
Bayside Planning Panel

28/11/2017

Item No	6.2
Application Type	Development Application
Application Number	DA-2017/284
Lodgement Date	2 March 2017
Property	1 Caledonian Street, Bexley
Owner	Nova Investment Trading Pty Ltd
Applicant	The Site Foreman (NSW) Pty Ltd
Proposal	Construction of a two(2) storey multi dwelling housing development containing seven (7) townhouses, basement car parking and demolition of existing structures
No. of Submissions	Seventeen (17) – Original notification Two (2) – Second notification
Cost of Development	\$2,952,383.00
Report by	Creative Planning Solutions Pty Ltd

Officer Recommendation

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

Background

At its meeting on 12 September 2017, the Bayside Planning Panel considered this development application and resolved:

- 1 *That this item be deferred to allow the applicant the opportunity to prepare and submit a Heritage Management Document in accordance with Clause 5.10(5) of the Local Environmental Plan, and any other supporting documentation.*
- 2 *That the objectors be advised of the Bayside Planning Panel's decision.*

This document has been received and notified to residents. Refer to supplementary Planning Report for a detailed assessment.

Attachments

- 1 Supplementary BPP Report
- 2 Previous BPP Report
- 3 Amended Draft Notice of Determination

- 4 Amended Site Plan
 - 5 Amended Basement Plan
 - 6 Amended Roof Plan
 - 7 Amended Northwest Elevation
 - 8 Amended Southwest Elevation - Front
 - 9 Amended Southwest Elevation – Rear
 - 10 Amended Southeast Elevation
 - 11 Amended Northeast Elevation – Front
 - 12 Amended Northeast Elevation - Rear
 - 13 Perspectives Amended Plans
 - 14 Statement of Heritage Impact
-

Location Plan

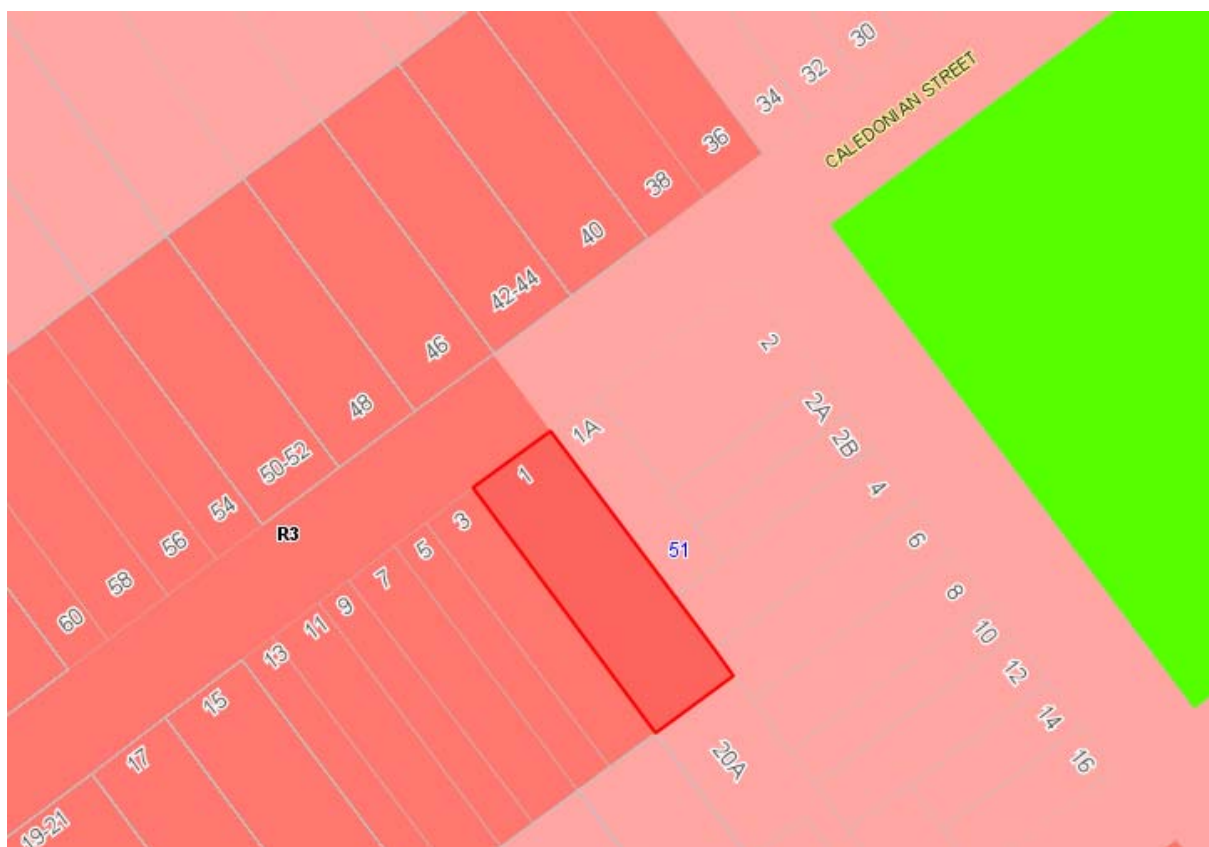


Fig 1 – Location Plan

BAYSIDE COUNCIL

Supplementary Planning Report

Application Details

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

Executive Summary

On 12 September 2017, the subject development application was referred to the Bayside Planning Panel (BPP) for determination. The Consulting Assessment Officer's report recommended approval, subject to conditions including specific conditions requiring visual privacy mitigation measures.

The BPP raised concern with the potential impact of the proposal on the nearby local heritage item, Seaforth Park, and the local heritage street trees in Caledonian Street fronting the site (Item I100 and I107 Rockdale LEP 2011, respectively). The BPP

resolved to defer the determination to allow the applicant to prepare a Heritage Management Document.

On 16 October 2017, Council received a Heritage Impact Statement, amended architectural plans, and a materials sample board. The amended application was referred to Council's Heritage Officer and renotified to objectors for a period of 14 days ending 17 November 2017. In response, two submissions were received which are addressed in the submissions section below. Council's Heritage Officer raised no objections to the proposal subject to conditions.

The Heritage Impact Statement indicates that the proposal is satisfactory from a heritage perspective and satisfies the relevant provisions including Clause 5.10 'Heritage Conservation' of the Rockdale LEP 2011. No amendments have been made to the proposal with the exception of the addition of plan notations to resolve the visual privacy issues raised (and recommended to be conditioned) from the 12 September 2017 BPP assessment report. The notations implement the requirements of the previously proposed conditions of consent relating to the introduction of privacy measures to a range of windows on the south-eastern rear elevation and south-western side elevation.

This supplementary report provides an assessment of the additional information received against the reasons for deferral stipulated in the minutes for the BPP 12 September 2017 meeting and the relevant planning provisions. This report also addresses the submissions received during renotification of the application.

In summary, the additional information satisfactorily demonstrates that the proposal is acceptable on heritage grounds and Council's Heritage Officer has reviewed this information and supports the application. Accordingly, the application is recommended for approval subject to the attached conditions. It is noted that the previously proposed conditions relating to privacy measures are no longer included as the amended plans have resolved these matters.

Recommendation

1. That Development Application DA-2017/284 for the construction of a two(2) storey multi dwelling housing development containing seven(7) townhouses, basement car parking and demolition of existing structures at 1 Caledonian Street, Bexley be **APPROVED** subject to the attached conditions, pursuant to Section 80(1) of the Environmental Planning and Assessment Act 1979.
2. That the objectors be advised of the Bayside Planning Panel's decision.

Submissions

The amended application was renotified to objectors for a period of 14 days ending 17 November 2017. In response, two submissions were received which objected to the proposal. The issues raised in this submission are addressed as follows:

Issue 1: Heritage Impact Statement is deficient

Council's Heritage Officer has reviewed the submitted Heritage Impact Statement and the proposal and raised no objection subject to conditions. These conditions have been included in the attached conditions and will require the preparation of an archival photographic recording of the existing property and that appropriate tree protection measures are implemented for the heritage street trees.

Issue 2: Blueberry Ash Tree plantings within north-eastern side setback will overshadow the proposed courtyards of the townhouses

The proposed private open space areas (courtyards) are located within the north-eastern side of the site to maximise solar access. The submitted shadow diagrams indicate that these private open space areas will receive direct sunlight to at least 50% of the area for a compliant 4 hours between 10am and 2pm in mid-winter. The impact of shading from trees is not taken into consideration when measuring solar access.

Issue 3: Proposal does not satisfy Objective 4 of the R3 zone – '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 proposal has been assessed as satisfactory in regards to the objectives of the R3 zone. The proposed land use for multi dwelling housing is permissible within the zone. The amended proposal is a near fully compliant scheme with both the Rockdale LEP 2011 and the Rockdale DCP2011 including in terms of height, FSR, setbacks, car parking, solar access, and visual privacy. Compliance with these provisions has resulted in a development that minimises any impact on the amenity of the surrounding properties. Furthermore, the proposal has been assessed as being visually compatible with the streetscape character of Caledonian Street and Council's Heritage Officer is supportive of the application on heritage grounds. Accordingly, the proposal is considered to be consistent with objective 4 of the R3 zone.

Issue 4: Density and scale – Combined height, length and mass excessive for local area.

The proposal is for a two storey multi dwelling housing development which is permissible within the R3 Medium Density Residential zoning of the land. The built form complies with the height limit, FSR, setbacks, and landscaped area required under the RLEP2011 and RDCP2011. The design also includes sufficient articulation and variation in materials to soften the structure and create visual interest. Given these factors, the density and scale of the proposal is considered to be consistent with the applicable planning controls for the site.

Issue 5: Demolition of existing dwelling house is disappointing

It is acknowledged that the existing dwelling house proposed to be demolished has aesthetic and historical values, however it is not a listed heritage item nor within a heritage conservation area. Council's Heritage Officer has reviewed the application and raised no objection to the demolition of the dwelling, subject to conditions which will

require the applicant to prepare an archival historic record of the dwelling prior to its demolition.

Issue 6: Proposal will be visual intrusive

The built form of the proposal complies with the height limit, FSR, setbacks, and landscaped area required under the RLEP2011 and RDCP2011. The design also includes sufficient articulation and variation in materials to soften the structure and create visual interest. The proposal has been assessed as being visually compatible with the streetscape character of Caledonian Street and Council's Heritage Officer is supportive of the application on heritage grounds.

Assessment of Panel Issues

On 12 September 2017, the BPP deferred the determination of the subject development application, with the minutes of the meeting stating the following:

That this item be deferred to allow the applicant the opportunity to prepare and submit a Heritage Management Document in accordance with Clause 5.10(5) of the Local Environmental Plan, and any other supporting documentation.

Clause 5.10(5) of the RLEP2011 states that a consent authority may request a heritage management heritage management document be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of a heritage item or heritage conservation area. In this instance, the BPP utilised this discretion and deferred the application requiring the preparation of a heritage management document to assess the impact of the proposal on the heritage listed Seaforth Park, located 80m north-east of the site, and the heritage listed Caledonian Street Plantings fronting the site (Item I100 and I107 Rockdale LEP 2011, respectively).

On 16 October 2017, Council received a Heritage Impact Statement, amended architectural plans, and a materials sample board. The Heritage Impact Statement indicates that the proposal is satisfactory from a heritage perspective and satisfies the relevant provisions including Clause 5.10 'Heritage Conservation' of the Rockdale LEP 2011. No amendments have been made to the proposal with the exception of the addition of plan notations to resolve the visual privacy issues raised (and recommended to be conditioned) from the 12 September 2017 BPP assessment report. The notations implement the requirements of the previously proposed conditions of consent relating to the introduction of privacy measures to a range of windows on the south-eastern rear elevation and south-western side elevation.

The amended proposal and submitted Heritage Impact Statement has been reviewed by Council's Heritage Officer. The Heritage Officer raised no objection to the proposal and made the following comments:

The subject property is not heritage listed. The property is in the vicinity of a heritage item, being the brush box street tree plantings in Caledonian Street (Item No. Rockdale LEP 2011, Schedule 5 Heritage item No. I107).

The demolition of the existing Federation Queen Anne house on the site and the DA proposal is allowable in the zoning for the subject site and in the absence of any heritage listing for the site.□ It is recommended that a Condition of any DA consent require photographic archival recording of the house prior to demolition in accordance with NSW Heritage Council guidelines.

The proposal appears unlikely to damage the nearby heritage listed street trees in Caledonian Street; however, it is recommended that a condition of any DA consent require a Street tree protection method statement to be submitted to outline protection methods for the street tree root zones in the vicinity of the site to ensure the street trees near the site are protected during the construction period.

The conditions recommended by Council's Heritage Officer have been included in the attached conditions.

Given the above, the reasons for deferral of the determination of the application have been satisfactorily addressed and as such the application is recommended for approval, subject to the attached conditions.

Bayside Planning Panel

12/09/2017

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

Officer Recommendation

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

Attachments

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

Location Plan

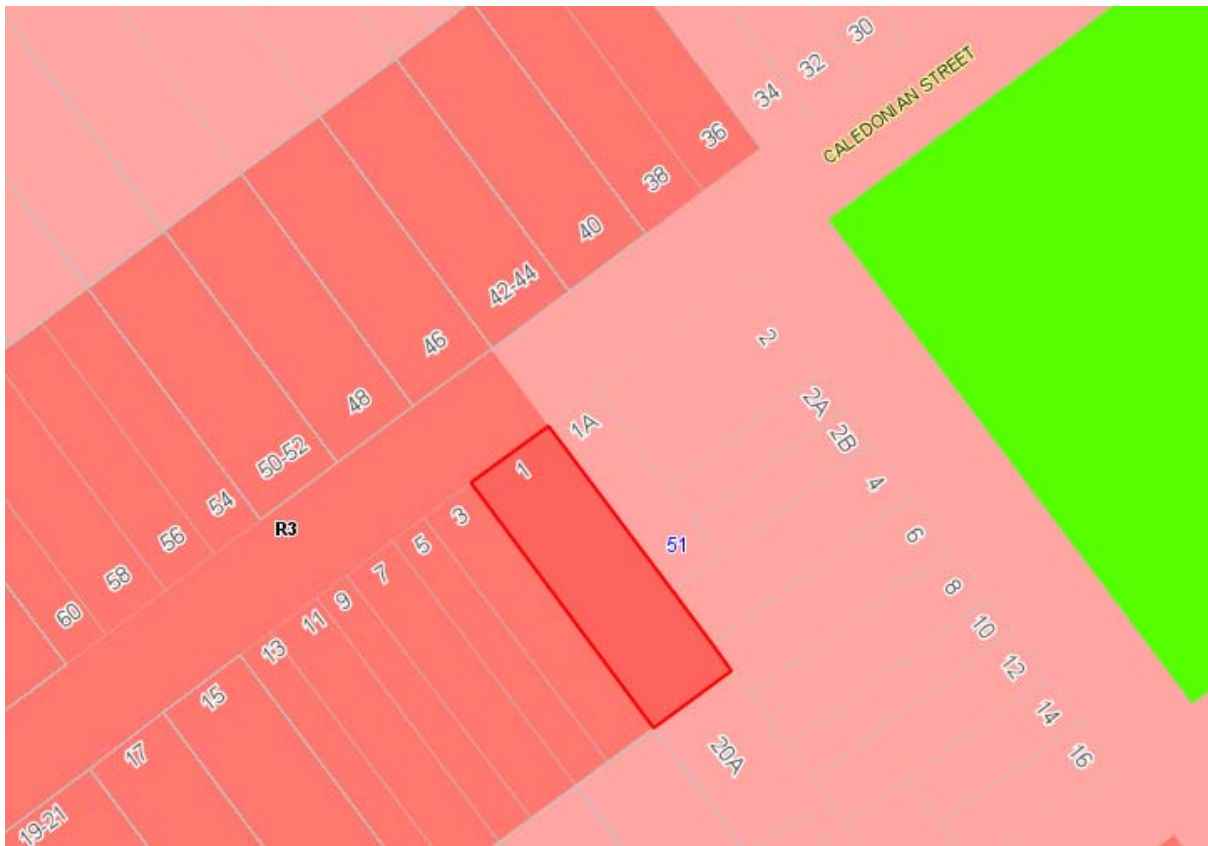


Fig 1 – Location Plan

BAYSIDE COUNCIL

Planning Assessment Report

Application Details

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

Key Issues

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

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

Recommendation

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

Background

Relevant Site History

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

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

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

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

- Basement located below NGL –

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

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

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

- Overlooking from raised decks –

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

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

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

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

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

The Proposal

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

The key development statistics are outlined in the following table.

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

Built form

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

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

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

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

Basement

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

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

Materials and finishes

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

Trees and landscaping

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

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



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

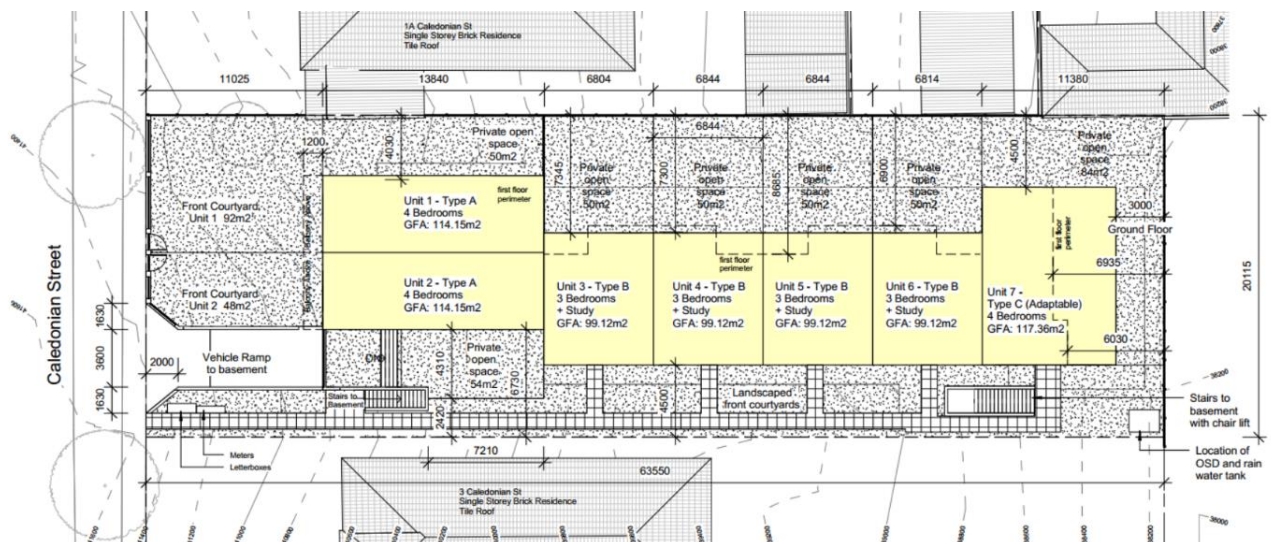


Figure 2. Site Plan
(Source: The Site Foreman, 2017)

Site location and context

Subject site

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

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

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

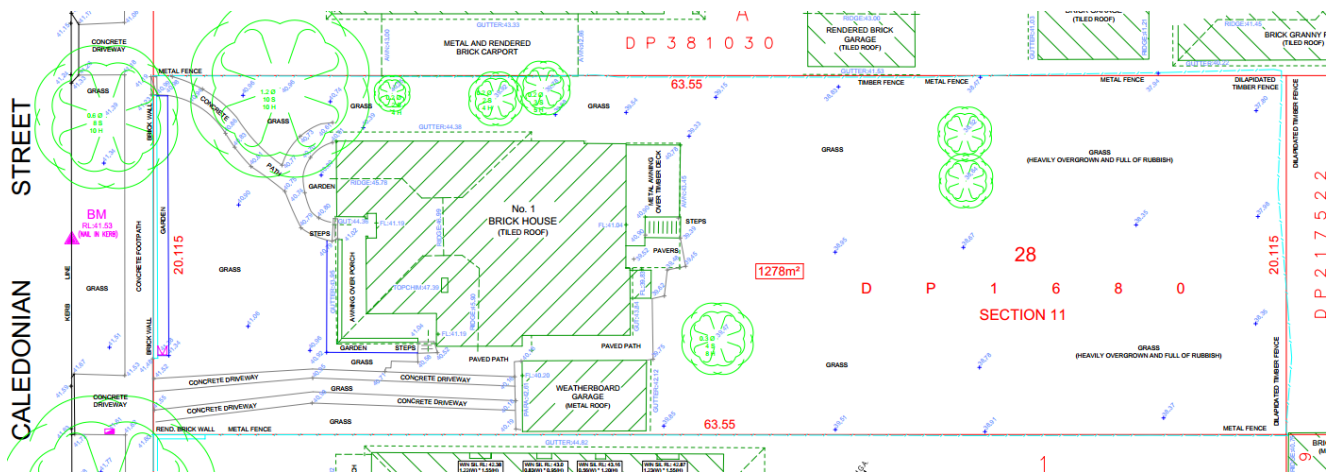


Figure 3. Survey Plan
(Source: Peak Surveying Services, 2016)



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

Adjoining properties

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

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



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



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

Local area

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



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

Statutory Considerations

Environmental Planning and Assessment Act, 1979

An assessment of the application has been undertaken in accordance with the matters for consideration under section 79C(1) of the *Environmental Planning and Assessment Act, 1979*.

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

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

The following Environmental Planning Instruments are relevant to this application:

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

The proposed development includes BASIX affected buildings and therefore requires assessment against the provisions of this SEPP and BASIX certification. A BASIX certificate has been submitted with the DA in accordance with the provisions of this SEPP. The BASIX certificate demonstrates the proposal complies with the relevant sustainability targets and will implement those measures required by the certificate.

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

State Environmental Planning Policy No 55 – Remediation of Land

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

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

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

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

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

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

Rockdale Local Environmental Plan 2011

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

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

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

2.3 Zone objectives and Land Use Table

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

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

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

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

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

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

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

Comment: The proposal is not inconsistent with this objective as it does not impede the ability of the zone to accommodate facilities or services to meet the day to day needs of residents.

- *To ensure that land uses are carried out in a context and setting that minimises any impact on the character and amenity of the area.*

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

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

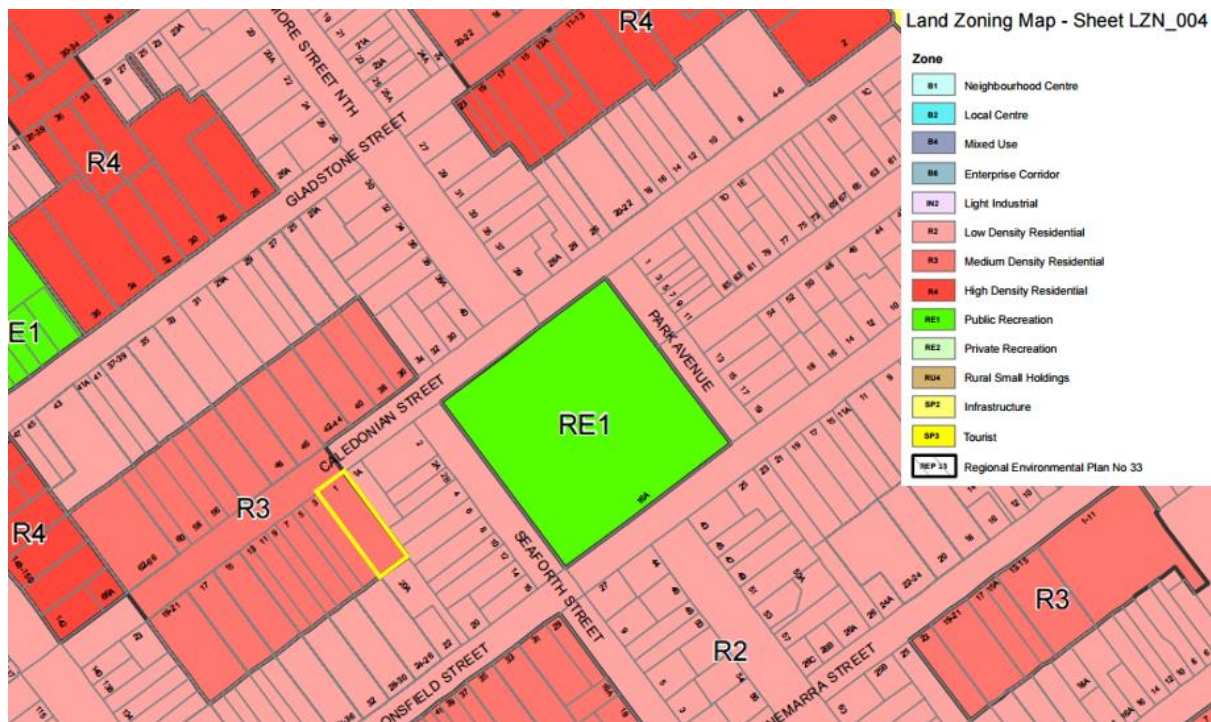


Figure 8. Zoning map extract with the subject site outlined in yellow in the R3 zone
(Source: legislation.nsw.gov.au / Edited: CPS)

2.7 Demolition requires consent

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

4.3 Height of buildings

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

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

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

4.4 Floor space ratio

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

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

5.9 Preservation of trees or vegetation

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

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

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

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

5.10 Heritage conservation

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

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

- I107 Caledonian Street Plantings, Local Heritage

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



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

6.1 Acid Sulfate Soils

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

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

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

6.2 Earthworks

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

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

6.3 Development in areas subject to aircraft noise

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

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

6.7 Stormwater

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

6.12 Essential Services

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

Accordingly, the proposal is considered to satisfy this clause.

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

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

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

The following development control plan is relevant to this application:

Rockdale Development Control Plan 2011

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

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

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

Part 4.2 – Streetscape and Site Context

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

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

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



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

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

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



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



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



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

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

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

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

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

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

Part 4.3.2 Private Open Space

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

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

Part 4.4 Sustainable Building Design

Part 4.4.2 Solar Access

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

Adjoining properties

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

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

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

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

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

Proposed Dwellings

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

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

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

4.4.5 Visual and Acoustic Privacy

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

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

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

Privacy assessment to the south-western side

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

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

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

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

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

Privacy assessment to the south-eastern rear

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

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

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

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

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

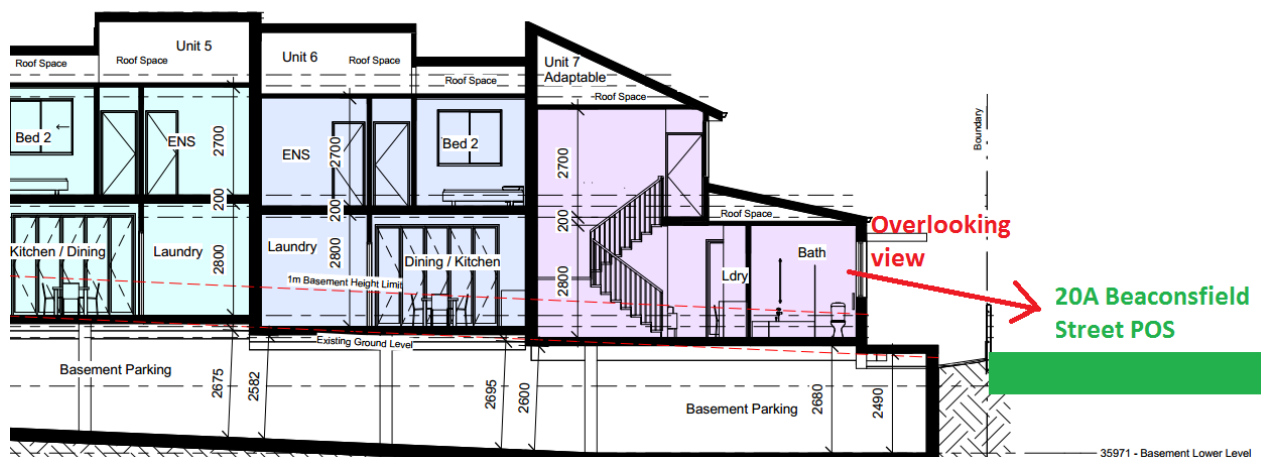


Figure 15. Section drawing indicating view lines from the ground floor of Unit 7 to adjoining POS
(Source: The Site Foreman, 2017; Marked by CPS, 2017)

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

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

4.5 Social Equity

4.5.2 Equitable Access

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

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

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

Part 4.6 – Car Parking, Access and Movement

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

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

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

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

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

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

S.79C(1)(c) – Suitability of the site

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

S.79C(1)(d) – Submissions

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

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

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

Issue 1: Visual Privacy

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

Issue 2: Overshadowing

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

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

Issue 3: Heritage qualities of the existing dwelling

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

Issue 4: Out of Character Design

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

Issue 5: Street Parking

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

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

Issue 6: Bulk and Scale

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

Issue 7: Stormwater run-off

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

Issue 8: Height

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

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

Issue 9: Acoustic Privacy

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

Issue 10: Density

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

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

Issue 11: Inconsistent with zone objectives

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

Issue 12: Site Coverage

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

Issue 13: Construction impacts on adjoining properties

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

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

S.79C(1)(e) – Public interest

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

Our Ref: DA-2017/284
Contact: Marta M Gonzalez-Valdes 9562 1666

444-446 Princes Highway Rockdale NSW 2216
PO Box 21 Rockdale NSW 2216
T 1300 581 299 F 9562 1777
council@bayside.nsw.gov.au
www.bayside.nsw.gov.au

The Site Foreman
PO BOX 361
SUMMER HILL NSW 2130

NOTICE OF DETERMINATION

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

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

Authority:

Determination: Approved

Date of determination:

Date consent commences:

Date consent lapses:

The above development is approved subject to the following conditions:

General Conditions

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

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

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

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

3. All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).
4. **A Construction Certificate must be obtained from Council or an Accredited Certifier prior to any building work commencing.**
5. The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate Number 781978M other than superseded by any further amended consent and BASIX certificate.
Note: Clause 145(1)(a1) of the Environmental Planning & Assessment Regulation 2000 provides: A certifying authority must not issue a construction certificate for building work unless it is satisfied of the following matters: -
 - (a1) that the plans and specifications for the building include such matters as each relevant BASIX certificate requires.**Note:** Clause 154B(2) of the Environmental Planning & Assessment Regulation 2000 provides: "A certifying authority must not issue a final occupation certificate for a BASIX affected building to which this clause applies unless it is satisfied that each of the commitments whose fulfilment it is required to monitor has been fulfilled."
Note: For further information please see <http://www.basix.nsw.gov.au>.
6. The deck areas and balconies shall not be enclosed at any future time without prior development consent.
7. This approval is not to be construed as permission to erect any structure on or near a boundary contrary to the provisions of the Dividing Fences Act.
8. The materials and façade details approved under condition 2 and any other relevant condition of this consent shall not be altered or amended at the construction

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

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

Allocated Spaces

3+ bedroom units = 2 spaces per apartment

Non-Allocated Spaces

Residential Visitor Spaces 1 space per 5 apartments

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

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

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

Development specific conditions

The following conditions are specific to the Development Application proposal.

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

The Registered Proprietor will:

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

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

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

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

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

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

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

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

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

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

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

Prior to issue of the construction certificate

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

31. The following fees shall be paid to Council prior to the issue of a Construction Certificate. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges.
- i. A Footpath Reserve Restoration Deposit of \$8420.00. This is to cover

repair of any damages, or other works to be done by Council. This includes construction, removal, or repair as required to: kerb and guttering, existing or new driveways; paved areas and concrete footpaths. The deposit may be lodged with Council in the form of a Bank Guarantee (Any proposed Bank Guarantee must not have an expiry date). The deposit will not be returned by Council until works are completed and all damage is restored and all specified works are completed by Council.

- ii. An environmental enforcement fee of 0.25% of the cost of the works.
- iii. A Soil and Water Management Sign of \$18.00.

32. For work costing \$25,000 or more, a Long Service Leave Levy shall be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.
33. An application for Driveway Works (Public Domain Construction – Vehicle Entrance/Driveway Application) / Frontage Works (Public Domain Frontage Works Construction Application) shall be made to Council's Customer Service Centre prior to issue of the Construction Certificate. All boundary frontage works, egress paths, driveways and fences shall comply with the approval. A fee is payable to Council. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges.
34. A Section 94 contribution of \$86,674.21 shall be paid to Council. Such contributions are only used towards the provision or improvement of the amenities and services identified below. The amount to be paid is adjusted at the time of payment, in accordance with the contribution rates contained in Council's current Adopted Fees and Charges. The contribution is to be paid prior to the issue of any construction certificate for works above the floor level of the ground floor. (Payment of the contribution is not required prior to any separate construction certificates issued only for demolition, site preparation works and the construction of basement levels). The contribution is calculated from Council's adopted Section 94 contributions plan in the following manner:

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

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

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

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

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

37. The applicant shall confer with Ausgrid to determine if an electricity distribution substation and the installation of electricity conduits in the footway are required. Written confirmation of Ausgrid's requirements shall be obtained prior to issue of the Construction Certificate.
38. Prior to the issue of the Construction Certificate, the approved plans must be submitted to Sydney Water Tap in™ online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

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

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

39. Prior to issue of the Construction Certificate, a longitudinal driveway profile shall be submitted to Principal Certifying Authority for assessment and approval. The profile shall start in the centre of the road and be along the critical edge (worst case) of the driveway. Gradients and transitions shall be in accordance with Council's Code. The profile shall be drawn to a scale of 1 to 25 and shall include all relevant levels, grades (%) and lengths.
40. Swept path analysis (using Autoturn software) shall be provided (for B85 vehicle) for all parking spaces and demonstrate area required to manoeuvre vehicle in and out from the site and parking spaces. All vehicle shall enter and exit in a forward direction.
41. There are built structures, (including public assets) which may be in the zone of influence of the proposed works and excavations on this site. A qualified practicing geotechnical engineer must prepare a geotechnical report demonstrating that the proposed excavation & construction method and the configuration of the built structures will have no adverse impact on any surrounding property and infrastructure.

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

- Location & level of nearby foundations/footings (site and neighbouring)
- Proposed method of excavation
- Permanent and temporary support measures for excavation
- Potential settlements affecting footings/foundations
- Ground-water levels & site classification
- Batter slopes
- Potential vibration caused by method of excavation
- Tanking and waterproofing the basement structures
- De-watering including seepage and off site disposal rate (if any), any other site drainage issue

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

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

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

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

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

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

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

Prior to commencement of works

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

- 48. A dilapidation survey shall be undertaken of all properties and/or Council infrastructure, including but not limited to all footpaths, kerb and gutter, stormwater inlet pits, and road carriageway pavements, in the vicinity which could be potentially affected by the construction of this development. Any damage caused to other properties during construction shall be rectified. A copy of the dilapidation survey and an insurance policy that covers the cost of any rectification works shall be submitted to the Accredited Certifier (AC) or Council prior to Commencement of Works. The insurance cover shall be a minimum of \$10 million.
- 49. A Soil and Water Management Plan shall be prepared. The Plan must include details of the proposed erosion and sediment controls to be installed on the building site. A copy of the Soil and Water Management Plan must be kept on-site at all times and made available on request.

Soil and sedimentation controls are to be put in place prior to commencement of any work on site. The controls are to be maintained in effective working order during construction.

Council's warning sign for soil and water management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign shall be erected prior to commencement of works and shall be displayed throughout construction.

- 50. A sign must be erected at the front boundary of the property clearly indicating the Development Approval Number, description of work, builder's name, licence number and house number before commencement of work. If owner/builder, the Owner/Builder Permit Number must be displayed.
- 51. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - i. stating that unauthorised entry to the work site is prohibited, and
 - ii. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours. Any such sign is to be removed when the work has been completed. This condition does not apply to:
 - iii. building work carried out inside an existing building or
 - iv. building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
- 52. Prior to the commencement of work, a Tree Protection Zone shall be established in accordance with AS4970-2009 (Protection of trees on Development Sites) with protective fences at least 1.8 metres high erected outside the drip line where possible around the Brushbox street tree located at the front of the site which is required to be retained. The protective fences shall consist of chain wire mesh temporary fence panels securely mounted and braced to prevent movement, shall be in place prior to the commencement of any work on site and shall remain until the

completion of all building and hard landscape construction. Excavations for services, waste bins, storage of materials and equipment, site residue, site sheds, vehicle access or cleaning of tools and equipment are not permitted within the Tree Protection Zone at any time.

53. Prior to the commencement of any work on site, a sign shall be placed in a prominent position on each protective fence identifying the area as a Tree Protection Zone and prohibiting vehicle access, waste bins, storage of materials and equipment, site residue and excavations within the fenced off area.
54. The site shall be secured by a 1800 mm (minimum) high temporary fence for the duration of the work. Gates shall be provided at the opening points.
55. Where construction/building works require the use of a public place including a road or footpath, approval under Section 68 of the Local Government Act 1993 for a Barricade Permit is to be obtained from Council prior to commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.
56. Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.
57. Prior to the commencement of excavation works, Vibration monitoring equipment must be installed and maintained, under the supervision of a professional engineer with expertise and experience in geotechnical engineering, between any potential source of vibration and any building identified by the professional engineer as being potentially at risk of movement or damage from settlement and/or vibration during the excavation and during the removal of any excavated material from the land being developed.

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

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

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

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

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

Principal Certifying Authority within 24 hours of any event.

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

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

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

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

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

During demolition / excavation / construction

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

59. A copy of the Construction Certificate and the approved plans and specifications must be kept on the site at all times and be available to Council officers upon request.
60. Hours of construction shall be confined to between 7 am and 6.30 pm Mondays to Fridays, inclusive, and between 8 am and 3.30 pm Saturdays with no work being carried out on Sundays and all public holidays.
61. For Class 2, 3 and 4 structures, the building works are to be inspected during construction, by the principal certifying authority (or other suitably qualified person on behalf of the principal certifying authority) to monitor compliance with Council's approval and the relevant standards of construction encompassing the following stages:
- i. after excavation for, and before the placement of, any footing, and
 - ii. prior to covering waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within a building, and
 - iii. prior to covering any stormwater drainage connections, and
 - iv. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

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

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

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

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

63. Demolition operations shall not be conducted on the roadway or public footway or any other locations, which could lead to the discharge of materials into the stormwater drainage system.

64. A Registered Surveyor's check survey certificate or compliance certificate shall be forwarded to the certifying authority detailing compliance with Council's approval at the following stage/s of construction:

- i. After excavation work for the footings, but prior to pouring of concrete, showing the area of the land, building and boundary setbacks.
- ii. Prior to construction of each floor level showing the area of the land, building and boundary setbacks and verifying that the building is being constructed at the approved level.
- iii. Prior to fixing of roof cladding verifying the eave, gutter setback is not less than that approved and that the building has been constructed at the approved levels.
- iv. On completion of the building showing the area of the land, the position of the building and boundary setbacks and verifying that the building has been constructed at the approved levels.
- v. On completion of the drainage works (comprising the drainage pipeline, pits, overland flow paths, on-site detention or retention system, and other relevant works) verifying that the drainage has been constructed to the approved levels, accompanied by a plan showing sizes and reduced levels of the elements that comprise the works.

65. When soil conditions require it:

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

66. All contractors shall comply with the following during all stages of demolition and construction:

- A Waste Container on Public Road Reserve Permit must be obtained prior to the placement of any waste container or skip bin in the road reserve (i.e. road or footpath or nature strip). Where a waste container or skip bin is placed in the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
- A Road Opening Permit must be obtained prior to any excavation in the road reserve (i.e. road or footpath or nature strip). Where excavation is carried out on the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
- A Hoarding Permit must be obtained prior to the erection of any hoarding (Class A or Class B) in the road reserve (i.e. road or footpath or nature strip).

Where a hoarding is erected in the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.

- A Crane Permit must be obtained from Council prior to the operation of any activity involving the swinging or hoisting of goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway. Permits can be obtained from Council's Customer Service Centre.
- A current Permit to Dewater or Pump Out a site must be obtained prior to the discharge of pumped water into the road reserve, which includes Council stormwater pits and the kerb and gutter. Permits can be obtained from Council's Customer Service Centre.

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

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

- i. Building, demolition and construction works not to cause stormwater pollution and being carried out in accordance with Section 2.8 of Council's Stormwater Pollution Control Code 1993. Pollutants such as concrete slurry, clay and soil shall not be washed from vehicles onto roadways, footways or into the stormwater system. Drains, gutters, roadways and access ways shall be maintained free of sediment. Where required, gutters and roadways shall be swept regularly to maintain them free from sediment.
- ii. Stormwater from roof areas shall be linked via a temporary downpipe to an approved stormwater disposal system immediately after completion of the roof area.
- iii. All disturbed areas shall be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls.
- iv. Building and demolition operations such as brickcutting, washing tools or paint brushes, and mixing mortar shall not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
- v. Stockpiles are not permitted to be stored on Council property (including nature strip) unless prior approval has been granted. In addition stockpiles of topsoil, sand, aggregate, soil or other material shall be stored clear of any drainage line or easement, natural watercourse, kerb or road surface.
- vi. Wind blown dust from stockpile and construction activities shall be minimised by one or more of the following methods:
 - a) spraying water in dry windy weather
 - b) cover stockpiles
 - c) fabric fences
- vii. Access to the site shall be restricted to no more than two 3m driveways. Council's footpath shall be protected at all times. Within the site, provision of a minimum of 100mm coarse crushed rock is to be provided for a minimum length of 2 metres to remove mud from the tyres of construction vehicles.

An all weather drive system or a vehicle wheel wash, cattle grid, wheel

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

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

- viii. Any noise generated during construction of the development shall not exceed limits specified in any relevant noise management policy prepared pursuant to the Protection of the Environment Operations Act, 1997 or exceed approved noise limits for the site.

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

Prior to issue of occupation certificate or commencement of use

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

- 75. An Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of the building.
- 76. Where Council's park/reserve is damaged as a result of building work or vehicular building traffic, this area shall be restored by Council at the applicant's expense. Repairs shall be completed prior to the issue of the Occupation Certificate.
- 77. All landscape works are to be carried out in accordance with the approved landscape plans prior to the issue of an Occupation Certificate for the approved development. The landscaping is to be maintained to the approved standard at all times.

78. All works within the road reserve, which are subject to approval pursuant to Section 138 of the Roads Act 1993, shall be completed and accepted by council.
79. The underground placement of all low voltage street mains in that section of the street/s adjacent to the development, and associated services and the installation of underground supplied street lighting columns, shall be carried out at the applicant's expense. The works shall be completed and Ausgrid's requirements shall be met prior to issue of the Occupation Certificate.
80. Where an electricity substation is required by Ausgrid, a final film survey plan shall be endorsed with an area having the required dimensions as agreed with Ausgrid over the location of the proposed electricity distribution substation site. The substation must be located within the boundary of the development site, or within the building, subject to compliance with the BCA. The substation site shall be dedicated to Council as public roadway, or as otherwise agreed with Ausgrid. Ausgrid's requirements shall be met prior to release of the issue of the Occupation Certificate.
81. Vehicles shall enter and exit the site in a forward direction at all times. A plaque with minimum dimensions 300mm x 200mm shall be permanently fixed to the inside skin of the front fence, or where there is no front fence a prominent place approved by the Principal Certifying Authority, stating the following: "Vehicle shall enter and exit the site in a forward direction at all times".
82. Prior to completion of the building works, a full width vehicular entry is to be constructed to service the property. Any obsolete vehicular entries are to be removed and reconstructed with kerb and gutter. This work may be done using either a Council quote or a private contractor. There are specific requirements for approval of private contractors.
83. The width of the driveway access at the boundary shall be minimum 3.6m wide and maximum 4.5m wide.
84. 1 bollard to be installed by the developer in the shared space dedicated for the disable car space as per AS2890.6.
85. 16 off-street car spaces shall be provided in accordance with the submitted plan and shall be sealed and linemarked to Council's satisfaction. The pavement of all car parking spaces, manoeuvring areas and internal driveways shall comply with Australian Standard AS3727 – Guide to Residential Pavements.
86. Prior to the issue of the Final Occupation Certificate, a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water.

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

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

87. Prior to occupation, a registered surveyor shall certify that the driveway(s) over the footpath and within the property have been constructed in accordance with the approved driveway profile(s). The certification shall be based on a survey of the completed works. A copy of the certificate and a works-as-executed driveway profile shall be provided to Council if Council is not the Principal Certifying Authority.
88. A Landscape Architect shall provide a report to the certifying authority (with a copy provided to Council, if Council is not the principal certifying authority) stating that the landscape works have been carried out in accordance with the approved plans and documentation.

89. Prior to occupation a Chartered Professional Engineer shall certify that the stormwater system has been constructed in accordance with the approved plans and as required by Rockdale Technical Specification Stormwater Management. The certificate shall be in the form specified in Rockdale Technical Specification Stormwater Management and include an evaluation of the completed drainage works. A works-as-executed drainage plan shall be prepared by a registered surveyor based on a survey of the completed works. A copy of the certificate and works-as-executed plan(s) shall be supplied to the Principal Certifying Authority. A copy shall be provided to Council if Council is not the Principal Certifying Authority.
90. A positive covenant pursuant to the Conveyancing Act 1919 shall be created on the title of the lots that contain the stormwater pump facility to provide for the maintenance of the pump facility.
91. The pump system, including all associated electrical and control systems, shall be tested and inspected by a suitably qualified and experienced person. Records of testing shall be retained and provided to the certifying hydraulic engineer and/or PCA upon request.
92. Signs shall be displayed adjacent to all stormwater drains on the premises, clearly indicating "Clean water only - No waste".
93. The owner of the premises is required to comply with the following requirements when installing a rainwater tank:
- Inform Sydney Water that a Rainwater tank has been installed in accordance with applicable requirements of Sydney Water.
 - The overflow from the rainwater tank shall be directed to the storm water system.
 - All plumbing work proposed for the installation and reuse of rainwater shall comply with the NSW Code of Practice: Plumbing and Drainage and be installed in accordance with Sydney Water "Guidelines for rainwater tanks on residential properties.
 - A first flush device shall be installed to reduce the amount of dust, bird faeces, leaves and other matter entering the rainwater tank.
94. Prior to occupation a Chartered Professional Engineer competent in geotechnics shall certify that the construction works has been constructed in accordance with the approved geotechnical report and include an evaluation of the completed works. A copy of the certificate shall be supplied to the Principal Certifying Authority. A copy shall be provided to Council if Council is not the Principal Certifying Authority.

Roads Act

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

96. All footpath, or road and drainage modification and/or improvement works to be undertaken in the road reserve shall be undertaken by Council, or by a Private Licensed Contractor subject to the submission and approval of a Private Contractor Permit, together with payment of all inspection fees. An estimate of the cost to have these works constructed by Council may be obtained by contacting Council. The cost of conducting these works will be deducted from the Footpath Reserve Restoration Deposit, or if this is insufficient the balance of the cost will be due for payment to Council upon completion of the work.
97. This Roads Act approval does not eradicate the need for the Contractor to obtain a Road Opening Permit prior to undertaking excavation in the road or footpath.
98. Any driveway works to be undertaken in the footpath reserve by a private contractor requires an "Application for Consideration by a Private Contractor" to be submitted to Council together with payment of the application fee. Works within the footpath reserve must not start until the application has been approved by Council.
99. Following completion of concrete works in the footpath reserve area, the balance of the area between the fence and the kerb over the full frontage of the proposed development shall be turfed with either buffalo or couch (not kikuyu).

Development consent advice

- a. You are advised to consult with your utility providers (i.e. Energy Aust, Telstra etc) in order to fully understand their requirements before commencement of any work.
- b. *Dial Before You Dig*

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

- c. Where Council is not engaged as the Principal Certifying Authority for the issue of the Subdivision Certificate (Strata), and the Section 88B Instrument contains easements and/or covenants to which Council is a Prescribed Authority, the Council must be provided with all relevant supporting information (such as works-as-executed drainage plans and certification) prior to Council endorsing the Instrument.
- d. The water from the rainwater tank should not be used for drinking, Sydney Water shall be advised of the installation of the rainwater tank.
- e. In the event of any inconsistency between conditions of this approval and the drawings/documents referred to in condition 2, the conditions of this approval prevail.

Additional Information

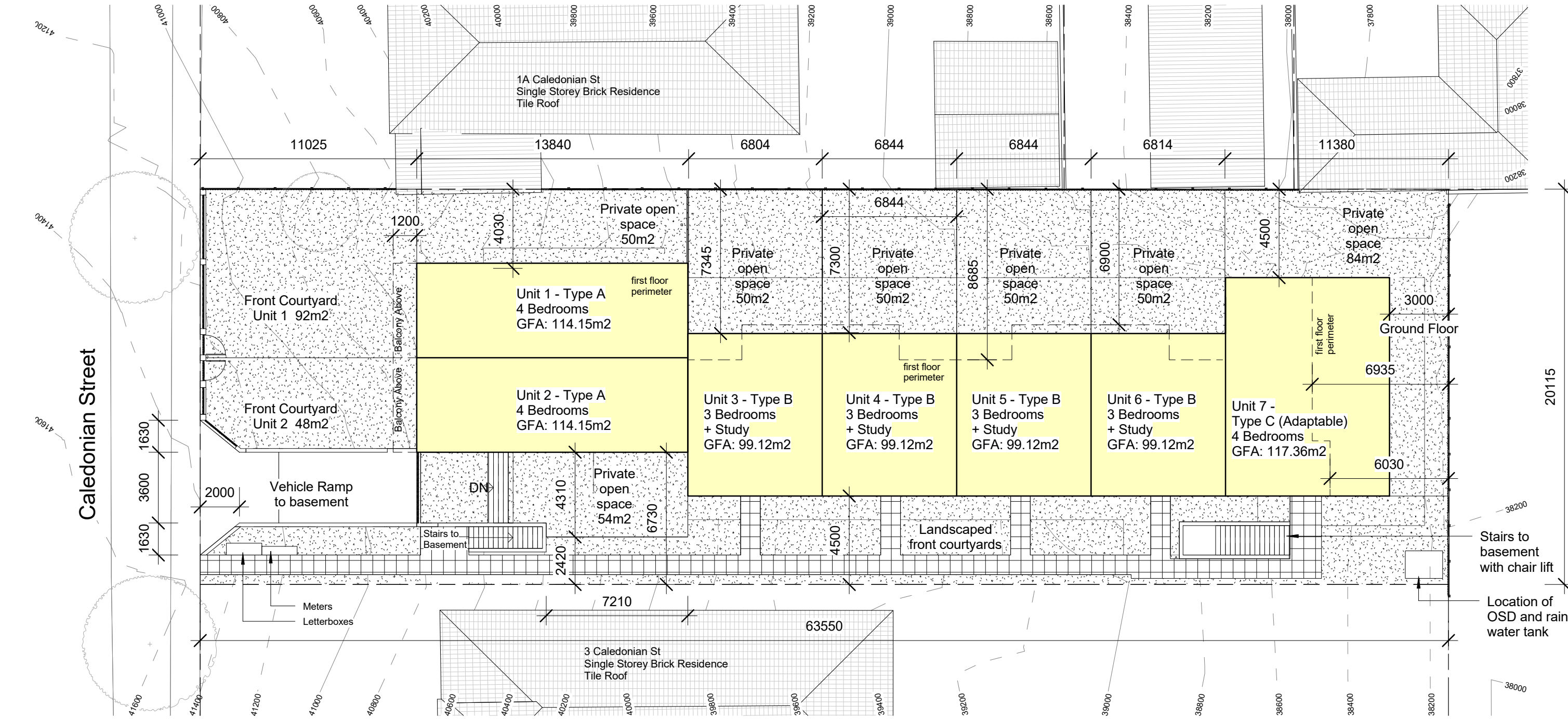
- To confirm the date upon which this consent becomes effective, refer to Section 83 of the *Environmental Planning and Assessment Act, 1979*. Generally the consent

becomes effective from the determination date shown on the front of this notice. However if unsure applicants should rely on their own enquiries.

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

Should you have any further queries please contact Marta M Gonzalez-Valdes on 9562 1666

Luis Melim
Manager - Development Services



1 Site
1 : 200

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

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

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

Area (Proposed GFA)	
Level	Area
Ground Floor	53.26 m ²
Level 1	45.86 m ²
Unit 4	99.12 m ²
Ground Floor	53.26 m ²
Level 1	45.86 m ²
Unit 5	99.12 m ²
Ground Floor	53.26 m ²
Level 1	45.86 m ²
Unit 6	99.12 m ²

Area (Proposed GFA)	
Level	Area
Ground Floor	78.07 m ²
Level 1	41.23 m ²
Unit 7	119.30 m ²
Grand total	744.08 m ²

Site Area 1,277m²
Allowable FSR 0.6:1
FSR 0.58:1

THE SITE FOREMAN

This drawing forms part of a set of documents for which copyright is vested in THE SITE FOREMAN (NSW) Pty Ltd. It is an offence under the Copyright Act, to copy, use or reproduce, in whole or in part, any part of these documents without the written permission of the Copyright holder. Any breach of this provision will result in legal action against the person, parties or entity deemed to be responsible.

t: 1300 728 006 f: 1300 728 440
w: THESITEFOREMAN.COM.AU
a: 38-40 PARRAMATTA ROAD, SUMMER HILL 2130 NSW

ISSUE	PURPOSE OF ISSUE	DATE
F	DESIGN AMENDMENTS	01.02.2017
G	DESIGN AMENDMENTS	22.02.2017
H	REPLY TO COUNCIL RFI	19.06.2017
I	DA AMENDMENTS	04.08.2017

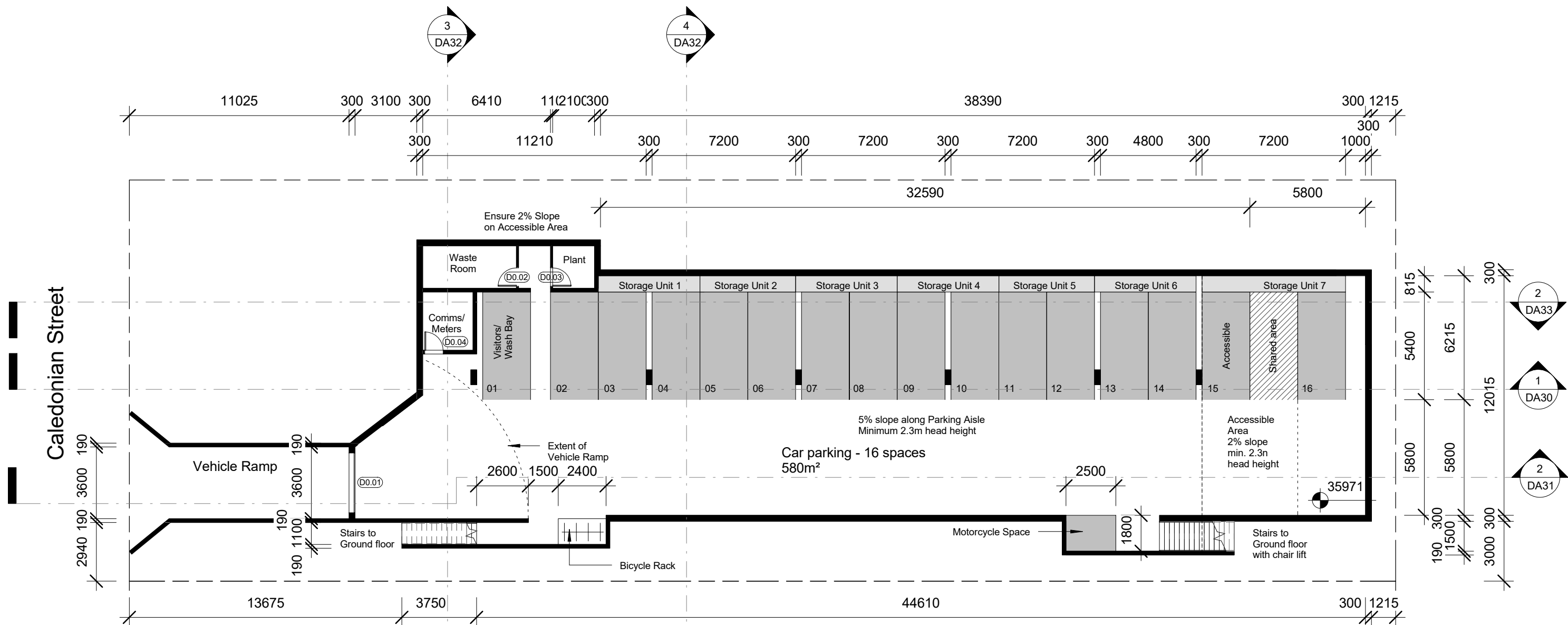
0m 4m 8m 12m 16m 20m

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

Fabricio Siqueira Architect NSW Reg 8308
DRAWN BY FS
SCALE 1 : 200
JOB NO 2509
DRAWING NO DA03 I

↗

Page 53



1 Basement
1 : 200

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

THE SITE FOREMAN

This drawing forms part of a set of documents for which copyright is vested in THE SITE FOREMAN (NSW) Pty Ltd. It is an offence under the Copyright Act, to copy, use or reproduce, in whole or in part, any part of these documents without the written permission of the Copyright holder. Any breach of this provision will result in legal action against the person, parties or entity deemed to be responsible.

t: 1300 728 006 f: 1300 728 440
w: THESITEFOREMAN.COM.AU
a: 38-40 PARRAMATTA ROAD, SUMMER HILL 2130 NSW

ISSUE	PURPOSE OF ISSUE	DATE
F	DESIGN AMENDMENTS	01.02.2017
G	DESIGN AMENDMENTS	22.02.2017
H	REPLY TO COUNCIL RFI	19.06.2017
I	DA AMENDMENTS	04.08.2017

0m2m4m6m8m10m

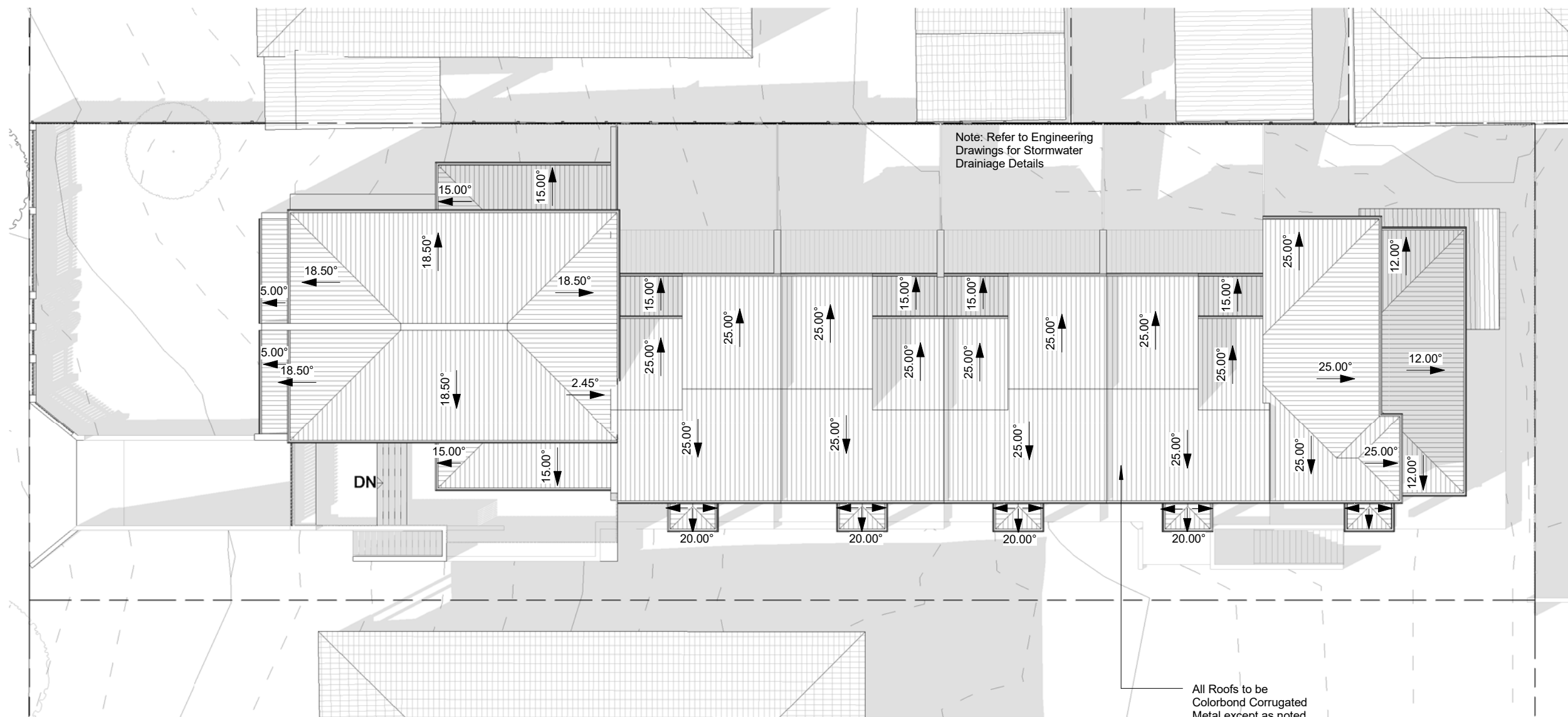
PROJECTNEW MULTI DWELLING DEVELOPMENT
ADDRESS1 CALEDONIAN STREET, BEXLEY
DRAWINGFLOOR PLANS - PROPOSED

Fabricao Siqueira Architect NSW Reg 8308
DRAWN BYFS
SCALE1 : 200
JOB NO2509
DRAWING NODA11 I

Page 54

7/08/2017 2:48:55 PM

Caledonian Street



1

Roof Plan

1 : 200

THE SITE FOREMAN

t: 1300 728 006 f: 1300 728 440
w: THESITFOREMAN.COM.AU
a: 38-40 PARRAMATTA ROAD, SUMMER HILL 2130 NSW

This drawing forms part of a set of documents for which copyright is vested in THE SITE FOREMAN (NSW) Pty Ltd. It is an offence under the Copyright Act, to copy, use or reproduce, in whole or in part, any part of these documents without the written permission of the Copyright holder. Any breach of this provision will result in legal action against the person, parties or entity deemed to be responsible.

ISSUE	PURPOSE OF ISSUE	DATE
F	DESIGN AMENDMENTS	01.02.2017
G	DESIGN AMENDMENTS	22.02.2017
H	REPLY TO COUNCIL RFI	19.06.2017
I	DA AMENDMENTS	04.08.2017

0m 2m 4m 6m 8m 10m

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

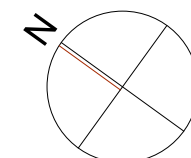
Fabricio Siqueira Architect NSW Reg 8308

DRAWN BY FS

SCALE 1 : 200

JOB NO 2509

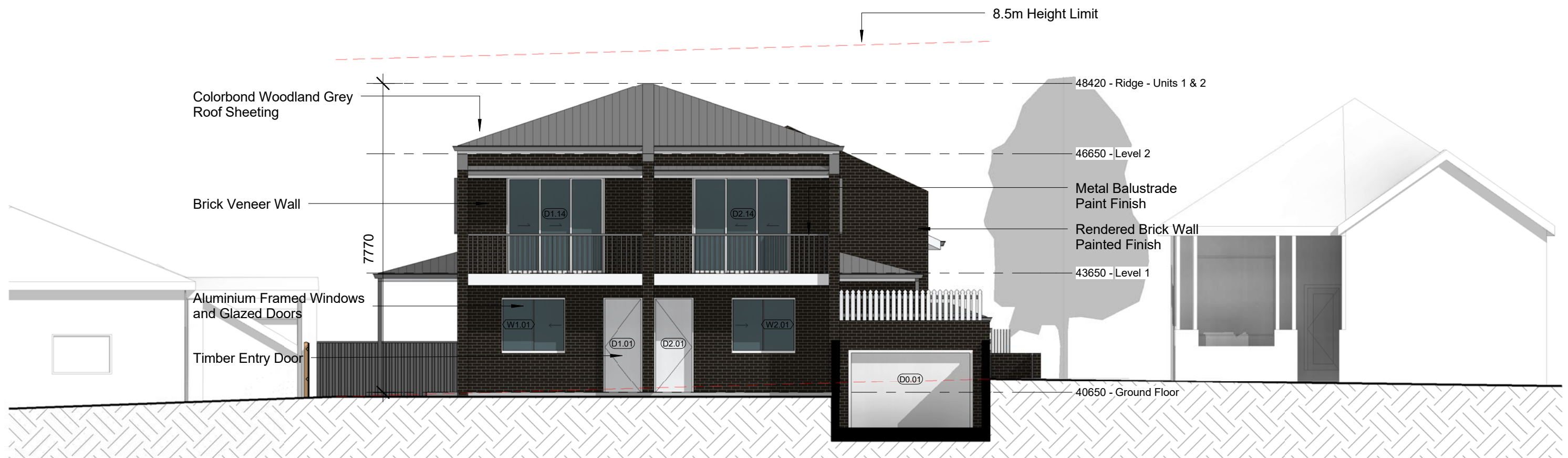
DRAWING NO DA16 I



Page 55

DO NOT SCALE FROM THESE DRAWINGS use given dimensions. Contractor/ Builder is to check all dimensions on site prior to commencement of shop drawings or fabrication. Any discrepancies are to be referred to the architect/ designer prior to commencement of work. This drawing is to be used in accordance with its "purpose of issue" only. No responsibility will be accepted for the improper use of this drawing. Architectural drawings indicate design intent only. Builder is to ensure that all construction is in accordance with all relevant Australian Standards, legislation, policies, Building Code of Australia, Development Consent and any other council or certifier's requirements. This set of drawings does not include all possible construction details and the builder is required to complete the design where the information is not available. Please contact the architect in case of doubt.

7/08/2017 2:49:03 PM



1 NW Elevation
1 : 100



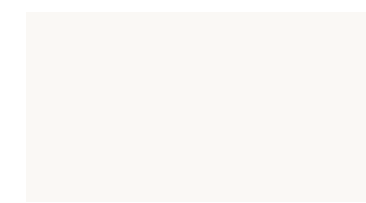
Colorbond
Woodland grey
Corrugated Profile



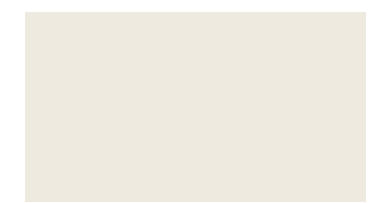
Austral Bricks
Eveyday Life
230x110x76
Freedom



Dulux
Kahlua Milk PN1D8
Skyon Cladding



White Finish to match
Colorbond Surfmist
Rendered Brick Walls



Dulux Antique White
(Details, Window &
Door Frames)

THE SITE FOREMAN

t: 1300 728 006 f: 1300 728 440
w: THESITEFOREMAN.COM.AU
a: 38-40 PARRAMATTA ROAD, SUMMER HILL 2130 NSW

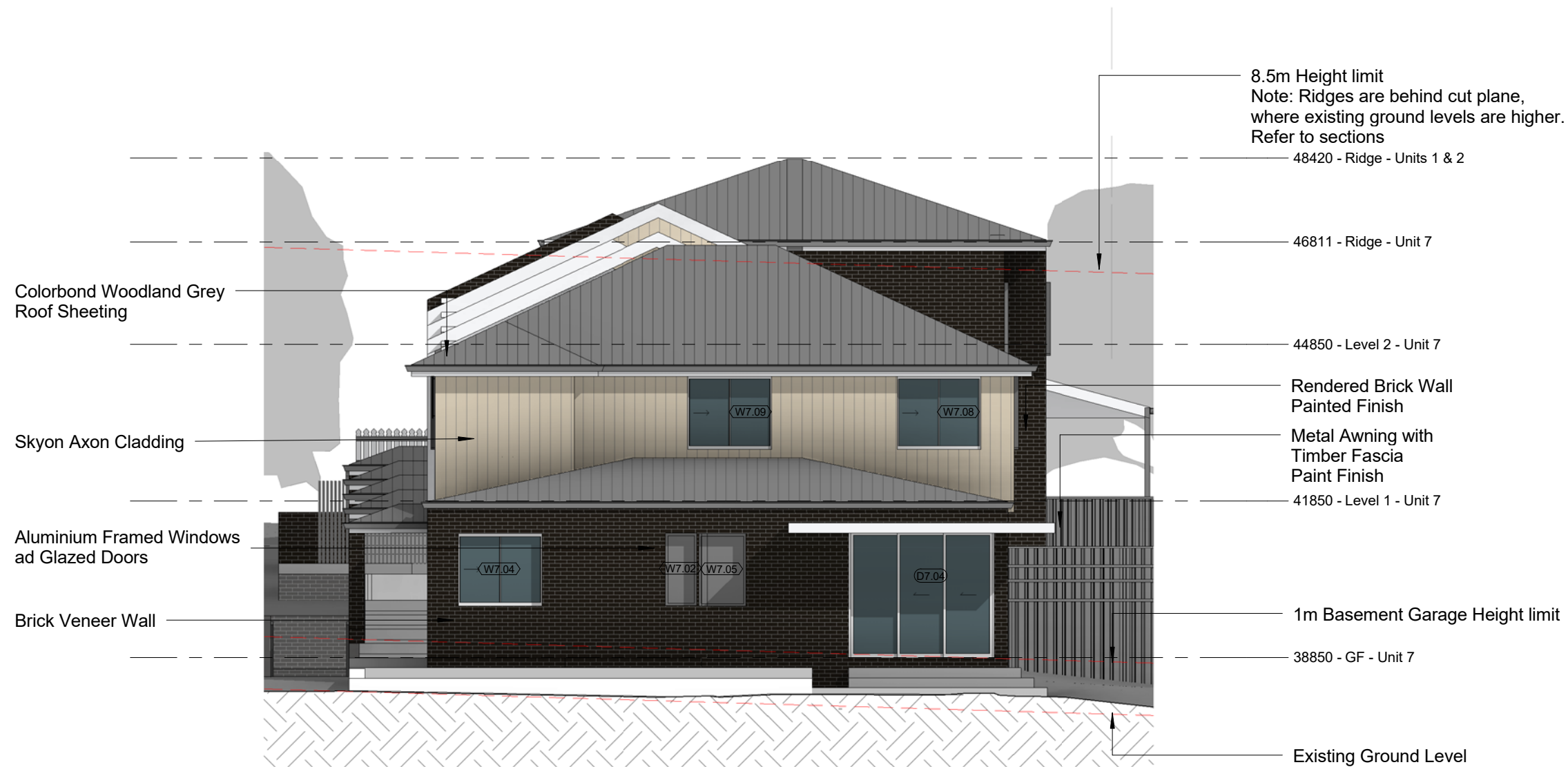
This drawing forms part of a set of documents for which copyright is vested in THE SITE FOREMAN (NSW) Pty Ltd. It is an offence under the Copyright Act, to copy, use or reproduce, in whole or in part, any part of these documents without the written permission of the Copyright holder. Any breach of this provision will result in legal action against the person, parties or entity deemed to be responsible.

ISSUE	PURPOSE OF ISSUE	DATE
F	DESIGN AMENDMENTS	01.02.2017
G	DESIGN AMENDMENTS	22.02.2017
H	REPLY TO COUNCIL RFI	19.06.2017
I	DA AMENDMENTS	04.08.2017



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

Fabricio Siqueira Architect NSW Reg 8308	
DRAWN BY	FS
SCALE	1 : 100
JOB NO	2509
DRAWING NO	DA17 I



1 SE Elevation
1 : 100

THE SITE FOREMAN

t: 1300 728 006 f: 1300 728 440
w: THESITEFOREMAN.COM.AU
a: 38-40 PARRAMATTA ROAD, SUMMER HILL 2130 NSW

This drawing forms part of a set of documents for which copyright is vested in THE SITE FOREMAN (NSW) Pty Ltd. It is an offence under the Copyright Act, to copy, use or reproduce, in whole or in part, any part of these documents without the written permission of the Copyright holder. Any breach of this provision will result in legal action against the person, parties or entity deemed to be responsible.

ISSUE	PURPOSE OF ISSUE	DATE
F	DESIGN AMENDMENTS	01.02.2017
G	DESIGN AMENDMENTS	22.02.2017
H	REPLY TO COUNCIL RFI	19.06.2017
I	DA AMENDMENTS	04.08.2017

0m 2m 4m 6m 8m 10m

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

Fabricio Siqueira Architect NSW Reg 8308

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



1 SW Elevation - Front
1 : 100

THE SITE FOREMAN

t: 1300 728 006 f: 1300 728 440
w: THESITEFOREMAN.COM.AU
a: 38-40 PARRAMATTA ROAD, SUMMER HILL 2130 NSW

This drawing forms part of a set of documents for which copyright is vested in THE SITE FOREMAN (NSW) Pty Ltd. It is an offence under the Copyright Act, to copy, use or reproduce, in whole or in part, any part of these documents without the written permission of the Copyright holder. Any breach of this provision will result in legal action against the person, parties or entity deemed to be responsible.

ISSUE	PURPOSE OF ISSUE	DATE
F	DESIGN AMENDMENTS	01.02.2017
G	DESIGN AMENDMENTS	22.02.2017
H	REPLY TO COUNCIL RFI	19.06.2017
I	DA AMENDMENTS	04.08.2017

0m 2m 4m 6m 8m 10m		Fabricio Siqueira Architect NSW Reg 8308	
PROJECT	NEW MULTI DWELLING DEVELOPMENT	DRAWN BY	FS
ADDRESS	1 CALEDONIAN STREET, BEXLEY	SCALE	1 : 100
DRAWING	ELEVATIONS - PROPOSED	JOB NO	2509
		DRAWING NO	DA19 I

DO NOT SCALE FROM THESE DRAWINGS use given dimensions. Contractor/ Builder is to check all dimensions on site prior to commencement of shop drawings or fabrication. Any discrepancies are to be referred to the architect/ designer prior to commencement of work. This drawing is to be used in accordance with its "purpose of issue" only. No responsibility will be accepted for the improper use of this drawing. Architectural drawings indicate design intent only. Builder is to ensure that all construction is in accordance with all relevant Australian Standards, legislation, policies, Building Code of Australia, Development Consent and any other council or certifier's requirements. This set of drawings does not include all possible construction details and the builder is required to complete the design where the information is not available. Please contact the architect in case of doubt.

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




SW Elevation - Rear

1

1 : 100

This drawing forms part of a set of documents for which copyright is vested in **THE SITE FOREMAN (NSW) Pty Ltd**. It is an offence under the Copyright Act, to copy, use or reproduce, in whole or in part, any part of these documents without the written permission of the Copyright holder. Any breach of this provision will result in legal action against the person, parties or entity deemed to be responsible.

ISSUE	PURPOSE OF ISSUE	DATE
F	DESIGN AMENDMENTS	01.02.2017
G	DESIGN AMENDMENTS	22.02.2017
H	REPLY TO COUNCIL RFI	19.06.2017
I	DA AMENDMENTS	04.08.2017

		Fabricio Siqueira Architect NSW Reg 8308 FS	
PROJECT NEW MULTI DWELLING DEVELOPMENT		DRAWN BY FS	
ADDRESS 1 CALEDONIAN STREET, BEXLEY		SCALE 1 : 100	
DRAWING ELEVATIONS - PROPOSED		JOB NO 2509 DRAWING NO DA20 I	



1 NE Elevation - Rear
1 : 100

THE SITE FOREMAN

This drawing forms part of a set of documents for which copyright is vested in THE SITE FOREMAN (NSW) Pty Ltd. It is an offence under the Copyright Act, to copy, use or reproduce, in whole or in part, any part of these documents without the written permission of the Copyright holder. Any breach of this provision will result in legal action against the person, parties or entity deemed to be responsible.

t: 1300 728 006 f: 1300 728 440
w: THESITEFOREMAN.COM.AU
a: 38-40 PARRAMATTA ROAD, SUMMER HILL 2130 NSW

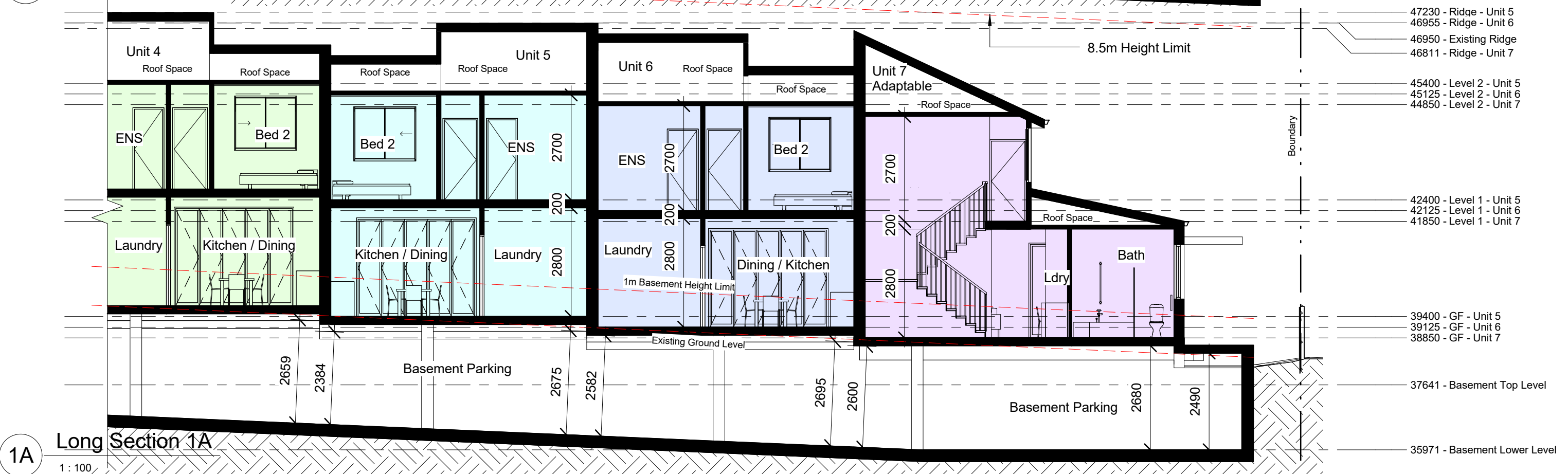
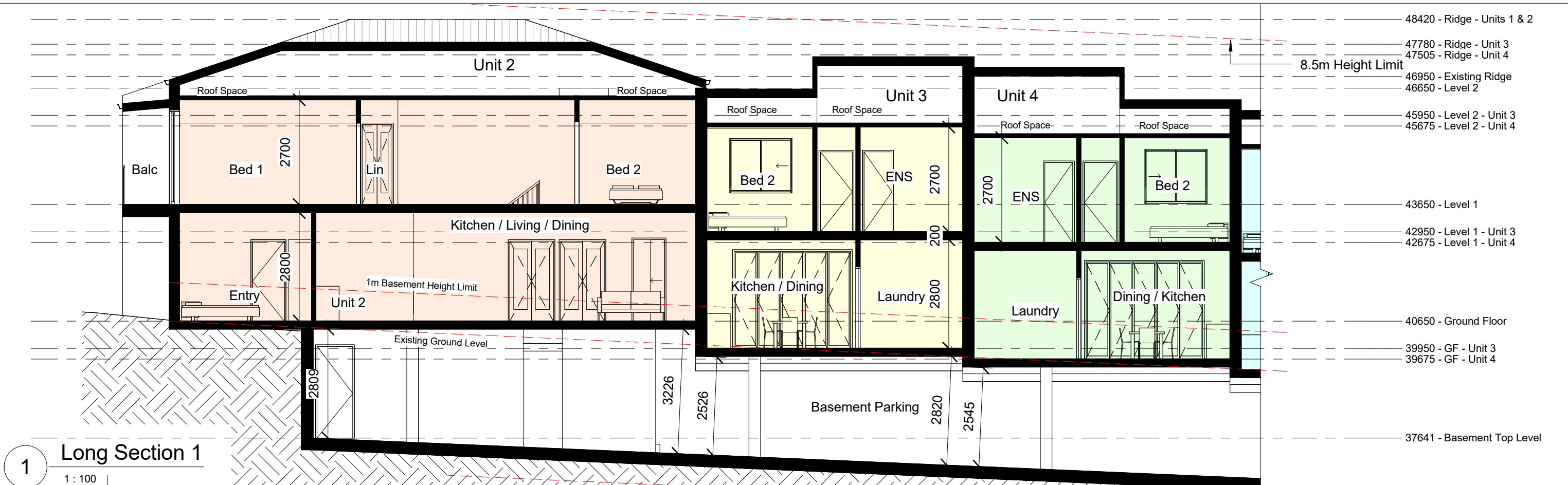
ISSUE	PURPOSE OF ISSUE	DATE
F	DESIGN AMENDMENTS	01.02.2017
G	DESIGN AMENDMENTS	22.02.2017
H	REPLY TO COUNCIL RFI	19.06.2017
I	DA AMENDMENTS	04.08.2017

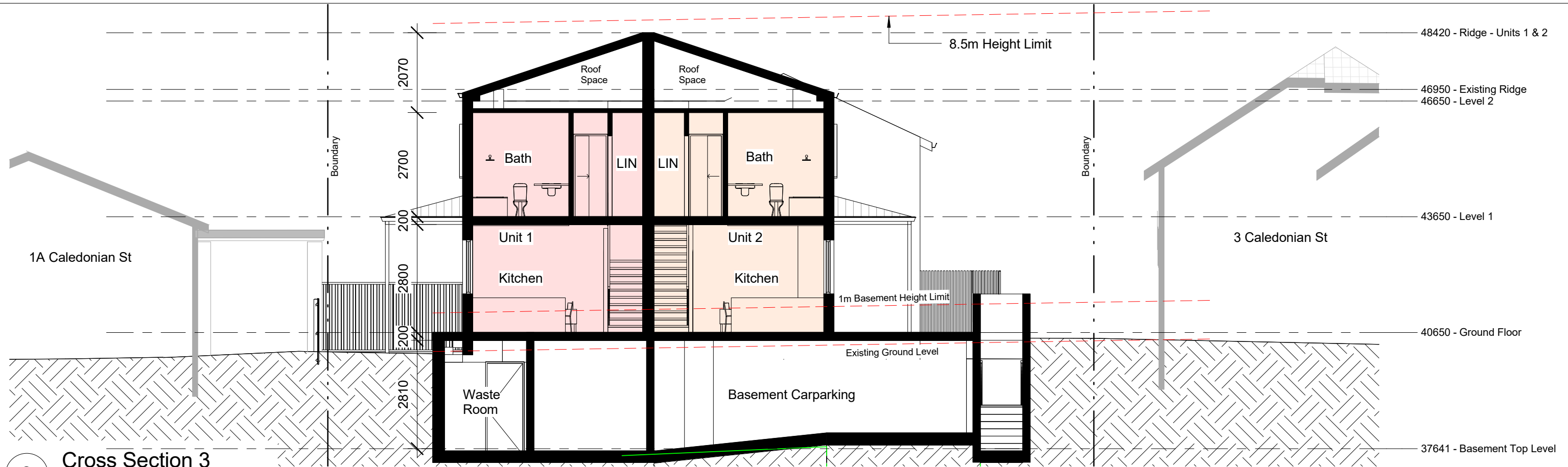
0m 2m 4m 6m 8m 10m

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

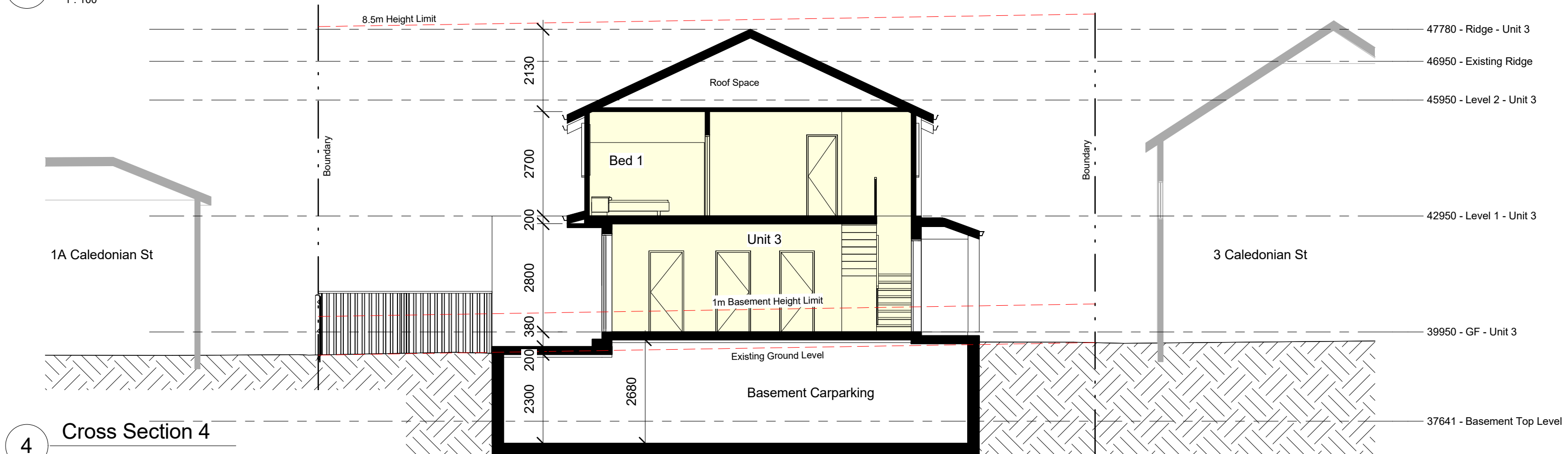
Fabricio Siqueira Architect NSW Reg 8308

DRAWN BY	FS
SCALE	1 : 100
JOB NO	2509
DRAWING NO	DA22 I





3 Cross Section 3
1 : 100



4 Cross Section 4
1 : 100

THE SITE FOREMAN

t: 1300 728 006 f: 1300 728 440
w: THESITEFOREMAN.COM.AU
a: 38-40 PARRAMATTA ROAD, SUMMER HILL 2130 NSW

ISSUE	PURPOSE OF ISSUE	DATE
F	DESIGN AMENDMENTS	01.02.2017
G	DESIGN AMENDMENTS	22.02.2017
H	REPLY TO COUNCIL RFI	19.06.2017
I	DA AMENDMENTS	04.08.2017

DO NOT SCALE FROM THESE DRAWINGS use given dimensions. Contractor/ Builder is to check all dimensions on site prior to commencement of shop drawings or fabrication. Any discrepancies are to be referred to the architect/ designer prior to commencement of work. This drawing is to be used in accordance with its "purpose of issue" only. No responsibility will be accepted for the improper use of this drawing. Architectural drawings indicate design intent only. Builder is to ensure that all construction is in accordance with all relevant Australian Standards, legislation, policies, Building Code of Australia, Development Consent and any other council or certifier's requirements. This set of drawings does not include all possible construction details and the builder is required to complete the design where the information is not available. Please contact the architect in case of doubt.

7/08/2017 2:49:26 PM

0m2m4m6m8m10m

PROJECTNEW MULTI DWELLING DEVELOPMENT
ADDRESS1 CALEDONIAN STREET, BEXLEY
DRAWINGSECTIONS - PROPOSED

Fabricio Siqueira Architect NSW Reg 8308
DRAWN BYFS
SCALE1 : 100
JOB NO2509
DRAWING NODA32 I

Page 62

Our Ref: DA-2017/284
Contact: Marta M Gonzalez-Valdes 9562 1666

The Site Foreman
PO BOX 361
SUMMER HILL NSW 2130

NOTICE OF DETERMINATION

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

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

Authority:

Determination: Approved

Date of determination:

Date consent commences:

Date consent lapses:

The above development is approved subject to the following conditions:

General Conditions

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

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

PLANS	AUTHOR	REFERENCE AND DATE
Site Plan	The Site Foreman	DA03 J; 10.10.2017
Basement	The Site Foreman	DA11 J; 10.10.2017
Ground Floor / Level 1	The Site Foreman	DA12 J; 10.10.2017
Ground Floor Units 3-7	The Site Foreman	DA14 J; 10.10.2017

Level 1 Units 3-7	The Site Foreman	DA15 J; 10.10.2017
Roof Plan	The Site Foreman	DA16 J; 10.10.2017
North West Elevation	The Site Foreman	DA17 J; 10.10.2017
South East Elevation	The Site Foreman	DA18 J; 10.10.2017
South West Elevation	The Site Foreman	DA19 J; 10.10.2017
Front		
South West Elevation	The Site Foreman	DA20 J; 10.10.2017
Rear		
North East Elevation	The Site Foreman	DA21 J; 10.10.2017
Front		
North East Elevation	The Site Foreman	DA22 J; 10.10.2017
Rear		
Long Sections 1 & 1A	The Site Foreman	DA30 J; 10.10.2017
Long Sections 2 & 2A	The Site Foreman	DA31 J; 10.10.2017
Cross Sections 3 & 4	The Site Foreman	DA32 J; 10.10.2017
Parking Details	The Site Foreman	DA33 J; 10.10.2017
Stormwater Concept	Hyten Engineering	S01-04; Issue B;
Plans		26.06.2017
Landscape Plan	Michael Sui	L01/1; 02.02.2017
Material Sample Board	The Site Foreman	Received by Council
		18.10.2017

3. All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).
4. **A Construction Certificate must be obtained from Council or an Accredited Certifier prior to any building work commencing.**
5. The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate Number 781978M other than superseded by any further amended consent and BASIX certificate.
Note: Clause 145(1)(a1) of the Environmental Planning & Assessment Regulation 2000 provides: A certifying authority must not issue a construction certificate for building work unless it is satisfied of the following matters: -
 - (a1) that the plans and specifications for the building include such matters as each relevant BASIX certificate requires.**Note:** Clause 154B(2) of the Environmental Planning & Assessment Regulation 2000 provides: "A certifying authority must not issue a final occupation certificate for a BASIX affected building to which this clause applies unless it is satisfied that each of the commitments whose fulfilment it is required to monitor has been fulfilled."
Note: For further information please see <http://www.basix.nsw.gov.au>.
6. The deck areas and balconies shall not be enclosed at any future time without prior development consent.
7. This approval is not to be construed as permission to erect any structure on or near a boundary contrary to the provisions of the Dividing Fences Act.
8. The materials and façade details approved under condition 2 and any other relevant condition of this consent shall not be altered or amended at the construction certificate stage without a prior S96 application and approval under the EP&A Act.
9. Mail boxes must be installed along the street frontage of the property boundary in accordance with Australia Post Guidelines. Prominent house numbers are to be displayed, with a minimum number size of 150 mm in height for each number and letter in the alphabet.

10. Parking spaces shall be allocated in the following manner and this shall be reflected in any subsequent strata subdivision of the development:

Allocated Spaces

3+ bedroom units = 2 spaces per apartment

Non-Allocated Spaces

Residential Visitor Spaces 1 space per 5 apartments

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

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

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

Development specific conditions

The following conditions are specific to the Development Application proposal.

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

The Registered Proprietor will:

- (i) permit stormwater to be temporarily detained and pumped by the system;
- (ii) keep the system clean and free of silt, rubbish and debris;
- (iii) maintain, renew and repair the whole or parts of the system so that it functions in a safe and efficient manner; and in doing so complete the same within the time and in the manner specified in written notice issued by the Council;
- (iv) carry out the matters referred to in paragraphs (ii) and (iii) at the proprietor's expense;
- (v) not make alterations to the system or elements thereof without prior consent in writing of the Council.
- (vi) permit the Council or its authorised agents from time to time upon giving reasonable notice (but at any time and without notice in the case of emergency) to enter and inspect the land for compliance with the requirement of this clause;
- (vii) comply with the terms of any written notice issued by the Council in respect to the requirements of this clause within the time stated in the notice.

14. Residential air conditioners shall not cause 'offensive noise' as defined by the Protection of the Environment Operations Act 1997 or contravene provisions of the Protection of the Environment (Noise Control) Regulation 2008 where emitted noise from a residential air conditioner can be heard within a habitable room in any other residential premises at night.
15. Temporary dewatering of the site to construct the subsurface structure is not permitted.
16. The off-street parking areas associated with the subject development shall be designed strictly in accordance with AS2890.1 and AS2890.6.
17. All proposed lights shall comply with the Australian Standard AS4282 - 1997 "Control of the Obtrusive Effects of Outdoor Lighting". In this regard, the lighting of the premises shall be directed so as not to cause nuisance to the owners or occupiers of adjacent/adjoining premises or to motorists on adjoining or nearby roads.
18. All vertical plumbing, other than roofwater heads and downpipes, shall be concealed within the brickwork of the building. Any electrical kiosks or fire booster valves shall be located in unobtrusive locations toward site boundaries and away from entrances into the building. Utilities shall be softened with landscaping so as not to detract from the overall appearance of the development and amenity of the streetscape. Details demonstrating compliance with this requirement shall be submitted to the Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate.
19. Stormwater and drainage systems are not to be located in, or under those areas shown as landscaped beds, or where existing or proposed trees are located.
20. The species selection and location of planting shall maximise winter solar access and summer shade to dwellings.
21. Minimum of one (1) small deciduous tree or evergreen tree shall be incorporated into each courtyard planting area.
22. All trees shall be located within mulched landscaped beds except where this may interfere with the performance of an on site detention system.
23. Screening species shall be included into the side setbacks to improve privacy between adjacent dwellings.
24. Retaining walls over 600mm in height shall be designed and specified by a suitably qualified structural engineer.
25. All pavements shall comply with AS/NZ 4586:1999 standards Class W (low) for slip resistance on both private and Council property.
26. The approved completed landscape works shall be maintained for a period not less than 12 months.

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

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

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

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

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

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

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

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

31. **Archival Photographic Recording Required**

Prior to the commencement of any works on the site, the Principal Certifying Authority shall be satisfied that an Archival Photographic Record has been completed for the following property:

- 1 Caledonian Street, Bexley (Lot 28, Section 11 DP 1680)

2 hardcopies and 2 digital copies must be prepared – 1 copy of each for the property owner and 1 copy of each for submission to Council for deposit with the Local Studies collection of the local library;

A written acknowledgment from the Council must be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of works.

The report must be prepared by a suitably qualified and experienced heritage consultant/photographer, be consistent with the NSW Office of Environment & Heritage publication 'Photographic Recording of Heritage Items Using Film or Digital Capture' and must contain the following minimum requirements:

- 1) Title page with subject, author, client, date
- 2) an introduction which explains the purposes of the report and gives a brief

description of the subject property, its history and its heritage significance, as well as details of the sequence in which photographs were taken and a marked up numbered property/site plan/s showing the locations and directions where photographs were taken from. The report may also address the limitations of the photographic record and may make recommendations for future work;

3) the report should include all technical details including camera and lenses, and photographic details;

4) the report should also contain the catalogue sheets of photographic images, photographic plan, and supplementary maps or plans;

5) Selected prints to give an overall picture of the item;

6) Images taken should include:

a. View to and from the site (possible from four compass points).

b. Views showing relationships to other relevant structures, landscape features and movable items.

c. All external elevations of building/s

d. Views of all external and internal spaces (e.g. courtyards, rooms, roof spaces etc).

e. External and internal detail (e.g. joinery, construction joints, decorative features, paving types etc.).

7) Digital storage device containing the digital copies of the report including high resolution copies of all images taken.

32. Prior to the commencement of any works on the site, the Principal Certifying Authority shall be satisfied that a method statement has been completed for the subject property outlining protection methods which will be implemented during the construction period for the root zone of the street trees in the vicinity of the site. The Street Tree protection method statement is to be prepared by a qualified arborist.

Prior to issue of the construction certificate

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

33. The following fees shall be paid to Council prior to the issue of a Construction Certificate. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges.
- i. A Footpath Reserve Restoration Deposit of \$8420.00. This is to cover repair of any damages, or other works to be done by Council. This includes construction, removal, or repair as required to: kerb and guttering, existing or new driveways; paved areas and concrete footpaths. The deposit may be lodged with Council in the form of a Bank Guarantee (Any proposed Bank Guarantee must not have an expiry date). The deposit will not be returned by Council until works are completed and all damage is restored and all specified works are completed by Council.
 - ii. An environmental enforcement fee of 0.25% of the cost of the works.
 - iii. A Soil and Water Management Sign of \$18.00.
34. 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.
35. An application for Driveway Works (Public Domain Construction – Vehicle Entrance/Driveway Application) / Frontage Works (Public Domain Frontage Works Construction Application) shall be made to Council's Customer Service Centre prior to issue of the Construction Certificate. All boundary frontage works, egress paths,

driveways and fences shall comply with the approval. A fee is payable to Council. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges.

36. A Section 94 contribution of \$86,674.21 shall be paid to Council. Such contributions are only used towards the provision or improvement of the amenities and services identified below. The amount to be paid is adjusted at the time of payment, in accordance with the contribution rates contained in Council's current Adopted Fees and Charges. The contribution is to be paid prior to the issue of any construction certificate for works above the floor level of the ground floor. (Payment of the contribution is not required prior to any separate construction certificates issued only for demolition, site preparation works and the construction of basement levels). The contribution is calculated from Council's adopted Section 94 contributions plan in the following manner:

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

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

37. 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.
38. Compliance with Council's Development Control Plan (DCP) 2011 – Requirements for Access. Access in accordance with Australian Standard 4299 must be provided to and within the adaptable residential unit, and between this unit(s) and its allocated carparking space. Please note that compliance with this condition requires the relevant unit(s) to be constructed to comply with all the essential (Type C) requirements of AS4299.

Note: Compliance with Council's Development Control Plan (DCP) 2011 – Requirements for Access and the Building Code of Australia does not necessarily guarantee that the development meets the full requirements of the Disability Discrimination Act (DDA) 1992. It is the responsibility of the applicant to make the necessary enquiries to ensure that all aspects of the DDA legislation are met.

39. The applicant shall confer with Ausgrid to determine if an electricity distribution substation and the installation of electricity conduits in the footway are required. Written confirmation of Ausgrid's requirements shall be obtained prior to issue of the Construction Certificate.
40. 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>

41. 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.

42. Swept path analysis (using Autoturn software) shall be provided (for B85 vehicle) for all parking spaces and demonstrate area required to manoeuvre vehicle in and out from the site and parking spaces. All vehicle shall enter and exit in a forward direction.
43. There are built structures, (including public assets) which may be in the zone of influence of the proposed works and excavations on this site. A qualified practicing geotechnical engineer must prepare a geotechnical report demonstrating that the proposed excavation & construction method and the configuration of the built structures will have no adverse impact on any surrounding property and infrastructure.

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

- Location & level of nearby foundations/footings (site and neighbouring)
- Proposed method of excavation
- Permanent and temporary support measures for excavation
- Potential settlements affecting footings/foundations
- Ground-water levels & site classification
- Batter slopes
- Potential vibration caused by method of excavation
- Tanking and waterproofing the basement structures
- De-watering including seepage and off site disposal rate (if any), any other site drainage issue

44. Prior to the issue of the relevant Construction Certificate, a workzone Traffic Management Plan (TMP) prepared by a suitably qualified person shall be submitted to and approved by the Certifying Authority. The Plan shall address, but not be limited to, the following matters:
 - (a) ingress and egress of vehicles to the site;
 - (b) loading and unloading, including construction zones;
 - (c) predicted traffic volumes, types and routes; and
 - (d) pedestrian and traffic management methods.
45. The low level driveway must be designed to prevent inflow of water from the road reserve. The assessment of flows and design of prevention measures shall be in accordance with the requirements of Rockdale Technical Specification Stormwater Management, section 8.2.1. Details shall be included in the documentation presented with the Construction Certificate application.
46. Any part of the proposed building within 3m of the proposed belowground detention/pump/rainwater tank or absorption trench shall be constructed on a pier and beam foundation with piers extending no less than 300mm below the bottom of the tank base. This requirement shall be reflected on the Construction Certificate plans and supporting documentation.
47. A visitor car space shall also operate as a car wash bay. A tap shall be provided. A sign shall be fixed saying 'Visitor Car Space and Car Wash Bay'. The runoff shall be directed and treated as per Rockdale Technical Specification Stormwater Management. Basement architectural plan to be amended widening car wash bay to minimum 3.5m width. Details shall be provided with the plans accompanying the

Construction Certificate.

48. Prior to the issue of the Construction Certificate, amended detailed drainage design plans for the management of stormwater are to be submitted to Principal Certifying Authority for assessment and approval.

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

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

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

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

Prior to commencement of works

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

50. 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.

51. 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.

52. 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.
53. 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.
54. Prior to the commencement of work, a Tree Protection Zone shall be established in accordance with AS4970-2009 (Protection of trees on Development Sites) with protective fences at least 1.8 metres high erected outside the drip line where possible around the Brushbox street tree located at the front of the site which is required to be retained. The protective fences shall consist of chain wire mesh temporary fence panels securely mounted and braced to prevent movement, shall be in place prior to the commencement of any work on site and shall remain until the completion of all building and hard landscape construction. Excavations for services, waste bins, storage of materials and equipment, site residue, site sheds, vehicle access or cleaning of tools and equipment are not permitted within the Tree Protection Zone at any time.
55. 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.
56. The site shall be secured by a 1800 mm (minimum) high temporary fence for the duration of the work. Gates shall be provided at the opening points.
57. Where construction/building works require the use of a public place including a road or footpath, approval under Section 68 of the Local Government act 1993 for a Barricade Permit is to be obtained from Council prior to commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.
58. 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.

59. Prior to works commencing, a photographic record of [description of item. eg. the existing fibro dwelling house] shall be carried out and lodged with the Local History Librarian at Rockdale City Library. This photographic record shall be submitted in electronic form on a USB, CD or DVD, containing the following:

- i) a layout plan of the existing building, to 1:100 scale, identifying rooms and features shown in the photographs and indicating on the plan where each photo was taken from;
- ii) colour photographs of the interior, exterior and streetscape view of the building. Interior and exterior photographs should include any original features, decorations or fittings. Photographs must be in either TIFF or JPEG format with a minimum resolution of 4 megapixels. Each photograph must be file-named to describe it and indicate its location.

Where an oral history interview is considered appropriate it shall be carried out by the Local History Librarian.

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

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

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

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

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

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

Principal Certifying Authority within 24 hours of any event.

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

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

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

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

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

During demolition / excavation / construction

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

62. 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.
63. 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.
64. For Class 2, 3 and 4 structures, the building works are to be inspected during construction, by the principal certifying authority (or other suitably qualified person on behalf of the principal certifying authority) to monitor compliance with Council's approval and the relevant standards of construction encompassing the following stages:
 - i. after excavation for, and before the placement of, any footing, and
 - ii. prior to covering waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within a building, and
 - iii. prior to covering any stormwater drainage connections, and
 - iv. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

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

65. 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.

66. 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.

67. 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.

68. 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.

69. 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.

70. 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.

71. 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.
- 72. The Brushbox street tree located on the nature strip at the front of the site shall not be removed or pruned, including root pruning, without the written consent of Council in the form of a Permit issued under Council's Development Control Plan 2011.
- 73. All existing trees located within the site may be removed.
- 74. 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.
- 75. 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.
- 76. Existing soil levels within the drip line of trees to be retained shall not be altered without reference to Council's Tree Management Officer.
- 77. Building materials, site residue, machinery and building equipment shall not be placed or stored under the dripline of trees required to be retained.

Prior to issue of occupation certificate or commencement of use

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

- 78. An Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of the building.
- 79. 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.
- 80. All landscape works are to be carried out in accordance with the approved landscape plans prior to the issue of an Occupation Certificate for the approved development. The landscaping is to be maintained to the approved standard at all times.

81. 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.
82. 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.
83. Where an electricity substation is required by Ausgrid, a final film survey plan shall be endorsed with an area having the required dimensions as agreed with Ausgrid over the location of the proposed electricity distribution substation site. The substation must be located within the boundary of the development site, or within the building, subject to compliance with the BCA. The substation site shall be dedicated to Council as public roadway, or as otherwise agreed with Ausgrid. Ausgrid's requirements shall be met prior to release of the issue of the Occupation Certificate.
84. 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".
85. 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.
86. The width of the driveway access at the boundary shall be minimum 3.6m wide and maximum 4.5m wide.
87. 1 bollard to be installed by the developer in the shared space dedicated for the disable car space as per AS2890.6.
88. 16 off-street car spaces shall be provided in accordance with the submitted plan and shall be sealed and linemarked to Council's satisfaction. The pavement of all car parking spaces, manoeuvring areas and internal driveways shall comply with Australian Standard AS3727 – Guide to Residential Pavements.
89. 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.

90. 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.
91. 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.

92. 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.
93. A positive covenant pursuant to the Conveyancing Act 1919 shall be created on the title of the lots that contain the stormwater pump facility to provide for the maintenance of the pump facility.
94. 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.
95. Signs shall be displayed adjacent to all stormwater drains on the premises, clearly indicating "Clean water only - No waste".
96. 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.
97. Prior to occupation a Chartered Professional Engineer competent in geotechnics shall certify that the construction works has been constructed in accordance with the approved geotechnical report and include an evaluation of the completed works. A copy of the certificate shall be supplied to the Principal Certifying Authority. A copy shall be provided to Council if Council is not the Principal Certifying Authority.

Roads Act

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

99. All footpath, or road and drainage modification and/or improvement works to be undertaken in the road reserve shall be undertaken by Council, or by a Private Licensed Contractor subject to the submission and approval of a Private Contractor Permit, together with payment of all inspection fees. An estimate of the cost to have these works constructed by Council may be obtained by contacting Council. The cost of conducting these works will be deducted from the Footpath Reserve Restoration Deposit, or if this is insufficient the balance of the cost will be due for payment to Council upon completion of the work.
100. This Roads Act approval does not eradicate the need for the Contractor to obtain a Road Opening Permit prior to undertaking excavation in the road or footpath.
101. Any driveway works to be undertaken in the footpath reserve by a private contractor requires an "Application for Consideration by a Private Contractor" to be submitted to Council together with payment of the application fee. Works within the footpath reserve must not start until the application has been approved by Council.
102. Following completion of concrete works in the footpath reserve area, the balance of the area between the fence and the kerb over the full frontage of the proposed development shall be turfed with either buffalo or couch (not kikuyu).

Development consent advice

- a. You are advised to consult with your utility providers (i.e. Energy Aust, Telstra etc) in order to fully understand their requirements before commencement of any work.
- b. *Dial Before You Dig*

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

- c. Where Council is not engaged as the Principal Certifying Authority for the issue of the Subdivision Certificate (Strata), and the Section 88B Instrument contains easements and/or covenants to which Council is a Prescribed Authority, the Council must be provided with all relevant supporting information (such as works-as-executed drainage plans and certification) prior to Council endorsing the Instrument.
- d. The water from the rainwater tank should not be used for drinking, Sydney Water shall be advised of the installation of the rainwater tank.
- e. In the event of any inconsistency between conditions of this approval and the drawings/documents referred to in condition 2, the conditions of this approval prevail.

Additional Information

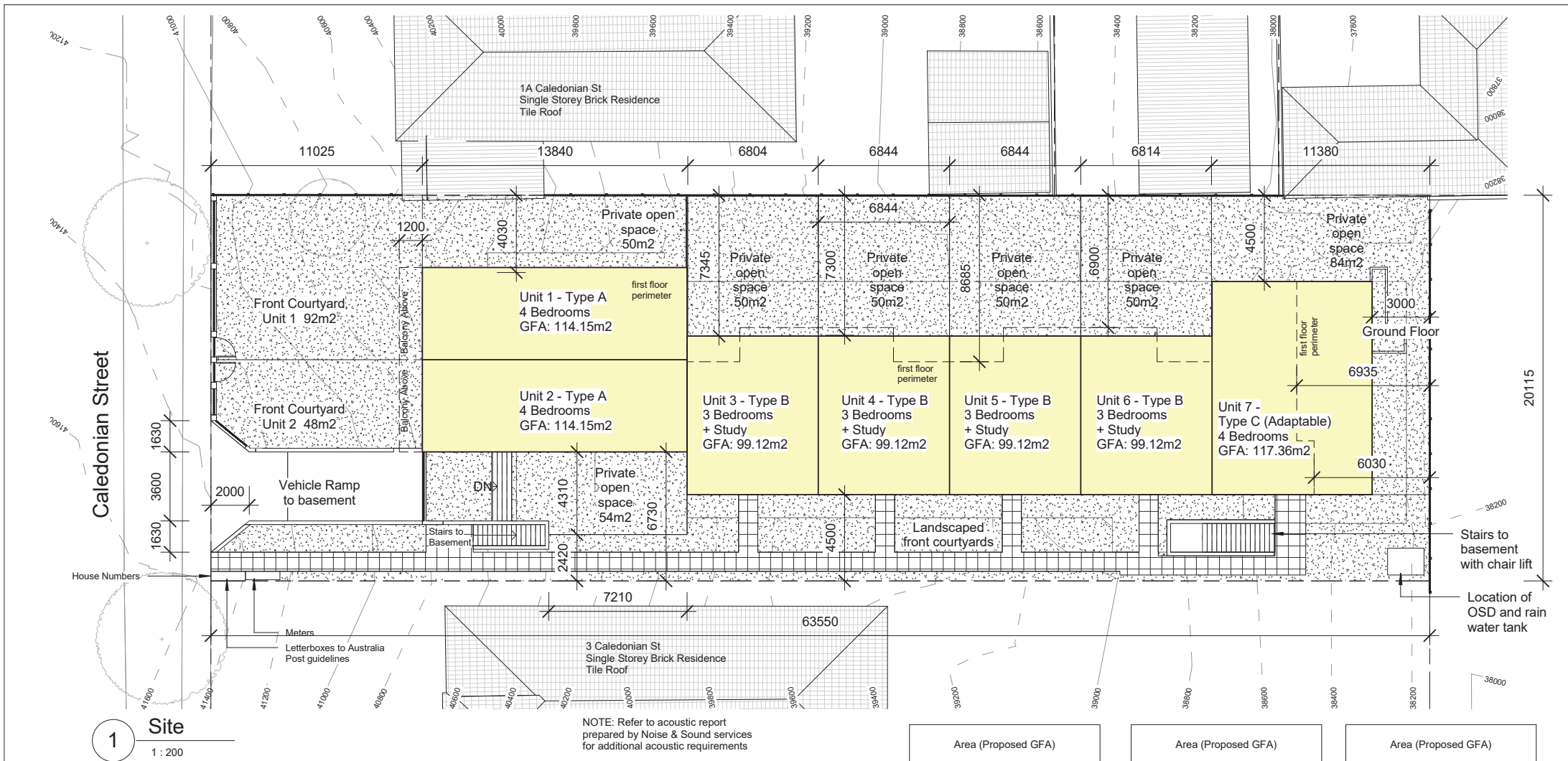
- To confirm the date upon which this consent becomes effective, refer to Section 83 of the *Environmental Planning and Assessment Act, 1979*. Generally the consent

becomes effective from the determination date shown on the front of this notice. However if unsure applicants should rely on their own enquiries.

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

Should you have any further queries please contact Marta M Gonzalez-Valdes on 9562 1666

Luis Melim
Manager - Development Services



BASIX REQUIREMENTS

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

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

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

Area (Proposed GFA)	
Level	Area
Ground Floor	53.26 m ²
Level 1	45.86 m ²
Unit 4	99.12 m ²
Ground Floor	53.26 m ²
Level 1	45.86 m ²
Unit 5	99.12 m ²
Ground Floor	53.26 m ²
Level 1	45.86 m ²
Unit 6	99.12 m ²

Area (Proposed GFA)	
Level	Area
Ground Floor	78.07 m ²
Level 1	41.23 m ²
Unit 7	119.30 m ²
Grand total	744.08 m ²

Site Area 1,277m²
Allowable FSR 0.6:1
FSR 0.58:1

THE SITE FOREMAN

t: 1300 728 006 f: 1300 728 440
w: THE SITE FOREMAN.COM.AU
a: 38-40 PARRAMATTA ROAD, SUMMER HILL 2130 NSW

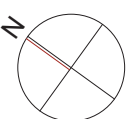
This drawing forms part of a set of documents for which copyright is vested in THE SITE FOREMAN (NSW) Pty Ltd. It is an offence under the Copyright Act, to copy, use or reproduce, in whole or in part, any part of these documents without the written permission of the Copyright holder. Any breach of this provision will result in legal action against the person, parties or entity deemed to be responsible.

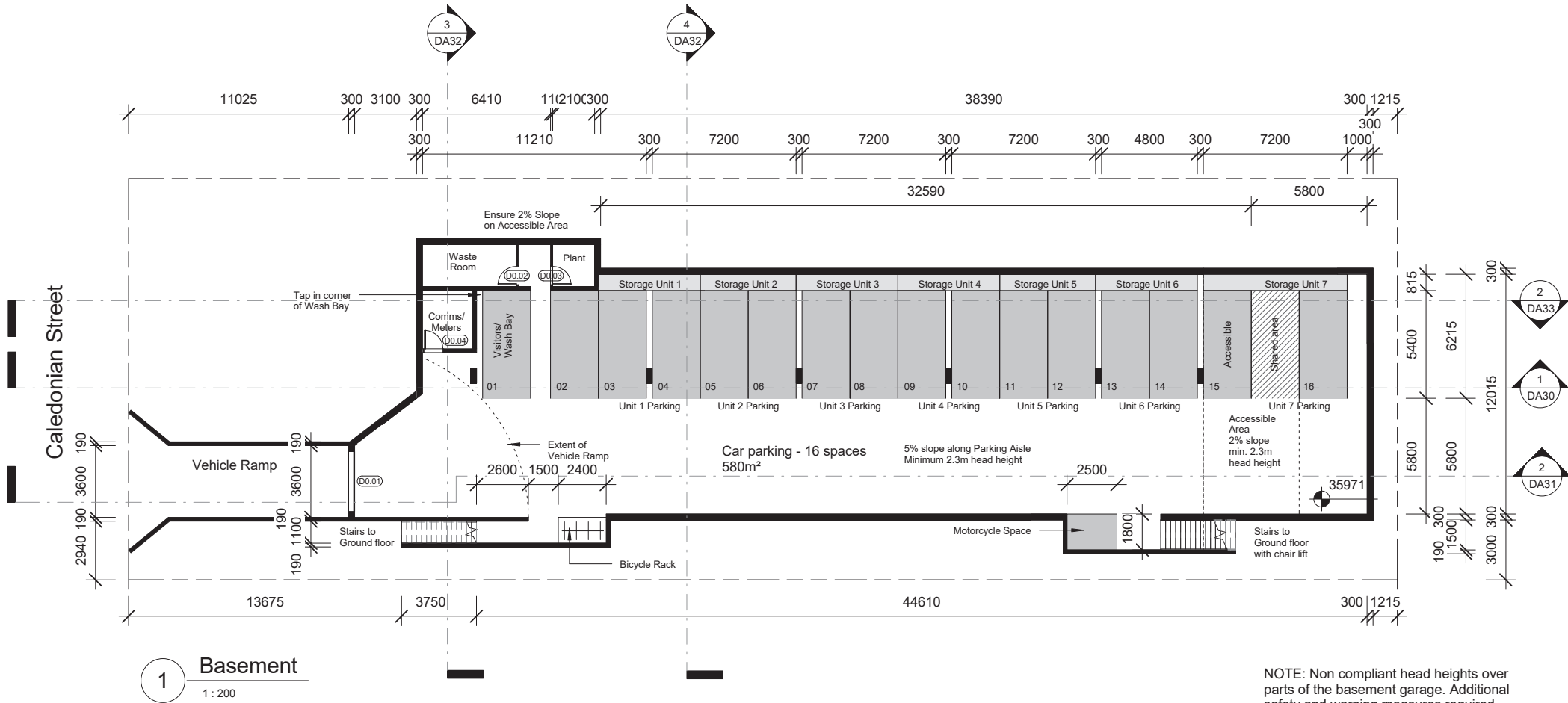
ISSUE	PURPOSE OF ISSUE	DATE
G	DESIGN AMENDMENTS	22.02.2017
H	REPLY TO COUNCIL RFI	19.06.2017
I	DA AMENDMENTS	04.08.2017
J	DA AMENDMENTS	10.10.2017

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

Fabricio Siqueira Architect NSW Reg 8308

DRAWN BY	FS
SCALE	1 : 200
JOB NO	2509
DRAWING NO	DA03 J





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

THE SITE FOREMAN

This drawing forms part of a set of documents for which copyright is vested in THE SITE FOREMAN (NSW) Pty Ltd. It is an offence under the Copyright Act, to copy, use or reproduce, in whole or in part, any part of these documents without the written permission of the Copyright holder. Any breach of this provision will result in legal action against the person, parties or entity deemed to be responsible.

t: 1300 728 006 f: 1300 728 440
w: THE SITE FOREMAN.COM.AU
a: 38-40 PARRAMATTA ROAD, SUMMER HILL 2130 NSW

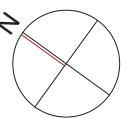
ISSUE	PURPOSE OF ISSUE	DATE
G	DESIGN AMENDMENTS	22.02.2017
H	REPLY TO COUNCIL RFI	19.06.2017
I	DA AMENDMENTS	04.08.2017
J	DA AMENDMENTS	10.10.2017

0m 2m 4m 6m 8m 10m

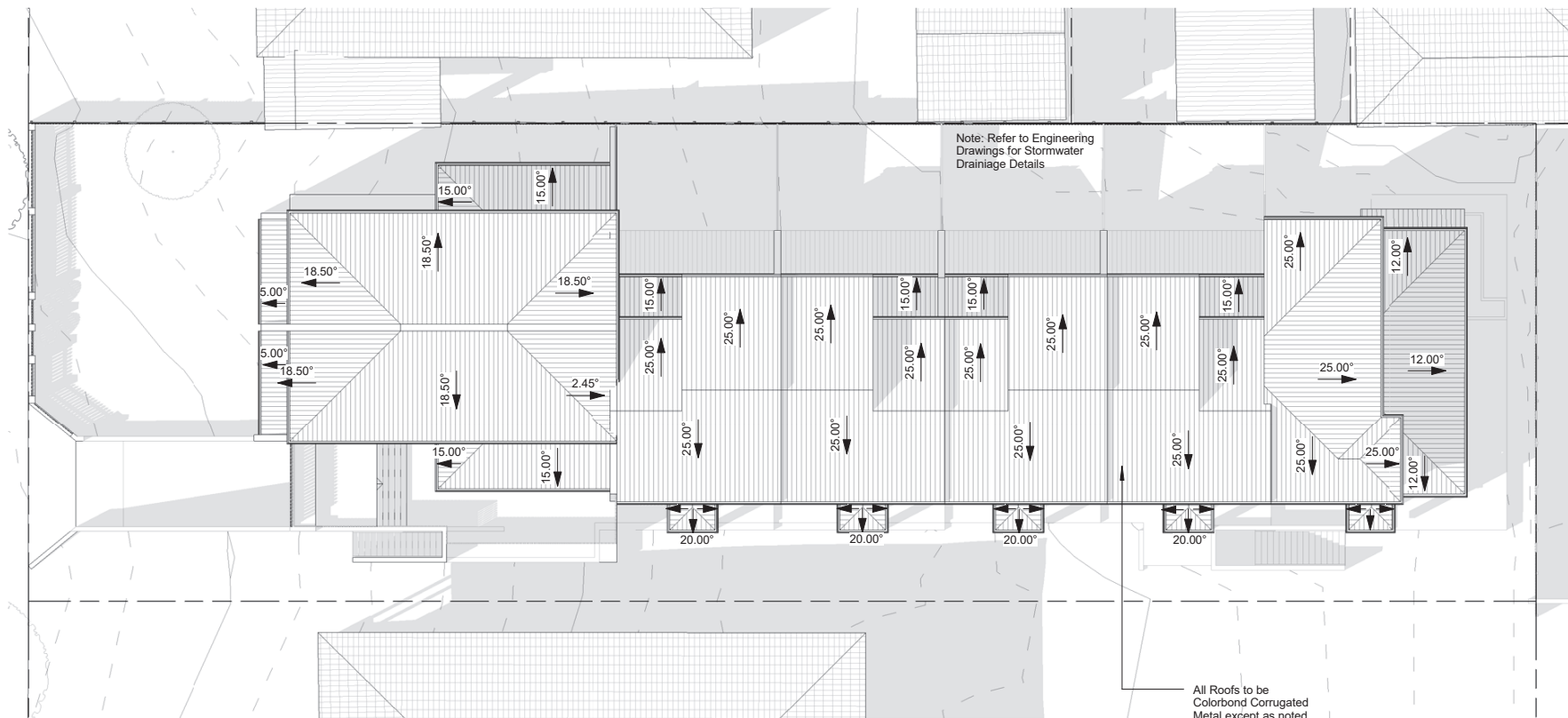
PROJECT NEW MULTI DWELLING DEVELOPMENT
ADDRESS 1 CALEDONIAN STREET, BEXLEY
DRAWING FLOOR PLANS - PROPOSED

Fabricio Siqueira Architect NSW Reg 8308

DRAWN BY FS
SCALE 1 : 200
JOB NO 2509
DRAWING NO DA11 J



Caledonian Street



1

Roof Plan

1 : 200

THE SITE FOREMAN

This drawing forms part of a set of documents for which copyright is vested in THE SITE FOREMAN (NSW) Pty Ltd. It is an offence under the Copyright Act, to copy, use or reproduce, in whole or in part, any part of these documents without the written permission of the Copyright holder. Any breach of this provision will result in legal action against the person, parties or entity deemed to be responsible.

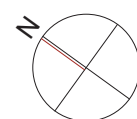
t: 1300 728 006 f: 1300 728 440
w: THE SITE FOREMAN.COM.AU
a: 38-40 PARRAMATTA ROAD, SUMMER HILL 2130 NSW

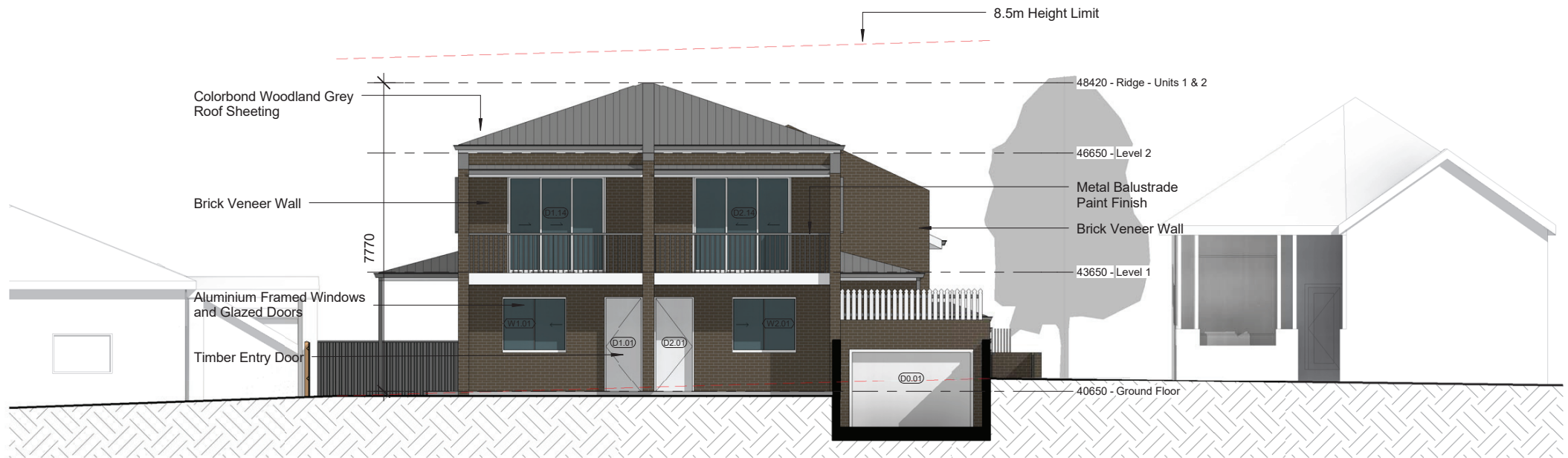
ISSUE	PURPOSE OF ISSUE	DATE
G	DESIGN AMENDMENTS	22.02.2017
H	REPLY TO COUNCIL RFI	19.06.2017
I	DA AMENDMENTS	04.08.2017
J	DA AMENDMENTS	10.10.2017

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

Fabricio Siqueira Architect NSW Reg 8308

DRAWN BY	FS
SCALE	1 : 200
JOB NO	2509
DRAWING NO	DA16 J





1 NW Elevation
1 : 100



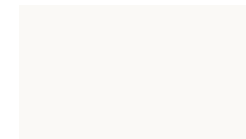
Colorbond
Woodland grey
Corrugated Profile



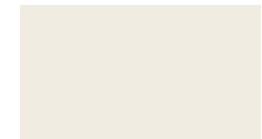
Austral Bricks
Everyday Life
230x110x76
Freedom



Dulux
Kahlua Milk PN1D8
Scyon Cladding



White Finish to match
Colorbond Surfmist
Painted Timber Fascias



Dulux Antique White
(Details, Window &
Door Frames)

THE SITE FOREMAN

t: 1300 728 006 f: 1300 728 440
w: THE SITE FOREMAN.COM.AU
a: 38-40 PARRAMATTA ROAD, SUMMER HILL 2130 NSW

This drawing forms part of a set of documents for which copyright is vested in THE SITE FOREMAN (NSW) Pty Ltd. It is an offence under the Copyright Act, to copy, use or reproduce, in whole or in part, any part of these documents without the written permission of the Copyright holder. Any breach of this provision will result in legal action against the person, parties or entity deemed to be responsible.

ISSUE	PURPOSE OF ISSUE	DATE
G	DESIGN AMENDMENTS	22.02.2017
H	REPLY TO COUNCIL RFI	19.06.2017
I	DA AMENDMENTS	04.08.2017
J	DA AMENDMENTS	10.10.2017

0m 2m 4m 6m 8m 10m

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

Fabricio Siqueira Architect NSW Reg 8308

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

DO NOT SCALE FROM THESE DRAWINGS use given dimensions. Contractor/ Builder is to check all dimensions on site prior to commencement of shop drawings or fabrication. Any discrepancies are to be referred to the architect/ designer prior to commencement of work. This drawing is to be used in accordance with its "purpose of issue" only. No responsibility will be accepted for the improper use of this drawing. Architectural drawings indicate design intent only. Builder is to ensure that all construction is in accordance with all relevant Australian Standards, legislation, policies, Building Code of Australia, Development Consent and any other council or certifier's requirements. This set of drawings does not include all possible construction details and the builder is required to complete the design where the information is not available. Please contact the architect in case of doubt.

10/10/17 4:48:27 PM



1 SW Elevation - Front
1 : 100

Notes:
1. The first-floor bedroom windows on the south-western elevation are to be obscured glazed and non-openable to a height of at least 1.7m above the finished floor level to prevent overlooking of adjoining properties (W3.06, W4.06, W5.06, W6.06, W7.07)

THE SITE FOREMAN

This drawing forms part of a set of documents for which copyright is vested in THE SITE FOREMAN (NSW) Pty Ltd. It is an offence under the Copyright Act, to copy, use or reproduce, in whole or in part, any part of these documents without the written permission of the Copyright holder. Any breach of this provision will result in legal action against the person, parties or entity deemed to be responsible.

t: 1300 728 006 f: 1300 728 440
w: THE SITE FOREMAN.COM.AU
a: 38-40 PARRAMATTA ROAD, SUMMER HILL 2130 NSW

ISSUE	PURPOSE OF ISSUE	DATE
G	DESIGN AMENDMENTS	22.02.2017
H	REPLY TO COUNCIL RFI	19.06.2017
I	DA AMENDMENTS	04.08.2017
J	DA AMENDMENTS	10.10.2017

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

Fabricio Siqueira Architect NSW Reg 8308	
DRAWN BY	FS
SCALE	1 : 100
JOB NO	2509
DRAWING NO	DA19 J



1

SW Elevation - Rear

1 : 100

Notes:

1. The first-floor bedroom windows on the south-western elevation are to be obscured glazed and non-openable to a height of at least 1.7m above the finished floor level to prevent overlooking of adjoining properties (W3.06, W4.06, W5.06, W6.06, W7.07)

THE SITE FOREMAN

This drawing forms part of a set of documents for which copyright is vested in THE SITE FOREMAN (NSW) Pty Ltd. It is an offence under the Copyright Act, to copy, use or reproduce, in whole or in part, any part of these documents without the written permission of the Copyright holder. Any breach of this provision will result in legal action against the person, parties or entity deemed to be responsible.

t: 1300 728 006 f: 1300 728 440
w: THE SITE FOREMAN.COM.AU
a: 38-40 PARRAMATTA ROAD, SUMMER HILL 2130 NSW

ISSUE	PURPOSE OF ISSUE	DATE
G	DESIGN AMENDMENTS	22.02.2017
H	REPLY TO COUNCIL RFI	19.06.2017
I	DA AMENDMENTS	04.08.2017
J	DA AMENDMENTS	10.10.2017

0m 2m 4m 6m 8m 10m

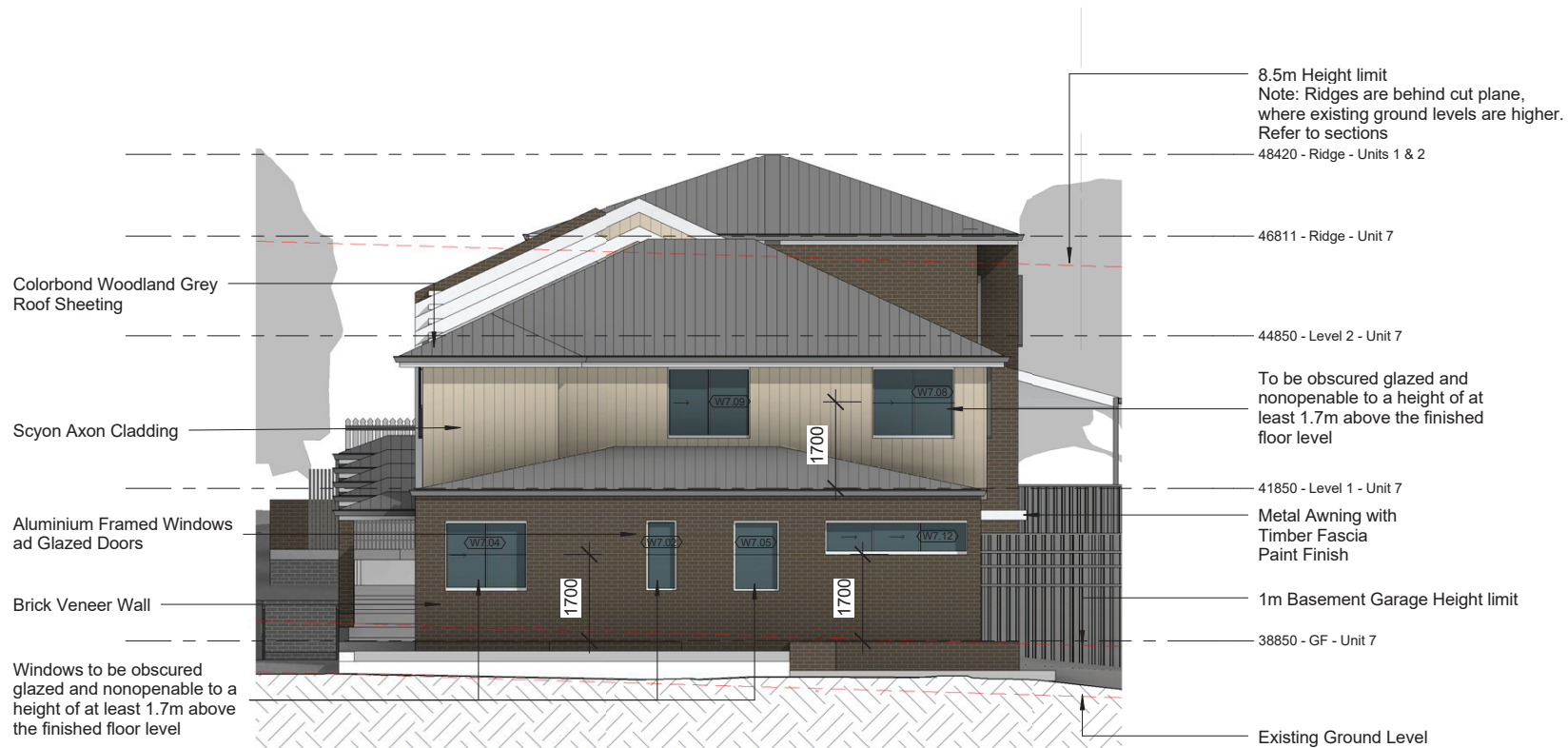
PROJECT	NEW MULTI DWELLING DEVELOPMENT
ADDRESS	1 CALEDONIAN STREET, BEXLEY
DRAWING	ELEVATIONS - PROPOSED

Fabricio Siqueira Architect NSW Reg 8308

DRAWN BY	FS
SCALE	1 : 100
JOB NO	2509
DRAWING NO	DA20 J

DO NOT SCALE FROM THESE DRAWINGS use given dimensions. Contractor/ Builder is to check all dimensions on site prior to commencement of shop drawings or fabrication. Any discrepancies are to be referred to the architect/ designer prior to commencement of work. This drawing is to be used in accordance with its "purpose of issue" only. No responsibility will be accepted for the improper use of this drawing. Architectural drawings indicate design intent only. Builder is to ensure that all construction is in accordance with all relevant Australian Standards, legislation, policies, Building Code of Australia, Development Consent and any other council or certifier's requirements. This set of drawings does not include all possible construction details and the builder is required to complete the design where the information is not available. Please contact the architect in case of doubt.

10/10/17 4:48:51 PM



1

SE Elevation

1 : 100

Notes:

1. The ground-floor windows to the bathroom and study on the south-eastern elevation of Unit 7 are to be obscure glazed and non-openable to a height of 1.7m above finished floor level to prevent overlooking of adjoining properties. (W7.02, W7.04)
2. The first-floor 'Bedroom 2' window on the south-eastern of Unit 7 is to be obscured glazed and nonopenable to a height of at least 1.7m above the finished floor level to prevent overlooking of adjoining properties (W7.08)

THE SITE FOREMAN

t: 1300 728 006 f: 1300 728 440
w: THE SITE FOREMAN.COM.AU
a: 38-40 PARRAMATTA ROAD, SUMMER HILL 2130 NSW

This drawing forms part of a set of documents for which copyright is vested in THE SITE FOREMAN (NSW) Pty Ltd. It is an offence under the Copyright Act, to copy, use or reproduce, in whole or in part, any part of these documents without the written permission of the Copyright holder. Any breach of this provision will result in legal action against the person, parties or entity deemed to be responsible.

ISSUE	PURPOSE OF ISSUE	DATE
G	DESIGN AMENDMENTS	22.02.2017
H	REPLY TO COUNCIL RFI	19.06.2017
I	DA AMENDMENTS	04.08.2017
J	DA AMENDMENTS	10.10.2017

0m 2m 4m 6m 8m 10m

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

Fabricio Siqueira Architect NSW Reg 8308

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

8.5m Height limit
Note: Ridge is behind cut plane,
where existing ground levels is higher.
Refer to sections



1 NE Elevation - Front
1 : 100

THE SITE FOREMAN
This drawing forms part of a set of documents for which copyright is vested in THE SITE FOREMAN (NSW) Pty Ltd. It is an offence under the Copyright Act, to copy, use or reproduce, in whole or in part, any part of these documents without the written permission of the Copyright holder. Any breach of this provision will result in legal action against the person, parties or entity deemed to be responsible.

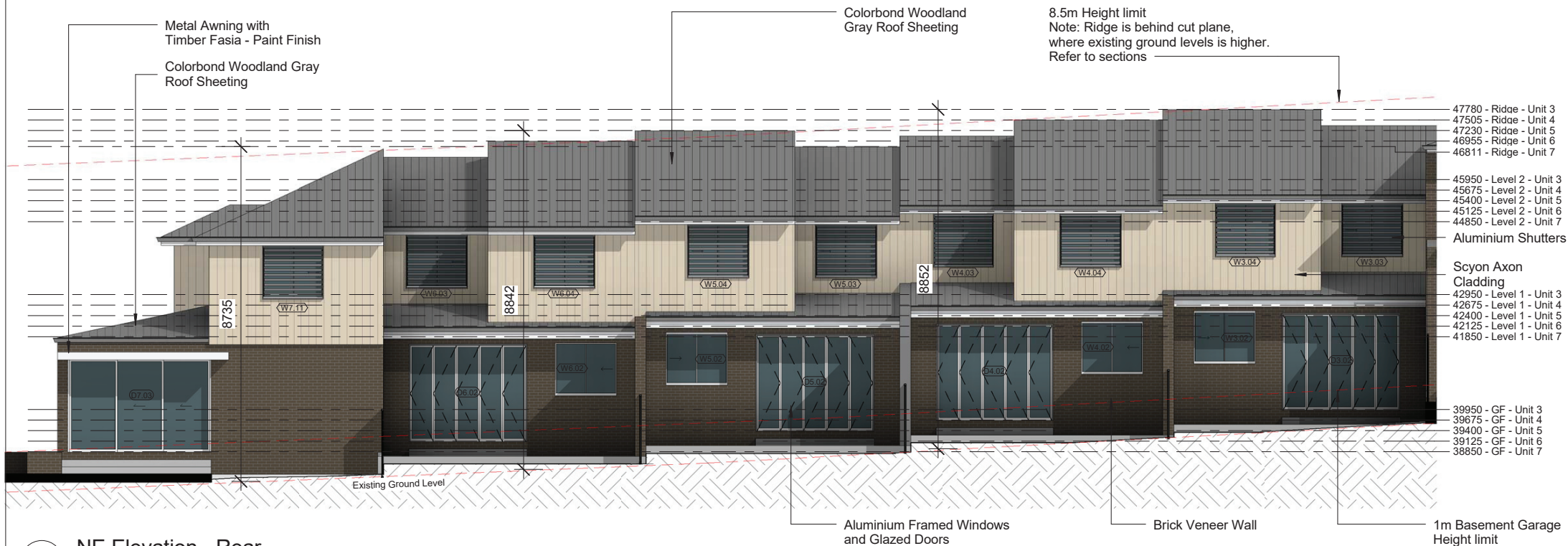
t: 1300 728 006 f: 1300 728 440 w: THE SITE FOREMAN.COM.AU a: 38-40 PARRAMATTA ROAD, SUMMER HILL 2130 NSW		
ISSUE	PURPOSE OF ISSUE	DATE
G	DESIGN AMENDMENTS	22.02.2017
H	REPLY TO COUNCIL RFI	19.06.2017
I	DA AMENDMENTS	04.08.2017
J	DA AMENDMENTS	10.10.2017



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

Fabricio Siqueira Architect NSW Reg 8308	
DRAWN BY	FS
SCALE	1 : 100
JOB NO	2509
DRAWING NO	DA21 J

DO NOT SCALE FROM THESE DRAWINGS use given dimensions. Contractor/ Builder is to check all dimensions on site prior to commencement of shop drawings or fabrication. Any discrepancies are to be referred to the architect/ designer prior to commencement of work. This drawing is to be used in accordance with its "purpose of issue" only. No responsibility will be accepted for the improper use of this drawing. Architectural drawings indicate design intent only. Builder is to ensure that all construction is in accordance with all relevant Australian Standards, legislation, policies, Building Code of Australia, Development Consent and any other council or certifier's requirements. This set of drawings does not include all possible construction details and the builder is required to complete the design where the information is not available. Please contact the architect in case of doubt.



1 NE Elevation - Rear
1 : 100

THE SITE FOREMAN

This drawing forms part of a set of documents for which copyright is vested in THE SITE FOREMAN (NSW) Pty Ltd. It is an offence under the Copyright Act, to copy, use or reproduce, in whole or in part, any part of these documents without the written permission of the Copyright holder. Any breach of this provision will result in legal action against the person, parties or entity deemed to be responsible.

t: 1300 728 006 f: 1300 728 440
w: THE SITE FOREMAN.COM.AU
a: 38-40 PARRAMATTA ROAD, SUMMER HILL 2130 NSW

ISSUE	PURPOSE OF ISSUE	DATE
G	DESIGN AMENDMENTS	22.02.2017
H	REPLY TO COUNCIL RFI	19.06.2017
I	DA AMENDMENTS	04.08.2017
J	DA AMENDMENTS	10.10.2017

0m2m4m6m8m10m

PROJECTNEW MULTI DWELLING DEVELOPMENT

ADDRESS1 CALEDONIAN STREET, BEXLEY

DRAWINGELEVATIONS - PROPOSED

Fabricio Siqueira Architect NSW Reg 8308

DRAWN BYFS

SCALE1 : 100

JOB NO2509

DRAWING NO DA22 J

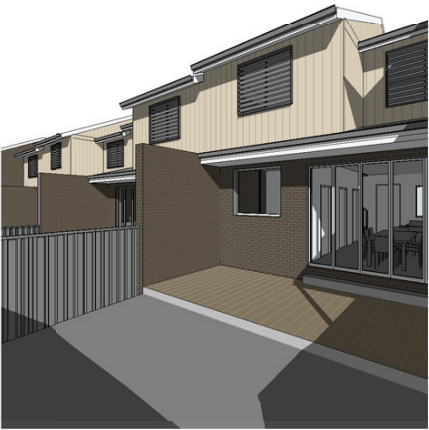
DO NOT SCALE FROM THESE DRAWINGS use given dimensions. Contractor/ Builder is to check all dimensions on site prior to commencement of shop drawings or fabrication. Any discrepancies are to be referred to the architect/ designer prior to commencement of work. This drawing is to be used in accordance with its "purpose of issue" only. No responsibility will be accepted for the improper use of this drawing. Architectural drawings indicate design intent only. Builder is to ensure that all construction is in accordance with all relevant Australian Standards, legislation, policies, Building Code of Australia, Development Consent and any other council or certifier's requirements. This set of drawings does not include all possible construction details and the builder is required to complete the design where the information is not available. Please contact the architect in case of doubt.



1 3D View 1



2 3D View 2



3 3D View 3

THE SITE FOREMAN
This drawing forms part of a set of documents for which copyright is vested in THE SITE FOREMAN (NSW) Pty Ltd. It is an offence under the Copyright Act, to copy, use or reproduce, in whole or in part, any part of these documents without the written permission of the Copyright holder. Any breach of this provision will result in legal action against the person, parties or entity deemed to be responsible.

t: 1300 728 006 f: 1300 728 440
w: THE SITE FOREMAN.COM.AU
a: 38-40 PARRAMATTA ROAD, SUMMER HILL 2130 NSW

ISSUE	PURPOSE OF ISSUE	DATE
G	DESIGN AMENDMENTS	22.02.2017
H	REPLY TO COUNCIL RFI	19.06.2017
I	DA AMENDMENTS	04.08.2017
J	DA AMENDMENTS	10.10.2017

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

Fabricio Siqueira Architect NSW Reg 8308	
DRAWN BY	FS
SCALE	
JOB NO	2509
DRAWING NO	DA35 J

Statement of Heritage Impact

1 Caledonian Street Bexley

for

The Site Foreman



Caledonian Street Plantings

Prepared by:

Archnexus Designs

Wentech Pty Ltd (ABN 310 735 41803) trading as Archnexus Designs.

October 2016

1 Caledonian Street Bexley

(Proposed Residential Development)

Statement of Heritage Impact Table of Contents

Statement:

A.	Purpose of Statement	Page 1.
B.	Grounds of Statement	Page 1.
C.	Limits of Statement	Page 1.
D.	Location	Page 1.
E.	Context	Page 2.
F.	Proposed Development	Page 5.
G.	Heritage Impacts	Page 5.
H.	Conclusion	Page 11.

Appendix:

Documents

- (i) Inventory Sheet: Caledonian Street Plantings
- (ii) Inventory Sheet: Seaforth Park
- (iii) DP 1680
- (iv) CT 928-9
- (v) CT 1304-83
- (vi) CT 15531-15
- (vii) CTRH 28/11/1680
- (viii) PA 6230

STATEMENT OF HERITAGE IMPACT [SoHI]:

Date: 22 September 2017
Premises: 1 Caledonian Street Bexley
Property Description: Lot 28 Section 11 DP 1680
Prepared By: Greg Patch
B Sc Arch, B ARCH (Hons), M Herit Cons (Hons), AIA
14 Winchcombe Ave,
Haberfield NSW 2045
For: The Site Foreman (NSW) Pty Ltd

A. PURPOSE OF STATEMENT

This statement has been prepared to assess potential heritage impacts of a proposed new multi-dwelling development in relation to a heritage item adjoining.

B. GROUNDS OF STATEMENT

The street trees to Caledonian St are listed as a heritage item. This has been established through a search of Schedule 5 of Rockdale LEP 2011.

C. LIMITS OF STATEMENT

This statement is based on SHI data sheet 2330181, and an inspection of the site in October 2017.

D. LOCATION



1. Location of 1 Caledonian Street Bexley (Source: SIX Maps © NSW Lands 2017).

E. CONTEXT

E1 DOCUMENTARY

State Heritage Inventory Sheet 2330181

The item is described as:

Street tree plantings of Street tree plantings of Lophostemon confertus (Brush Box) each side of street linking with those in Dunmore Street. Phoenix canariensis located at round about at intersection of Queen Victoria Street and Caledonia [sic] Street.

They are ascribed a period of: 1898-1914.

Their significance is stated as:

The street plantings in Caledonia [sic] Street demonstrate the Municipal approach to urban beautification in the Ocean View subdivision. The tree planting, whilst not the original trees, commemorated the reign of Queen Victoria which was also reflected in the subdivision. The trees have aesthetic value as they contribute to the character and amenity of the area.

Images are provided (2 of 6 shown):



2. View from Caledonian Street_Image by: J.P.



3. Parks, Gardens and Trees
Image by: Louise Thom & Assoc.
Image copyright owner: Rockdale Council

Land Titles

According to Primary Application [PA] 6230, the land is part of a 1,950-acre grant to John Townson made by Governor Lachlan Macquarie on 11 April 1810.

Part was converted to Real Property by The Sydney & Suburban Mutual Permanent Building & Land Investment Association (Limited) in October 1884, and was subdivided as the "Ocean View Estate" under Deposited Plan 1680 which was endorsed on 22.12. [18]88.

Lot 28 Section 11, DP 1680 was first transacted separately in transfer N°. 300745 from Miles M^cCrea to John Linton of Sydney, saddler, in December 1899 and Certificate of Title Volume 1304 Folio 83 [CT 1304-83] issued to him. Linton transferred the property to Harold Victor Gibbons in August 1905, who then sold it to Elizabeth Benham, wife of William Percival Benham of Rockdale, clerk, in August 1911. The property was held until September 1966 when it was sold to Cristoforo Conte of Newtown, shopkeeper and Licia Conte, his wife. The deed was cancelled in August 1988 and CT 15531-15 issued to them as joint tenants. This title was cancelled in October 1989 and Computer Folio 28/11/1680 issued.

There has been a Notice of Death (2010), 2 Transmission Applications (2012 & 2013), and 2 Transfers since (2013 & 2015).

Sands Directory

The John Sands Sydney Postal Directory (1858-1932/3) was searched for occurrences of owner occupiers of the property. William P Benham is first listed as of the 1913 edition as occupant of “Waygunyah” in what the appropriate street position.

It appears, then, that the existing house was most probably built during the course of 1911/12.

E2 PHYSICAL

The subject property and environs were inspected on 03/10/2017, when the following photographs were taken:



4. Existing house from driveway.



5. Rear of existing house.



6. Rear yard looking south-east.



7. House to the north.



8. Driveway and part adjoining house.



9. Street trees to the south-west.



10. Existing house from the north.



11. Signage to Seaforth Park.



12. Houses to SW corner Seaforth and Caledonian Sts.



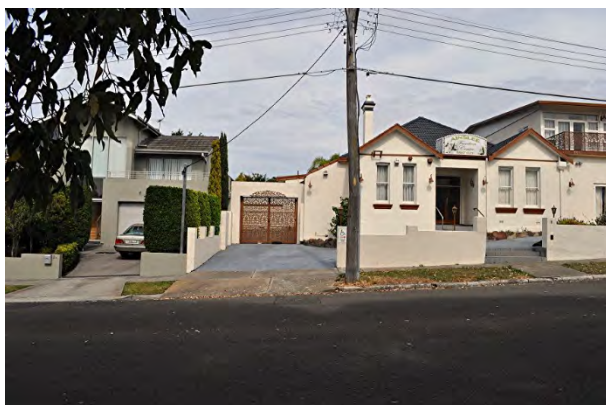
13. Seaforth St, looking south from Seaforth Park.



14. Caledonian St, from Seaforth Park.



15. House opposite Seaforth Park on Caledonian St.



16. View between Seaforth St houses from Seaforth Park.



17. View between houses further south-east.

Typically 2-storey houses (in whole or in part) to Seaforth Street, opposite Seaforth Park to the north-east of the subject property.

F. PROPOSED DEVELOPMENT

I have examined drawings N^{os}. 2509/ DA03, -/DA09; -/DA10; -/DA11; -/DA12; -/DA14; -/DA15; -/DA16; -/DA17; -/DA18; -/DA19; -/DA20; -/DA21; -/DA22; -/DA30; -/DA31; -/DA32; -/DA33; prepared by The Site Foreman [TSF], all marked Issue 1 and dated 04.08.2017, together with a landscape plan prepared by Michael Siu Landscape Architects dated 2 Feb17.

They depict a proposed development that entails the demolition of the existing structures on the site, and the erection of a multi dwelling development containing 7, 2 level dwellings over an excavated carpark level.



18. Proposed elevation to Caledonian Street (NW)- "clip" from TSF dwg. -/DA17 [NTS]

Proposed exterior materials, finishes and colours include:



19. "Clip" from TSF dwg. -/DA17

G. IMPACT OF THE PROPOSED DEVELOPMENT

The street plantings to Caledonian Street are listed as a heritage item at:

Rockdale Local Environmental Plan 2011

Schedule 5 Environmental heritage

Suburb	Item name	Address	Property description	Significance	Item no
Bexley	Street plantings	Caledonian Street		Local	I107

They are mapped as:



20. Extract map HER_004. Subject property.

The relevant provisions of the Rockdale LEP are:

5.10 Heritage conservation

Note. Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the [Heritage Map](#) as well as being described in Schedule 5.

Clause	Comment
<p>(1) Objectives</p> <p>The objectives of this clause are as follows:</p> <ul style="list-style-type: none"> (a) to conserve the environmental heritage of Rockdale, (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views, (c) to conserve archaeological sites, (d) to conserve Aboriginal objects and Aboriginal places of heritage significance. 	
<p>(2) Requirement for consent</p> <p>Development consent is required for any of the following:</p> <ul style="list-style-type: none"> (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance): <ul style="list-style-type: none"> (i) a heritage item, (ii) an Aboriginal object, (iii) a building, work, relic or tree within a heritage conservation area, (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item, (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed, (d) disturbing or excavating an Aboriginal place of heritage significance, (e) erecting a building on land: <ul style="list-style-type: none"> (i) on which a heritage item is located or that is within a heritage conservation area, or (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance, (f) subdividing land: <ul style="list-style-type: none"> (i) on which a heritage item is located or that is within a heritage conservation area, or 	

<p>(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.</p>	
<p>(3) When consent not required</p>	
<p><i>However, development consent under this clause is not required if:</i></p> <p>(a) <i>the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:</i></p> <p>(i) <i>is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and</i></p> <p>(ii) <i>would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or</i></p> <p>(b) <i>the development is in a cemetery or burial ground and the proposed development:</i></p> <p>(i) <i>is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and</i></p> <p>(ii) <i>would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or</i></p> <p>(c) <i>the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or</i></p> <p>(d) <i>the development is exempt development.</i></p>	<p>Consent is required for non-heritage related matters.</p>
<p>(4) Effect of proposed development on heritage significance</p>	
<p><i>The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).</i></p>	
<p>(5) Heritage assessment</p>	
<p><i>The consent authority may, before granting consent to any development:</i></p> <p>(a) <i>on land on which a heritage item is located, or</i></p> <p>(b) <i>on land that is within a heritage conservation area, or</i></p>	

<p>(c) <i>on land that is within the vicinity of land referred to in paragraph (a) or (b),</i></p> <p><i>require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.</i></p>	<p>The proposed development is to land that is within the vicinity of land on which a heritage item is located.</p> <p>This document has been prepared having general regard to the guideline document “Statements of Heritage Impact” as published by the Heritage Branch of the NSW Office of Environment & Heritage.</p>
(6) Heritage conservation management plans	
<p><i>The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.</i></p>	
(7) Archaeological sites	
<p><i>The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the Heritage Act 1977 applies):</i></p> <p>(a) <i>notify the Heritage Council of its intention to grant consent, and</i></p> <p>(b) <i>take into consideration any response received from the Heritage Council within 28 days after the notice is sent.</i></p>	<p>The subject place is not identified as being of archaeological significance.</p>
(8) Aboriginal places of heritage significance	
<p><i>The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance:</i></p> <p>(a) <i>consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and</i></p> <p>(b) <i>notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.</i></p>	<p>The subject place is not identified as being of Aboriginal significance.</p>
(9) Demolition of nominated State heritage items	
<p><i>The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item:</i></p> <p>(a) <i>notify the Heritage Council about the application, and</i></p> <p>(b) <i>take into consideration any response received from the Heritage Council within 28 days after the notice is sent.</i></p>	<p>The subject place is not identified as being of State significance.</p>
(10) Conservation incentives	
<p><i>The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance,</i></p>	<p>Conservation incentives are not sought.</p>

even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:

- (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and*
- (b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and*
- (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and*
- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and*
- (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.*

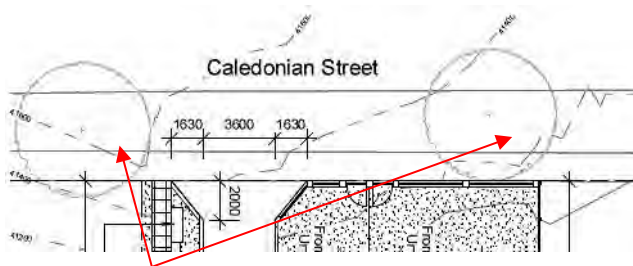
Rockdale Development Control Plan 2011

4.1.2 Heritage Conservation

Development in the Vicinity of Heritage Items

17. *Any proposed development located adjacent to or nearby a heritage item must not have an adverse impact on the heritage item including its setting and curtilage.*

Comment: there are two Brush box trees located on the nature strip to the roadway of Caledonian Street in the approximate area of frontage of the subject site:



21. *Brush box trees. "Clip" from TSF dwg. 2509/DA03-I (rotated).*

It would appear that neither will be physically adversely affected by the proposed development. The impact on their setting and curtilage will be a product of the development of a two storey, rather than single storey, building on a similar street setback/ alignment to the existing.

18. *Development adjacent to a heritage item must be designed:*

- a. *to be of a similar scale and proportion so that the item or place of heritage significance is not dominated or overwhelmed, and*

Comment: the proposed development is effectively two-storey above ground, of a domestic scale and character, and the resultant impact on the street plantings will be similar to a redevelopment of the subject property entailing the erection of a two-storey house (which I understand to be permissible in the area). The street plantings in the immediate area are mature and substantial and will not be dominated or overwhelmed by the proposed development.

- b. to pay particular attention to the design elements such as the style and pitch of roofs, parapet walls, proportions of window and door openings and external materials and colours.

Comment: these guidelines would appear to relate to development within the vicinity of a built heritage item. The proposed external materials, finishes and colours are, however, sufficiently neutral and recessive so as to not have an adverse impact upon, or compete with, the legibility of the street plantings.

19. Where new development is proposed adjacent to a heritage item in a street of buildings similar to the heritage item, then the new development must maintain the historic streetscape pattern.

Comment: not applicable; the heritage item consists of street plantings.

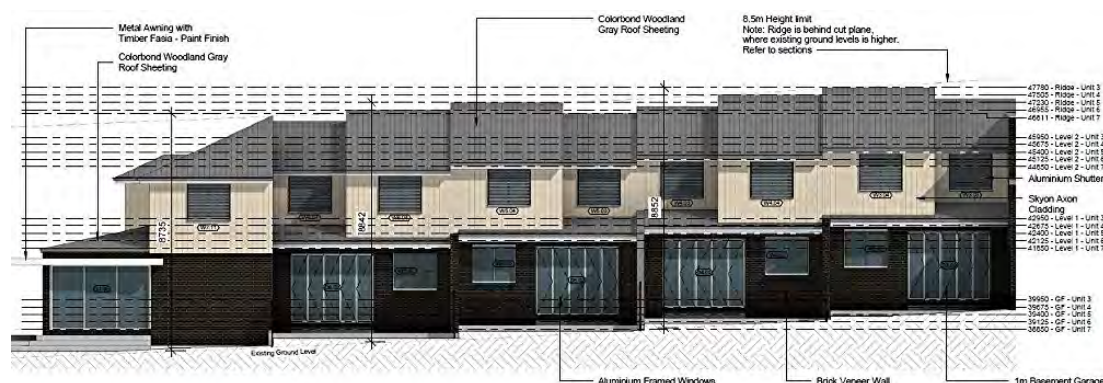
View Corridors

The nearby Seaforth Park is listed as a heritage item, and potential impacts on views from the Park have been assessed.



22. Aerial photograph (SIX Maps © NSW Lands 2017). Subject property. Image station points (see p4, above).

As can be seen in images 16 & 17, p4, above, the existing house is not visible through the gaps between the houses to the south-western side of Seaforth Street. The proposed development is, however, two-storey, and it is probable that glimpses of the upper floor level may be had.



23. North-east elevation of the rear portion of the proposed development (TSF dwg. DA22-I [NTS])

With reference to the external materials, finishes and colour selections at page 5, above, the roof is proposed to be in “Woodland Grey” and the upper portion of the walls in “Kahlua Milk”, both of which are neutral/recessive, particularly in the context of the nature of the existing houses to Seaforth Street. The proposal is also well -scaled in volume, with articulation in both the vertical and horizontal, and will be appropriate in the context of the existing domestic scale of the houses (most of which are 2 storey).

The Michael Siu landscape design proposes the planting of 5 *Eleocarpus reticulatis* (Blueberry Ash) along the north-eastern boundary. This is an endemic species and will achieve a mature height of some 12-15 metres, and provide canopy foliage to mitigate any possible visibility of the proposed development.

Character of the Area

As can be seen in the images at pp 3 & 4, above, the area is characterised by a mix of single and two-storey housing. The aerial photograph reveals that there are a number of multi-dwelling occupancies of properties within the area, and the scale and nature of the proposal is such that it will fit appropriately within this context.

H. CONCLUSION

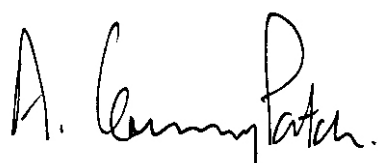
The research has shown that the existing house to the subject property was most probably built in c. 1911-12 and an inspection reveals that it is of what is generally termed a *Federation* style.

The Brush Box street plantings to the nature strip adjacent the frontage of the subject property would appear to be in positions that are not particularly susceptible to damage during construction activities, although it would be appropriate to provide adequate protection to ensure their survival.

An analysis of views from the nearby Seaforth Park (heritage item 100) reveals that it is probable that some glimpses of the upper level of the proposal may be had through the relatively constrained gaps between the existing houses fronting Seaforth Street, but that the impact of any visibility of the proposal is mitigated through its articulation, the proposed plantings of Blueberry Ash and the fact that the existing houses are predominantly two-storey.

In my opinion, the proposed development is of a potential streetscape presence that is essentially the same as a two-storey house, and the impacts on the street planting of Caledonian Street will be acceptable in heritage terms.

Prepared by

A handwritten signature in black ink, appearing to read 'A. Greg Patch'.

Greg Patch
Architect/Heritage Consultant

Appendix: Documents

Street Plantings

Item details

Name of item: Street Plantings
Other name/s: Parks, Gardens and Trees
Type of item: Landscape
Group/Collection: Parks, Gardens and Trees
Category: Tree groups - street
Primary address: Caledonian Street, Bexley, NSW 2207
Parish: St George
County: Cumberland
Local govt. area: Rockdale

All addresses

Street Address	Suburb/town	LGA	Parish	County	Type
Caledonian Street	Bexley	Rockdale	St George	Cumberland	Primary Address

Statement of significance:

The street plantings in Caledonia Street demonstrate the Municipal approach to urban beautification in the Ocean View subdivision. The tree planting, whilst not the original trees, commemorated the reign of Queen Victoria which was also reflected in the subdivision. The trees have aesthetic value as they contribute to the character and amenity of the area.

Date significance updated: 03 Aug 10

Note: There are incomplete details for a number of items listed in NSW. The Heritage Division intends to develop or upgrade statements of significance and other information for these items as resources become available.

Description

Construction years: 1898-1914

Physical description: Street tree plantings of Street tree plantings of *Lophostemon confertus* (Brush Box) each side of street linking with those in Dunmore Street. *Phoenix canariensis* located at round about at intersection of Queen Victoria Street and Caledonia Street.

Physical condition and/or Reasonable condition.

Archaeological potential:

Date condition updated: 11 Aug 10

Current use: Street

Former use: Street


History

Historical notes: The subject property is part of 1200 acres granted by Governor Brisbane to merchant James Chandler in 1831. The land was auctioned as part of the Ocean View Estate in 1883. Trees were originally planted to celebrate Queen Victoria's Record Reign in 1898 but were devastated by goats and largely replanted between 1911 and 1914. Brush Box trees were a common municipal tree planting of this era (Meredith Walker & Terry Kass, Rockdale Heritage Study, 1990)

Historic themes

Australian theme (abbrev)	New South Wales theme	Local theme
1. Environment-Tracing the evolution of a continent's special environments	Environment - naturally evolved-Activities associated with the physical surroundings that support human life and influence or shape human cultures.	(none)-
4. Settlement-Building settlements, towns and cities	Towns, suburbs and villages-Activities associated with creating, planning and managing urban functions, landscapes and lifestyles in towns, suburbs and villages	Village community to commuter suburb-

Assessment of significance

- SHR Criteria a)** [Historical significance] The plantings of street trees in Caledonian Street, Bexley are historically significant as part of the subdivision of the Ocean View Estate.
- SHR Criteria b)** [Associative significance] The street plantings have minor association with the celebration of Queen Victoria's record reign in 1898.
- SHR Criteria c)** [Aesthetic significance] The street trees are aesthetically significant adding to the amenity of the area.
- SHR Criteria d)** [Social significance] Does not meet this criterion.
- SHR Criteria e)** [Research potential] Does not meet this criterion.
- SHR Criteria f)** [Rarity] Does not meet this criterion.
- SHR Criteria g)** [Representativeness] The plantings are representative of street tree plantings in the first half of the 20th century within the Rockdale area.
- Integrity/Intactness:** The plantings are relatively intact.
- Assessment criteria:** Items are assessed against the  **State Heritage Register (SHR) Criteria** to determine the level of significance. Refer to the Listings below for the level of statutory protection.

Listings

Heritage Listing	Listing Title	Listing Number	Gazette Date	Gazette Number	Gazette Page
Local Environmental Plan			25 Aug 00	109	
Heritage study					

Study details

Title	Year	Number	Author	Inspected by	Guidelines used
Rockdale Heritage Inventory Review	2010		Louise Thom		Yes
Heritage Advisory Council	1992	R17	R. Rathbone		No

References, internet links & images

Type	Author	Year	Title	Internet Links
Written	Helen Armstrong	1990	Street Trees in NSW	

Note: internet links may be to web pages, documents or images.



(Click on thumbnail for full size image and image details)

Data source

The information for this entry comes from the following source:

Name: Local Government

Database number: 2330181

Seaforth Park

Item details

Name of item: Seaforth Park
Other name/s: Park, Gardens and Trees
Type of item: Landscape
Group/Collection: Parks, Gardens and Trees
Category: Other - Parks, Gardens & Trees
Primary address: 16A Beaconsfield Street, Bexley, NSW 2207
Parish: St George
County: Cumberland
Local govt. area: Rockdale

All addresses

Street Address	Suburb/town	LGA	Parish	County	Type
16A Beaconsfield Street	Bexley	Rockdale	St George	Cumberland	Primary Address

Statement of significance:

Seaforth Park is significant as the centrepiece of the 1883 Ocean View Subdivision and as the oldest designated park in Rockdale. Seaforth Park provides fine views to Botany Bay and forms a uniquely consistent precinct of an urban landscape surrounded by generally intact Federation houses. Along with Arncliffe Park, it is a rare piece of urban design in Rockdale and in Sydney based on the late 19th century "village green" style of English civic design.

Date significance updated: 06 Sep 10

Note: There are incomplete details for a number of items listed in NSW. The Heritage Division intends to develop or upgrade statements of significance and other information for these items as resources become available.

Description

Construction years: 1883-

Physical description: A 1.62 hectare square park bounded by 4 streets, Seaforth Street, Park Avenue, Beaconsfield Street, and Caledonian Street. Dunmore Street North forms an axial tree-lined vista to the park from Forest Road and is linked through the park by a central axis, to Dunmore Street South.

The park has original plantings of Port Jackson figs (some of which could be part of an original axial alignment), several original Monterey pines and Canary Island palms, Brush Box and a more recent avenue of mature Acacias which line a pathway connecting Seaforth Street to Park Avenue. Another path bisects the park linking Beaconsfield Street to Caledonian Street. The planting is largely confined to the northern half, with the southern half is open, allowing for a diverse range of activities. The park currently has a recently constructed children's playground.

Physical condition and/or Archaeological potential: The park has intact remnant planting of Port Jackson fig, several intact Canary Island palms and Pine trees. The original timber perimeter fencing has been removed, as much of the original planting. The park currently has a children's playground on the southern portion.

Date condition updated: 03 Aug 10

Modifications and dates: DA-2009/41 Seaforth Park - Installation of shade structure over existing playground equipment

Current use: Park

Former use: Park

History

Historical notes: The subject property is part of 1200 acres granted by Governor Brisbane to merchant James Chandler in 1831. The reserve was created in 1883 with the Ocean View Estate subdivision. The park was planned as the 'Grand Square' of the subdivision, to be used for public recreation, and was later surrounded by Federation houses in Seaforth Street, Park Avenue, Beaconsfield Street, and Caledonian Street (Geeves & Jervis, Rockdale:

Its Beginning and Development, p 86). The 'beautiful reserve' had been named Seaforth Park by 1885 ('Celebrated Ocean View Estate', SMH, 31 October 1885).

Historic themes

Australian theme (abbrev)	New South Wales theme	Local theme
1. Environment-Tracing the evolution of a continent's special environments	Environment - naturally evolved-Activities associated with the physical surroundings that support human life and influence or shape human cultures.	(none)-
1. Environment-Tracing the evolution of a continent's special environments	Environment - naturally evolved-Activities associated with the physical surroundings that support human life and influence or shape human cultures.	Developing amenity - Parks-
4. Settlement-Building settlements, towns and cities	Towns, suburbs and villages-Activities associated with creating, planning and managing urban functions, landscapes and lifestyles in towns, suburbs and villages	Developing amenity - Parks-

Assessment of significance

SHR Criteria a) Seaforth Park is an urban park which is historically significant as the centrepiece of the 1883 Ocean View Estate Subdivision and as the oldest designated park in Rockdale LGA.
[Historical significance]

SHR Criteria b) Does not meet this criterion.
[Associative significance]

SHR Criteria c) Seaforth Park is aesthetically significant as a square planned urban park designed as the centrepiece of a grid formed residential subdivision. Seaforth Park provides fine views to Botany Bay and forms a uniquely consistent precinct of an urban landscape surrounded by generally intact Federation houses. Along with Arncliffe Park, it is a rare piece of urban design in Sydney based on the late 19th century "village green" style of English civic design.
[Aesthetic significance]


SHR Criteria d) Does not meet this criterion.
[Social significance]

SHR Criteria e) Does not meet this criterion.
[Research potential]

SHR Criteria f) This urban landscape is a rare example of square park designed as part of a planned subdivision and, along with Arncliffe Park, is a rare example of subdivision based on the late 19th century "village green" style of English civic design in Rockdale and in Sydney.
[Rarity]

SHR Criteria g) Does not meet this criterion.
[Representativeness]

Integrity/Intactness: The park is substantially intact.

Assessment criteria: Items are assessed against the  **State Heritage Register (SHR) Criteria** to determine the level of significance. Refer to the Listings below for the level of statutory protection.

Listings

Heritage Listing	Listing Title	Listing Number	Gazette Date	Gazette Number	Gazette Page
Local Environmental Plan			25 Aug 00	109	
Heritage study					

Study details

Title	Year	Number	Author	Inspected by	Guidelines used
Rockdale Heritage Inventory Review	2010		Louise Thom		Yes

References, internet links & images

None

Note: internet links may be to web pages, documents or images.



(Click on thumbnail for full size image and image details)

Data source

The information for this entry comes from the following source:

Name: Local Government

Database number: 2330170

Handwritten: 24.11.86
 D.P. 1680 (E)
 Section 9
 Sec 6 Canning
 App 6230

OCEAN VIEW

PARISH OF ST GEORGE

Part of R.F. No. 632 of 1966
 Vol 632 fol 196

SCALE 200 FT. TO AN INCH

D.P. 1680

for subdivision here see Depd Plan 1982

App 6230

Acting as Manager and on behalf of the Sydney and Suburban Mutual Permanent Building and Land Investment Association (Limited) Owners of the Land comprised in App 6230 I consent to the non-recognition of the Old fence along the south western boundary of Section 9.4 part of 26 but am willing to adopt M^{rs} Lic^d Surveyor Dawson's line of pegs along those boundaries as shown on this Deposited Plan N^o 1086 of 1986.

Handwritten: S.H. Davis
 Manager
 1/11/86

for sub here see Depd Plan 1982



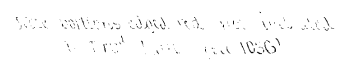
☒ 1
☒ 2
☒ 3

Near Kogarah

U. S. National Archives - Records Administration
 Vol 632, fol 196

6.4. 18.6.87

九.五.三.五



A. 2. 16891

D.P. 1680

for sub- here - see last few

Division here see Dec^d Mar 18/4

STREET

315°00'

QUEEN VICTORIA

QUEEN

from Georges

[illegible]

MONOMETH

GLADSTONE

225°00'

225°00'

225°00'66 of 66

	66	20
--	----	----

1. 6694' 00

225° 00' STREET

225⁰⁰' STREET

STRE

STREESTREE

19	16	33	66	ea
----	----	----	----	----

165			66	Rec
-----	--	--	----	-----

13 153p 119p 12 15p 119p

D.P. 1680 (13)
(E)

0891

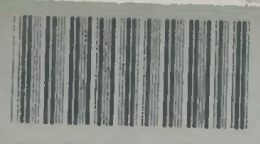
to Sydney

H. W. Lawrence
 Licensed Clerk of Court
 1881

(c.)

New South Wales.

[CERTIFICATE OF



00928009



REGISTER BOOK,

VOL. 928 FOLIO 9

CANCELLED

W



4-5-2011

reference to last
certificates
all 904 to 64
" 921 " 166

Myles McRae of Hurstville, fullman transfer as to part under
numbered of transfer from the Ocean New State Company Limited numbered 149948,
and as to the other part by virtue of certificates now surrendered is now the proprietor of an
estate in fee simple, subject nevertheless to the reservations and conditions, if any, contained
in the said certificates issued to him and also subject to such encumbrances, liens and
charges as are notified herein in these pieces of land situated near Negarah in the
vicinity of St George and vicinity of Cumberland containing the road strip and no
less parcels a half-acre being lot Section of Section Two, two rods twenty three perches
thence being lot Five and six of Section Eight, the road lot and one half perches
thence being lot Twenty eight of Section Eleven, the road one perch a half-acre
being lot Two and two acres one rod three and one half perches a half-acre being
lot Eighteen to Twenty five inclusive of Section Twelve, the road one perch a half-acre
being lot Eighteen and the road eight and one quarter perches a half-acre
being lot Twenty five of Section Twenty, the road five and one half perches a half-acre
being lot Eight of Section Twenty two, two rods twenty three and one quarter perches
thence being lot Eight and nine and two rods and one quarter of a perch
thence being lot Twenty three and Twenty four of Section Twenty five, as a plan
parted in the said plan of survey numbered 1650

Which said pieces of land are shown on the plan here and therein
set out being part of the thousand two hundred acres delineated in the public
map of the said parish deposited in the office of the Survey General, originally granted
James Chandler by Crown grant dated the nineteenth day of October one thousand
eight hundred and ninety nine.

I witness whereof I have hereunto signed my name and affixed my
seal, this Thirteenth day of June one thousand eight
hundred and ninety nine.

Signed the 13 day of June 1899
in the presence of
James Dep. Registrar General.

Notification issued to

No. 178,845. MORTGAGE dated 16th April. 1891, from the
within-named MYLES McRAE, to THE ENGLISH SCOTTISH
and AUSTRALIAN CHARTERED BANK, PRODUCED and
ENTERED 29th April, 1891, at 20 minutes past 12 o'clock in
the afternoon.

James
Dep. Registrar General.

No 188,612 TRANSFER DATED 4th December 1891
FROM THE above NAMED MYLES McRAE, with consent of
Mortgages TO Gillman Horwood of lot 5 Sec 8
dep. plan 1650 OF THE LAND within DESCRIBED
PRODUCED ENTERED 4th December 1891
at 8 mts past 3 o'clock in the afternoon
James
Dep. Registrar General.

No 188,416 TRANSFER DATED 21st November 1891
FROM THE above NAMED MYLES McRAE with consent of
of Mortgages TO John Linton of part of lot 16
Sec 5 OF THE LAND above DESCRIBED
PRODUCED ENTERED 30th November 1891
at 12 mts past 3 o'clock in the afternoon
James
Dep. Registrar General.

No 190,076 TRANSFER DATED 12th January 1892
FROM THE above NAMED MYLES McRAE with consent of
of Mortgages TO William Henry Wright of lot 18
Sec 17 OF THE LAND above DESCRIBED
PRODUCED ENTERED 15th January 1892
at 29 mts past 3 o'clock in the afternoon
James
Dep. Registrar General.

Number of Instrument.	Name of Instrument.	Particulars of Property.	Date and Time of Registration.	Memo of Cancellation and Reference to Fresh Certificate.	Vol.	Folio.	Deputy Registrar General.
204025	Transfer 10 th Nov 1899.	House & outbuildings	10 th November 1899 at 18 minutes	Cancelled as regards this Transfer, see	1079	242	W. H. H. H.
216297	Transfer 17 th Dec 1899.	10 th Dec 1899	17 th December 1899 at 8 minutes	Cancelled as regards this Transfer, see	1087	241	W. H. H. H.
237067	Transfer 16 th March 1901.	16 th March 1901	16 th March 1901 at 5 minutes	Cancelled as regards this Transfer, see	1154	94	W. H. H. H.
300745	Transfer 23 rd Aug 1899.	23 rd Aug 1899	23 rd August 1899 at 16 minutes	Cancelled as regards this Transfer, see	1304	83	W. H. H. H.
341465	Transfer 16 th March 1901.	16 th March 1901	16 th March 1901 at 5 minutes	Cancelled as regards this Transfer, see	1405	23	W. H. H. H.
388431	Transfer 16 th March 1901.	16 th March 1901	16 th March 1901 at 5 minutes	Cancelled as regards this Transfer, see	1576	235	W. H. H. H.
430882	Transfer 25 th June 1906.	25 th June 1906	25 th June 1906 at 20 minutes	Cancelled as regards this Transfer, see	1634	46	W. H. H. H.
447038	Transfer 29 th Oct 1901.	29 th Oct 1901	29 th October 1901 at 18 minutes	Cancelled as regards this Transfer, see	1742	162	W. H. H. H.
511471	Transfer 29 th Oct 1901.	29 th Oct 1901	29 th October 1901 at 18 minutes	Cancelled as regards this Transfer, see	1831	37	W. H. H. H.
579859	Transfer 29 th Oct 1901.	29 th Oct 1901	29 th October 1901 at 18 minutes	Cancelled as regards this Transfer, see	1915	37	W. H. H. H.
571134	Transfer 29 th Oct 1901.	29 th Oct 1901	29 th October 1901 at 18 minutes	Cancelled as regards this Transfer, see	2097	37	W. H. H. H.
591600	Transfer 29 th Oct 1901.	29 th Oct 1901	29 th October 1901 at 18 minutes	Cancelled as regards this Transfer, see	2122	37	W. H. H. H.
595641	Transfer 29 th Oct 1901.	29 th Oct 1901	29 th October 1901 at 18 minutes	Cancelled as regards this Transfer, see	2122	37	W. H. H. H.
603665	Transfer 29 th Oct 1901.	29 th Oct 1901	29 th October 1901 at 18 minutes	Cancelled as regards this Transfer, see	2122	37	W. H. H. H.
629964	Transfer 29 th Oct 1901.	29 th Oct 1901	29 th October 1901 at 18 minutes	Cancelled as regards this Transfer, see	2122	37	W. H. H. H.
632195	Transfer 29 th Oct 1901.	29 th Oct 1901	29 th October 1901 at 18 minutes	Cancelled as regards this Transfer, see	2122	37	W. H. H. H.
645789	Transfer 29 th Oct 1901.	29 th Oct 1901	29 th October 1901 at 18 minutes	Cancelled as regards this Transfer, see	2122	37	W. H. H. H.
662325	Transfer 29 th Oct 1901.	29 th Oct 1901	29 th October 1901 at 18 minutes	Cancelled as regards this Transfer, see	2122	37	W. H. H. H.
664431	Transfer 29 th Oct 1901.	29 th Oct 1901	29 th October 1901 at 18 minutes	Cancelled as regards this Transfer, see	2122	37	W. H. H. H.
687946	Transfer 29 th Oct 1901.	29 th Oct 1901	29 th October 1901 at 18 minutes	Cancelled as regards this Transfer, see	2122	37	W. H. H. H.
A 34379	Transfer 29 th Oct 1901.	29 th Oct 1901	29 th October 1901 at 18 minutes	Cancelled as regards this Transfer, see	2122	37	W. H. H. H.
4192222	Transfer 29 th Oct 1901.	29 th Oct 1901	29 th October 1901 at 18 minutes	Cancelled as regards this Transfer, see	2122	37	W. H. H. H.

FOLIO CANCELLED.
NO FURTHER DEALINGS TO BE REGISTERED.

47983-2

CERTIFICATE OF TITLE.

(C.)

New South Wales.

[Reference to last Certificate.])

[Vol. 928. Folio 9.]]



REGISTER BOOK,

VOL. 1304 FOLIO 83

CANCELLED ☒

John Linton of Sydney Saddler

TRANSFeree under Instrument of Transfer from *Myles McKee* numbered *300745*

is now the proprietor of an Estate in Fee Simple,
subject nevertheless to the reservations and conditions, if any, contained in the Grant hereinafter referred to, and also subject to
such encumbrances, liens, and interests as are notified hereon, in *That* piece of land situated *near Hogarah*
in the Municipality of *Hurstville*, Parish of *St George*, and County of *Newcastle*
containing *One rood ten and one half perches*, or thereabouts,
as shown on the Plan hereon, and therein edged red, being Lot *28 of Section 11*

on a Plan deposited in the Land Titles Office, Sydney, numbered *1180* and part of
One thousand two hundred acres (Portion 142 of Parish) delineated in the public map of the said
parish deposited in the office of the Surveyor General originally granted to James Chandler by Crown
Grant dated the nineteenth day of October one thousand eight hundred and thirty one (Paw)

In witness whereof, I have hereunto signed my name and affixed my Seal, this *Twenty ninth* day of
December one thousand eight hundred and ninety *nine*

Signed the *29th* day of *December* 189*9*,
in the presence of *Josh Spark*

Deputy Registrar General.

NOTIFICATION REFERRED TO.

CALEDONIAN

ST

27	66 ^{ft} 28 208 ^{ft} 6 ⁱⁿ 0 1 10 1/2 208 ^{ft} 6 ⁱⁿ 66 ^{ft}	1
		2
		3
8	7	4

Sec. 11

Scale noted to an inch

NO. 361068	MORTGAGE DATED 8 April 1903
FROM THE SAID <i>John Linton</i> To <i>Alfred Edward Barnes</i> of Sydney Solicitor	
PRODUCED & ENTERED 16 April 1903 AT 12 o'clock IN THE AFTERNOON	<i>Alfred Barnes</i>
DEPUTY REGISTRAR GENERAL.	

DISCHARGE OF <i>above</i>	MORTGAGE No. <i>361068</i>
DATED <i>18 December</i> 1903	PRODUCED & ENTERED <i>20 January</i> 1904 AT <i>11</i> O'CLOCK IN THE <i>fore</i> NOON.
<i>Alfred Barnes</i>	
Deputy Registrar General.	

No. 413723 TRANSFER DATED 21st August 1908
FROM THE SAID John Victor Gibbons
Harold Victor Gibbons
Barley Clerk
OF THE LAND within DESCRIBED
PRODUCED & ENTERED 22nd August
1908 AT 10 mts. pt. 3 O'CLOCK IN THE after NOON
[Signature]
Deputy Registrar General.

MORTGAGE No. K477189 has been discharged.
See K565523 Entered 26th January 1967
[Signature]
REGISTRAR GENERAL

N^o 511317 Caveat Dated 23rd November 1908
Produced and Entered 23rd November 1908 at
20 mts to 14 o'clock in the afternoon

X656159 Caveat by Christoforo Conte
and Licia Conte Registered 30-6-1966

Withdrawal of within caveat No. 511317 dated
25th August 1911. Produced and entered 25th August
1911 at 29 mts. to 4 o'clock in the afternoon.

[Signature]
Registrar General.

This Deed is cancelled and Certificate of Title issued.
Vol. 15531 Fol. 15 dated 28-8-88
Vide X656159

pursuant to Sec III RPA, 1966

No. 621319 TRANSFER DATED 25th August 1911
FROM THE SAID Harold Victor Gibbons To
Elizabeth Benham wife of William Percival
Benham of Rockdale Clerk
OF THE LAND within DESCRIBED
PRODUCED & ENTERED 25th August
1911 AT 29 mts. to 4 O'CLOCK IN THE after NOON
[Signature]
REGISTRAR GENERAL

No. 643065 MORTGAGE DATED 16th November 1911
FROM THE SAID Elizabeth Benham to Smith
Thomas Greenwell of Killara Gentleman
PRODUCED & ENTERED 2nd February
1912 AT 7 mts. pt 3 O'CLOCK IN THE after NOON
[Signature]
REGISTRAR GENERAL

No. B 73784 DISCHARGE of within Mortgage
No 643065 dated 30 June 1928
Produced 25 April 1928 and entered
25 April 1928
at 5 mts pt 11 o'clock in the fore noon.
[Signature]
REGISTRAR GENERAL

Christoforo Conte of Newtown Shopkeeper
and Licia Conte his wife are

now the registered proprietors of land within described.
as joint tenants

See TRANSFER No. K477188 dated 28th September 1966

Entered 7th December 1966

[Signature]
REGISTRAR GENERAL

No. K477189 MORTGAGE dated 13th October 1966
to Robert Carter of Villoughby Retired
Grazier

Entered 7th December 1966

[Signature]
REGISTRAR GENERAL

X656159 X R
X716551 P V
new C.T.

CERTIFICATE OF TITLE
REAL PROPERTY ACT, 1900



15531015

NEW SOUTH WALES

First Title Old System

Prior Title Vol. 1304 Fol. 83



Vol. **15531** Fol. **15**

EDITION
 ISSUED 23 6 1988

I certify that the person named in the First Schedule is the registered proprietor of an estate in fee simple (or such other estate or interest as is set out below) in the land described subject to the recordings appearing in the Second Schedule and to the provisions of the Real Property Act, 1900.

[Signature]

Registrar General.



CANCELLED

S

LAND REFERRED TO

SEE AUTO FOLIO

Lot 28 of Section 11 in DP1680 at Bexley in the Municipality of Rockdale Parish of St. George County of Cumberland.

Title Diagram: DP1680.

FIRST SCHEDULE

CRISTOFORO CONTE and LICIA CONTE, as Joint Tenants.

K477188

SECOND SCHEDULE

GRY

- X 1. Reservations and conditions in the Crown grant.
 X 2. X656159 Caveat by Cristoforo Conte and Licia Conte.

PERSONS ARE CAUTIONED AGAINST ALTERING OR ADDING TO THIS CERTIFICATE OR ANY NOTIFICATION HEREON

(Page 1) Vol.

15531 Fol. 15

NOTE: ENTRIES RULED THROUGH AND AUTHENTICATED BY THE SEAL OF THE REGISTRAR GENERAL ARE CANCELLED

 L.O. 55

FIRST SCHEDULE (continued)		
REGISTERED PROPRIETOR	Registrar General	
<div>CANCELLED</div> <div>SEE AUTO FOLIO</div>		

SECOND SCHEDULE (continued)		
PARTICULARS	Registrar General	CANCELLATION

NOTATIONS AND UNREGISTERED DEALINGS		

NOTE: ENTRIES RULED THROUGH AND AUTHENTICATED BY THE SEAL OF THE REGISTRAR GENERAL ARE CANCELLED

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - HISTORICAL SEARCH

SEARCH DATE

26/9/2017 7:29AM

FOLIO: 28/11/1680

First Title(s): SEE PRIOR TITLE(S)
Prior Title(s): VOL 15531 FOL 15

Recorded	Number	Type of Instrument	C.T. Issue
9/8/1989		TITLE AUTOMATION PROJECT	LOT RECORDED FOLIO NOT CREATED
5/10/1989		CONVERTED TO COMPUTER FOLIO	FOLIO CREATED CT NOT ISSUED
30/4/2010	AF452964	NOTICE OF DEATH	EDITION 1
16/3/2012	AG865940	WITHDRAWAL OF CAVEAT	
16/3/2012	AG839020	TRANSMISSION APPLICATION (EXECUTOR, ADMINISTRATOR, TRUSTEE)	EDITION 2
31/10/2013	AI127726	TRANSMISSION APPLICATION (DEVISEE, BENEFICIARY, NEXT OF KIN)	EDITION 3
19/11/2013	AI172639	TRANSFER	EDITION 4
23/6/2015	AJ593217	TRANSFER	
23/6/2015	AJ593218	MORTGAGE	EDITION 5

*** END OF SEARCH ***

archnex

PRINTED ON 26/9/2017

GlobalX Information Services Pty Ltd (ABN 99 073 436 414) an approved NSW Information Broker hereby certifies that the information contained in this document has been provided electronically by the Registrar General in accordance with section 96B(2) of the Real Property Act 1900.
* ANY ENTRIES PRECEDED BY AN ASTERISK DO NOT APPEAR ON THE CURRENT EDITION OF THE CERTIFICATE OF TITLE
WARNING: THE INFORMATION APPEARING UNDER **NOTATIONS** HAS NOT BEEN FORMALLY RECORDED IN THE REGISTER.

(A.)



11/6/94
Sent to the
1979

Com. 5.10 +
1/2 26.. 5.0

FEE SIMPLE.

I, Sharp Hutchinson Lewis Manager of The Sydney & Suburban Mutual Permanent Building & Land Investment Association Limited, do solemnly and sincerely declare, that the said Association is seized for an Estate in fee simple of the land described in the certificate hereto and signed by me

Here give description of the property in full. It is land consisting of 1/4 Section 1, Township 10 North, Range 12 East, 1st Meridian, Adams County, Nebraska. A diagram from the Survey Office may be procured, and on receipt of the same fee of 25 cents may be paid for the same. The map of this will be exhibited through the Land and Survey Department.

256
If the landowner is working this as a Grant, an accurate plat must accompany the application.

It is always desirable, and in many cases absolutely necessary, that this plan be followed, and several of the Surveyors present in support of it.

If there be any right
of way, or other rights
or easements affecting
the premises, the par-
ticulars should be

22. b
Folio 66

If the space for description be insufficient, it may be completed by annexure, which must, however, be identified as part of the declaration, by memorandum signed by the declarant and attesting Officer.

bl. 22
Vol 1138

If this valuation be inadequate or doubtful, the applicant will be subjected to the expense of an official valuation, under Section 27.

State whether "the whole" or "part."

Vol. *77* *me 18* Insert Allotment with reference to number and section on plan, if any, or if not, number of acres granted.

Name of Grantee.
 Name of Governor.

Title is C 30 there be any Lease,
here state particulars;
if none, strike out the
words within brackets.

... of *enclosed*

Verificat

Cent. If any exception, here state particulars. If none, strike out the words of reference within brackets.

...

3m 15-84 [Price, Gd.]

If this valuation be inadequate or doubtful, the applicant will be subjected to the expense of an official valuation, under Section 27.

State whether "the whole" or "part."

Vol. *77* *me 18* Insert Allotment with reference to number and section on plan, if any, or if not, number of acres granted.

Name of Grantee.
 Name of Governor.

Title is C 30 there be any Lease,
here state particulars;
if none, strike out the
words within brackets.

... of *enclosed*

Verificat

Cent. If any exception, here state particulars. If none, strike out the words of reference within brackets.

...

3m 15-84 [Price, Gd.]

which land (including all improvements) is of the value of \$102,000
and no more, and is part of 19.50 acres

originally granted to John Townson
Lachlan Macquarie Esquire
Governor of the Colony, dated the 11th.

by Crown grant, under the hand of

And I further declare, that I verily believe there does not exist any lease or agreement for lease of the said land for any term exceeding a tenancy for one year, or from year to year [accept as follows]

Also, that there does not exist any mortgage, lien, writ of execution, charge or encumbrance, will or settlement, or any deed or writing, contract, or dealing (other than such lease or tenancy as aforesaid) giving any right, claim, or interest in or to the said land, or any part thereof, to any other person than myself [except as follows]—*an Indenture of Mortgage dated the 8th May 1883 made between the said Association of the one part and Charles Leal Griffiths of the other part registered Volume 269 No. 184 and an Indenture of Assignment of said Mortgage indented thereon dated 1st July 1884 said Charles Leal Griffiths of the one part and Robert Campbell and William Henry Campbell of the other part Reg^d Volume 291 No. 259*

k Insert "unoccupied," or "in the occupation of," adding names and addresses of tenants in full.

State also nature of tenancy, if not under some lease before mentioned.

l Here insert names and residences of adjacent owners and occupiers on each side.

m Insert the like particulars as to the other sides of the property.

n Here insert "am unmarried," or "was married to my present wife on the day of 18 as the fact may be.

o If any exception, state particulars; if none, strike out the words "except."

And I further declare, that there is no person in possession or occupation of the said lands adversely to ~~the~~ ^{the} Estate or interest therein, and that the said land is now ^{of the said occupation} ~~unoccupied~~.

and that the owners and occupiers of adjacent lands are as follows:—On the north
S. Dorney Garrison Street near Sydney

and on the ^{owner,} *East Rowland J. Jeffries of Sydney* owner, and on the ^{occupier;} *South J. J. Garrison of Sydney* owner and on the *the Star deposited herewith.*

*Ocean View Estate Coy Bond St
Sydney* *Manager Donald Cormack*

~~And I further declare that~~

And I further declare, that the annexed Schedule, to which my signature is affixed, and which is to be taken as part of this Declaration, contains a full and correct list of all settlements, deeds, documents, or instruments, maps, plans, and papers relating to the land comprised in this application, so far as I have any means of ascertaining the same, distinguishing such as being in my possession or under my control, ^{or as being in my possession} are herewith lodged, and indicating where or with whom, so far as known to me, any others thereof are deposited: Also that there does not exist any fact or circumstance whatever material to the title, which is not hereby fully and fairly disclosed to the utmost extent of my knowledge, information, and belief; and that there is not, to my knowledge and belief, any action or suit pending affecting the said land, nor any person who has or claims any estate, right, title, or interest, therein, or in any part thereof, otherwise than by virtue and to the extent of some lease or tenancy hereby fully disclosed [except as follows—]

And I make this solemn Declaration, conscientiously believing the same to be true.

DATED at *Sydney* this *16th* day of *October* 188*4*.

Made and subscribed by the abovenamed

Sharp Hutchinsons Lewis

this *16th* day of *October* 188*4*

Signature of
Applicant

in the presence of

To the Registrar General,—

I, *Sharp Hutchinsons Lewis* the above declarant, do hereby apply to have the land described in the above declaration brought under the provisions of the Real Property Act, and request you to issue the Certificate of Title in the name of *The Sydney and Suburban Municipal Permanent Building and Land Investment Association Limited*

DATED at *Sydney* this *16th* day of *October* 188*4*

Witness to Signature—

(Signature of Applicant)

Applicants cannot at present state in whose possession
 the following Deeds now are.

- 1 1810 April 11 Crown Grant of this date to John Townson 1950 acres land
 in the District of Botany Bay.
- 2 1812 Dec: 29 Deed Sell under the hand of said John Townson conveying
 said 1950 acres to James Lord.
- 3 1825 Nov: 1st Mortgage between the said James Lord of the one part and
 Daniel Cooper and Solomon Levy of the other part (vizt alia)
 the said 1950 acres
- 4 1834 Jan: 31 Recoveryance of the lands described in said Mortgage.
- 5 1841 May 19th Mortgage by Lease and Release between John Henry Black
 David Ramsay Prosper Le Mestre Francis Lord and Edward Lord
 of the first part Mary Lord David Ramsay and Sarah Ann
 Ramsay his wife Charles Lord and Robert Charles Lord of the
 second part and Richard Jones of the third part.
- 6 1841 Sept: 23 Indenture between the said John Henry Black David Ramsay
 Prosper Le Mestre Francis Lord and Edward Lord of the one part and
 Thomas Lord of the other part.
- 7 1841 Dec: 26 Copy of Order in Equity on Petition of the said John
 Henry Black.
- 8 1842 Aug: 1st Indentures of Lease and Release the latter made between
 the said Francis Lord of the first part the said John Henry
 Black of the second part Brent Clements Rodd of the third
 part and the said John Henry Black David Ramsay Prosper Le
 Mestre Francis Lord Edward Lord and Francis Lord of the fourth part.
- 9 1842 Feb: 15 Release of Tower of Mary Lord.
- 10 1844 Jun: 19 Recoveryance between R. Campbell of the first part the
 said Mary Lord David Ramsay and Sarah Ann Ramsay his
 wife of the second part and the said John Henry Black and
 others of the third part.
- 11 1844 Mar: 20 Indenture of Release between the said John Henry Black
 and others of the one part and John Rose Holden and
 James Holt of the other part.
- 12 1850 Nov: 18 Attested copy conveyance said John Rose Holden and James Holt
 to Michael Gannon.
- 13 1851 Jan: 1 Attested copy Indenture of Covenant between Robert Campbell
 the elder of the one part and said Michael Gannon of the other part.
- + 184 1854 Oct: 5 conveyance said Michael Gannon to James Mainby Shuttleworth.
- + 185 1855 Sept: 28 Instrument of charge for £50 said James Mainby Shuttleworth
 to Robert Gannon.

16	✓	1856 Febry 28 th	conveyance said Michael Gannon to Duncan Mc Lennan
17	✓	1865 Mar. 29	conveyance said Duncan Mc Lennan to John Henry Barber
18	✓	1865 April 3	conveyance John Henry Barber to said Duncan Mc Lennan
19		1866 Mar. 9	Copy Will of said Duncan Mc Lennan of this date
20		1866 July 16	Instrument between Robert Gannon of the one part and said Michael Gannon of the other part assigning said charge of £50
21		1870 Febry 7 th	Indenture of Mortgage between Martha Mc James (formerly Martha Mc Lennan) wife of John Mc James of the first part said John Mc James of the second part and The Bank of New South Wales of the third part
22		1873 Febry 11 th	Reconveyance said Bank of New South Wales first part said John Mc James second part and said Martha Mc James third part
23		1873 Febry 11 th	conveyance said Martha Mc James to Alexander Miles of
24		1873 Nov 26	conveyance said Michael Gannon and Frederick Thomas Humphrey Official Assignee of the Insistent Estate and Effects of said James Marmby Hueston deceased to Eleanor Tennison

The following Deeds are in the possession of Messrs West Johnson & Co Solicitors for the said Rob Campbell and William Henry Campbell Assignees of Mortgage by Applicants to Griffiths.

25	✓	1881 Mar. 23	conveyance said Alexander Milsop to Hamilton White
26	✓	1881 Mar. 29	Indenture of Covenant said Alexander Milsop of the one part and said Hamilton White of the other part
27	✓	1881 April 9 th	conveyance said Hamilton White to Auguste Fernandez Smyth and George Charles Walsgarth
28	✓	1855 June 4	conveyance said Michael Gannon to John Weatherall and John Capps
29		1857 July 20	Declaration indorsed under the hand of said Michael Gannon as to identity of land
30	✓	1856 Febry 11	conveyance said John Weatherall and John Capps to Alfred Barber
31	✓	1857 July 21	conveyance said Alfred Barber to Alexander Forbes
32	✓	1857 Sept 24	conveyance said Alexander Forbes to Walter Smith
33	✓	1862 Decr 8	conveyance said Walter Smith to Matthias Schalles
34	✓	1862 Decr 9	Mortgage said Matthias Schalles to Matthew Henry Hepburn
35	✓	1866 May 26	Statutory Discharge indorsed
36	✓	1866 May 31	conveyance said Matthias Schalles to Bathstreber Ghost Widener
37	✓	1877 Sept 18	conveyance said Matthew Henry Hepburn surviving executor of

54. 26/11/73 Envyce. In Cannon to S. Bonnicie
Lodged by W. H. Pigott

55. 13.4.74 Subor. S. H. Levin

56. 13.4.74 " Ins. Callaghan.

Rec'd No 54. Cor. Cannon
to S Bonnicie

W. H. Pigott
for H. H.

24/9/94

We the undersigned Solicitors for Robert Campbell and William Henry Campbell the assignees of the Mortgage dated the Eighth day of May one thousand eight hundred and eighty three granted by the Sydney and Suburban Mutual Permanent Building and Land Investment Association Limited to Charles Cecil Griffiths over part of the land described in the annexed application Do hereby (the said Robert Campbell and William Henry Campbell being resident in England) testify the consent and approval of the said Robert Campbell and William Henry Campbell to the application of the said Association to have the said land brought under the provisions of the Real Property Act and to have the Certificate of Title thereto issued in the name of the said Association subject to the encumbrance of the said Robert Campbell and William Henry Campbell thereon Dated this 3 / 9 day of October one thousand eight hundred and eighty four

Walter Johnson & Co

Annexure

✓
All that piece or parcel of land situate lying and being in the Parish of St George in the County of Cumberland containing 29 acres commencing at a point formed by the intersection of a new line of road leading from books three to Illawarra with a reserved Road thirty three feet wide and bounded on the West by that reserved road bearing Southerly 7 chains to the North West corner of lot twelve on the South by the Northern boundary of lot 12 being a line bearing Easterly 24 chains to the Buxley Estate then on the East by a line bearing Northerly 20 chains 65 links to the said new line of Road leading to Illawarra then by that Road to the commencing point being lots 10 and 11 of Section 1 shown on a plan drawn by William Rutter of a subdivision by Michael Gammors of 1095 acres formerly in the possession of the said Michael Gammors. Also all that piece or parcel of land situate at Gammors Forest books three in the Parish and County aforesaid containing 15 acres more or less and bounded on the South West by Gammors Road commencing at the South West corner of allotment No. 13¹³ bearing South Easterly 6 chains 25 links along the Road on the South East by a line bearing North Easterly 24 chains dividing it from allotment No. 15 on the North East by a line bearing North Westerly 6 chains 25 links to the South East corner of allotment Number 13 and on the North West by that allotment being a line bearing South Westerly 24 chains to the point of commencement and which said piece or parcel of land forms Allotment No. 14 of Section No. 1 on the said plan drawn by William Rutter. And also all that piece or parcel of land situate lying and being in the Parish of St George in the County of Cumberland Colony of New South Wales be the thereafter mentioned several dimensions a little more or less being part of lot 13 Section 1 Gammors Forest Estate commencing at a point on the North East side of Gammors Road (now Browns Lane) at the Western corner of Smyths lot 14 and bounded on the South West by said Road bearing North 46 degrees West 4 chains 15

links on the North West by other part of Townsleys
land bearing East 46 degrees North 24 chains 10 links
on the North East by the Besley estate bearing South 46
degrees East 4 chains 15 links and on the South East by
Townsleys land bearing West 46 degrees South 24 chains 10
links to the point of commencement.

This is the Annexure referred to in
annexed Declaration of Sharp
Thompson Lewis declared the
16th day of October 1884

Before me

G. Withers JP

S. H. Lewis

54. 7/11/73 Envyce. In Cannon to S. Bonamic
Signed by W.H. Pigott

56. 13.4.94 Subon. S. H. Levin

56. 13.4.94 " Ins. Gallagher

Rec'd No 54. Cree Cannon
to S Bonamic

W.H. Pigott
for H.V.

24/9/94

N.B.—Section 101 requires that the following Certificate be signed by applicant or his Solicitor, and renders liable any person falsely or negligently certifying to a penalty of £50; also, to damages recoverable by parties injured.

I certify that the within application is correct for
 the purposes of the Real Property Act.* *And that I am*
the Solicitor for the within named Applicant
Wm Ferguson

* If by Solicitor, insert:—"And that I am the Solicitor of the within named applicant;" and add his own address to his signature.

F E E S.

PAYMENT OF THESE MUST ACCOMPANY THE APPLICATION.

1st.—Where the Applicant is the Original Grantee from the Crown.

Commissioners' Fee	£0 5 0
New Certificate... ..	1 0 0
Sketch (unless furnished)	0 2 6
Add Assurance, ½d. in the £ on declared value	

2nd.—Where the Applicant is not the Grantee from the Crown, or being the Grantee, the property has been dealt with by any Registered Instrument.

	Commissioners' Fee.	Advertisements.	New Certificate.	Total.
If property is of the value of £200 and under—	£0 10 0	£1 10 0	£1 0 0	£3 0 0
" " 300 "	1 0 0	1 10 0	1 0 0	3 10 0
" " 400 "	1 10 0	1 10 0	1 0 0	4 0 0
" " 500 "	2 0 0	1 10 0	1 0 0	4 10 0
" Ditto above, 500 "	2 10 0	1 10 0	1 0 0	5 0 0

In addition to the Assurance Fee of ½d. in the £ on the value; and 2s. 6d. for Sketch, if the whole of a Crown Grant.

☞ State to whom all correspondence relating to this Application should be sent, with address, as under, viz. —

Messrs Lawrence McLachlan
Millions
George St.
 Name *W J Ferguson*
 Occupation *Solicitor*
 Post Town *50 Castlereagh Street Sydney*