmpy at this Area. The cumulative acute toxic injury risk is ≤ 10 pmpy, and the cumulative acute toxic irritation risk is ≤ 50 pmpy, at this Area. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.
COMMERCIAL (Including offices, retail centres, warehouses with showrooms, restaurants & entertainment centres)	Permitted with consent	Permitted with consent	The cumulative LSIFR is ≤ 5 pmpy at this Area. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.
OPEN SPACE (Sporting complexes & active open space areas)	Permitted with consent #	Permitted with consent	# Currently, recreation areas are permitted with consent. The cumulative LSIFR is ≤ 10 pmpy at this Area. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.
INDUSTRIAL	Prohibited	Prohibited	This Area is not zoned for industrial uses. There are no existing industrial uses and future industrial uses are prohibited.

* Note: ‘Industrial’, ‘residential’, etc. uses, as defined in HIPAP No. 4, may not align with zones defined in the LEP (e.g. IN1, etc.).

Area O – Rhodes Street Reserve

Description	Lots bounded by Denison Street and Rhodes Street (i.e. principally Rhodes Street Reserve).
Zoning	<p>SP1 – Special Activities</p> <p>The zoning for this Area is primarily for the purpose shown on the Land Zoning Map (i.e. recreational uses, which are defined as ‘open space’ uses in HIPAP No. 4).</p> <p>Environmental works are permitted without consent. These works are not expected to introduce large populations and a higher LSIFR criterion would typically apply (viz. equivalent to an industrial use as defined in HIPAP No. 4) than for the other permissible uses.</p> <p>It would not be appropriate to rezone this Area for residential or sensitive uses based on the cumulative LSIFR and acute toxic injury risk (See below).</p>
Individual Risk	The cumulative LSIFR is ≥ 0.5 pmpy for the western half of this Area, with a maximum LSIFR ≤ 5 pmpy at the NW corner near Denison Street. The cumulative acute toxic injury (10 pmpy) contour does not extend to this Area. The cumulative acute toxic irritation (50 pmpy) contour does extend to this Area.
Societal Risk	It is not possible to determine the contribution to the cumulative societal risk (‘FN Curve’) for the population at this specific Area based on the available risk assessments. However, relatively low populations may be present at the park and this will contribute to the cumulative societal risk (‘FN Curve’) for the Study Area.

Category of Development for Land Use Safety Planning *	Current Control	Proposed New Development or Modification to Existing Development	
		Proposed Control	Basis
SENSITIVE USES (Hospitals, schools, child-care facilities & old age housing)	Prohibited	Prohibited	The cumulative LSIFR is ≥ 0.5 pmpy at the western half of this Area. The cumulative acute toxic irritation risk is ≥ 50 pmpy at this Area. This Area is not zoned for sensitive uses. There are no existing sensitive uses and future sensitive uses are prohibited.
RESIDENTIAL (Residential developments & places of continuous occupancy, such as hotels & tourist resorts)	Prohibited	Prohibited	The cumulative LSIFR is ≥ 1 pmpy at the western half of this Area. The cumulative acute toxic irritation risk is ≥ 50 pmpy at this Area. This Area is not zoned for residential uses. There are no existing residential uses and future residential uses are prohibited.
COMMERCIAL (Including offices, retail centres, warehouses with showrooms, restaurants & entertainment centres)	Prohibited	Prohibited	The cumulative LSIFR is ≤ 5 pmpy at this Area. This Area is not zoned for commercial uses. There are no existing commercial uses and future commercial uses are prohibited.
OPEN SPACE (Sporting complexes & active open space areas)	Permitted with consent	Permitted with consent	The cumulative LSIFR is ≤ 10 pmpy at this Area. There are existing open space uses in this Area. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.
INDUSTRIAL	Prohibited	Prohibited	This Area is not zoned for industrial uses. There are no existing industrial uses and future industrial uses are prohibited.

* Note: ‘Industrial’, ‘residential’, etc. uses, as defined in HIPAP No. 4, may not align with zones defined in the LEP (e.g. IN1, etc.).

Area P – Low and Medium Residential Zone in Hillsdale Precinct

Description	Lot/s in Hillsdale Precinct bounded by Denison Street and Rhodes Street.
Zoning	<p>The zoning in this Area includes low and medium density residential and small open spaces for public recreation.</p> <p>R2 – Low Density Residential / R3 – Medium Density Residential</p> <p>The R2 and R3 zoning in this Area is primarily for low and medium residential uses and places of continuous occupancy (as defined in HIPAP No. 4), including: attached dwellings; bed and breakfast accommodation; boarding houses; community facilities; dwelling houses; group homes; multi dwelling housing; places of public worship; recreation areas; residential flat buildings; and semi-detached dwellings.</p> <p>Home occupations are permitted without consent in the R2 and R3 zones.</p> <p>Child care centres, health consulting rooms, hospitals and respite day care centres (viz. Defined as ‘sensitive uses’ in HIPAP No. 4) and neighbourhood shops and office premises (viz. Defined as ‘commercial uses’ in HIPAP No. 4) are also permissible with consent in the R2 and/or R3 zones.</p> <p>RE1 - Public Recreation</p> <p>The RE1 zoning in this Area is primarily for recreational uses (viz. Defined as ‘open space’ uses in HIPAP No. 4). However, child care centres and respite day care centres (viz. Defined as ‘sensitive uses’ in HIPAP No. 4) are also permissible with consent.</p> <p>Environmental works are permitted without consent. These works are not expected to introduce large populations and a higher LSIFR criterion would typically apply (viz. equivalent to an industrial use as defined in HIPAP No. 4) than for the other permissible uses.</p>
Individual Risk	The cumulative LSIFR is ≥ 1 pmpy at this Area (principally to the west of Nilson Avenue). The cumulative acute toxic injury (10 pmpy) and irritation (50 pmpy) contours extend to this Area.
Societal Risk	It is not possible to determine the contribution to the cumulative societal risk (‘FN Curve’) for the population at this specific Area based on the available risk assessments. However, residential populations are expected to always be present and this will contribute to the cumulative societal risk (‘FN Curve’) for the Study Area.

Category of Development for Land Use Safety Planning *	Current Control	Proposed New Development or Modification to Existing Development	
		Proposed Control	Basis
SENSITIVE USES (Hospitals, schools, child-care facilities & old age housing)	Permitted with consent	Prohibited *	The cumulative LSIFR is ≥ 0.5 pmpy at this Area (principally to the west of Nilson Avenue). The cumulative acute toxic injury risk is ≥ 10 pmpy and/or the cumulative acute toxic irritation risk is ≥ 50 pmpy, at this Area. * The eastern boundary of this Area is difficult to determine from the available risk assessments (This area of uncertainty is indicated by the row of ‘?’ symbols on Figure 25).
RESIDENTIAL (Residential developments & places of continuous occupancy, such as hotels & tourist resorts)	Permitted with consent	Prohibited *	The cumulative LSIFR is ≥ 1 pmpy at this Area (principally to the west of Nilson Avenue). The cumulative acute toxic injury risk is ≥ 10 pmpy and/or the cumulative acute toxic irritation risk is ≥ 50 pmpy, at this Area. * The eastern boundary of this Area is difficult to determine from the available risk assessments (This area of uncertainty is indicated by the row of ‘?’ symbols on Figure 25).
COMMERCIAL (Including offices, retail centres, warehouses with showrooms, restaurants & entertainment centres)	Permitted with consent	Permitted with consent	The cumulative LSIFR is ≤ 5 pmpy at this Area. There are no existing commercial developments; however, these developments may be permitted in the future. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.

Category of Development for Land Use Safety Planning *	Current Control	Proposed New Development or Modification to Existing Development	
		Proposed Control	Basis
OPEN SPACE (Sporting complexes & active open space areas)	Permitted with consent	Permitted with consent	The cumulative LSIFR is ≤10 pmpy at this Area. There are existing open space uses in this Area. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.
INDUSTRIAL	Prohibited	Prohibited	This Area is not zoned for industrial uses. There are no existing industrial uses and future industrial uses are prohibited.

* Note: 'Industrial', 'residential', etc. uses, as defined in HIPAP No. 4, may not align with zones defined in the LEP (e.g. IN1, etc.).

Area Q – Low and Medium Residential Zone in Hillsdale Precinct

Description	Lot/s in Hillsdale Precinct bounded by Denison Street and Rhodes Street (Principally the 'consultation zone from the 2001 LUSS).
Zoning	<p>The zoning in this Area includes low and medium density residential and small open spaces for public recreation.</p> <p>R2 – Low Density Residential / R3 – Medium Density Residential</p> <p>The R2 and R3 zoning in this Area is primarily for low and medium residential uses and places of continuous occupancy (as defined in HIPAP No. 4), including: attached dwellings; bed and breakfast accommodation; boarding houses; community facilities; dwelling houses; group homes; multi dwelling housing; places of public worship; recreation areas; residential flat buildings; and semi-detached dwellings.</p> <p>Home occupations are permitted without consent in the R2 and R3 zones.</p> <p>Child care centres, health consulting rooms, hospitals and respite day care centres (viz. Defined as 'sensitive uses' in HIPAP No. 4) and neighbourhood shops and office premises (viz. Defined as 'commercial uses' in HIPAP No. 4) are also permissible with consent in the R2 and/or R3 zones.</p> <p>RE1 - Public Recreation</p> <p>The RE1 zoning in this Area is primarily for recreational uses (viz. Defined as 'open space' uses in HIPAP No. 4). However, child care centres and respite day care centres (viz. Defined as 'sensitive uses' in HIPAP No. 4) are also permissible with consent.</p> <p>Environmental works are permitted without consent. These works are not expected to introduce large populations and a higher LSIFR criterion would typically apply (viz. equivalent to an industrial use as defined in HIPAP No. 4) than for the other permissible uses.</p>
Individual Risk	The cumulative LSIFR is ≥ 1 pmpy at this Area (principally to the west of Nilson Avenue), with a maximum LSIFR of c. 5 pmpy in the SW corner near the intersection of Beauchamp Road and Denison Street. The cumulative acute toxic injury (10 pmpy) and irritation (50 pmpy) contours extend to this Area.
Societal Risk	It is not possible to determine the contribution to the cumulative societal risk ('FN Curve') for the population at this specific Area based on the available risk assessments. However, residential populations are expected to always be present and this will contribute to the cumulative societal risk ('FN Curve') for the Study Area.

Category of Development for Land Use Safety Planning *	Current Control	Proposed New Development or Modification to Existing Development	
		Proposed Control	Basis
SENSITIVE USES (Hospitals, schools, child-care facilities & old age housing)	Permitted with consent	Prohibited	<p>The cumulative LSIFR is ≥ 0.5 pmpy at this Area (principally to the west of Nilson Avenue).</p> <p>The cumulative acute toxic injury risk is ≥ 10 pmpy and the cumulative acute toxic irritation risk is ≥ 50 pmpy, at this Area.</p>
RESIDENTIAL (Residential developments & places of continuous occupancy, such as hotels & tourist resorts)	Permitted with consent	Prohibited	<p>The cumulative LSIFR is ≥ 1 pmpy at this Area (principally to the west of Nilson Avenue).</p> <p>The cumulative acute toxic injury risk is ≥ 10 pmpy and the cumulative acute toxic irritation risk is ≥ 50 pmpy, at this Area.</p>
COMMERCIAL (Including offices, retail centres, warehouses with showrooms, restaurants & entertainment centres)	Permitted with consent	Permitted with consent	<p>The cumulative LSIFR is ≤ 5 pmpy for most of this Area (Note: Commercial development is unlikely to be permitted in the SW corner of this Area where the LSIFR is ≥ 5 pmpy).</p> <p>There are no existing commercial developments; however, these developments may be permitted in the future.</p> <p>Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.</p>

Category of Development for Land Use Safety Planning *	Current Control	Proposed New Development or Modification to Existing Development	
		Proposed Control	Basis
OPEN SPACE (Sporting complexes & active open space areas)	Permitted with consent	Permitted with consent	The cumulative LSIFR is ≤10 pmpy at this Area. There are existing open space uses in this Area. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.
INDUSTRIAL	Prohibited	Prohibited	This Area is not zoned for industrial uses. There are no existing industrial uses and future industrial uses are prohibited.

* Note: 'Industrial', 'residential', etc. uses, as defined in HIPAP No. 4, may not align with zones defined in the LEP (e.g. IN1, etc.).

Area R – Land Covered by Three Ports SEPP (Botany Industrial Park)

Description	Lot/s to the west of Denison Street covered by the Three Ports SEPP (Principally BIP).
Zoning	<p>IN1 – General Industrial</p> <p>The zoning for this Area is primarily for port-related general industrial uses (viz. Defined as ‘commercial’ or ‘industrial’ uses in HIPAP No. 4), including: boat building and repair facilities; business premises; depots; food and drink premises; freight transport facilities; general industries; jetties; light industries; neighbourhood shops; office premises; signage; truck depots; vehicle body repair workshops; vehicle repair stations; warehouse or distribution centres; waste or resource management facilities.</p> <p>It would not be appropriate to rezone this Area for residential or sensitive uses based on the cumulative LSIFR and acute toxic irritation risk (See below).</p>
Individual Risk	<p>The maximum cumulative LSIFR is ≥ 50 pmpy at this Area. The cumulative LSIFR is typically between 1 and 5 pmpy at the boundary of this Area (In some areas these risk levels are reached beyond the boundary of this Area).</p> <p>The cumulative acute toxic injury (10 pmpy) and irritation (50 pmpy) contours extend to most of this Area. Other injury and property damage contours are also located within the boundary of this Area (Refer to Section 5.3).</p>
Societal Risk	It is not possible to determine the contribution to the cumulative societal risk (‘FN Curve’) for the population at this specific Area based on the available risk assessments. However, relatively high populations may be present during operating hours and this will contribute to the cumulative societal risk (‘FN Curve’) for the Study Area.

Category of Development for Land Use Safety Planning *	Current Control	Proposed New Development or Modification to Existing Development	
		Proposed Control	Basis
SENSITIVE USES (Hospitals, schools, child-care facilities & old age housing)	Prohibited	Prohibited	The cumulative LSIFR is ≥ 0.5 pmpy at this Area.
RESIDENTIAL (Residential developments & places of continuous occupancy, such as hotels & tourist resorts)	Prohibited	Prohibited	The cumulative LSIFR is ≥ 1 pmpy at this Area.
COMMERCIAL (Including offices, retail centres, warehouses with showrooms, restaurants & entertainment centres)	Prohibited *	Prohibited *	The cumulative LSIFR is ≥ 5 pmpy for the majority of this Area. * Office premises, shops, etc. are only permissible in this area if they are associated with, or ancillary to, a port-related industrial use (See below). Other commercial uses are prohibited.
OPEN SPACE (Sporting complexes & active open space areas)	Prohibited	Prohibited	This Area is not zoned for open space uses. There are no existing open space uses and future open space uses are prohibited.
INDUSTRIAL	Permitted with consent	Permitted with consent	The cumulative LSIFR is ≥ 50 pmpy at this Area and this is primarily from the existing potentially hazardous industries in the BIP. A new potentially hazardous industrial development, or modifications to the existing BIP facilities, is potentially permissible with consent in accordance with SEPP No. 33. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.

* Note: ‘Industrial’, ‘residential’, etc. uses, as defined in HIPAP No. 4, may not align with zones defined in the LEP (e.g. IN1, etc.).

Area S – Land Covered by Three Ports SEPP (West of Denison Street)

Description	Lot/s to the west of Denison Street (North of BIP Gate 3) covered by the Three Ports SEPP.
Zoning	<p>IN1 – General Industrial</p> <p>The zoning for this Area is primarily for port-related general industrial uses (viz. Defined as ‘commercial’ or ‘industrial’ uses in HIPAP No. 4), including: boat building and repair facilities; business premises; depots; food and drink premises; freight transport facilities; general industries; jetties; light industries; neighbourhood shops; office premises; signage; truck depots; vehicle body repair workshops; vehicle repair stations; warehouse or distribution centres; waste or resource management facilities.</p> <p>It would not be appropriate to rezone this Area for residential or sensitive uses based on the cumulative LSIFR (See below).</p>
Individual Risk	The cumulative LSIFR is ≥ 0.5 pmpy at most of this Area. The maximum cumulative LSIFR is ≤ 5 pmpy. The cumulative acute toxic injury (10 pmpy) and irritation (50 pmpy) contours do not extend to this Area.
Societal Risk	It is not possible to determine the contribution to the cumulative societal risk (‘FN Curve’) for the population at this specific Area based on the available risk assessments. However, relatively high populations may be present during operating hours and this will contribute to the cumulative societal risk (‘FN Curve’) for the Study Area.

Category of Development for Land Use Safety Planning *	Current Control	Proposed New Development or Modification to Existing Development	
		Proposed Control	Basis
SENSITIVE USES (Hospitals, schools, child-care facilities & old age housing)	Prohibited	Prohibited	The cumulative LSIFR is ≥ 0.5 pmpy at this Area.
RESIDENTIAL (Residential developments & places of continuous occupancy, such as hotels & tourist resorts)	Prohibited	Prohibited	The cumulative LSIFR is ≥ 1 pmpy at this Area.
COMMERCIAL (Including offices, retail centres, warehouses with showrooms, restaurants & entertainment centres)	Prohibited *	Prohibited *	The cumulative LSIFR is ≤ 5 pmpy at this Area. * Office premises, shops, etc. are only permissible in this area if they are associated with, or ancillary to, a port-related industrial use (See below). Other commercial uses are prohibited.
OPEN SPACE (Sporting complexes & active open space areas)	Prohibited	Prohibited	This Area is not zoned for open space uses. There are no existing open space uses and future open space uses are prohibited.
INDUSTRIAL	Permitted with consent	Permitted with consent *	The cumulative LSIFR is ≤ 50 pmpy at this Area. * Lower risk general and light industries that will not increase the cumulative risk in the Study Area would be the preferred type of development in this Area. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.

* Note: ‘Industrial’, ‘residential’, etc. uses, as defined in HIPAP No. 4, may not align with zones defined in the LEP (e.g. IN1, etc.).

Area T – Land Covered by Three Ports SEPP (West of Denison Street)

Description	Lot/s to the west of Denison Street (Near BIP Gate 3) covered by the Three Ports SEPP.
Zoning	<p>IN1 – General Industrial</p> <p>The zoning for this Area is primarily for port-related general industrial uses (viz. Defined as ‘commercial’ or ‘industrial’ uses in HIPAP No. 4), including: boat building and repair facilities; business premises; depots; food and drink premises; freight transport facilities; general industries; jetties; light industries; neighbourhood shops; office premises; signage; truck depots; vehicle body repair workshops; vehicle repair stations; warehouse or distribution centres; waste or resource management facilities.</p> <p>It would not be appropriate to rezone this Area for commercial, residential or sensitive uses based on the cumulative LSIFR and acute toxic irritation risk (See below).</p>
Individual Risk	The cumulative LSIFR is ≥ 5 pmpy at this Area and is c. 10 pmpy near the BIP Gate 3 entrance on Denison Street. The cumulative acute toxic injury (10 pmpy) and irritation (50 pmpy) contours extend to this Area.
Societal Risk	It is not possible to determine the contribution to the cumulative societal risk (‘FN Curve’) for the population at this specific Area based on the available risk assessments. However, relatively high populations may be present during operating hours and this will contribute to the cumulative societal risk (‘FN Curve’) for the Study Area.

Category of Development for Land Use Safety Planning *	Current Control	Proposed New Development or Modification to Existing Development	
		Proposed Control	Basis
SENSITIVE USES (Hospitals, schools, child-care facilities & old age housing)	Prohibited	Prohibited	The cumulative LSIFR is ≥ 0.5 pmpy at this Area. The cumulative acute toxic injury risk is ≥ 10 pmpy, and the cumulative acute toxic irritation risk is ≥ 50 pmpy, at this Area.
RESIDENTIAL (Residential developments & places of continuous occupancy, such as hotels & tourist resorts)	Prohibited	Prohibited	The cumulative LSIFR is ≥ 1 pmpy at this Area. The cumulative acute toxic injury risk is ≥ 10 pmpy, and the cumulative acute toxic irritation risk is ≥ 50 pmpy, at this Area.
COMMERCIAL (Including offices, retail centres, warehouses with showrooms, restaurants & entertainment centres)	Prohibited *	Prohibited *	The cumulative LSIFR is ≥ 5 pmpy at this Area. * Office premises, shops, etc. are only permissible in this area if they are associated with, or ancillary to, a port-related industrial use (See below). Other commercial uses are prohibited.
OPEN SPACE (Sporting complexes & active open space areas)	Prohibited	Prohibited	This Area is not zoned for open space uses. There are no existing open space uses and future open space uses are prohibited.
INDUSTRIAL	Permitted with consent	Permitted with consent *	The cumulative LSIFR is ≤ 50 pmpy at this Area. * Lower risk general and light industries that will not increase the cumulative risk in the Study Area would be the preferred type of development in this Area. Any proposed population intensification will require a societal risk assessment. Consent must not be based on complying with individual risk criteria alone.

* Note: ‘Industrial’, ‘residential’, etc. uses, as defined in HIPAP No. 4, may not align with zones defined in the LEP (e.g. IN1, etc.).

7.3 Summary of Key Points

The risk-related planning controls in the current BBDCP2013:

- Are included in Part 6 ('Employment Zones') and Part 8 ('Character Zones'). Part 6 only covers the industrial land in the Study Area (i.e. Banksmeadow Industrial Precinct), however, there are also provisions in Part 8 to apply the risk-related planning controls from Part 6 in adjacent areas (This approach is consistent with the recommendations from the Botany Randwick LUSS [Ref. 9]). The inclusion of risk-related planning controls in multiple Parts of the BBDCP2013 (Including in multiple sections in Part 8) is potentially confusing and increases the likelihood of inconsistencies.
- Do not specifically address the land within the Study Area that is covered by the Three Ports SEPP (Refer to Section 7.1.4).
- Include a summary of the previous LUSSs and QRAs (Note: The BBDCP2013 does not specifically refer to the Transport QRA Addendum). This information is included to provide a historical basis for the risk-related planning controls, but is not required to apply the risk-related planning controls. It is suggested that the historical information be removed from next revision of the BBDCP.
- Sometimes refer to superseded versions of the HIPAPs.
- Include a definition of 'residential intensification' and 'sensitive use intensification'. The definition of 'residential intensification' includes: "an increase in the number of rooms providing temporary or permanent accommodation". If the maximum floor space ratios for a dwelling house are met (As already specified in Clause 4.4 of the LEP), then increasing the number of rooms within a single dwelling should not be considered residential intensification.
- Require that industrial development fronting Denison Street have their commercial offices (or other non-industrial activity) fronting the road/street. All industrial activities are to be undertaken behind the commercial building buffer.
- Require a Transport Risk Assessment Report to be lodged with Council if a site fronts Denison Street. However, a site that does not front Denison Street could increase the movement of DGs along Denison Street. Applications that potentially affect DG traffic along Denison Street (Directly or indirectly) should require a Transport Risk Assessment Report to be lodged with Council.

The proposed risk-related planning controls:

- Identify specific areas within the Study Area where new development, or a modification to an existing development (Including intensification of population), should be prohibited or may potentially be permitted with consent.
- Require a risk assessment to be submitted with a development application for any use that may potentially be permitted with consent.
- Do not supersede any other development approval requirements (e.g. under the EP&A Act, SEPP No. 33, existing conditions of development consent, etc.) that may apply for development of a new potentially hazardous industry, or modification to an existing potentially hazardous industry, in the Study Area.
- Should replace all of the risk-related planning controls in Part 6 ('Employment Zones') and Part 8 ('Character Zones') of the BBDCP2013 and do not need to include a summary of the

previous LUSSs and QRAs. It is suggested that these be included in a new Part of the next revision of the BBDCP (With cross-referencing in Part 6 and 8 as required).

- Include a revised definition for 'intensification of population', which is applicable for all types of development (i.e. not only residential and sensitive uses).
- Require a Transport Risk Assessment report to be submitted for all future development applications with the potential to affect DG traffic along Denison Street. For example, this could include developments outside the Study Area that might significantly increase non-DG traffic along Denison Street, and therefore have the potential to affect the predicted accident rate for DG traffic.

8 RECOMMENDATIONS

The following recommendations are included to assist BBCC in making informed land use safety decisions for existing and future development in the Study Area:

1. BBCC should implement the proposed risk-based planning controls, as outlined in Section 7.2, as soon as practicable. Exactly how this is achieved will need to be determined by BBCC as some of the proposed controls will only apply to some parts of the Study Area and should not be applied to all other similarly zoned areas defined within the BBLEP2013.
2. BBCC should require a risk assessment to be submitted with a development application for any use that is categorised as 'permitted with consent' where the development may potentially significantly increase the population density in the Study Area (As per Recommendation No. 7 above). Approval should be contingent on the proponent demonstrating compliance with relevant risk guidelines.
3. BBCC should require a Transport Risk Assessment report to be submitted for all future development applications with the potential to affect DG traffic along Denison Street. For example, this could include developments outside the Study Area that might significantly increase non-DG traffic along Denison Street, and therefore have the potential to affect the predicted accident rate for DG traffic. Approval should be contingent on the proponent demonstrating compliance with relevant risk guidelines, including evaluation of possible alternative routes.

Note: For DG traffic, the screening threshold criteria in the NSW DP&E's *Applying SEPP 33* guidelines [Ref. 6 (Table 2)] would be appropriate. For non-DG traffic, an increase in total vehicle movements of >50% is likely to be significant.

4. BBCC should consider adopting the proposed risk-related planning controls to replace all of the risk-related planning controls in Part 6 ('Employment Zones') and Part 8 ('Character Zones') of the BBDCP2013. It is suggested that these be included in a new Part of the next revision of the BBDCP (With cross-referencing in Part 6 and 8 as required), which should also include land covered by the Three Ports SEPP. It may also be appropriate to consolidate the risk-related planning controls for other relevant areas in the Botany Bay district (e.g. along Stephen Road) in this new Part of the DCP.
5. The summary of the previous LUSSs and QRAs included in the BBDCP2013 be removed from next revision of the BBDCP.
6. A revised definition for 'intensification of population', as outlined in Section 7.2, should be included in the next revision of the BBDCP. This is applicable for all types of development (i.e. not only residential and sensitive uses).
7. BBCC should review the risk-based planning controls for the Study Area every 5 years (at a minimum) to ensure they are still appropriate based on the most recent available risk assessments for the Study Area (Including for the fixed industrial facilities and transport of DGs).
8. BBCC should review DG transport in the Study Area every 5 years (at a minimum) and update the Transport QRA if there is a significant change. It may also be appropriate to extend the DG review and Transport QRA to include Wentworth Avenue (up to intersection with Bunnerong Road and the intersection with Banks Avenue).

The review should be timed to coincide with the next update of the BIP QRA (which is also required to be updated every five years) to allow any updated risk results to be considered in

the next periodic review of the risk-based planning controls (As per Recommendation No. 7 above). As the next revision of the BIP QRA is due in c. 2017, it may be appropriate in the first instance to review / update the Transport QRA and risk-based planning controls in c. 2017.

9 REFERENCES

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- 18 NSW Ports, *Sustainability Plan 2015*.
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- 22 Roads and Maritime Services, 7 December 2015, *Summary Crash Report*.
- 23 ROAR Data Pty Ltd, June-July 2012, Survey of Dangerous Goods Traffic, Denison Street, Hillsdale.
- 24 Scott-Lister, 2015, *Addendum To Dangerous Goods Transport QRA, Denison St, Hillsdale*.
- 25 Scott-Lister, 12 February 2015, *Dangerous Goods Transport QRA*, Denison St, Hillsdale, Issue 03.
- 26 Scott-Lister, 10 December 2014, *Westfields Eastgardens Proposed Level 3 Extension*.
- 27 Sherpa Consulting, 25 September 2012, *Quantitative Risk Assessment, Summary Report, Botany Industrial Park*, Document No: 20613-001, Revision: 1.

Appendices

Appendix A Land Use Zones

Land use zone descriptions are included in the BBLEP2013 [Ref. 1] and Three Ports SEPP [Ref. 15]. The descriptions for the relevant zones in the Study Area are reproduced below.

A.1 Local Environmental Plan

Zone B3 Commercial Core

1 Objectives of zone

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.
- To encourage appropriate employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.

2 Permitted without consent

Nil

3 Permitted with consent

Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Any other development not specified in item 2 or 4

4 Prohibited

Advertising structures; Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Port facilities; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Residential accommodation; Resource recovery facilities; Rural industries; Sewage treatment plants; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste disposal facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities; Wholesale supplies

Zone B4 Mixed Use

1 Objectives of zone

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.

2 Permitted without consent

Home occupations.

3 Permitted with consent

Boarding houses; Child care centres; Commercial premises; Community facilities; Dwelling houses; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Light industries; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Residential flat buildings; Respite day care centres; Restricted premises; Roads; Seniors housing; Shop top housing; Any other development not specified in item 2 or 4.

4 Prohibited

Advertising structures; Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Port facilities; Recreation facilities (major); Research stations; Residential accommodation; Resource recovery facilities; Rural industries; Sewage treatment plants; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste disposal facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities; Wholesale supplies.

Zone B5 Business Development

1 Objectives of zone

- To enable a mix of business and warehouse uses, and bulky goods premises that require a large floor area, in locations that are close to, and that support the viability of, centres.

2 Permitted without consent

Nil.

3 Permitted with consent

Bulky goods premises; Child care centres; Food and drink premises; Garden centres; Hardware and building supplies; High technology industries; Landscaping material supplies; Neighbourhood shops; Passenger transport facilities; Respite day care centres; Roads; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4.

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Port facilities; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Residential accommodation; Resource

recovery facilities; Restricted premises; Retail premises; Rural industries; Sewage treatment plants; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Waste disposal facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities; Wholesale supplies.

Zone B7 Business Park

1 Objectives of zone

- To provide a range of office and light industrial uses.
- To encourage employment opportunities.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To encourage uses in the arts, technology, production and design sectors.

2 Permitted without consent

Home occupations.

3 Permitted with consent

Child care centres; Dwelling houses; Food and drink premises; Home industries; Light industries; Neighbourhood shops; Office premises; Passenger transport facilities; Respite day care centres; Roads; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4.

4 Prohibited

Advertising structures; Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home-based child care; Home occupations (sex services); Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Port facilities; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Resource recovery facilities; Restricted premises; Retail premises; Rural industries; Sewage treatment plants; Sex services premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Waste disposal facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities.

Zone R2 Low Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

- To encourage development that promotes walking and cycling.

2 Permitted without consent

Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Child care centres; Community facilities; Dwelling houses; Environmental protection works; Flood mitigation works; Group homes; Health consulting rooms; Hospitals; Multi dwelling housing; Neighbourhood shops; Office premises; Places of public worship; Recreation areas; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings

4 Prohibited

Any development not specified in item 2 or 3

Zone R3 Medium Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To encourage development that promotes walking and cycling.

2 Permitted without consent

Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Child care centres; Community facilities; Dwelling houses; Group homes; Multi dwelling housing; Neighbourhood shops; Office premises; Places of public worship; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Any other development not specified in item 2 or 4

4 Prohibited

Advertising structures; Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Emergency services facilities; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home businesses; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Port facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major);

Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Restricted premises; Rural industries; Service stations; Sewage treatment plants; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities; Wholesale supplies

Zone SP1 Special Activities

1 Objectives of zone

- To provide for special land uses that are not provided for in other zones.
- To provide for sites with special natural characteristics that are not provided for in other zones.
- To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.

2 Permitted without consent

Environmental protection works

3 Permitted with consent

The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose

4 Prohibited

Any development not specified in item 2 or 3

Zone SP2 Infrastructure

1 Objectives of zone

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Roads; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose

4 Prohibited

Any development not specified in item 2 or 3

Zone RE1 Public Recreation

1 Objectives of zone

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Child care centres; Community facilities; Emergency services facilities; Environmental facilities; Flood mitigation works; Information and education facilities; Jetties; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Roads; Signage; Water storage facilities

4 Prohibited

Any development not specified in item 2 or 3

A.2 Three Ports SEPP

Zone IN1 General Industrial

1 Objectives of zone

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To facilitate and encourage port related industries that will contribute to the growth and diversification of trade through the port.
- To enable development for the purposes of business premises or office premises associated with, and ancillary to, port facilities or industries.
- To encourage ecologically sustainable development.

2 Permitted without consent

Environmental protection works.

3 Permitted with consent

Boat building and repair facilities; Business premises; Depots; Food and drink premises; Freight transport facilities; General industries; Jetties; Light industries; Neighbourhood shops; Office premises; Roads; Signage; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste or resource management facilities.

4 Prohibited

Any development not specified in item 2 or 3.

Council Meeting

14/12/2016

Item No	9.5
Property	581-587 Gardeners Road, Mascot Lots 13 – 16 in DP 11589
Proposal	Section 96(1A) application to modify Development Consent No. 13/280 to shift the basement profile as required by Sydney Water in order to accommodate the relocated stormwater culvert and as a result, remove the pool and gym area at the rear, amend Condition No. 72 to replace the requirement for an 8.6m high masonry rear boundary wall with a combination of screening elements to the rear façade of the building, install a flood gate along Gardeners Road, minor alterations to the front façade including the addition of a blade wall to the substation, replacement of the disabled lift with a ramp and removal of the fire-booster doors.
Cost of Development	Nil
Report by	Amy Groher, Senior Development Assessment Planner
Application No	(B) DA-13/280/03

Council Resolution

Minute 2016/088

Resolved by the Administrator

That Council approve Section 96(1A) Modification Application DA-13/280/03 at 581-587 Gardeners Road, Mascot and amend the consent as follows:

- Amending Condition No. 1 to reference the amended plans relating to the modified basement profile as a result of the relocated Sydney Water easement, proposed screening treatments and revised 2.6m high above ground level colourbond boundary fence option;
- Adding Condition No. 2A requiring that the southern boundary wall (including colourbond fence, weir wall and debris/trash trap) be constructed within 1 month of the issuing of this consent, in order to provide screening for the adjoining neighbours to the south;
- Adding Condition No. 27A which requires the plans referenced at Condition No. 1 to be amended to incorporate the Sydney Water approved configuration of the rear boundary wall (including weir wall);
- Adding Condition No. 27C approving the design of the rear boundary wall (including rear wall) subject to approval by Sydney Water, for a copy of this approval to be forwarded to Council and for Construction Certificate drawings to reflect the approved design prior to the issue of a Construction Certificate for the construction of the rear boundary wall (including weir wall);
- Adding Condition No. 67(c) relating to additional acoustic treatment to the car park as per the Acoustic Report prepared by Sebastian Giglio;

- Deleting Condition No. 72 to remove the requirement for an 8.6m high masonry wall along the southern boundary;
- Adding Condition No. 82B requiring that the obscure glass indicated on the southern façade on Levels 2, 3 and 4, be obscure glass panels and not an applied film that can be removed in the future;
- Adding Condition No. 83(b) requiring that the rear wall (colourbond fence and weir wall) be of a neutral colour and a finish that is long lasting and will require little maintenance;
- Deletion of Condition Nos. 93 to 96, 101(m), 113 and 116 as they relates to the swimming pool which has since been removed;
- Deletion of Condition No. 97(b) to remove reference to some of the pre Occupation Certificate condition required as this condition is a double-up;
- Addition of Condition No. 100(b) requiring a Positive Covenant in favour of Sydney Water for the proposed easement and all assets within the easement, including the weir wall spanning 17.4m along the southern boundary;
- Addition of sub-conditions 101(n) – (p) relating to the responsibilities within the by-laws with regard to access to the Sydney Water easement and maintenance of the easement and fencing;
- Addition of Condition Nos. 106(b) and (c) relating to the ongoing maintenance of the southern boundary fence (including weir wall) and external screening devices;
- Addition of Condition Nos. 106(d) and (e) relating to the restriction of access to the Sydney Water easement;
- Addition of Condition No. 112B requiring additional acoustic monitoring within 12 weeks after the issue of the interim Occupation Certificate; and
- Amending Condition No. 117 to refer to the consent as amended by this modification.

Officer Recommendation

That Council approve Section 96(1A) Modification Application DA-13/280/03 at 581-587 Gardeners Road, Mascot and amend the consent as follows:

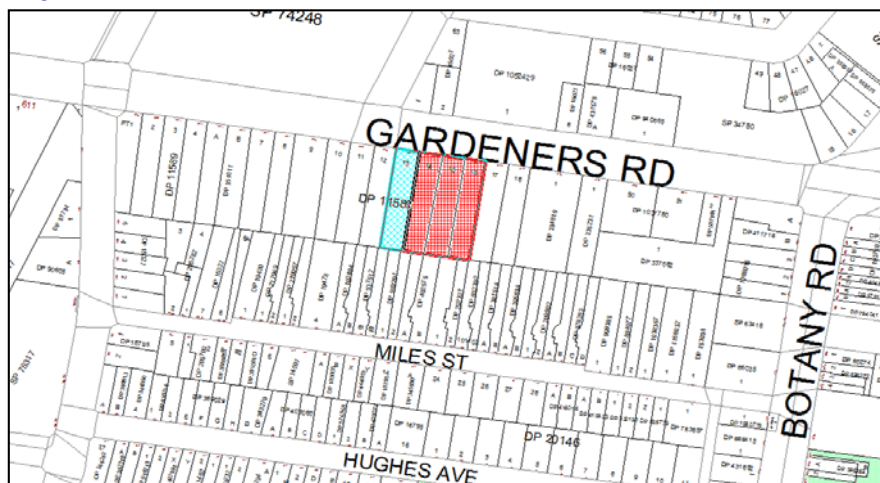
- Amending Condition No. 1 to reference the amended plans relating to the modified basement profile as a result of the relocated Sydney Water easement, proposed screening treatments and revised 2.6m high colourbond boundary fence option;
- Adding Condition No. 2A requiring that the southern boundary wall (including colourbond fence, weir wall and debris/trash trap) be constructed within 1 month of the issuing of this consent, in order to provide screening for the adjoining neighbours to the south;
- Adding Condition No. 27A which requires the plans referenced at Condition No. 1 to be amended to incorporate the Sydney Water approved configuration of the rear boundary wall (including weir wall);
- Adding Condition No. 27C approving the design of the rear boundary wall (including rear wall) subject to approval by Sydney Water, for a copy of this approval to be forwarded to Council and for Construction Certificate drawings to reflect the approved design prior to the issue of a Construction Certificate for the construction of the rear boundary wall (including weir wall);
- Adding Condition No. 67(c) relating to additional acoustic treatment to the car park as per the Acoustic Report prepared by Sebastian Giglio;

- Deleting Condition No. 72 to remove the requirement for an 8.6m high masonry wall along the southern boundary;
- Adding Condition No. 82B requiring that the obscure glass indicated on the southern façade on Levels 2, 3 and 4, be obscure glass panels and not an applied film that can be removed in the future;
- Adding Condition No. 83(b) requiring that the rear wall (colourbond fence and weir wall) be of a neutral colour and a finish that is long lasting and will require little maintenance;
- Deletion of Condition Nos. 93 to 96, 101(m), 113 and 116 as they relates to the swimming pool which has since been removed;
- Deletion of Condition No. 97(b) to remove reference to some of the pre Occupation Certificate condition required as this condition is a double-up;
- Addition of Condition No. 100(b) requiring a Positive Covenant in favour of Sydney Water for the proposed easement and all assets within the easement, including the weir wall spanning 17.4m along the southern boundary;
- Addition of sub-conditions 101(n) – (p) relating to the responsibilities within the by-laws with regard to access to the Sydney Water easement and maintenance of the easement and fencing;
- Addition of Condition Nos. 106(b) and (c) relating to the ongoing maintenance of the southern boundary fence (including weir wall) and external screening devices;
- Addition of Condition Nos. 106(d) and (e) relating to the restriction of access to the Sydney Water easement;
- Addition of Condition No. 112B requiring additional acoustic monitoring within 12 weeks after the issue of the interim Occupation Certificate; and
- Amending Condition No. 117 to refer to the consent as amended by this modification.

Attachments

Planning Assessment Report
Amended Plans
Revised Wall Option

Location Plan



BAYSIDE COUNCIL

Planning Assessment Report

Application Details

Application Number:	2013/280/03
Date of Receipt:	10 March 2016
Property:	581-587 Gardeners Road, Mascot Lots 13 – 16 in DP 11589
Owner:	Kit Man Wu Pty Ltd Yi Equity Investments Pty Ltd Easy Sky Holdings Pty Ltd Auxun Pty Ltd Jin Guang Yan (Australia) Pty Ltd
Applicant:	PSEC Project Services Pty Ltd
Proposal:	Section 96(1A) application to modify Development Consent No. 13/280 to shift the basement profile as required by Sydney Water in order to accommodate the relocated stormwater culvert and as a result, remove the pool and gym area at the rear, amend Condition No. 72 to replace the requirement for an 8.6m high masonry rear boundary wall with a combination of screening elements to the rear façade of the building, install a flood gate along Gardeners Road, minor alterations to the front façade including the addition of a blade wall to the substation, replacement of the disabled lift with a ramp and removal of the fire-booster doors.
Value:	N/A
No. of submissions:	Four (4) objections
Author:	Amy Groher, Senior Development Assessment Planner
Date of Report:	7 November 2016

Key Issues

The former City of Botany Bay received this Section 96(1A) Application on 10 March 2016 seeking to modify Development Consent DA-13/280 which was approved on 16 April 2014 by the Joint Regional Planning Panel (JRPP) for the construction of an 8 storey mixed use development comprising 84 dwellings, 235sqm of commercial, 151 car parking spaces, relocation of the Sydney Water easement from the middle of the site to the western boundary, consolidation of four allotments into one, Torrens Title stratum subdivision and further strata subdivision.

This Section 96(1A) Modification Application seeks consent to modify Development Consent DA-13/280 by:

- Shifting the basement profile (ground floor and level 1) to the western boundary to relocate the stormwater culvert from the western boundary to the eastern boundary, as per Sydney Water's stamped plans (21 January 2016);
- Remove the ground floor pool and gym due to the relocation of the easement along the rear of the site;
- Installation of a flood gate at the easement entrance to Gardeners Road;
- Deletion of Condition No. 72 which requires the retainment of a 8.6m high masonry wall at the rear of the boundary and replace with a combination of screening treatments; and
- Minor amendments to the front façade including the addition of a blade wall to the substation, replacement of the disabled lift with a ramp and removal of the fire-boosters doors.

The application was placed on public exhibition for a fourteen (14) day period from 6 April 2016 to 20 April 2016. Four objections were received.

Prior the submission of this s96(1A) Modification Application and as part of the consent conditions, the applicant was required to obtain a s73 Notice of Requirements (NOR) from Sydney Water.

Sydney Water's s73 NOR stated that the approved location of the easement along the western boundary did not meet Sydney Water's technical requirements, would not be sufficient for the design capacity and would require the majority of works to be carried out on the adjoining neighbour's properties.

The applicant then amended the plans to shift the basement profile to the western boundary, thereby creating an easement for Sydney Water along the eastern boundary and curving around along the rear of the site. These were submitted to Sydney Water in accordance with the s73 NOR.

Sydney Water approved the amended plans on 21 January 2016, and also required that an overland flow easement be created along the entire eastern boundary and part of the rear boundary adjoining No. 40 and 42 Miles Street.

A Construction Certificate was issued by a private certifier on 6 July 2015. This showed the rear wall being removed (contrary to the consent condition).

The applicant proceeded to construct the development in accordance with Sydney Water's stamped plans.

This Section 96(1A) Modification Application to delete Condition 72 which required the 8.6m high masonry wall along the rear boundary was lodged on 10 March 2016.

During the assessment of the s96(1A) Modification Application, several revisions (approximately seven) of the rear boundary wall and screening treatments to the southern building façade were provided in response to the original objections, and further comments were made by the neighbours on these revisions, during consultation with them.

Council's Development Assessment Officer was satisfied with the final combination of screening treatments and this s96(1A) Modification Application was recommended for approval and heard at Council's Development Committee Meeting on 3 August 2016.

Council deferred the determination of the Development Application for the following reasons:

1. *Council to appoint a structural engineer to investigate and give opinion on:*

- i) Whether a brick wall of 8.6m high can be reconstructed in the location required by Condition 72 at the rear of the boundary line (if not 8.6m, then at what other height);*
- ii) Whether a colourbond fence of 4.2m high or higher can be constructed on the rear boundary.*

The above report is to have regard to:

- 1. Sydney Water requirements relating to the stormwater easements and infrastructure and sewerage infrastructure in the area of the rear of the property at its boundary.*
- 2. Any requirements of Sydney Water regarding construction of footings on structural support for the wall and or fence.*
- 3. The Structural Engineer is to be appointed within 7 days of this resolution by Council.*
- 4. Council is to inform the applicant of the name of the Structural Engineer and the cost/fee for the work required by all said above.*
- 5. The Structural Engineer is to provide a final report to Council and the applicant within 21 days of this resolution.*
- 6. The applicant is to pay the costs of the Structural Engineer's Report discussed above.*
- 7. The Structural Engineer to meet with Mr Riley of 38 Miles Street, Mascot and separately with a representative of the applicant with regard to the engineer detail and the like prior to the commencement of any investigative work/actions or completion of report.*

The resident to the rear in Miles Street had attended the Committee Meeting and had raised concerns that the wall had been removed. The wall was a feature that the resident felt had protected them from the unit development.

The Council therefore deferred the application to seek more information as to how a wall could be reconstructed. The applicant, represented by a solicitor was involved in drafting the final resolution made by the Council as above.

From several quotes, Council engaged Triaxial Consulting Pty Ltd ('Triaxial') who, after meeting separately with the applicant and the residents of No. 38 Miles Street, seven options were provided to Council.

Council, after discussing with the owners of 38 Miles Street, advised the applicant that Option 6 (SK006) was the preferred option. Option 6 is for an 8.6m high freestanding colourbond fence with a footing supported by two piles. These were designed to be partly on the neighbours land.

At the request of Council, the applicant put this option to Sydney Water for approval, with the provision that all footings and piles are to be located within the subject site, and not on any adjoining properties.

In a letter from Sydney Water dated 22 September 2016, it was advised that no part of the building is to be within or over the easement. In this letter it was also advised that Sydney Water only comment on buildings over/adjacent to assets that are outside of the scope for a Water Service Coordinator (WSC) and that the WSC will provide information of any other requirements for building over/adjacent to Sydney Water assets.

As such, in a letter dated 5 October 2016 from Rose Atkins Rimmer (WSC) it was advised that no part of the building/structure is to be less than 1m horizontal distance from the outside edge of any Sydney Water structure.

Given the above, Council went back to Triaxial and requested an alternative design to take into account Sydney Water and the SWC's latest requirements (as per letters dated 22 September and 5 October 2016), and achieving a wall height as high as structurally possible.

Triaxial provided drawings for their recommended design being a 2.6m high colourbond fence (including overland flow design along the boundaries of No. 40 and 42 Miles Street).

The applicant put this design to the WSC who have deferred the decision to Sydney Water, given the complex and contentious history.

In an email dated 28 November 2016, Sydney Water approved the design for the 2.6m high colourbond fence.

The original assessment of the alternative privacy treatments to the southern façade of the building, and other minor modifications has not changed. As such, the development application as submitted on 10 March 2016 has been assessed in accordance with the relevant requirements of the *Environmental Planning and Assessment Act 1979* and is recommended for approval, subject to conditions of consent and with the inclusion of the 2.6m high colourbond fence, as approved by Sydney Water.

On 19 October 2016, the applicant has filed a "deemed refusal" appeal in the NSW Land and Environment Court.

Background

History

Approved Development DA-13/280

On 16 April 2014, the JRPP granted approval for redevelopment of the site in the following manner:

- Demolition of existing industrial buildings, excavation and site remediation.
- Removal of seven existing trees along the western boundary.
- Construction of an 8 storey mixed use development comprising of 84 dwellings (36 x one bedroom units and 48 x 2 bedroom units), 235sqm of commercial floor space fronting Gardeners Road and 151 car parking spaces.
- Consolidation of four (4) allotments into one (1) Torrens allotment and Torrens stratum subdivision into two lots being Lot 1 (commercial floor area) and Lot 2 (residential levels)

and basement car parking) with further Strata subdivision of Lot 1 into two retail lots and further Strata subdivision of Lot 2 into eighty four (84) residential lots;

- Relocation of the access driveways on Gardeners Road and relocation of the Sydney Water easement to the western boundary.

Consent was issued on 24 April 2016.

Withdrawn Modification DA-13/280/02

On 19 March 2015, Council received a s96(1A) Modification Application seeking amendments to the original consent as follows:

- Modification to the basement layout by cutting off the south-eastern corner to accommodate the sewer main below slab level;
- Increase the retail at ground floor from 235sqm to 304sqm;
- Increase the commercial parking from 2 to 4 spaces as a result of the proposed increase in commercial floor area;
- Replace the pool and gym with a communal garden space;
- Amend the internal layout of the one bedroom units (105, 110, 205, 210, 305, 310, 405, 410, 503, 508, 603, 608, 702 and 707); and
- Amend Units 102 and 113 by increasing the glass-line setback.

On 4 May 2015 this modification application was withdrawn as the final design of the basement had not yet been confirmed with Sydney Water.

Unauthorised Works

At site inspection on 19 April 2016, it was confirmed the basement and ground floor slab were constructed in accordance with the proposed s96(1A) plans, wherein the basement and ground level had been built to the western boundary so as to accommodate the Sydney Water easement along the eastern boundary (refer to Figure 1). In subsequent discussions with the applicant it was highlighted that the approval for DA-13/280 included a shoring wall along the western boundary and as such, the envelope of the building has not changed only a portion of basement at the rear (and under the original plan had no structure as it allowed for the pool above) has been constructed not in accordance with the approved plans.

On 12 July 2016, the Principal Certifying Authority issued a stop work order on the section of the building at the rear south-western corner, which was not constructed in accordance with the approved plans. No further work has been undertaken at this part of the site, pending determination of this application. The construction of the basement, ground floor level and first floor level has continued on site in accordance with the approved plans and construction certificate. The unauthorised works to the eastern and southern boundary, being the relocation of the easement was not the subject of the Stop Works Order, as it was already completed works. This Order requires the developer to lodge an application for a Building Certificate for all unauthorised works undertaken to date. No further action has been taken by Council or the Principal Certifying Authority, pending the outcome of this application.



Figure 1: Basement and ground level constructed as per s96(1A) drawings

Background to current Modification Application DA-13/280/03

During the assessment of the application, Sydney Water, by letter dated 10 February 2014, raised an objection to the proposed development located above their existing stormwater easements/assets. The development (which was referred to Sydney Water for assessment) proposed the deviation/relocation of the existing stormwater channel to the western boundary of the site. Details of the stormwater channel relocation were provided to Sydney Water and were supported by:

- Flood Report prepared by Brown Consulting dated 20 December 2013;
- Integrated Water Cycle Plan by Floth Consulting dated 20 December 2013;
- Stormwater Concept Plans prepared by Floth Consulting dated 20 December 2013.

On this basis, the concerns of Sydney Water were addressed by the Applicant and conditions provided by Sydney Water under the same letter dated 10 February 2014 were recommended to be imposed on any consent granted.

The application was then referred to the JRPP and approved on 16 April 2014.

Stormwater

The applicant advised that as per Sydney Water Section 73 Notice of Requirements and subsequent discussions with Sydney Water that notwithstanding the previous advice from Sydney Water, the proposed stormwater channel shown on the DA approval did not meet Sydney Water's technical requirements. The proposed exit point at the south-western corner, shown in DA approved plan, would not be sufficient for the design capacity and would require the majority of works to be carried out on the adjoining neighbour's properties.

An interim option by Brown's Consulting, proposed by the previous owner, was also dismissed by Sydney Water. This proposal would have required the majority of the rear boundary to act as a detention before the stormwater was discharged back to the connection pipe. The entire rear boundary will be dedicated as a detention basin and an overland flow easement.

Further coordination with Sydney Water, Council Engineers and the developer's consulting engineers concluded that:

1. The stormwater diversion will need to occur on the east to satisfy Sydney Water's flow-rate requirements at the discharge point in the south-west corner of the site.
2. The new stormwater line will require an easement for maintenance. No permanent structures can be within the easement; and
3. Council's flood management policy requires the area at the rear to act as a detention basin with no obstruction. The detention basin will need to be permeable to work effectively

Having to satisfy the above requirements, the final diversion was proposed from the original western boundary to the eastern boundary. The proposed location will minimise any of the diversion work in the adjoining neighbour's properties.

Sydney Water issued their approved stamped plans on 21 January 2016, and also required that an overland flow easement be created along the entire eastern boundary and part of the rear boundary.

Sewer

The Sydney Water Section 73 Notice of Requirements also required the developer to create a new sewer line along the rear boundary. The new line is designed for future connections to all developments east of the subject site. Within this requirement, the new sewer is required to maintain a certain distance to the stormwater water line.

The final approval from Sydney Water for the sewer connection was granted in October 2015 and revised stamped plans, due to access issues to properties to the south, were issued on 15 January 2016.

Demolition of the existing building on the subject site occurred at the end of July 2015. It is understood that the southern wall of the former warehouse building was never designed to be free-standing, as it was simply the southern external wall of the building and relied on the eastern and western side walls as support. The applicant states that if the southern wall was to remain, it was required to be demolished first and re-constructed in order to meet the current building and safety standards, given the existing building was constructed 1952.

Proposal

Proposed modification DA-13/280/03

The proposed modifications are listed below:

Basement

- Shifting the basement to the western boundary to relocate the stormwater culvert from the western boundary to the eastern boundary as per Sydney Water Approval (shoring wall along the western boundary remains).

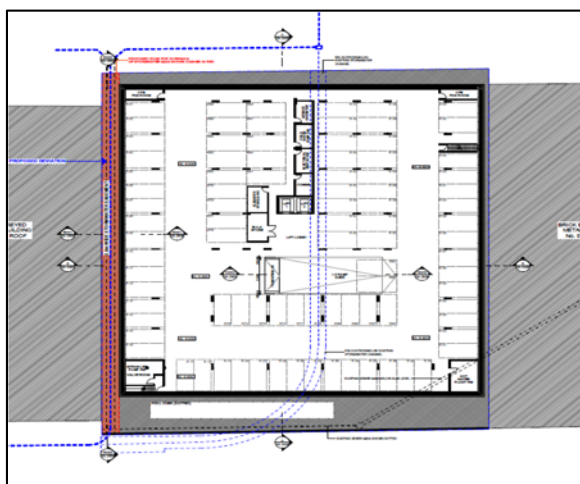


Figure 2: Approved basement arrangement

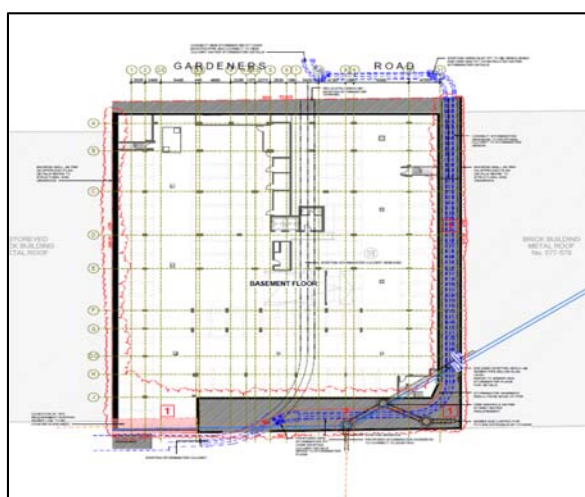


Figure 3: The proposed easement relocation along southern and eastern boundaries

Ground Floor

- Addition of a 4m high blade wall added to the north-west corner of the sub-station as per Ausgrid's requirements in order to provide adequate protection to the adjacent property;
- Addition of a ramp at the front of the lobby entry in lieu of the wheel chair entry;

- Removal of the fire-booster doors to the front of the fire-booster, as per the Fire Engineer's recommendation;
- Shifting the Ground Floor to the western boundary to relocate the stormwater culvert from the western boundary to the eastern boundary as per Sydney Water Approval (shoring wall along the western boundary remains);
- Installation of a flood gate to the Gardeners Road entry to the Sydney Water easement along the eastern boundary;
- Remove the ground floor pool and gym (including pool plant and store, and unisex WC) due to the relocated easement;
- New fencing along the southern boundary including:
 - **Type A Fence:** A weir wall (masonry) to a height of approximately 600mm with a 3m high colourbond fence behind (adjoins the rear of Nos. 36 and 38 Miles Street and the majority of No. 44 Miles Street);
 - **Type B Fence:** A weir wall (masonry) to a height of approximately 600mm with a 3m high colourbond fence, with an open bottom, sitting 250mm behind. A fixed trash/debris screen will span the gap between the weir wall and colourbond fence to trap any debris and to prevent access between the two properties. The Type B fence spans a length of 17.6m, which is the minimum requirement as specified by Sydney Water (adjoins the rear of Nos. 40 and 42 Miles Street);
 - **Type C Fence:** A 5.4m high masonry wall and metal louvre on top of the level 1 slab to RL 17.52 (adjoins the rear of a portion of No. 44 Miles Street, as well as No. 46 and the majority of No. 48 Miles Street).
- A louvre screen in front of the stair access with blades fixed at 45°, thereby confining the sight lines to within the subject site;
- Addition of a second set of louvre blades to the external wall to the car park to allow for air intake for the mechanical ventilation but prevent light spill, outlook and noise (as per the Acoustic Report).



Figure 4: (Left): Approved Ground Floor and (Right): proposed Ground Floor

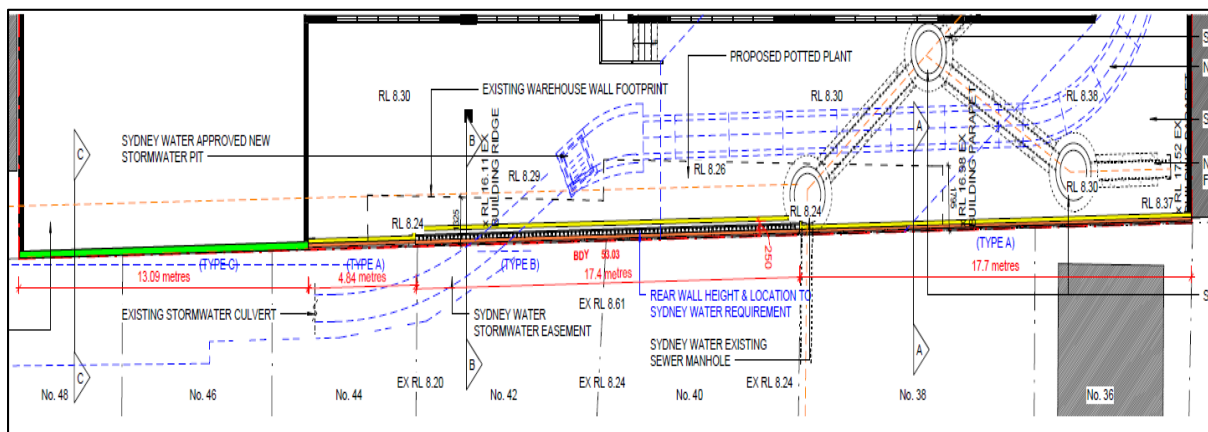


Figure 5: Plan indicating location of Type A, B and C Fence along the southern boundary

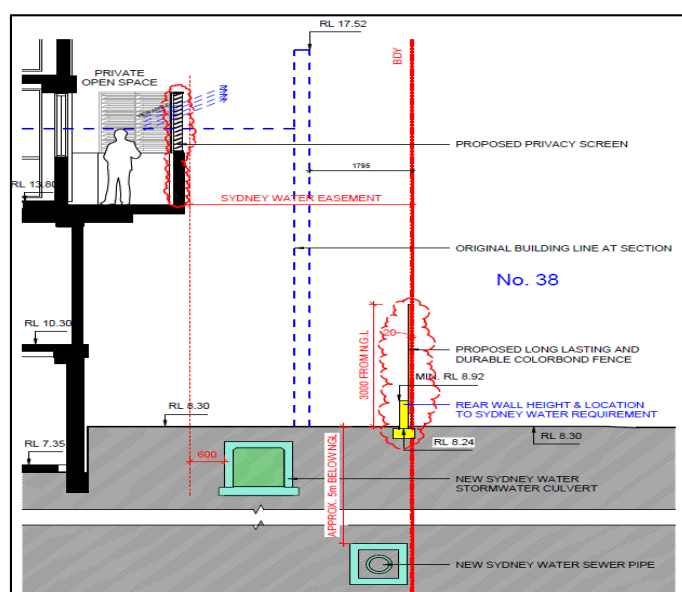


Figure 6: Type A fence along the southern boundary (section view adjoining 38 Miles Street)

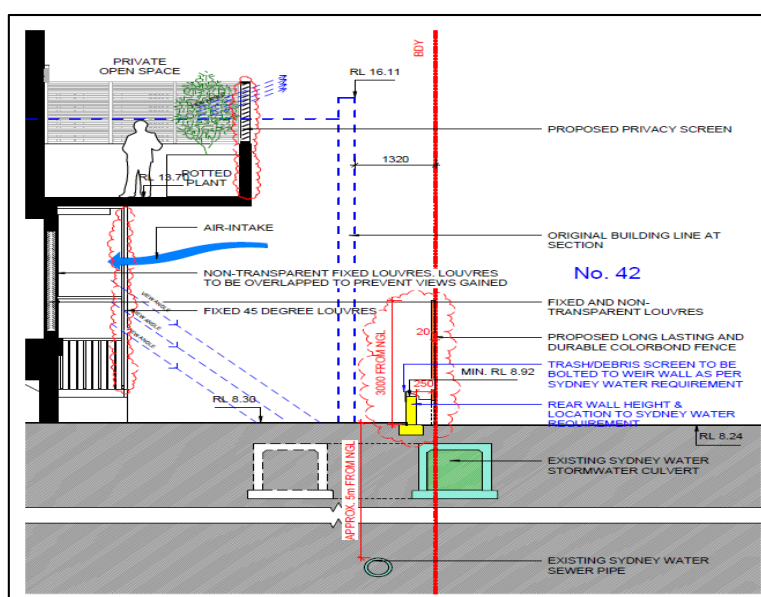


Figure 7: Type B fence along the southern boundary (section view adjoining 42 Miles Street)

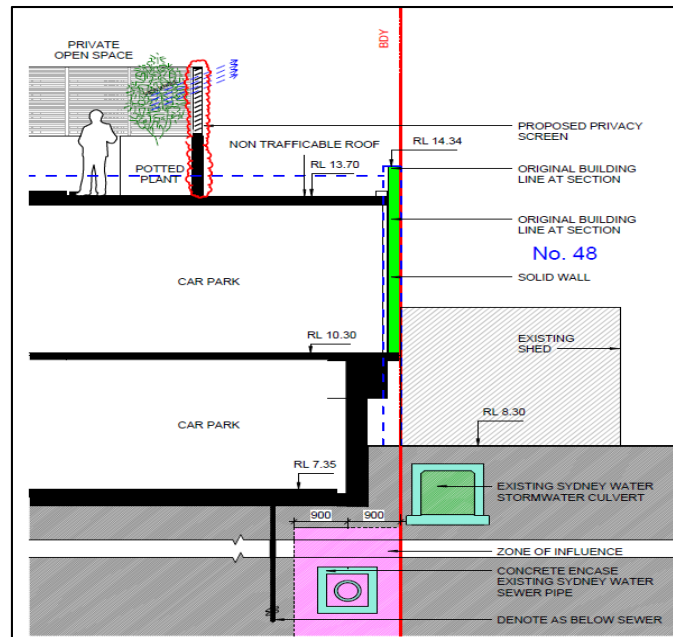


Figure 8: Type C fence along the southern boundary (section view adjoining 48 Miles Street)

Level 1

- Shifting Level 1 to the western boundary to relocate the stormwater culvert from the western boundary to the eastern boundary as per Sydney Water approval;
- A louvre screen to the southern edge of the balconies to a total height of 2.8m. The louvres are at a fixed, upward angle to direct views away from the southern adjoining properties. The louvre screen spans the entire length of the southern balcony (refer to Figure 10), thereby eliminating cross-views to the southern adjoining neighbours;
- Fixed louvre screens to the fire stairs at a 15° angle, to a height of 1.5m (same height as the 8.6m wall) and then above this at a 60° angle.

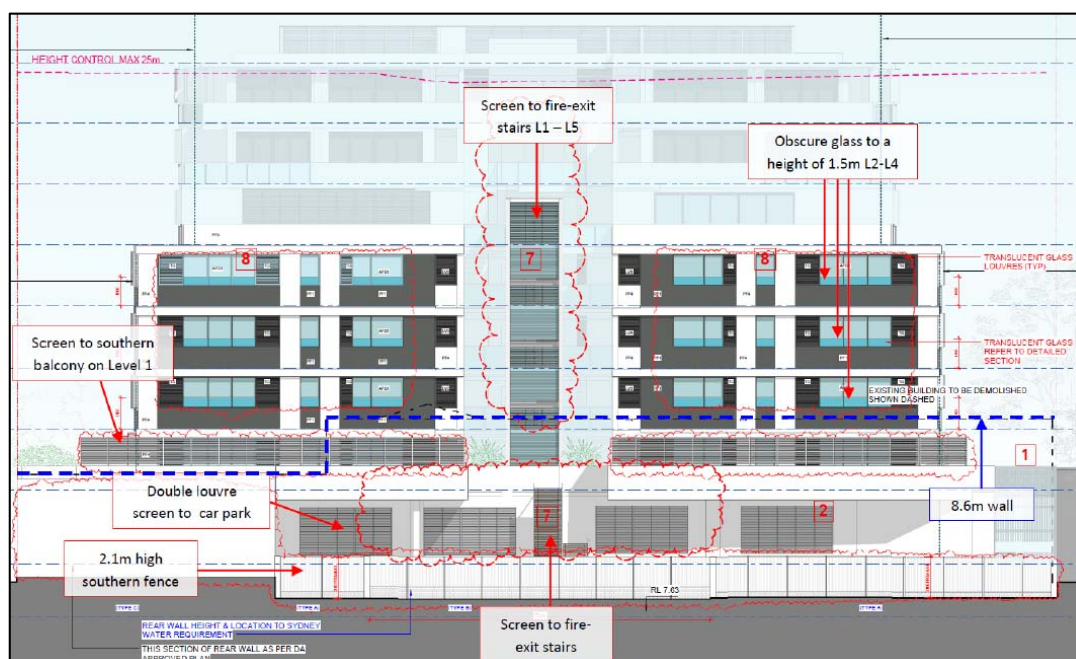


Figure 9: Screening Treatments to the southern façade

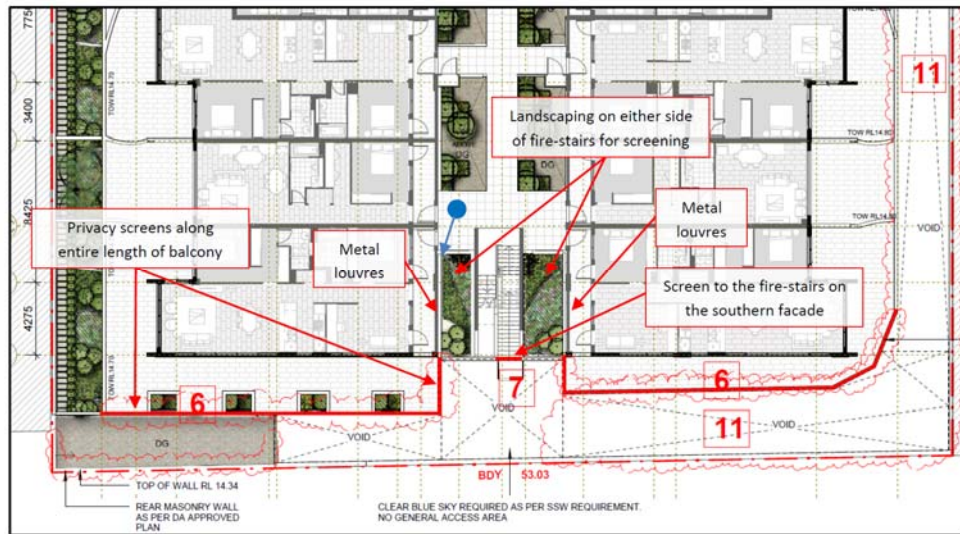


Figure 10: Screening Treatments to Level 1 (sight lines gained from the internal corridor to the south are restricted)

Level 2

- Fixed louvre screens to the fire stairs at a 15° angle, to a height of 1.5m (same height as the 8.6m wall) and then above this at a 60° angle;
- Additional privacy treatments to the southern facing windows comprising the wall to a height of 1.1m, obscure glass to a height of 1.6m, and the area above remaining as awning windows in clear glass;
- Replacement of the Translucent Glass Louvres with a wall to a height of 1.1m, with obscure glass above to a height of 1.6m, and above remaining as operable louvres;
- Additional screening to the fire-stairs;
- Obscure glass to a height of 1.6m to the internal balconies and the area above as louvres;
- Obscure balustrade to a height of 1.2m on the southern façade of the corridor (either side of the fire stairs). It is understood that enclosing or partially enclosing this façade will not comply with the fire requirements within the BCA. As such, these areas need to remain unimpeded.



Figure 11: Screening Treatments to Level 1

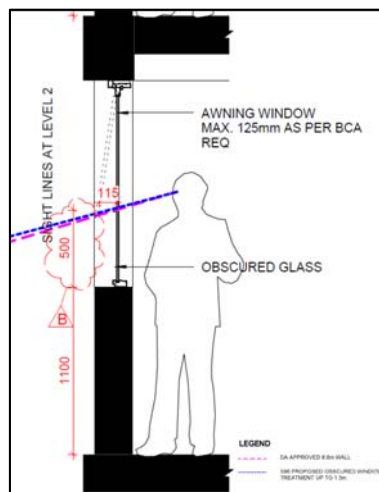


Figure 12: Privacy Window Treatment Details to southern windows of Level 2

Level 3

- Fixed louvre screens to the fire stairs at a 15° angle, to a height of 1.5m (same height as the 8.6m wall) and then above this at a 60° angle;
- Additional privacy treatments to the southern facing windows comprising the wall to a height of 1.1m, obscure glass to a height of 1.5m, and the area above remaining as awning windows in clear glass;
- Replacement of the translucent glass louvres with a wall to a height of 1.1m, obscure glass to a height of 1.5m, and the area above remaining as operable louvres;
- Additional screening to the fire-stairs;
- Obscure glass to a height of 1.5m to the internal balconies and the area above as louvres;
- Obscure balustrade to a height of 1.2m on the southern façade of the corridor (either side of the fire stairs).

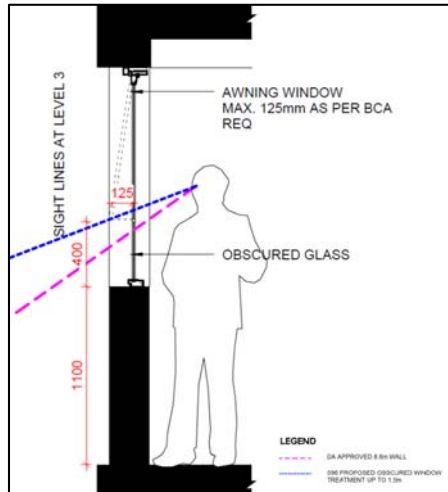


Figure 13: Privacy Window Treatment Details to southern windows of Level 3

Level 4

- Fixed louvre screens to the fire stairs at a 15° angle, to a height of 1.5m (same height as the 8.6m wall) and then above this at a 60° angle;
- Additional privacy treatments to the southern facing windows comprising the wall to a height of 1.1m, obscure glass to a height of 1.4m, and the area above remaining as awning windows in clear glass;
- Replacement of the Translucent Glass Louvres with a wall to a height of 1.1m, obscure glass to a height of 1.5m, and the area above remaining as operable louvres;
- Additional screening to the fire-stairs;
- Obscure glass to a height of 1.6m to the internal balconies and the area above as louvres.

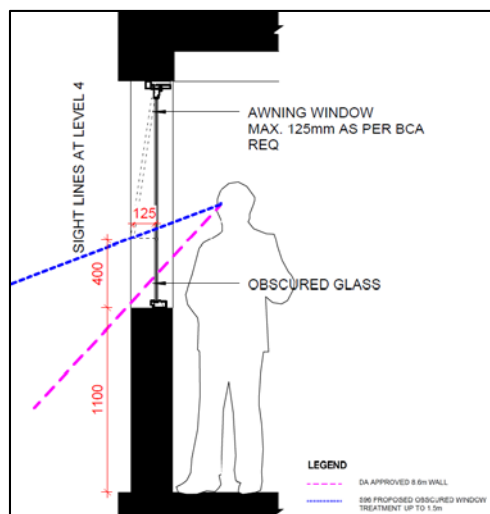


Figure 14: Privacy Window Treatment Details to southern windows of Level 4

Level 5

- Fixed louvre screens to the fire stairs at a 15° angle, to a height of 1.5m (same height as the 8.6m wall) and then above this at a 60° angle.

Deletion of Condition No. 72

Demolition of the existing building on the site occurred at the end of July 2015.

Due to the relocation of the Sydney Water easement, the applicant is proposing the deletion of Condition No. 72 which requires the retainment of a 8.6m high masonry wall (rear wall of previous building on the site) along the southern boundary.

A letter from the structural engineer, Van der Meer, dated 16 February 2016, describes that after satisfying Sydney Water's spatial requirements, the remaining land available in the rear boundary is insufficient for footings to support an 8.6m high wall above ground. Council's Development Engineer has also raised concerns with the possibility of a free standing 8.6m high wall and does not support such a design.

The overland flow easement also prohibits any bracing from the main structure. There is a 17.6m section of the rear boundary wall that is required to be "readily broken out" for access to the Sydney Water assets, further reducing the ability to support a freestanding wall.

As such, Condition No. 72 is proposed to be deleted. The varied screening treatment described above will provide an equivalent level of amenity to the southern adjoining neighbours as previously provided by the 8.6m high wall. The sight-line analysis demonstrates that the combination of screening treatments provides a better level of privacy to the southern adjoining neighbours as additional screening has been added to the building above the height of the existing approved 8.6m high wall.

A detailed assessment of the proposed changes outlined above is covered in the section relating to objections.

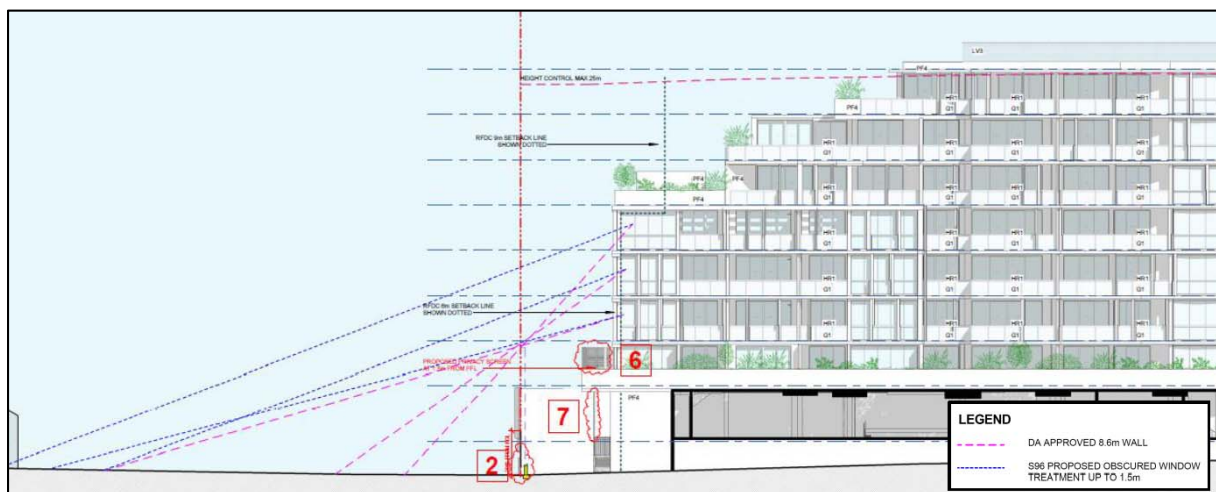


Figure 15: Proposed sight-line analysis

Site Description

The subject site is located between O’Riordan Street to the west and Botany Road to the east, with a frontage to Gardeners Road to the north. The site is regular in shape and is formed by Lots 13, 14, 15 and 16 in DP 11589 which make up a total site area of 3,260sqm.

The majority of the site was occupied by a two storey brick commercial building (now demolished), sited on the Gardeners Road boundary and eastern boundary. The building was sited on the southern boundary at the eastern and western ends with a staggered setback in the centre of between 1.2m-2m. The southern façade of the building was approximately 8.6m tall and is a the key issue of this Section 96(1A) application.

Sydney Water easements traverse the subject site. Lots 15 and 16 are affected at their south-eastern portion by an easement for sewer pipes from north-east to south-west. This easement benefits Sydney Water. A further easement benefiting Sydney Water burdens Lots 15 and 14, running from north to south through Lot 15 and onto Lot 14 at the southern boundary and onto adjoining allotments to the south.

The properties surrounding the site are commercial/ warehousing in nature to the immediate north, east and west. Semi-detached residential dwellings adjoin the site to the south, facing Miles Street.

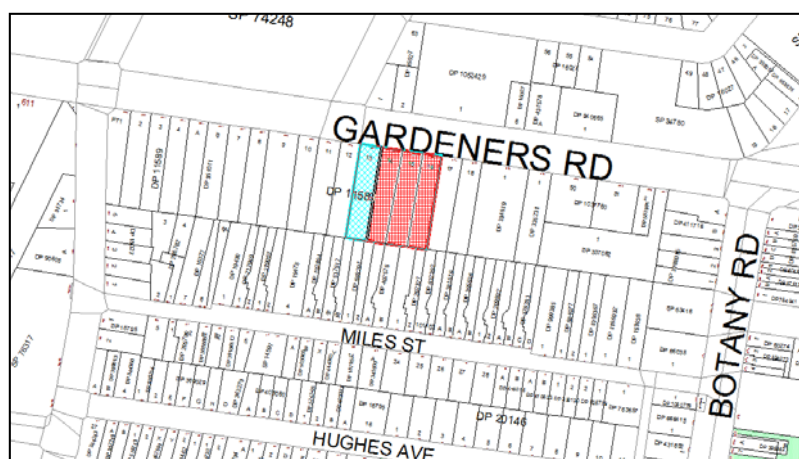


Figure 16: Location Plan

Referrals

The Development Application was referred to Council’s Environmental Health Officer and Development Engineer who have recommended appropriate conditions of consent.

NSW Office of Water advised that the original GTAs place on the consent inform the applicant of the requirements/preference that the basement be tanked. As such, no further correspondence or information on that aspect is required. NSW Office of Water have also issued the applicant a dewatering licence exemption letter. They also confirmed that this modification does not need to be referred to DPI Water as it is of a minor nature.

During the assessment process, consultation was also sought from Sydney Water and the Water Service Coordinator (Rose Atkins Rimmer). Their comments have been detailed in the report above.

Statutory Considerations

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

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

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

The following Environmental Planning Instruments are relevant to this application:

Botany Bay Local Environmental Plan 2013

The subject property is zoned B4 Mixed Use in accordance with the provisions of Botany Bay LEP 2013. One of the proposed modifications is to shift the basement profile as required by Sydney Water in order to accommodate the relocated stormwater culvert. As such, this has resulted in a larger gap along the eastern side of the building.

Part 6.15 of the BBLEP 2013 relates to active street frontages. The ground floor fronting Gardeners Road has two commercial premises which activates the street front and were approved under DA-13/280. The commercial premises remain as approved. The only change is the Sydney Water easement along the western boundary which is considered similar to the exemption given under Part 6.15(4)(b) for access for fire services. The Sydney Water easement is a requirement for flood management and is required to be kept clear and open to the sky. As such, the requirement is a constraint imposed upon the site and is considered an exclusion from the requirement for active street frontages.

The proposed changes will not result in any change to land use, FSR, height nor any other provision in the BBLEP2013.

Accordingly, the proposed modifications do not raise any concern in relation to compliance with the BBLEP2013.

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

There are no current Draft EPIs applicable to this development

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

Botany Bay Development Control Plan 2013

The provisions of the Botany Bay Development Control Plan (BBDCP) 2013 have been considered in the assessment of the proposed modifications.

The issues of privacy and overlooking, noise, pollution, light spill, safety, materials and colours and maintenance have been addressed through the response to the objections above.

There is no change to the overall height, FSR or car parking provision as approved in the original application.

Rear Fence

The proposed alternative screening treatments in place of the 8.6m high wall provides acceptable amenity for the residents adjoining the site to the south, including the redesign of the southern boundary fence which is now proposed as a 2.6m high colourbond fence along the rear of Nos. 40 and 42 Miles Street. The proposed fence has been recommended by an independent structural engineer (Triaxial Consulting Pty Ltd) and subject to two design reviews. Further, Sydney Water have provided their approval of the design.

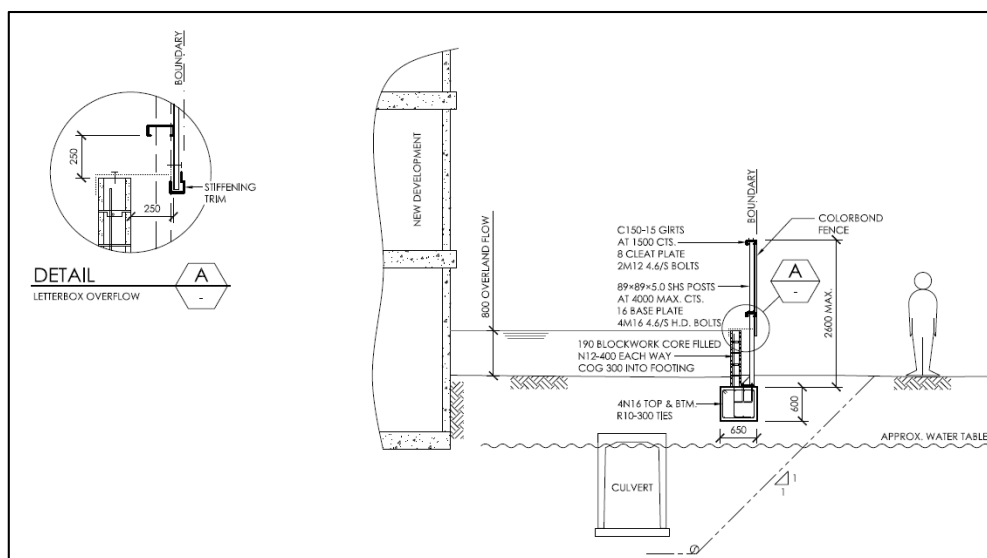


Figure 17: Proposed 2.6m high colourbond fence

Overland Flow Gate

During the original assessment of DA-13/280, Part 9 of the BBDCP required a continuous streetscape presentation along Gardeners Road. However, Council on 22 May 2013 resolved to investigate alternative development outcomes for Urban Block 2 (Miles Street sub Precinct - bounded by Miles Street, O'Riordan Street, Gardeners Road and Botany Road) which applies to the subject site. Therefore the DCP has been amended to remove the development outcomes for Urban Block 2. Notwithstanding this, the proposed development has been assessed in terms of its presentation to Gardeners Road; given the Sydney Water easement along the eastern side of the building provides a break in the built form along the streetscape.

The plans (as amended) indicate that the flood gate at the front has been designed with a perforated operable screen which continues the first floor solid parapet along the entire Gardeners Road frontage. Below is a two-part overland flow gate comprised of a suspended flood gate under the perforated screen, and set in front of this, and in line with the street edge, is a 1.8m high flood gate, set 150mm off the ground. The design allows for overland flow, but also provides security. This can be accessed via a locked gate which will allow one-way traffic in the event of a fire.

In the event that large equipment is required to access the easement, the suspended portion of the gate hinges on the solid part of the building, and swings inwards and to the west.

When viewed from Gardeners Road, the presentation is a continuation of the development and does not appear as a gap along the eastern boundary.

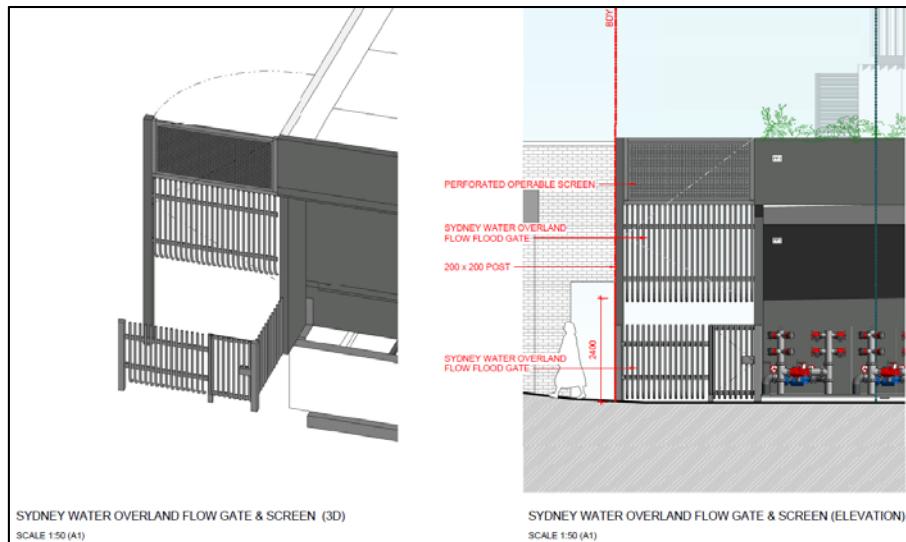


Figure 18: Proposed Sydney Water Overland Flow Gate and Screen

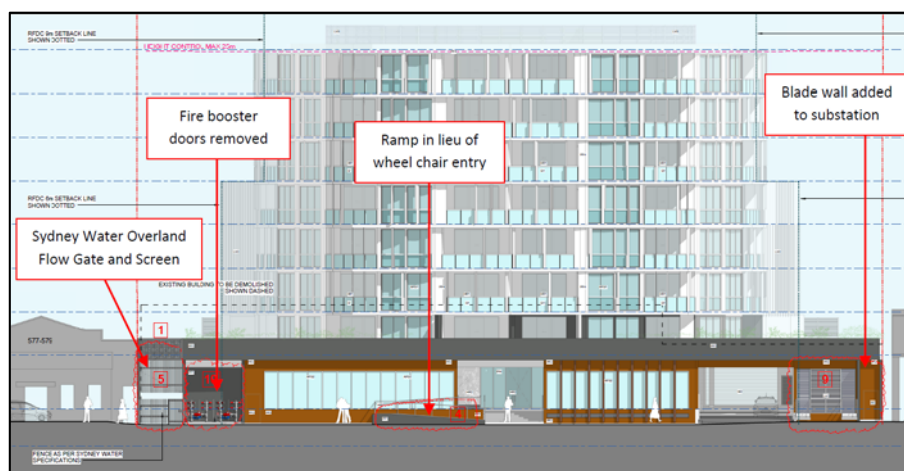


Figure 19: Northern façade facing Gardeners Road

Deletion of Condition No. 72

Demolition of the existing building on the site occurred at the end of July 2015.

Due to the relocation of the Sydney Water easement, the applicant is proposing the deletion of Condition No. 72 which requires the retainment of a 8.6m high masonry wall (rear wall of previous building on the site) along the southern boundary.

A letter from the structural engineer, Van der Meer, dated 16 February 2016, describes that after satisfying Sydney Water's spatial requirements, the remaining land available in the rear boundary is insufficient for footings to support an 8.6m high wall above ground. Council's Development Engineer has also raised concerns with the possibility of a free standing 8.6m high wall and does not support such a design.

The overland flow easement also prohibits any bracing from the main structure. There is a 17.6m section of the rear boundary wall that is required to be "readily broken out" for access to the Sydney Water assets, further reducing the ability to support a freestanding wall.

As such, Condition No. 72 is proposed to be deleted. The varied screening treatment described above will provide an equivalent level of amenity to the southern adjoining neighbours as previously provided by the 8.6m high wall. The sight-line analysis demonstrates that the combination of screening treatments provides a better level of privacy to the southern adjoining neighbours as additional screening has been added to the building above the height of the existing approved 8.6m high wall.

A detailed assessment of the proposed changes outlined above is covered in the section relating to objections.

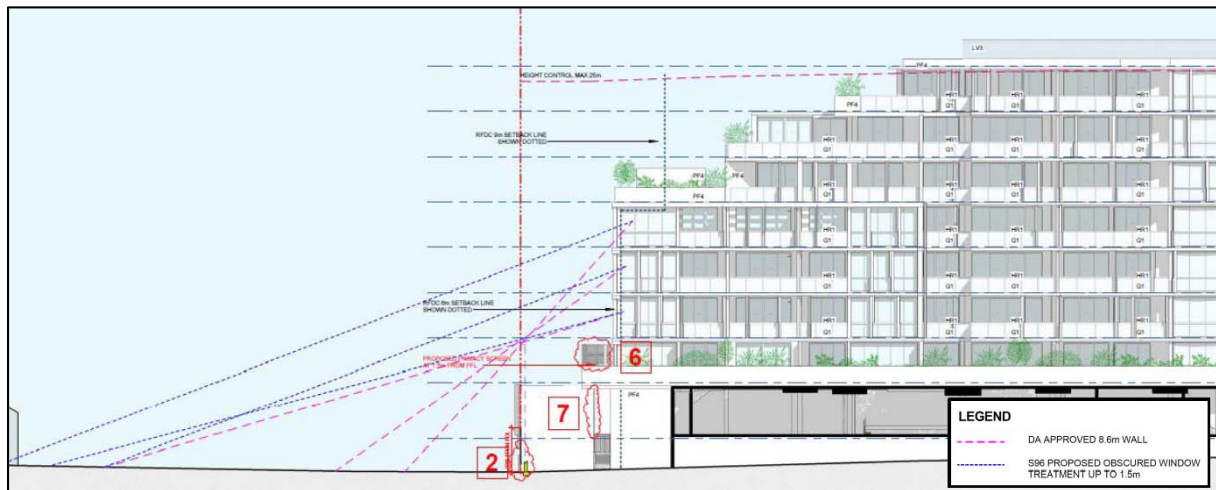


Figure 20: Proposed sight-line analysis

Accordingly, the proposed modifications raise no concerns in relation to compliance with the BBDCP 2013.

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

There are no provisions in the Regulation that are applicable to this application.

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

The subject site and immediately surrounding area is subject to flooding and overland flow. The proposed Sydney Water easement is a design solution to the existing, inadequate Sydney Water infrastructure which existed and ran through the middle of the site. The original design for the easement along the western boundary did not work and as such, Sydney Water required the relocation of the easement to the eastern boundary. The proposed modifications relate to amenity impacts as a result of the removal of an 8.6m high wall along the rear of the building which was to remain under the original approval.

The treatments described above are considered to provide at least the same level of amenity to the residents adjoining the site to the south. Additionally, the relocated Sydney Water easement results in a better outcome downstream and along Gardeners Road in terms of flooding and overland flow.

Excluding the impacts mentioned above, there are no other environmental impacts relevant to the subject site.

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

The suitability of the site has been addressed within the assessment of Development Application DA-13/280.

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

In accordance with Part 2 - Notification & Advertising of the Botany Bay Development Control Plan 2013, the Section 96(1A) Application was advertised and notified to surrounding property owners for a fourteen day period from 6 April 2016 to 20 April 2016.

Three submissions were received against the Section 96(1A) Modification Application (outlined below) and a fourth received during the second and third round of providing amended plans to the objectors.

Subsequent to a request for further information and amended documentation was received by Council on 13 May, 8, 21 and 29 June 2016, and 1, 6, 7, 8, 11 and 21 July 2016. The documentation (as amended) responds to the amenity issues raised in the objections.

The amended plans were provided back to the objectors for comment on two separate occasions being 1 July and 8 July 2016, and the proposed floodgate to Gardeners Road provided on 15 July 2016. The only difference in the plans provided to the objectors on 8 July and the final plans now recommended for approval incorporate the following:

- Ground Level: The rear colourbond fence has been further increased in height from 2.1m to 3m, but then reduced to 2.6m subject to the independent structural engineer's recommendation;
- Level 1: The inner western and eastern façade and adjacent to the landscaped planters either side of the fire-stairs, removal of the full height metal louvres and replacement with obscure glass to a height of 1.6m with the area above as louvres;
- Level 2:
 - Removal of the fixed 1.8m high louvres to the southern side of the internal corridor due to compliance requirements with the BCA for fire safety, and proposal for a 1.2m high obscure glass balustrade instead;
 - The inner western and eastern façade and adjacent to the landscaped planters either side of the fire-stairs, removal of the full height metal louvres and replacement with obscure glass to a height of 1.5m with the area above as louvres.
- Level 3:
 - Removal of the fixed 1.8m high louvres to the southern side of the internal corridor due to compliance requirements with the BCA for fire safety, and proposal for a 1.2m high obscure glass balustrade instead;
 - The inner western and eastern façade and adjacent to the landscaped planters either side of the fire-stairs, removal of the full height metal louvres and replacement with obscure glass to a height of 1.5m with the area above as louvres.
- Level 4: The inner western and eastern façade and adjacent to the landscaped planters either side of the fire-stairs, removal of the full height metal louvres and replacement with obscure glass to a height of 1.5m with the area above as louvres.

These additional treatments are in direct response to concerns raised by the objectors. A summary of the objections are outlined below, including Council's response in relation to the amended plans.

Privacy

1. *Decreased privacy from the upper levels due to the proposed screen treatments not matching the level of privacy provided by the 8.6m wall.*

Response: This Section 96(1A) addresses decreased privacy as a direct result of the proposed removal of the wall. The wall had a height of 8.6m and the top of the wall extended just above the finished floor level of Level 2. Due to the sight-line angles, privacy treatments up to Level 4 are required to be addressed in order to ensure that the same level of privacy is maintained.

The plans (as amended) provide:

- A 2.6m high fence and double louvre (v-configuration) screen to the car park at ground level;
- Fixed louvre screens to a height of 2.8m along the entire southern balcony on Level 1;
- Obscure glazing to the southern facing windows to a height of 1.6m on Level 2 including the southern end of the internal corridor;
- Obscure glazing to the southern facing windows to a height of 1.5m on Level 3 including the southern end of the internal corridor;
- Obscure glazing to the southern facing windows to a height of 1.5m on Level 4 including the southern end of the internal corridor;
- Fixed louvre screens to the fire-stairs from levels 1 – 5.

These screening treatments results in reduced sight-lines to the southern adjoining neighbours, as per Figure 20.

2. *Decreased privacy due to the proposed screens not spanning the entire width of the building (as was previously provided by the wall) and across horizontal viewing angels (i.e. from Level 1 balconies and common areas)*

Response: As described above, at Level 1, fixed louvre screens are provided to the entire length of the southern balconies, including the internally facing elevations. A fixed louvre screen is also provided on the southern elevation of the fire-stairs. Existing approved landscaping is provided either side of the stair landing, thereby obscuring views from the internal corridor to the adjoining residents to the south.

3. *The version of the Southern Elevation and Sections originally submitted with the s96 application (Drawing S5001/A) clearly showed the top of the proposed screen to be RL 17.52. The developer has not explained the reduction in RL, or even acknowledged that it has been minimised.*

Response: The original drawings showed the height of the screen located at RL 17.52 and 3.8m. The plans (as amended) indicate the height of the screen at RL 16.6 and 2.8m. Therefore, there has been a reduction of 1m. The 2.8m high screen is sufficient to prevent overlooking from the Level 1 balconies. Additionally, the louvres are fixed at an upward angle thereby directing views away from the dwellings on Miles Street. Further, the top of the screen matches the top of the south facing windows on Level 1. The additional 1m of screening provided by a 3.8m high screen, would only be screening the bottom of the external wall on Level 2. There is no use in screening a blank wall. Further, the additional 1m of screen would only add to the bulk of the screen and intensify the treatment as an 'eyesore', which is an issue for the objectors.

4. *Decreased privacy due to the 'letter-box' fence along the rear boundary of Nos. 40 & 42 Miles Street*

Response: The proposed letter-box fence was a design outcome in response to Sydney Water's requirement to have a 17.4m section over the stormwater easement to meet the 'break-through' requirements. Since lodgement, this 'letter-box' design has been amended due to concerns from the neighbours regarding safety and privacy.

The entire southern boundary fence has been redesigned to incorporate a weir wall (as originally proposed), with a 2.6m high colourbond fence. The gap at the bottom is blocked by a trash/debris screen fixed to the weir wall. This design results in a full height fence when viewed from the neighbour's rear yard. There remains a gap at the bottom of the fence which is a requirement of Sydney Water and allows water to flow through unobstructed. This gap however, does not result in a security issue as it is blocked by a trash/debris screen.

5. *The potted plants do not provide sufficient screening if one were to look through the gap of the 'letter-box' fence to the rear neighbour's property*

Response: As outlined in the point above, the redesign of the 'letter-box' fence has resulted in an improved fence design, therefore the screen planting is no longer required.

6. *The plans do not indicate any screening either side of the stair area, with regard to residents of the development standing on the landings at Levels 1, 2, 3 and 4.*

Response: The plans (as amended) have additional screens with fixed louvres, on the southern façade to the fire-stairs. A section through the fire stairs indicates that when the residents stand on the stairs and stair landings, the sight-lines gained are contained within the subject site.

7. *The plans (as amended) indicate that there are sight lines from Level 5 into the rear living areas of the dwellings adjoining the site to the south.*

Response: This modification application deals with sight lines gained as a direct result of the removal of the wall (i.e. ground floor, level 1 and level 2). The sight lines gained from Levels 3 and above were assessed and approved by the JRPP for the initial application. During the assessment of this s96(1A) Modification Application, the applicant has provided additional treatment to the southern windows of Levels 3 and 4 (obscure glass to a height of 1.5m) to decrease the overlooking that is currently gained from these levels. This treatment is over and above what is required to address the specific issues relating to the proposed removal of the wall. It is believed that there are minimal overlooking impacts from levels 5 and above due to the landscape planting along the southern balconies of these levels and their stepped nature away from the southern boundary line.

8. *The design of the proposed 'awning' window treatment with obscure glass panels in the lower sections at levels 2, 3 and 4, is insufficient, as it continues to pursue the use of the currently documented "openable louvre sections" at the ends of the windows in question. The developer has suggested the louvre sections of the south facing windows on Levels 2, 3 and 4 will have "translucent glass louvres" (refer to drawing S4002 Rev D). What should be obvious is that when you open these louvres, you can look straight through them with no visual obstruction at all.*

Response: The plans (as amended) indicate that the previous translucent glass louvres on the southern façade on Levels 2, 3 and 4 have been replaced with a wall to a height of 1.1m,

obscure glass to a height of 1.6m (on Level 2) and 1.5m (on the levels above), and the area above remaining as openable louvres. The objectors concern raised in the left-hand column has been addressed.

9. *It is also noted that there is no definition of 'obscure glass'. This should not be an applied film, but an panel of obscure glass, set separately into the lower section of the windows, with separate glazing frame on all sides to ensure it is not able to be removed or replace with clear glass in future.*

Response: A new condition has been recommended requiring the obscure glass indicated on the southern façade on Levels 2, 3 and 4, to be obscure glass panels and not an applied film that can be removed in the future.

10. *The boundary fence is only 1.8m high, was there any consideration for a higher fence?*

Response: The plans (as amended) have increased the fence to a total height of 2.6m. This design has been confirmed with Sydney Water.

11. *The weir wall on the subject site and having a height of 0.68m, and the proposed boundary fence at a height of 2.1m, if someone stands on the weir wall, the total height of the fence is 1.42m. This proposed "actual" fence height is not considered adequate with regard to security and safety.*

Response: The plans (as amended) have increased the fence to a total height of 2.6m. Therefore, if standing on the weir wall (800mm high), the actual fence height will be 1.8m, which is sufficient to prevent overlooking and prevent someone from climbing over.

12. *It is believed that a fence height greater than 4.2m could be achieved.*

Response: The design and height of the boundary fence is the recommendation of an independent structural engineer and the design has undergone two revisions in order to achieve the greatest height as is structurally possible, without encroaching into Sydney Water's easement, and by locating all footings and piers within the subject site. This design has been approved by Sydney Water and is supported by Council as the preferred option.

13. *The objectors request that construction of this fence at the earliest convenience is required to minimise dust and noise being generated by construction of the site.*

Response: A condition has been recommended that the wall along the southern boundary (including colourbond fence, weir wall and debris/trash trap) be constructed within two months of the issuing of this modified consent in order to provide screening for the adjoining neighbours to the south. The southern boundary wall (including colourbond fence, weir wall and debris/trash trap) is to be finished with colours and materials as proposed in the drawings referenced at Condition No. 1.

14. *The developer appears to be resisting a higher south boundary wall on the basis that the footings may adversely impact the Sydney Water assets within the Sydney Water easement. However, in drawing S5003 Rev A, the developer clearly indicates a 200 x 200 mm steel post supporting a cantilevered swinging gate / screen, with a top dimension approximately 6 metres above ground level. The footing for this significant post, which we also assume given its loadings will be significant, will be within the Sydney Water easement.*

Response: In the event that large equipment is required to access the easement, the suspended portion of the gate hinges on the solid part of the building, and swings inwards and to the west. The supporting post is not the 200 x 200mm steel post, but the side of the building, which can support the cantilevered weight. As such, only a superficial, light-weight post is located within the Sydney Water easement, and will be easy to remove if required.

Noise

Objection:

15. *Increased noise due to the proposed louvres to the car park, on the southern wall at ground level (not previously present when pool was located in this area).*
16. *The developers Acoustic Report may not be correct in some of its basic assumptions (distances) and that this may adversely affect its findings.*

Response: Due to the removal of the pool and gym area at ground level, the southern car park wall is now exposed to the southern boundary. The existing wall has angled louvres which direct sight lines to the ground and within the site. These louvres are approximately 6m from the southern boundary and help to mitigate noise, but not to the extent as provided by the 8.6m wall.

The louvres are required to remain as they allow for air in-take for the basement and ground level car park.

In response to Council's request, the applicant submitted an amended Acoustic Report, prepared by Sebastian Giglio and a Mechanical Ventilation Report, prepared by Central Engineers.

The Acoustic Report provides an assessment of car park generated and intermittent noise. The Acoustic Report indicates that for car park noise, there is a noise exceedance by 1dBA and 2dBA for the daytime and evening periods (with compliance for night-time). As such, it has been recommended that the soffit of the car park is treated with 500sqm of acoustic absorption material, which will have the effect of reducing noise emissions from the car park by at least 5dBA, which will therefore comply with the noise criteria. This has been recommended as a condition of consent.

With regard to the intermittent noise criteria, the predicted level of the proposed development exceeds the "background + 15dBA" threshold level for the external noise guideline, with regard to night criteria, but satisfies the guidelines for internal L_{Amax} levels, even with windows open. Based on this analysis, the Acoustic Report concludes that the proposed development will not detrimentally impact on the sleep arousal environment and to install acoustic absorption to the car park as a precaution due to the potential sensitivities to such noise.

With regard to whether the adequacy of the applicant's Acoustic Report, it has been referred to Council's Environmental Health Officer for review and comment. Council's Environmental Health Officer has recommended a condition (if approved) requiring post occupancy monitoring to be carried out within 12 weeks of the issue of the interim Occupation Certificate. The aim of this is to determine if additional acoustic measures are required, and if so, for these measures to be provided.

The Mechanical Ventilation Report addresses the noise produced from the mechanical ventilation required for the car parking levels. The report advises that the fans employed to ventilate the car parking levels are only triggered once the atmospheric conditions hit a specific level. The fans turn on, and pull in fresh air from the air in-take. Once the atmospheric

conditions are satisfactory, all fans shut down. The Mechanical Ventilation Report also confirms that all fans are acoustically treated.

Given the above, the proposed acoustic treatment of the car park is considered to be satisfactory.

Pollution/ rubbish

Objection:

17. *Increased pollution (car exhaust fumes) due to the proposed louvres to the car park, on the southern wall at ground level.*
18. *Increased potential for refuse to be carried by wind through the louvres and onto the adjoining rear properties.*

Response: Air pollution from the car park is minimised as the air flow is designed as one-way system, drawing fresh air from the rear boundary towards Gardeners Road. The exhaust is discharged on top of the roof. The exhaust fan is controlled by CO² monitor, making sure the air quality in the car park area is always kept within regulation levels.

The second louvre is installed in the opposite direction forming an upside down “V” shape allowing air to flow through but limiting light spill and noise. The second louvre will prevent pollution/ rubbish flowing through to the rear of the site. Additionally, the 2.6m high fence and debris/trash screen will prevent debris from entering the rear yards of the southern adjoining neighbours.

Light Pollution

Objection:

19. *Increased light during night hours, due to the proposed louvres to the car park, on the southern wall at ground level.*

Response: Due to the removal of the pool and gym area at ground level, the southern car park wall is now exposed to the southern boundary. The wall has angled louvres which direct sight lines to the ground and within the site. This objection argues that light spill will still be visible from the louvres.

Since the original design, the louvre treatment has since been amended to a double louvre design (v-configuration). This configuration still allows for air-intake but prevents light spill. This design is considered satisfactory.

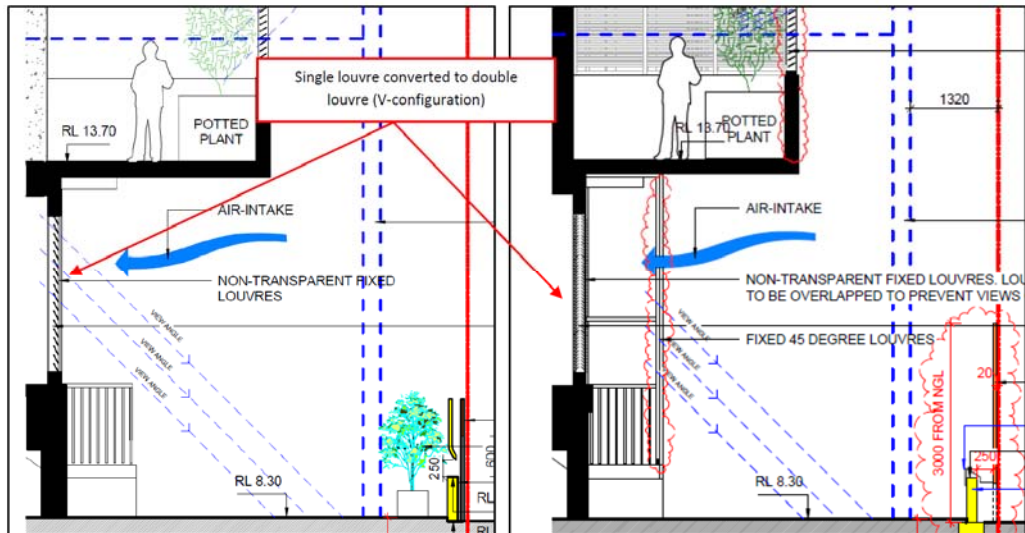


Figure 21: Car Park louvre design (left): original design and (right): proposed final design

Safety

Objection:

20. *Decreased safety to all residents adjoining the subject site to the south due to the relocation of the easement and access from Gardeners Road. How will access from Gardeners Road to the easement along the eastern boundary and continuing along the rear, be restricted but also allow for fire egress?*

Response: The original submission did not contain any detailed information regarding the type of barrier that was proposed along Gardeners Road and to the Sydney Water easement running along the eastern side of the building. In a letter dated 13 May 2016, the applicant advised the following:

“Security from Gardeners Road is addressed by a security gate with key lock from Gardeners Road and with a free passage handle from inside for fire egress purposes. This gate is also requested by Sydney Water as part of their standard installation to easement. The residential component and the car park are controlled by access card, only the residents and authorised person can access these areas. Restricted access sign can be placed on the door leading to the stormwater easement, reducing the potential of individuals accessing the easement area.”

Accompanying the statement above, the applicant provided a stand-alone sketch of an overland flow path fence fronting Gardeners Road. This sketch did not provide detailed dimensions or context in relation to the Gardeners Road streetscape.

In response to this issue, the plans (as amended) show a full height overland flow gate and screen which allows for overland flow, security preventing access from Gardeners Road, but also fire egress from the easement. Refer to **Figures 18 and 19**.

21. *The letter dated 13 May states that residents and authorised persons can access the easement area, with a sign to try and deter people. This still means that residents can access the easement area behind my property.*

Response: The plans (as amended) resolves this issue as the southern boundary fence no longer proposes a design with an open gap. The colourbond fence is now proposed to a height of 2.6m which will completely block the view of anyone accessing the easement.

Further, the easement area is contained within the subject property. As such, the impacts resulting from people accessing this area is less than compared to someone living next door and walking down the side boundary of a house with a 900mm setback.

A condition has been recommended for the by-laws to include the erection of appropriate fire-stair signage within the building and that access to the easement area is restricted to authorised persons for maintenance purposes only.

22. *Safety issues with residents of the proposed development gaining access through the letter-box fence to the adjoining properties. Particular safety issue for Nos. 40 and 42 due to the current propose letter-box fence design with a 600mm opening (Sydney water requires a minimum of 250mm opening). Increased safety issue of pets and small children from Nos. 40 and 42 entering the rear of the subject site through the letter-box fence.*

Response: The 'letter-box' fence as originally proposed has been removed. The plans (as amended) now propose a 2.6m high colourbond fence with an opening at the bottom to allow for water overflow (given this is the overland flow path). Set behind the fence will be a weir wall approximately 800mm high which will have a trash/debris screen bolted to the top of the weir wall to trap any debris but also close the only opening in the fence where children or animals may potentially access the subject site.

Materials and Finishes

Objection:

23. *Please provide details on the proposed materials, finishes and colours of the replacement screening devices including but not limited to the colourbond fence, retaining wall, louvres, etc.). Please confirm the durability and life of the proposed replacement screening devices.*

Response: In a letter dated 13 May 2016 the applicant provided details of the proposed materials and finishes for the southern wall. A condition has been recommended for the colours of the rear wall to be of a neutral colour and a finish that is long lasting and will require little maintenance.

In the latest submission from the applicant, the following colour scheme has been proposed:

- Colourbond fence: Basalt (grey) or similar;
- Weir wall: masonry block in grey colour (similar to the colourbond fence);
- Screen to fire stairs & level 1: metal and painted white;
- Louvres to car park: metal and painted grey.

24. *Please confirm the type, species and maturity height of the proposed potted plants.*

Response: The potted plants have been removed from the proposed design.

25. *As the treatments to the southern façade, including fence and weir wall are an eyesore, the neighbours should have advice and input into the colours and finishes.*

Response: Council's Development Assessment Officer has repeatedly advised the objectors that in these circumstances, a condition is generally recommended for fences and screens, etc. to be of a neutral colour.

Despite wanting to be consulted regarding the external finishes and materials, neither party are negotiating with each other. Further, none of the objections have suggested a colour scheme.

In the latest submission from the applicant, the following colour scheme has been proposed:

- Colourbond fence: Basalt (grey) or similar;
- Weir wall: masonry block in grey colour (similar to the colourbond fence);
- Screen to fire stairs & level 1: metal and painted white;
- Louvres to car park: metal and painted grey.

The colours for the screen to the fire stairs, screen to Level 1 and Car Park louvres have not been nominated. A condition has been recommended for these elements to be a silver grey colour. Council is satisfied that the colours proposed are neutral and has recommended a condition that the colours comply with the plans referenced at Condition No. 1.

Flooding

Objection

26. *Increased water flow onto neighbouring properties to the south due to the relocation of the overland flow path.*

Response: In a letter dated 13 May 2016, the applicant advised the following:

"The approved Sydney Water stormwater drawings show the capacity to withhold the amount of water tested for the worst scenario in 100 year ARI peak flood depths. The volume capacity can withstand this scenario and will not increase the water flow onto the neighbouring properties."

Maintenance

Objection:

27. *Please provide details regarding maintenance and repair of the replacement screening devices (including potted plants).*
28. *Please provide details regarding maintenance of the Sydney Water easement.*
29. *Relying on strata for maintenance is not a reliable solution as over time things are often not maintained. How will this be monitored to ensure maintenance is enforced?*

Response: The potted plants have been removed from the proposed design. As such, there is less maintenance required with regard to the final design. Notwithstanding this, if approved, the following requirements will form a condition of consent relating to the ongoing use of the site, as well as a requirement in the positive covenant attached to the land:

- The body corporate is to ensure that the trash/debris screen is maintained at all times and is clear of debris and rubbish;
- Council is authorised to enter the premises at any time and undertake works to ensure that the trash/debris screen is clean and tidy and in a safe and working order;
- The body corporate is to inspect the trash/debris screen once a year to ensure that it is in a safe and working order;

- The body corporate is required to carry out ongoing maintenance of the screening devices on the external façade of the building and repair and replace the screening devices when required, for the life of the building.

In addition, the Sydney Water easement is the property of Sydney Water and any maintenance and upgrades carried out by an external party will need approval from the authority. Otherwise, Sydney Water is authorised to enter the premises at any time to carry out maintenance of, and upgrade their asset.

In response to the objection above, there is no other legal way for Council to enforce maintenance on private property.

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

The removal of the 8.6m high masonry wall has the potential to alter the impacts on the adjoining neighbours to the south. The proposed additional and replacement screening treatments result in a better outcome with regard to overlooking and privacy as views are directed further up and towards a distant southern aspect. The southern boundary fence has been amended since the original submission and provides a better planning outcome for the neighbours with a 2.6m high colourbond fence with no gaps.

The varied treatments and additional recommended conditions to ameliorate overlooking and privacy, noise, light, pollution, safety and maintenance, result in a good planning outcome, given the 8.6m high wall cannot be retained.

Approving the s96(1A) Modification Application would not be contrary to the public interest.

S.96(1A) Considerations

In considering the Section 96(1A) Application, the matters listed in Section 96(1A) of the *Environmental Planning and Assessment Act 1979* have been taken into consideration in the preparation of this report as follows:

S.96(1A)(a) - Minimal Environmental Impact

The proposed modifications relate to the shifting of the basement podium to the west to accommodate the Sydney Water easement along the eastern boundary. As a result, the approved 8.6m wall at the rear cannot be retained and, in its place is a combination of screening treatments. The proposed modifications also include some minor changes to the front façade including the addition of a blade wall to the substation, a ramp in lieu of the wheel chair entry and removal of the fire booster doors.

The proposed modifications result in at least the same level of amenity afforded the residents under the previous design with an 8.6m high wall. The modifications to the front façade are minor and are a result of design refinement. The imposition of the Sydney Water easement is part of Council's wider flood management policy for the area and has resulted in the upgrade of old infrastructure to lessen the downstream impacts.

Given this, it is considered that the proposed amendments will have no significant adverse environmental, social or economic impacts on the locality.

S.96(1A)(b) - Substantially the same development

The modifications will result in substantially the same development as that approved under DA-13/280. The proposed additional screening treatments provide the same level of amenity for the southern adjoining residents as previously provided by the 8.6m high wall. The sight lines have been reduced and the removal of the wall provides an increased setback to the rear building line. The proposed amendment is suitable in the context of the site and the locality.

S.96(1A)(b) - Notification

In accordance with Part 2 - Notification & Advertising of the Botany Bay Development Control Plan 2013, the Section 96(1A) Application was advertised and notified to surrounding property owners for a fourteen day period from 6 April 2016 to 20 April 2016.

S.96(1A)(b) - Submissions

Please refer to the section above for a detailed assessment of the submissions.

Conclusion

Development Application No. 13/280 was approved by the Joint Regional Planning Panel (JRPP) – Sydney East Region on 16 April 2014 for a seven storey mixed use building with 84 dwellings, 235sqm of commercial floor space and 151 car parking spaces.

On 10 March 2016, Council received this Section 96(1A) application to modify Development Consent No. 13/280 to shift the basement profile as required by Sydney Water in order to accommodate the relocated stormwater culvert and as a result, remove the pool and gym area at the rear, amend Condition No. 72 to replace the requirement for an 8.6m high masonry rear boundary wall with a combination of screening elements, install a flood gate along Gardeners Road, minor alterations to the front façade including the addition of a blade wall to the substation, replacement of the disabled lift with a ramp, and removal of the fire-booster doors.

The application was advertised and notified to surrounding property owners for a fourteen day period from 6 April 2016 to 20 April 2016. Four submissions were received. During the assessment process, the design of various elements of the development changed in response to issues raised by the objectors. The amended plans were not renotified, however the amended plans and documentation was provided to the objectors on two separate occasions, and additional concerns were raised and taken back to the applicant.

The responses to the objections provided above are a result of several reiterations of the design and consultation with the objectors and the applicant. The primary concern with the original application was the removal of the 8.6m high wall along the southern boundary, this wall actually being the southern wall of the existing building built in 1952. Structurally, this wall could not be retained despite the imposition of Condition No. 72 requiring that it be retained. Further, due to the relocation of the Sydney Water easement to this area, an 8.6m high wall could not be provided. However, the proposed 2.8m high colourbond southern boundary fence and combination of screening treatments is considered to be a logical and satisfactory solution which provides a better privacy and amenity treatment than that provided by the 8.6m high wall.

The secondary concern with the original application was the design of the 17.4m section of southern boundary fence as a 'letter-box' design, which was required to be 'broken through' for maintenance of the Sydney Water asset below. The original objections raised concerns about safety and privacy due to the 250mm opening. Discussions with the applicant produced the final design which has eliminated the gap in this section of the fence and has resulted in the fence height increasing from 1.8m to 2.6m. The final fence design is considered to satisfy the objections raised and Sydney Water's requirements as:

- The fence appears as a single structure from the rear yards of the southern adjoining neighbours (i.e. no gaps and no privacy issues);
- The fence does not create any safety issues due to the removal of the 250mm gap;
- the staggering of the weir wall behind the fence allows for overland flow;
- The gap created by the staggering of the weir wall behind the fence is sealed by a trash/debris screen which prevents access by pets, etc.

The Section 96(1A) application seeking to modify Development Consent No. 13/280 at 581-587 Gardeners Road, Mascot, has been assessed in accordance with the relevant requirements of the *Environmental Planning and Assessment Act 1979* and is recommended for approval.

Attachment

Schedule 1 – Conditions of Consent

Premises: 581-587 Gardeners Road, Mascot

DA No: 13/280/03

SCHEDULE OF CONSENT CONDITIONS

GENERAL CONDITIONS

- 1 The development is to be carried in accordance with the following plans and endorsed with Council's stamp, except where amended by other conditions of this consent. Reference documentation is also listed.

Drawing No.	Author	Dated Received
Project No. 13041 DA100 (Rev B)	MHN Design Union	27 December 2013
DA1000 (Rev B)	MHN Design Union	27 December 2013
DA1100 (Rev B)	MHN Design Union	27 December 2013

DA1101 (Rev B)	MHN Design Union	27 December 2013
DA1102 (Rev B)	MHN Design Union	27 December 2013
DA1103 (Rev B)	MHN Design Union	27 December 2013
DA1104 (Rev B)	MHN Design Union	27 December 2013
DA2000 (Rev B) S96S2000A (dated 21 July 2016, Rev D) (DA-13/280/05)	MHN Design Union PSEC Project Services	27 December 2013 21 July 2016
DA2001 (Rev C) S96S2001A (dated 7 July 2016, Rev C) (DA-13/280/05)	MHN Design Union PSEC Project Services	21 March 2014 21 July 2016
DA2002 (Rev B) S96S2002A (dated 21 July 2016, Rev F) (DA-13/280/05)	MHN Design Union PSEC Project Services	27 December 2013 21 July 2016
DA2003 (Rev A5) S96S2003 (dated 21 July 2016, Rev E) (DA-13/280/05)	MHN Design Union PSEC Project Services	27 December 2013 21 July 2016
DA2003 (Rev B) S96S2004 (dated 21 July 2016, Rev E) (DA-13/280/05)	MHN Design Union PSEC Project Services	27 December 2013 21 July 2016
DA2004 (Rev B)	MHN Design Union	27 December 2013
DA2005 (Rev C)	MHN Design Union	21 March 2014
DA2006 (Rev B)	MHN Design Union	27 December 2013
DA2300 (Rev C) S96S4001 (dated 7 July 2016, Rev C) (DA-13/280/05)	MHN Design Union PSEC Project Services	21 March 2014 21 July 2016
S96S4002 (dated 21 July 2016, Rev F) (DA-13/280/05)	PSEC Project Services	21 July 2016
S96S4005 (dated 21 July 2016, Rev A) (DA-13/280/05)	PSEC Project Services	21 July 2016
DA2301 (Rev C)	MHN Design Union	21 March 2014

DA2400 (Rev C) S96S2400 (dated 21 July 2016, Rev E) (DA-13/280/05)	MHN Design Union PSEC Project Services	21 March 2014 21 July 2016
DA2501 (Rev B)	MHN Design Union	27 December 2013
DA2502 (Rev B)	MHN Design Union	27 December 2013
DA2503 (Rev B)	MHN Design Union	27 December 2013
DA2504 (Rev B)	MHN Design Union	27 December 2013
DA2506 (Rev B)	MHN Design Union	27 December 2013
DA2507 (Rev A)	MHN Design Union	20 January 2014
DA2601 (Rev C)	MHN Design Union	21 March 2014
DA2602 (Rev B)	MHN Design Union	27 December 2013
DA2610 (Rev C)	MHN Design Union	21 March 2014
DA2611 (Rev C)	MHN Design Union	21 March 2014
DA2643 (Rev A)	MHN Design Union	21 March 2014
DA2644 (Rev A)	MHN Design Union	21 March 2014
DA2645 (Rev A)	MHN Design Union	21 March 2014
DA2646 (Rev A)	MHN Design Union	21 March 2014
DA2647 (Rev A)	MHN Design Union	21 March 2014
DA2648 (Rev A)	MHN Design Union	21 March 2014
DA2649 (Rev A)	MHN Design Union	21 March 2014
S96S5001A (dated 21 July 2016, Rev C) (DA-13/280/05)	PSEC Project Services	21 July 2016
S96S5002A (dated 21 July 2016, Rev C) (DA-13/280/05)	PSEC Project Services	21 July 2016
S96S5003 (dated 21 June 2016, Rev B) (DA-13/280/05)	PSEC Project Services	21 July 2016

S96S9500 (dated 21 July 2016, Rev D) (DA-13/280/05)	PSEC Project Services	21 July 2016
Boundary Screen Options (Drawing No. TX-12098.00 – S01, Revision A)	Triaxial Consulting Pty Ltd	Dated 01/11/2016 Received by Council 01/11/2016
Landscape Plans, Issue A LAN_A_000 LAN_A_001 LAN_D_100 LAN_A_101 LAN_F_200 LAN_F_201 LAN_F_202 LAN_D_300 LAN_D_301	380Q	27 December 2013
Survey Plan, Reference No. 2205/13	Eric Scerri & Associated Pty Ltd	27 December 2013
Stormwater Concept Plans, Project No. S13429, Drawing Nos.: HD01 (Rev P1) HD02 (Rev P1) HD03 (Rev P1) HD04 (Rev P1) HD05 (Rev P1) HD06 (Rev P1) HD07 (Rev P1) HD08 (Rev P1) HD09 (Rev P1) HD10 (Rev P1)	Emerson Associates Pty Ltd	27 December 2013
Subdivision Plans, Project No. S13429, Drawing Nos.: Draft Torrens DP, Issue A Sheets 1-5, Ref No. 2025DP Draft Strata SP of Lot 1, Issue A, Sheets 1-2, Ref No. 2205SP	Eric Scerri	27 December 2013

Draft Strata SP of Lot 2, Issue A, Sheets 1-7, Ref No. 2205SP		
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Reference Document(s)	Author	Date Received
Statement of Environmental Effects	City Plan Services	27 December 2013
<i>S96 Modification Letter dated 9 March 2016 (DA-13/280/03)</i>	<i>PSEC Project Services</i>	<i>10 March 2016</i>
<i>Amended Response dated 13 May 2016</i>	<i>PSEC Project Services</i>	<i>13 May 2016</i>
<i>Amended Response dated 8 June 2016</i>	<i>PSEC Project Services</i>	<i>8 June 2016</i>
Clause 4.6 Variation	City Plan Services	27 December 2013
DCP Compliance Table	City Plan Services	27 December 2013
SEPP 65 Design Verification Statement	Brian Meyerson	27 December 2013
Residential Flat Design Code Compliance	MHN Design Union	27 December 2013
SEPP 65 Report	MHN Design Union	27 December 2013
BASIX Certificate No. 521540M	NSW DoPI	27 December 2013
Waste Management Plan	RMS Projects Pty Ltd	27 December 2013
Wind Impact Assessment, dated 5 Dec 2013	VIPAC Engineers & Scientists Ltd	27 December 2013
Preliminary Stage 1 Environmental Site Assessment, Ref E26796KBrpt	Environmental Investigation Services	27 December 2013
Preliminary Geotechnical Investigation, dated 16 September 2013	JK Geotechnics	27 December 2013
Traffic & Parking Assessment Report, Ref 12471	Varga Traffic Planning Pty Ltd	27 December 2013
Noise Impact Assessment, dated 19 December 2013	VIPAC Engineers & Scientists Ltd	27 December 2013
<i>Mechanical Ventilation To Car park dated 31 May 2016</i>	<i>Central Engineers</i>	<i>8 June 2016</i>
<i>Acoustic Report dated 21 June 2016</i>	<i>Sebastian Giglio Acoustic Consultant</i>	<i>21 June 2016</i>
Construction Management Plan, Ref No. A-7006	MHN Design Union	27 December 2013
BCA & DCP Accessibility Report, dated 21 December 2013	Christopher Summers & Associates	27 December 2013

Preliminary Flood Statement, dated 20 December 2013	Brown Consulting (NSW) Pty Ltd	27 December 2013
Flood Assessment Report dated 3 July 2015 (DA-13/280/03)	Cardno	13 May 2016
BCA Compliance Assessment Report, dated 18 December 2013	Building Certificates Australia Pty Ltd	27 December 2013
Quantity Surveyors Estimate, dated December 2013	Haymann Cohen Pty Ltd	27 December 2013
Construction Traffic Management Plan	Sydney Traffic Control Pty Ltd	20 January 2014
Letter from City Plan Services dated 21 March 2014	City Plan Services	21 March 2014
Rose Atkins Rimmer (Infrastructure) Pty Ltd Assets Letter dated 12 February 2016	Rose Atkins Rimmer	10 March
Sydney Water Stamped Sewerage Plans, dated 15 January 2016 (DA-13/280/03)	-	10 March 2016
Sydney Water Stamped Stormwater Plans, dated 21 January 2016 (DA-13/280/03)	-	10 March 2016

No construction works (including excavation) shall be undertaken prior to the issue to the Construction Certificate.

- 2 ***A. The wall along the southern boundary (including colourbond fence, weir wall and debris/trash trap) is to be constructed within 2 months of the issuing of this consent in order to provide screening for the adjoining neighbours to the south. The southern boundary wall (including colourbond fence, weir wall and debris/trash trap) is to be finished with colours and materials as proposed in the drawings referenced at Condition No. 1. (DA-13/280/03)***

2. B.

- (a) The applicant must prior to the issue of the Construction Certificate, pay the following fees:
- (i) Builders Security Deposit \$50,000.00;
 - (ii) Development Control \$11,011.00;
- (b) The applicant must prior to the issue of the Construction Certificate for the erection of the above ground building pay the following fee for Section 94 Contributions of \$1,608,512.00;

Note: The Section 94 Contribution fees are subject to annual review and the current rates are applicable for the financial year in which your consent is granted. If you pay the contribution in a later financial year you will be required to pay the fee applicable at the time.

- 3 This Consent relates to land in Lots 13, 14, 15, and 16 in DP 11589 and as such, building works must not encroach on to adjoining lands or the adjoining public place, other than public works required by this consent.
- 4 The consent given does not imply that works can commence until such time that:
- (a) Detailed plans and specifications of the building have been endorsed with a Construction Certificate by:
 - (i) The consent authority; or,
 - (ii) An accredited certifier; and,
 - (b) The person having the benefit of the development consent:
 - (i) Has appointed a principal certifying authority; and
 - (ii) Has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and,
 - (iii) The person having the benefit of the development consent has given at least 2 days notice to the council of the persons intention to commence the erection of the building.
- 5 All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- 6
- (a) All plumbing stacks, vent pipes, stormwater downpipes and the like shall be kept within the building and suitably concealed from view. This Condition does not apply to the venting to atmosphere of the stack above roof level;
 - (b) The basement of the building must be designed and built so that on completion, the basement is a “fully tanked” structure, i.e. it is designed and built to prevent the entry of ground water / ground moisture into the inner part of the basement;
 - (c) The provision of disabled access throughout the development is required and shall be in compliance with the Building Code of Australia Part D3 “Access for People with Disabilities” and Australian Standard AS1428.1 (2001) - Design for Access and Mobility - Part 1 General Requirements for Access - Buildings. This requirement shall be reflected on the Construction Certificate plans.
 - (d) Prior to the issue of a Construction Certificate, the construction drawings shall indicate the following:
 - (i) That water will be prevented from penetrating behind fittings/linings and into concealed spaces in laundry, sanitary areas and bathrooms etc;
 - (ii) That floor to ceiling in laundry and bathroom areas to be tiled;
 - (iii) That timbers used in the development are plantation, recycled or regrowth timbers of timbers grown on Australian farms or State forest plantations and that no old growth or rainforest timbers are to be used in any circumstances; and

- (iv) That plumbing to each dwelling will be separated and adequately contained to prevent noise transmission and vibration.
- 7 Pursuant to clause 97A(3) of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the each building in the development are fulfilled.
- (a) Note:
- Relevant BASIX Certificate means:
- (i) A BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under Section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or
 - (ii) If a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate.
 - (iii) BASIX Certificate has the meaning given to that term in the Environmental Planning and Assessment Regulation 2000.

CONDITIONS IMPOSED BY AN EXTERNAL AUTHORITY

- 8 The following condition is imposed by Sydney Water and is to be complied with:

Stormwater

- (a) All direct connections to Sydney Water's stormwater channel are required to comply with Sydney Water's connection requirements and on site detention requirements.
- (b) Direct connections to Sydney Water's stormwater channels are also required to meet contemporary stormwater quality targets. Sydney Water's requirements are that the water quality improvement should meet the target as described in the "Botany Bay & Catchment Water Quality improvement Plan" which was prepared by the Sydney Metropolitan Catchment Management Authority in April 2011.

Water

- (c) The 150 mm drinking water main in Gardeners Road fronting the proposed development does not comply with the Water Supply Code of Australia (Sydney Water Edition – WSA 03-2002) requirement for minimum sized mains for this scope of development.
- (d) The proponent will be required to amplify the existing system, providing a 200mm water main frontage to service the proposed development.
- (e) Preliminary investigation shows that the preferred option would be to amplify the existing 150mm drinking water main in Gardeners Road to a 200mm water main off the existing 375mm main in Botany Road, to provide full frontage to the proposed development.

Wastewater

- (f) The wastewater main available for connection is the 450mm main traversing the property constructed under DL 1815.

- (g) Where proposed works are in close proximity to a Sydney Water asset, the developer may be required to carry out additional works to facilitate their development and protect the wastewater main. Subject to the scope of development, servicing options may involve adjustment/deviation and or compliance with the Guidelines for building over/adjacent to Sydney Water assets.

Sydney Water Servicing

- (h) Sydney Water will further assess the impact of the developments when the proponent applies for a Section 73 Certificate. This assessment will enable Sydney Water to specify any works required as a result of the development and to assess if amplification and/or changes to the system are applicable. Sydney Water requests Council continue to instruct proponents to obtain a Section 73 Certificate from Sydney Water.
- (i) The proponent must fund any adjustments needed to Sydney Water infrastructure as a result of any development. The proponent should engage a Water Servicing Coordinator to get a Section 73 Certificate and manage the servicing aspects of the development. Details are available from any Sydney Water Customer Centre on 132092 or Sydney Water's website at www.sydneywater.com.au.

- 9 The following conditions are imposed by the NSW Roads and Maritime Service (RMS).

- (a) Ensure that the post development stormwater discharge from the subject site into the RMS drainage system does not exceed the pre development discharge;

The post development stormwater discharge from the subject site into the RMS drainage system should not exceed the pre development discharge.

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

Details should be forwarded to:

The Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124

A plan checking fee will be payable and a performance bond may be required before RMS approval is issued. With regard to the Civil Works requirements please contact the RMS Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766

- (b) The developer is to submit detailed documents and geotechnical reports relating to the excavation of the site and support structures to RMS for approval in accordance with Technical Direction (GTD 2012/001);
- (c) The Applicant should be aware of the potential for road traffic noise impact on the development on the subject site. Noise attenuation measures should be provided in accordance with NSW Environmental Protection Authority's (EPA's) Environmental Criteria for Road Traffic Noise;
- (d) All vehicles are to enter and exit in a forward direction;
- (e) The swept path of the longest vehicle (including garbage trucks) entering and exiting the subject site as well as manoeuvrability through the site, shall

be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval which shows that the proposed development complies with this requirement;

- (f) The number of car parking and bicycle spaces should be provided to Council's satisfaction;
- (g) The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) should be in accordance with AS 1890.1-2004, AS 2890.2 – 2002 for heavy vehicle useage and AS 2890.6:2009 for the disabled;
- (h) A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of the Construction Certificate;
- (i) The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents;
- (j) All works and regulatory signposting associated with the development are to at no cost to RMS or Council.

- 10 The following conditions form the General Terms of Approval by the NSW Office of Water and must be complied with:

General and Administrative Issues

- (a) An authorisation shall be obtained for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take identified;
- (b) The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below ground level that may be impacts by any water table watertight for the anticipated life of the building. Waterproofing of below ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation;
- (c) Construction methods and material used in and for construction shall not cause pollution of the groundwater;

Prior to Excavation

- (d) Measurements of groundwater levels beneath the site from a minimum of three monitoring bores shall be taken and a report provided to the NSW Office of Water. A schedule and indicative plans of the proposed ongoing water level monitoring from the date of consent until at least two months after the cessation of pumping shall be included in the report;
- (e) A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and a report provided to the NSW Office of Water. Details of the calculation method shall be included in the report;
- (f) A copy of a valid development consent for the project shall be provided to the NSW Office of Water;

- (g) Groundwater quality testing shall be conducted and a report supplied to the NSW Office of Water. Samples must be taken prior to the commencement of pumping, and a schedule of the ongoing testing throughout the dewatering activity shall be included in the report. Collection and testing and interpretation of results must be done by suitably qualified persons and NATA certified laboratory identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria;
- (h) The method of disposal of pumped water shall be nominated (i.e. street drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided to the NSW Office of Water. The disposal of any contaminated pumped groundwater (tailwater) must comply with the provisions of the *Protection of the Environment Operations Act 1997* and any requirements of the relevant controlling authority;
- (i) Contaminated groundwater shall not be reinjected into any aquifer. The reinjection system design and treatment methods to remove contaminants shall be nominated and a report provided to the NSW Office of Water. The quality of any pumped water (tailwater) that is to be reinjected must be compatible with, or improve the intrinsic or ambient groundwater in the vicinity of the reinjection site;

During Excavation

- (j) Piping or other structures used in the management of pumped groundwater (tailwater) shall not create a flooding hazard. Control of pumped groundwater (tailwater) is to be maintained at all times during dewatering to prevent unregulated off-site discharge;
- (k) Measurement and monitoring arrangements to the satisfaction of the NSW Office of Water are to be implemented. Monthly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a report provided to the NSW Office of Water after dewatering has ceased. Daily records of groundwater levels are to be kept and a report provided to the NSW Office of Water after dewatering has ceased;
- (l) Pumped groundwater (tailwater) shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc) without the controlling authorities approval and/or owners consent. The pH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater (tailwater) shall be complied with;
- (m) Dewatering shall be undertaken in accordance with groundwater-related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulphate soils management plan or remediation action plan) shall not be compromised by the dewatering activity;
- (n) The location and construction of groundwater extraction works that are abandoned are to be recorded and a report provided to the NSW Office of Water after dewatering has ceased. The method of abandonment is to be identified in the documentation;
- (o) Access to groundwater management works used in the activity is to be provided to permit inspection when required by the NSW Office of Water under appropriate safety precautions;

Following excavation

- (p) All monitoring records must be provided to the NSW Office of Water after the required monitoring period has ended together with a detailed interpreted hydrogeological report identifying all actual resource and third party impacts.
- 11 The following conditions are imposed by the NSW Police Service:
- (a) As the proposed development may be exposed to Break and Enter Steals, Stealing, Steal from persons, Malicious Damage and Steal from Motor Vehicle offences, a closed circuit surveillance system (CCTV) which complies with the Australian Standard - Closed Circuit Television System (CCTV) AS:4806:2006 shall to be implemented to receive, hold or process data for the identification of people involved in anti-social behaviour prior to the issue of the Occupation Certificate. The system is obliged to conform with Federal, State or Territory Privacy and Surveillance Legislation;
 - (b) The CCTV system should consist of surveillance cameras strategically located in and around the development to provide maximum surveillance coverage of the area, particularly in areas that are difficult to supervise. Cameras should be strategically mounted outside the development buildings and within the car parking areas to monitor activity within these areas. One or more cameras should be strategically mounted at entry and exit points to monitor activities around these areas (underground car park, foyer entrance);
 - (c) Any proposed landscaping and vegetation should adhere to the following principles:
 - (i) Shrubs bushes, plants should remain under 900mm in height;
 - (ii) Branches or large trees should start at a height of two (2) metres and higher;

This will assist with natural surveillance and reduce hiding spots and dark areas for potential offenders.
 - (d) Bicycle parking areas should be located within view of capable guardians. The provision of covered lockable racks to secure bicycles increases the effort required to commit crime;
 - (e) Any storage cages in the underground car park areas should not be constructed in an isolated area. CCTV cameras must cover this area, as they are easy targets when they have little supervision. Solid steel housing and quality key locks should be used to prevent access.
- 12 The following conditions are imposed by the Sydney Airport Corporation Limited (SACL) and must be complied with:
- (a) The PROPERTY DEVELOPMENT at 581-587 GARDENERS ROAD, MASCOT lies within an area defined in schedules of the Civil Aviation (Buildings Control) Regulations, which limit the height of structures to 50 feet (15.24 metres) above existing ground height (AEGH) without prior approval of this Corporation.
 - (b) The Civil Aviation Safety Authority (CASA) have no objection to the erection of the building to a height of 37 metres above Australian Height Datum (AHD).

- (c) The approved height is inclusive of all lift over-runs, vents, chimneys, aeral, TV antennae, construction cranes etc.
- (d) Should you wish to exceed the above heights, a new application must be submitted. Should the height of any temporary structure and/or equipment be greater than 50 feet (15.24 metres) above existing ground height (AEGH), a new approval must be sought in accordance with the Civil Aviation (Buildings Control) Regulations Statutory Rules 1988 No. 161.
- (e) Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Airports (Protection of Airspace) Regulations. SACL advises that approval to operate construction equipment (ie cranes) should be obtained prior to any commitment to construct. Information required by SACL prior to any approval is to include:
 - (i) the location of any temporary structure or equipment, ie. construction cranes, planned to be used during construction relative to Mapping Grid of Australia 1994 (MGA94);
 - (ii) the swing circle of any temporary structure/equipment used during construction;
 - (iii) the maximum height, relative to Australian Height Datum (AHD), of any temporary structure or equipment ie. construction cranes, intended to be used in the erection of the proposed structure/activity;
 - (iv) the period of the proposed operation (ie. construction cranes) and desired operating hours for any temporary structures.
- (f) Any application for approval containing the above information, should be submitted to this Corporation at least 35 days prior to commencement of works in accordance with the Airports (Protection of Airspace) Regulations Statutory Rules 1996 No. 293, which now apply to this Airport.
- (g) The development is to comply with the Civil Aviation Safety Authority (CASA) requirements as outlined in the Council's Development Application Guide for Multi-Unit Residential, Commercial and Industrial.

PRIOR TO COMMENCEMENT OF DEMOLITION WORKS

- 13 Prior to commencement of any works on-site, a dilapidation report of the immediate adjoining properties and public infrastructure (including Council and public utility infrastructure) shall be prepared by a qualified person and submitted to Council. The report shall include records and photographs of the following area that will be impacted by the development:

- (a) All properties immediately adjoining the site;
- (b) Gardeners Road; and

The applicant shall bear the cost of all restoration works to buildings/ structures and public infrastructure that been damaged during the course the demolition, site clearing and site remediation works. Any damage to buildings/structures, infrastructures, roads, lawns, trees, gardens and the like shall be fully rectified by the applicant/developer, at the applicant/developer's expense. In addition, the following issues shall also be complied with:

- (c) A copy of the dilapidation report together with the accompanying photographs shall be given to all immediately adjoining properties owners and public utility authorities. The report shall be agreed by all affected parties as a fair record of existing conditions prior to commencement of any works;
- (d) A second dilapidation report, including a photographic survey shall then be submitted at least one month after the completion of demolition/excavation works. A copy of the second dilapidation report together with the accompanying photographs shall be given to Council, public utilities authorities and all adjoining properties owners;
- (e) It is a condition of consent that should demolition, site clearing and site remediation works cause rise to public safety and/or workplace safety; works shall halt until absolute safety is restored;

(Note: Prior to commencement of the surveys, the applicant/ owner of the development shall advise (in writing) all property owners of buildings to be surveyed of what the survey will entail and of the process for making a claim regarding property damage. A copy of this information shall be submitted to Council.)

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- (a) There shall be no loss of support to the Council's nature strip area as a result of the construction within the site. Details prepared by a practicing Structural Engineer of how this support will be maintained during the demolition works shall be submitted to Council prior to the commencement of works.
- (b) Council's property shall be supported at all times. Where any shoring is to be supporting (or located on) Council's property, certified engineering drawings showing all details including the extent of encroachment, the type of shoring and the method of removal, shall be submitted prior to the issue of the Construction Certificate. If the shoring cannot be removed, it shall be cut to 150mm below footpath level and the gap between the shoring and any buildings shall be filled with a 5Mpa lean concrete mix.

- 15 Prior to the commencement of demolition work, a licensed demolisher who is registered with the WorkCover Authority must prepare a Work Method Statement to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) and a copy sent to Council (if it is not the PCA). A copy of the Statement must also be submitted to the WorkCover Authority.

The statement must be in compliance with: AS2601-1991 Demolition of Structures," the requirements of WorkCover Authority and conditions of the Development Approval, and must include provisions for:

- (a) Enclosing and making the site safe, any temporary protective structures must comply with the "Guidelines for Temporary Protective Structures (April 2001)";
- (b) Induction training for on-site personnel;
- (c) Inspection and removal of asbestos, contamination and other hazardous materials (by appropriately licensed contractors);
- (d) Dust control – Dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous

- water spray during the demolition process. Compressed air must not be used to blow dust from the building site;
- (e) Disconnection of Gas and Electrical Supply;
 - (f) Fire Fighting – Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed;
 - (g) Access and Egress – No demolition activity shall cause damage to or adversely affect the safe access and egress of this building;
 - (h) Waterproofing of any exposed surfaces of adjoining buildings;
 - (i) Control of water pollution and leachate and cleaning of vehicles tyres – Proposals shall be in accordance with the “Protection of the Environmental Operations Act 1997”;
 - (j) Working hours, in accordance with this Development Consent;
 - (k) Confinement of demolished materials in transit;
 - (l) Location and method of waste disposal and recycling in accordance with the “Waste Minimisation and Management Act 1995”;
 - (m) Sewer – common sewerage system;
 - (n) On site monitoring both during asbestos removal and the remainder of demolition activities.
- 16 To ensure that utility authorities and Council are advised of any effects to their infrastructure by the development, the applicant shall:
- (a) Carry out a survey of all utility and Council services within the site including relevant information from utility authorities to determine the position and level of services;
 - (b) Negotiate with the utility authorities (eg Energy Australia, Sydney Water and Telecommunications Carriers) and Council in connection with:
 - (i) The additional load on the system; and
 - (ii) The relocation and/or adjustment of the services affected by the construction.

Any costs in the relocation, adjustment, and provision of land or support of services as requested by the service authorities and Council are to be the responsibility of the developer.
- 17 Prior to demolition of any building constructed before 1970, the person acting on this consent shall ensure compliance with Australian Standard *AS2601-2001, Demolition of Structures* by a person with suitable expertise and experience. This may involve a Work Plan that identifies any hazardous materials including surfaces coated with lead paint, method of demolition, the precautions to be employed to minimize any dust nuisance and the disposal methods for hazardous materials, including:
- (a) Removal, cleaning and disposal of lead-based paint shall conform to the current EPA guidelines. Demolition of materials incorporating lead is to be conducted in strict accordance with sections 1.5, 1.6, 1.7, 3.1 and 3.9 of the *AS2601-1991 Demolition of structure*.
 - (b) Hazardous dust shall not be allowed to escape from the site. Any existing accumulations of dust (e.g.; ceiling voids and wall cavities) shall be removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter. All dusty surfaces and dust created from work is to be

suppressed by a fine water spray. Water shall not be allowed to enter the street and stormwater systems. Demolition is not to be performed during high winds, which may cause dust to spread beyond the site boundaries.

- (c) All contractors and employees directly involved in the removal of hazardous dusts and substances wearing protective equipment conforming to Australian Standard *AS1716 Respiratory Protective Devices* and shall adopt work practices in accordance with the requirements of WorkSafe's *Control of Inorganic Lead At Work* (NOHSC: 102(1994) and NOHSC: 2015(1994).
- (d) All lead-contaminated materials being disposed of in accordance with the Environment Protection Authorities Environmental Guidelines; *Assessment, Classification and Management of Liquid and Non Liquid Wastes (1999)* and *The Protection of the Environment Operations Act 1997 (NSW)*.

18 Prior to commencement of any works, the following approvals and permits on Council's property/road reserve under Roads Act 1993 and Local Government Act 1993 shall be made and obtained from Council's Customer Services Counter:

- (a) Permit to erect hoarding on or over a public place, including Council's property/road reserve;
- (b) Permit for roads and footways occupancy (long term/ short term);
- (c) Permit to open road reserve area, including roads, footpaths, nature strip, vehicular crossing or for any purpose whatsoever, such as relocation / re-adjustments of utility services;
- (d) Permit to place skip/waste bin on footpath and/or nature strip;
- (e) Permit to use any part of Council's road reserve or other Council lands;
- (f) Permit to stand mobile cranes and/or other major plant on public roads and all road reserve area;

(It should be noted that the issue of such permits may involve approval from RTA and NSW Police. In some cases, the above Permits may be refused and temporary road closures required instead which may lead to longer delays due to statutory advertisement requirements.)

- (g) Permit to establish "Works Zone" on public roads adjacent to the development site, including use of footpath area.

(Application(s) shall be submitted minimum one (1) month prior to the planned commencement of works on the development site. The application will be referred to the Council's Traffic Engineer for approval, which may impose special conditions that shall be strictly adhered to by the applicant(s)).

Copy of the approved permits shall be submitted to the Principal Certifying Authority attesting this condition has been appropriately satisfied.

19 Erosion and sediment control devices shall be installed and in function prior to the commencement of any demolition works upon the site in order to prevent sediment and silt from site works being conveyed by stormwater into public stormwater drainage system, natural watercourses, bushland, trees and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the legislative requirements and guidelines. These devices shall be maintained in a serviceable condition AT ALL TIMES throughout the entire demolition, excavation and construction phases of the development and for a minimum one (1) month period after the completion of the development, where necessary.

- 20 The Applicant must indemnify Council against all loss of or damage to the property of others and injury or death to any persons which may arise out of or in consequence of the carrying out of the work and against all claims, demands, proceedings, costs, charges and expenses whatsoever in respect thereof or in relation thereto. In this regard, the Applicant shall take out a public liability policy during the currency of the works in the sum of not less than \$20,000,000 and to be endorsed with City of Botany Bay Council as principal, and keep such policy in force at the Applicant's own expense. A certificate from the Applicant's insurers to this effect is to be **LODGED WITH COUNCIL BEFORE ANY WORK IS COMMENCED**. The amount of Common Law liability shall be unlimited.
- 21 A sign must be erected in a prominent position on any work site on which work involved in the erection of a building is being carried out;
- (a) stating that unauthorised entry to the work site is prohibited;
 - (b) 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;
 - (c) the Development Approval number;
 - (d) the name of the Principal Certifying Authority including an after hours contact telephone number; and
 - (e) any such sign is to be removed when the work has been completed.
- 22 A detailed Traffic Management Plan for the pedestrian and traffic management of the site during demolition, excavation and construction shall be prepared and submitted to the relevant road authority (Council or Roads and Traffic Authority) for approval prior to commencement of any works. The plan shall:
- (a) be prepared by a RTA accredited consultant.
 - (b) nominate a contact person who is to have authority without reference to other persons to comply with instructions issued by Council's Traffic Engineer or the Police.
 - (c) if required, implement a public information campaign to inform any road changes well in advance of each change.
 - (d) Note: Any temporary road closure shall be confined to weekends and off-peak hour times and is subject to Council's Traffic Engineer's approval. Prior to implementation of any road closure during construction, Council shall be advised of these changes and Traffic Control Plans shall be submitted to Council for approval. This Plan shall include times and dates of changes, measures, signage, road markings and any temporary traffic control measures.
 - (e) During construction, all works and measures shall be implemented in accordance with approved Traffic Management Plan at all times.
- 23 Toilet facilities are to be provided at or in the vicinity of the work site on which work involves the erection of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site;
- (a) Each toilet provided:
 - (i) must be standard flushing toilet; and,
 - (ii) must be connected:

- (1) to a public sewer; or
 - (2) if connection to a public sewer is not practicable to an accredited sewerage management facility approved by the Council; or,
 - (3) if connection to a public sewer or an accredited sewerage management facility is not practicable to some other sewerage management facility approved by the Council.
 - (ii) The provisions of toilet facilities in accordance with this clause must be completed before any other work is commenced.
- 24 A detailed Construction Management Plan (CMP) shall be submitted to Council and the Principal Certifying Authority for approval prior to the commencement of any works. The plan shall address:
- (a) Excavation and construction vehicles access to and egress from the site;
 - (b) Parking for demolition and construction vehicles. All construction-related vehicles shall be parked on-site and no parking of these vehicles shall be allowed on Church Avenue or Haran Street;
 - (c) Locations of site office, accommodation and the storage of major materials related to the project;
 - (d) Protection of adjoining properties, pedestrians, vehicles and public assets;
 - (e) Location and extent of proposed builder's hoarding and Work Zones, if there is any.
 - (f) Active measures to control and suppress dust, grit and the like that are associated with construction activity.
 - (g) Measures to control the arrival of plant and equipment associated with the construction process and the delivery of such plant and equipment during reasonable hours of the working day;
 - (h) Public Notification where working hours are extended for a particular construction activity;
 - (i) Provision of on-site car parking for employees, contractors and site personnel during the construction phase of the development; and
 - (j) During construction, all works and measures shall be implemented in accordance with approved Construction Management Plan at all times.
- 25 All works carried out on the public roads shall be inspected and approved by Council's engineer. Documentary evidence of compliance with Council's requirements shall be obtained prior to proceeding to the subsequent stages of construction, encompassing not less than the following key stages:
- (a) Initial pre-construction on-site meeting with Council's engineers to discuss concept and confirm construction details, traffic controls and site conditions/constraints prior to commencement of the construction of the civil works associated with the road widening;
 - (b) Prior to placement of concrete (kerb and gutter and footpath);
 - (c) Prior to construction and placement of road pavement materials; and
 - (d) Final inspection.

Note: Council's standard inspection fee will apply to each of the above set inspection key stages. Additional inspection fees may apply for additional inspections required to be undertaken by Council.

- 26 During demolition, excavation, remediation and construction, the applicant shall ensure that all works and measures have been implemented in accordance with following approved plans at all times:
- (a) Approved Erosion and Sediment Control Plan;
 - (b) Approved Traffic Management Plan and;
 - (c) Approved Construction Management Plan.

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE ISSUE OF ANY CONSTRUCTION CERTIFICATE

- 27 ***A. Prior to the issue of any Construction Certificate for the rear boundary wall configuration (including weir wall), the applicant is to amend all relevant plans referenced at Condition No. 1 which show the rear wall configuration (as per Drawing No. TX-12098.00 – S01, Revision A, prepared by Triaxial Consulting Pty Ltd), to the PCA for approval. (DA-13/280/03)***

- 27 ***B.*** The City of Botany Bay being satisfied that the proposed development will increase the demand for public amenities within the area, and in accordance with Council's Section 94 Contributions Plans listed below a contribution of **\$1,608,512.00** is required as follows:

(a)	Community Facilities	\$173,152.00
(b)	Administration	\$5,376.00
(c)	Open Space & Recreation	\$1,337,584.00
(d)	Transport Management	\$92,400.00

The Section 94 Contribution of **\$1,608,512.00** is to be paid to Council prior to the issue of the first Construction Certificate for the erection of the building.

27. ***C. The design of the rear boundary wall (including weir wall) is approved as per Drawing No. TX-12098.00 – S01, Revision A, prepared by Triaxial Consulting Pty Ltd subject to approval by Sydney Water. A copy of the approval from Sydney Water is to be provided to Council. Prior to the issue of the Construction Certificate for the rear boundary wall (including weir wall), the applicant is to provide Construction Certificate drawings in accordance with Drawing No. TX-12098.00 – S01, Revision A, prepared by Triaxial Consulting Pty Ltd. (DA-13/280/03)***

- 28 Prior to the issue of the Construction Certificate, the applicant shall contact "Dial Before You Dig on 1100" to obtain a Service Diagram for, and adjacent to, the property. The sequence number obtained from "Dial Before You Dig" shall be forwarded to Principal Certifying Authority. Any damage to utilities/services will be repaired at the applicant's expense.

- 29 A. Prior to the issue of the Construction Certificate, the planter boxes at the rear upper levels of the building shall have minimum dimensions of 1.2 metres in height and 1.0 metres in width. Details shall be submitted with the Construction Certificate.
- 30 Prior to the issue of the Construction Certificate, the concept landscape plans submitted by *360 degrees, Issue A* shall be the subject of **detailed, amended landscape documentation** to be submitted to and approved by the **City of Botany Bay 's Landscape Architect**. The following amendments to the concept plan are to be incorporated in the detailed documentation :
- (a) Additional at-grade or raised planters and 2.5 metres in width shall be provided in the Gardeners road setback across the frontage of the commercial tenancies, to provide a minimum 50% coverage of the street setback with soft landscaping and reduce the dominance of paving. These areas are to include suitable canopy trees;
 - (b) Indicate all tree and shrub spacings ensuring a dense planting of trees and palms in all landscape areas;
 - (c) Incorporate sufficient additional canopy tree planting on Level 1 surrounding the building to ameliorate the development and provide a positive outlook for residents and surrounding properties. The proposed palms are to be supplemented with other suitable evergreen canopy trees;
 - (d) Include small canopy trees in the central communal open space area Level 1 additional to the tree ferns;
 - (e) Ensure cascading plants are incorporated into the planting scheme to soften walls as reflected in the various elevations;
 - (f) All planter beds must be no less than 1 metre in width;
 - (g) The public footpath width and location in the road reserve and its construction shall be in accordance with Council landscape specification only;
 - (h) The street tree species are to be substituted with 400 litre *Corymbia maculata* (Spotted Gum) at max. 10 metre spacings.
- 31 A Stage 3 – Remedial Action Plan (RAP) shall be prepared by a suitably qualified and experienced contaminated land consultant and shall be in accordance with:
- (a) NSW Office of Environment and Heritage (OEH) 'Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites';
 - (b) NSW Environment Protection Authority (NSW EPA) approved guidelines under the Contaminated Land Management Act 1997; and
 - (c) State Environmental Planning Policy 55 (SEPP55) – Remediation of Land.
 - a) The RAP shall incorporate all findings and recommendations in the Phase1 Preliminary Site Assessment and Phase 2 Detailed Site Assessment for the site, it shall clearly state proposed cleanup objectives, and demonstrate how the site will be made suitable for the proposed residential use.
 - b) The RAP shall be submitted to Council for review and concurrence prior to commencement of any remedial action works or any excavation, demolition or other building works undertaken that are not associated with the preparation of the RAP.

- 32 A Soil and Water Management Plan (also known as an Erosion and Sediment Control Plan) shall be prepared according to *'Do It Right On-Site' Soil and Water Management for the Construction Industry* (available from Council) and NSW EPA's *Managing Urban Stormwater: Construction Activities* and submitted to the Principal Certifying Authority prior to issue of the Construction Certificate. This Plan shall be implemented prior to commencement of any site works or activities. All controls in the plan shall be maintained at all times during the construction works. A copy of the Soil and Water Management Plan shall be kept on-site at all times and made available to Council Officers on request.
- 33
- 34 Prior to the issue of the Construction Certificate the required Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 has to be paid. The Long Service Levy is payable at 0.35% of the total cost of the development, however this is a State Government Fee and can change without notice.
- 35 Prior to the issue of the Construction Certificate design verification is required to be submitted from a qualified designer to confirm the development is in accordance with the approved plans and details and continues to satisfy the design quality principles in State Environmental Planning Policy No. 65 Design Quality of Residential Flat Development.
- 36 Prior to the issue of the Construction Certificate, the measures required in the Noise Impact Assessment Report No. 20E-13-0257-TRP-515838-0 prepared by VIPAC Engineers and Scientists Ltd dated 19 December 2013 shall be undertaken in accordance with the provisions of *AS2021-2000: Acoustics – Aircraft Noise Intrusion – Building Siting and Construction* to establish components of construction to achieve indoor design sound levels in accordance with Table 3.3 of AS2021-2000 shall be incorporated into the construction of the building:
- 37
- (a) Prior to the issue of the Construction Certificate, a compliance report from a suitably qualified acoustic consultant shall be submitted to Council indicating any required noise mitigation measures to the approved dwelling, as detailed in the NSW Road Noise Policy 2011 in accordance with AS 3671-1989 – Acoustic – Road Traffic Intrusion;
 - (b) Prior to the issue of the Construction Certificate details are to be provided on acoustic treatment to the entry and exit roller door to driveway of the development to comply with the Office of Environment & Heritage's Industrial Noise Policy and Noise Control Guidelines.
- 38
- (a) Prior to the issue of the Construction Certificate, a notice of requirement shall be obtained from the Water Board;
 - (b) Prior to the issue of the Occupation Certificate, a Certificate under Section 73 of the Water Board (Corporation) Act 1994 shall be obtained and submitted to Council for each stage of construction to ensure that the developer has complied with all relevant Sydney Water requirements, including appropriate connections, correctly sized amplifications,

procurement of trade waste agreements, where necessary, and the payment of developer charges.

Note: Immediate application should be made to Sydney Water for this Certificate to avoid problems in servicing the development.

- 39 Plans and specifications for the storage room for waste and recyclable materials shall be submitted to the Principal Certification Authority with the application for the Construction Certificate. Storage of Waste and recycling shall meet the following requirements:
- (a) The rooms for the storage of garbage and recyclable materials shall be:
 - (i) fully enclosed;
 - (ii) adequately ventilated;
 - (iii) Constructed with a concrete floor, concrete or cement rendered walls coved to the floor;
 - (iv) The floor shall be graded to an approved sewer connection incorporating a sump and galvanized grate cover or basket in accordance with the requirements of Sydney Water Corporation.
 - (v) Washing facilities shall be provided within close proximity to the garbage and recycling storage area.
- 40 A suitable intercom system linked to all units within the development shall be provided at the vehicle entrance to the development to ensure any visitors to the site can gain access to the visitor parking in the car parking area. The details of the intercom system shall be submitted to Principal Certifying Authority prior to the issue of a Construction Certificate and its location and specifications endorsed on the construction drawings.
- 41 Prior to the issue of the Construction Certificate, the following documentation shall be submitted to Principal Certifying Authority:
- (a) Longitudinal sections along centreline of all the ramps between each basement parking levels;
 - (b) Design certification, prepared by a suitably qualified engineer, showing the longitudinal sections shall be designed in accordance with AS2890.1 (including gradients and gradient transitions).
- 42 Prior to the issue of the Construction Certificate, detailed construction plans in relation to the development shall be revised and submitted to Council for approval. The plan shall be revised to include the following:
- (a) Any wall or fence or solid object on either side of the driveway/vehicular crossing where it meets the Council's road reserve at the boundary must comply with sight distances stipulated in AS 2890.2.
- 43 Prior to the issue of the Construction Certificate, detailed construction plans in relation to the stormwater management and disposal system for the development shall be submitted to the Council and Principal Certifying Authority for approval.
- 44 Prior to the issue of the Construction Certificate, detailed Stormwater Management Plans and specifications shall be prepared by a suitably qualified and experienced civil engineer and the design shall be generally in accordance with the Stormwater

Concept Plans prepared by Floth Pty Ltd, Project No. S13429, Drawing Nos. HDA01 to HDA10 and received by Council on the 27 December 2013.

With the following issues to be complied with and shown on the plans:

- (a) The stormwater drainage system from the roof and balcony of the building to the On-site detention (OSD) system shall be shown on the stormwater management plans. All stormwater runoff from the roof area and balcony shall be directed to the system.
- (b) The layout of the basement parking area and OSD system shown on the stormwater management plans shall correspond with the architectural plan. The location of the discharge control pit shall be revised accordingly.
- (c) The emergency overflow of OSD systems shall be shown on the plans to ensure any overflow from the OSD system will be conveyed to the public streets via surface overland flow.
- (d) Additional access grates shall be provided to each corner of the OSD tank.
- (e) In order to protect the buildings from stormwater inundation, the OSD tank shall be water-tight.
- (f) The outlet pipes of the OSD system and the GPT shall be minimum 300mm diameter.
- (g) Rainwater tanks shall be provided with a minimum 5,000 L capacity and shall service any landscape systems.
- (h) All stormwater runoff from the site shall pass through a pollution control device capable of removing litter and sediment prior to entering the public stormwater system.

The detailed drawings and specifications shall be prepared by a suitably qualified and experienced civil engineer and to be in accordance with Council's 'Guidelines for the Design of Stormwater Drainage Systems within City of Botany Bay', AS/NSZ 3500 – *Plumbing and Drainage Code* and the BCA.

- 45 Prior to the issue of the Construction Certificate, design certification, prepared by a suitably qualified engineer shall be submitted to Principal Certifying Authority certifying the car parking area shown on the construction plans has been designed in accordance with AS 2890.1, AS2890.2 (for loading area) and AS2890.6.
- 46 In order to maximise visibility in the basement car parks, the ceilings shall be painted a light colour. This requirement shall be reflected on the Construction Certificate plans.
- 47 The fire hydrant and booster assembly are required to be housed within an external façade/wall of the building or elsewhere within the building structure and shall be enclosed/screened with doors to Council or PCA approval.
- 48 The development shall make provision for the following car parking allocations:

Car Parking Rates	Required
1 space per studio unit	36 spaces

2 spaces per 2 bedroom unit	96 spaces
1 visitor space per 7 dwellings	17 spaces
Commercial spaces	2
TOTAL REQUIRED	151

This requirement shall be reflected on the Construction Certificate plans. The approved car parking spaces shall be maintained to the satisfaction of Council, at all times.

DURING WORKS

- 49 If the work involved in the construction of a building:
- (a) likely to cause pedestrians or vehicular traffic in a public place to be obstructed or rendered inconvenient; or,
 - (b) involves the enclosure of a public place:
 - (i) a hoarding or fence must be erected between the work site and the public place.
 - (ii) If necessary an awning is to be erected sufficient to prevent any substance from or in connection with the work falling into the public place.
 - (iii) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to person(s) in the public place.
 - (iv) Any such hoarding, fence or awning is to be removed when the work has been completed.
 - (c) Suitable consent shall be obtained from Council prior to the erection of any hoarding at the property.
- 50
- (a) Any new information that comes to light during demolition, excavation, remediation and or construction which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council;
 - (b) Results of the monitoring of any field parameters such as soil, groundwater, surface water, dust or noise measurements shall be made available to Council Officers on request throughout the remediation and construction works.
- 51 The land to which this Consent relates must be fenced and enclosed to protect the entry or access to the land and site by lawful persons. The fencing must be in place before demolition works commence.
- 52 Throughout the demolition and construction period, Council's warning sign for soil and water management shall be displayed on the most prominent point of the

building site, visible to both the street and site workers. A copy of the sign is available from Council's Customer Service Counter.

- 53 During demolition and construction works, the applicant/builder is required to ensure the protection and preservation of all boundary fencing or boundary walls between the subject site and adjoining properties. Any damage caused as a result of such works will be at the full cost of the applicant/builder.
- 54 The Applicant shall conduct all demolition, construction and related deliveries wholly on site. If any use of Council's road reserve is required then separate applications are to be made at Council's Customer Services Department.
- 55 All vehicles transporting soil, sand or similar materials to or from the site shall cover their loads at all times.
- 56
- (a) Existing structures and or services on this and adjoining properties shall not be endangered during any demolition associated with the above project. The Applicant is to provide details of any stabilisation works required to adjacent developments to Council.
 - (b) As the development involves an excavation that extends below the level of the base of the footings of a building or road on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (i) Protect and support the adjoining premises from possible damage from the excavation, and
 - (ii) Where necessary, underpin the adjoining premises to prevent any such damage.
 - (iii) Must at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of his intention to do so to the owner of the adjoining allotment of land and, furnish particulars of the excavation to the owner of the building being erected or demolished.
- 57 If the land to which the application relates is served by a common sewerage system that is also used by others, then measures must be placed in effect and prior to the commencement of work to ensure the operation of the sewerage system is without disruption to other joint users.
- 58 The operation shall not give rise to offensive odour or other air impurities in contravention of the Protection of the Environment Operations Act 1997. The Principle contractor shall ensure that all practical means are applied to minimise dust and odour from the site. This includes:
- (a) Covering excavated areas and stockpiles,
 - (b) The use of fine mists of hydrocarbon mitigating agents on impacted stockpiles or excavation areas,

- (c) Maintenance of equipment and plant to minimise vehicle exhaust emissions,
- (d) Erection of dust screens on the boundary of the property and/or closer to potential dust sources,
- (e) All loads entering or leaving the site are to be covered,
- (f) The use of water sprays to maintain dust suppression,
- (g) Keeping excavated surfaces moist.

59

- (a) In order to prevent vehicles tracking soil or other materials onto public roads and washing of materials into the street drainage system or watercourse, during excavation, construction and deliveries, access to the site shall be available in all weather conditions. The area shall be stabilised and protected from erosion;
- (b) Concrete trucks and any other trucks that used for the transportation of building materials or similar, shall not traffic soil cement or other materials onto the road reserve. Hosing down of vehicle tyres shall only be conducted in a suitable off-street area where wash waters do not enter the stormwater system or enter Council's land;
- (c) Building operations such as brick cutting, washing tools or brushes and mixing mortar shall not be carried out on public roadways or footways or in any other locations which could lead to the discharge of materials into the stormwater drainage system or onto Council's lands;
- (d) Hosing down or hosing/washing out of any truck (concrete truck), plant (eg concrete pumps) or equipment (eg wheelbarrows) on Council's road reserve or other property is strictly prohibited. Fines and cleaning costs will apply to any breach of this condition.
- (e) During construction works the area in front of the premises and for the full width of the site, be maintained at all times and kept clean and tidy.
- (f) The operations of the site shall be conducted in such a manner as not to interfere with or materially affect the amenity of the neighbourhood by reason of noise, vibration, odour, fumes, vapour, steam, soot, ash, dust, particulate matter, waste water, waste products or other impurities which are a nuisance or injurious to health.
- (g) All possible and practicable steps shall be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from wind-blown dust, debris, noise and the like.

60 The Development is to be constructed to meet the following construction noise requirements:

- (a) Construction Noise
 - (i) Noise from construction activities associated with the development shall comply with the NSW Environment Protection Authority's Environmental Noise Manual – Chapter 171 and the Protection of the Environment Operations Act 1997.
- (b) Level Restrictions
 - (i) Construction period of 4 weeks and under:

- (1) The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 10dB(A).
 - (ii) Construction period greater than 4 weeks and not exceeding 26 weeks:
 - (1) The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 10 dB(A).
 - (c) Time Restrictions
 - (i) Monday to Friday 07:00am to 06:00pm;
 - (ii) Saturday 08:00am to 04:00pm;
 - (iii) No Construction to take place on Sundays or Public Holidays.
 - (d) Silencing
 - (i) All possible steps should be taken to silence construction site equipment.
- 61 During demolition, excavation, remediation and construction, care must be taken to protect Council's infrastructure, including street signs, footpath, kerb, gutter and drainage pits etc. Protecting measures shall be maintained in a state of good and safe condition throughout the course of construction. The area fronting the site and in the vicinity of the development shall also be safe for pedestrian and vehicular traffic at all times. Any damage to Council's infrastructure (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) shall be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council.
- 62
- (a) All imported fill shall be validated in accordance with Department of Environment and Conservation approved guidelines to ensure that it is suitable for the proposed development from a contamination perspective. Imported fill shall be accompanied by documentation from the supplier, which certifies that the material is suitable for the proposed residential/recreational land use and not contaminated based upon analyses of the material.
 - (b) To prevent contaminated soil being used onsite, all imported fill shall be certified VENM material and shall be validated in accordance with the Office of Environment and Heritage (OEH) approved guidelines to ensure that it is suitable for the proposed development. Imported fill shall be accompanied by documentation from the supplier which certifies that the material has been analysed and is suitable for the proposed land use.
 - (c) Any soil disposed of offsite shall be classified in accordance with the procedures in the Department of Environment and Climate Change Waste Classification Guidelines (2008).
- 63 If any material containing asbestos is found on site during the demolition process the material is to be removed and disposed of in accordance with WorkCover requirements. An appropriately licensed asbestos removalist must complete all

asbestos works if they consist of the removal of more than 10m² of bonded asbestos and/or any friable asbestos.

64 Following the completion of the removal of asbestos from the site, an Asbestos Clearance Certificate is to be provided to Council following the final asbestos clearance inspection by a licensed inspector.

65

- (a) Demolition work shall be carried out in accordance with Australian Standards AS 2601-1991 Demolition of Structures and the requirements of the NSW WorkCover Authority; and
- (b) The demolisher shall comply with Australian Standard 2601 - 1993 *"Demolition of Structures"*.

66 Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of WorkCover NSW and the Department of Environment and Climate Change and Water and with the provisions of:

- (a) New South Wales Occupational Health and Safety Act, 2000;
- (b) The Occupational Health and Safety (Hazardous Substances) Regulation 2001;
- (c) The Occupational Health and Safety (Asbestos Removal Work) Regulation 2001;
- (d) Protection Of the Environment Operations Act 1997 (NSW); and
- (e) Department of Environment and Climate Change Waste Classification Guidelines (2008).

67 The following shall be complied with:

- (a) The construction of the premises shall not give rise to transmission of vibration at any affected premises that exceeds the vibration in buildings criteria outlined in the NSW Environmental Noise Control Manual;
- (b) Vibration levels induced by the demolition and construction activities shall not exceed 1mm/sec peak particle velocity (ppv) when measured at the footing of any occupied building.
- (c) Vibration levels induced by the demolition and construction activities shall not exceed 3mm/sec peak particle velocity (ppv) when measured at the footing of any unoccupied building.
- (d) The upper noise level from the demolition and construction operations measured over a period of 10 minutes must not exceed the background noise level by more than 10dB(A).

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE ISSUE OF A OCCUPATION CERTIFICATE

68

- (a) Prior to the issue of the Occupation Certificate, the development is to be constructed to meet the requirements detailed in the Noise Impact Assessment Report No. 20E-13-0257-TRP-515838-0 prepared by VIPAC Engineers and Scientists Ltd dated 19 December 2013, received by Council 27 December 2013; and
- (b) All acoustic work including that acoustic work required at Condition No. 38 shall be completed prior to the issue of the Occupation Certificate and validated by a person with appropriate qualifications and experience.
- (c) **Prior to the issue of any Occupation Certificate (interim or otherwise), the recommended acoustic treatment in the car park is to install approximately 500m2 of acoustic absorption material to the soffit of the car park, extending within 10m of the outside air louvres. Refer to Figure 3 of the Acoustic Report prepared by Sebastian Giglio. The Acoustic absorption material should be 50mm thick Bradford Supertel Glasswool faced with Perforated Foil. Other materials may be possible but must satisfy acoustic performance of at least NRC 0.90 and any fire-rating requirements that may also be applicable. DA-13/280/03)**

69 Prior to the issue of the Occupation Certificate, the following is to be complied with:

- (a) Replace all the existing above ground electricity and telecommunication cables to underground cables within the site and from the road reserve area fronting Gardeners Road to the site in accordance with the guidelines and requirements of the relevant utility authorities. The applicant shall bear all the cost of the construction and installation of the cables and any necessary adjustment works. These works and payments shall be completed prior to the issue of the Occupation Certificate;
- (b) Provide appropriate and suitable street lighting to a high decorative standard to both street frontages of the site, so to provide safety and illumination for residents of the development and pedestrians in the area. All street lighting shall comply with relevant electricity authority guidelines and requirements;
- (c) The public domain shall be upgraded with new paving and street tree planting, to be installed by the Applicant at the Applicant's expense in accordance with the approved landscape documentation. All improvements shall be in accordance with Council Landscaping and Engineering specifications and requirements, and shall be constructed and complete prior to the issue of an Occupation Certificate;
- (d) New street trees at min. 400 litre pot size specified shall be installed in the Gardeners Road verge in accordance with the approved landscape documentation plans. The trees shall be sourced from a reputable nursery/supplier that grows trees in accordance with the NATSPEC requirements. A Dial-Before-You-Dig enquiry is required prior planting - Council is not liable for any damage to subsurface infrastructure during public domain works. NOTE: Three (3) hold point inspections are required: during construction of tree pits, prior-planting street trees to ensure plant stock is suitable and post-planting to verify final finishes; and
- (e) The public footpath in Gardeners Road shall be re-constructed in accordance with Council specifications. The footpath dimensions, location, paver type and construction methods shall be in accordance with these specification and the approved landscape documentation. Construction hold points and Council inspections are required at the following minimum points:

- (i) at the commencement of paving works, and
- (ii) at final completion.

Council approval of public domain works is required prior issue of the Occupation Certificate. NOTE: Pavers shall be ordered accounting for adequate lead time for manufacture (10-12 weeks). No paver substitutes will be permitted.

70 Plans submitted with the Construction Certificate shall demonstrate compliance with the following:

- (a) All residential unit size excluding balconies as minimum must be as following:
 - (i) Studio = 60m²
 - (ii) 2 bedroom = 100m²

71

- (a) The 151 car parking spaces shall be made available to residents and visitors at all times, with such spaces being clearly marked and signposted prior to issue of the Occupation Certificate;

- (b) Allocation of the car parking shall be as follows:

- (i) Each studio/one (1) bedroom unit shall be allocated 1 car parking space;
- (ii) Each two (2) bedroom unit shall be allocated 2 car spaces;
- (iii) Seventeen (17) visitors car spaces shall be provided. Such spaces being located nearby the entrance to the development.

Note: Five (5) of the disabled car parking spaces are to be allocated to adaptable dwellings.

- (iv) One (1) space per commercial tenancy.

72 All services (Utility, Council, etc.) within the road reserve (including the footpath) shall be relocated/adjusted to match the proposed/existing levels as required by the development.

73 ~~The retaining 8.6 metre high masonry wall at the rear boundary line must:~~

- ~~(a) Be self supporting under the most adverse loading conditions;~~
- ~~(b) Be finished to a standard commensurate with its residential interface.~~

(DA-13/280/03)

74 Street numbers shall be clearly displayed with such numbers being of contrasting colour and adequate size and location for viewing from the footway and roadway. Details of street numbering shall be submitted to Council for approval prior to the issue of the Occupation Certificate.

75 Prior to the issue of the Occupation Certificate, documentation from a practising civil engineer shall be submitted to the Principal Certifying Authority certifying that the

car parking area has been constructed generally in accordance with the approved construction plan(s) and comply with AS2890.1, AS2890.2 and AS2890.6 requirements. The internal parking facilities shall be clearly designated, sign posted and line marked. Signage and line marking shall comply with the current Australian Standards.

76 The following shall be complied with prior to the issue of the Occupation Certificate:

- (a) A new vehicular crossing including layback and/or gutter and any associated road restoration shall be constructed in accordance with Council's requirements. The applicant shall make a separate application to Council's Customer Service Counter for the construction/ reconstruction of vehicular crossing (either by Council or own forces) to the vehicular entry point of the site as shown on the submitted approved plan.
- (b) The crossing shall be able to accommodate the turning movement of Small Rigid Vehicle (SRV) entering and leaving the site and at 90° to the kerb and gutter in plain concrete. All adjustments to the nature strip, footpath and/or public utilities' mains and services as a consequence of the development and any associated construction works shall be carried out at the full cost to the Applicant.
- (c) The redundant vehicular crossing, together with any necessary works shall be removed and the footpath, nature strip and kerb and gutter shall be reinstated in accordance with Council's specification.
- (d) Written confirmation / completion certificate obtained from Council.
- (e) Inspection report (formwork and/or final) for the works on road reserve obtained from Council's engineer.
- (f) A copy of the approved public domain civil works plans showing Work-as-Executed details (together with an electronic copy) prepared by a registered surveyor.
- (g) Driveways and vehicular access paths shall be designed and constructed to comply with the minimum requirements (including changes of grade) of AS/NZS 2890.1.

77 Prior to the issue of the Occupation Certificate, a Certificate of Survey from a Registered Surveyor shall be submitted to the Principal Certifying Authority to the effect that all reduced levels shown upon the approved plans, with relation to drainage, boundary and road reserve levels, have been strictly adhered to.

78 The applicant is responsible for the installation and protection of all regulatory/ parking / street signs fronting the property. Any damaged or missing street signs as a consequence of the development and associated construction works shall be replaced at full cost to the applicant.

79 (a) In order to ensure that the required on-site detention, infiltration and rainwater reuse systems will be adequately maintained, Positive Covenant and Restriction on the Use of Land on the Title under Section 88B/88E(3) of the Conveyancing Act 1919 shall be created in favour of Council as the

benefiting authority for the as-built on-site detention, infiltration and rainwater reuse systems. The standard wording of the terms of the Positive Covenant and Restriction on the Use of Land are available in Council. The relative location of the on-site detention, infiltration and rainwater reuse systems, in relation to the building footprint, shall be shown on a scale sketch, attached as an annexure to the plans/ forms. Proof of registration shall be submitted to the Principal Certifying Authority prior to occupation of the premises.

- (b) In order to ensure that the required pump-out system will be adequately maintained, Positive Covenant and Restriction on the Use of Land on the Title under Section 88B/88E(3) of the Conveyancing Act 1919 shall be created in favour of Council as the benefiting authority for the as-built pump-out system. The standard wording of the terms of the Positive Covenant and Restriction on the Use of Land are available in Council. Proof of registration shall be submitted to the Principal Certifying Authority prior to occupation of the premises.

80 Prior to the issue of the Occupation Certificate:

- (a) the construction of the stormwater drainage system of the proposed development shall be generally in accordance with the approved stormwater management construction plan(s), Council's 'Guidelines for the Design of Stormwater Drainage Systems within City of Botany Bay', AS/NSZ 3500 – Plumbing and Drainage Code and the BCA. All downpipes shall be located within the property boundaries; and
- (b) documentation from a practising civil engineer shall be submitted to the Principal Certifying Authority certifying that the stormwater drainage system has been constructed generally in accordance with the approved stormwater management construction plan(s) and accepted practice.

81 Any damage not shown in the dilapidation report required under Condition No. 14 submitted to Council before site works have commenced, will be assumed to have been caused as a result of the site works undertaken and must be rectified at the applicant's expense, prior to the issue of the Occupation Certificate.

82 The Council nature strips shall be suitably replaced in accordance with Council Specification and the approved landscape documentation at the completion of construction work and at the Applicant's expense.

83 A. The public area of the residential parts of each building must be designed by a practicing Interior Designer or other appropriately qualified person and include (but not limited to) colour schemes, artwork surface finishes, timber mid rails/skirting boards etc.

82 ***B. The obscure glass indicated on the southern façade on Levels 2, 3 and 4, are to be obscure glass panels, and not an applied film that can be removed in the future. (DA-13/280/03)***

84

- (a) Prior to the issue of the Occupation Certificate, landscaped areas on the property and in the public domain shall be installed and maintained in accordance with the Council approved amended, detailed landscape documentation, the conditions of consent (inclusive of the above landscape amendments required) and Council's DCP at all times.
- (b) **Prior to the issue of any Occupation Certificate (interim or otherwise), the colours and materials of the rear wall (colourbond fence and weir wall) are to be consistent with the colours, materials and finishes as indicated in the plans referenced at Condition No. 1. The materials are to be long lasting and require little maintenance. The screen to the fire stair and level 1 is to be white, and the louvres to the car park are to be grey. (DA-13/280/03)**

85 An experienced Landscape Contractor shall be engaged to undertake the landscaping work referred to in Condition 83 above and shall be provided with a copy of both the approved amended landscape drawing and the conditions of approval to satisfactorily construct the landscape to Council requirements. The contractor shall be engaged weekly for a minimum period of 26 weeks from final completion of landscaping for maintenance and defects liability, replacing plants in the event of death, damage, theft or poor performance. After that time regular and ongoing maintenance is required.

86 At the completion of landscaping on the site, the Applicant is required to obtain a Certificate of Compliance from the Landscape Consultant to certify that the landscaping has been installed in accordance with the Council approved landscape plan. The Certificate is to be submitted to the City of Botany Bay Council.

87 New street trees at min. 400 litre pot size specified shall be installed in the Gardeners Road verge in accordance with the approved landscape documentation plans. The trees shall be sourced from a reputable nursery/supplier that grows trees in accordance with the NATSPEC requirements. A Dial-Before-You-Dig enquiry is required prior planting - Council is not liable for any damage to subsurface infrastructure during public domain works. NOTE: Three (3) hold point inspections are required: during construction of tree pits, prior-planting street trees to ensure plant stock is suitable and post-planting to verify final finishes.

88 The public footpath in Gardeners Road fronting the site shall be re-constructed in accordance with Council specifications. The footpath dimensions, location, paver type and construction methods shall be in accordance with these specification and the approved landscape documentation. Construction hold points and Council inspections are required at the following minimum points:

- (a) at the commencement of paving works, and
- (b) at final completion.

Council approval of public domain works is required prior issue of the Occupation Certificate. NOTE: Pavers shall be ordered accounting for adequate lead time for manufacture (10-12 weeks). No paver substitutes will be permitted.

- 89 Any air conditioning units are to be located so that they are not visible from the street or public place and are not obscure windows/window frames or architectural features of the development.
- 90 Prior to the issue of the Occupation Certificate; the footpath at the commercial tenancy frontages must for reasons of public safety and presence be illuminated between sunset one day and sunrise the day following - 7 days a week and in accordance with the following standard:
- (a) Lighting is to comply with the requirement for pedestrian areas in the current AS/NZS 1158;
 - (b) Lighting must be recessed into the facade;
 - (c) All associated wiring and conduits are to be completely concealed; and
 - (d) Light fittings should be readily accessible to support their regular maintenance.
- 91 Prior to the issue of the Occupation Certificate:
- (a) Lighting (lux) levels for this development must include the installation of low glare/high uniformity lighting levels in line with Australian Standard AS:1158. Lighting sources should be compatible with requirements of any surveillance system installed within the development. (Poor positioning choices in relation to light can cause glare on the surveillance screens). The luminaries (light covers) should be designed to reduce opportunities for malicious damage. Lighting within the development needs to be checked and maintained on a regular basis. A limited amount of internal lighting should be left on at night to enable patrolling police, security guards and passing people to monitor activities within the premises;
 - (b) Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads, and to ensure no adverse impact on the amenity of the surrounding area by light overspill; and,
 - (c) All lighting shall comply with AS4282-1997 Control of the obtrusive effects.
- 92 Prior to the issue of the Occupation Certificate, a Stage 4 – Site Validation Report (SVR) shall be prepared by a suitably qualified contaminated land consultant and shall be in accordance with:
- (a) NSW Office of Environment and Heritage (OEH) 'Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites'; and
 - (b) State Environmental Planning Policy 55 (SEPP55) – Remediation of Land.
 - (c) The site validation report shall provide a notice of completion of remediation works, whether there are any ongoing site management requirements and a clear statement on the suitability of the likely proposed site use. The report shall be submitted to the Principal Certifying Authority (and the Council if the Council is not the Principal Certifying Authority for review and concurrence).
- 93 To ensure that the site is suitable for the proposed use, a Site Audit Statement (SAS) completed by an accredited site auditor under the *Contaminated Land Management Act 1997* shall be submitted to Council clearly demonstrating that the site is suitable for the proposed development. This shall be provided prior to the release of the Occupation Certificate.

Any conditions imposed on the SAS shall form part of this consent. The accredited site auditor shall provide Council with a copy of the Site Audit Report (SAR) and Site Audit Statement (SAS) prior to the issuing of the Occupation Certificate. In circumstances where the SAS conditions (if applicable) are not consistent with the consent, a Section 96 application pursuant to the *Environmental Planning & Assessment Act 1979* shall be submitted to ensure that they form part of the consent conditions.

94 ~~Prior to the issue of the Occupation Certificate and filling of water or use of the pool:~~

- (a) ~~The provision of a suitable poster showing the details of resuscitation techniques shall be erected. This poster should also contain the advice that "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL", together with details of resuscitation techniques (for adults, children and infants) set out in accordance with the relevant provisions of the document entitled "Cardio Pulmonary Resuscitation", according to the AS 1926.1 2012 and the Swimming Pool Regulation 2008;~~
- (b) ~~An approved resuscitation poster, outlining life saving resuscitation procedures, shall be erected and displayed in a prominent position adjacent to the pool.~~

~~**Note:** The above notices shall be kept in a legible condition and at a visible location on the pool side at all times. (DA-13/280/03)~~

95 ~~The swimming pool shall be fenced in accordance with Section 7 of the *Swimming Pools Act 1992* and Australian Standard AS1926 (2012), prior to the filling of water in the pool or use of the pool. Such fence shall be provided with a self latching and self closing gate, opening outwards, capable of being opened from the poolside only and with provision for permanently locked when not in use. The fence shall be installed to the satisfaction of the Principal Certifying Authority, prior to the filling of water in the pool/use of the pool. (DA-13/280/03)~~

96 ~~Prior to issue of any Occupation Certificate, certification from a licence plumber shall be submitted to the Principal Certifying Authority certify that the high level overflows from the swimming pool shall be gravity fed and connected to Sydney Water's sewer via an approved system has been connected in accordance with the Sydney Water's requirements and the current plumbing codes. (DA-13/280/03)~~

97 ~~Prior to the issue of the Occupation Certificate, the pool owners are required to self-register free of charge on www.swimmingpoolregister.nsw.gov.au and certify that their pool barrier complies with the regulations. Documentation must be provided to the Principal Certifying Authority to demonstrate the registration. (DA-13/280/03)~~

98 Prior to use and occupation of the building an Occupation Certificate must be obtained under Section 109C(1)(c) and 109M of the *Environmental Planning and Assessment Act 1979*.

- (a) ~~Condition Numbers 12 and 67 to 97 of this consent are pre-conditions to the issue of the Occupation Certificate. (DA-13/280/03)~~

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

- 99 Prior to the issue of Subdivision Certificate, a Certificate of Survey from a Registered Surveyor shall be submitted to the Principal Certifying Authority showing all the structures are wholly located within the property boundary.
- 100 Positive Covenant and Restriction on Use of the land shall be created to all proposed lots to ensure that car parking for the residential part is not to be to sublet or used for any other purposes.
- 101
- (a) In order to ensure that the required on-site detention system will be adequately maintained, Positive Covenant and Restriction on the Use of Land on the Title under Section 88B of the Conveyancing Act 1919 shall be created in favour of Council as the benefiting authority for the as-built on-site detention system on proposed Lots 1 and 2. The standard wording of the terms of the Positive Covenant and Restriction on the Use of Land are attached. The relative location of the on-site detention system, in relation to the building footprint, shall be shown on a scale sketch, attached as an annexure to the plans/ forms.
- (b) ***In order to ensure that the Sydney Water easement will be adequately maintained, a Positive Covenant and Restriction on the Use of Land on Title under Section 88B of the Conveyancing Act 1919 shall be created in favour of Sydney Water as the benefiting authority for the as-built infrastructure located within the easement, as well as the weir wall and trash/debris screen spanning 17.4m of the southern boundary. The relative location of the Sydney Water easement and assets (including the 17.4m weir wall), in relation to the building footprint, shall be shown on a scale sketch, attached as an annexure to the plans/ forms. (DA-13/280/03)***
- 102 A copy of the Building Management Statement and By-Laws for each of the proposed lots shall be submitted to Council for approval prior to the issue of the Subdivision Certificate. The Building Management Statement and By-Laws shall address all conditions associated with the ongoing use of Development Consent No. 13/280 and include:
- (a) Responsibilities with regard to the ongoing maintenance of the building and landscaped areas at the property in accordance with the plans and details approved under Development Consent No. 13/280;
- (b) Responsibilities with regard to the maintenance of artificial features at the property in accordance with the plans and details approved under Development Consent No. 13/280;
- (c) Responsibilities regarding the maintenance of the car wash bay the Owners Corporation / building owner;
- (d) Responsibilities for ensuring owners and/or tenants have adequate and hygienic waste sterile, disposal and collection arrangements and for ensuring the waste storage area is appropriately maintained and kept in a clean and safe state at all times;
- (e) Responsibilities to ensure that receptacles for the removal of waste, recycling etc. are put out for collection between 4.00pm and 7.00pm the day prior to collection, and, on the day of collection, being the day following, returned to the premises before 12.00 noon;

- (f) The Owners Corporation/Executive Committee obligations under clauses 177, 182, 183, 184, 185 and 186 of the Environmental Planning and Assessment Regulation 2000;
- (g) Responsibilities to ensure that wastewater and stormwater treatment devices (including drainage systems, sumps and traps) are regularly maintained in order to remain effective. All solid and liquid wastes collected from the devices shall be disposed of in a manner that does not pollute waters and in accordance with the Protection of the Environment Operations Act 1997;
- (h) The linen plan must include details of any easements, encroachments, rights of way, including right of footway, restriction as to user or positive covenants and include a Section 88B Instrument under the *Conveyancing Act, 1919*. Council is to be nominated as the only authority permitted to release, vary or modify any easements, encroachments, rights of way, restriction as to user or positive covenants;
- (i) A graffiti management plan for the removal of graffiti and similar vandalism within seven (7) days of its occurrence and surface re-instatement;
- (j) The stormwater drainage system (including all pits, pipes, absorption, detention structures, treatment devices, infiltration systems and rainwater tanks) shall be regularly cleaned, maintained and repaired to ensure the efficient operation of the system from time to time and at all times. The system shall be inspected after every rainfall event to remove any blockage, silt, debris, sludge and the like in the system. All solid and liquid waste that is collected during maintenance shall be disposed of in a manner that complies with the appropriate Environmental Guidelines;
- (k) CCTV surveillance of all public areas within the development site; and
- (l) Maintenance of inbuilt acoustic measures for aircraft noise.
- (m) ~~Maintenance of the swimming pool and its ongoing compliance with the standard applying to swimming pools. (DA-13/280/03)~~
- (n) ***Responsibilities with regard to erecting appropriate signage advising restricted access to the fire stairs except in the event of an emergency;***
- (o) ***Responsibilities with regard to ensuring that the Sydney Water easement along the rear and eastern boundary of the building is not accessed unless in the event of an emergency or to authorised persons for maintenance purposes only.***
- (p) ***Responsibilities with regard to maintenance of the trash/debris screen and weir wall along the 17.4m section of the southern boundary fence (and over the Sydney Water asset), and the colourbond fence along the entire southern boundary, to ensure:***
 - (i) ***That it is maintained at all times and is clear of debris and rubbish;***
 - (ii) ***Council is authorised to enter the premises at any time and undertake works to ensure that the trash/debris screen is clean and tidy and in a safe and working order;***
 - (iii) ***The body corporate is to inspect the trash/debris screen at least once a year to ensure that it is in a safe and working order;***
 - (iv) ***The body corporate is required to carry out ongoing maintenance on the external screening devices to the southern***

façade of the building and repair and replace the screening devices when required, and for the life of the building. (DA-13/280/03)

CONDITIONS WHICH MUST BE SATISFIED DURING THE ONGOING USE OF THE DEVELOPMENT

- 103 The stormwater drainage system (including all pits, pipes, absorption, detention structures, treatment devices, infiltration systems and rainwater tanks) shall be regularly cleaned, maintained and repaired to ensure the efficient operation of the system from time to time and at all times. The system shall be inspected after every rainfall event to remove any blockage, silt, debris, sludge and the like in the system. All solid and liquid waste that is collected during maintenance shall be disposed of in a manner that complies with the appropriate Environmental Guidelines.
- 104 To ensure satisfactory growth and maintenance of the landscaping, a fully automatic drip irrigation system is required in all landscape areas, installed by a qualified landscape contractor. The system shall provide full coverage of all planted areas with no more than 300mm between drippers, automatic controller and backflow prevention device and shall be connected to a recycled water source, where provided. 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.
- 105 Planter boxes constructed over a concrete slab shall be built in accordance with the following requirements:
- (a) Ensure soil depths in accordance with Council's DCP Part 3L. The base of the planter must be screeded to ensure drainage to a piped internal drainage outlet of minimum diameter 90mm, with no low points elsewhere in the planter. There are to be no external weep holes;
 - (b) A concrete hob or haunch shall be constructed at the internal joint between the sides and base of the planter to contain drainage to within the planter;
 - (c) Planters are to be fully waterproofed and sealed internally with a proprietary sealing agent and applied by a qualified and experienced tradesman to eliminate water seepage and staining of the external face of the planter. All internal sealed finishes are to be sound and installed to manufacturer's directions prior to backfilling with soil. An inspection of the waterproofing and sealing of edges is required by the Certifier prior to backfilling with soil;
 - (d) Drainage cell must be supplied to the base and sides of the planter to minimize damage to the waterproof seal during backfilling and facilitate drainage. Apply a proprietary brand filter fabric and backfill with an imported lightweight soil suitable for planter boxes compliant with AS 4419 and AS 3743. Install drip irrigation including to lawns;
 - (e) Finish externally with a suitable paint, render or tile to co-ordinate with the colour schemes and finishes of the building.
- 106 Vehicles making deliveries (including goods, merchandise and the like) and accessing the site shall comply with the following requirements:

- (a) The maximum size of vehicles making deliveries and accessing to the site shall be limited to B99 vehicles (5.2m in length, as denoted by the current version of AS/NZS 2890.1) only.
- (b) All loading and unloading of vehicles shall be carried out wholly within the site. No deliveries to the premises shall be made direct from a public places, public streets or any road related areas (eg. footpath, nature strip, road shoulder, road reserve, public car park, service station etc).
- (c) Should the external fabric of the building(s), walls to landscaped areas and like constructions be subject to graffiti or similar vandalism, then within seven (7) days of this occurrence, the graffiti must be removed and the affected surface(s) returned to a condition it was in before defilement.

107

- (a) The ongoing maintenance of the nature strip shall then be undertaken by the occupier/owner/strata body. Maintenance shall include mowing, watering and maintaining an even coverage of grass at all times. Maintenance does not include pruning, trimming, shaping, or any work to street trees located on the road verge/nature strip at any time the removal of weeds and rubbish and maintaining a good, even coverage of grass at any time.
- (b) ***The ongoing maintenance of the trash/debris screen and weir wall along the 17.4m section of the southern boundary fence (and over the Sydney Water asset), and the colourbond fence along the entire southern boundary, is to be carried out by the body corporate to ensure:***
 - (i) ***That it is maintained at all times and is clear of debris and rubbish;***
 - (ii) ***Council is authorised to enter the premises at any time and undertake works to ensure that the trash/debris screen is clean and tidy and in a safe and working order;***
 - (iii) ***The body corporate is to inspect the trash/debris screen at least once a year to ensure that it is in a safe and working order. (DA-13/280/03)***
- (c) ***The ongoing maintenance of external screening devices to the southern façade of the building is to be carried out by body corporate and should include the repair and replacement of the screening devices when required, and for the life of the building. (DA-13/280/03)***
- (d) ***The body corporate is responsible for erecting appropriate signage advising restricted access to the fire stairs except in the event of an emergency. (DA-13/280/03)***
- (e) ***The body corporate is responsible for ensuring that the Sydney Water easement along the rear and eastern boundary of the building is not accessed unless in the event of an emergency or to authorised persons for maintenance purposes only. (DA-13/280/03)***

108 The landscape contractor shall be engaged weekly for a minimum period of 26 weeks from final completion of landscaping for maintenance and defects liability,

replacing plants in the event of death, damage, theft or poor performance. After that time monthly maintenance is required.

- 109 New street trees shall be maintained by the Applicant/Owner/Strata Corporation for a twelve (12) month period after planting. Maintenance includes watering twice weekly within the first four months then weekly thereafter to sustain adequate growth and health, annual feeding, weed removal within the mulched base and mulch replenishment at three (3) monthly intervals (to 75mm depth). It does not include trimming or pruning of trees under any circumstances.
- 110 No roller shutters are to be installed to any of the commercial shopfronts that front Gardeners Road.
- 111 The hours of operation of any future commercial use must be restricted to the hours of 7:00am to 10:00pm Monday to Saturday and 7:00am to 8:00pm Sunday and public holidays
- 112 The use of the premises shall not give rise to any of the following when measured or assessed at “sensitive” positions within any other property. These “sensitive” positions should be selected to reflect the typical use of a property (ie any outdoor areas for day and evening but closer to the façade at night time), unless other positions can be shown to be more relevant.
 - (a) The operation of all plant and equipment shall not give rise to an equivalent continuous (LAeq) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background LA90 level (in the absence of the noise under consideration).
 - (b) The operation of all plant and equipment when assessed on any residential property shall not give rise to a sound pressure level that exceeds LAeq 50dB(A) day time and LAeq 40 dB(A) night time.
 - (c) The operation of all plant and equipment when assessed on any neighbouring commercial/industrial premises shall not give rise to a sound pressure level that exceeds LAeq 65dB(A) day time/night time.
 - (d) For assessment purposes, the above LAeq sound levels shall be assessed over a period of 10-15 minutes and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content where necessary.
- 113 **A.** Any air conditioning units shall comply with the following requirements:
 - (a) Air conditioning units are not to be visible from the street or public place and are not to obscure windows/window frames or architectural features of the dwelling.
 - (b) A person must not cause or permit an air conditioner to be used on residential premises in such a manner that it emits noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open):
 - (i) Before 8 am or after 10 pm on any Saturday, Sunday or public holiday, or
 - (ii) Before 7 am or after 10 pm on any other day.
 - (c) The transmission of vibration to any place of different occupancy above the requirements of AS2670, Australian Standard AS2021- 2000: Acoustics,

Aircraft Noise Intrusion, Building Siting and Construction. Australian Standard AS2107 2000: Recommended Design Sound levels and Reverberation levels for Building Interiors.

- (d) Any air-conditioning unit shall comply with the City of Botany Bay's General Noise Criteria detailed in Condition 113 above.

112. B. Within 12 weeks of the issue of the interim Occupation Certificate, the applicant is to engage a suitably qualified practicing acoustic engineer to carry out post construction validation noise testing. During the testing the acoustic engineer should remain in the physical locality of the noise receiving and testing equipment at all times. If the post construction validation testing demonstrates that noise from the building plant and equipment, car park and/or other activities do not comply with the noise criteria stipulated in Noise Reports of this development approval, additional measures will be required by Council to ensure the noise emissions from the site do not impact on the nearby residential properties. A copy of the acoustic report(s) must be provided to Council for review and for further advice. (DA-13/280/03)

114

- ~~(a) The noise emitted from a domestic swimming pool pump, spa and related fixed equipment should not exceed the background level (LA90) by more than 5dB(A) when measured on any neighbouring property. The measured level (LA90), measured for not less than five (5) minutes, should be made at a time when the equipment is intended to be operated and the background levels are lowest.~~
- ~~(b) A correction of 5dB(A) should be added to the measured level if the noise is tonal.~~
- ~~(c) The noise emitted from the swimming pool and spa equipment when assessed on any residential property shall not give rise to a sound pressure level that exceeds LAeq 50dB(A) day time and LAeq40dB(A) night time.~~
- ~~(d) A time switch should be installed on the equipment to control its operating hours.~~

~~For assessment purposes, the above L_{Aeq} sound levels shall be assessed over a period of 10-15 minutes and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content where necessary. (DA-13/280/03)~~

115

- (a) Each residential dwelling (apartment) is approved as a single dwelling for use and occupation by a single family. They shall not be used for separate residential occupation or as separate residential flats. No plumbing fixtures, fittings, walls shall be deleted or added, doorways enclosed or any other changes made from the approved plans in Condition No. 1 of this Consent without the prior Consent of the Council;
- (b) The adaptable apartments approved under this development consent are to remain unaltered at all times; and

- (c) The storage areas located within the basement shall be allocated to the relevant residential dwelling in any future subdivision of the site. In addition, any isolated storage areas and other spaces identified by the NSW Police in Condition 12, shall be monitored by CCTV cameras at all times.
- 116 The landscaped areas on the property shall be maintained in accordance with the approved landscape documentation and to Council's satisfaction at all times. The automatic drip irrigation system shall be maintained in working order at all times.
- 117
- (a) ~~The pool must not be filled with bore water or groundwater;~~
 - (b) ~~Access to an area in which a swimming pool is located shall not be through any garage, outbuilding or dwelling;~~
 - (c) ~~The construction that encloses the swimming pool for reasons of 'child safety', viz the access gates, fencing and the like must at all times maintained in a state of good repair and condition; and~~
 - (d) ~~The resuscitation chart required under Condition No. 95 shall be visible at all times and maintained in good repair and condition. (DA-13/280/03)~~
- 118 The applicant being informed that this approval shall be regarded as being otherwise in accordance with the information and particulars set out and described in the Development Application registered in Council's records as Development Application No. 13/280 dated as 27 December 2013 **and as amended by the Section 96(1A) Modification Application DA-13/280/03 dated 10 March 2016** and that any alteration, variation, or extension to the use, for which approval has been given, would require further Approval from Council. **(DA-13/280/03)**

Section 96 Changes:

NO.	CHANGES	REASONS
1.	Stormwater pipe and easement relocated to eastern boundary	- DA condition 8: To comply with STORMWATER MANAGEMENT PLAN - DA condition 37: To obtain S73 requirement from Sydney Water - Comply with Sydney Water requirement

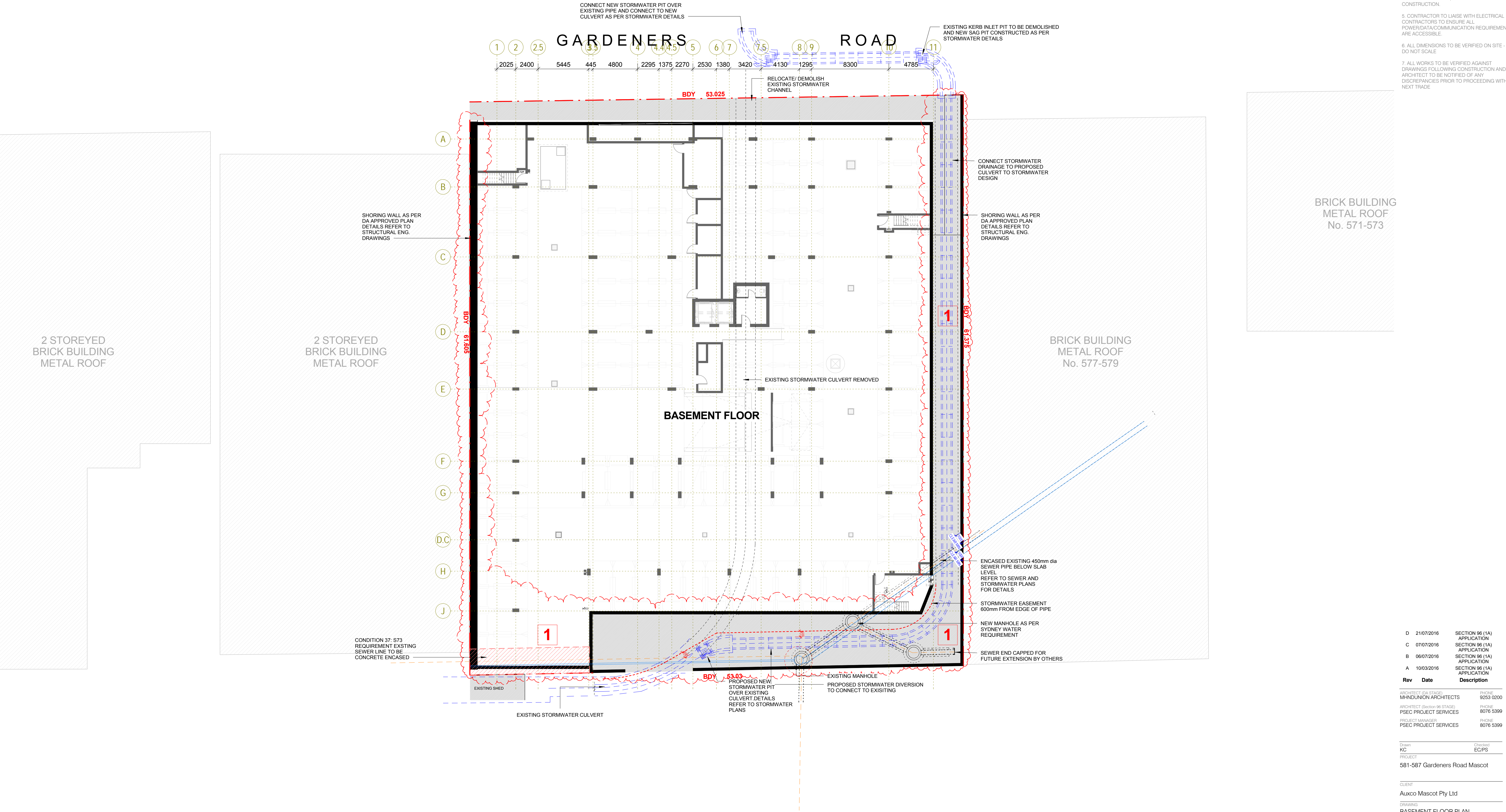
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GENERAL NOTES:

1. ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA, AUSTRALIAN STANDARDS STATUTORY REGULATIONS AND LOCAL AUTHORITY REQUIREMENT.
2. CONTRACTOR TO ENSURE CONSISTENCY BETWEEN MATERIAL IS MAINTAINED.
3. CONTRACTOR TO NOTIFY PSEC OF ANY DISCREPANCIES, DIMENSIONAL INCONSISTENCIES OR THE NEED FOR CLARIFICATION PRIOR TO MANUFACTURING.
4. PSEC TO REVIEW ALL CONTRACTORS DETAILED DRAWINGS/ SETTING OUT PRIOR TO CONSTRUCTION.
5. CONTRACTOR TO LIAISE WITH ELECTRICAL CONTRACTORS TO ENSURE ALL POWER/DATA/COMMUNICATION REQUIREMENTS ARE ACCESSIBLE.
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7. ALL WORKS TO BE VERIFIED AGAINST DRAWINGS FOLLOWING CONSTRUCTION AND ARCHITECT TO BE NOTIFIED OF ANY DISCREPANCIES PRIOR TO PROCEEDING WITH NEXT TRADE



BASEMENT 1 FLOOR PLAN

SCALE 1:200



D	21/07/2016	SECTION 96 (1A) APPLICATION
C	07/07/2016	SECTION 96 (1A) APPLICATION
B	06/07/2016	SECTION 96 (1A) APPLICATION
A	10/03/2016	SECTION 96 (1A) APPLICATION

Rev	Date	Description
ARCHITECT (DA STAGE)		PHONE 9253 0200
MINDUNION ARCHITECTS		PHONE 8076 5399
ARCHITECT (SEWER AS STAGE)		PHONE 8076 5399
PSEC PROJECT SERVICES		PHONE 8076 5399
PROJECT MANAGER		PHONE 8076 5399
PSEC PROJECT SERVICES		

Drawn	Checked
KC	EC/PS

PROJECT

581-587 Gardeners Road Mascot

CLIENT

Auxco Mascot Pty Ltd

DRAWING

BASEMENT FLOOR PLAN

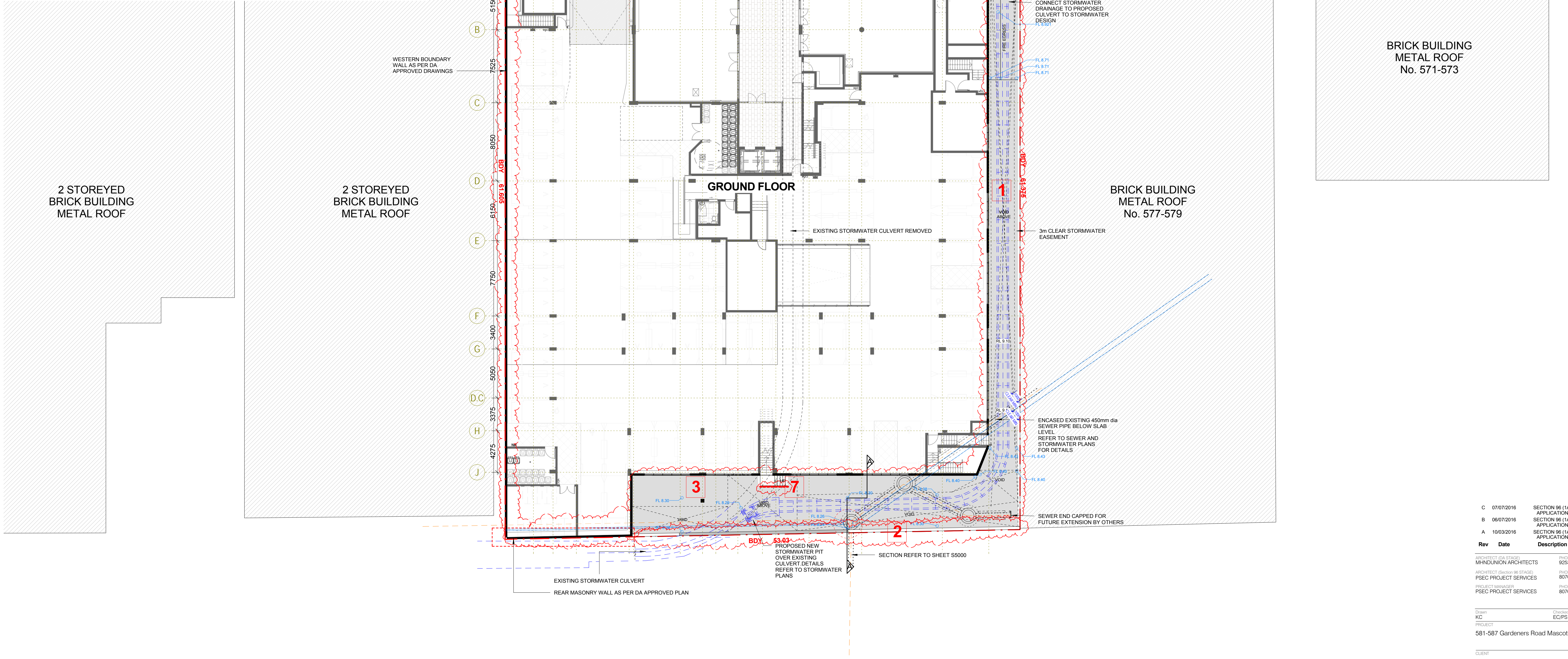
PROJECT NO.	130523	REVISION	D	SCALE @ A1	1 : 200
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DRAWING NO.	S2000A	DATE PRINTED	7/2/2016 3:43:19 PM
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PROJECT NO.	130523	REVISION	D
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NO.	CHANGES	REASONS
1.	Stormwater pipe and easement relocated to eastern boundary	- DA condition 8: To comply with STORMWATER MANAGEMENT PLAN - DA condition 37: To obtain S73 requirement from Sydney Water - Comply with Sydney Water requirement
2.	Proposed omission of 8.6m wall	To comply with DA condition 37 - As directed by Sydney Water Service Co-ordinator, the wall is within the zone of influence from Sydney Water asset
3.	Deletion of pool	DA condition 37 - As directed by Sydney Water Service Co-ordinator, the pool is within the zone of influence from Sydney Water asset
4.	Ramp in lieu of wheel chair entry lobby	As per BCA part D3.6 access requirement for wheelchair user
5.	Install flood gate	DA condition 8: To comply with Sydney Water Flood Management Plan
7.	Install metal louvres/ screen to fire stairs	As per discussion with Council Officer: To increase privacy level to adjoining properties
9.	Louvre door, Access stairs and blade wall added to substation	As per AUSGRID: To comply with AUSGRID substation requirement
10.	Fire booster doors removed	As per Fire Eng. recommendation:



SCALE 1:200

Section 96 Changes:

NO.	CHANGES	REASONS
6.	Install privacy screen on level 1 balconies	As per discussion with Council Officer: To increase privacy level to adjoining properties
7.	Install metal louvres/ screen to fire stairs	As per discussion with Council Officer: To increase privacy level to adjoining properties
11.	Remove planting to eastern boundary to create void	To comply with DA condition 37 - As directed by Sydney Water Service Co-ordinator, there shall be no obstruction above Sydney Water easement

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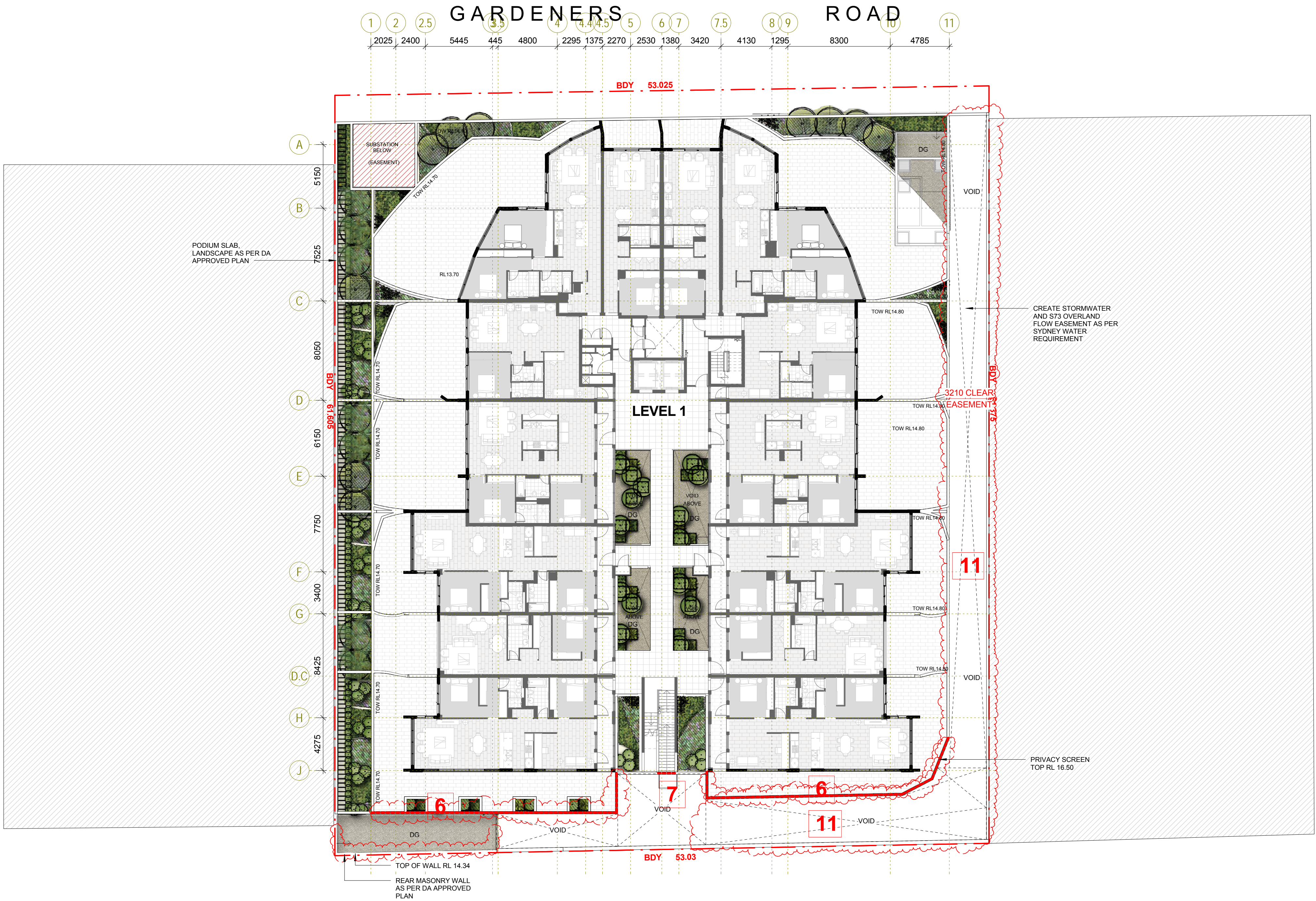
3. CONTRACTOR TO NOTIFY PSEC OF ANY DISCREPANCIES, DIMENSIONAL INCONSISTENCIES OR THE NEED FOR CLARIFICATION PRIOR TO MANUFACTURING.

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E	11/07/2016	SECTION 96 (1A) APPLICATION
D	07/07/2016	SECTION 96 (1A) APPLICATION
C	06/07/2016	SECTION 96 (1A) APPLICATION
B	27/04/2016	SECTION 96 (1A) APPLICATION
A	10/03/2016	SECTION 96 (1A) APPLICATION

Rev	Date	Description
ARCHITECT (DA STAGE)		PHONE 9253 0200
MHNDUNION ARCHITECTS		PHONE 8076 5399
ARCHITECT (SECTION 96 STAGE)		PHONE 8076 5399
PSEC PROJECT SERVICES		PHONE 8076 5399
PROJECT MANAGER		PHONE 8076 5399
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KC	EC/PS
PROJECT	
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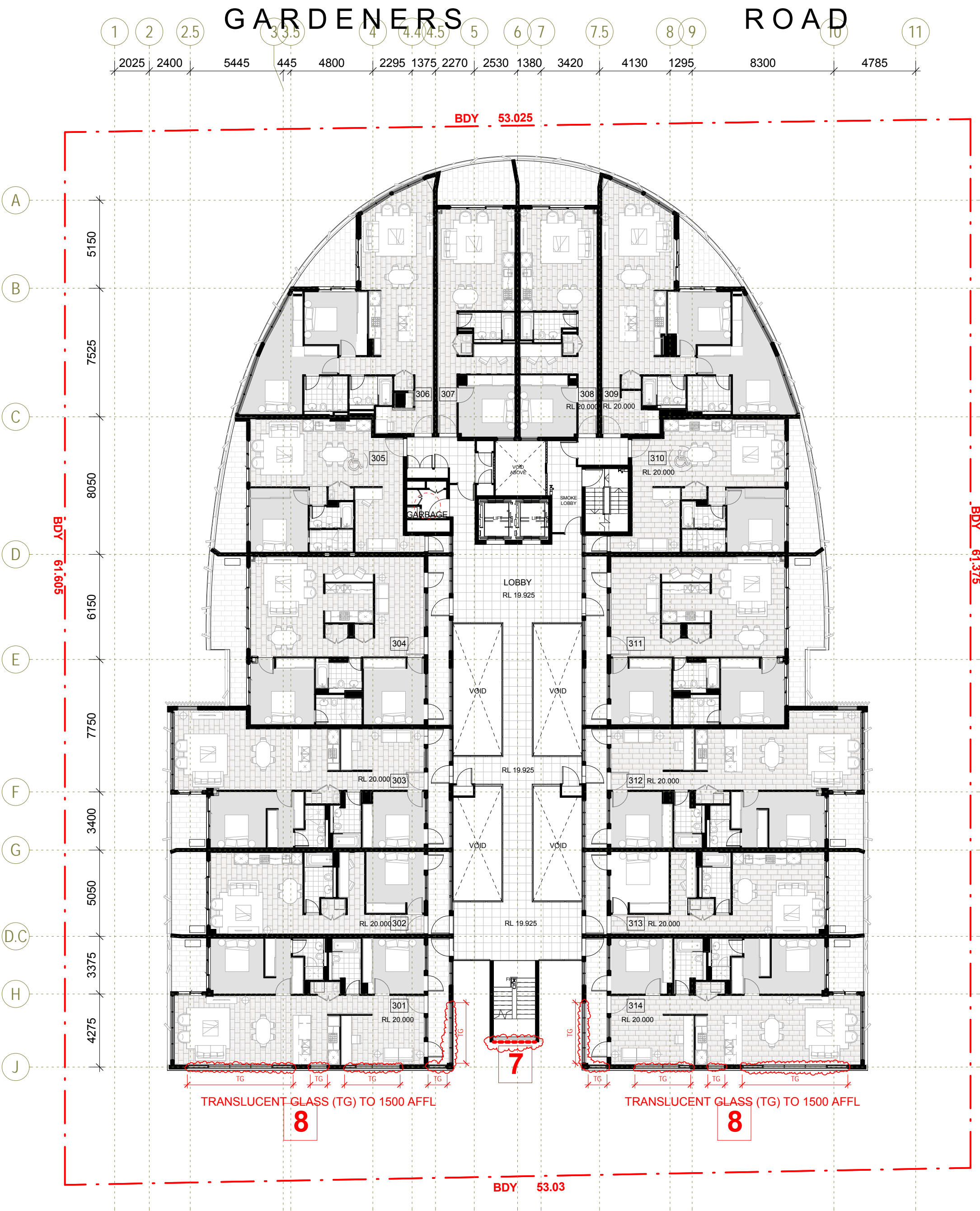
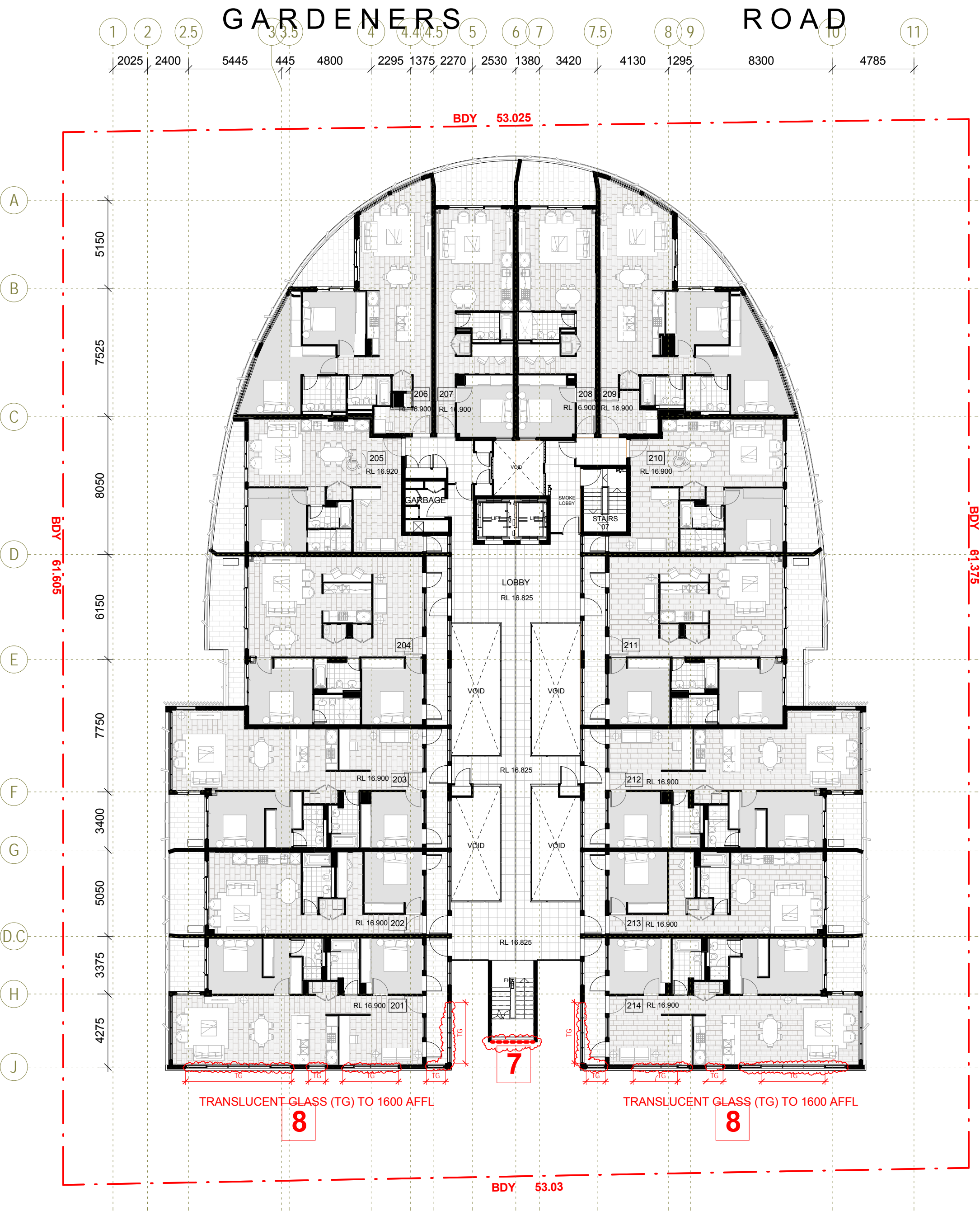
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LEVEL 1 FLOOR PLAN

PROJECT NO. 130523	REVISION F	SCALE 1 : 200
DRAWING NO. S2002A	DATE PRINTED 7/21/2016 3:54:40 PM	PROJECT NO. 130523
DATE PRINTED 7/21/2016 3:54:40 PM	PROJECT NO. 130523	PROJECT NO. 130523



Section 96 Changes:

NO.	CHANGES	REASONS
7.	Install metal louvres/ screen to fire stairs	As per discussion with Council Officer: To increase privacy level to adjoining properties
8.	Translucent glass added to south facing windows to nominal height on level 2-4	As per discussion with Council Officer: To increase privacy level to adjoining properties



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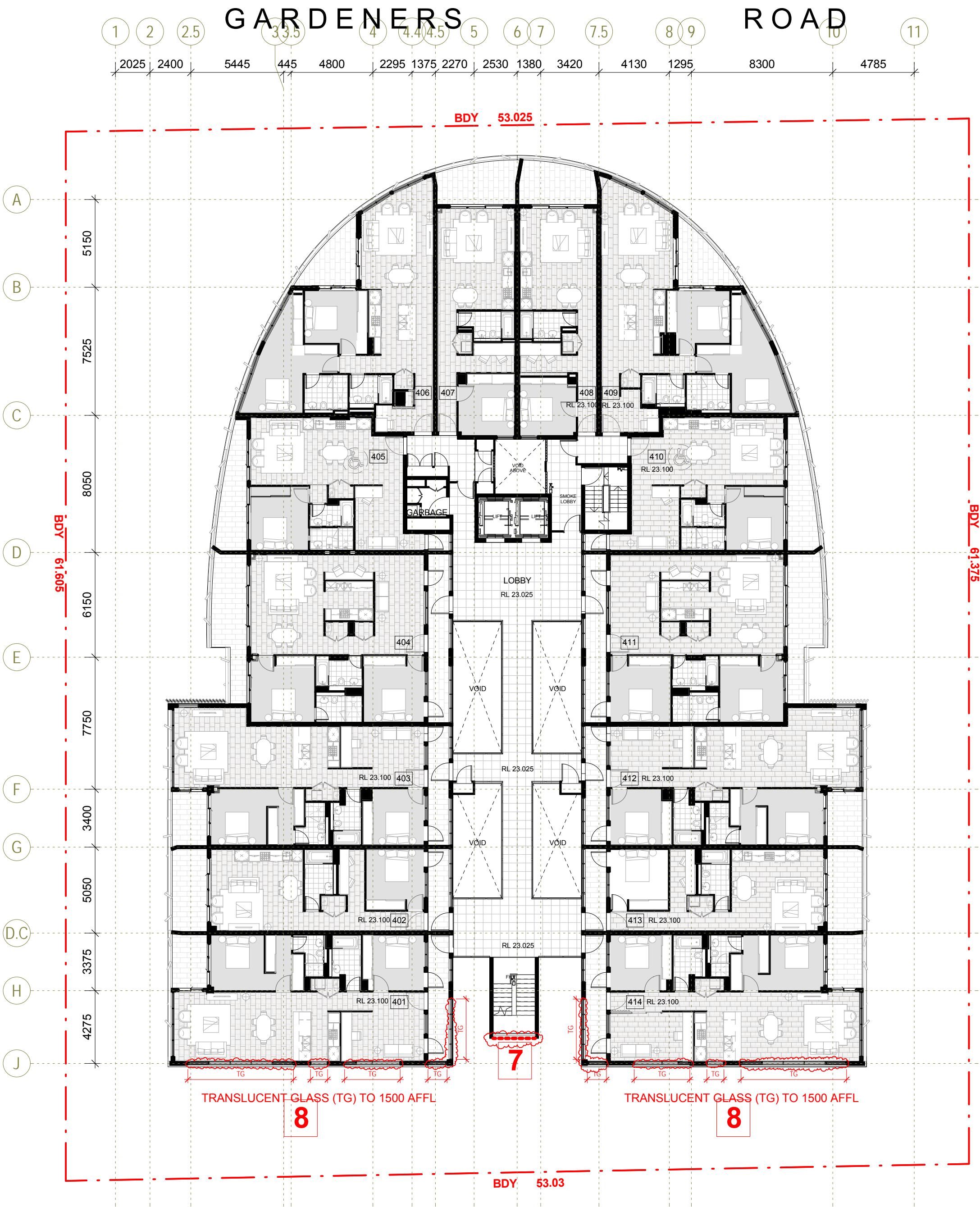
Rev	Date	Description
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D	11/07/2016	SECTION 96 (1A) APPLICATION
C	07/07/2016	SECTION 96 (1A) APPLICATION
B	06/07/2016	SECTION 96 (1A) APPLICATION
A	10/03/2016	SECTION 96 (1A) APPLICATION

ARCHITECT (EA STAGE)	PHONE
MINDUNION ARCHITECTS	9253 0200
ARCHITECT (SECTION 96 STAGE)	PHONE
PSEC PROJECT SERVICES	8076 5399
PROJECT MANAGER	PHONE
PSEC PROJECT SERVICES	8076 5399

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KC	EC/PS
PROJECT	
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DRAWINGS	
LEVEL 2&3 FLOOR PLANS	
PROJECT NO.	
130523	
DRAWING NO.	REVISION
S2003	
DATE PRINTED	SCALE @ A1
7/21/2016	1 : 200
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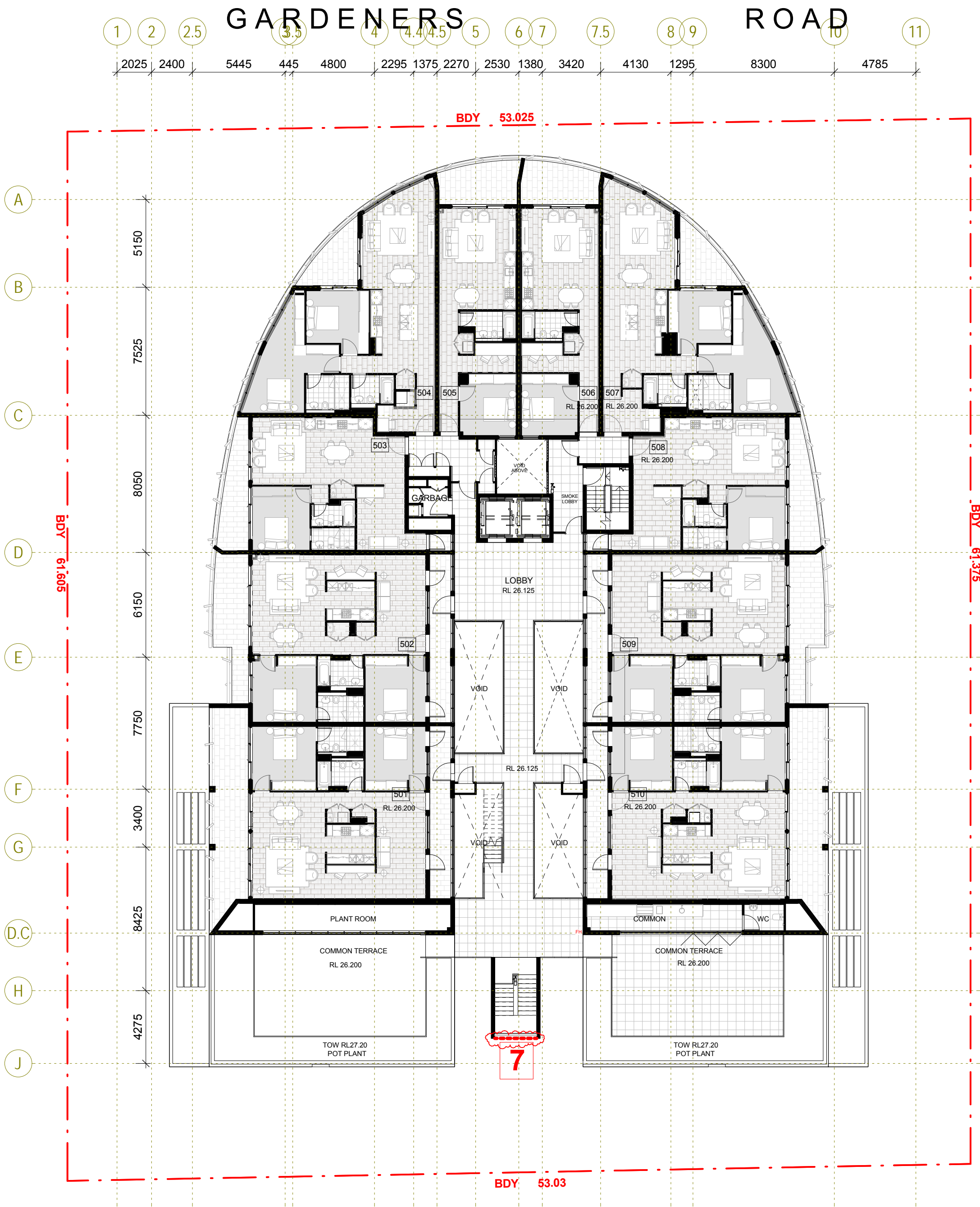
Section 96 Changes:

NO.	CHANGES	REASONS
7.	Install metal louvres/ screen to fire stairs	As per discussion with Council Officer: To increase privacy level to adjoining properties
8.	Translucent glass added to south facing windows to nominal height on level 2-4	As per discussion with Council Officer: To increase privacy level to adjoining properties



LEVEL 4 FLOOR PLAN

SCALE 1:200



LEVEL 5 FLOOR PLAN

SCALE 1:200

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Rev	Date	Description
E	21/07/2016	SECTION 96 (1A) APPLICATION
D	11/07/2016	SECTION 96 (1A) APPLICATION
C	07/07/2016	SECTION 96 (1A) APPLICATION
B	06/07/2016	SECTION 96 (1A) APPLICATION
A	10/03/2016	SECTION 96 (1A) APPLICATION

ARCHITECT (BA STAGE)	PHONE
MINDUNION ARCHITECTS	9253 0200
ARCHITECT (SECTION 96 STAGE)	PHONE
PSEC PROJECT SERVICES	8076 5399
PROJECT MANAGER	PHONE
PSEC PROJECT SERVICES	8076 5399

Drawn	Checked
KC	EC/PS
PROJECT	

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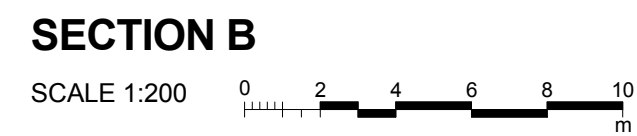
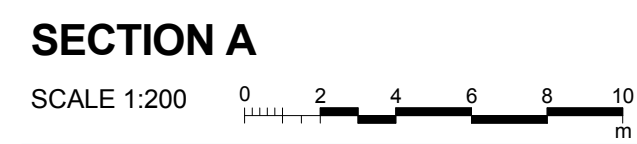
LEVEL 4&5 FLOOR PLANS

PROJECT NO.	130523	REVISION	E	SCALE	W/ A1
DRAWING NO.	S2004				1 : 200

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7/21/2016
3:44:30 PM

PROJECT NO.	130523	REVISION	E
DRAWING NO.	S2004		

NO.	CHANGES	REASONS
2.	Proposed omission of 8.6m wall	To comply with DA condition 37 - As directed by Sydney Water Service Co-ordinator, the wall is within the zone of influence from Sydney Water asset
5.	Install flood gate	DA condition 8: To comply with with Sydney Water Flood Management Plan
6.	Install privacy screen on level 1 balconies	As per discussion with Council Officer: To increase privacy level to adjoining properties
7.	Install metal louvres/ screen to fire stairs	As per discussion with Council Officer: To increase privacy level to adjoining properties

Page 698

Section 96 Changes:

NO.	CHANGES	REASONS
1.	Stormwater pipe and easement relocated to eastern boundary	- DA condition 8: To comply with STORMWATER MANAGEMENT PLAN - DA condition 37: To obtain S73 requirement from Sydney Water - Comply with Sydney Water requirement
4.	Ramp in lieu of wheel chair entry lobby	As per BCA part D3.6 access requirement for wheelchair user
5.	Install flood gate	DA condition 8: To comply with with Sydney Water Flood Management Plan
9.	Louvre door, Access stairs and blade wall added to substation	As per AUSGRID: To comply with AUSGRID substation requirement
10.	Fire booster doors removed	As per Fire Eng. recommendation:

COLORBOND FENCE & WEIR WALL



- Colorbond fence to be BASALT colours or similar
- Weir wall to be masonry block wall in grey similar to the colorbond fence as per Sydney Water requirement

EXTERNAL FINISHES LEGEND:

AFG 1	Aluminium framed glazing, dark grey
AFG 2	Aluminium framed glazing, silver grey
G	Coloured Glazing
G1	Glazing
GD	Garage door, grey
HR 1	Handrail and balusters, white
HR 2	Handrail, handrail, silver grey
LG	Louvers glass
LV 1	Horizontal louvers, dark grey
LV 2	Vertical louvers, grey
LV 3	Horizontal louvers, silver grey
PF 1	Painted finish, dark grey
PF 2	Painted finish, orange
PF 3	Painted finish, light grey
PF 4	Painted finish, white
TG	Translucent glass

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DISCREPANCIES PRIOR TO PROCEEDING WITH
NEXT TRADE



NOTES:
FINISHES REFER TO MATERIAL AND COLOUR SCHEDULE FOR DETAILS

NORTH ELEVATION

SCALE 1:100

C	07/07/2016	SECTION 96 (1A) APPLICATION
B	06/07/2016	SECTION 96 (1A) APPLICATION
A	10/03/2016	SECTION 96 (1A) APPLICATION
Rev	Date	Description
ARCHITECT (DA STAGE)		
MHNDUNION ARCHITECTS		PHONE 9253 0200
ARCHITECT (Section 96 STAGE)		
PSEC PROJECT SERVICES		PHONE 8076 5399
PROJECT MANAGER		
PSEC PROJECT SERVICES		PHONE 8076 5399

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PROJECT	
581-587 Gardeners Road Mascot	

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DRAWING
NORTH ELEVATION

PROJECT NO. 130523		
DRAWING NO. 64001	REVISION C	SCALE @ A1 1:100

DATE PRINTED 7/21/2016 3:45:09 PM
Page 699
S96 S4001
REV C

Section 96 Changes:

NO.	CHANGES	REASONS
1.	Stormwater pipe and easement relocated to eastern boundary	- DA condition 8: To comply with STORMWATER MANAGEMENT PLAN - DA condition 37: To obtain S73 requirement from Sydney Water - Comply with Sydney Water requirement
2.	Proposed omission of 8.6m wall	To comply with DA condition 37 - As directed by Sydney Water Service Co-ordinator, the wall is within the zone of influence from Sydney Water asset
6.	Install privacy screen on level 1 balconies	As per discussion with Council Officer: To increase privacy level to adjoining properties
7.	Install metal louvres/ screen to fire stairs	As per discussion with Council Officer: To increase privacy level to adjoining properties
8.	Translucent glass added to south facing windows to nominal height on level 2-4	As per discussion with Council Officer: To increase privacy level to adjoining properties

COLORBOND FENCE & WEIR WALL



- Colorbond fence to be BASALT colours or similar
- Weir wall to be masonry block wall in grey similar to the colorbond fence as per Sydney Water requirement

EXTERNAL FINISHES LEGEND:

AFG 1	Aluminium framed glazing, dark grey
AFG 2	Aluminium framed glazing, silver grey
G	Coloured Glazing
G1	Glazing
GD	Garage door, grey
HR 1	Handrail and balusters, white
HR 2	Handrail, handrail, silver grey
LG	Louvers glass
LV 1	Horizontal louvres, dark grey
LV 2	Vertical louvres, grey
LV 3	Horizontal louvres, silver grey
PF 1	Painted finish, dark grey
PF 2	Painted finish, orange
PF 3	Painted finish, light grey
PF 4	Painted finish, white
TG	Translucent glass

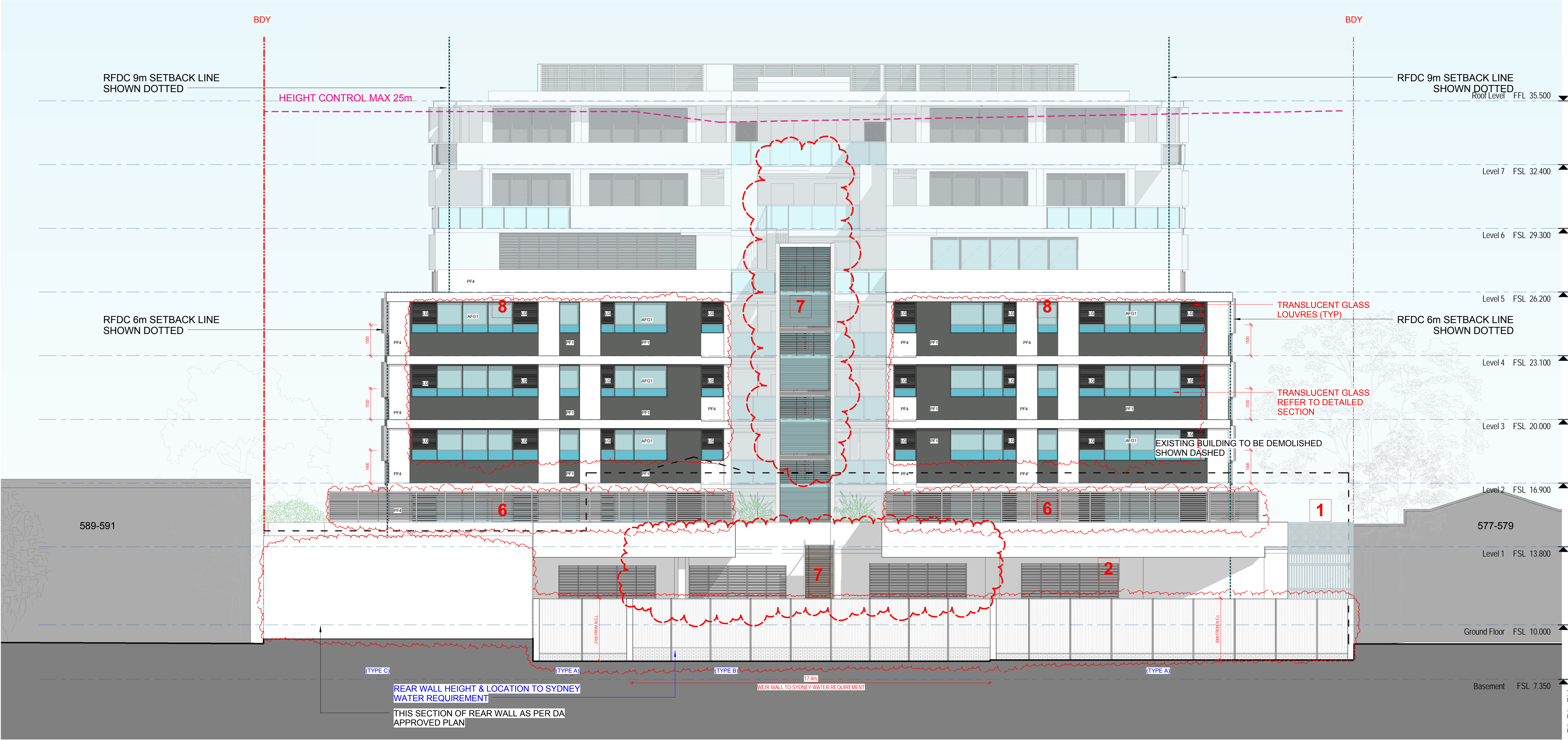
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NOTES:
FINISHES REFER TO MATERIAL AND COLOUR SCHEDULE FOR DETAILS

SOUTH ELEVATION

SCALE 1:100

Rev	Date	Description
F	21/07/2016	SECTION 96 (1A) APPLICATION
E	11/07/2016	SECTION 96 (1A) APPLICATION
D	07/07/2016	SECTION 96 (1A) APPLICATION
C	06/07/2016	SECTION 96 (1A) APPLICATION
B	27/04/2016	SECTION 96 (1A) APPLICATION
A	10/03/2016	SECTION 96 (1A) APPLICATION

ARCHITECT (DA STAGE)	PHONE
MINDUNION ARCHITECTS	9253 0200
ARCHITECT (SECTION 96 STAGE)	PHONE
PSEC PROJECT SERVICES	8076 5399
PROJECT MANAGER	PHONE
PSEC PROJECT SERVICES	8076 5399

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KC	EC/PS

PROJECT

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DRAWING

SOUTH ELEVATION

PROJECT NO.

130523

DRAWING NO.

S4002

REVISION

F

SCALE 60 A1

1 : 100

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7/21/2016

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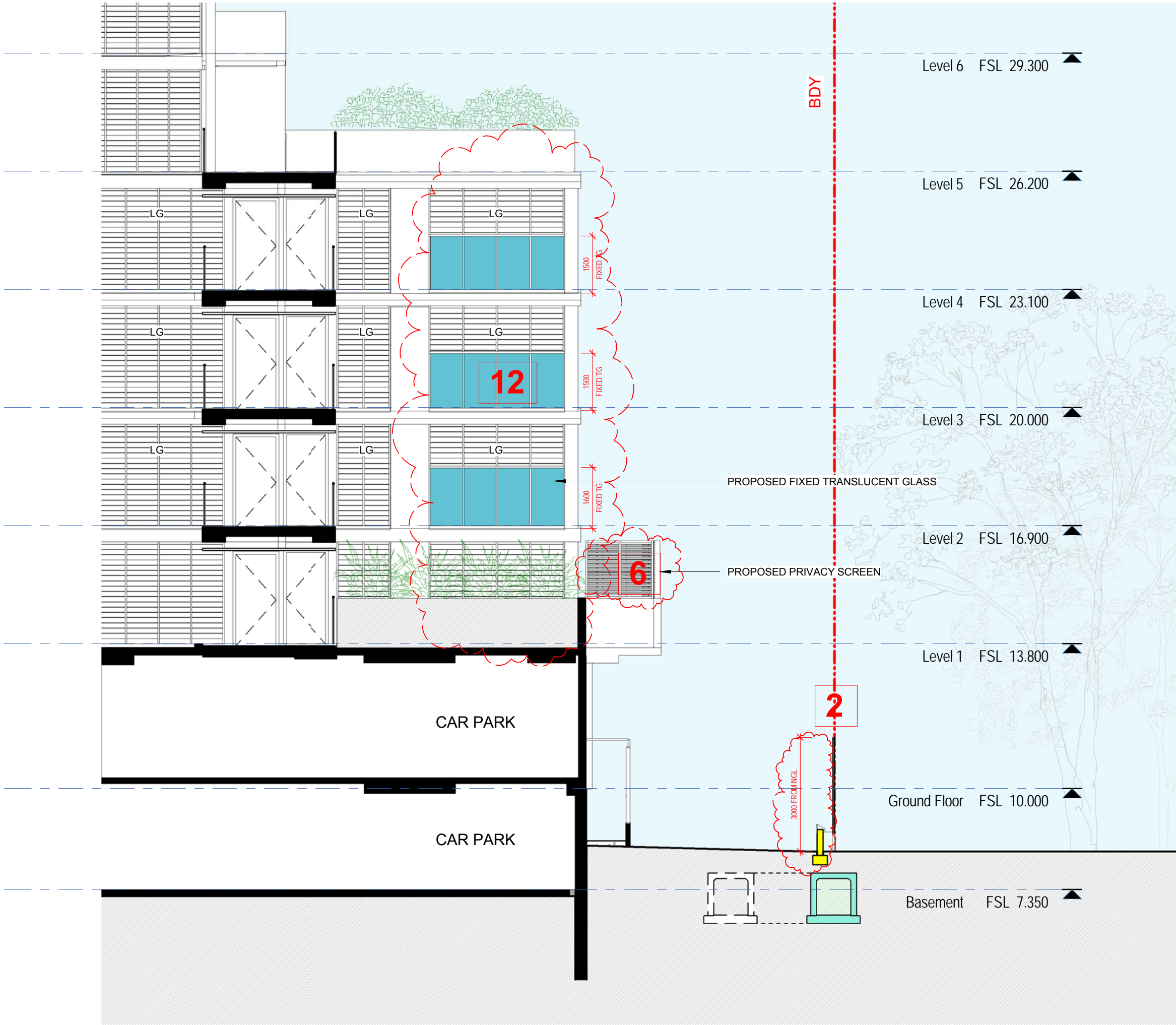
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REV

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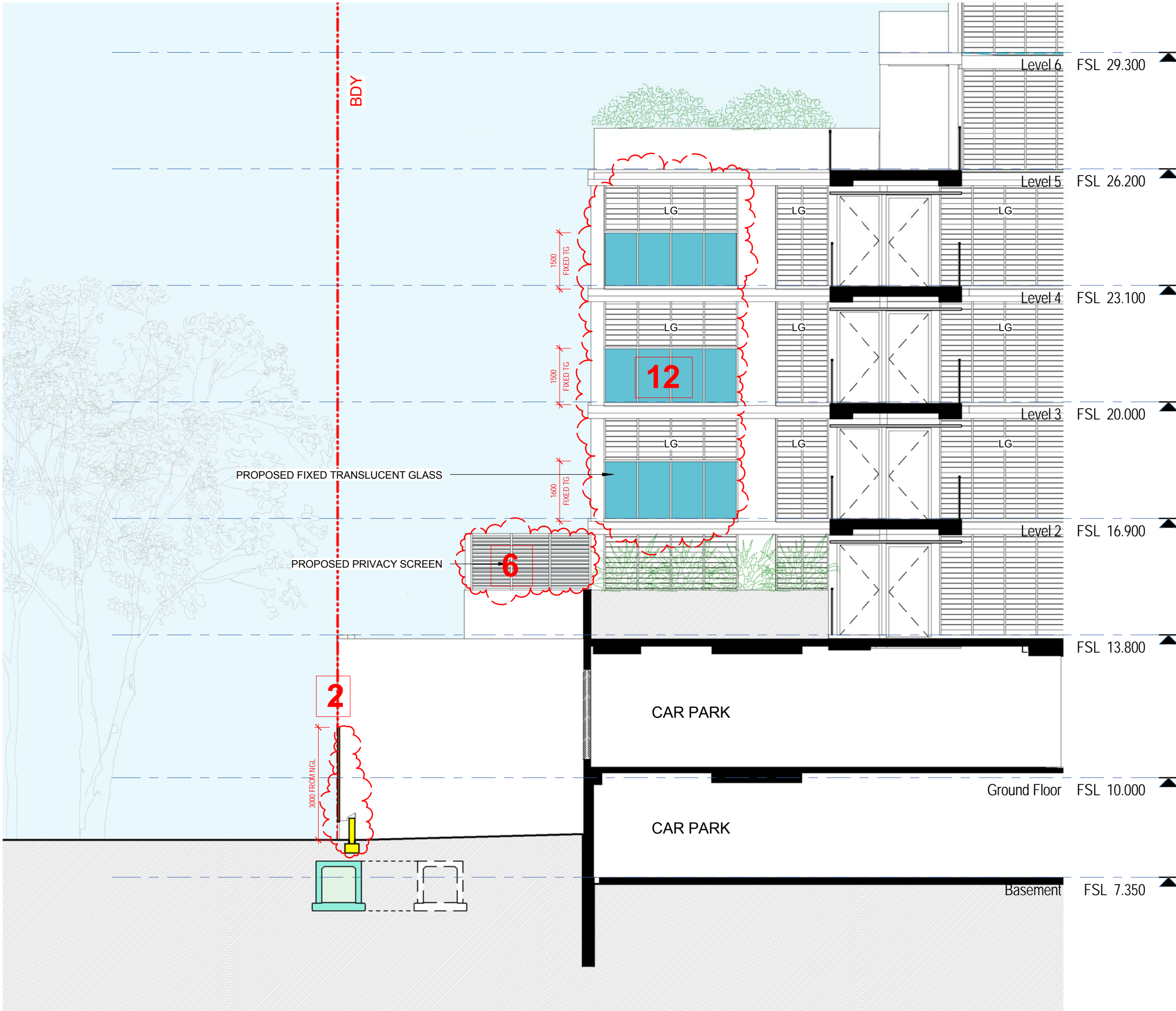
Section 96 Changes:

NO.	CHANGES	REASONS
2.	Proposed omission of 8.6m wall	To comply with DA condition 37 - As directed by Sydney Water Service Co-ordinator, the wall is within the zone of influence from Sydney Water asset
6.	Install privacy screen on level 1 balconies	As per discussion with Council Officer: To increase privacy level to adjoining properties
12.	Translucnet glass added to the internal elevation louvres to a nominal height marked on level 2-4	As per discussion with Council Officer: To increase privacy level to adjoining properties



INTERNAL EAST ELEVATION

SCALE 1:100



INTERNAL WEST ELEVATION

SCALE 1:100

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Rev	Date	SECTION 96 (1A) APPLICATION Description
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ARCHITECT (DA STAGE)	MHNDUNION ARCHITECTS	PHONE 9253 0200
ARCHITECT (SECTION 96 STAGE)	PSEC PROJECT SERVICES	PHONE 8076 5399
PROJECT MANAGER	PSEC PROJECT SERVICES	PHONE 8076 5399

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PROJECT

581-587 Gardeners Road Mascot

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INTERNAL ELEVATIONS

PROJECT NO.

130523

DRAWING NO.

S4005

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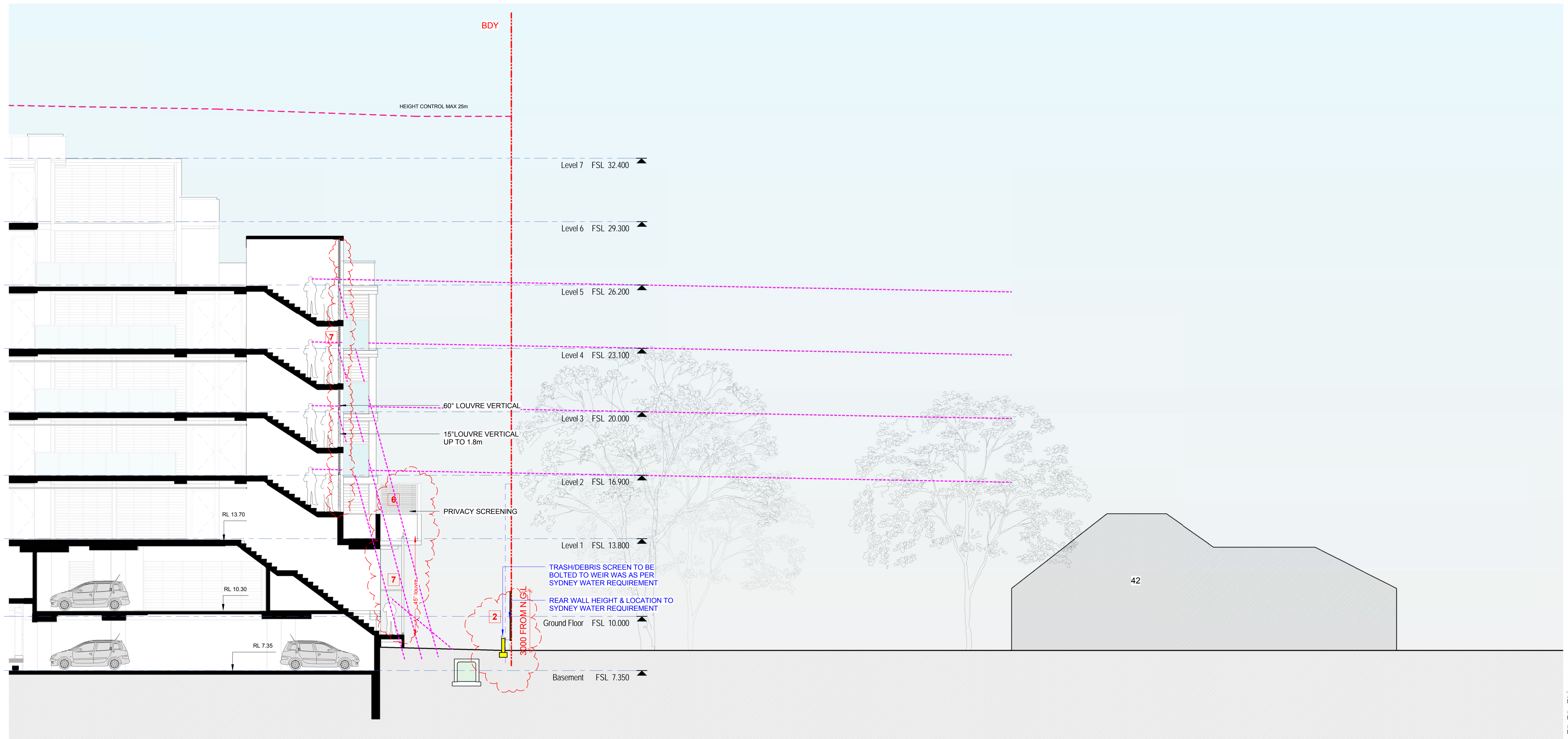
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REV

A

Section 96 Changes:

NO.	CHANGES	REASONS
2.	Proposed omission of 8.6m wall	To comply with DA condition 37 - As directed by Sydney Water Service Co-ordinator, the wall is within the zone of influence from Sydney Water asset
6.	Install privacy screen on level 1 balconies	As per discussion with Council Officer: To increase privacy level to adjoining properties
7.	Install metal louvres/ screen to fire stairs	As per discussion with Council Officer: To increase privacy level to adjoining properties



SECTION THROUGH FIRE STAIRS



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BETWEEN MATERIAL IS MAINTAINED.

CONTRACTOR TO NOTIFY PSEC OF ANY
ISCREPENCIES, DIMENSIONAL
INCONSISTENCIES OR THE NEED FOR
CLARIFICATION PRIOR TO MANUFACTURING.

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DETAILED DRAWINGS/ SETTING OUT PRIOR TO
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CONTRACTOR TO LIAISE WITH ELECTRICAL CONTRACTORS TO ENSURE ALL POWER/DATA/COMMUNICATION REQUIREMENTS ARE ACCESSIBLE.

ALL DIMENSIONS TO BE VERIFIED ON SITE -
DO NOT SCALE

ALL WORKS TO BE VERIFIED AGAINST
DRAWINGS FOLLOWING CONSTRUCTION AND
ARCHITECT TO BE NOTIFIED OF ANY
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EXT TRADE

C	21/07/2016	SECTION 96 (1A) APPLICATION
B	08/07/2016	SECTION 96 (1A) APPLICATION
A	29/06/2016	SECTION 96 (1A) APPLICATION
Rev	Date	Description

CHITECT (DA STAGE)	PHONE
INDUNION ARCHITECTS	9253 0200
CHITECT (Section 96 STAGE)	PHONE
EC PROJECT SERVICES	8076 5399
JECT MANAGER	PHONE
EC PROJECT SERVICES	8076 5399

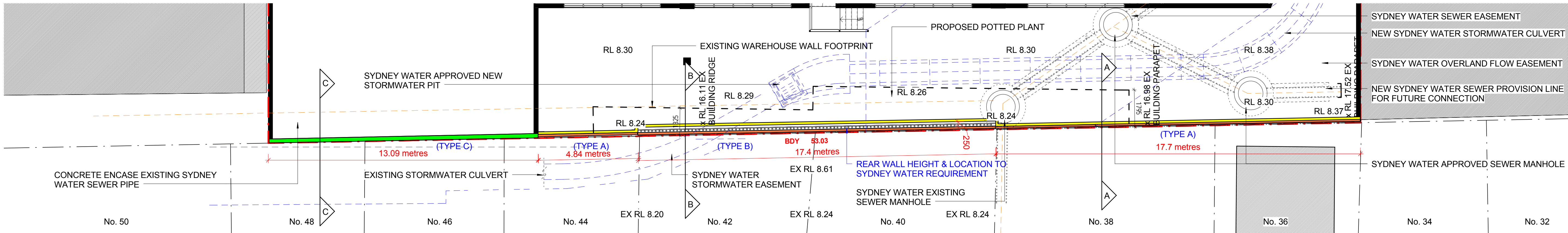
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uxco Mascot Pty Ltd

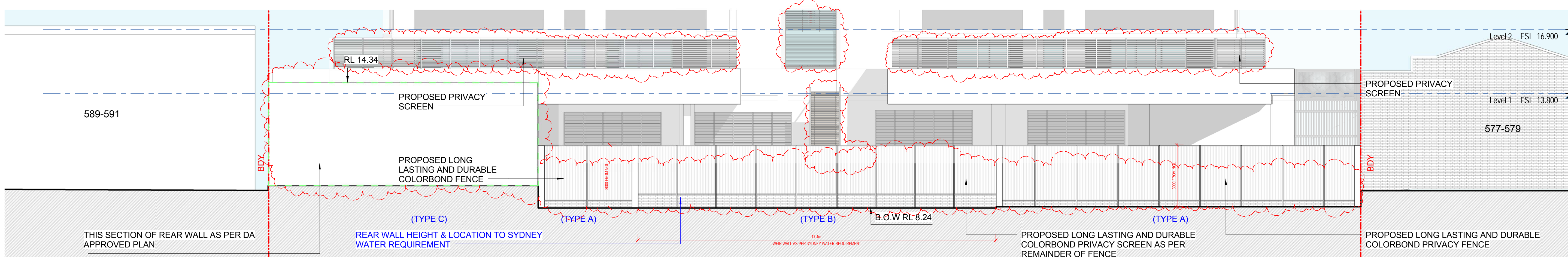
SECTION THROUGH FIRE STAIRS

PROJECT NO. 10523		
DRAWING NO. 5002	REVISION C	SCALE @ A1 1 : 100

Page 702

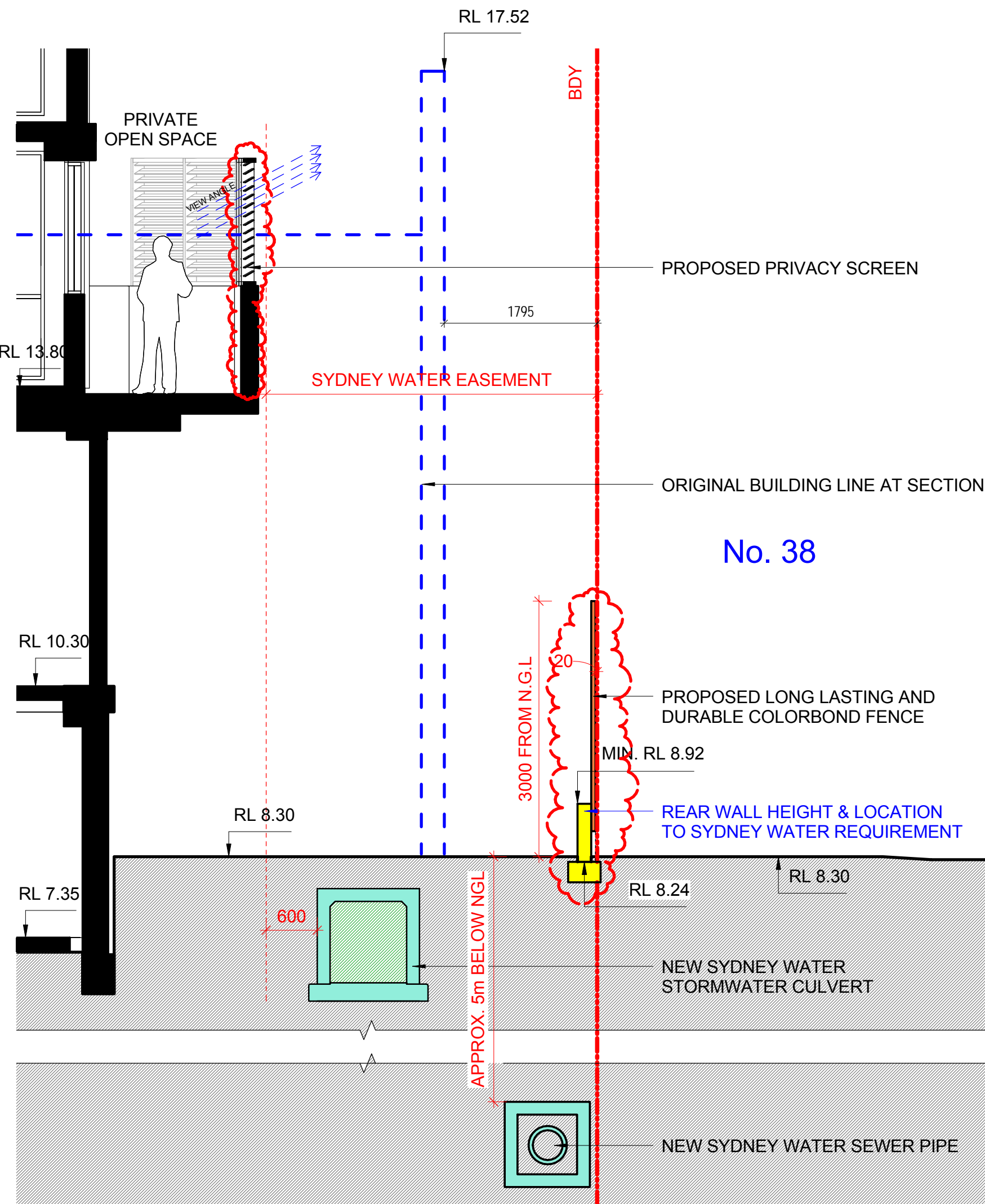


PLAN (OPTION B)
SCALE 1:100 (A1)

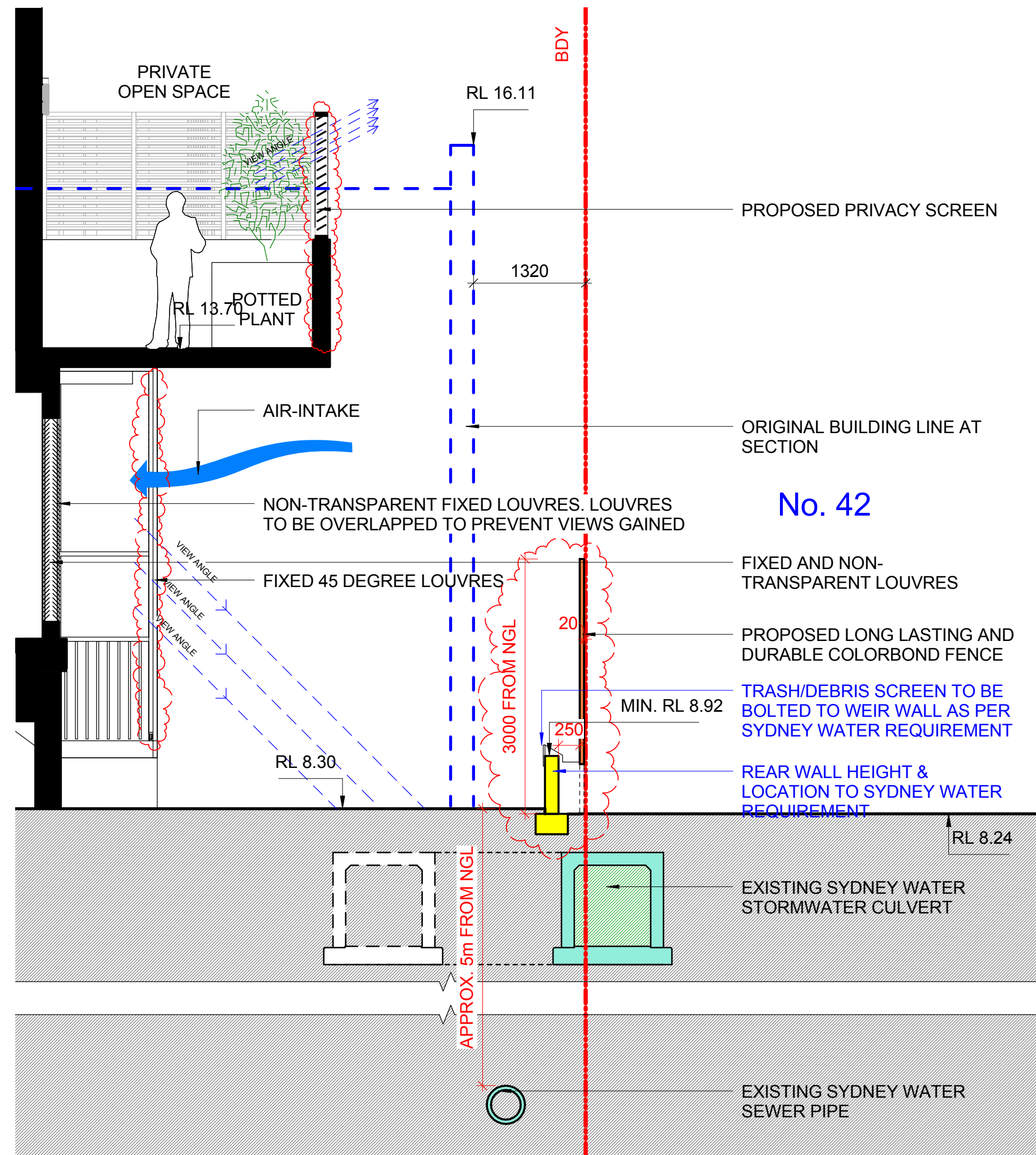


SOUTH ELEVATION (OPTION B)
SCALE 1:100 (A1)

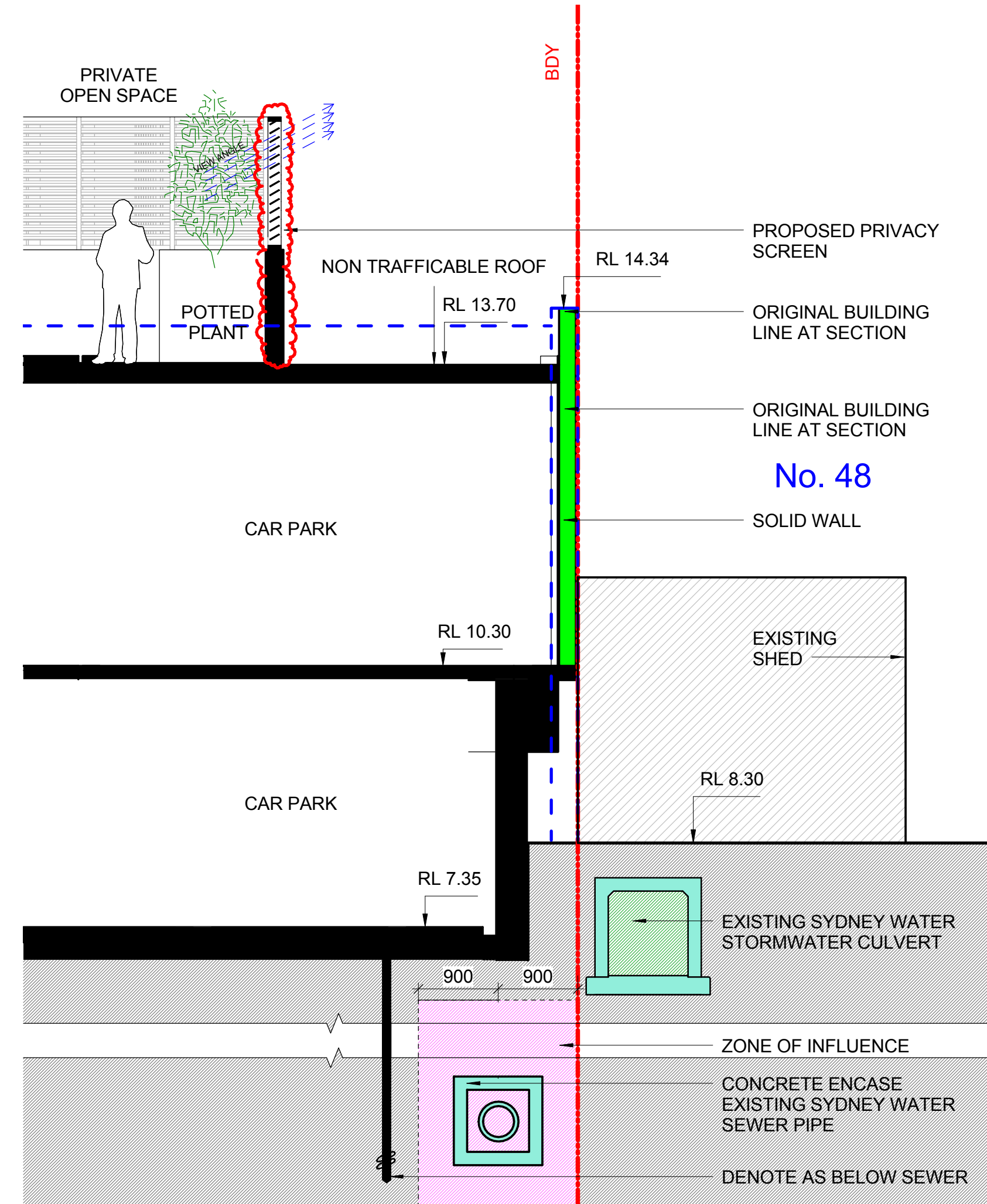
Note: Section 96 Changes to south elevation refer to sheet S4002



WALL SECTION TYPE A (OPTION B)
SCALE 1:50 (A1)



WALL SECTION TYPE B (OPTION B)
SCALE 1:50 (A1)



WALL SECTION TYPE C (OPTION B)
SCALE 1:50 (A1)

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PSEC PROJECT SERVICES
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Phone +61 2 8076 5399
admin@psecprojects.com.au
www.psecprojects.com.au

GENERAL NOTES:

1. ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA, AUSTRALIAN STANDARDS STATUTORY REGULATIONS AND LOCAL AUTHORITY REQUIREMENT.
2. CONTRACTOR TO ENSURE CONSISTENCY BETWEEN MATERIAL IS MAINTAINED.
3. CONTRACTOR TO NOTIFY PSEC OF ANY DISCREPANCIES, DIMENSIONAL INCONSISTENCIES OR THE NEED FOR CLARIFICATION PRIOR TO MANUFACTURING.
4. PSEC TO REVIEW ALL CONTRACTORS DETAILED DRAWINGS/ SETTING OUT PRIOR TO CONSTRUCTION.
5. CONTRACTOR TO LIAISE WITH ELECTRICAL CONTRACTORS TO ENSURE ALL POWER/DATA COMMUNICATION REQUIREMENTS ARE ACCESSIBLE.
6. ALL DIMENSIONS TO BE VERIFIED ON SITE - DO NOT SCALE
7. ALL WORKS TO BE VERIFIED AGAINST DRAWINGS FOLLOWING CONSTRUCTION AND ARCHITECT TO BE NOTIFIED OF ANY DISCREPANCIES PRIOR TO PROCEEDING WITH NEXT TRADE

C	21/07/2016	SECTION 96 (1A) APPLICATION	PHONE 9253 0200
B	08/07/2016	SECTION 96 (1A) APPLICATION	PHONE 8076 5399
A	07/07/2016	SECTION 96 (1A) APPLICATION	PHONE 8076 5399
Rev	Date	Description	
ARCHITECT (BA STAGE) MINDUNION ARCHITECTS			
ARCHITECT (SCHEMATIC STAGE) PSEC PROJECT SERVICES			
PROJECT MANAGER PSEC PROJECT SERVICES			
Drawn	KC	Checked	EC/PS
PROJECT 581-587 Gardeners Road Mascot			
CLIENT Auxco Mascot Pty Ltd			
DRAWING SOUTH ELEVATION & SECTIONS (OPTION B)			
PROJECT NO	130523	REVISION	C
DRAWING NO	SS001A	SCALE @	A1
DATE PRINTED	7/21/2016 3:49:32 PM	PROJECT NO	130523
PROJECT NO	130523	REVISION	C
PROJECT NO	130523	REVISION	C

GENERAL NOTES:

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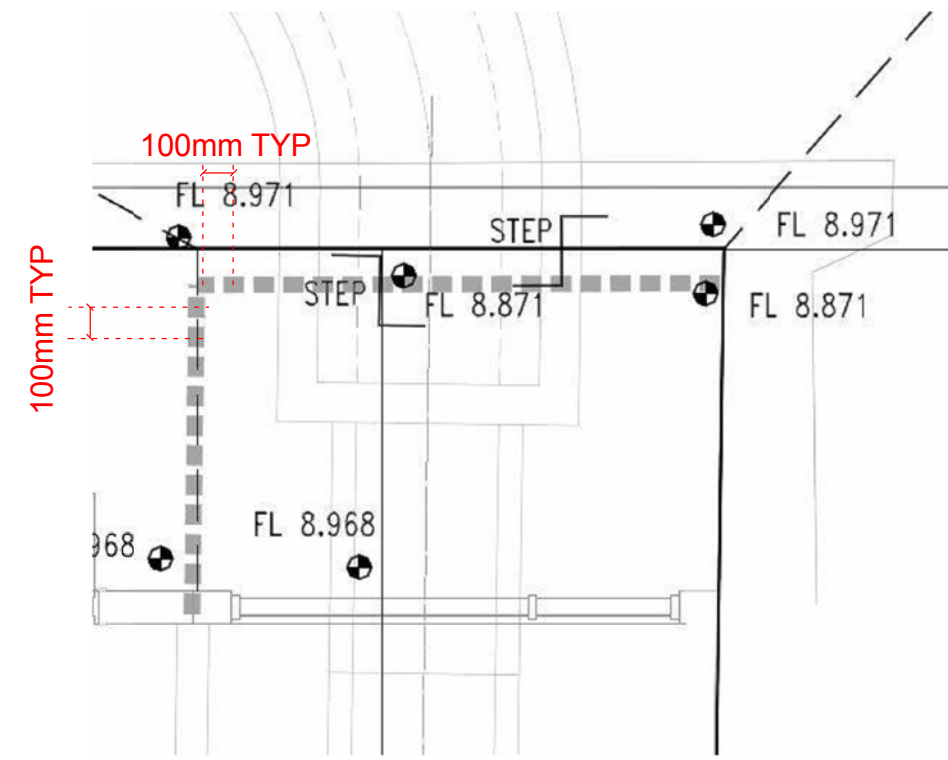
3. CONTRACTOR TO NOTIFY PSEC OF ANY DISCREPANCIES, DIMENSIONAL INCONSISTENCIES OR THE NEED FOR CLARIFICATION PRIOR TO MANUFACTURING.

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6. ALL DIMENSIONS TO BE VERIFIED ON SITE - DO NOT SCALE

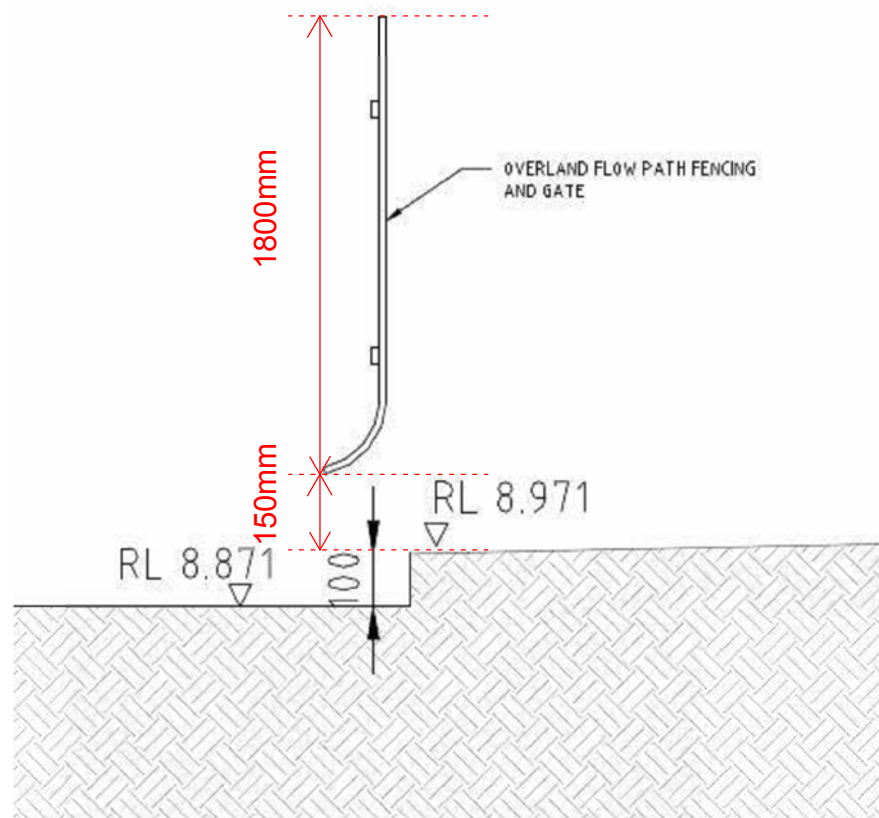
7. ALL WORKS TO BE VERIFIED AGAINST DRAWINGS FOLLOWING CONSTRUCTION AND ARCHITECT TO BE NOTIFIED OF ANY DISCREPANCIES PRIOR TO PROCEEDING WITH NEXT TRADE



SYDNEY WATER OVERLAND FLOW GATE (PLAN)

Extracted from approved stormwater drawings: CARDNO

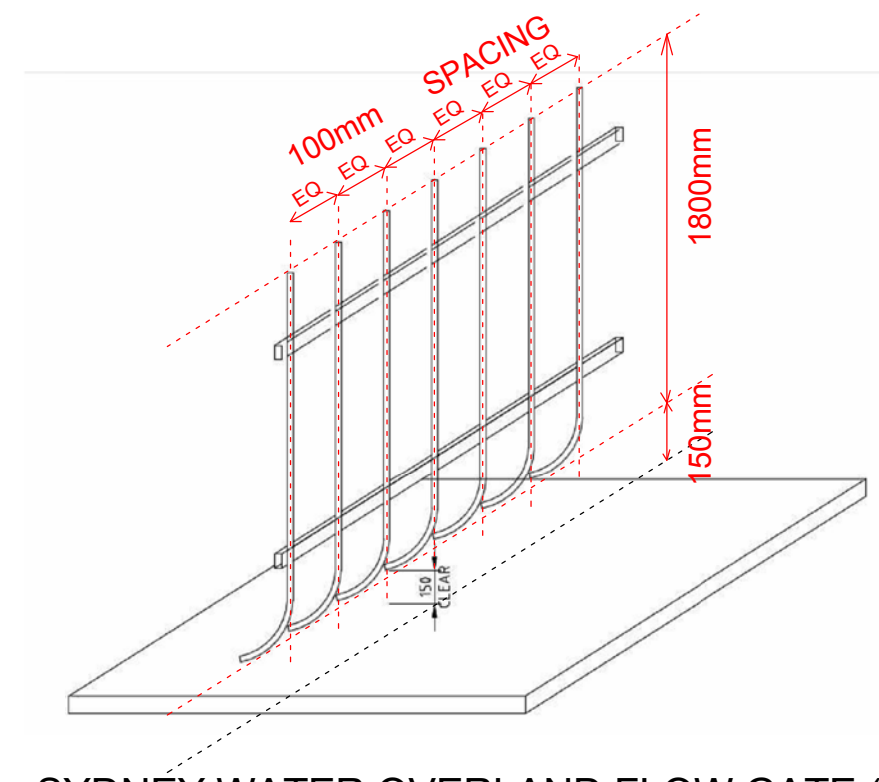
SCALE NTS (A1)



SYDNEY WATER OVERLAND FLOW GATE (SECTION)

Extracted from approved stormwater drawings: CARDNO

SCALE NTS (A1)



SYDNEY WATER OVERLAND FLOW GATE (3D)

Extracted from approved stormwater drawings: CARDNO

SCALE NTS (A1)

B	21/07/2016	SECTION 96 (1A) APPLICATION
A	06/07/2016	SECTION 96 (1A) APPLICATION
Rev	Date	Description

ARCHITECT (3A STAGE)	PHONE
MHNDUNION ARCHITECTS	9253 0200
ARCHITECT (SECTION 96 STAGE)	PHONE
PSEC PROJECT SERVICES	8076 5399
PROJECT MANAGER	PHONE
PSEC PROJECT SERVICES	8076 5399

Drawn	Checked
KC	EC/PS

PROJECT
581-587 Gardeners Road Mascot

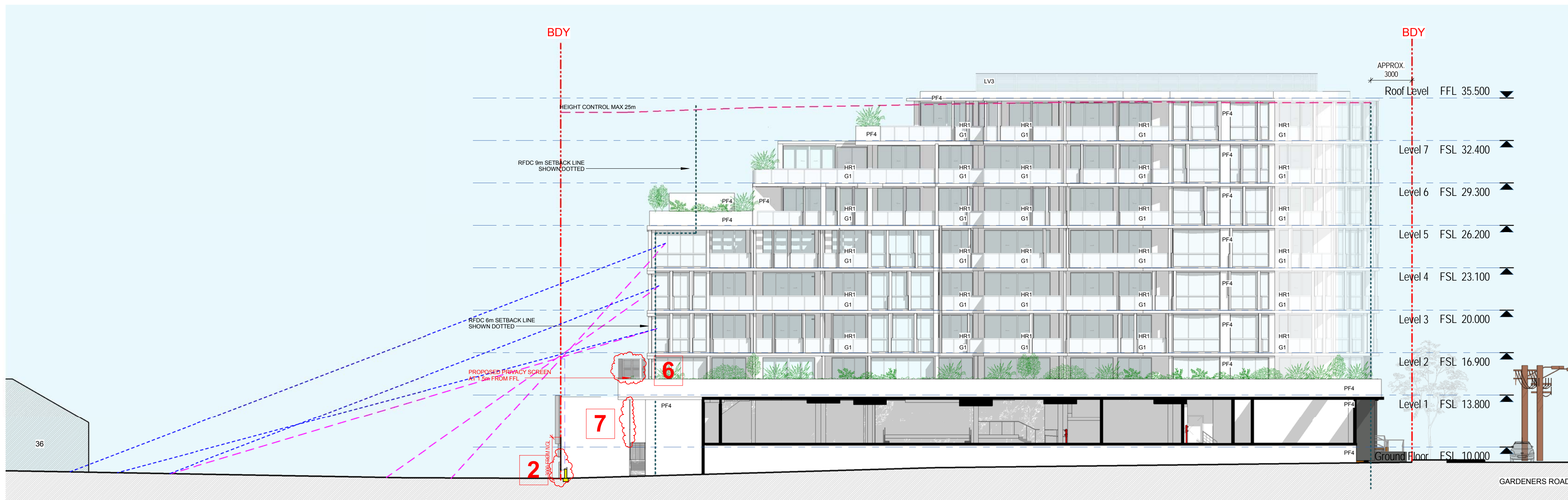
CLIENT
Auxco Mascot Pty Ltd

DRAWING
SYDNEY WATER FLOOD GATE

PROJECT NO. 130523	REVISION B	SCALE @ A1 1 : 50
DRAWING NO. S5003	DATE PRINTED 7/21/2016 4:10:21 PM	REV B

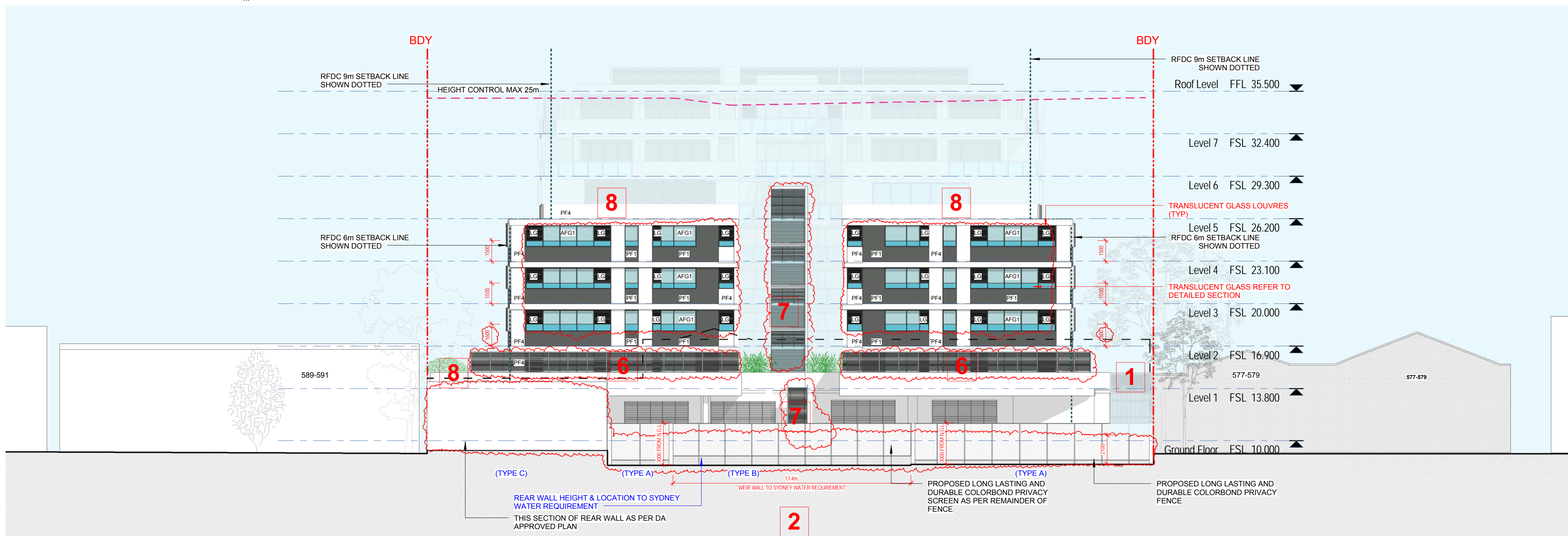

NOTE: -OVERLAND FLOW GATE TO COMPLY WITH SYDNEY WATER REQUIREMENT
-PERFORATED SCREEN AND POST TO BE CONFIRMED BY STRUCTURAL
ENGINEER AND SYDNEY WATER

NO.	CHANGES	REASONS
1.	Stormwater pipe and easement relocated to eastern boundary	- DA condition 8: To comply with STORMWATER MANAGEMENT PLAN - DA condition 37: To obtain S73 requirement from Sydney Water - Comply with Sydney Water requirement
2.	Proposed omission of 8.6m wall	- To comply with DA condition 37 - As directed by Sydney Water Service Co-ordinator, the wall is within the zone of influence from Sydney Water asset
6.	Install privacy screen on level 1 balconies	As per discussion with Council Officer: To increase privacy level to adjoining properties
7.	Install metal louvres/ screen to fire stairs	As per discussion with Council Officer: To increase privacy level to adjoining properties
8.	Translucent glass added to south facing windows to nominal height on level 2-4	As per discussion with Council Officer: To increase privacy level to adjoining properties



SIGHT LINE

SCALE 1:200@A1



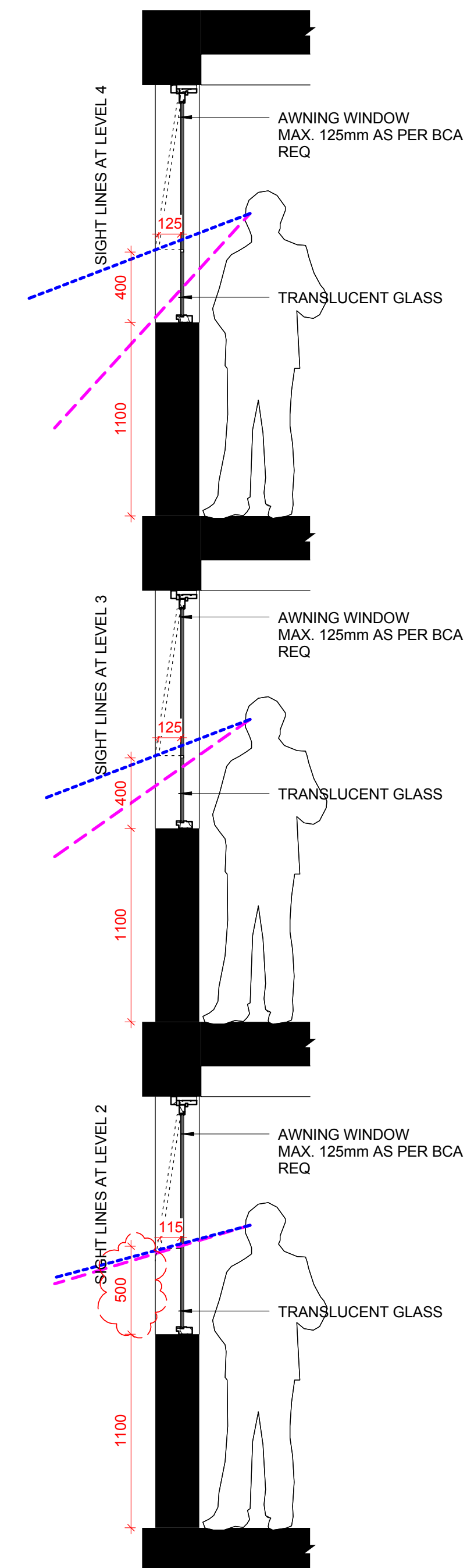
SOUTH ELEVATION

SCALE 1:200@A1



- Colorbond fence to be BASALT colours or similar
- Weir wall to be masonry block wall in grey similar to the colorbond fence as per Sydney Water requirement

AFG 1	Aluminium framed glazing, dark grey
AFG 2	Aluminium framed glazing, silver grey
G	Coloured Glazing
G1	Glazing
GD	Garage door, grey
HR 1	Handrail and balusters, white
HR 2	Handrail, handrail, silver grey
LG	Louvers glass
LV 1	Horizontal louvres, dark grey
LV 2	Vertical louvres, grey
LV 3	Horizontal louvres, silver grey
PF 1	Painted finish, dark grey
PF 2	Painted finish, orange
PF 3	Painted finish, light grey
PF 4	Painted finish, white
TG	Translucent glass



SCALE 1:25@A1

--- DA APPROVED 8.6m WALL

--- S96 PROPOSED OBSCURED WINDOW TREATMENT UP TO 1.5m



PROJECT
SERVICES

7. ALL WORKS TO BE VERIFIED AGAINST
DRAWINGS FOLLOWING CONSTRUCTION AND
ARCHITECT TO BE NOTIFIED OF ANY
DISCREPANCIES PRIOR TO PROCEEDING WITH
NEXT TRADE

D	21/07/2016	SECTION 96 (1A) APPLICATION
C	11/07/2016	SECTION 96 (1A) APPLICATION
B	29/06/2016	SECTION 96 (1A) APPLICATION
A	27/04/2016	SECTION 96 (1A) APPLICATION
Rev	Date	Description

ARCHITECT (DA STAGE)	PHONE
MHNDUNION ARCHITECTS	9253 0200
ARCHITECT (Section 96 STAGE)	PHONE
PSEC PROJECT SERVICES	8076 5399
PROJECT MANAGER	PHONE
PSEC PROJECT SERVICES	8076 5399

Drawn KG	Checked SG/BS
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581-587 Gardeners Road Mascot

CLIENT _____

Auxco Mascot Pty Ltd

SIGHT LINE TO COUNCIL FOR

DISCUSSION- S96

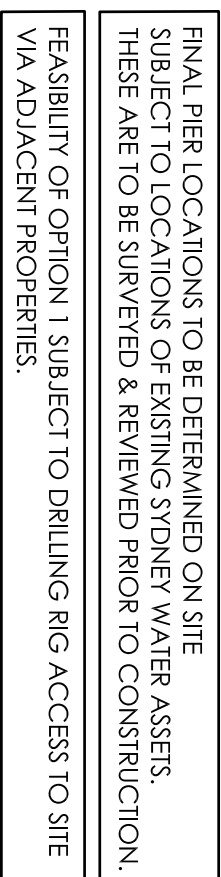
130523

DRAWING NO.	REVISION	SCALE @ AT
0000	0	As Indicated

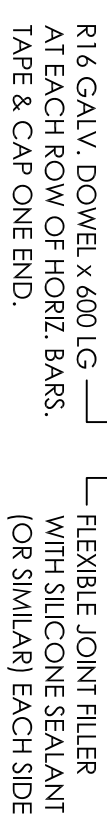
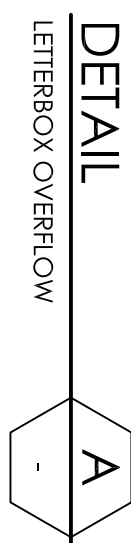
DATE PRINTED 09/09/2015

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Page 706
REV D

1000



65 COVER
(TO OVERLAND FLOW
FILL SIDE OF WALL)



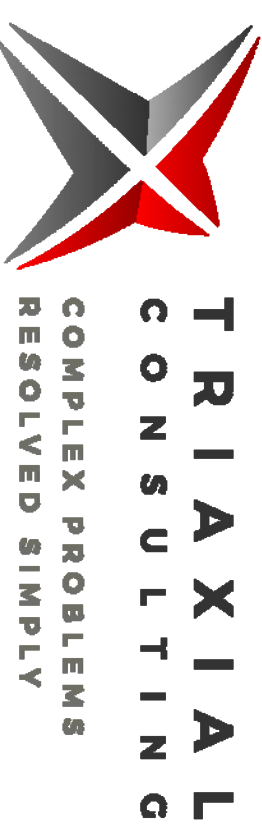
PROVIDE VERTICAL JOINTS IN
BLOCKWORK 8.0m MAX. CENTRES



N.T.S

ISSUED FOR APPROVAL AMENDMENTS	01.11.16	A
STATUS	DATE	ISSUE

ISSUED FOR APPROVAL



1300 874 294 | TRIAXIAL.COM.AU
SUITE 12, LEVEL 14, 327 PITT STREET, SYDNEY 2000
PO BOX A203, SYDNEY SOUTH, NSW 1235
SYDNEY | ADELAIDE | BAROSSA | DARWIN | MUDDREE

ARCHITECT

CLIENT
BOTANIC COUNCIL

PROJECT:

581 - 587 GARDENERS ROAD

DESIGNED	DRAWN	DATE	SIZE	CAD REF
	F.N.	01.11.16	A1	TX-12098.00-S01

BOUNDARY SCREEN OPTIONS

DRAWING NO.

ISSUE

TX-12098.00 - S01

A

Council Meeting

14/12/2016

Item No	9.6
Property	86 Maloney Street, Eastlakes
Proposal	Demolition of the existing dwelling, construction of 2 x two storey semi-detached dwellings and subdivision of the allotment of land into two lots
Cost of Development	\$850,000.00
Report by	Angela Lazaridis- Senior Development Assessment Planner
Application No	DA-2016/123

Council Resolution

Minute 2016/089

Resolved by the Administrator

- 1 That Council is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3) of Botany Bay Local Environmental Plan 2013 and that the proposed development is in the public interest because it is consistent with the objectives of the floor space ratio standard and the objectives for the R2 Low Density Residential zone.
 - 2 That the development application DA-2016/123 for the demolition of the existing structures, construction of two semi-detached dwellings and Torrens Title subdivision to create two new lots at 86 Maloney Street, Eastlakes be APPROVED pursuant to Section 80(1)(a) of the Environmental Planning and Assessment Act 1979 and subject to the conditions of consent attached to this report.
-

Officer Recommendation

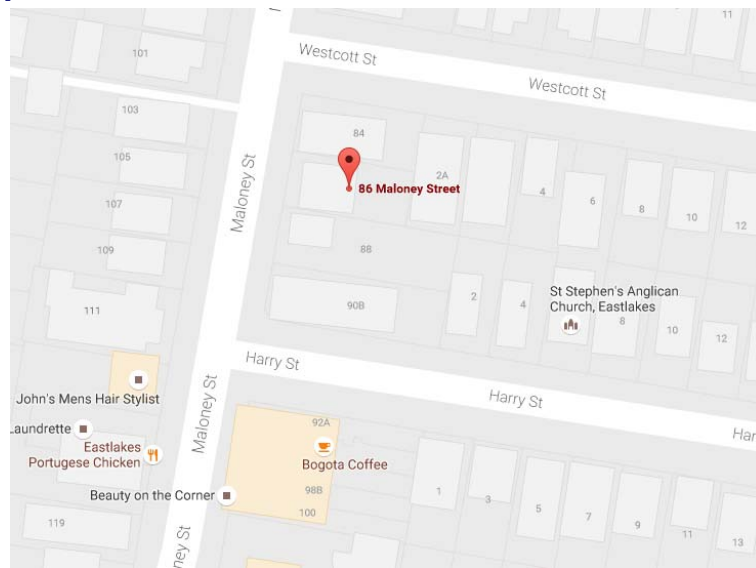
- 1 That Council is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3) of Botany Bay Local Environmental Plan 2013 and that the proposed development is in the public interest because it is consistent with the objectives of the floor space ratio standard and the objectives for the R2 Low Density Residential zone.
 - 2 That the development application DA-2016/123 for the demolition of the existing structures, construction of two semi-detached dwellings and Torrens Title subdivision to create two new lots at 86 Maloney Street, Eastlakes be APPROVED pursuant to Section 80(1)(a) of the Environmental Planning and Assessment Act 1979 and subject to the conditions of consent attached to this report.
-

Attachments

Planning Assessment Report

Table of lot sizes and frontages as required for assessment under the Botany Bay Development Control Plan 2013.

Location Plan



BAYSIDE COUNCIL

Planning Assessment Report

Application Details

Application Number:	2016/123
Date of Receipt:	29 July 2016
Property:	86 Maloney Street, Eastlakes NSW 2018
Owner:	Grace Miu Fong and Wok Wah Au-Yeung
Applicant:	AC Project Group
Proposal:	Demolition of the existing structures, construction of two semi-detached dwellings and Torrens Title subdivision to create two new lots
Value:	\$850,000.00
No. of submissions:	Three (3) objections
Author:	Angela Lazaridis, Senior Development Assessment Planner
Date of Report:	8 November 2016

Key Issues

The former City of Botany Bay received Development Application No. 16/123 on 29 July 2016 seeking consent for the demolition of the existing structures, construction of two semi-detached dwellings and Torrens Title subdivision to create two new lots at 86 Maloney Street, Eastlakes.

The application was placed on public exhibition for a fourteen (14) day period from 10 August to 24 August 2016. Three objections were received.

On 26 October 2016, Council requested the applicant amend their architectural plans to meet the flooding finished floor level, set back the garages off the boundary, amend shadow diagrams, provide a Clause 4.6 variation to the FSR and minor architectural changes to provide greater privacy to the neighbours and improve design excellence. This information was provided for consideration on 3 November 2016.

Key issues in the assessment of the proposal include non-compliance in FSR, subdivision pattern and the solar amenity of the neighbouring property. A FSR of 0.5:1 is applicable for semi-detached dwelling houses within the Area 3 zone. The development proposes an FSR of 0.79:1 for each dwelling. This is a variation of 60.5sqm to the standard. The applicant has submitted a Clause 4.6 which is well founded. As the site is located within the Special Area H1 which allows for smaller allotments and higher densities, and the blanket FSR control does not reflect the desired character of the area. Council has in the past approved semi-detached dwelling houses in the Special Area H1 and H2 with a higher FSR up to the maximum FSR allowed for a dwelling house and therefore in this instance the FSR is acceptable.

The subdivision pattern for the street is varied. There are currently no examples amongst the immediate surrounding areas of semi-detached dwellings. However, Part 4A and Part 8 of the Botany Bay Development Control Plan 2013 have earmarked this area (Special Area H1) for

terrace style dwellings. The proposal will be consistent with the desired future character of the Special Area along Maloney Street is discussed in detail below in the report. In regards to overshadowing, the site has an east to west orientation therefore the property to the south (88 Maloney Street) will be overshadowed by the development. Shadow diagrams have been provided as part of the development application which demonstrates that the existing and the proposed dwellings overshadow the adjoining dwelling at June 21 (between 9am and 3pm). Further impact is created during March/September which demonstrates that between 9am to 2pm, the proposal will overshadow the two neighbouring windows. A discussion against the planning principle for solar amenity is discussed in the report below.

The applicant has proposed that the construction of the development be carried out in stages. The stages are as follows: Stage 1 is demolition, Stage 2 is construction, Stage 3 is subdivision of the site into two Torrens Title allotments and Stage 4 will include internal fitout, driveways and landscaping. Council has enforced with semi-detached subdivision developments that subdivision occur prior to the construction of the development as constructing two buildings on the site without subdivision first results in a dual occupancy which is a prohibited form of land use under the Botany Bay Local Environmental Plan 2013. Therefore the stages Council will enforce are Stage 1 is demolition, Stage 2 is subdivision, Stage 3 is construction and Stage 4 is the internal fitout, driveways and landscaping. This is reflected within the conditions of consent in the attached Schedule.

The development application has been assessed in accordance with the relevant requirements of the *Environmental Planning and Assessment Act 1979* and is recommended for approval, subject to conditions of consent.

Recommendation

That the variation under Clause 4.6 to the Floor Space Ratio development standard be supported and the development by APPROVED, subject to conditions.

Background

History

Development Application No. 00(94) approved on 21 October 1999 the demolition of the existing garage and construction of a new attached garage with laundry.

Development Application No. 00(732) approved on 18 May 2000 the construction of a double garage and awning.

The application was placed on public exhibition for a fourteen (14) day period from 20 July to 3 August 2016. Three objections were received.

On 26 October 2016, Council requested the applicant amend their architectural plans to meet the flooding finished floor level, set back the garages off the boundary, amend shadow diagrams, provide a Clause 4.6 variation to the FSR and minor architectural changes to provide greater privacy to the neighbours and improve design excellence. This information was provided for consideration on 3 November 2016.

A site inspection was carried out on 11 November 2016.

Proposal

The development application, in its amended form, seeks consent for the demolition of the existing structures, construction of two semi-detached dwellings and Torrens Title subdivision to create two new lots. The applicant has proposed to carry out the development in stages with demolition as Stage 1, construction of the dwellings as Stage 2, subdivision as Stage 3 and landscaping works as Stage 4.

The specifics of the proposal are as follows:

Demolition and Site Clearing

- Demolition of all existing structures on the site including the dwelling house, front fence and garage.

Subdivision

- Subdivision of the site into two separate allotments (Lot A1 and A2 or 86 and 86A Maloney Street) with both lots having a site area of 208.65sqm.
- Both lots will have a street frontage and rear boundary width of 6.89 metres and side boundary depths of 30.48 metres.

Ground Floor (both dwellings)

- Construction of the ground floor will include a front porch, single garage, separate living room, study, bathroom and an open plan kitchen, dining and family room;
- Installation of seven (7) windows and one sliding door leading out to the rear yard on each site;
-
- Installation of 3,000L Rainwater tanks to be installed along the side setbacks;
- Landscaping works are proposed to the front and rear yard including pavers to accommodate a hard stand and pathway to the front of the dwelling.

First Floor (both dwellings)

- Construction of four (4) bedrooms (one with ensuite and W.I.R) and a bathroom;
- Installation of five (5) aluminium framed windows and one sliding door leading out to the front balcony on each site;
- One planter box is proposed along the front elevation on the A1 lot;
- Installation of 1.6 metre high privacy screens along the side elevations of the balcony;
- One skylight is installed over the hallway.

Materials of Construction

The proposed development will be constructed using the following materials and colours:

- Concrete tile roof;
- Frosted glass balustrade;
- Aluminium windows and doors;
- Facebrick and rendered walls;
- Facebrick front fence.

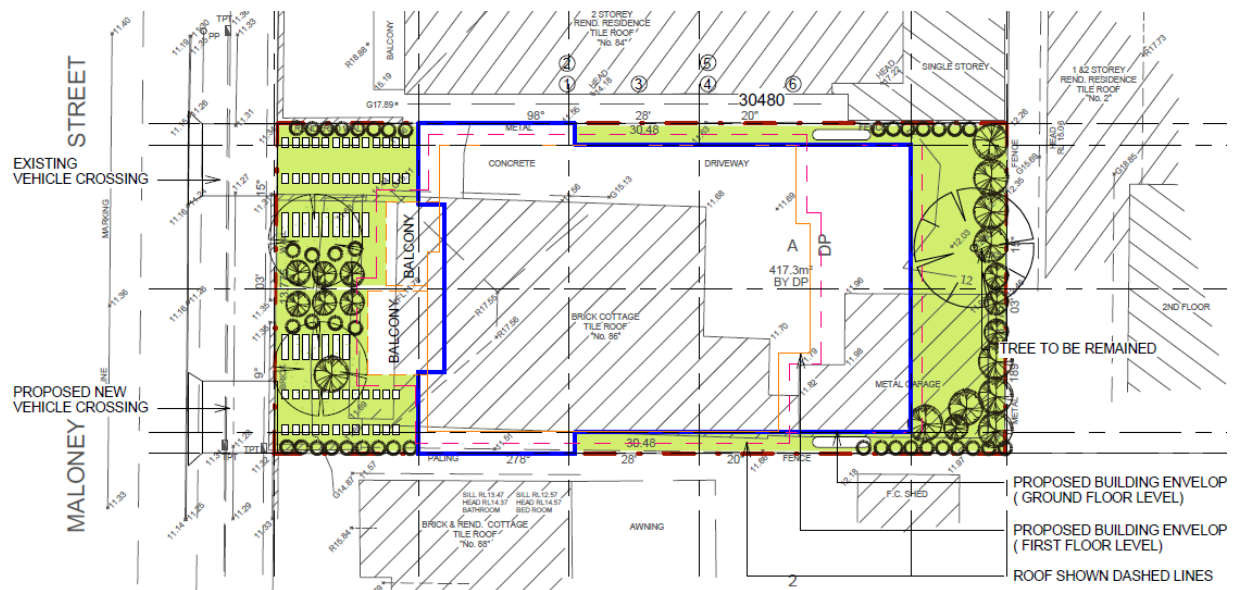


Figure 1. Proposed Site Plan

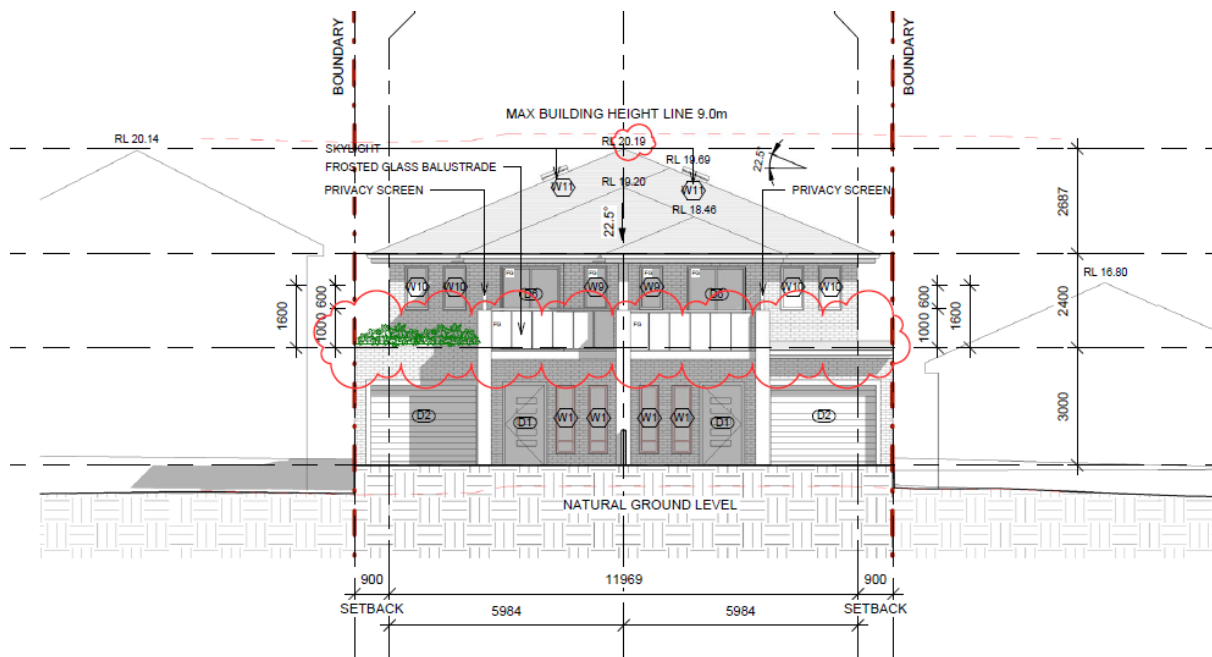


Figure 2. Proposed front (western) elevation

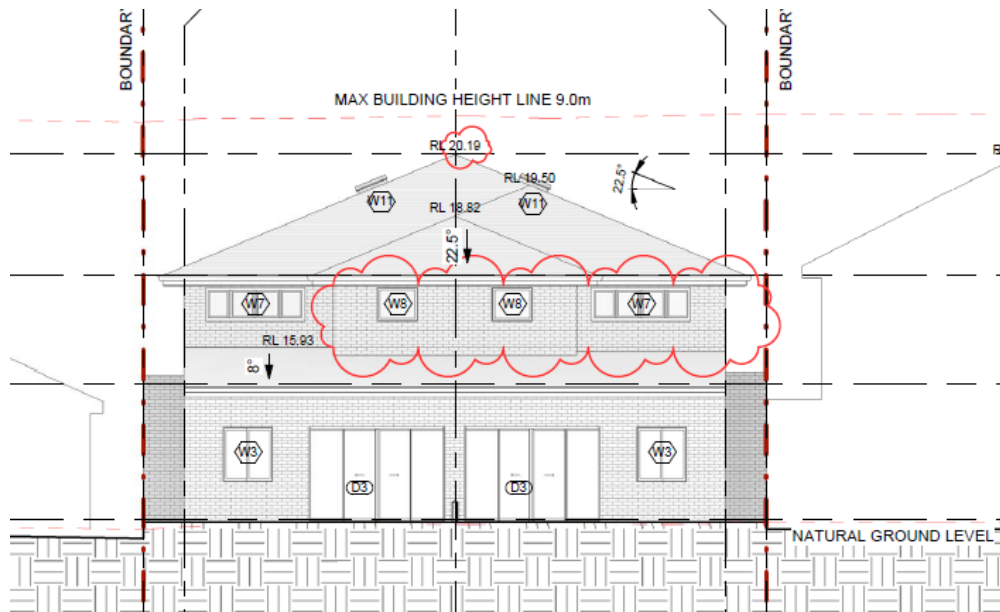


Figure 3. Proposed rear (eastern) elevation

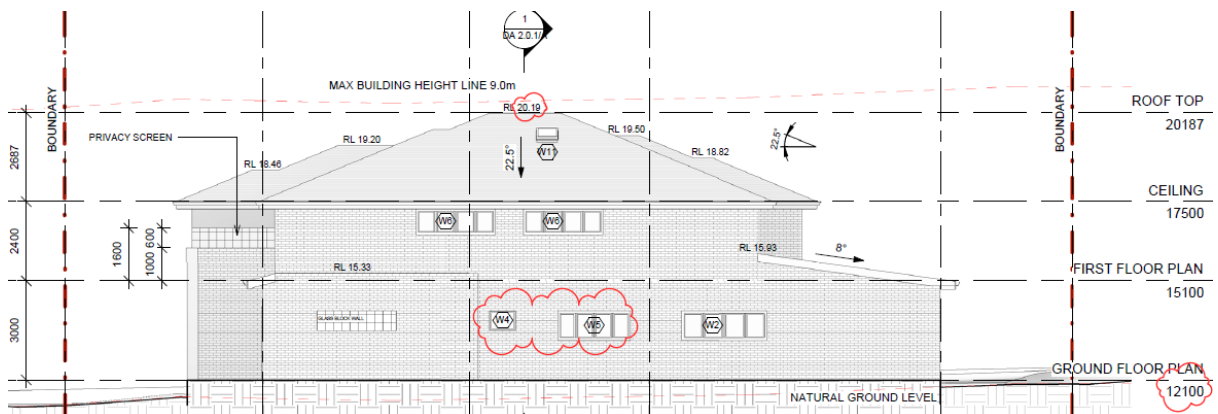


Figure 4. Proposed Southern Elevation

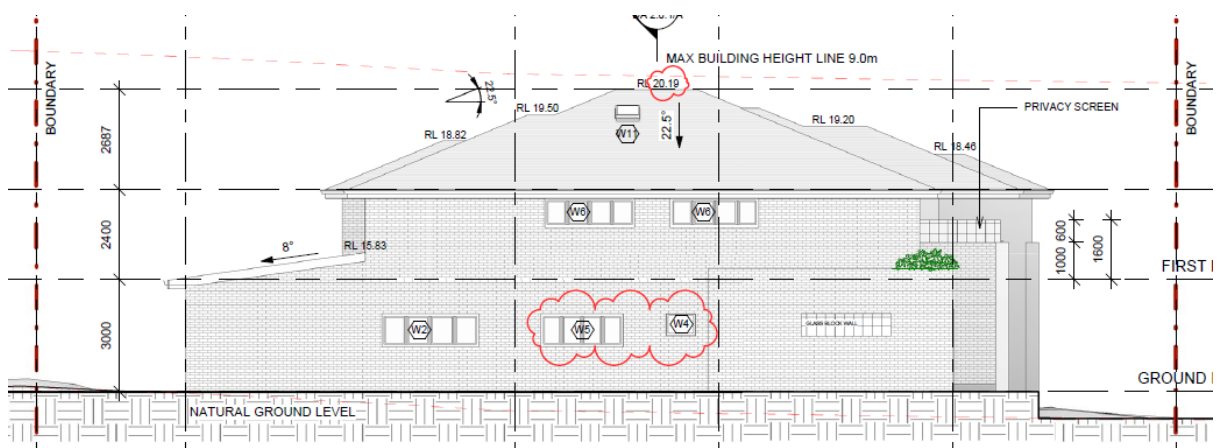


Figure 5. Proposed Northern Elevation

Site Description

The site is legally known as Lot A in DP 340229. The subject site is located on the eastern side of Maloney Street between Wescott Street to the north and Harry Street to the south. The site has an east to west orientation with east being the rear of the site and west being the front of the site (Maloney Street). The site is located in the R2 Low Density Residential zone.

The subject site is rectangular in shape with a total area of 417.3sqm. The site has a street frontage width and boundary width of 13.76 metres and side boundary depths of 30.48 metres. The site is relatively flat, with a fall of approximately 3% southwest to Maloney Street.

The site currently has a single storey detached cottage with timber walls and a terracotta tiled roof. At the rear of the site, there consists of a double garage accessed by a driveway along the northern side of the site with access off Maloney Street. There are two small trees located within the front yard and there is a medium sized mango tree within the rear yard.

The adjoining property to the north at 84 Maloney Street comprises of a two storey brick detached dwelling house.

Surrounding development consists of single storey and two storey detached dwelling houses to the north, south and east. There is an example of a three storey walk up apartment block two properties to the south of the site. Further to the south, comprises of shoptop housing within the Maloney Street Neighbourhood Centre. The site is located in the 20-25 ANEF Contour.

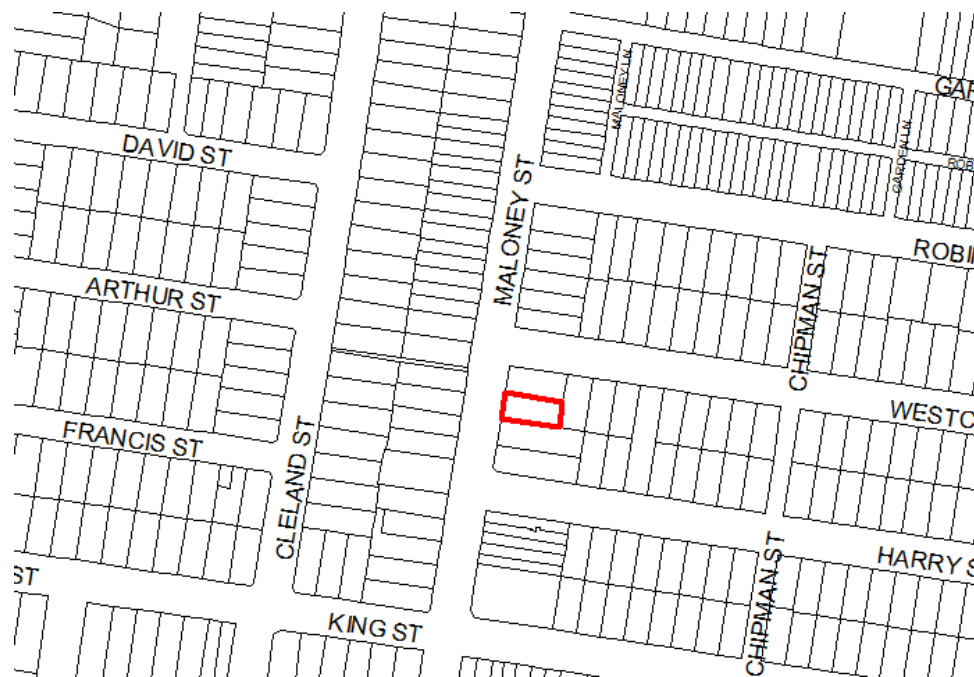


Figure 6. Locality Plan

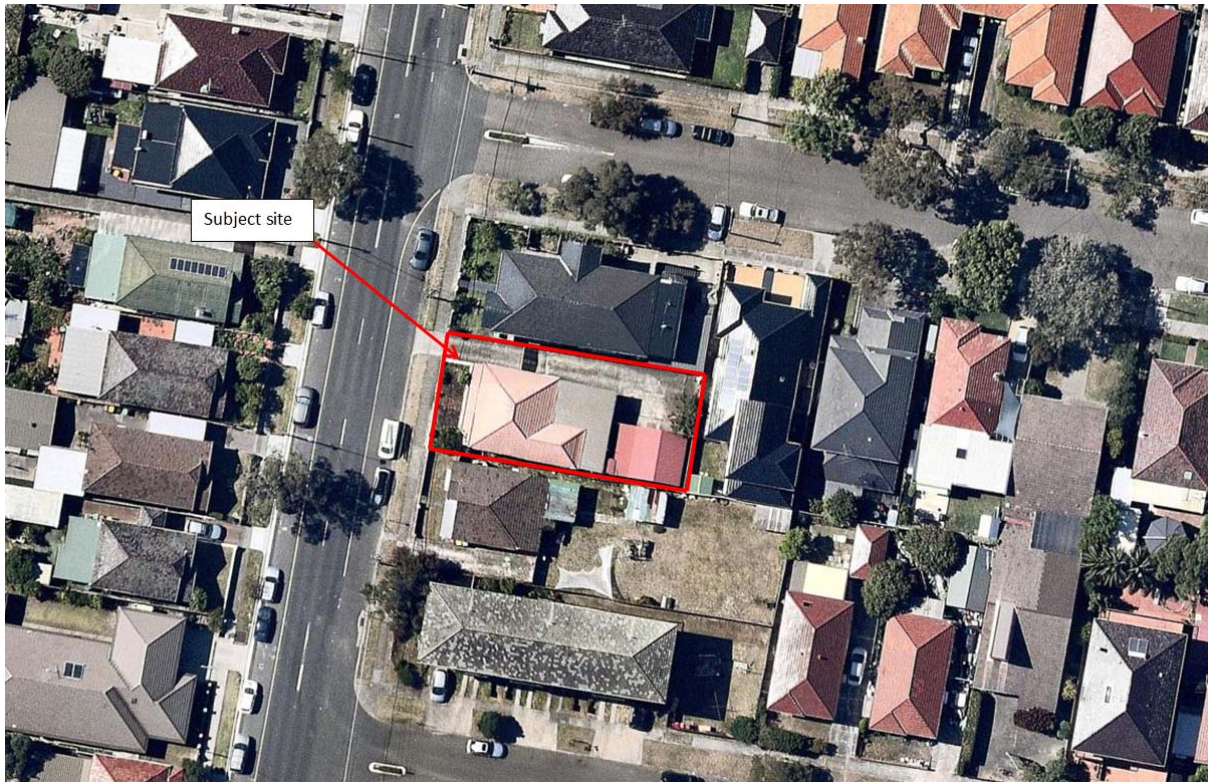


Figure 7. Aerial Map of subject site



Figure 8. Front elevation of the existing dwelling

Referrals

The development application was referred to Council's Development Engineer and Landscape Architect for comments. Appropriate conditions have been imposed on the development consent to address the relevant issues raised relating to stormwater, flood levels and landscaping.

Statutory Considerations

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

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

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

The following Environmental Planning Instruments are relevant to this application:

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

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ("BASIX") applies to the proposed development. The development application was accompanied by BASIX Certificate No. 742693M dated 22 July 2016 and received by Council on 29 July 2016 committing to environmental sustainable measures.

State Environmental Planning Policy No. 55 – Remediation of Land

The provisions of SEPP 55 have been considered in the assessment of the development application, along with the requirements of Part 3K- Contamination of the Botany Bay Development Control Plan 2013. The likelihood of encountering contaminated soils on the subject site is considered to be extremely low given the following:

1. The site appears to have been continuously used for residential purposes;
2. The adjoining and adjacent properties are currently used for residential purposes;
3. The site and surrounding land were not previously zoned for purposes identified under Table 1 of the contaminated land-planning guide in SEPP 55, in particular industrial, agricultural or defence uses.

On this basis, the site is considered suitable in its present state for the proposed residential development. No further investigations of contamination are considered necessary.

Botany Bay Local Environmental Plan 2013

Botany Bay Local Environmental Plan 2013 has been considered in the assessment of the Development Application and the following information is provided:

Relevant Clauses Principal Provisions of Botany Bay Local Environmental Plan 2013	Compliance Yes/No	Comment
Land use Zone	Yes	The site is zoned R2 Low Density Residential zone under the Botany Bay Local Environmental Plan 2013.
Is the proposed use/works permitted with development consent?	Yes	The proposed use as semi-detached dwelling houses with subdivision is permissible with Council's consent under the Botany Bay Local Environmental Plan 2013.
Does the proposed use/works meet the objectives of the zone?	Yes	<p>The proposed development is consistent with the objectives of the R2 zone which are:</p> <ul style="list-style-type: none"> • <i>To provide for the housing needs of the community within a low density residential environment;</i> • <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents;</i> • <i>To encourage development that promotes walking and cycling.</i>
What is the height of the building?	-	A maximum height of 9 metres applies to the subject site.
Does the height of the building comply with the maximum building height?	Yes	<p>Lot A1 = 8.7m from the NGL Lot A2 = 8.7m from the NGL.</p> <p>The maximum height of the dwellings complies with Council's requirements under the Botany Bay Local Environmental Plan 2013.</p>
What is the proposed Floor Space Ratio?	-	The maximum Floor Space Ratio requirement is 0.5:1.
Does the Floor Space Ratio of the building comply with the maximum Floor Space Ratio?	No- Refer to Note 1 below	<p>Both Lot A1 and Lot A2 have a site area of 208.65sqm.</p> <p><u>Lot A1:</u></p> <p>Proposed Gross Floor Area: 164.83sqm Proposed Floor Space Ratio: 0.79:1</p> <p><u>Lot A2:</u></p> <p>Proposed Gross Floor Area: 164.8sqm Proposed Floor Space Ratio: 0.79:1</p>

Relevant Clauses Principal Provisions of Botany Bay Local Environmental Plan 2013	Compliance Yes/No	Comment
		The Floor Space Ratio for both sites does not comply with Council's requirements under the Botany Bay Local Environmental Plan 2013. A Clause 4.6 variation to the FSR Standard has been submitted as part of the proposal.
<p>Is the site within land marked "Area 3" on the Floor Space Ratio Map?</p> <p>If so, does it comply with the sliding scale for Floor Space Ratio in Clause 4.4A?</p>	No- Refer to Note 1 below	The site is located in the 'Area 3' zone. The development does not comply with the maximum Floor Space Ratio Requirement under the Botany Bay Local Environmental Plan 2013 for semi-detached dwellings. Discussion relating to the exceedance in FSR is provided below.
Is the land affected by road widening?	N/A	The subject site is not affected by road widening.
<p>The following provisions in Part 6 of Botany Bay Local Environmental Plan apply–</p> <ul style="list-style-type: none"> 6.1 – Acid Sulfate Soils 6.2 – Earthworks 6.3 – Stormwater Management 	<p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>Class 5 ASS- The likely disruption or effect on the soil conditions, in addition to possible site contamination has been appropriately considered and is found to be acceptable in this instance. As there is no significant excavation, an Acid Sulfate Soil Management Plan is not warranted.</p> <p>There is no proposed excavation involved as part of this proposal. The development is proposing to raise the ground level by providing fill to meet the finished floor level of 12.10 AHD required by Council. Excavation relating to the infiltration system is proposed. A soil and sediment erosion plan has been provided with the application.</p> <p>The proposed development has provided on-site infiltration systems located within the front yard of the development. All stormwater will drain to these systems. Additionally, one 3,000L rainwater tank will be installed on each site along the side setbacks.</p>

Relevant Clauses Principal Provisions of Botany Bay Local Environmental Plan 2013	Compliance Yes/No	Comment
<ul style="list-style-type: none"> 6.9 – Development in areas subject to aircraft noise 	Yes	The provisions of AS2021-2000 have been considered in the assessment of the development application, as the subject site is located within the 20-25 ANEF contour. The proposal is permissible subject to a condition requiring compliance with the requirements of AS2021-2000. As such, the development is considered to be acceptable with regard to the provisions contained in Clause 6.9.

Note 1 – Variation to the Floor Space Ratio Standard

The site is located within 'Area 3' on the FSR map and therefore Clause 4.4A of the BBLEP 2013 applies to the proposal. The objectives of this clause are as follows:

- a) *To ensure that the bulk and scale of development is compatible with the character of the locality; and*
- b) *To promote good residential amenity.*

Pursuant to Clause 4.4A(3)(d), the proposal is defined as a 'semi-detached dwelling' and not defined as a 'dwelling house' or 'multi-dwelling' housing, and as such would fall under the category of 'all other development for the purpose of residential accommodation'. Therefore the maximum permitted FSR is 0.5:1. The FSR for a dwelling house is 0.8:1.

The proposal is for the demolition of the existing structures, construction of two semi-detached dwellings and Torrens Title subdivision to create two new lots. The following table demonstrates the relevant lot sizes, the proposed gross floor area and floor space ratio of the two allotments:

Proposed	Lot A1 (86 Maloney Street)	Lot A2 (86A Maloney Street)
Site Area	208.65sqm	208.65sqm
GFA	164.83sqm	164.8sqm
FSR	0.79:1	0.79:1
Variation to Standard	60.5sqm	60.475sqm

The applicant has provided a Clause 4.6 variation to the floor space ratio development standard which provides justification for the exceedance in gross floor area. Excerpts from the applicant's variation are outlined as follows:

Compliance with the development standard is unreasonable or unnecessary:

"One of the objectives of Clause 4.6 is to allow better outcomes to be achieved. In this case a better planning outcome is achieved by allowing a breach of the applicable FSR development standard. The DCP provisions seek to encourage semi-detached dwellings in Maloney Street. However, the BBLEP FSR controls, by prescribing a lower FSR for semi-detached dwellings, compared to detached single dwellings, effectively discourages development of new semi-detached dwellings. The density and urban design outcomes

of allowing the requested FSR of 0.79:1 are no difference from those that would arise if a single two storey detached dwelling was erected on each allotment. The semi-detached housing form is more appropriate on narrow lots and makes more efficient use of the land by including a common wall between the 2 dwellings. Separating the two proposed dwellings would offer no material planning, urban design or amenity benefit.

Despite the numerical FSR non-compliance, the streetscape and the environmental and visual qualities of the locality and amenity of surrounding properties will be maintained to substantially the same extent that is considered acceptable for a single dwelling residential development at a numerically compliant FSR. The extent of impact arising from the numerical non-compliance is relatively minor compared to a development with a complying FSR."

There are sufficient environmental planning grounds to justify contravening the development standard:

"As noted above, the planning objectives seek to encourage semi-detached dwellings in Maloney Street, while BBLEP 2013 penalises such development by prescribing a much lower FSR compared to single detached dwellings. The desirability of making efficient use of land and providing additional housing and greater choice of housing in this locality, at a density and intensity that is no different from that which would occur if the proposal was for 2 single detached dwellings, is sufficient justification to contravene the development standard.

Further, the numerical FSR non-compliance results in no increase in environmental impact compared to a complying FSR and building bulk, scale and height is commensurate with the construction of separate detached dwellings on the proposed lots and does not materially change the streetscape or neighbourhood character, compared to development of separate single detached dwellings.

Council must also be satisfied that the proposal meets the objectives of the standard and the objectives of the subject zone. As discussed above, the proposal meets the objectives of the FSR standard and in this clause 4.6 submission, it is also demonstrated that the proposal meets the objectives of the R2 zone."

Consent may be granted for the proposal subject to Clause 4.6, notwithstanding that the proposal would contravene this development standard, as the FSR development standard is not expressly excluded from this Clause (Cl 4.6(2)). The applicant has provided a written request justifying the contravention of the development standard pursuant to Clause 4.6(3) of BBLEP 2013, which is considered below. The matters for consideration pursuant to Clause 4.6(4) and (5) are also considered below. Clause 4.6 (6), (7) and (8) are not relevant to the current proposal.

In *Wehbe v Pittwater Council* [2007] NSWLEC 827 (*Wehbe*), the Land and Environment Court set out the following 5 different ways in which an objection to a development standard may be well founded:

- 1. The objectives of the standard are achieved notwithstanding non-compliance with the standard;*
- 2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*
- 3. The underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*

4. *The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*
5. *The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.*

In *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 1009 & NSW LEC 90 (*Four2Five*), the Court established that the construction of Clause 4.6 is such that it is not sufficient for the applicant to demonstrate that there are sufficient environmental planning grounds to justify contravening the development standards, as required by Clause 4.6(3)(b), or for the consent authority to be satisfied that the proposed development is consistent with the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, as required by Clause 4.6(4)(a)(ii). The Court outlines, that Clause 4.6 requires that in addition to the requirements listed above, the applicant must also establish that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, as is required by Clause 4.6(3)(a). This may involve reference to reasons 2-5 outlined within *Wehbe*.

The requirements of 4.6(3)(a), 4.6(3)(b), and 4.6(4)(a)(ii) are each addressed separately below:

Cl. 4.6(3)(a): Is the development standard unreasonable or unnecessary in the circumstances of the case?

Officer's Comment:

The applicant has provided a Clause 4.6 variation to justify the exceedance of the floor space ratio on the site.

- The proposed development is compatible with the bulk and scale permitted for the area and the future desired character of the locality, given the low density residential nature of the site and area, particularly in Eastlakes;
- The proposal has maintained an appropriate visual character in that the dwellings align with or is behind the front setback of the adjoining properties with the first floor further setback to the rear and from the rear;
- There will be no significant adverse impacts on the road network as a result of the proposed development;
- The development is compliant with the height and scale of two storey dwelling houses to the north and south of the site along Maloney Street;
- The proposal provides for an appropriate correlation between size of the site and the extent of the development.

The development standard would be unreasonable in this instance in order to accommodate semi-detached dwelling houses within the Special H1 Area.

Cl. 4.6(3)(b): Are there sufficient environmental planning grounds to justify contravening the development standard:

Officer's Comment:

- The non-compliance floor space does not contribute to the semi-detached dwellings being of unreasonable bulk and scale, particularly as it does not exceed the maximum floor space for a dwelling house;
- The proposal will create an appropriate built form which is consistent with the surrounding low density residential developments and the existing residential apartment buildings operating under existing use rights. The height of the development does not exceed the height of the adjoining two storey dwelling and is compliant with Council's height requirement;
- The dwellings are articulated from the front, side and rear elevations, thereby minimising visible bulk and maintaining an appropriate visual relationship along the streetscape and the surrounding properties;
- The site is located within a Special H1 Area as identified within Part 8 and Part 4A of the Botany Bay Development Control Plan 2013. Sites within this area have been earmarked to allow terrace style development to be built. Controls relating to the Special Area thereby establish the maximum density, intensity and form of land use along Maloney Street.

Cl. 4.6(4)(a)(ii): Will the proposed development be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out?

The following matters pursuant to Clause 4.6 also considered:

- Objectives of Clause 4.6;
- Objectives of the Floor Space Ratio Standard;
- Objectives of the R2 Low Density Residential zone;
- Public Interest and public benefit of maintaining the development standard.

Objectives of Clause 4.6

The objectives of Clause 4.6 of the Botany Bay Local Environmental Plan 2013 are:

- To provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- To achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Officer's Comments:

Council recognises that the proposal meets the objectives of Clause 4.6 and those of the floor space ratio standards notwithstanding the proposed noncompliance. The proposal will facilitate a two x two storey semi-detached dwelling houses within the R2 Low Density Residential zone, which generally meets the required desired future character of the Eastlakes Precinct and the desired character of the Special H1 Area. The reasons outlined in the applicants Clause 4.6 variation are well founded and flexibility can be applied for as it achieves a better outcome for the site and surrounding development.

Objectives of the Floor Space Ratio Standard

The objectives of the Floor Space Ratio Standard are:

- to establish standards for the maximum development density and intensity of land use,*
- to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality,*

- c) *to maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing, and are not likely to undergo, a substantial transformation,*
- d) *to ensure that buildings do not adversely affect the streetscape, skyline or landscape when viewed from adjoining roads and other public places such as parks, and community facilities,*
- e) *to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain,*
- f) *to provide an appropriate correlation between the size of a site and the extent of any development on that site,*
- g) *to facilitate development that contributes to the economic growth of Botany Bay.*

Officer's Comments:

The proposal is consistent with the maximum FSR permissible for a dwelling house on a block with a site area between 200sqm-250sqm. The proposed semi-detached dwelling houses are of a similar bulk and scale of surrounding two storey dwelling houses and are of a lower density to the existing residential apartment buildings on Maloney Street. As the site falls within the Special H1 Area, it is expected that similar development will occur which allows for terraced housing on the street with higher height and minimum street frontage widths. The proposal maintains an appropriate visual relationship with the neighbouring properties and the existing and future character of the area. The proposal is not considered to create adverse impacts on the privacy and views currently experienced by the adjoining sites and the size of the dwellings is substantively the same as would be permitted for single detached dwellings on the proposed allotments.

Objectives of the zone

The objectives of the R2 Low Density Residential zone are as follows:

- *To provide for the housing needs of the community within a low density residential environment;*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents;*
- *To encourage development that promotes walking and cycling.*

Officer's Comments:

The proposed semi-detached dwelling houses are a permissible use within the R2 Low Density Residential zone and is in keeping and is consistent with the zone objectives.

Public Interest and Public Benefit

The proposed variation to the floor space ratio standard will be in the public interest as it will provide two new semi-detached dwellings on the subject site without adverse impact on the streetscape and the locality. The proposal is consistent with the desired future character of sites along Maloney Street and within the Special H1 Area as prescribed within Part 8-

Character Precinct and Part 4A- Dwelling Houses of the Botany Bay Development Control Plan 2013.

Summary

The Clause 4.6 exception to the height of building control has been assessed in accordance with relevant case law, being the principles of *Wehbe v Pittwater Council* [2007] NSWLEC 827 and *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 1009 & NSW LEC 90 (*Four2Five*). The proposal is consistent with the underlying objectives of the standard identified. The proposed development has been assessed against Councils' Botany Bay Local Environmental Plan 2013 and Botany Bay Development Control Plan 2013 controls which are compliant with the majority.

It has been established that the proposed development is appropriate and strict adherence to the development standard in this instance is unreasonable and unnecessary. Maintaining and enforcing the development standard in this case is viewed as unreasonable.

The applicant's Clause 4.6 is well-founded and the minor departure in FSR is in the public interest. On this basis, it is recommended that the development standard relating to the maximum FSR for the site pursuant to Clause 4.4 of the Botany Bay Local Environmental Plan 2013 should be varied in the circumstances as discussed above.

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

There are no current Draft EPIs applicable to this development

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

Botany Bay Development Control Plan 2013

The development proposal has been assessed against the controls contained in the Botany Bay Development Control Plan 2013 as follows:

Part 3A – Parking & Access

Part	Control	Proposed	Complies
3A.2. Parking Provisions of Specific Uses	C2 Semi-detached dwelling house = 1 space	Each dwelling provides a single car garage within the front building footprint. There is direct access to Maloney Street. The driveway on both sites can accommodate an additional parking space within each front yard.	Yes
3A.3.1 Car Park Design	C26 The minimum width of the access driveway at the property boundary shall be:-	There is one existing vehicular crossing that will be maintained. A second vehicular crossing is proposed along south-western side of the site to access Lot A2. The	Yes

Part	Control	Proposed	Complies
	(i) For dwelling houses: ▪ 3 metres	vehicular crossings are at least 3 metres wide.	

Part 3E- Subdivision & Amalgamation -3E.2.2. Residential Torrens Title

An assessment of the proposed subdivision is provided below:

Control	Proposed	Complies
<p>C1 Development applications shall demonstrate that the proposed subdivision is consistent with the Desired Future Character of the area.</p> <p>Desired Future Character – Subdivision Retain and preserve the rectilinear grid pattern within the Precinct</p>	Two allotments are proposed which are both rectangular in pattern and will maintain the rectilinear grid pattern within the precinct. A desired future character has been prepared for the precinct which the site is located within (Special H1 Area). This area includes Maloney Street, King Street, Coward Street and parts of Middlemiss and Tramway Street.	Yes – Refer to Note 2
<p>C2 – Proposed Subdivision must have characteristics similar to the prevailing subdivision pattern of lots fronting the same street, in terms of area, dimensions, shape and orientation</p>	Both lots (Lot A1 and A2) will have a site area of 208.65sqm; will have a west to east orientation, rectilinear shape and frontage to Maloney Street. The area and dimensions of the proposed allotments are similar a number of smaller lots along the street however are smaller than the average allotment size. The development is located within a Special H1 Area which allows for smaller street frontage widths of 5 metres.	Acceptable-Refer to Note 2
<p>C3– Development application which proposes the creation of new allotments must be accompanied by a conceptual building plan that demonstrates compliance with relevant building controls.</p>	Building Plans for the development have been provided.	Yes
<p>C5 –Proposed lots must be of a size and have dimensions to enable the siting and construction</p>		

Control	Proposed	Complies
of a dwelling and ancillary structures that: i) Acknowledge site constraints ii) Address the street iii) Minimize impacts on adjoining properties including access to sunlight, daylight, privacy and views iv) Provide usable private open space v) Protect existing vegetation vi) Mitigate potential flood affectation and stormwater management requirements vii) Acknowledge contamination of the land viii) Protect heritage items	The proposed allotments can accommodate dwelling houses that acknowledge site constraints, street frontage, solar access, private open space, vegetation, flood affectation and contamination.	Yes
C7 All lots created shall have at least one (1) frontage to the street.	Both lots have a frontage to Maloney Street.	Yes

Note 2 – Prevailing Subdivision Pattern

Council generally considers the prevailing subdivision pattern to be the typical characteristic of up to ten allotments on either side of the subject site and corresponding number of allotments directly opposite the subject site. It is noted that the DCP does not provide any exclusions to how this subdivision pattern should be calculated in terms of zoning, strata subdivided properties or subdivided developments approved prior to the gazettal of the Botany Bay Local Environmental Plan 2013.

The objectives of Part 3E.2.1 – General Torrens Title Subdivision and Amalgamation of the Botany Bay Development Control Plan 2013 is to provide a building envelope that can accommodate an appropriately sized dwelling without resulting in adverse impacts on the surrounding properties. As demonstrated in the assessment of the development application, the proposed dwellings on Lot A1 and A2 at 86 Maloney Street generally comply with the DCP controls for dwellings.

Site Area

In summary, the site will be subdivided into two individual allotments namely Lot A1 or 86 Maloney Street (208.65sqm) and Lot A2 or 86A Maloney Street (208.65sqm). An assessment of the lot sizes of ten properties on either side of the subject site as well as the then properties to the rear of the site are contained in Attachment 1.

As demonstrated in the table above, the subdivision pattern exhibits a varied pattern in allotment sizes ranging from 187.9sqm to 1,178.39sqm. This is a result of a mix of uses within the analysis area, from shoptop housing, commercial premises, residential flat buildings and dwelling houses. The average allotment size is 367.66sqm which is greater than the proposed site area of 208.65sqm. However, Council does not have minimum lot sizes and the proposed sizes would depend on the requirements within the desired future character of the area. As the sites are located within the Special Area H1, the desired character differs from areas that are excluded for the zone.

Council encourages for terrace style development within this area, and the applicant has proposed a development that is consistent with Council's requirements.

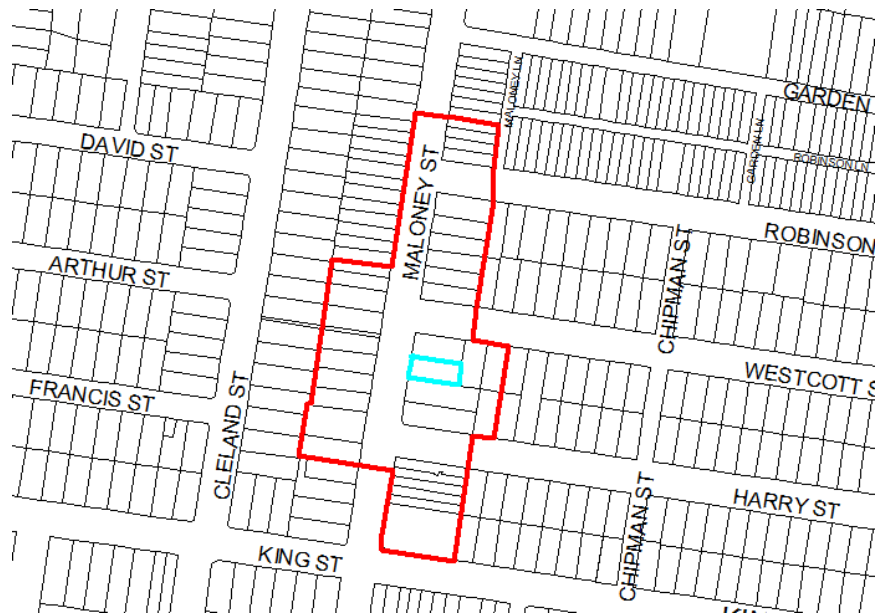


Figure 9. Cadastre of Existing Subdivision Pattern for Precinct

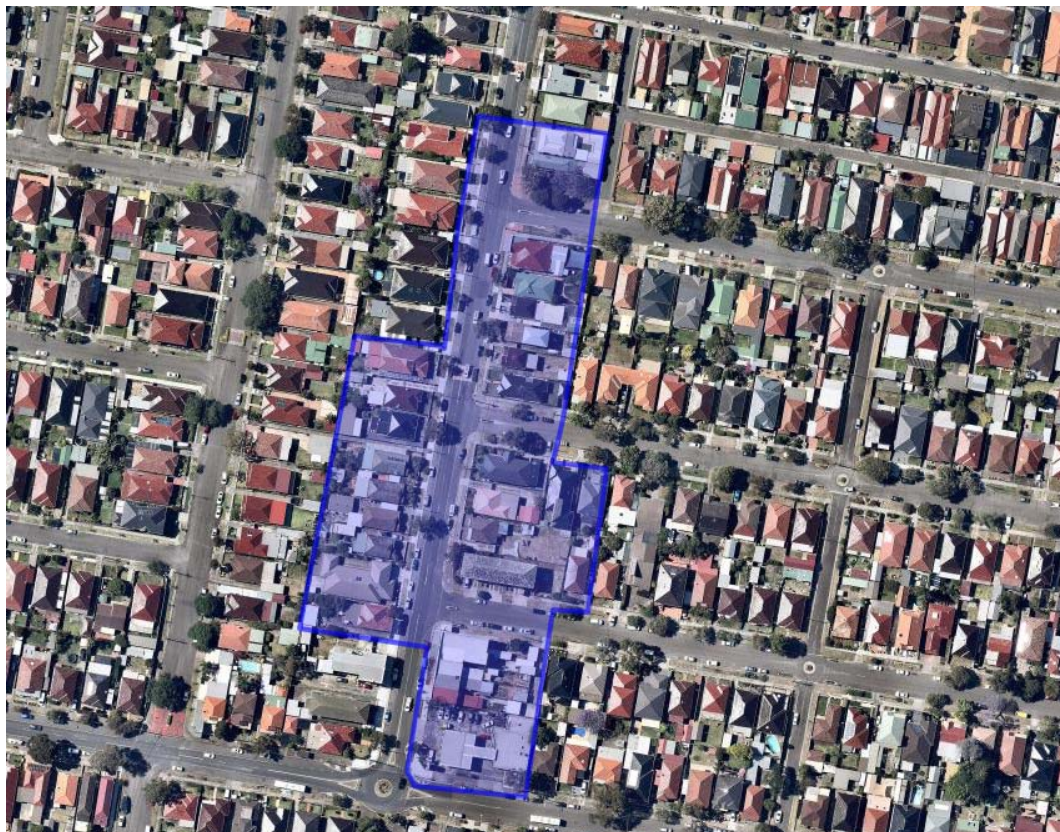


Figure 10. Aerial of existing subdivision pattern for precinct and subject site

The applicant provided the following comments relating to the subdivision pattern:

“The prevailing residential subdivision pattern along Maloney Street in the immediate vicinity of the site comprises rectangular allotments with frontages of 12m to 15m and depths of approximately 40m. Further to the north, generally

north of Westcott Street narrower lot frontages are common and on the eastern side of Maloney Street reduced lot depths of 30.48m prevail. For the most part, where narrower lot widths exist, single dwellings extend over 2 lots.

The proposed 2 lot Torren Title subdivision is consistent with the prevailing subdivision pattern, nearby to the north of Westcott Street. The subject land is located within DCP Special Area H1, which identifies land either side of Maloney Street for increased dwelling density and reduced lot width, with a minimum lot width of 5m as the desired future character for Maloney Street. The proposed subdivision is consistent with the desired future character for Maloney Street, which encourages narrower allotments and semi-detached housing.

The proposed subdivision suitably considers site features and constraints and does not materially impact on the amenity of existing developments in the locality. The subdivision will not compromise any significant features of existing or adjoining sites, including landscape features or trees and is compatible with the existing streetscape and consistent with the desired future character of Maloney Street, which encourages the development of a semi-detached housing streetscape character.

The site is not located on land within the ANEF 30+ contour, nor is the site affected by flooding or projected rises in sea level.

Each lot has its own street frontage, with a lot width in excess of 5m (as required pursuant to Control C4 of Section 3E.2.1 of the DCP) and ample allotment depth. Separate drainage, sewerage, electricity and telephone infrastructure will be provided for each allotment. The house plans submitted with the development application demonstrate that each allotment can be suitably developed in accordance with Council's DCP residential development controls."

Council generally agrees with the statement provided by the applicant as the development has been designed in comparison to the desired future character of the Eastlakes Special H1 Area. Greater discussion relating to the desired future character of the site is provided in *Part 8 – Character Precinct* below.

Street Frontage Width

As part of the prevailing subdivision pattern, the frontage and depth of surrounding development must be considered. The street frontage widths for adjoining properties along Maloney Street, Westcott Street and Harry Street is contained in the tables in the attachment.

Based on the tables in the attachment, the average street frontage width is 10.5 metres which is greater than the proposed 6.89 metres. The average includes a variety of commercial developments such as shoptop housing (with the average size being 5.5 metres) and the service station on the corner of King and Maloney Streets which has a large street frontage (27.43 metres). If the service station is not included within the calculation, the average frontage width is 10m.

The site is located in Special Area H1 within Part 4A and Part 8 of the Botany Bay Development Control Plan 2013. Control C4 of Part 3E.2.2 states that notwithstanding Control C2 which details that the proposed subdivision or amalgamation must have characteristics of the prevailing subdivision pattern, land within Area H1 and H2 may have a minimum lot width of 5 metres. The proposed street frontage width for both

sites is 6.89 metres which exceeds the minimum 5 metres permissible within the area. In regards to visual privacy and solar amenity of the neighbouring properties, these issues are discussed in greater detail in the report below. A portion of the development (the garages) are built on the boundary for a length of 6 metres which is permissible for sites that have a street frontage width less than 12.5 metres under Part 4A.2.8 of the Botany Bay Development Control Plan 2013. The garages do not contribute to the neighbouring visual privacy amenity. Other than the garages, the development is positioned 900mm away from the side boundaries and the height of the development does not surpass 9 metres.

A desktop analysis of the surrounding area included in Maloney Street, Westcott Street and Harry Street demonstrate that there is one example of a semi-detached dwelling house at 97 and 97A Maloney Street however this is an older semi-detached subdivision. The proposal will be the first new subdivision in the street. As stated above, the Special H Areas have been earmarked by Council to provide with a variety of development, predominantly towards the terrace style dwellings. The proposal is consistent in nature with the height and roof forms to surrounding sites. The presence of the development resembles a single dwelling with a combination of varied front elevations, materials and roof forms.

On its merits, the appropriateness of the resultant subdivision is acceptable when taking into consideration the controls within the Botany Bay Development Controls Plan 2013, for Special Area H1 along Maloney Street, the provision of housing opportunities in the locality and compliance with the general controls under the Botany Bay Local Environmental Plan 2013 and Botany Bay Development Control Plan 2013.

Part 3G- Stormwater Management

The proposed development has provided on-site infiltration systems located within the front yard of the development. All stormwater will drain to these systems. Additionally, one 3,000L rainwater tank will be installed on each site along the side setbacks. The application was referred to Council's Development Engineer for comment who raised no objection to the proposal subject to appropriate conditions recommended in the consent.

Part 3J- Aircraft Noise and OLS

The provisions of AS2021-2000 have been considered in the assessment of the development application, as the subject site is located within the 20-25 ANEF contour. The proposal is permissible subject to a condition requiring compliance with the requirements of AS2021-2000. Appropriate conditions have been imposed in the attached Schedule of conditions of consent.

Part 3K- Contamination

The relevant requirements and objectives have been considered in the assessment of the development application. The subject site has long been used for residential purposes and contamination is unlikely. Furthermore, the application has been assessed against SEPP 55 and is found to be satisfactory. Site investigation is not required in this instance.

Part 3L- Landscaping and Tree Management

The development proposes an adequate amount of landscaping for both sites with areas having an approximate total of 76.02sqm or 36.44% for Lot A1 and 75.95sqm or 36.4% for Lot A2 of landscaped area. The rear yard currently consists of a Mango Tree which will be retained within the rear yard of Lot A1. The applicant has proposed to

plant one tree within each front yard- a *Acmena smithii* and a *Tristanopsis laurina*. Appropriate conditions have been imposed in the consent attached with the report. Some of the other trees and vegetation proposed include *Cordyline terminalis* 'Rubra', *Correa alba*, *Syzygium* 'Hunchy' and *Phormium* 'Bronze Baby'.

Part 3N- Waste Minimisation & Management

A Waste Management Plan (WMP) was submitted with the application. Conditions are included to ensure all waste generated will be stockpiled, managed and disposed of appropriately.

Part 4A- Dwelling Houses

The development application has been assessed against the controls contained in *Part 4A of the DCP – Dwellings*. The following table compares the proposed development with the relevant provisions of this policy.

Part	Control	Proposed	Complies
4A.2.4 Streetscape Presentation	C3 Dwellings must reflect dominant roof lines and patterns of the existing streetscape.	The dominant roof pitch in the area is hipped roof. The proposal incorporates a hip and valley roof which is consistent for the area and encouraged.	Yes
	C4 Buildings must address the street.	Both dwellings address the street with the dwellings facing Maloney Street. This includes windows and first floor balconies facing the street. The front fence and letter boxes are also located along Maloney Street.	Yes
	C6 Dwellings front door is to be readily apparent from the street.	The front door of Lot A1 and A2 are provided with front entrances that are located off Maloney Street and are readily apparent from the street.	Yes
	C23 New dwellings within Special Area H1 are to take the form of a terrace house as identified in Figure 6.	The proposal is for two semi-detached dwelling houses. While they do not represent the form demonstrated in Figure 6, the density proposed is similar.	Yes
	C24 Terrace house development in Special Area H1 can have a maximum height of 9 metres.	The maximum height of the two dwellings is 8.7 metres. This is below the 9 metre maximum height limit.	Yes

Part	Control	Proposed	Complies
	C25 A minimum allotment frontage of 5 metres is permitted in Special Area H1	Each site will have a street frontage of 6.89 metres which surpasses the minimum 5 metres within the controls.	Yes
	C26 New dwellings must comply with the minimum parking requirements in Part 3A.	The car parking requirements are complied with for both sites.	Yes
	C27 Setbacks for new dwellings in Special Area H1 are to be determined following a detailed site analysis.	A detailed site analysis has been carried out. The garages are the only part of the structure that is built to the boundary. The nil setbacks is not the cause of the additional overshadowing but rather the two storey dwelling house itself.	Yes, discussed in Note 3 relating to solar
4A.2.7 Site Coverage	C2 Sites between 200-250sqm, the maximum site coverage is 65%.	Both Lots A1 and A2 have a site coverage of 64%.	Yes
4A.2.8 Building Setbacks	<p>C1 Dwelling houses must comply with the following minimum setbacks as set out in Table 1.</p> <p>Less than 12.5m lot width:</p> <ul style="list-style-type: none"> • Front – comply with prevailing street setback or 6m min. • Side – merit. • Rear – 4m min. • Nil Setback- merit • Eaves- 450mm min. <p>Note: The subject site has an average lot width of 13.76m however after subdivision each lot will have a street frontage width of 6.89 metres.</p>	<p>Front: <u>Ground floor:</u> 6 metres to the garages; 4.8 metres to front of porch <u>First floor:</u> 6.38 metres to building; 3.9 metres to balcony</p> <p>Side: <u>Northern side:</u> Nil for garages; 900mm on ground floor; 900mm on first floor</p> <p><u>Southern side:</u> Nil for garages; 900mm on ground floor; 900mm on first floor</p> <p>Rear: <u>Ground floor:</u> 4 metres <u>First Floor:</u> 8.2 metres</p> <p>Nil setbacks: Garages are proposed with a nil boundary setback for a length of 6 metres</p> <p>Eaves:</p>	Yes

Part	Control	Proposed	Complies
		450mm proposed	
	C5 Side and rear setbacks should be modulated to avoid the appearance of bulky or long walls. Side and rear setbacks should be stepped or walls articulated by projecting or recessing window elements.	The garages are located to the nil boundary and the remainder of the side elevations are setback 900mm. The first floor is modulated at the front and rear elevations.	Yes
4A.2.9 Landscape Area	C2 Development shall comply with the following minimum landscaped area requirements, based on the area of the site in Table 2 . Table 2 requires the following minimum landscaped area: (i) 15% for sites that have an area less than 250sqm	The minimum landscaped area for a site within an area less than 250sqm is 15%. Lot A1 has a landscaped area of 76.02sqm or 36.44% and Lot A2 has a landscaped area of 75.95sqm or 36.4%. All landscaped area on the site (other than the landscaped area within the front setback where the infiltration systems are located) is permeable deep soil planting. The landscape plan provided with the development application demonstrates that the existing mango tree will be retained within the rear yard.	Yes
	C8 The front setback is to be fully landscaped with trees and shrubs and is not to contain paved areas other than driveways and entry paths. Paving is restricted to a maximum of 50% of the front setback area.	The front setback will be completely landscaped with the exception of pavers/stepping stones to accommodate a car parking space and a path to the front entrance. The amount of paving does not exceed 50%.	Yes
	C9 The front setback area must contain at least one tree for frontages up to 11.5 metres in width and 2	The street frontage width is less than 11.5 metres therefore 1 tree is required within the front yard of each site. This is provided	Yes

Part	Control	Proposed	Complies
	trees for frontages greater than this and properties located on corner blocks.	for within the landscape plan.	
4A.3.1 Materials and Finishes	C1 A Schedule of Finishes and a detailed Colour Scheme for the building facade must accompany all Development Applications involving building works (refer to Council's Development Application Guide for further detail).	A Schedule of Colours and Finishes was provided with the development application. The type of materials and colours used include concrete tile roof, frosted glass balustrade, aluminium windows and door, face brick and rendered walls and face brick front fence.	Yes
4A.3.2 Roofs and Attics/Dormer	C1 Where roof forms in a street are predominantly pitched, then any proposed roof should provide a similar roof form and pitch. C3 A variety of roof forms will be considered, provided that they relate appropriately to the architectural style of the proposed house and respect the scale and character of adjoining dwellings.	The proposed roof form is pitched roof which is the predominant roof form in the street. The front elevation also demonstrates a break in the roof form to incorporate hip and valley roof at the front and rear elevations. This roof form is still consistent with the roof form in the area and complements the architectural style of the dwelling.	Yes
4A.3.4 Fences	C7 Fences (or returns) that are higher than 1 metre are not encouraged along residential frontages but may be constructed to a maximum of 1.2 metres provided the top 600mm of the fence is 50% transparent or open style	The proposed front fence will have a maximum height of less than 1.2 metres and is constructed out of facebrick.	Yes
	C18 Side fences of a height of 1.8 metres are not to extend beyond the front building line. Note: Fences with untextured surfaces that present a blank appearance to the street	The applicant is proposing 1.8 metre high side fences. The material and style of the fences is to be determined by the neighbours.	Yes

Part	Control	Proposed	Complies
	are unsuitable and discouraged.		
	C19 The maximum height of a rear fence is not to exceed 1.8 metres.	The applicant is proposing 1.8 metre high rear fence. The material and style of the fences is to be determined by the neighbours.	Yes
4A.4.1 Visual Privacy	C2 Visual privacy for adjoining properties must be minimised by: <ul style="list-style-type: none"> ▪ using windows which are narrow or glazing ▪ Ensuring that windows do not face directly on to windows, balconies or courtyards of adjoining dwellings ▪ Screening opposing windows, balconies and courtyards; and ▪ Increasing sill heights to 1.5 metres above floor level. 	<p>The windows on the ground floor have a minimum sill height of 1.2 metres. The windows are not located directly opposite to any of the neighbouring properties windows along the southern elevation. On the northern elevation, there are four windows at 84 Maloney Street. Two of the subject windows look into the neighbouring windows. Therefore, a condition has been imposed in the consent requiring 1.5m sill heights for windows along the northern elevation at ground level.</p> <p>The windows along the northern and southern side elevations on the first floor have sill heights at a minimum of 1.5 metres which is acceptable.</p> <p>The first floor balconies at the front of the site propose 1.6 metre high privacy screens along the sides of the balcony.</p>	Yes, conditioned
	C3 First floor balconies are only permitted when adjacent to a bedroom.	There is one balcony proposed for each dwelling at the front of the site. This is off the master bedroom.	Yes
4A.4.3 Solar Access	C1 Buildings (including alterations/additions/extensions) are to be	Shadow diagrams, both aerial and elevation, were provided with the	No – Refer to Note 3 below

Part	Control	Proposed	Complies
	designed and sited to maintain approximately 2 hours of solar access between 9am and 3pm on 21 June to windows in living areas (family rooms, rumpus, lounge and kitchens) and the principal open space areas such as swimming pools, patios and terraces, and drying areas of both the subject site and adjoining properties.	<p>development application. The site has an east-west orientation with the property to the south (88 Maloney Street) being impacted by the development.</p> <p>The proposal demonstrates that 88 Maloney Street contains two windows along its northern elevation. The windows will be overshadowed by the proposal between 9am to 3pm June 21. The March/September shadow diagrams show that one window and a sliver of the second window will receive sunlight at 3pm. The remaining hours, the two windows will be overshadowed by the development.</p>	
	C2 Solar panels on adjoining houses that are used for domestic needs within that dwelling must not be overshadowed for more than two hours between 9am to 3pm in mid-winter.	There are no solar panels on the neighbouring property that will be impacted by the proposed development.	N/A
4A.4.4 Private Open Space	C2 For sites less than 250sqm, a minimum area of 25sqm applies.	<p>Both sites have an area less than 250sqm.</p> <p>Both lots have 27.35sqm each of private open space.</p>	Yes
4A.4.7 Vehicle Access	C1 Driveways within a property shall have a minimum width of 3 metres.	The front setback allows one car space which is accessed from a vehicular driveway and is contained on pavers. The width is approximately 3 metres.	Yes

Part	Control	Proposed	Complies
	C6 The number of vehicle crossings is to be limited to one (1) per allotment.	The existing vehicular crossing will be maintained. A second vehicular crossing is proposed for Lot A2.	Yes
4A.4.8 Car Parking	C1 Development must comply with Part 3A – Car Parking	Refer to Part 3A above.	Yes
	C10 Garages, parking structures (carports and car spaces) and driveways are not to dominate the street. Note: Existing situations where garages dominate the street may not be used as a precedent to justify approval of other similar proposals.	The two garages are built to the boundary and have a minimum 3 metre width. Due to the street frontage width exceeding 12 metres, the garages will not dominate the front elevation.	Yes
4A.6 Ancillary development	C1 The total gross floor area of ancillary structures must not exceed 60sqm.	There are no ancillary structures proposed as part of the development.	N/A

Note 3 – Solar Access

The subject site is east to west orientated with east being the rear of the site and west being the front of the site (Maloney Street). Therefore any new two storey dwelling on the site would cast a shadow onto the southern adjoining property at 88 Maloney Street. In regards to the subject sites, the principal living areas have been orientated to the east of the dwellings where the rear yards are located.

The applicant has provided shadow diagrams of the proposed development illustrating the shadow cast onto the subject sites and onto the adjoining property from the development itself. The rear yards of the subject sites are located to the east and will continue to receive the 2 hours of solar access during June 21.

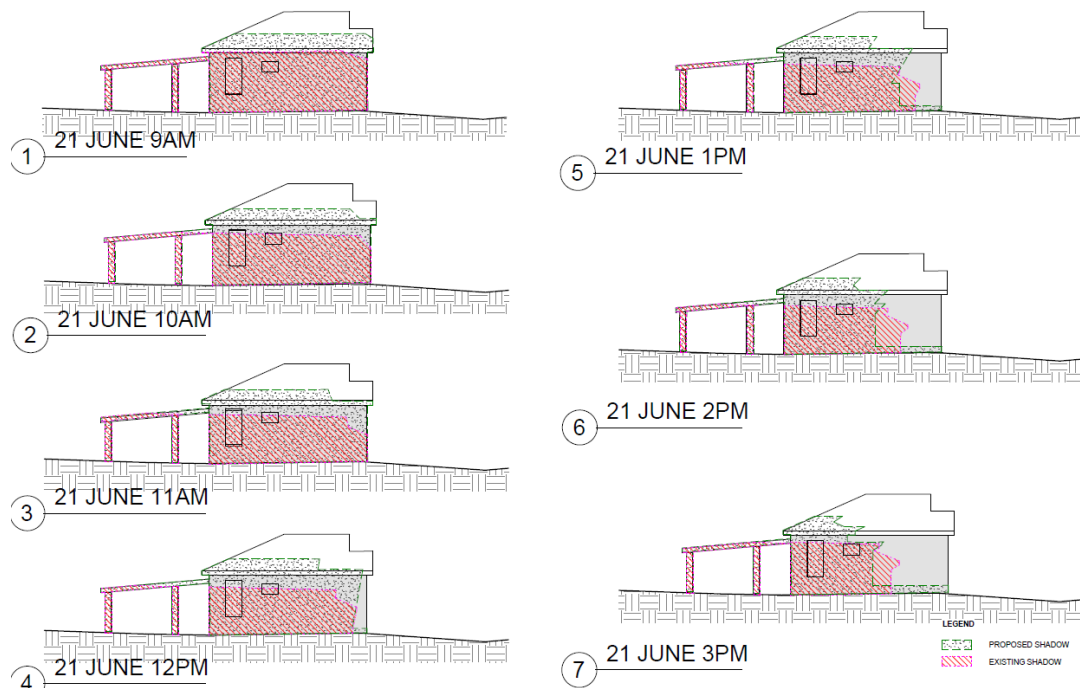


Figure 11. Existing and proposed development at June 21 between 9am to 3pm

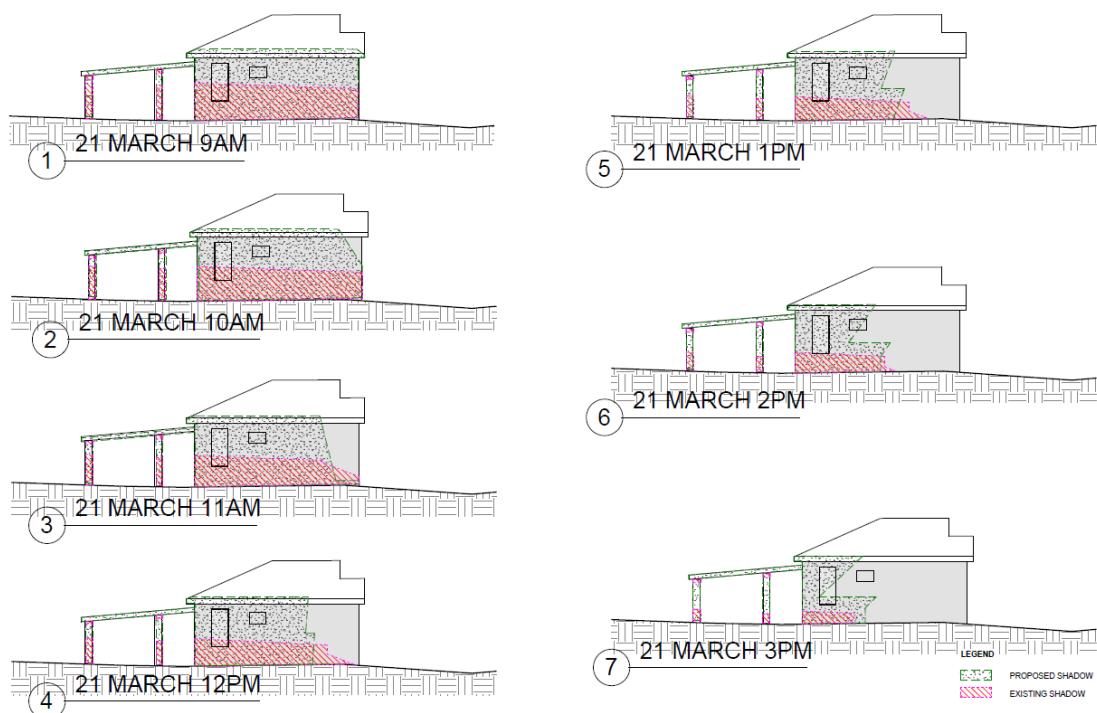


Figure 12. Existing and Proposed development at March/September 21 between 9am to 3pm

The adjoining property at 88 Maloney Street consists of a single storey detached brick and terracotta tiled roof. The size of the development is small in nature and is primarily contained within the front half of the site. The rear of the property contains a large expanse of landscaping. There are two windows located on the northern elevation of the site. These windows are within bedrooms. The living room window is located on the eastern elevation. The diagrams demonstrate the existing and the proposed shadow impact of the development at an elevation point of view for both June and

March/September. The shadow diagram demonstrates that the northern elevation of the neighbouring property will be completely overshadowed at June 21 between 9am to 3pm and will be overshadowed at 9am to 2pm in March/September 21.

Consideration has been given to the Land & Environment Court planning principle on the impact on solar access of neighbours *Parsonage vs Ku-ring-gai* (2004) NSWLEC 347 and as amended by *The Benevolent Society vs Waverley Council* (2010) NSWLEC 1082 is addressed as follows:

- *The ease with which sunlight access can be protected is inversely proportional to the density of development. At low densities there is a reasonable expectation that a dwelling and some of its open space will retain its existing sunlight. (However, even at low densities there are sites and buildings that are highly vulnerable to being overshadowed). At higher densities sunlight is harder to protect and the claim to retain it is not as strong.*

Comment: The proposal is for a 2 x two storey semi-detached dwelling houses. This will replace an existing single storey detached dwelling. Due to the size of the site, the rear yard will receive the minimum two hours of sunlight during June and March/September on the neighbouring property. The dwelling house will receive less than the 2 hour minimum requirement. The shadow diagrams demonstrate that the existing dwelling overshadowed the two windows on the northern elevation between 9am to 3pm, all but a small portion at the top of the window which is not considered adequate solar amenity in the assessment to be retained. The proposed development will completely overshadow these windows. This is a result of the size and location of the dwelling on the western side of the site. As the site is quite large and underdeveloped, it is expected at some stage in the future, the site will be redeveloped.

- *The amount of sunlight lost should be taken into account, as well as the amount of sunlight retained.*

Comment: As stated above, the shadow diagrams demonstrate that the existing dwelling overshadows the two windows on the northern elevation of 88 Maloney Street between 9am to 3pm. A small portion of the top part of the window receives some sunlight however this is not considered to provide the amount of solar amenity required under the Botany Bay Development Control Plan. The new proposal will completely overshadow the two windows as a result of its west-east orientation. The applicant has clarified that these two windows service bedrooms which are not considered to be principal living areas. During March/September, the shadow cast by the proposal completely overshadows the two windows between 9am to 2pm. One of the windows will receive full sunlight at 3pm. The existing dwelling allows sunlight to be received to the two windows.

- *Overshadowing arising out of poor design is not acceptable, even if it satisfies numerical guidelines. The poor quality of a proposal's design may be demonstrated by a more sensitive design that achieves the same amenity without substantial additional cost, while reducing the impact on neighbours.*

Comment: The area has been established as a Special Area which allows for smaller allotments in a terrace format. The pre-empted future character of the site allows for greater densities which may result in limited amount of sunlight achieved on the subject and adjoining sites. It is considered that any design change other than retaining the single storey nature of the dwellings, will allow for sunlight to be

received to these northern elevation windows. The nil setback is considered to contribute to excessive overshadowing as it is limited to 6 metres in length which is acceptable for the site. The amenity of the existing dwelling during June is not

- *For private open space to be assessed as receiving adequate sunlight, regard should be had of the size of the open space and the amount of it receiving sunlight. Self-evidently, the smaller the open space, the greater the proportion of it requiring sunlight for it to have adequate solar amenity. A useable strip adjoining the living area in sunlight usually provides better solar amenity, depending on the size of the space. The amount of sunlight on private open space should ordinarily be measured at ground level but regard should be had to the size of the open space as, in a smaller private open space, sunlight falling on seated residents may be adequate.*

Comment: The private open space on the adjoining property is quite large in expanse as the site has a greater site area and setback to the subject sites. The adjoining dwelling is small, therefore it is accepted that the neighbouring private open space will receive sunlight to 50% of its area in both June and March/September. The subject sites rear open space is provided on the eastern side of the site and will receive the minimum 2 hours during the midday hours.

- *Overshadowing by fences, roof overhangs and changes in level should be taken into consideration. Overshadowing by vegetation should be ignored, except that vegetation may be taken into account in a qualitative way, in particular dense hedges that appear like a solid fence.*

Comment: The existing side fences and eaves do contribute to minor overshadowing onto southern neighbours and onto the site. The side fence is existing therefore there is no change while the eave width is similar to the existing dwelling houses. The floor level of the building has been amended to be higher however it is not considered that it will significantly impact the adjoining properties. The existing Mango tree located within the rear yard of the subject site provides some overshadowing to the site itself but does not impact on the neighbouring property.

- *In areas undergoing change, the impact on what is likely to be built on adjoining sites should be considered as well as existing development.*

Comment: Two storey dwellings of similar size and scale are located around the locality and the proposal is not considered to cause a major impact on the future of the adjoining sites and its immediate surroundings as they have already been developed. There are a number of older, traditional one storey dwellings on the street and surrounding streets which are likely to be demolished and rebuilt in the future and it is likely that these dwellings will also have issues with overshadowing due to the orientation of the subdivision pattern which is east-west orientated. The proposal is not considered to be excessive in height and correlates with the height of the existing dwelling house to the north.

Summary

The planning principles on solar access have been considered with regard to the subject application. It is considered that having regard to these principles that the impacts of the development are acceptable.

Part 8 – Character Precinct

Part 8.1.2 Desired Future Character of the Eastlakes Precinct has been considered in the assessment of the application. This section provides rationale for determining the appropriateness and descriptive strategic direction for development in Eastlakes.

The site is located within the R2 Low Density Residential zone of the Eastlakes Precinct on Maloney Street between Harry Street to the south and Westcott Street to the north. However the site falls within the Special Area 'H1' which is characterised by narrow residential streets and a mixture of high density developments ranging from single storey dwellings, some 3 storey walk up residential flat buildings and commercial buildings.

It is considered the proposal is deemed to be compatible with the desired future character of Eastlakes Precinct.

The proposal maintains the existing setbacks along the street and is consistent with the form of surrounding development in the street and surrounding streets which are experiencing gradual redevelopment to newer style housing. The new dwellings are unlikely to significantly impact on the amenity of the adjacent properties other than solar which is discussed in detail in Note 3 above. The proposed development will replace a dated residential dwelling and is considered to enhance the public domain and streetscape within the Precinct.

The subject development application also maintains 36.4% of the respective site areas as soft landscaping, both at the rear and front and complies with the landscaping requirements under the BBDCP 2013. It is also compliant in height with a maximum of 8.7 metres which is well under the maximum height of 9 metres.

The facades of the development are articulated and provide a satisfactory presentation to the street. The ground floor on both 86 and 86A Maloney Street are located behind the building setback of the first floor which comprises of balconies leading out from the master bedrooms. This design gives a clear articulation and distinction between the ground and first floor and does not contribute to a garage dominant streetscape. The bulk and scale is satisfactory and the buildings have been articulated to minimise bulk.

Accordingly, the proposal is considered suitable for the subject site and is considered compatible with the desired future character as described in the BBDCP 2013 for the Eastlakes precinct.

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

The proposed development is not inconsistent with the relevant provisions of the *Environmental Planning and Assessment Regulation 2000*.

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

As outlined in the assessment above, the proposed development will have no significant adverse environmental, social or economic impacts in the locality.

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

The subject site is not known to be affected by any natural hazards or other site constraints that are likely to have a significant adverse impact on the proposed development. The issue of likely site contamination has been considered, however,

given the nature of the development, and the long standing use of the land for residential purposes, onsite investigation is not warranted.

The site is impacted by overland flow therefore the finished floor level of the ground floor is to be raised to meet Council's requirements. The application was referred to Councils Stormwater and Development Engineer who required the finished floor level of the ground floor to be raised to RL 12.10 AHD. The applicant has since amended the plans to meet the required finished floor level.

Accordingly, it is considered that the site is suitable to accommodate the development.

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

In accordance with Part 2 of the Botany Bay DCP 2013 – Notification and Advertising the development application was notified to surrounding property owners for a fourteen (14) day period from 10 August to 24 August 2016. Three (3) objections were received as part of the proposal. The issues raised in the objections are summarised as follows:

- *Position of the front porches is in front of neighbouring dwelling by a modest distance and contravenes the objectives of the prevailing street setback or 6 metre front setback;*

Comment: The front porches are located 4.8 metres from the front boundary and the garages are located 6 metres from the boundary. The first floor balconies are located 3.9 metres from the boundary while the building is located 6.38 metres from the boundary. The Botany Bay Development Control Plan states that the front setback has to match the prevailing frontage of the area or be at least 6 metres from the boundary. The adjoining property at 88 Maloney Street has a front setback of approximately 3.6 metres while the adjoining property at 84 Maloney Street has an approximate street setback of 5.3 metres from the building and 4 metres from the balcony. Therefore, the proposal has a greater setback than the average of the two setbacks and is acceptable.

- *The position of the front porches being in front of the neighbouring dwelling will impact upon their privacy as the front rooms are predominantly bedroom spaces;*

Comment: The amended plans demonstrate that the side elevations of the porches will be enclosed along the side elevations by a solid brick wall to prevent any overlooking onto the neighbouring property.

- *The position of the front porches in front of the neighbouring dwelling will impact on their views;*

Comment: The porches are at ground level and will not impact on the views from the neighbouring properties to the street.

- *Objection to having any part of the proposal on the common boundary as it is unprecedented for the area and does not maintain the amenity and pattern of the neighbouring residential sites;*

Comment: While there are no examples of garages or part of the structure being built to the boundary, the site is located within a Special Area H1 which has been earmarked by Council for terrace style development on smaller lots and may allow for development to be built on the boundary. The site proposes subdivision therefore the street frontage width for each site is less than 12.5 metres. Part

4A.2.8- Setbacks of the Botany Bay Development Control Plan allows smaller sites to have part of the structure built on the boundary on a merit assessment. Sites with a street frontage width greater than 12.5 metres are allowed to have a maximum of 6 metres on the boundary. The development had originally proposed an 11 metre garage to be built on the boundary. This was not accepted by Council. The applicant has amended the plans and has retained the garages on the boundary for a length of 6 metres. This is acceptable.

- *Locating the dwellings on the boundary along the boundary will have impacts on the amenity of the neighbouring residences. The nil boundary will reduce the natural daylight and visual outlook to windows on the neighbouring property;*

Comment: The reduction in wall length along the boundary from 11 metres to 6 metres is a better planning outcome as it limits the amount of impact onto the neighbouring property. In regards to 84 Maloney Street, there are windows on the ground floor along the southern façade. As they are south facing, the nil boundary setback will not impact on the amount of sunlight they receive. The windows on the neighbouring property at 88 Maloney Street will be impacted by the proposal due to the size of the dwelling and its location towards the front of the site. It is not considered that the nil setback will contribute to the overshadowing but the two storey nature of the dwelling. Solar amenity is discussed in greater detail in Note 3 above.

- *Noise emitting from the garages will impact the amenity of the neighbouring bedrooms;*

Comment: It is not considered that the doors of the garages will create excessive noise, however Council recommends a standard condition which limits the amount of noise generated by the development.

- *The proposed garage will have a wall length of 11 metres. This is an extensive bulky and long wall along the boundary;*

Comment: The applicant has amended the plans to reduce the length of the wall from 11 metres to 6 metres. This is acceptable and is consistent with Council's controls in Part 4A.2.8 of the Botany Bay Development Control Plan.

- *The Botany Bay Development Control Plan makes reference to encroachments to front and setbacks are only permitted to a depth of 500mm and limited to eaves, edge of verandahs and sunshade. Positioning a part of the dwelling on a common boundary is in contradiction to this requirement;*

Comment: Other than the garages on the balcony, there are no encroachments proposed. The garages are compliant with Table 1 in Part 4A.2.8 of the Botany Bay Development Control Plan for sites that have a lot width less than 12.5 metres.

- *Visual privacy for the upper and lower windows and doors to the property at the rear;*

Comment: The first floor of the proposal is located approximately 8.2 metres from the rear boundary line. The windows closest to the boundary are bathroom windows which will be frosted. The windows to the bedrooms are located 9.2 metres from the rear boundary. All windows facing the rear yard have a minimum sill height of 1.5 metres.

- *The proposal is bulky development and does not comply with the LEP and an FSR calculation as well as the proposed subdivision is inconsistent with the surrounding area;*

Comment: The proposal does not comply with the FSR requirement under the Botany Bay Local Environmental Plan however as explained above, the site is located within a Special Area H1 which allows for greater densities and smaller street frontages. Other than the garages being proposed on the boundary, the dwelling is compliant with the requirements for a detached dwelling house in terms of height, setbacks, private open space and landscaping. The subdivision pattern is inconsistent however the area is earmarked for future smaller allotments.

- *Due to the orientation of the proposal being east to west, the majority of shadows will fall to the south over two bedrooms and living room. The development will not allow the minimum 2 hours to the principal living areas and rear yard during June 21.*

Comment: As discussed above in Note 3, the southern adjoining neighbour at 88 Maloney Street will be impacted by overshadowing. There are two windows located on the northern façade which will be overshadowed completely in June 21 and March/September bar one hour. Due to the location of the neighbouring dwelling being so forward to the front setback and the size of the dwelling, in addition to the windows servicing bedrooms which are not principal living areas, the proposal is acceptable.

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

It is considered that granting approval to the proposed development will have no significant adverse impact on the public interest.

Section 94 Contributions

The City of Botany Bay's Section 94 Development Contributions Plan 2016 became effective on 14 June 2016. The Plan applies to all development applications lodged before the commencement of this Plan, but not yet determined. The subject DA was lodged before the commencement of the Plan and is not yet determined and as such is applicable.

Contribution Rates

1 x New 4 Bedroom dwellings: \$21,981.87
 1 x New 4 Bedroom dwellings: \$21,981.87
 Total Contribution: \$43,963.74

Credit

Since there is an existing dwelling house on the existing lot, the applicant is entitled to a credit. The credit applies to the smaller of the new dwellings. The dwellings are the same size therefore a credit applies to one dwelling.

Credit applicable: \$21,981.87

Subtotal: \$43,963.74 - \$21,981.87= \$21,981.87

As the contribution rate for each dwelling is over \$20,000.00, the section 94 contribution rate is capped at \$20,000.00

Total contribution

The total Section 94 Contribution applicable to the proposed development is **\$20,000.00**. In accordance with the Plan, the contribution is to be paid prior to the release of the subdivision certificate.

Conclusion

Development Application No.16/123 for the demolition of the existing structures, construction of two semi-detached dwellings and Torrens Title subdivision to create two new lots at 86 Maloney Street, Eastlakes, has been assessed in accordance with the relevant requirements of the *Environmental Planning and Assessment Act 1979*.

The major issues that were raised within the report include the Floor Space Ratio variation for both lots, overshadowing onto the neighbouring southern property and the subdivision pattern. As the site is within a Special Area H1, the area allows for greater densities. The exceedance in the floor space is acceptable as it does not surpass the maximum floor space ratio allowable for a dwelling house. The subdivision pattern, while it will be one of the first along the street to propose semi-detached dwellings, it is Council's desired future character for development of this nature to occur. In regards to the overshadowing of the neighbouring properties, this has been addressed. The development complies with the remainder of the Local Environmental Plan and Development Control Plan requirements. Therefore, the development is recommended for approval, subject to conditions of consent.

Attachment

Schedule 1 – Conditions of Consent

Premises: 86 Maloney Street, Eastlakes

DA No: 16/123

SCHEDULE OF CONSENT CONDITIONS

GENERAL CONDITIONS

1. The development is to be carried in accordance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent.

Drawing N°	Author	Dated Received

DA-0.0 0/A- Cover Photomontage	AC Project	Dated 27 October 2016; Received 3 November 2016
DA-0.0.2- BASIX Commitments		Dated 25 July 2016; Received 29 July 2016
DA-0.0.3- BASIX Commitments		Dated 25 July 2016; Received 29 July 2016
DA-0.0.4- BASIX Commitments		Dated 25 July 2016; Received 29 July 2016
DA-0.1.1/A- Subdivision Plan		Dated 27 October 2016; Received 3 November 2016
DA- 0.1.2.1/A- Area Calculations		Dated 27 October 2016; Received 3 November 2016
DA.0.1.2/A- Site Analysis Plan		Dated 27 October 2016; Received 3 November 2016
DA.0.1.3/A- Site Plan		Dated 27 October 2016; Received 3 November 2016
DA.1.0.1/A- Ground Floor Plan		Dated 27 October 2016; Received 3 November 2016
DA.1.0.2/A- First Floor Plan		Dated 27 October 2016; Received 3 November 2016
DA.1.2.1/A- West Elevation		Dated 27 October 2016; Received 3 November 2016
DA.1.2.2/A- East Elevation		Dated 27 October 2016; Received 3 November 2016
DA.1.2.3/A- South Elevation		Dated 27 October 2016; Received 3 November 2016
DA.1.2.4/A- North Elevation		Dated 27 October 2016; Received 3 November 2016
DA.2.0.1/A- Section 1-1		Dated 27 October 2016; Received 3 November 2016
DA.2.0.2/A- Section A-A		Dated 27 October 2016; Received 3 November 2016
DA.3.0.1/A- Windows Schedule		Dated 27 October 2016; Received 3 November 2016
DA.3.0.2/A- Material Schedule		Dated 27 October 2016; Received 3 November 2016
DA.5.0.1- Erosion and Sediment Control Plan		Dated 25 July 2016; Received 29 July 2016
DA.5.0.2- Waste Management Plan		Dated 25 July 2016; Received 29 July 2016
DA.5.0.3- Waste Management Plan		Dated 25 July 2016; Received 29 July 2016
DA.6.0.1- Stage Development		Dated 25 July 2016; Received 29 July 2016
GO160440, C2 Rev A- Stormwater Management Plan	Acor Consultants	Dated 4 July 2016; Received 29 July 2016
GO160440, C3 Rev A- Stormwater Management Details Sheet No. 1		Dated 4 July 2016; Received 29 July 2016
GO160440, C4 Rev A- Stormwater Management Details Sheet No. 2		Dated 4 July 2016; Received 29 July 2016

Rev B- Proposed Landscape Plan	AC Project	Dated 22 July 2016; Received 29 July 2016
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Documents	Author	Date Received
Letter addressing additional information letter and Clause 4.6 variation	Ingham Planning Pty Limited	Dated 2 November 2016; Received 3 November 2016
BASIX Certificate No. 742693M	Prepared by Certified Energy	Dated 22 July 2016; Received 29 July 2016
Design Statement	-	Received 29 July 2016
Statement of Environmental Effects-	Ingham Planning Pty Limited	Dated July 2016, Received 29 July 2016

No construction works (including excavation) shall be undertaken prior to the issue to the Construction Certificate.

2. This Consent relates to land in Lot A in DP 340229 and, as such, building works must not encroach on to adjoining lands or the adjoining public place.
3. The following shall be complied with:
 - a) All building work must be carried out in accordance with the provisions of the Building Code of Australia;
 - b) In accordance with Clause 94 *Environment Planning & Assessment Regulation 2000*, an automatic smoke detection and alarm system for early warning of occupants must be installed in the building (dwellings). The installation must satisfy the following:-
 - i) smoke alarms must comply with AS3786 - 1993;
 - ii) smoke alarms must be connected to the consumer mains power where consumer power is supplied to the building; and
 - iii) be located in a position as required by Vol 2. BCA.
4. Pursuant to clause 97A(3) of the *Environmental Planning & Assessment Regulation 2000*, it is a condition of this development consent that all the commitments listed in the relevant BASIX Certificates (as referenced at Condition No. 1) for the development are fulfilled.

Note:

- a) Relevant BASIX Certificate means:
 - i) A BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under Section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or

- ii) If a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate.
 - b) BASIX Certificate has the meaning given to that term in the *Environmental Planning and Assessment Regulation 2000*.
5. The consent given does not imply that works can commence until such time that:
- a) Detailed plans and specifications of the building have been endorsed with a Construction Certificate by:-
 - i) The consent authority; or,
 - ii) An accredited certifier; and
 - b) The person having the benefit of the development consent:-
 - i) Has appointed a principal certifying authority; and
 - ii) Has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and
 - iii) The person having the benefit of the development consent has given at least 2 days notice to the council of the persons intention to commence the erection of the building.
6. The construction of the development will be timed in four stages as follows:
- a) Demolition
 - b) Subdivision into two allotments
 - c) Construction of the buildings
 - d) Internal fitout, driveways and landscaping

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE ISSUE OF ANY SUBDIVISION CERTIFICATE (STAGE 2)

- 7. For compliance with the conditions of consent, a separate application must be made for a subdivision certificate. The application is to be accompanied by documentary evidence demonstrating compliance with all conditions of consent. Submission of a subdivision certificate application accompanied by a linen plan with six (6) copies and appropriate fees.
- 8. Prior to the issue of a Subdivision Certificate, a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s web site at www.sydneywater.com.au then the “e-developer” icon or telephone 13 20 92.
 - a) Following application a “Notice of Requirements” will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer extensions can be timed

consuming and may impact on other services and building, driveway or landscape design.

- b) The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the release of the linen plan or occupation of the development.
- 9. Prior to the issue of Subdivision Certificate, a Certificate of Survey from a Registered Surveyor shall be submitted to the Principal Certifying Authority showing all the structures are wholly located within the property boundary.

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE (Stage 3)

- 10. Prior to the issue of a Construction Certificate, the subdivision is to be registered.
- 11. Prior to the issue of the Construction Certificate the required Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 has to be paid. The Long Service Levy is payable at 0.35% of the total cost of the development, however this is a State Government Fee and can change without notice.
- 12. The applicant must prior to the obtainment of the approved plans and specifications pay the following fees:-
 - a) Builders Security Deposit \$13,400.00 (Condition No. 14)
 - b) Development Control \$1,260.00
 - c) Section 94 Contributions \$20,000.00 (Condition No. 12)
- 13. The payment of the following monetary contributions in accordance with Council's Section 94 Contributions Plan 2016. This result is a total contribution of **\$20,000.00**, to be paid to Council prior to the issue of the Construction Certificate.
- 14. Prior to the issue of the Construction Certificate, the applicant shall contact "Dial Before You Dig on 1100" to obtain a Service Diagram for, and adjacent to, the property. The sequence number obtained from "Dial Before You Dig" shall be forwarded to Principal Certifying Authority. Any damage to utilities/services will be repaired at the applicant's expense.
- 15. Prior to the issue of any Construction Certificate, the applicant shall lodge a Damage Deposit of \$13,400.00 (GST Exempt) by way of cash deposit or unconditional bank guarantee to Council against possible damage to Council's asset during the course of the building works. The deposit will be refunded subject to inspection by Council 12 months after the completion of all works relating to the proposed development and Final Occupational Certificate has been issued.
- 16. Prior to the issue of the Construction Certificate, revised plans are to be provided to the Principal Certifying Authority demonstrating that the ground floor windows along the northern side elevation are to have a minimum sill height of 1.5 metres to prevent any overlooking into the adjoining properties windows.
- 17. Prior to the issue of any Construction Certificate, at the proposed point of construction site entry, a full photographic survey showing the existing conditions of Council's infrastructure shall be submitted to Council and the Principal Certifying

Authority. The survey shall detail the physical conditions and identify any existing damages to the road, kerb, gutter, footpath, driveways, street trees, street signs and any other Council assets fronting the property and extending to a distance of 20m from the development. Failure to do so will result in the applicant being liable for any construction related damages to these assets. Any damage to Council's infrastructure during the course of this development shall be restored at the applicant's cost.

18. Prior to the issue of the Construction Certificate, a plan (written and/or diagrammatic) shall be submitted and approved by the Principal Certifying Authority, showing the storage location of construction building materials and plants and the method of access to the property. No storage of construction materials and plants to be allowed in road reserve area.
19. Prior to the issue of any Construction Certificate, detail design and construction plans in relation to stormwater management and disposal system for the development shall be submitted to the Principal Certifying Authority for approval. *(The detail drawings and specifications shall be prepared by a suitably qualified and experienced civil engineer and to be in accordance with Council's Development Control Plan 'Stormwater Management Technical Guidelines', AS/NSZ 3500 – Plumbing and Drainage Code and the BCA. All drawings shall correspond with the approved architectural plans.* The plans shall incorporate but not limited to:
 - a) Provisions made in the Stormwater Management Plans by Acor Consultants dated 4 July 2016.
20. All plumbing stacks, vent pipes and the like shall be kept within the building and suitably concealed from view. This condition does not apply to the venting to atmosphere of the stack above roof level. Details shall be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate.
21. Prior to the issue of any Construction Certificate, detail design and construction plans in relation to the habitable areas shall be submitted to the Principal Certifying Authority for approval. The plans shall incorporate but not limited to:
 - a) The floor level of the habitable areas of the building shall be at least RL 12.10 AHD.

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE (Stage 4)

22. Prior to the issue of any Construction Certificate, all driveways/access ramps/vehicular crossings shall conform to the current Australian Standards AS 2890.1 and Council's Infrastructure Specifications. These include but are not limited to E-01, E-04 and E-07. As part of this development, a new concrete driveway shall be constructed. A new three (3) metre wide driveway layback shall be constructed as part of each new driveway. A minimum of one (1.0) metre of kerb and gutter either side of the driveway layback shall be replaced to enable the correct tie-in with the existing kerb and gutter.
23. One (1) street tree shall be installed in the nature strip by Council at the Applicant's expense as a contribution to the streetscape and public domain. The Applicant shall make a payment to Council of \$230.00 for the purchase and installation of the new 75l street tree prior to the issue of the Construction Certificate. The new street tree will be planted by Council once construction work is complete, including any driveway

crossovers. It is the Applicant's responsibility to notify Council when construction is complete and the new street tree may be planted without risk of further damage.

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE COMMENCEMENT OF ANY DEVELOPMENT OR WORK (Stage 1, 3 and 4)

24. The Principal Certifying Authority must be satisfied that: -
- a) In the case of work to be done by a licensee under the Home Building Act: -
 - i) Has been informed in writing of the licensee name and contractor licence number, and;
 - ii) Is satisfied that the licensee has complied with the requirements of Part 6 of the Home Building Act 1989; or,
 - b) In the case of work to be done by any other person: -
 - i) Has been informed in writing of the persons name and owner-builder permit number, or;
 - ii) Has been given a declaration signed by the owner of the land that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of *owner builder work* in Section 29 the Home Building Act 1989.
25. Prior to the commencement of works, the applicant must inform Council, in writing, of:
- a) The name of the contractor, and licence number of the licensee who has contracted to do, or intends to do, the work: or
 - b) The name and permit number of the owner-builder who intends to do the work;
 - c) The Council also must be informed if: -
 - i) A contract is entered into for the work to be done by a different licensee; or
 - ii) Arrangements for the doing of the work are otherwise changed.
26. The site to which this approval relates must be adequately fenced or other suitable measures employed that are acceptable to the Principal Certifying Authority to restrict public access to the site and building works. Such fencing or other measures must be in place before the approved activity commences.
27. Building plans must be lodged through a Sydney Water Tap In Service for approval prior to commencement of works.
28. This Consent shall not preclude the demolisher from giving notice to other statutory authorities, such as Sydney Water Corporation, WorkCover, etc.
29. If the land to which the application relates is served by a common sewerage system that is also used by others, then measures must be placed in effect and prior to the

commencement of work to ensure the operation of the sewerage system is without disruption to other joint users.

30. Erosion and sediment control devices shall be installed prior to the commencement of any demolition, excavation or construction works upon the site in order to prevent sediment and silt from site works (including demolition and/or excavation) being conveyed by stormwater into Council's stormwater system, natural watercourses, bushland, trees and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the requirements of the Protection of Environment Operations Act 1997 and the Department of Environment, Climate Change and Water guidelines. These device shall be maintained in a serviceable condition AT ALL TIMES throughout the entire demolition, excavation and construction phases of the development and for a minimum one (1) month period after the completion of the development, where necessary.

31. Prior to commencement of any works, application(s) shall be made to Council's Customer Services Counter for the following approvals and permits on Council's property/road reserve under Road Act 1993 and Local Government Act 1993 as appropriate: -

(It should be noted that any works shown within Council's road reserve or other Council Lands on the development approval plans are indicative only and no approval for these works is given until this condition is satisfied.)

- a) Permit to erect hoarding on or over a public place, including Council's property/road reserve
 - b) Permit to construction works, place and/or storage building materials on footpaths, nature strips
 - c) Permit for roads and footways occupancy (long term/ short term)
 - d) Permit to construct vehicular crossings, footpath, kerb and gutter over road reserve
 - e) Permit to open road reserve area, including roads, footpaths, nature strip, vehicular crossing or for any purpose whatsoever
 - f) Permit to place skip/waste bin on footpath and/or nature strip
 - g) Permit to use any part of Council's road reserve or other Council lands
32. In order to ensure that the tree at the rear of the property is protected during both demolition and construction the following is required: the tree is to be physically protected by fencing underneath the canopy dripline using 1.8 metre high chainwire fence to form the Tree Protection Zone (TPZ). The fence shall remain in place until all construction is complete. The area within the fencing is to be mulched with leaf mulch to a depth of 100mm and a weekly deep watering program undertaken during construction.

DURING WORKS (Stage 1 and 3)

33. The proposed development shall comply with the following:

- a) 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;
 - 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;
 - iii) The Development Approval number; and
 - iv) The name of the Principal Certifying Authority including an after hours contact telephone number.
 - b) Any such sign is to be removed when the work has been completed.
34. The demolisher shall comply with Australian Standard 2601 - 2001 "Demolition of Structures".
35. Vibration levels induced by the demolition activities shall not exceed 1mm/sec peak particle velocity (ppv) when measured at the footing of any occupied building.
36. Prior to the commencement of demolition work a licensed demolisher who is registered with WorkCover NSW must prepared a Work Method Statement to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) and a copy shall be sent to Council (if it is not the PCA). A copy of the Statement shall also be submitted to WorkCover NSW.

The statement must be in compliance with AS2601:1991 – 'Demolition of Structures', the requirements of WorkCover NSW and conditions of the Development Approval, and shall include provisions for:

- a) Enclosing and making the site safe, any temporary protective structures must comply with the "Guidelines for Temporary Protective Structures (April 2001)";
- b) Induction training for on-site personnel;
- c) Inspection and removal of asbestos, contamination and other hazardous materials (by appropriately licensed contractors);
- d) Dust control – Dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site;
- e) Disconnection of Gas and Electrical Supply;
- f) Fire Fighting – Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed;
- g) Access and Egress – No demolition activity shall cause damage to or adversely affect the safe access and egress of this building;
- h) Waterproofing of any exposed surfaces of adjoining buildings;

- i) Control of water pollution and leachate and cleaning of vehicles tyres – Proposals shall be in accordance with the “Protection of the Environmental Operations Act 1997”;
 - j) Working hours, in accordance with this Development Consent;
 - k) Confinement of demolished materials in transit;
 - l) Proposed truck routes, in accordance with this Development Consent;
 - m) Location and method of waste disposal and recycling in accordance with the “Waste Minimisation and Management Act 1995”.
 - n) Sewer – common sewerage system ad08.
37. Precautions to be taken shall include compliance with the requirements of the WorkCover Authority of New South Wales, including but not limited to:
- a) Protection of site workers and the general public.
 - b) Erection of hoardings where appropriate.
 - c) Asbestos handling and disposal where applicable.
 - d) Any disused service connections shall be capped off.
 - e) The disposal of refuse is to be to an approved waste disposal depot.
38. Hazardous or Special Wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of WorkCover NSW and the Department of Environment, Climate Change and Water and with the provisions of the:
- a) Occupational Health and Safety Act, 2000;
 - b) Occupational Health and Safety Regulation 2001;
 - c) Protection Of the Environment Operations Act 1997 (NSW); and
 - d) NSW Department of Environment and Climate Change Waste Classification Guidelines (2008).
39. Any material containing asbestos found on site during the demolition process the shall be removed and disposed of in accordance with:
- a) WorkCover NSW requirements. An appropriately licensed asbestos removalist must complete all asbestos works if they consist of the removal of more than 10m2 of bonded asbestos and/or any friable asbestos;
 - b) Protection of the Environment Operations Act 1997;
 - c) Protection of the Environment Operation (Waste) Regulation;
 - d) DECC Waste Classification Guidelines 2008.
 - e) No demolition materials shall be burnt or buried on the site.

40. The demolition and disposal of materials incorporating lead such as lead paint and dust shall be conducted in accordance with:
- a) AS2601-2001 - Demolition of structure.
 - b) AS4361.2-1998 – Guide to Lead Paint Management-Residential and Commercial Buildings
41. In order to ensure safe handling of asbestos materials, the re-use or sale of asbestos building materials is strictly prohibited.
42. No demolition materials shall be burnt or buried on the site.
- 43.
- a) To ensure that utility authorities and Council are advised of any effects to their infrastructure by the development, the applicant shall: -
 - i) Carry out a survey of all utility and Council services within the site including relevant information from utility authorities and excavation if necessary to determine the position and level of services.
 - ii) Negotiate with the utility authorities (eg Energy Australia, Sydney Water and Telecommunications Carriers) and Council in connection with: -
 - 1 The additional load on the system; and
 - 2 The relocation and/or adjustment of the services affected by the construction.
 - b) Any costs in the relocation, adjustment, and provision of land or support of services as requested by the service authorities and Council are to be the responsibility of the developer.
44. Should the demolition process require a building waste container(s) (builders' skip), then such container must not be placed or left upon the public road, footpath, reserve or the like without the prior approval of the Council. The use of any part of Council's road reserve must also have prior approval of Council.
45. Throughout the construction period, Council's warning sign for soil and water management shall be displayed on the most prominent point of the building site, visible to both the street and site workers. A copy of the sign is available from Council's Customer Service Counter.
46. The approved Waste Management Plan shall be complied with at all times during demolition, construction and on-going use of the site.
47. All possible and practicable steps shall be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from wind-blown dust, debris, noise and the like.
- 48.
- a) All excavations and backfilling shall be executed safely and in accordance with appropriate professional standards; and all excavations shall be properly

guarded and protected to prevent them from being dangerous to life or property;

- b) Existing structures and or services on this and adjoining properties are not endangered during any demolition excavation or construction work associated with the above project. The applicant is to provide details of any shoring, piling, or underpinning prior to the commencement of any work. The construction shall not undermine, endanger or destabilise any adjacent structures.
- c) As the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - i) Protect and support the adjoining premises from possible damage from the excavation, and
 - ii) Where necessary, underpin the adjoining premises to prevent any such damage.

49. The following shall be complied with during construction and demolition:

a) Construction Noise

Noise from construction activities associated with the development shall comply with the NSW Environment Protection Authority's Environmental Noise Manual – Chapter 171 and the Protection of the Environment Operations Act 1997.

b) Level Restrictions

i) Construction period of 4 weeks and under:

The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 20dB(A).

ii) Construction period greater than 4 weeks and not exceeding 26 weeks:

The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 10 dB(A).

c) Time Restrictions

i) Monday to Friday 07:00am to 05:00pm

ii) Saturday 08:00am to 01:00pm

iii) No Construction to take place on Sundays or Public Holidays.

d) Silencing

All possible steps should be taken to silence construction site equipment.

50. The applicant shall conduct all construction and related deliveries wholly on site. If any use of Council's road reserve is required then separate applications are to be made at Council's Customer Services Department.
- 51.
- a) In order to prevent vehicles tracking soil or other materials onto public roads and washing of materials into the street drainage system or watercourse, during Excavation, Construction and Deliveries, access to the site shall be available in all weather conditions. The area shall be stabilised and protected from erosion; and,
 - b) In addition, concrete trucks and any other trucks that used for the transportation of building materials or similar, shall not traffic soil cement or other materials onto the road reserve. Hosing down of vehicle tyres shall only be conducted in a suitable off-street area where wash waters do not enter the stormwater system or enter Council's land.
 - c) Hosing down or hosing/washing out of any truck (concrete truck), plant (eg concrete pumps) or equipment (eg wheelbarrows) on Council's road reserve or other property is strictly prohibited. Fines and cleaning costs will apply to any breach of this condition.
 - d) Pavement surfaces adjacent to the ingress and egress points are to be swept and kept clear of earth, mud and other materials at all times and in particular at the end of each working day or as directed by Council's Engineer.
 - e) Building operations such as brick cutting, washing tools or brushes and mixing mortar shall not be carried out on public roadways or footways or in any other locations which could lead to the discharge of materials into the stormwater drainage system or onto Council's lands.
52. During Demolition, Excavation and Construction, care must be taken to protect Council's infrastructure, including street signs, footpath, kerb, gutter and drainage pits etc. Protecting measures shall be maintained in a state of good and safe condition throughout the course of construction. The area fronting the site and in the vicinity of the development shall also be safe for pedestrian and vehicular traffic at all times. Any damage to Council's infrastructure (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) shall be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council.

DURING WORKS (Stage 4)

53. During construction work the Council nature strip shall be maintained in a clean and tidy state at all times. The nature strip shall be suitably replaced where damaged due to construction work in accordance with Council Specification at the completion of construction, and at the Applicant's expense.
54. Inspections must be conducted by Council's Engineer at the following occasions:
- a) Formwork inspection of driveway layback and adjacent kerb and gutter prior to laying of concrete,

- b) Formwork inspection of Council's kerb and gutter prior to laying of concrete,
 - c) Formwork inspection of Council's footpath prior to laying of concrete,
 - d) Final inspection of driveway layback and adjacent kerb and gutter,
 - e) Final inspection of Council's kerb and gutter,
 - f) Final inspection of Council's footpath.
55. In order to ensure that the tree at the rear of the property is protected during demolition and construction the following is required:
- a) All Construction Certificate plans shall show trees to be protected and the TPZ.
 - b) The TPZ is a "No-Go" zone. There shall be no access, no stockpiling, storage or sorting of waste or building materials, no construction work, no concrete mixing, strictly no washing down of concrete mixers or tools, no chemicals mixed/disposed of, no excavation or filling, no service trenching.
 - c) Excavation within the canopy dripline or within an area extending 3 metres outward of the canopy dripline shall be carried out manually using hand tools to minimise root damage or disturbance.
 - d) Tree roots 30mm in diameter or greater that require pruning shall be done only under the direction of Council's Tree Officer after a site inspection so as not to impact the tree.
 - e) Ensure that there is no damage to the canopy, trunk or root system of the tree. There shall be no canopy pruning unless approval has been granted by Council's Tree Officer under separate application.
 - f) The Applicant shall undertake any tree maintenance/remedial pruning as required by Council at the completion of construction.

If there is any contravention of these tree preservation conditions, or the tree was found to be damaged (including roots), in decline, dead or pruned without permission, the Applicant will be required to undertake tree maintenance/replacement work, as specified by Council.

**CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE ISSUE OF A
OCCUPATION CERTIFICATE (Stage 2 and 3)**

- 56. Prior to the issue of any Occupation Certificate, all applications associated with works on Council's land must be made at least 7-10 days prior to the programmed completion of works and all construction must be completed and approved by Council.
- 57. Prior to the issue of an Occupation Certificate, documentation from a practising civil engineer shall be submitted to the Principal Certifying Authority certifying that the stormwater drainage system has been constructed generally in accordance with the approved stormwater management construction plan(s) and accepted practice.

58. Any damage not shown in the photographic survey submitted to Council before site works have commenced will be assumed to have been caused by the site works (unless evidence to prove otherwise). All damages as a result from site works shall be rectified at the applicant's expense to Council's satisfaction, prior to occupancy of the development and release of damage deposit.
59. Prior to the issue of the Occupation Certificate, Positive Covenant and Restriction on the Use of Land on the Title under Section 88B of the Conveyancing Act 1919 shall be created in favour of Council as the benefiting authority for the as-built on-site detention system. The standard wording of the terms of the Positive Covenant and Restriction on the Use of Land are available in Council. The relative location of the on-site detention system, in relation to the building footprint, shall be shown on a scale sketch and attached as an annexure to the plans/ forms.
60. Prior to the issue of any Occupation Certificate(s), a restriction on Use of Land and Positive Covenant(s) shall be imposed on the development. The following covenants shall be imposed under Section 88(E) of the Conveyancing Act 1919 and lodged with the NSW Land and Property Information:
- a) Restriction on Use of Land for On-Site Infiltration System. Refer to Appendix A of the Stormwater Management Technical Guidelines for suggested wording.
61. Prior to the issue of Occupation Certificate, maintenance schedule of the on-site detention system shall be prepared by a qualified engineer and included in the Positive Covenant of the 88B Instrument, as a cross-reference or appendix.

**CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE ISSUE OF A
OCCUPATION CERTIFICATE (Stage 4)**

62. Prior to the issue of any Occupation Certificate, inspection reports (formwork and final) for the works on the road reserve shall be obtained from Council's engineer and submitted to the Principal Certifying Authority attesting that this condition has been appropriately satisfied.
63. Prior to the issue of any Occupation Certificate, the applicant shall carry out the following works:
- a) On Maloney Street, adjacent to development, reconstruct the existing footpath for the full length of the proposed new properties in accordance with Council Infrastructure Specifications; and
 - b) On Maloney Street, adjacent to development, reconstruct the existing kerb and gutter for the full length of the proposed new properties in accordance with Council Infrastructure Specifications.
64. The Council nature strip in Maloney Street shall be repaired and/or replaced and maintained in accordance with Council Specification at the completion of all construction work at the Applicant's expense.
65. Landscaping shall be installed on the property in accordance with the approved landscape plan prior to the issue of an Occupation Certificate. The landscaped areas on the property shall be installed and maintained in accordance with the approved landscape plan, the conditions of consent and Council's DCP at all times.

- a) One (1) small-medium evergreen tree, at least 1.4 metres in height and 75 litre pot size, shall be installed in the front setback of each dwelling. The species selected shall be a small tree, not a shrub species with a clear trunk and should be native, have low water requirements, be suited to local soils and have a minimum height at maturity of 3-4 metres.
- b) One (1) evergreen tree shall be planted in the rear setback of the southernmost dwelling to provide screening and privacy for adjoining residents at the rear.

The Council nature strip shall be replaced in accordance with Council Specification at the completion of all construction work at the Applicant's expense.

- 66. Prior to use and occupation of the building an Occupation Certificate must be obtained under Section 109C(1)(c) and 109N of the Environmental Planning and Assessment Act, 1979.

CONDITIONS WHICH MUST BE SATISFIED FOR THE ONGOING USE

- 67. Ongoing maintenance of the grass nature strips shall be undertaken by the occupier, strata or owner. Maintenance includes mowing, watering and maintaining an even coverage of grass. Maintenance **does not include** pruning, trimming or any work to Council's street tree assets located on the Council nature strip under any circumstances at any time, including new street trees. All pruning is undertaken by Council only.
- 68. The buildings are not be used as a boarding house.
- 69. The building is approved as a single dwelling on each site for use and occupation by a single family. It shall not be used for separate residential occupation or as separate residential flats. No plumbing fixtures, fittings, walls shall be deleted or added, doorways enclosed or any other changes made from the approved plans in Condition No. 1 of this Consent without the prior Consent of the Council.
- 70. The stormwater drainage system (including all pits, pipes, absorption, detention structures, treatment devices, infiltration systems and rainwater tanks) shall be regularly cleaned, maintained and repaired to ensure the efficient operation of the system from time to time and at all times. The system shall be inspected after every rainfall event to remove any blockage, silt, debris, sludge and the like in the system. All solid and liquid waste that is collected during maintenance shall be disposed of in a manner that complies with the appropriate Environmental Guidelines.
- 71. All intruder alarms shall be fitted with a timing device in accordance with the requirements of *Regulation 12A of the Noise Control Act, 1975, and AS2201, Parts 1 and 2 - 1978 Intruder alarm systems.*
- 72.
 - a) Air conditioning units are not to be visible from the street or public place and are not to obscure windows/window frames or architectural features of the dwelling.
 - b) Noise from any air-conditioning units (measured as the $L_{aeq\ 15\ minute}$) is not to exceed the background level (measured as the $L_{a90\ 15\ minute}$) by more than 5dBA at any time. The measurement is to be taken at boundary of the property. If the

noise from the air conditioner contains any annoying characteristics, the measurements are to be corrected in accordance with the New South Wales Industrial Noise Policy. In addition noise from any air conditioning units are not to be audible within habitable room of other residence before 7am or after 10pm (Monday to Friday) or before 8am or after 10pm (Sat/Sun/Public Holidays).

Note: In order to meet this condition, the compressors and any other noise generating part of the air conditioning unit, are to be located a sufficient distance from any residential boundary to permit the sound from the unit to decay sufficiently to meet the standard, or enclosed in a suitable acoustic enclosure.

73. The applicant being informed that this approval shall be regarded as being otherwise in accordance with the information and particulars set out and described in the Development Application registered in Council's records as Development Application No. 16/123 dated as 29 July 2016 and that any alteration, variation, or extension to the use, for which approval has been given, would require further approval from Council.

ATTACHMENT NO. 1

Subdivision Tables relating to Site Area and Street Frontage

Site Area

Address	Lot Size (in sqm approx.)	Variation (in sqm) from smallest lot proposed
66 Maloney Street	187.9sqm	-20.75sqm
66A Maloney Street	187.6sqm	-21.05sqm
68 Maloney Street	187.9sqm	-20.75sqm
72 Maloney Street	445.9sqm	237.25sqm
74 Maloney Street	335.7sqm	127.05sqm
76 Maloney Street	335.7sqm	127.05sqm
78 Maloney Street	335.7sqm	127.05sqm
80 Maloney Street	335.7sqm	127.05sqm
82 Maloney Street	335.7sqm	127.05sqm
84 Maloney Street	419.7sqm	211.05sqm
86 Maloney Street	208.65sqm (each site)	-
88 Maloney Street	594.4sqm	385.75sqm
90 Maloney Street	584.16sqm	375.51sqm
92 Maloney Street	246.4sqm	37.75sqm
94 Maloney Street	236.19sqm	27.54sqm
96 Maloney Street	233.5sqm	24.85sqm
98 Maloney Street	242.8sqm	34.15sqm
100 Maloney Street	233.3sqm	24.65sqm
102 Maloney Street	1,178.39sqm	969.74sqm
2 Westcott Street	360.63sqm	151.98sqm
2A Westcott Street	332.5sqm	123.85sqm
4 Westcott Street	336.27sqm	127.62sqm
2 Harry Street	328.8sqm	120.15sqm
4 Harry Street	335sqm	126.35sqm

Address	Lot Size (in sqm approx.)	Variation (in sqm) from smallest lot proposed
97 Maloney Street	266sqm	57.35sqm
97A Maloney Street	265sqm	56.35sqm
99 Maloney Street	450sqm	241.35sqm
101 Maloney Street	453.1sqm	244.45sqm
103 Maloney Street	395sqm	186.35sqm
105 Maloney Street	407.9sqm	199.25sqm
107 Maloney Street	400.3sqm	191.65sqm
109 Maloney Street	391.98sm	183.33sqm
111 Maloney Street	663.9sqm	455.25sqm
113 Maloney Street	437.7sqm	229.05sqm

Street Frontage Width

Address	Lot Frontage (m)	Variation (in m) from smallest lot proposed
66 Maloney Street	6.1m	-0.79m
66A Maloney Street	6.1m	-0.79m
68 Maloney Street	6.1m	-0.79m
72 Maloney Street	13.36m	6.47m
74 Maloney Street	10.06m	3.17m
76 Maloney Street	10.06m	3.17m
78 Maloney Street	10.06m	3.17m
80 Maloney Street	10.06m	3.17m
82 Maloney Street	10.06m	3.17m
84 Maloney Street	13.77m	6.88m
86 Maloney Street	6.89m (each site)	-
88 Maloney Street	13.7m	6.81m
90 Maloney Street	13.72m	6.83m

Address	Lot Frontage (m)	Variation (in m) from smallest lot proposed
92 Maloney Street	5.57m	-1.32m
94 Maloney Street	5.6m	-1.29m
96 Maloney Street	5.39m	-1.5m
98 Maloney Street	5.39m	-1.5m
100 Maloney Street	5.55m	-1.34m
102 Maloney Street	27.43m	20.54m
2 Westcott Street	12.19m	5.3m
2A Westcott Street	12.95m	6.06m
4 Westcott Street	12.19m	5.3m
2 Harry Street	12.19m	5.3m
4 Harry Street	12.19m	5.3m
97 Maloney Street	7.49m	0.6m
97A Maloney Street	7.5m	0.61m
99 Maloney Street	12.7m	5.81m
101 Maloney Street	12.7m	5.81m
103 Maloney Street	11.05m	4.16m
105 Maloney Street	11.05m	4.16m
107 Maloney Street	11.05m	4.16m
109 Maloney Street	11.05m	4.16m
111 Maloney Street	18.29m	11.4m
113 Maloney Street	12.19m	5.3m

Council Meeting

14/12/2016

Item No	9.7
Property	162 King Street, Mascot
Proposal	Section 82A Application review of determination of DA-15/223 for the additions to an existing two storey dual occupancy development.
Cost of Development	N/A
Report by	Angela Lazaridis- Senior Development Assessment Planner
Application No	(B) DA-2015/223

Council Resolution

Minute 2016/090

Resolved by the Administrator

That the determination of Development Application DA-2015/223 for the additions to an existing two storey dual occupancy development at 162 King Street, Mascot, be reviewed pursuant to section 82A of the Environmental Planning & Assessment Act 1979 and that the determination be changed from refusal to APPROVAL, subject to the conditions of consent in the attached Schedule.

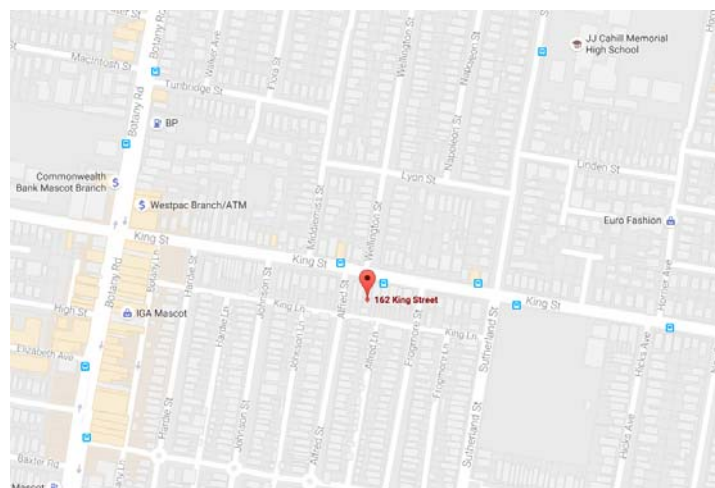
Officer Recommendation

That the determination of Development Application DA-2015/223 for the additions to an existing two storey dual occupancy development at 162 King Street, Mascot, be reviewed pursuant to section 82A of the Environmental Planning & Assessment Act 1979 and that the determination be changed from refusal to APPROVAL, subject to the conditions of consent in the attached Schedule.

Attachments

Planning Assessment Report

Location Plan



BAYSIDE COUNCIL

Planning Assessment Report

Application Details

Application Number:	Section 82A review of refusal of DA-15/223
Date of Receipt:	6 October 2016
Property:	162 King Street, Mascot Lot 2 Sec 7 in DP 3876
Owner:	Ghulum and Aziza Ahmadi
Applicant:	Ghulum Ahmadi
Proposal:	Section 82A Application review of determination of DA-15/223 for the additions to an existing two storey dual occupancy development.
Value:	\$219,924.00
No. of submissions:	One (1) objection
Author:	Angela Lazaridis, Senior Development Assessment Planner
Date of Report:	9 November 2016

Key Issues

Development Application No. DA-2015/223 for additions to an existing two storey dual occupancy development at 162 King Street, Mascot was refused by the former City of Botany Bay Council under delegation on 28 August 2016.

The former City of Botany Bay received the subject Section 82A Review of Determination of this decision on 6 October 2016.

The application was placed on public exhibition for a fourteen (14) day period from 19 October to 2 November 2016. One (1) objection was received.

Following the refusal of DA-15/223, the applicant made design amendments to the proposal including deleting the rear balcony from the first floor to reduce the bulk and scale of the development and overlooking into the neighbouring properties, relocate the staircase off the side wall, delete roof overhangs to reduce the length of the rear addition and minimise overshadowing, increase the amount of landscaped area to 38% and made provision for a flat roof. The reduction in setback to align with the heritage item at 164 King Street and the changes to reduce the bulk of the development satisfies three of the four reasons for refusal with the fourth reason of refusal relating to landscaped area, site coverage and overshadowing. Council has assessed the amended proposal which has improved landscaping, reduced site coverage and reduced overshadowing to the neighbouring properties. While the proposal is not 100% compliant with Council's requirements, the amendments are acceptable.

The application has been assessed in accordance with the relevant requirements of the *Environmental Planning and Assessment Act 1979* ('EP&A Act') and it is recommended that Council resolve to change the previous refusal issued on 28 August 2016 to an approval.

Recommendation

That the determination be changed from refusal to approval pursuant to section 82A of the Environmental Planning & Assessment Act 1979 and subject to the conditions of consent attached to this report.

Background

History

Development Application No. 15/223 proposed additions to an existing two storey dual occupancy development. The proposal also included two studios to be constructed over the garages located at the rear of the property. On 19 May 2016, the applicant submitted amended plans removing the two studios over the garages and amending the roof pitch from a hipped roof to a flat roof to reduce the bulk of the development at the rear. Deletion of the studios reduced the proposed FSR of the site to 0.6:1. There was no major change to the landscaped area, site coverage and the car parking area which proposed 359sqm (64%) site coverage, 117.9sqm (21%) landscaped area and three car parking spaces. The application was assessed on its merits considering the building is an existing dual occupancy structure approved in 1994 by Council. The impact of the development on the neighbouring heritage items was significant and the bulk and scale of the development, particularly from the rear was intrusive. Therefore, on 28 August 2016, the proposal was refused under delegation. Figures 1 to 4 below, demonstrate the refused proposal under DA-15/223:

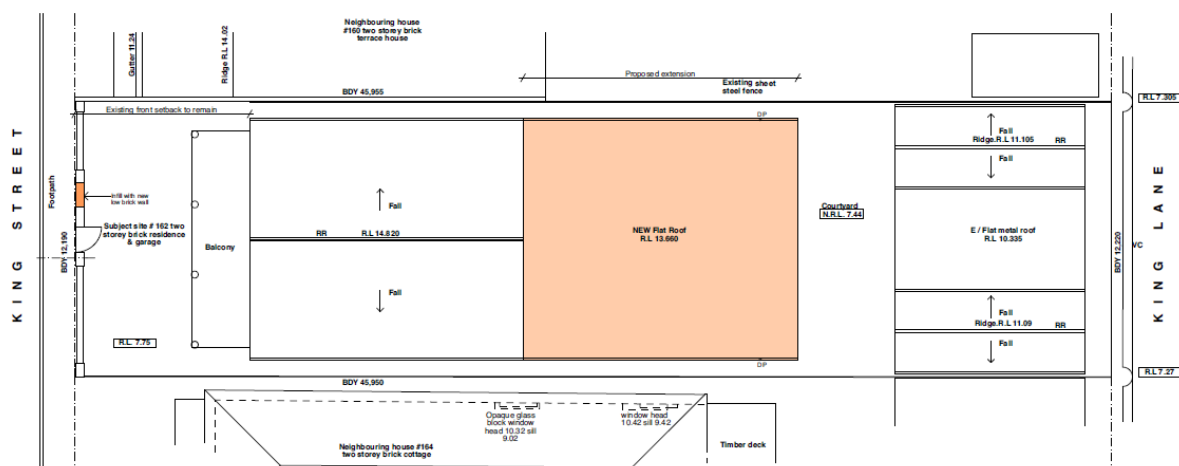


Figure 1: Proposed Site plan of the addition refused by Council

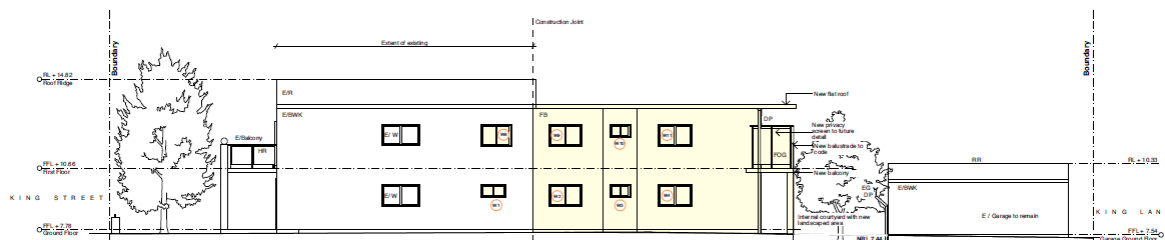


Figure 2. Proposed Western elevation refused by Council

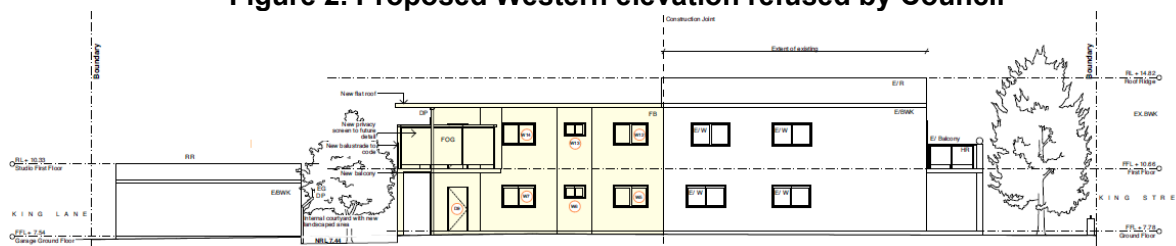


Figure 3. Proposed Eastern elevation refused by Council

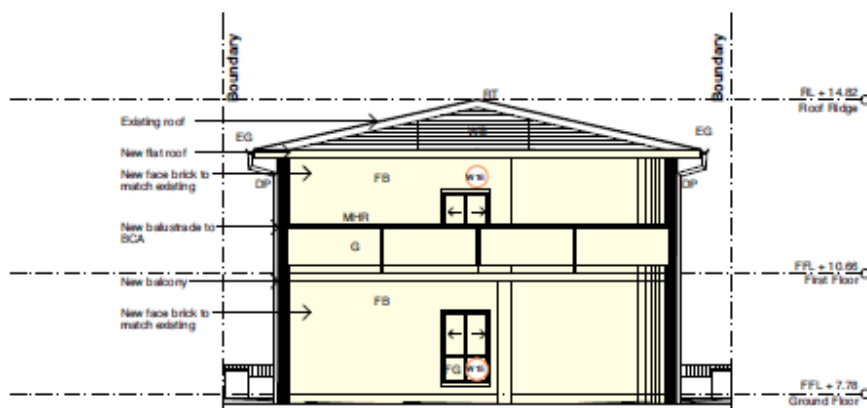


Figure 4. Proposed Southern Elevation refused by Council

The reasons of refusal were as follows:

1. *The proposal would have an unacceptable impact on the heritage significance of heritage items in the locality.*
(Environmental Planning and Assessment Act 1979 s79C(1)(b)).
2. *The proposal would have unacceptable impacts on the amenity of adjoining dwellings in the locality.*
(Environmental Planning and Assessment Act 1979 s79C(1)(b)).
3. *The proposal has not demonstrated the suitability of the site for the proposal. The proposal does not achieve the following development controls:*
 - a) *The proposal does not comply with the maximum FSR provisions for dual occupancy development as required in Clause 4.4A of the Botany Bay LEP 2013.*

- b) *The proposal does not comply with Objectives O1, O3, O5 and O7 and Controls C2 and C4 of Section 3B.7.1 of the Botany Bay DCP 2013 in relation to the proposed excessive bulk and scale of the rear 2 storey addition to the house on the site and the resulting impacts on adjacent heritage items.*
- c) *The proposal does not comply with Controls C10, C11 and C13 of Section 3B.7.1 of the Botany Bay DCP 2013 relating to the height of the development in comparison with the single storey scale of the adjacent heritage items.*
- d) *The proposal does not comply with Control C20 of Section 3B.7.1 of the Botany Bay DCP 2013 in that greater side and rear setbacks are required to lessen the impact on the heritage items.*
- e) *The proposal is contrary to Objective O2 and Control C15 of Part 4A.2.3 and Part 8 of the BBDCP 2013 in that it does not ensure that Council's Desired Future Character of its Precinct has been achieved.*
- f) *The proposed development does not comply with the maximum 50% site coverage for the site within Control C2 of Part 4A.2.7 of the Botany Bay DCP 2013.*
- g) *The proposed development does not comply with the minimum 40% landscaped area within Control C2 of Part 4A.2.9 (Landscaped Area) in the Botany Bay Development Control Plan 2013.*
- h) *The proposal is contrary to Objective O3 of Part 4A.4.3 of the Botany Bay DCP 2013 as it fails to minimise overshadowing on adjoining dwellings, specifically to the rear yards at 158, 160, 164 and 164A King Street.*
- i) *The proposal is contrary to Control C1 of Part 4A.4.3 of the Botany Bay DCP 2013 which requires buildings to be designed and sited to maintain approximately 2 hours of solar access between 9am to 3pm on 21 June to windows in living areas (family rooms, rumpus, lounges and kitchens) and the principal open space areas such as swimming pools, patios and terraces and drying areas of both the subject site and adjoining properties.*

(Environmental Planning and Assessment Act 1979 s79C(1)(c)).

- 4. *The proposal is contrary to the public interest and approval of the proposal would set an undesirable precedent in the locality.*

(Environmental Planning and Assessment Act 1979 s79C(1)(e)).

Description of the Proposed Development- Review Application

The Section 82A Review of Determination Application of DA-15/223 proposes the following changes pursuant to Section 82A(4)(c) of the EP&A Act to the development that was refused by Council on 28 August 2016:

- Provision of a flat roof instead of a pitched roof at the rear of the site to reduce the bulk and scale of the development;

- Deletion of the rear balcony to remove any potential for privacy and overlooking impacts onto the neighbouring property;
- Relocate the rear staircase off the side wall in order to increase the side setbacks at the rear of the building;
- Delete the rear roof overhand to reduce the overall length of the rear addition, minimise any further overshadowing to the neighbouring properties and reduce the bulk of the new addition;
- Incorporate a 'step' along the side elevations in order to break up the bulk of the building;
- Maintain the existing side setbacks at a minimum 1.2 metres;
- Rear setback of rear addition is now similar to that of the neighbouring heritage-listed dwelling at No.164 King St;
- Installation of windows fronting the rear yard and rear lane to provide surveillance;
- Increase the amount of landscaped area to 38%;
- Installation of five new skylights.

The proposal is illustrated in Figures 5-8 below.

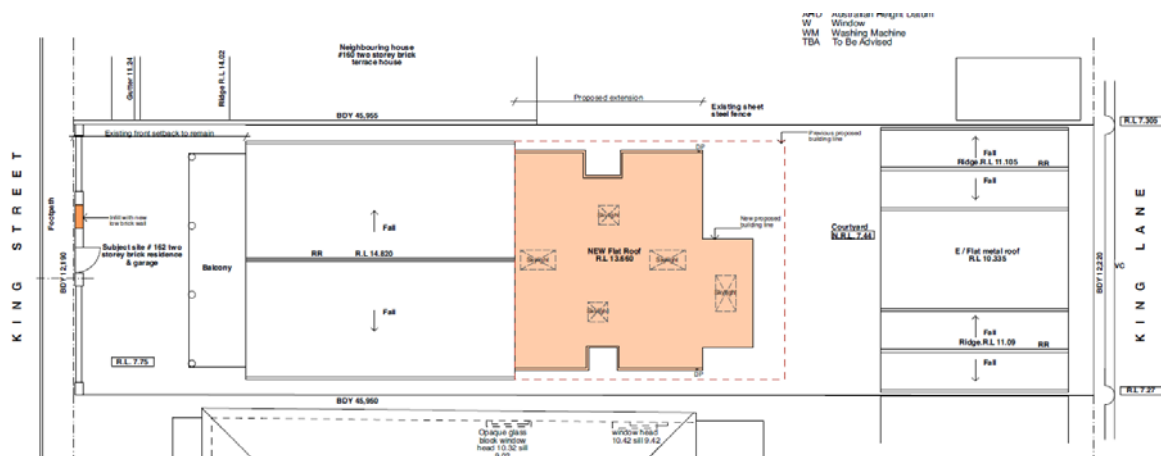


Figure 5. Proposed Site Plan

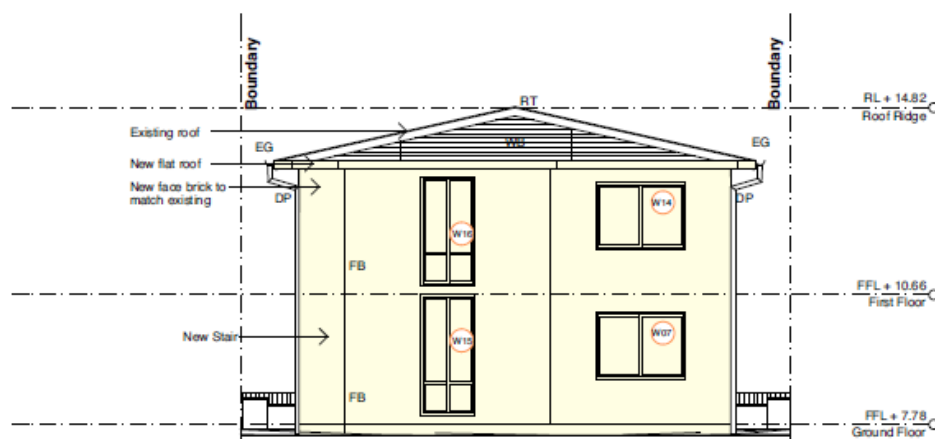


Figure 6. Proposed Southern Elevation

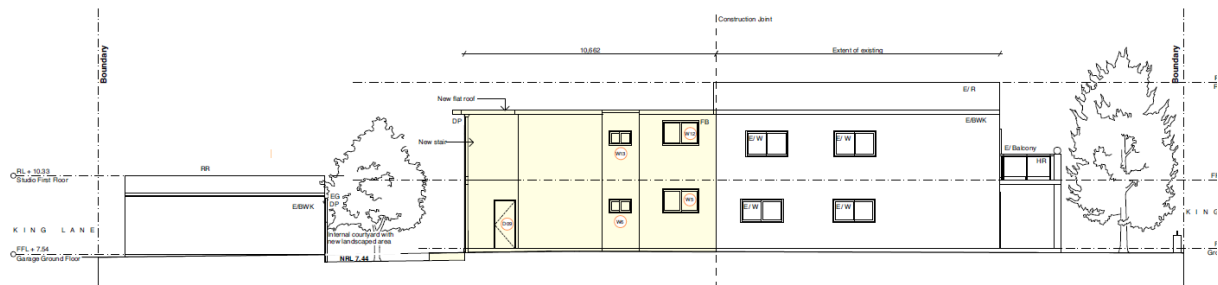


Figure 7. Proposed Eastern Elevation

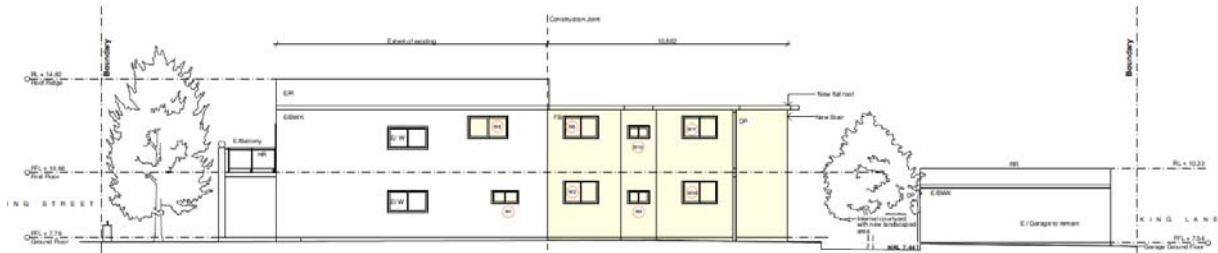


Figure 8. Proposed Western Elevation

Site Description

The subject site is legally known as Lot 2 Sec 7 in DP 3876. The site is located on the southern side of King Street between Alfred Street to the west and Frogmore Street to the east. The site is bound at the rear by King Lane. The site has a north east to south west orientation with north-east being the front of the site (King Street) and south-west being the rear of the site (King Lane). The site is located within the R2 Low Density Residential Zone.



Figure 9. Locality Plan



Figure 10. Aerial Map of subject site

The site is generally rectangular in shape with a street frontage of 12.19 metres, a rear boundary width of 12.22 metres and side boundary lengths of 45.95 metres and has a total surveyed area of 560.9sqm. The site has a small slope of 300mm from King Street to King Lane.



Figure 11. Front elevation of subject site

The subject site comprises of a two storey dwelling house which was approved as a dual occupancy in 1994. The building is constructed from brick and contains a terracotta tiled roof. The front of the site contains a large balcony off the first floor. The entire front of the site is tiled with limited landscaping. The rear yard is predominantly tiled with small areas of landscaping. The rear of the site contains two garages and one hard stand car space under a carport.



Figure 12. Rear elevation of subject site (rear garages)



Figure 13. View of rear of subject dwelling from 160 King Street

The adjoining property at 160 King Street forms part of heritage listed attached cottages and is identified as Heritage Item 'I143- Terrace Group' within Schedule 5 of BBLEP 2013. The dwelling is constructed out of brick and contains a metal roof and verandah. The rear of the property comprises of a single metal roof fibro garage. The adjoining property at 164 King Street comprises of a detached brick dwelling with terracotta roof. The dwelling is identified as Heritage Item 'I146- House Group' as identified within Schedule 5 of the BBLEP 2013. The site comprises of a single brick and metal roof garage at the rear of the site off King Lane.

Development surrounding the site comprises of low density residential development. The majority of the development along the southern side of King Street comprises of single storey dwelling houses. The block that encompasses the site consists of a number of heritage items with the subject site being the only site within the block that is not a heritage item. The site is in close proximity to L'Estrange Park to the east.



Figure 14. Heritage Items- 150-160 King Street

Referrals

Development Application No. DA-2015/223 was referred to Council's Building Surveyor, Heritage Advisor and Environmental Health Officer for comments. As there have not been major changes proposed, the original comments still apply. The Heritage Advisor's comments have been amended from the original DA as the applicant has demonstrated that the bulk of the proposal has been reduced and are now in support of the proposal with regards to Council's planning assessment. Therefore, appropriate conditions have been imposed on the development consent to address the relevant issues raised relating to setbacks, classification and requirements under the Building Code of Australia and heritage impact.

Statutory Considerations

Environmental Planning and Assessment Act, 1979

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

Section 82A Provisions

Pursuant to Section 82A of the EP&A Act, an applicant may request that the Council review a determination of an application, subject to various tests, which are considered below:-

- If Council was the consent authority - in this case the Council was the consent authority.
- The determination was not for a complying development certificate, designated development, integrated development, or a determination made by the council under Division 4 in respect of an application by the Crown - in this case, the proposal was not for any of these types of development.

- A determination cannot be reviewed after the time limited for the making of an appeal under section 97 expires, if no such appeal is made against the determination, or after an appeal under section 97 against the determination is disposed of by the Court, if such an appeal is made against the determination - this timeframe is 6 months, with DA-2015/223 having been refused by the Council on 28 August 2016, resulting in this review application being made within the specified time frame.
- The applicant may make amendments to the development described in the original application, subject to the consent authority being satisfied that the development, as amended, is substantially the same development as the development described in the original application (s82A(4)(c)) – in this case, it is considered that the changes to increase the amount of landscaped area, reduce the bulk of the development by deleting the rear balcony and parts of the roof and relocate the staircase, results in the application as proposed in the Review Application, being substantially the same development as the original application.
- The council may review the determination if it has notified the request for review in accordance with the regulations, if the regulations so require, or a development control plan, (where applicable) and considered any submissions made concerning the request for review – in this case, the Review Application was notified in accordance with Botany Bay Development Control Plan 2013 with one submission being received.
- As a consequence of its review, the council may confirm or change the determination – in this case, the recommendation to change the determination from refusal to approval.
- If the council reviews the determination, the review must be made by the council, the council must make the decision – in this case, the original DA was refused under delegation and therefore this Review Application is referred to Council for a decision.

Accordingly, it is considered that a Section 82A review is available and is considered below.

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:

EPA (Division 10) and Environmental Planning Regulation 2000 (Part 5) – Existing Use Rights

The proposed use is defined as *residential accommodation* (dual occupancy) under the Botany Bay Local Environmental Plan 2013 and is a prohibited use within the local government area.

Section 107 of the *Environmental Planning and Assessment Act 1979* (EPA) states “except where expressly provided in this Act, nothing in this Act or an environmental planning instrument prevents the continuance of an existing use”.

The use was established as a dual occupancy in 1994 prior to the gazettal of the then Botany Local Environmental Plan 1995. The applicant seeks consent for alterations and additions to the existing dual occupancy dwellings under the existing use rights provisions of the *Environmental Planning and Assessment Act 1979*.

Section 43 of the *Environmental Planning Regulation 2000* (EPR) provides that *development consent is required for any alterations or extension of a building used for an existing use, and that the alteration or extension:*

- (a) Must be for the existing use of the building or work and for no other use; and*
- (b) Must be erected or carried out only on the land on which the building for work was erected or carried out immediately before the relevant date.*

The proposed alterations and additions are for the existing use which is a dual occupancy dwelling and will be carried out on the lot to which the dual occupancy was erected. As stated above, the dual occupancy was established in 1994, which is prior to the BBLEP 2013 coming into force.

Planning principles in relation to the assessment of development applications based on existing use rights were stated by Senior Commissioner Roseth in *Fodor Investments v Hornsby Shire Council* (2005) 141 LGERA 14 and have been addressed with respect to the proposed alterations and additions as follows:

Principle 1: *'How do the bulk and scale (as expressed by height, floor space ratio and setbacks) of the proposal relate to what is permissible on surrounding sites?'*

In regards to height, the proposal is an existing two storey dwelling house with a height of 7.1 metres, the proposed additions has been amended to have a flat roof with a maximum height of 6 metres. The maximum height for development in the area is 9 metres, however as dwellings along the block are heritage listed items it is not expected that significant redevelopment will occur on these sites in the future and the characterisation of the development on the block will remain as low scale residential dwellings of generally one storey in height. However, the height of the ridge of the adjoining roof at 164 King Street is higher than the height of the proposed addition therefore height is acceptable.

The adjoining sites comprise of smaller lots which allow for greater gross floor area. The proposal is only slightly higher than the established floor space ratio of 0.55:1 for sites greater than 450sqm (for a dwelling) and 0.5:1 for residential accommodation.

The proposal will continue the existing setbacks of the existing building with a small inset towards the rear of the side elevations. As there is no set requirement, a merit assessment has been made. The deletion of the balcony and setting in the staircase from the western side of the building reduces the bulk of the development.

Principle 2: *'What is the relevance of the building in which the existing use takes place?'*

The building is currently used and approved as a dual occupancy with the ground floor one domicile and the first floor a separate domicile. The proposal is to make additions to this existing building at the rear. There is no significant relevance of the building in the locality as it is not a heritage item and does not have any environmental or social importance. The proposal will continue the use as two separate domiciles with the proposed enlargement.

Principle 3: 'What are the impacts on the adjoining land?'

The refused development application raised issues of heritage, visual privacy and overshadowing as the predominant concerns that would impact the adjoining properties. The amended proposal subject to this application has improved visual privacy by removing the rear balcony as well as removing two windows facing the eastern elevation. The application was also referred back to Council's Heritage Advisor who had no objection to the amended proposal subject to the planning officer's assessment. The adjoining sites will still be impacted by overshadowing however due to the two storey nature of the proposal and of the existing house and the north-east to south-west orientation of the sites, the proposal will allow the neighbouring properties to comply with the minimum 2 hours sunlight. The assessment under the Botany Bay Development Control Plan 2013 indicates that the proposed alterations and additions do not adversely impact these sites. The shadow impact is discussed in greater detail in Note 4 below.

Principle 4: 'What is the internal amenity?'

The application will improve the amenity achieved internally to the existing dual occupancy. The Section 82A application has been accompanied by a BASIX Certificate which confirms that the proposed alterations and additions will meet the NSW Government's requirements for sustainability. The addition also increases the size of the principal living areas at ground and first floor and maintains the number of bedrooms however increasing their size. As such, the internal amenity is improved for the residents.

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

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ("BASIX") applies to the proposed development. The development application was accompanied by an amended BASIX Certificate No. A262610 dated 6 October 2016 committing to environmental sustainable measures.

State Environmental Planning Policy No. 55 – Remediation of Land

The provisions of SEPP 55 have been considered in the assessment of the development application, along with the requirements of Part 3K- Contamination of the Botany Bay Development Control Plan 2013. The likelihood of encountering contaminated soils on the subject site is considered to be extremely low given the following:

1. The site appears to have been continuously used for residential purposes;
2. The adjoining and adjacent properties are currently used for residential purposes;
3. The site and surrounding land were not previously zoned for purposes identified under Table 1 of the contaminated land-planning guide in SEPP 55, in particular industrial, agricultural or defence uses.

On this basis, the site is considered suitable in its present state for the proposed residential development. No further investigations of contamination are considered necessary.

Botany Bay Local Environmental Plan 2013

As the proposed development relies on existing use rights, the development standards within the BBLEP 2013 do not apply. Notwithstanding this, the proposed alterations and additions are to be merit assessed and must be assessed against a benchmark in order to determine whether the nature and extent of the proposed alterations and additions are acceptable in the circumstances. Given this, the development standards contained within the BBLEP 2013, and the controls within the BBDCP 2013, provide a relevant benchmark for a merit assessment. As such, the proposed development has been assessed against these controls, which are set out below.

Relevant Clauses Principal Provisions of Botany Bay Local Environmental Plan 2013	Compliance Yes/No	Comment
Land use Zone	Yes	The site is zoned R2 Low Density Residential zone under the Botany Bay Local Environmental Plan 2013.
Is the proposed use/works permitted with development consent?	Yes- Under existing use rights	The proposed use as a dual occupancy is not permissible with Council's consent under the BBLEP 2013. However, the site benefits from existing use rights as approved by Council 1994.
Does the proposed use/works meet the objectives of the zone?	Yes	The proposed development is consistent with the objectives of the R2 zone which are: <ul style="list-style-type: none"> <i>To provide for the housing needs of the community within a low density residential environment;</i> <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents;</i> <i>To encourage development that promotes walking and cycling.</i>
What is the height of the building?	-	The maximum height required on the site is 9 metres.
Does the height of the building comply with the maximum building height?	Yes	The maximum height of the dwelling is approximately 7.1 metres. The extension has a maximum height of 6 metres. The proposed height complies with the requirements under BBLEP 2013.
What is the proposed Floor Space Ratio?	No, Acceptable	The maximum permissible FSR for a dual occupancy is 0.5:1.

Relevant Clauses Principal Provisions of Botany Bay Local Environmental Plan 2013	Compliance Yes/No	Comment
Does the Floor Space Ratio of the building comply with the maximum Floor Space Ratio?	Yes	<p>The site has a total area of 560.9sqm.</p> <p>Existing GFA: 194sqm Existing FSR: 0.35:1 Additional GFA: 145.76sqm (approx.) Proposed total GFA: 339.76sqm Proposed FSR: 0.6:1</p> <p>A Clause 4.6 submission was made, but on the original plans, not as amended.</p>
<p>Is the site within land marked "Area 3" on the Floor Space Ratio Map?</p> <p>If so, does it comply with the sliding scale for Floor Space Ratio in Clause 4.4A?</p>	No, Acceptable	The site is located in the 'Area 3' zone. Refer to the Floor Space Ratio section above.
Is the site listed in Schedule 5 as a heritage item or within a Heritage Conservation Area?	N/A	The site is not listed as a heritage item, nor is it located within a Heritage Conservation Area. However, the site is adjoining two heritage items- I143 and I146.
<p>The following provisions in Part 6 of Botany Bay Local Environmental Plan apply–</p> <ul style="list-style-type: none"> 6.1 – Acid Sulfate Soils 6.2 – Earthworks 6.3 – Stormwater Management 6.9 – Development in areas subject to aircraft noise 	<p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>Class 4 ASS- Due to the extent of excavation not exceeding 2m, it is unlikely that acid sulfate soils will be uncovered. As such, the proposal is considered acceptable.</p> <p>The site does not propose any major excavation works. The proposed development will be slab on the ground and minor footings.</p> <p>A stormwater management plan was submitted with the development application. Details regarding the stormwater management on the site are provided in Part 3G below.</p> <p>The site is located within the 25-30 ANEF Contour. An Acoustic report was prepared by Acoustic Logic as part of the original</p>

Relevant Clauses Principal Provisions of Botany Bay Local Environmental Plan 2013	Compliance Yes/No	Comment
		development application . As the modifications are acceptable in this case, a condition has been recommended in the consent which related to compliance with AS2021:2000.

The objectives and provisions of Botany Bay Local Environmental Plan 2013 have been considered in relation to the subject development application. The proposal is considered satisfactory in terms of the Botany Bay Local Environmental Plan 2013.

S.79C(1)(a)(ii) - Provisions of any Draft Environmental Planning Instruments

There are no current Draft Environmental Planning Instruments applicable to this development.

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

The following Development Control Plan is relevant to this application.

Botany Bay Development Control Plan 2013

The development proposal has been assessed against the controls contained in the Botany Bay Development Control Plan 2013 as follows:

Part 3A – Parking & Access

Part	Control	Proposed	Complies
3A.2. Parking Provisions of Specific Uses	C2 Dual occupancies <ul style="list-style-type: none"> • <2 bedrooms – 1 space/dwelling • >2 bedrooms – 2 spaces/dwelling Two dwellings = 4 car spaces	As the development was approved as a dual occupancy, the site contains two dwellings. Each dwelling comprises of four bedrooms therefore a total of four spaces are required. The site has three existing car spaces- two within a garage and one carport. Therefore there is a shortfall of one car space.	No – Refer to Note 1
3A.3.1 Car Park Design	C28 The minimum width of the access driveway at the	The existing vehicular crossings along King Lane are to be maintained.	Yes

	property boundary shall be:- (i) For dwelling houses: ▪ 3 metres		
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Note 1 – Car Parking

Control C2 of Part 3A of the BBDCP 2013 requires dual occupancies to provide two car spaces per dwelling if the dwelling has more than two bedrooms. Each dwelling has a total of four bedrooms therefore the site generates demand for a total of four car parking spaces. The site currently comprises of three car parking spaces- one carport and two spaces within a garage. The existing configuration of the dwellings comprise of four bedrooms, therefore there is an existing non-compliance in the amount of off-street car parking for the site. The site does not have the capacity to accommodate a fourth car space without further reducing the amount of landscaped area on the site. Therefore the non-compliance is acceptable.

Part 3B – Heritage

The site is not identified as a heritage item and is not located within a heritage conservation area. However, the site adjoins heritage items to its east and west and is the only site within the block that is not a heritage item. The property to the east is identified as I143 (150-160 King Street) and the property to the west is identified as I146 (164 & 164A King Street) within Schedule 5 of the BBDCP 2013.

Council's Heritage Advisor reviewed the amended proposal as part of the Section 82A Application and provided the following comments:

"The proposal has reduced the bulk and scale of the proposed rear addition and eliminated the previously proposed upper floor addition to the rear garage, thus reducing the overshadowing and privacy impacts. Providing the planner's assessment is that the proposal now complies with the relevant planning controls, with particular regard to privacy, overshadowing and minimum landscaped area, the proposal in the revised plans is now considered to have responded to the heritage concerns expressed with regard to the previous proposal, and is considered acceptable with regard to heritage impacts on the neighbouring heritage items."

As demonstrated in the proposed modifications from the original application, the proposal increases the amount of landscaped area from 21% to 38%. While this is not compliant with the 40% requirement, the amount of landscaped area is acceptable. The modifications have removed any visual privacy concern to the neighbouring properties. The overshadowing of the adjoining sites is considered acceptable as the bulk has been reduced and due to the north-south orientation of the site, would receive the minimum 2 hours of sunlight as a majority of the heritage items are single storey in nature.

The proposal is therefore considered to have no significant heritage impact on the neighbouring properties and is therefore supported.

Part 3G- Stormwater Management

The proposal increases the amount of roof coverage on the site however the site comprises of pavement to the majority of the rear which was approved by Council. The amended proposal will reduce a large amount of hardstand area and have it replaced with the building and permeable landscaping. The rear addition will connect to the existing stormwater system on the site. A condition has been recommended in the consent requiring a 3,000L rainwater tank to be installed.

Part 3J- Aircraft Noise and OLS

The provisions of AS2021-2000 have been considered in the assessment of the development application, as the subject site is located within the 25-30 ANEF contour. DA-2015/223 (parent DA) had an acoustic report provided and prepared by Acoustic Logic. There has been no change to the building materials proposed as part of this review. The proposal is permissible subject to a condition requiring compliance with the requirements of AS2021-2000. As such, the development is considered to be acceptable with regard to the provisions contained in Clause 6.9.

Part 3K- Contamination

The relevant requirements and objectives have been considered in the assessment of the development application. The subject site has long been used for residential purposes and contamination is unlikely. Furthermore, the application has been assessed against SEPP 55 and is found to be satisfactory. Site investigation is not required in this instance.

Part 3L- Landscaping and Tree Management

The Section 82A Application was provided with an amended landscape plan. Currently, the site comprises of a small amount of landscaped area less than 15% which is found in the rear yard. The previous landscape plan proposed 21% landscaping. The amended landscape plan demonstrates 38% landscaping. While this is not compliant with Council's requirement of 40%, the departure is minor and is acceptable in this instance as it is an improvement on the site. The proposal will retain four existing trees within the rear yard and will include two new trees (*Cercis Canadensis*) within the front yard.

Part 3N- Waste Minimisation & Management

A Waste Minimisation Management Plan (WMP) was submitted with the previous application. Conditions have been recommended to ensure that all waste generated will be stockpiled, managed and disposed in accordance with the submitted WMP.

Part 4A- Dwelling Houses

The development application has been assessed against the controls contained in *Part 4A of the DCP – Dwellings*. The following table compares the proposed development with the relevant provisions of this policy.

Part	Control	Proposed	Complies
4A.2.4 Streetscape Presentation	C2 Development must be designed to reinforce and maintain the existing character of the streetscape.	The block in which the subject site is situated comprises of a number of single storey heritage items that are either semi-detached or detached and are on smaller allotments.	Acceptable

		<p>The proposal has increased the gross floor area and the site coverage on the site, however the original proposal was significantly excessive. The amended proposal has reduced the bulk of the development so that the scale of the building is not dominant from the rear.</p> <p>The amended plans demonstrate an increase in the amount of landscaped area greater than the landscaped area in surrounding development. The rear setback of the building now aligns with the rear setback established at 164 King Street. The staircase component which is set in from the side boundaries aligns with the rear patio/deck of 164 King Street. There is no change to the front of the dwelling other than additional landscaping and enclosing a small portion of the front fence. As there is no significant change to the King Street streetscape, the amended proposal is acceptable.</p>	
	C3 Dwellings must reflect dominant roof lines and patterns of the existing streetscape.	The predominant roof form is hipped roofs. The front portion of the dwelling will retain its pitched roof however the addition has been amended to incorporate a flat roof. Greater detail is discussed in Part 4A.3.2 below.	Refer to Part 4A.3.2 below
	C4 Buildings must address the street. Buildings that are intrusive or inconsistent with the established development pattern will not be permitted.	The building addresses the street with both entrances to the dual occupancy off King Street.	Yes
	C5 Developments on sites with two or more frontages should address both frontages.	The dwellings front onto King Street while the existing rear garages/carport front King Lane.	Yes

	C6 Dwellings front door is to be readily apparent from the street.	The dwellings front doors are visible from King Street.	Yes
	C15 A two storey dwelling house is not considered appropriate where the majority of surrounding dwelling houses in a street are single storey.	The dwelling is currently two storeys in height. The dwellings surrounding the site are all single storey in nature and are heritage listed. The dwelling in its current form is acceptable as it complies with the FSR and site coverage. The addition will be contained to the rear. While it is visible from King Lane, the amended proposal is contained within the rear setbacks permissible under Council's controls and has reduced the bulk by removing the rear balcony, setting in the staircase and changing the roof form. These modifications are acceptable.	Acceptable
4A.2.5 Height	C1 The maximum height of buildings must not exceed the maximum height identified in the Height of Buildings Map and Clause 4.3 of the Botany Bay Local Environmental Plan 2013.	The maximum height required on the site is 9 metres. The maximum height of the dwelling is approximately 7.1 metres. The addition has a height of 6 metres. The proposed height complies with the requirements under BBLEP 2013.	Yes
	C3 New buildings are to consider and respond to the predominant and characteristic height and storeys of buildings within the neighbourhood, and consider the topography and shape of the site.	The existing building is of a two storey built form. The addition to both the ground floor and first floor will extend the dwellings and increase the size of the development. A significant addition is not encouraged particularly as the development adjoins single storey heritage listed dwelling houses. The proposal has been assessed on streetscape and the heritage impact and it is found that the amended proposal has reduced the amount of bulk from the rear which limits the impact on the heritage items. This is confirmed by Council's Heritage Advisor who supports the modified proposal. The	Acceptable

		addition will not be visible from King Street. The overshadowing impact onto the neighbouring properties is discussed in greater detail below.	
4A.2.6 Floor Space Ratio (FSR)	C1 The maximum FSR of development is to comply with the Floor Space Ratio Map and Clauses 4.4, 4.4A and 4.4B of the Botany Bay Local Environmental Plan 2013.	<p>The maximum permissible FSR is 0.5:1 as the dwellings are categorised as a 'dual occupancy'.</p> <p>The site has a total area of 560.9sqm.</p> <p>Existing GFA: 194sqm Existing FSR: 0.35:1 Additional GFA: 145.76sqm (approx.) Proposed GFA: 339.76sqm Proposed FSR: 0.6:1</p> <p>The development exceeds the maximum FSR for the dwellings.</p>	Acceptable- Refer to Existing Use rights above
4A.2.7 Site Coverage	C2 Sites greater than 300sqm, the maximum site coverage is 50%.	<p>The site has a maximum requirement of 50%.</p> <p>The site has a total area of 560.9sqm. The amended proposal has a total site coverage of 320.6sqm or 57%. This is a reduced figure from the original proposal which was 64%.</p>	No – Refer to Note 2
4A.2.8 Building Setbacks	<p>C1 Dwelling houses must comply with the following minimum setbacks as set out in Table 1.</p> <p>Less than 12.5m lot width:</p> <ul style="list-style-type: none"> • Front – comply with prevailing street setback or 6m min. • Side – merit. • Rear – 4m min. • Eaves – 450mm min. <p>Note: The subject site has a street frontage width of 12.19 metres.</p>	<p>Front Setback: The front setback of 7.8 metres will remain as existing.</p> <p>Side Setbacks: The side elevations on both the eastern and western side have a 1.2 metres side boundary setback with a portion of the development setback to 2.3 metres for greater articulation. Council's Heritage Advisor had originally requested that the side setbacks be further reduced. The amended proposal has retained the side setbacks of 1.2 metres however the bulk</p>	Yes

		<p>from the rear has been removed therefore Council's Heritage Advisor has found the amended proposal acceptable.</p> <p>Rear Setbacks: The proposal will have a 15.6 metre rear setback from the boundary line. The dwelling has a distance of approximately 5.9 metre from the garage/carport.</p> <p>Eaves: There are no eaves proposed as part of the amended proposal due to the structure having a flat roof.</p>	
4A.2.9 Landscape Area	<p>C2 Development shall comply with the following minimum landscaped area requirements, based on the area of the site in Table 2. Table 2 requires the following minimum landscaped area:</p> <p>(i) 40% for sites that are greater than 450sqm</p>	<p>The minimum amount of landscaped area is 40%. The site has a total amount of landscaped area of 214.35sqm or 38% as part of the amended proposal.</p>	No – Refer to Note 3
	<p>C4 Any building or structure must be sited to retain and protect existing trees, including street trees and trees on adjoining properties.</p>	<p>The original proposal involved the removal of two existing grapefruit trees located to the south of the primary dwelling. The amended proposal will retain these two trees.</p>	Acceptable
	<p>C8 The front setback is to be fully landscaped with trees and shrubs and is not to contain paved areas other than driveways and entry paths. Paving is restricted to a maximum of 50% of the front setback area.</p>	<p>The site currently has paved areas within the front setback. As part of the amended proposal, the applicant has incorporated landscaped areas within the front setback. However the landscaped area across the whole site continues to be non-compliant.</p>	Acceptable
	<p>C9 The front setback area must contain at least one tree for frontages up to 11.5 metres in width and 2 trees for frontages greater than this and properties located on corner blocks.</p>	<p>Two <i>Cercis Canadensis</i> trees are proposed within the front setback.</p>	Yes

4A.3.1 Materials and Finishes	C1 A Schedule of Finishes and a detailed Colour Scheme for the building facade must accompany all Development Applications involving building works (refer to Council's Development Application Guide for further detail).	A separate Specifications Plan was provided with the original development application. The plans demonstrate that the rear addition will incorporate the same materials used on the original building being face brick, glass balustrades and will have a metal flat roof. There is no change to the materials and colours used as part of this amended proposal.	Acceptable
4A.3.2 Roofs & Attic/Dormer	C1 Where roof forms in a street are predominantly pitched, then any proposed roof should provide a similar roof form and pitch. C3 A variety of roof forms will be considered, provided that they relate appropriately to the architectural style of the proposed house and respect the scale and character of adjoining dwellings.	The rear addition proposes a flat roof design. This is an amendment from a pitched roof as originally proposed so that the bulk of the development will be reduced. The height of the addition at 6 metres falls below the maximum ridge roof height of the adjoining property at 164 King Street.	Acceptable
4A.3.4 Fences	C1 Front fences are to compliment the period or architectural style of the existing dwelling house; C7 Fences that are higher than 1 metre are not encourage along residential frontages but may be constructed to a maximum of 1.2 metres provided the top 600mm of the fence is 50%.	The existing 900mm high brick and metal fence is to remain as existing with the exception of a smaller opening being bricked up. This has not changed as part of the amended proposal.	Yes
	C18 Side fences of a height of 1.8 metres are not to extend beyond the front building line. Note: Fences with untextured surfaces that present a blank appearance to the street are unsuitable and discouraged.	The side fences are to remain as per existing. This has not changed as part of the amended proposal.	Yes

	C19 The maximum height of a rear fence is not to exceed 1.8 metres.	The rear of the site contains garages and carports, therefore there is no rear boundary fence.	Acceptable
4A.4.1 Visual Privacy	C2 Visual privacy for adjoining properties must be minimised by: <ul style="list-style-type: none"> ▪ Using windows which are narrow or glazing ▪ Ensuring that windows do not face directly on to windows, balconies or courtyards of adjoining dwellings ▪ Screening opposing windows, balconies and courtyards; and ▪ Increasing sill heights to 1.5 metres above floor level. 	<p>The amended proposal reduces the number of new windows along the eastern elevation from six to four. The two removed windows (one on the ground floor and one on the first floor) were located within bedrooms. These windows have now been shifted to the southern elevation looking directly into the rear yard. The remaining four windows (within bathrooms and bedrooms) are acceptable.</p> <p>The amount of windows on the western elevation is maintained as per the original proposal which includes six new windows. In addition to the two windows within the bedrooms, the rear elevation contains two windows within the stairwell that face directly into the rear yard.</p> <p>The first floor balcony proposed as part of the original proposal has now been deleted to prevent any overlooking onto the adjoining sites and reduces the bulk of the building when viewed from the rear.</p> <p>There are no windows along the western elevation at 160 King Street and there are two windows on the eastern elevation at 164 King Street. It is not considered that the proposal, after the amendments to the plans, contribute to significant overlooking onto the neighbouring properties.</p>	Yes
	C4 First floor balconies are only permitted when adjacent to a bedroom.	The original proposal comprised of a balcony off the first floor on the southern	Yes

	<p>Note: A balcony will only be permitted on the first floor level at the rear of the dwelling, which extends over the ground floor, providing privacy impacts are minimised.</p>	<p>elevation. This balcony has been removed from the amended proposal in order to reduce the bulk of the development and limit the amount of overlooking onto the neighbouring sites.</p> <p>There is an existing balcony at the front elevation. There is no change to this balcony.</p>	
4A.4.3 Solar Access	<p>C1 Buildings (including alterations/additions/extensions) are to be designed and sited to maintain approximately 2 hours of solar access between 9am and 3pm on 21 June to windows in living areas (family rooms, rumpus, lounge and kitchens) and the principal open space areas such as swimming pools, patios and terraces, and drying areas of both the subject site and adjoining properties.</p>	<p>The amended proposal has included revised shadow diagrams which demonstrate the reduced impact onto the rear of the site and the adjoining site as a result of reducing the bulk of the development, particularly from the rear.</p>	No – Refer to Note 4
	<p>C2 Solar panels on adjoining houses that are used for domestic needs within that dwelling must not be overshadowed for more than two hours between 9am to 3pm in mid-winter.</p>	<p>There are no solar panels impacted by the proposed development.</p>	N/A
4A.4.4 Private Open Space	<p>C2 For sites greater than 450sqm, a minimum area of 36sqm applies.</p>	<p>The rear yard has a total of approximately 90sqm of private open space therefore each dwelling will achieve the minimum requirement. The front of the site on the first floor, contains a 25sqm balcony which is also used as private open space.</p>	Yes
4A.4.7 Vehicle Access	<p>C1 Driveways within a property shall have a minimum width of 3 metres. C2 The width of the vehicular crossing over the Council's road reserve shall be a minimum of 3 metres for a single garage and a</p>	<p>The vehicular crossing and access to the site will remain as per existing.</p>	Yes

	maximum of 5.5 metres for a double garage. C6 The number of vehicle crossings is to be limited to one (1) per allotment.		
4A.4.8 Car Parking	C1 Development must comply with Part 3A – Car Parking	There is no change to the existing amount of car parking on the site. This is addressed in Part 3A above.	Refer to Part 3A above
4A.5 Ancillary development	C5 Ancillary structures: i. Max street wall height of 3.6m ii. Max roof height of 6m iii. Roof pitch not exceed 36 degrees	The development does not propose new ancillary structures as part of this amended. The site has two existing garages and a carport which has a maximum area of 101sqm.	No – Acceptable as existing

Note 2 – Site Coverage

Control C2 of Part 4A.2.7 of the BBDCP 2013 requires sites that have a site area greater than 300sqm are to have a maximum site coverage of 50%. The proposal results in a total covered area of 320.6sqm or 57%. This is a variance of 40sqm. The amended proposal has reduced the amount of site coverage of the original refused proposal from 359sqm or 64% which had a variance of 78.55sqm or 14% from the maximum requirement in Council's controls.

With the previous design, the rear balcony, location of the rear staircase and limited amount of landscaped area was factored as contributing to excessive site coverage. As the issue relating to the balcony and staircase has been resolved and the amount of landscaped area has increased, the site coverage issue is not substantive.

In addition to the modifications, the site falls within a Special H1 Area which allows for smaller allotments and higher densities, particularly as Council's controls have earmarked this area for terrace style development. The proposal retains its two storey nature on a block with a site frontage of 12.19 metres. The density of the development does not surpass similar two storey developments in the area. As the site is surrounded by heritage items, it is highly unlikely that the site could be redeveloped for semi-detached terrace style housing. Therefore, any redevelopment of the land would be limited to an extension to the rear of the existing dual occupancy. Therefore the amended proposal is acceptable in this instance.

Note 3 – Landscaped Area

Control C2 of Part 4A.2.9 of BBDCP 2013 requires sites with a site area greater than 450sqm to have a minimum landscaped area of 40%. The site proposes a total landscaped area of 214.35sqm or 38%. This is a deficiency of approximately 10sqm. The amended proposal proposes an increase in the amount of area recommended under the original proposal of 117.9sqm or 21% landscaped area which is deficient by 106.46sqm or 19% from the minimum landscaping requirement.

Greater landscaping has been achieved by removing a large portion of the paved area within the front, side and rear yards as a result in a redesign of the rear of the building. This has allowed the two existing grapefruit trees that were originally proposed to be removed from the rear yard, to be retained. The original proposal's site coverage contributed to a reduced amount of landscaped area. As the overall site coverage on the site has now been reduced, this has allowed for greater permeable landscaping. A desktop analysis of the surrounding properties on King Street demonstrates that a majority of the adjoining properties have limited amount of permeable landscaped area. As the deficiency is quite minor and compliance may impact on the car parking area, the non-compliance is acceptable.

Note 4 – Solar Amenity

The site has a north east to south west orientation with north being the front of the site (King Street) and south being the rear of the site (King Lane). The applicant has provided Council with aerial shadow diagrams demonstrating the shadow impact at 9am, 12pm and 3pm on June 21 and March/September 21. As discussed above, at 9am, the proposal overshadows half of the subject sites rear yard and the rear yard at 164 King Street. The windows along the eastern elevation of the adjoining property will be completely overshadowed at this time however this is a result of the shadow cast from the existing two storey dwelling on the site. At 12pm, three quarters of the subject rear yard will be overshadowed with overshadowing occurring to a portion of the rear yard at 160 King Street. At 3pm, the shadow cast from the proposal extends over a number of sites with at least 158-160 King Street being impacted. The eastern portion of the subject rear yard will be overshadowed by the new addition.

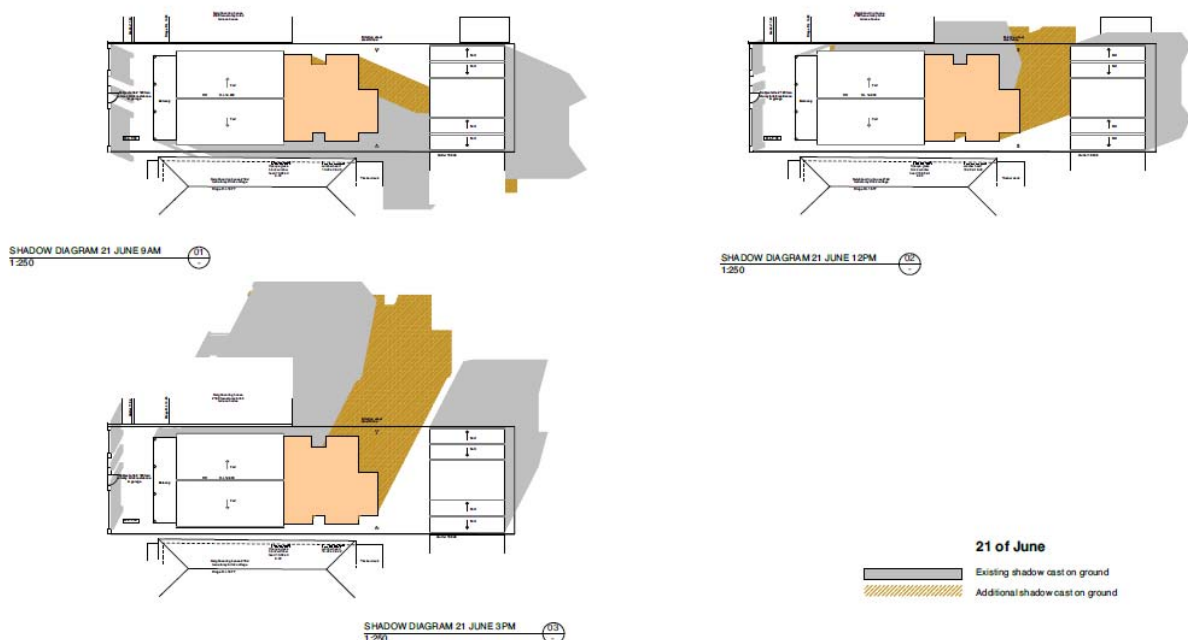


Figure 15: Proposed Shadow Diagram (June 21)

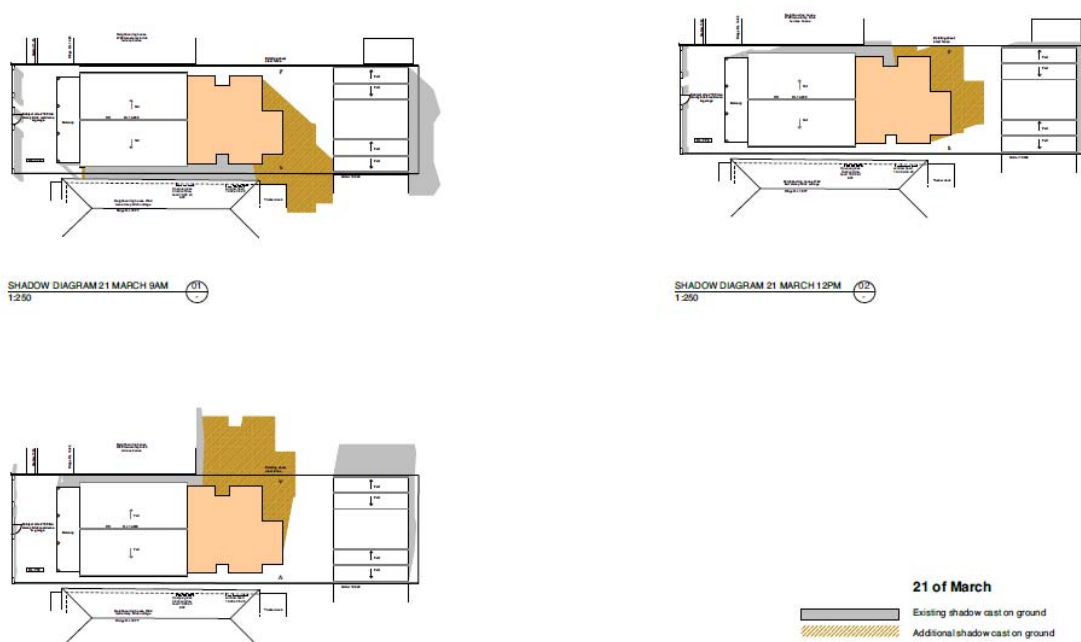


Figure 16: Proposed Shadow Diagrams (March/September)

Consideration has been given to the Land & Environment Court planning principle on the impact on solar access of neighbours from *Parsonage vs Ku-ring-gai* (2004) NSWLEC 347 and as amended by *The Benevolent Society vs Waverley Council* (2010) NSWLEC 1082 is addressed as follows:

- *The ease with which sunlight access can be protected is inversely proportional to the density of development. At low densities there is a reasonable expectation that a dwelling and some of its open space will retain its existing sunlight. (However, even at low densities there are sites and buildings that are highly vulnerable to being overshadowed). At higher densities sunlight is harder to protect and the claim to retain it is not as strong.*

Comment: The site has a north-east to south-west orientation with north-east being the front of the site and south-west being the rear. The development will overshadow the adjoining property at 164 King Street during the morning (9am to 11.30am) and the adjoining properties at 158-160 King Street in the afternoon (12pm onwards). While the proposal proposes to extend the existing two storey dual occupancy, the overshadowing proposed is not significant to impact an adjoining site for the entire day between 9am to 3pm. The area is low density residential and the proposal allows for sunlight to be protected at different periods of the day.

- *The amount of sunlight lost should be taken into account, as well as the amount of sunlight retained.*

Comment: The applicant has provided a revised assessment of the shadow impact for the amended proposal. The amended shadow diagrams demonstrate that there is an improvement in the amount of sunlight received to the rear yards of the adjoining sites. The existing dwelling on the site is two storeys in nature and currently overshadows 160 and 164 King Street. At 160 King Street, there are no windows along the western boundary that will be impacted by the proposal. At 164 King Street, its eastern elevation contains a number of windows however due to the location and scale of the existing dwelling, these windows are currently overshadowed in the morning till 12pm. While the existing dwelling does contribute to overshadowing onto the neighbouring rear yards, the amended proposal involving the extension will increase the shadow cast on the adjoining sites. As stated below, the amount of sunlight that is retained is acceptable and this is a result of the single storey nature of the neighbouring properties. It is harder to protect the amount of sunlight on the neighbouring properties from the subject site as the existing dwelling is two storeys in nature. The north-south orientation is a positive which allows this orientation to occur. The amount of overshadowing is acceptable in this case.

- *Overshadowing arising out of poor design is not acceptable, even if it satisfies numerical guidelines. The poor quality of a proposal's design may be demonstrated by a more sensitive design that achieves the same amenity without substantial additional cost, while reducing the impact on neighbours.*

Comment: The proposal has been modified from the original refusal. The modifications include removal of the covered balcony from the rear of the first floor, removing the eaves from the addition, relocation of the external rear staircase from the side setback and providing a flat roof rather than a pitched roof over the extension. While the amended proposal still contributes to overshadowing to the rear adjoining yards, the degree of overshadowing particularly in March/September has significantly improved. The site coverage has been reduced and the amount of landscaped area has been increased. While the proposal is not compliant, it is close enough that Council recommends it adequate.

- *For private open space to be assessed as receiving adequate sunlight, regard should be had of the size of the open space and the amount of it receiving sunlight. Self-evidently, the smaller the open space, the greater the proportion of it requiring sunlight for it to have adequate solar amenity. A useable strip adjoining the living area in sunlight usually provides better solar amenity, depending on the size of the space. The amount of sunlight on private open space should ordinarily be measured at ground level but regard should be had to the size of the open space as, in a smaller private open space, sunlight falling on seated residents may be adequate.*

Comment: The subject site comprises of private open space within the rear yard in addition to 25sqm on an existing front balcony off the first floor. The front balcony receives full sunlight while the rear yard receives sunlight predominantly in the morning and afternoon hours to 50% of its areas. During midday, the majority of the rear yard will be overshadowed. The neighbouring rear yards at 164 King Street and 158-160 King Street will be overshadowed by the development however due to the single storey nature of the adjoining developments, it is considered that the adjoining rear yards would receive sunlight during the morning (158-160 King Street) and afternoon (164 King Street).

- *Overshadowing by fences, roof overhangs and changes in level should be taken into consideration. Overshadowing by vegetation should be ignored, except that vegetation may be taken into account in a qualitative way, in particular dense hedges that appear like a solid fence.*

Comment: There are no new trees being proposed within the rear yard. The existing trees which comprise of grapefruit and citrus trees are to be retained. Any new vegetation will create any overshadowing onto the neighbouring sites. The side fences are to be retained as existing and will contribute the existing amount of overshadowing. The amended proposal has deleted the roof overhang and the covered balcony from the new extension which reduces the amount of overshadowing onto the neighbouring yards. There are no changes in the levels.

- *In areas undergoing change, the impact on what is likely to be built on adjoining sites should be considered as well as existing development.*

Comment: In the immediate locality, there are a number of heritage listed single storey dwelling houses. In the surrounding streets and directly across the road, there are a number of two storey dwellings of a similar size to the proposed. It is not expected that the heritage listed cottages will be demolished however there is an opportunity to develop to include attic conversions or minor extensions to the rear. The proposal is not considered to be excessive in height as the flat roof falls below the ridge height of the neighbouring single storey development at 164 King Street.

Summary

The planning principles on solar access have been considered with regard to the subject application. It is considered that having regard to these principles that the impacts of the development are acceptable.

Part 8 – Mascot Character Precinct

Part 8.7.1 Mascot Character Precinct of the BBDCP 2013 has been considered in the assessment of the application. This section provides a rationale for determining whether the proposal fits into the desired future character for the area.

The subject site is located in the Mascot Character Precinct within the R2 Low Density Residential zone with a frontage to King Street and rear frontage to King Lane.

In terms of form, massing, scale and streetscape, Council would like to see the following built form in the area:

- Encourage new development or alterations and addition to existing development to complement the height and architectural style found in the immediate vicinity, particularly where there is an established character;
- Maintain roof forms to reflect the characteristics of the prevailing designs within the street.

In terms of heritage, Council's desired future character involves:

- Promote urban design and uses that enhance to the character of the area and protect and are sympathetic to the significance of Heritage Items.
- Conserve and enhance Heritage Items within the Precinct.

The development does not complement the height and architectural style found in the immediate vicinity as the adjoining properties predominantly consist of single storey detached and semi-detached dwelling houses which are heritage items. The existing dwelling is a two storey brick dual occupancy and is located on a larger sized lot in comparison to the neighbouring properties. Therefore, this is an existing bulk and scale issue.

The site is located within a Special H1 Area within Council's Streetscape Presentation controls, which allows for greater densities and smaller allotments. The subject proposal is not adopting the future character of the Special Area as this will create significant bulk, setback and design issues, but rather extends the existing dwelling to the rear to align with the adjoining dwelling at 164 King Street. The height of the development is two storey in nature, however the proposal has adopted a flat roof that has a ridge height less than the maximum ridge height of the neighbouring property to the west. The flat roof contributes to less overshadowing impact and reduces the bulk of the development. This is also contributed by the removal of the covered balcony and relocation of the rear staircase away from the side boundaries.

Overall, the amended proposal has reduced the amount of site coverage, lessened the bulk from the rear and modified the design to alleviate the impact to the neighbouring properties. While the proposal and the existing character of the building is inconsistent with the surrounding single storey built form, the two storey addition is similar in bulk and scale to surrounding two storey dwelling houses within the Mascot Precinct.

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

Clause 92 of the regulation has been considered and there are no applicable provisions to the development.

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

As outlined in the assessment above, the proposed development will have no significant adverse environmental, social or economic impacts in the locality.

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

The subject site is not known to be affected by any natural hazards or other site constraints that are likely to have a significant adverse impact on the proposed development. The issue of likely site contamination has been considered, however, given the nature of the development, and the long standing use of the land for residential purposes, onsite investigation is not warranted. The site is located within a 25-30 ANEF zone. Appropriate conditions have been recommended in the consent. Accordingly, it is considered that the site is suitable to accommodate the development.

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

In accordance with Part 2 of the Botany Bay Development Control Plan 2013 – Notification and Advertising the subject Section 82A Application was notified to surrounding property owners for a fourteen (14) day period from 12 October to 26 October 2016. One (1) objection was received as part of the proposal. The following concerns were raised:

- *Ongoing saga began in November 2015 with the original development application rejected by Council in March/April 2016 and a revised DA submitted in May/June 2016 was rejected by Council in August 2016;*

Comment: To this date, there has been one development application that was refused in August 2016. As part of the application, the neighbours were notified twice, once for the original plans and the second time for amended plans. The Section 82A review was notified to the neighbours for comments and which forms the subject application.

- *Objections still stand as none of the concerns we have raised to date have been addressed by the extremely minor changes proposed by the applicant;*

Comment: The issues relating to bulk and scale and visual privacy have been resolved as part of the amended plans. Solar impact is still an issue with the amended proposal however this has been discussed and addressed in detail in Note 4 above. While still a non-compliance, the amount of site coverage and landscaped area has been improved to a point where Council accepts the non-compliance.

- *The amended proposal goes in no way towards addressing the applicants statement of "...incorporate the concerns raised by Council and the surrounding residents by reducing the proposed GFA, the bulk and scale of the building, minimize any potential impacts on neighbouring heritage items and to better reflect the existing scale of developments in the locality";*

Comment: The applicants statement is inconsistent with the plans however Council has assessed the amended proposal on its own merits rather than relying on the statement. Council acknowledges that the bulk and scale of the development is inconsistent with the neighbouring properties which are all single storey in nature. However this is an existing issue as the current dwelling has a two storey form. It is also acknowledged that the previous design for the additions that was refused was excessive in bulk therefore Council did not support the previous proposal. The current proposal is an improvement to the previous design and it is not considered to significantly create impact onto the neighbouring properties as the majority of the works are contained to the rear yard.

- *The proposed modifications as part of the Section 82A have not resolved Council's concerns at the meeting dated 16 September 2016 that the objector was not privy to;*

Comment: The meeting was held between the applicant and Council to discuss the applicants options after the original development application was approved. The meeting was not privy to any other member of the general public. The applicant has addressed a majority of the

concerns raised by Council. The remaining concerns have been assessed in the report above.

- *The modified proposal does not reduce the FSR and bulk to be similar to the neighbouring properties;*

Comment: The FSR for the development is acceptable as the dwellings are operating under existing use rights. The FSR is slightly over the maximum FSR of a dwelling house (0.55:1) and is over the maximum FSR for dual occupancies (0.5:1). A Clause 4.6 variation has been provided to justify the departure. The bulk and scale is dissimilar to the neighbouring single storey dwellings however as the adjoining properties are heritage listed and the site is the only two storey dwelling in the block, it is unlikely that the neighbouring properties will be redeveloped to have a greater bulk other than an attic conversion. For this reason, it is unfair to limit the development potential of the subject site. The assessment of the proposal has been assessed in accordance with Council's controls and the amended proposal is satisfactory.

- *Applicant claims that the proposal is considered to be consistent with the bulk and scale of the neighbouring sites which is incorrect. This is supported by the table found within the proposed site/roof plan of the modified application which demonstrates that there has been no change to the floor area from the original proposal and still exceeds Councils FSR and Site Coverage requirements;*

Comment: The bulk and scale of the development is inconsistent with the neighbouring properties as these properties are all heritage listed single storey cottages. The existing dwelling on the subject site currently is a two storey brick house which is inconsistent with the built form in the block. While the FSR remains the same, the site coverage of the amended proposal has been reduced, allowing the bulk and scale of the development when viewed to the rear to be lessened. The rear setback aligns with the adjoining property at 164 King Street which is acceptable as there is no consistent rear setback established for the block.

- *The modified proposal will continue to overshadow the neighbouring properties significantly after 12pm till approximately 7pm;*

Comment: As discussed in Note 4 above, the adjoining properties to the east will be overshadowed from 12pm onwards in June 21 to the rear yards. Council considers assessment of shadow impact between 9am and 3pm, therefore any time period after 3pm is not assessed. Due to the single storey nature of the adjoining properties, it is expected that the subject properties will receive the minimum 2 hours of sunlight in the morning. Additionally, the rear yards will receive at least 2 hours in March/September.

- *Fears over Council's inability to ensure the applicant completes the demolition of internal walls until the applicant applies for an Occupation Certificate;*

Comment: Noted. Council has recommended a condition of consent requiring Council to inspect the works prior to the issue of the Construction Certificate.

- *The proposed property from 8 bedrooms + 2 studies & 6 bathrooms could conceivably become a boarding house with 14 bedrooms and 6 bathrooms.*

Comment: A condition has been recommended in the consent prohibiting the two separate residences to be used as boarding houses. As stated above, Council will inspect the premise prior to the issue of the Occupation Certificate to guarantee that all works have been carried out in accordance with the approved plans.

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

It is considered that granting approval to the proposed development will have no significant adverse impact on the public interest.

Conclusion

Section 82A Application review of determination No. 15/223 for the additions to an existing two storey dual occupancy development at 162 King Street, Mascot, has been assessed in accordance with the relevant requirements of the *Environmental Planning and Assessment Act 1979*.

The plans provided within the review have been modified from the original plans presented with DA-15/223 by including deleting the rear balcony from the first floor to reduce the bulk and scale of the development and overlooking into the neighbouring properties, relocate the staircase off the side wall, delete roof overhangs to reduce the length of the rear addition and minimise overshadowing, increase the amount of landscaped area to 38% and made provision for a flat roof. The reduction in setback to align with the heritage item at 164 King Street and the changes to reduce the bulk of the development satisfies three of the four reasons for refusal with the fourth reason of refusal relating to landscaped area, site coverage and overshadowing. Council has assessed these non-compliances and have found them acceptable.

As the original DA was refused by Council under delegation of the former City of Botany Bay Council, the higher delegate, the Council (now the Administrator) must make the determination hence this application must be referred with a recommendation to the Council meeting.

The Council may decide that the site is suitable for an extension to the existing dual occupancy, given the changes to the landscaping proposed, reduced bulk and increased privacy. If this is the case, the conditions of consent are as noted in the assessment report in **Attachment A**, and are to be adopted.

Alternatively, the Council may reconfirm the refusal of the application based on the suitability of the proposal impacting the heritage significance of the adjoining heritage items and solar impact.

Attachment

Schedule 1 – Conditions of Consent

SCHEDULE OF CONSENT CONDITIONS**GENERAL CONDITIONS**

1. The development is to be carried in accordance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent.

Drawing N°	Author	Dated Received
A004- Ground Floor Demolition Plan- Rev B	Mobile Workshop Australia	Dated 2 October 2016; Received 6 October 2016
A005- First Floor Demolition Plan- Rev B		Dated 2 October 2016; Received 6 October 2016
A100- Proposed Site/Roof Plan- Rev B		Dated 2 October 2016; Received 6 October 2016
A101- Proposed Ground Floor Plan- Rev B		Dated 2 October 2016; Received 6 October 2016
A102- First Floor Proposed Plan- Rev B		Dated 2 October 2016; Received 6 October 2016
A500- Landscape Plan- Rev B		Dated 2 October 2016; Received 6 October 2016
A200- Proposed Elevations- Rev B		Dated 2 October 2016; Received 6 October 2016
A201- Proposed Elevations- Rev B		Dated 2 October 2016; Received 6 October 2016
A300- Proposed Sections- Rev B		Dated 2 October 2016; Received 6 October 2016
A301- Proposed Sections- Rev B		Dated 2 October 2016; Received 6 October 2016

Documents	Author	Date Received
Basix Certificate No. A262610	Prepared by The House Energy Rating Company of Aust. Pty Ltd	Dated 6 October 2016; Received 6 October 2016
Clause 4.6 variation	Myriad Consulting	Dated October 2016; Received 6 October 2016

Statement addressing reasons of refusal	Myriad Consulting	Dated 4 October 2016; Received 6 October 2016
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2. No construction works (including excavation) shall be undertaken prior to the issue to the Construction Certificate.
3. This Consent relates to land in Lot 2 Sec 7 in DP 3876 and, as such, building works must not encroach on to adjoining lands or the adjoining public place.
4.
 - a) All building work must be carried out in accordance with the provisions of the Building Code of Australia.
 - b) In accordance with Clause 94 *Environment Planning & Assessment Regulation 2000*, an automatic smoke detection and alarm system for early warning of occupants must be installed in the building (dwelling). The installation must satisfy the following:-
 - i) smoke alarms must comply with Australian Standard AS3786 - 1993;
 - ii) smoke alarms must be connected to the consumer mains power where consumer power is supplied to the building; and
 - iii) be located in a position as required by Volume 2. Building Code of Australia.
5. Pursuant to clause 97A(3) of the *Environmental Planning & Assessment Regulation 2000*, it is a condition of this development consent that all the commitments listed in the relevant BASIX Certificate No. A262610 dated 6 October 2016 and received by Council 6 October 2016 for the development are fulfilled.
 - a) Relevant BASIX Certificate means:
 - i) A BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the *Environmental Planning & Assessment Act 1979*, a BASIX Certificate that is applicable to the development when this development consent is modified); or
 - ii) If a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate.
 - b) BASIX Certificate has the meaning given to that term in the *Environmental Planning and Assessment Regulation 2000*.
6. The consent given does not imply that works can commence until such time that: -
 - a) Detailed plans and specifications of the building have been endorsed with a Construction Certificate by: -

- i) The consent authority; or,
 - ii) An accredited certifier; and,
- b) The person having the benefit of the development consent: -
 - i) Has appointed a principal certifying authority; and,
 - ii) Has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and,
 - iii) The person having the benefit of the development consent has given at least 2 days notice to the Council of the person's intention to commence the erection of the building.

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE ISSUE OF ANY CONSTRUCTION CERTIFICATE

7. The applicant must prior to the obtainment of the approved plans and specifications pay the following fees:-
 - a) Development Control \$855.00 (GST Exempt)
 - b) Damage Deposit \$3,100.00 (GST Exempt) (Condition No. 8)
8. Prior to the issue of any Construction Certificate, the applicant shall lodge a Damage Deposit of \$3,100.00 (GST Exempt) by way of cash deposit or unconditional bank guarantee to Council against possible damage to Council's asset during the course of the building works. The deposit will be refunded subject to inspection by Council 12 months after the completion of all works relating to the proposed development and Final Occupational Certificate has been issued.
9. Prior to the issue of any Construction Certificate, at the proposed point of construction site entry, photographic survey showing the existing conditions of Council's infrastructure shall be submitted to Council and the Principal Certifying Authority. The survey shall identify any existing damages to the road, kerb, gutter, footpath, driveways, street trees, street signs and any other Council assets fronting the property and extending to a distance of 20m from the development. Failure to do so will result in the applicant/developer being liable for any construction related damages to these assets. Any damage to Council's infrastructure during the course of this development shall be restored at the applicant's cost.
10. Prior to the issue of the Construction Certificate, the applicant shall contact "Dial Before You Dig on 1100" to obtain a Service Diagram for, and adjacent to, the property. The sequence number obtained from "Dial Before You Dig" shall be forwarded to Principal Certifying Authority. Any damage to utilities/services will be repaired at the applicant's expense.
11. Prior to the issue of the Construction Certificate, a report is required from a qualified plumber certifying that the existing drainage system, up to where it connects with a

Council drainage structure and/or discharges to the groundwater system, is clear of debris and fully operational.

Where the existing system is determined deficient, damaged and/or not operational, a new system shall be designed and constructed by a suitably qualified Civil Engineer in accordance with Council's *Stormwater Management Technical Guidelines* (SMTG) and Australian Standard AS 3500.

12. Prior to the issue of any Construction Certificate, detail design and construction plans in relation to stormwater management and disposal system for the development shall be submitted to the Principal Certifying Authority for approval.

(The detail drawings and specifications shall be prepared by a suitably qualified and experienced civil engineer and to be in accordance with Council's Development Control Plan 'Stormwater Management Technical Guidelines', AS/NSZ 3500 – Plumbing and Drainage Code and the BCA. All drawings shall correspond with the approved architectural plans.)

The plans shall incorporate but not limited to the provision for a Rainwater Tank with minimum 3,000L capacity, satisfying all relevant Council and Australian Standards.

13. Building plans must be lodged through the 'Sydney Water Tap in' service for approval prior to commencement of works.
14. Prior to the issue of the Construction Certificate, amended plans are to be provided to the Principal Certifying Authority addressing the following:
 - a) The BCA classification of the proposed units is Class 2 and the applicable BCA is Volume 1.
 - b) The proposed units would be Type C Construction under Part C of the BCA, therefore requiring a minimum boundary setback of at least 1.5m. The walls (existing & proposed) that are less than this distance will need to achieve an FRL of not less than 90/90/90 and any openings will need to be protected in accordance with Part C3.4 of the BCA.
 - c) The floor separating the units (existing & proposed) is to comply with Part C2.9 of the BCA.
15. Prior to the issue of the Construction Certificate the required Long Service Levy payable under Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* has to be paid. The Long Service Levy is payable at 0.35% of the total cost of the development, however this is a State Government Fee and can change without notice.
16. The building shall be constructed in accordance with *AS2021- 2015: Acoustics, Aircraft Noise Intrusion, Building Siting and Construction*, the details of which must be prepared by a practicing professional acoustical consultant. The report shall be submitted to Principal certifying authority prior to the release of the Construction Certificate and the building plans endorsed with the required acoustical measures.

The measures required shall be undertaken in accordance with the provisions of *AS 2021 – 2015: Acoustics - Aircraft Noise Intrusion - Building Siting and Construction* to establish components of construction to achieve indoor design sound levels in accordance with Table 3.3 of AS2021 – 2015 shall be incorporated into the construction of the building.

The work detailed in the report includes:

- a) Appropriate acoustic glazing to stated windows and doors,
- b) Detailed roof and ceiling construction,
- c) Wall and ceiling corner details and,
- d) External door specification,
- e) Acoustically treated mechanical ventilation.

Note: In many cases the applicant chooses to install air conditioning to meet mechanical ventilation requirements above. If they do it will require consideration of the noise from the air conditioner (advice concerning noise from air conditioners is attached below).

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE COMMENCEMENT OF ANY DEVELOPMENT OR WORK

17. The demolisher shall lodge with Council, and at least forty-eight (48) hours prior to the commencement of work:-

- a) Written notice, indicating the date when demolition of the building is to commence.
- b) This persons full name and address.
- c) Details of Public Liability Insurance.

18. Prior to commencement of any works, application(s) shall be made to Council's Customer Services Counter for the following approvals and permits on Council's property/road reserve under *Road Act 1993* and *Local Government Act 1993* as appropriate: -

(It should be noted that any works shown within Council's road reserve or other Council Lands on the development approval plans are indicative only and no approval for these works is given until this condition is satisfied.)

- a) Permit to erect hoarding on or over a public place, including Council's property/road reserve;
- b) Permit to construction works, place and/or storage building materials on footpaths, nature strips;
- c) Permit for roads and footways occupancy (long term/ short term);

- d) Permit to construct vehicular crossings, footpaths, kerbs and gutters over road reserve;
 - e) Permit to open road reserve area, including roads, footpaths, nature strip, vehicular crossing or for any purpose whatsoever, such as relocation / re-adjustments of utility services;
 - f) Permit to place skip/waste bin on footpath and/or nature strip; and
 - g) Permit to use any part of Council's road reserve or other Council lands.
19. Erosion and sediment control devices shall be installed prior to the commencement of any demolition, excavation or construction works upon the site in order to prevent sediment and silt from site works (including demolition and/or excavation) being conveyed by stormwater into Council's stormwater system, natural watercourses, bushland, trees and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the requirements of the *Protection of Environment Operations Act 1997* and the Department of Environment, Climate Change and Water guidelines. These devices shall be maintained in a serviceable condition AT ALL TIMES throughout the entire demolition, excavation and construction phases of the development and for a minimum one (1) month period after the completion of the development, where necessary.
20. The Principal Certifying Authority must be satisfied that: -
- a) In the case of work to be done by a licensee under the *Home Building Act 1989*: -
 - i) Has been informed in writing of the licensee name and contractor licence number, and;
 - ii) Is satisfied that the licensee has complied with the requirements of Part 6 of the *Home Building Act 1989*; or,
 - b) In the case of work to be done by any other person: -
 - i) Has been informed in writing of the persons name and owner-builder permit number, or;
 - ii) Has been given a declaration signed by the owner of the land that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of *owner builder work* in Section 29 the *Home Building Act 1989*.
21. Prior to the commencement of works, the applicant must inform Council, in writing, of:
- a) The name of the contractor, and licence number of the licensee who has contracted to do, or intends to do, the work: or
 - b) The name and permit number of the owner-builder who intends to do the work;
 - c) The Council also must be informed if: -

- i) A contract is entered into for the work to be done by a different licensee; or
 - ii) Arrangements for the doing of the work are otherwise changed.
- 22. The site to which this approval relates must be adequately fenced or other suitable measures employed that are acceptable to the Principal Certifying Authority to restrict public access to the site and building works. Such fencing or other measures must be in place before the approved activity commences.
- 23. This Consent shall not preclude the developer from giving notice to other statutory authorities, such as Sydney Water Corporation, WorkCover, etc.

DURING WORKS

- 24. During works the applicant is to ensure that the block retaining wall along the common boundary with No. 14 Vernon Avenue is not compromised or damaged and that any structural damage is rectified.
- 25. The external colours are to be of a neutral tone and should match the existing semi-detached dwelling as close as possible.
- 26. Precautions to be taken shall include compliance with the requirements of the WorkCover Authority of New South Wales, including but not limited to:
 - a) Protection of site workers and the general public.
 - b) Erection of hoardings where appropriate.
 - c) Asbestos handling and disposal where applicable.
 - d) Any disused service connections shall be capped off.
 - e) The disposal of refuse is to be to an approved waste disposal depot.
- 27. Any new information that comes to light during demolition or construction which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council and the accredited certifier immediately.
- 28. Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of WorkCover NSW and the Department of Environment, Climate Change and Water and with the provisions of the:
 - a) New South Wales Occupational Health and Safety Act, 2000;
 - b) The Occupational Health and Safety (Hazardous Substances) Regulation 2001;
 - c) The Occupational Health and Safety (Asbestos Removal Work) Regulation 2001;
 - d) Protection Of the Environment Operations Act 1997 (NSW);

- e) Protection Of the Environment Operation (Waste) Regulation 2014; and
 - f) Department of Environment and Climate Change Waste Classification Guidelines (2008).
29. Any soil disposed of offsite shall be classified in accordance with the procedures in the NSW EPA Environmental Guidelines: Assessment, Classification & Management of Liquid & Non-Liquid Wastes (1999).
30. The principal contractor or owner builder must install and maintain water pollution, erosion and sedimentation controls in accordance with:
- a) The Soil and Water Management Plan if required under this consent;
 - b) "Managing Urban Stormwater - Soils and Construction" (2004) ('The Blue Book'); and
 - c) Protection of the Environment Operations Act 1997.
31. Throughout the demolition and construction period, Council's warning sign for soil and water management shall be displayed on the most prominent point of the building site, visible to both the street and site workers. A copy of the sign is available from Council's Customer Service Counter.
32. The approved Waste Management Plan (as referenced at Condition No. 1) shall be complied with at all times during demolition, construction and on-going use of the site.
33. All possible and practicable steps shall be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from wind-blown dust, debris, noise and the like.
34. Vibration caused by excavation and construction at any residence or structure outside the site must be limited to: a) for structural damage vibration, German Standard DIN 4150 Part 3 Structural Vibration in Buildings. Effects on Structures; and b) for human exposure to vibration, the evaluation criteria set out in the Environmental Noise Management Assessing Vibration: a Technical Guideline (Department of Environment and Conservation, 2006). Vibratory compactors must not be used in the vicinity of residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above.
35. The demolisher shall:
- a) Cause motor vehicles leaving the site with demolition material and the like to have their loads covered; and,
 - b) Ensure that the wheels of vehicles leaving the site do not track soil and other waste material on to the public roads adjoining the site.
36. The demolition by induced collapse, the use of explosives, implosions or on-site burning is not permitted.
37. No demolition materials shall be burnt or buried on the site.

38. In order to ensure safe handling of asbestos materials, the re-use or sale of asbestos building materials is strictly prohibited.
39. Should the demolition process require a building waste container(s) (builders' skip), then such container must not be placed or left upon the public road, footpath, reserve or the like without the prior approval of the Council. The use of any part of Councils road reserve must also have prior approval of Council.
- 40.
- a) All excavations and backfilling shall be executed safely and in accordance with appropriate professional standards; and all excavations shall be properly guarded and protected to prevent them from being dangerous to life or property;
 - b) Existing structures and or services on this and adjoining properties are not endangered during any demolition excavation or construction work associated with the above project. The applicant is to provide details of any shoring, piercing, or underpinning prior to the commencement of any work. The construction shall not undermine, endanger or destabilise any adjacent structures.
41. The following shall be complied with during construction and demolition:
- a) Construction Noise
 - i) Noise from construction activities associated with the development shall comply with the NSW Environment Protection Authority's Environmental Noise Manual – Chapter 171 and the Protection of the Environment Operations Act 1997.
 - b) Level Restrictions
 - i) Construction period of 4 weeks and under:
 - 1 The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 20dB(A).
 - ii) Construction period greater than 4 weeks and not exceeding 26 weeks:
 - 1 The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 10 dB(A).
 - c) Time Restrictions
 - i) Monday to Friday 07:00am to 05:00pm
 - ii) Saturday 08:00am to 01:00pm
 - iii) No demolition or construction to take place on Sundays or Public Holidays.

d) Silencing

- i) All possible steps should be taken to silence construction site equipment.

42. The applicant shall conduct all construction and related deliveries wholly on site. If any use of Council's road reserve is required then separate applications are to be made at Council's Customer Services Department.

43.

- a) In order to prevent vehicles tracking soil or other materials onto public roads and washing of materials into the street drainage system or watercourse, during Excavation, Construction and Deliveries, access to the site shall be available in all weather conditions. The area shall be stabilised and protected from erosion; and,
- b) In addition, concrete trucks and any other trucks that used for the transportation of building materials or similar, shall not traffic soil cement or other materials onto the road reserve. Hosing down of vehicle tyres shall only be conducted in a suitable off-street area where wash waters do not enter the stormwater system or enter Council's land.
- c) Hosing down or hosing/washing out of any truck (concrete truck), plant (e.g. concrete pumps) or equipment (e.g. wheelbarrows) on Council's road reserve or other property is strictly prohibited. Fines and cleaning costs will apply to any breach of this condition.
- d) Pavement surfaces adjacent to the ingress and egress points are to be swept and kept clear of earth, mud and other materials at all times and in particular at the end of each working day or as directed by Council's Engineer.
- e) Building operations such as brick cutting, washing tools or brushes and mixing mortar shall not be carried out on public roadways or footways or in any other locations which could lead to the discharge of materials into the stormwater drainage system or onto Council's lands.

44. During Demolition, Excavation and Construction, care must be taken to protect Council's infrastructure, including street signs, footpath, kerb, gutter and drainage pits etc. Protecting measures shall be maintained in a state of good and safe condition throughout the course of construction. The area fronting the site and in the vicinity of the development shall also be make safe for pedestrian and vehicular traffic at all times. Any damage to Council's infrastructure (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) shall be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council.

45. During demolition and construction work the Council nature strip shall be maintained in a clean and tidy state at all times. The nature strip shall be suitably replaced where damaged due to construction work in accordance with Council Specification at the completion of construction, and at the Applicant's expense.

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE ISSUE OF A OCCUPATION CERTIFICATE

46. Any damage not shown in the photographic survey and dilapidation survey submitted to Council before site works have commenced, will be assumed to have been caused as a result of the site works undertaken and must be rectified at the applicant's expense, prior to occupancy of the development.
47. Prior to the issue of the Occupation Certificates, documentation from a suitably qualified engineer shall be submitted to the Principal Certifying Authority certifying that the stormwater drainage system has been constructed in accordance with all relevant standards.
48. Prior to the issue of any Occupation Certificate, all applications associated with works on Council's land must be made at least 7-10 days prior to the programmed completion of works and all construction must be completed and approved by Council.
49. The areas identified in the Landscape Diagram (refer to Condition No. 1) are required to be deep soil, fully permeable and soft landscaped to provide screening and privacy for adjoining residents and enhance greening of the property in line with Council's Botany Bay Development Control Plan 2013 requirements. To satisfy this condition, all existing paving and hard surfacing in as indicated in the Landscape Diagram are to be removed and replaced with soft landscaping (including grass, ground covers, shrubs, plants and trees).
50. At the completion of landscaping on the site, the Applicant is required to obtain a Certificate of Compliance from the Landscaper to certify that landscaping has been installed in accordance with the landscape conditions. The Certificate is to be submitted to Council.
51. The Council nature strip shall be suitably repaired and/or replaced in accordance with Council Specification at the completion of all construction work at the Applicant's expense.
52. Prior to the issue of the Occupation Certificate, the owner is to contact Council for an inspection to demonstrate that all works have been carried out in accordance with the approved plans and conditions.
53. Prior to use and occupation of the building an Occupation Certificate must be obtained under Section 109C(1)(c) and 109N of the *Environmental Planning and Assessment Act 1979*.
54. Prior to release of the Occupation Certificate the developer must submit to the Principal Certification Authority an acoustic report to verify that the measures stated in the acoustic report have been carried out and certify that the construction meets the above requirements. The report must be prepared by a qualified practicing acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australian Acoustical Consultants).

CONDITIONS WHICH MUST BE SATISFIED FOR THE ONGOING USE

55. The building is approved as a dual occupancy for use and occupation by two x single families. It shall not be used as separate residential flats. No plumbing fixtures, fittings, walls shall be deleted or added, doorways enclosed or any other changes made from the approved plans in Condition No. 1 of this Consent without the prior Consent of the Council.
56. The dwellings are not be used for the purposes of a boarding house or let-in lodgings.
57. The stormwater drainage system (including all pits, pipes, absorption, detention structures, treatment devices, infiltration systems and rainwater tanks) shall be regularly cleaned, maintained and repaired to ensure the efficient operation of the system from time to time and at all times. The system shall be inspected after every rainfall event to remove any blockage, silt, debris, sludge and the like in the system. All solid and liquid waste that is collected during maintenance shall be disposed of in a manner that complies with the appropriate Environmental Guidelines.
58. Ongoing maintenance of the nature strip shall be undertaken by the occupier or owner. Maintenance includes mowing, watering and maintaining an even coverage of grass at all times. Maintenance does not include pruning, trimming, shaping or any work to street trees located on the nature strip under any circumstances at any time.
- 59.
- a) Air conditioning units are not to be visible from the street or public place and are not to obscure windows/window frames or architectural features of the dwelling.
 - b) Noise from any air-conditioning units (measured as the $L_{aeq\ 15\ minute}$) is not to exceed the background level (measured as the $L_{a90\ 15\ minute}$) by more than 5dBA at any time. The measurement is to be taken at boundary of the property. If the noise from the air conditioner contains any annoying characteristics, the measurements are to be corrected in accordance with the New South Wales Industrial Noise Policy. In addition noise from any air conditioning units are not to be audible within habitable room of other residence before 7am or after 10pm (Monday to Friday) or before 8am or after 10pm (Sat/Sun/Public Holidays).
- Note:** In order to meet this condition, the compressors and any other noise generating part of the air conditioning unit, are to be located a sufficient distance from any residential boundary to permit the sound from the unit to decay sufficiently to meet the standard, or enclosed in a suitable acoustic enclosure.
60. The applicant being informed that this approval shall be regarded as being otherwise in accordance with the information and particulars set out and described in the Development Application registered in Council's records as Development Application No. 15/223 dated as 25 November 2015 and further amended on 6 October 2016 and that any alteration, variation, or extension to the use, for which approval has been given, would require further approval from Council.

Council Meeting

14/12/2016

Item No	9.8
Property	9 Sparks Street, Mascot
Proposal	Section 82A Application review of determination to impose Condition 53 under DA15/166 that was approved for the construction of a single storey detached dwelling. Condition 53 was imposed by the Development Committee requiring the demolition of the existing outbuilding, which was not proposed to be demolished by the applicant.
Application No	(B) DA 2015/166

Council Resolution

Minute 2016/091

Resolved by the Administrator

That the Determination be changed so that the wording of Condition No. 53 reverts back to that originally recommended in the Planning Assessment Report by Council Officers, prior to being changed by the Development Committee, pursuant to section 82A of the Environmental Planning & Assessment Act 1979.

Officer Recommendation

That the Determination be changed so that the wording of Condition No. 53 reverts back to that originally recommended in the Planning Assessment Report by Council Officers, prior to being changed by the Development Committee, pursuant to section 82A of the Environmental Planning & Assessment Act 1979.

Attachment

Development Application No. 15/166 – 9 Sparks Street, Mascot - Planning Assessment Report.

Location Plan



BAYSIDE COUNCIL

Planning Assessment Report

Application Details

Application Number:	Section 82A review of imposition of Condition 53 under of DA15/166
Date of Receipt:	15 November 2016
Property:	9 Sparks Street, Mascot Lot 2 Sec 1 in DP 937
Owner:	TH & BA Quinn
Applicant:	Sean Quinn
Proposal:	Section 82A Application review of determination to impose Condition 53 under DA15/166 that was approved for the construction of a single storey detached dwelling. Condition 53 was imposed by the Development Committee requiring the demolition of the existing outbuilding, which was not proposed to be demolished by the applicant.
Value:	\$259,882.00
No. of submissions:	Nil
Author:	Christopher Mackey – Team Leader Development Assessment
Date of Report:	29 November 2016

Key Issues

Development Application No. DA2015/166 for the construction of a single storey dwelling at 9 Sparks Street, Mascot was approved by the Development Committee of the former City of Botany Bay Council at its meeting on 3 August 2016.

This Review application relates only to the imposition of Condition No. 53 regarding the rear outbuilding. Initially, Council Officers recommended that Condition 53 be imposed stating that the existing rear outbuilding, which was proposed to be retained by the Applicant, must not be used as a habitable space. The Development Committee however, resolved to amend this condition to require demolition of the outbuilding, which was due to a miscommunication of facts from Council Officers at the meeting.

This Section 82A Review of Determination application was submitted on the 15 November 2016. Pursuant to Section 82A of the Act, Council must determine the application within 6 months from the date of determination of the original application, being by the 3 February 2017.

The 82A Review application was not required to be notified in this instance, as the original DA did not attract any submissions from adjoining property owners and the request to review the imposition of Condition 53, does not impact on any adjoining properties.

Following the meeting, Council officers discussed this resolution of the Committee with the applicant and the applicant has again confirmed that it was not proposed to demolish the rear outbuilding as part of the application for the new dwelling. It is intended to retain the rear outbuilding for use as a hobby woodworking and carpentry workshop. There is no objection to the retention of the rear outbuilding and its use as a workshop.

The application has been assessed in accordance with the relevant requirements of the *Environmental Planning and Assessment Act 1979* ('EP&A Act') and it is recommended that Council resolve to change the wording of Condition No. 53 so that the rear outbuilding is not required to be demolished and can be retained, provided that it is not used for habitable purposes.

Recommendation

That the Determination be changed so that the wording of Condition No. 53 reverts back to that originally recommended in the Planning Assessment Report by Council Officers, prior to being changed by the Development Committee, pursuant to section 82A of the Environmental Planning & Assessment Act 1979.

Background

History

The existing single storey rear outbuilding was approved by Council in 1996 under BA No. 298/96 and has dimensions of approximately 6m x 9m, is located at the northern part of the lot and sited off each boundary. It is constructed of weatherboard cladding with a colourbond roof. The building was constructed in association with the previous dwelling on site, which was demolished under a Complying Development Certificate No. 151130 issued by New Home Certificate Group, dated 25 July 2016. Demolition of the dwelling occurred in October 2015.

Within the report to the Development Committee for DA15/166, Council Officers recommended that Condition 53 be imposed to require that the existing rear outbuilding, which was proposed to be retained, not be used as a habitable space. The Development Committee however, resolved to amend this condition, which appears to have been a result of a miscommunication of facts at the meeting from Senior Council Officers.

The original recommended wording was:

53. *The shed at the rear of the property shall not be used as a dwelling or be used as a habitable space.*

The wording imposed by the Development Committee is as follows:

53. *The shed at the rear of the property shall be demolished at the time of the demolition of all other structures on the site in preparation for construction of new domicile.*

Development Application No. 15/166 proposed to construct a single storey dwelling on site to accommodate a double garage, three bedrooms including a master with ensuite, bathroom/laundry, home theatre and open plan kitchen/meals and family room.

The application was referred to the Development Committee due only to a single non compliance with the controls of BBDCP 2013, being the minimum 35% landscape area. The non compliance was for 4.7sqm, where the proposal required 144.7sq.m. and only provided 140sq.m. It is noted that the minimum private open space area complied in that 36sq.m. is provided. The proposal complied in all other aspect under BBDCP 2013 and BBLEP 2013.

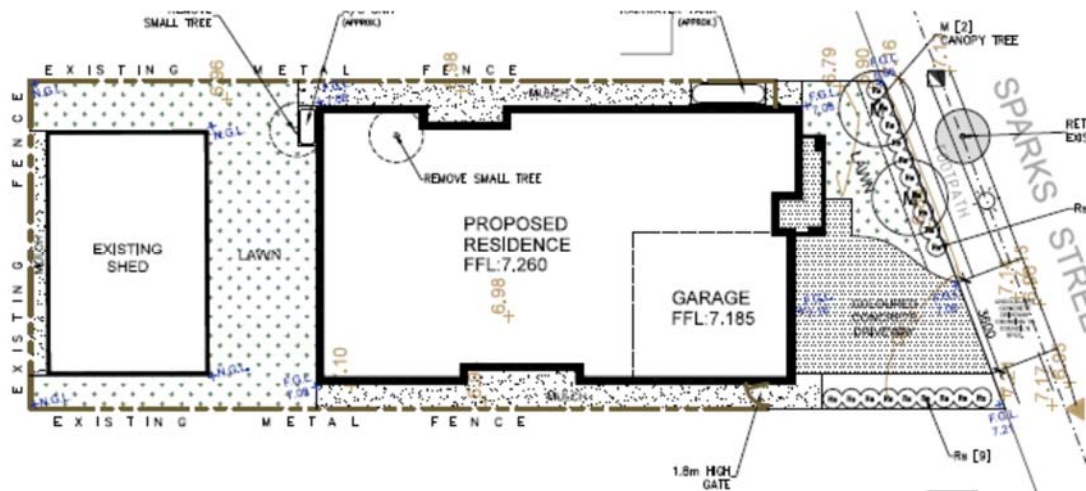


Figure 1: Proposed Site plan of the new approved dwelling with the existing rear outbuilding conditioned to be demolished.

Description of the Proposed Development- Review Application

The Section 82A Review of Determination Application of DA-15/166 proposes the following changes pursuant to Section 82A(4)(c) of the EP&A Act to the development that was approved by Council on 3 August 2016, with the imposition of Condition No. 53 to demolish the rear outbuilding:

- Retain the existing approved rear outbuilding for ongoing use as a hobby woodworking and carpentry workshop.

The Applicant has submitted the following in support of this Section 82A Review Application.

- *The shed was built approximately 30 years ago with Council approval and to Council's specifications and requirements of the time;*
- *We have honoured the original approval conditions for the shed not to be used for living accommodation. Our family has always resided solely within the actual dwelling house and this will remain our intention going forward;*

- *The shed has always been primarily used for my husbands hobby woodworking and carpentry activities. There has never at any time been a commercial or business enterprise conducted from the shed;*
- *The shed stores his lifelong collection of woodworking tools as well as his reference and research material;*
- *Activities cause no disruption to neighbours, we have received no complaints and local noise abatement regulations are strictly observed;*
- *The shed and its surrounds have been well maintained and it does not present an unacceptable appearance to neighbouring properties;*
- *There is no intention to sell the property in the foreseeable future as it is intended to be our family home for the remainder of our lives;*
- *The new house plans were scaled down for lodgement in order to both meet Council requirements and to preserve this existing shed for the reasons outlined in this letter;*
- *The planned garage forming part of the new home and to be located towards the front of the new building, is intended to provide off street parking for our two vehicles and as such will be insufficient to cover the storage of the carpentry and woodworking equipment;*
- *Lastly and very importantly to us, the purpose of the shed is key to my husbands psychological wellbeing as he is retired and has been for some 10 years, and the shed provides an outlet for his creativity and pursuit of his woodworking hobby.*

Site Description

The site is located on the northern side of Sparks Street between Sutherland Street and Hicks Avenue. The site is a generally regular shaped allotment (with a diagonal street frontage) with a site area of 413.6sq.m. with a 13.02m frontage (southern boundary) to Sparks St, a 36.22m western boundary a 31.65m eastern boundary and a 12.19m rear boundary.

The street is characterised by detached one and two storey dwelling houses. The lot adjoining the subject site to the west, No. 7 Sparks Street contains a single storey weatherboard dwelling house that was recently approved for demolition and construction of two new semi-detached dwellings (with one fronting Sutherland Street), and the lot adjoining to the east at No. 11 Sparks Street also has a single storey weatherboard dwelling upon it. The site is within the Class 4 Acid Sulphate Soils Map area and is located within the 25-30 Aircraft Noise Exposure Forecast (ANEF) contour.



Figure 1: Locality Plan

An inspection of the outbuilding has indicated that at present the owners are storing a number of personal effects within the outbuilding, given that the previous dwelling has now been demolished, together with the former garage. The items presently stored comprise of locksmith, carpentry and woodworking tools and equipment together with some other household items.



Figure 2: Existing outbuilding on subject site and 11 Sparks Street



Figure 3 – indicates exposed truss framework with stored timber above



Figure 4 – Storage of tools and equipment



Figure 5 – Indicating storage of woodworking equipment



Figure 6 – indicates cabinetry and locksmith equipment

Referrals

Development Application No. DA-2015/166 was referred to Council's Building Surveyor and Environmental Health Officer for comments. As there are no major changes proposed, the original comments still apply. Therefore, appropriate conditions have been imposed on the development consent to address the relevant issues raised relating to aircraft noise attenuation, setbacks, classification and requirements under the Building Code of Australia.

Statutory Considerations

Environmental Planning and Assessment Act, 1979

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

Section 82A Provisions

Pursuant to Section 82A of the EP&A Act, an applicant may request that the Council review a determination of an application, subject to various tests, which are considered below:

- If Council was the consent authority - in this case the Council was the consent authority.
- The determination was not for a complying development certificate, designated development, integrated development, or a determination made by the council under Division 4 in respect of

an application by the Crown - in this case, the proposal was not for any of these types of development.

- A determination cannot be reviewed after the time limited for the making of an appeal under section 97 expires, if no such appeal is made against the determination, or after an appeal under section 97 against the determination is disposed of by the Court, if such an appeal is made against the determination - this timeframe is 6 months, with DA-2015/166 having been approved by Council on 3 August 2016, resulting in this review application being made within the specified time frame.
- The applicant may make amendments to the development described in the original application, subject to the consent authority being satisfied that the development, as amended, is substantially the same development as the development described in the original application (s82A(4)(c)) – in this case, the changes to retain the existing rear outbuilding by changing the wording of Condition No. 53 is substantially the same development as the original application.
- The council may review the determination if it has notified the request for review in accordance with the regulations, if the regulations so require, or a development control plan, (where applicable) and considered any submissions made concerning the request for review – in this case, the Review Application was not required to be notified under BBDCP 2013, and further, the proposed review application only relates to the retention of the existing approved single storey rear outbuilding, which does not adversely impact on adjoining properties. In addition, there were no objections to the original application.
- As a consequence of its review, the council may confirm or change the determination – in this case, the imposition of Condition No. 53 is to be reviewed so that the existing approved single storey rear outbuilding can be retained, as was always intended.
- If the council reviews the determination, the review must be made by the council, the council must make the decision – in this case, the original DA was approved by the Development Committee with a specific resolution to amend Condition 53 from that wording recommended by Council Offices in the assessment report. Therefore, the review application is referred to the Administrator for review and determination.

Accordingly, the Section 82A review is available and is considered below.

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

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ("BASIX") applies to the proposed development. The development application was accompanied by BASIX Certificate No. 638858S_02 (issued by the Director-General of NSW Planning & Infrastructure, 9 July 2015) committing to environmental sustainable measures.

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

The provisions of SEPP 55 have been considered in the assessment of the development application, along with the requirements of Part 3K Contamination of the *Botany Bay Development Control Plan 2013* (BBDCP). The likelihood of encountering contaminated soils on the subject site is considered to be very low given the following:

1. The site appears to have been continuously used for residential purposes;
2. The adjoining and adjacent properties are currently used for residential purposes;
3. The site and surrounding land were not previously zoned for purposes identified under Table 1 of the contaminated land-planning guide in SEPP 55, in particular industrial, agricultural or defence uses.

On this basis, the site is considered suitable in its present state for the proposed residential development. No further investigations of contamination are considered necessary.

Botany Bay Local Environmental Plan 2013 (BBLEP 2013)

The provisions of the BBLEP 2013 have been considered in the assessment of this Development Application and the following information is provided:

Principal Provisions of BBLEP 2013	Compliance Yes/No	Comment
Land Use Zone	Yes	The site is zoned R2 Low Density Residential under the BBLEP 2013.
Is the proposed use/works permitted with development consent?	Yes	Dwelling houses are permitted with consent in the R2 Low Density Residential zone.
Does the proposed use/works meet the objectives of the zone?	Yes	The proposed development is consistent with the following objective in the BBLEP 2013: - To provide for the housing needs of the community within a low density residential environment.
Does Clause 2.5 and Schedule 1 – Additional Permitted Uses apply to the site?	N/A	Schedule 1 does not apply to the site.

Principal Provisions of BBELP 2013	Compliance Yes/No	Comment
What is the height of the building? Does the height of the building comply with the maximum building height?	Yes	The proposed maximum height of the dwelling is 5.725m and the proposal complies with the maximum permitted height of 9m.
What is the proposed FSR? Does the FSR of the building comply with the maximum FSR?	Yes	Permitted maximum FSR of 0.55:1. Site area: 413.6sqm Proposed GFA: 201sqm (including existing shed) FSR: 0.49:1
Is the proposed development in a R3/R4 zone?	N/A	The site is not located within the R3 Medium Density Residential zone or R4 High Density Residential zone.
Is the site within land marked "H2" on the FSR Map? If so, does it comply with the sliding scale for FSR in Clause 4.4A?	N/A N/A	The site is not located within the "H2" designated area.
Is the land affected by road widening?	N/A	The site is not affected by road widening.
Is the site listed in Schedule 5 as a heritage item or within a Heritage Conservation Area?	N/A	The site is not listed as a heritage item, nor is it located within a Heritage Conservation Area.
• 6.1 – Acid sulfate soils (ASS)	N/A	The subject site lies within the Class 4 ASS area. The proposal involves only minor excavation to a depth of 0.5m. Therefore, no acid sulfate soil assessment is required.
• 6.2 – Earthworks	Yes	Earthworks will be required to elevate the building, which is to be achieved through a drop edge beam foundation to the proposed dwelling. The impact of drainage has been considered by Council's Development Engineer, the future use of the site will likely be residential, the quality of fill will be met

Principal Provisions of BBELP 2013	Compliance Yes/No	Comment
		through a condition of consent, the impact on the amenity of raising the floor level has been considered in the assessment of the application, given the location there is limited likelihood of disturbing relics and the site is not located near a waterway and erosion and sediment control is required through conditions of consent. As such, the criteria within the LEP for earthworks are considered to be met.
<ul style="list-style-type: none"> 6.3 – Stormwater management 	Yes	Council's Development Engineer has reviewed the proposed stormwater management and has raised no objection subject to conditions.
<ul style="list-style-type: none"> 6.9 – Development in areas subject to aircraft noise 	N/A	The subject site lies within the 25-30 ANEF contour and the application is supported by an acoustic report which indicate measures to be undertaken to satisfy AS2021.

The objectives and provisions of BBLEP 2013 have been considered in relation to the subject development application. The proposal is satisfactory in terms of BBLEP 2013.

S.79C(1)(a)(ii) - Provisions of any Draft Environmental Planning Instruments

There are no current Draft Environmental Planning Instruments applicable to this development.

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

Botany Bay Development Control Plan 2013

The development proposal has been assessed against the controls contained in the Botany Bay Development Control Plan 2013 as follows:

Part 3A – Parking and Access

Control	Proposed	Complies
3A.2. Parking Provisions of Specific Uses		
C2 Provide car parking spaces in accordance with Table 1: Detached dwelling <ul style="list-style-type: none"> 2 spaces per dwelling 	Two car garage proposed	Yes

Part 3G – Stormwater Management

Council's Development Engineer has reviewed the proposed stormwater management and has raised no objection subject to conditions.

Part 3H – Sustainable Design

Control	Proposed	Complies
3H.2.1 Energy & Water Efficiency for BASIX Development		
C1 BASIX Certificate is required	BASIX Certificate 638858S_02 issued on 9 July 2015 is provided.	Yes

Part 3J Aircraft Noise & OLS

Control	Proposed	Complies
3J.2 Aircraft Noise Exposure Forecast		
C1 Where building site is classified as "acceptable", development may take place, subject to Council consent and compliance with AS2021-2000.	The subject site lies between the ANEF 25-30 contours. The height of the proposed development is no higher than the existing height of the localized building stock. It complies with AS 2021 – 2000.	Yes

Part 3K – Contamination

Refer to SEPP 55 discussion.

Part 3L – Landscaping

A Landscape Plan has been submitted with the application.

The application was referred to Council's Landscape Architect for comment. Council's Landscape Architect has no objection to the proposal and has included conditions of consent in the attached Schedule.

Part 3N – Waste Minimisation and Management

A Waste Minimisation Management Plan (WMP) has been provided to ensure that all waste generated will be stockpiled, managed, and disposed of, in accordance with this clause.

Part 4A – Dwelling Houses

Control	Proposed	Complies
4A.2.4 Streetscape Presentation		
C3 Dwellings must be designed to capture dominant roof lines and patterns of the existing streetscape. Note: Contemporary architectural design solutions are encouraged, however designs will need to demonstrate that they will not lead to a replacement or diminution of a streets existing character. Council encourages diversity in housing designs provided that development outcomes complement the existing character of the suburb.	The proposed dwelling matches the pitch of surrounding development and is not dominant on the streetscape but still provides an opportunity for passive surveillance. The proposal is considered to be acceptable in the context of the existing streetscape.	Yes
C4 Buildings must address the street. Buildings which are not consistent with the established development pattern, which are intrusive will not be permitted. Note: Developments on sites with two or more frontages should address both frontages, to promote, add prominence and add diversity to the streetscape.	Proposal addresses the street.	Yes
C6 Dwellings front door is to be readily apparent from the street.	Provided at front of dwelling.	Yes
4A.2.7 Site Coverage		
C2 Sites greater than 300sq m are not to exceed site coverage of 50%	The site coverage proposed is 57.8%. This is 239.09sqm. as opposed to the maximum of 185.5 sq.m permitted.	No, refer to Note 1.

Control	Proposed	Complies
<p>C2Visual privacy for adjoining properties must be minimised by:</p> <p>a. Using windows which are narrow, or glazing which is translucent or obscured;</p> <p>b. Ensuring that windows do not face directly on to the windows, balconies or courtyards of adjoining dwellings;</p> <p>c. Screening opposing windows, balconies and courtyards; and</p> <p>d. Increasing sill heights to 1.5 metres above floor level.</p>	<p>To the east, there are sliding doors proposed to the home theatre room, bathroom window, laundry door and a window to bedroom 2.</p> <p>To the west is a window to the ensuite bathroom and sliding doors to bedroom 1.</p> <p>The neighbouring dwelling to the east has three windows overlooking the site being a bedroom, bathroom and living. The living room window is offset from the proposed dwelling with the sliding doors from the home theatre room opening to the bedroom and bathroom window. To minimise the overlooking, it is recommended through a condition of consent that the sliding doors have obscure glazing from the top of the panel to 1m above floor level which will address the privacy impacts particularly given the height of the floor level.</p> <p>The proposal's new west facing sliding door will look onto an existing driveway, however it is to a bedroom and as such any privacy impacts will be minimal.</p> <p>Council is assessing a development application at 7 Sparks Street which indicates that the bedroom sliding door will look out onto the private yards of the proposed development next door, given the overlooking potential is from</p>	<p>Yes</p>

Control	Proposed	Complies
	a bedroom, the privacy impacts are considered negligible.	
4A.4.2 Acoustic Privacy		
C5 Development adjacent to busy road or railway corridor shall comply with <i>Development Near Rail Corridors and Busy Roads – Interim Guidelines, Dec 2008</i> .	<p>Sparks Street is not identified as a busy road in accordance with the <i>Development Near Rail Corridors and Busy Roads – Interim Guidelines</i>, and the subject site is not located adjacent to a railway corridor.</p> <p>The application is supported by an acoustic report in relation to aircraft noise intrusion which outlines measures to ensure compliance with AS2021.</p>	N/A
4A.4.3 Solar Access		
C1 Min. 2hrs solar access between 9am and 3pm on 21 June to windows in living areas and the principal open space areas of both the subject site and adjoining Properties.	The rear of the subject site is oriented north - south and the proposed dwelling utilizes this orientation for its private open space and combined lounge/dining areas to gain suitable solar access. In the morning, the shadow cast from the proposed dwelling will fall westwards and fall on the adjacent driveway, at midday the shadow `moves from 7 Sparks Street and will be cast to the front of the subject site and onto Sparks Street. By 3pm the shadow will be cast eastwards and over 11 Sparks Street. Given the orientation of the site and proposed dwelling, each of the adjoining dwellings will retain at least two hours of solar access.	Yes
4A.4.4 Private Open Space		
C1 Each dwelling to have a minimum area of private open space of 36 sq.m	The proposal has a minimum of 36 sqm of private open space.	Yes

Control	Proposed	Complies
C4 Areas within the side setbacks of a dwelling are not to be included as private open space unless they have a minimum width of 3 metres.	Not included	Yes

Note 1: Site Coverage

This is the most significant non-compliance of the proposal with the provisions of BBDCP 2013. The proposed 53.59sq m deficiency is considered acceptable, given the excess coverage is resultant from keeping the existing outbuilding at the rear of the property. Notwithstanding this non-compliance, the development does not dominate the streetscape and maintains a balance with the built and landscaped area on the site. It is noted that the floor space and private open requirements are compliant in this instance and as such the development is congruent to the objectives in relation to the site coverage control and as such, the non-compliance is acceptable in this instance.

Note 2: Landscaped Area

The proposed landscape shortfall is 1.2% or 4.75sqm

The proposal is considered to provide a high level of amenity with good indoor outdoor flow to the private open space. The existing outbuilding ensures that the open space is screened from the north and the design is such that the open space is functional due to its rectilinear shape. The hardstand area associated with this proposal is minimal and around the single level building including the front yard is landscaping, which softens the impact of the proposed dwelling. As such the proposed dwelling is consistent with the objectives of the landscaped area control and as such is acceptable.

Part 8 – Character Precincts

Part 8.4.2 Desired Future Character of the Mascot Precinct has been considered in the assessment of the application. This section provides a rationale for determining the strategic direction for development in Mascot.

The site is located within the well-established R2 Low Density Residential area of the Mascot Precinct. The northern side of Sparks Street is primarily characterised by detached dwellings.

The proposal maintains the pattern of building orientation and front building line. The proposal is unlikely to impact on the amenity of the adjacent properties.

Accordingly, the proposal is considered suitable for the subject site and is deemed compatible with the desired future character as described in the BBDCP 2013 for Mascot Precinct.

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

Clause 92 of the regulation has been considered and there are no applicable provisions to the development.

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

As outlined in the assessment above, the proposed development will have no significant adverse environmental, social or economic impacts in the locality.

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

The subject site is not known to be affected by any natural hazards or other site constraints that are likely to have a significant adverse impact on the proposed development. The issue of likely site contamination has been considered, however, given the nature of the development, and the long standing use of the land for residential purposes, onsite investigation is not warranted. The site is located within a 25-30 ANEF zone and appropriate conditions have been recommended in the consent. Accordingly, it the site is suitable to accommodate the development.

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

In accordance with Part 2 of the Botany Bay Development Control Plan 2013 – Notification and Advertising the original Development Application was notified to surrounding property owners for a fourteen (14) day period from 7 October 2015 to 21 October 2015. No submissions were received.

The Section 82A Review of Determination Application has not been notified to surrounding properties in this instance, as the proposal to retain the existing approved single storey rear outbuilding was already notified under the original DA and did not attract any public submissions. There are no changes proposed to this building, which has existed on site for 30 years, without complaint and is in good condition.

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

Granting approval to the proposed development will have no significant adverse impact on the public interest.

Conclusion

This Section 82A Review of Determination Application relates to the approval of DA 15/166 and specifically to the imposition of Condition No. 53 as re-worded by the Development Committee at its meeting on the 3 August 2016. The re-worded condition regarding the demolition of the existing approved single storey rear outbuilding is recommended to be changed to revert back to the

original wording as recommended by Council Officers in the original Planning Assessment Report to the August 3 Committee meeting.

The Council may now decide to re-confirm that the wording of Condition No. 53 as was amended and imposed by the Development Committee is to be maintained.

Alternatively, the Council may decide to change the wording of Condition No. 53, to revert back to that originally recommended in the Planning Assessment Report. If this is the case, the wording of Condition 53 would then read as follows:

53. *The shed at the rear of the property shall not be used as a dwelling or be used as a habitable space.*

It is recommended that the wording of Condition No. 53 be changed to revert back, so that the existing approved single storey rear outbuilding can be retained on site for the ongoing use and enjoyment by the Quinn family. The building is in good condition and its ongoing use for domestic purposes for the owners own use as a carpentry and woodworking workshop is acceptable. In this regard, conditions of consent are as noted in the assessment report in **Attachment A**, and are recommended to be adopted.

Attachment

Schedule 1 – Conditions of Consent

**Premises: 9 Sparks Street, Mascot
15/166**

DA No:

SCHEDULE OF CONSENT CONDITIONS

GENERAL CONDITIONS

1. The development is to be carried in accordance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent.

Drawing N°	Author	Dated Received
Site Plan, Sheet 01 dated 20.04.15 rev 4	Masterton Homes	20 July 2016
Floor Plan, Sheet 02, dated 20.04.15	Masterton Homes	20 July 2016

Elevations, south and east, Sheet 03, dated 20.04.15	Masterton Homes	20 July 2016
Elevations, West and North, Sheet 04, dated 20.04.15	Masterton Homes	20 July 2016
Sections/Schedules, Sheet 05, dated 20.04.15	Masterton Homes	20 July 2016
Sediment Control, Sheet 07, dated 20.04.15	Masterton Homes	20 July 2016
Concept Drainage, Sheet 08, dated 20.04.15	Masterton Homes	20 July 2016
Landscape Plan Sheet 05, dated 7 July 2015	Scapewise Design	16 September 2015
Survey	Jack Hughes and Associates Consulting Surveyors	16 September 2015

Documents	Author	Date Received
Acoustic Report	Vipac	16 September 2015
Soil and Water Management Plan	Masterton Homes	16 September 2015
Waste Management Plan	Masterton Homes	16 September 2015
Schedule of Finishes	Masterton Homes	16 September 2015
Statement of Environmental Effects.	Masterton Homes	16 September 2015

2. No construction works (including excavation) shall be undertaken prior to the issue to the Construction Certificate.
3. This Consent relates to land in Lot 2 Sec 1 DP 937 and, as such, building works must not encroach on to adjoining lands or the adjoining public place.
4. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

5. Pursuant to clause 97A(3) of the *Environmental Planning & Assessment Regulation 2000*, it is a condition of this development consent that all the commitments listed in the relevant BASIX Certificate No. 638858S_02 dated 9 July 2015 received by Council 16 September 2015 for the development are fulfilled.
- a) Relevant BASIX Certificate means:
 - i) A BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or
 - ii) If a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate.
 - b) BASIX Certificate has the meaning given to that term in the *Environmental Planning and Assessment Regulation 2000*.
6. The consent given does not imply that works can commence until such time that:
- - a) Detailed plans and specifications of the building have been endorsed with a Construction Certificate by: -
 - i) The consent authority; or,
 - ii) An accredited certifier; and,
 - b) The person having the benefit of the development consent: -
 - i) Has appointed a principal certifying authority; and,
 - ii) Has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and,
 - iii) The person having the benefit of the development consent has given at least 2 days notice to the Council of the person's intention to commence the erection of the building.

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE ISSUE OF ANY CONSTRUCTION CERTIFICATE

7. The applicant must prior to the issue of the construction certificate pay the following fees:-

- | | |
|------------------------------|------------|
| a) Builders Security Deposit | \$6,700.00 |
| b) Development Control | \$855.00 |

8. Prior to the issue of the construction certificate, at the proposed point of construction site entry, photographic survey showing the existing conditions of Council's infrastructure shall be submitted to Council and Principal Certifying Authority.

The survey shall identify any existing damages to the road, kerb, gutter, footpath, driveways, street trees, street signs and any other Council assets fronting the property and in the vicinity of the development. Failure to do so will result in the applicant being liable for any construction related damages to these assets. Any damage to Council's infrastructure during the course of this development shall be restored at the applicant's cost.

9. Prior to the issue of the Construction Certificate the required Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 has to be paid. The Long Service Levy is payable at 0.35% of the total cost of the development, however this is a State Government Fee and can change without notice.

10. Prior to the issue of the Construction Certificate, the applicant shall contact "Dial Before You Dig on 1100" to obtain a Service Diagram for, and adjacent to, the property. The sequence number obtained from "Dial Before You Dig" shall be forwarded to Principal Certifying Authority. Any damage to utilities/services will be repaired at the applicant's expense.

11. Prior to the issue of the Construction Certificate, the plans shall be amended to indicate obscure/translucent glazing on the sliding doors to the home theatre room from 1m above the bottom of the sliding door frame to the top of the sliding door/window.

12.

- a) Any front fence constructed shall have the overall height not higher than 1.2m and the height of the solid section of the fence shall be limited to 600mm. Minimum 50% opening shall be provided in the slats area of the fence to provide adequate sight distance. Details to be submitted prior to the issue of any Construction Certificate.

- b) Any wall or fence or solid object on either side of the driveway/vehicular crossing where it meets the Council's road reserve at the boundary shall comply with sight distances stipulated in Australian Standard AS 2890.1. Details shall be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate.
13. Prior to the issue of the Construction Certificate, a plan (written and/or diagrammatic) shall be submitted and approved by the Principal Certifying Authority, showing the storage location of construction building materials and plants and the method of access to the property. No storage of construction materials and plants to be allowed in road reserve area.
14. Prior to the issue of the Construction Certificate the measures required in the acoustical assessment report prepared by Vipac Engineers and Scientists Pty Ltd, dated 28 July 2015 which is in accordance with the provisions of AS 2021 – 2000: Acoustics - Aircraft Noise Intrusion - Building Siting and Construction to establish components of construction to achieve indoor design sound levels in accordance with Table 3.3 of AS2021 – 2000 shall be incorporated into the construction of the building.
15. Prior to the issue of any Construction Certificate, all driveways/access ramps/vehicular crossings shall conform to the current Australian Standards AS 2890.1 and Council's Infrastructure Specifications. These include but are not limited to E-01, E-04, E-07 and E-16.

As part of this development, a new concrete driveway shall be constructed. A new three (3) metre wide driveway layback shall be constructed as part of the new driveway. A minimum of one (1.0) metre of kerb and gutter either side of the driveway layback shall be replaced to enable the correct tie-in with the existing kerb and gutter.

16. Prior to the issue of any Construction Certificate, detail design and construction plans in relation to stormwater management and disposal system for the development shall be submitted to the Principal Certifying Authority for approval.

(The detail drawings and specifications shall be prepared by a suitably qualified and experienced civil engineer and to be in accordance with Council's Development Control Plan 'Stormwater Management Technical Guidelines', AS/NSZ 3500 – Plumbing and Drainage Code and the BCA. All drawings shall correspond with the approved architectural plans.)

The plans shall incorporate measures such as:

- a) the provision for an On-site Stormwater Infiltration System designed to retain all 1 in 100 year storm events and satisfying all relevant Council and Australian Standards,

Note: a Rainwater Tank may be used as an alternative, for which up to half of the capacity may contribute towards the on-site detention system / infiltration trench

- b) all calculations shall be submitted to Council for assessment.
17. Prior to the issue of any Construction Certificate, detailed design and construction plans in relation to the habitable areas shall be submitted to the Principal Certifying Authority for approval. The plans must show the floor level of the habitable areas of the building at the level of at least RL 7.7m AHD.

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE COMMENCEMENT OF ANY DEVELOPMENT OR WORK

18. The Principal Certifying Authority must be satisfied that: -
- a) In the case of work to be done by a licensee under the Home Building Act: -
 - i) Has been informed in writing of the licensee name and contractor licence number, and;
 - ii) Is satisfied that the licensee has complied with the requirements of Part 6 of the Home Building Act 1989; or,
 - b) In the case of work to be done by any other person: -
 - i) Has been informed in writing of the persons name and owner-builder permit number, or;
 - ii) Has been given a declaration signed by the owner of the land that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of *owner builder work* in Section 29 the Home Building Act 1989.
19. Prior to the commencement of works, the applicant must inform Council, in writing, of:
- a) The name of the contractor, and licence number of the licensee who has contracted to do, or intends to do, the work: or
 - b) The name and permit number of the owner-builder who intends to do the work;
 - c) The Council also must be informed if: -

- i) A contract is entered into for the work to be done by a different licensee;
or
 - ii) Arrangements for the doing of the work are otherwise changed.
- 20. During Demolition, Excavation and Construction, care must be taken to protect Council's infrastructure, including street signs, footpath, kerb, gutter and drainage pits etc. Protecting measures shall be maintained in a state of good and safe condition throughout the course of construction. The area fronting the site and in the vicinity of the development shall also be made safe for pedestrian and vehicular traffic at all times. Any damage to Council's infrastructure (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) shall be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council.
- 21. Inspections must be conducted by Council's Engineer at the following occasions:
 - a) Formwork inspection of driveway layback and adjacent kerb and gutter prior to laying of concrete,
 - b) Formwork inspection of Council's kerb and gutter prior to laying of concrete,
 - c) Formwork inspection of Council's footpath prior to laying of concrete,
 - d) Final inspection of driveway layback and adjacent kerb and gutter,
 - e) Final inspection of Council's kerb and gutter,
 - f) Final inspection of Council's footpath.
- 22. The site to which this approval relates must be adequately fenced or other suitable measures employed that are acceptable to the Principal Certifying Authority to restrict public access to the site and building works. Such fencing or other measures must be in place before the approved activity commences.
- 23. Building plans must be lodged at a Sydney Water Quick Agent for approval prior to commencement of works.
- 24. This Consent shall not preclude the demolisher from giving notice to other statutory authorities, such as Sydney Water Corporation, WorkCover, etc.
- 25. If the land to which the application relates is served by a common sewerage system that is also used by others, then measures must be placed in effect and prior to the commencement of work to ensure the operation of the sewerage system is without disruption to other joint users.
- 26. Erosion and sediment control devices shall be installed prior to the commencement of any demolition, excavation or construction works upon the site

in order to prevent sediment and silt from site works (including demolition and/or excavation) being conveyed by stormwater into Council's stormwater system, natural watercourses, bushland, trees and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the requirements of the Protection of Environment Operations Act 1997 and the Department of Environment, Climate Change and Water guidelines. These devices shall be maintained in a serviceable condition AT ALL TIMES throughout the entire demolition, excavation and construction phases of the development and for a minimum three (3) month period after the completion of the development, where necessary.

27. Prior to commencement of any works, application(s) shall be made to Council's Customer Services Counter for the following approvals and permits on Council's property/road reserve under Road Act 1993 and Local Government Act 1993 as appropriate: -

(It should be noted that any works shown within Council's road reserve or other Council Lands on the development approval plans are indicative only and no approval for these works is given until this condition is satisfied.)

- a) Permit to erect hoarding on or over a public place, including Council's property/road reserve
- b) Permit to construction works, place and/or storage building materials on footpaths, nature strips
- c) Permit for roads and footways occupancy (long term/ short term)
- d) Permit to construct vehicular crossings, footpath, kerb and gutter over road reserve
- e) Permit to open road reserve area, including roads, footpaths, nature strip, vehicular crossing or for any purpose whatsoever
- f) Permit to place skip/waste bin on footpath and/or nature strip
- g) Permit to use any part of Council's road reserve or other Council lands

DURING WORKS

28. The proposed development shall comply with the following:

- a) 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;

- 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;
 - iii) The Development Approval number; and
 - iv) The name of the Principal Certifying Authority including an after hours contact telephone number.
 - b) Any such sign is to be removed when the work has been completed.
29. Precautions to be taken shall include compliance with the requirements of the WorkCover Authority of New South Wales, including but not limited to:
- a) Protection of site workers and the general public.
 - b) Erection of hoardings where appropriate.
 - c) Asbestos handling and disposal where applicable.
 - d) Any disused service connections shall be capped off.
 - e) The disposal of refuse is to be to an approved waste disposal depot.
30. Hazardous or Special Wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of WorkCover NSW and the Department of Environment, Climate Change and Water and with the provisions of the:
- a) Occupational Health and Safety Act, 2000;
 - b) Occupational Health and Safety Regulation 2001;
 - c) Protection Of the Environment Operations Act 1997 (NSW); and
 - d) NSW Department of Environment and Climate Change Waste Classification Guidelines (2008).
- 31.
- a) To ensure that utility authorities and Council are advised of any effects to their infrastructure by the development, the applicant shall: -
 - i) Carry out a survey of all utility and Council services within the site including relevant information from utility authorities and excavation if necessary to determine the position and level of services.

- ii) Negotiate with the utility authorities (eg Energy Australia, Sydney Water and Telecommunications Carriers) and Council in connection with: -
 - 1 The additional load on the system; and
 - 2 The relocation and/or adjustment of the services affected by the construction.
 - b) Any costs in the relocation, adjustment, and provision of land or support of services as requested by the service authorities and Council are to be the responsibility of the developer.
- 32. Should the construction process require a building waste container(s) (builders' skip), then such container must not be placed or left upon the public road, footpath, reserve or the like without the prior approval of the Council. The use of any part of Council's road reserve must also have prior approval of Council.
- 33. Throughout the construction period, Council's warning sign for soil and water management shall be displayed on the most prominent point of the building site, visible to both the street and site workers. A copy of the sign is available from Council's Customer Service Counter.
- 34. The approved Waste Management Plan shall be complied with at all times during demolition, construction and on-going use of the site.
- 35. All possible and practicable steps shall be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from wind-blown dust, debris, noise and the like.
- 36.
 - a) All excavations and backfilling shall be executed safely and in accordance with appropriate professional standards; and all excavations shall be properly guarded and protected to prevent them from being dangerous to life or property;
 - b) Existing structures and or services on this and adjoining properties are not endangered during any demolition excavation or construction work associated with the above project. The applicant is to provide details of any shoring, piling, or underpinning prior to the commencement of any work. The construction shall not undermine, endanger or destabilise any adjacent structures.
 - c) As the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- i) Protect and support the adjoining premises from possible damage from the excavation, and
- ii) Where necessary, underpin the adjoining premises to prevent any such damage.

37. The following shall be complied with during construction and demolition:

a) Construction Noise

Noise from construction activities associated with the development shall comply with the NSW Environment Protection Authority's Environmental Noise Manual – Chapter 171 and the Protection of the Environment Operations Act 1997.

b) Level Restrictions

i) Construction period of 4 weeks and under:

The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 20dB(A).

ii) Construction period greater than 4 weeks and not exceeding 26 weeks:

The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 10 dB(A).

c) Time Restrictions

i) Monday to Friday 07:00am to 06:00pm

ii) Saturday 07:00am to 01:00pm

iii) No Construction to take place on Sundays or Public Holidays.

d) Silencing

All possible steps should be taken to silence construction site equipment.

38. The applicant shall conduct all construction and related deliveries wholly on site. If any use of Council's road reserve is required then separate applications are to be made at Council's Customer Services Department.

39. All fill used with the proposal shall be virgin excavated material that is not mixed with any other type of waste and which has been excavated from areas of land that are not contaminated with human made chemicals as a results of industrial,

commercial, mining or agricultural activities and which do not contain sulphate ores or soils.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority.

40.

- a) In order to prevent vehicles tracking soil or other materials onto public roads and washing of materials into the street drainage system or watercourse, during Excavation, Construction and Deliveries, access to the site shall be available in all weather conditions. The area shall be stabilised and protected from erosion; and,
- b) In addition, concrete trucks and any other trucks that used for the transportation of building materials or similar, shall not traffic soil cement or other materials onto the road reserve. Hosing down of vehicle tyres shall only be conducted in a suitable off-street area where wash waters do not enter the stormwater system or enter Council's land.
- c) Hosing down or hosing/washing out of any truck (concrete truck), plant (eg concrete pumps) or equipment (eg wheelbarrows) on Council's road reserve or other property is strictly prohibited. Fines and cleaning costs will apply to any breach of this condition.
- d) Pavement surfaces adjacent to the ingress and egress points are to be swept and kept clear of earth, mud and other materials at all times and in particular at the end of each working day or as directed by Council's Engineer.
- e) Building operations such as brick cutting, washing tools or brushes and mixing mortar shall not be carried out on public roadways or footways or in any other locations which could lead to the discharge of materials into the stormwater drainage system or onto Council's lands.

41. During Construction, care must be taken to protect Council's infrastructure, including street signs, footpath, kerb, gutter and drainage pits etc. Protecting measures shall be maintained in a state of good and safe condition throughout the course of construction. The area fronting the site and in the vicinity of the development shall also be safe for pedestrian and vehicular traffic at all times. Any damage to Council's infrastructure (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) shall be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council.

42. During construction work the Council nature strip shall be maintained in a clean and tidy state at all times. The nature strip shall be suitably replaced where

damaged due to construction work in accordance with Council Specification at the completion of construction, and at the Applicant's expense

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

43. Prior to the issue of the Occupation Certificate the applicant must submit to the Principal Certifying Authority an acoustic report to verify that the measures stated in the above report prepared by VIPAC Engineers and Scientists Pty Ltd dated 28 July 2015 have been carried out and certify that the construction meets the above requirements and the indoor sound levels of AS2021-2000. The report must be prepared by a qualified practicing acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australia Acoustical Consultants).
44. Prior to the issue of any Occupation Certificate, all applications associated with works on Council's land must be made at least 7-10 days prior to the programmed completion of works and all construction must be completed and approved by Council.
45. Prior to the issue of an Occupation Certificate:
 - a) the construction of the stormwater drainage system of the proposed development shall be completed generally in accordance with the approved stormwater management construction plan(s), Council's 'Guidelines for the Design of Stormwater Drainage Systems within City of Botany Bay', AS/NSZ 3500 – Plumbing and Drainage Code and the BCA.
 - b) documentation shall be submitted to the Principal Certifying Authority certifying that the stormwater drainage system has been constructed generally in accordance with the approved stormwater management construction plan(s) and accepted practice.
46. Any damage not shown in the photographic survey and dilapidation survey submitted to Council before site works have commenced, will be assumed to have been caused as a result of the site works undertaken and must be rectified at the applicant's expense, prior to occupancy of the development.
47. Prior to the issue of an Occupation Certificate, any fencing adjacent to the site vehicular entrance shall be designed and constructed to ensure there is adequate sight distance between the pedestrians and the vehicles leaving the site.
48. Prior to the issue of any Occupation Certificates(s), documentation from a practicing civil engineer shall be submitted to the Principal Certifying Authority certifying that the stormwater drainage system has been constructed generally in

accordance with the approved stormwater management construction plan(s) and all relevant standards.

49. Prior to the issue of any Occupation Certificate(s), a restriction on Use of Land and Positive Covenant(s) shall be imposed on the development. The following covenants shall be imposed under Section 88(E) of the Conveyancing Act 1919 and lodged with the NSW Land and Property Information:
 - Restriction on Use of Land for On-Site Infiltration System. Refer to Appendix A of the Stormwater Management Technical Guidelines for suggested wording.
50. Prior to the issue of any Occupation Certificate(s), inspection reports (formwork and final) for the works on the road reserve shall be obtained from Council's engineer and submitted to the Principal Certifying Authority attesting that this condition has been appropriately satisfied.
51. Prior to the issue of any Occupation Certificate(s), the applicant shall carry out the following works:
 - a) On Sparks Street, adjacent to development, reconstruct existing kerb and gutter and footpath for the full length property in accordance with Council Infrastructure Specifications.
52. Prior to use and occupation of the building an Occupation Certificate must be obtained under Section 109C(1)(c) and 109N of the Environmental Planning and Assessment Act, 1979.

CONDITIONS WHICH MUST BE SATISFIED FOR THE ONGOING USE

53. The shed at the rear of the property shall not be used as a dwelling or be used as a habitable space.
54. Ongoing maintenance of the nature strip shall be undertaken by the occupier/owner. Maintenance includes mowing, watering, the removal of weeds and rubbish and maintaining an even coverage of grass.
55. The building is approved as a single dwelling for use and occupation by a single family. It shall not be used for separate residential occupation or as separate residential flats. No plumbing fixtures, fittings, walls shall be deleted or added, doorways enclosed or any other changes made from the approved plans in Condition No. 1 of this Consent without the prior Consent of the Council.
56. The stormwater drainage system (including all pits, pipes, absorption, detention structures, treatment devices, infiltration systems and rainwater tanks) shall be

regularly cleaned, maintained and repaired to ensure the efficient operation of the system from time to time and at all times. The system shall be inspected after every rainfall event to remove any blockage, silt, debris, sludge and the like in the system. All solid and liquid waste that is collected during maintenance shall be disposed of in a manner that complies with the appropriate Environmental Guidelines.

57.

- a) Air conditioning units are not to be visible from the street or public place and are not to obscure windows/window frames or architectural features of the dwelling.
- b) Noise from any air-conditioning units (measured as the $L_{aeq\ 15\ minute}$) is not to exceed the background level (measured as the $L_{a90\ 15\ minute}$) by more than 5dBA at any time. The measurement is to be taken at boundary of the property. If the noise from the air conditioner contains any annoying characteristics, the measurements are to be corrected in accordance with the New South Wales Industrial Noise Policy. In addition noise from any air conditioning units are not to be audible within habitable room of other residence before 7am or after 10pm (Monday to Friday) or before 8am or after 10pm (Sat/Sun/Public Holidays).

Note: In order to meet this condition, the compressors and any other noise generating part of the air conditioning unit, are to be located a sufficient distance from any residential boundary to permit the sound from the unit to decay sufficiently to meet the standard, or enclosed in a suitable acoustic enclosure.

58. The applicant being informed that this approval shall be regarded as being otherwise in accordance with the information and particulars set out and described in the Development Application registered in Council's records as Development Application No. 15/166 dated as 16 September 2015 and that any alteration, variation, or extension to the use, for which approval has been given, would require further approval from Council.

Council Meeting

14/12/2016

Item No	9.9
Property	64 Wellington Street, Mascot NSW 2020 Lot 13 DP 615592
Proposal	Demolition of the existing former industrial building being part of a locally listed heritage item, remediation and construction of a new 2 storey dwelling
Cost of Development	\$485,000.00
Report by	Chris Mackey – Team Leader Development Assessment Planner
Application No	(B) DA-16/63

Council Resolution

Minute 2016/092

Resolved by the Administrator

- 1 That the Development Application DA-16(63) for demolition and remediation of the site at 64 Wellington Street, Mascot be approved pursuant to Section 80(1)(a) of the *Environmental Planning and Assessment Act 1979* and subject to conditions of consent attached to this report.
 - 2 That Council prepare a Planning Proposal to delete Item No. I167 (64 Wellington Street) from the Botany Bay LEP 2013 in the next housekeeping amendment to the LEP.
-

Officer Recommendation

- 1 That the Development Application DA-16(63) for demolition and remediation of the site at 64 Wellington Street, Mascot be approved pursuant to Section 80(1)(a) of the *Environmental Planning and Assessment Act 1979* and subject to conditions of consent attached to this report.
 - 2 That Council prepare a Planning Proposal to delete Item No. I167 (64 Wellington Street) from the Botany Bay LEP 2013 in the next housekeeping amendment to the LEP.
-

Attachments

Planning Assessment Report

Proposal Plans

Location Plan

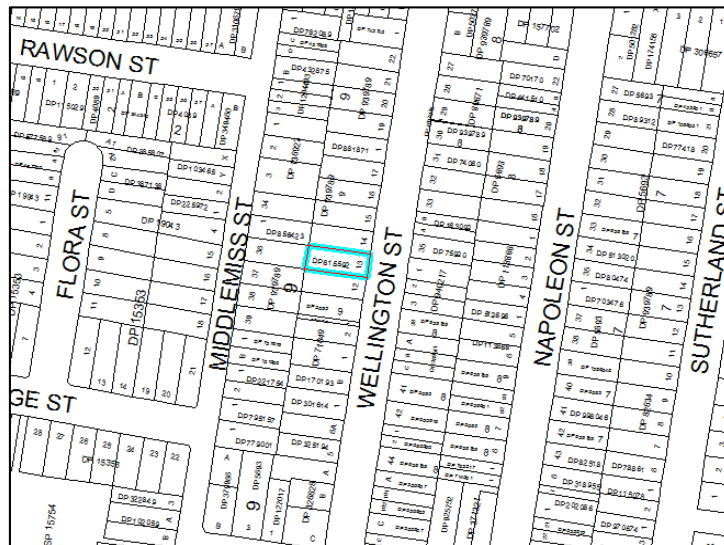


Figure 1: Locality Plan

BAYSIDE COUNCIL

Planning Assessment Report

Application Details

Application Number:	DA-16/63
Date of Receipt:	28 April 2016
Property:	64 Wellington Street, Mascot NSW 2020 Lot 13 DP 615592
Owner:	Alfonso and Mina Valencia
Applicant:	Arkivis Pty Ltd
Proposal:	Demolition of the existing building being part of a locally listed heritage item and construction of a new 2 storey dwelling
Recommendation:	Approval
Value:	\$485,000.00
No. of submissions:	First Round: One Second Round: Four
Author:	Chris Mackey – Team Leader Development Assessment
Date of Report:	16 November 2016

Key Issues

Council received Development Application No. 16/63 on 28 April 2016 seeking consent the demolition of the existing building, being part of a locally listed heritage item and construction of a new two storey dwelling at 64 Wellington Street, Mascot.

The application was placed on public exhibition for a fourteen-day period from 25 May 2016 to 8 June 2016. One submission was received during this period.

As a result of amended plans which shifted the dwelling in order to retain the mature Irish Strawberry Tree in the front of the site and provide additional information regarding contamination, the application was renotified for a fourteen-day period from 26 October 2016 to 9 November 2016. Four objections were received during this period.

Generally the objections relate to the demolition of a heritage item, privacy impacts from the first floor rear balcony and the impact of landscaping on the boundary. These issues are addressed further in the report. Some have been assessed as being acceptable and some have been addressed through conditions which require further design changes.

The subject site is identified as part of heritage item (No. I167). This item which is described as No. 64 – 66 Wellington Street, Mascot is a locally significant item containing a Victorian period Italianate style residence, a rear outbuilding and the associated 1930's former factory building. The proposed development, as amended only involves works to the northern part of

the site, being No. 64 Wellington Street, comprising of the former factory building, which is in a state of disrepair and is a risk to human health and safety.

A Heritage Impact Statement was prepared by Futurepast Heritage Consulting Pty Ltd and was submitted with the development application. The application was referred to Council's Heritage Advisor for comment who raised no objection to the demolition of the structure, given its poor state of disrepair and structural condition.

The subject site is contaminated due to filling of the site in the 1930's to raise the factory floor level and the Applicant has submitted Environmental Investigation Reports which have been referred to Council's Environmental Scientist who raised no objection to the proposal subject to conditions. It is considered that the site can be made suitable for the proposed development, subject to conditions being imposed on any consent granted by Council.

The development application has been assessed in accordance with the relevant requirements of the *Environmental Planning and Assessment Act 1979* and is recommended for approval, subject to conditions of consent.

Background

History

A search of Council records and a review of the submitted Heritage Impact Statement indicates that the building was constructed in 1930.

In 1930, Council approved the use of the building as a tennis gut factory to make racket strings. The Council minutes noted that it was not a noxious use and involved the drying and stretching of sausage casings.

An application was then made to Council in 1939 to use the building to coat biscuits in chocolate.

In 1969, Council approved an application for the use of the building as an office and factory for the assembly of light furniture and light fittings. Details available on Council's historic files indicate that this use involved the assembly of imported furniture from Scandinavia from 1969 to 1975.

On 18 September 2013 council approved DA-11/201 for a change of use of the existing industrial building to residential together with alterations and additions to the existing building on site to include:

- Conversion of the existing building into one x four (4) bedroom dwelling;
- Removal of five (5) existing palm trees;
- Construction of a single hardstand car parking area to the southern boundary;
- Replacement of the existing front fence with new metal fence;
- Widening of the existing driveway crossing to four (4) metres.

On 23 September 2014, Council received a s96(1A) Modification Application to DA-11/201 for the following:

- Increased the proposed first floor level by approximately 25m²,
- Modification to approved roof form;

- New windows on southern (side) and eastern (front) elevation;
- Larger first floor deck on east (front) elevation, and
- Refurbishment of the ground floor.

This was refused on 21 January 2015 for the following reasons:

1. The amendments will create adverse impacts on the adjoining heritage item;
2. The proposed development is contrary to the public interest;
3. The amendments will have an inappropriate bearing and impact on the existing structure when having regard to the development as approved.

Proposal

The development application seeks Council consent for the demolition of the existing building, being part of a locally listed heritage item and construction of a new two storey dwelling at 64 Wellington Street, Mascot.

The specifics of the proposal are as follows:

Demolition and Site Clearing

- Demolition of the existing structure and paved area on the site.
- Removal of 5 trees within the front of the subject site being:
 - Tree 2 – Lillypilly;
 - Tree 3 – Camphor Laurel;
 - Tree 4 – Cocos Palm;
 - Tree 5 – African Olive; and
 - Tree 6 – Clustering Fishtail Palm;
- Remediation of the site.

Construction

- Ground Floor:
 - Single garage, formal lounge and dining room, laundry, bathroom, pantry, kitchen with island bar dining, lounge room, outdoor dining area, rear patio.
- First Floor:
 - 5 bedrooms (one with ensuite), bathroom, study nook, two front balconies and one rear balcony.

Materials of Construction

The proposed development will be constructed using the following materials and colours:

- Timber cladding in oak light grey;
- Rendered wall in light beige colour;
- Windows and doors in black anodized aluminium;

- Fencing and balustrading in dark grey stainless steel.

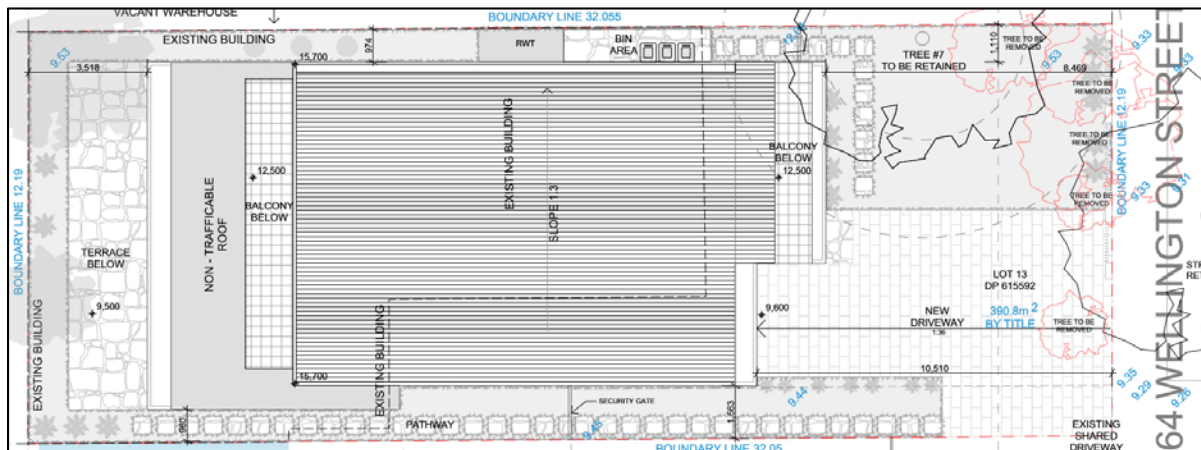


Figure 3: Proposed site plan

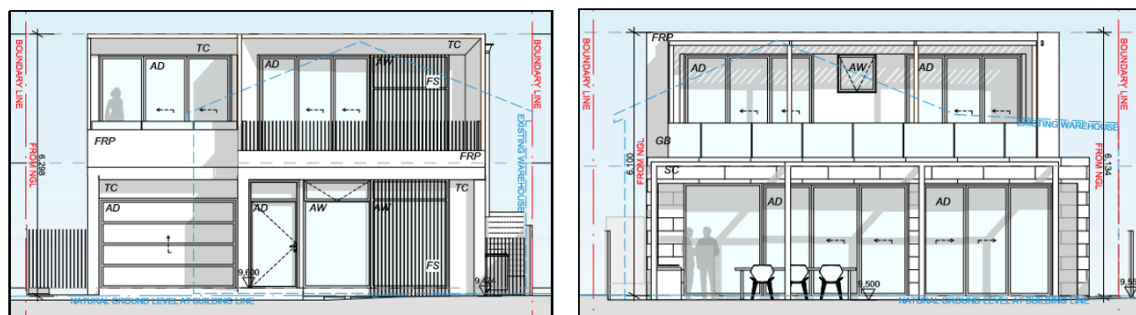


Figure 4: Front elevation (left) and rear elevation (right)

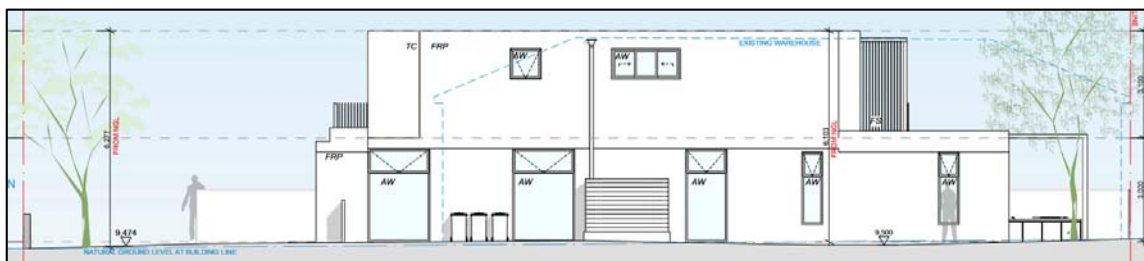


Figure 5: Northern side elevation

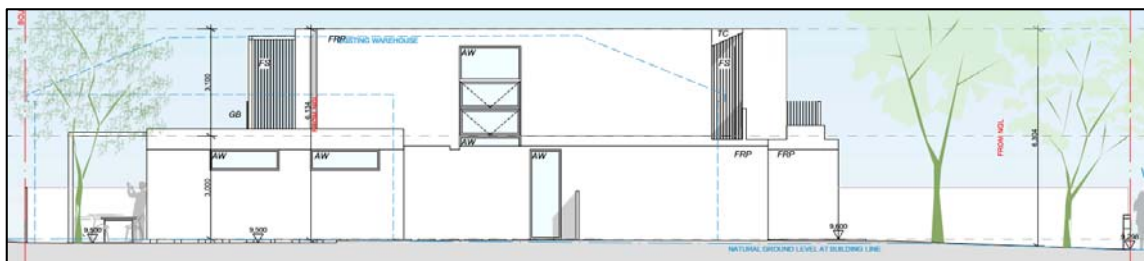


Figure 6: Southern side elevation

Site Description

The subject site is located on the western side of Wellington Street between Coward Street to the north and Lyon Street to the south. The subject site, identified as Lot 13 in DP 615592, is

regular in shape with a frontage of 12.19 metres to Wellington Street and site depth of 32.055 metres and a total site area of 390.8sqm.

An existing industrial building is currently located on site having been constructed on the western, northern and southern boundaries. The building is 5.9m tall and constructed of painted face brick with a sheet metal roof. The building is divided by a solid wall, creating a smaller section along the southern boundary with a vehicular roller door on the eastern elevation. The site is relatively flat and is located within the R2 – low density residential zone. There are seven (7) trees and shrubs within the front setback. Vehicular access is via a reciprocal Right of Way shared with No. 66 (Lot 12) from Wellington Street.

As stated earlier in this report, the adjoining allotment to the south is Lot 14 in DP615592 and the existing cottage on this lot also forms part of this heritage item. In April 2012, the owner of No. 64 & 66 Wellington Street sold No. 66 to a new owner. Development surrounding the site consists of residential dwellings to the north, south, east and west.

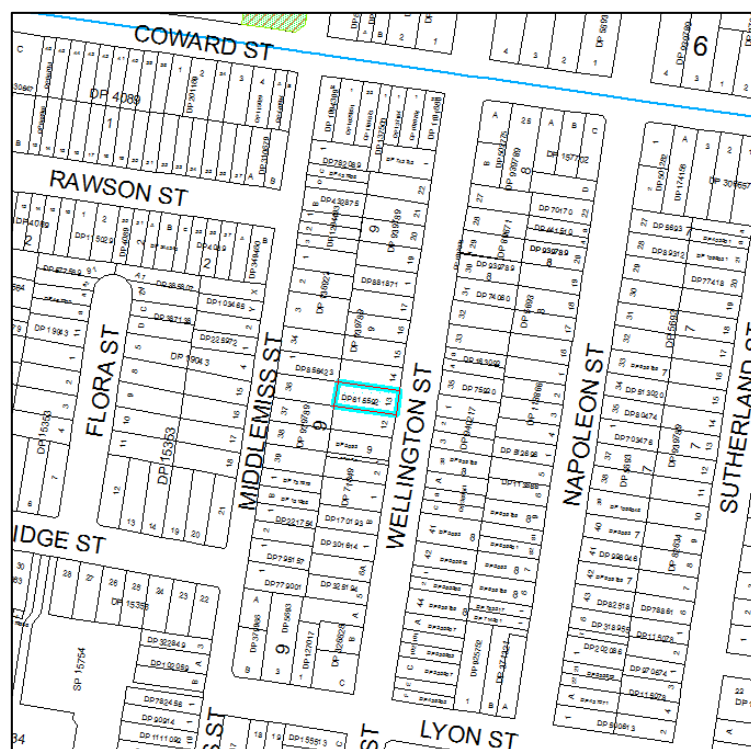


Figure 1: Site Location



Figure 2: Front of site from Wellington Street

Referrals

The development application was referred to Council's Development Engineer, Environmental Health Officer, Landscape Architect, Tree Preservation Officer, Environmental Contamination Scientist and Strategic Planner (Heritage Advisor) for comments. Appropriate conditions have been imposed on the development consent to address the relevant issues raised.

Statutory Considerations

Environmental Planning and Assessment Act, 1979

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

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

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

The following Environmental Planning Instruments are relevant to this application:

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

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ("BASIX") applies to the proposed development as the total cost of works are more than \$50,000. A BASIX Certificate (Certificate Number: 712259S, dated 31 March 2016, prepared by Certified Energy) has been submitted committing to environmentally sustainable measures.

State Environmental Planning Policy No. 55 – Remediation of Land

The provisions of SEPP 55 have been considered in the assessment of the development application, along with the requirements of Part 3K, relating to contaminated land.

Given the age of the building and past industrial use, a Stage 1 and 2 Environmental Site Assessment, dated 24 June 2013 and prepared by Environmental Investigation Services, was submitted with the application but to support a previous application over the site (DA-2011/201) for residential use of the property that involved conversion of the building and landscaping. This report stated that there was elevated lead and arsenic contamination contained to the fill layer which extends across the site to 0.8m bgl. There was no asbestos detected in the soil. Three options were provided for the proposed residential conversion of the building, paving of the site, waste classification and removal of contaminants from the site, or a combination of these. Based on this, the site was considered suitable for the proposed residential use with limited access to soil. Conditions were attached regarding the management of contamination onsite.

The premise has not been used for industrial use since this assessment and therefore the conclusions of this report still apply. As there will be a new residence built across the site it is considered suitable for residential use with minimal access to soil with the use of the option of waste classification and removal of fill from the site. This needs to be completed following demolition of the structure and prior to the commencement of site preparation works or any building prior to the issue of a CC. The only concern raised by Council's Environmental Contamination Scientist is that this property could be considered as exposure scenario *HIL A – Residential with access to garden*, a higher risk exposure scenario. However, removal of the fill across the site could address this issue. This has been addressed in the recommended conditions.

On this basis, the site can be made suitable for the proposed residential development.

Botany Bay Local Environmental Plan 2013

The provisions of the BBLEP 2013 have been considered in the assessment of the Development Application and the following information is provided:

Table 1: BBLEP 2013 Compliance Table

Principal Provisions of BBLEP 2013	Compliance (Yes/No)	Comment
Land Use Zone (Part 2 of LEP)	Yes	The site is zoned R2 Low Density Residential under the BBLEP 2013.
Is the proposed use/works permitted with development consent? (Part 2 of LEP)	Yes	The proposed use is permissible with Council's consent under the BBLEP 2013.
Does the proposed use/works meet the	Yes	The proposed development is consistent with the objectives of the zone which are as follows:

Principal Provisions of BBLEP 2013	Compliance (Yes/No)	Comment
objectives of the zone? (Part 2 of LEP)		<ul style="list-style-type: none"> • <i>To provide for the housing needs of the community within a low density residential environment.</i> • <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i> • <i>To encourage development that promotes walking and cycling.</i>
What is the height of the building? Does the height of the building comply with the maximum building height? (Part 4 of LEP)	Yes	<p>A maximum building height of 9m applies to the subject site.</p> <p>The submitted plans indicate a height of 6.1m. This complies with the LEP height limit.</p>
What is the proposed FSR? Does the FSR of the building comply with the maximum FSR? (Part 4 of LEP)	Yes	<p>The subject site is identified within "Area 3" on the FSR Map. Pursuant to Clause 4.4A(3)(a), a maximum FSR of 0.65:1 applies as the is between 351-400sqm.</p> <p>The subject site has an area of 390sqm (survey). The proposal plans provide the following calculations:</p> <p><u>Proposed Dwelling</u> Ground Floor: 135.87sqm First Floor: 97.02sqm Total GFA: 232.89sqm FSR: 0.59:1</p> <p>The proposed FSR of 0.59:1 complies with the requirements of the BBLEP 2013 and accords with Council's FSR calculations.</p>
Is the site within land marked "Area 3" on the FSR Map? If so, does it comply with the sliding scale for FSR in Clause 4.4A? (Part 4 of LEP)	Yes	<p>The subject site is identified within "Area 3" on the FSR Map. Pursuant to Clause 4.4A(3)(a), a maximum FSR of 0.65:1 applies as the site is between 351-400sqm.</p> <p>The proposed FSR of 0.59:1 complies with the maximum FSR of 0.65:1.</p>
5.10 – Heritage Conservation	Yes	The subject site is part of a heritage listed site which includes two allotments. The heritage listing

The objectives and provisions of the BBLEP 2013 have been considered in relation to the subject development application. The proposal is satisfactory in terms of the BBLEP 2013.

S.79C(1)(a)(ii) - Provisions of any Draft Environmental Planning Instruments

There are no current Draft Environmental Planning Instruments applicable to this development.

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

The following Development Control Plan is relevant to this application.

Botany Bay Development Control Plan 2013

The following is an assessment of the proposed development against the relevant provisions of this DCP:

Part 3A – Parking & Access

Table 1 identifies that for dwelling houses, two spaces are required per dwelling with more than two bedrooms. The development proposes a single garage with a sufficient driveway setback to accommodate another car parking space.

The provisions of Part 3A are satisfied.

Part 3B – Heritage

The subject site is part of a heritage listed site which includes two allotments. The heritage listing under BBLEP 2013 applies to both 64-66 Wellington Street (1167) and includes both Lot 12 and Lot 13.

No. 66 Wellington Street has been sold within recent times and is under separate ownership to No. 64 Wellington Street.

A Statement of Heritage Impact, prepared by Futurepast Consulting Pty Ltd, and dated October 2015 was submitted with the application.

The site is occupied by a single storey brick former industrial building with a high colourbond fence. There is a brick paved driveway.

The research in the Statement of Heritage Impact provides information supporting 1922 being a possible construction date for a factory on the site, however the 1931 Council valuation records provide clear evidence for both a factory and cottage on the combined site at 64-66 Wellington Street.

The condition of the factory building on the subject site has been examined by a structural engineer and the Statement of Heritage Impact concludes that *“The structure is displaying signs of structural failure...there is also a very real risk of collapse associated with the existing structure both during re-construction and in its current state.”*

The Statement of Heritage Impact concludes by reporting that *“the former factory building at 64 Wellington Street is of low heritage significance and its historic origins are also attached to*

the adjacent residence at 66 Wellington Street. The factory building has some representative values which relate to common buildings in other suburbs of Sydney but which are generally absent from Mascot; these values do not meet the threshold for identification as a local heritage item."

Council's Heritage Advisor has reviewed the proposal and the Statement of Heritage Impact and provided the following comments:

- *The physical condition of the former factory building is clearly poor on visual inspection and the building has also been altered with new openings;*
- *There is extensive cracking to the brickwork. The visual inspection of the building supports the conclusions of the structure engineer's reports cited above.*

It is recommended that Council remove Lot 13 (No. 64) from Schedule 5 of the Heritage Register under BBLEP 2013, retaining Lot 12 (No. 66) as the heritage item. This can be undertaken in the next housekeeping amendment to the Botany Bay LEP 2013.

From Pre-DA stage and first inspection of the property, it was made clear that if the structure was approved to be demolished through a DA, then the structure/site should be removed from the Heritage Register.

Given the above, Council's Strategic Planner and Heritage Advisor raised no objection to the demolition of the existing structure on site and have recommended that photographic record of the existing building be submitted to Council prior to the issue of the Construction Certificate for demolition.

Part 3F – Tree Management

There are seven trees located at the front of the site (6 within the site and 1 on Council's nature strip).



Figure 7: Proposed Tree Removal

The Arboricultural Impact Assessment prepared by Sydney Tree Solutions proposes the following:

- Tree 1 – Retention and protection (within Council's nature strip);
- Tree 2 & 6 – Removal due to low retention values;

- Tree 3 – 5 – Removal due to being exempt weed species;
- Tree 7 – Retention.

The plans (as amended) have moved the siting of the dwelling back by 5.5m from the original design and from the SRZ. Sydney Tree Solutions advises that the footings will now cut off only around 15% of the TPZ, which is acceptable since the Tree should not be affected too much by the loss of such a low percentage of its TPZ. Sydney Tree Solutions advises that no more than 20% of the TPZ was lost as a consequence of this development.

This proposal has been referred to Council's Landscape Officer and Tree Protection Officer for comment. Both Officers have provided comment throughout the development assessment process which has led to the retention of Tree 7.

Council's Landscape Officer has provided conditions of consent.

The provisions of Part 3F of the BBDCP 2013 are satisfied.

Part 3G - Stormwater Management

Stormwater Drawings have been submitted with the application and a 3000L rainwater tank is proposed along the northern side setback.

This proposal has also been referred to Council's Engineer who confirmed that the site is subject to flooding and that the FFL of the habitable rooms of RL9.6 needed to be raised to RL10.

The plans (as amended) do not demonstrate that the FFL of the habitable rooms have been raised to achieve RL10.

Given this, a condition has been recommended that prior to the issue of any Construction Certificate; amended plans are submitted to the PCA demonstrating that the habitable rooms have been raised by 400mm to RL10 in order to achieve the minimum flooding requirement.

Provided the conditions are complied with, the stormwater management and flooding relevant to the site is satisfactory and fulfils the requirements of Part 3G of the BBLEP 2013.

Part 3J- Aircraft Noise and OLS

The subject site is located within the 20-25 ANEF contour. Dwellings are permitted subject to compliance with AS 2021-2000. A condition has been recommended requiring compliance with Australian Standard AS2021-2000.

Part 3K- Contamination

Refer to the assessment under the heading 'State Environmental Planning Policy No. 55 – Remediation of Land'.

Part 3L- Landscaping and Tree Management

Amended Landscape Plans were not provided along with the set of amended plans which were required to set the building back to retain the existing tree in the north-eastern corner of the site.

The proposal was referred to Council's Landscape Architect who has provided conditions of consent.

The provisions of Part 3L of the BBDCP 2013 are considered to be satisfied.

Part 3N- Waste Minimisation & Management

A Model Site Waste Minimisation and Management Plan, has been submitted with the application.

Part 4A- Dwelling Houses

The development application has been assessed against the controls contained in *Part 4A of the DCP – Dwellings*. The following table compares the proposed development with the relevant provisions of this policy.

Table 2: BBDCP 2013 Compliance Table

Control	Proposed	Complies (Yes/No)
4A.2.4 Streetscape Presentation		
C2 Development must be designed to reinforce and maintain the existing character of the streetscape.	<p>The proposed two storey dwelling will not be out of character within the streetscape. Wellington Street features a variety of built forms including:</p> <ul style="list-style-type: none"> • single and two storey dwellings; • brick, rendered cement and weatherboard construction; • hip, gable, pitch and flat roof forms; • parking within the front setback, side boundary, rear and sites with no on-site car parking. <p>Further, the site currently accommodates an existing industrial building in a residential area. The proposal will bring the site into conformity with the surrounding development and remove the existing industrial building which is in disrepair.</p>	Yes
4A.2.7 Site Coverage		
C2 For sites over 200sqm, a sliding scale is applicable as follows: Over 300sqm: max. 50% site coverage	The plans indicate a site coverage of 44% (173.25sqm). This complies.	Yes
4A.2.8 Building Setbacks		
C1 Dwelling houses must comply with the following minimum setbacks for lot width of less than 12.5m: Front – comply with prevailing street setback or 6m min. Side – merit.	<p>The subject lot has a width of less than 12.5m and is therefore subject to the controls for lots with widths of less than 12.5m.</p> <p>The proposed setbacks are as follows:</p> <ul style="list-style-type: none"> • Front – 8.5m. • Side (north) – 900mm. 	No Rear setback and eaves Refer to Note 1

Control	Proposed	Complies (Yes/No)
Rear – 4m min. Eaves – 450mm min. Note: The subject site has an average lot width of 12.19m.	<ul style="list-style-type: none"> Side (south) – 1.023mm. Rear: <ul style="list-style-type: none"> 1.2m (pergola structure) 3.5m (building edge) .693m (rear building line). The plans indicate no eaves as it is a contemporary design. 	
4A.2.9 Landscape Area		
C2 Development shall comply with the following minimum landscaped area requirements: Lot size between 350-400sqm: 30%	The plans indicate that 30% (117.82sqm) of the site is proposed as landscaped area, however Council's calculations indicate 21% (82sqm).	No Refer to Note 2
4A.3.1 Materials and Finishes		
C1 A Schedule of Finishes and a detailed Colour Scheme for the building facade must accompany all Development Applications involving building works.	A Schedule of External Finishes has been submitted with the application and consists of colours that will be similar to other dwellings in the street.	Yes
4A.3.2 Roofs and Attics/ Dormers		
C1 Roof pitches (for pitched roofs) should be at least 22.5 degrees and no more than 40 degrees for pitched and gabled roofs.	The proposed dwelling is of a modern design and proposes a flat roof, which has been supported by Council's Heritage Advisor.	No Acceptable
4A.4.1 Visual Privacy		
C1 The privacy needs of residents should be considered in designing a new dwelling or alterations and additions to a dwelling and where appropriate, incorporate privacy measures.	Proposed rear first floor balcony – refer to Note 3 for assessment.	Yes
4A.4.3 Solar Access		
C1 Buildings (including alterations/ additions/ extensions) are to be designed and sited to maintain approximately 2 hours of solar access between 9am and 3pm on 21 June to windows in living areas (family rooms, rumpus, lounge and kitchens) and the principal open space areas such as swimming pools, patios and terraces, and drying areas of both the subject site and adjoining properties.	Refer to Note 4 for assessment.	Yes

Control	Proposed	Complies (Yes/No)
4A.4.4 Private Open Space		
C1 Each dwelling is to have a minimum area of private open space. The private open space area is to: <ul style="list-style-type: none"> (i) Have at least one area with a minimum area of 36m²; (ii) Is located at ground level with direct access to the internal living areas of the dwelling; (iii) Maximise solar access; (iv) Is visible from a living room door or window; (v) Minimise overlooking from adjacent properties; (vi) Is generally level; (vii) Is oriented to provide for maximum year-round use; (viii) Is appropriately landscaped; (ix) Is located or screened to ensure privacy. 	The proposed new dwelling will: <ul style="list-style-type: none"> (i) Upon complying with a rear setback of 4m, provide a rear POS of approximately 49sqm; (ii) Have a rear POS that is at ground level and accessed off the existing open plan living area; (iii) will receive solar access to most of the area during the midday and afternoon hours; (iv) Have a rear POS which is visible from the living room; (v) Have a rear POS at ground level will not overlook adjacent properties; (vi) Have a rear POS which is level; (vii) Have a rear POS which will receive midday and afternoon sun; (viii) Have a rear POS which is grassed; (ix) Have a rear POS which is screened by an existing boundary fence. 	Yes

Note 1 – Setbacks

Part 4A.2.8 of the BBDCP 2013, Control C1 requires rear setbacks to be a minimum of 4m. This is to be measured from the boundary line, at a 90° angle, to the outside face of any balcony, deck or the like.

As such, the proposed setback from the rear boundary is:

- 1.2m (to the outside edge of the rear pergola)
- 3.5m (to the outside edge of the building/post)
- 4.693m (rear building line).

The original design provided a 6.7m rear setback to the outside edge of the rear pergola. Subsequent to Council's request to retain Tree 7, the dwelling had to be pushed back 5.5m (as discussed above), thereby resulting in the current rear setback of 1.2m.

Whilst it is noted that Tree 7 is required to be retained the architect has not provided a design which responds appropriately to the various site constraints and key Council controls.

The proposed rear setback is non-compliant, and there have been several objections submitted relating to privacy and overlooking, Council require the enforcement of the minimum rear setback.

To this effect, a condition has been recommended for a rear setback of 4m. This can be achieved by either removing the rear patio completely, given that the dwelling currently

provides for an outdoor dining area located on the southern side, or shifting the dwelling forwards on the southern side to provide a minimum 5.5m front setback to the garage and relocating the rear patio adjacent to the outdoor dining area. This condition recommends that amended plans be provided to the Certifying Authority for approval prior to the issue of any Construction Certificate.

The plans indicate no eaves as it is a contemporary design. This is acceptable.

Note 2 – Landscaped Area

Part 4A.2.9 of the BBDCP 2013, Control C2 requires that for sites with a size between 350sqm – 400sqm, 30% of the site is to be landscaped.

The plans indicate that 30% (117.82sqm) of the site is proposed as landscaped area, however Council's calculations indicate 21% (82sqm).

As discussed above, a condition has been recommended for amendments so that there will be a 4m rear setback. If a 4m rear setback is provided (as per the recommended condition), a landscaped area of 29% (114sqm) can be achieved which is near compliance and acceptable.

Note 3 – Visual Privacy

Part 4A.4.1 of the BBDCP 2013, Control C1 states that the privacy needs of residents should be considered in designing a new dwelling and where appropriate, incorporate privacy measures. This is assessed below.

Northern Neighbour (No. 62 Wellington Street)

Ground floor privacy impacts are mitigated through the existing boundary fence.

On the first floor northern elevation, two windows are proposed. Both of these windows have a sill height of 1.8m, which is sufficient to mitigate privacy impacts.

The proposed front balcony may pose a privacy issue to the adjoining neighbours first floor window. Given this, a condition has been recommended for a 1.5m high fixed slatted privacy screen to be installed on the northern side of the front balcony.

Southern Neighbour (No. 66 Wellington Street)

Ground floor privacy impacts are mitigated through the existing boundary fence.

On the first floor southern elevation, a full length window to the stairwell, and a front balcony off the bedroom are proposed.

There are no privacy impacts from the full length windows to the stairwell as this is a transient space and there is no middle landing for people to stop/ gather. The balcony to the bedroom has a full length fixed slatted screen on the southern elevation, thereby minimising privacy impacts to the south.

Rear/Western Neighbour (No. 63 Middlemiss Street)

Ground floor privacy impacts are mitigated through the existing boundary fence.

The proposal involves a first floor balcony located at the rear of the dwelling which has potential overlooking impacts to adjoining neighbours.

There will be minimal overlooking impacts to the north and south as the rear balcony has fixed slatting screens on either ends, therefore directing the view to the rear (west).

The plans (as amended) do not provide any screening treatments on the rear of the balcony. Given this, a condition has been recommended that a minimum of 6 stacked sliding privacy screens with a minimum width of 800mm, with operable louvres be installed on the rear balcony. In two sets of three, each set will be able to screen the bedroom doors which open up onto the balcony, but also prevent the balcony from being a fully enclosed space.

Additionally, the first floor rear balcony has a setback from the rear boundary of 6m. The rear adjoining neighbour at 63 Middlemiss Street has a rear setback of 14m. Combined, the 20m separation distance is sufficient to minimise overlooking and protect privacy, in conjunction with additional screening which has been recommended by way of a condition.

Note 4 – Solar Access

Part 4A.4.3 of the BBDCP 2013, Control C1 requires buildings to maintain approximately 2 hours of solar access between 9am and 3pm on 21 June to windows in living areas and the principal open space areas of both the subject site and adjoining properties. This is assessed below.

Solar Access to Subject Site

Windows in living areas

The aerial shadow diagrams appear to indicate that from 12 noon onwards, the rear living area (outdoor dining area and living room) will receive solar access from the west.

Rear Private Open Space

Given that a condition has been recommended for a rear setback of 4m to be maintained, it can be inferred from the shadow diagrams that the rear private open space will receive solar access from 11am to 1pm.

Solar Access to No. 66 Wellington Street (South)

Windows in living areas

The elevation shadow diagrams indicate that the proposed development will overshadow the windows to the kitchen and living/dining room all day during mid-winter.

However, No. 66 Wellington Street does receive solar access to the east facing windows to the living/dining room from 9am to midday.

Rear Private Open Space

The elevation shadow diagrams indicate that the proposed development will not have significant additional overshadowing impacts from 1pm onwards, allowing for approximately 50% of the rear yard to have access to sunlight.

Solar Access to No. 63 Middlemiss Street (West)

The submitted aerial solar diagrams indicate that the proposed shadows will not extend to the rear yard of the rear adjoining allotment during mid-winter.

Condition to raise the dwelling

It should be noted that as previously discussed, the plans (as amended) did not raise the FFL of the habitable rooms to RL10 and as such, this has formed a condition of consent.

The increase in height of the dwelling by 400mm is not expected to have a significant difference in what the aerial and elevational shadow diagrams currently indicate.

Part 8 – Character Precinct

Part 8.4 Mascot Character Precinct of the BBDCP 2013 has been considered in the assessment of the application. This section provides a rationale for determining whether the proposal fits into the desired future character for the area.

The subject site is located in the north-eastern corner of the Mascot Character Precinct within the R2 Low Density Residential zone with a frontage to Wellington Street. Development within the vicinity of the subject site consists of single and two storey dwellings.

With regard to the desired future character of the area, the proposed development is consistent with the following points:

- Retain the Precinct as a residential area;
- Retain predominantly low density residential accommodation in the form of detached/attached dwellings in the remaining residential areas of the Precinct with a maximum height of 2 storeys;
- Encourage different housing styles depending on the locality;
- Maintain roof forms to reflect the characteristics of the prevailing designs within the street.

The proposal is for the demolition of the existing industrial building on the site and construction of a two-storey dwelling. The proposed dwelling is of a modern design which is not inconsistent with the varied built and roof form in the immediate area. The proposal will provide a modern dwelling in place of an existing industrial building which is in disrepair.

The proposal is consistent with the abovementioned items of the Mascot Character Precinct. Accordingly, the proposal is compatible with the existing and desired future character of the Mascot Character Precinct.

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

Clause 92 of the Regulation has been considered. The proposal involves the demolition of the existing former industrial building. The provisions of AS2601 have been considered and appropriate conditions are recommended in the draft schedule of conditions.

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

The proposed development will have no significant adverse environmental, social or economic impacts in the locality. The proposal will contribute to the presentation of the residential amenity of the locality by replacing the dilapidated building with a new two storey dwelling and by remediating the site of its contaminated state.

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

The issue of site contamination has been addressed and the site can be made suitable for the proposed use. The subject site is affected by flooding, is in proximity to a heritage item and is contaminated.

Accordingly, the site will be suitable to accommodate the proposed development following site remediation.

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

In accordance with Part 2 of the BBDCP 2013, the development application was notified to surrounding property owners for a fourteen-day period from 25 May 2016 – 08 June 2016. One objection was received during this period and relates to privacy.

Subsequent to amended plans, the application was renotified for a period of fourteen days from 26 October 2016 – 9 November 2016. Four objections were received against the proposal and relate to privacy, the existing Heritage Listing and the impact of a proposed tree in the rear yard. These issues are discussed in the table below and have been assessed as acceptable.

Table 3: Summary of objections and Council's response

Objection	Response
Privacy and openness of the rear first floor balcony to the adjoining neighbours	This has been addressed under Note 3 above.
Tree along the rear boundary will grow over the rear fence (leaf litter) and roots will damage the adjoining brick garage	The amended plans were not accompanied by an amended Landscape Plan. As such, Council's Landscape Architect has recommended, by way of condition, that prior to the issue of any Construction Certificate, an updated plan to suit the revised building layout be submitted to and approved by Council's Landscape Architect. With regard to landscaping within the rear setback, the updated plan is to include a minimum of 1 evergreen tree, minimum 45 litre pot size to provide screening and privacy to adjoining residents. The suggested species is a <i>Hymenosporum flavum</i> . This is an evergreen species and does not have an evasive root system. The tree can reach a maturity height of 4-6m, so will be ideal in screening part of the dwelling.
Demolition of the existing building which is prevented as it is on the Heritage Properties Listing	

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

Granting approval to the proposed development is in the public interest as it will replace the existing disused and unsafe building with a new two storey dwelling and will remediate the contaminated site.

Other Matters

A Right-Of-Way (ROW) exists along the southern boundary extending 15.5m. A fence has been erected along their side of the ROW and there also exists a boundary fence down the middle separating the two properties.

As the easement is a ROW, a condition has been recommended that all structures within the ROW be removed. Council do not require the ROW to be extinguished as it is unlikely that both parties will agree. Additionally, extinguishing the ROW would require the driveway to be shifted to the north, which will subsequently require the power pole and raised threshold outside the front of the site to be relocated.

Conclusion

Development Application No. 16/63 has been assessed in accordance with the relevant requirements of the *Environmental Planning and Assessment Act 1979*.

The proposal is for the demolition of the existing building, being part of a locally listed heritage item, and construction of a new two storey dwelling.

The Phase 1 and 2 Report has confirmed that the site can be made suitable for its intended use following site remediation.

Flooding has been addressed through the recommendation of a condition in the draft schedule of conditions to raise the finished floor level of habitable rooms by 400mm.

The proposed development exhibits several significant non-compliances with the BBDCP 2013 which have been conditioned to comply as part of pre-Construction Certificate conditions.

The proposed development is in the public interest as it replaces the existing disused and unsafe building with a new two storey dwelling and will remediate the contaminated site, which is supported.

The proposed development is recommended for approval subject to conditions of consent.

In addition, it is recommended that Council initiates a Planning Proposal to remove the heritage listing in the Botany Bay LEP 2013, and that be undertaken in the next housekeeping amendment to the LEP.

Attachment

Schedule 1 – Conditions of Consent

SCHEDULE OF CONSENT CONDITIONS**GENERAL CONDITIONS**

1. The development is to be carried in accordance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent.

Plan	Author	Dated / Received by Council
Demolition Plan (Sheet No. DA.03, Revision B)	Arkivis	Dated 29/09/2016 Received by Council 11/10/2016
Ground Floor (Sheet No. DA.04, Revision B)	Arkivis	Dated 29/09/2016 Received by Council 11/10/2016
First Floor (Sheet No. DA.05, Revision B)	Arkivis	Dated 29/09/2016 Received by Council 11/10/2016
Elevations East & North (Sheet No. DA.06, Revision B)	Arkivis	Dated 29/09/2016 Received by Council 11/10/2016
Elevations West & East (Sheet No. DA.07, Revision B)	Arkivis	Dated 29/09/2016 Received by Council 11/10/2016
Sections (Sheet No. DA.08, Revision B)	Arkivis	Dated 29/09/2016 Received by Council 11/10/2016

Referenced Documents

Document	Author	Dated / Received by Council
Site Plan (Sheet No. DA.02, Revision B)	Arkivis	Dated 29/09/2016 Received by Council 11/10/2016
Streetscape (Sheet No. DA.09, Revision B)	Arkivis	Dated 29/09/2016 Received by Council 11/10/2016
Perspective (Sheet No. DA.10, Revision B)	Arkivis	Dated 29/09/2016

		Received by Council 11/10/2016
Shadow Diagrams (Sheet No. DA.11, Revision B)	Arkivis	Dated 29/09/2016 Received by Council 11/10/2016
Shadow Diagrams (Sheet No. DA.12, Revision B)	Arkivis	Dated 29/09/2016 Received by Council 11/10/2016
#66 North Elevation Shadows (Sheet No. DA.13, Revision B)	Arkivis	Dated 29/09/2016 Received by Council 11/10/2016
Colours & Finishes Schedule (Sheet No. DA14, Revision B)	Arkivis	Dated 29/09/2016 Received by Council 11/10/2016
Waste Management Plan (Sheet No. DA.15, Revision B)	Arkivis	Dated 29/09/2016 Received by Council 11/10/2016
Construction Management Plan (Sheet No. DA.16, Revision B)	Arkivis	Dated 29/09/2016 Received by Council 11/10/2016
Stage 1 and 2 Environmental Site Assessment (Ref: E26403Krpt2)	Environmental Investigation Services	Dated 24/06/2013 Received by Council 28/04/2016
Statement of Environmental Effects	Arkivis	Dated April 2016 Received by Council 28/04/2016
BASIX Certificate (Certificate Number: 712259S)	Certified Energy	Dated 31/03/2016 Received by Council 28/04/2016
NatHERS Certificate (Certification Number: 1008938852)	Certified Energy	Dated 31/03/2016 Received by Council 28/04/2016
Landscape Plan (Drawing LA1)	Right Angle Design & Drafting Pty Ltd	Dated March 2016 Received by Council 28/04/2016
Landscape Details (Drawing LA2)	Right Angle Design & Drafting Pty Ltd	Dated March 2016 Received by Council 28/04/2016
Detail Survey (Job No. 3011-16)	Daw & Walton Consulting Surveyors	Dated 01/04/2016 Received by Council 28/04/2016
Stormwater Drawings – Cover Sheet, Legend &	Australian Consulting Engineers	Dated 22/04/2016

Drawing Schedule (Drawing D00, Revision B)		Received by Council 28/04/2016
Stormwater Drawings – Ground Floor Stormwater Drainage Plan (Drawing D01, Revision A)	Australian Consulting Engineers	Dated 24/03/2016 Received by Council 28/04/2016
Stormwater Drawings – Site Stormwater Drainage Details (Drawing D02, Revision B)	Australian Consulting Engineers	Dated 24/03/2016 Received by Council 28/04/2016
Stormwater Drawings – Erosion and Sediment Control Plan & Details (Drawing D06, Revision A)	Australian Consulting Engineers	Dated 22/04/2016 Received by Council 28/04/2016

2. This Consent relates to land in Lot 13 DP 615592 and, as such, building works must not encroach on to adjoining lands or the adjoining public place.
3. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
4. Pursuant to clause 97A(3) of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in the relevant BASIX Certificate (Certificate Number: 712259S, dated 31 March 2016, prepared by Certified Energy) for the development are fulfilled.

Relevant BASIX Certificate means:

A BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or

If a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate.

BASIX Certificate has the meaning given to that term in the *Environmental Planning and Assessment Regulation 2000*.

5. The consent given does not imply that works can commence until such time that: -
 - a. Detailed plans and specifications of the building have been endorsed with a Construction Certificate by: -
 - i. The consent authority; or,
 - ii. An accredited certifier; and,

- b. The person having the benefit of the development consent: -
 - i. Has appointed a principal certifying authority; and,
 - ii. Has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and,
 - iii. The person having the benefit of the development consent has given at least 2 days notice to the Council of the person's intention to commence the erection of the building.
- 6. In accordance with Clause 94 Environment Planning & Assessment Regulation 2000, an automatic smoke detection and alarm system for early warning of occupants must be installed in the building (dwelling). The installation must satisfy the following:-
 - a. smoke alarms must comply with AS3786 – 1993;
 - b. smoke alarms must be connected to the consumer mains power where consumer power is supplied to the building; and
 - c. be located in a position as required by Vol 2. BCA.

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE DEMOLITION OF ANY BUILDING OR STRUCTURE

- 7. Prior to the issue of a Construction Certificate for the demolition of the existing building, the applicant is to provide photographic record of the existing heritage building to Council for their records.
- 8. Demolition work shall be carried out in accordance with Australian Standards AS 2601-1991 Demolition of Structures and the requirements of the NSW WorkCover Authority.
- 9. Prior to the commencement of demolition work a licensed demolisher who is registered with WorkCover NSW must prepared a Work Method Statement to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) and a copy shall be sent to Council (if it is not the PCA). A copy of the Statement shall also be submitted to WorkCover NSW.

The statement must be in compliance with AS2601:1991 – 'Demolition of Structures', the requirements of WorkCover NSW and conditions of the Development Approval, and shall include provisions for:

- a. Enclosing and making the site safe, any temporary protective structures must comply with the "Guidelines for Temporary Protective Structures (April 2001)";
- b. Induction training for on-site personnel;
- c. Inspection and removal of asbestos, contamination and other hazardous materials (by appropriately licensed contractors);
- d. Dust control – Dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water

spray during the demolition process. Compressed air must not be used to blow dust from the building site;

- e. Disconnection of Gas and Electrical Supply;
- f. Fire Fighting – Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed;
- g. Access and Egress – No demolition activity shall cause damage to or adversely affect the safe access and egress of this building;
- h. Waterproofing of any exposed surfaces of adjoining buildings;
- i. Control of water pollution and leachate and cleaning of vehicles tyres – Proposals shall be in accordance with the “Protection of the Environmental Operations Act 1997”;
- j. Working hours, in accordance with this Development Consent;
- k. Confinement of demolished materials in transit;
- l. Proposed truck routes, in accordance with this Development Consent;
- m. Location and method of waste disposal and recycling in accordance with the “Waste Minimisation and Management Act 1995”.
- n. Sewer – common sewerage system.

10. The demolisher shall lodge with Council, and at least forty-eight (48) hours prior to the commencement of work:-

- a. Written notice, indicating the date when demolition of the building is to commence.
- b. This person’s full name and address.
- c. Details of Public Liability Insurance.

11. This Consent shall not preclude the demolisher from giving notice to other statutory authorities, such as Sydney Water Corporation, WorkCover, etc.

12. The proposed development shall comply with the following:

- a. 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;
 - 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;
 - iii. The Development Approval number; and

- ### **CONDITIONS APPLYING BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE**

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the total cost of the development, however this is a State Government Fee and can change without notice.

20. Prior to the issue of any Construction Certificate, amended plans are to be submitted to the PCA for approval showing:

- a. the habitable rooms of the dwelling raised to RL10 in order to achieve the minimum flooding requirement which is 500mm above the flood level of RL9.5;
- b. Removal of all structures from the Right-Of-Way;
- c. A rear setback of 4m is to be provided. This can be achieved by either removing the rear patio completely, given that the dwelling currently provides for an outdoor dining area located on the southern side, or shifting the dwelling forward on the southern side to provide a minimum 5.5m front setback to the garage and relocating the rear patio adjacent to the outdoor dining area.
- d. A minimum of 6 stacked sliding privacy screens with a minimum width of 800mm, with operable louvres be installed on the rear balcony. In two sets of three, each set will be able to screen the bedroom doors (if stacked together) which open up onto the balcony, but also prevent the balcony from being a fully enclosed space.
- e. A 1.5m high fixed slatted privacy screen to be installed on the northern side of the front balcony.
- f. Any sub-surface OSD tank or infiltration trench is required to be partially or wholly located underneath the driveway or paved areas to maximize the area available for deep soil, effective and site responsive tree planting and landscaping on the property. If this cannot be achieved the OSD shall cover no more than 50% of the landscape area, be appropriately located to allow effective tree planting and be constructed so that the top of the structure is 1.2m below final surface levels.

21. Prior to the issue of any Construction Certificate, detail design and construction plans in relation to the habitable areas shall be submitted to the Principal Certifying Authority for approval. The plans shall incorporate but not limited to:

- a. The floor level of the habitable areas of the building shall be at least RL 10.00m AHD.

22. Prior to the issue of any Construction Certificate, all structures on the existing Right of Way shall be removed. The removal of all structures on the existing Right of Way shall be inspected and confirmed in writing by the PCA. Any works proposed within the existing Right of Way shall be submitted to and approved by all the beneficiaries of the existing Right of Way.

23. Prior to the issue of any Construction Certificate, at the proposed point of construction site entry, photographic survey showing the existing conditions of Council's infrastructure shall be submitted to Council and Principal Certifying Authority.

The survey shall detail the physical conditions and identify any existing damages to the roads, kerbs, gutters, footpaths, driveways, street trees, street signs and any other Council assets fronting the property and extending to a distance of 20m from the development. Failure to do so may result in the applicant/developer being liable for any construction related damages to these assets. Any damage to Council's infrastructure during the course of this development shall be restored at the applicant's cost.

24. Prior to the issue of any Construction Certificate, all driveways/access ramps/vehicular crossings shall conform to the current Australian Standards AS 2890.1 and Council's Infrastructure Specifications. These include but are not limited to E-01, E-04, E-07 and E-16.

As part of this development, a new concrete driveway shall be constructed. A new three (3) metre wide driveway layback shall be constructed as part of the new driveway. A minimum of one (1.0) metre of kerb and gutter either side of the driveway layback shall be replaced to enable the correct tie-in with the existing kerb and gutter.

25. Prior to the issue of any Construction Certificate, the applicant shall contact "Dial Before You Dig" to obtain a utility service diagram for, and adjacent to the property. The sequence number obtained from "Dial Before You Dig" shall be forwarded to Principal Certifying Authority. All utilities within the work zone shall be protected during construction.

Any adjustments or damage to public utilities/services as a consequence of the development and associated construction works shall be restored or repaired at the applicant's expense.

26. The Landscape Concept Plan by Right Angle Design and Drafting (Drawing number LA-1 and LA2, dated March 2016) shall be updated to suit the revised building layout and be submitted to and approved by Council's Landscape Architect prior to Issue of Construction Certificate. The landscape documentation is to be prepared in accordance with Council's Landscape DCP and include the following amendments:

- a. Include a minimum of one (1) evergreen tree, at least 1.8 metres in height and 75 litre pot size, in the front setback of the property to soften the development given the increase in building height, act as a replacement for trees removed and provide amenity to the streetscape. The species selected should be native, have low water requirements, be suited to the local soils and have a minimum height at maturity of 5-6 metres. Suggested species: Magnolia 'Little Gem'.
- b. Include a minimum of one (1) evergreen tree, minimum 45 litre pot size, within the rear setback of the property to provide screening and privacy to adjoining residents. Suggested species: Hymenosporum flavum.

27. Building plans must be submitted with Sydney Water 'Tap in' service for approval prior to commencement of works.
28. Prior to the issue of any Construction Certificate, detail design and construction plans in relation to stormwater management and disposal system for the development shall be submitted to the Principal Certifying Authority for approval.

(The detail drawings and specifications shall be prepared by a suitably qualified and experienced civil engineer and to be in accordance with Council's Development

Control Plan 'Stormwater Management Technical Guidelines', AS/NSZ 3500 – Plumbing and Drainage Code and the BCA. All drawings shall correspond with the approved architectural plans.)

The plans shall incorporate measures such as:

- a. The provisions made in the Stormwater Concept Plans by Australian Consulting Engineers received by Council on 28 April 2016, including the proposed 12Kl rainwater tank.
29. Prior to the issue of a Construction Certificate, details shall be submitted to Principal Certifying Authority showing that the building shall be designed in accordance with AS2021- 2000: Acoustics, Aircraft Noise Intrusion, Building Siting and Construction. The report is to include any required noise attenuation to the structure of the buildings to meet the above standard and acoustically treated mechanical ventilation, if necessary, to comply with the above standard and the building plans must be endorsed with the required acoustical measures. If air conditioning is installed to meet the mechanical ventilation requirements, the installation must be designed to meet the additional requirements, applying to air conditioners on residential properties contained in the 'Protection of the Environment Operations (Noise Control) Regulation 2000'.
30. The remediation option of waste classification and removal of all fill across the site outlined in the Phase 1 and 2 Environmental Site Assessment dated 24 June 2013 to ensure that the risk to occupants of the residential premises is acceptable, shall be summarised in a validation report. This report shall include a notice of completion of these remediation works in accordance with NSW legislative requirements, state that the site is suitable for the proposed use, provide details of all testing completed, and provide copies of all receipts confirming soil disposal to an appropriately licensed waste facility.

This report shall be prepared by a suitably qualified and experienced environmental consultant and shall be provided to Council prior to the issue of any Construction Certificate.

CONDITIONS APPLYING BEFORE THE WORKS COMMENCE

31. **Erosion and Sediment Control Plan (ESCP) – (<2,500m²) (new plan when no CC required).** An Erosion and Sediment Control Plan (ESCP) shall be prepared in accordance with the Landcom Managing Urban Stormwater – Soils and Construction 4th Edition (2004). All management measures recommended and contained within the Erosion and Sediment Control Plan (ESCP) shall be implemented in accordance with the Landcom Managing Urban Stormwater – Soils and Construction 4th Edition (2004). This plan shall be implemented prior to commencement of any site works or activities. All controls in the plan shall be maintained at all times. A copy of the ESCP shall be kept on-site at all times and made available to Council Officers on request.
32. A sufficient area shall be provided onsite to enable separate stockpiling of excavated materials for sampling and analysis prior to removal or reuse on site. Details of this area shall be provided in the Erosion and Sediment Control Plan (ESCP) prior to the release of any construction certificate. This plan shall incorporate and reference the construction environmental management plan and address site limitations.
33. Erosion and sediment control devices shall be installed and functioning prior to the commencement of any demolition, excavation or construction works upon the site in

order to prevent sediment and silt from site works (including demolition and/or excavation) being conveyed by stormwater into public stormwater drainage system, natural watercourses, bushland and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the legislative requirements and guidelines including the Protection of the Environment Operations Act 1997.

These devices shall be maintained in a serviceable condition AT ALL TIMES throughout the entire demolition, excavation and construction phases of the development and for a minimum one (1) month period after the completion of the development, where necessary.

The vehicular entry/exits to the site must be protected from erosion and laid with a surface material which will not wash into the street drainage system or watercourse.

34. In order to ensure that three (3) existing trees including one *Arbutus unedo* within the front setback and two Council Street trees including one *Agonis flexuosa* and one *Robinia pseudoacacia* 'Frisa' within the Wellington Street nature strip are protected during construction, and the health and structural stability ensured, the following is required:

- a. Prior to commencing demolition/any works the trees are to be physically protected by fencing underneath the canopy dripline using 1.8 metre high chainwire fence to form the Tree Protection Zone (TPZ). The fence shall remain in place until construction is complete.
- b. Fencing shall be erected to ensure the public footway is unobstructed.
- c. Before any works commence on site, the Applicant is required to contact Council for an inspection and/or provide photographic evidence of the fenced TPZ's. Council approval is required prior commencement of any work.
- d. All detailed Construction Certificate plans shall show trees to be protected and the TPZ.
- e. All TPZ's as well as the entire Council nature strip are a "No-Go" zone. There shall be no access to the property excluding the existing crossover, no stockpiling, storage or sorting of waste or building materials, no construction work, no concrete mixing, strictly no washing down of concrete mixers or tools, no chemicals mixed/disposed of, no excavation or filling, no service trenching. Any unavoidable work within the fenced zone shall be under the direction of Council's Tree Officer.
- f. It is the Applicant's responsibility to ensure that there is no damage to the canopy, trunk or root system (including the surrounding soil) of any tree. There shall be no canopy pruning unless approval has been granted by Council's Tree Officer under separate application, with neighbour's consent.
- g. Where unavoidable foot access is required in the TPZ, provide temporary access with timber sheets to minimise soil compaction, spillage or root damage.
- h. Engage a Consultant Arborist for all tree advice, all root pruning and any canopy pruning. Comply with the recommendations and requirements as contained within the Arboricultural Impact Assessment by Sydney Tree

Solutions (dated 20/7/2016) specifically Sections 8.3 and 8.4, and the Sydney Tree Solutions letter dated 10/10/2016.

- i. Excavation within the TPZ of the Arbutus unedo shall be carried out manually using hand tools only to minimise root damage or disturbance.
- j. Any tree roots of the Arbutus unedo of any size that require pruning shall be done only under the direction of a Consulting Arborist after a site inspection so as not to impact the tree.
- k. It is the Applicant's responsibility to ensure that there is no damage to the canopy, trunk or root system (including the surrounding soil) of the tree by contractors, sub-contractors or deliveries attending to the site. There shall be no canopy pruning unless approval has been granted by Council's Tree Officer under separate application in coordination with the Consulting Arborist. Any approved pruning shall be undertaken by a qualified Arborist in accordance with AS 4373.
- l. There shall be NO alteration to existing soil levels within the entire TPZ of the Arbutus unedo.
- m. There shall be NO trenching for subsurface utilities within the entire TPZ of the Arbutus unedo tree.
- n. Any masonry boundary fencing/walls or retaining walls shall be of piered or bridged construction to minimise damage to major or structural tree roots where applicable. Trench or strip footings are not permitted. If a tree root 40mm diameter or greater is in the location of a pier and the root cannot be cut without compromising the tree, the pier will need to be relocated and the root bridged.
- o. All waste concrete and debris shall be removed from areas to be landscaped on the site, not buried, to minimise soil contamination.
- p. The Applicant shall undertake any tree maintenance/remedial pruning as required by Council at the completion of construction.

If there is any contravention of these tree preservation conditions, or a tree was found to be damaged (including roots), in decline, dead or pruned without permission, then Council will invoice the Applicant for costs associated with remedial pruning work or tree replacement. For trees on private property, the Applicant will be required to undertake tree maintenance/replacement work, as specified by Council.

35. Prior to commencement of any works, relevant application(s) shall be made to Council's Customer Services Counter and obtained the following approvals and permits on Council's property/road reserve under Road Act 1993 and Local Government Act 1993: -

(It should be noted that any works shown within Council's road reserve or other Council Lands on the development approval plans are indicative only and no approval for these works is given until this condition is satisfied.)

- a. Permit to erect hoarding on or over a public place, including Council's property/road reserve,
 - b. Permit to construction works, place and/or storage building materials on footpaths, nature strips,
 - c. Permit for roads and footways occupancy (long term/ short term),
 - d. Permit to construct vehicular crossings, footpaths, kerbs and gutters over road reserve,
 - e. Permit to open road reserve area, including roads, footpaths, nature strip, vehicular crossing or for any purpose whatsoever, such as relocation / re-adjustments of utility services,
 - f. Permit to place skip/waste bin on footpath and/or nature strip, and
 - g. Permit to use any part of Council's road reserve or other Council lands.
36. Prior to the commencement of works, the applicant must inform Council, in writing, of:
- a. The name of the contractor, and licence number of the licensee who has contracted to do, or intends to do, the work: or
 - i. The name and permit number of the owner-builder who intends to do the work;
 - b. The Council also must be informed if: -
 - i. A contract is entered into for the work to be done by a different licensee; or
 - ii. Arrangements for the doing of the work are otherwise changed.
37. The Principal Certifying Authority must be satisfied that: -
- a. In the case of work to be done by a licensee under the Home Building Act: -
 - i. Has been informed in writing of the licensee name and contractor licence number, and;
 - ii. Is satisfied that the licensee has complied with the requirements of Part 6 of the Home Building Act 1989; or,
 - b. In the case of work to be done by any other person: -
 - i. Has been informed in writing of the persons name and owner-builder permit number, or;
 - ii. Has been given a declaration signed by the owner of the land that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the

purposes of the definition of *owner builder work* in Section 29 the Home Building Act 1989.

38. The site to which this approval relates must be adequately fenced or other suitable measures employed that are acceptable to the Principal Certifying Authority to restrict public access to the site and building works. Such fencing or other measures must be in place before the approved activity commences.
39. Prior to the commencement of demolition works, ensure that utility services to the land upon which the building to be demolished stands, as well as the building itself, are terminated and capped in accordance with the requirements of the supply authority, such as water, electricity, gas and telecommunications.

CONDITIONS APPLYING DURING THE WORKS

40. Inspections must be conducted by Council's Engineer at the following occasions:
 - a. Formwork inspection of driveway layback and adjacent kerb and gutter prior to laying of concrete,
 - b. Formwork inspection of Council's kerb and gutter prior to laying of concrete,
 - c. Formwork inspection of Council's footpath prior to laying of concrete,
 - d. Final inspection of driveway layback and adjacent kerb and gutter,
 - e. Final inspection of Council's kerb and gutter,
 - f. Final inspection of Council's footpath.
41. Any new information that comes to light during demolition or construction which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council and the accredited certifier immediately.
42. Any material containing asbestos found on site during the demolition process shall be removed and disposed of in accordance with:
 - a. SafeWork NSW requirements. An appropriately licensed asbestos removalist must complete all asbestos works if they consist of the removal of more than 10m² of bonded asbestos and/or any friable asbestos.
 - b. Protection of the Environment Operations Act 1997.
 - c. Protection of the Environment Operations (Waste) Regulation 2014.
 - d. NSW Environment Protection Authority Waste Classification Guidelines 2014
43. To prevent contaminated soil being used onsite and to ensure that it is suitable for the proposed land use, all imported fill shall be appropriately certified material and shall be validated in accordance with the:
 - a. Office of Environment and Heritage (OEH) approved guidelines; and
 - b. Protection of the Environment Operations Act 1997; and

- c. Protection of the Environment Operations (Waste) Regulation 2014.
44. All imported fill shall be accompanied by documentation from the supplier which certifies that the material has been analysed and is suitable for the proposed land use.
45. The principal contractor or owner builder must install and maintain water pollution, erosion and sedimentation controls in accordance with:
- a. The Erosion and Sediment Control Plan;
 - b. "Managing Urban Stormwater - Soils and Construction" (2004) Landcom ('The Blue Book'); and
 - c. Protection of the Environment Operations Act 1997
46. Results of the monitoring of any field parameters such as soil, groundwater, surface water, dust or noise measurements shall be made available to Council Officers on request throughout the remediation and construction works
47. Precautions to be taken shall include compliance with the requirements of the WorkCover Authority of New South Wales, including but not limited to:
- a. Protection of site workers and the general public.
 - b. Erection of hoardings where appropriate.
 - c. Asbestos handling and disposal where applicable.
 - d. Any disused service connections shall be capped off.
 - e. The disposal of refuse is to be to an approved waste disposal depot
48. The demolition by induced collapse, the use of explosives, implosions or on-site burning is not permitted.
49. The demolisher shall:-
- a. Cause motor vehicles leaving the site with demolition material and the like to have their loads covered.
 - b. Ensure that the wheels of vehicles leaving the site do not track soil and other waste material on to the public roads adjoining the site
50. Any soil disposed of offsite shall be classified in accordance with the procedures in the NSW EPA Environmental Guidelines: Assessment, Classification & Management of Liquid & Non-Liquid Wastes (1999).
51. Throughout the construction period, Council's warning sign for soil and water management shall be displayed on the most prominent point of the building site, visible to both the street and site workers. A copy of the sign is available from Council's Customer Service Counter.

52. The approved Waste Management Plan (as referenced at Condition No. 1) shall be complied with at all times during demolition, construction and on-going use of the site.
53. Existing structures and or services on this and adjoining properties are not endangered during any demolition excavation or construction work associated with the above project. The applicant is to provide details of any shoring, piercing, or underpinning prior to the commencement of any work. The construction shall not undermine, endanger or destabilise any adjacent structures.
54. The following shall be complied with during construction and demolition:
- a. Construction Noise
 - i. Noise from construction activities associated with the development shall comply with the NSW Environment Protection Authority's Interim Construction Noise Guideline and the Protection of the Environment Operations Act 1997.
 - b. Level Restrictions
 - i. Construction period of 4 weeks and under:
 - 1. The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 20dB(A).
 - ii. Construction period greater than 4 weeks and not exceeding 26 weeks:
 - 1. The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 10 dB(A).
 - c. Time Restrictions
 - i. Monday to Friday 07:00am to 05:00pm
 - ii. Saturday 08:00am to 01:00pm
 - iii. No Construction to take place on Sundays or Public Holidays.
 - d. Silencing
 - i. All possible steps should be taken to silence construction site equipment.
55. Vibration levels induced by the demolition activities shall not exceed 1mm/sec peak particle velocity (ppv) when measured at the footing of any occupied building
56. Toilet facilities are to be provided at or in the vicinity of the work site on which work involves:

- a. demolition and construction of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site;
- b. Each toilet provided:
 - i. must be standard flushing toilet; and,
 - ii. must be connected:
 - 1. to a public sewer; or
 - 2. if connection to a public sewer is not practicable to an accredited sewerage management facility approved by the Council; or,
 - 3. if connection to a public sewer or an accredited sewerage management facility is not practicable to some other sewerage management facility approved by the Council.
- c. The provisions of toilet facilities in accordance with this condition must be in place before work commences.

57.

- a. In order to prevent vehicles tracking soil or other materials onto public roads and washing of materials into the street drainage system or watercourse, during Excavation, Construction and Deliveries, access to the site shall be available in all weather conditions. The area shall be stabilised and protected from erosion; and,
- b. Concrete trucks and any other trucks that used for the transportation of building materials or similar, shall not traffic soil cement or other materials onto the road reserve. Hosing down of vehicle tyres shall only be conducted in a suitable off-street area where wash waters do not enter the stormwater system or enter Council's land.
- c. Hosing down or hosing/washing out of any truck (concrete truck), plant (e.g. concrete pumps) or equipment (eg wheelbarrows) on Council's road reserve or other property is strictly prohibited. Fines and cleaning costs will apply to any breach of this condition.
- d. Pavement surfaces adjacent to the ingress and egress points are to be swept and kept clear of earth, mud and other materials at all times and in particular at the end of each working day or as directed by Council's Engineer.
- e. Building operations such as brick cutting, washing tools or brushes and mixing mortar shall not be carried out on public roadways or footways or in any other locations which could lead to the discharge of materials into the stormwater drainage system or onto Council's lands.

58. During Demolition, Excavation and Construction, care must be taken to protect Council's infrastructure, including street signs, footpath, kerb, gutter and drainage pits etc. Protecting measures shall be maintained in a state of good and safe condition throughout the course of construction. The area fronting the site and in the vicinity of the development shall also be make safe for pedestrian and vehicular

traffic at all times. Any damage to Council's infrastructure (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) shall be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council.

59. During construction work the Council nature strip shall be maintained in a clean and tidy state at all times. The nature strip shall be suitably replaced where damaged due to construction work in accordance with Council Specification at the completion of construction, and at the Applicant's expense.

CONDITIONS APPLYING BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE

60. Prior to the issue of any Occupation Certificate(s), inspection reports (formwork and final) for the works on the road reserve shall be obtained from Council's engineer and submitted to the Principal Certifying Authority attesting that this condition has been appropriately satisfied.
61. Prior to the issue of any Occupation Certificate(s), the applicant shall carry out the following works:
- a. On Wellington Street, adjacent to development, reconstruct existing Kerb and Gutter for the full length property in accordance with Council Infrastructure Specifications, and
 - b. On Wellington Street, adjacent to development, reconstruct existing Footpath for the full length of the property in accordance with Council Infrastructure Specifications.
62. Any damage not shown in the photographic survey submitted to Council before site works have commenced will be assumed to have been caused by the site works (unless evidence to prove otherwise). All damages as a result from site works shall be rectified at the applicant's expense to Council's satisfaction, prior to occupancy of the development and release of damage deposit.
63. Prior to the issue of the Occupation Certificate the applicant must submit to the Principal Certifying Authority an acoustic report to verify that the measures stated in the above report in Condition No. 29 have been carried out and certify that the construction meets the above requirements and the indoor sound levels of AS2021-2000. The report must be prepared by a qualified practicing acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australia Acoustical Consultants).
64. A report prepared by a qualified air quality/mechanical engineer certifying that the mechanical ventilation/exhaust system as installed complies in all respects with the design and operation standards of AS 1668 – Mechanical Ventilation and Air Conditioning Codes, and the relevant provisions of the Protection of the Environment Operations Act 1997 shall be submitted to Council within 21 days of the installation of the system and prior to the occupation of the premises.
65. Prior to the issue of any Occupation Certificates(s), documentation from a practicing civil engineer shall be submitted to the Principal Certifying Authority certifying that the stormwater drainage system has been constructed generally in accordance with the approved stormwater management construction plan(s) and all relevant standards.

66. All intruder alarms shall be fitted with a timing device in accordance with the requirements of Regulation 12A of the Noise Control Act, 1975, and AS2201, Parts 1 and 2 - 1978 Intruder alarm systems.
67. The colours and finishes are to be generally in accordance with the Schedule of Finishes and Materials as referenced at Condition No. 1.
68. The Council nature strip in Wellington Street shall be repaired and/or replaced and maintained in accordance with Council Specification at the completion of all construction work at the Applicant's expense.
69. Prior to use and occupation of the building an Occupation Certificate must be obtained under Section 109C(1)(c) and 109N of the Environmental Planning and Assessment Act, 1979.

CONDITIONS APPLYING DURING THE ONGOING USE OF THE DEVELOPMENT

70. The ongoing maintenance of the nature strip shall be undertaken by the occupier/owner. Maintenance shall include mowing, the removal of weeds and rubbish and maintaining a good, even coverage of grass at all times. Maintenance does not include pruning, trimming, shaping or any work to street trees located on the nature strip under any circumstances at any time. Pruning is undertaken by Council only.
71. The stormwater drainage system (including all pits, pipes, absorption, detention structures, treatment devices, infiltration systems and rainwater tanks) shall be regularly cleaned, maintained and repaired to ensure the efficient operation of the system from time to time and at all times. The system shall be inspected after every rainfall event to remove any blockage, silt, debris, sludge and the like in the system. All solid and liquid waste that is collected during maintenance shall be disposed of in a manner that complies with the appropriate Environmental Guidelines.
72. The building is approved as a single dwelling for use and occupation by a single family. It shall not be used for separate residential occupation or as separate residential flats. No plumbing fixtures, fittings, walls shall be deleted or added, doorways enclosed or any other changes made from the approved plans in Condition No. 1 of this Consent without the prior Consent of the Council.
73. Noise from any air-conditioning units (measured as the Laeq 15 minute) is not to exceed the background level (measured as the La90 15 minute) by more than 5dBA at any time. The measurement is to be taken at boundary of the property. If the noise from the air conditioner contains any annoying characteristics, the measurements are to be corrected in accordance with the New South Wales Industrial Noise Policy. In addition, noise from any air conditioning units are not to be audible within habitable room of other residence before 7am or after 10pm (Monday to Friday) or before 8am or after 10pm (Sat/Sun/Public Holidays).

Note: In order to meet this condition, the compressors and any other noise generating part of the air conditioning unit, are to be located a sufficient distance from any residential boundary to permit the sound from the unit to decay sufficiently to meet the standard, or enclosed in a suitable acoustic enclosure.

74. The applicant being informed that this approval shall be regarded as being otherwise in accordance with the information and particulars set out and described in the Development Application registered in Council's records as Development Application

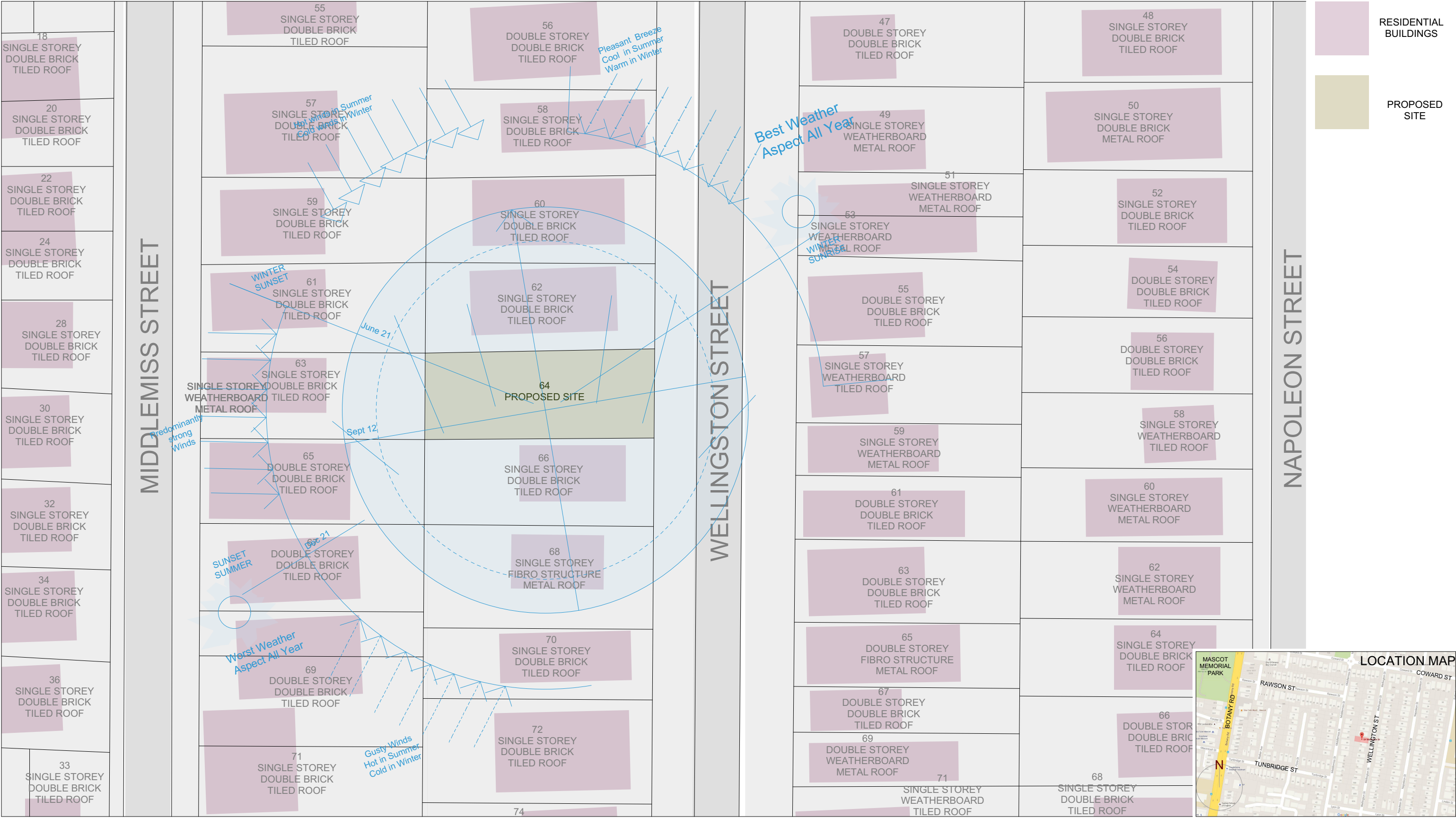
No. 16/63 dated as 28 April 2016 and that any alteration, variation, or extension to the use, for which approval has been given, would require further approval from Council.

64 WELLINGTON ST, MASCOT

SITE
LOT SIZE- 390.81m2
FRONTAGE- 12.19m
DEPTH- 32.05m

Drawing No:	Drawing Name
DA.00	COVER PAGE
DA.01	SITE ANALYSIS PLAN
DA.02	SITE PLAN
DA.03	DEMOLITION PLAN
DA.04	GROUND FLOOR PLAN
DA.05	FIRST FLOOR PLAN
DA.06	ELEVATIONS East & N...
DA.07	ELEVATIONS West & ...
DA.08	SECTIONS
DA.09	STREETSCAPE
DA.10	PERSPECTIVE
DA.11	SHADOWS DIAGRAMS
DA.12	SHADOWS DIAGRAMS
DA.13	#66 NORTH ELEV SH...
DA.14	COLOURS & FINISHE...
DA.15	WASTE MANAGEMENT
DA.16	CONSTRUCTION MA...





SITE ANALYSIS
Scale 1:500

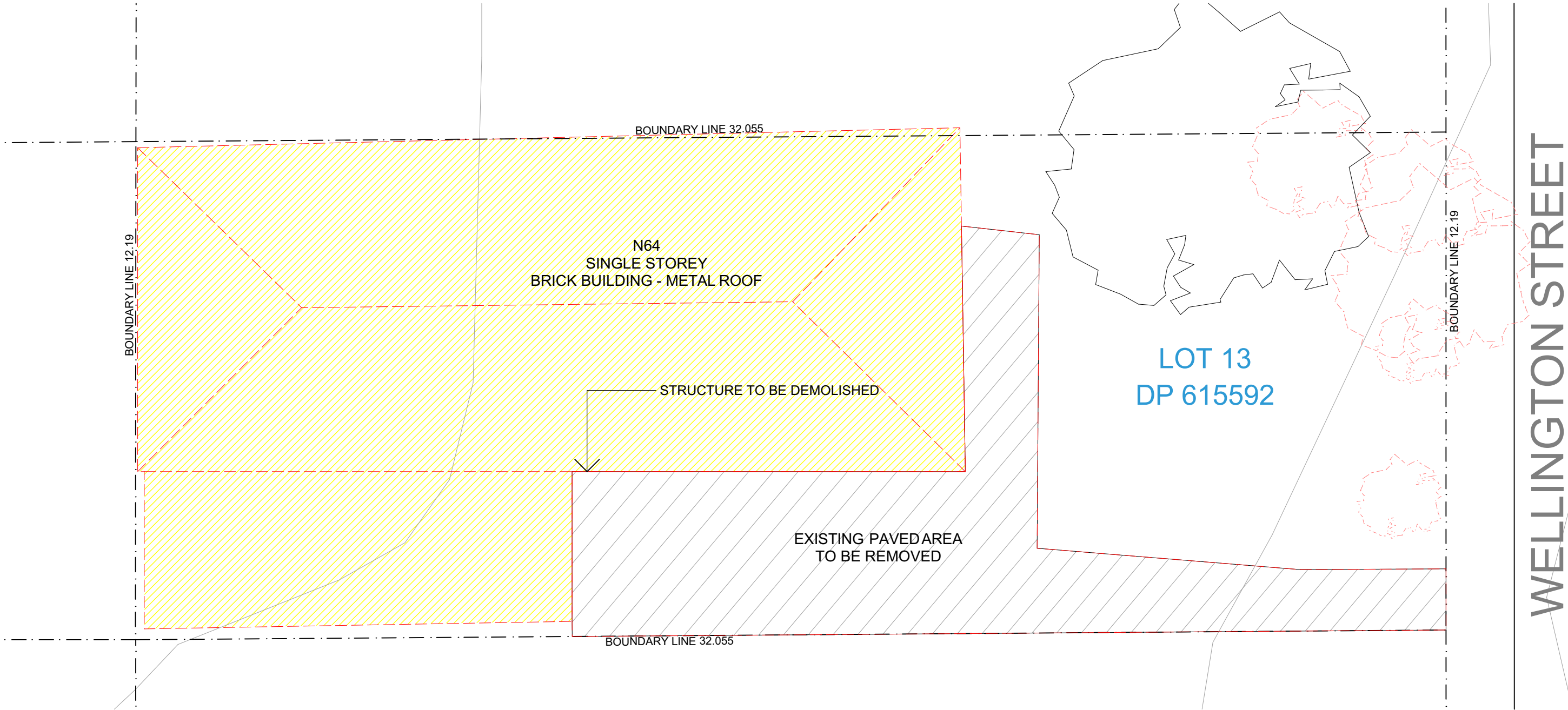
Page 887
n Street, Mascot

LEGEND

STRUCTURE TO BE DEMOLISHED

AREA TO BE DEMOLISHED

EXISTING TREES TO BE REMOVED



DEMOLITION PLAN
1:100

A DEMOLITION WORK MUST BE IN ACCORDANCE WITH AUSTRALIAN STANDARD AS2601-2001, DEMOLITION OF STRUCTURES AND RELEVANT ENVIRONMENTAL/OCCUPATIONAL HEALTH AND SAFETY REQUIREMENTS.

DEMOLITION WORK REQUIREMENTS		
<div><div></div><div>WORK HEALTH AND SAFETY ACT 2011</div><div>OCCUPATIONAL HEALTH AND SAFETY (HAZARDOUS SUBSTANCES) REGULATION 2001</div><div>OCCUPATIONAL HEALTH AND SAFETY (ASBESTOS REMOVAL WORK) REGULATION 2001</div><div>WORKCOVER NSW CODE OF PRACTICE FOR THE SAFE REMOVAL OF ASBESTOS</div><div>AUSTRALIAN STANDARD 2601 (2001) - DEMOLITION OF STRUCTURES</div><div>THE PROTECTION OF THE ENVIRONMENT OPERATIONS ACT 1997</div><div>PROTECTION OF THE ENVIRONMENT OPERATIONS (WASTE) REGULATION 2005</div><div>RELEVANT OFFICE OF ENVIRONMENT & HERITAGE / ENVIRONMENT PROTECTION AUTHORITY (EPA) AND WORKCOVER NSW GUIDELINES. BLACKTOWN CITY COUNCIL ASBESTOS POLICY</div></div>		



amendments		
[date]	[issue]	[description]
20/04/16	A	Development Application
29/09/16	B	Amendments as per council request

client
Mr & Mrs Valencia

drawing
DEMOLITION PLAN

project [description]
NEW SINGLE DWELLING

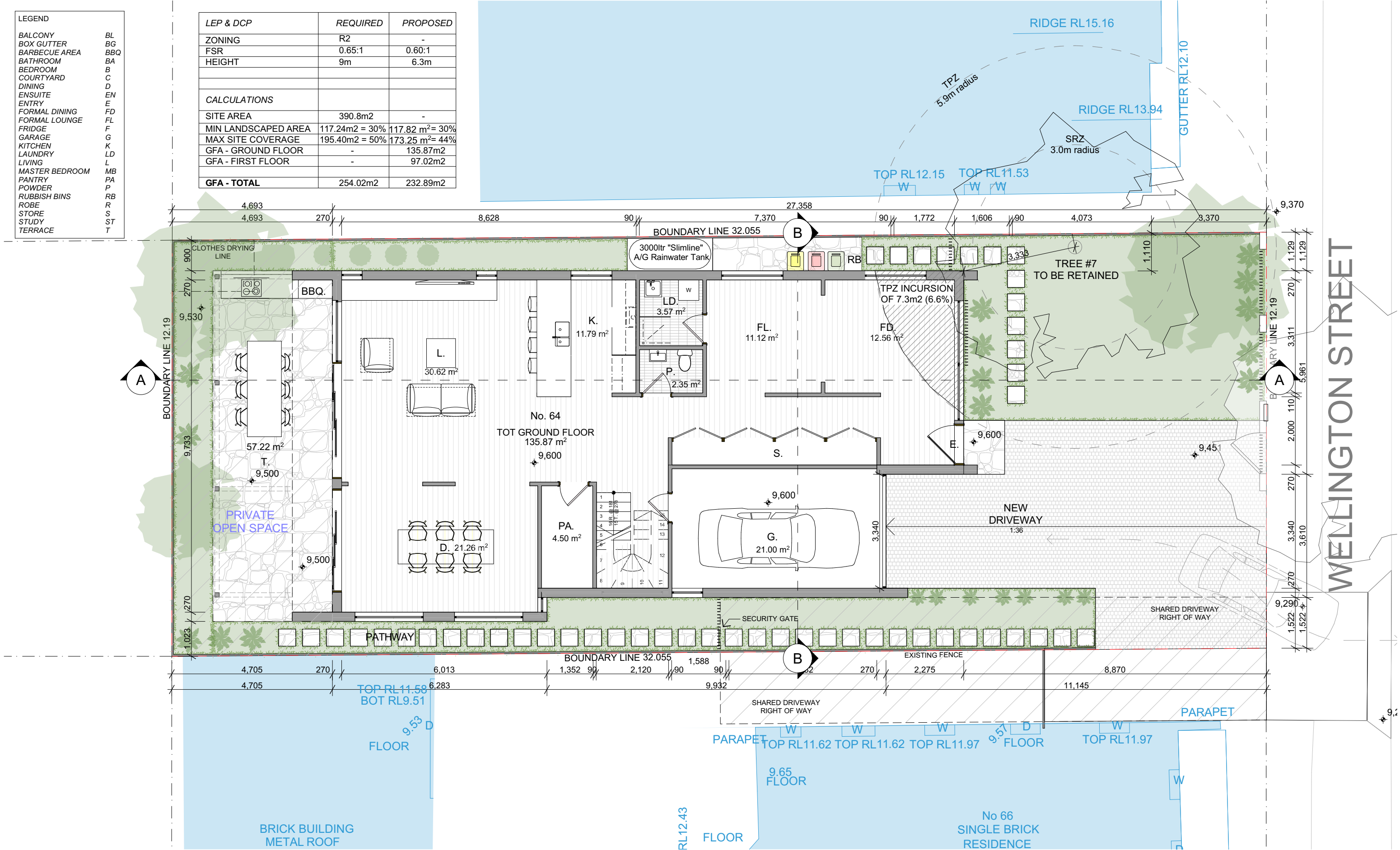
project [address]
64 Wellington Street, Mascot

sheet [no.]
DA.03

job [no.]
04115

LEGEND	
BALCONY	BL
BOX GUTTER	BG
BARBECUE AREA	BBQ
BATHROOM	BA
BEDROOM	B
COURTYARD	C
DINING	D
ENSUITE	EN
ENTRY	E
FORMAL DINING	FD
FORMAL LOUNGE	FL
FRIDGE	F
GARAGE	G
KITCHEN	K
LAUNDRY	LD
LIVING	L
MASTER BEDROOM	MB
PANTRY	PA
POWDER	P
RUBBISH BINS	RB
ROBE	R
STORE	S
STUDY	ST
TERRACE	T

LEP & DCP	REQUIRED	PROPOSED
ZONING	R2	-
FSR	0.65:1	0.60:1
HEIGHT	9m	6.3m
CALCULATIONS		
SITE AREA	390.8m2	-
MIN LANDSCAPED AREA	117.24m2 = 30%	117.82 m2= 30%
MAX SITE COVERAGE	195.40m2 = 50%	173.25 m2= 44%
GFA - GROUND FLOOR	-	135.87m2
GFA - FIRST FLOOR	-	97.02m2
GFA - TOTAL	254.02m2	232.89m2



amendments		
[date]	[issue]	[description]
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client
Mr & Mrs Valencia

drawing
GROUND FLOOR PLAN

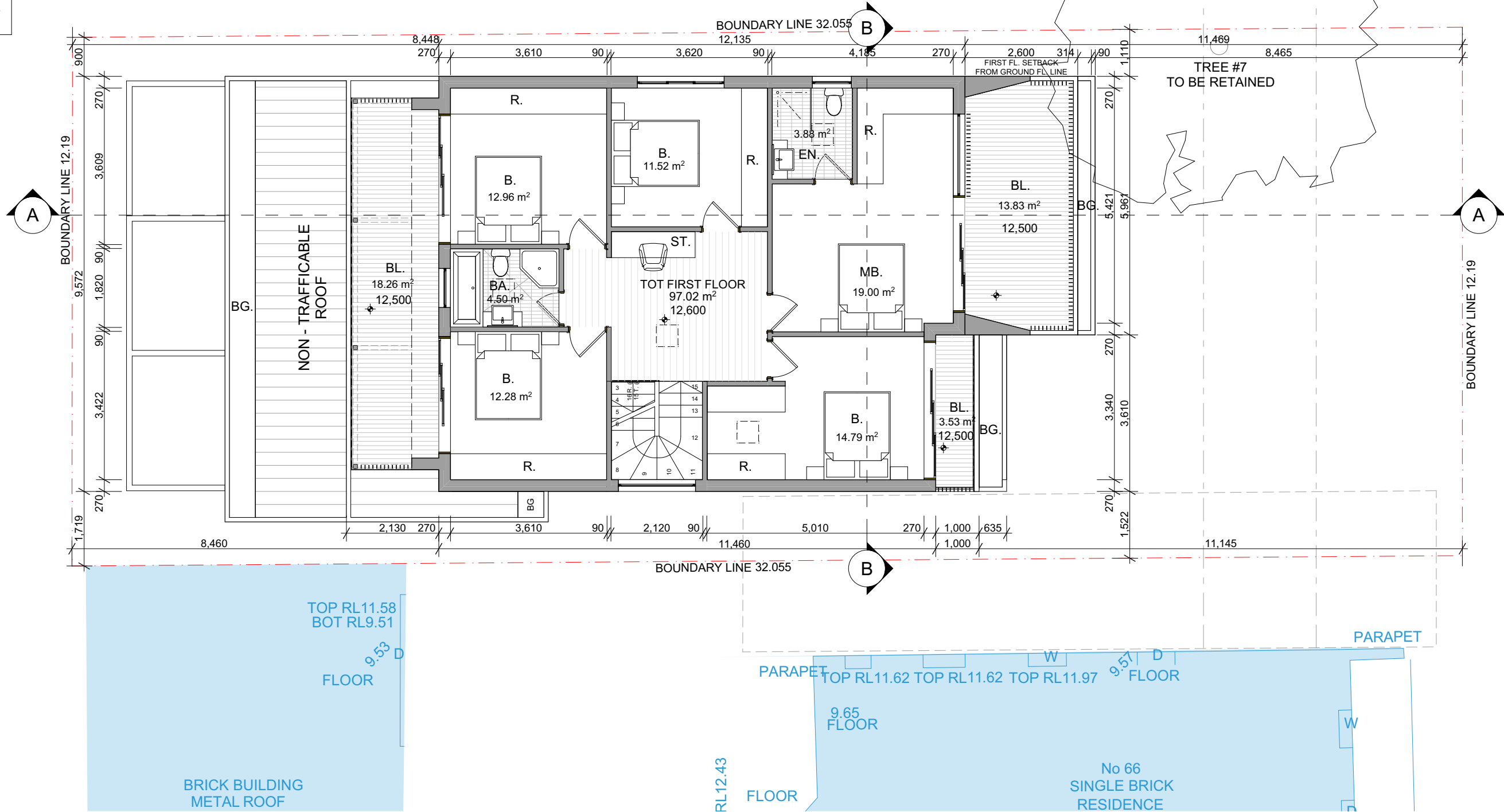
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NEW SINGLE DWELLING

project [address]
64 Wellington Street, Mascot

sheet [no.]
DA.04

job [no.]
04115

LEGEND	
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BOX GUTTER	BG
BARBECUE AREA	BBQ
BATHROOM	BA
BEDROOM	B
COURTYARD	C
DINING	D
ENSUITE	EN
ENTRY	E
FORMAL DINING	FD
FORMAL LOUNGE	FL
FRIDGE	F
GARAGE	G
KITCHEN	K
LAUNDRY	LD
LIVING	L
MASTER BEDROOM	MB
PANTRY	PA
POWDER	P
RUBBISH BINS	RB
ROBE	R
STORE	S
STUDY	ST
TERRACE	T



FIRST FLOOR
Scale 1:100

suite 4.01/77 dunning avenue, rosebery nsw 2018 [p] (02) 9697 9554 [e] info@arkivis.com.au [w] www.arkivis.com.au

arkivis

THE WORKS TO BE COMPLETED WITH THE BUILDING CODE OF AUSTRALIA, AUSTRALIAN STANDARDS AND RELEVANT LAWS. ALL PROPRIETARY ITEMS ARE TO BE INSTALLED IN ACCORDANCE WITH MANUFACTURER DETAILS AND SPECIFICATIONS. STATUTORY AUTHORITY APPROVALS AND SPECIFICATIONS THAT FORM PART OF THE CONSTRUCTION METHODS PRIOR TO COMMENCEMENT OF WORK REFERENCES OF DIMENSIONED MEASUREMENT TO BE TAKEN OVER SCALED MEASUREMENTS. THESE DRAWINGS HAVE BEEN PREPARED BY ARKIVIS AND REMAIN THE PROPERTY OF THE ABOVE NAMED PARTY. THESE DRAWINGS ARE NOT TO BE USED IN ANY WAY WITHOUT THE PERMISSION OF ARKIVIS AND ARE SUBJECT TO COPYRIGHT LAWS. A COPY OF THIS PLAN IS TO BE SUBMITTED BY THE PROPRIETOR TO THE WATERBOARD FOR APPROVAL AS REQUIRED BY THE LOCAL COUNCIL.



amendments		
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client
Mr & Mrs Valencia

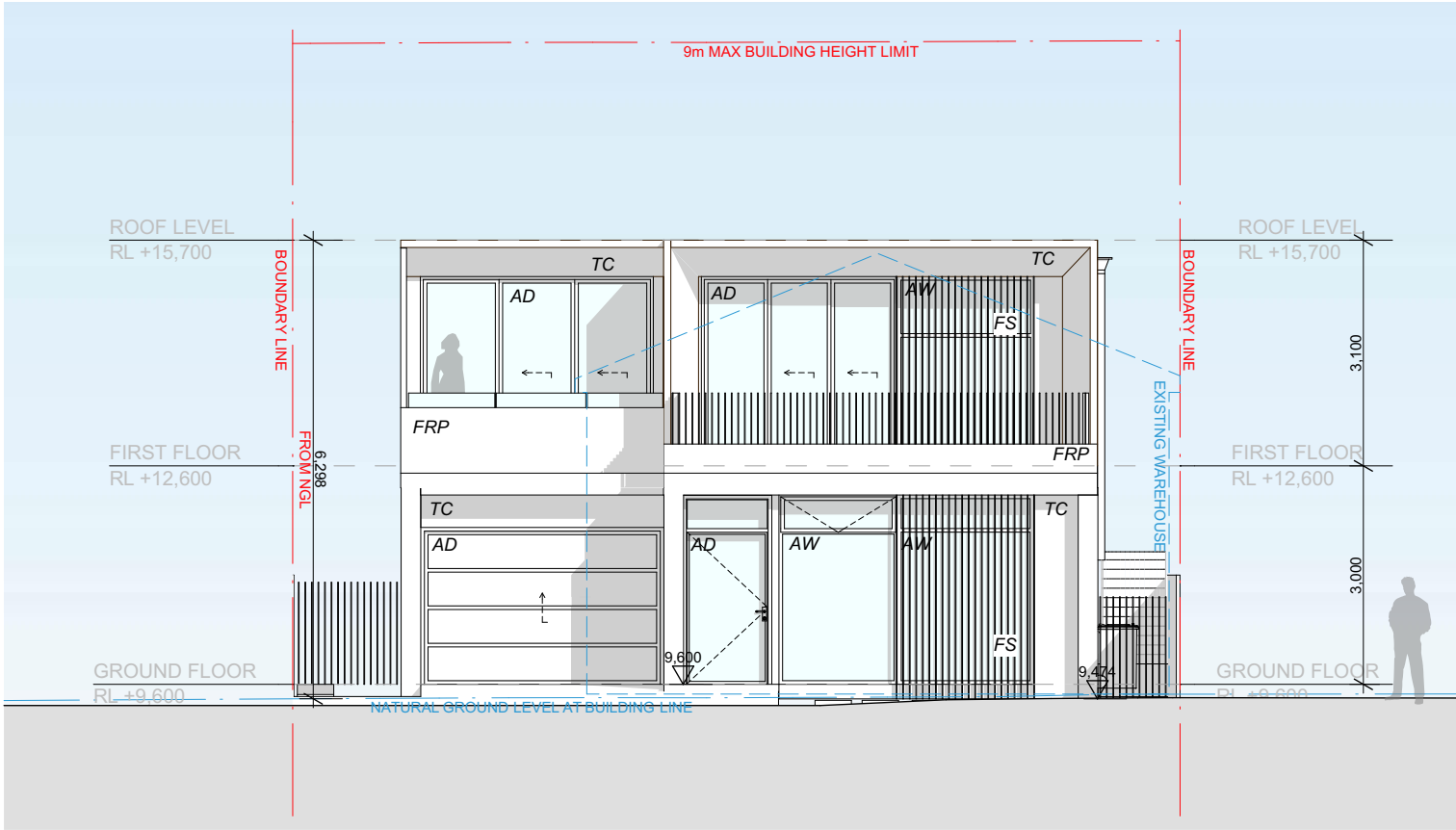
drawing
FIRST FLOOR PLAN

project [description]
NEW SINGLE DWELLING
project [address]
64 Wellington Street, Mascot

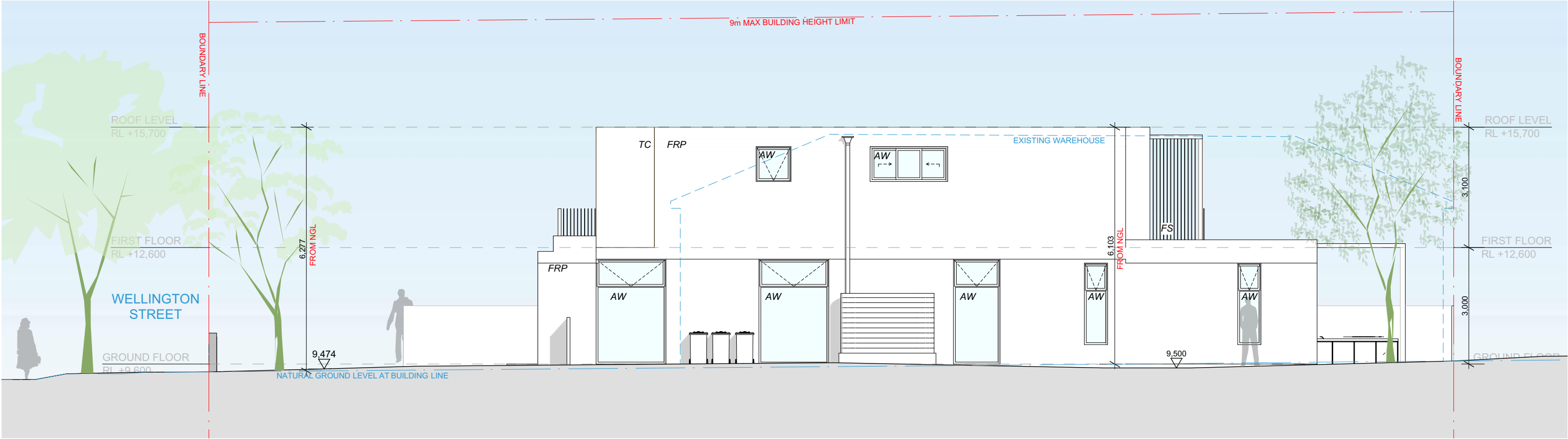
sheet [no.]
DA.05
job [no.]
04115

LEGEND

- FRP FACADE RENDERED & PAINTED FINISH
- TC TIMBER CLADDING
- SC STONE CLADDING
- GB GLASS BALUSTRADING
- FS FIXED SLATTING
- AW ALUMINIUM WINDOW
- AD ALUMINIUM DOOR



EAST ELEVATION
Scale 1:100



NORTH ELEVATION
Scale 1:100

amendments		
[date]	[issue]	[description]
20/04/16	A	Development Application
29/09/16	B	Amendments as per council request



client
Mr & Mrs Valencia

drawing
ELEVATIONS East & North

project [description]
NEW SINGLE DWELLING

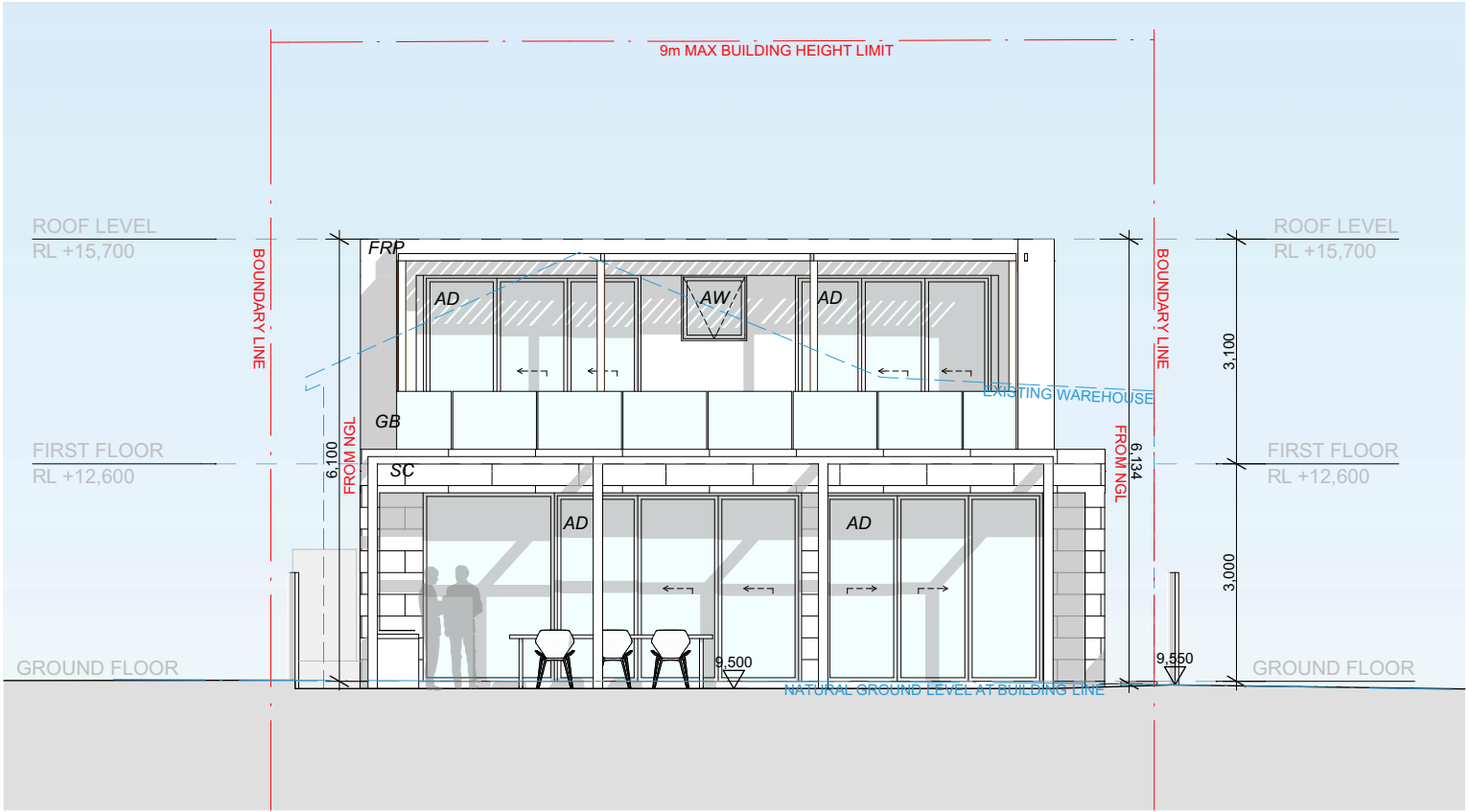
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64 Wellington Street, Mascot

sheet [no.]
DA.06

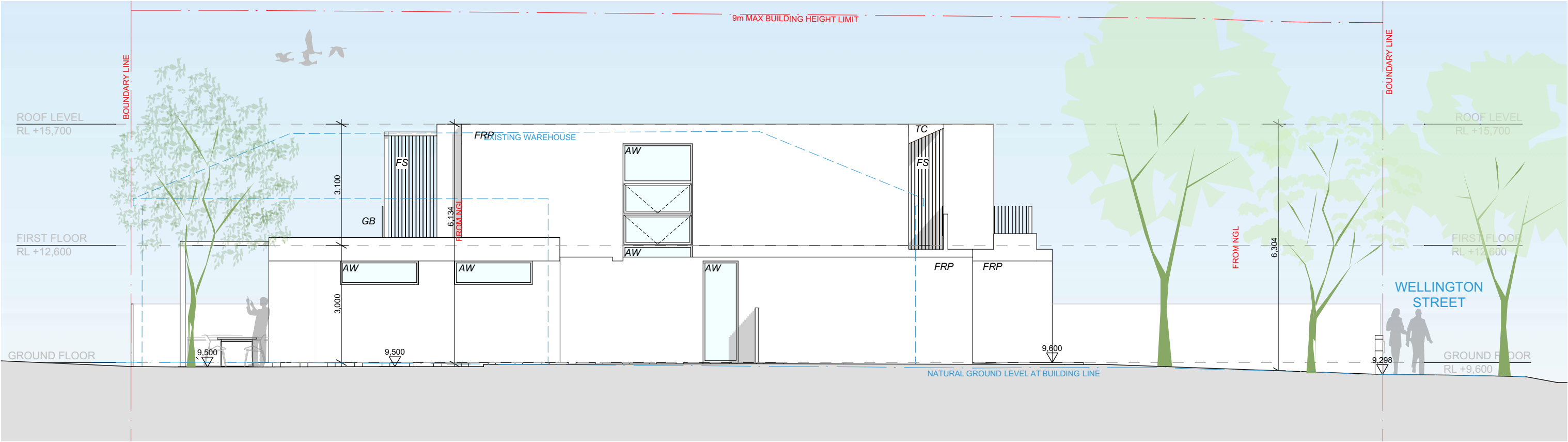
job [no.]
04115

LEGEND

- FRP FACADE RENDERED & PAINTED FINISH
- TC TIMBER CLADDING
- SC STONE CLADDING
- GB GLASS BALUSTRADING
- FS FIXED SLATTING
- AW ALUMINIUM WINDOW
- AD ALUMINIUM DOOR



WEST ELEVATION
Scale 1:100



SOUTH ELEVATION
Scale 1:100

amendments		
[date]	[issue]	[description]
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client
Mr & Mrs Valencia

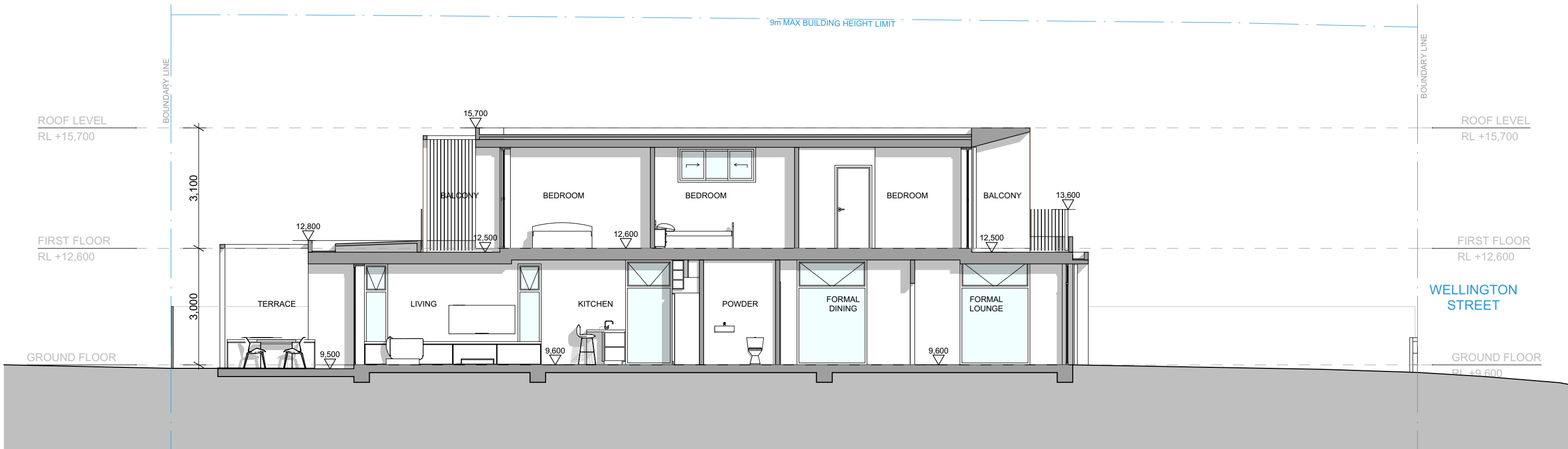
drawing
ELEVATIONS West & South

project [description]
NEW SINGLE DWELLING

project [address]
64 Wellington Street, Mascot

sheet [no.]
DA.07

job [no.]
04115



SECTION AA
Scale 1:100



SECTION BB
Scale 1:100

Assessor Certificate

Issued in accordance with the requirements of BASIX

Single Dwelling



Project:	Address:	64 Wellington Street Mascot NSW 2020			LGA:	Botany Bay City Council	
Client:	Name:	Arkivis			Email:	info@arkivis.com.au	
	Address:	Suite 4 01/77 Dunning Avenue, Rosebery NSW 2018					
	Contact:	02 9697 9554					
Assessor:	Name:	Jamie Bonnefin			Company	Certified Energy Pty Ltd	
	Address:	Level 3 / 80 Clarence Street Sydney NSW, 2000			Number:	ABSA100765	
	Contact:	0431 950 558			Email:	jamie@certified.energy	
Ext. Walls	Construction	Insulation	Thk (insulation)		Colour	Details	
	Cavity Brick	None	110		Medium	All external walls - ground floor	
	Weatherboard Cavity Panel	Bulk+Foil, Reflective One Side, Anti-glare other R 2.0	25		Medium	All external walls - first floor	
Int. Walls	Construction	Insulation	Thk (insulation)		Details		
	Cavity Panel	None	90mm		All internal walls		
Floors	Construction	Insulation	Details				
	Concrete slab on ground	None	External floor				
	Timber above plasterboard	None	Internal floor/ceiling				
Ceilings	Construction	Insulation	Details				
	Timber above Plasterboard	None	Internal ceilings				
	Plasterboard	None	External ceilings (ground floor)				
	Plasterboard	Bulk insulation R 3.0	External ceilings (first floor)				
	Plasterboard	Bulk insulation R 2.6	External ceilings (only in bathroom first floor)				
Roof	Construction	Insulation	Thk (insulation)		Colour	Details	
	Corrugated Iron	Bulk, Reflective Side Down, Anti-glare Up R 2.2 Anticon 100 HP R 1.3	100mm		Medium	All top floor	
Windows	Product ID	Glass	Frame		Uw/SHGCw	Details	
	GGG-05-0013a Generics	Glass single glazed low E clear	Aluminium		4.70/0.63	All windows	
Skylights	Product ID	Glass	Frame		Details		
	NA						
Other	Orientation	Terrain	Weatherseals		Exhaust Dampers	Recessed Downlights	
	North	Suburban	Yes		Yes	No	
Overshadowing Details: NA							
Assessment:	Software	Bers Pro 4.2					
	Climate Zone	56					
Note 1: If downlights are fitted this certification will be invalid unless insulation is added in compliance with NCC (BCA) Vol2, 2014, Table 3.12.1.1.(b) and NatHERS protocols. Contact the assessor above if alterations are required.							

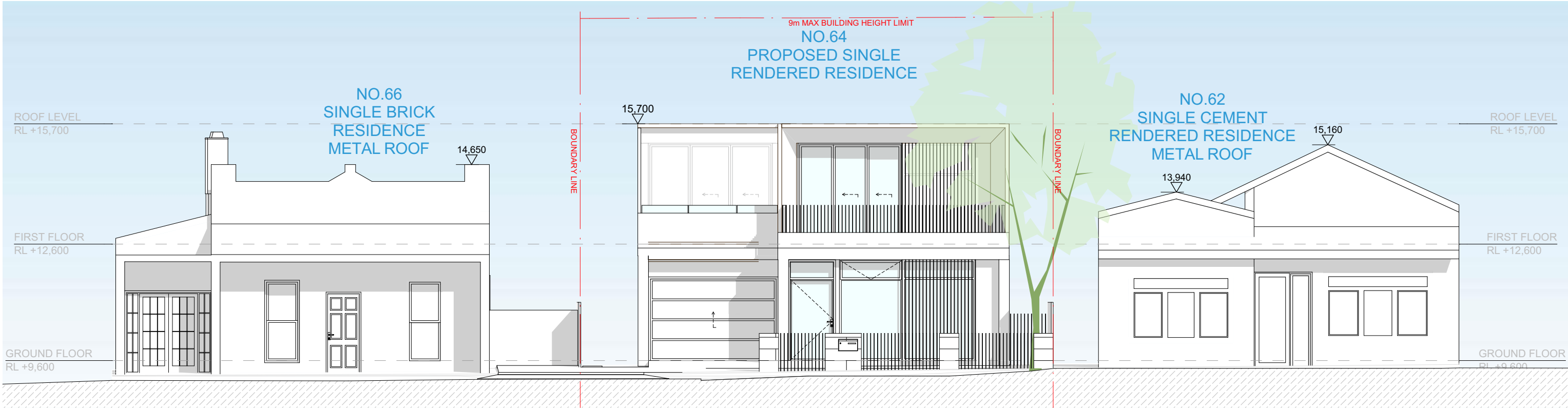
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[date]	[issue]	[description]
20/04/16	A	Development Application
29/09/16	B	Amendments as per council request

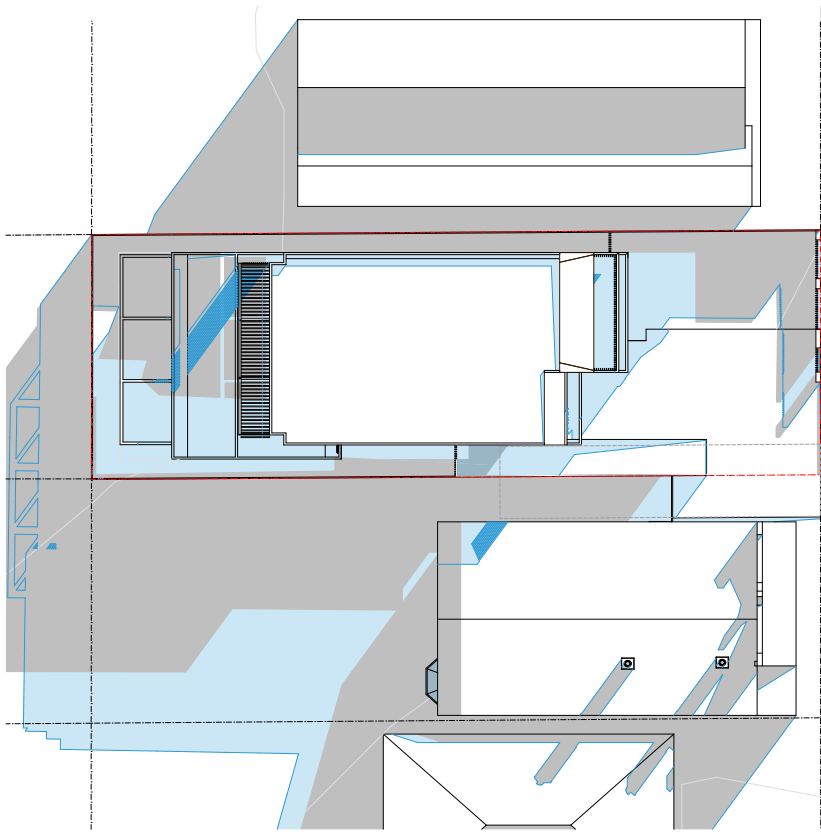




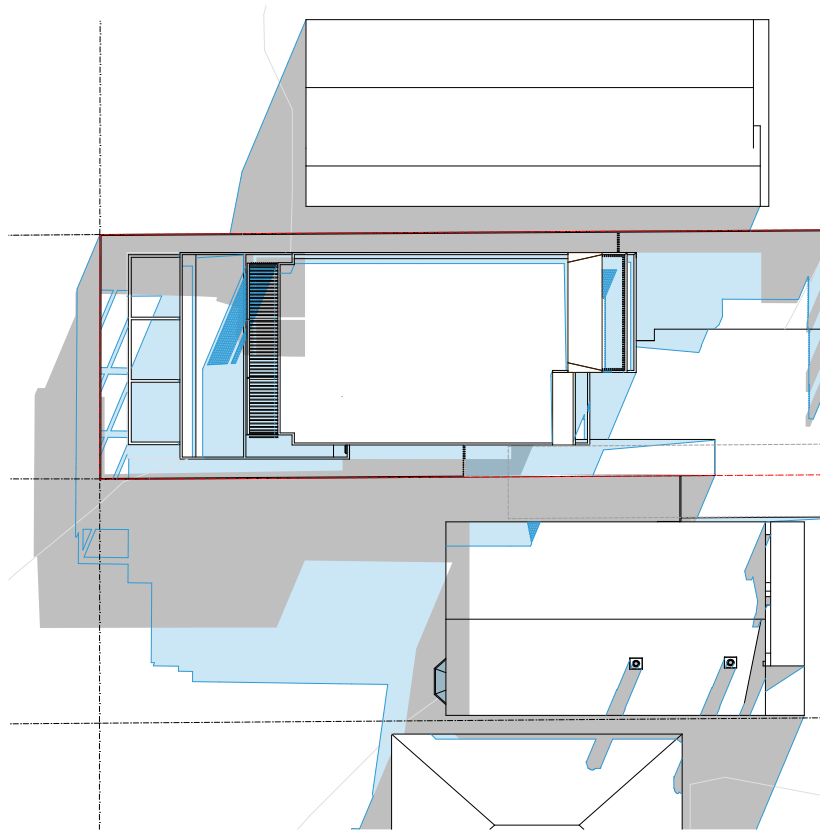
STREETSCAPE PERSPECTIVE



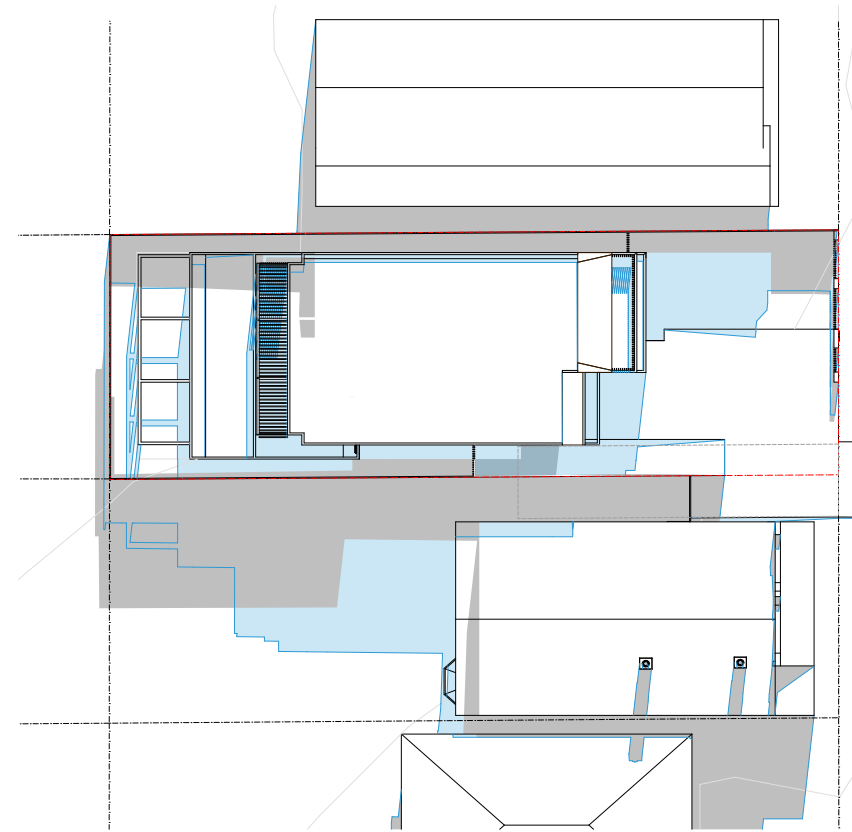
STREETSCAPE ELEVATION
1:100



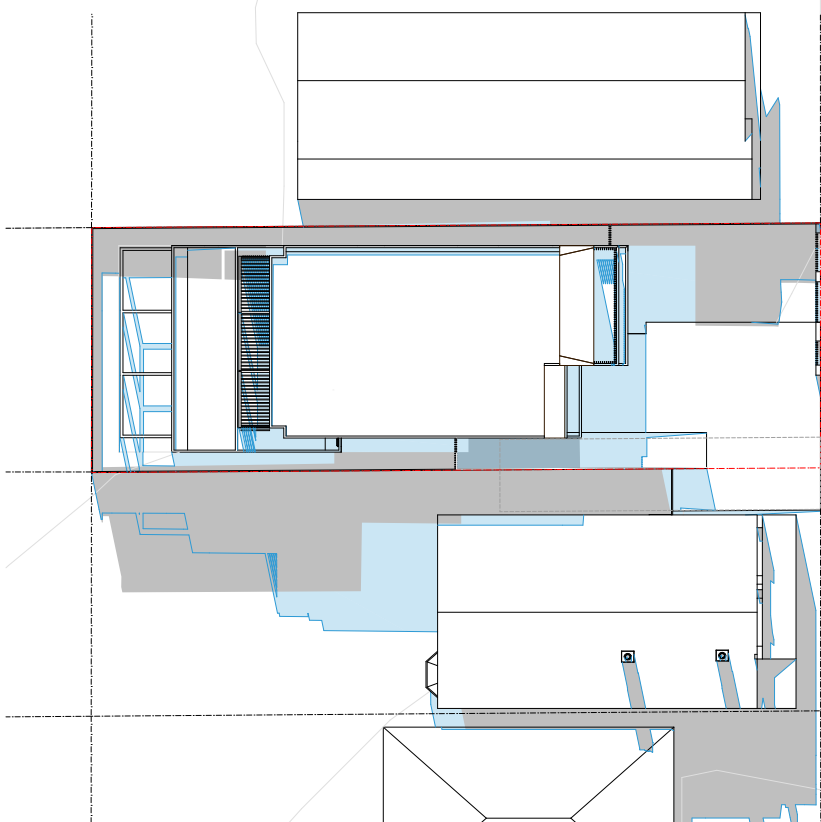
WINTER SOLSTICE 21st JUNE 9am
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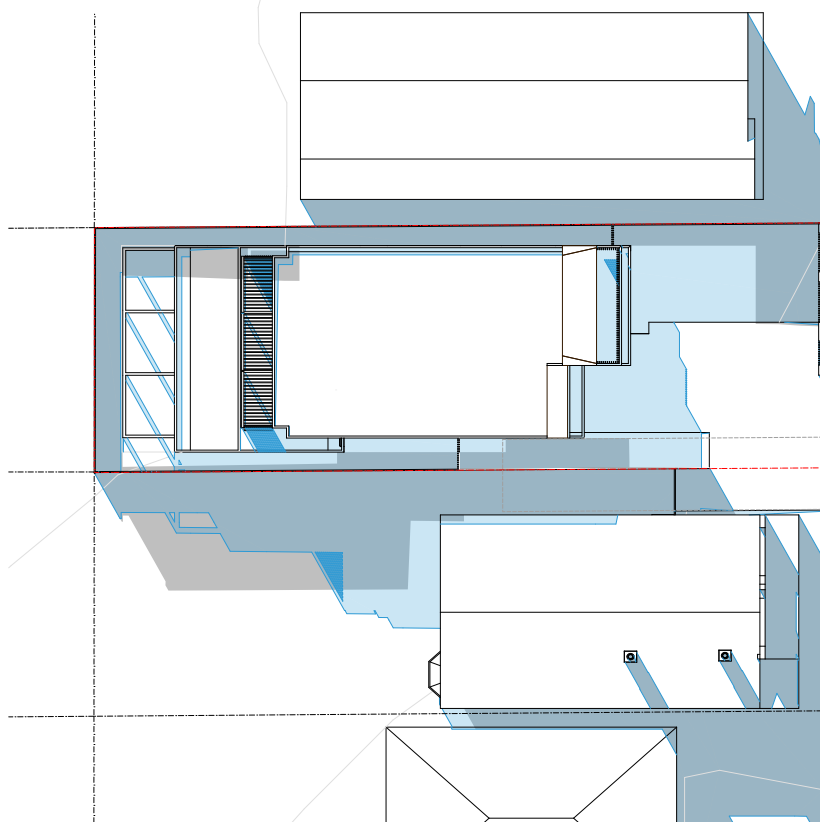
WINTER SOLSTICE 21st JUNE 10am
1:500



WINTER SOLSTICE 21st JUNE 11am
1:500



WINTER SOLSTICE 21st JUNE 12pm
1:500



WINTER SOLSTICE 21st JUNE 1pm
1:500

LEGEND



EXISTING SHADOWS



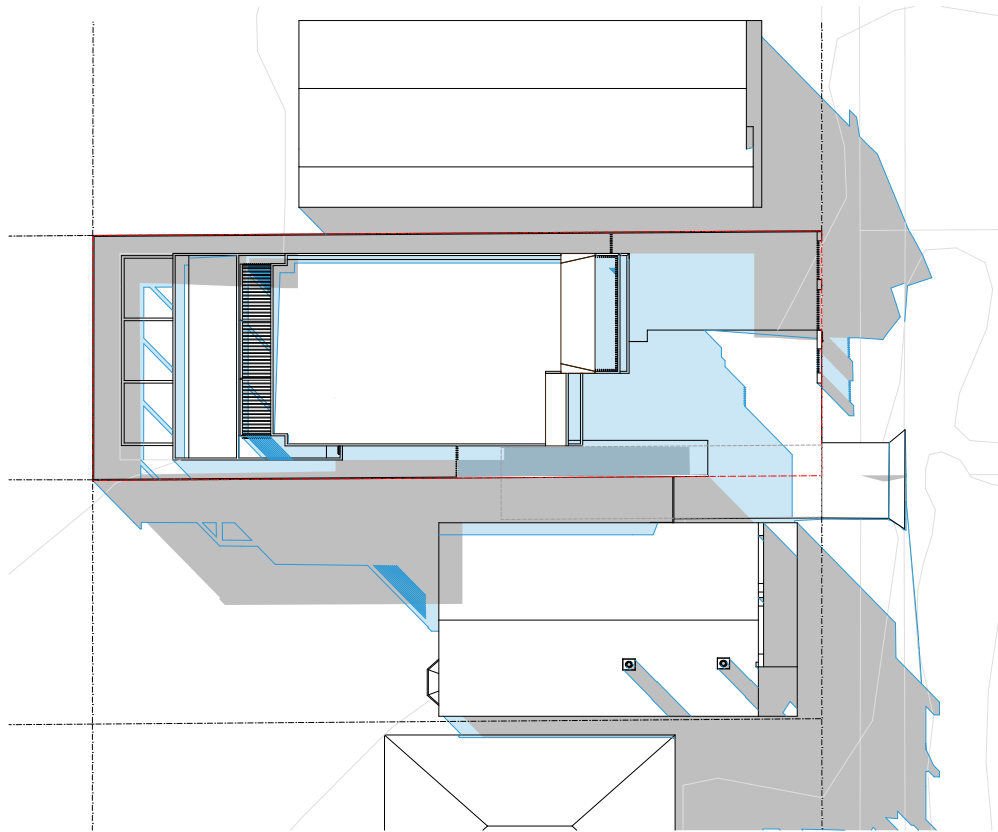
PROPOSED SHADOWS



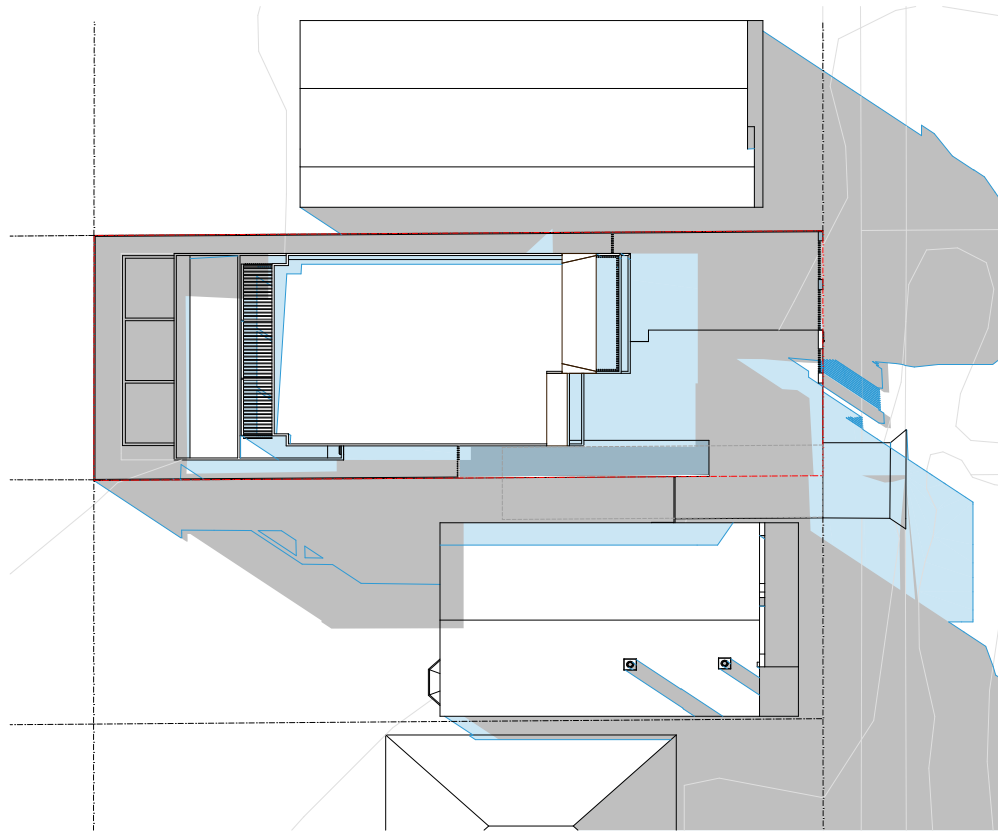
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[date]	[issue]	[description]
20/04/16	A	Development Application
29/09/16	B	Amendments as per council request





WINTER SOLSTICE 21st JUNE 2pm
1:500

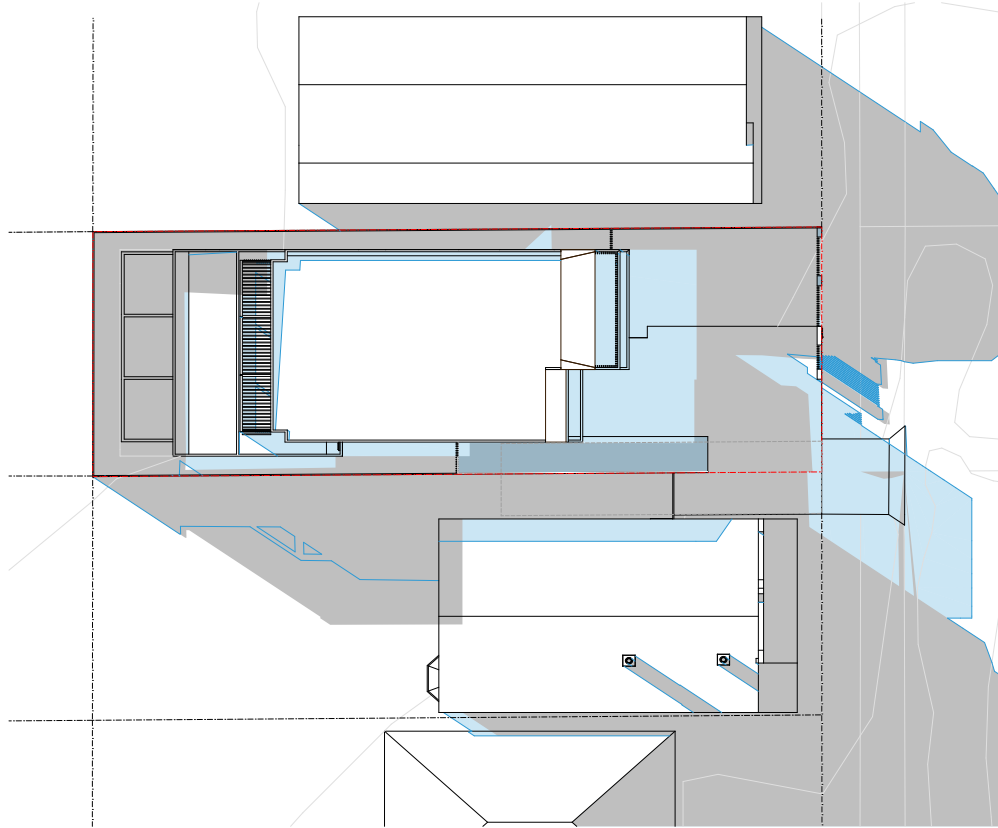


WINTER SOLSTICE 21st JUNE 3pm
1:500

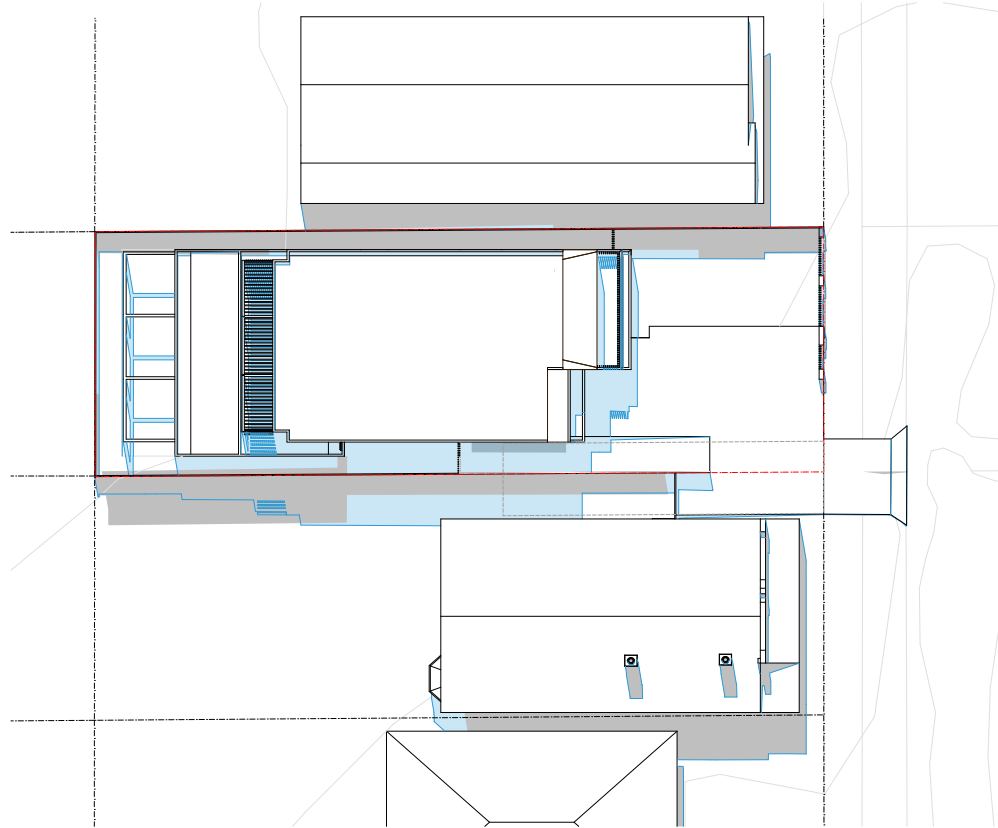
LEGEND

EXISTING SHADOWS

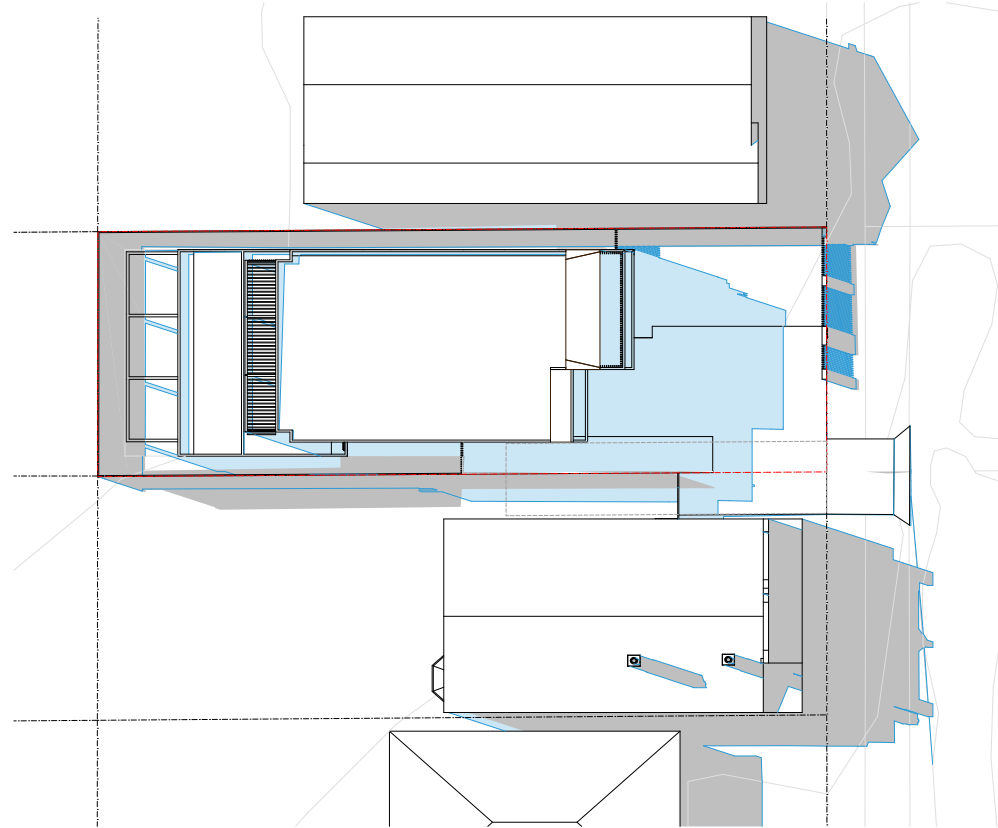
PROPOSED SHADOWS



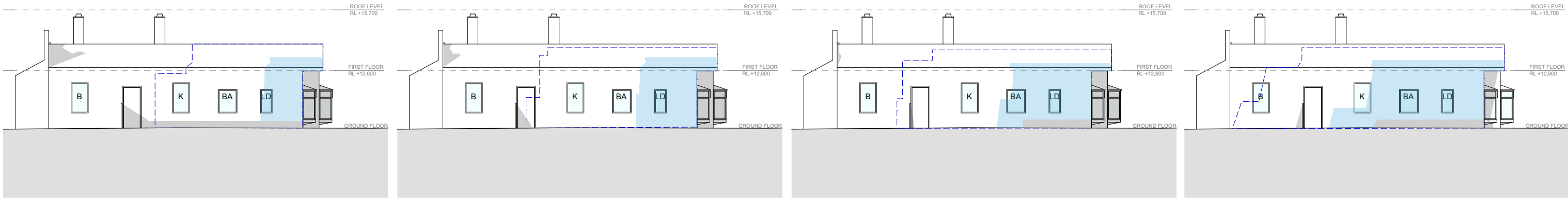
EQUINOX 21st MARCH/SEPT 9am
1:500



EQUINOX 21st MARCH/SEPT 12pm
1:500



EQUINOX 21st MARCH/SEPT 3pm
1:500

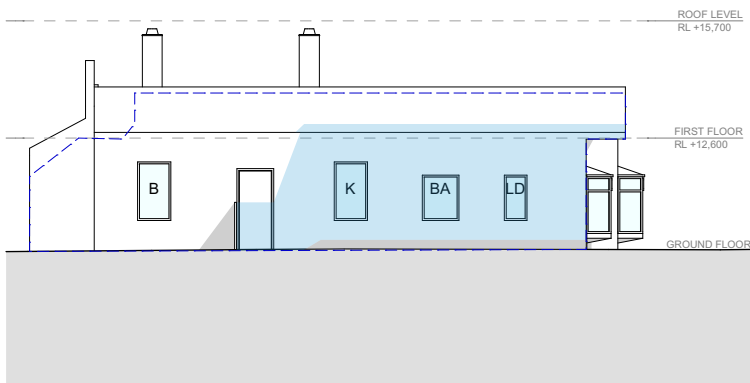


SHADOW ELEV ON 66 - 9am
1:200

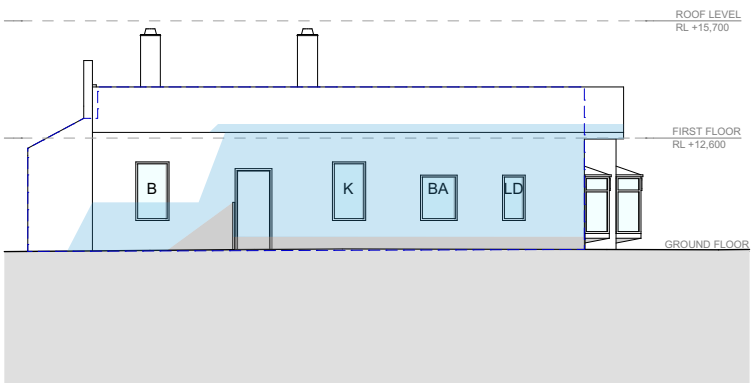
SHADOW ELEV ON 66 - 10am
1:200

SHADOW ELEV ON 66 - 11am
1:200

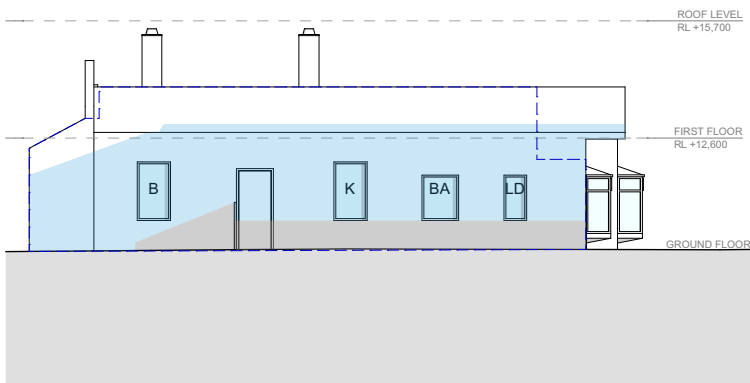
SHADOW ELEV ON 66 - 12pm
1:200



SHADOW ELEV ON 66 - 1pm
1:200



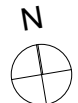
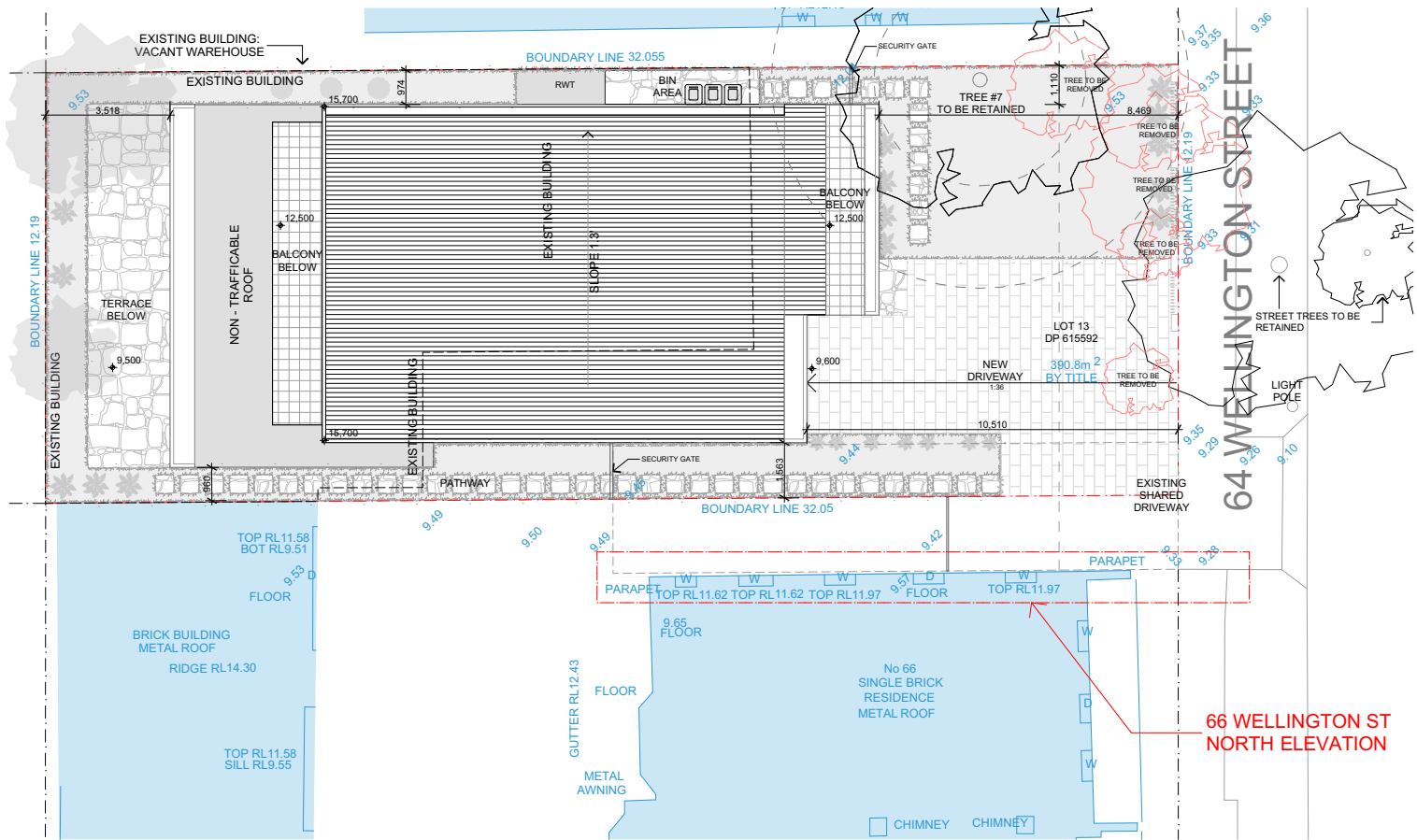
SHADOW ELEV ON 66 - 2pm
1:200



SHADOW ELEV ON 66 - 3pm
1:200

LEGEND

- EXISTING SHADOWS
- PROPOSED SHADOWS
- BULK REDUCTION AS PER COUNCIL RECCOMENDATION



amendments		
[date]	[issue]	[description]
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29/09/16	B	Amendments as per council request

client
Mr & Mrs Valencia

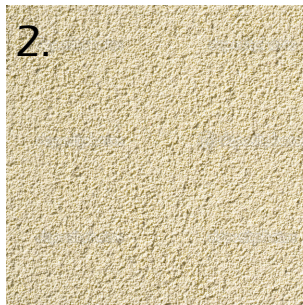
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#66 NORTH ELEV SHADOWS

project [description]
NEW SINGLE DWELLING
project [address]
64 Wellington Street, Mascot

sheet [no.]
DA.13
job [no.]
04115



Oak light grey - timber cladding



Light colour wall render



Black anodized aluminium windows and doors



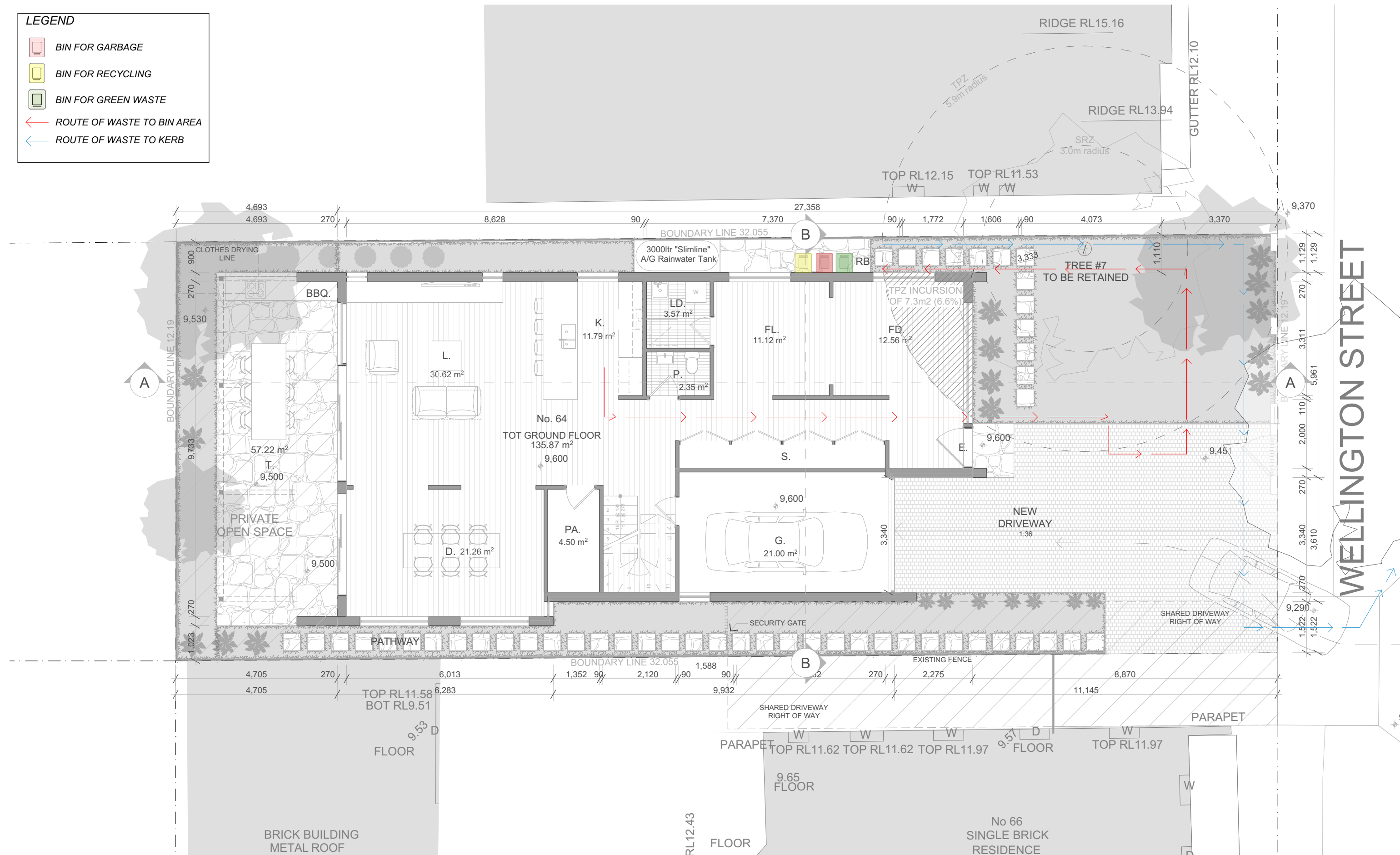
Dark grey stainless steel fencing and balustrading



Sandstone cladding - front fencing

LEGEND

- BIN FOR GARBAGE
- BIN FOR RECYCLING
- BIN FOR GREEN WASTE
- ROUTE OF WASTE TO BIN AREA
- ROUTE OF WASTE TO KERB



WASTE MANAGEMENT
Scale 1:100

suite 4.01/77 dunning avenue, rosebery nsw 2018 [p] (02) 9697 9554 [e] info@arkivis.com.au [w] www.arkivis.com.au

arki[vis]

THE WORKS TO BE COMPLETED WITH THE BUILDING CODE OF AUSTRALIA, AUSTRALIA STANDARDS AND RELEVANT BY LAWS. ALL PROPRIETARY ITEMS ARE TO BE INSTALLED IN ACCORDANCE WITH MANUFACTURER DETAILS AND SPECIFICATIONS. STATUTORY AUTHORITY APPROVALS AND SPECIFICATIONS THAT FORM PART OF THE CONSTRUCTION METHODS PRIOR TO COMMENCEMENT OF WORK REFERENCES OF DIMENSIONED MEASUREMENT TO BE TAKEN OVER SCALED MEASUREMENTS. THESE DRAWINGS HAVE BEEN PREPARED BY ARKIVIS AND REMAIN THE PROPERTY OF THE ABOVE NAMED PARTY. THESE DRAWINGS ARE NOT TO BE USED IN ANY WAY WITHOUT THE PERMISSION OF ARKIVIS AND ARE SUBJECT TO COPYRIGHT LAWS. A COPY OF THIS PLAN IS TO BE SUBMITTED BY THE PROPRIETOR TO THE WATERBOARD FOR APPROVAL AS REQUIRED BY THE LOCAL COUNCIL.



amendments		
[date]	[issue]	[description]
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client
Mr & Mrs Valencia

drawing
WASTE MANAGEMENT

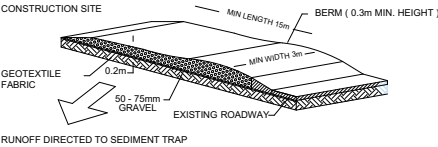
project [description]
NEW SINGLE DWELLING

project [address]
64 Wellington Street, Mascot

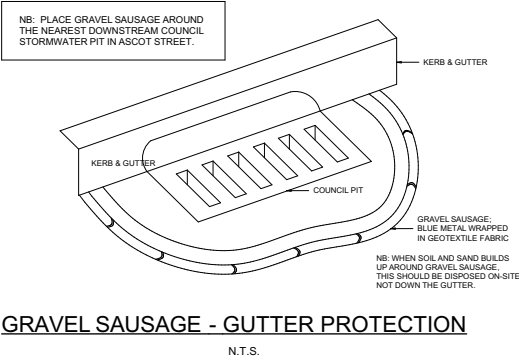
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DA.15
job [no.]
04115

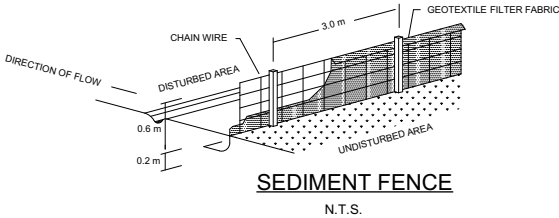
SOIL & WATER MANAGEMENT PLAN



TEMPORARY CONSTRUCTION
EXIT / ENTRANCE
N.T.S.



GRAVEL SAUSAGE - GUTTER PROTECTION
N.T.S.



SEDIMENT FENCE
N.T.S.

LEGEND

"UNAUTHORISED ENTRY TO SITE PROHIBITED".

1.8m HIGH SAFETY FENCE WITH DUST PROOF FABRIC.

DUST CONTROL MEASURES SUCH AS WATERING DOWN TO BE USED DURING EARTHWORKS, DEMOLITION & CONSTRUCTION STAGE.

HARD STAND AREA

SHAKER PAD

- NOTES
1. ALL RUN OFF AND SEDIMENT CONTROL STRUCTURES WILL BE MAINTAINED IN A FUNCTIONAL CONDITION

2. AREAS NOT USED FOR BUILDING SHOULD BE RETAINED WITH VEGETATION

3. REVEGETATION ON RETAIN CUT AND FILLS AS SOON AS POSSIBLE DURING CONSTRUCTION
- SEDIMENT CONTROL NOTES
1. ALL EROSION AND SEDIMENTATION CONTROL MEASURES, INCLUDING REVEGETATION AND STORAGE OF SOIL AND TOPSOIL, SHALL BE IMPLEMENTED TO THE STANDARDS OF THE SOIL CONSERVATION OF NSW.

2. ALL DRAINAGE WORKS SHALL BE CONSTRUCTED AND STABILIZED AS EARLY AS POSSIBLE DURING DEVELOPMENT.

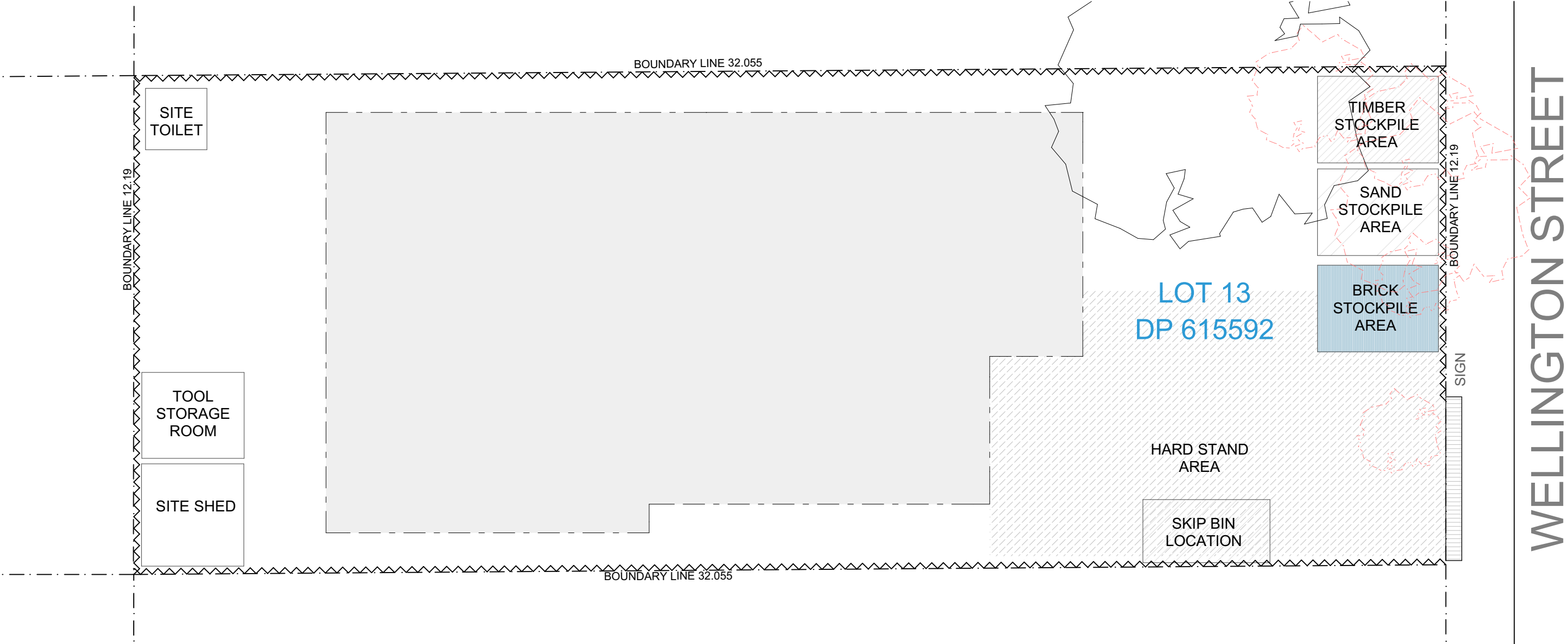
3. SEDIMENT TRAPS SHALL BE CONSTRUCTED AROUND ALL INLET PITS, CONSISTING OF 300mm WIDE X 300mm DEEP TRENCH.

4. ALL SEDIMENT BASINS AND TRAPS SHALL BE CLEANED WHEN THE STRUCTURES ARE A MAXIMUM OF 80 % FULL OF SOIL MATERIALS, INCLUDING THE MAINTENANCE PERIOD.

5. ALL DISTURBED AREAS SHALL BE REVEGETATED AS SOON AS THE RELEVANT WORKS ARE COMPLETED.

6. SOIL AND TOPSOIL STOCKPILES SHALL BE LOCATED AWAY FROM DRAINAGE LINES AND AREA WHERE WATER MAY CONCENTRATE.

7. FILTER SHALL BE CONSTRUCTED BY STRETCHING A FILTER FABRIC (PROPEX OR APPROVED EQUIVALENT BETWEEN POST AT 3.0m CENTRES. FABRIC SHALL BE BURIED 150mm ALONG ITS LOWER EDGE.



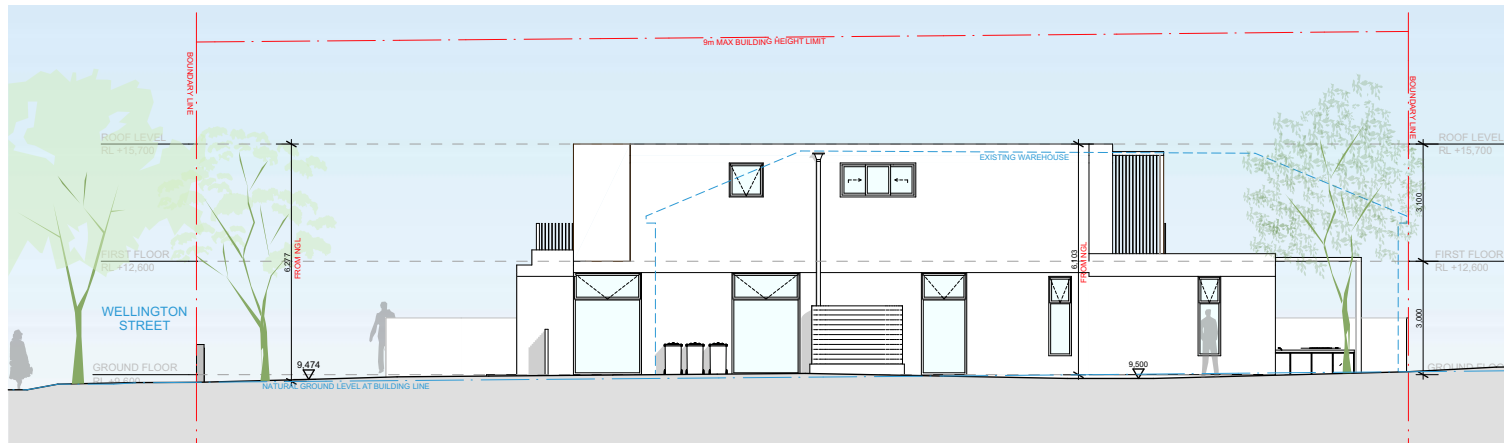
CONSTRUCTION MANAGEMENT
1:100



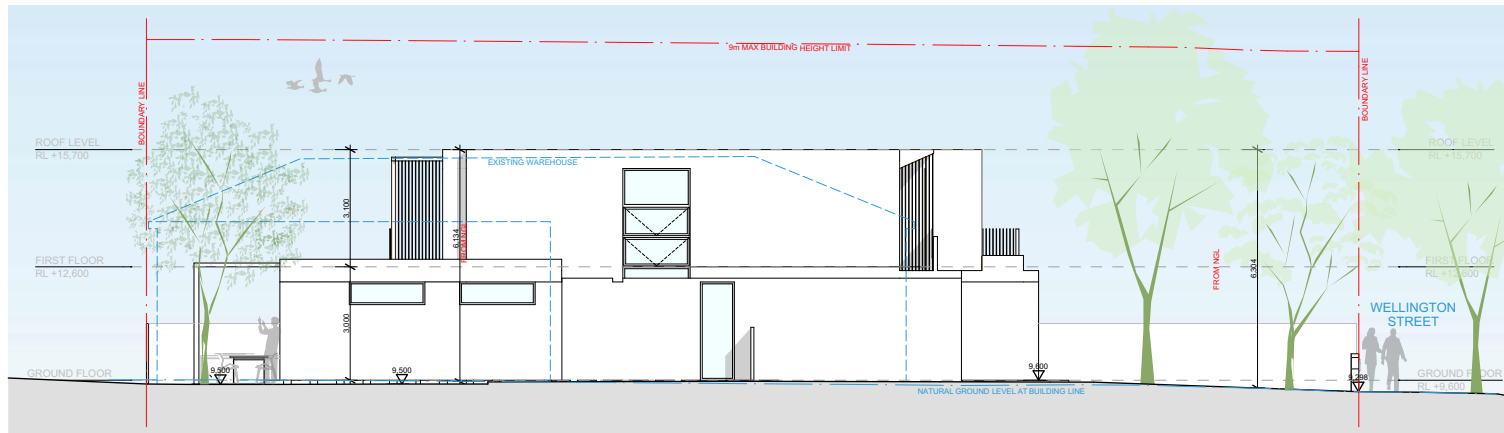
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[date]	[issue]	[description]
20/04/16	A	Development Application
29/09/16	B	Amendments as per council request

client	Mr & Mrs Valencia
drawing	CONSTRUCTION MANAGEMENT

project [description]	NEW SINGLE DWELLING	sheet [no.]	DA.16
project [address]	64 Wellington Street, Mascot	job [no.]	04115



NORTH ELEVATION
1:200



SOUTH ELEVATION
1:200

Council Meeting

14/12/2016

Item No	9.10
Property	16-24 Beauchamp Road, Hillsdale Lot 1 DP 1016112, Part Lot 10 and Part Lot 11 DP 1039919, Part Lot 9 DP 1016112 (Part of Botany Industrial Park)
Proposal	Voluntary Planning Agreement with Botany Bay GP Pty Limited for the construction of a car park and dedication of the lot to Council.
Cost of Development	N/A
Report by	James Arnold, Acting Senior Development Assessment Planner Heather Warton, Director City Planning and Environment
Application No	(B) S16/123 & DA-10/486/02

Council Resolution

Minute 2016/093

Resolved by the Administrator

- 1 That Council agree to enter into a Planning Agreement under section 93F of the Environmental Planning and Assessment Act 1979 with Botany Bay GP Pty Limited for the dedication of proposed lot 26 in the subdivision as amended for Stage 1 of the approval of DA 10/486; and the construction of a car park; in accordance with the offer dated 23 November 2016 and draft Planning Agreement as shown in the Attachment.
 - 2 That Council place the draft Planning Agreement as contained in the Attachment to this report on public exhibition for a period of 30 days.
 - 3 That if no submissions are received, the Interim General Manager be delegated to enter into the Planning Agreement. If there are submissions, a further report will be made to Council.
-

Officer Recommendation

- 1 That Council agree to enter into a Planning Agreement under section 93F of the Environmental Planning and Assessment Act 1979 with Botany Bay GP Pty Limited for the dedication of proposed lot 26 in the subdivision as amended for Stage 1 of the approval of DA 10/486; and the construction of a car park; in accordance with the offer dated 23 November 2016 and draft Planning Agreement as shown in the Attachment.
 - 2 That Council place the draft Planning Agreement as contained in the Attachment to this report on public exhibition for a period of 30 days.
 - 3 That if no submissions are received, the Interim General Manager be delegated to enter into the Planning Agreement. If there are submissions, a further report will be made to Council.
-

Attachments

Voluntary Planning Agreement Assessment Report

Letter of Offer to enter into a Planning Agreement with Council

Draft Planning Agreement

Location Plan

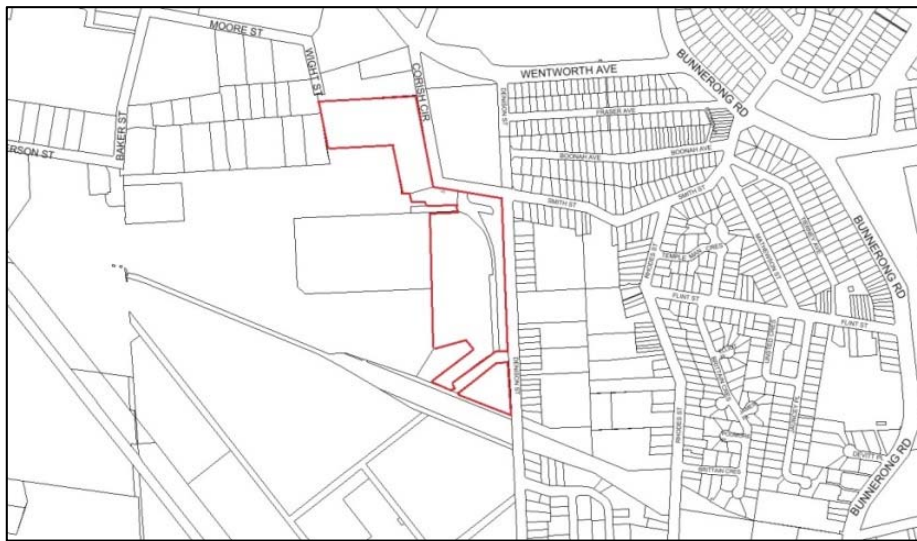


Figure 1: Cadastral image of the subject site and surrounds

BAYSIDE COUNCIL

Planning Assessment Report

Application Details

Application Number:	DA-10/486/02
Date of Receipt:	24 May 2016 (S96(8) application lodged directly with the LEC)
Property:	16-20 Beauchamp Road, Banksmeadow Lot 1 DP 1016112, Part Lot 10 and Part Lot 11 DP 1039919, Part Lot 1016112 (Part of Botany Industrial Park)
Owner:	Botany Bay GP Pty Limited
Applicant:	Botany Bay GP Pty Limited
Proposal:	Voluntary Planning Agreement with Botany Bay GP Pty Limited for the construction of a car park and dedication of the lot to Council.
Recommendation:	Agree to enter into the Planning Agreement
Author:	James Arnold, Acting Senior Development Assessment Planner Heather Warton, Director City Planning and Environment
Date of Report:	28 November 2016

Key Issues

This proposed planning agreement is associated with a section 96(AA) application to be determined by the Land and Environment Court and approved by way of a section 34 Agreement. The application is an amendment to an approved subdivision approved by the Court in August 2012.

The proposed Planning Agreement involves the dedication of a lot to Council and the construction of an at grade car park on that lot. The draft Planning Agreement will also require the payment of development contributions of \$600,000 as part of the Agreement. This is a negotiated amount taking into consideration the contributions that would have been payable under the Botany Bay Section Development Contributions Plan 2005-2010.

The modified development maintains the level of public car parking across the site as was provided in the original approval. The original approval included approximately 35 car spaces within 2 lanes of street parking on the new internal public road. The modified development narrowed the internal road by removing one of the street parking lanes resulting in 14 spaces being provided on the road. The Planning Agreement will provide an additional 20 car spaces for a total of 34 car spaces.

Recommendation

- 1 That Council agree to enter into a Planning Agreement under section 93F of the Environmental Planning and Assessment Act 1979 with Botany Bay GP Pty Limited for the dedication of proposed lot 26 in the subdivision as amended for Stage 1 of the approval of

DA 10/486; and the construction of a car park; in accordance with the offer dated 23 November 2016 and draft Planning Agreement as shown in the Attachment.

- 2 That Council place the draft Planning Agreement as contained in the Attachment to this report on public exhibition for a period of 30 days.
- 3 That If no submissions are received, the Interim General Manager be delegated to enter into the Planning Agreement. If there are submissions, a further report will be made to Council.

Background

Site Description

The subject site is a portion of the Botany Industrial Park that was previously owned by Orica Limited, but has recently been transferred to the applicant, Botany Bay GP Pty Ltd. The portion of the subject site relevant to the application is located in the north-eastern corner along Corish Circle and Denison Street in Banksmeadow.

The Botany Industrial Park is a large industrial complex with acknowledged hazards due to ongoing chemical manufacturing.



Figure 1. Cadastral image of the subject site and surrounds



Figure 2. Aerial image of the subject site and surrounds

Original Approval

On 29 August 2012, Council entered into a Section 34 agreement to approve, subject to conditions, Development Application No. 10/486 for the staged subdivision of land within the Botany Industrial Park along Corish Circle and Denison Street and associated new public roads and services. The applicant for this application was Orica Limited.

Details of the approved development are as follows:

- Subdivision of three existing lots (Lot 1 DP 1016112, Part Lot 10 and Part Lot 11 DP 1039919) and an existing private, internal road (Part Lot 9 DP 1016112) into 20 new lots
- Construction of a new public road running south into the site off Corish Circle. The approved road reservation is 20 metres wide with 3.5 metre verges, two travel lanes, and two parking lanes. Construction of a small stub road perpendicular to the main road
- Landscaping easement for a significant stand of mature trees that runs along the Corish Circle and Denison Street frontage to the site.

Original Planning Agreement Offer

Condition 11 of the consent indicated the required section 94 contributions based on the then applicable City of Botany Bay Development Contributions Plan 2005- 2010. The condition also had a somewhat vague note that the applicant could negotiate with Council for the provision of facilities associated with the adjoining Hensley Athletic Field in accordance with a letter dated 20 April 2012. However, no such offer was followed through at the time.

In mid-2015, prior to the lodgement of the subject modification application, Orica Ltd contacted Council with a proposal to enter into a VPA to provide a car park on the site in a different location to the original offer (**Figure 6**), in lieu of payment of development contributions. There was considerable discussion about this with Council officers, as there was some ambiguity

over whether the original offer to transfer a car park to Council was to be offset from section 94 contributions.

Negotiations regarding the VPA offer continued after the Section 96(8) application were lodged.

The proposed lot to be dedicated then was proposed Lot 11 located at the corner of Denison Street and Corish Circle Transfer of proposed Lot 11 which fronts to Corish Circle to the north, the future new road within the site to the west, and Denison Street to the east. The lot has an area of 2,091.3sqm.

The lot was approved with a large landscaping easement for the retention of an existing stand of trees which runs along the Corish Circle and Denison Street frontage to the lot. The area of the lot excluding the easement was approximately 850sqm.

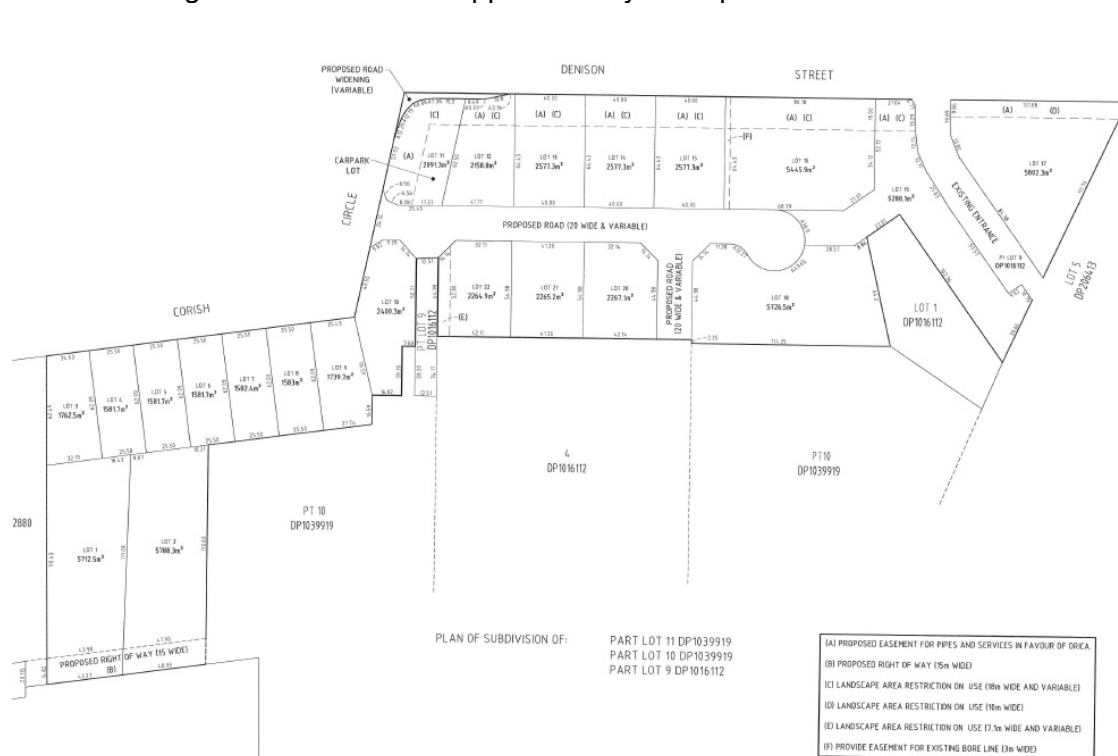


Figure 3. Approved Subdivision Plan with potential car parking lot indicated as Lot 11.

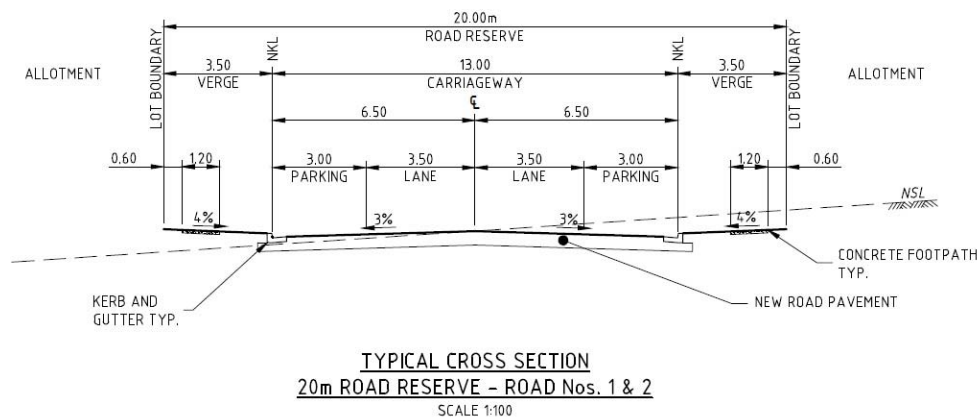


Figure 4. Approved typical cross section of new internal road running north-south through the site.

Proposed modification (as originally filed with the Court)

The applicant for the subject modification application is Botany Bay GP Pty Ltd who recently purchased Stage 1 of the subdivision from the original applicant and land owner, Orica Limited.

On 24 May 2016, the subject Section 96(8) application was filed directly to the NSW Land and Environment Court to modify Development Consent No. 10/486. Botany Bay GP Pty Ltd had the option to lodge a section 96(2) application with Council, but chose to lodge with the Court under a Section 96(8) application.

The originally proposed modification to the subdivision was as follows:

- Modify Subdivision layout – Amended subdivision layout primarily in relation to the Stage 1 portion (**Figure 5**) resulting in an increase in lots by three to a total of 25 overall, including proposed Lot 20 to be used as a Stormwater Infiltration Basin.

A condition of the approved development (Condition No. 9(e)) imposed by the Department of Planning and Environment (who were referred the application due to its location in an area of industrial hazards) required a “no development” 90m buffer zone for safety reasons around two existing chemical storage spheres located within the adjoining Botany Industrial Park. To accommodate this 90m no development zone, the modified subdivision layout includes a triangle shaped lot to be used as a stormwater infiltration basin that incorporates the majority of the zone (see **Figure 5**).

- Change the approved 20m wide public road to a 10.5m wide private road (essentially a private industrial driveway) with two travel lanes and no street parking.
- Remove the internal stub road as it was no longer required to access the adjoining lots as an alternative access road had been constructed.
- Amend the conditions of consent to reflect the proposed staging of the development. Although the original consent was approved as a staged subdivision, there were no plans or documents indicating staging nor were the conditions created to allow for staging of the development.

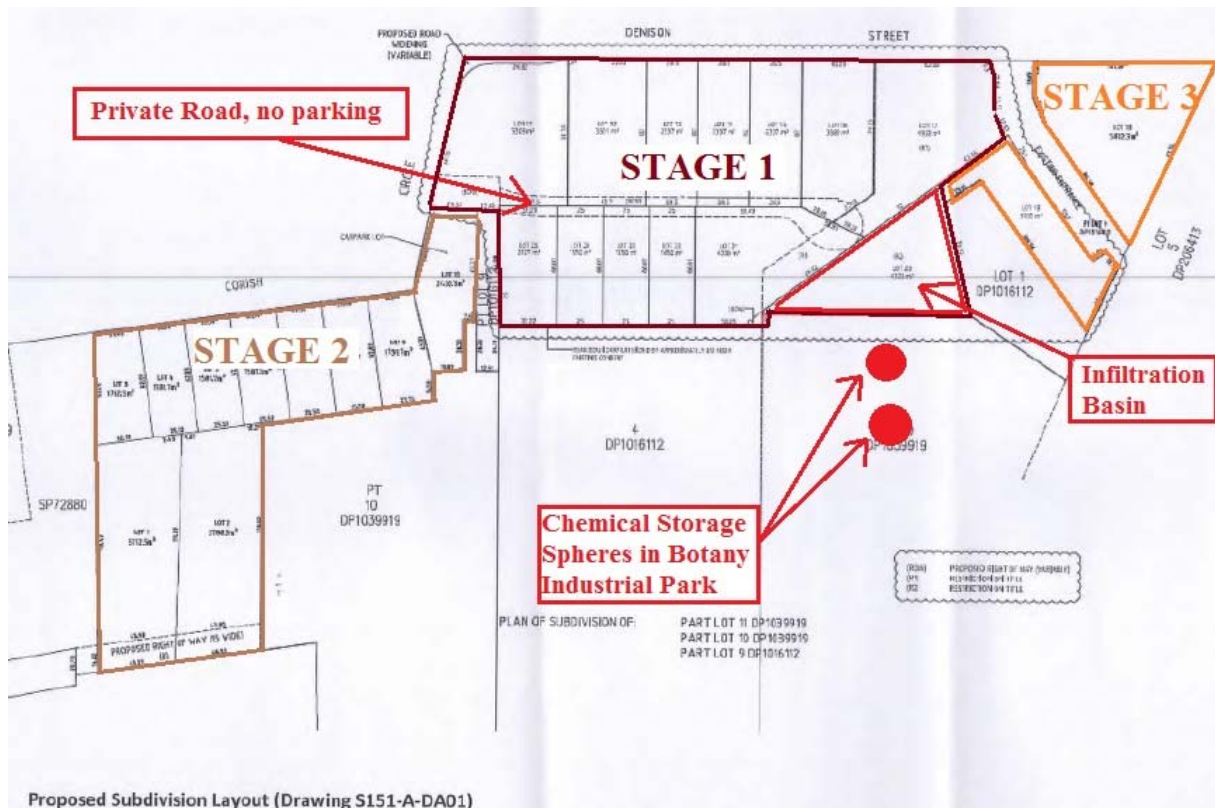


Figure 5. Marked up proposed modified subdivision layout as originally filed with the Court – including a private road with no street parking.

Assessment of proposal and negotiations

The proposed modifications as originally filed with the Court were not supported by Council primarily because the proposed change to a private internal road was considered inadequate to effectively and efficiently service the industrial lots and the removal of the two lanes of street parking was not an acceptable outcome for the site.

Council's officers did not raise any significant concerns with the other changes proposed and discussions to date have been purely in regards to the ownership of the road, the amount of public parking provided across the site, and the proposed wording of the staged conditions.

Associated with the modification application was a new proposal to enter into a Planning Agreement with Council.

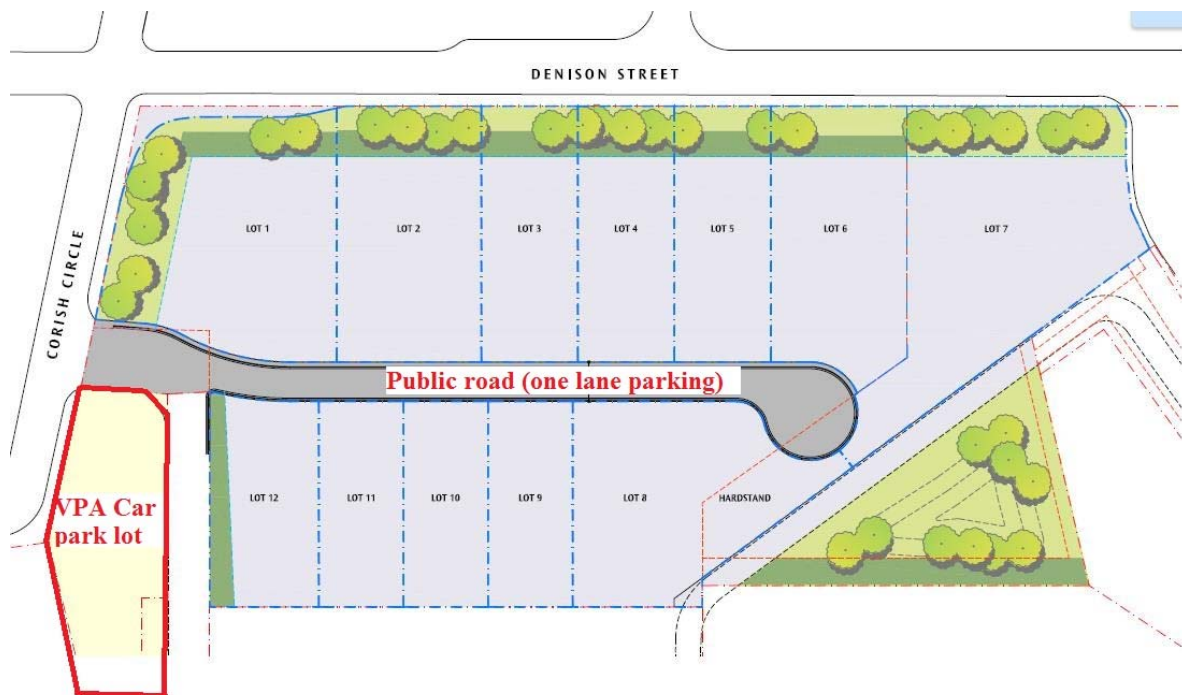


Figure 6. Concept subdivision plan (alternative solution)
Public road with 2 travel lanes and 1 parking lane on the road.
The proposed VPA car parking lot is shown on the left.

During ongoing negotiations, the applicant agreed to change the internal road back to being public, to reinstate one lane of parking on the road, and offered to transfer Lot 10 to Council which Council would then construct a public car park on. The offer was to offset the value of Lot 10 from S94 contributions.

The former Botany Bay Council was briefed on this negotiated proposal including the VPA offer in a confidential session on legal matters at the 7 September 2016 Development Committee. There was no formal resolution on the matter, however the minuted notes from the meeting indicate that the Council did not support the subdivision layout as proposed and did not agree to enter into a VPA as it was thought that the loss of on-street car parking in the new subdivision layout, despite the gains in parking that would be made from the new larger VPA lot, was not a satisfactory outcome.

In addition, the applicant had not confirmed the contamination status of the land. Given the lack of time available in the context of the upcoming 7 December 2016 hearing date, the applicant put forward a revised proposal which is supported. The conditions of consent have been agreed and Council's solicitor has been instructed to finalise the approval. To this end it is expected that a Section 34 agreement will be entered into in the week commencing 28 November 2016 based on this revised proposal. The modification application to be approved is discussed below.

Modification Application to be approved (proposed Section 34 agreement)

The key aspects of the approved modification Development Consent No. 10/486 (see Figure 7) are as follows:

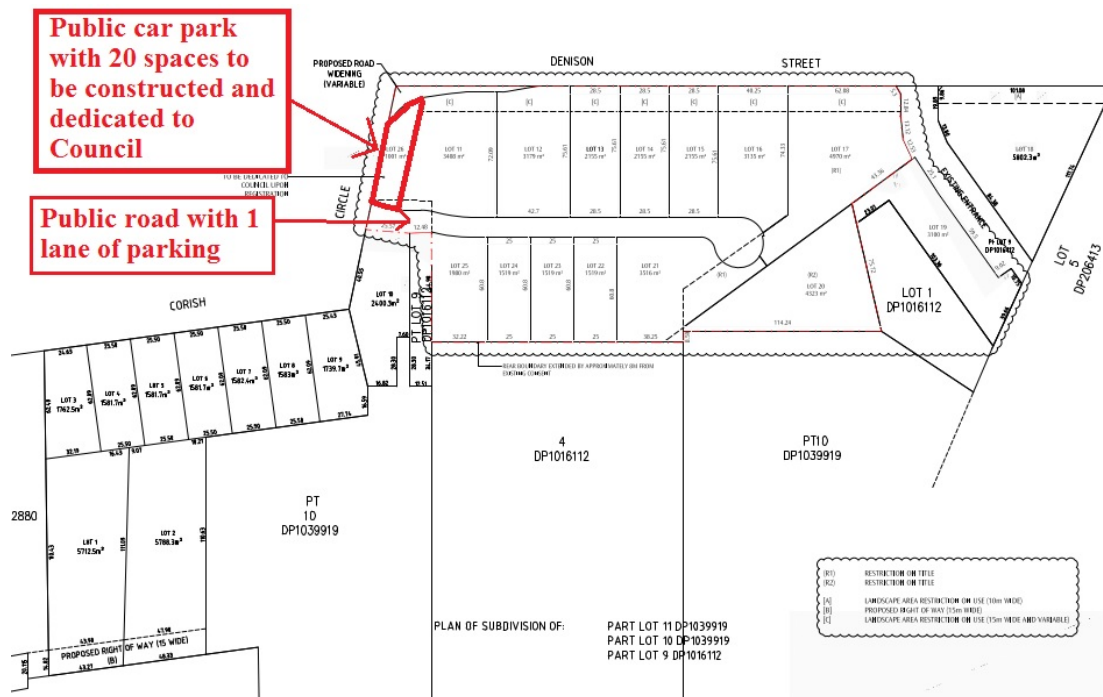
- Modified subdivision layout primarily in relation to Stage 1 of the development.
- Amended the conditions to appropriately reflect the proposed staging the subdivision

and the associated works

- Amend the internal road back to being a public road as originally approved. The road has two travel lanes and one parking lane on the western side
- Under a draft VPA, the applicant has offered create Lot 26 where the applicant will construct a public car park with 20 spaces and transfer the lot to Council with no offset from Section 94 Contributions
- Council has received a Site Audit Statement for this area of the subdivision which confirms the area is suitable for industrial/commercial use and there is no Environmental Management Plan applicable to this particular portion of the site
- Condition 1B was added to the modified consent which requires the developer to construct the car park prior to the issue of the subdivision certificate for this stage of the development, and transfer the lot to Council upon of registration of the subdivision certificate for the Stage 1 development.

Council supported this proposal for the following reasons:

- A public road was provided to the subdivision which will be able to appropriately service these industrial lots
- The amount of public car parking provided across the site was considered appropriate and similar to the original approval. The original approval had 35 public car spaces within two parking lanes on the internal road. The modified proposal has a total of 34 public car spaces including 14 car spaces in one parking lane on the internal road and 20 car spaces in a dedicated car park to be transferred to Council adjacent to Corish Circle and directly opposite Hensley Athletic Field which is the primary source of demand for public parking
- On balance, modified development was considered a superior outcome to the original approval in regards to public car parking as it essentially replaced one parking lane on the road with a dedicated Council car park in an ideal location immediately opposite Hensley Athletic Field which is the key source of the requirement for public parking demand in the area.



Consideration

Draft Planning Agreement

The applicant has made an offer to Council to enter into a Planning Agreement to construct a car park on Lot 26 and transfer the lot to Council.

A draft Planning Agreement has been drafted and new Condition (1B) has been added to the modified consent that requiring the developer to enter into the Agreement.

As per the draft Planning Agreement, the developer has agreed to construct the car park prior to the issue of the subdivision certificate for this stage of the development, and to submit a Transfer for the lot to Council upon registration of registration of the Stage 1 subdivision.

Contributions now payable under the Planning Agreement

The Section 94 Contributions for the entire subdivision were \$1.13 million based on the 2012 contribution rates. For the subject part of the subdivision (Stage 1), the contributions were \$523,999.80. With indexing under the Contributions Plan, due to the cost of land increasing considerably over the past four years, the equivalent contribution would now be \$885,167. The proposed modified subdivision increases the developable area that can be charged under the Plan, such that the Stage 1 contribution as indexed to current rates would now be \$928,533.90. The section 94 contributions remaining on the other two stages (indexed) are \$1.119 million.

The applicant had not anticipated that the indexed contribution would have increased to such an extent when the offer to provide the car park had been made. However, it was felt that the outcome and car park dedication was still supported, and that there was a case to be made for the contribution amount to be negotiated in light of the rates that would be applicable had the application been lodged as a new development application and not as a modification. The

new Botany Bay Section 94 Contributions Plan 2016 does not require contributions for industrial development, instead contributions are payable under the new Botany Bay Section 94A Plan 2016. The amount payable for subdivision works under the new Section 94A Plan (which is a 1% levy based on the cost of work) would have been \$20,000 based on the cost of subdivision works of \$2 million. The reason for the change in approach is a result of the lower worker population increase anticipated in the future, and a change to the Works Schedule such that there is less land acquisition proposed.

Therefore the developer has offered to pay a contribution of \$600,000 for the subject stage, which is an increase over that required by the condition in 2012. This will be payable prior to issue of the subdivision certificate. This is considered reasonable, and will be payable via the Planning Agreement and not as a condition under the development consent. The monies can be used towards the provision of community facilities and/or capital works. These have not yet been identified but a proposal for the project will be the subject of a further report to council.

The proposed Planning Agreement therefore excludes the operation of the Sections 94, 94A and 94EF of the Act. The negotiated contributions do not apply to any other stage of the subdivision.

A copy of the letter of offer and draft Planning Agreement is at **Attachments 2 and 3**. The civil plan for the car park is shown in **Figure 8** below.



Figure 8. Extract from 'General Arrangement Plan' showing the car park to be constructed and transferred to Council within Lot 26.

Benefits of Planning Agreement

The Planning Agreement will ensure the modified development maintains the level of public car parking across the site as was provided in the original approval. The original approval included approximately 35 car spaces within 2 lanes of street parking of the new internal public road. The modified development narrowed the internal road by removing one of the street parking lanes resulting in 14 spaces being provided on the road. The Planning Agreement will provide an additional 20 car spaces for a total of 34 car spaces.

Essentially, proposed public car park including 20 car spaces offsets the approximately 21 car spaces lost on the internal road that was removed in the modified development. The public

car park is considered a superior outcome to the parking lane on the road as it provides organised parking in a location immediately opposite the Hensley Athletic Field which is the key source of public parking demand in the area.

Exhibition

The next step is for the draft Planning Agreement to be placed on public exhibition for a period of 30 days. At the conclusion of the exhibition period, if there are no submissions, it is recommended that the General Manager be delegated to finalise and enter into the Agreement with the developer. If there are submissions, a further report will be referred to Council.

Attachments

Attachment 1 – Agreed modified Conditions of Consent

Attachment 2 – Letter of Offer to enter into a Planning Agreement with Council

Attachment 3 – Draft Planning Agreement

Botany Bay GP Pty Limited
ACN: 605 001 143
Level 14, Australia Square Building
264-278 George Street,
Sydney, NSW, 2000

23 November 2016

The General Manager
Bayside Council
141 Coward Street
MASCOT NSW 2020

Dear Sirs

Lot 105 and Lot 111 in DP 1204999 - Offer to enter into a VPA

We are the owners of land being Lot 105 and Lot 111 in DP1204999 to which Development Consent DA 10/486 ("**the Consent**") relates.

We note we have lodged a Modification Application in relation to the Consent. The Modification Application seeks amendment of the subdivision layout in relation to Lots 105 and 111 in DP1204999 ("**Stage 1 Land**") which will form Stage 1 of the development approved by the Consent

Following our discussions with Council staff we wish to make an offer to enter into a Planning Agreement pursuant to Section 93F of the *Environmental Planning & Assessment Act 1979*.

We set out below the nature of our offer and the terms on which we are prepared to enter into a Planning Agreement.

1. Botany Bay GP Pty Ltd will agree as the developer of Stage 1 to make the following developer contributions to the Council:
 - (a) transfer of proposed lot 26 to the Council at our cost for the purposes of a public car park;
 - (b) construction of the car park upon lot 26 in accordance with the Modification Application plans;
 - (c) payment of a monetary contribution in the amount of \$600,000.00 in lieu of Section 94, 94A and 94F contributions applicable to the Stage 1 Land;
2. The obligations in (b) and (c) above are to occur prior to the issue of a subdivision certificate for Stage 1 of the development.
3. The above offer is put to the Council on the basis that Section 94 and 94A of the Act will not apply to the application and that the monetary payment of \$600,000 will be taken

into account as if it were a s94 contribution in relation to any further development application for development of a proposed lot.

4. Timing of the transfer of the land to the Council is intended to take place upon registration of the Stage 1 subdivision plan free of any cost, payment or compensation by the Council and the Council will use lot 26 for the purposes of a public car park. The Council will use the monetary contribution for the purposes of community facilities and capital works as set out in it Section 94 contribution plan.
5. We will agree to registration of the planning agreement on the title of the land

The planning agreement will be generally consistent with the attached draft planning agreement which has been discussed with the Council.

Yours faithfully



Tom Hoare
Director
Botany Bay GP Pty Ltd
Phone: +64 21 978 722

DATED

2016

BETWEEN:

BAYSIDE COUNCIL

("the Council")

AND:

BOTANY BAY GP PTY LIMITED (ACN 605 001 143)

("Developer")

PLANNING AGREEMENT

HOUSTON DEARN O'CONNOR

Solicitors

Suite 33, 5th Floor

12 Railway Parade

BURWOOD NSW 2134

DX 8565 BURWOOD

Tel: 9744 9247

Fax: 9744 6739

REF: TOC:113139-5858

THIS DEED made the

day of

2016

BETWEEN: **BAYSIDE COUNCIL** of 141 Coward Street Mascot in the State of New South Wales ("the Council") of the first part

AND: **BOTANY BAY GP PTY LIMITED** ABN 605 001 143 of Level 14 Australia Square 264-278 George Street Sydney in the said State ("Developer") of the other part.

WHEREAS:

- A. Development consent for the staged subdivision of land known as 20 Beauchamp Road Banksmeadow ("Development Site") being the whole of the land contained in Lot DP1016112, Part Lot 10 and Part Lot 11 DP1039919, part Lot 9 DP1016112 ("Development Site") being development consent number 10/486 was approved by the Land and Environment Court of NSW pursuant to Section 34(3)(a) and (b) of the Land and Environment Court Act 1979 on 31st August 2012 ("Development Consent").
- B. The Developer is the current registered proprietor of part of the Development Site being the land known as ("Stage1 Development Site") being the whole of the land contained in Lot 105 and Lot 111 in DP1204999
- C. On or about 4 May 2016 the Developer lodged with the Land and Environment Court the Section 96(8) Modification Application seeking modifications to the Development Consent.
- D. The Stage 1 Development Site equates to the land which forms part of Stage 1 of the staged Development Consent for the subdivision and the Developer proposes to carry out Stage 1 of the Development Consent.
- E. As part of the negotiations in respect of the modification the Developer has made an offer to enter into a voluntary planning agreement with the Council in relation to the proposed modifications to the Development Consent where it agrees to:

- (i) Construction of a car park upon Lot 26 by the Developer for and on behalf of the Council at the Developer's cost and otherwise in accordance with the other approved plans depicting the car park (being Jocelyn Ramsay and Associates, architects landscape plan dated 25 October 2016 Revision H) and otherwise in accordance with the Development Consent conditions relating to the construction of the public car park.
 - (ii) The transfer of the ownership from the Developer to Council of Lot 26 as shown in the Plan S1511-A-DA01 A and the proposed subdivision plan being survey plan by Rygate Surveyors dated 25th October 2016 reference 77436 ("Lot 26"), both plans annexed hereto in **Annexure A**.
 - (iii) pay to the Council a monetary contribution in the amount of \$600,000 ("Monetary Contribution").
- F. Council agrees to accept the transfer of ownership of Lot 26 and the obligation to use Lot 26 as a public car park and the Monetary Contribution for the Stage 1 Development Site.
- G. Pursuant to Section 93F of the Act, the parties hereto now enter into this Planning Agreement.
- H. This Planning Agreement has been publicly notified in accordance with Section 93G of the Environmental Planning & Assessment Act 1979 ("the Act") and clause 25D of the Environmental Planning & Assessment Regulation ("the Regulation").

NOW THIS DEED WITNESSES as follows:

1. This Planning Agreement shall be binding upon the parties hereto and upon their respective heirs, executors, transferees and assigns.
2. This Planning Agreement shall commence and become operative on the date the Planning Agreement has been executed by both parties.
3. The rights of the Council expressly provided for herein are cumulative and in addition to and not exclusive of any rights of the Council existing at law or which the Council would otherwise have available to it.

4. In case one or more of the provisions contained in this Planning Agreement shall be invalid, illegal or unenforceable in any respect, the validity, legality or enforceability of the remaining conditions contained therein shall not thereby be affected.
5. The parties agree that this Deed is a Planning Agreement within the meaning of Section 93F of the Act.
6. This Planning Agreement applies to the Stage 1 Development Site.
7. This Planning Agreement in part excludes the application of Section 94, 94A and 94EF of the Act to the development the subject of the Development Consent as modified namely it excludes the application of S94 and 94A of the Act to Stage 1 of the Development being the Stage 1 Development Site.
8. This Planning Agreement excludes the benefits under this Planning Agreement from being taken into consideration in determining the developer contribution under Section 94 and 94A of the Act with respect to Stage 2 and Stage 3 of the Development.
9. (a) The Developer covenants with the Council that they shall before the issue of a subdivision certificate for the Stage 1 Development Site:
 - (i) construct a car park on proposed Lot 26 at no cost to Council and such car park to be constructed in accordance with the Development Consent and in accordance with the plans approved for that car park pursuant to that consent and in accordance with any conditions of that consent; and
 - (ii) on completion of the construction of the car park do all things necessary to enable Council to lodge for registration a transfer from the Developer to the Council transferring the ownership in Lot 26 to the Council ("Transfer") including the signing of such Transfer, provision of all documents and authorities as required by LPI NSW for the lodgement for registration of the Transfer and issue of the certificate of title to Lot 26 to Council upon registration of the Stage 1 Subdivision Plan free of any cost, payment or compensation.

- (iii) pay to the Council a Monetary Contribution in the amount of \$600,000 in lieu of a S94, 94A or 94EF Contribution for Stage 1 of the Development.
 - (b) The Developer covenants and agrees with the Council to do all things necessary to have the Transfer registered including inter alia, answering any requisition from LPI NSW and signing any further documents, returning to the Council or to LPI NSW the title document for Lot 26 if it is mistakenly sent to it or amending the Transfer as may be necessary.
10. The Council covenants with the Developer that on the transfer of Lot 26 to it pursuant to Clause 9 that it will thereafter use Lot 26 as a public car park.
11. It is acknowledged by the parties to this Planning Agreement that:
- (a) the construction of the car park and transfer of Lot 26 to the Council at no cost to the Council is a material public benefit to be used for and applied towards a public purpose being the use as a public car park.
 - (b) The payment of the Monetary Contribution to the Council is a material public benefit and is to be applied towards the provision of community facilities and/or capital works.
12. The Developer covenants with the Council:
- (a) that they shall do all things reasonably necessary to obtain the consent to the registration of this Planning Agreement over the title to the Stage 1 Development Site pursuant to Section 93H of the Act from all persons who have an interest in the Stage 1 Development Site.
 - (b) that forthwith after receiving the consents specified in subclause (a) hereof they shall cause this Planning Agreement to be registered on the title of the Stage 1 Development Site and such registration shall be within 20 business days of the execution of this Planning Agreement.
 - (c) that if this Planning Agreement is not registered on the title to the Stage 1 Development Site, and if the Developer should propose to sell the Stage 1 Development Site or any part thereof, then they shall:

- (i) within seven (7) days of listing the Stage 1 Development Site or any part thereof for sale, either through an agent or privately, notify the Council of such intention;
- (ii) as a condition of any sale, require that the incoming purchaser enter into with Council a like Planning Agreement to this present Planning Agreement in which the same covenants as set out herein shall apply;
- (iii) within seven (7) days of exchange of contracts, notify the Council of the sale and provide the Council with a copy of the contract;
- (iv) within twenty one (21) days of receipt from the Council of a replacement Planning Agreement between the Council and the purchaser substantially in the form of this Planning Agreement, have it executed by the purchaser and return it to the Council;
- (v) that if this Planning Agreement is not registered on the title to the Stage 1 Development Site, and if the Current Owner or Developer should propose otherwise than by sale to transfer or assign their interest in the Stage 1 Development Site or any part thereof to a transferee or assignee, then they shall before effecting such assignment or transfer have the incoming transferee or assignee enter into an agreement with the Council substantially in the form of this Planning Agreement insofar as concerns the interest assigned or transferred and shall provide same to the Council.

13. The Developer covenants and agrees with the Council that pending registration of this Planning Agreement over the title to the Stage 1 Development Site the Council shall be entitled to register a caveat at Land and Property Information NSW over the title to the Stage 1 Development Site to protect its interest herein pursuant to this Planning Agreement.
14. Each party shall pay their own costs in connection with this Planning Agreement.
15. If a caveat is registered on the title of the Stage 1 Development Site then Council is to do all things necessary to ensure that such caveat is to be removed immediately upon the Planning Agreement being registered on the title to the Stage 1 Development Site.

16. If Council lodges a caveat then the Council must promptly do all things reasonably required to ensure that the caveat does not prevent or delay the registration of:
 - (a) this Planning Agreement; and
 - (b) any other dealing contemplated, required or permitted under this Planning Agreement.
17. This Planning Agreement is not intended to operate to fetter, in any unlawful manner the exercise of any statutory power or discretion of the Council ("Discretion").
18. No provision of this Planning Agreement is intended to, or does constitute any unlawful fetter on any Discretion. If, contrary to the operation of this clause, any provision of this Planning Agreement is held by a Court of competent jurisdiction to constitute an unlawful fetter on any Discretion, the parties agree:
 - (a) They will take all practical steps including the execution of any further documents to ensure the objective of this clause is substantially satisfied.
 - (b) In the event that the Discretion cannot be achieved without giving rise to unlawful fetter on a Discretion, the relevant provision is to be severed and the remainder of this Planning Agreement has full force and effect, and
 - (c) To endeavour to satisfy the common objectives of the parties in relation to the provision of this Planning Agreement which is held to be an unlawful fetter to the extent that it is possible having regard to the relevant Court judgement.
19. The parties represent and warrant that they have power to enter into this Planning Agreement and comply with its obligations under the Planning Agreement and that entry into this Planning Agreement will not result in any breach of any law.
20. Should it be necessary for the Council to consent to the registration of any lease, mortgage, consolidation of title or other document as a result of a caveat being registered on the title to the Stage 1 Development Site, the Developer shall pay the Council's reasonable solicitor/client costs of providing Council's consent to such registration. The Developer shall also pay the Council's reasonable costs in relation to the execution of any new agreement with any new owner.

21. (a) Council acknowledges that the Developer has and may enter into contracts for the sale of the proposed lots before the transfer of Lot 26 to the Council however, completion of such sales shall not occur until the transfer of Lot 26 to Council has been registered at LPI NSW. The parties acknowledge that the sale of Lot 105 and Lot 111 in DP 1204999 may occur subject to the requirements of clause 13 being met despite this clause
- (b) Council must, within 14 days of the Developer submitting the relevant documents to Council, sign such documentation as the Developer may require to remove this Deed from the Register provided always that the Developer has complied with its obligations under this Deed including inter alia its obligations under Clause 9 of this Deed.
- (c) Council agrees it will use its best endeavors to assess and determine any application made by the Developer for a subdivision certificate as expeditiously as possible and shall do so within 14 days provided that all preconditions are met and all relevant material is provided to the Council to enable it to make a determination.
22. The explanatory note put on exhibition with this Planning Agreement is not to be used in construing the terms of this Planning Agreement.
23. Should the Developer be in breach of any terms of this Planning Agreement, and not rectify the default within twenty one (21) days of receiving notice from Council to do so (except if a delay in rectification is likely to cause irremediable damage or prejudice to Council, in which case no notice is required) Council shall be entitled, at this option, to enforce by way of injunction relief in the Supreme Court any provisions of this Planning Agreement which have been breached, or to seek damages or seek to enforce the provisions of any Development Consent which relate to the Development Site whether by way of order under Section 121B of the Act, or Class 4 proceedings in the Land and Environment Court, or otherwise.
24. Any amendment or variation to this Planning Agreement is not effective unless it is in writing and signed by all the parties.

25. In the event of any disagreement between the parties hereto arising out of the provisions of this Planning Agreement, and if the parties are unable within a reasonable time to resolve such disagreement amicably, either party may serve notice on the other requiring the matter to be referred to a conciliation by a single conciliator at the Australian Commercial Disputes Centre Limited in Sydney. The parties shall thereafter in good faith seek to resolve the matter through conciliation and the parties shall equally bear the cost of such conciliation. The parties must keep a confidential and must not to disclose or rely upon or make the subject of a subpoena to give evidence or produce documents in any arbitral, judicial or other proceedings:
- (a) views expressed or proposals or suggestions made by a party, an expert or the conciliator during the conciliation relating to a possible settlement of the dispute;
 - (b) admissions or concessions made by a party during the conciliation in relation to the dispute; and
 - (c) information, documents or other material, including any confidential information, concerning the dispute which are disclosed by a party during the conciliation unless such information, documents or facts would have been otherwise discoverable in judicial or arbitral proceedings.
26. (a) If the Development Consent is surrendered where no construction of the roadworks on the Site have commenced and no subdivision certificate has issued, or
- (b) if full compliance has been met with the requirements of Clause 9 and the title to the ownership in Lot 26 has been transferred to Council.

Then in either circumstance Council will within 14 days of written request from the Developer have this Planning Agreement removed from the Register to the title to the Stage 1 Development Site and withdraw any caveat registered over the title to the Stage 1 Development Site.

27. (a) All words in this clause which are also defined in the A New tax System (Goods and Services Tax) Act 1999 (Cth) ("the GST Act") have a corresponding meaning to that in the GST Act.

- (b) The consideration for any supply under this Planning Agreement excludes GST.
- (c) Where a party to this Planning Agreement is taken to have made a supply to another party, the recipient of that supply must, in addition to the consideration payable for the supply and when paying the consideration for the supply, also pay to the maker of the supply an amount equal to the GST payable in respect of that supply. The recipient of a supply must also pay the GST payable in respect of a supply for which no monetary consideration is payable when the maker of the supply demands payment.
- (d) The maker of a supply must give the recipient a tax invoice in the form required by the GST Act at the same time it receives payment from the recipient of the GST payable for that supply.
- (e) Despite any other provision of this Agreement, any amount payable under this Agreement, which is calculated by reference to an amount paid or incurred by a party to this Planning Agreement, is reduced by the amount of any input tax credit to which that party or a member of its GST group is entitled in respect of that amount.

28. This agreement binds the parties hereto and their respective executors, administrators and assigns.

IN WITNESS WHEREOF the parties have set their hands and seals on the day first hereinbefore written.

SIGNED SEALED & DELIVERED)
 for an on behalf of)
 of **BAYSIDE COUNCIL ABN**)
)
 by its General Manager pursuant to)
 Section 683 of the Local Government Act 1993)

.....
 General Manager

.....
 Witness

EXECUTED by BOTANY BAY GP

PTY LIMITED (ACN 605 001 143) in
accordance with section 127(1) of the
Corporations Act 2001 (Cth) by:

Signature of Director

Signature of Director/Company Secretary

Full name (print)

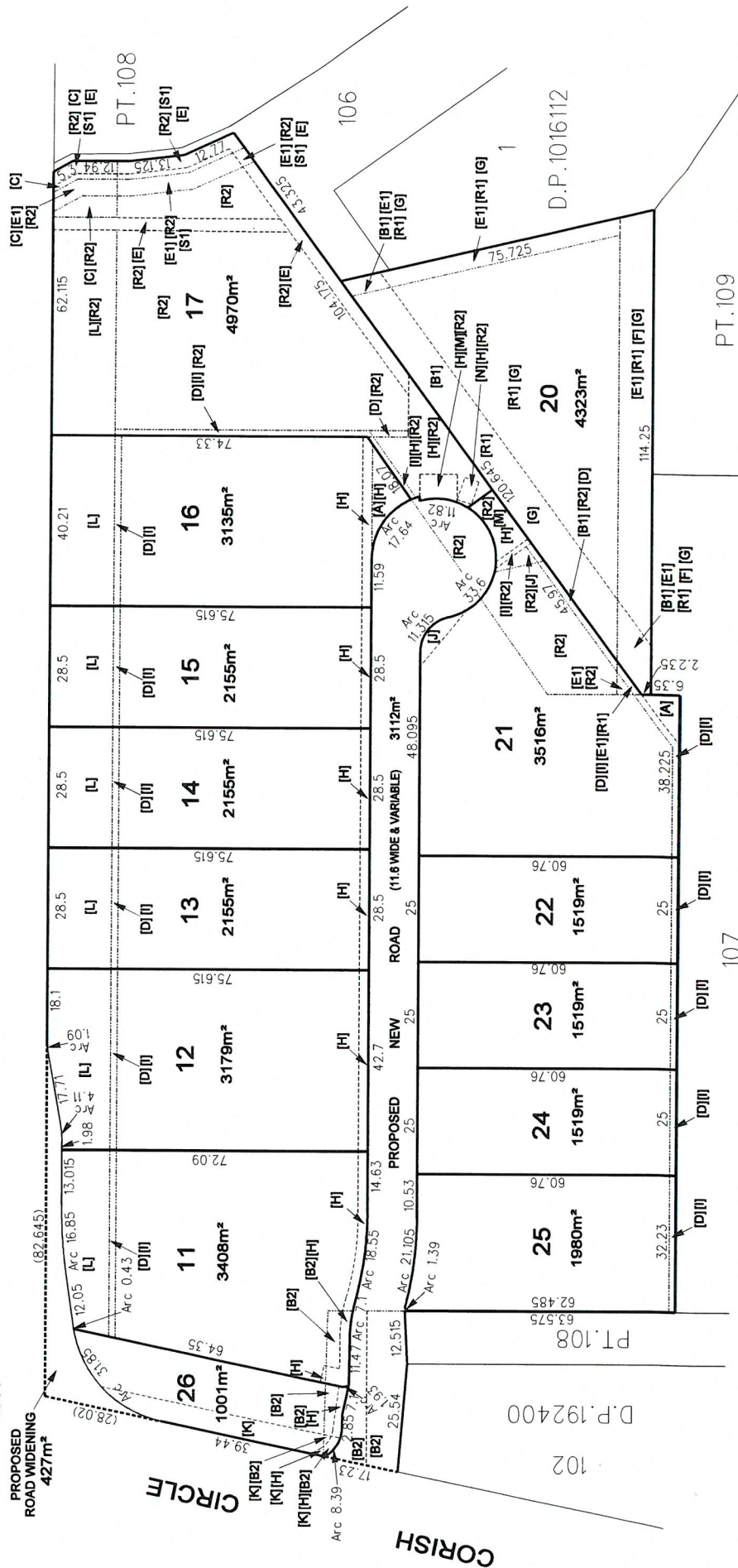
Full name (print)

PLAN OF PROPOSED SUBDIVISION LOT 105 & LOT 111 D.P.1204999

L.G.A. : BAYSIDE
Loc. : BANKSMEADOW
Par. : BOTANY
Co. : CUMBERLAND
1:1000

DENISON

STREET



EXISTING EASEMENTS (D.P.1204999) :

- [B1] - RIGHT OF CARRIAGEWAY 8 WIDE & VARIABLE
- [B2] - RIGHT OF CARRIAGEWAY VARIABLE WIDTH (TO BE RELEASED ON CREATION OF NEW ROAD)
- [C] - EASEMENT FOR BORE WATER PUMP 15 WIDE & VARIABLE
- [D] - EASEMENT FOR DRAINAGE 1.5 WIDE
- [E] - EASEMENT FOR SERVICES 4 WIDE, 8 WIDE & VARIABLE
- [F] - EASEMENT FOR SERVICES 3 WIDE
- [G] - EASEMENT FOR LANDSCAPING 8 WIDE & VARIABLE
- [H] - EASEMENT FOR SERVICES VARIABLE WIDTH (WHOLE LOT)
- [I] - EASEMENT FOR SERVICES 2.25 WIDE & VARIABLE
- [J] - EASEMENT FOR EGRESS 1.5 WIDE
- [K] - EASEMENT FOR SERVICES VARIABLE WIDTH
- [L] - EASEMENT FOR SERVICES 5 WIDE & VARIABLE
- [M] - EASEMENT FOR PROTECTION OF TREES 15 WIDE & VARIABLE
- [N] - EASEMENT FOR CARPARKING IN FAVOUR LOTS 9, 10, 11 & 12
- [O] - EASEMENT FOR AUSGRID
- [P] - EASEMENT FOR PUBLIC CARPARK
- [Q] - EASEMENT FOR SERVICES 10 WIDE
- [R] - EASEMENT FOR SERVICES 1.5 WIDE
- [S] - EASEMENT FOR SERVICES 1.5 WIDE
- [T] - EASEMENT FOR SERVICES 1.5 WIDE
- [U] - EASEMENT FOR SERVICES 1.5 WIDE
- [V] - EASEMENT FOR SERVICES 1.5 WIDE
- [W] - EASEMENT FOR SERVICES 1.5 WIDE
- [X] - EASEMENT FOR SERVICES 1.5 WIDE
- [Y] - EASEMENT FOR SERVICES 1.5 WIDE
- [Z] - EASEMENT FOR SERVICES 1.5 WIDE

PROPOSED EASEMENTS & RESTRICTIONS :

- [A] - RIGHT OF CARRIAGEWAY VARIABLE WIDTH
- [B] - EASEMENT FOR BORE WATER PUMP 15 WIDE & VARIABLE
- [C] - EASEMENT FOR DRAINAGE 1.5 WIDE
- [D] - EASEMENT FOR SERVICES 4 WIDE, 8 WIDE & VARIABLE
- [E] - EASEMENT FOR LANDSCAPING 8 WIDE & VARIABLE
- [F] - EASEMENT FOR SERVICES VARIABLE WIDTH (WHOLE LOT)
- [G] - EASEMENT FOR SERVICES 2.25 WIDE & VARIABLE
- [H] - EASEMENT FOR EGRESS 1.5 WIDE
- [I] - EASEMENT FOR SERVICES VARIABLE WIDTH
- [J] - EASEMENT FOR SERVICES 5 WIDE & VARIABLE
- [K] - EASEMENT FOR PROTECTION OF TREES 15 WIDE & VARIABLE
- [L] - EASEMENT FOR CARPARKING IN FAVOUR LOTS 9, 10, 11 & 12
- [M] - EASEMENT FOR AUSGRID
- [N] - EASEMENT FOR PUBLIC CARPARK
- [O] - EASEMENT FOR SERVICES 10 WIDE
- [P] - EASEMENT FOR SERVICES 1.5 WIDE
- [Q] - EASEMENT FOR SERVICES 1.5 WIDE
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- [S] - EASEMENT FOR SERVICES 1.5 WIDE
- [T] - EASEMENT FOR SERVICES 1.5 WIDE
- [U] - EASEMENT FOR SERVICES 1.5 WIDE
- [V] - EASEMENT FOR SERVICES 1.5 WIDE
- [W] - EASEMENT FOR SERVICES 1.5 WIDE
- [X] - EASEMENT FOR SERVICES 1.5 WIDE
- [Y] - EASEMENT FOR SERVICES 1.5 WIDE
- [Z] - EASEMENT FOR SERVICES 1.5 WIDE

NOTE :
DIMENSION AND AREAS SHOWN HEREON ARE
APPROXIMATE ONLY AND SUBJECT TO SURVEY.

Rygate & Company Pty Limited
P.W. Rygate & West
ABN 61 001 204 897
Level 9, 88 York St, Sydney NSW 2000
P +61 2 9232 6800 F +61 2 9232 6843
surveys@rygate.com.au
rygate.com.au

LOT 26 IS TO BE DEDICATED TO COUNCIL FOR PUBLIC CARPARK

REF: 77436 DATE: 25/10/2016



AGREEMENT BETWEEN PARTIES
Section 34(3)(a)

COURT DETAILS

Court	Land and Environment Court of NSW
Class	1
Case number	2016/00159616

TITLE OF PROCEEDINGS

Applicant **Botany Bay GP Pty Limited (ACN 605 001 143)**

Respondent **Bayside Council**

FILING DETAILS

Filed for	Botany Bay GP Pty Limited , Applicant
Legal representative	Jane Hewitt, HWL Ebsworth Lawyers
Legal representative's reference	JEH:606176
Contact name and telephone	Jane Hewitt 9334 8500
Contact email	jhewitt@hwle.com.au ; lmsmith@hwle.com.au

AGREEMENT BETWEEN PARTIES – Section 34(3)(a)

- A. The parties have reached an agreement as to the terms of a decision in the proceedings that would be acceptable to the parties (being a decision that the Court could have made in the proper exercise of its functions).
- B. The terms of the decision are as follows:
1. The Applicant is granted leave to amend the section 96(8) modification application to modify DA-10/486 filed directly with the Land and Environment Court as part of these proceedings to rely on the following amended plans annexed to this Agreement as "A":
 - (a) General Arrangement Plan Drawing no DA-C1.11 Rev (6), prepared by Northrop Consulting Engineers, dated 25 October 2016.

- (b) Bulk Earthworks Cut and Fill Plan, Drawing no. DA-C2.11, Rev (6), prepared by Northrop Consulting Engineers and dated 4 November 2016.
- (c) Site works and Stormwater Management Plan, Sheet 1, Drawing No. DA-C3.01, Rev (8), prepared by Northrop Consulting Engineers and dated 4 November 2016.
- (d) Site works and Stormwater Management Plan, Sheet 3, Drawing No DA-C3.03, Rev (8), prepared by Northrop Consulting Engineers and dated 4 November 2016.
- (e) Stormwater Catchment Plan, Drawing DA C9.01, Rev (6), prepared by Northrop Consulting Engineers, dated 25 October 2016.
- (f) Turning Path Plan, Drawing No. DA C10.01 Rev (5) prepared by Northrop Consulting Engineers and dated 25 October 2016.
- (g) Landscape Plan, Drawing No. 16-026/L01, Rev J, prepared by Jocelyn Ramsay & Assoc Pty Ltd (Landscape Architects), and dated 7 November 2016.

The parties agree that these amendments are minor.

2. The appeal is upheld.

3. Pursuant to section 96 (8) of the Environmental Planning and Assessment Act DA-10/486 ("Development Consent"), being a development consent approved by the Land and Environment Court for the staged subdivision of land within the Botany Industrial Park along Corish Circle and Denison Street and associated public roads and services at 16-20 Beauchamp Road, Banksmeadow) is modified to:

-change the subdivision layout from 11 lots to 14 lots;

-remove the stub road;

-create three stages;

-construct a car park on lot 26 and transfer that lot to council;

-and amend Conditions including section 94 contributions;

-provide for a planning agreement relating only to stage one;

as shown by the modified Development Consent conditions (shown in bold, italicised and ruled through) as set out in annexure "B".

4. As a consequence of order 3, the Development Consent is now subject to the consolidated, modified conditions of the development consent set out in annexure "C"

- C. Pursuant to section 34(3)(a) of the Land and Environment Court Act 1979, the parties request that the Commissioner dispose of these proceedings in accordance with the terms of the decision set out in paragraph B above.

SIGNATURE

Signature of legal
representative

Capacity

Date of signature

Solicitor for the Applicant

Signature of legal
representative

Capacity

Date of signature

Solicitor for the Respondent

Council Meeting

14/12/2016

Item No	9.11
Property	78-80 Ramsgate Road, Ramsgate
Proposal	Construction of a five (5) storey mixed use development comprising 20 residential apartments and four (4) commercial tenancies with basement parking, provision of 12 public car parking spaces off Cleland Lane, Boundary adjustment and demolition of existing structures
Cost of Development	\$5,868,000.00
Report by	Kerry Gordon – Kerry Gordon Planning Services
Application No	DA-2016/205

Council Resolution

Minute 2016/094

Resolved by the Administrator

- 1 That Council support the variation to the Height standard contained in clause 4.3 of Rockdale Local Environmental Plan 2011 (RLEP2011) in accordance with the clause 4.6 justification submitted by the applicant.
 - 2 That development application DA-2016/205 for the construction of a five (5) storey mixed use development comprising 20 residential apartments and four (4) commercial tenancies with basement parking, provision of 12 public car parking spaces off Cleland Lane, associated external works, Boundary adjustment and demolition of existing structures be APPROVED.
 - 3 That the NSW Department of Planning and Environment be advised of Council's decision.
 - 4 That the objectors be advised of Council's decision.
-

Officer Recommendation

- 1 That Council support the variation to the Height standard contained in clause 4.3 of Rockdale Local Environmental Plan 2011 (RLEP2011) in accordance with the clause 4.6 justification submitted by the applicant.
- 2 That development application DA-2016/205 for the construction of a five (5) storey mixed use development comprising 20 residential apartments and four (4) commercial tenancies with basement parking, provision of 12 public car parking spaces off Cleland Lane, associated external works, Boundary adjustment and demolition of existing structures be APPROVED.
- 3 That the NSW Department of Planning and Environment be advised of Council's decision.

- 4 That the objectors be advised of Council's decision.
-

Attachments

- 1 Planning Report – 78-80 Ramsgate Road
- 2 Draft Consent – 78-80 Ramsgate Road
- 3 Site Plan, Ground Floor Plan & Elevations – 78-80 Ramsgate Road
- 4 Clause 4.6 variation to Height – 78-80 Ramsgate Road

Location Plan

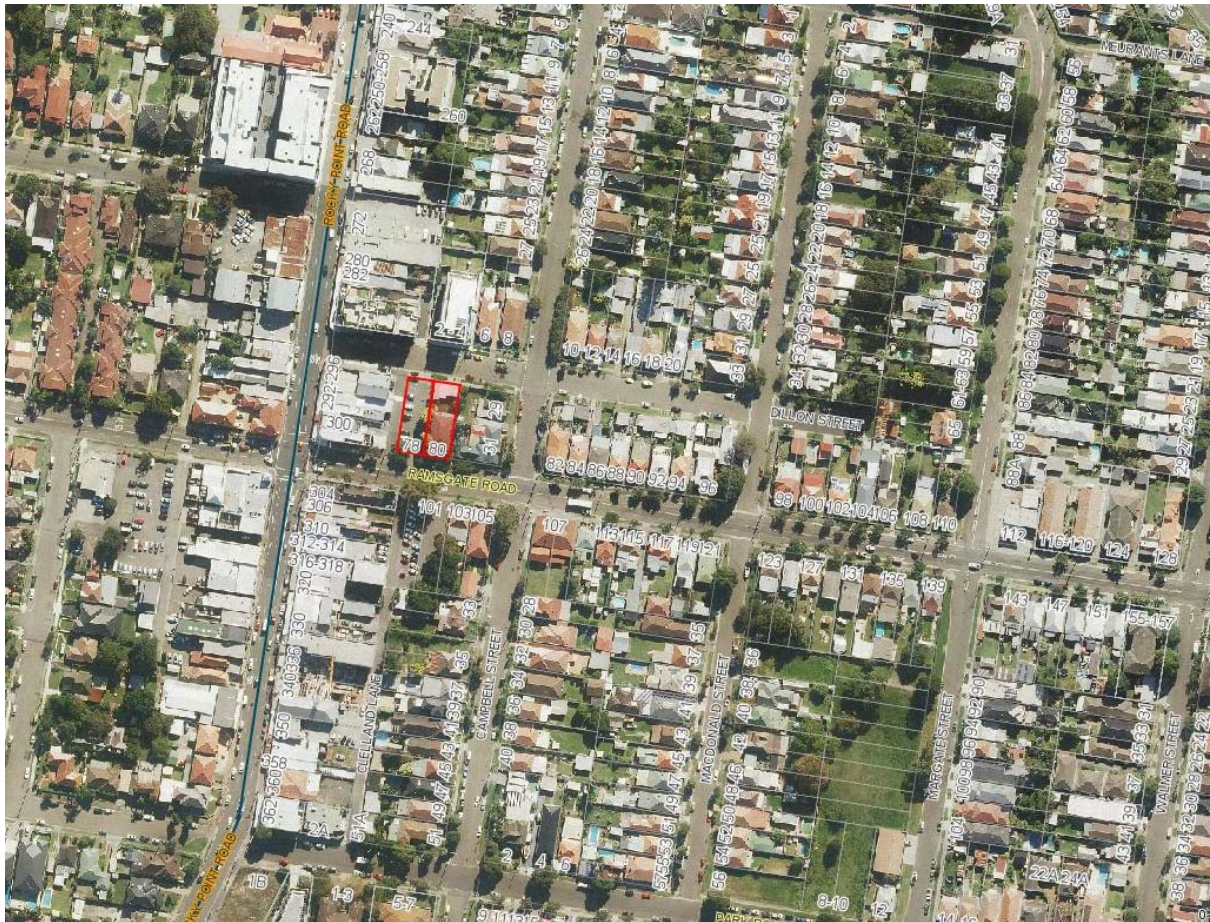


Figure 1 - Location Plan (78-80 Ramsgate Road, Ramsgate)

BAYSIDE COUNCIL

Planning Assessment Report

Application Details

Application Number:	DA-2016/205
Date of Receipt:	27 November 2015
Property:	78-80 Ramsgate Road, RAMSGATE, NSW 2217 Lot 1 in DP 960761 and Lot 8 in DP 977999
Owner:	Rockdale Council and Dillgate Developments Pty Ltd
Applicant:	CMT Architects Australia Pty Ltd
Proposal:	Construction of a five (5) storey mixed use development comprising 20 residential apartments and four (4) commercial tenancies with basement parking, provision of 12 public car parking spaces off Cleland Lane, Boundary adjustment, and demolition of existing structures.
Recommendation:	Approval
No. of Submissions:	Five
Author:	Kerry Gordon – Kerry Gordon Planning Services
Date of Report:	04 October 2016

Key Issues

The key issues with the proposal are:

- Streetscape – plans amended to delete the columns at the ground level, refine the eastern façade treatment and remove the louvres from the southern façade.
- Internal amenity – improvements provided by increased separation within the light-well and removal of louvres from the southern façade.
- External amenity impacts – improvements provided by solid privacy measures to the eastern end of balconies in the light-well, 1.5m high balustrades to the access corridors and opaque glazing to the stairwell.
- Height – an appropriate clause 4.6 variation request has been provided.
- FSR – amended plans provided which comply with the FSR control.
- Public Car Parking – the construction of 12 public car parking spaces off Cleland Lane.

Recommendation

1. That Council support the variation to the Height standard contained in clause 4.3 of Rockdale Local Environmental Plan 2011 (RLEP2011) in accordance with the clause 4.6 justification submitted by the applicant.
2. That development application DA-2016/205 for the construction of a five (5) storey mixed use development comprising 20 residential apartments and four (4) commercial tenancies with basement parking, provision of 12 public car parking spaces off Cleland Lane, associated external works, Boundary adjustment and demolition of existing structures be APPROVED.
3. That the NSW Department of Planning and Environment be advised of Council's decision.
4. That the objectors be advised of Council's decision.

Background

History

Council's records do not show any recent applications for the subject site or relevant applications on adjoining sites

Proposal

Council is in receipt of a development application DA-2016/205 for construction of a five (5) storey mixed use development comprising 20 residential apartments, four (4) commercial tenancies with basement parking, provision of 12 public car parking spaces off Cleland Lane, Boundary adjustment and demolition of existing structures. at Nos. 78-80 Ramsgate Road, RAMSGATE, NSW 2217, which is described in detail following.

Demolition

It is proposed to demolish all structures existing on the subject site, being a two storey rendered dwelling, fibro garage and council carpark.

The proposal will not require removal of the existing street trees in Ramsgate Road, which are proposed to be protected and retained throughout excavation and construction.

Proposed Mixed Use Building

It is proposed to erect a five storey mixed use building over two levels of basement parking on the subject site as detailed below:

Lower Basement	This basement level is to contain parking for 17 cars (including 1 accessible space), 3 motorcycle spaces and a bicycle rack for 5 bicycles.
----------------	--

Upper Basement: This basement level is to contain parking for 15 cars (4 spaces for visitors, including one also used as a car wash bay, including 1 accessible space) and 1 courier space.

Ground: This level contains four commercial tenancies, one fronting Dillon Street, one fronting Cleland Lane and two fronting Ramsgate Road, having a total floor space of 238m². A residential lobby is provided off Cleland Lane which provides access to the lift to the residential levels and the garbage storage rooms (separate room provided for residential and non-residential uses). Vehicular access from Dillon Street to the basement garage is provided at this level. The commercial tenancies have setbacks from Dillon Street and Ramsgate Road of approximately 2.5m and 2m, respectively (see **Figure 1**)



Figure 1 – Photomontage (Note: Montage reflects a previous version. The columns have now been removed as well as the louvres from the southern facade)

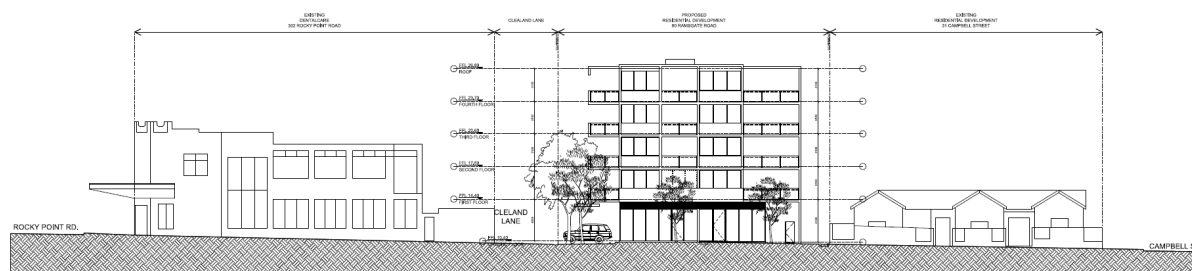


Figure 2 – Streetscape Elevation (South elevation, Ramsgate Road).

1st Floor: This level contains a total of 6 residential apartments (2 x 1 bed and 4 x 2 bed). This level is proposed to be built to the boundaries with Dillon Street and Ramsgate Road and is setback from Cleland Lane by approximately 5.5m. The building is built to the eastern boundary other than the central portion which contains an elevated landscape courtyard

having approximate dimensions of 12m x 5.5m. Two adaptable apartments are proposed at this level.

- 2nd Floor: This level contains a total of 6 residential apartments (2 x 1 bed and 4 x 2 bed). This level is proposed to be built to the boundaries with Dillon Street and Ramsgate Road and is setback from Cleland Lane by approximately 5.5m. The building is built to the eastern boundary other than the central portion which contains a void above the 1st floor elevated landscape courtyard having approximate dimensions of 12m x 5.5m.
- 3rd Floor: This level contains a total of 4 residential apartments (4 x 2 bed). This level is proposed to be built to the boundaries with Dillon Street and Ramsgate Road and is setback from Cleland Lane by approximately 5.5m other than the central portion which is setback approximately 12.8m. The building is built to the eastern boundary other than the central portion which contains a void above the 1st floor elevated landscape courtyard having approximate dimensions of 12m x 5.5m. The central portion of the Cleland Lane frontage of this level is occupied by communal open space with an area of 125m², including an accessible WC.
- 4th Floor: This level contains a total of 4 residential apartments (2 x 2 bed and 2 x 3 bed). This level is proposed to be built to the boundaries with Dillon Street and Ramsgate Road and is setback from Cleland Lane by approximately 5.5m other than the central portion which is setback approximately 12.8m. The building is built to the eastern boundary other than the central portion which contains a void above the 1st floor elevated landscape courtyard having approximate dimensions of 12m x 5.5m.

As such the building will contain a total of four commercial/retail suites with a total floor space of 238m², 20 residential apartments, with a mix of 4 x 1 bedroom, 14 x 2 and 2 x 3 bedroom apartments and parking for 32 cars (including 4 visitor and 2 accessible spaces).

Public Parking

Twelve public parking spaces are proposed at ground level in a 90° parking formation directly accessed from Cleland Lane, with narrow landscaped strips between the groups of parking spaces.

Two additional on-street parking spaces will be provided, requiring the reconfiguration of street signs.

Boundary Adjustment / Subdivision

It is also proposed to undertake a boundary adjustment of the existing two allotments as follows:

- Proposed Lot 1 would contain the public car park and be an allotment with a frontage of 5.5m to Dillon Street and Ramsgate Road and a frontage of 36.425m to Cleland Lane, with a site area of 200.4m².

- Proposed Lot 8 would contain the mixed use development and be an allotment with a frontage of 20.41m to Dillon Street and Ramsgate Road and a depth of 36.425m, with a site area of 743.4m².

Site location and context

The subject site comprises two lots and is known Lot 1 in DP 960761 and Lot 8 in DP 977999, Nos. 78-80 Ramsgate Road, RAMSGATE, NSW 2217. The site is a rectangular shaped allotment located on the eastern side of Cleland Lane, between Dillon Street and Ramsgate Road. The site has frontage to Ramsgate Road and Dillon Street of 25.91m and a frontage to Cleland Lane and eastern boundary of 36.425m, with a site area of 943.77m². The site is relatively flat, having a fall from Dillon Street to Ramsgate Road of approximately 750mm. The site currently contains a detached two storey dwelling on the eastern half, with a fibro shed fronting Dillon Street, and a council carpark containing 17 spaces on the western side.

The surrounding area contains a mix of uses and densities, including an at-grade Council car park and detached residential dwellings opposite in Ramsgate Road. Five storey mixed use developments exist or are under construction on the opposite side of Dillon Street, with lower scale and older shop top housing located on the opposite side of Cleland Lane. Adjoining the site to the east are two detached dwelling houses which front Campbell Street and have their rear yards adjoining the subject site.

The site is zoned B4 Mixed Use and properties of this zoning are located to the east, west and south of the subject site (to the south the Mixed Use zone is separated by a SP2 Classified Road zone) and sites to the north are zoned R4 High Density Residential.



Figure 3 - Existing public car park on the subject site as viewed from Ramsgate Road

Statutory Considerations

Environmental Planning and Assessment Act, 1979

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

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

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

The following Environmental Planning Instruments are relevant to this application:

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

The applicant has submitted a BASIX Certificate for the proposed development. The Certificate number is 650118M_04. The commitments made result in the following reductions in energy and water consumption:

- Reduction in Energy Consumption 30%
- Reduction in Water Consumption 40%
- Thermal Comfort Pass

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

State Environmental Planning Policy (Infrastructure) 2007

The proposed development is located on land with a frontage to a classified road i.e. Ramsgate Road. In this regard, clause 101 Development with frontage to a classified road, of the SEPP must be considered before consent can be granted. However the proposed development involves access to and from the site from Cleland Lane (for the public parking) and Dillon Street (for the mixed use development). The application was considered by the Local Traffic Committee who made the following recommendation.

- 1 *That the driveway off Dillon Street be construction with a 90 degree angle to the boundary line.*
- 2 *That a street light be provided in Cleland Lane to meet the AusGrid standards*
- 3 *That the existing parking limit be retained.*
- 4 *An easement for public access be provided over the footpath fronting*

Recommendations 1, 2 and 4 are included as recommended conditions. Recommendation 3 is a matter that is separate from the development application.

The proposed development is for a residential use that is in proximity to the road corridor for a road with an annual average daily traffic volume of more than 40,000 vehicles (based on the traffic volume data published on the website of the RMS), being Rocky Point Road and is potentially adversely affected by road noise or vibration. Accordingly, Clause 102 Impact of road noise or vibration on non-road development, of SEPP Infrastructure is required to be considered as part of this assessment. In accordance with clause 102, the consent authority must not grant consent to the development for a residential use unless it is satisfied that appropriate measures will be taken to ensure that the following noise levels are achieved:

LAeq levels are not exceeded:

- (a) *in any bedroom in the building 35 dB(A) at any time between 10 pm and 7 am,*
- (b) *anywhere else in the building (other than a garage, kitchen, bathroom or hallway) 40 dB(A) at any time.*

The proposal was accompanied by an Acoustic Report, prepared by Acoustic Logic and dated 20/11/2015, which considered the potential impact of road noise on the proposed development.

The report concludes that the provisions of the SEPP would not be applicable as buildings along Rocky Point Road would inhibit a line-of-sight to Rocky Point Road from the proposed development, providing sound attenuation. Notwithstanding this, the report incorporates glazing recommendations at Appendix B and a condition of consent is recommended requiring the glazing recommendations to be incorporated into the Construction Certificate plans for the development.

The application is consistent with the provisions of the SEPP and is acceptable in this regard.

State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development

State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Buildings (SEPP 65) aims to improve the design quality of residential flat development in New South Wales. As the subject application was lodged after 19 June 2015, the revised design principles of SEPP 65 and the newly developed Apartment Design Guide (ADG) apply to the proposal.

The application was referred to Rockdale Council's Design Review Panel under Clause 28 and the following comments (summarised) were provided in response to an assessment of the design quality of the development against the design principles of the SEPP.

Principle	Objective	Panel Comment
Context and neighbourhood character	<i>Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</i>	The current proposal has not produced a high quality public domain proposal which is crucial for the site and its development potential. A detailed public domain plan should be developed comprising the following: <ul style="list-style-type: none">• Additional street tree planting (2 per planting zone) between car parking space; taller street trees (such as <i>Populus simmoni</i>) should be selected• Reconfigured kerb alignment at corner junctions to improve pedestrian amenity and expand footpath zones;• Additional street tree pits at Ramsgate Road and Dillon Street corners;• Single format unit paver on footpaths (no fine grain grid layout

		<p>or accent paving) to match the town centre paving;</p> <ul style="list-style-type: none"> • A stand alone kerb and gutter (no rollback kerbs); • Permeable pavers in car parking zone; • The building interface including shop fronts and building expression should be revised to enhance permeability, pedestrian comfort and lightness. It is recommended that columns should be removed and soffits consistently aligned. <p>All services signage and lighting should be carefully considered and integrated with the town centre public domain. Excessive clutter should be minimised.</p> <p><i>There are some existing street trees on Ramsgate Road that contribute to the local amenity and they should be retained.</i></p> <p>Comment: Amended plans were provided, which together with recommended conditions will achieve these requirements.</p>
Built form and scale	<p><i>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</i></p> <p><i>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</i></p> <p><i>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</i></p>	<p>Scale is acceptable. The courtyard should be redesigned so that the separation between apartments is 12 metres minimum.</p> <p>Comment: The courtyard has been redesigned and is now acceptable.</p>
Density	<p><i>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</i></p> <p><i>Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public</i></p>	<p>The density must not exceed the FSR requirements.</p> <p>Comment: The proposal is compliant with the FSR control.</p>

	<i>transport, access to jobs, community facilities and the environment.</i>	
Sustainability	<p><i>Good design combines positive environmental, social and economic outcomes.</i></p> <p><i>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</i></p>	<p>Solar access fails to comply due to apartment configuration and depth of balconies.</p> <p>Comment: The amendments result in an acceptable level of solar access.</p>
Landscape	<p><i>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood. Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</i></p> <p><i>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.</i></p>	<p>Whilst some modification have been made to improve the communal open space, the solar access is poor and the layout requires further refinement to expand planting zones, locate seating zones clear of access paths, reduce roof cover and provide usable spaces for gathering. The lift, WC and BBQ elements should be aligned. Louvres should be removed from the façade at this location to improve solar access and provide outlook.</p> <p>The ground level communal open space should be relocated to level 1 and redesigned as a planting area only. This space should be expanded. Large trees should be incorporated to improve privacy and outlook.</p> <p>Comment: The plans have been amended and the communal open space area at roof level now satisfies the requirements above. The ground level open space has been relocated to Level 1 as recommended.</p>
Amenity	<i>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive</i>	<p>The entry needs to be redesigned with a side opening lift and separated residential lobby. Residential and commercial garbage needs to be separated.</p>

	<p><i>living environments and resident well being.</i></p> <p><i>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.</i></p>	<p>Solar access needs to be resolved. Privacy concerns between opposite apartments facing the light well need to be addressed. Large balconies restrict solar access.</p> <p>A minimum of 10 trees should be provided along Cleland Lane. 3 metres floor to floor is required. Louvres should be removed from third floor communal open space.</p> <p>Comment: The above requirements have been adequately addressed by the amended plans.</p>
Safety	<p><i>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</i></p> <p><i>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.</i></p>	<p>Driveway access unsafe due to poor sightlines and insufficient waiting space for cars. Street lighting should be provided for the lane.</p> <p>Comment: Council's engineer has recommended conditions of consent to address access to the basement car park. A condition is also recommended requiring lighting to be provided to the lane.</p>
Housing diversity and social interaction	<p><i>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</i></p> <p><i>Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</i></p> <p><i>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</i></p>	<p>Proposal complies</p> <p>Comment: Noted.</p>
Aesthetics	<p><i>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good</i></p>	<p>The design has been refined since being viewed by the panel and now provides an appropriate aesthetic response.</p> <p>Comment: Noted.</p>

	<p><i>design uses a variety of materials, colours and textures.</i></p> <p><i>The visual appearance of a well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</i></p>	
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Clause 30 provides standards that cannot be used as grounds to refuse development consent to an application related to car parking, internal areas for apartments and minimum ceiling heights. In this case the car parking rate is not applicable, however the other two are and are satisfied by the development, with one minor exception, as indicated in the following assessment against the Apartment Design Guide.

Apartment Design Guide

The relevant design criteria of the Apartment Design Guide (ADG) has been undertaken in the table below:

Design Criteria	Required	Proposed	Compliance
3B – Orientation	Designed to optimise solar access and minimise overlooking	The site has three street frontages, including west and north and as such orientation should not impact solar access compliance.	Yes
	Shadow impact upon adjoining properties to be considered and when it does not currently receive the required amount of solar access it should not be further reduced by more than 20%	The proposed development will result in additional shadowing of the adjoining properties to the east in the afternoon in midwinter. The shadow diagrams show that solar access to the rear yard and dwelling of No. 29 Campbell Street will be maintained for in excess of 4 hours at midwinter. The shadow impact upon the yard and dwelling of No. 31 Campbell Street will be maintained for at least 3 hours at midwinter in the morning.	Yes
3C – Public Domain Interface	Direct street entry to ground floor apartments	The proposal does not contain ground floor apartments	Yes Yes

	<p>Balconies/windows orientated to overlook the public domain</p> <p>Opportunities for concealment minimised</p> <p>Services concealed</p> <p>Access ramps minimised</p>	<p>Passive surveillance of public domain provided by balconies and windows.</p> <p>The entry is well considered providing equitable and safe entry.</p>	Yes
3D – Communal Open Space	Min. 25% (235.9m ²)	<p>Provided in two areas, with the lower area not being active space and having an area of 63.5m² and the upper level usable space has an area of 125m², resulting in a total of 188.5m² or 20%. The breach of the control is considered reasonable in this case given the site is to be subdivided to provide for the council car park and the reduced site area will be 743.4m², resulting in a provision of 25% and complying with the control.</p>	No, but acceptable
	Min 2h to 50% communal open space at mid-winter	The communal open space on the roof is west facing which is not ideal, particularly with 2 storeys of development to its north, but should achieve 2 hours of solar access.	Yes
	Min dimension of 3m	Minimum dimension > 3m	Yes
	Equitable access	Equitable access is provided via a lift and an accessible WC is provided adjacent to the upper level communal open space.	Yes
3E – Deep Soil Zones	<p>Min. 7%, but may not be achievable on sites where non-residential ground floor is proposed. Where compliance is not achieve appropriate stormwater management should be provided.</p>	Nil	No
		Council's engineer is satisfied with the stormwater management proposed.	Yes
3F – Visual Privacy	<p>5- 8 storeys:</p> <ul style="list-style-type: none"> 9m between habitable rooms/balconies 		No, but acceptable

	<ul style="list-style-type: none"> 4.5m between non-habitable rooms 		No, but acceptable as this portion of the building is only 4 storey in height and complies with the 4 storey building control of 12m.
3G – Pedestrian Access and Entries	<p>Entry addresses public domain</p> <p>Clearly identifiable</p> <p>Steps and ramps integrated into building design</p>	The entry faces Cleland Lane and is clearly identifiable and accessible.	Yes
3H – Vehicle Access	<p>Integrated into façade</p> <p>Visual impact minimised</p> <p>Entry behind the building line or from secondary frontage.</p> <p>Clear sight lines.</p> <p>Pedestrian and vehicle access separated</p>	<p>Vehicular entry ramp is integrated into the building and from the secondary frontage.</p> <p>Good sight lines will be provided subject to conditions required by Council's engineer.</p> <p>Separate vehicle and pedestrian entries are provided.</p>	Yes, subject to conditions
3J – Bicycle and Car Parking	Within 800m (walking distance) of a railway station or 400m of B3 or B4 zoned land:	N/A	N/A
4A – Solar and Daylight Access	<p>Min. 70% (14 units) receive 2 hours solar access</p> <p>Max. 15% (3 units) have no solar access</p> <p>Light wells, skylights and highlight windows are only to be a secondary source where sunlight is limited</p>	<p>16 apartments with a minimum of 2 hours solar access.</p> <p>2 apartments have no solar access</p> <p>The separation of the northern and southern apartments, whilst referred to in this report as a light-well is not considered to be a light-well for the purpose of this provision as it has a depth of 12m and complies with the separation requirements of the ADG.</p>	<p>Yes</p> <p>Yes</p> <p>N/A</p>

	Design incorporates shading and glare control	The design incorporates louvres to the northern and western facades.	Yes
4B – Natural Ventilation	<p>Min. 60% (12 units) are cross ventilated in first 9 storeys</p> <p>Cross-over / Cross-through (Max 18m depth) Light wells are not the primary source of ventilation for habitable rooms</p> <p>Single aspect units have limited depth of 8m to maximise ventilation</p>	<p>80% (16 units) cross ventilated.</p> <p>Max 8m</p> <p>See previous comments in relation to light wells</p> <p>Single aspect apartments have maximum depth of 7.5m to habitable rooms</p>	<p>Yes</p> <p>Yes</p> <p>N/A</p> <p>Yes</p>
4C – Ceiling Heights	Habitable: 2.7m Non-habitable: 2.4m	2.7m throughout for residential	Yes
4D – Apartment Size and Layout	<p>Studio: 35m² 1 bed: 50m² 2 bed: 70m² 3 bed: 90m² Additional bathrooms +5m²</p> <p>Each habitable room must have a window > 10% floor area of the room.</p> <p>Habitable room depths =max 2.5 x ceiling height <u>Or</u> if open plan layout =max 8m from a window</p> <p>Master bed: min 10m² Other bedroom: min 9m²</p> <p>Living room min. width: Studio and 1 bed: 3.6m 2 and 3 bed: 4m Crossover/through: min 4m</p>	<p>1 bed 54m² 2 bed (2 bath) 88m²</p> <p>3 bed 92m² with 2 bathrooms</p> <p>Satisfactory</p> <p>Satisfactory</p> <p>Bedrooms are generally compliant</p> <p>Living rooms are compliant</p>	<p>Yes</p> <p>Yes</p> <p>No, but the variation is minor and does not unreasonably impact amenity</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
34E – Private Open Space and Balconies	<p>Studio: 4m² 1 bed: 8m², min depth 2m 2 bed: 10m², min depth 2m 3 bed: 12m², min depth 2.4m</p>	All areas of private open space comply.	Yes

4F – Common Circulation and Spaces	Max 8 apartments off a single core > 10 storeys: max 40 units/lift	Max 6 off a single core	Yes
4G – Storage	Studio: 4m ³ 1 bed: 6m ³ 2 bed: 8m ³ 3 bed: 10m ³ At least 50% within the basement	The plans identify over bonnet storage and in unit storage. A recommended Condition will require compliance.	Yes
4H – Acoustic Privacy	Orientate building away from noise sources Party walls limited or insulated, like rooms together Noise sources (e.g. garage doors, driveways) located at least 3m from bedrooms	Acoustic report provided, and recommended conditions will require compliance with the report. In addition, Council's standard condition is proposed requiring adequate acoustic separation between units.	Yes
4J – Noise and Pollution	Site building to maximise noise insulation Noise attenuation utilised where necessary	Acoustic report provided. See above comment.	Yes
4K – Apartment Mix	Variety of apartment types Appropriate apartment mix Different apartments distributed throughout the building	Reasonable mixture of 1, 2 and 3 bedroom units distributed throughout the building.	Yes
4L – Ground Floor Apartments	Direct street access Casual surveillance whilst providing privacy	No ground floor apartments. Casual surveillance provided.	Yes
4M – Facades	Composition of building elements Defined base, middle and top Building services integrated into the façade	Variety of materials utilised to articulate and define the building. Conditions require services to be integrated into the façade.	Yes
4N – Roof Design	Roof design integrated into the building Incorporates sustainability features May include common open space	Roof design integrated into the building design with simple parapet treatment.	Yes
4O – Landscape Design	Responsive to streetscape Viable and sustainable	Landscape design for roof top terrace and first floor level landscaped area is acceptable.	Yes
4P – Planting on Structures	Appropriate soil profiles and structural design	A condition of consent will require appropriate soil	Yes, subject to condition

	Irrigation and drainage systems	depth as identified in table 5 of Part 4P of the ADG.	
4Q – Universal Design	At least 20% of units to achieve silver level universal design requirements for adaptability	Lift access available to all units.	Yes
4U – Energy Efficiency	Adequate natural light to habitable areas Adequate natural ventilation Screened areas for clothes drying Shading on northern and western elevations	Adequate natural light provided with shade devices to western and northern elevations.	Yes
4V – Water Management and Conservation	Efficient fixtures/fittings WSUD integrated Rainwater storage and reuse	The Drainage Engineer is satisfied with the proposed management and conservation of water information supplied.	Yes
4W – Waste Management	Minimise impact on streetscape, building entry and amenity	Appropriate separation of bin storage areas is provided for the two uses on the site.	Yes
4X – Building Maintenance	Material selection reduces ongoing maintenance costs	Appropriate material selections are provided.	Yes

The application is consistent with the provisions of the SEPP and is acceptable in this regard.

Rockdale Local Environmental Plan 2011

Relevant clauses	Compliance with objectives	Compliance with standard/provision
2.3 Zone B4 Mixed Use	Yes	Yes - see discussion
2.6 Subdivision – Consent Requirements	Yes	Yes - see discussion
2.7 Demolition Requires Development Consent	Yes	Yes
4.3 Height of buildings	Yes	No – clause 4.6 variation request provided – see discussion
4.4 Floor space ratio - Residential zones	Yes	Yes - see discussion
5.9 Preservation of trees or vegetation	Yes	Yes - see discussion
6.1 Acid Sulfate Soil - Class 5	Yes	Yes - see discussion
6.2 Earthworks	Yes	Yes - see discussion
6.7 Stormwater	Yes	Yes - see discussion
6.11 Active Street Frontages	Yes	Yes – see discussion
6.12 Essential Services	Yes	Yes - see discussion

2.3 Zone B4 Mixed Use

The subject site is zoned B4 – Mixed Use under the provisions of Rockdale Local Environmental Plan 2011 (RLEP 2011). The proposal is defined as Commercial Premises and Shop Top Housing and constitutes a permissible development only with development consent. The objectives of this zone are:

- To provide a mixture of compatible land uses,
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.

The proposed development is consistent with the objectives of the zone. In particular, the development provides for a mixture of retail and residential uses in an appropriately accessible location.

2.6 Subdivision Consent Requirements

The proposal includes the boundary adjustment of the existing two allotments to create two allotments as indicated in the Subdivision Plans, with one Lot containing the proposed public parking and one Lot containing the proposed mixed use development. By applying for consent for the subdivision the application complies with this clause.

4.3 Height of buildings

A height control of 16m is applicable to the subject site and the proposed development has a maximum height of 16.17m measured at the Dillon Street frontage, 16.9m measured at the Ramsgate Road frontage and 17.13m at the lift overrun, breaching the control by 170mm, 900mm and 1130 mm respectively.

In support of the breach of the height control the applicant has submitted a clause 4.6 variation which was found to demonstrate that the breach of the height control can be supported in these circumstances as compliance with the control is unnecessary and unreasonable and a better planning outcome will result from the proposed breaches of the control. Refer to detailed discussion in response to clause 4.6 below.

4.4 Floor space ratio - Residential zones

A maximum floor space ratio of 2:1 is permitted on the subject site. With a site area of 943.77m², this permits a maximum floor space of 1,887.54m². The proposal has a floor space of 1,887.05m², which is compliant with the control.

However, it is noted that all of the floor space is proposed on proposed Lot 8. As the property is to be subdivided it would be appropriate to include a condition requiring a covenant on proposed Lot 1 indicating that the site has no capacity for any development under the provisions of clause 4.5(9) of RLEP 2012 which seeks to prevent “double dipping” of the floor space control given the floor space accrued to proposed Lot 1 has already been used in the development on proposed Lot 8.

4.6 Exception to Development Standards

Clause 4.6 allows a variation to a development standard subject to a written request by the applicant justifying the variation by demonstrating:

- (3)(a) that compliance with the standard is unreasonable or unnecessary in the circumstances of the case, and
- (3)(b) that there are sufficient environmental planning grounds to justify the variation.

In considering the applicant's submission, the consent authority must be satisfied that:

- 4(a)(i) the applicant's written request is satisfactory in regards to addressing subclause (3) above, and
- 4(a)(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives of the relevant zone.
- 5(a) The consent authority must also consider whether contravention of the development standard raises any matter of significance for State or Regional environmental planning, and
- 5(b) the public benefit of maintaining the development standard.

As discussed in response to Clause 4.3 of RLEP 2011, a height control of 16m is applicable to the subject site and the proposed development has a maximum height of 16.17m measured at the Dillon Street frontage, 16.9m measured at the Ramsgate Road frontage and 17.13m at the lift overrun, breaching the control by 170mm, 900mm and 1130 mm respectively (see **Figure 3**).

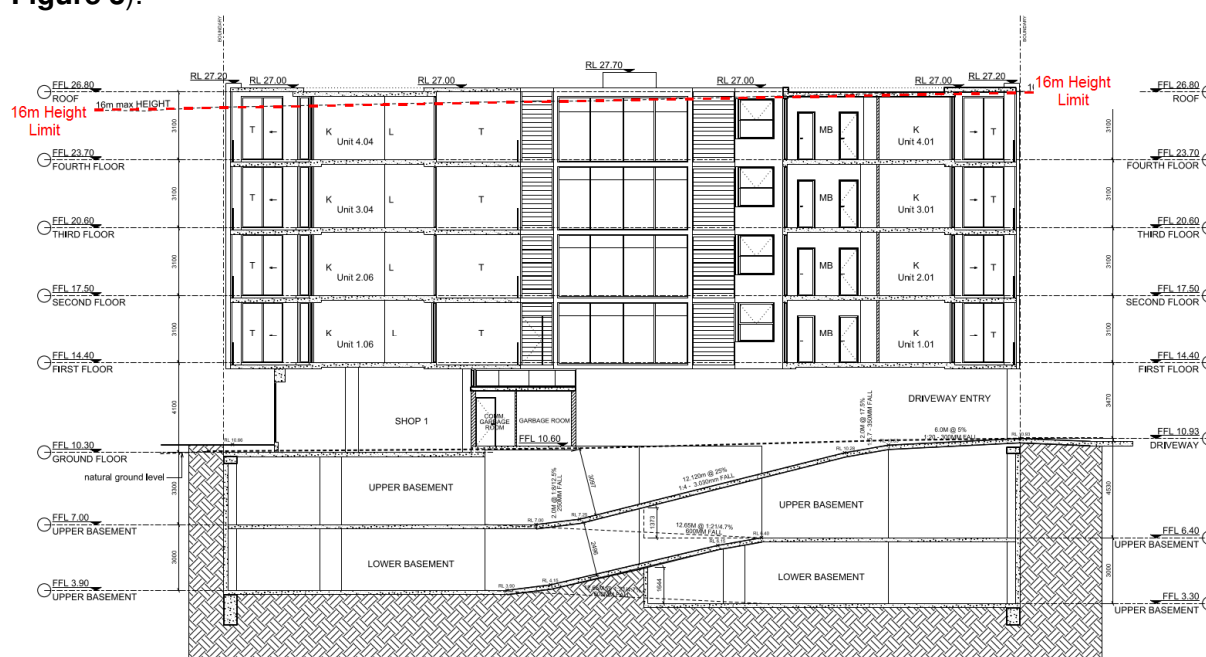


Figure 3 – Proposed variation to 16m height control

In support of the breach of the height control the applicant has submitted a clause 4.6 variation request which is summarised following:

- The maximum breach is to the lift core which is not visible in the streetscape;
- The primary areas of breach which are visible in the streetscape are to the Ramsgate Road façade and are only 700-900mm, a 4.3% - 5.6% variation;
- The breaches to the Dillon Street façade are 160-170mm, a 1% - 1.06% variation;
- The 5 storey building has a height in context with recent redevelopment in the immediate locality;
- Along Dillon Street and Rocky Point Road recent development between five and eight stories is evident;
- In order to achieve a contextual height of 5 storeys and provide a 3.1m floor to floor level the height control must be exceeded;
- The non-compliance is minor to Dillon Street;
- Deletion of the top floor to achieve compliance would result in a significant reduction in floor space and defeat the objective (a) of the height control;
- The height has been increased to address the concerns raised by the Design Review Panel in relation to floor to floor height; and

- The proposed height does not result in any transitional issues given the location of the site and the adjoining properties in the street block having the same height controls.

The objectives of the height control are as follows:

- (a) to establish the maximum limit within which buildings can be designed and floor space can be achieved,
- (b) to permit building heights that encourage high quality urban form,
- (c) to provide building heights that maintain satisfactory sky exposure and daylight to buildings, key areas and the public domain.
- (d) To nominate heights that will provide an appropriate transition in built form and land use intensity.

Notwithstanding the breach of the height control, it is considered that the proposal satisfies the objectives of the standard, proposing a compliant FSR, and appropriate quality of urban design, not unacceptably impacting sky exposure and daylight to buildings and the public domain and not resulting in an inappropriate transition in building form and land use intensity.

As was previously addressed, the proposal satisfies the objectives of the B4 Mixed Use zone.

Whilst a building which complied with the height control could be achieved on the site and still provide for five storeys it could only do so by providing a substandard level of amenity in the residential apartment by providing a floor to ceiling height of less than 2.7m. This would not be an appropriate planning outcome. Given recent development is of a similar height in terms of storeys, it would be an inappropriate outcome to require a four storey development on the subject site.

Consideration has also been given to the principles established by the Land and Environment court judgement *Four2Five v Ashfield Council [2015] NSWLEC 90*. The judgement established that justification was required in order to determine whether the development standard was unreasonable or unnecessary on grounds other than whether the development achieved the objectives of the development standard. In this regard, consideration is to be given to the particular circumstances of the site and the development proposed.

It is therefore considered that the breach of the height control can be supported in these circumstances as compliance with the control is unnecessary and unreasonable and a better planning outcome will result from the proposed breaches of the control.

5.9 Preservation of trees or vegetation

The site does contain trees the removal of which are subject to approval by Council under clause 5.9 of RLEP 2011. However, Council's tree management officer has reviewed the proposal and supports the removal of the trees and recommends that trees be planted in suitable locations within the public domain.

6.1 Acid Sulfate Soil - Class 5

The site is located in a Class 5 area for acid sulfate soils however as the site is not within 500m of Class 1-4 land, the provision does not require any further assessment of the proposed development.

6.2 Earthworks

Proposed earthworks are wholly related to the provision of basement parking which is the appropriate form of parking for this type of development. The objectives and requirements of Clause 6.2 of RLEP 2011 have been considered in the assessment of this application. It is considered that the proposed earthworks and excavation will not have a detrimental impact

on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land. Relevant conditions are recommended in the draft Notice of Determination to ensure that the environmental amenity of surrounding land is maintained, and soil erosion, sedimentation, and drainage impacts are minimised.

6.7 Stormwater

The application has been assessed by Council's engineer as providing appropriate stormwater disposal subject to recommended conditions that have been included in the draft Notice of Determination.

6.11 Active Street Frontages

Clause 6.11 requires that Dillon Street and Ramsgate Road be provided with active street frontages. Active street frontages requires all ground level uses to be for business or retail premises other than for vehicular and pedestrian access. The proposal satisfies this requirement.

6.12 Essential Services

Services will generally be available on the site.

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

No relevant proposed instruments are applicable to this proposal.

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

The following Development Control Plan is relevant to this application:

Rockdale Development Control Plan 2011

The application is subject to Rockdale DCP 2011. A compliance table for the proposed development is provided below. It is noted that clause 6A of SEPP 65 indicates that the following provisions of the Apartment Design Guide override this DCP and as such the related provisions under the DCP will not be addressed:

- Visual privacy
- Solar access and daylight access
- Common circulation and spaces
- Apartment size and layout
- Ceiling heights
- Private open space and balconies
- Natural ventilation
- Storage

Relevant clauses	Compliance with objectives	Compliance with standard/provision
4.1.4 Soil Management	Yes	Yes
4.1.5 Contaminated Land	Yes	Yes - see discussion
4.1.7 Tree Preservation	Yes	Yes
4.1.9 Lot Size and Site Consolidation	Yes	Yes - see discussion
4.2 Streetscape and Site Context	Yes	Yes - see discussion
4.3.1 Open Space and Landscape Design	Yes	No - see discussion

Relevant clauses	Compliance with objectives	Compliance with standard/provision
4.3.2 Private Open Space – Shop Top Housing	Overridden by ARHSEPP	N/A
4.3.3 Communal Open Space	Yes	Yes - see discussion
4.4.2 Solar Access	Overridden by ARHSEPP	N/A
4.4.5 Visual and Acoustic privacy	Overridden by ARHSEPP	N/A
4.4.6 Noise Impact	Yes	Yes - see discussion
4.5.1 Housing Diversity and Choice	Yes	Yes – see discussion
4.5.2 Equitable Access	Yes	Yes
4.6 Parking, Access and Movement	Yes	Yes – see discussion
4.7 Air Conditioning and Communication Structures	Yes	Yes – see discussion
4.7 Waste Storage and Recycling Facilities	Yes	Yes – see discussion
4.7 Letterboxes	Yes	Yes – see discussion
5.3 Mixed Use	Yes	Yes – see discussion

4.1.5 Contaminated Land

The site has a history of use of a dwelling house and car park and as such is unlikely to contain any significant level of contamination. No further investigation is required to address this issue and the proposal satisfied the requirements of SEPP 55.

4.1.9 Lot Size and Site Consolidation

The controls for mixed use development require developments of 4 storeys or greater to have a minimum 18m frontage. The subject site has a frontage width of 25.91m and will retain a 20.41m frontage once the site has been consolidated and the council car park subdivided, complying with the control.

4.2 Streetscape and Site Context

The design appropriately responds to the context of the recent developments in the area. The building design and materials are appropriate, providing a suitable level of articulation for the scale of the development. The design appropriately articulates both corners and the access to the basement garage is appropriately integrated into the design such that it is not visually dominant. The building has been designed with a high level of casual surveillance and appropriate lighting of the laneway is to be conditioned.

4.3.1 Open Space and Landscape Design

An appropriate landscape plan has been provided which shows landscaping to the communal open space areas and the public domain. Conditions of consent are recommended to ensure appropriate landscaping and paving is provided within the public domain.

The proposal does not provide the required 10% landscaping on the site, with the only landscaping being that provided above the parking area. Notwithstanding the non-compliance, the landscaping provided is considered appropriate for a mixed use building in this location and is augmented by the proposed public domain landscaping to be provided in the new Council car park.

4.3 Communal Open Space

A minimum communal open space area of 5m² per dwelling is required. With 20 dwellings proposed a minimum 100m² of communal open space is to be provided. The proposal provides a third level communal open space with an area of 125m² and a first level area of 63.5m², complying with the control. The space is appropriately designed and will receive reasonable solar access notwithstanding it is not oriented to the north.

4.4.6 Noise Impact

An acoustic report has been prepared for the application containing recommendations on glazing thicknesses to address noise and a condition of consent requires the recommendations to be implemented.

4.5.1 Housing Diversity and Choice

The control requires shop top housing to have a dwelling mix of 10-30% studio/1 bedroom apartments, 50-75% 2 bedroom apartments and 10-20% 3 bedroom apartments. 2 Adaptable apartments are required. The proposal provides for a mix of 4 x 1 bedroom (20%), 14 x 2 (70%) and 2 x 3 bedroom (10%) apartments, of which 2 are adaptable, complying with the control.

4.6 Parking, Access and Movement

Shop Top Housing is required to provide parking at the rate of 1 space for 1 and 2 bedroom apartments, 2 spaces for 3 bedroom apartments, 1 space per 5 dwellings for visitor parking and 1 space per 40m² for retail premises. With 4 x 1 bedroom, 14 x 2 bedroom and 2 x 3 bedroom apartments and 238m² of retail space the development requires 22 residential spaces, of which 2 need to be accessible, 4 visitor spaces and 6 retail spaces, a total of 32 spaces and 32 spaces are proposed.

Council's Development Engineer has also included recommended conditions that require the driveway to have a minimum width of 6 metres.

4.7 Air Conditioning and Communication Structures

Details on the location of TV antennas/air conditioning units etc have not been provided. A condition of consent would be required to ensure the proposal achieves compliance with this clause.

4.7 Waste Storage and Recycling Facilities

Waste bins will be located within separate retail and residential garbage storage rooms. The proposal is satisfactory in this regard.

4.7 Letterboxes

Letterboxes are required to be provided and a condition of consent to this effect is recommended.

5.1 Mixed Use

Setbacks: The mixed use development controls require the development to be built to a zero setback to the street, with a zero side setback at the street frontage to achieve a street wall building. The proposal provides a setback to Cleland Lane of 5.5m, which is required to provide the replacement council parking and is supported for this reason. The commercial spaces have a setback to Dillon Street and Ramsgate Road, however it is considered acceptable to allow further activation of the space by way of outdoor seating and the like.

Building Use: The proposal is to provide active uses at ground level and a minimum of 10% of the gross floor area is to be retail/commercial space. The proposal provides retail spaces at ground level with an area of 238m², equating to 12.6% of the total floor space, complying with the requirement.

Façade Design: The façade design and design of the roof is appropriate. Blank walls are avoided by the provision of what appears to be glass bricks in the eastern façade adjoining the balconies. A condition of consent will confirm the material as glass bricks.

Public Domain Interface: The public domain interface is acceptable, with accessible entrance to all shops and the residential lobby and appropriate activation of the street frontages. Appropriate weather protection is provided for pedestrians by the building overhanging the ground floor. A continuous retail awning is required to all retail streets but is not provided with the proposal. A condition of consent is recommended requiring the provision of an awning to both street frontages, with cut-outs for street tree retention/planting.

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

Clause 92 of the Environmental Planning and Assessment 2000 has been considered, and the requirements for demolition have been considered and compliance with Australian Standard AS 2601—1991: The Demolition of Structures is a recommended condition of consent.

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

Potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls. Further issues have been discussed in response to resident's submissions later in this report. It is considered that the likely impacts of the development are either acceptable or have been addressed by the recommended conditions.

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

The site is considered to be suitable for the proposed development having regard to the assessment contained within this report.

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

The development has been notified in accordance with the provisions of Rockdale DCP 2011 and five (5) submissions have been received. The issues raised in the submissions are discussed below:

Issue 1: Loss of public parking, with reduction of parking provision from 17 to 12 spaces. With the development proposed in the area the public parking should be increased, not decreased.

Comment: The proposal results in the loss of 3 public parking spaces, it being noted that the removal of the gutter crossings to the car park in Ramsgate Road and Dillion Street result in one additional parking space on each street. The loss of public parking is a matter considered by Council prior to the sale of the land and is not a matter that would warrant refusal of the application.

Issue 2: Parking spaces will be accessed of the very narrow Cleland Lane at 90 degrees which will be difficult, especially when there are trucks servicing other properties in the lane. Pillars make access difficult.

Comment: No concern is raised by Council's Traffic Engineers about the manoeuvrability from Cleland Lane into the proposed public car park. It is noted that trucks are not permitted to stop in Cleland Lane to make deliveries to adjoining shops, but rather must either park legally or use loading zones.

Issue 3: How can someone purchase the Council car park for redevelopment without the residents being notified?

Comment: This is not a matter for consideration in the assessment of the Development Application, rather is a matter for the management of Council owned land.

Issue 4: Should not provide a five storey building on the site, would be better to provide more open space.

Comment: The proposal is a permissible use in the zone and consideration of alternative uses for the site is not relevant to the assessment of the current application.

Issue 5: Information is requested of the height of the proposed boundary fence between the development and the adjoining property at No. 31 Campbell Street and whether temporary fencing will be erected during construction.

Comment: The plans show the proposed building to be built to the boundary at the ground level and as such there will not be a fence on the boundary. A condition of consent will require the property to be fenced for the duration of the construction works.

Issue 6: Information was requested of the distance between the back fence and the proposed development.

Comment: As noted above, the building is to have a nil setback to the ground level and at the front and rear of the site, with a minimum setback of approximately 5m to the central portion of the building.

Issue 7: What will be the privacy impact upon No.31 Campbell Street?

Comment: Adjoining the side wall of the dwelling at No. 31 Campbell Street will be a blank wall at ground level and then a blank wall with balconies to the front and rear for the upper levels. The balconies are proposed to have what appears to be glass bricks for the full height of the eastern edge. As the detail is not provided with a clarifying notation on the plans, a condition of consent will clarify this detail. Finally, the applicant's letter dated 23 June 2016 indicates that the balustrade and glazing to the eastern elevation breezeway and stairs is to be opaque glass, with the balustrade height being 1.5m. Again this is not notated on the plans and a condition of consent is recommended.

Issue 8: Will there be adequate parking for the residents?

Comment: The parking provision meets the requirements of the Council's Development Control Plan (DCP) and as such adequate parking will be provided for the development.

Issue 9: A traffic management plan and review in conjunction with Sydney Buses should be undertaken.

Comment: This comment is noted but such plan and review is outside the scope of the assessment of this application.

Issue 10: Five storeys is too high for the centre and not in keeping with other structures in the area.

Comment: The height proposed is commensurate with recently approved development and anticipated by the height control for the site.

Issue 11: Consideration should be given to the removal of the taxi rank to provide more on-street parking.

Comment: This is a matter for consideration for the local traffic committee and is not relevant to the assessment of the development application.

Issue 12: Council should ensure suitable public parking remains available during construction.

Comment: A condition is proposed requiring that twelve temporary public parking spaces be provided in Clelland Lane prior to commencement of excavation works associated with the basement car park for the development. The spaces must be freely available for public use until construction works on the final public carpark commence, unless otherwise agreed in writing by the Director of City Planning and Development at Bayside Council. Additional on-street parking spaces will also be made available on Ramsgate Road and Dillon Street where the existing driveway laybacks are redundant, and by relocation of the existing “No Stopping” sign closer to the intersection of Dillon Street & Clelland Lane prior to commencement of works. Furthermore, the applicant has undertaken a Parking Study of the area, prepared by Terraffic Pty Ltd, dated 2 March 2016, for the peak midday period over 2 typical weekdays. The assessment revealed that within 100m of the site there were 76 vacant parking spaces on the first day and 63 vacant parking spaces on the second day. Therefore, adequate public parking will be available during construction works.

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

The proposed development is considered to be satisfactory having regard to the objectives of controls in State Environmental Planning Policy No. 65, Local Environmental Plan 2011 and Development Control Plan 2011. As such, it is considered that the proposed development is in the public interest.

S94 Contribution towards provision or improvement of amenities or services

The proposal is subject to Council’s Ramsgate Commercial Centre Development Contributions Plan 2006 and a condition of consent has been included in the draft Notice of Determination requiring the payment of the relevant contributions.

Our Ref: DA-2016/205
Contact: Marta M Gonzalez-Valdes 9562 1666

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CMT Architects Australia Pty Ltd
Unit 1, 32-36 Premier St
KOGARAH NSW 2217

NOTICE OF DETERMINATION

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

Application Number: DA-2016/205
Property: 80 Ramsgate Road, RAMSGATE NSW 2217
Lot 8 DP 977999
Lot 1 DP 960761
Proposal: 78 & 80 Ramsgate Road, RAMSGATE NSW 2217 -
Construction of a five (5) storey mixed use
development comprising 20 residential apartments,
four (4) commercial tenancies with basement parking,
provision of 12 public car parking spaces off Clelland
Lane, associated external works, Boundary adjustment
and demolition of existing structures.

Authority:

Determination:

Date of determination:

Date consent commences:

Date consent lapses:

General Conditions

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

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

Plan/Dwg No.	Drawn by	Dated
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DA 1.00, DA 2.01a, DA 2.98 and DA 2.99 Issue C	CMT Architects	29.08.16
DA 2.00, DA 2.01, DA 2.02, DA 2.03, DA 2.04, DA 2.05, DA 3.00 and DA 4.00 Issue D	CMT Architects	29.08.16
DA 4.01 Issue E	CMT Architects	29.08.16
Materials and Finishes	CMT Architects	undated
Drainage Plans 1609 - S1/5, 1609 - S2/5, 1609 - S3/5, 1609 - S4/5 and 1609 - S5/5 Rev F	John Romanous & Associates	26.02.16
Landscape Plans L-01 Issue B	RFA Landscape Architects	23.02.16
Subdivision Plan DA 3.00	CMT Architects	7.01.16
Proposed Cleland Lane Parking Arrangements During Site Works - No Plan Number.	Terraffic Pty Ltd	No Date

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 650118M_04 other than superseded by any further amended consent and BASIX certificate.
Note: Clause 145(1)(a1) of the Environmental Planning & Assessment Regulation 2000 provides: A certifying authority must not issue a construction certificate for building work unless it is satisfied of the following matters: -
 - (a1) that the plans and specifications for the building include such matters as each relevant BASIX certificate requires.**Note:** Clause 154B(2) of the Environmental Planning & Assessment Regulation 2000 provides: "A certifying authority must not issue a final occupation certificate for a BASIX affected building to which this clause applies unless it is satisfied that each of the commitments whose fulfilment it is required to monitor has been fulfilled."
Note: For further information please see <http://www.basix.nsw.gov.au>.
6. 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.
7. 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.
8. Street Numbering & Letterbox Provision
 - (a) The premises in the mixed use development shall be provided with the following street numbers:
 - Residential Lobby - 38 Cleland Lane
 - Shop 1 - 80 Ramsgate Road
 - Shop 2 - 78 Ramsgate Road
 - Shop 3 - 36 Cleland Lane
 - Shop 4 - 3 Dillon Street
 - (b) Mail boxes must be installed in accordance with Australia Post Guidelines and Controls 15, 16 and 17 of Part 4.7 of Rockdale DCP 2011 which requires the following:

- (i) to be integrated with building design and are preferably to be located in a covered area attached to or within the building;
- (ii) to be close to the major street entry and lockable; and
- (iii) to be visible from some of the dwellings (where possible), and located where residents can meet and talk, preferably with seating and pleasant ambience..

(c) 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.

9. All relevant lighting, including under awning lighting, shall be designed to the Australian and New Zealand Lighting Standards. Australia and New Zealand Lighting Standard 1158.1 - Pedestrian, requires lighting engineers and designers to consider crime risk and fear when selecting lamps and lighting levels. Such lighting to be maintained at all times for the lifetime of the development.
10. Intercom facilities shall be installed at all entry/exit points (including vehicular entry/exit points) to enable residents to communicate and identify with people prior to admitting them to the development.

Development specific conditions

The following conditions are specific to the Development Application proposal.

11. Subdivision / Boundary Adjustment - Lodgement with LPI
Prior to issue of any Construction Certificate, the linen plan and any required Section 88B Instrument for the proposed boundary adjustment must be prepared and lodged with the Land and Properties (LPI).

The boundary adjustment is to occur in accordance with all relevant conditions contained in this Development Consent No. 2016/205 (and any subsequent Section 96 modification).

The Section 88B Instrument shall include all required easements, including building elements such as awnings to bedrooms which may overhang proposed Lot 1.

12. **Building Design Quality**
Prior to issue of the Construction Certificate, to ensure the integrity of the design and remove clutter, the following shall be complied with:
 1. All plumbing shall be concealed within the brickwork of the building. Plumbing shall not be visible under first floor slabs.
 2. The fire booster valves must be located within the footprint of the building, in the location shown in the approved plans and shall be screened with similar materials to those used in the building. Any amendment to the Fire Booster size and location must be approved by Council's Director of City Planning and Development. A S96 application may be required.
 3. No columns or any other structural element shall be located along the foot way in front of the shops in all street frontages, as shown in the approved plans. All columns must be located behind the front facades of the ground floor level shops. A Section 96 Application will be required for any proposed columns in the front area.
 4. If a substation is required by Ausgrid, the location shall be approved by

Council's Director of City Planning and Development prior to issue of the Construction Certificate. Note: Council's preference for the location of the substation is within the footprint of the building. A S96 application may be required.

Details demonstrating compliance with this requirement shall be submitted to the Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate.

13. Construction Traffic & Public Parking Management Plan

A. Prior to the commencement of any works, a Construction Traffic Management Plan (TMP) and Public Parking Management Plan shall be prepared by a suitably qualified person, and must be submitted to and approved by the Bayside Council's Director of City Planning and Development and Bayside Council's Traffic Committee.

The Plans 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.
- (e) Twelve (12) temporary public parking spaces in Clelland Lane being provided for use by the general public prior to commencement of excavation works associated with the development. The temporary spaces shall have minimum dimensions of 6.0m x 2.4m and shall be located generally in accordance with the approved plans listed under Condition 2. The spaces must be freely available for public use until construction works on the final public car park commence, unless otherwise agreed in writing by the Director of City Planning and Development at Bayside Council.
- (f) The existing "No Stopping" sign in Dillon Street shall be relocated to be a minimum of 6m from the Tangent Point (TP) at Northern intersection of Dillon Street and Clelland Lane to ensure that two (2) additional on-street parking spaces are available on Dillon Street during construction works. (Note: Refer also to Condition 58).
- (g) The existing driveway on Ramsgate Road being terminated so that the full Ramsgate Road frontage of the site is available for public on-street parking (except for that part affected by 'No Stopping' or other parking restrictions).
- (h) Temporary public parking spaces must be signposted in accordance with Austroads standards.

B. The approved Plans required by 'A' above must be implemented at all times.

Note: A Construction Management Plan (CMP) is also required - see Condition 60.

14. Car Parking Allocation - Mixed Use Development

Car, motorcycle and bicycle parking spaces for the mixed use development shall be provided and allocated in accordance with the Apartment Design Guide (ADG) and relevant Rockdale Development Control Plan (RDCP) 2011 requirements, and this shall be reflected in any subsequent strata subdivision of the development. The allocation shall occur at the following minimum rates prior to issue of the Occupation Certificate:

Dwelling Size	Required
---------------	----------

Studio / 1 bed / 2 bed dwellings = 18	1 space / dwelling = 18 spaces
3 bedroom dwellings = 2	2 spaces / dwelling = 4 spaces
Total Residential Car Parking Spaces	Total Residential = 22 spaces (min.) (including 2 accessible spaces)
Commercial Parking (235m ²)	1 space / 40m ² = 6 spaces
Visitors parking	1 space / 5 dwellings = 4 spaces (including 1 accessible space)
Bicycle (Res. + Com.)	1/10 units + 1/200m ² = 5 spaces (Min.)
Motorcycle (Res + Com.)	1/15 units = 2 spaces (Min.)
Carwash Bay	1 space (shared with visitors space)

Notes:

- *All visitor spaces, car wash bays and loading bays shall be labelled as common property on the final strata plan for the site.*
- *Any stacked parking spaces must only be allocated to a single residential unit.*
- *The number of accessible parking spaces must comply with the relevant standards, with a minimum of two (2) spaces provided for the adaptable units and a minimum of one (1) visitors space provided.*
- *The car-wash bay must be connected to the Sydney Water sewer system in accordance with Sydney Water requirements.*
- *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.*

15. The design and construction of the off-street parking facilities shall:

(i) Comply with Australian Standards, as follows:

- AS/NZS 2890.1:2004
- AS2890.2:2002
- AS2890.3:1993
- AS/NZS2890.6:2009

(ii) Comply with Council's Vehicular Entrance Policy in relation to the design of the access driveways, in particular the layout of the access driveways shall be provided in the form of a layback in the kerb and gutter.

16. Storage

Prior to issue of the Occupation Certificate:

(a) Accessible storage shall be provided for all apartments.

(b) The minimum storage area to be provided for each dwelling shall be in accordance with the requirements in the Apartment Design Guide (ADG), as follows:

- Studio / 1 bed unit = 6m³

- 2 bed unit = 8m³
- 3 bed unit = 10m³

(c) A minimum 50% of the storage space required by (b) above shall be provided in each apartment.

(d) The storage areas located within the basement levels shall be of metal construction (mesh and/or solid metal) and be provided with lock and key prior to issue of the Occupation Certificate.

17. Signs or goods shall not be displayed or placed on the public footpath or any other part of the public road at any time without Council's consent.

18. Loading & Unloading:

Loading and unloading for the commercial premises shall be undertaken from the dedicated courier / van loading bay located at Upper Basement Level in the approved plans (which has a width of 5.0m and variable length of 5.4m & 4.808m) or from a dedicated on-street loading bay as follows:

(a) Loading and unloading within the site shall be restricted to a Van as detailed in Part 4.3 of Rockdale Council's Traffic, Parking and Access Technical Specifications. Commercial vehicles greater in size and mass than a Van are not permitted to enter the site.

(b) All loading, unloading and transfer of goods to and from the loading bay and premises, including removalist vans, shall take place wholly within the property.

(c) Loading areas are to be used only for the loading and unloading of goods, materials etc. not for any other purpose.

19. 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.

20. The existing and future owners (Registered Proprietor) of the property will be responsible for the operation and maintenance of the detention system. The registered proprietor will:

- (i) permit stormwater to be detained by the system;
- (ii) keep the system clean and free of silt, rubbish and debris;
- (iii) maintain, renew and repair the whole or parts of the system so that it functions in a safe and efficient manner, and in doing so complete the same within the time and in the manner specified in written notice issued by the Council;
- (iv) carry out the matters referred to in paragraphs (ii) and (iii) at the proprietor's expense;
- (v) not make any alterations to the system or elements thereof without prior consent in writing of the Council;
- (vi) permit the Council or its authorised agents from time to time upon giving reasonable notice (but at any time and without notice in the case of emergency) to enter and inspect the land for compliance with the requirements of this clause;
- (vii) comply with the terms of any written notice issued by the Council in respect to the requirements of this clause within the time stated in the notice.

21. 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.
22. All wastewater and stormwater treatment devices (including drainage systems, sumps and traps) shall be regularly maintained in order to remain effective. All solid and liquid wastes collected from the device shall be disposed of in accordance with the Protection of the Environment Operations Act, 1997.
23. The rainwater tank shall be routinely de-sludged and all contents from the de-sludging process disposed – solids to the waste disposal and de-sludged liquid to the sewer.
24. Noise from mechanical ventilation & Air Conditioning
- (a) The use of the premises, building services, equipment, machinery and, ancillary fittings shall not give rise to an "offensive noise" as defined under the provisions of the Protection of the Environment Operations Act, 1997.
 - (b) The use of mechanical plant including air conditioners, fans, compressors, condensers, freezers, swimming pool or spa pumps (whether commercial or domestic) shall not cause sound pressure levels in excess of the criteria given in the NSW Industrial Noise Policy – 2000.
 - (c) 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.
25. Temporary dewatering of the site to construct the subsurface structure is not permitted without development consent.
26. The visible light reflectivity from building materials used on the façade of the building shall not exceed 20% and shall be designed so as not to result in glare that causes any nuisance or interference to any person or place. A statement demonstrating compliance with these requirements shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for the relevant stage of works.
27. Bicycle parking facilities shall be designed in accordance with AS2890.3:1993.

For parking with people with disabilities any vehicular path of travel to have clearance of 2.3m minimum and clearance above the parking shall be 2.5m minimum.

28. All existing and 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.
29. Hot and cold water hose cocks shall be installed to the garbage room.
30. This consent does not provide approval for footpath dining. Footpath dining is regulated through a licensing agreement with Council. In this regard, you are advised to contact Council's Customer Service Centre to obtain a copy of a licensing agreement entitled *Outdoor Dining Licensing Agreement*.
31. Noise Attenuation between Units
 - (a) Flooring within the development shall achieve the following minimum equivalent Association of Australian Acoustical Consultants (AAAC) Star Rating within the below specified areas of the development:
3 Star for tiled areas within kitchens, balconies, bathrooms and laundries. Tiled flooring within corridors, living areas and bedrooms is not permitted.
4 Star for timber flooring in any area.
5 Star for carpet in any area.
 - (b) Walls within the development shall be constructed to satisfy the requirements of the Building Code of Australia.
 - (c) A report shall be submitted to the Principal Certifying authority for approval prior to the issue of the relevant Construction Certificate. The report is to include BCA requirements and details of floor/ceilings between residential apartments. Floor coverings within apartments shall be identified within the report.
 - (d) A suitably qualified acoustic engineer with MIE Australia membership or employed by a consulting firm eligible for AAAC membership is to certify that the details provided in the report required by (c) above satisfies the requirements of this condition, with the certification to be submitted to the Principal Certifying Authority for approval prior to the issue of the relevant Construction Certificate.
32. Any proposed signs must comply with the requirements of Exempt or Complying Development. Any proposed signs must not have / use:
 - flashing lights.
 - electronically changeable messages.
 - animated display, moving parts or simulated movement.
 - a method and level of illumination that distracts or dazzles.
33. Ceiling heights shall be provided as follows: (as measured vertically from finished floor level to the underside of the ceiling)
 - Habitable areas shall be a minimum of 2.7 metres
 - Non-habitable areas shall be a minimum of 2.4 metresDetails showing compliance with this requirement and the acoustic requirements of this consent shall be shown to the satisfaction of the PCA prior to the issue of the Construction Certificate.
34. Receptacles are to be provided in commercial development for the disposal of cigarette rubbish. The receptacles are to be located adjacent to the entrances of the buildings on private property. The receptacles are to be attractive and functional and

maintenance of the receptacles is the responsibility of the building owner/manager.

35. Safer by Design

To maximise security in and around the development the following shall be incorporated into the development, with details to be approved by the Principal Certifying Authority prior to the issue of the Construction Certificate:

- (a) Monitored CCTV facilities shall be implemented throughout the development. Areas of focus include the basement car park (including entry and exits), undercroft areas, main entry areas to the development and garbage/storage areas.
- (b) A lighting maintenance policy shall be established for the development. Lighting shall be designed to the Australian and New Zealand Lighting Standards. Australia and New Zealand Lighting Standard 1158.1 - Pedestrian, requires lighting engineers and designers to consider crime risk and fear when selecting lamps and lighting levels.
- (c) Security mirrors shall be installed within corridors and on blind corners to enable users to see around blind corners.
- (d) Graffiti resistant materials shall be used to ground level external surfaces.
- (e) Intercom facilities shall be installed into entry/exit points to enable residents to communicate and identify with people prior to admitting them to the development.

36. 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.

37. Bicycle Parking

The proposal shall include bicycle parking facilities located at ground floor or basement parking levels which shall be capable of accommodating at least ten (10) bicycles. The facility shall:

- be designed in accordance with AS2890.3:1993.
- be in the form of individual bicycle lockers or within a caged or gated secure area in accordance with RDCP 2011 - i.e. fully secured by way of a chain-mesh style fencing (or similar) with gate and key / padlock to restrict access, so as to minimise opportunity for theft of bicycles.

Construction of the secure bicycle storage area shall be completed prior to issue of the Occupation Certificate.

38. The use of the Retail Premises to comply with the following:

- The front window shall be kept free of shelves, and a maximum of 15% of the window display area may be covered with promotional materials to ensure passive surveillance is maintained to and from the tenancy.
- Materials, goods or machinery associated with the retail / commercial tenancy shall not be stored, placed or otherwise permitted to stand between the building line and the street alignment.
- Signs or goods associated with the retail / commercial tenancy shall not be displayed or placed on the public footpath or any other part of the public road at any time without Council's consent.

39. No occupation or works are to be carried out on public land (including a road or footpath) or access provided over a public reserve adjacent to the development site without approval being obtained from Bayside Council and the necessary fee paid under the Roads Act 1993 and/or the Local Government Act 1993.

Note: Approval under the Roads Act or Local Government Act cannot be granted by a Principal Certifying Authority or by a Private Certifier. Failure to obtain approval may result in fines or prosecution.

The implementation of this Consent generates a need for works to be completed in a public place owned by Council.

A. Design

The scope of works is to be identified by Bayside Council. For identified works the preparation of the design and specification shall be undertaken in accordance with the design brief issued by Bayside Council, and the *Engineering Drawing Guide: For Works In Association With Developments And Subdivisions* and *Engineering Specification Guide: For Works In Association With Developments And Subdivisions*, or approved replacement documents. For identified works the preparation of the design and specification shall be undertaken by a professional engineer, or other professional person, meeting the requirements of the design brief issued by Bayside Council.

Note: To enable the scope of works to be determined and alignment levels issued a completed *Application for Activities on Council Sites* Form must be submitted together with the required fee, under the Roads Act 1993 and/or the Local Government Act 1993 for the scope of works to be determined and alignment levels issued.

Note: The works required will be determined using the following criteria:

- i) To ensure that infrastructure construction and reconstruction required to facilitate both pedestrian and vehicular access into and around the site is provided.
- ii) To ensure that there is adequate construction and reconstruction of stormwater infrastructure to facilitate drainage of the site and minimise impacts to the site and adjoining properties as a result of the development.
- iii) To ensure that infrastructure relevant to the proposed development meets current standards and specifications.
- iv) To mitigate any impacts the development may have on traffic and pedestrian safety.
- v) To satisfy the requirements of any Development Control Plan, Public Domain Plan, Streetscape Manual or any other relevant Council Plan, including the Section 94 Contributions Plan.
- vi) To ensure there are adequate transitions between newly constructed infrastructure and existing infrastructure.

B. Before Construction

A detailed design and specification for works to be carried out on public land (including a road or footpath) shall be completed and approved by Bayside Council pursuant to the Roads Act and/or Local Government Act prior to construction. All fees for inspection by Bayside Council shall be paid and the works approval for works in a public place activated.

Note: Approval under the Roads Act or Local Government Act cannot be granted by a Principal Certifying Authority or by a Private Certifier. Failure to obtain approval may result in fines or prosecution.

C. Before Occupation

All works required in the public place as detailed by the approved design and specification must be completed before occupation of the development. All works-as-executed records for works establishing infrastructure assets to be handed over to Council for ongoing maintenance shall be provided to Council, and a handover certificate issued by Council.

40. The implementation of this Consent generates a need for works on the development site and in a public place to be appropriately managed to ensure the protection of the environment and safety of the other public place users.

A. Before Commencement of Works including Demolition

A Site Management Plan must accompany the completed *Application for Activities on Council Sites* Form. If any demolition of infrastructure in a public place is to commence prior to the issue of a works approval for works in a public place the applicant must submit to Bayside Council a separate Demolition Site Management Plan. These plans must satisfy the Objectives and Controls of Rockdale Development Control Plan 2011 relating to site management and must incorporate the following throughout demolition and construction:

- i) safe access to and from the site during construction and demolition
- ii) safety and security of the site, road and footpath area including details of proposed fencing, hoarding and lighting
- iii) method of loading and unloading excavation machines, building materials
- iv) how and where, construction materials, excavated and waste materials will be stored.
- v) methods to prevent material being tracked off the site onto surrounding roadways
- vi) erosion and sediment control measures

B. During Works

The site management plan measures must remain in place and be maintained throughout the period of works and until the site has been stabilised and/or restored in accordance with the works approval for works in a public place.

The implementation of this Consent generates a need for the adequate regulation of the works and activities in a public place.

A. Before Works

A Pre-commencement Inspection/meeting is to be convened by the holder of the Consent for the works approval for works in a public place. The meeting shall be held on-site a minimum 5 days prior to any demolition and/or construction activity and be held between the hours of 8.00 am and 4.30 pm Monday to Friday. The meeting must be attended by a representative of the Principal Certifying Authority, the builder/site manager of the building/civil construction company and supervising engineer, in addition to a representative of Bayside Council. The attendance of the owner is required when it is intended to use more than one builder/principal contractor throughout the course of construction.

The purpose of the meeting is to:

- i) Ensure safe passage for pedestrians, Work and Hoarded Zones are maintained in

accordance with Bayside Council requirements;

ii) Check the installation and adequacy of all traffic management devices;

iii) Confirm that the consents, approved design plans and approved specifications are retained on site.

Note: The consent for the works approval for works in a public place must be activated and all inspection fees must be paid to Bayside Council prior to the meeting. Please refer to Bayside Council's Adopted Schedule of Fees and Charges. The consent for the works approval for works in a public place must be activated and all inspection fees must be paid to Bayside Council prior to the meeting. Please refer to Bayside Council's Adopted Schedule of Fees and Charges.

41. The implementation of this Consent generates a need for the adequate supervision of the works and activities in a public place.

A. Before Construction

The consent holder must engage an appropriately qualified supervising engineer to supervise construction of any works approved to be carried out in a public place approved by Bayside Council under the Roads Act and/or Local Government Act. The supervising engineer must hold qualifications, licenses and insurance as determined by Council, and submit evidence of the qualifications, licenses and insurance prior to the commencement of construction.

B. During Construction

The supervising engineer must supervise the works as listed above to ensure compliance with:

- i) any consent issued by Bayside Council pursuant to the Roads Act and/or the Local Government Act, including conditions annexed to this consent.
- ii) the approved design and specification, including any approved amendments by Bayside Council to the design and specification
- iii) the consent issued by the consent authority under the Environmental Planning and Assessment Act
- iv) any related design and construction parameters specified by Council.

C. Before Occupation

The engineer must certify the Works-as-Executed drawings or provide a separate certification that the requirements of the consent for the works approval for works in a public place have been met.

Prior to issue of the construction certificate

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

42. 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 \$20,250.00. This is to cover repair of any damages, or other works to be done by Council. This includes construction, removal, or repair as required to: kerb and guttering, existing or new driveways; paved areas and concrete footpaths. The deposit may

be lodged with Council in the form of a Bank Guarantee (Any proposed Bank Guarantee must not have an expiry date). The deposit will not be returned by Council until works are completed and all damage is restored and all specified works are completed by Council.

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

43. 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.

44. Amended Plans Required

(a) The **architectural plans** shall be amended prior to the release of the construction certificate to include the following:

- The plans are to specify the sound attenuation measures contained within Appendix B of the Acoustic Report, prepared by Acoustic Logic and dated 20/11/2015.
- Specification that the material provided to the eastern side of the balconies adjoining the eastern boundary is glass bricks of obscure nature.
- Details on the location of TV antennas/air conditioning units are to be provided in accordance with the requirements of Part 4.7 of Rockdale DCP 2011.
- The balustrade and the glass louvres to the eastern elevation breezeway and the glazing to the eastern side of the stairs is to be opaque glass.
- Lift Size – All lift cars are to have minimal internal dimensions of 2.1m x 1.5m, must be capable of carrying stretchers and have lift door openings wide enough to enable bulky goods (white goods, furniture etc) to be easily transported.
- Mechanical ventilation - Any mechanical ventilation system for the basement car park must comply in all respects with the requirements of Australian Standard 1668, Part 1 & 2. The vents for this system must be located away from the adjoining residential properties (i.e. No. 29 & 31 Campbell Street) and may not be provided within the landscaped courtyards or communal open space areas.
- To address the landscape issues raised in (b) below.
- To address all other requirements of the conditions of consent (e.g. driveway width, Traffic Committee requirements, etc.).

(b) The **Landscape Plans** shall be amended and approved by Council's Landscape Architect (Fiona MacColl) prior to the release of the construction certificate to include the following:

- Additional street tree planting (2 per planting zone) between car parking space, with taller street trees (such as *Populus simmonii*) to be selected.
- Additional street tree pits to be provided along the Dillon Street frontage.
- Permeable pavers to be provided in the public car parking zone.
- Soil depth in accordance with the requirements of Table 5 of Part 4P of the Apartment Design Code.
- A minimum soil / planter box mix depth of 800mm is required for planted areas (other than turf) and planter boxes on podiums or roof-tops or any other concrete slab.

- Podium landscaping and paved areas shall be drained into the stormwater drainage system. All waterproofing for planters on slab shall be installed and certified by a licensed waterproofing contractor.
- A fully automated irrigation system, approved by Sydney Water, shall be installed and maintained to ensure adequate water is provided to the podium/roofing landscaping.
- All other requirements of the conditions of consent (e.g. driveway width, Traffic Committee requirements, etc.).

45. Awnings

(a) The consent does not grant approval for the proposed awning above the public car parking spaces. This awning must be amended in accordance with Item (b) below prior to issue of the Construction Certificate.

(b) Prior to issue of the Construction Certificate, the following awning details must be submitted to, and approved by, Council's Director of City Planning and Development:

(i) The awning located above the public car parking spaces must be amended such that the soffit of the awning is a minimum of 3.3 metres above the finished surface level of the public parking spaces, unless otherwise agreed by Council. This minimum height is required to minimise potential conflict with large vehicles / trucks which may use the spaces for loading / unloading and/or turning movements.

(ii) A continuous retail awning must be provided to both retail street frontages (Ramsgate Road and Dillon Street). The awnings must be designed in accordance with the requirements contained in Part 5.3 of Rockdale Development Control Plan 2011. The awnings must also contain cut-outs to accommodate existing and proposed street trees.

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

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

47. The connection of stormwater drainage pipes to the existing kerb inlet pit in Ramsgate Road must be inspected by Council prior to backfilling. A payment of \$254.00 is required prior to the issue of the Construction Certificate for inspection of the connection and/or alteration to the Council pipeline. If payment is made after the end of the financial year the amount is to be adjusted in accordance with Council's adopted fees and charges. Where the inspection is unsatisfactory, each additional inspection will incur an extra charge .

48. A Section 94 contribution of \$399,892.80 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 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	\$54,461.89
Community Services & Facilities	\$9,509.15
Town Centre & Streetscape Improvements	\$4,916.55
Pollution Control	\$14,102.03
Local Infrastructure and Facilities	\$316,701.42
Plan Administration & Management	\$201.76

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

49. Prior to the issue of the Construction Certificate a certificate from a practicing Structural Engineer, registered with NPER, shall be submitted to Council stating that the subsurface structural components located on the boundary of the public road, including but not limited to the slabs, walls and columns, have been designed in accordance with all SAA Codes for the design loading from truck and vehicle loads.
50. 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.
51. Prior to issue of the Construction Certificate, the plans shall demonstrate 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 a minimum of two (2) residential units, and between these units and their allocated carparking spaces. The allocated parking space will be located in close proximity to the access points of the building.

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.

52. The applicant shall confer with Energy Australia to determine the following are required:
 - an electricity distribution substation,
 - installation of electricity conduits in the footway,
 - satisfactory clearances to any existing overhead High Voltage mains will be affected.

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

53. The relocation of the existing electricity supply pole within the site is required to avoid conflict with the new building. The relocation works shall be undertaken in accordance with the requirements of Ausgrid. The applicant shall enter into a contract with Ausgrid for the relocation works prior to the issue of the Construction Certificate, and the works must be completed prior to the commencement of the driveway works and issue of the Occupation Certificate. The applicant is responsible for all relocation costs, including costs associated with other cabling such as telecommunications cables..
54. Any building proposed to be erected over or near the existing Sydney Water pipeline is to be approved by Sydney Water. A copy of Sydney Water's approval and

requirements are to be submitted to Council prior to issuing a Construction Certificate.

55. 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>

56. 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.

57. Driveway & Parking - Traffic Committee

Prior to issue of the Construction Certificate, plans and documentation demonstrating compliance with the following requirements must be submitted to, and approved by, Bayside Council's Traffic Committee:

(a) Detailed plans of the proposed access driveway on Dillon Street and Clelland Lane associated with the subject development (on street parking, speed hump and traffic signs and parking bay dimensions) should be in accordance with AS2890.1, AS 2890.5 for on street parking, road rules and Austroads Guidelines.

(b) The driveway off Dillon Street shall be constructed with a 90 degree angle to the boundary line. (Note: Refer to Condition 58 for driveway width requirements).

(c) A street light / Street lighting is to be provided in Clelland Lane to meet the AusGrid standards.

(d) That the existing parking limit be retained.

(e) An easement for public access be provided over the footpath fronting Clelland Lane.

(f) Details of the public car parking spaces within proposed "Lot 1 in DP 960761 (amended)" as shown in the approved plans.

(g) The relocation of street signage in Dillon Street required by Condition 58.

58. Driveway Access - Dillon Street

The plans submitted with the Construction Certificate shall demonstrate compliance with the following:

(a) The width of the double driveway at the boundary shall be a maximum of 6 metres and minimum of 5.5m.

(b) The driveway off Dillon Street be constructed with a 90 degree angle to the boundary line.

(c) The no stopping sign (zone) shall be minimum of 6m from the Tangent Point (TP) at Northern intersection of Dillan Street and Cleland Lane to ensure that two (2) on-street parking spaces are provided between Dilon Street and the driveway access for the development.

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

(a) Implement all recommendations contained in the report prepared by AW Geotechnical Pty Ltd., Report Ref: AWG38954, Dated 23 July 2015.

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

(c) Confirm the proposed construction methodology.

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

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

Where a Private Certifier issues the Construction Certificate a copy of the above documentation must be provided to Council, once the Construction Certificate is issued for the relevant stage of works.

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

60. Construction Management Plan

(a) 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 CMP shall be submitted to, and approved by, the Director of City Planning and Development, Rockdale City Council. The CMP shall demonstrate that:

(i) all relevant regulatory approvals have been obtained.

(ii) all hoarding, anchoring and shoring, and other relevant works, will not prevent the temporary public parking in Clelland Lane required by Condition 13 from being maintained throughout all excavation and construction works.

(iii) adequate public liability insurance has been obtained for the adjoining temporary public parking spaces (see Condition 13).

(b) The Construction Management Plan shall be implemented at all during demolition, excavation and construction.

61. Any sub-surface structure within the highest known groundwater table / rock + 0.5m shall be designed with a waterproof retention system (i.e. tanking and waterproofing) with adequate provision for future fluctuation of the water table. The subsurface structure is required to be designed with consideration of uplift due to water pressure

and “flotation” (buoyancy) effects. Subsoil drainage around the subsurface structure must allow free movement of groundwater around the structure, but must not be connected to the internal drainage system. The design of subsurface structure, tanking and waterproofing, and subsoil drainage shall be undertaken by a suitably experienced Chartered Professional Engineer(s). Design details and construction specifications shall be included in the documentation accompanying the Construction Certificate for the relevant stage of works.

62. 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. Details shall be included in the documentation presented with the Construction Certificate application.
63. A visitor car space shall also operate as a car wash bay. A tap shall be provided. A sign shall be fixed saying ‘Visitor Car Space and Car Wash Bay’. The runoff shall be directed and treated as per Rockdale Technical Specification Stormwater Management. Details shall be provided with the plans accompanying the Construction Certificate.
64. Prior to the issue of the Construction Certificate, detailed drainage design plans for the management of stormwater for the mixed use development and the public car parking area must be submitted to Principal Certifying Authority for assessment and approval. Design certification, in the form specified in Rockdale Technical Specification Stormwater Management, and drainage design calculations are to be submitted with the plans. Council’s Rockdale Technical Specification Stormwater Management sets out the minimum documentation requirements for detailed design plans. Stormwater management requirements for the development site, including the final discharge/end connection point, must comply with Rockdale Technical Specification Stormwater Management.

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

To implement any required drainage measures on the base of geotechnical Engineer’s advice on the drainage under the floor slab and basement walls.

Prior to commencement of works

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

65. 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.
66. 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.

67. 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.
68. Prior to the commencement of work, Tree Protection Zones shall be established in accordance with AS4970-2009 (Protection of trees on Development Sites) with protective fences at least 1.8 metres high erected outside the drip lines where possible around the existing Callistemon street trees which are required to be retained. The protective fences shall consist of chain wire mesh temporary fence panels securely mounted and braced to prevent movement, shall be in place prior to the commencement of any work on site and shall remain until the completion of all building and hard landscape construction. Excavations for services, waste bins, storage of materials and equipment, site residue, site sheds, vehicle access or cleaning of tools and equipment are not permitted within the Tree Protection Zones at any time.
69. 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.
70. A hoarding or fence shall be erected between the work site and the public place when the work involved in the erection or demolition of a building:
- i) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - ii) building involves the enclosure of a public place,
- Where the development site adjoins a public thoroughfare, the common boundary between them must be fenced for its full length with a hoarding, unless, the least horizontal distance between the common boundary and the nearest part of the structure is greater than twice the height of the structure. The hoarding must be constructed of solid materials (chain wire or the like is not acceptable) to a height of not less than 1.8m adjacent to the thoroughfare.
- Where a development site adjoins a public thoroughfare with a footpath alongside the common boundary then, in addition to the hoarding required above, the footpath must be covered by an overhead protective structure, type B Hoarding, and the facing facade protected by heavy duty scaffolding unless either:
- (i) the vertical height above footpath level of the structure being demolished is less than 4m; or
 - (ii) the least horizontal distance between footpath and the nearest part of the structure is greater than half the height of the structure.

The overhead structure must consist of a horizontal platform of solid construction and vertical supports, and the platform must -

- (i) extend from the common boundary to 200mm from the edge of the carriageway for the full length of the boundary;
- (ii) have a clear height above the footpath of not less than 2.1m;
- (iii) terminate not less than 200mm from the edge of the carriageway (clearance to be left to prevent impact from passing vehicles) with a continuous solid upstand projecting not less than 0.5m above the platform surface; and
- (iv) together with its supports, be designed for a uniformly distributed live load of not less than 7 kPa

The 'B' Class hoarding is to be lit by fluorescent lamps with anti-vandalism protection grids.

Any such hoarding, fence or awning is to be removed when the work has been completed.

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

- 71. 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.
- 72. Consultation with Ausgrid is essential prior to commencement of work. Failure to notify Ausgrid may involve unnecessary expense in circumstances such as:
 - i) where the point of connection and the meter board has been located in positions other than those selected by Ausgrid or
 - ii) where the erection of gates or fences has restricted access to metering equipment.
- 73. Where clearances to any existing overhead High Voltage mains are affected, the builder shall make arrangements with Ausgrid for any necessary modification to the electrical network in question. These works shall be at the applicant's expense. Ausgrid's requirements under Section 49 Part 1 of the Electricity Supply Act 1995 shall be met prior to commencement of works or as agreed with Ausgrid.
- 74. Prior to the commencement of work, Tree Protection Zones shall be established in accordance with AS4970-2009 (Protection of trees on Development Sites) with protective fences at least 1.8m high erected outside the drip lines where possible around the existing Callistemon street trees which are 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 or tools and equipment are not permitted within the Tree Protection Zones at any time.

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.

During demolition / excavation / construction

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

75. 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.
76. 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.
77. 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.
78. 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.
79. 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.
80. All excavation and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards and guarded and protected to prevent them from being dangerous to life or property.

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

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

Note: The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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

Works shall not encroach onto or over adjoining properties, including retaining walls, fill material or other similar works. Soil shall not be lost from adjoining sites due to construction techniques employed on the subject site.

81. 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.
82. 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.
83. 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.
84. 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.

- 85. Council's warning sign for soil and water management must be displayed on the most prominent point on the building site, visible to both the street and site workers.

The sign must be displayed throughout construction. A copy of the sign is available from Council.

86. The existing Callistemon street trees 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. All other existing site trees may be removed.
87. 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.
88. 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.
89. Existing soil levels within the drip line of trees to be retained shall not be altered without reference to Council's Tree Management Officer.
90. Building materials, site residue, machinery and building equipment shall not be placed or stored under the dripline of trees required to be retained.
91. Tree Protection
The existing Callistemon 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. All other existing site trees may be removed.

Prior to issue of occupation certificate or commencement of use

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

92. An Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of the building.
93. Appropriate signage and tactile information indicating accessible facilities shall be provided at the main entrance directory, or wherever directional signage such as lifts or building directories or information is provided to those buildings where access and facilities for people with disabilities has been provided. Such signage shall have regard to the provisions of AS1428.1 and AS1428.2.
94. 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.
95. A by-law shall be registered and maintained for the life of the development, which requires that :
 - (a) balconies are not to be used as clothes drying areas, storage of household goods and air-conditioning units that would be visible from the public domain;
 - (b) an owner of a lot must ensure that all floor space within the lot complies with the acoustic conditions for floors specified in this consent;
 - (c) Notwithstanding subclause (b), in the event that a floor covering in the lot is removed, the newly installed floor covering shall have a weighted standardized impact sound pressure level not greater than L'nT,w 45 measured in accordance with AS ISO 140.7 and AS ISO 717.2, A test report from a qualified acoustic engineer

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

Proof of registration of the By Law shall be submitted to Council prior to the issue of the Occupation Certificate.

96. Damage to brick kerb and/or gutter and any other damage in the road reserve shall be repaired using brick kerb and gutter of a similar type and equal dimensions. All works shall be to Council's satisfaction at the applicant's expense. Repairs shall be completed prior to the issue of the Occupation Certificate.
97. Landscaping
 - (a) All landscape works are to be carried out in accordance with the approved landscape plans prior to issue of the Occupation Certificate.
 - (b) 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.
 - (c) The landscaping is to be maintained to the approved standard at all times.
98. 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 prior to issue of the Occupation Certificate.
99. 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.
100. 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 in accordance with the approved position pursuant to Condition 12 of this consent. 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.
101. 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".
102. 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.
103. Convex mirrors are to be installed at single lane ramps to provide increased sight distance for vehicles.

In relation to safe egress, a warning system and speed humps will be provided proposed to ensure pedestrian safety in lieu of splayed walls.

“Giveway to Pedestrians” at both driveway locations upon exit and a speed hump within the exit lane for the northern access point.

OR

The eastern (exit) side of the driveway shall be replaced by a see through screen (mesh or similar material) for a distance of 3.5 metres from the property boundary. The driveway is set back 2.0 metres from the eastern boundary with a landscape zone between the driveway and boundary. Low level landscaping shall be provided in this zone (less than 1.0 metres high). Thus a 3.5 x 2.0 metre sight line splay will be provided for vehicles exiting the site.

104. The gate for the basement shall be located in order to permit the queuing of one (1) vehicles when waiting to enter the basement garage. The control mechanism for the gate shall be arranged such that access to the basement garage for registered proprietors of the commercial units, and their visitors, does not require security clearance or assisted entrance between the hours of 7:30am to 6:00pm Monday to Saturday and 7:30am to 1:00pm on Sunday. Where the hours of operation of the commercial units are approved outside of these hours, the access arrangements shall match the approved hours of operation.
105. Suitable vehicular bollards shall be provided outside the exit doors that adjoin the vehicle circulation area or other exit door(s) that may be blocked by parked vehicles.

Shared areas of adaptable parking spaces to have suitable vehicular bollards.

106. 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.

107. 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.
108. Where the installation of electricity conduits is required in the footway, the builder shall install the conduits within the footway across the frontage/s of the development site, to Ausgrid’s specifications. Ausgrid will supply the conduits at no charge. A Road Opening Permit must be obtained from Council prior to the installation of the conduits. The builder is responsible for compaction of the trench and restoration of the footway in accordance with Council direction. A Compliance Certificate from Ausgrid shall be obtained prior to the issue of the Occupation Certificate.
109. Acoustic Report - Compliance
An appropriately qualified Noise Consultant is to certify that the development incorporates the sound attenuation measures contained within Appendix B of the Acoustic Report, prepared by Acoustic Logic and dated 20/11/2015, and meets the

required internal noise requirements.

110. Testing and evaluation of the wall and floor insulation system must to be carried out at post construction stage by a suitably qualified acoustical engineer to show that the relevant Acoustical Star Ratings prescribed by the Association of Australian Acoustical Consultants (AAAC) have been achieved in accordance with Condition No. 31 of this consent. A report is to be submitted to the Principal Certifying authority prior to the issue of the Occupation Certificate.
111. Prior to occupation or use of the premises, a qualified mechanical engineer shall certify that the mechanical ventilation/air conditioning system complies in all respects with the requirements of Australian Standard 1668, Part 1 & 2.
112. 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.
113. The underground garage shall be floodproofed to a minimum of 100mm above the 1% Annual Exceedance Probability Gutter flow level. The levels shall be certified by a registered surveyor prior to construction of the driveway or other openings.
114. A positive covenant pursuant to the Conveyancing Act 1919 shall be created on the title of the lots that contain the stormwater detention facility to provide for the maintenance of the detention facility.
115. 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.
116. The drainage system shall be constructed in accordance with the approved drainage plans and any amendments in red. All stormwater drainage plumbing work shall comply with the NSW Code of Practice: Plumbing and Drainage and Australian Standard AS3500.

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

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

117. Signs shall be displayed adjacent to all stormwater drains on the premises, clearly indicating "Clean water only - No waste".
118. 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.

119. Prior to issue of the Occupation Certificate, construction of the twelve (12) public car parking spaces on proposed Lot 1 DP 960761 as shown in the "Proposed Subdivision Plan" listed in Condition 2, including all associated landscaping and drainage works, must be constructed in accordance with approved plans and specifications.

Note: Parking Space No. 01 shall be a regular car parking space, not an accessible parking space.

120. Prior to issue of any Occupation Certificate, a right of footway easement for public access shall be provided over the pedestrian footpath located at ground level (between the proposed commercial tenancies and the proposed public car park to Clelland lane) on the proposed lot identified as "*Lot 8 in DP077999 (amended)*" in Drawing titled "Proposed Subdivision Plan", DA 3.00, prepared by CMT Architects. The right of footway easement shall be in favour of Bayside Council, and is to be covered by a Section 88B or 88E Instrument which may only be varied or extinguished with the consent of Bayside Council.

Council requires proof of registration of the easement with the Land Titles Office prior to the issue of any Occupation Certificate.

121. Prior to the issue of any Occupation Certificate, details of a covenant to be placed on the entire property identified as "Lot 1 DP 960761 (amended)" in Drawing titled "Proposed Subdivision Plan", DA 3.00, prepared by CMT Architects shall be provided to Council. The covenant shall have the effect of identifying that the site is fully developed in conjunction with the lot identified as "Lot 8 DP 077999 (amended)" in the same plan to the maximum FSR.

The covenant shall have the effect of preventing "double dipping" (ref: Clause 4.5(9) Rockdale LEP 2011) and shall state that "Lot 1 DP 960761 (amended)" is a "restricted lot" by identifying that no further floor space is able to be placed on the lot. Council shall be a signatory to the covenant.

Evidence of the creation and registration of the covenant with LPI shall be provided to Council and the Principal Certifying Authority.

Prior to issue of subdivision certificate

The following conditions must be complied with prior to the issue of the Subdivision Certificate or the Strata Certificate.

122. A Subdivision Certificate and four (4) copies of the plans for the endorsement of the General Manager shall be submitted to Council prior to lodgment with the Land and Property Information office. If applicable, an original and four (4) copies of the 88B Instrument are to be submitted.
123. The submission and approval of a subdivision certificate application. In this regard, a fee is payable in accordance with Council's current adopted Fees and Charges.
124. Prior to issue of any Subdivision Certificate, all existing and proposed services on the property shall be shown on a plan and shall be submitted to Council. This includes electricity, gas, water, sewer, stormwater and telephone services. The plan

must clearly show that all services that the new development rely upon do not pass through the lot that is to be dedicated to Council.

Roads Act

125. Construction related activities must not take place on the roadway without Council approval.

Short-term activities (including operating plant, materials delivery) that reduce parking spaces, affect access to a particular route or prevent or restrict the passage of vehicles along the road must not occur without a valid Temporary Roadside Closure Permit.

Activities involving occupation of the parking lane for durations longer than allowed under a Temporary Roadside Closure Permit require a Construction Zone Permit and must not occur prior to the erection of Works Zone signs by Council's Traffic and Road Safety Section.

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

126. Where applicable, the following works will be required to be undertaken in the road reserve at the applicant's expense:

- i) construction of a concrete footpath along the frontage of the development site;
- ii) construction of a new fully constructed concrete vehicular entrance/s;
- iii) removal of the existing concrete vehicular entrance/s, and/or kerb laybacks which will no longer be required;
- iv) reconstruction of selected areas of the existing concrete Footpath/vehicular entrances and/or kerb and gutter;
- v) construction of paving between the boundary and the kerb;
- vi) removal of redundant paving;
- vii) construction of kerb and gutter.

127. (a) In addition to the works in the road reserve listed above, the following modification and/or improvement works to the road and drainage will be required to be undertaken at the applicant's expense:

- 1. That a street light scheme be provided in Cleland Lane to meet the AusGrid standards
- 2. That the existing parking limit be retained.
- 3. On street car parking spaces shall be sealed and lined marked.
- 4. Road and Parking signs shall be installed.
- 5. Drainage system for the public car parking area.
- 6. Landscape works within the public car parking area.

(b) Detailed plans of the works are required to be submitted to Council for assessment and approval pursuant to Section 138 of the Roads Act 1993, prior to the issue of the Construction Certificate.

128. 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.

129. All driveway, footpath, or road and drainage modification and/or improvement works to be undertaken in the road reserve shall be undertaken in accordance with Council's Subdivision and Civil Works Construction Specification (AUS-SPEC 1). Amendment to the works specification shall only apply where approved by Council. Where a conflict exists between design documentation or design notes and AUS-SPEC 1, the provisions of AUS-SPEC 1 shall apply unless otherwise approved by Council.

130. 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.

131. Awning Construction

(a) The following details shall be submitted to Council for assessment and approval pursuant to Section 138 of the Roads Act 1993, in relation to the awning over Dillon Street, Ramsgate Road and the proposed public car parking spaces off Clelland Lane:

- i) Detailed design plans and specifications, including structural details; and
- ii) Design certificate.

The awnings shall be designed by a Chartered Professional Engineer (Structural). Note: Awnings to Ramsgate Road and Dillon Street are required to be set back a minimum of 600 mm from the kerb face and be a minimum height of 2.4 metres above the footpath level, while the awning above the public car parking spaces must have a minimum height of 3.3m above the car parking spaces. Drainage from the awning shall be connected to the stormwater system for the development.

(b) Following completion of the installation of the awnings a certificate from a Chartered Professional Engineer (Structural) shall be submitted to Council stating that the awning has been constructed in accordance with the design plans and specifications.

132. 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.
133. 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).
134. Council requires a bond to be paid to cover the partial cost of the works relating to the road centre medium, where the works are undertaken by a Private Licensed Contractor. A bond equal to 20% of the full construction cost shall be provided to Council prior to the completion of the works. The bond may be provided as a monetary payment or as a bank guarantee.

The operation of the bond commences on the date of completion of the works, being the date of instruction by Council that works have been completed in accordance with any consent provided by Council pursuant to the Roads Act 1993. The bond is obtained to enable Council to retain and expend money to make good incorrectly or

inadequately constructed works or to construct incomplete non-constructed works or parts of them associated with the road medium and footpath and pavement restorations as determined by Council.

The bond shall remain in force for not less than six (6) months from the date of completion of the works. Council is not obliged to release the bond or any part of it whilst the bond is in force as described above.

Development consent advice

- a. Some forms of signage require separate development consent. Please refer to relevant planning policies for more information.
- b. A street/shop number shall be prominently displayed at the front of the development. The street number shall be a minimum of 120 mm in height to assist emergency services and visitors to locate the property. The numbering shall be erected prior to commencement of operations.
- c. 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.
- d. 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.
- e. All asbestos fibre demolition material and asbestos dust shall be handled, stored and removed in accordance with the relevant legislation and guidelines including:
 - Work Health and Safety Act 2011
 - Work Health and Safety Regulation 2011
 - Code of Practice for the Safe Removal of Asbestos [NOHSC: 2002 (2005)]
 - Code of Practice for the Management and Control of Asbestos in Workplaces [NOHSC: 2018 (2005)]
 - Protection of the Environment Operations (Waste) Regulation 2005

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

- f. The water from the rainwater tank should not be used for drinking, Sydney Water shall be advised of the installation of the rainwater tank.
- g. All site works shall comply with the occupational health and safety requirements of the NSW WorkCover Authority.
- h. The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents and all road works/regulatory signposting associated with the proposed development shall be at no cost to Council or RMS.

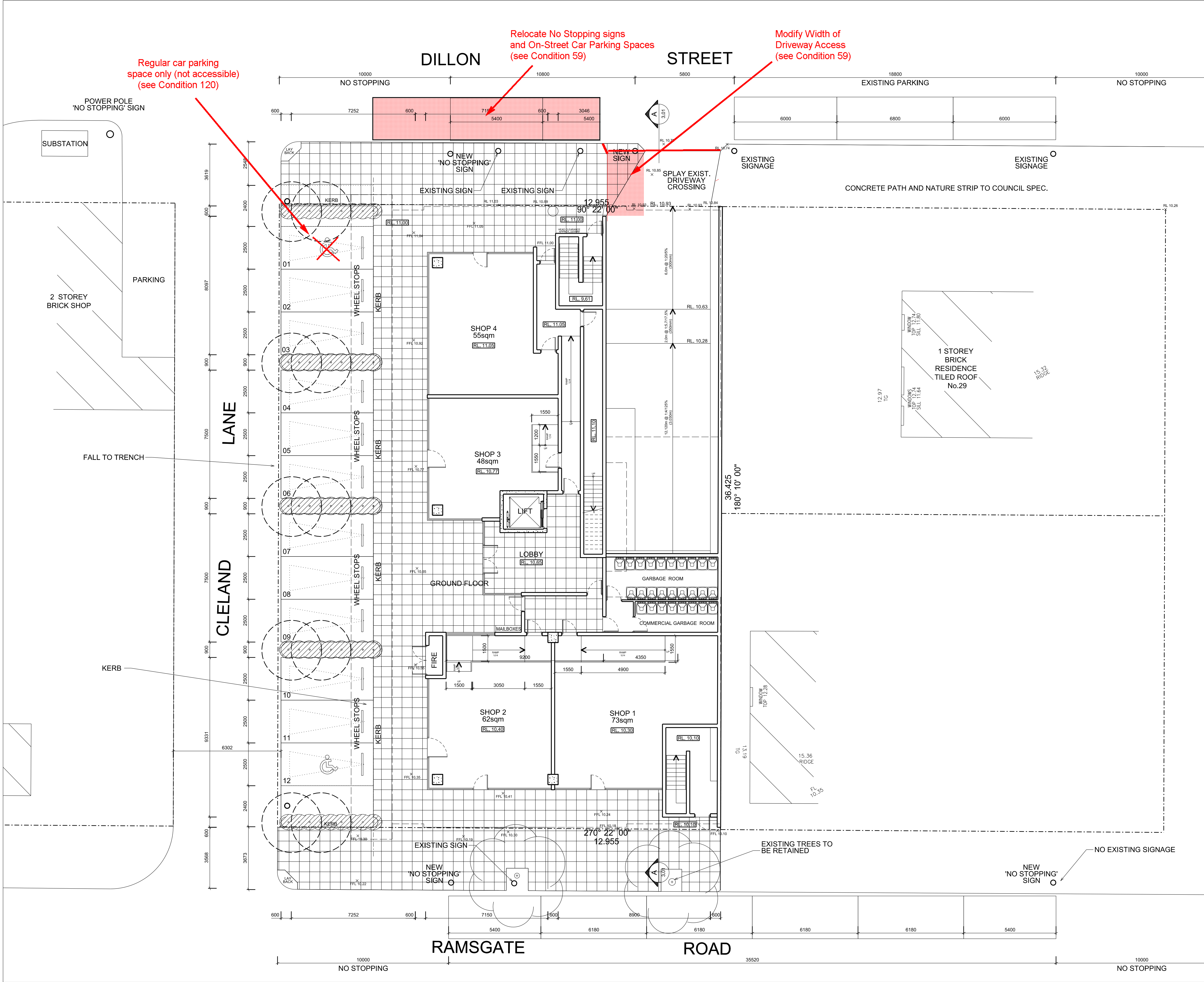
In this regard, the applicant must consult with all utility providers prior to commencement of works.

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



Notes
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26 EXISTING PARKING SPACES
9 ON-STREET SPACES
17 OFF-STREET SPACES (INCL. 2 DIS)
NOTE: EXISTING OFF-STREET SPACES
ARE NOT COMPLIANT WITH AUS. STANDARDS

23 PROPOSED PARKING SPACES
11 ON-STREET SPACES
12 OFF-STREET SPACES (INCL. 2 DIS)

BASIX COMMITMENTS NOTES			
TO BE READ IN CONJUNCTION WITH APPROVED BASIX REPORT			
WATER	All Shower Heads	All toilet flushing systems	All kitchen taps
Plasters	5 star (4.0/5.0/5.0/5.0)	5 star	5 star
Central rainwater tank: 2000 litres to collect run-off of 50m2 and connection to allow for irrigation of 20m2 and car washing in 1 car washing bay on the site			
Appliances	Dishwashers	5 star energy rating	5 star
Hot water system: Gas instantaneous - 6 star			
Bathroom ventilation system: Individual fan, ducted to facade or roof manual switch on/off			
Kitchen ventilation system: Individual fan, not ducted manual switch on/off			
Laundry ventilation system: Individual fan, ducted to facade or roof manual switch on/off			
Cooling system: air conditioning 1 Phase - EER 3.0-3.5 living only			
Heating system: air conditioning 1 Phase - EER 3.0-3.5 living only			
Artificial lighting: As per BASIX			
Natural lighting: As per BASIX			
Appliances: Gas cooking & electric ovens in the kitchen of the dwellings			
Dishwashers: 5 star energy rating			
Clothes dryers: 5 star energy rating			
Well ventilated fridge space to the units			
Indoor or sheltered clothes drying line to be provided			
Refer to approved BASIX unit			

Building Elements	Material	Detail
External walls	Concrete + furring channel + plasterboard	R1.5 bulk insulation
Internal walls	Plasterboard on studs	-
Common walls between dwellings	Concrete	-
Common walls between units and corridors	Concrete + furring channel + plasterboard	R1.5 bulk insulation
Common walls between units and lifts	Concrete + furring channel + plasterboard	R1.5 bulk insulation
Ceiling	Plasterboard	-
Floors	Concrete, colour medium	R1.5 bulk insulation to units 1.03, 1.04 only
Windows for units 1.03, 1.04, 2.05, 2.06, 3.03, 3.04, 4.01, 4.02, 4.03	Aluminium framed, single glazed Low e or similar to sliding windows & doors & fixed windows	R2.5 bulk insulation to units 2.03, 2.04 and top floor units
Windows for unit 4.04	Aluminium framed, double glazed or similar to sliding windows & doors & fixed windows	R1.5 bulk insulation to suspended floors to units 1.03, 1.02, 1.05, only
Windows for rest of units	Aluminium framed, single glazed clear to sliding windows & doors & fixed windows	U value 5.4 or less and a SHGC of 0.58 +/- 5%
Skylights	Aluminium framed, single glazed clear to swimming windows	U value 4.5 or less and a SHGC of 0.61 +/- 5%
Lighting	Double glazed	U value 4.5 or less and a SHGC of 0.50 +/- 5%
Self closing dampers to exhaust fans	Double glazed	U value 6.7 or less and a SHGC of 0.70 +/- 5%
Lighting	Double glazed	U value 6.7 or less and a SHGC of 0.57 +/- 5%

D	29.08.16	Final revision in accordance to council comments	SS
C	08.02.16	Revised	KG
B	01.11.15	Final drawings for council submission	SS
A	24.03.15	Issued to consultants	AH

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ACN: 161 791 715

DA SUBMISSION

Client
Dillgate Developments Pty Ltd
2a Queensborough Rd,
CROYDON PARK, NSW, 2133

Project
Residential Development
80 Ramsgate Rd
Ramsgate NSW 2217

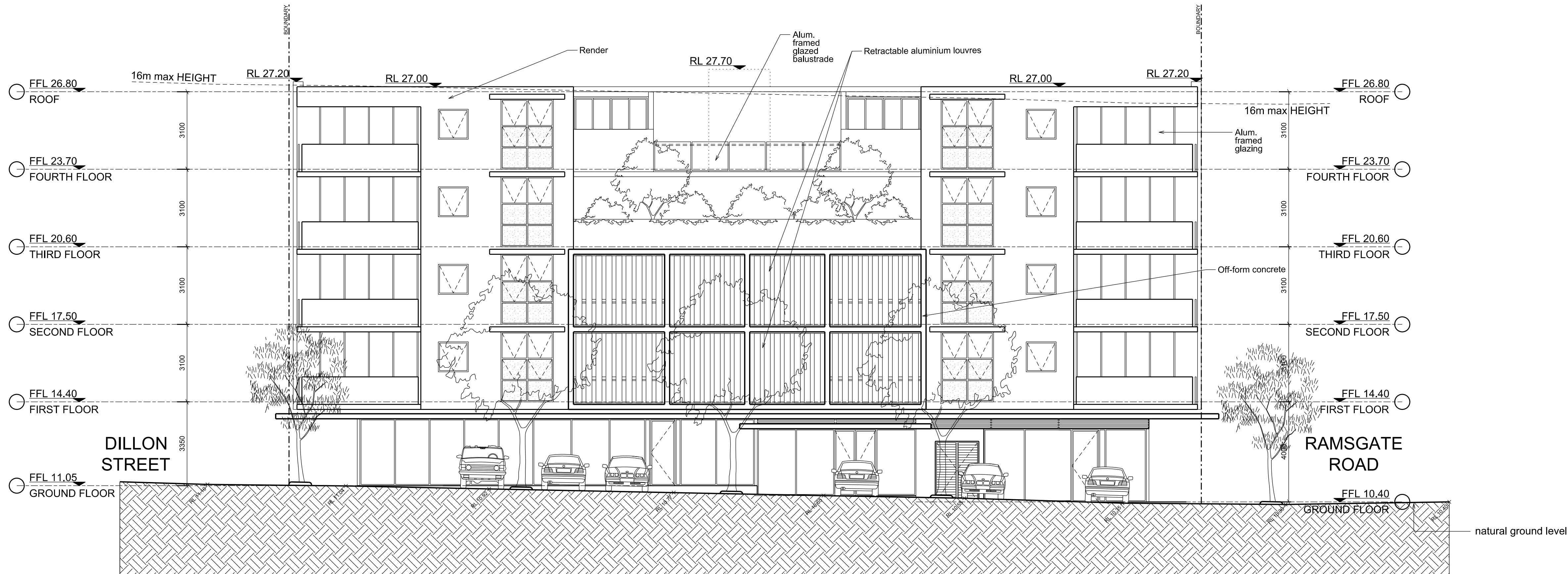
Drawing Title
Ground Floor Plan

Scale	Date	Drawn	Checked
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Job No.	Drawing No.	DA 2.00	
		D	

Design File Ref: Arch/Active/80 Ramsgate Rd/DA



SOUTH ELEVATION



WEST ELEVATION

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BASIX COMMITMENTS NOTES				
* TO BE READ IN CONJUNCTION WITH APPROVED BASIX REPORT *				
WATER	All Shower Heads	All toilet flushing systems	All kitchen taps	All bathroom taps
Features	1 star (4 star = 7.5 L/min)	4 star	5 star	5 star
Central rainwater tank: 2000 litres to collect run-off of 50m2 and connection to allow for irrigation of 20m2 and car washing in 1 car washing bay on the site				
Dishwashers - 3.5 star water rating				
Appliances:	Hot water system: Gas instantaneous - 6 Star			
ENERGY	Bathroom ventilation system: Individual fan, ducted to facade or roof manual switch on/off			
REFER TO APPROVED BASIX	Kitchen ventilation system: Individual fan, not ducted manual switch on/off			
	Laundry ventilation system: Individual fan, ducted to facade or roof manual switch on/off			
	Cooling system: air-conditioning 1 Phase - EER 3.0-3.5 living only			
	Heating system: air-conditioning 1 Phase - EER 3.0-3.5 living only			
	Artificial lighting: As per BASIX			
	Natural lighting: As per BASIX			
	Appliances:			
	Gas cooktop & electric oven in the kitchen of the dwellings			
	Dishwashers: 3.5 star energy rating			
	clothes dryers: 2 star energy rating			
	Well ventilated fridge space to the units			
	Indoor or sheltered clothes drying line to be provided			
COMMON	Refer to approved BASIX report			

Building Elements	Material	Detail
External walls	Concrete + furring channel + plasterboard	RL5 bulk insulation
Internal walls	Plasterboard on studs	-
Common walls between dwellings	Concrete	-
Common walls between units and corridors	Concrete + furring channel + plasterboard	RL5 bulk insulation
Common walls between units and lifts	Concrete + furring channel + plasterboard	RL5 bulk insulation
Ceiling	Plasterboard	-
Roof	Concrete, colour medium	RL5 bulk insulation to units 1.03, 1.04 only
	Concrete, colour medium	RL5 bulk insulation to units 2.03, 2.04 and top floor units
Floors	Concrete	RL5 bulk insulation to suspended floors to units 1.01, 1.02, 1.06, only
Windows for units 1.05, 1.06, 2.05, 2.06, 3.03, 3.04, 4.01, 4.02, 4.03	Aluminium framed, single glazed Low e or similar to sliding windows & doors & fixed windows	U value 5.4 or less and a SHGC of 0.58 +/-
Windows for unit 4.04	Aluminium framed, double glazed or similar to sliding windows & doors & fixed windows	U value 4.5 or less and a SHGC of 0.61 +/-
Windows for rest of units	Aluminium framed, double glazed or similar to sliding windows & doors & fixed windows	U value 4.5 or less and a SHGC of 0.50 +/-
Windows for rest of units	Aluminium framed, single glazed clear to sliding windows & doors & fixed windows	U value 6.7 or less and a SHGC of 0.70 +/-
Windows for rest of units	Aluminium framed, single glazed clear to sliding windows & doors & fixed windows	U value 6.7 or less and a SHGC of 0.57 +/-
Skylights	Double glazed	-
Lighting	Units have been rated without downlights	-
Self closing dampers to exhaust fans		

D	29.08.16	Final revision in accordance to council comments	SS
C	11.02.16	Revised	KG
B	01.11.15	Final drawings for council submission	SS
A	24.03.15	Issued to consultants	AH

Issue	Date	Description	By
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DA SUBMISSION

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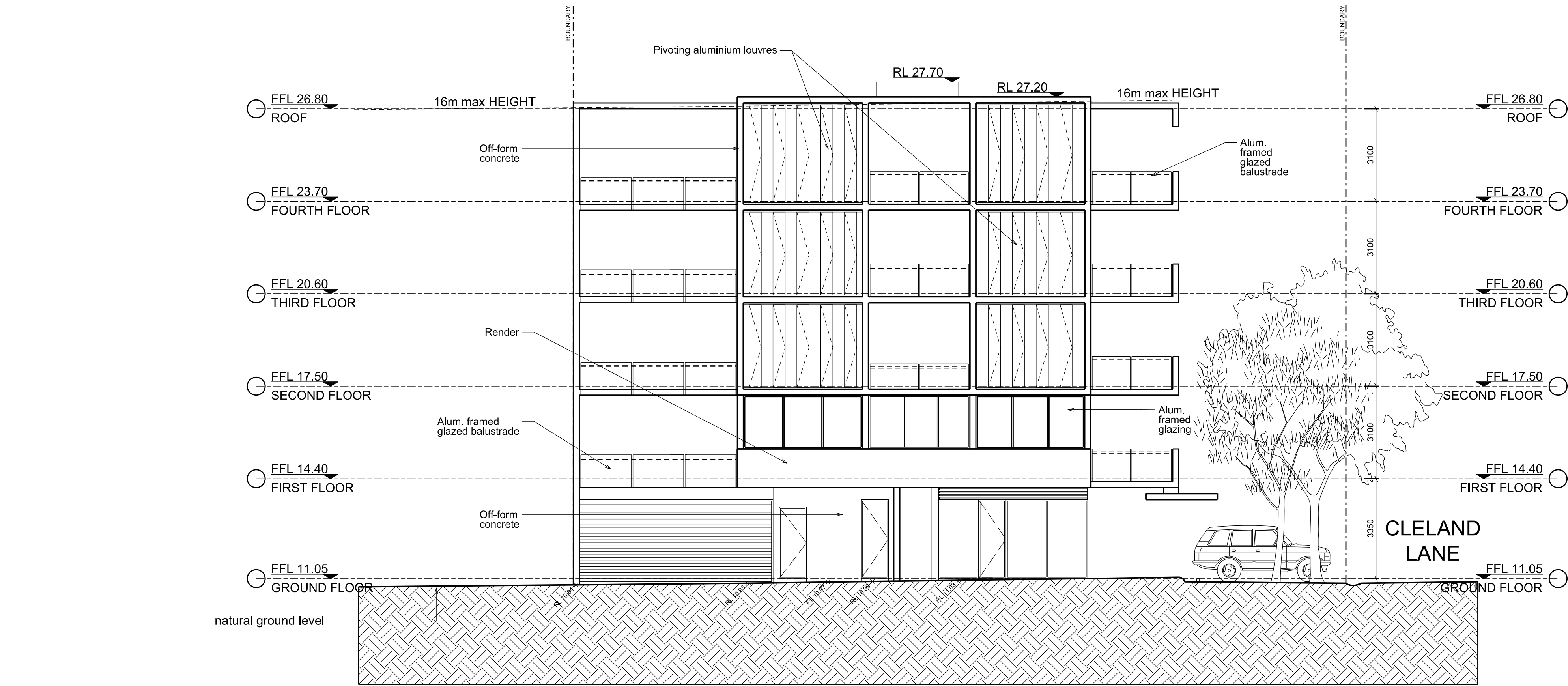
Project
Residential Development
80 Ramsgate Rd
Ramsgate NSW 2217

Drawing Title

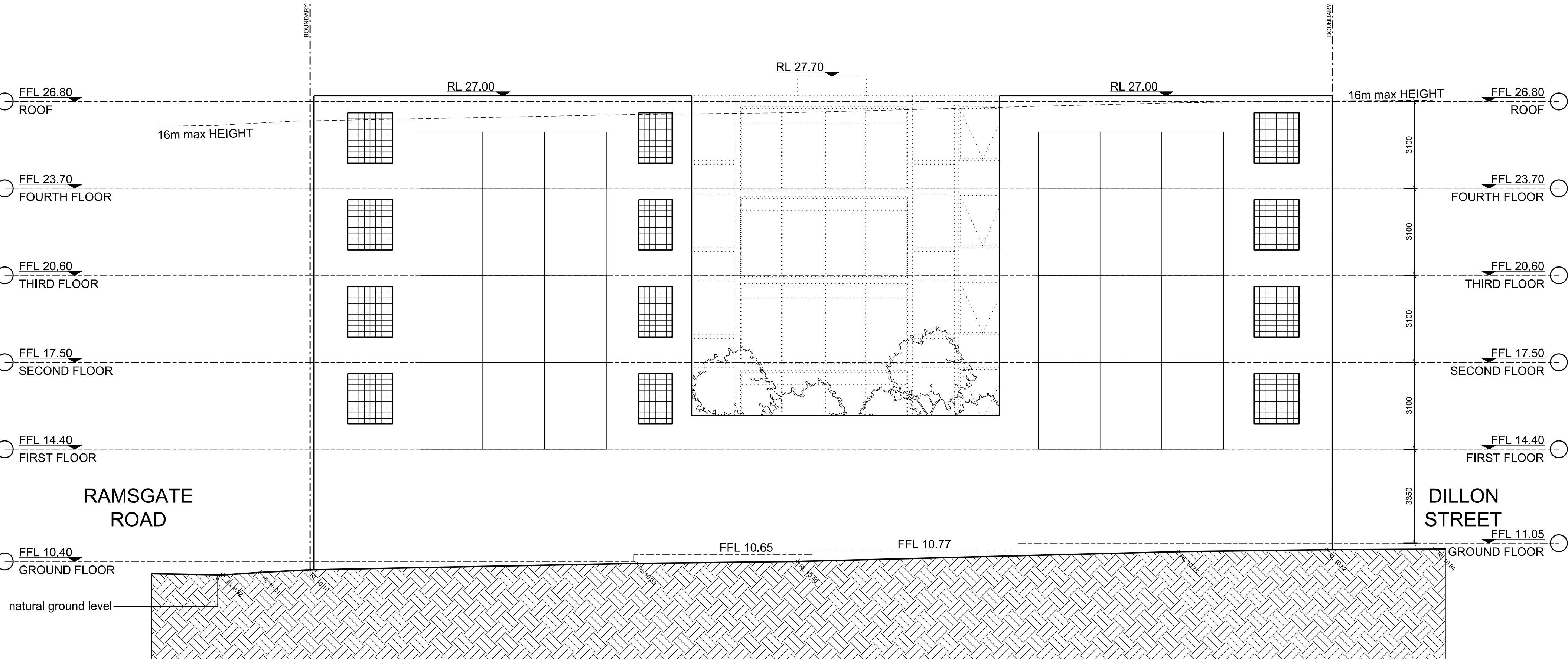
South & West Elevations

Scale	Date	Drawn	Checked
1:100 @ A1	24.03.15	AH	CT
Job No.	Drawing No.	Issue	
	DA 4.00	D	

Design File Ref: Arch/Active/80 Ramsgate Rd/DA



NORTH ELEVATION



EAST ELEVATION

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Larger scale drawings and written dimensions take preference.
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BASIX COMMITMENTS NOTES				
* TO BE READ IN CONJUNCTION WITH APPROVED BASIX REPORT *				
WATER	Fixtures	All Shower Heads	All toilet flushing systems	All kitchen taps
		3 star (4star = 7.5L/min)	4 star	5 star
		Central rainwater tank: 2000 litres to collect run-off of 50m2 and connection to allow for irrigation of 20m2 and car washing in 1 car washing bay on the site		
		Dishwashers - 3.5 star water rating		
ENERGY		Hot water system: Gas instantaneous - 6 Star		
		Bathroom ventilation system: Individual fan, ducted to façade or roof manual switch on/off		
		Kitchen ventilation system: Individual fan, not ducted manual switch on/off		
		Laundry ventilation system: Individual fan, ducted to façade or roof manual switch on/off		
		Cooling system: air-conditioning 1 Phase - EER 3.0-3.5 living only		
		Heating system: air-conditioning 1 Phase - EER 3.0-3.5 living only		
		Artificial lighting: As per BASIX		
		Natural lighting: As per BASIX		
		Appliances: Gas cooktop & electric oven in the kitchen of the dwellings		
		Dishwashers: 3.5 star energy rating		
		Clothes dryers: 2 star energy rating		
		Wall ventilated fridge space to the units		
		Indoor or sheltered clothes drying line to be provided		
		Refer to approved BASIX report		

COMMON AREAS	Building Elements	Material	Detail
External walls	Concrete + furring channel + plasterboard	RL5 bulk insulation	
Internal walls	Plasterboard on studs	-	
Common walls between dwellings	Concrete	-	
Common walls between units and corridors	Concrete + furring channel + plasterboard	RL5 bulk insulation	
Common walls between units and lifts	Concrete + furring channel + plasterboard	RL5 bulk insulation	
Ceiling	Plasterboard	-	
Roof	Concrete, colour medium	RL5 bulk insulation to units 1.03, 1.04 only	
	Concrete, colour medium	RL5 bulk insulation to units 2.03, 2.04 and top floor units	
Floors	Concrete	RL5 bulk insulation to suspended floors to units 1.01, 1.02, 1.06, only	
Windows for units 1.05, 1.06, 2.05, 2.06, 3.05, 3.06, 4.05, 4.06, 4.07	Aluminium framed, single glazed Low e or similar to sliding windows & doors & fixed windows	U value 5.4 or less and a SHGC of 0.58 +/-	
Windows for unit 4.04	Aluminium framed, single glazed Low e or similar to awning windows	U value 5.4 or less and a SHGC of 0.49 +/-	
Windows for unit 4.04	Aluminium framed, double glazed or similar to sliding windows & doors & fixed windows	U value 4.5 or less and a SHGC of 0.61 +/-	
Windows for unit 4.04	Aluminium framed, double glazed or similar to sliding windows & doors & fixed windows	U value 4.5 or less and a SHGC of 0.50 +/-	
Windows for rest of units	Aluminium framed, single glazed clear to sliding windows & doors & fixed windows	U value 6.7 or less and a SHGC of 0.70 +/-	
Windows for rest of units	Aluminium framed, single glazed clear to sliding windows & doors & fixed windows	U value 6.7 or less and a SHGC of 0.57 +/-	
Skylights	Double glazed	-	
Lighting	Units have been rated without downlights		
	Self closing dampers to exhaust fans		

E	29.08.16	Final revision in accordance to council comments	SS
D	11.02.16	Revised	KG
C	01.11.15	Final drawings for council submission	SS
B	01.07.15	East elevation revised	AH
A	24.03.15	Issued to consultants	AH

Issue	Date	Description	By
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CMT ARCHITECTS
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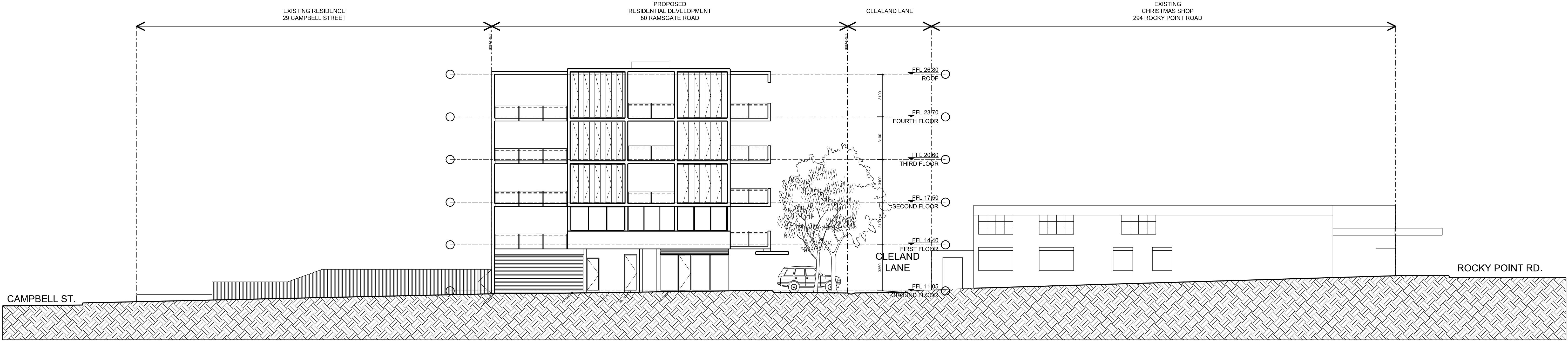
DA SUBMISSION

Client
Dillgate Developments Pty Ltd
2a Queensborough Rd,
CROYDON PARK, NSW, 2133

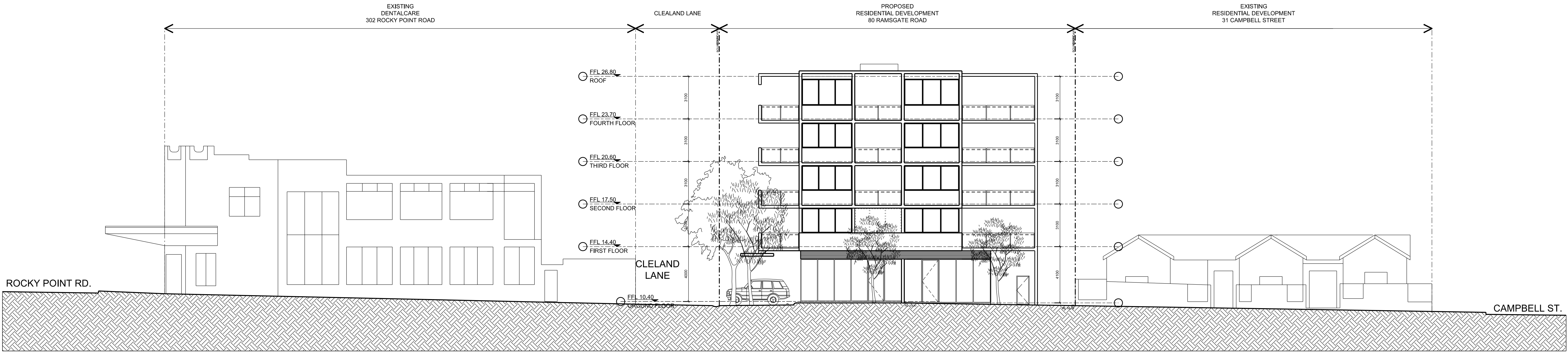
Project
Residential Development
80 Ramsgate Rd
Ramsgate NSW 2217

Drawing Title
North & East Elevations

Scale	Date	Drawn	Checked
1:100 @ A1	24.03.15	AH	CT
Job No.	Drawing No.	DA 4.01	
Design File Ref: Arch/Active/80 Ramsgate Rd/DA		Issue	
		E	



DILLON STREET ELEVATION



RAMSGATE ROAD ELEVATION

Notes
Drawings in this set are not for construction.
Do not scale from drawings.
All dimensions to be checked on site prior to commencement of work.
All discrepancies to be brought to the attention of the Architect.
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A	01.11.15	Final drawings for council submission	SS
Issue	Date	Description	By

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Project
Residential Development
80 Ramsgate Rd
Ramsgate NSW 2217

Drawing Title
Streetscape Elevations

DA SUBMISSION

Scale	Date	Drawn	Checked
N.T.S.	01.11.2015	SS	CT
Job No.	Drawing No.	Issue	
	DA 5.00	A	

Design File Ref: Arch/Active/80 Ramsgate Rd/DA

Design Architect: Chris Tsioulos - Reg. No. 5143
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Page 1000



PLANSIGHT PTY LTD

Town Planners

**Nos. 78-80 Ramsgate Road Ramsgate
Objection pursuant to the provisions
of CL. 4.6 of Rockdale Local Environmental Plan 2013**

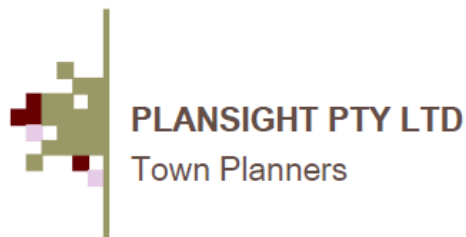
Prepared for

Dillgate Developments Pty Limited

Request for variation of height standard of Cl.4.3 RLEP 2011 pursuant to the provisions of CL. 4.6 of Rockdale Local Environmental Plan 2013

**Nos. 78-80 Ramsgate Road Ramsgate
Proposed Shop top Housing development**

C.F. Blyth MPIA CPP, Director



**13 Clive Road Eastwood
m: 0411428745
e: chris@plansight.com.au
w: www.plansight.com.au**

July 2016

Docs/80Ramsgate4.6

CONTENTS

- 1.0 Introduction**
- 2.0 Cl.4.6 Exceptions to Development Standards RLSP 2011**
- 3.0 Zone Objectives**
- 4.0 Objection to Cl.4.3 RLEP 2011 Height of Buildings Development Standard**
- 5.0 CONCLUSION**

1.0 Introduction

This objection under has been prepared in relation to a Development Application that proposes the redevelopment of the subject site to accommodate a five (5) storey shop housing development comprising four (4) retail spaces and twenty (20) apartments.

This request to vary a development standard is in response to correspondence from Council dated 17 March 2016 wherein a number of matters were highlighted that resulted in the submission of amended drawings to Council.

Subsequently an email response was received from Council dated 20 May 2016 nominating matters that were still outstanding:

- *Aesthetics*
- *Solar access to apartments*
- *Inappropriate location and size of Communal Open Space*
- *No clause 4.6 variation request for height breach*
- *Floor to ceiling height*

The issues raised in bullet points 1-3 & 5 have been addressed in a separate submission prepared by the architects for the development and in amended drawings.

The commercial floor to floor levels have also been adjusted to provide a minimum of 3.35m to tenancy 4 at the corner of Dillon Street and Cleland Lane

2.0 Cl.4.6 Exceptions to Development Standards RLEP 2011

Clause 4.6 provides a mechanism by which a development standard can be varied. The objectives of this clause are:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Pursuant to clause 4.6(2) consent may, subject to this clause, be granted for development even though it would contravene a development standard imposed by this or any other environmental planning instrument. This clause does not apply however to a development standard that is expressly excluded from the operation of this clause.

This clause would apply to the development standard in Cl.4.3 of RLEP 2011 Height of Buildings.

Clause 4.6(3) states that consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

Clause 4.6(4) states consent must not be granted for development that contravenes a development standard unless:

- (a) the consent authority is satisfied that:*
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) the concurrence of the Director-General has been obtained.*

Clause 4.6(5) states that in deciding whether to grant concurrence, the Director-General must consider:

- (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
- (b) *the public benefit of maintaining the development standard, and*
- (c) *any other matters required to be taken into consideration by the Director-General before granting concurrence.*

3.0 Zone Objectives

The subject site is zoned B4 Mixed Use pursuant to the provisions of Rockdale Local Environmental Plan 2011 ("RLEP 2011"). The objectives of the B4 zone are as follows:

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*

The proposed development achieves the objectives as it is permitted in the zone and proposes a shop top housing development with ground floor retail and business uses and residential use in the upper levels.

As such the mixture of uses is compatible and is also in context with that found on many other recently redeveloped sites in the immediate vicinity.

The density of development is also noted as being in compliance with the FSR control.

The proposed development is therefore considered to be consistent with the stated zone objectives. Accordingly there is no zone or zone objective impediment to the granting of consent.

4.0 Objection to Cl.4.3 RLEP 2011 Height of Buildings Development Standard

Cl.4.3 of the LEP determines a building height control of 16m for the site measured to the highest part of the building.

In order to achieve a contextual form for the area and achieve floor to floor heights of 3.1m as required by State Environmental Planning Policy No.65, Design Quality for Residential Apartment Development the 16m height limit has been exceeded in part as follows:

- **North Elevation** 16.16m – 16.17m
- **South Elevation** 16.70m – 16.90m
- **East Elevation** 16.28m – 16.90m
- **West Elevation** 15.96m – 16.70m

- **Section to Lift core 16.91m**

At its maximum the non-compliance is only **910mm** to the lift core which is located centrally in the footprint of the building not visible in the streetscapes.

The primary areas of non-compliance are towards the south eastern and south western corners of the proposed building where the non-compliance is at maximum between only **700mm and 900mm (4.3% - 5.6% in excess)**. At the northern elevation of the building the height is marginally over the controls by between **160mm – 170mm (1.0% - 1.06% in excess)**.

The objectives of the standard are:

- (a) to establish the maximum limit within which buildings can be designed and floor space can be achieved,*
- (b) to permit building heights that encourage high quality urban form,*
- (c) to provide building heights that maintain satisfactory sky exposure and daylight to buildings, key areas and the public domain,*
- (d) to nominate heights that will provide an appropriate transition in built form and land use intensity.*

Having regard to the stated objectives of the standard it is considered that strict compliance is both unreasonable and unnecessary for the following reasons:

- *The built form at 5 storeys provides a building in context with the height of recent redevelopment site in the immediate locality;*
- *Along Dillon Street and Rocky Point Rd recent development between 5 – 8 storeys is evident noting particularly the recently completed development*

on Nos. 2-4 Dillon St opposite the site which is 5 storeys in height and exceeds the LEP standard for that site of 14.5m by up to 1.51m, having a height between 15.76m – 16.01m according to the approved S.96 documentation for DA 2012/412;



Fig 1. Nos 2-4 Dillon St opposite site to the north 15.76m – 16.01m & 5 storeys in height (284 -290 Rocky Point Rd to left)



Fig. 2. 284 – 290 Rocky Point Road, five (5) storey mixed development opposite site

- *In order to achieve a contextual 5 storey building, respond to site levels and to achieve a 3.1m floor to floor dimension for the residential levels the LEP height control has been exceeded by at maximum 900mm (outside of the lift core) representing an at maximum minor 5.6% departure from the standard to the southern elevation on Ramsgate Road;*
- *Generally the non-compliance is marginal representing on Dillon St (north) only a 1.0% - 1.06% departure from the standard and along Cleland Lane (west) from compliance to a maximum 4.3% departure;*
- *Deletion of the upper level to reduce building height to compliance would result in a significant reduction in floor space and thus defeat objective (a) of Cl.4.3 of the RLEP 2011;*
- *The building design has been modified to meet the suggestions of the Design Review Panel and Council planners including recommendations related to urban form;*
- *Increasing the floor to floor heights and thus the building height, to SEPP 65 requirements results in a higher quality living environment. As such objective (b) is achieved;*
- *The level of non-compliance with the control does not cause any issue related to view loss, sky exposure loss of privacy or contribute to any additional loss of daylight thus achieving objective (c);*
- *The proposed height does not result in any transitional issues given the site context with three street frontages and produces a height that is appropriate to be adopted in the redevelopment of the balance of the block leading to Campbell Street which is within the same zoning and which marks the building height transition to the east. In addition the proposed height is contextual with Nos 2-4 Dillon St opposite the site;*
- *Given the site context and otherwise complying nature of the development the height non-compliance is considered minor in the circumstances of the case;*

5.0 Conclusion

Having regard to the provisions of Cl. 4.6 of RLEP 2011 I am of the following opinion that :

- *there are no adverse amenity impacts caused to surrounding properties by the minor non-compliance with the height of buildings standard;*
- *that given the fact that the objectives of the zone and the development standard have been achieved, approval would not be antipathetic to the public interest;*
- *that having regard to the above that compliance with the building height standard is unreasonable or unnecessary in the circumstances of the case;*
- *contravention of the development standard does not raise any matter of significance for State or Regional environmental planning;*

As such it is my opinion that there is no statutory impediment or merit planning reason to deny the granting of a variation in this case.



C.F. Blyth MPIA CPP Director

Plansight Pty Ltd

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Council Meeting

14/12/2016

Item No	9.12
Property	4 Primrose Avenue, Sandringham NSW 2219
Proposal	Alterations and additions to residential dwelling, including installation of lift and stair access to proposed roof top terrace area
Cost of Development	\$ 80,000
Report by	Luis Melim, Manager – Development Services
Application No	DA-2017/30

Council Resolution

Minute 2016/095

Resolved by the Administrator

That this Development Application be **approved** pursuant to Section 80(1)(a) of the Environmental Planning and Assessment Act 1979 and subject to the conditions of consent attached to this report.

Officer Recommendation

That this Development Application be **APPROVED** pursuant to Section 80(1)(a) of the Environmental Planning and Assessment Act 1979 and subject to the conditions of consent attached to this report.

Attachments

- 1 Planning Assessment Report
 - 2 Site Plan
 - 3 Elevations Sheet 1
 - 4 Elevations Sheet 2
 - 5 Clause 4.6
 - 6 Roof Plan
-

Location Plan



BAYSIDE COUNCIL

Planning Assessment Report

Application Details

Application Number:	DA-2017/30
Date of Receipt:	28 July 2016
Property:	4 Primrose Avenue, SANDRINGHAM NSW 2219 Lot B DP 409565
Owner:	Mr Con Rodopoulos
Applicant:	Mr Emil Kucevic
Proposal:	Alterations and additions to residential dwelling, including installation of lift and stair access to proposed roof top terrace area
Recommendation:	Approved
No. of submissions:	The development has been notified in accordance with the provisions of Rockdale DCP, 2011 and Regulations, 2000. Nil submissions were received concerning the proposal.
Author:	Alexandra Hafner
Date of Report:	6 September 2016

Key Issues

The following key issues are identified in consideration of the subject application:

- The proposal fails to comply with the statutory provisions of Clause 4.3 - Height of Building of the RLEP 2011;
- Accordingly, the application is accompanied by a written Clause 4.6 submission seeking to vary the provisions contained therein;
- The proposal generally complies with all other relevant provisions of the RLEP 2011 and RDCP 2011.

Recommendation

That this Development Application be **APPROVED** pursuant to Section 80(1)(a) of the Environmental Planning and Assessment Act 1979 and subject to the conditions of consent attached to this report.

Background

History

The following historical applications relate to the subject allotment:

- Development Application No. DA-2007/115 for the extension to an external first floor balcony approved on 24 October 2006; and

- Construction Certificate No. CC-2007-91 for the extension to an external first floor balcony approved on 24 October 2006.

Proposal

Council is in receipt of Development Application No. DA-2017/30 for No. 4 Primrose Avenue, Sandringham. The subject DA seeks consent for the construction of a new lift servicing the existing ground and first floors and proposed roof top terrace area.

Site location and context

The subject allotment, formally identified as Lot B DP 409565, is an irregular shaped site located on the eastern side of Primrose Avenue. The site has front and rear boundary widths of 17.07 metres and 17.08 metres respectively, with a total area of 584.2sqm (by Survey). The site is currently occupied by a two (2) storey rendered dwelling with two (2) detached garages and an inground swimming pool.

The site is adjoined by two (2) x two (2) storey rendered dwelling houses to the north and south and Cooks Park to the east. No street trees are located forward of the property boundary.

Statutory Considerations

Environmental Planning and Assessment Act, 1979

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

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

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

The following Environmental Planning Instruments are relevant to this application:

Greater Metropolitan REP No. 2 – Georges River Catchment

The proposal is consistent with Council's requirements for the disposal of stormwater in the catchment. Therefore, it is considered that the proposed development will not significantly impact upon the environment of the Georges River, either in a local or regional context, and that the development is not inconsistent with the general and specific aims, planning principles, planning considerations and policies and recommended strategies. The proposal is consistent with the aims and objectives of the Georges River Catchment Deemed (SEPP).

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

The application is accompanied by BASIX Certificate No. A263323, dated Friday 14 October 2016. The Certificate demonstrates the proposed development satisfies the relevant thermal and ventilation commitments as required by SEPP (BASIX). Accordingly, a condition is imposed on the draft Notice of Determination to ensure compliance with the commitments contained therein.

Rockdale Local Environmental Plan 2011

Relevant clauses	Compliance with objectives	Compliance with standard/provision
2.3 Zone R2 Low Density Residential	Yes	Yes - see discussion
4.3 Height of buildings	No - see discussion	No - see discussion
4.4 Floor space ratio	Yes	No - see discussion
4.6 Exceptions to development standards	Yes	Yes - see discussion
5.10 Heritage conservation	Yes	Yes - see discussion
6.1 Acid Sulfate Soil - Class 3	Yes	Yes - see discussion
6.2 Earthworks	Yes	Yes - see discussion
6.4 Airspace operations	Yes	Yes - see discussion
6.7 Stormwater	Yes	Yes - see discussion
6.12 Essential services	Yes	Yes - see discussion

2.3 Zone R2 Low Density Residential

The subject site is zoned R2 - Low Density Residential under the provisions of Rockdale Local Environmental Plan 2011 (RLEP 2011). The proposed alterations and additions to the existing dwelling, comprising of lift installation and new room is permissible with Council consent. The objectives of the zone are:

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

The proposed development is consistent with the objectives of the zone as it will respond to the housing needs of the community in a manner which minimises potential impacts on the character and amenity of the area.

4.3 Height of buildings

The maximum permissible height of building in accordance with this Clause is 8.5 metres, as measured from NGL (existing).

The proposed development seeks an overall height of 9.470 metres (RL 12.710 - RL 2.80) which fails to comply with the numerical provisions of this Clause. Accordingly, the application is accompanied by a written Clause 4.6 submission seeking to vary the maximum permissible height of building.

4.4 Floor space ratio

The maximum permissible FSR in accordance with this Clause is 0.50:1 for the subject allotment.

The existing development has a GFA of 313.5sqm over a site area of 584.2sqm, which equates to an FSR of 0.54:1. The proposed development will result in an additional 23 sqm, which will equate to an FSR of 0.58:1 and is not supported in this instance. Accordingly, the following condition is imposed on the draft Notice of Determination:

Prior to the issue of a Construction Certificate for the approved development, the architectural plans shall be amended to reduce the approved roof level plan to no more than 12sqm, which shall reasonably accommodate the proposed vertical circulation areas inclusive of lift and stairs as shown in red on the approved plans.

The above condition has the effect of excluding the floor area from FSR calculations and not further contribute to the existing non-compliance in this regard. In this respect, the density will remain in accordance with the desired future character of Rockdale, will have minimal adverse environmental effects on the use or enjoyment of adjoining properties and will maintain an appropriate visual relationship between new development and the existing character of the immediate area. Accordingly, the proposal satisfies the objectives of this Clause.

4.6 Exceptions to development standards

The applicant seeks to vary the development standards relating to Clause 4.3 - Height of Building in accordance with Clause 4.6 of the RLEP 2011. The objectives of Clause 4.6 are as follows:

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

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

With regard to the above, the consent authority is required to consider a written request from the applicant justifying a variation to the standard by demonstrating:

3(a) that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case, and

3(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

Further, Clause 4.6(4) requires that development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Director-General has been obtained.

The applicant seeks to vary both Clause 4.3 - Height of Building of the RLEP 2011.

Clause 4.3 - Height of Building

The objectives of Clause 4.3 - Height of Building are as follows:

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

achieved;

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

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

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

The development seeks to provide lift and stair access to a proposed roof top terrace area, which is a permissible form of development with Council consent. The development seeks to vary the maximum height permissible from 8.5 metre to 9.47 metres. Within the justification, the applicant's statement regarding compliance with the objectives is summarised below:

- The addition to the roof level is limited to 2.1 metres in ceiling height and is treated as a non-habitable room which is the minimum allowed for under the BCA;*
- The proposed lift overrun has been limited in height and contained within the overall envelope.*
- Minimal visual impact is proposed to Cook Park or the Georges River as the proposed development is well setback from the front and rear boundaries. That is, despite the proposed variation to the height, the proposed development provides upgrades to an existing dwelling whilst maintaining the predominant low density residential character of the locality.*
- Given the existing streetscape of Primrose Avenue already contains several similar precedents whereby two level residences contain a third level rooftop room and area, along with recently constructed developments, the proposed upgrades is considered to be largely consistent with regards to overall bulk; scale and height of the locality.*
- Given the orientation of the site, it is considered that minimum overshadowing will occur to adjoining neighbours as well as Cook Park and Georges River.*

Comment:

The development seeks consent for a permissible form of development, with Council consent, accompanied by a Clause 4.6 submission to vary the maximum permissible height of building. The departure to the standard, as discussed above, has successfully demonstrated to not have any material planning impacts on the site or the immediate surrounds. Further, recent approval of Development Application No. DA-2014/365 demonstrates Council has previously abandoned the subject controls to which the Clause 4.6 relates in similar contexts. Under the circumstances, strict numerical compliance with the development standard relating to maximum permissible height of building is considered unreasonable in this instance and is unlikely to result in a better environmental outcome. The proposal will satisfy the objectives of the R2 - Low Density Residential Zone by providing for the housing needs of the community within a low density environment as well as satisfying the objectives of Clause 4.3 and is therefore, in the public interest.

5.10 Heritage conservation

The proposed development is located in the vicinity of a local heritage item, being Cook Park, located east of the subject allotment (Item I168, Schedule 5 of the RLEP 2011). The proposed development is sympathetic to the heritage item in terms of building design, materials and streetscape and does not affect the integrity or character of the heritage item.

Therefore the qualities that makes the heritage item and it's setting significant will not be diminished and the proposal is acceptable with regards to this Clause.

6.1 Acid Sulfate Soil - Class 3

Acid Sulfate Soils (ASS) – Class 3 affects the property. Development Consent is not required as the proposed works involve the disturbance of less than 1 tonne of soil and the works are not likely to lower the watertable.

6.2 Earthworks

The extent of earthworks and/or excavation required to accommodate the proposed development is minimal and impacts determined as negligible. Accordingly, standard conditions are imposed on the draft Notice of Determination to ensure minimal impacts on the amenity of surrounding properties, drainage patterns and soil stability. Subject to conditions, the development is acceptable with regards to this Clause.

6.4 Airspace operations

The proposed development is affected by the Obstacle Limitation Surface (OLS) which is set at 110 metres AHD. The proposed building height will be 9.470 metres (RL 12.710) and in this regard, it is considered that the proposed building will have minimal adverse impact on the OLS. The proposed development therefore satisfies the provisions of this Clause.

6.7 Stormwater

The application is accompanied by Stormwater Concept Plan, Drawing No. A0504, Issue B and dated 27 August 2016. The Plan proposes for all new development, including the metal deck roof, to connect to the existing stormwater system and discharge to the existing rainwater outlets. Standard conditions are to be included in the draft Notice of Determination that the discharge of stormwater will be required to comply with Rockdale Technical Specification for Stormwater Management with appropriate certification and checklist completed and received prior to release of the Construction Certificate. Subject to conditions, the development is acceptable with regards to this Clause.

6.12 Essential services

Services will generally be available on the site. Additional conditions have been incorporated in the draft Notice of Determination requiring consultation with relevant utility providers in regards to any specific requirements for the provision of services on the site.

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

Section 79C(1)(a)(ii) of The Environmental Planning and Assessment Act, 1979, (the Act) requires a consent authority to consider any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority.

Since the lodgement of the subject development application, the draft State Environmental Planning Policy (Coastal Management) 2016 (the Coastal Management SEPP) has been placed on public exhibition, identifying the subject site as within (part or whole) the 'coastal zone'. The draft Coastal Management SEPP sets the land use planning framework for coastal management. It also sets out development controls that apply to particular forms of development within specific coastal management areas. The savings and transitional provisions contained within the draft Coastal Management SEPP limit its application to development applications after the SEPP has commenced. The proposed development is not considered to be inconsistent with the intent and purpose of the draft instrument and is acceptable in this regard.

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

The following Development Control Plan is relevant to this application:

Rockdale Development Control Plan 2011

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

Relevant clauses	Compliance with objectives	Compliance with standard/provision
4.1.1 Views and Vista	Yes	Yes - see discussion
4.1.2 Heritage Conservation - Vicinity of Heritage Item	Yes	Yes - see discussion
4.1.3 Water Management	Yes	Yes - see discussion
4.1.3 Groundwater Protection	Yes	Yes - see discussion
4.1.4 Soil Management	Yes	Yes - see discussion
4.3.2 Private Open Space - Low density residential	Yes	Yes - see discussion
4.4.2 Solar Access - Low and medium density residential	Yes	Yes - see discussion
4.4.5 Visual privacy	Yes	Yes - see discussion
4.4.5 Acoustic privacy	Yes	Yes - see discussion
4.6 Parking Provisions - Alterations and additions	Yes	Yes - see discussion
5.1 Storey Height and Setbacks - Dwelling house and Attached Dwellings	Yes	Yes - see discussion

4.1.1 Views and Vista

The siting of the proposed building will ensure that there is minimal adverse impact on the surrounding views presently enjoyed by adjacent residents.

4.1.2 Heritage Conservation - Vicinity of Heritage Item

As discussed in the above body of this report, the proposed development is located in the vicinity of a local heritage item, being Cook Park, located east of the subject allotment (Item I168, Schedule 5 of the RLEP 2011). The proposed development is sympathetic to the heritage item in terms of building design, materials and streetscape and does not affect the integrity or character of the heritage item.

Therefore the qualities that makes the heritage item and it's setting significant will not be diminished and the proposal is acceptable with regards to this Clause.

4.1.3 Water Management

As discussed in the above body of this report, the application is accompanied by Stormwater Concept Plan, Drawing No. A0504, Issue B and dated 27 August 2016. The Plan proposes for all new development, including the metal deck roof, to connect to the existing stormwater system and discharge to the existing rainwater outlets. Standard conditions are to be included in the draft Notice of Determination that the discharge of stormwater will be required to comply with Rockdale Technical Specification for Stormwater Management with appropriate certification and checklist completed and received prior to release of the Construction Certificate.

Subject to conditions, the development is acceptable with regards to this Clause.

4.1.3 Groundwater Protection

The site is affected by the Groundwater Protection Zone 3, however it is considered that excavation in relation to the proposed building is not deep enough to cause any adverse impact on the Zone. Notwithstanding, an appropriate condition is to be included in the consent to ensure the provisions of this Clause are satisfied.

4.1.4 Soil Management

Subject to conditions, including the implementation of a soil and water management plan, general erosion and sediment control strategies will ensure that the potential for impact on adjoining land and surrounding waterways is minimised.

4.3.2 Private Open Space - Low density residential

The proposed development does not reduce the availability of private open space area, which remains compliant with the minimum requirement of 80sqm. The proposal therefore satisfies the provisions of this Clause.

4.4.2 Solar Access - Low and medium density residential

The resultant shadow impacts from the proposed development is limited to the proposed roof top terrace area and does not generate any additional shadow impacts to adjoining residential allotments. The proposed development is acceptable with regards to this Clause.

4.4.5 Visual privacy

The proposed development has been designed and sited to minimise the overlooking of adjoining properties, by ensuring that the usable area of the roof top terrace be set back at least 1500mm from the edge of the building. Having regard to the above, the proposed development provides a reasonable level of visual privacy between the adjoining properties.

4.4.5 Acoustic privacy

There will be minimal adverse impact on the acoustic privacy of adjoining and surrounding properties as consideration has been given to the location and design of the building and landscaping in relation to private recreation areas to minimise noise intrusion on the amenity of adjoining properties.

4.6 Parking Provisions - Alterations and additions

The proposed development does not generate additional off-street car parking demand in accordance with the provisions of this Clause. The proposed development remains acceptable in this regard.

5.1 Storey Height and Setbacks - Dwelling house and Attached Dwellings

The proposed rooftop terrace and associated development is provided with the following setbacks in accordance with the provisions of this Clause:

- 5.905 metres to the northern allotment boundary;
- 5.545 metres to the southern allotment boundary; and
- 17.415 metres to the eastern (rear) allotment boundary.

The proposed development is acceptable in this regard.

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

The proposed development is not inconsistent with the relevant provisions of the *Environmental Planning and Assessment Regulation 2000*.

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

Potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls and satisfies the relevant provisions contained therein. The impacts that have not already been addressed are as follows:

Construction

All matters relating to the BCA are addressed by way of conditions imposed on the draft Notice of Determination. In addition to these, site and safety measures are to be implemented in accordance with WorkCover Authority guidelines and requirements.

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

Having regard to the above, the site is considered to be suitable for the proposed form of development.

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

The development has been notified in accordance with the provisions of Rockdale DCP, 2011 and Regulations, 2000. Nil submissions were received concerning the proposal.

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

The proposed development is considered satisfactory having regard to the objectives and requirements of Rockdale Local Environmental Plan 2011 and Development Control Plan 2011. Impacts on adjoining properties have been considered and addressed. As such it is considered that the proposed development is in the public interest.

S94A Fixed development consent levies

Section 94A of the Environmental Planning and assessment Act 1979 (as amended) applies to the proposal. In this regard, a standard condition of development consent has been imposed in respect to a levy applied under this section.

Schedule 1 - Draft Conditions of consent

General Conditions

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

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

Plan/Dwg No.	Drawn by	Dated	Received by Council
Site Plan, Drawing No. A0010, Issue B	EMK Architects	27.08.2016	27.08.2016
Ground Floor Plan, Drawing No. A0200, Issue B	EMK Architects	27.08.2016	27.08.2016
First Floor Plan, Drawing No. A0201, Issue B	EMK Architects	27.08.2016	27.08.2016
Roof Level Plan, Drawing No. A0202, Issue B	EMK Architects	27.08.2016	27.08.2016
Roof Plan, Drawing No. A0205, Issue B	EMK Architects	27.08.2016	27.08.2016
Elevations - Sheet 1, Drawing No. A0501, Issue B	EMK Architects	27.08.2016	27.08.2016
Elevations - Sheet 2, Drawing No. A0502, Issue B	EMK Architects	27.08.2016	27.08.2016
Streetscape Elevation, Drawing No. A0503, Issue B	EMK Architects	27.08.2016	27.08.2016
Stormwater Concept Plan, Drawing No. A0504, Issue B	EMK Architects	27.08.2016	27.08.2016
Site Section, Drawing No. A0602, Issue B	EMK Architects	27.08.2016	27.08.2016

3. All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).
4. A Construction Certificate must be obtained from Council or an Accredited Certifier prior to any building work commencing.
5. The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate No. A263323, dated Friday 14 October 2016 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. 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.

Prior to issue of the construction certificate

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

7. The following fees shall be paid to Council prior to the issue of a Construction Certificate. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges.
 - i. A Footpath Reserve Restoration Deposit of \$2,508.00. This is to cover repair of any damages, or other works to be done by Council. This includes construction, removal, or repair as required to: kerb and guttering, existing or new driveways; paved areas and concrete footpaths. The deposit may be lodged with Council in the form of a Bank Guarantee (Any proposed Bank Guarantee must not have an expiry date). The deposit will not be returned by Council until works are completed and all damage is restored and all specified works are completed by Council.
 - ii. An environmental enforcement fee of 0.25% of the cost of the works.
 - iii. A Soil and Water Management Sign of \$17.50.
8. 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.
9. a. Pursuant to section 94A of the Environmental Planning and Assessment Act 1979 and Rockdale Section 94A Development Contributions Plan 2008, a report is to be submitted to Council, prior to approval of the first Part 4A certificate required for the development, identifying the proposed cost of carrying out the development, as follows:
 - i. Where the proposed cost of carrying out the development is less than \$1,000,000, a cost summary report prepared and certified by a building industry professional, or
 - ii. Where the proposed cost of carrying out the development is \$1,000,000 or more, a detailed cost report prepared and certified by a quantity surveyor registered with the Australian Institute of Quantity Surveyors or a person who can demonstrate equivalent qualifications. This report is to be prepared in the form specified in Rockdale Section 94A Development Contributions Plan 2008 and the costs must be determined in accordance with clause 25J of the Environmental Planning and Assessment Regulation 2000.

Note:

1. Council may review the costs contained in the report and may seek the services of an independent person to verify them. In such a case, all costs associated with obtaining this advice will be at the expense of the applicant and no Part 4A certificate is to be issued until such time as these costs have been paid.
2. The proposed cost of carrying out the development excludes any part of the proposed development that is exempt from the section 94A levy by reason of a Ministerial direction or an exemption specified in Rockdale Section 94A Development Contributions Plan 2008. Where the applicant considers that the proposed development, or any part of it, is or should be exempt from the levy they may submit to Council, prior to approval of the required certificate, an application for

exemption giving reasons and providing any necessary evidence for the exemption.

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

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

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

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

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

10. A certificate from a practising Structural Engineer shall be submitted prior to the issue of the construction certificate confirming that the existing building elements are structurally adequate to support all proposed additional loads.
11. 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.
12. 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>

13. Prior to the issue of the Construction Certificate, detailed drainage design plans for the management of stormwater are to be submitted to Principal Certifying Authority for assessment and approval. Design certification, in the form specified in Rockdale Technical Specification Stormwater Management, and drainage design calculations are to be submitted with the plans. Council's Rockdale Technical Specification Stormwater Management sets out the minimum documentation requirements for detailed design plans. Stormwater management requirements for the development site, including the final discharge/end connection point, must comply with Rockdale Technical Specification Stormwater Management.
14. Prior to the issue of a Construction Certificate for the approved development, the architectural plans shall be amended to reduce the approved roof level plan to no more than 12sqm, which shall reasonably accommodate the proposed vertical circulation areas inclusive of lift and stairs as shown in red on the approved plans.

Prior to commencement of works

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

15. 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.

16. 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.
17. 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.
18. Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

During demolition / excavation / construction

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

19. 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.
20. 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.
21. Ground water shall only be pumped or drained to Council's stormwater system if the water is clean and unpolluted. The standard used to determine the acceptability of the quality of the water is the 'Australian and New Zealand Environment and Conservation Council - Australian Water Quality Guidelines for Fresh and Marine Waters 1992'.

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

22. 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.
23. All waste generated on site shall be disposed of in accordance with the submitted Waste Management Plan.
24. 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 stages of construction:
 - i. Prior to construction of the uppermost floor level showing the area of the land, building and boundary setbacks and verifying that the approved development is being constructed at the approved level.
 - ii. 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.
25. 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.
26. 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.

27. 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.

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

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.

29. An Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of the building.
30. 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.
31. All excess excavated material, demolition material, vegetative matter and builder's rubbish shall be removed to the Waste Disposal Depot or the Regional Tip prior to final inspection.
Note: Burning on site is prohibited.
32. Damage to brick kerb and/or gutter and any other damage in the road reserve shall be repaired using brick kerb and gutter of a similar type and equal dimensions. All works shall be to Council's satisfaction at the applicant's expense. Repairs shall be completed prior to the issue of the Occupation Certificate.
33. 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.

Roads Act

34. Construction related activities must not take place on the roadway without Council approval.

Short-term activities (including operating plant, materials delivery) that reduce parking spaces, affect access to a particular route or prevent or restrict the passage of vehicles along the road must not occur without a valid Temporary Roadside Closure Permit.

Activities involving occupation of the parking lane for durations longer than allowed under a Temporary Roadside Closure Permit require a Construction Zone Permit and must not occur prior to the erection of Works Zone signs by Council's Traffic and Road Safety Section.

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

request.

Development consent advice

- a. You are advised to consult with your utility providers (i.e. Energy Aust, Telstra etc) in order to fully understand their requirements before commencement of any work.
- b. *Telstra Advice – Dial Before You Dig*

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

- c. *Telstra Advice - Telecommunications Act 1997 (Commonwealth)*

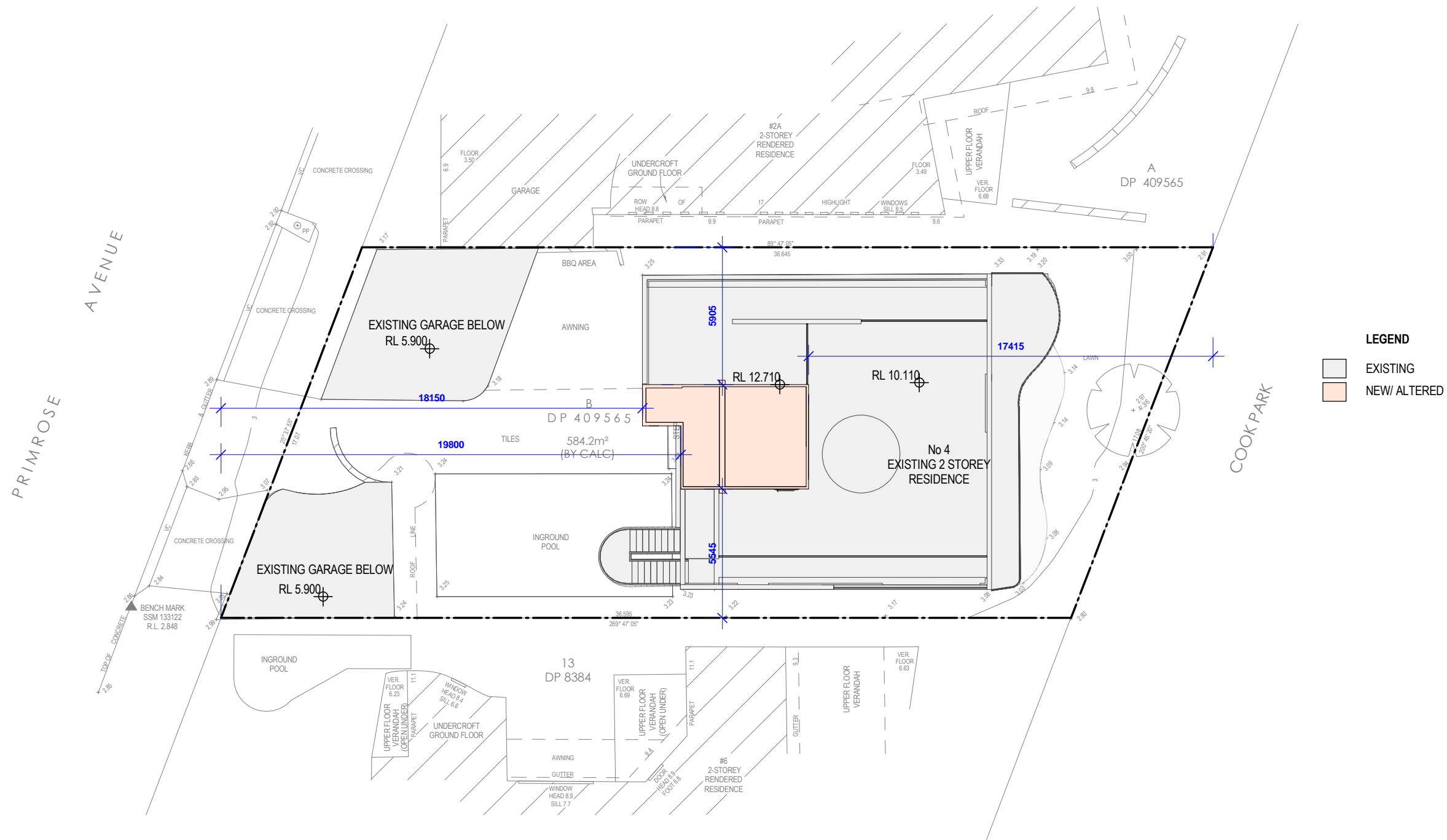
Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Commonwealth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800810443.

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

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

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


- Protection of the Environment Operations (Waste) Regulation 2005.
- f. Demolition and construction shall minimise the emission of excessive noise and prevent “offensive noise” as defined in the Protection of the Environment Operations Act 1997. Noise reduction measures shall include, but are not limited to the following strategies:
- choosing quiet equipment
 - choosing alternatives to noisy activities
 - relocating noise sources away from affected neighbours
 - educating staff and contractors about quiet work practices
 - informing neighbours of potentially noise activities in advance
 - equipment, such as de-watering pumps, that are needed to operate on any evening or night between the hours of 8 p.m. and 7 a.m. or on any Sunday or Public Holiday, shall not cause a noise nuisance to neighbours of adjoining or nearby residences. Where the emitted noise exceeds 5 dB(A) [LAeq(15m)] above the background sound level [LA90] at the most affected point on the nearest residential boundary at any time previously stated, the equipment shall be acoustically insulated, isolated or otherwise enclosed so as to achieve the sound level objective.
- g. The removal, cleaning and disposal of lead-based paint shall conform with the requirements of the NSW Environment Protection Authority’s guideline - "Lead Alert - Painting Your Home".
- h. All site works shall comply with the occupational health and safety requirements of the NSW WorkCover Authority.
- i. 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.

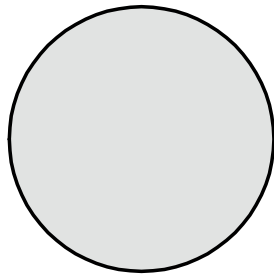


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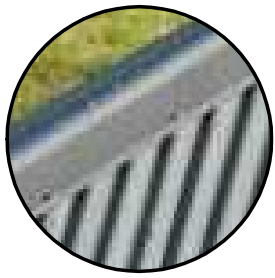
Site Plan
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DA ISSUE

<div></div> <div>EMKARCHITECTS ABN 92 787 531 735 PO Box 10 Sans Souci 2219 emil@emkarchitects.com www.emkarchitects.com emil kucevic nsw reg. 9308</div>	issue	amendment	date	Notes This drawing is copyright and is not to be replicated or used for any purpose without the written consent of EMK Architects. Use figured dimensions only - do not scale from this drawing. All dimensions to structure - confirm all dimensions on site. This drawing is to be read in conjunction with all relevant consultant documentation, schedules and specifications.	project	drawing	
	A	DA ISSUE	08.07.2016		4 Primrose Ave Sandringham	Site Plan	
	B	DA ISSUE	27.08.2016		client	project no. 5505	drawing no. 1035
					Owners	drawn EK	scale AS 1500
						date 27.08.2016	indicated / B
							Page 1035
							A0010



RD 1
EXTERIOR WALLS
OFF WHITE PAINT ON RENDER



RF 1
METAL DECK AS SELECTED

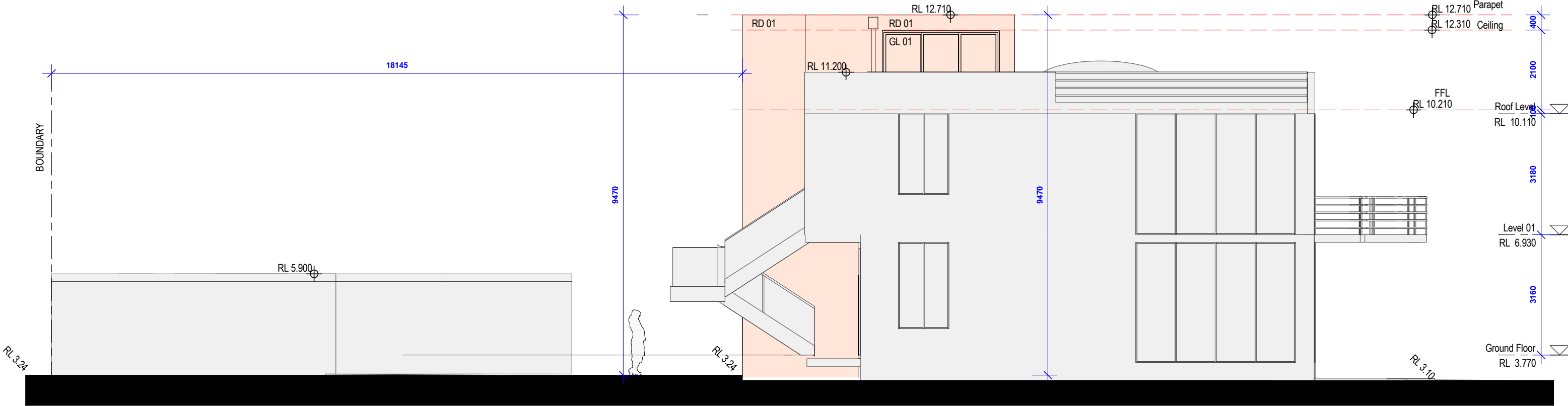
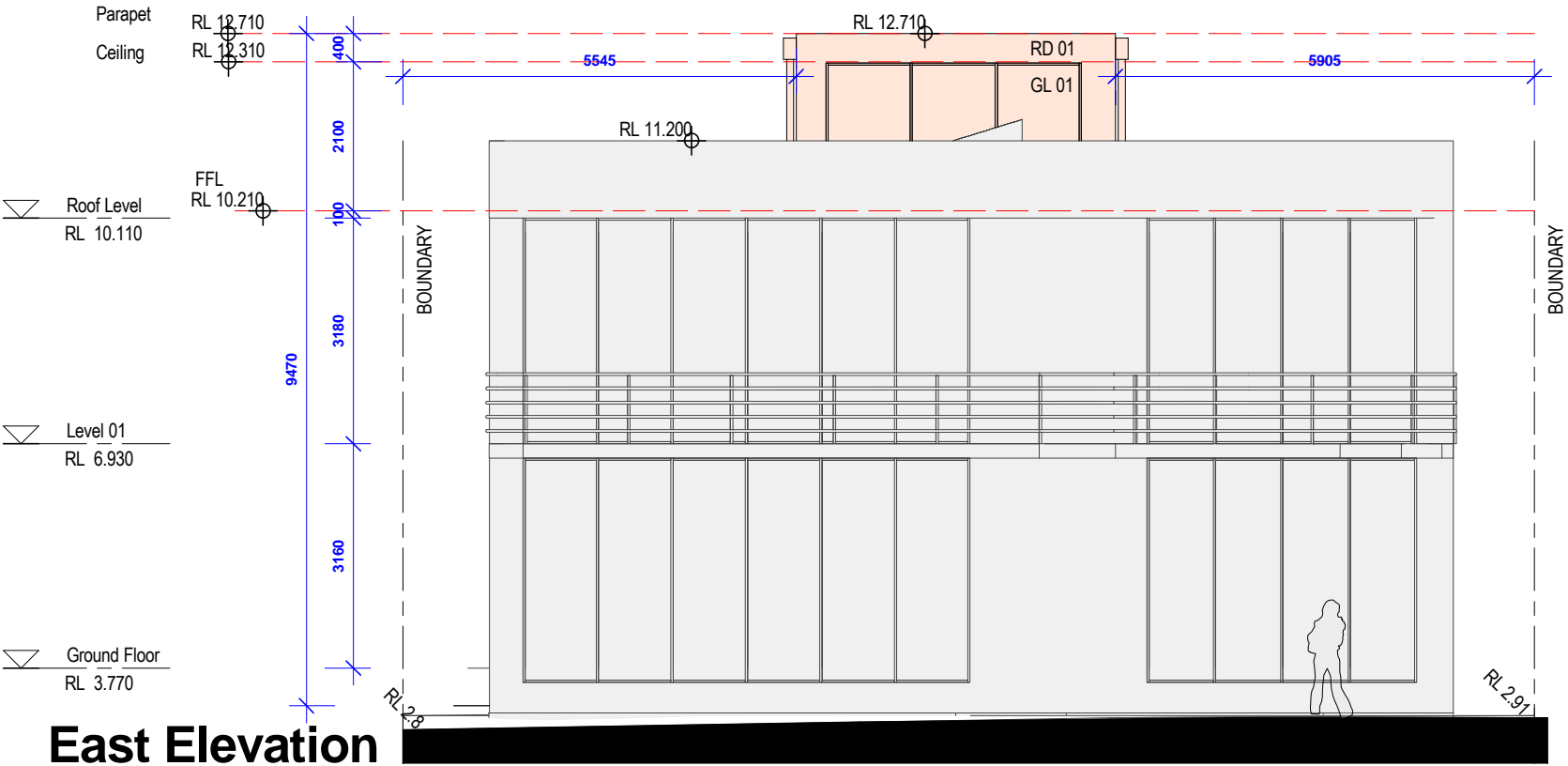


GL 1
ALUMINIUM WINDOW AND DOOR
FRAMES/ GLASS BALUSTRADE

Finishes/Colour Schedule


LEGEND

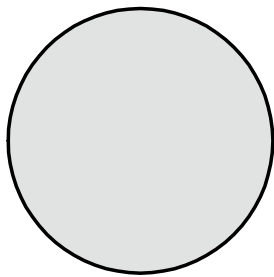
- EXISTING
- NEW/ ALTERED



South Elevation

DA ISSUE

	EMKARCHITECTS ABN 92 787 531 735 PO Box 10 Sans Souci 2219 emil@emkarchitects.com www.emkarchitects.com emil kucevic nsw reg. 9308		issue	amendment	date	Notes	project	drawing	
		A	DA ISSUE	08.07.2016	This drawing is copyright and is not to be replicated or used for any purpose without the written consent of EMK Architects.	4 Primrose Ave Sandringham	Elevations Sheet 1		
		B	DA ISSUE	27.08.2016					
						Use figured dimensions only - do not scale from this drawing. All dimensions to structure - confirm all dimensions on site.	client	project no. 5505	drawing no. 1036
					This drawing is to be read in conjunction with all relevant consultant documentation, schedules and specifications.	Owners	drawn EK	scale AS 19:03	
							date 27.08.2016	indicated / B	
								A0501	



RD 1
EXTERIOR WALLS
OFF WHITE PAINT ON RENDER



RF 1
METAL DECK AS SELECTED

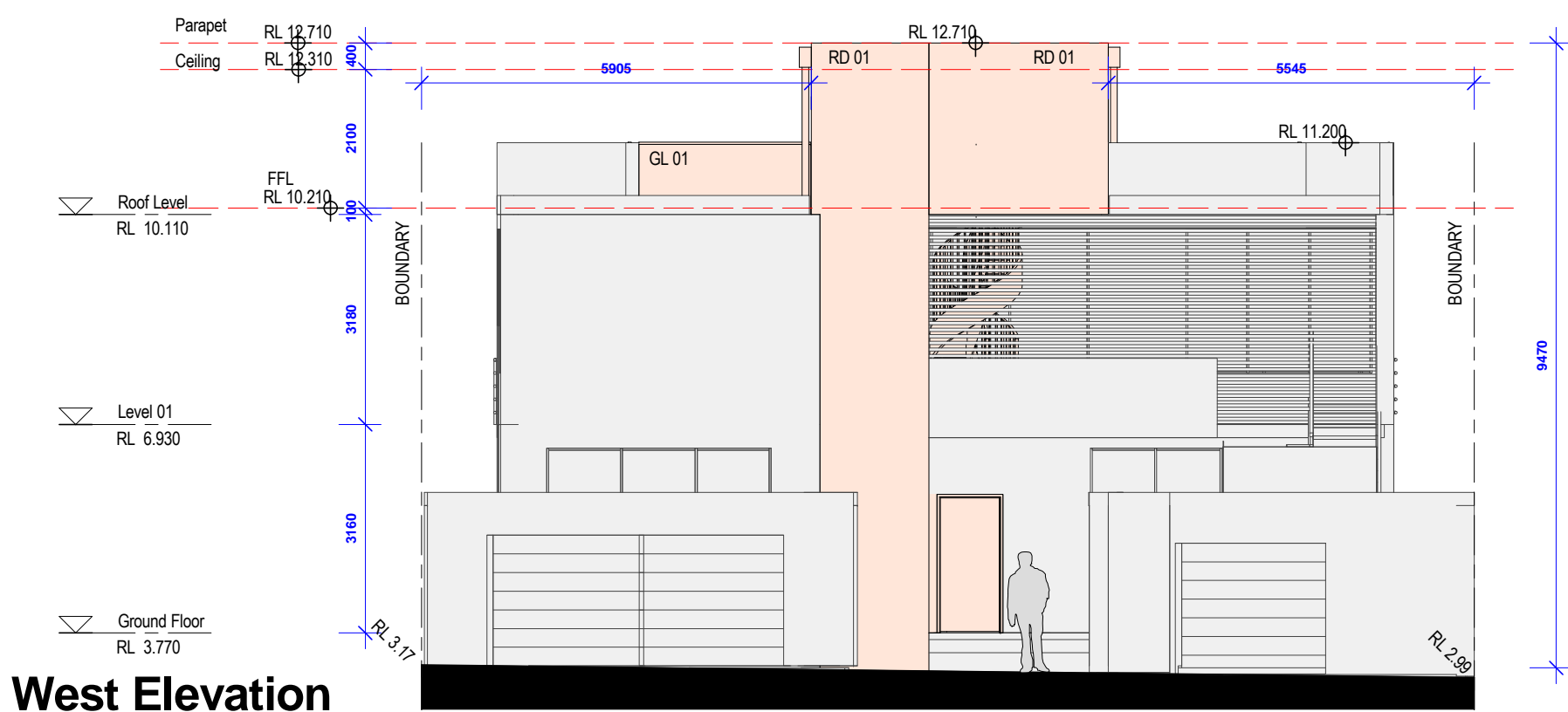


GL 1
ALUMINIUM WINDOW AND DOOR
FRAMES/ GLASS BALUSTRADE

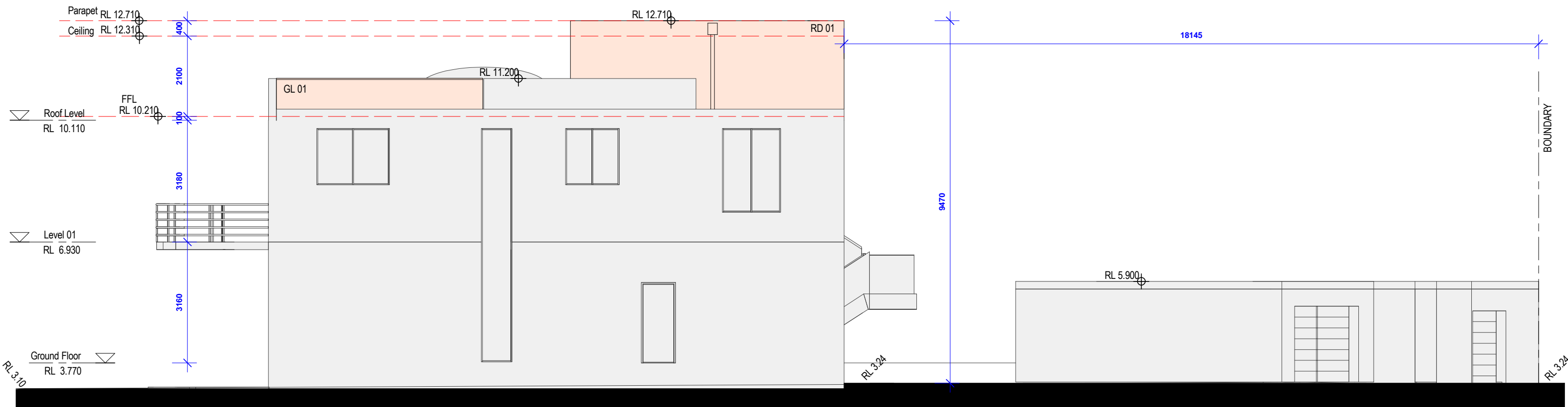
Finishes/Colour Schedule

LEGEND

- EXISTING
- NEW/ ALTERED




West Elevation



North Elevation

DA ISSUE

 <div>EMK ARCHITECTS ABN 92 787 531 735 PO Box 10 Sans Souci 2219 emil@emkarchitects.com www.emkarchitects.com emil kucevic nsw reg. 9308</div>	issue		amendment		date		Notes	project 4 Primrose Ave Sandringham	drawing Elevations Sheet 2				
	A	DA ISSUE		08.07.2016		<div>project no. 5505</div> <div>drawn EK</div> <div>scale AS 1:100</div> <div>date 27.08.2016</div> <div>indicated / B</div>							
	B	DA ISSUE		27.08.2016									
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Application to vary a development standard

(Department of Planning and Environment Guideline)

To be read on conjunction with submitted Development Application
Re 4 Primrose Avenue Sandringham

Att: Assessing Officer

What is the name of the planning instrument that applies to the land?

Rockdale Local Environmental Plan 2011

What is the zoning of the land?

R2 - Low Density Residential

What are the objectives of the zone?

- to provide for the housing needs of the community within a low density residential environment
- to enable other land uses that provides 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 and impact on the character and amenity of the area.

What is the development standard being varied?

Rockdale Local environmental Plan 2011. Clause 4.3 Building Height.

Under what clause is the development standard listed in the environmental planning instrument?

Clause 4.3 Building Height.

What are the objectives of the development standard in the environmental planning instrument?

- to establish the maximum limit within which buildings can be designed and floor space can be achieved
- to permit building heights that encourages high quality urban forms
- to provide building heights that maintain satisfactory sky exposure and daylight to buildings, key areas and the public domain
- to nominate heights that will provide an appropriate transition in built form and land use intensity.

What is the numeric value of the development standard in the environmental planning instrument?

8.5 meters

What is the proposed numeric value of the development standard in your development application?

9.47 meters. Refer Development Application

What is the percentage variation (between your proposal and the environmental planning instrument)?

0.97 meters (11.4%)

How is the strict compliance with the development standard unreasonable or unnecessary in this particular case?

In this instance, the development standard is considered both unreasonable and unnecessary:

- The excessive height of the existing building is approximately 6.9m from natural ground level to the roof, making it impractical to achieve a third level room on the roof terrace within the 8.5m LEP control. The strict application of the development standard would permit development height to extend an additional 1.6m only. Any proposed internalised area would be non compliant under the BCA with regards to ceiling height (minimum 2.1 for non habitable rooms).
- The addition to the roof level is limited to 2.1m in ceiling height and is treated as a non habitable room which is the minimum allowed for under the BCA.
- The proposed lift over run has been limited in height and contained within the overall envelope.
- Minimal visual impact is proposed to Cook Park or the Georges River as the proposed development is well setback from the front and rear boundaries. That is, despite the proposed variation to the Height, the proposed development provides upgrades to an existing dwelling whilst maintaining the predominant low density residential character of the locality.
- Given the existing streetscape of Primrose Avenue already contains several similar precedents whereby two level residences contain a third level roof top room and area, along with recently constructed (or dwelling under construction) which also contain the same setup, as identified in the SEE, the proposed upgrades in this instance to number 4 Primrose Ave is considered largely consistent with regards to overall bulk, scale and Height of the locality.
- Given the orientation of the site, it is considered that minimum overshadowing will occur to adjoining neighbours (refer shadow diagrams), as well as Cook Park and Georges River.

In conclusion, this request seeks to vary the maximum height standard from 8.5 to 9.47m. In this instance, the application of the development standard is considered unreasonable and unnecessary due to the excessive height of the existing dwelling. The proposed development will have minimal adverse environmental impacts on the locality, and is largely consistent with its immediate context and surroundings.

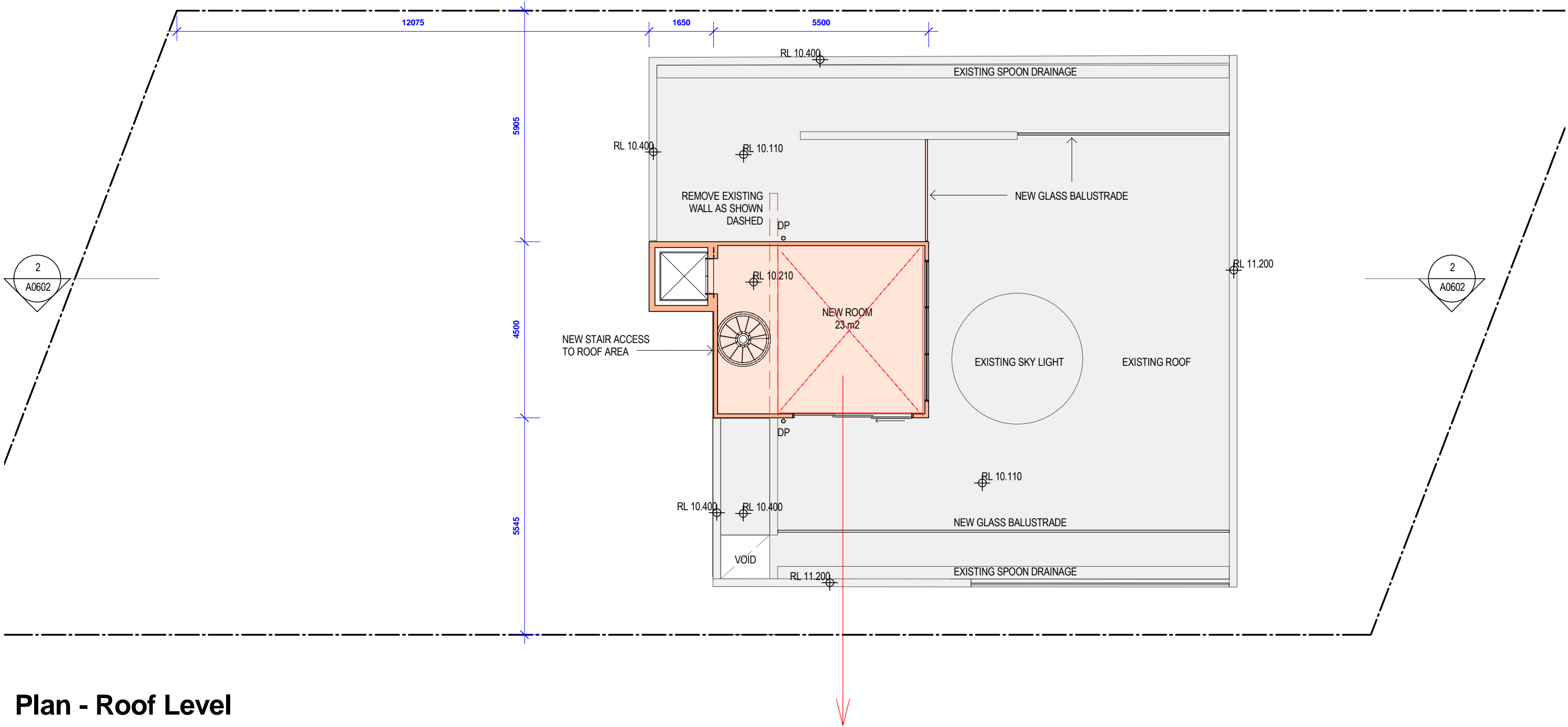
Sincerely,
Emil Kucevic
EMK Architects
Architect NSW reg 9308

DEMOLITION NOTES:

1. ALL DEMOLITION BY CONTRACTOR UNLESS OTHERWISE NOTED.
2. ALL DEMOLITION MATERIAL SHALL BE REMOVED FROM SITE UNLESS OTHERWISE SPECIFIED TO BE RE-USED OR NOMINATED TO BE RETAINED
3. EXISTING SERVICES TO BE RETAINED AND PROTECTED THROUGHOUT
4. THE CONTRACTOR SHALL ALLOW FOR THE PROVISION OF HARDING/SITE FENCING TO THE PERIMETER OF THE SITE FOR THE DURATION OF THE WORKS
5. THE CONTRACTOR SHALL UNDERTAKE A SURVEY OF ALL EXISTING IN-GROUND SERVICES PRIOR TO DEMOLITION

LEGEND



- EXISTING
NEW/ ALTERED



Plan - Roof Level

Prior to the issue of a Construction Certificate for the approved development, the architectural plans shall be amended to reduce the approved roof level plan to no more than 10sqm, which shall reasonably accommodate the proposed vertical circulation areas inclusive of lift and stairs.

DA ISSUE

	EMKARCHITECTS <small>ABN 92 787 531 735</small> PO Box 10 Sans Souci 2219 emil@emkarchitects.com www.emkarchitects.com emil kucevic nsw reg. 9308			issue amendment date		Notes This drawing is copyright and is not to be replicated or used for any purpose without the written consent of EMK Architects. Use figured dimensions only - do not scale from this drawing. All dimensions to structure - confirm all dimensions on site. This drawing is to be read in conjunction with all relevant consultant documentation, schedules and specifications.	project 4 Primrose Ave Sandringham	drawing Roof Level Plan		
	A DA ISSUE B DA ISSUE	08.07.2016 27.08.2016	client Owners	project no. 5505 drawn EK date 27.08.2016	scale 1 : 100 issue / B		drawing no. 1040 A0202			

Council Meeting

14/12/2016

Item No	9.13
Subject	Planning Proposal – Kingsland Road South, Bexley
Report by	Erika Pawley, Manager Place Outcomes
File	F16/832

Summary

Council has received a Planning Proposal for land identified as the Kingsland Road South site, bounded by Abercorn Street, Kingsland Road South, Stoney Creek Road, Bexley, and Bexley RSL Club. The subject Planning Proposal has the purpose of rezoning the subject site from R2 Low Density Residential zone to B4 Mixed Use zone, and amending relevant development standards under the Rockdale Local Environmental Plan 2011 (RLEP 2011).

The proposal to rezone the subject land provides an opportunity for consistency in the zoning of the entire block of land bounded by Bexley RSL, Abercorn Street, Kingsland Road South and Stoney Creek Road, and would enable Council to consider applications for higher density development (such as shop top housing) within the site.

The proponent has also expressed a desire to pursue development involving hotel accommodation within part of the site in the future. The rezoning of the land would enable future Development Applications to be considered by Council, should the Planning Proposal be supported by Council and the NSW Department of Planning & Environment.

Council Resolution

Minute 2016/096

Resolved by the Administrator

- 1 That Council supports the Planning Proposal for the land bounded by Abercorn Street, Kingsland Road South and Stoney Creek Road, Bexley, as described in this report.
- 2 That Council supports an incentive area of 800m² instead of 600m² for Floor Space Ratio and Height of Building under the relevant provisions of the Rockdale LEP 2011, in accordance with the assessment provided in this report.
- 3 That the Planning Proposal be amended in accordance with this report prior to submission to the Department of Planning and Environment for Gateway determination.
- 4 That Council continues to pursue negotiations with the proponent to develop a Voluntary Planning Agreement.
- 5 That Council publicly exhibits the Planning Proposal and Voluntary Planning Agreement concurrently, in accordance with the Department Planning and Environment's Gateway determination.

Officer Recommendation

- 1 That Council supports the Planning Proposal for the land bounded by Abercorn Street, Kingsland Road South and Stoney Creek Road, Bexley, as described in this report.
 - 2 That Council supports an incentive area of 800m² instead of 600m² for Floor Space Ratio and Height of Building under the relevant provisions of the Rockdale LEP 2011, in accordance with the assessment provided in this report.
 - 3 That the Planning Proposal be amended in accordance with this report prior to submission to the Department of Planning and Environment for Gateway determination.
 - 4 That Council continues to pursue negotiations with the proponent to develop a Voluntary Planning Agreement.
 - 5 That Council publicly exhibits the Planning Proposal and Voluntary Planning Agreement concurrently, in accordance with the Department Planning and Environment's Gateway determination.
-

Background

Applicant: TPG Town Planning & Urban Design Pty Ltd

Proponent: Mr AC Elliott & Mrs SM Elliott

Allotments subject to the Planning Proposal:

Lot	DP	Address
B	DP363190	8 Stoney Creek Road
A	DP363190	8A Stoney Creek Road
C	DP921789	10 Stoney Creek Road
B	DP921789	12 Stoney Creek Road
A	DP921789	14 Stoney Creek Road
1	DP191076	16 Stoney Creek Road
68	DP667002	18 Stoney Creek Road
1	DP328320	1 Abercorn Street
67	DP654288	3 Abercorn Street
71	DP570149	1 Kingsland Road South
72	DP570149	3 Kingsland Road South
8	Sec 2 DP1878	5 Kingsland Road South
1	DP925706	7 Kingsland Road South
9	DP1078771	9 Kingsland Road South
10	DP925705	11 Kingsland Road South

The properties (described in the table above) incorporate a total land area of approximately 6,913.96 m². It is bounded by Abercorn Street to the North, Kingsland Road South to the East, and Stoney Creek Road to the South. The Forest Inn Hotel is located adjacent to the South-Eastern extent of the site. The site is situated on the Western extent of the Bexley Town Centre. The land is occupied predominantly by various single residential dwellings and associated ancillary structures, while one vacant allotment exists within the site.

The site is currently bounded by land zoned R4 High Density Residential, R2 Low Density Residential, B4 Mixed Use and B1 Neighbourhood Centre, the latter being the land occupied by Bexley RSL. A range of land uses are evident in the immediate locality, ranging from businesses in Bexley Town Centre, residential flat buildings, single dwellings and ancillary structures. Council's public carpark is located beyond Stoney Creek Road, immediately south of the subject site.

A Planning Proposal has been submitted to amend the zoning and planning controls to enable future improvements within the site that are more comparative to the existing residential and commercial development within the immediate locality, and in doing so, expand and enhance the Bexley Town Centre.

The intended outcome of the Planning Proposal is to achieve a planning outcome that considers the existing density of development in the immediate locality, while accommodating for the constraints of the Bexley Town Centre and existing adjoining lower density urban development.

An aerial photo (Figure 1) and relevant LEP extracts (Figures 2-5) for the site are provided below that describe the current planning controls. Please note that the subject site is shown in thick red line outline.



Figure 1 – Aerial Photo of subject site

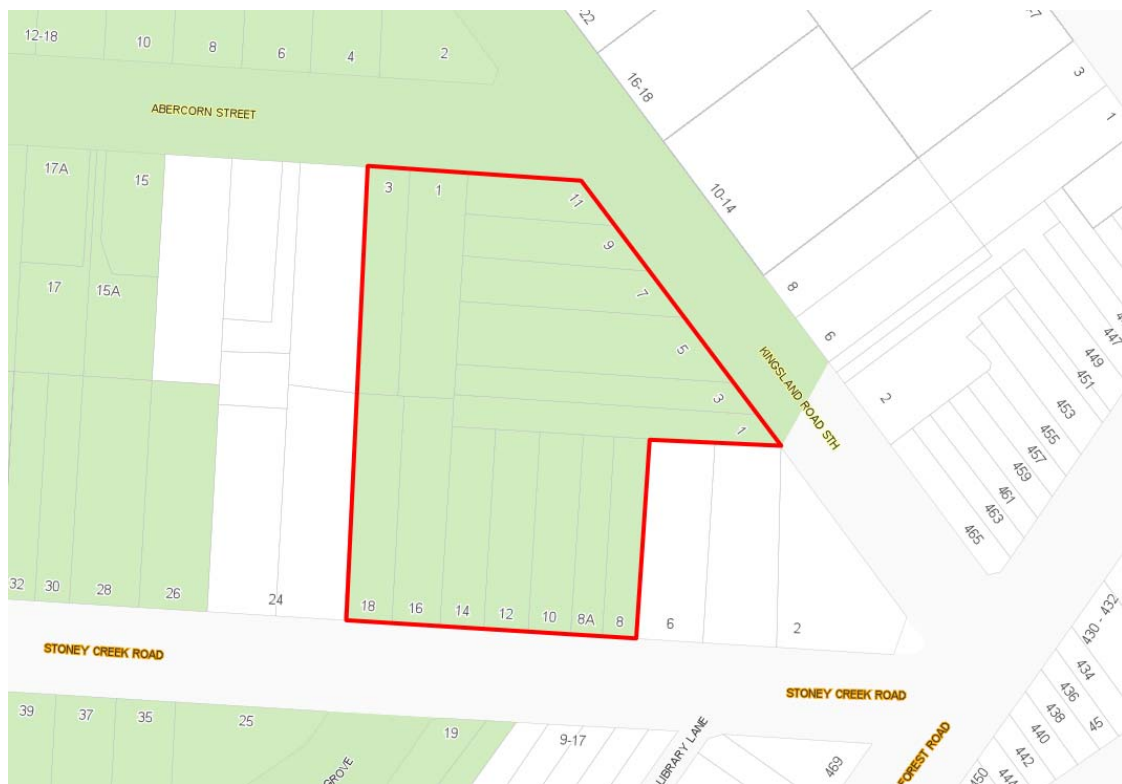
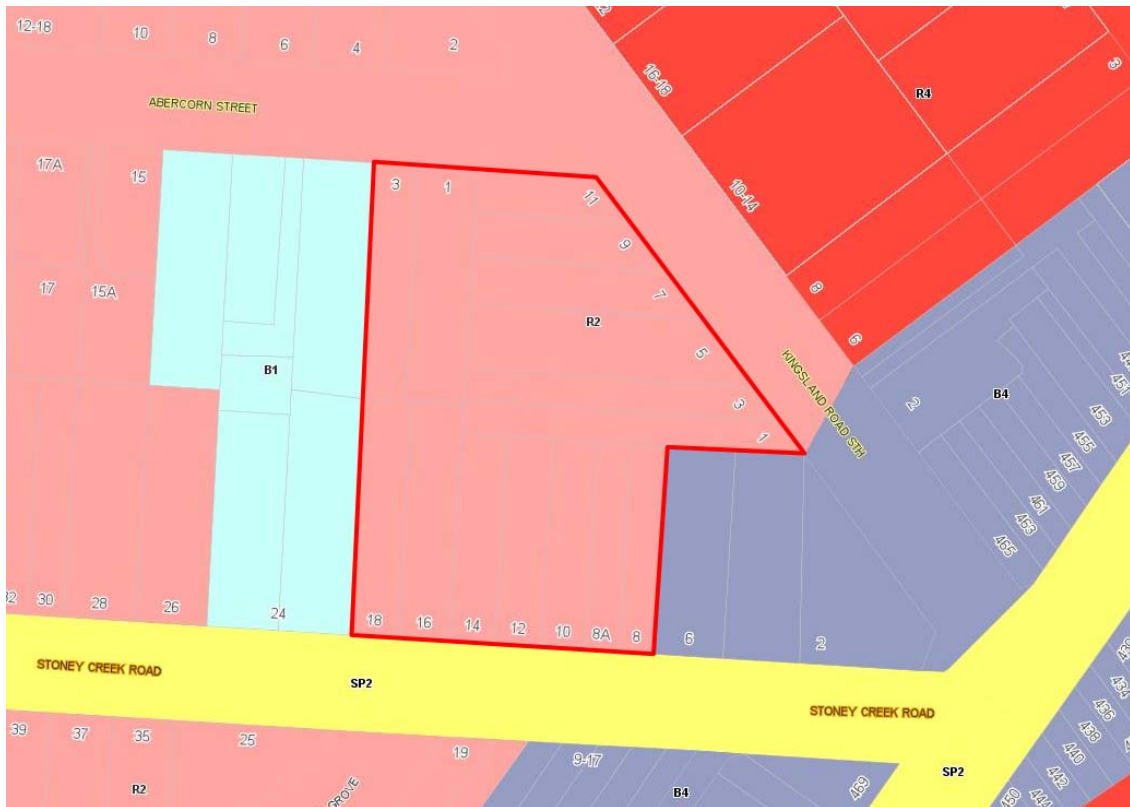




Figure 4 – RLEP 2011 Height of Building (8.5 metres) – no incentive area applies to this site

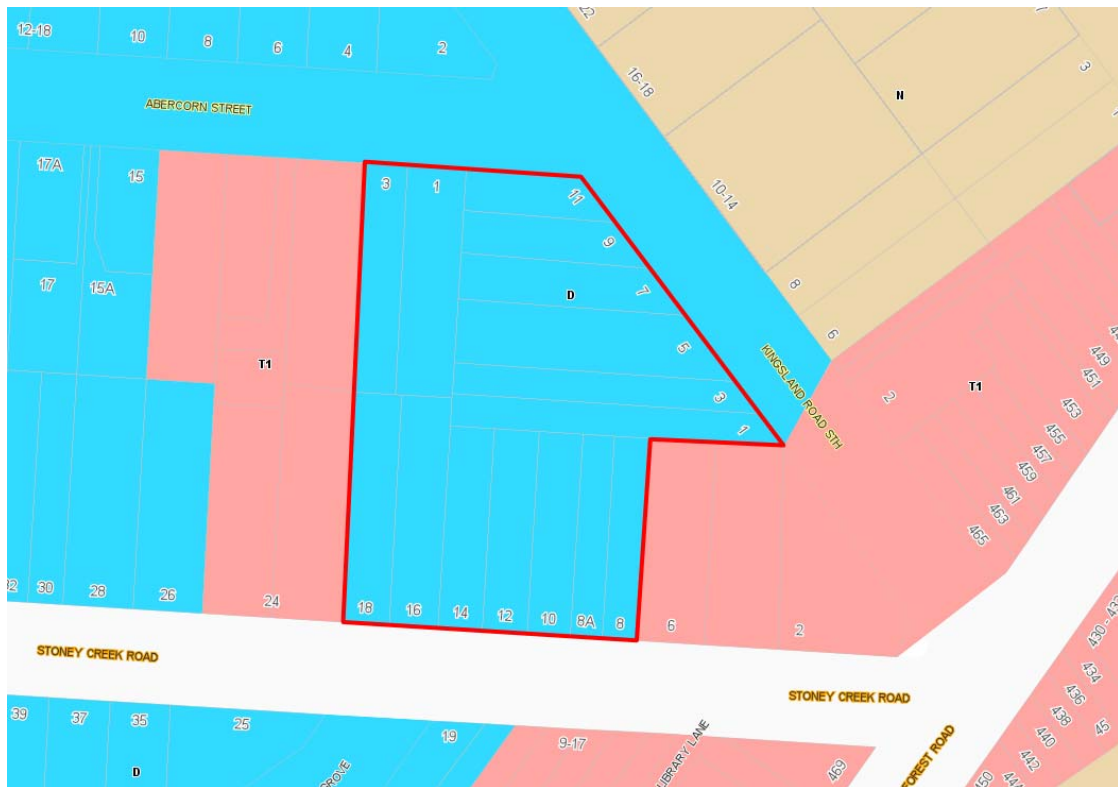


Figure 5 – RLEP 2011 Floor Space Ratio (0.5:1) – no incentive area applies to this site

PLANNING PROPOSAL SUMMARY

The proponent's Planning Proposal seeks the following amendments to the Rockdale Local Environmental Plan 2011:

- Rezone the site from R2 Low Density Residential to B4 Mixed Use zone;
- Increase the Height of Building from 8.5m to a 16.0m building height limit and introduce a new Building Height Incentive Area to include the subject site (allowing an additional 3.0m height where individual lots are greater than 800m²);
- Increase the floor space ratio (FSR) from 0.5:1 to 2.0:1 and introduce a new Floor Space Ratio Incentive Area to include the subject site (allowing an additional 0.5:1 FSR where individual lots are greater than 800m²); and
- Remove the minimum lot size for the subject land.

The following table identifies a comparison of zoning and relevant development standards, based on the existing provisions of the Rockdale LEP 2011 for the site, and the proposed zoning and development standards for the site.

Development Standard	Current	Proposed
Zoning	R2 Low Density	B4 Mixed Use
Height of Building	8.5m	16.0m plus 3.0m incentive
FSR	0.5:1	2:1 plus 0.5 incentive
Minimum Lot Size	450m ²	No minimum lot size

PLANNING PROPOSAL ASSESSMENT

The Bexley Town Centre has experienced a gradual level of retail decline in recent years as other centres at a local and regional level have overtaken it, and retail experiences and behaviours have changed. In addition, the Town Centre's business tenants have not invested significantly in the revitalisation of their business premises. These and other factors have led to a certain level of stagnation in the Town Centre.

Council has seen very few Development Applications (DAs) affecting the core of the Town Centre. DAs that have been lodged have largely been residential development proposals on the north east fringe of Bexley along Forest Road, and have been largely confined to one or two properties.

This Planning Proposal is the first attempt to address renewal of the Town Centre within its core that affects numerous properties. It has the primary purpose of seeking a higher density development outcome for the subject land.

The maximum development envelopes for adjoining sites have been considered in assessing this Planning Proposal. The Planning Proposal acknowledges the existing commercial and higher density residential developments that have been constructed historically in the locality, in proposing a suitable zoning and set of development standards for the subject land.

This Planning Proposal proposes a building height (HOB) and floor space ratio (FSR) (and associated incentive areas) for the subject land that is consistent with existing land zoned B4

Mixed Use, immediately adjoining the subject land. The only difference being that the incentive areas will be 800m² instead of 600m², which will deliver a better development outcome by providing appropriate site frontages for higher density development, as tested through urban design modelling.

The Planning Proposal is not considered to be introducing planning controls that would result in any excessive bulk or scale for its location (within Bexley Town Centre). The building height proposed would be consistent with the land immediately east and south-east of the subject site (zoned B4 Mixed Use). The adjoining Bexley RSL (West of the site) currently maintains a maximum HOB development standard of 13.0 metres, and land north-east of the site zoned R4 High Density Residential has a maximum HOB of 14.5 metres, allowing for a suitable height transition between the subject land and these adjoining sites.

It is considered unnecessary to undertake specific technical environmental investigations to inform the Planning Proposal, given:

- The existing urban zoning of the subject land (R2 Low Density Residential);
- The site is limited in extent and has historically been zoned for residential purposes;
- The changes proposed to zoning and development standards will result in development standards that can permit development outcomes consistent with adjoining land to the immediate South and East of the site, and provide transition with adjoining development on land to the West of the site; and
- Detailed environmental studies would need to support any future Development Application(s) for the site - should the Planning Proposal result in a future amendment to the Rockdale Local Environmental Plan (2011).

Proposed Zoning

The proposed B4 Mixed Use zone is considered to be the most logical zoning outcome for the subject land, given the consistency in zoning with the adjoining Forest Inn site, land beyond Kingsland Road South, Stoney Creek Road and Forest Road, as well as the zoning applying to the Bexley RSL site immediately West of the subject land.

The amendments to zoning for the subject land will provide clear delineation for the Western extent of Bexley Town Centre. The complete rezoning of almost an entire block in one Planning Proposal will ensure that a holistic zoning outcome can be achieved for the entire site at the outset, rather than piecemeal amendments over time.

This approach also contains the B4 Mixed Use zone to an appropriate sized area within the western extent of the Bexley Town Centre, and surrounds this part of the site with opportunities for high density living.

Proposed Height of Building (HOB) & Incentive Area

The proposed application of the 16.0 metre building height limit and 3.0m height incentive area is considered to be appropriate for the subject site when considering the adjoining height limits and incentive area to the East and South of the site. This will result in a potential building height outcome that is consistent with the adjoining building height limit for land currently zoned B4 Mixed Use zone East and South of the site (currently 16.0 metres, plus 3.0 metre incentive), and similar to the R4 High Density Residential zone to the East of the subject land (currently 14.5 metres). It should be noted that Bexley RSL, immediately West of the subject land, is zoned B1 Neighbourhood Centre and retains a maximum building

height limit of 13.0 metres. The proposed maximum building height and height incentive provisions are considered to be appropriate for land within a Town Centre location.

Proposed Floor Space Ratio (FSR) & Incentive Area

The proposed application of a 2.0:1 FSR (plus 0.5 incentive) to the subject land is considered to be an appropriate FSR for the subject site, given the existing FSR of 2.0 (plus 0.5 incentive) that applies to land zoned B4 Mixed Use zone South and East of the site, and the FSR of 2.0 that applies to land zoned B1 Neighbourhood Centre to the immediate West of the site.

Minimum Lot Size (LSZ)

The proposal requires an amendment to the relevant LSZ map to delete the current minimum lot size of 450m² that applies to the site, given that the adjoining land zoned B4 Mixed Use zone does not have any minimum lot size. Deletion of this minimum lot size provision will create consistency in the application of this development standard across the immediate precinct.

Urban Context and Evaluation

An urban design report has been prepared for the subject Planning Proposal (see Appendix D of **Attachment 1**). The mass modelling included in the urban design report includes an indicative maximum building envelope that could result from the amended development standards proposed for the subject land, whilst also modelling maximum developable envelopes for adjoining sites based on current development standards in the RLEP 2011.

If the Planning Proposal was to be supported by Council and the Department of Planning & Environment, and be notified in the future, any proposed Development Application(s) would need to be supported by further detailed urban design analysis, to illustrate the intended built form outcome proposed for the subject land at that time. The Planning Proposal is attached to this Council report as **Attachment 1**.

Traffic & Vehicular Access

The subject land is located along an arterial route, providing opportunities for maximisation of public transport use by future residents in the locality. This is likely to assist in minimising vehicle movements generated from the development of the subject land. A traffic assessment has been prepared to inform the Planning Proposal, and is attached to **Attachment 1** as Appendix F.

The traffic assessment models a maximum development scenario for the site for the purposes of rezoning the land. The traffic assessment concludes that the rezoning of the land would have minimal impact on the local traffic network and provides an estimate of carparking provision that would be required under modelled scenarios for certain development types. Detailed traffic and vehicular access issues would be required to support any future Development Application(s) for particular land uses.

Other Environmental Considerations

By virtue of the existing developments within the site, coupled with the zoning of the land, the land is suitable for rezoning to higher density purposes. It is envisaged that any other

environmental studies that are deemed necessary to support a future Development Application (DA) for the land could be assessed at that time.

Voluntary Planning Agreement

Council is strongly committed to its VPA Policy and to see proponents contribute back to the community when they receive planning uplift on their site(s). The amount is linked to the monetary value of planning uplift, and is separate to developer contributions that relate to final built form on a site. A VPA may involve a formal offer around a contribution towards infrastructure, public domain/open space improvements, or community spaces that deliver a net community benefit (outside of any private benefits for the proposed development).

Discussions are currently taking place with the proponent about the potential for a VPA, including consideration of particular items or works that could provide net community benefit in Bexley Town Centre. Should a draft VPA be prepared in conjunction with this Planning Proposal, it would need to be approved by Council for exhibition with the Planning Proposal.

Strategic Context

The Planning Proposal seeks to achieve a planning outcome that will provide high density residential living and additional business opportunities in Bexley Town Centre.

One of the key actions listed in the NSW Government's strategy document, *A Plan for Growing Sydney* is:

Action 2.2.1: Use the Greater Sydney Commission to support Council-led urban infill projects

This action identifies how the NSW Government will:

- *support council-led urban infill and to support local efforts to lift housing production around local centres, transport corridors and public transport access points; and*
- *work with councils to improve their urban renewal skills, and to improve the coordination between the NSW Government, councils and private proponents of local urban infill projects.*

This action also discusses the way that additional housing can stimulate new communities, particularly when considering residents within 400 metres of a centre with good public transport services. The opportunity to implement planning provisions that can assist with increasing the population in a location with readily available bus services is considered a positive planning outcome, and a planning action that is consistent with the actions contained in *A Plan for Growing Sydney*.

Conclusion

The Planning Proposal represents a reasonable uplift and rezoning that is consistent with the adjoining B4 Mixed Use zone. Applying consistent development standards can encourage urban renewal and improved strategic planning outcomes in the immediate precinct of Bexley Town Centre. It would enable Council to consider applications for higher density development in the future, consistent in bulk and scale with development outcomes on land immediately north and east of the site.

The Planning Proposal provides an opportunity for modern development to be initiated on a gateway site, by maximising development incentives to achieve quality planning outcomes in the future.

Financial Implications

There are no financial implications applicable to this report.

Community Engagement

Should the Planning Proposal proceed through the Gateway, the Planning Proposal will be subject to community consultation, in accordance with Sections 56(2)(c) and 57 of the Environmental Planning & Assessment Act 1979. The specific requirements for community consultation will be listed in the Gateway determination, including any government agencies that are to be consulted in relation to the Planning Proposal.

Attachments

Planning Proposal

Planning Proposal

Land Use Rezoning, Floor Space Ratio and Height of Buildings Amendment

Kingsland Road South, Bexley

November 2016

Document Review Sheet

CLIENT: Angelo Elliot

PROJECT: Kingsland Road South, Bexley Planning Proposal

TITLE: Land use rezoning, Floor Space Ratio and Height of Buildings Amendment

DOCUMENT REFERENCE NO:

PROJECT MANAGER Helen Deegan

FILE NO: 215.164

SPELL CHECK (WP OPERATOR) BY: Lin Hwong

Document Details		Preparation & Self Check	Independent Review By:	Corrective Action	Sent To/ Date:
				Approved by:	
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	Date:	11/05/2016	21/06/2016	22/06/2016	22/03/16
Final Draft	Name:	Finnian Malmberg	Helen Deegan	Helen Deegan	Council for review
Council for comment	Date:	23/06/2016	23/06/2016	23/06/16	24/06/2016
Final	Name:	Lin Hwong	Helen Deegan	Helen Deegan	Rockdale City Council
Submission to Council	Date:	12/08/2016	12/08/2016	12/08/2016	12/08/2016
Final Amendment	Name:	Lin Hwong	Helen Deegan	Helen Deegan	Rockdale City Council
Submission to Council	Date:	04/11/2016	09/11/2016	11/11/2016	11/11/2016

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Planning Proposal Update – November 2016

1. Purpose of this Preface to the Planning Proposal

A Planning Proposal (PP) was lodged on 12 August 2016 to Bayside Council (formerly Rockdale City Council) for the rezoning, Height of Building (HOB) and Floor Space Ratio (FSR) amendments at a proposed development precinct in Kingsland Road South, Bexley. The PP examined the proposed development precinct in terms of its land use and built form potential, to identify the most appropriate planning outcome for the area. An Urban Design Strategy (**Appendix D**) accompanied the PP and demonstrates the strategic merit of increasing the density of the proposed development precinct. This preface now outlines the final zoning amendments being sought, following engagement with Bayside Council.

2. Background to post lodgement of the Planning Proposal

The proposed development precinct has frontages to Kingsland Road South, Forest Road and Abercorn Street and comprises of eighteen allotments. The applicant for the PP owns four allotments in the proposed development precinct and the remaining lots are under different land ownership. The applicant is acting as a catalyst for the continued growth of Bexley Town Centre by presenting a strategic opportunity for the consolidation and redevelopment of infill sites, identified as Site 1, 2 and 3 in the PP. Development incentives in the form of additional HOB and FSR bonus are offered to the amalgamation of fragmented sites. Upon reviewing the proposed development precinct under a strategic and urban design approach, the initial requested amendments to RLEP 2011 is summarised below in **Table 1**.

Table 1: Original Proposed LEP Mapping Amendments

Site Number	Site Address	Existing Controls			Proposed Controls		
		Land Use	Building Height	FSR	Land Use	Building Height	FSR
Site 1	467 Forest Road, Bexley	B4 – Mixed use	16m	2:1	B4 – Mixed Use	19m 16 (+3.0m incentive)	2.5:1 2:1 (+0.5 incentive)

Site Number	Site Address	Existing Controls			Proposed Controls		
		Land Use	Building Height	FSR	Land Use	Building Height	FSR
Site 2	1 Kingsland Road, Bexley 3 Kingsland Road, Bexley 5 Kingsland Road, Bexley	R2 – Low Density Residential	8.5m	0.5:1	B4 – Mixed Use	19m 16 (+3.0m incentive)	2.5:1 2:1 (+0.5 incentive)
Site 3	1 and 3 Abercorn Street 7, 9 and 11 Kingsland Road South 6, 8 , 8A, 10, 12, 14,16 and 18 Stoney Creek Road, Bexley	R2 – Low Density Residential	8.5m	0.5:1	R4 – High Density Residential	19m 16 (+3.0m incentive)	2.5:1 2:1 (+0.5 incentive)

Bayside Council conducted a review of the PP and presented TPG with some queries about land ownership in particular of Site 3. This Planning Proposal update will convey the evolution of the PP from the original lodgement to the current amendments proposed by TPG. Raine and Horne Bexley is in the process of securing lots within Site 3 to be consolidated under a single ownership. The discussion between Council, TPG and Raine and Horne Bexley has resulted in the amendment to the PP to reflect Council's vision of extending the B4 Mixed Use zone of Bexley Town Centre into Site 3.

This Planning Proposal update outlines the final strategic approach in amending Site 3, which is driven by land tenure and Council's recommendations. Council proposes that all land to the north east of the Bexley RSL and Community Club can be rezoned into B4 Mixed Use with HOB limit of 16.0m (plus 3.0m height incentive) an FSR of 2.0:1 (plus 0.5:1 incentive). It was initially proposed that the land parcels in Site 3 that have not been acquired will remain the original land use zone of R2 Low Density Residential, a HOB of 8.5m and an FSR of 0.5:1.

3. Current Proposal

This Planning Proposal update should be read as a preface to the original PP. The original PP, Urban Design Strategy and all supporting assessments are based on the original strategic approach of amending the proposed development precinct in accordance to **Table 1** above. The final outcome in this Planning Proposal update is a result of the discussions between Council and stakeholders involved. The proposal aims to achieve what is considered as an amicable planning outcome.

Bayside Council issued an email on 3 November 2016 recommending the proposed development precinct be rezoned B4 Mixed Use with HOB of 16m (plus 3m incentives) and a FSR of 2:1 (plus 0.5:1 incentives). Council considers the rezoning of the land parcels to B4 Mixed Use will allow for the introduction of non-residential opportunities and the extension of Bexley Town Centre into the proposed development precinct. This Planning Proposal update summarises the final amendments for Site 3 of the proposed development precinct. Site 3 was originally proposed to be rezoned R4 High Density Residential to accommodate Residential Flat Building development.

The Planning Proposal submitted to Council in August 2016 with its original rezoning proposal is examined in the main body of the Planning Proposal and the Urban Design Strategy (**Appendix D**). Upon Council's recommendations, the rezoning and built form provisions for Site 3 are amended in **Table 3** below. The amendments to Land Use Zoning, Height of Building and Floor Space Ratio are also illustrated in **Figure 2**, **Figure 3** and **Figure 4** below.

Table 3 – Summary of existing and proposed controls for properties within Site 3 of the PP

Site 3 Address	Land tenure	Existing			Proposed		
		Land Use Zone	HOB	FSR	Land use Zone	HOB	FSR
8 Stoney Creek Road	Acquired	R2	8.5m	0.5:1	B4	19m	2.5:1
8A Stoney Creek Road	Acquired	R2	8.5m	0.5:1	B4	19m	2.5:1
10 Stoney Creek Road	Acquired	R2	8.5m	0.5:1	B4	19m	2.5:1
12 Stoney Creek Road	Acquired	R2	8.5m	0.5:1	B4	19m	2.5:1
14 Stoney Creek Road	Acquired	R2	8.5m	0.5:1	B4	19m	2.5:1
16 Stoney Creek Road	Acquired	R2	8.5m	0.5:1	B4	19m	2.5:1
18 Stoney Creek Road	Acquired	R2	8.5m	0.5:1	B4	19m	2.5:1

7 Kingsland Road South	Acquired	R2	8.5m	0.5:1	B4	19m	2.5:1
9 Kingsland Road South	Acquired	R2	8.5m	0.5:1	B4	19m	2.5:1
11 Kingsland Road South	To be acquired	R2	8.5m	0.5:1	B4	19m	2.5:1
1 Abercorn Street	To be acquired	R2	8.5m	0.5:1	B4	19m	2.5:1
3 Abercorn Street	To be acquired	R2	8.5m	0.5:1	B4	19m	2.5:1

4. Response to enquiries from original Planning Proposal

The land acquisition queries are addressed and summarised in **Table 2**. This summary was sent in a letter to Bayside Council on 12 October 2016 for Council to review. Information about land acquisition within Site 3 is sourced from Raine and Horne Bexley. It is understood that on 12 October 2016, 1/3 of Site 3 has been acquired by one buyer, with the remaining 2/3 of the site subject was undergoing negotiations for acquisition. Council issued an email on 29 September 2016 to stakeholders involved and requested for more information on potential issues that need to be addressed in Site 3. **Table 2** below is a summary of council's comments and TPG's response to Council's concerns.

Table 2: Response to land ownership queries within Site 3.

Council's comments from PP review – 26 September 2016	Response to Council's comments
<i>We have previously asked that you to look beyond the land only held in ownership by your client in preparing the Planning Proposal (PP) for the Kingsland Road South site at Bexley. However, it is clear that it will be difficult to deliver certain planning outcomes for the entire site identified in the PP due to the lack of control your client has on the residual land currently subject to the PP.</i>	<p>The residual land labelled Site 3 in the PP is undergoing a process of property acquisition. The real estate agent overlooking this acquisition is Raine and Horne Bexley. The real estate agent has provided us with a list of currently acquired property and properties to be acquired within Site 3 of the PP.</p> <p>It should be noted that the precinct identified for the rezoning has been established with clear planning and urban design principles. It represents a natural extension of the Bexley Town Centre B4 Mixed Use zone and the introduction of higher residential development. It is bookended to the west by the existing Bexley RSL & Community Club and bounded to the south by Stoney Creek Road.</p> <p>It is not necessarily relevant for all land parcels to be one ownership at this stage,</p>

	<p>as market forces from uplift in zoning will facilitate this. Additionally, existing council planning controls such as minimum frontages will ensure appropriately sized lots are consolidated.</p>
<p><i>In assessing the PP, we are of the view that written evidence should be provided outlining your client's options (if there are any currently) for future control of adjoining allotments identified in the PP. The reason for this request is that we want to make a call on the most appropriate zone for the site, and also whether the entire site identified in the PP should be rezoned (i.e. as compared with only your client's land).</i></p>	<p>An opportunity may exist that makes logical sense for the applicant to acquire 6 Stoney Creek Road to allow for the consolidation of that land parcel with the existing pub and hotel at some stage in the future. Should the acquisition be successful, the land parcel has the potential to be an extension to Site 1 and Site 2. Site 1 is the Forest Inn Hotel, which is currently zoned B4 and Site 2 is proposed to be zoned B4.</p> <p>The acquisition of the site will reinforce the potential for the south eastern-part of the precinct to be an area of mixed use development. The south-eastern part of the precinct can achieve B4 Mixed Use zone objectives at a corner that has high pedestrian and vehicular activity.</p> <p>Attached to this letter is a map that summarises the current ownership and intended lot consolidation. The preliminary study in lot consolidation reinforces the principles in the Urban Design Strategy and establishes merit for this precinct to be considered in its totality. The current land use zoning is fragmented and does not represent a logical land use application, nor does it promote higher density residential and diversification of land uses. The rezoning of the proposed precinct should complement the growth of Bexley Town Centre by providing greater mixed use services and higher density residential development.</p> <p>The rezoning should take into consideration the amalgamation incentives of the lots to result in an appropriate height of building and FSR. The uplift is necessary for the precinct to be economically viable due to the inflated and over-speculated land prices. Under the current permissible FSR and height of building, the land parcels are underutilised and lacks diversity in land uses. The increase in the diversity of uses in the precinct will result in increased activity, which will have a flow on effect on the local economy. Additionally, there is a need to provide a vibrant and dynamic precinct for the ever-growing population of Bexley and the wider Rockdale LGA.</p>

<p><i>Council wouldn't like to see an outcome that delivered higher order zoned land that remained vacant (i.e. the proposed R4 High Density Residential zoned land in the PP), while the three allotments immediately North of the existing Forest Inn site were developed for uses permitted in the proposed B4 Mixed Use zone. We would rather strive for a good planning outcome for the land that we know there is interest in developing, should the PP be supported by Council - being that land proposed for a B4 Mixed Use zoning.</i></p>	<p>The economic analysis by AEC Consulting indicates that a blanket zoning of the entire precinct may not be economically viable due to the already high price of the land parcels, and the constraints set by current FSR and height restrictions. For the area to be sustainable, it is proposed that the lots be amalgamated to achieve height and FSR incentives.</p> <p>It is also anticipated that residential development within Site 3 will yield better economic viability and at the same time respond to the housing demand of the area. A good planning outcome can be achieved by increasing the density of the area, with consideration given to land being held for long periods of time until an optimal development opportunity occurs.</p>
<p><i>To help us in making a more definitive call on future recommendations for zoning/planning controls, can you please provide us with written advice/evidence of purchasing options or agreements for land redevelopment for land included in the PP, but are not currently held in your client's ownership. This should also include those that are not willing participants within the study area (a map indicating above information would be useful but is not essential).</i></p>	<p>The current land tenure and acquisition of Site 3 is summarised in the Table 1 below. This information is provided by Raine and Horne Bexley. It is evident that at least 1/3rd of Site 3 is acquired by a party who intends to develop the site. The remaining 2/3rds of Site 3 is undergoing negotiations to be acquired.</p> <p>It should be noted that the right development and planning outcomes will align with RDCP 2011 controls and SEPP 65 guidelines. SEPP 65 will set up the parameters for building separation, solar access, landscaping and amenity. RDCP 2011 controls will govern site setbacks and site frontage. According to RDCP 2011 minimum site frontage requirements, 24m if recommended for Residential Flat Buildings (RFB) and 18m for mixed use development. The built form study indicates that the lot amalgamation to accommodate RFB will result in the preferred site frontages of 24m as stipulated in RDCP 2011. The amalgamation of acquired lots to allow for RFB within Site 3 is a logical planning strategy because of the following:</p> <ul style="list-style-type: none"> • It responds to the demand for housing in the growing population of Rockdale LGA; • It aligns with RDCP 2011 setback and frontage controls to achieve preferable built form; and • It aligns with SEPP 65 guidelines to achieve appropriate building amenity.

The current land acquisition status of Site 3 is summarised in **Table 3** and illustrated in **Figure 1**. This information is current as of 27 October 2016, as confirmed in an email issued by Raine and Horne Bexley. Upon receiving this confirmation from Raine and Horne Bexley, Council is confident in applying a consistent rezoning to Site 3, as stated in a correspondence email issued by Council, dated 3 November 2016. It is proposed that Site 3 be rezoned B4 Mixed Use with development standards that correlate to the zone. All three sites are envisaged to be a continuation of the B4 Mixed use zone of the Bexley Town Centre.

Table 3: Land ownership within Site 3. Source – Raine and Horne Bexley

Address	Land Tenure Status	Participation in amalgamation
8 Stoney Creek Road	Acquired	Yes
8A Stoney Creek Road	Acquired	Yes
10 Stoney Creek Road	Acquired	Yes
12 Stoney Creek Road	Acquired	Yes
14 Stoney Creek Road	Acquired	Yes
16 Stoney Creek Road	Acquired	Yes
18 Stoney Creek Road	Acquired	Yes
7 Kingsland Road South	Acquired	Yes
9 Kingsland Road South	Acquired	Yes
11 Kingsland Road South	To be acquired	To be confirmed
1 Abercorn Street	To be acquired	To be confirmed
3 Abercorn Street	To be acquired	To be confirmed

Mapping amendments are also provided at **Planning Proposal Update Appendix A, B and C**.

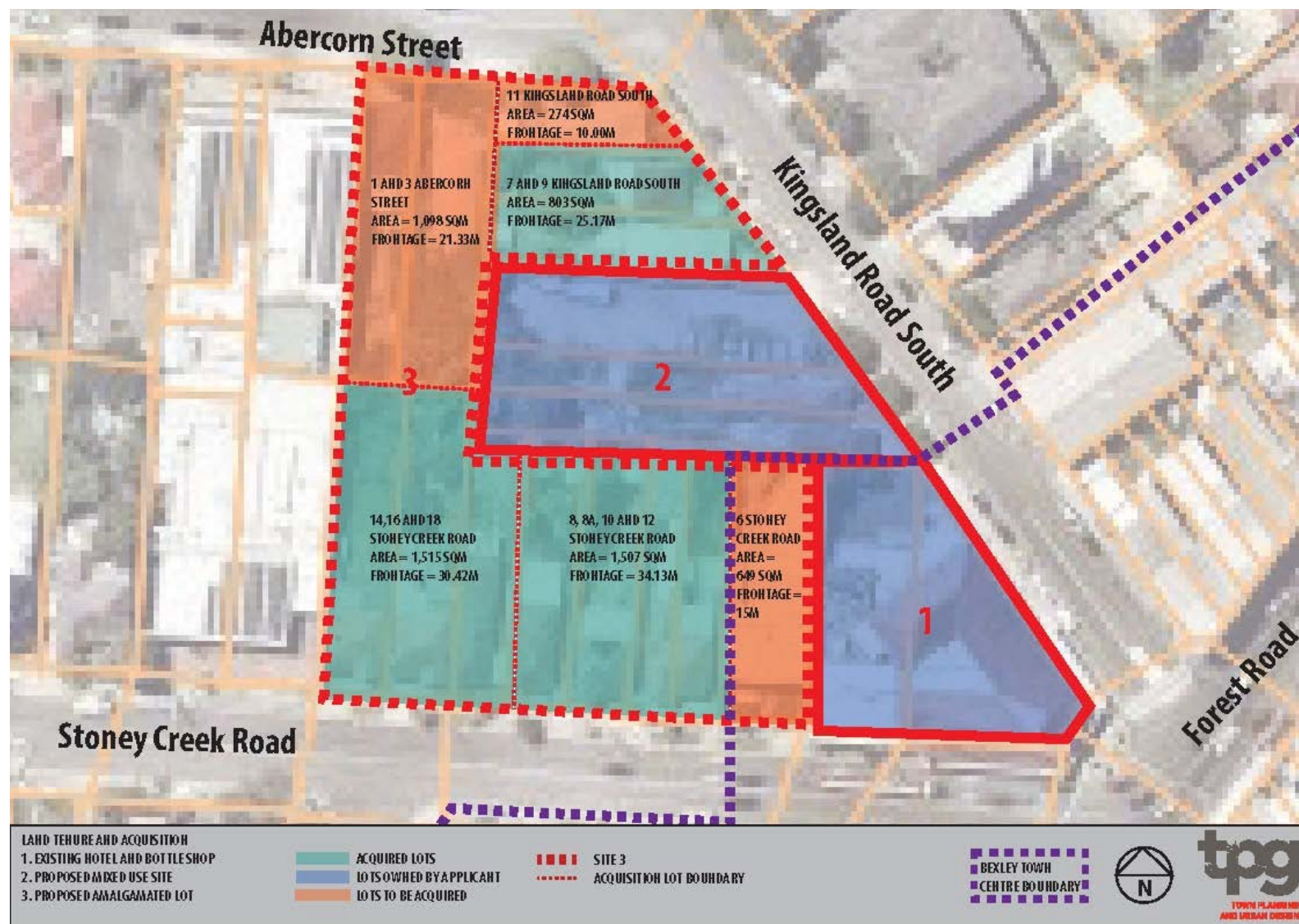


Figure 1 – Lot acquisition status within Site 3

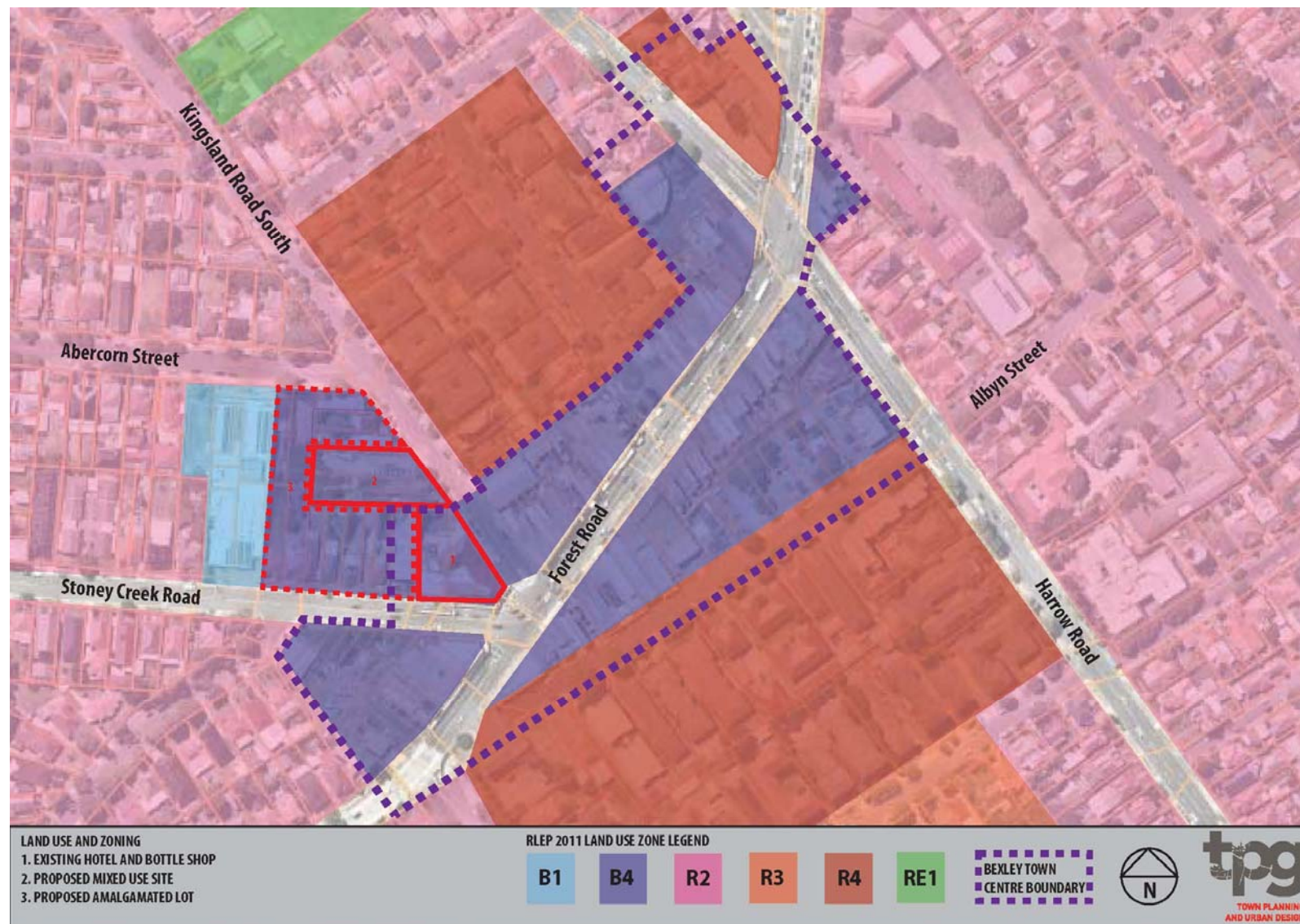


Figure 2 – Proposed Land Zoning map amendment under RLEP 2011 (with site outlined in red line)

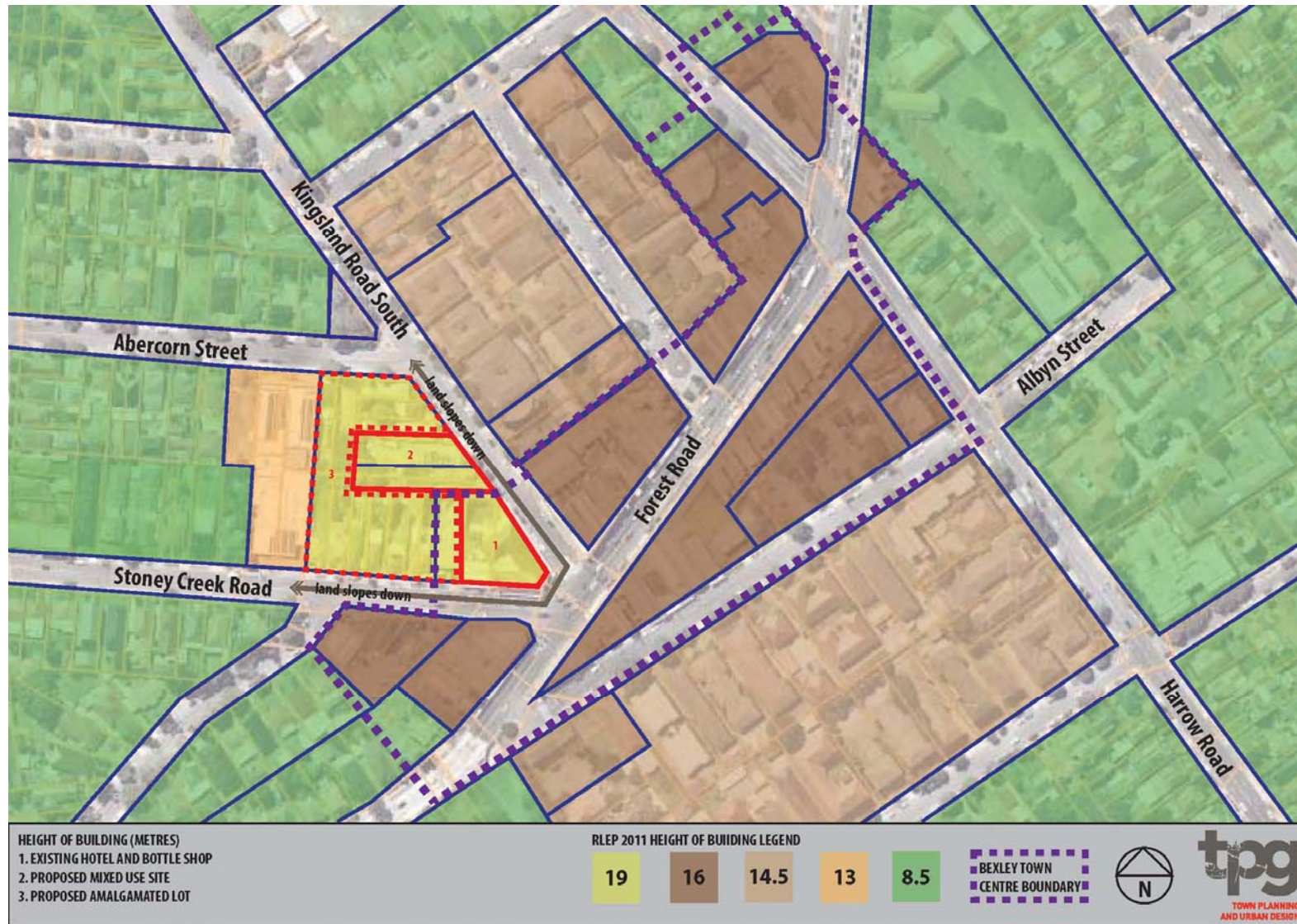


Figure3 – Proposed Height of Building map amendment under RLEP 2011 (with site outlined in red line)

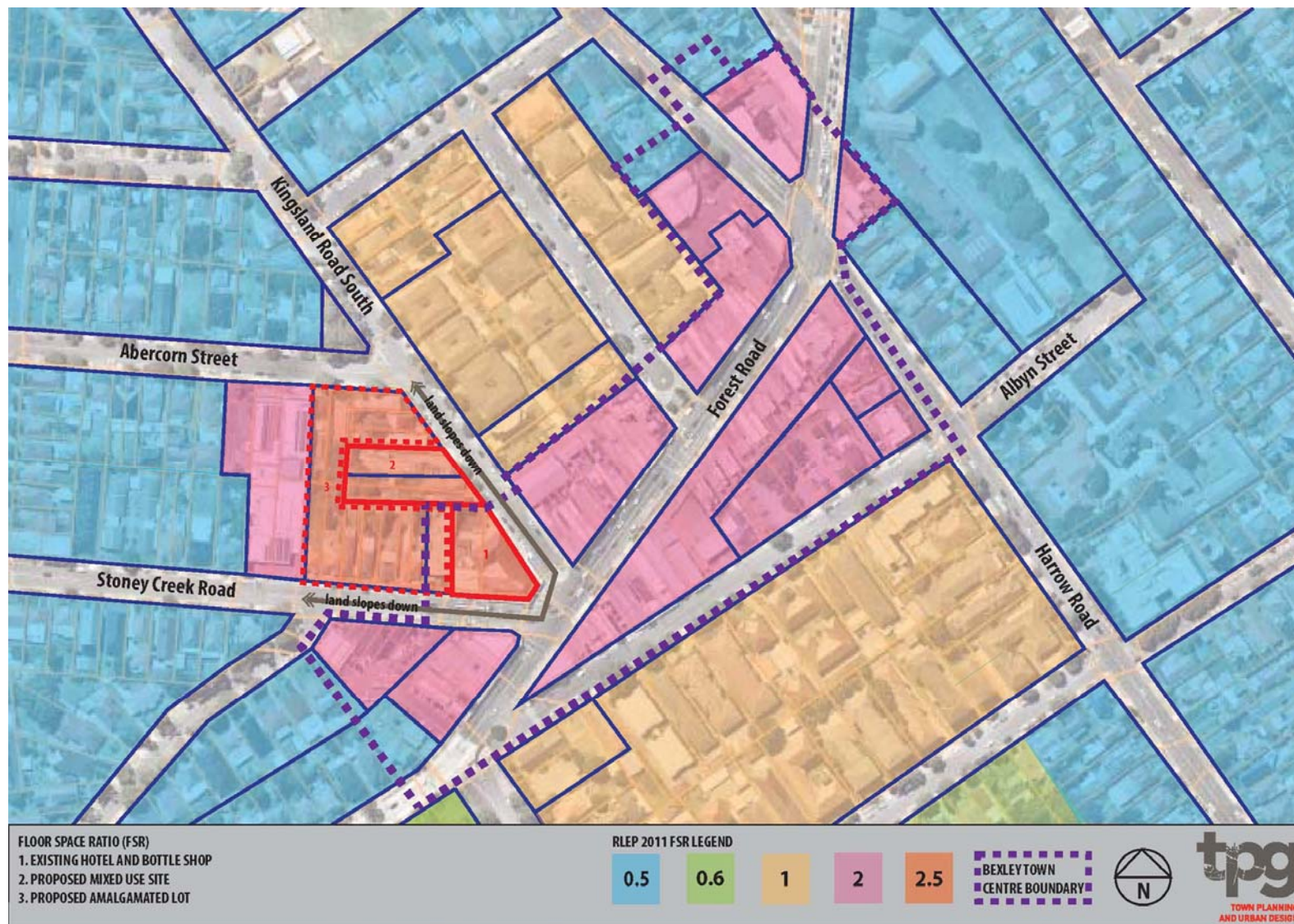


Figure 4 – Proposed Floor Space Ratio map amendment under RLEP 2011 (with site outlined in red line)

PLANNING PROPOSAL UPDATE APPENDIX A - Proposed Amendment to Rockdale Local Environmental Plan 2011 Land Use Zoning Map



LAND USE AND ZONING

- 1. EXISTING HOTEL AND BOTTLE SHOP
- 2. PROPOSED MIXED USE SITE
- 3. PROPOSED AMALGAMATED LOT

RLEP 2011 LAND USE ZONE LEGEND

B1	B4	R2	R3	R4	RE1
-----------	-----------	-----------	-----------	-----------	------------

BEXLEY TOWN
CENTRE BOUNDARY

PLANNING PROPOSAL UPDATE APPENDIX B - Proposed Amendment to Rockdale Local Environmental Plan 2011 Height of Building Map



HEIGHT OF BUILDING (METRES)

1. EXISTING HOTEL AND BOTTLE SHOP

2. PROPOSED MIXED USE SITE

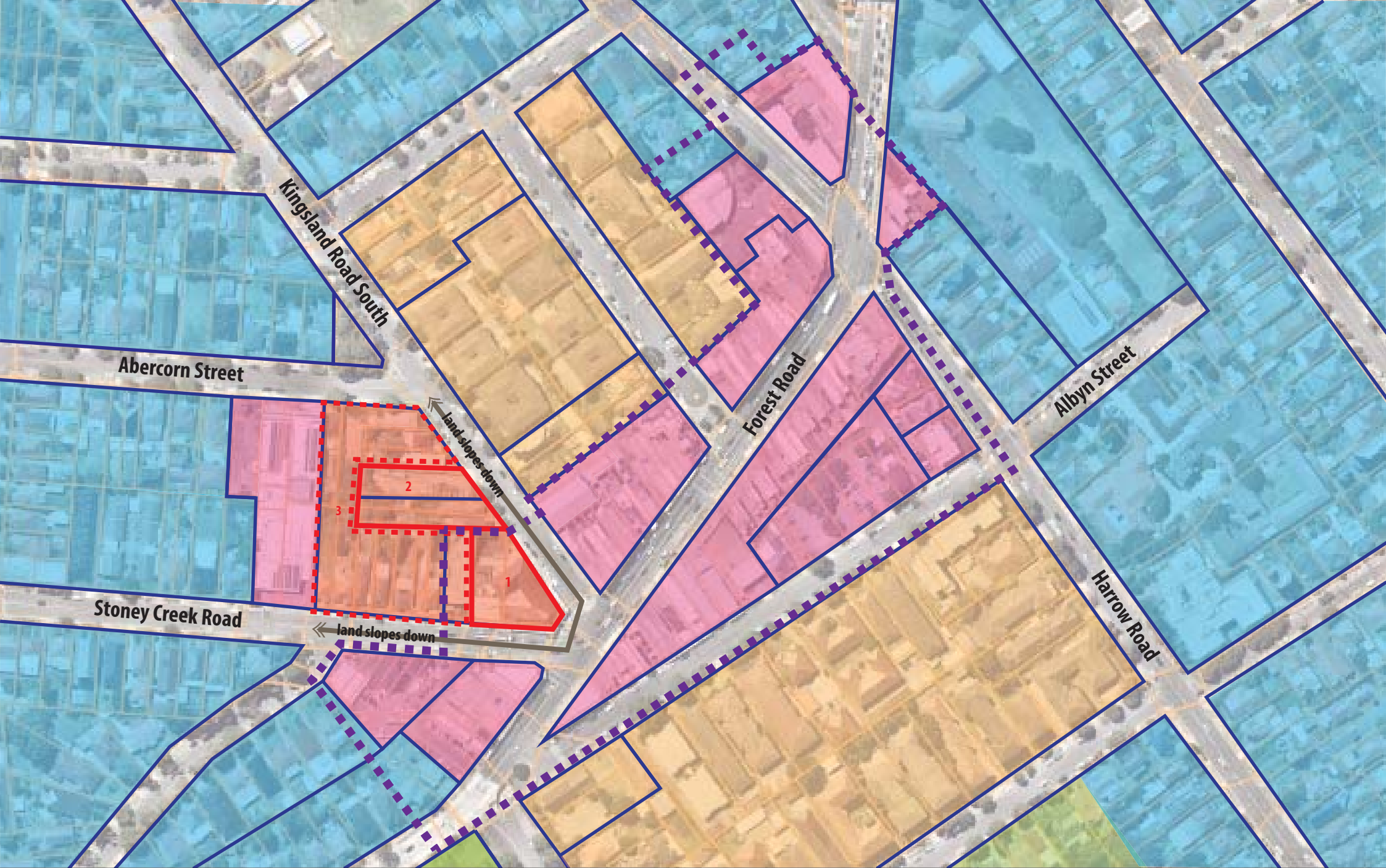
3. PROPOSED AMALGAMATED LOT

RLEP 2011 HEIGHT OF BUILDING LEGEND



BEXLEY TOWN
CENTRE BOUNDARY

PLANNING PROPOSAL UPDATE APPENDIX C - Proposed Amendment to Rockdale Local Environmental Plan 2011 Floor Space Ratio Map



FLOOR SPACE RATIO (FSR)
 1. EXISTING HOTEL AND BOTTLE SHOP
 2. PROPOSED MIXED USE SITE
 3. PROPOSED AMALGAMATED LOT

RLEP 2011 FSR LEGEND

0.5	0.6	1	2	2.5	BEXLEY TOWN CENTRE BOUNDARY
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Planning Proposal

Land Use Rezoning, Floor Space Ratio and Height of Buildings Amendment

Kingsland Road South, Bexley

August 2016

Preface

This Planning Proposal (PP) will promote urban infill that will contribute to the revitalisation of the Bexley Town Centre and complement the existing range of business and housing opportunities. The site represents a logical location for infill residential development in walking proximity to the town centre amenities. It will provide an opportunity to enhance the provision of a wider degree of land uses in the town centre, and create new mixed use opportunities that will assist in supporting existing and future local businesses in the locality.

Ongoing population growth in the Sydney metropolitan area has resulted in a significant shift in the approach to urban development and the need for further urban consolidation to be orchestrated by both local and state governments within the existing suburbs of Sydney. As the population of greater Sydney intensifies, the State government's strategic framework seeks to focus urban growth efficiently within existing urban areas and close proximity to transport infrastructure and amenities. This enhances accessibility, lifestyle choice and the wellbeing of the community as well as utilising existing infrastructure.

In order to keep pace with rapid population growth, greater metropolitan Sydney is looking for opportunities to sustainably and efficiently accommodate people within its existing footprint. At metropolitan Sydney's heart, the City of Sydney has a major role in enhancing the efficiency of Sydney's urban footprint and the opportunity to showcase sustainable development forms that can form the benchmark for wider Sydney and South Subregion. Rockdale Council plays a significant role in shaping the future of this region.

With nearby strategic centres such as Hurstville and Kogarah continuing to grow in terms of profile, role and economic strength, so too does Bexley as a supporting centre. In order to keep pace with rapid population growth, opportunities are being sought throughout the Sydney metropolitan area to sustainably and efficiently accommodate a larger number of people. The need to accommodate growth is outlined in the principles of *Rockdale City Urban Strategy 2010*, which aims to:

- improve residential amenity by improving the variety and quality of new housing;
- revitalise villages and neighbourhoods; and
- ensure opportunities for future employment and growth

Rockdale City Council recognises the need for growth in the LGA to attract commercial activity and future residents. One of the urban strategies to direct growth in the LGA is to concentrate future developments around the LGA's villages and local centres. The deliberate growth around the villages and local centres serve to increase activity to the area, which results in the greater vibrancy and diversity. The local population can access goods and services without the need to travel to major centres.

This site specific PP aims to dovetail in with Council's urban renewal initiatives and create fresh opportunities for revitalisation by a motivated land owner and businesses. This planning proposal will put in place the appropriate controls to facilitate revitalisation outcomes on the subject site and will thereby create visibility and momentum to catalyse further renewal in the Bexley Town Centre.

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1. Introduction

This Planning Proposal (PP) has been prepared by TPG Town Planning and Urban Design (TPG) and submitted to Rockdale City Council to facilitate land use zoning changes and height and floor space ratio mapping amendments to the Rockdale Local Environmental Plan 2011 (RLEP 2011).

This Planning Proposal has been prepared in accordance with the requirements of Section 55 of the EP&A Act and the associated guidelines '*A guide to preparing local environmental plans*' and '*A guide to preparing planning proposals*' prepared by the Department of Planning and Environment (2012), which requires the following matters to be addressed:

- Objectives or intended outcomes of the proposal;
- Explanation of provisions to be in an amendment to RLEP 2011;
- Justification for the proposal in terms of;
 - Need for the planning proposal;
 - Relationship to strategic planning framework;
 - Environmental, social and economic impact;
 - State and Commonwealth interests;
- Mapping amendments to RLEP 2011;
- Community consultation to be undertaken; and
- Project timeline.

This PP is accompanied by various investigations which form part of the strategic context and support the proposed amendments to the RLEP 2011, including:

- An Urban Design Strategy prepared by TPG (refer to **Appendix D**);
- Site and Precinct Analysis and Diagrams by TPG (refer to **Appendix E**);
- A Traffic Assessment prepared by Parking and Traffic Consultants (refer to **Appendix F**); and

- Economic Analysis by AEC Group Pty Ltd (refer to **Appendix G**)
- An addendum that consists of TPG's response to Council's preliminary comments on the draft version of the PP, which was issued to Council on 26 June 2016. The Council comments issued to TPG on 26 July 2016, are addressed upon Council's request.

The Urban Design Strategy at **Appendix D** aims to illustrate the rationale and benefits of the proposed rezoning in relation to its urban design, planning and social context. The purpose of this study is to:

- demonstrate that the subject site is suitable for rezoning and intensification based on site context;
- identify potential future opportunities for redevelopment based upon urban design principles that optimise the potential for future development of the site; and
- identify appropriate development standards i.e. FSR and Height, to permit the development proposed in the design principles.

Council is requested to forward this Planning Proposal to the Secretary General of the NSW Department of Planning and Environment (DPE) or delegate for a gateway determination under section 56 of the EP&A Act.

1.1 The Site

1.1.1 Site Description

The subject land consists of three (3) sites comprising eighteen (18) allotments. The subject sites are located on Kingsland Road South and Forest Road, Bexley. In total the area in which the sites cover is approximately 8,970m². It is located within close proximity to Rockdale Town Centre and Rockdale Railway Station. **Figures 1** and **2** below demonstrate the local and regional context of the subject land.

The subject sites have frontage to Kingsland Road South, Forest Road and Abercorn Street, and are comprised of eighteen allotments. **Table 1** describes the 4 allotments, which are owned by the applicant and the remaining allotments of differing land tenure that form the proposed development precinct.

Table 1: Property title

Site Number	Lot	Number	Street	DP
Site 1 – Applicant ownership	1	467	Forest Road	DP134319
	2	467	Forest Road	DP1878
Site 2 – Applicant Ownership	71	1	Kingsland Road South	DP570149
	72	3	Kingsland Road South	DP570149
	8	5	Kingsland Road South	DP1878/2
Site 3 Differing land tenure	1	1	Abercorn Street	DP328320
	67	3	Abercorn Street	DP654288
	1	7	Kingsland Road South	DP925706
	9	9	Kingsland Road South	DP1078771
	10	11	Kingsland Road South	DP925705
	3	6	Stoney Creek Road	DP1878/2
	B	8	Stoney Creek Road	DP363190
	A	8A	Stoney Creek Road	DP363190
	C	10	Stoney Creek Road	DP921789
	B	12	Stoney Creek Road	DP921789
	A	14	Stoney Creek Road	DP921789
	1	16	Stoney Creek Road	DP191076

Site Number	Lot	Number	Street	DP
	68	18	Stoney Creek Road	DP667002

Note: These sites form the subject of this PP. The applicant also owns parcels of land located opposite the proposed sites at 2 and 6 Kingsland Road South.

1.2 Site Context

The subject sites are located near two high volume State classified roads and Bexley Town Centre. Rockdale City Council has visions of the area becoming a local centre that is developed around its existing character. The existing context of the subject sites is summarised below:

- The subject sites are bounded by two state classified roads, Stoney Creek Road and Forest Road. Forest Road doubles as a retail strip for the local area and comprises of small local shops such as bakeries, restaurant, pharmacists, newsagencies and the local post office;
- A local IGA is located south of the subject sites along Forest Road and a Coles Express located north of the subject sites;
- Community facilities such as Bexley Community Centre and Bexley Manor Hall are located within close proximity to the subject sites;
- Educational facilities in the area include Bexley Public School and St Mary and St Mina's Coptic Orthodox College;
- Senior housing facilities in the area include Scalibrini Village and Menaville Nursing Home by Hall and Prior;
- Rockdale Town Centre and Rockdale Train Station are located approximately 1km in the south east direction from the subject sites; and
- Bexley North Train Station is located approximately 1.7km north of the subject sites.



Figure 1: Subject land parcels in red outline within the local context.

1.3 Existing Development

The subject sites are identified in **Figure 1** above as three sites that collectively make up the proposed development precinct. Site 1 is Forest Inn Motel located at 467 Forest Road. The site is currently occupied by a hotel with gaming and dining facilities, and an ancillary bottle shop. Site 2 is currently occupied by 2 single storey dwellings and a vacant lot located on 1, 3 and 5 Kingsland Road South. The single storey dwellings are generally characterised by large setbacks to the street and masonry buildings with pitched roofs. Site 3 is a proposed amalgamation of single storey housing along Stoney Creek Road, Kingsland Road South and Abercorn Street to form a lot for the potential development of residential flat buildings. The subject site can be considered as an infill development whereby the land parcels are fragmented and underutilised. The area will benefit from a consolidation of the subject sites to create an area that is more cohesive in land use, FSR and building height.

Site 1 and 2 are owned by the client. Site 3 is proposed as an amalgamated site and aids to demonstrate the strategic opportunities when considering all three proposed consolidated sites as a development precinct. **Photographs 1 -9** below show the existing development on the sites owned by the client as well as the existing site conditions.



*Photograph 1 - Site 1 - 467 Forest Road
Forest Inn Motel and bottle shop*



*Photograph 2 - Site 2 - 1 Kingsland road South
Existing single storey dwelling*



*Photograph 3 - Site 2 – 3 Kingsland Road South
Existing single storey dwelling*



*Photograph 4 - Site 2 – 5 Kingsland Road South
Vacant lot*



*Photograph 5 - 2 Kingsland Road South
Existing two storey motel*



*Photograph 6 - 6 Kingsland Road South
Existing single storey dwelling*



*Photograph 7 – Forest Road
View looking east on Forest Road*



*Photograph 8 - 2 Stoney Creek Road
View looking south on Stoney Creek Road*

*Photograph 9 –Abercorn Street
View looking west on Abercorn Street*

1.3.1 The Local Area

The subject land and its surrounds are characterised by a variety of different building typologies. Heights of existing development are generally 1-2 storeys. Given the town centre location of the subjects site, the local area generally consists of buildings used for commercial purposes, transitioning to low and medium density residential development further afield.

The strip along Forest Road serves as the primary area for commercial and retail activities. The area comprises of local neighbourhood shops that service nearby residents, with the potential for further development to reflect the current zone of B4 Mixed Use. Commercial activity concentrated along the Forest Road is adequate in providing amenities and employment at a local level. It has the potential for greater activation to develop Bexley Town Centre into a hub and attract business from investors outside the local area.

The existing built form of the development precinct and its surrounding areas have not been maximised to its full potential. The adjacent mixed use zone along Forest Road is mainly comprised of single storey or double storey shop top housing. The residential zones adjacent to the subject sites are mainly low density single or double story dwellings in the R2 Low Density zones, and walk up strata apartments in the R3 Medium Density zones. The residential buildings surrounding the subject sites are a mix of Federation dwellings and older style apartments. Even though the areas adjacent to the subject site are zoned for higher density and a variety of uses, the area is confined to low density development with basic services that cater to the local neighbourhood.

1.3.2 Accessibility and Transport

The subject land is located at the juncture of Forest Road, Stoney Creek Road and Kingsland Road South, providing access on both a local and regional level via links to the M5 Motorway. Of these roads surrounding the site, Stoney Creek Road and Forest Road are together defined as State classified roads. These two roads carry the majority of public transport, vehicle and pedestrian traffic for the area alongside the close-by Bexley Road.

Buses operate along a number of roads surrounding the proposed precinct, including the directly adjacent Stoney Creek Road and Forest Road, and the nearby Bexley Road. The 493, 492 and 452 buses are available along those roads within approximately 200m of the proposed sites. Rockdale train station is located 1km in the south-east direction of the subject sites, and Bexley North station is located 1.7km in a northerly direction and provides access to the Sydney CBD and major employment destinations along Sydney's global economic corridor.

Parking and Traffic Consultants (PTC) has been engaged to prepare traffic and parking analysis for the proposed PP of the development precinct. The report examines the existing traffic and parking conditions and compares it to the potential capacity of traffic and car parking generated as result of additional population. Several development options are tested and a range between the minimum and maximum traffic and car parking capacity is generated based on a combination of development types across site 2

and site 3. The traffic analysis also considers traffic flow and intersection modeling to rate the performance of the intersections affected. The potential combination of development types across the two sites are derived from indicative concept plans. The potential yields, for the purposed of the traffic analysis, are summarised in **Table 3** below.

The traffic and parking analysis concludes that the PP will have minimal impact on the local road network and parking conditions of the local area. Based on the parking requirements established in RDCP 2011, RMS guide to Traffic Generating Developments and the Institute of Transport Engineers Parking Generation, it is anticipated that the PP may require a range of 144 -169 spaces. The potential development scenario options present an all hotel development across the two sites as a maximum capacity scenario, and an all residential development as a minimum capacity scenario. During the AM and PM peak hours, the local area has the capacity to accommodate the additional traffic activity. The Traffic and Parking Assessment by PTC is included in this PP as **Appendix F**.

Table 3: Potential development yields

Option	Building 1 – Site 3		Building 2 – Site 2		Building 3 – Site 3		Total
	Use	Potential motel rooms/ units	Use	Potential motel rooms/ units	Use	Potential motel rooms/ units	Potential motel rooms/ units
1	Hotel	78	Hotel	42	Hotel	49	169
2	Hotel	78	Hotel	42	Residential	31	151
3	Hotel	78	Residential	27	Residential	31	136
4	Residential	36	Residential	27	Residential	31	94

The Westconnex project has raised some concerns for Council in terms of its impact on the existing road network in Bexley. PTC presented an overview of the project in the Section 3.3 of **Appendix F- Traffic and Parking Assessment** and notes the following:

- traffic modeling presented in the EIS indicates that most surface roads in the vicinity of the project will see a reduction in the weekday average traffic volume;
- the expected slight increase of traffic volume on other roads including Stoney Creek Road will likely be offset by improved travel times in the nearby road network; and
- maximum yield of this PP generates an increase in traffic activity that is insignificant in the context of the Westconnex project.

The Westconnex project is in design and development stages for construction and there are many variables that will affect the outcome of the project. Addressing traffic issues based on the integration of the conceptual stages of Westconnex and the PP is highly speculative. The actual traffic volume of the Bexley area will not be evident until the project is constructed, and the traffic volume of the local area is measured.

2. Objectives and Intended Outcomes

2.1 Preamble

This report constitutes a PP to seek an amendment to the *Rockdale Local Environmental Plan 2011* (RLEP 2011) land use zoning, height of building and floor space ratio (FSR) maps which apply to the subject land, which consists of a number of sites on Kingsland road South, Bexley (“the subject land”) – Refer **Figure 1** – Subject land parcels.

As such, the PP seeks to amend the RLEP 2011 land use, height and Floor Space Ratio mapping in accordance with mapping shown in **Section 5** and **Appendix A, B and C**. The objectives of this PP report are to:

- describe the subject land, the locality in which it is situated, the current built form controls and to explain the current planning control limitations;
- request an amendment to the RLEP 2011 Land Zoning Map to include site 2 within the B4 Mixed Use zoned land and rezone site 3 under R4 High Density Residential. Accordingly, an amendment to the Rockdale LEP Land Zoning Map has been provided at **Appendix A**;
- request an amendment to the RLEP 2011 Height of Buildings development standard which applies to the subject land, and accordingly, an amendment to the Rockdale LEP Height of Buildings Map as demonstrated at **Appendix B**, so as to permit a building height of 19 metres for the subject sites;
- request an amendment to the RLEP 2011 maximum FSR development standard which applies to the subject land, and accordingly, an amendment to the RLEP 2011 FSR Map as demonstrated at **Appendix C**, so as to permit a maximum permissible FSR of 2.5:1 on the subject parcels of land;
- address the “Gateway” assessment criteria under Part 3 of the EP&A Act; and
- provide justification for the amendments to the RLEP 2011 and demonstrate the net community benefits which will follow on from this PP.

Table 2 provides a summary of the proposed mapping amendments for each site:

Table 2: Proposed LEP Mapping Amendments

Site Number	Site Address	Existing Controls			Proposed Controls		
		Land Use	Building Height	FSR	Land Use	Building Height	FSR
Site 1	467 Forest Road, Bexley	B4 – Mixed use	16m	2:1	B4 – Mixed use	19m 16 (+3.0m incentive)	2.5:1 2:1 (+0.5 incentive)
Site 2	1 Kingsland Road, Bexley 3 Kingsland Road, Bexley 5 Kingsland Road, Bexley	R2 – Low Density Residential	8.5m	0.5:1	B4 – Mixed use	19m 16 (+3.0m incentive)	2.5:1 2:1 (+0.5 incentive)
Site 3	1 and 3 Abercorn Street 7, 9 and 11 Kingsland Road South 6, 8 , 8A, 10, 12, 14,16 and 18 Stoney Creek Road, Bexley	R2 – Low Density Residential	8.5m	0.5:1	R4 – High Density Residential	19m 16 (+3.0m incentive)	2.5:1 2:1 (+0.5 incentive)

The PP has been prepared with the purpose of amending the RLEP 2011 so as to allow a future development on the subject parcels of land which can achieve the massing and feasibility potential demonstrated by the accompanying urban design strategy that is supported by the subject land's location and context.

At present, these controls do not allow the subject land to achieve its development potential based on its location close to Bexley and Rockdale Town Centre, and Rockdale Railway Station and surrounding mixed use developments. An amendment to the RLEP 2011 land use zoning, building height and FSR controls as proposed will be the most efficient and effective means of achieving an infill residential development on the site in accordance with its location and context.

These amendments will also allow renewed mixed development on the subject land to enable a logical and rational residential expansion of the Bexley Town Centre in a manner that is complementary to the surrounding residential and mixed-use land.

3. Explanation of Provisions

3.1 Rockdale Local Environmental Plan 2011

The main environmental planning instrument applicable to the subject land is the RLEP 2011. The subject parcels of land are currently defined under a variety of land use zones, building heights and FSR under the RLEP 2011, and summarised in **Table 3** below:

Table 3: Existing land use zones, building heights and FSR

Site Number	Site Address	Existing Buildings	Land Use Zones	Building Height	FSR
Site 1	467 Forest Road, Bexley	Forest Inn Hotel	B4 – Mixed use	16m	2:1
Site 2	1 Kingsland Road, Bexley 3 Kingsland Road, Bexley 5 Kingsland Road, Bexley	Single storey dwelling Single storey dwelling Vacant lot	R2 – Low Density Residential	8.5m	0.5:1
Site 3	1 and 3 Abercorn Street 7, 9 and 11 Kingsland Road South 6, 8, 8A, 10, 12, 14, 16 and 18 Stoney Creek Road, Bexley	Dwelling houses Dwelling houses Dwelling Houses	R2 – Low Density Residential	8.5m	0.5:1

3.1.1 Current land use zoning

Figure 2 outlines the current zoning of the subject land and surrounding areas.

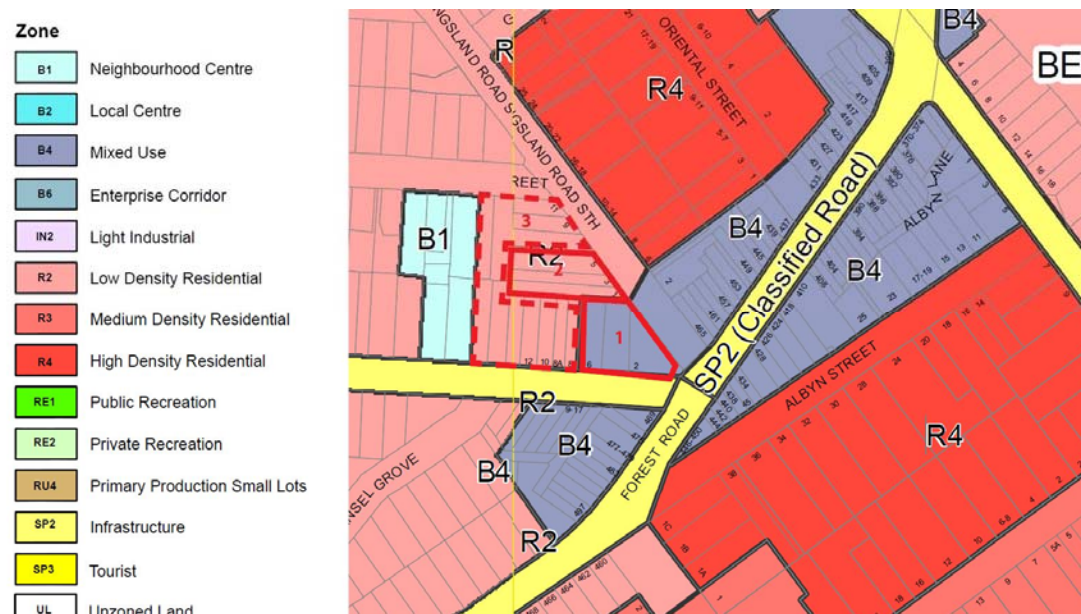


Figure 2. Existing RLEP 2011 Land Zoning

The Planning Proposal is to amend the Land Zoning Map in RLEP 2011 to rezone the sites as outlined in **Table 4**. Refer to proposed mapping amendments within **Section 6**.

Table 4: Proposed land use zoning amendments

LZN Tile 4 & 2	Site 1	Site 2	Site 3
Existing Zone	B4 – Mixed use	R2 – Low Density Residential	R2 – Low Density Residential
Proposed zone	B4 – Mixed use No change	B4 – Mixed use	R4 – High Density Residential

3.1.2 Height of Buildings

Figure 3 outlines the current maximum height of buildings applicable to the subject land and surrounding areas.



Figure 3. Existing RLEP 2011 Height of Building

The Planning Proposal is to amend the Height of Buildings Map in RLEP 2011 as outlined in **Table 5**. Refer to proposed mapping amendments within **Section 6**.

Table 5: Proposed HOB mapping amendments

HOB Tile 4 & 2	Site 1	Site 2	Site 3
Existing HOB	16m	8.5m	8.5m
Proposed HOB	19m	19m	19m

3.1.3 Floor Space Ratio

Figure 4 outlines the current maximum floor space ratio applicable to the subject land and surrounding areas.

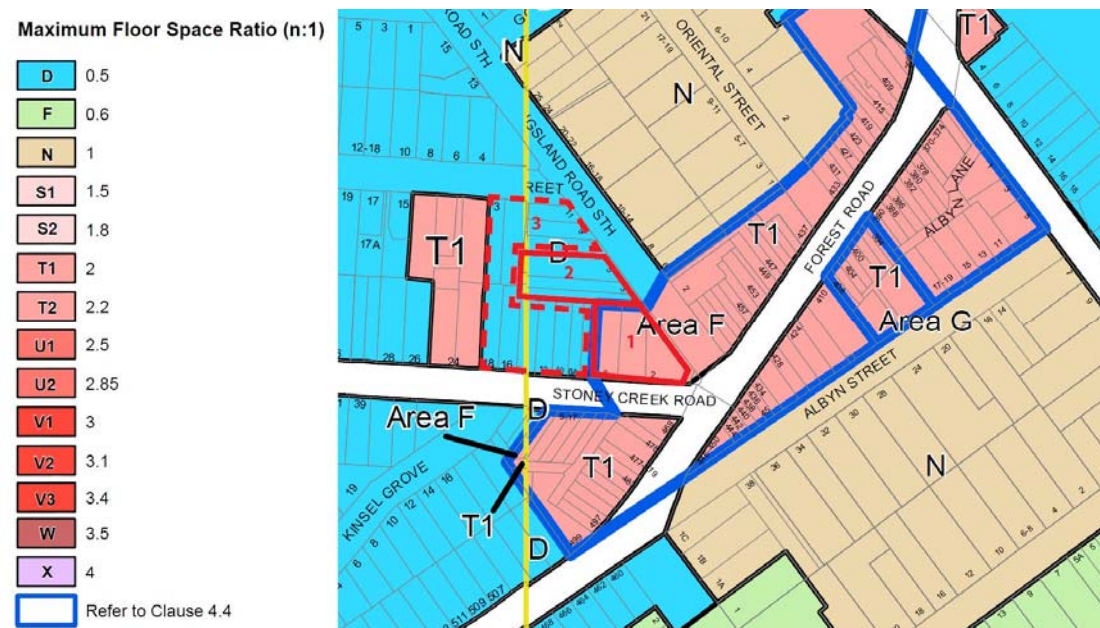


Figure 4. Existing RLEP 2011 FSR

The Planning Proposal is to amend the Floor Space Ratio Map in RLEP 2011 as outlined in **Table 6**. Refer to proposed mapping amendments within **Section 6**.

Table 6: Proposed FSR mapping amendments

FSR Tile 4 & 2	Site 1	Site 2	Site 3
Existing FSR	2:1	0.5:1	0.5:1
Proposed FSR	2.5:1	2.5:1	2.5:1

4. Justification

The following section of this report addresses the requirements in *A guide to preparing planning proposals* (2009), specifically **Part 3 – Justification**, prepared by the Department of Planning and Environment.

4.1 Section A – Need for the Planning Proposal

4.1.1 Is the planning proposal a result of any strategic study or report?

The Planning Proposal has been prepared in response to the following strategic studies and plans:

4.1.1.1 *Rockdale City Plan: Community Strategic Plan 2013-2025*

The Rockdale City Plan 2013 - 2025 is Rockdale Council's long term community plan that identifies the aspirations of the community and establishes a framework with partners that will shape the City and deliver community outcomes. It is comprised of the following components to describe and deliver upon Council's nominated strategic direction:

- Community Strategic Plan 2013 - 2025
- Resourcing Strategy consisting of the Long Term Financial Plan 2013 - 2025, Asset Management Plan 2013 - 2025 and Workforce Management Plan 2013 - 2017
- Delivery Program 2013 - 2017 and annual Operation Plans

Further discussion on consistency with this plan is provided in **Section 4.2.2.1**.

4.1.1.2 *Rockdale City Urban Strategy 2010*

Rockdale City Urban Strategy 2010 has been listed by Council as an important document used to inform the planning decisions conveyed in the *Rockdale Local Environmental Plan (RLEP) 2011* and *Rockdale Development Control Plan (RDCP) 2011*. The planning principles of *Rockdale City Urban Strategy 2010* relevant to the rezoning of the subject sites include the following:

- Improve residential amenity by improving the variety and quality of new housing;
- Revitalise villages and neighbourhoods; and
- Ensure opportunities for future employment and growth.

Further discussion on consistency with this strategy is provided in **Section 4.2.2.2**.

4.1.1.3 Capacity Analysis and Built Form Study September 2010

The *Capacity Analysis and Built Form Study* was prepared to test the development potential of Rockdale LGA through maximising building height and FSR. The study was used to inform the formulation of the draft *RLEP 2011* and draft *RDCP 2011*. It is concluded that Rockdale LGA has the capacity to increase its density to provide housing and employment for its growing population.

The study indicates that Bexley Town Centre has the opportunity to be developed into a viable destination due to its accessibility through public transport and high visibility from the busy Forest Road. Rockdale City Council also has significant land holdings, in particular the Albyn Street car park and Forest Road car park, which can be developed into appealing civic spaces for the community.

Further discussion on consistency with this study is provided in **Section 4.2.2.3**.

4.1.2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The PP is the best means of achieving broader planning objectives and the best future renewal for the subject land. This is because the proposed height and FSR of an appropriate mix of buildings can be achieved on the subject land commensurate with their town centre proximity.

In the context of the variations sought to a compliant building envelope on the subject land as detailed in the Urban Design Strategy at **Appendix D**, and given the area in which the subject land is located is also not subject to a draft LEP at this stage, a site specific height of buildings and FSR map amendments to the RLEP 2011 are the most appropriate, simple and effective method available to achieve the intended outcomes of the PP.

The proposed amendment to the RLEP 2011 land use zones, as well as height and FSR controls for the subject land seeks to allow future development to make the most of the development potential of the land, by enabling appropriate built form typologies to be developed within close proximity to the Rockdale Train Station and the Bexley Town Centre and along a public transport route.

This proposal takes into consideration land use compatibility and appropriately considered the relationship between the subject land and surrounding low, medium and high density development forms, to enable the orderly and rational expansion and economic revitalisation of the Bexley Town Centre. The rezoning of the subject sites will also result in a more consistent application of zoning in the precinct by rationalising anomalous zoning and height controls.

The analysis that led to the request for amendments to RLEP 2011 is illustrated in the opportunities diagrams below:

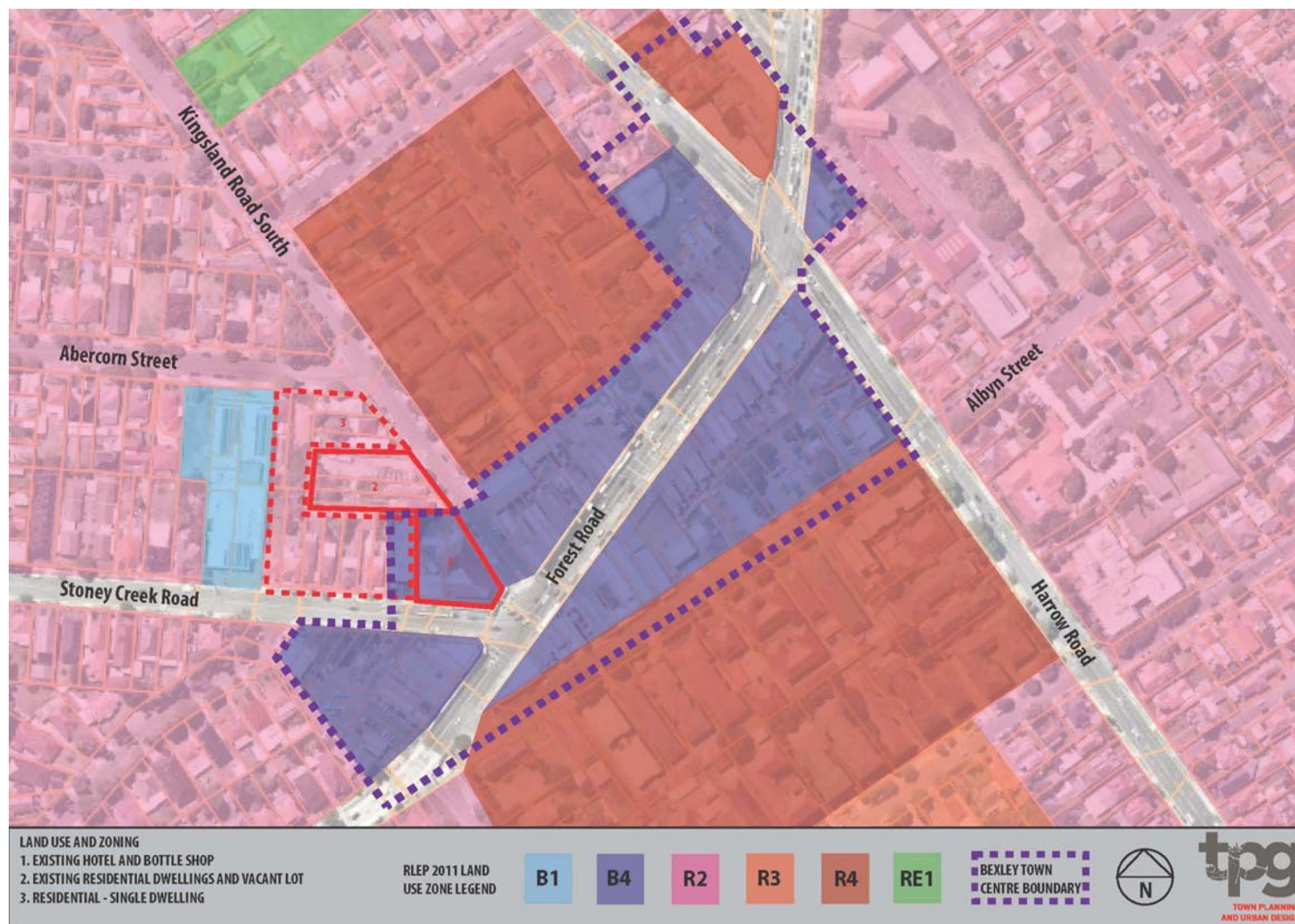


Figure 5 – Opportunity to rezone subject sites to facilitate redevelopment for residential purposes.

Site 2 is located adjacent to the edge of Bexley Town Centre with the potential to be rezoned to complement the development and activation of Bexley Town Centre.

Site 2 is currently zoned R2 Low Density Residential and presents opportunity to be rezoned to B4 Mixed use to facilitate possible motel and car park additional use to enable the expansion of existing motel uses in the town centre.

Site 3 may be consolidated to enable its future development to accommodate high density residential flat buildings to increase critical mass in the centre to support local business. It is therefore recommended that land parcels within site 3 be rezoned to R4 High Density Residential zone.

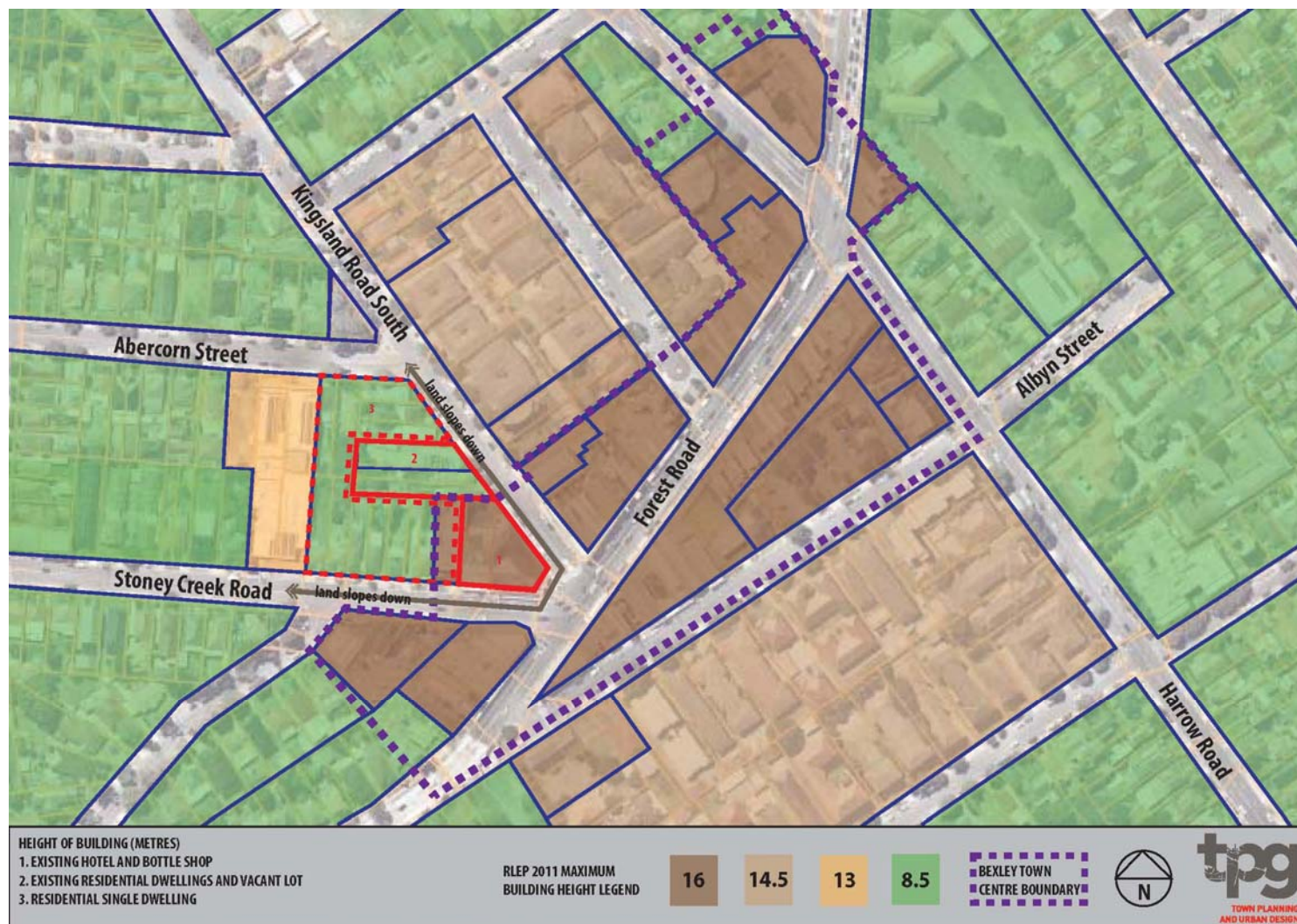


Figure 6 - Opportunity to achieve appropriate height of buildings.

Potential to increase building height for land sloping down in Westerly direction on Stoney Creek Road and Northerly direction on Kingsland Road South. Potential to consider amalgamation of sites to achieve development incentives of greater HOB.

The increase of building heights reflects adjoining heights permissibility of Forest Inn Hotel and Bexley RSL building. There is potential for additional height without adverse impact to amenity.

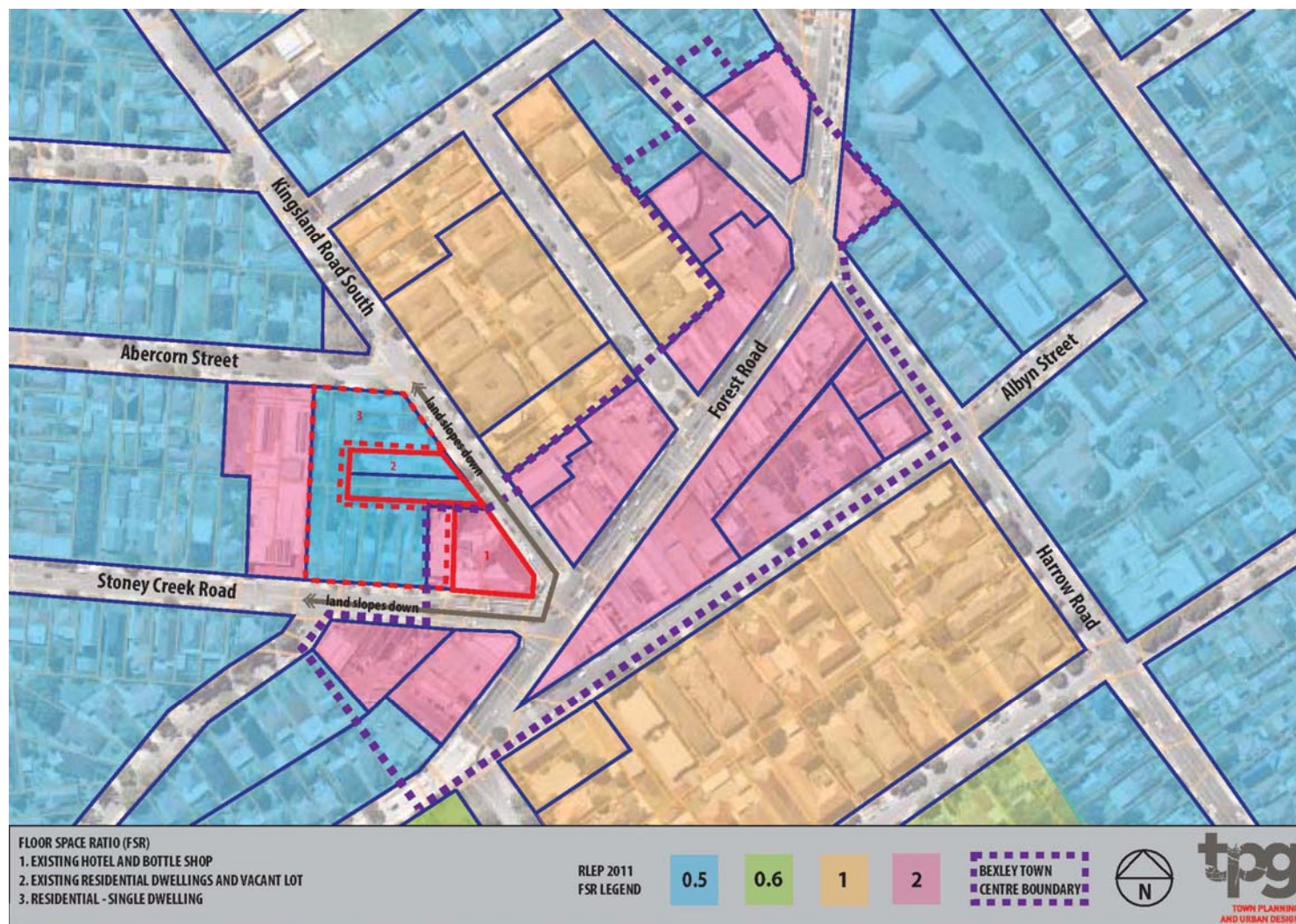


Figure 7 -Opportunity to achieve appropriate Floor Space Ratio (FSR)

Site 2 and site 3 have potential for greater height and therefore FSR, commensurate with this height.

Opportunity for amalgamation of sites to achieve development incentives of greater FSR. FSR is consistent with immediately adjoining land i.e. Forest Inn Hotel and Bexley RSL.

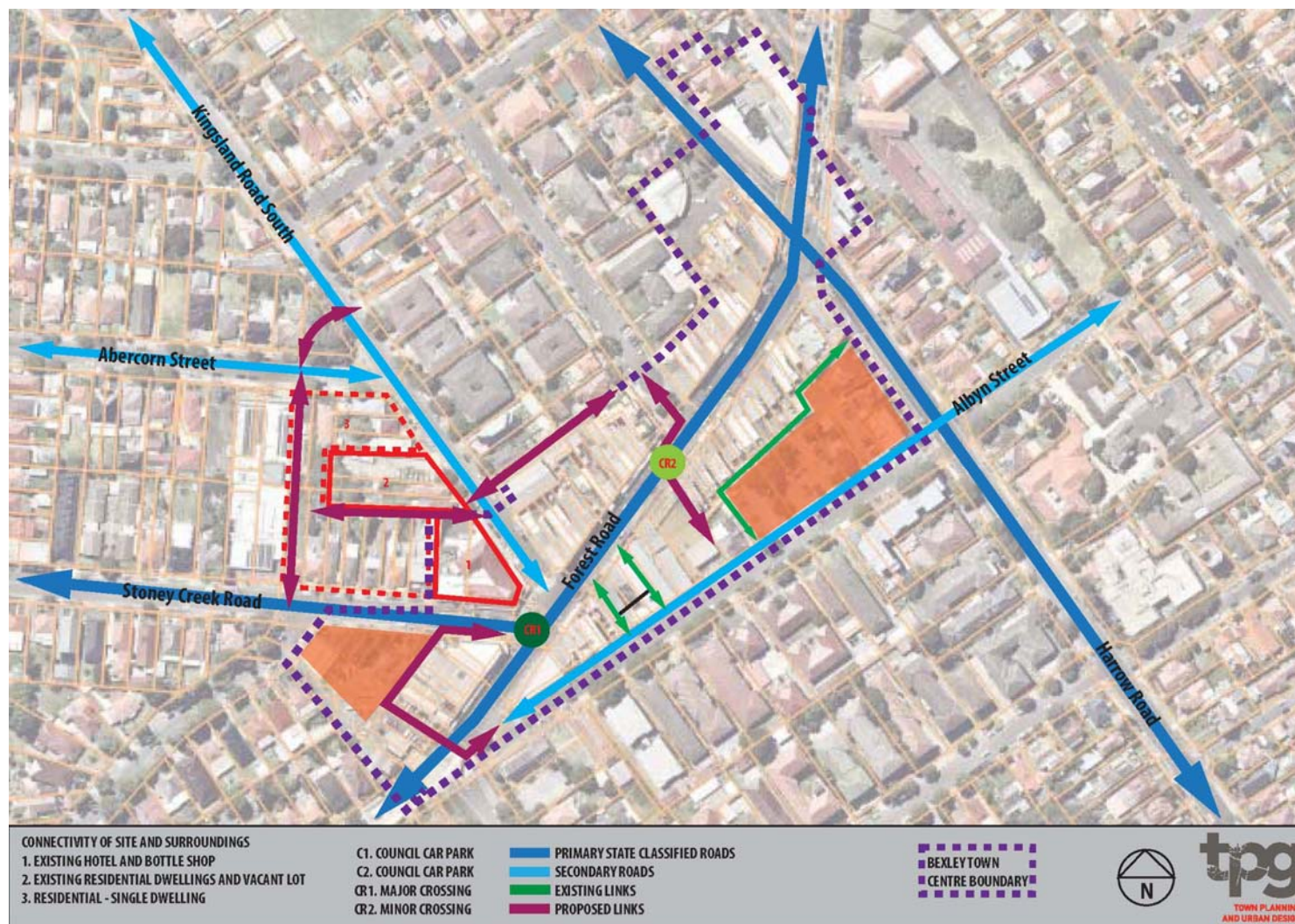


Figure 8 -Opportunity to provide more connectivity in the area

Potential to offer a finer grain, more interconnected pedestrian experience and provide vehicle access away from major roads thorough the provision of new accessways and pedestrian linkages.

Design for greater permeability between subject sites north of Forest Road and proposed Bexley Town Centre south of Forest Road. This linkage, represented by the burgundy arrow that intersects with CR2 minor crossing, is considered essential for the proposed activation of Bexley Town Centre core located adjacent to the Albyn Street car park.

The proposed links indicated near site 1, 2 and 3 are planned in accordance to the likely amalgamation of the individual allotments into bigger lots. The linkages can be achieved as detailed design during DA stages.

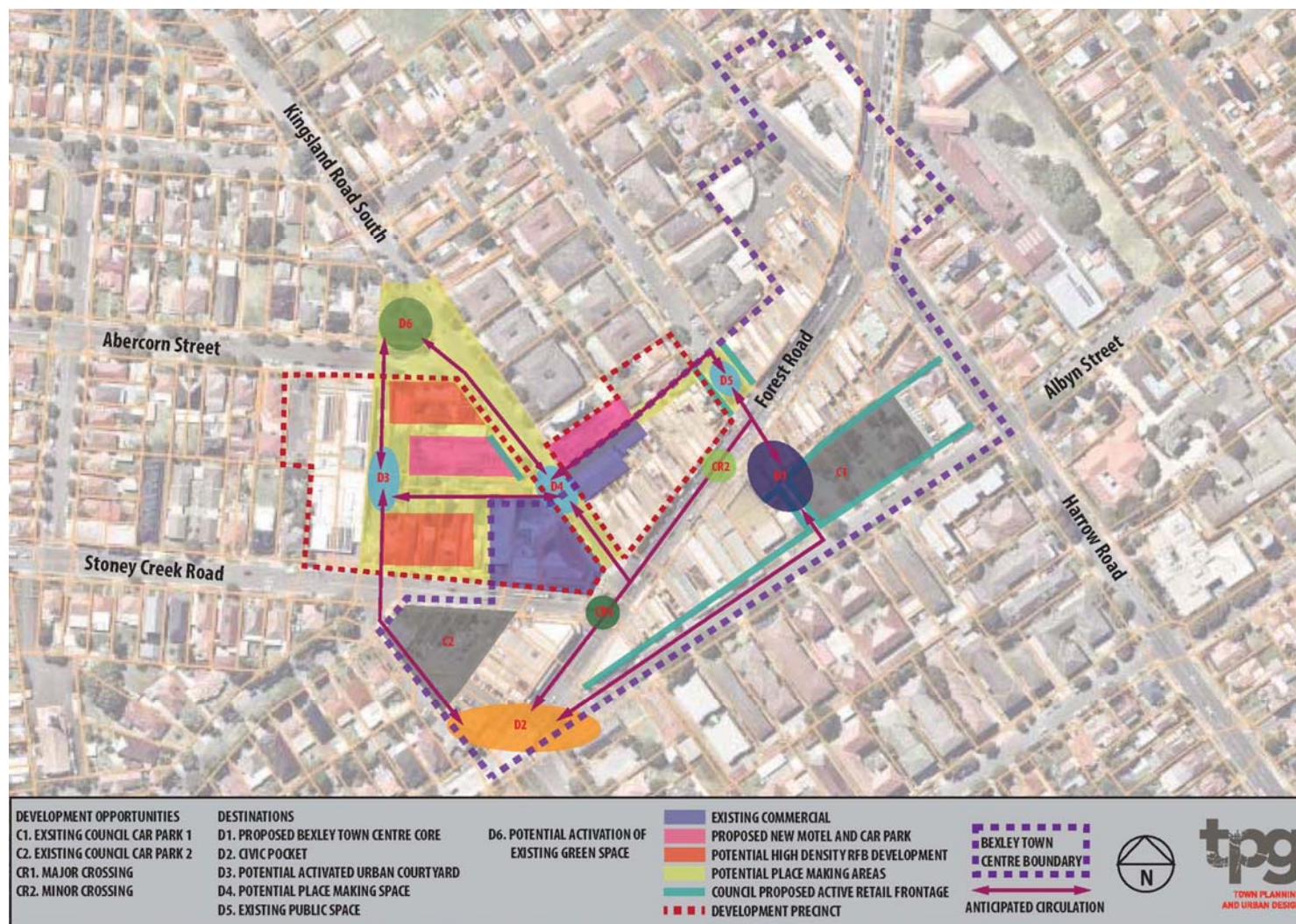


Figure 9 -Opportunity to enhance and add character to the local area

Potential to create new place making opportunities that are interconnected with existing destinations through the activation public spaces, retail frontages, new links and accessway development.

All potential urban design strategies in the public domain are to complement, not compete with Council's vision for Bexley Town Centre. Existing open spaces are revitalised and potential place making spaces are intended to be discreet laneway developments with minimal street presence.

Insight into the strategic thinking of the potential built form outcomes that the change in zoning, height and FSR may encourage.

4.1.3 Is there a net community benefit?

The PP will result in a number of net community benefits.

The amendments to the RLEP 2011 Land Use Zoning, Height of Buildings and FSR maps for the subject land would deliver a number of community benefits. In particular, the PP will:

- Facilitate appropriate residential urban infill adjacent to the Bexley Town Centre;
- allow for additional residential accommodation, which will enhance economic viability and prosperity for existing services by increasing the critical mass with the existing centre to support local businesses;
- enable residential orientated mixed use development to encourage increased investment in housing in an area of high amenity with convenient access to a variety of services and destinations, further increasing critical mass within the centre and supporting local business.
- facilitate investment in the Bexley Town Centre by motivated land owners seeking to build upon existing successful businesses such as the Forest Inn Motel;
- create significant opportunities for ongoing investment in the Bexley Town Centre through catalytic and economic multiplier effects associated with town centre expansion;
- allow more dense residential developments that will provide the opportunity for greater urban consolidation in a location capable of accommodating it. In this regard, greater density in this location will take full advantage of an urban renewal opportunity in an existing town centre and accommodating demand for housing without further exacerbating the need to extend Sydney's urban footprint;
- facilitate urban renewal within a presently underutilised area of the existing town centre by supporting economic activity;
- allow for the provision of more housing choice and visitation related accommodation in the Bexley Town Centre, in a location of high amenity and public transport accessibility, by allowing an increase in the permitted density and intensity of development on the sites; and
- allow a more detailed approach to building envelope and massing controls on the subject site, which take into consideration potential impacts on the amenity of neighbouring properties in the vicinity of the subject site, whilst also having regard to achieving a high quality streetscape outcomes and permeability in the Bexley Town Centre.

The PP will result in a net community benefit as it will allow future development to take full advantage of its location in close proximity to high frequency transport routes and hubs and infrastructure. This encourages sustainable transport use and discourages car dependence, which in turn has positive flow-on effects for the local and wider traffic network such as reduced energy consumption and a smaller ecological footprint.

4.2 Section B – Relationship to Strategic Planning Framework

4.2.1 Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies?)

4.2.1.1 *A Plan for Growing Sydney*

The relevant metropolitan strategy relating to the proposed development is *A Plan for Growing Sydney* released by the NSW Department of Planning and Environment in December 2014. The plan identifies growth projections from a whole of Sydney perspective and specifically identifies Western Sydney as a key to Sydney's success. The strategy seeks to achieve the following outcomes for Sydney:

Goal 1: A competitive economy with world-class services and transport.

Goal 2: A city of housing choice, with homes that meet our needs and lifestyles.

Goal 3: A great place to live with communities that are strong, healthy and well connected.

Goal 4: A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources

A Plan for Growing Sydney identifies Sydney Airport and Port Botany as crucial transport and freight nodes that are important economic drivers for Sydney's South Subregion or South District. The main priority for the South Subregion is to facilitate good employment and transport links to support the Sydney Airport and Port Botany. It is anticipated that the potential F6 motorway will provide a major transport link running throughout the South Subregion, resulting in growth opportunities along the western shores of Botany Bay.

The Department of Planning and Environment's *Population Household and Dwelling Projections South Subregion* predicts that in the next 20 years, the subregion will encounter a population increase of 154,700 people. An increase of 62,800 households is forecasted with people aged in their 20s and 30s contributing to the growth. The subregion's population aged between 20 and 30 are crucial in supporting the local economy through employment and the expenditure of money. This demographic also contributes to growth as couples with children households or single parent households. A growing ageing population also contributes to an urgent need to provide more housing stock to accommodate the predicted 66,650 homes needed in the next 20 years.

The NSW State government's vision to accelerate the delivery of housing supply, choice and affordability to accommodate the growth in the South Subregion involves the identification of suitable locations, with input from Councils. Potential areas considered for housing intensification and urban renewal includes the following areas:

- Employment agglomerations in particular Priority Precincts;
- Areas in established and new centres; and
- Areas along key public transport corridors including the Illawara Line, south Line and Sydney Rapid Transit along the Bankstown line.

Once the areas are identified for growth, local and state government have the onus to deliver housing stock that aligns with market demand and minimum household projections. It is important to formulate policies that address affordable housing and the provision of appropriate housing stock for people at different stages of their lives.

Local councils in unison with the NSW State government seek to identify suitable locations for the development of housing and employment as outlined by the Plan for Growing Sydney. The subject sites are at an integral location with the Bexley Town Centre to provide for such visions with the proposed land use, height and FSR amendments directly aiding in achieving this goal. Through these amendments they will strengthen the economic vitality of the existing Bexley Town Centre as well as allowing for the increase in residential availability and diversity within an already well-connected area of high amenity.

4.2.1.2 South District Plans

New South Wales is currently undergoing major planning changes with the formation of The Greater Sydney Commission, which will be a governing body that overlooks metropolitan planning. The Greater Sydney Commission has the duty to form partnerships with state and local government to plan for the areas currently identified as subregions in *A Plan for a Growing Sydney*.

These individual subregions are in the process of being reclassified as districts. Each district is governed by a Commissioner and a District Plan that is tailored to suit each district's vernacular. The District Plans will elaborate on the objectives of *A Plan for a Growing Sydney* on a local level, and influence the delivery of housing, employment and

infrastructure. The subject sites proposed for rezoning are located in the South District of Sydney and includes the local government areas of Canterbury, Hurtsville, Kogarah, Rockdale and Sutherland.

The District Plan for the South District is yet to be developed and legislated. In the interim, preliminary objectives have been identified to guide planning outcomes.

4.2.2 Is the planning proposal consistent with the local council's Community Strategic Plan or other local strategic plan

4.2.2.1 Rockdale Community Strategic Plan 2013-2025

The Rockdale City Plan 2013-2025 was adopted by Council in April 2013. It comprises a number of plans that seek to deliver on the community's aspirations. The Community Strategic Plan 2013-2025 seeks to achieve the following four outcomes that cover social, environmental, economic and community leadership issues. These are summarised as follows:

Outcome 1 - Rockdale is a welcoming and creative City with active, healthy and safe communities.

Outcome 2 - Rockdale is a City with a high quality natural and built environment and valued heritage in liveable neighbourhoods. A City that is easy to get around and has good links and connections to other parts of Sydney and beyond.

Outcome 3 - Rockdale is a City with a thriving economy that provides jobs for local people and opportunities for lifelong learning.

Outcome 4 - Rockdale is a City with engaged communities, effective leadership and access to decision making.

The plan is supported by resourcing delivery plans that provided the necessary tools for implantation and performance.

Table 7 highlights how this PP will directly deliver on relevant objectives and strategies outlined within the plan.

Table 7: Rockdale City Plan: Community Strategic plan 2013 – 2025 Directions and PP Responses.

Strategic Direction	PP Response
Objective 1.3 - Our community is welcoming and inclusive and celebrates its cultural diversity and community harmony	
1.3.3 Build a vibrant and exciting City that reflects the range of cultures, entertainment, events and networks that contribute to the well being of its community	The PP will facilitate enhanced linkages and consolidation in an existing centre supporting the range of existing activities available in the centre.
Objective 1.4 - Our City has quality and accessible services, community and recreational facilities	
1.4.1 Ensure that community buildings and facilities are designed, delivered and maintained in a manner that is sustainable and reflects the needs of the community	The PP will facilitate a strategic, rational and sustainable approach to intensification and growth in a location adjacent to the Bexley Town Centre
1.4.3 Ensure equitable and affordable access to services and facilities for our established and emerging communities	The PP will facilitate revitalisation and expansion of residential accommodation in close proximity to existing services as well as increase housing choice and affordability.
Objective 2.5 - Our community will be able to get around and connect with a range of effective linkages across the City and beyond	
2.5.1 Ensure that the City's transport networks and infrastructure are well planned, integrated and maintained	The PP will facilitate improved connectivity and permeability within the Bexley Town Centre at a pedestrian level.
2.5.2 Ensure sustainable current and future transport needs of the community providing access to services and facilities and enabling active living	The PP seeks to enhance connectivity, service availability and employment opportunities through increasing population density in close proximity to key public transport nodes.
Objective 3.2 - Our city comprises a thriving and robust economy with diverse industry and employment	
3.2.2 Identify and enhance opportunities for diverse employment and income generation through business growth and investment	The PP will facilitate an increase in population which will support existing town centre business functions. See Section 4.3.3.2 . The provision of additional mixed use zones will provide more commercial and retail activity, which will contribute to the local economy.
Objective 3.3 - Our City has vibrant town centres that provide a range of services and experiences for our residents, workers and visitors	
3.3.1 Ensure Town Centres are improved on a rolling program	The PP will promote investment by a motivated land owner and ongoing catalytic economic and multiplier effects.

Strategic Direction	PP Response
3.3.2 Provide a strategic approach to tourism	The PP seeks to enable a variety of development options, which will provide for a range of accommodation types in the region. The provision of motel accommodation is responsive to the visitation objectives of the local area.
4.1 Rockdale City's citizens are enabled, encouraged and able to participate in planning and decision making that affects the city	
4.1.1 Council engages the community in decision making, planning and delivery of outcomes	The proponent seeks to create opportunities for economic growth and transformation to assist in achieving Council's revitalisation and urban renewal goals for its town centres, with input from the wider community.
4.1.2 Build a sound partnership between council and the community and other stakeholders	

4.2.2.2 Rockdale City Urban Strategy 2010

Rockdale City Urban Strategy 2010 has been listed by Council as an important document used to inform the planning decisions conveyed in the *Rockdale Local Environmental Plan (LLEP) 2011* and *Rockdale Development Control Plan (RDGP) 2011*. The planning principles of *Rockdale City Urban Strategy 2010* relevant to the rezoning of the subject sites are include the following:

- Improve residential amenity by improving the variety and quality of new housing;
- Revitalise villages and neighbourhoods; and
- Ensure opportunities for future employment and growth.

Rockdale City Council recognises the need for growth in the LGA to attract commercial activity and future residents. One of the urban strategies to direct growth in the LGA is to concentrate future developments around the LGA's villages and local centres. The deliberate growth around the villages and local centres serve to increase activity to the area, which results in the greater vibrancy and diversity. The local population can access goods and services without the need to travel to major centres.

Rockdale City Urban Strategy 2010 identifies Bexley as a smaller centre or village of unique character that can service the surrounding community. Redevelopment is encouraged to increase density and improve built form outcome near public transport within Bexley. Rockdale City Council proposes for the provision of additional open space and pedestrian connections within what is identified as Bexley Town Centre. The Bexley Town Centre core is intended to be located on the Albyn Street car park and

activation around the core, in particular Albyn Street is encouraged. The *RLEP 2011* proposes development incentives for the provision of connections to Bexley Town Centre core through Forest Road, and the consolidation of sites within Bexley. The main objective is for developments to be more compact whereby a range of activity is accessible and located within the local centres.

This PP aligns with visions of the *Rockdale City Urban Strategy 2010* and *RLEP 2011*. The urban design strategy for the up zoning and the proposed development precinct is aimed at supporting the development of Bexley Town Centre. The up zoning will allow for more diverse activity and complement the intended activation of Bexley Town Centre.

4.2.2.3 Capacity Analysis and Built Form Study September 2010

The *Capacity Analysis and Built Form Study* was prepared to test the development potential of Rockdale LGA through maximising building height and FSR. The study was used to inform the formulation of the draft *RLEP 2011* and draft *RDCP 2011*. It is concluded that Rockdale LGA has the capacity to increase its density to provide housing and employment for its growing population.

The study cites Bexley as a precinct that is mainly residential in character. The proposed Bexley Town Centre has the opportunity to be developed into a viable destination due to its accessibility through public transport and high visibility from the busy Forest Road. Rockdale City Council also has significant land holdings, in particular the Albyn Street car park and Forest Road car park, which can be developed into appealing civic spaces for the community.

Bexley also presents some development constraints that need to be addressed to achieve good planning outcomes. The precinct is comprised of fragmented lots and strata titles that need to be consolidated to allow for a more logical and systematic approach to land use planning. Vehicular and pedestrian circulation proves to be an obstacle with the main road networks heavily congested and poor pedestrian links. Lack of rear lane access into properties also proves to be a dilemma resulting in congestion on main circulation routes.

Bexley is also classified by Sydney Airport Corporation Limited (SACL) as a zone that has strict height limits as it is located under the flight path. Rockdale City Council has proposed for Bexley Town Centre to ideally have an FSR of 2:1 and a height of 16m (4 storeys) if land parcels are up zoned to the maximum B4 Mixed Use zone. Council has also proposed a development incentive to encourage site amalgamations whereby bonus FSR and Building height are granted. Final = building heights cannot obstruct the airspace and are to be approved are by Sydney Airport Corporation and Department of Infrastructure and Regional Development. The following incentives apply for Bexley Town Centre:

Table 8: Bexley Town Centre development incentive

Site Area	Maximum height	Maximum FSR
Under 1,200m ²	4 storeys (16m)	2:1
Over 1,200m ²	5 storeys (19m)	2.5:1

The *Capacity Analysis and Built Form Study* also classifies Bexley Town Centre under the village typology. Villages are proposed to have a zone of B4 Mixed Use to provide a greater range of uses than a local neighbourhood centre. Bexley Town Centre has the capacity to house 2500 dwellings, a small supermarket and additional specialty retail commercial operations.

The subject sites are located adjacent to the Bexley Town Centre boundary and amendment of the RLEP 2011 to a higher order B4 zoning will enable Rockdale Council to meet residential and mixed use targets whilst providing for a greater range of services and amenities in the Bexley Town Centre. The rezoning of the land and the additional height and FSR, if approved, will allow for the creation of a supplementary precinct to the Bexley Town Centre that will predominately provide residential flat building accommodation whilst also offering the flexibility of potential future business developments.

4.2.3 Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?

4.2.3.1 Overview of State Policy

There are a number of SEPPs that apply to the site and these are outlined in **Table 9**.

Table 9 Response to Relevant SEPP applicable to proposed amendments.

Relevant SEPP	Response
SEPP 1 – Development Standards	The PP will not contain provisions that will contradict or hinder the application of SEPP.
SEPP 4- Development Without Consent and Miscellaneous Exempt and	The PP will not contain provisions that will contradict or hinder the application of

Complying Development	SEPP
SEPP 6- Number of Storeys on a Building	The PP will not contain provisions that will contradict or hinder the application of SEPP
SEPP 55 – Remediation of Lands	Refer Section 4.2.4.5
SEPP 65 – Design quality of residential flat development	Refer Section 4.2.3.2
SEPP (housing for seniors or people with disability) 2004	The PP will not contain provisions that will contradict or hinder the application of SEPP
SEPP (Building Sustainability Index: BASIX) 2004	The future residential components of the development will be subject to the requirements of this SEPP.
SEPP (Infrastructure) 2007	The PP has considered the relevant parts of the SEPP (Infrastructure 2007) namely traffic development and is considered consistent. See Section 4.2.3.4
SEPP (Affordable rental housing) 2009	The PP will not contain provisions that will contradict or hinder the application of SEPP

4.2.3.2 State Environmental Planning Policy No.65 - Design Quality of Residential Flat Development

Whilst the objective of the Urban Design Strategy was not to provide a detailed design or built form; overarching design matters such as height, setbacks and solar access are critical issues to be considered at the PP stage to ensure that an appropriate built form can be achieved prior to detailed design processes occurring.

As such, the proposed building envelope identified in the Urban Design Strategy report is consistent with SEPP 65 and its controls and rules of thumb, in particular those pertaining to building separation and daylight access of residential flat buildings. In addition to this, further refinements have been incorporated in the building envelope to ensure an appropriate response to streetscape can be achieved. TPG's Urban Design Strategy provided as **Appendix D** notes the following development principles for the proposed development precinct:

- Amalgamation of fragmented land parcels to achieve cohesive land use, FSR and building heights that are responsive to the local context;
- Investigate the existing development incentives of bonus FSR and building height that is permissible for higher density built form;
- Propose a maximised built form potential near Bexley Town Centre to complement the anticipated growth of the town centre precinct;
- Achieve built form and amenity that reflect the preferred standards set by *SEPP 65 Apartment Design Guide*;
- Integrate appropriate setbacks, articulation and distribution of bulk to provide solar access and public spaces in between building blocks; and
- Provision of efficient links and circulation between the proposed development precinct and Bexley Town Centre to improve permeability and public domain.

Table 10 – Response to SEPP 65 Apartment Design Guide Principles

Provision	Response
<p>Principle 1: Context and neighbourhood character</p> <p>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</p> <p>Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</p> <p>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</p>	<ul style="list-style-type: none"> • Responds appropriately to the town centre location in proximity to the local railway stations and bus services. • Responds to the transitional urban scale of Bexley Town Centre and proposes residential mixed use that is consistent with the future character of the town centre locality. • Consistent with state government aim to revitalise existing town centres with higher density residential development. • Establishes a precinct approach to built form at the intersection of Forest Road, Kingsland Road South and Stoney Creek Road.
<p>Principle 2: Built form and scale</p> <p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</p> <p>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and</p>	<ul style="list-style-type: none"> • The proposed form is consistent with the appropriate future scale for Bexley and does not seek to upscale above a height that is not already permitted in the town centre. • The proposed heights provide an appropriate transition from surrounding lower residential development to a height that is already permissible in the Bexley Town Centre. • The proposed form will reinforce the street edge interface with the public realm, whilst formalising new linkages within the town centre. • Activation at ground level will assist in defining the character at the street edge and

Provision	Response
parks, including their views and vistas, and provides internal amenity and outlook	<p>enhancing the amenity of the street and public realm.</p> <ul style="list-style-type: none"> The proposed activation of urban courtyards and laneways in open spaces between the buildings can break up the bulk of the buildings. The proposed of well-designed open spaces will add to the streetscape, amenity and outlook of the local area.
<p>Principle 3: Density</p> <p>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</p> <p>Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p>	<ul style="list-style-type: none"> The proposed form provides for increased housing and business opportunities in an area where it is most appropriate, with convenient access to public transport and local retail and community facilities. The density of the development responds to the appropriate future scale of the Bexley Town Centre as it is of a scale that is already permissible in the centre. The increase in residential activity will assist in supporting local businesses and thereby enhance economic and social sustainability. The increase in density through the provision of greater housing stock will accommodate the projected population growth of Rockdale LGA.
<p>Principle 4: Sustainability</p> <p>Good design combines positive environmental, social and economic outcomes.</p> <p>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</p>	<ul style="list-style-type: none"> Building bulk is designed to ensure appropriate solar access to neighbouring properties and internal tenancies/ residences. Intensification in a location adjacent to the existing town centre in an area of high amenity with access to local services will reduce reliance on private vehicles and encourage public transport use. The proposal will increase residential opportunities in an area of high amenity encouraging walking instead of driving.
<p>Principle 5: Landscape</p> <p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and</p>	<ul style="list-style-type: none"> The Urban Design Strategy acknowledges the potential the Bexley Town Centre has to become a more vibrant and pedestrian friendly place. The provision and activation of green spaces for the public will contribute to the natural

Provision	Response
<p>contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</p> <p>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</p> <p>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.</p>	<p>environment and the local area's liveability.</p> <ul style="list-style-type: none"> • The facilitation of well planned open spaces will encourage social interaction and active lifestyles.
<p>Principle 7: Amenity</p> <p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being.</p> <p>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility..</p>	<ul style="list-style-type: none"> • The proposed form is well oriented to allow for appropriate solar access, ventilation and outlook for all dwellings. • In conjunction with setbacks to shared boundaries, the building envelopes are of sufficient depth to ensure that rational and efficient floor layouts can be achieved in the proposed building envelope. • Increased residential opportunities will enhance and strengthen local amenity by providing the critical mass to support existing and future businesses.
<p>Principle 7: Safety</p> <p>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</p> <p>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.</p>	<ul style="list-style-type: none"> • Passive surveillance of local streets, links and public places is maximised through orientation of built form, which will ultimately include units and balconies overlooking these places. • The activation of ground floor spaces will assist in activation of the street during day and night time hours to promote surveillance and safety. • An integrated development of the sites will eliminate the current poor surveillance and create a more purposeful demarcation between public and private realm. • The provision of private open spaces within a development will allow for passive surveillance of public areas and linkages. • Adequate lighting and restricted accessibility to be applied to private areas to achieve safe and secure access points.

Provision	Response
<p>Principle 8: Housing diversity and social interaction</p> <p>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</p> <p>Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</p> <p>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</p>	<ul style="list-style-type: none"> • The proposed form will enable a variety of apartment types to cater for a variety of budgets and needs. • Intensification of residential activity in the Bexley Town Centre will support local business enhancing viability and diversity of local amenities.
<p>Principle 9: Aesthetics</p> <p>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</p> <p>The visual appearance of a well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</p>	<ul style="list-style-type: none"> • The proposed form and indicative design provides a framework to achieve a high quality contemporary style as a part of a future detailed design process. • Activated street frontage will provide a desirable aesthetics to the street.

4.2.3.3 *Development Near Rail Corridors and Busy Roads – Interim Guidelines*

Development Near Rail Corridors and Busy Roads - Interim Guidelines is not a SEPP but a guideline that assists in the design of land uses near transport corridors.

The site's proximity to local rail and bus services allows the development to take advantage of the State government's response to higher density residential development near rail corridors. The State government emphasises the importance of integrating land uses and taking advantage of public transport, especially in designing medium to high density developments. The State government emphasises the importance and need in utilising transport corridors:

“The land use strategies for transport corridors and centres are all important components of the Government's suite of planning initiatives to meet the priorities in the State Plan, including: providing places and locations for services, commercial and business activities and a range of other employment and economic activity, increasing densities and clustering business and other activities in strategic centres, and increasing public transport use and improving liveability” (Development near Rail Corridors and Busy Roads – Interim Guideline, December, 2008).

This PP is considered to achieve the objectives of the Interim Guideline by providing higher density mixed use housing in an area close to public transport, which reduces the reliance on cars. The development is of high accessibility and therefore meets the intent of the Interim Guidelines.

4.2.3.4 Infrastructure SEPP 2007 - Clause 102 Impact of road noise or vibration on non road development

The State Environmental Planning Policy that needs to be addressed in the PP is *State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)*. It was introduced to facilitate the delivery of infrastructure such as hospitals, schools, railways, roads, power and water supplies and other necessary services across the State by improving regulatory certainty and efficiency.

Clause 102 of the Infrastructure SEPP specifies that development adjacent to a road corridor is subject to adverse road noise and vibration. Development consent is granted if the development satisfies permissible noise levels during certain times of the day.

Clause 102 of the *Infrastructure SEPP* states as follows:

102 Impact of road noise or vibration on non road development

(1) This clause applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 40,000 vehicles (based on the traffic volume data published on the website of the RTA) and that the consent authority considers is likely to be adversely affected by road noise or vibration:

(a) a building for residential use,

(b) a place of public worship,

(c) a hospital,

(d) an educational establishment or child care centre.

(2) Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Director-General for the purposes of this clause and published in the Gazette.

(3) If the development is for the purposes of a building for residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:

(a) in any bedroom in the building—35 dB(A) at any time between 10 pm and 7 am,

(b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

(4) In this clause, **freeway**, **tollway** and **transitway** have the same meanings as they have in the Roads Act 1993.

The PP will achieve objectives of *Infrastructure SEPP 2007* by identifying the approvals process involved regarding development that may be exposed to road noise and vibration that is above the prescribed LAeq levels. Development located near State classified roads like Forest Road and Stoney Creek Road will undergo noise and vibration analysis to establish appropriate sound attenuation for the development, if necessary.

This is a matter that can be addressed and managed at the detail design and development application stage.

4.2.3.5 **Infrastructure SEPP 2007 - Clause 104 Traffic generating development**

Clause 104 of *Infrastructure SEPP 2007* will need to be addressed in this PP as the amendments will result in an increase in density that may trigger additional traffic volume that needs to be assessed by the RTA. For **Clause 104** of the *Infrastructure SEPP 2007* to apply a proposed development must trigger the ‘relevant size or capacity’ threshold under Subclause 104(2)(a,) which refers to thresholds contained within Column 2 and Column 3 of the Table to Schedule 3 of the *Infrastructure SEPP*. The subject sites are located on a classified road thus are subject to Column 3 thresholds, which include:

Table 11 – Capacity threshold for the application of Clause 104 of Infrastructure SEPP 2007

Column 1: Purpose of development	Column 3: Size or capacity-site with access to a classified road or to a road that connects to a classified road
Apartment or residential flat building	75 or more dwellings
Shops	500m ²
Shops and commercial premises	1000m ²

Proposed development that reach a capacity outlined in Schedule 3, resulting in critical traffic generation, will be referred to the RTA for assessment. Traffic generation issues will be assessed in a survey by Car Parking by Parking and Traffic Consultants in **Appendix F**, to ensure that the PP does not stray away from the appropriate capacity outlined in **Clause 104**.

4.2.4 Is the planning proposal consistent with applicable Ministerial Directions (117 directions)

4.2.4.1 1.1 Business and Industrial Zones

The objectives of this Direction are to:

- encourage employment growth in suitable locations;
- protect employment land in business and industrial zones; and
- support the viability of identified strategic centres.

This direction aims to ensure the economic and efficient development of existing business areas and centres, and related public services. This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).

It is considered that that PP is consistent with the Ministerial Directions as it proposes an increase in residential density that will directly support the existing functions of the Bexley Town Centre.

4.2.4.2 2.3 Heritage Conservation

The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. A PP is considered consistent with this Direction when:

- the environmental or indigenous heritage significance of the item, area, object or place is conserved by existing or draft environmental planning instruments, legislation, or regulations that apply to the land; or
- the provisions of the planning proposal that are inconsistent are of minor significance.

It is considered that the PP is consistent with this Direction as it is it does not contain identified heritage items and is not located within a Heritage Conservation Area. The subject site is not located in close proximity to any state significant heritage items. Two local heritage items (Anglican Church and Hall, and a Stone Dwelling) are located nearby to the proposed site although the redevelopment outlined by this PP does not impose any impact to either.

4.2.4.3 3.1 Residential Zones

This direction applies when a relevant planning authority prepares a planning proposal that will affect land within:

- an existing or proposed residential zone (including the alteration of any existing residential zone boundary),
- any other zone in which significant residential development is permitted or proposed to be permitted.

A significant portion of residential development is permissible on the subject site; therefore, this direction applies. This PP is consistent with this direction as it will provide for increased housing densities adjacent to an existing town centre. The planning proposal will encourage the provision of housing that will:

- assist in broadening and diversifying the choice of building types and locations available in the housing market in an area that has yet to undergo significant redevelopment;
- make more efficient use of existing infrastructure and services by increasing availability of housing in an area well serviced by regular public transport services;
- reduce the consumption of land for housing and associated urban development on the urban fringe, by intensifying housing and business opportunities in the existing urban footprint; and
- promote high quality contemporary design outcome that will improve the existing character of the Bexley Town Centre.

Importantly, the proposed rezoning of some sites from R2 Low Density Residential to a B4 Mixed Use and R4 High Density Residential zoning will allow for increased provision of residential uses than is currently permissible. Therefore this PP is consistent with this Direction.

4.2.4.4 3.4 – Integrating Land Use and Transport

This direction applies to all Councils when a planning proposal is prepared that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes. The PP has been considered against the provisions of this direction and is considered acceptable for the site. The PP is consistent with the objectives of this Ministerial Direction. It is considered that this PP, if implemented, will:

- improve access to housing, jobs and services by walking, cycling and public transport;
- reduce travel demand including the number of trips generated by development and the distances travelled, especially by car; and

- support the efficient and viable operation of public transport services.

The PP will allow for the future residential development of the site, which will include both commercial and residential land uses that are appropriately located to take advantage of the existing public transport and town centre amenity in close proximity to the site.

4.2.4.5 4.1 Acid Sulphate Soils

The objective of this direction is to avoid significant adverse environmental impacts from the use of land containing Acid Sulphate Soils. This direction applies when a relevant planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulphate soils as shown on the Acid Sulphate Soils Planning Maps.

The PP and any subsequent DA will be considered against the applicable Acid Sulphate Soils map, which identifies the subject sites within a Class 5 Acid Sulphate Soils area.

At present, residential development is currently a permissible form of development in a Class 5 area and therefore matters relating to Acid Sulphate Soils should not impact the rezoning of the site to permit additional height and FSR on the subject site, which may be addressed with a more appropriate level of detail as a part of any future DA.

4.2.4.6 4.3 Flood Prone Land

The objectives of this direction are to ensure that:

- development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005; and
- the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.

This direction applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.

There is only one site (site 3) within the total subject sites that contains area identified as being a flood planning area. This is a small section of site 3 and the remainder of the site has not been identified as being located within a flood planning area.

As only a small portion of the proposed area to be rezoned is included within this PP, it is considered that any flooding related matters can appropriately be addressed as a part of a detailed design analysis at DA stage. The PP does not involve the rezoning of existing special uses, recreational and areas or environmental protection into proposed

residential, business or industrial use. As a result, it is not critical for the PP to address flood issues at PP stages. The PP will respond to relevant flood related development controls and provide further analysis to the satisfaction of the Secretary, if required.

4.2.4.7 6.3 Site Specific Provisions

The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.

The PP is consistent with this direction as it does not seek to impose any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended, which is the RLEP 2011. The PP does not seek to unnecessarily restrict the site.

4.2.4.8 7.1 Implementation of A Plan for Growing Sydney

The objective of this direction is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A *Plan for Growing Sydney*. The Direction applies to a number of listed Local Government Areas (LGA), which includes the LGA of Rockdale.

It is considered that this PP is consistent with this Direction in that it will assist in delivering on the outcomes envisaged by the strategy as outlined in **Section 4.2.1.1. Appendix I** provide a summary of consistency with all Section 117 Directions.

4.3 4.3 Section C – Environmental, Social and Economic Impact

4.3.1 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

It is considered unlikely that the site will contain critical habitat as it has been cleared of any natural vegetation and used for residential purposes for a significant period of time.

There is no critical habitat, threatened species populations or ecological communities, or their habitats on the site. There does not appear to be the need for a Local Environmental Study.

4.3.2 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

This PP proposes to increase the maximum height and FSR permissible on the subject site. Whilst this will result in a change in impacts resulting from increased building bulk, it is considered that these are appropriate and manageable in the context of the Bexley Town Centre with close proximity to road and rail based transport networks. The impacts on building bulk can be appropriately managed as outlined in the Urban Design Strategy within **Appendix D** and further assessed against RLEP 2011 objectives for height and FSR within the Rockdale LGA as follows:

4.3.2.1 Height

The proposed amendment to the RLEP 2011 Height of Buildings development standard for the subject site seeks to allow future development on the site to facilitate a more appropriate contextual response to its Bexley Town Centre location that allows for the orderly and economic expansion of the centre and encouraging urban renewal outcomes to occur.

The Urban Design Strategy provided as **Appendix D** considers potential building envelopes for the subject site that utilises the proposed amendment to the RLEP 2011 Height of Buildings Map. The Urban Design Strategy also demonstrates the proposed heights for identified sites to be rezoned are consistent with those already permissible in the Bexley Town Centre.

This proposal takes into consideration potential overshadowing and urban design amenity impacts as detailed in the accompanying Urban Design Strategy.

The PP is consistent with the objectives of Clause 4.3 Height of Buildings as it will establish the maximum limit within which buildings can be designed and floor space can be achieved in a manner that is consistent with heights already permissible in the town centre. The proposed height limit for the subject site is also consistent with Council's Bexley Town Centre incentives. This will encourage a high quality urban form that enables a consistent approach to building height in the town centre precinct and also within identified expansion areas as identified within this PP.

As demonstrated in the Urban Design Strategy at **Appendix D**, through articulation of upper levels and careful orientation of built form, an appropriate built form outcome can be achieved within the proposed building heights in a manner that maintains satisfactory outdoor exposure and daylight to buildings, key areas and the public domain. The PP focuses density within the town centre itself but is cognisant of transitional heights towards surrounding lower scale development to ensure compatibility of form and scale.

4.3.2.2 Floor Space Ratio

This PP seeks to amend the existing permissible FSR on the site as outlined in **Section 2**. The proposed FSR is based on site testing of the building envelope for the subject site outlined the Urban Design Strategy outlined in **Appendix D**.

The PP is consistent with the objectives of Clause 4.4 Floor Space Ratio. It will establish a maximum development density and intensity of land use for an area that represents an orderly approach to the expansion of the Bexley Town Centre. The proposed FSR is consistent with the existing permissible density within the centre and therefore will not significantly impact on the availability of infrastructure and as demonstrated in **Section 4.3.2.3** and the Traffic and Parking Assessment at **Appendix F**, will not result in unmanageable traffic volumes or impacts. The proposed FSR for the subject site is also consistent with Council's Bexley Town Centre incentives. The PP will also result in significant improvements in the pedestrian environment to make a positive contribution to the desired future character of Rockdale as a connected and lively centre.

As demonstrated by solar analysis diagrams the indicative built form will minimise adverse environmental effects on the use or enjoyment of adjoining properties and maintain an appropriate visual relationship between proposed building envelopes to enhance the character of areas or locations that are not undergoing or likely to undergo a substantial transformation.

4.3.2.3 Traffic Impact Assessment

A traffic and parking assessment has been undertaken by Parking and Traffic Consultants (PTC) and is provided at **Appendix F**. This review has concluded that the PP, with its proposed development options, will have minimal impact on the local road network. The assessments done on surrounding intersections indicate that the local road network has capacity to accommodate the additional traffic activity during peak AM and PM hours. The parking provision of 144 – 169 car spaces could be required and this can be accommodated as a mix of at-grade and underground parking. The amalgamation of the allotments to result in two larger lots, will replace several existing driveways and direct traffic in a more efficient manner. Movement of vehicles around Abercorn Street, Stoney Creek Road and Kingsland South Road can be distributed more evenly. It is also noted by PTC that the impact of the Westconnex project on the existing local road network is highly speculative due to the many variables influencing the project. The actual traffic conditions that result from the Westconnex project cannot be verified until post construction assessment of the traffic activity of the area.

4.3.3 How has the planning proposal adequately addressed any social and economic effects?

4.3.3.1 Social Impact Comment and Review

Given this PP proposes a change to the planning legislative landscape, it is important to take into account the potential social impacts at this early planning phase.

This proposal to amend maximum permissible FSR and height on the subject site located in the Bexley Town Centre will facilitate change, however it is considered that such change is likely to result in positive social consequences that will enhance the lifestyle of the existing and future community in Bexley and the Rockdale LGA.

This planning proposal is intended to create a framework to enable the further residential development by existing land and business owners who aims to undertake significant investment in the locality. Such investment will act as a catalyst for positive change in the Bexley Town Centre. It is intended to support population growth, which in turn will result in greater utilisation of existing retail and transport infrastructure. The PP intends to achieve activation at the ground level and integration through the use of ground floor and laneway spaces. This will greatly assist in improving resident and community amenity and quality of life as well as support economic development and revitalisation in the area.

As a result of undertaking this preliminary review of social impacts, it is considered that at this stage in the process a comprehensive social impact assessment to support this PP is not necessary.

4.3.3.2 Economic Impact Comment and Review

There will be little change (if any) to the actual amount of retail and commercial floor space on the site as a result of the PP. It is therefore considered that further economic review and analysis is necessary to identify the value of proposing high density residential or motel use in the area. There will not likely be any impact on the retail hierarchy of the centre due to this proposal. The economic considerations are favourable with the future development of the site providing improved and revitalised facilities for business and contributing to broader dwelling supply.

The economic analysis by AEC Group Ltd identifies the anticipated growth in Rockdale's LGA and the need to provide housing stock to accommodate the growth. The proposed rezoning in the PP allows for an infill area in Bexley to be developed for greater commercial viability. The assessment indicates that if site 2 is rezoned into B4 Mixed use, it has the potential to increase in value and density to contribute to the local economy. The economic benefit of rezoning the site results in the following benefits:

- efficient and effective use on infill land;
- contribution towards easing housing affordability
- provision of homes close to jobs and infrastructure;
- retail expenditure.

It is concluded that the development of residential dwellings on the site will result in an increase in retail expenditure due to the increase in population of the local area. Based on the ABS Household Expenditure Survey, it is anticipated that such a development will inject an estimated \$1.7 million into the local economy. The local retail and commercial services will be supported by the up zoning of the land parcels. The PP will also facilitate the urban renewal of an existing asset for site optimisation. The detailed economic analysis forms part of this PP as **Appendix G**.

4.4 Section D – State and Commonwealth Interest

4.4.1 Is there adequate public infrastructure for the planning proposal?

As the subject sites are in an existing urban area both within and adjacent to the Bexley Town Centre, adequate public infrastructure is available to support the land use rezoning and increase in density that will be achieved by increasing height and FSR. In particular, the subject site:

- provides ready access to existing and future local activities provided within the Bexley Town Centre; multiple local activity centres (Hurstville, Kogarah and Rockdale); centres along the global economic corridor; as well as the wider metropolitan train network;
- is in close proximity to Rockdale train station and the M1 and M5 motorways providing excellent metropolitan and regional connectivity;
- is in close proximity to a number of community and recreational facilities including Bexley Community Centre, Bexley Manor Hall and Bexley RSL and Community Club;
- has ready access to a number of health opportunities including local Bexley Medical Centre, Bexley Dental and educational establishments like Bexley Public School and St Mary & St Mina's Coptic Orthodox College;
- is in close proximity to the main transport gateway of Sydney Airport and freight centre of Port Botany, therefore motivating the provision of motel and high density residential uses to service people working in the precinct.
- is located within the Bexley Town Centre, which contains a mix of retail, commercial and residential land uses, providing access to services and daily needs within a short walking distance.
- the Traffic and Parking Assessment by PTC confirmed that the existing road network can accommodate the proposed additional development.

It is also noted that the PP, whilst seeking a more flexible land use and greater density on site, is not likely to require or create demand for new infrastructure when considering the permitted density of development within the Bexley Town Centre and in the vicinity of the site. In fact, more suitable development of the site will better utilise existing

infrastructure as well as the overall intention of the PP, which is to create a more viable and appropriate building envelope on the subject sites given its town centre location and context.

4.4.2 What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

State and Commonwealth public authorities will be consulted following the outcomes of the gateway determination. Consultation can be carried out in accordance with the EP&A Act.

5. Mapping

This Planning Proposal includes the following amendments to the RLEP 2011 maps provided here in accordance with 'A guide to preparing planning proposals' prepared by the Department of Planning and Environment (2012).

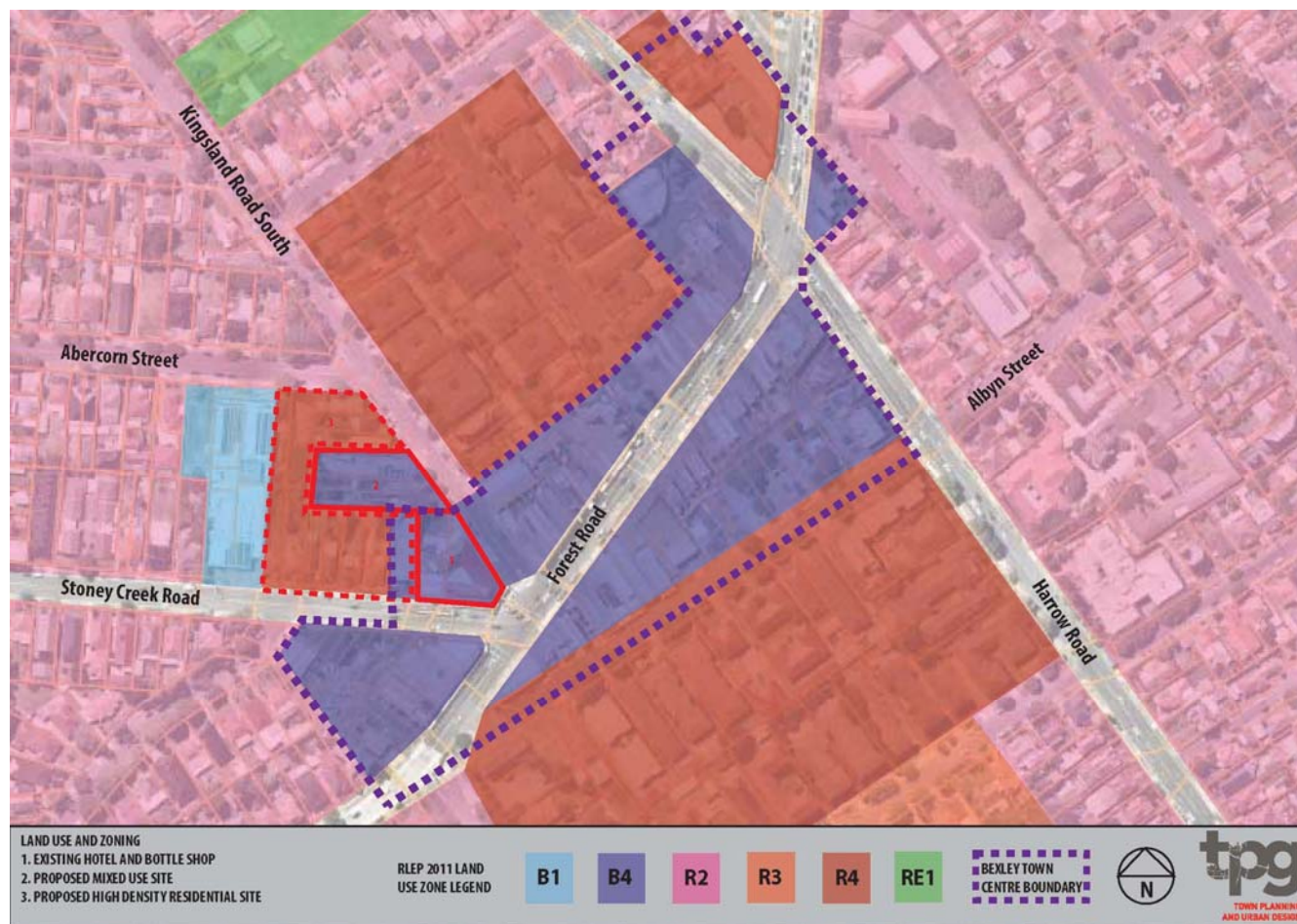


Figure 10: Proposed Land Zoning Map amendment under RLEP 2011 (with site outlined in red line)

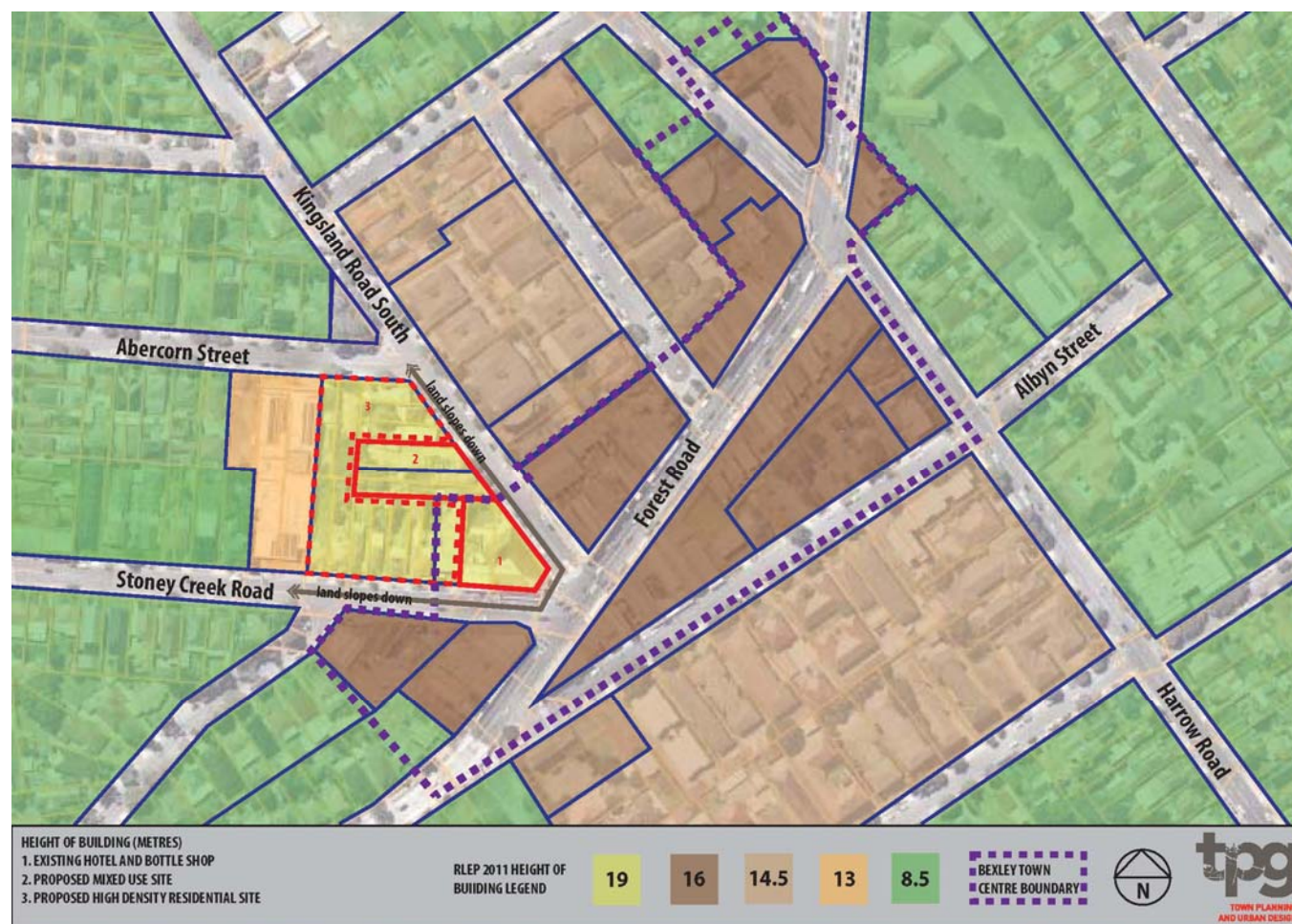


Figure 11: Proposed Height of Buildings Map amendment under RLEP 2011 (with site outlined in red line)

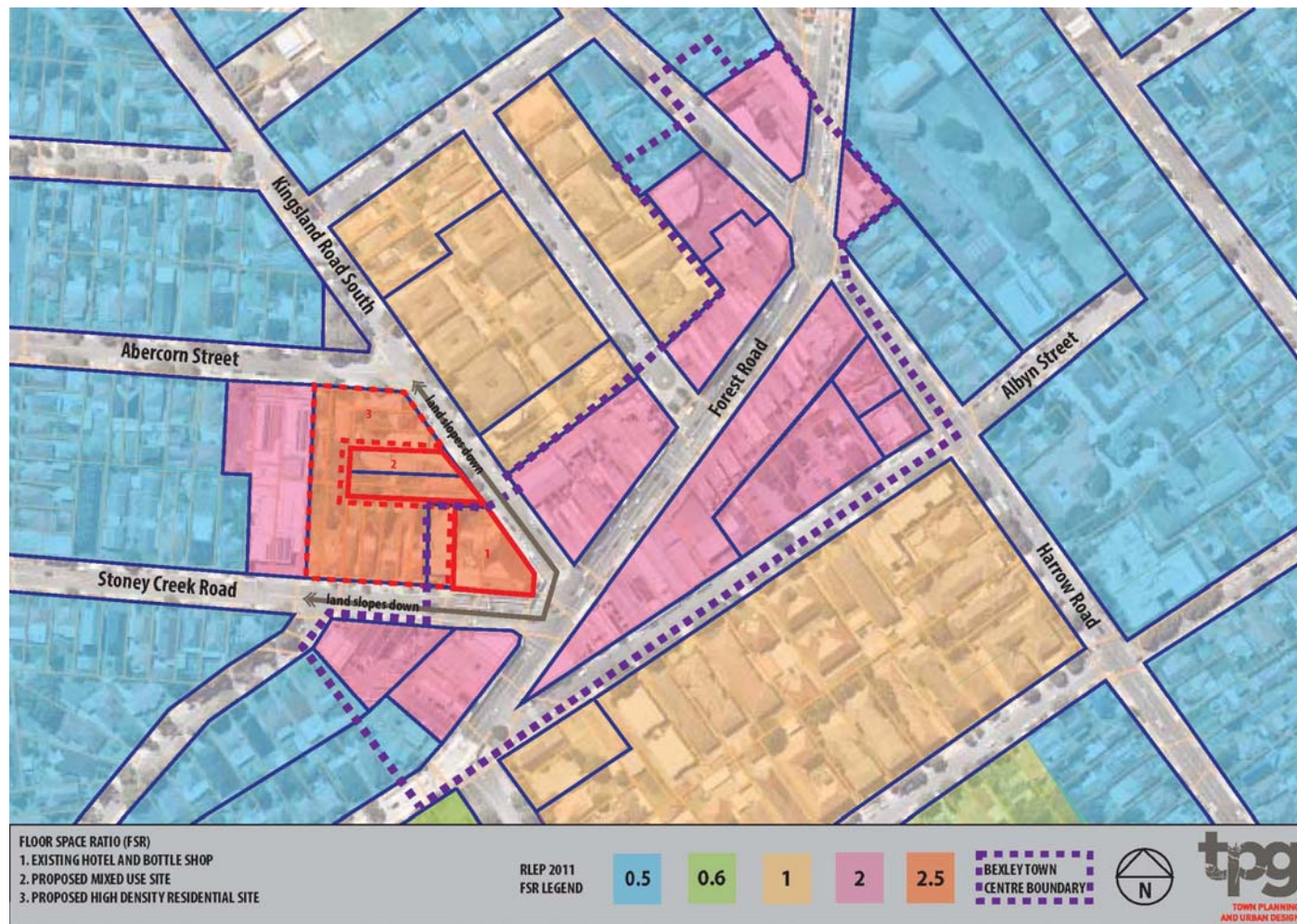


Figure 12: Proposed Floor Space Ratio Map amendment under RLEP 2011 (with site outlined in red line)

Mapping amendments are also provided at **Appendix A, B and C.**

6. Community Consultation

The proponent has not yet undertaken community consultation. It is usual for the planning authorities in Rockdale City Council to conduct community consultation in accordance with the relevant provisions of the EP&A Act and Regulation. This is likely to include newspaper advertisement, public exhibition at Council offices and on Council's website, notification letters to adjacent property owners, and public hearing for reclassification of the land.

Engagement with Council's planning officers in the preparation of the PP and Urban Design Strategy occurred on 2 May 2016 and 15 June 2016. The meetings and the submission of a draft version of the PP and Urban Design Strategy, on 26 June 2016 for Council to comment, has resulted in the resolution of various strategic planning issues.

7. Anticipated Project Time Frame

The following chart provides an indicative time frame for establishing the proposed zoning for the subject site.

Stage	2016					2017									
Month	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O
Proposal Lodged with Council															
Council Endorsement															
DPE Assessment															
Gateway Determination															
Agency Consultation															
Community Consultation															
Consideration of Proposal Post Exhibition															
Council Assessment															
Submission to DP&E to finalise LEP															
DPE Assessment															
Plan Making															

8. Conclusion

This PP has been prepared to seek an amendment to the RLEP 2011 land use zoning, maximum floor space ratio (FSR) and maximum height of building development standards, which apply to the subject sites along Forest Road, Kingsland Road South and Stoney Creek Road, Bexley.

It is concluded that this PP considers all matters required to be addressed under the requirements for a planning proposal and has:

- taken into account and is consistent with State Government policies;
- taken into account and is consistent with all Ministerial Directions under Section 117 of the EP&A Act;
- identified that the site is suitable for the proposed amendments will not adversely impact any existing or future centres nearby; and
- demonstrated that it will bring about a number of net community benefits as well as economic improvements to the Bexley Town Centre.

The PP will facilitate future redevelopment of the subject site in a manner that will:

- provide for the orderly and economic expansion of the residential component of the Bexley Town Centre.
- provide for increased residential activity in and adjacent to the existing Bexley Town Centre in line with the vision outlined in *A Plan for Growing Sydney*;
- enable urban renewal in the Bexley Town Centre to establish mixed buildings of a suitable design, character and scale to correspond to the desired future character of the centre as an urban scaled and lively mixed use precinct;
- be appropriate in its context in terms of scale, form and design to take full advantage of local rail and road based transport , whilst appropriately managing visual and amenity impacts of building bulk on the surrounding town centre and residential context;
- enhance the economic strength of Bexley Town Centre and the Rockdale LGA by increasing population and bringing more visitors to the centre;
- enhance connectivity and permeability and place making qualities in the town centre by creating opportunities for new links that connect existing and future destinations;
- be able to meet car parking needs for the development and represents a reasonable increase in traffic that can be accommodate by the surrounding traffic network;
- include a broad range of positive social and economic effects in the locality catalysing urban revitalisation outcomes;
- be able to meet the objectives of relevant planning instruments. Where specific environmental impacts have been identified, this PP demonstrates that these can and will be appropriately managed to minimise potential land use conflict and adverse impacts;

- not result in any significant impacts relating to scale, bulk and height resulting from the proposed amendment to maximum height and FSR under the RLEP 2012;
- be consistent with the existing and desired future character of the locality by promoting infill residential development in an area where it should be most logically applicable.
- introduce a high quality contemporary character to the Bexley Town Centre as urban renewal outcomes occur as a result of the PP; and
- not result in a built form that causes unreasonable impact on adjacent properties in terms of sunlight access, acoustic, visual privacy or views, or significant heritage values;

In light of the above, the PP will result in development controls that will assist in facilitating a high quality contemporary built form that will be a catalyst for the urban renewal and economic support of the Bexley Town Centre.

Given the above assessment, the PP has planning merit and is considered to be in the public interest.

APPENDIX A - Proposed Amendment to the Rockdale Local Environmental Plan 2011 Land Zoning Map



LAND USE AND ZONING

- 1. EXISTING HOTEL AND BOTTLE SHOP
- 2. PROPOSED MIXED USE SITE
- 3. PROPOSED HIGH DENSITY RESIDENTIAL SITE

RLEP 2011 LAND
USE ZONE LEGEND

B1	B4	R2	R3	R4	RE1
----	----	----	----	----	-----

BEXLEY TOWN
CENTRE BOUNDARY



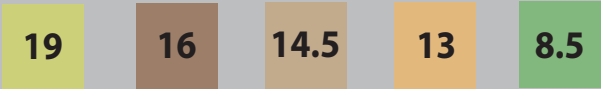
APPENDIX B - Proposed Amendment to the Rockdale Local Environmental Plan 2011 Height of Buildings Map



HEIGHT OF BUILDING (METRES)

- 1. EXISTING HOTEL AND BOTTLE SHOP
- 2. PROPOSED MIXED USE SITE
- 3. PROPOSED HIGH DENSITY RESIDENTIAL SITE

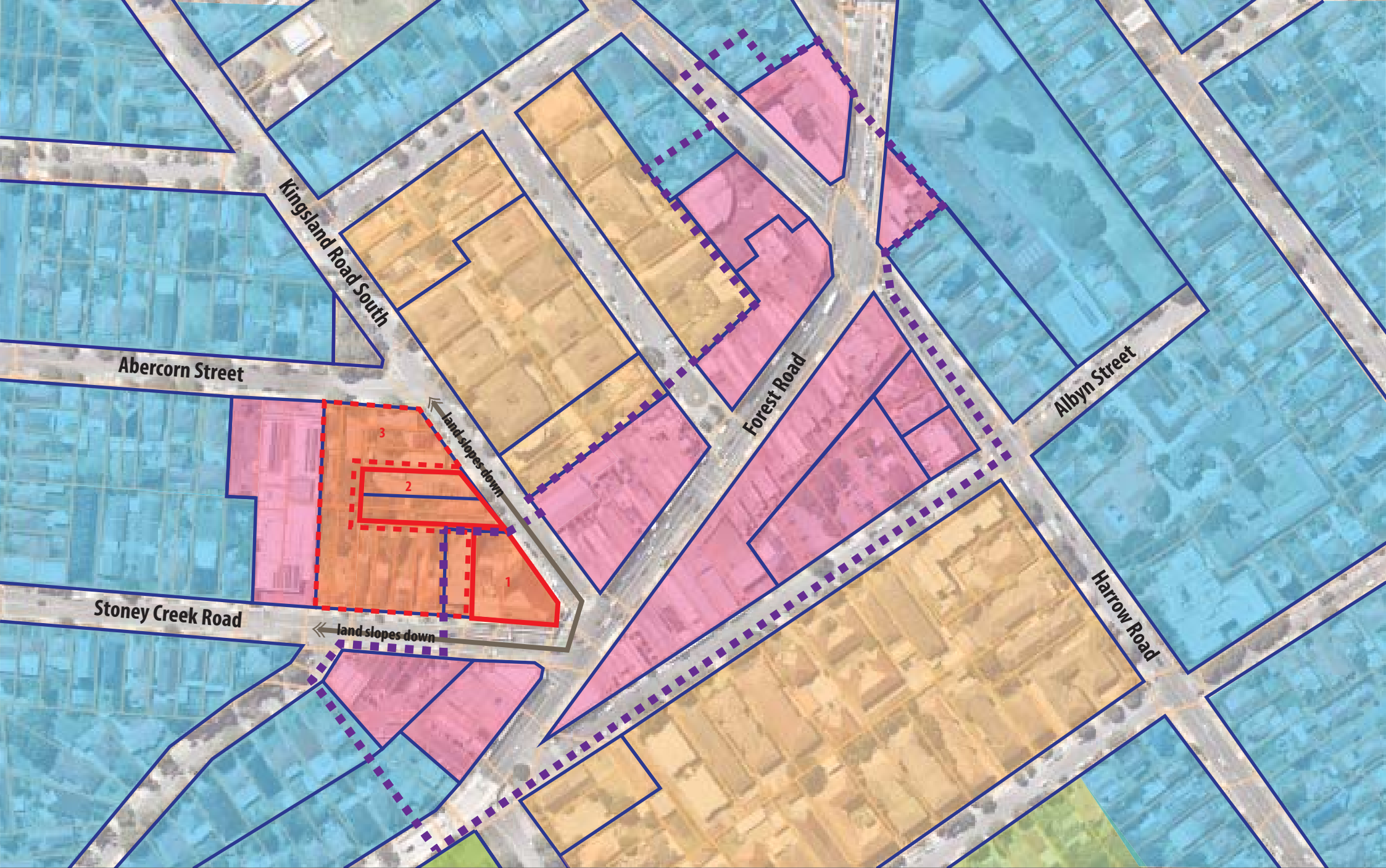
RLEP 2011 HEIGHT OF
BUILDING LEGEND



BEXLEY TOWN
CENTRE BOUNDARY



APPENDIX C - Proposed Amendment to the Rockdale Local Environmental Plan 2011 Floor Space Ratio Map



FLOOR SPACE RATIO (FSR)
1. EXISTING HOTEL AND BOTTLE SHOP
2. PROPOSED MIXED USE SITE
3. PROPOSED HIGH DENSITY RESIDENTIAL SITE

RLEP 2011
FSR LEGEND



APPENDIX D - Urban Design Strategy

Urban Design Strategy

Land Use Rezoning, Floor Space Ratio and Height of Buildings Amendment

Kingsland Road South, Bexley

August 2016

DOCUMENT REVIEW SHEET

CLIENT: Angelo Elliot

PROJECT: Kingsland Street South, Bexley

TITLE: Urban Design Strategy- Land use rezoning, Floor Space Ratio and Height of Buildings Amendment

DOCUMENT REFERENCE NO: 215.164 Kingsland Rd Bexley - planning advice\4 Documents\Final

PROJECT MANAGER: Helen Deegan

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Cover page: Source TPG

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Executive Summary

This document has been developed in support of the planning proposal (PP) prepared by TPG Town Planning and Urban Design (TPG) for the following land parcels on Kingsland Road South, Bexley:

Table 1: Property details

Site Number	Site Address	Existing Buildings	Existing Land Use Zones	Existing Building Height	Existing FSR
Site 1	467 Forest Road, Bexley	Forest Inn Hotel	B4 – Mixed use	16m	2:1
Site 2	1 Kingsland Road, Bexley 3 Kingsland Road, Bexley 5 Kingsland Road, Bexley	Single storey dwelling Single storey dwelling Vacant lot	R2 – Low Density Residential	8.5m	0.5:1
Site 3	1 and 3 Abercorn Street 7, 9 and 11 Kingsland Road South 6, 8 , 8A, 10, 12, 14,16 and 18 Stoney Creek Road, Bexley	Single storey dwelling Single storey dwelling Single storey dwelling	R2 – Low Density Residential	8.5m	0.5:1

This document demonstrates in terms of urban design, place making and from an amenity impact perspective an amendment to the Rockdale City Council Local Environmental Plan (RLEP) 2011 in its land use zoning, FSR and maximum height of buildings is appropriate for the subject sites and has planning merit. Architectural and urban design investigations have been undertaken in the preparation of this urban design strategy for the subject sites.

1. Introduction and Background

1.1 Purpose of Report

This Urban Design Strategy document has been prepared by TPG Town Planning and Urban Design (TPG) on behalf of our client Angelo Elliot. Angelo currently owns and operates the existing Forest Inn hotel, an adjacent motel facility and several parcels of land including 1, 3 and 5 Kingsland Road South within the subject site. He has a strong desire to provide additional motel uses within the precinct, and seeks to encourage redevelopment to support revitalisation of this part of the Bexley Town Centre.

This document forms part of a Planning Proposal (PP) application for the rezoning of a precinct bounded by Kingsland Road South, Abercorn Street and Stoney Creek Road., Bexley. The subject sites have been considered within a proposed development precinct that complements Rockdale City Council's vision for the activation and renewal of the Bexley Town Centre.

The rezoning proposes to include various changes to zoning, height and FSR for the subject site. This involves increasing height and floor space ratio (FSR) to allow for consistent application of height and FSR to a scale already permitted within the existing Bexley Town Centre.

The purpose of the PP is to facilitate infill development in a location currently underutilised and to also benefit the Bexley Town Centre by allowing it to take further economic advantage of its location in close proximity to the Sydney Airport. In achieving this, the proposed PP will contribute to the ongoing revitalisation and renewal of the Bexley Town Centre by enabling higher density residential development that will support the existing town centre.

This report aims to identify opportunities and impacts associated with the proposed land use rezoning and increase in height and FSR. Development standards from state to local level have been considered to deliver a set of urban design strategies that serve to enable the optimised and sustainable delivery of new suitable development within the precinct.

1.2 Drivers for Change

A Plan for Growing Sydney seeks to make Sydney a more connected and sustainable city through infrastructure, housing, community facilities and services. According to the Department of Planning and Environment's population study, *State and Local Government Area Population Projections: 2014 Final*, it is anticipated that Sydney's population will grow by 1.6 million people in the next 20 years. Sydney is currently encountering challenges to provide housing,

infrastructure and services to respond to the population growth. It is imperative for all stakeholders, with a vested interest in the city, to promote strategies that will improve the amenity, accessibility and sustainability of all communities.

The NSW Government has a vision for Sydney to be a strong global city and a great place to live through the following goals:

- Better accessibility for Sydney's residents to move between homes, jobs and the centres for retail, services and open spaces;
- Improving the variety of housing available to suit the changing demographics of Sydney;
- Delivery of new infrastructure that supports community growth and the strengthening of the economy; and
- Preserve Sydney's highly prized environment comprised of harbours, coasts, mountains, parks and open spaces.

This Urban Design Strategy resonates with Goal 1 of *A Plan for Growing Sydney* in identifying the potential for Sydney to become a competitive economy, equipped with world class services and transport. The aim of Goal 1 is to enhance the capacity at Sydney's transport gateways and freight networks. The intent to develop critical transport and freight precincts like Sydney Airport and Port Botany results in the potential for neighbouring suburbs to grow. Bexley is located near the aforementioned precincts, with important arterial links such as the M4, M5 and Forest Road servicing the locality. Land uses and proposed rapid transport investments near the precincts require strategies to support the continual growth of Sydney and Port Botany.

The Bexley Town Centre is a suitable location for the provision of increased housing and employment opportunities to support the transport and freight precincts. Based on the urban design and planning strategies outlined within this report, optimal growth and urban renewal outcomes can be achieved in the Bexley Town Centre in a manner that responds to the need for higher density housing in within Sydney's existing urban footprint locations. This in turn will benefit from advantages associated with proximity to existing transport infrastructure and local amenities.

1.3 Meeting the Challenges

There is an ongoing need to balance the demand and supply of housing stock in Sydney. It is important for local and State government to review current land use zones and modify them to allow for higher density developments. Increasing business opportunities and housing diversity within the Bexley Town Centre will directly assist in reducing urban sprawl, and allow for easier management and maintenance of Sydney's infrastructure. It will deliver on Goal 2 of *A Plan for Growing Sydney*, which aims to improve housing choice through the delivery of affordable housing, a range of housing types on existing land parcels for medium and high density housing.

The proposed land use rezoning and increase of height and FSR of identified sites is of strategic and urban design merit as it responds to the need for the increase in housing stock and diversity to suit different needs and lifestyles in existing urban areas of Sydney. Enabling the expansion of motel uses and additional residential development within the Bexley Town Centre will assist in strengthening the centres viability and in time result in significant urban revitalisation and increase of residential diversity.

1.4 Site Description

The subject sites have frontage to Kingsland Road South, Forest Road and Abercorn Street, and are comprised of eighteen allotments. **Table 2** describes the four allotments, which are owned by the applicant and the remaining allotments that form the proposed development precinct.

Table 2: Property title

Site Number	Lot	Number	Street	DP
Site 1 Applicant ownership	1 & 2	467	Forest Road	DP134319/ DP1878
Site 2 Applicant ownership	71	1	Kingsland Road South	DP570149
	72	3	Kingsland Road South	DP570149
	8	5	Kingsland Road South	DP1878/2
Site 3 Differing land tenure	1	1	Abercorn Street	DP328320
	67	3	Abercorn Street	DP654288
	1	7	Kingsland Road South	DP925706
	9	9	Kingsland Road South	DP1078771
	10	11	Kingsland Road South	DP925705
	3	6	Stoney Creek Road	DP1878/2
	B	8	Stoney Creek Road	DP363190

	A	8A	Stoney Creek Road	DP363190
	C	10	Stoney Creek Road	DP921789
	B	12	Stoney Creek Road	DP921789
	A	14	Stoney Creek Road	DP921789
	1	16	Stoney Creek Road	DP191076
	68	18	Stoney Creek Road	DP667002

The applicant, is acting as a catalyst for the revitalisation of the Bexley Town Centre by presenting the strategic opportunity for further development through the identification and consolidation of a potential development precinct. Site 1 and 2 are currently owned by the client. Site 3 is proposed as an amalgamated site and aims to further emphasize the strategic opportunities when observing the precinct as a whole.

Photographs 1-6 below show the existing development on the sites owned by the client.



*Photograph 1 - Site 1 - 467 Forest Road
Forest Inn Motel and bottle shop*



*Photograph 2 - Site 2-1 Kingsland Road South
Existing single storey dwelling*



*Photograph 3 - Site 2 – 3 Kingsland Road South
Existing single storey dwelling*



*Photograph 4 - Site 2 - 5 Kingsland Road South
Vacant lot*



*Photograph 5 - 2 Kingsland Road South
Existing two storey motel*



*Photograph 6 - 6 Kingsland Road South
Existing single storey dwelling*



*Photograph 7 - Forest Road
View looking east on Forest Road*



*Photograph 8 - 2 Stoney Creek Road
View looking south on Stoney Creek Road*



*Photograph 9 - Abercorn Street
View looking west on Abercorn Street*

1.5 Site Context

The subject sites are located near two busy State classified roads and Bexley Town Centre. Rockdale City Council has developed a vision for the transformation of the Bexley Town Centre to build on its existing character and enhance its economic strength and place making qualities. The existing context of the subject sites is summarised as follows:

- The subject sites are bounded by two State classified roads, Stoney Creek Road and Forest Road. Forest Road doubles as a retail strip for the local area and comprises of small local shops such as bakeries, restaurant, pharmacists, news agencies and the local post office.
- A local IGA is located south of the subject sites along Forest Road and a Coles Express located north of the subject sites.
- Community facilities such as Bexley Community Centre and Bexley Manor Hall are located within close proximity to the subject sites.
- Educational facilities in the area include Bexley Public School and St Mary & St Mina's Coptic Orthodox College.
- Senior housing facilities in the area include Scalibrini Village and Menaville Nursing Home by Hall & Prior.
- Rockdale Town Centre and Rockdale Train Station are located approximately 1km in the south east direction from the subject sites.
- Bexley North Train Station is located approximately 1.7km north of the subject sites.



Figure 1: Subject sites in red outline within the local context.

1.6 Existing Built Form

The existing built form of the development precinct and its surrounding areas have not been maximised to its full potential. The adjacent mixed use zone along Forest Road is mainly comprised of single storey or double storey shop top housing. The residential zones adjacent to the subject sites are mainly low density single or double storey dwellings in the R2 Low Density zones, and walk up strata apartments in the R4 High Density zones. The residential buildings surrounding the subject sites are a mix of Federation dwellings and older style apartments. Even though the areas adjacent to the subject site are zoned for higher density and a variety of uses, the area is confined to low density development with basic services that cater to the local neighborhood. **Photographs 7-9** show the current existing developments on adjacent land zone.



Photograph 7: Single storey dwellings along Stoney Creek Rd



Photograph 8: Single storey dwellings along Kingsland Rd South



Photograph 9: Strata apartments along Kingsland Rd South.

1.7 Public Transport

Public transport is accessible along the major State classified Forest Road. Rockdale train station is located 1km in a south westerly direction of the subject sites, and Bexley North station is located 1.7km in a northerly direction. The train stations are located further than the transport oriented development standard of 800m radius. 800m is universally considered as a comfortable walking route and development should be concentrated within an 800m radius around a main transport node.

Forest Road is a busy road that will benefit from the distribution of vehicular movement to alleviate peak hour traffic activity. Buses operate along a number of roads surrounding the proposed precinct, including; Stoney Creek Road, Forest Road and Bexley Road with the 493, 492 and 452 buses available on those roads within 200m (approx.) of the proposed sites. The subject sites are conveniently accessible through private vehicles. Car parking and accessibility to public transport is addressed as part of this urban design strategy.

1.8 Access to Amenities and Employment

The strip along Forest Road serves as the primary area for commercial and retail activities. The area comprises of local neighbourhood shops that service nearby residents, with the potential for further development to reflect the current zone of B4 Mixed Use. Commercial activity concentrated along the Forest Road is adequate in providing amenities and employment at a local level. It has the potential for greater activation to develop Bexley Town Centre into a hub and attract business from investors outside the local area.

1.9 Housing Stock

The housing stock around the development precinct is mainly single storey dwellings, double storey dwellings and walk up strata apartments. Short term accommodation is available at the Forest Inn hotel and additional facilities provided at 2 Kingsland Road South. The housing in the area is mainly comprised of private residences. It is in the interest of Council to allow of the increase in the variety and supply of housing stock to meet the projected population growth of the LGA.

1.10 Distribution of Height

Currently the subject sites are comprised of single storey and double storey buildings that do not exceed 8.5m. The surrounding land parcels are mainly comprised of 3 storey walk up apartments and 2 storey shop top housing that do not exceed 10m. The height of the current built form has not been

maximised to its full potential. Land parcels within the B4 Mixed Use zone has the potential to be built up to 16m, and land parcels within the R4 High Density Residential have the potential to achieve a maximum height of 14.5m.

1.11 Flight Path

Development incentives are provided by Rockdale City Council which encourages site amalgamation in key locations, specifically those that lie under the flight path towards Sydney Airport. These incentive heights and FSR have been tested and confirmed with the Sydney Airport Corporation Limited (SACL) and The Department of Infrastructure and Regional Development (DIRD). Amalgamated sites under the flight path within Bexley that are under 1,200m² have the potential to be granted a 16m maximum building height, while amalgamated sites over 1,200m² have the potential to achieve a 19m maximum height. This is further explained within section 3.3 of the report.

Bexley is also classified by Sydney Airport Corporation Limited (SACL) as a zone that has strict height limits as it is located under the flight path. Rockdale City Council has proposed for Bexley Town Centre to ideally have an FSR of 2:1 and a height of 16m (4 storeys) if land parcels are up zoned to the maximum B4 Mixed Use zone. Council has also proposed a development incentive to encourage site amalgamations whereby bonus FSR and building heights are granted. Final proposed building heights cannot obstruct the airspace and to be approved by SACL and DIRD. The following incentives apply to Bexley Town Centre:

Table 4: Bexley Town Centre development incentive

Site Area	Maximum height	Maximum FSR
Under 1,200m ²	4 storeys (16m)	2:1
Over 1,200m ²	5 storeys (19m)	2.5:1

1.12 Traffic and Circulation Analysis

Parking and Traffic Consultants (PTC) has been engaged to prepare traffic and parking analysis for the proposed PP of the development precinct. The report examines the existing traffic and parking conditions and compares it to the potential capacity of traffic and car parking generated as result of additional population. Several development options are tested and a range between the minimum and maximum traffic and car parking capacity is generated based on a combination of development types across site 2 and site 3. The traffic analysis also considers traffic flow and intersection modeling to rate the performance of the intersections affected. The potential combination of development types across the two sites are derived from indicative concept plans. The potential yields, for the purposed of the traffic analysis, are summarised in the table below.

Table 3: Potential development yields

Option	Building 1 – Site 3		Building 2 – Site 2		Building 3 – Site 3		Total
	Use	Potential motel rooms/ units	Use	Potential motel rooms/ units	Use	Potential motel rooms/ units	Potential motel rooms/ units
1	Hotel	78	Hotel	42	Hotel	49	169
2	Hotel	78	Hotel	42	Residential	31	151
3	Hotel	78	Residential	27	Residential	31	136
4	Residential	36	Residential	27	Residential	31	94

The traffic and parking analysis concludes that the Planning Proposal will have minimal impact on the local road network and parking conditions of the local area. Based on the parking requirements established in RDCP 2011, RMS guide to Traffic Generating Developments and the Institute of Transport Engineers Parking Generation, it is anticipated that the Planning Proposal may require 144 -169 spaces. The development options present an all hotel development across the two sites as a maximum capacity scenario, and an all residential development as a minimum capacity scenario. During the AM and PM peak hours, the local area has the capacity to accommodate the additional traffic activity. The Traffic and Parking Assessment by PTC is included in the Planning Proposal as **Appendix F**.

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2. State Planning

The inevitable growth of Sydney's population to an estimated 8 million by 2030 requires a strategic planning framework that addresses the importance of employment, housing and accessibility. It is important for state and local government to focus growth of their communities around transport nodes and town centres to allow for better connectivity and the availability of goods and services.

The development of existing town centres to service the local area promotes the growth of its local economy. This in turn reduces the need for residents to travel towards the city centre to access a range of goods and services. Local government bodies are constantly reconsolidating and reinterpreting the State government's vision and policies to suit the local context. Strategic planning at local level is formulated around the need to meet employment, transport and housing targets within a local area.

The following summary of state and local strategic planning policies provide an overview of the need for intensification in and around local centres. As Sydney aims to strengthen its role as a global city with a competitive economy, it is critical to focus development in areas that service transport gateways and freight networks.

2.1 A Plan for Growing Sydney December 2014

A Plan for Growing Sydney identifies Sydney Airport and Port Botany as crucial transport and freight nodes that are important economic drivers for Sydney's South Subregion or South District. The main priority for the South Subregion is to facilitate good employment and transport links to support the Sydney Airport and Port Botany. It is anticipated that the potential F6 motorway will provide a major transport link running throughout the South Subregion, resulting in growth opportunities along the western shores of Botany Bay.

The Department of Planning and Environment's *Population Household & Dwelling Projections South Subregion* predicts that in the next 20 years, the subregion will encounter a population increase of 154,700 people. An increase of 62,800 households is forecasted with people aged in their 20s and 30s contributing to the growth. The subregion's population aged between 20 and 30 are crucial in supporting the local economy through employment and the expenditure of money. This demographic also contributes to growth as couples with children households or single parent households. A growing ageing population also contributes to an urgent need to provide more housing stock to accommodate the predicted 66,650 homes needed in the next 20 years.

The NSW State government's vision to accelerate the delivery of housing supply, choice and affordability to accommodate the growth in the South Subregion involves the identification of suitable locations, with input from Councils. Potential areas considered for housing intensification and urban renewal includes the following areas:

- Employment agglomerations in particular Priority Precincts;
- Areas in established and new centres; and
- Areas along key public transport corridors including the Illawara Line, South Line and Sydney Rapid Transit along the Bankstown line.

Once the areas are identified for growth, local and State government have the onus to deliver housing stock that aligns with market demand and minimum household projections. It is important to formulate policies that address affordable housing and the provision of appropriate housing stock for people at different stages of their lives.

Local Councils in unison with the NSW State government seek to identify suitable locations for the development of housing and employment as outlined by the Plan for Growing Sydney. The subject sites are at an integral location within the Bexley Town Centre to provide for such visions with the proposed land use, height and FSR amendments directly aiding in achieving this goal. Through these amendments they will strengthen the economic vitality of the existing Bexley Town Centre as well as allowing for the increase in residential availability and diversity within an already well-connected area of high amenity.

2.2 South District Plans

New South Wales is currently undergoing major planning changes with the formation of The Greater Sydney Commission, which will be a governing body that overlooks metropolitan planning. The Greater Sydney Commission has the duty to form partnerships with state and local government to plan for the areas currently identified as subregions in *A Plan for Growing Sydney*.

These individual subregions are in the process of being reclassified as districts. Each district is governed by a Commissioner and a District Plan that is tailored to suit each district's vernacular. The District Plans will elaborate on the objectives of *A Plan for Growing Sydney* on a local level, and influence the delivery of housing, employment and infrastructure. The subject sites proposed for rezoning are located in the South District of Sydney and includes the local government areas of Canterbury, Hurstville, Kogarah, Rockdale and Sutherland.

The District Plan for the South District is yet to be developed and legislated. In the interim, preliminary objectives have been identified to guide planning outcomes. The planning objectives specific to the subject sites can be found in documents that Rockdale City Council considers fundamental in directing strategic planning. Rockdale City Council cites the following documents as significant documents for local strategic planning and urban design strategies:

- *Rockdale City Plan : Community Strategic Plan 2013 -2025;*
- *Rockdale City Urban Strategy 2010; and*
- *Capacity Analysis and Built Form Study September 2010*

Some of the planning objectives in the aforementioned documents have been superseded by current strategic planning work by the NSW state government, but the majority are still relevant in driving strategic planning. The local character of the South District will remain as the key driver in formulating planning priorities. Amidst the change in the structure of local state and local government bodies, there will always be the universal need to provide a growing population with well connected communities that have adequate housing, employment and infrastructure.

3. Local Planning

3.1 Rockdale City Plan: Community Strategic Plan 2013 -2025

The Rockdale City Plan 2013-2025 was adopted by Council in April 2013. It comprises a number of plans that seek to deliver on the community's aspirations. The Community Strategic Plan 2013-2025 seeks to achieve the following four outcomes that cover social, environmental, economic and community leadership issues. These are summarised as follows:

Outcome 1 –Rockdale is a welcoming and creative City with active, healthy and safe communities.

Rockdale City Council endeavours to promote strong social values and a community that is inclusive of all socio-economic groups. Council aims to offer a well-designed neighbourhood and public spaces that facilitate safety, connectivity and social activity. The urban design strategy responds directly to Outcome 1 as it will facilitate:

- enhanced linkages and consolidation in an existing centre enhancing the range of activities available in the centre
- a strategic, rational and sustainable approach to intensification and growth within the Bexley Town Centre in that it considers the relationship between multiple sites.
- revitalisation and expansion of an existing centre increasing the potential services and employment availability in close proximity to existing residents.
- A greater range of housing availability and options to facilitate for a wider range of residents and families.

Outcome 2 - Rockdale is a City with a high quality natural and built environment and valued heritage in liveable neighbourhoods. A City that is easy to get around and has good links and connections to other parts of Sydney and beyond.

Council aims to provide a balance between the LGA's built environment and natural habitat. The cultural heritage of the local area will be protected to achieve a balance between its past influences and present built environment. Effective links serve to connect residents from one destination point to another. The built environment will be planned with a sense of 'place' to reflect the needs of the local population. The urban design strategy will directly deliver on Outcome 2 as it will:

- facilitate improved connectivity and permeability within the Bexley Town Centre; and

- enhance connectivity, service availability and employment opportunities on a public transport route.

Outcome 3 - Rockdale is a City with a thriving economy that provides jobs for local people and opportunities for lifelong learning.

A strong and diverse economy for the local population ranks highly in Council's growth agenda. A range of employment, products, services and lifelong learning are identified as key factors in driving the local economy. The urban design strategy directly responds and delivers on Outcome 3 as it will:

- facilitate expansion and renewal of an existing centre creating greater service availability, employment opportunities and facilitating investment locally;
- promote investment by a motivated land owner and ongoing catalytic economic and multiplier effects; and
- enable the development of a motel, which will provide for visitation in the region.

Outcome 4 - Rockdale is a City with engaged communities, effective leadership and access to decision making.

Rockdale City Council values a high level of community engagement to help with the decision making of issues. Effective governance is achieved through the democratic process of elected representatives who will advocate for the community. Residents are encouraged to participate in planning decisions that influence the delivery of outcomes. The urban design strategy will directly deliver on Outcome 4 as it will:

- create opportunities for economic growth and transformation to assist in achieving Council's revitalisation and urban renewal goals for its town centres; and
- enable the community to be involved in the decision making process relating to planning issues through subsequent exhibition and feedback processes.

3.2 Rockdale City Urban Strategy 2010

Rockdale City Urban Strategy 2010 has been listed by Council as an important document used to inform the planning decisions conveyed in the *Rockdale Local Environmental Plan (RLEP) 2011* and *Rockdale Development Control Plan (RDCP) 2011*. This urban strategy reviews and proposes amendments to the land use, height and FSR in consistency with the planning principles of the *Rockdale City Urban Strategy 2010* as it will facilitate:

- improvement of residential amenity by improving the variety and quality of new housing;
- revitalisation of villages and neighbourhoods, in particular the Bexley Town Centre; and

- Ensure opportunities for future employment and growth by providing an increase in critical mass through the inclusion of greater residential opportunities within a mixed use development format.

Rockdale City Council recognises the need for growth in the LGA to attract commercial activity and future residents. One of the urban strategies to direct growth in the LGA is to concentrate future developments around the LGA's villages and local centres. Focused growth around the Bexley Town Centre will serve to enhance activation, vibrancy and economic vitality enabling better local access to amenities for the local community, without the need to travel to major centres.

Rockdale City Urban Strategy 2010 identifies Bexley as a smaller centre or village of unique character that can service the surrounding community. Redevelopment is encouraged to increase density and improve built form outcome near public transport within Bexley. Rockdale City Council proposes for the provision of additional open space and pedestrian connections within what is identified as Bexley Town Centre. The approximate location of Bexley Town Centre core is on the Albyn Street car park. Activation around the proposed core, particularly along Albyn Street is encouraged. The *RLEP 2011* proposes development incentives for the provision of connections to Bexley Town Centre core through Forest Road, and the consolidation of sites within Bexley. The main objective is for new developments within the local centres such as Bexley Town Centre to be more compact whereby a range of activity can be easily accessed.

The urban design strategy and amendments to land use, height and FSR mapping for the subject sites to allow for expansion of business and residential uses, as well as the consistent application of building bulk within the Bexley Town Centre, is in direct aligned with the visions outlined within the *Rockdale City Urban Strategy 2010*. In particular, the proposed amendments are aimed at supporting the revitalisation and activation of the Bexley Town Centre to allow for greater diversity and to build on the existing economic strengths of the centre, being motel type accommodation, that currently service the visitation and accommodation market.

3.3 Capacity Analysis and Built Form Study September 2010

The *Capacity Analysis and Built Form Study* was prepared to test the development potential of Rockdale LGA through maximising building height and FSR. The study was used to inform the formulation of the draft *RLEP 2011* and draft *RDCP 2011*. It is concluded that Rockdale LGA has the capacity to increase its density to provide housing and employment for its growing population.

The study cites Bexley as a precinct that is mainly residential in character. It recognises the Bexley Town Centre as having opportunity for revitalisation due to its accessibility through public transport and high visibility from the busy Forest Road. Rockdale City Council's significant land holdings, in particular the

Albyn Street and Forest Road car parks, offer significant potential to be transformed through place making enhancements into appealing civic, community and cultural destinations.

Bexley also presents some development constraints that need to be overcome to achieve good planning outcomes. The precinct is largely comprised of fragmented lots and strata titles that require consolidation in order to allow for a more logical and systematic approach to land use planning. Vehicular and pedestrian circulation proves to be an obstacle with the main road networks heavily congested and poor quality pedestrian links. Lack of rear lane access into properties also poses challenges in gaining access to properties. The PP seeks to facilitate improvement to some of the issues by encouraging the consolidation of land, focusing on traffic access to fewer crossovers and the improvement of the public domain.

Bexley is also classified by Sydney Airport Corporation Limited (SACL) as a zone that has strict height limits as it is located under the flight path. Rockdale City Council has proposed for Bexley Town Centre to ideally have an FSR of 2:1 and a height of 16m (4 storeys) if land parcels are up zoned to the maximum B4 Mixed Use zone. Council has also proposed a development incentive to encourage site amalgamations whereby bonus FSR and building heights are granted. Final proposed building heights cannot obstruct the airspace and to be approved by SACL and DIRD. The following incentives apply to Bexley Town Centre:

Table 4: Bexley Town Centre development incentive

Site Area	Maximum height	Maximum FSR
Under 1,200m ²	4 storeys (16m)	2:1
Over 1,200m ²	5 storeys (19m)	2.5:1

The *Capacity Analysis and Built Form Study* also classifies Bexley Town Centre under the village typology. Villages are proposed to have a zone of B4 Mixed Use to provide a greater range of uses than a local neighbourhood centre. Bexley Town Centre has the capacity to house 2,500 dwellings, a small supermarket and additional specialty retail commercial operations.

In this regard, the subject sites' location adjacent to the Bexley Town Centre boundary offers potential to be rezoned to allow for some additional development generally in the form of residential flat building with some increase in permissible height and FSR to meet residential targets.

3.4 Rockdale Local Environmental Plan (RLEP) 2011

The RLEP 2011 is the key planning instrument used by Rockdale City Council. The subject sites are currently zoned in a fragmented manner, and there is the capacity to achieve a more consistent approach to land use planning and the interrelationship between business and residential land uses within the Bexley Town Centre. As demonstrated in this urban design strategy the amendment of existing land use zones, FSR and building heights controls applicable to the

subject sites will assist the Rockdale Council to deliver on their intended vision of diversifying and enhancing the Bexley Town Centre as a vibrant and interconnected community destination.

3.4.1 Zoning

The subject sites are currently zoned as follows under the RLEP 2011:

Table 5: Land Use Zoning of subject sites

Site Number	Site Address	Existing Buildings	Land Use Zones
Site 1	467 Forest Road, Bexley	Forest Inn Hotel	B4 – Mixed use
Site 2	1 Kingsland Road, Bexley 3 Kingsland Road, Bexley 5 Kingsland Road, Bexley	Single storey dwelling Single storey dwelling Vacant lot	R2 – Low Density Residential
Site 3	1 and 3 Abercorn Street 7, 9 and 11 Kingsland Road South 6, 8 , 8A, 10, 12, 14,16 and 18 Stoney Creek Road, Bexley	Single storey dwelling Single storey dwelling Single storey dwelling	R2 – Low Density Residential

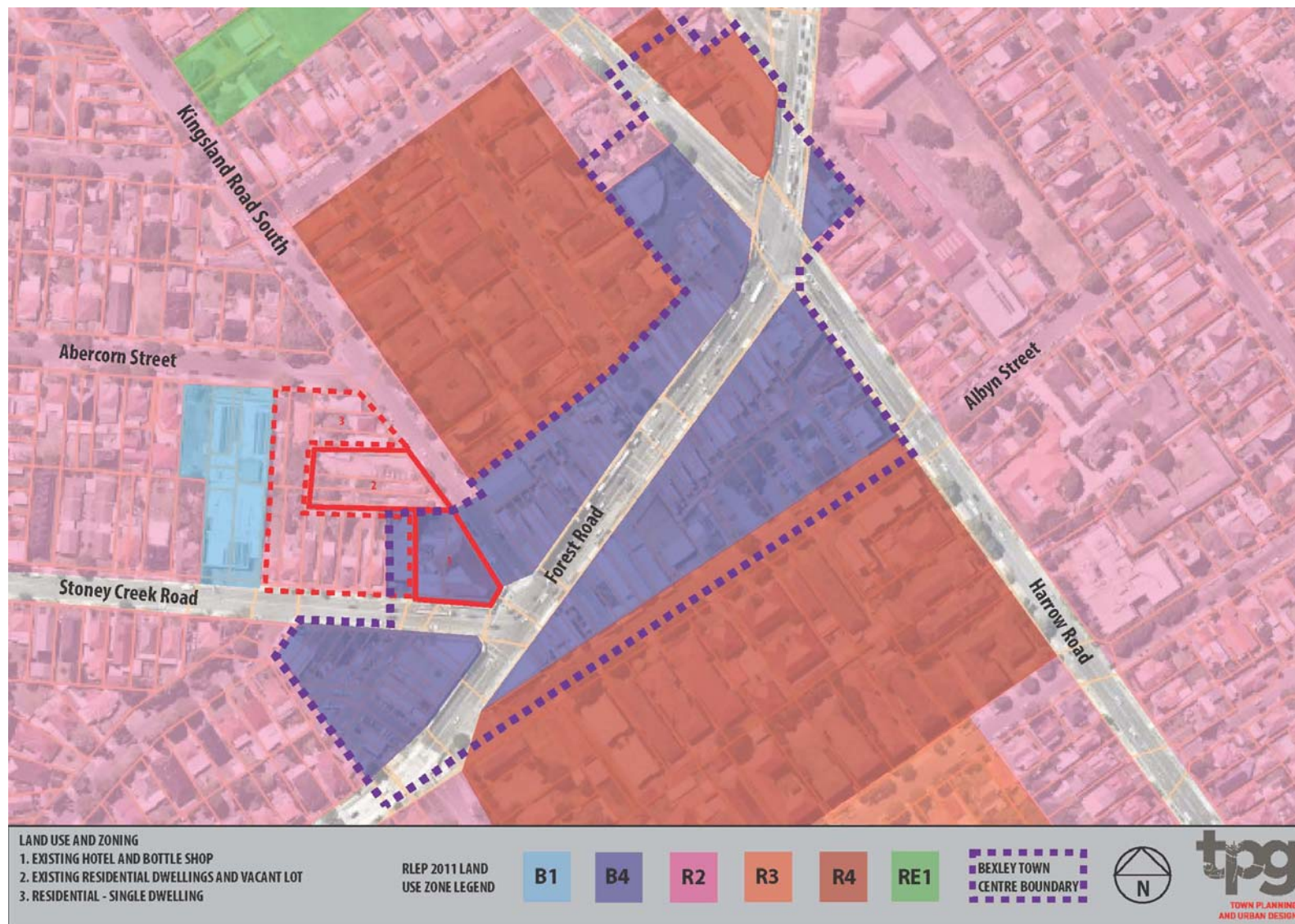


Figure 2: Subject Sites in red outline and their current land use zoning

Subject Site 1 (Forest Inn Hotel) is zoned B4 Mixed Use under RLEP 2011. The objectives of B4 zone are:

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.

Under RLEP 2011, the permissible land uses for the B4 zone are as follows:

Permitted without consent

Home-based child care; Home businesses; Home occupations; Roads

Permitted with consent

Boarding houses; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Seniors housing; Shop top housing; Any other development not specified in item 2 or 4

Prohibited

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Attached dwellings; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Crematoria; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Multi dwelling housing; Open cut mining; Port facilities; Research stations; Restricted premises; Rural industries; Rural workers' dwellings; Secondary dwellings; Semi-detached dwellings; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Waste or resource management facilities; Wharf or boating facilities; Wholesale supplies.

Subject Site 2 comprises of 1, 3, and 5 Kingsland Road South and are single storey dwellings and a vacant lot respectively. These 3 lots are zoned under R2 Low Density Residential under RLEP 2011. The objectives of R2 zone are:

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

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

Under RLEP 2011, the permissible land uses for the R2 zone are as follows:

Permitted without consent

Home-based child care; Home businesses; Home industries; Home occupations; Roads

Permitted with consent

Attached dwellings; Boarding houses; Building identification signs; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Educational establishments; Exhibition homes; Exhibition villages; Group homes; Health consulting rooms; Hostels; Places of public worship; Recreation areas; Respite day care centres; Secondary dwellings; Semi-detached dwellings; Seniors housing

Prohibited

Any development not specified in item 2 or 3

Subject Site 3 comprises of the following land parcels

- 1 and 3 Abercorn Street;
- 7, 9 and 11 Kingsland Road South
- and 6, 8 , 8A, 10, 12, 14,16 and 18 Stoney Creek Road, Bexley

These lots are are zoned under R2 Low Density Residential under RLEP 2011. The objectives of R2 zone are:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents

Under RLEP 2011, the permissible land uses for the R2 zone are as follows:

Permitted without consent

Home-based child care; Home businesses; Home industries; Home occupations; Roads

Permitted with consent

Attached dwellings; Boarding houses; Building identification signs; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Educational establishments; Exhibition homes; Exhibition villages; Group homes; Health consulting rooms; Hostels; Places of public worship; Recreation areas; Respite day care centres; Secondary dwellings; Semi-detached dwellings; Seniors housing

Prohibited

Any development not specified in item 2 or 3

3.4.2 Building Height

The subject sites under RLEP 2011 have the following permissible maximum building heights:

Table 6: Maximum permissible building height

Site Number	Site Address	Existing Buildings	Building Height
Site 1	467 Forest Road, Bexley	Forest Inn Hotel	O2 = 16m
Site 2	1 Kingsland Road, Bexley 3 Kingsland Road, Bexley 5 Kingsland Road, Bexley	Single storey dwelling Single storey dwelling Vacant lot	I = 8.5m
Site 3	1 and 3 Abercorn Street 7, 9 and 11 Kingsland Road South 6, 8, 8A, 10, 12, 14, 16 and 18 Stoney Creek Road, Bexley	Single storey dwelling Single storey dwelling Single storey dwelling	I = 8.5m



Figure 3: Subject Sites in red outline and the permissible maximum building height as per RLEP 2011.

The objectives of the Height of Building clause in RLEP 2011 are as follows:

- To establish the maximum limit within which buildings can be designed and floor space can be achieved,
- To permit building heights that encourage high quality urban form,
- To provide building heights that maintain satisfactory sky exposure and daylight to buildings, key areas and the public domain,
- To nominate heights that will provide an appropriate transition in built form and land use intensity.

3.4.3 Floor Space Ratio (FSR)

The subject sites under RLEP 2011 have the following permissible maximum FSR:

Table 7: Subject site permissible FSR

Site Number	Site Address	Existing Buildings	FSR
Site 1	467 Forest Road, Bexley	Forest Inn Hotel	T1 = 2:1
Site 2	1 Kingsland Road, Bexley 3 Kingsland Road, Bexley 5 Kingsland Road, Bexley	Single storey dwelling Single storey dwelling Vacant lot	D = 0.5:1
Site 3	1 and 3 Abercorn Street 7, 9 and 11 Kingsland Road South 6, 8 , 8A, 10, 12, 14,16 and 18 Stoney Creek Road, Bexley	Single storey dwelling Single storey dwelling Single storey dwelling	D = 0.5:1

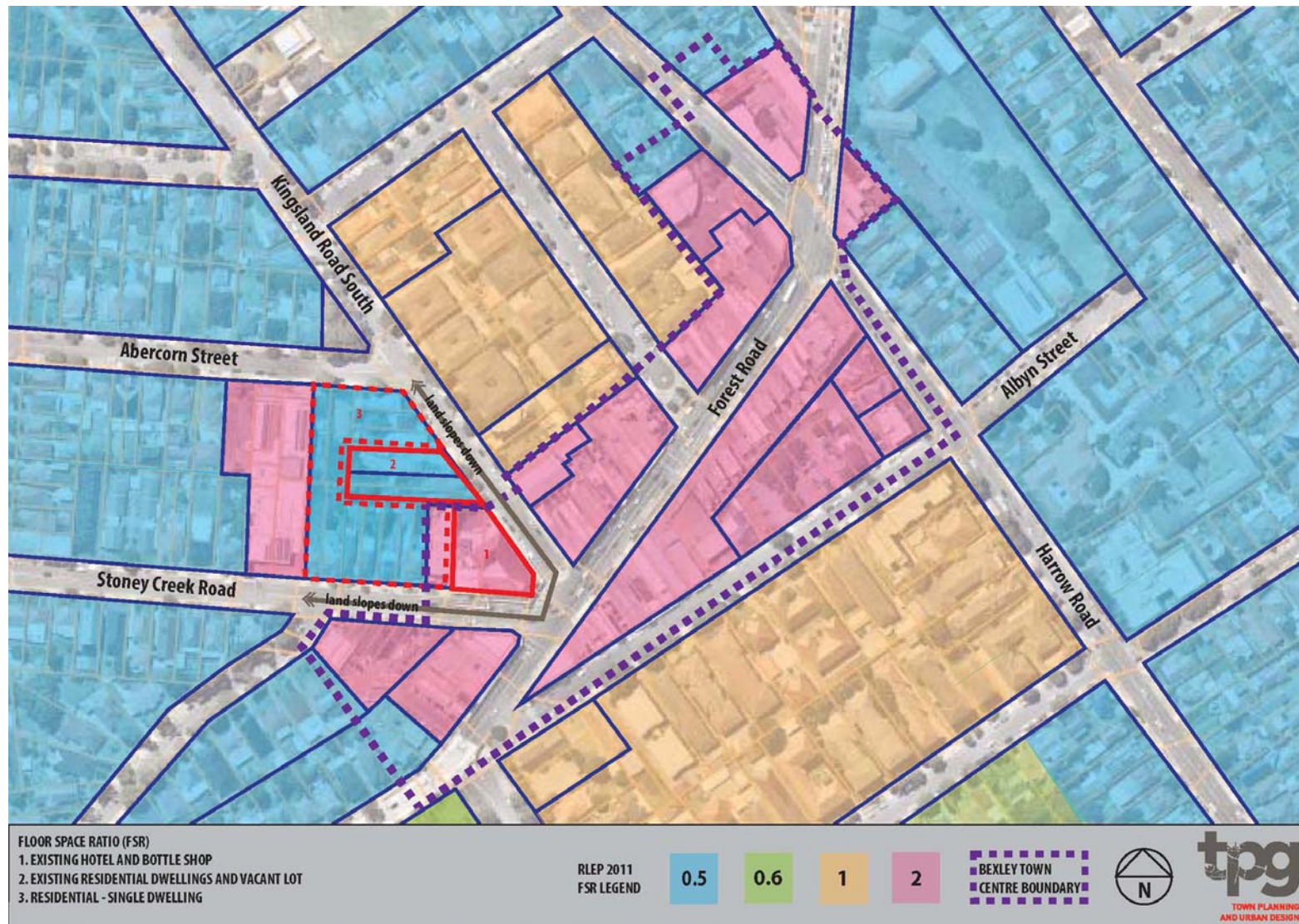


Figure 4: Subject Sites in red outline and the permissible maximum FSR as per RLEP 2011.

The objectives of the FSR clause in RLEP 2011 are as follows:

- To establish the maximum development density and intensity of land use accounting for the availability of infrastructure and generation of vehicular and pedestrian traffic, in order to achieve the desired future character of Rockdale,
- To minimise adverse environmental effects on the use or enjoyment of adjoining properties,
- To maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing or likely to undergo a substantial transformation.

3.5 Proposed Amendment to Rockdale LEP 2011

As outlined in section 5, the urban design analysis and consideration presented justifies from an urban design and place making perspective the proposed LEP amendments. These proposed amendments to Rockdale LEP 2011 seek changes in the land use zoning, maximum height of building and FSR of the subject sites. The urban design study examines an area identified by TPG as a potential development precinct. The proposed development strategies outlined in the following section will form a guide to how the precinct can be managed to reflect Council's vision for Bexley's town centre.

3.5.1 RLEP 2011 Clause 2.1 Land Use Zones

The current land use zoning for the subject sites is fragmented and does not represent logical land use application that allows for higher density residential and diversification of land uses as demonstrated in the analysis in section 5. The PP proposed an extension of the B4 zoned land to 1, 3 and 5 Kingsland Road South, with the remainder of the site to be zoned R4.

The rezoning of the identified sites and in turn the increase in height and FSR will promote growth for the centre where it is best suited and provide for a greater mixed use availability with emphasis on residential provision. This amendment will complement and reinforce the economic aspect of the Bexley Town Centre whilst not detracting from or competing with it.

3.5.2 RLEP 2011 Clause 4.3 Height of Buildings

Current permissible height of the subject sites can be increased to maximise planning potential. It is proposed that the entire site have a 19m height limit. Land parcels north of the subject site feature medium density residential development. An increase in maximum permissible building heights represents a logical approach to allow for a consistent application of height commensurate with existing permissible heights within the Bexley Town Centre and to allow for increased housing supply in the locality to support local businesses.

It is also important to note in the Rockdale City Council's *Capacity Analysis and Built Form Study 2010*, that development incentives are offered to the amalgamation of fragmented sites in the area. One of the incentives is the allowance of building heights up to a maximum of 5 storeys at 19m. This is the height set in consultation with Sydney Airport Corporation and the Department of Infrastructure and Regional Development. They will need to be further consulted in the exhibition of the PP.

3.5.3 RLEP 2011 Clause 4.4 Floor Space Ratio (FSR)

The subject sites are bounded by higher density development, with a higher permissible FSR. The proposed FSR for the sites is 2.5:1. This is consistent with the amalgamation incentive mentioned above. It is logical to up zone the subject sites to enable remnant residential land adjacent to the town centre, bound by higher density and non residential development, to transform to allow for complementary land uses of a scale and density commensurate with the broader town centre. An increase in the height of buildings in the proposed sites and zones will directly facilitate a corresponding increase in the FSR to accommodate for the additional height.

4. Additional Planning Considerations

4.1 Rockdale Development Control Plan (DCP) 2011

Section 7.3 of the *Rockdale DCP 2011* sets of precinct specific development guidelines for the Bexley Town Centre. The DCP recognises the potential for Bexley Town Centre to be developed into a vibrant hub for the suburb and to counteract impact of the busy Forest Road on local amenity. It also recognises the potential for the Bexley Town Centre to service a large residential population within its walking catchment. The key objectives of the DCP for the Bexley Town Centre are provided as follows:

- To facilitate the transformation of Albyn Street and Albyn Lane into active and vibrant retail areas, and provide an alternative pedestrian experience to Forest Road.
- To improve the pedestrian permeability of the centre, particularly between Albyn Street and Forest Road.
- To provide usable and lively public space at the heart of the centre that enhances the character of the town centre and provides places of gathering.

Adopting a precinct based planning and development approach as undertaken in this urban design review provides opportunity for the above key objectives to inform an urban design strategy for the subject sites. In general, the DCP seeks to enhance connectivity, permeability and the quality of the pedestrian experience in the Bexley Town Centre as demonstrated in figures 8 and 9 in Section 5.1 of this report. Such opportunities are equally applicable to the subject sites.

An approach that considers key landmarks destinations, and place making opportunities will assist in enhancing the relationship between the subject sites and their surrounding context. In this regard, there are opportunities not only to facilitate new development, but also to enhance interrelationships between the subject sites and the broader town centre to achieve a coordinated development outcome.

The following place analysis highlights key opportunities relating to the sites within their Bexley Town Centre setting and has been critical in the consideration for appropriate height and FSR amendments that will be including in the accompanying PP.

5. Place Analysis and Development Opportunities

5.1 Key Opportunities

This section outlines key aspects of the site's location and context that support its proposed use, scale and density. The urban strategies formulated support the need to amend provisions in Rockdale LEP 2011 for growth within Bexley. The following summary highlights the key opportunities presented by rezoning to increase density and diversity in the town centre.

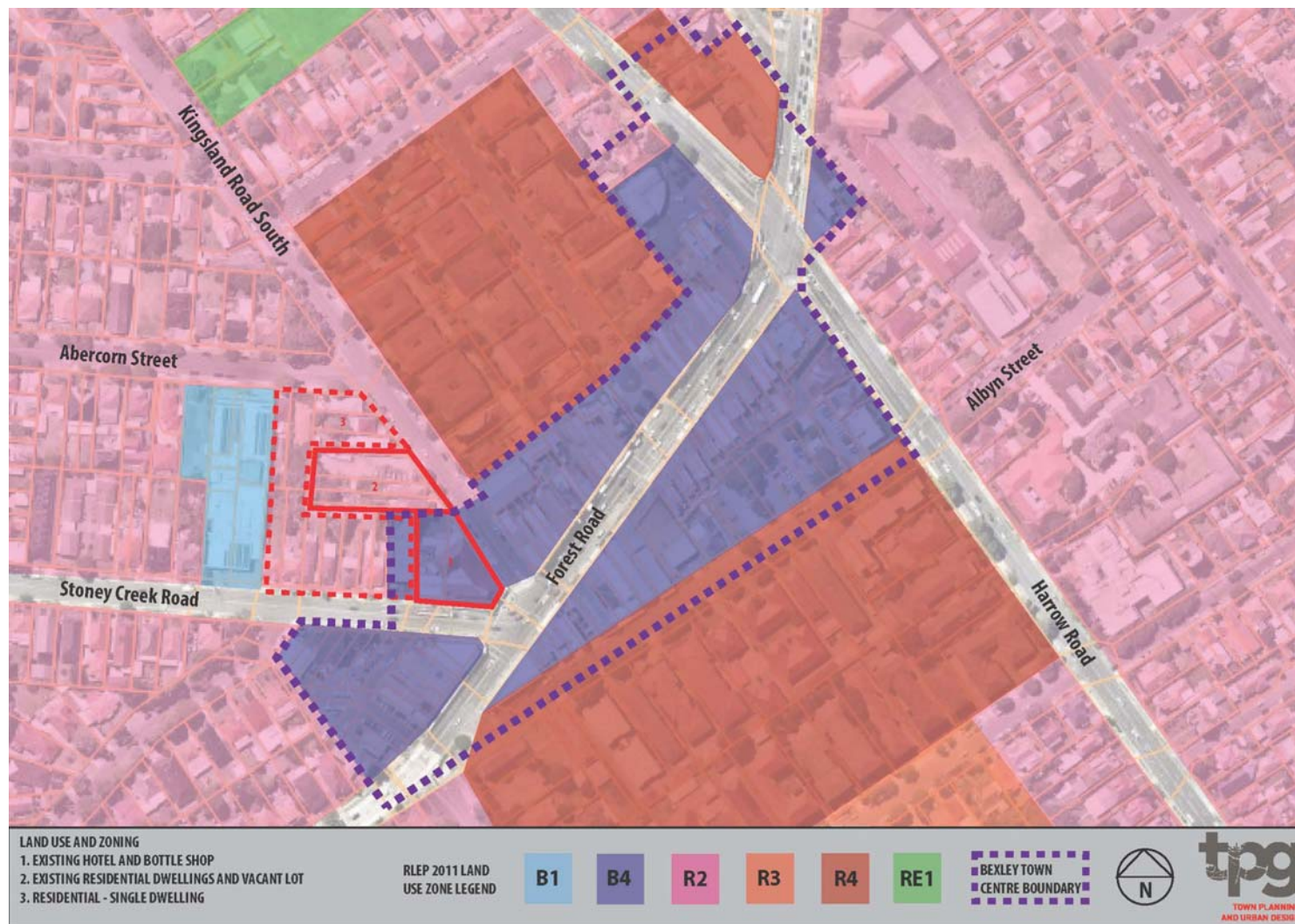


Figure 5 – Opportunity to rezone subject sites to facilitate redevelopment for residential purposes.

Site 2 is located adjacent to the edge of Bexley Town Centre with the potential to be rezoned to complement the development and activation of Bexley Town Centre.

Site 2 is currently zoned R2 Low Density Residential and presents opportunity to be rezoned to B4 Mixed use to facilitate possible motel and car park additional use to enable the expansion of existing motel uses in the town centre.

Site 3 may be consolidated to enable its future development to accommodate high density residential flat buildings to increase critical mass in the centre to support local business. It is therefore recommended that land parcels within site 3 be rezoned to R4 High Density Residential zone.

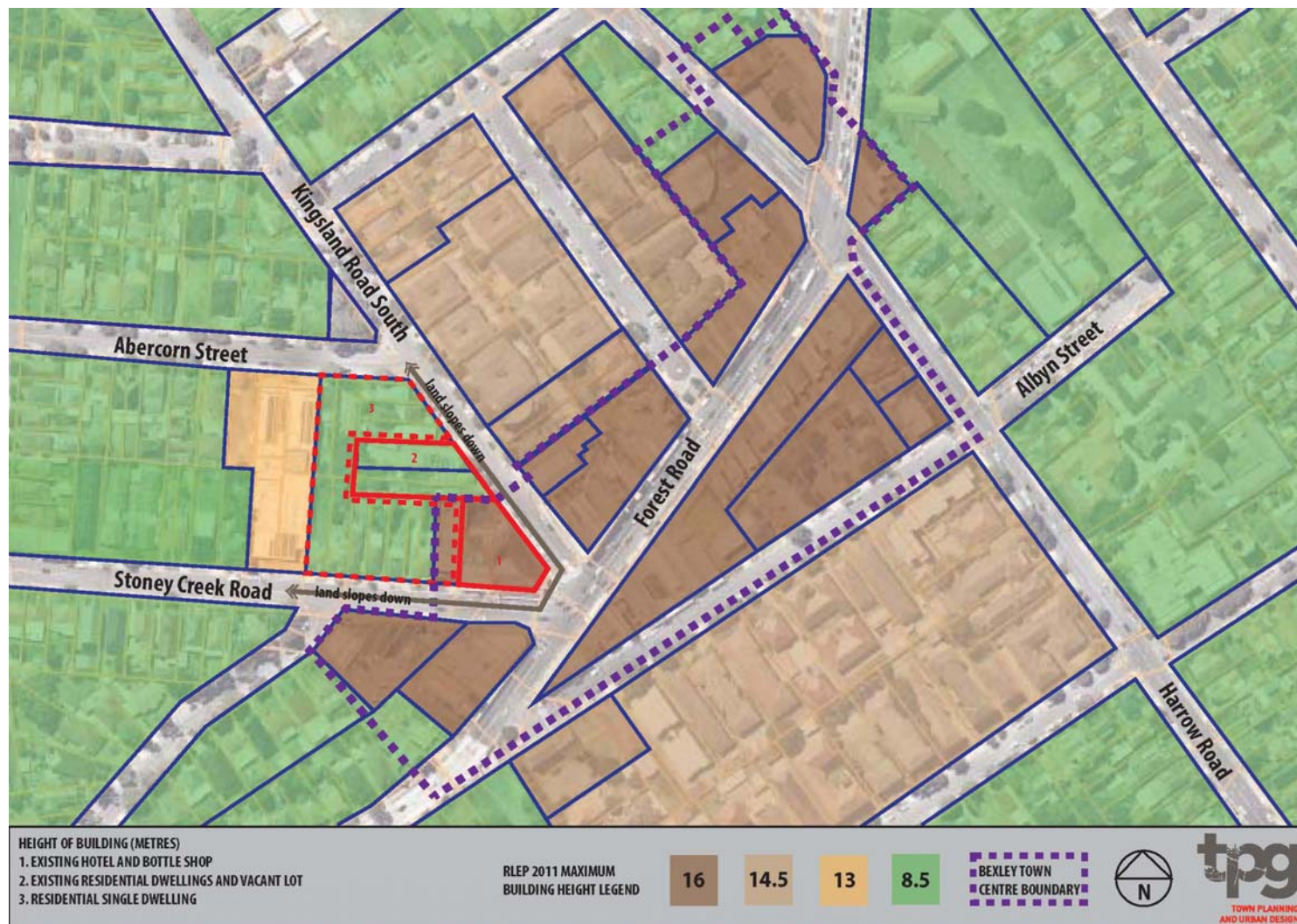


Figure 6 - Opportunity to achieve appropriate height of buildings.

Potential to increase building height for land sloping down in Westerly direction on Stoney Creek Road and Northerly direction on Kingsland Road South. Potential to consider amalgamation of sites to achieve development incentives of greater HOB.

The increase of building heights reflects adjoining heights permissibility of Forest Inn Hotel and Bexley RSL building. There is potential for additional height without adverse impact to amenity.

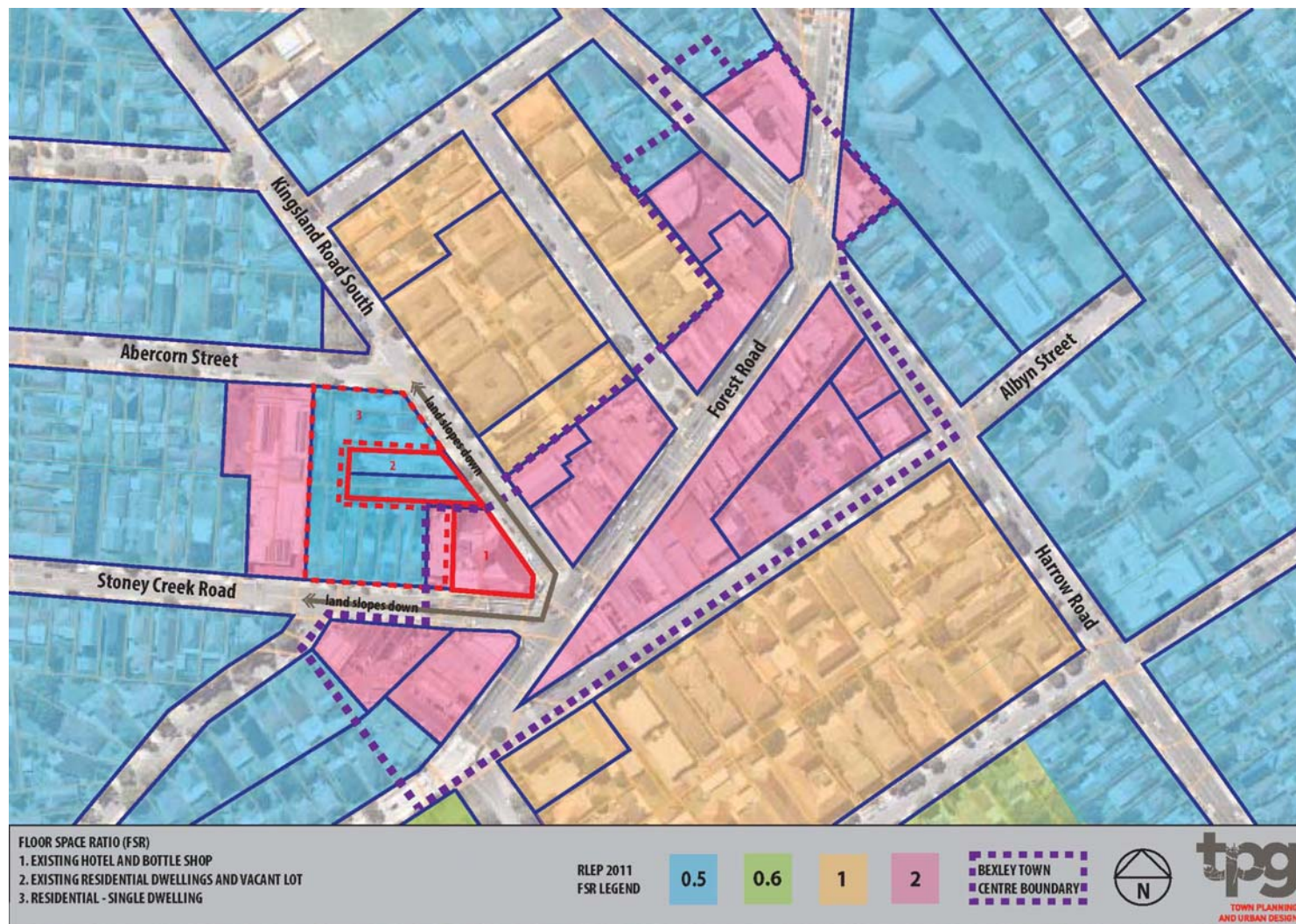


Figure 7 -Opportunity to achieve appropriate Floor Space Ratio (FSR)

Site 2 and site 3 have potential for greater height and therefore FSR, commensurate with this height.

Opportunity for amalgamation of sites to achieve development incentives of greater FSR. FSR is consistent with immediately adjoining land i.e. Forest Inn Hotel and Bexley RSL.



Figure 8 -Opportunity to provide more connectivity in the area

Potential to offer a finer grain, more interconnected pedestrian experience and provide vehicle access away from major roads thorough the provision of new accessways and pedestrian linkages.

Design for greater permeability between subject sites north of Forest Road and proposed Bexley Town Centre south of Forest Road. This linkage, represented by the burgundy arrow that intersects with CR2 minor crossing, is considered essential for the proposed activation of Bexley Town Centre core located adjacent to the Albyn Street car park.

The proposed links indicated near site 1, 2 and 3 are planned in accordance to the likely amalgamation of the individual allotments into bigger lots. The linkages can be achieved as detailed design during DA stages.

Potential to create new place making opportunities that are interconnected with existing destinations through the activation public spaces, retail frontages, new links and accessway development.

All potential urban design strategies in the public domain are to complement, not compete with Council's vision for Bexley Town Centre. Existing open spaces are revitalised and potential place making spaces are intended to be discreet laneway developments with minimal street presence.

Insight into the strategic thinking of the potential built form outcomes that the change in zoning, height and FSR may encourage.

Summary of Development Principles

The following development principles respond to the current conditions of the subject sites and their context. They provide a rational approach to the growth of the Bexley Town Centre supporting expansion of the town centre and providing the critical mass to support existing and future businesses within the centre. These principles are consistent with State and local government strategic planning objectives and will work towards enhancing the economic viability, vibrancy and place making qualities of the Bexley Town Centre.

- Amend planning controls on the subject sites to:
 - enable the expansion of possible land uses including motels to support and enhance an existing economic strength within the Bexley Town Centre that takes full advantage of the sites' proximity to Sydney Airport; and
 - Provide higher density residential land uses in the Bexley Town Centre to increase the critical mass that will support local business and enhance its vibrancy and economic strength.
- Maximise built form potential by encouraging the amalgamation of land parcels and the increase of building height and FSR to achieve a consistent approach to height and density between the existing and proposed expanded areas of the town centre;
- Enhance the place making qualities of the town centre and provide more connectivity and permeability within the proposed development precinct and Bexley Town Centre; and
- Build upon the existing scale and character of the Bexley Town Centre to increase scale in a location that is comprised of remnant low density housing, commensurate with the existing permissible scale of the centre.

5.2 Proposed Development Strategy

Building height and density for the subject site has been considered based on precinct context. With the focus of developing Bexley Town Centre into a hub, the proposed development that encompasses the subject sites serve to complement Bexley Town Centre instead of detracting from it. The proposed development strategies can be summarised as follows:

- Rezone subject sites to a land use zones B4 Mixed Use and R4 High Density Residential to allow for higher residential density and land use diversity. Land parcels that have the potential to accommodate high density residential flat buildings are indentified to respond to the LGA's population growth.

- Amalgamate fragmented sites, in accordance to Council's recommendations, to achieve development incentives of increased FSR and maximum building height. Built form studies included in **Section 5.3** of this report demonstrate the maximised built form envelope and its impact to its surrounding area.
- Provide linkages that will connect the fragmented land uses within the subject sites and around Bexley Town Centre. A primary link that connects Bexley Town Centre to the surrounding areas north of Forest Road is of priority and needs to be tested. The option for development to be accessible through secondary frontages is also proposed to disperse traffic from main circulatory paths and links.
- Identify destination points around the proposed development precinct and provide linkages to enhance permeability and circulation. Potential areas for activation and place making are vital in the contribution of net community benefit. The provision of public places that will appeal to the general public can include the activation of urban courtyards, laneway developments and green spaces.

5.3 Existing Building Envelope

The built form of the proposed development precinct and the surrounding lots indicate that permissible development controls have not taken advantage of its full development potential. As a result, the area is predominantly comprised of single and double story buildings. It is noted the buildings in the area have the potential to achieve envelopes that are of 5 to 6 storeys in height, under current RLEP 2011 controls, as demonstrated in the built form schematics below.



Figure 10 - Northern view of existing built form

Key for built form diagram

Existing built form height



Figure 11 - Eastern view of existing built form

Key for built form diagram

Existing built form height



Figure 12 -Southern view of existing built form

Key for built form diagram

■ Existing built form height



Figure 13 - Western view of existing built form

Key for built form diagram

Existing built form height

These models of existing built form potential demonstrate the vast amount of residual land available for the development. The proposed sites and development are conveniently book ended by the higher density B4 land on the western side of Kingsland Rd with the bulk and scale being drawn from the existing Bexley RSL.

5.4 Proposed Precinct Building Envelope

The main built form principles applied to the proposed development precinct are as follows:

- Amalgamation of fragmented land parcels to achieve cohesive land use, FSR and building heights that are responsive to the local context;
- Investigate the development incentives of bonus FSR and building height that is permissible for higher density built form;
- Propose a maximised built form potential near Bexley Town Centre to complement the anticipated growth of the town centre precinct;
- Achieve built form and amenity that reflect the preferred standards set by *SEPP 65 Apartment Design Guide*;
- Integrate appropriate setbacks, articulation and distribution of bulk to provide solar access and public spaces in between building blocks; and
- Provision of efficient links and circulation between the proposed development precinct and Bexley Town Centre to improve permeability and public domain.

The potential maximum height of the proposed development precinct and its surroundings is tested in the proposed precinct building envelope diagrams. This analysis illustrates the capacity of the area to be built up to 5 or 6 storeys in accordance to RLEP 2011 height controls. The proposed potential new development on the subject sites is represented by the yellow and blue buildings, and the existing development is represented by the white and grey buildings.

The built form analysis demonstrates that the existing development when maximised to its permissible building heights results in buildings that are 5 storeys high. The diagrams show the existing building storeys in dark grey and the permissible maximum storeys in white. The proposed new development on the subject sites seeks site amalgamation to gain development incentives of 19m in height and 2.5:1 FSR. It is represented in the diagram by buildings with blue podium ground and first levels, and yellow upper levels. The analysis indicates that the built form, when maximised to amalgamation controls, yields a building that is 5 to 6 storeys in height. The proposed new development on the subject sites, at its maximised built form potential, is only 1 storey higher than the maximised permissible height of the existing development in the area. There is potential for the area to increase in density without having adverse impacts on the existing built form context.

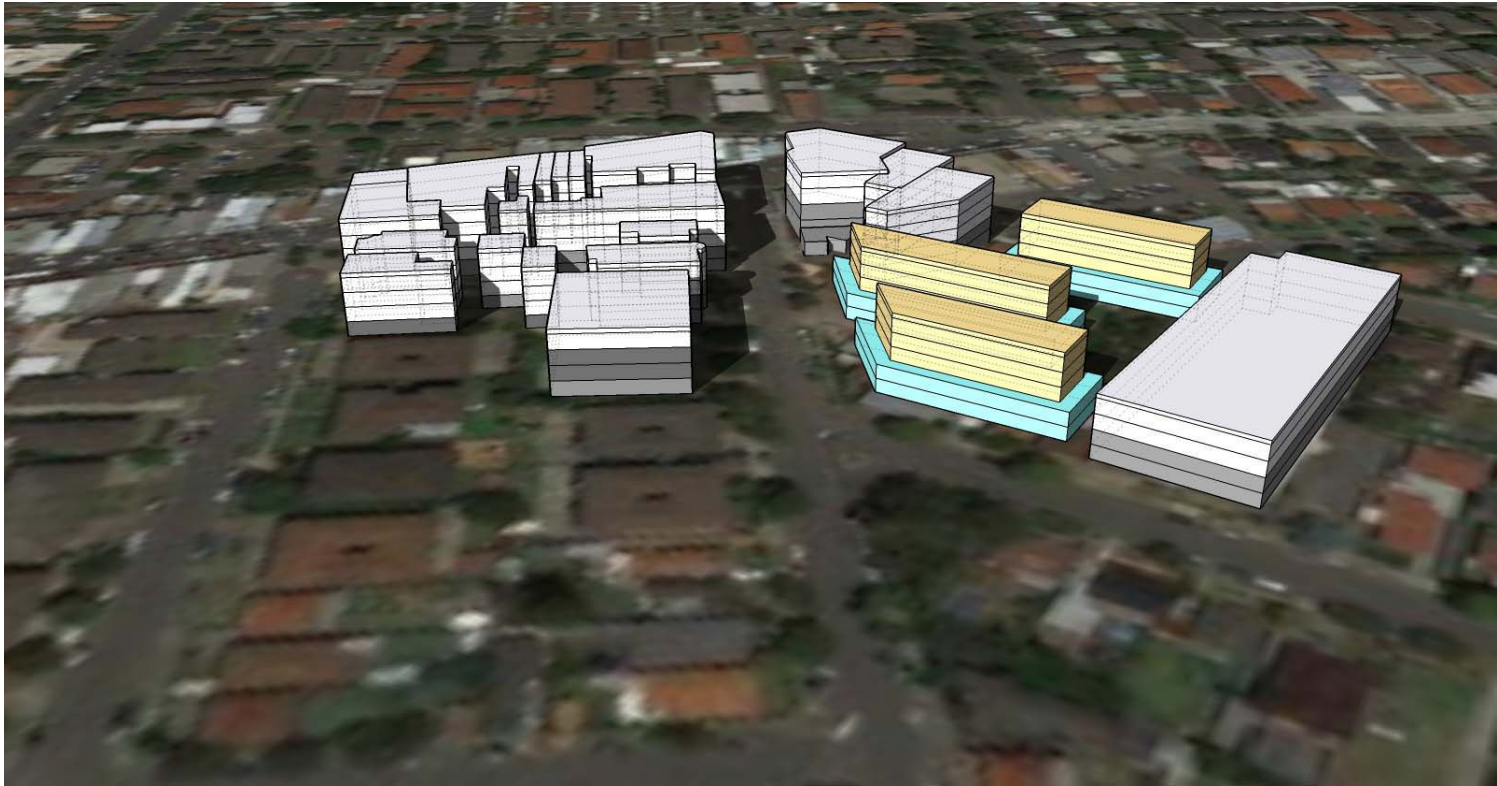


Figure 14 -Northern view of Bexley Town Centre built to existing maximum height, FSR, and preferred development outcome for subject site.

Key for built form diagram

- Existing built form height
- Proposed built form height of existing development, in accordance to maximum permissible height in RLEP 2011
- Proposed podium height in potential new development
- Proposed upper storey height in potential new development



Figure 15 -Eastern view of Bexley Town Centre built to existing maximum height and FSR, and preferred development outcome for subject site.

Key for built form diagram

- Existing built form height
- Proposed built form height of existing development, in accordance to maximum permissible height in RLEP 2011
- Proposed podium height in potential new development
- Proposed upper storey height in potential new development



Figure 16 - Southern view of Bexley Town Centre built to existing maximum height and FSR, and preferred development outcome for subject site.

Key for built form diagram

- Existing built form height
- Proposed built form height of existing development, in accordance to maximum permissible height in RLEP 2011
- Proposed podium height in potential new development
- Proposed upper storey height in potential new development

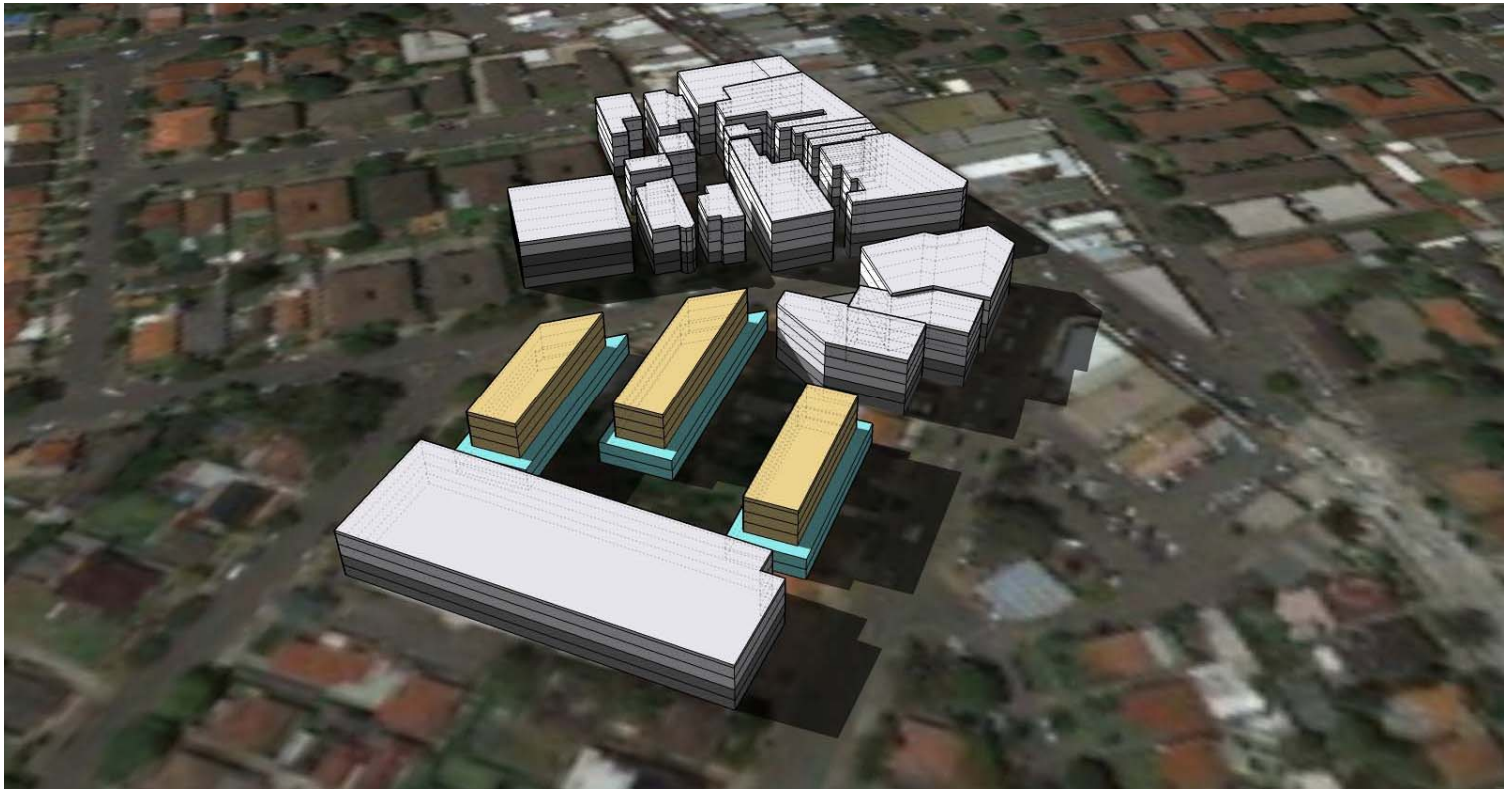


Figure 17 - Western view of Bexley Town Centre built to existing maximum height and FSR, and preferred development outcome for subject site.

Key for built form diagram

- Existing built form height
- Proposed built form height of existing development, in accordance to maximum permissible height in RLEP 2011
- Proposed podium height in potential new development
- Proposed upper storey height in potential new development

The above images demonstrate the built form of the Bexley Town Centre under current planning controls. It includes concepts on the subject site that are consistent with a height of 19m and FSR of 2.5:1. This illustrates the consistency of the nature of development that could be achieved with the PP.

5.5 Solar Access

5.5.1 Sun shadow diagrams for 21 June

The sun shadow diagrams **Figure 18 – Figure 20A** compares the solar access of the existing conditions and the proposed precinct building envelopes during the winter solstice. The appropriateness of the building height and FSR being requested has been tested in terms of environmental impact, in particular consideration of solar access. The shadow diagrams indicate that overshadowing from the proposed precinct building envelopes occur on Forest Road, Stoney Creek Road and the open space between the proposed new buildings. This mainly occurs during the morning hours of 9am and the evening hours from 3pm onwards. During midday, the area between the proposed precinct building envelopes is able to receive solar access when the sun is overhead.

The area between the buildings is designated for potential laneways and urban courtyards to achieve a balance between building bulk and open space. The proposed new buildings are also tested with appropriate setbacks, building separation and upper storey offsets to minimise the effects of overshadowing. It is concluded that the proposed building envelopes will cast shadows in a southerly direction onto Stoney Creek Road, as opposed to the residential area to the north. As a result it has minimal overshadowing impact on neighbouring properties.



Figure 18: Solar Access 9am for existing built form



Figure 18A: Solar Access 9am for proposed precinct building envelope.



Figure 19: Solar Access 12pm for existing built form



Figure 19A: Solar Access 12pm for proposed precinct building envelope.



Figure 20: Solar Access 3pm for existing built form



Figure 20A: Solar Access 3pm for proposed precinct building envelope

5.5.2 Sun shadow diagrams for 21 December

The sun shadow diagrams **Figure 21 – Figure 23A** compares the solar access of the existing conditions and the proposed precinct building envelope during the summer solstice. The shadow diagrams demonstrate that overshadowing is less of an issue during the summer solstice as the sun is more direct. Overshadowing mainly occurs during 9 am and 3pm and the shadows are cast in the western part of the proposed precinct building envelopes. The effects of overshadowing can be further minimised with careful orientation of habitable spaces within the proposed new buildings. *SEPP 65 Apartment Design Guide* principles will be applied to the proposed new buildings to achieve a balance between appropriate solar access and privacy.

It is concluded that the proposed built form has negligible overshadowing on neighbouring properties during the summer solstice. The shadows are cast along Kingsland Road South and the open space between the proposed new buildings. The shadows cast throughout the day are short shadows as opposed to longer shadows during the winter solstice. As a result, there is minimal overshadowing impact on neighbouring properties.



Figure 21: Solar Access 9am for existing built form



Figure 21A: Solar Access 9am for proposed precinct building envelope.



Figure 22: Solar Access 12pm for existing built form



Figure 22A: Solar Access 12pm for proposed precinct building envelope.



Figure 23: Solar Access 3pm for existing built form



Figure 23A: Solar Access 3pm for proposed precinct building envelope.

6. Conclusion

This urban design strategy in conjunction with the planning proposal supports and encourages the revised planning controls for greater height, density and change of zone on the subject sites. The Bexley Town Centre is a continually expanding hub for commercial and residential functions which must be enhanced in order to accommodate for the growing population of the area. The rezoning of the subject sites to allowing an increase in maximum height to 19m and a FSR of 2.5:1 would make a valuable contribution to the housing opportunities and diversity in support of the ever growing freight and transport network stemming from Sydney Airport and Botany Bay.

The proposed rezoning of the sites has a strategic planning and urban design merit in terms of satisfying both the local and State government strategic framework, which advocates enhanced densities in LGAs undergoing rapid population growth. The proposed amendments to the zoning will:

- support and complement the Bexley Town Centre's economic functions without challenging or detracting from it;
- assist Rockdale City Council in achieving housing density targets by contributing to the availability of land that is commensurate with the existing centres;
- create a vibrant and dynamic mixed use precinct with a high degree of access and walkability;
- identify and amalgamate sites in ideal locations for potential future development that are currently underutilised;
- strengthen local amenity by providing an increase in critical mass to support existing and future local businesses.

Local Councils in unison with the NSW State government seek to identify suitable locations for the development of housing and employment as outlined by the Plan for Growing Sydney. The subject sites are at an integral location within the Bexley Town Centre to provide for such visions with the proposed land use, height and FSR amendments directly aiding in achieving this goal. Through these amendments they will strengthen the economic vitality of the existing Bexley Town Centre as well as allowing for the increase in residential availability and diversity within an already well-connected area of high amenity.

In terms of the Rockdale Local Environmental Plan 2011, it:

- proposes logical and rational amendments to the LEP zoning, maximum height and FSR development standards that are responsive and appropriate to the local context; and
- proposes the amalgamation of fragmented sites in the local area and utilises Council's development incentives of height and FSR bonus.

With regards to the location and context of the site, it proposes precinct building envelopes that:

- promotes a consistent approach to the local context with a scale that responds to the projected population growth of the local area; and
- responds to the need to maximise the development potential of the area to achieve zone objectives.

The urban design strategy and amendments to land use, height and FSR mapping for the subject sites to allow for expansion of business and residential uses, as well as the consistent application of building bulk within the Bexley Town Centre, is in direct aligned with the visions outlined within the *Rockdale City Urban Strategy 2010*. In particular, the proposed amendments are aimed at supporting the revitalisation and activation of the Bexley Town Centre to allow for greater diversity and to build on the existing economic strengths of the centre, being motel type accommodation, that currently service the visitation and accommodation market. The proposed amendments will assist Rockdale Council to deliver their intended vision of diversifying and enhancing the Bexley Town Centre as a vibrant interconnected community destination.

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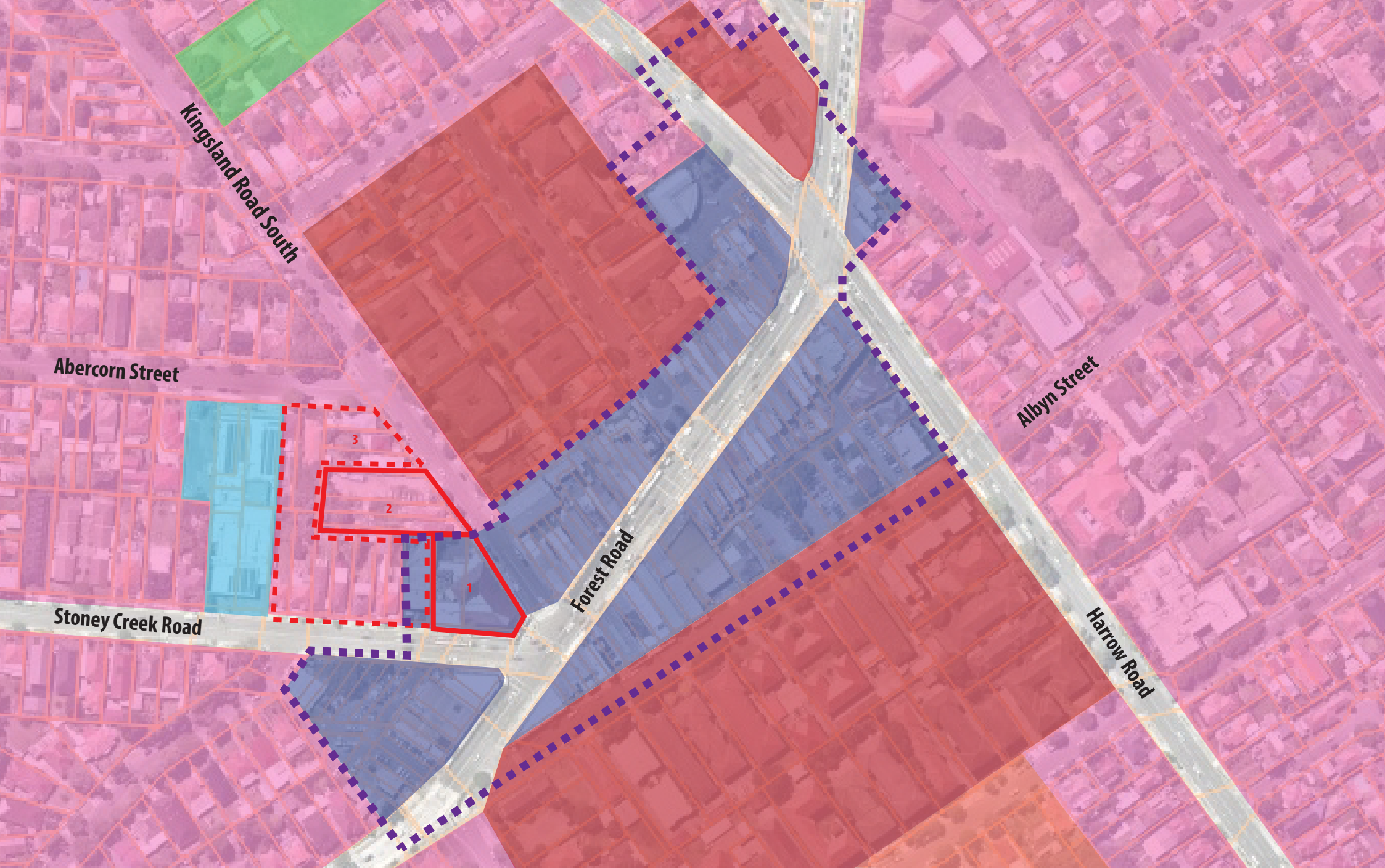
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APPENDIX E – Site and Precinct Analysis Diagrams





LAND USE AND ZONING

- 1. EXISTING HOTEL AND BOTTLE SHOP
- 2. EXISTING RESIDENTIAL DWELLINGS AND VACANT LOT
- 3. RESIDENTIAL - SINGLE DWELLING

RLEP 2011 LAND
USE ZONE LEGEND



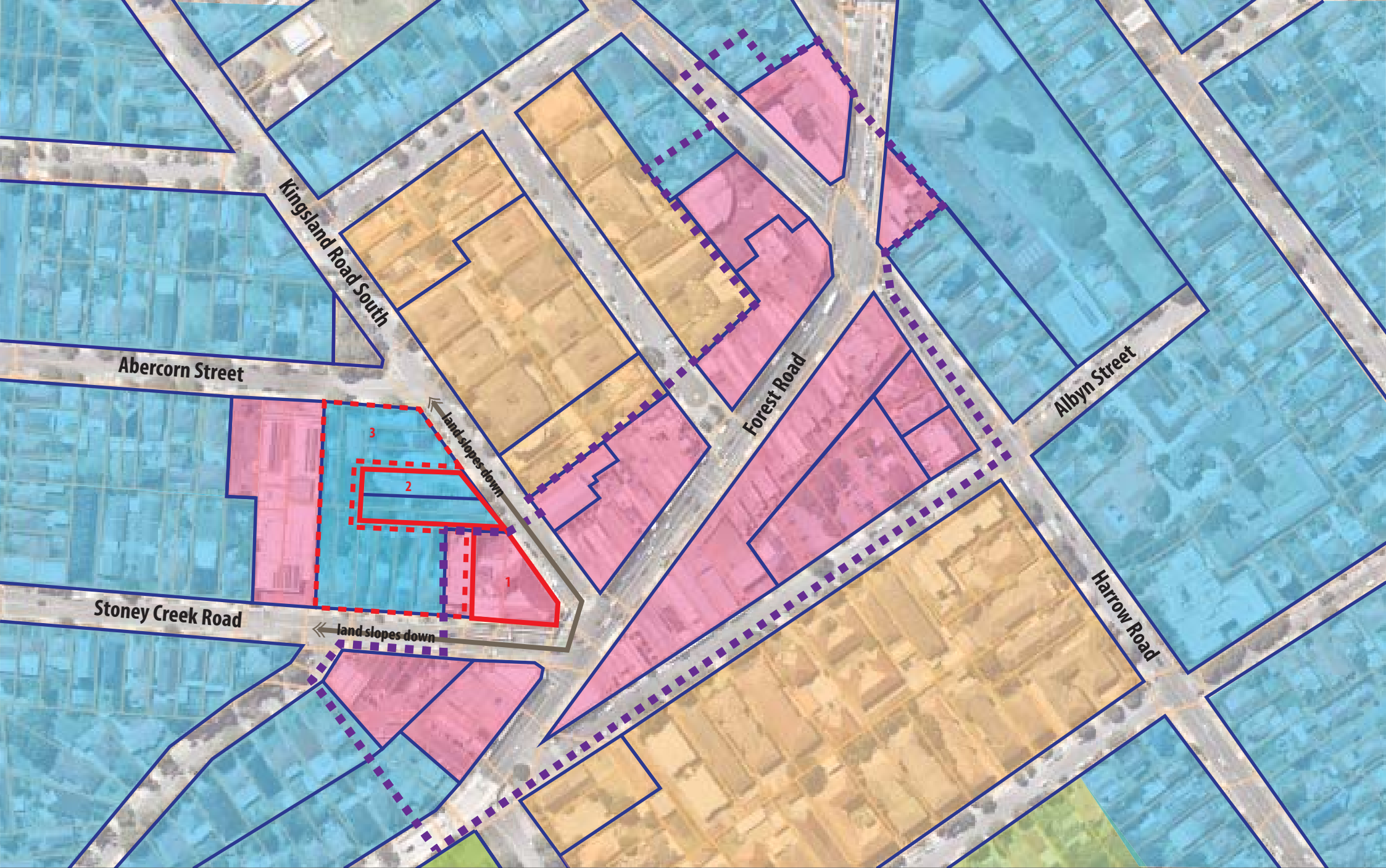


HEIGHT OF BUILDING (METRES)

- 1. EXISTING HOTEL AND BOTTLE SHOP
- 2. EXISTING RESIDENTIAL DWELLINGS AND VACANT LOT
- 3. RESIDENTIAL SINGLE DWELLING

RLEP 2011 MAXIMUM
BUILDING HEIGHT LEGEND





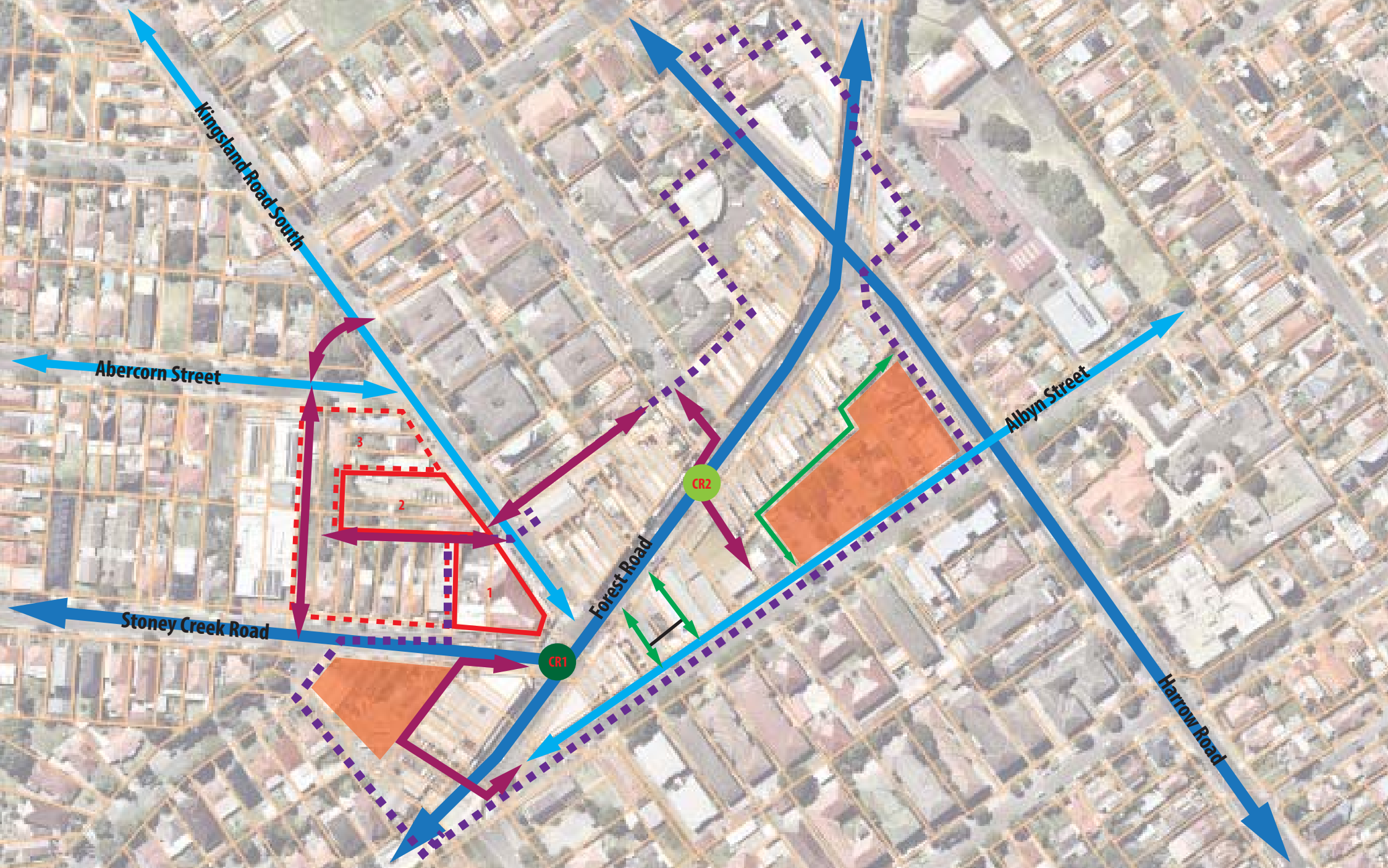
FLOOR SPACE RATIO (FSR)

- 1. EXISTING HOTEL AND BOTTLE SHOP
- 2. EXISTING RESIDENTIAL DWELLINGS AND VACANT LOT
- 3. RESIDENTIAL - SINGLE DWELLING

RLEP 2011
FSR LEGEND

0.5	0.6	1	2	BEXLEY TOWN CENTRE BOUNDARY
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CONNECTIVITY OF SITE AND SURROUNDINGS

- 1. EXISTING HOTEL AND BOTTLE SHOP
- 2. EXISTING RESIDENTIAL DWELLINGS AND VACANT LOT
- 3. RESIDENTIAL - SINGLE DWELLING

- C1. COUNCIL CAR PARK
- C2. COUNCIL CAR PARK
- CR1. MAJOR CROSSING
- CR2. MINOR CROSSING

- PRIMARY STATE CLASSIFIED ROADS
- SECONDARY ROADS
- EXISTING LINKS
- PROPOSED LINKS

BEXLEY TOWN
CENTRE BOUNDARY





APPENDIX F – Traffic and Parking Assessment



PARKING & TRAFFIC

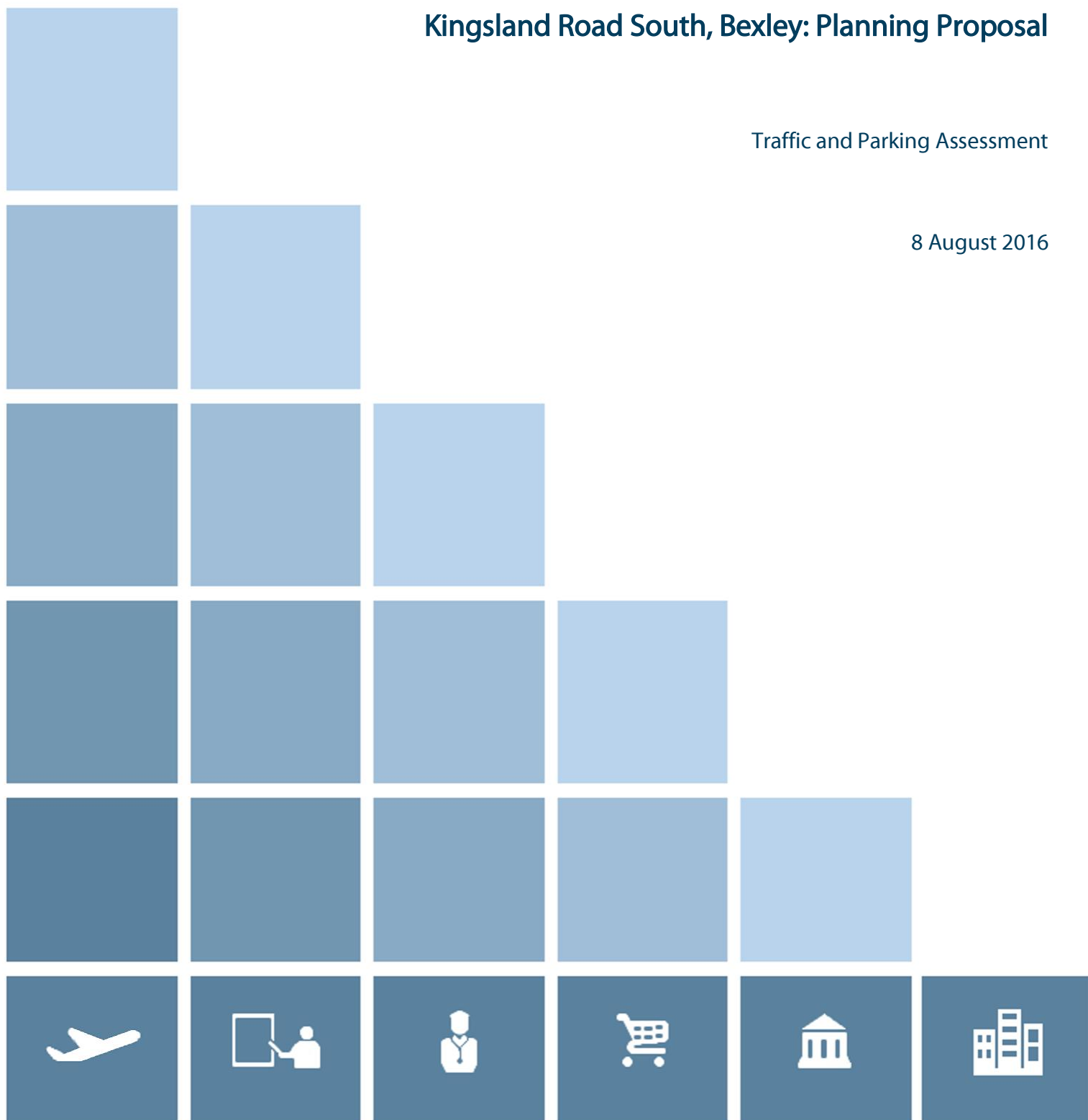
CONSULTANTS

Driving success through valuable advice

Kingsland Road South, Bexley: Planning Proposal

Traffic and Parking Assessment

8 August 2016



Document Control

Our Reference: T2-1711, Kingsland Road South, Bexley: Planning Proposal , Traffic and Parking Assessment

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1 Introduction

1.1 Project Summary

Parking and Traffic Consultants (PTC) has been engaged by TPG Town Planning and Urban Design to prepare a Traffic and Parking Assessment to accompany a Planning Proposal to assess the potential rezoning of properties located in the vicinity of Bexley Town Centre.

1.2 Purpose of this Report

This report presents the following considerations in relation to the Parking assessment of the Proposal:

- Section 2 - A description of the Planning Proposal project,*
- Section 3 - A description of the road network and public transport opportunities serving the development property,*
- Section 4 - An assessment of the existing and post development traffic conditions on the local road network,*
- Section 5 - Assessment of the required parking provisions in the context of relevant planning control requirements,*
- Section 6 - Conclusion.*

2 Planning Proposal

2.1 Subject Site

The site is located on the north-west corner of Stoney Creek Road and Kingsland Road South in Bexley.

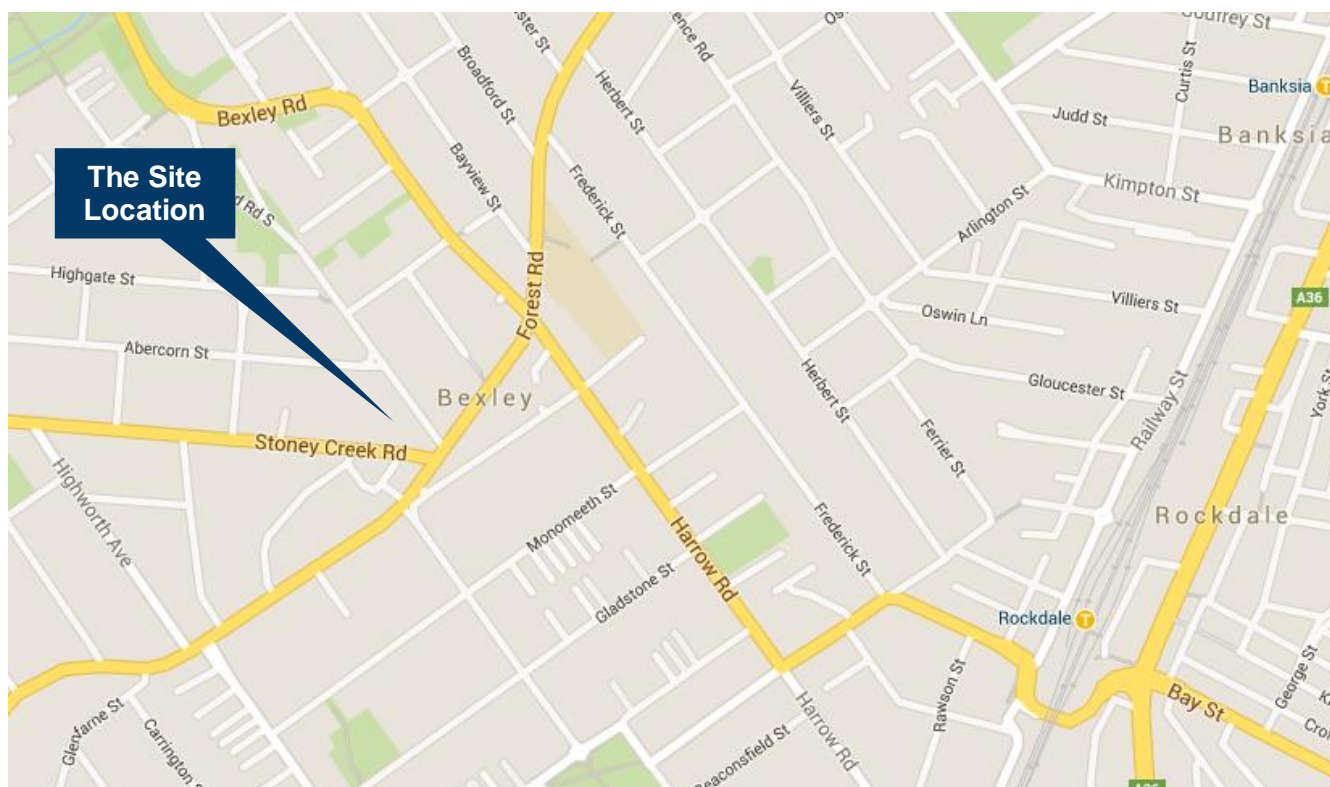


Figure 1 - Site Location

The site comprises 18 properties, which are best described in the following table, which is sourced from the Planning Proposal prepared by TPG:

Site Number	Number	Street
Site 1	467	Forest Road
Applicant Ownership	467	Forest Road
Site 2	1	Kingsland Road South
Applicant Ownership	3	Kingsland Road South
	5	Kingsland Road South
Site 3	1	Abercorn Street
Differing Land Tenure	3	Abercorn Street
	7	Kingsland Road South
	9	Kingsland Road South
	11	Kingsland Road South
	6	Stoney Creek Road
	8	Stoney Creek Road
	8A	Stoney Creek Road
	10	Stoney Creek Road
	12	Stoney Creek Road

	14	Stoney Creek Road
	16	Stoney Creek Road
	18	Stoney Creek Road

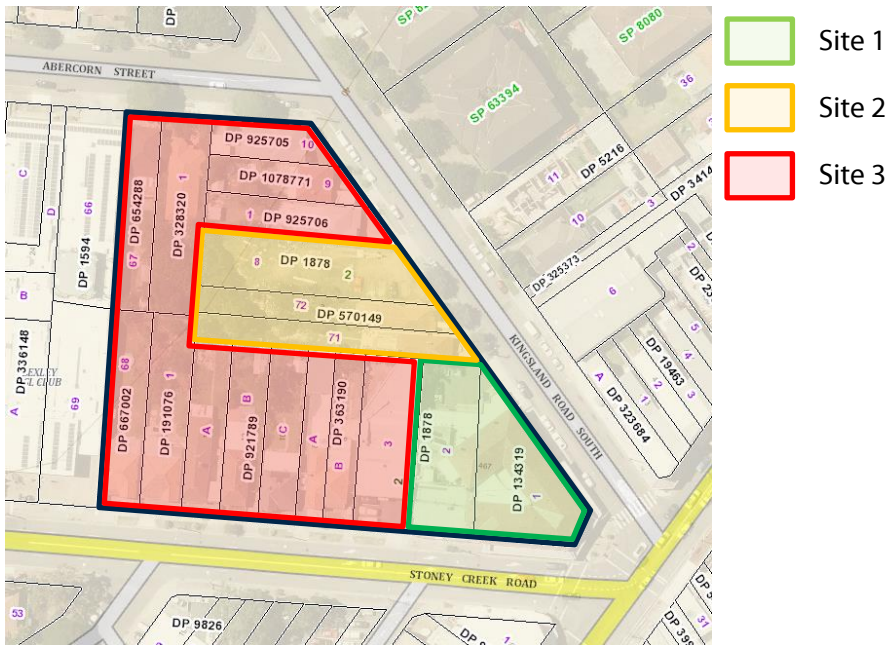


Figure 2 - The Site Properties

According to the Rockdale Council Local Environmental Plan 2011 the properties are zoned R2 Low Density Residential other than 467 Forest Road, which is zoned B4 'Mixed Use' (the Forest Inn Hotel).

The total combined site area is approximately 8,970m² and accommodates 13 detached dwellings, the Forest Inn Hotel and an adjoining commercial building.

The immediate surrounds of the site are typically mixed use and residential in character.

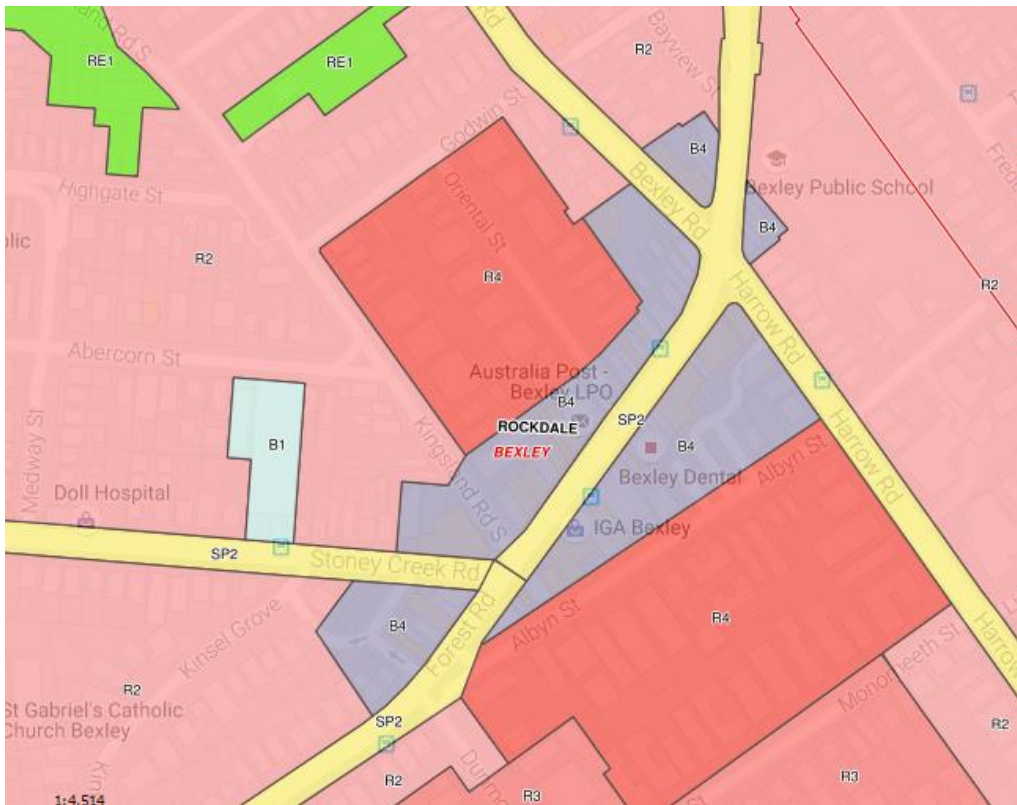


Figure 3 - Land Zone



Figure 4 - Site Aerial Plan

2.2 Planning Proposal Objectives

This Planning Proposal seeks to amend the Rockdale LEP 2011 to increase the density of the properties through rezoning and amended building heights and FSR. Details of the existing and proposed planning controls are detailed in the Planning Proposal prepared by TPG as part of this application, however in relation to the traffic and parking considerations, the potential yield of the overall site is the key outcome.

The proposed B4 Mixed-use zone across the site would permit a higher density of residential development or hotel / accommodation type land uses, within the constraints of the proposed FSR (2.5:1) and height limits.

For the purposes of analysis of the potential impact of additional population that could be generated as a result of the Planning Proposal, the table below has been established, which includes yields developed from indicative concept plans for the site and the principles of highest/best use. They are provided only for the purpose of analysis as a potential high capacity outcome for the site. It is noted that the Forest Inn is to remain in its current configuration.

Option	Building 1		Building 2		Building 3		Entire Site
	Use	Potential motel rooms / Units	Use	Potential motel rooms / Units	Use	Potential motel rooms / Units	Potential motel rooms / Units
1	Hotel	78	Hotel	42	Hotel	49	169
2	Hotel	78	Hotel	42	Residential	31	151
3	Hotel	78	Residential	27	Residential	31	136
4	Residential	36	Residential	27	Residential	31	94

3 Existing Transport Facilities

3.1 Road Hierarchy

The road network servicing the area comprises a number of local roads with nearby connections with state roads, making the site accessible from different regions of the metropolitan area as shown in Figure 5.



Figure 5 - Road Hierarchy (Source: RMS Road Hierarchy Review)

The NSW administrative road hierarchy comprises the following road classifications, which align with the generic road hierarchy as follows:

- State Roads - Freeways and Primary Arterials (RMS Managed)
- Regional Roads - Secondary or sub arterials (Council Managed, Part funded by the State)
- Local Roads - Collector and local access roads (Council Managed)

The road network serving the site includes:

Forest Road

Road Classification	State Road
Alignment	North - South
Number of Lanes	2 travel lanes including 1 parking lane in each direction of travel (outside clearway hours)
Carriageway Type	Un-divided
Carriageway Width	12.5metres
Speed Limit	50kph
School Zone	No
Parking Controls	Northbound: No Stopping: 1/2P 10am-6pm Mon-Fri: 1/2P 8:30am-12:30pm Saturday: Clearway 6am-10am Mon-Fri Southbound: No Stopping: 1/2P 8:30am-3pm Mon-Fri: 1/2P 8:30am-12:30pm Saturday: Clearway 3pm-7pm Mon-Fri
Forms Site Frontage	No

Table 1 - Existing Road Network – Forest Road



Figure 6 - Forest Road – Southbound

Stoney Creek Road

Road Classification	State Road
Alignment	East - West
Number of Lanes	2 travel lanes including 1 parking lane in each direction of travel (outside clearway hours)
Carriageway Type	Un-divided
Carriageway Width	12metres
Speed Limit	50kph
School Zone	No
Parking Controls	Eastbound: No Parking: Clearway 6am-10am Mon-Fri Southbound: No Parking: 1/2P 8:30am-3pm Mon-Fri: 1/2P 8:30am-12:30pm Saturday: Clearway 3pm-7pm Mon-Fri
Forms Site Frontage	No

Table 2 - Existing Road Network – Stoney Creek Road



Figure 7 - Stoney Creek Road – Eastbound

Kingsland Road South

Road Classification	Local Road
Alignment	East - West
Number of Lanes	1 travel lane including 1 parking lane in each direction of travel
Carriageway Type	Un-divided
Carriageway Width	11metres
Speed Limit	50kph
School Zone	No
Parking Controls	1P 8:30am-6pm Mon-Fri: 1P 8:30am-12:30pm Saturday
Forms Site Frontage	Yes

Table 3 - Existing Road Network – Kingsland Road South



Figure 8 - Kingsland Road South – Eastbound

3.2 Public Transport

In assessing the accessibility of the site using public transport, reference is made to the NSW Planning Guidelines for Walking and Cycling (2004) (the Cycling and Walking Guide). This document recommends that a distance of 400-800m is a walkable catchment to access public transport and local amenities and 1.5km for cycling. Further details identifying the accessibility of these services are provided below.

3.2.1 Trains

The site is located approximately 1.7km south-west of Rockdale railway station as shown in Figure 11 (5 min drive or 20 min walk). The station is served by T4 Eastern Suburbs and Illawarra line, which operate typically at 15 minutes intervals through the day providing a direct connection to Sydney CBD and Sydney Domestic and International airport via the T2 line.

The station location would provide opportunity for patrons of the motel to travel to and from the city or the airport via taxi/train combination.

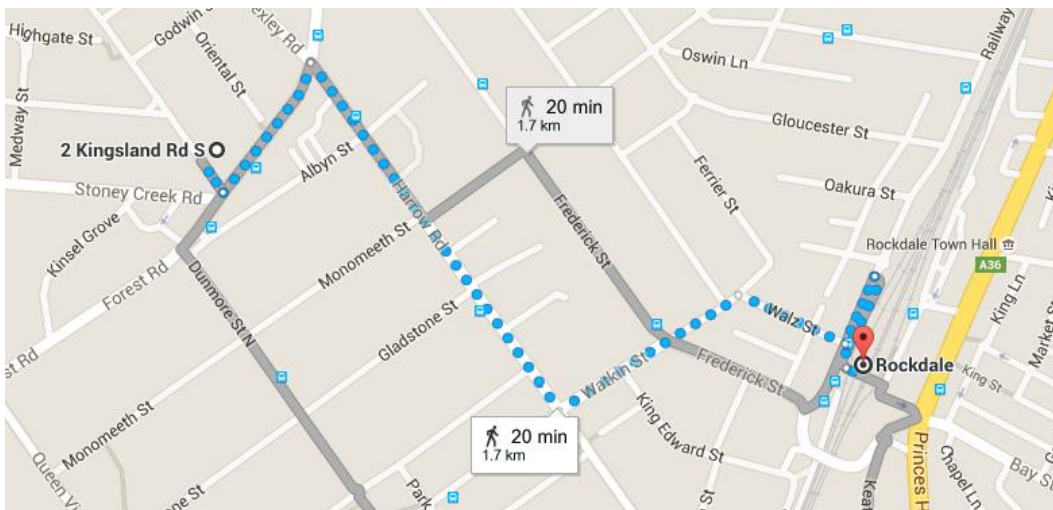


Figure 9 - Rockdale Train Station



Figure 10 - Sydney Trains Network

3.2.2 Bus Services

The site is well serviced by buses that provide for three (3) bus routes options and stops within 200m of the site. The locations are identified in Figure 11 with details of each service presented in Table 4.

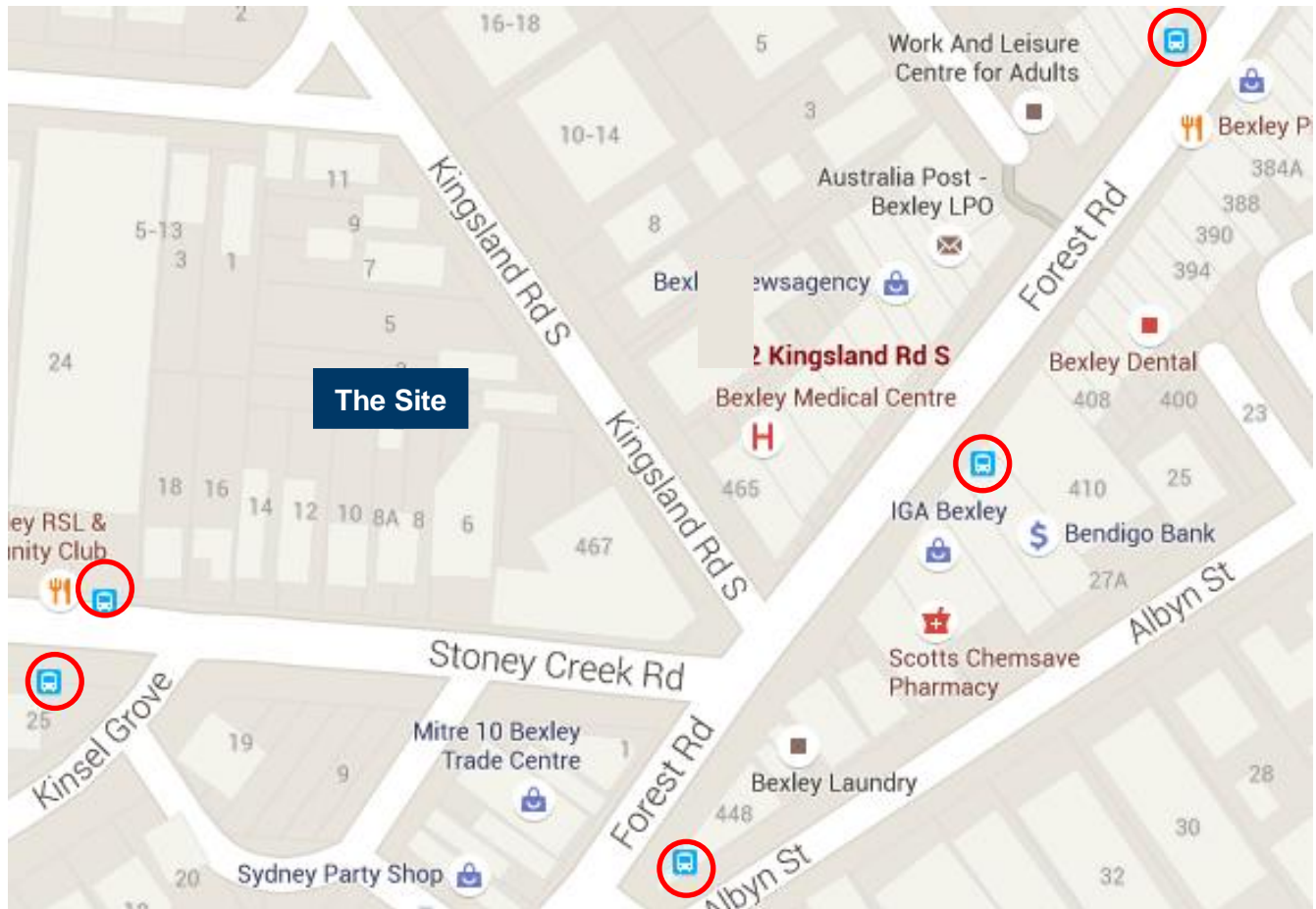


Figure 11 - Public Transport Opportunities

Route No.	Frequency	Coverage
452	Weekdays: 20 minute intervals Weekends: 30 minute intervals	Beverly Hills - Rockdale via Hurstville
492	Weekdays: 30 minute intervals Weekends: 30 minute intervals	Drummoyne-Rockdale
493	Weekdays: 60 minute intervals Weekends: N/A	Rockdale-Roselands

Table 4 - Bus Service Summary

3.2.3 Sydney Airport

Sydney International and Domestic airports are located approximately 4km (International) and 8km (Domestic) northeast of the motel, providing a short drive of 10-15mins for patrons of the motel. Sydney Airport is a major transport hub providing connection to domestic and international flights for business and tourists, which potentially could utilise the motel facilities and reduce the necessity of car park use within the motel grounds, by utilising public transport or taxi services.

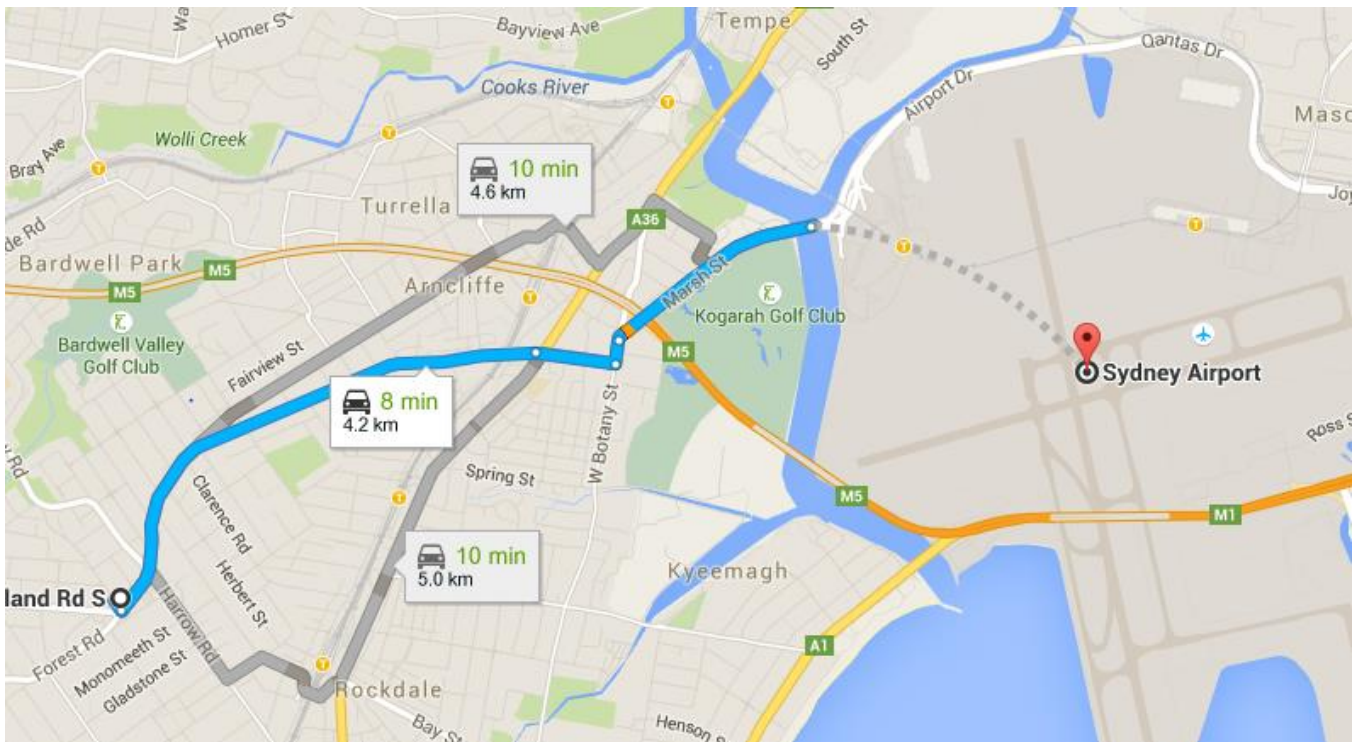


Figure 12 - Sydney Airport Access

3.3 Westconnex

The Westconnex project is currently in the planning and design stage. In preparation for construction and according to the traffic modelling presented in the EIS most surface roads in the vicinity of the Westconnex project will see a reduction in the weekday average traffic volume. As a result of the Westconnex project there are a number of roads where reductions across the network will result in increases on certain roads. This will include Stoney Creek Road, where a slight increase in traffic volume is expected. However, this will likely be offset by improved travel times in the nearby road network.

The maximum yield of the Planning Proposal generates a traffic volume that is insignificant in the context of the Westconnex project and the related impacts and improvements to traffic conditions on the broader network.

4 Development Traffic Assessment

4.1 Existing Traffic Volumes

In order to assess the current traffic conditions at the intersections on Forest Road at Stoney Creek Road and Kingsland Road, traffic surveys were undertaken to ascertain the traffic conditions on the typical weekday peak periods within a school term.

Intersection surveys were performed on 15th June 2016 during the following times to record the AM and PM peak activity surrounding the development site:

- 7:00am – 9:00am and
- 4:00pm and 6:00pm.

The traffic survey results indicate that the road network peaks occurred at:

- 8:00am to 9:00am and
- 4:15pm to 5:15pm

Therefore, these hours have been adopted as the peak periods for the purpose of assessing the impacts of increased traffic resulting from the proposed development.

4.2 Existing Situation Intersection Modelling

The operation of the intersection has been assessed using the SIDRA intersection performance assessment software.

The SIDRA software package is designed to assess the operation of single intersections, with some provisions for coordinated vehicle arrivals, as well as providing various performance indicators (Level of Service, Average Delay, etc.). In the case of a signalised intersection, SIDRA is able to determine the most efficient traffic signal phasing and timings within given parameters, e.g. a fixed cycle length.

Typically there are four performance indicators used to summarise the performance of an intersection, being:

- Degree of Saturation – The total usage of the intersection expressed as a factor of 1 with 1 representing 100% use/saturation. (e.g. 0.8 = 80% saturation)
- Average Delay – The average delay encountered by all vehicles passing through the intersection. It is often important to review the average delay of each approach as a side road could have a long delay time, while the large free flowing major road traffic will provide an overall low average delay.
- Level of Service – This is a categorisation of average delay, intended for simple reference. RMS adopts the bands, defined in Table 5 below.
- 95% Queue lengths (Q95) - is defined to be the queue length in metres that has only a 5-percent probability of being exceeded during the analysis time period. It transforms the average delay into measureable distance units.

Level of Service	Average Delay (secs/vehicle)	Traffic Signals, Roundabout	Give Way & Stop Signs
A	<14	Good operation	
B	15 to 28	Good with acceptable delays & spare capacity	Acceptable delays & spare capacity
C	29 to 42	Satisfactory	Satisfactory, but accident study required
D	43 to 56	Operating near capacity	Near capacity & accident study required
E	57 to 70	At capacity. At signals, incidents would cause excessive delays. Roundabouts require other control mode	At capacity, requires other control mode
F	>70	Extra capacity required	Extreme delay, major treatment required

Table 5 - Intersection Performance - Levels of Service – RMS

A summary of the SIDRA results is presented in Table 6.

Peak Period	Intersection	Level of Service	Average Delay (secs)	Degree of Saturation	95% Queue Length (m) ¹
Weekday AM Peak	Stoney Creek Road / Forest Road	B	22.7	0.671	119.1
	Forest Road / Kingsland Road	A	1.0	0.156	2.4
Weekday PM Peak	Stoney Creek Road / Forest Road	C	35.0	0.948	155.5
	Forest Road / Kingsland Road	A	0.8	0.159	1.4

Table 6 – Summary of SIDRA Outputs Results (Existing Operation)

The results indicate that the intersections provide sufficient capacity to accommodate the current traffic volumes in the AM Peak and PM Peak.

¹ Resulting 95%-ile queue reported for the approach exhibiting the greatest vehicle queuing.

4.3 Development Traffic Generation

Based on the property zoning being sought by this Planning Proposal, there is the potential for the site to accommodate residential and Hotel uses. In order to estimate the traffic activity associated with the site, reference is made to the following trip generation guides, which have been applied to the development scenarios described in Section 2.2.

- Hotel Component;
 - 'Casual Accommodation' - RMS Guide to Traffic Generating Developments (2002)
- Residential Component;
 - 'High density residential flat buildings' – RMS Technical Direction, TDT 2013/04

4.3.1 Residential Traffic Generation Rates

The TDT 2013/14 is based on recent surveys conducted for high-density residential flat buildings across the Greater Sydney Region. It is currently considered to be the most relevant guide to estimating traffic generations for residential flat buildings containing (20) or more dwellings. This guide suggests the following rates:

- AM Peak Hour Rate: 0.19 trips / unit;
- PM Peak Hour Rate: 0.15 trips /unit.

4.3.2 Hotel Traffic Generation Rates

For traffic generation purposes, a tourist hotel best describes the proposed hotel, however no traffic generation data is available for NSW. The hotel is located in an environment that benefits from good access to public transport links.

The guide provides a rate for motel use and based on 100% occupancy, recommends a trip generation of 0.4 trips per unit (or room in this case) during the evening peak hour. No rate is presented for the morning peak, however there is no evidence to suggest it would be higher or lower than the evening peak.

This rate is considered conservative and motels would generally be located outside a metropolitan environment and would rely predominately of car usage. However as no trip generation data is available for hotels, this conservative rate has been adopted.

4.4 Traffic Impact Assessment

The proposed development is estimated to generate the following volumes, with comparison to the existing volumes, shown in the following tables.

	Use	Units / Rooms	AM Trips	PM Trips
Building 1	Hotel	78	31	31
Building 2	Hotel	42	17	17
Building 3	Hotel	49	20	20
Entire site		169	68	68

Table 7 - Development Option 1 Traffic Generation

	Use	Units / Rooms	AM Trips	PM Trips
Building 1	Hotel	78	31	31
Building 2	Hotel	42	17	17
Building 3	Residential	31	6	5
Entire site		151	54	53

Table 8 - Development Option 2 Traffic Generation

	Use	Units / Rooms	AM Trips	PM Trips
Building 1	Hotel	78	31	31
Building 2	Residential	27	5	4
Building 3	Residential	31	6	5
Entire site		136	42	40

Table 9 - Development Option 3 Traffic Generation

	Use	Units / Rooms	AM Trips	PM Trips
Building 1	Residential	36	7	5
Building 2	Residential	27	5	4
Building 3	Residential	31	6	5
Entire site		94	18	14

Table 10 - Table 10 - Development Option 4 Traffic Generation

Given the larger traffic generation rates associated with Hotel rooms rather than residential apartments, it is evident that Option 1, which comprises 100% hotel use, results in the highest and worst-case traffic activity. Option 1 is unlikely to occur in that the development will most likely seek to balance the two uses, however this option has been applied to the intersection model in order to confirm the extent of any traffic impacts.

The data indicates that the projected peak hour generation of vehicles resulting from Option 1 will result in 68 vehicle trips during the AM and PM peak periods.

The development site is proposed on a site with potential existing uses in operation and a peak hour traffic generation of approximately 18 vehicle trips (based on the 18 existing dwellings and commercial building).

If the projected traffic generation of the proposal is compared against the existing land uses, it is evident that Option 1 could generate an additional 50 vehicle trips, while Option 4 (being entirely residential) would result in no net increase in traffic activity.

4.5 Intersection modelling

The results of this analysis are presented in Table 11 below.

Peak Period	Intersection	Level of Service	Average Delay (secs)	Degree of Saturation	95% Queue Length (m) ²
Weekday AM Peak	Stoney Creek Road / Forest Road	B	22.8	0.678	123.2
	Forest Road / Kingsland Road	A	1.4	0.160	4.0
Weekday PM Peak	Stoney Creek Road / Forest Road	C	36.3	0.963	154.4
	Forest Road / Kingsland Road	A	1.1	0.169	2.3

Table 11 - Summary of SIDRA Outputs Results (Post Development)

The results indicate that the worst-case traffic scenario (based on a development comprising entirely hotels) has a very minimal impact on the operation of both intersections, with only very slight changes to the key indicators. It is evident that the alternative options, which comprise a more likely mix of hotel rooms and apartments, will all result in less impact and can be accommodated within the existing road network.

² Resulting 95%-ile queue reported for the approach exhibiting the greatest vehicle queuing.

5 Parking Provision

5.1 Planning Policy Requirements

The parking provision for the Planning Proposal has been established based on the standard practice of reference to published data including:

- Rockdale Council Development Control Plan 2011 (RDCP2011),
- RMS Guide to Traffic Generating Developments (the RMS Guide),
- Institute of Transport Engineers (ITE) Parking Generation,
- Surrounding Council DCP requirements for comparable developments.

5.1.1 Rockdale Council Development Control Plan Requirements

The parking requirements associated with residential flat buildings are presented in Part 4.6 of the DCP as follows:

- 1 space per studio, 1 and 2 bedroom apartments,
- 2 spaces per 3 bedroom apartment,
- Visitor parking is to be provided at a rate of 1 space per 5 dwellings.

For the purposes of the Planning Proposal, it has been assumed that the apartment mix will be in the order of:

- 10% - studios and 1 bedroom apartments
- 80% - 2 bedroom apartments
- 10% - 3 bedroom apartments.

The DCP stipulates that where a parking rate has not been specified, the RMS Guide is to be used to calculate the parking requirements for the proposed development. Alternatively, a parking study may be used to determine the parking.

The table within the DCP does not specify parking rates for hotels, therefore reference is made in line with the DCP and standard engineering practice to alternate parking provision resources including:

- RMS Guide to Traffic Generating Developments,
- Institute of Transport Engineers (ITE) Parking Generation,
- Surrounding Council DCP requirements for comparable developments.

5.1.2 RTA (RMS) Guide to Traffic Generating Developments Requirements

The RMS Guide defines a motel as a building used substantially for overnight accommodation. The guide recommends the number of off-street car parking spaces as:

- 1 space for each motel room, plus
- 1 space per 2 employees.

5.1.3 Institute of Transport Engineers (ITE) Parking Generation

The ITE has published a Parking Generation Guideline, which has been developed upon surveyed information, to guide practitioners on potential parking demands for various types of developments including motels. The ITE Parking Generation guide considers a motel as a place of lodging that provides sleeping accommodation and possibly a restaurant. There is typically little or few other supporting facilities (i.e. as meeting rooms). It is considered the subject development is of similar in nature with the results of the ITE guide providing guidance for the potential parking demand required for the subject motel.

The guide concluded that for a motel:

- The average peak parking demand was 0.71 vehicles per occupied room,
- The 85th percentile peak parking demand of 0.85 vehicles per occupied room.

Based upon this results it can be seen that parking utilisation for motel facilities could be less than the RMS rate of 1 space per room, particularly also giving consideration of the overall utilisation of the motel occupancy which may not be always at 100%.

5.2 Parking Provision Requirements

Application of the parking requirement rates to the development options is summarised in the following Table:

Table 12 - Development Option 1 Parking Requirements

	Use	Units / Rooms	DCP / RMS Rate	Spaces	ITE Rate	Spaces
Building 1	Hotel	78	1	78	0.85	66
Building 2	Hotel	42	1	42	0.85	36
Building 3	Hotel	49	1	49	0.85	42
Entire site		169		169		144

Table 13 - Development Option 2 Parking Requirements

	Use	Units / Rooms	DCP / RMS Rate	Spaces	ITE Rate	Spaces
Building 1	Hotel	78	1	78	0.85	66
Building 2	Hotel	42	1	42	0.85	36
Building 3	Residential					
	1 bed	3	1	3		3
	2 bed	25	1	25		25
	3 bed	3	2	6		6
	Visitors	31	0.2	6		6
Entire site		151		160		142

Table 14 - Development Option 3 Parking Requirements

	Use	Units / Rooms	DCP / RMS Rate	Spaces	ITE Rate	Spaces
Building 1	Hotel	78	1	78	0.85	66
Building 2	Residential					
	1 bed	3	1	3		3
	2 bed	21	1	21		21
	3 bed	3	2	6		6
	Visitors	27	0.2	5		5
Building 3	Residential					
	1 bed	3	1	3		3
	2 bed	25	1	25		25
	3 bed	3	2	6		6
	Visitors	31	0.2	6		6
Entire site		136		153		141

Table 15 - Development Option 4 Parking Requirements

	Use	Units / Rooms	DCP / RMS Rate	Spaces
Building 1	Residential			
	1 bed	4	1	4
	2 bed	28	1	28
	3 bed	4	2	8
	Visitors	36	0.2	7
Building 2	Residential			
	1 bed	3	1	3
	2 bed	21	1	21
	3 bed	3	2	6
	Visitors	27	0.2	5
Building 3	Residential			
	1 bed	3	1	3
	2 bed	25	1	25
	3 bed	3	2	6
	Visitors	31	0.2	6
Entire site		94		122

6 Vehicular Access

The site currently comprised of 18 properties, most having access from the road frontages of Stoney Creek Road, Kingsland Road South and Abercorn Street. This totals 14 driveways, including the Forest Inn car park.

The consolidation of the properties which is likely to happen as a result of this planning proposal will form two sites plus the existing Forest Inn motel. This provides the opportunity to reduce the number of access driveways, which in turn, improves traffic flow of the road frontages, through reduced friction, and also improved pedestrian amenity through limited interaction across the footpaths.

There are several opportunities to provide vehicle access to future consolidated sites;

- Site 1 is likely to remain as the Forest Inn Motel, retaining the existing driveway access from Kingsland Road South.
- Site 2 has a frontage only to Kingsland Road South. The likely consolidation of these three properties will restrict access to this frontage, replacing several existing driveways,
- Site 3 has frontages to Abercorn Street and Stoney Creek Road. Stoney Creek Road is classified as a State Road and under the SEPP Infrastructure new development it is required to access alternative frontages where feasible. In this regard access to Site 3 would be considered appropriate from Abercorn Street, with secondary access from Stoney Creek Road to minimise the impact on Abercorn Street, i.e. to distribute the movements evenly across the network.

Access arrangements will enable access to basements and at-grade parking as well as service areas for larger vehicles. Indicative potential access locations are shown in Figure 13.

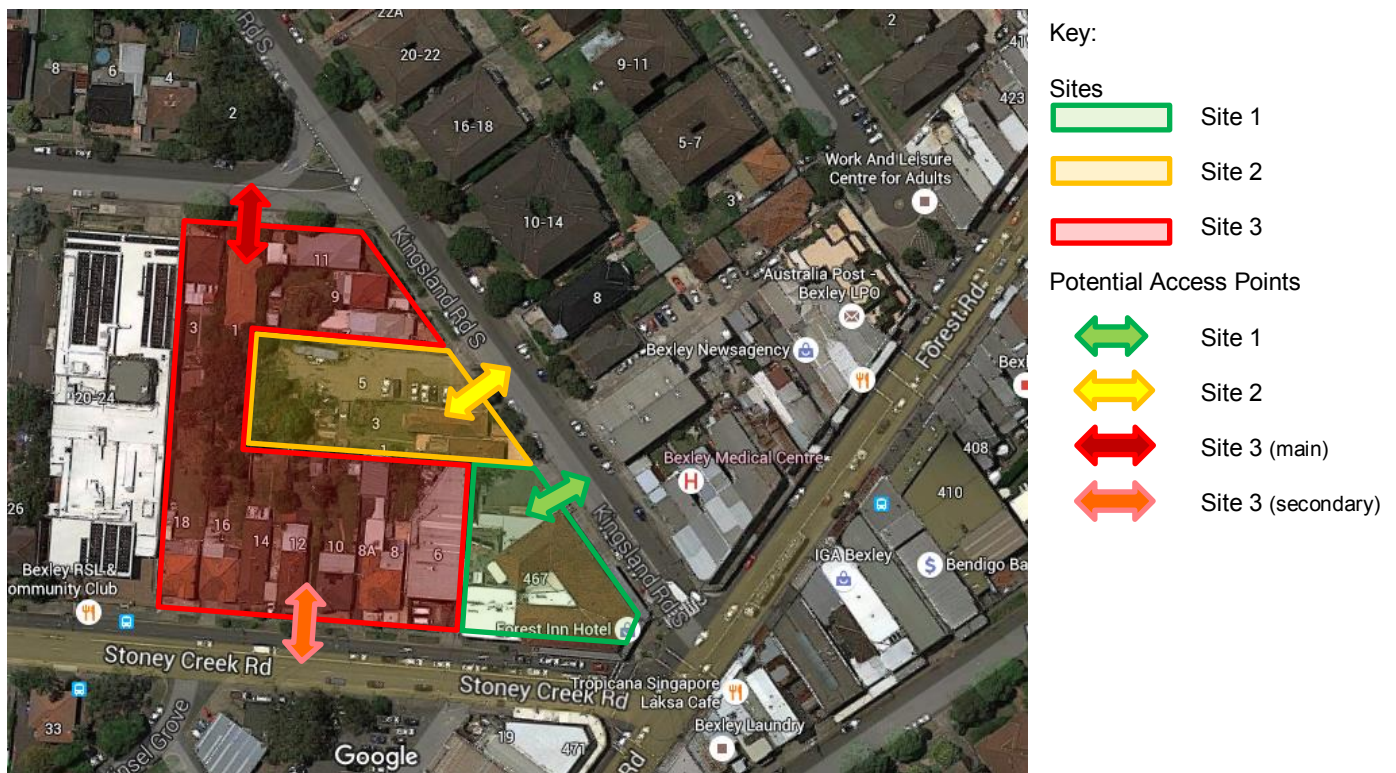


Figure 13 – Indicative Potential Access to Site

7 Conclusion

This assessment has concluded that the Planning Proposal which has the potential to facilitate a maximum development outcome of up to 169 hotel rooms will have minimal impact on the local road network and that a parking provision of up to 169 spaces could be required. Although data from comparable sources indicates that the maximum parking provision could be 144 spaces.

The proposed planning control changes of the properties would enable the development of multiple buildings providing a mix of residential apartments and hotel rooms. The Planning Proposal does not propose a particular mix, however this report presents 4 potential development outcomes ranging from a worst-case scenario of an entire hotel development to a low impact option being entirely residential.

The hotel represents the worst-case in terms of traffic impact and parking requirements as the traffic generation data and parking provision requirements are the highest of the two possible land uses. This assessment has concluded that the surrounding intersections provide sufficient capacity during the AM and PM peak to accommodate the additional traffic activity.

The maximum requirement for parking would be 169 parking spaces based on the hotel option and by applying the RMS requirements (although alternative data subjects this is a high provision). At approximately 32m² per car space, this would require a total area of 5,400m² within the future proposed development. This could clearly be provided and accommodated through a mix of at-grade and basement parking within a single level.

APPENDIX G – Economic Analysis

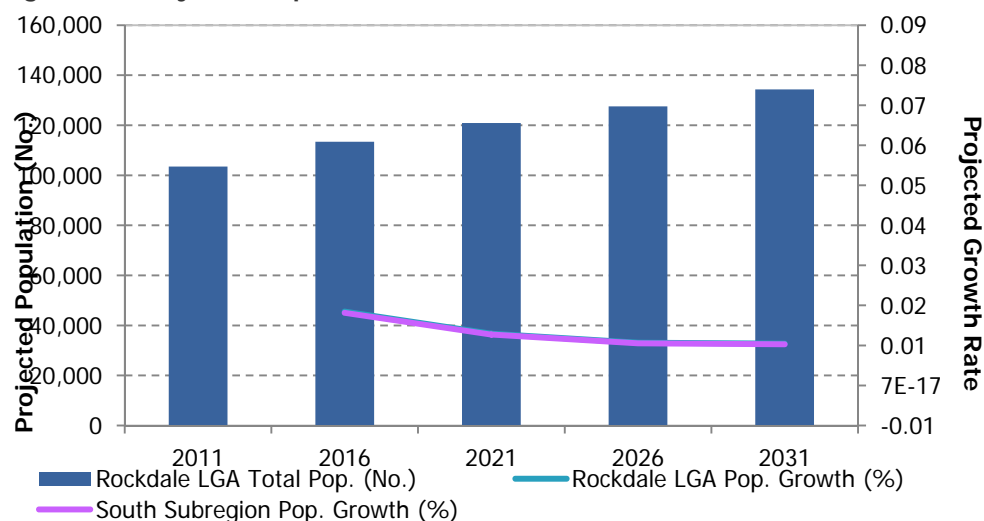
The Demands of Growth

Our analysis suggests that there is growing pressure on existing residential and commercial floorspace in the Rockdale LGA. This is brought about on several fronts, new growth as well as current floorspace requirements which are evolving:

- **New residents**

By 2031, it is expected that Rockdale LGA's resident population will grow to 134,335, an average annual increase of 1.3% in the 20 years to 2031. This rate is similar to that predicted for the South Subregion.

Figure 1.1: Projected Population Growth, Rockdale LGA, 2011 - 2031

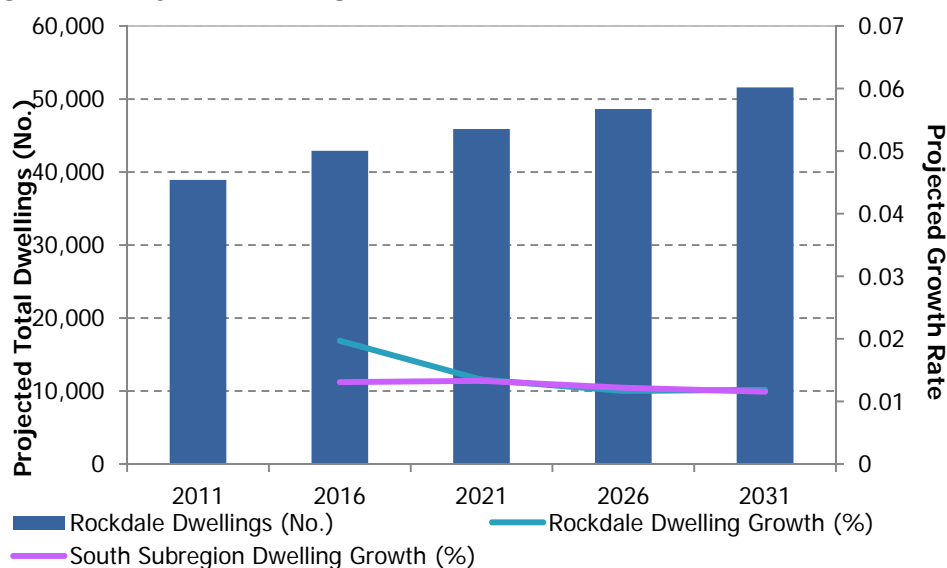


Source: BTS (2014)

- **Demand for residential floorspace**

By 2031, it is expected the total number of dwellings in Rockdale will grow to 51,587, an average annual increase of 1.4% in the 20 years to 2031. This rate is higher than that of the South Subregion (1.3%).

Figure 1.2: Projected Dwelling Growth, Rockdale LGA, 2011 – 2031

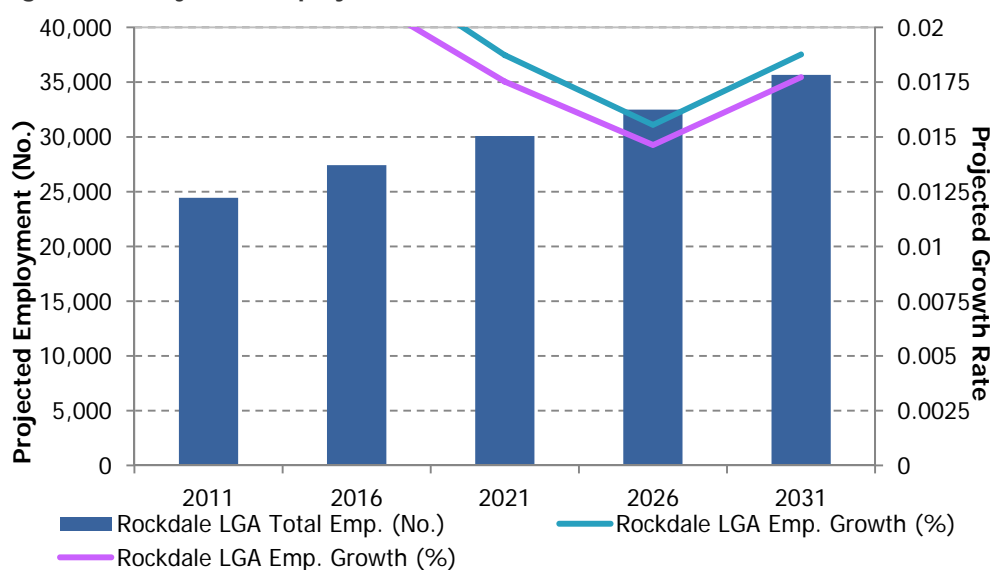


Source: BTS (2014)

- **New workers**

By 2031, it is expected that Rockdale LGA's worker population will grow to 35,662, an average annual increase of 1.9% in the 20 years to 2031. This rate is similar to that predicted for the South Subregion.

Figure 1.3: Projected Employment Growth, Rockdale LGA, 2011 – 2031



Source: BTS (2014)

Need for the Proposal

This analysis demonstrates that in order to accommodate future growth in the Rockdale LGA additional floorspace will be needed for both residential and employment uses. The Planning Proposal aims to cater to some of this demand by seeking a rezoning to allow for residential units as well as the possibility of a hotel/motel which would provide employment.

Challenges of Accommodating Growth on Infill/Brownfield Sites

Brownfield/infill land located within towns and cities is often in an excellent location to redevelop in order to leverage existing infrastructure. There are ample brownfield sites in Sydney, however, often they lie undeveloped to their full potential.

The reasons for this lack of development are complex. A key point may be that the construction sector is overly reliant on profit driven, large-scale house builders looking to maximise value from each new home sold and to capitalise on cost efficiencies to boost profitability. The inevitable result is that the land which is the cheapest to purchase and the most efficient to develop will be targeted.

Commercial viability is a key obstacle that prevents brownfield/infill development. To carry out construction, developers require profit levels of between 15% and 25% while they also need to factor into appraisals a realistic price that will incentivise landowners to part with their land.

Due to the high expense of the development process and multiple landowners with often unrealistic perceptions about how much a developer can pay to secure their land, brownfield sites are often perceived as unviable. Complex land ownership structures on brownfield sites hinder development.

Brownfield land can often have significant physical issues that increase site preparation costs. While contamination is often cited as a key issue, developers can also face abnormal costs such as the relocation of underground services/utility infrastructure, demolition of existing buildings and the irregular shape of multiple plots of land required for site assembly. These abnormal costs can severely impact upon the viability of development schemes.

Enabling Redevelopment and Renewal

Fundamentally, in order for developers to consider re-developing a Site the new use needs to be valuable enough to displace the existing uses. In order to determine whether there is incentive for a developer to carry out development on Site 2 and Site 3, we have assessed the value of Site 2 and Site 3 in the following context:

- Value in its existing use (i.e. Site 2, two residential detached dwellings and one vacant lot and Site 3, twelve residential detached dwellings and one commercial building); and
- Value as a potential development site (should the land be rezoned to B4 Mixed Use). This considers Site 2 and Site 3 from the perspective of the land owner.

Under the current planning controls, Site 2 and Site 3 are zoned R2 Low Density Residential. It is understood that under the current planning controls attached dwellings and semi-detached dwellings are permitted.

“Value” is in the context of ‘Market Value’ which is defined as “the estimated amount for which an asset should exchange on the date of valuation between a willing buyer and a willing seller in an arm’s length transaction after proper marketing, wherein the parties had each acted knowledgeably, prudently and without compulsion”.

The objective of this analysis is to investigate:

- Sales activity of comparable detached dwellings in Bexley.
- Market activity of development sites in Bexley and surrounds, particularly prices paid for development sites.

This analysis outlines desktop research and analysis of the Subject Site based on our observations, property data bases (RP Data, Cordell Connect) and aerial photography. We have not carried out physical inspection of the location of Site 2 and Site 3 nor their improvements. Development yield estimates are based on the information provided to use by TPG. Accordingly, the analysis and advice contained herein are indicative and provisional only.

Value in Existing Use

Site 2 appears to contain two single storey residential dwellings (506qm and 417sqm) and a vacant residential lot (759sqm). This site is owned by the applicant.

Site 3 appears to contain twelve single storey residential dwellings (ranging from 280sqm to 635sqm) and one two storey commercial building (651sqm).

This assessment is based on an external appreciation and on sales evidence of similar properties.

Table 1: Sales Evidence of single storey detached dwellings, Bexley

Address	Site Area (sqm)	Sale Price	Sale Date	Description
4 Abercorn Street	575	\$1,040,000	5/03/2016	Single storey detached dwelling (with three bedrooms)
33 Abercorn Street	379	\$980,000	8/10/2015	Single storey detached dwelling (with two bedrooms)
103 Stoney Creek Road	390	\$968,000	14/03/2016	Single storey detached dwelling (with three bedrooms)
132 Stoney Creek Road	556	\$1,070,000	20/05/2016	Single storey detached dwelling (with three bedrooms)

Source: RPdata

Table 2: Sales Evidence of two storey commercial buildings, Bexley

Address	Site Area (sqm)	Sale Price	Sale Date	Description
410 Forest Road Bexley	923	\$4,800,000	27/06/2016	2 storey commercial property
411 Forest Road Bexley	278	\$650,000	12/02/2015	2 storey commercial property

Source: RPdata, AEC

From the information available Site 2 could potentially realise \$2.9m. This takes into account a value of \$1,000,000 for each residential dwelling and \$900,000 for the vacant lot. This represents 'value to the landowner'.

From the information available Site 3 could potentially realise \$13.95m. This takes into account a value of \$1,000,000 for each residential dwelling and \$3,000/sqm/site area for commercial. This represents 'value to the landowner'.

Value as a Potential Development Site

Residential Site Sales

There are limited development site sales in Bexley, however, there are numerous development sites located in the nearby suburbs of Arncliffe, Kogarah and Earlwood.

In June 2016 a development site at 17-37 Wollongong Road, Arncliffe sold for \$26.5m. The site measures 5,800sqm, is zoned R4 High Density Residential and has a designated FSR of 2:1. The site was marketed as a development site with DA approval for 164 apartments. The purchase price of \$26.5m equates to \$161,585 per unit/site or \$1,141/sqm/FSR.

By way of comparison 152-206 Rocky Point Road, Kogarah sold for \$75m (January 2016). The site measures 33,500sqm and is zoned a combination of IN2 Light Industrial (1:1) and R2 Low Density Residential (0.5:1). The site was marketed as a development site with the potential to accommodate 253 dwellings and 20,093sqm of commercial floorspace. The site is now in the early stages of the rezoning process. The purchase price of \$75m equates to \$138,889 per equivalent unit/site or \$1,257/sqm/FSR.

Hotel Site Sales

There are limited development site sales in Bexley, however, there are sales of numerous development sites in Mascot.

In June 2014 a development site sold at 10 Sarah Street, Mascot for \$2.2m. The site measures 545sqm. Subsequently, a development application was submitted to construct an 8 storey hotel containing 42 rooms. The purchase price of \$2.2m equates to \$52,380 per room/site.

In May 2015 a development site sold at 2-8 Sarah Street Mascot for \$6.75m. The site measures 1,516sqm. The site was marketed as a development site with a DA approved for an 8 storey hotel comprising 169 rooms. The purchase price of \$6.75m equates to \$39,940 per room/site.

The above development sites are better located than Site 2, however, they are good proxy for what developers would be willing to pay for hotel development site.

Need for the Proposal

The below analysis demonstrates that Site 2 as development site (if rezoned to B4 Mixed Use) would be worth between \$2.1m-\$4.05m. The analysis further suggests that a residential-only development (at site value of \$4.86m) would be greater than the existing-use value (i.e. \$2.9m).

The value of the site as a development site for hotel use alone (at site value of \$2.1m) would not be greater than the existing uses and as such redevelopment would be unlikely to occur. As such, if the site is rezoned to B4 Mixed Use and accommodates residential units, the rezoned site will be valuable enough to displace the existing uses. A rezoned site (which allows for residential uses) is more likely to result in redevelopment and renewal because the value proposition is greater than that presented by the existing use.

Table 4 demonstrates that Site 3 as a development site (if rezoned to B4 Mixed Use) would be worth between \$3.9m to \$11.4m. This analysis further suggests that a residential-only development (at site value of \$11.4m) is the highest value proposition, however, it is not valuable enough to displace the existing use of \$13.95m. As such, higher FSR and height controls could be considered in order to obtain a higher yield.

Table 5 demonstrates that Site 2 and Site 3 combined as a development site (if rezoned to B4 Mixed Use) would be worth between \$6.8m and \$16m. This analysis further suggests that option 2 (at site value of \$16.3m) is the highest value proposition, however, it is not valuable enough to displace the existing use of \$16.85. As such, higher FSR and height controls could be considered in order to obtain a higher yield.

Table 3: Value as Potential Development Site (Site 2)

Site 2		
Proposed Development	Rate	Potential Site Value
Option 1: 42 hotel rooms	\$50,000 per room	\$2,100,000
Option 2: 27 residential units	\$180,000 per unit	\$4,860,000

Source: RPdata

Table 4: Value as Potential Development Site (Site 3)

Site 3		
Proposed Development	Rate	Potential Site Value
Option 1: 127 hotel rooms	\$40,000 per room	\$5,080,000
Option 2 and Option 3: 78 hotel rooms and 31 residential units	\$50,000 per room \$180,000 per unit	\$3,900,000
Option 4: 36 hotel rooms and 31 residential units	\$50,000 per room \$180,000 per unit	\$9,480,000
Option 5: 67 residential units	\$170,000 per unit	\$11,390,000

Source: RPdata

Table 5: Value as Potential Development Site (Site 2 and Site 3 Combined)

Site 2 and Site 3 Combined		
Proposed Development	Rate	Potential Site Value
Option 1: 169 hotel rooms	\$40,000 per room	\$6,760,000
Option 2: 78 hotel rooms, 73 residential units	\$50,000 per room \$170,000 per unit	\$16,310,000
Option 3: 78 hotel rooms, 58 residential units	\$50,000 per room \$180,000 per unit	\$14,340,000
Option 4: 94 residential units	\$170,000 per unit	\$15,980,000
Option 5: 42 hotel rooms, 67 residential units	\$50,000 per room \$170,000 per unit	\$13,490,000

Source: RPdata, AEC

Economic Benefits of Rezoning the Site

Efficient and Effective Use of Infill Land

By enabling a more economically efficient use of the Site to be achieved and by delivering much needed higher density residential development in close proximity to important transport nodes, the Planning Proposal would maximise the development potential of this infill site. In doing so it would assist to achieve planning policy aims by concentrating new development on locations most capable of accommodating it. It may assist to alleviate pressure for new housing development in locations less suitable for such uses, such as

outer lying suburbs or greenfield sites not well connected to public transport infrastructure, services, jobs and retail uses. Rezoning Site 2 and Site 3 would ensure efficient and effective use of land.

Contribution towards Easing Housing Affordability

The Sydney metropolitan area is in the midst of a housing affordability crisis. The Plan recognises that house prices in Sydney are high comparative to other Australian capitals and that government can assist to place downwards pressure on price rises through facilitating greater volumes of supply. In particular, additional units are noted as ensuring more people can access residential product which matches their lifestyle and budget.

Rockdale is slightly more affordable compared to the wider Sydney metropolitan area. The latest Housing Sales and Rent Report (FACS, 2015) indicates that the median price of a unit in Rockdale LGA in December quarter 2015 was \$573,000 compared to a Greater Sydney median of \$621,000 and a Sydney Middle Ring (within which Rockdale LGA is situated) of \$611,000.

Over the last five years since December quarter 2010, based on the latest FACS data the median price of a unit in Rockdale LGA has increased by \$143,000 or 33%. By contrast the average price increases in the Sydney metropolitan area was 37% over the same period and in the Sydney Middle Ring it was 43%. Even though housing prices in Rockdale LGA are increasing at a slower rate in comparison to the Sydney metropolitan area and Middle Ring, initiatives to increase the volume of supply in Rockdale LGA will nevertheless help moderate the already high median house prices.

Increasing the volume of housing supply is a government imperative because it assists to ensure affordability by tempering the pace of house price growth. The provision of dwellings on the Site would help to achieve this and constitutes a strong positive economic impact.

Providing Homes Close to Jobs and Infrastructure

Providing homes close to jobs, public transport, civic functions, retail and entertainment options is a community benefit. Doing so lowers the needs for residents to travel to access employment and the other services they require and promotes public transport use. As a result negative externalities of travel in terms of lost time commuting, monetary expenses of travel, pollution, congestion, traffic, noise and so on are minimise. For this reason A Plan for Growing Sydney aims to provide homes closer to jobs (Direction 2.2/Action 2.2.2) and focus new housing in centres which have public transport that runs frequently and can carry large numbers of passengers.

Rockdale LGA is an ideal place to concentrate new housing development. Amendments to the planning controls of the Site and subsequent development as of apartments in this location in addition to new employment opportunities on site constitutes a strong positive economic impact.

Retail Expenditure

The latest ABS Household Expenditure Survey (HES) showed the average Australian household spent \$1,236 per week on goods and services. If Site 2 was to accommodate 27 residential units, this would equate to approximately \$1.7 million on an annual basis. Theoretically, if Site 3 was to be redeveloped to incorporate 94 residential units, combined with Site 2 this would equate to 121 units and mean that approximately \$7.8m being injected into the local economy. This would assist in ensuring the local retail and commercial offer in the Bexley Town Centre and Rockdale LGA was supported.

Need for the Proposal

The Site is currently improved with two residential detached dwellings and one vacant lot. In order for the redevelopment to be a commercial proposition, increased residential densities are required.

Despite the challenges of redeveloping in brownfield/infill locations, the Proposal is of sufficient scale to facilitate a renewal of an existing asset and enable optimisation of a large key site which is a scarce and valuable asset in a growing centre such as Bexley.

The strength of the current economic cycle enables this redevelopment to be achieved. Timing and leverage of market conditions is accordingly critical for this urban regeneration opportunity not to be missed.

APPENDIX H - Summary of Consistency with all SEPPs

Relevant SEPP	Response
SEPP 1 – Development Standards	The PP will not contain provisions that will contradict or hinder the application of SEPP.
SEPP 4- Development Without Consent and Miscellaneous Exempt and Complying Development	The PP will not contain provisions that will contradict or hinder the application of SEPP
SEPP 6- Number of Storeys on a Building	The PP will not contain provisions that will contradict or hinder the application of SEPP
SEPP 55 – Remediation of Lands	Refer Appendix 4.2.4.5
SEPP 65 – Design quality of residential flat development	Refer Section 4.2.3.2
SEPP (housing for seniors or people with disability) 2004	The PP will not contain provisions that will contradict or hinder the application of SEPP
SEPP (Building Sustainability Index: BASIX) 2004	The future residential components of the development will be subject to the requirements of this SEPP.
SEPP (Infrastructure) 2007	The PP has considered the relevant parts of the SEPP (Infrastructure 2007) namely traffic development and is considered consistent. See Section 4.2.3.4
SEPP (Affordable rental housing) 2009	The PP will not contain provisions that will contradict or hinder the application of SEPP

APPENDIX I - Summary of consistency with all Local Planning Directions made under Section 117 of the EP&A Act

Section 117 Local Planning Directions Summary	
Objectives	Planning Proposal Response
1.1 Business and Industrial Zones	
<p>Objectives (1) The objectives of this direction are to:</p> <ul style="list-style-type: none"> (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified strategic centres. <p>Where this direction applies</p> <p>(2) This direction applies to all relevant planning authorities.</p> <p>When this direction applies</p> <p>(3) This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).</p>	<p>This direction aims to ensure the economic and efficient development of existing business areas and centres, and related public services. This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).</p> <p>It is considered that that PP is consistent with the Ministerial Directions as it proposes an increase in residential density that will directly support the existing functions of the Bexley Town Centre.</p>
2.3 Heritage Conservation	
<p>Objective</p> <p>(1) The objective of this direction is to protect and conserve environmentally sensitive areas.</p> <p>Where this direction applies</p> <p>(2) This direction applies to all relevant planning authorities.</p> <p>When this direction applies</p> <p>(3) This direction applies when a relevant planning authority prepares a planning proposal.</p>	<p>A PP is considered consistent with this Direction when:</p> <ul style="list-style-type: none"> • the environmental or indigenous heritage significance of the item, area, object or place is conserved by existing or draft environmental planning instruments, legislation, or regulations that apply to the land; • or the provisions of the planning proposal that are inconsistent are of minor significance. <p>It is considered that the PP is consistent with this Direction as it is it does not contain identified heritage items and is not located within a Heritage Conservation Area. The subject site is not located in close proximity to any state significant heritage items. Two local heritage items (Anglican Church and Hall, and a Stone Dwelling) are located near-</p>

	by to the proposed site although the redevelopment outlined by this PP does not impose any impact to either.
3.1 Residential Zones	
<p>Objectives (1) The objectives of this direction are:</p> <p>(a) to encourage a variety and choice of housing types to provide for existing and future housing needs,</p> <p>(b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</p> <p>(c) to minimise the impact of residential development on the environment and resource lands.</p> <p>Where this direction applies</p> <p>(2) This direction applies to all relevant planning authorities. When this direction applies</p> <p>(3) This direction applies when a relevant planning authority prepares a planning proposal that will affect land within:</p> <p>(a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary),</p> <p>(b) any other zone in which significant residential development is permitted or proposed to be permitted.</p>	<p>A significant portion of residential development is permissible on the subject site; therefore, this direction applies. This PP is consistent with this direction as it will provide for increased housing densities adjacent to an existing town centre. The planning proposal will encourage the provision of housing that will:</p> <ul style="list-style-type: none"> • assist in broadening and diversifying the choice of building types and locations available in the housing market in an area that has yet to undergo significant redevelopment; • make more efficient use of existing infrastructure and services by increasing availability of housing in an area well serviced by regular public transport services; • reduce the consumption of land for housing and associated urban development on the urban fringe, by intensifying housing and business opportunities in the existing urban footprint; and • promote high quality contemporary design outcome that will improve the existing character of the Bexley Town Centre. <p>Importantly, the proposed rezoning of some sites from R2 Low Density Residential to a B4 Mixed Use and R4 High Density Residential zoning will allow for increased provision of residential uses than is currently permissible. Therefore this PP is consistent with this Direction.</p>

3.4 – Integrating Land Use and Transport

Objective

(1) The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

- (a) improving access to housing, jobs and services by walking, cycling and public transport, and
- (b) increasing the choice of available transport and reducing dependence on cars, and
- (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and
- (d) supporting the efficient and viable operation of public transport services, and
- (e) providing for the efficient movement of freight.

Where this direction applies

- (2) This direction applies to all relevant planning authorities.

When this direction applies

- (3) This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.

This direction applies to all Councils when a planning proposal is prepared that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes. The PP has been considered against the provisions of this direction and is considered acceptable for the site. The PP is consistent with the objectives of this Ministerial Direction. It is considered that this PP, if implemented, will:

- improve access to housing, jobs and services by walking, cycling and public transport;
- reduce travel demand including the number of trips generated by development and the distances travelled, especially by car; and
- support the efficient and viable operation of public transport services.

The PP will allow for the future residential development of the site, which will include both commercial and residential land uses that are appropriately located to take advantage of the existing public transport and town centre amenity in close proximity to the site.

4.1 Acid Sulfate Soils	
<p>Objective</p> <p>(1) The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p> <p>Where this direction applies</p> <p>(2) This direction applies to all relevant planning authorities that are responsible for land having a probability of containing acid sulfate soils, as shown on Acid Sulfate Soils Planning Maps held by the Department of Planning.</p> <p>When this direction applies</p> <p>(3) This direction applies when a relevant planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps.</p>	<p>The PP and any subsequent DA will be considered against the applicable Acid Sulphate Soils map, which identifies the subject sites within a Class 5 Acid Sulphate Soils area.</p> <p>At present, residential development is currently a permissible form of development in a Class 5 area and therefore matters relating to Acid Sulphate Soils should not impact the rezoning of the site to permit additional height and FSR on the subject site, which may be addressed with a more appropriate level of detail as a part of any future DA.</p>
4.3 Flood Prone Land	
<p>Objectives</p> <p>(1) The objectives of this direction are:</p> <p>(a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and</p> <p>(b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.</p> <p>Where this direction applies</p> <p>(2) This direction applies to all relevant planning authorities that are responsible for flood prone land within their LGA.</p>	<p>There is only one site (site 5) within the total subject sites that contains area identified as being a flood planning area. This is a small section of site 5. The majority of site 5 has not been identified as being located within a flood planning area.</p> <p>As only a small portion of the proposed area to be rezoned is included within this PP, it is considered that any flooding related matters can appropriately be addressed as a part of a detailed design analysis at DA stage. The PP does not involve the rezoning of existing special uses, recreational and areas or environmental protection into proposed residential, business or industrial use. As a result, it is not critical for the PP to address flood issues at PP stages. The PP will respond to relevant flood related development controls and provide further analysis to the satisfaction of the Secretary, if required.</p>

<p>When this direction applies</p> <p>(3) This direction applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.</p>	
6.3 Site Specific Provisions	
<p>Objective</p> <p>(1) The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.</p> <p>Where this direction applies</p> <p>(2) This direction applies to all relevant planning authorities.</p> <p>When this direction applies</p> <p>(3) This direction applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out.</p>	<p>The PP is consistent with this direction as it does not seek to impose any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended, which is the Rockdale LEP 2011. The PP does not seek to unnecessarily restrict the site.</p>

7.1 Implementation of A Plan for Growing Sydney

Objective

(1) The objective of this direction is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney.

Where this direction applies (2) This direction applies to land comprising of the following local government areas:

Ashfield	Holroyd	Penrith
Auburn	Hornsby	Pittwater
Bankstown	Hunters Hill	Randwick
Blacktown	Hurstville	Rockdale
Blue Mountains	Kogarah	Ryde
Botany Bay	Ku-ring-gai	Strathfield
Burwood	Lane Cove	Sutherland
Camden	Leichhardt	The Hills
Campbelltown	Liverpool	Warringah
Canada Bay	Manly	Waverley
Canterbury	Marrickville	Willoughby
City of Sydney	Mosman	Wollondilly
Fairfield	North Sydney	Woollahra
Hawkesbury	Parramatta	

When this direction applies

The objective of this direction is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in *A Plan for Growing Sydney*. The Direction applies to a number of listed Local Government Areas (LGA), which includes the LGA of Rockdale.

It is considered that this PP is consistent with this Direction in that it will assist in delivering on the outcomes envisaged by the strategy as outlined in **Section 4.2.1.1. Appendix G** provides a summary of consistency with all Section 117 Directions.

(3) This direction applies when a Relevant Planning Authority prepares a planning proposal.

ADDENDUM – Response to Preliminary Council Comments - July 2016

Council's preliminary comments	Response to Council's comments
<p>Overall strategies</p> <p><i>Figure 8 (Page 23 in both Planning Proposal/Urban Design Strategy reports) identifies an opportunity to provide more connectivity to the area. However, most of the proposed links are not feasible. For example, the proposed link to connect the existing urban square and the subject site relies on an agreement between 15 small individually owned allotments and one newly constructed strata development.</i></p>	<p>Figures 8 and 9 are strategic overviews indicating opportunities to improve connections and the public realm. The intent is to set an objective to improve connections and demonstrate how this may be facilitated by Council at more detailed planning stages. It is proposed that public open spaces could be provided upon the proposed amalgamation of the smaller allotments for subject site 3. It is intended to be a hidden green space for the proposed amalgamated subject site 3, which is also accessible to the wider community.</p> <p>The urban design strategy encourages the site to consolidate all the lots into larger lots to achieve development incentives in the form of bonus height and FSR. Subject site 3 can potentially be further divided into 2 lots due to the irregularity of the site. The proposed amalgamation results in opportunities to create links at DA stage.</p>
<p><i>Figure 9 (Page 23 in both Planning Proposal/Urban Design Strategy reports) identifies an opportunity to enhance local character by creating new links, public spaces, and retail frontages. The proposed strategies are not supported. They will compete with the DCP objectives for the centre, that is, to vitalise retail activities along Forest Road and the public space hub between Forest Road and the Albyn Street Carpark.</i></p>	<p>The proposed development will not compete with the DCP objectives for Bexley Town Centre. The new links are discreet and serve to direct the flow of activity towards Bexley Town Centre. There are no proposed active frontages aside from very minor retail frontage on subject site 2 along Kingsland Road South. The active retail frontage will comprise of a small a convenient store, newsagency or laundromat that will primarily service the property.</p> <p>The activation of public spaces is not a new strategy, it involves revitalisation of existing spaces i.e. the existing green space labelled D6 and existing civic pocket labelled D2. The proposed place making spaces are planned as laneway developments that do not have high street presence, and act more as thoroughfares and links to avoid the need to use the heavily trafficked main roads. The retail frontages on Figure 9 are proposed by Council as per Section 7.3 Bexley Town Centre on page 33 of RLEP 2011. The retail frontages are added in the drawings to indicate how TPG's urban strategy is working to support Council's objectives. The proposed opportunities aim to consolidate the fragmented nature of the area and present it as a functional and accessible area.</p>

Recommended building use and scale

Lower buildings to the North to reflect the surrounding low / medium density residential area.

The northern part of the amalgamated subject site 3 has a natural fall towards the westerly direction, noting Abercorn Street frontage is noticeably lower than the frontage along Stoney Creek Road. Adjacent to the west of site 3 is the Bexley RSL and Community club and towards the north is an existing park. Adjacent properties to the eastern part of the site are comprised of 3 level strata walk-up apartments, dwellings and a motel adjoining a right of way. There is an opportunity for buildings to remain at maximum height at the northern part of site 3 as it does not cause overshadowing issues on neighbouring low/medium density residential areas.

The sun shadow diagrams below indicate that the shadows cast during the winter solstice is towards a southerly direction rather than towards the north where the low/medium density residential areas are. The northern portion of the site is equally capable of height and density proposed without having any detrimental impact and therefore should remain at proposed maximum height of 19m and FSR of 2.5:1.



Figure 18A: Solar Access 9am for proposed precinct building envelope.



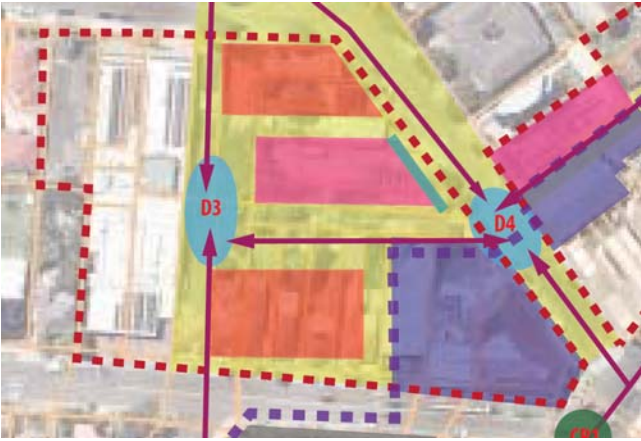
Figure 19A: Solar Access 12pm for proposed precinct building envelope.



Figure 20A: Solar Access 3pm for proposed precinct building envelope

Higher buildings along Stoney Creek Road to reflect the wide/busy road character and the future built form character of Council's public carpark across the road.

This concept is noted and forms part of the urban design strategy.

<p><i>Council's DCP minimum site frontage requirements (i.e. 24m for RFB and 18m for mixed use) should be able to ensure a good development outcome based on the existing lots size and ownership patterns.</i></p>	<p>Noted. The RFB provisions have been used as the basis for siting buildings. The building separation and setback dimensions recommended by SEPP 65 - Apartment Design Guide (SEPP 65 – ADG) and RDCP 2011 have been used as site provisions to model the built form study. The proposed zoning would actually ensure that the provision could be achieved, albeit based on road frontages and not necessarily single frontage particularly in terms of potential lot size and ownership.</p>
<p><i>Both Council's DCP and Apartment Design Guide are sufficient to govern the future built form of the site. However, the future mixed-use building on Site 2 should be moved closer to the Southern boundary to leave sufficient separation for the future development on Site 3.</i></p>	<p>This concept is noted and the mixed use building on site 2 is sited as far south as possible within the permissible parameters of SEPP 65- ADG and RDCP 2011. The built form study has taken site setbacks and building separation into consideration so that good amenity is preserved.</p>
<p><i>Active frontage should remain as it is to provide flexibility to Site 2.</i></p>	<p>Active frontage will be provided to site 2 along Kingsland Road South through the proposed B4 zoning. It is anticipated that the active frontage retail strip will be very small scale businesses like a convenience store, newsagency or laundromat that primarily services the mixed use development. It is shown as the turquoise green line in the diagram below.</p> 
<p><i>Based on the above principles and building envelope testing, Table 1 provides recommendations of the desirable planning outcomes.</i></p>	<p>Taking into account Council's comments the Urban Design Strategy and planning Proposal have been renewed and the following outcomes are requested. Note the change to include 6 Stoney Creek Road into Site 1 and 2 is further clarified in response to</p>

- Site 1 (2-4 Stoney Creek Road, Bexley)
- Site 2 (1,3 & 5 Kingsland Road South)

<i>LEP</i>	<i>Existing</i>	<i>Applicant</i>	<i>Recommended</i>
<i>Zone</i>	<i>R2</i>	<i>B4</i>	<i>B4</i>
<i>Height</i>	<i>8.5</i>	<i>19</i>	<i>16 (+3.0m incentive)</i>
<i>FSR</i>	<i>0.5:1</i>	<i>2.5:1</i>	<i>2:1 (+0.5 incentive)</i>

Site 3 (8, 8A, 10, 12, 14, 16 & 18 Stoney Creek Road) See below for 6 Stoney Creek Road*

<i>LEP</i>	<i>Existing</i>	<i>Applicant</i>	<i>Recommended</i>
<i>Zone</i>	<i>R2</i>	<i>B4</i>	<i>R4</i>
<i>Height</i>	<i>8.5</i>	<i>19</i>	<i>19</i>
<i>FSR</i>	<i>0.5:1</i>	<i>2.5:1</i>	<i>2:1</i>

Site 3A (1 & 3 Abercorn Street and 7,9 & 11 Kingsland Road South)

<i>LEP</i>	<i>Existing</i>	<i>Applicant</i>	<i>Recommended</i>
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next comment below.

- Site 1 (2-4 Stoney Creek Road, Bexley)
- Site 2 (1,3 & 5 Kingsland Road South)
- 6 Stoney Creek Road

<i>LEP</i>	<i>Existing</i>	<i>Proposed by Applicant</i>
<i>Zone</i>	<i>R2</i>	<i>B4</i>
<i>Height</i>	<i>8.5</i>	<i>19</i> <i>16 (+3.0m incentive)</i>
<i>FSR</i>	<i>0.5:1</i>	<i>2.5:1</i> <i>2:1 (+0.5 incentive)</i>

Site 3 (8, 8A, 10, 12, 14, 16 & 18 Stoney Creek Road)

<i>LEP</i>	<i>Existing</i>	<i>Proposed by Applicant</i>
<i>Zone</i>	<i>R2</i>	<i>R4</i>
<i>Height</i>	<i>8.5</i>	<i>19</i> <i>16 (+3.0m incentive)</i>
<i>FSR</i>	<i>0.5:1</i>	<i>2.5:1</i> <i>2:1 (+0.5 incentive)</i>

Site 3A (1 & 3 Abercorn Street and 7,9 & 11 Kingsland Road South)

<i>LEP</i>	<i>Existing</i>	<i>Proposed by Applicant</i>
<i>Zone</i>	<i>R2</i>	<i>R4</i>

<p>Zone R2 B4 R4</p> <p>Height 8.5 19 16</p> <p>FSR 0.5:1 2.5:1 1.5:1</p>	<p>Height 8.5 19</p> <p>16 (+3.0m incentive)</p> <p>FSR 0.5:1 2.5:1</p> <p>2:1 (+0.5 incentive)</p>
<p>Potential isolated site – 6 Stoney Creek Road (Lot 3, DP 1878)</p> <p>This lot might be isolated if the remainder of the site was to be zoned R4 High Density Residential.</p> <p>This site is currently zoned B4 Mixed Use. It has the site area (646sqm) to obtain the incentive bonus in the LEP, however, it only has a 14m frontage (DCP currently requires a minimum frontage of 18m for a mixed use building). It is the most Western lot in the B4 Mixed Use zone, which means without amalgamation with the adjacent site to obtain the minimum site frontage, the development potential for this site is limited.</p> <p>Options:</p> <ol style="list-style-type: none"> 1. Rezone 8 Stoney Creek Road (Lot B, DP 366190) to B4 and become part of the incentive area to obtain a combined frontage of 22.7m (18m in the DCP) for mixed use housing typology. 2. Encourage the applicant to acquire 6 Stoney Creek Road, which gives the existing hotel site a more regular, improved geometry block to redevelop and achieve better design outcomes. 	<p>It is preferred that 6 Stoney Creek Road remain a B4 Mixed Use zone as it has the potential to be amalgamated to adjoining B4 land to the east. It also ensures the proposed R4 zoned land on Stoney Creek Road can achieve the minimum residential flat building frontage of 24m.</p>
<p>Other considerations:</p>	
<p>Provide clearer shadow diagrams (Refer to page 31 and 32 of the Urban Design Strategy). Replace with white cadastre or lighten the aerial photos to be able to see the shadows projections.</p>	<p>This point is noted and shadow diagrams have been updated to provide clearer images.</p>
<p>Provide 3D perspectives of the proposed massing on a street level. In particular,</p> <ul style="list-style-type: none"> • A view from Kingsland Road South to the proposed building envelopes. 	<p>Changes and more detail have been added to existing modelling. However, it is proposed that this additional indicative building envelope study can be provided once</p>

<ul style="list-style-type: none"> • A view to take from the intersection of Abercorn Street and Kingsland Road South looking down to Abercorn Street, including existing housing on R2 Low Density Residential zoned land, and the proposed building envelope. • A view to take from the intersection of Kingsland Road and Forest Road looking north to the proposed building envelope. 	<p>Council's support for the general rezoning, height and FSR changes has been confirmed. Noting the building footprints is only indicative of potential development. It is relevant to request this detailed design at DA stages.</p>
<p>All 3D diagrams (plan and street views) need to reflect the actual level changes.</p>	<p>Noted and updated on model and plans provided.</p>
<p>Provide elevation diagrams of all the site frontages including some of the adjoining development (e.g. the Bexley RSL and houses on land zoned R2 Low Density Residential). The elevations need to reflect the actual level changes.</p>	<p>Additional indicative building elevation study can be provided once Council's support for the general rezoning, height and FSR changes has been confirmed. Noting the building footprints is only indicative of potential development. It is relevant to request this detailed design at DA stages.</p>

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Council Meeting

14/12/2016

Item No	9.14
Subject	Heritage Conservation Areas Discussion Paper - Report on Community Feedback
Report by	Manager Place Outcomes (Erika Pawley)
File	(R) F14/242

Summary

Council publicly exhibited a discussion paper on potential Heritage Conservation Areas in Bayside (West) from 5 November to 18 December 2015. This report presents the results of the public exhibition of the Discussion Paper on Heritage Conservation Areas (HCAs). A total of 58 submissions were received as well as one petition opposing an HCA in Frederick St Rockdale. There were 41 letters of support for HCAs and ten submissions opposing HCAs. The remaining seven submissions were neutral.

In Bexley there was clear support for the Ocean View Estate HCA. In Bardwell Valley there was support for the Hamilton Street and Lansdowne Street HCA indicating a community desire for further investigation and follow up consultation.

Objections were received from Frederick Street, Watkin Street and King Edward Street in the Rockdale Town Centre, and Forest Road at the Bexley Shopping strip. It is recommended that no further work be done on these two potential HCAs.

Wollongong Road, Arncliffe received some support as well as objection based on the lack of integrity in the streetscape. Therefore, further field work in Wollongong Road is recommended. Residents in Barden Street, Arncliffe requested that a HCA be made over their street. Further investigation is needed to determine if the street has heritage value. As there were less submissions for the other potential HCAs it is recommended that their investigations be left until the completion of other prioritised work.

Council Resolution

Minute 2016/097

Resolved by the Administrator

- 1 That Council supports the further investigation of potential Heritage Conservation Areas (HCAs) at Ocean View Estate, Bexley and Hamilton and Lansdowne Streets, Bardwell Valley, including targeted consultation, research into significance and field surveys to establish boundaries.
- 2 That Council does not pursue the potential Rockdale Town Centre HCA (including Frederick Street, Watkin Street and King Edward Street).
- 3 That Council does not pursue the potential Forest Road, Bexley HCA.

- 4 That Council supports that other potential HCA identified in the Discussion Paper be the subject of further research and targeted consultation as time and resources are available.
 - 5 That Council officers are to investigate why some residents were not notified about the discussion paper.
 - 6 That, with regard to any future community engagement regarding HCAs; if it is discovered that any residents have not received notification about the matter, the report is to be deferred until all residents have been notified.
-

Officer Recommendation

- 1 That Council supports the further investigation of potential Heritage Conservation Areas (HCAs) at Ocean View Estate, Bexley and Hamilton and Lansdowne Streets, Bardwell Valley, including targeted consultation, research into significance and field surveys to establish boundaries.
 - 2 That Council does not pursue the potential Rockdale Town Centre HCA (including Frederick Street, Watkin Street and King Edward Street).
 - 3 That Council does not pursue the potential Forest Road, Bexley HCA.
 - 4 That Council supports that other potential HCA identified in the Discussion Paper be the subject of further research and targeted consultation as time and resources are available.
-

Background

In response to Councillor enquiries about managing heritage in Bayside (West), a comparative analysis study of heritage policies across Sydney councils was undertaken. The study found that councils with Heritage Conservation Areas were able to successfully manage heritage assets in a way that was fairer and more even handed than only listing individual properties. In order to find out more about this approach and to give the community the opportunity to contribute, Council resolved that a draft Discussion Paper on Heritage Conservation Areas be prepared, which was endorsed for public exhibition in October 2015. A copy of the Discussion Paper is attached.

The Discussion Paper introduced the concept of Heritage Conservation Areas and identified a list of potential areas that could become an HCA. The document was exhibited for a period of 6 weeks from 5 November to 18 December 2015. Approximately 4,500 property owners within these areas were notified by mail and invited to make a submission. An advertisement was placed in the St George Leader on 5 November 2015. The St George Leader subsequently published an article about the Discussion Paper. The Discussion Paper was available on Council's web site and the majority of submissions were made through Council's "Have Your Say" portal.

Content of Submissions

Many of the submissions described the Discussion Paper as something important, hopeful and positive. Submissions expressed dissatisfaction with existing development trends in their suburbs - describing unsympathetic development and the demolition of heritage style

housing as degrading the character of the neighbourhood. HCAs were seen as providing the means to protect valuable heritage streetscapes and conserve their important qualities for future generations.

There were numerous submissions that noted that HCAs were long overdue and described the urgent need for HCAs in Bayside (West). Many respondents stated that they moved to the area because of its heritage atmosphere. They found its streets of Federation and Californian Bungalows with garden settings attractive and were drawn to the area because of its character and charm. There was strong support for HCAs in Bexley and Bardwell Valley - with submissions describing unsympathetic in-fill development and demolition of Federation houses and Californian Bungalows as being of considerable concern. Several submissions from Dunmore Street, Bexley referred to recent developments which were seen to erode the quality and value of the neighbourhood. Several submissions, including one from the owner from a heritage listed property, expressed opinions that heritage conservation actually reduced the value of property.

An underlying theme from submissions was that the context of the area in which HCAs are introduced is very important. For example, in the Bexley shopping area on Forest Road a submission considered that the existing planning controls allow a type of development that would be contrary to HCA objectives. Likewise in Wollongong Road Arncliffe, multi-unit developments have altered the character of parts of the street such that an HCA would may not be appropriate and further investigation is required.

The intactness of a historic streetscape is an important consideration expressed in many submissions both in support and opposing HCAs. A petition with 152 signatures expressed objection to making Frederick Street, Rockdale part of an HCA because Frederick Street has changed over time and no longer represents an intact heritage streetscape.

Some people expressed scepticism with the proposal to make HCAs, referring to recent unsympathetic development that they felt demonstrated a lack of respect on the part of Council for the existing character of streetscapes in Bayside (West). Submissions also mentioned previous proposals to introduce HCAs that had not been supported by the former Council. Regardless, these submissions stated they felt HCAs were long overdue and Bayside (West) should be brought into line with other Councils.

A number of submissions made recommendations for additional areas to be considered as HCAs. A group of residents in Barden Street, Arncliffe nominated their street because their houses are quality Californian Bungalows located on a high sandstone retaining wall.

A visual summary of the submissions can be seen in Figure 1.

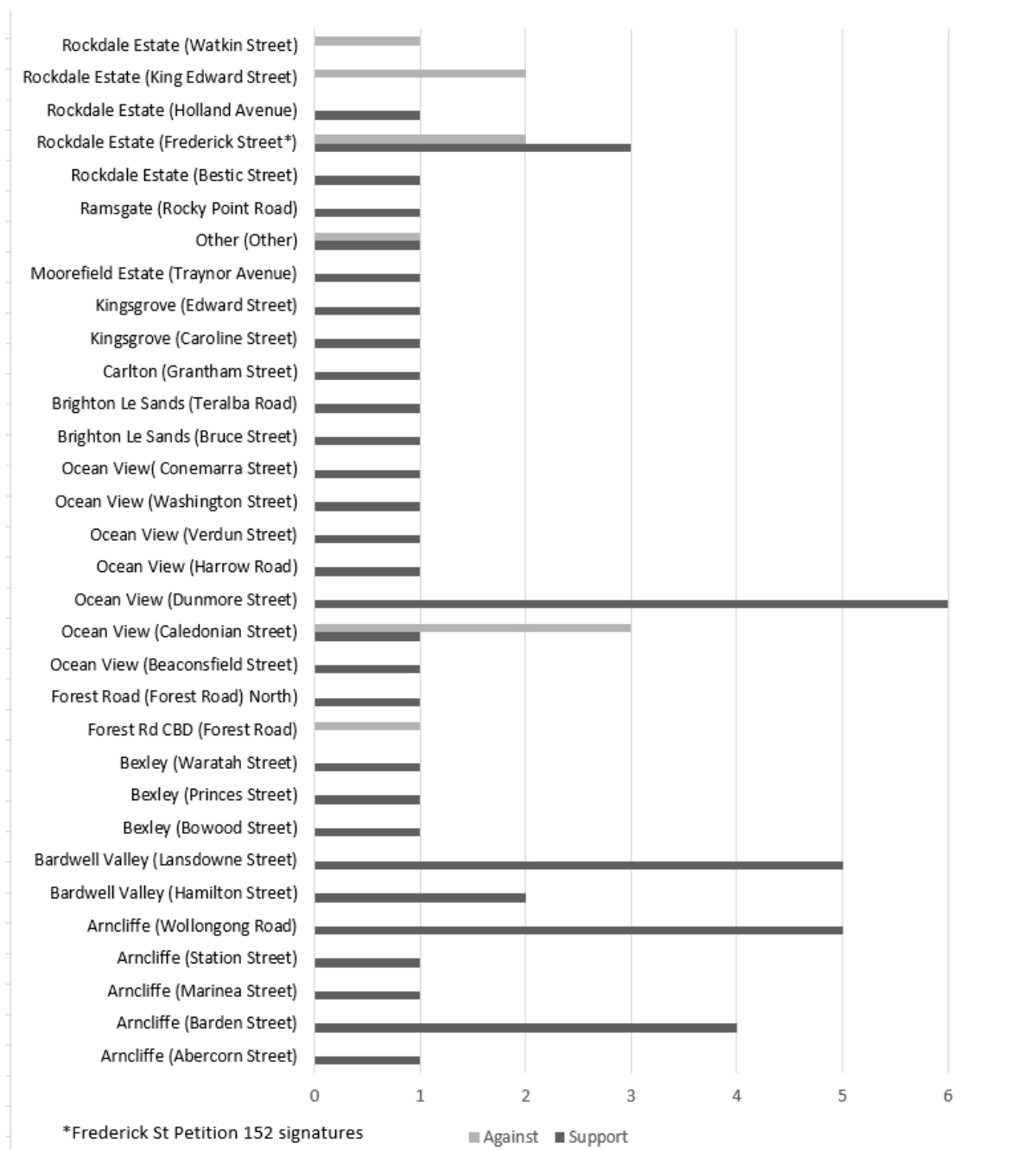


Figure 1. Graph showing distribution of submissions by street.

Next steps

An analysis of the community feedback identifies that in Bexley there is community support for the Ocean View Estate HCA. In Bardwell Valley there is community support for the Hamilton Street and Lansdowne Street HCA indicating a community desire for further investigation and follow up consultation.

Objections were received from Frederick Street, Watkin Street and King Edward Street in the Rockdale Town Centre, and Forest Road at the Bexley Shopping strip. It is recommended that no further work be done on these two potential HCAs.

Wollongong Road, Arncliffe received some support as well as objection based on the lack of integrity in the streetscape. Therefore, further field work in Wollongong Road is recommended. Residents in Barden Street, Arncliffe requested that a HCA be made over their street. Further investigation is needed to determine if the street has heritage value. As there were less submissions for the other potential HCAs it is recommended that their investigations be left until the completion of other prioritised work.

Future Work

When the targeted consultation and research is completed into the two proposed HCA (Ocean View Estate, Bexley and Hamilton and Lansdowne Streets, Bardwell Valley), the research and consultation into other proposed HCAs can be undertaken. These areas include:

- Teralba Rd, Brighton Le Sands;
- Brighton Pde, Brighton Le Sands
- Farr and Gibbes St, Banksia;
- Moorefields Estate, Kogarah;
- Barden St, Stanley St and Wollongong Rd, Arncliffe; and
- Caroline St, Kingsgrove.

Financial Implications

There are no financial implications applicable to this report.

Community Engagement

The HCA Discussion Paper was placed on public exhibition for 6 weeks from 5 November to 18 December 2015. The Discussion Paper was made available on Council's web site and hard copies were available at all libraries as well as at Customer Service Centre. The majority of submissions were made through the "Have Your Say" online portal. A media release was distributed and an article published in the St George Leader. There was also conversation on various local social media sites, however this was not formally monitored or recorded.

A Councillor Information Session was held on 14 October 2015 that discussed the Discussion Paper prior to Council's resolution to publicly exhibit it. A subsequent Councillor Information Session was held on 9 March 2016 that presented the results of the public exhibition of the HCA Discussion Paper.

The recent delay in engagement and progress on this issue has been due to the uncertainty surrounding Council amalgamations and the need to develop a whole of Bayside approach to heritage management. In this regard, a grant application has been submitted to the NSW Heritage Office to progress heritage projects in both former Council areas.

The next stage of community engagement regarding HCAs is to target communities in the areas where there has been strong support for HCA. In this phase consultation will directly involve the community in identifying the unique character of where they live.

Attachments

Discussion Paper on Heritage Conservation Areas



CARING ABOUT THE FUTURE BY RESPECTING THE PAST

A DISCUSSION PAPER ON HERITAGE CONSERVATION AREAS

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Published October 2015

Cover photo: Federation bungalows in Brighton Parade, Brighton Le Sands.

Pictured right: Housing estate in Kogarah built on the grounds of the old Moorefield's Racecourse.





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Top left: Teralba Road in Brighton Le Sands has many fine examples of Inter-war bungalows.

Left: Canary Island Date Palms in Mawson Street.

Above: Group of semi-detached Victorian houses in Stanley Street.

INTRODUCTION

At a recent meeting of Council a report was presented that examined the ways in which heritage is managed by other Councils making a comparison with Rockdale's own heritage management.

The report analysed 12 other inner metropolitan Sydney Councils and showed that Heritage Conservation Areas (HCA) are an effective tool to provide a fair and well-balanced approach to heritage in the context of future growth.

In order to invite participation from the community, Council then requested Council officers prepare this Discussion Paper on HCA and place it on public exhibition.

PURPOSE

Council cares about the future of Rockdale City and wants to respectfully manage change whilst ensuring our City remains a place of opportunity.

This discussion paper is an invitation to think about what it is you value about the place you live. We encourage you to get involved in defining what is important and steering the direction for the future.

This discussion paper provides an introduction to HCA as a way of allowing change whilst acknowledging respect for the inherent and special qualities of a place.

PAPER OUTLINE

The paper provides some snapshots of places and events in Rockdale City's history that demonstrate that every place within the City has its own story.

The paper introduces the concept of HCA and answers questions regarding how the HCA will affect existing property owners and residents.

It looks at the types of rules that could accompany HCA if they were introduced.

Finally the paper will look at options for a way forward. For example, one direction for the future may be to discover the values held in high esteem by the community through a series of workshops.

WHAT DO WE VALUE ABOUT WHERE WE LIVE?

Through time every community contributes to shaping its environment. This rich history of action, activity and stories contributes to how we all interpret and recognise it as a 'place'. In reality, we can say the structures, spaces, homes, neighbourhoods, centres and inhabitants define and distinguish a place.

As much as a place is defined by its environment, surroundings, social and built structures and organised spaces, a place also belongs to a period of time, its events, and dreams. The enduring qualities of a place that draw people back to it often respond to its intangible qualities such as: ambience, sense of history, vitality and character. This appreciation and understanding gives our 'place' personal and collective meaning.

A recent demolition of a Federation bungalow in the Ocean View Estate in Bexley resulted in a petition to Council from the residents of Dunmore Street and Gladstone Street: "...we are proud to be a part of a street that has historic significance. There is truly a sense of unity here by proud owners most of whom reside in period style home(s) with historic significance. What we want to see is continue that pride and unity and have Council embrace this..." (Trim ref. 13/109928)

WHY HERITAGE IS AN IMPORTANT COMMUNITY ASSET

People are very proud of their local history, but don't always express how much they value a place until it's threatened.

Because it adds character and distinctiveness to an area, heritage is fundamental in creating a 'sense of place' for a community. Our understanding of the heritage of a 'place' can have a very positive influence on many aspects of the way its special qualities develop. Regeneration, housing, education, economic growth and community engagement are examples of the ways in which heritage can make a very positive contribution to community life.

Appropriate sensitive development and adaptive reuse of older buildings is an important factor

in supporting the concept of sustainable communities. An appreciation of the heritage qualities in existing buildings and their surroundings can add value to regeneration projects, both in terms of the economic and environmental advantage of reuse over new build and in adding character to a precinct.

A shared understanding of the unique cultural identity of heritage places is a good way of providing a common ground bringing communities together.

Areas where the heritage is understood and valued tend to be better looked after than those where heritage items have no link with the community. Such links help to foster civic responsibility and citizenship and contribute to everyone's quality of life.

HERITAGE CONSERVATION AREAS (HCA)

A Heritage Conservation Area (HCA) aims to protect the things we value as a community whilst ensuring there is plenty of room for opportunity. It is a way of managing change that allows development but ensures it is sympathetic with the local character we cherish.

A HCA is a special area that has been defined after a long process involving those people with an interest in the area.

Protecting special qualities, such as the character of a streetscape, is managed by all those in the street. This is different from the heritage item process which only applies to individual properties.

WHAT'S THE DIFFERENCE BETWEEN A HCA AND A HERITAGE ITEM?

Heritage items are individual properties that have heritage value in their own right. They can be listed as heritage even when there are no other heritage properties around them. A HCA is a collection of places that together have heritage value but individually may not.

The value of a HCA is often focussed upon the streetscape therefore more substantial changes to individual buildings can be made to the rear or to the interior.

WHAT IF I AM IN A HCA BUT MY HOUSE DOES NOT HAVE HERITAGE CHARACTER LIKE THE REST OF THE STREET?

The houses that do not fit in with the character of a HCA can usually be removed or altered.

Any development then becomes known as 'infill' development because it needs to fit in with the street and heritage character when it fills in the space left behind.



WHAT IF MY HOUSE IS ALREADY A HERITAGE ITEM?

The Heritage Items that are already listed in the Rockdale Local Environmental Plan would continue to be listed as Heritage Items. If a Heritage Item was located in a street that became a HCA then the individual heritage listing could be reviewed. If the heritage listing was based upon the streetscape value of the property it may not be necessary to keep the heritage listing.

For example in Teralba Street there are a large number of Heritage Items but it is the collective values of the street which are significant. If the street became a HCA then there is a possibility that individual Heritage Items could be delisted and their heritage significance protected through the HCA.

HOW DO I FIND OUT IF I AM GOING TO BE IN A HERITAGE AREA?

At this stage no areas have been nominated although some areas were identified in previous heritage studies. For more details see part 6 of this paper. If Council decides to go ahead with investigating potential HCA there will be further research including information gathering and community workshops.

At the end of the information gathering potential HCA may be nominated at which point Council will again ask for public submissions.

The process of identifying HCA has several steps where the community will have the opportunity to be involved and influence the outcome:

1. Making a submission to this discussion paper; and
2. Participating in the community workshops to identify potential HCA; and
3. Making a submission during the statutory process to make the HCA; and
4. Making a submission during the process to create guidelines in the Rockdale Development Control Plan (DCP).

WHAT IF I DON'T WANT TO BE IN A HERITAGE CONSERVATION AREA?

Now is the time to have your say. Tell us what you think about the concepts raised in this paper. If you have an opinion about HCA or any other issues raised in this discussion paper, then making a submission will ensure your views will influence the outcome.

DO OTHER COUNCILS HAVE HCA?

Throughout Sydney and NSW HCA are an accepted method of protecting areas with special character. HCA comprise large areas of many local government areas and these have been in place for many years. Councils with HCA have special guidelines in their DCPs to assist with development and making change.

In many areas the management of careful change has contributed to the established character being respected and properties in these areas reaching premium value in the market place.

DOES BEING IN A HCA AFFECT PROPERTY VALUES?

There are many factors influencing property values, of which heritage is only one. Broader economic factors influence market values as well as factors such as availability of services like schools and transport or planning considerations such as zoning and density controls.

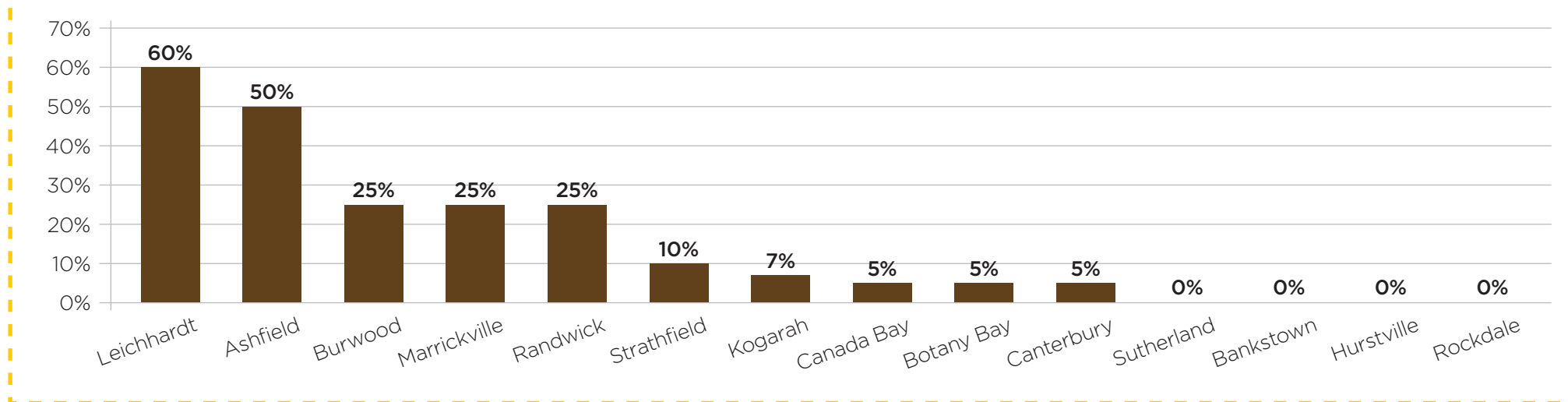
Some areas are more susceptible to a push for urban consolidation such as the inner city.

In July 2012 English Heritage (UK) published the findings of a lengthy study that examined sales figures of 1 million properties located in, or close to, heritage conservation areas over a period of 5 years. The report showed that houses in conservation areas sold at a premium and improved in value at a greater rate when compared to similar properties outside conservation areas.

Heritage Victoria (Australia) has analysed Australian research on the subject of the effect of heritage listing on property values.

The results of this study showed that there was either no impact from heritage listing residential properties or there was an increase in value after heritage listing. These findings are reflected in the Real Estate pages of Australian newspapers.

APPROXIMATE PROPORTION OF HCA TO LOCAL GOVERNMENT AREA SIZE



SUPPLY AND DEMAND SAYS INNER BEATS OUTER (by David Adams published in Domain, NSW, 24 February 2013)

"Looking to buy an investment property but not sure where to look? Here are five top tips." [...] Suburbs and streetscapes that offer a sense of architectural consistency are generally more in demand than those that do not. "Suburbs with a melting pot of styles - from fibro shacks to 1960s brick veneers and the '90s McMansions - will never hold their value as well as areas with predominantly classic architecture styles such as Federation, Californian bungalows, Victorians [and] art deco," Ms Opie says.

<http://news.domain.com.au/domain/real-estate-news/supply-and-demand-says-inner-beats-outer-20130223-2exzv.html>

HERITAGE HOMES SELL AT A PREMIUM (by Chris Tolhurst published in Domain, 15 February 2011)

It's common place today for investors to outbid owner-occupiers at auctions of Federation houses, Victorian terraces and art deco apartments. More often than not, these investors aren't worried if the property in their sights is included in a local government heritage precinct. The managing director of Wakelin Property Advisory Service, Monique Sasson Wakelin, says Australians are fond of heritage properties and, over many years, have consistently paid a premium to buy or rent them. She is one of a group of market watchers who believe moderate heritage overlay controls have a positive impact on property values.

"There is a lot of evidence to suggest (inclusion in a heritage overlay) actually enhances the value of a property," she says. Whether you are an investor or homeowner, a heritage overlay means people can't come into the street and put up neo-gothic monstrosities in a row of consistent Victorian cottages. It protects the character and architectural integrity of the neighbourhood."

SUBURB FOCUS: HABERFIELD (by Lucy Macken in Domain, 15 December 2012)

The Haberfield HCA was created in 1985, one of the earliest conservation areas in NSW. Since then the median house price has climbed exponentially, with a 66 per cent increase in the past decade, almost double the Sydney-wide growth of 35 per cent. McGrath Inner West real estate agent Michael Tringali explains the attraction: "Consistency of architectural integrity draws a very house-proud demographic who are prepared to stay for the next 15 years to raise their family, while they restore or maintain their home's Federation character in the knowledge that a two-storey McMansion won't pop up next door."

<http://news.domain.com.au/domain/real-estate-news/suburb-focus-haberfield-20121214-2bd8r.html>

WHAT IF THERE ARE NO HERITAGE CONSERVATION AREAS?

The current situation would remain the same. Areas where there is unique character and streetscapes of uniform buildings – the attributes that make a place special – would continue to be gradually eroded. Unsympathetic development on one lot in the middle of a group disturbs the uniformity and balance and encourages further unsympathetic change. There would be no certainty for people buying into a neighbourhood for its special character and no guarantees for the existing residents that things would not suddenly change.

A submission regarding a demolition of a Federation house in Caledonian Street provoked this response... “Our type of heritage streetscape is disappearing. It would be most positive if this intact pocket of history, opposite a heritage listed park, be duly protected.” (Trim 14/78704)

Throughout Rockdale City there are examples of newer, larger houses being built in areas that have an established character. Character defined by rows of similar or identical Federation or Inter-war period houses for example. New buildings often remove one of the original houses and replace it without regard for the existing historic streetscape, disrupting the uniform character of the street.

In some cases this has not affected the other residents in the street but in many cases it has caused great concern as people feel they are



losing the character that makes their street special. The introduction of HCA would enable policy to be developed to manage change in these special streetscapes.

HAS ROCKDALE CITY COUNCIL PREVIOUSLY CONSIDERED HAVING HCA?

The 1991 Rockdale Heritage Study identified a number of areas that had special historic and streetscape qualities. These precincts have not been made into HCA.

The 2010 Heritage Inventory Review also recommended that intact streetscapes of the same period which retain their original character should be included as HCA in the heritage schedule.

HOW IS A HERITAGE CONSERVATION AREA MADE?

A HCA is defined legally by including it in the Rockdale Local Environmental Plan. Management of the HCA is included in the Rockdale Development Control Plan through guidelines for development in heritage conservation areas.

There is a statutory process for making changes to both these documents that includes public exhibition and notification to affected property owners.

This Discussion Paper is not part of that process, all property owners affected by any HCA proposals would be notified in a separate process.

WHICH PLACES IN OUR CITY HAVE THE POTENTIAL TO BECOME HCA?

The process for identifying HCA has three parts, which are usually undertaken at the same time:

- ◆ Historical research.
- ◆ Field study – investigating what original houses and features are left in an area.
- ◆ Community involvement.

Some areas were identified by previous studies as areas with the potential to become HCA:

- ◆ Ocean View Estate, Bexley – Centred on Seaforth Park.
- ◆ Frederick, Herbert, Ferrier, Watkin and King Edward Streets, Rockdale.
- ◆ Teralba Road, Brighton Le Sands.
- ◆ Brighton Parade, Brighton Le Sands.
- ◆ Farr and Gibbes Streets, Banksia.
- ◆ Lansdowne and Hamilton Streets, Bardwell Valley.
- ◆ Wollongong Road, Arncliffe.
- ◆ Forest Road, Bexley.
- ◆ Moorefield Racecourse Subdivision, Kogarah.
- ◆ Rockdale Estate.
- ◆ Stanley Street, Arncliffe.
- ◆ Caroline Street, Kingsgrove.

Further research and consultation is required before any decisions about these areas can be made.

Other areas may become evident as a result of community nominations during the exhibition of this discussion paper.



FARR STREET, BANKSIA

This estate was auctioned on 10 November 1884, as the Rockdale Estate. An unknown builder built the original cottages for the company about 1885-6 and on 11 April 1887, the company offered "comfortable well-built brick cottages for £5 deposit".

The auction plan for that sale showed cottages built on Sections 10 and 11 facing Gibbes and Farr Streets. A street alignment survey dated 19 November 1886 recorded that there was a 'Row of 20 Brick Cottages' on the western side of Farr Street. A Detail Survey of 10 October 1899 showed that all lots on the west side of Farr Street had been built upon with narrow single fronted cottages.

The same type of cottages had also been built on two-thirds of the lots on the east side of Gibbes Street and a little less than half of those on the west side of Gibbes Street.

WHAT RULES WOULD A HCA HAVE?

If a HCA was nominated for its consistent architectural character then it would be this character that would be protected. For example in Gibbes and Farr Street, Banksia the following Development Controls may apply.

The blocks in Gibbes and Farr Streets are small, hence their development potential is limited. Alterations are possible by retaining the ridge of the roof in the same position and lifting the rear roof to a flatter pitch.

The area in front of the house should be kept clear of structures as car ports in front of the house disrupts the architectural continuity. Detail which distinguishes the group such as original chimneys and arched niches in the verandah walls should be retained.

These details could be reinstated where they are missing to improve the appearance of the street.



Keep important elements as:

- ◆ Original chimney
- ◆ Angle of front roof
- ◆ Corbelled blade walls
- ◆ Arch in blade wall
- ◆ Open veranda
- ◆ Separate verandah roof

Keep front yard clear of cars and structures

In a different example the Californian and Federation Bungalows in Lansdowne and Hamilton Streets have wide front facing gable roofs that have a strong repetitive character as they step up the hill from Bardwell Valley.

The Lansdowne and Hamilton Streets bungalows have a strong streetscape presence. Some of the key elements worthy of conservation are:

- ◆ Repetitive roof forms – gable roofs facing the street.
- ◆ Decorative features such as finials, verandah brackets, leadlight glazing, window awnings with timber shingles, half-timbered gabled ends sometimes with timber shingles, decorative tiles to the risers of the steps to the verandah.
- ◆ Marseille pattern terracotta roof tiles.
- ◆ Low brick front fences.
- ◆ Original chimneys.
- ◆ Front yard with a central garden path to the house.
- ◆ It is important that the front fences are kept low and there are no structures such as car ports in the front yards.



Inter-war bungalows in Lansdowne Street, Bardwell Valley.

Pictured right is an example of a Federation Bungalow that has an addition designed to suit the design of the original building. The two storey addition is set back behind the original chimney thus ensuring the retention of the original house.

CONTRIBUTORY AND INTRUSIVE BUILDINGS

HCA consist of 'intact' streetscapes of original properties. Original buildings, also known as 'contributory buildings', date from the 'key historic' period – the most important historical period in the development of the suburb. For example in Hamilton and Lansdowne Streets the original buildings are Californian and Federation style bungalows from the 1910s and 1920s as shown in the images above.

There are one or two other buildings in the street that were built at a different time, that do not contribute anything to the aesthetic value of the street and are not part of the key historic period. These buildings are either 'neutral' or 'intrusive'. The DCP will identify which buildings are 'contributory' – from the key historic period; and which buildings are 'neutral' or 'intrusive'.



Above: Additions to a bungalow in Hamilton Street, Bardwell Valley.

Left: A neutral building in Landsdowne Street, Bardwell Valley.

The house in the centre is an example of infill development where the new building complements the adjoining heritage item (on the left).



The building in Lansdowne Street is described as 'neutral' as it is unlike the contributory Bungalows in the street, but its single storey scale does not intrude into their setting.

The established repetitive rhythm of the steep pitched roofs and deeply shaded verandahs of

the contributory houses have an architectural consistency which would be broken if a new house without these characteristics was inserted into the street. New two storey buildings would be intrusive because their scale, form and bulk are different from the Bungalows.

NEW BUILDINGS IN A HCA - INFILL

Inserting a new building into an intact streetscape is referred to as 'infill development' – it is very important to consider the existing context in the design of new infill buildings. When designing a building to fit into an existing historic context, particularly where there is architectural consistency, the following design criteria should be carefully considered:

- ♦ Character – the qualities of a place.
- ♦ Scale – the size of a building in relation to other buildings.
- ♦ Form – the overall shape of a building.
- ♦ Siting – the position of a building on its lot.
- ♦ Materials and colour – what the building is made from and how the surfaces are finished.
- ♦ Detailing – the design of architectural elements.

WHAT DOES IT MEAN FOR ME IF MY HOUSE IS IN A HCA?

CAN I DEMOLISH AND DEVELOP MY BLOCK?

This will depend upon whether your property has been identified as contributory, neutral, or intrusive (see pag 14). If the building is neutral or intrusive it is generally okay to demolish.

If your property is located in a HCA you will be required to lodge a development application with Council if you wish to develop your land.

WILL I NEED EXTRA REPORTS WITH MY DA?

Yes it is likely you will need to have a Statement of Heritage Impact if you are proposing to do a substantial development.

In this case heritage will be just another planning consideration, just as acid sulphate soils, traffic or flooding requires specialist reports.

CAN I ALTER OR ADD ON TO MY HOUSE?

Yes you can make alterations and additions depending upon what it is you wish to do.

All development requires development consent and will be assessed upon its merits.

In a HCA most work that isn't visible from the street is usually acceptable. It is the additions or alterations to the front that are usually more strictly controlled than other development.

This just means the changes have to be sympathetic with the heritage character of the street and locality.



A heritage item in Hamilton Street that could be de-listed if a HCA was introduced.

DOES IT MEAN I CAN'T CHANGE ANYTHING?

No, being in a HCA does not mean alterations are not possible. The alterations simply need to be sympathetic with the heritage values of the HCA.

Examples:

1. *Can I enclose my front verandah of my original 1920s bungalow?*

Enclosing the veranda at the front of an original 1920s bungalow would probably not be approved, particularly if it was one of a long row of similar bungalows.

2. *Can I put an addition or a deck at the rear of my bungalow?*

Removing a lean-to at the rear to add extra rooms or a deck would probably be acceptable as it would not affect the streetscape view.

3. *Can I put a new window in the side wall of my original bungalow?*

Most likely this would be possible as it wouldn't affect the group.

4. *Can I put another storey on my bungalow?*

This would depend upon many factors such as how far from the front the second storey was proposed. Whether it had the same style of roof and was in a sympathetic design. This type of proposal would need to be carefully designed but there is potential for it to be acceptable.

5. *Can I put more rooms on my small Victorian cottage?*

If the cottage was in a row then building at the rear is likely to be possible. If it is located on a corner then placement and design of additions would need to be arranged so that they did not overwhelm the cottage or other cottages.

6. *Can I park my car in the front of my building if it is bungalow or a cottage?*

Generally all parking needs to be located behind the front building line of the building.

WHAT IF I JUST WANT TO DO MAINTENANCE OR SOMETHING MINOR?

For maintenance and minor work you will not require development approval from Council. These things will either be exempt, that is not requiring approval, or they might be considered minor and Council can issue a letter giving permission for the work to proceed.

WHAT ASSISTANCE IS AVAILABLE FOR OWNERS OF HERITAGE PLACES?

FREE ARCHITECTURAL ADVICE

Council provides a Heritage Advisor who is available to provide free advice on alterations, additions and maintenance to heritage items. Should the HCA be created then this advice would extend to all the properties within the HCA.

NO DA FEES FOR MINOR DEVELOPMENT APPLICATIONS

Where it is necessary to put a development application into Council for minor works then Council waives the application fees for heritage items. If HCA are introduced then this will be extended to places in a HCA.

ASSISTANCE WITH HERITAGE REPORTS FOR MINOR DEVELOPMENT

Council has developed a template and guidelines to assist applicants in the preparation of heritage reports that may be required as part of an application to Council. With assistance from the Heritage Advisor applicants can use the guidelines to produce their own report and thereby save the cost of professional fees.

WHAT ARE THE OPTIONS FOR THE NEXT STEP?



Council is offering the community the opportunity to get involved in deciding whether there are unique or special things about where they live.

Feedback from the community will help Council to determine the next steps.

Moorefields Avenue, Kogarah.

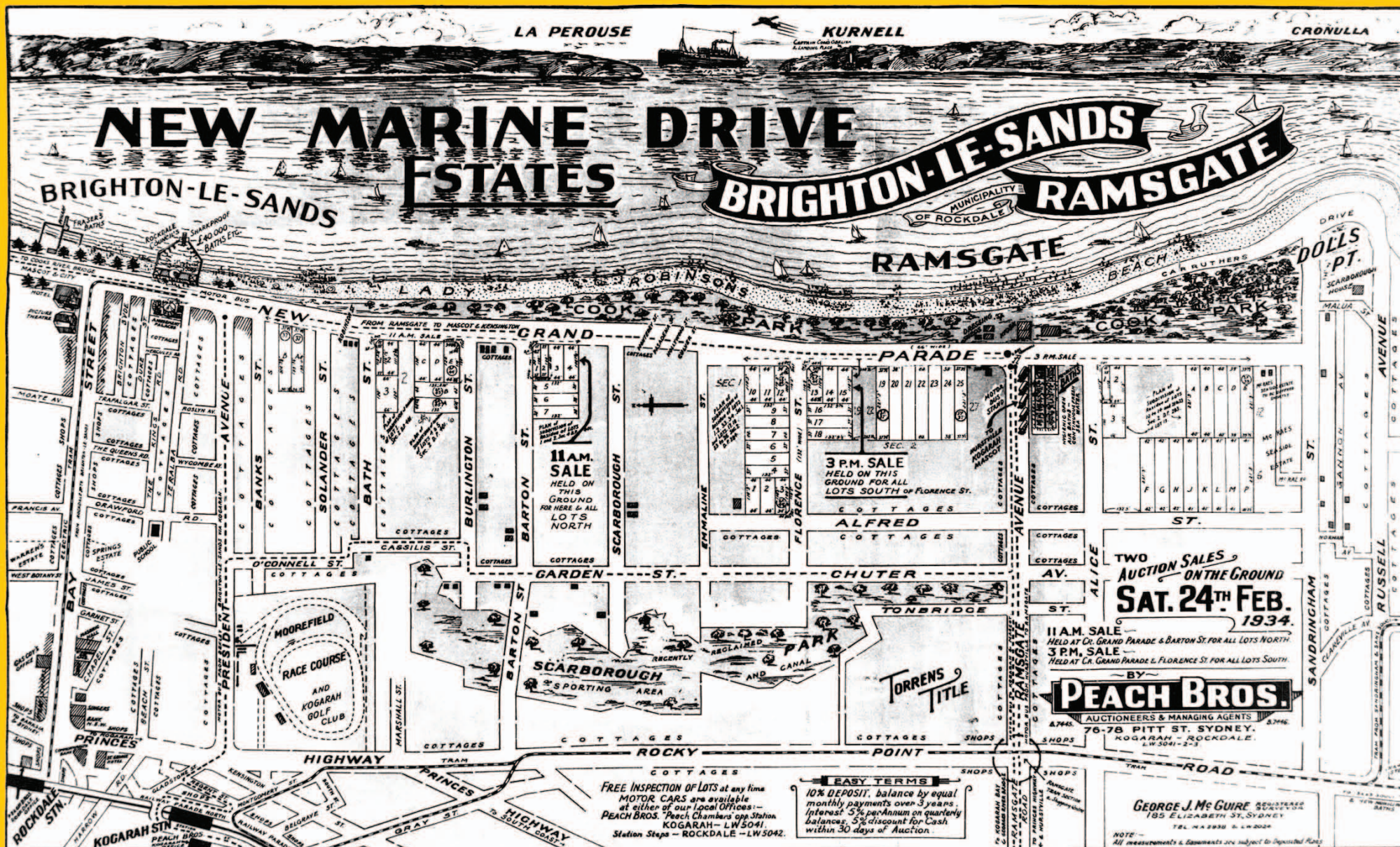
HOW DO I MAKE A SUBMISSION?

Write to: The General Manager
 Rockdale City Council
 PO Box 21
 Rockdale NSW 2216
 Email: rcc@rockdale.nsw.gov.au
 Enquiries: 02 9562 1666

WHAT WILL HAPPEN NEXT?

Council will consider the submissions made in relation to this Discussion Paper.

Depending upon the outcome of the submissions Council will decide upon a course of action. This may be to do nothing or it may be to do further investigation and consultation.



Historic plans are used in the background research into HCA (Rockdale City Library).



www.rockdale.nsw.gov.au

Council Meeting

14/12/2016

Item No	10.1
Subject	Minutes of the Botany Historical Trust Committee Meeting – 7 November 2016
Report by	Hayla Doris, Manager of Community Services
File	(R) S16/138418

Council Resolution

Minute 2016/098

Resolved by the Administrator

That the Minutes of the Botany Historical Trust Committee meeting held on 7 November 2016 be received and the recommendations therein be adopted.

The Administrator noted that Bayside Council will not be altering its name to Botany Bayside Council as suggested by the Botany Historical Trust. A considerable amount of time, effort and expense for re-branding work has already been undertaken in the name of Bayside Council and he is not going to set that aside at this time.

Officer Recommendation

That the Minutes of the Botany Historical Trust Executive Committee Meeting of 7 November 2016 be confirmed.

Present

Anne Slattery, President
Alice McCann, Senior Vice President
Christopher Hanna, Vice President
Robert Hanna, Secretary
Peter Orlovich, Research Officer
Jacqueline Milledge
Richard Smolenski

Also Present

The Administrator, Mr Greg Wright
Meredith Wallace, General Manager
Hayla Doris, Manager of Community Services
Jenny MacRitchie, Heritage Librarian
Paula Grunseit, Librarian, Local History/Community Engagement
Catherine McMahon, Manager of Strategic Planning

President Anne Slattery opened the meeting in the Mascot Library and George Hanna Memorial Museum, Mascot at 6 pm.

1 Acknowledgement of Traditional Owners

The President acknowledged the traditional custodians of the Land, the Gadigal and Bidjigal clans.

2 Apologies

Clarence Jones

Members of the Executive committee and Council staff gave a brief introduction.

3 Minutes of Previous Meeting

On the motion of Richard Smolenski, seconded by Robert Hanna:

That the Minutes of the Botany Historical Trust Executive Committee Meeting of 1 August 2016 be confirmed, with the following corrections:

1. Reports – Cathy MacMahon corrected to Catherine McMahon.
2. Update on the Heritage Listings Review – italicise the name – *Heritage Near Me* incentives program.
6. General Business – Clarrie Jones mentioned that there were 2 remaining fishing cottages instead of 2 remaining villages.

4 Disclosures of Interest

There were no disclosures of interest.

On the motion of Robert Hanna, seconded by Richard Smolenski, (and carried by a general vote), standing orders were suspended to discuss the future of the Botany Historical Trust.

6 General Business

Robert Hanna expressed his concern about the 'takeover' by Rockdale, and the unique history and collections of the Botany area. He also expressed his concerns with the name 'Bayside.'

Jacqueline Milledge asked whether the recommendations of the Botany Historical Trust would still be considered.

Richard Smolenski produced a letter received by Botany Historical Trust members thanking them for their service, implying that they were no longer required and asked whether this was a bureaucratic mistake.

Alice McCann asked for clarification on where the Botany Historical Trust currently stands and what is happening in the future.

Jacqueline Milledge stated that it was important to separate the issue of the Council amalgamations from the status of the Botany Historical Trust.

Administrator, Greg Wright addressed some of these concerns, stating that there was nothing that anyone could have done about the amalgamations and that the aim now was to bring organisations and communities together. Mr Wright discussed that it would be business as usual for the Botany Historical Trust and apologised for any miscommunication. After the amalgamation all advisory committees were disbanded, with the exception of the Botany Historical Trust, the Community Nursery and the Business Enterprise Centre.

Mr Wright said that Bayside Council is aiming for transparent processes. He advised that 20 of the former 22 councillors were meeting with him regularly and that he valued their views and constructive feedback. Although it was a complex situation, he wanted to minimise alienation and was committed to making everything as seamless as possible. Council was committed to seeing that services to residents were not disrupted and that levels of infrastructure were maintained.

General Manager, Meredith Wallace addressed the meeting, acknowledging that communication with the Botany Historical Trust could have been better during the period following amalgamation. Meredith stated that she looked forward to the Botany Historical Trust and Bayside Council working together.

President Anne Slattery voiced her concern about the perceived assumption that historical societies may be expected to merge. She pointed out that the Local Studies and Museum Report mentions wider research for future exhibitions, at the George Hanna Memorial Museum, that would include Rockdale residents and stories. Anne Slattery asked whether the Botany Historical Trust can remain autonomous after September 2017 and that members were concerned about the future of the archives and donations.

Mr Greg Wright expressed his hope that the Botany Historical Trust and Bayside Council could have a good relationship.

Meredith Wallace stated that Bayside Council now had 8 libraries and that it was likely that there would be occasions that competitions and activities may be shared across all libraries.

Hayla Doris stated that the Local Studies and Museum Report had been submitted with inclusivity in mind.

Jacqueline Milledge and Richard Smolenski asked what happens now regarding any heritage recommendations made by the Botany Historical Trust for Botany and what happens in Rockdale. Greg Wright assured the committee that he had no interest in changing the structure of the Botany Historical Trust during his time as Administrator and that he understood the committee's concerns. The Botany Historical Trust would continue its normal operations until council elections are held in September 2017. Peter Orlovich noted that he had been a member of the St George Historical Group 1960 and doesn't anticipate any change to that group after the council amalgamations.

Robert Hanna and Anne Slattery asked about the future replacement of street signs in the area to reflect the Bayside branding. They asked whether the old signs could be made available to the relevant family members at that time, as has been done in the past. Mr Wright said that there were no immediate plans to replace them but Meredith

Wallace said that it was a great idea to give them to family members when the time comes.

Jacqueline Milledge expressed her desire to see the name of the new council continue to embrace our prominent, historic feature of Botany Bay.

On the motion of Jacqueline Milledge, seconded by Richard Smolenski:

That the new Bayside Council alter its name to 'Botany Bayside Council' to recognise the common denominator between the two former council areas and pay homage to the historical significance of Botany Bay.

Peter Orlovich expressed his concern about the future home of the City of Botany Bay archives as records have previously been lost during the earlier amalgamation of Botany and Mascot Councils in 1948. He noted that during periods of change there could be administrative issues and the loss of records.

Anne Slattery stated that she will schedule Botany Historical Trust meetings for 2017 and recommended that a brief AGM be held before the Christmas function on 8 December. The committee would remain as it currently is until the Council elections in September 2017.

Chris Hanna also asked whether the centenary lunch to be hosted by former Deputy Mayor, Stan Kondilios on 26 November would be going ahead. Meredith Wallace indicated that it would and that she would confirm details with Christine Stamper.

Anne Slattery asked if a floral wreath would be provided to the Botany Historical Trust for the Mascot RSL Sub Branch Remembrance Day ceremony to be held Sunday, 13 November 2016. Traditionally, Botany Bay City Council paid for a wreath for both the Botany Historical Trust and also the Council for this occasion. The Executive was assured this would be organised.

5 Reports

5.1 Local Studies and Museum

On the motion of Chris Hanna, seconded by Alice McCann:

That the report was received and noted.

With the following corrections on page 7 under sub heading –
Professional Development - The day provided a number of new ideas to implement at Bayside.

Manager of Strategic Planning, Catherine McMahon addressed the meeting, requesting the Botany Historical Trust to select road and park names from the submitted suggestions for the following developments.

5.2 Update on Road and Park Naming in the Wilson/Pemberton Street Precinct

On the motion of Peter Orlovich, seconded by Richard Smolenski:

That the following names be selected for road names:

- Boissier, Ruttle, Madden, Strike.

- Seek to retain the name Lenth Lane

With the following corrections:

Summary: change from Botany Historic Trust to Botany Historical Trust

Officer Recommendations: point 2 Change chose to choose

5.3 Update on Road and Park Naming at 128 and 130 – 150 Bunnerong Road, Pagewood

On the motion of Alice McCann, seconded by Chris Hanna:

That the following names be selected for road names:

- Kingswood, Monaro, Torana, Vauxhall, Statesman.

That the following names be selected for park names:

- Charles Chauvel, Margot Rhys, Peter Finch, Mary Maguire.

5.4 Update on Road and Park Naming in the Mascot Station Precinct

On the motion of Chris Hanna, seconded by Alice McCann

That the following names be selected for road names:

- Treharne, Curnow, with Warneford as a backup name.

That the following names be selected for park names:

- Avondale, Winder.

Catherine McMahon left the meeting at 7.20 pm.

7 Meeting Close

The meeting closed at 7.45 pm.

Robert Hanna thanked the Administrator and General Manager for attending and for their frankness in answering the committee's questions.

Council Meeting

14/12/2016

Item No	10.2
Subject	Minutes of Bayside Traffic Committee – 7 December 2016
Report by	Jeremy Morgan, Manager City Infrastructure
File	(R) SC16/251

Council Resolution

Minute 2016/099

Resolved by the Administrator

That the Minutes of the Bayside Traffic Committee meeting held on 7 December 2016 be received and the recommendations therein be adopted.

Officer Recommendation

That the Minutes of the Bayside Traffic Committee held on 7 December 2016 be received and the recommendations therein be adopted.

Present

Jeremy Morgan, Manager City Infrastructure, Bayside Council (Convenor)
James Suprain, representing Roads and Maritime Services
Senior Constable Alexander Weissel, Botany Bay Police
Chris Donovan, representing State Member for Rockdale

Also present

Steve Poulton, Manager City Infrastructure, Bayside Council
Robert Ayoub – State Transit Authority - west
Lyn Moore, NSW Pedestrian Council
Joe Scarpignato, St George Cabs
Peter Hannett – St George Bicycle User Group
Pintara Lay, Coordinator Traffic and Road Safety, Bayside Council
Glen McKeachie, Coordinator Regulations, Bayside Council
Michael Lee, Traffic Engineer, Bayside Council
Agasteena Patel, Traffic Engineer, Bayside Council
Pat Hill, Traffic Committee Administrative Officer, Bayside Council

The Convenor opened the meeting in the Rockdale Library Meeting Room 3.2 at 9.15am.

1 Apologies

The following apologies were received:

Christina Curry, representing State Member for Maroubra & State Member for Heffron

Les Crompton, representing State Member for Kogarah
Sergeant Frank Gaal, St George Local Area Command
Senior Constable Kate Fergusson, St George Local Area Command
Eric Graham, State Transit Authority- East
Rabih Bekdache, State Transit Authority- West
Contessa Hijinikitas, Project Officer Transport, Bayside Council
Greg Baker, Team Leader Regulation, Bayside Council

2 Minutes of Previous Meetings

BTC16.60 Bayside Traffic Committee Meeting – 2 November 2016

Committee Recommendation

- 1 That the Minutes of the meeting of the Bayside Traffic Committee held on 2 November 2016 be confirmed.
- 2 That it be noted that the Committee recommendations included in the Minutes of the meeting of the Bayside Traffic Committee held on 2 November 2016 were adopted by the Council at its meeting held on 9 November 2016.

3 Disclosures of Interest

There were no disclosures of interest.

4 Reports

BTC16.61 Church Avenue, Mascot, between Kent Road and O’Riordan Street - Proposed Two Way Traffic Flow

Committee recommendation

That a Traffic Management Plan, including public engagement plan, to convert Church Avenue, Mascot from a one-way traffic flow to a two-way traffic flow between Kent Road and O’Riordan Street be prepared.

BTC16.62 King Street between Alfred and Frogmore Streets, Mascot Proposed Extension of eastbound bus zone

Committee recommendation

That the existing eastbound bus zone on King Street, Mascot between Alfred and Frogmore Streets be extended by 6 metres

**BTC16.63 Warrana Street between Pemberton Street and Kurnell Street,
Botany – Proposed Travelling Lanes and Parking Lane
Modification**

Committee recommendation

- 1 That Community Consultation be undertaken for the proposal.
- 2 That the results of the Community Consultation and recommendation be reported back to the Bayside Traffic Committee.

BTC16.64 Minor Traffic Facilities – Hardie Lane, Alfred Lane, Frogmore Lane, Sutherland Street with King Lane and Hollingshed Street - Proposed statutory 'No Stopping' signage

Committee Recommendation

- 1 That statutory 'No Stopping' signs be installed at the intersections of the rear lanes: Hardie Lane, Johnson Lane, Alfred Lane and Frogmore Lane at the intersections of King Lane, Hollingshed Street and Wentworth Avenue
- 2 That statutory 'No Stopping' signs be installed at the intersections of Sutherland Street with King Lane and Hollingshed Street, Mascot.

**BTC16.65 Willison Road west of Argyle Street, Carlton –
Detailed drawings for proposed pedestrian refuge island**

Committee Recommendation

That approval be given to the installation of an upgraded pedestrian refuge island in Willison Road, west of Argyle Street, Carlton.

**BTC16.66 Avenal Lane, Arncliffe, at the rear of 20 Tantallon Avenue –
Proposed 12m 'No Stopping' restriction**

Committee Recommendation

- 1 That approval be given for the installation of 12m 'No Stopping' restriction along the northern kerbline of Avenal Lane at the rear of 20 Tantallon Avenue replacing the existing 'No Parking 6am-9am Tuesday' restriction that currently applies.
- 2 That the parking restrictions in the remainder of Avenal Lane to remain as existing.

**BTC16.67 Burlington Street and Chuter Avenue, Monterey –
Proposed ‘No Stopping’ restrictions**

Committee Recommendation

That approval be given for the installation of ‘No Stopping’ signage at the intersection of Burlington Street and Chuter Avenue, Monterey

- 1 10m ‘No Stopping’ restrictions in Chuter Avenue along the eastern kerblines, north and south of Burlington Street.
- 2 10m ‘No Stopping’ restrictions in Burlington Street east of Chuter Avenue along both kerblines.

**BTC16.68 Knight Street, Railway Street and Roach Street intersection,
Arncliffe - Proposed ‘No Stopping’ restrictions**

Committee Recommendation

That approval be given for the installation of ‘No Stopping’ restrictions at the intersection of Knight Street, Railway Street and Roach Street, Arncliffe

- 1 10m ‘No Stopping’ restrictions in Roach Street along the western kerblines, north of Knight Street. 10m ‘No Stopping’ restrictions in Roach Street along the western kerblines, north of Knight Street.
- 2 10m ‘No Stopping’ restrictions in Railway Street along the western kerblines, south of Knight Street.
- 3 10m ‘No Stopping’ restrictions in Knight Street along northern kerblines west of Roach Street.

**BTC16.69 Wilkins Street, Bardwell Valley, between Rickard Street and
Hannam Street - Proposed bus zones at the existing bus stops**

Committee Recommendation

- 1 That approval be given to the installation of a ‘Bus Zone, 6:30am- 9:30pm, Mon-Fri and 7:30am- 7:30pm, Sat- Sun’ at the existing bus stop along the eastern kerb line of Wilkins Street south of Hannam Street at the side of Nos.51 Hannam Street, Bardwell Valley, as follows:
 - a from 0m to a point 10m – proposed ‘No Stopping’
 - b from 10m to 36m – proposed “Bus Zone, 6:30am- 9:30pm, Mon- Fri and 7:30am- 7:30pm, Sat- Sun’ restriction
 - c from 36m southward – retain parking
- 2 That approval be given to the installation of a ‘Bus Zone, 6:30am- 9:30pm, Mon-Fri and 7:30am- 7:30pm, Sat- Sun’ at the existing bus stop along the western kerb line of Wilkins Street north of Rickard Street at the side of Nos.38 Rickard Street, Bardwell Valley, as follows:

- a from 0m to a point 12m – proposed ‘No Stopping’
- b from 12m to 39m – proposed “Bus Zone, 6:30am- 9:30pm, Mon- Fri and 7:30am- 7:30pm, Sat- Sun’ restriction
- c from 39m northward – retain parking

**BTC16.70 Warialda Street, Bexley – in front of 72 Warialda Street, Kogarah
Proposed removal of Disabled Parking**

Committee Recommendation

- 1 That approval be given for the removal of a disabled parking space in front of 72 Warialda Street, Kogarah, as it is no longer required.
- 2 That approval be given to restore ‘2P 8:30am-6pm Mon-Fri 8:30am-12pm Sat Permit Holders Excepted Area KGR’ parking restrictions

**BTC16.71 Wollongong Road at the cul de sac end, Arncliffe
Proposed ‘No Stopping’ restrictions**

Committee Recommendation

That approval be given to the replacement the existing part time ‘No Stopping, 8:00am- 9:30am and 2:30pm- 4pm, School Days’ with a full time ‘No Stopping’ restriction at the cul de sac end of Wollongong Road, Arncliffe.

**BTC16.72 Abercorn Street in front of St Gabriel Primary School, Bexley
Proposed raised foot crossing relocation**

Committee Recommendation

- 1 That approval be given to the relocation of the raised pedestrian crossing subject to the developers submitting detailed designs certified by an appropriately qualified person stating that the design achieves the intent of the relevant Australian Standards, Austroads Guide to Road Design; and satisfies the requirements of the RMS Technical Direction of the raised pedestrian crossing in Abercorn Street.
- 2 That Developers be requested to implement the above recommendation at their cost and the construction of the road and drainage works shall meet Council requirements.

**BTC16.73 Discovery Point Place, in front of Wolli Creek Railway Station
Proposed marked foot-crossing**

Committee Recommendation

- 1 That the Roads and Maritime Service approval of a marked foot crossing in Discovery Point Place in front of Wolli Creek Railway Station be noted.
- 2 That the land owner of Discovery Point Place submit to Council detailed designs certified by an appropriately qualified person stating that the design achieves the intent of the relevant Australian Standards, Austroads Guide to Road Design; and satisfies the requirements of the RMS Technical Direction.

5 General Business

BTC16.74 Additional Items

Committee Recommendation

No additional items were raised.

The Convenor closed the meeting at 10:55am and thanked all the Committee Members for their input and extended Season Greetings and Happy New Year.

Council Meeting

14/12/2016

Item No	10.3
Subject	Minutes of Local Representation Committee 7 December 2016
Report by	Liz Rog, Acting Manager Governance
File	(R) F16/903

Council Resolution

Minute 2016/100

Resolved by the Administrator:

That the minutes of the Local Representation Committee meeting held on 7 December 2016 be received.

Officer Recommendation

That the Minutes of the Local Representation Committee of 7 December 2016 be received.

Present

Greg Wright, Administrator
Joe Awada
Liz Barlow
Mark Castle
Christina Curry
George Glinatsis
Mark Hanna
Tarek Ibrahim
Petros Kalligas
James Macdonald
Nicholas Mickovski
Greg Mitchell
Michael Nagi
Shane O'Brien
Peter Poulos
Bill Saravinovski
Paul Sedrak
Brian Troy
Andrew Tsounis

Also Present

Meredith Wallace, General Manager
Fausto Sut, A/Director Corporate and Community
Liz Rog, A/Manager Governance
Lauren Thomas, Governance Officer
Vince Carrabs, Coordinator City Media and Events

The Administrator opened the meeting in the upstairs meeting room of Coronation Hall, 1007 Botany Road, Mascot at 7:05 p.m.

1 Acknowledgement of Traditional Owners

The Administrator read the acknowledgement of traditional owners.

2 Apologies

Apologies were received from Ben Keneally and Ron Bezic.

3 Minutes of Previous Meeting

The Minutes of the Local Representation Committee Meeting held on 2 November 2016 be confirmed.

An issue regarding Haig Avenue was raised for discussion. This matter has been documented as a service request in Council's CRM system and allocated to Council's Engineer.

4 Disclosures of Interest

There were no disclosures of interest.

5 Administrator Minute

5.1 Sydney Central Planning Panels

The Administrator provided background to the recent changes including the establishment of the Sydney Central Planning Panel (SCPP), established on 21 November 2016, which has replaced the Sydney East and Sydney West Joint Regional Planning Panels (JRPPs).

5.2 Draft Central District Plan

The Administrator asked if there were any questions regarding the District Plan.

LB: Is the State Government asking for any input about the Draft Central District Plan at this stage – concern that more schools should be included in the plan.

MW: Those concerns have been raised at every forum regarding the Draft District Plans.

GW: The Central District Plan is currently in draft form for consultation. Council will be lodging a submission and individuals are also encouraged to make their own submissions. Members can make a submission as a private citizen, with submissions closing late March 2017. Pending timeframes, it is proposed to circulate a copy of Council's draft submission to LRC members for their information.

GM: The light rail should extend to the suburb of Pagewood, has any further consideration been given to that?

MW: An extension would require an extra four kilometres added to the light rail. This comes at a minimum cost of \$100 million per kilometre.

6 Update on Transition Plan Milestones

Meredith Wallace presented an overview of the progress in the last month for transition to Bayside Council, this is summarised as follows:

- Interviews for Directors positions were held over three days this week and the successful candidates will be announced in the next fortnight.
- The new staff structure to management level has been finalised and staff feedback has been mostly positive in terms of the new structure.
- Council has been in consultation with all three unions representing various Council staff to review the new structure to the management level seeking agreement. This looks promising.
- A team of staff is working on an interim accommodation strategy – keeping “like” teams together which will include some change to work base locations.
- A Bayside Community newsletter has been distributed to all residents in the new Council area. Only one complaint has been received from a resident who felt that the newsletter was not quite balanced across the two former Council areas. There has also been plenty of appreciative feedback received.
- All schools in the Bayside Council area will be receiving a \$200 academic excellence award.
- A number of joint events have been held including Carols on the Bay, the Housebound Christmas Party and the Botany Historical Trust Christmas party.
- The Department of Premier and Cabinet are very pleased with Bayside Council’s progress.
- Council now has one email service across all service centres.
- Code of Conduct training and Resume and Interview Skills training have been conducted for all staff.
- Council received four awards last month:
 - Rockdale Town Centre Masterplan - received the Planning Institute of Australia Award
 - Landing Lights Wetland Community Education – received the NSW Local Government Excellence in the Environment Award
 - Rockdale Library – received the IPWEA Engineering Excellence Award
 - Rockdale Library – received the Master Builders Association Award

- Staff delegations are being harmonised and will be implemented for appointment of the new Directors.
- Price Waterhouse Cooper has been appointed as Council's Auditor and the Auditor General has been appointed to review the former Botany Bay Council's financial statements.
- The ability to be on the one IT platform is the most important and most difficult challenge for Council. Council is currently talking to the Department of Premier and Cabinet about being the first local government department to join their digital environment site "GovDC". This would resolve a lot of our issues, improve internet speed and give us a uniform and stable solution. This should be achieved by Easter 2017.

GW: Regular briefings are being provided on all these technical and operational matters and all is progressing very well. The new Community Engagement Strategy, currently being drafted, will further inform members.

TI: What is Council doing about combining the two Local Environmental Plans (LEPs)?

GW: The Proclamation advises Council to hold off on this as the development of one planning instrument needs an enormous amount of work to bring together the two former Council LEPs. Work is commencing to establish a business case outlining how Council will proceed in terms of what it will take to get to one LEP including a project plan outlining the process and the resources required to develop the new instrument. The DPC have put together a group of Administrators and we will meet on Friday to commence the development of a package for merged councils on how best to proceed. This package is to be available as part of the handover to the new Council in September 2017. By the time of the newly-elected Council in September 2017, I envisage there will be a significant amount of projects that will be in train but not yet complete. Some of these will be operational and some technical and they will all include a complete business case and project plan to progress their completion.

AT: Will Council be harmonising its Fees and Charges for sporting fields in time for the next sporting season?

GW: Teams are looking at this. This will take some considerable harmonisation and won't be achieved in time for the next sporting season. Both councils experience greater demand than capacity and we don't anticipate this will change by next winter.

AT: What if one side has cheaper fees than the other area?

GW: Both service centres are looking at harmonisation for all fees and charges. Once Managers are appointed, this work is anticipated to progress significantly.

BS: What if the new organisation structure changes under an elected council, is there any way to avoid pay outs?

MW: The new Council has 12 months to review the staff structure with discretion to continue as is or make some changes. We have moved from two councils, each with three departments to one council with a four-department structure.

GW: A 38-week clause for senior staff is standard under the Act. It is the responsibility of the General Manager to convince the incoming Council that the structure is right and is working well. In my view we have a higher level of strategic capacity and budget capacity emerging with the new Council. The challenge is to continue to build on this good-value environment.

7 Review of Capital Works Update

The Administrator advised that an update report on the Arncliffe synthetic fields project and the Arncliffe Youth Centre will be provided under separate cover.

CC: Can we be provided with a progress report on the progress of the new amenities for Boralee Park?

GW: Yes, I have been advised some of Bayside Council's community groups and organisations will be very worthy recipients of the Coalition Government's 2016 promised funding for projects such as this.

8 Advice from Members on Local Issues

Service requests have been raised on the following issues:

Botany traffic issues – Justin Hemmes purchase for redevelopment

Mutch Park Voluntary Planning Agreement

Removal of dumped rubbish in Sparks Street

Colour of the 10 new bollards in St Helena Parade

Astrolabe Park - does Council have any plans for it?

Kyeemagh and Brighton-le-Sands need for increased parking enforcement

Drainage works need repair in Arncliffe Street.

DA in place for the former Darrell Lea site at Ramsgate Park - timing for the VPA?

Remediation plan to combat the erosion at Ramsgate Beach

Ramsgate Road works are very slow and the site fencing is dangerous and needs signage, please investigate. The General Manager advised Council has intentionally slowed them down to minimise impact on Christmas trade. The fencing will be raised as an issue for investigation.

AT: At the AGM a name change for the Botany Bay Ward Progress Association was endorsed, to provide another voice in the community.

Is Council working on a Strata Scheme positions paper to enforce illegal parking? The former Rockdale Council opted for 28-day boat trailer parking. Will Bayside Council follow suit?

Update on how the DAs for the PCYC and Bexley Bowling Clubs are progressing?

LB: Can I remind members that we now have a CRM request form which can be used for a number of the matters raised tonight?

GM: Are we putting out a communication around Council meeting dates? The former Botany Council used to provide fridge magnets to all residents, advising all the Council meeting and clean-up dates for the calendar year.

MW: Bayside Council is doing this.

9 Action Items Review

The Administrator referred to the items raised by members at the November Local Representative Committee meeting and noted that the Minute Secretary had already provided members with an email advising them of the status of those matters.

The “Request for Action – CRM” form has been created for the convenience of members and can be completed for any general Council service matters. Council’s Governance Section will ensure that service requests based on these forms are raised in a timely manner.

10 Date of Next Meeting

The Administrator advised members that the next meeting of the Local Representation Committee will be held on Wednesday 1 February 2017.

11 Meeting Close

The Administrator closed the meeting at 8:05 pm.

Council Meeting

14/12/2016

Item No	11.1
Subject	Closed Council Meeting
Report by	Liz Rog, Acting Manager Governance Evan Hutchings, Acting Manager Governance
File	(R) SF16/14001

Summary

This report recommends that the Council Meeting be closed to the press and public in order to consider the item/s below.

Council's Code of Meeting Practice allows members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

Council Resolution

Minute 2016/101

Resolved by the Administrator

- 1 That, in accordance with section 10A (1) of the Local Government Act 1993, the Council considers the following item/s in closed Council Meeting, from which the press and public are excluded, for the reason/s indicated:

11.2 **CONFIDENTIAL – Extension of Waste Collection Contract**

In accordance with section 10A (2) (d) of the Local Government Act 1993, the Council resolves itself into closed session with the press and public excluded by reasons of commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council. It is considered that if the matter were discussed in an open Council Meeting it would, on balance, be contrary to the public interest due to the issue it deals with.

11.3 **CONFIDENTIAL – Tender – COBB 1610 - King Street, Mascot Car Park Development**

In accordance with Section 10A (2) (d) of the Local Government Act 1993, the Council resolves itself into closed session with the press and public excluded by reasons of commercial information of a confidential nature that would, if disclosed: prejudice the commercial position of the person who supplied it.

11.4 **CONFIDENTIAL – Tender – COBB 1620 - Mascot Oval Car Park Development**

In accordance with Section 10A (2) (d) of the Local Government Act 1993, the Council resolves itself into closed session with the press and public excluded by

reasons of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

11.5 CONFIDENTIAL – Court of Appeal Proceedings - Council and V-Corp (Builder) - Council and Aramini (Private Certifier)

In accordance with Section 10A of the Local Government Act 1993, this matter should be considered by the Council in the absence of the public and media by reason that it relates to litigation proceedings and advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

On balance, the public interest in preserving the confidentiality of the information, on the grounds of legal professional privilege, outweighs the public interest in considering this matter in open session of Council.

11.6 CONFIDENTIAL – Legal Proceedings / Rating Categorisation

In accordance with section 10A (2) (g) of the Local Government Act 1993, the Council resolves itself into closed session with the press and public excluded by reasons of advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege. It is considered that if the matter were discussed in an open Council Meeting it would, on balance, be contrary to the public interest due to the issue it deals with.

- 2 That, in accordance with section 11 (2) and (3) of the Local Government Act 1993, the reports, correspondence and other documentation relating to these items be withheld from the press and public.

Officer Recommendation

- 1 That, in accordance with section 10A (1) of the Local Government Act 1993, the Council considers the following item/s in closed Council Meeting, from which the press and public are excluded, for the reason/s indicated:

11.2 CONFIDENTIAL – Extension of Waste Collection Contract

In accordance with section 10A (2) (d) of the Local Government Act 1993, the Council resolves itself into closed session with the press and public excluded by reasons of commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council. It is considered that if the matter were discussed in an open Council Meeting it would, on balance, be contrary to the public interest due to the issue it deals with.

11.3 CONFIDENTIAL – Tender – COBB 1610 - King Street, Mascot Car Park Development

In accordance with Section 10A (2) (d) of the Local Government Act 1993, the Council resolves itself into closed session with the press and public excluded by reasons of commercial information of a confidential nature that would, if disclosed: prejudice the commercial position of the person who supplied it.

11.4 CONFIDENTIAL – Tender – COBB 1620 - Mascot Oval Car Park Development

In accordance with Section 10A (2) (d) of the Local Government Act 1993, the Council resolves itself into closed session with the press and public excluded by reasons of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

11.5 CONFIDENTIAL – Court of Appeal Proceedings - Council and V-Corp (Builder) - Council and Aramini (Private Certifier)

In accordance with Section 10A of the Local Government Act 1993, this matter should be considered by the Council in the absence of the public and media by reason that it relates to litigation proceedings and advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

On balance, the public interest in preserving the confidentiality of the information, on the grounds of legal professional privilege, outweighs the public interest in considering this matter in open session of Council.

11.6 CONFIDENTIAL – Legal Proceedings / Rating Categorisation

In accordance with section 10A (2) (g) of the Local Government Act 1993, the Council resolves itself into closed session with the press and public excluded by reasons of advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege. It is considered that if the matter were discussed in an open Council Meeting it would, on balance, be contrary to the public interest due to the issue it deals with.

- 2 That, in accordance with section 11 (2) and (3) of the Local Government Act 1993, the reports, correspondence and other documentation relating to these items be withheld from the press and public.

Council Meeting

14/12/2016

Item No	11.2
Subject	PUBLIC CONFIDENTIAL – Extension of Waste Collection Contract
Report by	Colin Clissold, Manager Operations
File	(R) F14/78

Confidential

In accordance with section 10A (2) (d) of the Local Government Act 1993, the Council resolves itself into closed session with the press and public excluded by reasons of commercial information of a confidential nature that would, if disclosed confer a commercial advantage on a competitor of the Council. It is considered that if the matter were discussed in an open Council Meeting it would, on balance, be contrary to the public interest due to the issue it deals with.

Council Meeting

14/12/2016

Item No	11.3
Subject	PUBLIC CONFIDENTIAL - Tender COBB 1610 - King Street, Mascot Carpark Development
Report by	Rodger Dowsett, Manager – Executive Projects
File	(B) 16/47847

Confidential

In accordance with Section 10A (2) (d) of the Local Government Act 1993, the Council resolves itself into closed session with the press and public excluded by reasons of commercial information of a confidential nature that would, if disclosed; prejudice the commercial position of the person who supplied it.

Council Meeting

14/12/2016

Item No	11.4
Subject	PUBLIC CONFIDENTIAL - Tender COBB 1620 - Mascot Oval Carpark Development
Report by	Rodger Dowsett, Manager – Executive Projects
File	(B) 16/47847

Confidential

In accordance with Section 10A (2) (d) of the Local Government Act 1993, the Council resolves itself into closed session with the press and public excluded by reasons of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

Council Meeting

14/12/2016

Item No	11.5
Subject	CONFIDENTIAL – Court of Appeal Proceedings - Council and V-Corp (Builder) - Council and Aramini (Private Certifier)
Report by	Rodger Dowsett, Manager Executive Projects
File	(B) DA 04/286

Confidential

In accordance with Section 10A of the Local Government Act 1993, this matter should be considered by the Council in the absence of the public and media by reason that it relates to litigation proceedings and advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

On balance, the public interest in preserving the confidentiality of the information, on the grounds of legal professional privilege, outweighs the public interest in considering this matter in open session of Council.

Council Meeting

14/12/2016

Item No	11.6
Subject	CONFIDENTIAL – Legal Proceedings – Rating Categorisation
Report by	Fausto Sut, Acting Director Corporate & Community
File	(R) 16/143859

Confidential

In accordance with section 10A (2) (g) of the Local Government Act 1993, the Council resolves itself into closed session with the press and public excluded by reasons of advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege. It is considered that if the matter were discussed in an open Council Meeting it would, on balance, be contrary to the public interest due to the issue it deals with.

Council Meeting

14/12/2016

Item No	11.7
Subject	Resumption of Open Council Meeting
Report by	Liz Rog, Acting Manager Governance Evan Hutchings, Acting Manager Governance
File	(R) 16/140021

Summary

This report recommends that the closed part of the Council Meeting concludes and that the meeting be opened to the press and public.

Council's Code of Meeting Practice requires that, if Council passes a resolution during a meeting, or part of a meeting, that is closed to the public, the Chairperson will make the resolution public as soon as practicable after the closed part of the meeting has ended.

Council Resolution

Minute 2016/107

Resolved by the Administrator

That, the closed part of the meeting having concluded, the open Council Meeting resume and it be open to the press and public.

The Administrator made public the resolutions that were made during the closed part of the meeting.

Officer Recommendation

That, the closed part of the meeting having concluded, the open Council Meeting resume and it be open to the press and public.