
Bayside Planning Panel

13/03/2018

Item No	6.3
Application Type	Development Application
Application Number	DA-2017/613
Lodgement Date	22 December 2017
Property	10 Rye Avenue, Bexley
Owner	Bayside Council
Applicant	Bayside Council
Proposal	Construction of storage shed to southwest rear of the Bexley Depot to support the activities carried out at the Depot
No. of Submissions	Nil
Cost of Development	\$32,000
Report by	Andrew Ison - Consultant Town Planner

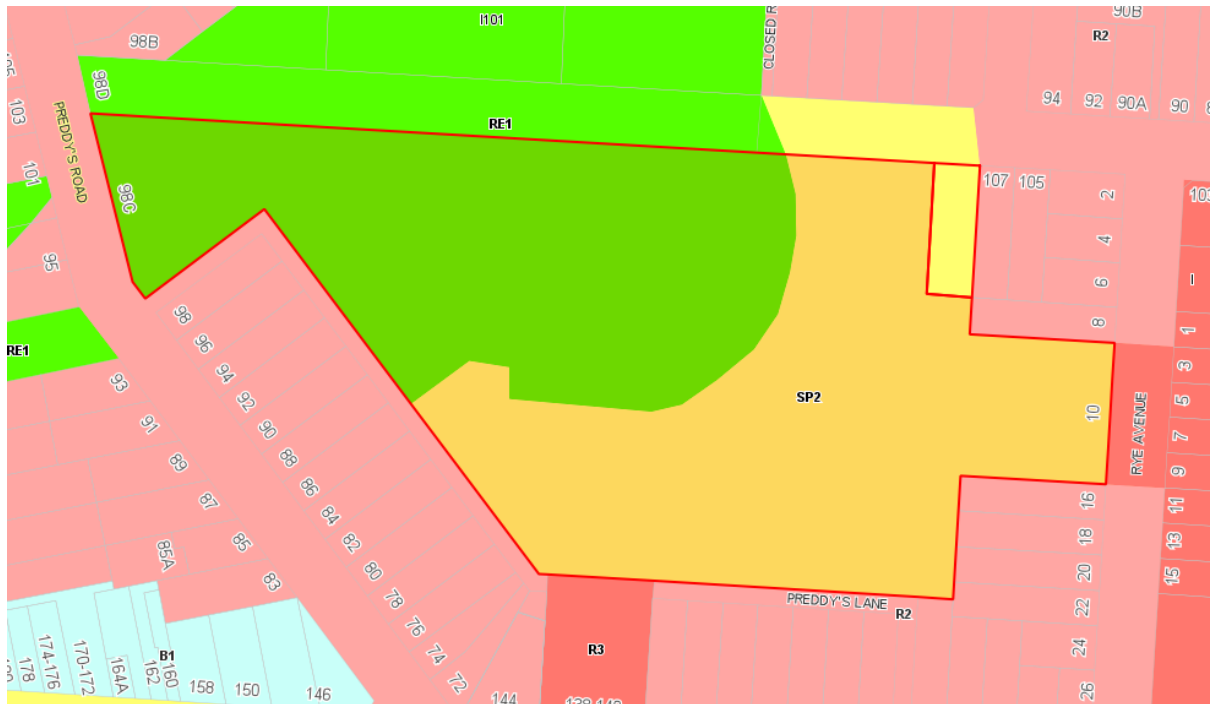
Officer Recommendation

That Development Application DA-2017/613 for the Construction of storage shed to southwest rear of the Bexley Depot to support the activities carried out at the Depot at 10 Rye Avenue, Bexley be **APPROVED** pursuant to Section 79C of the Environmental Planning and Assessment Act 1979 and subject to the modifications to conditions of consent attached to this report.

Attachments

- 1 Assessment Report
 - 2 Site Plan
 - 3 Elevations
 - 4 Sections
-

Location Plan



BAYSIDE COUNCIL

Planning Assessment Report

Application Details

Application Number:	DA-2017/613
Date of Receipt:	22 December 2017
Property:	10 Rye Avenue, BEXLEY (Lot 102 DP 1042328), (Lot B DP 368323)
Owner:	Rockdale City Council
Applicant:	Bayside Council
Proposal:	Bayside Council Bexley Depot - Construction of storage shed to southwest rear of the site to support the activities carried out at the Depot
Recommendation:	Approved
No. of submissions:	NIL
Author:	Andrew Ison
Date of Report:	13 March 2018

Key Issues

The subject site is zoned SP2 Infrastructure and RE1 Public Recreation under the Rockdale Local Environmental Plan (LEP) 2011. The proposed storage shed is contained fully within the SP2 Infrastructure zone, and is permissible with consent.

The proposed development is being reported to the Bayside Planning Panel as the applicant is a Council employee and the subject property, that being the Bexley Depot, is owned by Council.

The development application has been notified in accordance with the DCP. No submissions have been received.

The proposed development is recommended for approval subject to the Draft conditions of consent attached to this report.

Recommendation

1. That Development Application DA-2017/613 for the construction of a storage shed to southwest rear of the site to support activities carried out at the Bexley Depot at 10 Rye Avenue, Bexley be APPROVED pursuant to Section 80A of the Environmental Planning and Assessment Act 1979 and subject to the conditions of consent attached to this report.

Background

History

The subject site contains the Bexley Depot which was the primary depot under the former Rockdale City Council, and was retained when the merger with the City of Botany Bay to create Bayside Council was declared on 9 September 2016. There are records of numerous applications on this site, relating to a range of activities and structures.

Proposal

DA-2017/613 is seeking development consent for the construction of storage shed at the rear of the site. The proposed structure will be enclosed on three sides and constructed of colorbond and steel. The dimensions of the shed are 11.5m x 10.7m and has a maximum height of 5.77m above the existing ground level. The purpose of this shed is to support the activities carried out at the Council depot, by way of the storage of plant and machinery.

Site location and context

The subject site is located at 10 Rye Avenue, Bexley (Lot 140 in DP 1133516). It is located to the north of Stoney Creek Road, and to the west of the Bexley town centre.



Figure 1: Aerial showing subject site, marked in red, with the proposed location of the shed marked in orange (Source: Bayside IntraMaps)



Figure 2: Site photo (taken 1 February 2018)

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 (Vegetation in Non-Rural Areas) 2017

The application has been reviewed by Council's Trees Officer and supports the application, subject to no trees being removed. The proposed shed does not involve the removal of any trees.

Rockdale Local Environmental Plan 2011

Relevant clauses	Compliance with objectives	Compliance with standard/provision
2.3 Zone SP2 Infrastructure	Yes - see discussion	Yes - see discussion
6.1 Acid Sulfate Soil - Class 5	Yes - see discussion	Yes - see discussion
6.2 Earthworks	Yes - see discussion	Yes - see discussion
6.4 Airspace operations	Yes - see discussion	Yes - see discussion
6.8 Biodiversity protection	Yes - see discussion	Yes - see discussion
6.12 Essential services	Yes - see discussion	Yes - see discussion

2.3 Zone SP2 Infrastructure

The proposed structure complies with the relevant objectives of this zone, that being to provide for infrastructure and related uses.

The proposed structure is considered to be a permissible use, as it relates to the purpose shown on the Land Zoning Map, that being a Depot, and is for a development that is ordinarily incidental or ancillary to development for that purpose.

6.1 Acid Sulfate Soil - Class 5

The subject site is more than 500 metres from Class 1, 2, 3 and 4 land, plus the water table will not be lowered by more than 1 metre. Accordingly, no further assessment is required.

6.2 Earthworks

The proposed storage shed will have an elevated finished floor level above the indicated natural ground level, of up to 900mm. It is considered that any earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses, or features of the surrounding land.

6.4 Airspace operations

The subject site has a prescribed maximum building height of 45.72m to ensure that there is no compromising of any proposed development that affects the operation of the nearby Sydney Airport. The proposed structure has a maximum height of 5.77m to the ridge above the natural ground level. Accordingly, it is considered that the proposed structure will have minimal impact on the Obstacle Limitation Surface.

6.8 Biodiversity protection

This application has been assessed by Council's Environmental Strategy officer. It is considered that the proposed development is outside mapped vegetation communities and threatened species habitat, with no vegetation being removed. It is supportive of the proposed development, subject to the imposition of conditions in the attached Draft conditions of consent relating to site trees being protected and maintained and no storage of equipment or waste underneath tree drip lines.

6.12 Essential services

Services will generally be available on the site. Additional conditions have been incorporated in the draft conditions of consent requiring consultation with relevant utility providers in regards to any specific requirements for the provision of services on the site.

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

There are no draft EPIs that relate to the assessment of this application.

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
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4.1.3 Water Management	Yes - see discussion	Yes - see discussion
4.1.4 Soil Management	Yes - see discussion	Yes - see discussion
4.1.7 Tree Preservation	Yes - see discussion	Yes - see discussion
4.1.8 Biodiversity	Yes - see discussion	Yes - see discussion
4.4.6 Noise Impact - Non-residential	Yes - see discussion	Yes - see discussion
4.5.2 Social Equity - Equitable Access		
4.7 Waste Storage and Recycling Facilities	Yes - see discussion	Yes - see discussion

4.1.3 Water Management

The stormwater plan submitted with the application has been assessed by our Development Engineer and no objection was raised subject to the imposition of conditions in the attached Draft conditions of consent.

4.1.4 Soil Management

The submitted development plans show details of sediment and erosion control measures to be installed as part of the construction of the development. Standard conditions will be included regarding the installation and maintenance of the sediment and erosion control measures as part of the pre and during construction phase of the development.

4.1.7 Tree Preservation

The application has been reviewed by Council's Trees Officer and supports the application, subject to no trees being removed. The proposed shed does not involve the removal of any trees.

4.1.8 Biodiversity

This application has been assessed by Council's Environmental Strategy officer. It is considered that the proposed development is outside mapped vegetation communities and threatened species habitat, with no vegetation being removed. It is supportive of the proposed development, subject to the imposition of conditions in the attached Draft conditions of consent relating to site trees being protected and maintained and no storage of equipment or waste underneath tree drip lines.

4.4.6 Noise Impact - Non-residential

The subject site is an existing depot, with the proposed structure to be used for storage purposes. The nearest sensitive noise receptor (i.e. residential dwelling) is approximately 30 metres to the south west of the foot print of the proposed shed. Given that there are existing activities already occurring in this section of the depot, it is not anticipated that this structure will not give rise in noise levels, however, conditions will be imposed within the attached Draft condition of consent relating to the daily operation of the shed.

4.7 Waste Storage and Recycling Facilities

A Waste Management Plan has been provided, detailing the demolition, construction and operational phases of the proposed development.

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

The Regulations prescribe several matters that are addressed in the conditions recommended for this development. Referral comments were received by Council's Building officer, which have been imposed as conditions within the attached Draft condition so of consent.

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

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

Construction

The proposed development is to be constructed in colorbond. 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.

General

The proposed development has been assessed as per the previously discussed sections of Section 79C of the Environmental Planning and Assessment Act, with no non-compliances identified. In this regard, the proposal is acceptable subject to the imposition of the recommended conditions. Accordingly, the proposal is not likely to result in any significant adverse amenity impacts on the adjoining properties.

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

The proposed development is generally considered to be suitable for the site. The development complies with the relevant provisions of the Rockdale LEP 2011 and Rockdale DCP 2011, and will allow the continued operation of the Council depot in an effective manner.

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

The proposal was notified to adjoining properties in accordance with Part 8 of the Rockdale DCP 2011. No submissions were received in response to the notification.

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

Approval of the proposed development is considered to be in the public interest. The development complies with all relevant provisions of the Rockdale LEP 2011 and Rockdale DCP 2011.

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
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02 / Floor Plan and Section		30/8/17	22/12/17
03 / Elevations		30/8/17	22/12/17
2560swmp / Soil and Water Management Plan	Harris Environmental Solutions	13/10/17	22/12/17
17011332 C001 / General Notes and Legend	Jones Nicholson Consulting Engineers	21/12/17	22/12/17
17011332 C002 / Stormwater Drainage Plan	Jones Nicholson Consulting Engineers	21/12/17	22/12/17

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. Excavation, filling of the site (with the exception of the area immediately under the building envelope), or construction of retaining walls are not permitted unless shown on the approved plans and authorised by a subsequent construction certificate.

Development specific conditions

The following conditions are specific to the Development Application proposal.

6. The hours of operation of the storage shed shall be restricted to the existing operating hours of the depot.
7. The use of the premises, building services, equipment, machinery and, ancillary fittings shall not give rise to an "offensive noise" as defined under the provisions of the Protection of the Environment Operations Act, 1997.
8. All existing and proposed lights shall comply with the Australian Standard AS4282 - 1997 "Control of the Obtrusive Effects of Outdoor Lighting". In this regard, the lighting of the premises shall be directed so as not to cause nuisance to the owners or occupiers of adjacent/adjoining premises or to motorists on adjoining or nearby roads.

Prior to issue of the construction certificate

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

9. 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 \$535.00. 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.
10. 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.
 11. A certificate from a practising Structural Engineer shall be submitted prior to the issue of the construction certificate confirming that the existing building elements are structurally adequate to support all proposed additional loads.
 12. A list of the proposed services to be installed in the building shall be submitted to Council in accordance with the relevant requirements.
 13. 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>

14. The stormwater design prepared by John Nicholson Consulting Engineers issue 2 dated 21.2.2017 shall be amended to include a rainwater tank that combines a rainwater tank requirement under section 7.2 and OSD under section 2.8 of Rockdale Technical Specification Stormwater Management. The volume and discharge rate of the OSD system shall be as per section 6.2 Bardwell creek Catchment.

The discharge control outlet of the tank shall be located at a point where the volume below operate as a rainwater tank and the volume below operate as an OSD. an overflow pipe is to be provided.

Prior to commencement of works

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

15. A Soil and Water Management Plan shall be prepared. The Plan must include details of the proposed erosion and sediment controls to be installed on the building site. A copy of the Soil and Water Management Plan must be kept on-site at all times and made available on request.

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

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

16. A sign must be erected at the front boundary of the property clearly indicating the Development Approval Number, description of work, builder's name, licence number and house number before commencement of work. If owner/builder, the

Owner/Builder Permit Number must be displayed.

17. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - i. stating that unauthorised entry to the work site is prohibited, and
 - ii. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
Any such sign is to be removed when the work has been completed.
This condition does not apply to:
 - iii. building work carried out inside an existing building or
 - iv. building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
18. Prior to the commencement of work, a Tree Protection Zone shall be established in accordance with AS4970-2009 (Protection of trees on Development Sites) with protective fences at least 1.8 metres high erected outside the drip line where possible around the large Eucalyptus tree located directly adjacent to the construction zone which is required to be retained. The protective fences shall consist of chain wire mesh temporary fence panels securely mounted and braced to prevent movement, shall be in place prior to the commencement of any work on site and shall remain until the completion of all building and hard landscape construction. Excavations for services, waste bins, storage of materials and equipment, site residue, site sheds, vehicle access or cleaning of tools and equipment are not permitted with the Tree Protection Zone at any time.
19. Prior to the commencement of any work on site, a sign shall be placed in a prominent position on each protective fence identifying the area as a Tree Protection Zone and prohibiting vehicle access, waste bins, storage of materials and equipment, site residue and excavations within the fenced off area.
20. Where it is necessary to import landfill material onto the site to fill the land to levels shown on the plans forming part of the consent, a certificate, prepared by a suitably qualified and experienced Contaminated Land Consultant, shall be submitted to Council being the Regulatory Authority prior to the commencement of works, certifying that the imported fill is suitable for the land use.
21. 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.
22. Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

During demolition / excavation / construction

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

23. 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.
24. 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.
25. 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.

26. All waste generated on site shall be disposed of in accordance with the submitted Waste Management Plan.
27. No trees located within the site, or adjoining properties shall be removed or pruned without the prior written consent of Council in the form of a Permit issued under Council's Development Control Plan 2011.
28. Where drainage or paving works are proposed to be constructed in the area below the dripline of trees, the proposed works and construction methods must not damage the tree. Where either the trees or works were not shown in detail on the approved plans, then Council approval must be obtained by contacting Council's Tree Management Officer.
29. Underground Services such as pipelines or cables to be located close to trees, must be installed by boring or by such other method that will not damage the tree rather than open trench excavation. The construction method must be approved by Council's Tree Management Officer.
30. Existing soil levels within the drip line of trees to be retained shall not be altered without reference to Council's Tree Management Officer.
31. Building materials, site residue, machinery and building equipment shall not be placed or stored under the dripline of trees required to be retained.

Prior to issue of occupation certificate or commencement of use

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

32. An Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of the building.
33. A suitably qualified 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

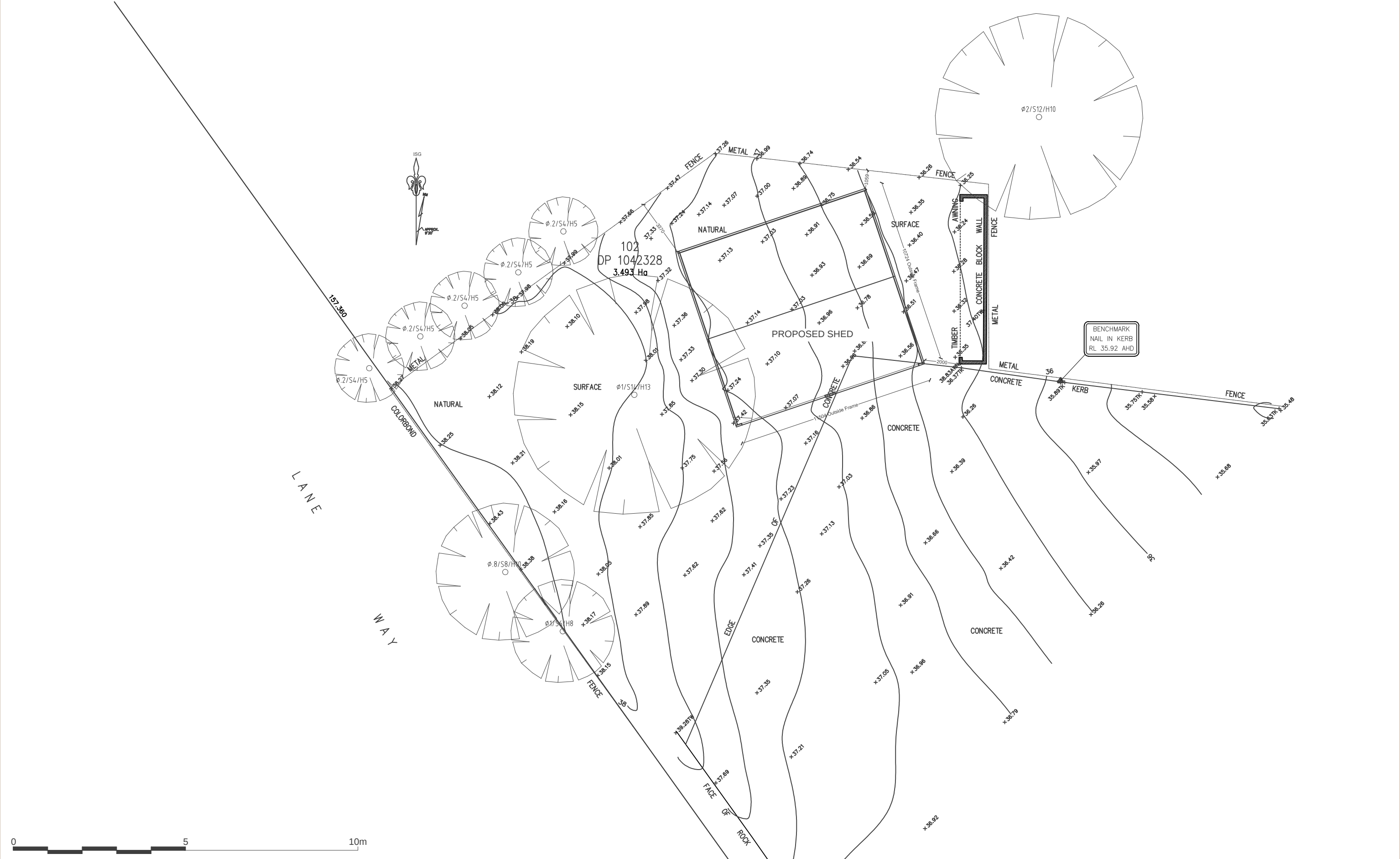
the Principal Certifying Authority. A copy shall be provided to Council if Council is not the Principal Certifying Authority.

Development consent advice

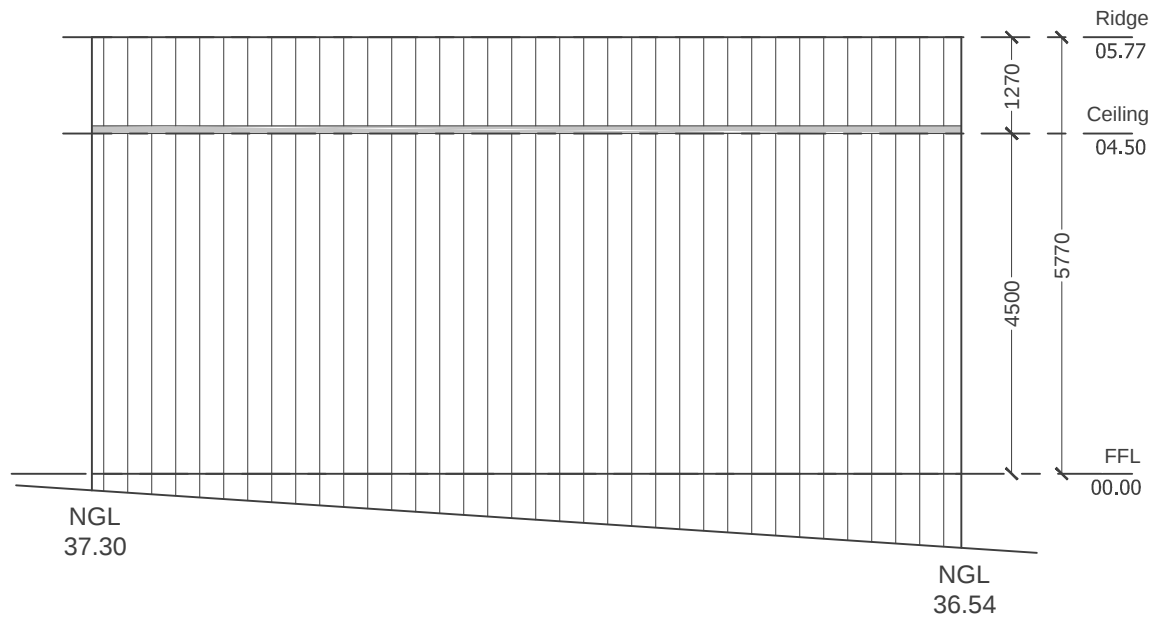
- a. You are advised to consult with your utility providers (i.e. Energy Aust, Telstra etc) in order to fully understand their requirements before commencement of any work.
- b. *Dial Before You Dig*

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

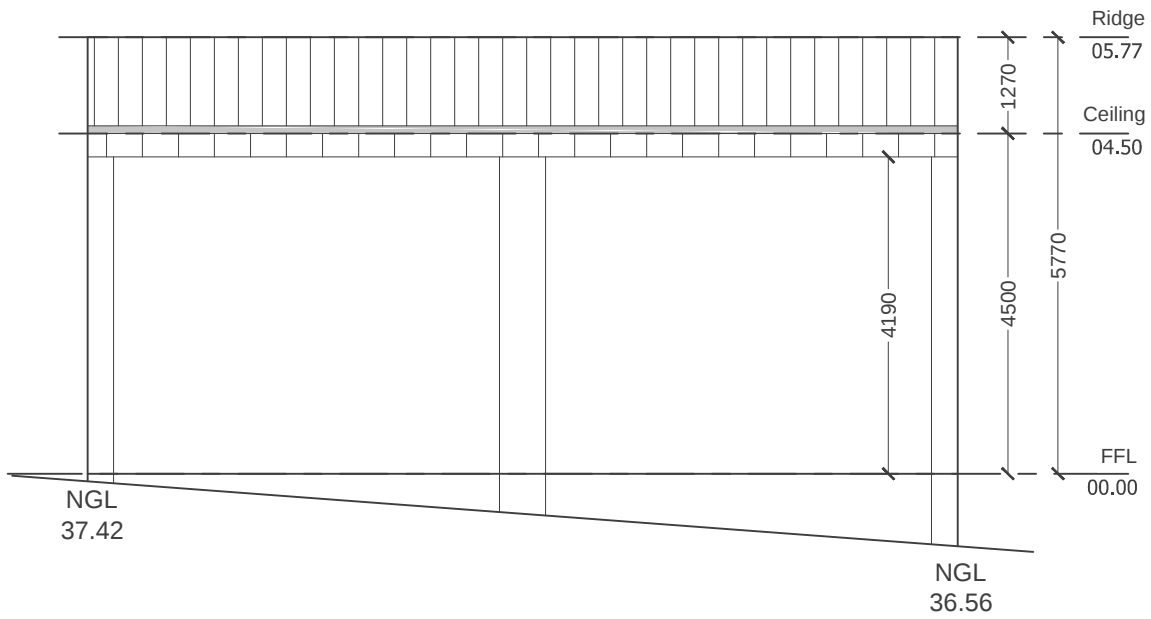
- c. Demolition and construction shall minimise the emission of excessive noise and prevent "offensive noise" as defined in the Protection of the Environment Operations Act 1997. Noise reduction measures shall include, but are not limited to the following strategies:
 - choosing quiet equipment
 - choosing alternatives to noisy activities
 - relocating noise sources away from affected neighbours
 - educating staff and contractors about quiet work practices
 - informing neighbours of potentially noise activities in advance
 - equipment, such as de-watering pumps, that are needed to operate on any evening or night between the hours of 8 p.m. and 7 a.m. or on any Sunday or Public Holiday, shall not cause a noise nuisance to neighbours of adjoining or nearby residences. Where the emitted noise exceeds 5 dB(A) [LAeq(15m)] above the background sound level [LA90] at the most affected point on the nearest residential boundary at any time previously stated, the equipment shall be acoustically insulated, isolated or otherwise enclosed so as to achieve the sound level objective.
- d. All site works shall comply with the occupational health and safety requirements of the NSW WorkCover Authority.
- e. In the event of any inconsistency between conditions of this approval and the drawings/documents referred to in condition 2, the conditions of this approval prevail.



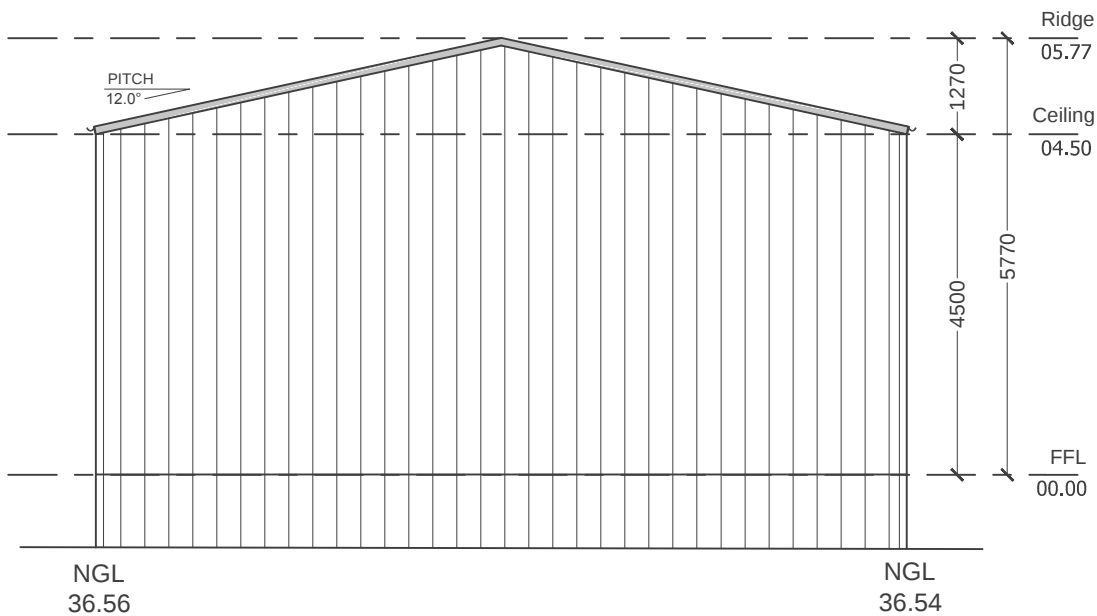
Shed For: BAYSIDE COUNCIL WORKS DEPOT Lot No : 102 DP: 1042328 Suburb: Bexley Council: Bayside Council	Project Details			DRAWING:	DRAWN:	DATE:		
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	MB	30.08.17						
	SHEET TITLE:		SHEET NO:					
	Site Plan		01 / 03					
	SCALE @ A3:	FINAL PLAN ISSUE:	FINAL PLAN DATE:					
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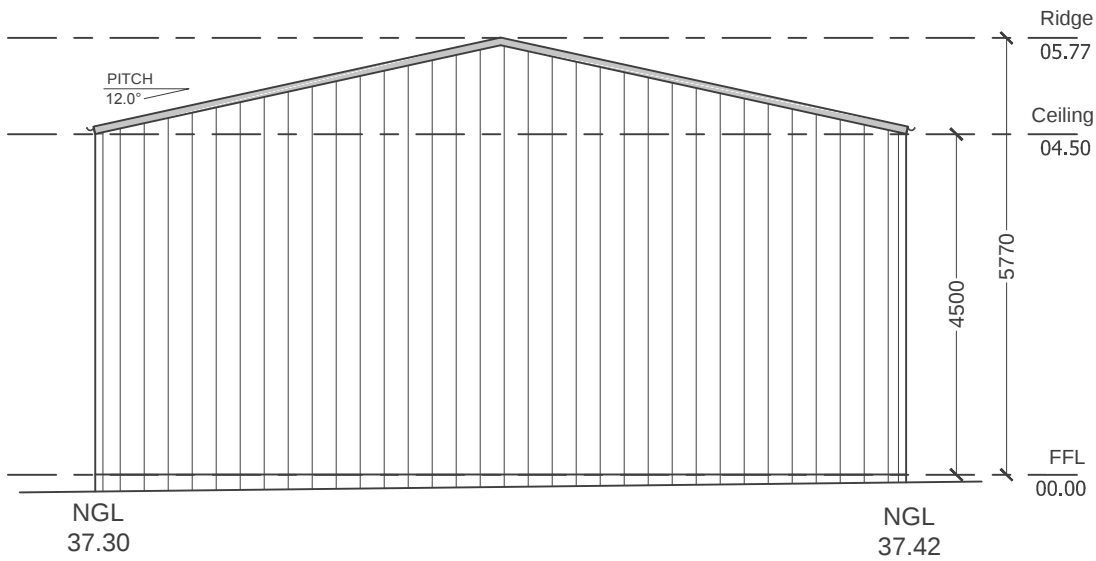
NORTHERN ELEVATION



SOUTHERN ELEVATION



EASTERN ELEVATION



WESTERN ELEVATION

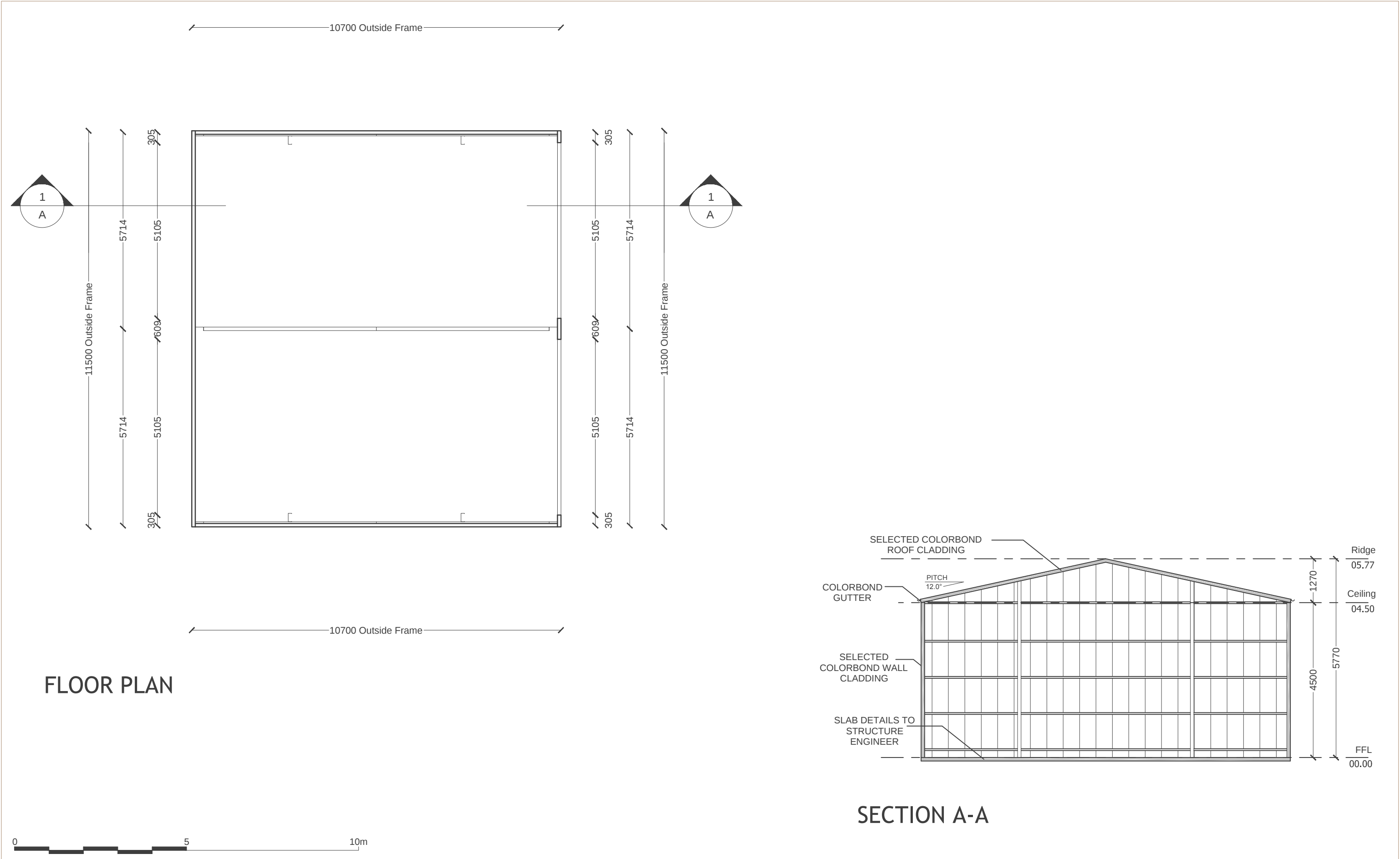


Shed
For: BAYSIDE COUNCIL WORKS DEPOT
Lot No : 102 DP: 1042328
Suburb: Bexley
Council: Bayside Council

Project Details

DRAWN BY:	DATE:	JOB NO:
MB	30.08.17	
SHEET TITLE:	SHEET NO:	
Elevations	03 / 03	
SCALE @ A3:	FINAL PLAN ISSUE:	FINAL PLAN DATE:
1:100		

DRAWING:	DRAWN:	DATE:



Shed For: BAYSIDE COUNCIL WORKS DEPOT Lot No : 102 DP: 1042328 Suburb: Bexley Council: Bayside Council	Project Details			DRAWING:	DRAWN:	DATE:		
	DRAWN BY:	MB	DATE:	30.08.17	JOB NO:			
	SHEET TITLE:		SHEET NO:					
	Floor Plan and Section		02 / 03					
	SCALE @ A3:	1:100	FINAL PLAN ISSUE:		FINAL PLAN DATE:			