
Bayside Planning Panel

27/02/2018

Item No	6.6
Application Type	Development Application
Application Number	DA-2017/307
Lodgement Date	23 March 2017
Property	28 Alfred Street, Ramsgate Beach
Owner	Ramsgate Beach Pty Ltd
Applicant	Space 0.618:1
Proposal	Construction of a two (2) storey attached dual occupancy development, including rooftop terrace, front fence, demolition of existing structures and Torrens title subdivision creating two lots
No. of Submissions	Three (3) submissions
Cost of Development	\$ 625,000.00
Report by	Adam Iskander, Development Assessment Planner

Officer Recommendation

- 1 That this Development Application be **APPROVED** pursuant to Section 80(1)(a) of the Environmental Planning and Assessment Act 1979 and subject to the conditions of consent attached to this report.
 - 2 That the Bayside Planning Panel supports the variation to the Height development standard, as contained in Clause 4.1 (3B) – Minimum Subdivision lot size within Rockdale LEP 2011, in accordance with the request under Clause 4.6 of RLEP 2011 submitted by the applicant.
 - 3 That the objectors be advised of Council's decision.
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Attachments

- 1 Amended - Planning Assessment Report
- 2 Original - Assessment report sent to BPP
- 3 Variation 4.6 Statement
- 4 Existing site and Survey Plan
- 5 Proposed site and analysis plan
- 6 Ground floor plan
- 7 First floor plan
- 8 Northern elevation
- 9 Eastern elevation
- 10 Southern elevation
- 11 Western elevation
- 12 Terrace FL
- 13 Section 1 + Front fence
- 14 Streetscape
- 15 Winter 9AM elevation Shadow

- 16 Winter 12PM elevation Shadow
- 17 Winter 3PM elevation Shadow
- 18 Winter Shadows

Location Plan



BAYSIDE COUNCIL

Planning Assessment Report

Application Details

Application Number:	DA-2017/307
Date of Receipt:	23 March 2017
Property:	28 Alfred Street, RAMSGATE BEACH (Lot X DP 390114)
Owner:	Ramsgate Beach Pty Ltd
Applicant:	Space 0.618:1
Proposal:	Construction of a two (2) storey attached dual occupancy development, including rooftop terrace, front fence, demolition of existing structures and Torrens title subdivision creating two lots
Recommendation:	Approved
No. of submissions:	Three (3)
Author:	Adam Iskander
Date of Report:	13 February 2018

Key Issues

The key issues related to this application are:

- Non-compliance with site area for dual-occupancy;
- Non-compliance with over-shadowing; and
- Three submissions

Recommendation

That this Development Application be **APPROVED** pursuant to Section 80(1)(a) of the Environmental Planning and Assessment Act 1979 and subject to the conditions of consent attached to this report.

Background

History

Development application DA-2017/307 for the construction of a two (2) storey attached dual occupancy development, including rooftop terrace, front fence, demolition of existing structures and Torrens title subdivision creating two lots was sent to IHAP on On 14 December 2017 as the application received six submissions and one petition.

An on site inspection was carried out with the panel on both the subject site and adjoining properties at 30 and 32 Alfred Street. 30 Alfred Street is a single dwelling and 32 Alfred Street is a town house

development consisting of ten (10) units.

The plans submitted with the original application was for a dual occupancy attached at the front and detached at the rear with a roof top terrace. To address the concerns raised by the neighbours relating to bulk and scale, a condition was recommended by Council to attach the rear of the dual occupancy and increasing the side setbacks from the adjoining neighbours. Further conditions were imposed to improve privacy by deleting the plant room and increase the rear setback on the roof top terrace.

Several neighbours attended the IHAP meeting along with the architect and owner of 28 Alfred Street. The architect had brought amended plans to the meeting with an alternate design retaining the detached portion of the building with an increased side setback from the first floor level. The panel had preferred these amended plans and had requested that the applicant submit the amended plans to Council for assessment and re-notification. The amended plans were requested to be reviewed by the Panel.

The application was deferred with the following comments:

- *That this Development Application be DEFERRED to allow the applicant to submit amended plans, generally in accordance with the plans tabled at the meeting, and to incorporate the requirement for each of the roof terraces to be a maximum 24 metres. Other measures to reasonably maintain privacy to adjoining dwellings should also be considered.*
- *The plans are to be submitted within a period of four weeks to the Council, residents are to be notified and the matter is to be submitted back to the Panel in February.*
- *That the objectors be advised of Council's decision.*

The proposed changes with the amended plans are as follows:

- Setback the rear portion of the first floor by an additional 1.72m from the northern and southern side boundaries totalling 3.273m;
- Extend the rear of the first floor by 2m to accommodate a master bedroom with ensuite and balcony with a 1.2m high planter box as a balustrade;
- Four skylights on the ground floor providing solar access to the kitchen and alfresco to dwelling 2;
- Removal of roof top terrace plant room;
- Reduce size of roof top terrace area to 24sqm with privacy screens along the perimeter; and
- Air-conditioning units to be located on roof top terrace.

The amended plans were notified and three (3) submissions were received and are addressed in this report. The following report is an assessment on the amended plans.

Proposal

Council is in receipt of a development application DA-2017/307 at 28 Alfred Street, RAMSGATE BEACH , which seeks consent to carry out construction of a two (2) storey attached dual occupancy development, including rooftop terrace, front fence, demolition of existing structures and Torrens title subdivision creating two lots.

Specifically, the proposal consists of:

Ground floor:

- Single garage;
- Front entrance with void over;
- Open plan dining, lounge room and kitchen;
- Bedroom 5 with ensuite;
- Bathroom and laundry;
- Alfresco with BBQ area; and
- 1.2m high front fence.

First floor:

- Master bedroom with W.I.R, ensuite and rear facing balcony;
- Bedrooms 3 and retreat area;
- Bedroom 4 with front balcony; and
- Staircase to roof top terrace.

Roof top terrace:

- Roof top entry, terrace and air conditioning units.

Torrens title subdivision

- Lot 700 - 349.448sqm
- Lot 701 - 349.448sqm

Site location and context

The subject site is located on the eastern side of Alfred Street, between Emmaline Street and Florence Street, Ramsgate. The site is rectangular in shape with a frontage of 20.115m to Alfred Street. Existing on site is a single storey residential dwelling with a side driveway access along the northern boundary leading to a rear single brick garage. The site falls to the front of the property at an average gradient of 0.22° or 0.6%. No trees exist on site or on Council's footpath.

Surrounding developments consist of a single residential dwelling to the south at 30 Alfred Street, a town house development to the east consisting of ten residential units and another town house development to the north at 24-26 Alfred Street consisting of four residential units. There are several dual occupancy developments within close proximity to the subject site. To the east are views to Botany Bay.

Statutory Considerations

Environmental Planning and Assessment Act, 1979

An assessment of the application has been undertaken pursuant to the provisions of the *Environmental Planning and Assessment Act, 1979*.

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

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

The following Environmental Planning Instruments are relevant to this application:

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

The applicant has submitted a BASIX Certificate for the proposed development. The Certificate number is 799161S and 799157S

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

Reduction in Energy Consumption 50%

Reduction in Water Consumption 40%

Thermal Comfort Pass

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

Rockdale Local Environmental Plan 2011

Relevant clauses	Compliance with objectives	Compliance with standard/provision
2.3 Zone R3 Medium Density Residential	Yes	Yes - see discussion
2.6 Subdivision - consent requirements	Yes	Yes
2.7 Demolition requires consent	Yes	Yes
4.1 Minimum subdivision lot size	Yes - see discussion	No - see discussion
Dual occupancy	Yes	Yes
4.3 Height of buildings	Yes	Yes - see discussion
4.4 Floor space ratio - Residential zones	Yes	Yes - see discussion
4.6 Exceptions to development standards	Yes - see discussion	Yes
6.1 Acid Sulfate Soil - Class 4	Yes	Yes - see discussion
6.4 Airspace operations	Yes	Yes - see discussion
6.7 Stormwater	Yes	Yes
6.12 Essential services	Yes	Yes

2.3 Zone R3 Medium Density Residential

The subject site is zoned R3 - Medium Density Residential under the provisions of Rockdale Local Environmental Plan 2011 (RLEP 2011). The proposal is defined as a dual occupancy which constitutes a permissible development only with development consent. The objectives of this zone are:

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

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

4.1 Minimum subdivision lot size

Torrens Title Subdivision of the attached dual occupancy development will result in the following proposed Lots:

Lot 700 - 349.448sqm

Lot 701 - 349.448sqm

The proposal fails to satisfy the minimum numerical requirement of 350sqm for site area for Lot 700 and 701. Accordingly, the application is accompanied by a written Clause 4.6 justification and is addressed below.

4.3 Height of buildings

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

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

To ensure that the building does not exceed 8.5m a condition will be placed in the draft notice of consent requiring a survey check during several stages of construction.

4.4 Floor space ratio - Residential zones

The Gross floor area of the proposed development has been calculated as 423sqm over a site area of 699sqm. In this regard, the proposed floor space ratio (FSR) for the building is 0.6:1 and therefore does not exceed the maximum FSR for the land (0.6:1) as shown on the Floor Space Ratio Map.

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

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

4.6 Exceptions to development standards

The proposed development seeks consent for the Torrens Title Subdivision of an attached dual occupancy resulting in two new lots with site areas of 349.448sqm . The two new lots identified as 700 and 701 are below the minimum subdivision lot size provisions as required by Clause 4.1(3B) of the RLEP 2011 which is 350sqm. The deficiency in minimum site area is by 0.552sqm for each new lot or 0.16%.

The objectives of Clause 4.6 are as follows:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development;
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

With regards to the above, the consent authority is required to consider a written request from the applicant justifying a variation to the standard by demonstrating:

(3)(a) that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case, and

(3)(b) that there are sufficient planning grounds to justify contravening the development standard.

Further, clause 4.6(4) requires that development consent must not be granted for development that contravenes a standard unless:

(a) the consent authority is satisfied that:

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) Council has the assumed concurrence of the Director-General.

Clause 4.1 - Minimum subdivision lot sizes

The objectives of Clause 4.1 are as follows:

(a) to ensure that subdivision reflects and reinforces the predominant subdivision pattern of the area.

(b) to minimise any likely impact of subdivision, and development on subdivided land, on the amenity of neighbouring properties.

(c) to ensure that lot sizes and dimensions are able to accommodate development consistent with the relevant controls.

The application is accompanied by a written Clause 4.6 submission seeking to contravene the development standard imposed by the subject Clause. Within the justification, the applicant's statement regarding compliance with the subject Clause is summarised as follows:

The proposal is generally compliant with the requirements and controls of Rockdale LEP 2011 and Rockdale DCP 2011 with the exception of a minor non-compliance of 0.552m² for each dwelling relating to the minimum lot size requirement which equates to approximately less than 0.16%. The proposal complies with the other applicable development standards on the site.

Applicants comments:

- The proposal is generally compliant with the requirements and controls of Rockdale LEP 2011 and Rockdale DCP 2011 with the exception of a minor non-compliance of 0.552m² and relating to the minimum lot size requirement which equates to approximately 0.16%. The proposal complies with the other applicable development standards on the site.
- The proposed subdivision does not change the level of impact of the proposed dual occupancy on the site on the adjoining properties in terms of privacy, amenity and shadow impacts.
- The proposed subdivision is in keeping subdivided allotments within the area that have a similar or smaller allotment size to what is being proposed.

- The proposed variation will not detract from the streetscape of Alfred St and will not impact on the bulk and scale of the development from the street or the adjoining dwellings at the rear.
- The subdivision of each dwelling is of a sufficient size to serve its intended purpose and usage. The dual occupancy demonstrates compliance with the landscape, private open space and required car parking areas.
- The proposed shortfall of 0.552m² for the lot is a minor variation to the overall requirement and will not compromise the internal amenity of the development.
- Although the proposal departs from the numerical standard, the proposal satisfies the objectives of the standard and hence there is scope on merit grounds in permitting the numerical departure.
- Council has previously accepted and approved numerous developments that have a deficient lot size within the locality for dual occupancy developments. In doing so, the development standard has been effectively abandoned or destroyed through the granting of consents for development on other sites that also do not strictly comply with the development standard

Council comment:

The above objectives relates to the subdivision of a lot within Bayside Council and compliance with the minimum lot size required under clause 4.1(3) as reflected in the associated Lot Size Map. As subdivision is proposed, Clause 4.1(3B) is relevant. The minimum lot size required in accordance with this Clause is 350sqm, and the resultant lot sizes for each of the two proposed lots is 349.448 sqm, which is 0.552sqm or 0.16% below the development standard.

The proposal satisfies the Objectives of the Clause for Minimum subdivision lot size where it ensures the subdivision has no impacts on the amenity of neighbouring properties and ensures that the semi-detached dual occupancy is consistent with the relevant development controls.

The recent Land Environmental Court Case 'Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90' ('Four2Five') requires any variations to the standards to demonstrate something more than just achieving the Objectives of the standard. The applicant has demonstrated that Council has previously varied the minimum site area for dual occupancy for minor variations such as 0.16% in this circumstance.

The variation to the minimum subdivision lot size standard satisfies the 'five part test' established by the NSW Land and Environmental Court where the objectives of the standard have been achieved and the standard has been previously varied by a very minor degree in similar circumstances.

The requirement in cl4.6(3)(b) is to justify that there are sufficient environmental planning grounds for the variation particular to the circumstances of the proposed development. These planning grounds are demonstrated in the proposed design and are sufficiently argued in the 4.6 variation submission. The applicant has also demonstrated that compliance with the development standard is unreasonable and unnecessary in this circumstance.

The applicant's request to vary development standard Clause 4.1 (3B) (a), is also consistent with the objectives in Clause 4.6 (Exceptions to development standards) as well as the objectives in development standards for the R2 Residential Zone area.

Approval of the proposal would not create an undesirable precedent and is in the public interest. As such the proposed minor variation to subdivision is supported in this instance.

6.1 Acid Sulfate Soil - Class 4

Acid Sulfate Soils (ASS) – Class 4 affects the property. Development Consent is not required as the proposed works involve the disturbance of less than 1 tonne of soil and the works are not likely to lower the watertable.

6.4 Airspace operations

The proposed development is affected by the Obstacle Limitation Surface (OLS) which is set at 51 metres to Australian Height Datum (AHD). The proposed building height is at 12.250 metres to AHD and in this regard, it is considered that the proposed development will have minimal adverse impact on the OLS and hence is acceptable with regards to this Clause.

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

No relevant proposed instruments are applicable to this proposal.

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

The following Development Control Plan is relevant to this application:

Rockdale Development Control Plan 2011

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

Relevant clauses	Compliance with objectives	Compliance with standard/provision
4.1.3 Water Management	Yes	Yes
4.1.3 Groundwater Protection	Yes	Yes - see discussion
4.1.4 Soil Management	Yes	Yes
4.2 Streetscape and Site Context - General	Yes	Yes - see discussion
4.3.1 Open Space & Landscape Design - Low & medium density residential	Yes	Yes - see discussion
4.4.2 Solar Access - Low and medium density residential	Yes - see discussion	No - see discussion
4.4.3 Natural Lighting and Ventilation - Residential	Yes	Yes
4.4.5 Visual privacy	Yes	Yes - see discussion
4.6 Parking Rates - Dual Occupancy	Yes	Yes - see discussion
4.7 Air Conditioning and Communication Structures	Yes	Yes
4.7 Waste Storage and Recycling Facilities	Yes	Yes
4.7 Service Lines/Cables	Yes	Yes
4.7 Laundry Facilities and Drying Areas	Yes	Yes
4.7 Letterboxes	Yes	Yes
4.7 Storage Areas	Yes	Yes
4.7 Hot Water Systems	Yes	Yes
5.1 Storey Height and Setbacks - Dual occupancy & Semi-detached dwelling	Yes	Yes - see discussion

4.1.3 Groundwater Protection

The site is affected by the Groundwater Protection Zone 3, however it is considered that excavation in relation to the proposed building is not deep enough to cause any adverse impact on the Zone.

Notwithstanding, an appropriate condition is to be included in the consent to ensure the provisions of

this Clause are satisfied.

4.2 Streetscape and Site Context - General

The proposal is located in a R3 medium density Zone. The immediate context is relatively medium scale, consisting of single residential dwellings, dual occupancy and town house developments. The proposed dual occupancy is consistent with the desired and future character of the area in terms of height, bulk and scale, and is generally appropriate in this context.

The proposed front setback is consistent with the variable setbacks of surrounding two storey buildings and in this regard the residential streetscape will be retained and complemented.

The proposed built form on site complies with the required height and FSR requirements. The proposed development has been designed with appropriate use of articulation & modulation to the facades via the incorporation of balconies, pedestrian entries at ground level, upper level voids and range materials which adds visual interest to the facades.

The proposed development will have a front door addressing the street, with the building's frontage and entry points being readily apparent from the street. The front fence will be constructed out of rendered brick and slat fences to match cladding on dwelling and will measure 1.2m in height.

The proposed development has been designed with front balconies that will provide casual surveillance of the street. Further, the proposed fences, landscaping, and other features have been sited so as to provide clearly defined public, semi public and private spaces.

The immediate area consist of dwellings with pitch roofs, however the emerging character of Ramsgate Beach consist of modern contemporary designs consisting of flat and skillion roofs which is evident along The Grand Parade and Chuter Avenue. The application proposes a flat roof with a front parapet creating the appearance of a pitch roof. Taking into consideration the emerging character of the area, it is assessed that the proposed design has provided some cohesiveness with the immediate streetscape and the emerging contemporary character of the Ramsgate Beach area. The application satisfies Objectives A and B of Part 4.2 of RDCP 2011.

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

The proposal provides 25% of soft landscaping, with capability to contain storm water runoff. Private open spaces are usable, accessible, clearly defined and will meet occupants requirements of privacy, solar access, outdoor activities and landscaping. The application satisfies the minimum requirement of 25% for soft landscaping and therefore complies with Part 4.3.1 of RDCP 2011.

4.4.2 Solar Access - Low and medium density residential

The adjoining dwelling to the south is situated on a property that has an east-west orientation. The applicant has submitted shadow diagrams for 9 a.m., 12 p.m. and 3 p.m. on June 21. The shadow diagrams show that the adjoining windows will not receive the prescribed amount of sunlight, however at least 50% of the private open space will receive sunlight.

The 3D scale shadow diagrams show that at 9am entire yard and rear windows of the adjoining southern neighbour will receive solar access and the front facing windows of the dwelling will receive solar access at 3pm.

The development has sought to minimise the adverse impact on the adjoining property, where

overshadowing of the property is inevitable due to its east-west orientation, by providing greater side setbacks and minimum floor to ceiling heights on the first floor. The roof top terrace entry point is located away from the southern boundary reducing the impacts of over-shadowing onto the adjoining southern neighbour. Furthermore, the majority of the dwelling from ground to first floor is 6.5m in height which is significantly below the maximum 8.5m building height standard.

The amended plans have increased the side setbacks from both the northern and southern boundaries on the first floor, where the setbacks range between 1.53m to 3.273m which is an increase of 1.72m from the original plans. These increased setbacks do not result in a significant decrease in overshadowing. It should be noted that the residential subdivision pattern in the street is such that each of the allotments exhibit a predominantly east-west orientation and in this regard the provision of solar access to adjoining residential buildings directly to the south of each allotment is difficult to achieve, as the shadows projected by two storey buildings are consistent with allotments of this orientation and size.

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

4.4.5 Visual privacy

The proposed dual occupancy has been designed and sited to minimise the overlooking of adjoining properties, incorporating:

- privacy screens to both sides of the rear first floor balconies; and
- windows with bottom sill height of 1.7m on the first floor.

Ground floor - (North and southern side elevations)

- The two windows closest to the front of the dwelling have bottom sill heights measuring 1.5m from finished floor level and provide solar access to the garages which are not habitable rooms, these windows will have minimal impacts of over-looking onto the adjoining neighbours.
- The rear windows on the southern elevation are designed 0.9m from finished floor level and provide solar access to a kitchen. On the northern elevation are three windows providing solar access to a lounge room and dining room. These windows are not assessed as having significant over-looking impacts as the existing 1.8m high fence between the properties will provide sufficient privacy. Furthermore, the dwelling will be constructed below the existing natural ground level which will further reduce the impacts of direct over-looking.

First floor -

- The first floor windows have bottom sill heights measuring 1.7m from finished floor level, the impacts of direct over-looking is assessed as minor.
- The rear balconies are attached to the master bedroom. It is not anticipated that these uses will generate significant over-looking. Planter boxes with heights of 1.2m are proposed as an addition to the front balustrade.

Roof top terrace -

- The roof top terrace is limited to the rear of the roof of the dual occupancy. The usable area of the terrace is setback 1.740m from the side of the majority of the building edge, providing a setback of over 3m from the side boundaries. Furthermore, the terrace will be setback 3m from

the rear of the building edge with the inclusion of a 1.2m high planter box along the perimeter.

Having regard to the above, the proposed development provides a reasonable level of visual privacy between the adjoining properties.

4.6 Parking Rates - Dual Occupancy

The development will have minimal impact on access, parking and traffic in the area. Two carparking spaces are proposed per dwelling in accordance with Council's DCP 2011. The proposal is satisfactory in regards to traffic and parking.

5.1 Storey Height and Setbacks - Dual occupancy & Semi-detached dwelling

The proposed front setback is 7.5m, which is consistent with the prevailing street setback, and accordingly, compliant with DCP2011.

DCP2011 requires a 0.9 and 1.5m side setback when measured from the ground floor and first floor side boundaries respectively. The proposal involves a 0.933m side setback measured from the ground floor and a staggered 1.533m to 3.273m side setback measured from the first floor. The proposal is consistent with side setback requirements. It should be noted, that the proposal offers increases the setback by an additional 1.74m compared to the original plans.

The minimum requirement for rear setback is 3m from ground floor and 6m from first floor. The application proposes a rear setback of 6m from the ground floor and 6m from the first floor. The plans show a reduction in rear setback from the first floor by 2m however, the proposal remains consistent with rear setback requirements.

The proposal is not considered to adversely impact upon the adjoining dwelling by way of overlooking, and will not unreasonably reduce the solar access, light and air received by the adjoining dwelling. Therefore, the proposed setbacks are consistent with the objectives of this control and satisfy Part 5.1 of RDCP 2011.

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

Clauses 92-94 of the Regulations outline the matters to be considered in the assessment of a development application. Clause 92 requires the consent authority to consider the provisions of *AS 2601:1991 - Demolition of Structures* when demolition of a building is involved. In this regard a condition of consent is proposed to ensure compliance with the standard.

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

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

Potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls. The impacts that have not already been addressed are as follows:

Natural Hazards

The property is not affected by the provision of surface flows or flooding.

Construction

The residential building is to be constructed in brick and roof tiles with concrete/timber floors. There are no specific issues relating to the BCA in the proposed design.

Site and safety measures to be implemented in accordance with conditions of consent and Workcover Authority guidelines/requirements.

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

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

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

The development has been notified in accordance with the provisions of Rockdale DCP 2011 and three (3) submissions have been received. The issues raised in the submission are discussed below:

Issue 1: The roof top terrace will create privacy impacts and set a precedence in the area.

Comment: The roof top terrace has been designed with an increased setback of 3m from the rear building edge with a 1.2m high planter box alongside the perimeter. As a result, the application is not assessed as having significant over-looking impacts to the adjoining properties. Further, the amended plans have deleted the plant room on the roof top terrace reducing the appearance of bulk and scale. Roof top terraces are a common feature with developments within the Ramsgate Beach area and are a permissible form of development according to RDCP 2011. The rooftop terrace as amended is not considered to generate any significant adverse overlooking or noise on the adjoining properties.

Issue 2: The rear of the proposed dual-occupancy is closer to the rear boundary and may cause impacts of over-looking.

Comment: The first floor is setback 6m from the rear boundary and complies with the setback requirement set out in Part 5.1 of RDCP 2011. Further, the rear first floor balcony is attached to a master bedroom where the use is not considered to generate excessive over-looking. The applicant has proposed a 1.2m high planter with the balustrade to eliminate the possibility of unreasonable levels of over-looking. The amended plans will not generate any significant adverse overlooking on the adjoining properties.

Issue 3: Air-conditioning units should not be located near the rear boundary.

Comment: The air -conditioning units are located on the roof away from adjoining properties and will not generate any significant adverse noise on the adjoining properties.

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

The proposed development is considered satisfactory having regard to the objectives and requirements of Rockdale Local Environmental Plan 2011 and Development Control Plan 2011. Impacts on adjoining properties have been considered and addressed. As such it is considered that the proposed development is in the public interest.

S94 Contribution towards provision or improvement of amenities or services

A Section 94 Contribution Payment of \$8,739.00 is payable in accordance with Council's Policy and accordingly, imposed as a condition on the draft Notice of Determination.

Civil Aviation Act, 1988

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

Civil Aviation (Building Control) Regulations 1988

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

Section 6 Prohibition of the construction of buildings of more than 150 feet in height in certain areas

The proposed development is affected by the 45.72m Building Height Civil Aviation Regulations, however the proposed building height at 8.5m will have minimal impact upon the height requirement in the regulations.

Schedule 1 - Draft Conditions of consent

General Conditions

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

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

Plan/Dwg No.	Drawn by	Dated	Received by Council
Site analysis Dwg 6	SPACE 0.618:1	January 2017	1 December 2017
Demolition plan Dwg 7	SPACE 0.618:1	January 2017	5 January 2018
soil and water mgnt plan Dwg 8	SPACE 0.618:1	January 2017	5 January 2018
Ground floor plan Dwg 9	SPACE 0.618:1	January 2017	5 January 2018

First floor plan Dwg 10	SPACE 0.618:1	January 2017	5 January 2018
Terrace Dwg 11	SPACE 0.618:1	January 2017	5 February 2018
Northern Elevation Dwg 12	SPACE 0.618:1	January 2017	5 January 2018
Western Elevation Dwg 13	SPACE 0.618:1	January 2017	5 January 2018
Eastern elevation Dwg 14	SPACE 0.618:1	January 2017	5 January 2018
Southern Elevation Dwg 15	SPACE 0.618:1	January 2017	5 January 2018
Section + Front fence Dwg 16	SPACE 0.618:1	January 2017	5 January 2018
Landscape plan Dwq 27	Outliers Design Studio/ SPACE 0.618:1	January 2017	5 January 2018
Sub-division plan Dwg 28	SPACE 0.618:1	January 2017	5 January 2018
Stormwater plan Dwg 26	L&C Building Design/SPACE 0.618:1	January 2017	5 January 2018

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 799161S and 799157S other than superseded by any further amended consent and BASIX certificate.
Note: Clause 145(1)(a1) of the Environmental Planning & Assessment Regulation 2000 provides: A certifying authority must not issue a construction certificate for building work unless it is satisfied of the following matters: -
 - (a1) that the plans and specifications for the building include such matters as each relevant BASIX certificate requires.**Note:** Clause 154B(2) of the Environmental Planning & Assessment Regulation 2000 provides: "A certifying authority must not issue a final occupation certificate for a BASIX affected building to which this clause applies unless it is satisfied that each of the commitments whose fulfilment it is required to monitor has been fulfilled."
Note: For further information please see <http://www.basix.nsw.gov.au>.
6. This approval is not to be construed as permission to erect any structure on or near a boundary contrary to the provisions of the Dividing Fences Act.
7. 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.
8. The dwelling located on the northern part of the site shall be known as 28 Alfred Street and the dwelling located on the southern part of the site shall be known as 28A Alfred Street.

Development specific conditions

The following conditions are specific to the Development Application proposal.

9. The existing and future owners (Registered Proprietor) of the property will be responsible for the operation and maintenance of the retention system. The registered proprietor will:
 - (i) permit stormwater to be retained by the system;
 - (ii) keep the system clean and free of silt, rubbish and debris;
 - (iii) maintain, renew and repair the whole or parts of the system so that it functions in a safe and efficient manner, and in doing so complete the same within the time and in the manner specified in written notice issued by the Council;
 - (iv) carry out the matters referred to in paragraphs (ii) and (iii) at the proprietor's expense;
 - (v) not make any alterations to the system or elements thereof without prior consent in writing of the Council;
 - (vi) permit the Council or its authorised agents from time to time upon giving reasonable notice (but at any time and without notice in the case of emergency) to enter and inspect the land for compliance with the requirements of this clause;
 - (vii) comply with the terms of any written notice issued by the Council in respect to the requirements of this clause within the time stated in the notice.
10. The rainwater tank shall be routinely de-sludged and all contents from the de-sludging process disposed – solids to the waste disposal and de-sludged liquid to the sewer.
11. The dual occupancy shall not exceed 8.5m in building height.

Prior to issue of the construction certificate

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

12. 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 \$4,998.00. 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.
13. 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.
14. An application for Boundary levels shall be made to Council's Customer Service Centre prior to issue of the Construction Certificate. All boundary works, egress

paths, driveways and fences shall comply with this level.

A fee is payable to Council for the determination of boundary levels. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges.

15. A Section 94 contribution of \$8,739.46 shall be paid to Council. Such contributions are only used towards the provision or improvement of the amenities and services identified below. The amount to be paid is adjusted at the time of payment, in accordance with the contribution rates contained in Council's current Adopted Fees and Charges. The contribution is to be paid prior to the issue of construction certificate for works above the floor level of the ground floor. (Payment of the contribution is not required prior to any separate construction certificates issued only for demolition, site preparation works and the construction of basement levels). The contribution is calculated from Council's adopted Section 94 contributions plan in the following manner:

Open Space	\$5,343.29	
Town Centre & Streetscape Improvements	\$410.63	
Pollution Control	\$1,177.87	
Plan Administration & Management	\$52.50	
Infrastructure	\$1755.17	

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

16. 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>

17. 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.
18. Any part of the proposed building within 3m of the proposed detention 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 or trench base. This requirement shall be reflected on the Construction Certificate plans and supporting documentation.
19. The driveway over the absorption trench shall be either constructed on a pier and beam foundation with piers extending no less than 300mm below the bottom of the trench base or constructed as a structural slab so that no load is transferred to the plastic trench. This requirement shall be reflected on the Construction Certificate plans and supporting documentation.
20. A geotechnical engineer shall determine the soil absorption rate and satisfy the other requirements of Rockdale Technical Specification Stormwater Management relating

to the water table, impact on footings, etc prior to design of the drainage system. A copy of the report shall be forwarded to Council prior to the issue of the Construction Certificate.

21. Prior to the issue of the Construction Certificate, detailed drainage design plans for the management of stormwater are to be submitted to Principal Certifying Authority for assessment and approval. Design certification, in the form specified in Rockdale Technical Specification Stormwater Management, and drainage design calculations are to be submitted with the plans. Council's Rockdale Technical Specification Stormwater Management sets out the minimum documentation requirements for detailed design plans. Stormwater management requirements for the development site, including the final discharge/end connection point, must comply with Rockdale Technical Specification Stormwater Management.

Stormwater plan to be amended as following but not limited to:

- Minimum 2m setback to be provided from the rear and side boundary.
- Rainwater to be used for non potable purpose as per basix requirement

Prior to commencement of works

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

22. 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.

23. 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.
24. 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.

During demolition / excavation / construction

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

25. 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.
26. 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.

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

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

28. Ground water shall only be pumped or drained to Council's stormwater system if the water is clean and unpolluted. The standard used to determine the acceptability of the quality of the water is the 'Australian and New Zealand Environment and Conservation Council - Australian Water Quality Guidelines for Fresh and Marine Waters 1992'.

Note: Prior treatment and/or filtration of the water may be necessary to achieve acceptable quality, including a non-filterable residue not exceeding 50 milligrams/litre or small quantities may be removed by the services of a Licenced Liquid Waste Transporter. It is an offence under the provisions of the Protection of the Environment Operations Act 1997 to pollute the stormwater system.

29. 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.
30. All waste generated on site shall be disposed of in accordance with the submitted Waste Management Plan.
31. 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.

32. 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.
33. 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.
34. 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.

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.

- 35. An Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of the building.
- 36. 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.
- 37. All excess excavated material, demolition material, vegetative matter and builder's rubbish shall be removed to the Waste Disposal Depot or the Regional Tip prior to final inspection.

Note: Burning on site is prohibited.

38. 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.
39. 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.
40. Both driveway accesses are required to have a maximum width of 3m at the boundary and separated by 6m along the kerb.
41. 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.

42. 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.
43. 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.
44. All absorption trenches must be inspected prior to back filling and proceeding to subsequent stages of construction to the satisfaction of principal Certifying Authority. Supporting evidence shall be issued by a professional Civil Engineer experienced in stormwater system design and construction. Copies of documentary evidence are to be maintained by the Principal Certifying Authority and be made available to Council officers upon request.
45. The maximesh screens and removable geotextile are to be installed in the absorption system prior to connection of the downpipes to ensure the effective performance of the system during construction and the long term viability of the system.
46. 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.

Prior to issue of subdivision certificate

The following conditions must be complied with prior to the issue of the Subdivision Certificate or the Strata Certificate.

47. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to release of the Subdivision/Strata Certificate.

48. All existing and proposed services on the property shall be shown on a plan, and shall be submitted to Council. This includes electricity, gas, water, sewer, stormwater and telephone services. Where any service crosses one lot but benefits another lot, it is to be covered by an easement. The service easement is to be covered by a Section 88B Instrument, which may only be varied or extinguished with the consent of Bayside Council. These provisions are to be put into effect prior to the release of the Subdivision/Strata Certificate.
49. A positive covenant shall be provided over the on-site retention system. A Section 88B Instrument and four copies shall be lodged with the Subdivision/Strata Certificate.
50. Council will not issue the Subdivision Certificate unless the following has been provided to Council :
- WorksAsExecuted
Plan for Stormwater Drainage System
 - Engineer's Compliance certificate for Stormwater Drainage System & work as executed drawing
 - Final Occupation Certificate
 - Utility Service Plan
 - Original of Section 73 Compliance Certificate referring to Subdivision – (SydneyWater Act 1994)
 - Landscape certification (if Council not appointed as PCA)
 - Administration Sheet and 88B instruments prepared by a qualified surveyor

Roads Act

51. Where applicable, the following works will be required to be undertaken in the road reserve at the applicant's expense:

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

- i) construction of two new fully constructed concrete vehicular entrance/s;
 - ii) removal of the existing concrete vehicular entrance/s, and/or kerb laybacks which will no longer be required;
 - iii) removal of redundant paving;
 - iv) smooth transition with new driveways and footpath areas
52. 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.
53. 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.
54. 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.
55. 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. Section 88B or 88E (for landuse) 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 worksasexecuted drainage plans and certification) prior to Council endorsing the Instrument.
- c. The water from the rainwater tank should not be used for drinking, Sydney Water shall be advised of the installation of the rainwater tank.
- d. 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.

BAYSIDE COUNCIL

Planning Assessment Report

Application Details

Application Number:	DA-2017/307
Date of Receipt:	23 March 2017
Property:	28 Alfred Street, RAMSGATE BEACH (Lot X DP 390114)
Owner:	Ramsgate Beach Pty Ltd
Applicant:	Space 0.618:1
Proposal:	Construction of a two (2) storey attached dual occupancy development, including rooftop terrace, front fence, demolition of existing structures and Torrens title subdivision creating two lots
Recommendation:	Approved
No. of submissions:	Six (6) Submissions and One (1) Petition
Author:	Adam Iskander
Date of Report:	30 November 2017

Key Issues

The key issues related to this application are:

- Non-compliance with site area for dual-occupancy;
- Non-compliance with over-shadowing; and
- Six submissions and one petition received.

Recommendation

That this Development Application be **APPROVED** pursuant to Section 80(1)(a) of the Environmental Planning and Assessment Act 1979 and subject to the following:

1. That the Bayside Planning Panel supports the variation to the Height development standard, as contained in Clause 4.1 (3B) – Minimum Subdivision lot size within Rockdale LEP 2011, in accordance with the request under Clause 4.6 of RLEP 2011 submitted by the applicant.
2. That this Development Application be APPROVED pursuant to Section 80(1)(a) of the Environmental Planning and Assessment Act 1979 and subject to the conditions of consent attached to this report.
3. That the objectors be advised of Council's decision.

Background

History

There is no background history associated with the subject site.

Proposal

Council is in receipt of a development application DA-2017/307 at 28 Alfred Street, RAMSGATE BEACH , which seeks consent to carry out construction of a two (2) storey attached dual occupancy development, including rooftop terrace, front fence, demolition of existing structures and Torrens title subdivision creating two lots.

Specifically, the proposal consists of:

Ground floor:

- Single garage;
- Front entrance with void over;
- Open plan dining, lounge room and kitchen;
- Bedroom 5 with ensuite;
- Bathroom and laundry;
- Alfresco with BBQ area; and
- 1.2m high front fence.

First floor:

-
- Master bedroom with W.I.R, ensuite and rear facing balcony;
- Bedrooms 3 and retreat area;
- Bedroom 4 with front balcony; and
- Staircase to roof top terrace.

Roof top terrace:

- Roof top entry with attached plant room.

Torrens title subdivision

- Lot 700 - 349.448sqm
- Lot 701 - 349.448sqm

Site location and context

The subject site is located on the eastern side of Alfred Street, between Emmaline Street and Florence Street, Ramsgate. The site is rectangular in shape with a frontage of 20.115m to Alfred Street. Existing on site is a single storey residential dwelling with a side driveway access along the northern boundary leading to a rear single brick garage. The site falls to the front of the property at an average gradient of 0.22° or 0.6%. No trees exist on site or on Council's footpath.

Surrounding developments consist of a single residential dwelling to the south and town house developments to the north, east and west. There are several dual occupancy developments within close proximity to the subject site. To the east are views to Botany Bay.

Statutory Considerations

Environmental Planning and Assessment Act, 1979

An assessment of the application has been undertaken pursuant to the provisions of the *Environmental Planning and Assessment Act, 1979*.

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

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

The following Environmental Planning Instruments are relevant to this application:

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

The applicant has submitted a BASIX Certificate for the proposed development. The Certificate number is 799161S and 799157S

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

Reduction in Energy Consumption 50%

Reduction in Water Consumption 40%

Thermal Comfort Pass

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

Rockdale Local Environmental Plan 2011

Relevant clauses	Compliance with objectives	Compliance with standard/provision
2.3 Zone R3 Medium Density Residential	Yes	Yes - see discussion
2.6 Subdivision - consent requirements	Yes	Yes
2.7 Demolition requires consent	Yes	Yes
4.1 Minimum subdivision lot size	Yes - see discussion	No - see discussion
Dual occupancy	Yes	Yes
4.3 Height of buildings	Yes	Yes - see discussion
4.4 Floor space ratio - Residential zones	Yes	Yes - see discussion
4.6 Exceptions to development standards	Yes - see discussion	Yes
6.1 Acid Sulfate Soil - Class 4	Yes	Yes - see discussion
6.4 Airspace operations	Yes	Yes - see discussion
6.7 Stormwater	Yes	Yes
6.12 Essential services	Yes	Yes

2.3 Zone R3 Medium Density Residential

The subject site is zoned R3 - Medium Density Residential under the provisions of Rockdale Local Environmental Plan 2011 (RLEP 2011). The proposal is defined as a dual occupancy which constitutes

a permissible development only with development consent. The objectives of this zone are:

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

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

4.1 Minimum subdivision lot size

Torrens Title Subdivision of the attached dual occupancy development will result in the following proposed Lots:

Lot 700 - 349.448sqm

Lot 701 - 349.448sqm

The proposal fails to satisfy the minimum numerical requirement of 350sqm for site area for Lot 700 and 701. Accordingly, the application is accompanied by a written Clause 4.6 justification and is addressed below.

4.3 Height of buildings

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

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

To ensure that the building does not exceed 8.5m a condition will be placed in the draft notice of consent requiring a survey check during several stages of construction.

4.4 Floor space ratio - Residential zones

The Gross floor area of the proposed development has been calculated as 349sqm over a site area of 699sqm. In this regard, the proposed floor space ratio (FSR) for the building is 0.6:1 and therefore does not exceed the maximum FSR for the land (0.6:1) as shown on the Floor Space Ratio Map.

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

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

4.6 Exceptions to development standards

The proposed development seeks consent for the Torrens Title Subdivision of an attached dual

occupancy resulting in two new lots with site areas of 349.448sqm . The two new lots identified as 700 and 701 are below the minimum subdivision lot size provisions as required by Clause 4.1(3B) of the RLEP 2011 which is 350sqm. The deficiency in minimum site area is by 0.552sqm for each new lot or 0.16%.

The objectives of Clause 4.6 are as follows:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development;
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

With regards to the above, the consent authority is required to consider a written request from the applicant justifying a variation to the standard by demonstrating:

- (3)(a) that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case, and
- (3)(b) that there are sufficient planning grounds to justify contravening the development standard.

Further, clause 4.6(4) requires that development consent must not be granted for development that contravenes a standard unless:

- (a) the consent authority is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
- (b) Council has the assumed concurrence of the Director-General.

Clause 4.1 - Minimum subdivision lot sizes

The objectives of Clause 4.1 are as follows:

- (a) to ensure that subdivision reflects and reinforces the predominant subdivision pattern of the area.
- (b) to minimise any likely impact of subdivision, and development on subdivided land, on the amenity of neighbouring properties.
- (c) to ensure that lot sizes and dimensions are able to accommodate development consistent with the relevant controls.

The application is accompanied by a written Clause 4.6 submission seeking to contravene the development standard imposed by the subject Clause. Within the justification, the applicant's statement regarding compliance with the subject Clause is summarised as follows:

The proposal is generally compliant with the requirements and controls of Rockdale LEP 2011 and Rockdale DCP 2011 with the exception of a minor non-compliance of 0.552m² for each dwelling relating to the minimum lot size requirement which equates to approximately less than 0.16%. The proposal complies with the other applicable development standards on the site.

Applicants comments:

- The proposal is generally compliant with the requirements and controls of Rockdale LEP 2011 and Rockdale DCP 2011 with the exception of a minor non-compliance of 0.552m² and relating to the minimum lot size requirement which equates to approximately 0.16%. The proposal complies with the other applicable development standards on the site.
- The proposed subdivision does not change the level of impact of the proposed dual occupancy on the site on the adjoining properties in terms of privacy, amenity and shadow impacts.
- The proposed subdivision is in keeping subdivided allotments within the area that have a similar or smaller allotment size to what is being proposed.
- The proposed variation will not detract from the streetscape of Alfred St and will not impact on the bulk and scale of the development from the street or the adjoining dwellings at the rear.
- The subdivision of each dwelling is of a sufficient size to serve its intended purpose and usage. The dual occupancy demonstrates compliance with the landscape, private open space and required car parking areas.
- The proposed shortfall of 0.552m² for the lot is a minor variation to the overall requirement and will not compromise the internal amenity of the development.
- Although the proposal departs from the numerical standard, the proposal satisfies the objectives of the standard and hence there is scope on merit grounds in permitting the numerical departure.
- Council has previously accepted and approved numerous developments that have a deficient lot size within the locality for dual occupancy developments. In doing so, the development standard has been effectively abandoned or destroyed through the granting of consents for development on other sites that also do not strictly comply with the development standard

Council comment:

The above objectives relates to the subdivision of a lot within Bayside Council and compliance with the minimum lot size required under clause 4.1(3) as reflected in the associated Lot Size Map. As subdivision is proposed, Clause 4.1(3B) is relevant. The minimum lot size required in accordance with this Clause is 350sqm, and the resultant lot sizes for each of the two proposed lots is 349.448 sqm, which is 0.552sqm or 0.16% below the development standard.

The proposal satisfies the Objectives of the Clause for Minimum subdivision lot size where it ensures the subdivision has no impacts on the amenity of neighbouring properties and ensures that the semi-detached dual occupancy is consistent with the relevant development controls.

The recent Land Environmental Court Case 'Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90' ('Four2Five') requires any variations to the standards to demonstrate something more than just achieving the Objectives of the standard. The applicant has demonstrated that Council has previously varied the minimum site area for dual occupancy for minor variations such as 0.16% in this circumstance.

The variation to the minimum subdivision lot size standard satisfies the 'five part test' established by the NSW Land and Environmental Court where the objectives of the standard have been achieved and the standard has been previously varied by a very minor degree in similar circumstances.

The requirement in cl4.6(3)(b) is to justify that there are sufficient environmental planning grounds for the variation particular to the circumstances of the proposed development. These planning grounds are

demonstrated in the proposed design and are sufficiently argued in the 4.6 variation submission. The applicant has also demonstrated that compliance with the development standard is unreasonable and unnecessary in this circumstance.

The applicant's request to vary development standard Clause 4.1 (3B) (a), is also consistent with the objectives in Clause 4.6 (Exceptions to development standards) as well as the objectives in development standards for the R2 Residential Zone area.

Approval of the proposal would not create an undesirable precedent and is in the public interest. As such the proposed minor variation to subdivision is supported in this instance.

6.1 Acid Sulfate Soil - Class 4

Acid Sulfate Soils (ASS) – Class 4 affects the property. Development Consent is not required as the proposed works involve the disturbance of less than 1 tonne of soil and the works are not likely to lower the watertable.

6.4 Airspace operations

The proposed development is affected by the Obstacle Limitation Surface (OLS) which is set at 51 metres to Australian Height Datum (AHD). The proposed building height is 12.250at metres to AHD and in this regard, it is considered that the proposed development will have minimal adverse impact on the OLS and hence is acceptable with regards to this Clause.

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

At the time of lodgement of the subject development application, the Rockdale Local Environmental Plan, 2011 (RLEP 2011) was in force while a draft housekeeping amendment to the RLEP 2011 has been publically exhibited. Pursuant to the matters for consideration contained within Section 79C(1) of the Environmental Planning and Assessment Act, 1979 (the Act), the provisions contained within each of the applicable EPIs are to be considered in the assessment of the subject development application.

The savings and transitional provisions contained within Clause 1.8A of the RLEP 2011 has the effect of limiting consideration of the provisions contained within the RLEP 2011 to only those applications lodged on or after this date. As such, the application has been considered against the provisions contained within the exhibited draft, although it has little determinative weight. The proposed development, namely a dual occupancy, remains consistent with the aims and objectives of the instrument. Approval of the proposed development would not be inconsistent with the intent and purpose of the instrument and is acceptable in this regard.

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

The following Development Control Plan is relevant to this application:

Rockdale Development Control Plan 2011

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

Relevant clauses	Compliance with objectives	Compliance with standard/provision
4.1.3 Water Management	Yes	Yes
4.1.3 Groundwater Protection	Yes	Yes - see discussion

Relevant clauses	Compliance with objectives	Compliance with standard/provision
4.1.4 Soil Management	Yes	Yes
4.2 Streetscape and Site Context - General	Yes	Yes - see discussion
4.3.1 Open Space & Landscape Design - Low & medium density residential	Yes	Yes - see discussion
4.4.2 Solar Access - Low and medium density residential	Yes - see discussion	No - see discussion
4.4.3 Natural Lighting and Ventilation - Residential	Yes	Yes
4.4.5 Visual privacy	Yes	Yes - see discussion
4.6 Parking Rates - Dual Occupancy	Yes	Yes - see discussion
4.7 Air Conditioning and Communication Structures	Yes	Yes
4.7 Waste Storage and Recycling Facilities	Yes	Yes
4.7 Service Lines/Cables	Yes	Yes
4.7 Laundry Facilities and Drying Areas	Yes	Yes
4.7 Letterboxes	Yes	Yes
4.7 Storage Areas	Yes	Yes
4.7 Hot Water Systems	Yes	Yes
5.1 Storey Height and Setbacks - Dual occupancy & Semi-detached dwelling	Yes	Yes - see discussion

4.1.3 Groundwater Protection

The site is affected by the Groundwater Protection Zone 3, however it is considered that excavation in relation to the proposed building is not deep enough to cause any adverse impact on the Zone. Notwithstanding, an appropriate condition is to be included in the consent to ensure the provisions of this Clause are satisfied.

4.2 Streetscape and Site Context - General

The proposal is located in a R3 medium density Zone. The immediate context is relatively medium scale, consisting of single residential dwellings, dual occupancy and town house developments. The proposed dual occupancy is consistent with the desired and future character of the area in terms of height, bulk and scale, and is generally appropriate in this context.

The proposed front setback is consistent with the variable setbacks of surrounding two storey buildings and in this regard the residential streetscape will be retained and complemented.

The proposed built form on site complies with the required height and FSR requirements. The proposed development has been designed with appropriate use of articulation & modulation to the facades via the incorporation of balconies, pedestrian entries at ground level, upper level voids and range materials which adds visual interest to the facades.

Several neighbours have raised concerns regarding the design of the dual occupancy as an over-development as it will appear as a three storey building. To reduce the perceived impacts of bulk and scale from the street and adjoining properties, the proposed plant rooms on the roof top terrace will be conditioned to be deleted from the design.

The proposed development will have a front door addressing the street, with the building's frontage and entry points being readily apparent from the street. The front fence will be constructed out of rendered

brick and slat fences to match cladding on dwelling and will measure 1.2m in height.

The proposed development has been designed with front balconies that will provide casual surveillance of the street. Further, the proposed fences, landscaping, and other features have been sited so as to provide clearly defined public, semi public and private spaces.

The immediate area consist of dwellings with pitch roofs, however the emerging character of Ramsgate Beach consist of modern contemporary designs consisting of flat and skillion roofs which is evident along The Grand Parade and Chuter Avenue. The application proposes a flat roof with a front parapet creating the appearance of a pitch roof. Taking into consideration the emerging character of the area, it is assessed that the proposed design has provided some cohesiveness with the immediate streetscape and the emerging contemporary character of the Ramsgate Beach area. The application satisfies Objectives A and B of Part 4.2 of RDCP 2011.

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

The proposal provides 25% of soft landscaping, with capability to contain storm water runoff. Private open spaces are usable, accessible, clearly defined and will meet occupants requirements of privacy, solar access, outdoor activities and landscaping. The application satisfies the minimum requirement of 25% for soft landscaping and therefore complies with Part 4.3.1 of RDCP 2011.

4.4.2 Solar Access - Low and medium density residential

The adjoining dwelling to the south is situated on a property that has an east-west orientation. The applicant has submitted shadow diagrams for 9 a.m., 12 p.m. and 3 p.m. on June 21. The shadow diagrams show that the adjoining windows will not receive the prescribed amount of sunlight, however at least 50% of the private open space will receive sunlight.

The 3D scale shadow diagrams show that at 9am entire yard and rear windows of the adjoining southern neighbour will receive solar access and the front facing windows of the dwelling will receive solar access at 3pm.

The development has sought to minimise the adverse impact on the adjoining property, where overshadowing of the property is inevitable due to its east-west orientation, by observing the minimum side setbacks and minimum floor to ceiling heights on the first floor. The roof top terrace entry point is located away from the southern boundary reducing the impacts of over-shadowing onto the adjoining southern neighbour. Furthermore, the majority of the dwelling from ground to first floor is 6.5m in height which is significantly below the maximum 8.5m building height standard.

To further reduce the impacts of over-shadowing, a condition will be placed in Draft notice of consent, deleting the plant room from the roof top terrace. Deleting this feature will eliminate the perceived three story element of the dwelling, reduce bulk and scale and eliminate the potential of the plant room to be used in the future as habitable space.

Council had discussed the option of setting the building further away from the side boundaries to reduce the impacts of over-shadowing and perceived bulk and scale. The applicant had provided amended plans showing an increased staggered side setback from both the northern and southern boundaries, ranging between 1.53m on the ground floor and 2.033 to 2.803 on the first floor. The increased setback did not result in a significant decrease in overshadowing. It should be noted that the residential subdivision pattern in the street is such that each of the allotments exhibit a predominantly east-west orientation and in this regard the provision of solar access to adjoining residential buildings

directly to the south of each allotment is difficult to achieve, as the shadows projected by two storey buildings are consistent with allotments of this orientation and size.

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

4.4.5 Visual privacy

The proposed dual occupancy has been designed and sited to minimise the overlooking of adjoining properties, incorporating:

- privacy screens to both sides of the rear first floor balconies; and
- windows with bottom sill height of 1.7m on the first floor.

Ground floor - (North and southern side elevations)

- The two windows closest to the front of the dwelling have bottom sill heights measuring 1.5m from finished floor level and provide solar access to the garages which are not habitable rooms, these windows will have minimal impacts of over-looking onto the adjoining neighbours.
- The rear windows on the southern elevation are designed 0.9m from finished floor level and provide solar access to a kitchen. On the northern elevation are three windows providing solar access to a lounge room and dining room. These windows are not assessed as having significant over-looking impacts as the existing 1.8m high fence between the properties will provide sufficient privacy. Furthermore, the dwelling will be constructed below the existing natural ground level which will further reduce the impacts of direct over-looking.

First floor -

- The first floor windows have bottom sill heights measuring 1.7m from finished floor level, the impacts of direct over-looking is assessed as minor.
- The rear balconies are attached to the master bedroom and bedroom 3. It is not anticipated that these uses will generate significant over-looking and the width of the balconies are 1.65m which will ensure that the balcony will not be used for long periods of entertaining.

Roof top terrace -

- The roof top terrace is limited to the rear of the roof of the dual occupancy. The usable area of the terrace is setback 1.5m from the side of the building edge, providing a setback of over 3m from the side boundaries. Furthermore, the terrace will have no cover or fixed furniture which will limit its use. To further improve privacy, a condition will be placed in the recommendations of consent requiring the terrace to be setback 3m from the rear of the building edge with the inclusion of planter boxes along the perimeter.

Having regard to the above, the proposed development provides a reasonable level of visual privacy between the adjoining properties.

4.6 Parking Rates - Dual Occupancy

The development will have minimal impact on access, parking and traffic in the area. Two carparking spaces are proposed per dwelling in accordance with Council's DCP 2011. The proposal is satisfactory in regards to traffic and parking.

5.1 Storey Height and Setbacks - Dual occupancy & Semi-detached dwelling

The proposed front setback is 7.5m, which is consistent with the prevailing street setback, and accordingly, compliant with DCP2011.

DCP2011 requires a 0.9 and 1.5m side setback when measured from the ground floor and first floor side boundaries respectively. The proposal involves a 0.933m side setback measured from the ground floor and a 1.533m side setback measured from the first floor. The proposal is consistent with side setback requirements.

The minimum required for rear setback is 3m from ground floor and 6m from first floor. The application proposes a rear setback of 5.8m from the ground floor and 8m from the first floor. The proposal is consistent with rear setback requirements.

The adjoining neighbours have raised concerns relating to bulk and scale from the side walls of the building as they span 20m in length. To reduce the impacts and to allow for additional solar access into the dual occupancy, a condition will be set in the draft notice of consent requiring the rear portion of the building to be attached. The new setbacks would approximately measure 1.5m from the ground floor and 2.8m from the first floor. This increased setback from the rear northern and southern side boundaries will create a step in and provide an architectural relief along the side walls of the building.

Subject to condition of consent, the proposal is not considered to adversely impact upon the adjoining dwelling by way of overlooking, and will not unreasonably reduce the solar access, light and air received by the adjoining dwelling. Therefore, the proposed setbacks are consistent with the objectives of this control and satisfy Part 5.1 of RDCP 2011.

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

Clauses 92-94 of the Regulations outline the matters to be considered in the assessment of a development application. Clause 92 requires the consent authority to consider the provisions of *AS 2601:1991 - Demolition of Structures* when demolition of a building is involved. In this regard a condition of consent is proposed to ensure compliance with the standard.

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

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

Potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls. The impacts that have not already been addressed are as follows:

Natural Hazards

The property is not affected by the provision of surface flows or flooding.

Construction

The residential building is to be constructed in brick and roof tiles with concrete/timber floors. There are no specific issues relating to the BCA in the proposed design.

Site and safety measures to be implemented in accordance with conditions of consent and Workcover

Authority guidelines/requirements.

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

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

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

The development has been notified in accordance with the provisions of Rockdale DCP 2011 and Six (6) Submissions and One (1) Petition has been received. The issues raised in the submission are discussed below:

Issue 1: Impacts of overshadowing

Comment: The impacts of over-shadowing is mostly on 30 Alfred Street which is located to the south of the subject site. The town house developments to the north and east will receive more than the minimum prescribed three hours of sunlight between 9am and 3pm in the middle of winter. Although the southern property will not receive the minimum prescribed sunlight of three hours, the 3D scale shadow diagrams show that at 9am entire yard and rear windows of the adjoining southern neighbour will receive solar access and the front facing windows of the dwelling will receive solar access at 3pm. It should be noted that the residential subdivision pattern in the street is such that each of the allotments exhibit a predominantly east-west orientation and in this regard the provision of solar access to adjoining residential buildings directly to the south of each allotment is difficult to achieve, as the shadows projected by two storey buildings are consistent with allotments of this orientation and size. Refer to Part 4.4.2 of this report.

Issue 2: The dual occupancy is an over-development and is non-compliant with site area;

Comment: The proposed dual occupancy complies with height, floorspace and setback. The site area is 699sqm, with a site area of 349.448sqm for each dual occupancy (minimum requirement is 350sqm). The non-compliance is minor. A clause 4.6 to vary the standard has been submitted with the application and has been approved as the proposal satisfies the Objectives of the standard and the Objectives of the Zone. Furthermore, Council has previously accepted and approved numerous developments that have a deficient lot size within the locality. In doing so, the development standard has been effectively abandoned or destroyed through the granting of consents for development on other sites that also do not strictly comply with the development standard. Refer to part 4.6 of this report under 'Exceptions to development standards'.

Furthermore, to reduce the perceived impact of bulk and scale when viewed from the neighbouring properties, a condition has been placed in the recommendations of consent requiring the rear portion of the building to be attached. This increased setback from the rear northern and southern side boundaries will create a step in and provide an architectural relief along the side walls of the building.

Issue 3: Privacy impact associated with the roof top terrace and windows;

Comment: All windows on the first floor level are designed with bottom sill heights measuring 1.7m from

finished floor level. The ground floor windows will be obscured with the existing 1.8m high side boundary fence. The rear first floor balconies are attached to the master bedroom and bedroom 3. It is not anticipated that these uses will generate significant over-looking and the width of the balconies are 1.65m which is not capable of being used as an area for entertainment. The roof top terrace will be conditioned to be setback 3m from the rear building edge with planter boxes alongside the perimeter. Subject to conditions of consent, the application is not assessed as having significant privacy impacts to the adjoining properties. Refer to Part 4.4.5 of RDCP 2011.

Issue 4: The proposed roof top terrace appears as three stories and will create a precedence in the area;

Comment: To reduce the perceived impacts of bulk and scale when viewed from the street and neighbouring properties, a condition shall be set in the draft notice of consent requiring the deletion of the plant room on the roof top terrace. Roof top terraces are a common feature with developments within the Ramsgate Beach area and are a permissible form of development according to RDCP 2011.

Issue 5: The building does not fit in with the streetscape and will increase traffic in the area;

Comment: The proposed dual occupancy is a permissible use within the zone, with several examples along Chuter Avenue. The flat roof design and roof top terrace are a design feature which is contemporary and forms part of the emerging character of the Ramsgate Beach area. The dual occupancy will not generate significant traffic in the area to warrant a refusal of the application. Subject to the deletion of the plant room on the roof top terrace, the proposed dual occupancy is sympathetic to the neighbourhood character.

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

The proposed development is considered satisfactory having regard to the objectives and requirements of Rockdale Local Environmental Plan 2011 and Development Control Plan 2011. Impacts on adjoining properties have been considered and addressed. As such it is considered that the proposed development is in the public interest.

S94 Contribution towards provision or improvement of amenities or services

A Section 94 Contribution Payment of \$8,739.00 is payable in accordance with Council's Policy and accordingly, imposed as a condition on the draft Notice of Determination.

Civil Aviation Act, 1988

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

Civil Aviation (Building Control) Regulations 1988

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

Section 6 Prohibition of the construction of buildings of more than 150 feet in height in certain areas

The proposed development is affected by the 45.72m Building Height Civil Aviation Regulations, however the proposed building height at 8.5m will have minimal impact upon the height requirement in the regulations.

Schedule 1 - Draft Conditions of consent

General Conditions

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

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

Plan/Dwg No.	Drawn by	Dated	Received by Council
Site analysis Dwg 6, Demolition plan Dwg 7, Ground floor plan Dwg 9, First floor plan Dwg 10, Terrace Dwg 11, Northern Elevation Dwg 12, Western Elevation Dwg 13, Eastern elevation Dwg 14, Southern Elevation Dwg 15, Section + Front fence Dwg 16, Landscape plan Dwq 24 and Sub-division plan Dwg 28	SPACE 0.618:1	January 2017	1 December 2017

3. This development consent relates to Stage 1 of the development only. A separate development application shall be submitted to Council for any future stages of the development.
4. All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).
5. **A Construction Certificate must be obtained from Council or an Accredited Certifier prior to any building work commencing.**
6. The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate Number 799161S and 799157S 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>.

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. 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.
9. The dwelling located on the northern part of the site shall be known as 28 Alfred Street and the dwelling located on the southern part of the site shall be known as 28A Alfred Street.

Development specific conditions

The following conditions are specific to the Development Application proposal.

10. The existing and future owners (Registered Proprietor) of the property will be responsible for the operation and maintenance of the retention system. The registered proprietor will:
 - (i) permit stormwater to be retained by the system;
 - (ii) keep the system clean and free of silt, rubbish and debris;
 - (iii) maintain, renew and repair the whole or parts of the system so that it functions in a safe and efficient manner, and in doing so complete the same within the time and in the manner specified in written notice issued by the Council;
 - (iv) carry out the matters referred to in paragraphs (ii) and (iii) at the proprietor's expense;
 - (v) not make any alterations to the system or elements thereof without prior consent in writing of the Council;
 - (vi) permit the Council or its authorised agents from time to time upon giving reasonable notice (but at any time and without notice in the case of emergency) to enter and inspect the land for compliance with the requirements of this clause;
 - (vii) comply with the terms of any written notice issued by the Council in respect to the requirements of this clause within the time stated in the notice.
11. The rainwater tank shall be routinely de-sludged and all contents from the de-sludging process disposed – solids to the waste disposal and de-sludged liquid to the sewer.
12. The roof top terrace shall be setback 3m from the rear of the building edge. Planter boxes shall be provided outside the perimeter of the roof top terrace balustrade. The planter boxes shall have plants which grow to a minimum height of 1.5m.
13. The plant room on the roof top terrace shall be deleted from the plans and shall not

form part of this approval.

14. The dual occupancy shall not exceed 8.5m in building height.
15. The rear portion of the dual occupancy shall be attached on the ground and first floor to allow for increased setbacks from the northern and southern boundaries.

Prior to issue of the construction certificate

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

16. 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 \$4,998.00. 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.
17. 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.
18. An application for Boundary levels shall be made to Council's Customer Service Centre prior to issue of the Construction Certificate. All boundary works, egress paths, driveways and fences shall comply with this level.
A fee is payable to Council for the determination of boundary levels. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges.
19. A Section 94 contribution of \$8,739.46 shall be paid to Council. Such contributions are only used towards the provision or improvement of the amenities and services identified below. The amount to be paid is adjusted at the time of payment, in accordance with the contribution rates contained in Council's current Adopted Fees and Charges. The contribution is to be paid prior to the issue of construction certificate for works above the floor level of the ground floor. (Payment of the contribution is not required prior to any separate construction certificates issued only for demolition, site preparation works and the construction of basement levels). The contribution is calculated from Council's adopted Section 94 contributions plan in the following manner:

Open Space	\$5,343.29	
Town Centre & Streetscape Improvements		\$410.63
Pollution Control	\$1,177.87	
Plan Administration & Management	\$52.50	

Infrastructure \$1755.17

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

20. 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>

21. 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.
22. Any part of the proposed building within 3m of the proposed detention 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 or trench base. This requirement shall be reflected on the Construction Certificate plans and supporting documentation.
23. The driveway over the absorption trench shall be either constructed on a pier and beam foundation with piers extending no less than 300mm below the bottom of the trench base or constructed as a structural slab so that no load is transferred to the plastic trench. This requirement shall be reflected on the Construction Certificate plans and supporting documentation.
24. A geotechnical engineer shall determine the soil absorption rate and satisfy the other requirements of Rockdale Technical Specification Stormwater Management relating to the water table, impact on footings, etc prior to design of the drainage system. A copy of the report shall be forwarded to Council prior to the issue of the Construction Certificate.
25. Prior to the issue of the Construction Certificate, detailed drainage design plans for the management of stormwater are to be submitted to Principal Certifying Authority for assessment and approval. Design certification, in the form specified in Rockdale Technical Specification Stormwater Management, and drainage design calculations are to be submitted with the plans. Council's Rockdale Technical Specification Stormwater Management sets out the minimum documentation requirements for detailed design plans. Stormwater management requirements for the development site, including the final discharge/end connection point, must comply with Rockdale Technical Specification Stormwater Management.

Stormwater plan to be amended as following but not limited to:

- Minimum 2m setback to be provided from the rear and side boundary.
- Rainwater to be used for non potable purpose as per basix requirement

Prior to commencement of works

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

26. 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.

27. 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.
28. 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.

During demolition / excavation / construction

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

29. 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.
30. 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.
31. For Class 1 and 10 structures, the building works are to be inspected during construction, by the principal certifying authority (or other suitably qualified person on behalf of the principal certifying authority) to monitor compliance with Council's approval and the relevant standards of construction encompassing the following stages:
- i. after excavation for, and prior to the placement of, any footings, and
 - ii. prior to pouring any in-situ reinforced concrete building element, and
 - iii. prior to covering the framework for any floor, wall, roof or other building element, and
 - iv. prior to covering waterproofing in any wet areas, and
 - v. prior to covering any stormwater drainage connections, and
 - vi. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

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

32. Ground water shall only be pumped or drained to Council's stormwater system if the water is clean and unpolluted. The standard used to determine the acceptability of the quality of the water is the 'Australian and New Zealand Environment and

Conservation Council - Australian Water Quality Guidelines for Fresh and Marine Waters 1992'.

Note: Prior treatment and/or filtration of the water may be necessary to achieve acceptable quality, including a non-filterable residue not exceeding 50 milligrams/litre or small quantities may be removed by the services of a Licenced Liquid Waste Transporter. It is an offence under the provisions of the Protection of the Environment Operations Act 1997 to pollute the stormwater system.

33. 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.
34. All waste generated on site shall be disposed of in accordance with the submitted Waste Management Plan.
35. 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.
36. 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.

37. 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.

38. 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.

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.

39. An Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of the building.
40. 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.
41. All excess excavated material, demolition material, vegetative matter and builder's rubbish shall be removed to the Waste Disposal Depot or the Regional Tip prior to final inspection.
Note: Burning on site is prohibited.
42. 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.
43. 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.
44. Both driveway accesses are required to have a maximum width of 3m at the boundary and separated by 6m along the kerb.
45. 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.

46. 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.

47. 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.
48. All absorption trenches must be inspected prior to back filling and proceeding to subsequent stages of construction to the satisfaction of principal Certifying Authority. Supporting evidence shall be issued by a professional Civil Engineer experienced in stormwater system design and construction. Copies of documentary evidence are to be maintained by the Principal Certifying Authority and be made available to Council officers upon request.
49. The maximesh screens and removable geotextile are to be installed in the absorption system prior to connection of the downpipes to ensure the effective performance of the system during construction and the long term viability of the system.
50. 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.

Prior to issue of subdivision certificate

The following conditions must be complied with prior to the issue of the Subdivision Certificate or the Strata Certificate.

51. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and

may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to release of the Subdivision/Strata Certificate.

52. All existing and proposed services on the property shall be shown on a plan, and shall be submitted to Council. This includes electricity, gas, water, sewer, stormwater and telephone services. Where any service crosses one lot but benefits another lot, it is to be covered by an easement. The service easement is to be covered by a Section 88B Instrument, which may only be varied or extinguished with the consent of Bayside Council. These provisions are to be put into effect prior to the release of the Subdivision/Strata Certificate.
53. A positive covenant shall be provided over the on-site retention system. A Section 88B Instrument and four copies shall be lodged with the Subdivision/Strata Certificate.
54. Council will not issue the Subdivision Certificate unless the following has been provided to Council :
 - WorksAsExecuted
 - Plan for Stormwater Drainage System
 - Engineer's Compliance certificate for Stormwater Drainage System & work as executed drawing
 - Final Occupation Certificate
 - Utility Service Plan
 - Original of Section 73 Compliance Certificate referring to Subdivision – (SydneyWater Act 1994)
 - Landscape certification (if Council not appointed as PCA)
 - Administration Sheet and 88B instruments prepared by a qualified surveyor

Roads Act

55. Where applicable, the following works will be required to be undertaken in the road reserve at the applicant's expense:

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

- i) construction of two new fully constructed concrete vehicular entrance/s;
 - ii) removal of the existing concrete vehicular entrance/s, and/or kerb laybacks which will no longer be required;
 - iii) removal of redundant paving;
 - iv) smooth transition with new driveways and footpath areas
56. 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.
 57. 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.
 58. 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.

59. 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. Section 88B or 88E (for landuse) 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 worksasexecuted drainage plans and certification) prior to Council endorsing the Instrument.
- c. The water from the rainwater tank should not be used for drinking, Sydney Water shall be advised of the installation of the rainwater tank.
- d. 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.



1

VARIATION 4.6

MIN LOT SIZE

28 ALFRED STREET, RAMSGATE BEACH

Prepared by

S P A C E 0.618:1 D E S I G N

53 Station Street Arncliffe NSW 2205



RE: Demolition of existing structures, construction of a two-storey attached dual occupancy.

Property: 28 ALFRED STREET, RAMSGATE BEACH

The proposal seeks approval of a proposed dual occupancy development on a lot that is less than 700m² at 699m². Upon subdivision of the development, two lots of 349.5m² will be created. Subdivision of the LOT will come at a later date.

The development seeks a variation to Clause 4.1(3B)(a) of RLEP 2011 relating to the minimum site area per dwelling for a dual occupancy. The justification is submitted for Council's consideration in accordance with Clause 4.6 of RLEP 2011 relating to the non-compliance of the development standard. Further, this request has been prepared having regard to the latest authority on Clause 4.6, contained in the following guideline judgements:

1. Winton Property Group Limited v North Sydney Council [2001] NSWLEC 46
2. Wehbe v Pittwater Council [2007] NSWLEC 827
3. Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009 ('Four2Five No 1')
4. Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 ('Four2Five No 2')
5. Four2Five Pty Ltd v Ashfield Council [2015] NSWCA 248 ('Four2Five No 3')

The principles that arise from the above authorities are summarised as follows:

1. The relevant objectives are those stated in the controls not unidentified underlying objectives at [57] in Four2Five No. 1;
2. That the environmental planning grounds must be particular to the circumstances of the proposed development and/or the site at [60] in Four2Five No. 1: and
3. The five methods of establishing that compliance is unreasonable or unnecessary identified by Preston J in Wehbe remain relevant. However in order to satisfy the unreasonable and unnecessary test in Clause 4.6(3)(a), you need something more than way 1 in Wehbe because that test is now encompassed in Clause 4.6(4)(a)(ii) where consistency with the objectives of the standard is a mandatory precondition.

In relation to Method 1 in Wehbe, this requires a demonstration that the objectives of the relevant development standard are achieved, despite non-compliance with the numerical standard. Method 4 relates that the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable. As a result of Four2Five, it is now necessary to demonstrate something more than achieving the objective of the standard. In this regard, a proposed development that contravenes the development standard, but as result, achieves the objective of the development standard to a greater degree than a development that complied with the standard, would suffice.

**Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.**

The objectives of the subdivision lot size development standard are:

- (a) *to ensure that subdivision reflects and reinforces the predominant subdivision pattern of the area,*
- (b) *to minimise any likely impact of subdivision, and development on subdivided land, on the amenity of neighbouring properties,*
- (c) *to ensure that lot sizes and dimensions are able to accommodate development consistent with relevant development controls.*

In line with the first method in Wehbe, the proposed development achieves the objectives of the standard and the zone to a greater degree than a development that complied with the standard and the fourth method having being virtually abandoned/destroyed for the following reasons:

- The proposal is generally compliant with the requirements and controls of Rockdale LEP 2011 and Rockdale DCP 2011 with the exception of a minor non-compliance of 1m² and relating to the minimum lot size requirement which equates to approximately 0.14%. The proposal complies with the other applicable development standards on the site.
- The proposed subdivision does not change the level of impact of the proposed dual occupancy on the site on the adjoining properties in terms of privacy, amenity and shadow impacts.
- The proposed subdivision is in keeping subdivided allotments within the area that have a similar or smaller allotment size to what is being proposed.
- The proposed variation will not detract from the streetscape of Alfred St and will not impact on the bulk and scale of the development from the street or the adjoining dwellings at the rear.
- The subdivision of each dwelling is of a sufficient size to serve its intended purpose and usage. The dual occupancy demonstrates compliance with the landscape, private open space and required car parking areas.
- The proposed shortfall of 1m² for the lot is a minor variation to the overall requirement and will not compromise the internal amenity of the development.
- Although the proposal departs from the numerical standard, the proposal satisfies the objectives of the standard and hence there is scope on merit grounds in permitting the numerical departure.
- Council has previously accepted and approved numerous developments that have a deficient lot size within the locality as listed below:
 - 12 Broadford Street, Bexley (DA-2015/431). Lot size 686.6m².
 - 66 Highgate Street, Bexley (DA-2013/156) Lot size 696.8m².
 - 38 Roach Street, Bexley (DA-2016/214) Lot size 696.4m².
 - 67 Fairview Street, Bardwell Valley (DA-2016/19) Lot size 695.6m².
 - 29 Canonbury Grove, Bexley North (DA-2016/211) Lot size 696.8m².
 - 31 Canonbury Grove, Bexley North (DA-2010/229) Lot size 696.8m².



4

In doing so, the development standard has been effectively abandoned or destroyed through the granting of consents for development on other sites that also do not strictly comply with the development standard.

Strict compliance with the minimum lot size for each lot of the dual occupancy development is unreasonable and unnecessary in this particular instance as compliance with the standard would not necessarily achieve a better planning outcome. The minor variation to the lot size will have a negligible impact on the amenity of the dwellings and adjoining properties and the Alfred street streetscape. The proposal maintains compliance with the objectives of the development standard. Further, the proposal does not alter the development's compliance with the controls relating to site cover, storey limit, landscaping and parking. The proposal also represents a high level of internal and external amenity for the development.

Taking into consideration the above, the requirement to strictly adhere to the numerical development standard for subdivision lot size is considered to be unreasonable and unnecessary in this instance.

There are sufficient environmental planning grounds to justify contravening the development standard.

Based on the above, it is considered that there are sufficient environmental planning grounds to justify contravening the development standard. Key environmental planning grounds to support the variation include:

- The lot size represents a 1m² (0.14%) departure from the principal development standard prescribed under Rockdale Local Environmental Plan 2011. As such, the non-compliance is considered to be relatively minor.
- Although the future subdivision will result in a minor variation to the lot size development standard, this will not alter the overall bulk and scale of the building which is considered to be acceptable in terms of streetscape character, built form and the relationship of the building in the context of the public domain.
- The objectives of Clause 4.6 have been satisfied
- The proposed variation will maintain a compatible building form to that permissible if the building complied numerically.
- There is no net public benefit in maintaining strict compliance with the minimum lot size development standard.
- The proposal does not detract from a streetscape perspective.
- The proposal satisfies the relevant objectives of the R3 Medium Density Residential zone.
- The proposed development is permissible in the zone and will deliver a greater diversity of housing.

The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.



The table below demonstrates that the proposed development will be in the public interest because it will be consistent with both the subdivision lot size for dual occupancy development standard objectives and the R3 – Medium Density Residential zone objectives of the LEP.

LEP Clause	Objective	Proposal
Clause 4.1 Minimum subdivision lot size	a) <i>to ensure that subdivision reflects and reinforces the predominant subdivision pattern of the area,</i>	The proposed subdivision is in keeping with similarly approved subdivisions for dual occupancy development in the area.
	(b) <i>to minimise any likely impact of subdivision, and development on subdivided land, on the amenity of neighbouring properties,</i>	The minor variation to the lot size will have a negligible impact on the amenity of the dwellings and adjoining properties and the Alfred street streetscape. The proposal maintains compliance with the objectives of the development standard. The site’s orientation and the separation to surrounding residential properties result in no significant adverse amenity impacts, in terms of privacy, overshadowing, view loss or visual intrusion onto adjoining properties as a result of non-compliance with the standard.
	(c) <i>to ensure that lot sizes and dimensions are able to accommodate development consistent with relevant development controls.</i>	The proposal does not alter the development’s compliance with the controls relating to site coverage, storey limit, landscaping and parking. The proposal also represents a high level of internal and external amenity for the development. The development on the site will result in a high-quality design that is well articulated using architectural elements, varied setbacks and materials to ensure that the development contributes positively to the streetscape and the public domain.
R3 – Medium Density Residential Zoning Objectives	-To provide for the housing needs of the community within a medium density residential environment. -To provide a variety of housing types within a	It is considered that the development is of a form and scale that will provide for the housing needs of the community whilst not conflicting with the objectives of the zone.



	<p>medium density residential environment.</p> <p>-To enable other land uses that provide facilities or services to meet the day to day needs of residents.</p> <p>-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</p>	<p>The proposal will not detract from the suburban character of the area and does not exceed the maximum floor space and height limits. The proposal also provides an appropriate height that maintains the existing and future amenity of both the adjoining properties and future occupants of the site. The proposal is consistent with the development controls under Rockdale DCP 2011</p>
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Director General's Concurrence

Clause 4.6(4)(b) requires the concurrence of the Director-General to be obtained prior to granting consent to a development that contravenes a development standard. As advised by Planning Circular PS 08-003, the Director-General's concurrence is assumed in respect of any environmental planning instrument that adopted the Clause 4.6 of the standard template LEP.

In this regard, Rockdale LEP 2011 adopts Clause 4.6 of the standard template LEP, concurrence can be assumed in this instance.

Notwithstanding, below is a summary of the matters under subclause 4.6(5) that the Director-General must consider in deciding whether to grant concurrence:

Whether contravention of the development standard raises any matter of significance for State or regional environmental planning.

The variation to the subdivision lot size development standard under Rockdale LEP 2011 will not give rise to any environmental planning matter which could be deemed to have either State or Regional significance. The variation to the development standard being sought will not have any effects outside the immediate area of the site.

The public benefit of maintaining the development standard.

There is no public benefit in maintaining the development standard in this instance as the site can satisfactorily accommodate the minor site area non-compliance and delivers a diversity of housing choice for the locality. The design represents a quality design response which is of a public benefit whilst improving the residential amenity of future occupants and maintaining the amenity of neighbouring properties.



Any other matters required to be taken into consideration by the Director-General before granting concurrence.

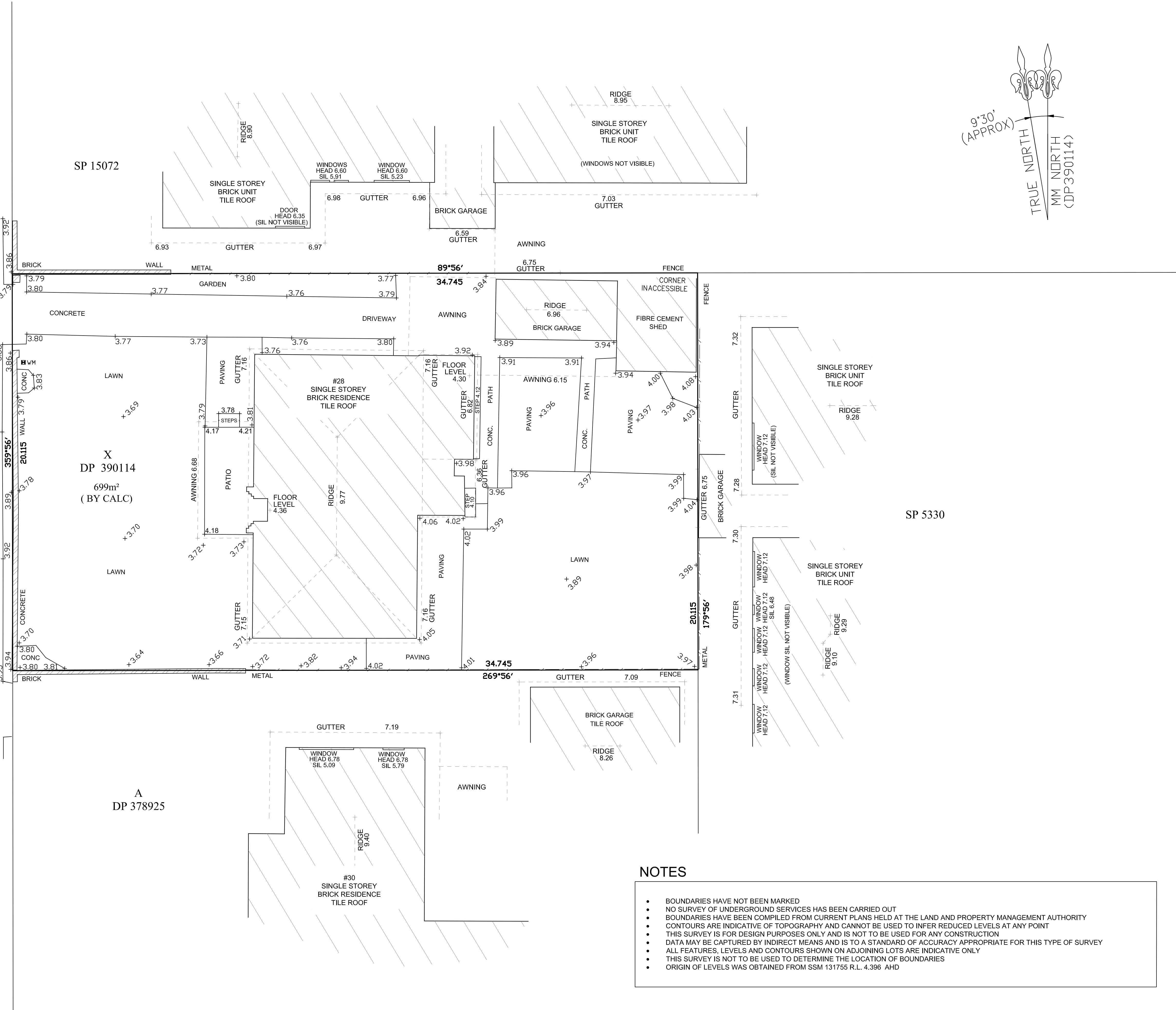
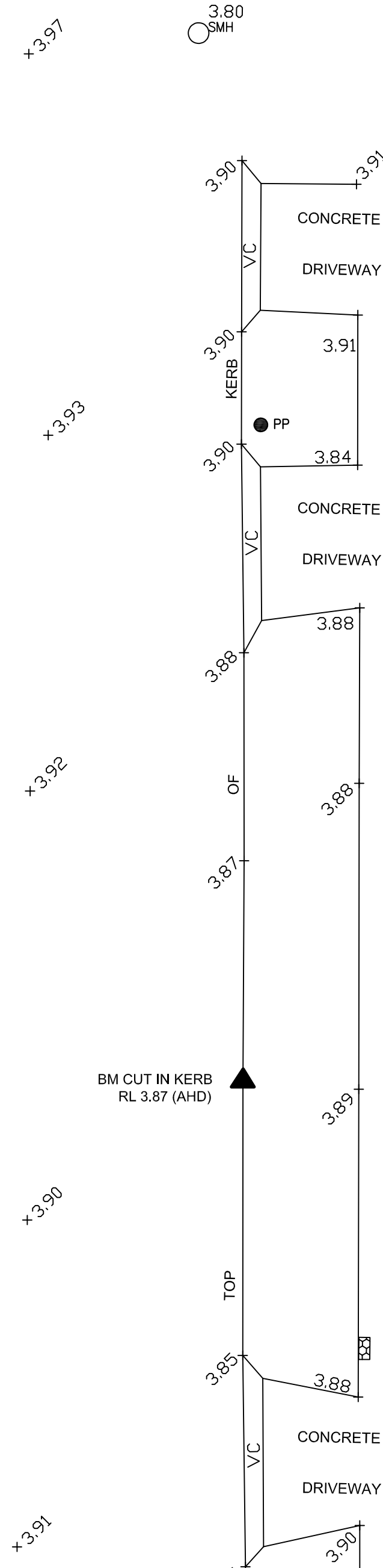
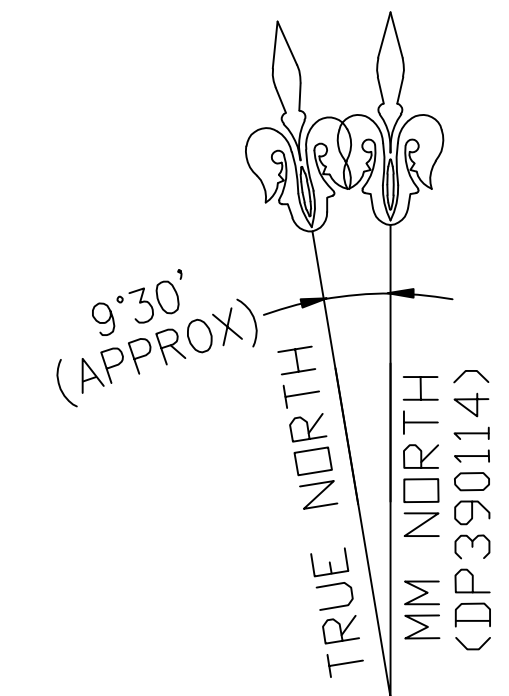
The proposed variation will facilitate the orderly and economic redevelopment of the site for the purposes of a two lot subdivision. It is considered that the objection is well founded taking into consideration the minimal adverse environmental and social impacts. It is understood that the concurrence of the Director-General can be assumed in the current circumstances.

Conclusion

The proposed variation is based on the reasons contained within this formal request for an exception of the standard.

STREET

ALFRED



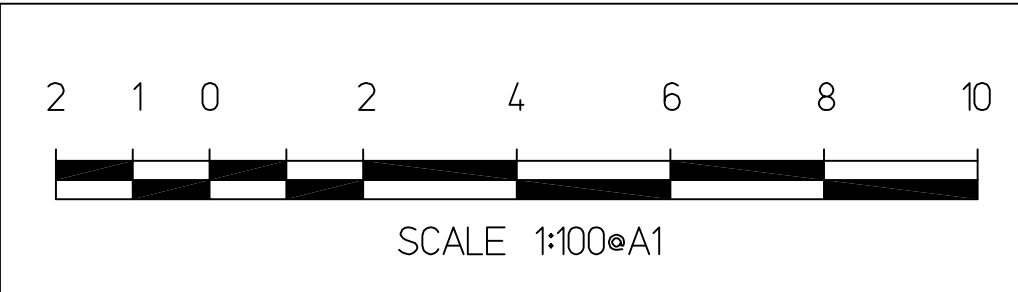
LEGEND

▲	BENCH MARK
⊗ ELP	ELECTRIC LIGHT POST
■ GM	GAS METER
⊗ GV	GAS VALVE
■ HYD	HYDRANT
● PP	POWER POLE
● SIP	SEWER INSPECTION POINT
○ SMH	SEWER MANHOLE
⊗ SV	STOP VALVE
⊗ SS	STREET SIGN
⊗	TELECOM
◆ TP	TELECOM PILLAR
4/2/4	DENOTES TREE: SPREAD/TRUNK/HEIGHT
■ WM	WATER METER
⊗ TAP	WATER TAP
VC	VEHICLE CROSSING
PC	PRAM CROSSING
GP	GULLY PIT
MB	METER BOX
○ SVP	SEWER VENT PIPE



NOTES

- BOUNDARIES HAVE NOT BEEN MARKED
- NO SURVEY OF UNDERGROUND SERVICES HAS BEEN CARRIED OUT
- BOUNDARIES HAVE BEEN COMPILED FROM CURRENT PLANS HELD AT THE LAND AND PROPERTY MANAGEMENT AUTHORITY
- CONTOURS ARE INDICATIVE OF TOPOGRAPHY AND CANNOT BE USED TO INFER REDUCED LEVELS AT ANY POINT
- THIS SURVEY IS FOR DESIGN PURPOSES ONLY AND IS NOT TO BE USED FOR ANY CONSTRUCTION
- DATA MAY BE CAPTURED BY INDIRECT MEANS AND IS TO A STANDARD OF ACCURACY APPROPRIATE FOR THIS TYPE OF SURVEY
- ALL FEATURES, LEVELS AND CONTOURS SHOWN ON ADJOINING LOTS ARE INDICATIVE ONLY
- THIS SURVEY IS NOT TO BE USED TO DETERMINE THE LOCATION OF BOUNDARIES
- ORIGIN OF LEVELS WAS OBTAINED FROM SSM 131755 R.L. 4.396 AHD



PK Surveys Pty Ltd
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 Caringbah NSW 1495
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 F: (02) 4744 2460
 E: admin@pksurveys.com.au



DETAIL AND LEVEL SURVEY OF
 28 ALFRED STREET, RAMSGATE
 BEACH, LOT X, DEPOSITED PLAN
 390114

FOR: SPACE ARCHITECTURAL

JOB REF: 59075
DATE: 6 JANUARY 2017
SCALE: 1:100 @A1
CONTOUR INTERVAL: N/A
DATUM: AHD
P1 OF 1

site calculations:

site area: 699sqm
FSR: 0.6:1 = 419.4sqm

existing floor area:
ground floor: 140sqm


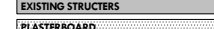

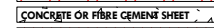
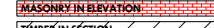
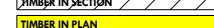
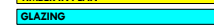

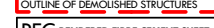
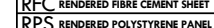
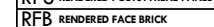




proposed floor areas:
ground floor: 210sqm
first floor: 208sqm
total: 418sqm (59.7%)


proposed site built on and paved areas:
rear alfresco: 48sqm
driveways: 55sqm
paths: 81sqm
building footprint: 296sqm

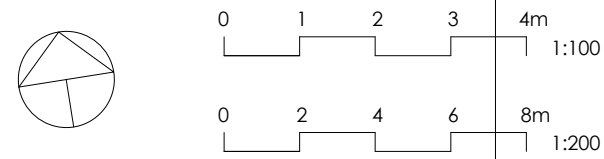
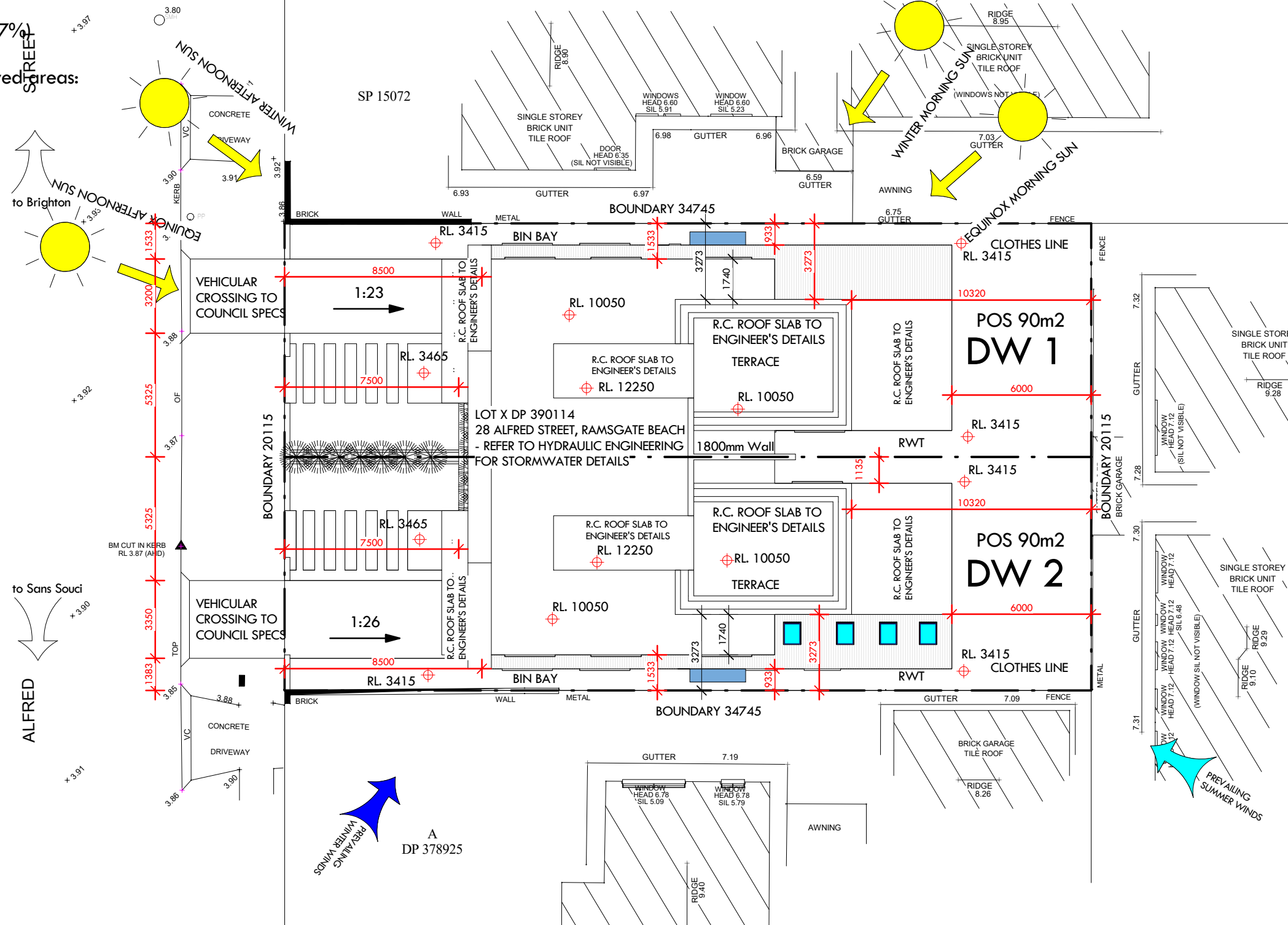
roof area: 382sqm

proposed landscaped areas:
total: 176sqm (25%)

LEGEND:

-  WATER HEATER TO BASIN
-  EXISTING STRUCTURES
-  PLASTERBOARD
-  MASONRY IN SECTION
-  CONCRETE OR FIBRE CEMENT SHEET
-  MASONRY IN ELEVATION
-  TIMBER IN SECTION
-  TIMBER IN PLAN
-  GLAZING
-  LANDSCAPING
-  OUTLINE OF DEMOLISHED STRUCTURES
-  RFC RENDERED FIBRE CEMENT SHEET
-  RPS RENDERED POLYSTYRENE PANEL
-  RFB RENDERED FACE BRICK
-  FB FACE BRICK

 HARDWIRED SMOKE ALARM / DETECTOR
SD



Date	Rev

Amendment project:
28 ALFRED STREET, RAMSGATE BEACH

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E: moe@space061821.com

DESIGNER: Moe Hijazi
AUTHOR: Moe Hijazi

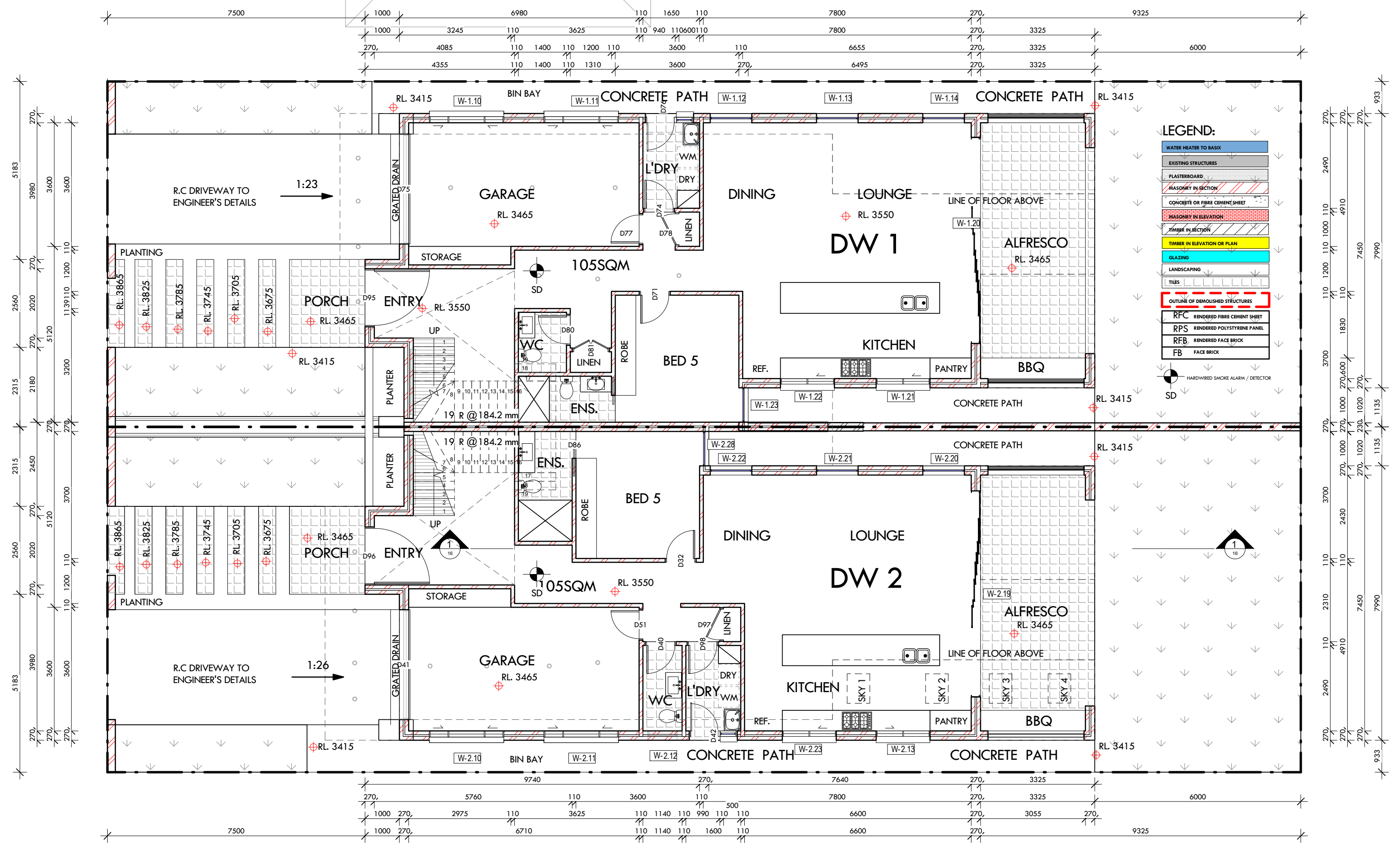
bda BUILDING DESIGNERS AUSTRALIA
FULL MEMBER No. 1729-14

title: PROPOSED SITE & ANALYSIS PLAN

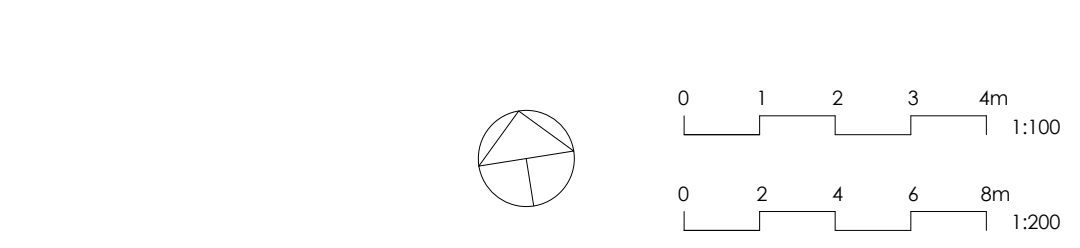
Lot Number: X DP 390114

Job Number: 17/01 Stage: DA Class Type: 1A

date: JAN 17 scale @ A3: 1 : 200 drawing no: 6 rev:



- LEGEND:**
- WATER HEATER TO BASIS
 - EXISTING STRUCTURES
 - PLASTERBOARD
 - MASONRY IN SECTION
 - CONCRETE OR FIBRE CEMENT SHEET
 - MASONRY IN ELEVATION
 - TIMBER IN SECTION
 - TIMBER IN ELEVATION OR PLAN
 - GLAZING
 - LANDSCAPING
 - TILES
 - OUTLINE OF DEMOLISHED STRUCTURES
 - RFC RENDERED FIBRE CEMENT SHEET
 - RPS RENDERED POLYSTYRENE PANEL
 - RFB RENDERED FACE BRICK
 - FB FACE BRICK
 - HARDWIRED SMOKE ALARM / DETECTOR



Date	Rev	Amendment

project:
28 ALFRED STREET, RAMSGATE BEACH

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DESIGNER: Moe Hijazi AUTHOR: Moe Hijazi

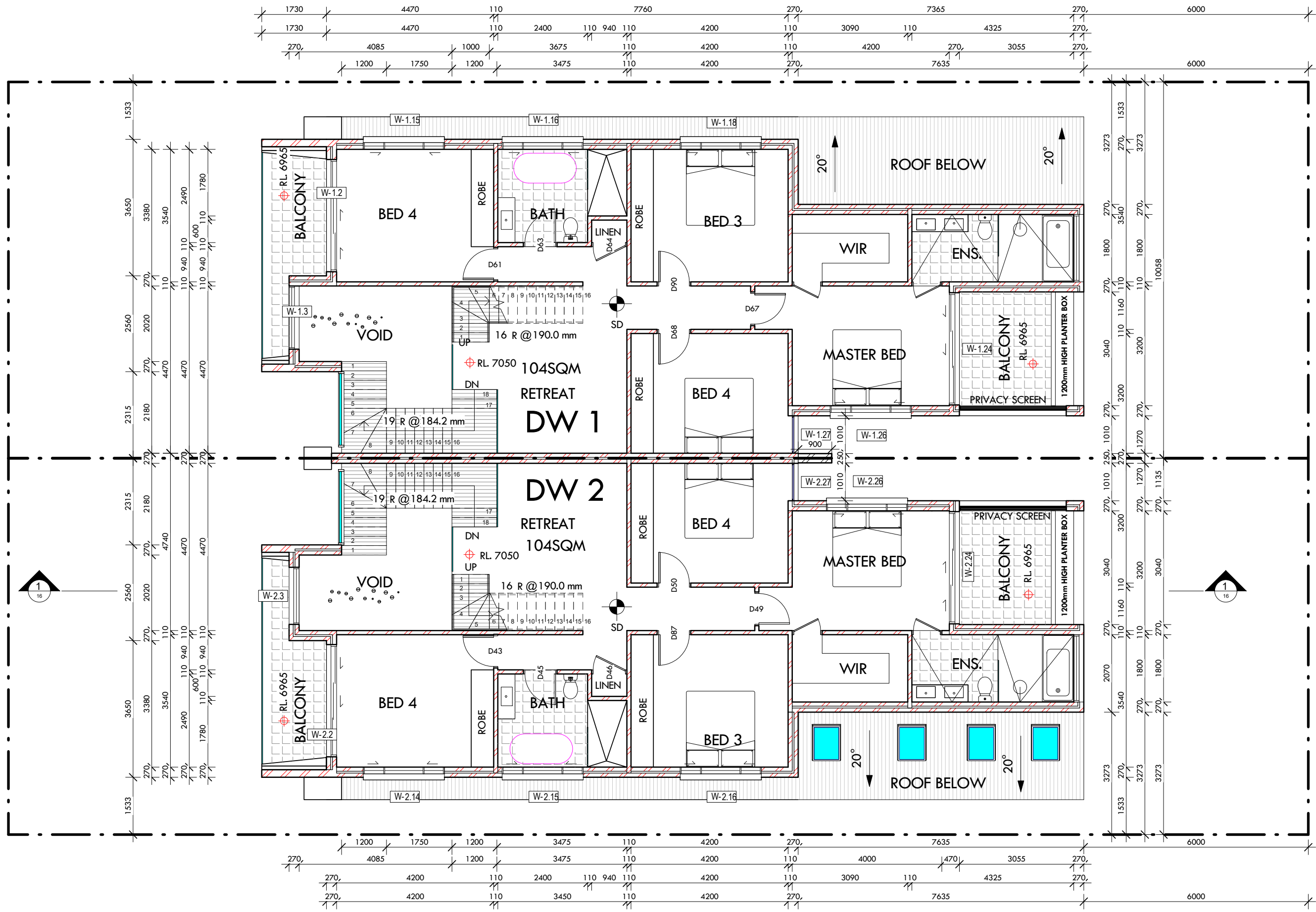
bda BUILDING DESIGNERS AUSTRALIA
 FULL MEMBER No. 1729-14

title: **GROUND FLOOR PLAN**

Lot Number: X DP 390114

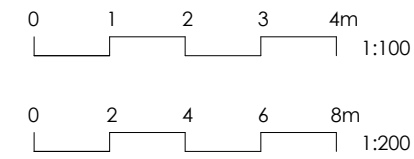
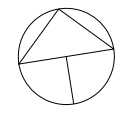
Job Number: 17/01 Stage: **DA** Class Type: **1A**

date: JAN 17 scale @ A3: **1 : 100** drawing no: **9** rev:



LEGEND:

- WATER HEATER TO BASIN
- EXISTING STRUCTURES
- PLASTERBOARD
- MASONRY IN SECTION
- CONCRETE OR FIBRE CEMENT SHEET
- MASONRY IN ELEVATION
- TIMBER IN SECTION
- TIMBER IN ELEVATION OR PLAN
- GLAZING
- LANDSCAPING
- TILES
- OUTLINE OF DEMOLISHED STRUCTURES
- RFC RENDERED FIBRE CEMENT SHEET
- RPS RENDERED POLYSTYRENE PANEL
- RFB RENDERED FACE BRICK
- FB FACE BRICK



Date	Rev	Amendment

project:
28 ALFRED STREET, RAMSGATE BEACH

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DESIGNER: Moe Hijazi AUTHOR: Moe Hijazi

bda BUILDING DESIGNERS AUSTRALIA
 FULL MEMBER No. 1729-14

title: **FIRST FLOOR PLAN**

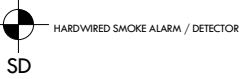
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Job Number: 17/01 Stage: **DA** Class Type: **1A**

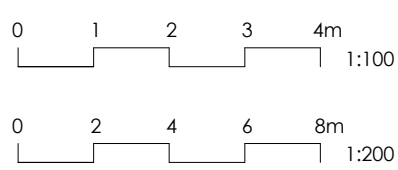
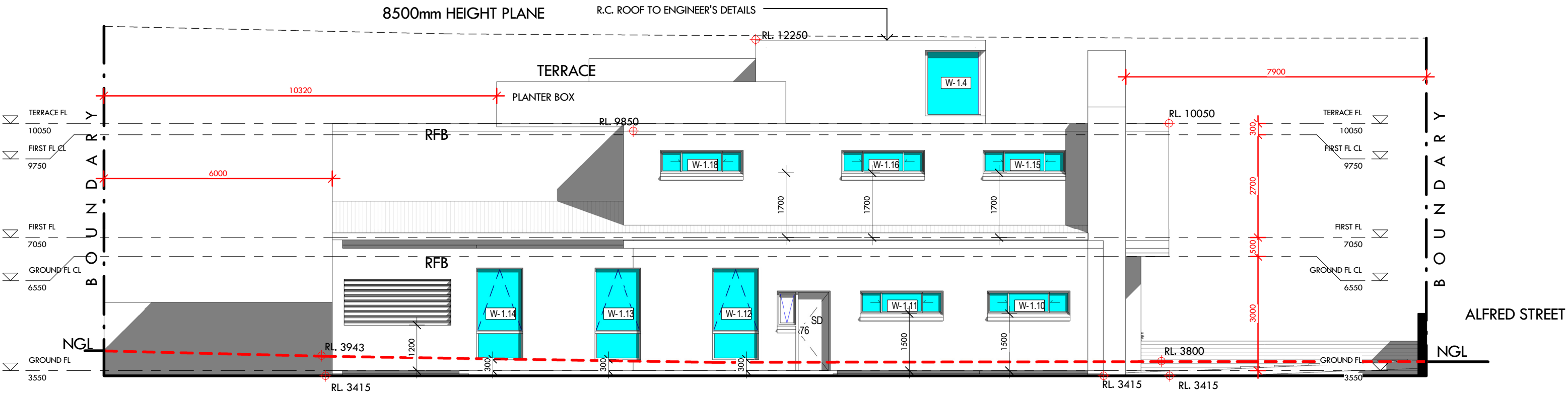
date: JAN 17 scale @ **A3: 1 : 100** drawing no: **10** rev:

LEGEND:

WATER HEATER TO BASIX
EXISTING STRUCTURES
PLASTERBOARD
MASONRY IN SECTION
CONCRETE OR FIBRE CEMENT SHEET
MASONRY IN ELEVATION
TIMBER IN SECTION
TIMBER IN ELEVATION OR PLAN
GLAZING
LANDSCAPING
TILES
OUTLINE OF DEMOLISHED STRUCTURES
RFC RENDERED FIBRE CEMENT SHEET
RPS RENDERED POLYSTYRENE PANEL
RFB RENDERED FACE BRICK
FB FACE BRICK



MATERIALS SCHEDULE	
WALLS	RENDERED - PAINT DULUX 'VIVID WHITE - SELECTED FACE BRICK
BRICK COLUMNS	RENDERED - PAINT DULUX 'VIVID WHITE - SELECTED FACE BRICK
RAILINGS	SELECTED GLAZED AS PER NCC
FRONT DOOR	SELECTED SOLID CORE TIMBER
PRIVACY SCREENS	SELECTED FACTORY COLOURED ALUMINIUM FRAMED
WINDOWS	SELECTED FACTORY COLOURED ALUMINIUM FRAMED
GARAGE DOOR	SELECTED FACTORY COLOURED ALUMINIUM PANEL LIFT
CLADDING	RENDERED FIBRE CEMENT - PAINT DULUX 'VIVID WHITE
AWNING / SHS	ALUMINIUM FRAMED FACTORY COLOURED
ROOF + GUTTERS	R.C. SLABS



Date	Rev	Amendment

project:
28 ALFRED STREET, RAMSGATE BEACH

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DESIGNER: Moe Hijazi AUTHOR: Moe Hijazi

bda BUILDING DESIGNERS AUSTRALIA
FULL MEMBER No. 1729-14

title: **NORTHERN ELEVATION**

Lot Number: X DP 390114

Job Number: 17/01 Stage: **DA** Class Type: **1A**

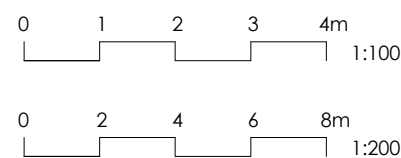
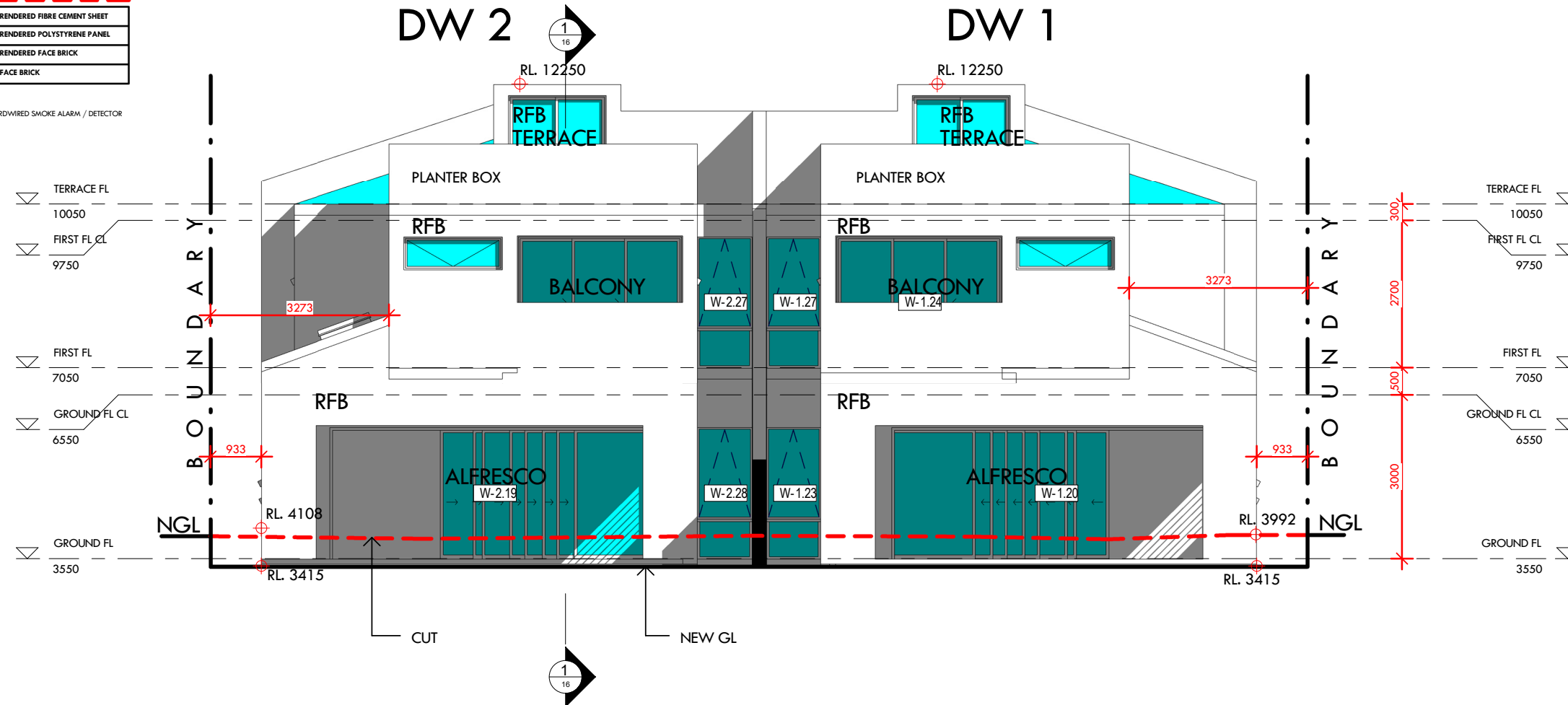
date: JAN 17 scale @ A3: **1 : 100** drawing no: **12** rev:

MATERIALS SCHEDULE

WALLS	RENDERED - PAINT DULUX 'VIVID WHITE - SELECTED FACE BRICK
BRICK COLUMNS	RENDERED - PAINT DULUX 'VIVID WHITE - SELECTED FACE BRICK
RAILINGS	SELECTED GLAZED AS PER NCC
FRONT DOOR	SELECTED SOLID CORE TIMBER
PRIVACY SCREENS	SELECTED FACTORY COLOURED ALUMINIUM FRAMED
WINDOWS	SELECTED FACTORY COLOURED ALUMINIUM FRAMED
GARAGE DOOR	SELECTED FACTORY COLOURED ALUMINIUM PANEL LIFT
CLADDING	RENDERED FIBRE CEMENT - PAINT DULUX 'VIVID WHITE
AWNING / SHS	ALUMINIUM FRAMED FACTORY COLOURED
ROOF + GUTTERS	R.C. SLABS

LEGEND:

	WATER HEATER TO BASIS
	EXISTING STRUCTURES
	PLASTERBOARD
	MASONRY IN SECTION
	CONCRETE OR FIBRE CEMENT SHEET
	MASONRY IN ELEVATION
	TIMBER IN SECTION
	TIMBER IN ELEVATION OR PLAN
	GLAZING
	LANDSCAPING
	TILES
	OUTLINE OF DEMOLISHED STRUCTURES
	RFC RENDERED FIBRE CEMENT SHEET
	RPS RENDERED POLYSTYRENE PANEL
	RFB RENDERED FACE BRICK
	FB FACE BRICK
	HARDWIRED SMOKE ALARM / DETECTOR



Date	Rev	Amendment

project:
28 ALFRED STREET, RAMSGATE BEACH

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DESIGNER:
Moe Hijazi

AUTHOR:
Moe Hijazi

bda BUILDING DESIGNERS AUSTRALIA
FULL MEMBER No. 1729-14

title: EASTERN ELEVATION

Lot Number: X DP 390114

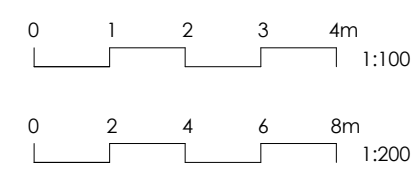
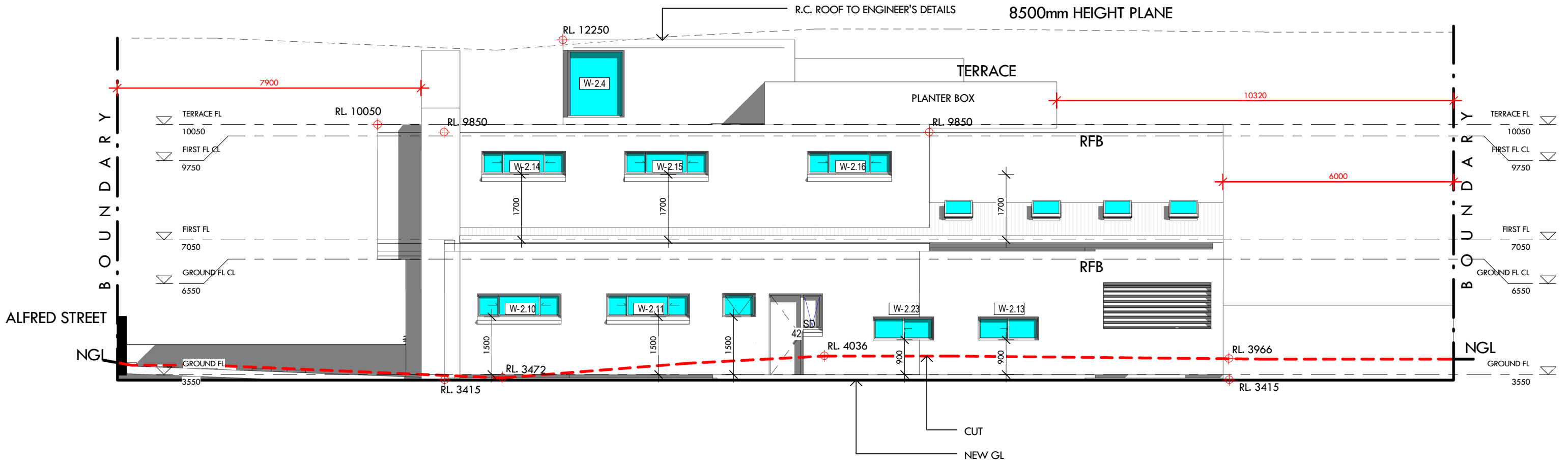
Job Number: 17/01 Stage: DA Class Type: 1A

date: JAN 17 scale @ A3: 1 : 100 drawing no: 14 rev:

MATERIALS SCHEDULE	
WALLS	RENDERED - PAINT DULUX 'VIVID WHITE - SELECTED FACE BRICK
BRICK COLUMNS	RENDERED - PAINT DULUX 'VIVID WHITE - SELECTED FACE BRICK
RAILINGS	SELECTED GLAZED AS PER NCC
FRONT DOOR	SELECTED SOLID CORE TIMBER
PRIVACY SCREENS	SELECTED FACTORY COLOURED ALUMINIUM FRAMED
WINDOWS	SELECTED FACTORY COLOURED ALUMINIUM FRAMED
GARAGE DOOR	SELECTED FACTORY COLOURED ALUMINIUM PANEL LIFT
CLADDING	RENDERED FIBRE CEMENT - PAINT DULUX 'VIVID WHITE
AWNING / SHS	ALUMINIUM FRAMED FACTORY COLOURED
ROOF + GUTTERS	R.C. SLABS

LEGEND:

	WATER HEATER TO BASIX
	EXISTING STRUCTURES
	PLASTERBOARD
	MASONRY IN SECTION
	CONCRETE OR FIBRE CEMENT SHEET
	MASONRY IN ELEVATION
	TIMBER IN SECTION
	TIMBER IN ELEVATION OR PLAN
	GLAZING
	LANDSCAPING
	TILES
	OUTLINE OF DEMOLISHED STRUCTURES
	RFC RENDERED FIBRE CEMENT SHEET
	RPS RENDERED POLYSTYRENE PANEL
	RFB RENDERED FACE BRICK
	FB FACE BRICK



Date	Rev	Amendment

project:
28 ALFRED STREET, RAMSGATE BEACH

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AUTHOR: Moe Hijazi

bda BUILDING DESIGNERS AUSTRALIA
FULL MEMBER No. 1729-14

title: SOUTHERN ELEVATION

Lot Number: X DP 390114

Job Number: 17/01 Stage: DA Class Type: 1A

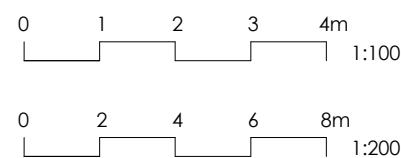
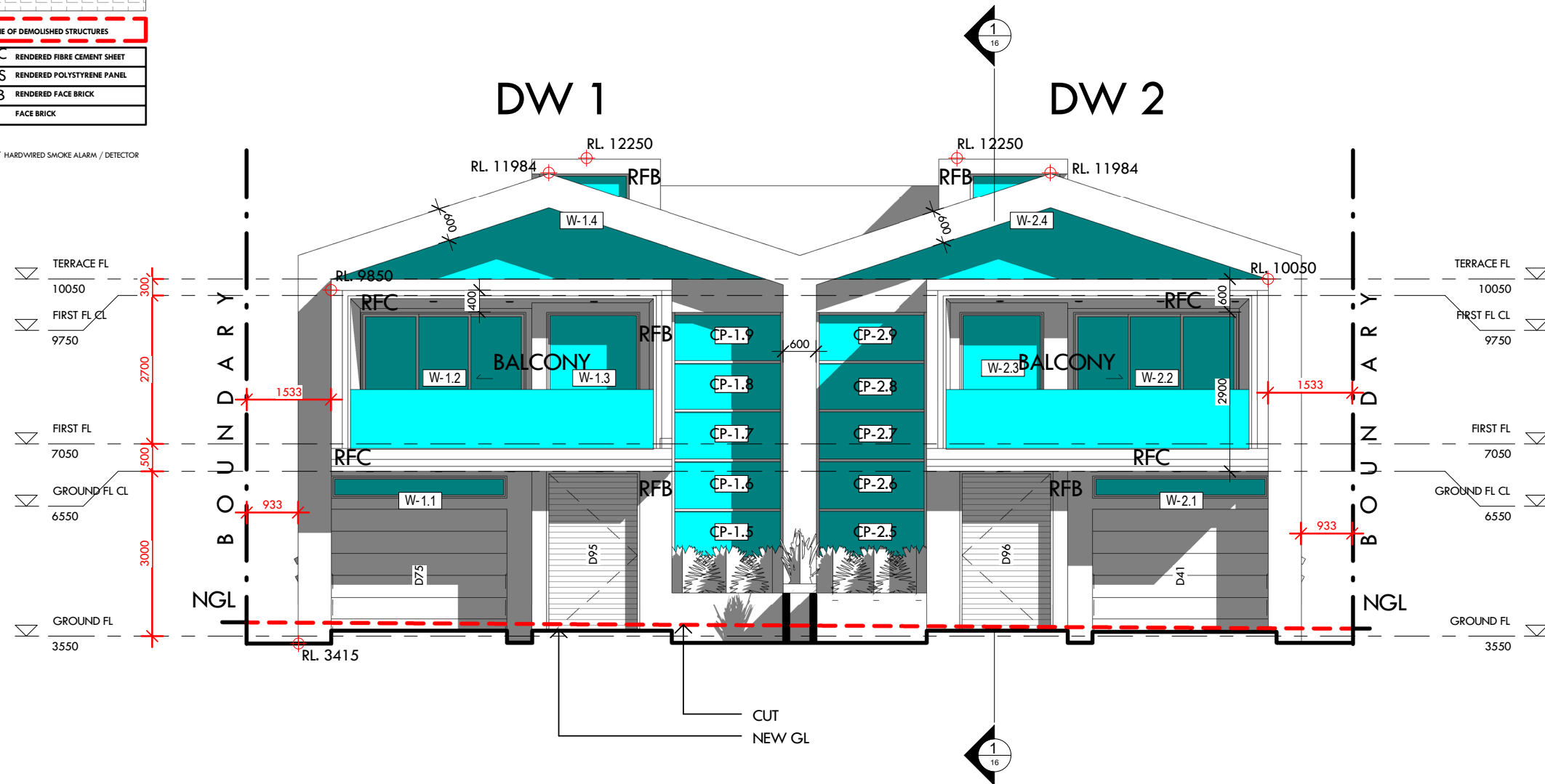
date: JAN 17 scale @ A3: 1 : 100 drawing no: 15 rev:

MATERIALS SCHEDULE

WALLS	RENDERED - PAINT DULUX 'VIVID WHITE - SELECTED FACE BRICK
BRICK COLUMNS	RENDERED - PAINT DULUX 'VIVID WHITE - SELECTED FACE BRICK
RAILINGS	SELECTED GLAZED AS PER NCC
FRONT DOOR	SELECTED SOLID CORE TIMBER
PRIVACY SCREENS	SELECTED FACTORY COLOURED ALUMINIUM FRAMED
WINDOWS	SELECTED FACTORY COLOURED ALUMINIUM FRAMED
GARAGE DOOR	SELECTED FACTORY COLOURED ALUMINIUM PANEL LIFT
CLADDING	RENDERED FIBRE CEMENT - PAINT DULUX 'VIVID WHITE
AWNING / SHS	ALUMINIUM FRAMED FACTORY COLOURED
ROOF + GUTTERS	R.C. SLABS

LEGEND:

	WATER HEATER TO BASIX
	EXISTING STRUCTURES
	PLASTERBOARD
	MASONRY IN SECTION
	CONCRETE OR FIBRE CEMENT SHEET
	MASONRY IN ELEVATION
	TIMBER IN SECTION
	TIMBER IN ELEVATION OR PLAN
	GLAZING
	LANDSCAPING
	TILES
	OUTLINE OF DEMOLISHED STRUCTURES
	RFC RENDERED FIBRE CEMENT SHEET
	RPS RENDERED POLYSTYRENE PANEL
	RFB RENDERED FACE BRICK
	FB FACE BRICK



Date	Rev	Amendment

project:
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DESIGNER:
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AUTHOR:
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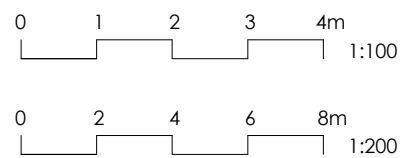
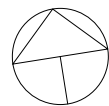
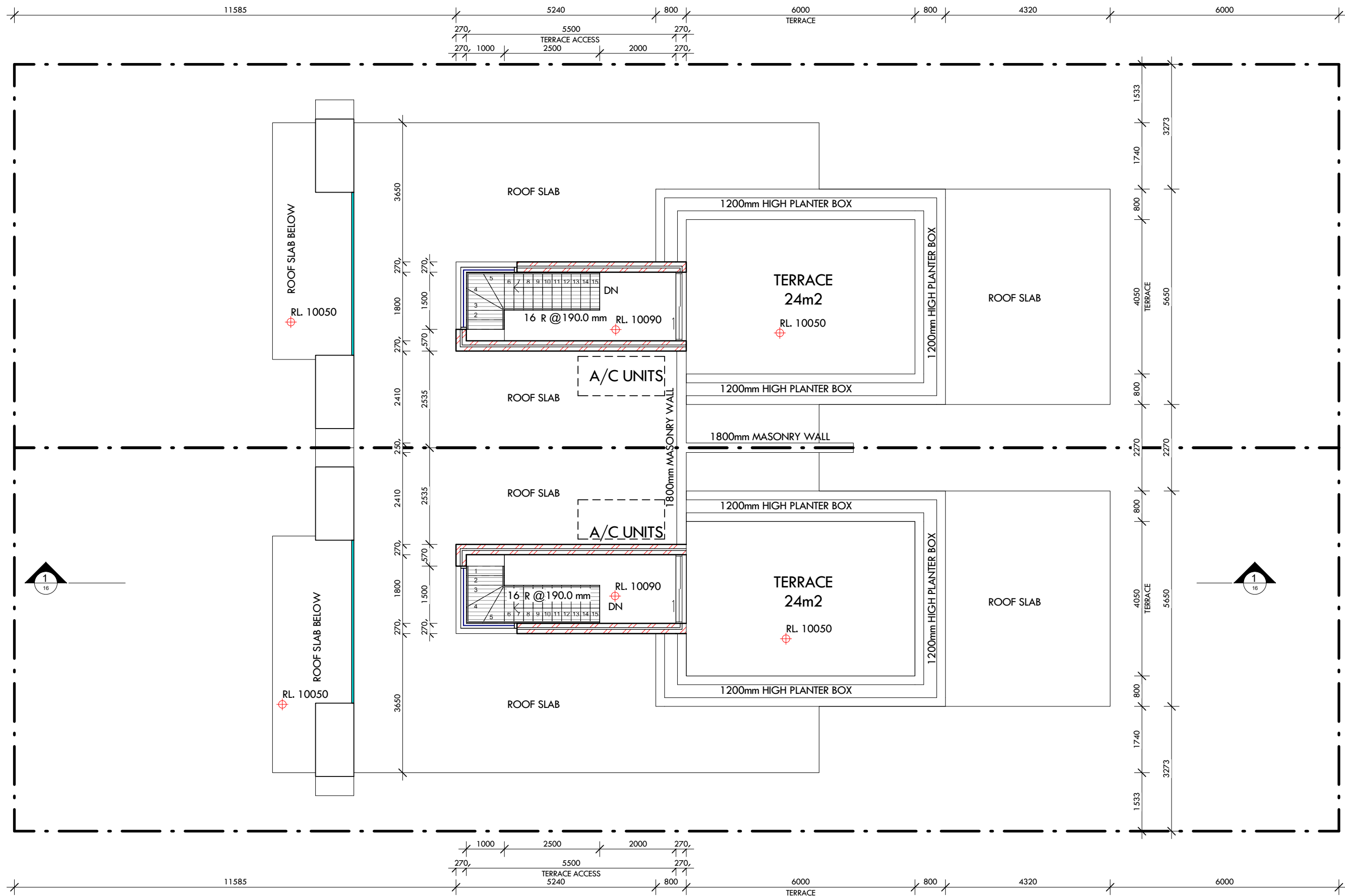
bda BUILDING DESIGNERS AUSTRALIA
FULL MEMBER No. 1729-14

title: WESTERN ELEVATION

Lot Number: X DP 390114

Job Number: 17/01 Stage: DA Class Type: 1A

date: JAN 17 scale @ A3: 1 : 100 drawing no: 13 rev:



Date	Rev	Amendment

project:
28 ALFRED STREET, RAMSGATE BEACH

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DESIGNER:
Moe Hijazi

AUTHOR:
Moe Hijazi

bda BUILDING
DESIGNERS
AUSTRALIA
FULL MEMBER No. 1729-14

title: TERRACE FL

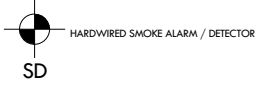
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Job Number: 17/01 Stage: DA Class Type: 1A

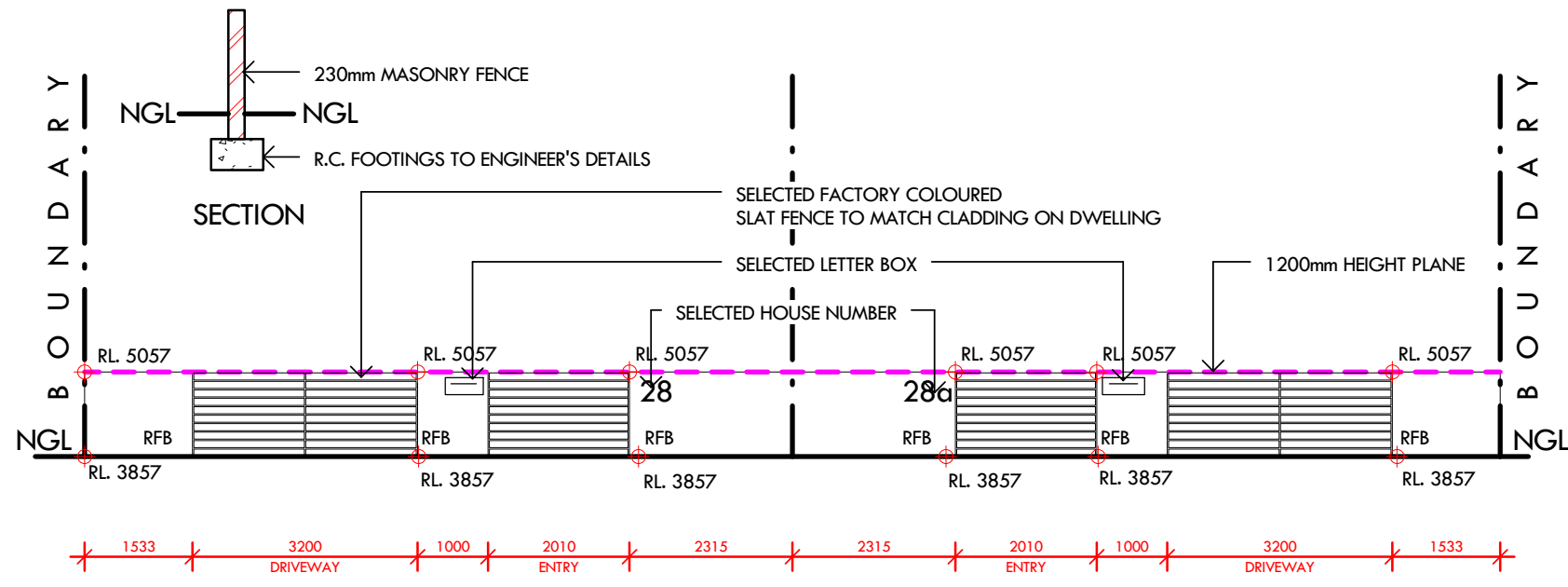
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LEGEND:

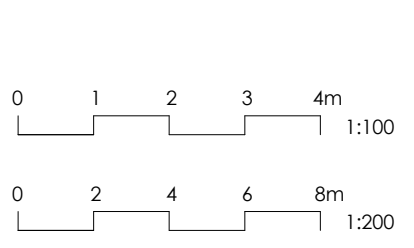
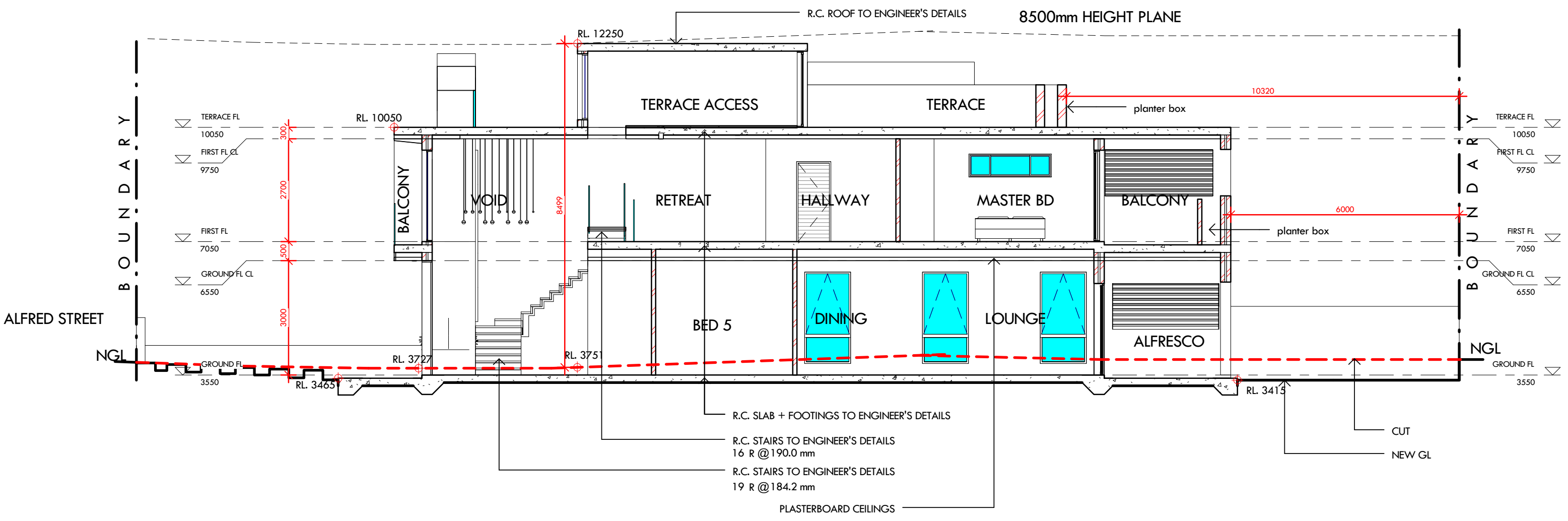
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	EXISTING STRUCTURES
	PLASTERBOARD
	MASONRY IN SECTION
	CONCRETE OR FIBRE CEMENT SHEET
	MASONRY IN ELEVATION
	TIMBER IN SECTION
	TIMBER IN ELEVATION OR PLAN
	GLAZING
	LANDSCAPING
	TILES
	OUTLINE OF DEMOLISHED STRUCTURES
	RFC RENDERED FIBRE CEMENT SHEET
	RPS RENDERED POLYSTYRENE PANEL
	RFB RENDERED FACE BRICK
	FB FACE BRICK



MATERIALS SCHEDULE	
WALLS	RENDERED - PAINT DULUX 'VIVID WHITE - SELECTED FACE BRICK
BRICK COLUMNS	RENDERED - PAINT DULUX 'VIVID WHITE - SELECTED FACE BRICK
RAILINGS	SELECTED GLAZED AS PER NCC
FRONT DOOR	SELECTED SOLID CORE TIMBER
PRIVACY SCREENS	SELECTED FACTORY COLOURED ALUMINIUM FRAMED
WINDOWS	SELECTED FACTORY COLOURED ALUMINIUM FRAMED
GARAGE DOOR	SELECTED FACTORY COLOURED ALUMINIUM PANEL LIFT
CLADDING	RENDERED FIBRE CEMENT - PAINT DULUX 'VIVID WHITE
AWNING / SHS	ALUMINIUM FRAMED FACTORY COLOURED
ROOF + GUTTERS	R.C. SLABS



FRONT FENCE + FENCE SECTION
Scale 1 : 100



Date	Rev	Amendment

project:
28 ALFRED STREET, RAMSGATE BEACH

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DESIGNER:
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AUTHOR:
Moe Hijazi

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FULL MEMBER No. 1729-14

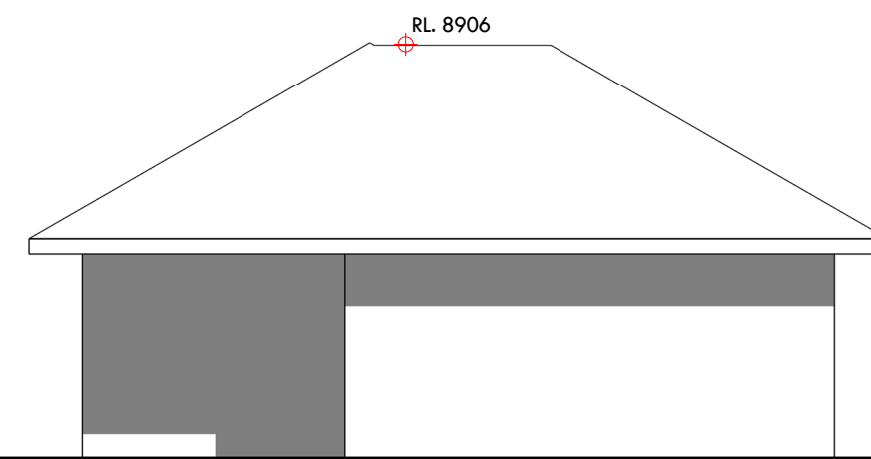
title: SECTION 1 + FRONT FENCE

Lot Number: X DP 390114

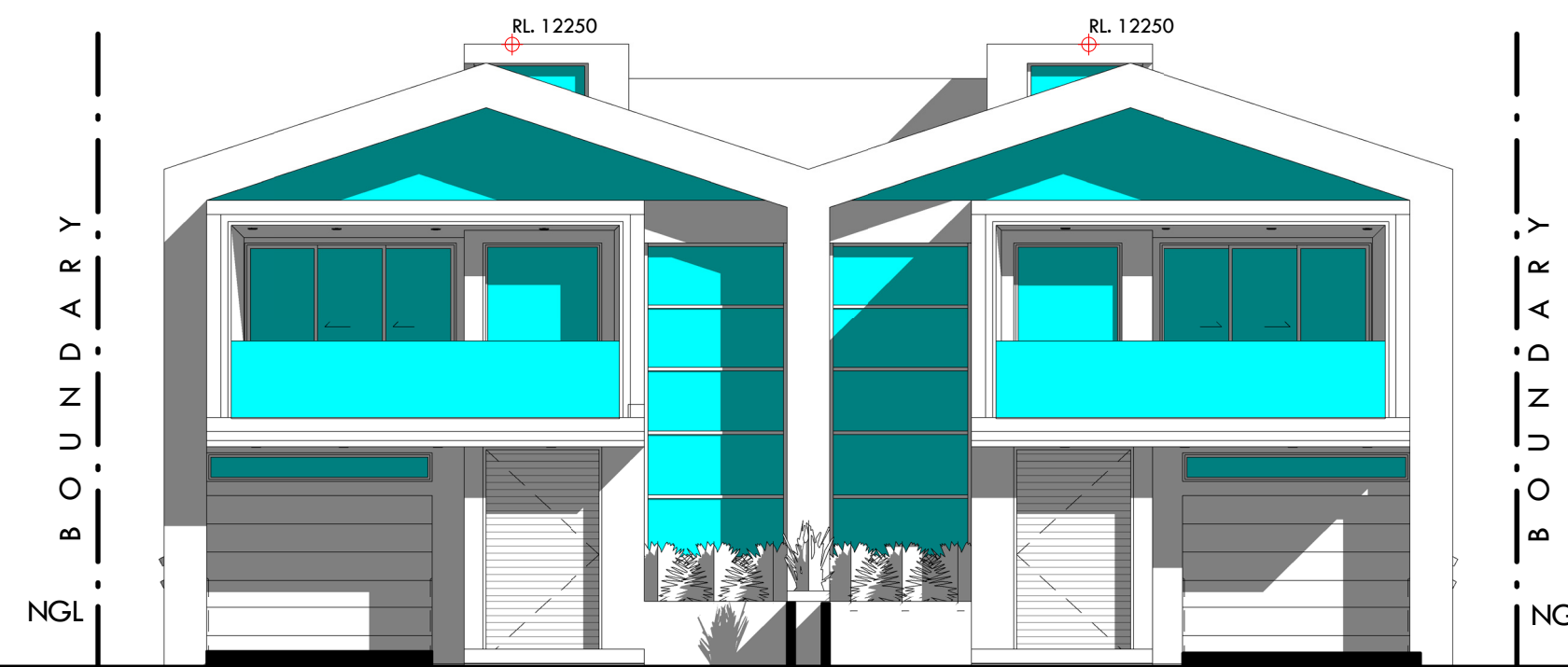
Job Number: 17/01 Stage: DA Class Type: 1A

date: JAN 17 scale @ A3: 1 : 100 drawing no: 16 rev:

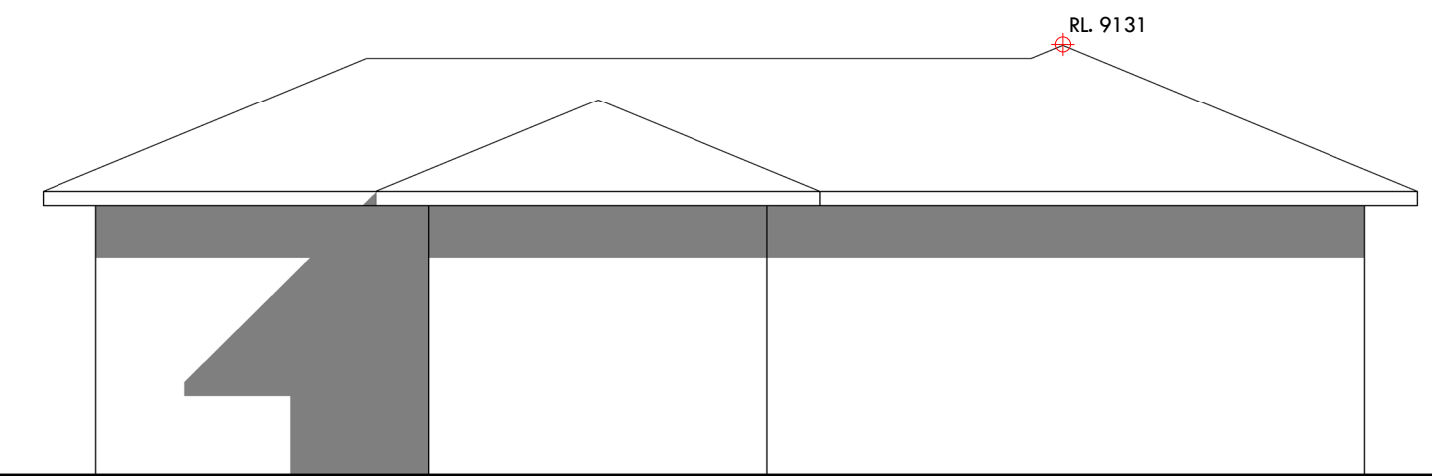
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TOWNHOUSES



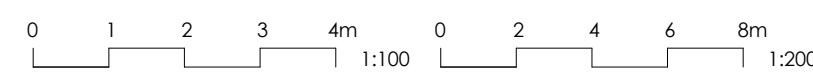
No. 28
PROPOSED DUAL OCC



No. 30
SINGLE STOREY DWELLING



1 STREETScape
Scale 1:100



Date	Rev

Amendment

project:
28 ALFRED STREET, RAMSGATE BEACH

NOT FOR CONSTRUCTION

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SPACE
point
0618:1

53 STATION STREET
ARCHITECTURE NOV 2005
T: 0414220615
E: info@space06181.com.au
designer:
Moe Hijazi

bda BUILDING DESIGNERS AUSTRALIA
P O BOX 4000 MELB VIC 3001

title:
STREETScape

drawn: Author
approved: Approver

job no: 17/01

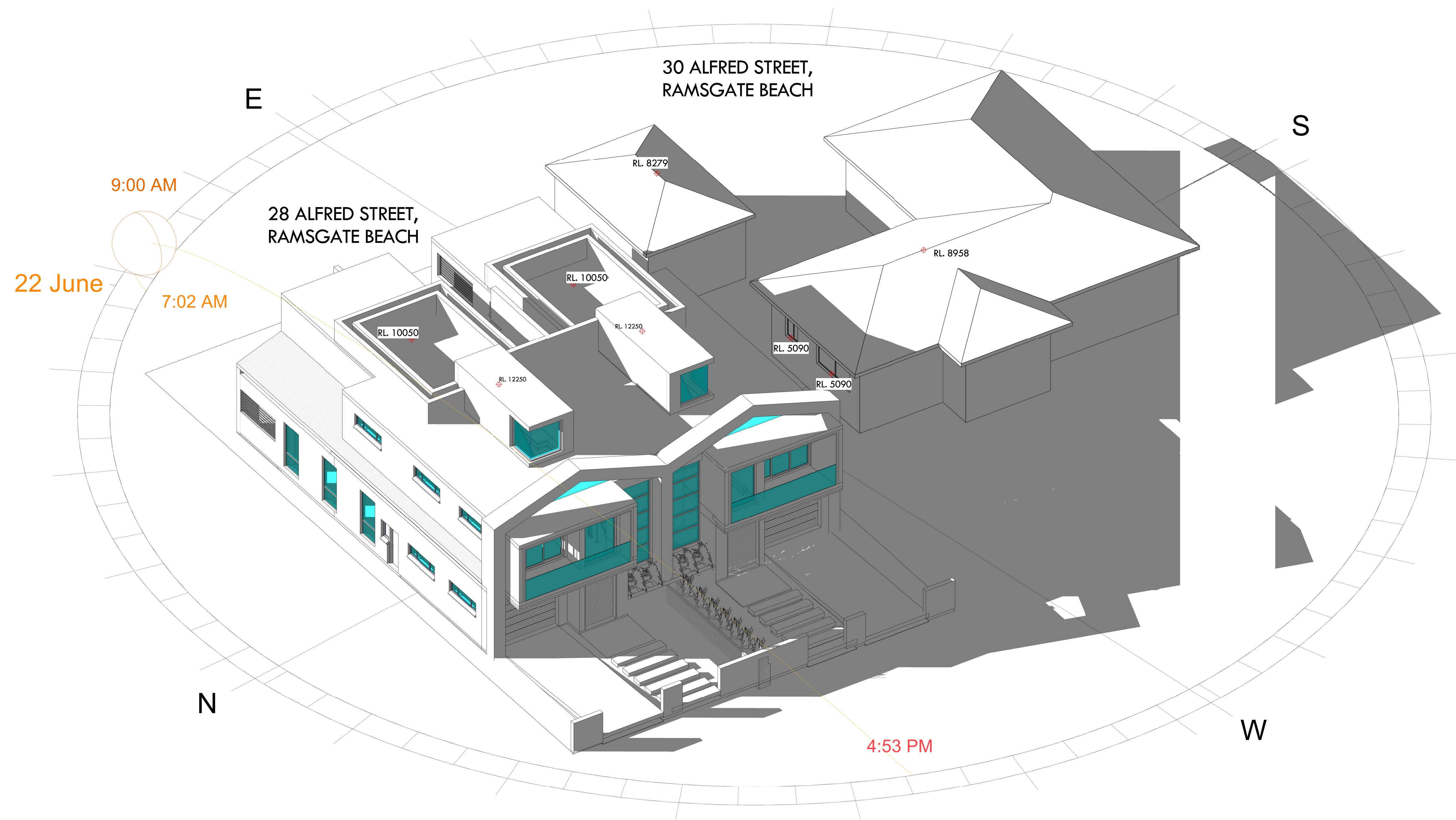
date: JAN 17

scale @ A11 : 100

lot no: X DP 390114

drawing no: 17

rev:



9:00 AM
22 June
7:02 AM

30 ALFRED STREET,
RAMSGATE BEACH

28 ALFRED STREET,
RAMSGATE BEACH

RL. 8279

RL. 10050

RL. 10050

RL. 12250

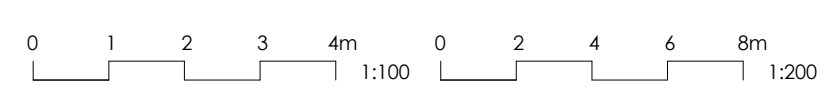
RL. 12250

RL. 5090

RL. 5090

RL. 8958

4:53 PM



Date	Rev	Amendment

project:
28 ALFRED STREET, RAMSGATE BEACH

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POINT
0.618:1

53 STATION STREET
ABCOTTE NSW 2205
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designer:
Moe Hijazi

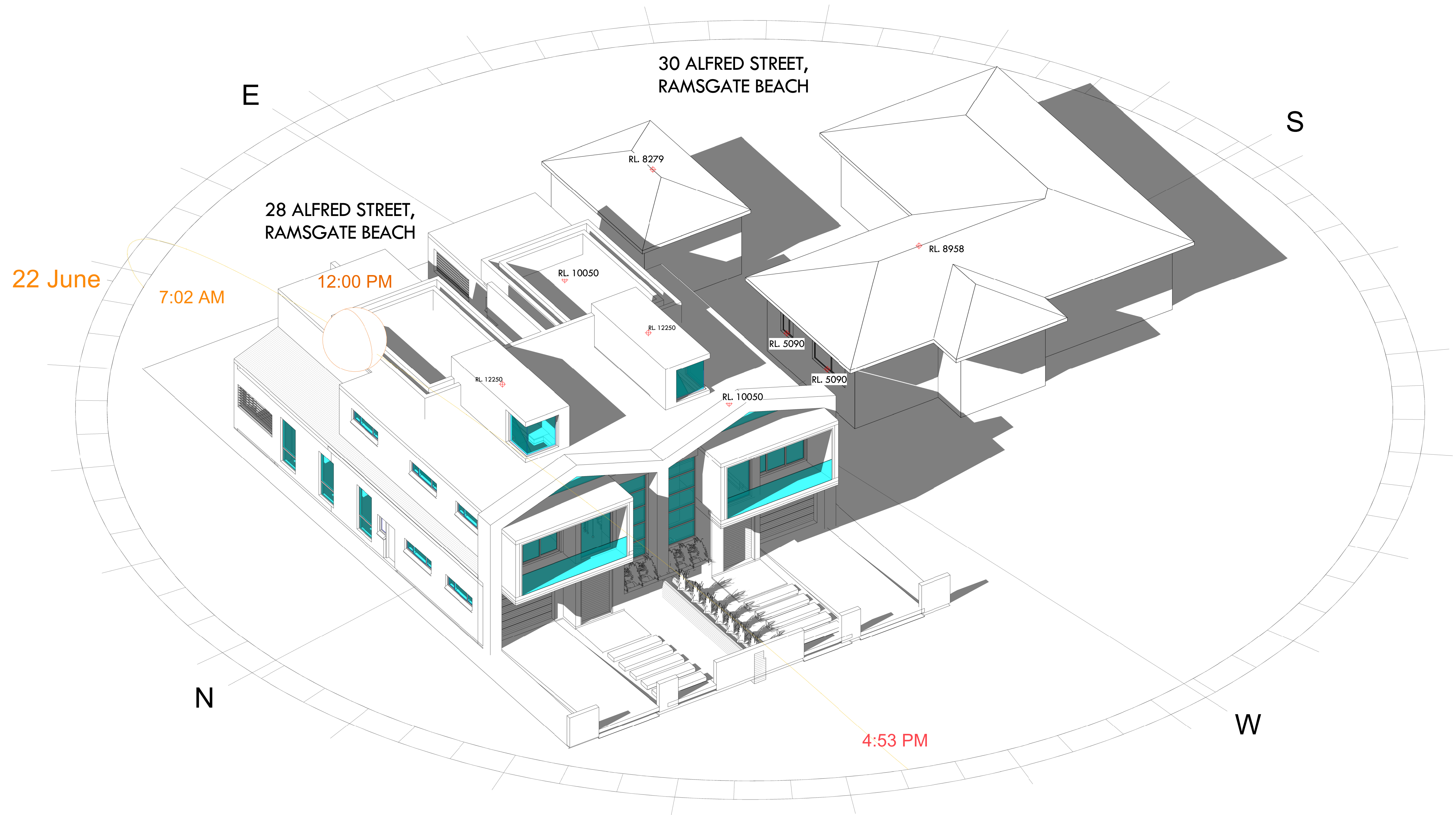
bda BUILDING DESIGNERS AUSTRALIA
EST. 1979

title:
WINTER 9AM
ELEVATION
SHADOW

drawn: MH
approved: MH

job no: 17/01 date: JAN 17 scale @ A1:

lot no: X DP 390114 drawing no: 20 rev:



22 June

7:02 AM

12:00 PM

4:53 PM

30 ALFRED STREET,
RAMSGATE BEACH

28 ALFRED STREET,
RAMSGATE BEACH

RL. 8279

RL. 10050

RL. 12250

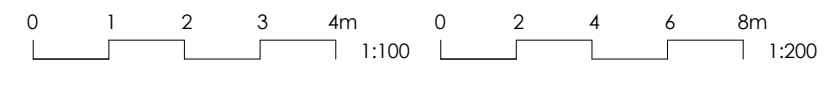
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RL. 10050

RL. 5090

RL. 5090

RL. 8958



Date	Rev	Amendment

project:
28 ALFRED STREET, RAMSGATE BEACH

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53 STATION STREET
ABCOTTE NSW 2205
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designer:
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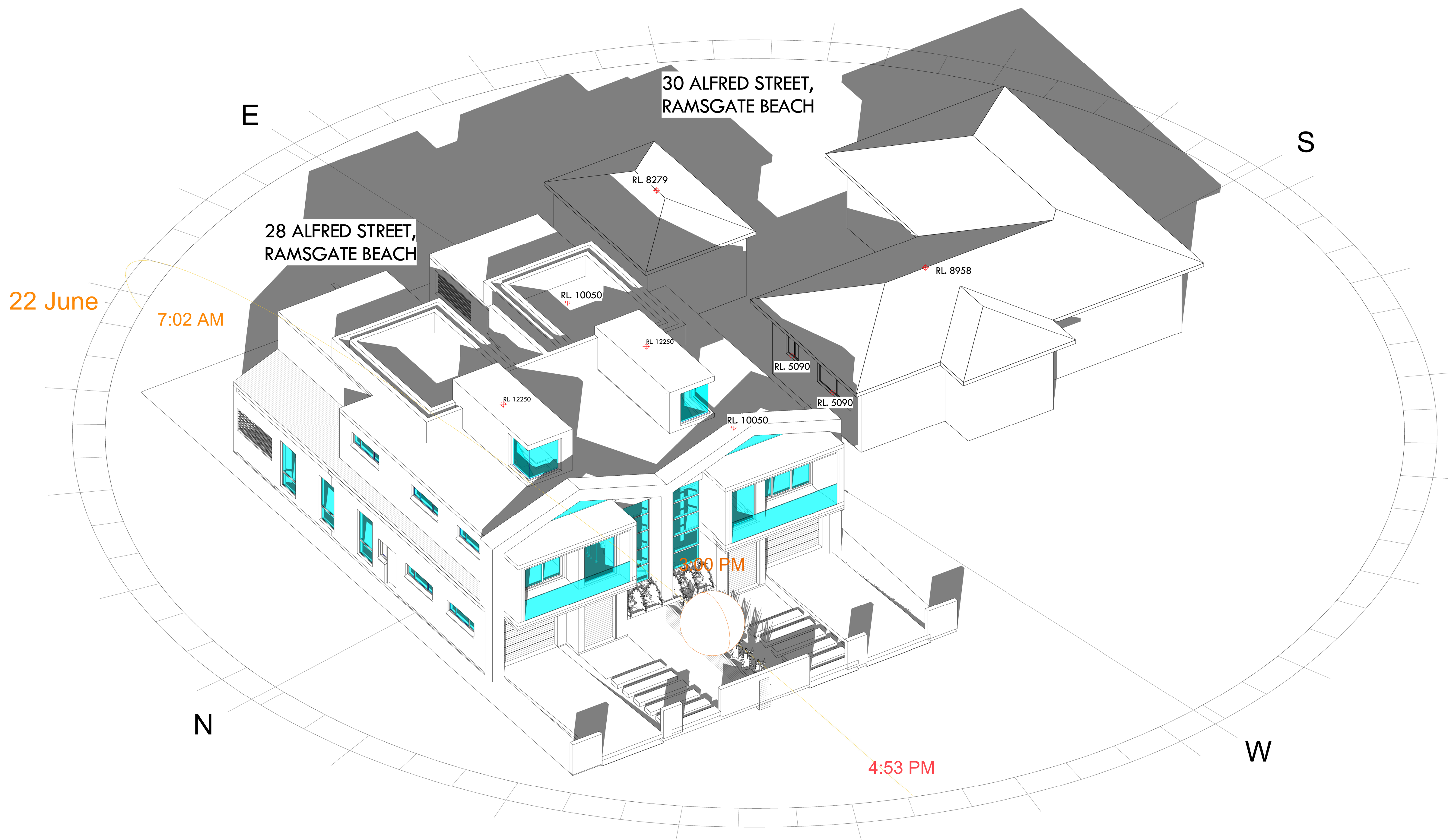
bda BUILDING DESIGNERS AUSTRALIA
P O BOX 1000 MELB VIC 3000

title:
WINTER 12PM
ELEVATION
SHADOW

drawn: Author
approved: Approver

job no: 17/01 date: JAN 17 scale @ A1:

lot no: X DP 390114 drawing no: 21 rev:



22 June

7:02 AM

30 ALFRED STREET,
RAMSGATE BEACH

28 ALFRED STREET,
RAMSGATE BEACH

RL. 8279

RL. 10050

RL. 12250

RL. 12250

RL. 10050

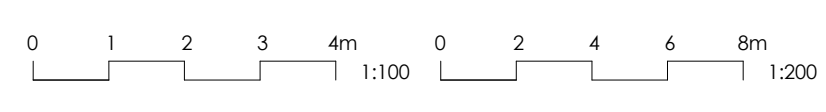
RL. 5090

RL. 5090

RL. 8958

3:00 PM

4:53 PM



Date	Rev	Amendment

project:
28 ALFRED STREET, RAMSGATE BEACH

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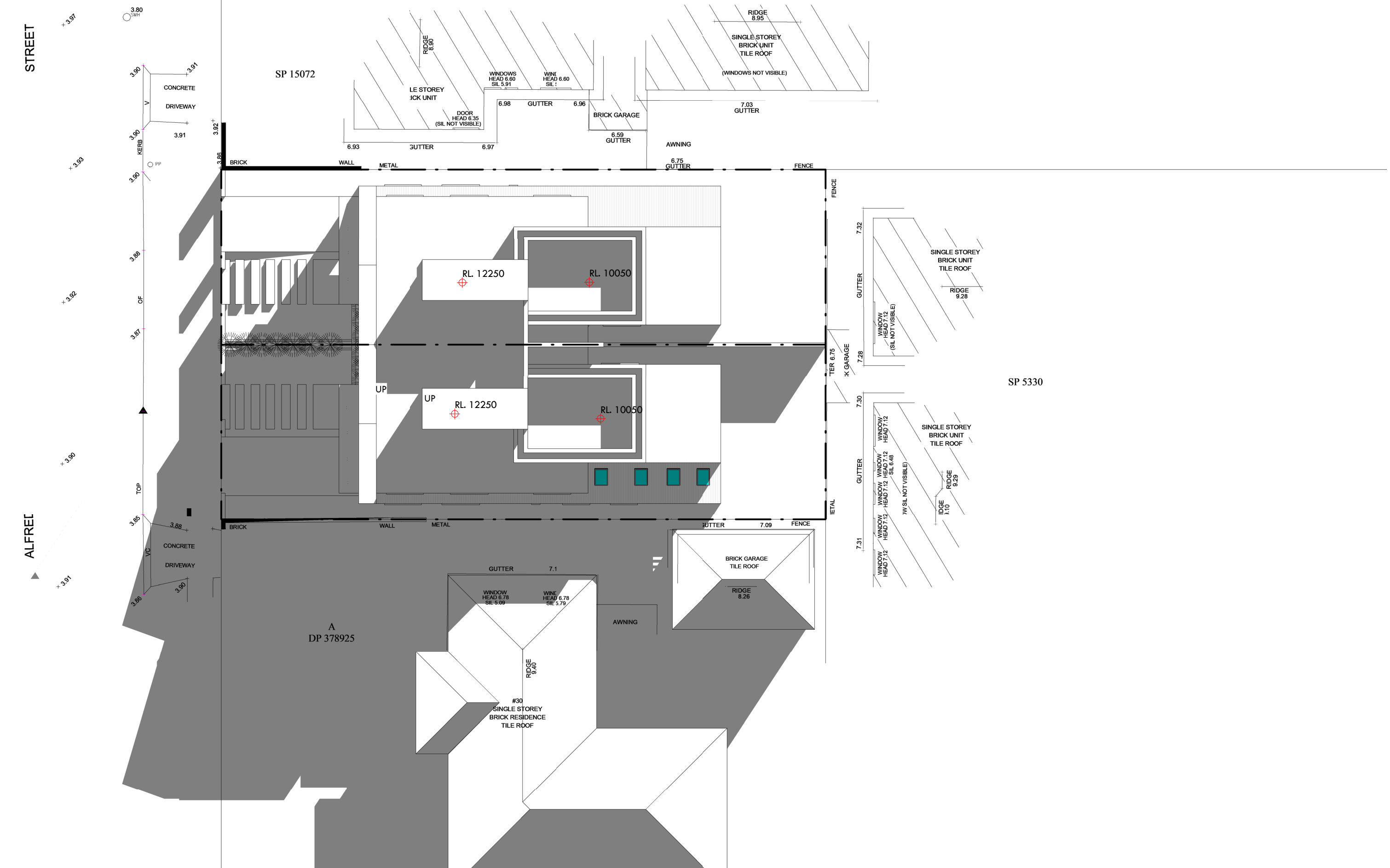
bda BUILDING DESIGNERS AUSTRALIA
P O BOX 11111 MELB VIC 3000

title:
**WINTER 3PM
ELEVATION
SHADOW**

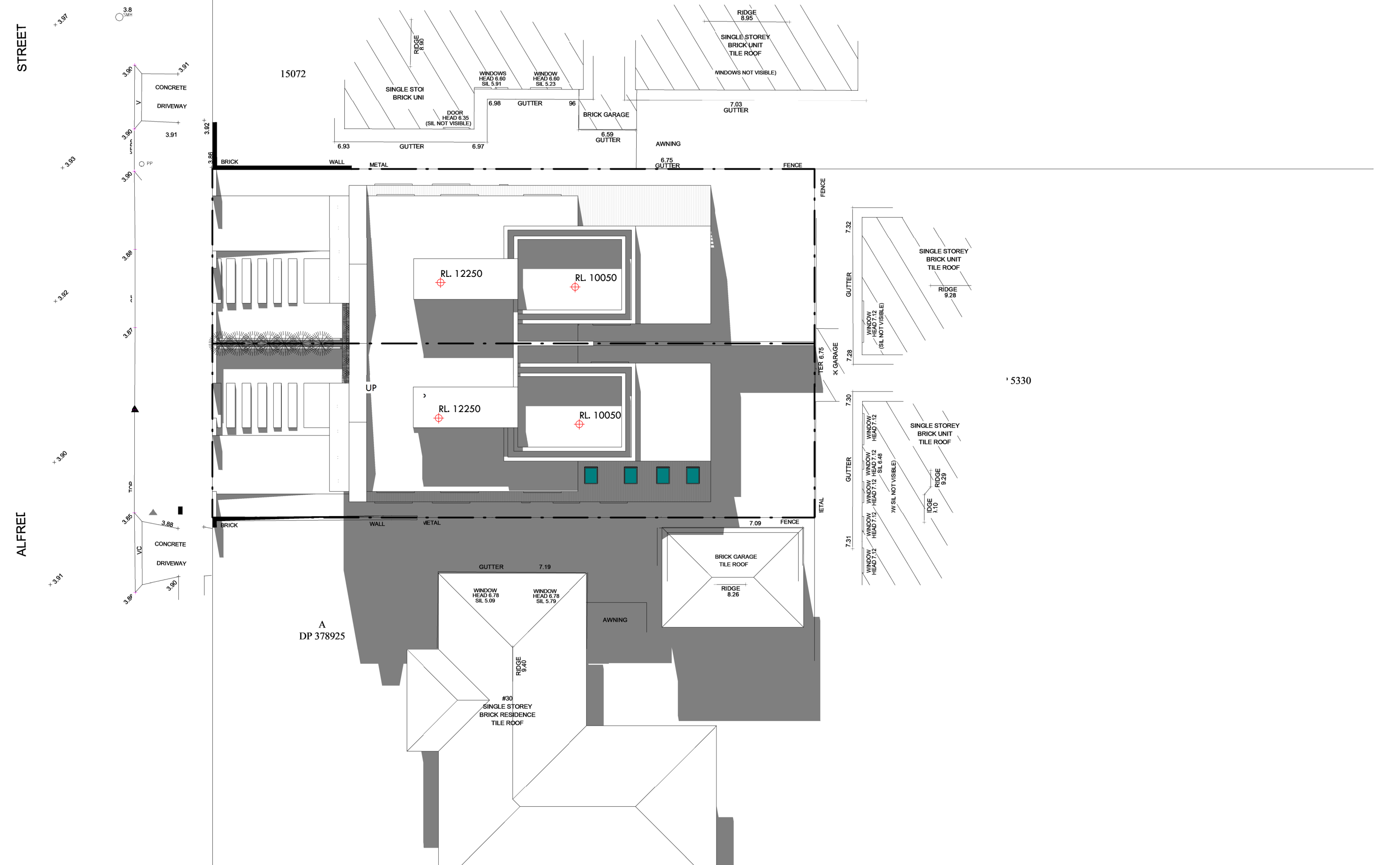
drawn: Author
approved: Approver

job no: 17/01 date: JAN 17 scale @ A1:

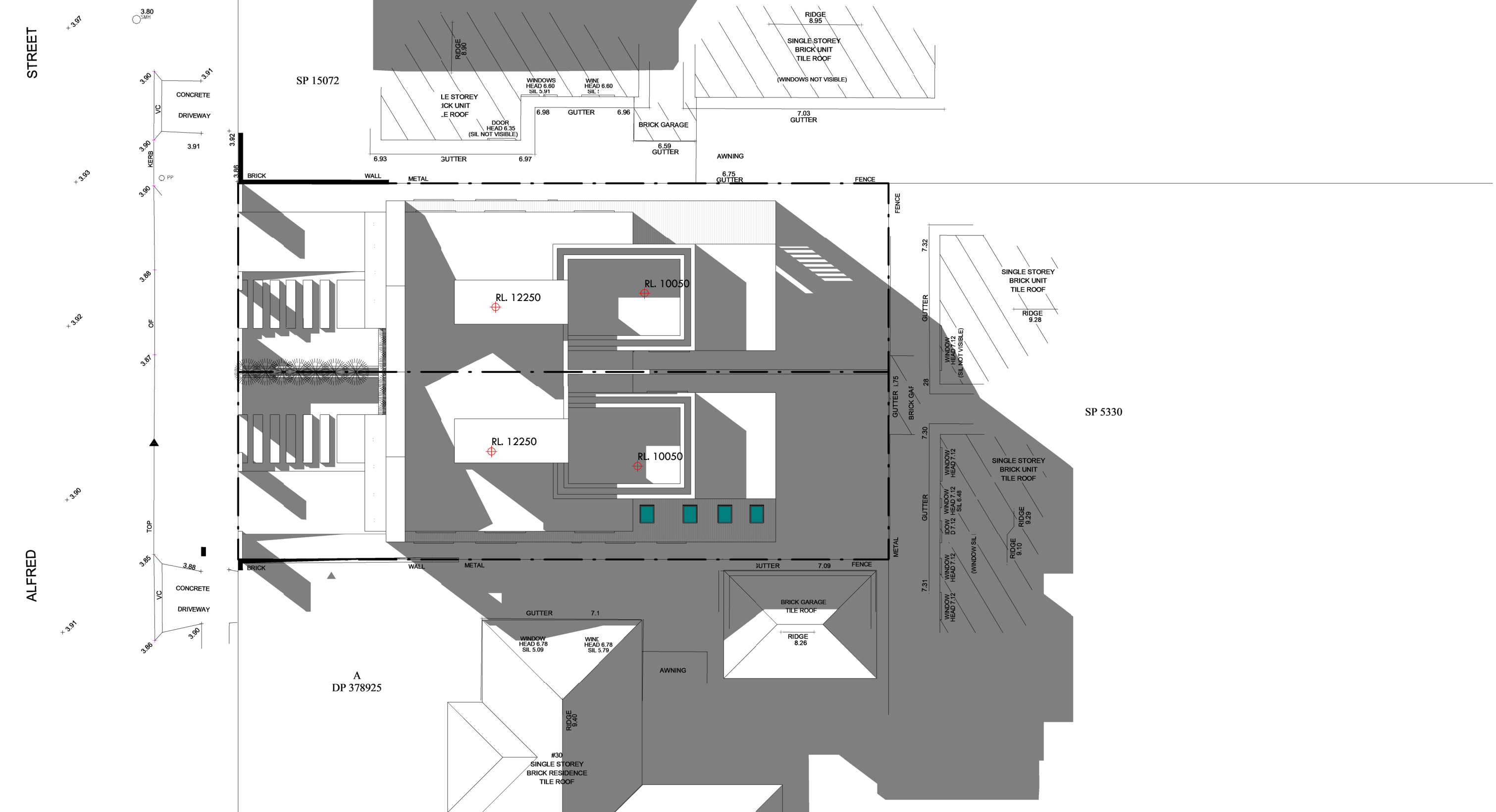
lot no: X DP 390114 drawing no: 22 rev:



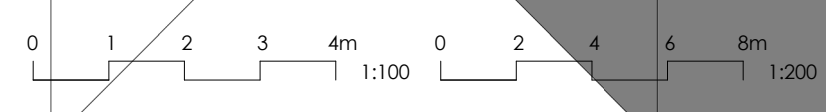
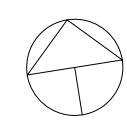
2 21st JUNE 9AM SHADOWS
Scale 1:200



3 21st JUNE 12PM SHADOWS
Scale 1:200



1 21st JUNE 3PM SHADOWS
Scale 1:200



Date	Rev	Amendment

project:
28 ALFRED STREET, RAMSGATE BEACH

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designer:
Moe Hjazzi

title:
WINTER SHADOWS

drawn: MH
approved:MH

job no: 17/01 date: JAN 17 scale @ A11 : 200

lot no: XDP 390114 drawing no: 19 rev: A