

MEETING NOTICE

A meeting of the
Bayside Planning Panel
will be held in the Committee Room, Botany Town Hall
Corner of Edward Street and Botany Road, Botany
on **Tuesday 10 July 2018 at 6:00 pm.**

ON-SITE INSPECTIONS

On-site inspection/s will precede the meeting.

AGENDA

1 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

Bayside Council respects the traditional custodians of the land, and elders past and present, on which this meeting takes place, and acknowledges the Gadigal and Bidjigal Clans of the Eora Nation.

2 APOLOGIES

3 DISCLOSURES OF INTEREST

4 MINUTES OF PREVIOUS MEETINGS

4.1 Minutes of the Bayside Planning Panel Meeting - 26 June 2018.....2

5 REPORTS – PLANNING PROPOSALS

Nil

6 REPORTS – DEVELOPMENT APPLICATIONS

6.1 DA-2017/139 - 142 Queen Victoria Street, Bexley18

6.2 DA-2017/207 - 116 Clareville Avenue, Sandringham70

6.3 DA-2017/340 - 413 - 425 Princes Highway, Rockdale113

Members of the public, who have requested to speak at the meeting, will be invited to address the Panel by the Chairperson.

The meeting will be video recorded and live streamed to the community via Council's Facebook page.

Meredith Wallace
General Manager

Bayside Planning Panel

10/07/2018

Item No	4.1
Subject	Minutes of the Bayside Planning Panel Meeting - 26 June 2018
Report by	Michael McCabe, Director City Futures
File	SC17/783

Recommendation

That the Minutes of the Bayside Planning Panel meeting held on 26 June 2018 be confirmed as a true record of proceedings.

Present

Jan Murrell, Chairperson and Independent Specialist Member
Michael File, Independent Specialist Member
Lindsey Dey, Independent Specialist Member
Christopher Middlemiss, Community Representative

Also present

Luis Melim, Manager Development Assessment
Fausto Sut, Manager Governance & Risk
Josh Ford, Coordinator Statutory Planning
Marta Gonzalez-Valdes, Coordinator Development Assessment
Fiona Prodromou, Senior Development Assessment Planner
Angela Lazaridis, Senior Development Assessment Planner
Adam Iskander, Development Assessment Planner
Ian Vong, IT Technical Support Officer
Anne Suann, Governance Officer

The Chairperson opened the meeting in the Committee Room, Botany Town Hall, corner of Edward Street and Botany Road, Botany at 6.03 pm.

1 Acknowledgement of Traditional Owners

The Chairperson affirmed that Bayside Council respects the traditional custodians of the land, elders past and present and future leaders, on which this meeting takes place, and acknowledges the Gadigal and Bidjigal Clans of the Eora Nation.

2 Apologies

There were no apologies received.

3 Disclosures of Interest

For Item 6.1 Michael File advised the meeting that he had previously, some seven years ago, worked with the Director of Perica & Associates Urban Planning P/L, the applicant's planner. However, he had no other relationship with Mr Perica. The Chair considered this to be 'a Less than Significant Non-Pecuniary Interest' and as such would participate to consider and determine this matter.

4 Minutes of Previous Meetings

4.1 Minutes of the Bayside Planning Panel Meeting - 12 June 2018

Decision

That the Minutes of the Bayside Planning Panel meeting held on 12 June 2018 be confirmed as a true record of proceedings.

5 Reports – Planning Proposals

5.1 Planning Proposal - 8 Princess Street, Brighton-Le-Sands

An on-site inspection took place at the property earlier in the day.

Recommendation to the Council

- 1 That pursuant to section 3.34 of the *Environmental Planning & Assessment Act 1979* (EP&A Act) the draft Planning Proposal for land known as 8 Princess Street, Brighton-Le-Sands be submitted to the Department of Planning & Environment (DPE) for a Gateway determination; and
- 2 That should a Gateway determination be issued, a further report be presented to Council following the public exhibition period to demonstrate compliance with the Gateway determination and to provide details of any submissions received throughout that process.

Name	For	Against
Jan Murrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lindsey Dey	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael File	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Christopher Middlemiss	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reason for Recommendation

The Panel is satisfied that the adjoining B4 zone could be extended over the subject site and this is not contrary to the strategic planning for the area.

6 Reports – Development Applications

6.1 DA-2017/195 - 1 Bruce Street, Bexley

An on-site inspection took place at the property earlier in the day.

The following person spoke:

- Mr Jason Perica, Planning consultant from Perica & Associates, spoke against the officer's recommendation and responded to the Panel's questions.

Determination

- 1 The Development Application No. DA-2017/195 is APPROVED pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979 and subject to the conditions of consent attached to the Minutes and the consent conditions amended in the following manner:

- A By inserting the following conditions under the heading of 'Development Specific Conditions', at the end of Condition 12:

12A Post-operational acoustic monitoring at the applicant's expense be reported to Council six months after the child care centre is operational to demonstrate compliance with the predicted noise levels. If the centre is not operating within the criteria then ameliorative measures must be put in place, which may include management /operational measures.

12B The provision of a clearly marked safe, separate pedestrian access to the centre from the car park.

- B By deleting (i) and (iii) from Condition 68, and the condition renumbered to read as follows:

68. 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) 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.*
- ii) On completion of the building showing the area of the land, the position of the building and boundary setbacks and verifying that the building has been constructed at the approved levels.*
- iii) On completion of the drainage works (comprising the drainage pipeline, pits, overland flow paths, onsite 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.

C By amending Condition 89 to read as follows:

89. Five (5) dedicated off-street car spaces (2 visitor (including 1 accessible) and 3 staff) shall be provided in accordance with the submitted plans. Such spaces shall be paved, line marked and made freely available at all times during business hours of the site for staff and visitors.

D By amending Condition 101 to read as follows:

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

- i) Construction of a concrete footpath along the frontage of the development site;*
- ii) Construction of a new fully constructed concrete vehicular entrance/s;*
- iii) Removal of the existing concrete vehicular entrance/s, and/or kerb laybacks which will no longer be required;*
- iv) Reconstruction of selected areas of the existing concrete Footpath/vehicular entrances and/or kerb and gutter;*
- v) Construction of paving between the boundary and the kerb;*
- vi) Removal of redundant paving;*
- vii) Construction of kerb and gutter.*

2 That the objectors be notified of the determination made by the Bayside Planning Panel.

Name	For	Against
Jan Murrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lindsey Dey	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael File	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Christopher Middlemiss	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reason for Determination

The proposed child care centre is considered an appropriate use for the site and conditions will ensure safety of the users of the site in the future. Post-operational acoustic testing will also provide for the amenity of adjoining neighbours.

6.2 DA-2015/289/B - 533-537 Princes Highway, Rockdale

An on-site inspection took place at the property earlier in the day.

The following person spoke:

- Ms Linley Love, town planner from Planning Ingenuity, representing the applicant, spoke for the officer's recommendation and responded to the Panel's questions.

Determination

The Application No DA-2015/289/B being a Section 4.55(1A) application to amend Development Consent Number DA-2015/289, for modifications to the layout of the approved building including the provision of additional services, new balcony to Unit 107, changes to terrace/courtyard areas and increase in height at 533-537 Princes Highway Rockdale is APPROVED with the consent amended in the following manner:

A By amending conditions as follows:

- 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
Landscape Plan LS-102 Rev A	greenplan pty ltd	10/05/2018	16/05/2018
Basement 2 Plan Rev D	Bechara Chan & Associates Pty Ltd	15/05/2018	16/05/2018
Basement 1 Plan Rev D	Bechara Chan & Associates Pty Ltd	15/05/2018	16/05/2018
Ground Floor Plan Rev C	Bechara Chan & Associates Pty Ltd	14/05/2018	16/05/2018
Level 1 Plan Rev B	Bechara Chan & Associates Pty Ltd	11/05/2018	16/05/2018
Level 2 Plan Rev B	Bechara Chan & Associates Pty Ltd	11/05/2018	16/05/2018
Level 3 Plan Rev B	Bechara Chan & Associates Pty Ltd	11/05/2018	16/05/2018
Level 4 Plan Rev B	Bechara Chan & Associates Pty Ltd	11/05/2018	16/05/2018
Level 5 Plan Rev B	Bechara Chan & Associates Pty Ltd	11/05/2018	16/05/2018

Level 6 Plan Rev B	Bechara Chan & Associates Pty Ltd	11/05/2018	16/05/2018
Level 7 Plan Rev B	Bechara Chan & Associates Pty Ltd	11/05/2018	16/05/2018
Level 8 Plan Rev B	Bechara Chan & Associates Pty Ltd	11/05/2018	16/05/2018
Level 9 Plan Rev B	Bechara Chan & Associates Pty Ltd	11/05/2018	16/05/2018
Roof Plan Rev C	Bechara Chan & Associates Pty Ltd	15/06/2018	19/06/2018
North Elevation Rev B	Bechara Chan & Associates Pty Ltd	11/05/2018	16/05/2018
South Elevation Rev B	Bechara Chan & Associates Pty Ltd	11/05/2018	16/05/2018
East Elevation Rev B	Bechara Chan & Associates Pty Ltd	11/05/2018	16/05/2018
West Elevation Rev B	Bechara Chan & Associates Pty Ltd	11/05/2018	16/05/2018
Side Elevation West Rev B	Bechara Chan & Associates Pty Ltd	11/05/2018	16/05/2018
Side Elevation East Rev B	Bechara Chan & Associates Pty Ltd	11/05/2018	16/05/2018
Section AA Rev B	Bechara Chan & Associates Pty Ltd	11/05/2018	16/05/2018

[Amendment B - 4.55(1A) amended on 26/06/2018]

5. *The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate Number 584079M_04 other than superseded by any further amended consent and BASIX certificate.*

Note: Clause 145(1)(a1) of the Environmental Planning & Assessment Regulation 2000 provides: A certifying authority must not issue a construction certificate for building work unless it is satisfied of the following matters: -

(a1) that the plans and specifications for the building include such matters as each relevant BASIX certificate requires.

Note: Clause 154B(2) of the Environmental Planning & Assessment Regulation 2000 provides: "A certifying authority must not issue a final occupation certificate for a BASIX affected building to which this clause applies unless it is satisfied that each of the commitments whose fulfilment it is required to monitor has been fulfilled."

Note: For further information please see <http://www.basix.nsw.gov.au>.

[Amendment B - 4.55(1A) amended on 26/06/2018]

11. *Parking spaces shall be allocated to residential apartments / non-residential units in the development in the following manner and this shall be reflected in any subsequent strata subdivision of the development:*

Allocated Spaces

Studio - 1 bedroom and 2 bedrooms - 1 space per unit

3 bedroom - 2 spaces per unit

Visitors - 9 spaces (2 shared with commercial)

Commercial 1 space per 40sq/m - 3 spaces

Accordingly a total of 65 residential spaces (including six (6) accessible spaces), 9 visitors, incorporating 2 shared retail/visitor spaces (including one (1) accessible space) and 1 designated commercial/retail space are to be provided on site. All residential visitor spaces, 1 car wash bay, 1 dedicated loading bay, a minimum of 7 bicycle and 4 motorcycle spaces shall be labelled as a common property on the final strata plan for the site.

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

[Amendment B - 4.55(1A) amended on 26/06/2018]

39. *Compliance with Council's Development Control Plan (DCP) 2011 – Requirements for Access, must be provided to and within six (6) residential units, and between these units and their allocated car parking spaces. The allocated parking space will be located in close proximity to the access points of the building. The adaptable units are to be unit numbers 302/502/602/702/802.*

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

A revised Access Report shall be submitted to and approved by the PCA, prior to the issue of the Construction Certificate, which confirms an alternative solution is workable with respect of the dimension and design of accessible car parking spaces, and applicable shared areas within the development.

[Amendment B - 4.55(1A) amended on 26/06/2018]

87. 75 off-street car spaces including 9 visitor and 1 retail space with 2 visitors spaces shared with retail including seven (7) accessible spaces shall be provided in accordance with the submitted plans. All spaces shall be paved and line marked, with visitor / retail spaces and made freely available at all times during business hours of the site for staff and visitors.

Car spaces shall be provided in accordance with the submitted plan and shall be sealed and line marked to Council's satisfaction. The pavement of all car parking spaces, manoeuvring areas and internal driveways shall comply with Australian Standard AS3727 – Guide to Residential Pavements.

[Amendment B - 4.55(1A) amended on 26/06/2018]

98. Positive covenants pursuant to the Conveyancing Act 1919 shall be created on the title of the lots that contain the storm water detention and treatment facility to provide for the maintenance of the detention and treatment facility, waste removal by private waste contractor and the basement traffic control systems for ongoing compliance.

[Amendment B - 4.55(1A) amended on 26/06/2018]

102. A positive covenant shall be created over the visitor parking spaces to ensure that the commercial units retain exclusive use of the spaces between 7.30am to 6.00pm Monday to Friday and 7.30am to 1.00pm on Saturdays and comply with the shared parking register. A suggested wording for the covenant is indicated below:

"The Registered Proprietors covenant as follows with Council with respect to the area of common property identified as 'Visitor Parking' spaces on the Strata Plan (herein called 'The Burdened Land').

The Registered Proprietor will:

- i) permit the registered proprietors and/or invitees of the registered proprietors of the three commercial lots inclusive to enter upon The Burdened Land with a vehicle or vehicles whether motorized or not and to park, leave or place such a vehicle upon The Burdened Land within the times commencing at 7.30am in the morning Monday to Saturday and ending at 6.00pm in the evening Monday to Friday and 1.00pm in the afternoon on Saturdays. The times referred to are Australian Eastern Standard time or Australian Eastern daylight saving time whichever is in effect at the time that the registered proprietor or invitee enters upon The Burdened Land.*
- ii) not obstruct or inhibit in any manner whatsoever access to or exclusive use of The Burdened Land in accordance with the prior cause.*
- iii) comply with the terms of any written notice issued by Council in respect to the requirements of this clause within the time stated in the notice."*

[Amendment B - 4.55(1A) amended on 26/06/2018]

B By inserting the following conditions:

73A. Traffic Signs, Signal & Loop Detector

- (i) *A traffic signals/signs, convex mirrors and loop detector are to be designed and installed to manage vehicular movement in driveways that provide safe vehicle access to the site and all basement levels. The arrangement shall control traffic to ensure safe movement of vehicles within basement car park at all times.*
- (ii) *Prior to issue of the relevant Construction Certificate, a suitably qualified and experienced engineer shall design traffic management facilities within the site to the requirements of AS2890.1:2004 and relevant Austroads Guidelines. The facilities designed by the engineer shall include signals/signs (including traffic signal heads, vehicular guide signs, regulatory signs and warning signs), line marking and pavement markers, and other controls such as passing bays, traffic islands, median or separator and convex mirror to ensure safe movement of vehicles within the site at all times.*

The access driveway shall be controlled by traffic signals with the following operational mode:

After a pre-set clearance time signals revert to red for outgoing and green for incoming.

[Amendment B - 4.55(1A) inserted on 26/06/2018]

Reason for additional condition 73A is:

- To ensure the safety of vehicles entering and exiting the site.*

73B. Waste & Recycling Collection, Removalist Drop-off's & Pick-ups - Operational Requirements

- (i) *Waste & recycling collection and servicing, including removalist trucks, must be carried out within the approved loading bay at all times.*
- (ii) *Waste & recycling collection, deliveries, removalists and/or any other servicing must not, at any time, be undertaken from the Forest Roads and Harrow Road or elsewhere within the site.*
- (iii) *Waste and recycling may be collected by a private waste contractor. A contract for waste and recycling collection must be entered into prior to issue of the Occupation Certificate. The company engaged must ensure that all recycling is collected separately from waste.*
- (iv) *Waste & recycling collection must be undertaken during off-peak times.*
- (v) *The maximum size truck permitted to access the site is a Small Rigid Vehicle (SRV).*

- (vi) *The loading bay must be allocated as 'common property' on any future strata plan of subdivision under the Strata (Freehold) Schemes Act.*

[Amendment B - 4.55(1A) inserted on 26/06/2018]

Reason for additional condition 73B is:

- To ensure appropriate loading, unloading and waste collection occurs on site.

Name	For	Against
Jan Murrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lindsey Dey	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael File	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Christopher Middlemiss	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reason for Determination

The proposed application is consistent with the objectives of the zone and Council's LEP and DCP requirements.

6.3 DA-2017/168 - 356-368 Forest Road, Bexley

An on-site inspection took place at the property earlier in the day.

The following people spoke:

- Ms Fredericka Macrozonaris, affected neighbour, spoke against the officer's recommendation and responded to the Panel's questions.
- Mr Ronald Azzopardi, architect from ardesign, representing the applicant, spoke for the officer's recommendation and responded to the Panel's questions.
- Mr Ilo Ribarovski, owner, responded to the Panel's questions.

Determination

- 1 The Bayside Planning Panel approves the variation to the height standard, as contained in Clause 4.3 – Height of Rockdale LEP 2011, and considers the clause 4.6 submission of the applicant is well founded.
- 2 The Bayside Planning Panel approves the variation to the FSR development standard, as contained in Clause 4.4 – Floor Space Ratio of Rockdale LEP 2011, and considers the clause 4.6 of RLEP 2011 submission of the applicant is well founded.

- 3 The Development Application DA-2017/168 for the construction of a six (6) storey mixed use development comprising 22 residential units, 2 ground floor commercial tenancies, basement car parking, demolition of existing structures and strata subdivision is APPROVED subject to a DEFERRED COMMENCEMENT consent, pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, that includes satisfaction of the following matters;
- i Submission of a Wind Report confirming wind amelioration measures required on-site.
 - ii Submission of revised architectural plans, which illustrate:
 - a All required wind amelioration measures for the development.
 - b Unit 5 - Highlight or fixed obscure windows (not film) to both bedrooms and the living room with a minimum sill height of 1.7m. Fixed 1.8m high angled privacy screen to the eastern end of the balcony.
 - c Units 4 / 9 / 14 / 19 - Highlight or fixed obscure windows (not film) to living rooms with a minimum sill height of 1.7m. Fixed 1.8m high angled privacy screens to the eastern end of balconies.
 - d Integration of fire booster / hydrant within the building envelope.
 - e Provision of security access details to the driveway, loading / unloading area and basement level.
 - f Details of air conditioning units to residential units.
 - g Toilet and shower facilities provided to commercial tenancies.
 - iii Submission of a revised Landscape Plan which illustrates:
 - a Additional screen planting along the common boundary with 4 Harrow Road in lieu of a pedestrian walkway.
 - b Relocation of accessible ramp away from the common boundary with 4 Harrow Road.
 - c Details of fencing to delineate between communal open space and the adjoining outdoor area to retail space 1 at ground level.
 - d Productive gardens shall be incorporated into the deep soil area on site.
 - e Vegetation and proposed landscaping/fencing must not hinder driver sightlines to/from the driveway to road users on Forest Road.

The period of the Deferred Commencement is six (6) months from the date of this determination.

On the Deferred Commencement conditions above being approved by Council, the operational conditions of consent attached to the officer's report become effective.

- 4 That objectors be notified of the Bayside Planning Panel's decision.

Name	For	Against
Jan Murrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lindsey Dey	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael File	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Christopher Middlemiss	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reason for Determination

The Panel recognises the constraints of this site. The Panel is of the opinion that the development generally complies with the Council's planning controls and guidelines and that the setback of 6 m from the adjoining property satisfactorily ameliorates the impact of overshadowing and privacy impacts.

6.4 DA-2017/199 - 205-207 President Avenue, Monterey

An on-site inspection took place at the property earlier in the day.

The following person spoke:

- Mr Jamie MacGillivray, architect on behalf of the applicant, responded to the Panel's questions.

Determination

- 1 The Bayside Planning Panel approves the Cl.4.6 submission for variations to Clause 4.3 - Height of Buildings, and Clause 4.4 - Floor Space Ratio under Rockdale Local Environmental Plan 2011.
- 2 The development application DA-2017/199 for the construction of a four(4) storey residential flat building comprising 16 residential units, basement parking, front fence and demolition of existing structures at 205-207 President Avenue, Monterey is APPROVED as a DEFERRED COMMENCEMENT pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979 subject to the following changes:
 - A By deleting from the attached 'Schedule A – Draft Deferred Commencement Conditions' the following:
 - 2 *The submission of an updated BASIX Certificate.*

4 (1) Frontage setback

- a) All walls, and planter boxes and ramps shall be minimised. Planter boxes shall be deleted. Any raised terrace, raised ramp, above sub-basement car parking shall be softened with planting to comply with objection 3C-2 of the ADG.

4 (2) Eastern boundary

- a) Pedestrian circulation and stairs shall be relocated to allow screen planting along boundary. Screen planting shall be located adjacent to boundary, in deep soil area. Provide a mix of screen shrubs and trees, with a minimum height of 2.5 metres. The screen hedge shall include *Waterhousea floribunda*, *Syzygium "Cascade"*, *Elaeocarpus reticulatus*, *Melaleuca linarifolia* and similar native screen shrubs and trees.

B By amending the attached 'Schedule A– Draft Deferred Commencement Conditions' as follows:

4 (1) Frontage setback

- b) Allow at least one (1) large native canopy tree to mature in a minimum area of three by three metres (3x3m). The tree shall be an *Angophora costata* or a native tree endemic to the area, to be supplied and planted at 200 litre pot size, with three (3) stakes.

4 (6) Rear landscaped area

The two advanced *Jacaranda mimosifolia* trees shall be planted, one in each corner, a minimum of 3 metres from any boundary of the site. In addition one (1) *Angophora costata*, or native tree endemic to the area, shall be included in the rear landscape area, at a minimum distance of 2.5 metres from adjoining boundaries. The trees are to be supplied at minimum pot size of 200 litres, (height above container 3.5 metres, calliper at 300mm greater than 60mm, with a clear trunk height of 1.5 metres).

On the Deferred Commencement conditions being satisfied and approved by Council, the operational conditions of consent attached to the Minutes and as amended below, become effective.

C By deleting Condition 35 from the attached 'Schedule B - Draft Conditions of Consent:

- 35 To improve the amenity of the future occupants and minimise bulk, the depth of the balcony on the front units east elevation (Units 5 and 9), shown on the plans as 4.153 metres shall be reduced to a maximum of 2 metres and shall be extended in width to join the adjacent open area to create a consolidated balcony. Details shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

3 That the objectors be advised of the Bayside Planning Panel's decision.

Name	For	Against
Jan Murrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lindsey Dey	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael File	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Christopher Middlemiss	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reason for Determination

The removal of the existing Jacaranda is approved because its location impacts unreasonably on the future development of the site. Whilst the removal of the existing large Jacaranda tree is regrettable, at the same time the development approval requires replacement canopy trees in appropriate locations on the site in deep soil, including two Jacarandas, a species of tree that can be seen to thrive in the surrounding area.

The proposed development is generally consistent with the existing controls and current guidelines for this isolated site of a constrained width. The panel is satisfied the development of a modern architectural style will create a positive new addition to the streetscape that will sit comfortably in a landscaped setting that will also provide in the future a significant contribution to the greening of the area. The design of the building also minimizes adverse amenity impacts on adjoining properties.

6.5 DA-2018/28 - 60 Monterey Street, Monterey

An on-site inspection took place at the property earlier in the day.

The following people spoke:

- Mr Terry Mourched from Architectural Consultants & Project Managers spoke for the officer's recommendation and responded to the Panel's questions.
- Mr Rabi Moussawel from Architectural Consultants & Project Managers responded to the Panel's questions.

Determination

- 1 The Bayside Planning Panel does not approve the variation to clause 4.3 Height of building under Clause 4.6 as submitted by the applicant.
- 2 The Development Application No.DA-2018/28 for the proposed alterations and additions to the roof top terrace including retention and use of 6 timber posts and wires for the purpose of roof top garden at 60 Monterey Street, Monterey is

REFUSED pursuant to Section 4.16(1)(b) of the Environmental Planning and Assessment Act 1979 for the following reasons:

- The additional structure above the height limit in the LEP is not supported.
- There is concern about the potential for the adverse amenity impacts on the surrounding area resulting from an intensification of the rooftop open space.

3 That the objector be advised of the Bayside Planning Panel's decision.

Name	For	Against
Jan Murrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lindsey Dey	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael File	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Christopher Middlemiss	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reason for Determination:

The Panel is not persuaded the proposal warrants approval and considers that the addition of structural elements on this large roof-top are unnecessary and unreasonable. The residential amenity of the surrounding area could potentially be adversely impacted in terms of privacy and noise by the large number of people that could be accommodated on a roof-top of this size with no measures to mitigate these impacts.

6.6 SF18/1297 - DA-2017/1222 - 200 Coward Street, Mascot

An on-site inspection took place at the property earlier in the day.

The following person spoke:

- Mr Walter Gordon, representing the applicant, responded to the Panel's questions.

Determination

- 1 The Bayside Planning Panel is not satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3) of Botany Bay Local Environmental Plan 2013.
- 2 The Development Application No. 2017/1222 for alterations to the approved mixed use development by converting balconies into wintergardens at 200 Coward Street, Mascot, is REFUSED pursuant to section 4.16(1)(b) of the Environmental Planning and Assessment Act 1979 for the following reason:
 - The application removes the outdoor balcony open space for future residents which is a mandatory and current requirement for residential flat buildings.

The proposed development does not meet the objectives of the current zone, Council's DCP requirement or the ADG.

Name	For	Against
Jan Murrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lindsey Dey	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael File	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Christopher Middlemiss	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reason for Determination:

The application is refused because it removes the outdoor balcony open space for future residents which is a mandatory and current requirement for residential flat buildings. The proposed development does not meet the objectives of the current zone, Council's DCP requirements, or the ADG.

The Chairperson closed the meeting at 8.25 pm.

Jan Murrell
Chairperson

Bayside Planning Panel

10/07/2018

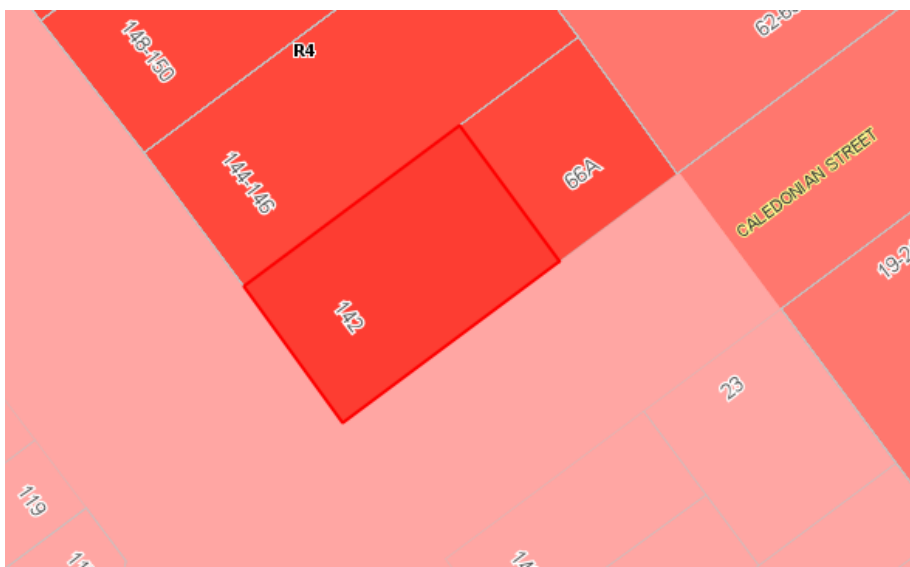
Item No	6.1
Application Type	Development Application
Application No	DA-2017/139
Lodgement Date	20/10/2016
Property	142 Queen Victoria Street, Bexley
Ward	Bexley
Owner	Aston (NSW) Pty Ltd
Applicant	Mr William Karavellas
Proposal	Demolition of existing structures and construction of a four(4) storey residential flat building containing seven(7) units, basement level and strata subdivision
No. of Submissions	Five submissions in first notification period, including a petition with 71 signatures; four submissions in second notification period
Cost of Development	\$2,285,993
Report by	Michael McCabe, Director City Futures

Officer Recommendation

- 1 That Development Application DA2017/139 for construction of a four (4) storey residential flat building development, comprising 7 residential units, basement parking, and demolition of existing structures at 205-207 142 Queen Victoria Street, Bexley, be REFUSED pursuant to Section 4.16(1)(b) of the *Environmental Planning and Assessment Act 1979*, for the following reasons:
 - a. Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the proposed development does not satisfy the following requirements of the Apartment Design Guide, as required by Clause 28(2)(c) of *State Environmental Planning Policy 65 Design Quality of Residential Apartment Development*:
 - i. 3C – Public Domain Interface
 - ii. 3F – Visual Privacy
 - iii. 4A – Solar Access
 - iv. 4L – Ground Floor Apartments
 - b. Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the proposed development does not satisfy the following requirements or objectives of Rockdale Local Environmental Plan 2011:
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- i. Clause 2.3 – Zone Objectives
 - c. The proposed development is unsatisfactory, pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as it does not comply with the objectives and provisions of Rockdale Development Control Plan 2011 including:
 - i. 4.1.9 – Lot Size and Site Consolidation
 - ii. 4.2 – Streetscape and Site Context
 - iii. 5.2 – Residential Flat Buildings
 - d. Having regard to the abovementioned non-compliances and pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development is unsatisfactory and creates unreasonable impacts on the locality.
 - e. Pursuant to the provisions of Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the suitability of the site for the proposed development has not been adequately demonstrated.
 - f. Having regard to the reasons noted above, pursuant to the provisions of Section 4.15(1)(d) and Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, approval of the development application is not in the public interest.
- 2 That the objectors be advised of the Bayside Planning Panel decision.

Location Plan



Attachments

- 1 Planning Assessment Report
- 2 Site Analysis Plan - 142 Queen Victoria St Bexley
- 3 Elevations - 142 Queen Victoria St Bexley
- 4 Elevations - 142 Queen Victoria St Bexley
- 5 Section A-A & Driveway Profile - 142 Queen Victoria St Bexley
- 6 Shadow Diagrams (22nd June)
- 7 Shadow Diagrams (22nd Mar-Sept)
- 8 Revised Photomontage - 142 Queen Victoria Street Bexley [↓↓↓↓↓↓↓↓](#)

BAYSIDE COUNCIL

Planning Assessment Report

Application Details

Application Number:	DA-2017/139
Date of Receipt:	20 October 2016
Property:	142 Queen Victoria Street, Bexley
Lot & DP/SP No:	Lot A in DP 384344
Owner:	Aston (NSW) Pty Ltd
Applicant:	William Karavelas
Proposal:	Construction of a four (4) storey residential flat building, comprising seven (7) units, basement level, strata subdivision and demolition of existing structures
Value:	\$2,285,993
Recommendation:	Refusal
No. of submissions:	Five in first round, including a petition with 71 signatures; four in second round
Author:	Brendon Clendenning, Creative Planning Solutions Pty Limited
Date of Report	27 June 2018

Key Issues

Council received Development Application No. DA-2017/139 on 20 October 2016 seeking consent for the construction of a four (4) storey residential flat building comprising 8 residential units, basement car parking and demolition of existing buildings, at 142 Queen Victoria Street, Bexley. The original proposal sought a floor space ratio bonus under *State Environmental Planning Policy (Affordable Rental Housing) 2009* (ARHSEPP), but as the site did not strictly meet the necessary public transport frequency criteria associated with the floor space ratio bonus, an amended application was later submitted which sought consent for 7 residential units.

The application is recommended for refusal, primarily because granting consent to this application would isolate the site at 66A Caledonian Street, Bexley, which adjoins to the north-west. Council has required the applicant to demonstrate that the proposal can satisfy the Land and Environment Court planning principles in relation to site isolation, namely that 66A Caledonian Street can be developed in isolation, in an economic and orderly manner.

A schematic development was submitted to Council on 25 June 2018, over 20 months after lodgement of the application; however, there are numerous issues associated with the schematic development, and it is unlikely that such a development proposal would receive development consent.

The application also continues to seek a small floor space ratio non-compliance, associated with the garbage room that was previously proposed within the basement, but has been relocated to the ground floor where it is included within floor space ratio calculations. Were the application not recommended for refusal, a deferred commencement condition requiring minor design amendments would remove this non-compliance.

In addition, the application did not properly demonstrate that groundwater would not be encountered as part of the basement excavation, and as a consequence, it is not clear whether the development would require an aquifer interference activity approval pursuant to the *Water Management Act 2000*. However, this matter could potentially be addressed prior to excavation.

Other issues also remained unaddressed, being non-compliances with setbacks and site coverage requirements.

The development application has been assessed in accordance with the relevant requirements of the *Environmental Planning and Assessment Act 1979* and is recommended for refusal, for the reasons outlined with the Recommendation below.

1. Recommendation

That:

- 1 Development Application DA2017/139 for construction of a four (4) storey residential flat building development, comprising 7 residential units, basement parking, and demolition of existing structures at 205-207 142 Queen Victoria Street, Bexley, be REFUSED pursuant to Section 4.16(1)(b) of the *Environmental Planning and Assessment Act 1979*, for the following reasons:
 - a. Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the proposed development does not satisfy the following requirements of the Apartment Design Guide, as required by Clause 28(2)(c) of *State Environmental Planning Policy 65 Design Quality of Residential Apartment Development*:
 - i. 3C – Public Domain Interface
 - ii. 3F – Visual Privacy
 - iii. 4A – Solar Access
 - iv. 4L – Ground Floor Apartments
 - b. Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the proposed development does not satisfy the following requirements or objectives of *Rockdale Local Environmental Plan 2011*:
 - i. Clause 2.3 – Zone Objectives
 - c. The proposed development is unsatisfactory, pursuant to the provisions of Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*, as it does not comply with the objectives and provisions of *Rockdale Development Control Plan 2011* including:

- i. 4.1.9 – Lot Size and Site Consolidation
 - ii. 4.2 – Streetscape and Site Context
 - iii. 5.2 – Residential Flat Buildings
- d. Having regard to the abovementioned non-compliances and pursuant to the provisions of Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*, the proposed development is unsatisfactory and creates unreasonable impacts on the locality.
- e. Pursuant to the provisions of Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*, the suitability of the site for the proposed development has not been adequately demonstrated.
- f. Having regard to the reasons noted above, pursuant to the provisions of Section 4.15(1)(d) and Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, approval of the development application is not in the public interest.

2 The objectors be advised of the decision of the Panel.

Background

20 October 2016 – DA-2017/139 submitted to Council

Construction of a four (4) storey residential flat building comprising 8 residential units, basement car parking, front fence and demolition of existing buildings.

26 October 2016 – 10 November 2016 - Public notification of proposal

16 November 2016 – Consideration by Design Review Panel (DRP)

The panel provided a range of recommendations which are discussed elsewhere in relation to SEPP 65.

November 2016 - April 2018 – Correspondence - Site Isolation

Council officer and applicant communicated in regard to the site isolation issue and additional information was submitted by the applicant including valuations from neighbours.

30 January 2017 – Tree management officer referral response

The tree management officer noted that the existing trees are generally insignificant in the landscape and may be removed and that substantial replacement planting is to be provided in the proposed landscape works. Conditions were recommended requiring protection of trees located in the nature strip adjacent to the site and trees within adjoining properties.

13 February 2017 – Ausgrid referral response

No objections; conditions provided.

8 October 2017 – Request for further information

A letter sent to applicant regarding several deficiencies in the proposal. These dealt with various non-compliances with the specific design criteria and design guidance prescribed within the Apartment Design Guide, streetscape, landscaping, transport criteria and floor space ratio bonus, parking, communal open space, site isolation, groundwater, setbacks, acoustic impacts, site coverage and architectural plans. Other information was also sought such as an apartment schedule and updates to the architectural plans.

19 September 2017 – Engineer referral response

The engineering response indicates that further information was required relating to parking. Council's engineer indicated that the borehole depths were not sufficient to identify whether groundwater would be encountered during construction and a revised geotechnical report was requested.

28 September 2017 – Meeting with applicant held at Council offices**3 February 2017 - Sydney Water referral response**

Conditions were recommended, including those associated with the proximity of the proposed development to Sydney Water assets.

1 November 2017 – Submission of draft amended plans for comment

The draft amended plans were indicative only, and no written information was provided.

7 November 2017 – Response issued to draft amended plans

The response indicated that the issues had been partially addressed.

24 April 2018 – Applicant advised that amended plans must be submitted by 1 May 2018 or application will be recommended for refusal.**1 May 2018 – Submission of amended plans**

The amended proposal included a significant reduction in floor space, as the floor space ratio bonus available under the ARHSEPP was no longer sought. The amended proposal also included deletion of one of the apartments to the fourth floor, and changes to parking and communal open space.

9 May 2018 – 23 May 2018 – Second public notification period

31 May 2018 – Engineer referral response

In response to the amended application, the engineer indicated that there were no issues outstanding. It is noted that no further consideration of the groundwater matters was made as part of this engineering assessment. These matters are discussed elsewhere within this report.

31 May 2018 – Landscape Referral Response

The landscape referral indicated that the issues with the landscaped plans had generally been addressed. Issues relating to retaining walls and communal open space are discussed elsewhere within this report.

31 May 2018 – Tree management officer referral response

The conclusions of the tree management officer were generally in line with those from the initial referral.

21 June 2018 – Further amended proposal submitted

The proposal was amended to allow for a small reduction in floor space, which was mostly sufficient to achieve compliance with the FSR control (with the exception of the detached garbage room). Notification was not required.

25 June 2018 – Plans provided depicting a schematic development at 66A Caledonian Street.

This information was originally requested by the Design Review Panel on 16 November 2016. The plans depict a four storey boarding house and this is discussed in further detail elsewhere within the report.

Site Description

The site is known as 142 Queen Victoria Street, Bexley. It comprises one lot legally described as Lot A in DP 384344.

The site is located on the north eastern corner of Queen Victoria Street and Caledonian Street.

The site is rectilinear in shape and has an area of 675.9sqm. It has a frontage of 20.725m to Queen Victoria Street and a secondary street frontage of 32.615m to Caledonian Street.

The site experiences an approximate 2.67m fall from the northern most point in a southern direction towards the intersection of Queen Victoria Street and Caledonian Street. A tree is located in the front setback, while a row of five (5) trees are located within the road reserve along Caledonian Street.

The existing building is provided with vehicular access from Queen Victoria Street and the site is affected by Class 5 Acid Sulfate Soils.

The site is located to the south of Forest Road, which runs directly to Hurstville's commercial centre, and west of Kogarah and Rockdale train stations, providing access to several other commercial and city centres. The site is serviced by buses on nearby streets, including Queen Victoria Street and Caledonian Street, and is situated approximately 1km north-west of Kogarah Railway Station.

In this location, the north-eastern side of Queen Victoria Street is characterised by three storey residential flat buildings, and the south western side of Queen Victoria Street is primarily characterised by single and double storey residential dwellings. The three allotments to the north-east which front Queen Victoria Street are approximately 50m in length, and are each generally provided with similar dimensions and similarly located apartment developments. The amalgamation of the subject site with the property at 66A Caledonian Street would provide an allotment of dimensions that are consistent with those properties.

The northern and southern side of Caledonian Street is characterised by single residential dwellings. The site is located at an intersection whereby three of the four buildings (including the existing building at the subject site) are located with a nil setback to both Queen Victoria Street and Caledonian Street. These buildings appear to have been designed with ground floor commercial premises, although only the building at 140 Queen Victoria Street appears to still be in operation for that purpose.

Description of Development

The development application, DA-2017/139 at 142 Queen Victoria Street, Bexley, seeks consent for the construction of a four (4) storey residential flat building development, comprising 7 residential units, basement level, and demolition of existing structures.

The key development statistics and details of the proposal are outlined below:

Site area	675.9sqm (survey)
Site dimensions	<ul style="list-style-type: none"> • Frontage/width: 20.725m • Length: 32.615m
Gross floor area	Approx. 675.9sqm
Floor space ratio	1:1
Building Height	Approx. 13.5m
No. of Apartments	Three (3) x 2-bedroom Four (4) x 3-bedroom Total: 7 apartments
Apartment sizes	76.13sqm – 97sqm
Private Open Space sizes	23.48sqm – 163.83sqm
Communal Areas	No communal open space provided

Built form

The proposed built form consists of a four (4) storey building, roughly rectangular in shape. The building includes a flat roof. The building contains a lift core and stair core, accessed from the common lobby, providing access to each level, including the basement.

The proposal seeks non-compliances with the required setbacks to both Queen Victoria Street and Caledonian Street.

Internal layout and facilities

The development consists of 7 units with a mix of 2-bedroom and 3-bedroom units. The Ground Floor, Level One and Level Two each contain two units, while Level Three provides a floor plate containing one unit, surrounded by balconies on all sides. All units contain a combined kitchen, dining, and living areas, which adjoin balconies or terraces. Separate bathroom and WC areas are provided to each apartment, with laundries proposed separately to the bathrooms.

Basement

The development includes a single level of basement car parking which comprises 13 parking spaces, including 12 resident car parking spaces with one being for disabled parking space, as well as one visitor car parking space, and one motorbike space. A shared zone and a store room are also provided within the basement, with the lift and stairwell providing pedestrian access to the building above. Vehicular access to the basement is provided off a driveway to Queen Victoria Street, and the car park is arranged in a single aisle. The basement has setbacks which are not entirely consistent with the setbacks of the buildings, being an 800mm side setback to the north-western side boundary, which is largely dictated by the driveway entry being situated as far as possible from the intersection.

Materials and finishes

The materials and finishes of the development include a mixture of face brickwork and rendered and painted masonry. A combination of masonry and frameless glass balustrades are used throughout the balconies within the development. Powder coated aluminium sliding privacy screens are proposed to Level 1 and Level 2 balconies facing Queen Victoria Street. The Queen Victoria Street elevation is shown within *Figure 1*.

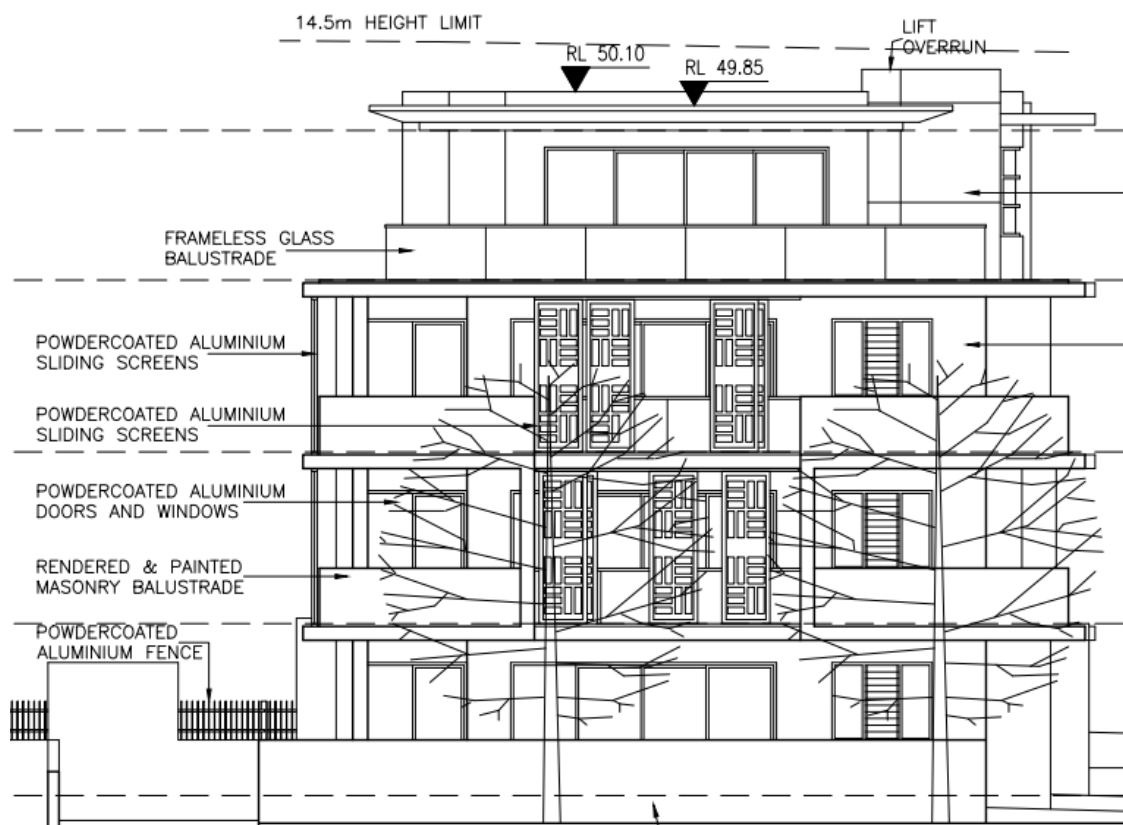


Figure 1 Queen Victoria Street Elevation (Cornerstone Design, 2018)

Trees and landscaping

One (1) existing tree identified on the survey in the western corner frontage is proposed to be removed. Five (5) street trees located along the Caledonian Street frontage are proposed to be retained.

The primary areas of landscaping on the site are proposed along the length of the north-western side boundary, with a common grassed area located at the rear of the site. Scattered landscaped areas are also located along the majority of the frontage and south eastern side boundary.

Statutory Considerations

Environmental Planning and Assessment Act, 1979

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

S.4.15(1) - Matters for Consideration – General

S.4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

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

The proposed development includes BASIX affected buildings and therefore requires assessment against the provisions of this SEPP and BASIX certification. A BASIX certificate has been submitted with the amended proposal provided on 31 May 2018 in accordance with the provisions of this SEPP. Given the minor nature of the final design amendments, a further amended certificate was not requested.

The BASIX certificate demonstrates the proposal complies with the relevant sustainability targets and will implement those measures required by the certificate.

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

State Environmental Planning Policy (Infrastructure) 2007

Clause 45 - works within the vicinity of electricity infrastructure

The proposed development is to be carried out within 5m of an overhead electricity power line, and involves the penetration of ground within 2m of an underground electricity power line and distribution pole. Pursuant to Clause 45(2), the consent authority must take into consideration any response issued by the electricity supply authority, being Ausgrid.

Ausgrid has provided recommended conditions in relation to the overhead powerlines, underground cables, and various other matters relevant to electricity supply.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

As part of the application one (1) tree is to be removed from the site to accommodate the proposed development. This tree is of low to medium retention value. Five (5) street trees to the Caledonian Street frontage of the site are proposed to be retained.

Council's Tree Management Officer has reviewed the original application and raised no objection to the proposed tree removal. Accordingly, the proposal is considered to satisfy this policy.

State Environmental Planning Policy No. 55 – Remediation of Land

The provisions of SEPP 55 have been considered in the assessment of the development application, along with the requirements of Part 4.1.5 Contaminated Land of the *Rockdale Development Control Plan 2011*. The likelihood of encountering contaminated soils on the subject site is considered to be extremely low given the following:

- 1 The site appears to have been continuously used for residential and commercial purposes.
- 2 The adjoining and adjacent properties are currently used for residential purposes.
- 3 The site and surrounding land were not previously zoned for purposes identified under Table 1 of the contaminated land-planning guide in State Environmental Planning Policy 55, in particular industrial, agricultural or defence uses.

On this basis, the site is considered suitable in its present state for the proposed residential development. No further investigations of contamination are considered necessary.

State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development

SEPP 65 requires Council to consider the design quality of residential flat buildings comprising of three or more storeys and including four or more dwellings. In accordance with SEPP 65, before determining any development application subject to SEPP 65, the consent authority must consider the following:

- (a) the advice (if any) obtained from the design review panel,
- (b) the design quality of the development when evaluated in accordance with the design quality principles, and
- (c) the Apartment Design Guide.

Advice from Design Review Panel

The proposed development was originally considered by the St George Design Review Panel (DRP) at a meeting held at Council's offices on 16 November 2016. The DRP recommended several changes be made to the proposal in order to satisfy the nine (9) design quality principles of SEPP 65. The applicant provided amended architectural plans which partly responded to these issues, but the proposal was not again referred to the DRP.

The recommendations of the DRP are highlighted below, followed by a comment outlining the corresponding amendments made by the applicant:

- a) **DRP comment:** The proposal is for a significant building compliant with Council Controls (including Affordable SEPP bonus) however quite different in height and bulk to most of the development in the immediate vicinity which is predominately one and two storey cottages, some town houses and three and four storey walk-up flats. Consequently, the proponent needs to take care that the development sits comfortably within this context.

Assessment consultant comment: The proposal has since been amended such that no FSR bonus is sought. Despite this, the proposal is still not appropriate within its context, largely because of the issues associated with site isolation, and the related non-compliances discussed later in this report.

- b) **DRP comment:** The proposal isolates the property at 66A Caledonian Street to the north. This is a small site and the last remaining R4 zone site. The proponent has not demonstrated the capacity of this site to redevelop on its own and how their proposal could best interface with this site in the future.

Assessment consultant comment: Further discussion is provided elsewhere in this report in relation to site isolation.

- c) **DRP comment:** The side setback to the north is 4.5 metres wide for half of the length of the building and this does not comply with the ADG. This should comply with the ADG separation.

Assessment consultant comment: Although some design changes have been made, this remains non-compliant and is discussed in relation to site isolation.

- d) **DRP comment:** A 3 metre landscape setback should be provided on Caledonian Street. This should be clear of all structures including terraces, walls, stairs etc.

Assessment consultant comment: This remains non-compliant and is discussed further in relation to the requirements for street setbacks within the RDCP 2011.

- e) **DRP comment:** The proposed setback to Queen Victoria Street as currently shown is supported because of the prominent corner location and the verge built out in the street.

Assessment consultant comment: The extent of this non-compliance has been increased, and this is discussed further in relation to the requirements for street setbacks within the RDCP 2011.

- f) **DRP comment:** Blank walls to street edges as shown in the Queen Victoria Street frontage is not supported. This needs to be redesigned to reduce the height of the boundary wall and provide new access stairs to the street for Unit 1. Stormwater detention should not dictate the resolution of this important corner and should be relocated, such as underneath the driveway. The streetscape interface should be predominately planting, and incorporate well resolved stair access to the ground level apartment.

Assessment consultant comment: The proposal provides an OSD basin within the Queen Victoria Street setback, which requires the provision of surrounding retaining walls to allow for surface water storage. It is clear that the method of stormwater detention has dictated the approach to the design of the intersection and this arrangement is not supported.

- g) **DRP comment:** The common open space on the eastern boundary is not supported. This should be relocated to minimise impacts on neighbouring ground floor residents. The

Panel supports a rooftop space in spite of the fact this may intrude upon Council's height control. This may be improved by re-planning the lift core location to minimize the visual impacts.

Assessment consultant comment: The communal open space has been deleted. No rooftop space is proposed. The shortfall in communal open space is supported given the number of units proposed in the development, and the generous size of each private open space area.

- h) **DRP comment:** As one of the last remaining apartment sites in this low scale context, the transition of the building form in response to the surrounding context is important. The building form should emphasize a 3 storey datum with a less prominent top floor to facilitate this transition.

Assessment consultant comment: The floor plate to the top floor has been significantly reduced as a consequence of the redesign, and the proposal has appropriately addressed this recommendation.

- i) **DRP comment:** Unit 1 and above could be improved for solar access by re-planning and potentially by relocating the living room to the Queen Victoria Street frontage. This would enable a more generous north facing window for the living room and reduce overlooking of the adjacent properties.

Assessment consultant comment: This recommendation has been accommodated.

- j) **DRP comment:** The reconfiguration of the building footprint particularly the 3 metre set back to Caledonian Street is critical to achieving a high quality landscape to the public domain. Likewise the resolution of the southern boundary to Queen Victoria Street, in relation to the top of wall height is critical to improve the street edge. This should present as predominately low scale walls with planting to the street.

Assessment consultant comment: This matter has not been addressed; refer to discussion in relation Part 5.2 of the RDCP 2011.

- k) **DRP comment:** Streetscape improvements should be undertaken as part of this proposal and should include the provision of new street trees on Queen Victoria Street verge. Species should match existing street trees.

Assessment consultant comment: The amended plans were assessed by Council's landscape architect and the species selection was deemed to be acceptable.

DRP comment: Deep soil zones need to incorporate large trees with a priority on fast growing species to provide an appropriate interface to surrounding properties. Water gums do not fulfil this criteria.

Assessment consultant comment: The amended plans were assessed by Council's landscape architect and deemed to be acceptable, subject to conditions requiring minor changes.

l) **DRP comment:** The Panel has the following concerns with the apartment layouts:

- The entry to Unit 1 and above is convoluted and should be more generous for a 3-bedroom apartment.
- The circulation pattern between rooms in Unit 1 and above limits furniture layout options. The above recommendation to relocate the living room to the street frontage would assist in resolving the layout.
- The study in units 5 and 7 could be re-planned to eliminate some walls and improve use and circulation.
- The laundry in Units 2 and above should be relocated to the store room and out of the main living area.

Assessment consultant comment: These recommendations have been accommodated within the redesign.

m) **DRP comment:** The unit mix is not to Council's specification but is appropriate for the context.

Assessment consultant comment: Unit mix non-compliance is discussed elsewhere and is supported.

n) **DRP comment:** The vertical green blades accentuate the height, have no apparent function and are not appropriate. They should be removed.

Assessment consultant comment: These elements have been deleted.

o) **DRP comment:** The Panel notes there is an opportunity to utilise the rooftop as an additional communal space, and would support a height exceedance for extension of lift tower and pergola structure in order to provide a high quality rooftop communal garden noting that the height of this space in relation to the adjacent roof areas means it would could be easily designed to not overlook adjacent dwellings.

Assessment consultant comment: No rooftop communal open space is proposed.

p) **DRP comment:** Re-planning Unit 1 as above provides an opportunity to redesign the façade to create a more appropriate corner.

Assessment consultant comment: Accommodated as described above.

Design Quality Principles

The following comments provide a general discussion of the response of the proposal to the design quality principles. These comments are partly informed by the commentary provided by the Design Review Panel.

Principle	Comment
Context	<p>The site is located at an intersection whereby three of the four buildings (including the existing building at the subject site) are located with a nil setback to both Queen Victoria Street and Caledonian Street. These buildings appear to have been designed with ground floor commercial premises, although only the building at 140 Queen Victoria Street appears to still be in operation for that purpose.</p> <p>The properties located toward the north-west of the subject site contain three storey brick walk-up residential flat buildings, with pitched roofs. The three allotments to the north-east which front Queen Victoria Street are approximately 50m in length, and are generally provided with similar dimensions and similarly located apartment developments. The amalgamation of the subject site with the property at 66A Caledonian Street would provide an allotment of dimensions that are consistent with those properties.</p> <p>Land adjoining the subject site at 66A Caledonian Street, Bexley has the potential to become isolated as a result of the proposed development as it fails to meet the minimum lot width requirements for residential flat buildings under the relevant planning controls.</p> <p>Otherwise, the surrounding neighbourhood is of a lower overall scale, density and/or development potential.</p> <p>The proposed non-compliant side setbacks are unable to be supported, given the streetscape impacts, and the relationship with the isolated site. It is likely that the site isolation will create sub-optimal privacy and overshadowing outcomes.</p> <p>The isolation of the site at 66A Caledonian Street is not considered to be consistent with the desired future character established by the planning controls, and any development on that site does not provide an appropriate response to this context and setting of the neighbourhood.</p>
Built Form & Scale	<p>Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area. In terms of bulk, scale and built form of the proposed development is consistent with other residential apartment developments in the immediate area, also being 4-storeys in height and on similar sized blocks.</p> <p>The facades are well articulated with balconies and architectural features, recesses in elevations, use of building materials and colour creates visual interest along both streetscapes and also when viewed from adjoining properties.</p> <p>Issues remain with inadequate setbacks to each of the street frontages.</p>

Principle	Comment
Density	<p>The proposal is limited to four storeys in height, therefore satisfactorily achieving the density controls contained in the RLEP 2011. The FSR is capable of being compliant with a deferred commencement condition regarding the garbage storage room. The overall proposal complies with requirements for the size of rooms and balconies and achieves appropriate dwelling yield that is envisaged from a development of this nature.</p> <p>The design has been significantly improved following the deletion of one unit to the upper floor, which allows for the upper floor to be read as a recessive element.</p>
Sustainability	<p>The Design Review Panel had made a request to change the dwelling layout to improve north facing solar access. These changes have been accommodated within the amended proposal. However, it is unlikely that sufficient solar access will be provided to the subject proposal, as a consequence of any development that may be undertaken on 66A Caledonian Street, and further setbacks are required.</p> <p>An amended Basix Certificate accompanies the amended design.</p>
Landscape	<p>The landscaping scheme proposed is considered to satisfactorily address the relevant provisions of the ADG. Generally, the landscaping scheme proposed is satisfactory, having appropriate regard to the nature and context of the surrounding area. However, concerns remain with the lack of deep soil to the Caledonian Street frontage.</p>
Amenity	<p>All apartments are provided with at least three aspects, and in this respect will receive ample amenity in relation to access to natural light and ventilation, and solar access. Portions of the ground floor courtyards will be subject to some overlooking from higher apartments; however, this is predominately a function of the generous size of the courtyards, rather than of any flaw in the design.</p> <p>All dwellings will be cross ventilated, complying with the provisions of the ADG. It is not clear if the proposed apartments will achieve sufficient solar access.</p>
Safety	<p>The proposed development has been designed taking into consideration the CPTED principles to eliminate any opportunity of concealment. It provides safe and direct access from the road. Apartment design would also permit passive surveillance.</p>
Housing diversity and social interaction	<p>The proposal provides an acceptable dwelling mix despite the non-compliance with the RDCP 2011 requirements. The unit mix includes (3) x 2-bedroom units (42.8%), and four (4) x 3-bedroom units (57.2%).</p>

Principle	Comment
	<p>Part 4.5.1 of the RDCP 2011 requires that one adaptable dwelling be provided for this development, and Unit G.02 is proposed as an adaptable dwelling, with the disabled parking space within the basement to be allocated to this dwelling.</p> <p>The proposal does not provide any formal communal open space area; however, for a development containing only seven apartments, a communal open space is not considered necessary in this instance. As there are no more than two apartments at each level, there is a relatively high chance of familiarity amongst residents.</p>
Aesthetics	<p>The building does not appropriately address Queen Victoria Street, and in this respect the presentation to this street is not appropriate.</p> <p>Externally, the building presents a combination of architectural features combined with asymmetric street elevation which successfully creates visual interest in the built form whilst satisfactorily achieving the desirable architectural style that is expected to shape the future streetscape of the street block.</p> <p>The materials and finishes of the development include a mixture of face brickwork and rendered and painted masonry. A combination of masonry and frameless glass balustrades are used throughout the balconies within the development. Powder coated aluminium sliding privacy screens are proposed to Level 1 and Level 2 balconies facing Queen Victoria Street.</p> <p>Inadequate setbacks are provided to each street frontage, which limits the opportunities for deep soil area, and are not appropriate given the size of the building.</p>

Apartment Design Guide

The proposed development has been assessed against the NSW Apartment Design Guide (ADG). There are several non-compliances which are not considered acceptable. A summary table is provided below, followed by a discussion of specific non-compliances.

Apartment Design Guide	Compliance/Comment
3C Public Domain Interface Mail boxes should be located in lobbies, perpendicular to the street alignment or integrated into front fences where individual street entries are provided Substations, pump rooms, garbage storage areas and other service requirements should be	Services are not shown. Refer to discussion.

Apartment Design Guide		Compliance/Comment
	<p>located in basement car parks or out of view.</p> <p>Ramping for accessibility should be minimised by building entry location and setting ground floor levels in relation to footpath levels.</p>	
Communal and public open space (3D)	<p>Communal open space has a minimum area equal to 25% of the site.</p> <p>Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9am and 3 pm on 21 June (mid-winter)</p> <p>Facilities are provided within communal open spaces and common spaces for a range of age groups (see also 4F Common circulation and spaces), incorporating some of the following elements:</p> <ul style="list-style-type: none"> • seating for individuals or groups • barbecue areas • play equipment or play areas • swimming pools, gyms, tennis courts or common rooms 	<p>No communal open space (COS) is provided; refer to discussion.</p> <p>N/A see above</p>
Deep soil zones (3E)	<p>7% of the site area shall be deep soil zones.</p> <p>For sites between 650-1500sqm the minimum dimension of the deep soil zone is 3m.</p>	The proposal provides in excess of 25% deep soil area, with the majority exceeding 3m in width.
Visual privacy (3F) Separation between windows	Minimum separation distance from buildings to the side and rear boundaries, as follows:	Proposal does not comply; refer to discussion.

Apartment Design Guide	Compliance/Comment
<ul style="list-style-type: none"> Up to 12m in height = 6m (habitable rooms), 3m (non-habitable rooms) Up to 25m in height = 9m (habitable rooms), 4.5m (non-habitable rooms) Over 25m in height = 12m (habitable rooms), 6m (non-habitable rooms) <p>ADG assessment note: When measuring the building separation between commercial and residential uses, consider office windows and balconies as habitable space and service and plant areas as non-habitable.</p> <p>Where applying separation to buildings on adjoining sites, apply half the minimum separation distance measured to the boundary. This distributes the building separation equally between sites (consider relationship with section 3F Visual privacy).</p>	
<p>Solar and daylight access (4A)</p>	<p>Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter.</p> <p>A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter</p> <p>Likely to comply if 66A Caledonian Street is not developed, but otherwise potentially constrained. Refer to discussion.</p>
<p>Natural ventilation (4B)</p>	<p>At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building.</p> <p>Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels</p> <p>Each unit features a minimum of three aspects therefore would achieve maximum cross ventilation.</p>

Apartment Design Guide		Compliance/Comment
	allows adequate natural ventilation and cannot be fully enclosed.	
	Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	Apartments are provided with three orientations or greater.
Ceiling heights (4C)	Habitable rooms = 2.7m Non-habitable = 2.4m In mixed-use zones, ground floor and first floor to have 3.3m	Complies 2.7m for habitable rooms Not within a mixed use zone.
Apartment size and layout (4D)	Minimum internal areas: <ul style="list-style-type: none"> • Studio = 35m² • 1-bed = 50m² • 2-bed = 70m² • 3-bed = 90m² The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m ² each (not required by ARH SEPP). A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m ² each (not required by ARH SEPP).	Complies.
	Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.	Complies.
	Master bedrooms have a minimum area of 10m ² and other bedrooms 9m ² (excluding wardrobe space).	Complies.

Apartment Design Guide		Compliance/Comment
	Bedrooms have a minimum dimension of 3m (excluding wardrobe space).	
	<p>Living rooms or combined living/dining rooms have a minimum width of:</p> <ul style="list-style-type: none"> ▪ 3.6m for studio and 1 bedroom apartments ▪ 4m for 2 and 3 bedroom apartments <p>The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts</p> <p>All bedrooms allow a minimum length of 1.5m for robes</p>	Complies
Private Open Space (4E)	<p>Primary balconies to be as follows:</p> <ul style="list-style-type: none"> • Studio = 4m² • 1-bed = 8m² (min depth 2m) • 2-bed = 10m² (min depth 2m) • 3+-bed = 12m² (min depth 2.4m) <p>For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m.</p>	Complies
Common Circulation Space (4F)	<p>Daylight and natural ventilation should be provided to all common circulation spaces that are above ground</p> <p>Windows should be provided in common circulation spaces and should be adjacent to the stair or lift core or at the ends of corridors</p>	Daylight and natural ventilation provided to each foyer level.

Apartment Design Guide		Compliance/Comment
	<p>Design common circulation spaces to maximise opportunities for dual aspect apartments, including multiple core apartment buildings and cross over apartments.</p> <p>The maximum number of apartments off a circulation core on a single level is eight.</p> <p>For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40</p>	
Storage (4G)	<p>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is to be provided:</p> <ul style="list-style-type: none">• Studio = 4m³• 1-bed = 6m³• 2-bed = 8m³• 3+-bed = 10m³ <p>At least 50% of the required storage is to be located within the apartment</p>	Storage space is combined with laundry, and over bonnet storage lockers are also provided within the basement.
Acoustic privacy (4H)	<p>Noise sources such as garage doors, driveways, service areas, plant rooms, building services, mechanical equipment, active communal open spaces and circulation areas should be located at least 3m away from bedrooms</p> <p>Where physical separation cannot be achieved noise conflicts are resolved using the following design solutions:</p> <ul style="list-style-type: none">▪ double or acoustic glazing▪ acoustic seals▪ use of materials with low noise penetration properties <p>continuous walls to ground level courtyards where they do not</p>	Lift adjacent to bedroom; no acoustic report provided. Refer to discussion.

Apartment Design Guide		Compliance/Comment
	conflict with streetscape or other amenity requirements	
Apartment mix (4K)	<p>The apartment mix is appropriate, taking into consideration:</p> <ul style="list-style-type: none"> the distance to public transport, employment and education centres the current market demands and projected future demographic trends the demand for social and affordable housing different cultural and socioeconomic groups 	Apartment mix does not comply but is acceptable. Refer to DCP assessment.
Ground floor apartments (4L)	<p>Direct street access should be provided to ground floor apartments</p> <p>Privacy and safety should be provided without obstructing casual surveillance. Design solutions may include:</p> <ul style="list-style-type: none"> elevation of private gardens and terraces above the street level by 1-1.5m (see figure 4L.4) landscaping and private courtyards window sill heights that minimise sight lines into apartments <p>integrating balustrades, safety bars or screens with the exterior design</p>	Direct access is not provided to the Queen Victoria Street frontage. Refer to discussion in relation to Part 3C.

Part 3C - Public Domain Interface

The objectives of Part 3C are as follows:

- Transition between private and public domain is achieved without compromising safety and security.
- Amenity of the public domain is retained and enhanced.

Part 3C includes a variety of controls aimed at achieving the above objectives. As indicated within the assessment of Part 3C, the ground floor apartment that faces Queen Victoria Street is not provided with any individual apartment entries from Queen Victoria Street. The OSD basin proposed within the Queen Victoria Street setback requires the provision of the surrounding retaining walls to allow for surface water storage. The DRP had indicated that an apartment entry was required in this location, that stormwater detention should not be dictating the resolution of this important corner, and that the OSD system should be relocated elsewhere, such as underneath the driveway. However, it is clear that the method of stormwater detention has dictated the approach to the design of the intersection and this arrangement is not supported.

Part 3C also requires that services such as mailboxes, substations, and fire boosters be located within basement car parks or out of view. Council requested that the indicative location of these features be shown on plans; however the information was not provided. Mailboxes and substations could be accommodated forward of the stairwell and lift, within the Caledonian Street frontage. However, this would exacerbate the setback non-compliances that are discussed elsewhere (refer to discussion relating to RDCP 2011). A fire booster could also be located within the driveway, perpendicular to the Queen Victoria Street frontage.

These matters could potentially be addressed through conditions of consent; however, given their location could impact on the presentation to the street, it is generally required that an indicative location be provided on the plans. Therefore, the application is recommended for refusal in this regard.

Part 3D – Communal Open Space

Part 3D of the ADG requires that communal open space be provided to an area that is equal to 25% of the site. The SEE indicates that a communal open space (COS) is not required given that the development contains less than 12 dwellings, and that Part 4.3.3 of the RDCP 2011 does not require COS for apartment development containing less than 12 dwellings.

Part 4.3.3. also indicates that developments containing less than 12 dwellings, should provide an equivalent area of additional private open space (POS). Each apartment is provided with at least double the amount of POS required by Part 4E of the ADG, which satisfies this requirement. In addition, it was noted that the provision of COS is constrained at this site, given its limited size, and the difficulty in providing suitable separation between the ground level COS and ground level POS, and in maintaining susceptibility of the solar access to the COS to overshadowing from a potential future development on 66A Caledonian Street. The general approach to COS and POS is considered to be satisfactory. However, it is noted that the amalgamation the site with 66A Caledonian Street, would improve the opportunities for a suitably sized COS area.

Part 3F – Visual privacy

The design criteria for Part 3F of the ADG prescribes minimum separation distances be provided between windows and balconies from a building to the side and rear boundaries, as reproduced below:

Design criteria

1. Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:

Building height	Habitable rooms and balconies	Non-habitable rooms
up to 12m (4 storeys)	6m	3m
up to 25m (5-8 storeys)	9m	4.5m
over 25m (9+ storeys)	12m	6m

Note: Part 2F of the ADG also includes controls for building separation which essentially reiterate the separation requirements covered under Part 3F. As such, a non-compliance with Part 3F can also be seen as a non-compliance with Part 2F of the ADG.

The proposal incorporates four-storeys with a height up to approximately 13.5 metres. The lower three storeys would require boundary setbacks of 3m for non-habitable rooms and 6m for habitable rooms and balconies. The fourth storey partially sits above 12m, and would therefore require boundary setbacks of 4.5m for non-habitable rooms and 9m for habitable rooms and balconies. Given the development is located on a corner allotment, these requirements apply only to the north-east and north-west boundaries.

The setbacks to these two boundaries can be summarised as follows:

- The lower three levels are provided with boundary setbacks in excess of 6m to a portion of the north-eastern façade, with lesser setbacks provided to the ground floor kitchen and en-suite (4.505m), to the Level 1 and Level 2 kitchens (5.8m), and to the Level 1 and Level 2 en-suites (4.505m).
- The Level 3 balcony is setback 7.5m from the north-eastern boundary.
- The lower three levels are provided with setbacks of excess of 6m to a portion of the north-western façade, with lesser setbacks provided to the north-east facing balconies on Level 1 and Level 2 (5.7m).
- The Level 3 balcony is setback 6.885m to the north-western boundary, and the Level 3 bedroom is setback 7.845m from the north-western boundary.

The setbacks to the north-western boundary are greater than those generally provided to other apartment developments on Queen Victoria Street, and given the minor non-compliances these are generally acceptable. However, with respect to the north-eastern boundary setbacks, the schematic development that is depicted on 66A Caledonian Street is provided with only a 3m side setback to this boundary. It is considered that not only should there be no non-compliances with the setback requirements, but that the proposed setbacks should be in excess of those required under Part 3F to the north-eastern boundary, so as to allow for sufficient building separation between the two buildings. The proposal is not appropriate with respect to building separation to the north-east boundary.

Part 4A – Solar Access

Part 4A of the ADG requires the following:

- *Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter.*
- *A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter*

The development is generally designed to allow for living areas or POS areas to receive solar access from either the north-east or the north-west. Although solar access from the living rooms of the south-western units may be partially constrained by the depth of the balconies, it is generally considered that the design maximised solar access and amenity to apartments on this site.

However, Council sought the following information in relation to site isolation.

- *“A concept plan of a potential development on 66A Caledonian should be provided, which depicts the shadows to the communal open space, and the rear living rooms and balconies of the subject proposal”.*

As outlined elsewhere, the schematic development to 66A Caledonian Street provides only a 3m side setback, and the proposal seeks non-compliant setbacks to this boundary also. It is therefore unlikely that the north-eastern units will receive sufficient solar access. It should be noted that the ground levels at 66A Caledonian Street sit higher than those at the subject site which would have the potential to exacerbate overshadowing impacts.

Part 4H – Acoustic Privacy

Bedrooms within the south-western units are located adjacent to the lift, which is contrary to the design guidance within Part 4H. The acoustic report provided with the application has not demonstrated that the indoor sound levels to these bedrooms are able to be made to be acceptable; however it is noted that this matter could be resolved through conditions of consent.

Part 4L - Ground floor apartments

As indicated within the assessment of Part 3C, the ground floor apartment that faces Queen Victoria Street is not provided with an individual entry from Queen Victoria Street. The proposal is inconsistent with Part 4L.

Rockdale Local Environmental Plan 2011

Relevant clauses	Compliance with standard/provision
2.3 Zone R4 High Density Residential	No – see discussion
4.3 Height of buildings	Yes – see discussion

Relevant clauses	Compliance with standard/provision
4.4 Floor space ratio - Residential zones	No – see discussion
4.6 Exceptions to development standards	4.6 request not submitted - see discussion in relation to Clause 4.4
5.10 Heritage conservation	Yes; however, issues in relation to schematic development on isolated site.
6.1 Acid Sulfate Soil - Class 5	Yes – see discussion
6.2 Earthworks	Yes – see discussion
6.4 Airspace Operations	Yes – see discussion
6.7 Stormwater	Yes – see discussion
6.12 Essential Services	Yes – see discussion

2.3 Zone R4 High Density Residential

The subject site is zoned R4 – High Density Residential under the provisions of the RLEP 2011. The proposed development is for the purpose of a ‘residential flat building’ which is permitted with consent in the zone.

The proposal is considered to be inconsistent with the objectives of the R4 zone which are shown below:

- *To provide for the housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The proposal is not compatible with the first two objectives given the site isolation issues discussed throughout this report.

4.3 Height of buildings

Clause 4.3 provides a maximum height of buildings on the subject site of 14.5 metres. The existing ground levels (underneath the taller elements of the building) range from RL 37.00 – RL 38.50. No specific information has been provided on the maximum level of the proposal, however it has been measured off the plan to be approximately RL 50.50, which would result in a compliant height of between approximately 12.0m and 13.5m. The proposal therefore complies with the development standard and satisfies this clause.

4.4 Floor space ratio - Residential zones

Clause 4.4 restricts the development to a maximum floor space ratio (FSR) of 1:1, which equates to a total gross floor area (GFA) of 675.9sqm. The amended SEE indicates that the proposed FSR is 0.99:1 and the FSR of the residential flat building is generally compliant.

However, the detached garbage room has not been accounted for within this calculation, and with an area of approximately 7.7sqm, the inclusion of this space would result in the overall development for the site exceeding the FSR requirement.

There are otherwise no significant issues associated with the garbage room, and were the application recommended for approval, a deferred commencement condition could be recommended requiring changes to the design of the garbage room in order to achieve compliance with the FSR standard.

6.1 Acid Sulfate Soil - Class 4

Acid Sulfate Soils (ASS) – Class 5 acid sulfate soils affects the property. Development Consent is not required as the proposed works involve the disturbance of less than 1 tonne of soil and the works are not likely to lower the watertable.

6.2 Earthworks

Earthworks including excavation are required on site in order to allow for the construction of the building, carparking area and associated stormwater and landscaping structures on site. With the exception of the potential to encounter groundwater, it is considered that the proposed earthworks and excavation will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land. Groundwater is discussed in relation to Section 4.1.3 of the RDCP 2011.

6.4 Airspace operations

The proposed development is affected by the Obstacle Limitation Surface (OLS) which is set at 51.00 AHD. The maximum building height is approximately 50.50 AHD and therefore the proposed building would not penetrate the OLS.

6.7 Stormwater

The proposal involves the construction of an above ground detention basin within the Queen Victoria Street frontage building. The proposed stormwater system is supported by Council's development engineers and is considered to comply with the Rockdale Technical specification for stormwater management. However, this design has created issues with the presentation to Queen Victoria Street, as discussed elsewhere.

6.12 Essential services

Services will generally be available on the site given its existing residential use. The proposal complies with the requirements of this clause.

S.4.15(1)(a)(ii) - Provisions of any Draft EPI's

There are no draft planning instruments that will affect the proposed development.

S4.15(1)(a)(iii) - Provisions of any Development Control Plan

The following Development Control Plan is relevant to this application.

Rockdale Development Control Plan 2011

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

Relevant Parts of the RDCP 2011	Compliance with standard/provision
4.1.1 Views and Vista	Yes; refer to discussion
4.1.2 Heritage – vicinity	Yes; however, issues in relation to schematic development on isolated site. Refer to discussion
4.1.3 Water Management	Yes, refer to discussion
4.1.4 Soil Management	Yes, refer to discussion
4.1.5 Contaminated Land	Yes; refer to discussion under SEPP 55.
4.1.6 Development on sloping sites	Yes
4.1.7 Tree Preservation	Yes; refer to discussion in relation to Vegetation SEPP
4.1.9 Lot size and Site Consolidation – Residential Flat Buildings	No – refer to discussion
4.1.9 Lot size and Site Consolidation – Avoidance of Isolated Sites	No – refer to discussion
4.2 Streetscape and Site Context – General	No – refer to discussion in relation to SEPP 65

Relevant Parts of the RDCP 2011	Compliance with standard/provision
4.2 Streetscape and Site Context – Fencing	No – see ADG discussion relating to public domain interface
4.3.1 Open Space and Landscape Design – Residential Flat Building Centres	Yes, refer to discussion
4.3.2 Private Open Space - Residential Flat Building	Yes
4.3.3 Communal Open Space	Acceptable – see ADG discussion relating to acoustic privacy communal open space
4.4.2 Solar Access	No – see ADG discussion relating to solar access.
4.4.3 Natural Lighting and Ventilation - Residential	N/A – as per clause 6A(1)(b) and (g) of SEPP 65 this section no effect.
4.4.3 Natural Lighting and Ventilation - Ceiling heights	N/A – as per clause 6A(1)(b) and (g) of SEPP 65 this section no effect.
4.4.4 Glazing – General controls	Yes
4.4.5 Visual and Acoustic Privacy	No; see ADG discussions relating to visual privacy and acoustic privacy.
4.4.5 Visual privacy – Roof Top Area	N/A
4.4.6 Noise impact	Able to comply, see ADG discussion relating to acoustic privacy
4.5.1 Social Equity - Housing Diversity and Choice	No; refer to discussion
4.5.2 Social Equity - Equitable Access	Yes
4.6 Car Parking	No; refer to discussion
4.7 Air Conditioning and Communication Structures	Yes
4.7 Waste Storage and Recycling Facilities	Yes; refer to discussion
4.7 Laundry Facilities and Drying Areas	Yes
4.7 Letterboxes	No; see ADG discussion relating to public domain interface
4.7 Service Lines/Cables	Yes
5.2 Residential Flat Building	No; refer to discussion

4.1.1 Views and Vista

The site is not afforded any view of Botany Bay or any items of local or State heritage. In this regard, the subject site does not enjoy any significant views or vistas.

It is unlikely that the siting of the proposed development will generate any significant impacts on the views of the street and general neighbourhood that are enjoyed by adjacent properties.

4.1.2 Heritage – vicinity

The nearest items of heritage significance are the street plantings in Caledonian Street (I107) and Queen Victoria Street (I156), each being items of local significance. Continuous substantial plantings line each of these streets; however, for this site, there are minimal substantial plantings located at the Caledonian Street frontage, with no trees located at the Queen Victoria Street frontage. Although, the proposal allows for the retention of the small trees located within the Caledonian Street frontage; there are concerns that any development on the isolated site would compromise the retention of trees fronting that site. This is discussed in greater detail in relation to Part 4.1.9.

4.1.3 Water Management

The submitted geotechnical report indicates that groundwater was not expected to be found as a consequence of excavation at the site; however, the report indicates that the borehole depth was limited to between 0.95m – 1.30m, and it is not clear if there is likely to be groundwater treatment is required for the depth of excavation, which includes an entire basement level and footings.

This has not been referred to Office of Water, but - if needed - a Controlled Activity approval can be considered as prior to the commencement of excavation, subject to conditions.

4.1.4 Soil management

The proposed development will involve considerable earthworks for the construction of the basement car parking level, which will result in the disturbance of soil and dust.

In this regard, conditions could require that a Soil and Water Management Plan (prepared in accordance with Soil and Water Management for Urban Development Guidelines produced by the Southern Sydney Region Organisation of Councils) be submitted to the Principal Certifying Authority prior to the commencement of works. However, this application is recommended for refusal.

4.1.9 Lot size and Site Consolidation

The site does not meet the minimum lot width requirements for residential flat buildings of 24m, and land adjoining the subject site at 66A Caledonian Street, Bexley, has the potential to become isolated as a result of the proposed development as it also fails to meet the minimum lot width requirements for residential flat buildings. The dimensions of 66A Caledonian Street

are approximately 20.7m x 17.7m. As both the development site, and 66A Caledonian Street do not meet the minimum lot width requirements, they may both be classified as isolated sites. However, it is noted that were the two sites amalgamated, the resultant site would also not be compliant with the minimum lot width requirement. This would be more acceptable however given the dimensions would be consistent with the dimensions of adjoining and nearby allotments containing residential flat buildings. Therefore, within this report, any reference to the 'isolated site' refers to 66A Caledonian Street.

Like the subject site, the isolated site is located within the R4 High Density Residential zone. Land adjoining to the east is located within the R3 Medium Density Residential zone, and land adjoining to the south and west is located within the R2 Low Density Residential zone, as shown within the image below. Residential flat buildings are permissible with consent in the R4 zone but are prohibited in both the R2 and R3 zone.

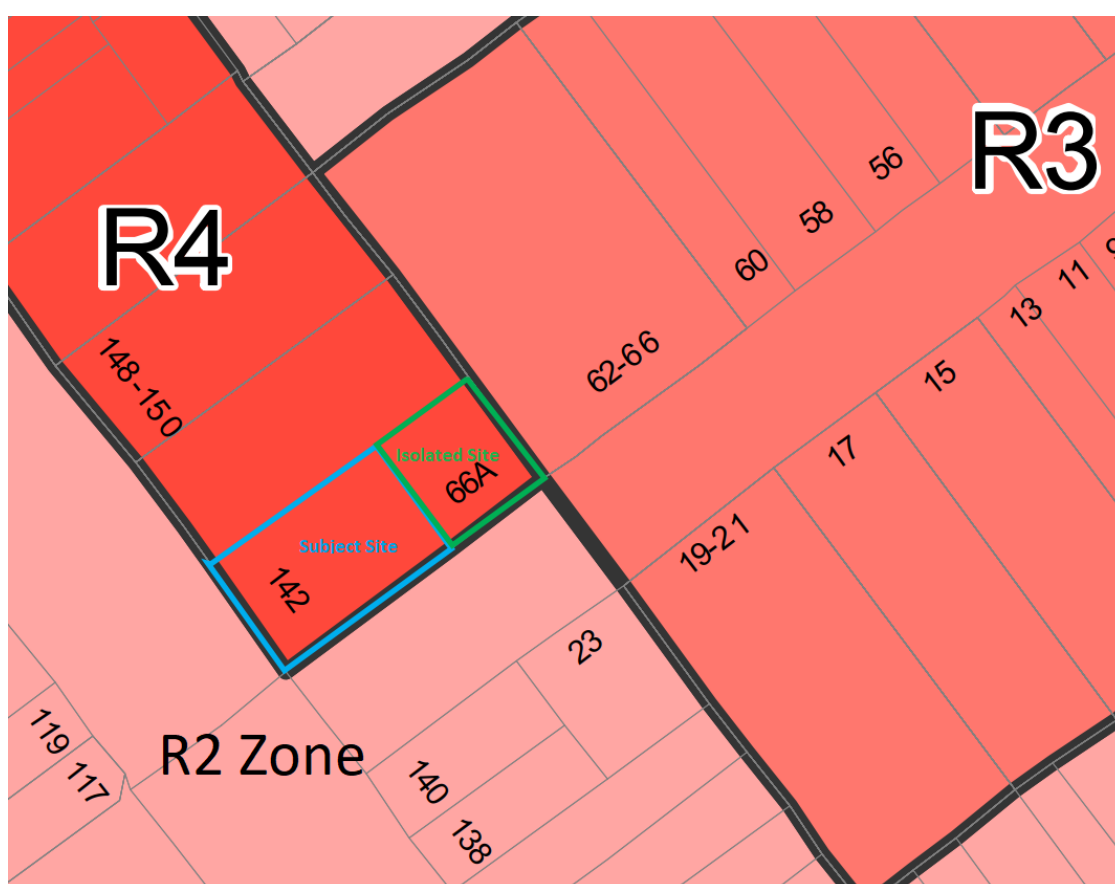


Figure 2 Extract of RLEP 2011 zoning map showing the location of the subject site and isolated site

Consolidation of the subject site and the isolated site for the purposes of a residential flat building would be consistent with the prevailing pattern of development further to the north-west along Queen Victoria Street, and would be an appropriate planning outcome for these allotments.

Part 4.1.9 indicates that developers must satisfy Council that adjoining parcels not included in their development site are capable of being economically developed.

A number of planning principles exist in relation to the isolation of a lot by the redevelopment of adjacent lots as one development site. Three specific cases heard by the Land and

Environmental Court of New South Wales, *Melissa Grech v Auburn Council*, *Cornerstone Property Group Pty Ltd v Warringah Council* and *Karavellas v Sutherland Shire Council*, have set the principles by which site isolation issues are to be assessed.

Melissa Grech v Auburn Council identified three main principles that apply to any assessment of lot isolation:

1. *Where a property will be isolated by a proposed development and that property cannot satisfy the minimum lot requirements then negotiations between the owners of the properties should commence at an early stage and prior to the lodgement of the development application.*
2. *And where no satisfactory result is achieved from negotiations, the development application should include details of the negotiations between the owners of the properties. These details should include offers to the owner of the isolated property. A reasonable offer, for the purposes of determining the development application and addressing the planning implications of an isolated lot, is to be based on at least one recent independent valuation and may include other reasonable expenses likely to be incurred by the owner of the isolated property in the sale of the property.*
3. *The level of negotiation and any offers made for the isolated site are matters that can be given weight in the consideration of the development application. The amount of weight will depend on the level of negotiation, whether any offers are deemed reasonable or unreasonable, any relevant planning requirements and the provisions of Section 79C of the Environmental Planning and Assessment Act 1979.*

Two valuation reports were provided by the applicant, one dated 19 September 2014, and a later updated valuation report, dated 18 November 2016, the latter of which valued the property at \$1,000,000. A valuation also accompanied a submission prepared on behalf of the owner of the isolated site. This report, dated 11 November 2016, indicated that the value of the site in question as an isolated site was \$1,040,000, but that its value to the adjoining owner, as part of a development site, was \$1,300,000.

It is agreed that the adjoining site at No. 66A Caledonian Street, would have a Market Value + Special Value for the adjoining owner; this is similar to the approach that is used for valuation methodology associated with 'compulsory acquisition'. Further, it is reasonable to assume that an offer would be greater than that was calculated for the 'isolated site value' in the circumstances of this case as it seems that there would be a 'special value' associated with purchase of the site for development purposes.

Therefore, the applicant was advised that based on the valuation of the site when consolidated with No.66A, that they should provide a higher offer to the owner of No. 66A than the \$1,000,000.00 for an isolated site, however that they would not be required to offer \$1,300,000.00 for the offer to be considered reasonable.

A higher offer was provided and Council is satisfied that reasonable offers have been made to purchase the land and that amalgamation is not feasible.

Plans depicting a potential boarding house on 66A Caledonian Street were provided to seek to demonstrate that the orderly and economic use and development of the neighbouring site can be achieved. The plans are shown within the image below:

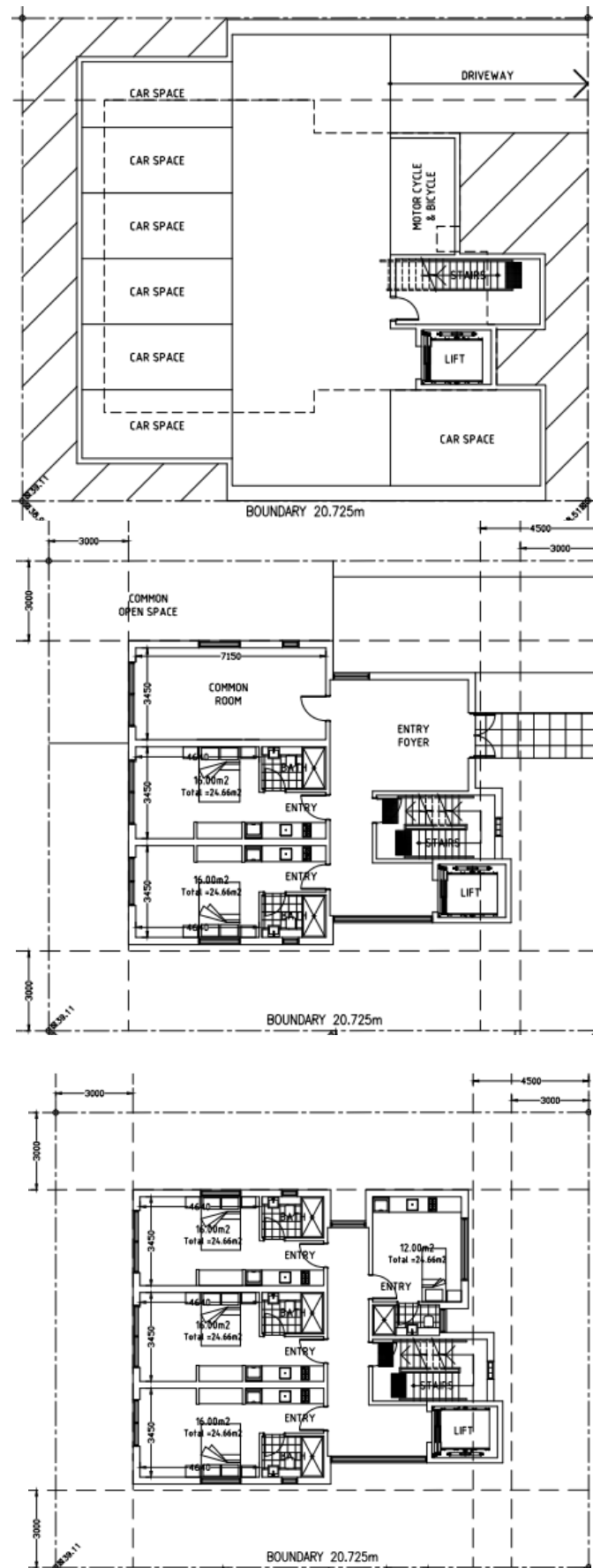


Figure 3 Basement floor plan, Ground Floor plan, and Level 1-3 floor plan of schematic development on 66A Caledonian Street

The schematic development features four storeys, with a total of 14 boarding rooms. 7 parking spaces, and a shared motorcycle and bicycle parking space.

Boarding houses are permitted within the R4 High Density Residential zone, pursuant to both the RLEP 2011, as well as Clause 28 of *State Environmental Planning Policy (Affordable Rental Housing) 2009* (ARHSEPP).

The RDCP 2011 provides limited specific development controls relating to boarding houses. Part 1 and Part 6 of the RDCP 2011 state the following:

Certain types of development such as boarding houses, senior housing and affordable housing are covered by SEPPs. These types of development will be assessed against the relevant SEPP and Part 3, 4 and 5 of this DCP.

Therefore, it is necessary to consider the schematic development against Division 3 of the ARHSEPP, as well as Parts 3, 4 and 5 of RDCP 2011.

Obtaining development consent for the proposed boarding house design is considered to be very unlikely, noting the following specific issues:

- The development would provide 3m setbacks to all boundaries, which is not sufficient in this context.
- The development would provide no transition in height to the neighbouring development to the north that lies within the R3 zone, contrary to the requirements of Part 4.2 of RDCP 2011. There would be minimal opportunity for any building articulation and the building would dominate the streetscape from the northern end of Caledonian Street, and from within neighbouring sites to the north-west and north-east. The Design Review Panel had earlier emphasised the importance of taking care that development in this location sits comfortably within its context.
- The development would create overshadowing impacts to the neighbouring properties, including the subject site, as discussed elsewhere within this report.
- The rear wall of the boarding rooms would be separated from the neighbouring units to the west by less than 7m. This wall features the windows which provide light to the boarding rooms, and the wall is provided with no articulation.
- Given its minimal length, the driveway would likely require a maximum grade for its entire length, creating undesirable streetscape issues, and potential sight line and clearance issues. Note that the driveway is proposed at the higher end of the site, and for streetscape purposes, the basement would need to be provided with sufficient depth to ensure that the lower (southern) side of the basement does not protrude above the surrounding ground level.
- The ground floor would be cantilevered over the driveway, creating undesirable streetscape issues.
- The lift and stairwell would feature as prominent elements within the streetscape, and these parts of the building would not comply with the front setback requirement.
- The ARHSEPP would require one motorcycle and bicycle parking space, for every 5 boarding rooms. Only one shared motorcycle and bicycle space is provided.

- No disabled parking is shown within the basement.
- The development would interfere with the heritage listed street trees located on Caledonian Street, given that only 3m setbacks are shown.
- There would be no opportunities for deep soil or tree plantings within the side boundaries, given the basement would be built the boundary.
- The development would not be compatible with the character of the local area.

In *Cornerstone Property Group Pty Ltd v Warringah Council* [2004] NSWLEC 189, the planning principle is expanded to state that

“The subject application may need to be amended, such as by a further setback than the minimum in the planning controls, or the development potential of both sites reduced to enable reasonable development of the isolated site to occur while maintaining the amenity of both developments”.

The north-eastern boundary setbacks are not compliant with the requirements of Part 2F and 3F of the ADG. In this instance, for the following reasons it is considered that not only should there be the no non-compliances with the setback requirements, but that the proposed setbacks should be in excess of those required under Part 2F and Part 3F.

- The building separation between the two buildings is not adequate to provide suitable visual privacy between the two buildings.
- The private open space areas to the northern units within the development are unlikely to be able to receive sufficient solar access to achieve compliance with the requirements of SEPP 65.
- The spatial separation between the buildings is incongruous with regard to the context of the local area.

Council is not satisfied that 66A Caledonian Street can be developed in isolation, in an economic and orderly manner. The proposal is not considered to have adequately addressed the site isolation issues outlined within the RDCP 2011 and as reflected within the planning principles referred to above.

The schematic development was submitted to Council on 25 June 2018, over 20 months after lodgement of the application. This information was first sought by the DRP as follows:

“The proposal isolates the property at 66a Caledonian Street to the north. This is a small site and the last remaining R4 zone site. The proponent has not demonstrated the capacity of this site to redevelop on its own and how their proposal could best interface with this site in the future”.

Council's letter of September 2017, also requested this information as follows:

“To assist in the assessment of whether the site at 66A Caledonian Street is able to achieve a development of an appropriate urban form and acceptable amenity, a schematic drawing of a feasible proposal at this isolated site shall be provided. The

drawings shall provide details on height, floor space, ratio, site coverage, as well as consideration of amenity issues such as solar access and privacy, both to the isolated site and the subject development”.

Given the significant delays in receiving this information, Council has not afforded the applicant the opportunity to comment on the list of issues with the schematic development that are outlined above, and the consideration of the schematic plans has been undertaken for the future benefit of the applicant.

In any event, it is clear that non-compliant setbacks to the north-eastern boundary are not appropriate where the site isolation persists in this location.

As a result of the issues above, the application is recommended for refusal.

4.3.1 Open Space and Landscape Design - Residential Flat Building

Amended landscape plans were submitted to accompany the current proposal. Concerns were raised in relation to the absence of any details on retaining walls associated with the difference in levels between the level of screen planting to boundary and turf area. The variation in levels is largely a consequence of the existing slope of the site, and details in relation to retaining walls could be addressed through conditions of consent.

4.5.1 Housing Diversity and Choice

Part 4.5.1 outlines the dwelling mix that is required for residential flat developments to be as follows:

- 1 bed/studio units – 10-30%
- 2 bedroom units – 50-75%
- 3 bedroom unit – 10-20%

The proposal provides for three (3) x 2-bedroom units (42.8%), and four (4) x 3-bedroom units (57.2%). As a consequence, the proposal is not compliant with the proportional dwelling mix.

The submitted Statement of Environmental Effects has provided the following justification for this departure from the control:

“Whilst there are no 1 bedroom units proposed there is an increased number of 3 bedroom apartments commensurate with the absence of 1 bedroom apartments. In this regard the unit mix proposed provides housing for families in a high demand area close to schools and services”.

It is acknowledged that it is particularly difficult to provide a compliant dwelling mix for developments containing fewer than ten apartments. It is also noted that Council’s DRP supported the previous unit mix, which provided four (4) x 2-bedroom units, and four (4) x 3-bedroom units.

For the reasons above, it is considered that the non-compliance is acceptable.

4.6 – Car Parking

The proposal complies with the relevant parking rates, with the exception of service vehicle parking. A service vehicle is required at a rate of 1 for every 50 units. As there are only 7 units within this development, Council's engineers have indicated that service vehicle parking would not be necessary for this development.

Part 4.6 requires that basement car parking be located within the building footprint. The basement location is not entirely consistent with the building footprint and this is largely dictated by the driveway entry being situated as far as possible from the intersection. The building footprint is situated in a manner so as to maximise the setbacks from the neighbouring sites to the north-west. Non-compliance with this control is largely a consequence of these two competing priorities, and in general this approach is supported. However, concerns remain in relation to the non-compliance with the street setbacks.

4.7 Waste Storage and Recycling Facilities Site Facilities

The proposed waste storage area adjacent to the north-western boundary provides space for 9 bins, with temporary space able to be made available within the basement store room for larger waste. This is appropriate for a development of this size.

5.2 Residential Flat Buildings

Street setbacks

Part 5.3 requires the following street setbacks for the primary and secondary street frontages:

- Primary: consistent with the prevailing setbacks in the street. If there is not a consistent setback, a 6m setback applies.
- Secondary: between 3m and 5m

The setbacks to the primary frontage (Queen Victoria Street) can be summarised as follows:

- A variable setback of as low as 3.2m is provided to the balconies at the corner. However, the top floor balcony is setback 4.695m.
- A 5m setback is provided to the front wall.

The setbacks to the secondary frontage (Caledonian Street) can be summarised as follows:

- A setback of 1.9m is provided to the northern balcony.
- A setback of 2.2m is provided to the entry and the outside wall of the stairwell.
- A variable setback of as low as 1.52m is provided to the balconies at the corner. However, the top floor balcony is setback 3m.
- A 3m setback is provided to the external surface of the apartment walls.

The site is located at an intersection whereby three of the four buildings (including the existing building at the subject site) are located with a nil setback to both Queen Victoria Street and Caledonian Street. These buildings appear to have been designed with ground floor commercial premises, although only the building at 140 Queen Victoria Street appears to still be in operation for that purpose.

Of the three buildings in question, only the building on the subject site, and the building at 115 Queen Victoria Street are greater than one storey in height, but these two buildings are each only two storeys in height. There are currently no four storey buildings at this intersection. Sites further away from the intersection are generally provided with larger setbacks, in line with the control.

It is acknowledged that reduced setbacks towards the intersection may be acceptable given the character of development at this intersection. However, the extent of the setback non-compliances is not acceptable for a development of this size, particularly given that the building is intended to be used completely for residential accommodation. The DRP had indicated that the street setback to Queen Victoria Street proposed within the original design may have been acceptable given the prominence of the site; however, the current arrangement is not supported. The DRP had also required a 3m wide landscape setback to Caledonian Street, but this has not been provided. A small non-compliance for the entry may be accepted however, the current arrangement is not appropriate.

The initial design featured larger setbacks to Queen Victoria Street which were considered acceptable; however, the current design seeks further non-compliances with the setback to Queen Victoria Street and is not compliant with the relevant controls. The setbacks to Caledonian Street have remained an issue since the initial design was provided, and the current setbacks are not supported.

Site Coverage

Part 5.2 of RDCP 2011 requires a maximum building footprint of 35%. The applicant has provided a site coverage calculation is 251.68sqm (37.24% of site area), which is understood to have been calculated in line with the definition for site coverage within the RLEP 2011, although it is not clear if the applicant's calculations include balcony areas.

Part 5.2 refers to the 'building footprint' which includes not only the internal floor areas of the building, but also the balcony areas. Accounting for the footprint of the apartment building, and of the detached garbage room, the overall building footprint is estimated to be approximately 301.9sqm (45% of site area).

It is expected that compliance with the setback controls would provide a significant improvement to the proposed site coverage, and for this reason the proposed site coverage is not supported.

S.4.15(1)(a)(iv) - Provisions of regulations

Clause 92 of the Regulation has been considered. The proposal is consistent with the provisions of the Regulations.

S.4.15(1)(b) - Likely Impacts of Development

Potential impacts associated with the proposed development have been discussed in detail within this report.

S.4.15(1)(c) - Suitability of the site

As previously mentioned in this report, the subject site is not suitable to accommodate the development, primarily because of the site isolation issues that would ensue as a consequence. As such, the proposal is recommended for refusal.

S.4.15(1)(d) - Public Submissions

The development has been notified in accordance with the provisions of the RDCP 2011. The first notification period from 26 October 2016 – 10 November 2016, related to the original proposal, and five submissions were received in response, including one containing an attached petition with 71 signatures. The second notification period from 9 May 2018 – 23 May 2018, related to the proposal that was submitted on 1 May 2018, and four submissions were received in response, including one from the head petitioner associated with the petition submitted during the first period. All submissions objected to the proposal.

The final design amendment was not notified, as these amendments primarily related to a small reduction in gross floor area, aimed at addressing the FSR non-compliance.

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

Issue 1: Privacy impacts to surrounding properties, including to:

- 113 Queen Victoria Street
- 62-66 Caledonian Street.
- 66A Caledonian Street, noting the:
 - Non-compliant setbacks of the kitchen areas of northern units
 - Lack of privacy screening on eastern side of balconies to above-ground northern units.
 - The location of the proposed communal open space.
- 62-66 Caledonian Street

Comment: In consideration of the site isolation issues, it is agreed that inadequate setbacks are provided to the north-eastern boundary, particularly noting the isolation issues raised in this assessment report. No privacy screening is proposed in this location to ameliorate overlooking potential.

Communal open space is no longer proposed to the development.

Issue 2: Overshadowing, including to:

- 113 Queen Victoria Street
- 62-66 Caledonian Street.

Comment: The development controls require that a portion of the affected site receive sufficient solar access during midwinter. Given its location at the southern corner of the urban block, overshadowing from the subject site will not generate a significant reduction in midwinter solar access to any nearby sites, including those listed above. Further, the site at 62-66 Queen Victoria Street sits to the north-east of the subject site, and therefore the development will not impact upon midwinter sun to that site during the specified hours of 9am – 3pm.

Issue 3: Inconsistency with the existing character of the locality, noting that Caledonian Street is a narrow road comprising of smaller dwellings.

Comment: Aside from 66A Caledonian Street, the surrounding sites on Caledonian Street are affected by different development standards which provide for a less intensive form of development because of their lower density land use zones. It is agreed that the isolation of the site at 66A Caledonian Street would require any development on that site to provide a poor transition between properties that are affected by different development controls.

Issue 4: Parking, noting that:

- *The tenants of the existing development utilise the existing on-street space,*
- *Bus stops have recently been installed at 99 to 103 Queen Victoria Street and 127 to 130 Queen Victoria Street.*
- *Visitors to the existing development currently block the neighbouring driveway.*
- *Customers from the convenience store opposite Caledonian Street stop on kerbs around the roundabout and block resident's driveways.*
- *Noise from vehicles braking at the roundabout, and speed of vehicles at the roundabout can make exiting driveways difficult.*
- *Difficulty in reversing out of existing driveways.*
- *The parking demand created by the nearby function centre.*

Comment: The proposal complies with the relevant parking rates, with the exception of service vehicle parking. A service vehicle is required at a rate of 1 for every 50 units. As there are only 7 units within this development, Council's engineers have indicated that service vehicle parking would not be necessary for this development. Many of the other parking concerns that were raised do not relate exclusively to the proposed development and are not sufficient grounds for refusal of the application.

Issue 5: Traffic impacts, noting existing congestion on Queen Victoria Street, and safety impacts given the roundabout, and the frequency of pedestrian traffic related to Kogarah Station and Marist College. One objector had indicating that Council should also consider the installation of traffic calming devices nearby.

Comment: The density of the proposed development, and the associated impact on trip generation, are in line with that anticipated by the development controls that apply to the site. Council's engineers have deemed that a suitable separation distance is provided between the driveway and the roundabout. Council may consider the installation of traffic calming devices; however, the traffic generated by the development is not sufficient to require the installation of such devices as part of this application.

Issue 6: Overall bulk and scale, and building height being out of character with the existing locality, particularly in relation to the non-compliant side setbacks. Associated impacts on heritage trees.

Comment: It is agreed that the side setback non-compliances are not appropriate in this instance, and this matter is included within the reasons for refusal.

Issue 7: Devaluation of the isolated site at 66A Caledonian Street and streetscape impacts associated with site isolation. The submission notes that a property valuation report prepared by Independent Property Valuations values 66A Caledonian Street to be \$1,040,000 as an isolated site and \$1,300,000 if the site is amalgamated and utilised for R4 land uses. Devaluation of other nearby properties was also given as grounds for opposition to the proposal.

Comment: Refer to discussion of site isolation in relation to Part 4.1.9 of RDCP 2011. Council is satisfied that a suitable offer has been made to purchase the isolated site but is not satisfied that it can be developed in isolation in an economic and orderly manner. There is no evidence to indicate that the development would result in a significant impact on the value of nearby land, particularly given the existing development controls that apply to the site.

Issue 8: The application does not satisfactorily address the planning principles outlined in Melissa Grech v Auburn Council [2004] NSWLEC 40. "The Statement of Environmental Effects lodged in support of the application suggests that 66A Caledonian Street could be developed for a dual occupancy development, however RDCP requires sites to have a minimum site area of 700m² for such developments. The site area of 66A Caledonian Street is approximately 360m² and therefore based on the numerical requirements, would not be considered a suitable site for a dual occupancy.

Comment: Agreed; refer above and to discussion of site isolation in relation to Part 4.1.9 of RDCP 2011

Issue 9: Non-compliance with the minimum frontage requirements of 24m, with the subject site providing a frontage of 20.725m, associated impacts on setbacks. The submission also objects to the position within the Statement of Environmental Effects which indicates that the Caledonian Street frontage is able to be considered as the primary frontage, as the DCP does not prescribe which frontage to consider on corner allotments. The submission indicates that given the front of the building is to Caledonian Street, then this should be considered as the primary frontage, and therefore lot width should be measured in this direction.

Comment: It is agreed that the lot width refers to the dimensions between the two side boundaries. On corner lots this would be the width between the side boundary and the secondary street frontage. The proposal does therefore not comply with the lot width requirement. However, if the site were amalgamated with the isolated site, the resultant development site would also not be compliant with the minimum lot width requirement. This would however be acceptable given the dimensions of the amalgamated site would be consistent with the dimensions of nearby allotments containing existing residential flat buildings.

Issue 10: Non-compliance with site coverage, and unreasonable bulk and scale, despite compliance with the bonus FSR provided by the ARH SEPP. Overall scale (i.e. relationship with nearby buildings) of the building being inappropriate.

Comment: The proposal no longer relies on the bonus provisions within the ARH SEPP. Non-compliance with the site coverage (building envelope) controls is included as a reason for refusal, and the building bulk associated with the relationship of the proposal to the isolated site is not appropriate.

Issue 11: Light spill from bedroom, bathroom, kitchens

Comment: Light spill will be controlled by the relevant Australian Standards. However, typically the impact of outdoor lighting - such as within landscaping areas, at entries, or from street lighting – is greater than the impact of interior lights.

Issue 12: Impact of height of the proposal on outlook towards landscaping and sunset, etc.

Comment: The proposal is compliant with the maximum height limit, and the associating impacts to general outlooks and aspects are consistent with that anticipated by this development standard.

Issue 13: Impacts to trees within both Queen Victoria Street and Caledonian Street.

Comment: It is agreed that the concept plan submitted in relation to the isolated site at 66A Caledonian Street may impact on heritage listed trees within Caledonian Street.

Issue 14: Impact of construction noise.

Comment: Construction noise is able to be managed through conditions of consent.

S.4.15(1)(e) - Public interest

For the reasons outlined previously within this report, the proposed development is inconsistent with the requirements and objectives of the relevant planning policies, and as such is deemed to be unsatisfactory and not in the public interest.

Section 94 Contributions

S94 contributions would apply to the development as a result of the proposed increase in density, should the proposal have been supported.

Conclusion

Development Application No. 2017/139 for the construction of a four (4) storey residential flat building, comprising seven (7) units, basement level, strata subdivision and demolition of existing structures at 142 Queen Victoria Street, Bexley has been assessed in accordance with the relevant requirements of the *Environmental Planning and Assessment Act 1979* and is recommended for refusal for the reasons outlined within the 'Recommendation' contained earlier in this report.

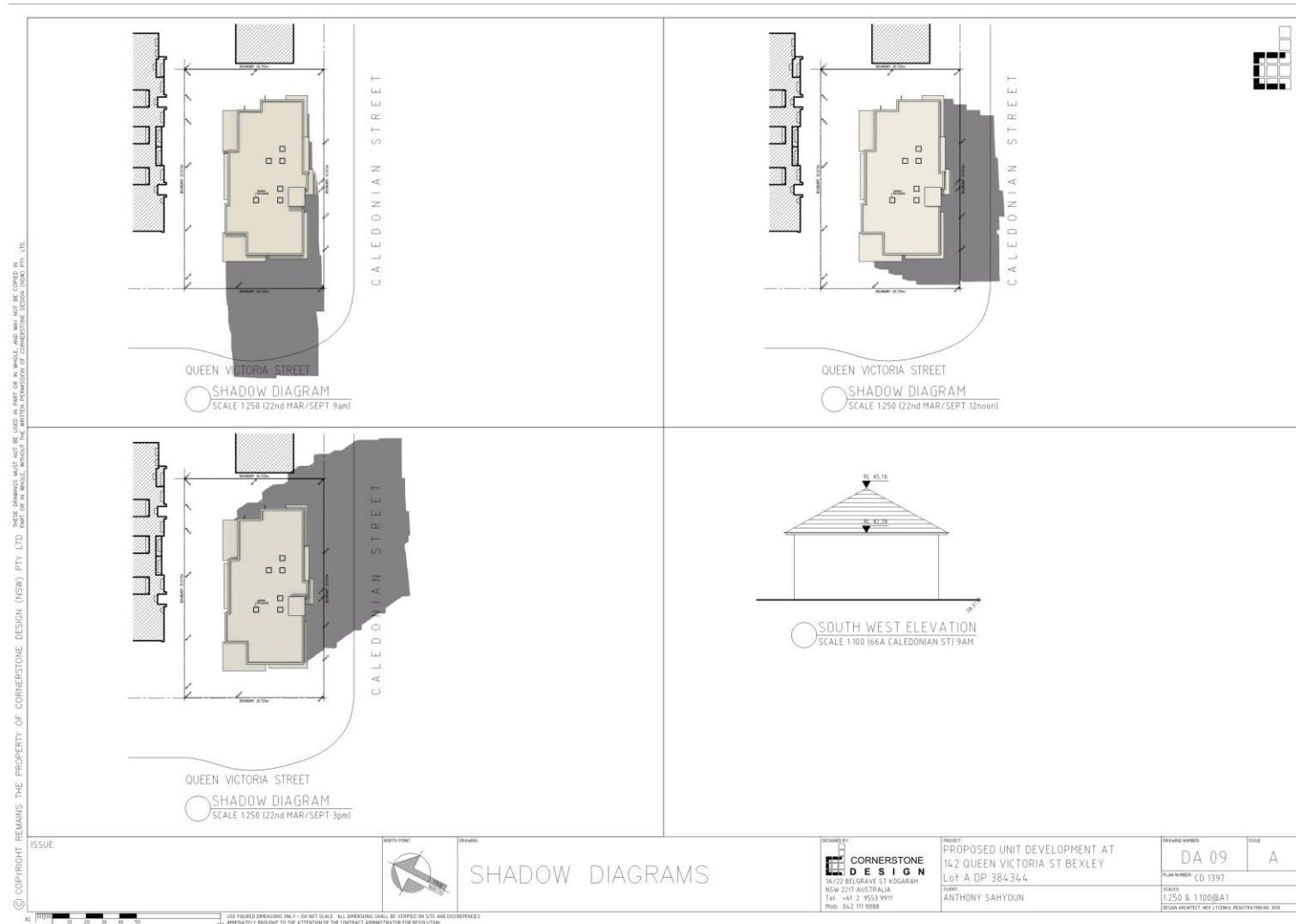














Bayside Planning Panel

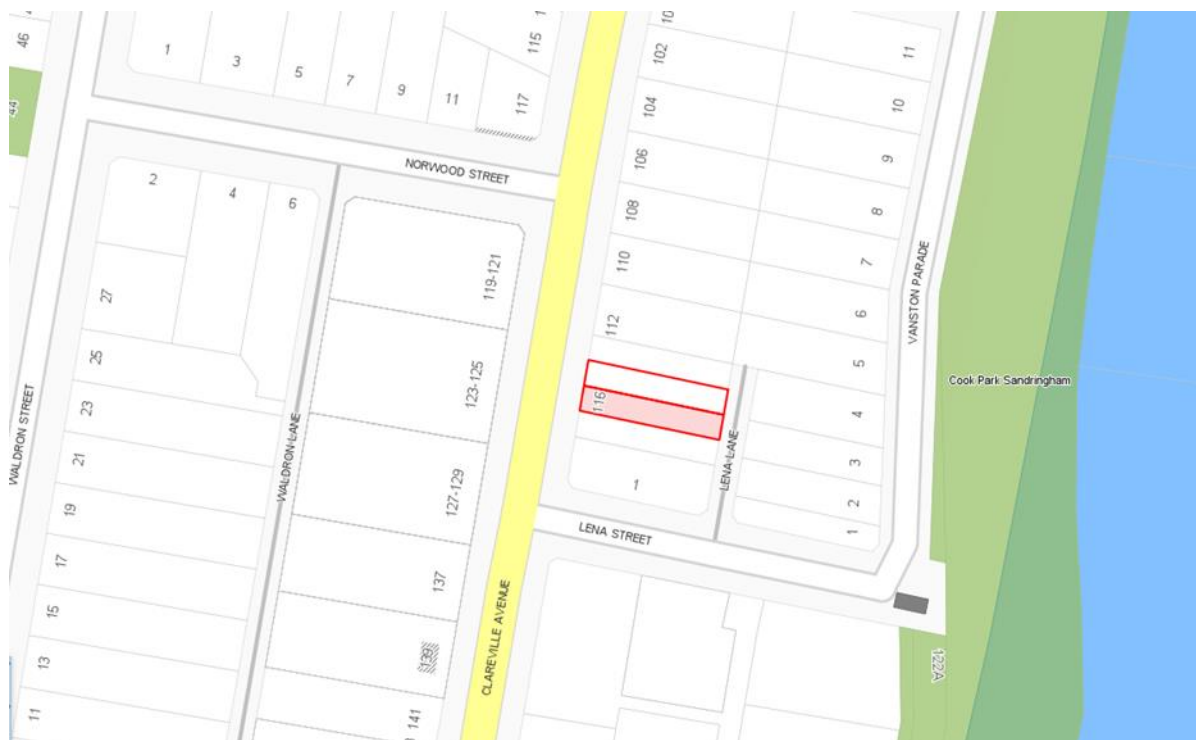
10/07/2018

Item No	6.2
Application Type	Modification to submission
Application No	DA-2017/207
Lodgement Date	09/12/2016
Property	116 Clareville Avenue, Sandringham
Ward	Botany Bay
Owner	Mrs Ninar Bazouni
Applicant	Mr Joe Bazouni
Proposal	Construction of a new rooftop terrace to both dwellings 1 and 2 inclusive of internal stair access and flat sliding access hatch
No. of Submissions	Eleven (11) in response to the original notification letter Seven (7) in response to notification of the amended proposal
Cost of Development	\$45,000
Report by	Michael McCabe, Director City Futures

Officer Recommendation

- 1 That development application DA-2017/207 for construction of a new rooftop terrace to both dwellings 1 and 2 inclusive of internal stair access and flat sliding access hatch at 116 Clareville Avenue, Sandringham be APPROVED pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 and subject to the conditions of consent attached to this report.
 - 2 That the objectors be advised of the Bayside Planning Panel's decision.
-

Location Plan



Attachments

- 1 Supplementary Planning Report
- 2 3D Render Plan of Roof Top Terraces
- 3 Notification Plan
- 4 Architectural Plans
- 5 Draft Notice of Determination
- 6 Original Planning Assessment Report [↓↓↓↓↓↓](#)

BAYSIDE COUNCIL

Supplementary Planning Assessment Report

Application Details

Item Number:	<i>[By Governance]</i>
Application Number:	DA-2017/207
Date of Receipt:	9 December 2016
Property:	116 Clareville Avenue Sandringham (Lots 4 & 5 in DP 15280)
Owners:	Mrs Ninar Bazouni
Applicant:	Mr Joe Bazouni
Proposal:	Construction of a new rooftop terrace to both dwellings 1 and 2 inclusive of internal stair access and flat sliding access hatch
Recommendation:	Approval
No. of Submissions:	Eleven (11) in response to the original notification letter. Seven (7) in response to notification of the amended proposal.
Cost of Development:	\$45,000
Author:	Michael Maloof, Senior Development Assessment Planner
Date of Report:	14 June 2018

Key Issues

On 13 March 2018, the Bayside Planning Panel (the Panel) considered this development application and resolved:

- 1 The development application DA-2017/207 for construction of a roof top terrace and internal stair access for both dwellings 1 and 2 at 116 Clareville Avenue, Sandringham is deferred. This is to allow the applicant to submit amended plans to mitigate amenity impacts on adjoining properties by reducing the size of each terrace to approximately 24 square metres with a generous rear setback as well as front setback and increased side setbacks. The Panel also considers that the roof top structure for the stair access, should be less bulky and a centralised lightweight structure with architectural merit.*
- 2 The amended plans together with sight lines are to be submitted to Council within four weeks to allow notification, reassessment by Council, and determination by the Panel.*
- 3 That the objectors be advised of the Bayside Planning Panel's decision.*

Panel reason: To provide the applicant the opportunity to submit an amended plan that significantly reduces the adverse amenity impacts on neighbours while at the same time allowing the applicant to obtain views from the rooftop within the above parameters.

The Applicant submitted amended plans on 10 May 2018 and information to address the issues raised by the Panel at their meeting of 13 March 2018. The amended plans and information were placed on notification and seven (7) submissions were received by Council during the re-notification period.

The amended proposal has reduced the terraces from 46m² to a maximum area of 29.5m² for each dwelling which is 5.5m² more than the 24 square metres requested by the Panel. The amendments have increased the setback on all sides and removed the housing above the stair and replaced it with a flat sliding hatch to minimise view intrusion. Notwithstanding this, a condition has been imposed to reduce the roof top terraces to a maximum of 24 square metres for each dwelling as recommended by the Panel.

The amended plans and information submitted has been reviewed and the application is recommended for approval subject to the conditions attached in this Supplementary Report.

Recommendation

1. *That development application DA-2017/207 for construction of a new rooftop terrace to both dwellings 1 and 2 inclusive of internal stair access and flat sliding access hatch at 116 Clareville Avenue, Sandringham 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 objectors be advised of the Bayside Planning Panel's decision.*

Proposal

The applicant has amended the proposal to reduce the size of the roof top terrace (from 46m² to 29.5m²) for each dwelling, increase setbacks on all sides and provide a flat sliding access hatch with the deletion of the previous housing over the stairs for each dwelling (Please refer to **Figure 1**). The proposed modifications result in a reduction to the building height. The remainder of the proposal remains as described in the report submitted to the Panel on 13 March 2018.

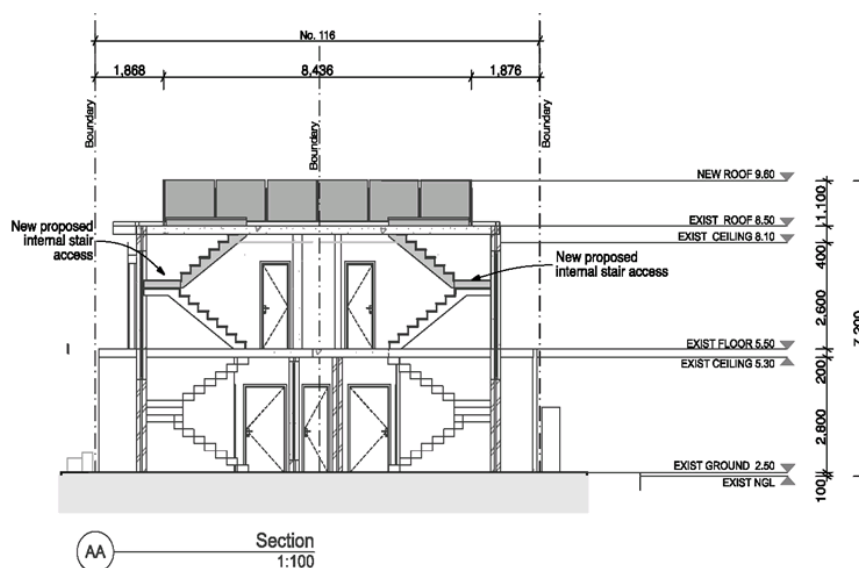


Figure 1 – Amended proposal including flat sliding access hatch.

Assessment of the Panel's deferment

At the Bayside Planning Panel meeting of 13 March 2018, the Panel resolved:

- 1 The development application DA-2017/207 for construction of a roof top terrace and internal stair access for both dwellings 1 and 2 at 116 Clareville Avenue, Sandringham is deferred. This is to allow the applicant to submit amended plans to mitigate amenity impacts on adjoining properties by reducing the size of each terrace to approximately 24 metres with a generous rear setback as well as front setback and increased side setbacks. The Panel also considers that the roof top structure for the stair access, should be less bulky and a centralised lightweight structure with architectural merit.
- 2 The amended plans together with sight lines are to be submitted to Council within four weeks to allow notification, reassessment by Council, and determination by the Panel.
- 3 That the objectors be advised of the Bayside Planning Panel's decision.

Panel reason: To provide the applicant the opportunity to submit an amended plan that significantly reduces the adverse amenity impacts on neighbours while at the same time allowing the applicant to obtain views from the rooftop within the above parameters.

Compliance with the Panel's recommendation is discussed below.

The matter was DEFERRED to allow for the following:

- (a) amended plans to mitigate amenity impacts on adjoining properties by reducing the size of each terrace to approximately 24 square metres with a generous rear setback as well as front setback and increased side setbacks.; and**

Amended plans for the roof top terrace were submitted to Council and included increased setbacks of 1.675m (previously 1.5m or increase of 175mm) to the side and 6.92m (previously 2.7m or increase of 4.22m) to the rear from the building edge of the first floor. The amended plans reduced the area of each terrace from 46m² to 29.5m². (Refer to **Figure 2** below).

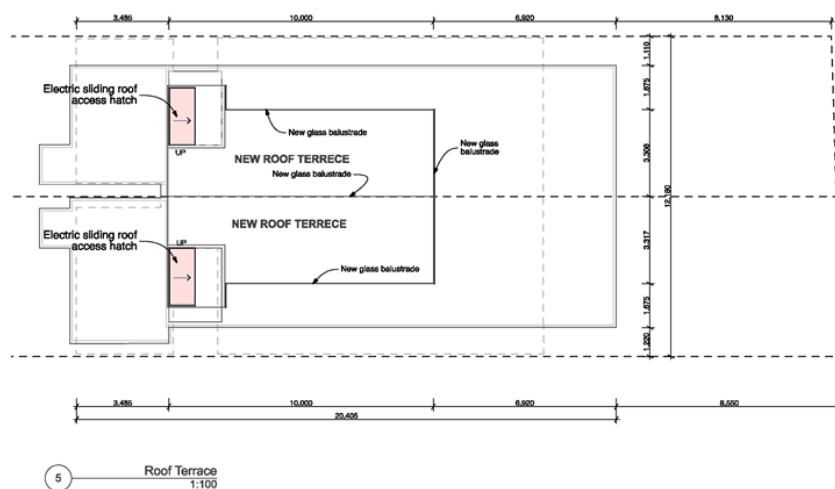


Figure 2 – Roof top terrace layout and setbacks

While the amended scheme does not reduce the area of the terrace to 24m² for each dwelling as recommended by the Panel, the reduction in area from 46m² to 29.5m² will result in reduced setbacks that will substantially increase privacy between adjacent dwellings. Notwithstanding this, a draft condition is recommended to be imposed reducing the size of the roof top terrace to 24m² for each dwelling in accordance with the recommendation of the Panel. Further, the amended scheme complies with the requirements of Council's DCP in respect to the design of roof top terraces.

The objective of clause 4.4.5 of Council's DCP 2011 in respect to privacy states:

- A. To site and design buildings to ensure acoustic and visual privacy for occupants and neighbours**

Given the above, the amended scheme is consistent with the above objective of Council's DCP 2011 for the roof top terrace and is acceptable in this regard.

- (b) *The Panel also considers that the roof top structure for the stair access, should be less bulky and a centralised lightweight structure with architectural merit; and,*

The amended plans include the replacement of the housing over the stairs with a flat accessible sliding roof hatch. The hatch is a flat structure on the roof being approximately 200mm high which slides open and allows occupants to walk up stairs directly to the centre of the roof terrace. The hatch is significantly less bulky than the previous design and is located to prevent occupants from walking to the edge of the building. As such, the amended scheme satisfies the Panel's request in reducing the bulk of the roof top structure which is barely visible given it is approximately 200mm high and slides across the roof.

Accordingly, the amend scheme satisfies the requirements of the Panel in respect to bulk and scale and centralised access.

- (c) The amended plans together with sight lines are to be submitted to Council within four weeks to allow notification, reassessment by Council, and determination by the Panel***

After detailed considerations by the applicant, amended plans for the scheme were submitted to Council on 9 May 2018. The amended plans have removed the housing over the stairs and replaced it with a flat sliding hatch to minimise view intrusion. The adjoining owners were notified of the amended plans which were reassessed by Council.

The amended plans include sight lines from the roof top terrace to the rear of the subject site. The area towards the front of the roof adjacent to the front façade has been removed from the terrace and is non-trafficable as it has no pedestrian access. As such, sight lines from this area have not been provided.

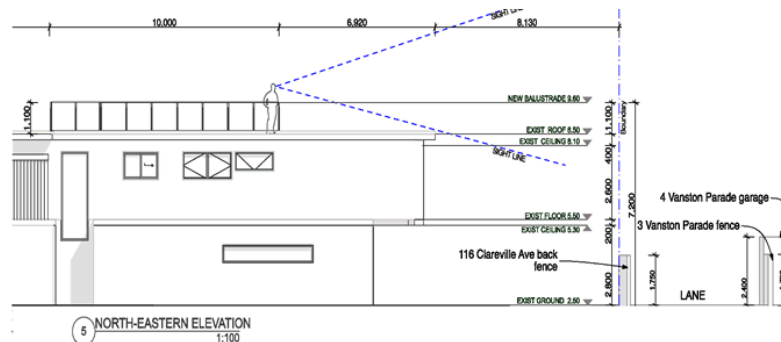


Figure 3 – Sight lines from the roof top terrace to the rear

The amended plans contain increased side and rear setbacks which encourage views out over the adjoining properties rather than onto them. Accordingly, the applicant has submitted amended plans with sight lines as requested by the

Panel. The sight lines to the rear may differ slightly as a result of the recommended condition to reduce the terraces to 24m² each. The change will reduce impacts to neighbours.

The adjoining owners were re-notified of the amended plans from 10 May 2018 to 25 May 2018. During this time seven (7) submissions were received by Council. The matters raised in these submissions have been addressed later in this report. Accordingly, the application referred back to the Panel for determination.

Assessment

The amended plans, as conditioned, comply with the development controls for roof top terraces under Council's DCP 2011. In particular, the proposal complies with the visual privacy requirements of clause 4.4.5 of the DCP 2011.

The roof top terraces have been designed to minimise overlooking to the adjoining properties with ample setbacks and a reduced roof top area. Screens and planter boxes with landscape elements have not been used as they would impact on views out over the subject site for neighbouring properties. Rather, the proposal includes balustrades with clear glazing having appropriate setbacks from the front, side and rear edge of the building. The side edge setbacks are in excess of 1.5m (1.675m) and internal stair access is provided centrally from within the building.

The proposal is in accordance with the relevant objective of the RDCP 2011 in relation to part 4.4.5 Visual and Acoustic Privacy.

- *To site and design buildings to ensure acoustic and visual privacy for occupants and neighbours*

The subject site is zoned R2 - Low Density Residential under the provisions of Rockdale Local Environmental Plan 2011 (RLEP 2011). The objectives of the R2 Low Density Residential zone are:

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

Based on the above, the amended scheme is consistent with the objectives of the zone and complies with the requirements in Council's DCP 2011. Accordingly, the amended scheme is supported in this case.

Submissions

Consideration has been given to the seven (7) letters of objection as outlined below:

- Objection to overlooking into my home from the roof top terrace

Comment: The amended scheme has increased side and rear setbacks which reduce overlooking to the adjoining properties. The amended proposal complies with Council's requirements and is acceptable in respect to the design and layout of the roof top terrace, subject to the recommended conditions.

- Noise emanating from entertaining a group of people on the terrace all day and night would be hard to tolerate

Comment: The proposed roof top terraces have been reduced in size from 46m² to 29.5m² for each dwelling. However, a draft condition is recommended to be imposed reducing the size of the roof top terrace to 24m² for each dwelling in accordance with the recommendation of the Panel. This is considered to be appropriate and likely to reduce the potential for amenity impacts from the use of the terraces. The terraces are expected to be used by the occupants of the existing dwellings on the site and are not likely to be used all day and all night. The amended design with increased setbacks on all sides will substantially reduce overlooking and the likelihood of any significant noise emissions. Accordingly, the amended scheme is acceptable in this regard.

- Occupants of the apartments within Clareville Avenue will lose privacy and have to draw their curtains

Comment: The amended proposal will include a roof top terrace that is not unlike any other roof top terrace in the street and complies with the setbacks under Council's DCP 2011. In addition, the proposal is not likely to significantly increase overlooking into the apartments along Clareville Avenue given the setbacks, reduced size of the roof terraces and similar design when compared other two storey residential developments in the precinct.

- Fear of patrons falling off the non-trafficable roof areas

Comment: The proposal will contain a balustrade which is setback from the front, sides and rear of the building to ensure that the roof top terraces are secure and occupants cannot fall off the edge of the building in accordance with the Building Code of Australia. This situation is similar to any other dwelling in the street which contains a first floor balcony.

- A roof top terrace will result in more parking congestion on the street and frustrate local residents

Comment: The proposal will not include any additional floor space on the site and the proposed roof top terrace will be used in connection with the existing dwellings. As such, the proposal is not likely to result in any significant increase in parking congestion within Clareville Avenue.

- Decrease in value and demand of Sandringham

Comment: No information has been submitted to substantiate this claim.

- The lights on the roof at night shine into my apartment and I have to cover my windows – there is no reason for such high powered lights

Comment: This matter was addressed in the original application and a condition of development consent is proposed on any approval issued that relates to controlling the obtrusive effects of outdoor lighting. In this regard, the lighting of the terrace is not to cause any nuisance to the owners or occupiers of adjoining/adjacent premises or to motorists on adjoining or nearby roads. The existing lights which are on the roof located on 1m high poles around the entire periphery and in the middle of the roof shall be removed. This shall be addressed by way of a condition of development consent in the draft Notice of Determination.

- The balustrade curves around the sliding access hatch making it larger from the front – combining them in the centre would be less obtrusive to the neighbours

Comment: The amended proposal includes a separate sliding access hatch for each dwelling providing central access to the roof top terrace. As there are two dwellings on the site it is not possible to provide one combined access hatch in the middle of the building. The alternative design to include a single external stair for both dwellings would result in greater adverse impacts on the adjoining properties.

The glass balustrade comprises full glazing up to 1.2m high and begins around the flat sliding access hatch. The balustrade cuts across the roof and removes access to the large area between the hatch and the front of the building. As such, the amended proposal reduces the amount of roof terrace and overlooking onto the adjoining properties.

- The roof top terrace cannot be justified as the development already has sufficient outdoor space

Comment: The proposed roof top terraces will add to the use and enjoyment of the subject site and are permissible development under Council's DCP 2011. The amended plans comply with Council's requirements and have been redesigned in accordance with the requirements of the Panel. Accordingly, the proposal is acceptable in respect to the provision of usable open space on the site.

- The central dividing balustrade will later be removed creating one massive area of 64m².

Comment: Council can only make an assessment of the application currently before it. In this regard, the amended plans include a balustrade between the two dwellings on the roof top terrace. A condition of development consent is proposed stating that any further alterations and/or additions to the subject building shall not be undertaken without first obtaining approval.

- The Panel has asked for 2m side setbacks while the amended plans show the setbacks have been amended by 175mm.

Comment: The Panel recommended that the amended scheme contain *"a generous rear setback as well as front setback and increased side setbacks."*

The previous plans included a side setback from the balustrade to the boundary of the site of 2.61m on the northern side and 2.72m on the southern side (or 1.5m from the edge of the building). The amended scheme includes a balustrade having a side

setback to the boundary of 2.785m on the northern side and 2.895m on the southern side (or 1.675m from the edge of the building on each side). (Please refer to **Figure 2**). In this regard, the applicant has provided increased front and rear setbacks with a side setback increase of 175mm on each side.

While the increase on both side setbacks is limited to 175mm, both have been increased and therefore the amended scheme is consistent with the Panel's request. Furthermore, the amended scheme exceeds the setback requirements under clause 4.4.5 of Council's DCP 2011. Accordingly, the amended scheme complies with Panel's request in relation to setbacks and is acceptable in this regard.

Conditions

The application will include the following changes to previously imposed conditions in the previous report to the Panel on 13 March 2018:

Condition 2 shall be amended to refer to the amended plans received on 9 May 2018 that were revised in accordance with the recommendations of the Panel.

Condition 6 shall be amended to ensure the terraces shall not be consolidated at any future time and be reduced to an area of 24m² for each dwelling:

6. (a) *The roof top terraces shall not be enclosed or have any covering at any future time without prior development consent. Further, they shall not be consolidated into a single terrace at any time but must remain as two separate terraces with no connection.*
- (b) *The roof top terraces shall be reduced to a maximum size of 24m² for each dwelling. The amendments shall be shown in the plans submitted with the Construction Certificate.*

Condition 11 to be deleted:

11. *Colours and textures of materials used in the housing above the stairs providing access to the roof top terrace shall be compatible with the existing building.*

This condition shall be deleted and removed from the draft Notice of Determination as the housing above the stairs has been deleted from the amended scheme for the site.

Conclusion

The issues raised by the Panel at their meeting of 13 March 2018 have been addressed. The revised plans were publically exhibited and seven (7) letters of objection were received from the owners in relation to the amended scheme. The issues raised have been considered and addressed.

The amended plans submitted to Council have been assessed and subject to recommended conditions, are considered to address issues raised by the Panel and result in an improved development. Therefore, it is recommended that the Panel consider the amended plans and determine the application in accordance with the recommendation provided.

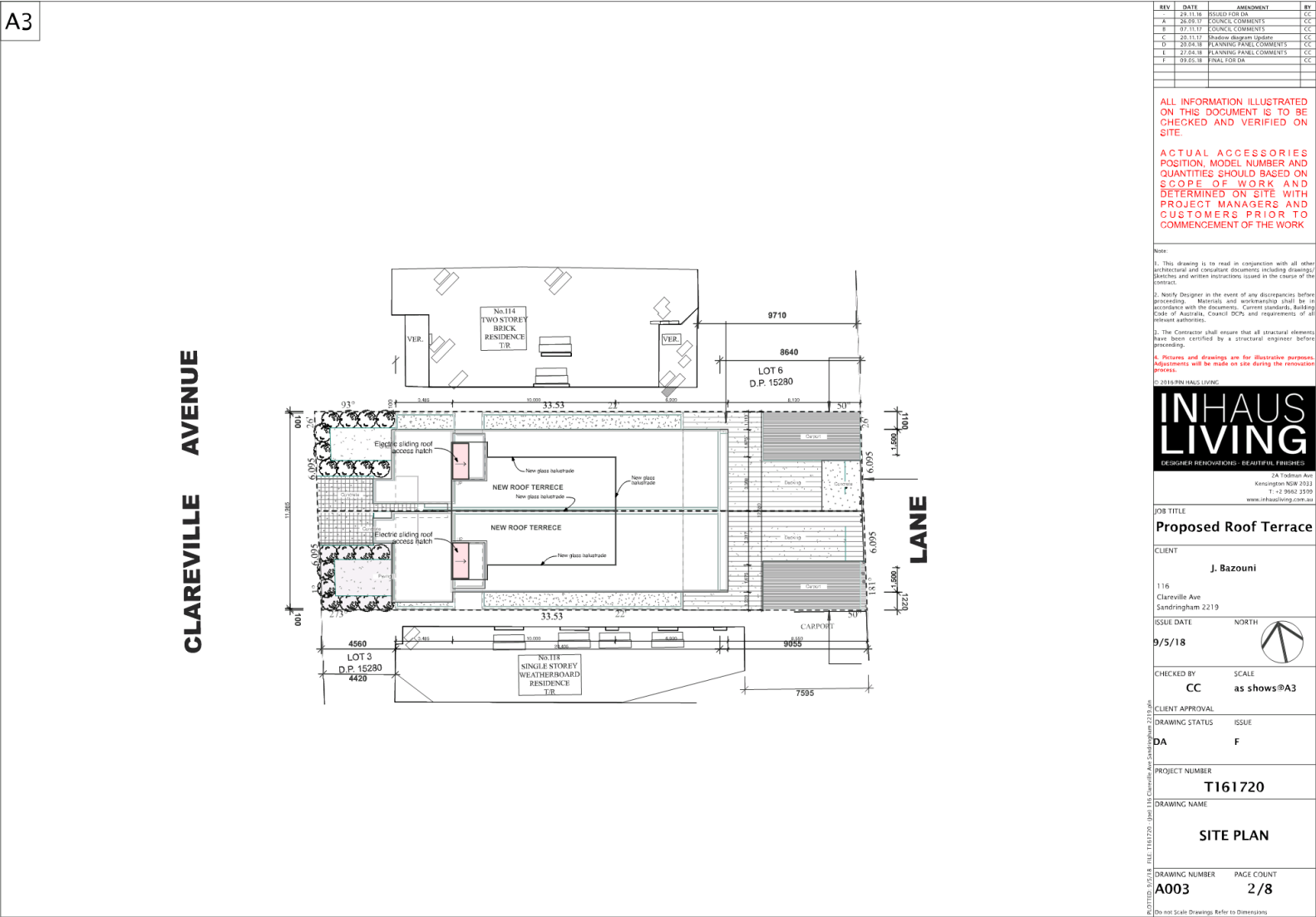
A3

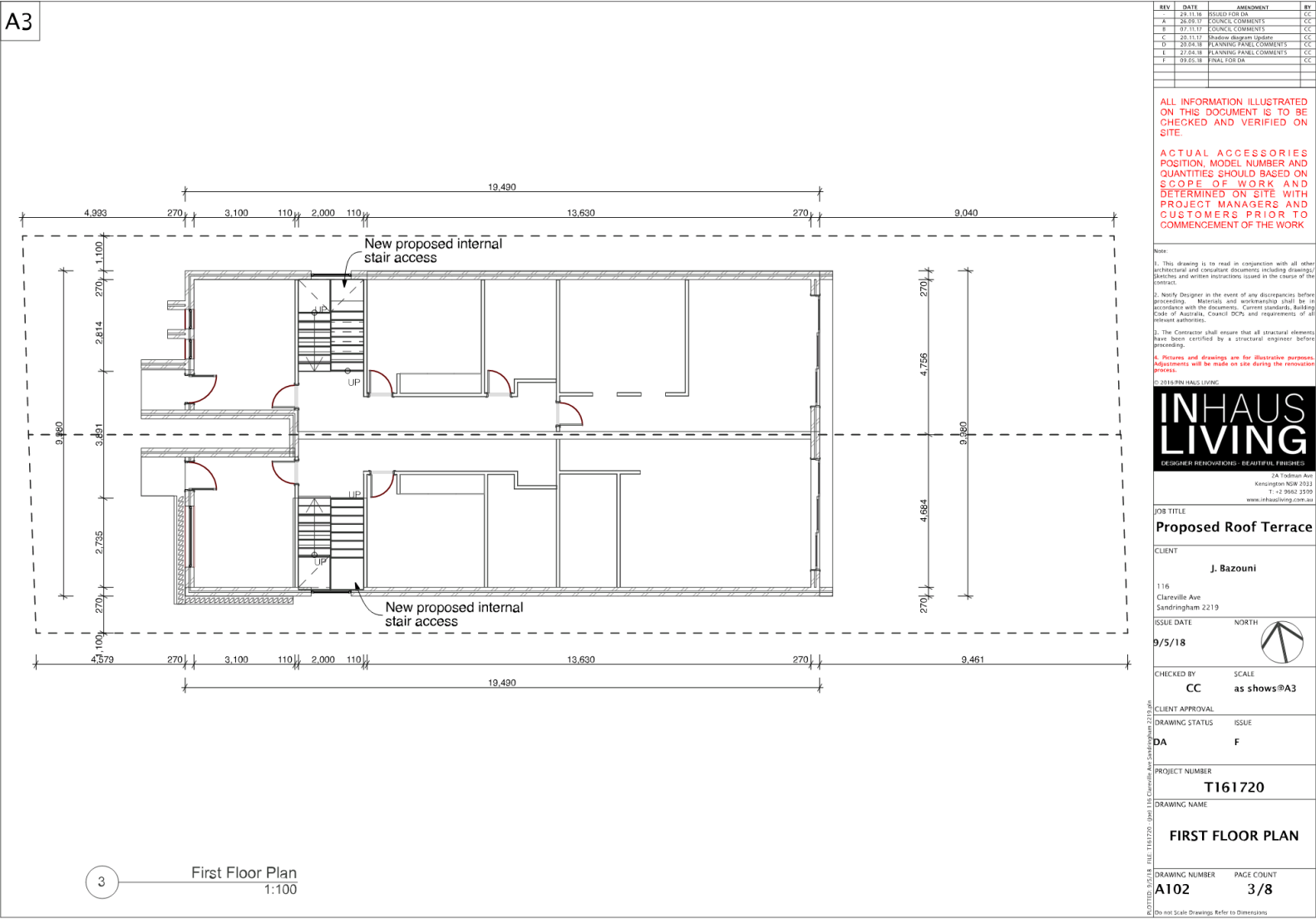
3D Rendering

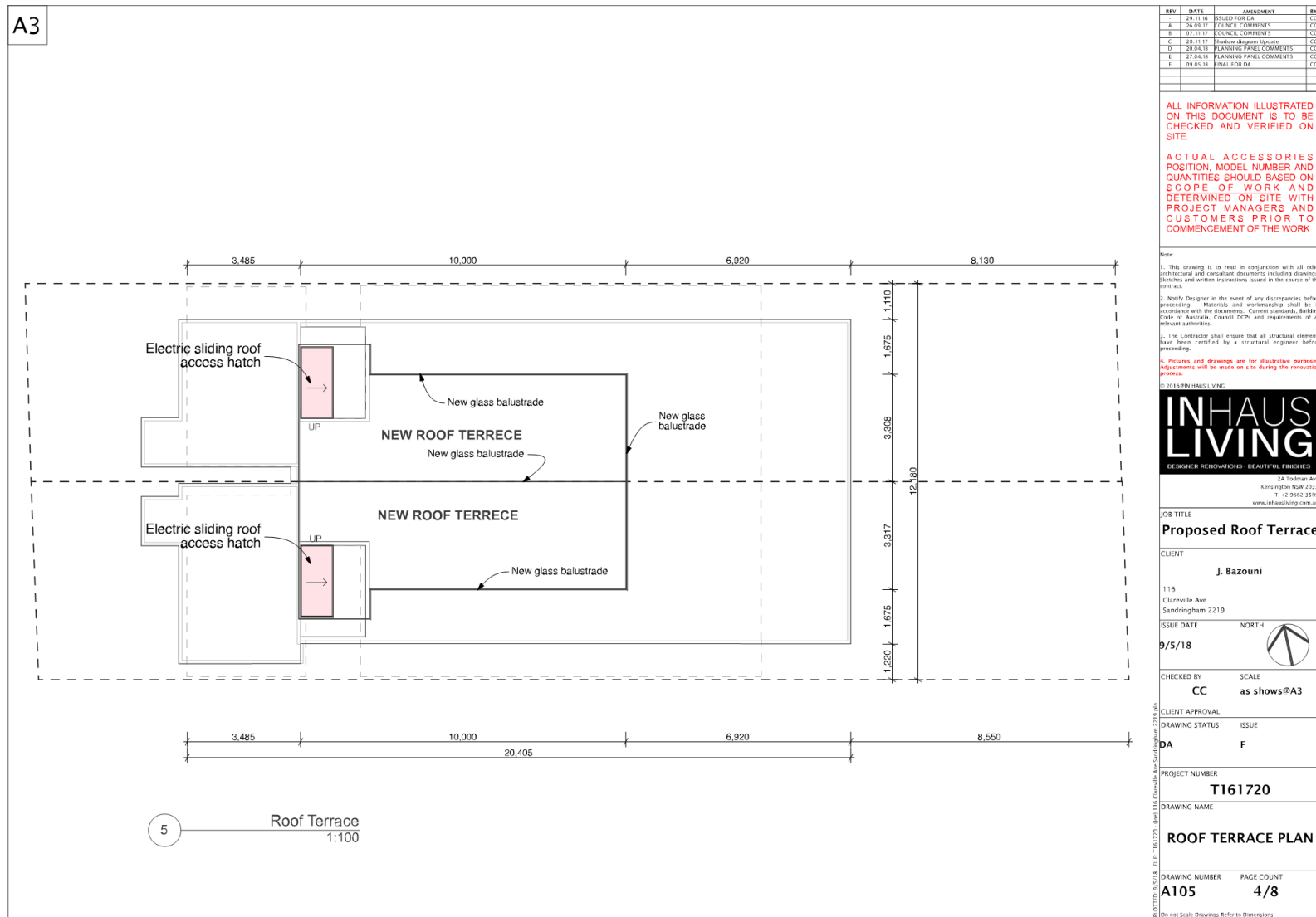
Proposed Roof Access Hatch Example

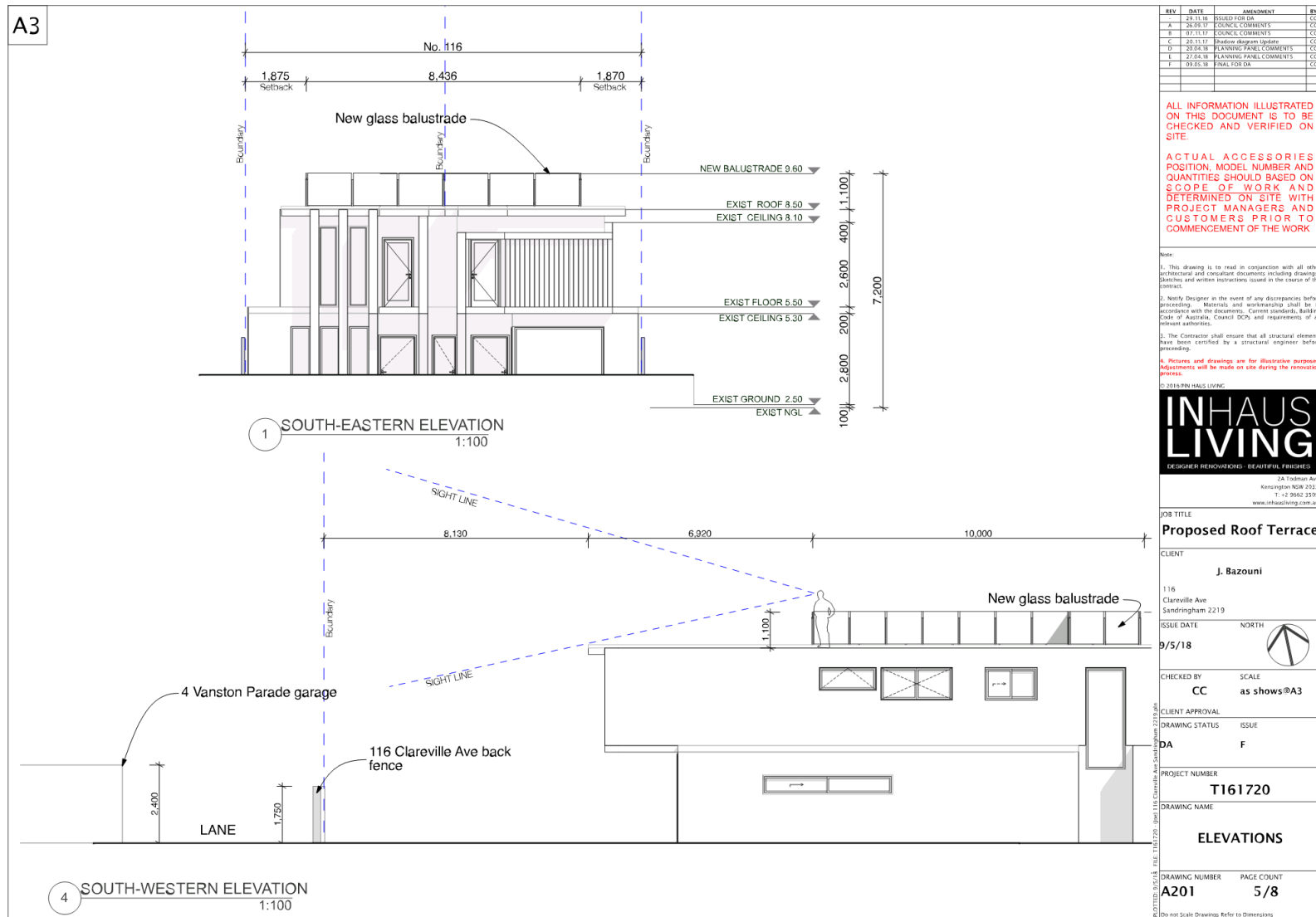
The image is a 3D architectural rendering of a proposed roof access hatch. The main rendering shows a modern building with a flat roof. A large, rectangular hatch structure is integrated into the roof. The hatch has a glass door and is surrounded by a low wall. The building is situated in an urban environment with other buildings and trees in the background. The rendering is shown from multiple angles, including a top-down view and a side view. The hatch is labeled 'Proposed Roof Access Hatch Example'.

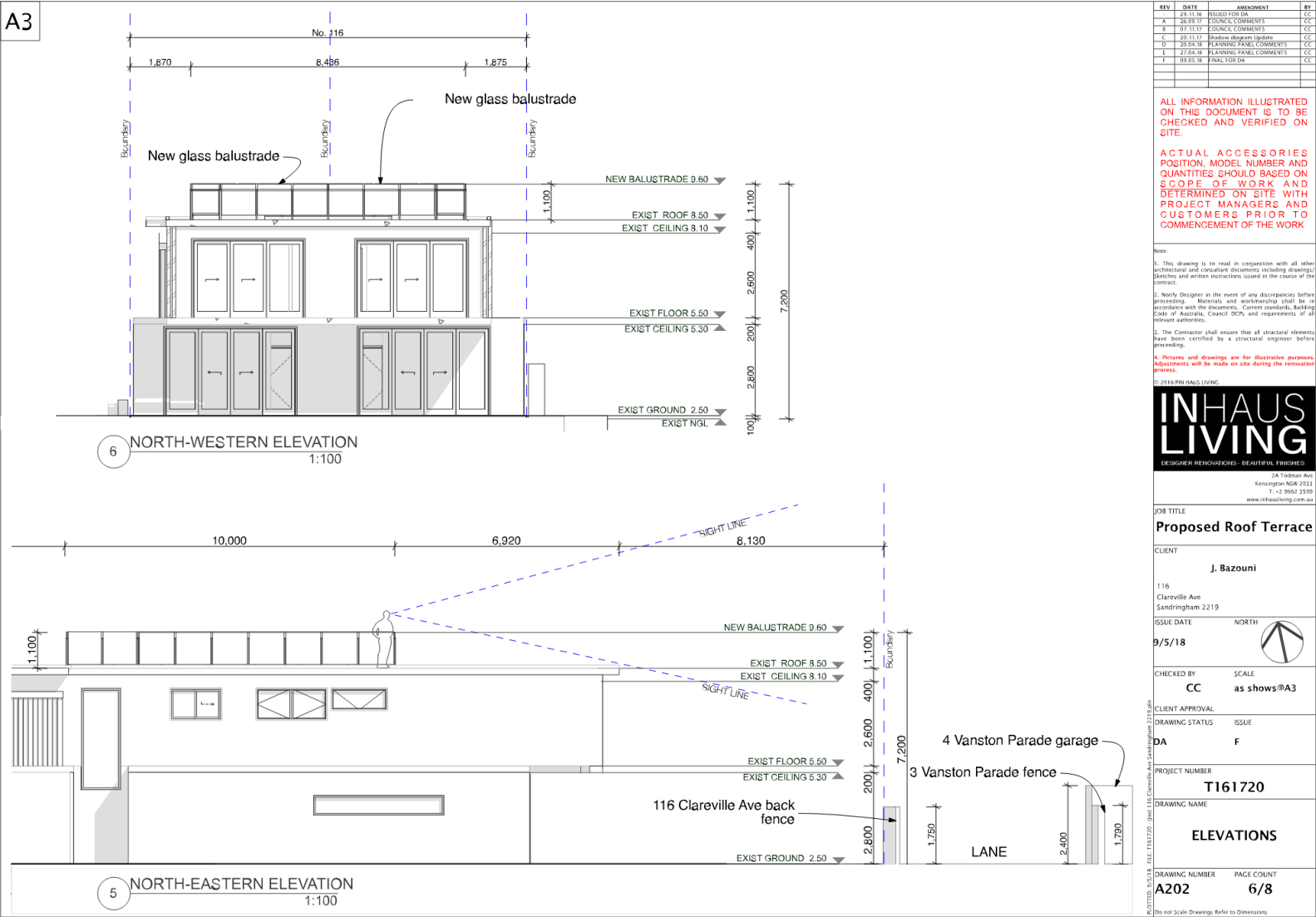


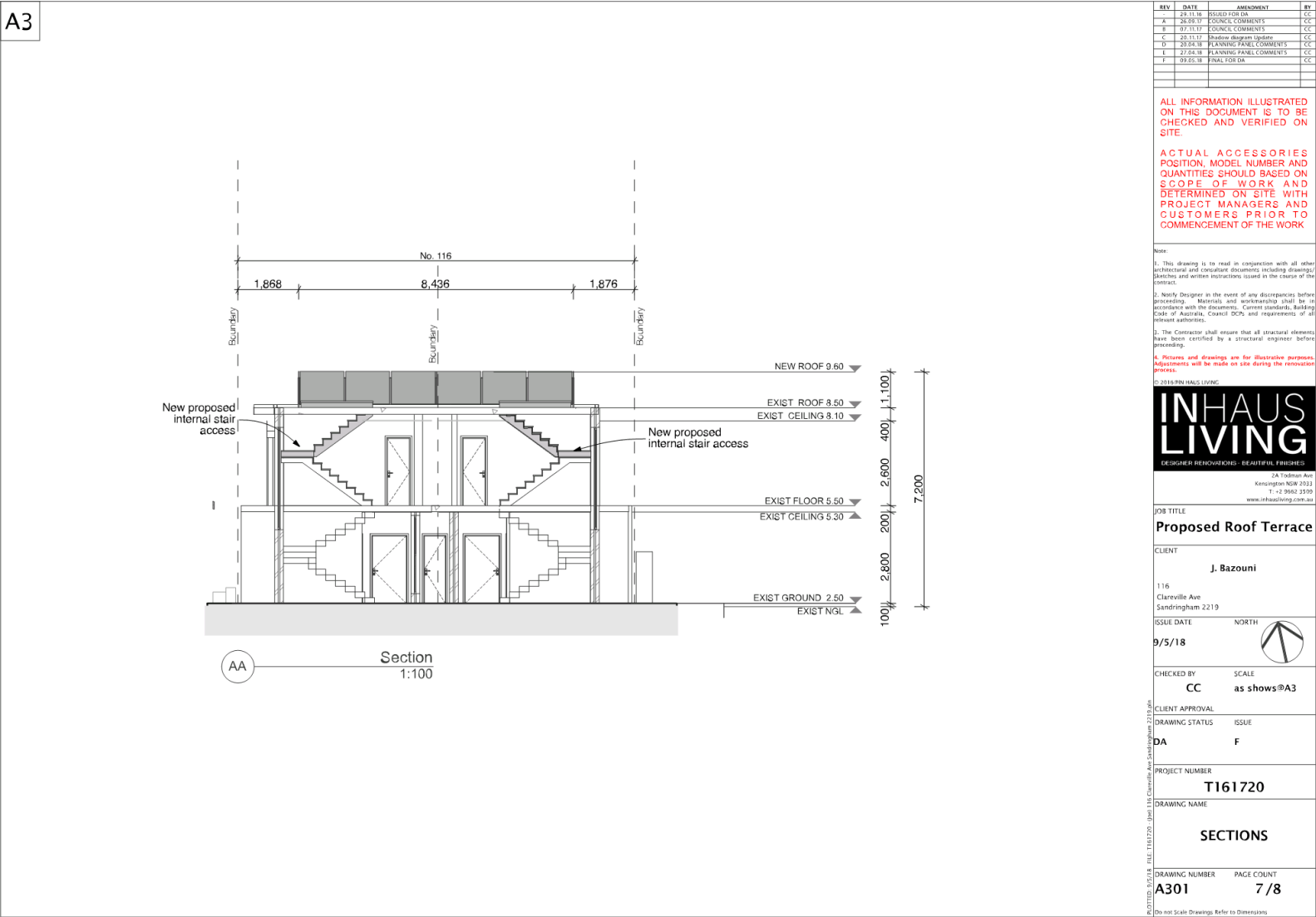












Our Ref: DA-2017/207
Contact: Michael Maloof 9562 1666

Mr Joe Bazouni
Shop 10/2a Todman Ave
KENSINGTON NSW 2033

NOTICE OF DETERMINATION

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

Application Number:	DA-2017/207
Property:	116 Clareville Avenue, SANDRINGHAM (Lot 4 DP 15280)
Proposal:	Construction of a new rooftop terrace to both dwellings 1 and 2 inclusive of internal stair access and flat sliding access hatch
Authority:	Delegated to Bayside Planning Panel
Determination:	Approved
Date of determination:	
Date consent commences:	
Date consent lapses:	

The above development is approved subject to the following conditions:

General Conditions

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

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

Plan/Dwg No.	Drawn by	Dated	Received by Council
Project No. T161720, Revision F, Drawing Numbers A003, A102, A105, A201, A202, A301, (18/64429)	Inhaus Living	09/05/18	10/05/18

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. Further alterations and/or additions to the subject building shall not be undertaken without first obtaining approval. This includes the fitting of any form of doors and/or walls.
6. (a) The roof top terraces shall not be enclosed or have any covering at any future time without prior development consent. Further, they shall not be consolidated into a single terrace at any time but must remain as two separate terraces with no connection.
(b) The roof top terraces shall be reduced to a maximum size of 24m² for each dwelling. The amendments shall be shown in the plans submitted with the Construction Certificate.
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.

Development specific conditions

The following conditions are specific to the Development Application proposal.

8. 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.
9. The use of the premises, roof top terrace 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.
10. (1) The existing lighting erected on poles on the common boundary and around the periphery of the roof top terrace shall be removed within 8 weeks of the date of this notice of determination. Evidence of their removal shall be furnished to Council within 2 days of their removal.
(2) All proposed lights to be erected on the roof top terrace of each dwelling 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.

11. (1) The existing unauthorised car parking space within the front setback to 116 Clareville Avenue shall be removed and the landscaped area and front fence reinstated as detailed on the approved plans within 8 weeks of the date of this notice of determination. Evidence of the removal of the car parking space shall be furnished to Council within 2 days of its removal.
- (2) A nature strip within the road reservation shall be provided along with the reconstruction of the kerb and gutter. Details shall be submitted with the Construction Certificate.

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 \$1,628.00. This is to cover repair of any damages, or other works to be done by Council. This includes construction, removal, or repair as required to: kerb and guttering, existing or new driveways; paved areas and concrete footpaths. The deposit may be lodged with Council in the form of a Bank Guarantee (Any proposed Bank Guarantee must not have an expiry date). The deposit will not be returned by Council until works are completed and all damage is restored and all specified works are completed by Council.
 - ii. An environmental enforcement fee of 0.25% of the cost of the works.
 - iii. A Soil and Water Management Sign of \$17.50.
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. Details shall be submitted to Council for assessment and approval pursuant to Section 138 of the Roads Act 1993 in relation to the following:
 - i) removal of the concrete vehicle crossing and layback within the road reservation, and
 - ii) construction of the kerb and gutter to replace the redundant driveway.
15. Prior to the issue of the Construction Certificate, amended detailed drainage design plans for the management of stormwater are to be submitted to Certifying Authority for assessment and approval. These detailed design plans shall include:

All stormwater run-off for the proposed rooftop terrace is not to be directed or concentrated onto any adjoining property and stormwater shall not be concentrated towards the common boundary. Additionally, all stormwater runoff is to be directed away from the entrances to the proposed stairwells. All stormwater run-off for the terraces is to be collected and discharged to the existing stormwater system. The

above issues are to be clearly depicted on the detailed design plans.

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.

Prior to commencement of works

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

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.

During demolition / excavation / construction

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

17. 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.
18. 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.
19. 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. prior to covering the framework for any wall, roof or other building element, and
 - ii. prior to covering waterproofing in any wet areas, and
 - iii. prior to covering any stormwater drainage connections, and
 - iv. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

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

20. 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. Prior to construction of the roof top terrace level showing the area of the land, building and boundary setbacks and verifying that the terrace is being constructed at the approved level with the approved setbacks.

- ii. Prior to fixing of roof cladding on the housing over the stairs verifying the eave, gutter setback is not less than that approved and that the building has been constructed at the approved levels.
 - iii. 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.
 - iv. 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.
21. 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.
22. 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.

- 23. An Occupation Certificate shall be obtained in relation to the approved building works prior to any use or occupation of the roof top terrace.
- 24. 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.

25. 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.
26. All works within the road reserve, which are subject to approval pursuant to Section 138 of the Roads Act 1993, shall be completed and accepted by council prior to the issue of the Occupation Certificate.
27. 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.
28. A nature strip within the road reservation shall be provided along with the reconstruction of the kerb and gutter. The nature strip shall be provided prior to the issue of the Occupation Certificate.

Roads Act

29. Construction related activities must not take place on the roadway without Council approval.

Short-term activities (including operating plant, materials delivery) that reduce parking spaces, affect access to a particular route or prevent or restrict the passage of vehicles along the road must not occur without a valid Temporary Roadside Closure Permit.

Activities involving occupation of the parking lane for durations longer than allowed under a Temporary Roadside Closure Permit require a Construction Zone Permit and must not occur prior to the erection of Works Zone signs by Council's Traffic and Road Safety Section.

Permit application forms should be lodged at Council's Customer Service Centre allowing sufficient time for evaluation. An information package is available on request.

30. The following works will be required to be undertaken in the road reserve at the applicant's expense:
 - i) removal of the existing concrete vehicular entrance to Clareville Avenue, and kerb layback which will no longer be required which facilitate access to Clareville avenue;
 - ii) construction of kerb and gutter to replace the redundant driveway.
31. 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.

32. 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.
33. 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. All site works shall comply with the occupational health and safety requirements of the NSW WorkCover Authority.
- c. In the event of any inconsistency between conditions of this approval and the drawings/documents referred to in condition 2, the conditions of this approval prevail.

Additional Information

- To confirm the date upon which this consent becomes effective, refer to Section 83 of the *Environmental Planning and Assessment Act, 1979*. Generally the consent becomes effective from the determination date shown on the front of this notice. However if unsure applicants should rely on their own enquiries.
- To confirm the likelihood of consent lapsing, refer to Section 95 of the Act. Generally consent lapses if the development is not commenced within five (5) years of the date of approval. However if a lesser period is stated in the conditions of consent, the lesser period applies. If unsure applicants should rely on their own enquiries.
- Under Section 8.7 and 8.10 of the Act, applicants who are dissatisfied with the outcome of a consent authority have a right of appeal to the Land and Environment Court. This right must be exercised within six (6) months from the date of this notice. The Court's Office is situated at Level 1, 225 Macquarie Street, Sydney (Telephone 9228 8388), and the appropriate form of appeal is available from the Clerk of your Local Court.

Should you have any further queries please contact Michael Maloof on 9562 1666

Pascal Van de Walle
Coordinator - Development Assessment

BAYSIDE COUNCIL

Planning Assessment Report

Application Details

Application Number:	DA-2017/207
Date of Receipt:	9 December 2016
Property:	116 Clareville Avenue, SANDRINGHAM (Lot 4 DP 15280), (Lot 5 DP 15280)
Owner:	Mrs Ninar Bazouni
Applicant:	Mr Joe Bazouni
Proposal:	Construction of a new rooftop terrace to both dwellings 1 and 2 inclusive of internal stair access
Recommendation:	Approved
No. of submissions:	11
Author:	Michael Maloof
Date of Report:	19 February 2018

Key Issues

The key issues related to this application are:

- Loss of views
- Loss of privacy and amenity
- Streetscape
- Solar Access

The above issues have been addressed later in this report.

Recommendation

A. That development application DA-2017/207 for construction of a new roof top terrace to both dwellings 1 and 2 including of internal stair access at 116 Clareville Avenue, Sandringham 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.

B. That the objectors be advised of the Bayside Planning Panel's decision.

Background

History

Council's records show the following application relevant to the property:

CD-2015/168 - Complying Development Certificate - Demolition of existing dwelling and associated outbuildings and erection of two new dwellings

Lodged on 16/03/2015 and Approved by Private Certifier on 12/03/2015

According to Council's records, the final Occupation Certificate for the approved development under CD-2015/168 was issued on 4 October 2016.

Proposal

The application seeks development consent for the addition of a new rooftop terrace to both existing semi-detached dwellings at No. 116 Clareville Avenue, Sandringham, including construction of internal stairs and covered entry to the roof top terrace. The housing over the stairs includes a skillion roof at 26 degrees to minimise overshadowing and the roof top terrace is setback from the sides and rear edge of the building.

Site location and context

The subject site is known as Lots 4 & 5 in DP 15280, at 116 Clareville Avenue, Sandringham. The site is a rectangular shape with front and rear boundary widths of 11.985 metres. The side boundaries are 33.7m deep. The total site area is 404 sq.m. The topography of the site is such that it falls to the rear of 0.1m and is relatively flat.

The subject site contains two two-storey semi-detached dwellings with detached carports at the rear of each dwelling. The site is located on the eastern side of Clareville Avenue between Lena Street and Vanston Parade. Adjoining development to the sides includes a detached dwelling house on one side and an attached two storey dual occupancy dwelling on the other. The site adjoins Lena Lane to the rear and on the opposite side of the lane are more one and two storey dwelling houses which front Vanston Parade. Opposite the site along Clareville Avenue are four storey residential flat buildings that overlook the site. There is a mix of one, two and four storey residential buildings within close proximity to the subject property. There are no trees to be removed from the subject site.

Statutory Considerations

Environmental Planning and Assessment Act, 1979

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

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

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

The following Environmental Planning Instruments are relevant to this application:

Greater Metropolitan REP No. 2 – Georges River Catchment

The site is within the area where the Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment applies. Relevant specific planning principles in the plan, including acid sulfate soils urban/stormwater runoff, have been taken into account in the assessment of the proposal and are further discussed in this report.

Rockdale Local Environmental Plan 2011

Relevant clauses	Compliance with objectives	Compliance with standard/provision
2.3 Zone R2 Low Density Residential	Yes	Yes - see discussion
4.3 Height of buildings	Yes	Yes - see discussion
4.4 Floor space ratio - Residential zones	Yes	Yes - see discussion
6.7 Stormwater	Yes	Yes - see discussion

2.3 Zone R2 Low Density Residential

The subject site is zoned R2 - Low Density Residential under the provisions of Rockdale Local Environmental Plan 2011 (RLEP 2011). The proposed roof top terraces to the semi-detached dwellings are permissible development with development consent. The objectives of the zone are:

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

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

4.3 Height of buildings

The height of the proposed housing above the stairs has been reduced and is 8.4m (RL10.9 - NGL 2.5) 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 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.

4.4 Floor space ratio - Residential zones

The proposal will include the extension of the existing internal stairs to the roof top terrace level which accesses the door to the roof top terrace. The stair well includes a landing which is included in the vertical circulation and therefore the proposal does not increase the gross floor area of the previously approved building. Accordingly, the proposal is acceptable in respect to the floor space ratio control.

6.7 Stormwater

The proposal involves the construction of an on site retention system to manage stormwater. The proposed stormwater system has been approved by Council's development engineers subject to the imposition of conditions of development consent and is consistent with this clause.

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

No proposed instruments are relevant 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
4.1.1 Views and Vista	Yes	Yes - see discussion
4.2 Streetscape and Site Context - General	Yes	Yes - see discussion
4.3.2 Private Open Space - Low density residential	Yes	Yes - see discussion
4.4.2 Solar Access - Low and medium density residential	Yes	Yes - see discussion
4.4.5 Visual privacy	Yes	Yes - see discussion
5.1 Storey Height and Setbacks - Dwelling house and Attached Dwellings	Yes	Yes - see discussion

4.1.1 Views and Vista

The subject site is located opposite a three storey residential flat building (123-125 Clareville Ave) which overlooks the site and has views out over Botany Bay to the east. The proposal will include minor protrusions into the existing views which is the result of the balustrade around the terrace and the housing structure over the stairs which provide access to the roof top terrace. The property on the opposite side of Clareville Street contains views out over the site and to the north east and south east over the adjoining properties. The existing views are currently punctuated by other roof top terrace structures from other dwellings in the vicinity of the site along Vanston Parade as well as mature trees in Cook Park.

The relevant objectives of clause 4.1.1 of the Rockdale DCP 2011 include:

- A. To maintain and enhance existing views to and from the Cooks River and Botany Bay*
- D. To encourage view sharing as a means of ensuring equitable access to views from neighbouring properties*

The proposal has been amended to reduce the height and size of housing over the stairs which now contains a skillion roof to minimise the extent of view intrusion. In this regard, the roof over the stairs will marginally intrude into the existing views of the adjacent dwellings behind the site which front Vanston Parade with minimal view intrusion affecting the significant views of the bay and horizon behind. In this regard, the extent of view loss resulting from the roof top terrace and associated structures is not significant and is not detrimental to the adjoining properties on the opposite side of Clareville Avenue.

As the dual occupancy development complies with the maximum overall height requirements applying to the site, will contain a roof top terrace that is limited in size and complies with the setback requirements under Council's DCP, the proposal is not unreasonable in respect to views and will not set a precedent in respect to the existing view corridors. The proposal will therefore allow view sharing and is not unreasonable in this instance.

4.2 Streetscape and Site Context - General

The proposed roof top terrace will involve a balustrade around the terrace which is setback from the

sides of the existing building and a housing over the stairs with a skillion roof. The proposed housing will be setback 4.6m from the first floor front elevation and will be only partially visible from the street having a reduced bulk and scale. While the housing above the stairs will be visible from the upper levels of the residential flat building opposite the site, the proposal is not unlike other dwelling houses with access to the roof top terrace. In this regard, the proposal is not unreasonable and is not likely to dominate the site or challenge the existing built form along this part of Clareville Avenue.

The plans submitted with the application show landscaping within the front setback to No. 116 Clareville Avenue in accordance with the previously approved development on the site (CD-2015/168 drawing A.301 approved on 12 March 2015). The applicant has constructed a car space which is contrary to the CD and which is under size (4.56m long). In this regard, the removal of the unauthorised car parking space and replacement with landscape plantings will improve the external appearance of the property and be consistent with the existing streetscape along Clareville Avenue. This has been addressed through the imposition of a condition of development consent.

Based on the above, the proposal complies with Council's requirements in respect to roof top terraces and is not considered likely to result in any significant adverse impacts on the existing streetscape along Clareville Avenue.

4.3.2 Private Open Space - Low density residential

The proposal will include provision of a roof top terrace for each existing dwelling on the site including a private open space area (on the roof) of 46m² per dwelling. This area of 46m² when added to the existing private open space for each dwelling in the rear yard (55m²), will result in compliance with the minimum private open space area required for each dwelling (80m²) under Council's DCP 2011. In this regard, the proposed roof top terrace will be setback from the side and rear of the existing building and respects the amenity of the adjoining properties. As such, the proposal complies with the requirements of Council's DCP in respect to private open space and is acceptable in this regard.

4.4.2 Solar Access - Low and medium density residential

An examination of the shadow diagrams submitted with the application revealed that the north point on the plans is in the wrong direction. Accordingly, the plans submitted were inaccurate in respect to the additional overshadowing likely to result from the development. Amended plans were submitted and an assessment of the increase in likely shadows from the amended scheme has revealed that the line of shadow cast from the housing structures over the stairs will result in a small increase in the order of approximately 400mm or so. This line of additional shadow is likely to fall over part of the front yard in the morning, part of the dwelling house on the adjoining property to the south during the day and part of the rear yard of the site and adjoining property during the late afternoon. Despite the east west orientation of the subject site, the small increase in the likely overshadowing is minor and not unreasonable. The proposal is not likely to result in any significant impacts on the windows of any dwelling houses on neighbouring properties.

Notwithstanding the above, the proposed development has been designed to minimise overshadowing through the angled roof design of the housing over the stairs providing access to the roof top terrace. The resulting increase in the line of shadow affectation is therefore minimal and would not result in any significant increase in overshadowing for the dwellings on the site and the adjoining properties.

Council's DCP contains the following objective under this section of the DCP:

B. To ensure that development does not unreasonably diminish sunlight to neighbouring properties

and within the development site

Due to the orientation of the site and the amendments to the scheme, the proposal is not likely to reduce access to natural light for the private open space areas at the rear of the dwellings on the site and adjoining properties. In addition, the additional shadows that will fall to the south over the adjoining property are minor and not likely to result in any detrimental affects on the adjoining properties. As such, the proposal is consistent with the above objective under Council's DCP 2011 and is acceptable in this regard.

4.4.5 Visual privacy

The amended plans submitted with the application include a revised layout for the roof top terrace which complies with the requirements of Council's DCP, including balustrades with a 1.5m setback from the side edge of the building, internal access stairs and a larger setback from the front and rear elevations of the existing building. The addition of any privacy screens to the proposed balustrade would result in a further reduction in views from adjoining properties with no material benefit in respect to privacy and amenity. In this regard, the amended scheme is acceptable in respect to the requirements of this clause. In addition, the proposal has been sited and designed to be consistent with the objectives of this clause of Council's DCP and will ensure the acoustic and visual privacy for the occupants and neighbours. As such, the amended scheme is acceptable and complies with Council's DCP 2011.

The roof top terrace includes a large open area with no coverings of 46m² for each dwelling. In this regard, a condition has been imposed to ensure that no covering will be erected and the use and enjoyment of the area will not result in adverse amenity impacts in respect to noise generation. In this regard, the proposal is not considered to be unreasonable as the open area will be used in connection with each dwelling and is not likely to result in any excessive noise generation. Accordingly, the proposal is acceptable in this regard.

5.1 Storey Height and Setbacks - Dwelling house and Attached Dwellings

The proposed roof top terrace has been amended to include front, side and rear setbacks equal to and greater than 1.5m from the side edge of the first floor of the building apart from the housing over the stairs which has a nil side setback up to a height of 0.850m above the existing roof. The existing stair case within each dwelling house has a nil side setback on the ground and first floors. In this regard, the proposed extension to the stair to provide access to the roof cannot be relocated and will result in the housing having a nil side setback at the roof level. In this regard, the applicant has amended the scheme to minimise the bulk and scale of the housing over the stair by raking the roof making it into a skillion with a small rise in the external wall of 850mm. This will minimise any increase in overshadowing and is not likely to result in any significant increase in bulk and scale of the additional roof top structures given the they are well setback from the front elevation of each dwelling.

The proposed roof top terrace standard have the following objective in relation to setbacks and visual privacy:

- To site and design buildings to ensure acoustic and visual privacy for occupants and neighbours

The proposal is consistent with the above objective as the proposed housing over the stairs will not reduce the acoustic and visual privacy to any unreasonable degree and will not result in any unreasonable bulk and scale. In this regard, the proposal is acceptable in respect to height and setbacks and generally complies with the objective of this clause.

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 the proposal relates to the construction of a roof top terrace with no demolition other than removal of part of the existing roof to enable access to the roof top terrace. Notwithstanding this, a condition of consent shall be imposed 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 affected by flooding however, the proposal does not involve any excavation and includes a roof top terrace for the existing dwellings on the site which are not likely to cause any adverse impacts on the flood levels or the dwellings on the adjoining properties.

Construction

The proposed works on the roof top terrace are to be constructed in steel with galvanized iron roof housing over the stairs with glass balustrade around the perimeter of the terrace. 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 proposal is not likely to reduce the amenity of the adjoining properties by any significant degree and the amended scheme will not reduce the development potential of the adjoining properties. As such, the current proposal is no likely to result in any significant adverse amenity impacts and is acceptable in this regard.

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 twice in accordance with the provisions of Rockdale DCP 2011. During the first notification period there were 11 submissions received, including a petition with 29 signatures, objecting to the development. During the second notification period there were eleven (11) submissions received by Council. The issues raised in the petition and submissions are discussed below:

Issue 1: Loss of privacy and amenity

Comment: The proposed roof top terrace has been amended to include setbacks from the side of the existing building which comply with Council's DCP apart from the housing over the stairs which have been redesigned to minimise building bulk and scale and overshadowing impacts. The roof top terrace will not result in any significant overlooking given the setbacks provided whilst views out over the buildings on the adjoining properties will be maintained. The amended plans comply with Council's DCP in respect to privacy and are acceptable in this regard.

Issue 2: Noise and Acoustic Privacy (from the large external terraces on an elevated level)

Comment: The size of the roof terraces have been reduced and a condition of development consent shall be imposed limiting the use of the roof top terrace so that it does not result in any "offensive noise" generation. Accordingly, the proposed roof top terrace has been reduced in size, complies with the building setbacks and subject to the imposition of a condition relating to noise, is acceptable in this regard.

Issue 3: Amenity impacts due to existing bright lights installed on roof top

Comment: A condition of development consent shall be imposed on any approval issued that relates to controlling the obtrusive effects of outdoor lighting. In this regard, the lighting of the terrace is not to cause any nuisance to the owners or occupiers of adjoining/adjacent premises or to motorists on adjoining or nearby roads. The existing lights which are on the roof located on 1m high poles around the entire periphery and in the middle of the roof shall be removed. This shall be addressed by way of a condition of development consent.

Issue 4: Streetscape impacts, roof form/structures out of character

Comment: The proposed housing over the stairs on the roof top has been setback 4.8m from the front elevation of the dwellings and are not visible from pedestrian level in the street. The front setback of 4.8m on the roof level will not contain any improvements and as such, the proposal is not likely to result in adverse impacts in respect to the existing streetscape along this part of Clareville Avenue. While the roof top structures are visible from the dwellings opposite and around the site, they are not excessive and will not dominate the subject site or challenge the existing buildings in the street. Neighboring dwellings contain larger and more dominant roof top terrace structures which are highly visible from the adjoining properties. As such, the proposal is not considered to result in any unreasonable streetscape or aesthetic impacts when compared with the existing development in the locality.

Issue 5: Over-development

Comment: The proposal will not increase the gross floor area of the site and a roof top terrace is permitted under Council's DCP. The roof top terraces will be ancillary to the previously approved dwellings on the site. As such, the proposal is not an over-development of the site and is acceptable in this regard.

Issue 6: Loss of views and visual impacts of structures

Comment: This has been addressed previously in this report (refer to section 4.1.1 of this report)

Issue 7: Insufficient on site parking for existing residents, parking across the Council driveway at the front of the site, they park their boat in the street, the carports at the rear of each dwelling are not used and the car parked in the front setback overhangs the footpath.

Comment: The proposal includes a roof top terrace over each dwelling. This does not increase the on

site car parking demand for each unit. The previous approval includes one on site car parking space at the rear of each dwelling with awning over which is accessible from the unformed rear lane. The existing driveway at the front of the site has not been removed and the approved plans do not include any on site car parking spaces within the front building setback. As such, cars are permitted to park on the street in front of the driveway. The residents currently park their large boat in the side street which does not impact on the sight distances of the dwellings on the adjoining properties. The residents may park on the street or at the rear of each dwelling as they so desire.

The existing car parking space in the front building setback to No. 116 Clareville Avenue is unauthorised as it did not form part of the previous approval (CD-2015/168). This car parking space is under size (4.6m long) and not included on the plans the subject of this application. As such, the space should be removed from the front setback which should be reinstated as landscaped area with plantings to soften the development as shown on the approved plans. A condition of development consent shall be included in the draft Notice of Determination and failing reinstatement of the front setback, the matter would be referred to Council's compliance section for evaluation and enforcement.

Issue 8: Staircases have been built

Comment: The existing building contains internal stair cases which were previously approved under a complying development certificate issued on the site. In this regard, the internal stair case within each dwelling provides access to the first floor but does not currently provide access to the roof top terrace. Accordingly, the proposal is acceptable in respect to the existing staircases.

Issue 9: Unfinished side walls, how can further work be approved on the site

Comment: The masonry side wall of the garage on each side of the property has not been finished with render and paint. The applicant tried to finish this however the owners on each adjoining property refused the applicant entry in order to do so. As such, the walls remain unfinished. The planning system allows any number of development applications to be considered on a site at one time. As such, the current application can be considered in light of the above.

Issue 10: The buildings are not compliant with the state or Council's controls

Comment: The buildings referred to in this comment include dwelling houses on each of the two lots with nil side setbacks. These were considered and approved in a complying development certificate (CD-2015/168) which was approved on 12 March 2015. As such, the development was considered by the PCA under the state planning controls.

Issue 11: Inadequacy of overshadowing plans and overshadowing impacts

Comment: This has been addressed previously in this report (please refer to section 4.4.2).

Issue 12: Why was the roof top terrace not included in the original application

Comment: The applicant did not include the roof top terrace in the original application (CD-2015/168) as the controls under complying development would not permit a roof top terrace. In this regard, development approval is sought with the current application for the roof top terrace.

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.

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
Project No. T161720, Revision B, Drawing Numbers A003, A102, A105, A201, A202, A301, (17/136005)	Inhaus Living	07/11/17	13/11/17

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. Further alterations and/or additions to the subject building shall not be undertaken without first obtaining approval. This includes the fitting of any form of doors and/or walls.
6. The roof top terrace shall not be enclosed or have any covering at any future time without prior development consent.
7. This approval is not to be construed as permission to erect any structure on or near a boundary contrary to the provisions of the Dividing Fences Act.

Development specific conditions

The following conditions are specific to the Development Application proposal.

8. 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.
9. The use of the premises, roof top terrace 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.
10. (1) The existing lighting erected on poles on the common boundary and around the periphery of the roof top terrace shall be removed within 8 weeks of the date of this notice of determination. Evidence of their removal shall be furnished to Council within 2 days of their removal.
- (2) All proposed lights to be erected on the roof top terrace of each dwelling 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.
11. Colours and textures of materials used in the housing above the stairs providing access to the roof top terrace shall be compatible with the existing building.
12. (1) The existing unauthorised car parking space within the front setback to 116 Clareville Avenue shall be removed and the landscaped area and front fence reinstated as detailed on the approved plans within 8 weeks of the date of this notice of determination. Evidence of the removal of the car parking space shall be furnished to Council within 2 days of its removal.
- (2) A nature strip within the road reservation shall be provided along with the reconstruction of the kerb and gutter. Details shall be submitted with the Construction Certificate.

Prior to issue of the construction certificate

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

13. 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 \$1,628.00. This is to cover repair of any damages, or other works to be done by Council. This includes construction, removal, or repair as required to: kerb and guttering, existing or new driveways; paved areas and concrete footpaths. The deposit may be lodged with Council in the form of a Bank Guarantee (Any proposed Bank Guarantee must not have an expiry date). The deposit will not be returned by Council until works are completed and all damage is restored

- and all specified works are completed by Council.
- ii. An environmental enforcement fee of 0.25% of the cost of the works.
 - iii. A Soil and Water Management Sign of \$17.50.
14. 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.
15. Details shall be submitted to Council for assessment and approval pursuant to Section 138 of the Roads Act 1993 in relation to the following:
- i) removal of the concrete vehicle crossing and layback within the road reservation, and
 - ii) construction of the kerb and gutter to replace the redundant driveway.
16. Prior to the issue of the Construction Certificate, amended detailed drainage design plans for the management of stormwater are to be submitted to Certifying Authority for assessment and approval. These detailed design plans shall include:

All stormwater run-off for the proposed rooftop terrace is not to be directed or concentrated onto any adjoining property and stormwater shall not be concentrated towards the common boundary. Additionally, all stormwater runoff is to be directed away from the entrances to the proposed stairwells. All stormwater run-off for the terraces is to be collected and discharged to the existing stormwater system. The above issues are to be clearly depicted on the detailed design plans.

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.

Prior to commencement of works

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

17. 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.

During demolition / excavation / construction

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

18. 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.
19. 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.

20. 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. prior to covering the framework for any wall, roof or other building element, and
- ii. prior to covering waterproofing in any wet areas, and
- iii. prior to covering any stormwater drainage connections, and
- iv. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

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

21. 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. Prior to construction of the roof top terrace level showing the area of the land, building and boundary setbacks and verifying that the terrace is being constructed at the approved level with the approved setbacks.
 - ii. Prior to fixing of roof cladding on the housing over the stairs verifying the eave, gutter setback is not less than that approved and that the building has been constructed at the approved levels.
 - iii. 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.
 - iv. 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.
22. 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.

23. 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.

- 24. An Occupation Certificate shall be obtained in relation to the approved building works prior to any use or occupation of the roof top terrace.
- 25. 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.
- 26. 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.
- 27. All works within the road reserve, which are subject to approval pursuant to Section 138 of the Roads Act 1993, shall be completed and accepted by council prior to the issue of the Occupation Certificate.
- 28. 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.
- 29. A nature strip within the road reservation shall be provided along with the reconstruction of the kerb and gutter. The nature strip shall be provided prior to the issue of the Occupation Certificate.

Roads Act

- 30. Construction related activities must not take place on the roadway without Council approval.

Short-term activities (including operating plant, materials delivery) that reduce parking spaces, affect access to a particular route or prevent or restrict the passage of vehicles along the road must not occur without a valid Temporary Roadside Closure Permit.

Activities involving occupation of the parking lane for durations longer than allowed under a Temporary Roadside Closure Permit require a Construction Zone Permit and must not occur prior to the erection of Works Zone signs by Council's Traffic and Road Safety Section.

Permit application forms should be lodged at Council's Customer Service Centre allowing sufficient time for evaluation. An information package is available on request.

31. The following works will be required to be undertaken in the road reserve at the applicant's expense:
 - i) removal of the existing concrete vehicular entrance to Clareville Avenue, and kerb layback which will no longer be required which facilitate access to Clareville avenue;
 - ii) construction of kerb and gutter to replace the redundant driveway.
32. 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.
33. 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.
34. 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. All site works shall comply with the occupational health and safety requirements of the NSW WorkCover Authority.
- c. 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 Planning Panel

10/07/2018

Item No	6.3
Application Type	Development Application
Application No	DA-2017/340
Lodgement Date	01/05/2017
Property	413 - 425 Princes Highway, Rockdale
Ward	Rockdale
Owner	Mr Andrew Gordon Beehag, Mr Ian Alexander Beehag, Ms Glenda Elizabeth Roberts
Applicant	CDA Sydney Pty Ltd
Proposal	Demolition of the existing structures for the construction of a seven (7) storey mixed used development comprising two (2) commercial tenancies at Ground Floor, a hotel containing eighty-eight (88) guest rooms and basement car park.
No. of Submissions	Two (2) public submissions
Cost of Development	\$16,881,347
Report by	Michael McCabe, Director City Futures

Officer Recommendation

- 1 That Development Application No. 2017/340 for the demolition of the ancillary structures for the construction of a seven (7) storey hotel to accommodate eighty-eight (88) rooms and two (2) commercial tenancies at ground floor and basement car parking be approved as a deferred commencement pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, subject to the recommended conditions of consent.
 - 2 That the objectors be notified of the Bayside Planning Panel decision.
-

Location Plan



Attachments

- 1 Planning Report - Hotel
- 2 Amended Site Analysis Plan
- 3 Amended Perspective - Streetscape Diagrams
- 4 Amended Floor Plans
- 5 Amended Basement Floor Plans
- 6 Amended Accessible Units Layout
- 7 Amended Shadow Diagrams
- 8 Amended Materials Schedule, Facade Detail and Concept Storyboard
- 9 Amended LEP Height Blanket
- 10 Amended Elevations and Sections
- 11 Amended Basement Floor Plans
- 12 Amended 3D Views
- 13 Amended Landscape Plans
- 14 Public Art Concept
- 15 Traffic and Parking Report
- 16 Waste and Management Plan [↓↓↓↓↓↓↓↓↓↓↓↓↓↓↓↓↓↓](#)

BAYSIDE COUNCIL

Planning Assessment Report

Application Details

Application Number:	DA-2017/340
Date of Receipt:	1 May 2017
Property:	413 Princes Highway, ROCKDALE (Lot 7 DP 11344), (Lot 8 DP 11344) 415 Princes Highway, ROCKDALE (Lot 4 DP 11344), (Lot 5 DP 11344), (Lot 6 DP 11344) 425 Princes Highway, ROCKDALE (Lot 1 DP 11344)
Owner(s):	Mr Andrew Gordon Beehag Mr Ian Alexander Beehag Ms Glenda Elizabeth Roberts Mrs Glenda Elizabeth Roberts
Applicant:	CDA Sydney Pty Ltd
Proposal:	413-425 Princes Highway Rockdale - Integrated Development - Demolition of the existing structures for the construction of a seven (7) storey mixed use development comprising two (2) commercial tenancies at ground level, a hotel containing eighty-eight (88) guest rooms and basement car park
Recommendation:	Deferred commencement
No. of submissions:	Two (2) public submissions
Author:	Rita Baker
Date of Report:	19 June 2018

Key Issues

- Building design,
- Height,
- Privacy and visual amenity,
- Landscaping,
- Drainage Control,
- Energy Efficiency Design.

Recommendation

That **DEFERRED COMMENCEMENT** consent be granted to this Development Application pursuant to Section 4.16(1)(3) of the Environmental Planning and Assessment Act 1979. This consent shall not operate until you satisfy Council about the following matters:

1. An amended energy performance report prepared by an accredited energy auditor or certifying consultant is required to be submitted to Council. The report should contain the following information:-

1.1 The total anticipated energy consumption of the hotel before occupation,

1.2 Details of all passive and active energy efficient design measures incorporated into the development.

2. The Architectural Plans are to be amended so as to demonstrate the following:-

2.1 Solar screens are to be provided to the north, east and west facades of the building. Screens should be designed to respond to their specific orientation and the recommendations of the energy performance report so as to improve the building's environmental performance and contribute to its architectural aesthetics.

2.2 Without exceeding the maximum permissible height of 22 metres from the natural ground level (as stipulated under the Rockdale Local Environmental Plan 2011), servicing strategy drawings are to be prepared by a registered mechanical engineer / hydraulic engineer demonstrating the incorporation and coordination of building services including air-conditioning, elevators, etc. The architectural drawings are to specify the extent and location of reduced ceiling heights as documented in drawing No. DA 3003 - Revision 'A' to accommodate the proposed services, whilst complying with the requirements of the Building Code of Australia (BCA).

2.3 Location of the electricity kiosk and the emergency exits are to be clearly identified in the architectural plans and they must be located behind the building line.

2.4 Demonstrate that all plumbing, other than roof-water heads and down-pipes are concealed (not visible) within the brickwork/fabric of the building.

3. An amended Landscaped Plan shall be provided to demonstrate the following:-

3.1 For the third level roof slab landscape.-

a. In collaboration with the landscape architect and engineers, design details are required to ensure set-downs (seating areas) and appropriate soil depths, widths and volumes are incorporated in locations that are beneficial to the growth of the proposed landscape species.

b. Specify waterproofing methods, irrigation system and adequate drainage provided.

c. Specify the type of lightweight soil mixes on slab (soils should be free draining), porous and suitable for the selected plants species.

d. Details of the technical irrigation system. Please note that the irrigation system has to be connected to stormwater drainage as part of the Water Design Urban Design Principle (WDUDP).

e. A centrally located pedestrian corridor (with an east-west orientation) from the Third Floor Level is to be provided so as to provide an equitable access to the landscaped area for maintenance and customer amenity purposes.

d. A copy of the Maintenance Management Plan demonstrating the cycle plant replacement, deweeding and automatic irrigation system maintenance.

3.2 For the Ground Floor nature strip (Princes Highway interface).-

- a. Callistemon "Great Balls of Fire" proposed along frontage shall be replaced with low growing shrubs and ground covers under, to reach a maximum 700 millimetre height to address Crime Prevention and the Assessment of Development Applications Guidelines.
 - b. Street tree referred as Ficus Hilli Standard in the Landscape Plans shall be replaced with Platanus species (London Plane) as per Rockdale Street Tree Master Plan and Council's specifications.
4. Based on the findings of the Stage 1 of the Site Contamination Report, a Stage 2 "Detail Site Investigation" is required to be provided in response to the provisions of the State Environmental Planning Policy No. 55 - Remediation of the Land.
5. Confirmation from Sydney Trains of approval/certification of the following final version items:-
- 5.1 Geotechnical and Structural report/drawings that meet Sydney Trains requirements. The Geotechnical Report must be based on actual borehole testing conducted on the site closest to the rail corridor.
- 5.2 Construction methodology with construction details pertaining to structural support during excavation. The Applicant is to be aware that Sydney Trains will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements.
- 5.3 Cross sectional drawings showing the rail corridor, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the rail corridor. All measurements are to be verified by a Registered Surveyor.
- 5.4 Detailed Survey Plan showing the relationship of the proposed developed with respect to Sydney Trains easement and rail corridor land.
- 5.5 If required by Sydney Trains, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.

Background

History

- On 27 January 2017, a pre-lodgement development application meeting was held in Council for the demolition of the existing structures and construction of a seven (7) storey hotel with ground floor commercial/retail tenancies and two (2) level basement car parking accessed via Waines Crescent.
- On 5 May, 2017: Development Application No. 2017/190 was lodged for the demolition of the existing structures for the erection of a seven (7) storey hotel comprising 126 guests rooms with ground floor commercial component over a three (3) level basement car parking accessed via Waines Crescent. This application is the subject of this report.
- On 15 June 2017, the application was referred to the Bayside Design Review Panel (BDRP) as part of the internal referral process. At the meeting, the Panel raised a number of design issues and suggested for the proposed amendment to be referred back for further consideration.
- On 18 August 2017, Council e-mailed the applicant requesting additional information/responses

concerning the following issues:-

- a. Design,
 - b. Building setbacks,
 - c. Density and scale, and
 - d. Traffic and parking.
- On 4 September 2017, Council officer met with the applicant(s) in order to discuss potential solutions to Council's concerns.
 - On 18 October 2017, the applicant provided amended plans/additional information in response to Council's concerns raised.
 - On 23 November 2017, the application was considered for the second time by the BDRP. The amended architectural plans were considered acceptable in that instance, subject to minor design amendments.
 - On 12 December 2017, the applicant submitted amended architectural plans in response to BDRP's design concerns. At the time, the number of proposed rooms were reduced to eighty-eight (88).
 - On 16 March 2018, Council raised concerns regarding the scheme, which had not been addressed in the previous lodgement of additional information/amended plans. The concerns raised are primarily regarding the following:-
 - a. Design quality to ascertain the intended "classification" for the future operation of the hotel,
 - b. Equitable access for mobility impaired persons,
 - c. A Building Code of Australia/ National Construction Code Compliance Report addressing the construction standards for hotels,
 - d. Further consideration be given to the building entry proposed off Waines Crescent and its relationship to the proposed development on the opposite site,
 - e. Provision of an accessible outdoor area with good privacy and solar access from the green roof at Level 3,
 - f. Building articulation,
 - g. Waste collection area,
 - h. Traffic and parking,
 - i. A revised and updated Wind Impact Statement,
 - j. A Stage 2 "Detailed Site Investigation" of the Contamination Report,
 - k. Detail of the location for meter enclosures, electricity kiosks, emergency exits,
 - l. An updated material board,
 - m. Additional cross sections to visualise the location of the utilities,
 - n. Detail of the awning at the Princes Highway elevation.
 - On 12 April 2018, the applicant provided a general response regarding Council's concerns.

Proposal

The development seeks approval for the demolition of the existing structures on the site to enable the construction of a seven (7) storey hotel development with commercial premises at the ground floor and associated car parking at basement level, landscaping and storm-water drainage works.

The proposal entails the following arrangement and number of units per floor:-

- Basement 3 accommodates one (1) service area, a plant room, male change room which features two (2) showers with toilets, nine (9) car parking spaces for the hotel component and one (1) space for mobility impaired persons,
- Basement 2 accommodates one (1) plant room, one (1) female change room which features two (2) showers with their respective toilets, nine (9) car parking spaces plus one (1) space for mobility impaired persons for the hotel component,
- Basement 1 accommodates fire pump room, rain water tank, air conditioning plant room, one (1) bicycle commercial space, one (1) space for mobility impaired persons plus five (5) spaces for the commercial component and four (4) spaces for the hotel patrons, totalling twenty-four (24) car parking spaces for the hotel component plus six (6) spaces for the commercial element of the scheme.
- Ground Floor Level accommodates the main entrance to the hotel's lobby, reception area, two (2) unisex toilets and two (2) commercial premises with individual pedestrian entrances off Princes Highway. The waste collection area, loading bay and fire exists are also located on this level, whose interface is to Waines Crescent (western quadrant). The combined waiting bay(s)/port cochere and ramp to/from basement access are provided on this level and its outlook is from the south-western corner of the site off Waines Crescent.
- Levels One and Two accommodate twenty-two (22) rooms and linen storage respectively,
- Levels Three to Six accommodates eleven (11) rooms and linen storage respectively.

The proposed hotel features a total number of eighty-eight (88) rooms all accommodating double beds, whose areas ranges between 19.02 square metres and 25.98 square metres. The development features two (2) commercial spaces at the ground floor level, whose areas are 106.84 square metres and 113.22 square metres respectively. A loading area has been provided to serve the general waste collection area. The site features an additional waste collection area, which is to to serve the commercial component of the building.

The hotel is to be equipped with two (2) lifts, which facilitate vertical circulation.

The plans show hotel rooms accommodating double beds with a toilet facility only. Basic services such as laundry/washing machines, restaurant, kitchen facility, etc. have not been not provided but the applicant states that the site would be served "by an external contractor(s)" for such purpose(s). It is noted that to be eligible for a Hotel Star Rating the property/building should meet the following requirements:-

- Guests must be able to contact a property representative in the case of an emergency; 24 hours a day, 7 days a week. Contact details and phone numbers must be clearly displayed in-room and/or onsite.
- The property must feature a dedicated reception area and/or service desk for guest arrivals and departures.
- Bedding (blankets/quilts, sheets and pillow, applicable to local climate) must be provided for all beds and included in the rate.
- One towel per guest and bath mat per room must be provided and included in the rate.
- Soap (or dispensed liquid soap) must be provided per guest and included in the rate.
- Daily housekeeping services are available for all guests.
- Property must include shower and toilet facilities.

The applicant states that the hotel would operate as a "3 Star" accommodation as per the "Star Rating"

parameters.

The proposal involves the provision of public art to wrap around the commercial component of the development.



Site location and context

The site is currently occupied by three (3) commercial buildings and one (1) residential premises. At No. 413 Princes Highway is the business known as “Design Tiles”. A single dwelling-house is located at No. 415 Princes Highway. “Rockdale Automotive Repairs” occupies No. 417 Princes Highway and “Off the Wall Framing” is at No. 425 Princes Highway in Rockdale. These buildings are all to be demolished so as to enable the construction of the proposed hotel.

It is noted that the site is bounded by Waines Crescent at the north-east, west and south-western quadrants providing an overall dimension of 87.52 metres and by Princes Highway (to the east), whose road frontage is approximately 50.56 metres.

The applicant provided a Survey Plan prepared by Daw and Walton Consulting Surveyors, which indicates that the total area of the site is 936 square metres.

The site is located within the Rockdale commercial town centre. It is noted that the site does not contain significant trees worthy of retention. The site is not a heritage listed item nor is it located in a heritage conservation area.

The site is located approximately 240.6 metres north-east of the Rockdale Railway Station, taxi rank and buses, which convey passengers to the Airport and Sydney CBD.

A development application is currently under consideration by Council for the development of the site at

Nos. 1-2 Waines Crescent, located on the opposite side of the street towards the west, for a mixed use residential and commercial development.

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*.

S4.46 - Development that is Integrated Development

The proposed development constitutes Integrated Development and requires approval by the Water NSW and as per the provisions of the *Water Management Act 2000*.

WaterNSW has determined that the proposed development will encounter groundwater during the excavation process, and is subject to a Water Supply Work Approval under the Water Management Act 2000 for dewatering during the construction phase. This determination is subject to appropriate construction methods to be employed to minimise volume of groundwater take during the construction phase. WaterNSW provides General Terms of Approval for the subject development.

S4.15 (1) - Matters for Consideration - General

S4.15 (1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

State Environmental Planning Policy (Infrastructure) 2007

The proposed development is affected by the State Environmental Planning Policy at the following Clauses:-

86 Excavation in, above or adjacent to rail corridors. -

The site is located approximately 22.9 metres south-east of a railway property and 43 metres from the railway corridor. Sydney Trains provided feedback as per the provisions of Clause 86(4) of the State Environmental Planning Policy (Infrastructure) 2007 and granted their concurrence, subject to a deferred commencement condition for the applicant(s) to provide a complete Geotechnical Investigation, Construction Methodology, comprehensive cross sectional drawings, Survey Plan and a FE analysis, which assesses the different stages of loading-unloading of the site and its effects on the rock mass surrounding the rail corridor.

101 Development with frontage to classified road. -

Vehicular access to the complex is provided from southern side of the development site -off Waines Crescent. The subject land is not on land in or directly adjacent to the road corridor for a freeway, a tollway or a transitway nor is the land adjacent to a road with an annual average daily traffic (AADT) volume of more than 40,000 vehicles or any other road with an (AADT) volume of more than 20,000 vehicles or high level truck movements or bus traffic. The NSW Roads and Maritime Services (RMS) Traffic Volume Viewer indicates that Princes Highway has an average daily traffic count of 19,261 vehicles being 96% small cars with 4% trucks/heavy vehicles. Further, the subject land is not on land

directly adjacent to a railway corridor.

102 Impact of road noise or vibration on non-road development. -

Princes Highway carries a high volume of traffic, mostly light passenger traffic and state transit buses. Waines Crescent carries a low volume of traffic, mostly passenger/local traffic. The guidelines "Development Near Rail Corridors and Busy Roads Interim Guidelines" have been reviewed for the purpose of the assessment during the processing of this development application. The applicant provided an Acoustic Report prepared by Acoustic Logic and dated 18 April 2017 to understand the potential noise and vibration impacts associated with the proposed hotel development to be constructed at (No. 413- 425) Princes Highway in Rockdale. Schedule 4 of the Report recommended the following constructive methods and materials in order to provide a good internal acoustic comfort:-

" The following constructions are recommended to comply with the project noise objectives. Aluminium framed/sliding glass doors and windows will be satisfactory provided they meet the following criteria. All external windows and doors listed are required to be fitted with Q-Ion type acoustic seals. Mohair seals are not acceptable."

The Report also indicates that thicker glazing may be required for structural, safety or other purposes. Where it is required to use thicker glazing than scheduled, this should also be acoustically acceptable. Council's Environmental Health and Protection Team reviewed the proposal and would recommend suitable conditions of consent to include the Acoustic Report recommendations.

The NSW Roads and Maritime Services (RMS) have reviewed the development application and concluded that the development is satisfactory, subject to conditions of consent to address outstanding matters regarding traffic.

104 Traffic-generating development. -

(1) This clause applies to development specified in Column 1 of the Table to Schedule 3 that involves:

- (a) new premises of the relevant size or capacity, or
- (b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.

(2) In this Clause, "relevant size or capacity" means:

- (a) in relation to development on a site that has direct vehicular or pedestrian access to any road-the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or
- (b) in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90 metres of the connection-the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.

(3) Before determining a development application for development to which this clause applies, the consent authority must:

- (a) give written notice of the application to the RTA within 7 days after the application is made, and
- (b) take into consideration:
 - (i) any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, the RTA advises that it will not be making a submission), and

- (ii) the accessibility of the site concerned, including:
 - (A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and
 - (B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and
 - (iii) any potential traffic safety, road congestion or parking implications of the development.
- (4) The consent authority must give the RTA a copy of the determination of the application within 7 days after the determination is made.

The Clause has been addressed by seeking advice and concurrence from the RMS. It has been determined that the provisions of Clause 104 have been addressed in the assessment of the development application.

State Environmental Planning Policy No 55—Remediation of Land

The development constitutes a sensitive land use for habitation purposes. For the intentions of the SEPP 55, a Phase 1 Environmental Assessment was required to determine the suitability and condition of the development site and whether it would trigger further investigation to determine the extent of soil or ground water impact in the form of a Phase 2 Environmental Site Assessment.

The applicant provided a Phase 1 Preliminary Contamination Report prepared by "ElAustralia" and dated 28 April 2017. The Report concluded that *"Based on the findings of the report and with consideration of the Statement of Limitations (Section 8 of the Contamination Report), El conclude that there is high potential for contamination to be present on site. Given the nature of the proposed development, a Detailed Site Investigation (DSI), as well as a hazardous materials survey are warranted to quantify any potential contamination and assist with the selection and implementation of remedial and risk mitigation measures (if required) to enable the site to be suitable for the proposed re-development for a multi-storey hotel and commercial use."*

Following recommendations are provided for the proposed project based on findings of this Preliminary Site Investigation (PSI):-

- *Undertake a Detailed Site Investigation (DSI) comprising an intrusive site investigation, including a programme of soil and groundwater. The DSI should be utilised to characterise any potential site contamination and to ascertain any requirements for remediation or management should contamination be identified, and*
- *Prior to demolition, carry out a Hazardous Materials Survey on existing site structures to identify potential hazardous building products that may be released to the environment during the demolition. This survey is necessitated by the legislative requirements of protecting site personnel from potential exposure risks."*

Council's Environmental Health and Protection Team reviewed the proposal and advised that a Stage 2 DSI shall be submitted to Council prior to final determination of the application. The buildings however, cover the entire site footprint and internal low head clearance coupled with multiple operating businesses, which makes it impossible to mobilise drilling equipment internally in order to characterise the site. The matter is to be addressed as a Deferred Commencement condition.

Rockdale Local Environmental Plan 2011

Relevant clauses	Compliance with objectives	Compliance with standard/provision
2.3 Zone B4 Mixed Use	Yes	Yes - see discussion
2.7 Demolition requires consent	Yes	Yes - see discussion
4.3 Height of buildings	No - see discussion	No - see discussion
4.4 Floor space ratio - Residential zones	Yes - see discussion	Yes
6.1 Acid Sulfate Soil - Class 5	Yes	Yes - see discussion
6.2 Earthworks	Yes	Yes - see discussion
6.3 Between 25 and 30 ANEF (2033) contours	Yes	Yes - see discussion
6.4 Airspace operations	Yes	Yes - see discussion
6.7 Stormwater	Yes	No - see discussion
6.12 Essential services	Yes	Yes - see discussion

2.3 Zone B4 Mixed Use

Section 4.15 of the Environmental Planning and Assessment Act 1979 requires Council to consider "any relevant environmental planning instruments, draft environmental planning instruments, development control plans, planning agreements and regulations". The subject site is zoned B4 - Mixed Use under the provisions of Rockdale Local Environmental Plan 2011 (Rockdale LEP). The proposal is defined as a "hotel or motel accommodation" and "commercial premises", which constitute permissible land uses in the zone with Council's consent.

The objectives of the zone are:

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.

Overall, the proposed development would be consistent with the objectives of the zone in providing a compatible development, which contributes to the activation of the Rockdale commercial town centre.

The Dictionary part of the Rockdale LEP defines a "hotel or motel accommodation" as a building or place (whether or not licensed premises under the Liquor Act 2007) that provides temporary or short-term accommodation on a commercial basis and that:

- (a) comprises rooms or self-contained suites, and
 (b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles,

but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

The proposal presents a development featuring rooms with double beds and a bathroom. Basic services such laundry/washing machines, restaurant, kitchen facility, etc. are not provided to ascertain the factual classification of the building. The applicant has stated that the site would be served "by an external contractor(s) for such purpose". Bayside West (former Rockdale Council) does not have

specific controls for the erection and implementation of hotels. However, as a matter of "best practice" in the design of tourist accommodation, Council has taken into account the parameters of the "Star Ratings", which is an international recognised symbol for quality accommodation standards.

The applicant stated that the hotel would operate as "3 1/2 star" hotel as per the "Star Rating" parameters. The proposed hotel is permissible in the zone with Council's consent.

2.7 Demolition requires consent

The application seeks consent for the demolition of the existing structures on the development site to enable construction of the proposed hotel and hence satisfies the provisions of this Clause.

4.3 Height of buildings

There is a height limit specified under Clause 4.3 'Height of the Buildings' of the Rockdale Local Environmental Plan 2011 (Rockdale LEP), which is specified at 22 metres for developments situated on land coloured "R2" brown on the "The Height of Buildings Map" (Sheet_004). The proposed hotel has a maximum height of approximately 21.7 metres, which has been verified thus the maximum height limit would not be breached.

However, the submitted architectural drawings are lacking of detail to establish the true-building height. A "ruler-measure" assessment shows that the proposed 2.9 metre floor to floor is inadequate to provide a 2.7 metre ceiling height as indicated in the submitted sections. The 150 millimetre floor thickness should be confirmed by a structural engineer along with meeting all Building Code of Australia (BCA) requirements. A minimum floor to floor height of 3.1 metres would be recommended. In a design of this type, space must also be provided for "Fan Coil Units" to the air-conditioning that will be necessary for each room. The areas in which is proposed to lower the ceiling heights to 2,000 millimetres as shown in the submitted Drawing No. DA 3003, has not been demonstrated in the architectural plans. Level 6 to roof height is shown as 2.9 metres. How is insulation accommodated, roofs set to fall for water proofing, parapets provided to prevent water staining have not been demonstrated.

If these design issues were to be taken into account (i.e. if a 2.7 metre ceiling height is to be achieved), the building will be approximately >1.5 metre higher to what has currently been proposed and the likelihood is that the proposal would not comply with the development standard for "height of the buildings" as stipulated under the Rockdale LEP. A condition of consent is recommended to ensure that the building meets the development standard for height limit stipulated under the Rockdale LEP.

4.4 Floor space ratio - Residential zones

The site is located within a B4 - Mixed Use as per the Rockdale Local Environmental Plan 2011. There is no Floor Space Ratio (FSR) provision stipulated for the zone hence the Clause does not apply.

6.1 Acid Sulfate Soil - Class 5

Acid Sulphate Soils (ASS) – Class 5 affect the property. Development Consent is required as the proposed works are within 500 metres of adjacent Class 1, 2, 3 or 4 that is below 5 AHD and the works may lower the watertable beyond 1 metre of adjacent Class 1, 2, 3 or 4 land. Accordingly, appropriate conditions are to be included in the consent regarding the requirement for an ASS preliminary assessment and the necessity for an environmental scientist to monitor the development during the excavation stage.

6.2 Earthworks

Earthworks including excavation are required on site for the location of the basements. The objectives

and requirements of Clause 6.2 of RLEP 2011 have been considered in the assessment of this application. It is considered that the proposed earthworks and excavation will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land. However, notwithstanding, relevant conditions are included in the draft Notice of Determination to ensure that the environmental amenity of surrounding land is maintained, and soil erosion, sedimentation, and drainage impacts are minimised.

6.3 Between 25 and 30 ANEF (2033) contours

The development is on land that is located near the Sydney (Kingsford-Smith) Airport, between the 25 and 30 ANEF (2033) contours. Further, the development will result in an increase in the number of people affected by aircraft and in accordance with this clause, the proposed development requires noise mitigation measures.

A condition has been imposed in the draft consent requiring the development to meet with the Australian Standards for indoor design sound levels.

6.4 Airspace operations

The proposed development is affected by the Obstacle Limitation Surface (OLS), which is set at 51 metres AHD. The building height is at 21.7 metres (RL 37.60 metres) and therefore will not penetrate the require OLS. However, the application sought comments and conditions under the Airports (Protection of Airspace) Regulations 1996, for the intrusion of the proposed development into the airspace, which under the regulations, is prescribed airspace for Sydney Airport.

In this regard, the proposal was referred to Sydney Airports for comment. Sydney Airports raised no concerns.

6.7 Stormwater

The proposal involves the construction of an on site detention system to manage stormwater. Council's Development Engineer reviewed the proposal and found the information submitted as inconclusive. A deferred commencement condition is recommended to ensure that an amended stormwater drainage plan is submitted to Council, showing how it is intended to drain the subject site and showing the proposed location, level and volume of any on-site detention. This drainage proposal shall be prepared in accordance with the Australian Rainfall and Runoff, Council's Development Control plan and the Civil Works Specifications.

6.12 Essential services

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

S4.15 (1)(a)(iii) - Provisions of any Development Control Plan

The following Development Control Plan is relevant to this application:

Rockdale Development Control Plan 2011

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

Relevant clauses	Compliance with objectives	Compliance with standard/provision
4.1.1 Views and Vista	Yes - see discussion	Yes - see discussion
4.1.3 Water Management	Yes	Yes - see discussion
4.1.4 Soil Management	Yes	Yes - see discussion
4.1.9 Lot size and Site Consolidation - Mixed use	Yes	Yes - see discussion
4.2 Streetscape and Site Context - General	Yes	Yes - see discussion
4.3.1 Open Space and Landscape Design	Yes	Yes - see discussion
4.4.1 Energy Efficiency - Retail, Commercial and Industrial Development	Yes	No - see discussion
4.4.2 Solar Access - General Controls	Yes	Yes - see discussion
4.4.5 Visual privacy	No - see discussion	No - see discussion
4.4.5 Acoustic privacy	Yes	Yes - see discussion
4.4.6 Noise Impact	Yes	Yes - see discussion
4.4.7 Wind Impact	Yes	Yes - see discussion
4.5.2 Social Equity - Equitable Access	Yes	Yes - see discussion
4.6 Car Park Location and Design	Yes	Yes - see discussion
4.6 Vehicles Enter and Exit in a Forward Direction	Yes	Yes - see discussion
4.6 Design of Loading Facilities	Yes	Yes - see discussion
4.7 Waste Storage and Recycling Facilities	Yes	Yes - see discussion
5.3 Mixed Use - Awnings	Yes	Yes - see discussion
5.4 Highway Commercial - Development Setbacks	Yes	Yes - see discussion
5.4 Highway Commercial - Building Design	No - see discussion	No - see discussion
5.4 Highway Commercial - Public Domain Interface	Yes	Yes - see discussion
7.5.1 Street Role - Service Laneway	Yes	Yes - see discussion
7.5.1 Street Role - Centre Edge Residential	No - see discussion	No - see discussion
7.5.1 Commercial Space	Yes	Yes - see discussion

4.1.1 Views and Vista

The objective of this Clause is to ensure the appearance of the development at highly visible sites, complements the character of the area and its skyline. It is also intended to protect existing view corridors and encourage view sharing.

The site is surrounded by a local vehicular access being Waines Crescent along the north, west and southern quadrants and the Princes Highway at the eastern side of the site, giving the aspect of an "island". The siting of the proposed building will cause minimal adverse impact on the surrounding views presently enjoyed by adjacent buildings since the site is surrounded by public roads and the building complies with the density and scale stipulated for the area. The proposed predominant material of the building is bronze glass without physical indentations, combination of solid elements and/or materials, which would not be considered responsive to the intents of the element design within the Rockdale DCP in providing a building design that is consistent with and enhances the character and visual amenity of the local area. However, the BDRP reviewed the proposed design and raised no concerns from the design merit point of view.

Additionally, this site is surrounded by other sites with potential for equal or larger building envelopes so the proposal is not considered to create unreasonable impacts to views and vistas.

4.1.3 Water Management

The roof water and runoff is to be directed to a detention tank. A stormwater plan has been submitted however, Council's Development Engineer recommends a deferred commencement condition for the Plan to be amended in accordance with the Rockdale Technical Specification Stormwater Management and the Rockdale Development Control Plan 2011.

4.1.4 Soil Management

The Concept Soil and Water Management Plan has been submitted and general erosion and sediment control strategies are proposed to ensure that the potential for impact on adjoining land and surrounding waterways is minimised.

Temporary fencing is to be erected along the boundaries of the site. A builders all weather access is required to be provided onto the site.

4.1.9 Lot size and Site Consolidation - Mixed use

The site is constraint by its shape, size and being surrounded by streets, including a highly trafficable Princes Highway. An optimal planning outcome would have been the amalgamation with sites to the north and west (including councils lane). The current proposal as stands, will limit the development potential of the site to the west, leaving a narrow site orientated toward the railway.

Notwithstanding, the site entails the consolidation of Lots 1, 2, 3, 4, 5, 6, 7 and 8 in DP 11344 to enable the erection of the proposed hotel. The total combined area is to be in the order of 936 square metres. A condition of consent will be recommended to ensure that all allotments, the subject of this application be consolidated into one (1) allotment. The applicant will be recommended to submit the plan of subdivision to consolidate allotments to the NSW Department of Lands prior to the issue of a Occupation Certificate.

4.2 Streetscape and Site Context - General

The objectives of the Rockdale DCP is to provide a built form, which responds to the site constraints, locality and landscape and includes appropriate innovation to respond to technical, social, aesthetic, economic and environmental challenges. The proposal was referred to the Bayside Design Review Panel (BDRP) for perusal as part of the referral process.

At the time, the Panel inspected the proposed building site, reviewed the submitted DA documentation and was provided with advice from Council planning staff. The Panel noted the proposed development was located within the green gateway precinct which defines the approach to the Rockdale Town Centre along the Princes Highway. Specific Development Control Plan development guidelines have been established for the gateway precinct in terms of building setbacks, height controls, building separation and landscape.

The Design Guidelines are targeted towards a stepped building form with a three (3) storey base podium and higher floors generally stepped back (3 metres). The subject island site addresses Princes Highway and is defined on all other frontages by Waines Crescent. The Panel considered that the above matters were adequately addressed.

4.3.1 Open Space and Landscape Design

There are no trees on site that requires removal. The entire development site consist of hard paved surfaces with no significant trees planted. The applicant provided a Concept Landscape Plan prepared by Greenland Design - Landscape Architects and dated December 2017 (Issue C). The scheme

shows two (2) green areas provided for the embellishment of the building being at the Princes Highway frontage, whose approximate area is to be 57.85 square metres; and at Level 3 within the building, which is not to be public accessible but for ornamentation purposes only and whose area is to be 278.7 square metres.

The development site has an overall area of 936 square metres, therefore the requirement for landscaping would be in the order of 93.6 square metres (10% of the total site area) as required under Control 4.3.1 "Open Space and Landscape Design" of the Rockdale Development Control Plan (Rockdale DCP). The application presents a total landscaped area of 336.55 square metres of which 278.7 square metres constitute an artificial element of "plants on a slab" (being a proposed green roof at Level 3). The deep soil depth, level of usability, accessibility and maintenance of the landscape area on Level 3 would be a concern as it has not been demonstrated as part of the application.

The applicant states that the third level's open space would be used for customers enjoyment however, it has not been demonstrated their means of usability and an adequate pedestrian accessibility. A condition is to be recommended to demonstrate that a centrally located corridor (with an east-west orientation) from the third level is provided so as to enable an equitable access to the landscaped area for maintenance and customer amenity purposes.

Council's Landscape Architect reviewed the proposal and would recommend a deferred commencement condition for the applicant to demonstrate the means of the green roof and the post operation and maintenance of such.

4.4.1 Energy Efficiency - Retail, Commercial and Industrial Development

The applicant provided an Energy and Water Efficiency Report prepared by CD Architects. Earlier iterations of the proposal appeared to take a more thoughtful approach to solar shading, which also assisted in articulating the building façade. The design and material treatment had been amended a number of times from the original development application and the Energy and Water Efficiency Report was not updated so as to reflect the changes, which are considered rather substantial.

The applicant has stated that the design and material finishes of the building facade has been reviewed in light of Council's "heat island effect" concerns. The glass is to be slightly tinted thus controlling the transmittance of heat and light by absorbing solar energy to moderate degree. The glass material would be reflective and low "E" coated glass as per the applicant's advice. It is unclear how the new materials will perform in terms of energy efficiency.

No shading devices have been provided to the top four (4) stories of the building. These levels appear to be a sealed glass box that will be completely dependent upon air conditioning. It is considered that this is a very poor environmental outcome. Architectural drawing No. DA 3003 shows a detailed section through a typical bed room stating "Sliding door / window", however there is not indication as to how this will work. If windows are openable it should be clearly indicated on elevations on the architectural plans. If sliding doors are proposed should be balustraded for safety reasons and should be clear indication as to how this will impact the comfort and amenity of the persons in each individual room.

A deferred commencement condition is recommended for a revised energy performance report prepared by an accredited energy auditor to ensure the development has incorporated an energy efficient design.

4.4.2 Solar Access - General Controls

The proposal has a north-east - south-west orientation (longer axis) thus majority of the shadows will cast to the public domain. The objectives of the solar access provisions within the Rockdale DCP seeks to ensure that reasonable solar access to active living areas and to open spaces around the buildings are provided. It is considered that solar access within the proposed building is not an issue since the building is 360 degree decorated with glass panels and should be capable of receiving enough hours of sunlight.

Designs should be sited so that the long axis or length of the building faces to the north to maximise the amount of sunshine the building and their open space areas receive in winter. Buildings should not unreasonably obscure sunlight to habitable rooms, any solar collectors or open space of adjoining development during winter hours. The site is like an island, which is surrounded by public road. It is considered that the site is benefited of a good orientation, layout and shape in terms of the design, which takes into account any overshadowing by adjacent building(s) or structures during winter time.

It is considered that solar access is not an issue for the proposal.

4.4.5 Visual privacy

Levels 3 to 6 are serviced by a central corridor, which orientates half of the hotel rooms to the west towards the future residential development across the lane (to the western quadrant). This will see an elevated four (4) level high glass wall of hotel rooms orientated towards the neighbouring residential development. It is considered that the "glass box" fronting a highway would not provide the best level of amenity for the occupants of these rooms since it does not provide a good level of visual privacy, thermal comfort with natural ventilation. It would appear that the treatment of the facade is more appropriate and intended for an office building.

4.4.5 Acoustic privacy

There will be minimal adverse impact on the acoustic privacy of adjoining and surrounding properties as consideration has been given to the location and design of the building and landscaping in relation to private recreation areas to minimise noise intrusion on the amenity of adjoining properties, subject to a suitable condition of consent. In regard to privacy between rooms, a condition is recommended to ensure compliance with relevant standards.

4.4.6 Noise Impact

An Acoustic Report prepared by a suitably qualified Noise Consultant has been submitted with the application which provides recommendations on appropriate measures to be incorporated into the design of the building so it will meet this standard. Appropriate conditions have been incorporated in the draft Notice of Determination for the implementation and compliance of the recommendations in the Acoustic report.

4.4.7 Wind Impact

The applicant provided a revised Wind Assessment Report prepared by Ana Civil Pty Ltd and dated 6 April 2018 (Revision 2). The report concluded that the proposed building is not expected to induce any significant additional wind flow on the neighbouring properties.

4.5.2 Social Equity - Equitable Access

The applicant provided an Statement of Compliance Access for People with a Disability prepared by a registered access consultant is required to be submitted demonstrating compliance with the Disability Inclusion Act 2014, Anti-Discrimination Act 1977, Australian Standard 1428 and Part 4.5.2 "Equitable

Access" of the Rockdale Development Control Plan 2011 (Rockdale DCP). The report concluded that the proposal may achieve compliance with the access provisions of the Building Code of Australia (BCA), the Access to Premises Standard and Part 4.5.2 of the Rockdale DCP. A condition is recommended to ensure the proposal complies with the provisions of the Building Code of Australia regarding equitable access for mobility impaired persons.

4.6 Car Park Location and Design

The proposed basement car park comprises three (3) levels. The car parking spaces on each level are configured as 90-degree parking spaces with the same alignment as the ramp. Entry will be positioned at the south-western corner of the development site off the southern fringe of Waines Crescent. A total of twenty-two (22) hotel car spaces, six (6) commercial / retails car spaces, a minimum of one (1) motorcycle parking space and a minimum of two (2) bicycle parking spaces must be provided within the development.

The parking must be allocated in accordance with the Rockdale Development Control Plan (Rockdale DCP) 2011 and the Roads and Maritime Services (RMS) guide requirements in accordance with the minimum rates provided in the table below. The following table is provided to understand the car parking provision requirement under the RDCP:-

- Hotel (88 rooms) @1 space per 4 hotel rooms = 22 spaces (including 5 accessible spaces),
- Commercial / Retail (220.4m²) @1 spaces per 40m² GFA = 4 spaces (including 1 accessible space),
- Bicycle (Com./Retail) @1 per 200m² = 2 spaces (min),
- Motorcycle (Com./ Retail) @1 per 20 car spaces = 1 space (min),
- SRV Loading Bay 1 SRV Loading Bay (dedicated space 3.5m headroom height).

A condition has been imposed so as for the development to comply with the provisions of the Development Control Plan regarding parking.

4.6 Vehicles Enter and Exit in a Forward Direction

The applicant provided a Traffic and Parking Report prepared by TTPP Transport Planning and dated 16 October 2017. The Report notes that *"the waiting bay and driveway area beneath the porte cochere on the ground level is proposed to have a gradient of 1:20 with a positive slope from the site boundary towards the start of the car park ramp. The ramp has a main gradient of 1:4 with transitions having 1:8 slope at both ends of the ramp. A 10 metre radius vertical curve is also proposed at the ramp grade transition to ensure a smooth transition on the crest.*

A ground clearance assessment using an Australian Standard 5.2 metre long B99 vehicle has been conducted using the driveway profile provided by the applicant(s). The ground clearance assessment demonstrates that a B99 vehicle can enter and exit the car park without the undersides of the vehicle scraping the surface of the driveway and the ramp."

Council's Development Engineer reviewed the proposal and recommended conditions of consent for traffic signs, convex mirrors and waiting bays to be designed and installed to manage vehicular movement in driveways that provide safe vehicle access to the site and all basement levels. The arrangement shall control traffic to ensure safe movement of vehicles within basement car park at all times. Additionally, a traffic management plan for the site to the requirements of the Australian Standard 2890.1:2004 and relevant Austroads Guidelines is required to be provided at the Construction Certificate stage for Council's records.

4.6 Design of Loading Facilities

The applicant denotes that the proposed development includes an on-site loading dock with dimensions 4.5 metres (wide) by 7.7 metre (long) with a headroom of 3.5 metres. The loading dock is proposed to be located on the ground floor which can be accessed from Waines Crescent to the west of the site. Separate access points are proposed for the basement car park and loading dock. The loading bay would be used by waste collection vehicles and other general deliveries.

The loading dock has been designed to facilitate service vehicles up to an Australian Standard 6.4 metres long being a small rigid vehicle (SRV). The swept path diagrams demonstrate that a SRV could access the loading dock satisfactorily. In accessing the loading bay, the SRV is required to reverse into the loading bay from Waines Crescent. This is considered to be satisfactory and would not result in an unsafe situation as Waines Crescent is a single lane, one-way road that predominantly serves as loading access for service vehicles servicing the surrounding developments. In addition, Waines Crescent is expected to carry low volumes of traffic especially during the off-peak periods when the subject site is being serviced by service vehicles.

Council's Development Engineer reviewed the loading and unloading facility and recommended conditions of consent to ensure compliance with the Australian Standards.

4.7 Waste Storage and Recycling Facilities

A Waste Management Plan was provided, which incorporates and notes the following components:-

- Plan/s and specifications of the collection area/s,
- Supporting information and construction details, calculation and notes,
- Details of waste and recycling facilities and generation removal and on-site storage methods of transportation to the collection area/s,
- Maintenance and cleaning schedules for the collection and storage area/s,
- Council approved containers are to be used,
- A suitable location of the collection vehicle standing area and levels from the road. The applicant is noted that a small rigid vehicle (SRV) is preferable to serve the site due to its constraints; and
- The location of the common waste collection area from the site.

The proposal indicates the location of waste collection points at the ground floor. From the planning point of view, a condition of consent will be imposed to ensure that the waste collection area does not compromise the amenity of adjacent properties and the commercial premises in terms of noise, odour and aesthetic impact(s). Council's Development Engineer reviewed the proposal and would recommend conditions for the waste and recycling collection and servicing, including removalist trucks to be carried out entirely within the approved loading bay at all times.

5.3 Mixed Use - Awnings

An awning has been proposed along the front elevation (Princes Highway side) as required under the objectives of the Development Control Plan. A condition is to be recommended to ensure that the proposed awning is compliant with Part 5.3 "Mixed Use - Awnings" of Council's Development Control Plan 2011.

5.4 Highway Commercial - Development Setbacks

The proposed front setback (Princes Highway) is 3 metres. The site does not directly adjoin building sites since it is an island-like lot surrounded by Waines Crescent. One (1) metre setback has been

provided as "land dedication" to enable the implementation of a pedestrian thoroughfare along the north, south and western boundaries of the site.

5.4 Highway Commercial - Building Design

The control relevant to commercial development adjoining the highway is for buildings to be designed with a strong relationship to the street glazing. Extensive monotonous walls are to be avoided. As previously mentioned, the proposal features extensive bronzed glass walls without an architectural physical "break" such as indentation, bay windows or change of levels on the elevations and solid materials.

The building has a podium arrangement, which will look bulky;-

- The lower part of the podium has a width of 53.30 metres (longer axis), and
- The upper section of the building will feature a width of 44.05 metres (longer axis).

Articulation is not existent in relation to the expanse of the facades. It is considered that the proposed material choices would not mitigate the risk of heat island effect and visual impact and privacy to the adjoining future residential apartment, reflective glass facades should have been avoided.

However, the matter was referred to the BDRP for perusal and raised no concerns from the aesthetics point of view.

5.4 Highway Commercial - Public Domain Interface

It is noted that the application was referred to the Design Review Panel in two (2) occasions and at those times, it was requested links and visibility between Princes Highway and Waines Crescent to promote pedestrian circulation.

The secondary Waines Crescent access into the hotel may promote activation via the rear road with the other proposed development across the road. There is currently a development application for the erection of shop top housing at the west of the development site. The applicant indicates that the two (2) proposed developments would be well placed to balance out against one another creating an attractive street setting. The Waines Crescent frontage of the hotel features a public artwork along the full length of the frontage blending into the built form of the building and wrapping back into the Waines Crescent.

It is considered that the proposal contributes to the desired future character and will set a design precedent in the area. No concerns have been raised by the BDRP in this regard.

7.5.1 Street Role - Service Laneway

Princes Highway is denoted as an "Arterial Edge" (as per the Street Role Diagram); and Waines Crescent is denoted as "Laneway" under the relevant provisions of Council's DCP. The 3 metre "Green Gateway" setback is critical to ensure that the objectives of the Rockdale Town Centre Masterplan are achieved. The Masterplan acknowledges that existing centres are often "harsh and unattractive" due to historic trends in development on main roads, and determined that the proposed "Green Gateways" at the four (4) entrances of the Town Centre are critical to distinguish Rockdale from the rest of the Princes Highway and other nearby centres.

The building recess prescriptive measures would be as follows:-

- 3 metres from the front boundary (green gateway area), and
- 6 metres from the 3rd storey of the building to provide the podium effect.

The proposal provides the following setbacks:-

- Princes Highway interface (front setback) is 3 metres up to the 3rd storey and 6 metres (from 4th storey and up), and
- Waines Crescent interface (western side) is to be 1 metre up to the 3rd storey and 3 metres (from the 4th storey up).

Council's DCP recommends development of a bulk and scale, which achieves a pedestrian friendly environment and enhances the street/road character. Council acknowledges the changes provided since the scheme appears to be more compliant with the Rockdale Development Control Plan (Rockdale DCP). Whilst there is variation to the prescriptive measures for setbacks particularly to the western quadrant of the site, the variation would be considered acceptable since the site is dimensionally constraint.

7.5.1 Street Role - Centre Edge Residential

The objective of Part 7 "Special Precincts" of the Rockdale DCP is to ensure that new buildings increase the level of activity and vibrancy within the Rockdale Town Centre providing for a development, which positively addresses and engages the public domain. For the purpose of this assessment, Princes Highway is denoted as a "Centre Edge Residential" (as per the Street Role Diagram); and Waines Crescent is classified as a "Service Laneway".

It is considered that Princes Highway facade would be acceptable on the basis that provides a public art, a landscaped verge and individual entries to the commercial component of the hotel, which may contribute to the activation on the usability of the facade. However, Waines Crescent has been left somewhat untreated as active retail and business activities are not provided at this interface. Waines Crescent has been primarily left for servicing purposes only due to the site's constraints.

7.5.1 Commercial Space

Two (2) commercial tenancies have been provided at ground floor, whose areas are 106.84 square metres and 113.22 square metres respectively. The proposal would comply with the intentions of this Clause.

S4.15(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.

Council's building surveyor has assessed the fire safety considerations under the BCA and conditions of consent are recommended.

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

4.15(1)(b) - Likely Impacts of Development

It is considered that the proposed development would have no significant adverse environmental, social or economic impacts in the locality since the proposal is a permissible land use in the zone.

Additionally the proposal was referred to the NSW Police Force for perusal and raised no concerns, subject to suitable conditions of consent to ensure safety and security.

S4.15(1)(c) - Suitability of the site

The subject site and locality is not known to be affected by any natural hazards such as flooding, bushfire or any other site constraints likely to have significant adverse impact on the proposed development. However based on the findings of the Stage 1 of the Preliminary Contamination Report, the site may present potential pollutants due to previous land uses. A Stage 2 "Detailed Site Investigation" (DSI) prepared by an adequate consultant is therefore required to be provided for Council's consideration. A deferred commencement condition would be recommended to ensure that the site is suitable for habitation as per the relevant provisions of the SEPP 55.

The proposed development has been assessed in regard to its environmental consequences and having regard to this assessment, it is considered that the proposed development may be suitable in the context of the site and its surroundings, subject to compliance with the conditions of consent.

S4.15(1)(d) - Public submissions

In accordance with Part 8 'Notifications' of the RDCP, the proposal was publicly exhibited for a period of 35 days from 16 May 2017 to 19 June 2017 (as Integrated Development). Consequently, two (2) public objections were received relating to the development application. The concerns raised are summarised as follows:-

a) Rejection of a new hotel on the basis that Council should focus on re-purposing the Brighton Resort (Novotel) and its surrounds to provide a buzzing tourist life with good public transport and revised hours of operation,

b) The location of the proposed hotel is "suburbia" and is not considered compatible.

Comment: The proposed hotel is consistent with the future intentions for the precinct. Hotel / motel developments are a permissible form of development and a type of development envisaged for the Rockdale Town Centre.

It is noted that one (1) of the submissions raised concerns about the pedestrian safety and vehicular circulation of Frances Street and the corner of Moate and Sellwood Streets, which are not related to the development site. The matter is to be referred to Council's Road and Safety Branch for perusal and action.

S4.15(1)(e) - Public interest

The public interest is served by permitting the orderly and economic development of the land, in a manner that is sensitive to the surrounding environment and has regard to the reasonable amenity expectations of surrounding land users. In view of the foregoing analysis, suitable conditions are recommended to proposal is compliant with the relevant Council's controls. The proposal is in the public interest.

S7.12 Fixed development consent levies

The LEP defines hotel or motel accommodation as 'accommodation ... on a commercial basis' and the Section 94a plan allows Council to levy on commercial activities at 1% of the development cost. As the project is over \$1million dollars, the cost must be assessed by a registered quantity surveyor according to rules set out in the EP&A Act Regulations 2000. Based on the estimated cost of works, the contribution would be in the order of \$163,813.47. A condition of consent will be imposed for this purpose.

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 or by the Deferred Commencement Condition(s) and by any noted condition of consent.

Architectural Plans. -

Plan/Drawing No.	Drawn by	Revision Date	Received by Council
Site Plan - DA 1005, Revision B	CD Architects	06.12.2017	12.04.2018
Demolition Plan - DA 1007, Revision A	CD Architects	01.05.2017	12.04.2018
Basement 3 Level Floor Plan - DA 1101, Revision B	CD Architects	12.10.2017	12.04.2018
Basement 2 Level Floor Plan - DA 1102, Revision B	CD Architects	12.10.2017	12.04.2018
Basement Floor Plan - DA 1103, Revision C	CD Architects	06.12.2017	12.04.2018
Ground Floor Plan - DA 1104, Revision C	CD Architects	06.12.2017	12.04.2018
Level 1 Floor Plan - DA 1105, Revision C	CD Architects	06.12.2017	12.04.2018
Level 2 Floor Plan - DA 1106, Revision B	CD Architects	12.10.2017	12.04.2018
Level 3 Floor Plan - DA 1107, Revision C	CD Architects	06.12.2017	12.04.2018
Level 4 Floor Plan - DA 1108, Revision C	CD Architects	06.12.2017	12.04.2018
Level 5 Floor Plan - DA 1109, Revision C	CD Architects	06.12.2017	12.04.2018

Level 6 Floor Plan - DA 1110, Revision C	CD Architects	06.12.2017	12.04.2018
Roof Terrace Plan - DA 1111, Revision C	CD Architects	06.12.2017	12.04.2018
North Elevation Plan - DA 2001, Revision C	CD Architects	06.12.2017	12.04.2018
South Elevation Plan - DA 2002, Revision C	CD Architects	06.12.2017	12.04.2018
East Elevation Plan - DA 2003, Revision C	CD Architects	06.12.2017	12.04.2018
West Elevation Plan - DA 2004, Revision C	CD Architects	06.12.2017	12.04.2018
Section A - DA 3001, Revision C	CD Architects	06.12.2017	12.04.2018
Section B - DA 3002, Revision C	CD Architects	06.12.2017	12.04.2018
Sections Through Loading Bay, Through Driveway, Through Typical Bedroom - DA 3003, Revision A	CD Architects	01.05.2017	12.04.2018
Accessible Units Layout - DA 5001, Revision B	CD Architects	12.10.2017	12.04.2018
3D Views - North East View - DA 7031, Revision C	CD Architects	06.12.2017	12.04.2018
3D Views - South East View - DA 7032, Revision C	CD Architects	06.12.2017	12.04.2018
Public Art - Drawing No. 7060	CD Architects	May 2017	16.01.2018
Public Art - Hotel Facade Concept	Artlandish - Jane Cavanough, Art and Design	-	16.01.2018
Schedule of Materials and Finishes	CD Architects	-	12.04.2018

Supporting Documentation. -

Document Name	Prepared by	Revision Date	Received by Council
LEP Height Blanket - DA 7033, Revision A	CD Architects	12.12.2017	12.04.2018
Facade Detail - DA 7042, Revision B	CD Architects	06.12.2017	12.04.2018
Landscape Plan - Ground Floor, 1612.GD.01, Issue C	Greenland Design Landscape Architects	11.12.2017	12.04.2018
Landscape Plan - Level 3, 1612.GD.02, Issue C	Greenland Design Landscape Architects	11.12.2017	12.04.2018

Waste Management Plan - Revision F	Elephants Foot Recycling Solutions	09/04/2018	12.04.2018
Statement of Compliance with Volume 1 of the Building Code of Australia	HHH Consulting	6 April, 2018	12.04.2018
Access and Mobility Report Statement of Compliance, Issue A	ABS Accessible Building Solutions	6 April, 2018	12.04.2018
Wind Assessment Report, Revision 2	Ana Civil Pty Ltd	6 April, 2018	12.04.2018
Provision for fire engineering - Reference No. 17082-L02	Innova Services - Fire Safety Engineering	12 April, 2018	12.04.2018
Traffic and Parking Report - Reference No. 17033	The Transport Planning Partnership	20/04/2017	01.05.2017
Geotechnical Desktop Study Report - Reference No. E23324 GA	EIAustralia	28 April 2017	01.05.2017

3. All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).
4. **A Construction Certificate must be obtained from Council or an Accredited Certifier prior to any building work commencing.**
5. A separate development application shall be submitted for the specific use/uses of the commercial premises at the Ground Floor. Additional conditions may be imposed on any such consent.

Note: Parking and loading provisions in a mixed use development may preclude certain uses.

6. 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.
7. The materials and façade details approved under condition 2 and any other relevant condition of this consent shall not be altered or amended at the construction certificate stage without a prior S4.55 application and approval under the EP&A Act.
8. All works are to be carried out in accordance with the conditions provided by NSW Road and Maritime Services, Sydney Trains, NSW Police Force, Sydney Airport, Water NSW and Ausgrid and listed at the end of this consent.

Development specific conditions

The following conditions are specific to the Development Application proposal.

9. Work Activities on Council Sites - Application Requirements

All contractors shall obtain permits for, and comply with permit conditions during all stages of demolition and construction. Refer to Council "Work Activities on Council Sites Application Form" to obtain permits for the following activities listed below. Contractors must have a valid permit prior to undertaking any work or activity within

the public domain. Fines apply if an activity commences without a valid permit being issued.

- i. Road, Footpath and Road Related Area Closure (EP05).
This permit will allow the applicant to close a road or part of, footpath or car park to vehicle or pedestrian traffic.
 - ii. Stand and Operate Registered Vehicle or Plant (EP03)
This permit is used when construction activities involve working from a vehicle parked on the street including mobile crane, concrete truck, concrete pump or other similar vehicles.
 - iii. Occupy Road with Unregistered Item (EP02)
This permit will allow the applicant to place unregistered items within the roadway including waste containers and skip bins.
 - iv. Works Zone (EP01)
This permit is used when a statutory work zone is required to conduct construction activities adjacent to the work site. These applications are assessed by Council officers and are referred to the Traffic Committee for approval.
 - v. Scaffolding, Hoarding and Fencing (EP04)
This permit applies to all temporary structures to enclose a work area within the public domain. These include site fencing, types A & B hoarding, type A & B hoarding with scaffolding and type B hoarding plus site sheds.
 - vi. Temporary Shoring/Support (EP09)
This permit will allow the applicant to install temporary support system in or under a public road to support excavation below the existing road surface level. The support systems include ground anchors and shoring.
 - vii. Tower Crane (EP06)
This permit is used when tower crane(s) are used inside the work site and will swing, slew or hoist over Council property or asset.
 - viii. Public Land Access (EP08)
This permit is used by applicants to access or occupy Council land including access over plus access over and occupy any part of Council land.
 - ix. Temporary Dewatering (EP07)
This permit is used when temporary dewatering is required to pump out water from the construction site into Council stormwater drainage system including gutter, pits and pipes. Dewatering management plan and water quality plan are required for this application.
10. The development approved under this consent shall be used for hotel or tourist accommodation and not for any other purpose without Council's separate written consent.
 11. All noise generated by the proposed development must be attenuated to prevent levels of noise being emitted to adjacent premises, which possess tonal, beating and similar characteristics or which exceeds background noise levels by more than 5 dB(A).
 12. Materials, goods or machinery shall not be stored, placed or otherwise permitted to stand between the building line and the street alignment.
 13. All loading, unloading and transfer of goods to and from the loading bay and premises shall take place wholly within the property. Loading areas are to be used only for the loading and unloading of goods, materials etc. not for any other purpose.

14. The existing and future owners (Registered Proprietor) of the property will be responsible for the operation and maintenance of the detention system. The registered proprietor will:
- (i) permit stormwater to be temporarily detained by the system;
 - (ii) keep the system clean and free of silt, rubbish and debris;
 - (iii) maintain, renew and repair the whole or parts of the system so that it functions in a safe and efficient manner, and in doing so complete the same within the time and in the manner specified in written notice issued by the Council;
 - (iv) carry out the matters referred to in paragraphs (ii) and (iii) at the proprietor's expense;
 - (v) not make any alterations to the system or elements thereof without prior consent in writing of the Council;
 - (vi) permit the Council or its authorised agents from time to time upon giving reasonable notice (but at any time and without notice in the case of emergency) to enter and inspect the land for compliance with the requirements of this clause;
 - (vii) comply with the terms of any written notice issued by the Council in respect to the requirements of this clause within the time stated in the notice.
15. The existing and future owners (Registered Proprietor) of the property will be responsible for the efficient operation and maintenance of the pump system.
- The Registered Proprietor will:
- (i) permit stormwater to be temporarily detained and pumped by the system;
 - (ii) keep the system clean and free of silt, rubbish and debris;
 - (iii) maintain, renew and repair the whole or parts of the system so that it functions in a safe and efficient manner; and in doing so complete the same within the time and in the manner specified in written notice issued by the Council;
 - (iv) carry out the matters referred to in paragraphs (ii) and (iii) at the proprietor's expense;
 - (v) not make alterations to the system or elements thereof without prior consent in writing of the Council.
 - (vi) permit the Council or its authorised agents from time to time upon giving reasonable notice (but at any time and without notice in the case of emergency) to enter and inspect the land for compliance with the requirement of this clause;
 - (vii) comply with the terms of any written notice issued by the Council in respect to the requirements of this clause within the time stated in the notice.
16. All wastewater and stormwater treatment devices (including drainage systems, sumps and traps) shall be regularly maintained in order to remain effective. All solid and liquid wastes collected from the device shall be disposed of in accordance with the Protection of the Environment Operations Act, 1997.
17. 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.
18. The use of mechanical plant including air conditioners, fans, compressors, condensers, freezers, swimming pool or spa pumps (whether commercial or domestic) shall not cause sound pressure levels in excess of the criteria given in the

NSW Industrial Noise Policy – 2000.

19. Any discharge to the sewer from the subject premises shall be in accordance with the requirements of Sydney Water.
20. The visible light reflectivity from building materials used on the façade of the building shall not exceed 20% and shall be designed so as not to result in glare that causes any nuisance or interference to any person or place. A statement demonstrating compliance with these requirements shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for the relevant stage of works.
21. All proposed lights shall comply with the Australian Standard 4282 - 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.
22. Hot and cold water hose cocks shall be installed to the garbage room.
23. This consent does not provide approval for footpath dining. Footpath dining is regulated through a licensing agreement with Council. In this regard, you are advised to contact Council's Customer Service Centre to obtain a copy of a licensing agreement entitled *Outdoor Dining Licensing Agreement*.
24. Services or utility systems shall not be located in the garbage room.
25.
 - a) In order to ensure the design quality I excellence of the development is retained:
 - i. A registered architect is to have direct involvement in the design documentation, contract documentation and construction stages of the project;
 - ii. The design architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of design issues throughout the life of the project;
 - iii. Evidence of the design architect's commission is to be provided to Bayside Council prior to issue of the Construction Certificate.
 - b) The design architect of the project is not to be changed without prior notice and approval of Bayside Council.
26. All plumbing shall be concealed within the fabric or material of the building. Utilities shall be softened with landscaping so as not to detract from the overall appearance of the development and amenity of the streetscape. Details demonstrating compliance with this requirement shall be submitted to the Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate.
27. Where natural ventilation fails to comply with the provisions of the Building Code of Australia, mechanical ventilation shall be provided in accordance with Australian Standard, 1668, Part 2.
28. Receptacles are to be provided in commercial development for the disposal of cigarette rubbish. The receptacles are to be located adjacent to the entrances of the buildings on private property. The receptacles are to be attractive and functional and maintenance of the receptacles is the responsibility of the building owner/manager.
29. The external walls of the building including attachments must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of a Construction Certificate and Occupation Certificate the Certifying Authority and Principal Certifying Authority must:
 - a. Be satisfied that suitable evidence is provided to demonstrate that the products and systems (including installation) proposed for use or used in the construction of external walls, including finishes and claddings such as

synthetic or aluminium composite panels, comply with the relevant requirements of the NCC; and

- b. Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.
30. Prior to the issue of the Construction Certificate for the relevant stage of works, the following details shall be submitted to the Principal Certifying Authority in relation to the awning over Princes Highway frontage:
- i. Detailed design plans and specifications, including structural details and,
 - ii. Design certificate.

The awning shall be designed by a Chartered Professional Engineer (Structural). Awning design shall comply with following requirement of Rockdale Development Control Plan section 5.3:

- a) minimum soffit height of 3.3m;
- b) maximum fascia height of 600mm;
- c) minimum setback from edge of kerb of 600 mm;
- d) maximum step of 900mm on sloping sites, which must not compromise environmental protection.

Following completion of the installation of the awning a certificate from a Chartered Professional Engineer (Structural) shall be submitted to Bayside Council stating that the awning has been constructed in accordance with the design plans and specifications.

Subject to compliance with the requirements above, Bayside Council grants approval pursuant to Section 138 of the Roads Act 1993. Council's approval remains whilst the structure is in place and the structural stability of the awning is not compromised. Maintenance of the awning is the responsibility of the owner of the land.

31. Public Domain Frontage Work Application shall be submitted to Council for all civil and landscape works in public domain together with the following details:-
- a) Service Alterations – All mains, services, poles, etc., which require alteration due to works associated with the development, shall be altered at the applicant's expense.
 - b) In designing the street tree layout, the consultant shall check and ensure that all new street trees are positioned such that there are no conflicts with the proposed street lights, utilities and driveway accesses. The proposed street lights will have priority over the street trees. All costs associated with the removal of existing street trees, where required, will be borne by the Developer.
 - c) Street trees are to be provided in accordance with the Rockdale Street Tree Master Plan. The designated specie is *Platanus acerifolia* (London Plane) for Princess Highway, planted at ten (10) meters centres.
 - d) Verge strip shall be planted with four (4) *Platanus acerifolia* (London Plane) as per Rockdale Street Tree Management Plan.
 - i) Pot size supplied shall be not less than 200 Litre.
 - ii) Height above container 3.5meters, calliper at 300mm greater than 60mm, with a clear trunk height of 1.5 meters.
 - iii) Trees supplied shall be healthy and vigorous, free of pest and disease, free from

injuries.

iv) Trees provided shall conform to NATSPEC guide.

v) Root barriers shall be specified to be installed in all street trees along both kerb and footpaths. Root barriers shall be installed as far as possible of trees. Ensure that 50 millimetres of root barrier is left above finished ground height. Root barrier shall be minimum 2 meters long to each side. Root barriers shall be installed alongside the landscape element to be protected in accordance with manufacturer's recommendations.

vi) Tree pit and guard to be advice by Council.

32. All telecommunication and utility services are to be placed underground along Princess Highway frontages. The extent of works required in order to achieve this outcome may involve works beyond the frontage of the development site. Plans are to be prepared and certified by a suitably qualified Electrical Design Consultant for decommissioning the existing network and constructing the new network; and are to be submitted to, and approved by Council and relevant utility authorities, prior to commencement of work.

Please note: Public Domain Frontage Work Application shall be submitted to Council separately for all civil and landscape works in public domain.

33. A total of 22 hotel car spaces, 6 commercial / retails car spaces, a minimum of 1 motorcycle parking spaces and a minimum of 2 bicycle parking spaces must be provided within the development. The parking must be allocated in accordance with the Rockdale Development Control Plan (Rockdale DCP) 2011 and RMS guide requirements in accordance with the minimum rates provided in the table below.

Activity	Required
Hotel (88 rooms)	1 space / 4 hotel rooms = 22 spaces (including 5 accessible spaces)
Com. / Retail (220.4m ²)	1 spaces / 40m ² GFA = 6 spaces (including 1 accessible space)
Bicycle (Com./Retail)	1/ 200m ² = 2 spaces (Min.)
Motorcycle (Com./ Retail)	1/ 20 car spaces = 1 space (Min.)
SRV Loading Bay	1 SRV Loading Bay (dedicated space-3.5m headroom height)

34. The design and construction of the off-street parking facilities shall comply with Australian Standards, as follows:-

- AS/NZS 2890.1:2004
- AS2890.2:2002
- AS2890.3:1993
- AS/NZS2890.6:2009
- Comply with Rockdale Technical Specification – Stormwater Management, in relation to the minimum width and configuration of car wash bays.
- Provide bicycle parking facilities for residents that are class 1 or 2 in

accordance with AS2890.3:1993. Bicycle parking facilities for residents shall not be Class 3 facilities.

- Comply with Council's Vehicular Entrance Policy in relation to the design of the access driveways, in particular the layout of the access driveways shall be provided in the form of a layback in the kerb and gutter.
- The SRV loading dock area to have minimum of 3.5m height clearance.
- The car parking spaces shall not be enclosed at any time.
- For parking with people with disabilities, the clearance above the parking bay shall be 2.5 minimum.
- The basement driveway design has to ensure that all traffic give priority for incoming vehicles. Signage and convex mirrors or similar and waiting bays will have to be installed and certified by a professional Traffic Engineer.
- A buzzer providing access to the Loading bay must be provided to Waste Contractor prior to issue of the Occupation Certificate.
- A car park / drop off management plan to be prepared a suitably qualified and experienced Traffic engineer
- Allocate all off street visitor parking, loading bays and car wash bays as 'common property' on any future strata plan of subdivision under the Strata (Freehold) Schemes Act.

Please note:- Parking allocation conditions apply to any Strata Certificate issued with respect to a Consent issued in accordance with Section 81 (1)(A) of the Environmental Planning and Assessment Act 1979 or a Complying Development Certificate issued in accordance with Part 6 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

35. The following condition applies regarding traffic signs, waiting/passing bays:-
 - a. A traffic signs, convex mirrors and waiting bays are to be designed and installed to manage vehicular movement in driveways that provides safe vehicle access to the site and all basement levels. The arrangement shall control traffic to ensure safe movement of vehicles within basement car park at all times.
 - b. Prior to issue of the relevant Construction Certificate, a suitably qualified and experienced engineer shall design traffic management facilities and propose a traffic management plan for the site to the requirements of AS 2890.1:2004 and relevant AustRoads Guidelines. The facilities designed by the engineer shall include vehicular guide signs, regulatory signs and warning signs, line marking and pavement markers, and other controls such as waiting / passing bays, median or separator and convex mirror to ensure safe movement of vehicles within the site at all times.
36. Waste & Recycling Collection / Removalist Drop-offs & Pick-ups - Operational Requirements
 1. Waste & recycling collection and servicing, including removalist trucks, must be carried out entirely within the approved loading bay at all times.
 2. Waste & recycling collection, deliveries, removalists and / or any other servicing must not, at any time, be undertaken from the Princes Highway and Waines Crescent or elsewhere within the site.
 3. Waste and recycling may collected by a private waste contractor. A contract for waste and recycling collection must be entered into prior to issue of the Occupation Certificate. The company engaged must ensure that all recycling is collected separately from waste.
 4. Waste & recycling collection must be undertaken during off-peak times.

5. The maximum size truck permitted to access the site is a Small Rigid Vehicle (SRV).
6. The loading bay must be allocated as 'common property' on any future strata plan of subdivision under the Strata (Freehold) Schemes
37. This consent does not permit the erection or display of any advertising signs. Most advertising signs or structures require development consent. Applicants should make separate enquiries with Council prior to erecting or displaying any advertising signage.

Prior to issue of the construction certificate

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

38. 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 \$58,635.00 is required. 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.
39. 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.
40. An application for Driveway Works (Public Domain Construction – Vehicle Entrance/Driveway Application) / Frontage Works (Public Domain Frontage Works Construction Application) shall be made to Council's Customer Service Centre prior to issue of the Construction Certificate. All boundary frontage works, egress paths, driveways and fences shall comply with the approval. A fee is payable to Council. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges.
41. Pursuant to Section 7.12 of the Environmental Planning and Assessment Act 1979 and Rockdale Section 94A (Section 7.12) Development Contributions Plan 2008, a report is to be submitted to Council, prior to approval of the first Part 4A certificate required for the development, identifying the proposed cost of carrying out the development, as follows:
 - i. Where the proposed cost of carrying out the development is less than \$1,000,000, a cost summary report prepared and certified by a building industry professional, or
 - ii. Where the proposed cost of carrying out the development is \$1,000,000 or more, a detailed cost report prepared and certified by a quantity surveyor registered with the Australian Institute of Quantity Surveyors or a person who can demonstrate equivalent qualifications. This report is to be prepared in the form specified in Rockdale Section 94A Development

Contributions Plan 2008 and the costs must be determined in accordance with clause 25J of the Environmental Planning and Assessment Regulation 2000.

Note:

1. Council may review the costs contained in the report and may seek the services of an independent person to verify them. In such a case, all costs associated with obtaining this advice will be at the expense of the applicant and no Part 6 certificate is to be issued until such time as these costs have been paid.

2. The proposed cost of carrying out the development excludes any part of the proposed development that is exempt from the Section 7.12 levy by reason of a Ministerial direction or an exemption specified in Rockdale Section 94A (Section 7.12) Development Contributions Plan 2008. Where the applicant considers that the proposed development, or any part of it, is or should be exempt from the levy they may submit to Council, prior to approval of the required certificate, an application for exemption giving reasons and providing any necessary evidence for the exemption.

b. Where the proposed cost of carrying out the development, as specified in the cost summary report, the registered surveyor's detailed cost report or the independent review of costs obtained by Council (as the case may be), is more than \$100,000 a Section 7.12 levy is to be paid to Council for the following amount:

- i. Where the proposed cost of carrying out the development is greater than \$100,000 but not more than \$200,000 – 0.5% of that cost, or
- ii. Where the proposed cost of carrying out the development is greater than \$200,000 – 1% of that cost.

This levy is to be paid prior to the issue of the first Part 4A certificate required for the development.

If the levy is not paid within the same financial year as the date on which Council accepted the cost summary report, the registered surveyor's detailed cost report or the independent review of costs (as the case may be), the amount of the levy is to be adjusted at the time of actual payment to reflect changes in construction costs, in accordance with the provisions of Rockdale Section 94A (Section 7.12) Development Contributions Plan 2008.

Note: This requirement to pay the Section 7.12 levy does not apply if the proposed cost of carrying out the development is \$100,000 or less or Council has confirmed in writing that the proposed development is exempt from the levy.

42. Prior to the issue of the Construction Certificate a certificate from a practicing Structural Engineer, registered with NPER, shall be submitted to Council stating that the subsurface structural components located on the boundary of the public road, including but not limited to the slabs, walls and columns, have been designed in accordance with all SAA Codes for the design loading from truck and vehicle loads.
43. A system of fire and smoke alarms and/or detection system (as applicable) shall be provided throughout the building. Details shall be submitted for assessment and approval prior to application for a Construction Certificate.
44. Provide hose reels to the existing building in accordance with the relevant provisions of Part E1.4 of the Building Code of Australia and AS 2441:1988. Details of the location shall be submitted for approval prior to installation.
45. A list of the proposed and existing essential services to be installed in the building

shall be submitted to Council in accordance with the relevant requirements.

46. Compliance with Council's Development Control (DCP) 2011 in relation to requirements for access. Compliance with this condition will require the design and fitout of the commercial/retail areas to be in accordance with Australian Standard 1428.1-2009.

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

47. The applicant shall confer with Ausgrid to determine if an electricity distribution substation is required. Written confirmation of Ausgrid's requirements shall be obtained prior to issue Construction Certificate.
48. The applicant shall confer with Ausgrid to determine if installation of electricity conduits in the footway is required. Written confirmation of Ausgrid's requirements shall be obtained prior to issue Construction Certificate.
49. The applicant shall confer with Ausgrid to determine if satisfactory clearances to any existing overhead High Voltage mains will be affected. Written confirmation of Ausgrid's requirements shall be obtained prior to issue Construction Certificate.
50. 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>

51. Details shall be submitted to Council for assessment and approval pursuant to Section 138 of the Roads Act 1993 in relation to the following:
 - i) Construction of footpath and streetscape works.
 - ii) Public domain and drainage works.
 - Footpath alignment, width and surface finish;
 - Landscaping and tree planting areas;
 - Street lighting layout and details;
 - Drainage plus kerb & gutter alignment and details;
 - Asphalt pavement detail showing minimum 6m wide carriage way;
 - Detailed plan of the intersections of Waines Crescent and Princes Highway;
 - Removal of redundant power pole(s) and proposal for undergrounding of power along Waines Crescent and Princes Highway frontages.
 - iii) Construction of vehicular entrance.
52. 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.
53. A Construction Management Plan (CMP) shall be prepared in accordance with the requirements of all relevant regulatory approval bodies. Prior to the commencement of works the Certifying Authority shall be satisfied that the Construction Management

Plan has obtained all relevant regulatory approvals. The Construction Management Plan shall be implemented during demolition, excavation and construction.

Prior to the issue of the relevant Construction Certificate, a Construction Traffic Management Plan (TMP) prepared by a suitably qualified person shall be submitted to and approved by the Certifying Authority. The Plan shall address, but not be limited to, the following matters:

- (a) ingress and egress of vehicles to the site;
- (b) loading and unloading, including construction zones;
- (c) predicted traffic volumes, types and routes; and
- (d) pedestrian and traffic management methods.

Note: The swept path of the longest vehicle entering and existing the subject site, as well as manoeuvrability through the site, shall be in accordance with Austroads. A swept path plan shall be submitted to Certifying Authority for approval illustrating compliance with this requirement, prior to release of the Construction Certificate.

Any proposed landscaping, fencing or signage is not to impede the desired sight lines of all road users including pedestrians and cyclists.

All road works / regulatory signposting associated with the proposed development shall be at no cost to the Council or RMS.

COPIES OF THE CMP AND TMP SHALL BE SUBMITTED TO COUNCIL.

54. As the basement floor are being proposed closer to existing built structures on neighbouring properties, which may be in the zone of influence of the proposed works and excavations on this site, a qualified practising geotechnical engineer must;
 - (a) Implement all recommendations contained in the Geotechnical Desktop Study Report prepared by EI Australia – Report E23324 GA, Dated 28 April 2017.
 - (b) Provide a certificate that the construction certificate plans are satisfactory from a geotechnical perspective and
 - (c) Confirm that the proposed construction methodology
 - To prepare a Construction Methodology report demonstrating that the proposed construction methods (including any excavation, and the configuration of the built structures) will have no adverse impact on any surrounding property and infrastructure. The report must be submitted with the application for a Construction Certificate for the relevant stage of works.
 - (d) Inspect the works as they progress. The Inspections are to occur at frequencies determined by the geotechnical engineer.
 - (e) The geotechnical engineer to comment on proposed stormwater drainage design for the basement area, mainly on AGG line connections / permanent dewatering and a tanked basement structure.

NB: (i) If the proposed construction of the basement carpark impedes the water table, thus requiring dewatering of the site, the application is Integrated Development.

(ii) From the proposed basement pumped discharge drainage systems are permitted subject to complying with the design criteria listed in DCP.

(iii) The design of the basement structure will require consideration of the effects of the water table, both during and after construction (Tanking / waterproofing).

(f) Where a Private Certifier issues the Construction Certificate a copy of the above documentation must be provided to Council, once the Construction Certificate is issued for the relevant stage of works.

Note: A failure by contractors to adequately assess and seek professional engineering (geotechnical) advice to ensure that appropriate underpinning and support to adjoining land is maintained prior to commencement may result in damage to adjoining land and buildings. Such contractors are likely to be held responsible for any damages arising from the removal of any support to supported land as defined by section 177 of the Conveyancing Act 1919.

55. Vibration monitoring equipment must be installed and maintained, under the supervision of a professional engineer with expertise and experience in geotechnical engineering, between any potential source of vibration and any building identified by the professional engineer as being potentially at risk of movement or damage from settlement and/or vibration during the excavation and during the removal of any excavated material from the land being developed.
- a) If vibration monitoring equipment detects any vibration at the level of the footings of any adjacent building exceeding the peak particle velocity adopted by the professional engineer as the maximum acceptable peak particle velocity an audible alarm must activate such that the principal contractor and any sub-contractor are easily alerted to the event.
- b) Where any such alarm triggers all excavation works must cease immediately. Prior to the vibration monitoring equipment being reset by the professional engineer and any further work recommencing the event must be recorded and the cause of the event identified and documented by the professional engineer.
- c) Where the event requires, in the opinion of the professional engineer, any change in work practices to ensure that vibration at the level of the footings of any adjacent building does not exceed the peak particle velocity adopted by the professional engineer as the maximum acceptable peak particle velocity these changes in work practices must be documented and a written direction given by the professional engineer to the principal contractor and any sub-contractor clearly setting out required work practice.
- d) The principal contractor and any sub-contractor must comply with all work directions, verbal or written, given by the professional engineer.
- e) A copy of any written direction required by this condition must be provided to the Principal Certifying Authority within 24 hours of any event.
- f) Where there is any movement in foundations such that damaged is occasioned to any adjoining building or such that there is any removal of support to supported land the professional engineer, principal contractor and any sub-contractor responsible for such work must immediately cease all work, inform the owner of that supported land and take immediate action under the direction of the professional engineer to prevent any further damage and restore support to the supported land.

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

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

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

56. Any sub-surface structure within the highest known groundwater table / rock + 0.5m shall be designed with a waterproof retention system (i.e. tanking and waterproofing) with adequate provision for future fluctuation of the water table. The subsurface structure is required to be designed with consideration of uplift due to water pressure and "flotation" (buoyancy) effects. Subsoil drainage around the subsurface structure must allow free movement of groundwater around the structure, but must not be connected to the internal drainage system. The design of subsurface structure, tanking and waterproofing, and subsoil drainage shall be undertaken by a suitably experienced Chartered Professional Engineer(s). Design details and construction specifications shall be included in the documentation accompanying the Construction Certificate for the relevant stage of works.

A design certificate is required to be submitted for the design of the Basement system including shoring wall. The certificate shall be issued by a Chartered Professional Engineer competent in Structural engineering.

The design of the basement and any other underground structure or excavation shall take into consideration of geotechnical recommendations.

Please Note:

- a. All structures that are fully and significantly below ground shall be fully tanked to finished ground level,*
- b. After construction is completed no seepage water is to discharge to the kerb.*
- c. Permanent dewatering will not be permitted.*
- d. Continuous monitoring of ground water levels may be required.*

57. Prior to the issue of a Construction Certificate for building works, the Certifying Authority shall ensure that a letter from a qualified practicing Traffic Engineer registered on the National Engineering Register (NER), or a Compliance Certificate (issued in accordance with Section 109C of the Environmental Planning and Assessment Act 1979), has been issued to the Certifying Authority stating that the design of the off-street parking facilities including ramp control traffic signals comply with the conditions of consent.
58. Prior to issue of Construction Certificate, swept path analysis shall be submitted to the Certifying Authority for assessment and approval.

The swept path drawings shall include the entry/exit of the internal ramps within the basement levels and an 'SRV' sized vehicle entering/exiting of the loading bay in accordance with section 7.2 of Councils Technical Specification – Traffic, Parking and Access.

Where a Private Certifier issues an Construction Certificate, the plans mentioned in the above paragraph must be provided to Council.

59. Prior to the issue of the construction certificate approval from the utility provider is required for the works the existing utility with the road reserve fronting boundary. You are required to consult with your utility providers (i.e. Energy Aust, Telstra etc) in order to fully understand their requirements before commencement of any work.

60. A copy of Permission to Discharge Trade Waste Water shall be obtained from Sydney Water prior to the discharge of trade waste water to the sewer system. A copy shall be provided to Principal Certifying Authority (PCA) prior to issuing the Construction Certificate.
61. The mechanical exhaust ventilation system shall be installed in the kitchen and food preparation areas where cooking and heat producing processes are conducted. All equipment producing heat or steam shall be placed wholly under the ventilation canopy. The ventilation system shall be designed and installed by an appropriate qualified person in accordance with Australian Standards AS1668.1-1998 & 1668.2-2002.
62. Plans and specifications showing details of all the constructions recommended in Section 4 and 6 of report titled 'DA Acoustic Assessment, 413-425 Princes Highway, Rockdale' prepared by Acoustic Logic Dated 18-04-2017 Ref 20170423.1/1804A/RO/MF', shall be submitted and approved by the Principal Certifying Authority prior to the release of the Construction Certificate.
63. The low level driveway must be designed to prevent inflow of water from the road reserve. The assessment of flows and design of prevention measures shall be in accordance with the requirements of Rockdale Technical Specification Stormwater Management. Details shall be included in the documentation presented with the Construction Certificate application.
64. 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.
65. All basement surface runoff including car wash bay shall be directed through a propriety oil and sediment filtration system prior to discharge. Details of the pit type, location, performance and manufacturer's maintenance and cleaning requirements shall be submitted and approved prior to the issue of the construction certificate.

The owners/occupiers are to undertake all future maintenance and cleaning to the manufacturer's requirements.

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

The drainage plans must show how groundwater is managed within basement including shoring walls, temporary and permanent.

Subsoil drainage shall be provided and designed to allow the free movement of groundwater around any proposed structure, but is not to be connected to the internal drainage system

The design shall take into consideration of geotechnical recommendations.

Note:

- a. The subsoil drainage for groundwater management for the proposed development should be in accordance with the requirements of DCP 4.1.3, 4.1.4 and Rockdale Technical Specification – Stormwater Management.
 - b. The basement pumpwell size shall be in accordance with Clause 4.2.4 of DCP2011- Technical Specification for Stormwater Management. Implement all recommendations contained in the preliminary geotechnical investigation report prepared by Douglas Partners Pty Ltd, Report Ref: Project 84654, dated 30 January 2015.
 - c. Since the site is subject to MFL, the design of the basement carpark access ramp crest level is to be 500mm above the 1 in 100 year flow level.
 - d. In accordance with Technical specification – Stormwater Management to recheck and provide stormwater control details to the driveway area draining to basement.
 - e. The site is subject MFL restriction. The minimum floor levels applying to the site, identified by the Overland Flow Study by S & E Ivanov Consultancy, dated 6 July 2014.
67. The internal surface (that is facing the inside of the loading dock) of the available walls and ceiling of the loading dock shall be lined with 50mm thick hydrophobic Rockwool faced with minimum 11% open perforated corrugated metal, plasterboard or similar acoustically absorptive material.

Prior to commencement of works

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

68. A dilapidation survey shall be undertaken of all properties and/or Council infrastructure, including but not limited to all footpaths, kerb and gutter, stormwater inlet pits, and road carriageway pavements, in the vicinity which could be potentially affected by the construction of this development. Any damage caused to other properties during construction shall be rectified. A copy of the dilapidation survey and an insurance policy that covers the cost of any rectification works shall be submitted to the Accredited Certifier (AC) or Council prior to Commencement of Works. The insurance cover shall be a minimum of \$10 million.
69. 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.

70. 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.
71. 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.

72. 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.
73. 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.
74. 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.
75. A system of fire and smoke alarms and/or detection system (as applicable) shall be provided throughout the building. Details shall be submitted for assessment and approval prior to commencement of works.
76. Consultation with Ausgrid is essential prior to commencement of work. Failure to notify Ausgrid may involve unnecessary expense in circumstances such as:
- i) where the point of connection and the meter board has been located in positions other than those selected by Ausgrid or
 - ii) where the erection of gates or fences has restricted access to metering equipment.
77. Where clearances to any existing overhead High Voltage mains are affected, the builder shall make arrangements with Ausgrid for any necessary modification to the electrical network in question. These works shall be at the applicant's expense. Ausgrid's requirements under Section 49 Part 1 of the Electricity Supply Act 1995 shall be met prior to commencement of works or as agreed with Ausgrid.

During demolition / excavation / construction

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

78. 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.
79. 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.
80. For Class 2, 3 and 4 structures, the building works are to be inspected during construction, by the principal certifying authority (or other suitably qualified person on behalf of the principal certifying authority) to monitor compliance with Council's approval and the relevant standards of construction encompassing the following stages:
- i. after excavation for, and before the placement of, any footing, and

- ii. prior to covering waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within a building, and
- iii. prior to covering any stormwater drainage connections, and
- iv. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

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

81. For Class 5-9 structures, the building works are to be inspected during construction, by the principal certifying authority (or other suitably qualified person on behalf of the principal certifying authority) to monitor compliance with Council's approval and the relevant standards of construction encompassing the following stages:
- i. after excavation for and before the placement of, any footing, and
 - ii. prior to covering any stormwater drainage connections, and
 - iii. 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.

82. Upon inspection of each stage of construction, the Principal Certifying Authority (or other suitably qualified person on behalf of the Principal Certifying Authority) is also required to ensure that adequate provisions are made for the following measures (as applicable), to ensure compliance with the terms of Council's approval:
- Sediment control measures
 - Provision of perimeter fences or hoardings for public safety and restricted access to building sites.
 - Maintenance of the public place free from unauthorised materials, waste containers or other obstructions.
83. 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.
84. All waste generated on site shall be disposed of in accordance with the submitted Waste Management Plan.
85. 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.
- 86. When soil conditions require it:
 - i. retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil shall be provided, and
 - ii. adequate provision shall be made for drainage.
- 87. Any new information discovered during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination, shall be notified to Council being the Regulatory Authority for the management of contaminated land.
- 88. Provide drop edge beams where and if necessary to contain all filling within the building envelope.
- 89. 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.
- 90. 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.
- 91. Council's warning sign for soil and water management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign must be displayed throughout construction. A copy of the sign is available from Council.

Prior to issue of occupation certificate or commencement of use

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

- 92. An Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of the building.
- 93. Appropriate signage and tactile information indicating accessible facilities shall be provided at the main entrance directory, or wherever directional signage such as lifts or building directories or information is provided to those buildings where access and facilities for people with disabilities has been provided. Such signage shall have regard to the provisions of AS1428.1 and AS1428.2.
- 94. Tactile differentiation on floor surfaces indicating change of gradient shall be provided to those buildings where access and facilities for people with disabilities has been provided. This includes the external parts of the building, eg. access walkways and ramps. Such differentiation shall have regard to the provisions of AS1428.4.
- 95. 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.
- 96. 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.

97. The approved recommendations from the Flood Management Report shall be implemented prior to occupation.
98. Lots 1, 4, 5, 6, 7 and 8 of DP 11344 shall be consolidated into one allotment. Council requires proof of lodgement of the plan of consolidation with the Land and Property Information Office prior to occupation.
99. All landscape works are to be carried out in accordance with the approved landscape plans prior to the issue of an Occupation Certificate for the approved development. The landscaping is to be maintained to the approved standard at all times.
100. 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.
101. The underground placement of all low voltage street mains in that section of the street/s adjacent to the development, and associated services and the installation of underground supplied street lighting columns, shall be carried out at the applicant's expense. The works shall be completed and Ausgrid's requirements shall be met prior to issue of the Occupation Certificate.
102. Where an electricity substation is required by Ausgrid, a final film survey plan shall be endorsed with an area having the required dimensions as agreed with Ausgrid over the location of the proposed electricity distribution substation site. The substation must be located within the boundary of the development site, or within the building, subject to compliance with the BCA. The substation site shall be dedicated to Council as public roadway, or as otherwise agreed with Ausgrid. Ausgrid's requirements shall be met prior to release of the issue of the Occupation Certificate.
103. The vehicular entry in Waines Crescent to be clearly marked and signposted ("entry" or "no entry") from the street and ("exit" or "no exit") internally.
104. The following has been correctly installed:-
 - A convex mirror (outside of bends in the car park) to provide increased sight distance for vehicles.
 - Give way signs entering vehicles and entry sign recommending driver turn on their headlights.
 - A valet parking service shall be proposed for hotel guests.
 - The single lane 2 way ramps shall be controlled by waiting bays giving priority to incoming vehicles.
 - A car park/drop off management plan to be prepared a suitably qualified and experienced Traffic engineer.
105. The provision of a minimum 1.0m wide Footway easement along Waines Crescent frontage. The right of footway is to be covered by a Section 88B Instrument, which may only be varied or extinguished with the consent of Bayside Council.

Council requires proof of lodgement of the signed Subdivision/Strata Certificate and 88B Instrument with the Land Titles Office.
106. Suitable vehicular bollards shall be provided outside the exit doors that adjoin the vehicle circulation area or other exit door(s) that may be blocked by parked vehicles.
107. Bollard(s) shall be installed by the Developer on adaptable shared spaces.
108. Twenty-eight (28) off-street car spaces shall be provided in accordance with the submitted plan and shall be linemarked to Council's satisfaction. The pavement of all car parking spaces, manoeuvring areas and internal driveways shall comply with Australian Standard AS3727 – Guide to Residential Pavements.

109. 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.

110. 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.
111. Where the installation of electricity conduits is required in the footway, the builder shall install the conduits within the footway across the frontage/s of the development site, to Ausgrid's specifications. Ausgrid will supply the conduits at no charge. A Road Opening Permit must be obtained from Council prior to the installation of the conduits. The builder is responsible for compaction of the trench and restoration of the footway in accordance with Council direction. A Compliance Certificate from Ausgrid shall be obtained prior to the issue of the Occupation Certificate.
112. The acoustic treatment measures specified in the report titled 'DA Acoustic Assessment, 413-425 Princes Highway, Rockdale' prepared by Acoustic Logic Dated 18-04-2017 Ref 20170423.1/1804A/RO/MF, shall be validated by a Certificate of Compliance prepared by a suitably qualified acoustic consultant and submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.
113. A Landscape Architect shall provide a report to the certifying authority (with a copy provided to Council, if Council is not the principal certifying authority) stating that the landscape works have been carried out in accordance with the approved plans and documentation.
114. On completion of the installation of the mechanical ventilation systems and prior to the issue of the Occupation Certificate, a certificate of completion and performance from the design engineer shall be submitted to Council certifying that the system has been installed, inspected, commissioned, tested and performs in accordance with Australian Standards AS1668.
115. Prior to occupation, a chartered professional engineer shall certify that the tanking and waterproofing has been constructed in accordance with the approved design and specification. A copy shall be provided to Council if council is not the Principal Certifying Authority.
116. 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.
117. The underground garage shall be floodproofed to a minimum of 100mm above the

- 1% Annual Exceedance Probability gutter flow. The levels shall be certified by a registered surveyor prior to construction of the driveway or other openings.
118. The development shall comply with Rockdale Development Control Plan (DCP) 2011, and the Planning Considerations and Development Controls listed in the Gutter Flow Analysis prepared By Australian Consulting Engineers Pty Ltd, Dated 15 September 2017, Ref: 170216.GFA.1
 119. Positive covenants pursuant to the Conveyancing Act 1919 shall be created on the title of the lots that contain
 1. The stormwater detention facility to provide for the maintenance of the system; and
 2. Car Park / drop off management plan.
 3. Waste management by private contractor.
 120. The drainage system shall be constructed in accordance with the approved drainage plans and any amendments in red. All stormwater drainage plumbing work shall comply with the NSW Code of Practice: Plumbing and Drainage and Australian Standard AS3500.
- Drainage grates shall be provided at the boundary. Width of the drainage grates shall be in accordance with Rockdale Technical Specification Stormwater Management.
- A silt/litter arrestor pit as detailed in Rockdale Technical Specification Stormwater Management shall be provided prior to discharge of stormwater from the site.
121. Signs shall be displayed adjacent to all stormwater drains on the premises, clearly indicating "Clean water only - No waste".
 122. On at least one occasion in every 12 month period following the date of the first 'Fire Safety Certificate' issued for the property, the owner must provide Council with an annual 'Fire Safety Certificate' to each essential service installed in the building.
 - 123.

Integrated development/external authorities

The following conditions have been imposed in accordance with Section 91A of the Environmental Planning and Assessment Act, 1979.

124. TRANSPORT SYDNEY TRAINS

ST1. If required by Sydney Trains, prior to the commencement of works, prior to the issue of the Occupation Certificate, or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.

ST2. An acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines".

ST3. Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.

ST4. If required by Sydney Trains, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

ST5. If required by Sydney Trains, a track monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases) is to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate. The Principal Certifying Authority is not to issue a Construction Certificate until written confirmation has been received from Sydney Trains advising of the need to undertake the track monitoring plan, and if required, that it has been endorsed.

ST6. No rock anchors/bolts are to be installed into Sydney Trains property or easements.

ST7. Prior to the issuing of an Occupation Certificate the Applicant is to submit as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into Sydney Trains property or easements, unless agreed to be these authorities. The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

ST8. If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Rail Corridor Management Group to determine the need for public liability insurance cover. If insurance cover is deemed necessary this insurance be for sum as determined by Sydney Trains and shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The Applicant is to contact Sydney Trains Rail Corridor Management Group to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.

ST9. If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Rail Corridor Management Group to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.

ST10. Sydney Trains or Transport for NSW (TfNSW), and persons authorised by

those entities for the purpose of this condition, are entitled to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and these conditions of consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.

ST11. Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.

ST12. Prior to the issuing of a Construction Certificate the applicant is to submit to Sydney Trains for review and endorsement a report detailing all Machinery to be used during excavation/construction. The Principal Certifying Authority is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that this condition has been complied with.

ST13. Copies of any certificates, drawings, approvals/certification or documents endorsed by, given to or issued by Sydney Trains must be submitted to Council for its records prior to the issuing of a Construction Certificate.

ST14. Any conditions issued as part of Sydney Trains approval/certification of any documentation for compliance with the Sydney Trains conditions of consent, those approval/certification conditions will also form part of the consent conditions that the Applicant is required to comply with.

ST15. No scaffolding or hoarding is to be used facing the rail corridor unless prior written approval has been obtained from Sydney Trains. To obtain approval the proponent will be required to submit details of the scaffolding and hoarding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor. Unless agreed to by Sydney Trains in writing, scaffolding shall not be erected without isolation and protection panels.

125. NSW POLICE FORCE

i) Monitored CCTV facilities shall be implemented throughout the development. Areas of focus include the basement car park (including entry and exits), main entry areas to the development and garbage/storage areas. Details to be provided prior to the issue of the Construction Certificate.

ii) A lighting maintenance policy shall be established for the development. Details to be provided prior to the issue of the Construction Certificate.

iii) Lighting shall be designed to the Australian and New Zealand Lighting Standards. Australia and New Zealand Lighting Standard 1158.1 - Pedestrian, requires lighting engineers and designers to consider crime risk and fear when

selecting lamps and lighting levels.

iv) Where applicable, security mirrors shall be installed within corridors and on blind corners to enable users to see around blind corners.

v) A street sign shall be prominently displayed at the front of the development to comply with Local Government Act, 1993, Section 124, Order No 8.

vi) Signage shall be erected at entry/exit points and throughout the development to assist users and warn intruders they may be prosecuted.

vii) As malicious damage (graffiti) is often an offence committed at such developments, strong consideration is to be given to the use of graffiti resistant materials, particularly on fences and all ground floor areas. Details to be provided prior to the issue of the Construction Certificate.

viii) More information is required on submission of development applications for the proposed uses regarding the placement of public amenities, other than the proposed public toilets. The location of ATMs, public telephones, garbage bins etc, can impact greatly on how the area will be occupied and the level of crime it will absorb.

ix) Intercom facilities shall be installed into entry/exit points to enable residents to communicate and identify with people prior to admitting them to the development.

x) Monitored CCTV cameras shall be installed in and around the building to maximise surveillance opportunities. Digital or video technology should be used to record images from the cameras.

126. SYDNEY AIRPORT CORPORATION LIMITED

Sydney Airport Corporation Limited (SACL) has approved the maximum height of the proposed building at 37.5 metres relative to Australian Height Datum (AHD). This height is inclusive of all vents, chimneys, aerials, TV antennae and construction cranes, etc. No permanent or temporary structure is to exceed this height without further approval from Sydney Airport Corporation Limited.

Note: Under Section 186 of the Airports Act 1996, it is an offence not to give information to the Airport Operator that is relevant to a proposed "controlled activity" and is punishable by a fine of up to 50 penalty units.

For further information on Height Restrictions please contact SACL on 9667 9246.

127. TRANSPORT ROADS AND MARITIME SERVICES

RMS1. The redundant driveways on the eastern boundary shall be removed and replaced with kerb and gutter to match existing. The design and construction of the kerb and gutter on Princes Highway shall be in accordance with Road and Maritime requirements. Details of these requirements should be obtained from Roads and Maritime Services, Manager Developer Works, Statewide Delivery, Parramatta (telephone 9598 7798).

Detailed design plans of the proposed kerb and gutter are to be submitted to Roads and Maritime for approval prior to the issue of a Construction Certificate and commencement of any road works.

A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by Roads and Maritime.

RMS2. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to the Roads and Maritime for approval, prior to the commencement of any works. Details should be forwarded to:-

The Sydney Asset Management
Roads and Maritime Services
PO Box 973, Parramatta CBD 2124

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766.

RMS3. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.

The developer is to submit all documentation at least six (6) prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime. The report and any enquiries should be forwarded to:-

Project Engineer, External Works
Sydney Asset Management
Roads and Maritime Services
PO Box 973, Parramatta CBD 2124

Telephone: 8849 2114
Fax: 8849 2766

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

RMS4. No Stopping zones should be installed across the Princess Highway frontage of the development to maintain clear driver sight lines from Waines Crescent (north leg) to road users on the Princes Highway.

RMS5. A Road Occupancy License (ROL) should be obtained from the Transport Management Centre for any works that may impact on traffic flows on Princes Highway during construction activities.

RMS6. All demolition and construction vehicles are to be contained wholly within the site or on Waines Crescent. A construction zone will not be permitted on the Princes Highway.

RMS7. All works and regulatory signposting associated with the subject development shall be at no cost to Roads and Maritime.

128. WATER NSW

W1. A Water Supply Work Approval from WaterNSW must be obtained prior to commencing dewatering activity on the proposed site. Please complete an Application for approval for water supply works, and/or water use.

W2. An application for a Water Supply Works Approval will only be accepted upon receipt of supporting documentation, and payment of the applicable fee (see Application fees for New or amended Works and/or Use Approvals). The information required for the processing of the water supply work application may include preparation of a dewatering management plan. The checklist is to be attached to the consent.

W3. If approved, the Approval will be issued for a period of up to 24 months to cover dewatering requirements during the construction phase. It will include conditions to ensure that impacts are acceptable and that adequate monitoring and reporting procedures are carried out. The Approval will be issued subject to the proponent meeting requirements of other agencies and consent authorities. For example, an authorisation by either Sydney Water or the Local Council, depending where the water will be discharged. If contaminants are likely, or are found to be present in ground water, and are being discharged to stormwater, including high salinities, a discharge licence under the Protection of the Environment Operations Act 1997 (NSW) may also be required.

W4. WaterNSW prefer "tanking" (i.e. total water proofing below the seasonal high water table) of basement excavations, and voids the ongoing extraction of groundwater after the initial construction phase. It is also advised to adopt measures to facilitate movement of groundwater post construction (e.g. a drainage blanket behind the water-proof membrane).

W5. If the basement is not "tanked", the proponent will require a Water Access Licence (WAL) and need to acquire groundwater entitlements equivalent to the yearly ongoing take of groundwater. Please note: Acquiring groundwater entitlements could be difficult and may cause delay in project completion. If a WAL is required, the applicant is to complete an "Application for a new water licence with a zero share component."

Roads Act

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

- i) construction of a concrete footpath along the frontage of the development site;
- ii) construction of a new fully constructed concrete vehicular entrance/s;
- iii) removal of the existing concrete vehicular entrance/s, and/or kerb laybacks which will no longer be required;
- iv) reconstruction of selected areas of the existing concrete Footpath/vehicular entrances and/or kerb and gutter;
- v) construction of paving between the boundary and the kerb;
- vi) removal of redundant paving;
- vii) construction of kerb and gutter.

Note:

- a. Detailed plans of the upgrade works within Waines Crescent including regulatory signs are required to be submitted to Council for assessment and approval pursuant to Section 138 of the Roads Act 1993, prior to the issue of the Construction Certificate.
 - b. Traffic Committee approval Line marking and regulatory signage shall be in accordance with RMS requirements and guidelines and shall be approved Bayside Traffic Committee.
130. 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.
131. 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.
132. 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. Some forms of signage require separate development consent. Please refer to relevant planning policies for more information.
- b. 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.
- c. *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.

- d. All asbestos fibre demolition material and asbestos dust shall be handled, stored and removed in accordance with the relevant legislation and guidelines including:
- Work Health and Safety Act 2011
 - Work Health and Safety Regulation 2011
 - Code of Practice for the Safe Removal of Asbestos [NOHSC: 2002 (2005)]
 - Code of Practice for the Management and Control of Asbestos in Workplaces [NOHSC: 2018 (2005)]
 - Protection of the Environment Operations (Waste) Regulation 2005

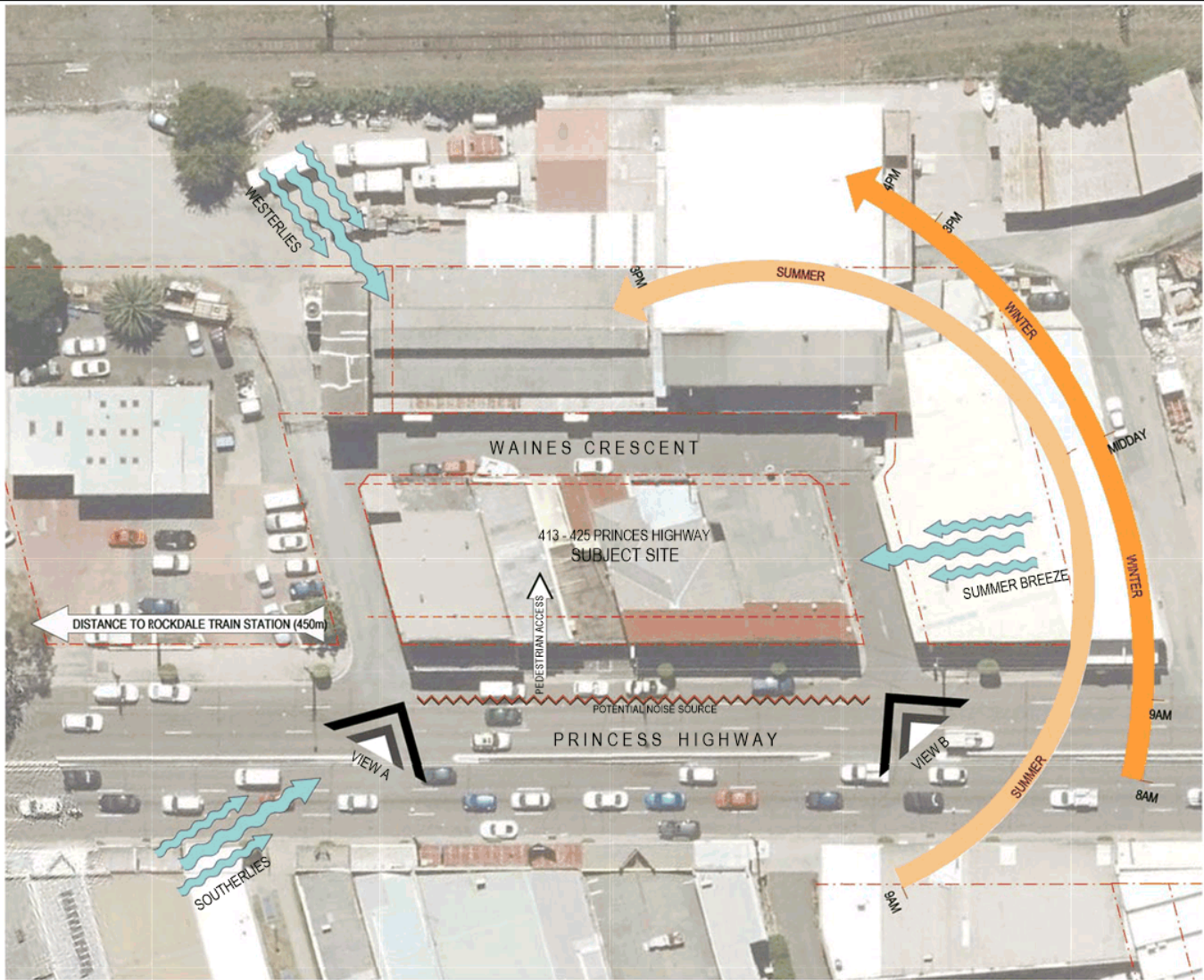
All work procedures shall be devised to minimise the release of dust and fibres. A checklist of safety precautions when working with asbestos is available in Health & Safety Guidelines prepared by the WorkCover Authority of NSW. Collection, storage and transportation is subject to the Protection of the Environment Operations (Waste) Regulation 2005.

- e. Hazardous and/or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of the relevant statutory authorities (NSW WorkCover Authority and the NSW Environment Protection Authority), together with the relevant regulations, including:
- Work Health and Safety Act 2011
 - Work Health and Safety Regulation 2011
 - Protection of the Environment Operations (Waste) Regulation 2005.
- f. Demolition and construction shall minimise the emission of excessive noise and prevent “offensive noise” as defined in the Protection of the Environment Operations Act 1997. Noise reduction measures shall include, but are not limited to the following strategies:
- choosing quiet equipment
 - choosing alternatives to noisy activities
 - relocating noise sources away from affected neighbours
 - educating staff and contractors about quiet work practices
 - informing neighbours of potentially noise activities in advance
 - equipment, such as de-watering pumps, that are needed to operate on any evening or night between the hours of 8 p.m. and 7 a.m. or on any Sunday or Public Holiday, shall not cause a noise nuisance to neighbours of adjoining or nearby residences. Where the emitted noise exceeds 5 dB(A) [LAeq(15m)] above the background sound level [LA90] at the most affected point on the nearest residential boundary at any time previously stated, the equipment shall be acoustically insulated, isolated or otherwise enclosed so as to achieve the sound level objective.
- g. All site works shall comply with the occupational health and safety requirements of the NSW WorkCover Authority.
- h. 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.
- i. TRANSPORT ROAD AND MARITIME SERVICES ADVISORY NOTES:

RMS1. The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS 2890.6-2009 and AS 2890.2-2002 for heavy vehicle usage.

RMS2. The proposed development should be designed such that road traffic noise from the Princes Highway is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102(3) of the the State Environmental Planning Policy (Infrastructure) 2007.

Should you require further clarification regarding the Road and Maritime requirements, please contact the RMS on 8849 2008 or e:-
development.sydney@rms.nsw.gov.au



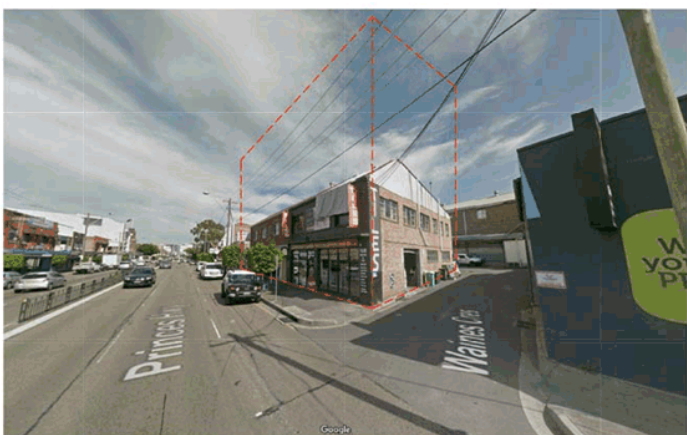
1 SITE ANALYSIS



2 AERIAL VIEW



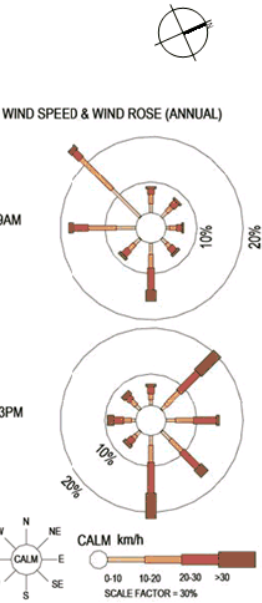
3 STREET VIEW A



4 STREET VIEW B

REFERENCES
DRAWINGS TO BE READ IN CONJUNCTION WITH BUT NOT LIMITED TO ALL STRUCTURAL, ENGINEERS, STORMWATER ENGINEERS, LANDSCAPE ARCHITECTS, AND OTHER ASSOCIATED PLANS & REPORTS
REFER TO THE BASIC REPORT FOR ADDITIONAL REQUIREMENTS TO THE ONES NOTED ON THE DRAWINGS.

NOTES
ALL DIMENSIONS AND SETOUTS ARE TO BE VERIFIED ON SITE AND ALL DIMENSIONS OR ANY DISCREPANCIES TO BE NOTIFIED TO THE ARCHITECT.
FIGURED DIMENSIONS TO BE USED AT ALL TIME.
DO NOT SCALE MEASUREMENTS OFF DRAWINGS.



A 01.05.2017 DA SUBMISSION

Rev	Date	Description
1	01.05.2017	DA SUBMISSION

Scale
0 3 6 12 18 24
1:300 at A1 1:600 at A3

Project Architect
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Nominated Architect: Jacob Yamine 8395, ABN 79 037 830 754

Project
PROPOSED MIXED USE DEVELOPMENT

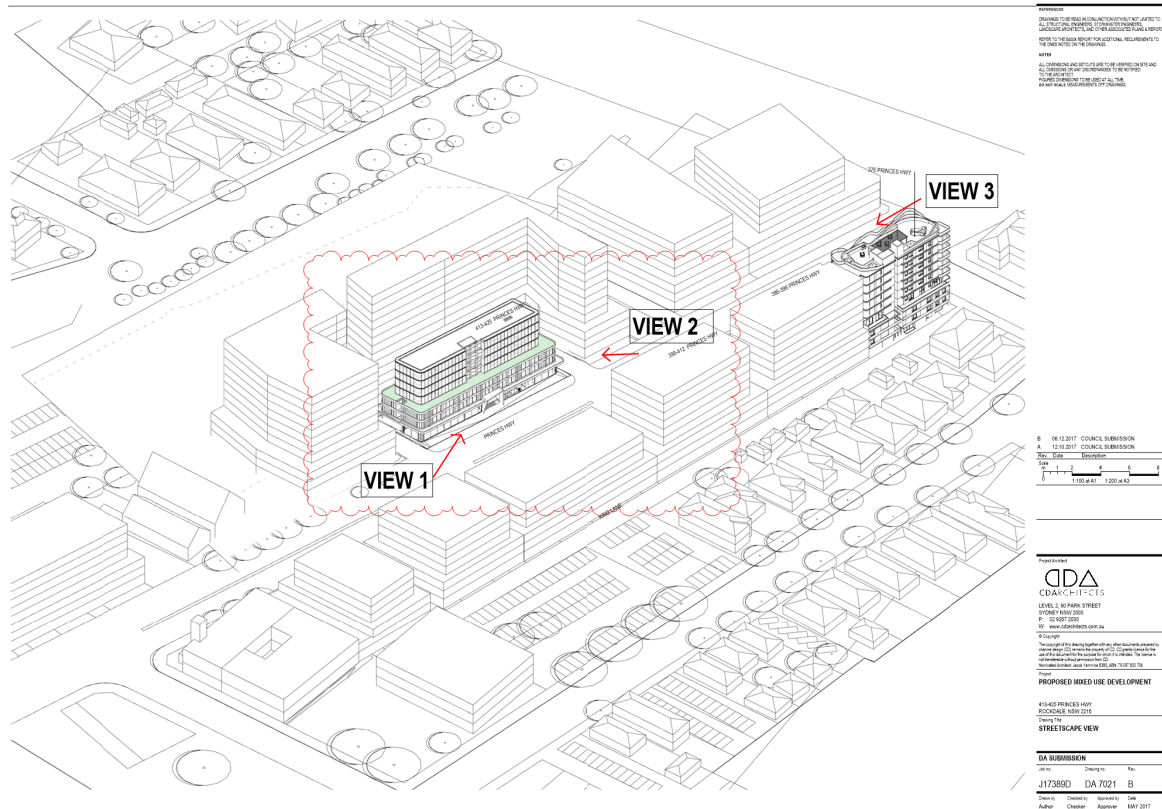
413-425 PRINCES HWY
ROCKDALE, NSW 2216

Drawing Title
SITE ANALYSIS PLAN

DA SUBMISSION

Job no.	Drawing no.	Rev.
J17389D	DA 1006	A

Drawn by	Checked by	Approved by	Date
RL	ZC	JY	MAY 2017



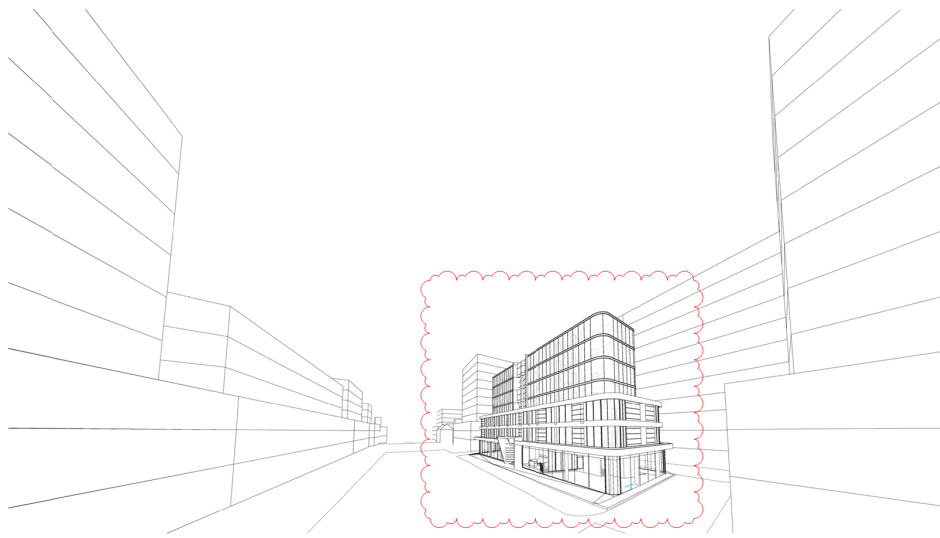


Project Addressed

ODA
CD&C-HIT-ITS

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SYDNEY NSW 2000
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The purpose of this planning guideline, and the documents prepared to elaborate on it, is to provide a framework for the property, ODA 722, to guide future development of the site in accordance with the City of Sydney's objectives. The guideline is Non-Exempted Development, class 3 (Section 4.06, 4.09, 4.11, 4.12, 4.13, 4.14, 4.15, 4.16, 4.17, 4.18, 4.19, 4.20, 4.21, 4.22, 4.23, 4.24, 4.25, 4.26, 4.27, 4.28, 4.29, 4.30, 4.31, 4.32, 4.33, 4.34, 4.35, 4.36, 4.37, 4.38, 4.39, 4.40, 4.41, 4.42, 4.43, 4.44, 4.45, 4.46, 4.47, 4.48, 4.49, 4.50, 4.51, 4.52, 4.53, 4.54, 4.55, 4.56, 4.57, 4.58, 4.59, 4.60, 4.61, 4.62, 4.63, 4.64, 4.65, 4.66, 4.67, 4.68, 4.69, 4.70, 4.71, 4.72, 4.73, 4.74, 4.75, 4.76, 4.77, 4.78, 4.79, 4.80, 4.81, 4.82, 4.83, 4.84, 4.85, 4.86, 4.87, 4.88, 4.89, 4.90, 4.91, 4.92, 4.93, 4.94, 4.95, 4.96, 4.97, 4.98, 4.99, 5.00, 5.01, 5.02, 5.03, 5.04, 5.05, 5.06, 5.07, 5.08, 5.09, 5.10, 5.11, 5.12, 5.13, 5.14, 5.15, 5.16, 5.17, 5.18, 5.19, 5.20, 5.21, 5.22, 5.23, 5.24, 5.25, 5.26, 5.27, 5.28, 5.29, 5.30, 5.31, 5.32, 5.33, 5.34, 5.35, 5.36, 5.37, 5.38, 5.39, 5.40, 5.41, 5.42, 5.43, 5.44, 5.45, 5.46, 5.47, 5.48, 5.49, 5.50, 5.51, 5.52, 5.53, 5.54, 5.55, 5.56, 5.57, 5.58, 5.59, 5.60, 5.61, 5.62, 5.63, 5.64, 5.65, 5.66, 5.67, 5.68, 5.69, 5.70, 5.71, 5.72, 5.73, 5.74, 5.75, 5.76, 5.77, 5.78, 5.79, 5.80, 5.81, 5.82, 5.83, 5.84, 5.85, 5.86, 5.87, 5.88, 5.89, 5.90, 5.91, 5.92, 5.93, 5.94, 5.95, 5.96, 5.97, 5.98, 5.99, 6.00, 6.01, 6.02, 6.03, 6.04, 6.05, 6.06, 6.07, 6.08, 6.09, 6.10, 6.11, 6.12, 6.13, 6.14, 6.15, 6.16, 6.17, 6.18, 6.19, 6.20, 6.21, 6.22, 6.23, 6.24, 6.25, 6.26, 6.27, 6.28, 6.29, 6.30, 6.31, 6.32, 6.33, 6.34, 6.35, 6.36, 6.37, 6.38, 6.39, 6.40, 6.41, 6.42, 6.43, 6.44, 6.45, 6.46, 6.47, 6.48, 6.49, 6.50, 6.51, 6.52, 6.53, 6.54, 6.55, 6.56, 6.57, 6.58, 6.59, 6.60, 6.61, 6.62, 6.63, 6.64, 6.65, 6.66, 6.67, 6.68, 6.69, 6.70, 6.71, 6.72, 6.73, 6.74, 6.75, 6.76, 6.77, 6.78, 6.79, 6.80, 6.81, 6.82, 6.83, 6.84, 6.85, 6.86, 6.87, 6.88, 6.89, 6.90, 6.91, 6.92, 6.93, 6.94, 6.95, 6.96, 6.97, 6.98, 6.99, 7.00, 7.01, 7.02, 7.03, 7.04, 7.05, 7.06, 7.07, 7.08, 7.09, 7.10, 7.11, 7.12, 7.13, 7.14, 7.15, 7.16, 7.17, 7.18, 7.19, 7.20, 7.21, 7.22, 7.23, 7.24, 7.25, 7.26, 7.27, 7.28, 7.29, 7.30, 7.31, 7.32, 7.33, 7.34, 7.35, 7.36, 7.37, 7.38, 7.39, 7.40, 7.41, 7.42, 7.43, 7.44, 7.45, 7.46, 7.47, 7.48, 7.49, 7.50, 7.51, 7.52, 7.53, 7.54, 7.55, 7.56, 7.57, 7.58, 7.59, 7.60, 7.61, 7.62, 7.63, 7.64, 7.65, 7.66, 7.67, 7.68, 7.69, 7.70, 7.71, 7.72, 7.73, 7.74, 7.75, 7.76, 7.77, 7.78, 7.79, 7.80, 7.81, 7.82, 7.83, 7.84, 7.85, 7.86, 7.87, 7.88, 7.89, 7.90, 7.91, 7.92, 7.93, 7.94, 7.95, 7.96, 7.97, 7.98, 7.99, 8.00, 8.01, 8.02, 8.03, 8.04, 8.05, 8.06, 8.07, 8.08, 8.09, 8.10, 8.11, 8.12, 8.13, 8.14, 8.15, 8.16, 8.17, 8.18, 8.19, 8.20, 8.21, 8.22, 8.23, 8.24, 8.25, 8.26, 8.27, 8.28, 8.29, 8.30, 8.31, 8.32, 8.33, 8.34, 8.35, 8.36, 8.37, 8.38, 8.39, 8.40, 8.41, 8.42, 8.43, 8.44, 8.45, 8.46, 8.47, 8.48, 8.49, 8.50, 8.51, 8.52, 8.53, 8.54, 8.55, 8.56, 8.57, 8.58, 8.59, 8.60, 8.61, 8.62, 8.63, 8.64, 8.65, 8.66, 8.67, 8.68, 8.69, 8.70, 8.71, 8.72, 8.73, 8.74, 8.75, 8.76, 8.77, 8.78, 8.79, 8.80, 8.81, 8.82, 8.83, 8.84, 8.85, 8.86, 8.87, 8.88, 8.89, 8.90, 8.91, 8.92, 8.93, 8.94, 8.95, 8.96, 8.97, 8.98, 8.99, 9.00, 9.01, 9.02, 9.03, 9.04, 9.05, 9.06, 9.07, 9.08, 9.09, 9.10, 9.11, 9.12, 9.13, 9.14, 9.15, 9.16, 9.17, 9.18, 9.19, 9.20, 9.21, 9.22, 9.23, 9.24, 9.25, 9.26, 9.27, 9.28, 9.29, 9.30, 9.31, 9.32, 9.33, 9.34, 9.35, 9.36, 9.37, 9.38, 9.39, 9.40, 9.41, 9.42, 9.43, 9.44, 9.45, 9.46, 9.47, 9.48, 9.49, 9.50, 9.51, 9.52, 9.53, 9.54, 9.55, 9.56, 9.57, 9.58, 9.59, 9.60, 9.61, 9.62, 9.63, 9.64, 9.65, 9.66, 9.67, 9.68, 9.69, 9.70, 9.71, 9.72, 9.73, 9.74, 9.75, 9.76, 9.77, 9.78, 9.79, 9.80, 9.81, 9.82, 9.83, 9.84, 9.85, 9.86, 9.87, 9.88, 9.89, 9.90, 9.91, 9.92, 9.93, 9.94, 9.95, 9.96, 9.97, 9.98, 9.99, 10.00, 10.01, 10.02, 10.03, 10.04, 10.05, 10.06, 10.07, 10.08, 10.09, 10.10, 10.11, 10.12, 10.13, 10.14, 10.15, 10.16, 10.17, 10.18, 10.19, 10.20, 10.21, 10.22, 10.23, 10.24, 10.25, 10.26, 10.27, 10.28, 10.29, 10.30, 10.31, 10.32, 10.33, 10.34, 10.35, 10.36, 10.37, 10.38, 10.39, 10.40, 10.41, 10.42, 10.43, 10.44, 10.45, 10.46, 10.47, 10.48, 10



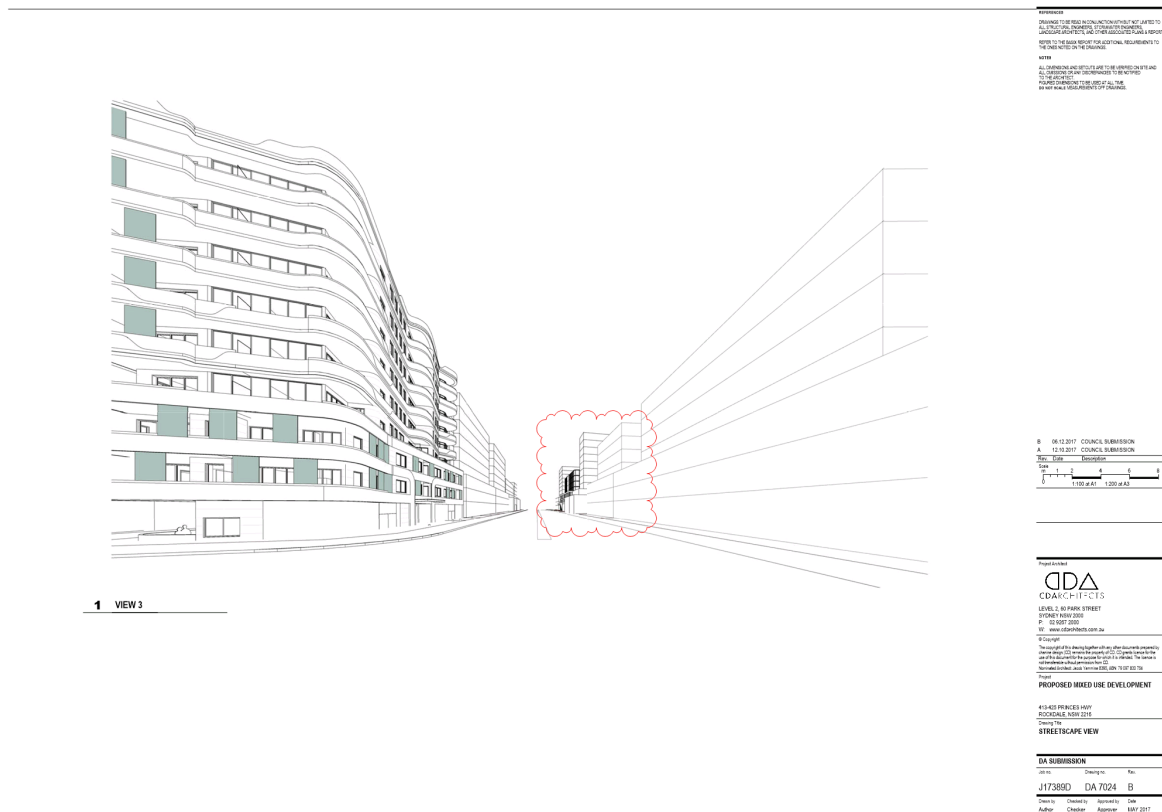
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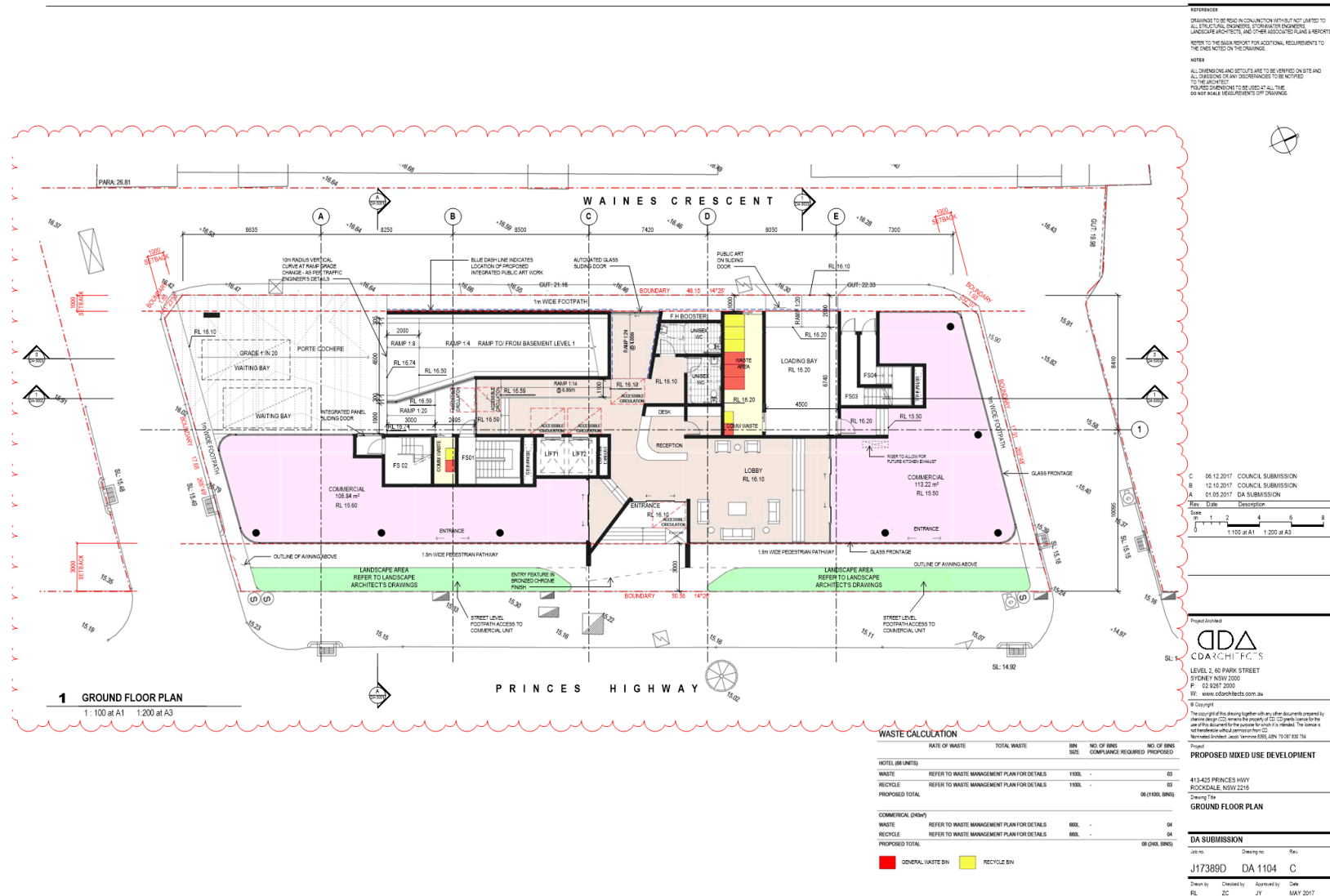
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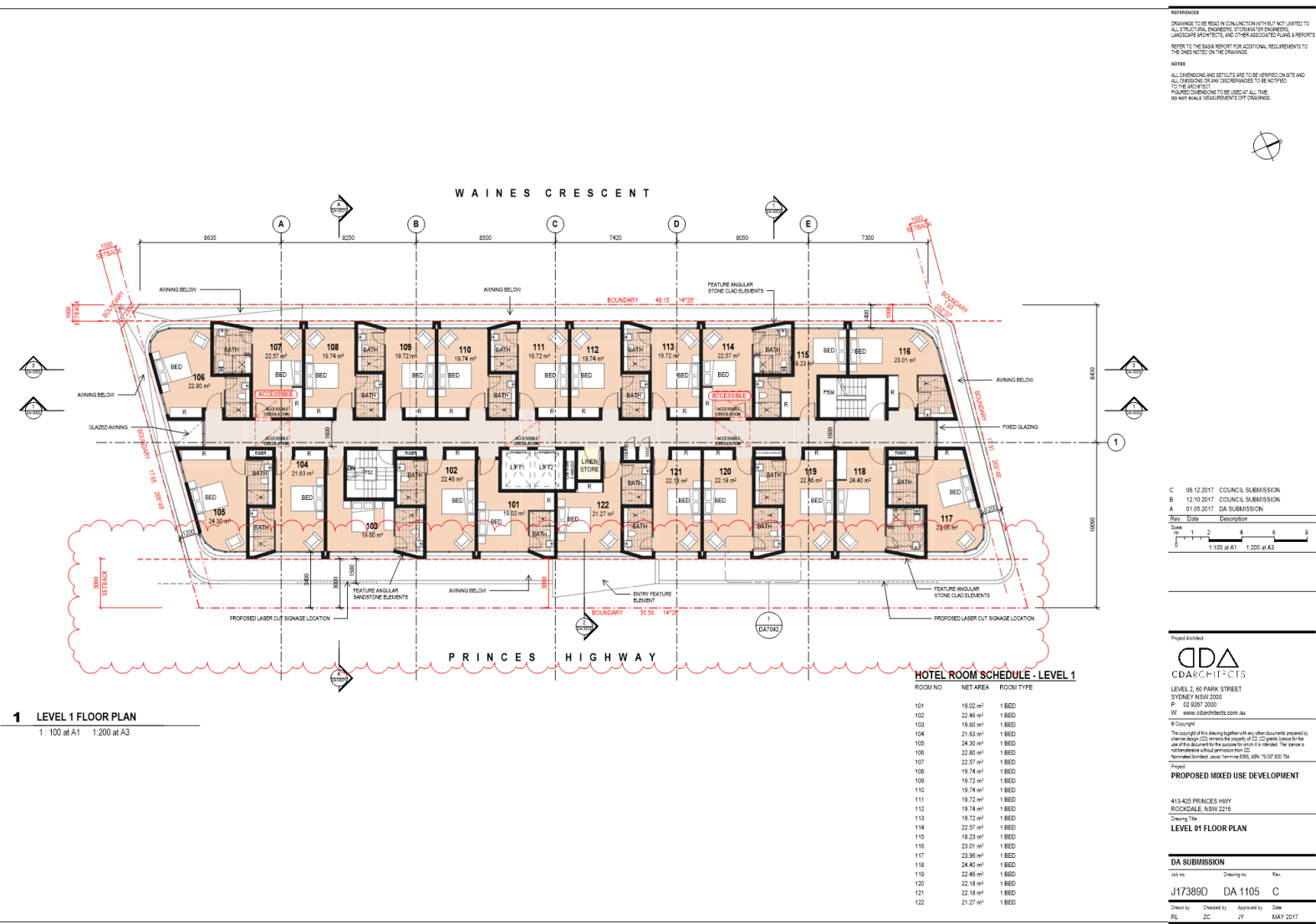
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B 06/12/2017 COUNCIL SUBMISSION
A 12/12/2017 COUNCIL SUBMISSION
Rev Date Description
1 12/12/2017 12/12/2017

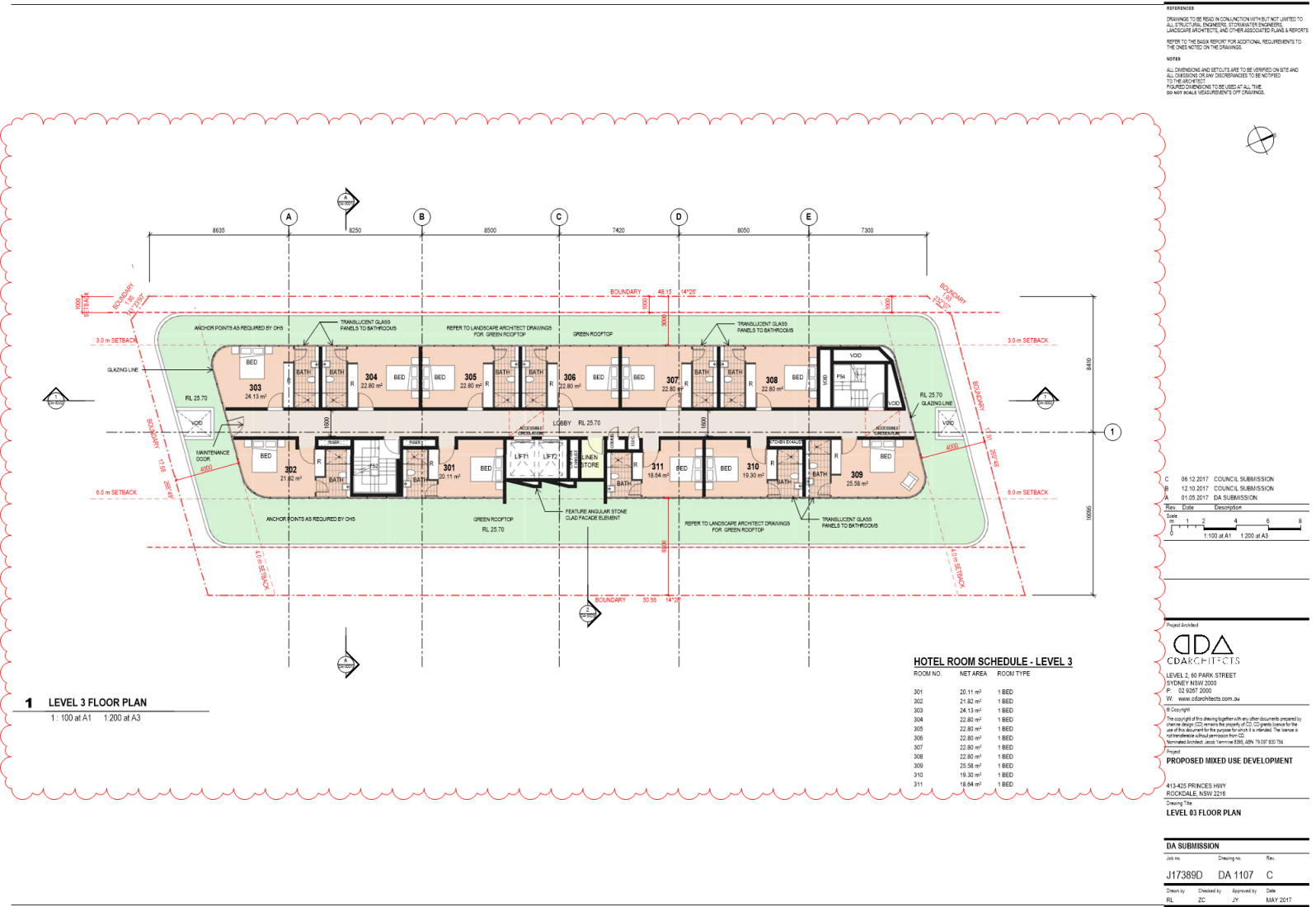
CDA
CONCEPTS
LEVEL 2, 40 PARK STREET
STREET SCAPE VIEW
P 02/12/2017
R 02/12/2017
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Proposed Mixed Use Development
40-42 PARK STREET
ROCKDALE NSW 2116
Drawing Title
STREETSCAPE VIEW
DA SUBMISSION
Rev Date Description
1 12/12/2017 12/12/2017
J173860 DA 7023 B
Drawn by: Checked by: Approved by: Date
Author: Checker: Approver: 08/12/2017

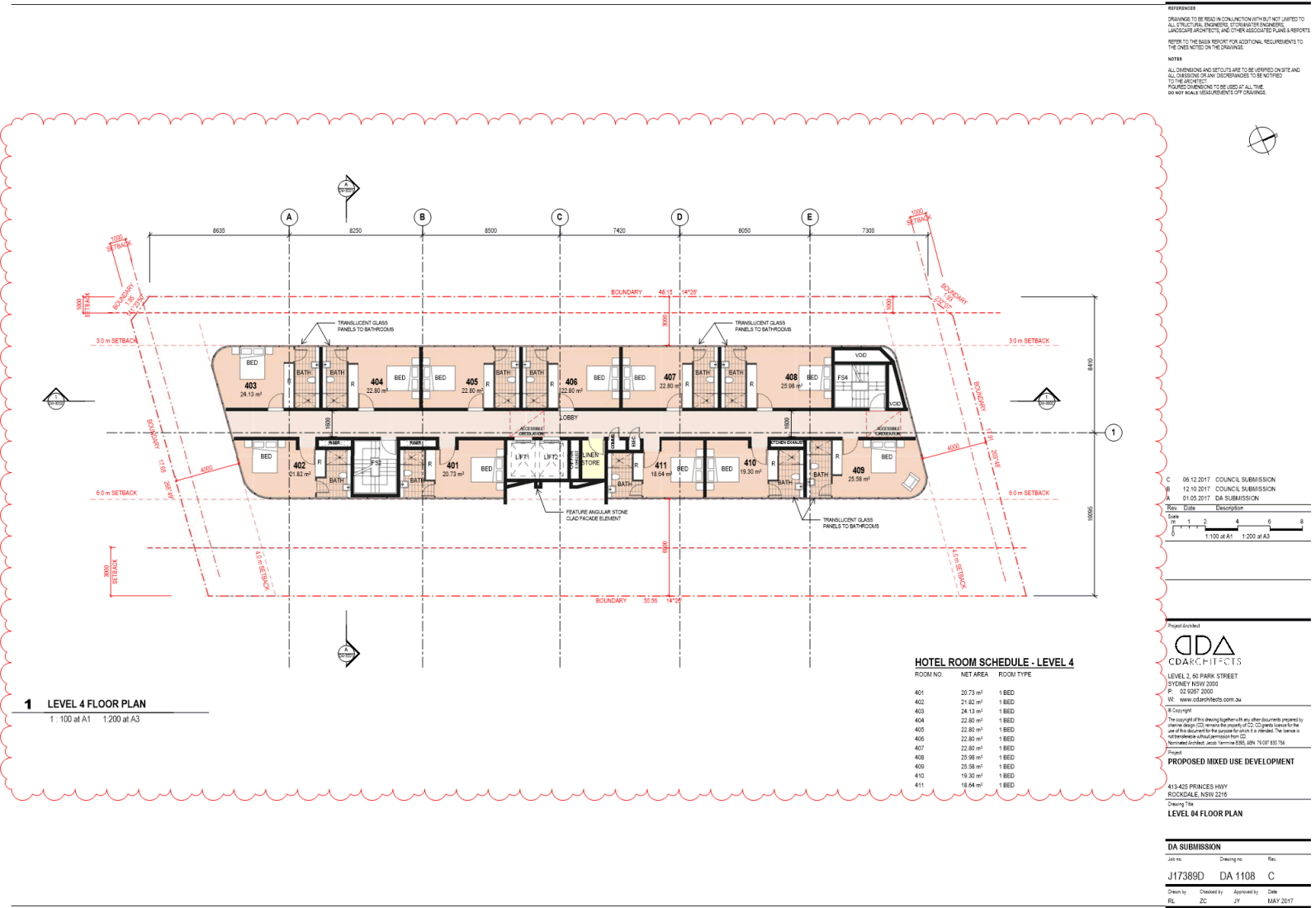


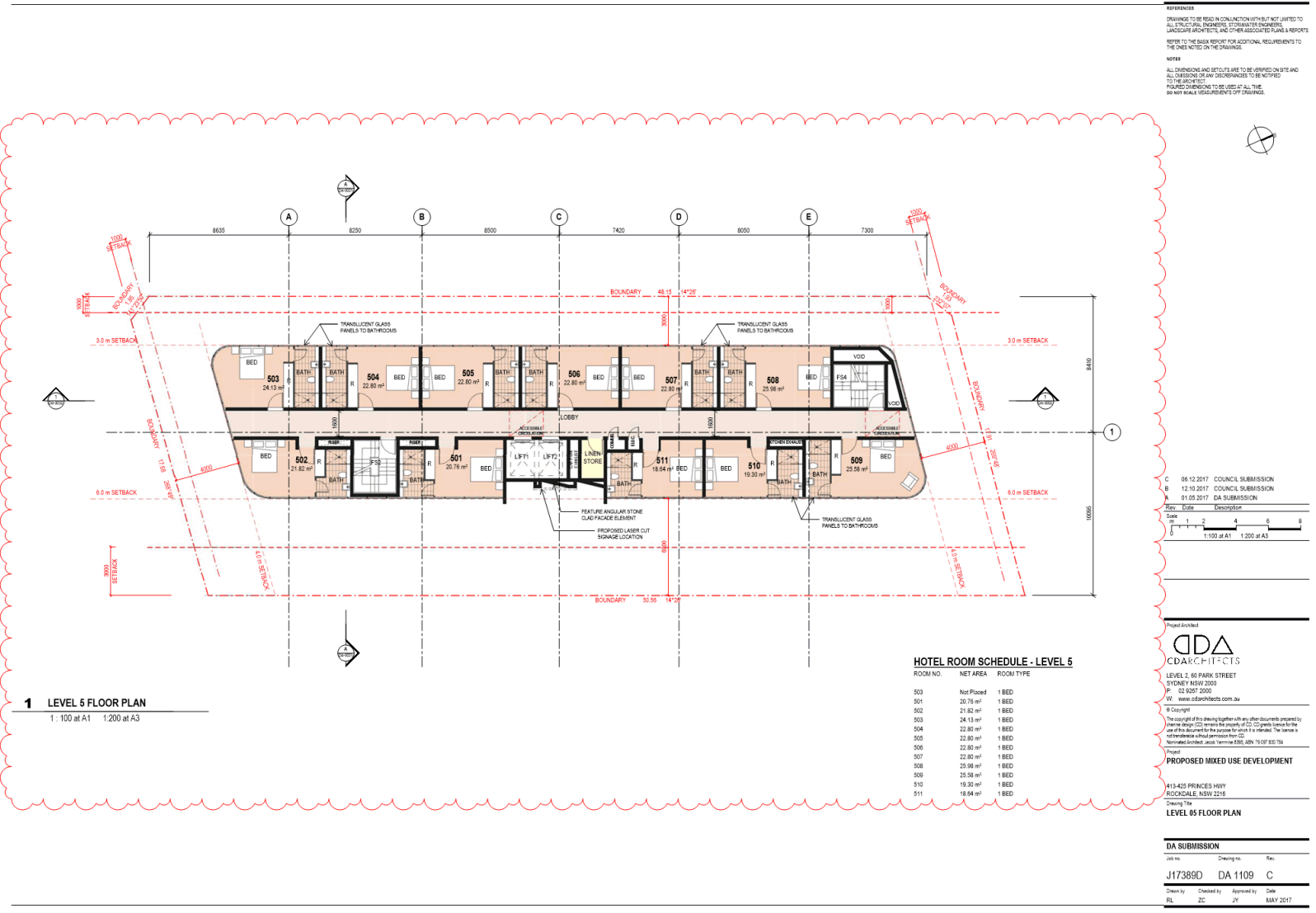




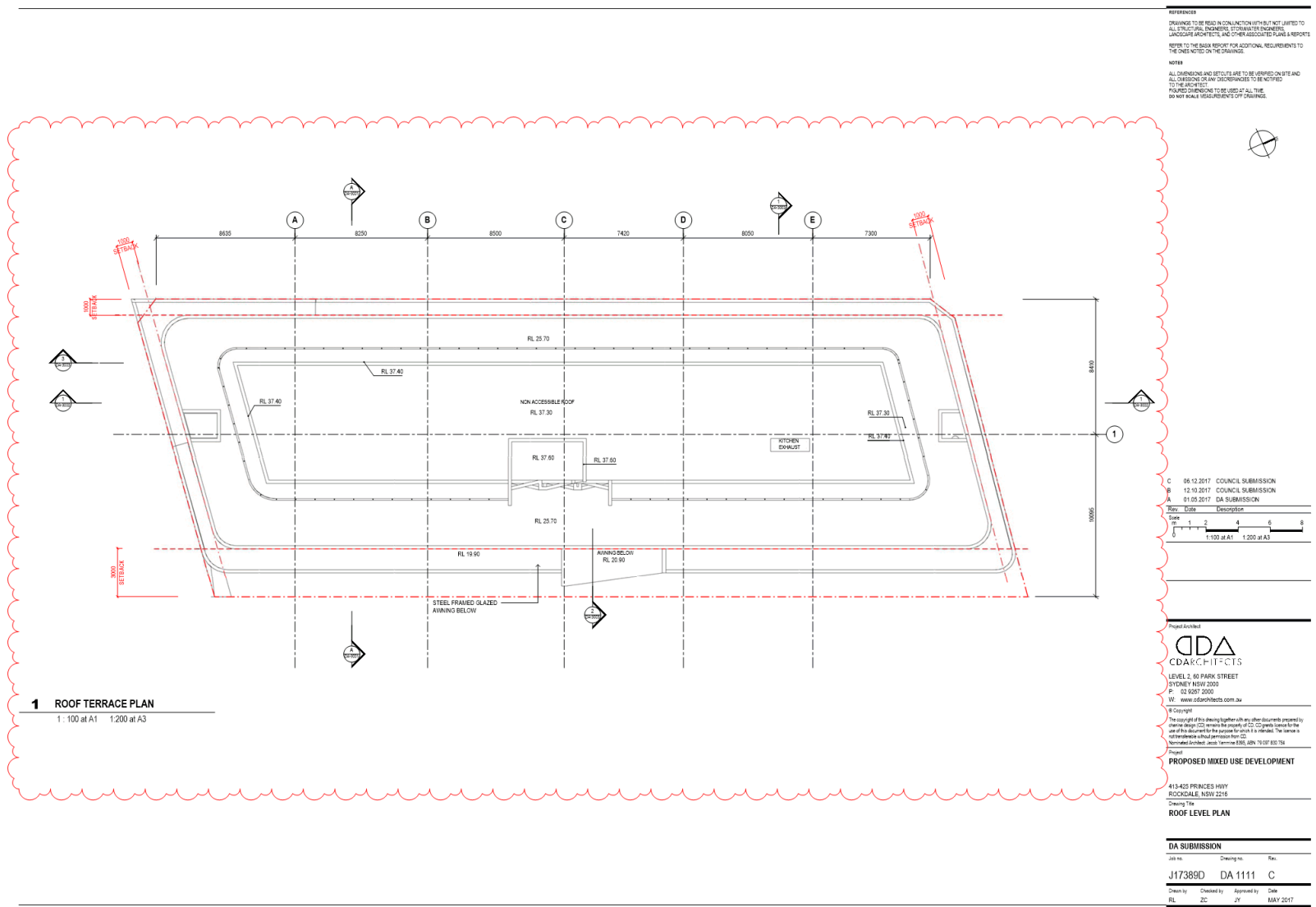


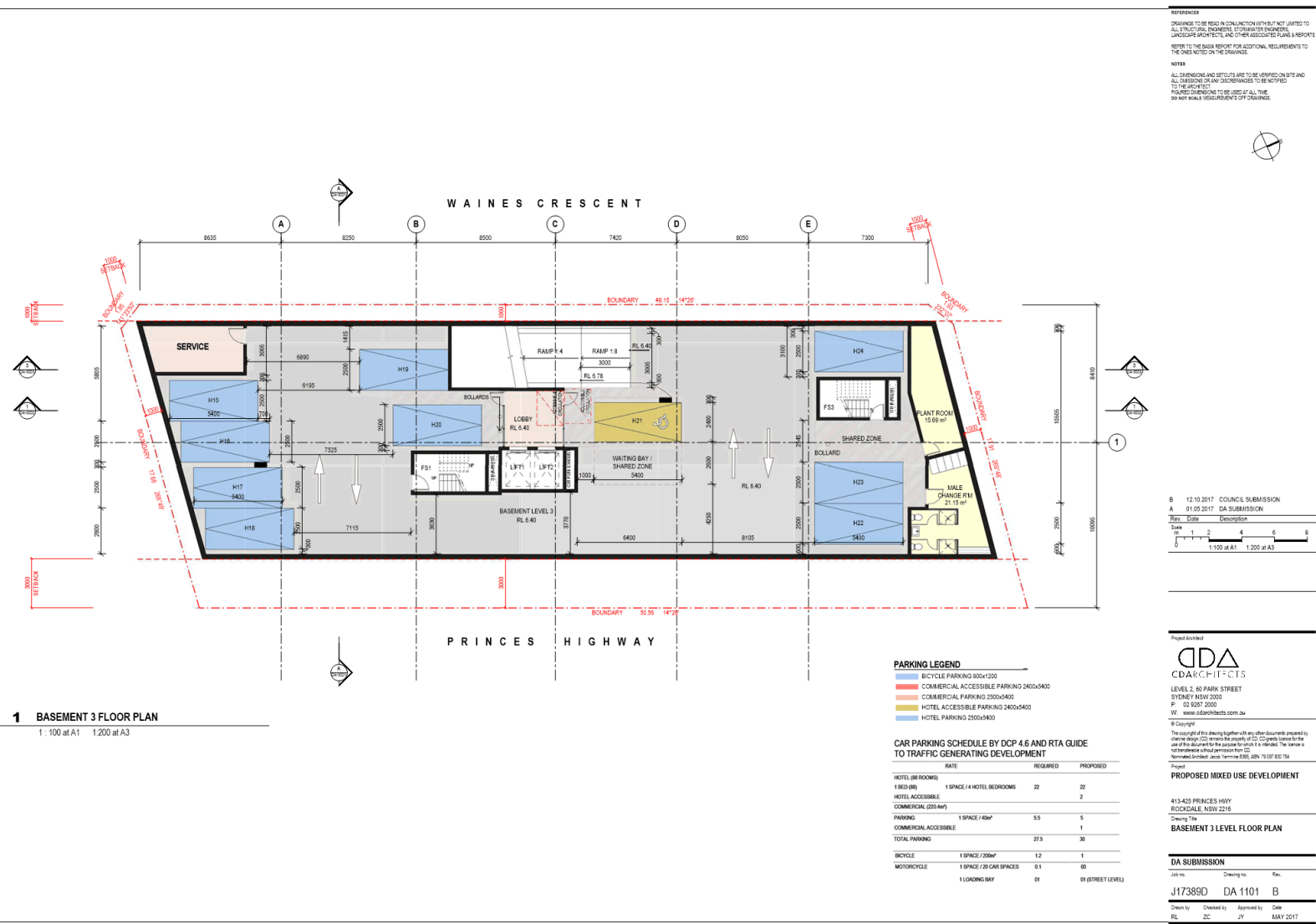




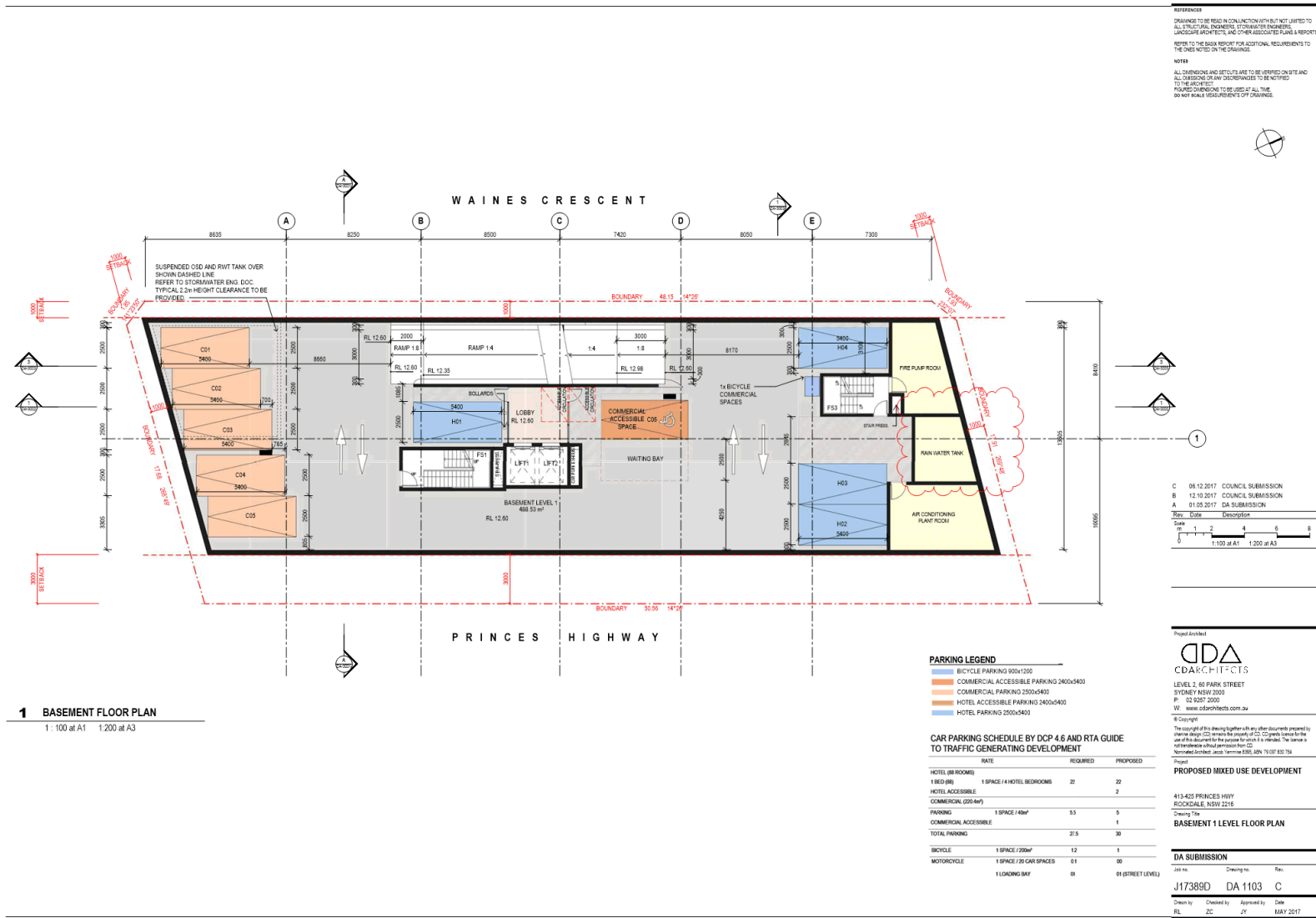


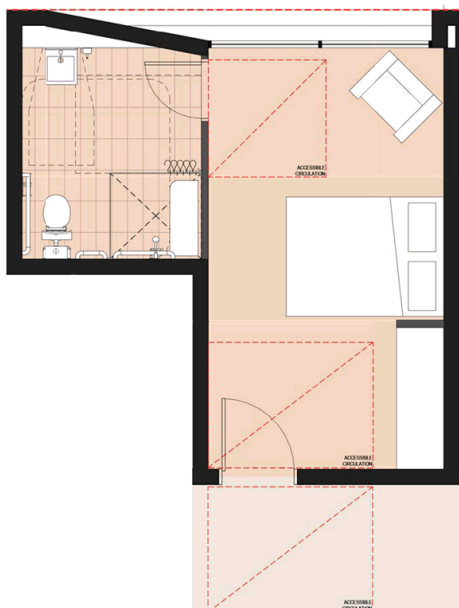




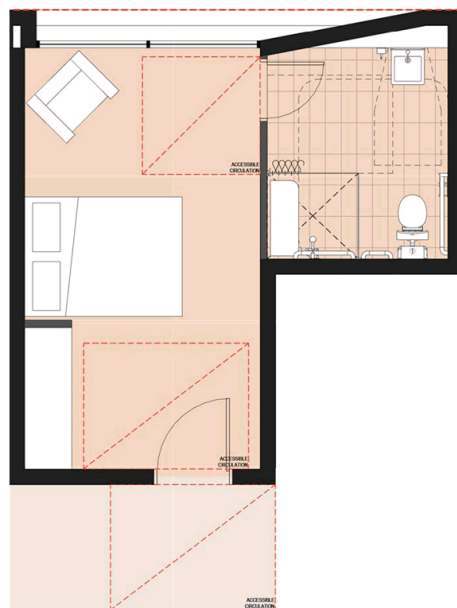








1 ACCESSIBLE ROOMS - 107, 207



2 ACCESSIBLE ROOMS - 114, 214

ACCESSIBLE ROOM GENERAL NOTES

CONTRACTOR TO ENSURE THE FOLLOWING PROVISIONS ALLOWED FOR ACCESSIBLE ROOM

REFER TO A54299 FOR FURTHER DETAILS

01. DOOR THRESHOLDS TO BE LOW LEVEL
02. ACCESSIBLE ENTRY DOOR TO HAVE 850 mm MIN. CLEARANCE
03. DOOR LEVER HANDLES AND HARDWARE TO AS 1428.1
04. POTENTIAL MIN. ILLUMINATION LEVEL 300 LUX TO ALL SPACES
05. INTERNAL DOORS TO HAVE 80 mm MIN. CLEARANCE
06. INTERNAL CORRIDORS MIN. WIDTH OF 1000 mm
07. PROVISION FOR COMPLIANCE WITH AS 1428.1 FOR DOOR APPROACHES
08. TELEPHONE ADJACENT TO GPO

KITCHENS

09. PROVISION FOR BENCHES PLANNED TO INCLUDE AT LEAST ONE WORKSURFACE OF 800mm LENGTH, ADJUSTABLE IN HEIGHT FROM 750mm TO 850mm OR REPLACEABLE
10. REFRIGERATOR ADJACENT TO WORK SURFACE
11. KITCHEN SINK ADJUSTABLE TO HEIGHTS FROM 750mm TO 850mm OR REPLACEABLE
12. KITCHEN SINK BOWL MAX. 150mm DEEP WHEN ADAPTED
13. TAP SET CAPSTAN OR LEVER HANDLES OR LEVER MIXER
14. TAP SET LOCATED WITHIN 300mm OF FRONT OF SINK
15. COOKTOP TO INCLUDE EITHER FRONT OR SIDE CONTROLS WITH RAISED CROSS BARS
16. COOKTOP TO INCLUDE ISOLATING SWITCH
17. WORKSURFACE MIN. 800mm LENGTH ADJACENT TO COOKTOP AT SAME HEIGHT
18. OVEN LOCATED ADJACENT TO AN ADJUSTABLE HEIGHT OR REPLACEABLE WORK SURFACE
19. GPO TO COMPLY WITH AS 1428.1 AT LEAST ONE DOUBLE GPO WITHIN 300mm OF FRONT OF WORKSURFACE IN KITCHEN
20. GPO FOR REFRIGERATOR TO BE EASILY REACHABLE WHEN THE REFRIGERATOR IS IN ITS OPERATING POSITION
21. SLIP-RESISTANT FLOOR SURFACE

BATHROOMS AND OR ENSUITES

22. SHOWER RECESS- NO HOE, MINIMUM SIZE 1160 x 1100 TO COMPLY WITH AS 1428.1
23. SHOWER AREA WATERPROOFED TO AS 3740 WITH FLOOR TO FALL TO WASTE
24. RECESSED SOAP HOLDER
25. SHOWER TAPS POSITIONED FOR EASY REACH TO ACCESS SIDE OF SHOWER SLIDING TRACK
26. PROVISION FOR ADJUSTABLE, DETACHABLE HAND HELD SHOWER ROSE MOUNTED ON A SLIDER (GRABBAR OR FIXED HOOK (PLUMBING AND WALL - STRENGTHENING PROVISION))
27. PROVISION FOR GRABBAR IN SHOWER (REFER TO FIGURE 4.7) TO COMPLY WITH AS 1428.1
28. TAP SETS TO BE CAPSTAN OR LEVER HANDLES WITH SINGLE OUTLET
29. PROVISION FOR WASHBASIN WITH CLEARANCES TO COMPLY WITH AS 1428.1
30. DOUBLE GPO BESIDE MIRROR
31. LOCATION OF WC PAN AT CORRECT DISTANCE FROM FIXED WALLS

REFERENCES
DRAWINGS TO BE PREPARED IN CONJUNCTION WITH BUT NOT LIMITED TO ALL STRUCTURAL, MECHANICAL, ELECTRICAL, PLUMBING, SANITARY, ARCHITECTURAL AND OTHER ASSOCIATED PLANS & SPECIFICATIONS
REFER TO THE BASIS REPORT FOR ADDITIONAL REQUIREMENTS TO THE ONES NOTED ON THE DRAWINGS

NOTES
ALL DIMENSIONS AND DETAILS ARE TO BE VERIFIED ON SITE AND ALL CHANGES OR ANY DISCREPANCIES TO BE NOTIFIED TO THE ARCHITECT
FOUNDED CHANGING TO BE USED AT ALL TIMES
DO NOT SCALE DIMENSIONS OFF DRAWINGS



B 12.10.2017 COUNCIL SUBMISSION

A 01.05.2017 DA SUBMISSION

Rev	Date	Description
0		

Project Architect

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Project

PROPOSED MIXED USE DEVELOPMENT

413-425 PRINCES HWY

ROCKDALE, NSW 2216

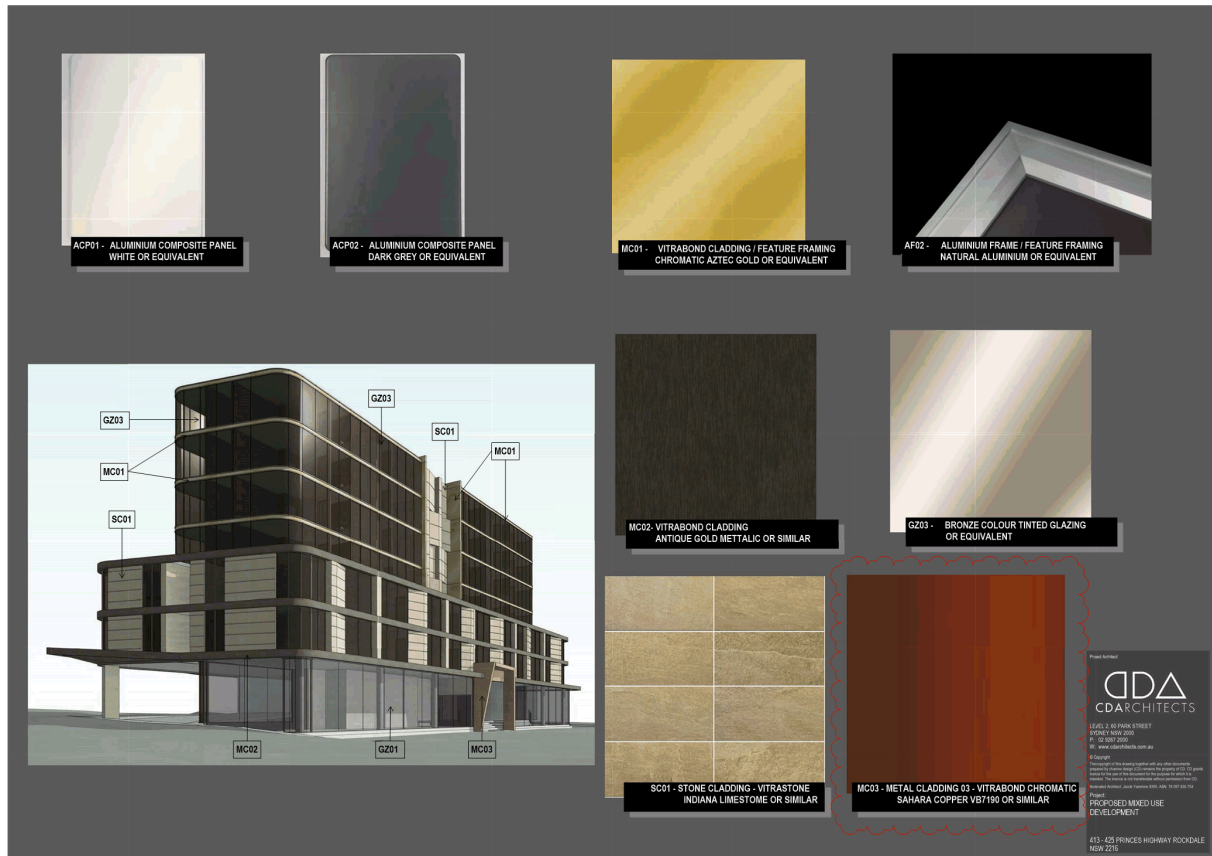
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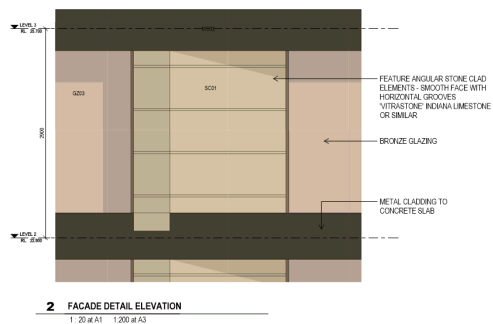
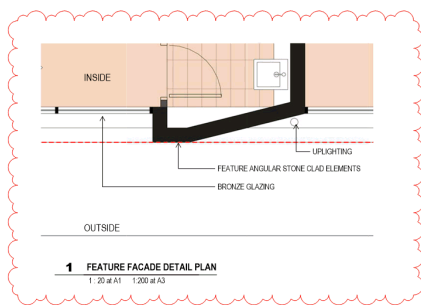
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		DATE
		MAY 2017









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Project Name
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LEVEL 2, 40 PARK STREET
STREET FRONT ELEVATION
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PROPOSED MIXED USE DEVELOPMENT

41-43/45 PRINCES HWY
ROCKDALE NSW 2166

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APPENDIX

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Project Location

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BY: JAMES J. JAMES

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PROPOSED MIXED USE DEVELOPMENT

415-425 PIERCE STREET
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Project Title

CONCEPT STORYBOARD - SHEET 1

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Rev. 02/08/2017

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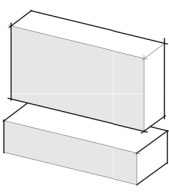
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- LIGHTWEIGHT GLAZING FACADE
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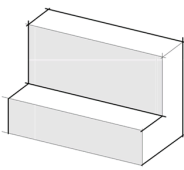
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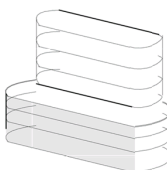
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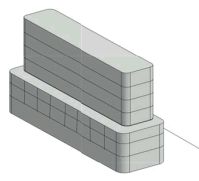
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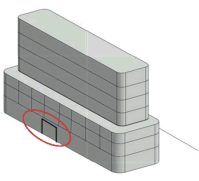
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BUILDING BASE AND VERTICAL ELEMENT



ARTICULATION - EMPHASIS ON ENTRY



ANGULAR FACADE ELEMENTS FURTHER ENHANCE THE MOVEMENT OF ARCHITECTURAL STYLE

PROPOSED BUILDING

CDA

CONCEPTS

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PROPOSED MIXED USE DEVELOPMENT

41-43 PARK STREET

ROCKDALE, NSW 2116

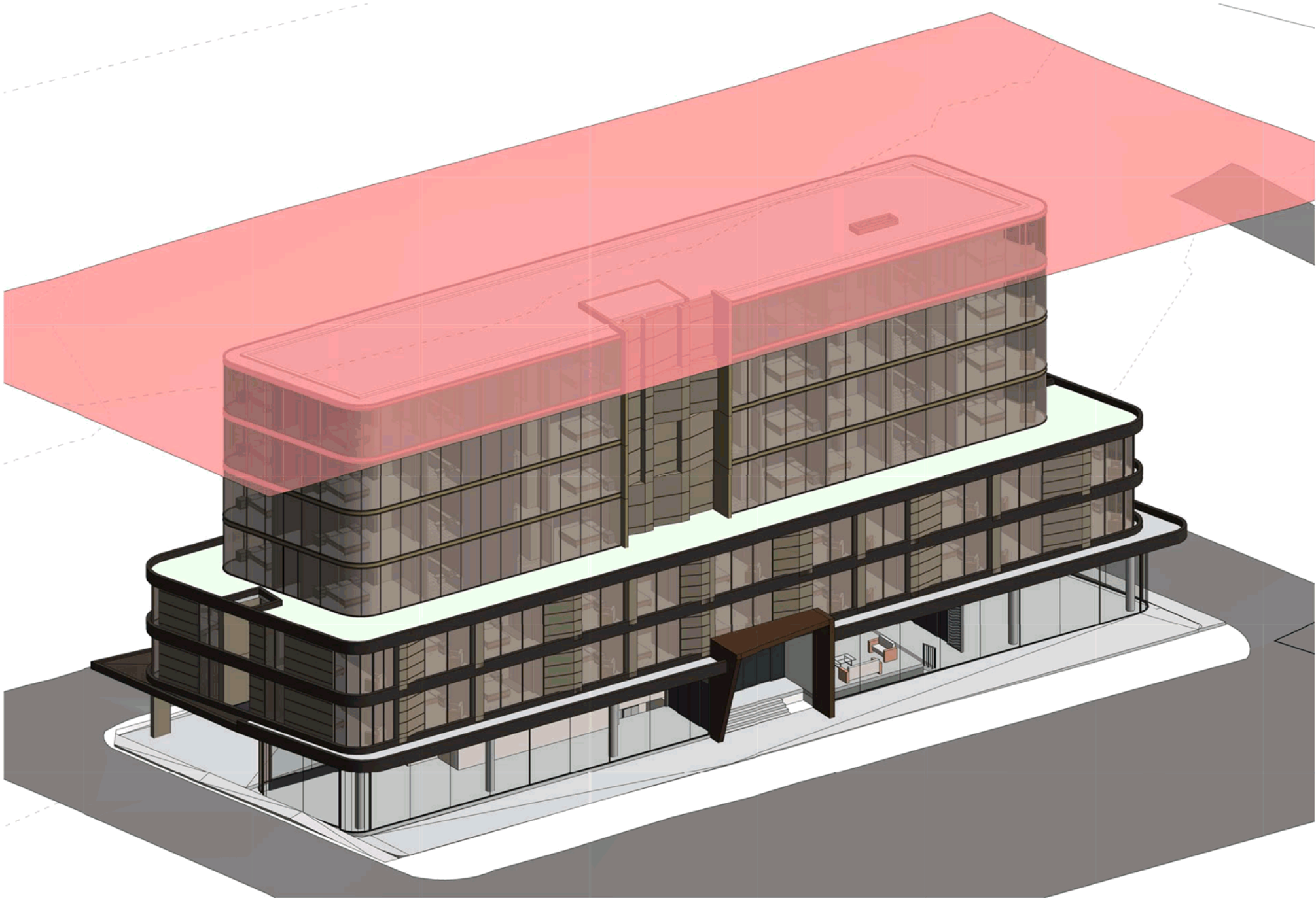
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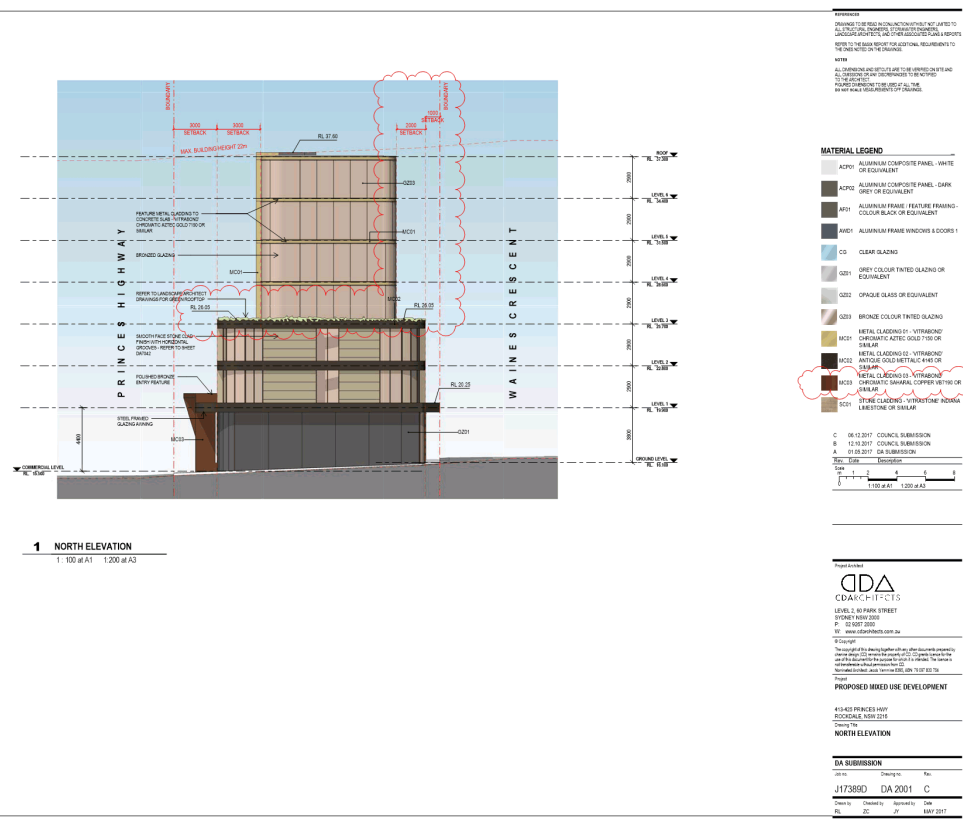
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Project
PROPOSED MIXED USE DEVELOPMENT

413-425 PRINCES HWY
ROCKDALE, NSW 2216
Drawing Title
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J17389D	DA 7033	A	
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SECTION A

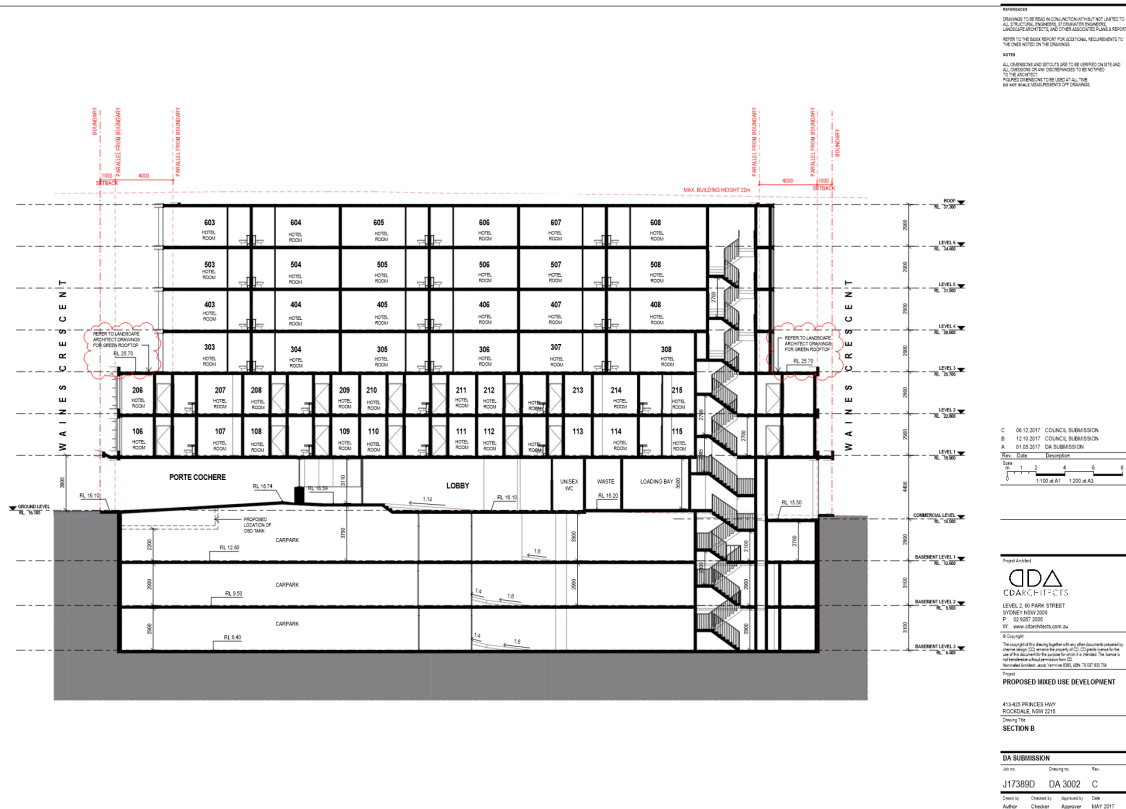
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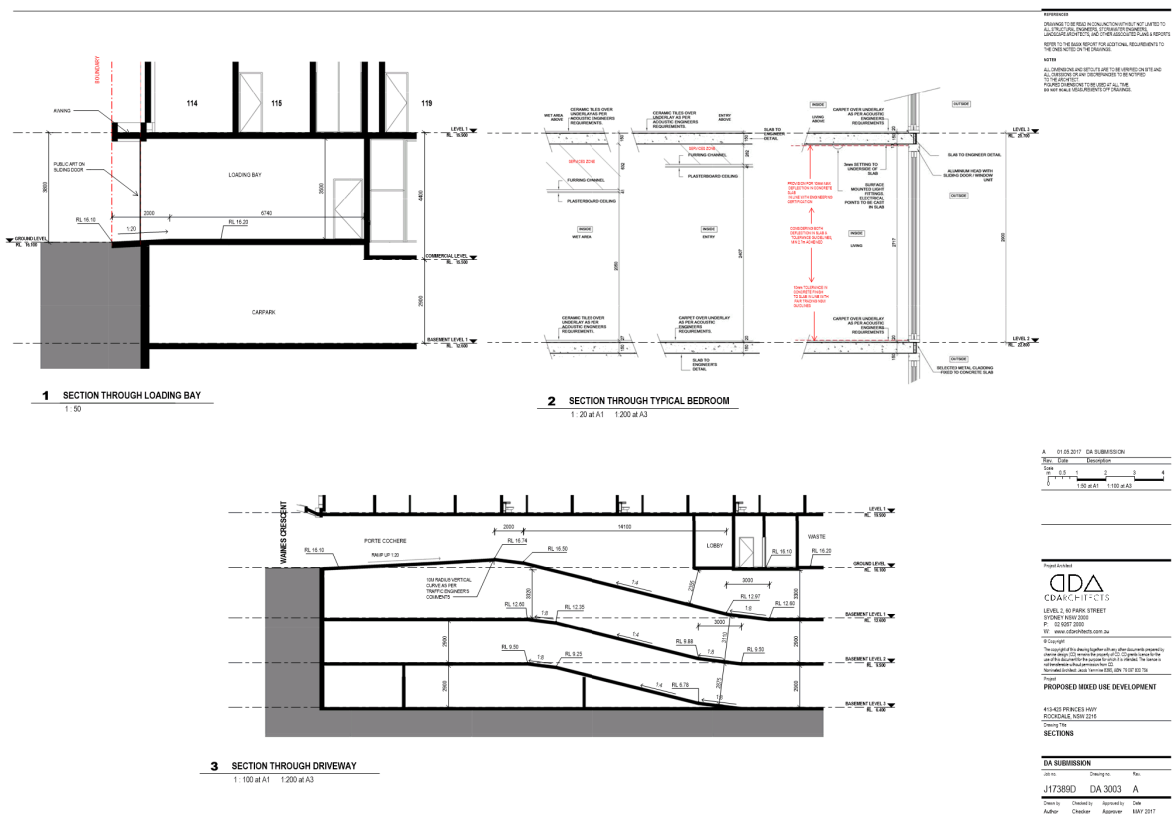
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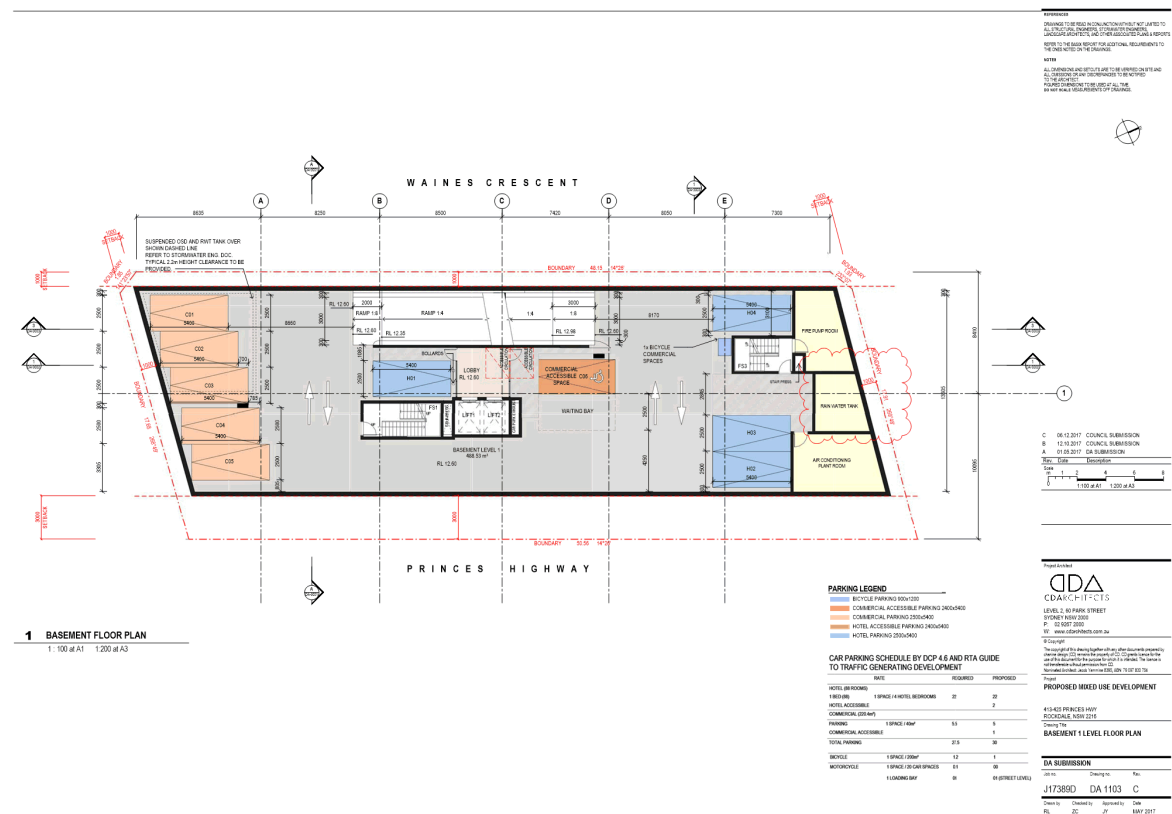
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PROPOSED MIXED USE DEVELOPMENT

41/43 PRINCES HWY
ROCKDALE NSW 2198

Drawing No
3D VIEWS - NORTH EAST VIEW

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J173860	DA 7031	C	
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PROPOSED MIXED USE DEVELOPMENT

413-425 PRINCES HWY
ROCKDALE, NSW 2216

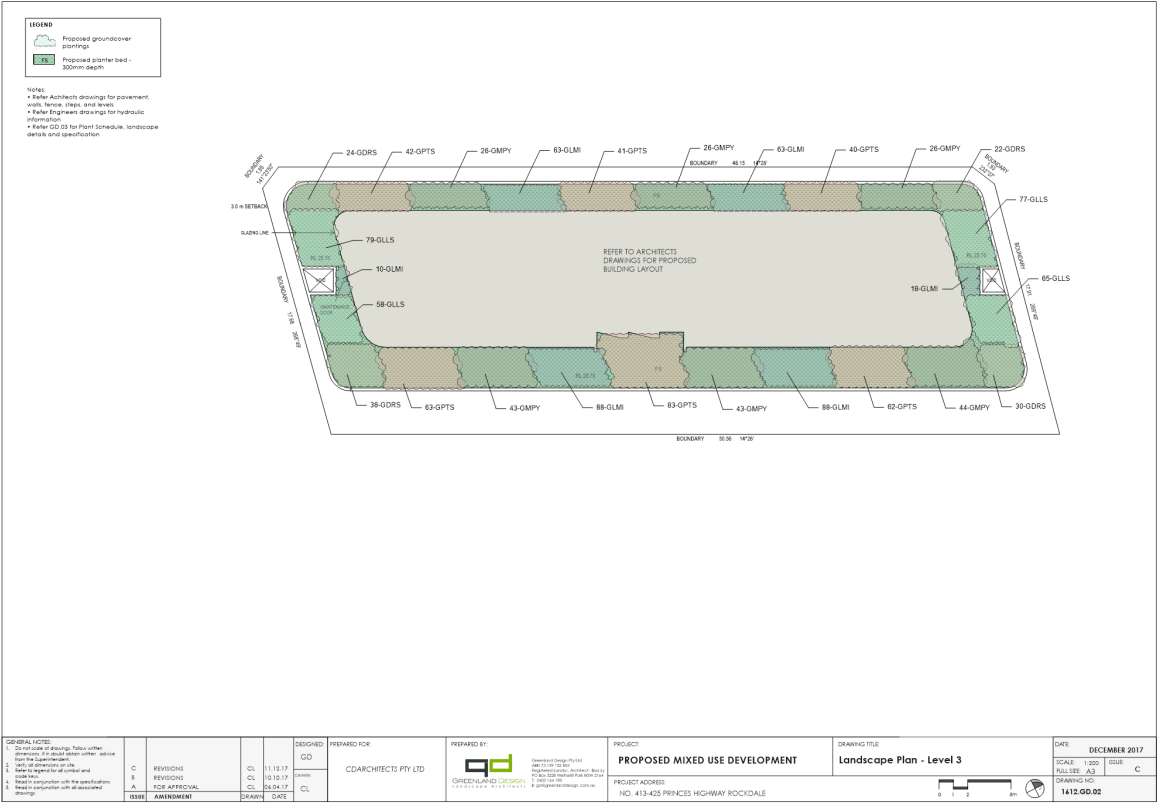
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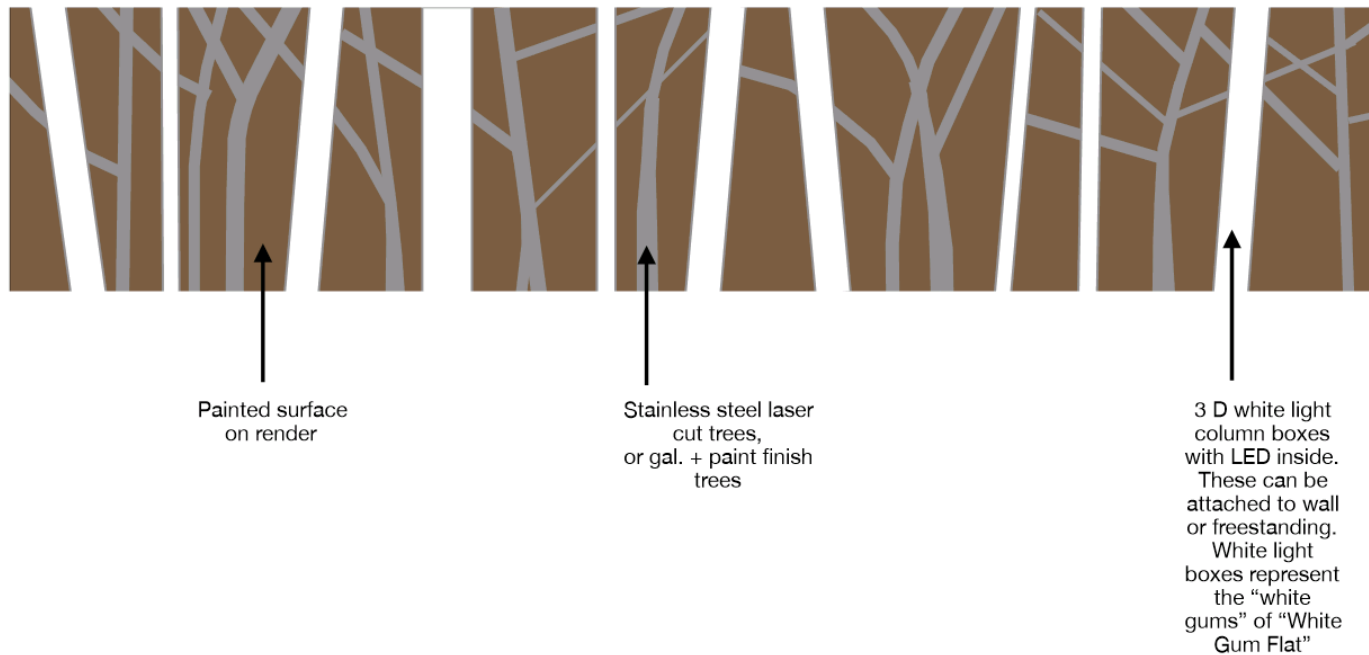






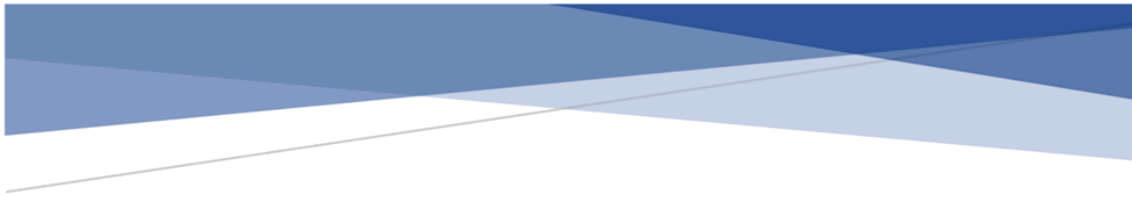


Rockdale was known by Europeans as *Frog Hollow*, then **White Gum Flat** and later as *West Botany*.



413-425 Princes Hwy Rockdale - Hotel facade concept





413-425 Princes Highway, Rockdale Proposed Mixed Use Development Traffic and Parking Assessment Report

Prepared for:
Chanine Developments
20/04/2017

The Transport Planning Partnership
E: info@tpp.net.au

413-425 Princes Highway, Rockdale Proposed Mixed Use Development Traffic and Parking Assessment Report

Client: Chanine Developments

Version: Final

Date: 20/04/2017

TTPP Reference: 17033

Quality Record

Version	Date	Prepared by	Reviewed by	Approved by	Signature
Final	20/04/17	Lalaine Malaluan	Michael Lee	Michael Lee	

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APPENDICES

- A. ARCHITECTURAL BASEMENT CAR PARK PLANS
- B. SWEPT PATH DIAGRAMMS

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iii

1 Introduction

This traffic and parking assessment report relates to a proposed mixed use development at 413-425 Princes Highway, Rockdale. The proposed development is for the demolition of all buildings on site and construct in their place a seven-storey building comprising of 126 hotel rooms with approximately 203m² of commercial floor area. Three levels of basement parking are also proposed consisting of 34 car park spaces, which is inclusive of seven accessible parking spaces.

It is noted that the hotel is proposed to be developed as a 3-4 star hotel. Its patron would be mainly derived from international tourists arriving and departing at Sydney Kingsford Smith Airport. Valet parking will also be offered as a service to hotel's guests if required. A mini-bus will also be provided to shuttle hotel guests between key pick up locations (e.g. airport) and the hotel.

A development application is being prepared for lodgement with Bayside Council for the proposed development. The Transport Planning Partnership (TPPP) has been commissioned by Chanine Developments to prepare this traffic and parking report assessing the traffic and parking effects of the proposed development. This report is to accompany the development application.

The report is set out as follows:

- Chapter 2 discusses the existing conditions including a description of the subject site
- Chapter 3 provides a brief description of the proposed development
- Chapter 4 examines the traffic generation and its impacts (if any)
- Chapter 5 assesses the proposed on-site parking provision and internal layout, and
- Chapter 6 presents the summary and conclusion of the assessment.

2 Existing Conditions

2.1 Site Description

The proposed development is located at 413-425 Princes Highway, Rockdale and is under the jurisdiction of Bayside Council. The site is currently occupied by low-rise commercial establishments with frontage to Princes Highway.

The subject site is situated within the B4 Mixed Use Zone of Rockdale Town Centre. The location is in close proximity to commercial establishments, government offices and public transport facilities. The location of the subject site and its vicinity are presented in Figure 2.1.

Figure 2.1: Locality Plan



2.2 Road Network

The proposed development is bounded by Waines Crescent and Princes Highway. A brief description of surrounding roads is presented below.

2.2.1 Princes Highway

Princes Highway is a Roads and Maritime Services (RMS) declared State Road that connects New South Wales, Victoria and South Australia. The New South Wales section runs from Sydney City to Eden at the Victorian Border.

Within the vicinity of the site, it is configured as a four-lane, two-way road with speed limit of 60km/hr. Median rails are also present along the stretch of the road.

Time restricted on-street parking is permitted on the both sides of the road on section starting south of Waines Crescent. Half hour parking is implemented from 10:00PM to 6:00PM Monday to Friday in the northbound direction, and 10:00PM to 3:00PM Monday to Friday in the southbound direction. Clearway restriction is implemented from 3:00PM to 7:00PM, but only in the southbound direction. On Saturdays, half hour parking is permitted from 8:30AM to 12:30PM.

2.2.2 Waines Crescent

Waines Crescent is a one-lane, one-way (in the northbound direction) local road bordering the proposed site. This road mainly serves as the loading dock access and customer and employee parking for existing establishments. Parking is not permitted on sections perpendicular to Princes Highway. Waines Crescent is a loop road connecting to Princes Highway at two places. The resultant intersections are configured as priority intersections.

2.3 Public transport

The subject site is located in close proximity to two railway stations, Banksia Railway Station and Rockdale Railway Station. Banksia Railway Station is located approximately 550m from the site, while Rockdale Railway Station is located approximately 450m from the site. These stations are located approximately 6-7 minutes walk from the site.

These stations are serviced by T4 Eastern Suburbs and Illawara Line which runs from Bondi Junction to Waterfall via Sydney CBD. During peak hours, trains typically arrive at these stations every 10 minutes.

Several bus stops are also located within the vicinity of the site. A summary of bus stops location, route and timetable are presented in Figure 2.2 and Table 2.1. These services run from Rockdale to city, inner west, south west, and southern Sydney.

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Figure 2.2: Public Transport Map

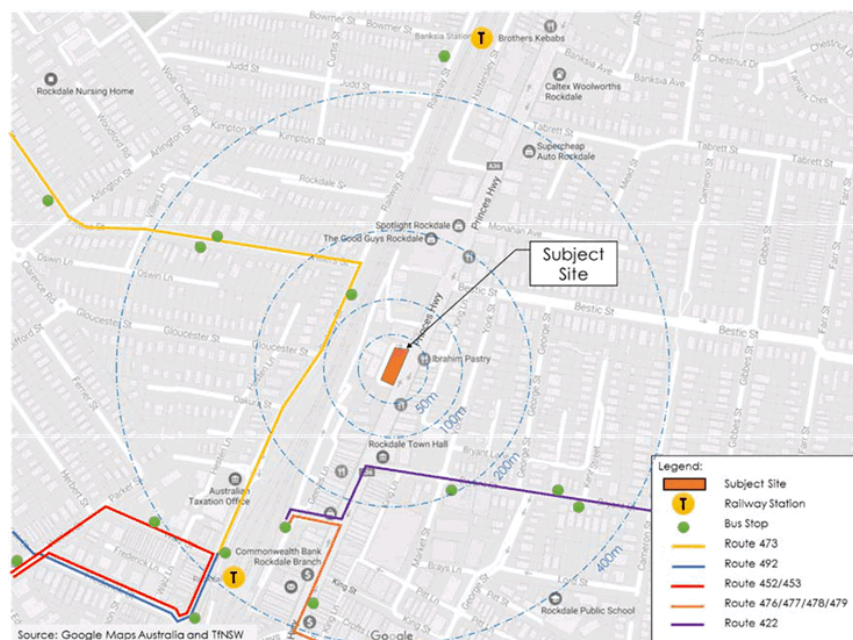


Table 2.1: Bus Services within Vicinity of Subject Site

Route No.	Route Connectivity Description	Typical Weekday Frequency During Peak Hour
473	Rockdale to Campsie	30 minutes
492	Rockdale to Drummoyne	20 minutes
452	Rockdale to Beverly Hills	20 minutes
476	Rockdale to Sans Souci	30 minutes
477	Rockdale to Miranda	15 minutes
478	Rockdale to Ramsgate	20 minutes
479	Rockdale to Kyeemagh	30 minutes
422	Kogarah to City	30 minutes

2.4 Pedestrian and Cycle Infrastructures

Fully constructed pedestrian footpaths are observed on both sides of Princes Highway. However, Waines Crescent does not have any constructed pedestrian footpath. Signalised pedestrian crossings are available at the Bestic Street and Bryant Street intersections with Princes Highway.

There are no cycle facilities in the immediate vicinity of the site.

3 Proposed Development

3.1 Development Description

The proposed development is for a seven-storey, mixed-use development consisting of 126 3-4 star hotel rooms with 203m² of commercial floor area. The commercial floor area is proposed to be provided in two separate commercial tenancies on the ground floor. The hotel rooms are proposed on Level 1 to Level 6.

The proposed development includes a three-level basement car park with a total of 34 car park spaces. This includes six accessible car park spaces. In addition, one bicycle parking space is also proposed for use by commercial tenants.

Appendix A contains the architectural layout plans of the proposed basement car park.

3.2 Proposed Vehicle Access Arrangements

Access to the car park is along the western section of Waines Crescent. From Waines Crescent, the basement car park can be accessed via a single lane, two-way ramp.

A valet parking service will be offered to hotel guests. As such, two waiting bays are proposed off Waines Crescent for use by hotel guests to drop off their vehicles. These would then be driven into the basement by hotel staff for storing.

3.3 Proposed Loading Area

The proposed development includes an on-site loading dock with one loading bay. The loading area is proposed to be located on the ground floor which can be accessed on the northern section of Waines Crescent.

The loading dock has been designed to accommodate vehicles up to an Australian Standard 6.4m long small rigid vehicle (SRV). Swept path analysis of a SRV accessing the loading bay has been carried out and is provided in Appendix B. The analysis found that a SRV can enter and exit the site in a forward direction satisfactorily.

3.4 Valet Parking

Valet parking services are proposed to be provided for hotel guests. Hotel guests would drop off their vehicles on the waiting bays on the ground floor for the hotel staff to park them inside the basement car park.

4 Traffic Assessment

Traffic generation rates for various land uses are provided in the RMS' *Guide to Traffic Generating Development* and the updated technical direction (TDT 2013/04) with revised rates. However, tourist hotels like the one being proposed are not included in the RMS guidelines. In this case, the RMS traffic generation rate for motels has been adopted and modified as discussed below.

It is noted that a hotel consultant has advised that typical check-in time for the proposed development would be 2:00PM, and the check-out time would be 10:00AM. Thus, peak hotel activity i.e. traffic demand arising from hotel guests arriving and departing would occur outside the surrounding network commuter peak periods. In addition, the site's close proximity to high frequency public transport services, including train services at Rockdale and Banksia Railway Stations, would also reduce vehicle trips to and from the proposed development.

In the light of the above, for traffic analytical purposes the traffic generation rates for the proposed hotel during the commuter peak periods have been conservatively assumed to be half that of the RMS suggested traffic generation rate for motel developments.

The estimated development traffic is summarised in Table 4.1.

Table 4.1: Traffic Generation Estimates

Land Use	Size (No. of Units/Area)	Design Rate		Trip Generation	
		Morning Peak	Evening Peak	Morning Peak	Evening Peak
Hotel (Motel)	126 rooms	0.17 per unit	0.17 per unit	21	21
Commercial	203m ²	1.6 per 100m ² GFA	1.2 per 100m ² GFA	3	2
TOTAL				24	23

The hotel use is estimated to generate 21 vehicles per hour (vph) during the peak period. The estimated trips that would be generated by the commercial use is 3 vph during the morning peak, and 2 vph during the evening peak. In total, the proposed development is expected to generate approximately 24 vph during the peak period.

In reality, the development traffic for the hotel component would be much lower than that estimated for reasons stated above. Therefore, this is a conservative assessment.

At any rate, the estimated 24 vph is considered to be moderate, especially when compared to the traffic volumes on Princes Highway. RMS counting station on Princes Highway south of Taylor Avenue indicates that the peak hour volumes on the Princes Highway in the peak direction range from 1,500 vph to 2,000 vph. The estimated development traffic of 24 vph is less than two per cent of the peak direction volume on the Princes Highway.

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In the light of the above discussions, the proposed development is not expected to generate any adverse traffic impacts on the local road network.

5 Parking Assessment

5.1 Car Parking Requirement

Parking assessment for the proposed development has been assessed against the statutory requirements set out in Rockdale Development Control Plan 2011 (RDCP). However, RDCP does not have a specific parking rate for a hotel use. RDCP states that if a parking rate has not been specified for a certain land use, the parking requirement for that proposed development is to be calculated using parking rates contained in the RMS *Guide to Traffic Generating Developments*. It is noted that the RMS suggested a parking rate of one space per four rooms.

A summary of RDCP car parking requirements are presented in Table 5.1.

Table 5.1: Car Parking Statutory Requirement

Proposed Use	Rooms/Floor Area (m ²)	RDCP Parking Rate	Required Parking
Hotel	126	1 space/ 4 bedrooms	32
Commercial (with 20% reduction on non-residential use)	203m ²	1 space/ 40sqm GFA	5
Total			37

From the above table, the proposed development is required to provide a total of 37 car parking spaces. This consists 32 hotel car parking spaces and five commercial parking spaces.

The proposed carpark provides a total of 34 car spaces, which includes:

- 32 standard car spaces for hotel use (including 6 accessible car spaces), and
- 2 commercial car spaces (including one accessible car parking).

It is noted that the proposed parking provision for the hotel component satisfies the RDCP requirement, however the proposed car parking provision for the commercial use is three spaces less than the RDCP requirement.

It is further noted that the suggested RDCP parking rate for commercial use is 1 space per 40m². This parking rate is consistent with the parking rate in the RMS guidelines for commercial developments. The RMS guidelines indicate this as unrestrained parking rate i.e. it does not consider the location of the development site in terms of its proximity to public transport nodes and other amenities in a town centre environment such as the locality of the subject site.

As noted previously, the site is located within the Rockdale Town Centre and within 450m walking distance to Rockdale Railway Station. In this regard, it is noted many local councils specify suppressed parking for various land uses located in close

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proximity to railway stations and within town centre environment. Typically suppressed parking rates for commercial developments would be approximately half of the RDCP rate.

On this basis, it is noted that the proposed parking provision for the proposed commercial use would be satisfactory.

5.2 Bicycle Parking Requirement

Rockdale DCP requires commercial land use to provide 1 bicycle space per 200m² of gross floor area. The RDCP has no specific bicycle parking requirement for hotel developments.

On this basis, the proposed development would require one (1) bicycle parking space for commercial use. As this is expected to be used by employees, the facility is classified as Class B bicycle in accordance with AS2890.3:2015.

The proposed bicycle parking space is located on the first basement level, thus providing enough security as required by the standard. To further comply with the Australian Standard, the size of the parking space should be able to accommodate the size of a standard bicycle. Specifically, the space should consider the bicycle design envelope of 1.8m length, 0.5m width, and 1.2m height.

5.3 Motorcycle Parking Requirement

A minimum of 1 motorcycle car space for commercial use is required by Rockdale DCP to be provided for every 20 commercial car spaces. As there are only 2 commercial car parking spaces that are provided on the proposed development, it is not required to provide motorcycle parking.

5.4 Internal carpark arrangement

A three-level basement parking is proposed to serve the subject development. As discussed in Section 3.2, a single lane, two-way straight ramp is located adjacent to Waines Crescent on each level, parallel to the longitudinal side of the development. The ramps have a main gradient of 1:5 with the transitions having a 1:8 slope at both ends of the ramp.

All the car parking spaces are configured as a 90-degree parking spaces with the same orientation as the ramp. These consists mainly of hotel car spaces which are classified as Class 2 car parking facility as stated in AS 2890.1:2004. Class 2 car parking spaces are required to have dimensions of 2.5m width and 5.4 length.

Commercial parking spaces are located on the first basement level. The commercial car parking spaces would be used by staff and as such have been designed as Class

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1A facilities. Class 1A car parking spaces are required to have dimensions of 2.4m by 5.4m.

Both Class 1A and Class 2 car parking facilities require a minimum of 5.8m aisle width.

Accessible car parking spaces are distributed on all three levels. These have been designed based on design requirements stipulated in AS2890.6:2009. AS2890.6:2009 requires accessible car spaces and the adjacent shared area each to have dimensions of 2.4m wide by 5.4m long.

It is further noted that the basement car parking has a minimum headroom of 2.2m generally throughout the car park, and 2.5m above accessible car spaces.

Bicycle parking space is also located on the first basement level, adjacent to the stairs on the northern side.

A review of the architectural basement car park plans indicates the proposed car spaces comply with the design requirements set out in the relevant Australian Standard as discussed above.

6 Summary and Conclusion

This report examines the traffic and parking implications of a proposed mixed use development at 413-425 Princes Highway, Rockdale. A summary of the findings in this report are presented below:

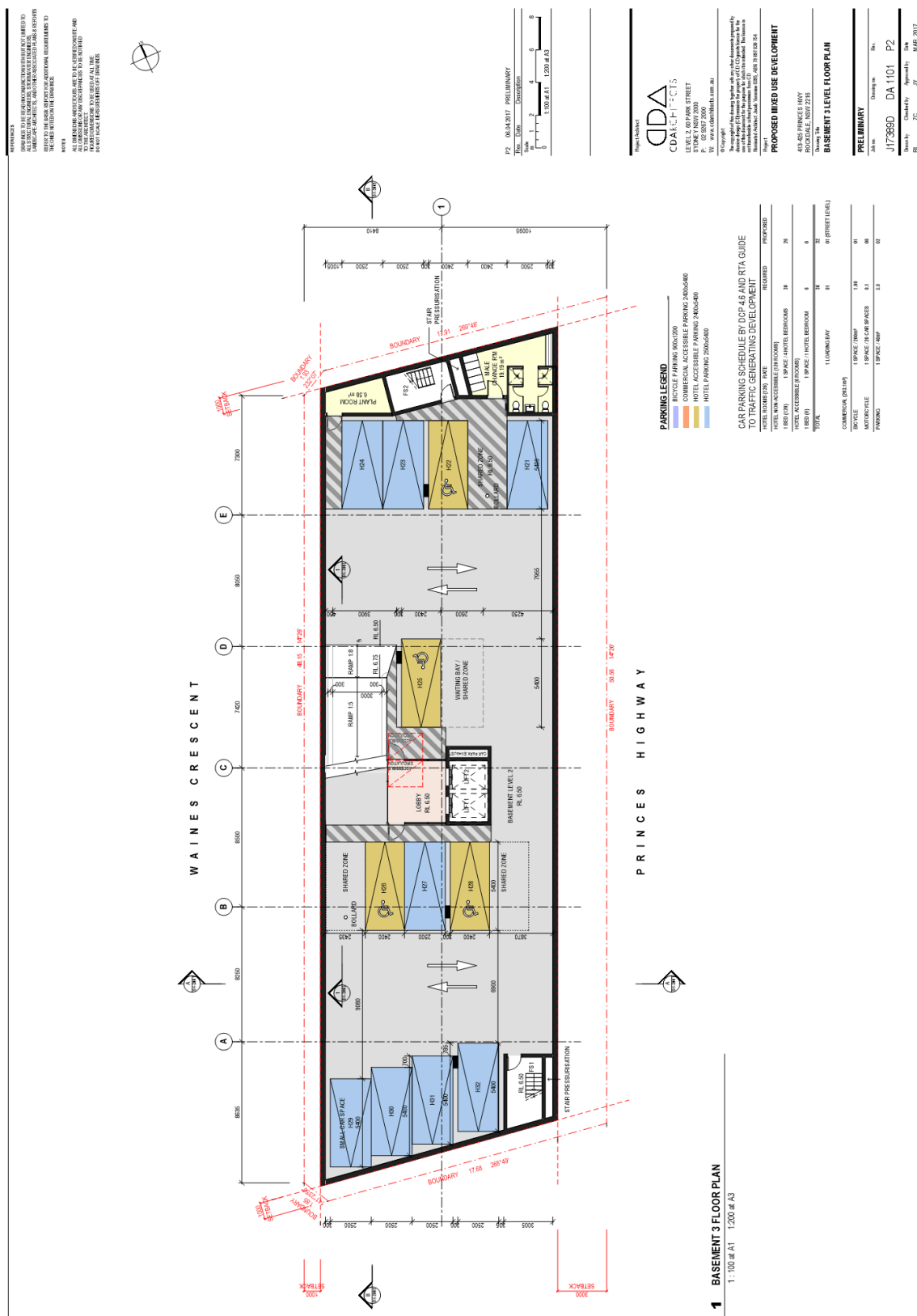
- The proposed development involves the construction of a seven-storey mixed-use development with a total of 126 hotel rooms and 203m² of commercial floor area.
- A three level basement car park is proposed. Access to car park is proposed to be off Waines Crescent.
- The traffic generation of the proposed development has been estimated to be approximately 24 vehicles per hour during the peak period. As the check-in and check-out times are well outside of the commuter peak period, the proposed development is expected to generate less traffic than this during the commuter peak periods.
- The estimated development traffic is considered to be low and as such is not expected to generate any adverse traffic impacts.
- Based on Rockdale DCP, the development is required to provide a total of 37 car parking spaces. The proposed supply is 34 car parking spaces. The short fall of three car spaces is considered to be acceptable for reasons stated in the report.
- The proposed car parking layout and access arrangement are considered to be satisfactory.

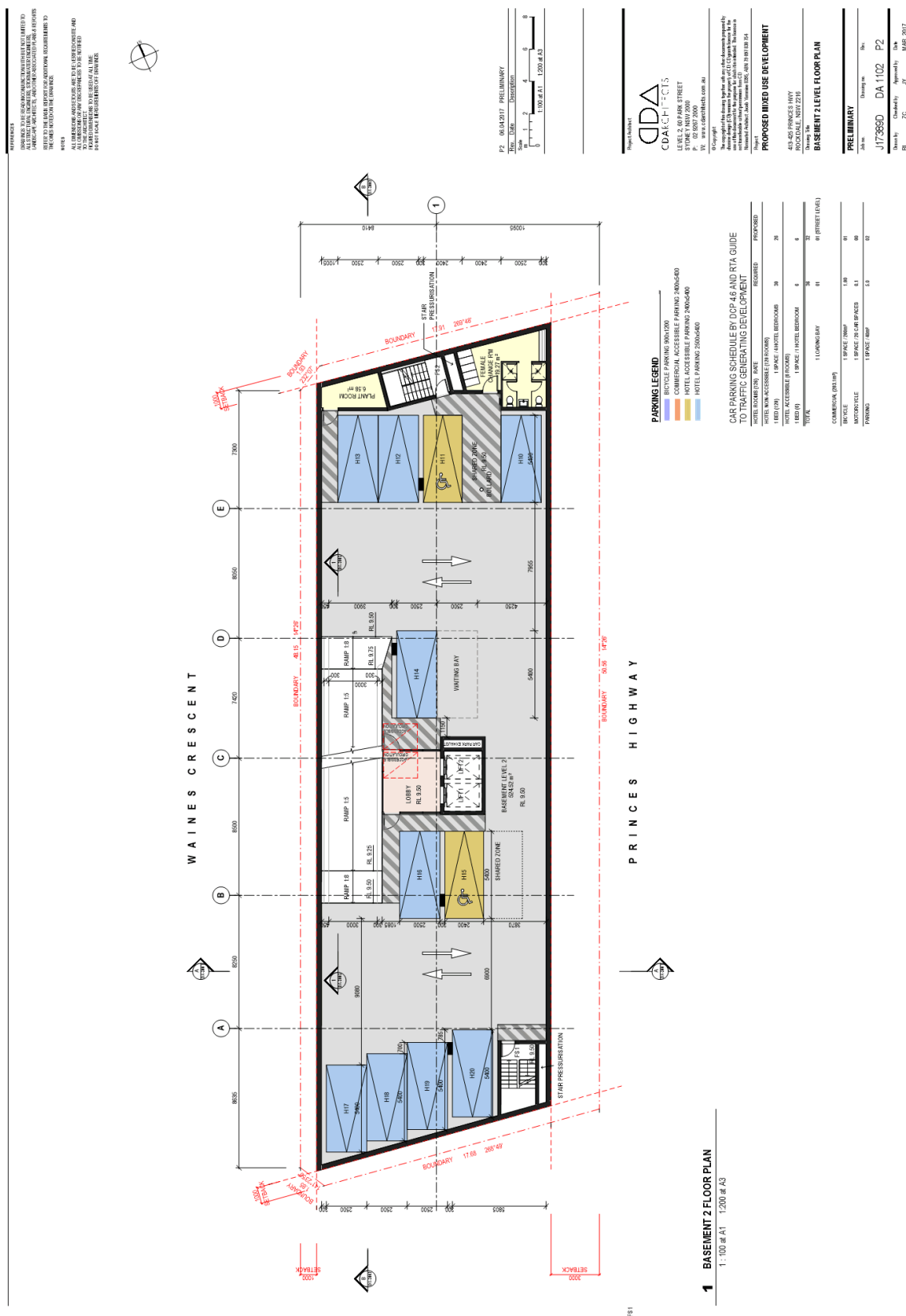
Overall, the traffic and parking effects of the proposed development are considered to be satisfactory.

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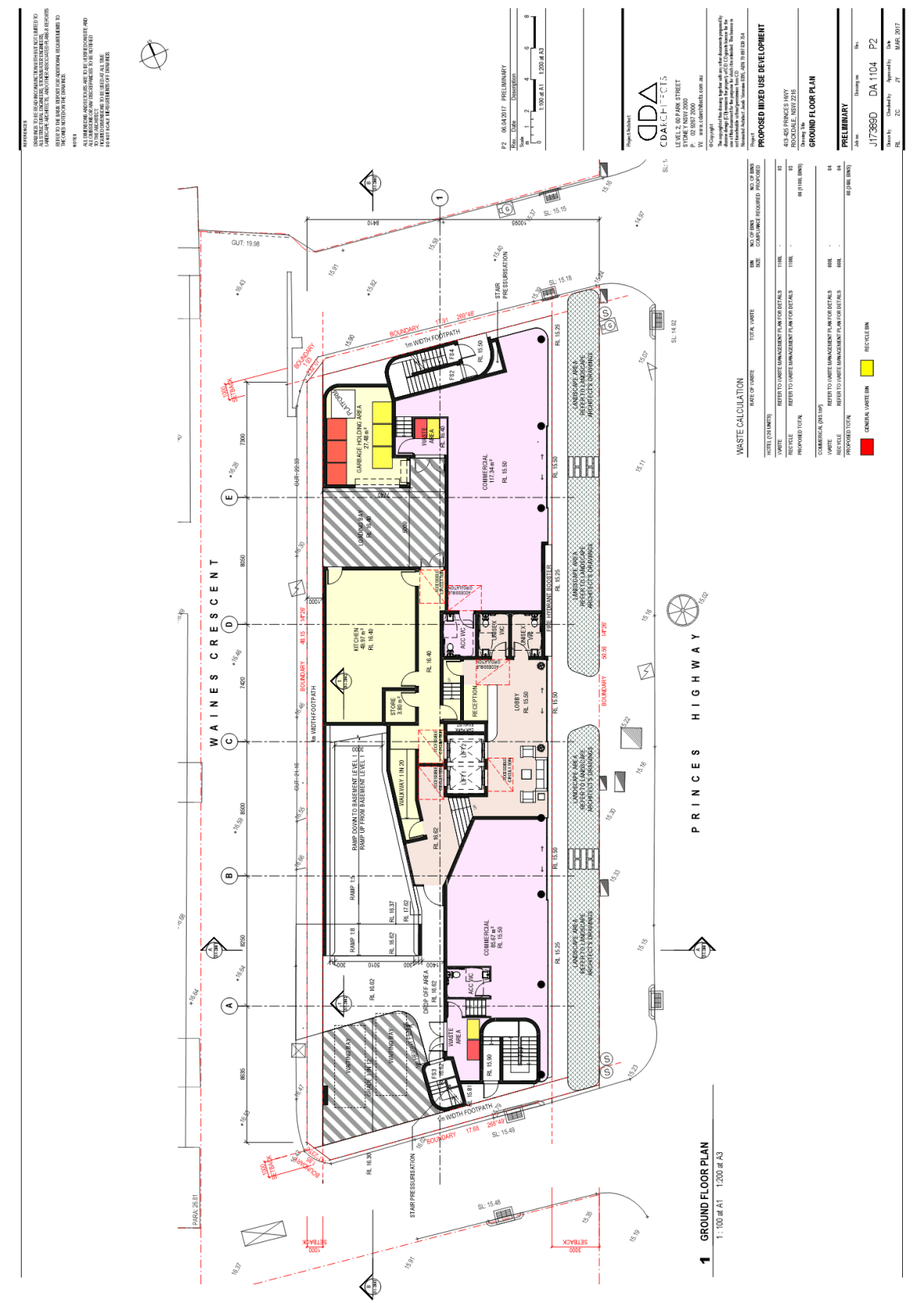
Appendix A

Architectural Basement Car Park Plans





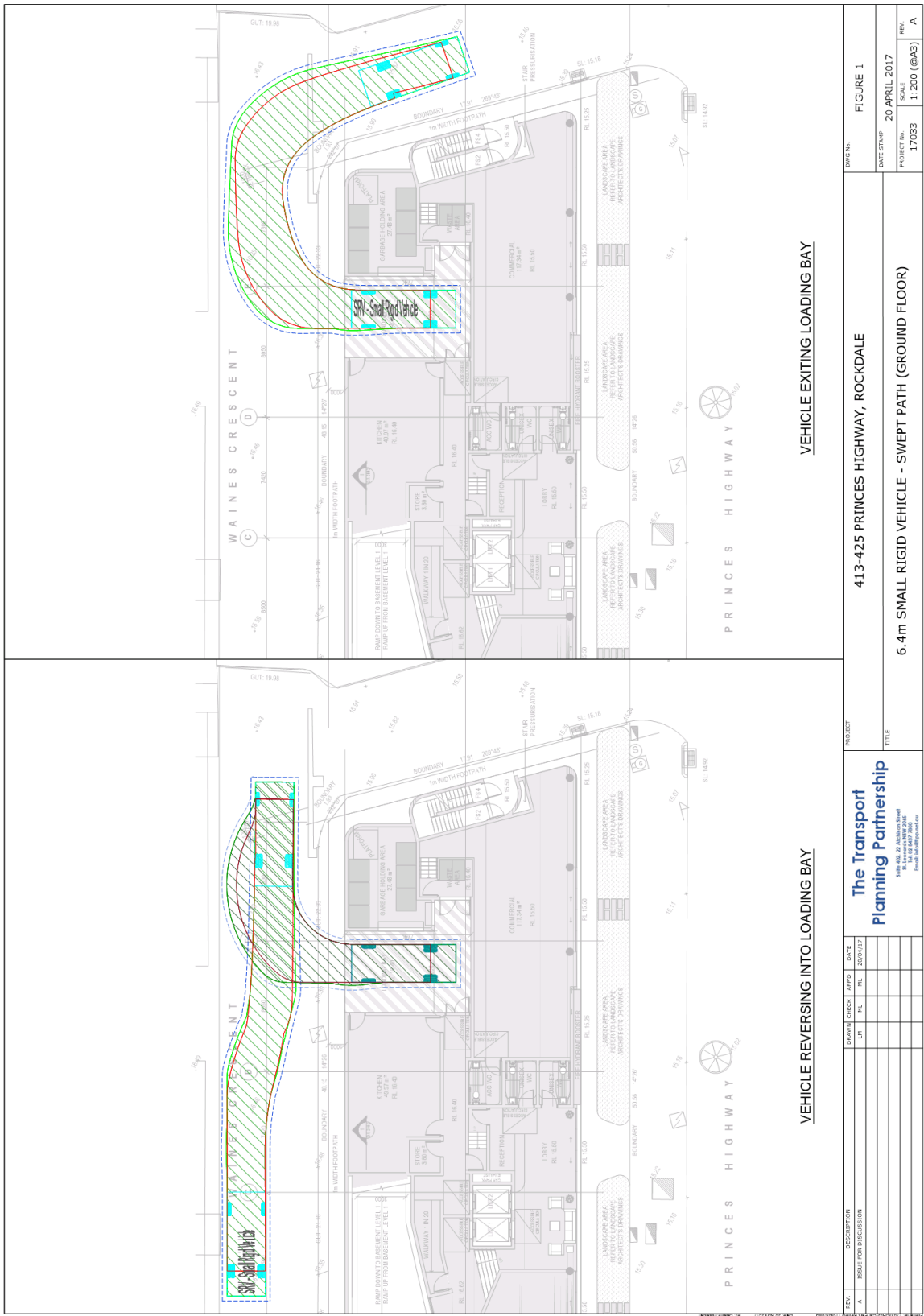




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Appendix B

Swept Path Diagrams



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WASTE MANAGEMENT PLAN

PREPARED FOR
Chanine Developments

Commercial Development
413-425 Princes Highway Rockdale,
NSW 2216

9/04/2018

Ph: 1800 025 073

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REVISIONS

Revision	Copy No.	Date	Prepared by	Reviewed by	Approved by	Remarks
A	1	31/03/2017	H Wilkes	A Armstrong	N Beattie	Draft
B	1	11/04/2017	H Wilkes	A Armstrong	N Beattie	Updated Plans
C	1	19/04/2017	H Wilkes	A Armstrong	N Beattie	Amendment
D	1	15/05/2017	H Wilkes	A Armstrong	N Beattie	Final
E	1	6/04/2018	H Wilkes	A Armstrong	A Armstrong	Updated Plans and Council Comments
F	1	9/04/2018	H Wilkes	A Armstrong	A Armstrong	Amendment

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EXECUTIVE SUMMARY

This waste management plan covers the ongoing management of waste generated by the commercial development located at Rockdale Hotel, 413-425 Princes Hwy Rockdale 2216.

Waste audit and management strategies are recommended for new developments to provide support for the building design and promote strong sustainability outcomes for the building. All recommended waste management plans will comply with council codes and any statutory requirements. The waste management plan has three key objectives:

- i. **Ensure waste is managed to reduce the amount of waste and recyclables to land fill** by assisting residents to segregate appropriate materials that can be recycled; displaying signage to remind and encourage recycling practices; and through placement of recycling and waste bins in the retail precinct to reinforce these messages.
- ii. **Recover, reuse and recycle** generated waste wherever possible.
- iii. **Compliance** with all relevant codes and policies.

To assist in providing clean and well-segregated waste material, it is essential that this waste management plan is integral to the overall management of the building and clearly communicated to residents and tenants.

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GLOSSARY OF TERMS

TERM	DESCRIPTION
<i>Baler</i>	A device that compresses waste into a mould to form bales which may be self-supporting or retained in shape by wire ties and strapping
<i>Chute</i>	A ventilated, essentially vertical pipe passing from floor to floor of a building with openings as required to connect with hoppers and normally terminating at its lower end at the roof of the central waste room(s)
<i>Collection Area/Point</i>	The position or area where waste or recyclables are actually loaded onto the collection vehicle
<i>Compactor</i>	A Machine for compressing waste into disposable or reusable containers
<i>Composter</i>	A container/machine used for composting specific food scraps
<i>Crate</i>	A plastic box used for the collection of recyclable materials
<i>Garbage</i>	All domestic waste (Except recyclables and green waste)
<i>Hopper</i>	A fitting into which waste is placed and from which it passes into a chute or directly into a waste container. It consists of a fixed frame and hood unit (the frame) and a hinged or pivoted combined door and receiving unit
<i>Recycling</i>	Glass bottles and jars – PET, HDPE and PVC plastics; aluminium aerosol and steel cans; milk and juice cartons; soft drink, milk and shampoo containers; paper, cardboard, junk mail, newspapers and magazines
<i>Green</i>	Garden organics such as small branches, leaves and grass clippings, tree and shrub pruning, plants and flowers, and weeds
<i>L</i>	Litre(s)
<i>Liquid Waste</i>	Non-hazardous liquid waste generated by commercial premises that is supposed to be connected to sewer or collected for treatment and disposal by a liquid waste contractor (including grease trap waste)
<i>Mobile Garbage Bin(s) (MGB)</i>	A waste container generally constructed of plastic with wheels with a capacity in litres of 120, 240, 660, 1000 or 1100, 1500 or 2000
<i>Putrescible Waste</i>	Component of the waste stream liable to become putrid. Usually breaks down in a landfill to create landfill gases and leachate. Typically applies to food, animal and organic products.

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INTRODUCTION

The following waste management plan pertains to the commercial development located at Rockdale Hotel, 413-425 Princes Hwy Rockdale 2216. The completed development will be a commercial hotel. This waste management plan is an operational waste management plan and will address the phases of the completed development.

For the purpose of this report the proposed development will consist of:

- One building for a hotel with 7 levels consisting of;
 - 88 hotel rooms in total
 - 2 retail tenancies with a total of 225.88m²

All figures and calculations are based on area schedules as advised by our client and shown on architectural drawings.

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ROCKDALE CITY COUNCIL

The assessment of waste volumes is an estimate only and will be influenced by the development's management and occupant's attitude to waste disposal and recycling.

The waste and recycling will be guided by the services and acceptance criteria of the Rockdale City Council. The hotel and retail waste will be collected by private contractor.

All waste facilities and equipment are to be designed and constructed to be in compliance with the Rockdale City Council's *Development Control Plan 2011* and *Waste Minimisation and Management (2011)*, Australian Standards and statutory requirements.

OBJECTIVES

- To minimise resource requirements and construction waste through reuse and recycling and the efficient selection and use of resources
- To minimise demolition waste by promoting adaptability in building design and focusing upon end of life deconstruction
- To encourage building designs, construction and demolition techniques in general which minimise waste generation
- To maximise reuse and recycling of household waste and industrial/commercial waste
- To plan for sustainable waste management, through the preparation of a site waste minimisation and management plan
- To ensure waste is transported and disposed of in a lawful manner
- To ensure waste management systems are compatible with collection services
- To minimise risks and impacts on public domain and residential amenity associated with waste management at all stages of development.

REQUIREMENTS

- Development must comply with Council's Technical Specification – Waste Minimisation and Management regarding construction waste and ongoing management of waste facilities.
- Waste must be minimised through source separation of waste, reuse and recycling by ensuring appropriate storage and collection facilities.
- Waste storage areas/facilities must be appropriately located so that they are easily accessed by tenants and do not have negative impacts on the streetscape or the residential amenity of occupants and neighbours with regards to smell, visual appearance or noise disturbance.
- Development must incorporate convenient access for waste collection
- For mixed uses, industrial and other non-residential uses, waste storage facilities should be designed to cater for different needs of multiple tenants as well as future changes in uses.

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GENERATED WASTE VOLUMES

The assessment of projected waste volumes is a calculated estimate only and will be influenced by the development's management and occupant's waste disposal and recycling practices.

CONSTRUCTION AND DEVELOPMENT WASTE

The head contractor will be responsible for removing all construction-related waste offsite in a manner that meets all authority requirements. Please refer to the separate waste management plan submitted for construction waste as part of the Development Application.

BUILDING MANAGER/WASTE CARETAKER

All waste equipment movements are to be managed by the building manager/cleaners at all times. No tenants or guests will be allowed to transport waste or recyclables from the waste room; tenants and guests will only transport their waste to the allocated bin room.

The building manager/cleaner duties include, but are not limited to, the following:

- General maintenance and cleaning of the chute doors on each level (Frequency dependent on waste generation and will be determined based upon building operation);
- Organising, maintaining and cleaning the general and recycled waste holding areas (Frequency will depend on waste generation and will be determined based upon building operation);
- Transporting of bins as required;
- Organising both garbage and recycled waste pick-ups as required;
- Cleaning and exchanging all bins;
- Ensure site safety for residents, children, visitors, staff and contractors;
- Abide by all relevant OH&S legislation, regulations, and guidelines;
- Assess any manual handling risks and prepare a manual handling control plan for waste and bin transfers; and
- Provide to staff/contractors equipment manuals, training, health and safety procedures, risk assessments, and PPE to control hazards associated with all waste management activities

***NOTE:** It is the responsibility of the building manager to monitor the number of bins required for the development. As waste volumes may change according to the development's management and occupants' attitudes to waste disposal and recycling, bin numbers and sizes may need to be altered to suit the building operation.*

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REPORTING

It is recommended that building management ensure that all waste service providers submit monthly reports on all equipment movements and weights of any waste and recycling products removed from the development. Regular reviews of servicing should take place to ensure operational and economic best practise and to assist with sustainability reporting.

EDUCATION

Building management is responsible for creating and managing the waste management education process.

Educational material encouraging correct separation of garbage and recycling items should be provided to the hotel guests. It is recommended that information is provided in multiple languages to support correct practices.

It is expected that leasing arrangements with retail/commercial operations contain direction on waste management services and expectations.

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HOTEL WASTE PLAN

The Rockdale City Council's *Waste Minimisation & Management Technical Specification* and Rockdale City Council's Waste Department has been referenced to calculate the total number of bins required for the hotel.

Hotel waste generation rates are as follows:

Waste: 1 x 240L MGBs/4 hotel rooms/ per week
= 60L/hotel room/per week

Recycling: 1 x 240L MGBs/4 hotel rooms/ per week
= 60L/hotel room/per week

Please note that calculations are based on generic figures; waste generation rates may differ according to the residents' waste management practice. A seven day operating week has been assumed.

Table 1 Calculated Waste Generation - Hotel

Hotel Accommodation	Hotel Rooms #	Waste Calculation (L/hotel room/week)	Generated Waste (L/week)	Recycling Calculation (L/hotel room/week)	Generated Recycling (L/week)
Hotel	88	60	5280	60	5280
TOTAL			5280		5280

BIN SUMMARY

The following assumptions have been taken into consideration:

- Waste and recycling are collected from around the hotel by cleaners; and
- The number of bins has been rounded up for best operational with outcome.

Using the assumptions stated, the required capacity and quantity of garbage and recycling bins is as follows:

Garbage:

Standard 5 x 1100L MGBs collected **weekly**
Proposed 3 x 1100L MGBs collected **twice times weekly**

Recycling:

Standard 5 x 1100L MGBs collected **weekly**
Proposed 3 x 1100L MGBs collected **twice times weekly**

Total number of bins: 6x 1100L MGBs

NOTE: The choice of bin sizes are subject to the stakeholders preference/capability (and as built constraints), bin sizes and quantities may be changed. As waste volumes may change

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according to the development's type, bin numbers and collection frequencies may be altered to suit the building operation.

WASTE MANAGEMENT – HOTEL

HOTEL ROOMS

The vast majority of people who stay in hotels generally spend a relatively short time at the facility, therefore the waste generated in each unit is managed by the staff. Most waste generated is from goods received at the loading dock in the form of packaging (cardboard and plastic film), food waste, recyclables (mixed containers), newspapers and magazines. Office paper may also be generated however this is generally a minimal quantity.

All guests of each hotel suite will be supplied with a collection receptacle in each unit (generally in the main room and bathroom, under bench or similar alternate area) to deposit garbage and collect recyclable material suitable for one days storage. Garbage receptacles must be supplied with bin liners. Recycling must not be bagged. It is recommend that hotel guests use a crate or dedicated bin for collecting recyclables within the allocated hotel space provided to ensure correct separation before recyclables are transferred to the garbage room. It is expected that hotel guests will place clean and empty recycling items into the collection bins.

Nominated staff or cleaners will collect the waste from the guests' rooms. They will also transport sorted garbage and recyclable items to the hotel garbage room on the ground level and place bagged garbage into 1100L collection bins and recycling (comingle) into 1100L collection bins. Collection will be undertaken by a private waste contractor on the agreed days of collection.

NOTE: Subject to the stakeholders preference/capability (and as built constraints), bin sizes and quantities may be changed.

KITCHEN WASTE

The staff in kitchen areas will be required to be responsible for the storage of waste and recycling back of house (BOH). On completion of each trading day or as required, nominated staff/cleaners will transport their waste and recycling to the hotel waste area and place waste and recycling into the appropriate collection bins.

Food handling for food cooked or prepared, served and consumed on site will produce a typical waste composition of food scraps from plates, packaging waste and some plastics.

It is recommended that:

- All waste should be bagged and waste bins should be plastic lined;
- Bagging of recyclables is not permitted;
- All waste collections located boh during operations;
- Individual recycling programs are recommended to ensure commingled recycling is separated correctly;
- Arrangements will be made for storing used and unused cooking oil in a bunded storage area;
- The operator will organise grease interceptor trap servicing;

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- A suitable storage area needs to be provided and affectively banded for chemicals, pesticides and cleaning products;
- Dry basket arresters need to be provided to the floor wastes in the food preparation and waste storage areas; and
- All flattened cardboard will be collected and removed to the waste room recycling mgb

NOTE: Subject to the stakeholders preference/capability (and as built constraints), bin sizes and quantities may be changed.

OTHER WASTE STREAMS

Disposal or recycling of electronic, liquid waste and home detox (paint/chemicals etc.) will be organised with the assistance of the building management. These items must not be placed in waste or recycling bins due to safety and environmental factors.

Building management should refer to Councils comprehensive website for further information.

COMMON AREAS

The lobbies, retail amenities and circulation areas will be supplied with suitably branded waste and recycling bins, where considered appropriate. Building management will monitor use and ensure bins are exchanged and cleaned. These areas generate negligible waste however garbage and recycling receptacles should be placed in convenient locations.

WASHROOM FACILITIES

Washroom facilities in retail and staff areas should be supplied with collection bins for paper towels (if used). Sanitary bins for female restroom facilities must also be arranged with an appropriate contractor.

Building management will monitor use and ensure waste bins are exchanged and cleaned.

GREEN WASTE

If green waste is generated by the building's landscaped areas, it will be collected and removed from site by the maintenance contractor during scheduled or arranged servicing of these areas.

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RETAIL WASTE PLAN

The Rockdale City Council's *Waste Minimisation & Management Technical Specification* has been referenced to calculate the total number of bins required for the retail areas. Please note that calculations are based on generic figures; waste generation rates may differ according to the tenants' waste management practice. Please note that if food tenants are placed, the waste generation rates will require adjustment. A seven day operating week has been assumed.

Table 2: Calculated Waste Generation – Retail

Type	NLA (m ²)	Waste Calculation (L/100m ² /day)	Generated Waste (L/week)	Recycling Calculation (L/100m ² /day)	Generated Recycling (L/week)
Retail Area 1					
Food	37.85	80	211.96	135	357.6825
Restaurant	37.84	670	1774.696	135	357.588
Non-Food (<100m ²)	37.85	50	132.475	25	66.2375
TOTAL	113.54		2119.131		781.508
Retail Area 2					
Food	37.63	80	210.728	135	355.6035
Restaurant	37.63	670	1764.847	135	355.6035
Non-Food (>100m ²)	37.63	50	131.705	50	131.705
TOTAL	112.89		2107.28		842.912
Overall Total	226.43		4226.411		1624.42

BIN SUMMARY

The bins required of the retail area is as follows

Retail Waste Room 1:

Garbage:
Standard 4 x 660L MGBs collected **weekly**
Proposed 1 x 660L MGBs collected **four times weekly**

Recycling:
Standard 2 x 660L MGBs collected **weekly**
Proposed 1 x 660L MGBs collected **twice weekly**

Retail Waste Room 2:

Garbage:
Standard 4 x 660L MGBs collected **weekly**
Proposed 1 x 660L MGBs collected **four times weekly**

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Recycling:	
Standard	2 x 660L MGBs collected weekly
Proposed	1 x 660L MGBs collected twice weekly

Total number of bins: 4x 660L MGBs

NOTE: Subject to the stakeholders preference/capability (and as built constraints), bin sizes and quantities may be changed. As waste volumes may change according to the development's type, bin numbers and collection frequencies may be altered to suit the building operation.

WASTE MANAGEMENT – RETAIL TENANCIES

The ground level tenants will be required to be responsible for their own storage of waste and recycling back of house (BOH). On completion of each trading day or as required, nominated staff/cleaners will transport their waste and recycling to the allocated retail waste area and place waste and recycling into the appropriate collection bins. (see APPENDIX A.1 GROUND LEVEL HOTEL AND RETAIL WASTE ROOMS).

Food handling for food cooked or prepared, served and consumed on site will produce a typical waste composition of food scraps from plates, packaging waste and some plastics. Café or restaurant staff will be responsible for their waste management.

Cardboard is a major component of the waste generated by retail. All cardboard should be flattened (to save bin space), placed in and collected from bulk bins. Whilst cardboard is bulky, it is generally lightweight however it can be contaminated with food or liquid which makes it unsuitable for recycling.

It is recommended that:

- All waste should be bagged and waste bins should be plastic lined;
- Bagging of recyclables is not permitted;
- All waste collections located both during operations;
- Individual recycling programs are recommended for retailers to ensure commingled recycling is separated correctly;
- Any food and beverage tenant will make arrangements for storing used and unused cooking oil in a bunded storage area;
- The operator will organise grease interceptor trap servicing;
- A suitable storage area needs to be provided and affectively bunded for chemicals, pesticides and cleaning products;
- Dry basket arresters need to be provided to the floor wastes in the food preparation and waste storage areas;
- Washroom facilities should be supplied with collection bins for paper towels (if used); and
- All flattened cardboard will be collected and removed to the waste room recycling mgb

NOTE: Subject to the stakeholders preference/capability (and as built constraints), bin sizes and quantities may be changed.

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WASTE ROOM AREAS

The hotel waste room will need to hold all the bins required between collections and allow enough room to clean and safely manoeuvre bins. A bin wash down area is provided in this area (see APPENDIX A.1: GROUND LEVEL HOTEL AND RETAIL WASTE ROOMS).

Only council approved waste and recycling bins will be used on site.

The areas allocated for hotel waste room, retail waste room, bulky goods and collection areas are detailed in Table 3 below. The areas provided are considered suitable for purpose.

Table 3: Waste Room Areas

Location	Waste Room Type	Equipment	Recommended Area (m ²)
Ground Floor	Hotel Waste Room	3x 1100L MGBs (waste) 3x 1100L MGBs (recycling)	17
Ground Floor	Retail Waste Room	2x 660L MGBs (waste) 2x 660L MGBs (recycling)	8

WASTE FACILITY CLEANING AND MAINTANCE

It will be the responsibility building management to determine an appropriate cleaning schedule for the bins and waste rooms once the building is operational.

It is recommended that at a minimum, the bins are cleaned once every 2 week and the waste rooms are cleaned once every week.

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COLLECTION OF WASTE

HOTEL

A private contractor will be engaged to collect hotel waste to an agreed schedule.

The waste collection vehicle will enter the ground level loading bay via Waines Crescent. Collection will occur directly from the hotel garbage area via a wheel in wheel out arrangement.

If the kitchen area of the hotel generates more than 50 litres per day of meat, seafood or poultry waste, daily waste collection must be arranged.

RETAIL

A private contractor will be engaged to collect retail waste to an agreed schedule.

The waste collection vehicle will enter the ground level loading bay via Waines Crescent. Collection will occur directly from the retail garbage area via a wheel in wheel out arrangement.

Premises which generate at least 50 litres per day of meat, seafood or poultry waste must have that waste collected on a daily basis or must store that waste in a dedicated and refrigerated waste storage area until collection.

COLLECTION AREA

Only council authorised collections contractors will be providing the site's waste and recycling removals.

All access and egress details including a swept path analysis for all vehicle movements on site will be provided by the traffic consultant's report.

If collection is on-site, the vehicle must be able to enter and exit the site in a forward direction and so that collection vehicles do not impede general access to, from or within the site. Access driveways to be used by collection vehicles must be of sufficient strength to support such vehicles.

The collection areas will need to be reviewed by a traffic consultant to confirm that these (and other trucks if required) can enter and exit the building in a forward direction. The final number of truck movements will depend on management of waste contract; final configuration of waste and recycling arrangements therefore number of bin lifts and additional irregular truck movements for hard waste.

It is our understanding that a traffic consultant is preparing drawings to confirm the swept paths for waste collections, access and egress, internal manoeuvring to assume parked position for loading and to exit, load requirements as well as collection vehicle dimensions. This information and supporting drawings will be provided separate to this report.

NB: As a minimum requirement for collection vehicle access, Council will require indemnity against any claims for loss or damage to the pavement or other driving surface. Council may also require indemnity against liabilities, losses, damages and any other demands arising from any on-site collection service. In all cases, a hazard assessment will need to be conducted prior to Council agreeing to undertake the service.

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GARBAGE ROOMS

CONSTRUCTION REQUIREMENTS

The garbage room will be required to contain the following facilities to minimise odours, deter vermin, protect surrounding areas, and make it a user-friendly and safe area:

- Waste room floor to be sealed with a two pack epoxy;
- Waste room walls and floor surface is flat and even;
- All corners coved and sealed 100mm up, this is to eliminate build-up of dirt;
- For residential: a hot and cold water facility with mixing facility and hose cock must be provided for washing the bins;
- For retail/commercial: a cold water facility with hose cock must be provided for washing the bins;
- Any waste water discharge from bin washing must be drained to sewer in accordance with the relevant water board. (Sydney water);
- Tap height of 1.6m;
- Storm water access preventatives (grate);
- All walls painted with light colour and washable paint;
- Equipment electric outlets to be installed 1700mm above floor levels;
- The room must be mechanically ventilated;
- Light switch installed at height of 1.6m;
- Waste rooms must be well lit (sensor lighting recommended);
- Optional automatic odour and pest control system installed to eliminate all pest types and assist with odour reduction – this process generally takes place at building handover – building management make the decision to install;
- All personnel doors are hinged and self-closing;
- Waste collection area must hold all bins – bin movements should be with ease of access;
- Conform to the building code of Australia, Australian standards and local laws; and
- Childproofing and public/operator safety shall be assessed and ensured

SIGNAGE

The building manager/caretaker is responsible for waste room signage including safety signage (see *APPENDIX B.2*). Appropriate signage must be prominently displayed on walls and above all bins, clearly stating what type of waste or recyclables is to be placed in the bin underneath.

All chute doors on all residential levels will be labelled with signs directing chute operations and use of chute door.

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VENTILATION

Waste and recycling rooms must have their own exhaust ventilation system either;

- Mechanically - exhausting at a rate of 5L/m² floor area, with a minimum rate of 100L/s minimum; or
- Naturally - permanent, unobstructed, and opening direct to the external air, not less than one-twentieth (1/20) of the floor area

Mechanical exhaust systems shall comply with AS1668 and not cause any inconvenience, noise or odour problem.

STORM WATER PREVENTION & LITTER REDUCTION

Building management shall be responsible for the following to minimise dispersion of site litter and prevent stormwater pollution to avoid impact to the environment and local amenity:

- Promote adequate waste disposal into the bins;
- Secure all bin rooms (whilst affording access to staff/contractors);
- Prevent overfilling of bins, keep all bin lids closed and bungs leak-free;
- Take action to prevent dumping or unauthorised use of waste areas; and
- Ensure collection contractors clean-up any spillage that may occur when clearing bins

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ADDITIONAL INFORMATION

Transfer of waste and all bin movements require minimal manual handling therefore the operator must assess manual handling risks and provide any relevant documentation to building management. If required, a bin-tug, trailer or tractor consultant should be contacted to provide equipment recommendations. Hitches may require installation to move multiple bins to the collection area. Council must be informed of any hitch attachments required to be installed on bins.

LIMITATIONS

The purpose of this report is to document a Waste Management Plan as part of a development application and is supplied with the following conditions:

- Drawings, estimates and information contained in this waste management plan have been prepared by analysing the information, plans and documents supplied by you and third parties including Council and government information. The assumptions based on the information contained in the WMP is outside the control of EFRS;
- The figures presented in the report are an estimate only – the actual amount of waste generated will be dependent on the occupancy rate of the building/s and waste generation intensity as well as the building managements approach to educating residents and tenants regarding waste management operations and responsibilities;
- The building manager will make adjustments as required based on actual waste volumes (if waste is greater than estimated) and increase the number of bins and collections accordingly;
- The report will not be used to determine or forecast operational costs or prepare any feasibility study or to document any safety or operational procedures;
- The report has been prepared with all due care however no assurance or representation is made that the WMP reflects the actual outcome and EFRS will not be liable to you for plans or outcomes that are not suitable for your purpose, whether as a result of incorrect or unsuitable information or otherwise;
- EFRS offer no warranty or representation of accuracy or reliability of the WMP unless specifically stated;
- Any manual handling equipment recommended should be provided at the recommendation of the appropriate equipment provider who will assess the correct equipment for supply;.

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USEFUL CONTACTS

Elephants Foot Recycling Solutions does not warrant or make representation for goods or services provided by suppliers.

Rockdale City Council Customer Service

Phone: 02 9562 1666

Email: rcc@rockdale.nsw.gov.au

SULO MGB (MGB, Public Place Bins, Tugs and Bin Hitches)

Phone: 1300 364 388

CLOSED LOOP (Organic Dehydrator)

Phone: 02 9339 9801

ELECTRODRIVE (Bin Mover)

Phone: 1800 333 002

Email: sales@electrodrive.com.au

RUD (Public Place Bins, Recycling Bins)

Phone: 07 3712 8000

Email: Info@rud.com.au

CAPITAL CITY WASTE SERVICES

Phone: 02 9359 9999

REMONDIS (Private Waste Services Provider)

Phone: 13 73 73

SITA ENVIRONMENTAL (Private Waste Services Provider)

Phone: 13 13 35

NATIONAL ASSOCIATION OF CHARITABLE RECYCLING ORGANISATIONS INC. (NACRO)

Phone: 03 9429 9884

Email: information@nacro.org.au

PURIFYING SOLUTIONS (Odour Control)

Phone: 1300 636 877

Email: sales@purifyingsolutions.com.au

Elephants Foot Recycling Solutions (Chutes, Compactors and eDiverter Systems)

44 – 46 Gibson Avenue

Padstow NSW 2211

Free call: 1800 025 073

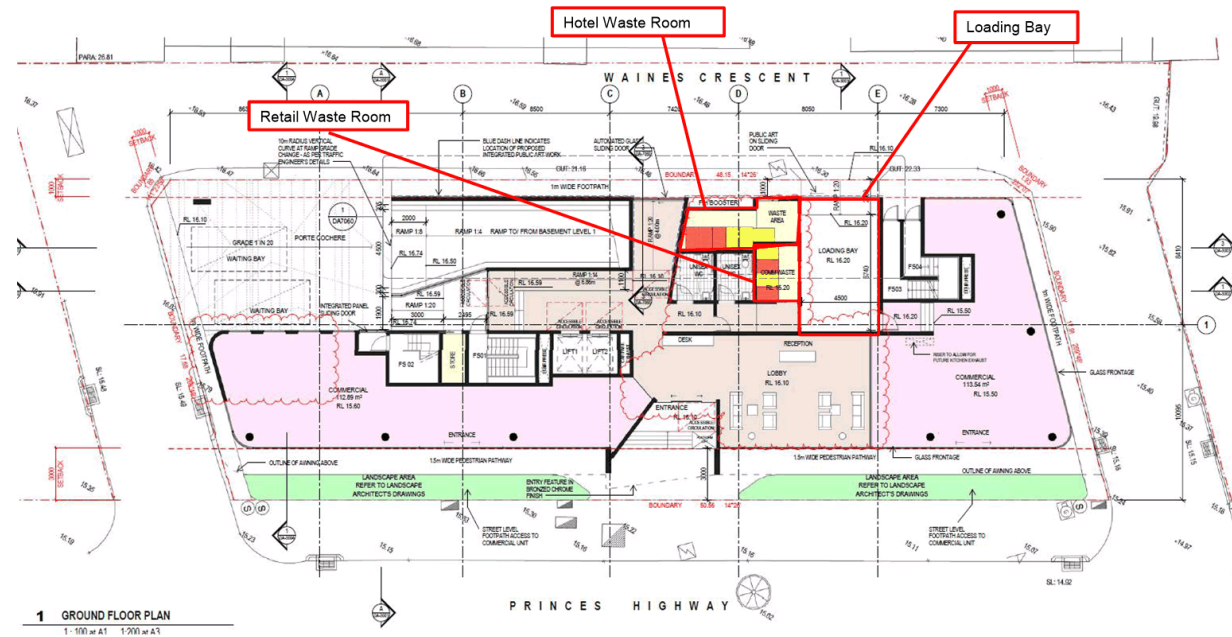
Email: natalie@elephantsfoot.com.au

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APPENDICES

APPENDIX A DRAWING EXERPTS

APPENDIX A.1 GROUND LEVEL HOTEL AND RETAIL WASTE ROOMS



Source: CDArchitects, 413-425 Princes Hwy Rockdale, Title: Ground Floor Plan, Drawing No.DA 1104, RevD, Date: April 2018

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APPENDIX B ROCKDALE CITY COUNCIL EQUIPMENT SPECIFICATIONS**APPENDIX B.1 BIN DIMENSIONS**

Mobile Garbage Bins (MGB's) are generally categorised and sized according to the volume capacity of each bin. The size of the bins that are used in the provision of waste and recycling services in the Rockdale LGA are described in the following Table.

Bin Type & Capacity	Height	Width	Depth
240 Litre MGB	1100mm	580mm	740mm
1100 Litre MGB	1470mm	1370mm	1245mm

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APPENDIX B.2 SIGNAGE FOR WASTE & RECYCLING BINS

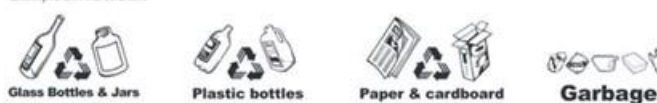
WASTE SIGNS

Signs for garbage, recycling and organics bins should comply with the standard signs promoted by the Department of Environment and Heritage.

Example wall posters



Example bin lid stickers



SAFETY SIGNS

The design and use of safety signs for waste rooms and enclosures should comply with AS1319 Safety Signs for Occupational Environment. Safety signs should be used to regulate and control safety behaviour, warn of hazards and provide emergency information, including fire protection information. Below are some examples. Each development will need to decide which signs are relevant for its set of circumstances and service provided.

Examples of Australian Standards:



Australian Standards are available from the SAI Global Limited website (www.saiglobal.com).
Source: Better Practice Guide to Waste Management in Multi-Unit Dwellings, 2008, DECC

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APPENDIX C WASTE MANAGEMENT EQUIPMENT SPECIFICATIONS

APPENDIX C.1 TYPICAL BIN MOVER



Typical applications:

- Move trolleys, waste bin trailers and 660litre/1100 litre bins up and down a ramp incline. Ideal for Apartment Buildings (to move waste bins located at a basement level to road level).
- Quiet, smooth operation with zero emissions and simple to use, no driver's licence required

Features:

- Up to 1 Tonne on a ramp surface (depending on ballast and incline)
- Anti-rollback system on slopes
- Foot print: 1548L x 795W x 1104H (handle in the drive position)
- Pin Hitch is standard however alternate hitching options may be available to suit your specific application (e.g. tow ball)

Safety Features:

- Intuitive paddle lever control
- Stops and repels the unit if activated when reversing.
- Site assessment recommended to assess ramp incline steepness (*See Useful Contacts*)

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