The **Ordinary Meeting** of
Bayside Council
will be held in the Rockdale Town Hall, Council Chambers,
Level 1, 448 Princes Highway, Rockdale
on Wednesday, 11 July 2018 at 7:00 pm

UNDER SEPARATE COVER ATTACHMENTS

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Planning Proposal

Rockdale Local Environmental Plan 2011

Rezoning of land at 119 Barton Street, Monterey to R3, Medium Residential Density

Bayside Council

August 2017

Record number (trim file)

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Introduction

This Planning Proposal explains the intended effect of, and justification, for the proposed amendment to *Rockdale Local Environmental Plan 2011 (Rockdale LEP 2011)*. It has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* and the relevant Department of Planning and Environment guides, including 'A Guide to Preparing Local Environment Plans' and 'A Guide to Preparing Planning Proposals'.

Background

Comprising the former Francis Drake Bowling Club, the site is a large battle axe lot at 119 Barton Street, Monterey. With a northern frontage of approximately 35 metres to Barton Street, the site has a total area of 7,218 sqm.

The site is proximate to commercial centres at Brighton-Le-Sands, 1.6km to the north, Ramsgate commercial centre 1.2km to the south and Kogarah commercial centre 1.5km to the north west. It is also 1.5km from the St George Hospital precinct which has been designated for major education/health development with employment of up to 10,000.

A site-specific zoning of RE2 Private Recreation applies to the subject land. However, the land lies within an R3 Medium Density Residential zone that surrounds it on all four sides.

This Planning Proposal seeks to amend the current zoning under RLEP 2011 from Private Recreation (RE2) to Medium Density Residential (R3) to make permissible the redevelopment of the subject land at 119 Barton Street.

Planning Proposal will be achieved by:

- Amending the Rockdale LEP 2011 Land Use Map for the former Sir Francis Drake Lawn Bowls Club at 119 Barton Street in accordance with Part 4 of this report.
- Establishing a Building Height that is consistent with the existing land uses of the subject area, i.e. 8.5m.
- Establishing an FSR that is the same as the surrounding area, currently 0.6:1 in the Rockdale LEP 2011.

An analytical study conducted by Rothelowman has produced a model for potential development yield and building typology. By way of example, this concept illustrates the capacity of the subject site to accommodate 28 two and three-bedroom townhouses under a fully compliant proposal with Council current guidelines for R3.

Rezoning of the site will not deprive the community of open space. The site was a private open space with its use limited to club members. Additionally, there is considerable open space 400m to the west at Scarborough Park, and 150m to the east, at Cook Park on the bay front.

The objective of the current scheme is to increase the number and diversity of dwellings in the subject area which is within proximity to an identified strategic centre. The relevant objectives of the Planning Proposal are as follows:

- *To provide increased housing consistent with the surrounding residential zoning of the locality*
- *To provide quality housing choices that are consistent with the existing zoning of the neighbourhood.*
- *Provide a feasible and sustainable economic use of the subject site.*

The proposal is compliant with all relevant SEPPs and the Minister's s117 Directions under the EPA Act.

Part 1 - Objectives and Intended Outcomes

Currently, the subject site is underutilised and does not meet its full development potential. Located on the site is a redundant lawn bowls facility with a low capacity for improvement. Changes to the land use zoning and development standards identified below, will allow the site to potentially accommodate a residential development of high quality design. It is intended that the Planning Proposal form a site-specific amendment to the RLEP 2011.

The intended outcomes of the Planning Proposal are to amend *Rockdale LEP 2011* as follows:

- **Rezone the subject land to R3 Medium Density Residential (as is the land surrounding the site to all sides);**
- **Establish a site-specific maximum building height of 8.5 m (as is the land surrounding the site to all sides); and**
- **Establish a site-specific maximum floor space ratio (FSR) of 0.6:1 (as is the land surrounding the site to all sides).**

A site-specific zoning of RE2 Private Recreation applies to the subject land. However, the land lies within a R3 Medium Density Residential zone that surrounds it on all four sides.

Census statistics shows that houses in Monterey are dwellings primarily occupied by older people who are likely to be empty nesters remaining in family homes which are now larger than their needs in terms of bedroom numbers.

Regarding accessibility to modes of public transport for residents, the subject land lies within easy walking distance of bus services along Chuter Ave (270m west) and the Grand Parade (130m east). The Grand Parade is serviced by bus routes travelling north, Route 303 (Sans Souci to Circular Quay), and south, Route 478 (Ramsgate to Rockdale). An express service, Route X03, operates between Sans Souci and Circular Quay during peak periods Monday to Friday providing access to the city (Central Station) within 30 mins. Chuter Ave is serviced by Route 947 (operated by Transdev NSW), which runs between Hurstville to Kogarah.

The draft District Plans support the increase of housing across the Bayside LGA by monitoring the delivery of the five-year housing target of 10,150 dwellings while recognising significant growth in infill areas. Housing diversity and affordability are also major considerations in the strategic direction of LGAs located in the Central District. An increase in the proportion of people that are ageing and/or disabled has highlighted a need for the delivery of diverse housing which includes smaller homes, group homes, adaptable homes and aged care facilities.

A Plan for Growing Sydney (the Plan) anticipates that 664,000 new homes will be needed by 2031. The Plan highlights the importance of facilitating the movement of Sydney residents between their homes, their jobs, commercial centres and open spaces.

The proposal is consistent with the Plan as it will accelerate the delivery of housing to contribute to the State Government target of 664,000 homes by 2031 (direction 2.1). These homes will be provided within established centres supported by public transport, utilities, social infrastructure and employment opportunities within the Kogarah strategic centre, which lies approximately 1.6km from the subject site. The Kogarah priority health and education precinct is planned to provide at least 10,000 jobs (direction 2.2). The proposal will permit infill medium density development to meet the needs of growing number of small households within a locality otherwise dominated by detached dwelling houses (direction 2.3).

The proposal will provide an opportunity to revitalise an existing suburb through the redevelopment of a disused facility to create an improved streetscape (direction 3.1). Redevelopment of the site has the potential to encourage a healthy community through the provision of communal open space, sustainable design and end of journey facilities that encourage cycling in this relatively flat area (direction 3.3).

Section 117 Directions

Direction 3.1 Residential Zones

The first relevant s117 Direction is 3.1 – Residential Zones whose objectives are:

(a) to encourage a variety and choice of housing types to provide for existing and future housing needs,
(b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and
(c) to minimise the impact of residential development on the environment and resource lands.

The development of townhouses on the subject site will be consistent with the planning for the area which seeks medium density housing, will increase the choice of housing which is currently and predominantly single dwellings, and will make good use of existing open space and public transport infrastructure. Services such as water, sewerage and electricity are available in the street. No adverse impact on the environment at large will result from the infilling of residential development on the subject site.

Direction 3.4 Integrating land use and transport

The objective of Direction 3.4 is to:

ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

(a) improving access to housing, jobs and services by walking, cycling and public transport, and
(b) increasing the choice of available transport and reducing dependence on cars, and
(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and
(d) supporting the efficient and viable operation of public transport services, and
(e) providing for the efficient movement of freight. Where this direction applies

A planning proposal must include provisions that are consistent with the principles of *Improving Transport Choice – Guidelines for planning and development (DUAP 2001)*, and *The Right Place for Business and Services – Planning Policy*[1].

As mentioned above, the subject site is serviced by a number of bus services, along Chute Avenue and the Grand Parade. The proposal satisfies the objectives of Direction 3.4.

Though the planning proposal does change the existing RE2 – Private Recreation zoning to R3 - Residential, it will provide an increased and diverse supply of housing within approximately 2km of the Kogarah Strategic Health Centre. The proposal makes use of existing transport infrastructure and, therefore, it is consistent with the policy.

Direction 7.1 Implementation of A Plan for Growing Sydney

Direction 7.1 applies to land within the former local government area of Rockdale. Its objective is to:

give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney.

Refer to discussion regarding consistency with strategic direction under Part 3-B below.

[1] Department of Planning and Environment. Policy Directions for Plan Making. (Page 17)

Part 2 - Explanation of Provisions

A – Provisions that are shown on control maps

2.1 – land use zoning

The subject site is zoned RE2 Private Recreation under the Rockdale Local Environmental Plan 2011, the objectives of the RE2 Zone are as follows:

- *To enable land to be used for private open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*

Permissible and prohibited uses within the zone are summarised in Table 2 below. The former Francis Drake Bowling Club constituted development for the purpose of a registered club (outdoor). Residential development is prohibited within the RE2 zone.

TABLE 1: DEVELOPMENT STANDARDS UNDER ROCKDALE ENVIRONMENTAL PLAN 2011 - Part 2 Permitted or Prohibited Development

CONTROL	PROPOSAL
Clause 2 Permitted without consent	Roads
Clause 3 Permitted with consent	Boat launching ramps; Building identification signs; Business identification signs; **Community facilities**; Environmental facilities; Environmental protection works; Jetties; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Water supply systems
Clause 4 Prohibited	Any development not specified in item 2 or 3

As mentioned above, the subject site is currently zoned RE2 – Private Recreation with the surrounding area being R3 – Medium Density Residential. Residential development under the current zoning is prohibited. Notwithstanding, this Planning Proposal is for the change in land use zoning from RE2 to R3, which is justified as it is consistent with the surrounding zoning and will accommodate a townhouse-style development such as the neighbouring site at 125 Barton Street.

2.2 – Height of Building

Building height for the subject site is not currently prescribed under clause 4.3 in the RLEP 2011. Though the site is excluded from the Height of Buildings Map, the immediate area has a maximum height of 8.5m. The objectives of this clause are as follows:

(a) *to establish the maximum limit within which buildings can be designed and floor space can be achieved,*
(b) *to permit building heights that encourage high quality urban form,*
(c) *to provide building heights that maintain satisfactory sky exposure and daylight to buildings, key areas and the public domain,*
(d) *to nominate heights that will provide an appropriate transition in built form and land use intensity*

The Planning Proposal will establish a maximum building height of 8.5m, which is consistent with the prevailing height limit for the subject area. Amending the map referred to in clause 4.3 to include the subject site meets the above objectives.

2.3 – Floor Space Ratio (FSR)

FSR for the subject site is not currently prescribed under clause 4.4 in the RLEP 2011. Though the site is excluded from the FSR Map, the immediate area has a maximum FSR of 0.6:1. The objectives of this clause are as follows:

(a) to establish the maximum development density and intensity of land use, accounting for the availability of infrastructure and generation of vehicular and pedestrian traffic, in order to achieve the desired future character of Rockdale,
(b) to minimise adverse environmental effects on the use or enjoyment of adjoining properties,
(c) to maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing or likely to undergo a substantial transformation.

Currently, the subject site is exempt from the RLEP 2011 Floor Space Ratio map (see figure 6). Amending the FSR of the site to a density that is consistent with the surrounding area will have no unreasonable adverse impact on the amenity, extent of overshadowing or privacy of the adjoining properties.

B – All provisions

Development standards applicable to the subject land are summarised in Table 3 below.

TABLE 2: DEVELOPMENT STANDARDS UNDER ROCKDALE LOCAL ENVIRONMENTAL PLAN 2011	
CONTROL	**PROPOSAL**
Clause 4.1 Minimum subdivision lot size	**Not relevant.** No amendment of Clause 4.1 is proposed.
Clause 4.3 Building Height	**Not applicable.** The subject land is not identified on the Floor Space Ratio Map (Sheet HOB_005). A site-specific maximum building height of 8.5m, consistent with that permissible within the surrounding R3 medium density zone, is proposed to be applied to the subject land. Refer section **4 Mapping** below.
Clause 4.4 FSR	**Not applicable.** The subject land is not identified on the Floor Space Ratio Map (Sheet FSR_005). A site-specific maximum floor space ratio of 0.6:1, consistent with that permissible within the surrounding R3 medium density zone, is proposed to be applied to the subject land. Refer section **4 Mapping** below.
Clause 5.9 Preservation of trees or vegetation	**Not relevant.** No amendment of Clause 5.9 is proposed.

TABLE 2: DEVELOPMENT STANDARDS UNDER ROCKDALE LOCAL ENVIRONMENTAL PLAN 2011	
CONTROL	**PROPOSAL**
Clause 5.10 Heritage conservation	No amendment of Clause 5.10 is proposed. Subject land is not identified as a heritage item under this instrument nor does it lie within a conservation area identified on the RLEP 2011 Heritage Map (Sheet HER_005). The subject land does, however, lie within 150 metres of Cook Park along the Grand Parade to the east, which is identified as an item of local heritage significance (I168) under schedule 5 of RLEP 2011.
Part 6 Additional Local Provisions	**Not relevant.** No amendment of Part 6 is proposed.

Control Maps

Tile 005 of *Rockdale LEP 2011* control maps shows land use zoning, FSR and Height of Building for the subject site. Proposed changes and the amended development control maps are provided under Part 4 'Mapping' below.

Part 3 - Justification

A Need for the planning proposal

A1 Is the planning proposal a result of any strategic study or report?

As noted below, the proposal meets many strategic objectives but the site is too small to have been featured in any strategic plans for the area.

Cook Park Plan of Management and Masterplan 2010

Cook Park is a large public recreation area that spans approximately 8 kilometers along the Botany Bay foreshore from the Cooks River to the mouth of the Georges River. Due to its size and local significance, Cook Park is the focal point for a number of suburbs on the western shore of Botany Bay. The Cook Park Plan of Management and Masterplan sets out the strategic direction for the park and minimising impacts from surrounding areas.

Part 5 of the Plan outlines the strategy for conserving the park's environment, heritage and character. This is relevant to the proposal as views of Botany Bay, through the park, are available along Barton Street. The proposed change of use will be consistent with the values of this section which outline the conservation of heritage, social and natural value, visual quality, and recreational space.

As a part of this proposal, the site will have a maximum building height of 8.5m with an FSR of 0.6:1. Strategies identified in the Plan, such as establishing green links and maintaining view corridors, have been recognised and are encompassed in the objectives, **Section 4.1**, below.

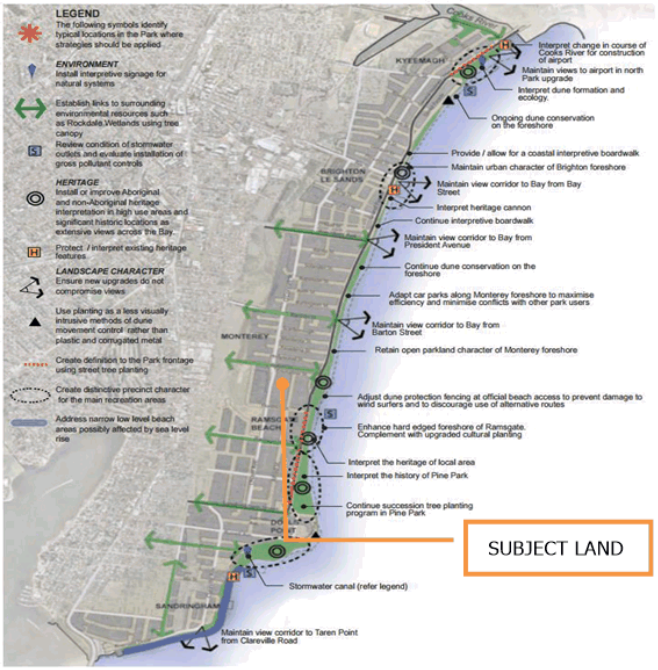


Figure 1: Extract – *Cook Park – Plan of Management and Masterplan*

Open Space & Recreation Strategy 2010

In 2010, Rockdale City Council released a strategy to enhance the quality of open space and recreational areas. The Open Space & Recreation Strategy set goals that are consistent with the key strategic direction of The Rockdale City Plan 2009-2018. These goals are:

- A City with a Sense of Pride
- A Liveable City with Lifestyle Qualities
- A Connected and Accessible City
- A City with Viable Business and Employment Opportunities

A2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Due to the very restrictive nature of the current zoning, RE2 Private Recreation, there is no other way to achieve economic and orderly use of the site other than by a rezoning.

B Relationship to strategic planning framework

B1 Is the planning proposal consistent with the objectives and actions contained within the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

There are no detail strategies of sufficient detail to state that the proposal has been brought into existence following the adoption of such strategies. However, all of the more generalised strategies, such as the exhibited draft district plans, support a conversion of the subject site into a minor residential development (potentially 28 dwellings). It is completely consistent with surrounding zoning.

Draft District Plans

The draft District Plans were put on exhibition by the Greater Sydney Commission (GSC) in November 2016 and follow the direction set by *A Plan for Growing Sydney*. Goals set out by the GSC have included the strategy of providing integrated and effective land use, transport and infrastructure over the next 20 years. The draft plans will also act as an intermediary plan between state and local policies. More specifically, the draft plans aim to manage the growth of the region by enhancing the local liveability and productivity of the six districts. Provisions for Bayside Council are outlined in the draft Central District Plan, which includes targets for housing and employment.

For the Central District, opportunities for job growth should be supported by facilitating the needs of innovative and creative industries. Consideration should be given to the full spectrum of economic activity including small start-ups which should incorporate efficient working arrangements that are in close proximity to home[2].

Though Monterey is located within the Central District, it is situated approximately 1.5 km east of Kogarah which lies within the South District. The Kogarah strategic centre has been identified in the South District Plan as a health and education super precinct (Action P1 – South District)[3]. Development in Kogarah,

[2] Greater Sydney Commission. Draft Central District Plan (p. 42-55, Rep.)
[3] Greater Sydney Commission. Draft South District Plan (p. 47-49, Rep.)

according to the draft plan, is apparently more important for Monterey than development further north around Sydney Airport. Objectives for managing the growth of the health and education precinct are as follows:

- *promote synergies between the St George Hospital and other health and education related activities*
- ***encourage land use that will support the growth of the Kogarah health and education super precinct and will cater for specialised housing demands from staff, students and health visitors*** (our emphasis)

The draft District Plans support the increase of housing across the Bayside LGA by monitoring the delivery of the five-year housing target of 10,150 dwellings while recognising significant growth in infill areas. Housing diversity and affordability are also major considerations in the strategic direction of LGAs located in the Central District. An increase in the proportion of people that are ageing and/or disabled has highlighted a need for the delivery of diverse housing which includes smaller homes, group homes, adaptable homes and aged care facilities.

A Plan for Growing Sydney

A Plan for Growing Sydney (the Plan) anticipates that 664,000 new homes will be needed by 2031. The Plan highlights the importance of facilitating the movement of Sydney residents between their homes, their jobs, commercial centres and open spaces. Goals established by the Plan include the following (emphasis added):

- *A competitive economy with world-class services and transport;*
- ***A city of housing choice with homes that meet our needs and lifestyles;***
- ***A great place to live with communities that are strong, healthy and well connected; and***
- *A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources.*

The proposal is consistent with the Plan as it will accelerate the delivery of housing to contribute to the State Government target of 664,000 homes by 2031 (direction 2.1). These homes will be provided within established centres supported by public transport, utilities, social infrastructure and employment opportunities within the Kogarah strategic centre, which lies approximately 1.6km from the subject site. The Kogarah priority health and education precinct is planned to provide at least 10,000 jobs (direction 2.2). The proposal will permit infill medium density development to meet the needs of growing number of small households within a locality otherwise dominated by detached dwelling houses (direction 2.3).

The proposal will provide an opportunity to revitalise an existing suburb through the redevelopment of a disused facility to create an improved streetscape (direction 3.1). Redevelopment of the site has the potential to encourage a healthy community through the provision of communal open space, sustainable design and end of journey facilities that encourage cycling in this relatively flat area (direction 3.3).

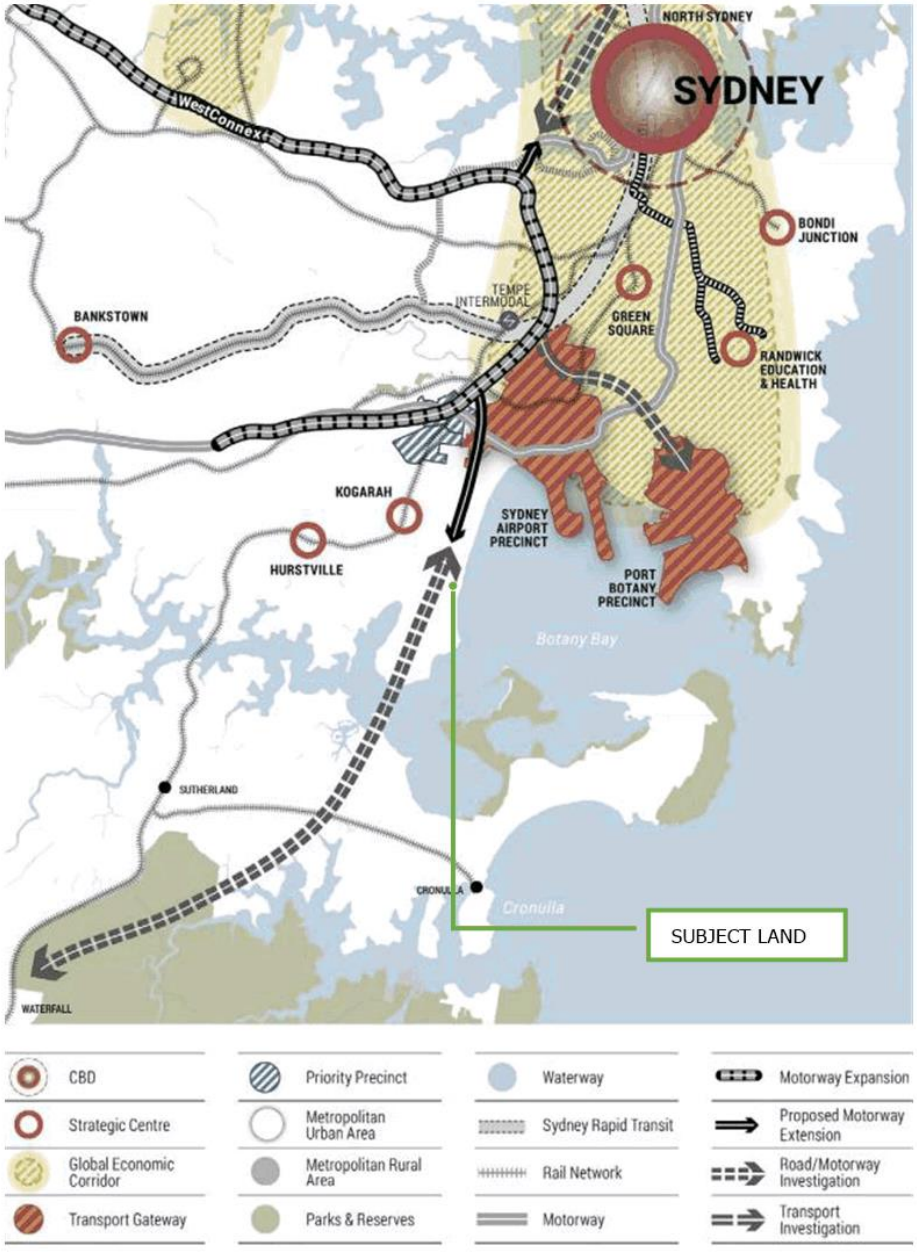


Figure 2: Extract from NSW Department of Planning's *Sydney Metropolitan Strategy: A Plan for Growing Sydney 2015* (p. 58).

B2 Is the planning proposal consistent with the local council's Community Strategic Plan or other local strategic plan?

To the extent possible for such a minor proposal, it is consistent with the former Rockdale's local strategy under which all of the surrounding land has been zoned Residential, R3, as is proposed in this case. There is no reason to believe that the strategy has changed following amalgamation of the Rockdale and Botany Bay City Councils into the Bayside Council.

Community Strategic Plan 2013-2025

The Community Strategic Plan's aim is to guide growth in the Rockdale LGA over a 12-year span. It will provide a strategic planning framework for a number of community outcomes that have been identified as council aspirations. The plan also provides a vision for how Rockdale City will encourage diverse development with effective housing choice and enhance opportunities for business growth.

Outcome 2 - Quality natural and built environment

TABLE 3 – Rockdale Community Strategic Plan 2013-2025		
STRATEGY	**PROPOSAL**	**COMPLIANCE**
2.1.1 Protect, preserve and promote the City's natural resources	The proposal and related development will be consistent with the existing features of the subject area and complement significant City resources such as the foreshore and Cook Park.	**Complies**
2.1.2 Demonstrate leadership in responding to climate change through action and adaptation	Rezoning of the site has the potential to accommodate 28 townhouse units which will include an efficient design, compliant with building sustainability requirements.	**Complies**
2.2.1 Ensure planning enables the provision of quality affordable housing	Does not apply to the subject development. Not proposed	**N/A**
2.2.2 Promote high quality, well designed and sustainable development and places that enhance the City	Proposed design of the dwellings will respond to contemporary SEPP 65 principles even though the project does not fall under SEPP 65. Design of the dwellings will be provided at a later DA stage.	**Complies**
2.3.1 Ensure waste minimisation to reduce the impact on the environment	Waste management plan will be provided at DA stage.	**Can comply**
2.4.1 Ensure that Rockdale's natural and built heritage and history is respected, protected and well maintained reflecting the rich and diverse past of both Aboriginal and European settlement	The subject site has not been identified as a heritage item and is not situated in a conservation area. The closest heritage item is Cook Park (I168), which is located approximately 200m to the west.	**N/A**
2.5.1 Ensure that the City's transport networks and infrastructure are well planned, integrated and maintained	As mentioned in section 2.3, the subject area is serviced by a number of bus routes along Chuter Ave toward the CBD and is situated approximately 2 km from Kogarah train station. Public transport is currently underutilized in the Monterey locality as 62.5% of residents use private vehicle as a mode of transportation.	**Can comply**

TABLE 3 – Rockdale Community Strategic Plan 2013-2025		
STRATEGY	**PROPOSAL**	**COMPLIANCE**
2.5.2 Ensure sustainable current and future transport needs of the community providing access to services and facilities and enabling active living.	As above.	**N/A**

B3 Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?

No SEPPs are contradicted by the planning proposal for the rezoning of the subject land that is totally encompassed by the existing low density residential development designated for conversion to medium density development. There is no inconsistency with the SEPPs.

Consistency with the State Environmental Planning Policies is provided in Table 4, below.

Table 4 - Consistency with State Environmental Planning Policies

No.	Title	Consistency with Planning Proposal
1	Development Standards	(Repealed by *RLEP 2011)*
14	Coastal Wetlands	Not Applicable
15	Rural Landsharing Communities	Not Applicable
19	Bushland in Urban Areas	Not Applicable
21	Caravan Parks	Not Applicable
22	Shops and Commercial Premises	Not Applicable
26	Littoral Rainforests	Not Applicable
29	Western Sydney Recreation Area	Not Applicable
30	Intensive Aquaculture	Not Applicable
32	Urban Consolidation (Redevelopment of Urban Land)	(Repealed*)*
33	Hazardous and Offensive Development	Not Applicable
36	Manufactured Home Estates	Not Applicable
39	Spit Island Bird Habitat	Not Applicable
44	Koala Habitat Protection	Not Applicable
47	Moore Park Showground	Not Applicable
50	Canal Estate Development	Not Applicable
52	Farm Dams and Other Works in Land and Water Management Plan Areas	Not Applicable
55	Remediation of Land	The proposal will be assessed at the DA stage as there is no indication that site requires remediation.
59	Central Western Sydney Regional Open Space and Residential	Not Applicable
60	Exempt and Complying Development	(Repealed by *RLEP 2011*)
62	Sustainable Aquaculture	Not Applicable
64	Advertising and Signage	Not Applicable
65	Design Quality of Residential Flat Development	Not Applicable
70	Affordable Housing (Revised Schemes)	Not Applicable
71	Coastal Protection	Not Applicable
	(Affordable Rental Housing) 2009	Not Applicable
	(Building Sustainability Index: BASIX) 2004	The proposal will comply with the relevant

		requirements at the DA stage.
	(Exempt and Complying Development Codes) 2008	Not Applicable
	(Housing for Seniors or People with a Disability) 2004	Not Applicable
	(Infrastructure) 2007	Not Applicable
	(Kosciuszko National park Alpine Resorts) 2007	Not Applicable
	(Kurnell Peninsula) 1989	Not Applicable
	(Major Development) 2005	Not Applicable
	(Mining, Petroleum Production and Extractive Industries) 2007	Not Applicable
	(Miscellaneous Consent Provisions) 2007	Not Applicable
	(Penrith Lakes Scheme) 1989	Not Applicable
	(Rural Lands) 2008	Not Applicable
	(SEPP 53 Transitional Provisions) 2011	Not Applicable
	(State and Regional Development) 2011	Not Applicable
	(Sydney Drinking Water Catchment) 2011	Not Applicable
	(Sydney Region Growth Centres) 2006	Not Applicable
	(Three Ports) 2013	Not Applicable
	(Urban Renewal) 2010	Not Applicable
	(Western Sydney Employment Area) 2009	Not Applicable
	(Western Sydney Parklands) 2009	Not Applicable

See Table 5 below which reviews the consistency with the formerly named State Regional Environmental Plans, now identified as deemed SEPPs.

Table 5 - Consistency with deemed State Environmental Planning Policies

No.	Title	Consistency with Planning Proposal
8	(Central Coast Plateau Areas)	Not Applicable
9	Extractive Industry (No.2 – 1995)	Not Applicable
16	Walsh Bay	Not Applicable
18	Public Transport Corridors	Not Applicable
19	Rouse Hill Development Area	Not Applicable
20	Hawkesbury-Nepean River (No.2 – 1997)	Not Applicable
24	Homebush Bay Area	Not Applicable
26	City West	Not Applicable
30	St Marys	Not Applicable
33	Cooks Cove	Not Applicable
	(Sydney Harbour Catchment) 2005	Not Applicable

B4 Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The first relevant s117 Direction is 3.1 – Residential Zones whose objectives are:

(a) to encourage a variety and choice of housing types to provide for existing and future housing needs,
(b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and
(c) to minimise the impact of residential development on the environment and resource lands.

As noted above, the rezoning of the subject site to R3:

- will be consistent with the planning for area which seeks medium density housing,
- will increase the choice of housing which is currently and predominantly single dwellings, and
- will make good use of existing open space and public transport infrastructure.

Services such as water, sewerage and electricity are available in the street. No adverse impact on the environment at large will result from the infilling of residential development on the subject site.

The objectives of Direction 3.4, Integrating Land Use and Transport, are to:

> *ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:*
>
> *(a) improving access to housing, jobs and services by walking, cycling and public transport, and*
> *(b) increasing the choice of available transport and reducing dependence on cars, and*
> *(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and*
> *(d) supporting the efficient and viable operation of public transport services, and*
> *(e) providing for the efficient movement of freight. Where this direction applies*

Through changing the existing RE2 – Private Recreation zoning to R3 - Residential, the proposal will provide an increased and diverse supply of housing within approximately 2km of the Kogarah Strategic Health Centre. As mentioned above, the subject site is well serviced by a number of bus routes, close to the site, along Chute Avenue and the Grand Parade. The proposal satisfies the objectives of Direction 3.4

Direction 7.1 - Implementation of A Plan for Growing Sydney, applies to land within the former local government area of Rockdale. Its objective is to:

> *give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney.*

As noted elsewhere in this report, the proposal is entirely consistent with the strategic direction sought for its locality.

See Table 6 below which reviews the consistency with the Ministerial Directions for LEPs under section 117 of the *Environmental Planning and Assessment Act 1979*.

Table 6 - Consistency with applicable Ministerial Directions

1. Employment and Resources

No.	Title	Consistency with Planning Proposal
1.1	Business and Industrial Zones	Not Applicable
1.2	Rural Zones	Not Applicable
1.3	Mining, Petroleum Production & Extractive Industries	Not Applicable
1.4	Oyster Aquaculture	Not Applicable
1.5	Rural Lands	Not Applicable

2. Environment and Heritage

No.	Title	Consistency with Planning Proposal
2.1	Environmental Protection Zones	Not Applicable
2.2	Coastal Protection	Not Applicable
2.3	Heritage Conservation	Not Applicable
2.4	Recreation Vehicle Areas	Not Applicable

3. Housing, Infrastructure and Urban Development

No.	Title	Consistency with Planning Proposal
3.1	Residential Zones	It is consistent, see above.
3.2	Caravan Parks and Manufactured Home Estates	Not Applicable
3.3	Home Occupations	Not Applicable
3.4	Integrating land use and Transport	It is consistent, see above.
3.5	Development near Licensed Aerodromes	Not Applicable
3.6	Shooting ranges	Not Applicable

4. Hazard and Risk

No.	Title	Consistency with Planning Proposal
4.1	Acid Sulfate Soils	Not Applicable
4.2	Mine Subsidence and Unstable Land	Not Applicable
4.3	Flood Prone Land	Not Applicable
4.4	Planning for Bushfire Protection	Not Applicable

5. Regional Planning

No.	Title	Consistency with Planning Proposal
5.1	Implementation of Regional Strategies	Not Applicable
5.2	Sydney Drinking Water Catchments	Not Applicable
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	Not Applicable
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	Not Applicable
5.5	Development on the vicinity of Ellalong…	Not Applicable
5.6	Sydney to Canberra Corridor	Not Applicable
5.7	Central Coast	Not Applicable
5.8	Second Sydney Airport: Badgerys Creek	Not Applicable

6. Local Plan Making

No.	Title	Consistency with Planning Proposal
6.1	Approval and Referral Requirements	Not Applicable
6.2	Reserving land for Public Purposes	Not Applicable
6.3	Site Specific Provisions	It is consistent, see above.

7. Metropolitan Planning

No.	Title	Consistency with Planning Proposal
7.1	Implementation of A Plan for Growing Sydney	It is consistent, see above.

C Environmental, social and economic impact

C1 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The site is fully developed and does not accommodate any critical habitat, threatened species, etc.

C2 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No other environmental effects, other than those reported above, have been identified.

C3 How has the planning proposal adequately addressed any social and economic effects?

No other social or economic effects, other than those reported above, have been identified.

D State and Commonwealth interests

D1 Is there adequate public infrastructure for the planning proposal?

As noted above, the locality is rich in public infrastructure, especially public transport and open space.

D2 What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

State and Commonwealth public authorities have not yet been consulted.

E Conclusions

E1 Economic and orderly use of the site

The objectives of the EPA Act include, at S5(a)(ii),

the promotion and co-ordination of the orderly and economic use and development of land …

Formerly used as a bowling club which included a registered club encompassing the service of alcohol and a small number of gambling machines, the site use never-the-less fell into financial difficulties due to changing community preferences. This situation has been repeated in many locations throughout both Sydney and the nation as old pastimes give way to new and different choices. If the site could not make an economic return, even with its associated registered club, it is clear that no other similar use (tennis courts, croquet, etc) will be more successful.

If the economic and orderly use of the site is to be achieved, a rezoning to some other use than private recreation is required. The most obvious use is one that is the same as the area surrounding the site, Residential R3 with the same Building Height and FSR.

As noted above, there is strategic planning support for the provision of housing in the general area of the now Bayside City (formerly Rockdale City) and this site meets the necessary strategic imperatives of proximity to transport and the designated growth centres.

E2 Impact of the proposal

As may be seen from the proposal's architectural drawings, the very acceptable and not unreasonable impact of the proposal will fall upon those surrounding houses which have enjoyed the twin benefits of adjoining private open space and lack (thus far) of medium density redevelopment for which the locality has been designated. Development of the site as currently proposed may create minor privacy impacts, from the upper bedroom storeys of the proposed townhouses (subject to detailed design). Such an impact is within the range of that expected in any transition to medium density development. It will be no worse than if new development occurred next door rather than behind the existing houses.

Distances between windows of the proposed new and the existing will exceed the old AMCORD standard of 9m and the equivalent under the Apartment Design Guide of SEPP 65 (which itself is not applicable to the development). Adopting the development standards of the surrounding area will make all medium density housing in the area equal in impact and within the bounds framed by the zoning controls.

Based on the potential concept design, overshadowing will not be a general issue due to the favourable orientation of the site, the separation distances between new and proposed buildings and the limited building height of 8.5m.

E3 Summary conclusions

- The proposal aligns exactly with the zoning surrounding the subject site on all four sides in terms of land use, density expressed in FSR, building height.
- Rezoning of the site will not deprive the community of open space. The site was a private open space with its use limited to club members. Additionally, there is considerable open space 400m to west at Scarborough Park, and 150m to the east, at Cook Park on the bay front.
- Demonstrably, as shown in the proposed architectural plans appended, development of the site is possible in accordance with all planning controls contained in the Rockdale LEP and DCP. This means that the impact of the proposal is within the acceptable bounds prescribed in the LEP and DCP.
- Development of the site will not give rise to unacceptable or unreasonable impacts on surrounding housing which is slated for redevelopment as medium density residential.
- Located between Chuter Avenue and The Grand Parade, the site is well served by bus routes. It is also proximate to the St George Hospital precinct which has been designated as a major health/education precinct under A Plan for Growing Sydney.
- The proposal is compliant with all relevant SEPPs and the Minister's s117 Directions under the EPA Act.

Part 4 – Mapping

To assist the community in understanding the proposed amendment(s), the following maps are provided as part of this application:

- Site context map – this should identify the site(s) subject to the Planning Proposal;



Figure 3: Site and its surrounds. Extract from 'Urban Design Analysis' report prepared by Rothe Lowman, January 2016.

Figures 4 to 9 below illustrate the current control maps as well as proposed controls. The control maps that need to be amended subject to this planning proposal are land use zoning, height of building and floor space ratio.



Figure 4: The land use zoning map as per RLEP 2011

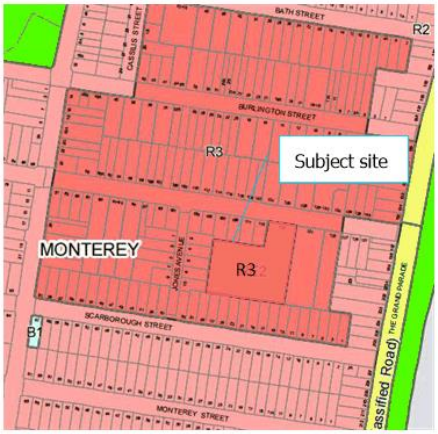


Figure 5: The proposed land use zoning map as amended

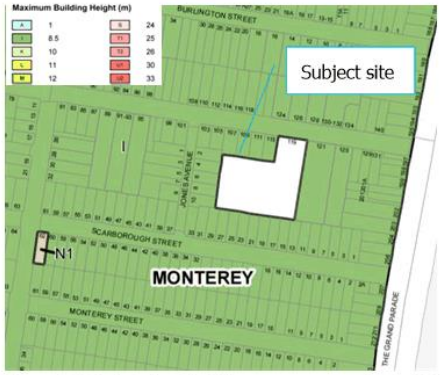


Figure 6: The height of building map as per RLEP 2011

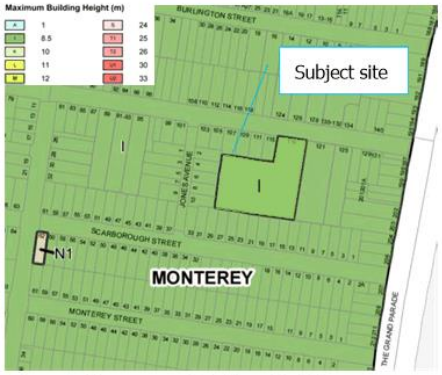


Figure 7: The proposed height of building map as amended

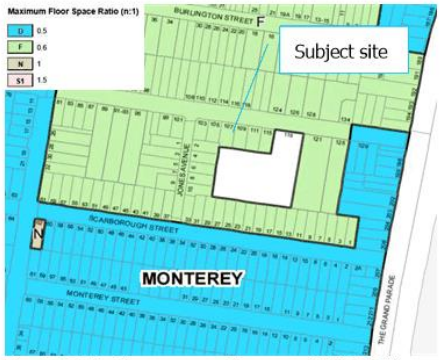


Figure 8: The floor space ratio as per RLEP 2011

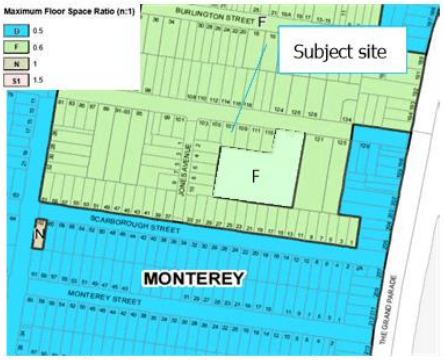


Figure 9: The proposed floor space ratio map as amended

Part 5 - Community Consultation

Community consultation process will be defined post submission in consultation with Council's 'Place Outcomes' team.

Part 6 – Project Timeline

The project timeline will be completed in consultation with Council's 'Place Outcomes' team after submission of the Planning Proposal.

The table below provides a proposed timeframe for the project.

Table 7– Approximate Project Timeline

Task	Timing
Date of Gateway determination	Will be discussed post submission
Anticipated timeframe for the completion of required technical information	Will be discussed post submission
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	Will be discussed post submission
Commencement and completion dates for public exhibition period	Will be discussed post submission
Dates for public hearing (if required)	Will be discussed post submission
Timeframe for consideration of submissions	Will be discussed post submission
Timeframe for the consideration of a PP following exhibition	Will be discussed post submission
Consideration of PP by Council (Council Meeting)	Will be discussed post submission
Date of submission to the department to finalise the LEP	Will be discussed post submission
Anticipated date RPA will make the plan (if delegated) or Anticipated date RPA will forward to the department for notification	Will be discussed post submission
Anticipated publication date	Will be discussed post submission

Appendix 1 - Supporting environmental assessment, design and engineering studies

The Planning Proposal is supported by the urban design study and the following schematic master plan drawings prepared by Rothelowman:

Drawing No.	Issue/Rev	Description	Date
SK00.02	P2	Ground floor / level 1 masterplan	21/01/2016
SK00.03	P2	Level 2 masterplan	21/01/2016
SK00.04	P1	Solar analysis – Mar, Sep, Dec	21/01/2016
SK00.05	P1	Solar analysis – June	21/01/2016
SK01.01	P2	Townhouse Type A – Floor plans	21/01/2016
SK01.02	P2	Townhouse Type B – Floor plans	21/01/2016

The following relevant documents are appended to this Proposal:

- Survey plan prepared by Project Surveyors dated 26 August, 2015;
- Geotechnical assessment report prepared by Douglas Partners dated 4 March, 2016;
- Stormwater management overview report and drawings prepared by ADG dated 9 March 2016;
- Traffic impact assessment prepared by Colston Budd Rogers & Kafes Pty Ltd dated February 2016

Appendix 2 – Subject site, locality and regional context

2.1 Site description

The subject land, comprising the former Francis Drake Bowling Club, is a large battle axe lot known as 119 Barton Street, Monterey. It has the legal description of Lot 2 DP 857520. With a northern frontage of approximately 35 metres to Barton Street, the site has an eastern (side) boundary shared with the part one- part two-storey 'Oak Flats' townhouse development at 121 Barton Street. The irregular western (side) boundary measures approximately 155 metres and adjoins the rear yards of residential development at Nos. 107-115 Barton Street and Nos. 2-10 Jones Avenue. The southern (rear) boundary, approximately 95 metres in length, abuts the rear yards of residential development at 13-29 Scarborough Street. The total area of the site is approximately 7,218 sqm. The location and context of the site are shown in the aerial photograph below.



Legend
Subject land, 119 Barton Street
Cook Park, The Grand Parade (I168)
Adjoining medium-density residential development

The Francis Drake Bowling Club ceased operations on March 23, 2015. Remaining on the site is a single-storey building comprising club/event space. Also on the site are two bowling greens and an at-grade parking area accommodating 53 parking spaces as well as a loading zone. Soft landscaping within the site is limited, confined for the most part to the south west corner of the site. There are no significant trees existing on the site. The property is currently occupied by St Pope Kyrillos VI & St Habib Girgis Coptic Orthodox Church.

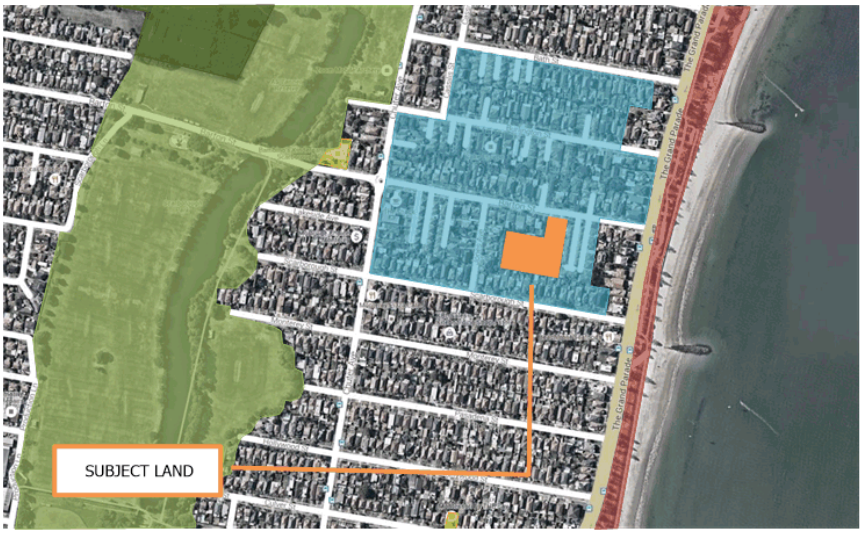
The land is zoned **RE2 Private Recreation** under the *Rockdale Local Environmental Plan 2011 (RLEP 2011)*. It is not identified as a heritage item under this instrument nor does it lie within a conservation area identified on the RLEP 2011 Heritage Map (Sheet HER_005). The subject land does, however, lie within proximity of Cook Park along the Grand Parade 150 metres to the east, which is identified as an item of local heritage significance (I168) under schedule 5 of RLEP 2011.

2.2 Surrounding development and land uses

A site-specific zoning of RE2 Private Recreation applies to the subject land. However, the land lies within a R3 Medium Density Residential zone that surrounds it on all four sides. Surrounding the R3 zone is an area zoned R2 Low Density Residential. In spite of the R3 zoning, residential development in the immediate context of the subject land is dominated by single and two-storey detached dwellings with the exception of medium density developments at 123 Barton Street and 125 Barton Street, east of the subject site, comprising the Oaks Flats townhouse development and a seven-villa development, respectively. There are some newer houses on Grand Parade but those in the streets away from the bay front are generally older and less changed.

150m to the east of the subject land is Cook Park, which provides accessible public green space adjoining Lady Robinsons Beach and the foreshore of Botany Bay. Public open space is also located 400m to the west at Scarborough Park and the AS Tanner Reserve. The latter parks surround Scarborough Ponds and the Toomevara Lane Chinese Market Gardens.

Nearby commercial centres include the Brighton-Le-Sands commercial centre 1.6km to the north, Ramsgate commercial centre 1.2km to the south and Kogarah commercial centre 1.5km to the north west. Isolated commercial uses such as cafes and other eateries are scattered along Chuter Avenue and the Grand Parade.



Legend
Subject land
R3 Medium Density Residential zone
Cook Park, The Grand Parade (I168)
Public Open Space
Early education facilities, Bambino's Kindergarten and the Montessori By-the-Bay

2.2.1 Development typical of the locality



Two-storey dweling at 115 Barton St, Image: Googlemaps



Single-storey dweling at 126 Barton St, Image: Googlemaps



Townhouse development at 121 Barton St, Image: Googlemaps

2.3 Regional context and transport

2.3.1 Population and census statistics

Monterey is a small suburb in southern Sydney, 15 km south of the Sydney CBD in the local government area of Bayside City and is part of the St George area. Monterey extends to President Avenue in the north and Emmaline Street to the south. The mostly residential suburb is bounded by the shores of Botany Bay to the east and Scarborough Park to the west. Commercial uses are scattered along Chuter Avenue and the Grand Parade. At the time of the 2011 census, Monterey had a population of 4,344 persons with a median age of 40 years compared to a median age of 35 years in the metropolitan region[4].

At 2011, Monterey contained a total of 1,943 dwellings with an average household size of 2.43 persons compared to 2.7 persons across Metropolitan Sydney (as per ABS, Sydney – Significant Urban Area). There is a greater proportion of single person households in Monterey relative to New South Wales, 28.2% and 22.3% respectively (refer TABLE 1 below). Notwithstanding, Monterey has less than half the number of single-bedroom dwellings compared with Greater Sydney.

TABLE 8: COMPARISON OF HOUSEHOLD COMPOSITION (MONTEREY/ METRO SYDNEY)

HOUSEHOLD COMPOSITION	MONTEREY %	METRO SYDNEY %
Family households	68.8	73.2
Single person households	28.2	22.3
Group households	2.9	4.5

TABLE 9: COMPARISON OF DWELLING COMPOSITION (MONTEREY/ METRO SYDNEY)

DWELLING COMPOSITION	MONTEREY %	METRO SYDNEY %
0 bedroom (includes bedsitters)	0.9	1.0
1 bedroom	2.6	7.0
2 bedroom	41.1	25.9
3 bedroom	34.4	36.2
4 bedroom	19.1	28.0
Not stated	1.9	1.8

The conclusion we draw from the statistics and the characteristics of the houses in Monterey is that dwellings tend to be occupied by older people who are likely to be empty nesters remaining in family homes which are now larger than their needs in terms of bedroom numbers.

2.3.2 Transport

The subject land lies 2.4 km from Kogarah Railway Station to the north west, well outside of the 800m (ten minute) pedestrian catchment relevant for considerations of modal split[5].

However, the subject land lies within easy walking distance of bus services along Chuter Ave (270m west) and the Grand Parade (130m east). The Grand Parade is serviced by bus routes travelling north, Route 303 (Sans Souci to Circular Quay), and south, Route 478 (Ramsgate to Rockdale). An

[4] *Australian Bureau of Statistics*, 2011 Census QuickStats: Monterey (NSW), accessed 07 Oct, 2015, at http://www.censusdata.abs.gov.au/census_services/getproduct/census/2011/quickstat/SSC11578?opendocument&navpos=220
[5] NSW Department of Planning, 2004, *Planning Guidelines for Walking and Cycling*, accessed http://www.planning.nsw.gov.au/plansforaction/pdf/guide_pages.pdf

express service, Route X03, operates between Sans Souci and the Circular Quay during peak periods Monday to Friday providing access to the city (Central Station) within 30 mins. Chuter Ave is serviced by Route 947 (operated by Transdev NSW), which runs between Hurstville to Kogarah.

At the 2011 Census, the most common method of travel to work for employed residents of Monterey was by car, 62.5% as driver and 5.2% as passenger. The location of bus and train services, as discussed above, is not reflected in greater usage by Monterey residents of bus services in combination with train services compared with Metropolitan Sydney as a whole (refer figure 3 below). 15.5% of employed people in Monterey travelled to work on public transport compared with 21.4% across the Sydney region.

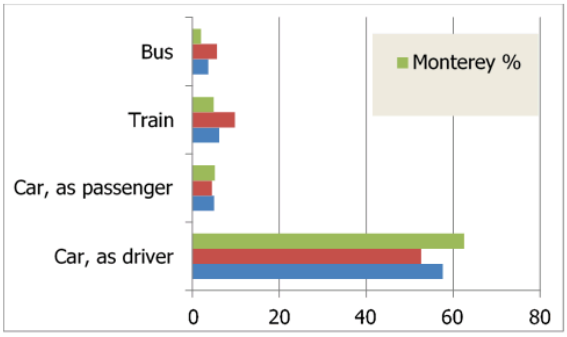


Figure 3: Comparison of journey to work modal split – Monterey, Metro Sydney and NSW

Appendix 3 – 3D study model

An analytical study conducted by Rothelowman has produced a model for development yield and building typology. This concept illustrates the capacity of the subject site to accommodate 28 two and three-bedroom townhouses, as shown in Figures 10 and 11 below.



Figure 10 – 3D study model, looking south – north



Figure 11 – 3D study model, looking north – south

Appendix 4 – Rockdale Development Control Plan 2011

TABLE 10 – Rockdale Development Control Plan 2011		
CONTROL	**PROPOSAL**	**COMPLIANCE**
4.3.1 (8) Landscape Area Landscaped areas, as defined in Rockdale LEP, must be provided at the following rates: Low and medium density residential – 25% of site area Required: 3 Bedroom dwellings – 219 sqm x 0.25 = 56 sqm 2 Bedroom dwellings – 121.5 sqm x 0.25 = 30.4 sqm	Proposed landscaped areas have been provided in accordance with the relevant requirements for two and three bedroom dwellings under the Rockdale DCP. 2 bedroom dwellings will have a minimum of 40.5 sqm per unit, while 3 bedroom dwellings will provide a generous minimum of 108 sqm per unit.	**Complies**
4.3.2 Private Open Space Each dwelling must be provided with a minimum private open space area as specified in the following table: Multi Dwelling Housing 2 bedroom – 40m² 3 bedroom – 50m²	Private open space, in accordance with the requirements of this section, is considered for the proposed new dwellings on the subject site. See drawing SK00.02 of proposed schematic masterplan by Rothelowman architects.	**Complies**
4.3.3 Communal Open Space The development must provide a communal area for the benefits of its residents at the rate of 5m² for each dwelling within the development. 28 dwellings x 5m²/dwelling = 140m²	A recreation area, located adjacent to the visitor car parking, is proposed to provide approximately 175m² of communal open space.	**Complies**
4.6 Car parking, access and movement Parking Rates Development is to provide on-site parking in accordance with the following rates: • 1 space/studio, 1 and 2 bedrooms apartments – 15 x 1 = 15 spaces • 2 spaces/3 bedrooms apartments or more - 13 x 2 = 26 spaces • Visitor parking: 1 space/5 Dwellings – 41/5 = 8.2 spaces Total spaces required: 49.2	Provision of car parking per dwelling is compliant with DCP requirements. Visitor car parking is non-compliant by 2 spaces. 6 visitor spaces provided 8 visitor spaces required	**Complies** **Does not comply**

HEYMANN COHEN

REPORT ON THE TRAFFIC ASPECTS OF PLANNING PROPOSAL FOR 119 BARTON STREET, MONTEREY

FEBRUARY 2016

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1. INTRODUCTION

1.1 Colston Budd Rogers and Kafes Pty Ltd has been commissioned by Heymann Cohen to prepare a report examining the traffic implications of a planning proposal to allow residential development on the bowling club site (currently used by the Coptic Church) at 119 Barton Street, Monterey. The site location is shown in Figure 1.

1.2 The proposed rezoning would allow for 28 townhouses (15 x two bedroom units and 13 x three bedroom units) with internal road, on-site parking and access from Barton Street. 47 parking spaces (41 residential and 6 visitor) are proposed.

1.3 This report assesses the traffic implications of the planning proposal through the following chapters:

- Chapter 2 - describing the existing conditions; and
- Chapter 3 - assessing the traffic implications of the planning proposal.

2. EXISTING CONDITIONS

Site Location and Road Network

2.1 The subject bowling club site is currently occupied by a Coptic Church. The site is located within the block bounded by The Grand Parade, Barton Street, Scarborough Street and Jones Avenue. It has frontage and access to/from Barton Street and is surrounded by residential dwellings.

2.2 The road network in the vicinity of the site includes The Grand Parade, Barton Street, Scarborough Street and Jones Avenue. The Grand Parade travels in a north-south direction located east of the site. It is a divided road providing two lanes in each direction with right turn bays provided. In the vicinity of the site The Grand Parade is subject to a 60km/h speed limit with no stopping restrictions applying on both sides. The Grand Parade and Barton Street form a signalised intersection east of the site.

2.3 Barton Street is located north of the site (forming the northern site frontage). Barton Street travels in an east-west direction between The Grand Parade to the east and Rocky Pont Road to the west. Barton Street provides one traffic lane and one parking lane in both directions and is subject to a 50km/h speed limit. Barton Street provided access to the subject bowling club site.

2.4 Scarborough Street is located south of the site and travels in an east-west direction between The Grand Parade to the east and its termination at a cul-de-sac near Scarborough Park to the west. Scarborough Street provides one traffic lane and one parking lane in both directions and is subject to a 50km/h speed limit.

2.5 Jones Avenue is located west of the site, travelling in a north-south direction between Barton Street and Scarborough Street. It provides for two way traffic flow with kerb side parking on both sides. Jones Avenue is subject to a 50/km/h speed zoning and forms 'T'-junctions with Barton Street to the north and Scarborough Street to the south.

Traffic Flows

2.1 Traffic generated by the proposed development will have its greatest effects during the weekday morning and afternoon peak period. In order to gauge traffic conditions, counts were undertaken at the following intersections:

- The Grand Parade/Barton Street; and
- Barton Street/Jones Avenue.

2.2 The results are summarised in Table 2.1 and Figures 2 and 3.

Table 2.1: Existing Two-Way (Sum of Both Directions) Peak Hour Traffic Flows

Road	Weekday Morning	Weekday Afternoon
The Grand Parade		
– north of Barton Street	2,910	4,300
– south of Barton Street	2,780	3,995
Barton Street		
– west of The Grand Parade	210	340
– west of Jones Avenue	230	345
Jones Avenue		
– south of Barton Street	30	15

2.3 Examination of Table 2.1 reveals that:

- The Grand Parade carried some 2,780 to 4,300 vehicles per hour (two way) during the weekday morning and afternoon peak periods;

- Barton Street carried some 210 to 345 vehicles per hour (two way) during the weekday morning and afternoon peak periods; and

- Jones Avenue carried some 15 to 30 vehicles per hour (two way) during the weekday afternoon and weekend midday peak periods.

Intersection Operations

2.4 The capacity of the road network is largely determined by the capacity of its intersections to cater for peak period traffic flows. The intersections of Barton Street with The Grand Parade and Jones Avenue have been analysed using the SIDRA computer program. SIDRA analyses intersections controlled by traffic signals, roundabouts and signs.

2.5 SIDRA provides a number of performance measures. The most useful measure provided is average delay per vehicle expressed in seconds per vehicle. Based on average delay per vehicle, SIDRA estimates the following levels of service (LOS):

- For traffic signals, the average delay per vehicle in seconds is calculated as delay/(all vehicles), for roundabouts the average delay per vehicle in seconds is selected for the movement with the highest average delay per vehicle, equivalent to the following LOS:

0 to 14	=	"A"	Good
15 to 28	=	"B"	Good with minimal delays and spare capacity

29 to 42	=	"C"	Satisfactory with spare capacity
43 to 56	=	"D"	Satisfactory but operating near capacity
57 to 70	=	"E"	At capacity and incidents will cause excessive delays. Roundabouts require other control mode.
>70	=	"F"	Unsatisfactory and requires additional capacity

- For give way and stop signs, the average delay per vehicle in seconds is selected from the movement with the highest average delay per vehicle, equivalent to following LOS:

0 to 14	=	"A"	Good
15 to 28	=	"B"	Acceptable delays and spare capacity
29 to 42	=	"C"	Satisfactory but accident study required
43 to 56	=	"D"	Near capacity and accident study required
57 to 70	=	"E"	At capacity and requires other control mode
>70	=	"F"	Unsatisfactory and requires other control mode

2.6 It should be noted that for roundabouts, give way and stop signs, in some circumstances, simply examining the highest individual average delay can be misleading. The size of the movement with the highest average delay per vehicle should also be taken into account. Thus, for example, an intersection where all movements are operating at a level of service A, except one which is at level of service E, may not necessarily define the intersection level of service as E if that movement is very small. That is, longer delays to a small number of vehicles may not justify upgrading an intersection unless a safety issue was also involved.

2.7 The SIDRA analysis found that the signal controlled intersection of The Grand Parade/Barton Street operates with average delays for the highest delayed

movement of some 27 seconds per vehicle during the weekday afternoon peak hour. This represents a level of service B, a good level of service.

2.8 The priority controlled 't'-intersection of Barton Street/Jones Avenue operates with average delays for the highest delayed movement of some 15 seconds per vehicle during the weekday afternoon peak hour. This represents a level of service A/B, a good level of service.

Public Transport

2.9 Public transport is provided by Sydney Buses and Transdev NSW. Sydney Busses operate routes 303 (City to Sans Souci), X03 (City to Sans Souci (express)) and 478 (Rockdale Station to Miranda) along The Grand Parade. Transdev NSW operates route 947 (Hurstville to Kogarah via Ramsgate and Bells Point) along Chuter Avenue.

2.10 Bus stops are located within the vicinity of the site on either side of The Grand Parade at the intersection with Barton Street (east of the site) and on Chuter Avenue near the intersection with Barton Street (west of the site). Footpaths are provided along Barton Street, The Grand Parade and Chuter Avenue.

2.11 Overall, the site has good access to regular public transport services with bus stops located within 300 metres walking distance of the subject site.

3. IMPLICATIONS OF PLANNING PROPOSAL

3.1 The proposed rezoning would allow for 28 townhouses (15 x two bedroom units and 13 x three bedroom units) with internal road, on-site parking and access from Barton Street. 47 parking spaces (41 residential and 6 visitor) are proposed. This chapter assesses the implications of the planning proposal through the following sections:

- public transport;
- parking provision;
- access and internal layout;
- traffic effects; and
- summary.

Public Transport

3.2 As previously discussed, the site is located close (within 300 metres walking distance) of regular bus services that operate along The Grand Parade and Chuter Avenue. These bus services provide links to City, Hurstville, Kogarah, Rockdale, Miranda and surrounding areas. The site is therefore accessible by public transport. The planning proposal will increase residential densities close to existing public transport services.

Parking Provision

3.3 Parking requirements for the planning proposal have been estimated using Rockdale City Council DCP 2011. The DCP requires 1 space per two bedroom

unit and 2 spaces per three bedroom unit and 1 space per 5 dwellings for visitor parking.

3.4 The development proposes to provide 28 townhouses comprising 15 x two bedroom units and 13 x three bedroom units. Adopting the rates provided by the Rockdale City Council DCP 2011, the planning proposal would require the provision of 47 parking spaces (41 residential and 6 visitor spaces). It is proposed to provide 47 parking spaces.

3.5 Thus the proposed parking provision satisfies the requirements Rockdale City Council DCP 2011.

Access and Internal Layout

3.6 Vehicular access is proposed from Barton Street via a 6.5 metre wide entry/exit driveway located on the eastern side of the site frontage to Barton Street. The proposed driveway will comply with the requirements of AS2890.1-2004 (with respect to width, grades and provision of pedestrian sight lines). An internal road is proposed, providing access to the residential townhouses.

3.7 Residential parking spaces will be provided within separate garages attached to each individual townhouse. Visitor parking spaces will be provided at ground and will be a minimum of 2.5 metres wide by 5.4 metres long. Accessible car parking spaces will be a minimum of 2.4 metres wide by 5.4 metres long to be accompanied with an adjacent shared area with the same dimensions. Spaces located next to walls will be a further 300mm wider. The minimum aisle width will be 5.8 metres and a further 300mm wider where a wall is located immediately adjacent the parking aisle. Dead end aisles will have a one metre extension for

appropriate accessibility to end spaces. Height clearance will be a minimum of 2.2 metres generally, with 2.5 metres over disabled spaces. These dimensions are considered appropriate, being in accordance with AS2890.1-2004 and AS2890.6-2009.

3.8 With regard to servicing, larger vehicles (such as garbage collection vehicles) are proposed to undertake servicing on site within a designated loading area via the proposed internal road, a turning area will be provided to enable the service vehicles to enter and exit the site in a forward direction. Servicing by other vehicles (such as tradesman vehicles or similar van sized vehicles) will be undertaken by either parking on site (if parking is available) or in Barton Street using the available on-street parking.

3.9 Overall the proposed access arrangements, parking layout, internal circulation and service arrangements are considered appropriate.

Traffic Effects

3.10 The RMS Guideline provides traffic generation rates for medium density residential developments of between 0.4 to 0.5 vehicle trips per hour for smaller units (up to two bedrooms) and 0.5 to 0.65 vehicle trips per hour for larger units (up to three bedrooms). With a mix of two and three bedroom townhouses being proposed, a rate of 0.5 has been adopted and is considered appropriate for this development. Using this rate the planning proposal would generate some 15 vehicles per hour two-way during the morning and afternoon peak hours.

3.11 This additional traffic has been assigned to the adjoining road network and would result in traffic flow increases on Barton Street of some 5 to 10 vehicles per hour

(two-way). This is a low increase, equivalent to an average of only one vehicle every six to twelve minutes at peak times. Such a low traffic generation would not have noticeable effects on the operation of the surrounding road network.

Summary

3.12 In summary, the main points relating to the transport implications of the proposed development are:

i) The subject site is accessible by regular bus services with bus stops located within 300 metres walking distance of the site;

ii) the proposed parking provision satisfies the requirements of Rockdale City Council DCP 2011;

iii) access and internal layout will be provided in accordance with AS 2890.1-2004 and AS2890.6-2009;

iv) the proposed development would result in a minor increase in traffic during the morning and afternoon peak periods on the surrounding road network; and

v) the surrounding road network can accommodate traffic from the proposed development with no noticeable effects on the surrounding road network.

Monterey Equity Pty Ltd

C/- Donald Cant Watts Cork

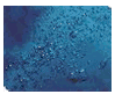
Contamination Assessment:
Lot 2, DP857520,
119 Barton Street, Monterey, NSW

martens consulting engineers

ENVIRONMENTAL



WATER



WASTEWATER



GEOTECHNICAL



CIVIL



PROJECT MANAGEMENT



P1706332JR01V01
March 2018

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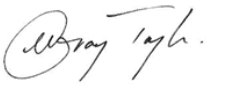
Robert Mehaffey	Gray Taylor Andrew Norris	Gray Taylor	

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All enquiries regarding this project are to be directed to the Project Manager.

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1 Overview

1.1 Introduction

This report, prepared by Martens and Associates (MA), documents a contamination assessment which includes a preliminary site investigation (PSI) with limited testing to support a rezoning application to allow future residential subdivision of 119 Barton Street, Monterey, NSW ('the site').

The location of the site is shown in PS01-AZ06, Attachment A.

1.2 Objectives

Investigation objectives include:

- Identification of historic and current potentially contaminating site activities.
- Evaluation of areas of environmental concern (AEC) and associated contaminants of potential concern (COPC) within investigation area.
- Assess identified AECs and associated COPCs.
- Assess potential sources of site contamination identified in the preliminary investigation.
- Provide comment on suitability of investigation area for future development use, and where required, provide recommendations for remediation.

1.3 Project Scope

Scope of work included:

- Site walkover inspection to assess existing land condition and potential for site contamination.
- Review of 6 historical aerial photographs to assess past land use.
- Review of relevant Bayside Council historical database data (eg. BCC DA/BA history).

- Review of other relevant databases (SafeWork NSW and NSW EPA).
- Identification of AECs & COPCs.
- Conduct soil sampling in AECs. Sampling undertaken in general accordance with NSW EPA (1995) Site Sampling Guidelines. Investigations completed using hand methods (for surface samples) and hydraulic drill rig and push tube (for boreholes).
- Laboratory testing of soil contaminants of potential concern (COPC) within each AEC. For QA/QC purposes, duplicates and trip spike/blank samples were collected and analysed.
- Findings of the intrusive soil investigation documented in general accordance with NSW OEH (2011) and NEPM (1999, amended 2013).

1.4 Abbreviations

AEC – Area of environmental concern

ASC NEPM – Assessment of site contamination (National Environmental Protection Measure)

BA – Building application

BC – Bayside Council

BTEXN – Benzene, toluene, ethyl benzene, xylene and naphthalene

COPC – Contaminants of potential concern

DA – Development application

DEC – NSW Department of Environment and Conservation

DP – Deposited Plan

DPI – NSW Department of Primary Industries

DQI – Data quality indicators

DQO – Data quality objective

EIL – Ecological Investigation Levels

EPA – NSW Environment Protection Authority

EQL – Estimated quantitation limit

ESL – Ecological Screening Levels

HIL – Health investigation level

HM – Heavy metal

HSL – Health screening level

LGA – Local government area

MA – Martens and Associates Pty Ltd

mAHD – Metres Australian height datum

NATA – National Association of Testing Authorities

OCP – Organochloride pesticides

OEH – NSW Office of Environment and Heritage

OPP – Organophosphate pesticides

PAH – Polycyclic aromatic hydrocarbons

PSI – Preliminary site investigation

RPD – Relative percentage difference – difference between two values divided by the average

SAC – Site acceptance criteria

SAQP – Sampling analytical and quality plan

SOP – Standard operating procedure

TRH – Total recoverable hydrocarbons

2 Site Description

2.1 Site Location and Existing Land Use

Site information is summarised in Table 1, and site location and general surrounds shown in PS01-AZ06, Attachment A.

Table 1: Site background information.

Item	Description / Detail
Site address, lot/DP, and approximate area	119 Barton Street, Monterey, NSW (Lot 2, DP857520) – 7,202 m² (Approx.)
Local Government Area (LGA)	Bayside Council (BC)
Current land use	Site is currently a recreational bowling green, club house and car park.
Proposed land use	Residential.
Site description	The lot currently has two bowling greens, a bowling club in the southern portion of the site and a carpark in the northeast portion of the site.
Surrounding land uses	The site is bordered by Barton Street to the north and residential properties to the east, south and west.
Topography	Site is generally flat. Site elevations range from approximately 6 mAHD in the northeast corner of the site to approximately 5 mAHD in the western border of the site.
Expected geology	The Sydney 1:100,000 Geological Series Sheet 9130 (1983) indicates that the site is underlain by quaternary deposits comprised of quartz sand, minor shell content, interdune (swale) silt and fine sand. The NSW Environment and Heritage eSPADE website identifies the site as having soils of the Tuggerah soil landscape, consisting of deep (>200 cm) podzols on dunes and podzols/humus podzol intergrades on swales.
Site drainage	A stormwater planning assessment completed by ADG Engineers Australia Pty Ltd (2016) concluded that all stormwater runoff generated at the site is contained within the site boundaries and is discharged via infiltration into sandy soils.
Sensitive receptors	Future site residents and visitors. Site workers during future construction works. Surrounding residential site occupants.

2.2 Hydrogeology

Review of the NSW Department of Primary Industries (DPI) Water's database provided the following information for the five closest groundwater bores (with relevant information) to the site (Table 2).

Table 2: Available hydrogeological information.

Groundwater Bore Identification	Direction and Distance	Standing Water Level (m)	Intended Use	Water Bearing Zone Substrate
GW100520	On site	NE[1] (7 mBGL)	Recreation	ND[2]
GW106456	Approximately 15 m south	NE[1] (6 mBGL)	Domestic	ND[2]
GW108549	Approximately 10 m east	5.0 mBGL	Domestic	Sand
GW108550	Approximately 10 m east	5.0 mBGL	Domestic	Sand
GW108652	Approximately 15 m east	5.0 mBGL	Domestic	Sand

Notes

[1] NE – Groundwater not encountered (maximum depth of well).

[2] ND – No data available.

Borehole investigations undertaken by MA encountered groundwater at depths of 1.4 – 3.0 mBGL.

In consideration of hydrogeological information at the site, it is unlikely that groundwater is a significant potential contamination pathway.

3 Site Background Assessment

3.1 Historical Site Records Review

Four records exist at Bayside Council (BC) for development applications and building plans at the site (Table 3). BC correspondence is provided in Attachment B.

Table 3: Site history information.

Year	Record No.	Description
1995	BA-1995/696	Construction of outbuilding shed.
1995	BA-1995/736	Building application for villas and townhouses (13 units).
1996	BA-1996/134	Club additions.
2008	DA-2008/195	Minor alterations to club.

3.2 NSW EPA Records

No notices for the suburb of Monterey or nearby suburbs were listed under the Contaminated Land Management Act (1997) or the Environmentally Hazardous Chemicals Act (1985).

One record within the Monterey area is identified on the list of NSW contaminated sites notified to the EPA (Table 4).

Table 4: Available EPA contaminated lands record information.

Suburb	Address	Details	Distance/ Orientation From Site
Monterey/Kogarah	Scarborough Park South	Former landfill	Southwest, approximately 700 m

The above site is at a lower elevation than the subject site. Due to distance to the site and local hydrological characteristics, it is unlikely that the above site would have caused near surface soil contamination at the subject site.

3.3 Historical Aerial Photograph Review

Historical aerial photographs taken of the site during 1943, 1961, 1975, 1991, 2009 and 2018 were reviewed to investigate historic site land uses (Table 5). Copies of aerial photographs are provided in Attachment A. Photos indicate that the site may have used as a recreational bowling green since some time before 1961. Historical aerials did not indicate any other site use.

Table 5: Historic aerial photograph observations 1943 – 2018

Year	Site	Surrounding Land Use
1943	The site appears unused, a potential pond (approximately 1500 m²) is present in the eastern portion of the site. Rest of the site has scattered bushes and is undeveloped.	Residential properties to the north, east and south. Cleared, vacant land to the west and south east of the site.
1961	Site has been developed into bowling greens with bowling club in the southern portion of the site and carpark in the northern portion of the site.	Lot immediately east of the site is also being used as part of the bowling green development. Continued residential development in all directions.
1975	Little change from previous.	Little change from previous.
1991	Little change from previous.	Little change from previous.
2009	Bowling green area along the eastern boundary has been redeveloped into additional carpark space.	Lot immediately east of the site (previously part of the bowling green) has been redeveloped into residential housing.
2018	Little change from previous.	Little change from previous.

3.4 Walkover Site Inspection

Site walkover was conducted on 14 February, 2018 by an experienced MA environmental engineer in conjunction with PSI investigations. Observations are summarised below.

- Timber and brick clad bowling club along the southern boundary of the site.
- Asphalt driveway and carpark in the north and eastern portions of the site.
- Two artificial turf bowling greens in the central portion of the site.

- Brick and galvanised metal sheds in the northern portion of the site, directly north of existing bowling greens.
- Stockpile of timber, plastic and glass immediately west of brick and galvanised sheds in the northern portion of the site.
- Site likely filled for levelling purposes (primarily under bowling greens and carpark).

4 Potential for Contamination

4.1 Areas of Environmental Concern/Contaminants of Potential Concern

Our assessment of site AECs and COPCs (Table 6) for the investigation area is made on the basis of available site history, aerial photograph interpretation and site walkover. A map showing locations of identified AECs is provided in Attachment C.

Table 6: Areas of environmental concern and contaminants of potential concern.

AEC [1]	Potential for Contamination	COPC
AEC A – Existing bowling club	Pesticides and heavy metals may have been used underneath building for pest control. Building may include potential asbestos containing material (PACM) and/or lead based paints.	HM, OCP/OPP and asbestos.
AEC B – Former pond	Former site pond has been filled in for construction of bowling club and encountered during geotechnical investigations (Douglas Partners, 2016). Fill of unknown origin and quality has been used.	HM, TRH, BTEXN, PAH, OCP/OPP and asbestos.
AEC C (entire site) – Site filling	Fill of unknown origin and quality was, likely used for site levelling purposes. Fill of unknown origin and quality has been used.	HM, OCP/OPP.
AEC D – Bowling greens	Prior to construction of artificial turf bowling greens, herbicides and pesticides are likely to have been used.	HM, OCP/OPP.

Notes

[1] Locations identified on AEC map in Attachment C.

4.2 Sensitive Receptors and Exposure Pathways

Table 7 provides a summary of identified sensitive receptors and potential exposure pathways connecting receptors to identified AECs and COPCs outlined in Table 6.

Table 7: Summary of receptors and potential pathways.

Receptor	Pathway
Human Receptors: o Future site residents and visitors. o Site workers during future construction works. o Surrounding residents.	o Dermal contact. o Oral ingestion of potentially contaminated soil.
Environmental Receptors o Monterey Park (approximately 400 m west). o Botany Bay (approximately 300 m east) o Existing site flora and fauna.	o Migration in contaminated runoff. o Direct contact with site flora and fauna.

4.3 Preliminary site investigation conclusions

Results of the site history review indicate that the site may have used as a recreational bowling club since some time before 1961. Historical information did not indicate any other site use. The following potential contamination sources are noted:

- Existing bowling club may have the potential to have introduced contaminants in the form of asbestos (as a construction material), pesticides (pest control), hydrocarbon (fuels and oils) and heavy metals (paints, pest control).
- Fill used across the site for levelling purposes and to fill the former pond is of unknown origin and quantity and may contain contaminants.

Overall, the investigation area is considered to have a medium risk of contamination and poses a potential risk of harm to human health and environment under proposed development conditions. As a result, assessment of the identified AECs was undertaken and a summary of results is outlined in the following sections.

5 Site Sampling Overview

5.1 Objectives

The sampling plan's development was guided by NSW EPA (1995) *Sampling Design Guidelines* and a risk based assessment. Assessment addressed each of the identified AEC and associated COPCs identified in Table 6. Results of the site testing were assessed against site acceptance criteria (SAC) developed with reference to ASC NEPM (1999, amended 2013).

The objective of site sampling is to assess the COPC (Section 4.1) and determine suitability for the proposed subdivision.

The soil sampling and borehole location map is shown in Attachment D. Borehole logs are provided in Attachment E.

5.2 Reference Guidelines

This assessment is prepared in general accordance with the following guidelines:

- ASC NEPC (1999, amended 2013) National Environmental Protection Measure, (NEPM 1999, amended 2013).
- NSW EPA (2017) 3rd Ed. Contaminated Land Management: Guidelines for the NSW Site Auditor Scheme.
- NSW EPA (1995) *Sampling Design Guidelines.*
- NSW OEH (2011) Contaminated Sites: Guidelines for Consultants Reporting on Contaminated Sites.

6 Sampling, Analytical and Quality Plan (SAQP)

A SAQP has been developed to ensure that data collected for the soil sampling regime is representative and provides a robust basis for site assessment decisions. Preparation of the SAQP has been completed in general accordance with ASC NEPM (1999, amended 2013) methodology and includes:

- Data quality objectives.
- Sampling methodologies and procedures.
- Field screening methods.
- Sample handling, preservation and storage procedures.
- Analytical QA/QC.

6.1 Data Quality Objectives (DQO)

Data quality objectives (DQO) have been prepared as statements specifying qualitative and quantitative data required to support project decisions. DQO have been prepared in general accordance with NSW EPA (2017) and US EPA (2006) guidelines and are presented in Table 8.

Table 8: Data quality objectives for the assessment of soil investigations.

Step 1 **Stating the Problem**	The proposed development will include residential land use with access to soil. Therefore the site must be deemed suitable to accommodate the proposed land use. This assessment is required to assess risk posed by AECs and COPC to onsite and offsite sensitive receptors.
Step 2 **Identifying the Decision(s)**	Historical investigations have identified AECs which may be the source of contamination including buildings, bowling greens and fill present at the site. To assess the suitability of the site for future residential use, decisions are to be made based on the following questions: o Is site soil quality suitable for the intended land use? o Has previous or current site use impacted the quality of site soils posing a human health risk during intended future land use including construction phase? o Do site soils require remediation or management to prior to onsite residential land use?
Step 3 **Identification of Inputs to the Decision**	The inputs to the assessment of site soil quality will include: o Soil sampling at nominated locations (where access is available) across the site. o Laboratory analytical results for relevant COPC. o Assessment of analytical results against site suitable human health and ecological risk criteria.

Step 4 Study Boundary Definitions	Study boundaries are as follows: o Lateral – Lateral boundary of the assessment is defined by the site boundary as indicated in Attachment A. o Vertical – Vertical boundary will be governed by the maximum depth reached during subsurface investigations. o Temporal – At this stage of investigation, only one round of sampling has been undertaken.
Step 5 Development of Decision Rules	The decision rule for this investigation are as follows: If the concentration of contaminants in the soil data exceeds the adopted assessment criteria; an assessment of the need to further investigate, remediate and / or manage the onsite impacts in relation to the proposed development will be undertaken.
Step 6 Specification of Limits on Decision Errors	Guidance found in ASC NEPM (1999 amended 2013) Schedule B2 regarding 95% upper confidence limit (UCL) states that the 95% UCL of the arithmetic mean provides a 95% confidence level that the true population mean will be less than or equal to this value. Therefore a decision can be made based on a probability that 95% of the data collected will satisfy the site acceptance criteria. A limit on decision error will be 5% that a conclusive statement may be incorrect.
Step 7 Optimisation of Sampling Design	Proposed sampling locations shall provide even coverage across identified AECs on the site. Sampling shall attempt to ensure that critical locations are assessed, sampled, and analysed for appropriate contaminants of concern. Soil sampling locations were set using a combined judgemental and grid pattern across the site.

6.2 Data Quality Indicators (DQI)

In accordance with NSW DEC (2006), the investigation data set has been compared with Data Quality Indicators (DQI) outlined in Table 9 to ensure that collected data meets the project needs and that DQOs have been meet.

Table 9: Data Quality Indicators.

Assessment Measure (DQI)	Comment
Precision – A measure of the variability (or reproducibility) of data.	Precision is assessed by reviewing blind field duplicated sample set through the calculation of relative percent difference (RPD). Data precision is deemed acceptable where results are 10 x the EQL, and where RPDs are less than 50% (10-30 x EQL) or 30% (>30 x EQL). Exceedance of this range is still considered acceptable where heterogeneous materials are sampled.
Accuracy – A measure of the closeness of reported data to the "true value".	Data accuracy is assessed by: o Method blanks. o Field spikes and blanks. o Laboratory control samples. o Matrix spikes.

Assessment Measure (DQI)	Comment
Representativeness – The confidence that data are representative of each media present on the site.	To ensure data representativeness the following field and laboratory procedures are followed: o Ensure that the design and implementation of the sampling program has been completed in accordance with MA standard operating procedures (SOP). o Blank samples shall be used during field sampling to ensure no cross contamination or laboratory artefacts. o Ensure that all laboratory hold times are meet and that sample handling and transport is completed in accordance with MA SOP.
Completeness – A measure of the amount of usable data from a data collection activity.	To ensure data set completeness, the following is required: o Confirmation that all sampling methodology was completed in general accordance with MA SOP. o COC and receipt forms. o Results from all Laboratory QA/QC samples (Lab blanks, matrix spikes, lab duplicates). o NATA accreditation stamp on all laboratory reports.
Comparability - The confidence that data may be considered to be equivalent for each sampling and analytical event.	Data comparability is maintained by ensuring that: o All site sampling events are undertaken following methodologies outlined in MA SOP and published guidelines. o NATA accredited laboratory methodologies shall be followed on all laboratory testing.

6.3 Investigation and Sampling Methodology and Quality Assurance / Quality Control

Site investigation and soil sampling methodology (Table 10) was completed to meet the project DQOs.

Table 10: Investigation and sampling methodology.

Activity	Detail / Comments
Fieldworks	Contamination investigations were completed on 14 February 2018, and involved: o Excavation of 10 boreholes using a 4WD ute-mounted hydraulic rig (in carpark and driveway) and hand-operated push tube (bowling greens and grassed area). o Collection of soil samples from the auger or push tube for laboratory testing and future reference. o Collection of surface soil samples by hand for laboratory testing and future reference. Testing and sample locations are provided in Attachment D.
Soil and sediment sampling	Soil sampling was completed by the supervising MA environmental engineer using a new nitrile glove covered hand. All equipment was decontaminated between sampling locations where required. Each sample was placed into a laboratory-supplied, acid-rinsed 250mL glass jar, labelled with a unique identification number and no headspace

Activity	Detail / Comments
	to limit volatile loss. A clean pair of gloves was used for each sample.
QA / QC sampling	Duplicate samples were collected for intra-laboratory analysis at a rate of approximately 1 per 10 primary samples. 2 soil duplicate samples were collected during investigations. A trip blank and trip spike sample was used during sampling.
Sample handling and transportation	Sample collection, storage and transport were conducted according to MA SOP. Collected samples were placed immediately into an ice chilled cooler-box. Samples were dispatched to NATA-accredited laboratories under chain of custody documentation within holding times.

A review of QA/QC procedure has been completed and is presented in the data validation report (Attachment F). The report concludes that data is suitable for the purposes of the assessment.

6.4 Laboratory Analytical Suite

Laboratory analysis was carried out by Envirolab Pty Ltd a NATA accredited laboratory. Laboratory analytical documentation is presented in Attachment G.

Site AEC areas were tested for the COPC in Table 11.

Table 11: Summary of primary soil laboratory analyses.

COPC	Number of Primary Samples Analysed
BTEXN	11
TRH	11
PAH	11
Heavy metals[1]	11
OCP/OPP	11
pH[2]	3
CEC[2]	3

Notes:
[1] Heavy metals – arsenic, cadmium, chromium, copper, lead, mercury, nickel, zinc.
[2] pH and CEC are not COPCs but were assessed to allow for calculation of site specific EILs.

7 Site Assessment Criteria

7.1 Overview

The site assessment criteria (SAC) adopted for this assessment have been derived from the following source:

- ASC NEPM (1999, amended 2013) National Environmental Protection (Assessment of Site Contamination) Measure (NEPM).

Guideline values for individual contaminants analysed for this assessment are presented in laboratory tables in Attachment H.

Table 12 summarises the applicability of the SAC adopted for this investigation.

Table 12: Summary of SAC.

Media	Adopted Guidelines	Applicability
Soil	ASC NEPM (1999, amended 2013)	Health Investigation Levels (HILs) HIL A – residential land use with access to soil. Ecological Investigation Levels (EIL)[1] Site EILs have been calculated using methodology outlined in ASC NEPM (1999, amended 2013). Conservative values for soil physiochemical properties (pH and CEC) have been used in EIL calculations. Ambient background concentrations (ABC) have been taken from Olszowy et al. (1995) for aged contamination in low traffic areas in NSW. Environmental Screening Levels (ESLs) Urban residential and public open spaces. Health Screening Levels (HSLs) HSL A – Low density residential land use for sand (ASC NEPM 1999, amended 2013) have been adopted as a conservative measure. Management Limits TRH management levels have been adopted based on the proposed future land use.

Notes:
[1] See Section 7.2 for discussion on adopted EILs.

7.2 Adopted EILs

3 soil samples were analysed for physiochemical properties (pH and CEC) as part of the laboratory analytical suite. Site specific EILs for heavy metals calculated for the site were found to be above the ambient background concentrations observed within natural soil samples sent for laboratory analysis. As a majority of the site was observed to contain fill material between depths of 0.3 – 1.9 mBGL and no natural topsoil was observed onsite, calculated site specific EILs for subsoil are considered overly conservative as SAC.

Adopted EILs for the site are calculated based on conservative physiochemical properties (pH of 4.0 and CEC of 5 $cmol_c/kg$) adopted from NEPM (1999, amended 2013) Table 1B(1).

8 Laboratory Analytical Results

Table 13 summarises the results of soil laboratory analysis. Detailed tabulated results showing individual sample concentrations compared to adopted SACs are shown in Attachment H. Laboratory analytical documentation is available in Attachment G.

Table 13: Summary of soil laboratory results.

Analyte	Results Compared to SAC
Heavy Metals	HILs Lead exceeded the adopted HIL (300 mg/kg) at **6332/BH101/1.5 (1,700 mg/kg).** EIL Lead exceeded the adopted EIL (1,100 mg/kg) at **6332/BH101/1.5 (1,700 mg/kg).** Copper exceeded the adopted EIL (55 mg/kg) at **6332/BH101/1.5 (860 mg/kg)** and **6332/BH103/0.2 (57 mg/kg).** Nickel exceeded the adopted EIL (35 mg/kg) at **6332/BH106/0.4 (46 mg/kg).** Zinc exceeded adopted EIL (350 mg/kg) at **6332/BH101/1.5 (1,200 mg/kg).**
TPH/BTEXN	HILs All results below SAC. EIL All results below SAC. ESL All results below SAC. HSL All results below SAC. Management Limits All results below SAC.
OCP/OPP	HILs All results below SAC. EIL All results below SAC.

Analyte	Results Compared to SAC
TRH	HILs All results below SAC. EIL All results below SAC. ESL All results below SAC. HSL All results below SAC. Management Limits All results below SAC.
PAH	HILs Carcinogenic PAHs exceeded the adopted HIL (3 mg/kg) at **6332/BH101/1.5 (4.05 mg/kg).** EIL All results below SAC. ESL Benzo(a)pyrene exceeded the adopted ESL (0.7 mg/kg) at **6332/BH101/1.5 (3.1 mg/kg).** HSL All results below SAC.

9 Discussions

9.1 Samples Exceeding SAC

Soil sample 6332/BH101/1.5 (with SAC exceedances for heavy metals and PAH) was located within fill material underlying the existing carpark. Elevated contaminant concentrations are likely a result of anthropogenic material within the uncontrolled fill. Based on site testing, contamination was observed to be limited to this fill layer underlying the carpark. Soil sample 6332/BH101/2.0, located within natural soils beneath the contaminated layer was found to be below all adopted SAC.

Minor EIL exceedances at 6332/BH103/0.2 and 6332/BH106/0.4 are likely a result of anthropogenic material within fill. These SAC exceedances are addressed via a 95% upper confidence limit (UCL) analysis (Section 9.2).

No other exceedances of SAC were observed within fill material underlying the existing bowling greens or grassed area to the west of the bowling club.

9.2 95% UCL Analysis

To assess minor EIL exceedances of nickel and copper within fill material at the site, a 95% UCL analysis has been undertaken for samples taken from the site. Sample 6332/BH101/1.5 has not been included in UCL calculations as contaminant concentrations exceed 250% of the adopted EIL for nickel. UCL calculations are provided in Attachment I and are summarised below.

Table 14: Summary of UCL analysis.

COPC	Maximum Value (mg/kg)	EIL (mg/kg)	95% UCL (mg/kg)
Nickel	46	35	27.4
Copper	57	55	37.6

95% UCL for nickel and copper provide concentrations below the adopted EIL for the site. As a result, these exceedances are not considered a significant risk and do not require further remediation or management.

9.3 Data Gaps

It is noted that, due to access restrictions, soils underlying the existing bowling club at the site (AEC A) have not been tested. It is recommended that additional assessment and sampling of this AEC is undertaken following demolition of the existing structures. This can be completed during the remediation stage.

9.4 Acid Sulphate Soils (ASS)

The NSW Environment and Heritage eSPADE website identifies the site as Class 4 acid sulphate soil (ASS) risk. Boreholes undertaken as part of a geotechnical investigations (Douglas Partners, 2016) observed fill to a maximum depth of 1.2 mBGL and groundwater entering between 2.5 and 3.0 mBGL.

If the proposed development is to be constructed on-grade, it is unlikely that ASS soils are to be encountered during construction or excavation of fill material (if required). However, if any excavation beyond 2.0 mBGL (i.e. for a basement) or lowering of the water table is proposed as part of the development, ASS soils may pose a potential risk and are to be considered.

10 Conclusion and Discussions

SAC exceedances for heavy metals (lead, copper and zinc) and PAHs (benzo(a)pyrene and carcinogenic PAHs) were observed within fill material at one sampling location (6332/BH101/1.5), which may pose a potential risk to future human and environmental receptors at the site. It is recommended that a remedial action plan (RAP) be prepared for the site to address SAC exceedances within fill underlying the existing carpark at the site.

It is recommended that, following demolition of existing site structures, additional soil testing be conducted to address identified investigation constraints (Section 9.3) and data gaps within the CSM. Furthermore, analysis of all data (including new data from dwelling footprint) is to be undertaken using 95 % UCL confirmation limit to assess significance of ESL and EIL exceedances.

We consider that the site can be made suitable for proposed residential development provided that a RAP is developed and implemented accordingly. A likely remediation strategy may involve the removal and offsite disposal of identified contaminated soil considered to pose an unacceptable site risk. The RAP is to outline waste management requirements in light of any additional investigations or unexpected finds.

Following remediation works, a validation report is required to be prepared to confirm site suitability for the proposed development.

Prior to any soil being removed from site, a formal waste classification assessment in accordance with NSW EPA Waste Classification Guidelines (2014) is required.

11 Limitations Statement

This contamination assessment was undertaken in line with current industry standards.

It is important, however, to note that no land contamination study can be considered to be a complete and exhaustive characterisation of a site nor can it be guaranteed that any assessment shall identify and characterise all areas of potential contamination or all past potentially contaminating land-uses. This is particularly the case on sites where additional assessment work and remediation is identified as being required. Therefore, this report should not be read as a guarantee that no further contamination shall be found on the site. Should material be exposed in future which appears to be contaminated or inconsistent with natural site soils, additional testing may be required to determine the implications for the site.

Martens & Associates Pty Ltd has undertaken this assessment for the purposes of the current development proposal. No reliance on this report should be made for any other investigation or proposal. Martens & Associates accepts no responsibility, and provides no guarantee regarding the characteristics of areas of the site not specifically studied in this investigation.

References

Bayside Council – DA/BA/CC records (2018).

Herbert C. (1983) *Sydney 1:100,000 Geological Sheet 9130, 1st edition, Geological Survey of New South Wales, Sydney.*

Nearmap – Aerial photographs (2009, 2018).

NEPC (1999, amended 2013) *National Environmental Protection (Assessment of Site Contamination) Measure* – Referred to as ASC NEPM (1999, amended 2013).

NSW EPA (2017) *3rd Ed. Contaminated Land Management: Guidelines for the NSW Site Auditor Scheme.*

NSW Department of Environment & Heritage (eSPADE, NSW soil and land information). *http://www.environment.nsw.gov.au*

NSW DPI Water, groundwater database, accessed February 9, 2018. *http://allwaterdata.water.nsw.gov.au/water.stm*

NSW EPA (1995) *Sampling Design Guidelines.*

NSW Land and Property Information (LPI) – Aerial photographs (1961, 1975, 1991).

NSW OEH (2011) *Contaminated Sites: Guidelines for Consultants Reporting on Contaminated Sites, 2nd Edition.*

NSW SIX – *Spatial Information Exchange – Land & Property Information* Aerial photograph (2017). *https://six.nsw.gov.au/wps/portal/*

SEPP 55 Remediation of Land.

12 Attachment A – Historic Aerial Photographs and Site Location



REV	DESCRIPTION	DATE	DRAWN	DESIGNED	CHECKED	APPRVD
B	CHECK AND APPROVED	13/3/2018	KW	RM	GT	GT
A	INITIAL RELEASE	07/03/2018	KW	RM		

SCALE A1 (A3) 1:500 (1:1,000) METRES

GRID | DATUM | PROJECT MANAGER: JF

CLIENT: MONTEREY EQUITY PTY LTD.

PROJECT NAME/PLANSET TITLE: DETAILED SITE INVESTIGATION
CONTAMINATION ASSESSMENT
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DRAWING TITLE: HISTORICAL AERIAL 1943
SOURCE: LPI

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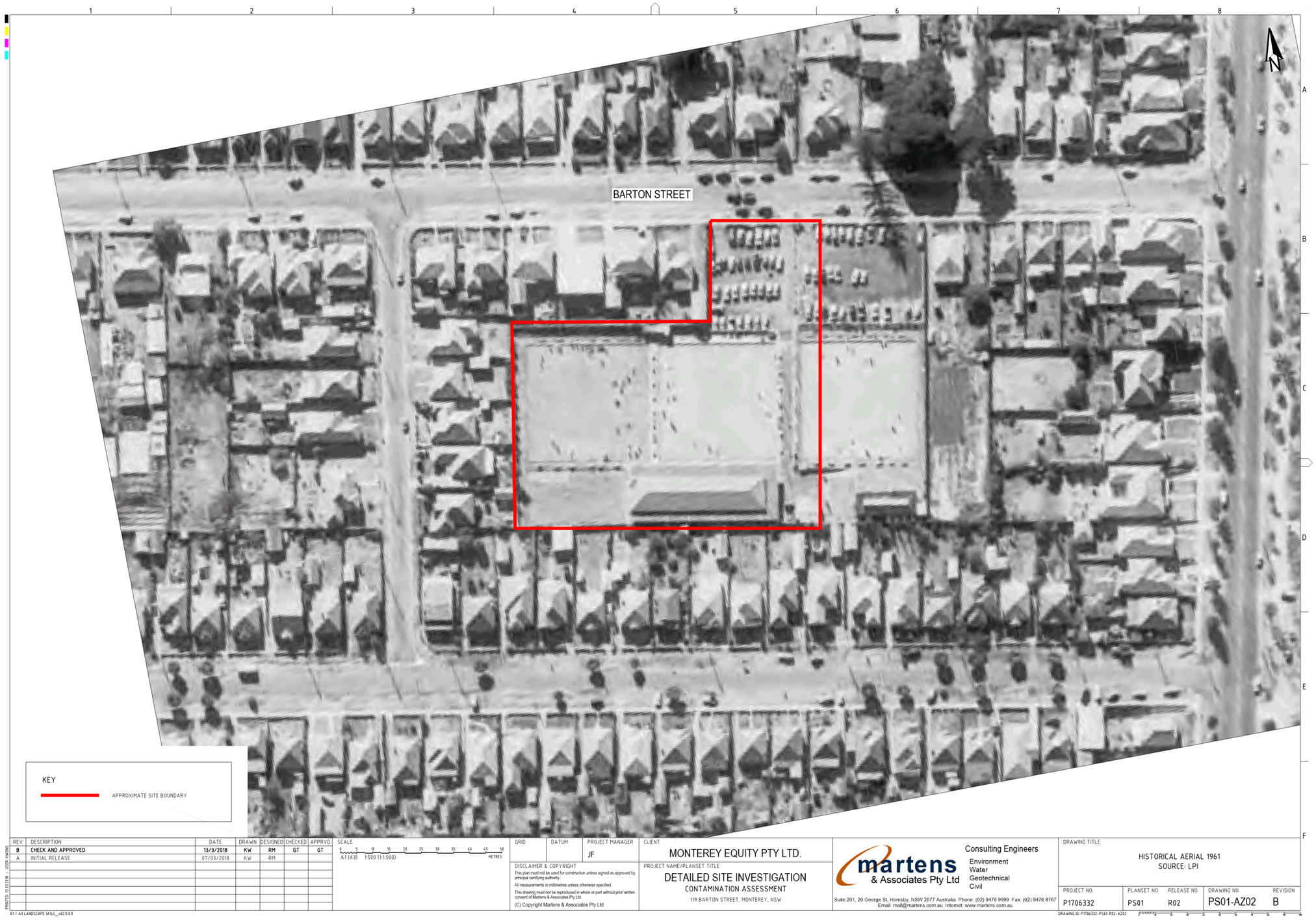
P1706332	PS01	R02	PS01-AZ01	B

DRAWING ID: P1706332-PS01-R02-AZ01

PRINTED: 13.03.2018 - USER: KWING

A1 / A3 LANDSCAPE (A1LC_v02.0.0)



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DRAWING ID: P1706332-PS01-R02-AZ02

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A	INITIAL RELEASE	07/03/2018	KW	RM		

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SCALE: A1 (A3) 1:500 (1:1,000) — METRES

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DRAWING TITLE: HISTORICAL AERIAL 2009
SOURCE: NEARMAP

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A	INITIAL RELEASE	07/03/2018	KW	RM		

SCALE: A1 (A3) 1:500 (1:1,000) — 0 5 10 15 20 25 30 35 40 45 50 METRES

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DRAWING TITLE: HISTORICAL AERIAL 2018
SOURCE: NEARMAP

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DRAWING ID: P1706332-PS01-R02-AZ06

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A1 / A3 LANDSCAPE (A1LC_v02.0.01)

13 Attachment B – Bayside Council Correspondence

Robert Mehaffey

From: Andrew Mesthos
Sent: Wednesday, 7 February 2018 4:05 PM
To: Robert Mehaffey
Subject: FW: 119 Barton Street Monterey

From: Leanne McKinnon [mailto:Leanne.McKinnon@bayside.nsw.gov.au]
Sent: Wednesday, 7 February 2018 3:41 PM
To: Andrew Mesthos <amesthos@martens.com.au>
Subject: 119 Barton Street Monterey

Dear Andrew

In response to your recent request regarding 119 Barton Street Monterey. I advise these are the relevant files:

DA-2008/195 Carry out minor alterations and additions to change room, handicap entry ramp and upgrade kitchen and bar.

BA-1995/696 Outbuilding shed Class 10

BA-1996/134 Club additions to club Class 6

BA-1995/736 Building Application villas & townhouses 13 units class 2

Regards

Leanne McKinnon Information Officer
444-446 Princes Highway, Rockdale NSW 2216
T 02 9562 1682
E leanne.mckinnon@bayside.nsw.gov.au **W** www.bayside.nsw.gov.au

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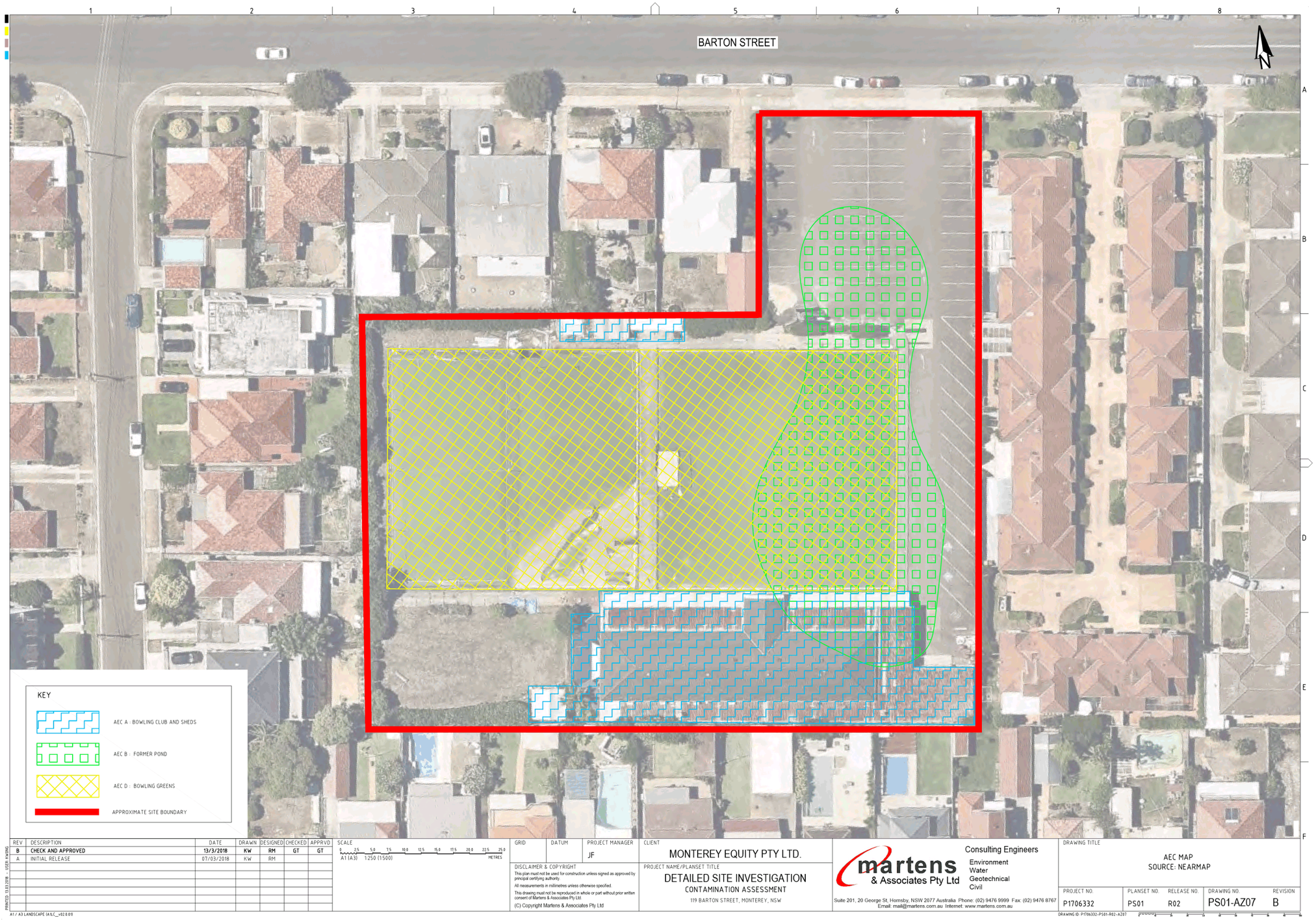
14 Attachment C – AEC Map



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A	INITIAL RELEASE	07/03/2018	KW	RM		

SCALE: A1 (A3) 1:250 (1:500)

GRID | DATUM | PROJECT MANAGER: JF

CLIENT: MONTEREY EQUITY PTY LTD.

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SOURCE: NEARMAP

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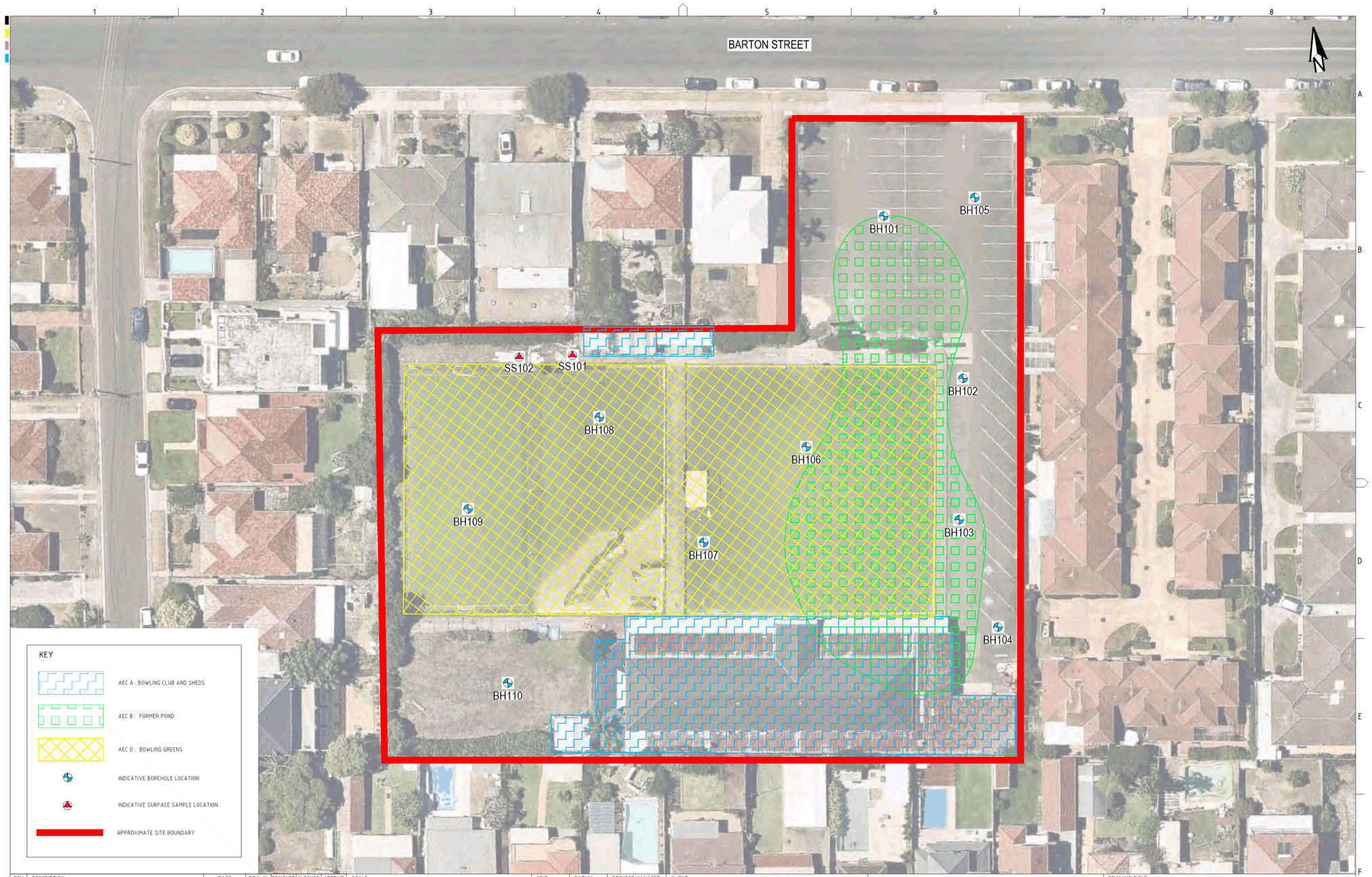
P1706332	PS01	R02	PS01-AZ07	B

DRAWING ID: P1706332-PS01-R02-AZ07

PRINTED: 13.03.2018 - USER: KWONG
A1 / A3 LANDSCAPE TASK_v02.0.01

15 Attachment D – Sampling Plan



REV	DESCRIPTION	DATE	DRAWN	DESIGNED	CHECKED	APPRVD
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SCALE: A1 (A3) 1:250 (1:500) — METRES

GRID | DATUM | PROJECT MANAGER: JF

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DRAWING TITLE: SAMPLING PLAN
SOURCE: NEARMAP

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P1706332	PS01	R02	PS01-JZ00	B

DRAWING ID: P1706332-PS01-R02-JZ00

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16 Attachment E – Borehole Logs

CLIENT	Monterey Equity Pty Ltd	COMMENCED	14/02/2018	COMPLETED	14/02/2018	**REF BH101**	
PROJECT	Contamination Assessment	LOGGED	RM	CHECKED		Sheet 1 OF 1	
SITE	119 Barton St, Monterey, NSW	GEOLOGY	Hawkesbury Sandstone	VEGETATION	N/A	PROJECT NO. P1706332	
EQUIPMENT	4WD ute-mounted hydraulic dril rig	EASTING		RL SURFACE	4.1 m	DATUM	AHD
EXCAVATION DIMENSIONS	ø100 mm x 2.50 m depth	NORTHING		ASPECT	-	SLOPE	<2%

Drilling					Sampling		Field Material Description					
METHOD	PENETRATION RESISTANCE	WATER	DEPTH (metres)	DEPTH RL	SAMPLE OR FIELD TEST	RECOVERED	GRAPHIC LOG	USCS / ASCS CLASSIFICATION	SOIL/ROCK MATERIAL DESCRIPTION	MOISTURE CONDITION	CONSISTENCY DENSITY	STRUCTURE AND ADDITIONAL OBSERVATIONS
AD/T		Not Encountered		0.10					ASPHALT.			PAVEMENT
				4.00	6332/BH101/0.15/DUP/1 D 0.15 m 6332/BH101/0.15/S/1 D 0.15 m			SP	FILL: Gravelly SAND, dark brown, medium grained, with trace concrete.			FILL
				0.50 3.60					Trace slag.		L	
	M				6332/BH101/0.7/S/1 D 0.70 m							
			1									
				1.15 2.95	6332/BH101/1.2/S/1 D 1.20 m			CI	FILL: CLAY, medium plasticity, light brown.	M	S	
				1.30 2.80				SP	FILL: SAND, brown, medium grained, with trace brick.			
					6332/BH101/1.5/S/1 D 1.50 m							
	L			1.90 2.20				SP	SAND, white, medium grained.		MD	RESIDUAL SOIL
			2		6332/BH101/2.0/S/1 D 2.00 m							
				2.50					Hole Terminated at 2.50 m			2.50: Investigation limited.
			3									
			4									
			5									

EXCAVATION LOG TO BE READ IN CONJUCTION WITH ACCOMPANYING REPORT NOTES AND ABBREVIATIONS

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Engineering Log - BOREHOLE

CLIENT	Monterey Equity Pty Ltd		COMMENCED	14/02/2018	COMPLETED	14/02/2018	**REF BH102**
PROJECT	Contamination Assessment		LOGGED	RM	CHECKED		Sheet 1 OF 1
SITE	119 Barton St, Monterey, NSW		GEOLOGY	Hawkesbury Sandstone	VEGETATION	N/A	PROJECT NO. P1706332
EQUIPMENT	4WD ute-mounted hydraulic dril rig		EASTING		RL SURFACE	3.7 m	DATUM AHD
EXCAVATION DIMENSIONS	ø100 mm x 2.00 m depth		NORTHING		ASPECT	-	SLOPE <2%

Drilling					Sampling		Field Material Description				
METHOD	PENETRATION RESISTANCE	WATER	DEPTH (metres)	DEPTH RL	SAMPLE OR FIELD TEST	RECOVERED	GRAPHIC LOG	USCS / ASCS CLASSIFICATION	SOIL/ROCK MATERIAL DESCRIPTION	MOISTURE CONDITION	CONSISTENCY DENSITY	STRUCTURE AND ADDITIONAL OBSERVATIONS
				0.10					ASPHALT.			PAVEMENT
	M			3.60	6332/BH102/0.2/S/1 D 0.20 m			SP	FILL: Gravelly SAND, dark brown, medium grained, with trace concrete.			FILL
				0.40								
				3.30	6332/BH102/0.5/S/1 D 0.50 m			SP	FILL: SAND, grey, fine to medium grained.		L	
				0.80								
AD/T		Not Encountered		2.90				SP	SAND, yellow/white, medium grained.			RESIDUAL SOIL
	L		1		6332/BH102/0.9/S/1 D 0.90 m					M		
											MD	
					6332/BH102/1.8/S/1 D 1.80 m							
				2.00								
			2						Hole Terminated at 2.00 m			2.00: Investigation limited.
			3									
			4									
			5									

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MARTENS 2.00 LIB GLB Log MARTENS 80 REV0 LE P1706DCB1 BH1 BH102/01.GPJ <<Drawing File>> 08/03/2018 12:29 8.30.004 Default Lab and In Situ Test - BCG | Lib: Martens 2.00 2016-11-13 Prj: Martens 2.00 2016-11-13

CLIENT	Monterey Equity Pty Ltd		COMMENCED	14/02/2018	COMPLETED	14/02/2018	**REF BH103**
PROJECT	Contamination Assessment		LOGGED	RM	CHECKED		Sheet 1 OF 1
SITE	119 Barton St, Monterey, NSW		GEOLOGY	Hawkesbury Sandstone	VEGETATION	N/A	PROJECT NO. P1706332
EQUIPMENT	4WD ute-mounted hydraulic dril rig		EASTING		RL SURFACE	3.7 m	DATUM AHD
EXCAVATION DIMENSIONS	ø100 mm x 2.50 m depth		NORTHING		ASPECT	-	SLOPE <2%

Drilling					Sampling		Field Material Description					
METHOD	PENETRATION RESISTANCE	WATER	DEPTH (metres)	DEPTH RL	SAMPLE OR FIELD TEST	RECOVERED	GRAPHIC LOG	USCS / ASCS CLASSIFICATION	SOIL/ROCK MATERIAL DESCRIPTION	MOISTURE CONDITION	CONSISTENCY DENSITY	STRUCTURE AND ADDITIONAL OBSERVATIONS
				0.10					ASPHALT.			PAVEMENT
	M			3.60	6332/BH103/0.2/S/1 D 0.20 m			SP	FILL: Gravelly SAND, dark brown, medium grained, with trace concrete.		L	FILL
				0.40								
				3.30	6332/BH103/0.5/S/1 D 0.50 m			SP	SAND, grey, fine to medium grained.			RESIDUAL SOIL
				1.00								
AD/T		Not Encountered	1	2.70	6332/BH103/1.1/S/1 D 1.10 m			SP	SAND, grey/white, medium grained.	M		
	L		2	2.50							MD	
									Hole Terminated at 2.50 m			2.50: Investigation limited.
			3									
			4									
			5									

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MARTENS 2.00 LIB GLB Log MARTENS 80 REV0 LE P1706DCB1 BH1 BH103/01.GPJ <<Drawing File>> 09/03/2018 12:29 8.30.004 Default Lab and In Situ Test - BCG | Lib: Martens 2.00 2016-11-13 Prj: Martens 2.00 2016-11-13

CLIENT	Monterey Equity Pty Ltd	COMMENCED	14/02/2018	COMPLETED	14/02/2018	**REF BH104**	
PROJECT	Contamination Assessment	LOGGED	RM	CHECKED		Sheet 1 OF 1	
SITE	119 Barton St, Monterey, NSW	GEOLOGY	Hawkesbury Sandstone	VEGETATION	N/A	PROJECT NO. P1706332	
EQUIPMENT	4WD ute-mounted hydraulic dril rig	EASTING		RL SURFACE	3.8 m	DATUM	AHD
EXCAVATION DIMENSIONS	ø100 mm x 5.50 m depth	NORTHING		ASPECT	-	SLOPE	<2%

Drilling					Sampling		Field Material Description					
METHOD	PENETRATION RESISTANCE	WATER	DEPTH (metres)	DEPTH RL	SAMPLE OR FIELD TEST	RECOVERED	GRAPHIC LOG	USCS / ASCS CLASSIFICATION	SOIL/ROCK MATERIAL DESCRIPTION	MOISTURE CONDITION	CONSISTENCY DENSITY	STRUCTURE AND ADDITIONAL OBSERVATIONS
AD/T	M			3.75	6332/BH104/0.2/S/1 D 0.20 m			SP	ASPHALT. FILL: SAND, grey, with trace gravels.		L	PAVEMENT FILL
				0.50 3.30	6332/BH104/0.7/S/1 D 0.70 m			SP	SAND, grey, fine to medium grained.	M		RESIDUAL SOIL
	L	13/02/18	1 2 3 4 5								MD	
	M									W		
				5.50					Hole Terminated at 5.50 m			5.50: Investigation limited.

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CLIENT	Monterey Equity Pty Ltd		COMMENCED	14/02/2018	COMPLETED	14/02/2018	**REF BH105**
PROJECT	Contamination Assessment		LOGGED	RM	CHECKED		Sheet 1 OF 1
SITE	119 Barton St, Monterey, NSW		GEOLOGY	Hawkesbury Sandstone	VEGETATION	N/A	PROJECT NO. P1706332
EQUIPMENT	4WD ute-mounted hydraulic dril rig		EASTING		RL SURFACE	4.3 m	DATUM AHD
EXCAVATION DIMENSIONS	ø100 mm x 2.50 m depth		NORTHING		ASPECT	-	SLOPE <2%

Drilling					Sampling		Field Material Description				
METHOD	PENETRATION RESISTANCE	WATER	DEPTH (metres)	DEPTH RL	SAMPLE OR FIELD TEST	RECOVERED	GRAPHIC LOG	USCS / ASCS CLASSIFICATION	SOIL/ROCK MATERIAL DESCRIPTION	MOISTURE CONDITION	CONSISTENCY DENSITY	STRUCTURE AND ADDITIONAL OBSERVATIONS
AD/T		13/02/18	0	4.25				SP	ASPHALT.			PAVEMENT
				0.30	6332/BH105/0.15/S/1 D 0.15 m				FILL: Gravelly SAND, brown/grey, fine grained.			FILL
				4.00	6332/BH105/0.4/S/1 D 0.40 m			SP	SAND, grey, fine grained.			RESIDUAL SOIL
			1							M	L	
				1.50								
				2.80					Grading to yellow.			
			2									
				2.50					Hole Terminated at 2.50 m			2.50: Investigation limited.
			3									
			4									
			5									

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CLIENT	Monterey Equity Pty Ltd	COMMENCED	14/02/2018	COMPLETED	14/02/2018	**REF BH106**	
PROJECT	Contamination Assessment	LOGGED	RM	CHECKED		Sheet 1 OF 1	
SITE	119 Barton St, Monterey, NSW	GEOLOGY	Hawkesbury Sandstone	VEGETATION	N/A	PROJECT NO. P1706332	
EQUIPMENT	Push Tube	EASTING		RL SURFACE	3.7 m	DATUM	AHD
EXCAVATION DIMENSIONS	1.50 m depth	NORTHING		ASPECT	-	SLOPE	<2%

Drilling					Sampling		Field Material Description					
METHOD	PENETRATION RESISTANCE	WATER	DEPTH (metres)	DEPTH RL	SAMPLE OR FIELD TEST	RECOVERED	GRAPHIC LOG	USCS / ASCS CLASSIFICATION	SOIL/ROCK MATERIAL DESCRIPTION	MOISTURE CONDITION	CONSISTENCY DENSITY	STRUCTURE AND ADDITIONAL OBSERVATIONS
PT	L			0.15 / 3.55	6332/BH106/0.1/S/1 D 0.10 m			SC	FILL: Clayey SAND, grey/brown, coarse.	D	MD	FILL
								SP	FILL: SAND, white, coarse.			
				0.35 / 3.35	6332/BH106/0.25/S/1 D 0.25 m			SP	FILL: Gravelly SAND, grey, coarse.		L	
				0.55 / 3.15	6332/BH106/0.4/S/1 D 0.40 m			SP	FILL: Gravelly SAND, dark grey/black, medium grained.			
					6332/BH106/0.65/S/1 D 0.65 m			SP	SAND, white/yellow, fine to medium grained.	M	MD	RESIDUAL SOIL
		13/02/18	1	1.50								
									Hole Terminated at 1.50 m			1.50: Investigation limited.
			2									
			3									
			4									
			5									

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CLIENT	Monterey Equity Pty Ltd	COMMENCED	14/02/2018	COMPLETED	14/02/2018	**REF BH107**	
PROJECT	Contamination Assessment	LOGGED	RM	CHECKED		Sheet 1 OF 1	
SITE	119 Barton St, Monterey, NSW	GEOLOGY	Hawkesbury Sandstone	VEGETATION	N/A	PROJECT NO. P1706332	
EQUIPMENT	Push Tube	EASTING		RL SURFACE	3.7 m	DATUM	AHD
EXCAVATION DIMENSIONS	1.50 m depth	NORTHING		ASPECT	-	SLOPE	<2%

Drilling					Sampling		Field Material Description					
METHOD	PENETRATION RESISTANCE	WATER	DEPTH (metres)	DEPTH RL	SAMPLE OR FIELD TEST	RECOVERED	GRAPHIC LOG	USCS / ASCS CLASSIFICATION	SOIL/ROCK MATERIAL DESCRIPTION	MOISTURE CONDITION	CONSISTENCY DENSITY	STRUCTURE AND ADDITIONAL OBSERVATIONS
PT	L	Not Encountered		3.65	6332/BH107/0.1/S/1 D 0.10 m			SC	FILL: Clayey SAND, grey/brown, coarse.	D	MD	FILL
				0.25				SP	FILL: SAND, white, coarse.			
				0.35	6332/BH107/0.3-0.4/S/1 D 0.30 m			SP	FILL: Gravelly SAND, grey, coarse.		L	
				0.45				SP	FILL: Gravelly SAND, dark grey/black, medium grained.			
				3.25	6332/BH107/0.6/S/1 D 0.60 m			SP	SAND, white/yellow, fine to medium grained.	M	MD	RESIDUAL SOIL
			1									
				1.50					Hole Terminated at 1.50 m			1.50: Investigation limited.
			2									
			3									
			4									
			5									

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Engineering Log - BOREHOLE

CLIENT	Monterey Equity Pty Ltd	COMMENCED	14/02/2018	COMPLETED	14/02/2018	**REF BH108**	
PROJECT	Contamination Assessment	LOGGED	RM	CHECKED		Sheet 1 OF 1	
SITE	119 Barton St, Monterey, NSW	GEOLOGY	Hawkesbury Sandstone	VEGETATION	N/A	PROJECT NO. P1706332	
EQUIPMENT	Push Tube	EASTING		RL SURFACE	3.7 m	DATUM	AHD
EXCAVATION DIMENSIONS	1.50 m depth	NORTHING		ASPECT	-	SLOPE	<2%

Drilling					Sampling		Field Material Description					
METHOD	PENETRATION RESISTANCE	WATER	DEPTH (metres)	DEPTH RL	SAMPLE OR FIELD TEST	RECOVERED	GRAPHIC LOG	USCS / ASCS CLASSIFICATION	SOIL/ROCK MATERIAL DESCRIPTION	MOISTURE CONDITION	CONSISTENCY DENSITY	STRUCTURE AND ADDITIONAL OBSERVATIONS
PT	L	Not Encountered			6332/BH108/0.05/S/1 D 0.05 m			SC	FILL: Clayey SAND, grey/brown, coarse.	D	MD	FILL
				3.60				SP	FILL: SAND, white, coarse.			
					6332/BH108/0.3/S/1 D 0.30 m			SP	FILL: Gravelly SAND, grey, coarse.		L	
				0.40				SP	FILL: Gravelly SAND, dark grey/black, medium grained.			
				3.25	6332/BH108/0.6/S/1 D 0.60 m			SP	SAND, white/yellow, fine to medium grained.	M	MD	RESIDUAL SOIL
			1									
				1.50					Hole Terminated at 1.50 m			1.50: Investigation limited.
			2									
			3									
			4									
			5									

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Engineering Log - BOREHOLE

CLIENT	Monterey Equity Pty Ltd	COMMENCED	14/02/2018	COMPLETED	14/02/2018	**REF BH109**	
PROJECT	Contamination Assessment	LOGGED	RM	CHECKED		Sheet 1 OF 1	
SITE	119 Barton St, Monterey, NSW	GEOLOGY	Hawkesbury Sandstone	VEGETATION	N/A	PROJECT NO. P1706332	
EQUIPMENT	Push Tube	EASTING		RL SURFACE	3.7 m	DATUM	AHD
EXCAVATION DIMENSIONS	1.50 m depth	NORTHING		ASPECT	-	SLOPE	<2%

Drilling					Sampling		Field Material Description					
METHOD	PENETRATION RESISTANCE	WATER	DEPTH (metres)	DEPTH RL	SAMPLE OR FIELD TEST	RECOVERED	GRAPHIC LOG	USCS / ASCS CLASSIFICATION	SOIL/ROCK MATERIAL DESCRIPTION	MOISTURE CONDITION	CONSISTENCY DENSITY	STRUCTURE AND ADDITIONAL OBSERVATIONS
PT	L	Not Encountered		0.15	6332/BH109/0.1/S/1 D 0.10 m			SC	FILL: Clayey SAND, grey/brown, coarse.	D	MD	FILL
				3.55				SP	FILL: SAND, white, coarse.			
				0.30	6332/BH109/0.25/S/1 D 0.25 m			SP	FILL: Gravelly SAND, grey, coarse.		L	
				3.35				SP	FILL: Gravelly SAND, dark grey/black, medium grained.			RESIDUAL SOIL
					6332/BH109/0.5/S/1 D 0.50 m			SP	SAND, white/yellow, fine to medium grained.	M	MD	
			1									
				1.50					Hole Terminated at 1.50 m			1.50: Investigation limited.
			2									
			3									
			4									
			5									

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CLIENT	Monterey Equity Pty Ltd	COMMENCED	14/02/2018	COMPLETED	14/02/2018	**REF BH110**	
PROJECT	Contamination Assessment	LOGGED	RM	CHECKED		Sheet 1 OF 1	
SITE	119 Barton St, Monterey, NSW	GEOLOGY	Hawkesbury Sandstone	VEGETATION	N/A	PROJECT NO. P1706332	
EQUIPMENT	Push Tube	EASTING		RL SURFACE	4.3 m	DATUM	AHD
EXCAVATION DIMENSIONS	1.50 m depth	NORTHING		ASPECT	-	SLOPE	<2%

Drilling					Sampling		Field Material Description					
METHOD	PENETRATION RESISTANCE	WATER	DEPTH (metres)	DEPTH RL	SAMPLE OR FIELD TEST	RECOVERED	GRAPHIC LOG	USCS / ASCS CLASSIFICATION	SOIL/ROCK MATERIAL DESCRIPTION	MOISTURE CONDITION	CONSISTENCY DENSITY	STRUCTURE AND ADDITIONAL OBSERVATIONS
PT	L	Not Encountered		4.30	6332/BH110/0.05/S/1 D 0.05 m			SP	FILL: SAND, brown, fine grained, with rootlets, gravels.		L	FILL / TOPSOIL
				0.50 / 3.80	6332/BH110/0.6/S/1 D 0.60 m			SP	FILL: Gravelly SAND, dark grey/black, medium grained, with trace brick fragments.			FILL
				0.75 / 3.55	6332/BH110/0.8/S/1 D 0.80 m			SP	SAND, yellow, medium grained.	M	MD	RESIDUAL SOIL
			1	1.50								
									Hole Terminated at 1.50 m			1.50: Investigation limited.
			2									
			3									
			4									
			5									

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17 Attachment F – Data Validation Report

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DATA VALIDATION REPORT: 119 Barton Rd, Monterey, NSW

1. **Sample Handling**

	Yes	No (Comments below)
a. Were sample holding times met?	✓	
b. Were samples in proper custody between the field and reaching the laboratory?	✓	
c. Were the samples properly and adequately preserved?	✓	
d. Were the samples received by the laboratory in good condition?	✓	

COMMENTS

Sample handling is:

✓ **Satisfactory**

Partially Satisfactory

Unsatisfactory

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DATA VALIDATION REPORT: 119 Barton Rd, Monterey, NSW

2. Precision / Accuracy Statement

	Yes	No (Comments below)
a. Was a NATA registered laboratory used?	✓	
b. Did the laboratory perform the requested tests?	✓	
c. Were laboratory methods adopted NATA endorsed?	✓	
d. Were appropriate test procedures followed?	✓	
e. Were reporting limits satisfactory?	✓	
f. Was the NATA Seal on the reports?	✓	
g. Were reports signed by an authorised person?	✓	

COMMENTS

Precision / Accuracy of the Laboratory Report:

✓ **Satisfactory**

Partially Satisfactory

Unsatisfactory

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DATA VALIDATION REPORT: 119 Barton Rd, Monterey, NSW

3. Field Quality Assurance / Quality Control (QA/QC)

	Media	Number
a. Number of Primary Samples analysed *(does not include duplicates)*	Soil:	14
	Water:	-
	Material	-
b. Number of days of sampling	1	
c. Number and Type of QA/QC Samples analysed	**Soil**	**Water**
Intra-Laboratory Field Duplicates	2	
Inter-Laboratory Field triplicates	-	
Trip Blanks	1	
Field Rinsate	-	
Other (Field Blanks, Spikes, etc.)	1	

Comments

Trip spike/blank used

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DATA VALIDATION REPORT: 119 Barton Rd, Monterey, NSW

Field Duplicates

	Yes	No (Comments below)
Adequate Numbers of intra-laboratory field duplicates analysed?	✓	
Adequate Numbers of inter-laboratory field duplicates analysed?	-	-
Were field duplicate RPDs within Control Limits?		
i. Organics	N/A	
ii. Metals / Inorganics		✓
iii. Nutrients	N/A	

COMMENTS

RPDs were exceeded in duplicate samples 6332/DUP101 (copper) and 6332/DUP102 (lead, arsenic, mercury and zinc) . This is likely attributed to heterogenous fill material being sampled. All RPD sample exceedances are below the adopted SAC with the exception of 6332/BH101 for copper. For copper that exceeds the EIL, the higher value (35 mg/kg) has been adopted for 95% UCL analysis to ensure data validation.

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DATA VALIDATION REPORT: 119 Barton Rd, Monterey, NSW

Summary of Quality Assurance / Quality Control (QA/QC)

QA/QC Type	Satisfactory	Partially Satisfactory	Unsatisfactory
Sample handling	✓		
Precision / Accuracy of the Laboratory Report	✓		
Field QA / QC	✓		
Laboratory Internal QA / QC	✓		

Data Usability

1. Data directly usable ✓

2. Data usable with the following corrections/modifications
   (see comment below)

3. Data not usable.

COMMENTS

PSI

Monterey Equity Pty Ltd

Field Duplicates (SOIL)
Filter: SDG in('ENVIRI

SDG	ENVIROLAB 2018-02-14T00:00:00	ENVIROLAB 2018-02-14T00:00:00		ENVIROLAB 2018-02-14T00:00:00	ENVIROLAB 2018-02-14T00:00:00	
Field ID	6332/BH101	6332/DUP101	RPD	6332/BH110	6332/DUP102	RPD
Sampled Date/Time	13/02/2018	13/02/2018		13/02/2018	13/02/2018	

Chem_Gr	ChemNam	Units	EQL						
Inorganics	Moisture	%	0.1	11.0	9.7	13	2.3	2.6	12
Lead	Lead	mg/kg	1	28.0	26.0	7	**32.0**	**13.0**	**84**
Metals	Arsenic	mg/kg	4	<4.0	<4.0	0	**<4.0**	**12.0**	**100**
	Cadmium	mg/kg	0.4	<0.4	<0.4	0	<0.4	<0.4	0
	Chromium	mg/kg	1	8.0	9.0	12	9.0	8.0	12
	Copper	mg/kg	1	**35.0**	**24.0**	**37**	8.0	10.0	22
	Mercury	mg/kg	0.1	<0.1	<0.1	0	**1.7**	**3.5**	**69**
	Nickel	mg/kg	1	14.0	12.0	15	3.0	3.0	0
	Zinc	mg/kg	1	28.0	28.0	7	**40.0**	**89.0**	**76**

*RPDs have only been considered where a concentration is greater than 1 times the EQL.
**High RPDs are in bold (Acceptable RPDs for each EQL multiplier range are: 80 (1-10 x EQL); 50 (10-30 x EQL); 30 (> 30 x EQL))
***Interlab Duplicates are matched on a per compound basis as methods vary between laboratories. Any methods in the row header relate to those used in the primary laboratory

Filter: SDG in('ENVIROLAB 2018-02-27T00:00:00','ENVIROLAB 2018-02-21T00:00:00','ENVIROLAB 2018-02-14T00:00:00')

18 Attachment G – Laboratory Analytical Documentation

Envirolab Services Pty Ltd
ABN 37 112 535 645
12 Ashley St Chatswood NSW 2067
ph 02 9910 6200 fax 02 9910 6201
customerservice@envirolab.com.au
www.envirolab.com.au

CERTIFICATE OF ANALYSIS 185170

Client Details

Client	Martens & Associates Pty Ltd
Attention	Robert Mehaffey, Gray Taylor
Address	Suite 201, 20 George St, Hornsby, NSW, 2077

Sample Details

Your Reference	**P1706332 - 119 Barton St Monterey DSI**
Number of Samples	41 soil
Date samples received	14/02/2018
Date completed instructions received	14/02/2018

Analysis Details

Please refer to the following pages for results, methodology summary and quality control data.
Samples were analysed as received from the client. Results relate specifically to the samples as received.
Results are reported on a dry weight basis for solids and on an as received basis for other matrices.
Please refer to the last page of this report for any comments relating to the results.

Report Details

Date results requested by	21/02/2018
Date of Issue	20/02/2018

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Accredited for compliance with ISO/IEC 17025 - Testing. **Tests not covered by NATA are denoted with** *

Results Approved By
Dragana Tomas, Senior Chemist
Jeremy Faircloth, Organics Supervisor
Long Pham, Team Leader, Metals

Authorised By
David Springer, General Manager

Client Reference: P1706332 - 119 Barton St Monterey DSI

vTRH(C6-C10)/BTEXN in Soil						
Our Reference		185170-1	185170-4	185170-10	185170-11	185170-18
Your Reference	UNITS	6332/BH101	6332/BH101	6332/BH103	6332/BH103	6332/BH106
Depth		0.15	1.5	0.2	0.5	0.25
Date Sampled		13/02/2018	13/02/2018	13/02/2018	13/02/2018	13/02/2018
Type of sample		soil	soil	soil	soil	soil
Date extracted	-	15/02/2018	15/02/2018	15/02/2018	15/02/2018	15/02/2018
Date analysed	-	19/02/2018	19/02/2018	19/02/2018	19/02/2018	19/02/2018
TRH C_6 - C_9	mg/kg	<25	<25	<25	<25	<25
TRH C_6 - C_{10}	mg/kg	<25	<25	<25	<25	<25
vTPH C_6 - C_{10} less BTEX (F1)	mg/kg	<25	<25	<25	<25	<25
Benzene	mg/kg	<0.2	<0.2	<0.2	<0.2	<0.2
Toluene	mg/kg	<0.5	<0.5	<0.5	<0.5	<0.5
Ethylbenzene	mg/kg	<1	<1	<1	<1	<1
m+p-xylene	mg/kg	<2	<2	<2	<2	<2
o-Xylene	mg/kg	<1	<1	<1	<1	<1
naphthalene	mg/kg	<1	<1	<1	<1	<1
Total +ve Xylenes	mg/kg	<1	<1	<1	<1	<1
Surrogate aaa-Trifluorotoluene	%	99	100	99	107	104

vTRH(C6-C10)/BTEXN in Soil						
Our Reference		185170-19	185170-21	185170-28	185170-32	185170-33
Your Reference	UNITS	6332/BH106	6332/BH107	6332/BH109	6332/BH110	6332/BH110
Depth		0.4	0.1	0.1	0.05	0.60.8
Date Sampled		13/02/2018	13/02/2018	13/02/2018	13/02/2018	13/02/2018
Type of sample		soil	soil	soil	soil	soil
Date extracted	-	15/02/2018	15/02/2018	15/02/2018	15/02/2018	15/02/2018
Date analysed	-	19/02/2018	19/02/2018	19/02/2018	19/02/2018	19/02/2018
TRH C_6 - C_9	mg/kg	<25	<25	<25	<25	<25
TRH C_6 - C_{10}	mg/kg	<25	<25	<25	<25	<25
vTPH C_6 - C_{10} less BTEX (F1)	mg/kg	<25	<25	<25	<25	<25
Benzene	mg/kg	<0.2	<0.2	<0.2	<0.2	<0.2
Toluene	mg/kg	<0.5	<0.5	<0.5	<0.5	<0.5
Ethylbenzene	mg/kg	<1	<1	<1	<1	<1
m+p-xylene	mg/kg	<2	<2	<2	<2	<2
o-Xylene	mg/kg	<1	<1	<1	<1	<1
naphthalene	mg/kg	<1	<1	<1	<1	<1
Total +ve Xylenes	mg/kg	<1	<1	<1	<1	<1
Surrogate aaa-Trifluorotoluene	%	106	109	104	112	105

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vTRH(C6-C10)/BTEXN in Soil			
Our Reference		185170-39	185170-40
Your Reference	UNITS	Trip Blank	Trip Spike
Depth		-	-
Date Sampled		13/02/2018	13/02/2018
Type of sample		soil	soil
Date extracted	-	15/02/2018	15/02/2018
Date analysed	-	19/02/2018	19/02/2018
TRH C_6 - C_9	mg/kg	<25	[NA]
TRH C_6 - C_{10}	mg/kg	<25	[NA]
vTPH C_6 - C_{10} less BTEX (F1)	mg/kg	<25	[NA]
Benzene	mg/kg	<0.2	95%
Toluene	mg/kg	<0.5	95%
Ethylbenzene	mg/kg	<1	98%
m+p-xylene	mg/kg	<2	96%
o-Xylene	mg/kg	<1	97%
naphthalene	mg/kg	<1	[NA]
Total +ve Xylenes	mg/kg	<1	[NA]
Surrogate aaa-Trifluorotoluene	%	102	102

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svTRH (C10-C40) in Soil						
Our Reference		185170-1	185170-4	185170-10	185170-11	185170-18
Your Reference	UNITS	6332/BH101	6332/BH101	6332/BH103	6332/BH103	6332/BH106
Depth		0.15	1.5	0.2	0.5	0.25
Date Sampled		13/02/2018	13/02/2018	13/02/2018	13/02/2018	13/02/2018
Type of sample		soil	soil	soil	soil	soil
Date extracted	-	15/02/2018	15/02/2018	15/02/2018	15/02/2018	15/02/2018
Date analysed	-	18/02/2018	18/02/2018	18/02/2018	18/02/2018	18/02/2018
TRH C_{10} - C_{14}	mg/kg	<50	<50	<50	<50	<50
TRH C_{15} - C_{28}	mg/kg	<100	140	170	<100	<100
TRH C_{29} - C_{36}	mg/kg	<100	120	140	<100	<100
TRH >C_{10} -C_{16}	mg/kg	<50	<50	<50	<50	<50
TRH >C_{10} - C_{16} less Naphthalene (F2)	mg/kg	<50	<50	<50	<50	<50
TRH >C_{16} -C_{34}	mg/kg	<100	240	260	<100	<100
TRH >C_{34} -C_{40}	mg/kg	<100	<100	<100	<100	<100
Total +ve TRH (>C10-C40)	mg/kg	<50	240	260	<50	<50
Surrogate o-Terphenyl	%	79	82	85	79	79

svTRH (C10-C40) in Soil						
Our Reference		185170-19	185170-21	185170-28	185170-32	185170-33
Your Reference	UNITS	6332/BH106	6332/BH107	6332/BH109	6332/BH110	6332/BH110
Depth		0.4	0.1	0.1	0.05	0.60.8
Date Sampled		13/02/2018	13/02/2018	13/02/2018	13/02/2018	13/02/2018
Type of sample		soil	soil	soil	soil	soil
Date extracted	-	15/02/2018	15/02/2018	15/02/2018	15/02/2018	15/02/2018
Date analysed	-	18/02/2018	18/02/2018	18/02/2018	18/02/2018	18/02/2018
TRH C_{10} - C_{14}	mg/kg	<50	<50	<50	<50	<50
TRH C_{15} - C_{28}	mg/kg	<100	<100	<100	<100	<100
TRH C_{29} - C_{36}	mg/kg	<100	<100	<100	<100	<100
TRH >C_{10} -C_{16}	mg/kg	<50	<50	<50	<50	<50
TRH >C_{10} - C_{16} less Naphthalene (F2)	mg/kg	<50	<50	<50	<50	<50
TRH >C_{16} -C_{34}	mg/kg	<100	<100	<100	<100	<100
TRH >C_{34} -C_{40}	mg/kg	<100	<100	<100	<100	<100
Total +ve TRH (>C10-C40)	mg/kg	<50	<50	<50	<50	<50
Surrogate o-Terphenyl	%	80	80	78	82	83

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PAHs in Soil						
Our Reference		185170-1	185170-4	185170-10	185170-11	185170-18
Your Reference	UNITS	6332/BH101	6332/BH101	6332/BH103	6332/BH103	6332/BH106
Depth		0.15	1.5	0.2	0.5	0.25
Date Sampled		13/02/2018	13/02/2018	13/02/2018	13/02/2018	13/02/2018
Type of sample		soil	soil	soil	soil	soil
Date extracted	-	15/02/2018	15/02/2018	15/02/2018	15/02/2018	15/02/2018
Date analysed	-	16/02/2018	16/02/2018	16/02/2018	16/02/2018	16/02/2018
Naphthalene	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Acenaphthylene	mg/kg	<0.1	0.5	<0.1	<0.1	<0.1
Acenaphthene	mg/kg	0.1	<0.1	<0.1	<0.1	<0.1
Fluorene	mg/kg	<0.1	0.2	<0.1	<0.1	<0.1
Phenanthrene	mg/kg	0.8	4.3	0.3	<0.1	<0.1
Anthracene	mg/kg	0.2	0.8	<0.1	<0.1	<0.1
Fluoranthene	mg/kg	1.3	8.3	0.3	<0.1	<0.1
Pyrene	mg/kg	1.3	7.9	0.3	<0.1	<0.1
Benzo(a)anthracene	mg/kg	0.5	2.3	0.2	<0.1	<0.1
Chrysene	mg/kg	0.7	3.2	0.2	<0.1	<0.1
Benzo(b,j+k)fluoranthene	mg/kg	0.9	4.9	<0.2	<0.2	<0.2
Benzo(a)pyrene	mg/kg	0.53	3.1	<0.05	<0.05	<0.05
Indeno(1,2,3-c,d)pyrene	mg/kg	0.3	2.6	<0.1	<0.1	<0.1
Dibenzo(a,h)anthracene	mg/kg	<0.1	0.4	<0.1	<0.1	<0.1
Benzo(g,h,i)perylene	mg/kg	0.3	2.9	<0.1	<0.1	<0.1
Total +ve PAH's	mg/kg	7.1	41	1.3	<0.05	<0.05
Benzo(a)pyrene TEQ calc (zero)	mg/kg	0.7	4.6	<0.5	<0.5	<0.5
Benzo(a)pyrene TEQ calc(half)	mg/kg	0.8	4.6	<0.5	<0.5	<0.5
Benzo(a)pyrene TEQ calc(PQL)	mg/kg	0.8	4.6	<0.5	<0.5	<0.5
Surrogate p-Terphenyl-d14	%	97	96	88	94	95

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PAHs in Soil						
Our Reference		185170-19	185170-21	185170-28	185170-32	185170-33
Your Reference	UNITS	6332/BH106	6332/BH107	6332/BH109	6332/BH110	6332/BH110
Depth		0.4	0.1	0.1	0.05	0.60.8
Date Sampled		13/02/2018	13/02/2018	13/02/2018	13/02/2018	13/02/2018
Type of sample		soil	soil	soil	soil	soil
Date extracted	-	15/02/2018	15/02/2018	15/02/2018	15/02/2018	15/02/2018
Date analysed	-	16/02/2018	16/02/2018	16/02/2018	16/02/2018	16/02/2018
Naphthalene	mg/kg	0.1	<0.1	<0.1	<0.1	<0.1
Acenaphthylene	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Acenaphthene	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Fluorene	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Phenanthrene	mg/kg	0.6	<0.1	<0.1	<0.1	0.3
Anthracene	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Fluoranthene	mg/kg	0.3	<0.1	<0.1	<0.1	0.1
Pyrene	mg/kg	0.2	<0.1	<0.1	<0.1	<0.1
Benzo(a)anthracene	mg/kg	0.1	<0.1	<0.1	<0.1	<0.1
Chrysene	mg/kg	0.2	<0.1	<0.1	<0.1	<0.1
Benzo(b,j+k)fluoranthene	mg/kg	<0.2	<0.2	<0.2	<0.2	<0.2
Benzo(a)pyrene	mg/kg	<0.05	<0.05	<0.05	<0.05	<0.05
Indeno(1,2,3-c,d)pyrene	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Dibenzo(a,h)anthracene	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Benzo(g,h,i)perylene	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Total +ve PAH's	mg/kg	1.6	<0.05	<0.05	<0.05	0.4
Benzo(a)pyrene TEQ calc (zero)	mg/kg	<0.5	<0.5	<0.5	<0.5	<0.5
Benzo(a)pyrene TEQ calc(half)	mg/kg	<0.5	<0.5	<0.5	<0.5	<0.5
Benzo(a)pyrene TEQ calc(PQL)	mg/kg	<0.5	<0.5	<0.5	<0.5	<0.5
Surrogate p-Terphenyl-d14	%	91	93	94	95	85

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Organochlorine Pesticides in soil						
Our Reference		185170-1	185170-4	185170-10	185170-11	185170-18
Your Reference	UNITS	6332/BH101	6332/BH101	6332/BH103	6332/BH103	6332/BH106
Depth		0.15	1.5	0.2	0.5	0.25
Date Sampled		13/02/2018	13/02/2018	13/02/2018	13/02/2018	13/02/2018
Type of sample		soil	soil	soil	soil	soil
Date extracted	-	15/02/2018	15/02/2018	15/02/2018	15/02/2018	15/02/2018
Date analysed	-	16/02/2018	16/02/2018	16/02/2018	16/02/2018	16/02/2018
HCB	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
alpha-BHC	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
gamma-BHC	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
beta-BHC	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Heptachlor	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
delta-BHC	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Aldrin	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Heptachlor Epoxide	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
gamma-Chlordane	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
alpha-chlordane	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Endosulfan I	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
pp-DDE	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Dieldrin	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Endrin	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
pp-DDD	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Endosulfan II	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
pp-DDT	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Endrin Aldehyde	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Endosulfan Sulphate	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Methoxychlor	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Total +ve DDT+DDD+DDE	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Surrogate TCMX	%	98	96	88	93	95

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Organochlorine Pesticides in soil						
Our Reference		185170-19	185170-21	185170-28	185170-32	185170-33
Your Reference	UNITS	6332/BH106	6332/BH107	6332/BH109	6332/BH110	6332/BH110
Depth		0.4	0.1	0.1	0.05	0.60.8
Date Sampled		13/02/2018	13/02/2018	13/02/2018	13/02/2018	13/02/2018
Type of sample		soil	soil	soil	soil	soil
Date extracted	-	15/02/2018	15/02/2018	15/02/2018	15/02/2018	15/02/2018
Date analysed	-	16/02/2018	16/02/2018	16/02/2018	16/02/2018	16/02/2018
HCB	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
alpha-BHC	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
gamma-BHC	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
beta-BHC	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Heptachlor	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
delta-BHC	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Aldrin	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Heptachlor Epoxide	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
gamma-Chlordane	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
alpha-chlordane	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Endosulfan I	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
pp-DDE	mg/kg	<0.1	<0.1	<0.1	0.2	<0.1
Dieldrin	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Endrin	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
pp-DDD	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Endosulfan II	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
pp-DDT	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Endrin Aldehyde	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Endosulfan Sulphate	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Methoxychlor	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Total +ve DDT+DDD+DDE	mg/kg	<0.1	<0.1	<0.1	0.2	<0.1
Surrogate TCMX	%	91	95	95	96	96

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Organophosphorus Pesticides						
Our Reference		185170-1	185170-4	185170-10	185170-11	185170-18
Your Reference	UNITS	6332/BH101	6332/BH101	6332/BH103	6332/BH103	6332/BH106
Depth		0.15	1.5	0.2	0.5	0.25
Date Sampled		13/02/2018	13/02/2018	13/02/2018	13/02/2018	13/02/2018
Type of sample		soil	soil	soil	soil	soil
Date extracted	-	15/02/2018	15/02/2018	15/02/2018	15/02/2018	15/02/2018
Date analysed	-	16/02/2018	16/02/2018	16/02/2018	16/02/2018	16/02/2018
Azinphos-methyl (Guthion)	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Bromophos-ethyl	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Chlorpyriphos	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Chlorpyriphos-methyl	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Diazinon	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Dichlorvos	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Dimethoate	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Ethion	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Fenitrothion	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Malathion	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Parathion	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Ronnel	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Surrogate TCMX	%	98	96	88	93	95

Organophosphorus Pesticides						
Our Reference		185170-19	185170-21	185170-28	185170-32	185170-33
Your Reference	UNITS	6332/BH106	6332/BH107	6332/BH109	6332/BH110	6332/BH110
Depth		0.4	0.1	0.1	0.05	0.60.8
Date Sampled		13/02/2018	13/02/2018	13/02/2018	13/02/2018	13/02/2018
Type of sample		soil	soil	soil	soil	soil
Date extracted	-	15/02/2018	15/02/2018	15/02/2018	15/02/2018	15/02/2018
Date analysed	-	16/02/2018	16/02/2018	16/02/2018	16/02/2018	16/02/2018
Azinphos-methyl (Guthion)	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Bromophos-ethyl	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Chlorpyriphos	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Chlorpyriphos-methyl	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Diazinon	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Dichlorvos	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Dimethoate	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Ethion	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Fenitrothion	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Malathion	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Parathion	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Ronnel	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Surrogate TCMX	%	91	95	95	96	96

Client Reference: P1706332 - 119 Barton St Monterey DSI

Acid Extractable metals in soil						
Our Reference		185170-1	185170-4	185170-10	185170-11	185170-18
Your Reference	UNITS	6332/BH101	6332/BH101	6332/BH103	6332/BH103	6332/BH106
Depth		0.15	1.5	0.2	0.5	0.25
Date Sampled		13/02/2018	13/02/2018	13/02/2018	13/02/2018	13/02/2018
Type of sample		soil	soil	soil	soil	soil
Date prepared	-	15/02/2018	15/02/2018	15/02/2018	15/02/2018	15/02/2018
Date analysed	-	15/02/2018	15/02/2018	15/02/2018	15/02/2018	15/02/2018
Arsenic	mg/kg	<4	13	<4	<4	<4
Cadmium	mg/kg	<0.4	3	<0.4	<0.4	<0.4
Chromium	mg/kg	8	29	6	<1	2
Copper	mg/kg	35	860	57	1	3
Lead	mg/kg	28	1,700	15	1	4
Mercury	mg/kg	<0.1	0.5	<0.1	<0.1	0.2
Nickel	mg/kg	14	25	21	<1	4
Zinc	mg/kg	26	1,200	12	<1	6

Acid Extractable metals in soil						
Our Reference		185170-19	185170-21	185170-28	185170-32	185170-33
Your Reference	UNITS	6332/BH106	6332/BH107	6332/BH109	6332/BH110	6332/BH110
Depth		0.4	0.1	0.1	0.05	0.60.8
Date Sampled		13/02/2018	13/02/2018	13/02/2018	13/02/2018	13/02/2018
Type of sample		soil	soil	soil	soil	soil
Date prepared	-	15/02/2018	15/02/2018	15/02/2018	15/02/2018	15/02/2018
Date analysed	-	15/02/2018	15/02/2018	15/02/2018	15/02/2018	15/02/2018
Arsenic	mg/kg	<4	<4	<4	<4	<4
Cadmium	mg/kg	<0.4	<0.4	<0.4	<0.4	<0.4
Chromium	mg/kg	6	7	5	9	4
Copper	mg/kg	15	<1	2	8	4
Lead	mg/kg	19	1	3	32	75
Mercury	mg/kg	<0.1	<0.1	<0.1	1.7	0.2
Nickel	mg/kg	46	1	2	3	5
Zinc	mg/kg	15	5	17	40	9

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Acid Extractable metals in soil			
Our Reference		185170-37	185170-38
Your Reference	UNITS	6332/DUP101	6332/DUP102
Depth		-	-
Date Sampled		13/02/2018	13/02/2018
Type of sample		soil	soil
Date prepared	-	15/02/2018	15/02/2018
Date analysed	-	15/02/2018	15/02/2018
Arsenic	mg/kg	<4	12
Cadmium	mg/kg	<0.4	<0.4
Chromium	mg/kg	9	8
Copper	mg/kg	24	10
Lead	mg/kg	26	13
Mercury	mg/kg	<0.1	3.5
Nickel	mg/kg	12	3
Zinc	mg/kg	28	89

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Moisture						
Our Reference		185170-1	185170-4	185170-10	185170-11	185170-18
Your Reference	UNITS	6332/BH101	6332/BH101	6332/BH103	6332/BH103	6332/BH106
Depth		0.15	1.5	0.2	0.5	0.25
Date Sampled		13/02/2018	13/02/2018	13/02/2018	13/02/2018	13/02/2018
Type of sample		soil	soil	soil	soil	soil
Date prepared	-	15/02/2018	15/02/2018	15/02/2018	15/02/2018	15/02/2018
Date analysed	-	16/02/2018	16/02/2018	16/02/2018	16/02/2018	16/02/2018
Moisture	%	11	23	13	9.0	9.5

Moisture						
Our Reference		185170-19	185170-21	185170-28	185170-32	185170-33
Your Reference	UNITS	6332/BH106	6332/BH107	6332/BH109	6332/BH110	6332/BH110
Depth		0.4	0.1	0.1	0.05	0.60.8
Date Sampled		13/02/2018	13/02/2018	13/02/2018	13/02/2018	13/02/2018
Type of sample		soil	soil	soil	soil	soil
Date prepared	-	15/02/2018	15/02/2018	15/02/2018	15/02/2018	15/02/2018
Date analysed	-	16/02/2018	16/02/2018	16/02/2018	16/02/2018	16/02/2018
Moisture	%	16	7.3	8.6	2.3	2.5

Moisture			
Our Reference		185170-37	185170-38
Your Reference	UNITS	6332/DUP101	6332/DUP102
Depth		-	-
Date Sampled		13/02/2018	13/02/2018
Type of sample		soil	soil
Date prepared	-	15/02/2018	15/02/2018
Date analysed	-	16/02/2018	16/02/2018
Moisture	%	9.7	2.6

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Method ID	Methodology Summary
Inorg-008	Moisture content determined by heating at 105+/-5 °C for a minimum of 12 hours.
Metals-020	Determination of various metals by ICP-AES.
Metals-021	Determination of Mercury by Cold Vapour AAS.
Org-003	Soil samples are extracted with Dichloromethane/Acetone and waters with Dichloromethane and analysed by GC-FID. F2 = (>C10-C16)-Naphthalene as per NEPM B1 Guideline on Investigation Levels for Soil and Groundwater (HSLs Tables 1A (3, 4)). Note Naphthalene is determined from the VOC analysis.
Org-003	Soil samples are extracted with Dichloromethane/Acetone and waters with Dichloromethane and analysed by GC-FID. F2 = (>C10-C16)-Naphthalene as per NEPM B1 Guideline on Investigation Levels for Soil and Groundwater (HSLs Tables 1A (3, 4)). Note Naphthalene is determined from the VOC analysis. Note, the Total +ve TRH PQL is reflective of the lowest individual PQL and is therefore "Total +ve TRH" is simply a sum of the positive individual TRH fractions (>C10-C40).
Org-005	Soil samples are extracted with dichloromethane/acetone and waters with dichloromethane and analysed by GC with dual ECD's.
Org-005	Soil samples are extracted with dichloromethane/acetone and waters with dichloromethane and analysed by GC with dual ECD's. Note, the Total +ve reported DDD+DDE+DDT PQL is reflective of the lowest individual PQL and is therefore simply a sum of the positive individually report DDD+DDE+DDT.
Org-008	Soil samples are extracted with dichloromethane/acetone and waters with dichloromethane and analysed by GC with dual ECD's.
Org-012	Soil samples are extracted with Dichloromethane/Acetone and waters with Dichloromethane and analysed by GC-MS. Benzo(a)pyrene TEQ as per NEPM B1 Guideline on Investigation Levels for Soil and Groundwater - 2013. For soil results:- 1. 'EQ PQL'values are assuming all contributing PAHs reported as <PQL are actually at the PQL. This is the most conservative approach and can give false positive TEQs given that PAHs that contribute to the TEQ calculation may not be present. 2. 'EQ zero'values are assuming all contributing PAHs reported as <PQL are zero. This is the least conservative approach and is more susceptible to false negative TEQs when PAHs that contribute to the TEQ calculation are present but below PQL. 3. 'EQ half PQL'values are assuming all contributing PAHs reported as <PQL are half the stipulated PQL. Hence a mid-point between the most and least conservative approaches above. Note, the Total +ve PAHs PQL is reflective of the lowest individual PQL and is therefore "Total +ve PAHs" is simply a sum of the positive individual PAHs.

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Method ID	Methodology Summary
Org-014	Soil samples are extracted with methanol and spiked into water prior to analysing by purge and trap GC-MS.
Org-016	Soil samples are extracted with methanol and spiked into water prior to analysing by purge and trap GC-MS. Water samples are analysed directly by purge and trap GC-MS. F1 = (C6-C10)-BTEX as per NEPM B1 Guideline on Investigation Levels for Soil and Groundwater.
Org-016	Soil samples are extracted with methanol and spiked into water prior to analysing by purge and trap GC-MS. Water samples are analysed directly by purge and trap GC-MS. F1 = (C6-C10)-BTEX as per NEPM B1 Guideline on Investigation Levels for Soil and Groundwater. Note, the Total +ve Xylene PQL is reflective of the lowest individual PQL and is therefore "Total +ve Xylenes" is simply a sum of the positive individual Xylenes.

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QUALITY CONTROL: vTRH(C6-C10)/BTEXN in Soil					Duplicate				Spike Recovery %	
Test Description	Units	PQL	Method	Blank	#	Base	Dup.	RPD	LCS-8	[NT]
Date extracted	-			15/02/2018	1	15/02/2018	15/02/2018		15/02/2018	[NT]
Date analysed	-			19/02/2018	1	19/02/2018	19/02/2018		19/02/2018	[NT]
TRH C_6 - C_9	mg/kg	25	Org-016	<25	1	<25	<25	0	104	[NT]
TRH C_6 - C_{10}	mg/kg	25	Org-016	<25	1	<25	<25	0	104	[NT]
Benzene	mg/kg	0.2	Org-016	<0.2	1	<0.2	<0.2	0	116	[NT]
Toluene	mg/kg	0.5	Org-016	<0.5	1	<0.5	<0.5	0	101	[NT]
Ethylbenzene	mg/kg	1	Org-016	<1	1	<1	<1	0	88	[NT]
m+p-xylene	mg/kg	2	Org-016	<2	1	<2	<2	0	108	[NT]
o-Xylene	mg/kg	1	Org-016	<1	1	<1	<1	0	95	[NT]
naphthalene	mg/kg	1	Org-014	<1	1	<1	<1	0	[NT]	[NT]
Surrogate aaa-Trifluorotoluene	%		Org-016	105	1	99	102	3	104	[NT]

QUALITY CONTROL: vTRH(C6-C10)/BTEXN in Soil					Duplicate				Spike Recovery %	
Test Description	Units	PQL	Method	Blank	#	Base	Dup.	RPD	[NT]	[NT]
Date extracted	-			[NT]	33	15/02/2018	15/02/2018		[NT]	[NT]
Date analysed	-			[NT]	33	19/02/2018	19/02/2018		[NT]	[NT]
TRH C_6 - C_9	mg/kg	25	Org-016	[NT]	33	<25	<25	0	[NT]	[NT]
TRH C_6 - C_{10}	mg/kg	25	Org-016	[NT]	33	<25	<25	0	[NT]	[NT]
Benzene	mg/kg	0.2	Org-016	[NT]	33	<0.2	<0.2	0	[NT]	[NT]
Toluene	mg/kg	0.5	Org-016	[NT]	33	<0.5	<0.5	0	[NT]	[NT]
Ethylbenzene	mg/kg	1	Org-016	[NT]	33	<1	<1	0	[NT]	[NT]
m+p-xylene	mg/kg	2	Org-016	[NT]	33	<2	<2	0	[NT]	[NT]
o-Xylene	mg/kg	1	Org-016	[NT]	33	<1	<1	0	[NT]	[NT]
naphthalene	mg/kg	1	Org-014	[NT]	33	<1	<1	0	[NT]	[NT]
Surrogate aaa-Trifluorotoluene	%		Org-016	[NT]	33	105	110	5	[NT]	[NT]

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QUALITY CONTROL: svTRH (C10-C40) in Soil					Duplicate				Spike Recovery %	
Test Description	Units	PQL	Method	Blank	#	Base	Dup.	RPD	LCS-8	[NT]
Date extracted	-			14/02/2018	1	15/02/2018	15/02/2018		14/02/2018	[NT]
Date analysed	-			18/02/2018	1	18/02/2018	18/02/2018		18/02/2018	[NT]
TRH C_{10} - C_{14}	mg/kg	50	Org-003	<50	1	<50	<50	0	108	[NT]
TRH C_{15} - C_{28}	mg/kg	100	Org-003	<100	1	<100	<100	0	92	[NT]
TRH C_{29} - C_{36}	mg/kg	100	Org-003	<100	1	<100	<100	0	123	[NT]
TRH >C_{10} -C_{16}	mg/kg	50	Org-003	<50	1	<50	<50	0	108	[NT]
TRH >C_{16} -C_{34}	mg/kg	100	Org-003	<100	1	<100	<100	0	92	[NT]
TRH >C_{34} -C_{40}	mg/kg	100	Org-003	<100	1	<100	<100	0	123	[NT]
Surrogate o-Terphenyl	%		Org-003	82	1	79	79	0	85	[NT]

QUALITY CONTROL: svTRH (C10-C40) in Soil					Duplicate				Spike Recovery %	
Test Description	Units	PQL	Method	Blank	#	Base	Dup.	RPD	[NT]	[NT]
Date extracted	-			[NT]	33	15/02/2018	15/02/2018		[NT]	[NT]
Date analysed	-			[NT]	33	18/02/2018	18/02/2018		[NT]	[NT]
TRH C_{10} - C_{14}	mg/kg	50	Org-003	[NT]	33	<50	<50	0	[NT]	[NT]
TRH C_{15} - C_{28}	mg/kg	100	Org-003	[NT]	33	<100	<100	0	[NT]	[NT]
TRH C_{29} - C_{36}	mg/kg	100	Org-003	[NT]	33	<100	<100	0	[NT]	[NT]
TRH >C_{10} -C_{16}	mg/kg	50	Org-003	[NT]	33	<50	<50	0	[NT]	[NT]
TRH >C_{16} -C_{34}	mg/kg	100	Org-003	[NT]	33	<100	<100	0	[NT]	[NT]
TRH >C_{34} -C_{40}	mg/kg	100	Org-003	[NT]	33	<100	<100	0	[NT]	[NT]
Surrogate o-Terphenyl	%		Org-003	[NT]	33	83	83	0	[NT]	[NT]

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QUALITY CONTROL: PAHs in Soil					Duplicate				Spike Recovery %	
Test Description	Units	PQL	Method	Blank	#	Base	Dup.	RPD	LCS-8	[NT]
Date extracted	-			15/02/2018	1	15/02/2018	15/02/2018		15/02/2018	[NT]
Date analysed	-			16/02/2018	1	16/02/2018	16/02/2018		16/02/2018	[NT]
Naphthalene	mg/kg	0.1	Org-012	<0.1	1	<0.1	<0.1	0	92	[NT]
Acenaphthylene	mg/kg	0.1	Org-012	<0.1	1	<0.1	<0.1	0	[NT]	[NT]
Acenaphthene	mg/kg	0.1	Org-012	<0.1	1	0.1	<0.1	0	[NT]	[NT]
Fluorene	mg/kg	0.1	Org-012	<0.1	1	<0.1	<0.1	0	97	[NT]
Phenanthrene	mg/kg	0.1	Org-012	<0.1	1	0.8	0.6	29	97	[NT]
Anthracene	mg/kg	0.1	Org-012	<0.1	1	0.2	0.1	67	[NT]	[NT]
Fluoranthene	mg/kg	0.1	Org-012	<0.1	1	1.3	0.8	48	97	[NT]
Pyrene	mg/kg	0.1	Org-012	<0.1	1	1.3	0.8	48	97	[NT]
Benzo(a)anthracene	mg/kg	0.1	Org-012	<0.1	1	0.5	0.3	50	[NT]	[NT]
Chrysene	mg/kg	0.1	Org-012	<0.1	1	0.7	0.4	55	115	[NT]
Benzo(b,j+k)fluoranthene	mg/kg	0.2	Org-012	<0.2	1	0.9	0.6	40	[NT]	[NT]
Benzo(a)pyrene	mg/kg	0.05	Org-012	<0.05	1	0.53	0.3	55	89	[NT]
Indeno(1,2,3-c,d)pyrene	mg/kg	0.1	Org-012	<0.1	1	0.3	0.2	40	[NT]	[NT]
Dibenzo(a,h)anthracene	mg/kg	0.1	Org-012	<0.1	1	<0.1	<0.1	0	[NT]	[NT]
Benzo(g,h,i)perylene	mg/kg	0.1	Org-012	<0.1	1	0.3	0.2	40	[NT]	[NT]
Surrogate p-Terphenyl-d14	%		Org-012	94	1	97	92	5	91	[NT]

QUALITY CONTROL: PAHs in Soil					Duplicate				Spike Recovery %	
Test Description	Units	PQL	Method	Blank	#	Base	Dup.	RPD	[NT]	[NT]
Date extracted	-			[NT]	33	15/02/2018	15/02/2018		[NT]	[NT]
Date analysed	-			[NT]	33	16/02/2018	16/02/2018		[NT]	[NT]
Naphthalene	mg/kg	0.1	Org-012	[NT]	33	<0.1	<0.1	0	[NT]	[NT]
Acenaphthylene	mg/kg	0.1	Org-012	[NT]	33	<0.1	<0.1	0	[NT]	[NT]
Acenaphthene	mg/kg	0.1	Org-012	[NT]	33	<0.1	<0.1	0	[NT]	[NT]
Fluorene	mg/kg	0.1	Org-012	[NT]	33	<0.1	<0.1	0	[NT]	[NT]
Phenanthrene	mg/kg	0.1	Org-012	[NT]	33	0.3	0.2	40	[NT]	[NT]
Anthracene	mg/kg	0.1	Org-012	[NT]	33	<0.1	<0.1	0	[NT]	[NT]
Fluoranthene	mg/kg	0.1	Org-012	[NT]	33	0.1	<0.1	0	[NT]	[NT]
Pyrene	mg/kg	0.1	Org-012	[NT]	33	<0.1	<0.1	0	[NT]	[NT]
Benzo(a)anthracene	mg/kg	0.1	Org-012	[NT]	33	<0.1	<0.1	0	[NT]	[NT]
Chrysene	mg/kg	0.1	Org-012	[NT]	33	<0.1	<0.1	0	[NT]	[NT]
Benzo(b,j+k)fluoranthene	mg/kg	0.2	Org-012	[NT]	33	<0.2	<0.2	0	[NT]	[NT]
Benzo(a)pyrene	mg/kg	0.05	Org-012	[NT]	33	<0.05	<0.05	0	[NT]	[NT]
Indeno(1,2,3-c,d)pyrene	mg/kg	0.1	Org-012	[NT]	33	<0.1	<0.1	0	[NT]	[NT]
Dibenzo(a,h)anthracene	mg/kg	0.1	Org-012	[NT]	33	<0.1	<0.1	0	[NT]	[NT]
Benzo(g,h,i)perylene	mg/kg	0.1	Org-012	[NT]	33	<0.1	<0.1	0	[NT]	[NT]
Surrogate p-Terphenyl-d14	%		Org-012	[NT]	33	85	86	1	[NT]	[NT]

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QUALITY CONTROL: Organochlorine Pesticides in soil					Duplicate				Spike Recovery %	
Test Description	Units	PQL	Method	Blank	#	Base	Dup.	RPD	LCS-8	[NT]
Date extracted	-			15/02/2018	1	15/02/2018	15/02/2018		15/02/2018	[NT]
Date analysed	-			16/02/2018	1	16/02/2018	16/02/2018		16/02/2018	[NT]
HCB	mg/kg	0.1	Org-005	<0.1	1	<0.1	<0.1	0	[NT]	[NT]
alpha-BHC	mg/kg	0.1	Org-005	<0.1	1	<0.1	<0.1	0	99	[NT]
gamma-BHC	mg/kg	0.1	Org-005	<0.1	1	<0.1	<0.1	0	[NT]	[NT]
beta-BHC	mg/kg	0.1	Org-005	<0.1	1	<0.1	<0.1	0	78	[NT]
Heptachlor	mg/kg	0.1	Org-005	<0.1	1	<0.1	<0.1	0	70	[NT]
delta-BHC	mg/kg	0.1	Org-005	<0.1	1	<0.1	<0.1	0	[NT]	[NT]
Aldrin	mg/kg	0.1	Org-005	<0.1	1	<0.1	<0.1	0	91	[NT]
Heptachlor Epoxide	mg/kg	0.1	Org-005	<0.1	1	<0.1	<0.1	0	85	[NT]
gamma-Chlordane	mg/kg	0.1	Org-005	<0.1	1	<0.1	<0.1	0	[NT]	[NT]
alpha-chlordane	mg/kg	0.1	Org-005	<0.1	1	<0.1	<0.1	0	[NT]	[NT]
Endosulfan I	mg/kg	0.1	Org-005	<0.1	1	<0.1	<0.1	0	[NT]	[NT]
pp-DDE	mg/kg	0.1	Org-005	<0.1	1	<0.1	<0.1	0	98	[NT]
Dieldrin	mg/kg	0.1	Org-005	<0.1	1	<0.1	<0.1	0	86	[NT]
Endrin	mg/kg	0.1	Org-005	<0.1	1	<0.1	<0.1	0	84	[NT]
pp-DDD	mg/kg	0.1	Org-005	<0.1	1	<0.1	<0.1	0	65	[NT]
Endosulfan II	mg/kg	0.1	Org-005	<0.1	1	<0.1	<0.1	0	[NT]	[NT]
pp-DDT	mg/kg	0.1	Org-005	<0.1	1	<0.1	<0.1	0	[NT]	[NT]
Endrin Aldehyde	mg/kg	0.1	Org-005	<0.1	1	<0.1	<0.1	0	[NT]	[NT]
Endosulfan Sulphate	mg/kg	0.1	Org-005	<0.1	1	<0.1	<0.1	0	81	[NT]
Methoxychlor	mg/kg	0.1	Org-005	<0.1	1	<0.1	<0.1	0	[NT]	[NT]
Surrogate TCMX	%		Org-005	98	1	98	93	5	101	[NT]

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QUALITY CONTROL: Organochlorine Pesticides in soil					Duplicate				Spike Recovery %	
Test Description	Units	PQL	Method	Blank	#	Base	Dup.	RPD	[NT]	[NT]
Date extracted	-			[NT]	33	15/02/2018	15/02/2018		[NT]	[NT]
Date analysed	-			[NT]	33	16/02/2018	16/02/2018		[NT]	[NT]
HCB	mg/kg	0.1	Org-005	[NT]	33	<0.1	<0.1	0	[NT]	[NT]
alpha-BHC	mg/kg	0.1	Org-005	[NT]	33	<0.1	<0.1	0	[NT]	[NT]
gamma-BHC	mg/kg	0.1	Org-005	[NT]	33	<0.1	<0.1	0	[NT]	[NT]
beta-BHC	mg/kg	0.1	Org-005	[NT]	33	<0.1	<0.1	0	[NT]	[NT]
Heptachlor	mg/kg	0.1	Org-005	[NT]	33	<0.1	<0.1	0	[NT]	[NT]
delta-BHC	mg/kg	0.1	Org-005	[NT]	33	<0.1	<0.1	0	[NT]	[NT]
Aldrin	mg/kg	0.1	Org-005	[NT]	33	<0.1	<0.1	0	[NT]	[NT]
Heptachlor Epoxide	mg/kg	0.1	Org-005	[NT]	33	<0.1	<0.1	0	[NT]	[NT]
gamma-Chlordane	mg/kg	0.1	Org-005	[NT]	33	<0.1	<0.1	0	[NT]	[NT]
alpha-chlordane	mg/kg	0.1	Org-005	[NT]	33	<0.1	<0.1	0	[NT]	[NT]
Endosulfan I	mg/kg	0.1	Org-005	[NT]	33	<0.1	<0.1	0	[NT]	[NT]
pp-DDE	mg/kg	0.1	Org-005	[NT]	33	<0.1	<0.1	0	[NT]	[NT]
Dieldrin	mg/kg	0.1	Org-005	[NT]	33	<0.1	<0.1	0	[NT]	[NT]
Endrin	mg/kg	0.1	Org-005	[NT]	33	<0.1	<0.1	0	[NT]	[NT]
pp-DDD	mg/kg	0.1	Org-005	[NT]	33	<0.1	<0.1	0	[NT]	[NT]
Endosulfan II	mg/kg	0.1	Org-005	[NT]	33	<0.1	<0.1	0	[NT]	[NT]
pp-DDT	mg/kg	0.1	Org-005	[NT]	33	<0.1	<0.1	0	[NT]	[NT]
Endrin Aldehyde	mg/kg	0.1	Org-005	[NT]	33	<0.1	<0.1	0	[NT]	[NT]
Endosulfan Sulphate	mg/kg	0.1	Org-005	[NT]	33	<0.1	<0.1	0	[NT]	[NT]
Methoxychlor	mg/kg	0.1	Org-005	[NT]	33	<0.1	<0.1	0	[NT]	[NT]
Surrogate TCMX	%		Org-005	[NT]	33	96	95	1	[NT]	[NT]

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QUALITY CONTROL: Organophosphorus Pesticides					Duplicate				Spike Recovery %	
Test Description	Units	PQL	Method	Blank	#	Base	Dup.	RPD	LCS-8	[NT]
Date extracted	-			15/02/2018	1	15/02/2018	15/02/2018		15/02/2018	[NT]
Date analysed	-			16/02/2018	1	16/02/2018	16/02/2018		16/02/2018	[NT]
Azinphos-methyl (Guthion)	mg/kg	0.1	Org-008	<0.1	1	<0.1	<0.1	0	[NT]	[NT]
Bromophos-ethyl	mg/kg	0.1	Org-008	<0.1	1	<0.1	<0.1	0	[NT]	[NT]
Chlorpyriphos	mg/kg	0.1	Org-008	<0.1	1	<0.1	<0.1	0	98	[NT]
Chlorpyriphos-methyl	mg/kg	0.1	Org-008	<0.1	1	<0.1	<0.1	0	[NT]	[NT]
Diazinon	mg/kg	0.1	Org-008	<0.1	1	<0.1	<0.1	0	[NT]	[NT]
Dichlorvos	mg/kg	0.1	Org-008	<0.1	1	<0.1	<0.1	0	88	[NT]
Dimethoate	mg/kg	0.1	Org-008	<0.1	1	<0.1	<0.1	0	[NT]	[NT]
Ethion	mg/kg	0.1	Org-008	<0.1	1	<0.1	<0.1	0	107	[NT]
Fenitrothion	mg/kg	0.1	Org-008	<0.1	1	<0.1	<0.1	0	93	[NT]
Malathion	mg/kg	0.1	Org-008	<0.1	1	<0.1	<0.1	0	116	[NT]
Parathion	mg/kg	0.1	Org-008	<0.1	1	<0.1	<0.1	0	92	[NT]
Ronnel	mg/kg	0.1	Org-008	<0.1	1	<0.1	<0.1	0	98	[NT]
Surrogate TCMX	%		Org-008	98	1	98	93	5	101	[NT]

QUALITY CONTROL: Organophosphorus Pesticides					Duplicate				Spike Recovery %	
Test Description	Units	PQL	Method	Blank	#	Base	Dup.	RPD	[NT]	[NT]
Date extracted	-			[NT]	33	15/02/2018	15/02/2018		[NT]	[NT]
Date analysed	-			[NT]	33	16/02/2018	16/02/2018		[NT]	[NT]
Azinphos-methyl (Guthion)	mg/kg	0.1	Org-008	[NT]	33	<0.1	<0.1	0	[NT]	[NT]
Bromophos-ethyl	mg/kg	0.1	Org-008	[NT]	33	<0.1	<0.1	0	[NT]	[NT]
Chlorpyriphos	mg/kg	0.1	Org-008	[NT]	33	<0.1	<0.1	0	[NT]	[NT]
Chlorpyriphos-methyl	mg/kg	0.1	Org-008	[NT]	33	<0.1	<0.1	0	[NT]	[NT]
Diazinon	mg/kg	0.1	Org-008	[NT]	33	<0.1	<0.1	0	[NT]	[NT]
Dichlorvos	mg/kg	0.1	Org-008	[NT]	33	<0.1	<0.1	0	[NT]	[NT]
Dimethoate	mg/kg	0.1	Org-008	[NT]	33	<0.1	<0.1	0	[NT]	[NT]
Ethion	mg/kg	0.1	Org-008	[NT]	33	<0.1	<0.1	0	[NT]	[NT]
Fenitrothion	mg/kg	0.1	Org-008	[NT]	33	<0.1	<0.1	0	[NT]	[NT]
Malathion	mg/kg	0.1	Org-008	[NT]	33	<0.1	<0.1	0	[NT]	[NT]
Parathion	mg/kg	0.1	Org-008	[NT]	33	<0.1	<0.1	0	[NT]	[NT]
Ronnel	mg/kg	0.1	Org-008	[NT]	33	<0.1	<0.1	0	[NT]	[NT]
Surrogate TCMX	%		Org-008	[NT]	33	96	95	1	[NT]	[NT]

Client Reference: P1706332 - 119 Barton St Monterey DSI

QUALITY CONTROL: Acid Extractable metals in soil					Duplicate				Spike Recovery %	
Test Description	Units	PQL	Method	Blank	#	Base	Dup.	RPD	LCS-8	[NT]
Date prepared	-			15/02/2018	1	15/02/2018	15/02/2018		15/02/2018	[NT]
Date analysed	-			15/02/2018	1	15/02/2018	15/02/2018		15/02/2018	[NT]
Arsenic	mg/kg	4	Metals-020	<4	1	<4	<4	0	102	[NT]
Cadmium	mg/kg	0.4	Metals-020	<0.4	1	<0.4	<0.4	0	99	[NT]
Chromium	mg/kg	1	Metals-020	<1	1	8	6	29	101	[NT]
Copper	mg/kg	1	Metals-020	<1	1	35	29	19	101	[NT]
Lead	mg/kg	1	Metals-020	<1	1	28	27	4	97	[NT]
Mercury	mg/kg	0.1	Metals-021	<0.1	1	<0.1	<0.1	0	91	[NT]
Nickel	mg/kg	1	Metals-020	<1	1	14	14	0	94	[NT]
Zinc	mg/kg	1	Metals-020	<1	1	26	25	4	97	[NT]

QUALITY CONTROL: Acid Extractable metals in soil					Duplicate				Spike Recovery %	
Test Description	Units	PQL	Method	Blank	#	Base	Dup.	RPD	[NT]	[NT]
Date prepared	-			[NT]	33	15/02/2018	15/02/2018		[NT]	[NT]
Date analysed	-			[NT]	33	15/02/2018	15/02/2018		[NT]	[NT]
Arsenic	mg/kg	4	Metals-020	[NT]	33	<4	<4	0	[NT]	[NT]
Cadmium	mg/kg	0.4	Metals-020	[NT]	33	<0.4	<0.4	0	[NT]	[NT]
Chromium	mg/kg	1	Metals-020	[NT]	33	4	4	0	[NT]	[NT]
Copper	mg/kg	1	Metals-020	[NT]	33	4	4	0	[NT]	[NT]
Lead	mg/kg	1	Metals-020	[NT]	33	75	77	3	[NT]	[NT]
Mercury	mg/kg	0.1	Metals-021	[NT]	33	0.2	0.3	40	[NT]	[NT]
Nickel	mg/kg	1	Metals-020	[NT]	33	5	4	22	[NT]	[NT]
Zinc	mg/kg	1	Metals-020	[NT]	33	9	11	20	[NT]	[NT]

QUALITY CONTROL: Acid Extractable metals in soil					Duplicate				Spike Recovery %	
Test Description	Units	PQL	Method	Blank	#	Base	Dup.	RPD	[NT]	[NT]
Date prepared	-			[NT]	4	15/02/2018	15/02/2018		[NT]	[NT]
Date analysed	-			[NT]	4	15/02/2018	15/02/2018		[NT]	[NT]
Arsenic	mg/kg	4	Metals-020	[NT]	4	13	11	17	[NT]	[NT]
Cadmium	mg/kg	0.4	Metals-020	[NT]	4	3	2	40	[NT]	[NT]
Chromium	mg/kg	1	Metals-020	[NT]	4	29	30	3	[NT]	[NT]
Copper	mg/kg	1	Metals-020	[NT]	4	860	880	2	[NT]	[NT]
Lead	mg/kg	1	Metals-020	[NT]	4	1700	1800	6	[NT]	[NT]
Mercury	mg/kg	0.1	Metals-021	[NT]	4	0.5	0.4	22	[NT]	[NT]
Nickel	mg/kg	1	Metals-020	[NT]	4	25	31	21	[NT]	[NT]
Zinc	mg/kg	1	Metals-020	[NT]	4	1200	1300	8	[NT]	[NT]

Client Reference: P1706332 - 119 Barton St Monterey DSI

QUALITY CONTROL: Acid Extractable metals in soil					Duplicate				Spike Recovery %	
Test Description	Units	PQL	Method	Blank	#	Base	Dup.	RPD	[NT]	[NT]
Date prepared	-			[NT]	32	15/02/2018	15/02/2018		[NT]	[NT]
Date analysed	-			[NT]	32	15/02/2018	15/02/2018		[NT]	[NT]
Arsenic	mg/kg	4	Metals-020	[NT]	32	<4	<4	0	[NT]	[NT]
Cadmium	mg/kg	0.4	Metals-020	[NT]	32	<0.4	<0.4	0	[NT]	[NT]
Chromium	mg/kg	1	Metals-020	[NT]	32	9	11	20	[NT]	[NT]
Copper	mg/kg	1	Metals-020	[NT]	32	8	9	12	[NT]	[NT]
Lead	mg/kg	1	Metals-020	[NT]	32	32	44	32	[NT]	[NT]
Mercury	mg/kg	0.1	Metals-021	[NT]	32	1.7	1.8	6	[NT]	[NT]
Nickel	mg/kg	1	Metals-020	[NT]	32	3	3	0	[NT]	[NT]
Zinc	mg/kg	1	Metals-020	[NT]	32	40	39	3	[NT]	[NT]

QUALITY CONTROL: Acid Extractable metals in soil					Duplicate				Spike Recovery %	
Test Description	Units	PQL	Method	Blank	#	Base	Dup.	RPD	[NT]	[NT]
Date prepared	-			[NT]	38	15/02/2018	15/02/2018		[NT]	[NT]
Date analysed	-			[NT]	38	15/02/2018	15/02/2018		[NT]	[NT]
Arsenic	mg/kg	4	Metals-020	[NT]	38	12	12	0	[NT]	[NT]
Cadmium	mg/kg	0.4	Metals-020	[NT]	38	<0.4	<0.4	0	[NT]	[NT]
Chromium	mg/kg	1	Metals-020	[NT]	38	8	8	0	[NT]	[NT]
Copper	mg/kg	1	Metals-020	[NT]	38	10	10	0	[NT]	[NT]
Lead	mg/kg	1	Metals-020	[NT]	38	13	15	14	[NT]	[NT]
Mercury	mg/kg	0.1	Metals-021	[NT]	38	3.5	3.3	6	[NT]	[NT]
Nickel	mg/kg	1	Metals-020	[NT]	38	3	3	0	[NT]	[NT]
Zinc	mg/kg	1	Metals-020	[NT]	38	89	97	9	[NT]	[NT]

Client Reference: P1706332 - 119 Barton St Monterey DSI

Result Definitions	
NT	Not tested
NA	Test not required
INS	Insufficient sample for this test
PQL	Practical Quantitation Limit
<	Less than
>	Greater than
RPD	Relative Percent Difference
LCS	Laboratory Control Sample
NS	Not specified
NEPM	National Environmental Protection Measure
NR	Not Reported

Quality Control Definitions	
Blank	This is the component of the analytical signal which is not derived from the sample but from reagents, glassware etc, can be determined by processing solvents and reagents in exactly the same manner as for samples.
Duplicate	This is the complete duplicate analysis of a sample from the process batch. If possible, the sample selected should be one where the analyte concentration is easily measurable.
Matrix Spike	A portion of the sample is spiked with a known concentration of target analyte. The purpose of the matrix spike is to monitor the performance of the analytical method used and to determine whether matrix interferences exist.
LCS (Laboratory Control Sample)	This comprises either a standard reference material or a control matrix (such as a blank sand or water) fortified with analytes representative of the analyte class. It is simply a check sample.
Surrogate Spike	Surrogates are known additions to each sample, blank, matrix spike and LCS in a batch, of compounds which are similar to the analyte of interest, however are not expected to be found in real samples.

Australian Drinking Water Guidelines recommend that Thermotolerant Coliform, Faecal Enterococci, & E.Coli levels are less than 1cfu/100mL. The recommended maximums are taken from "Australian Drinking Water Guidelines", published by NHMRC & ARMC 2011.

Client Reference: P1706332 - 119 Barton St Monterey DSI

Laboratory Acceptance Criteria

Duplicate sample and matrix spike recoveries may not be reported on smaller jobs, however, were analysed at a frequency to meet or exceed NEPM requirements. All samples are tested in batches of 20. The duplicate sample RPD and matrix spike recoveries for the batch were within the laboratory acceptance criteria.

Filters, swabs, wipes, tubes and badges will not have duplicate data as the whole sample is generally extracted during sample extraction.

Spikes for Physical and Aggregate Tests are not applicable.

For VOCs in water samples, three vials are required for duplicate or spike analysis.

Duplicates: <5xPQL - any RPD is acceptable; >5xPQL - 0-50% RPD is acceptable.

Matrix Spikes, LCS and Surrogate recoveries: Generally 70-130% for inorganics/metals; 60-140% for organics (+/-50% surrogates) and 10-140% for labile SVOCs (including labile surrogates), ultra trace organics and speciated phenols is acceptable.

In circumstances where no duplicate and/or sample spike has been reported at 1 in 10 and/or 1 in 20 samples respectively, the sample volume submitted was insufficient in order to satisfy laboratory QA/QC protocols.

When samples are received where certain analytes are outside of recommended technical holding times (THTs), the analysis has proceeded. Where analytes are on the verge of breaching THTs, every effort will be made to analyse within the THT or as soon as practicable.

Where sampling dates are not provided, Envirolab are not in a position to comment on the validity of the analysis where recommended technical holding times may have been breached.

Measurement Uncertainty estimates are available for most tests upon request.

Client Reference: P1706332 - 119 Barton St Monterey DSI

Report Comments
PAHs in Soil 1/1d: - The RPD for duplicate results is accepted due to the non homogenous nature of the sample/s.

martens
consulting engineers since 1989

SOIL ANALYSIS CHAIN OF CUSTODY FORM

Additional Testing												
Name	P1706332 - 119 Barton St, Monterey DSI											
Martens Contact Officer	Robert Mehaffey					**Contact Email**	rmehaffey@martens.com.au					
Sampling and Shipping	**Sample Date**	13 February 2018		**Dispatch Date**	14 February 2018		**Turnaround Time**		standard			
	Our Reference	P1706332COC01V01				**Shipping Method (X)**	**Hand**		**Post**		**Courier**	X
	On Ice (X)	X	**No Ice (X)**		**Other (X)**							
Laboratory												
Name	EnviroLab											
Sample Delivery Address	12 Ashley Street, Chatswood											
Delivery Contact	**Name**	Aileen		**Phone**	9910 6200	**Fax**		**Email**	ahie@envirolabservices.com.au			
Please Send Report By (X)	**Post**		**Fax**		**Email**	X	**Reporting Email Address**	rmehaffey@martens.com.au, gtaylor@martens.com.au				

	Sample ID	Combo 5b	8HM	BTEX	TRH	HOLD
1	6332/BH101/0.15	X				
2	6332/BH101/0.7					X
3	6332/BH101/1.2					X
4	6332/BH101/1.5	X				
5	6332/BH101/2.0					X
6	6332/BH102/0.2					X
7	6332/BH102/0.5					X
8	6332/BH102/0.9					X
9	6332/BH102/1.8					X
10	6332/BH103/0.2	X				
11	6332/BH103/0.5	X				
12	6332/BH103/1.1					X
13	6332/BH104/0.2					X
14	6332/BH104/0.7					X
15	6332/BH105/0.15					X
16	6332/BH105/0.4					X
17	6332/BH106/0.1					X
18	6332/BH106/0.25	X				
19	6332/BH106/0.4	X				
20	6332/BH106/0.65					X

Envirolab Services
12 Ashley St
Chatswood NSW 2067
Ph: (02) 9910 6200

Job No: 185170
Date Received: 14.2.18
Time Received: 11:45
Received by: JE
Temp: Cool/Ambient 19.1°C
Cooling: Ice/Icepack
Security: Intact/Broken/None

Rec'd ELS JE
14.2.18 11:45

Head Office
Suite 201, Level 2, 20 George Street
Hornsby NSW 2077, Australia
Ph 02 9476 9999 **Fax** 02 9476 8767

> mail@martens.com.au
> www.martens.com.au
MARTENS & ASSOCIATES P/L
ABN 85 070 240 890 ACN 070 240 890

185170

SOIL ANALYSIS CHAIN OF CUSTODY

Page of

	Sample ID	Combo 5b	8HM	BTEX	TRH	HOLD
21	6332/BH107/0.1	X				
22	6332/BH107/0.3-0.4					X
23	6332/BH107/0.6					X
24	6332/BH107/1.45					X
25	6332/BH108/0.05					X
26	6332/BH108/0.3					X
27	6332/BH108/0.6					X
28	6332/BH109/0.1	X				
29	6332/BH109/0.25					X
30	6332/BH109/0.5					X
31	6332/BH109/1.0					X
32	6332/BH110/0.05	X				
33	6332/BH110/0.6	X				X
34	6332/BH110/0.8					
35	6332/SS101					X
36	6332/SS102					X
37	6332/DUP101		X			
38	6332/DUP102		X			
39	Trip Blank				X	
40	Trip Spike			X		

Extra 41 BH105/2.0

JE Rec JE 14/2/18

Aileen Hie

From: Robert Mehaffey <rmehaffey@martens.com.au>
Sent: Wednesday, 21 February 2018 2:40 PM
To: Ken Nguyen
Cc: Gray Taylor; Aileen Hie
Subject: RE: Results for Registration 185170 P1706332 - 119 Barton St Monterey DSI
Attachments: 185170-coc.pdf

Hi Ken,

Can we please get some additional testing completed:

5 o 6332/BH101/2.0 – Tested for Combo 5b

Standard turnaround time please.

Let me know if there are any issues.

Best regards,

Envirolab Ref: 185170A
Due: 28/2/18
Std 7/A.

Robert Mehaffey
Environmental Engineer
BEng (Civil/Environmental)

martens
& Associates Pty Ltd

Martens & Associates Pty Ltd
Suite 201, 20 George St
Hornsby, NSW 2077
P + 61 2 9476 9999
F + 61 2 9476 8767
www.martens.com.au

From: Ken Nguyen [mailto:KNguyen@envirolab.com.au]
Sent: Tuesday, 20 February 2018 8:00 PM
To: Lara Tintinger; Robert Mehaffey; Gray Taylor
Subject: Results for Registration 185170 P1706332 - 119 Barton St Monterey DSI

Please refer to attached for:
a copy of the Certificate of Analysis
a copy of the COC/paperwork received from you
ESDAT Extracts
an Excel or .csv file containing the results
a copy of the Invoice
Please note that a hard copy will not be posted.

We have a new reporting format and would welcome your feedback. Sydney@envirolab.com.au

Enquiries should be made directly to:
customerservice@envirolab.com.au

1

Envirolab Services Pty Ltd
ABN 37 112 535 645
12 Ashley St Chatswood NSW 2067
ph 02 9910 6200 fax 02 9910 6201
customerservice@envirolab.com.au
www.envirolab.com.au

CERTIFICATE OF ANALYSIS 185170-A

Client Details	
Client	Martens & Associates Pty Ltd
Attention	Robert Mehaffey
Address	Suite 201, 20 George St, Hornsby, NSW, 2077

Sample Details	
Your Reference	**P1706332 - 119 Barton St Monterey DSI**
Number of Samples	Additional Testing on 1 Soil
Date samples received	14/02/2018
Date completed instructions received	21/02/2018

Analysis Details

Please refer to the following pages for results, methodology summary and quality control data.
Samples were analysed as received from the client. Results relate specifically to the samples as received.
Results are reported on a dry weight basis for solids and on an as received basis for other matrices.

Report Details	
Date results requested by	28/02/2018
Date of Issue	26/02/2018
NATA Accreditation Number 2901. This document shall not be reproduced except in full.	
Accredited for compliance with ISO/IEC 17025 - Testing. **Tests not covered by NATA are denoted with ***	

Results Approved By
Dragana Tomas, Senior Chemist
Long Pham, Team Leader, Metals
Steven Luong, Senior Chemist

Authorised By
David Springer, General Manager

Client Reference: P1706332 - 119 Barton St Monterey DSI

vTRH(C6-C10)/BTEXN in Soil		
Our Reference		185170-A-5
Your Reference	UNITS	6332/BH101
Depth		2.0
Date Sampled		13/02/2018
Type of sample		soil
Date extracted	-	22/02/2018
Date analysed	-	22/02/2018
TRH C_6 - C_9	mg/kg	<25
TRH C_6 - C_{10}	mg/kg	<25
vTPH C_6 - C_{10} less BTEX (F1)	mg/kg	<25
Benzene	mg/kg	<0.2
Toluene	mg/kg	<0.5
Ethylbenzene	mg/kg	<1
m+p-xylene	mg/kg	<2
o-Xylene	mg/kg	<1
naphthalene	mg/kg	<1
Total +ve Xylenes	mg/kg	<1
Surrogate aaa-Trifluorotoluene	%	99

Client Reference: P1706332 - 119 Barton St Monterey DSI

svTRH (C10-C40) in Soil		
Our Reference		185170-A-5
Your Reference	UNITS	6332/BH101
Depth		2.0
Date Sampled		13/02/2018
Type of sample		soil
Date extracted	-	22/02/2018
Date analysed	-	23/02/2018
TRH C_{10} - C_{14}	mg/kg	<50
TRH C_{15} - C_{28}	mg/kg	<100
TRH C_{29} - C_{36}	mg/kg	<100
TRH >C_{10} -C_{16}	mg/kg	<50
TRH >C_{10} - C_{16} less Naphthalene (F2)	mg/kg	<50
TRH >C_{16} -C_{34}	mg/kg	<100
TRH >C_{34} -C_{40}	mg/kg	<100
Total +ve TRH (>C10-C40)	mg/kg	<50
Surrogate o-Terphenyl	%	77

Client Reference: P1706332 - 119 Barton St Monterey DSI

PAHs in Soil		
Our Reference		185170-A-5
Your Reference	UNITS	6332/BH101
Depth		2.0
Date Sampled		13/02/2018
Type of sample		soil
Date extracted	-	22/02/2018
Date analysed	-	22/02/2018
Naphthalene	mg/kg	<0.1
Acenaphthylene	mg/kg	<0.1
Acenaphthene	mg/kg	<0.1
Fluorene	mg/kg	<0.1
Phenanthrene	mg/kg	<0.1
Anthracene	mg/kg	<0.1
Fluoranthene	mg/kg	<0.1
Pyrene	mg/kg	<0.1
Benzo(a)anthracene	mg/kg	<0.1
Chrysene	mg/kg	<0.1
Benzo(b,j+k)fluoranthene	mg/kg	<0.2
Benzo(a)pyrene	mg/kg	<0.05
Indeno(1,2,3-c,d)pyrene	mg/kg	<0.1
Dibenzo(a,h)anthracene	mg/kg	<0.1
Benzo(g,h,i)perylene	mg/kg	<0.1
Total +ve PAH's	mg/kg	<0.05
Benzo(a)pyrene TEQ calc (zero)	mg/kg	<0.5
Benzo(a)pyrene TEQ calc(half)	mg/kg	<0.5
Benzo(a)pyrene TEQ calc(PQL)	mg/kg	<0.5
Surrogate p-Terphenyl-d14	%	97

Client Reference: P1706332 - 119 Barton St Monterey DSI

Organochlorine Pesticides in soil		
Our Reference		185170-A-5
Your Reference	UNITS	6332/BH101
Depth		2.0
Date Sampled		13/02/2018
Type of sample		soil
Date extracted	-	22/02/2018
Date analysed	-	23/02/2018
HCB	mg/kg	<0.1
alpha-BHC	mg/kg	<0.1
gamma-BHC	mg/kg	<0.1
beta-BHC	mg/kg	<0.1
Heptachlor	mg/kg	<0.1
delta-BHC	mg/kg	<0.1
Aldrin	mg/kg	<0.1
Heptachlor Epoxide	mg/kg	<0.1
gamma-Chlordane	mg/kg	<0.1
alpha-chlordane	mg/kg	<0.1
Endosulfan I	mg/kg	<0.1
pp-DDE	mg/kg	<0.1
Dieldrin	mg/kg	<0.1
Endrin	mg/kg	<0.1
pp-DDD	mg/kg	<0.1
Endosulfan II	mg/kg	<0.1
pp-DDT	mg/kg	<0.1
Endrin Aldehyde	mg/kg	<0.1
Endosulfan Sulphate	mg/kg	<0.1
Methoxychlor	mg/kg	<0.1
Total +ve DDT+DDD+DDE	mg/kg	<0.1
Surrogate TCMX	%	94

Client Reference: P1706332 - 119 Barton St Monterey DSI

Organophosphorus Pesticides		
Our Reference		185170-A-5
Your Reference	UNITS	6332/BH101
Depth		2.0
Date Sampled		13/02/2018
Type of sample		soil
Date extracted	-	22/02/2018
Date analysed	-	23/02/2018
Azinphos-methyl (Guthion)	mg/kg	<0.1
Bromophos-ethyl	mg/kg	<0.1
Chlorpyriphos	mg/kg	<0.1
Chlorpyriphos-methyl	mg/kg	<0.1
Diazinon	mg/kg	<0.1
Dichlorvos	mg/kg	<0.1
Dimethoate	mg/kg	<0.1
Ethion	mg/kg	<0.1
Fenitrothion	mg/kg	<0.1
Malathion	mg/kg	<0.1
Parathion	mg/kg	<0.1
Ronnel	mg/kg	<0.1
Surrogate TCMX	%	94

Client Reference: P1706332 - 119 Barton St Monterey DSI

Acid Extractable metals in soil		
Our Reference		185170-A-5
Your Reference	UNITS	6332/BH101
Depth		2.0
Date Sampled		13/02/2018
Type of sample		soil
Date prepared	-	22/02/2018
Date analysed	-	22/02/2018
Arsenic	mg/kg	<4
Cadmium	mg/kg	<0.4
Chromium	mg/kg	2
Copper	mg/kg	11
Lead	mg/kg	30
Mercury	mg/kg	<0.1
Nickel	mg/kg	<1
Zinc	mg/kg	16

Client Reference: P1706332 - 119 Barton St Monterey DSI

Moisture		
Our Reference		185170-A-5
Your Reference	UNITS	6332/BH101
Depth		2.0
Date Sampled		13/02/2018
Type of sample		soil
Date prepared	-	22/02/2018
Date analysed	-	22/02/2018
Moisture	%	5.7

Client Reference: P1706332 - 119 Barton St Monterey DSI

Method ID	Methodology Summary
Inorg-008	Moisture content determined by heating at 105+/-5 °C for a minimum of 12 hours.
Metals-020	Determination of various metals by ICP-AES.
Metals-021	Determination of Mercury by Cold Vapour AAS.
Org-003	Soil samples are extracted with Dichloromethane/Acetone and waters with Dichloromethane and analysed by GC-FID. F2 = (>C10-C16)-Naphthalene as per NEPM B1 Guideline on Investigation Levels for Soil and Groundwater (HSLs Tables 1A (3, 4)). Note Naphthalene is determined from the VOC analysis.
Org-003	Soil samples are extracted with Dichloromethane/Acetone and waters with Dichloromethane and analysed by GC-FID. F2 = (>C10-C16)-Naphthalene as per NEPM B1 Guideline on Investigation Levels for Soil and Groundwater (HSLs Tables 1A (3, 4)). Note Naphthalene is determined from the VOC analysis. Note, the Total +ve TRH PQL is reflective of the lowest individual PQL and is therefore "Total +ve TRH" is simply a sum of the positive individual TRH fractions (>C10-C40).
Org-005	Soil samples are extracted with dichloromethane/acetone and waters with dichloromethane and analysed by GC with dual ECD's.
Org-005	Soil samples are extracted with dichloromethane/acetone and waters with dichloromethane and analysed by GC with dual ECD's. Note, the Total +ve reported DDD+DDE+DDT PQL is reflective of the lowest individual PQL and is therefore simply a sum of the positive individually report DDD+DDE+DDT.
Org-008	Soil samples are extracted with dichloromethane/acetone and waters with dichloromethane and analysed by GC with dual ECD's.
Org-012	Soil samples are extracted with Dichloromethane/Acetone and waters with Dichloromethane and analysed by GC-MS. Benzo(a)pyrene TEQ as per NEPM B1 Guideline on Investigation Levels for Soil and Groundwater - 2013. For soil results:- 1. 'EQ PQL'values are assuming all contributing PAHs reported as <PQL are actually at the PQL. This is the most conservative approach and can give false positive TEQs given that PAHs that contribute to the TEQ calculation may not be present. 2. 'EQ zero'values are assuming all contributing PAHs reported as <PQL are zero. This is the least conservative approach and is more susceptible to false negative TEQs when PAHs that contribute to the TEQ calculation are present but below PQL. 3. 'EQ half PQL'values are assuming all contributing PAHs reported as <PQL are half the stipulated PQL. Hence a mid-point between the most and least conservative approaches above. Note, the Total +ve PAHs PQL is reflective of the lowest individual PQL and is therefore "Total +ve PAHs" is simply a sum of the positive individual PAHs.

Client Reference: P1706332 - 119 Barton St Monterey DSI

Method ID	Methodology Summary
Org-014	Soil samples are extracted with methanol and spiked into water prior to analysing by purge and trap GC-MS.
Org-016	Soil samples are extracted with methanol and spiked into water prior to analysing by purge and trap GC-MS. Water samples are analysed directly by purge and trap GC-MS. F1 = (C6-C10)-BTEX as per NEPM B1 Guideline on Investigation Levels for Soil and Groundwater.
Org-016	Soil samples are extracted with methanol and spiked into water prior to analysing by purge and trap GC-MS. Water samples are analysed directly by purge and trap GC-MS. F1 = (C6-C10)-BTEX as per NEPM B1 Guideline on Investigation Levels for Soil and Groundwater. Note, the Total +ve Xylene PQL is reflective of the lowest individual PQL and is therefore "Total +ve Xylenes" is simply a sum of the positive individual Xylenes.

Client Reference: P1706332 - 119 Barton St Monterey DSI

QUALITY CONTROL: vTRH(C6-C10)/BTEXN in Soil					Duplicate				Spike Recovery %	
Test Description	Units	PQL	Method	Blank	#	Base	Dup.	RPD	LCS-1	[NT]
Date extracted	-			22/02/2018	[NT]	[NT]	[NT]	[NT]	22/02/2018	[NT]
Date analysed	-			22/02/2018	[NT]	[NT]	[NT]	[NT]	22/02/2018	[NT]
TRH C_6 - C_9	mg/kg	25	Org-016	<25	[NT]	[NT]	[NT]	[NT]	106	[NT]
TRH C_6 - C_{10}	mg/kg	25	Org-016	<25	[NT]	[NT]	[NT]	[NT]	106	[NT]
Benzene	mg/kg	0.2	Org-016	<0.2	[NT]	[NT]	[NT]	[NT]	111	[NT]
Toluene	mg/kg	0.5	Org-016	<0.5	[NT]	[NT]	[NT]	[NT]	108	[NT]
Ethylbenzene	mg/kg	1	Org-016	<1	[NT]	[NT]	[NT]	[NT]	99	[NT]
m+p-xylene	mg/kg	2	Org-016	<2	[NT]	[NT]	[NT]	[NT]	105	[NT]
o-Xylene	mg/kg	1	Org-016	<1	[NT]	[NT]	[NT]	[NT]	96	[NT]
naphthalene	mg/kg	1	Org-014	<1	[NT]	[NT]	[NT]	[NT]	[NT]	[NT]
Surrogate aaa-Trifluorotoluene	%		Org-016	110	[NT]	[NT]	[NT]	[NT]	105	[NT]

Client Reference: P1706332 - 119 Barton St Monterey DSI

QUALITY CONTROL: svTRH (C10-C40) in Soil					Duplicate				Spike Recovery %	
Test Description	Units	PQL	Method	Blank	#	Base	Dup.	RPD	LCS-1	[NT]
Date extracted	-			22/02/2018	[NT]	[NT]	[NT]	[NT]	22/02/2018	[NT]
Date analysed	-			23/02/2018	[NT]	[NT]	[NT]	[NT]	23/02/2018	[NT]
TRH C_{10} - C_{14}	mg/kg	50	Org-003	<50	[NT]	[NT]	[NT]	[NT]	120	[NT]
TRH C_{15} - C_{28}	mg/kg	100	Org-003	<100	[NT]	[NT]	[NT]	[NT]	97	[NT]
TRH C_{29} - C_{36}	mg/kg	100	Org-003	<100	[NT]	[NT]	[NT]	[NT]	92	[NT]
TRH >C_{10} -C_{16}	mg/kg	50	Org-003	<50	[NT]	[NT]	[NT]	[NT]	120	[NT]
TRH >C_{16} -C_{34}	mg/kg	100	Org-003	<100	[NT]	[NT]	[NT]	[NT]	97	[NT]
TRH >C_{34} -C_{40}	mg/kg	100	Org-003	<100	[NT]	[NT]	[NT]	[NT]	92	[NT]
Surrogate o-Terphenyl	%		Org-003	82	[NT]	[NT]	[NT]	[NT]	90	[NT]

Client Reference: P1706332 - 119 Barton St Monterey DSI

QUALITY CONTROL: PAHs in Soil					Duplicate				Spike Recovery %	
Test Description	Units	PQL	Method	Blank	#	Base	Dup.	RPD	LCS-1	[NT]
Date extracted	-			22/02/2018	[NT]	[NT]	[NT]	[NT]	22/02/2018	[NT]
Date analysed	-			22/02/2018	[NT]	[NT]	[NT]	[NT]	22/02/2018	[NT]
Naphthalene	mg/kg	0.1	Org-012	<0.1	[NT]	[NT]	[NT]	[NT]	113	[NT]
Acenaphthylene	mg/kg	0.1	Org-012	<0.1	[NT]	[NT]	[NT]	[NT]	[NT]	[NT]
Acenaphthene	mg/kg	0.1	Org-012	<0.1	[NT]	[NT]	[NT]	[NT]	[NT]	[NT]
Fluorene	mg/kg	0.1	Org-012	<0.1	[NT]	[NT]	[NT]	[NT]	125	[NT]
Phenanthrene	mg/kg	0.1	Org-012	<0.1	[NT]	[NT]	[NT]	[NT]	109	[NT]
Anthracene	mg/kg	0.1	Org-012	<0.1	[NT]	[NT]	[NT]	[NT]	[NT]	[NT]
Fluoranthene	mg/kg	0.1	Org-012	<0.1	[NT]	[NT]	[NT]	[NT]	111	[NT]
Pyrene	mg/kg	0.1	Org-012	<0.1	[NT]	[NT]	[NT]	[NT]	118	[NT]
Benzo(a)anthracene	mg/kg	0.1	Org-012	<0.1	[NT]	[NT]	[NT]	[NT]	[NT]	[NT]
Chrysene	mg/kg	0.1	Org-012	<0.1	[NT]	[NT]	[NT]	[NT]	114	[NT]
Benzo(b,j+k)fluoranthene	mg/kg	0.2	Org-012	<0.2	[NT]	[NT]	[NT]	[NT]	[NT]	[NT]
Benzo(a)pyrene	mg/kg	0.05	Org-012	<0.05	[NT]	[NT]	[NT]	[NT]	113	[NT]
Indeno(1,2,3-c,d)pyrene	mg/kg	0.1	Org-012	<0.1	[NT]	[NT]	[NT]	[NT]	[NT]	[NT]
Dibenzo(a,h)anthracene	mg/kg	0.1	Org-012	<0.1	[NT]	[NT]	[NT]	[NT]	[NT]	[NT]
Benzo(g,h,i)perylene	mg/kg	0.1	Org-012	<0.1	[NT]	[NT]	[NT]	[NT]	[NT]	[NT]
Surrogate p-Terphenyl-d14	%		Org-012	104	[NT]	[NT]	[NT]	[NT]	124	[NT]

Client Reference: P1706332 - 119 Barton St Monterey DSI

QUALITY CONTROL: Organochlorine Pesticides in soil					Duplicate				Spike Recovery %	
Test Description	Units	PQL	Method	Blank	#	Base	Dup.	RPD	LCS-1	[NT]
Date extracted	-			22/02/2018	[NT]	[NT]	[NT]	[NT]	22/02/2018	[NT]
Date analysed	-			23/02/2018	[NT]	[NT]	[NT]	[NT]	23/02/2018	[NT]
HCB	mg/kg	0.1	Org-005	<0.1	[NT]	[NT]	[NT]	[NT]	[NT]	[NT]
alpha-BHC	mg/kg	0.1	Org-005	<0.1	[NT]	[NT]	[NT]	[NT]	85	[NT]
gamma-BHC	mg/kg	0.1	Org-005	<0.1	[NT]	[NT]	[NT]	[NT]	[NT]	[NT]
beta-BHC	mg/kg	0.1	Org-005	<0.1	[NT]	[NT]	[NT]	[NT]	88	[NT]
Heptachlor	mg/kg	0.1	Org-005	<0.1	[NT]	[NT]	[NT]	[NT]	94	[NT]
delta-BHC	mg/kg	0.1	Org-005	<0.1	[NT]	[NT]	[NT]	[NT]	[NT]	[NT]
Aldrin	mg/kg	0.1	Org-005	<0.1	[NT]	[NT]	[NT]	[NT]	89	[NT]
Heptachlor Epoxide	mg/kg	0.1	Org-005	<0.1	[NT]	[NT]	[NT]	[NT]	95	[NT]
gamma-Chlordane	mg/kg	0.1	Org-005	<0.1	[NT]	[NT]	[NT]	[NT]	[NT]	[NT]
alpha-chlordane	mg/kg	0.1	Org-005	<0.1	[NT]	[NT]	[NT]	[NT]	[NT]	[NT]
Endosulfan I	mg/kg	0.1	Org-005	<0.1	[NT]	[NT]	[NT]	[NT]	[NT]	[NT]
pp-DDE	mg/kg	0.1	Org-005	<0.1	[NT]	[NT]	[NT]	[NT]	103	[NT]
Dieldrin	mg/kg	0.1	Org-005	<0.1	[NT]	[NT]	[NT]	[NT]	106	[NT]
Endrin	mg/kg	0.1	Org-005	<0.1	[NT]	[NT]	[NT]	[NT]	96	[NT]
pp-DDD	mg/kg	0.1	Org-005	<0.1	[NT]	[NT]	[NT]	[NT]	124	[NT]
Endosulfan II	mg/kg	0.1	Org-005	<0.1	[NT]	[NT]	[NT]	[NT]	[NT]	[NT]
pp-DDT	mg/kg	0.1	Org-005	<0.1	[NT]	[NT]	[NT]	[NT]	[NT]	[NT]
Endrin Aldehyde	mg/kg	0.1	Org-005	<0.1	[NT]	[NT]	[NT]	[NT]	[NT]	[NT]
Endosulfan Sulphate	mg/kg	0.1	Org-005	<0.1	[NT]	[NT]	[NT]	[NT]	105	[NT]
Methoxychlor	mg/kg	0.1	Org-005	<0.1	[NT]	[NT]	[NT]	[NT]	[NT]	[NT]
Surrogate TCMX	%		Org-005	97	[NT]	[NT]	[NT]	[NT]	113	[NT]

Client Reference: P1706332 - 119 Barton St Monterey DSI

QUALITY CONTROL: Organophosphorus Pesticides					Duplicate				Spike Recovery %	
Test Description	Units	PQL	Method	Blank	#	Base	Dup.	RPD	LCS-1	[NT]
Date extracted	-			22/02/2018	[NT]	[NT]	[NT]	[NT]	22/02/2018	[NT]
Date analysed	-			23/02/2018	[NT]	[NT]	[NT]	[NT]	23/02/2018	[NT]
Azinphos-methyl (Guthion)	mg/kg	0.1	Org-008	<0.1	[NT]	[NT]	[NT]	[NT]	[NT]	[NT]
Bromophos-ethyl	mg/kg	0.1	Org-008	<0.1	[NT]	[NT]	[NT]	[NT]	[NT]	[NT]
Chlorpyriphos	mg/kg	0.1	Org-008	<0.1	[NT]	[NT]	[NT]	[NT]	103	[NT]
Chlorpyriphos-methyl	mg/kg	0.1	Org-008	<0.1	[NT]	[NT]	[NT]	[NT]	[NT]	[NT]
Diazinon	mg/kg	0.1	Org-008	<0.1	[NT]	[NT]	[NT]	[NT]	[NT]	[NT]
Dichlorvos	mg/kg	0.1	Org-008	<0.1	[NT]	[NT]	[NT]	[NT]	106	[NT]
Dimethoate	mg/kg	0.1	Org-008	<0.1	[NT]	[NT]	[NT]	[NT]	[NT]	[NT]
Ethion	mg/kg	0.1	Org-008	<0.1	[NT]	[NT]	[NT]	[NT]	112	[NT]
Fenitrothion	mg/kg	0.1	Org-008	<0.1	[NT]	[NT]	[NT]	[NT]	114	[NT]
Malathion	mg/kg	0.1	Org-008	<0.1	[NT]	[NT]	[NT]	[NT]	110	[NT]
Parathion	mg/kg	0.1	Org-008	<0.1	[NT]	[NT]	[NT]	[NT]	118	[NT]
Ronnel	mg/kg	0.1	Org-008	<0.1	[NT]	[NT]	[NT]	[NT]	115	[NT]
Surrogate TCMX	%		Org-008	97	[NT]	[NT]	[NT]	[NT]	102	[NT]

Client Reference: P1706332 - 119 Barton St Monterey DSI

QUALITY CONTROL: Acid Extractable metals in soil					Duplicate				Spike Recovery %	
Test Description	Units	PQL	Method	Blank	#	Base	Dup.	RPD	LCS-1	[NT]
Date prepared	-			22/02/2018	[NT]	[NT]	[NT]	[NT]	22/02/2018	[NT]
Date analysed	-			22/02/2018	[NT]	[NT]	[NT]	[NT]	22/02/2018	[NT]
Arsenic	mg/kg	4	Metals-020	<4	[NT]	[NT]	[NT]	[NT]	108	[NT]
Cadmium	mg/kg	0.4	Metals-020	<0.4	[NT]	[NT]	[NT]	[NT]	99	[NT]
Chromium	mg/kg	1	Metals-020	<1	[NT]	[NT]	[NT]	[NT]	106	[NT]
Copper	mg/kg	1	Metals-020	<1	[NT]	[NT]	[NT]	[NT]	111	[NT]
Lead	mg/kg	1	Metals-020	<1	[NT]	[NT]	[NT]	[NT]	105	[NT]
Mercury	mg/kg	0.1	Metals-021	<0.1	[NT]	[NT]	[NT]	[NT]	104	[NT]
Nickel	mg/kg	1	Metals-020	<1	[NT]	[NT]	[NT]	[NT]	107	[NT]
Zinc	mg/kg	1	Metals-020	<1	[NT]	[NT]	[NT]	[NT]	108	[NT]

Client Reference: P1706332 - 119 Barton St Monterey DSI

Result Definitions	
NT	Not tested
NA	Test not required
INS	Insufficient sample for this test
PQL	Practical Quantitation Limit
<	Less than
>	Greater than
RPD	Relative Percent Difference
LCS	Laboratory Control Sample
NS	Not specified
NEPM	National Environmental Protection Measure
NR	Not Reported

Quality Control Definitions	
Blank	This is the component of the analytical signal which is not derived from the sample but from reagents, glassware etc, can be determined by processing solvents and reagents in exactly the same manner as for samples.
Duplicate	This is the complete duplicate analysis of a sample from the process batch. If possible, the sample selected should be one where the analyte concentration is easily measurable.
Matrix Spike	A portion of the sample is spiked with a known concentration of target analyte. The purpose of the matrix spike is to monitor the performance of the analytical method used and to determine whether matrix interferences exist.
LCS (Laboratory Control Sample)	This comprises either a standard reference material or a control matrix (such as a blank sand or water) fortified with analytes representative of the analyte class. It is simply a check sample.
Surrogate Spike	Surrogates are known additions to each sample, blank, matrix spike and LCS in a batch, of compounds which are similar to the analyte of interest, however are not expected to be found in real samples.

Australian Drinking Water Guidelines recommend that Thermotolerant Coliform, Faecal Enterococci, & E.Coli levels are less than 1cfu/100mL. The recommended maximums are taken from "Australian Drinking Water Guidelines", published by NHMRC & ARMC 2011.

Client Reference: P1706332 - 119 Barton St Monterey DSI

Laboratory Acceptance Criteria

Duplicate sample and matrix spike recoveries may not be reported on smaller jobs, however, were analysed at a frequency to meet or exceed NEPM requirements. All samples are tested in batches of 20. The duplicate sample RPD and matrix spike recoveries for the batch were within the laboratory acceptance criteria.

Filters, swabs, wipes, tubes and badges will not have duplicate data as the whole sample is generally extracted during sample extraction.

Spikes for Physical and Aggregate Tests are not applicable.

For VOCs in water samples, three vials are required for duplicate or spike analysis.

Duplicates: <5xPQL - any RPD is acceptable; >5xPQL - 0-50% RPD is acceptable.

Matrix Spikes, LCS and Surrogate recoveries: Generally 70-130% for inorganics/metals; 60-140% for organics (+/-50% surrogates) and 10-140% for labile SVOCs (including labile surrogates), ultra trace organics and speciated phenols is acceptable.

In circumstances where no duplicate and/or sample spike has been reported at 1 in 10 and/or 1 in 20 samples respectively, the sample volume submitted was insufficient in order to satisfy laboratory QA/QC protocols.

When samples are received where certain analytes are outside of recommended technical holding times (THTs), the analysis has proceeded. Where analytes are on the verge of breaching THTs, every effort will be made to analyse within the THT or as soon as practicable.

Where sampling dates are not provided, Envirolab are not in a position to comment on the validity of the analysis where recommended technical holding times may have been breached.

Measurement Uncertainty estimates are available for most tests upon request.

Aileen Hie

From: Robert Mehaffey <rmehaffey@martens.com.au>
Sent: Friday, 16 February 2018 3:29 PM
To: Aileen Hie
Cc: Gray Taylor
Subject: RE: 6332 COC
Attachments: P1706332JCOC01V01.pdf

Hi Aileen,

Could we please also get the following additional testing completed for these samples:

12 ○ 6332/BH103/1.1 – tested for CEC and pH.
20 ○ 6332/BH106/0.65 – tested for CEC and pH.
~~3A~~ ○ 6332/BH110/0.8 – tested for CEC and pH.

Please let me know If there are any issues.

Best regards,

Envirolab Ref: 185170 B
Due: 28/2/18

Robert Mehaffey
Environmental Engineer
BEng (Civil/Environmental)

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& Associates Pty Ltd

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Hornsby, NSW 2077
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F + 61 2 9476 8767
www.martens.com.au

From: Robert Mehaffey
Sent: Tuesday, 13 February 2018 3:37 PM
To: 'Aileen Hie'
Cc: Gray Taylor
Subject: 6332 COC

Hi Aileen,

Please find attached COC for job P6332, samples will be sent to Envirolab tomorrow morning.

Let me know if there are any issues.

Best regards,

Robert Mehaffey
Environmental Engineer
BEng (Civil/Environmental)

1

Envirolab Services Pty Ltd
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CERTIFICATE OF ANALYSIS 185170-B

Client Details

Client	Martens & Associates Pty Ltd
Attention	Robert Mehaffey
Address	Suite 201, 20 George St, Hornsby, NSW, 2077

Sample Details

Your Reference	**P1706332 - 119 Barton St Monterey DSI**
Number of Samples	Additional Testing on 3 Soils
Date samples received	14/02/2018
Date completed instructions received	16/02/2018

Analysis Details

Please refer to the following pages for results, methodology summary and quality control data.
Samples were analysed as received from the client. Results relate specifically to the samples as received.
Results are reported on a dry weight basis for solids and on an as received basis for other matrices.

Report Details

Date results requested by	28/02/2018
Date of Issue	28/02/2018

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Accredited for compliance with ISO/IEC 17025 - Testing. **Tests not covered by NATA are denoted with ***

Results Approved By
Leon Ow, Chemist
Nick Sarlamis, Inorganics Supervisor

Authorised By

David Springer, General Manager

Client Reference: P1706332 - 119 Barton St Monterey DSI

CEC				
Our Reference		185170-B-12	185170-B-20	185170-B-34
Your Reference	UNITS	6332/BH103	6332/BH106	6332/BH110
Depth		1.1	0.65	0.8
Date Sampled		13/02/2018	13/02/2018	13/02/2018
Type of sample		soil	soil	soil
Date prepared	-	27/02/2018	27/02/2018	27/02/2018
Date analysed	-	27/02/2018	27/02/2018	27/02/2018
Exchangeable Ca	meq/100g	<0.1	0.3	0.3
Exchangeable K	meq/100g	<0.1	<0.1	<0.1
Exchangeable Mg	meq/100g	<0.1	<0.1	<0.1
Exchangeable Na	meq/100g	<0.1	<0.1	<0.1
Cation Exchange Capacity	meq/100g	<1	<1	<1

Client Reference: P1706332 - 119 Barton St Monterey DSI

Misc Inorg - Soil				
Our Reference		185170-B-12	185170-B-20	185170-B-34
Your Reference	UNITS	6332/BH103	6332/BH106	6332/BH110
Depth		1.1	0.65	0.8
Date Sampled		13/02/2018	13/02/2018	13/02/2018
Type of sample		soil	soil	soil
Date prepared	-	27/02/2018	27/02/2018	27/02/2018
Date analysed	-	27/02/2018	27/02/2018	27/02/2018
pH 1:5 soil:water	pH Units	5.3	7.2	6.8

Client Reference: P1706332 - 119 Barton St Monterey DSI

Method ID	Methodology Summary
Inorg-001	pH - Measured using pH meter and electrode in accordance with APHA latest edition, 4500-H+. Please note that the results for water analyses are indicative only, as analysis outside of the APHA storage times.
Metals-009	Determination of exchangeable cations and cation exchange capacity in soils using 1M Ammonium Chloride exchange and ICP-AES analytical finish.

Client Reference: P1706332 - 119 Barton St Monterey DSI

QUALITY CONTROL: CEC					Duplicate				Spike Recovery %	
Test Description	Units	PQL	Method	Blank	#	Base	Dup.	RPD	LCS-1	[NT]
Date prepared	-			27/02/2018	[NT]	[NT]	[NT]	[NT]	27/02/2018	[NT]
Date analysed	-			27/02/2018	[NT]	[NT]	[NT]	[NT]	27/02/2018	[NT]
Exchangeable Ca	meq/100g	0.1	Metals-009	<0.1	[NT]	[NT]	[NT]	[NT]	105	[NT]
Exchangeable K	meq/100g	0.1	Metals-009	<0.1	[NT]	[NT]	[NT]	[NT]	113	[NT]
Exchangeable Mg	meq/100g	0.1	Metals-009	<0.1	[NT]	[NT]	[NT]	[NT]	102	[NT]
Exchangeable Na	meq/100g	0.1	Metals-009	<0.1	[NT]	[NT]	[NT]	[NT]	107	[NT]

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QUALITY CONTROL: Misc Inorg - Soil					Duplicate				Spike Recovery %	
Test Description	Units	PQL	Method	Blank	#	Base	Dup.	RPD	LCS-W1	[NT]
Date prepared	-			27/02/2018	[NT]	[NT]	[NT]	[NT]	27/02/2018	[NT]
Date analysed	-			27/02/2018	[NT]	[NT]	[NT]	[NT]	27/02/2018	[NT]
pH 1:5 soil:water	pH Units		Inorg-001	[NT]	[NT]	[NT]	[NT]	[NT]	103	[NT]

Client Reference: P1706332 - 119 Barton St Monterey DSI

Result Definitions	
NT	Not tested
NA	Test not required
INS	Insufficient sample for this test
PQL	Practical Quantitation Limit
<	Less than
>	Greater than
RPD	Relative Percent Difference
LCS	Laboratory Control Sample
NS	Not specified
NEPM	National Environmental Protection Measure
NR	Not Reported

Quality Control Definitions	
Blank	This is the component of the analytical signal which is not derived from the sample but from reagents, glassware etc, can be determined by processing solvents and reagents in exactly the same manner as for samples.
Duplicate	This is the complete duplicate analysis of a sample from the process batch. If possible, the sample selected should be one where the analyte concentration is easily measurable.
Matrix Spike	A portion of the sample is spiked with a known concentration of target analyte. The purpose of the matrix spike is to monitor the performance of the analytical method used and to determine whether matrix interferences exist.
LCS (Laboratory Control Sample)	This comprises either a standard reference material or a control matrix (such as a blank sand or water) fortified with analytes representative of the analyte class. It is simply a check sample.
Surrogate Spike	Surrogates are known additions to each sample, blank, matrix spike and LCS in a batch, of compounds which are similar to the analyte of interest, however are not expected to be found in real samples.
Australian Drinking Water Guidelines recommend that Thermotolerant Coliform, Faecal Enterococci, & E.Coli levels are less than 1cfu/100mL. The recommended maximums are taken from "Australian Drinking Water Guidelines", published by NHMRC & ARMC 2011.	

Client Reference: P1706332 - 119 Barton St Monterey DSI

Laboratory Acceptance Criteria

Duplicate sample and matrix spike recoveries may not be reported on smaller jobs, however, were analysed at a frequency to meet or exceed NEPM requirements. All samples are tested in batches of 20. The duplicate sample RPD and matrix spike recoveries for the batch were within the laboratory acceptance criteria.

Filters, swabs, wipes, tubes and badges will not have duplicate data as the whole sample is generally extracted during sample extraction.

Spikes for Physical and Aggregate Tests are not applicable.

For VOCs in water samples, three vials are required for duplicate or spike analysis.

Duplicates: <5xPQL - any RPD is acceptable; >5xPQL - 0-50% RPD is acceptable.

Matrix Spikes, LCS and Surrogate recoveries: Generally 70-130% for inorganics/metals; 60-140% for organics (+/-50% surrogates) and 10-140% for labile SVOCs (including labile surrogates), ultra trace organics and speciated phenols is acceptable.

In circumstances where no duplicate and/or sample spike has been reported at 1 in 10 and/or 1 in 20 samples respectively, the sample volume submitted was insufficient in order to satisfy laboratory QA/QC protocols.

When samples are received where certain analytes are outside of recommended technical holding times (THTs), the analysis has proceeded. Where analytes are on the verge of breaching THTs, every effort will be made to analyse within the THT or as soon as practicable.

Where sampling dates are not provided, Envirolab are not in a position to comment on the validity of the analysis where recommended technical holding times may have been breached.

Measurement Uncertainty estimates are available for most tests upon request.

19 Attachment H – Laboratory Summary Tables

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		Halogenated Benzenes	Organochlorine Pesticides																				Organophosphorous Pesticides											Pesticides
		Hexachlorobenzene	4,4-DDE	a-BHC	Aldrin	b-BHC	Chlordane (cis)	Chlordane (trans)	g-BHC	DDD	DDT	DDD+DDE+DDD	Dieldrin	Endosulfan I	Endosulfan II	Endosulfan sulphate	Endrin	Endrin aldehyde	g-BHC (Lindane)	Heptachlor	Heptachlor epoxide	Methoxychlor	Azinophos-methyl	Bromophos-ethyl	Chlorpyrifos	Chlorpyrifos-methyl	Diazinon	Dichlorvos	Dimethoate	Ethion	Fenchlorphos	Malathion	Pirimiphos-methyl	Parathion
		mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg
EQL		0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1
NEPM 2013 Table 1A(1) HIL a Res A Soil		10									240						10			6		300				160								
Site Specific EIL											180																							
Field_ID	Sample_Depth_Avg																																	
SAS2/BH103	0.15	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1
SAS2/BH103	1.5	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1
SAS2/BH103	2	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1
SAS2/BH103	0.2	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1
SAS2/BH103	0.5	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1
SAS2/BH106	0.25	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1
SAS2/BH106	0.4	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1
SAS2/BH107	0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1
SAS2/BH109	0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1
SAS2/BH110	0.05	<0.1	0.2	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	0.2	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1
SAS2/BH110	0.6	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Statistical Summary																																		
Number of Results		11	11	11	11	11	11	11	11	11	11	11	11	11	11	11	11	11	11	11	11	11	11	11	11	11	11	11	11	11	11	11	11	11
Number of Detects		0	1	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Minimum Concentration		<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Minimum Detect		ND	0.2	ND	ND	ND	ND	ND	ND	ND	ND	0.2	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Maximum Concentration		<0.1	0.2	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	0.2	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Maximum Detect		ND	0.2	ND	ND	ND	ND	ND	ND	ND	ND	0.2	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Average Concentration		0.05	0.064	0.05	0.05	0.05	0.05	0.05	0.05	0.05	0.05	0.064	0.05	0.05	0.05	0.05	0.05	0.05	0.05	0.05	0.05	0.05	0.05	0.05	0.05	0.05	0.05	0.05	0.05	0.05	0.05	0.05	0.05	0.05
Median Concentration		0.05	0.05	0.05	0.05	0.05	0.05	0.05	0.05	0.05	0.05	0.05	0.05	0.05	0.05	0.05	0.05	0.05	0.05	0.05	0.05	0.05	0.05	0.05	0.05	0.05	0.05	0.05	0.05	0.05	0.05	0.05	0.05	0.05
Standard Deviation		0	0.045	0	0	0	0	0	0	0	0	0.045	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Number of Guideline Exceedances		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Number of Guideline Exceedances(Detects Only)		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

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		BTEX						PAH/Phenols														TPH									
		Benzene	Ethylbenzene	Toluene	Xylene (m & p)	Xylene (o)	Xylene Total	Sib C10 Svs BTEX (F1)	Acenaphthene	Acenaphthylene	Anthracene	Benz[a]anthracene	Benzo[a] pyrene	Benzo[b,j]perylene	Chrysene	Dibenz[a,h]anthracene	Carcinogenic PAHs (as BaP TPE)	Fluoranthene	Fluorene	Indeno[1,2,3-cd]pyrene	Naphthalene	Phenanthrene	Pyrene	C10-C16	C16-C34	C34-C40	C6-C40	F2 MONITORING TPH	C6 - C9	C10 - C14	C15 - C28	C29-C36	C10 - 36(Sum of total)	C6-C10
		mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg
EQL		0.2	1	0.5	2	1	1	25	0.1	0.1	0.1	0.1	0.05	0.1	0.1	0.1		0.1	0.1	0.1	0.1	0.1	0.1	50	100	100	50	50	25	50	100	100	50	25
NEPM 2013 Table 1A(1) HSLs Res A Soil																	3																	
NEPM 2013 Table 1A(3) Res A/B Soil HSL for Vapour Intrusion, Sand																																		
0-1m		0.5	55	160			40	45													1						110							
1-2m		0.5	NL	220			60	70													NL						240							
2-4m		0.5	NL	310			95	110													NL						440							
>4m		0.5	NL	540			170	200													NL						NL							
NEPM 2013 Table 1B(3) HSLs for Urban Res, Coarse Soil																																		
0-1m		50	70	85			105	180					0.7																					
NEPM 2013 Table 1B(7) Management Limits in Res / Parkland, Coarse Soil																								1000	2500	10000								700
Site Specific EIL																						170												
Field_ID	Sample_Depth_Avg																																	
SS02/BH101	0.15	<0.2	<1	<0.5	<2	<1	<1	<25	0.1	<0.1	0.2	0.5	0.53	0.3	0.7	<0.1	0.67	1.3	<0.1	0.4	<0.1	0.8	1.3	<50	<100	<100	<50	<25	<50	<100	<100	<50	<25
SS02/BH101	1.3	<0.2	<1	<0.5	<2	<1	<1	<25	<0.1	0.5	0.8	2.3	5.1	2.9	3.2	0.4	4.051	8.3	0.2	2.6	<0.1	4.3	7.9	<50	240	<100	<50	<25	<50	140	120	240	<25
SS02/BH101	2	<0.2	<1	<0.5	<2	<1	<1	<25	<0.1	<0.1	<0.1	<0.1	<0.05	<0.1	<0.1	<0.1	<0.172	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<50	<100	<100	<50	<25	<50	<100	<100	<50	<25
SS02/BH103	0.2	<0.2	<1	<0.5	<2	<1	<1	<25	<0.1	<0.1	<0.1	0.2	<0.05	<0.1	0.2	<0.1	0.1025	0.3	<0.1	<0.1	<0.1	0.3	0.9	<50	260	<100	<50	<25	<50	170	140	260	<25
SS02/BH103	0.3	<0.2	<1	<0.5	<2	<1	<1	<25	<0.1	<0.1	<0.1	<0.1	<0.05	<0.1	<0.1	<0.1	<0.172	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<50	<100	<100	<50	<25	<50	<100	<100	<50	<25
SS02/BH106	0.25	<0.2	<1	<0.5	<2	<1	<1	<25	<0.1	<0.1	<0.1	<0.1	<0.05	<0.1	<0.1	<0.1	<0.172	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<50	<100	<100	<50	<25	<50	<100	<100	<50	<25
SS02/BH106	0.4	<0.2	<1	<0.5	<2	<1	<1	<25	<0.1	<0.1	<0.1	0.3	<0.05	<0.1	0.2	<0.1	0.0925	0.3	<0.1	<0.1	<1 - 0.1	0.6	0.2	<50	<100	<100	<50	<25	<50	<100	<100	<50	<25
SS02/BH107	0.1	<0.2	<1	<0.5	<2	<1	<1	<25	<0.1	<0.1	<0.1	<0.1	<0.05	<0.1	<0.1	<0.1	<0.172	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<50	<100	<100	<50	<25	<50	<100	<100	<50	<25
SS02/BH109	0.1	<0.2	<1	<0.5	<2	<1	<1	<25	<0.1	<0.1	<0.1	<0.1	<0.05	<0.1	<0.1	<0.1	<0.172	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<50	<100	<100	<50	<25	<50	<100	<100	<50	<25
SS02/BH110	0.05	<0.2	<1	<0.5	<2	<1	<1	<25	<0.1	<0.1	<0.1	<0.1	<0.05	<0.1	<0.1	<0.1	<0.172	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<50	<100	<100	<50	<25	<50	<100	<100	<50	<25
SS02/BH110	0.6	<0.2	<1	<0.5	<2	<1	<1	<25	<0.1	<0.1	<0.1	<0.1	<0.05	<0.1	<0.1	<0.1	<0.172	0.1	<0.1	<0.1	<0.1	0.3	<0.1	<50	<100	<100	<50	<25	<50	<100	<100	<50	<25
Statistical Summary																																		
Number of Results		11	11	11	11	11	11	11	11	11	11	11	11	11	11	11	11	11	11	11	11	11	11	11	11	11	11	11	11	11	11	11	11	11
Number of Detects		0	0	0	0	0	0	0	1	1	2	4	2	2	4	1	4	5	1	2	1	5	4	0	2	0	0	0	0	2	2	2	0	
Minimum Concentration		<0.2	<1	<0.5	<2	<1	<1	<25	<0.1	<0.1	<0.1	<0.1	<0.05	<0.1	<0.1	<0.1	0.0925	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<50	<100	<100	<50	<25	<50	<100	<100	<50	<25	
Minimum Detect		ND	ND	ND	ND	ND	ND	ND	0.1	0.5	0.2	0.1	0.53	0.3	0.2	0.4	0.0925	0.1	0.2	0.3	ND	0.3	0.2	ND	240	ND	ND	ND	ND	140	120	240	ND	
Maximum Concentration		<0.2	<1	<0.5	<2	<1	<1	<25	0.1	0.5	0.8	2.3	5.1	2.9	3.2	0.4	4.051	8.3	0.2	2.6	0.1	4.3	7.9	<50	260	<100	<50	<25	<50	170	140	260	<25	
Maximum Detect		ND	ND	ND	ND	ND	ND	ND	0.1	0.5	0.8	2.3	5.1	2.9	3.2	0.4	4.051	8.3	0.2	2.6	0.1	4.3	7.9	ND	260	ND	ND	ND	ND	170	140	260	ND	
Average Concentration		0.1	0.5	0.25	1	0.5	0.5	13	0.055	0.091	0.13	0.31	0.33	0.33	0.42	0.062	0.3	0.96	0.064	0.3	0.093	0.6	0.91	25	86	50	25	13	25	69	65	66	13	
Median Concentration		0.1	0.5	0.25	1	0.5	0.5	12.5	0.05	0.05	0.05	0.05	0.025	0.05	0.05	0.05	0.086	0.05	0.05	0.05	0.05	0.05	0.05	25	50	50	25	12.5	25	50	50	25	12.5	
Standard Deviation		0	0	0	0	0	0	0	0.015	0.14	0.23	0.67	0.92	0.86	0.94	0.11	1.2	2.5	0.045	0.77	0.075	1.3	2.3	0	81	0	0	0	0	44	33	91	0	
Number of Guideline Exceedances		0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Number of Guideline Exceedances(Detects Only)		0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	

119 Barton St, Monterey

Monterey Equity Pty Ltd

		Lead	Metals						
		Lead	Arsenic	Cadmium	Chromium (III+VI)	Copper	Mercury	Nickel	Zinc
		mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg
EQL		1	4	0.4	1	1	0.1	1	1
NEPM 2013 Table 1A(1) HILs Res A Soil		**300**	**100**	**20**		**6000**	**40**	**400**	**7400**
Site Specific EIL		**1100**	**100**		**410**	**55**		**35**	**350**
Field_ID	**Sample_Depth_Avg**								
6332/BH101	0.15	28	<4	<0.4	8	35	<0.1	14	26
6332/BH101	1.5	**1700**	13	3	29	**860**	0.5	25	**1200**
6332/BH101	2	30	<4	<0.4	2	11	<0.1	<1	16
6332/BH103	0.2	15	<4	<0.4	6	**57**	<0.1	21	12
6332/BH103	0.5	1	<4	<0.4	<1	1	<0.1	<1	<1
6332/BH106	0.25	4	<4	<0.4	2	3	0.2	4	6
6332/BH106	0.4	19	<4	<0.4	6	15	<0.1	**46**	15
6332/BH107	0.1	1	<4	<0.4	7	<1	<0.1	1	5
6332/BH109	0.1	3	<4	<0.4	5	2	<0.1	2	17
6332/BH110	0.05	32	<4	<0.4	9	8	1.7	3	40
6332/BH110	0.6	75	<4	<0.4	4	4	0.2	5	9
Statistical Summary									
Number of Results		11	11	11	11	11	11	11	11
Number of Detects		11	1	1	10	10	4	9	10
Minimum Concentration		1	<4	<0.4	<1	<1	<0.1	<1	<1
Minimum Detect		1	13	3	2	1	0.2	1	5
Maximum Concentration		1700	13	3	29	860	1.7	46	1200
Maximum Detect		1700	13	3	29	860	1.7	46	1200
Average Concentration		173	3	0.45	7.1	91	0.27	11	122
Median Concentration		19	2	0.2	6	8	0.05	4	15
Standard Deviation		507	3.3	0.84	7.7	256	0.49	14	358
Number of Guideline Exceedances		1	0	0	0	2	0	1	1
Number of Guideline Exceedances(Detects Only)		1	0	0	0	2	0	1	1

20 Attachment I – UCL Calculations

Gamma UCL Statistics for Uncensored Full Data Sets

User Selected Options	
Date/Time of Computation	ProUCL 5.15/03/2018 12:09:50 PM
From File	WorkSheet.xls
Full Precision	OFF
Confidence Coefficient	95%
Number of Bootstrap Operations	2000

C0

General Statistics

Total Number of Observations	10	Number of Distinct Observations	9
		Number of Missing Observations	0
Minimum	1	Mean	13.7
Maximum	57	Median	6
SD	18.37	SD of logged Data	1.404
Coefficient of Variation	1.341	Skewness	1.854

Gamma GOF Test

A-D Test Statistic	0.362	**Anderson-Darling Gamma GOF Test**
5% A-D Critical Value	0.758	Data appear Gamma Distributed at 5% Significance Level
K-S Test Statistic	0.177	**Kolmogorov-Smirnov Gamma GOF Test**
5% K-S Critical Value	0.276	Data appear Gamma Distributed at 5% Significance Level

Data appear Gamma Distributed at 5% Significance Level

Gamma Statistics

k hat (MLE)	0.731	k star (bias corrected MLE)	0.579
Theta hat (MLE)	18.73	Theta star (bias corrected MLE)	23.67
nu hat (MLE)	14.63	nu star (bias corrected)	11.57
MLE Mean (bias corrected)	13.7	MLE Sd (bias corrected)	18.01
		Approximate Chi Square Value (0.05)	4.948
Adjusted Level of Significance	0.0267	Adjusted Chi Square Value	4.22

Assuming Gamma Distribution

95% Approximate Gamma UCL (use when n>=50)	32.05	95% Adjusted Gamma UCL (use when n<50)	37.57

Suggested UCL to Use

95% Adjusted Gamma UCL	37.57		

Note: Suggestions regarding the selection of a 95% UCL are provided to help the user to select the most appropriate 95% UCL.
Recommendations are based upon data size, data distribution, and skewness.
These recommendations are based upon the results of the simulation studies summarized in Singh, Maichle, and Lee (2006).
However, simulations results will not cover all Real World data sets; for additional insight the user may want to consult a statistician.

Gamma UCL Statistics for Uncensored Full Data Sets

User Selected Options	
Date/Time of Computation	ProUCL 5.15/03/2018 12:10:09 PM
From File	WorkSheet.xls
Full Precision	OFF
Confidence Coefficient	95%
Number of Bootstrap Operations	2000

C1

General Statistics

Total Number of Observations	10	Number of Distinct Observations	8
		Number of Missing Observations	0
Minimum	1	Mean	9.8
Maximum	46	Median	3.5
SD	14.34	SD of logged Data	1.36
Coefficient of Variation	1.463	Skewness	2.158

Gamma GOF Test

A-D Test Statistic	0.605	**Anderson-Darling Gamma GOF Test**
5% A-D Critical Value	0.76	Data appear Gamma Distributed at 5% Significance Level
K-S Test Statistic	0.237	**Kolmogorov-Smirnov Gamma GOF Test**
5% K-S Critical Value	0.277	Data appear Gamma Distributed at 5% Significance Level

Data appear Gamma Distributed at 5% Significance Level

Gamma Statistics

k hat (MLE)	0.708	k star (bias corrected MLE)	0.562
Theta hat (MLE)	13.84	Theta star (bias corrected MLE)	17.43
nu hat (MLE)	14.16	nu star (bias corrected)	11.24
MLE Mean (bias corrected)	9.8	MLE Sd (bias corrected)	13.07
		Approximate Chi Square Value (0.05)	4.733
Adjusted Level of Significance	0.0267	Adjusted Chi Square Value	4.025

Assuming Gamma Distribution

95% Approximate Gamma UCL (use when n>=50)	23.28	95% Adjusted Gamma UCL (use when n<50)	27.38

Suggested UCL to Use

95% Adjusted Gamma UCL	27.38		

Note: Suggestions regarding the selection of a 95% UCL are provided to help the user to select the most appropriate 95% UCL.
Recommendations are based upon data size, data distribution, and skewness.
These recommendations are based upon the results of the simulation studies summarized in Singh, Maichle, and Lee (2006).
However, simulations results will not cover all Real World data sets; for additional insight the user may want to consult a statistician.

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Urban Design Analysis

119 BARTON ST, MONTEREY, NSW

FEBRUARY 2018



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Principal

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Contents / Development Potential Analysis

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1.01	Development Summary	3
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2.08	Site Opportunities Analysis	12
2.09	Views of Existing Site	13
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The Urban Design Analysis Report has been prepared in support of a Planning Proposal for a development at 119 Barton Street Monterey, NSW.

The purpose of the report is to analyse the site and its urban context so as to inform the design principles for the development. These design principles are tested in concept scenarios, demonstrating the ability of the site to support:

- A variation to rezone the subject land to R3 Medium Density Residential

This report will show that the proposed development meets the objectives of the Rockdale Development Control Plan in the following ways

- Sustainably accommodate population growth in an appropriate medium density location within close proximity to public transport
- Deliver high quality articulation of built form on a masterplanned site and well designed dwelling spaces

DEVELOPMENT SUMMARY AREA SCHEDULE				
	HEIGHT	**SITE AREA**	**DEVELOPMENT GFA**	**DEVELOPMENT FSR**
119 BARTON STREET	2 STOREYS	7218sqm	4330sqm	0.6:1

2.0 Urban Context Site Analysis

The following pages describe the current and physical attributes of the Rockdale Precinct in order to best contextualise and define location specific initiatives for the project site.

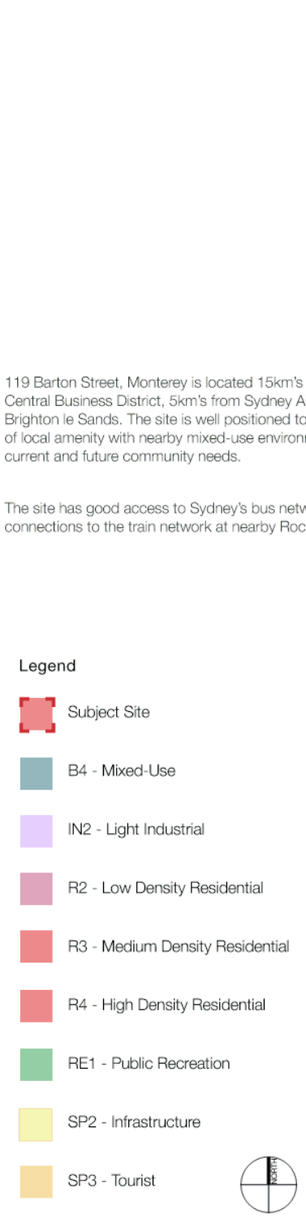
The section considers:

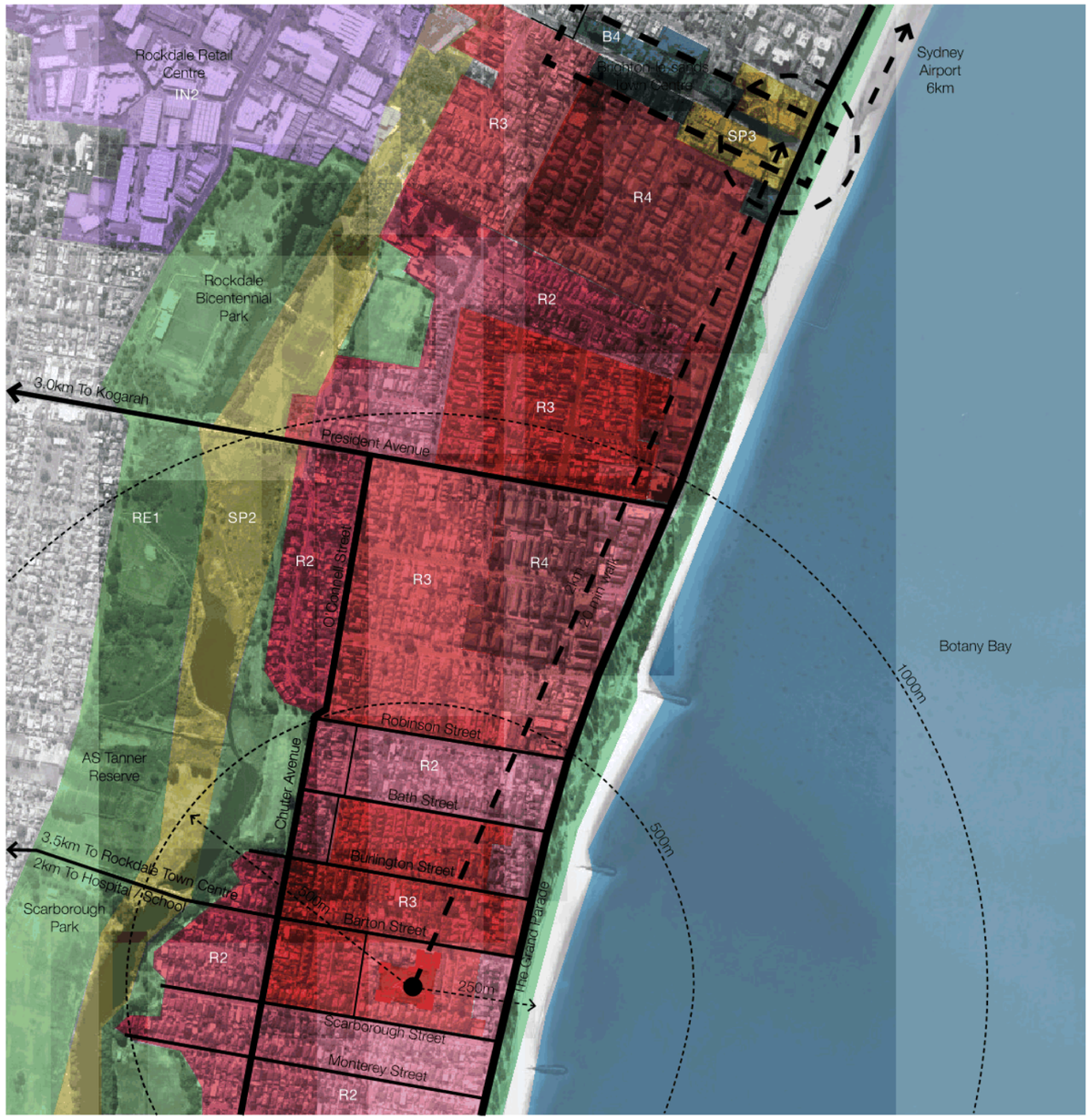
- Overall Context Analysis
- Site Context & Vehicular Network
- Public Transport & Pedestrian Movement
- Topography
- Built from Height Context
- Site Constraints Analysis
- Site Opportunities Analysis
- Views of Existing Site

2.0 Urban Context Site Analysis / 2.01 Overall Context Analysis

119 Barton Street, Monterey is located 15km's south of Sydney Central Business District, 5km's from Sydney Airport and 2km's from Brighton le Sands. The site is well positioned to provide a high level of local amenity with nearby mixed-use environments supporting current and future community needs.

The site has good access to Sydney's bus network with connections to the train network at nearby Rockdale.





2.0 Urban Context Site Analysis / 2.02 Site Context & Vehicular Network

The Grand Parade is the dominant vehicular connection between Brighton-le Sands to the North and the Taren Point Bridge crossing to the South

The East-West streets service mainly the local community



2.0 Urban Context Site Analysis / 2.03 Public Transport & Pedestrian Movement

The site has access to buses providing direct access to Circular Quay via Westfield Eastgardens, Surry Hills and Martin Place, Sydney. Nearby buses also connect the subject site with Miranda and Rockdale.

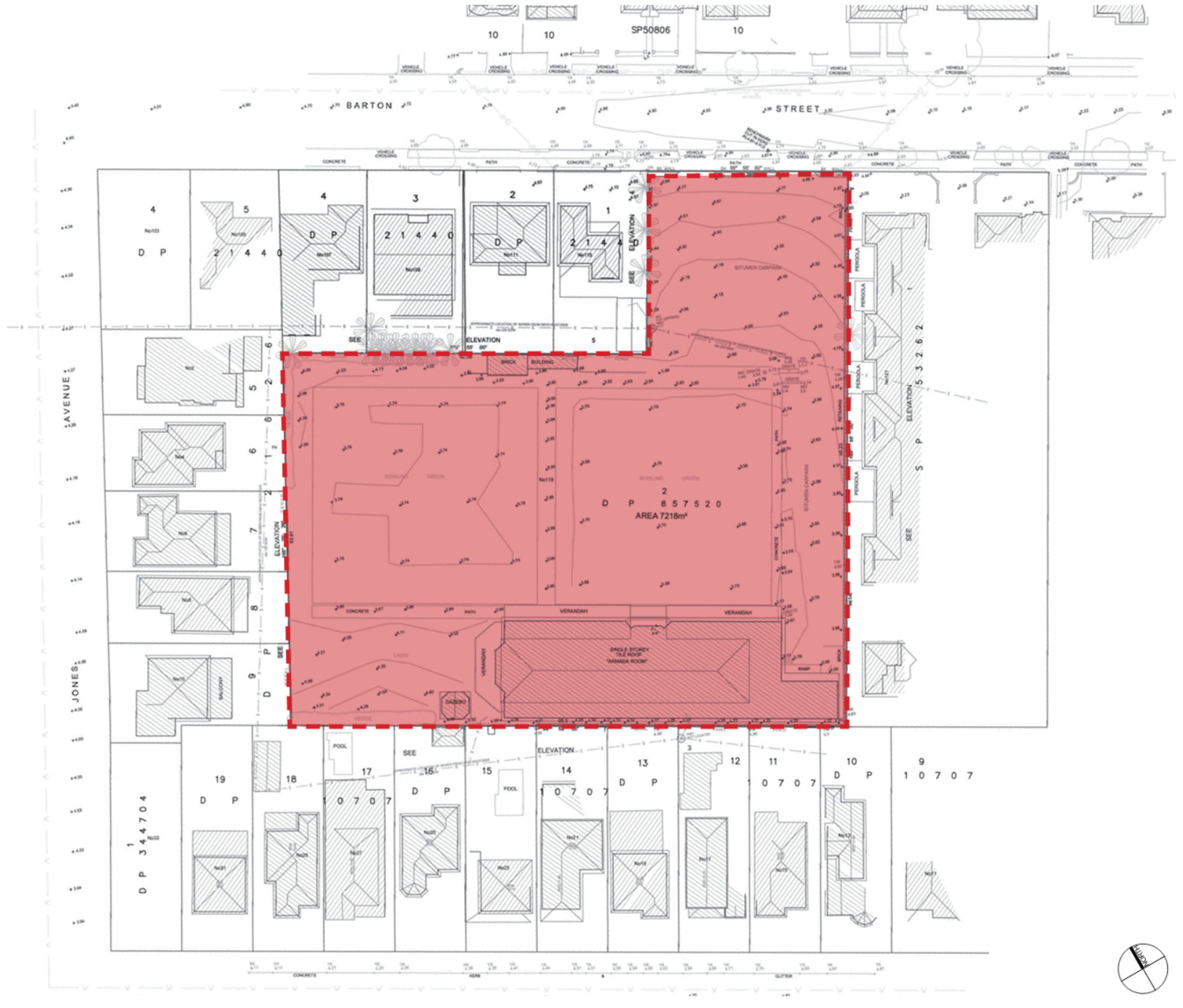
Buses operate along both The Grand Parade and Chuter Avenue



Legend

- Subject Site
- Bus Stop
- Off-Road Cycle Routes
- On-Road Cycle Routes
- Traffic Controlled Pedestrian Crossing
- Bus Route 3
- Bus Route 303
- Bus 479
- Bus 947

2.0 Urban Context Site Analysis / 2.04 Site Survey



119 Barton St, Monterey, NSW / 215416– Summitcare Monterey MP

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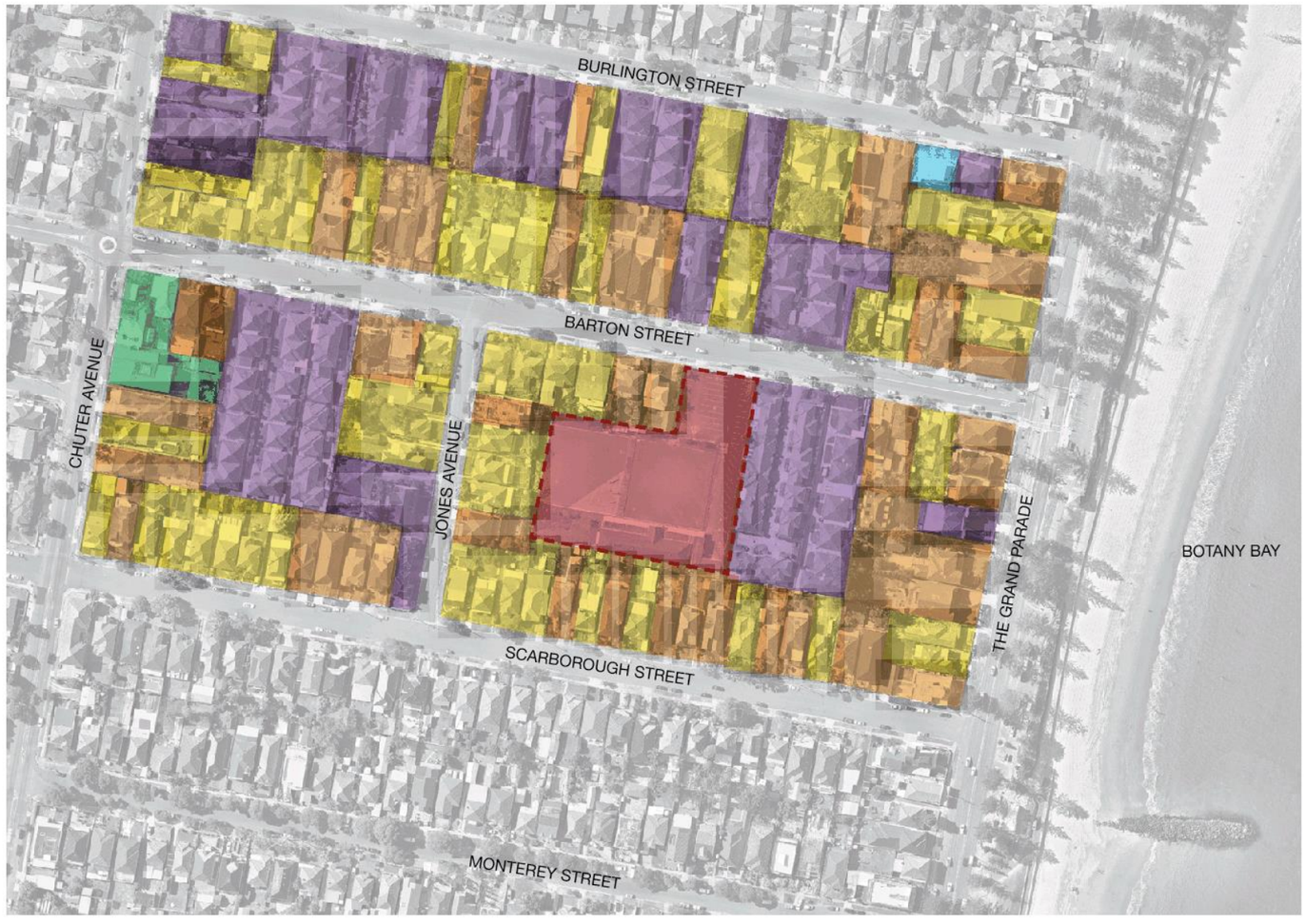
8

2.0 Urban Context Site Analysis / 2.05 Built Form Context

The subject site sits within a well-established local residential neighbourhood comprising of a mixture of single and double storey houses and some early strata title development. The surrounding land zoning is R3 and R2



Legend

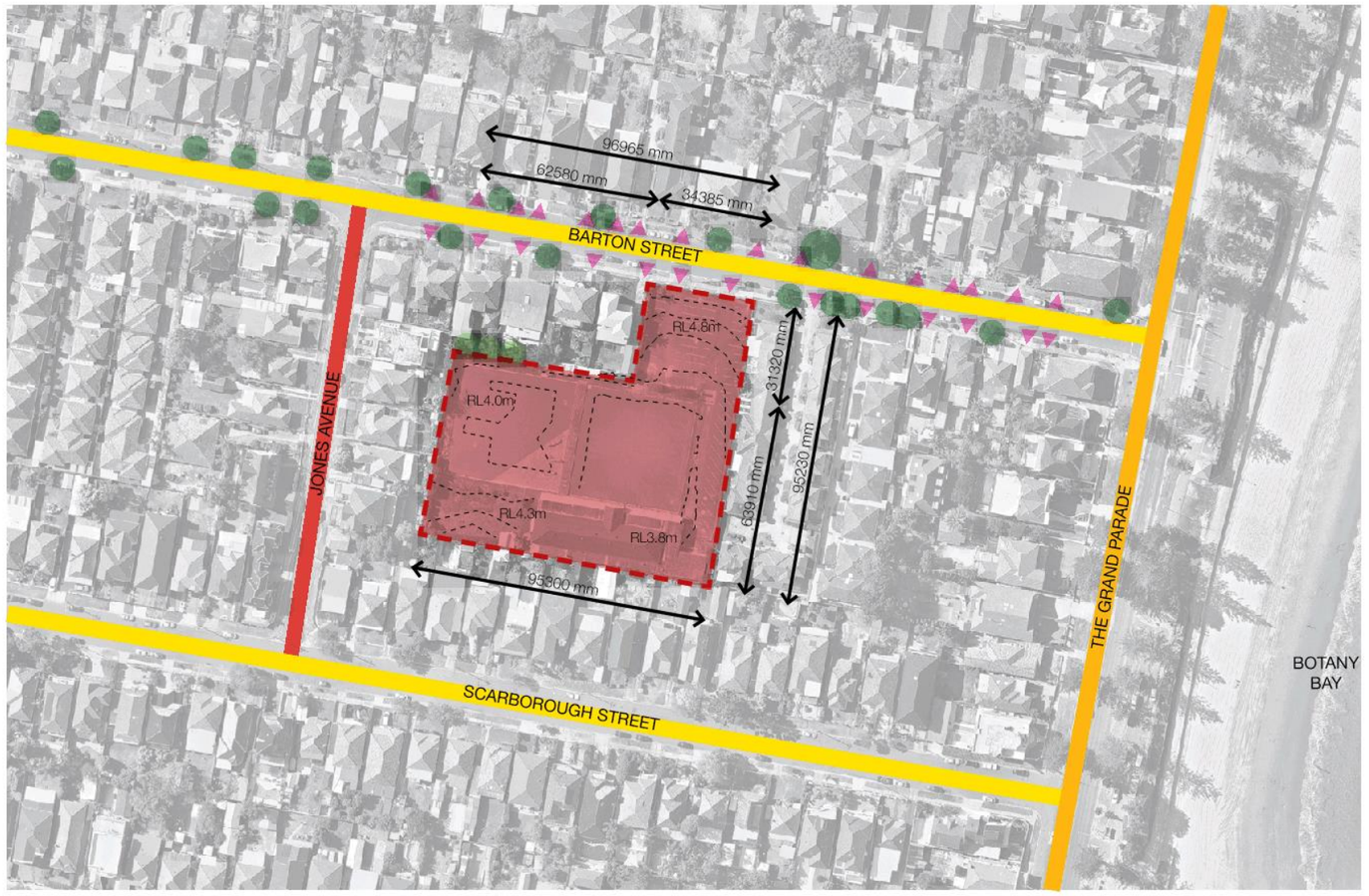
- Subject Site
- 1 Storey Dwelling
- 2 Storey Dwelling
- 3 Storey Dwelling
- Multi-Unit / Strata Title 1 / 2 Storey Dwelling
- Industrial / Commercial

2.0 Urban Context Site Analysis / 2.06 Streetscape Context

The existing streetscape is still very much a low rise, low density residential typology.

The Street is punctuated with driveways accessing individual properties and there are a few sporadically placed street trees. There is no consistency of planting across the immediate context.

The street is serviced with footpaths on both sides



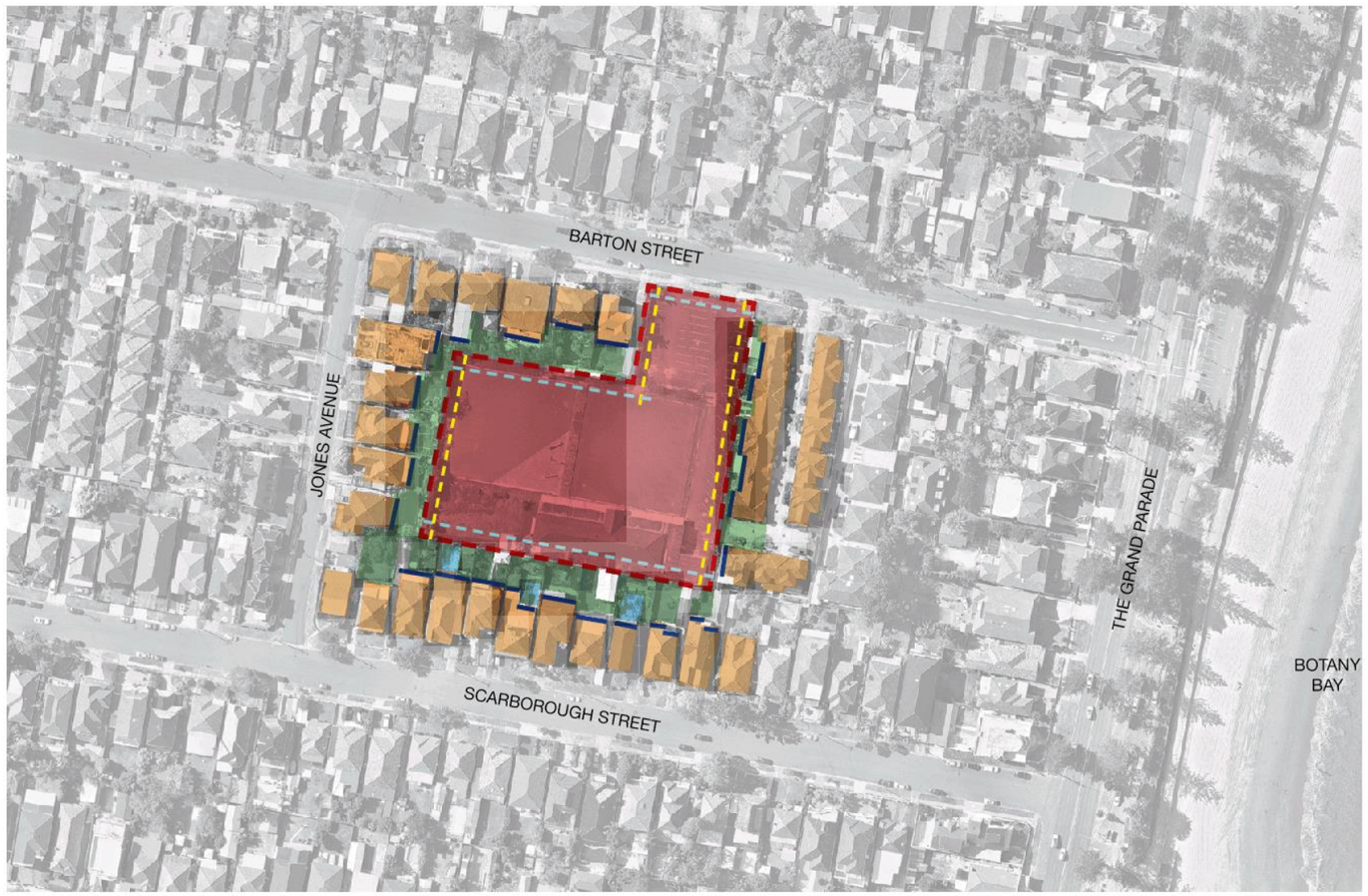
Legend

- Subject Site
- Major Road
- Primary Road
- Local Road
- Contour Lines (Indicative) RL shown in metres AHD
- Existing Driveway Crossover Locations
- Existing Street Tree Locations
- Trees on Adjacent Site

2.0 Urban Context Site Analysis / 2.07 Site Constraints Analysis

There is a gradual fall across the site from Barton Street to the south-east corner of the site. The remainder of the site is relatively flat.

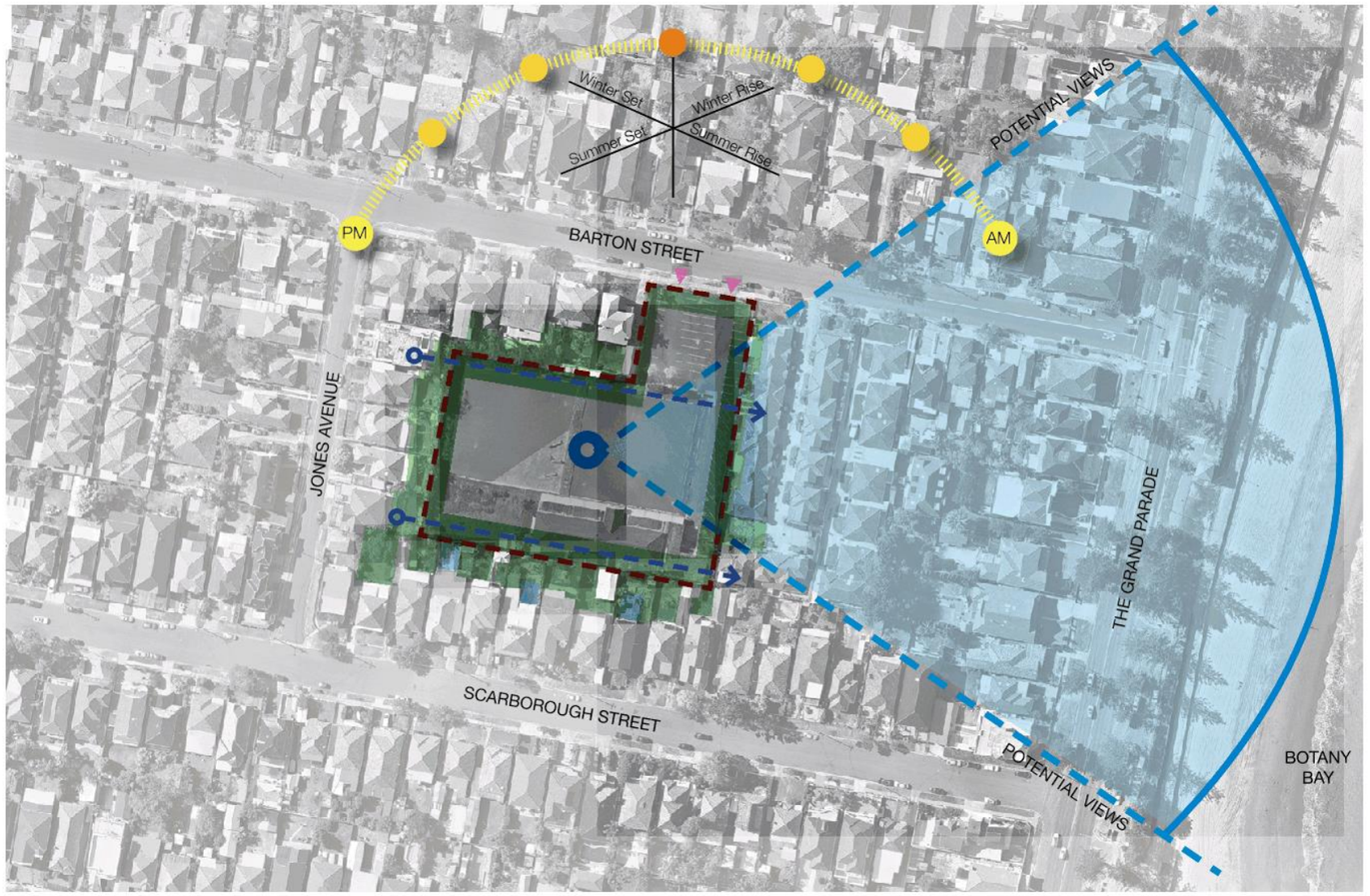
The site sits in a well-established neighbourhood with limited examples of multi unit- subdivision.



Legend

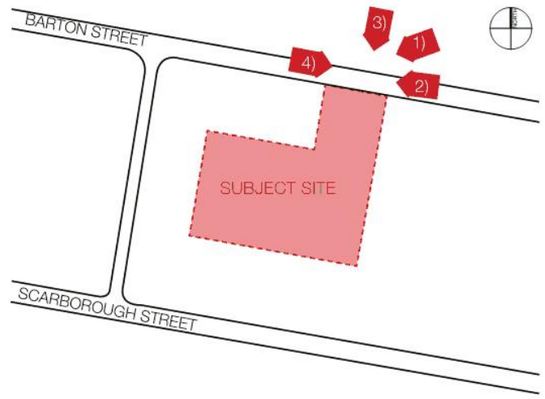
- Subject Site
- Potential Windows on Neighbouring Property
- Min. 4.5m Side Setback from Boundary
- Min. 3.0m Rear Setback from Boundary (Ground Floor)
- 6.0m Rear Setback from Boundary (First Floor)
- Adjacent Low Scale Residential Buildings
- Private Open Sapce in Neighbouring Property
- In-ground Swimming Pool in Neighbouring Property

2.0 Urban Context Site Analysis / 2.08 Site Opportunities Analysis



Subject Site
Existing Driveway Crossover Locations
Private Open Space in Neighbouring Property
Potenital Private Open Space in Subject Site
Existing Views Maintained

2.0 Urban Context Site Analysis / 2.09 Views of Existing Site





1) VIEW TO SOUTH WEST



2) VIEW TO WEST



3) VIEW OF ENTRANCE OF SITE



4) VIEW TO EAST

Proposed Schematic Masterplan



PRELIMINARY

Revisions			
P1	17/12/15	PRELIMINARY ISSUE	JF
P2	21/01/16	PRELIMINARY - FOR INFORMATION	JF
P3	17/01/18	FINAL ISSUE FOR SUBMISSION	DT

5/02/2018 12:17:32 PM

Project: **TOWNHOUSE DEVELOPMENT**
119 Barton Street, Monterey, NSW

Drawing: **GROUND FLOOR/LEVEL 1 MASTERPLAN**

Project No: **215416** Date: **21/01/16** Author: **JF,GT** Scale: @ A3 **1 : 1000** Drawing No.: **SK00.02 P3**

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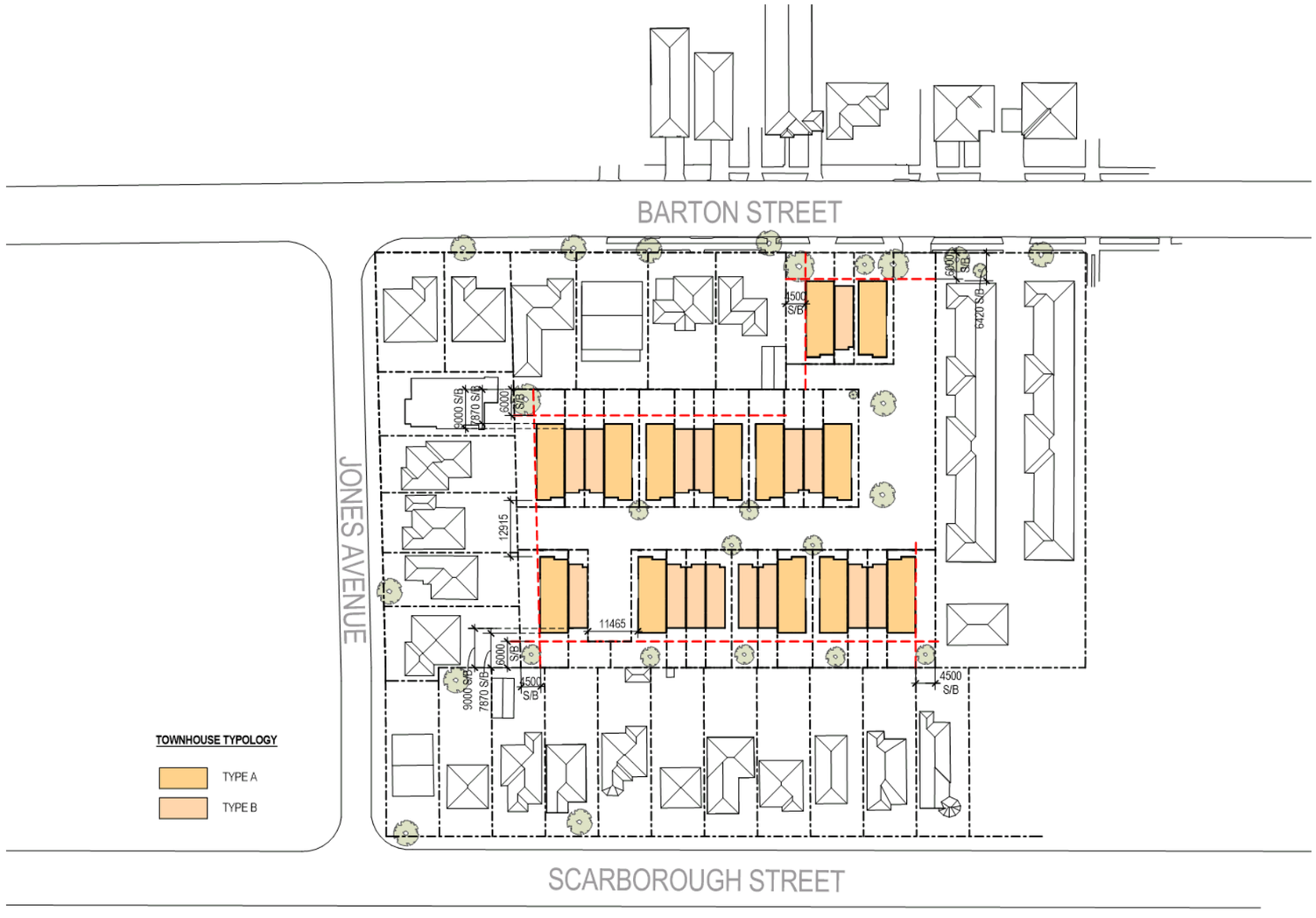

PRELIMINARY

Revisions

P1	17/12/15	PRELIMINARY ISSUE	JF
P2	21/01/16	PRELIMINARY - FOR INFORMATION	JF
P3	17/01/18	FINAL ISSUE FOR SUBMISSION	DT

5/02/2018 12:17:34 PM

Project: **TOWNHOUSE DEVELOPMENT**
119 Barton Street, Monterey, NSW

Drawing: **LEVEL 2 MASTERPLAN**

Project No: **215416**

Date: **21/01/16**

Author: **JF,GT**

Scale: @ A3 **1 : 1000**

Drawing No.: **SK00.03 P3**

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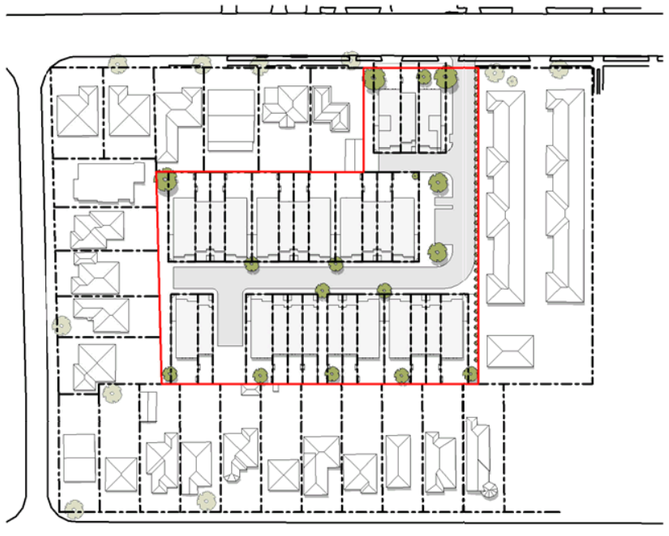
21 MARCH 12pm - SOLAR ANALYSIS



21 SEP 12pm - SOLAR ANALYSIS



21 DEC 12pm - SOLAR ANALYSIS

PRELIMINARY

Revisions			
P1	21/01/16	PRELIMINARY - FOR INFORMATION	JF
P2	17/01/18	FINAL ISSUE FOR SUBMISSION	DT

Project: **TOWNHOUSE DEVELOPMENT**
119 Barton Street, Monterey, NSW

Drawing: **SOLAR ANALYSIS - MAR, SEP, DEC**

Project No: **215416** Date: **21/01/16** Author: **JF,GT** Scale: @ A3 **1 : 1500** Drawing No.: **SK00.04 P2**

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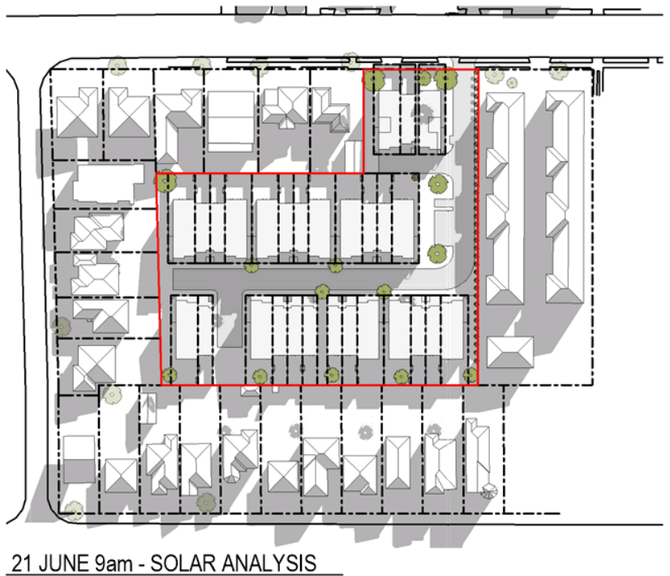
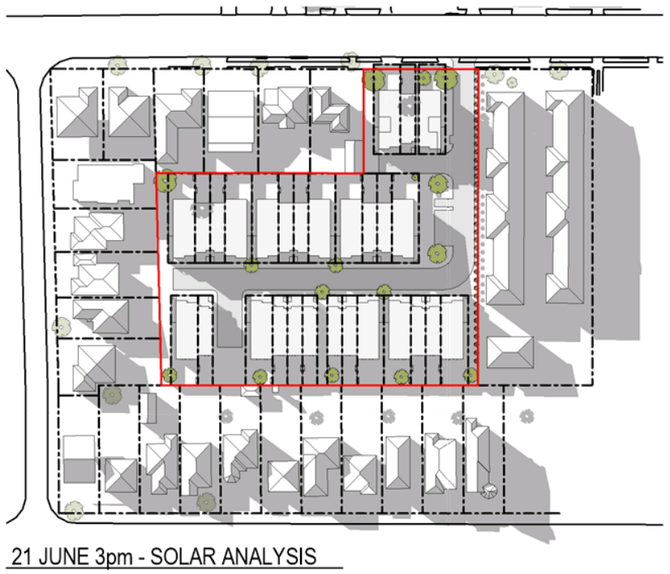


21 JUNE 9am - SOLAR ANALYSIS



21 JUNE 12pm - SOLAR ANALYSIS



21 JUNE 3pm - SOLAR ANALYSIS

PRELIMINARY

Revisions			
P1	21/01/16	PRELIMINARY - FOR INFORMATION	JF
P2	17/01/18	FINAL ISSUE FOR SUBMISSION	DT

Project: **TOWNHOUSE DEVELOPMENT**
119 Barton Street, Monterey, NSW

Drawing: **SOLAR ANALYSIS - JUNE**

Project No: **215416** Date: **21/01/16** Author: **JF,GT** Scale: @ A3 **1 : 1500** Drawing No.: **SK00.05** **P2**

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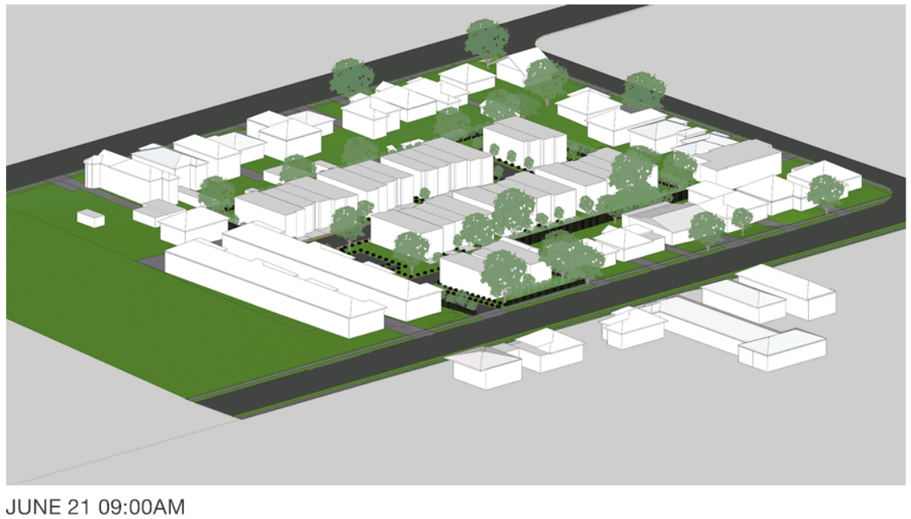
5/02/2018 12:17:51 PM

3.0 Proposed Schematic Masterplan / 3.01 Shadow Diagrams



JUNE 21 09:00AM



JUNE 21 11:00AM



JUNE 21 10:00AM



JUNE 21 12:00AM

3.0 Proposed Schematic Masterplan / 3.01 Shadow Diagrams



JUNE 21 01:00PM



JUNE 21 03:00PM



JUNE 21 02:00PM

3.0 Proposed Schematic Masterplan / 3.02 3D Views



NE OVERVIEW

3.0 Proposed Schematic Masterplan / 3.02 3D VIEWS



NW OVERVIEW

3.0 Proposed Schematic Masterplan / 3.02 3D VIEWS



SE OVERVIEW

3.0 Proposed Schematic Masterplan / 3.02 3D VIEWS



SW OVERVIEW

Council Meeting

Meeting Date 02/09/2015

Public

Report Header

Item Number:	ORD12
Subject:	PLANNING PROPOSAL: 75-81 AND 83-85 RAILWAY STREET ROCKDALE
File Number:	F14/362
Report by:	Acting Manager Urban & Environmental Strategy (David Dekel)
Contributors:	Urban Designer (Wil Robertson)
Community Engagement:	No
Financial Implications:	No

Precis

A planning proposal has been received from the owners of 75-81 Railway Street, Rockdale affecting 75-81 and 83-85 Railway Street, Rockdale. The site is located on the western side of Rockdale Railway Station, to the north of the current retail/commercial core. The properties are adjacent to the Guild Theatre and are immediately opposite the current bus interchange on Railway Street.

The recently gazetted amendments to the Rockdale Local Environmental Plan 2011 (made in June 2015), provide a building height of 22 metres. This planning proposal seeks to increase the building height to 28 metres while retaining the existing B2 Local Centre zoning on the site allowing "shop top housing". The increased height will enable an eight storey development over the site. The Planning Proposal also facilitates the creation of a laneway at the rear of the property, which links Walz and Parker Streets, and provides opportunities for additional parking spaces in the locality. This will be defined in a Voluntary Planning Agreement, currently being negotiated, and will be reported to Council separately during the Gateway Determination period.

The purpose of this report is to determine if the planning proposal has sufficient merit to be recommended to the Department of Planning and Environment for Gateway Determination.

A presentation on the subject was made at the Councillor Information Session on 12 August 2015.

Council Resolution

NOTE:

Councillors Bezic and Kalligas arrived at the conclusion of this item at 7.01 pm.

Mr Giovanni Cirillo addressed the Council.

MOTION moved by Councillors Nagi and P Sedrak

1 That Council supports the planning proposal for submission to the Department of Planning and Environment for Gateway Determination, subject to minor amendments outlined in this report.

2 That Council publicly exhibits the planning proposal in accordance with the Department of Planning

and Environment's Gateway Determination.

3 That Council notes that the particular design solutions shown in the applicant's supporting information are illustrative only and that any development on the site will require assessment through a separate development approval process.

4 That Council notes that a Voluntary Planning Agreement (VPA) is being negotiated with the applicant and that a separate report will be submitted for Council's consideration during the Gateway Determination process, recommending that, if approved, the draft VPA be exhibited concurrently with the Planning Proposal.

5 That the Land Reservations Acquisitions Map Sheet (LRA 004) in RLEP 2011 be amended to reflect a reservation on lots 75-85 Railway Street for the provision of an easement for the purpose of a through road and on street parking.

DIVISION

DIVISION on the MOTION called for by Councillors Nagi and P Sedrak

FOR THE MOTION

Councillors O'Brien, Macdonald, P Sedrak, Awada, Barlow, Nagi, Mickovski, Ibrahim, Hanna, Tsounis and Poulos

AGAINST THE MOTION

Nil

The MOTION was ADOPTED 11 votes to 0.

Officer Recommendation

That voting on this matter be by way of a Division.

1 That Council supports the planning proposal for submission to the Department of Planning and Environment for Gateway Determination, subject to minor amendments outlined in this report.

2 That Council publicly exhibits the planning proposal in accordance with the Department of Planning and Environment's Gateway Determination.

3 That Council notes that the particular design solutions shown in the applicant's supporting information are illustrative only and that any development on the site will require assessment through a separate development approval process.

4 That Council notes that a Voluntary Planning Agreement (VPA) is being negotiated with the applicant and that a separate report will be submitted for Council's consideration during the Gateway Determination process, recommending that, if approved, the draft VPA be exhibited concurrently with the Planning Proposal.

5 That the Land Reservations Acquisitions Map Sheet (LRA 004) in RLEP 2011 be amended to reflect a reservation on lots 75-85 Railway Street for the provision of an easement for the purpose of a through road and on street parking.

Report Background

Applicant: Planning Lab
Land Owner 75-81 Railway Street: Zoe Holdings Rockdale Pty Ltd

Directors: Hassan Harb and Annette Harb

Council received a planning proposal from the owners of 75-81 Railway Street Rockdale on 4 May 2015 affecting 75-81 and 83-85 Railway Street Rockdale ("the site") (refer to **Attachment 1**). The decision by the applicant to prepare a planning proposal across both sites occurred following initial discussions with, and advice from Council officers. The rationale behind this advice and the subsequent Planning Proposal was to ensure that an integrated and cohesive site development outcome could be achieved. The purpose of including both sites was also to facilitate public benefit opportunities to improve pedestrian and vehicle amenity, as well as possible "at grade" additional parking opportunities, by connecting Walz and Parker Streets.

The Planning Proposal is supported by an Urban Design Analysis which illustrates potential development scenarios based on development of the all or part of the site (refer to **Attachment 2**). The planning proposal is supported by consultant reports covering urban design, acoustic, electrical, hydraulics, traffic and wind.

The Planning Proposal seeks to increase the building height of buildings permissible on the site from 22m to 28m in order to provide a prominent and contextually appropriate built form which responds to the 'inner-town-centre' context and maximises the site's development potential in proximity to the immediate Rockdale Railway Station interchange area.

SITE AND CONTEXT

The site is described as 75 – 85 Railway Street, Rockdale as shown in the site identification diagram below.

- 1) The Northern portion of the site (75 – 81 Railway Street) comprises 4 allotments being Lot 101 DP771165, Lot 3 DP 82942, Lot 1 DP455421 and Lot 1 DP912313, under common ownership by Zoe Holdings
- 2) The balance of the site is Lot 1 DP3560

The site has an area of approximately 3,519 sqm, with about 85 metre frontage to Railway Street, and 37 metre frontage to Parker Street. The northern portion of the site is currently occupied by a three storey commercial building with a basement and rooftop parking. Currently, vehicle access to the site is via Hesten Lane.

Lot 1 DP3560 ('the southern lot') of the site is occupied by a two storey mixed use building. On-site parking is provided via a laneway connecting Walz Street.

Figure 1 below shows an aerial photo of the site and nearby surrounds.



Figure 1 - Aerial photo of the Site

The subject site is located within the 'Walz and Frederick Streets Precinct' of the Rockdale Town Centre. The precinct is currently dominated by two storey buildings although the permitted building height is up to 22 metres (six storeys). Uses surrounding the site include railway lines to the east, Rockdale Station to the south east (100m), low density residential to the north (maximum height 8.5m), and the Walz commercial precinct to the west and south (maximum building height of 22m).

The Planning Proposal notes that the centre has visibly declined in recent years as a vibrant local retail hub as a consequence of competition from nearby major centres at Kogarah and Hurstville, but is in the process of an urban renewal led transformation, with the assistance of the Rockdale Town Centre Master Plan. The new direction proposed for the centre reflects the community's desires and aspirations as well as Council's own strategic land use, integrated transportation planning, urban design, and economic development principles.

Current Planning Controls

The current planning controls for the site as per *Rockdale Local Environmental Plan 2011 ("RLEP 2011")* are:

- **Zone:** B2 Local Centre

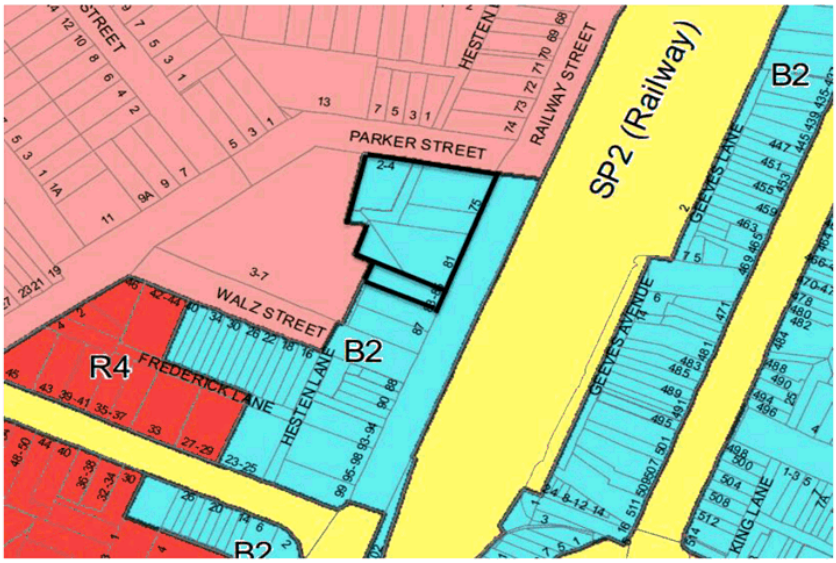


Figure 2 - Land Zoning Map extract from RLEP 2011

- **Height of Building**: 22 metres

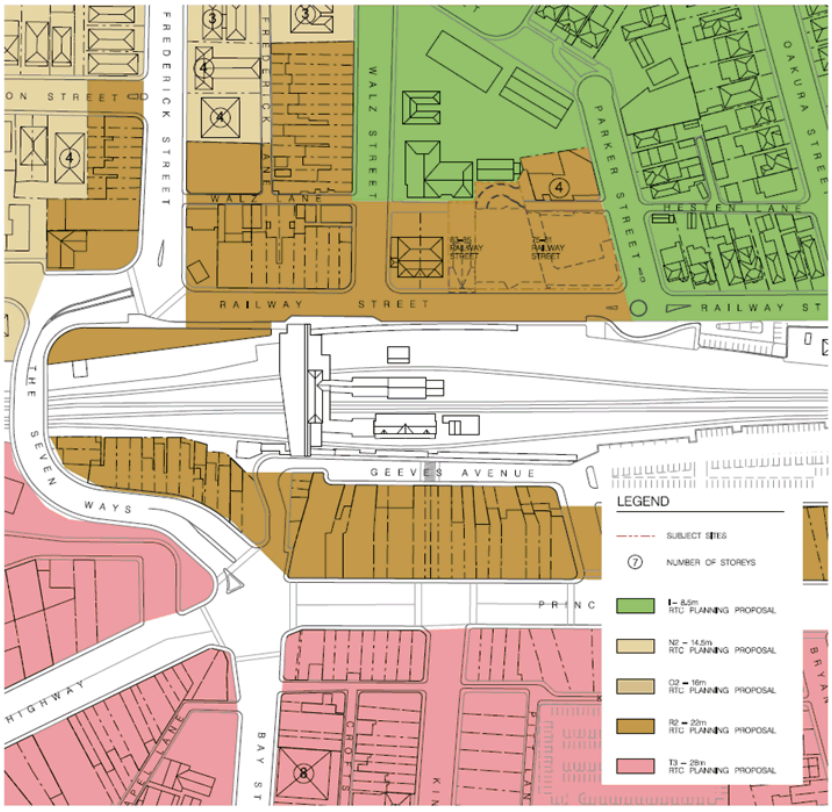


Figure 3 Height of Building Map extract from Candalepas and Associates Urban Design Report May 2015

The sites do not have FSR controls.

THE PLANNING PROPOSAL

The planning proposal has been prepared generally in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* and all relevant planning proposal guidelines published by the Department of Planning and Environment (DP&E). The planning proposal report was prepared by Planning Lab and supported by the following documentation:

- Attachment 2- Urban Design Report prepared by *Candalepas Associates* dated May 2015 (discussed below).
- Attachment 3- Acoustic report by Renzo Tonin
- Attachment 4- Electrical Report by NPS
- Attachment 5- Hydraulic Report by AJ Whipps
- Attachment 6- Traffic *Report by ARUP*
- Attachment 7- *Wind Report by Windtech*

The table below summarises the applicant's proposed amendments as stipulated within the planning proposal:

Current controls – RLEP 2011	Proposed changes sought by the applicant
Building Height Map: • 22 metres	28 metres across the whole of the subject site

Table 1 - Proposed amendment

ASSESSMENT OF THE PLANNING PROPOSAL

Zoning:
The existing B2 Local Centre zone is to be retained unchanged. Zoning will allow ground level activation on the site, particularly on Railway Street, while allowing upper level residential apartment development. This is supported.

Building Height:
The Planning Proposal is seeking an increase in building height from 22 metres to 28 metres across the site.

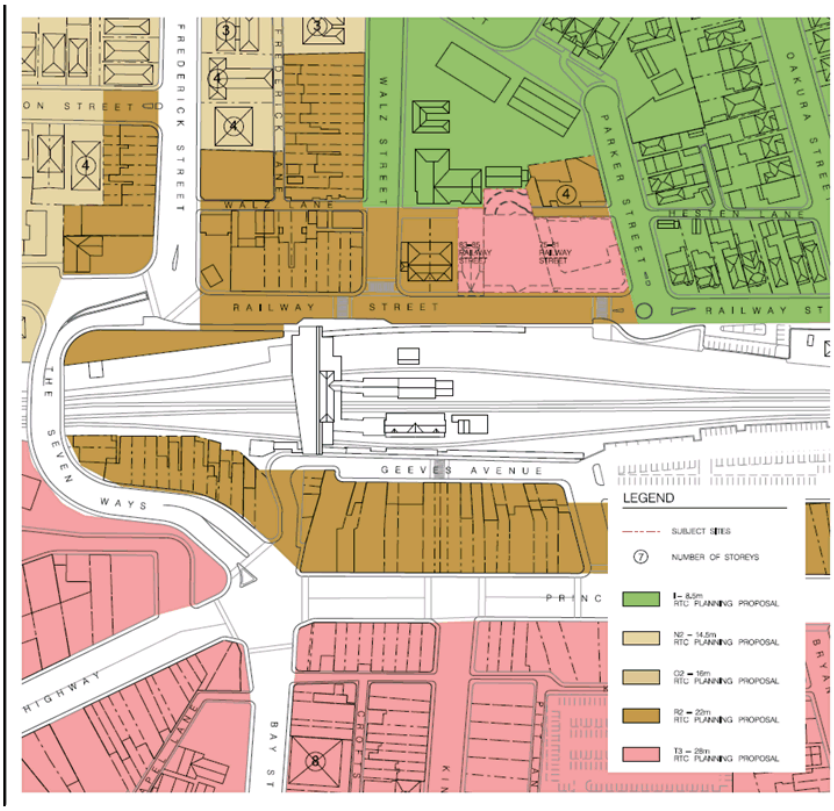


Figure 4 - Proposed Height Map (information extracted from applicant's planning proposal)

The recent amendment to the Rockdale Local Environment Plan 2011 (amendment #8) changed the building height controls to 22 metres. In some parts of the Town Centre, height incentives apply where

land area consolidation greater than 1,500 sqm can be achieved.

The subject site has a combined land area that is greater than 1,500 sqm, a scenario that Council did not envisage in its feasibility modelling at the time of the development of the Rockdale Town Centre Master Plan LEP Amendment. Therefore, the site is not currently subject to benefit from additional height based on existing land size incentives.

Conclusion: The site's proximity to a significant transport interchange and railway station makes it an opportune site for consideration of building height increase, particularly given the site area. The site is also part of the Rockdale Town Centre. Therefore, the proposed height increase is supported, subject to some minor amendments to reflect reference and contextual documents more accurately.

Floor Space Ratio:

The Rockdale LEP 2011 has no Floor Space Ratio Controls for the subject site .

Urban Design Analysis and Report

The Planning Proposal is supported by an Urban Design analysis and report, that considers the surrounding built form context and how the proposed changes would deliver an improved and consistent outcome.

Development Scenarios

This proponent of this Planning Proposal represents the owners of 75-81 Railway Street Rockdale. As part of preliminary discussions with Council Officers, the applicant was advised to include the adjoining property (83-85 Railway Street Rockdale) as part of the Planning Proposal. The intent of this approach is to deliver an integrated and cohesive urban form outcome. As a result, the Urban Design Report provides the justification for the proposed changes to the RLEP 2011 across the whole site comprising 75-81 and 83-85 Railway Street Rockdale. It also provides outline detail on three separate development scenarios providing massing diagrams of potential development envelopes:

*Scenario 1 (**Figure 5**)*: Development of 75-81 Railway Street, with separate development of 83-85 Railway Street under the current DA Approval (expires January 2016),
Note: this development scenario will not result in the public benefit comprising pedestrian and vehicle amenity and additional on street parking within the Walz Street Precinct.

*Scenario 2 (**Figure 6**)*: Integrated development of 75-85 Railway Street
Note: this development scenario has the capacity to provide public benefit comprising pedestrian and vehicle amenity and additional on street parking within the Walz Street Precinct.

*Scenario 3 (**Figure 7**)*: Separate cohesive development of 75-81 Railway Street and 83-85 Railway Street
Note: this development scenario requires agreement between all land owners/developers to ensure the provision of public benefit comprising pedestrian and vehicle amenity and additional on street parking within the Walz Street Precinct.

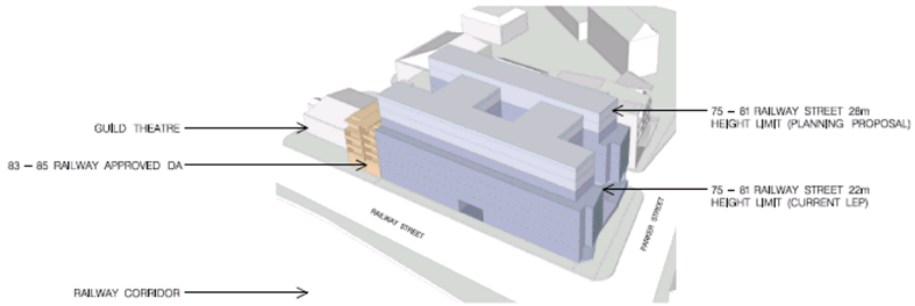


Figure 5 - Scenario 1

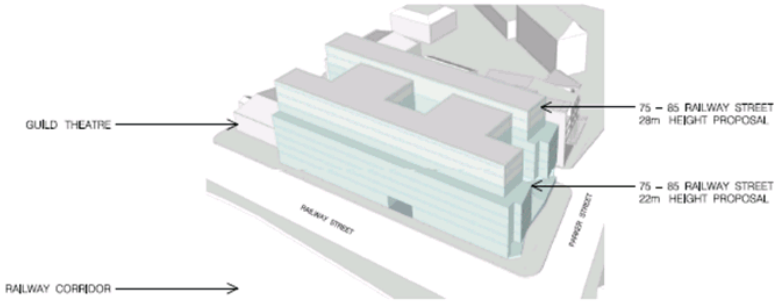


Figure 6 - Scenario 2

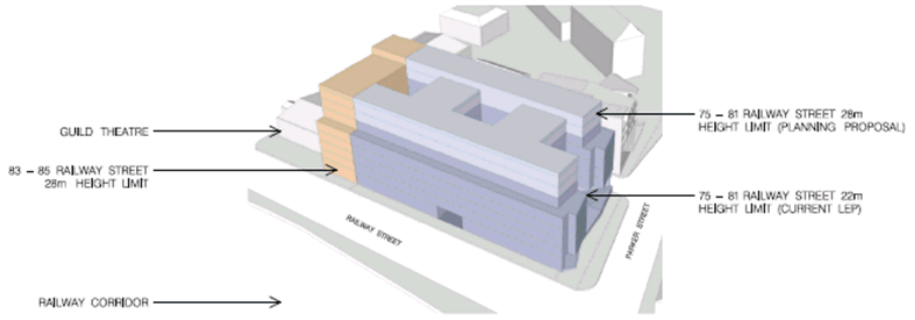


Figure 7 - Scenario 3

The development scenarios are an indication of the massing types that could be achieved on the site. They are not intended to suggest adherence to any specific development controls other than those proposed in the Planning Proposal. Issues such as setbacks, articulation zones, etc would be assessed through a Development Application (DA) process. This will also include assessment relating to SEPP 65 and the new Apartment Design Guide.

Voluntary Planning Agreement - Laneway Activation

The Planning Proposal facilitates the creation of a laneway at the rear of the property, which links Walz and Parker Streets, and provides opportunities for additional parking spaces in the locality. This is being defined in a Voluntary Planning Agreement, currently being negotiated, and will be reported to Council separately during the Gateway Determination period.

Through Access and On-street Parking

Assessment:

1. There is currently no laneway or through access connecting Walz Street with Parker Street at the rear of 75-85 Railway Street.
2. The configuration of the existing laneway at the rear of 75-81 Railway Street requires two way traffic movement and, therefore, does not have on street parking capacity.
3. The provision of a laneway at the rear of the Guild Theatre and 75-85 Railway Street connecting Walz Street and Parker Street may have the capacity to allow one way traffic movement and on street parking for 15 cars. This scenario can also trigger the rationalisation of off-street parking at the rear of the Guild Theatre and provide a higher level of amenity and safety.

Conclusion:

1. Scenarios 2 and 3 (figures 6 and 7) have the capacity to provide public benefit comprising pedestrian and vehicle amenity and additional on street parking within the Walz Street Precinct.
2. It is appropriate that the Land Reservations Acquisitions Map Sheet (LRA 004) in Rockdale LEP 2011 be amended to reflect a reservation on lots 75-85 Railway Street for the provision of an easement for the purpose of a through road and on street parking (**Figure 8**). This can help trigger DA conditions for any future DA associated with 83-85 Railway Street Rockdale to facilitate a public benefit through the provision of a section of laneway.

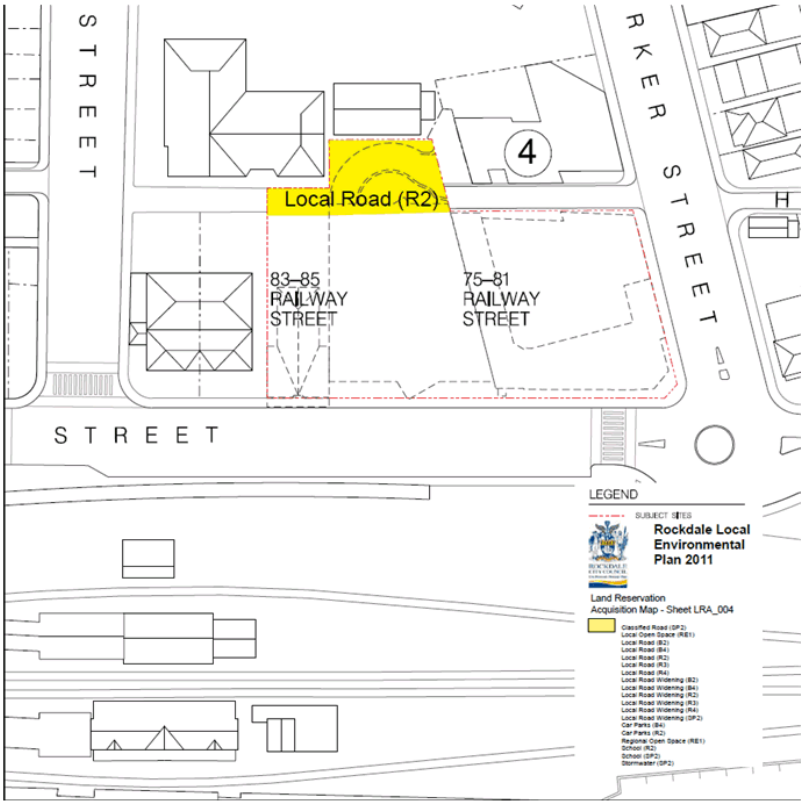


Figure 8 - Proposed Amendment to RLEP 2011 Land Reservation Acquisition Map - Sheet LRA_004

Traffic And Transport
The applicant has submitted a Traffic Report, prepared by Arup (see **Attachment 3**). This report identifies the findings of a SIDRA analysis that was conducted in relation to the site. The report concluded that there would be no adverse impact on levels of service or traffic delays due to the development. The net traffic impact would be minimal.

Parking
While the applicant has provided an analysis of off-street parking that meets the Rockdale DCP requirements, the proponent states that the total number of car spaces may not be needed, given the proximity of the site to Rockdale Train Station and the Bus Interchange.

Conclusion:
The traffic and transport analysis is supported and any future consideration of parking numbers will be considered as part of a future DA.

Contamination
The Proposal did not submit any supporting contamination reports.

Conclusion: In light of the site's historical uses, it is considered appropriate to require a Stage 1 Preliminary Site Investigation (PSI) with the lodgement of any subsequent DA.

Heritage

The site is not recognised as containing any heritage significance. However, it is in the vicinity of three heritage items:

- Rockdale School of Arts (Guild Theatre) – Local significance. Lot DP3560 (83-85 Railway Street) shared boundary
- Rockdale Railway Station – State significance
- St Joseph's Convent – Local significance

Conclusion:
A heritage report will be required for any Development Application associated with the sites.

ADEQUACY OF THE PLANNING PROPOSAL AND SUPPORTING INFORMATION FOR EXHIBITION PURPOSES

The DP&E's guidelines says that Councils are responsible for the content of planning proposals. In this regard, the Planning Proposal is considered to be consistent with DP&E's guidelines and is supported subject to some minor amendments. The supporting documentation is also considered to be satisfactory for the purposes of this Planning Proposal.

CONCLUSION

It is recommended that this Planning Proposal be submitted for Gateway Determination.

Community Engagement

The issues raised in this report do not require community consultation under Council's Community Engagement Policy.

Rockdale City Plan

Outcome:	Outcome 2 - Rockdale is a City with a high quality natural and built environment and valued heritage in liveable neighbourhoods . A City that is easy to get around and has good links and connections to other parts of Sydney and beyond.
Objective:	Objective 2.2 - Our City has a well managed and sustainable built environment, quality and diverse development with effective housing choice in liveable neighbourhoods
Strategy:	2.2.2 - Promote high quality, well designed and sustainable development and places that enhances the City
Delivery Program:	2.2.2.A - Demonstrate leadership and commitment in the management of development that enhances the City (DCPD)
Operational Plan:	2.2.2.A.3 - Manage proposals for major development to ensure growth is appropriately scaled and located and delivers communtiy benefits (MUES)

Additional Comments:

Financial Implications

Additional Comments

There are no financial implications applicable to this report.

Supporting Information

Action From Resolution	Action raised by Anne Suann on 03/09/2015
File Attachments	Attachment 1 - Rockdale PP_Issue B.pdf Attachment 2 - 15 43682 Urban Design Report 5724_150501_Planning Proposal_Issue B 5 Aug).pdf Attachment 3 - 5724_150311_PP_Acoustic.pdf Attachment 4 - 5724_150318_PP_Electrical.pdf Attachment 5 - 5724_150319_PP_Hydraulic.pdf Attachment 6 - 5724_150324_PP_Traffic Report.pdf Attachment 7 - 5724_150320_PP_Wind.pdf

planning lab

Planning Proposal

75 – 85 Railway Street, Rockdale



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1.0 Introduction

Planning Lab acts on behalf of Zoe Holdings Rockdale Pty Ltd in preparing this Planning Proposal for 75-85 Railway Street, Rockdale (referred to as 'the site').

This Planning Proposal has been prepared in accordance with the Department of Planning and Environment's (DP&E) Gateway process and provides justification for the amendment of *Rockdale Local Environmental Plan 2011* (LEP 2011).

The site is located in Rockdale town centre. The Rockdale Town Centre Masterplan (Rockdale Town Centre Masterplan) envisages significant transit oriented urban renewal growth within the centre.

The purpose of this Planning Proposal is to respond to the predicted growth of the immediate station environs by seeking an increase in building height on the site that would allow for an additional two storeys greater than those envisaged by draft Rockdale Town Centre Planning Proposal LEP (which amends Rockdale LEP 2011).

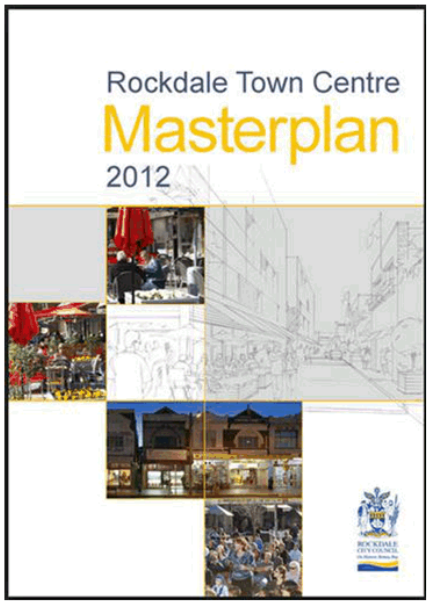
The site is located at a prominent corner of a future north-western gateway to the newly planned Rockdale town centre.

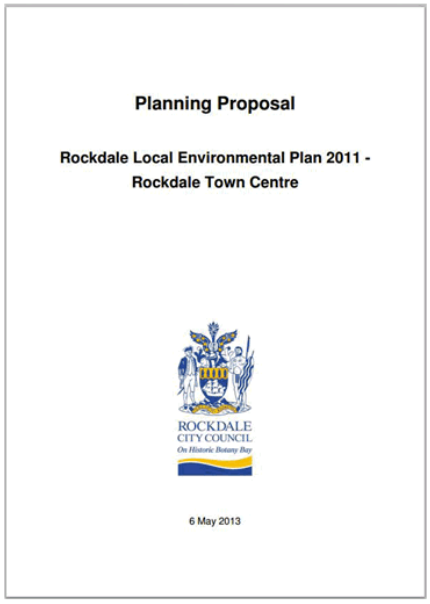
This Planning Proposal seeks to increase the building height of buildings permissible on the site from 22m to 28m in order to provide a prominent and contextually appropriate built form which responds to the 'inner-town-centre' context and maximises the site's development potential in the immediate Rockdale Railway Station interchange area. The increased height will enable an 8 storey corner element to reinforce the focal corner gateway site into the centre.

It is anticipated that future development of the site would comprise mixed uses including a residential flat building above ground level.

2.0 Background

On 5 December 2012, Rockdale City Council adopted the Rockdale Town Centre Masterplan. The masterplan sets out the vision and strategies for the growth and revitalisation of the Centre. In order to support the significant growth envisaged in the town centre, Rockdale Council submitted a Planning Proposal for the relevant zone changes and increased density in the city centre.





As part of this Planning Proposal, the amendments included an increase in height to 22m for buildings permissible on the subject site. This Planning Proposal was supported by Council and was the subject of a Gateway Determination on 6 May 2014.

The applicant for this Planning Proposal which amends Rockdale LEP 2011 is the owner of 75-81 Railway Street, Rockdale. This planning proposal has been drafted in consultation with Rockdale City Council.

3.0 The Site

3.1 Description

The site is described as 75 – 85 Railway Street, Rockdale as shown in the site identification diagram below. The northern portion of the site (75 – 81 Railway Street) comprises 4 allotments under common ownership by Zoe Holdings, being Lot 101 DP771165, Lot 3 DP 82942, Lot 1 DP455421 and Lot 1 DP912313. The additional fourth lot is legally described as Lot 1 DP3560 and is owned by a separate and unrelated party.



Figure 1 : Site Location (Source: Six Viewer Map)

The site has an area of approximately 3,227sqm, with about 85m frontage to Railway Street, and 37m frontage to Parker Street. The northern portion of the site is currently occupied by a three storey commercial building with a basement and rooftop parking. Currently, vehicle access to the site is via Hesten Lane.

Lot 1 DP3560 ('the southern lot') of the site is occupied by a two storey mixed use building. On-site parking is provided via a laneway connecting Walz Street.

3.2 Surrounding Context

The site is situated within the Rockdale town centre. The centre has visibly declined in recent years as a vibrant local retail hub as a consequence of competition from nearby major centres at Kogarah and Hurstville, but is in the process of an urban renewal led transformation.

The new direction proposed for the centre reflects the community's desires and aspirations as well as Council's own strategic land use, integrated transportation planning, urban design, and economic development principles.

As identified in the Rockdale Town Centre Masterplan, the town centre core area is divided into precincts. The site is located within the 'Walz and Frederick Streets Precinct'. The precinct is currently dominated by two storey buildings; however the permitted building height is up to 22m.

Uses surrounding the site include railway lines to the east, Rockdale Station to the southeast (100m), low density residential to the north and the Walz commercial precinct to the west and south. The following panoramic photos illustrate the existing uses on the site as viewed from Railway Street Rockdale.



Figure 2 : Photograph of 75-81 Railway Street, Rockdale (Source: G Cirillo)



Figure 3 : Photograph of 75-81 Railway Street, Rockdale (Source: G Cirillo)

3.3 Rockdale Local Environmental Plan 2011

The site is zoned B2 Local Centre under the Rockdale Local Environmental Plan 2011 (LEP 2011).

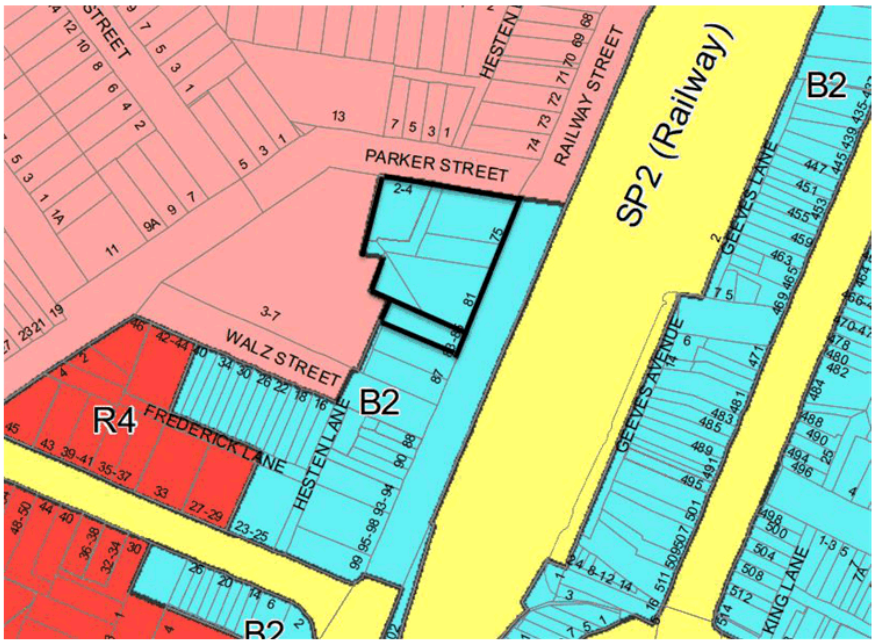


Figure 4 : Zoning Map Extract from Rockdale LEP 2011 (Source: AUSTLII)

The objectives of the zone are:

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To encourage residential development where it is complementary to and does not detract from the commercial focus of the Rockdale town centre.

Development permitted with consent in the B2 zone includes:

Boarding houses; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Exhibition homes; Function centres; Group homes; Hostels; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Service stations; Shop top housing; Tourist and visitor accommodation; Any other development not specified in item 2 or 4.

The maximum permitted building height for the site is currently 22m. Land directly opposite the railway line, between Greeves Avenue and Princes Highway allow a maximum building height of 22m with the opportunity to increase the building height an additional 12m if the lot area is at least 1,500sqm.

As discussed in Section 1.1, Council's Planning Proposal is currently underway to increase the building height controls for the Rockdale town centre. That adopted Planning Proposal specifically seeks to increase the site from 22 to 28m.

Council's Planning Proposal also seeks to include an additional area, 471-511 Princes Highway, 6 and 14 Geeves Ave and 2 -16 and 5 Tramway Arcade, to permit buildings to exceed the current 22m building height if the lot area is at least 3,000sqm (identified as Area F).

The permitted variation in height is currently being determined in consultation with Sydney Airport Corporation Limited (SACL). Council's Planning Proposal proposed maximum building heights are shown below.

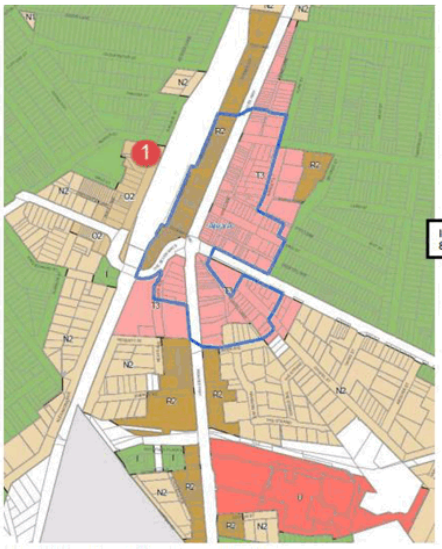


Figure 4 – Current maximum building height controls

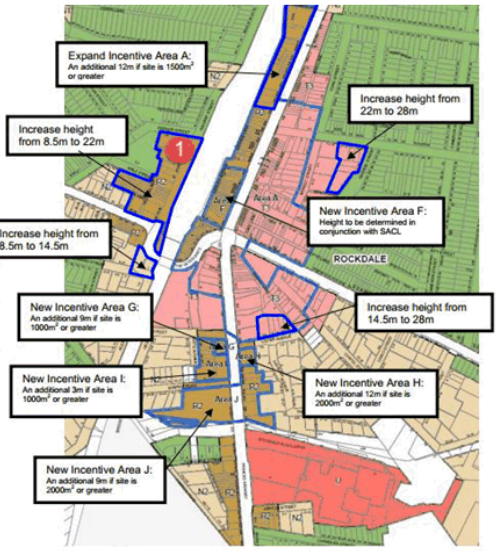


Figure 5 – Proposed maximum building height controls

Figure 5 : Subject Site Marked 1 in Rockdale LEP 2011 and Draft Town Centre Planning Proposal. Source: Rockdale City Council 2014/2015.

4.0 Supporting Documents

An Urban Design Study has been carried out by Candalepas and Associates in accordance with the requirements of the NSW Department of Planning & Environment and addressing the detailed checklist issued by Rockdale City Council for planning proposals. The study analyses the subject site and have determined appropriate size, bulk, scale and form options for future development, and include more detailed architectural concept drawings for 75 – 81 Railway Street, Rockdale **(Refer: Annexure 1).**

4.1 Urban Design Study

The *Urban Design Study* by Candalepas and Associates demonstrates that a suitable and appropriate built form of 8 storeys can be achieved on the site and is considered necessary to initiate the revitalisation of the area with an appropriate density and mass. The Urban Design Study is generally consistent with the strategic vision for an urban renewal led revitalisation of the Rockdale Town Centre and Masterplan.

It is also noted that the site has been identified by Rockdale City Council as being suitable for a through-site-link in the rear of the subject site, which links to the Council car park at the rear of the Council owned Guild Theatre site.

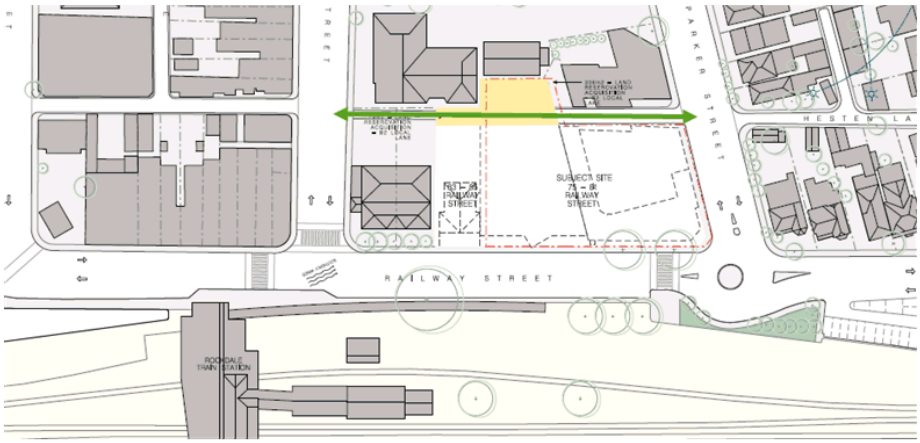


Figure 6 – Through Site Link Proposed Across the Rear of the Subject Site(s)

5.0 Objectives or Intended Outcome

The overarching objective of the proposed amendment to draft Rockdale Town Centre LEP 2011 is to facilitate a redevelopment of the site and provide a prominent corner element to reinforce the focal corner gateway to the Centre. The redevelopment will also capitalise on its immediate proximity to Rockdale Railway Station and bus interchange public transport.



Figure 7 –Aerial Photographs of the Subject Site(s)

The intended outcome of this Planning Proposal is to provide for an opportunity to revitalise 75-85 Railway Street, Rockdale. This will necessitate an amendment draft LEP 2011, specifically increasing the maximum permitted building height to 28m.

It is noted that building height is proposed to be increased from 8.5m (as it currently exists) to 22m across the western side of Rockdale Station as shown on the attached Urban Design Study by Candalepas and Associates.

It is recommended that Council support the Planning Proposal which changes in the maximum allowable height on the subject site from 22m to 28m.

The amended maximum allowable height will recognise the unique position of the site in immediate proximity to Rockdale Railway Station, and its prominent corner location as a future north-western gateway to the newly planned Rockdale town centre.

The increased height will enable an 8 storey corner element to reinforce this focal corner gateway site.

An appropriate and well considered 8 storey form can be well managed through detailed design incorporating building articulation, façade modulation and a careful selection of external materials with a subsequent DA. The resultant built form can retain a 'human scale' whilst facilitating transformative urban renewal in the Rockdale town centre.

It is considered that there is substantive urban design merit in considering a 28m height limit on this site which would effectively balance the heights proposed on the eastern sector of the town centre, east of Rockdale Station.

The additional height on this site is considered appropriate from an urban design perspective and would define any future residential development as a local landmark, signalling one's arrival at the Rockdale town centre from the north.

The built form will comprise a distinctive built form that would highlight the prominent position of the site and arrival into the new town centre.

This additional height would not impact upon views enjoyed from north from the neighbouring development on Parker Street.

Further, solar access would be required to comply with SEPP 65 and the Residential Flat Design Code. A preliminary shadow analysis has been prepared Candalepas and Associates and it accompanies this Planning Proposal. In any case, these and other particular related design considerations are also to be assessed in full through a future DA.

A 28 metre building height would an appropriate addition to the existing streetscape and it is recommended that the maximum height control be amended accordingly.

6.0 Explanation of Provisions

The provisions to be included in Rockdale LEP 2011 are outlined below, in accordance with Section 55(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

6.1 Rockdale Local Environmental Plan 2011 (Amendment No. 8)

Name of Plan

This plan is Rockdale Local Environmental Plan 2011 (Amendment No. 8)

Aims of the plan

This plan aims to:

- *Amend the Height of Buildings Map to reflect a maximum permissible building height of 28m for the site, and*

Land to which this plan applies

This plan applies to the land shown on the accompanying maps.

7.0 Justification

7.1 Section A – Need for the Planning Proposal

7.1.1 Is the Planning Proposal a result of a study or report?

This Planning Proposal relies heavily upon the transit-oriented urban renewal foundations of the Rockdale Town Centre Masterplan and separate independent urban planning analysis by Planning Lab with detailed urban design and architectural analysis by Candalepas and Associates. The Rockdale Town Centre Masterplan guides future change to ensure the community's vision is achieved. Part of the design strategy for the town centre is to increase residential densities in appropriate locations close the public transport, which involves an increase in maximum building height and a provision to remove FSR controls.

This Planning Proposal responds to the vision of the Masterplan, facilitating an increased density on the site to help revitalise the area.

7.1.2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal is considered the most appropriate and feasible mechanism to achieve revitalisation and redevelopment of the site, whilst also providing significant public domain benefits. More specifically, the current height controls do not provide sufficient incentive for redevelopment if Council also now wishes for a large section of the site to be dedicated for the purpose of a through site link. As the site is identified within the Rockdale Town Centre Masterplan as being on a prominent corner as a future north-western gateway to the newly planned Rockdale town centre, a compliant development would not achieve the desired entrance statement activation or revitalisation of the area.

An appropriate and well considered eight story built form can facilitate the urban renewal to help revitalise the town centre. The built form can be well managed through detailed design incorporating building articulation and facade modulation to ensure a 'human scale' can be retained.

7.2 Section B – Relationship to Strategic Planning Framework

7.2.1 Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

A Plan for Growing Sydney

A Plan for Growing Sydney is an action plan to meet the vision of Sydney as a strong global city and a great place to live.

This Planning Proposal is consistent with the Plan, in particular Direction 2.2: Accelerate urban renewal across Sydney, providing homes closer to jobs. This direction specifies urban renewal in transport corridors, directly in line with this Planning Proposal. The Planning Proposal is to facilitate urban renewal adjacent to Rockdale Station and bus interchange and within the town centre.

Draft South Subregional Strategy

The site is located within the South Subregion of the Plan for Growing Sydney. The Department of Planning and Environment is currently preparing the South Subregional Growth Plan.

The Plan for Growing Sydney provides priorities for the south subregion. This Planning Proposal is consistent with these priorities, in particular the goal: *Accelerate housing supply, choice and affordability and build great places to live.*

The actions of the goal are to work with councils to identify suitable locations for housing intensification and urban renewal, particularly around key transport corridors.

This Planning Proposal supports this priority, seeking increased density for urban renewal within the town centre in immediate proximity to Rockdale Station.

7.2.2 Is the Planning Proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Rockdale City Community Strategic Plan 2013-2015

The Community Strategic Plan 2013-2025 is part of the Rockdale City Plan 2013-2025. The Community Strategic Plan identifies the long term aspirations the communities of Rockdale want to see delivered.

The vision is built around four strategic community outcomes of:

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

The following table discusses the consistency of the proposal in relation to the relevant actions contained within the Community Strategic Plan.

Table 1 Relevant Objectives of Community Strategic Plan 2013-2025

Objective	Strategy	Comment
Outcome 2		
2.2 Our City has a well -managed and sustainable built environment, quality and diverse development with effective housing choice	2.2.2 Promote high quality, well designed and sustainable development and places that enhances the City	The Planning Proposal would assist in promoting high quality, sustainable development in the Rockdale town centre.
Outcome 3		
3.3 Our City has vibrant town centres that provide a range of services and experiences for our residents, workers and visitors	3.3.1 Ensure Town Centres are improved on a rolling program	The Planning Proposal will revitalise the town centre to create a vibrant space for residents and employees.

Rockdale Town Centre Masterplan

The Rockdale Town Centre Masterplan guides future change to ensure the community's vision is achieved, not just how it looks and functions, but also what role it will play economically and culturally.

Design Strategy	Objective	Comment
Community vision and design strategy		
Design Strategy 3: Increase the vitality and lifestyle	The lifestyle of the Centre will be improved by encouraging elements in the Town Centre with a social or public focus: open spaces, dining, entertainment, markets, community services	The Planning Proposal would assist in developing a viable mixed use development, encouraging the revitalisation of the town centre and improving local amenity.
	Vibrancy and activity in the Centre will be generated through increased residential densities	The Planning Proposal promotes an increase in residential density within the Rockdale town centre.
Design Strategy 4: Improve the pedestrian experience	The different precincts of the centre will be connected by laneways and a pedestrian network making the Centre easy to explore for visitors and enjoyable for residents	A through-site-link is proposed through the site, incorporating 415sqm of land to form part of a VPA, and to form part of a VPA accompanying the Planning Proposal. This will enhance the permeability of site and improve the pedestrian experience envisaged by Council.

7.2.3 Is the Planning Proposal consistent with applicable state environmental planning policies?

The proposal is consistent with all relevant state planning policies (SEPPs). The following SEPPs apply to the site.

State Environmental Planning Policy No. 65- Design Quality of Residential Flat Buildings

SEPP 65 aims to improve the design quality of residential flat development. The Policy recognises that the design quality of development is of significance for environmental planning for the State due to the economic, environmental, cultural and social benefits of high quality design.

In accordance with the requirements of the SEPP, all matters for consideration under SEPP 65 would be addressed in full at the development application stage. The Urban Design Strategy by Candalepas and Associates demonstrates that the development of the site can comply with the requirements of SEPP 65. In this regard appropriate cross ventilation, solar access and residential amenity can be achieved.

State Environmental Planning Policy 55- Remediation of Land

SEPP 55 introduces planning controls for the remediation of contaminated land. The policy states that the planning authority must consider whether the land is contaminated, and if so that the land is suitable in its contaminated state for the permitted uses in the zone, or that the land requires remediation before the land is developed for that purpose.

No changes to the permissible uses of the site are proposed other than those envisaged by draft Rockdale LEP 2011 (and as amended for the Rockdale town centre). Site investigations would be carried out as part of any future development application for the redevelopment of the site. Any areas of contamination would be remediated prior to development of the land, in accordance with all relevant statutory requirements and policy guidelines.

7.2.4 Is the Planning Proposal consistent with applicable Ministerial Directions (s117 directions)?

The relevant Section 117 Directions are considered in the table below.

Table 2 S117 Directions

Direction	Requirement	Comment
1.1 Business and Industrial Zones	This direction applies when a relevant planning authority prepares a Planning Proposal that would affect land within an existing or proposed business or industrial zone The objectives of this direction are to: 1. *encourage employment growth in suitable locations,* 2. *protect employment land in business and industrial zones, and* 3. *support the viability of identified strategic centres.* A Planning Proposal must: (a) *give effect to the objectives of this direction,* (b) *retain the areas and locations of existing business and industrial zones,* (c) *not reduce the total potential floor space area for employment uses and related public services in business zones,* (d) *not reduce the total potential floor space area for industrial uses in industrial zones, and* (e) *ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning.*	The Planning Proposal involves an increase in the height, but is not proposing any other change to the zoning provisions The Planning Proposal would still support business uses on the land.
3.1 Residential Zones	**Objectives** (1) The objectives of this direction are: (a) to encourage a variety and choice of housing types to provide for existing and future housing needs, (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) to minimise the impact of residential development on the environment and resource lands.	The Planning Proposal is consistent with the objectives of this direction. It would enable an intensification of residential development on the site in an area well-serviced by both road and public transport and with access to all necessary services.

Direction	Requirement	Comment
	What a relevant planning authority must do if this direction applies: (4) A planning proposal must include provisions that encourage the provision of housing that will: (a) broaden the choice of building types and locations available in the housing market, and (b) make more efficient use of existing infrastructure and services, and (c) reduce the consumption of land for housing and associated urban development on the urban fringe, and (d) be of good design. (5) A planning proposal must, in relation to land to which this direction applies: (a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and (b) not contain provisions which will reduce the permissible residential density of land.	
3.4 Integrating land use and transport	**Objectives** (1) The objectives of this direction are: (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and providing for the efficient movement of freight.	The site is well serviced by public transport. It is located about 100m from Rockdale Station and the associated rail/bus interchange.

Direction	Requirement	Comment
	What a relevant planning authority must do if this direction applies (4) A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of: (a) Improving Transport Choice –Guidelines for planning and development (DUAP 2001), and (b) The Right Place for Business and Services – Planning Policy (DUAP 2001).	
3.5 Development Near Licensed Aerodromes	**Objective** (a) to ensure the effective and safe operation of aerodromes, and (b) to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, and (c) to ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise. **What a relevant planning authority must do if this direction applies** (4) In the preparation of a planning proposal that sets controls for the development of land in the vicinity of a licensed aerodrome, the relevant planning authority must: (a) consult with the Department of the Commonwealth responsible for aerodromes and the lessee of the aerodrome, (b) take into consideration the Obstacle Limitation Surface (OLS) as defined by that Department of the Commonwealth,	The Planning Proposal increases total building height to approximately RL 48. It is understood that the site is located within 25 ANEF contour of the ANEF 2033 map. The planning proposal may be required to be referred to Air Services Australia to determine whether any air navigation issues arise in relation to the Obstacle Limitation Surface of Sydney Airport. Any future development is to comply with the relevant airport and air navigation requirements.

Direction	Requirement	Comment
	(c) for land affected by the OLS: (i) prepare appropriate development standards, such as height, and (ii) allow as permissible with consent development types that are compatible with the operation of an aerodrome (d) obtain permission from that Department of the Commonwealth, or their delegate, where a planning proposal proposes to allow, as permissible with consent, development that encroaches above the OLS. This permission must be obtained prior to undertaking community consultation in satisfaction of section 57 of the Act. (5) A planning proposal must not rezone land: (a) for residential purposes, nor increase residential densities in areas where the ANEF, as from time to time advised by that Department of the Commonwealth, exceeds 25, or (b) for schools, hospitals, churches and theatres where the ANEF exceeds 20, or (c) for hotels, motels, offices or public buildings where the ANEF exceeds 30. (6) A planning proposal that rezones land: (a) for residential purposes or to increase residential densities in areas where the ANEF is between 20 and 25, or (b) for hotels, motels, offices or public buildings where the ANEF is between 25 and 30, or (c) for commercial or industrial purposes where the ANEF is above 30, must include a provision to ensure that development meets AS 2021 regarding interior noise levels.	

Direction	Requirement	Comment
4.1 Acid Sulfate Soils	**Objective** The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils. **What a relevant planning authority must do if this direction applies** (4) The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of the Department of Planning when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present. (5) When a relevant planning authority is preparing a planning proposal to introduce provisions to regulate works in acid sulfate soils, those provisions must be consistent with: (a) the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Director-General, or (b) such other provisions provided by the Director-General of the Department of Planning that are consistent with the Acid Sulfate Soils Planning Guidelines. (6)A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the Director-General prior to undertaking community consultation in satisfaction of section 57 of the Act. (7) Where provisions referred to under paragraph (5) of this direction have not been introduced and the relevant planning authority is preparing a planning proposal that proposes an intensification of land uses on land identified as having a probability of acid sulfate soils on the Acid Sulfate Soils Planning Maps, the planning proposal must contain provisions consistent with paragraph (5).	The site is identified as Class 5 Acid Sulfate Soils in LEP 2011. The need for an Acid Soils Management Plan will be determined at DA stage, as required by Clause 6.1 of LEP 2011.

Direction	Requirement	Comment
6.1 Approval and referral requirements	**Objective** (1) The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development. **What a relevant planning authority must do if this direction applies** (4) A planning proposal must: (a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and (b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of: (i) the appropriate Minister or public authority, and (ii) the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), prior to undertaking community consultation in satisfaction of section 57 of the Act, and (c) not identify development as designated development unless the relevant planning authority: (i) can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, (ii) has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act.	This Planning Proposal does not include the provision to require concurrence, consultation or referral to a Minister or public authority; and is therefore it is consistent with the direction.
6.3 Site Specific Provisions	**Objective** The objective of this direction is to discourage unnecessarily restrictive site specific planning controls. **What a relevant planning authority must do if this direction applies**	This Planning Proposal does not propose restrictive site-specific provisions but seeks to amend the LEP to increase the building height control.

Direction	Requirement	Comment
	(4) A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either: (a) allow that land use to be carried out in the zone the land is situated on, or (b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or (c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended. (5) A planning proposal must not contain or refer to drawings that show details of the development proposal.	In order to ensure a built form and scale that are appropriate in the context, an Urban Design Study has been prepared for the site **(Refer Annexure 1).** It is considered appropriate to include this information with the Planning Proposal as demonstration of the potential merits of the proposed LEP amendment.
7.1 Implementation of A Plan for Growing Sydney	**Objective** The objective of this direction is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney. **What a relevant planning authority must do if this direction applies** Planning proposals shall be consistent with the NSW Government's A Plan for Growing Sydney published in December 2014.	The Planning Proposal is generally consistent with A Plan for Growing Sydney published in December 2014 as indicated in the discussion at Section 6.2.1.

7.3 Section C – Environmental, Social & Economic Impact

7.3.1 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The site is currently developed with commercial buildings with no natural areas on site. There are no critical habitats or threatened species, populations or ecological communities, or their habitats that will be adversely affected by the Planning Proposal.

7.3.2 Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

Specialist reports accompany this Planning Proposal which directly address the environmental effects as a result of the Planning Proposal, specifically addressing cconsiderations such as overshadowing and traffic related impacts.

7.3.3 How has the Planning Proposal adequately addressed any social and economic effects?

The predominance of housing in this part of Rockdale is largely in the form of detached housing. Housing affordability pressures and an increase in population for those over 55 years of age, raises the demand for new housing types, including a mix of apartment sizes with ready access to shops, transport, recreational and open space facilities. The introduction of improved housing choice is consistent with one of the key principles from A Plan for Growing Sydney to increase housing choice around all centres through urban renewal in established areas. This Planning Proposal facilitates housing choice by providing additional residential units in an ideal location with easy access to retail facilities, public transport and local neighbourhood services.

It is also noted that the applicant proposes to make provision for a through-site-link, incorporating 415sqm of land to be acquired by Council and / or dedicated via a VPA to be negotiated and agreed prior to exhibition of the Planning Proposal.

It is not anticipated that the Planning Proposal will have any negative economic effects which need to be addressed as part of the proposal.

7.4 Section D – State & Commonwealth Interests

7.4.1 Is there adequate public infrastructure for the Planning Proposal?

The site is currently well serviced by Rockdale Train Station and the accompanying bus interchange.

In terms of adequacy of public infrastructure for the Planning Proposal, technical reports accompany this Planning Proposal addressing urban design, acoustics, electrical, hydraulic, traffic and wind impacts in the vicinity of the site:

Annexure 1: Urban Design Study – Candalepas and Associates

Annexure 2: Acoustic - Renzo Tonin

Annexure 3: Electrical - NPC

Annexure 4: Hydraulics - AJ Whipps

Annexure 5: Traffic - Arup

Annexure 6: Wind - Windtech

Any required upgrades to infrastructure arising from the redevelopment of the site will also be assessed at DA stage.

7.4.2 What are the views of State and commonwealth public authorities consulted in accordance with the gateway determination?

This would be determined following consultation with the State and Commonwealth Authorities identified in a Gateway Determination. Any issues raised by these authorities would be addressed as appropriate.

8.0 Mapping

The Planning Proposal seeks to modify the Height of Building Map for the site as set out below:

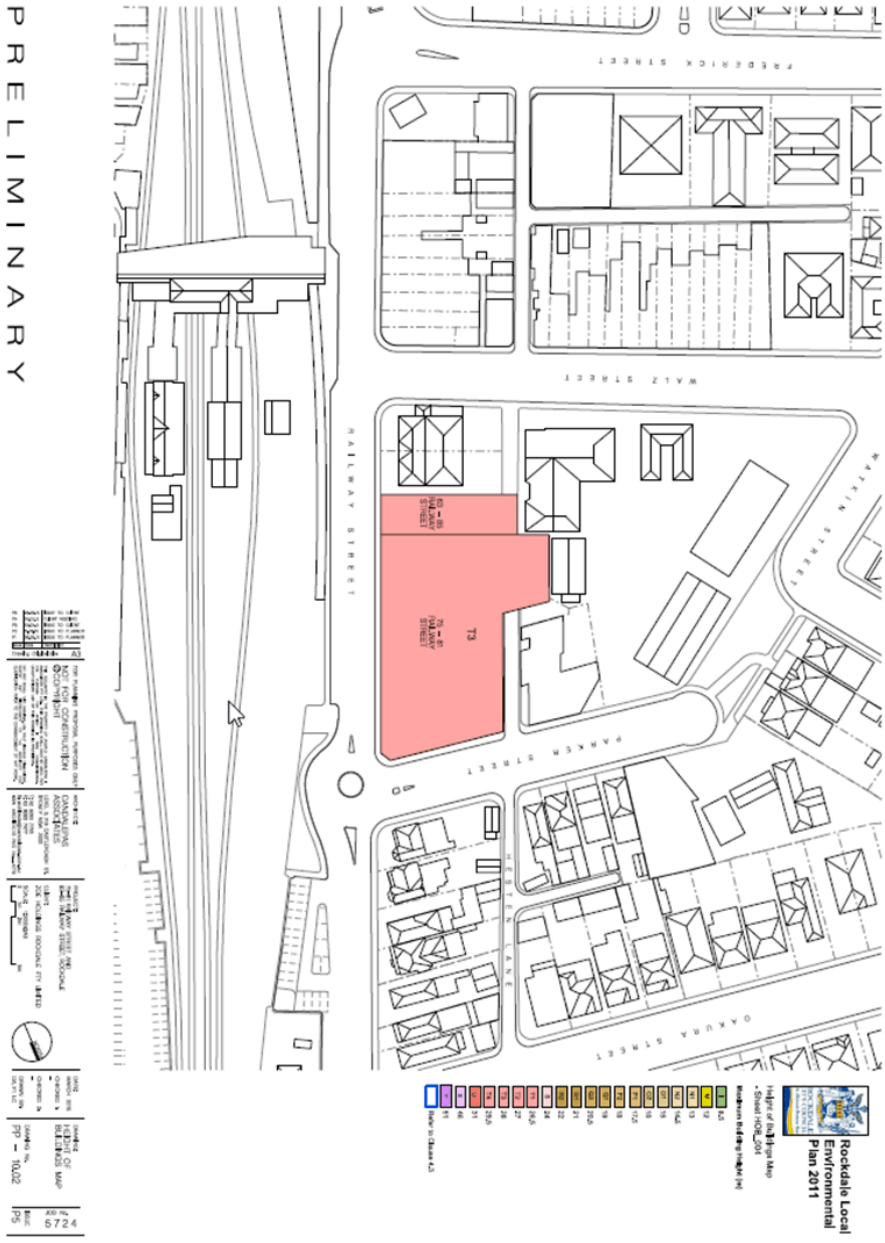


Figure 8 : Amendment to "Height of Buildings Map" Showing 28m Applicable to the Subject Site

9.0 Voluntary Planning Agreements

A Voluntary Planning Agreement (VPA) is to be entered into between the owners of land which is the subject of this Planning Proposal, and is to be agreed in principle between the parties prior to exhibition of the Planning Proposal.

The VPA is to identify the change in the developable value of the land arising from this Planning Proposal in accordance with the Rockdale City Council Voluntary Planning Agreement Policy 2007 and the "*Methodology for valuing public benefits under a planning agreement*" cited in Section 2.13 of that policy having regard to the increase in the allowable height by 2 storeys and also to the reservation of land for a public purpose, being the through-site-link across the rear of the subject properties.

Council is required to ensure that a proposed planning agreement is publicly notified as part of, in the same manner as and, where practicable, at the same time as the application for instrument change or development application to which it relates. The planning agreement must therefore be negotiated and documented before it is publicly notified as required by the Act and Regulation. The Planning Proposal is to be concurrently exhibited with the draft VPA.

It is understood that Council will generally require a planning agreement to provide that the developer's obligations under the agreement take effect when the first development consent operates in respect of development that is the subject of the agreement, and will operate progressively, in accordance with its terms, as the relevant development proceeds from the issue of the first construction certificate in respect of that development until the grant of the final occupation certificate.

10.0 Community Consultation

A Gateway Determination would specify community consultation to be undertaken, in accordance with Section 56 (2)(c) of the EP&A Act as part of the LEP amendment process.

Community consultation would be commenced by the placing of a public notice in the local newspaper and on the Rockdale Council website and/or the DP&E.

The DP&E's 'A guide to preparing local environmental plans' provides timeframes for the exhibition. It is considered this application is to undertake a 28 day exhibition period. Normal exhibition material would be made available by the relevant planning authority during the exhibition period. The community consultation process would be completed when the relevant planning authority has considered any submissions received concerning the proposed LEP amendment and has forwarded those reports to the DP&E for final consideration by the Minister.

11.0 Consequential Rockdale DCP Amendments

In parallel with the Planning Proposal, it is intended to make consequential changes to Rockdale DCP – Part 7.5 Rockdale Town Centre – Amendment 3 in so far as it relates to podium heights fronting streets and laneway frontages. It is intended to raise the podium height to 5 storeys both at Railway Street and the Hesten Lane frontages. These amendments are shown and justified in the Urban Design Study by Candalepas and Associates.

12.0 Project Timeline

The project timeline is outlined below.

Table 3 Project Timeline

Milestone	Proposed Date
Anticipated commencement date (date of Gateway determination)	May 2015
Anticipated timeframe for the completion of required technical information	July 2015
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	July 2015
Commencement and completion dates for public exhibition period	August 2015
Dates for public hearing (if required)	NA
Timeframe for consideration of submissions	September - October 2015
Timeframe for the consideration of a proposal post exhibition	November 2015
Date of submission to the department to finalise the LEP	December 2015
Anticipated date RPA will make the plan (if delegated)	February 2016
Anticipated date RPA will forward to the department for notification	February 2016

13.0 Conclusion

This report has considered the context of the area, the future vision of the Rockdale town centre, as well as the relevant site specific outcomes for the site.

In order to promote the revitalisation of the Rockdale Town Centre, this Planning Proposal facilitates the future development of 75 – 85 Railway Street. It aims to increase the maximum permitted height of a building in order to allow for a prominent and focal gateway into the town centre.

This Planning Proposal relies heavily upon the transit-oriented urban renewal foundations of the Rockdale Town Centre Masterplan and separate independent urban planning analysis by Planning Lab with detailed urban design and architectural analysis by Candalepas and Associates.

The Rockdale Town Centre Masterplan guides future change to ensure the community's vision is achieved. Part of the design strategy for the town centre is to increase residential densities in appropriate locations close the public transport, which involves an increase in maximum building height and a provision to remove FSR controls.

This Planning Proposal responds to the vision of the Masterplan, facilitating an increased density on the site to help revitalise the area.

The Planning Proposal is considered the most appropriate and feasible mechanism to achieve revitalisation and redevelopment of the site, whilst also providing significant public domain benefits. More specifically, the current height controls do not provide sufficient incentive for redevelopment if Council also now wishes for a large section of the site to be dedicated for the purpose of a through-site-link.

As the site is identified within the Rockdale Town Centre Masterplan as being on a prominent corner as a future north-western gateway to the newly planned Rockdale town centre, a compliant development would not achieve the desired entrance statement activation or revitalisation of the area.

An appropriate and well considered eight story built form can facilitate the urban renewal to help revitalise the town centre. The built form can be well managed through detailed design incorporating building articulation and facade modulation to ensure a 'human scale' can be retained.

This Planning Proposal has demonstrated that an increase in the permitted building height of this site is justified, appropriate and can be supported by Rockdale City Council.

Annexure 1: Urban Design Study – Candalepas and Associates

Annexure 2: Acoustic - Renzo Tonin

Annexure 3: Electrical - NPC

Annexure 4: Hydraulics - AJ Whipps

Annexure 5: Traffic - Arup

Annexure 6: Wind - Windtech



URBAN DESIGN REPORT SUPPORTING A PLANNING PROPOSAL – ISSUE TO COUNCIL

PROJECT:
75–81 RAILWAY STREET
AND
83–85 RAILWAY STREET,
ROCKDALE

CLIENT:
ZOE HOLDINGS ROCKDALE PTY. LTD.

PROJECT No:
5724

DATE:
1 MAY 2015

ISSUE:
A

ARCHITECT:

CANDALEPAS
ASSOCIATES

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SYDNEY NSW 2000
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DRAWING SCHEDULE:

PP–1.01	COVERSHEET
PP–2.01	INTRODUCTION, METHODOLOGY AND SITE LOCATION
PP–3.01	PURPOSE AND AIMS
PP–4.01	LOCAL CONTEXT /LAND USE
PP–4.02	LOCAL CONTEXT /BUILDING HEIGHT
PP–4.03	LOCAL CONTEXT /ADOPTED BUILDING HEIGHT
PP–4.04	LOCAL CONTEXT /TYPOLOGIES
PP–4.05	LOCAL CONTEXT /HERITAGE
PP–4.06	LOCAL CONTEXT /STREET NETWORK
PP–4.07	LOCAL CONTEXT /PUBLIC TRANSPORT
PP–4.08	LOCAL CONTEXT /FACILITIES
PP–5.01	SITE CONTEXT /ANALYSIS
PP–5.02	SITE CONTEXT /PHOTOS
PP–6.01	SITE CHALLENGES AND CONSTRAINTS
PP–7.01	OPTION TESTING /A
PP–7.02	OPTION TESTING /B
PP–8.01	DESIGN PRINCIPLES
PP–9.01	PROPOSAL / LAND USE
PP–9.02	PROPOSAL / BUILDING HEIGHT
PP–9.03	PROPOSAL / PEDESTRIAN AND VEHICULAR ACCESS
PP–9.04	PROPOSAL / OPEN SPACE
PP–9.05	PROPOSAL / BUILDING ENVELOPE AND SETBACKS
PP–9.10	PROPOSAL / INDICATIVE GROUND FLOOR PLAN
PP–9.11	PROPOSAL / INDICATIVE TYPICAL LOWER & UPPER LEVEL FLOOR PLAN
PP–9.12	PROPOSAL / INDICATIVE TYPICAL SECTION
PP–9.13	PROPOSAL / INDICATIVE RAILWAY & PARKER STREET ELEVATION
PP–9.20	PROPOSAL / INDICATIVE DEVELOPMENT CALCULATIONS
PP–9.30	PROPOSAL / INDICATIVE SHADOW DIAGRAMS 21 MARCH
PP–9.31	PROPOSAL / INDICATIVE SHADOW DIAGRAMS 21 JUNE
PP–9.32	PROPOSAL / INDICATIVE SHADOW DIAGRAMS 21 DECEMBER
PP–9.40	PROPOSAL / INDICATIVE PHOTOMONTAGE 1
PP–9.41	PROPOSAL / INDICATIVE PHOTOMONTAGE 2
PP–9.42	PROPOSAL / INDICATIVE PHOTOMONTAGE 3
PP–10.02	HEIGHT OF BUILDINGS MAP



INTRODUCTION, METHODOLOGY AND SITE LOCATION

Candalepas Associates have been engaged by Zoe Holdings Rockdale Pty Limited to prepare this Urban Design Report ('the Report') as part a Planning Proposal for the 75–85 Railway Street, Rockdale ('the Site').

This Report has been prepared in accordance with Rockdale City Council's draft guidelines for urban design reports and in consultation with Council's town planning staff. The Report is based on several site visits, a review of the current controls for the Site and Council's strategic vision for urban renewal of the Rockdale Town Centre as set out in the Rockdale Town Centre Planning Proposal and the associated Town Centre Masterplan. The Report and proposal also draw on Candalepas Associates extensive experience with projects of similar use, context and density.

The two subject sites, 75–81 Railway Street and 83–85 Railways Street, are located between Walz Street and Parker Street immediately to the west of Rockdale Railway Station. 75–81 Railway Street sits on the corner of Railway and Parker Street. It also has a frontage to Walz Lane to the west. 83–85 Railway Street has a frontage with Railway Street and also limited access via remnants of a former lane to west. It is also shares a boundary to the Council owned Guild Theatre. The subject sites are located on the edge of the Rockdale Town Centre which does not extend beyond Parker Street.

LEGEND

SUBJECT SITES

1 SITE 1
75–81 RAILWAY STREET
LOT 101 IN DP 771165
LOT 3 IN DP82942
LOT 1 IN DP455421
LOT 1 IN DP912313

2 SITE 2
83–85 RAILWAY STREET
LOT 1 IN DP3560

A 30.6.15 ISSUE TO COUNCIL
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NSW ARCHITECTS REG No. – 5773

PROJECT:
75–81 RAILWAY STREET AND 83–85 RAILWAY STREET, ROCKDALE

CLIENT:
ZOE HOLDINGS ROCKDALE PTY LIMITED

SCALE: 1:2000@A3
0 1m 2m 5m

North

DATE: MAY 2015
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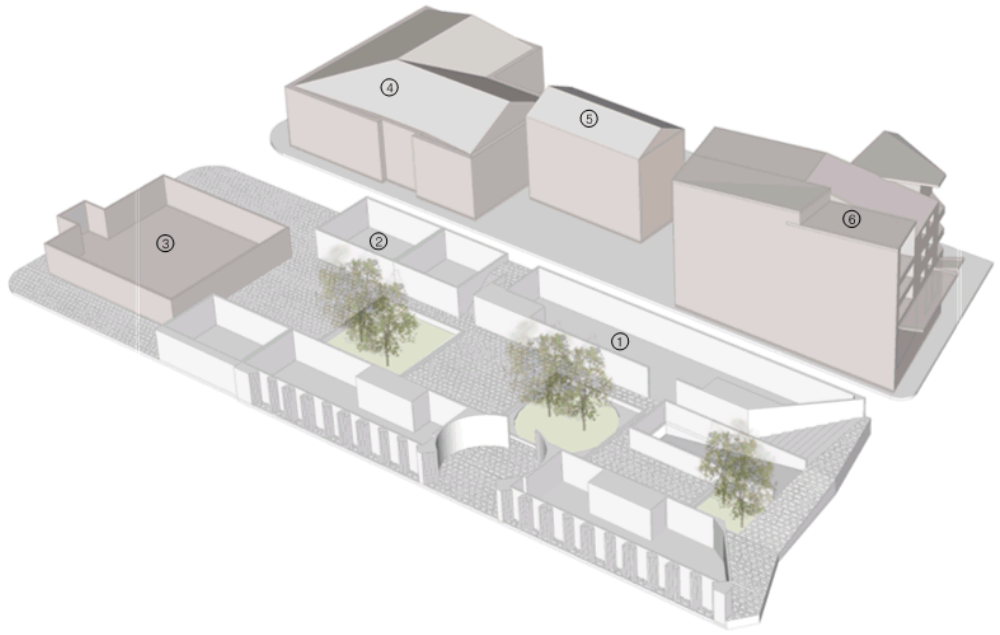
DRAWN BY: DA, FT, LC

DRAWING:
INTRODUCTION, METHODOLOGY AND SITE LOCATION
DRAWING No.
PP – 2.01

JOB No. 5724
ISSUE A



02_ FUTURE PRECINCT AXONOMETRIC

PURPOSE AND AIMS

The Planning Proposal seeks to increase the maximum permissible height for the Sites from 22 metres as adopted by Council in October 2014 to 28 metres.
The proposal aims to contribute to the enhancement of the public domain by including a new lane to the west of the Site and a public forecourt in Parker Street. The extension of Hesten Lane through to Walz Street will repair a broken link in the lane network which is characteristic for the Town Centre.
The proposal also has the potential to contribute to the creation of a new public precinct surrounding Guild Theatre, an import public institution within the Rockdale Local Government Area.
This Report explores an appropriate size, bulk, form and architectural expression for the Site. It argues that the increase in height of six metres will have a minimal additional environmental impact. At the same time the creation of a new lane and potentially forecourt to the theatre will make a positive contribution to the character, urban quality and vitality of the Site and its context.



01_ FUTURE PRECINCT PLAN_1:1000

LEGEND

- SUBJECT SITES
- ① 75 – 81 RAILWAY STREET
- ② 83 – 85 RAILWAY STREET
- ③ GUILD THEATRE / 87 RAILWAY STREET
- ④ 3 – 13 WATKIN STREET
- ⑤ 3 – 13 WATKIN STREET
- ⑥ 2 – 4 PARKER STREET

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PROJECT:
75–81 RAILWAY STREET AND 83–85 RAILWAY STREET, ROCKDALE
CLIENT:
ZOE HOLDINGS ROCKDALE PTY LIMITED
SCALE: 1:1000@A3
0 1m 2m 5m
NORTH

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DRAWING: PURPOSE AND AIMS
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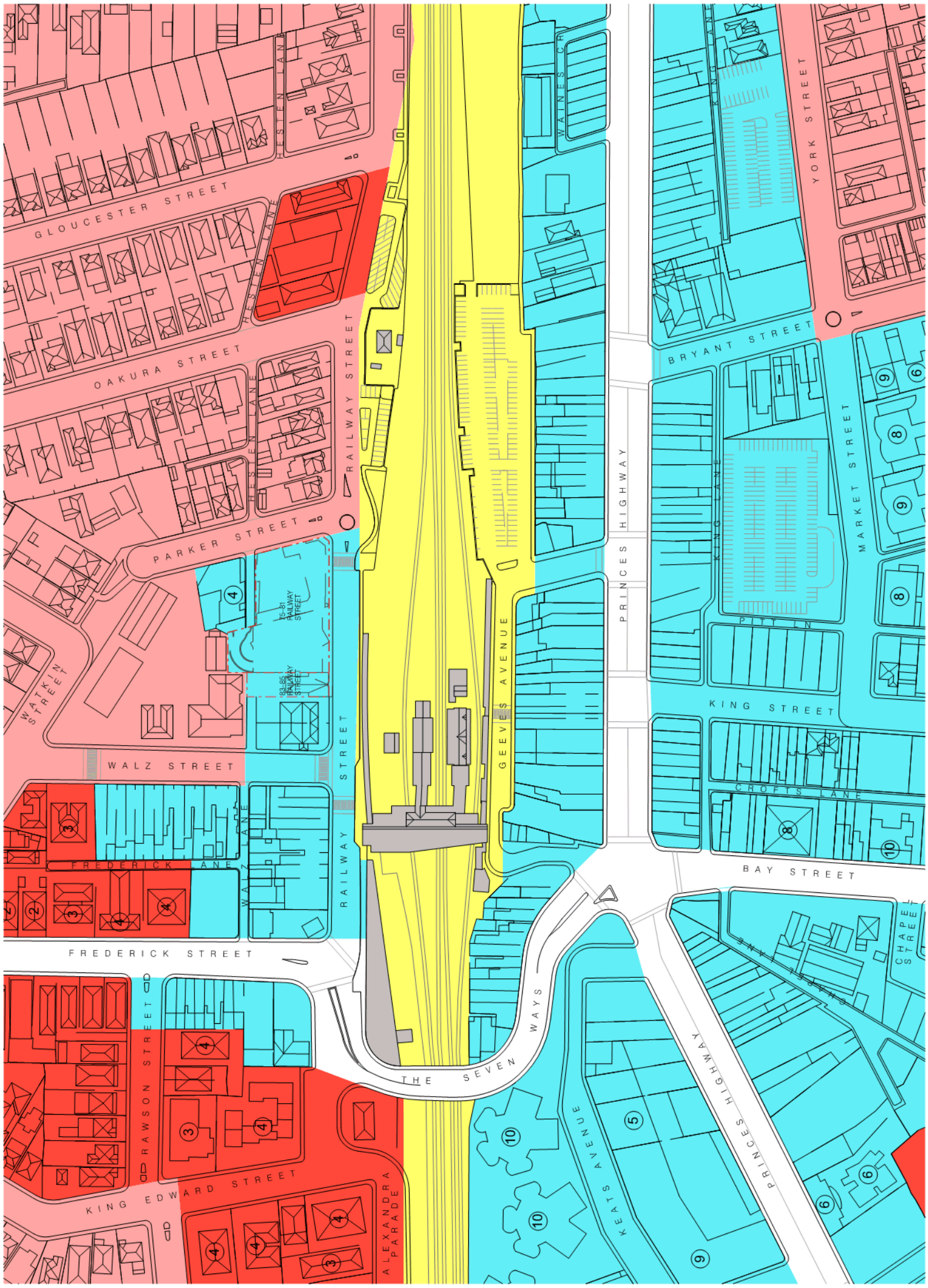
LAND USE

The two subject sites are within the Rockdale Town Centre as defined in the Rockdale DCP Part 7.5 Amendment 3. The land is zoned B2 Local Centre. Most of the Town Centre is located on the opposite site of the Railway Station along Princes Highway between Bay Street and Bryant Street. Existing land uses within the vicinity of the site include public buildings such as the Guild Theatre, St Joseph's Church and Primary School. All of which are located in the same city block together with a small mixed use development to the west of 75-81 Railway Street.
To the north, on the opposite site of Parker Street the zoning changes to R2 Local Density Residential which is consistent with the predominantly single and double storey dwellings. The southern site of Walz Street is dominated by a row of single storey shops, some of which have a one storey residential use above them.

LEGEND

- SUBJECT SITES
- NUMBER OF STOREYS
- LAND ZONING - B2 LOCAL CENTRE ROCKDALE LEP2011
- LAND ZONING - R2 LOCAL DENSITY RESIDENTIAL ROCKDALE LEP2011
- LAND ZONING - R4 HIGH DENSITY RESIDENTIAL ROCKDALE LEP2011
- LAND ZONING - SP2 INFRASTRUCTURE ROCKDALE LEP2011



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CLIENT:
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SCALE: 1:2000@A3
0 1m 2m 5m

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DRAWING: LOCAL CONTEXT / LAND USE

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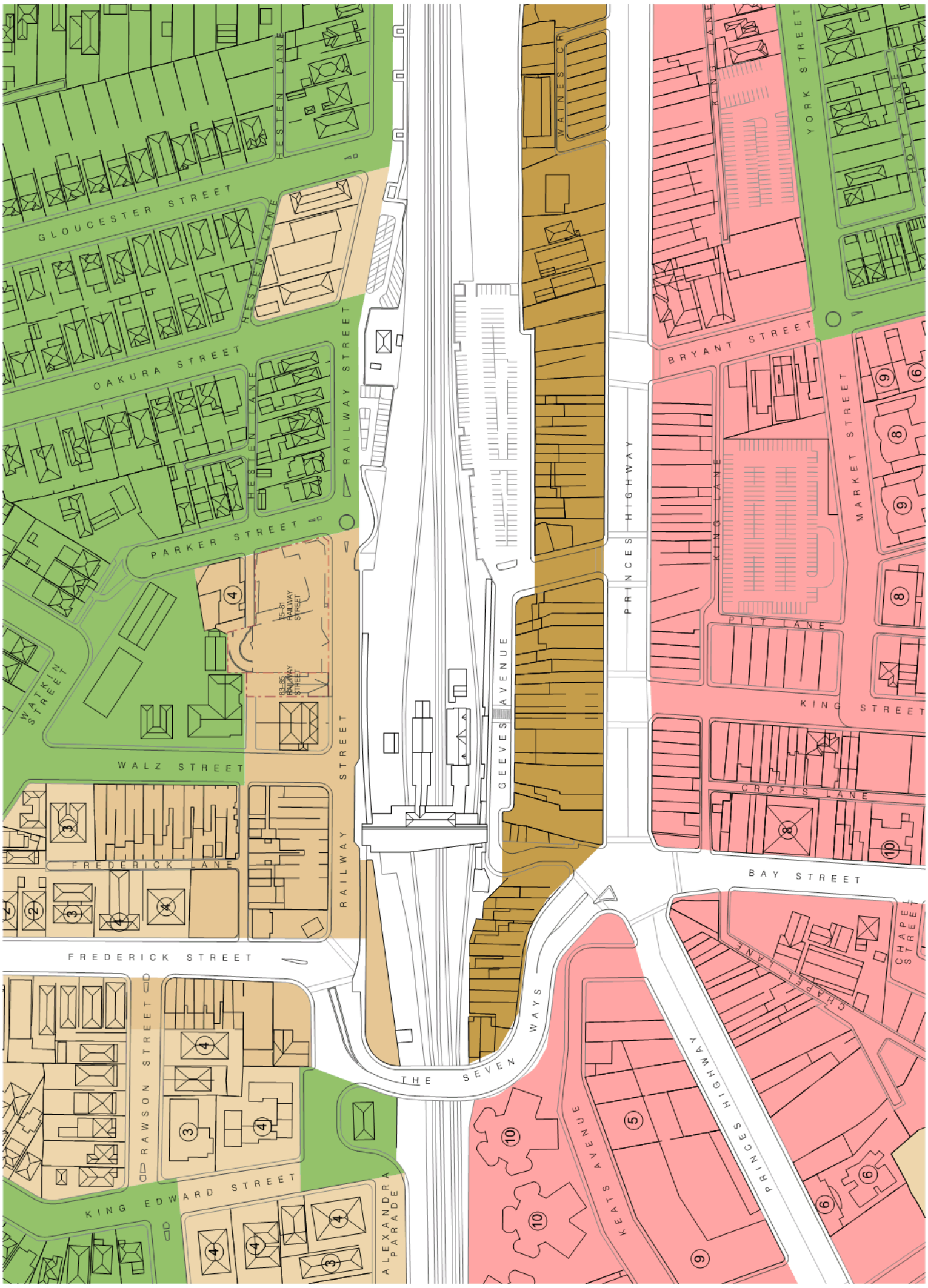
ISSUE A

BUILDING HEIGHT

Buildings heights in the Rockdale Town Centre vary from single storey shops to ten storey residential flat buildings. Taller buildings, which are typically residential in use, are located on the eastern side of Rockdale Railway Station. Building heights can reach nine and ten storeys there. To the west of the station building heights are predominantly one to three storeys. There is a recently constructed four storey mixed use development in 2-4 Parker Street immediately to the west of the subject sites. The single residential dwellings on the northern side of Parker Street are one to two storeys in height.
Permitted building heights in the Rockdale Town Centre vary from 14.5 to 16 metres on the western side of the station to 22 to 28 metres east of the station.

LEGEND

- SUBJECT SITES
- ⑦ NUMBER OF STOREYS
- I – 8.5m ROCKDALE LEP2011
- N2 – 14.5m ROCKDALE LEP2011
- O2 – 16m ROCKDALE LEP2011
- R2 – 22m ROCKDALE LEP2011
- T3 – 28m ROCKDALE LEP2011



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DATE: MAY 2015
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NORTH
PROJECT: 75-81 RAILWAY STREET AND 83-85 RAILWAY STREET, ROCKDALE
CLIENT: ZOE HOLDINGS ROCKDALE PTY LIMITED
SCALE: 1:2000@A3
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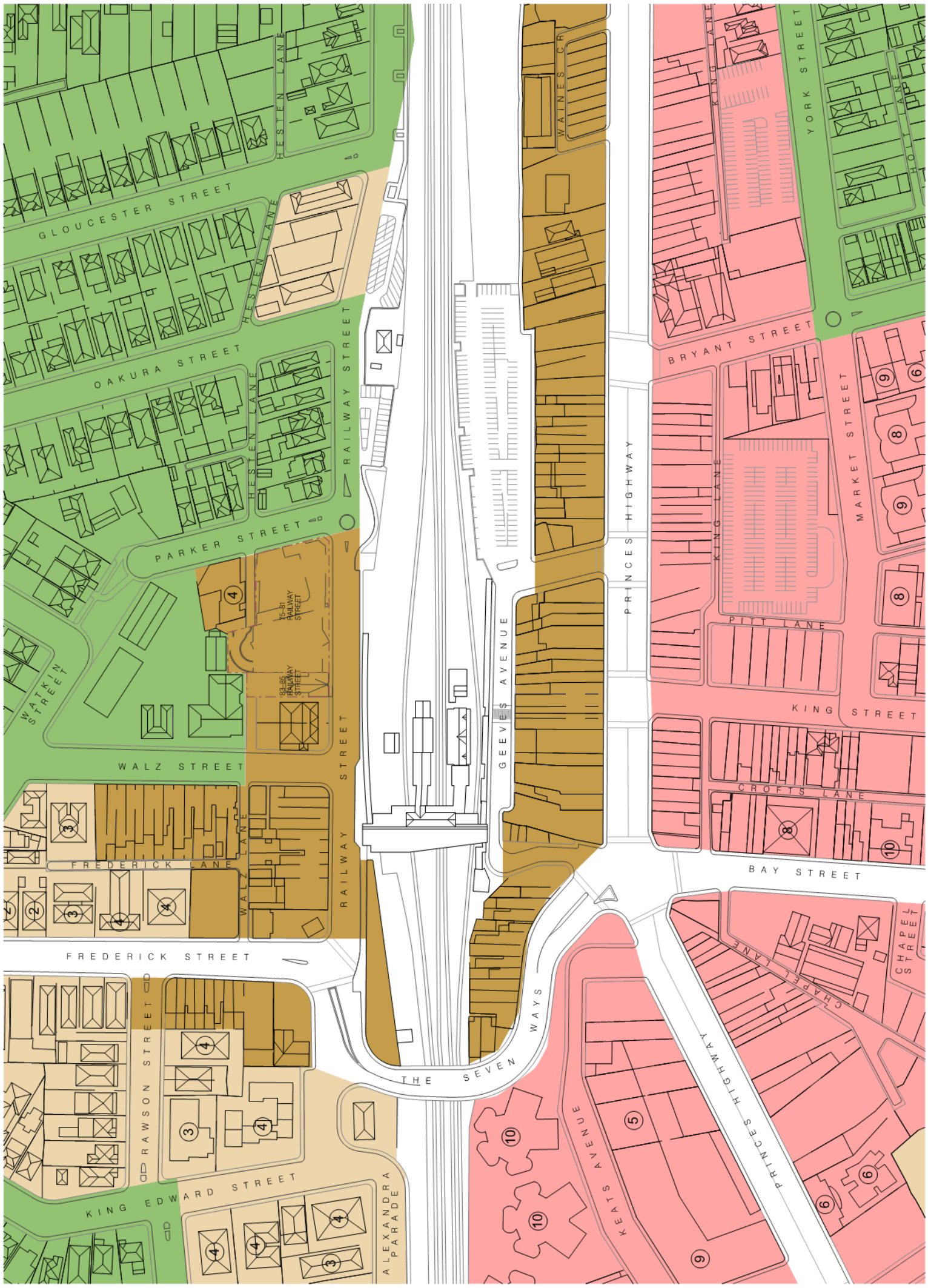
ADOPTED BUILDING HEIGHT

In its recent Planning Proposal for the Rockdale Town Centre which was adopted in October 2014 Council has increased the building heights on the western side of the railway station to 22 metres.
East of the station the building heights have been kept at 22 to 28 metres.

LEGEND

- SUBJECT SITES
- (7) NUMBER OF STOREYS
- I – 8.5m RTC PLANNING PROPOSAL
- N2 – 14.5m RTC PLANNING PROPOSAL
- O2 – 16m RTC PLANNING PROPOSAL
- R2 – 22m RTC PLANNING PROPOSAL
- T3 – 28m RTC PLANNING PROPOSAL



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CLIENT: ZOE HOLDINGS ROCKDALE PTY LIMITED
SCALE: 1:2000@A3 0 1m 2m 5m
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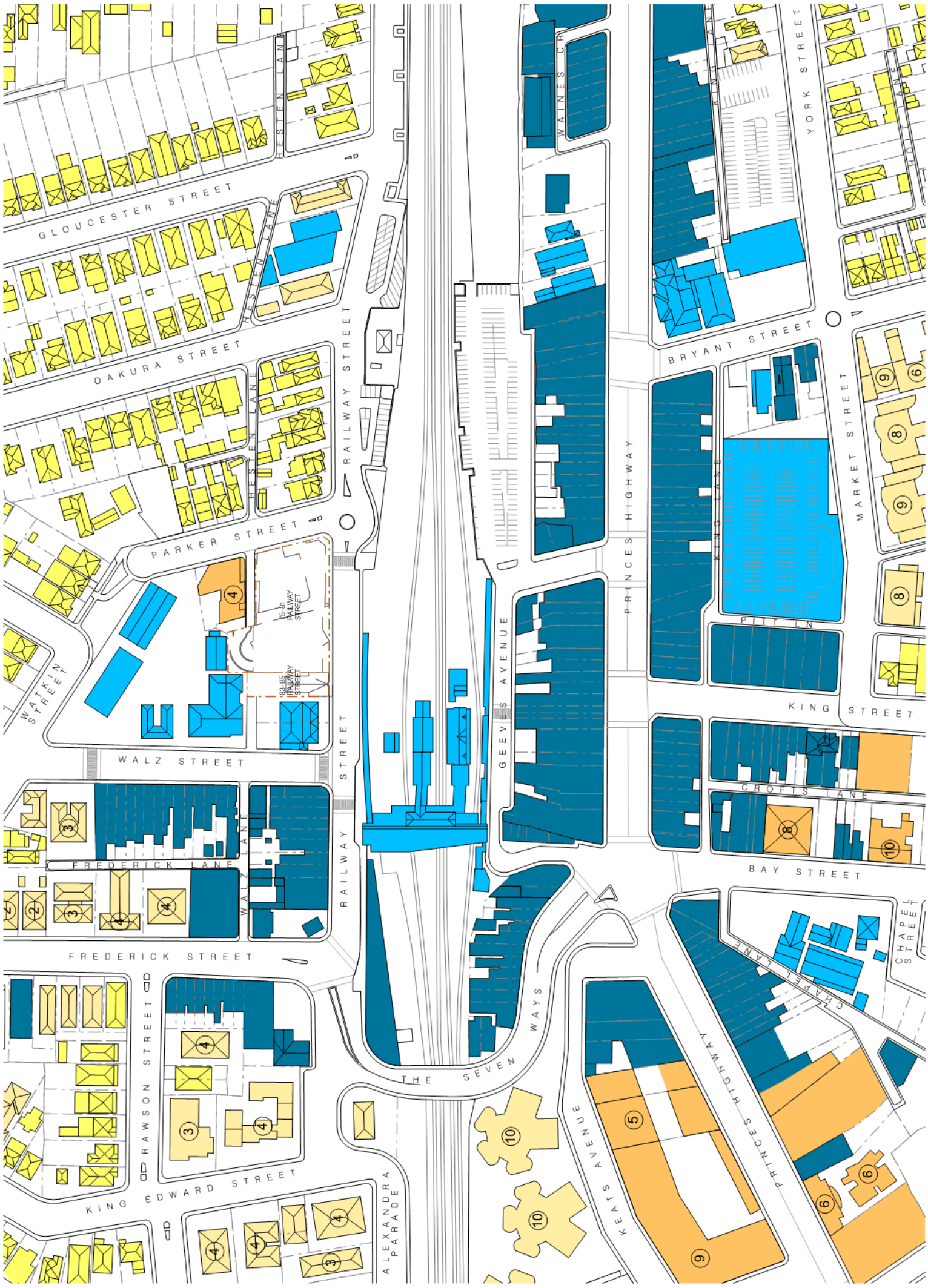
TYPOLOGIES

The area around the two subjects sites is heterogenic in use, height and building type. Immediately east and west of the station single and two storey rows of shops dominate the streetscape. In the back of these traditionally small and narrow main street type buildings sites have been consolidated.
East of the station more recently built typologies include eight to ten storey residential flat buildings and mixed-use developments with retail on the ground floor. West of the station buildings are smaller and include two and three storey apartment buildings.
In addition, free-standing public buildings are dotted through-out the Rockdale Town Centre.
As the two subject sites are on the edge of the Rockdale Town Centre there are also single dwellings in the immediate vicinity.

LEGEND

- SUBJECT SITES
- NUMBER OF STOREYS
- MIXED USE DEVELOPMENT
- RESIDENTIAL FLAT BUILDINGS
- SINGLE RESIDENTIAL DWELLINGS
- RETAIL
- PUBLIC BUILDINGS



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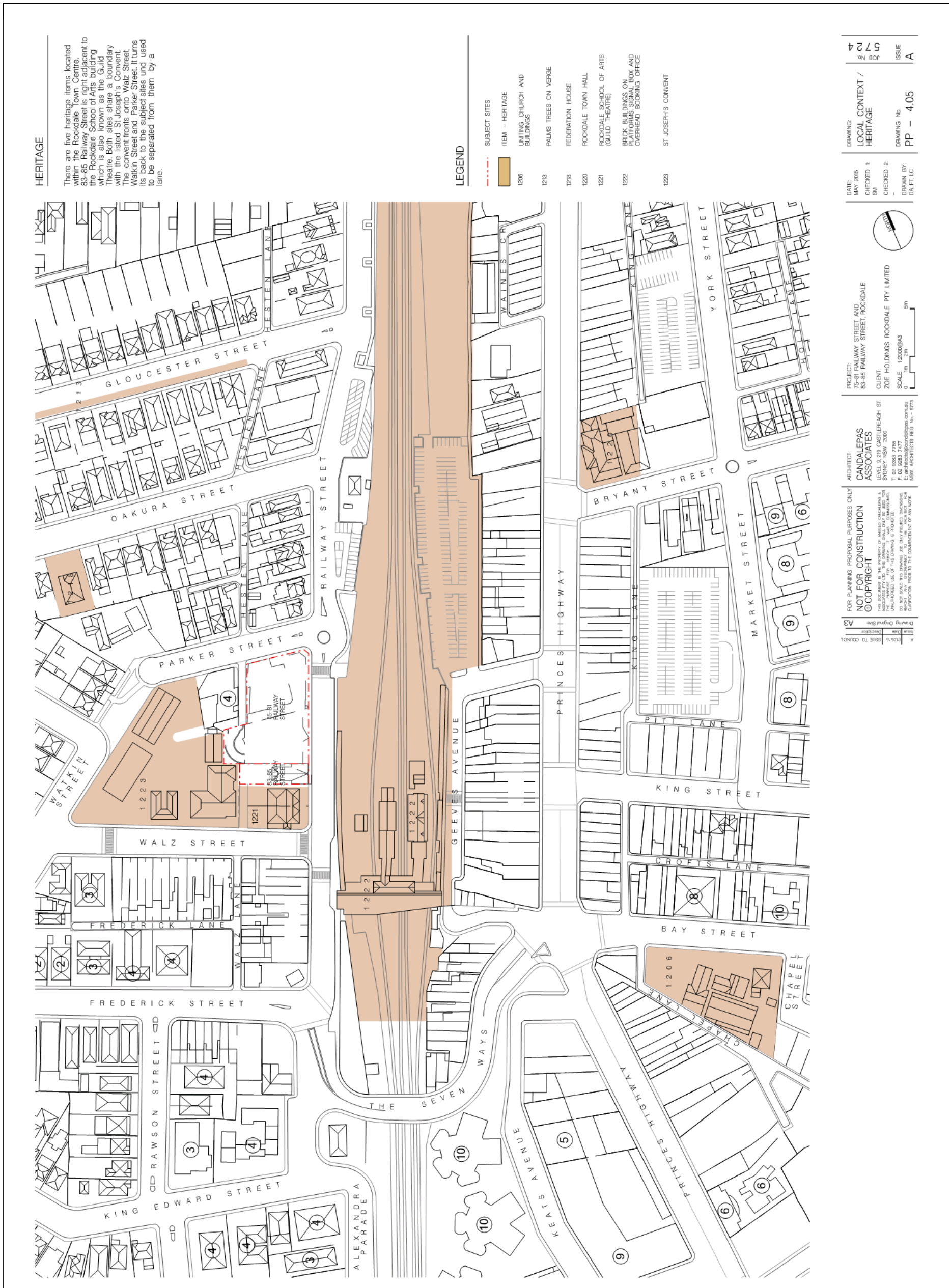
HERITAGE
There are five heritage items located within the Rockdale Town Centre. 83-85 Railway Street is right adjacent to the Rockdale School of Arts building which is also known as the Guild Theatre. Both sites share a boundary with the listed St Joseph's Convent. The convent fronts onto Walz Street, Watkin Street and Parker Street. It turns its back to the subject sites und used to be separated from them by a lane.
LEGEND
SUBJECT SITES
ITEM – HERITAGE
1206 UNITING CHURCH AND BUILDINGS
1213 PALMS TREES ON VERGE
1218 FEDERATION HOUSE
1220 ROCKDALE TOWN HALL
1221 ROCKDALE SCHOOL OF ARTS (GUILD THEATRE)
1222 BRICK BUILDINGS ON PLATFORMS, SIGNAL BOX AND OVERHEAD BOOKING OFFICE
1223 ST JOSEPH'S CONVENT
GLOUCESTER STREET
OAKURA STREET
PARKER STREET
RAILWAY STREET
WALZ STREET
FREDERICK LANE
FREDERICK STREET
RAWSON STREET
KING EDWARD STREET
ALEXANDRA PARADE
THE SEVEN WAYS
KEATS AVENUE
PRINCES HIGHWAY
GEEVES AVENUE
WATKIN STREET
BRYANT STREET
YORK STREET
MARKET STREET
KING LANE
PITT LANE
KING STREET
CROFTS LANE
BAY STREET
CHAPEL LANE
CHAPEL STREET
75-81 RAILWAY STREET
83-85 RAILWAY STREET
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CLIENT:
ZOE HOLDINGS ROCKDALE PTY LIMITED
SCALE: 1:2000@A3
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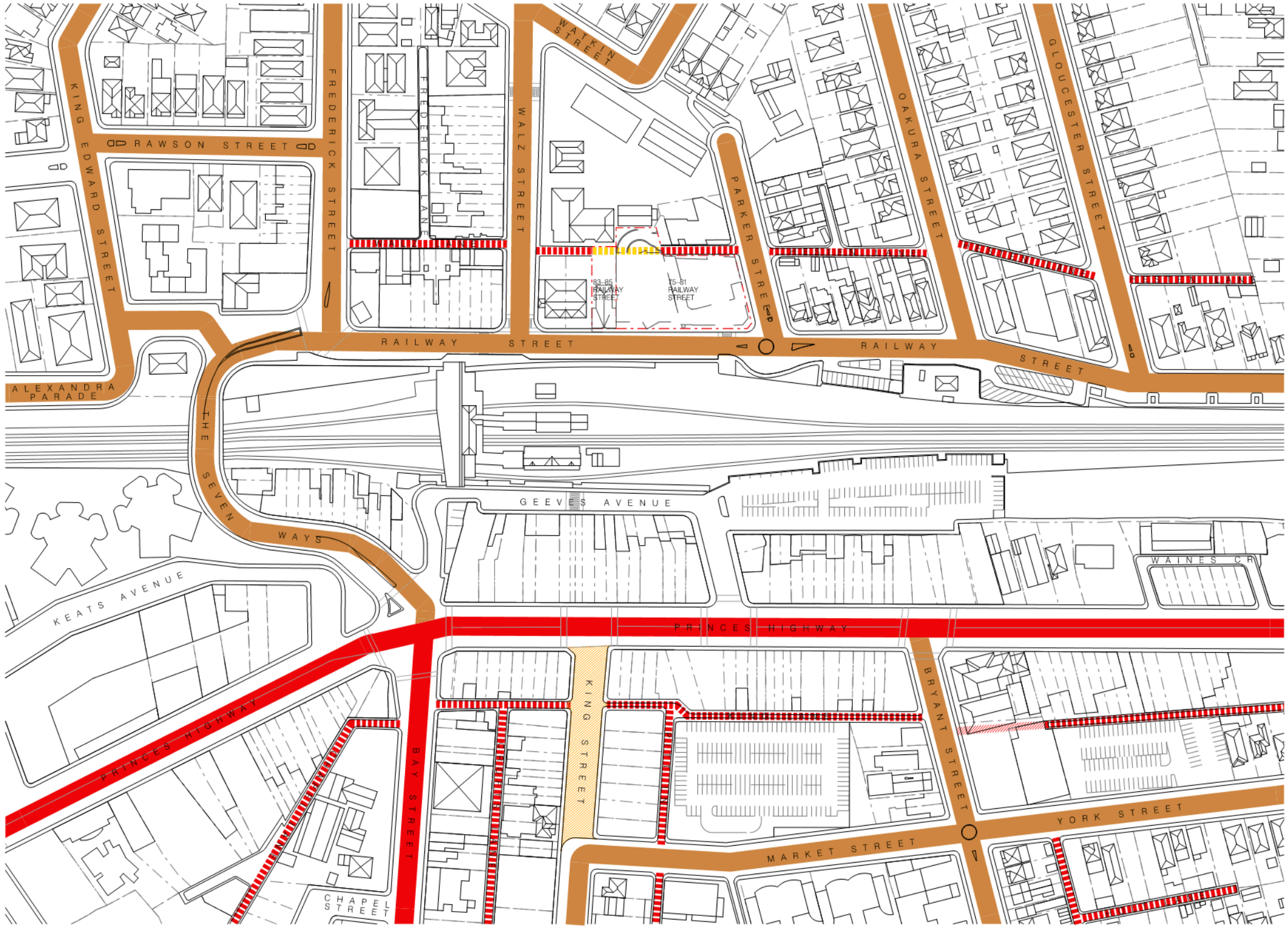

STREET NETWORK

Rockdale Town Centre is characterised by a network of roads and lanes. Major roads are located on the eastern side of the station. The Princes Highway as Rockdale's traditional main street runs in a north–south direction one block east of the station connecting southern parts of Greater Sydney to the CBD. It has its main intersection with Bay Street which connects Rockdale to Botany Bay. There is a pedestrian zone in King Street between the highway and Market Street. The subject sites are services by local roads, such as Railway Street, which links to Princes Highway via a bridge across the rail tracks. The roads are supported by a network of lanes which provides delivery access to a lot of properties but also a more pleasant pedestrian environment. King Lane runs parallel to Princes Highway. Walz and Heston lane follow Railway Street. At the back of the subject sites, between Walz Street and Parker Street, the lane is discontinuous due to built structures in 75–81 Railway Street.

LEGEND

- SUBJECT SITE
- MAIN ROADS
- LOCAL ROADS
- PEDESTRIAN ZONE
- LANES
- PEDESTRIAN THROUGH SITE LINK
- POTENTIAL LANEWAY CONNECTION

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0 1m 2m 5m

NORTH

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LOCAL CONTEXT / STREET NETWORK

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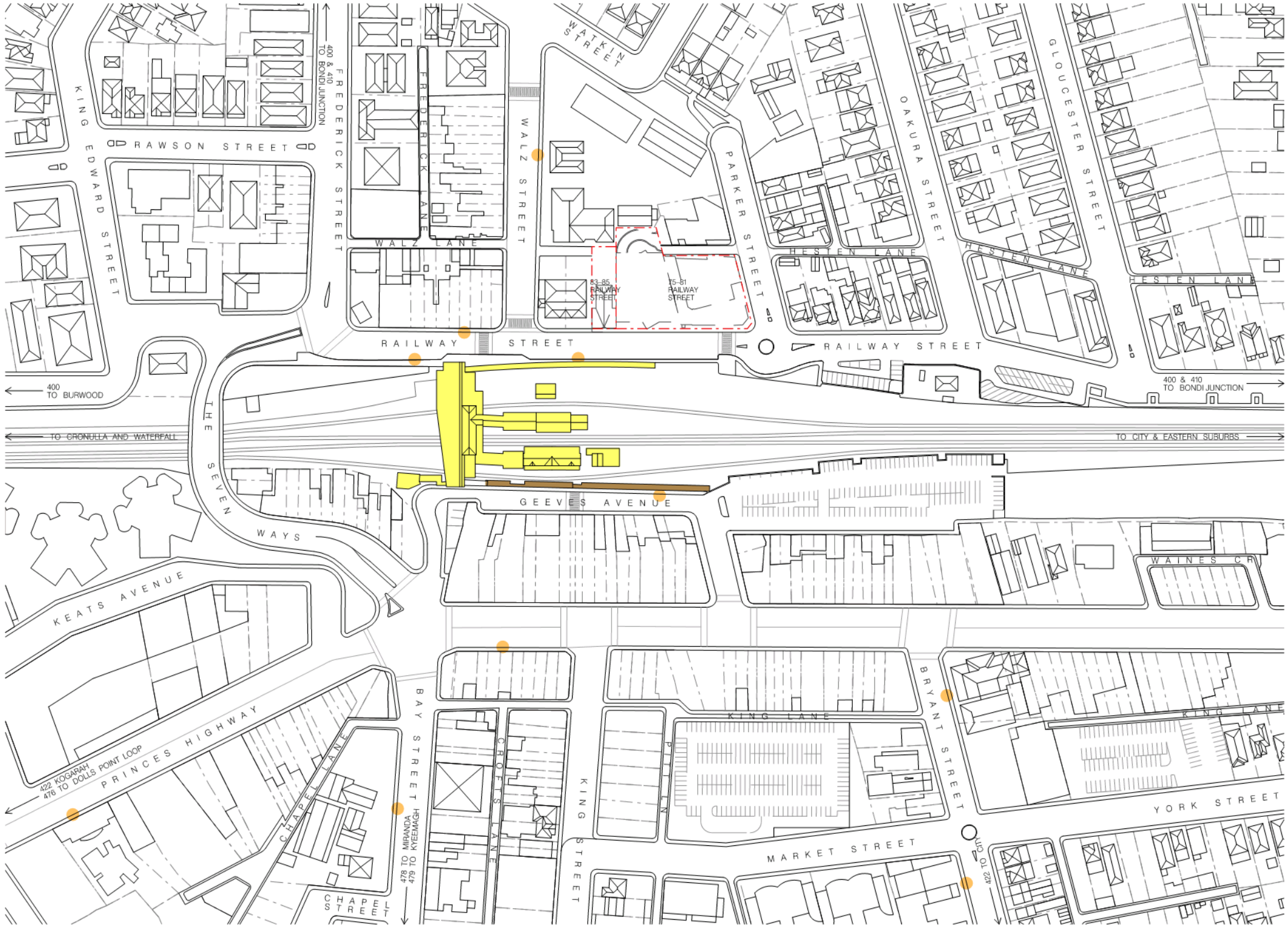

PUBLIC TRANSPORT

The subject sites have excellent access to public transport.
Rockdale Town Centre is serviced by the Illawarra–Eastern suburbs train line and by numerous bus services which provide connections within the Local Government Area, to the Sydney CBD and also beyond to Greater Sydney. The Sites are located right opposite the train station. A great number of bus stops are either right in front of the property or within short walking distance.

LEGEND

- SUBJECT SITES
- ROCKDALE TRAIN STATION
  ILLAWARRA–EASTERN SUBURBS LINE
- ROCKDALE BUS TERMINAL
  - 476 ROCKDALE – DOLLS POINT LOOP
  - 478 ROCKDALE STATIO – MIRANDA
  - 479 ROCKDALE – KYEEMARCH LOOP
- BUS STOP
  - 400 BURWOOD – BONDI JUNCTION VIA AIRPORT
  - 410 ROCKDALE – BONDI JUNCTION
  - 422 KOGARAH – CITY
  - 452 ROCKDALE – BONDI JUNCTION
  - 473 ROCKDALE – CAMPSIE
  - 492 ROCKDALE – DRUMMOYNE
  - 493 ROCKDALE – ROSELANDS

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LOCAL CONTEXT / PUBLIC TRANSPORT

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FACILITIES

As the subject sites are located within the Rockdale Town Centre they are in close proximity of all facilities required in day to day life. These facilities include small, main street type shops and cafes along Walz Street and Princess Highway, a primary school adjacent on the western edge of the property and various churches on both sides of the railway lines. Council chambers are also only a short walk away.

LEGEND

- SUBJECT SITES
- NUMBER OF STOREYS
- MIXED USE DEVELOPMENT
- RESIDENTIAL FLAT BUILDINGS
- SINGLE RESIDENTIAL DWELLINGS
- RETAIL
- SERVICES
- SCHOOLS
- CHURCHES
- PARKING
- PRIMARY RETAIL

GLOUCESTER STREET
OAKURA STREET
PARKER STREET
WATKIN STREET
WALZ STREET
FREDERICK STREET
KING EDWARD STREET
HESTEN LANE
RAILWAY STREET
15-81 RAILWAY STREET
83-85 RAILWAY STREET
WAINES CR
GEEVES AVENUE
PRINCES HIGHWAY
KING LANE
YORK STREET
BRYANT STREET
MARKET STREET
PITT LN
KING STREET
CROFTS LANE
BAY STREET
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KEATS AVENUE
CHAPEL LANE
CHAPEL STREET
RAWSON STREET
ALEXANDRA PARADE

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A	01.06.15	ISSUE TO COUNCIL

ANALYSIS

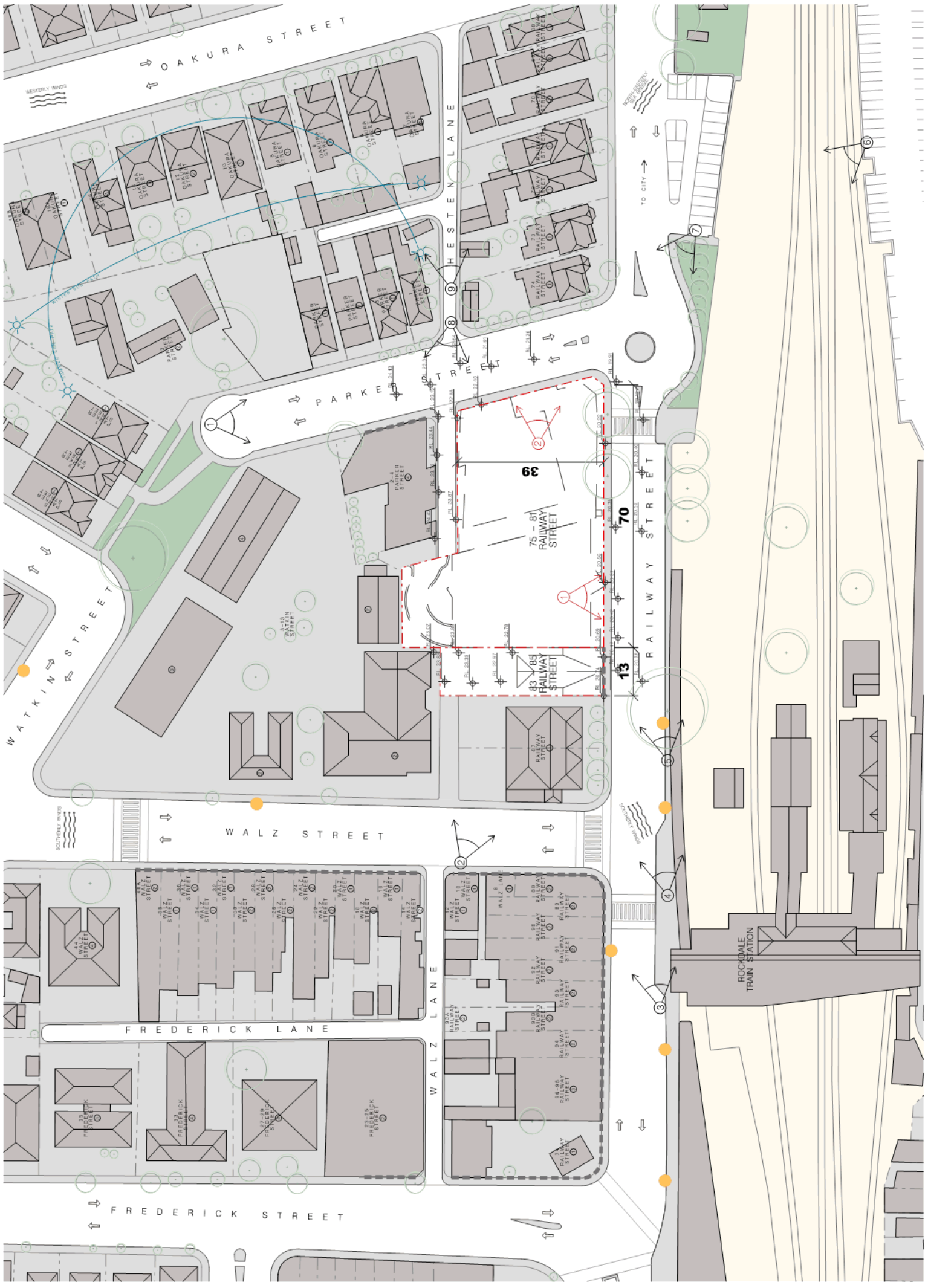
75–81 Railway Street is rectilinear in shape and runs in a north–south direction. It has an approximately 70m long eastern frontage to Railway Street and a just under 40m frontage to Parker Street. The site also has a frontage to Heston Lane. The total site area is 2,942sqm. Prevailing winds are southerly winds in winter and north–easterly sea breezes in summer. The site has its low point on the corner of Railway Street and Parker Street as it falls by approximately one metre along is eastern boundary and by approximately three metres from Heston Lane to Railway Street. With low level structures to the north and the east the subject sites will offer views to the City and Botany Bay. Further, the corner position on the edge of the Rockdale Town Centre will ensure its prominence.

75–81 Railway Street is currently occupied by two office buildings. The building in 81 Railway Street is three storeys in height with a roof top carpark which has its access from the lane. It also has a basement carpark with a driveway off Railway Street. The building in 75–79 Railway Street is one to two storeys in height. Parking is provided at street level off the lane. Both buildings have their entry foyers in Railway Street.

The buildings on the subject sites are approximately three storeys lower than the recently finished development in 2–4 Parker Street. The neighbouring building faces north onto Parker Street and also has units looking across Heston Lane and the subject site to the east. The lane is about six metres wide and has a footpath on its western side.

LEGEND

- SUBJECT SITES
- NUMBER OF STOREYS
- HERITAGE ITEMS
- BUS STOP
- RETAIL / COMMERCIAL FRONTAGE
- VEHICULAR TRAFFIC FLOW
- SHARED PEDESTRIAN / VEHICLE ZONE (SERVICE / LOADING VEHICLES ONLY)
- CYCLE PATH (SHARED ZONE WHEN ON FOOTPATH)
- SIGNIFICANT VIEWS TO THE SITE
- SIGNIFICANT VIEWS FROM THE SITE
- EXISTING TREE



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Issue	Date	Description
A	18.06.15	ISSUE TO COUNCIL

Drawing Original Size A3

PROJECT:
75-81 RAILWAY STREET AND 83-85 RAILWAY STREET, ROCKDALE

CLIENT:
ZOE HOLDINGS ROCKDALE PTY LIMITED

SCALE: 1:1000@A3
0 1m 2m 5m

DATE: MAY 2015
CHECKED 1: SM
CHECKED 2: -
DRAWN BY: DA, FT, LC

NORTH

DRAWING: SITE CONTEXT / ANALYSIS

DRAWING No. PP – 5.01

JOB No. 5724

ISSUE A

PHOTOS



01_ VIEW EAST ALONG PARKER STREET



02_ VIEW NORTH FROM WALZ STREET



03_ VIEW NORTH ALONG RAILWAY STREET



04_ VIEW NORTH ALONG RAILWAY STREET



05_ VIEW NORTH ALONG RAILWAY STREET



06_ VIEW WEST FROM RAILWAY



07_ VIEW WEST FROM RAILWAY STREET



08_ VIEW SOUTH ALONG HESTEN LANE



09_ VIEW NORTH ALONG HESTEN LANE

LEGEND

SIGNIFICANT VIEWS TO THE SITE

SIGNIFICANT VIEWS FROM THE SITE



01_ VIEW NORTH TOWARDS THE CITY FROM 75 – 81 RAILWAY STREET ROOF



02_ VIEW EAST TOWARDS BOTANY BAY FROM 75 – 81 RAILWAY STREET ROOF

A	07.05.15	ISSUE TO COUNCIL	A3
Issue	Date	Description	
Drawing Original Size			

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PROJECT:
75–81 RAILWAY STREET AND 83–85 RAILWAY STREET, ROCKDALE

CLIENT:
ZOE HOLDINGS ROCKDALE PTY LIMITED

SCALE: 1:1000@A3
0 1m 2m 5m

NORTH

DATE: MAY 2015
CHECKED 1: SM
CHECKED 2: –
DRAWN BY: DA, FT, LC

DRAWING: SITE CONTEXT / PHOTOS
DRAWING No. PP – 5.02

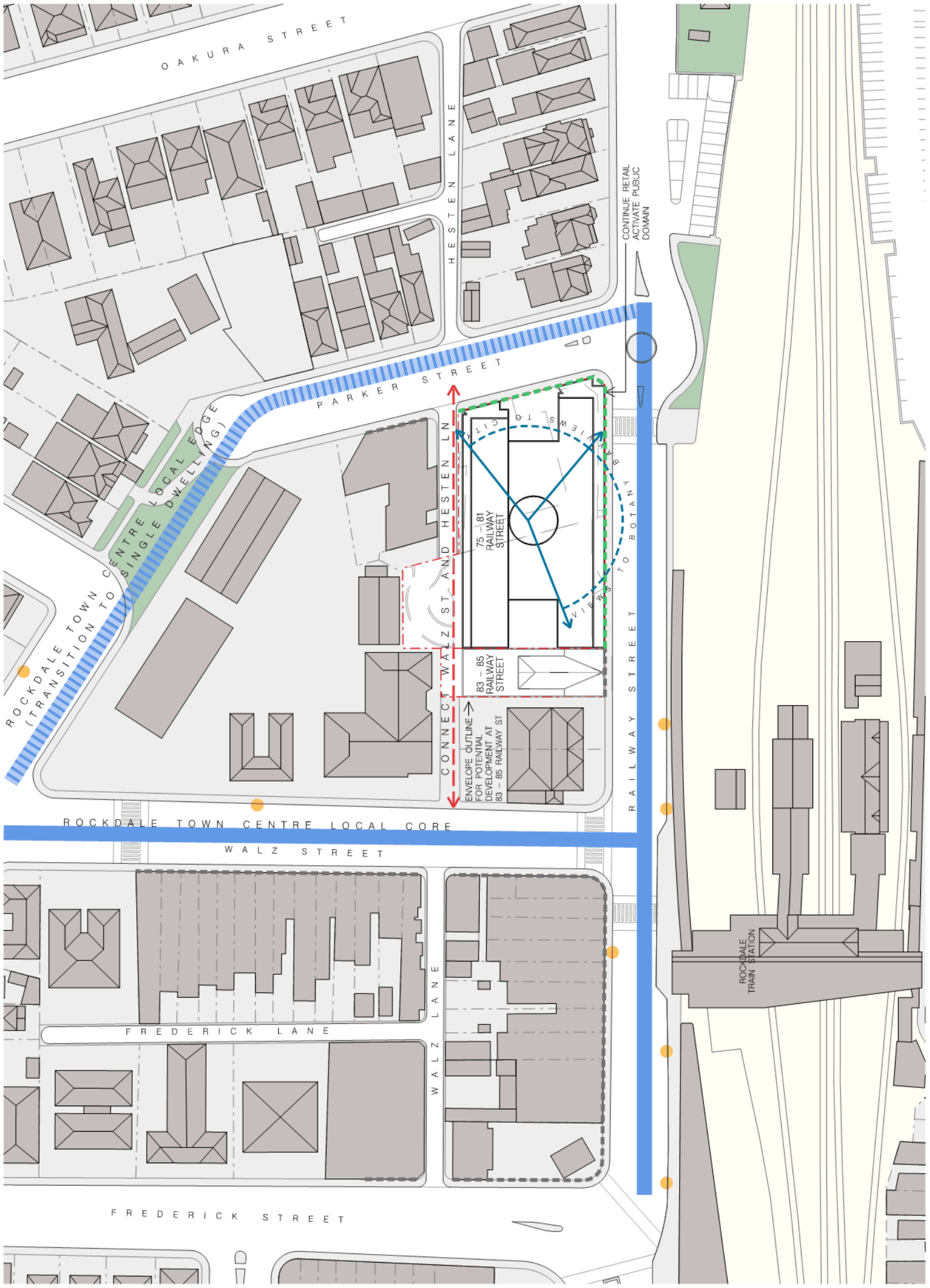
JOB No. 5724
ISSUE A

SITE CHALLENGES AND OPPORTUNITIES

The subject sites are located on the edge of the Rockdale Town Center, adjacent to the railway tracks and present an opportunity to create a prominent gateway which at the same time reinstates a broken street pattern by the introduction of a new lane. The sites are adjacent to the Guild Theatre and may be able to create a new public and active precinct on the western side of the railway lines. Being on the edge of the Town Centre and right across from the railway the sites will enjoy expansive views to the Sydney CBD and to Botany Bay. While being part of a dense urban precinct the proposal will also need to address the sudden change in density to single storey single dwellings on the northern side of Parker Street. A challenging aspect of the site is also its topography. The land falls by one storey from the west to the east.

LEGEND

- SUBJECT SITES
- BUS STOP
- RETAIL /COMMERCIAL FRONTAGE
- PROPOSED RETAIL / COMMERCIAL FRONTAGE
- ROCKDALE TOWN CENTRE LOCAL CORE
- ROCKDALE TOWN CENTRE LOCAL EDGE



DRAWING: SITE CHALLENGES AND OPPORTUNITIES
JOB No. 5724
DRAWING No. PP – 6.01
ISSUE A
DATE: MAY 2015
CHECKED 1: SM
CHECKED 2: -
DRAWN BY: DA, FT, LC
NORTH
SCALE: 1:1000@A3 0 1m 2m 5m
PROJECT: 75-81 RAILWAY STREET AND 83-85 RAILWAY STREET, ROCKDALE
CLIENT: ZOE HOLDINGS ROCKDALE PTY LIMITED

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A	26.10.15	ISSUE TO COUNCIL

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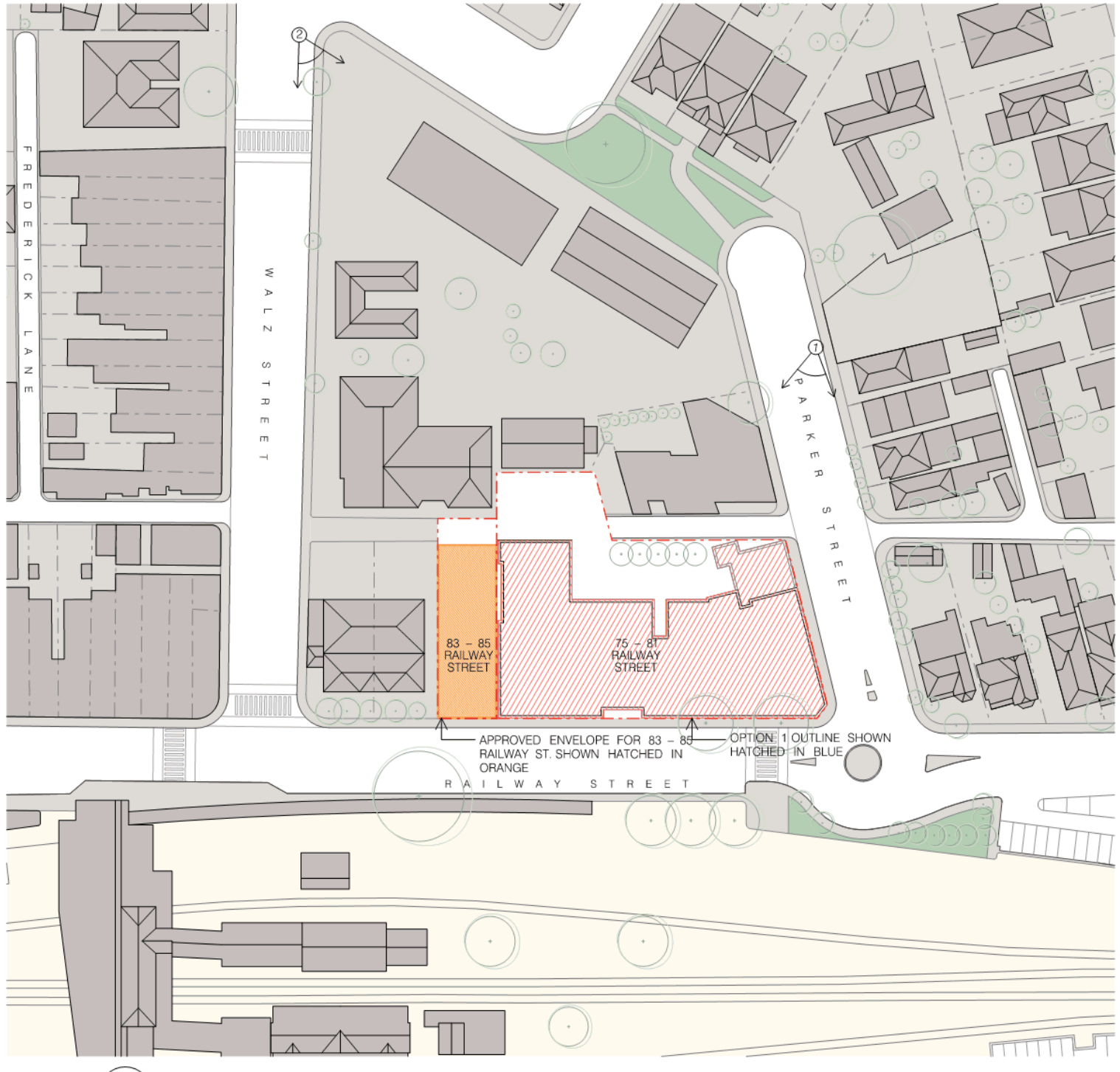

01 — OPTION 1
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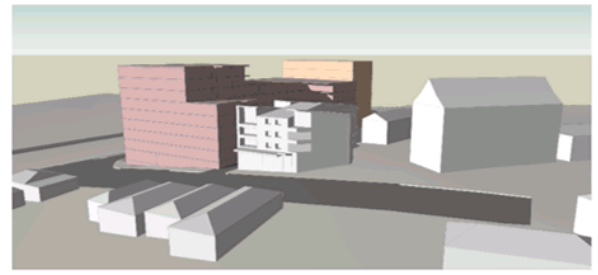
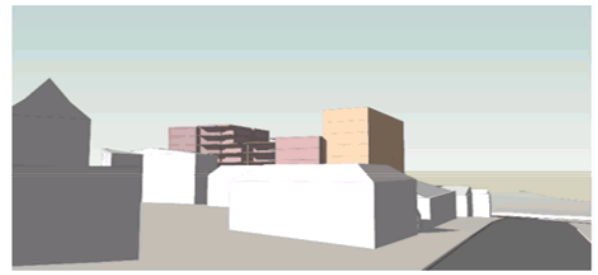
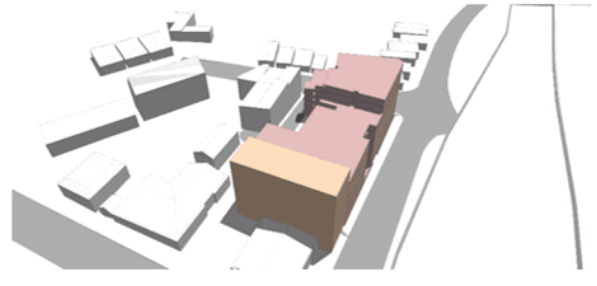


1. NORTH EAST VIEW FROM PARKER STREET



2. EAST VIEW ALONG WALZ STREET



3. BIRD EYE VIEW

OPTION TESTING / A

Two options were explored for the Site as part of the investigations. Both options rely on establishing a lane connection between Walz Street and Parker Street.
Option A locates most of building mass against Railway Street and provides a backyard to the lane. This option assumes compact floor plates with the least possible building perimeter and relies on deep apartments to capture the floor space. The proposal has an eight to six storey frontage to Parker Street and creates considerable bulk on the edge of the Town Centre. This built form does not follow the existing street pattern by setting back from the lane.

LEGEND

- SUBJECT SITE
- PROPOSED DEVELOPMENT AT 83 – 85 RAILWAY STREET
- PROPOSED DEVELOPMENT AT 75 – 81 RAILWAY STREET
- VIEWS TO THE SITE

A | 16.05.18 | ISSUE TO COUNCIL
Issue | Date | Description
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NSW ARCHITECTS REG No. – 5773

PROJECT:
75–81 RAILWAY STREET AND 83–85 RAILWAY STREET, ROCKDALE

CLIENT:
ZOE HOLDINGS ROCKDALE PTY LIMITED

SCALE: 1:1000@A3
0 1m 2m 5m

NORTH

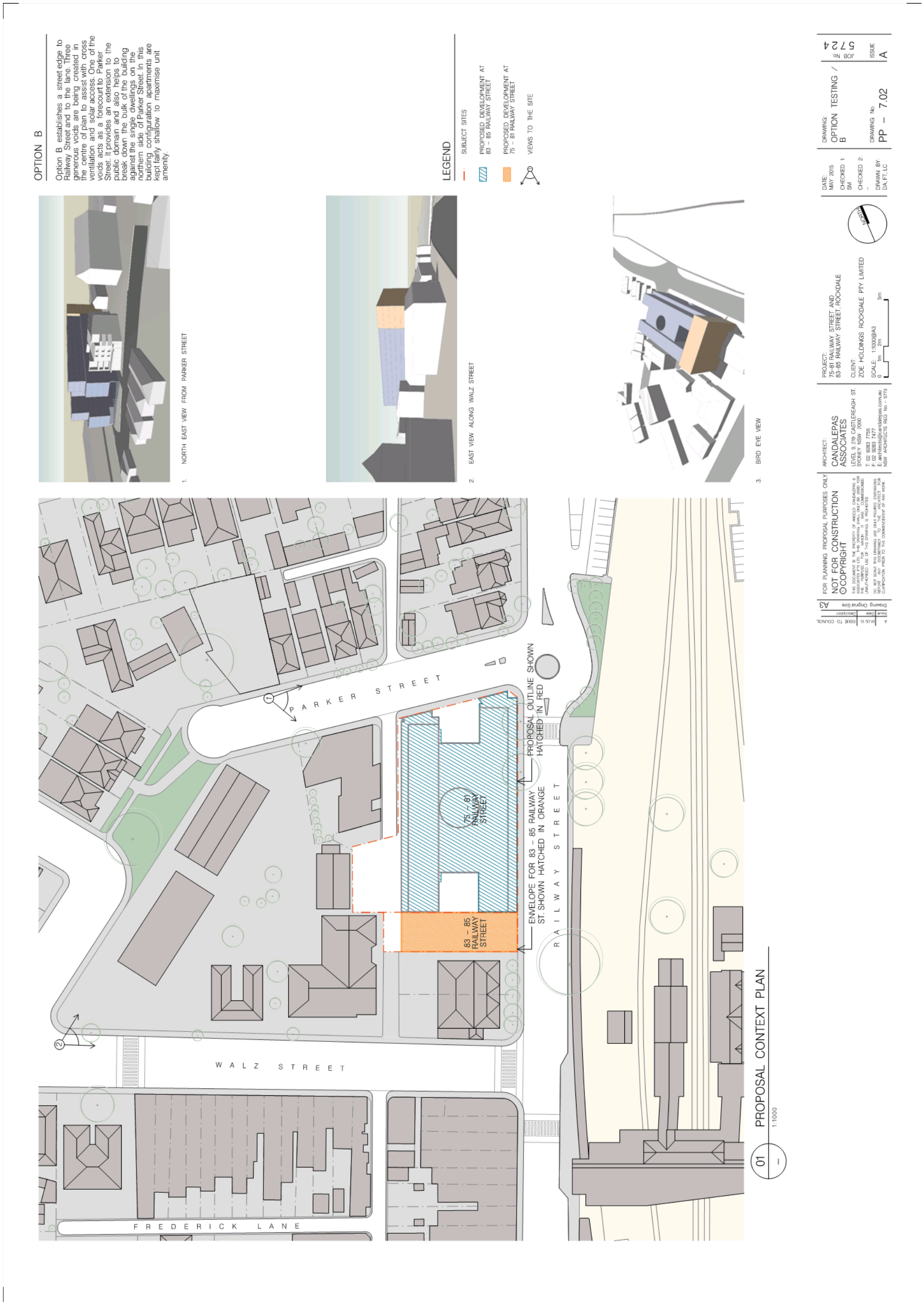
DATE: MAY 2015
CHECKED 1: SM
CHECKED 2: –
DRAWN BY: DA, FT, LC

DRAWING: OPTION TESTING / A

DRAWING No. PP – 7.01

JOB No. 5724

ISSUE A


OPTION B
Option B establishes a street edge to Railway Street and to the lane. Three generous voids are being created in the centre of plan to assist with cross ventilation and solar access. One of the voids acts as a forecourt to Parker Street. It provides an extension to the public domain and also helps to break down the bulk of the building against the single dwellings on the northern side of Parker Street. In this building configuration apartments are kept fairly shallow to maximise unit amenity.
LEGEND
SUBJECT SITES
PROPOSED DEVELOPMENT AT 83 – 85 RAILWAY STREET
PROPOSED DEVELOPMENT AT 75 – 81 RAILWAY STREET
VIEWS TO THE SITE
1. NORTH EAST VIEW FROM PARKER STREET
2. EAST VIEW ALONG WALZ STREET
3. BIRD EYE VIEW
PARKER STREET
WALZ STREET
FREDERICK LANE
RAILWAY STREET
75 – 81 RAILWAY STREET
83 – 85 RAILWAY STREET
PROPOSAL OUTLINE SHOWN HATCHED IN RED
ENVELOPE FOR 83 – 85 RAILWAY ST. SHOWN HATCHED IN ORANGE
01 PROPOSAL CONTEXT PLAN
1:1000
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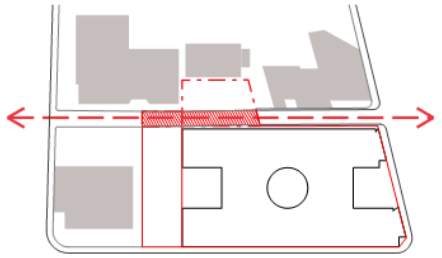
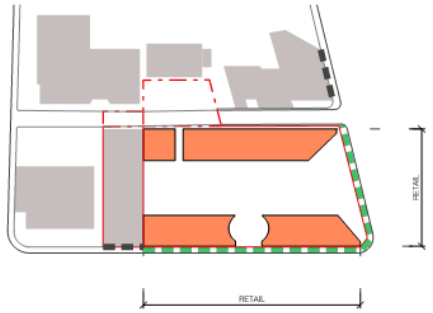
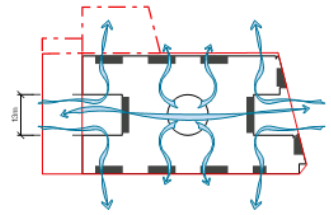
PROJECT:
75-81 RAILWAY STREET AND 83-85 RAILWAY STREET, ROCKDALE
CLIENT:
ZOE HOLDINGS ROCKDALE PTY LIMITED
SCALE: 1:1000@A3
0 1m 2m 5m
DATE: MAY 2015
CHECKED 1: SM
CHECKED 2: –
DRAWN BY: DA, FT, LC
DRAWING: OPTION TESTING / B
DRAWING No. PP – 7.02
JOB No. 5724
ISSUE A
A 01.06.15 ISSUE TO COUNCIL
Issue Date Description
Drawing Original Size A3



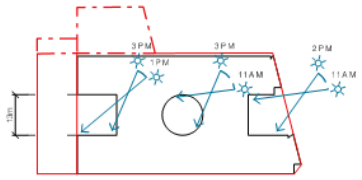
01_ INCREASED URBAN CONNECTIVITY



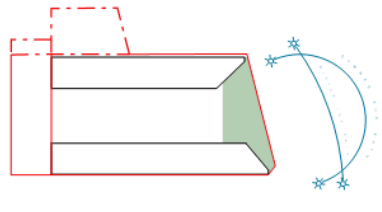
02_ ACTIVE STREET FRONTAGES



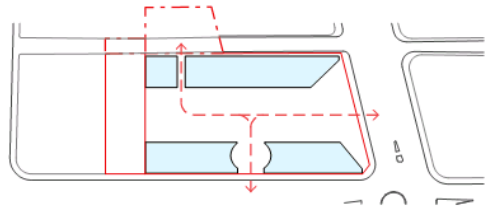
03_ CROSS VENTILATION



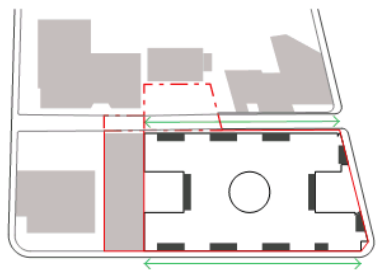
04_ INCREASED BUILDING PERIMETER FOR SOLAR ACCESS



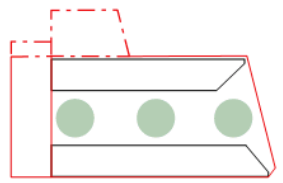
05_ PUBLIC FORE COURT NORTH FACING



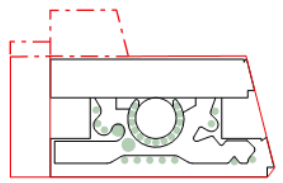
06_ POROSITY OF GROUND FLOOR



07_ REINFORCED STREET EDGE URBAN FORM



08_ GREEN COMMON OPEN SPACE GROUND FLOOR



09_ GREEN COMMON OPEN SPACE ROOF TOP

DESIGN PRINCIPLES

Option B was used as the basis to develop an indicative scheme for the Site.
The key design principles were to enhance the public domain by establishing a new lane, a forecourt to Parker Street and by creating a strong block edge with active uses to Railway Street and Hesten Lane. The ground floor is envisaged to be of a semi-public character, which allows for permeability and access to all three surrounding streets. At a later stage this ground floor may be extended and opened up towards the Guild Theatre and create a forecourt which could be a great public space to linger before and after performances.
As equally important as the contributions to the public domain are the strategies to maximise the amenity for the residents. This is achieved by creating comfortable apartments, which benefit from the use of the central voids and the increased in building perimeter. In addition, generous communal open spaces on the ground floor and on the roof will contribute to an excellent place to live.

LEGEND

- COUNCIL LAND RESERVATION AREA
- SUBJECT SITES
- COMMERCIAL COMPONENT
- CROSS VENTILATION
- SUN ACCESS DIAGRAM /21 JUNE
- SOLAR PATH
- EXISTING RETAIL / COMMERCIAL FRONTAGE
- PROPOSED RETAIL / COMMERCIAL FRONTAGE
- PEDESTRIN MOVEMENT
- NEW LANE
- PROPOSED TREE

Issue	Date	Description
A	01.05.15	ISSUE TO COUNCIL

Drawing Original Size A3

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PROJECT:
75–81 RAILWAY STREET AND
83–85 RAILWAY STREET, ROCKDALE

CLIENT:
ZOE HOLDINGS ROCKDALE PTY LIMITED

SCALE: 1:500@A3

NORTH

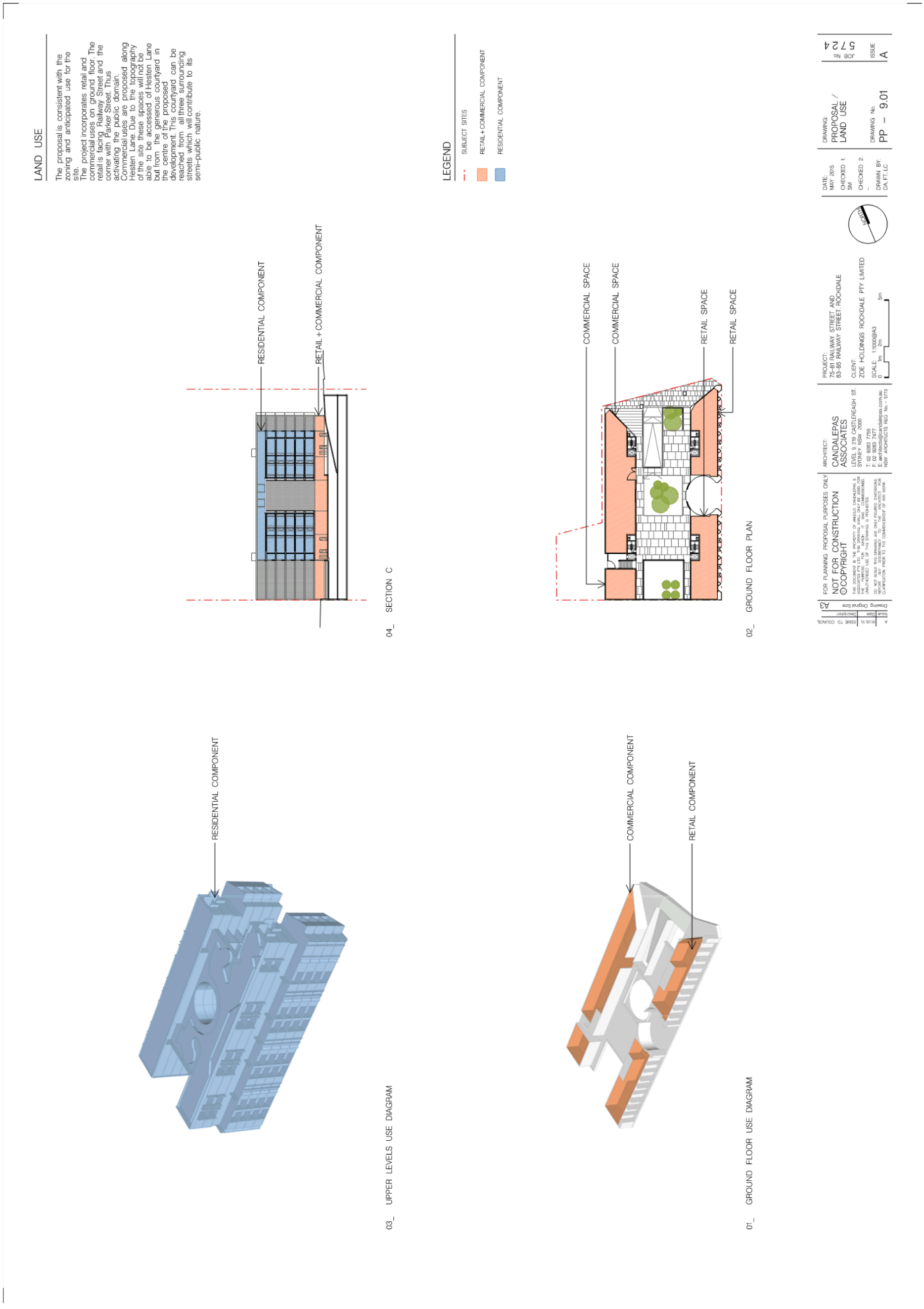
DATE: MAY 2015
CHECKED 1: SM
CHECKED 2: –
DRAWN BY: DA, FT, LC

DRAWING: DESIGN PRINCIPLES

DRAWING No. PP – 8.01

JOB No. 5724

ISSUE A


LAND USE
The proposal is consistent with the zoning and anticipated use for the site.
The project incorporates retail and commercial uses on ground floor. The retail is facing Railway Street and the corner with Parker Street. Thus activating the public domain.
Commercial uses are proposed along Hesten Lane. Due to the topography of the site these spaces will not be able to be accessed of Hesten Lane but from the generous courtyard in the centre of the proposed development. This courtyard can be reached from all three surrounding streets which will contribute to its semi-public nature.
LEGEND
SUBJECT SITES
RETAIL + COMMERCIAL COMPONENT
RESIDENTIAL COMPONENT
RESIDENTIAL COMPONENT
RETAIL + COMMERCIAL COMPONENT
04_ SECTION C
COMMERCIAL SPACE
COMMERCIAL SPACE
RETAIL SPACE
RETAIL SPACE
02_ GROUND FLOOR PLAN
RESIDENTIAL COMPONENT
03_ UPPER LEVELS USE DIAGRAM
COMMERCIAL COMPONENT
RETAIL COMPONENT
01_ GROUND FLOOR USE DIAGRAM
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ARCHITECT:
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PROJECT:
75-81 RAILWAY STREET AND
83-85 RAILWAY STREET, ROCKDALE
CLIENT:
ZOE HOLDINGS ROCKDALE PTY LIMITED
DATE:
MAY 2015
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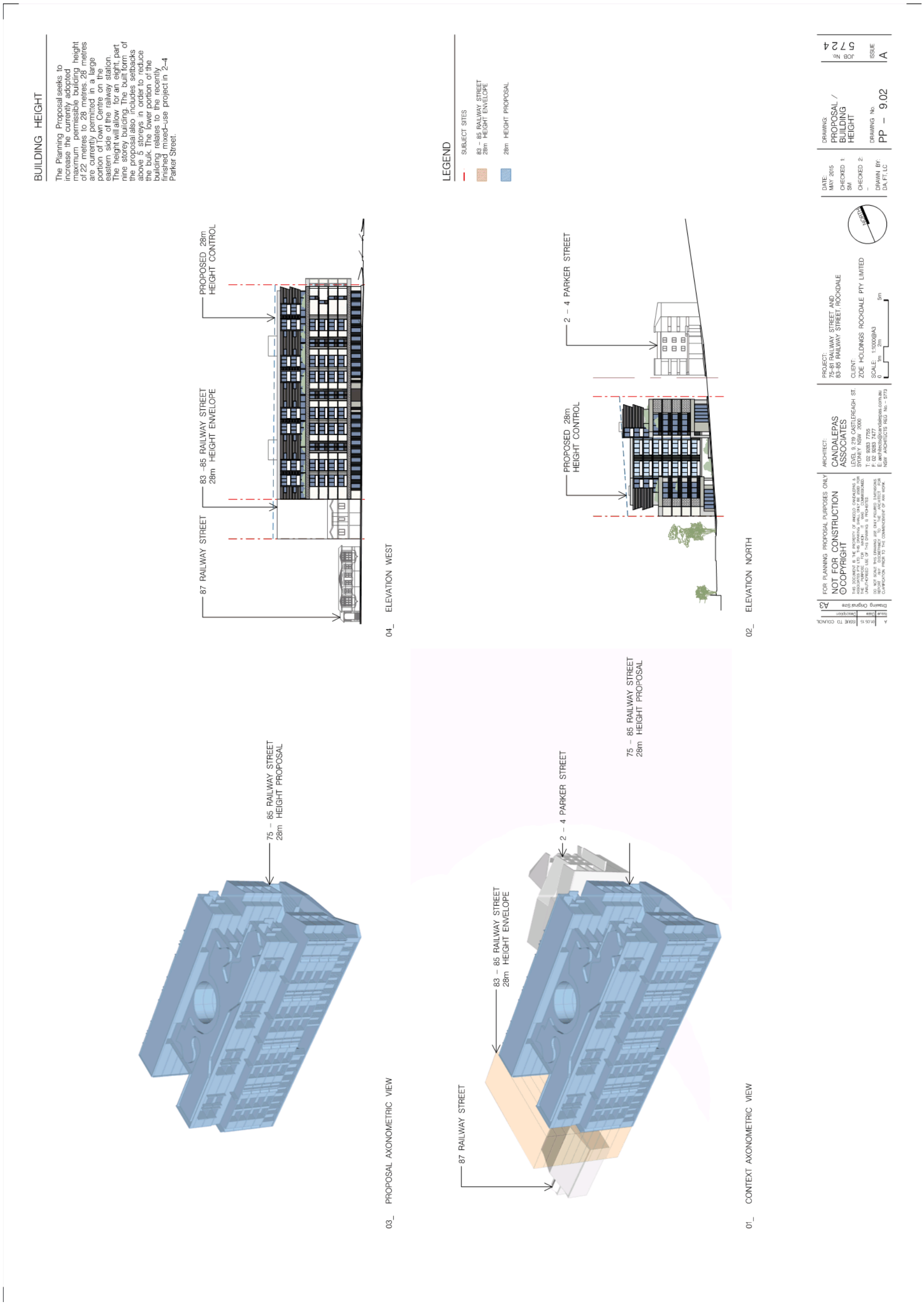
DA, FT, LC
DRAWING:
PROPOSAL / LAND USE
DRAWING No.
PP – 9.01
JOB No.
5724
ISSUE
A


BUILDING HEIGHT
The Planning Proposal seeks to increase the currently adopted maximum permissible building height of 22 metres to 28 metres. 28 metres are currently permitted in a large portion of Town Centre on the eastern side of the railway station. The height will allow for an eight, part nine storey building. The built form of the proposal also includes setbacks above 5 storeys in order to reduce the bulk. The lower portion of the building relates to the recently finished mixed-use project in 2-4 Parker Street.
LEGEND
SUBJECT SITES
83 - 85 RAILWAY STREET 28m HEIGHT ENVELOPE
28m HEIGHT PROPOSAL
PROPOSED 28m HEIGHT CONTROL
83 -85 RAILWAY STREET 28m HEIGHT ENVELOPE
87 RAILWAY STREET
04_ ELEVATION WEST
2 - 4 PARKER STREET
PROPOSED 28m HEIGHT CONTROL
02_ ELEVATION NORTH
75 - 85 RAILWAY STREET 28m HEIGHT PROPOSAL
03_ PROPOSAL AXONOMETRIC VIEW
75 - 85 RAILWAY STREET 28m HEIGHT PROPOSAL
2 - 4 PARKER STREET
83 - 85 RAILWAY STREET 28m HEIGHT ENVELOPE
87 RAILWAY STREET
01_ CONTEXT AXONOMETRIC VIEW
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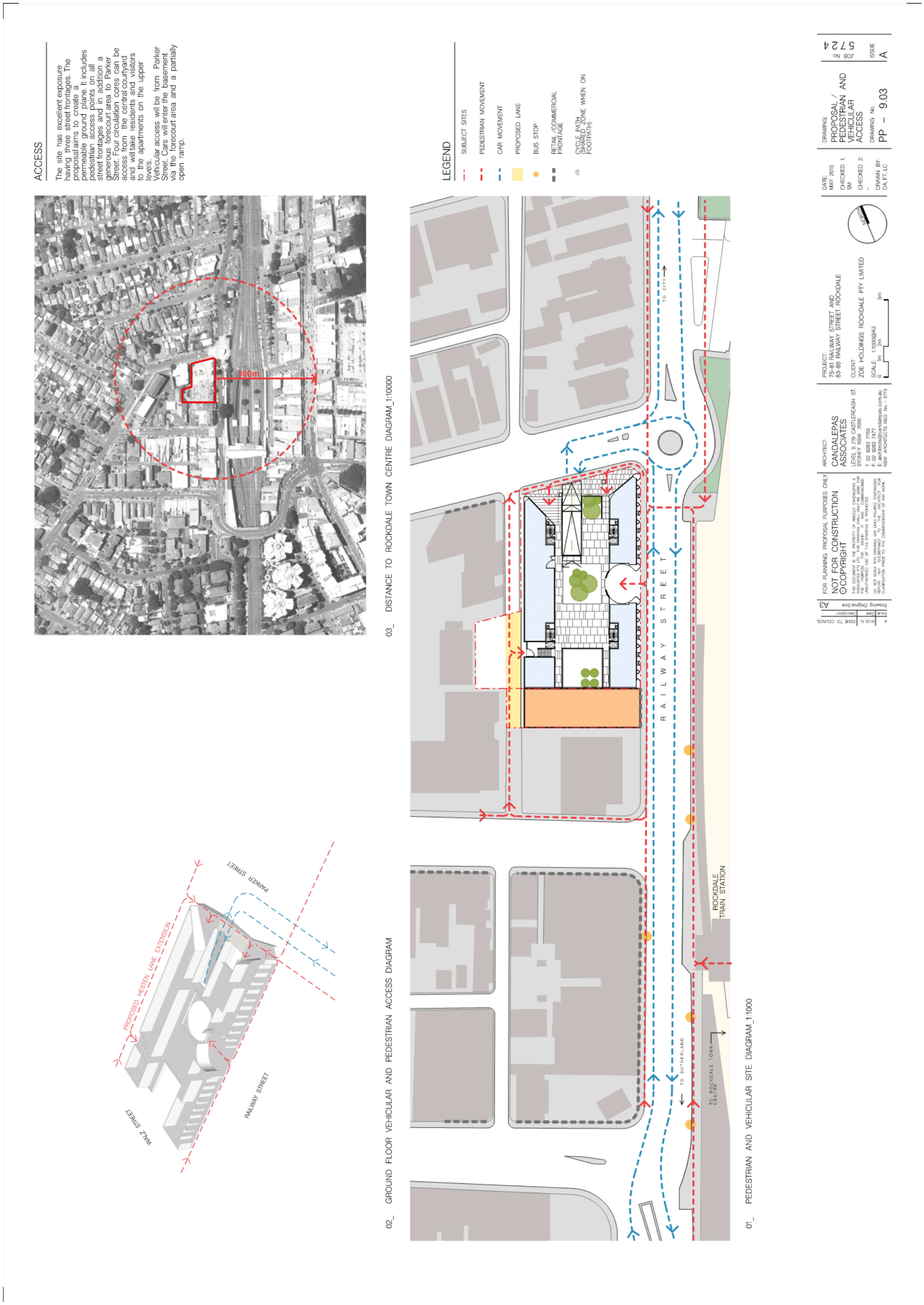
CLIENT:
ZOE HOLDINGS ROCKDALE PTY LIMITED
SCALE: 1:1000@A3
DATE: MAY 2015
CHECKED 1: SM
CHECKED 2: -
DRAWN BY: DA, FT, LC
DRAWING: PROPOSAL / BUILDING HEIGHT
DRAWING No. PP - 9.02
JOB No. 5724
ISSUE A
A3
Drawing Original Size
ISSUE TO COUNCIL


ACCESS
The site has excellent exposure having three street frontages. The proposal aims to create a permeable ground plane. It includes pedestrian access points on all street frontages and in addition a generous forecourt area to Parker Street. Four circulation cores can be access from the central courtyard and will take residents and visitors to the apartments on the upper levels.
Vehicular access will be from Parker Street. Cars will enter the basement via the forecourt area and a partially open ramp.
300m
03_ DISTANCE TO ROCKDALE TOWN CENTRE DIAGRAM_1:10000
LEGEND
SUBJECT SITES
PEDESTRIAN MOVEMENT
CAR MOVEMENT
PROPOSED LANE
BUS STOP
RETAIL /COMMERCIAL FRONTAGE
CYCLE PATH (SHARED ZONE WHEN ON FOOTPATH)
PROPOSED HESTEN LANE EXTENSION
PARKER STREET
WALZ STREET
RAILWAY STREET
02_ GROUND FLOOR VEHICULAR AND PEDESTRIAN ACCESS DIAGRAM
TO CITY
RAILWAY STREET
ROCKDALE TRAIN STATION
TO SUTHERLAND
TO ROCKDALE TOWN CENTRE
01_ PEDESTRIAN AND VEHICULAR SITE DIAGRAM_1:1000
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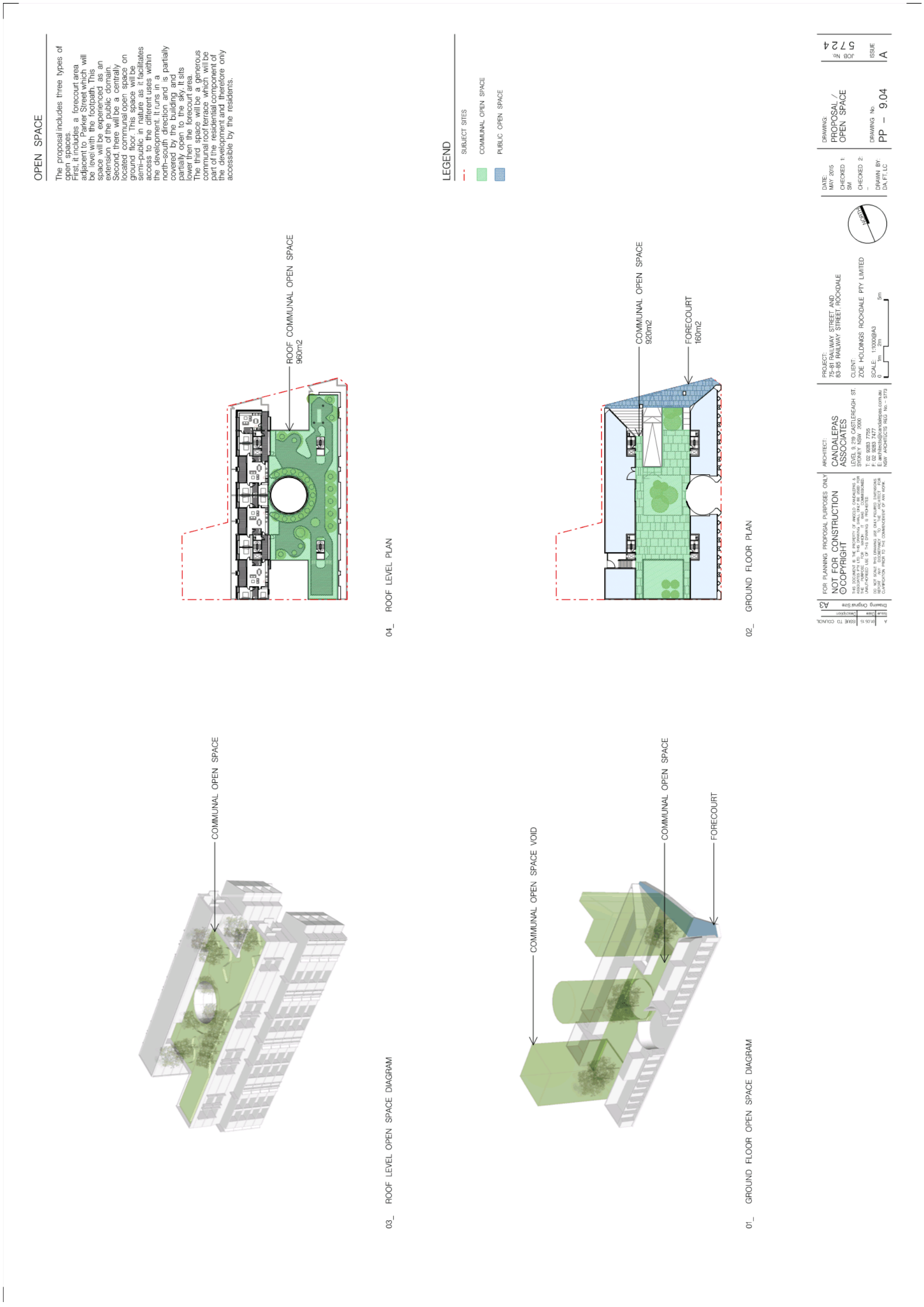
NSW ARCHITECTS REG No. - 5773
PROJECT:
75-81 RAILWAY STREET AND 83-85 RAILWAY STREET, ROCKDALE
CLIENT:
ZOE HOLDINGS ROCKDALE PTY LIMITED
SCALE: 1:1000@A3
0 1m 2m 5m
DATE: MAY 2015
CHECKED 1: SM
CHECKED 2: -
DRAWN BY: DA, FT, LC
DRAWING: PROPOSAL / PEDESTRIAN AND VEHICULAR ACCESS
DRAWING No. PP – 9.03
JOB No. 5724
ISSUE A
A 01.06.15 ISSUE TO COUNCIL
Drawing Original Size A3


OPEN SPACE
The proposal includes three types of open spaces.
First, it includes a forecourt area adjacent to Parker Street which will be level with the footpath. This space will be experienced as an extension of the public domain.
Second, there will be a centrally located communal open space on ground floor. This space will be semi-public in nature as it facilitates access to the different uses within the development. It runs in a north-south direction and is partially covered by the building and partially open to the sky. It sits lower then the forecourt area.
The third space will be a generous communal roof terrace which will be part of the residential component of the development and therefore only accessible by the residents.
LEGEND
SUBJECT SITES
COMMUNAL OPEN SPACE
PUBLIC OPEN SPACE
ROOF COMMUNAL OPEN SPACE
960m2
04_ ROOF LEVEL PLAN
COMMUNAL OPEN SPACE
920m2
FORECOURT
160m2
02_ GROUND FLOOR PLAN
COMMUNAL OPEN SPACE
03_ ROOF LEVEL OPEN SPACE DIAGRAM
COMMUNAL OPEN SPACE VOID
COMMUNAL OPEN SPACE
FORECOURT
01_ GROUND FLOOR OPEN SPACE DIAGRAM
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83-85 RAILWAY STREET, ROCKDALE
CLIENT:
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SCALE: 1:1000@A3
0 1m 2m 5m
NORTH
DATE:
MAY 2015
CHECKED 1:
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-
DRAWN BY:
DA, FT, LC
DRAWING:
PROPOSAL / OPEN SPACE
DRAWING No.
PP – 9.04
JOB No.
5724
ISSUE
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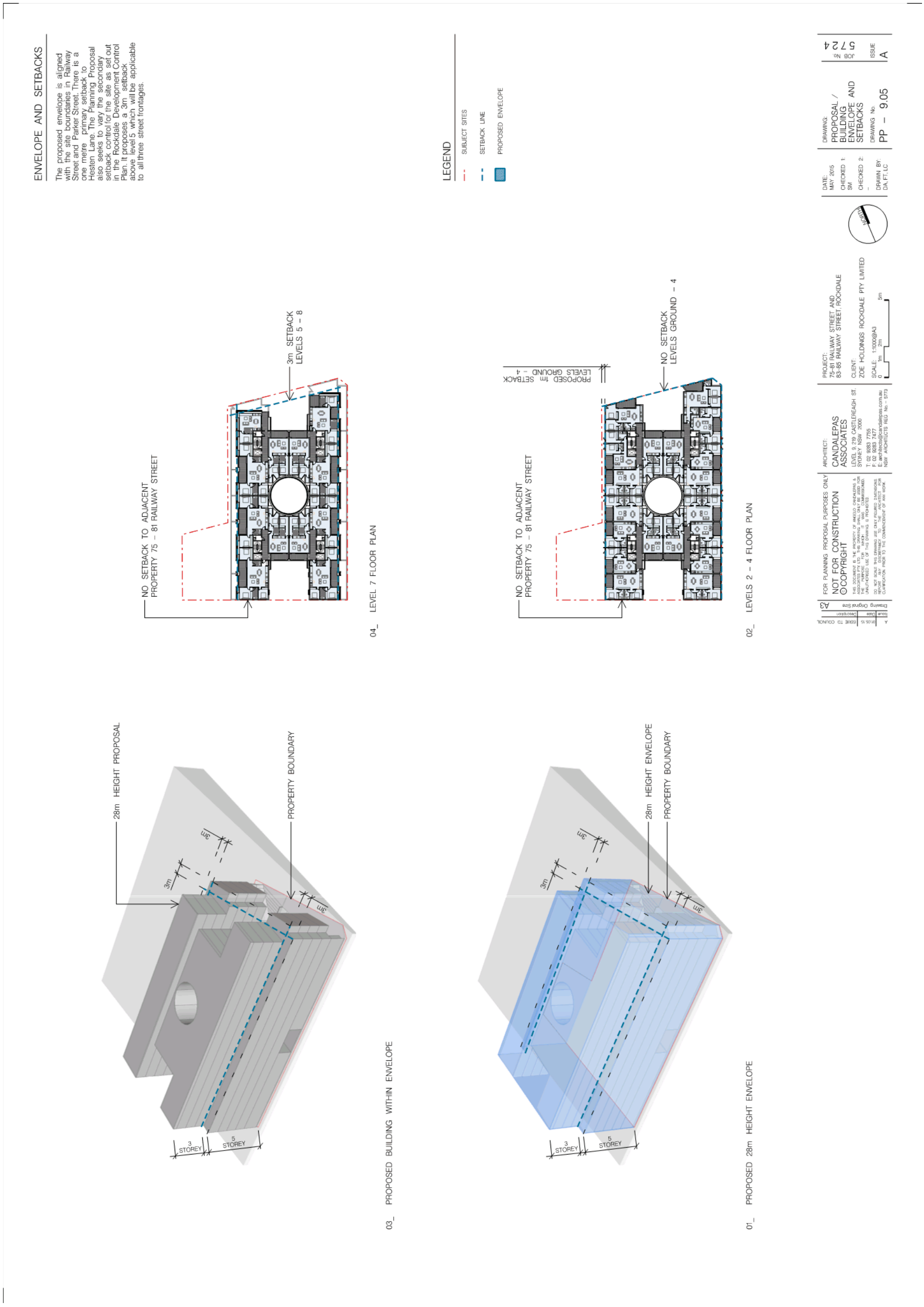
ISSUE TO COUNCIL
01.06.15
Issue
Date
Description


ENVELOPE AND SETBACKS
The proposed envelope is aligned with the site boundaries in Railway Street and Parker Street. There is a one metre primary setback to Hesten Lane. The Planning Proposal also seeks to vary the secondary setback control for the site as set out in the Rockdale Development Control Plan. It proposes a 3m setback above level 5 which will be applicable to all three street frontages.
LEGEND
SUBJECT SITES
SETBACK LINE
PROPOSED ENVELOPE
NO SETBACK TO ADJACENT PROPERTY 75 – 81 RAILWAY STREET
3m SETBACK LEVELS 5 – 8
04_ LEVEL 7 FLOOR PLAN
NO SETBACK TO ADJACENT PROPERTY 75 – 81 RAILWAY STREET
PROPOSED 1m SETBACK LEVELS GROUND – 4
NO SETBACK LEVELS GROUND – 4
02_ LEVELS 2 – 4 FLOOR PLAN
28m HEIGHT PROPOSAL
PROPERTY BOUNDARY
3m
3m
3m
3 STOREY
5 STOREY
03_ PROPOSED BUILDING WITHIN ENVELOPE
28m HEIGHT ENVELOPE
PROPERTY BOUNDARY
3m
3m
3m
3 STOREY
5 STOREY
01_ PROPOSED 28m HEIGHT ENVELOPE
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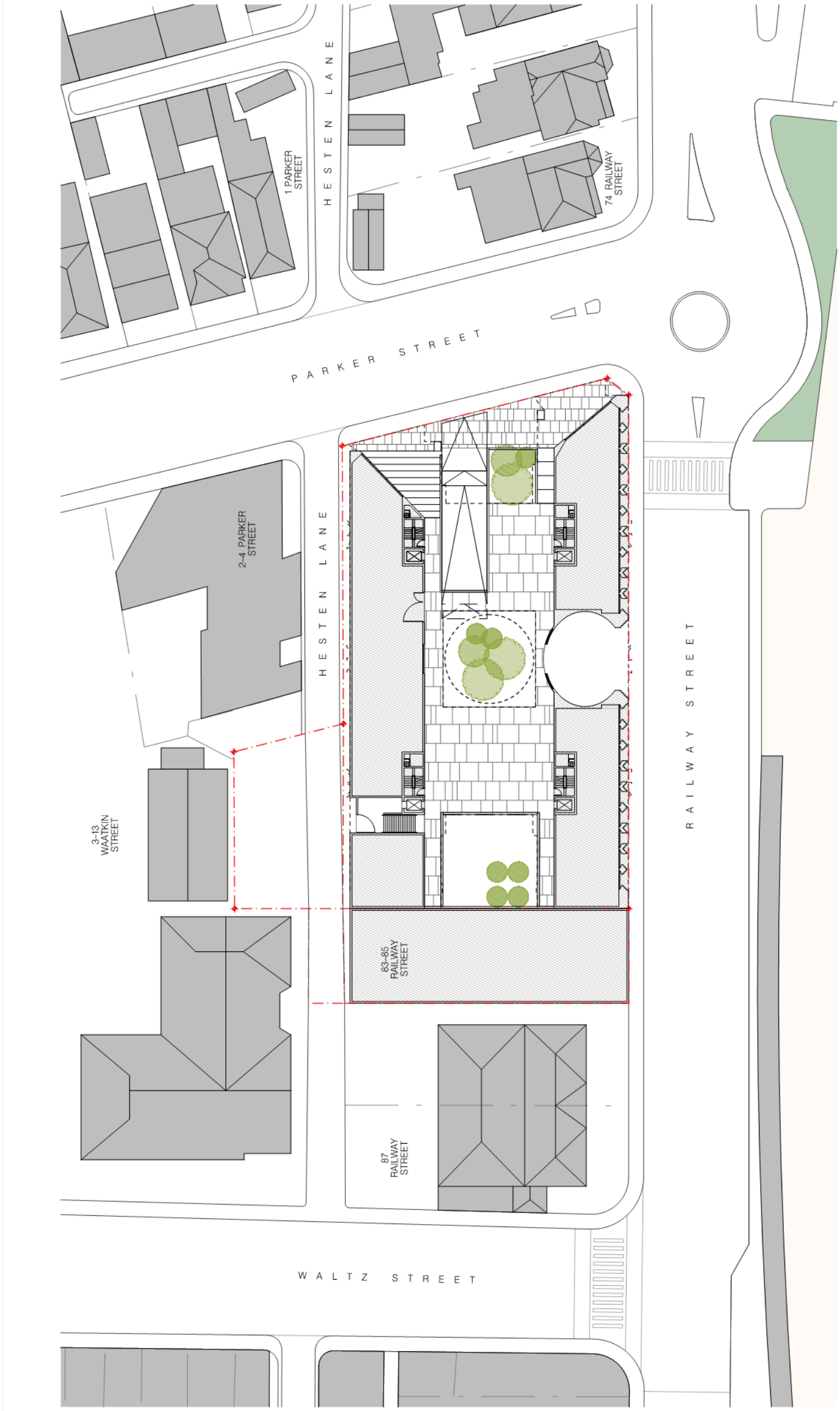
CLIENT:
ZOE HOLDINGS ROCKDALE PTY LIMITED
SCALE: 1:1000@A3
0 1m 2m 5m
DATE: MAY 2015
CHECKED 1: SM
CHECKED 2: -
DRAWN BY: DA, FT, LC
DRAWING: PROPOSAL / BUILDING ENVELOPE AND SETBACKS
DRAWING No. PP – 9.05
JOB No. 5724
ISSUE A
A3
Drawing Original Size
ISSUE TO COUNCIL



DRAWING: PROPOSAL / INDICATIVE GROUND FLOOR PLAN
DRAWING No. PP – 9.10
JOB No. 5724
ISSUE A

DATE: MAY 2015
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DRAWN BY: DA, FT, LC

PROJECT: 75-81 RAILWAY STREET AND 83-85 RAILWAY STREET, ROCKDALE
CLIENT: ZOE HOLDINGS ROCKDALE PTY LIMITED
SCALE: 1:500@A3

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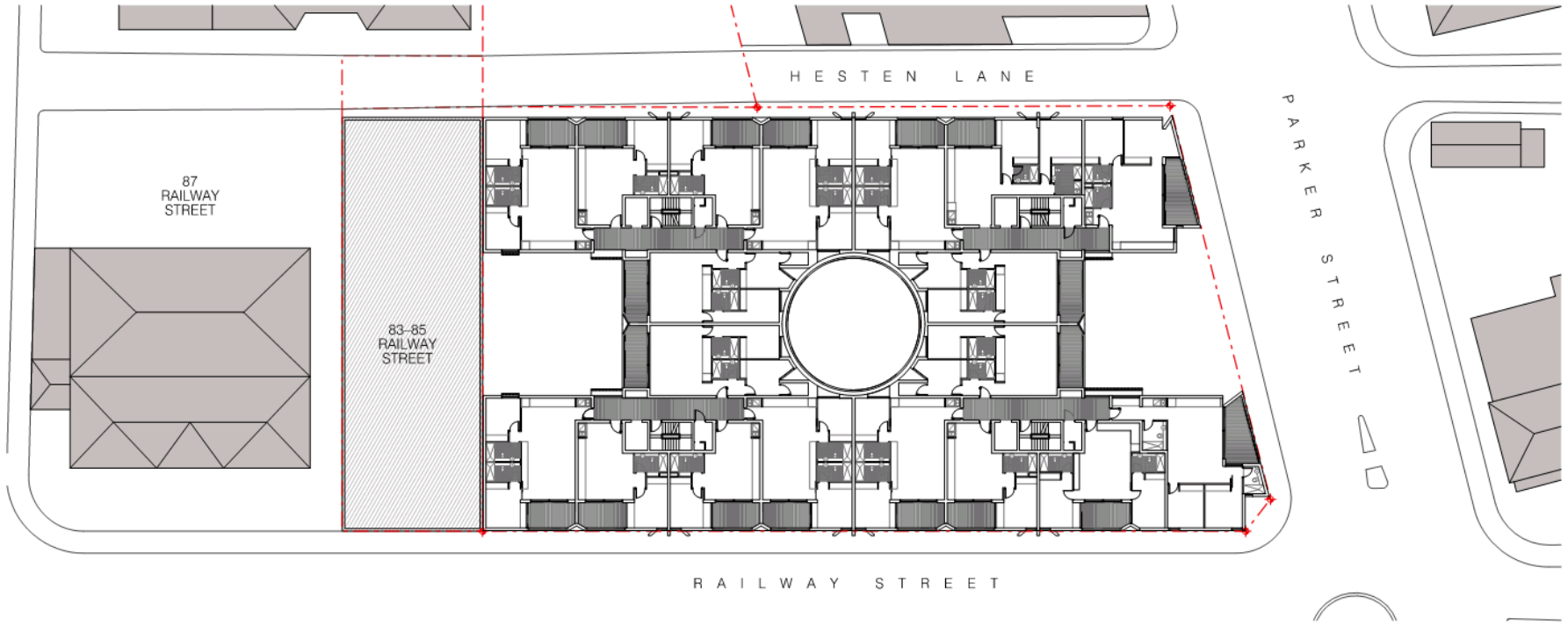
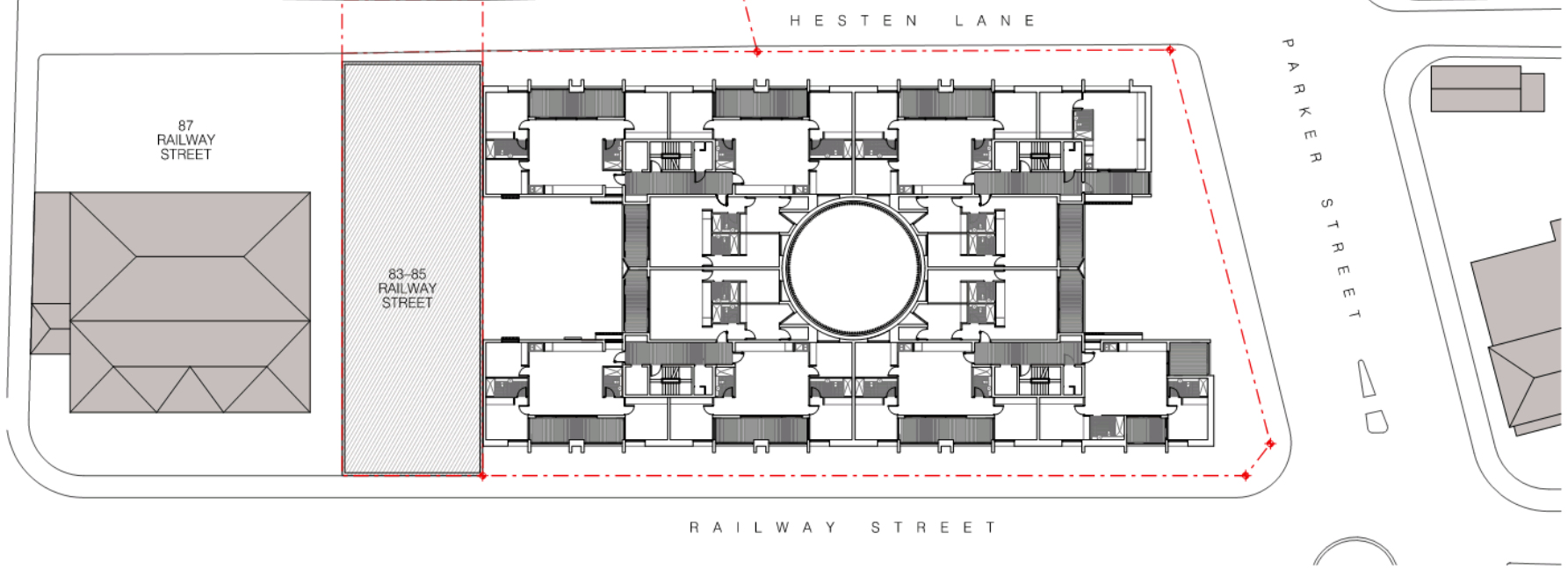


01_ PROPOSAL / INDICATIVE LOWER LEVEL FLOOR PLAN



02_ PROPOSAL / INDICATIVE UPPER LEVEL FLOOR PLAN

A | 16.05.15 | ISSUE TO COUNCIL
Issue | Date | Description
Drawing Original Size A3

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NSW ARCHITECTS REG No. – 5773

PROJECT:
75–81 RAILWAY STREET AND
83–85 RAILWAY STREET, ROCKDALE

CLIENT:
ZOE HOLDINGS ROCKDALE PTY LIMITED

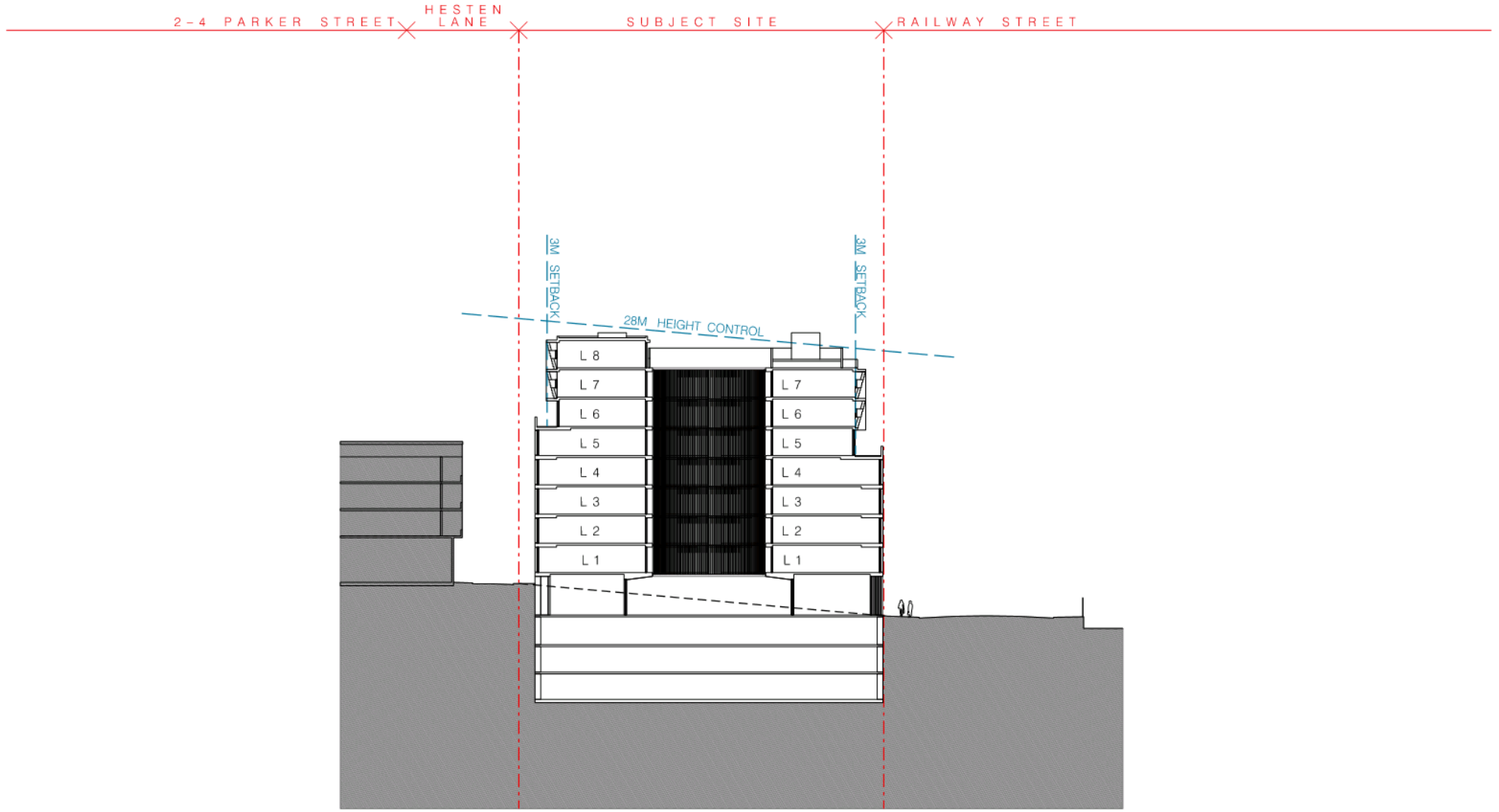
SCALE: 1:500@A3

NORTH

DATE: MAY 2015
CHECKED 1: SM
CHECKED 2: –
DRAWN BY: DA, FT, LC

DRAWING:
PROPOSAL / INDICATIVE LOWER & UPPER LEVEL FLOOR PLAN
DRAWING No.
PP – 9.11

JOB No. 5724
ISSUE A



01_ PROPOSAL TYPICAL SECTION

A	16.05.15	ISSUE TO COUNCIL	A3
Issue	Date	Description	
Drawing Original Size			

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83-85 RAILWAY STREET, ROCKDALE

CLIENT:
ZOE HOLDINGS ROCKDALE PTY LIMITED

SCALE: 1:500@A3

NORTH

DATE: MAY 2015
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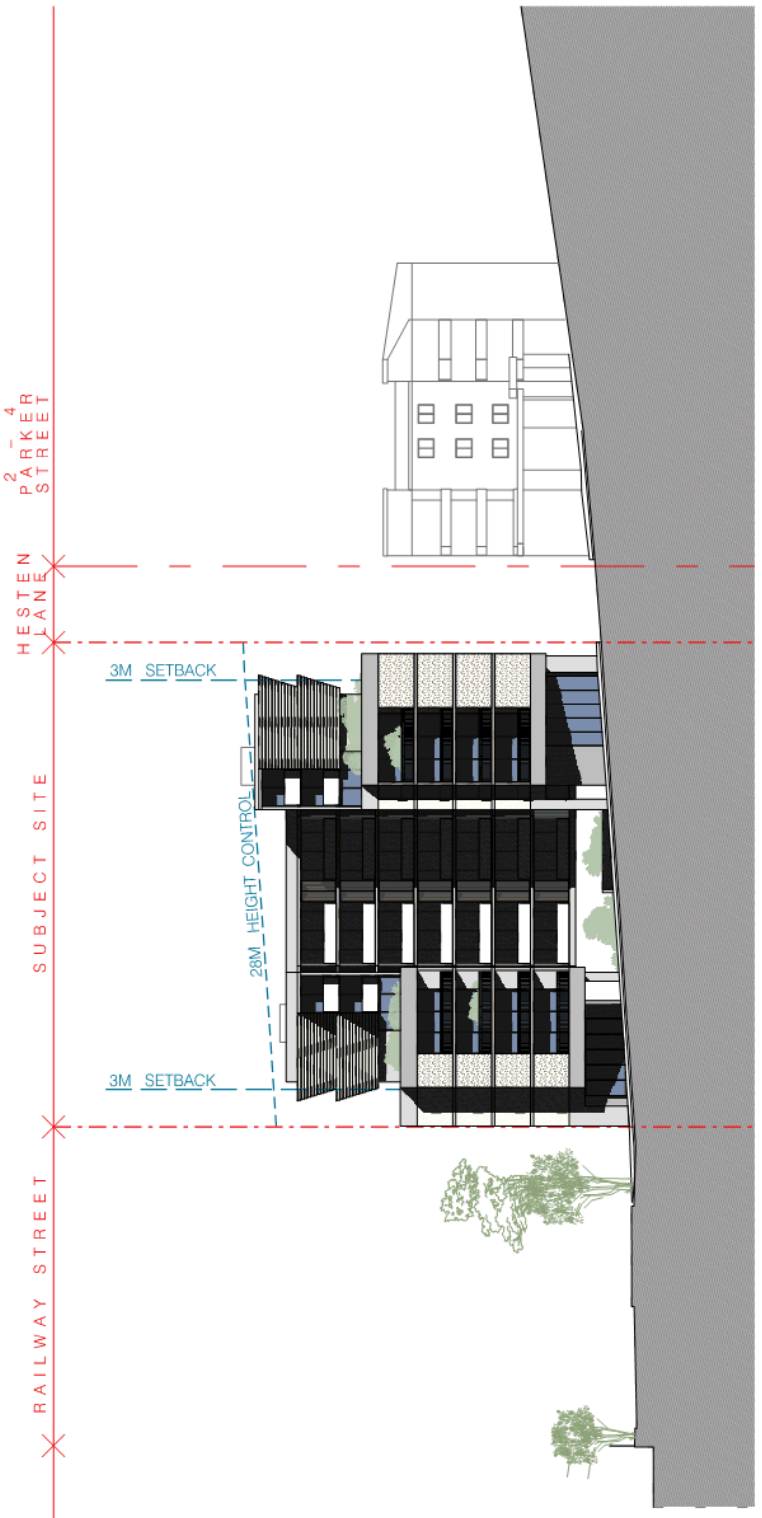
DRAWING:
PROPOSAL / INDICATIVE TYPICAL SECTION

DRAWING No.
PP – 9.12

JOB No. 5724

ISSUE A





PROJECT:
75-81 RAILWAY STREET AND
83-85 RAILWAY STREET, ROCKDALE

CLIENT:
ZOE HOLDINGS ROCKDALE PTY LIMITED

SCALE: 1:500@A3

DATE:
MAY 2015

CHECKED 1:
SM

CHECKED 2:
-

DRAWN BY:
DA, FT, LC

DRAWING:
PROPOSAL / INDICATIVE
RAILWAY STREET & PARKER STREET
ELEVATION

DRAWING No.
PP – 9.13

JOB No.
5724

ISSUE
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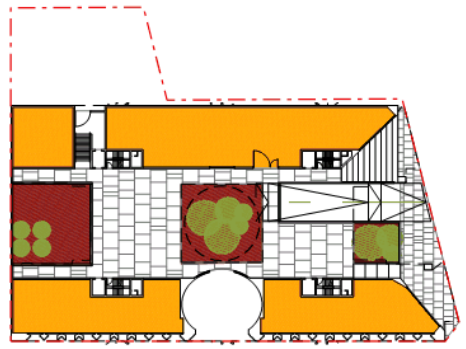
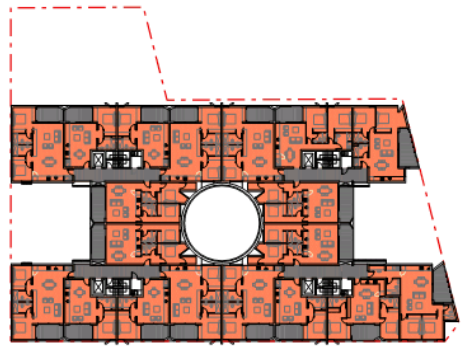


01 – GROUND FLOOR PLAN
1:1000



04 – LEVEL 3 FLOOR PLAN
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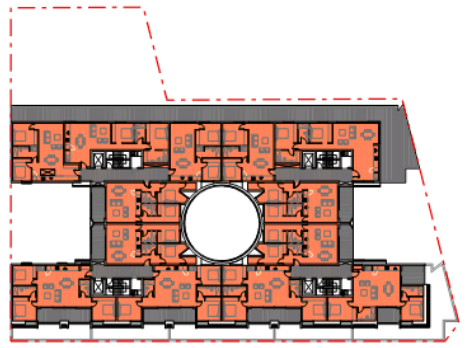
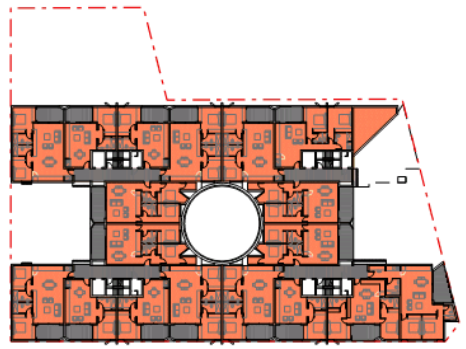


07 – LEVEL 6 FLOOR PLAN
1:1000



02 – LEVEL 1 FLOOR PLAN
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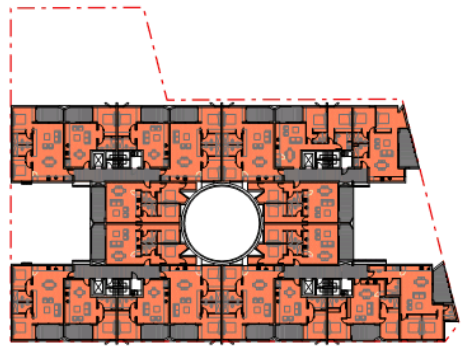

05 – LEVEL 4 FLOOR PLAN
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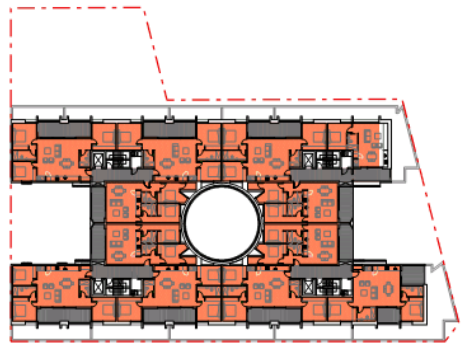
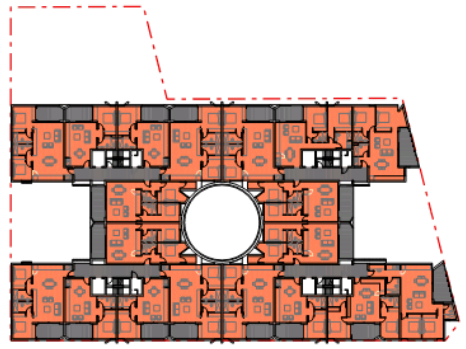


08 – LEVEL 7 FLOOR PLAN
1:1000



03 – LEVEL 2 FLOOR PLAN
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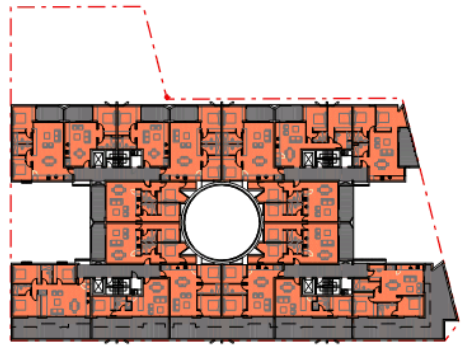
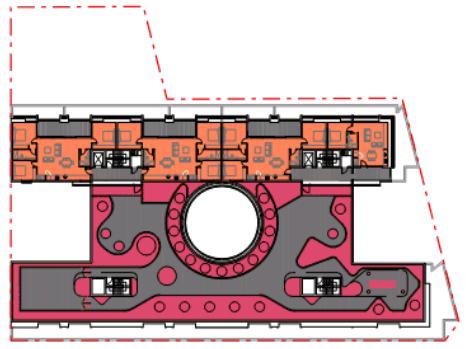


06 – LEVEL 5 FLOOR PLAN
1:1000



09 – LEVEL 8 FLOOR PLAN
1:1000

KEY

RETAIL+COMMERCIAL GFA IN ACCORDANCE WITH RCC LEP 2011

RESIDENTIAL GFA IN ACCORDANCE WITH RCC LEP 2011

gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

(a) the area of a mezzanine, and
(b) habitable rooms in a basement or an attic, and
(c) any shop, auditorium, cinema, and the like, in a basement or attic,

but excludes:
(d) any area for common vertical circulation, such as lifts and stairs, and
(e) any basement:
(i) storage, and
(ii) vehicular access, loading areas, garbage and services, and
(f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
(g) car parking to meet any requirements of the consent authority (including access to that car parking), and
(h) any space used for the loading or unloading of goods (including access to it), and
(i) terraces and balconies with outer walls less than 1.4 metres high, and
(j) voids above a floor at the level of a storey or storey above.

COMMUNAL OPEN SPACE — PROPOSED 945 sqm (7.8sqm PER DWELLING) ROCKDALE DCP 2011 CONTROL (50QM PER DWELLING)

LANDSCAPE PLANTING AREA — PROPOSED 879 sqm (30% OF SITE AREA) ROCKDALE DCP 2011 CONTROL (15% OF SITE AREA)

SITE AREA	2 942 sqm

GFA CALCULATIONS

	RETAIL/COMMERCIAL (sqm)	RESIDENTIAL (sqm)
GROUND FLOOR	855	–
LEVEL 1	–	1562.6
LEVEL 2	–	1622.5
LEVEL 3	–	1622.5
LEVEL 4	–	1622.5
LEVEL 5	–	1622.5
LEVEL 6	–	1279.1
LEVEL 7	–	1279.1
LEVEL 8	–	425.3
SUB-TOTAL	855	11 036.1
TOTAL GFA		11 891.1

	COUNCIL CONTROLS	PROPOSED
FSR	NA	4.04 : 1
GFA	NA	11 891.1 sqm
MAX. HEIGHT	22 m	28 m

PROPOSED DEVELOPMENT MIX (121 UNITS TOTAL)

	STUDIO	1 BED	2 BED	3 BED
GF	–	–	–	–
L 1	–	5	12	1
L 2	–	5	14	–
L 3	–	5	14	–
L 4	–	5	14	–
L 5	–	4	13	–
L 6	–	0	10	3
L 7	–	1	5	6
L 8	–	1	0	3
TOTAL	0	26	82	13
	0%	21%	68%	11%

CAR PARKING ANALYSIS (ROCKDALE DCP 2011)

DWELLING TYPE	PROPOSED
1 BED UNITS (1 SPACE PER DWELLING)	26
2 BED UNITS (1 SPACE PER DWELLING)	82
3 BED UNITS (2 SPACES PER DWELLING)	26
VISITOR PARKING (1 PER 5 UNITS)	25
ACCESSIBLE SPACES (10% ADAPTABLE UNITS)	13
CAR WASH BAY	1
RESIDENTIAL CAR PARKING	173
RETAIL (396SQM) CAR PARKING (1 per 40SQM GFA)	10
COMMERCIAL (459SQM) CAR PARKING (1 per 40SQM GFA)	12
TOTAL	195

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CLIENT:
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SCALE:

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DRAWN BY: DA, FT, LC

DRAWING:
PROPOSAL / INDICATIVE DEVELOPMENT CALCULATIONS
DRAWING No.
PP – 9.20

JOB No. 5724
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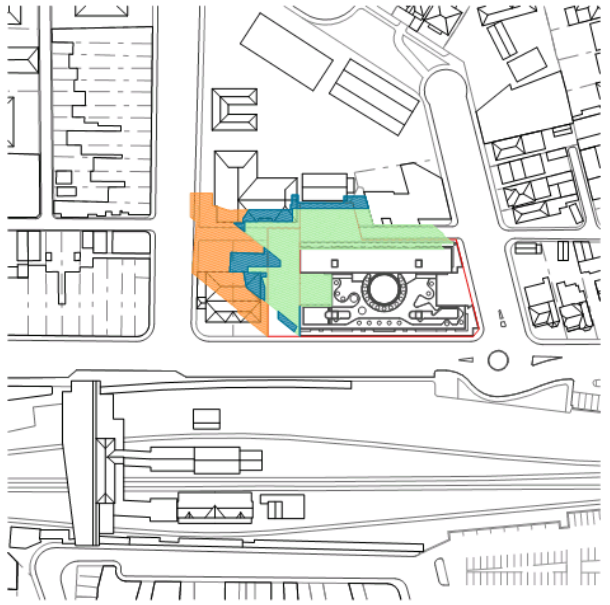
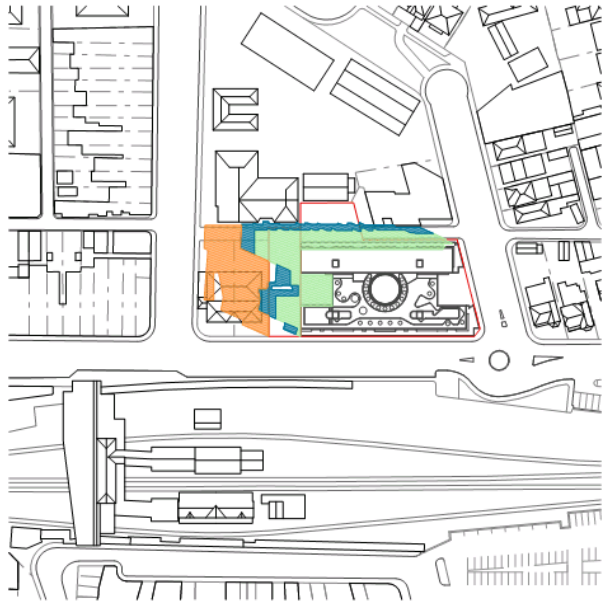
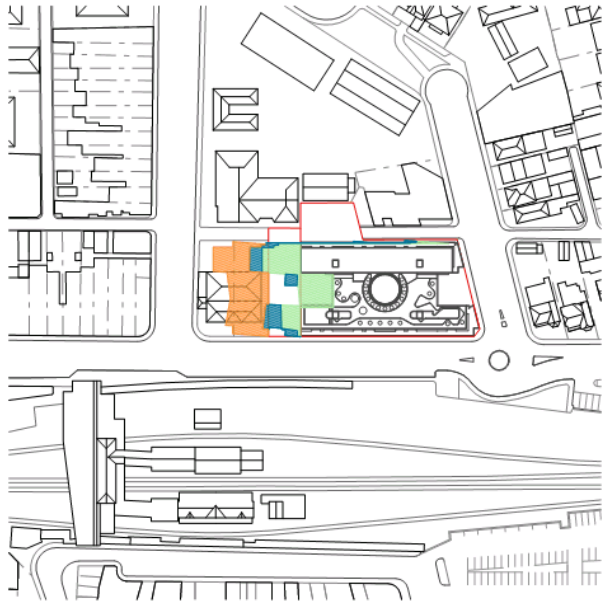


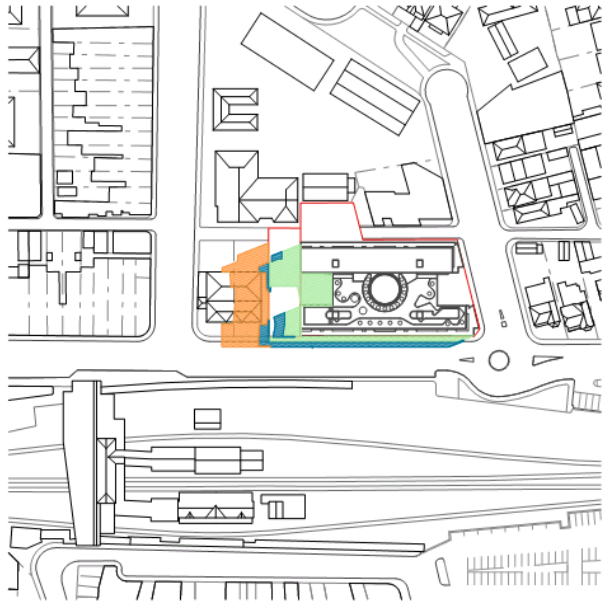
01 – SHADOW DIAGRAM – 21 MARCH 9am
1:2500



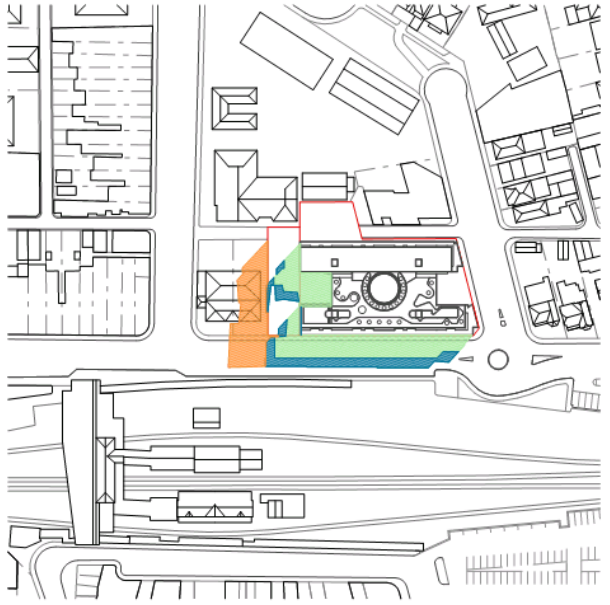
02 – SHADOW DIAGRAM – 21 MARCH 10am
1:2500



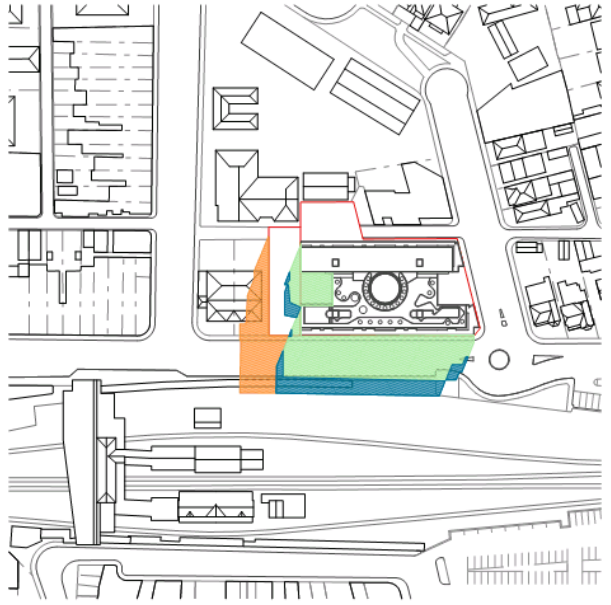
03 – SHADOW DIAGRAM – 21 MARCH 11am
1:2500



04 – SHADOW DIAGRAM – 21 MARCH 12pm
1:2500



05 – SHADOW DIAGRAM – 21 MARCH 1pm
1:2500



06 – SHADOW DIAGRAM – 21 MARCH 2pm
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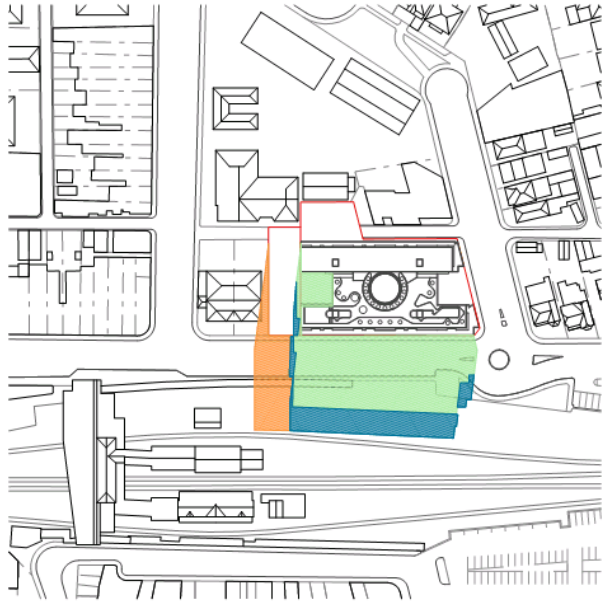

07 – SHADOW DIAGRAM – 21 MARCH 3pm
1:2500

LEGEND

- SHADOWS CAST BY PROPOSED 22m HEIGHT DEVELOPMENT INDICATED IN GREEN
- SHADOWS CAST BY PROPOSED 28m HEIGHT DEVELOPMENT INDICATED IN BLUE
- SHADOWS CAST BY POTENTIAL NEIGHBOUR DEVELOPMENT INDICATED IN ORANGE

NOTE

ONLY BUILDINGS IN THE IMMEDIATE CONTEXT SURROUNDING THE SUBJECT SITE HAVE BEEN MODELLED TO CAST SHADOWS. THESE BUILDINGS ARE SHOWN IN WHITE.

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NSW ARCHITECTS REG No. – 5773

PROJECT:
75–81 RAILWAY STREET AND 83–85 RAILWAY STREET, ROCKDALE

CLIENT:
ZOE HOLDINGS ROCKDALE PTY LIMITED

SCALE: 1:1000@A3
0 1m 2m 5m

NORTH

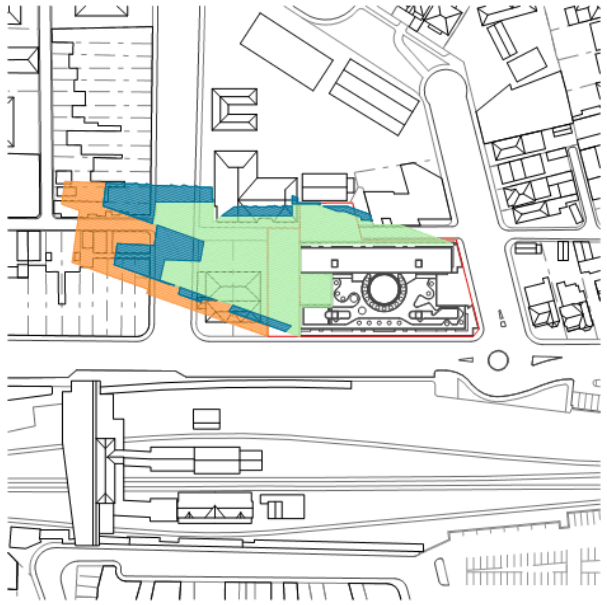
DATE: MAY 2015
CHECKED 1: SM
CHECKED 2: –
DRAWN BY: DA, FT, LC

DRAWING:
PROPOSAL / INDICATIVE SHADOW DIAGRAMS / 21 MARCH

DRAWING No.
PP – 9.30

JOB No. 5724

ISSUE A



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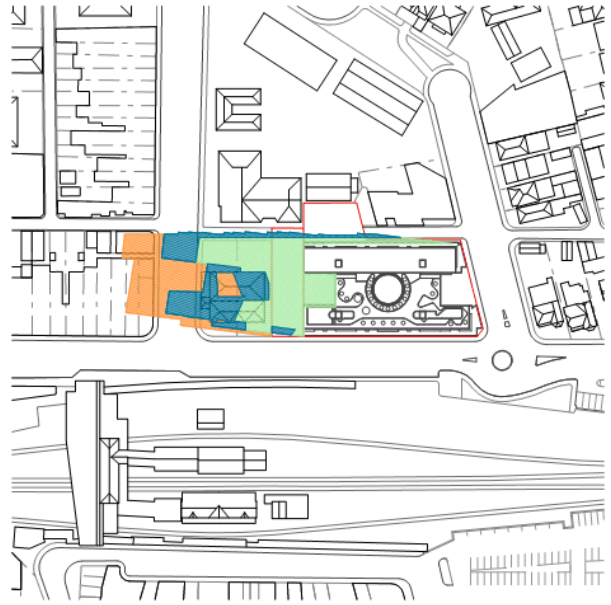

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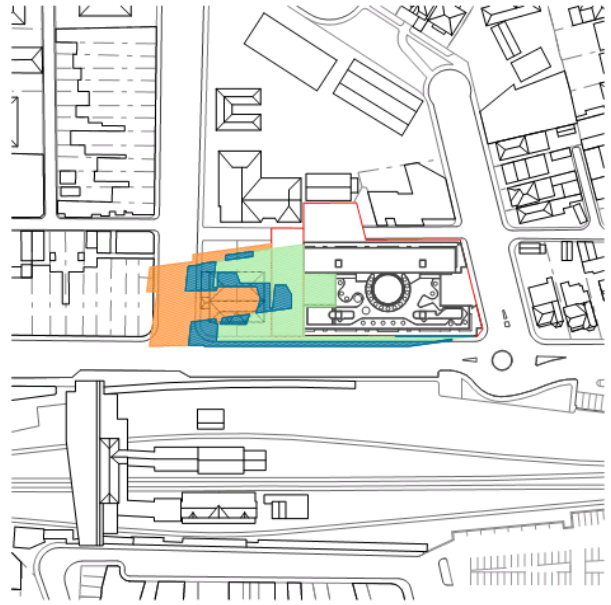

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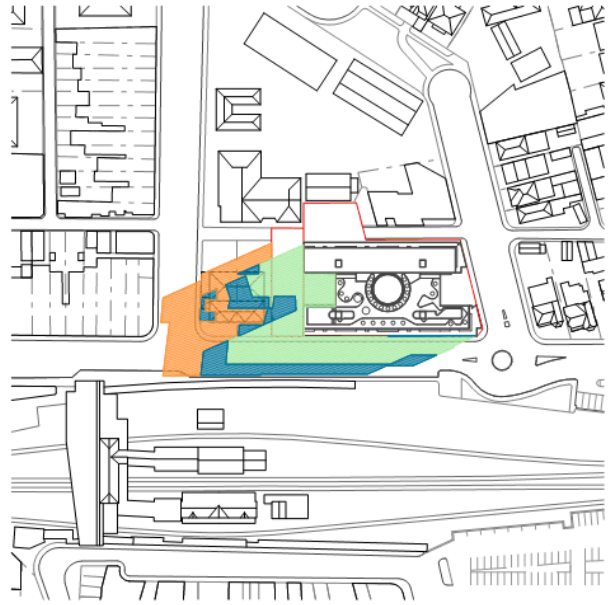

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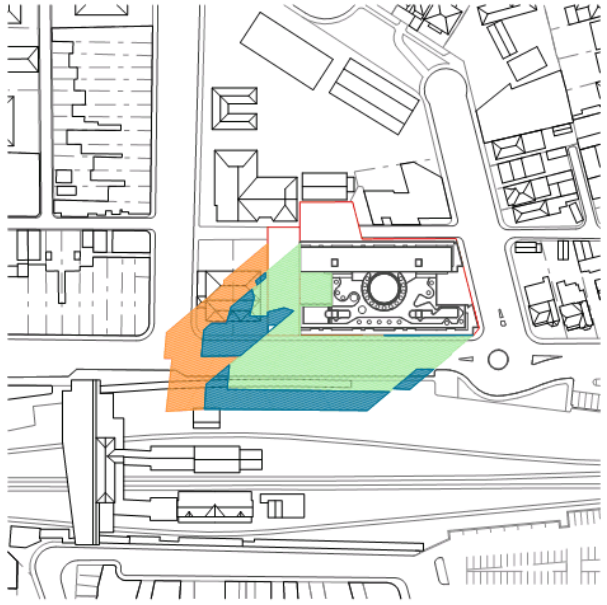

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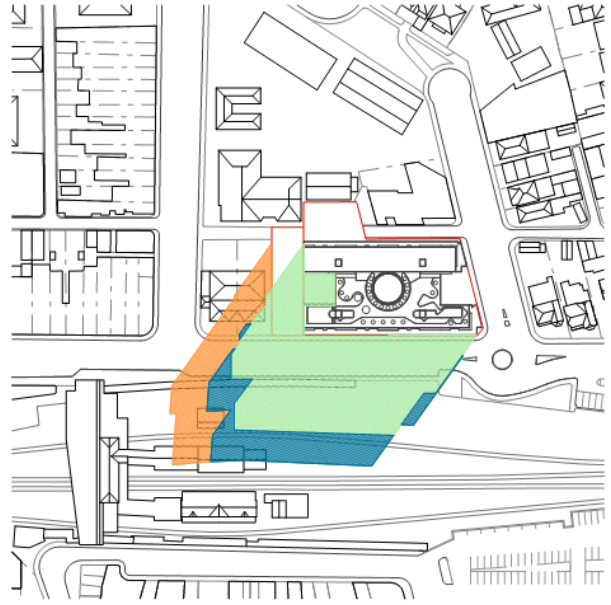

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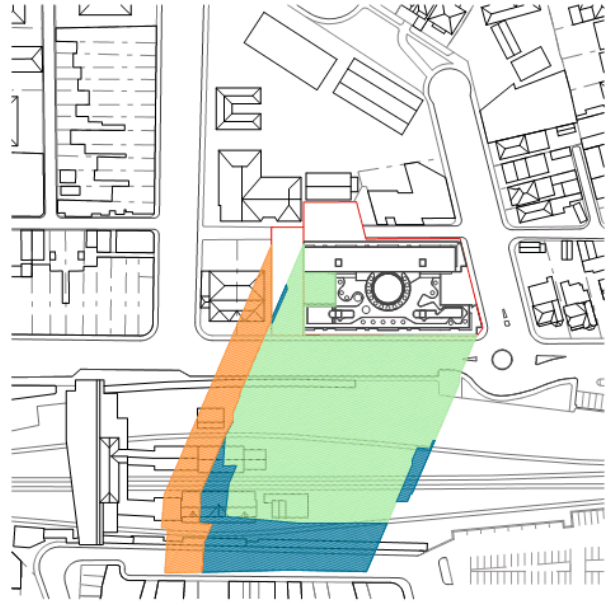

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1:2500

LEGEND

- SHADOWS CAST BY PROPOSED 22m HEIGHT DEVELOPMENT INDICATED IN GREEN
- SHADOWS CAST BY PROPOSED 28m HEIGHT DEVELOPMENT INDICATED IN BLUE
- SHADOWS CAST BY POTENTIAL NEIGHBOUR DEVELOPMENT INDICATED IN ORANGE

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CLIENT:
ZOE HOLDINGS ROCKDALE PTY LIMITED

SCALE: 1:1000@A3
0 1m 2m 5m

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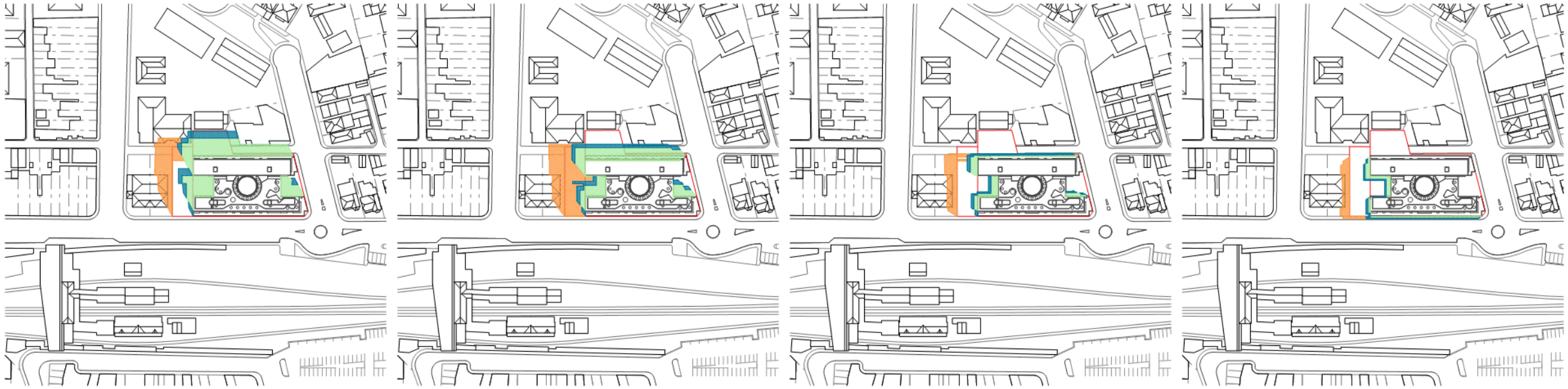

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02 – SHADOW DIAGRAM – 21 DECEMBER 10am
1:2500

03 – SHADOW DIAGRAM – 21 DECEMBER 11am
1:2500

04 – SHADOW DIAGRAM – 21 DECEMBER 12pm
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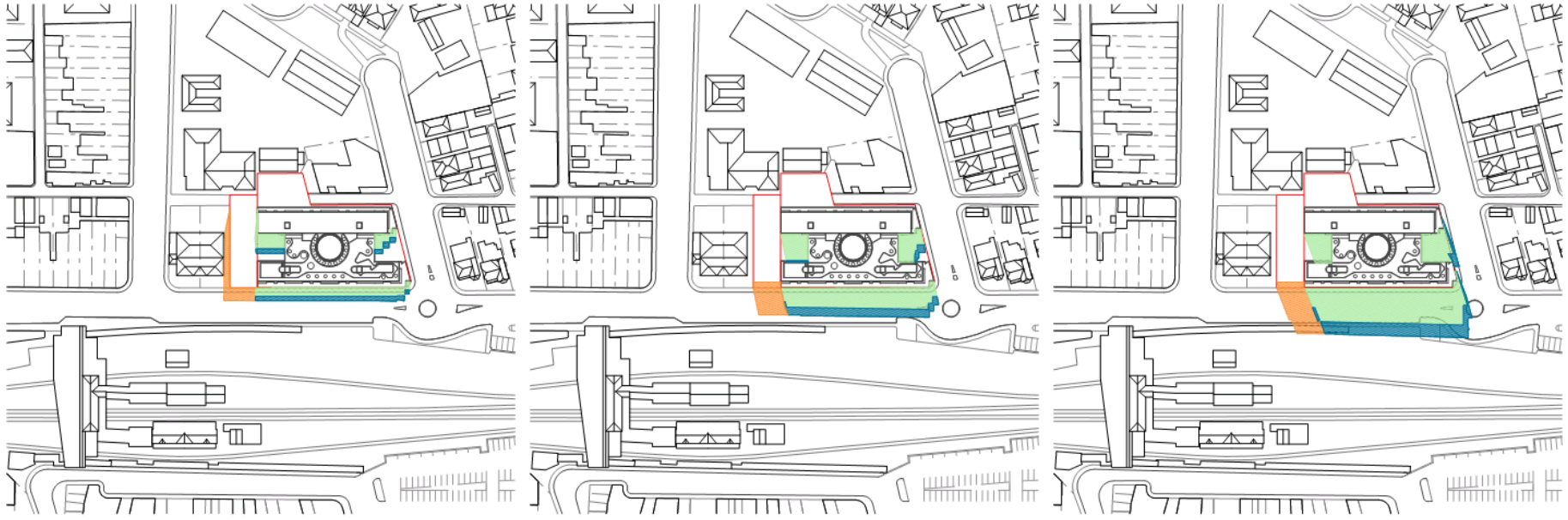

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06 – SHADOW DIAGRAM – 21 DECEMBER 2pm
1:2500

07 – SHADOW DIAGRAM – 21 DECEMBER 3pm
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LEGEND

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PHOTOMONTAGE 1
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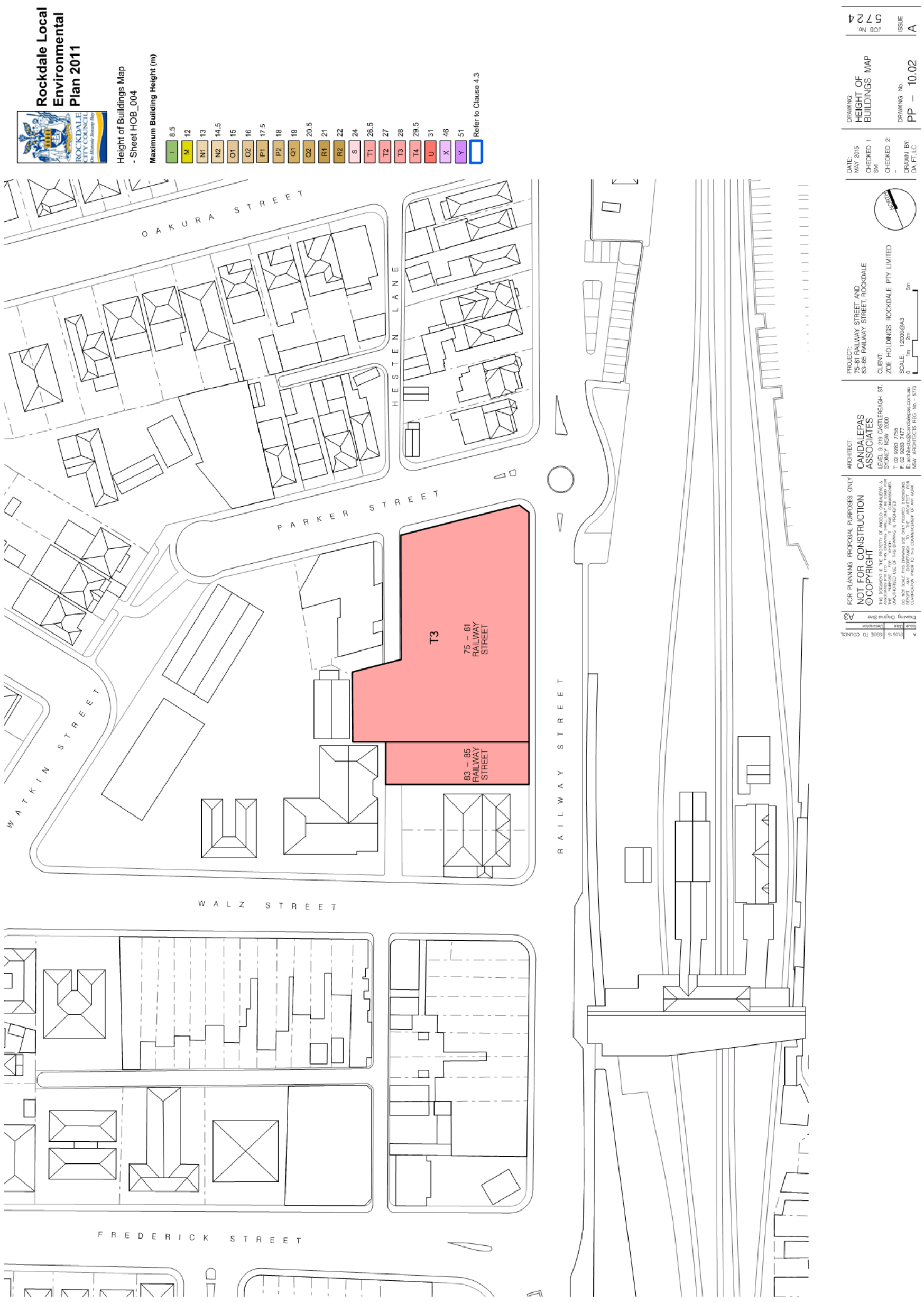
Rockdale Local Environmental Plan 2011
Height of Buildings Map
- Sheet HOB_004
Maximum Building Height (m)
I 8.5
M 12
N1 13
N2 14.5
O1 15
O2 16
P1 17.5
P2 18
Q1 19
Q2 20.5
R1 21
R2 22
S 24
T1 26.5
T2 27
T3 28
T4 29.5
U 31
X 46
Y 51
Refer to Clause 4.3
OAKURA STREET
HESTEN LANE
PARKER STREET
WATKIN STREET
WALZ STREET
FREDERICK STREET
RAILWAY STREET
T3
75 – 81 RAILWAY STREET
83 – 85 RAILWAY STREET
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SCALE: 1:2000@A3
DRAWING: HEIGHT OF BUILDINGS MAP
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RENZO TONIN & ASSOCIATES
inspired to achieve

Acoustics
Vibration
Structural Dynamics

11 March 2015
TH165-01F02 Acoustic Letter of Support for Planning Proposal (r1)

Langzi Chiu
Zoe Holdings Pty Ltd c/- Candalepas Associates
Level 9, 219 Castlereagh Street
Sydney NSW 2000

Dear Sir/Madam

75-81 Railway Street, Rockdale - Acoustic Letter of Support for Planning Proposal

Letter of Advice

Introduction

This letter is in relation to the development proposal for 75-81 Railway Street, Rockdale. Specifically, it assesses the planning proposal to increase the structure height to 28 metres. All relevant criteria and potential acoustic impacts of the proposal will be addressed.

Relevant Criteria

The list below states all relevant criteria that the development and planning proposal is to comply with:

- Australian Standard - AS 2021-2000 Acoustics - Aircraft noise intrusion building siting and construction;
- BCA 2014 requirements for separation of apartments in Class 2 Buildings;
- Rockdale Council DCP criteria for separation of apartments;
- State Environment Planning Policy (Infrastructure 2007) "ISEPP" for rail noise & vibration;
- NSW Department of Planning Guideline - Development near rail corridors and busy roads interim guideline 2008;
- NSW Road Noise Policy 2011; and
- NSW EPA's Industrial Noise Policy

30 1982 2012 ACOUSTIC EXCELLENCE
Sydney Melbourne Brisbane Kuwait
Renzo Tonin & Associates (NSW) Pty Ltd ABN 29 117 462 861
Level 1/418A Elizabeth St SURRY HILLS NSW 2010 | PO Box 877 STRAWBERRY HILLS NSW 2012
P (02) 8218 0500 F (02) 8218 0501 sydney@renzotonin.com.au www.renzotonin.com.au

Potential Acoustic Impacts

The potential acoustic impacts of the planning proposal are:

- Aircraft noise levels impacting on the residents may be higher for the upper levels of the development. Aircraft noise intrusion for the entire building will be addressed in accordance with Australian Standards AS2021-2000.
- Additional traffic noise generated by the site is to be assessed in accordance with the NSW Road Noise Policy 2011.
- The acoustic separation of apartments will be assessed in accordance with Rockdale Council's DCP and Consent Condition requirements and the Building Code of Australia.
- Rail noise and vibration impacts onto the proposed development site will be assessed in accordance with the State Environment Planning Policy (Infrastructure) - 'ISEPP' and NSW Department of Planning Guideline - Development near rail corridors and busy roads interim guideline 2008. The impacts of rail noise are expected to decrease with the height of the building.
- Noise emission for the site from mechanical plant is to be assessed in accordance with the NSW EPA's Industrial Noise Policy. Plant located on the roof top will have little impact on the existing surrounding sensitive receivers. Plant at low level will be acoustically treated to meet the criteria determined in accordance with the INP.

In summary, this acoustic letter supports the planning proposal to increase the structure height of 75-81 Railway Street, Rockdale to 28 metres. All relevant criteria have been noted, as well as any potential acoustic impacts which are to be addressed. Renzo Tonin & Associates confirm that the planning proposal is capable of complying with all relevant codes, guidelines and policies.

Regards,



Rebecca Corbett
RCorbett@renzotonin.com.au

management consultants &
project managers

11 March 2015

Candalepas Associates
Level 9
219 Castlereagh Street
Sydney NSW 2000

Attention: Langzi Chiu

Dear Sir

Proposed Mix Use Redevelopment, 75-81 Railway St, Rockdale

Candalepas Associates are preparing a planning proposal for the above development on behalf of their clients Zoe Holdings Rockdale Pty Ltd. NPC has been requested to undertake a high level review of the capacity of the existing HV electrical infrastructure to service the above development.

The site consists of two lots with an existing three level commercial building on one lot and a two level commercial building on the other. The estimated gross floor areas are approximately 1406m² and 1051m². The estimated power demand from the buildings based on Ausgrid's guideline rate of 100VA/m² is approximately 525kVA.

The proposed redevelopment would consist of 121 apartments and 794m² of retail/commercial floor space. The estimated HV power demand from this development is likely to be 800kVA based on Ausgrid guideline rates.

The HV power supply is provided in HV feeders which typically have a capacity of 4500kVA. It is likely that the relatively small increase in demand from the new development compared to the existing usage could be serviced from the existing HV power infrastructure. A feasibility application has been made to Ausgrid for this development. Ausgrid has confirmed that there is sufficient HV supply and that the development would require an onsite kiosk sub station to manage the onsite power distribution.

Yours faithfully

MARK TOOKER
Project Director

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75-81 Railway Street, Rockdale – Stormwater, Hydraulic and Fire Engineering Services Letter of Support for a Planning Proposal

REF: 2014-0723

16 March 2015

Candalepas
Level9, 219 Castlereagh Street
SYDNEY NSW 2000

Attention: Langzi Chiu

Dear Langzi,

RE: 75 – 81 Railway Street, Rockdale

AJ Whipps Consulting Group

Where ingenuity flows

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NSW 2060 Australia
ABN: 11 077 989 158
t 61 2 8923 8444
f 61 2 8923 8484
sydney@ajwhipps.com.au
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The purpose of this letter is to provide advice if the existing infrastructure is able to service the proposed development and also to provide clarification on the Building Code of Australia (BCA) requirements for fire protection within a building with an effective height in excess of 25m, as defined by the BCA, and its effect on the proposal for 75 – 81 Railway Street, Rockdale development. Specifically the increase of the maximum building height from 22m to 28m

Below we provide a summary of the relevant criteria for the fire protection within a building with an effective height in excess of 25m.

- Sprinklers to be provided throughout the whole building in accordance with BCA E1.5 and AS2118.1
- A water tank for the sprinklers in accordance with BCA E1.5 and AS2118 as well as water supply from a Sydney Water main
- A water tank for the fire hydrants in accordance with AS2419.1, as well as water supply from a Sydney Water main
- 2 sprinkler pumps required – diesel and electric as required by AS2118.1
- 2 hydrant pumps required – diesel and electric as required by AS2419.1
- Sprinkler and hydrant pump room required
- A fire control centre is to be provided in accordance with BCA E1.8
- Smoke detection and alarm in accordance with Table E2.2a of the BCA
- A Sound System and Intercom Systems for Emergency Purposes (formerly EWIS), break glass alarms and warden intercom phones is required in accordance with BCA E4.9

The above requirements apply to a building with an effective height over 25m, as defined under the BCA. The height of the building needs to be determined by the BCA Consultant.

We have received a statement of available pressure and flow from Sydney Water, it states that there is a 150Ømm water main on Railway Street which can supply the site. The flows and pressures are summarised below, refer to appendix for a copy of the Sydney Water statement.

Flow L/s	Pressure head m
5	37
10	36
15	35

Given the above information received from Sydney Water, we believe that the current infrastructure can accommodate this level of development and comply with current Codes.

Should you have any queries please don't hesitate to contact us.

Regards

Yours faithfully
AJ Whipps Consulting Group

John Vergara

Enclosed: Statement of available pressure and flow from Sydney Water

Zoe Holdings Rockdale Pty Ltd

75-81 Railway Street, Rockdale

Traffic impact assessment

Issue | 24 March 2015

This report takes into account the particular instructions and requirements of our client.

It is not intended for and should not be relied upon by any third party and no responsibility is undertaken to any third party.

Job number 240297

Arup
Arup Pty Ltd ABN 18 000 966 165

Arup
Level 10 201 Kent Street
PO Box 76 Millers Point
Sydney 2000
Australia
www.arup.com

ARUP

Document Verification

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Job title		75-81 Railway Street, Rockdale			**Job number** 240297
Document title		Traffic impact assessment			**File reference**
Document ref					
Revision	**Date**	**Filename**	Draft Report.docx		
Draft 1	12 Mar 2015	**Description**	First draft		
			Prepared by	Checked by	Approved by
		Name	Daniel Kwon	James Turner	Andrew Hulse
		Signature			
Draft 2	23 Mar 2015	**Filename**	23032015 Draft Report.docx		
		Description	Updated for commercial use		
			Prepared by	Checked by	Approved by
		Name	Daniel Kwon	James Turner	Andrew Hulse
		Signature			
Issue	24 Mar 2015	**Filename**	24032015 Traffic Report .docx		
		Description			
			Prepared by	Checked by	Approved by
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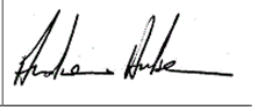
		Signature			
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1 Introduction

1.1 Project background

Arup was engaged by Candalepas Associates on behalf of Zoe Holdings Pty Ltd to provide traffic engineering services for the proposed mixed use residential development site located at 75-81 Railway Street, Rockdale. The proposal is for a nine storey mixed use development containing residential apartments and ground floor retail frontages on Railway Street.

1.2 Scope of work

This traffic impact assessment supports the planning proposal application for the proposed development at 75-81 Railway Street, Rockdale, and will outline the following:

- Existing traffic conditions review and intersection performance analysis for the AM and PM peak hour.
- Establishment of trip generation and distribution based on the site uses, including time and origin of arrival of customers / visitors.
- Traffic impact assessment of the proposed development on the local road network for one future year determined by the proposed development timeline. Key outputs from intersection modelling will establish whether any mitigation measures will be required to accommodate the traffic generation of the proposed development.
- Design advice for proposed car park design and garbage collection through swept path analysis.
- Advice on parking requirements at the proposed development.

2 Existing conditions

2.1 Site description

The proposed development site is located at 75-81 Railway Street, Rockdale which is shown in Figure 1. The site is located within the Rockdale Local Government Area (LGA) and is currently zoned as B2 Local Centre. The site is located near Rockdale Station and is currently occupied by two commercial buildings. The area surrounding the site consists of retail stores and high density residential developments along Railway Street and low density residential developments to the west.

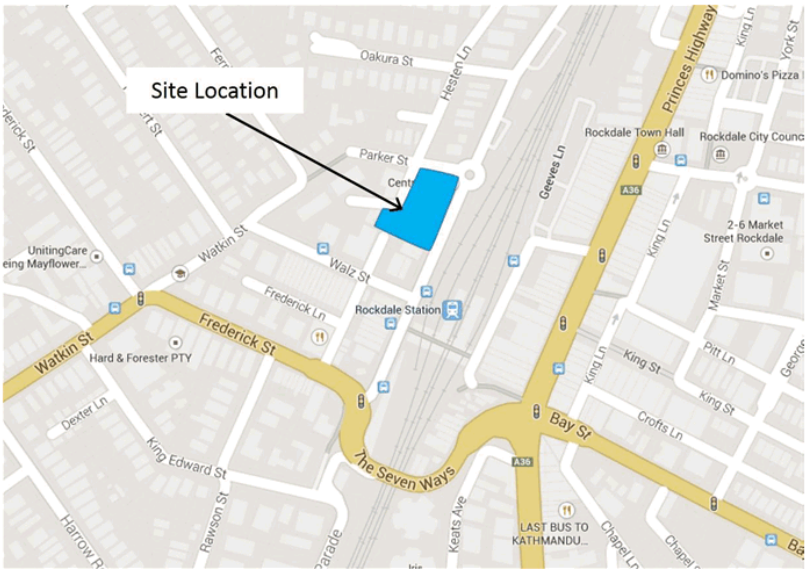

Figure 1: Site location

2.2 Road network

The site is bound by Railway Street to the east, Hesten Lane to the west and Parker Street to the north.

The section of Railway Street surrounding the site is a local two-way collector road connecting local roads to The Seven Ways. Kerbside parking is permitted on the western side of the road, whilst bus zone restrictions apply on the eastern side (where a bus interchange is located). One of the existing site driveways (to the basement) is located on Railway Street. The road has high pedestrian activity due to close proximity of schools, public transport and shops and subsequently has 40 km/h posted speeds.

Frederick Street (located south of the site) is an RMS state controlled road. Frederick Street is a sub-arterial road and continues over the south coast railway line as The Seven Ways, providing a connection between local traffic and the Princes Highway. There are 60 km/h speed restrictions on all sections of the road.

Hesten Lane is a local laneway that runs parallel to Railway Street. The laneway is a narrow 4.5 m wide two-way with no kerbside parking. The southern interface of Hesten Lane forms one of the driveways of the existing commercial building at the site location. There are 40 km/h speed restrictions on all sections of the road.

Parker Street is a two-way local road with kerbside parking permitted on either side of the road. It forms an intersection with Railway Street as a roundabout. Observations made by Arup during a typical weekday morning peak showed a high level of pick-up and drop-off activity along the kerbside parking spaces during the AM peak hour. There are 40 km/h speed restrictions on all sections of the road.



Figure 2: Pick-up activity on Parker Street

2.3 Existing traffic volumes

Traffic count surveys were undertaken in the AM (8:00am-9:00am) and PM (4:30pm-5:30pm) peak periods on two intersections surrounding the site on Tuesday 17 February 2015. The intersections surveyed were Parker Street / Railway Street and Railway Street / Walz Street. Analysis of the traffic survey data revealed that the AM peak hour occurs between 8:00am-9:00am and the PM peak hour occurs between 5:00pm-6:00pm. The existing traffic volumes during the AM and PM peak hours are shown in Figure 3.

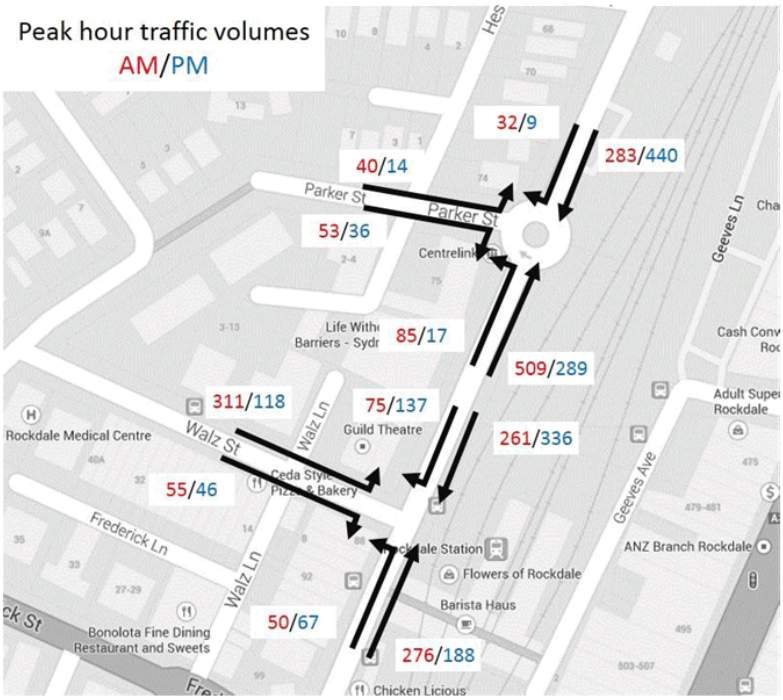

Figure 3: Traffic survey counts

2.4 Existing trip generation

Arup surveyed the three driveways of the existing development (Figure 4) to assess the level of activity during the AM (8:00 am-9:00 am) and PM (4:30 pm-5:30 pm) peak hours on a typical working day. The in/out movements from the driveways that service the two commercial buildings were surveyed and the results are described in Table 1.

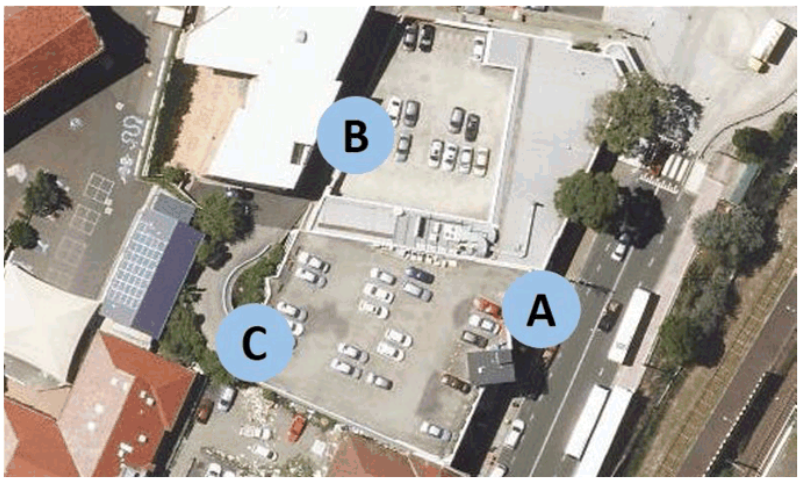

Figure 4: Driveway survey locations

Table 1: Driveway survey counts

Driveway	AM Peak			PM Peak		
	In	Out	Total	In	Out	Total
A	21	1	22	0	18	18
B	6	0	6	0	8	8
C	10	0	10	1	15	16
Total	**37**	**1**	**38**	**1**	**41**	**42**

The existing commercial buildings generate a total of 38 trips during the AM peak hour and 42 trips during the PM peak hour on a typical weekday. The majority of AM peak hour trips are inbound and outbound in the PM peak hour, which is typical for a commercial building.

2.5 Public transport

The site has good access to public transport and is located within 200m walking distance from Rockdale Station. A bus interchange is also located on Railway Street, within 100m walking distance.

Rockdale Station is serviced by the T4 Eastern Suburbs & Illawarra Line, which provides all stop train services to the Sydney CBD, Cronulla and the South Coast via Sutherland. The station is well served by trains with services every 10 minutes during the peak periods in both direction of travel.

Bus stops located on Railway Street connect the local area to the Sydney CBD, Burwood, Beverley Hills, Bexley, Drummoyne and Kingsgrove. Bus routes servicing the site are summarised in Table 2.

Table 2: Bus services

Bus Route	Service description
Route 400, Burwood to Bondi Junction	Services every 20 minutes throughout the day in each direction.
Route 410, Rockdale to Bondi Junction	Services every 30 minutes during peak periods in each direction. Services only operate during peak periods.
Route 452, Beverly Hills to Rockdale	Services every 20 minutes throughout the day in each direction.
Route 473, Rockdale to Campsie	Services every 30 minutes during peak periods in both directions of travel Services every hour during non-peak periods in both directions of travel
Route 492, Rockdale to Drummoyne	Services every 15 minutes during peak periods in both directions of travel Services every 30 minutes during non-peak periods in both directions of travel
Route 493, Rockdale to Roselands	Services every hour throughout the day in each direction.

2.6 Pedestrian and cycling facilities

The site is located in Rockdale Town Centre and is well served by a good network of local footpaths. Paved footpaths and kerb ramps are provided on both sides of Railway Street, Walz Street and Parker Street. All roads on the walking route from the proposed development site to Rockdale transport interchange possess paved footpaths and kerb ramps on both sides of the road with sections of Railway Street providing covered footpaths. There are pedestrian zebra crossing opportunities across Railway Street and Walz Street connecting to the shops and transport nodes.

The site is well connected to a number of cycling routes which consist of both off-road cycling paths as well as on-road marked paths. The on-road bike path on Railway Street connects to the Cooks River Cycleway which provides a safe and efficient connection to the Sydney Airport and the Sydney CBD (see Figure 5).

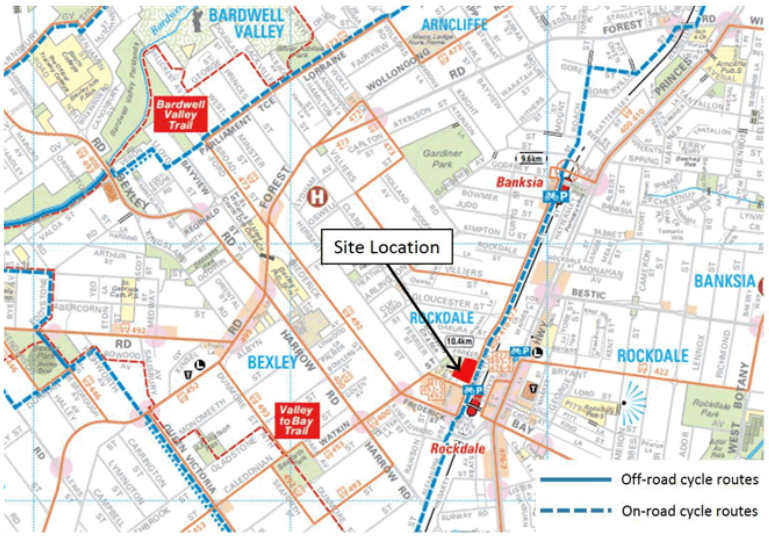

Figure 5: Cycle routes surrounding the site

2.7 Parking

The site is located within the Rockdale town centre which mostly has restricted parking on surrounding streets. Parker Street has a number of restrictions including:

- two hour restrictions between 9:30am-2:30pm and 3:30pm-6:00pm Monday to Friday and
- 15 minute restrictions on the northern side and
- no parking restrictions on the southern side between 8:30am-9:30am and 2:30pm-3:30pm during school days.

Railway Street has short-stay 15 minute parking restrictions on the western side and bus zones on the eastern side due to the bus interchange. There are unrestricted parking opportunities on local streets further north of the site which are generally occupied by commuters.

2.8 Travel characteristics

Mode share patterns at the site were analysed using 2011 Journey to Work (JTW) Census data from the Bureau of Transport Statistics. The JTW data for travel zone 2764 was used to assess the likely mode of peak hour trips to and from the site. The location and the coverage of travel zone 2764 is shown in Figure 6. The results of the analysis are shown in Table 3.



Figure 6: Travel zone 2764
Source: BTS, 2011

Table 3: Journey to Work travel patterns

Mode	Inbound trips to work	Outbound trips to work
Train	14%	43%
Bus	3%	5%
Car	74%	44%
Walk	7%	5%
Other	1%	1%
Mode not stated	1%	3%
Total trips	534	903

Source: BTS, 2011

The JTW data shows that residents of travel zone 2764 rely primarily on public transport to commute to work. The data reveals 43% of residents travel to work via train and 5% travel to work via bus. This can be attributed to the close proximity of Rockdale Station and the frequency of public transport services to the Sydney CBD.

The JTW data reveals that commuters travelling to travel zone 2764 rely more heavily on car trip modes which makes up 74% of inbound trips. Commuters travelling to Rockdale by train make up 14% of inbound trips and trips made by bus make up 3%.

3 Planning proposal

3.1 Proposed development

The proposed concept development is for a nine storey mixed use development which will include eight levels of residential apartments, ground floor retail and commercial uses and three levels of basement car parking.

The residential component of the development comprises of 1-bedroom, 2-bedroom and 3-bedroom apartments. The total number of each type of apartment is summarised in Table 4.

Table 4: Residential apartment schedule

Adaptable	1-bedroom	2-bedroom	3-bedroom	Total
13	26	69	13	121

In addition, the development will provide approximately 374m^2 of retail and 459m2 of commercial space.

3.2 Car parking

The proposed development will provide a number of basement parking levels. Vehicular access to the basement level car park will be via ramps down from Parker Street.

3.3 Site access

Vehicle access to the site will be provided on Parker Street via a new driveway that leads down to the basement level car parks. Ramps are proposed in the north-east section of the site to provide access between the car parking levels. All other existing driveways to the site will be removed.

Pedestrian access to the site will be provided on Railway Street for residents and on Parker Street for customers using the retail shops and child care centre.

3.4 Service vehicle access

Garbage collection will occur from a bin room to be located on the corner of Hesten Lane and Parker Street frontage. There are 4 bin rooms in the basement and bins will be brought to the street level bin room on collection days.

Deliveries will occur on-street.

4 Parking assessment

4.1 Off street parking

The proposed car parking rates for the development site will be calculated based on the Rockdale Council DCP.

The required parking provisions are outlined in the existing Rockdale City Council Development Control Plan 2011 (DCP 2011), Section 4.6: Car Parking, Access and Movement. The relevant proposed and required parking rates for this development have been summarised in Table 5.

Table 5: Car parking rates as per Rockdale DCP

Development type		DCP requirement
Residential	Adaptable	1 accessible space per apartment
	1 bedroom	1 space per apartment
	2 bedrooms	1 space per apartment
	3+ bedrooms	2 spaces per apartment
	Visitor parking	1 space per 5 units
Commercial	Office or businesses premises	1 space per 40m^2 of GFA
Shops, restaurants or cafes	Shop	1 space per 40m^2 of GFA

The Rockdale Council DCP also states that:

"Council's on-site car parking requirements aim to satisfy the parking demand likely to be generated by the development while discouraging unnecessary car use and encouraging other modes of transport. Developments are to facilitate and encourage greater pedestrian, bicycle and public transport usage to improve local amenity and to minimise pollution and the use of non-renewable resources."

Given that the development is adjacent to a Railway Station and there is good access to a bus interchange with 6 routes serviced, consideration should be given to reducing the provision of car parking which will reduce car dependence.

If the full Rockdale DCP parking rates are used, car parking for 194 vehicles is required as shown in Table 6. This will require three levels of car parking. However, given that there are parking restrictions on surrounding streets and a nearby railway station, it is unlikely that this level of parking will be required. It is expected that many residents of the development will use public transport as their primary mode of transport and that the shops will generate minimal need for parking within the development with the availability of on-street.

Table 6: Car parking to be provided

Development type		Number of units / GFA	Car parking requirements (Rockdale DCP)
Residential	Adaptable	13	13
	1 bedroom	26	26
	2 bedrooms	69	82
	3+ bedrooms	13	26
	Visitor parking	121	25
Commercial		459m^2	12
Shops, Cafes, Restaurants		374m^2	10
Total Parking Spaces			194 parking spaces

4.2 Bicycle parking

The bicycle parking rates for the development have been taken from the Rockdale DCP and used here in Table 7

Table 7: Rockdale City Council bicycle parking rates

Development type	**DCP requirement**	**Number of apartments / GFA / children**	**DCP required parking**
Residential	1 space per 10 dwellings	121	13
Shops, restaurants or cafes	1 space per 200m^2	374m^2	2
Commercial	1 space per 200m^2	459m^2	3
Total			18

Bicycle parking and end of trip facilities will be provided with the development in accordance with Rockdale DCP requirements.

4.3 Motorcycle parking

The motorcycle parking rates for the development have been taken from the Rockdale DCP and used here in Table 8.

Table 8: Rockdale City Council motorcycle parking rates

Development type	DCP requirement	Number of apartments / spaces	DCP required parking
Residential	1 space per 15 dwellings	121	10
Shops, restaurants or cafes	1 space per 20 car spaces	2	1
Commercial	1 space per 20 car spaces	2	1
Total			12

Motorcycle parking will be provided with the development in accordance with Rockdale DCP requirements.

5 Transport assessment

5.1 Traffic generation

Traffic generation rates were adopted from the RMS Technical Direction (TDT 2013/4a) Guide to Traffic Generating Developments Updated Traffic Surveys. Trips generated. These rates were used for the residential component of the development which have been calculated based on Rockdale specific rates for vehicle trips per unit. The site surveyed at Rockdale as part of the RMS TDT 2013/4a was a 234 unit apartment with a 1.11:1 parking ratio. The proposed site will have 121 apartments and 194 parking spaces as shown in Table 6. This represents a parking ratio of 1.60:1. The RMS traffic generation rate is therefore appropriate.

Trips for the proposed retail have been assumed as 50% of the averaged Sydney Metropolitan rate, given the site is located within the Rockdale Town Centre. The retail will not be a key generator of both vehicle and pedestrian trips, but will likely serve as an ancillary function for the residents and workers of the proposed development.

Trips for the proposed commercial have been calculated based on the Sydney Metropolitan rate for office blocks.

Based on the development schedule and rates outlined above, Table 9 and

Table 10 detail the expected trip generation for the site.

Table 9: AM peak hour trip generation

Land use	Size of proposed development	AM peak hour trip generation rate	AM peak hour trips generated
Residential	121 units	0.32 per unit	39
Retail	374m^2 GFA	n/a	0
Commercial	300m^2	1.6 per 100m^2	5
Total trips			**44**

Table 10: PM peak hour trip generation

Land use	Number of units / GFA	PM peak hour trip generation rate	PM peak hour trips generated
Residential	121	0.18 per unit	22
Retail	374m^2	6.15 per 100m2	23
Commercial	300m^2	1.2 per 100m^2	4
Total trips			**49**

The site is currently occupied by two commercial office blocks which currently generate trips during the AM and PM peak hours. Survey results outlined in Table 1 reveal that the existing site generates 38 trips in the AM peak of which 37 were incoming trips to the site and 42 trips in the PM peak of which 41 were outgoing trips leaving the site. The proposed development will predominately generate outgoing trips in the AM peak and incoming trips in the PM peak as it is

residential in nature. Therefore the development is expected to generate the trips outlined Table 11.

Table 11: Additional trips generated

Peak hour	Trips inbound	Trips outbound	Total trips in hour
AM	-35	+40	+5
PM	+34	-28	+6

Note: Negative trips indicate trips that are expected to be removed from the road network due to the change of development type.

5.2 Traffic distribution

The existing turning proportions of vehicles at Parker Street / Railway Street intersection have been assumed as the turning distribution of the additional trips. Traffic surveys were conducted at the Parker Street / Railway Street to observe the movement of vehicles entering and leaving Parker Street. The proportions in Figure 7 have been assigned.



Figure 7: Trip distribution

5.3 Road network impacts

The development will have a net increase in 6 trips in the AM and 7 trips in the PM peak hours which accounts for approximately 1% of existing traffic volumes at the Parker Street / Railway Street intersection. As such, the proposed development is expected to have minimal impacts to the local road network when distributed over the network and accesses to the site.

Table 12: Development traffic compared to existing traffic volumes

Peak	Existing traffic volumes	Development traffic volumes	Percentage (%)
AM	1,002	+5	0.5%
PM	802	+6	0.8%

5.3.1 Traffic modelling

The Parker Street / Railway Street intersection has been assessed using RMS approved software SIDRA software. In urban areas, the traffic capacity of the major road network is generally a function of the performance of key intersections. This performance is quantified in terms of Level of Service (LoS), is based on the average delay per vehicle. LoS ranges from A = very good to F = unsatisfactory.

Table 13: Level of service criteria for intersections

Level of Service	Average delay (seconds per vehicle)	Description
A	Less than 14	Good operation
B	15 to 28	Good with acceptable delays and spare capacity
C	29 to 42	Satisfactory
D	43 to 56	Operating near capacity
E	57 to 70	At Capacity. At signals, incidents will cause excessive delays. Roundabouts require other control mode
F	Greater than 71	Unsatisfactory with excessive queuing

Another common measure of intersection performance is the degree of saturation (DoS), which provides an overall measure of the capability of the intersection to accommodate additional traffic. A DoS of 1.0 indicates that an intersection is operating at capacity. The desirable maximum degree of saturation for an intersection is 0.9.

The existing intersection performance is assessed in this report in terms of the following three factors for each intersection.

- Degree of Saturation
- Average Delay (Seconds per vehicle)
- Level of Service

5.3.2 Results and analysis

Results of the analysis of the roundabout at Parker Street / Railway Street are summarised in Table 14.

Table 14: SIDRA results - Parker Street / Railway Street

Peak period	Scenario	LoS	Average delay (s)	DoS
AM	Existing	A	6	0.41
	Development	A	6	0.39
PM	Existing	A	5	0.32
	Development	A	5	0.32

Results from the SIDRA analysis summarised in Table 14 reveals that the development will have minimal impacts on the operation of the intersection.

6 Conclusion

This review has described the potential traffic and transport impacts of the proposed conceptual mixed use development at 75-81 Railway Street, Rockdale. Key findings of the review are as follows:

- The site is located within Rockdale Town Centre, parking in this area is restricted discouraging residents from parking on-street;
- The development is located within 200m of various modes of public transport. Rockdale Station and bus stops are located adjacent to the site on Railway Street and thus the development is expected to not generate a large parking demand;
- The development would be responsible for a small increase (1%) in peak hour traffic flows along surrounding key roads. Due to the small increase in development traffic, it is expected that surrounding key roads will continue to operate in the same way;
- Results of SIDRA analysis indicate that the Parker Street / Railway Street intersection continues to operate at a LoS A with adequate DoS in both peak periods;
- Secure bicycle parking is to be provided as a component of the proposed development; and
- The proposed increase in height for the site will have minimal impacts on the existing road network.

PEDESTRIAN WIND ENVIRONMENT STATEMENT

75-81 RAILWAY STREET, ROCKDALE

PLANNING PROPOSAL - 28M BUILDING HEIGHT SCHEME

WC327-02F01(REV0)- WS REPORT

20 MARCH 2015

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DOCUMENT CONTROL

Date	Revision History	Non-Issued Revision	Issued Revision	Prepared By (initials)	Instructed By (initials)	Reviewed & Authorised by (initials)
20/03/2015	Initial	-	0	HK	TR	TR

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EXECUTIVE SUMMARY

This report is in relation to the proposed development located at 75-81 Railway Street, Rockdale, and presents an opinion on the likely impact of the proposed design on the wind environment in the critical outdoor areas within and around the subject development. The effect of wind activity is examined for the three predominant wind directions for the Sydney region; north-easterly, southerly and westerly winds. The analysis of the wind effects relating to the proposal was carried out in the context of the local wind climate, building morphology and land topography.

The conclusions of this report are drawn from our extensive experience in this field and are based on an examination of the architectural drawings which have been prepared by the project architect Candalepas Associates, received March 6, 2015. No wind tunnel tests have been undertaken for the subject development. As such, this report addresses only the general wind effects and any localised effects that are identifiable by visual inspection. Any recommendations in this report are made only in-principle and are based on our extensive experience in the study of wind environment effects around buildings.

The results of this study indicate that the subject development will benefit from shielding provided by the existing surrounding buildings. Several features are proposed for the subject development, which will aid in achieving suitable wind conditions. These features, which should be retained for the final design scheme, are summarised as follows:

- Tree planting in the ground level central courtyard, northern entryway, and southern planting area.
- The ground façade elements on the eastern side of the development.
- Most of the balconies benefit from effective design features such as their recessed design into the overall building footprint, end screens, privacy screens, and impermeable balustrades and/or parapets.
- The setback of the upper level balconies from the extent of the lower level balconies on the eastern and western aspects.
- Proposed rooftop planting, especially on northern and eastern sides and around the central courtyard void, as well as around any potential seating areas.
- Proposed parapet/ impermeable balustrade around the perimeter of the rooftop area of the development.

However, the analysis indicates that some trafficable outdoor areas of the development may be exposed to strong winds, and hence the following treatments are suggested in addition to the abovementioned features:

- An awning over the southern planting area on the southern edge of the development.

- Full-height impermeable end screens on the south-eastern corner balcony on Level 5, and south-western corner balcony on Level 6.
- Full-height impermeable privacy screens for the north-eastern apartment on Level 5 and north-western corner apartment on Level 6.
- Full-height impermeable screens on the eastern edges of the north-western corner apartment on Level 6.
- Extended 2 densely foliating trees planted on either side of the eastern edge tree planting on the roof.
- Hedge planting and/or other forms of dense planting around potential seating areas on the roof.

With the inclusion of the abovementioned treatments, it is expected that adequate wind conditions will be achieved for all outdoor trafficable areas within and around the site. Furthermore, the development is not expected to have any adverse impact onto the wind conditions for the local surrounding area.

1 DESCRIPTION OF THE PROPOSED DEVELOPMENT AND SURROUNDS

The proposed development site is situated at the corner of Railway Street and Parker Street in Rockdale. Immediately surrounding the site are 2 to 4 storey residential buildings to the north, south and west, while the railway line lies to the east Further from the site are mostly 1 to 2 storey residential buildings in to the north, south and west, while to the east lies 2-3 storey commercial buildings. Rockdale Station situated to the south-east of the site. The land topography around the site generally flat in all directions, with a slight upwards slope to the east of the development site. An aerial image of the subject site location is shown in Figure 1 below.

The subject development consists of 121 residential apartments on Levels 1 to 8, commercial spaces located on the ground floor, as well as an open courtyard. Car parking is also proposed over 2-3 basement levels. Each of the apartments have a private balcony area. A communal landscaped area is proposed on Level 8 (rooftop).



Figure 1: Aerial Image of the Proposed Development Site

2 WIND CLIMATE OF THE SYDNEY REGION

The Sydney region is governed by three principal wind directions, and these can potentially affect the subject development. These winds prevail from the north-east, south and west. A summary of the principal time of occurrence of these winds throughout the year is presented in Table 1 below. This summary is based on a detailed analysis undertaken by Windtech Consultants of recorded directional wind speeds obtained at the meteorological station located at Kingsford Smith Airport by the Bureau of Meteorology (recorded from 1939 to 2008). From this analysis, a directional plot of the annual and weekly recurrence winds for the Sydney region is also determined, as shown in Figure 2. The frequency of occurrence of these winds is also shown in Figure 2.

As shown in Figure 2, the southerly winds are by far the most frequent wind for the Sydney region, and are also the strongest. The westerly winds occur most frequently during the winter season for the Sydney region, and although they are typically not as strong as the southerly winds, they are usually a cold wind since they occur during the winter and hence can be a cause for discomfort for outdoor areas. North-easterly winds occur most frequently during the warmer months of the year for the Sydney region, and hence are usually welcomed within outdoor areas since they are typically not as strong as the southerly or westerly winds.

Table 1: Principal Time of Occurrence of Winds for Sydney

Month	Wind Direction		
	North-Easterly	Southerly	Westerly
January	X	X	
February	X	X	
March	X	X	
April		X	X
May			X
June			X
July			X
August			X
September		X	X
October	X	X	
November	X	X	
December	X	X	

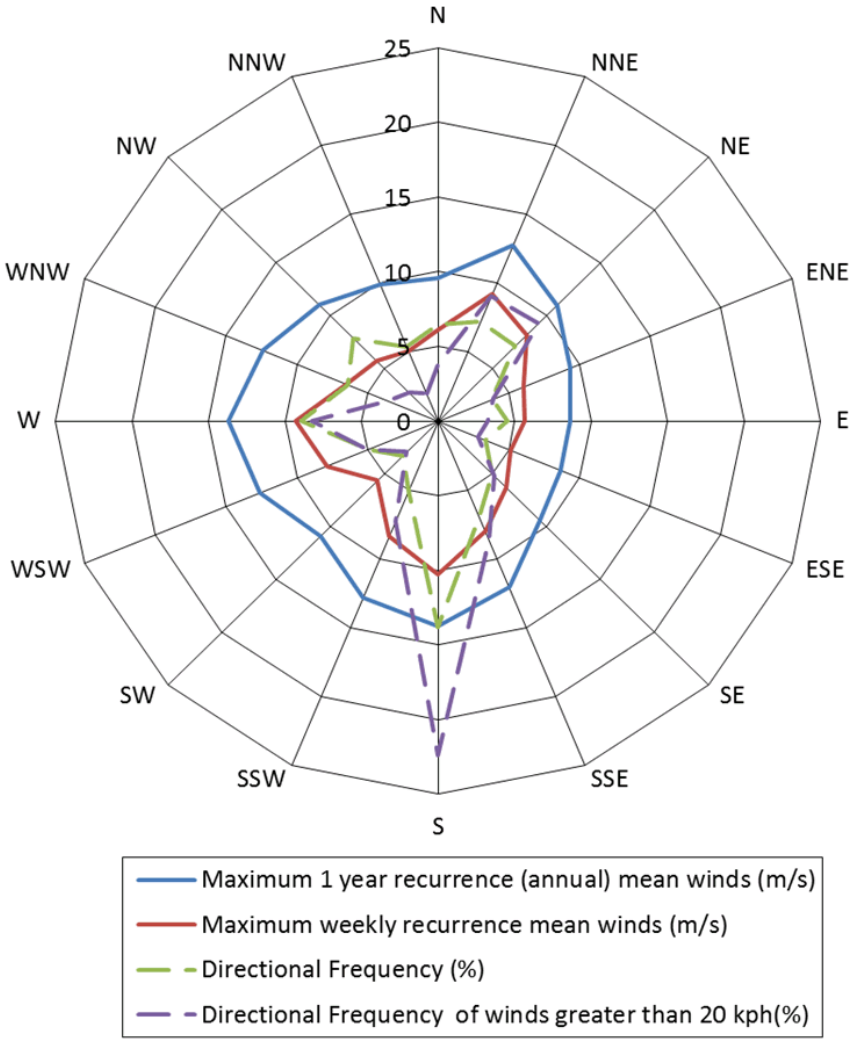


Figure 2: Annual and Weekly Recurrence Mean Wind Speeds, and Frequencies of Occurrence, for the Sydney Region (based on 10-minute mean observations from Kingsford Smith Airport from 1939 to 2008, corrected to open terrain at 10m)

3 WIND EFFECTS ON PEOPLE

The acceptability of wind in any area is dependent upon its use. For example, people walking or window-shopping will tolerate higher wind speeds than those seated at an outdoor restaurant. Various other researchers, such as Davenport, Lawson, Melbourne, Penwarden, etc, have published criteria for pedestrian comfort for pedestrians in outdoor spaces for various types of activities. Some Councils and Local Government Authorities have also adopted elements of some of these into their planning control requirements in Australia. The following table is an example, which was developed by Penwarden in 1975, and describes the effects of various wind intensities on people. Note that the applicability column relates to the indicated wind conditions occurring frequently (exceeded approximately once per week on average). Higher ranges of wind speeds can be tolerated for rarer events.

Table 2: Summary of Wind Effects on People (Penwarden, 1975)

Type of Winds	Gust Speed (m/s)	Effects	Applicability
Calm, light air	0 - 1.5	Calm, no noticeable wind.	Generally acceptable for Stationary, long exposure activities such as in outdoor restaurants, landscaped gardens and open air theatres.
Light breeze	1.6 - 3.3	Wind felt on face.	
Gentle breeze	3.4 - 5.4	Hair is disturbed, Clothing flaps.	
Moderate breeze	5.5 - 7.9	Raises dust, dry soil and loose paper. Hair disarranged.	Generally acceptable for walking & stationary, short exposure activities such as window shopping, standing or sitting in plazas.
Fresh breeze	8.0 - 10.7	Force of wind felt on body.	Acceptable as a main pedestrian thoroughfare
Strong breeze	10.8 - 13.8	Umbrellas used with difficulty, Hair blown straight, Difficult to walk steadily, Wind noise on ears unpleasant.	Acceptable for areas where there is little pedestrian activity or for fast walking.
Near gale	13.9 - 17.1	Inconvenience felt when walking.	
Gale	17.2 -20.7	Generally impedes progress, Great difficulty with balance.	Unacceptable as a public accessway.
Strong gale	20.8 - 24.4	People blown over by gusts.	Completely unacceptable.

It should be noted that wind speeds can only be accurately quantified with a wind tunnel study. This assessment addresses only the general wind effects and any localised effects that are identifiable by visual inspection, and the acceptability of the conditions for outdoor areas are determined based on their intended use (rather than referencing specific wind speeds). Any recommendations in this report are made only in-principle and are based on our extensive experience in the study of wind environment effects.

4 RESULTS AND DISCUSSION

The expected wind conditions are discussed in this section for the various outdoor areas within and around the subject development for each of the three predominant wind directions for the Sydney region. The interaction between the wind and the building morphology in the area was considered, and important features taken into account include the distances between the proposed building form, their overall heights and bulk, as well as the landform. Note that only the potentially critical wind effects are discussed in this report.

4.1 Pedestrian Footpaths and Ground Level Courtyard

With the inclusion of the proposed development, the wind conditions for the pedestrian footpaths along Railway Street, Parker Street and Heston Lane are expected to be similar to, or better than, the existing wind conditions. The existing buildings located to the south and west of the development site assist in providing shielding from direct southerly and westerly wind for the lower levels wind effects. The proposed setback of the upper level balconies on the eastern and western aspects will mitigate any potential downwash effects from the development.

The proposed courtyard has the potential to experience some adverse winds caused by a pressure differential between the northern and southern aspects of the development. However, the proposed trees to the north, south, and central courtyard are expected to be effective in providing suitable wind conditions for this area. Note that, to be effective in wind mitigation, the proposed vegetation to be retained should be densely foliating. In addition north-easterly winds are less of a concern due to the prevalence during the warmer months.

The residential entry on the eastern aspect is exposed to southerly and north-easterly winds. It is recommended to retain the façade elements on either side of the entryway to mitigate these effects. An awning over the southern courtyard planting area is recommended to mitigate direct southerly winds.

It is not expected that the proposed development will cause any adverse wind effects to the ground level areas of neighbouring sites. With the inclusion of the proposed development, wind conditions for those areas are expected to either remain as they are now, or even be improved, due to the shielding that the proposed development provides.

Hence, with the retention of the proposed planting, and the addition of the recommended treatments, the wind conditions for the various trafficable ground level areas within and around the subject site are expected to be suitable for their intended uses.

4.2 Private Balconies

Wind conditions for the majority of private balconies of the proposed development are expected to be suitable for their intended use by the occupants. This is due to the effective proposed design, including recessing the balcony areas into the buildings form, privacy screens between adjacent balconies, and impermeable balustrades. However, the corner balcony areas (specifically the north-eastern and south eastern balconies on Level 5 and north-western and south-western balconies on Level 6) are expected to be exposed to the prevailing winds. To mitigate these effects, the elements to be retained and further treatments are suggested are as follows:

- Impermeable balustrades on the upper level balconies.
- Full-height impermeable end screens on the south-eastern corner balcony on Level 5, and south-western corner balcony on Level 6.
- Full-height impermeable privacy screens for the north-eastern apartment on Level 5 and north-western corner apartment on Level 6.
- Full-height impermeable screens on the eastern edges of the north-western balcony on Level 6.

4.3 Level 8 Rooftop

The Level 8 rooftop area is subject to winds from the north-easterly and southerly critical wind directions for the region as the westerlies are shielded by the Level 8 apartments. The proposed landscaping and tree planting on this level will greatly assist in mitigating adverse winds, and is hence recommended to be retained for the final landscaping design of the development, especially around any potential seating areas, and around the central courtyard void. However, further tree planting is recommended on this floor. 2 additional trees on each side of the proposed line of trees on the eastern edge of the rooftop is recommended.

Furthermore, the proposed parapets around the perimeter of the rooftop area will also be effective in mitigating adverse winds, and is also recommended to be retained for the final design. Hedge planting or other forms of dense planting around potential rooftop seating areas is also recommended. Note that, to be effective in wind mitigation, the proposed vegetation should be densely foliating.

5 CONCLUSION

An analysis of the wind environment impact with respect to the three principal wind directions for the Sydney region has been undertaken for the proposed development located at 75-81 Railway Street, Rockdale. The conclusions of this report are drawn from our extensive experience in this field and are based on an examination of the architectural drawings prepared by project architect Candalepas Associates, received March 6, 2015. No wind tunnel tests have been undertaken for the subject development. As such, this report addresses only the general wind effects and any localised effects that are identifiable by visual inspection. Any recommendations in this report are made only in-principle and are based on our extensive experience in the study of wind environment effects around buildings.

The results of this study indicate that the subject development will benefit from shielding provided by the existing surrounding buildings. Several features are proposed for the subject development, which will aid in achieving suitable wind conditions. These features, which should be retained for the final design scheme, are summarised as follows:

- Tree planting in the ground level central courtyard, northern entryway, and southern planting area.
- The ground façade elements on the eastern side of the development.
- Most of the balconies benefit from effective design features such as their recessed design into the overall building footprint, end screens, privacy screens, and impermeable balustrades and/or parapets.
- The setback of the upper level balconies from the extent of the lower level balconies on the eastern and western aspects.
- Proposed rooftop planting, especially on northern and eastern sides and around the central courtyard void, as well as around any potential seating areas.
- Proposed parapet/ impermeable balustrade around the perimeter of the rooftop area of the development.

However, the analysis indicates that some trafficable outdoor areas of the development may be exposed to strong winds, and hence the following treatments are suggested in addition to the abovementioned features:

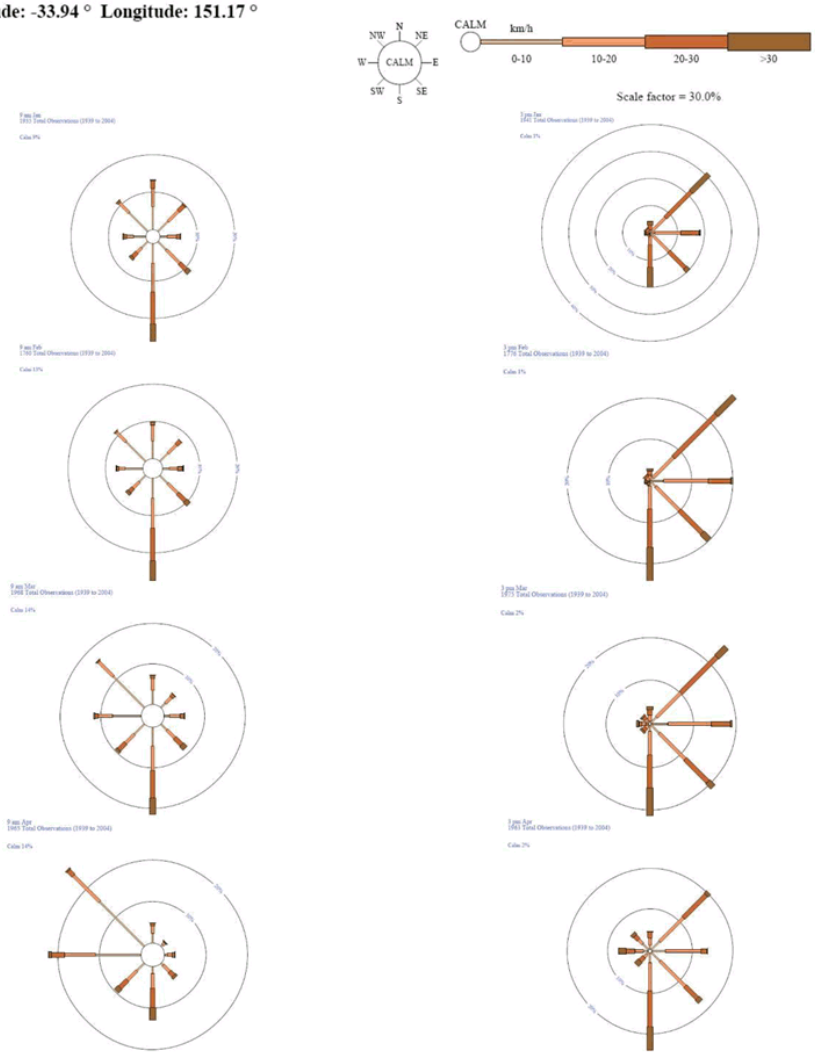
- An awning over the southern planting area on the southern edge of the development.
- Full-height impermeable end screens on the south-eastern corner balcony on Level 5, and south-western corner balcony on Level 6.
- Full-height impermeable privacy screens for the north-eastern apartment on Level 5 and north-western corner apartment on Level 6.

- Full-height impermeable screens on the eastern edges of the north-western corner apartment on Level 6.
- Extended 2 densely foliating trees planted on either side of the eastern edge tree planting on the roof.
- Hedge planting and/or other forms of dense planting around potential seating areas on the roof.

With the inclusion of the abovementioned treatments, it is expected that adequate wind conditions will be achieved for all outdoor trafficable areas within and around the site. Furthermore, the development is not expected to have any adverse impact onto the wind conditions for the local surrounding area.

6 APPENDIX – SYDNEY WIND ROSES

WIND FREQUENCY ANALYSIS (in km/h)
SYDNEY AIRPORT AMO STATION NUMBER 066037
Latitude: -33.94 ° Longitude: 151.17 °



Wind directions are divided into eight compass directions. Calm has no direction.
An asterisk (*) indicates that calm is less than 1% .
An observed wind speed which falls precisely on the boundary between two divisions (eg 10km/h) will be included in the lower range (eg 1-10 km/h). Only quality controlled data have been used.

Australian Government
Bureau of Meteorology

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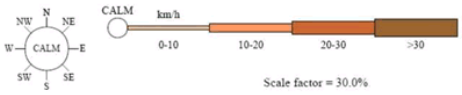
WIND FREQUENCY ANALYSIS (in km/h)
SYDNEY AIRPORT AMO STATION NUMBER 066037
Latitude: -33.94 ° Longitude: 151.17 °



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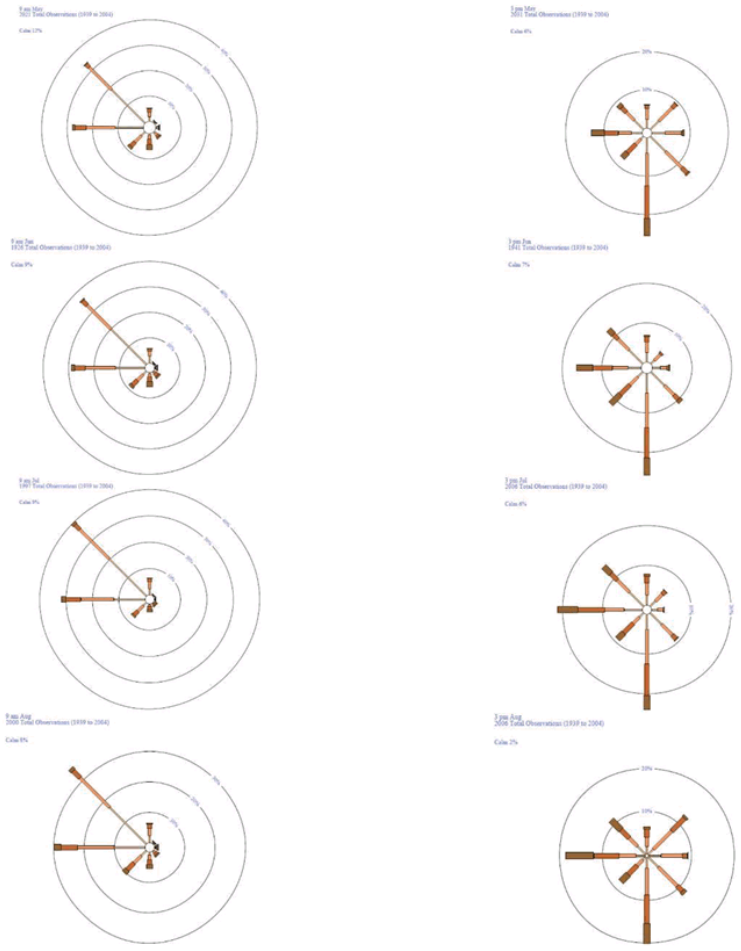

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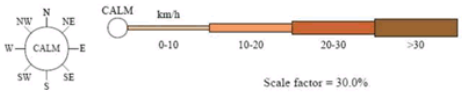
WIND FREQUENCY ANALYSIS (in km/h)
SYDNEY AIRPORT AMO STATION NUMBER 066037
Latitude: -33.94 ° Longitude: 151.17 °



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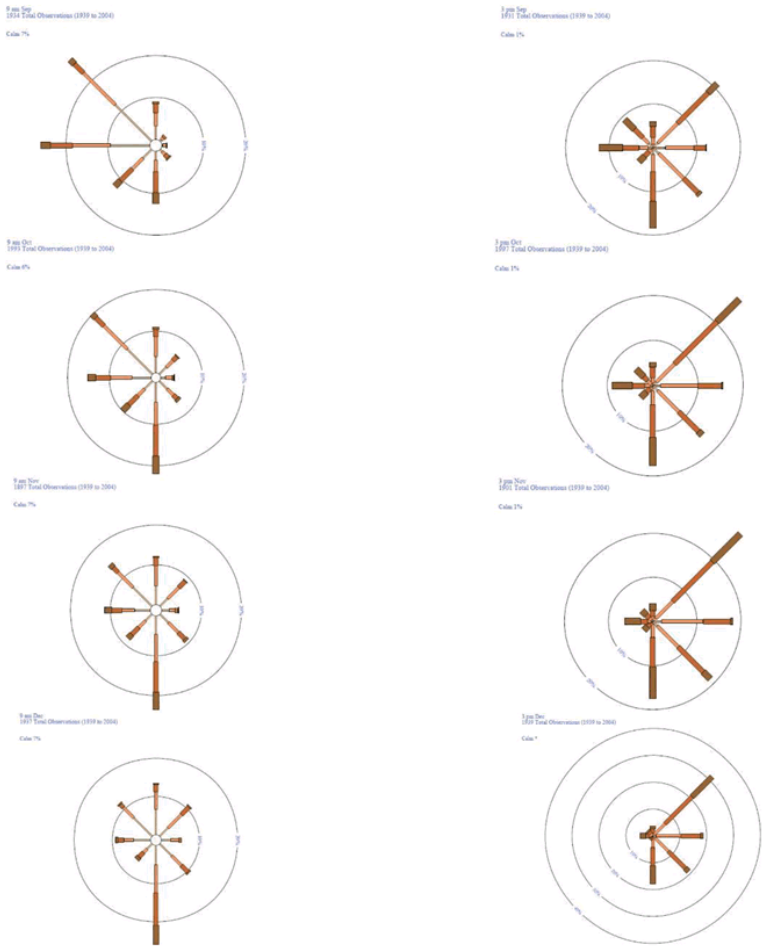

Wind directions are divided into eight compass directions. Calm has no direction.
An asterisk (*) indicates that calm is less than 1% .
An observed wind speed which falls precisely on the boundary between two divisions (eg 10km/h) will be included in the lower range (eg 1-10 km/h). Only quality controlled data have been used.

Australian Government
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NSW GOVERNMENT Planning & Environment

Ms Meredith Wallace
Interim General Manager
Bayside Council
444-446 Princes Highway
Rockdale NSW 2216

16/14080

Attention: Wil Robertson, Urban Designer

Dear Ms Wallace

Planning Proposal PP_2015_ROCKD_007_00 – Alteration of Gateway Determination

I refer to the Bayside Council's letter of 26 October 2016, seeking an extension of time to complete planning proposal PP_2015_ROCKD_007_00, which proposes to alter the Gateway determination to increase the building height applying to land at 75-85 Railway Street, Rockdale.

I have determined as the delegate of the Greater Sydney Commission, in accordance with section 56(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 20 October 2015 for PP_2015_ROCKD_007_00. The Alteration of the Gateway Determination is enclosed.

If you have any questions in relation to this matter, I have arranged for Mr Martin Cooper to assist you. Mr Cooper can be contacted on (02) 9274 6357

Yours sincerely

Karen Armstrong 3/11/16

Karen Armstrong
Director, Sydney Region East
Planning Services

Encl:
Alteration of Gateway determination

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Department of Planning and Environment
320 Pitt Street Sydney 2000 | GPO Box 39 Sydney 2001 | planning.nsw.gov.au

NSW GOVERNMENT Planning & Environment

Alteration of Gateway Determination

Planning proposal (Department Ref: PP_2015_ROCKD_007_00

I, the Director, Sydney Region East at the Department of Planning and Environment as delegate of the Greater Sydney Commission, have determined under section 56(7) of the *Environmental Planning and Assessment Act 1979* (the Act) to alter the Gateway determination dated 20 October 2015 (as since altered) for the proposed amendment to the Rockdale Local Environmental Plan 2011 as follows:

1. Change the name of the Planning Proposal

   from "to change the building height control applying to land at 75-85 Railway Street, Rockdale"

   to "to change the building height control applying to land at 75-81 Railway Street, Rockdale"

2. Delete:

   "condition 1 (a)

3. Delete:

   "condition 1 (b)

   and replace with:

   new condition 1 (b): "include both the current and the proposed Height of Buildings maps, in accordance with Standard Technical Requirements for LEP Maps (Department of Planning and Environment website); and

Dated 3RD day of NOVEMBER 2016

Karen Armstrong

Karen Armstrong
Director, Sydney Region East
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission

75-81 Railway Street, Rockdale NSW

Lot 101 DP771165, Lot 3 DP 82942, Lot 1 DP455421 and

Lot 1 DP912313

Planning Agreement

Under s93F of the *Environmental Planning and Assessment Act 1979*

Bayside Council

and

Zoe Holdings Rockdale Pty Limited

Dated:

[7142369: 20951935_1]

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Contacts Sheet

Council:

Name: Bayside Council

Address: 444-446 Princes Highway, ROCKDALE NSW 2216

Telephone: 1300 581 299

Facsimile: (02) 9562 1777

Email:

Representative: Manager Strategic Planning

Developer:

Name: Zoe Holdings Rockdale Pty Limited

ACN: 169 548 770

Address: 9 Bestic Street ROCKDALE NSW 2216

Telephone: + 61 2 9642 5666

Facsimile: +61 2 9742 5905

Email: a.harb@elouraholdings.com.au

Representative: Alex Harb

Planning Agreement, 75-81 Railway Street, Rockdale NSW, Lot 101 DP771165, Lot 3 DP 82942, Lot 1 DP455421 and Lot 1 DP912313

This Agreement constitutes a planning agreement within the meaning of section 93F of the *Environmental Planning and Assessment Act 1979*, and facilitates the provision of Development Contributions to be used and applied towards a Public Purpose.

Parties

Bayside Council
of 444-446 Princes Highway, ROCKDALE NSW 2216
ABN: 80 690 785 443
(Council)

and

Zoe Holdings Rockdale Pty Limited
of 9 Bestic Street ROCKDALE NSW 2216
ACN 169 548 770
(Developer)

Background

A. The Developer owns the Land identified.

B. The Developer has requested the Instrument Change by way of an amendment to the Rockdale LEP.

C. The Developer intends to lodge a Development Application for the Development.

D. The Developer has offered to enter into a Planning Agreement in accordance with section 93F of the Act in connection with the Instrument Change and the carrying out of Development of the Land, on the terms and conditions of the Agreement.

E. The Developer will make Development Contributions in accordance with this Agreement in connection with the carrying out of the Development.

F. The parties agree that the maximum amount payable by the Developer for the Development Contribution and any amounts payable pursuant to sections 94, 94A and 94EF of the Act will be $1,847,000.00.

Operative provisions

Part 1 - Preliminary

1. Definitions and interpretation

1.1 In this Agreement the following definitions apply:

Above Ground Construction Certificate means the first Construction Certificate for the Development that authorises the erection of any building above ground level.

Act means the *Environmental Planning and Assessment Act* 1979 (NSW).

Actual Gross Floor Area means the actual Gross Floor Area approved under the Development Consent.

Agreement means this Agreement and includes any schedules, annexures and appendices to this Agreement.

Agreed Contribution Value means the value of the Works specified in Column 3 of the tables in clause 1 and clause 2 in Schedule 3 corresponding to that Item of Work, adjusted annually in accordance with clause 3 of Schedule 3, without regard to any amount payable pursuant to sections 94, 94A and 94EF of the Act.

Business Day means a day other than a Saturday, Sunday or bank or public holiday in Sydney, New South Wales.

Certifying Authority has the same meaning as in the Act.

Consent Authority has the same meaning as in the Act.

Contamination means the presence in, on or under land of a substance (whether a solid, liquid or gas) at a concentration above the concentration at which the substance is normally present on, in or under (respectively) land in the same locality, being a presence that presents a risk of harm to human health or to any other aspect of the environment.

Construction Certificate means a construction certificate within the meaning of section 109C(1)(b) of the Act.

Consultant has the same meaning as in the Records.

Consumer Price Index means the All Groups Consumer Price Index, Index numbers, quarterly, for Sydney published by the Australian Bureau of Statistics.

Contributions Plan means *Rockdale Section 94 Contributions Plan 2004*, made by the Council under section 94EA of the Act and approved by the Council on 26 May 2004, and as subsequently amended or replaced.

Council Land means any land where the Works are to be carried out, including the Railway Street Land, Waltz Street, Heston Lane and the Parking Land.

DCP means *Rockdale Development Control Plan 2011 – Special Precincts* and includes any development control plan applying to the Land that supersedes *Rockdale Development Control Plan 2011*.

Defect means any error, omission, shrinkage, blemish in appearance or other fault with respect to any Item of Work which adversely affects the ordinary use and/or enjoyment of the particular item.

Design Specifications means the specifications and all other requirements (including the Preliminary Design) set out in Schedule 4.

Detailed Design Specifications means the design specifications prepared in accordance with clause 11.

Development means the Development described in Item 2 of Schedule 2.

Development Application has the same meaning as in the Act.

Development Consent means any development consent, as defined by the Act, which authorises the carrying out of the Development on the Land, and includes:

(a) any conditions of consent to which the Development Consent is subject;

(b) any modifications of the Development Consent made under s.96 of the Act; and

(c) any subsequent development consent in respect of the Land and the Development.

Development Contribution means all or any aspect of the Option A Development Contributions or the Option B Development Contributions (as applicable) set out in Schedule 3, less any amount payable pursuant to sections 94, 94A and 94EF of the Act in respect of the Development.

Dispute means a dispute or difference between Council and the Developer arising out of this Agreement.

First Defects Liability Period, in relation to an Item of Work is twelve (12) months commencing on the date on which the Hand-Over occurs in respect of that Item of Work to the Council.

Force Majeure Event means any:

(a) lightning strike, severe storm, earthquake, natural disaster, landslide, bushfire, mudslide or tsunami;

(b) sabotage, vandalism, malicious damage, riot or a 'terrorist act' as defined in the *Terrorism Insurance Act 2003* (Cth);

(c) explosion, flood or fire resulting from any of the events in paragraph (a) or (b);

(d) war (declared or undeclared), civil war, insurrection, invasion, rebellion, revolution, military action or usurped power, martial law, act of public enemy, epidemic or embargo;

(e) ionising radiation, radioactive contamination, nuclear contamination or toxic, chemical or biological contamination;

that is beyond the reasonable control of a party, was not caused by an act or omission of the party, and could not have been prevented, avoided, mitigated, remedied or overcome by the party taking steps a prudent and reasonable person would have taken in the circumstances.

General Security means an unconditional undertaking for $400,000 as at the date of this Agreement adjusted annually in accordance with clause 24.3.

Gross Floor Area has the same meaning given to the term "gross floor area" in the Rockdale LEP.

GST has the same meaning as in the GST Law.

GST Law has the same meaning as in *A New Tax system (Goods and Services Tax) Act 1999* (Cth) and any other Act or regulation relating to the imposition or administration of the GST.

Hand-Over means the completion of the construction of an Item of Work in accordance with this Agreement and the delivery or dedication (as applicable) of that Item of Work to the Council in accordance with this Agreement.

Hand-Over Date, in relation to an Item of Work, means the date specified in Column 4 of the Tables in clause 1 and 2 in Schedule 3 corresponding to that Item of Work specified in Column 1 of those tables.

Instrument Change means an amendment to the Rockdale LEP which is substantially in accordance with the Planning Proposal and which increases the maximum permissible height for the Land to 28m.

Inspection and Test Plan has the same meaning as in the NSW Government Quality Management System Guidelines for Construction June 2005 and as subsequently amended or replaced.

Item of Work means:

(a) if the Developer is required to provide the Option A Development Contributions, the development contribution corresponding to an item specified in the Table in Part A of Clause 1 of Schedule 3;

(b) if the Developer is required to provide the Option B Development Contributions, the development contribution corresponding to an item specified in the Table in Clause 2 of Schedule 3;

Land means the whole or any part of the land specified and described in Item 1 of Schedule 2.

Latent Contamination means the presence of Contamination in, on or under the Railway Street Land or the Parking Land that:

(a) could not reasonably have been foreseen by a competent developer in the position of the Developer, and was not in fact foreseen by the Developer, at the date of this Agreement having regard to the information disclosed and otherwise available to the Developer and does not include any Contamination of which the Developer had knowledge or ought reasonably to have had knowledge at the date of this Agreement; and

(b) was not caused or contributed to by the Developer or any of its contractors.

Latent Contamination Costs means, for an Item of Work, an increase in costs (over and above the Agreed Contribution Value for that Item of Work) reasonably expected to be incurred by the Developer:

(c) that is a direct and natural consequence of a Latent Contamination; and

(d) that is no more than the increase that would be incurred by a competent and efficient developer having taken all reasonable and feasible steps to mitigate the impact of the relevant Latent Contamination.

Loss means any loss, claim, action, liability, damage, demands, cost, charge, which Council, its employees, officers, agents, contractors and workmen sustains, pays, suffers or incurs or is liable for arising in connection with the carrying out by the Developer of any Item of Work and the performance by the Developer of any obligation under this Agreement, including (but not limited to) reasonable legal and other expenses incurred in connection with investigating or defending any claim or action, whether or not resulting in any liability, and all amounts reasonably paid in settlement of any claim or action

Occupation Certificate has the same meaning as in the Act.

Option A Development Contributions means the development contributions set out in clause 1 of Schedule 3.

Option B Development Contributions means the development contributions set out in clause 2 of Schedule 3.

Party means a party to this Agreement, including their successors, agents and assigns.

Planning Proposal means the *Planning Proposal to Amend Rockdale Local Environmental Plan 2011 at 75-85 Railway Street Rockdale* submitted to the NSW Department of Planning & Environment on 15 September 2015 for changes to the height standard in relation to the Land by means of an amendment to the Rockdale LEP.

Preliminary Design means the agreed preliminary design of the Works, as set out in clause 4 of Schedule 4.

Parking Land means the portion of the Land identified on the map in Schedule 5, to be dedicated to Council.

Public Facility means a public amenity, a public service, a public facility, public land, public infrastructure, a public road, a public work, or any other act, matter or thing that meets a Public Purpose.

Public Infrastructure has the same meaning as in the Act.

Public Purpose has the same meaning as in section 93F(2) of the Act.

Railway Street Land means 83-85 Railway Street, Rockdale (being Lot 1 in Deposited Plan 3560).

Rectification Certificate means a compliance certificate as defined by section 109C(1)(a)(v) of the Act, to the effect that work the subject of a Rectification Notice has been completed in accordance with the Rectification Notice.

Rectification Notice means a notice in writing issued during the First Defects Liability Period or the Second Defects Liability Period that identifies a Defect in an Item of Work and requires rectification of the Defect within the Defects Liability Period.

Rectification Security means an unconditional undertaking for $100,000 as at the date of this Agreement adjusted annually in accordance with clause 24.3.

Records means the Rockdale Technical Guide-Works-As-Executed Records or as subsequently amended or replaced.

Regulation means the *Environmental Planning and Assessment Regulation 2000*.

Remaining Rectification Security means an unconditional undertaking for the amount equivalent to the cost of a Defect of the Item(s) of Work, as determined in accordance with clause 19.10.

Road Opening Permit means consent issued by the roads authority under section 139 of the *Roads Act 1993* for works associated with Items A1-A4 of the Items of Work specified in clause 1 or clause 2 in Schedule 3.

Rockdale LEP means *Rockdale Local Environmental Plan 2011* and includes any local environmental plan applying to the Land that supersedes *Rockdale Local Environmental Plan 2011*.

Second Defects Liability Period, in relation to an Item of Work, is twelve (12) months commencing on the date of the Rectification Certificate for a Defect provided by the Developer under clause 19.3.

Service Provider has the same meaning as in the NSW Government Quality Management System Guidelines, March 2012.

Site Conditions means any physical conditions encountered in the execution of the Works above, upon, under or over the surface of, or in the vicinity of, the Council Land, and includes:

(a) surface water, ground water, ground water hydrology and the effects of any de-watering;

(b) physical and structural conditions, above, upon and below Council Land, including old footings, underground structures, buildings, improvements, partially completed structures or in-ground works;

(c) topography of the Council Land, ground surface conditions and geology, including rock and sub-surface conditions or other materials encountered at, or in the vicinity of, the Council Land;

(d) climatic and weather conditions, including rain, surface water run-off and drainage, floods, water seepage, wind blown dust and sand, seasons and physical conditions that are a consequence of climatic and weather conditions;

(e) all existing systems and utilities, above or below ground level and all facilities with which such systems and utilities are connected;

(f) all improvements, including any artificial things, foundations, retaining walls and other structures installed by or on behalf of the Council or others;

(g) any Contamination, pollution, or other rubbish, spoil or waste; and

(h) underground strata forming part of the Council Land.

Strata Certificate has the same meaning as in the Strata Schemes Act.

Strata Plan means a strata plan or strata plan of subdivision within the meaning of the Strata Schemes Act.

Strata Schemes Act means the *Strata Schemes Development Act 2015* (NSW).

Works means:

(a) if the Developer is required to provide the Option A Development Contributions, all works specified in Part A of the Table in Clause 1 of Schedule 3; or

(b) if the Developer is required to provide the Option B Development Contributions, all works specified in the Table in Clause 2 of Schedule 3;

Works-As-Executed Records means a plan setting out a record of construction completed in accordance with the Rockdale Technical Guide – Works-As-Executed Records.

1.2 In the interpretation of this Agreement, the following provisions apply unless the context otherwise requires:

1.2.1 Headings and labels are inserted for convenience only and do not affect the interpretation of this Agreement.

1.2.2 If the day on which any act, matter or thing is to be done under this Agreement is not a Business Day, the act, matter or thing must be done on the next business day.

1.2.3 A reference to time is local time in Sydney.

1.2.4 A reference to dollars or $ means Australian dollars and all amounts payable under this Agreement are payable in Australian dollars.

1.2.5 A reference to a $ value relating to a Development Contribution is a reference to the value exclusive of GST.

1.2.6 A reference to any law, legislation or legislative provision includes any statutory modification, amendment or re-enactment, and any subordinate legislation or regulations issued under that legislation or legislative provision.

1.2.7 A reference to any agreement, deed or document is to that agreement, deed or document as amended, novated, supplemented or replaced.

1.2.8 A reference to a clause, part, schedule or attachment is a reference to a clause, part, schedule or attachment of or to this Agreement.

1.2.9 An expression importing a natural person includes any company, corporation, trust, partnership, joint venture, association, unincorporated association, body corporate, statutory body, statutory authority or governmental agency.

1.2.10 Where a word or phrase is given a defined meaning, another part of speech or other grammatical form in respect of that word or phrase has a corresponding meaning.

1.2.11 A word which denotes the singular denotes the plural, a word which denotes the plural denotes the singular, and a reference to any gender denotes the other genders.

1.2.12 Reference to the word "include" or "including" are to be construed without limitation.

1.2.13 A reference to this Agreement includes the agreement recorded in the Agreement.

1.2.14 A reference to a party to this Agreement includes a reference to the personal representatives, legal representatives, agents and contractors of the party, and the party's successors and assigns substituted by novation.

1.2.15 Any schedules, appendices and attachments form part of this Agreement.

1.2.16 Notes appearing in the Agreement are operative provisions of this Agreement.

1.2.17 A reference in this Agreement to the name and number of a zone under Rockdale LEP includes a reference to an equivalent zone under any local environmental plan that supersedes LEP.

2. Application of this Agreement

2.1 The parties agree that this document is a planning agreement within the meaning of section 93F of the Act and governed by subdivision 2 of Division 6 of Part 4 of the Act. An overview of how this Agreement satisfies the requirements of section 93F of the Act is set out in Schedule 1.

2.2 This Agreement applies to the Land and to the Development.

3. Status and operation of this Agreement

3.1 This Agreement constitutes an irrevocable offer by the Developer to enter into the Agreement in connection with the Development once all of the preconditions contained in clause 3.2 are satisfied. Further, it is agreed that, subject to clause 3.2:

3.1.1 this Agreement will commence from the date this document is entered into in accordance with clause 25C(1) of the Regulation; and

3.1.2 the Developer is under no obligation to make the Development Contributions to the Council unless and until all of the preconditions specified in clause 3.2 are satisfied.

3.2 Subject to clause 3.3, this Agreement becomes effective and operative upon all of the following preconditions being satisfied:

3.2.1 The Instrument Change has been made and has commenced and applies to the Development;

3.2.2 Development Consent is granted to the Development; and

3.2.3 this Agreement has been entered into by all parties as required by clause 25C(1) of the Regulation.

3.3 Clauses 4, 6, 23.2, 26 and 27 to 51 operate from the date of this Agreement.

3.4 The Developer's obligation to make Development Contributions only arises at the times specified in this Agreement.

4. Further agreements relating to this Agreement

4.1 The Parties may, at any time and from time to time, enter into agreements relating to the subject-matter of this Agreement that are not inconsistent with this Agreement for the purpose of implementing this Agreement.

4.2 A further agreement for the purpose of clause 4.1 may include (but is not limited to) matters pertaining to:

4.2.1 access to Land;

4.2.2 the rectification of Defects; and

4.2.3 detailed design and specification.

5. Surrender of right of appeal

The Developer must not commence or maintain, or cause to be commenced or maintained, any proceedings in the Land and Environment Court involving an appeal against, or questioning the validity of, a Development Consent relating to the Development or an approval under section 96 of the Act to modify a Development Consent relating to the Development to the extent that it relates to the existence of this Agreement or requires any aspect of this Agreement to be performed according to the terms of this Agreement.

6. Application of s94, s94A and s94EF of the Act to the Development

6.1 To the extent that Council is a Consent Authority for the Development, this Agreement excludes the application of sections 94 and 94A of the Act in respect of the Development.

6.2 To the extent that Council is not a Consent Authority for the Development, this Agreement does not exclude the application of sections 94 and 94A of the Act in respect of the Development and clause 6.4 shall apply.

6.3 This Agreement does not exclude the application of section 94EF of the Act in respect of the Development.

6.4 The Development Contributions provided under this Agreement are to be taken into consideration in determining development contributions under section 94 of the Act in respect of the Development.

6.5 If sections 94, 94A and 94EF of the Act are applicable to this Agreement and the Developer is required to pay any amounts payable pursuant to sections 94, 94A and 94EF of the Act at any time, then:

6.5.1 The Developer will attend to payment of any amounts payable under sections 94, 94A and 94EF of the Act as and when they are payable;

6.5.2 Upon payment of the amounts referred to in clause 6.5.1, the Developer will issue Council an invoice for an amount equivalent to the amounts referred to in clause 6.5.1; and

6.5.3 Upon receipt of the invoice referred to in clause 6.5.2, Council will attend to payment of the said invoice within 14 days of the date of the invoice.

6.6 If section 6.5 applies, the parties expressly acknowledge and agree that any section 94, 94A and 94EF contributions payable shall not cause the total contributions payable by the Developer under this Agreement to exceed $1,847,000, adjusted annually in accordance with clause 3 of Schedule 3.

Part 2 – Development Contributions

7. Provision of Development Contributions

7.1 If at the time of the lodging of the Development Application for the Development:

7.1.1 the Council or the Developer has become the registered proprietor of the Railway Street Land; or

7.1.2 an easement or public positive covenant for public access over the Railway Street Land has been registered, or is required to be registered as a condition of a development consent relating to the Railway Street Land, on the certificate of title of the Railway Street Land;

then, the Developer must provide the Option A Development Contributions set out in clause 1 of Schedule 3 in the manner and by the times set out in clause 1 of Schedule 3.

7.2 If at the time of the lodging of the Development Application for the Development, the circumstances in clause 7.1.1 or clause 7.1.2 have not occurred the Developer must provide the Option B Development Contributions in the manner and at the times set out in clause 2 of Schedule 3.

7.3 Despite this clause 7, Council may apply a Development Contribution made under this Agreement or any amount received under any security under this section towards a Public Purpose other than the purpose specified in this Agreement if Council considers that the public interest would be better served by applying the Development Contribution towards that other purpose rather than the purpose so specified.

8. Procedures relating to the dedication of land

8.1 This clause 8 only applies if the Developer is required under clause 7.1 to provide the Option A Development Contributions.

8.2 The Developer must, at its own cost, take all steps required to dedicate the Parking Land to Council by the time specified in Column 4 in the table at clause 1, Part B, of Schedule 3.

8.3 Without limiting clause 8.2,

8.3.1 the Developer must give Council:

(a) for execution by Council as transferee, an instrument of transfer under the *Real Property Act 1900* relating to the Parking Land. The instrument of transfer must be duly signed by the Developer and be effective to transfer the title to the Parking Land;

(b) the certificate of title for the Parking Land;

(c) a discharge of any mortgage or other encumbrance on the Parking Land; and

(d) a withdrawal of any caveat affecting the land,

each in registerable form, such that the registration of the transfer and other documents will give Council unencumbered title to the Parking Land.

8.3.2 Council is to execute the instrument of transfer and return it to the Developer within 7 days of receiving it from the Developer;

8.3.3 the Developer is to lodge the instrument of transfer for registration at Land and Property Information within 7 days of receiving it from Council duly executed; and

8.3.4 the Developer is to do all things reasonably necessary to enable registration of the instrument of transfer to occur.

8.4 The Option A Development Contribution in clause 1, Part B, of Schedule 3 will be taken to be complied with once Council is registered proprietor of the Parking Land.

8.5 Council must provide the Developer with a tax invoice for its reasonable expenses incurred in relation to the dedication of land contemplated by this clause 8 and the Developer must pay those reasonable expenses promptly.

8.6 After the dedication of land contemplated by this clause 8, Council will use the land for car parking, a pedestrian footway area and to improve traffic flow in the area.

9. Parking Land Security

9.1 This clause 9 only applies if the Developer is required under clause 7.1 to provide the Option A Development Contributions.

9.2 If the Developer fails to dedicate the Parking Land to Council as required by clause 8 on or before the date on which transfer is required in Column 4 in the table at clause 1, Part B, of Schedule 3, then the Council may, after giving the Developer not less than 30 Business Days' notice in writing of its intention to do so and the Developer's subsequent failure to dedicate the Parking Land as required by this Agreement, compulsorily acquire the Parking Land for the amount of $1.00 in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991 (NSW)*.

9.3 The Council and the Developer agree that:

9.3.1 clause 9.2 is an agreement between the Developer and the Council for the purposes of section 30 of the *Land Acquisition (Just Terms Compensation) Act 1991 (NSW)*; and

9.3.2 in clause 9.2 the Developer and the Council have agreed on all relevant matters concerning the compulsory acquisition and the compensation to be paid for the acquisition of the Parking Land.

10. Approvals and consents for an Item of Work

10.1 Subject to clause 10.2, the Developer must, at its own cost, obtain all approvals and consents for the Works.

10.2 Council is responsible for obtaining development consent for the Item of Works identified in Item A.4 in each of the tables in clauses 1 and 2 of Schedule 3.

10.3 The Developer must not apply for a permit for installation of traffic management facilities until the approval of the Bayside Local Traffic Committee, under delegation by the NSW Roads and Traffic Authority in accordance with the *Road Transport (Safety and Traffic Management) Act* 1999, has been given.

10.4 The Developer will submit a Traffic Control Plan to the Council at least 10 Business days before any Item of Work is undertaken on any existing public assets owned, maintained or controlled by the Council. No Item of Work shall be commenced until the Traffic Control Plan has been approved by an adequately qualified person, who is qualified to perform traffic control safety instructions under the Roads and Traffic Authority Traffic Control at Work Sites document dated June 2010, or any subsequent amendment to that document. In addition no work shall commence on any Council assets until such time as the appropriate occupancy permission has been obtained and the appropriate fees and charges pertinent to such occupancy paid.

10.5 The Developer must not apply for a Construction Certificate from the Certifying Authority for an Item of Work until the Council (in its capacity as the future owner of the Item of Work and not as a planning authority) has approved the Detailed Design Specifications for the Works in accordance with clause 11.2.

11. Designing and carrying out of an Item of Work

11.1 The Developer must engage a Service Provider for to prepare the Detailed Design Specifications for each Item of Work and the Developer must ensure that Detailed Design Specifications are in accordance with:

11.1.1 the Design Specifications (including the Preliminary Design);

11.1.2 the Quality Management System, developed by the Service Provider in accordance with AS/NZS ISO 9000:2000, and certified by a third party organisation accredited under a recognised product certification scheme in accordance with AS/NZS ISO 9001:2000;

11.1.3 any reasonable lawful requirements and directions of the Council that are notified in writing to the Developer; and

11.1.4 the conditions of any Development Consent granted in relation to an Item of Work and any other applicable approvals.

11.2 The Developer must submit the Detailed Design Specifications for the Works to Council together with all supporting documentation for approval by Council prior to carrying out the Works or any Item of Work.

11.3 Council must, acting reasonably, review the Detailed Design Specifications and within 20 Business Days after their submission either:

11.3.1 approve the Detailed Design Specifications; or

11.3.2 reject the Detailed Design Specifications (in which case, Council must provide comments to the Developer to explain what changes are required for Council to approve the Detailed Design Specifications).

11.4 If Council rejects the Detailed Design Specifications, the Developer must address Council's comments and resubmit the Detailed Design Specifications for approval by Council under this clause 11.

11.5 The Developer must carry out and complete each Item of Work or engage a Service Provider to carry out and complete each Item of Work, in accordance with:

11.5.1 the Detailed Design Specifications approved by the Council under this clause 11;

11.5.2 all applicable laws, including those relating to occupational health and safety;

11.5.3 the conditions of any development consent granted in relation to an Item of Work and any other applicable approvals; and

11.5.4 the conditions of any development consent or other approval granted in relation to the carrying out of that Item of Work.

12. Acceptance of Site Conditions

Subject to clause 22:

12.1 the Council makes no representation and gives no warranty to the Developer in respect of the Site Conditions likely to be encountered, or which may be encountered, during the execution of the Works or otherwise in respect of the condition of:

12.1.1 the Council Land;

12.1.2 any structure or other thing, on, under or adjacent to, or otherwise in the vicinity of, the Council Land;

12.2 the Developer must accept:

12.2.1 the Council Land;

12.2.2 any structure or other thing, on, under or adjacent to, or otherwise in the vicinity of, the Council Land;

in their existing condition (including when encountered) subject to all defects; and

12.3 the Developer agrees that it is responsible for, and assumes the risk of, and will not be entitled to make any claim or demand arising out of, or in any way in connection with, any additional work, increased costs and any damage, expense, loss, liability or delay (including any delay in achieving Hand-Over in respect of an Item of Works) it suffers or incurs arising out of, or in any way in connection with:

12.3.1 the Site Conditions actually encountered during the carrying out of the Works under this Agreement; the

12.3.2 the Council Land,

including the suitability or otherwise of the Council Land for the Works under this Agreement.

13. Not Used

14. Quality Management System for an Item of Work

14.1 The Developer or its Service Provider, if engaged under clause 11.5, must implement and construct each Item of Work in accordance with:

14.1.1 a Quality Management System developed by the Service Provider in accordance with AS/NZS ISO 9000:2000 and certified by a third party organisation accredited under a recognised product certification scheme in accordance with AS/NZS ISO 9001:2000; or

14.1.2 a project specific Quality Management Plan and Inspection and Test Plan developed by the Service Provider in accordance with the NSW

Government Quality Management Guidelines March 2012 and approved by the Council.

14.2 The Developer must ensure that the carrying out of each Item of Work is supervised in accordance with the requirements in the Records.

14.3 A Consultant must be appointed:

14.3.1 where the Item of Work is to be constructed by a Service Provider under contract to the Developer, by the Developer; or

14.3.2 where the Item of Work is to be constructed by the Developer, by the Council.

15. Access to the Land

15.1 The Developer is to permit Council, its officers, employees, agents and contractors to enter the Land at any time, upon giving reasonable prior notice, in order to inspect, examine or test any Item of Work.

15.2 The Council is to permit the Developer to enter and occupy any land owned or controlled by Council that is required, for the Developer to carry out any Item of Work under this Agreement or to perform any other obligation imposed on the Developer by or under this Agreement, upon giving reasonable prior notice.

16. Protection of people and property

16.1 The Developer is to ensure to the fullest extent reasonably practicable in relation to the carrying out of any Work that:

16.1.1 all necessary measures are taken to protect people and property; and

16.1.2 unnecessary interference with the passage of people and vehicles is avoided; and

16.1.3 nuisances and unreasonable noise and disturbances are prevented.

17. Hand-Over of Works

17.1 The Developer must achieve Hand-Over for each Item of Work on or before the Hand Over Date for that Item of Work.

17.2 The Developer must submit to the Council the Works-as-Executed Records and provide the Council with written notice that the Item of Work is nearing completion not less than 10 Business Days prior to the anticipated Hand-Over Date of the Item of Work.

17.3 Council, acting reasonably, may, within 5 Business Days of receipt of the notice under clause 17.2:

17.3.1 request information (in addition to the Works-as-Executed Records) that is relevant to the completion of the Item of Work and delay the Hand-Over of the Item of Work until the Developer has provided the additional information requested to Council's reasonable satisfaction;

17.3.2 notify the Developer that it has achieved Hand-over for that Item of Work; or

17.3.3 notify the Developer that it has not achieved Hand-over for that Item of Work, in which case Council must:

(a) identify the errors or omissions which in the opinion of Council need to be completed so that the Developer can achieve Hand-Over in respect of that Item of Work; or

(b) accept Hand-Over of the Item of Work and issue a Rectification Notice under clause 19.

17.4 On Hand-Over of an Item of Work:

17.4.1 the Developer must ensure that an unencumbered title to each Item of Work passes to Council and must give to Council any document of title to each Item of Work; and

17.4.2 subject to clause 19, Council accepts ownership, possession, risk and control of that Item of Work; and

17.5 Once Hand-Over has been achieved in respect of each of the Items of Work, Council will return to the Developer the General Security in accordance with clause 25.

18. Failure to Comply with the Hand-Over Date

18.1 If the Developer fails to achieve Hand-Over of an Item of Work by the Hand-Over Date the Council may, acting reasonably, call upon the General Security and carry out and complete the Item of Work itself, or engage a contractor to carry out and complete the Item of Work.

18.2 For the purposes of clause 18.1:

18.2.1 the Developer must allow the Council, its servants, agents and contractors to enter the Land at any time for the purpose of completing the relevant Item of Work;

18.2.2 if the Council incurs costs that are over and above the amount payable under the General Security, Council's additional costs will be a debt due from the Developer to Council, payable on demand.

18.3 For the purpose of clause 18.2.2, Council's costs of completing an Item of Work includes, but is not limited to:

18.3.1 the costs of Council's officers, personal representatives, agents and contractors reasonably incurred for that purpose;

18.3.2 all fees and charges necessarily or reasonably incurred by Council in order to have the Item of Work rectified; and

18.3.3 without limiting clause 18.3.2 all legal costs and expenses reasonably incurred by Council, by reason of the Developer's failure to comply with this Agreement.

18.4 In the event that the Developer fails to achieve Hand-Over in respect of an Item of Work by the Hand-Over Date, the Developer irrevocably and for valuable consideration appoints Council as its attorney and to execute all such documents and do all such things on the Developer's behalf as are necessary or desirable to enable an Handover to be achieved in respect of an Item of Work.

19. Rectification of Defects

19.1 During the First Defects Liability Period and the Second Defects Liability Period, the Council may, acting reasonably, give to the Developer a Rectification Notice.

19.2 The Developer must promptly comply with a Rectification Notice at its own cost according to the terms of the Rectification Notice.

19.3 When the Developer considers that rectification is complete, the Developer must give to the Council a Rectification Certificate relating to the Item of Work the subject of the relevant Rectification Notice.

19.4 If the Developer does not comply with a Rectification Notice, the Council may do such things as are necessary to rectify the Defect.

19.5 For the purposes of clause 19.4:

19.5.1 Council may call upon the Rectification Security or the Remaining Rectification Security to meet its costs in rectifying the Defect; and

19.5.2 if the Council incurs costs that are over and above the amount payable under the Rectification Security or the Remaining Rectification Security, Council's additional costs will be a debt due from the Developer to Council, payable on demand.

19.6 For the purpose of clause 19.5, Council's costs include:

19.6.1 the reasonable costs of Council's officers, personal representatives, agents and contractors reasonably incurred for that purpose;

19.6.2 all fees and charges necessarily or reasonably incurred by Council in order to have the Item of Work rectified; and

19.6.3 without limiting clause 19.6.2, all legal costs and expenses reasonably incurred by Council, by reason of the Developer's failure to comply with its obligations under this clause 19.

19.7 In the event that the Developer does not comply with a Rectification Notice, the Developer irrevocably and for valuable consideration appoints the Council as its attorney to execute all such documents and do all such things on the Developer's behalf as are necessary or desirable to enable the Council to rectify any Defects in accordance with a Rectification Notice given under this Agreement.

19.8 Subject to receipt by Council of a replacement unconditional undertaking if required under 19.9, Council must promptly after the expiration of the First Defects Liability Period, return to the Developer any unused portion of the Rectification Security.

19.9 If at the expiration of the First Defects Liability Period:

19.9.1 any Rectification Notice is outstanding; or

19.9.2 the Second Defect Liability Period for an Item of Work has not yet expired,

Council may retain a Remaining Rectification Security in relation to the Defect of the Item(s) of Work.

19.10 If Remaining Rectification Security is required under clause 19.9:

19.10.1 The Developer will provide Council with details of the costs associated with the rectification of the Defect in question and nominate the amount of the

Remaining Rectification Security proposed to be provided (**Proposed RRS**);

19.10.2 Council, acting reasonably, may within 5 Business Days of receipt of notification of the Proposed RRS:

(a) request further information from the Developer that is relevant to the determination of the Proposed RRS;

(b) notify the Developer that Council consents to the Proposed RRS; or

(c) notify the Developer that Council disagrees with the Proposed RRS.

19.10.3 If Council consents to the Proposed RRS under clause 19.10.2(b), the Proposed RRS is the Remaining Rectification Security for the relevant Item(s) of Work.

19.10.4 If Council disagrees with the Proposed RRS under clause 19.10.2(c), the Remaining Rectification Security for the relevant Item of Work(s) is to be determined by an independent quantity surveyor, agreed jointly between the parties or by the Institute of Quantity Surveyors, who will determine the Remaining Rectification Security for the relevant Item of Work(s).

19.11 The Remaining Rectification Security must be returned to the Developer within 5 Business Days of the expiry of the Second Defect Liability Period.

19.12 A Rectification Certificate that resolves and meets the requirements of an outstanding Rectification Notice discharges the Developer from any further obligation to comply with the relevant Rectification Notice. For the sake of clarity, this clause does not prevent Council from issuing a new Rectification Notice for an Item of Work that was previously subject to a Rectification Notice, during the Second Defect Liability Period.

19.13 Council must do all things reasonably necessary to enable the Developer to comply with a Rectification Notice that has been given in accordance with clause 19.

20. Damage and repairs to Work

20.1 The Developer, at its own cost, is to repair and make good to the reasonable satisfaction of Council any Loss or damage to an Item of Work from any cause whatsoever which occurs prior to the date on which Hand-over is achieved in respect of an Item of Work, except to the extent that such Loss is directly or indirectly caused or contributed to by Council.

21. Variation of Work

21.1 The design or construction of an Item of Work is not to be varied by the Developer after the Detailed Design Specifications have been approved by Council under clause 11, unless:

21.1.1 the parties agree in writing to the variation (prior to that variation being carried out); and

21.1.2 any consent or approval required under the Act or any other law to the variation is first obtained; and

21.1.3 the Developer bears all of Council's reasonable costs of and incidental to agreeing to and approving the variation under this Agreement.

21.2 If, after the Detailed Design Specifications have been approved by Council under clause 11, Council requests a variation to the design or construction of Item of Work,

21.2.1 the Developer will provide the Council with a fee quote for the costs of completing the Item of Work in accordance with the variation requested by Council;

21.2.2 the parties must agree a sum that will be payable by Council to the Developer to account for the increased costs of completing the Item of Work (**Variation Amount**). The Variation Amount will be an reasonable estimate of the additional costs directly attributable to the variation requested by Council; and

21.2.3 the parties must, acting reasonably, agree an extension to the Hand-Over Date in respect of the Item of Work;

21.2.4 the Developer must carry out the Item of Work in line with the variation requested by Council by the Hand-over Date (as extended under clause 21.2.3); and

21.2.5 Council must pay the Variation Amount to the Developer after the Item of Work (as varied) is complete, and within 28 days of receipt of a tax invoice for the amount claimed by the Developer.

22. Latent Contamination

22.1 The Developer will not be entitled to make, and Council will not be liable in connection with, any claim or demand arising out of or in connection with any Latent Contamination, except to the extent expressly provided for in this clause 22.

22.2 If the Developer encounters Latent Contamination while carrying out the Works, the Developer must promptly, and where possible before the Latent Contamination is disturbed, give Council written notice of the general nature of the Latent Contamination.

22.3 As soon as reasonably practicable after issuing a notice under clause 22.2, but in any event within 7 days of the Developer first becoming aware of the relevant Latent Contamination, the Developer must, as a condition precedent to any entitlement under clause 22.4 in respect of the Latent Contamination, give Council a written notice including:

22.3.1 details of the Latent Contamination encountered (with sufficient evidence to demonstrate to the reasonable satisfaction of Council that Latent Contamination is present);

22.3.2 details of the extent to which any Items of Work are effected by the Latent Contamination;

22.3.3 details of any estimated Latent Contamination Costs with details of how such amount has been calculated and why the various components of that amount are in each case Latent Contamination Costs, in sufficient detail (and supported by sufficient evidence) to enable the Council to substantiate that amount;

22.3.4 a written statement setting out any proposals the Developer may have for reducing the impact of any increase in costs arising from the alleged Latent Contamination; and

22.3.5 details of the steps that the Developer has taken, or proposes to take, to mitigate the impact of the Latent Contamination and to reduce any associated Latent Contamination Costs.

22.4 Within 20 Business Days after Council receives all of the information required by clause 22.3, Council must notify the Developer that it:

22.4.1 accepts that there is Latent Contamination and that the Latent Contamination will cause the Developer to incur the Latent Contamination Costs set out in the Developer's notice under clause 22.3, in which case Council may (at its absolute discretion):

(a) pay the Developer the Latent Contamination Costs set out in the Developer's notice under clause 22.3 within 20 Business Days of receipt of the Developer's notice under clause 22.3; or

(b) direct the Developer to cease carrying out the Item of Work effected by the Latent Contamination, in which case clause 22.5 will apply; or

22.4.2 rejects that there is Latent Contamination and that the Developer will incur Latent Condition Costs, in which case either party may refer the matter for resolution under clause 26 to determine whether or not there is Latent Contamination and, if there is determined to be Latent Contamination, to determine the value of the relevant Latent Contamination Costs – in which case clause 22.5 will apply once the value of those costs is determined; or

22.4.3 accepts that there is Latent Contamination but rejects that the Developer will incur the Latent Contamination Costs, in which case either party may refer the matter for resolution under 26 to determine the value of those costs, and clause 22.5 will apply once the value of those costs is determined.

22.5 Where this clause applies:

22.5.1 the parties must appoint an independent quantity surveyor to assess the value of the works already performed in respect of the Item of Work effected by the Latent Contamination (**Affected Item of Work**);

22.5.2 an independent quantity surveyor is a person:

(a) agreed between and jointly appointed by the parties; or

(b) where the parties are unable to reach agreement within 10 Business Days of Council serving a notice under clause 22.4 or the determination of a dispute under clause 26 (as applicable), a person appointed by the Institute of Quantity Surveyors;

22.5.3 the Developer must promptly provide Council and the independent quantity surveyor with:

(a) a detailed description of all work performed by the Developer in respect of the Affected Item of Work prior to the date of the direction under clause 22.4.1(b);

(b) evidence (including photographs and as built plans) of those works;

(c) evidence of the Developer's expenditure on those works;

(d) any other information requested by the independent quantity surveyor;

22.5.4 the independent quantity surveyor appointed must:

(a) act independently and with expedition; and

(b) take into consideration all documents, information and other material which the parties give the independent quantity surveyor;

22.5.5 within 10 Business Days of the independent quantity surveyor's assessment of the value of works already performed in respect of the Affected Item of Work, the Developer must pay Council the difference between that assessment and the Agreed Contribution Value. For the avoidance of doubt, if the value of the works already performed by the Developer as assessed by the independent quantity surveyor is more than the Agreed Contribution Value, the Developer will not be entitled to a refund for those works;

22.5.6 the decision of the independent quantity surveyor is final and binding; and

22.5.7 the parties will share the costs of the independent quantity surveyor equally.

Part 3 – Other Provisions

23. Indemnity and insurance

23.1 This clause 23 applies for the period between the commencement of construction of an Item of Work up until the expiration of the First Defects Liability Period and Second Defects Liability Period.

23.2 The Developer indemnifies Council from and against all Loss, except to the extent that any Loss is directly or indirectly caused or contributed to by any act, omission or negligence of Council, its employees, officers, agents, contractors and workmen.

23.3 The Developer is to take out and keep current to the reasonable satisfaction of Council the following insurances in relation to the Works required to be carried out by the Developer under this Agreement up until Hand-Over of the Works in accordance with this Agreement:

23.3.1 contract works insurance; noting Council as an interested party, for the full replacement value of the Works (including the cost of demolition, removal of debris, and remediation, consultants' fees and authorities' fees), to cover the Developer's liability in respect of damage to or destruction of the Works;

23.3.2 public liability insurance for at least $20,000,000 for a single occurrence, which covers Council, the Developer and any subcontractor of the Developer, for liability to any third party;

23.3.3 workers compensation insurance as required by law; and

23.3.4 any other insurance required by law.

23.4 If the Developer fails to comply with clause 23.3, Council may effect and keep in force such insurances and pay such premiums as may be necessary for that purpose and the amount so paid shall be a debt due from the Developer to Council, payable on demand.

23.5 The Developer is not to commence to carry out any Works unless it has first provided to Council a certificate of currency for each of the insurances specified in clause 23.3.

24. Provision of Security

24.1 On or before the grant of the Road Opening Permit, the Developer must give the Council 2 unconditional undertakings for:

24.1.1 the General Security; and

24.1.2 the Rectification Security,

for the due, prompt and proper observance and performance by the Developer of its obligations under this Agreement in relation to the Works.

24.2 Each unconditional undertaking required under clause 24.1 must be an irrevocable and unconditional on demand undertaking (with no expiry date) on terms approved in writing by Council. For the avoidance of doubt, the Developer must provide 2 separate unconditional undertakings.

24.3 On each anniversary of the date of this Agreement:

24.3.1 the security amount required for each unconditional undertaking required under clause 24.1 will be increased by the same percentage as the percentage increase, if any, in the Consumer Price Index in the 12 months prior to the relevant anniversary. The increased security amount will be the amount of security required for the 12 months immediately following the relevant anniversary; and

24.3.2 the Developer must provide replacement Security to Council for the revised Security Amount adjusted in accordance with clause 24.3.1.

24.4 Any unused portion of an unconditional undertaking that is held by the Council immediately prior to the receipt by Council of the replacement Bank Guarantee under clause 24.3.2, must be returned to the Developer upon receipt of the replacement unconditional undertaking.

24.5 The Parties agree that Council may, acting reasonably, impose conditions of Development Consent on the Development under section 80A of the Act specifying that the first Occupation Certificate for the Development must not be issued until the Developer has achieved Hand-Over for each of the Items of Work.

24.6 The Parties agree that, in respect of the Works, where Council is the certifying authority, it may withhold the issue of the relevant Construction Certificate or Occupation Certificate (as appropriate) until such time as the identified Item of Work is completed.

25. Release & return of General Security

The Council is to release the General Security to the Developer within 5 Business Days following the final Hand-Over of all of the Works.

26. Dispute Resolution

26.1 Any Dispute between the parties must be resolved under clause 26.

26.2 If a party wishes to have a Dispute resolved or determined, it must give a written notice (**Notice of Dispute**) to the other party. A Notice of Dispute must state that it is a notice under clause 26.2 and must specify in reasonable detail:

(a) the legal basis for and detailed particulars of the Dispute;

(b) the facts relied on; and

(c) the relief or outcome sought.

26.3 Within 10 Business Days after a Notice of Dispute is given (or a longer period agreed by the parties in writing), the parties must ensure that their senior representatives meet, undertake good faith negotiations and use their reasonable endeavours to resolve the Dispute.

26.4 If a Dispute is not resolved within the period referred to in clause 26.3, either party may give a written notice to the other party to refer the Dispute for expert determination (**Notice of Referral**).

26.5 Only an Expert (as defined in clause 26.6) may conduct an expert determination under this clause 26.

26.6 An Expert is a person:

(a) agreed between and jointly appointed by the parties; or

(b) where the parties are unable to reach agreement within 10 Business Days of a Notice of Referral, a person appointed by the Resolution Institute at the request of a party.

26.7 The parties must promptly enter into an engagement agreement with the Expert on terms reasonably required by the Expert.

26.8 An agreement for expert determination under this Agreement is not an arbitration agreement under the *Commercial Arbitration Act 2010* (NSW).

26.9 The parties agree that the Expert must:

(c) act as an expert and not as an arbitrator;

(d) act fairly, impartially and independently of each party;

(e) apply the Expert's own knowledge and expertise;

(f) determine and notify the parties of the procedure for conducting the expert determination as the Expert thinks fit, and is not bound by the rules of evidence;

(g) make any directions for conducting the expert determination as the Expert thinks fit;

(h) conduct investigations and enquiries, examine documents and interview persons to the extent the Expert considers necessary or desirable to resolve the Dispute;

(i) determine the Dispute as expeditiously as possible; and

(j) give the parties a written determination with reasons, within 30 Business Days after the date of the engagement agreement referred to in clause 26.6, or any later date the parties may agree in writing.

26.10 Each party is entitled to legal representation during the expert determination.

26.11 The Expert must use all reasonable endeavours to avoid any actual or potential:

(a) conflict of interest; or

(b) circumstance that may reasonably be considered to adversely affect the Expert's impartiality or independence.

26.12 The Expert must immediately give the parties written notice if the Expert becomes aware of the existence of anything described in clause 26.11.

26.13 To the extent permitted by law, the Expert's determination is final and binding on the parties unless:

(a) there is any fraud;

(b) there is a material miscalculation of figures or a material mistake in the description of any person, thing or matter; or

(c) both conditions below apply:

(a) the value of the claim exceeds $250,000; and

(b) within 60 Business Days after the Expert gives the parties the determination, a Party gives written notice to the other Party referring the matter to a Court.

26.14 Any party may make a written request to the Expert to correct the determination for:

(d) a minor mistake arising from an accident or omission; or

(e) a defect in form.

26.15 Each party must:

(a) cooperate in good faith with the Expert and the other party in the conduct of the expert determination; and

(b) use reasonable endeavours to comply with all requests and directions reasonably given by the Expert.

26.16 The parties must:

(a) comply with any reasonable direction of the Expert to provide security deposits for the Expert's fees and disbursements;

(b) each pay half of the Expert's fees and disbursements in connection with the expert determination; and

(c) bear their own costs in connection with the expert determination.

26.17 Nothing in clause 26 prejudices the right of a party to seek urgent injunctive or declaratory relief for any matter in connection with this Agreement.

26.18 Subject to clause 26.19, the parties must, and must ensure that the Expert must keep confidential, and not disclose to any other person:

(d) all proceedings and submissions relating to an expert determination under clause 26, including the fact that any step in the expert determination is occurring; and

(e) all documents and any other information (in any form) relating to the expert determination, including the Expert's determination.

26.19 A party may disclose confidential information referred to in clause 26.18:

(f) if that party obtains the prior written consent of the other party;

(g) as required by law; or

(h) to the extent necessary to give effect to or to enforce a determination.

26.20 Despite the existence of a Dispute or its referral to expert determination, each party must continue to perform their obligations under this Agreement.

26.21 A party must not appoint the Expert as arbitrator, advocate or adviser in any arbitral, judicial or adjudication proceedings relating to the Dispute or any part of it, except with the other party's written consent.

26.22 Clause 26 survives the termination or expiry of this Agreement.

27. Registration of this Agreement

27.1 The Developer acknowledges that Council intends to register this Agreement under section 93H of the Act on the Land and on registration by the Registrar-General the Agreement will be binding on and enforceable against the owner of the Land from time to time as if each owner for the time being had entered into this Agreement.

27.2 **Developer's obligations**

27.2.1 The Developer must as soon as practicable after the date of this Agreement and, in any event, no later than 60 Business Days after that date, obtain the consent of each person who has an estate or interest in the Land to the registration of this instrument.

27.2.2 The Developer must at the request of Council, sign any *Real Property Act* dealing, acknowledgement or document, provide all relevant consents (including the consent of any mortgagee or caveator) arrange for the production of the Certificates of Title for the Land and do all other things reasonably necessary to enable this Agreement to be registered pursuant to section 93H of the Act.

27.3 **Release and discharge of deed by Council**

27.3.1 This Agreement ends when the Developer has complied with all of its obligations imposed under the terms of this Agreement.

27.3.2 The Council must promptly do all things reasonably required by the Developer to release and discharge this Agreement with respect to any part of the Land (such that the Agreement is no longer registered by the Registrar-General under section 93H of the Act in relation to that part of the Land) upon the earlier of:

(a) the Developer having provided all of the Development Contributions in accordance with this Agreement; and

(b) this Agreement otherwise coming to an end.

27.4 **Registration of Strata Plans**

27.4.1 This Agreement will not remain or be newly registered by the Registrar-General under section 93H in relation to any newly created strata lot, subject to the Developer being in compliance with this Agreement to the reasonable satisfaction of the Council at that time.

27.4.2 For each Strata Plan lodged with the office of the Registrar-General, where that Strata Plan is intended to create a strata lot(s), the Council must do all things reasonably required by the Developer to ensure that this Agreement is not registered by the Registrar-General under section 93H of the Act in relation to any such lot.

27.4.3 If through error or other reason this Agreement is registered on the title to any strata lot, each party must do such things as are reasonably necessary, within 5 Business Days after being requested by the other, to facilitate the lodging and grant of a request for the registration of this Agreement to be removed from the title to that lot.

28. Lodgement of Caveat

28.1 The Developer acknowledges that the rights under this Agreement give Council a caveatable interest in the Land. Until such time as this Agreement is registered on the relevant folios of the Register held by the Land and Property Information (**LPI**) pertaining to the Land, the Developer agrees that Council may lodge a caveat on the relevant folios of the Register held by the LPI pertaining to the Land.

28.2 A caveat lodged by Council in accordance with this clause 28 must not prevent or prohibit the lodgement of any instrument dealing or matter required for the registration of any mortgage, subdivision plan, easement, covenant, right of way, deposited plan or strata plan relating to the Development. The Developer must not lodge a lapsing notice or take any action to obtain or seek a withdrawal or removal of the caveat, unless:

28.2.1 the Developer's obligations under this Agreement have been satisfied; or

28.2.2 this Agreement has otherwise come to an end.

28.3 If Council lodges a caveat in accordance with clause 28, Council must:

28.3.1 ensure that the caveat does not prevent or delay the registration of this Agreement;

28.3.2 immediately execute the relevant forms to remove the registration of any caveat lodged by Council in respect of the Land within 5 Business Days of registration of this Agreement on the Land in accordance with this clause 28;

28.3.3 provide any consent or other documentation required to permit the registration of:

(a) any easements to burden or benefit the Land;

(b) any variations of lease (including by way of exercise of option), or transfers of lease, over any part of the Land;

(c) any lease;

(d) the subdivision of the Land for the purpose of creating parcels; and

(e) the subdivision of the Parking Land.

29. Assignment and transfer

29.1 A Party must not assign, novate or deal with any right, including transfer of the Land, or obligation under the Agreement without the prior written consent of the other Party.

29.2 In respect of a request by the Developer for Council's consent under clause 29.1, Council must not unreasonably withhold consent under this clause, provided that the matters specified in clause 29.3 are satisfied.

29.3 The matters required to be satisfied for the purposes of clause 29.1 are:

29.3.1 the Developer has, at its own cost, first procured the execution by the person to whom the Developer's rights or obligations under this Agreement are proposed to be assigned, novated, sold, transferred, delegated or otherwise encumbered (**Proposed Transferee**), of an agreement in favour of the Council on terms satisfactory to Council acting reasonably; and

29.3.2 Council, by notice in writing to the Developer, has stated that evidence satisfactory to Council has been produced to show that the assignee or novatee, is reasonably capable of performing its obligations under the Agreement;

29.3.3 the Developer has agreed to pay all reasonable fees and expenses (including legal fees) incurred by Council in connection with the proposed assignment, novation or dealing and the investigation of the Proposed Transferee; and

29.3.4 the Developer is not in breach of this Agreement.

29.4 Any purported dealing in breach of clause 29 is of no effect.

29.5 Notwithstanding clause 29.1 the Developer may enter into a contract for sale, and may sell and transfer to a transferee part of the Land forming a strata lot on a proposed Strata Plan, without compliance with clause 29.3.

30. Review of this Agreement

30.1 The Developer is to provide to Council by not later than each anniversary of the date on which this Agreement is entered into a report detailing the performance of its obligations under this Agreement.

30.2 The Parties agree to review this Agreement at least once every 2 years, and otherwise if either Party is of the opinion that any change of circumstance has occurred, or is imminent, that materially affects the operation of this Agreement.

30.3 For the purposes of clause 30.2, the relevant changes include (but are not limited to):

(a) any change to a law that restricts or prohibits or enables Council or any other planning authority to restrict or prohibit any aspect of the Development;

(b) any change to the Development;

(c) any change to the Rockdale LEP;

(d) any change to or the making of any environment planning instrument that affects the Development;

(e) if the Developer is unable to obtain all consents necessary for the Developer to enter onto the Land and carry out Work as required by this Agreement;

(f) if contributions under section 94, 94A or 94EF are levied on the Development as a condition of Development Consent; and

(g) the exhibition of a draft contributions plan, within the meaning of the Act, relating to land in the Council's area.

30.4 For the purposes of addressing any matter arising from a review of this Agreement referred to in clause 30.2 the Parties are to use all reasonable endeavours to agree on and implement appropriate amendments to this Agreement.

30.5 If this Agreement becomes illegal, unenforceable or invalid as a result of any change to a law, the parties agree to do all things necessary to ensure that an enforceable agreement of the same or similar effect to this Agreement is entered into.

30.6 A failure by a Party to agree to take action requested by the other party as a consequence of a review referred to in clause 30.2 is not a dispute for the purposes of clauses 26 or 26 and is not a breach of this Agreement.

31. Notices

31.1 Any notice, consent, information, application or request that must or may be given or made to a Party under this Agreement is only given or made if it is in writing and sent in one of the following ways:

31.1.1 delivered or posted to that Party at its address set out in the Contacts Sheet; or

31.1.2 faxed to that Party at its fax number set out in the Contacts Sheet.

31.2 If a Party gives the other Party 3 Business Days' notice of a change of its address or fax number, any notice, consent, information, application or request is only given or made by that other Party if it is delivered, posted or faxed to the latest address or fax number.

31.3 Any notice, consent, information, application or request is to be treated as given or made if it is;

31.3.1 delivered, when it is left at the relevant address;

31.3.2 sent by post, 4 Business Days after it is posted; or

31.3.3 sent by fax, as soon as the sender receives from the sender's fax machine a report of an error free transmission to the correct fax number.

31.4 If any notice, consent, consent, information, application or request is delivered, or an error free transmission report in relation to it is received, on a day that is not a Business Day, or if on a Business Day, after 5pm on that day in the place of the

Party to whom it is sent, it is to be treated as having been given or made at the beginning of the next Business Day.

32. Approvals and consent

32.1 Unless expressly stated otherwise in this Agreement, and subject to any statutory obligations, a Party may give or withhold an approval or consent to be given under this Agreement in that Party's absolute discretion and subject to any conditions determined by the Party.

32.2 A Party is not obliged to give its reasons for giving or withholding consent or for giving consent subject to conditions.

33. Costs

33.1 The Developer must pay to Council the Council's reasonable costs of up to $45,000, for preparing, negotiating, executing and stamping this Agreement, and any document related to this Agreement, within 20 Business Days of a provision of a tax invoice by Council for such payment.

33.2 The Developer must pay to Council the Council's reasonable costs of enforcing this Agreement within 20 business days of a written demand by Council for such payment, except in the case of a dispute that is the subject of:

33.2.1 expert determination by an Expert under clause 26 in which case each party will bear its own costs; or

33.2.2 court proceedings, in which case any costs will be paid in accordance with orders of the court only.

34. Entire Agreement

34.1 This Agreement contains everything to which the Parties have agreed in relation to the matters it deals with.

34.2 No Party can rely on an earlier document, or anything said or done by another Party, or by a director, officer, agent or employee of that Party, before this Agreement was executed, except as permitted by law.

35. Further acts

35.1 Each Party must promptly execute all documents and do all things that another Party from time to time reasonably requests to effect, perfect or complete this Agreement and all transactions incidental to it.

36. Governing law and jurisdiction

36.1 This Agreement is governed by the law of New South Wales.

36.2 Each Party irrevocably and unconditionally submits to the non-exclusive jurisdiction of its courts and courts of appeal from them.

36.3 Each party waives any right to object to the exercise of jurisdiction by those courts on any basis.

37. Joint and individual liability and benefits

37.1 Except as otherwise set out in this Agreement:

37.1.1 any agreement, covenant, representation or warranty under this Agreement by 2 or more persons binds them jointly and each of them individually; and

37.1.2 any benefit in favour of 2 or more persons is for the benefit of them jointly and each of them individually.

38. No fetter

Nothing in this Agreement shall be construed as requiring Council to do anything that would cause it to be in breach of any of its obligations at law, and without limitation, nothing shall be construed as limiting or fettering in any way the exercise of any statutory discretion or duty.

39. No obligation or liability

The Developer acknowledges and agrees that:

39.1.1 Council (or any person on its behalf) does not assume or owe any duty of care or other responsibility or obligation to the Developer in relation to the Design Specifications or the Detailed Design Specifications, and will not be required to check the Design Specifications or the Detailed Design Specifications, for suitability, errors, omissions or compliance with the requirements of law, any approval or this Agreement;

39.1.2 the Developer will not be entitled to make, and Council will not be liable upon or in connection with, any claim, liability or Loss arising out of or in connection with any failure by Council (or any person on its behalf) to detect or notify the Developer of any lack of suitability, errors, omissions or non-compliance with the requirements of law, any authority or this deed in any part of the Design Specifications or the Detailed Design Specifications; and

39.1.3 no review of, comment upon, consent to, or approval or rejection of, nor failure or refusal to review, comment upon, consent to, or approve or reject, any Design Specifications or the Detailed Design Specifications (including under clause 11) or any other direction (including approval) by Council (or any person on its behalf) about such Design Specifications or the Detailed Design Specifications will:

(a) relieve the Developer from, or otherwise limit, alter or affect, the Developer's liabilities or responsibilities under this Agreement or otherwise at law or in equity; or

(b) prejudice Council's rights against the Developer whether under this Agreement or otherwise at law or in equity.

40. Representations and warranties

40.1 Each Party represent and warrant to each other Party that they have power to enter into this Agreement and comply with their obligations under the Agreement and that entry into this Agreement will not result in the breach of any law.

41. Severability

41.1 If a clause or part of a clause of this Agreement can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way.

41.2 If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this Agreement, but the rest of this Agreement is not affected.

41.3 The parties acknowledge that under and by virtue of section 93F(4) of the Act, any provision of this Agreement is not invalid by reason only that there is no connection between the Development and the object of the expenditure of any Development Contribution required to be made by that provision.

42. Modification

42.1 No modification of this Agreement will be of any force or effect unless it is in writing and signed by the Parties to this Agreement.

42.2 The Council acknowledges that the Developer may require the approval of any financier prior to agreeing to any modification to this Agreement.

43. Waiver

43.1 The fact that a Party fails to do, or delays in doing, something the Party is entitled to do under this Agreement, does not amount to a waiver of any obligation of, or breach of obligation by, another Party.

43.2 A waiver by a Party is only effective if it is in writing. A written waiver by a Party is only effective in relation to the particular obligation or breach in respect of which it is given.

43.3 It is not to be taken as an implied waiver of any other obligation or breach or as an implied waiver of that obligation or breach in relation to any other occasion.

44. Rights cumulative

44.1 Except as expressly stated otherwise in this Agreement, the rights to a Party under this Agreement are cumulative and are in addition to any other rights of that Party.

45. Duty

45.1 The Developer as between the Parties is liable for and must pay all duty (including any fine or penalty except where it arises from default by another Party) on or relating to this Agreement, any document executed under it or any dutiable transaction evidenced or effected by it.

45.2 If a Party other than the Developer pays any duty (including any fine or penalty) on or relating to this Agreement, any document executed under it or any dutiable transaction evidenced or effected by it as a result of the Developer first failing to pay such duty, the Developer must pay that amount to the paying Party on demand.

46. Effect of Schedules

46.1 The Schedules to this Agreement form part of this Agreement.

47. Relationship of the Parties

47.1 This Agreement is not intended to create a partnership, joint venture or agency relationship between the Parties.

48. GST

48.1 In this clause:

Adjustment Note, Consideration, GST, GST Group, Margin Scheme, Money, supply and **Tax Invoice** have the meaning given by the GST Law.

GST Act means the *A New Tax System (Goods and Services Tax) Act 1999 (Cth)*.

GST Amount means in relation to a Taxable Supply the amount of GST payable in respect of the Taxable Supply.

GST Law has the meaning given by the GST Act.

Input Tax Credit has the meaning given by the GST Law and a reference to an Input Tax Credit entitlement of a party includes an Input Tax Credit for an acquisition made by that party but to which another member of the same GST Group is entitled under the GST Law.

Taxable Supply has the meaning given by the GST Law excluding (except where expressively agreed otherwise) a Supply in respect of which the supplier chooses to apply the Margin Scheme in working out the amount on GST on that Supply.

48.2 Subject to clause 48.4 and clause 48.5.2:

48.2.1 except where specified to the contrary in this Agreement, all consideration payable under this Agreement in relation to any supply is exclusive of GST; and

48.2.2 if GST is payable on a Taxable Supply made under, by reference to or in connection with this Agreement, the Party providing the consideration for that Taxable Supply must also pay the GST Amount as additional Consideration.

48.3 Clause 48.2 does not apply to the extent that the Consideration for the Taxable Supply is expressly stated in this Agreement to be GST inclusive.

48.4 No additional amount shall be payable by Council under clause 48.2 unless, and only to the extent that, Council (acting reasonably and in accordance with the GST Law) determines that it is entitled to an Input Tax Credit for its acquisition of the Taxable Supply giving rise to the liability to pay GST.

48.5 If there are Supplies for Consideration which is not Consideration expressed as an amount of Money under this Agreement by one Party to the other Party that are not subject to Division 81 or Division 82 of the GST Act:

48.5.1 to negotiate in good faith to agree the GST inclusive market value of those Supplies prior to issuing Tax Invoices in respect of those Supplies; and

48.5.2 that any amounts payable by each Party in accordance with clause 48.2 (as limited by clause 48.4) to each other in respect of those Supplies will be set off against each other to the extent that they are equivalent in amount.

48.6 No payment of any amount pursuant to this clause 48, and no payment of the GST Amount where the Consideration for the Taxable Supply is expressly agreed to be GST inclusive, is required until the supplier has provided a Tax Invoice or Adjustment Note as the case may be to the recipient.

48.7 Any reference in the calculation of Consideration or of any indemnity, reimbursement or similar amount to a cost, expense or other liability incurred by a Party, must exclude the amount of any Input Tax Credit entitlement of that party in relation to the relevant cost, expense or other liability.

48.8 This clause continues to apply after expiration or termination of this Agreement.

49. Explanatory Note relating to this Agreement

49.1 The **Appendix** to this Agreement is the Explanatory Note relating to this Agreement required by clause 25E of the Regulation.

49.2 Pursuant to clause 25E(7) of the Regulation, each Party agrees that the Explanatory Note in the Appendix is not to be used to assist in construing this Planning Agreement.

50. New Laws

50.1 If the Developer is obliged by any new law to do something or pay an amount which it is already contractually obliged to do or pay under this Agreement then, to the extent only that the relevant obligation is required under both the new law and this Agreement, compliance with the new law will constitute compliance with the relevant obligation under this Agreement.

51. Force Majeure Events

51.1 This clause 51 applies in the case of a Force Majeure Event.

51.2 The Developer is not liable for any failure to comply with any of its obligations under this Agreement where the failure is caused or contributed to by a Force Majeure Event.

51.3 In the event that a Force Majeure Event occurs:

(a) The Developer will notify Council in writing as soon as is reasonably practicable the extent to which it is unable to perform its obligations (the **FME Notice**); and

(b) The parties must use their best endeavours to mitigate the adverse effects of the Force Majeure Event and perform their obligations under this Agreement as quickly as is reasonably possible.

51.4 If the Developer has complied with its responsibilities under clause 51.3(a) and is still unable to carry out its obligations under this Agreement due to a Force Majeure Event, then the parties must meet within 21 days of the FME Notice to discuss in good faith alternative arrangements or contributions which can be provided in light of the Force Majeure Event.

52. Counterparts

This Agreement may be executed in any number of counterparts all of which taken together constitute one instrument.

Execution

Executed as an Agreement at Rockdale date:

Executed on behalf of Bayside Council:

General Manager (sign)	Witness (sign)
Name of General Manager (print)	Witness – Name/Position (print)

Executed by Zoe Holdings Rockdale Pty Limited pursuant to s 127 of the *Corporations Act 2001*:

Director (sign)	Director/Secretary (sign)
Name of Director (print)	Name of Director/Secretary (print)

Schedule 1 Section 93F Requirements

(Clause 2.1)

Provision of the Act	This Agreement
Under section 93F(1), the Developer has:	
(a) sought a change to an environmental planning instrument	Yes
(b) made, or proposes to make, a Development Application.	Yes
(c) entered into an agreement with, or is otherwise associated with, a person, to whom paragraph (a) or (b) applies	No
Description of the land to which this Agreement applies – Section 93F(3)(a))	The whole of the Land described in Schedule 2 to this Agreement
Description of the change to the environmental planning instrument to which this Agreement applies – (Section 93F(3)(b)(i))	Additional permissible height of a proposed mixed-use development
The scope, timing and manner of delivery of Development Contributions required by this Agreement – (Section 93F(3)(c))	See Schedule 3 to this Agreement
Applicability of Sections 94 and 94A of the Act – (Sections 93F(3)(d) and 93F(5A))	See **clause 6**
Applicability of Section 94EF of the Act – (Section 93F(3)(d))	See **clause 6**
Benefits under the Agreement considered for Section 94 purposes – (Section 93F(3)(e)),	all Development Contributions under this Agreement
Dispute Resolution – (Section 93F(3)(f))	See **clauses 26**
Security & Enforcement of this Agreement – (Section 93F(3)(g))	See **clauses 24, 25**
Registration of the Agreement – (Section 93H)	Yes, see **clause 27**
Restriction on dealings	See **clause 28**
No obligation to grant consent or exercise functions – (Section 93F(9))	See **clause 38**

Schedule 2 Description of the Land and the Development

(Clause 1)

2. Item 1 The Land

Lot 101 DP771165,

Lot 3 DP82942,

Lot 1 DP455421; and

Lot 1 DP912313

(together known as 75-81 Railway Street, Rockdale).

3. Item 2 The Development

The development, within the meaning of the Act, of or on or including the Land for mixed uses, achieving not less than 10,300 square metre Gross Floor Area, under the Rockdale LEP once it is amended by the Instrument Change.

Schedule 3 Development Contributions

(Clause 7)

1. Option A Development Contributions

Part A: Works

Column 1	Column 2	Column 3	Column 4
Item	**Development Contribution**	**Agreed Contribution Value**	**Hand-over Date**
Hesten Lane extension and streetscape improvement to Parker Street and Railway Street			
A.1	A1. Extension of Hesten Lane southwards by approximately 21 metres over the Parking Land including: • construction of new road infrastructure for the full extension of Hesten Lane • public car parking on extension of Hesten Lane • retaining walls • soft landscaping • lighting • signage as shown on the Map in clause 4 of Schedule 3 and in accordance with the Detailed Design Specifications.	Combined Agreed Contribution Value for A.1, A.2 and A.3 is $1,049,000.	Prior to the issue of an Occupation Certificate for the Development. NOTE: The Works are subject to the Defect Liability Period once completed.
A.2	A2. Streetscape improvement works to upgrade the Parker Street frontage along the northern edge of the Land, as shown on the Map in clause 4 of Schedule 3 and in accordance with the Detailed Design Specifications.		Prior to the issue of an Occupation Certificate for the Development. NOTE: The Works are subject to the Defect Liability Period once completed.

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A.3	A3. Streetscape improvement works to upgrade the existing footpath from Railway Street to the Guild Theatre (located within the boundary of the Land), as shown on the Map in clause 4 of Schedule 3 and in accordance with the Detailed Design Specifications.		Prior to the issue of an Occupation Certificate for the Development. NOTE: The Works are subject to the Defect Liability Period once completed.
A.4	A4. Streetscape and building frontage improvement works within the boundary of the Guild Theatre Site (Lot 2 DP 3560, Lot 3 DP 3560), in accordance with the Detailed Design Specifications.		Prior to the issue of an Occupation Certificate for the Development. NOTE: The Works are subject to the Defect Liability Period once completed.

Part B: Land dedication

Column 1	Column 2	Column 3	Column 4
Item	**Development Contribution**	**Agreed Contribution Value**	**Timing**
Land dedication for public parking and pedestrian connection			
B.	B1. Dedication to Council of the Parking Land to be used for provision of new public parking and a proposed future pedestrian connection linking Hesten Lane with Waltz Street.	$750,000	Prior to the issue of an Occupation Certificate for the Development.

2. Option B Development Contributions

Column 1	Column 2	Column 3	Column 4
Item	**Development Contribution**	**Agreed Contribution Value**	**Timing**
Streetscape improvement to Hesten Lane, Parker Street, Railway Street, Waltz Street and footpath from Railway Street to Guild Theatre			
A.1	A1. Streetscape improvement works to upgrade the street frontages of the Land on Hesten Lane, Parker Street and Railway Street, as shown on the Map in clause 4 of Schedule 3, and in accordance with the Detailed Design Specifications.	Combined Agreed Contribution Value for A.1, A.2 and A.3 is $1,847,000	Prior to the issue of an Occupation Certificate for the Development. NOTE: The Works are subject to the Defect Liability Period once completed.
A.2	A2. Streetscape improvement works to the northern side of Waltz Street between Walkin Street and Railway Street, as shown on the Map in clause 4 of Schedule 3, and in accordance with the Design Specifications.		Prior to the issue of an Occupation Certificate for the Development. NOTE: The Works are subject to the Defect Liability Period once completed.
A.3	A3. Streetscape improvement works to upgrade the existing footpath from Railway Street to the Guild Theatre (located within the boundary of the Land), as shown on the Map in clause 4 of Schedule 3 and in accordance with the Detailed Design Specifications.4.		Prior to the issue of an Occupation Certificate for the Development. NOTE: The Works are subject to the Defect Liability Period once completed.
A.4	A4. Streetscape and building frontage improvement works within the boundary of the Guild Theatre Site (Lot 2 DP 3560, Lot 3 DP 3560), in accordance with the Detailed Design Specifications.		Prior to the issue of an Occupation Certificate for the Development. NOTE: The Works are subject to the Defect Liability Period once completed.

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3. Adjustment of Agreed Contribution Value

3.1 On each anniversary of the date of this Agreement the Agreed Contribution Value of each Item of Work specified in Column 3 of the tables in clause 1 and 2 in Schedule 3 will be increased by the same percentage as the percentage increase, if any, in the Consumer Price Index in the 12 months prior to the relevant anniversary. The increased Agreed Contribution Value will be the Agreed Contribution Value for the 12 months immediately following the relevant anniversary.

4. Map of Works



For avoidance of any doubt:

Option A relates to the area described in both purple and green;
Option B relates to the area described in both yellow and green; and
Options A & B (collectively) relate to the area described in yellow, green and purple.

Schedule 4 Design Specifications

1. Specifications

- Demolition of existing surfaces and disposal off-site.
- Compaction of existing sub-grade.
- Supply and installation and compaction of DGB20 base course to Council standards.
- Supply and installation of F72 32MPa concrete base course.
- Supply and installation of spine and core pavement treatment in accordance with Rockdale Public Domain Paving Style Sheet dated 03/10/2015.
- Associated landscape works to Council specifications.

2. General Requirements

- Public Domain Plan – Part 3: Preliminary Design of Schedule 4 – Design Specifications
- Specification for design – AUS-SPEC:
  - *0021 – Site regrading*
  - *0041 – Geometric road layout*
  - *0043 – Subsurface drainage (design)*
  - *0044 – Pathways and cycleways*
  - *0061 – Bridges and other structures*
  - *0074 – Stormwater drainage (design)*
  - *0160 – Quality (design)*
  - Wolli Creek and Bonar Street Precinct Public Domain Plan: Technical Manual.
- Variation to Nominated Standards – where AUS-SPEC makes reference to the Austroads *Guide to Road Design*, the design shall comply with the NSW Roads and Traffic Authority Supplement to Austroads *Guide to Road Design*, and where AUS-SPEC makes reference to the Australian Standards AS1742 and AS1743, the design shall comply with the NSW Roads and Traffic Authority Supplement to Australian Standards AS1742 and AS1743.
- Inconsistency – where an inconsistency exists between the nominated design standards the prevailing standard shall be determined by the Council's Manager – City Infrastructure
- Applicable Legislation – Commonwealth and New South Wales Legislation.
- Drawing coordinates shall conform to GDA94 (Geocentric Datum of Australia). Levels shall conform to AHD (Australian Height Datum).
- Submission formats:
  - Two (2) printed copies of the plans
  - One (1) printed copy of the specification
  - Two (2) printed copies of the Review of Environmental Factors (REF)
  - One (1) USB with electronic format of all documents as follows:
    - Design drawings in DWG file format and portable document format (PDF).
    - Specification and REF in portable document format (PDF).

2.1 Limit of Works

- The limit of works shall be all works required to comply with AUS-SPEC, and shall be not less than the minimum requirements specified by the conditions of consent.

2.2 Drawing Presentation

- The detailed design plans are to be prepared in accordance with the Council's *Engineering Drawing Guide: for works in conjunction with developments and subdivisions*. The drawings must show all necessary design details for construction by the Developer.

2.3 Swept Paths

- The preparation and presentation of swept path diagrams shall be in accordance with the Council's *Engineering Drawing Guide: for works in conjunction with developments and*

subdivisions. Swept paths, based on the nominated design vehicle, must be provided for:

- All movements at intersections.

2.4 Design Parameters – Road and Pavement Design

- Design vehicle for swept path diagrams: design single unit bus, 12.5m long.
- Equivalent Standard Axles for pavement design: 3×10^5
- Design life for road pavement: 25 years
- Kerb profiles, pram ramps, etc shall be in accordance with the Model (Road) Drawings for Kerb and Gutter (R15) issued by the NSW Roads and Traffic Authority.

2.5 Drainage

- Drainage pipes shall be reinforced concrete (RC), rubber ring jointed (RRJ) pipes only.
- Pit details shall be in accordance with the Model (Road) Drawings for Stormwater Drainage (R11) – Gully Pits issued by the NSW Roads and Traffic Authority.

2.6 Subsurface Drainage

- Design of subsurface drainage shall be in accordance with *0043 – Subsurface drainage (design)*.
- Alternatively, the Roads and Traffic Authority's *Combined Stormwater and Subsurface Drainage* (Drawing reference MD.R33.A08.A) can be adopted.

2.7 Road Pavement

- A formal pavement design shall be prepared by a registered N.A.T.A. laboratory based on sampling and testing of the subgrade materials from the site. Details of the pavement design, results of subgrade testing (including 4 day soaked CBR's) are to be submitted with the design drawings.
- Pavements should be designed using the general principles of Austroads 1992 "Pavement Design – A Guide to the Structural Design of Road Pavements".
- Alternatively, the Roads and Traffic Authority's *Standard PTB Structure* (Drawing reference 0000.000.PT.0003) can be adopted.
- Sandstone shall not be used in pavements. Wearing surfaces shall be asphaltic concrete (AC) only.

2.8 Road Alignment

- Footpath design consistent with AS1428, and NSW Bicycle Guidelines. Attention is drawn to the provisions for minimum height clearance (2.2m); minimum clear width (1.5m); maximum grades (longitudinal and cross-fall); and kerb ramp details.
- All kerb returns must be designed such that no part of the vehicle crosses the centerline.
- All vehicle footpath crossing profiles are to be provided.
- The design must not result in any un-drained low-points, and as far as practicable low points within the kerb return shall be avoided to eliminate the use of pits with curved lintels.

2.9 Landscape Details

- Landscaping details are as agreed with Council in the Detailed Design Specifications.
- The landscape plan for the treatment of the road reserve must be separate to landscape treatments within the boundary of the property.

2.10 Traffic Facilities

- The following traffic facilities shall be provided in accordance with the NSW Roads and Traffic Authority Supplement to Austroads *Guide to Road Design*, and NSW Roads and Traffic Authority Supplement to Australian Standards AS1742 and AS1743.
  - Line marking and regulatory signage in New Road (East).
  - Parking signage in New Road (East).

2.11 On-Street Parking

- Where flush concrete edging is used as an edge treatment for pavement in lieu of standard kerb and gutter shapes adjacent to on-street parking spaces, wheel stops shall be designed in accordance with AS2890.3:1993.

2.12 Dilapidation Report

- The dilapidation report required by conditions of consent must include photos and details of surrounding public infrastructure and adjoining boundary fences.

2.13 Certification Requirements and Quality Assurance

Design qualification

- The design must be certified by a Professional Engineer with current registration on the National Professional Engineers Register (NPER), stating that the design meets the required standards:
  - Civil Engineering area of practice for all civil plans, including drainage design.
  - Structural Engineering area of practice for all structural load carrying elements.
- A certification report conforming to Annexure A of *0160 – Quality (design)* must accompany the design.

2.14 Utility Services – applicable only in relation to the Extension of Hesten Lane

- The extension of Hesten Lane (Item A.1 of the option A Development Contributions) shall comply with Ausgrid Network Standards for underground supply of electricity, including underground supply within the new road.

2.15 Street Lighting – applicable only in relation to the Extension of Hesten Lane

- The extension of Hesten Lane (Item A.1 of the Option A Development Contributions) shall design and implement new street lighting as required to meet the design lighting category from AS1158 (Category P3 – Lighting for roads and public spaces).
- The location of street lighting poles shall comply with RTA requirements:
  - Impact absorbing poles may be located not less than 1.0m from the edge of the nearest traffic lane; and
  - Non-impact absorbing poles may be located not less than 3.0m from the edge of the nearest traffic lane.
- Design to AusGrid Network Standard - Street Lighting Design and Construction NS119.
- Column footings must be designed according to the site conditions, and if standard details are being considered, the site conditions must be confirmed.

3. Specification

- A specification is to be developed based on AUS-SPEC. The compilation of the specification shall be undertaken in accordance with the Council's *Engineering Specification Guide: for works in conjunction with developments and subdivisions.*
- The specification compiler will be required to be a current subscriber to NATSPEC.

4. Preliminary Design

To be provided by the Developer at the time of the lodging of the Development Application for the Development.

Schedule 5 Parking Land

The area of land shown on the below map outlined in purple to be dedicated to Council as the Parking Land – being the area of approximately 342 square metres of the Land (in stratum) forming part of Lot 1 DP 912313 and part of Lot 1 DP 45541 for the provision of parking:



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Appendix

(Clause 49)

Environmental Planning and Assessment Regulation 2000

(Clause 25E)

Explanatory Note

Proposed Planning Agreement

Under s93F of the *Environmental Planning and Assessment Act 1979*

1. Parties

Bayside Council ABN 80 690 785 443 of 444-446 Princes Highway, Rockdale NSW 2216

(**Council**)

and

Zoe Holdings Rockdale Pty Limited ACN 169 548 770 of (address to be inserted)

(Developer)

2. Description of the Land to which the proposed Planning Agreement applies

2.1 75- 81 Railway Street, Rockdale as described in **Schedule 2** to the Agreement.

2.2 This Developer is the owner of the Land.

3. Description of proposed Development

3.1 The proposed redevelopment of the Land for mixed uses (being a minimum Gross Floor Area of 10,300 square metres).

3.2 In conjunction with the Development, the Developer will provide Development Contributions through either Option A Development Contributions or Option B Development Contributions.

3.3 The Option A Development Contributions must be provided if the Developer or Council becomes the registered proprietor of 83-85 Railway Street, Rockdale (being Lot 1 in Deposited Plan 3560) or otherwise obtains alternative public access arrangements over 83-85 Railway Street, Rockdale prior to the lodgement of the development application for the Development. The Option B Development Contributions must be provided if the circumstances which give rise to the Option A Development Contributions does not occur.

3.4 Both Options provide for general streetscape improvements on or near the Land. Option A provides for a smaller area of streetscape improvements than Option B but provides additional Development Contributions through the dedication of land. The Contribution Value of the Option A Development Contributions is $1,799,000 and the Option B Development Contributions is $1,847,000.

3.5 If the Option A Development Contributions apply, then in conjunction with the Development the Developer will provide:

3.2.1 the design, construction and dedication of land (approximately 342 square metres in stratum) for provision of proposed new public carparking and a

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proposed future pedestrian connection between Hesten Lane and Waltz Street, Rockdale;

3.2.1 southward extension of Hesten Lane, Rockdale including construction of new road infrastructure, public car parking, retaining walls, soft landscaping, lighting and signage (scope to be agreed);

3.2.2 streetscape improvement works to the Parker Street frontage of the Land (scope to be agreed);

3.2.3 streetscape improvement works to footpath from Railway Street, Rockdale to the Guild Theatre (within the boundary of the Land).

3.6 If the Option B Development Contributions apply, then in conjunction with the Development, the Developer will provide:

3.3.1 streetscape improvement works to the Hesten Lane, Parker Street and Railway Street frontages of the Land (scope to be agreed);

3.3.2 streetscape improvement works to footpath from Railway Street, Rockdale to the Guild Theatre (within the boundary of the Land);

3.3.3 streetscape improvement works to the northern side of Waltz Street between Walkin Street and Railway Street (scope to be agreed).

4. Summary of objectives, nature and effect of the proposed Planning Agreement

4.1 Objectives of proposed Planning Agreement

4.1.1 The objectives of the proposed Planning agreement are to:

4.1.1.1 provide Development Contributions for the benefit of the public in the form of streetscape improvement works;

4.1.1.2 if Option A Development Contributions apply:

- provide Development Contributions for the benefit of the public in the form of:
  - dedication of land at no cost to Council
  - works to create new public carparking, the extension of a road to provide better public access, and to facilitate a proposed future pedestrian connection; and

4.1.1.3 achieve the provision of these Development Contributions with greater certainty and at less risk and less cost to Council than would be possible through the outright purchase of the land or the use of section 94 development contributions alone.

4.2 Nature and effect of proposed Planning Agreement

4.2.1 The proposed Planning Agreement will not come into effect until the proposed instrument Change comes into force and Development Consent is granted for development achieving not less than 10,300 square metres of Gross Floor Area on the Land.

4.2.2 The proposed Planning Agreement will require the Developer to carry out streetscape improvement works and footpath improvement works for the Public Purpose of providing public amenities, at no cost to Council.

4.2.3 If the Option A Development Contributions apply, the proposed Planning Agreement will require the Developer to:

4.2.3.1 carry out the following additional Work for a public purpose:

- the design, construction and dedication of land for provision of proposed new public carparking and a proposed future pedestrian connection; and
- construction of new section of existing road for the provision of new public car parking and improved access by the public.

4.2.4 The estimated value of the Works and other contributions under the proposed Planning Agreement are $1,799,000 for the Option A Development Contributions and $1,847,000 for the Option B Development Contributions.

5. Assessment of the merits of the proposed Planning Agreement

5.1 The impact of the proposed Agreement on the public or any relevant section of the public

5.1.1 The proposed Planning Agreement impacts on the public by promoting the public interests as outlined in paragraph 5.2.1.

5.2 How the proposed Planning Agreement promotes the public interest and one or more objects of the *Environmental Planning and Assessment Act 1979*

5.2.1 The proposed Planning Agreement promotes the public interest by securing the provision of Development Contributions, through the carrying out of Work for the purposes of improving community facilities and, in general, for the purposes of improving and promoting the community's quality of life.

5.2.2 If the Option A Development Contributions apply, the proposed Planning Agreement will further promote the public interest by securing the dedication of land free of cost and the carrying out of additional Work, for the purposes of improving community facilities, infrastructure and services and, in general, for the purposes of improving and promoting the community's quality of life.

5.2.2 The proposed Planning Agreement promotes the objects of *the Environmental Planning and Assessment Act 1979* by;

- encouraging the development and conservation of natural and urban resources for the purpose of promoting the social and economic welfare of the community and a better environment;
- encouraging the promotion and co-ordination of the orderly and economic use and development of land;
- encouraging the provision of land for public purposes; and
- encouraging the provision and co-ordination of community services and facilities.

5.3 For Planning Authorities:

5.3.1 Development corporations – How the proposed Planning Agreement promotes its statutory responsibilities

N/A

5.3.2 Other public authorities – How the proposed Planning Agreement promotes the objects (if any) of the Act under which it is constituted

The proposed Planning Agreement promotes the Principles of *the Local Government Act 1993* by:

5.3.2.1 allowing Council to improve and develop the resources of the area appropriate to the current and future needs of the local community and the wider public through the provision of streetscape improvement works and footpath improvement works; and

5.3.2.2 if Option A applies, allowing Council to improve and develop the resources of the area through the provision of the new public car parking spaces, construction of a new section of an existing road and use dedicated land for provision of a proposed future pedestrian connection.

5.3.3 Councils – How the proposed Planning Agreement promotes the elements of the Council's Charter (cl 25E(2)(d))

5.3.3.1 Section 8 of the *Local Government Act* 1993 (NSW), previously set out the Council's charter. However, commencing 23 September 2016, the charter has been replaced with 'Guiding principles for councils' under section 8A of the Local Government Act.

Section 25E(2)(d) of the Environmental Planning and Assessment Regulation 2000 has not been amended to reflect the change. The current (section 8A Guidelines), and previous (section 8 Charter), requirements of the *Local Government Act* are addressed below.

5.3.3.2 The Planning Agreement promotes the following elements of the Council's charter, as stated under the previous wording of section 8 of the *Local Government Act 1993* (NSW):

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

The Planning Agreement promotes this aspect of Council's charter by providing for Council to provide improvements towards facilities for the community.

- "*to effectively plan for, account for, and manage the assets for which it is responsible*":

The Planning Agreement promotes this aspect of Council's charter by providing for Council to receive the benefit of streetscape improvement works which assist Council to manage the assets which are identified in the Planning Agreement as requiring improvement.

5.3.3.3 The Planning Agreement promotes the following elements of the Guiding principles for Councils in the exercise of Council functions, as stated under section 8A of the *Local Government Act 1993* (NSW):

- *"manage lands and other assets so that current and future local community needs can be met in an affordable way."*

The Planning Agreement provides a mechanism through which Council can manage its assets by delivering improvements to community facilities, in an affordable way.

- *"work with others to secure appropriate services for local community needs."*

The Planning Agreement provides a mechanism for Council to work with others, being the Developer, to secure streetscape improvements to public streets and footpath improvements, for local community needs.

Further, if Option A applies, the Planning Agreement provides a mechanism for Council to work with the Developer to provide new public car parking spaces, construction of a new section of an existing road and use dedicated land for provision of a proposed future pedestrian connection.

5.3.4 All planning authorities – Whether the proposed Planning Agreement conforms with the authority's capital works program

The works identified in the proposed Planning Agreement are not works which are part of the Council's capital works program however they are works which conform with aspects of the works identified as a priority by Council in its development contribution plans and will enable those works to be carried out with greater timeliness and certainty while reducing the financial risks to Council if Council were to do the works themselves.

NSW GOVERNMENT Planning & Environment

Contact: Deewa Baral
Phone: (02) 9228 6572
Email: deewa.baral@planning.nsw.gov.au
Postal: GPO Box 39 Sydney NSW 2001

Our ref: PP_2015_ROCKD_007_00 (15/14708)

Ms Meredith Wallace
General Manager
Rockdale City Council
PO Box 21 Rockdale NSW 2216

Dear Ms Wallace

I refer to Council's letter dated 15 September 2015 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to change the building height standard applying to land at 75-85 Railway Street, Rockdale.

As delegate of the Minister for Planning, I have determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have agreed that the planning proposal's inconsistencies with section 117 Directions 1.1 Business and Industrial zones and 4.1 Acid Sulfate Soils are of minor significance. No further approval is required in relation to these Directions.

Please note that any inconsistency with section 117 Direction 3.5 Development Near Licensed Aerodromes has not yet been approved. Council will need to consult with the Commonwealth Department of Infrastructure and Regional Development and Sydney Airport and make a submission to the Department's Metropolitan (CBD) team seeking this approval prior to finalisation of the draft Plan.

The Department is also concerned the current proposal will amend controls recently implemented as part of the Rockdale Town Centre Masterplan. Council is encouraged to consider undertaking a review of the overarching masterplan should a number of planning proposals be submitted to Council for consideration.

The Minister delegated plan making powers to councils in October 2012. It is noted that Council has requested delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this Plan.

The amending Local Environmental Plan is to be finalised within 9 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the draft Plan should be made directly to Parliamentary Counsel's Office 6

ROCKDALE CITY COUNCIL
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weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment for administrative purposes.

The State Government is committed to reducing the time taken to complete LEP's by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the Act if the timeframes outlined in this determination are not met.

If you have any queries in regard to this matter, please contact Ms Deewa Baral, of the Department's Metropolitan (CBD) branch on (02) 9228 6572.

Yours sincerely

20/10/15

Lee Mulvey
Director, Metropolitan (CBD)
Planning Services

Encl: Gateway Determination
Written Authorisation to Exercise Delegation
Attachment 5 – Delegated plan making reporting template

NSW GOVERNMENT | Planning & Environment

Gateway Determination

Planning Proposal *(Department Ref: PP_2015_ROCKD_007_00)*: to change the building height control applying to land at 75-85 Railway Street, Rockdale.

I, the Director, Metropolitan (CBD), at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the *Rockdale Local Environmental Plan 2011* to change the building height control for 75-85 Railway Street, Rockdale, should proceed subject to the following conditions:

1. Prior to public exhibition the planning proposal is to be amended to:

   (a) clearly show the proposed land reservation for the provision of a through access road and on-street parking;
   (b) include both the current and the proposed Height of Buildings and Land Reservation Acquisition maps, in accordance with Standard Technical Requirements for LEP Maps (Department of Planning and Environment website); and
   (c) demonstrate the need for the proposal in the context of the recent amendment to *Rockdale Local Environmental Plan 2011* that implemented the Rockdale Town Centre Masterplan 2012, including justification for any inconsistency.

2. Prior to public exhibition, consultation is required with the following public authorities, under section 56(2)(d) of the Act, and to address section 117 Direction 3.5 Development Near Licensed Aerodromes:

   (a) Sydney Airport; and
   (b) Department of Infrastructure and Regional Development.

   Authorities are to be provided with a copy of the planning proposal and any relevant supporting material, and given at least **21 days** to comment on the proposal. The planning proposal is to be revised to respond to any submissions received from these authorities and copies of the submissions are to be included with the revised proposal.

Department of Planning & Environment
23-33 Bridge Street Sydney NSW 2000 | GPO Box 39 Sydney NSW 2001 | T 02 9228 6111 | F 02 9228 6455 | www.planning.nsw.gov.au

3. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:

   (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
   (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals identified in section 5.5.2 of *A guide to preparing LEPs* (Department of Planning and Environment website).

4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submissions or if reclassifying land).

5. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 20th day of October 2015

Lee Mulvey
Director, Metropolitan (CBD)
Planning Services

Delegate of the Minister for Planning

NSW GOVERNMENT | Planning & Environment

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Rockdale City Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2015_ROCKD_007_00	Planning proposal to change the building height for 75-85 Railway Street, Rockdale.

In exercising the Minister's functions under section 59, the Council must comply with the Department of Planning and Environment's *A guide to preparing local environmental plans* and *A guide to preparing planning proposals*.

Dated 20th October 2015

Lee Mulvey
Director, Metropolitan (CBD)
Planning Services

Department of Planning & Environment
23-33 Bridge Street Sydney NSW 2000 | GPO Box 39 Sydney NSW 2001 | T 02 9228 6111 | F 02 9228 6455 | www.planning.nsw.gov.au

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated Local Environmental Plan amendments

Notes:

- Planning proposal number will be provided by the Department of Planning and Environment following receipt of the planning proposal
- The Department of Planning and Environment will fill in the details of Tables 1 and 3
- The Relevant Planning Authority is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the Relevant Planning Authority should add additional rows to **Table 2** to include this information
- The Relevant Planning Authority must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible Plan Making Tracking System is kept up to date
- A copy of this completed report must be provided to the Department of Planning and Environment with the Relevant Planning Authority's request to have the Local Environmental Plan (the Plan) notified

Table 1 – To be completed by Department of Planning and Environment

Stage	**Date/Details**
Planning Proposal Number	**PP_2015_ROCKD_007_00**
Date Sent to Department under s56	**22 September 2015**
Date considered at LEP Review Panel (if applicable)	
Gateway determination date	20 October 2015

Table 2 – To be completed by the RPA

Stage	**Date/Details**	**Notified Reg Off**
Dates draft Plan exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt Plan		
Date Plan made by GM (or other) under delegation		
Date sent to the Department requesting notification		

Table 3 – To be completed by Department of Planning and Environment

Stage	**Date/Details**
Notification Date and details	

Additional relevant information:

planning lab

Planning Proposal

75 – 81 Railway Street, Rockdale



Disclaimer: This document may only be used for the purpose for which it was commissioned. Changes to available information, legislation and schedules are made on an ongoing basis and readers should obtain up to date information. Planning Lab accepts no liability or responsibility whatsoever for or in respect of any use of or reliance upon this report and its supporting material by any third party. Information provided is not intended to be a substitute for site specific assessment or legal advice in relation to any matter. Unauthorised use of this report in any form is prohibited

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1.0 Introduction

Planning Lab acts on behalf of Zoe Holdings Rockdale Pty Ltd in preparing this Planning Proposal for 75-81 Railway Street, Rockdale (referred to as 'the site').

This Planning Proposal has been prepared in accordance with the Department of Planning and Environment's (DP&E) Gateway process and provides justification for the amendment of *Rockdale Local Environmental Plan 2011* (LEP 2011).

The site is located in Rockdale town centre. The Rockdale Town Centre Masterplan (Rockdale Town Centre Masterplan) envisages significant transit oriented urban renewal growth within the centre.

The purpose of this Planning Proposal is to respond to the predicted growth of the immediate station environs by seeking an increase in building height on the site that would allow for an additional two storeys greater than those presented in the Rockdale Town Centre LEP 2011.

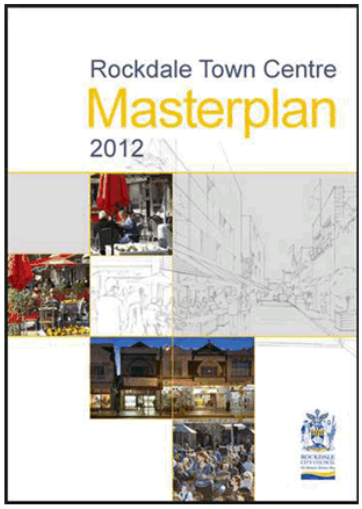
The site is located at a prominent corner of a future north-western gateway to the newly planned Rockdale town centre.

This Planning Proposal seeks to increase the building height of buildings permissible on the site from 22m to 28m in order to provide a prominent and contextually appropriate built form which responds to the 'inner-town-centre' context and maximises the site's development potential in the immediate Rockdale Railway Station interchange area. The increased height will enable an 8 storey corner element to reinforce the focal corner gateway site into the centre.

It is anticipated that future development of the site would comprise mixed uses including shop top housing above ground level.

2.0 Background

On 5 December 2012, Rockdale City Council adopted the Rockdale Town Centre Masterplan. The masterplan sets out the vision and strategies for the growth and revitalisation of the Centre. In order to support the significant growth envisaged in the town centre, Rockdale Council submitted a Planning Proposal for the relevant zone changes and increased density in the city centre.





Relationship to recent amendments to the Rockdale LEP 2011 (amendment 8 dated 5 June 2015)

As part of this Planning Proposal to amend the Rockdale LEP 2011, the amendments included an increase in height to 22m for buildings permissible on the subject site. This Planning Proposal was supported by Council and the subject of a Gateway Determination on 6 May 2014, and the Rockdale LEP 2011 Amendment #8 made on 5 June 2015. In many other areas of the Rockdale Town Centre the Height of Buildings was increased to 28m to realise greater development potential and activation within the Rockdale Town Centre.

At the time of the RLEP 2011 Planning Proposal, the subject site was not considered for this Height of Building because it had a relatively modern commercial development and was deemed unlikely to be subject to redevelopment opportunities. In addition no request was made for a 28m height to be considered. The subject sites at 75-81 Railway Street are now under a single ownership and have the capacity to be redeveloped. As a consequence it is now appropriate that consideration is given to a Height of Building that is in line with other areas of the Rockdale Town Centre identified in the RLEP2011, as they may be amalgamated and redeveloped.

The applicant for this Planning Proposal which amends Rockdale LEP 2011 is the owner of 75-81 Railway Street, Rockdale. This planning proposal has been drafted in consultation with Rockdale City Council.

3.0 The Site

3.1 Description

The site is described 75 – 81 Railway Street Rockdale and comprises 4 allotments under common ownership by Zoe Holdings, being Lot 101 DP771165, Lot 3 DP 82942, Lot 1 DP455421 and Lot 1 DP912313.



Figure 1 : Site Location (Source: **Google Earth**

The site has an area of approximately 2,947sqm, with a 70m frontage to Railway Street, and 39m frontage to Parker Street. The site is occupied by a three storey commercial building with a basement and rooftop parking. Vehicle access to the site is via Hesten Lane and Railway Street.

3.2 Surrounding Context

The site is situated within the Rockdale town centre. The centre has visibly declined in recent years as a vibrant local retail hub as a consequence of competition from nearby major centres at Kogarah and Hurstville, but is in the process of an urban renewal led transformation.

The new direction proposed for the centre reflects the community's desires and aspirations as well as Council's own strategic land use, integrated transportation planning, urban design, and economic development principles.

As identified in the Rockdale Town Centre Masterplan, the town centre core area is divided into precincts. The site is located within the 'Walz and Frederick Streets Precinct'. The precinct is currently dominated by two storey buildings; however the permitted building height is up to 22m.

Uses surrounding the site include railway lines to the east, Rockdale Station to the southeast (100m), low density residential to the north and the Walz commercial precinct to the west and south. The following panoramic photos illustrate the existing uses on the site as viewed from Railway Street Rockdale.



Figure 2 : Photograph of 75-81 Railway Street, Rockdale (Source: G Cirillo)



Figure 3 : Photograph of 75-81 Railway Street, Rockdale (Source: G Cirillo)

3.3 Rockdale Local Environmental Plan 2011

The site is zoned B2 Local Centre under the Rockdale Local Environmental Plan 2011 (LEP 2011).

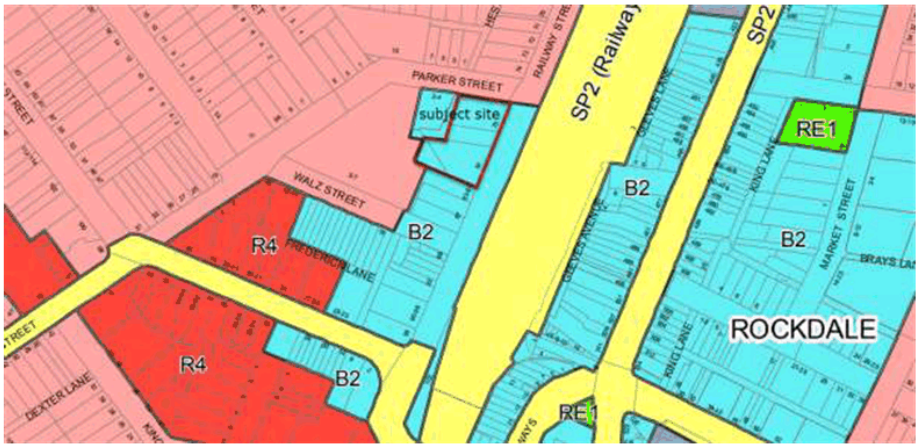


Figure 4 : Zoning Map Extract from Rockdale LEP 2011 (Source: AUSTLII)

The objectives of the zone are:

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To encourage residential development where it is complementary to and does not detract from the commercial focus of the Rockdale town centre.

Development permitted with consent in the B2 zone includes:

> *Boarding houses; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Exhibition homes; Function centres; Group homes; Hostels; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Service stations; Shop top housing; Tourist and visitor accommodation; Any other development not specified in item 2 or 4.*

The maximum permitted building height for the site is currently 22m. Land directly opposite the railway line, between Greeves Avenue and Princes Highway allow a maximum building height of 22m with the opportunity to increase the building height an additional 12m if the lot area is at least 1,500sqm.

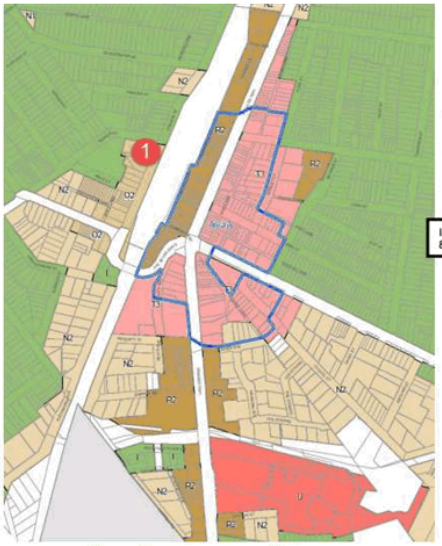


Figure 4 – Current maximum building height controls

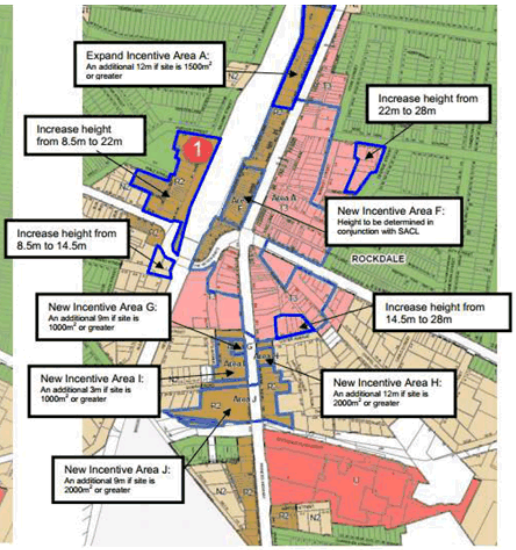


Figure 5 – Proposed maximum building height controls

Figure 5 : Subject Site Marked 1 in Rockdale LEP 2011 and Draft Town Centre Planning Proposal. Source: Rockdale City Council 2014/2015.

As shown in Figure 5 above, building height is proposed to be increased from 8.5m (as it currently exists) to 22m across the western side of Rockdale Station as shown on the attached Urban Design Study by Candalepas and Associates.

4.0 Supporting Documents

An Urban Design Study has been carried out by Candalepas and Associates in accordance with the requirements of the NSW Department of Planning & Environment and addressing the detailed checklist issued by Rockdale City Council for planning proposals. The study analyses the subject site and have determined appropriate size, bulk, scale and form options for future development, and include more detailed architectural concept drawings for 75 – 81 Railway Street, Rockdale **(Refer: Annexure 1).**

4.1 Urban Design Study

The *Urban Design Study* by Candalepas and Associates demonstrates that a suitable and appropriate built form of 8 storeys can be achieved on the site and is considered necessary to initiate the revitalisation of the area with an appropriate density and mass. The Urban Design Study is generally consistent with the strategic vision for an urban renewal led revitalisation of the Rockdale Town Centre and Masterplan.

It is also noted that the site and the adjoining site at 83-85 Railway Street has been identified by Rockdale City Council as being suitable for a through-site-link in the rear of the subject site, which links to the Council car park at the rear of the Council owned Guild Theatre site. The option to create a through site link has been identified in the VPA which accompanies this Planning Proposal.

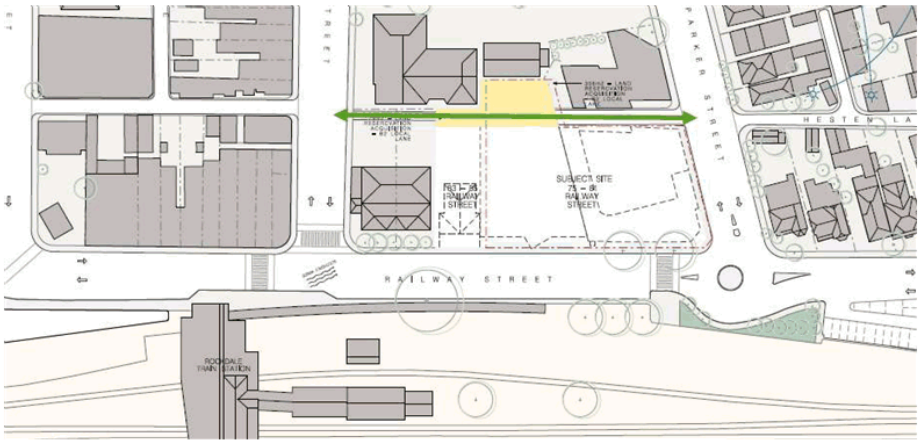


Figure 6 – Through Site Link Proposed Across the Rear of the Subject Site and Adjoining Land

5.0 Objectives or Intended Outcome

The overarching objective of the proposed amendment to draft Rockdale Town Centre LEP 2011 is to facilitate a redevelopment of the site and provide a prominent corner element to reinforce the focal corner gateway to the Centre. The redevelopment will also capitalise on its immediate proximity to Rockdale Railway Station and bus interchange public transport.



Figure 7 –Aerial Photographs of the Subject Site

The intended outcome of this Planning Proposal is to provide for an opportunity to revitalise 75 – 81 Railway Street, Rockdale. This will necessitate an amendment draft LEP 2011, specifically increasing the maximum permitted building height to 28m.

It is recommended that Council support the Planning Proposal which changes in the maximum allowable height on the subject site from 22m to 28m.

The amended maximum allowable height will recognise the unique position of the site in immediate proximity to Rockdale Railway Station, and its prominent corner location as a future north-western gateway to the newly planned Rockdale town centre.

The increased height will enable an 8 storey corner element to reinforce this focal corner gateway site.

An appropriate and well considered 8 storey form can be well managed through detailed design incorporating building articulation, façade modulation and a careful selection of external materials with a subsequent DA. The resultant built form can retain a 'human scale' whilst facilitating transformative urban renewal in the Rockdale town centre.

It is considered that there is substantive urban design merit in considering a 28m height limit on this site which would effectively balance the heights proposed on the eastern sector of the town centre, east of Rockdale Station.

The additional height on this site is considered appropriate from an urban design perspective and would define any future residential development as a local landmark, signalling one's arrival at the Rockdale town centre from the north.

The built form will comprise a distinctive built form that would highlight the prominent position of the site and arrival into the new town centre.

This additional height would not impact upon views enjoyed from the north from the neighbouring development on Parker Street.

Further, solar access would be required to comply with SEPP 65 and the NSW Apartment Design Guide. A preliminary shadow analysis has been prepared by Candalepas and Associates and it accompanies this Planning Proposal. In any case, these and other particular related design considerations are also to be assessed in full through a future DA.

A 28 metre building height would an appropriate addition to the existing streetscape and it is recommended that the maximum height control be amended accordingly.

6.0 Explanation of Provisions

The provisions to be included in Rockdale LEP 2011 are outlined below, in accordance with Section 55(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

6.1 Rockdale Local Environmental Plan 2011

Name of Plan

This plan is Rockdale Local Environmental Plan 2011

Aims of the plan

This plan aims to:

- *Amend the Height of Buildings Map to reflect a maximum permissible building height of 28m for the site, and*

Land to which this plan applies

This plan applies to the land shown on the accompanying maps.

7.0 Justification

7.1 Section A – Need for the Planning Proposal

7.1.1 Is the Planning Proposal a result of a study or report?

This Planning Proposal relies heavily upon the transit-oriented urban renewal foundations of the Rockdale Town Centre Masterplan and separate independent urban planning analysis by Planning Lab with detailed urban design and architectural analysis by Candalepas and Associates. The Rockdale Town Centre Masterplan guides future change to ensure the community's vision is achieved. Part of the design strategy for the town centre is to increase residential densities in appropriate locations close the public transport, which involves an increase in maximum building height and a provision to remove FSR controls.

This Planning Proposal responds to the vision of the Masterplan, facilitating an increased density on the site to help revitalise the area.

7.1.2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal is considered the most appropriate and feasible mechanism to achieve revitalisation and redevelopment of the site, whilst also providing significant public domain benefits. More specifically, the current height controls do not provide sufficient incentive for redevelopment if Council also now wishes for a large section of the site to be dedicated for the purpose of a through site link. As the site is identified within the Rockdale Town Centre Masterplan as being on a prominent corner as a future north-western gateway to the newly planned Rockdale town centre, a compliant development would not achieve the desired entrance statement activation or revitalisation of the area.

An appropriate and well considered eight story built form can facilitate the urban renewal to help revitalise the town centre. The built form can be well managed through detailed design incorporating building articulation and facade modulation to ensure a 'human scale' can be retained.

7.2 Section B – Relationship to Strategic Planning Framework

7.2.1 Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

A Plan for Growing Sydney

A Plan for Growing Sydney is an action plan to meet the vision of Sydney as a strong global city and a great place to live.

This Planning Proposal is consistent with the Plan, in particular Direction 2.2: Accelerate urban renewal across Sydney, providing homes closer to jobs. This direction specifies urban renewal in transport corridors, directly in line with this Planning Proposal. The Planning Proposal is to facilitate urban renewal adjacent to Rockdale Station and bus interchange and within the town centre.

7.2.2 Draft Eastern City District Plan

The site is located within the Draft Eastern City District Plan.

This Planning Proposal is consistent with the priorities articulated within the draft District Plan, specifically including

1. Planning Priority E5 Providing housing supply, choice and affordability with access to jobs and services
2. Planning Priority E6 Creating and renewing great places and local centres, and respecting the District's heritage
3. Planning Priority E10 Delivering integrated land use and transport planning and a 30-minute city
4. Planning Priority E11: Growing investment, business opportunities and jobs in strategic centres

7.2.3 Is the Planning Proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Rockdale City Community Strategic Plan 2013-2015

The Community Strategic Plan 2013-2025 is part of the Rockdale City Plan 2013-2025. The Community Strategic Plan identifies the long term aspirations the communities of Rockdale want to see delivered.

The vision is built around four strategic community outcomes of:

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

The following table discusses the consistency of the proposal in relation to the relevant actions contained within the Community Strategic Plan.

Table 1 Relevant Objectives of Community Strategic Plan 2013-2025

Objective	Strategy	Comment
Outcome 2		
2.2 Our City has a well - managed and sustainable built environment, quality and diverse development with effective housing choice	2.2.2 Promote high quality, well designed and sustainable development and places that enhances the City	The Planning Proposal would assist in promoting high quality, sustainable development in the Rockdale town centre.
Outcome 3		
3.3 Our City has vibrant town centres that provide a range of services and experiences for our residents, workers and visitors	3.3.1 Ensure Town Centres are improved on a rolling program	The Planning Proposal will revitalise the town centre to create a vibrant space for residents and employees.

Rockdale Town Centre Masterplan

The Rockdale Town Centre Masterplan guides future change to ensure the community's vision is achieved, not just how it looks and functions, but also what role it will play economically and culturally.

Design Strategy	Objective	Comment
Community vision and design strategy		
Design Strategy 3: Increase the vitality and lifestyle	The lifestyle of the Centre will be improved by encouraging elements in the Town Centre with a social or public focus: open spaces, dining, entertainment, markets, community services	The Planning Proposal would assist in developing a viable mixed use development, encouraging the revitalisation of the town centre and improving local amenity.
	Vibrancy and activity in the Centre will be generated through increased residential densities	The Planning Proposal promotes an increase in residential density within the Rockdale town centre.
Design Strategy 4: Improve the pedestrian experience	The different precincts of the centre will be connected by laneways and a pedestrian network making the Centre easy to explore for visitors and enjoyable for residents	A through-site-link option is proposed through the site, incorporating 415sqm of land to form part of a VPA, and to form part of a VPA accompanying the Planning Proposal. This will enhance the permeability of site and improve the pedestrian

Design Strategy	Objective	Comment
		experience envisaged by Council.

7.2.4 Is the Planning Proposal consistent with applicable state environmental planning policies?

The proposal is consistent with all relevant state planning policies (SEPPs). The following SEPPs apply to the site.

State Environmental Planning Policy No. 65- Design Quality of Residential Flat Buildings

SEPP 65 aims to improve the design quality of residential flat development. The Policy recognises that the design quality of development is of significance for environmental planning for the State due to the economic, environmental, cultural and social benefits of high quality design.

In accordance with the requirements of the SEPP, all matters for consideration under SEPP 65 would be addressed in full at the development application stage. The Urban Design Strategy by Candalepas and Associates demonstrates that the development of the site can comply with the requirements of SEPP 65. In this regard appropriate cross ventilation, solar access and residential amenity can be achieved.

State Environmental Planning Policy 55- Remediation of Land

SEPP 55 introduces planning controls for the remediation of contaminated land. The policy states that the planning authority must consider whether the land is contaminated, and if so that the land is suitable in its contaminated state for the permitted uses in the zone, or that the land requires remediation before the land is developed for that purpose.

No changes to the permissible uses of the site are proposed other than those envisaged by draft Rockdale LEP 2011 (and as amended for the Rockdale town centre). Site investigations would be carried out as part of any future development application for the redevelopment of the site. Any areas of contamination would be remediated prior to development of the land, in accordance with all relevant statutory requirements and policy guidelines.

7.2.5 Is the Planning Proposal consistent with applicable Ministerial Directions (s117 directions)?

The relevant Section 117 Directions are considered in the table below.

Table 2 S117 Directions

Direction	Requirement	Comment
1.1 Business and Industrial Zones	This direction applies when a relevant planning authority prepares a Planning Proposal that would affect land within an existing or proposed business or industrial zone The objectives of this direction are to: 1. *encourage employment growth in suitable locations,* 2. *protect employment land in business and industrial zones, and* 3. *support the viability of identified strategic centres.* A Planning Proposal must: (a) *give effect to the objectives of this direction,* (b) *retain the areas and locations of existing business and industrial zones,* (c) *not reduce the total potential floor space area for employment uses and related public services in business zones,* (d) *not reduce the total potential floor space area for industrial uses in industrial zones, and* (e) *ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning.*	The Planning Proposal involves an increase in the height, but is not proposing any other change to the zoning provisions. The Planning Proposal would still support business uses on the land.
3.1 Residential Zones	**Objectives** (1) The objectives of this direction are: (a) to encourage a variety and choice of housing types to provide for existing and future housing needs, (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) to minimise the impact of residential development on the environment and resource lands.	The Planning Proposal is consistent with the objectives of this direction. It would enable an intensification of residential development on the site in an area well-serviced by both road and public transport and with access to all necessary services.

Direction	Requirement	Comment
	What a relevant planning authority must do if this direction applies: (4) A planning proposal must include provisions that encourage the provision of housing that will: (a) broaden the choice of building types and locations available in the housing market, and (b) make more efficient use of existing infrastructure and services, and (c) reduce the consumption of land for housing and associated urban development on the urban fringe, and (d) be of good design. (5) A planning proposal must, in relation to land to which this direction applies: (a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and (b) not contain provisions which will reduce the permissible residential density of land.	
3.4 Integrating land use and transport	**Objectives** (1) The objectives of this direction are: (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and providing for the efficient movement of freight. **What a relevant planning authority must do if this direction applies**	The site is well serviced by public transport. It is located about 100m from Rockdale Station and the associated rail/bus interchange.

Direction	Requirement	Comment
	(4) A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of: (a) Improving Transport Choice –Guidelines for planning and development (DUAP 2001), and (b) The Right Place for Business and Services – Planning Policy (DUAP 2001).	
3.5 Development Near Licensed Aerodromes	**Objective** (a) to ensure the effective and safe operation of aerodromes, and (b) to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, and (c) to ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise. **What a relevant planning authority must do if this direction applies** (4) In the preparation of a planning proposal that sets controls for the development of land in the vicinity of a licensed aerodrome, the relevant planning authority must: (a) consult with the Department of the Commonwealth responsible for aerodromes and the lessee of the aerodrome, (b) take into consideration the Obstacle Limitation Surface (OLS) as defined by that Department of the Commonwealth, (c) for land affected by the OLS: (i) prepare appropriate development standards, such as height, and	The Planning Proposal increases total building height to approximately RL 48. It is understood that the site is located within 25 ANEF contour of the ANEF 2033 map. The planning proposal may be required to be referred to Air Services Australia to determine whether any air navigation issues arise in relation to the Obstacle Limitation Surface of Sydney Airport. Any future development is to comply with the relevant airport and air navigation requirements.

Direction	Requirement	Comment
	(ii) allow as permissible with consent development types that are compatible with the operation of an aerodrome (d) obtain permission from that Department of the Commonwealth, or their delegate, where a planning proposal proposes to allow, as permissible with consent, development that encroaches above the OLS. This permission must be obtained prior to undertaking community consultation in satisfaction of section 57 of the Act. (5) A planning proposal must not rezone land: (a) for residential purposes, nor increase residential densities in areas where the ANEF, as from time to time advised by that Department of the Commonwealth, exceeds 25, or (b) for schools, hospitals, churches and theatres where the ANEF exceeds 20, or (c) for hotels, motels, offices or public buildings where the ANEF exceeds 30. (6) A planning proposal that rezones land: (a) for residential purposes or to increase residential densities in areas where the ANEF is between 20 and 25, or (b) for hotels, motels, offices or public buildings where the ANEF is between 25 and 30, or (c) for commercial or industrial purposes where the ANEF is above 30, must include a provision to ensure that development meets AS 2021 regarding interior noise levels.	
4.1 Acid Sulfate Soils	**Objective** The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils. **What a relevant planning authority must do if this direction applies** (4) The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted	The site is identified as Class 5 Acid Sulfate Soils in LEP 2011. The need for an Acid Soils Management Plan will be determined at DA stage, as required by Clause 6.1 of LEP 2011.

Direction	Requirement	Comment
	by the Director-General of the Department of Planning when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present. (5) When a relevant planning authority is preparing a planning proposal to introduce provisions to regulate works in acid sulfate soils, those provisions must be consistent with: (a) the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Director-General, or (b) such other provisions provided by the Director-General of the Department of Planning that are consistent with the Acid Sulfate Soils Planning Guidelines. (6)A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the Director-General prior to undertaking community consultation in satisfaction of section 57 of the Act. (7) Where provisions referred to under paragraph (5) of this direction have not been introduced and the relevant planning authority is preparing a planning proposal that proposes an intensification of land uses on land identified as having a probability of acid sulfate soils on the Acid Sulfate Soils Planning Maps, the planning proposal must contain provisions consistent with paragraph (5).	
6.1 Approval and referral requirements	**Objective** (1) The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development. **What a relevant planning authority must do if this direction applies** (4) A planning proposal must: (a) minimise the inclusion of provisions that require the concurrence, consultation or referral of	This Planning Proposal does not include the provision to require concurrence, consultation or referral to a Minister or public authority; and is therefore consistent with the direction.

Direction	Requirement	Comment
	development applications to a Minister or public authority, and (b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of: (i) the appropriate Minister or public authority, and (ii) the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), prior to undertaking community consultation in satisfaction of section 57 of the Act, and (c) not identify development as designated development unless the relevant planning authority: (i) can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, (ii) has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act.	
6.3 Site Specific Provisions	**Objective** The objective of this direction is to discourage unnecessarily restrictive site specific planning controls. **What a relevant planning authority must do if this direction applies** (4) A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either: (a) allow that land use to be carried out in the zone the land is situated on, or (b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or	This Planning Proposal does not propose restrictive site-specific provisions but seeks to amend the LEP to increase the building height control. In order to ensure a built form and scale that are appropriate in the context, an Urban Design Study has been prepared for the site **(Refer Annexure 1).** It is considered appropriate to include this information with the Planning Proposal as demonstration of the potential merits of the

Direction	Requirement	Comment
	requirements in addition to those already contained in that zone, or (c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended. (5) A planning proposal must not contain or refer to drawings that show details of the development proposal.	proposed LEP amendment.
7.1 Implementation of A Plan for Growing Sydney	**Objective** The objective of this direction is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney. **What a relevant planning authority must do if this direction applies** Planning proposals shall be consistent with the NSW Government's A Plan for Growing Sydney published in December 2014.	The Planning Proposal is generally consistent with A Plan for Growing Sydney published in December 2014 as indicated in the discussion at Section 6.2.1.

7.3 Section C – Environmental, Social & Economic Impact

7.3.1 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The site is currently developed with a commercial building with no natural areas on site. There are no critical habitats or threatened species, populations or ecological communities, or their habitats that will be adversely affected by the Planning Proposal.

7.3.2 Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

Specialist reports accompany this Planning Proposal which directly address the environmental effects as a result of the Planning Proposal, specifically addressing cconsiderations such as overshadowing and traffic related impacts.

7.3.3 How has the Planning Proposal adequately addressed any social and economic effects?

The predominance of housing in this part of Rockdale is largely in the form of detached housing. Housing affordability pressures and an increase in population for those over 55 years of age, raises the demand for new housing types, including a mix of apartment sizes with ready access to shops, transport, recreational and open space facilities. The introduction of improved housing choice is consistent with one of the key principles from A Plan for Growing Sydney to increase housing choice around all centres through urban renewal in established areas. This Planning Proposal facilitates housing choice by providing additional residential units in an ideal location with easy access to retail facilities, public transport and local neighbourhood services.

It is also noted that the applicant proposes to make provision for a through-site-link option as part of the VPA for the site.

It is not anticipated that the Planning Proposal will have any negative economic effects which need to be addressed as part of the proposal.

7.4 Section D – State & Commonwealth Interests

7.4.1 Is there adequate public infrastructure for the Planning Proposal?

The site is currently well serviced by Rockdale Train Station and the accompanying bus interchange.

In terms of adequacy of public infrastructure for the Planning Proposal, technical reports accompany this Planning Proposal addressing urban design, acoustics, electrical, hydraulic, traffic and wind impacts in the vicinity of the site:

Annexure 1: Urban Design Study – Candalepas and Associates

Annexure 2: Acoustic - Renzo Tonin

Annexure 3: Electrical - NPC

Annexure 4: Hydraulics - AJ Whipps

Annexure 5: Traffic - Arup

Annexure 6: Wind - Windtech

Any required upgrades to infrastructure arising from the redevelopment of the site will also be assessed at DA stage.

7.4.2 What are the views of State and commonwealth public authorities consulted in accordance with the gateway determination?

This would be determined following consultation with the State and Commonwealth Authorities identified in a Gateway Determination. Any issues raised by these authorities would be addressed as appropriate.

8.0 Voluntary Planning Agreement

A Voluntary Planning Agreement (VPA) is to be entered into between the owner of land which is the subject of this Planning Proposal and is to be agreed in principle between the parties prior to exhibition of the Planning Proposal.

The VPA is to identify the change in the developable value of the land arising from this Planning Proposal in accordance with the Rockdale City Council Voluntary Planning Agreement Policy 2007 and the "*Methodology for valuing public benefits under a planning agreement*" cited in Section 2.13 of that policy having regard to the increase in the allowable height by 2 storeys and also to the reservation of land for a public purpose, being the through-site-link across the rear of the subject properties.

Council is required to ensure that a proposed planning agreement is publicly notified as part of, in the same manner as and, where practicable, at the same time as the application for instrument change or development application to which it relates. The planning agreement must therefore be negotiated and documented before it is publicly notified as required by the Act and Regulation. The Planning Proposal is to be concurrently exhibited with the draft VPA.

It is understood that Council will generally require a planning agreement to provide that the developer's obligations under the agreement take effect when the first development consent operates in respect of development that is the subject of the agreement, and will operate progressively, in accordance with its terms, as the relevant development proceeds from the issue of the first construction certificate in respect of that development until the grant of the final occupation certificate.

9.0 Community Consultation

A Gateway Determination would specify community consultation to be undertaken, in accordance with Section 56 (2)(c) of the EP&A Act as part of the LEP amendment process.

Community consultation would be commenced by the placing of a public notice in the local newspaper and on the Rockdale Council website and/or the DP&E website.

The DP&E's 'A guide to preparing local environmental plans' provides timeframes for the exhibition. It is considered this application is to undertake a 28 day exhibition period. Normal exhibition material would be made available by the relevant planning authority during the exhibition period. The community consultation process would be completed when the relevant planning authority has considered any submissions received concerning the proposed LEP amendment and has forwarded those reports to the DP&E for final consideration by the Minister.

10.0 Consequential Rockdale DCP Amendments

In parallel with the Planning Proposal, it is intended to make consequential changes to Rockdale DCP – Part 7.5 Rockdale Town Centre – Amendment 3 in so far as it relates to podium heights fronting streets and laneway frontages. It is intended to raise the podium height to 5 storeys both at Railway Street and the Hesten Lane frontages. These amendments are shown and justified in the Urban Design Study by Candalepas and Associates.

11.0 Project Timeline

The project timeline is outlined below.

Table 3 Project Timeline

Milestone	Proposed Date
Anticipated commencement date (date of Gateway determination)	October 2015
Anticipated timeframe for the completion of required technical information	October – March 2016
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	February 2016
Commencement and completion dates for public exhibition period	February – March 2018
Dates for public hearing (if required)	NA
Timeframe for consideration of submissions	March 2018
Timeframe for the consideration of a proposal post exhibition	April 2018
Date of submission to the department to finalise the LEP	April 2018
Anticipated date RPA will make the plan (if delegated)	April 2018
Anticipated date RPA will forward to the department for notification	April 2018

12.0 Conclusion

This report has considered the context of the area, the future vision of the Rockdale town centre, as well as the relevant site specific outcomes for the site.

In order to promote the revitalisation of the Rockdale Town Centre, this Planning Proposal facilitates the future development of 75 – 81 Railway Street. It aims to increase the maximum permitted height of a building in order to allow for a prominent and focal gateway into the town centre.

This Planning Proposal relies heavily upon the transit-oriented urban renewal foundations of the Rockdale Town Centre Masterplan and separate independent urban planning analysis by Planning Lab with detailed urban design and architectural analysis by Candalepas and Associates.

The Rockdale Town Centre Masterplan guides future change to ensure the community's vision is achieved. Part of the design strategy for the town centre is to increase residential densities in appropriate locations close the public transport, which involves an increase in maximum building height and a provision to remove FSR controls.

This Planning Proposal responds to the vision of the Masterplan, facilitating an increased density on the site to help revitalise the area.

The Planning Proposal is considered the most appropriate and feasible mechanism to achieve revitalisation and redevelopment of the site, whilst also providing significant public domain benefits. More specifically, the current height controls do not provide sufficient incentive for redevelopment particularly if a large section of the site is to be dedicated for the purpose of a through-site-link.

As the site is identified within the Rockdale Town Centre Masterplan as being on a prominent corner as a future north-western gateway to the newly planned Rockdale town centre, a compliant development would not achieve the desired entrance statement activation or revitalisation of the area.

An appropriate and well considered eight story built form can facilitate the urban renewal to help revitalise the town centre. The built form can be well managed through detailed design incorporating building articulation and facade modulation to ensure a 'human scale' can be retained.

This Planning Proposal has demonstrated that an increase in the permitted building height of this site is justified, appropriate and can be supported by Rockdale City Council.

Annexure 1: Urban Design Study – Candalepas and Associates

Annexure 2: Acoustic - Renzo Tonin

Annexure 3: Electrical - NPC

Annexure 4: Hydraulics - AJ Whipps

Annexure 5: Traffic - Arup

Annexure 6: Wind - Windtech

URBAN DESIGN REPORT SUPPORTING A PLANNING PROPOSAL – ISSUE TO COUNCIL

PROJECT:
75–81 RAILWAY STREET,
ROCKDALE

CLIENT:
ZOE HOLDINGS ROCKDALE PTY. LTD.

PROJECT No:
5724

DATE:
13 FEB 2018

ISSUE:
B

ARCHITECT:
CANDALEPAS ASSOCIATES
309 SUSSEX ST
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T: 9283 7755 F: 9283 7477



DRAWING SCHEDULE:

PP–1.01 COVERSHEET
PP–2.01 INTRODUCTION, METHODOLOGY AND SITE LOCATION
PP–3.01 PURPOSE AND AIMS

PP–4.01 LOCAL CONTEXT /LAND USE
PP–4.02 LOCAL CONTEXT /BUILDING HEIGHT
PP–4.03 LOCAL CONTEXT /ADOPTED BUILDING HEIGHT
PP–4.04 LOCAL CONTEXT /TYPOLOGIES
PP–4.05 LOCAL CONTEXT /HERITAGE
PP–4.06 LOCAL CONTEXT /STREET NETWORK
PP–4.07 LOCAL CONTEXT /PUBLIC TRANSPORT
PP–4.08 LOCAL CONTEXT /FACILITIES

PP–5.01 SITE CONTEXT /ANALYSIS
PP–5.02 SITE CONTEXT /PHOTOS
PP–6.01 SITE CHALLENGES AND CONSTRAINTS
PP–7.01 OPTION TESTING /A
PP–7.02 OPTION TESTING /B

PP–8.01 DESIGN PRINCIPLES

PP–9.01 PROPOSAL / LAND USE
PP–9.02 PROPOSAL / BUILDING HEIGHT
PP–9.03 PROPOSAL / PEDESTRIAN AND VEHICULAR ACCESS
PP–9.04 PROPOSAL / OPEN SPACE
PP–9.05 PROPOSAL / BUILDING ENVELOPE AND SETBACKS

PP–9.10 PROPOSAL / INDICATIVE GROUND FLOOR PLAN
PP–9.11 PROPOSAL / INDICATIVE TYPICAL LOWER & UPPER LEVEL FLOOR PLAN
PP–9.12 PROPOSAL / INDICATIVE TYPICAL SECTION
PP–9.13 PROPOSAL / INDICATIVE RAILWAY & PARKER STREET ELEVATION

PP–9.20 PROPOSAL / INDICATIVE DEVELOPMENT CALCULATIONS
PP–9.30 PROPOSAL / INDICATIVE SHADOW DIAGRAMS 21 MARCH
PP–9.31 PROPOSAL / INDICATIVE SHADOW DIAGRAMS 21 JUNE
PP–9.32 PROPOSAL / INDICATIVE SHADOW DIAGRAMS 21 DECEMBER

PP–9.40 PROPOSAL / INDICATIVE PHOTOMONTAGE 1
PP–9.41 PROPOSAL / INDICATIVE PHOTOMONTAGE 2
PP–9.42 PROPOSAL / INDICATIVE PHOTOMONTAGE 3

PP–10.01 HEIGHT OF BUILDINGS MAP



INTRODUCTION, METHODOLOGY AND SITE LOCATION

Candalepas Associates have been engaged by Zoe Holdings Rockdale Pty Limited to prepare this Urban Design Report ('the Report') as part a Planning Proposal for the 75–81 Railway Street, Rockdale ('the Site').

This Report has been prepared in accordance with Rockdale City Council's draft guidelines for urban design reports and in consultation with Council's town planning staff. The Report is based on several site visits, a review of the current controls for the Site and Council's strategic vision for urban renewal of the Rockdale Town Centre as set out in the Rockdale Town Centre Planning Proposal and the associated Town Centre Masterplan. The Report and proposal also draw on Candalepas Associates extensive experience with projects of similar use, context and density.

The subject site, 75–81 Railway Street is located between Walz Street and Parker Street immediately to the west of Rockdale Railway Station. 75–81 Railway Street sits on the corner of Railway and Parker Street. It also has a frontage to Walz Lane to the west. The subject site is located on the edge of the Rockdale Town Centre which does not extend beyond Parker Street.

LEGEND

SUBJECT SITE

1 SITE 1

75–81 RAILWAY STREET
LOT 101 IN DP 771165
LOT 3 IN DP82942
LOT 1 IN DP455421
LOT 1 IN DP912313

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NSW ARCHITECTS REG No. – 5773

PROJECT:
75–81 RAILWAY STREET, ROCKDALE

CLIENT:
ZOE HOLDINGS ROCKDALE PTY LIMITED

SCALE: 1:2000@A3
0 10m 20m 50m

NORTH

DATE: FEB 2018
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CHECKED 2: –
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DRAWING:
INTRODUCTION, METHODOLOGY AND SITE LOCATION

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PP – 2.01

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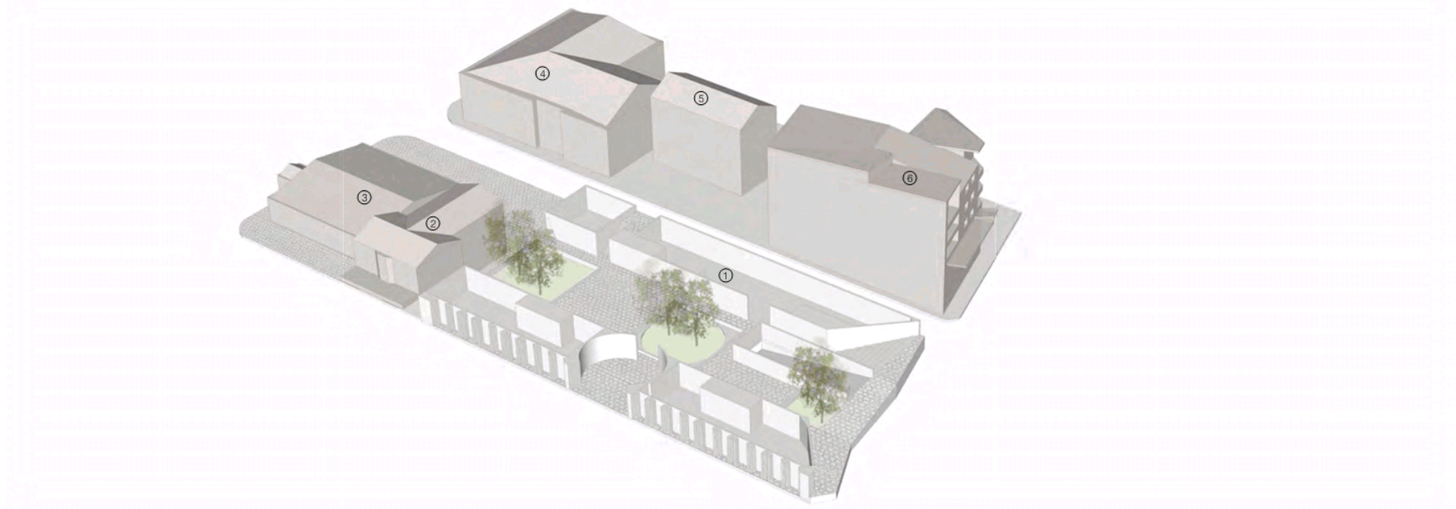

02_ FUTURE PRECINCT AXONOMETRIC

PURPOSE AND AIMS

The Planning Proposal seeks to increase the maximum permissible height for the Site from 22 metres as adopted by Council in October 2014 to 28 metres.
The proposal aims to contribute to the enhancement of the public domain by including a new lane to the west of the Site and a public forecourt in Parker Street. The extension of Hesten Lane through to Walz Street will repair a broken link in the lane network which is characteristic for the Town Centre.
The proposal also has the potential to contribute to the creation of a new public precinct surrounding Guild Theatre, an import public institution within the Rockdale Local Government Area.
This Report explores an appropriate size, bulk, form and architectural expression for the Site. It argues that the increase in height of six metres will have a minimal additional environmental impact. At the same time the creation of a new lane and potentially forecourt to the theatre will make a positive contribution to the character, urban quality and vitality of the Site and its context.



01_ FUTURE PRECINCT PLAN_1:1000

LEGEND

- SUBJECT SITE
- ① 75 – 81 RAILWAY STREET
- ② 83 – 85 RAILWAY STREET
- ③ GUILD THEATRE / 87 RAILWAY STREET
- ④ 3 – 13 WATKIN STREET
- ⑤ 3 – 13 WATKIN STREET
- ⑥ 2 – 4 PARKER STREET

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PROJECT:
75–81 RAILWAY STREET, ROCKDALE

CLIENT:
ZOE HOLDINGS ROCKDALE PTY LIMITED

SCALE: 1:1000@A3
0 5m 10m 20m 40m

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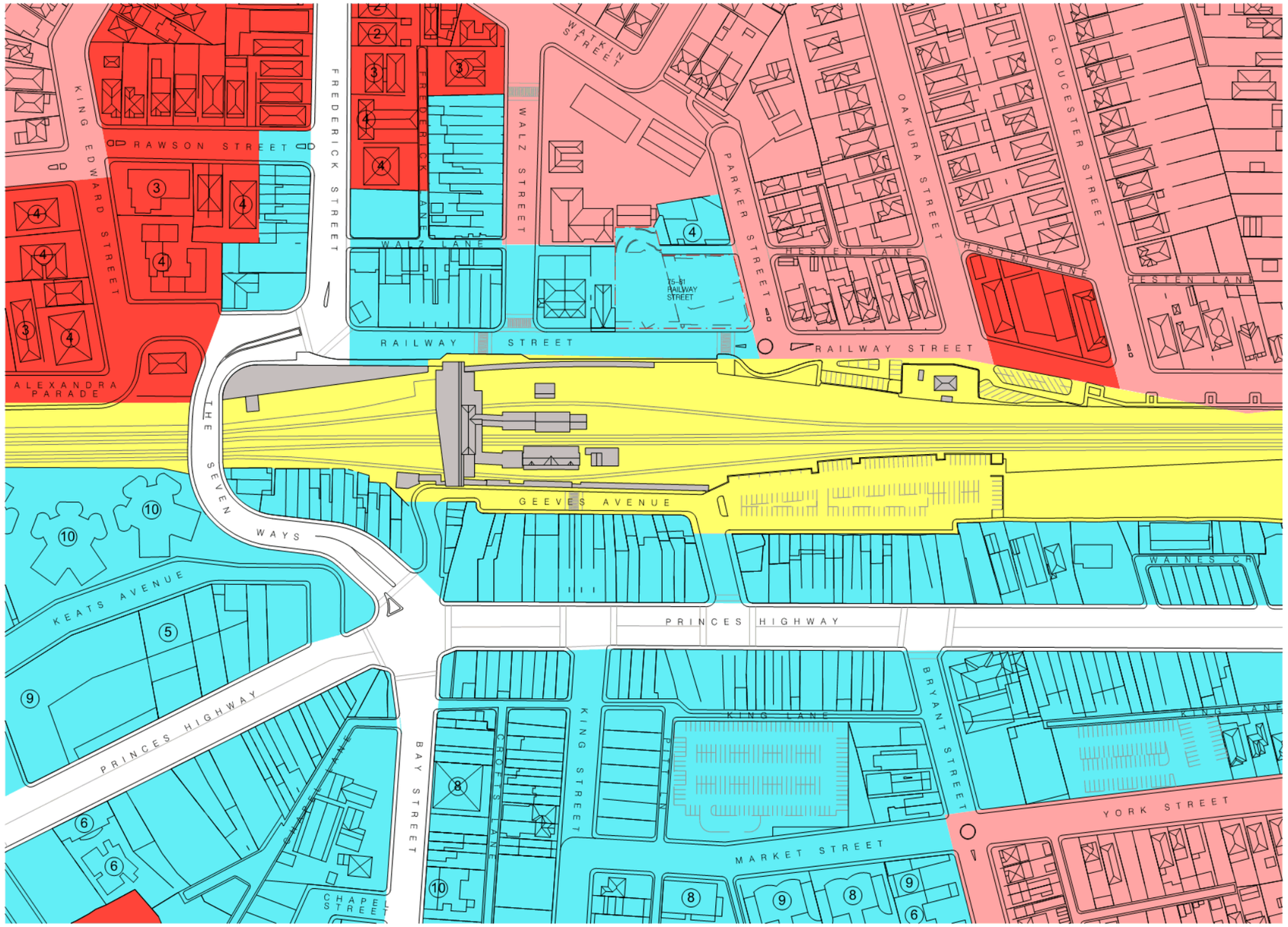

LAND USE

The subject site is within the Rockdale Town Centre as defined in the Rockdale DCP Part 7.5 Amendment 3. The land is zoned B2 Local Centre. Most of the Town Centre is located on the opposite site of the Railway Station along Princes Highway between Bay Street and Bryant Street.
Existing land uses within the vicinity of the site include public buildings such as the Guild Theatre, St Joseph*s Church and Primary School. All of which are located in the same city block together with a small mixed use development to the west of 75–81 Railway Street.
To the north, on the opposite site of Parker Street the zoning changes to R2 Local Density Residential which is consistent with the predominantly single and double storey dwellings. The southern site of Walz Street is dominated by a row of single storey shops, some of which have a one storey residential use above them.

LEGEND

- SUBJECT SITE
- (7) NUMBER OF STOREYS
- LAND ZONING – B2 LOCAL CENTRE ROCKDALE LEP2011
- LAND ZONING – R2 LOCAL DENSITY RESIDENTIAL ROCKDALE LEP2011
- LAND ZONING – R4 HIGH DENSITY RESIDENTIAL ROCKDALE LEP2011
- LAND ZONING – SP2 INFRASTRUCTURE ROCKDALE LEP2011

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CLIENT:
ZOE HOLDINGS ROCKDALE PTY LIMITED

SCALE: 1:2000@A3
0 10m 20m 50m

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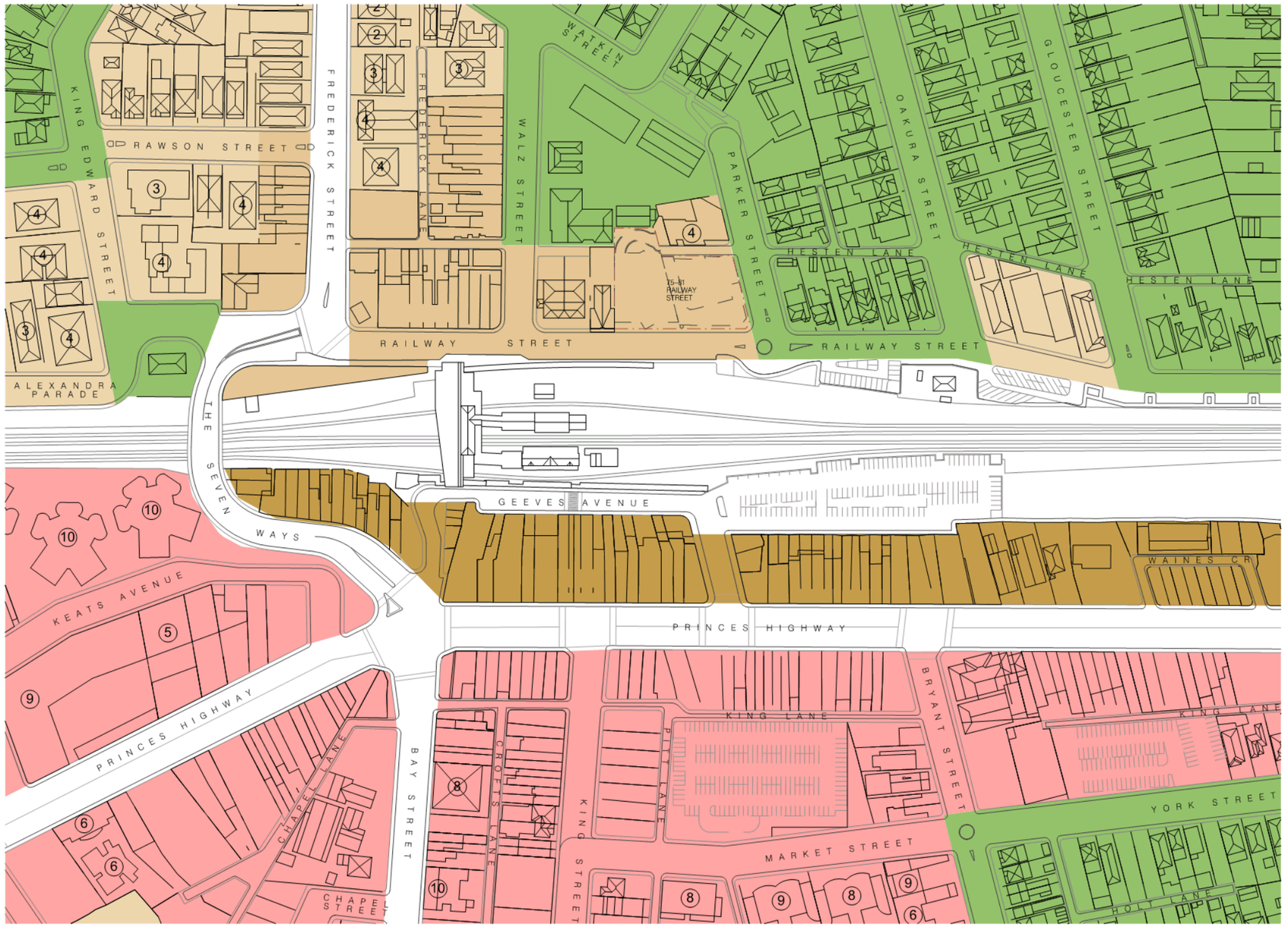

BUILDING HEIGHT

Buildings heights in the Rockdale Town Centre vary from single storey shops to ten storey residential flat buildings. Taller buildings, which are typically residential in use, are located on the eastern side of Rockdale Railway Station. Building heights can reach nine and ten storeys there. To the west of the station building heights are predominantly one to three storeys. There is a recently constructed four storey mixed use development in 2–4 Parker Street immediately to the west of the subject site. The single residential dwellings on the northern side of Parker Street are one to two storeys in height.
Permitted building heights in the Rockdale Town Centre vary from 14.5 to 16 metres on the western side of the station to 22 to 28 metres east of the station.

LEGEND

- SUBJECT SITE
- (7) NUMBER OF STOREYS
- I – 8.5m ROCKDALE LEP2011
- N2 – 14.5m ROCKDALE LEP2011
- O2 – 16m ROCKDALE LEP2011
- R2 – 22m ROCKDALE LEP2011
- T3 – 28m ROCKDALE LEP2011

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75–81 RAILWAY STREET, ROCKDALE

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SCALE: 1:2000@A3
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NORTH

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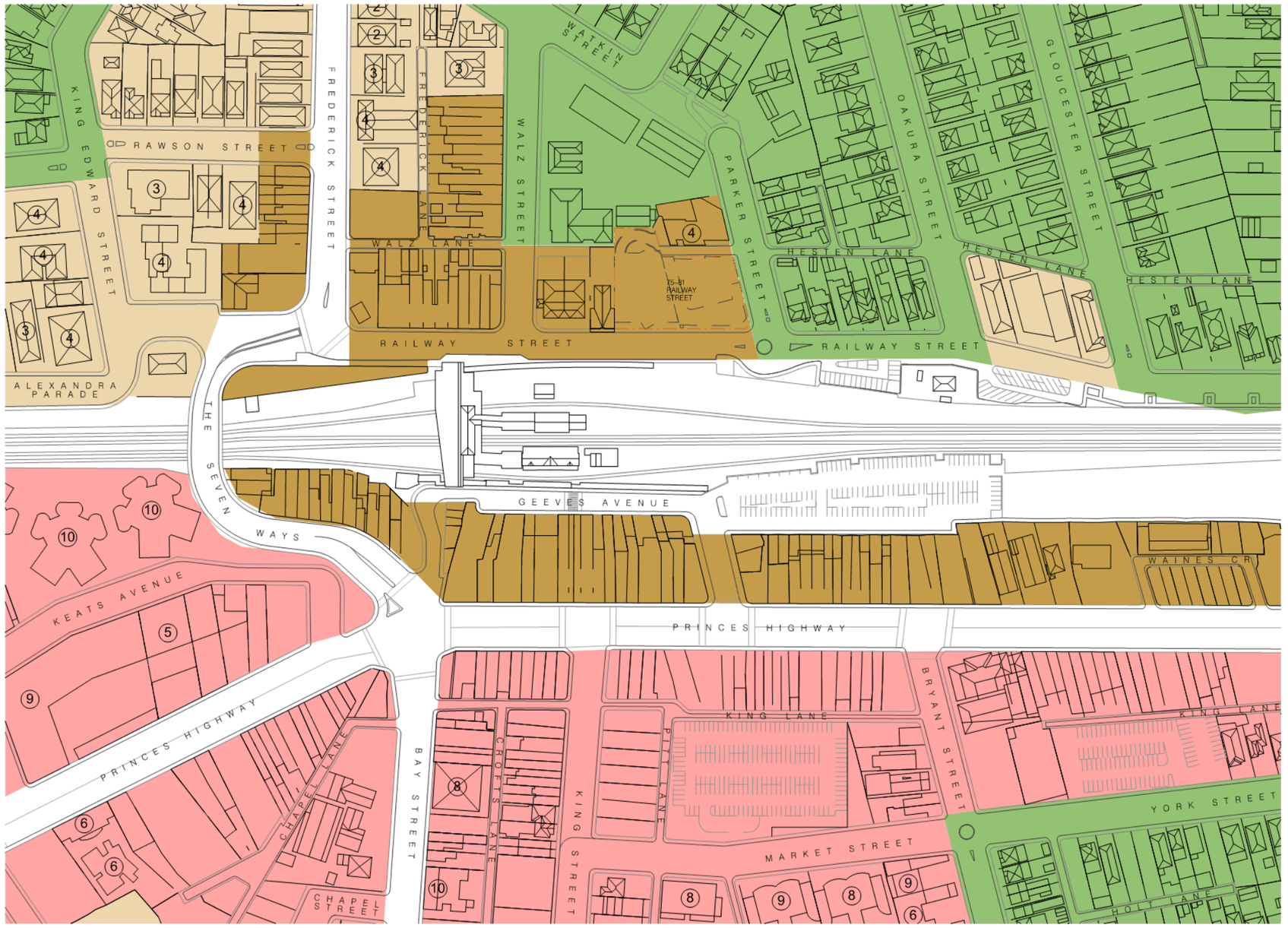

ADOPTED BUILDING HEIGHT

In its recent Planning Proposal for the Rockdale Town Centre which was adopted in October 2014 Council has increased the building heights on the western side of the railway station to 22 metres.
East of the station the building heights have been kept at 22 to 28 metres.

LEGEND

- SUBJECT SITE
- (7) NUMBER OF STOREYS
- I – 8.5m RTC PLANNING PROPOSAL
- N2 – 14.5m RTC PLANNING PROPOSAL
- O2 – 16m RTC PLANNING PROPOSAL
- R2 – 22m RTC PLANNING PROPOSAL
- T3 – 28m RTC PLANNING PROPOSAL

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PROJECT:
75–81 RAILWAY STREET, ROCKDALE

CLIENT:
ZOE HOLDINGS ROCKDALE PTY LIMITED

SCALE: 1:2000@A3
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LOCAL CONTEXT / ADOPTED BUILDING HEIGHT

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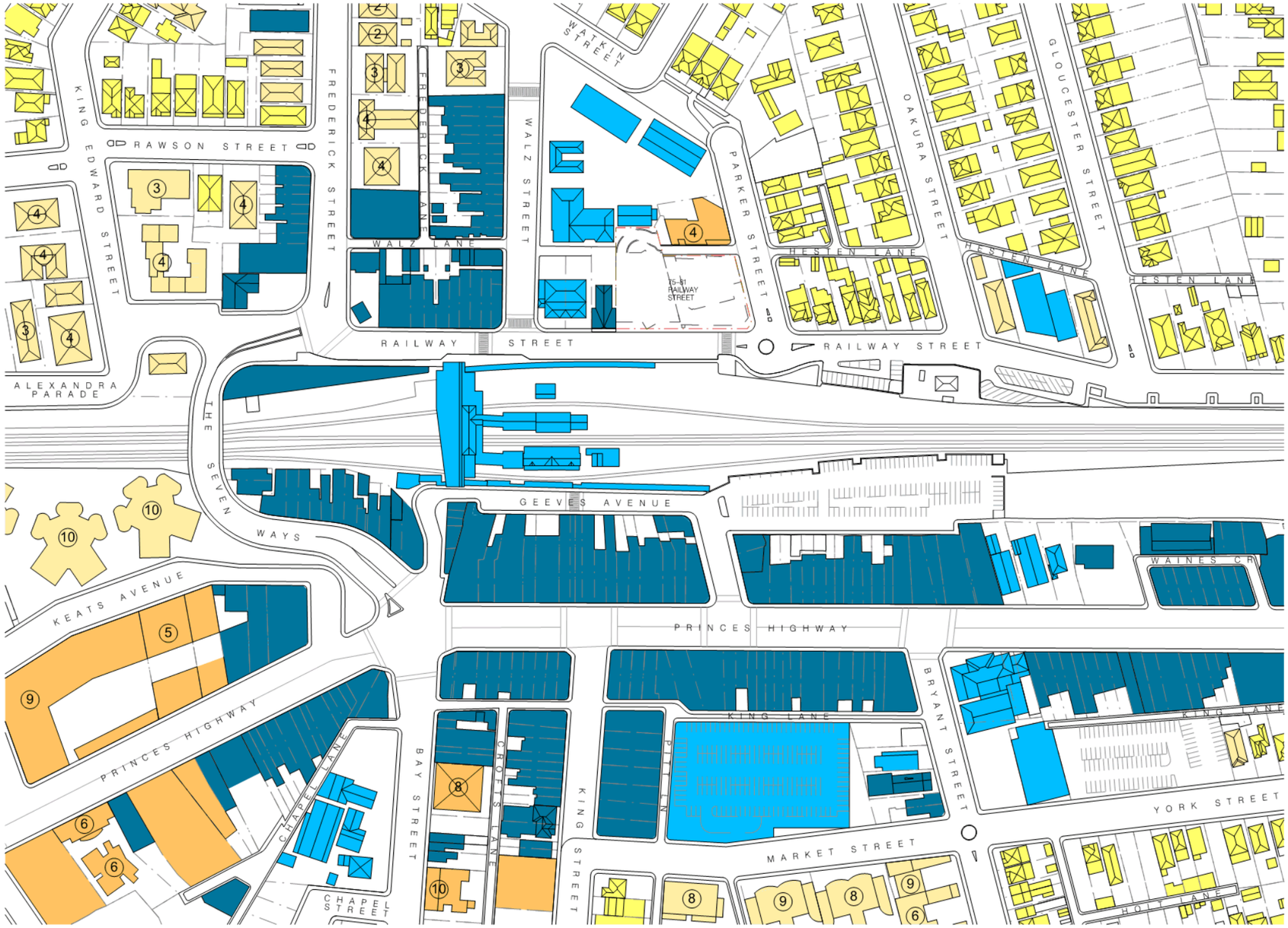

TYPOLOGIES

The area around the subject site is heterogenic in use, height and building type. Immediately east and west of the station single and two storey rows of shops dominate the streetscape. In the back of these traditionally small and narrow main street type buildings sites have been consolidated.
East of the station more recently built typologies include eight to ten storey residential flat buildings and mixed-use developments with retail on the ground floor. West of the station buildings are smaller and include two and three storey apartment buildings.
In addition, free-standing public buildings are dotted through-out the Rockdale Town Centre.
As the subject site is on the edge of the Rockdale Town Centre there are also single dwellings in the immediate vicinity.

LEGEND

- SUBJECT SITE
- NUMBER OF STOREYS
- MIXED USE DEVELOPMENT
- RESIDENTIAL FLAT BUILDINGS
- SINGLE RESIDENTIAL DWELLINGS
- RETAIL
- PUBLIC BUILDINGS

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PROJECT:
75-81 RAILWAY STREET, ROCKDALE

CLIENT:
ZOE HOLDINGS ROCKDALE PTY LIMITED

SCALE: 1:2000@A3
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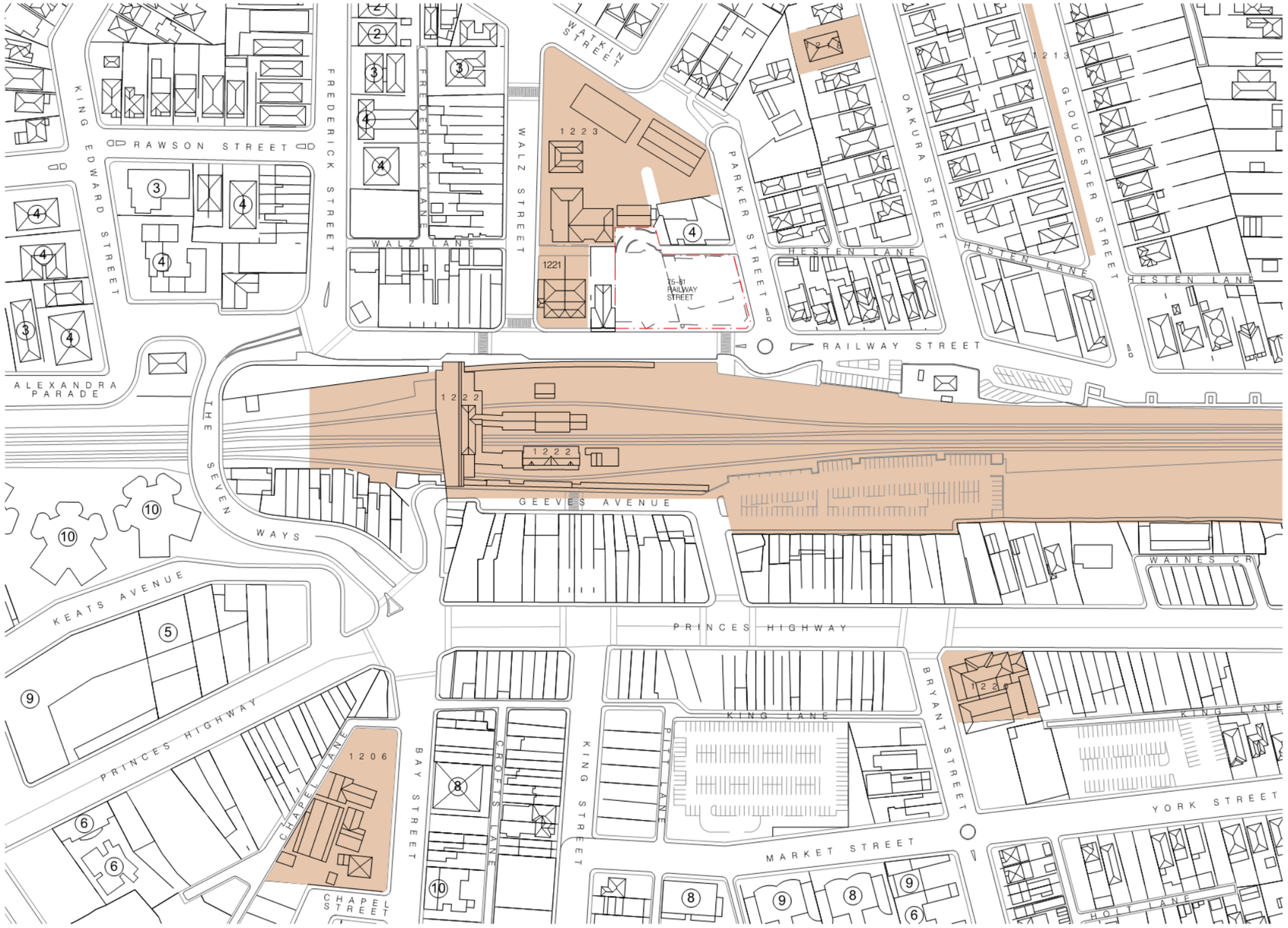


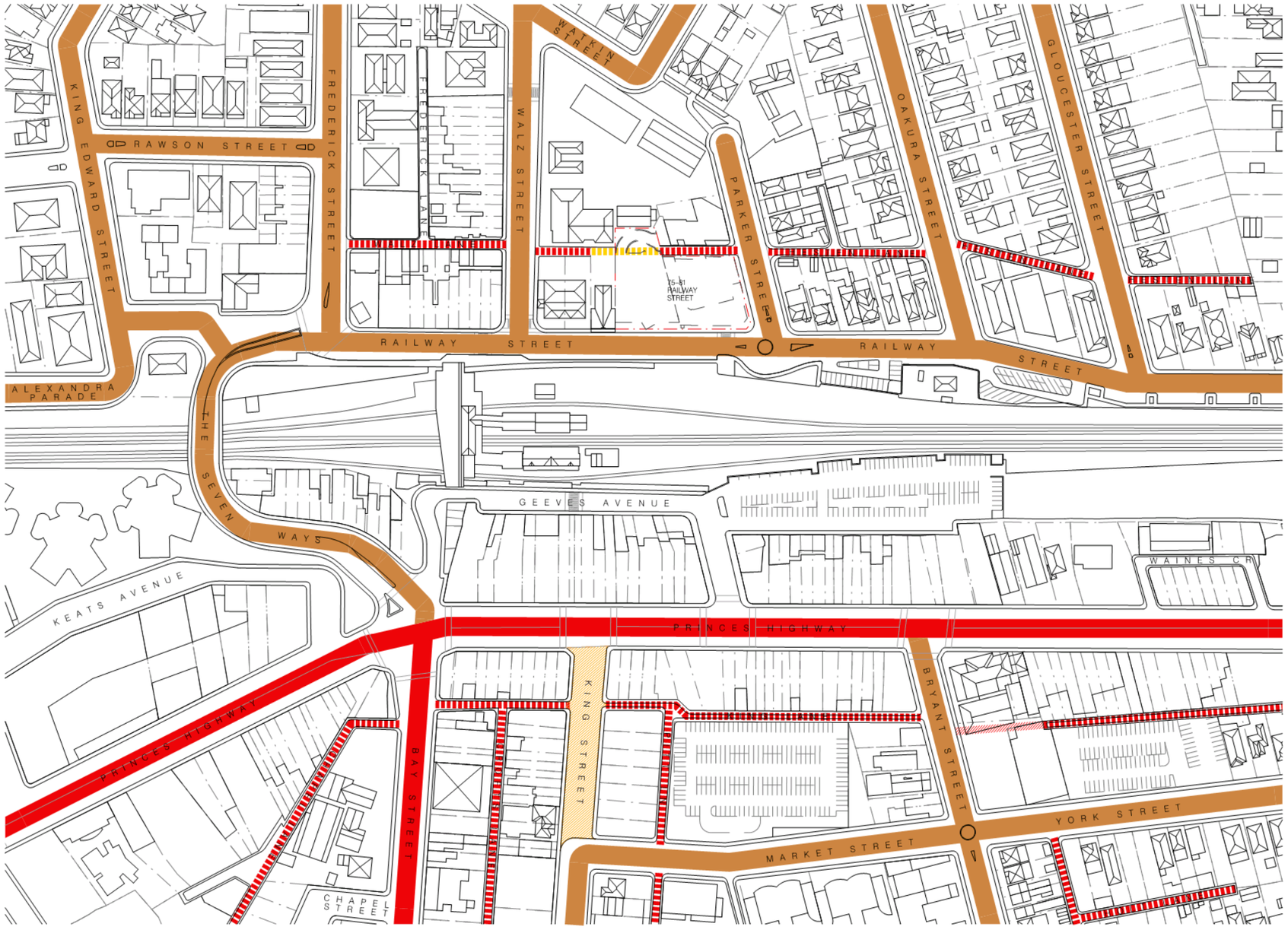
HERITAGE

There are five heritage items located within the Rockdale Town Centre. The site shares a boundary with the listed St Joseph's Convent. The convent fronts onto Walz Street, Watkin Street and Parker Street. It turns its back to the subject site and used to be separated from them by a lane. The Rockdale School of Arts building which is also known as the Guild Theatre is in proximity but not directly adjacent to the subject site.

LEGEND

	SUBJECT SITE
	ITEM – HERITAGE
1206	UNITING CHURCH AND BUILDINGS
1213	PALMS TREES ON VERGE
1218	FEDERATION HOUSE
1220	ROCKDALE TOWN HALL
1221	ROCKDALE SCHOOL OF ARTS (GUILD THEATRE)
1222	BRICK BUILDINGS ON PLATFORMS, SIGNAL BOX AND OVERHEAD BOOKING OFFICE
1223	ST JOSEPH'S CONVENT

B A	01.02.18 01.05.15	ISSUE TO COUNCIL ISSUE TO COUNCIL	Drawing Original Size A3	FOR PLANNING PROPOSAL PURPOSES ONLY NOT FOR CONSTRUCTION ©COPYRIGHT THIS DOCUMENT IS THE PROPERTY OF ANGELO CANDALEPAS & ASSOCIATES PTY LTD. THIS DRAWING SHALL ONLY BE USED FOR THE PURPOSE FOR WHICH IT WAS COMMISSIONED. UNAUTHORISED USE OF THIS DRAWING IS PROHIBITED. DO NOT SCALE THIS DRAWING. USE ONLY FIGURED DIMENSIONS. REPORT ANY DISCREPANCY TO THE ARCHITECT FOR CLARIFICATION PRIOR TO THE COMMENCEMENT OF ANY WORK.	ARCHITECT: CANDALEPAS ASSOCIATES 309 SUSSEX STREET SYDNEY NSW 2000 T: 02 9283 7755 F: 02 9283 7477 E: architects@candalepas.com.au NSW ARCHITECTS REG No. – 5773	PROJECT: 75–81 RAILWAY STREET, ROCKDALE CLIENT: ZOE HOLDINGS ROCKDALE PTY LIMITED SCALE: 1:2000@A3 0 10m 20m 50m	NORTH	DATE: FEB 2018 CHECKED 1: ACu CHECKED 2: – DRAWN BY: DA, FT, LC, MT	DRAWING: LOCAL CONTEXT / HERITAGE DRAWING No. PP – 4.05	JOB No. 5724 ISSUE B



STREET NETWORK

Rockdale Town Centre is characterised by a network of roads and lanes. Major roads are located on the eastern side of the station. The Princes Highway as Rockdale's traditional main street runs in a north–south direction one block east of the station connecting southern parts of Greater Sydney to the CBD. It has its main intersection with Bay Street which connects Rockdale to Botany Bay. There is a pedestrian zone in King Street between the highway and Market Street. The subject site is serviced by local roads, such as Railway Street, which links to Princes Highway via a bridge across the rail tracks. The roads are supported by a network of lanes which provides delivery access to a lot of properties but also a more pleasant pedestrian environment. King Lane runs parallel to Princes Highway. Walz and Heston lane follow Railway Street. At the back of the subject site, between Walz Street and Parker Street, the lane is discontinuous due to built structures in 75–81 Railway Street.

LEGEND

- SUBJECT SITE
- MAIN ROADS
- LOCAL ROADS
- PEDESTRIAN ZONE
- LANES
- PEDESTRIAN THROUGH SITE LINK
- POTENTIAL LANEWAY CONNECTION

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E: architects@candalepas.com.au
NSW ARCHITECTS REG No.: 5773

PROJECT:
75–81 RAILWAY STREET, ROCKDALE

CLIENT:
ZOE HOLDINGS ROCKDALE PTY LIMITED

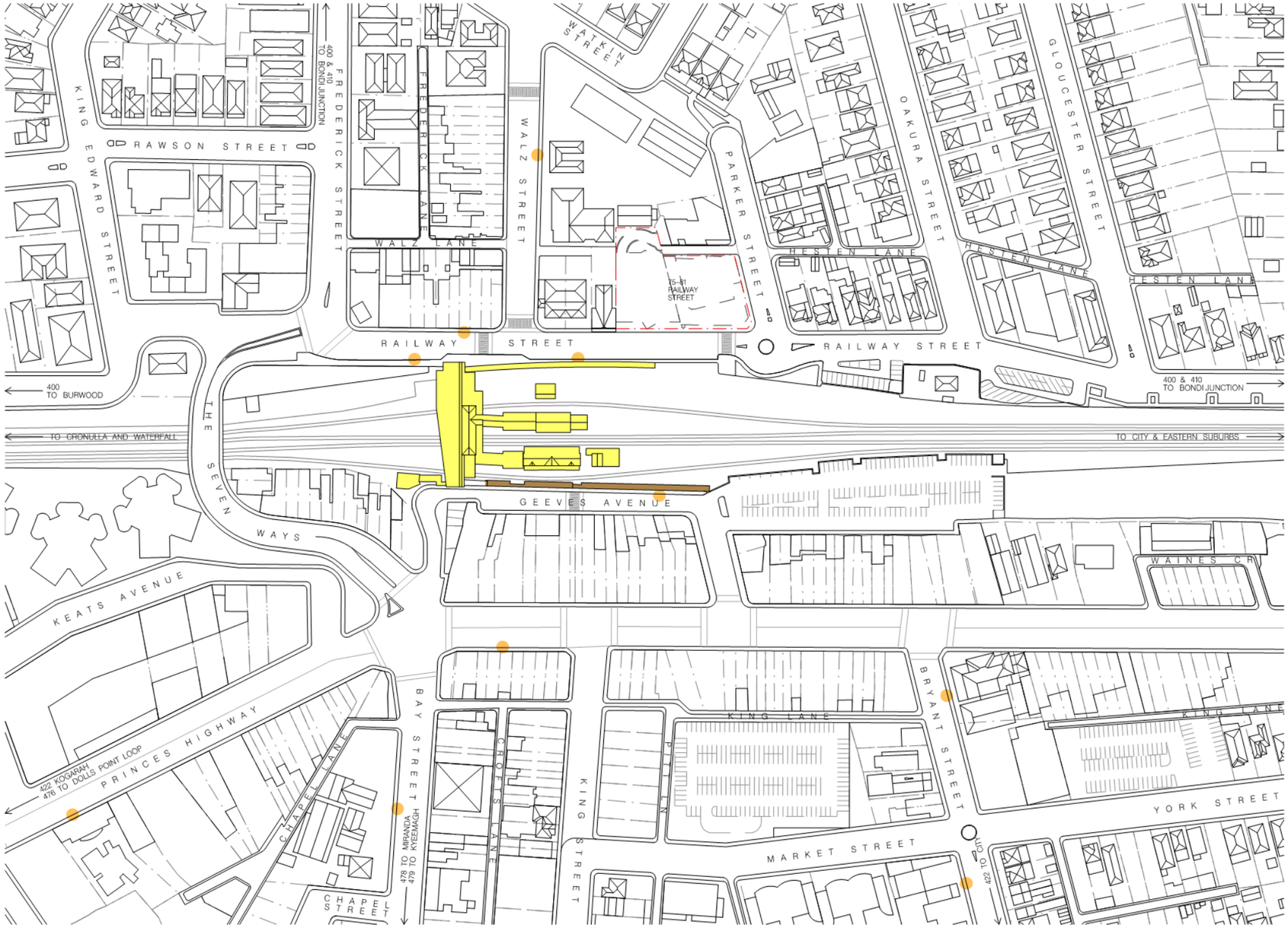
SCALE: 1:2000@A3
0 10m 20m 50m

NORTH

DATE: FEB 2018
CHECKED 1: ACu
CHECKED 2: –
DRAWN BY: DA, FT, LC, MT

DRAWING: LOCAL CONTEXT / STREET NETWORK
DRAWING No. PP – 4.06

JOB No. 5724
ISSUE B



PUBLIC TRANSPORT

The subject site has excellent access to public transport.
Rockdale Town Centre is serviced by the Illawarra–Eastern suburbs train line and by numerous bus services which provide connections within the Local Government Area, to the Sydney CBD and also beyond to Greater Sydney. The Site is located right opposite the train station. A great number of bus stops are either right in front of the property or within short walking distance.

LEGEND

SUBJECT SITE

ROCKDALE TRAIN STATION

ILLAWARRA–EASTERN SUBURBS LINE

ROCKDALE BUS TERMINAL

476 ROCKDALE – DOLLS POINT LOOP

478 ROCKDALE STATIO – MIRANDA

479 ROCKDALE – KYEEMARCH LOOP

BUS STOP

400 BURWOOD – BONDI JUNCTION VIA AIRPORT

410 ROCKDALE – BONDI JUNCTION

422 KOGARAH – CITY

452 ROCKDALE – BONDI JUNCTION

473 ROCKDALE – CAMPSIE

492 ROCKDALE – DRUMMOYNE

493 ROCKDALE – ROSELANDS

Issue	Date	Description
B	13.02.18	ISSUE TO COUNCIL
A	10.01.15	ISSUE TO COUNCIL

Drawing Original Size A3

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PROJECT:
75–81 RAILWAY STREET, ROCKDALE

CLIENT:
ZOE HOLDINGS ROCKDALE PTY LIMITED

SCALE: 1:2000@A3
0 10m 20m 50m

NORTH

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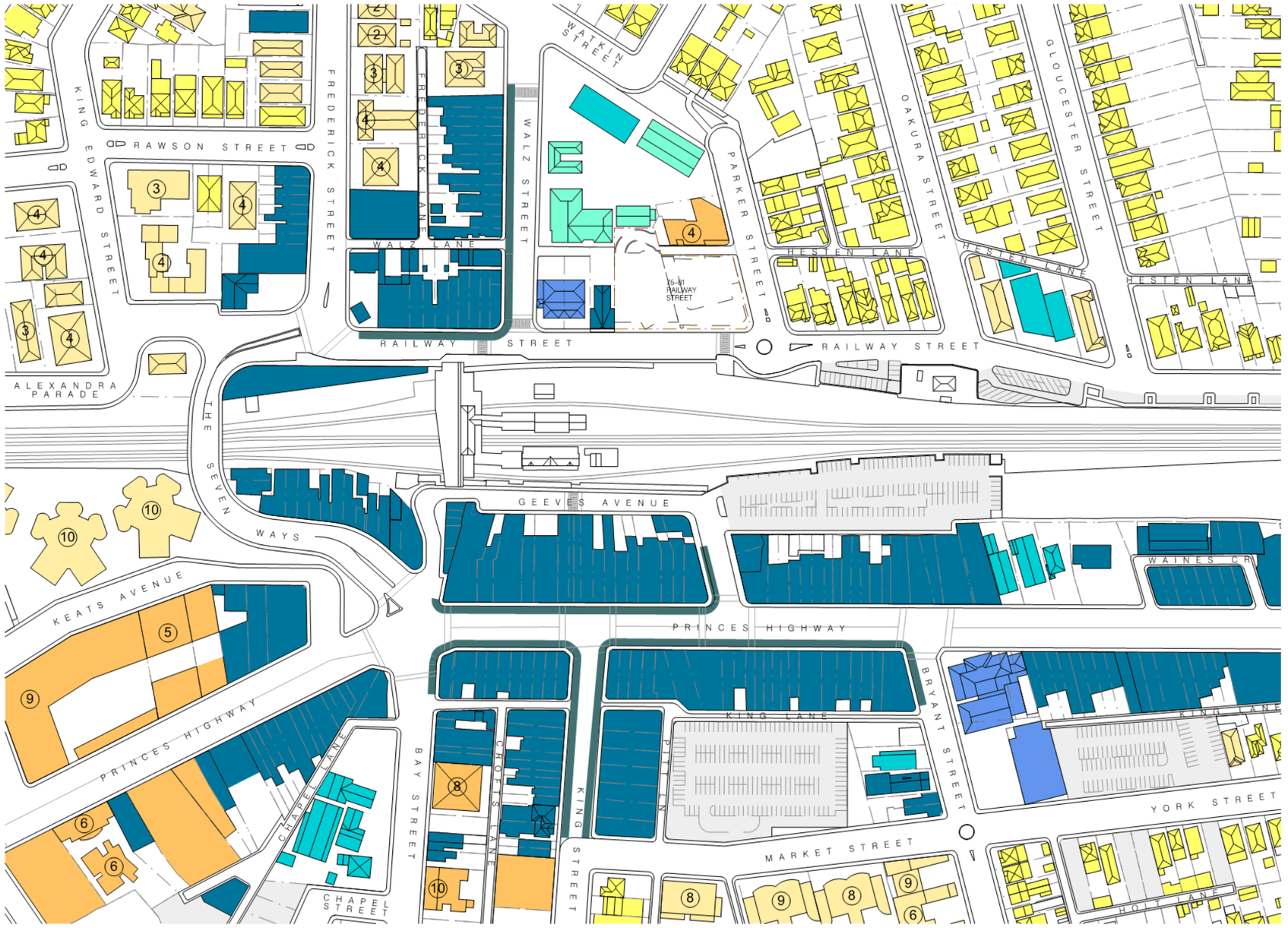
DRAWING:
LOCAL CONTEXT / PUBLIC TRANSPORT

DRAWING No.
PP – 4.07

JOB No. 5724

ISSUE
B



FACILITIES

As the subject site is located within the Rockdale Town Centre it is in close proximity of all facilities required in day to day life. These facilities include small, main street type shops and cafes along Walz Street and Princess Highway, a primary school adjacent on the western edge of the property and various churches on both sides of the railway lines. Council chambers are also only a short walk away.

LEGEND

- SUBJECT SITE
- NUMBER OF STOREYS
- MIXED USE DEVELOPMENT
- RESIDENTIAL FLAT BUILDINGS
- SINGLE RESIDENTIAL DWELLINGS
- RETAIL
- SERVICES
- SCHOOLS
- CHURCHES
- PARKING
- PRIMARY RETAIL

Issue	Date	Description
B	10.02.18	ISSUE TO COUNCIL
A	10.02.18	ISSUE TO COUNCIL

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PROJECT:
75–81 RAILWAY STREET, ROCKDALE

CLIENT:
ZOE HOLDINGS ROCKDALE PTY LIMITED

SCALE: 1:2000@A3
0 10m 20m 50m

NORTH

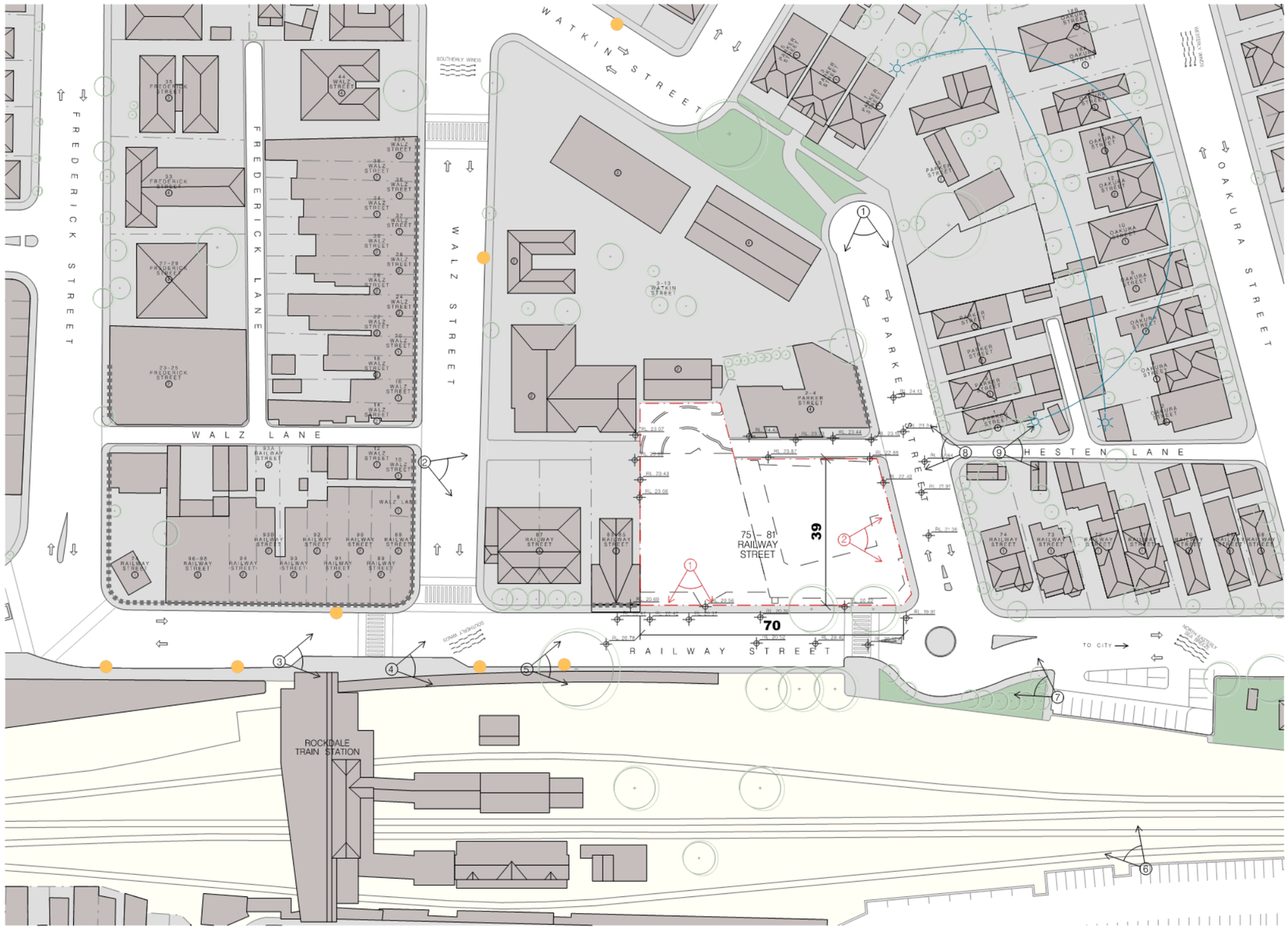
DATE: FEB 2018
CHECKED 1: ACu
CHECKED 2: –
DRAWN BY: DA, FT, LC, MT

DRAWING: LOCAL CONTEXT / FACILITIES

DRAWING No. PP – 4.08

JOB No. 5724

ISSUE B



ANALYSIS

75–81 Railway Street is rectilinear in shape and runs in a north–south direction. It has an approximately 70m long eastern frontage to Railway Street and a just under 40m frontage to Parker Street. The site also has a frontage to Hesten Lane. The total site area is 2,942sqm. Prevailing winds are southerly winds in winter and north–easterly sea breezes in summer. The site has its low point on the corner of Railway Street and Parker Street as it falls by approximately one metre along is eastern boundary and by approximately three metres from Hesten Lane to Railway Street. With low level structures to the north and the east the subject site will offers views to the City and Botany Bay. Further, the corner position on the edge of the Rockdale Town Centre will ensure its prominence.

75–81 Railway Street is currently occupied by two office buildings. The building in 81 Railway Street is three storeys in height with a roof top carpark which has its access from the lane. It also has a basement carpark with a driveway off Railway Street. The building in 75–79 Railway Street is one to two storeys in height. Parking is provided at street level off the lane. Both buildings have their entry foyers in Railway Street.

The buildings on the subject site are approximately three storeys lower than the recently finished development in 2–4 Parker Street. The neighbouring building faces north onto Parker Street and also has units looking across Hesten Lane and the subject site to the east. The lane is about six metres wide and has a footpath on its western side.

LEGEND

- SUBJECT SITE
- NUMBER OF STOREYS
- HERITAGE ITEMS
- BUS STOP
- RETAIL /COMMERCIAL FRONTAGE
- VEHICULAR TRAFFIC FLOW
- SHARED PEDESTRIAN / VEHICLE ZONE (SERVICE /LOADING VEHICLES ONLY)
- CYCLE PATH (SHARED ZONE WHEN ON FOOTPATH)
- SIGNIFICANT VIEWS TO THE SITE
- SIGNIFICANT VIEWS FROM THE SITE
- EXISTING TREE

Issue	Date	Description
B	03.02.18	ISSUE TO COUNCIL
A	05.01.18	ISSUE TO COUNCIL

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PROJECT:
75–81 RAILWAY STREET, ROCKDALE

CLIENT:
ZOE HOLDINGS ROCKDALE PTY LIMITED

SCALE: 1:1000@A3
0 5m 10m 20m 40m

NORTH

DATE: FEB 2018
CHECKED 1: ACu
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DRAWN BY: DA, FT, LC, MT

DRAWING: SITE CONTEXT / ANALYSIS

DRAWING No. PP – 5.01

JOB No. 5724

ISSUE B

PHOTOS


01_ VIEW EAST ALONG PARKER STREET


02_ VIEW NORTH FROM WALZ STREET


03_ VIEW NORTH ALONG RAILWAY STREET


04_ VIEW NORTH ALONG RAILWAY STREET


05_ VIEW NORTH ALONG RAILWAY STREET


06_ VIEW WEST FROM RAILWAY


07_ VIEW WEST FROM RAILWAY STREET

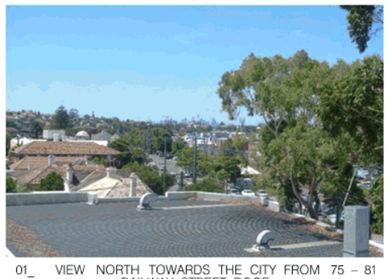

08_ VIEW SOUTH ALONG HESTEN LANE

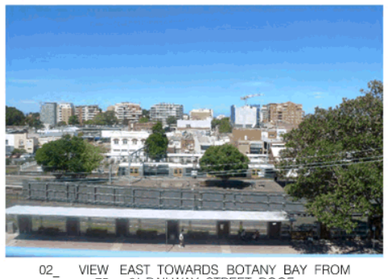

09_ VIEW NORTH ALONG HESTEN LANE

LEGEND

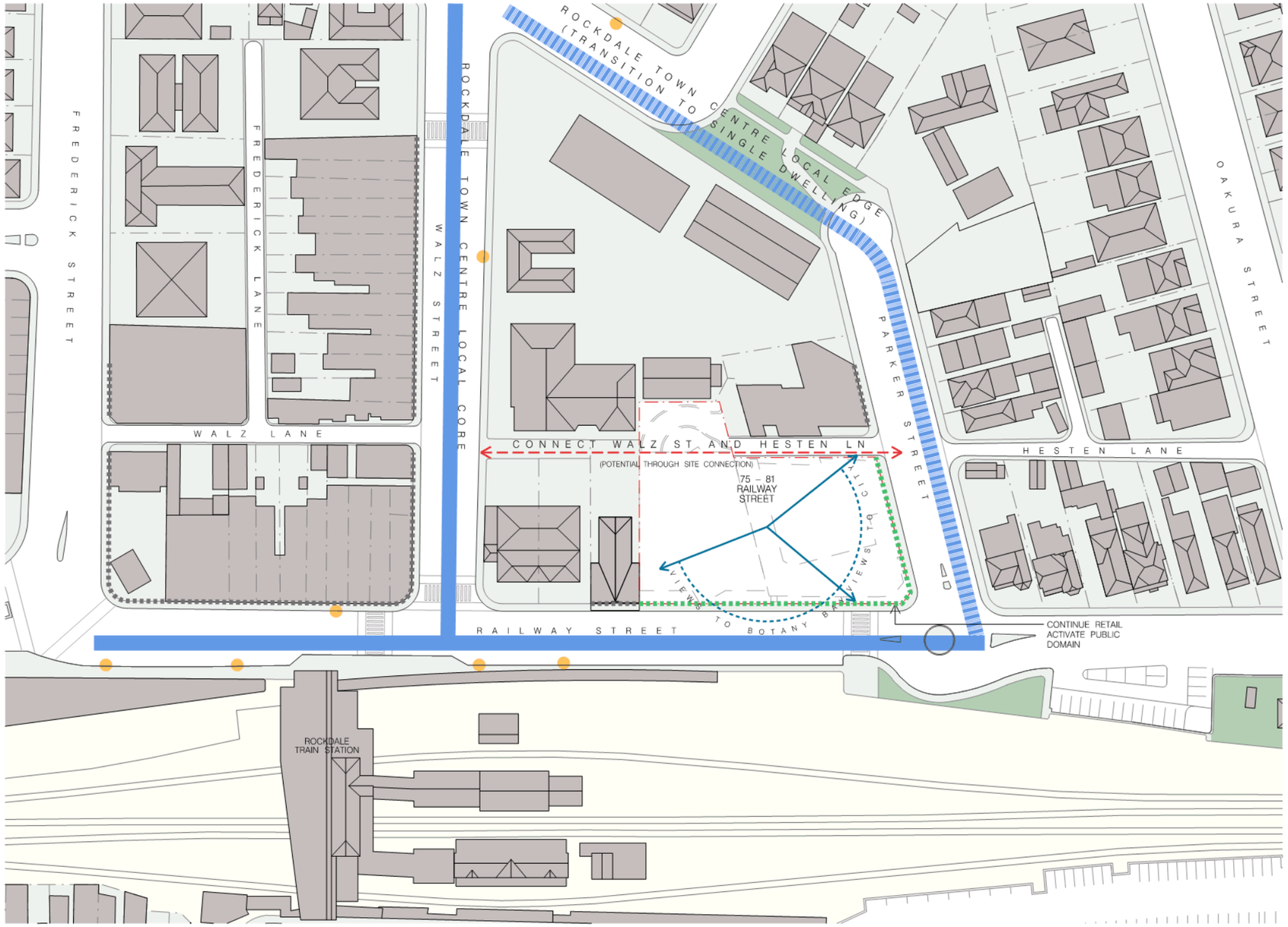
SIGNIFICANT VIEWS TO THE SITE

SIGNIFICANT VIEWS FROM THE SITE


01_ VIEW NORTH TOWARDS THE CITY FROM 75 – 81 RAILWAY STREET ROOF


02_ VIEW EAST TOWARDS BOTANY BAY FROM 75 – 81 RAILWAY STREET ROOF

B A	13.02.18 05.05.15	ISSUE TO COUNCIL ISSUE TO COUNCIL	Drawing Original Size A3	FOR PLANNING PROPOSAL PURPOSES ONLY NOT FOR CONSTRUCTION ©COPYRIGHT THIS DOCUMENT IS THE PROPERTY OF ANGELO CANDALEPAS & ASSOCIATES PTY LTD. THIS DRAWING SHALL ONLY BE USED FOR THE PURPOSE FOR WHICH IT WAS COMMISSIONED. UNAUTHORISED USE OF THIS DRAWING IS PROHIBITED. DO NOT SCALE THIS DRAWING USE ONLY FIGURED DIMENSIONS. REPORT ANY DISCREPANCY TO THE ARCHITECT FOR CLARIFICATION PRIOR TO THE COMMENCEMENT OF ANY WORK.	ARCHITECT: CANDALEPAS ASSOCIATES 309 SUSSEX STREET SYDNEY NSW 2000 T: 02 9283 7755 F: 02 9283 7477 E: architects@candalepas.com.au NSW ARCHITECTS REG No. – 5773	PROJECT: 75–81 RAILWAY STREET, ROCKDALE CLIENT: ZOE HOLDINGS ROCKDALE PTY LIMITED SCALE: –	NORTH	DATE: FEB 2018 CHECKED 1: ACu CHECKED 2: – DRAWN BY: DA, FT, LC, MT	DRAWING: SITE CONTEXT / PHOTOS DRAWING No. PP – 5.02	JOB No. 5724 ISSUE B



SITE CHALLENGES AND OPPORTUNITIES

The subject site is located on the edge of the Rockdale Town Center, adjacent to the railway tracks and present an opportunity to create a prominent gateway which at the same time reinstates a broken street pattern by the introduction of a new lane. The site is close to the Guild Theatre and may be able to create a new public and active precinct on the western side of the railway lines. Being on the edge of the Town Centre and right across from the railway the site will enjoy expansive views to the Sydney CBD and to Botany Bay.
While being part of a dense urban precinct the proposal will also need to address the sudden change in density to single storey single dwellings on the northern side of Parker Street. A challenging aspect of the site is also its topography. The land falls by one storey from the west to the east.

LEGEND

- SUBJECT SITE
- BUS STOP
- RETAIL /COMMERCIAL FRONTAGE
- PROPOSED RETAIL / COMMERCIAL FRONTAGE
- ROCKDALE TOWN CENTRE LOCAL CORE
- ROCKDALE TOWN CENTRE LOCAL EDGE

Issue	Date	Description
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A	05.10.18	ISSUE TO COUNCIL

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75–81 RAILWAY STREET, ROCKDALE

CLIENT:
ZOE HOLDINGS ROCKDALE PTY LIMITED

SCALE: 1:1000@A3
0 5m 10m 20m 40m

NORTH

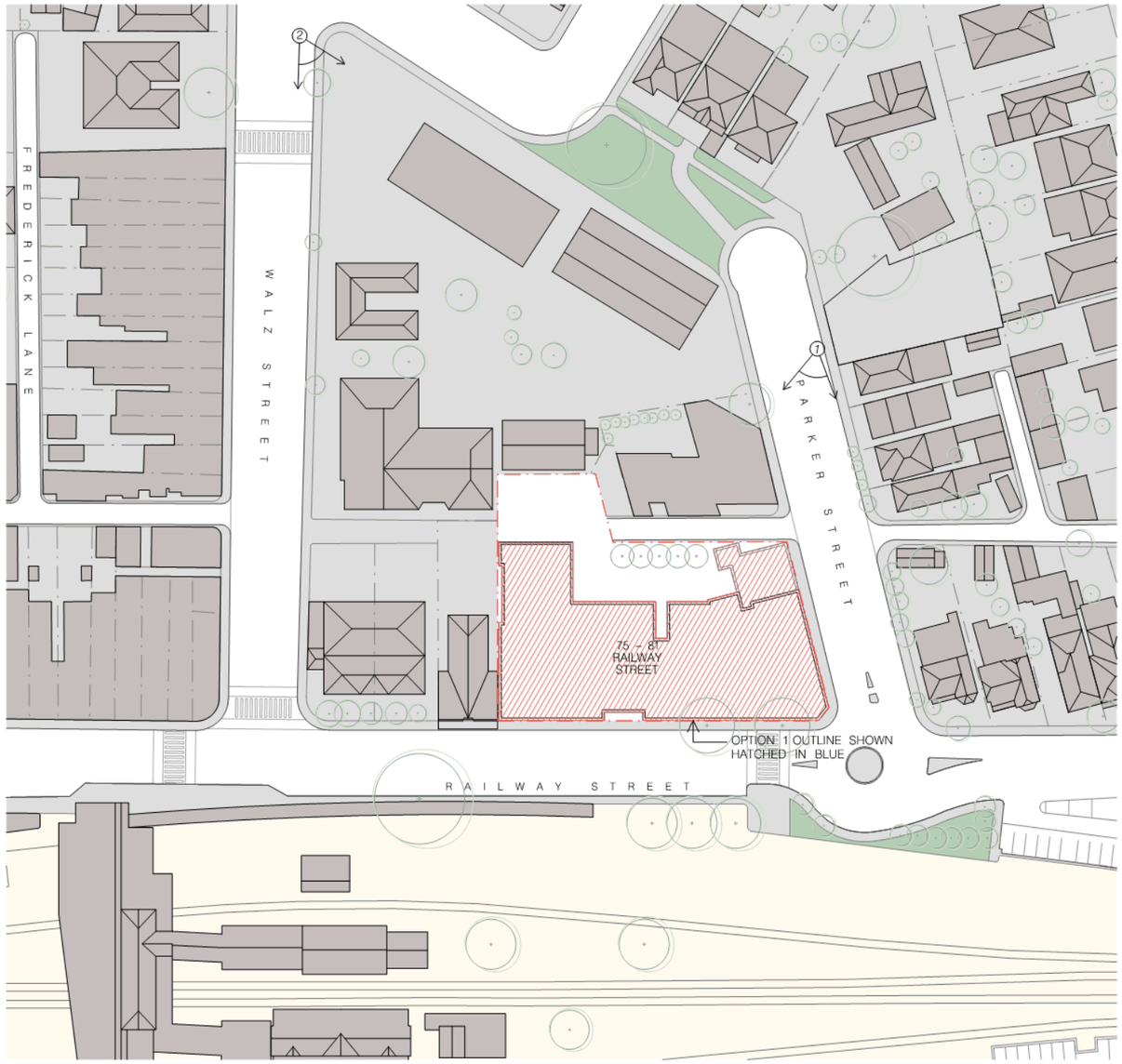
DATE: FEB 2018
CHECKED 1: ACu
CHECKED 2: –
DRAWN BY: DA, FT, LC, MT

DRAWING: SITE CHALLENGES AND OPPORTUNITIES

DRAWING No. PP – 6.01

JOB No. 5724

ISSUE B



01 OPTION 1
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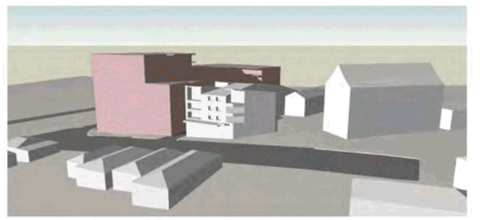
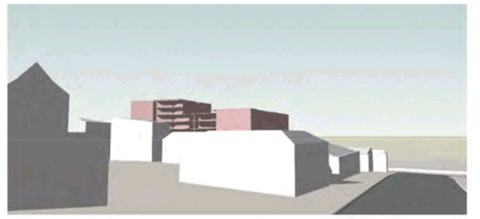
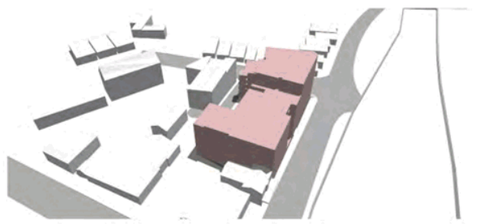


1. NORTH EAST VIEW FROM PARKER STREET



2. EAST VIEW ALONG WALZ STREET



3. BIRD EYE VIEW

OPTION TESTING / A

Two options were explored for the Site as part of the investigations. Both options rely on establishing a lane connection between Walz Street and Parker Street.
Option A locates most of building mass against Railway Street and provides a backyard to the lane. This option assumes compact floor plates with the least possible building perimeter and relies on deep apartments to capture the floor space. The proposal has an eight to six storey frontage to Parker Street and creates considerable bulk on the edge of the Town Centre. This built form does not follow the existing street pattern by setting back from the lane.

LEGEND

- SUBJECT SITE
- PROPOSED DEVELOPMENT AT 75 – 81 RAILWAY STREET
- VIEWS TO THE SITE

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Issue	Date	Description
Drawing Original Size		A3

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CLIENT:
ZOE HOLDINGS ROCKDALE PTY LIMITED

SCALE: 1:1000@A3
0 5m 10m 20m 40m

NORTH

DATE: FEB 2018
CHECKED 1: ACu
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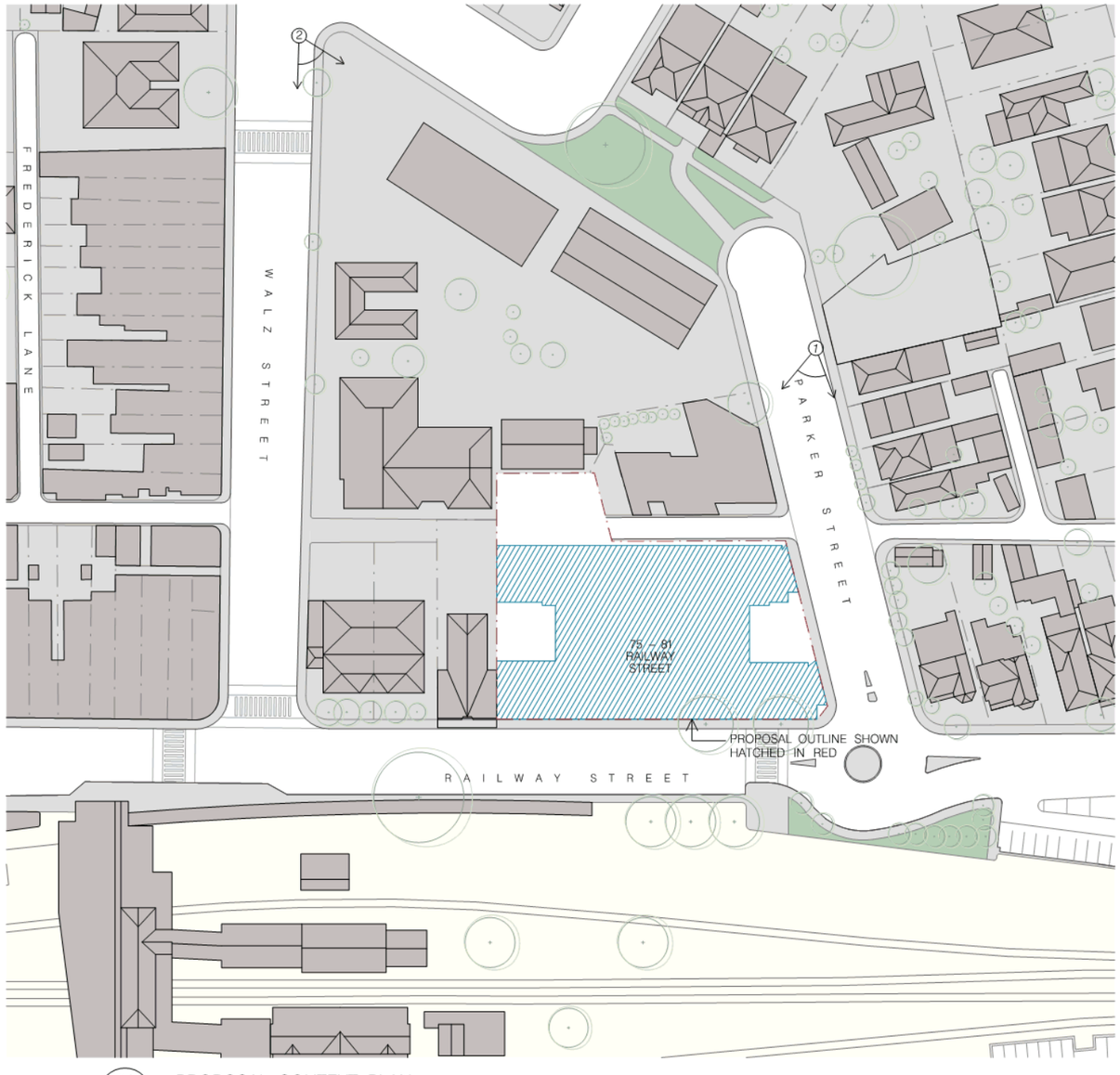
DRAWN BY: DA, FT, LC, MT

DRAWING: OPTION TESTING / A
DRAWING No. PP – 7.01
JOB No. 5724
ISSUE B



01 PROPOSAL CONTEXT PLAN
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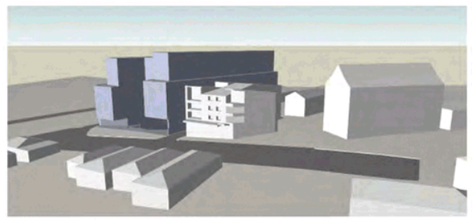
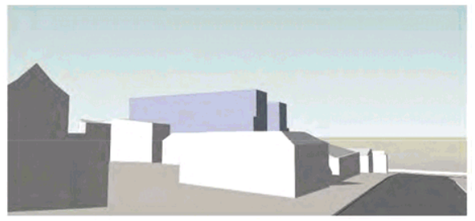
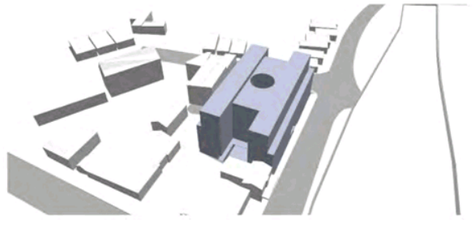


1. NORTH EAST VIEW FROM PARKER STREET



2. EAST VIEW ALONG WALZ STREET



3. BIRD EYE VIEW

OPTION B

Option B establishes a street edge to Railway Street and to the lane. Three generous voids are being created in the centre of plan to assist with cross ventilation and solar access. One of the voids acts as a forecourt to Parker Street. It provides an extension to the public domain and also helps to break down the bulk of the building against the single dwellings on the northern side of Parker Street. In this building configuration apartments are kept fairly shallow to maximise unit amenity.

LEGEND

- SUBJECT SITE
- PROPOSED DEVELOPMENT AT 75 – 81 RAILWAY STREET
- VIEWS TO THE SITE

B	13.02.18	ISSUE TO COUNCIL				
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CLIENT:
ZOE HOLDINGS ROCKDALE PTY LIMITED

SCALE: 1:1000@A3
0 5m 10m 20m 40m

NORTH

DATE: FEB 2018
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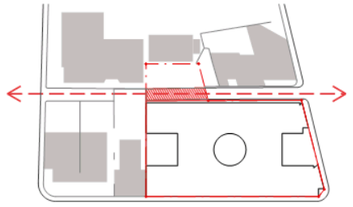
CHECKED 2: –
DRAWN BY: DA, FT, LC, MT

DRAWING: OPTION TESTING / B

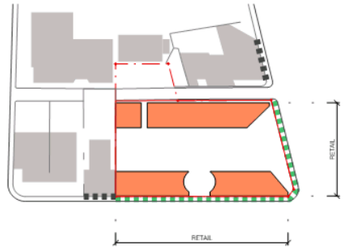
DRAWING No. PP – 7.02

JOB No. 5724

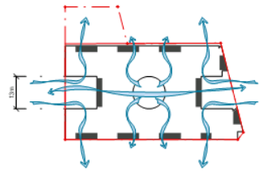
ISSUE B



01_ INCREASED URBAN CONNECTIVITY



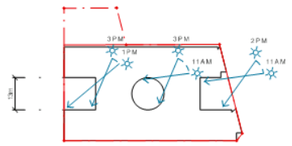
02_ ACTIVE STREET FRONTAGES



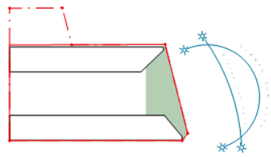
03_ CROSS VENTILATION

DESIGN PRINCIPLES

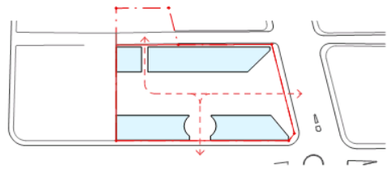
Option B was used as the basis to develop an indicative scheme for the Site.
The key design principles were to enhance the public domain by establishing a new lane, a forecourt to Parker Street and by creating a strong block edge with active uses to Railway Street and Hesten Lane. The ground floor is envisaged to be of a semi-public character, which allows for permeability and access to all three surrounding streets. At a later stage this ground floor may be extended and opened up towards the Guild Theatre and create a forecourt which could be a great public space to linger before and after performances.
As equally important as the contributions to the public domain are the strategies to maximise the amenity for the residents. This is achieved by creating comfortable apartments, which benefit from the use of the central voids and the increased in building perimeter. In addition, generous communal open spaces on the ground floor and on the roof will contribute to an excellent place to live.



04_ INCREASED BUILDING PERIMETER FOR SOLAR ACCESS



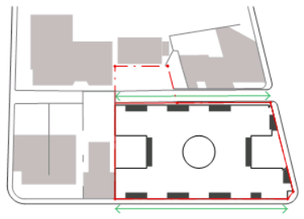
05_ PUBLIC FORE COURT NORTH FACING



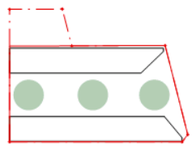
06_ POROSITY OF GROUND FLOOR

LEGEND

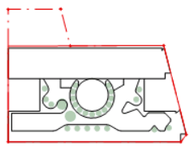
- COUNCIL LAND RESERVATION AREA
- SUBJECT SITE
- COMMERCIAL COMPONENT
- CROSS VENTILATION
- SUN ACCESS DIAGRAM /21 JUNE
- SOLAR PATH
- EXISTING RETAIL / COMMERCIAL FRONTAGE
- PROPOSED RETAIL / COMMERCIAL FRONTAGE
- PEDESTRIN MOVEMENT
- NEW LANE
- PROPOSED TREE



07_ REINFORCED STREET EDGE URBAN FORM



08_ GREEN COMMON OPEN SPACE GROUND FLOOR



09_ GREEN COMMON OPEN SPACE ROOF TOP

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Issue Date Description
Drawing Original Size A3

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E: architects@candalepas.com.au
NSW ARCHITECTS REG No - 5773

PROJECT:
75-81 RAILWAY STREET, ROCKDALE

CLIENT:
ZOE HOLDINGS ROCKDALE PTY LIMITED

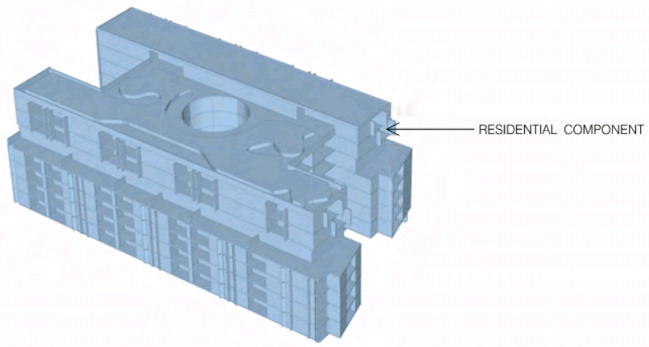
SCALE: 1:2000@A3
0 10m 20m 50m

NORTH

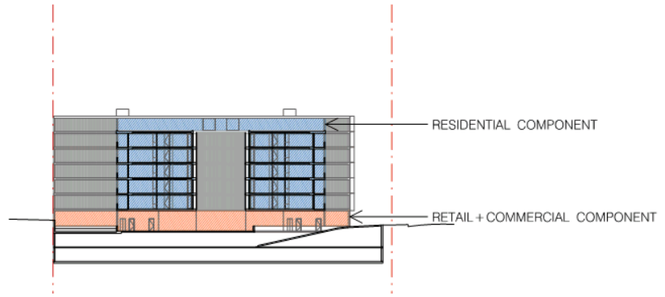
DATE: FEB 2018
CHECKED 1: ACu
CHECKED 2: -
DRAWN BY: DA, FT, LC, MT

DRAWING: DESIGN PRINCIPLES
DRAWING No. PP - 8.01

JOB No. 5724
ISSUE B



03_ UPPER LEVELS USE DIAGRAM



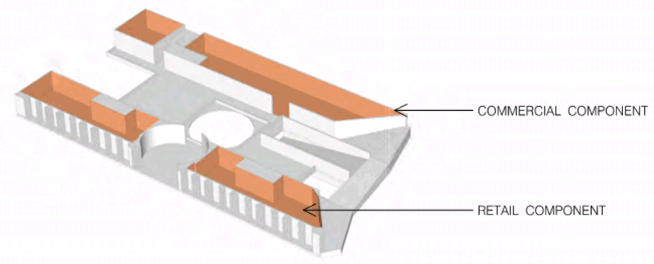
04_ SECTION C

LAND USE

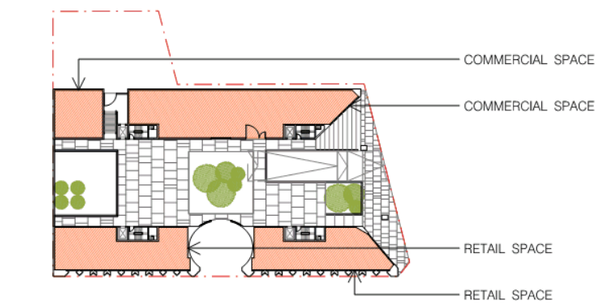
The proposal is consistent with the zoning and anticipated use for the site.
The project incorporates retail and commercial uses on ground floor. The retail is facing Railway Street and the corner with Parker Street. Thus activating the public domain.
Commercial uses are proposed along Hesten Lane. Due to the topography of the site these spaces will not be able to be accessed of Hesten Lane but from the generous courtyard in the centre of the proposed development. This courtyard can be reached from all three surrounding streets which will contribute to its semi-public nature.

LEGEND

- SUBJECT SITE
- RETAIL + COMMERCIAL COMPONENT
- RESIDENTIAL COMPONENT



01_ GROUND FLOOR USE DIAGRAM



02_ GROUND FLOOR PLAN

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NSW ARCHITECTS REG No - 5773

PROJECT:
75-81 RAILWAY STREET, ROCKDALE

CLIENT:
ZOE HOLDINGS ROCKDALE PTY LIMITED

SCALE: 1:1000@A3
0 5m 10m 20m 40m

NORTH

DATE: FEB 2018
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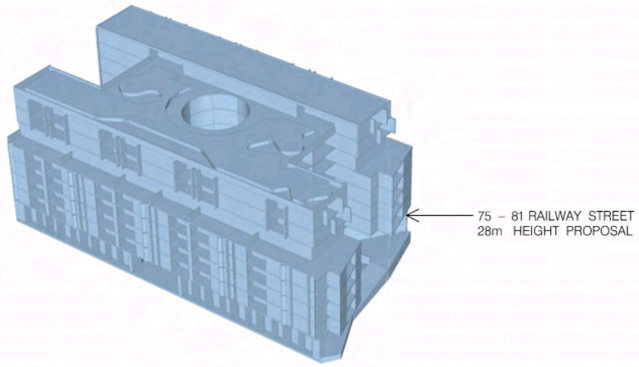
CHECKED 2: -
DRAWN BY: DA, FT, LC, MT

DRAWING: PROPOSAL / LAND USE
DRAWING No. PP - 9.01

JOB No. 5724
ISSUE B



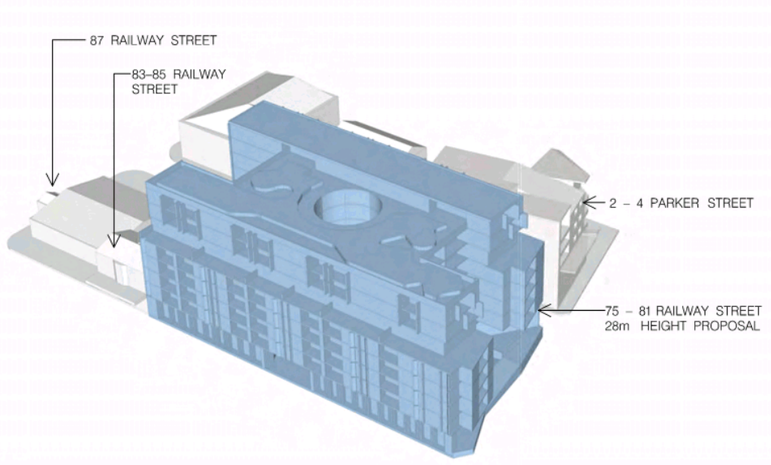
03_ PROPOSAL AXONOMETRIC VIEW



04_ ELEVATION WEST

BUILDING HEIGHT

The Planning Proposal seeks to increase the currently adopted maximum permissible building height of 22 metres to 28 metres. 28 metres are currently permitted in a large portion of Town Centre on the eastern side of the railway station. The height will allow for an eight, part nine storey building. The built form of the proposal also includes setbacks above 5 storeys in order to reduce the bulk. The lower portion of the building relates to the recently finished mixed–use project in 2–4 Parker Street.



01_ CONTEXT AXONOMETRIC VIEW



02_ ELEVATION NORTH

LEGEND

SUBJECT SITE

28m HEIGHT PROPOSAL

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PROJECT:
75–81 RAILWAY STREET, ROCKDALE

CLIENT:
ZOE HOLDINGS ROCKDALE PTY LIMITED

SCALE: 1:1000@A3
0 5m 10m 20m 40m

NORTH

DATE: FEB 2018
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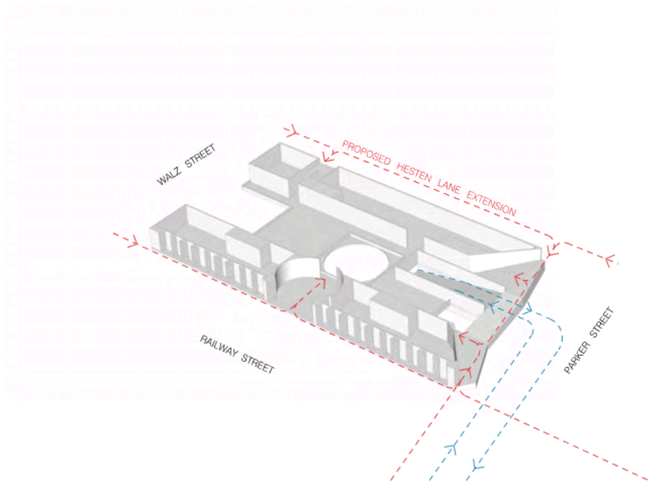
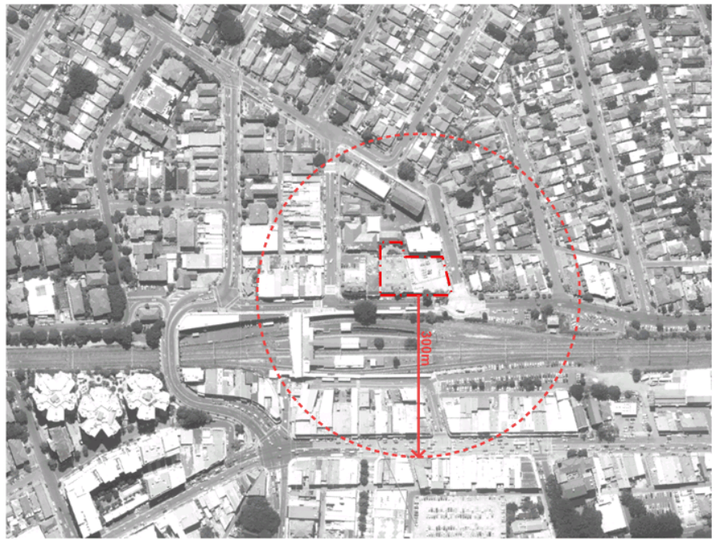
CHECKED 2: –
DRAWN BY: DA, FT, LC, MT

DRAWING: PROPOSAL / BUILDING HEIGHT
DRAWING No. PP – 9.02

JOB No. 5724
ISSUE B



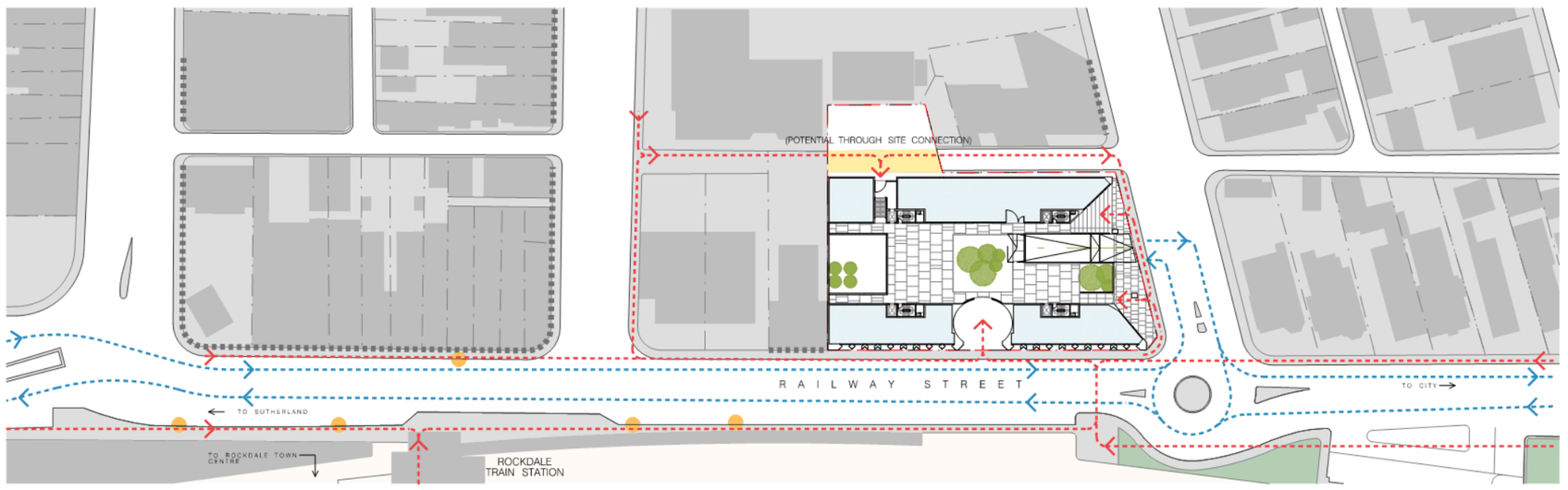
02_ GROUND FLOOR VEHICULAR AND PEDESTRIAN ACCESS DIAGRAM



03_ DISTANCE TO ROCKDALE TOWN CENTRE DIAGRAM_1:10000

ACCESS

The site has excellent exposure having three street frontages. The proposal aims to create a permeable ground plane. It includes pedestrian access points on all street frontages and in addition a generous forecourt area to Parker Street. Four circulation cores can be access from the central courtyard and will take residents and visitors to the apartments on the upper levels.
Vehicular access will be from Parker Street. Cars will enter the basement via the forecourt area and a partially open ramp.



01_ PEDESTRIAN AND VEHICULAR SITE DIAGRAM_1:1000

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NSW ARCHITECTS REG No – 5773

PROJECT:
75–81 RAILWAY STREET, ROCKDALE

CLIENT:
ZOE HOLDINGS ROCKDALE PTY LIMITED

SCALE: 1:1000@A3
0 5m 10m 20m 40m

NORTH

DATE: FEB 2018
CHECKED 1: ACu
CHECKED 2: –
DRAWN BY: DA, FT, LC, MT

DRAWING:
PROPOSAL / PEDESTRIAN AND VEHICULAR ACCESS

DRAWING No.
PP – 9.03

JOB No. 5724

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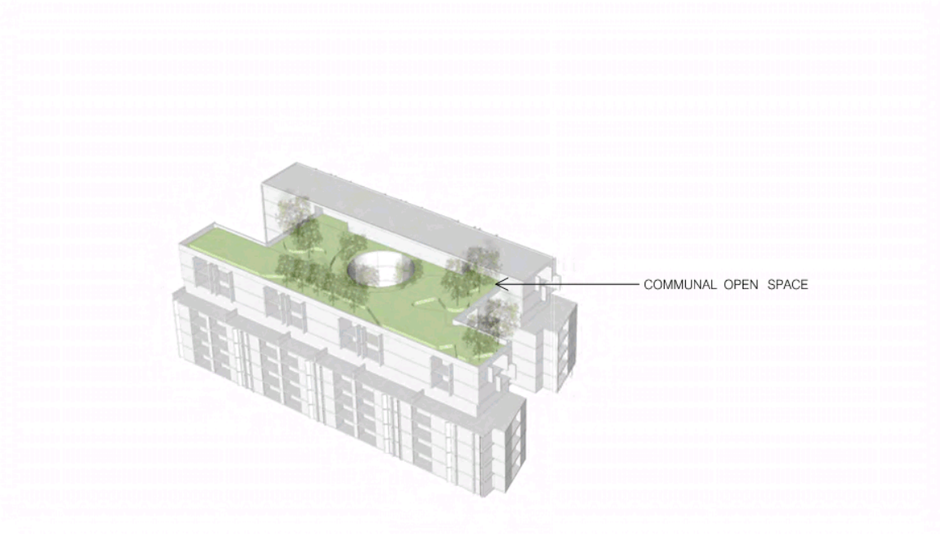
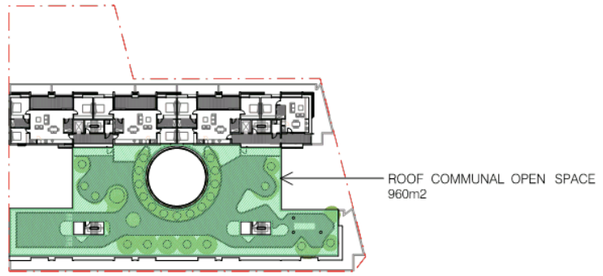


03_ ROOF LEVEL OPEN SPACE DIAGRAM



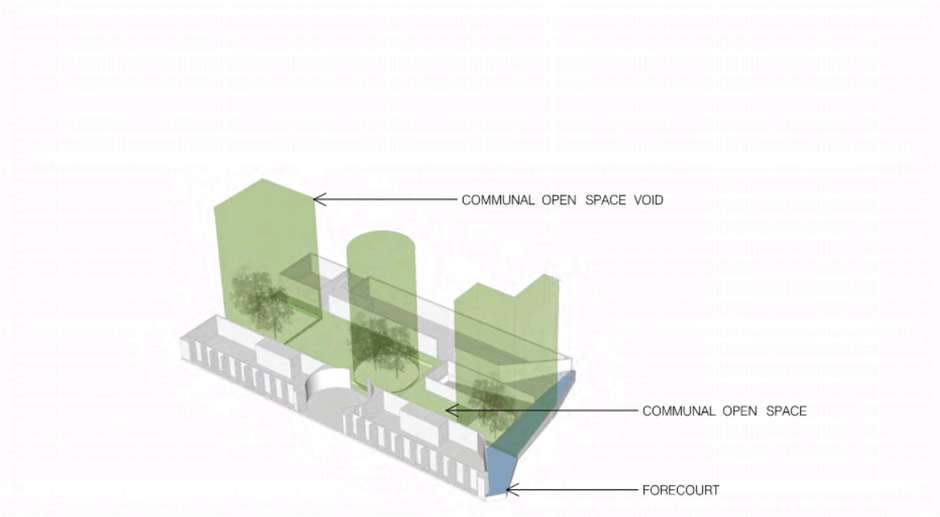
04_ ROOF LEVEL PLAN

OPEN SPACE

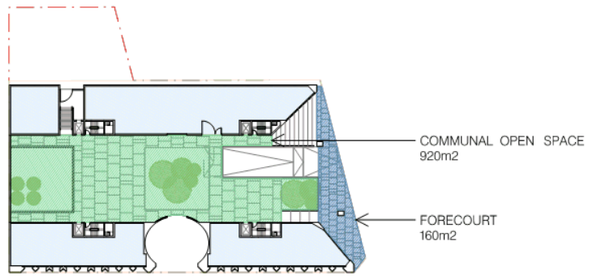
The proposal includes three types of open spaces.
First, it includes a forecourt area adjacent to Parker Street which will be level with the footpath. This space will be experienced as an extension of the public domain.
Second, there will be a centrally located communal open space on ground floor. This space will be semi-public in nature as it facilitates access to the different uses within the development. It runs in a north-south direction and is partially covered by the building and partially open to the sky. It sits lower then the forecourt area.
The third space will be a generous communal roof terrace which will be part of the residential component of the development and therefore only accessible by the residents.

LEGEND

- SUBJECT SITE
- COMMUNAL OPEN SPACE
- PUBLIC OPEN SPACE



01_ GROUND FLOOR OPEN SPACE DIAGRAM



02_ GROUND FLOOR PLAN

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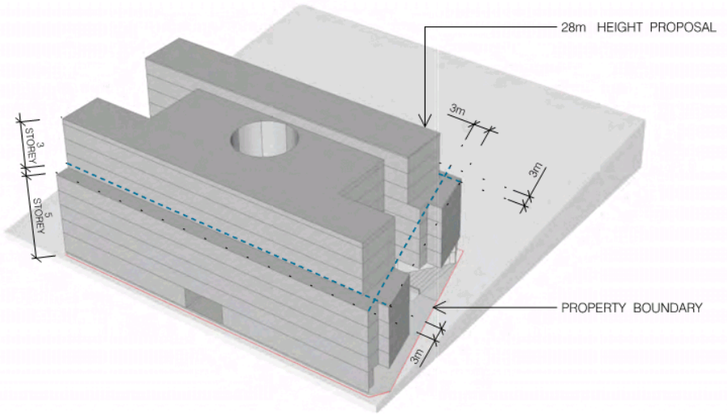
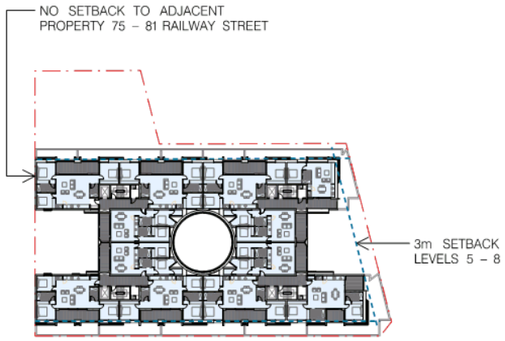


03_ PROPOSED BUILDING WITHIN ENVELOPE



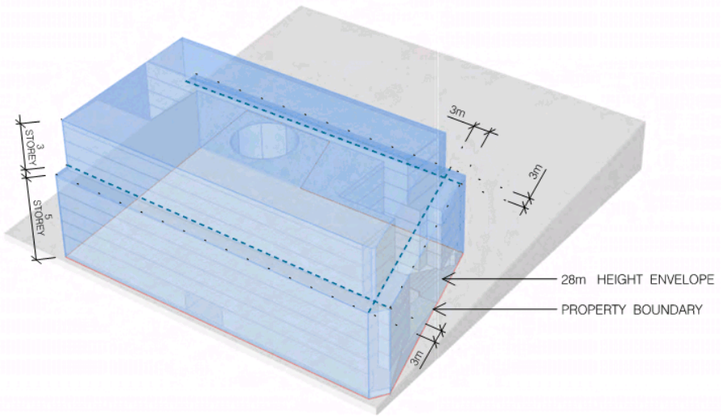
04_ LEVEL 7 FLOOR PLAN

ENVELOPE AND SETBACKS

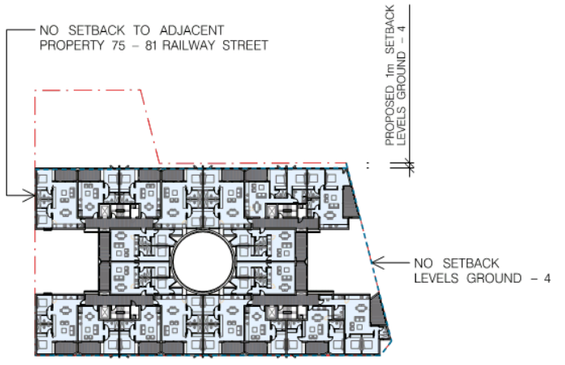
The proposed envelope is aligned with the site boundaries in Railway Street and Parker Street. There is a one metre primary setback to Hesten Lane. The Planning Proposal also seeks to vary the secondary setback control for the site as set out in the Rockdale Development Control Plan. It proposes a 3m setback above level 5 which will be applicable to all three street frontages.

LEGEND

- SUBJECT SITE
- SETBACK LINE
- PROPOSED ENVELOPE



01_ PROPOSED 28m HEIGHT ENVELOPE



02_ LEVELS 2 – 4 FLOOR PLAN

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NSW ARCHITECTS REG No – 5773

PROJECT:
75–81 RAILWAY STREET, ROCKDALE

CLIENT:
ZOE HOLDINGS ROCKDALE PTY LIMITED

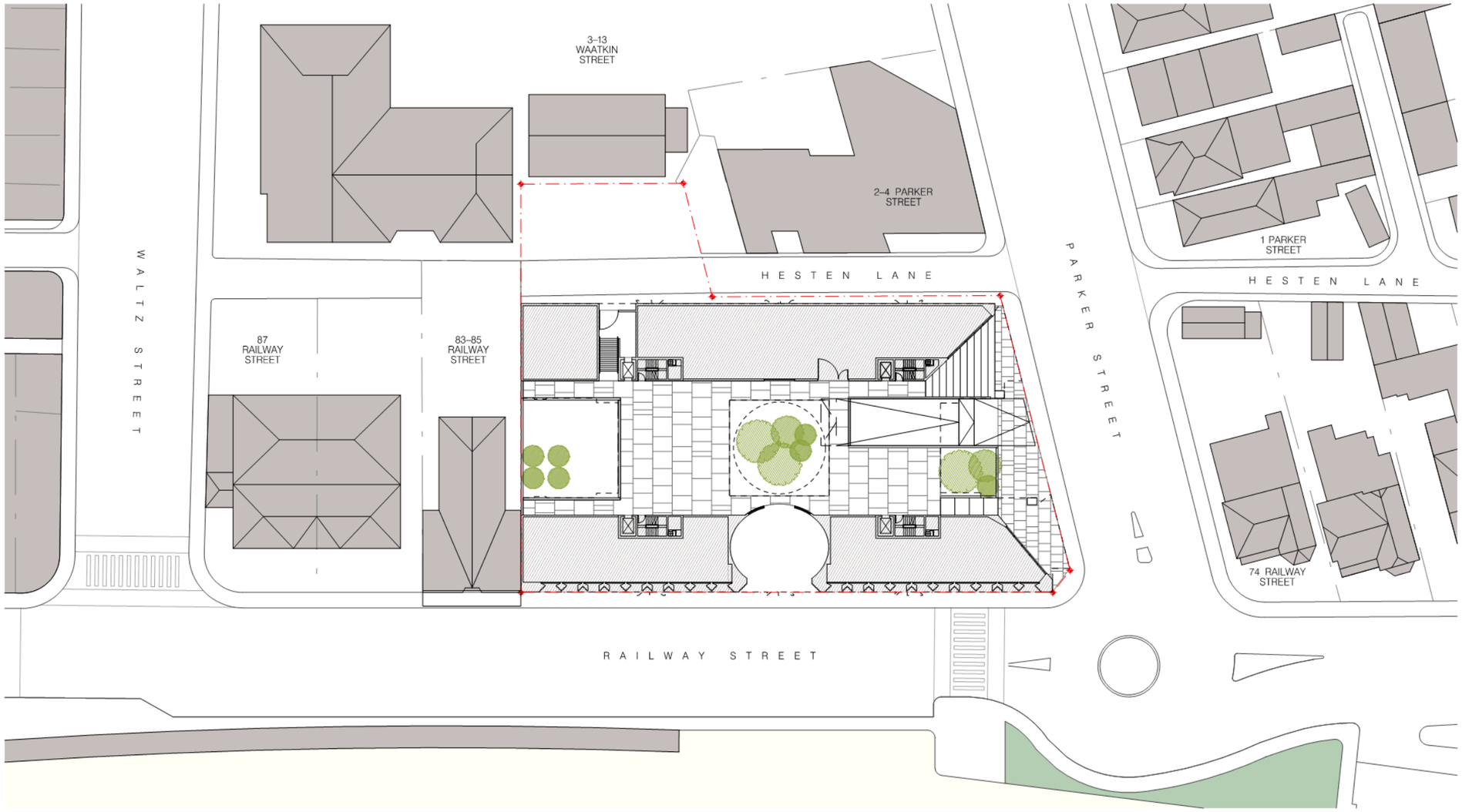
SCALE: 1:1000@A3
0 5m 10m 20m 40m

NORTH

DATE: FEB 2018
CHECKED 1: ACu
CHECKED 2: –
DRAWN BY: DA, FT, LC, MT

DRAWING: PROPOSAL / BUILDING ENVELOPE AND SETBACKS
DRAWING No. PP – 9.05

JOB No. 5724
ISSUE B



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PROJECT:
75–81 RAILWAY STREET, ROCKDALE

CLIENT:
ZOE HOLDINGS ROCKDALE PTY LIMITED

SCALE: 1:500@A3

NORTH

DATE:
FEB 2018

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DA, FT, LC, MT

DRAWING:
PROPOSAL / INDICATIVE GROUND FLOOR PLAN

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PP – 9.10

JOB No.
5724

ISSUE
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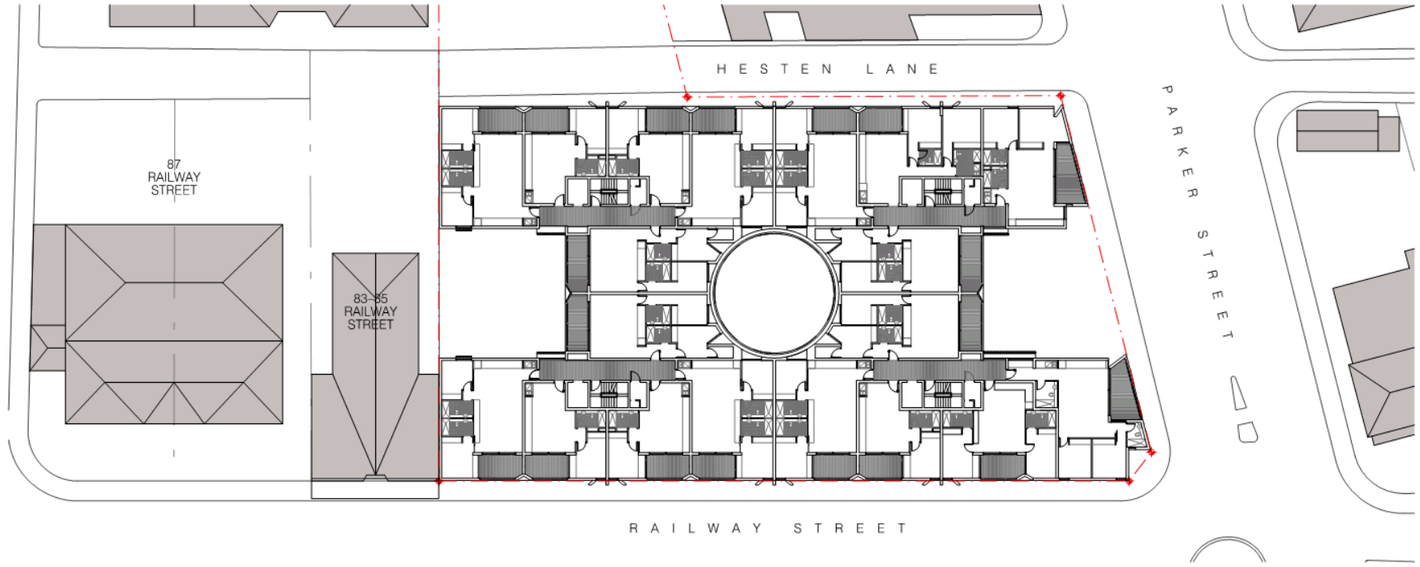
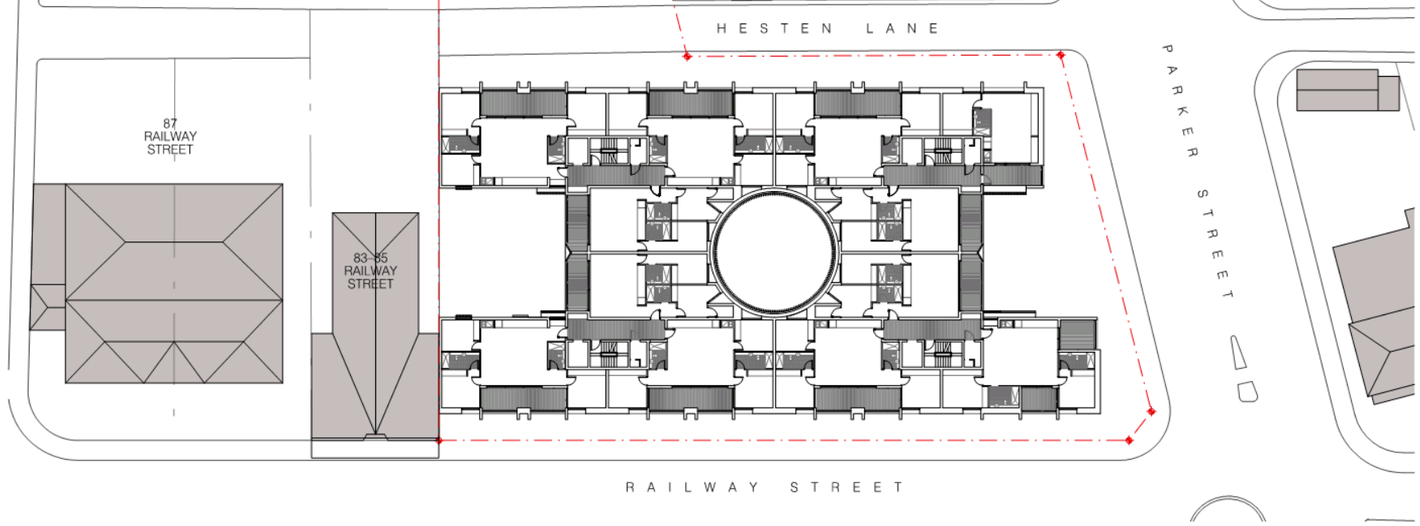


01_ PROPOSAL / INDICATIVE LOWER LEVEL FLOOR PLAN



02_ PROPOSAL / INDICATIVE UPPER LEVEL FLOOR PLAN

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PROJECT:
75-81 RAILWAY STREET, ROCKDALE

CLIENT:
ZOE HOLDINGS ROCKDALE PTY LIMITED

SCALE: 1:500@A3

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DATE: FEB 2018
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DRAWING:
PROPOSAL / INDICATIVE LOWER & UPPER LEVEL FLOOR PLAN

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PP – 9.11

JOB No. 5724

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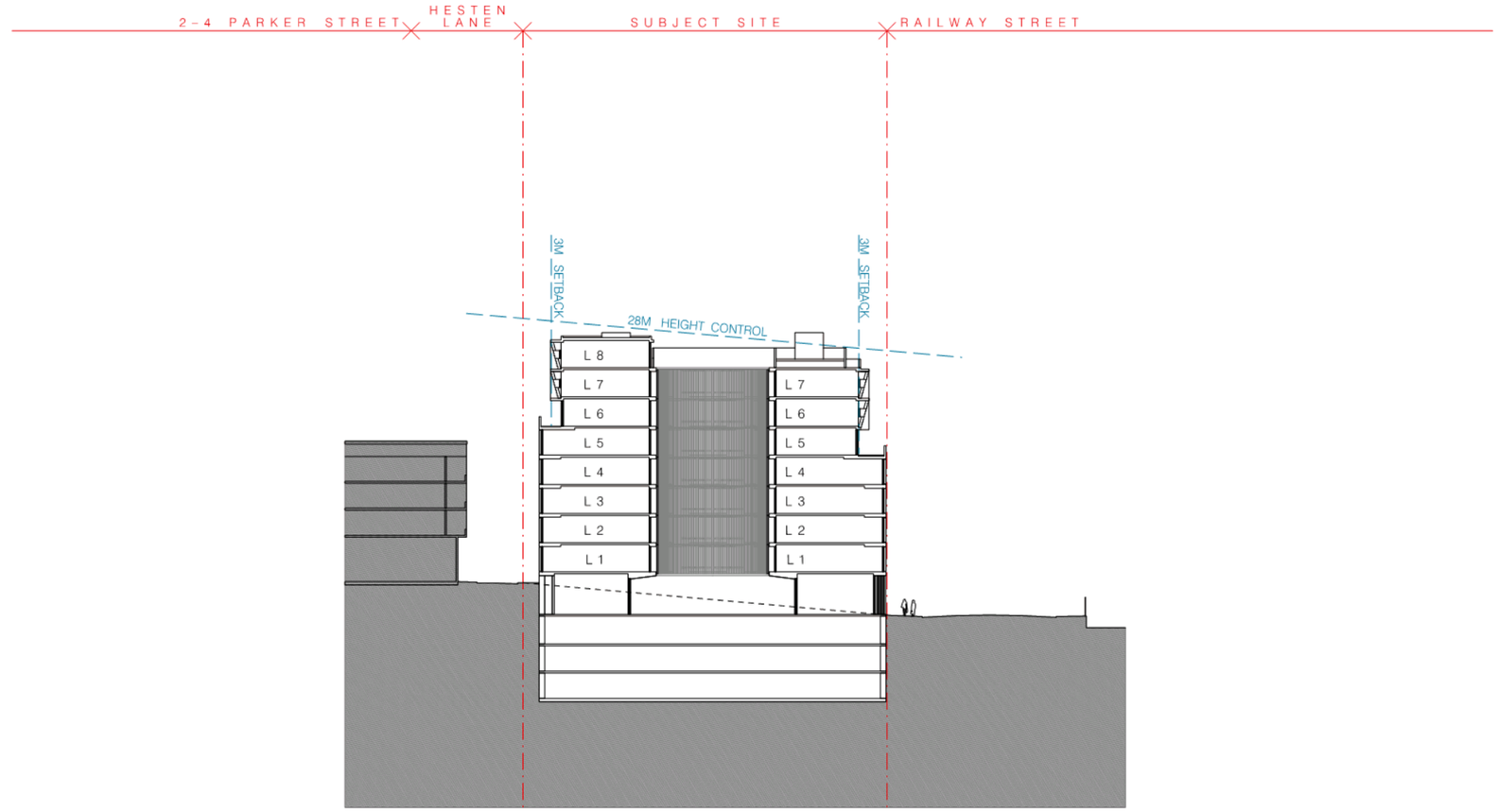

01_ PROPOSAL TYPICAL SECTION

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75–81 RAILWAY STREET, ROCKDALE

CLIENT:
ZOE HOLDINGS ROCKDALE PTY LIMITED

SCALE: 1:500@A3

NORTH

DATE:
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DA, FT, LC, MT

DRAWING:
PROPOSAL / INDICATIVE TYPICAL SECTION

DRAWING No.
PP – 9.12

JOB No.
5724

ISSUE
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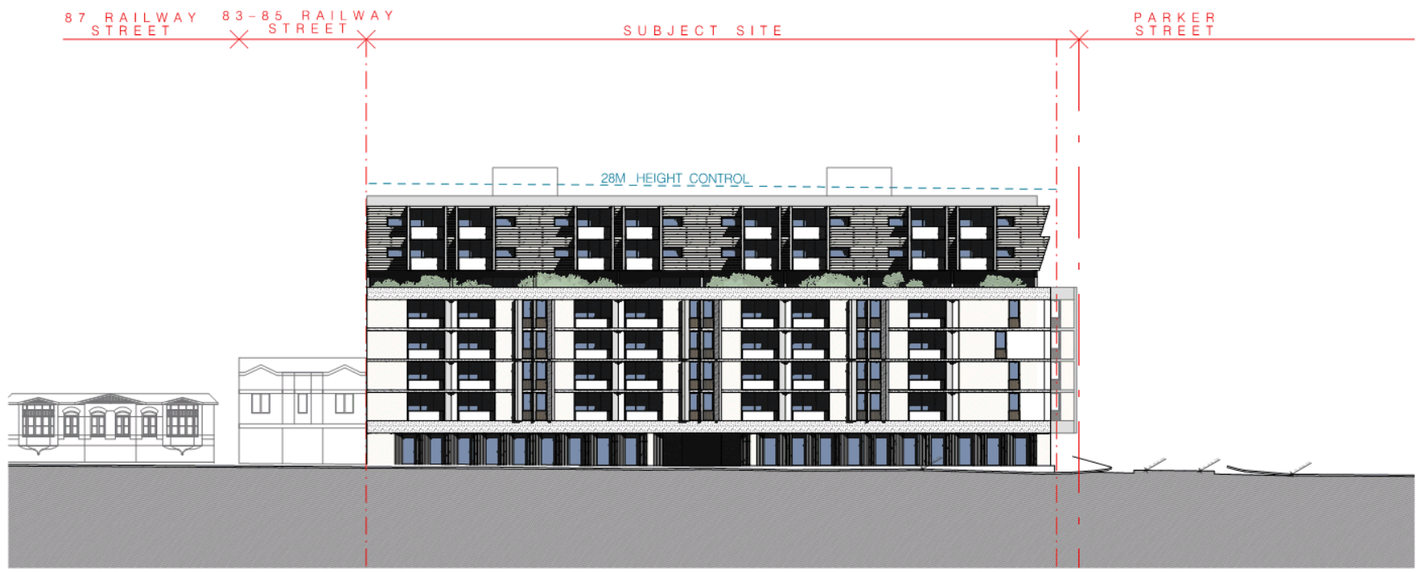
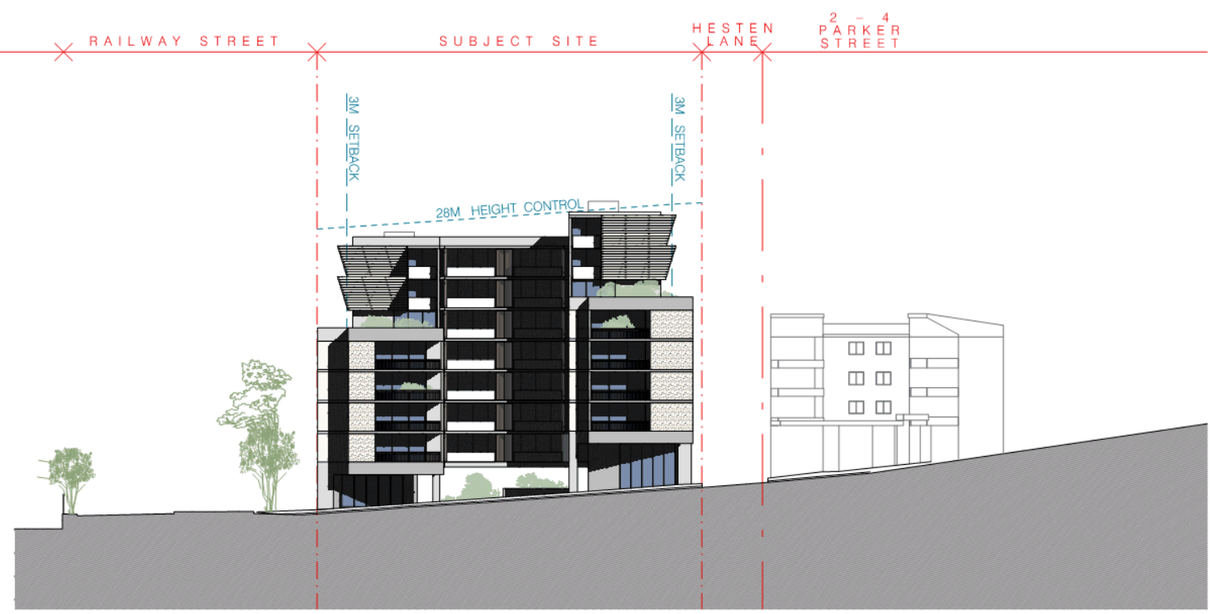


01_ RAILWAY STREET ELEVATION



02_ PARKER STREET ELEVATION

Issue	Date	Description	Drawing Original Size
B	10.05.18	ISSUE TO COUNCIL	A3
A	08.05.18	ISSUE TO COUNCIL	

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NSW ARCHITECTS REG No. - 5773

PROJECT:
75-81 RAILWAY STREET, ROCKDALE

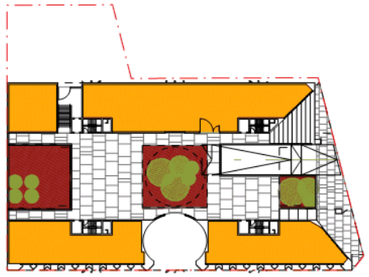
CLIENT:
ZOE HOLDINGS ROCKDALE PTY LIMITED

SCALE: 1:500@A3

DATE: FEB 2018
CHECKED 1: ACu
CHECKED 2: -
DRAWN BY: DA, FT, LC, MT

DRAWING:
PROPOSAL / INDICATIVE RAILWAY STREET & PARKER STREET ELEVATION
DRAWING No.
PP - 9.13

JOB No. 5724
ISSUE B



01 GROUND FLOOR PLAN
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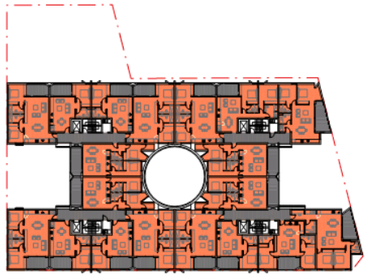

04 LEVEL 3 FLOOR PLAN
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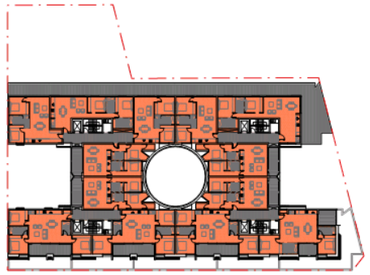

07 LEVEL 6 FLOOR PLAN
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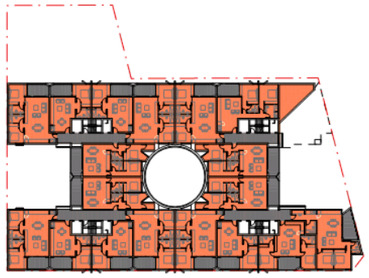

02 LEVEL 1 FLOOR PLAN
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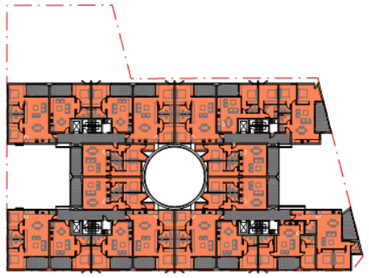

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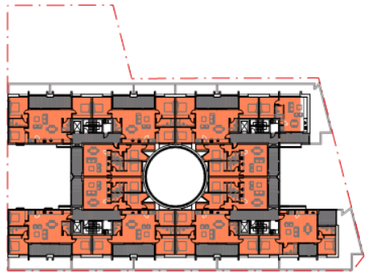

08 LEVEL 7 FLOOR PLAN
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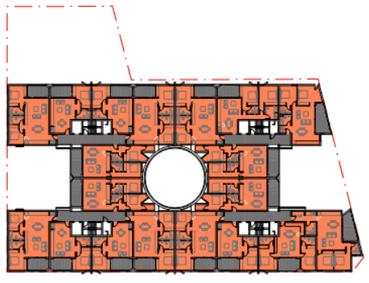

03 LEVEL 2 FLOOR PLAN
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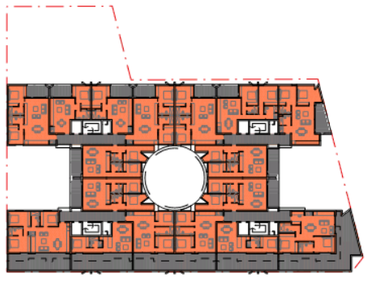

06 LEVEL 5 FLOOR PLAN
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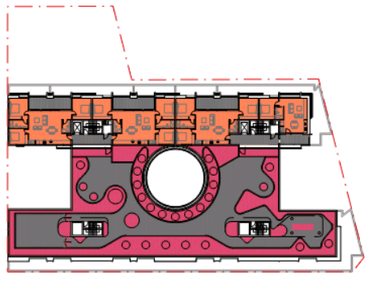

09 LEVEL 8 FLOOR PLAN
1:1000

KEY

RETAIL+COMMERCIAL GFA IN ACCORDANCE WITH RCC LEP 2011

RESIDENTIAL GFA IN ACCORDANCE WITH RCC LEP 2011

gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

(a) the area of a mezzanine, and
(b) habitable rooms in a basement or an attic, and
(c) any shop, auditorium, cinema, and the like, in a basement or attic,

but excludes:
(d) any area for common vertical circulation, such as lifts and stairs, and
(e) any basement:
(i) storage, and
(ii) vehicular access, loading areas, garbage and services, and
(f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
(g) car parking to meet any requirements of the consent authority (including access to that car parking), and
(h) any space used for the loading or unloading of goods (including access to it), and
(i) terraces and balconies with outer walls less than 1.4 metres high, and
(j) voids above a floor at the level of a storey or storey above.

COMMUNAL OPEN SPACE — PROPOSED 945 sqm (7.8sqm PER DWELLING) ROCKDALE DCP 2011 CONTROL (50SQM PER DWELLING)

LANDSCAPE PLANTING AREA — PROPOSED 879 sqm (30% OF SITE AREA) ROCKDALE DCP 2011 CONTROL (15% OF SITE AREA)

SITE AREA	2 942 sqm

GFA CALCULATIONS

	RETAIL/COMMERCIAL (sqm)	RESIDENTIAL (sqm)
GROUND FLOOR	855	–
LEVEL 1	–	1562.6
LEVEL 2	–	1622.5
LEVEL 3	–	1622.5
LEVEL 4	–	1622.5
LEVEL 5	–	1622.5
LEVEL 6	–	1279.1
LEVEL 7	–	1279.1
LEVEL 8	–	425.3
SUB-TOTAL	855	11 036.1
TOTAL GFA		11 891.1

	COUNCIL CONTROLS	PROPOSED
FSR	NA	4.04 : 1
GFA	NA	11 891.1 sqm
MAX. HEIGHT	22 m	28 m

PROPOSED DEVELOPMENT MIX (121 UNITS TOTAL)

	STUDIO	1 BED	2 BED	3 BED
GF	–	–	–	–
L 1	–	5	12	1
L 2	–	5	14	–
L 3	–	5	14	–
L 4	–	5	14	–
L 5	–	4	13	–
L 6	–	0	10	3
L 7	–	1	5	6
L 8	–	1	0	3
TOTAL	0	26	82	13
	0%	21%	68%	11%

CAR PARKING ANALYSIS (ROCKDALE DCP 2011)

DWELLING TYPE	PROPOSED
1 BED UNITS (1 SPACE PER DWELLING)	26
2 BED UNITS (1 SPACE PER DWELLING)	82
3 BED UNITS (2 SPACES PER DWELLING)	26
VISITOR PARKING (1 PER 5 UNITS)	25
ACCESSIBLE SPACES (10% ADAPTABLE UNITS)	13
CAR WASH BAY	1
RESIDENTIAL CAR PARKING	173
RETAIL (396SQM) CAR PARKING (1 per 40SQM GFA)	10
COMMERCIAL (459SQM) CAR PARKING (1 per 40SQM GFA)	12
TOTAL	195

ISSUE | DATE | DESCRIPTION
B | 10.05.18 | ISSUE TO COUNCIL
A | 01.02.18 | ISSUE TO COUNCIL
Issue | Date | Description
Drawing Original Size A3

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75–81 RAILWAY STREET, ROCKDALE

CLIENT:
ZOE HOLDINGS ROCKDALE PTY LIMITED

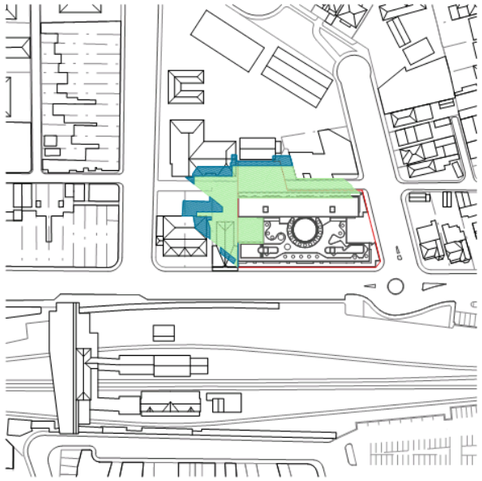
SCALE:

NORTH

DATE:
FEB 2018
CHECKED 1:
ACu
CHECKED 2:
–
DRAWN BY:
DA, FT, LC, MT

DRAWING:
PROPOSAL / INDICATIVE DEVELOPMENT CALCULATIONS
DRAWING No.
PP – 9.20

JOB No.
5724
ISSUE
B



01 SHADOW DIAGRAM – 21 MARCH 9am
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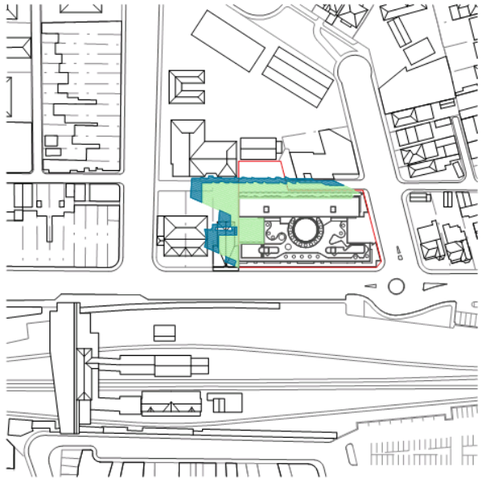

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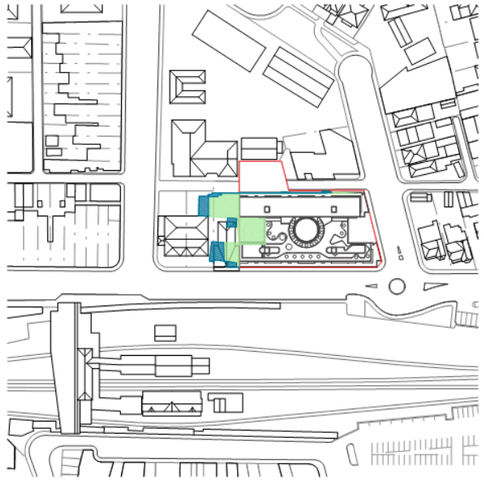

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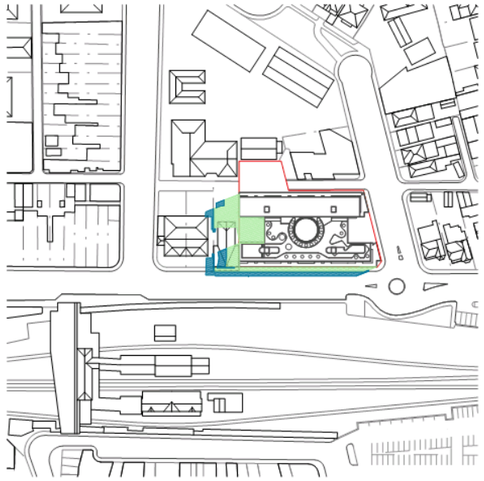

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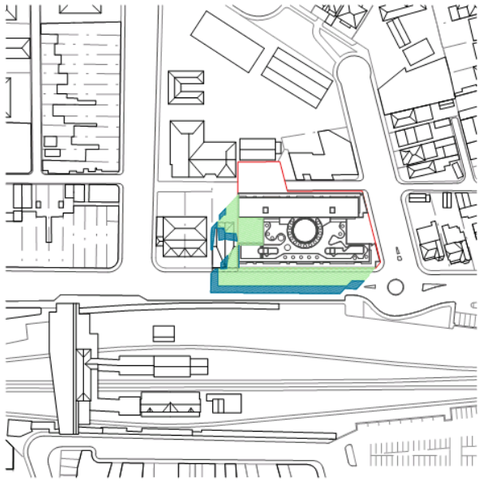

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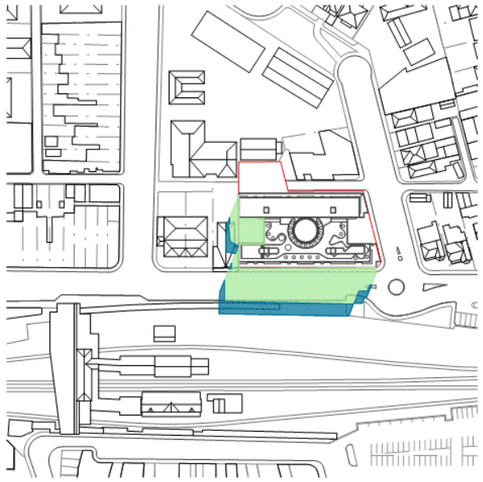

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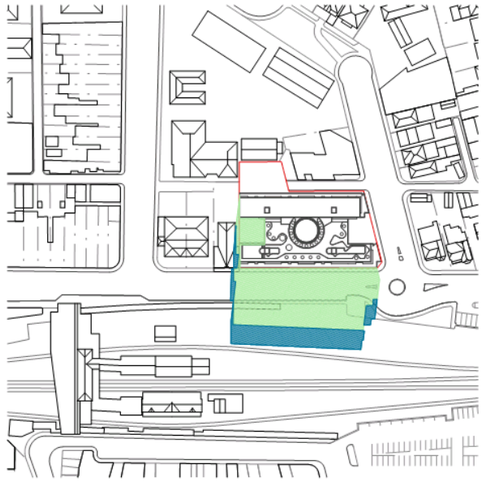

07 SHADOW DIAGRAM – 21 MARCH 3pm
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LEGEND

SHADOWS CAST BY PROPOSED 22m HEIGHT DEVELOPMENT INDICATED IN GREEN

SHADOWS CAST BY PROPOSED 28m HEIGHT DEVELOPMENT INDICATED IN BLUE

NOTE

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Issue	Date	Description
B	10.02.18	ISSUE TO COUNCIL
A	05.02.18	ISSUE TO COUNCIL

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NSW ARCHITECTS REG No. – 5773

PROJECT:
75–81 RAILWAY STREET, ROCKDALE

CLIENT:
ZOE HOLDINGS ROCKDALE PTY LIMITED

SCALE: 1:2500@A3

NORTH

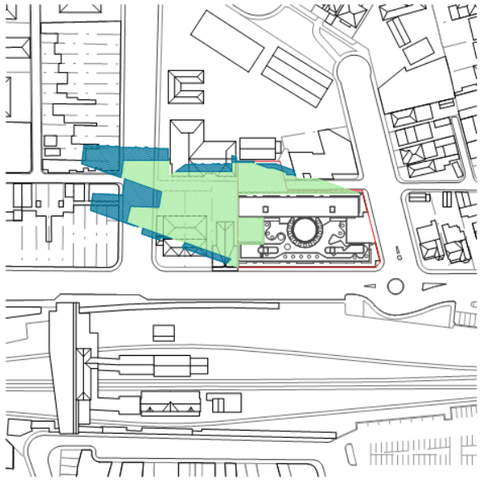
DATE: FEB 2018
CHECKED 1: ACu
CHECKED 2: –
DRAWN BY: DA, FT, LC, MT

DRAWING:
PROPOSAL / INDICATIVE SHADOW DIAGRAMS / 21 MARCH

DRAWING No.
PP – 9.30

JOB No. 5724

ISSUE
B



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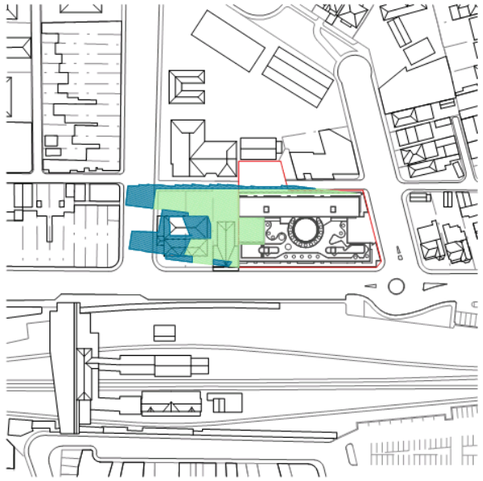

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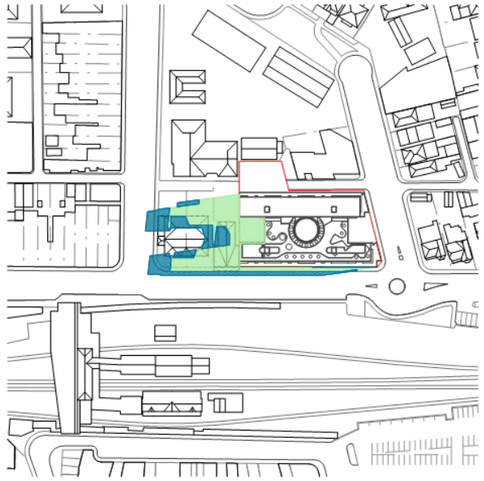

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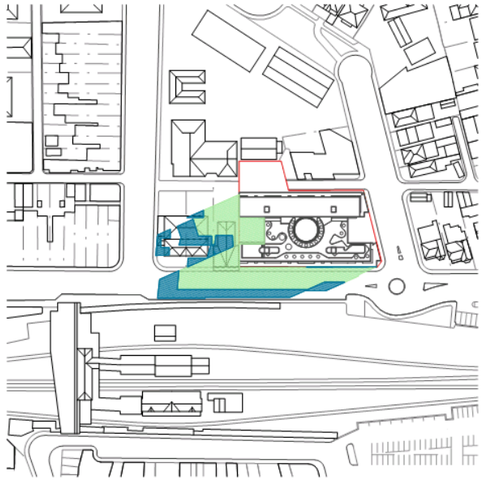

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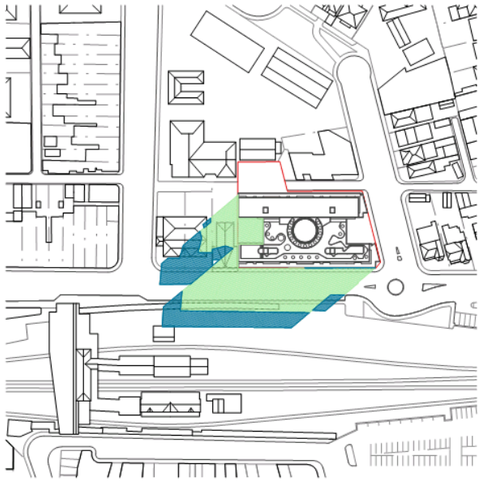

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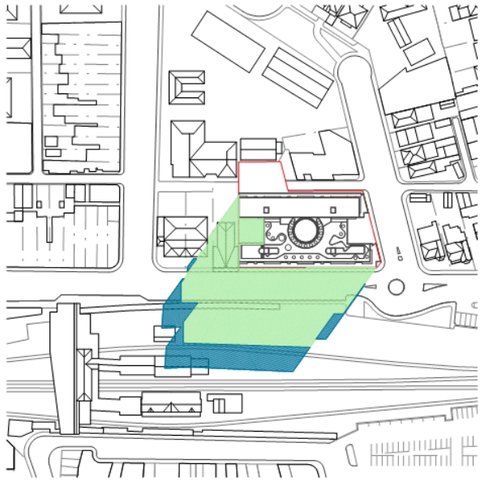

06 SHADOW DIAGRAM – 21 JUNE 2pm
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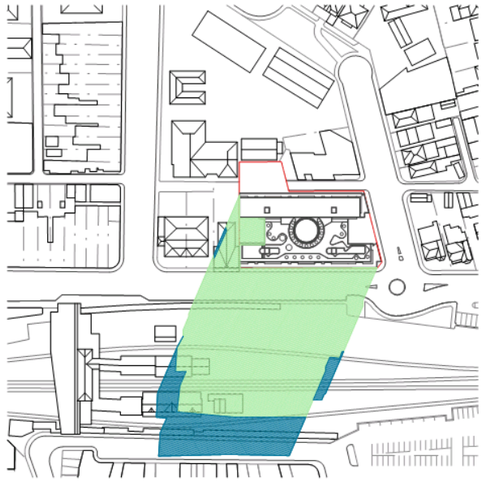

07 SHADOW DIAGRAM – 21 JUNE 3pm
1:2500

LEGEND

SHADOWS CAST BY PROPOSED 22m HEIGHT DEVELOPMENT INDICATED IN GREEN

SHADOWS CAST BY PROPOSED 28m HEIGHT DEVELOPMENT INDICATED IN BLUE

SHADOWS CAST BY POTENTIAL NEIGHBOUR DEVELOPMENT INDICATED IN ORANGE

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PROJECT:
75–81 RAILWAY STREET, ROCKDALE

CLIENT:
ZOE HOLDINGS ROCKDALE PTY LIMITED

SCALE: 1:2500@A3

NORTH

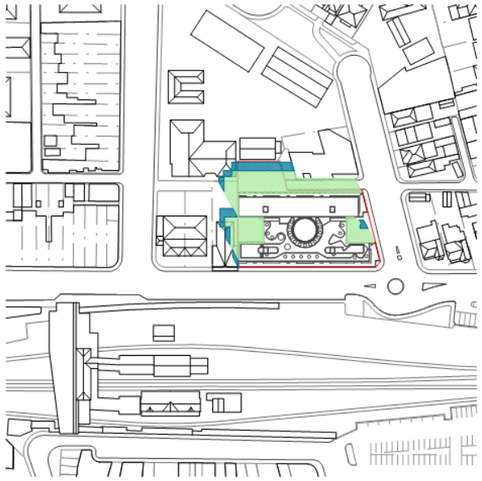
DATE: FEB 2018
CHECKED 1: ACu
CHECKED 2: –
DRAWN BY: DA, FT, LC, MT

DRAWING:
PROPOSAL / INDICATIVE SHADOW DIAGRAMS / 21 JUNE

DRAWING No.
PP – 9.31

JOB No. 5724

ISSUE
B



01 SHADOW DIAGRAM – 21 DECEMBER 9am
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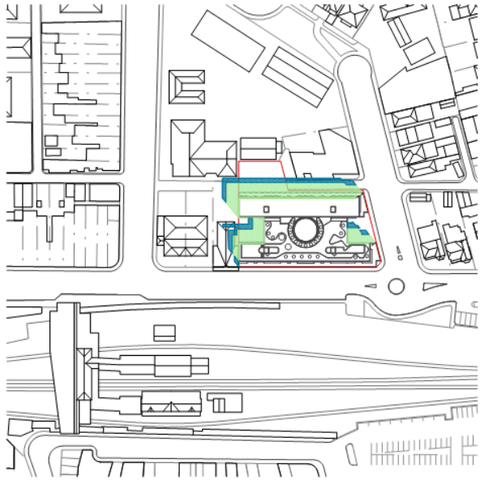

02 SHADOW DIAGRAM – 21 DECEMBER 10am
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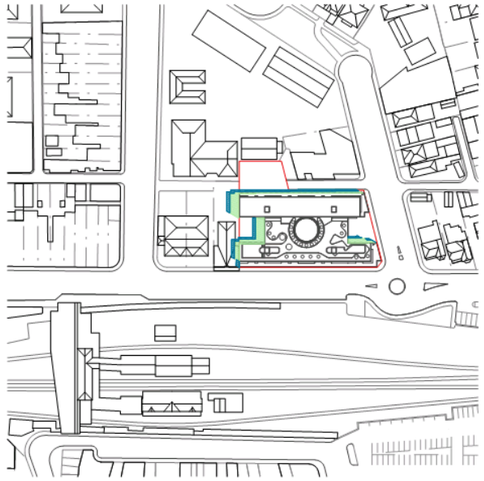

03 SHADOW DIAGRAM – 21 DECEMBER 11am
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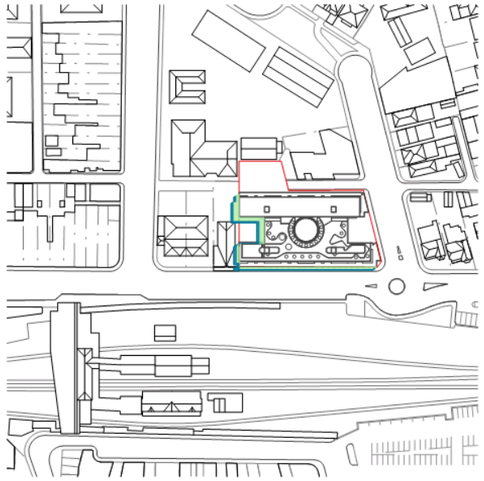

04 SHADOW DIAGRAM – 21 DECEMBER 12pm
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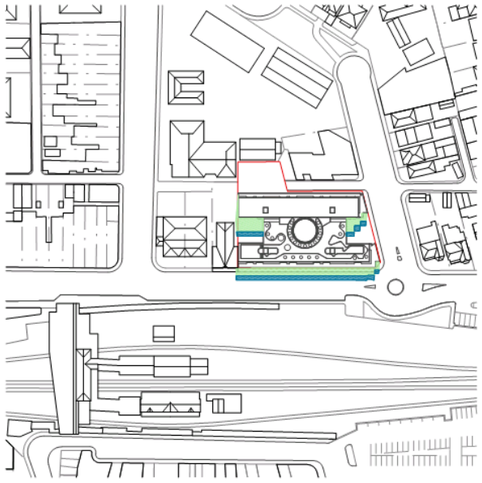

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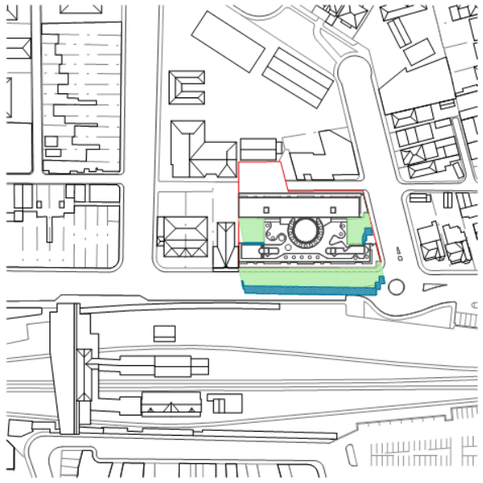

06 SHADOW DIAGRAM – 21 DECEMBER 2pm
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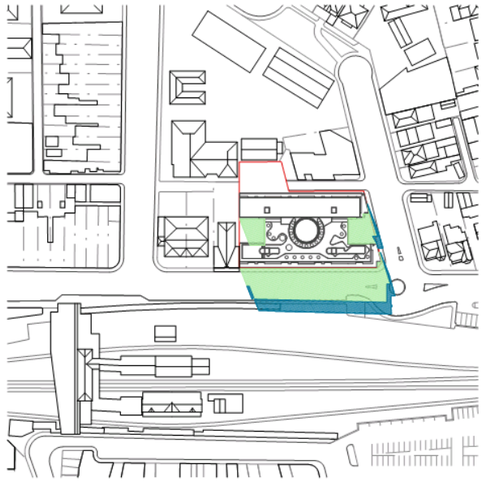

07 SHADOW DIAGRAM – 21 DECEMBER 3pm
1:2500

LEGEND

SHADOWS CAST BY PROPOSED 22m HEIGHT DEVELOPMENT INDICATED IN GREEN

SHADOWS CAST BY PROPOSED 28m HEIGHT DEVELOPMENT INDICATED IN BLUE

SHADOWS CAST BY POTENTIAL NEIGHBOUR DEVELOPMENT INDICATED IN ORANGE

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PROJECT:
75–81 RAILWAY STREET, ROCKDALE

CLIENT:
ZOE HOLDINGS ROCKDALE PTY LIMITED

SCALE: 1:2500@A3

NORTH

DATE: FEB 2018
CHECKED 1: ACu
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DRAWN BY: DA, FT, LC, MT

DRAWING:
PROPOSAL / INDICATIVE SHADOW DIAGRAMS / 21 DECEMBER

DRAWING No.
PP – 9.32

JOB No. 5724

ISSUE
B



ISSUE TO COUNCIL
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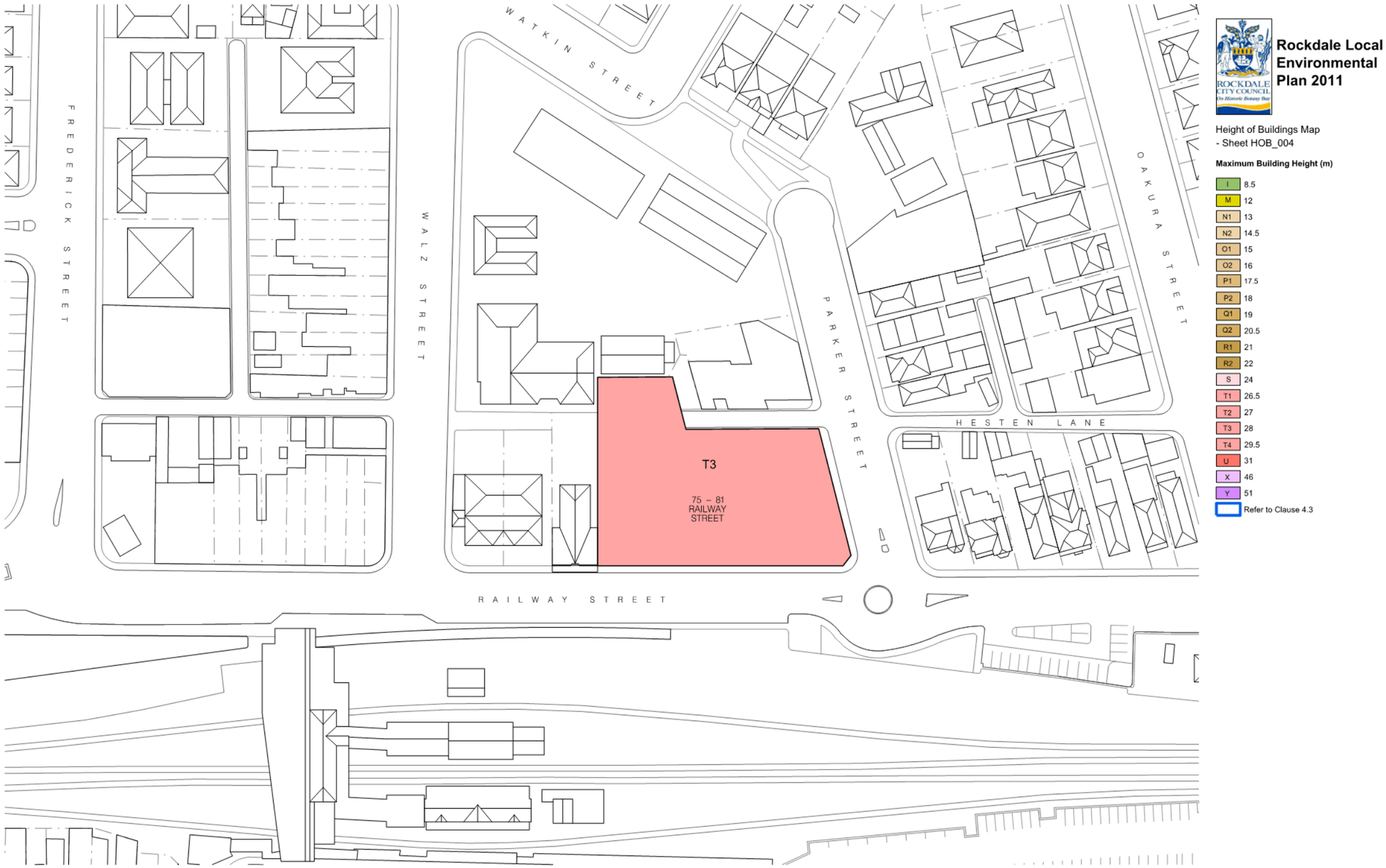

Rockdale Local Environmental Plan 2011

Height of Buildings Map
- Sheet HOB_004

Maximum Building Height (m)

I	8.5
M	12
N1	13
N2	14.5
O1	15
O2	16
P1	17.5
P2	18
Q1	19
Q2	20.5
R1	21
R2	22
S	24
T1	26.5
T2	27
T3	28
T4	29.5
U	31
X	46
Y	51
Refer to Clause 4.3	

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NSW ARCHITECTS REG No. – 5773

PROJECT:
75–81 RAILWAY STREET, ROCKDALE

CLIENT:
ZOE HOLDINGS ROCKDALE PTY LIMITED

SCALE: 1:1000@A3
0 5m 10m 20m 40m

NORTH

DATE: FEB 2018
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DRAWING: HEIGHT OF BUILDINGS MAP
DRAWING No. PP – 10.02

JOB No. 5724
ISSUE B

Bayside Council
Serving Our Community

Council Meeting 10/05/2017

Item No	8.4
Subject	**Voluntary Planning Agreement Proposal for 75-81 Railway Street, Rockdale**
Report by	Albert Jean, Project Officer (Assets)
File	(R) F15/224

Summary

Zoe Holdings Rockdale Pty Ltd has submitted a Voluntary Planning Agreement proposal to Council in conjunction with the Planning Proposal at 75-81 Railway Street, Rockdale.

Council Resolution

Minute 2017/83

Resolved by the Administrator

That Council agrees to the scope of the Voluntary Planning Agreement and delegates the finalisation of the VPA and its public exhibition to the General Manager, subject to the matter being reported back to Council for the information of both Council and the community once the matter has been finalised.

Officer Recommendation

That Council agrees to the scope of the Voluntary Planning Agreement and delegates the finalisation the VPA and its public exhibition to the General Manager.

Background

On 2 September 2015, Council resolved to exhibit the proposed Planning Proposal for 71-85 Railway St Rockdale (**Attached**: 75-81 and 83-85 Railway St Rockdale Planning Proposal Council Report), concurrently with a draft Voluntary Planning Agreement (VPA).

83-85 Railway St, Rockdale was removed from the Planning Proposal on 9 November 2016.

This was due to Council unsuccessfully engaging with the owners of 83-85 Railway St, Rockdale to improve the surrounding amenity and creating community benefit. The proposed improvements centred on increased public parking, pedestrian and vehicle access, lighting and public safety.

The VPA is proposed by the owners of 75-81 Railway Street, Rockdale only.

The Planning Uplift

The Planning Proposal proposes to increase the maximum building height control of the subject site from 22 metres to 28 metres. Council engaged BEM Property Consultants and Valuers to determine the uplift in development value to be $2,569,600 (**Attached:** Uplift Valuation Report for 75-85 Railway Parade, Rockdale VPA Proposal). The value of 50% of this uplift is $1,284,800.

VPA Proposal

The VPA proposal (**Attached**: VPA Proposal 19 April 2017) contains two options where, prior to the lodgement of a development application for the redevelopment of 75-81 Railway Street, Option A will become null and void and Option B will apply in the event that Council or Zoe Holdings are unable to secure ownership of 83-85 Railway Street or guarantee alternative public access arrangements over 83-85 Railway Street. This is to establish a pedestrian connection between Hesten Lane and Waltz Street.

The VPA offer is made in consideration of Council's consent to a mixed use development on the subject land with a benchmark gross floor area of 11,000 square metres. In the event that the benchmark gross floor area is not realised or is exceeded then the VPA Offer will be reduced or increased as required on a per square metre pro rata basis based on $800 per square metre of gross floor area. In the event that the gross floor area realized is less than 10,000 square metres then this VPA offer will become null and void.

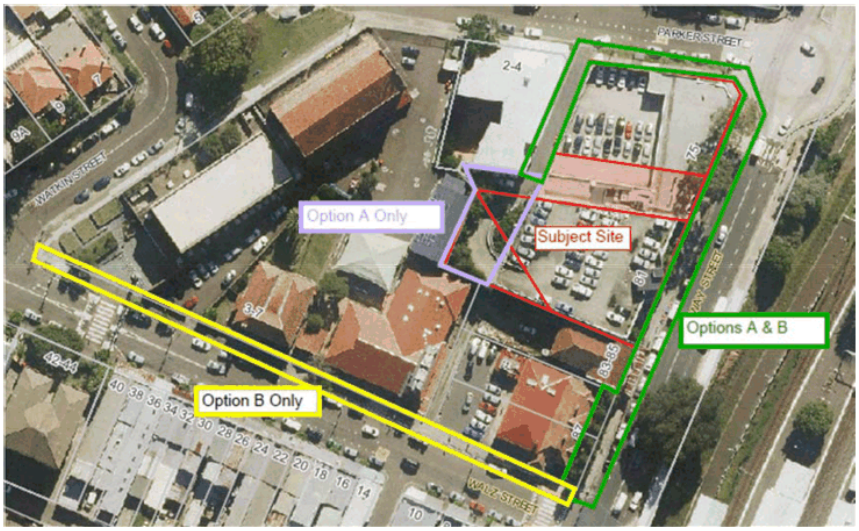
Option A:

Public Benefit	**Value**
Land Dedication	$750,000
Car Park Lease Back Agreement	$48,000 over 10 years
Streetscape improvements: 1 Extension of Hesten Lane including construction of new road infrastructure, public car parking, retaining walls and soft landscaping, lighting and signage 2 Streetscape improvement works to the Parker Street frontage of the site 3 Footpath and public domain improvement works from Railway Street to the Guild Theatre (including inside boundary).	$1,049,000
Total	**$1,847,000**

Option B:

Public Benefit	Value
Streetscape improvements: 1 Streetscape improvement works to the Hesten Lane, Parker Street and Railway Street frontages of the site 2 Public Domain Works to the Guild Theatre 3 Streetscape improvement works to the northern side of Waltz Street between Walkin Street and Railway Street	$1,847,000

Site and Works Map:



Public Loss

The VPA proposes to exclude the application of S94 and S94A contributions which is estimated to be $561,320 under the Rockdale Development Contribution Plan 2004 (in 2016/17 values).

Net Public Benefit

Option A and B proposes to deliver a net public benefit to the community of $1.284 million, being 50% of the uplift value.

Summary of Financial Situation

Planning Uplift		$2,569,600
50% share		$1,284,800
S94/S94A Estimated		$561,320
Estimated Public Benefits	Gross	$1,847,000
	Net (Public Benefits less Development Contributions)	$1,285,680
% Share of Uplift		50%

Financial Implications

The VPA proposes to exclude S94 and S94A contributions which is estimated to be $561,320 under the Rockdale Development Contribution Plan 2004 (in 2016/17 values). The VPA proposes to provide Council with $1,847,000 of public domain works.

Community Engagement

The VPA will be public exhibited in conjunction with the Planning Proposal for a minimum of 28 days as per the Environmental Planning and Assessment Act 1979.

Attachments

1 Planning Proposal

2 Valuation Report

3 VPA Proposal 19 April 2017

Council Meeting

Meeting Date 02/09/2015

Public

Report Header

Item Number:	ORD12
Subject:	PLANNING PROPOSAL: 75-81 AND 83-85 RAILWAY STREET ROCKDALE
File Number:	F14/362
Report by:	Acting Manager Urban & Environmental Strategy (David Dekel)
Contributors:	Urban Designer (Wil Robertson)
Community Engagement:	No
Financial Implications:	No

Precis

A planning proposal has been received from the owners of 75-81 Railway Street, Rockdale affecting 75-81 and 83-85 Railway Street, Rockdale. The site is located on the western side of Rockdale Railway Station, to the north of the current retail/commercial core. The properties are adjacent to the Guild Theatre and are immediately opposite the current bus interchange on Railway Street.

The recently gazetted amendments to the Rockdale Local Environmental Plan 2011 (made in June 2015), provide a building height of 22 metres. This planning proposal seeks to increase the building height to 28 metres while retaining the existing B2 Local Centre zoning on the site allowing "shop top housing". The increased height will enable an eight storey development over the site. The Planning Proposal also facilitates the creation of a laneway at the rear of the property, which links Walz and Parker Streets, and provides opportunities for additional parking spaces in the locality. This will be defined in a Voluntary Planning Agreement, currently being negotiated, and will be reported to Council separately during the Gateway Determination period.

The purpose of this report is to determine if the planning proposal has sufficient merit to be recommended to the Department of Planning and Environment for Gateway Determination.

A presentation on the subject was made at the Councillor Information Session on 12 August 2015.

Council Resolution

NOTE:

Councillors Bezic and Kalligas arrived at the conclusion of this item at 7.01 pm.

Mr Giovanni Cirillo addressed the Council.

MOTION moved by Councillors Nagi and P Sedrak

1 That Council supports the planning proposal for submission to the Department of Planning and Environment for Gateway Determination, subject to minor amendments outlined in this report.

2 That Council publicly exhibits the planning proposal in accordance with the Department of Planning and Environment's Gateway Determination.

3 That Council notes that the particular design solutions shown in the applicant's supporting information are illustrative only and that any development on the site will require assessment through a separate development approval process.

4 That Council notes that a Voluntary Planning Agreement (VPA) is being negotiated with the applicant and that a separate report will be submitted for Council's consideration during the Gateway Determination process, recommending that, if approved, the draft VPA be exhibited concurrently with the Planning Proposal.

5 That the Land Reservations Acquisitions Map Sheet (LRA 004) in RLEP 2011 be amended to reflect a reservation on lots 75-85 Railway Street for the provision of an easement for the purpose of a through road and on street parking.

DIVISION

DIVISION on the MOTION called for by Councillors Nagi and P Sedrak

FOR THE MOTION

Councillors O'Brien, Macdonald, P Sedrak, Awada, Barlow, Nagi, Mickovski, Ibrahim, Hanna, Tsounis and Poulos

AGAINST THE MOTION

Nil

The MOTION was ADOPTED 11 votes to 0.

Officer Recommendation

That voting on this matter be by way of a Division.

1 That Council supports the planning proposal for submission to the Department of Planning and Environment for Gateway Determination, subject to minor amendments outlined in this report.

2 That Council publicly exhibits the planning proposal in accordance with the Department of Planning and Environment's Gateway Determination.

3 That Council notes that the particular design solutions shown in the applicant's supporting information are illustrative only and that any development on the site will require assessment through a separate development approval process.

4 That Council notes that a Voluntary Planning Agreement (VPA) is being negotiated with the applicant and that a separate report will be submitted for Council's consideration during the Gateway Determination process, recommending that, if approved, the draft VPA be exhibited concurrently with the Planning Proposal.

5 That the Land Reservations Acquisitions Map Sheet (LRA 004) in RLEP 2011 be amended to reflect a reservation on lots 75-85 Railway Street for the provision of an easement for the purpose of a through road and on street parking.

Report Background

Applicant: Planning Lab
Land Owner 75-81 Railway Street: Zoe Holdings Rockdale Pty Ltd
Directors: Hassan Harb and Annette Harb

Council received a planning proposal from the owners of 75-81 Railway Street Rockdale on 4 May 2015 affecting 75-81 and 83-85 Railway Street Rockdale ("the site") (refer to **Attachment 1**). The decision by the applicant to prepare a planning proposal across both sites occurred following initial discussions with, and advice from Council officers. The rationale behind this advice and the subsequent Planning Proposal was to ensure that an integrated and cohesive site development outcome could be achieved. The purpose of including both sites was also to facilitate public benefit opportunities to improve pedestrian and vehicle amenity, as well as possible "at grade" additional

parking opportunities, by connecting Walz and Parker Streets.

The Planning Proposal is supported by an Urban Design Analysis which illustrates potential development scenarios based on development of the all or part of the site (refer to **Attachment 2**). The planning proposal is supported by consultant reports covering urban design, acoustic, electrical, hydraulics, traffic and wind.

The Planning Proposal seeks to increase the building height of buildings permissible on the site from 22m to 28m in order to provide a prominent and contextually appropriate built form which responds to the 'inner-town-centre' context and maximises the site's development potential in proximity to the immediate Rockdale Railway Station interchange area.

SITE AND CONTEXT

The site is described as 75 - 85 Railway Street, Rockdale as shown in the site identification diagram below.

- 1) The Northern portion of the site (75 - 81 Railway Street) comprises 4 allotments being Lot 101 DP771165, Lot 3 DP 82942, Lot 1 DP455421 and Lot 1 DP912313, under common ownership by Zoe Holdings
- 2) The balance of the site is Lot 1 DP3560

The site has an area of approximately 3,519 sqm, with about 85 metre frontage to Railway Street, and 37 metre frontage to Parker Street. The northern portion of the site is currently occupied by a three storey commercial building with a basement and rooftop parking. Currently, vehicle access to the site is via Hesten Lane.

Lot 1 DP3560 ('the southern lot') of the site is occupied by a two storey mixed use building. On-site parking is provided via a laneway connecting Walz Street.

Figure 1 below shows an aerial photo of the site and nearby surrounds.



Figure 1 - Aerial photo of the Site

The subject site is located within the 'Walz and Frederick Streets Precinct' of the Rockdale Town Centre. The precinct is currently dominated by two storey buildings although the permitted building height is up to 22 metres (six storeys). Uses surrounding the site include railway lines to the east,

Rockdale Station to the south east (100m), low density residential to the north (maximum height 8.5m), and the Walz commercial precinct to the west and south (maximum building height of 22m).

The Planning Proposal notes that the centre has visibly declined in recent years as a vibrant local retail hub as a consequence of competition from nearby major centres at Kogarah and Hurstville, but is in the process of an urban renewal led transformation, with the assistance of the Rockdale Town Centre Master Plan. The new direction proposed for the centre reflects the community's desires and aspirations as well as Council's own strategic land use, integrated transportation planning, urban design, and economic development principles.

Current Planning Controls

The current planning controls for the site as per *Rockdale Local Environmental Plan 2011 ("RLEP 2011")* are:

- **Zone:** B2 Local Centre

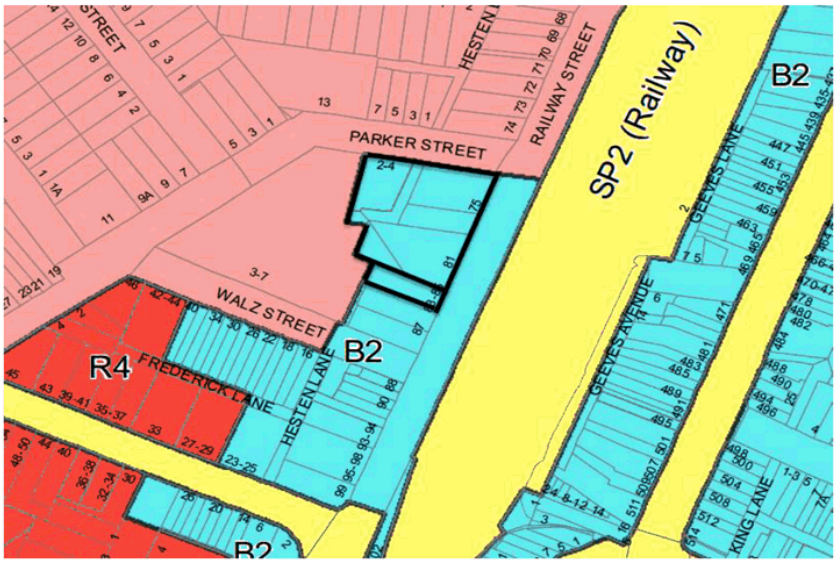


Figure 2 - Land Zoning Map extract from RLEP 2011

- **Height of Building** : 22 metres

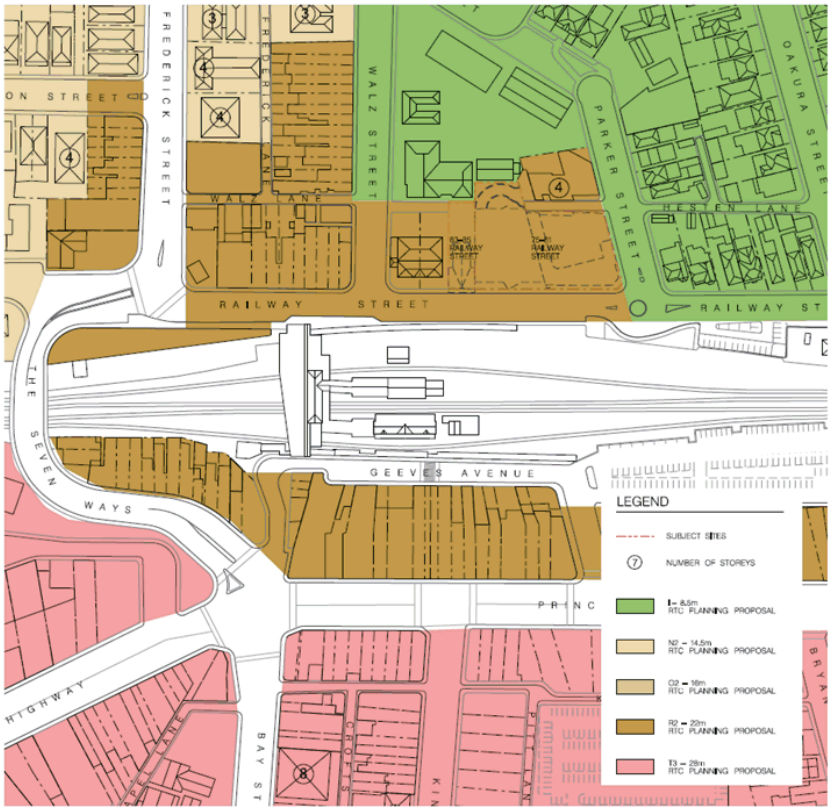


Figure 3 Height of Building Map extract from Candalepas and Associates Urban Design Report May 2015

The sites do not have FSR controls.

THE PLANNING PROPOSAL

The planning proposal has been prepared generally in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* and all relevant planning proposal guidelines published by the Department of Planning and Environment (DP&E). The planning proposal report was prepared by Planning Lab and supported by the following documentation:

- Attachment 2- Urban Design Report prepared by *Candalepas Associates* dated May 2015 (discussed below).
- Attachment 3- Acoustic report by Renzo Tonin
- Attachment 4- Electrical Report by NPS
- Attachment 5- Hydraulic Report by AJ Whipps
- Attachment 6- Traffic *Report by ARUP*
- Attachment 7- *Wind Report by Windtech*

The table below summarises the applicant's proposed amendments as stipulated within the planning proposal:

Current controls - RLEP 2011	Proposed changes sought by the applicant

Building Height Map : • 22 metres	28 metres across the whole of the subject site

Table 1 - Proposed amendment

ASSESSMENT OF THE PLANNING PROPOSAL

Zoning:
The existing B2 Local Centre zone is to be retained unchanged. Zoning will allow ground level activation on the site, particularly on Railway Street, while allowing upper level residential apartment development. This is supported.

Building Height :
The Planning Proposal is seeking an increase in building height from 22 metres to 28 metres across the site.

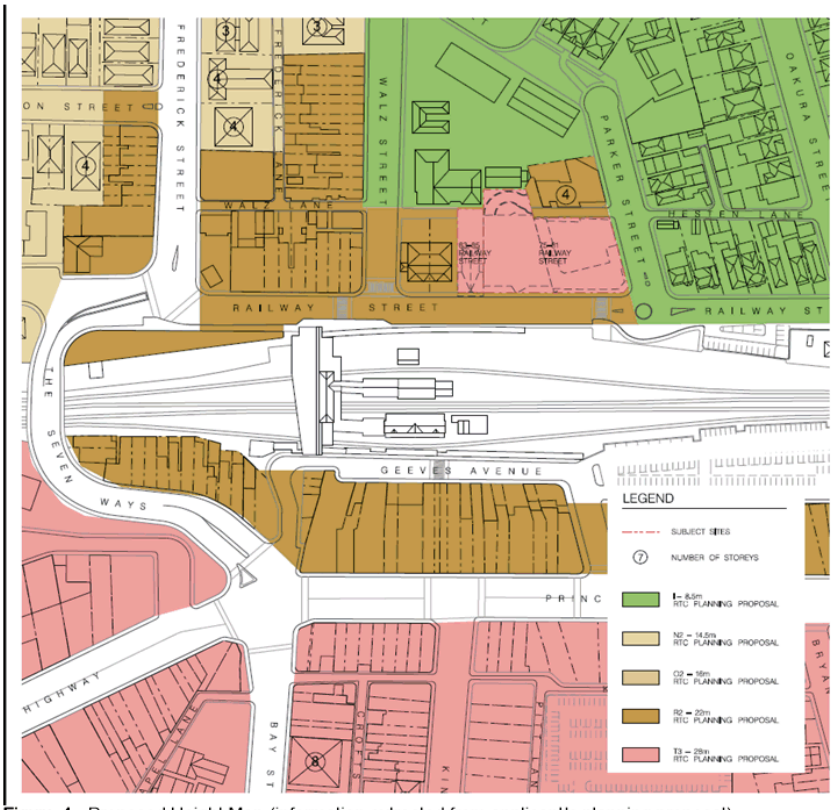


Figure 4 - Proposed Height Map (information extracted from applicant's planning proposal)

The recent amendment to the Rockdale Local Environment Plan 2011 (amendment #8) changed the building height controls to 22 metres. In some parts of the Town Centre, height incentives apply where land area consolidation greater than 1,500 sqm can be achieved.

The subject site has a combined land area that is greater than 1,500 sqm, a scenario that Council did not envisage in its feasibility modelling at the time of the development of the Rockdale Town Centre Master Plan LEP Amendment. Therefore, the site is not currently subject to benefit from additional height based on existing land size incentives.

Conclusion: The site's proximity to a significant transport interchange and railway station makes it an opportune site for consideration of building height increase, particularly given the site area. The site is also part of the Rockdale Town Centre. Therefore, the proposed height increase is supported, subject to some minor amendments to reflect reference and contextual documents more accurately.

Floor Space Ratio :

The Rockdale LEP 2011 has no Floor Space Ratio Controls for the subject site .

Urban Design Analysis and Report

The Planning Proposal is supported by an Urban Design analysis and report, that considers the surrounding built form context and how the proposed changes would deliver an improved and consistent outcome.

Development Scenarios

This proponent of this Planning Proposal represents the owners of 75-81 Railway Street Rockdale. As part of preliminary discussions with Council Officers , the applicant was advised to include the adjoining property (83-85 Railway Street Rockdale) as part of the Planning Proposal. The intent of this approach is to deliver an integrated and cohesive urban form outcome. As a result, the Urban Design Report provides the justification for the proposed changes to the RLEP 2011 across the whole site comprising 75-81 and 83-85 Railway Street Rockdale. It also provides outline detail on three separate development scenarios providing massing diagrams of potential development envelopes :

*Scenario 1 (**Figure 5**)*: Development of 75-81 Railway Street, with separate development of 83-85 Railway Street under the current DA Approval (expires January 2016),
Note: this development scenario will not result in the public benefit comprising pedestrian and vehicle amenity and additional on street parking within the Walz Street Precinct.

*Scenario 2 (**Figure 6**)*: Integrated development of 75-85 Railway Street
Note: this development scenario has the capacity to provide public benefit comprising pedestrian and vehicle amenity and additional on street parking within the Walz Street Precinct.

*Scenario 3 (**Figure 7**)*: Separate cohesive development of 75-81 Railway Street and 83-85 Railway Street
Note: this development scenario requires agreement between all land owners/developers to ensure the provision of public benefit comprising pedestrian and vehicle amenity and additional on street parking within the Walz Street Precinct.

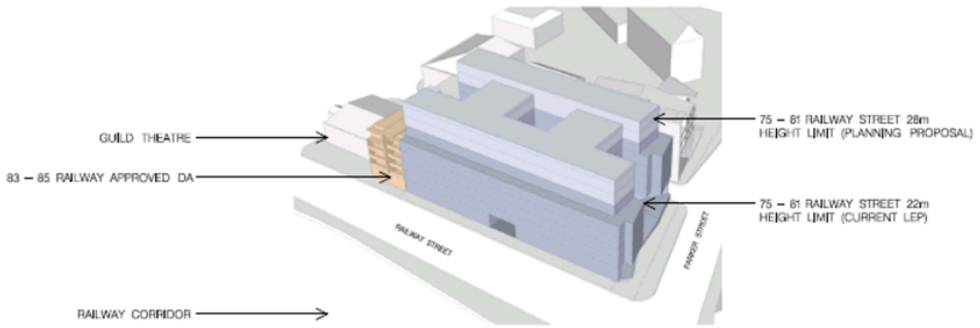


Figure 5 - Scenario 1

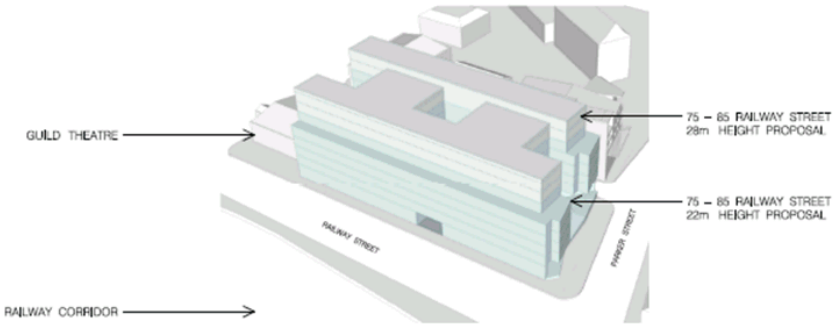


Figure 6 - Scenario 2

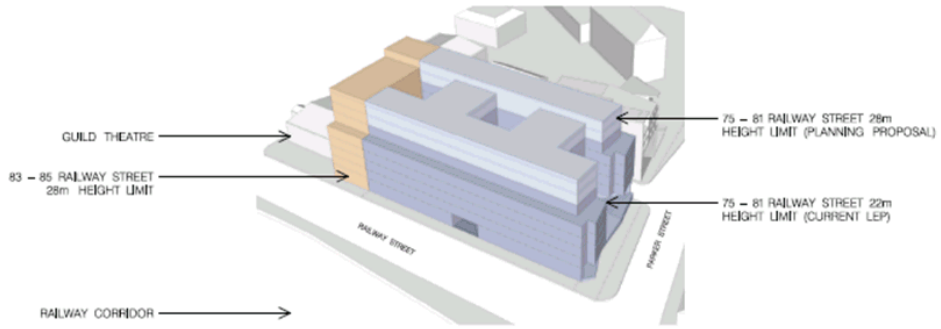


Figure 7 - Scenario 3

The development scenarios are an indication of the massing types that could be achieved on the site. They are not intended to suggest adherence to any specific development controls other than those proposed in the Planning Proposal. Issues such as setbacks, articulation zones, etc would be assessed through a Development Application (DA) process. This will also include assessment relating to SEPP 65 and the new Apartment Design Guide.

Voluntary Planning Agreement - Laneway Activation

The Planning Proposal facilitates the creation of a laneway at the rear of the property, which links Walz and Parker Streets, and provides opportunities for additional parking spaces in the locality. This is being defined in a Voluntary Planning Agreement, currently being negotiated, and will be reported to Council separately during the Gateway Determination period.

Through Access and On -street Parking

Assessment:

1. There is currently no laneway or through access connecting Walz Street with Parker Street at the rear of 75-85 Railway Street.
2. The configuration of the existing laneway at the rear of 75-81 Railway Street requires two way traffic movement and, therefore, does not have on street parking capacity.
3. The provision of a laneway at the rear of the Guild Theatre and 75-85 Railway Street connecting Walz Street and Parker Street may have the capacity to allow one way traffic movement and on street parking for 15 cars. This scenario can also trigger the rationalisation of off-street parking at

the rear of the Guild Theatre and provide a higher level of amenity and safety.

Conclusion:

1. Scenarios 2 and 3 (figures 6 and 7) have the capacity to provide public benefit comprising pedestrian and vehicle amenity and additional on street parking within the Walz Street Precinct.
2. It is appropriate that the Land Reservations Acquisitions Map Sheet (LRA 004) in Rockdale LEP 2011 be amended to reflect a reservation on lots 75-85 Railway Street for the provision of an easement for the purpose of a through road and on street parking (**Figure 8**). This can help trigger DA conditions for any future DA associated with 83-85 Railway Street Rockdale to facilitate a public benefit through the provision of a section of laneway.

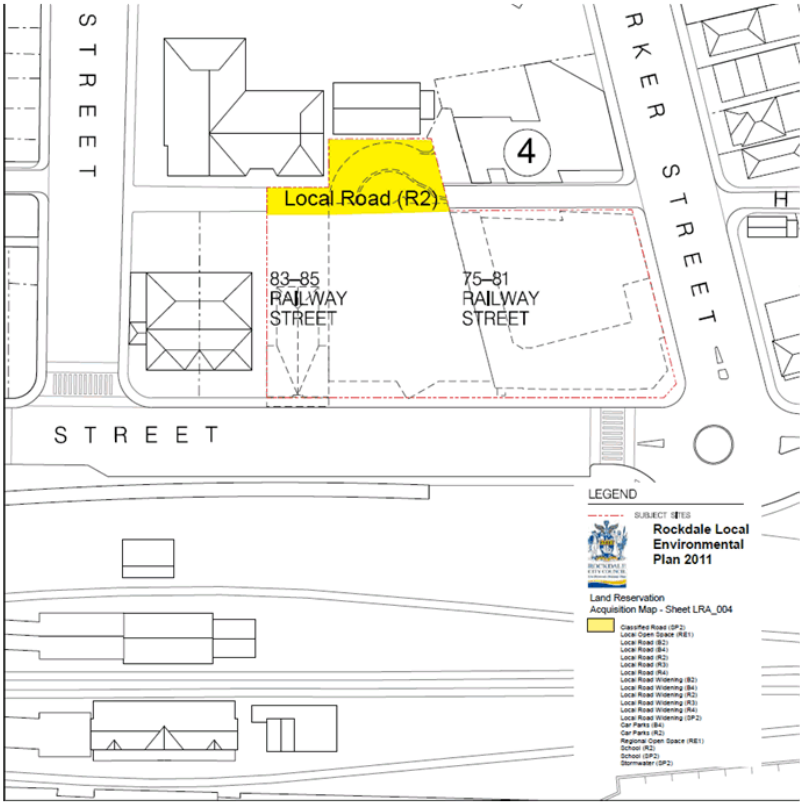


Figure 8 - Proposed Amendment to RLEP 2011 Land Reservation Acquisition Map - Sheet LRA_004

Traffic And Transport
The applicant has submitted a Traffic Report, prepared by Arup (see **Attachment 3**). This report identifies the findings of a SIDRA analysis that was conducted in relation to the site. The report concluded that there would be no adverse impact on levels of service or traffic delays due to the development. The net traffic impact would be minimal.

Parking
While the applicant has provided an analysis of off-street parking that meets the Rockdale DCP requirements, the proponent states that the total number of car spaces may not be needed, given the proximity of the site to Rockdale Train Station and the Bus Interchange.

Conclusion:
The traffic and transport analysis is supported and any future consideration of parking numbers will be considered as part of a future DA.

Contamination
The Proposal did not submit any supporting contamination reports.

Conclusion: In light of the site's historical uses, it is considered appropriate to require a Stage 1 Preliminary Site Investigation (PSI) with the lodgement of any subsequent DA.

Heritage
The site is not recognised as containing any heritage significance. However, it is in the vicinity of three heritage items:

- Rockdale School of Arts (Guild Theatre) - Local significance. Lot DP3560 (83-85 Railway Street) shared boundary
- Rockdale Railway Station - State significance
- St Joseph's Convent - Local significance

Conclusion:
A heritage report will be required for any Development Application associated with the sites.

ADEQUACY OF THE PLANNING PROPOSAL AND SUPPORTING INFORMATION FOR EXHIBITION PURPOSES

The DP&E's guidelines says that Councils are responsible for the content of planning proposals. In this regard, the Planning Proposal is considered to be consistent with DP&E's guidelines and is supported subject to some minor amendments. The supporting documentation is also considered to be satisfactory for the purposes of this Planning Proposal.

CONCLUSION

It is recommended that this Planning Proposal be submitted for Gateway Determination.

Community Engagement

The issues raised in this report do not require community consultation under Council's Community Engagement Policy.

Rockdale City Plan

Outcome:	Outcome 2 - Rockdale is a City with a high quality natural and built environment and valued heritage in liveable neighbourhoods . A City that is easy to get around and has good links and connections to other parts of Sydney and beyond .
Objective:	Objective 2.2 - Our City has a well managed and sustainable built environment, quality and diverse development with effective housing choice in liveable neighbourhoods
Strategy:	2.2.2 - Promote high quality, well designed and sustainable development and places that enhances the City
Delivery Program:	2.2.2.A - Demonstrate leadership and commitment in the management of development that enhances the City (DCPD)
Operational Plan:	2.2.2.A.3 - Manage proposals for major development to ensure growth is appropriately scaled and located and delivers communtiy benefits (MUES)

Additional Comments :

Financial Implications

Additional Comments

There are no financial implications applicable to this report.

Supporting Information

Action From Resolution: Action raised by Anne Suann on 03/09/2015

File Attachments:

Attachment 1 - Rockdale PP_Issue B.pdf

Attachment 2 - 15 43682 Urban Design Report 5724_150501_Planning Proposal_Issue B 5 A

Attachment 3 - 5724_150311_PP_Acoustic.pdf

Attachment 4 - 5724_150318_PP_Electrical.pdf

Attachment 5 - 5724_150319_PP_Hydraulic.pdf

Attachment 6 - 5724_150324_PP_Traffic Report.pdf

Attachment 7 - 5724_150320_PP_Wind.pdf

Confidential Report to Rockdale Council

29 August 2015

Our ref: 15-3596/1

Mr Albert Jean
Strategic Asset Planner
Urban & Environmental Strategy
Rockdale City Council
2 Bryant Street
Rockdale NSW 2216

Dear Albert,

Re: Value Uplift Resulting from a Planning Proposal – Property 75-85 Railway Street, Rockdale

1. Introduction

We refer to your recent request for BEM to advise Council on the potential sharing of the benefit of an uplift in value of the above mentioned property, based upon our knowledge and experience in advising other Sydney Councils on fair and reasonable percentage apportionments of value uplifts in respect to Voluntary Planning Agreements (VPA's) in recent years. Our advice follows:

2. Location

The subject property comprises a large parcel of land with frontages to both Railway Street and Parker Street, Rockdale. The buildings erected on the property comprise a 1930s era two storey retail and residential building, and a 1980's design, part two and part three storey office building. The surrounding development comprises generally single or two storey retail businesses, with a growing number of large medium-rise apartment buildings. The property is situated on the western side of the Illawarra Railway and Rockdale Station. The development on the western side of the railway line comprises secondary retail businesses with a number of properties being purchased for redevelopment into apartments.

Please refer to the location plan and an aerial photograph of the property on the following page, showing the whole of the subject land outlined in red.

BEM Property Consultants Pty Ltd ABN 17 522 786 311 **P** 8920 3044 **F** 8920 3055 **W** bemproperty.com.au
Level 4, 12 Mount Street North Sydney NSW 2060 **All correspondence to:** PO Box 1741, North Sydney NSW 2059 Australia
"Liability limited by a scheme approved under Professional Standards Legislation"

75-85 Railway Street, Rockdale
Date of Advice: 29 Aug 2015
Report No: 15-3596/1





3. Land

The shape of the land is irregular, but the bulk of the land is essentially rectangular in shape. The land has long frontages to both Railway Street and Parker Street. The land is essentially level.

3.1 Title

75-81 Railway Pde Rockdale

The land comprises four individual lots:

- Lot 101 in Deposited Plan 771165 961.8m²
- Lot 3 in Deposited Plan 82942 485.7m²
- Lot 1 in Deposited Plan 455421 1,113m²
- Lot 1 in Deposited Plan 9123133 381.8m²

The total land area is: 2,942.3m²

83-85 Railway Pde Rockdale

The land comprises one lot:

- Lot 101 in Deposited Plan 7711653 554.0m²

The total land area for both sites combined is: 3,496.3m²

4. Town Planning

4.1 Existing Zoning

The subject land is presently zoned **B2 – Local Centre** under the provisions of the **Rockdale Local Environmental Plan 2011** as gazetted on 5/12/2011. This zoning permits a range of development including retail, commercial, educational, medical centres, tourist and visitor accommodation and shop top housing.

We set out to follow an extract from the zoning map showing the subject land (outlined in red).

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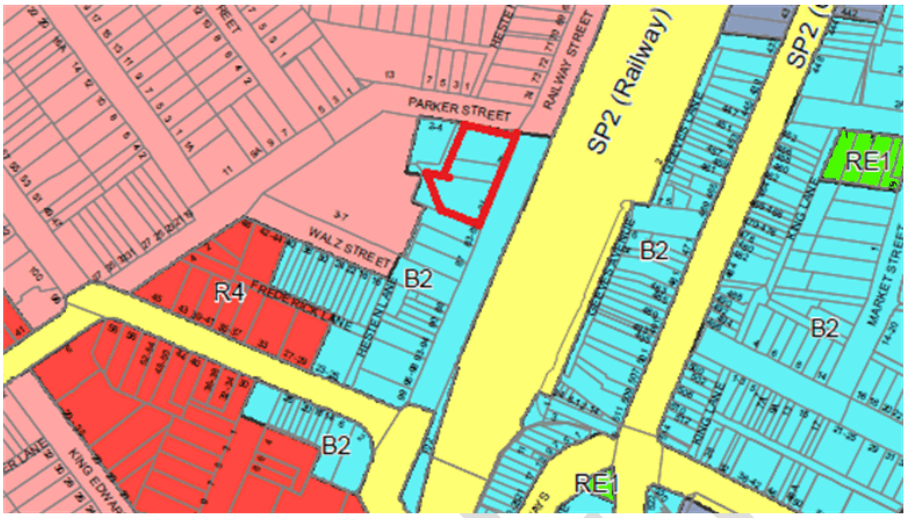

Rockdale Council has advised that the following planning controls apply to the property:

- Floor Space Ratio: N/A
- Height Limit: 22 metres (7 storey)

4.2 Zoning Proposed under the Planning Proposal

The owners of the land are seeking, via a Planning Proposal (PP), to obtain the following proposed amendments to the existing development controls:

- Floor Space Ratio: No FSR to apply
- Height Limit: To increase to 28 metres (8 storey)

We note under the provisions of the Rockdale Local Environmental Plan 2011 that the aims, objectives and land uses permitted and prohibited within the Business B2 Zone are as follows:

Zone B4 Mixed Use

1 Objectives of zone

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

2 Permitted without consent

Home-based child care; Home businesses; Home occupations; Roads

3 Permitted with consent

Boarding houses; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Seniors housing; Shop top housing; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Attached dwellings; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Crematoria; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Multi dwelling housing; Open cut mining; Port facilities; Research stations; Restricted premises; Rural industries; Rural workers' dwellings; Secondary dwellings; Semi-detached dwellings; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Waste or resource management facilities; Wharf or boating facilities; Wholesale supplies

5. Market Commentary

5.1 World / Australian Economies

The World economic environment in 2015 has been showing some positive signs of recovery from the lasting negative effects of the 2008 GFC. The years 2012 and 2013 were highlighted by the ongoing euro area crisis and the 'fiscal cliff' facing USA policymakers.

The economy in the USA is presently described by economists as "cautiously positive," although not robust. Unemployment which reached 7.6% in June 2013, decreased to 5.5% in February of 2015 from 5.7% in January of 2015. US Inflation-adjusted gross domestic product is forecast to grow 3% across the four quarters of 2015, better than the 2.6% rate estimated for 2014. Official statistics published on February 9th revealed that India's GDP rose by 7.5% in 2014. Similarly, the GDP in China expanded 7.3% in the fourth quarter of 2014 over the same quarter of the previous year.

The Australian economy continues to show positive growth in GDP, with the Reserve Bank measuring a 2.5% rise in 2014 consistent with expected growth this year of 2.5%.

The New South Wales economy has struggled in recent years however the Liberal Government is committed to some major infrastructure works and recent reports indicate an overall improvement in the NSW economy as compared to previous years.

The Reserve Bank last increased the official cash rate in November, 2010 by 25 basis points to 4.75%; however it has since been routinely reduced to the current day rate of 2.25%, with the last reduction from 2.50% on 4 Feb 2015.

During the GFC the Australian dollar was trading at around 0.65 cents to the US $, and at July 2011 it reached an all-time high of $1.10. However, it has fluctuated since and has been sitting at under $1.00 for many months now, currently at 0.76.

Unemployment in Australia was at a 30 year low in April, 2008 with a rate of 3.9%. Australia's estimated seasonally adjusted unemployment rate for February 2015 was 6.3%, compared with 6.4% for January 2015.

5.2 Sydney Real Estate Markets

The commercial, retail and industrial markets were achieving record prices in 2007, based upon strong economic performance up to that time. The real estate market in Sydney and other parts of Australia showed a significant downward correction in values following the Global Financial Crisis (GFC) in 2008, however positive signs of increased market activity have emerged since 2011 and more recently through 2014 and into 2015.

Within the Sydney CBD and the major regional commercial centres, cashed up overseas investment groups have been buying up prime assets. This is a sign of an upward shift in the value of prime Sydney real estate assets. This level of activity is set to continue with the fall in the value of the Australian dollar and the record low local interest rates. There have been similar heightened levels of activity in both the industrial and retail sectors.

The market for residential property across the broader Sydney area has been very buoyant for the last twelve months, due to the record low interest rates which have made loans more affordable and has seen investors re-enter the market due to the poor investment returns on bank deposits. Auction clearance rates for the majority of suburbs are now typically 80% and higher which is well above the overall rate experienced since the GFC of between 55%-60%.

6. Market Site Sales Evidence

In order to assess the value of the subject property, recent sales of large residential development sites in the Rockdale LGA and other locations within the Sydney Metropolitan area, have been researched and have been summarized in the following tables. The sales have been analysed on a rate per square metre of Gross Floor Area (GFA) as determined by Floor Space Ratio (FSR) for each site. This analysis has been the prime method of comparison. A secondary method of analysis has been a rate per dwelling. This method however is less reliable as the mix of apartments, i.e. one, two or three bedroom varies with each project as does the area of each apartment.

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6.1 Rockdale LGA Residential Site Sales Evidence

Property	Sale Price	Sale Date	Site Area m²	Zone	GFA m²	FSR	Analysis		Comments
							pm² site	pm² GFA	
Chapel St, Bay St & Lister St, Rockdale	$43,636,636	March 2015	7,765.9	Part B2 Local Centre and part R4 Residential	27,181	3.5:1 Height limit 28m	$5,619	$1,521 (3.69:1) $110,000 per apmt	Large irregular shape site, triangular in shape with 2 long street frontages. Sold by Expressions of Interest campaign in March 2015 with 12-15 months delayed settlement. Sold without DA. Potential for 357 units and 3,000m² of retail. Analysis apartments only, say 394 dwellings.
40 Arncliffe St, Arncliffe	$17,500,000	25 Feb 2015	5,103	B4 Mixed Use	14,544	2.85:1 Height limit 28m	$3,429	$1,203 $100,000 per apmt	Rectangular shaped site located in Wolli Creek residential precinct and close to railway line. No views to speak of. Site purchased with DA for 175 apartments.
108 Princes Hwy, Arncliffe	$18,100,000	25 Nov 2014	7,416	B6 Enterprise Zone	18,540	2.5:1 Height limit 28m	$2,441	$976 $78,355 per apmt	Large rectangular shaped site with three street frontages. Located in rundown industrial precinct between Wolli Creek and Forest Rd. Elevated position, good city skyline views. Buyer has obtained VPA to permit residential development. Purchased without DA. Potential for 231 apartments at 80m² per dwelling.
379 Princes Hwy, Banksia	$11,420,000	2 Oct 2014	2,491	B6 Enterprise Zone	3,736	1.5:1 Height limit 14.5m	$4,584	$3,056	Large rectangular shaped site with three street frontages. The rear boundary is formed by the Illawarra railway line. The site is currently occupied by Storage King. Land purchased without DA. Zoning will not permit residential development.
34 Innesdale Rd & 33 Levey St, Arncliffe	$23,880,000	15 May 2014	5,150	R4 High Density Residential	11,330	2.2:1	$4,637	$2,107 $169,362 per apmt	Rectangle shaped site currently developed with a motel. Property in very close proximity to the Cooks River, Kogarah Golf Course and Sydney Airport. Site purchased without DA. Potential for 141 apartments based on density of 80m² per apartment.

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6.2 Sydney Metropolitan Residential Site Sales Evidence

Property	Sale Price	Sale Date	Site Area m²	Zone	GFA m²	FSR	Analysis pm² site	Analysis pm² GFA	Description/ Comments
52-54 O'Dea Avenue, Waterloo	$56,000,000	25/06/2014	14,020	B4 Mixed Use	28,040	2 :1	$3,994	$1,997	The Woollahra Council Depot site sold by tender by JLL, for reported price of $56M. No DA but sale not settled as yet. Although JQZ Eight PL have lodged caveat on title. Site is within high rise area opposite a number of Merition developed sites close to Moore Park. Developer intends to construct 350 dwellings, which indicates $160,000 per dwelling.
Site 68 Bennelong Parkway, Sydney Olympic Park	$46,603,312	20/03/2014	13,998	369	27,996	2 :1	$3,329	$1,665	Vacant site purchased by Ecove. Noted price includes value of $7,940,000 as 11 affordable units, and additional works in kind to the value of $14,863,312. Sale subject to DA for 369 units and GFA of 27,996m². Controls include a 2:1 FSR and height limit of 30 storeys over part of the site. Contributions $15,775/unit. Sale indicates $126,296 per dwelling.
1-17 Delhi Road, North Ryde	$46,500,000	1/06/2014	13,000	B4 Mixed Use	29,900	2.3 :1	$3,577	$1,555	Site adjoins M2 Motorway to western boundary and railway station. 18 submissions received through EOI campaign. Land zoned B4 Mixed Use with concept for 337 units plus retail/commercial space. Price well in excess of vendor's expectations. Sale indicates $137,982 per dwelling.
42 Church Street, Mascot	$75,000,000	22/08/2014	11,100	B4 Mixed Use	35,520	3.2 :1	$6,757	$2,111	A large site situated very close to the Mascot railway station and town centre. Developed with an early 1980's warehouse building the property was sold to Mertion by Orlani Property Group by way of an EOI campaign. Reported that 341 apartments would be allowable on the site, however Meriton contend they will seek to achieve 400. Sale indicates $176,471 per dwelling.
22 George Street, Leichhardt	$47,100,000	21/03/2014	10,100.0	B4 Mixed Use and R3 Med Density Res (LLEP 2013)	21,715	2.15 :1	$4,663	$2,169	Former Kolotex factory. Sold as rezoned residential development site and site specific DCP allowing 5 buildings with heights of 3 to 8 levels, 21,780m² of GFA and 1,400m² of mixed use space. Indicative scheme of 244 units (1 per 89m² of GFA) Sale indicates $193,032 per dwelling.
6-26 Grove St and 60-64 Constitution Rd, Dulwich Hill	$23,655,178	30/09/2013	10,131.0	R1 Gen Res (MLEP 2011)	17,223	1.7 :1	$2,335	$1,373	Former indistrial site sold without DA. Subsequent DA to consolidate 16 lots, increase FSR from 1.7:1 to 2:1 and to develop 299 units within 4 buildings of 4-9 levels. Sale indicates $79,114 per dwelling.

Property	Sale Price	Sale Date	Site Area m²	Zone	GFA m²	FSR	Analysis pm² site	Analysis pm² GFA	Description/ Comments
6-26 Grove St and 60-64 Constitution Rd, Dulwich Hill	$51,000,000	Dec 2014	10,131.0	R1 General Res Marrickville LEP 2011	20,363	2.01 :1	$5,034	$2,505	Former industrial site initially purchased by Stamford without DA. Subsequent DA to consolidate 16 lots, increase FSR from 1.7:1 to 2:1 and to develop 249 units (20x studio, 97x1br, 126x2br, 6x3br) within 4 buildings of 4-9 levels. Total GFA 20,343m². Adjacent Arlington light rail station, 1.3kms to Dulwich Hill railway station. Walk to shops. Significantly larger but more desirable site, quieter location. 82m² of GFA per unit. At 85m² per unit yield would 239 units and sale rate would be $231,000 per unit site. Sale indicates $213,389 per dwelling.

6.3 Sales Evidence Summary

1. Per FSR basis

Our valuation calculations follow on the next page. The sales evidence has been analysed upon a rate per square metre of Floor Space Ratio (FSR). Our principle evidence has been sales of large development sites that have occurred in the last 12 months or so within the Rockdale LGA. Sales of other large sites in the Sydney Metropolitan area generally have also been considered.

The following overall range of rates per FSR have been summarized from the most recent and relevant sales evidence:

Rockdale LGA	$1,203/m² - $2,107m²
Sydney Metro	$1,555/m² - $2,169/m²

2. Per Dwelling Basis

The sales have also been analysed on a rate per dwelling where the number of apartments that have been approved is known. Where a development application has not been approved the number of apartments has been estimated on the basis one dwelling per 80m² of GFA.

The rates per dwelling from the most relevant and recent sales evidence indicated the following overall range of rates:

Rockdale LGA	$100,000 - $169,362/dwelling
Sydney Metro	$126,196 - $193,032/dwelling

As previously stated, the sales of development sites located in the Rockdale LGA are considered the most relevant evidence. The sales at 108 Princes Highway Arncliffe and 379 Princes Highway Banksia have not been considered as they are zoned "B6 – Enterprise Zone", and will most likely be the subject of a Planning Proposal application to change the zoning and increase both the height limit and the FSR.

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The most comparable sale is considered to be the sale at Chapel Street, the former Council carpark. This site has a large area of 7,766m^2 and broadly similar zoning, however, its development potential is less due to its 40 metre height limit and lower Floor Space Ratio of 3.6:1. The property was sold by means of public tender in March 2015, without development approval; the sale shows $1,521/m^2 of FSR index and $110,000 per dwelling. The shape of the site is inferior to the subject.

For the purpose of our assessment the following rates have been adopted under the current zoning:

- residential component $1,750/m^2 of FSR index
- retail component $1,500-$2,000/m^2 of FSR index

7. Valuation Rationale & Assessments

7.1 83-85 Railway Pde: Assessment Approach (under the Existing Zoning)

The highest and best use of the land under the current zoning is for a small residential development, with a single ground floor retail tenancy. The development potential of the site has been discussed with Rockdale Council Planners and it was agreed that under the current zoning and development controls, that in the vicinity of **21 apartments plus 100m^2 of ground floor retail** could be developed on the land as per the following calculations:

Development Potential Calculation (*Existing Zoning*)

Site Area	=	554m^2
Floor Space Ratio	=	N/A but assumed to be 3.19:1
Potential Total Floor Area	=	1,767m^2
Height Limit	=	22 metres (7 levels)

Apartment/Retail Floor Space Calculation

Total Gross Floor Area	=	1,767m^2
Retail area , as per concept plans	=	100m^2
Therefore Residential Gross Floor Area	=	1,667m^2
Average Floor Area per Apartment	=	80m^2
Potential number of Apartments	=	21

7.1.1 83-85 Railway Pde: Development potential as proposed by the Planning Proposal

The Planning Proposal put forward by the developer of the property has requested the following changes to the Rockdale LEP 2011:

- No FSR controls, floor space determined by height limit and set back controls
- Increase of the height limit to 28 metres

The highest and best use of the land under these controls would be for essentially a larger mixed use residential building/buildings with a large ground floor retail content, as indicated.

Discussions with Rockdale City Council Planners as to what would be an achievable floor space ratio (FSR) for the site and the potential number of apartments, indicated that an FSR in the vicinity of 3.84:1 could be achieved within the proposed 28 metres height limit, which could yield up to **25 apartments, with a 100m^2 ground floor retail tenancy**.

Development Potential Calculation (*Planning Proposal)*

Site Area	=	554m^2
Floor Space Ratio	=	N/A but assumed to be 3.84:1
Potential Total Floor Area	=	2,127m^2
Height Limit	=	28metres (8.5 levels)

Apartment/Retail Floor Space Calculation

Total Gross Floor Area	=	2,127m^2
Retail area , as per concept plans	=	100m^2
Therefore Residential Gross Floor Area	=	2,027m^2
Average Floor Area per Apartment	=	80m^2
Potential number of Apartments	=	25

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7.1.2 Valuation Calculations

83-85 RAILWAY PDE ROCKDALE

VALUE UNDER CURRENT ZONING
VALUATION CALCULATIONS
1. FSR INDEX BASIS (value based upom maximum FSR of 3.19:1)

Land area	554				
fsr index	3.19				
Maximum GFA as permitted under B4 Zone	1767	m^2			
Height limit	22	metres			
No of floors	7				
Calculation			rate/m^2		
Maximum GFA as permitted under B4 Zone	1767	m^2			
Commercial allow	100	m^2	$2,000		$200,000
Residential floor space	1667	m^2	$1,800		$3,001,068
				Property Value	$3,201,068

2.RATE PER DWELLING BASIS

GFA	1767	m^2			
Commercial allow	100	m^2			
Residential floor space	1667	m^2			
Density per dwelling	80	m^2			
Potential number of dwellings	21				
Calculation					
Commercial allow	100	$2,000	m^2		$200,000
Dwellings	21	$135,000	per dwelling		$2,813,501
				Property Value	**$3,013,501**

VALUATION SUMMARY

1. FSR INDEX BASIS	$3,201,068
2.RATE PER DWELLING BASIS	$3,013,501
midpoint	$3,107,285
Property Value Adopt	**$3,110,000**

VALUE WITH THE AMENDMENTS AS REQUESTED IN THE PLANNING PROPOSAL
VALUATION CALCULATIONS
1. FSR INDEX BASIS (value based upom maximum FSR of 3.2:1)

Land area	554				
fsr index	3.84				
Maximum GFA as permitted under B4 Zone	2127	m^2			
Height limit	28	metres			
No of floors	9				
Gross floor area per floor	236	m^2			
Calculation			rate/m^2		
Maximum GFA as permitted under B4 Zone	2127	m^2			
Commercial allow	100	m^2	$2,000		$200,000
Residential floor space	2027	m^2	$1,800		$3,649,068
				Property Value	$3,849,068

2.RATE PER DWELLING BASIS

GFA	2127	m^2			
Commercial allow	100	m^2			
Residential floor space	2027	m^2			
Density per dwelling	80	m^2			
Potential number of dwellings	25				
Calculation					
Commercial allow	100	$2,000	m^2		$200,000
Dwellings	25	$137,500	per dwelling		$3,484,353
				Property Value	$3,684,353

VALUATION SUMMARY

1. FSR INDEX BASIS	$3,849,068
2.RATE PER DWELLING BASIS	$3,684,353
midpoint	$3,766,711
Property Value Adopt	**$3,770,000**

1. VALUE UPLIFT Calculation

1. VALUE UNDER CURRENT ZONING	
(value based upon maximum FSR of 3.19:1 and 22 metre ht limit)	$3,110,000
2. VALUE WITH THE AMENDMENTS AS REQUESTED IN THE PLANNING PROPOSAL	
(value based upon maximum FSR of 3.84:1 and 28 metre ht limit)	$3,770,000
3. UPLIFT IN VALUE	**$660,000**
ADDITIONAL GFA	**360 /m^2**
SHARING OF THE VALUE UPLIFT BETWEEN THE OWNER AND COUNCIL	
ROCKDALE COUNCIL 50%	**$330,000**
ROCKDALE COUNCIL 70%	**$462,000**
SHARED UPLIFT PER M2 FSR INDEX (calculated @50%)	**$917 /$m^2$**
SHARED UPLIFT PER M2 FSR INDEX (calculated @70%)	**$1,283 /$m^2$**

7.2 75-81 Railway Pde: Assessment Approach (under the Existing Zoning)

The highest and best use of the land under the current zoning is for a large residential development with a ground floor retail component. The development potential of the site has been discussed with Rockdale Council Planners and it was agreed that under the current zoning and development controls that in the vicinity of **106 apartments plus 885m^2 of ground floor retail** could be developed on the land as per the following indicative calculations:

Development Potential Calculation (*Existing Zoning)*

Site Area	=	2,942m^2
Floor Space Ratio	=	N/A but assumed to be 3.19:1
Potential Total Floor Area	=	9,385m^2
Height Limit	=	22 metres (7 levels)

Apartment/Retail Floor Space Calculation

Total Gross Floor Area	=	9,385m^2
Retail area , as per concept plans	=	885m^2
Therefore Residential Gross Floor Area	=	8,500m^2
Average Floor Area per Apartment	=	80m^2
Potential number of Apartments	=	106

7.2.1 75-81 Railway Pde: Development potential as proposed by the Planning Proposal

The Planning Proposal put forward by the developer of the property has requested the following changes to the Rockdale LEP 2011:

- Increase of the height limit to 28 metres

The highest and best use of the land under these controls would be for essentially a larger mixed use residential building/buildings with a larger ground floor retail content, if required.

Discussions with Rockdale City Council Planners together with a Massing Study of the site prepared by Architects Liquid Design as to what would be an achievable floor space ratio (FSR) for the site, indicated that an FSR in the vicinity of 3.92:1 could be achieved within the proposed 28 metre height limit. The Massing Study indicated that an eight (8) level (plus roof apartments) building with a gross floor area of which could yield up to **133 apartments, with 885m^2 of ground floor retail area**.

Development Potential Calculation *(Planning Proposal)*

Site Area:	2,942m^2
Floor Space Ratio:	3.92:1 (assumed)
Total GFA:	11,535m^2
Height Limit:	28 metres (9 levels)
Apartment / Retail Floor Space	
Total GFA:	11,535m^2
Retail, as per concept plans:	885m^2
Therefore Residential gross floor area =	10,650m^2
No of Apartments @ 80m^2 per apartment	133

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7.2.2 Valuation Calculations

75-81 RAILWAY PDE ROCKDALE

VALUE UNDER CURRENT ZONING
VALUATION CALCULATIONS
1. FSR INDEX BASIS (value based upom maximum FSR of 2.0:1)

Land area	2942				
fsr index	3.19				
No of floors	7				
Maximum GFA as permitted under B4 Zone	9385	m^2			
Height limit	22	metres			
Calculation			rate/m^2		
Maximum GFA as permitted under B4 Zone	9385	m^2			
Commercial allow	885	m^2	$1,500		$1,327,500
Residential floor space	8500	m^2	$1,700		$14,449,966
				Property Value	$15,777,466

2.RATE PER DWELLING BASIS

GFA	9385	m^2			
Commercial allow	885	m^2			
Residential floor space	8500	m^2			
Density per dwelling	80	m^2			
Potential number of dwellings	106				
Calculation					
Commercial allow	885	$1,500	m^2		$1,327,500
Dwellings	106	$135,000	per dwelling		$14,343,716
				Property Value	**$15,671,216**

VALUATION SUMMARY

1. FSR INDEX BASIS	$15,777,466
2.RATE PER DWELLING BASIS	$15,671,216
midpoint	$15,724,341
Property Value Adopt	**$15,720,000**

VALUE WITH THE AMENDMENTS AS REQUESTED IN THE PLANNING PROPOSAL
VALUATION CALCULATIONS
1. FSR INDEX BASIS (value based upom maximum FSR of 3.92:1)

Land area	2942				
fsr index	3.92				
Maximum GFA as permitted under B4 Zone	11535	m^2			
Height limit	28	metres			
No of floors	9				
Gross floor area per floor	1282	m^2 (average)			
Calculation			rate/m^2		
Maximum GFA as permitted under B4 Zone	11535	m^2			
Commercial allow	885	m^2	$1,500		$1,327,500
Residential floor space	10650	m^2	$1,700		$18,104,966
				Property Value	$19,432,466

2.RATE PER DWELLING BASIS

GFA	11535	m^2			
Commercial allow	885	m^2			
Residential floor space	10650	m^2			
Density per dwelling	80	m^2			
Potential number of dwellings	133				
Calculation					
Commercial allow	885	$1,500	m^2		$1,327,500
Dwellings	133	$137,500	per dwelling		$18,304,653
				Property Value	$19,632,153

VALUATION SUMMARY

1. FSR INDEX BASIS	$19,432,466
2.RATE PER DWELLING BASIS	$19,632,153
midpoint	$19,532,310
Property Value Adopt	**$19,530,000**

1. VALUE UPLIFT Calculation

1. VALUE UNDER CURRENT ZONING	$15,720,000	
(value based upon maximum FSR of 3.19:1 and 22 metre ht limit)		
2. VALUE WITH THE AMENDMENTS AS REQUESTED IN THE PLANNING PROPOSAL	$19,530,000	
(value based upon maximum FSR of 3.92:1 and 28 metre ht limit)		
3. UPLIFT IN VALUE	**$3,810,000**	
ADDITIONAL GFA	**2,150**	**/m²**
SHARING OF THE VALUE UPLIFT BETWEEN THE OWNER AND COUNCIL		
ROCKDALE COUNCIL 50%	**$1,905,000**	
ROCKDALE COUNCIL 70%	**$2,667,000**	
SHARED UPLIFT PER M2 FSR INDEX (calculated @50%)	**$886**	**/m²**
SHARED UPLIFT PER M2 FSR INDEX (calculated @70%)	**$1,240**	**/m²**

7.3 75-81 & 83-85 Railway Pde: Assessment Approach (Existing Zoning)

The highest and best use of the land under the current zoning is for a large residential development possibly comprising one or two buildings with a ground floor retail component. The development potential of the site has been discussed with Rockdale Council Planners and it was agreed that under the current zoning and development controls that in the vicinity of **128 apartments plus 885m^2 of ground floor retail** could be developed on the land as per the following calculations:

Development Potential Calculation (*under the Existing Zoning)*

Site Area	=	3,496m^2
Floor Space Ratio	=	N/A but assumed to be 3.19:1
Potential Total Floor Area	=	11,152m^2
Height Limit	=	22 metres (7 levels)

Apartment/Retail Floor Space Calculation

Total Gross Floor Area	=	11,152m^2
Retail area , as per concept plans	=	885m^2
Therefore Residential Gross Floor Area	=	10,267m^2
Average Floor Area per Apartment	=	80m^2
Potential number of Apartments	=	128

7.3.1 75-81 & 83-85 Railway Pde: Development potential as proposed by the Planning Proposal

The Planning Proposal put forward by the developer of the property has requested the following changes to the Rockdale LEP 2011:

- No FSR control, floor space determined by height limit and set back controls
- Increase of the height limit to 28 metres

The highest and best use of the land under these controls would be for essentially a larger mixed use residential building/buildings with a large ground floor retail component, as indicated.

Discussions with Rockdale City Council Planners together with a Massing Study of the site prepared by Architects Liquid Design as to what would be an achievable floor space ratio (FSR) for the site, indicated that an FSR in the vicinity of 3.92:1 could be achieved within the proposed 28 metre height limit. The Massing Study indicated that an eight (8) level (plus roof apartments) building with a gross floor area of which could yield up **to 160 apartments, with 885m^2 of ground floor retail areas**.

Development Potential Calculation *(Planning Proposal)*

Site Area:	3,496m^2
Floor Space Ratio:	3.92:1 (assumed)

Total GFA:	13,707m^2
Height Limit:	28 metres (8.5 levels)
Apartment / Retail Floor Space	
Total GFA:	13,707m^2
Retail allow:	885m^2
Therefore Residential gross floor area =	12,822m^2
No of Apartments @ 80m^2 per apartment	160

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7.3.2 Valuation Calculations

75-85 RAILWAY PDE ROCKDALE

VALUE UNDER CURRENT ZONING
VALUATION CALCULATIONS
1. FSR INDEX BASIS (value based upom maximum FSR of 3.19:1)

Land area	3496				
fsr index	3.19				
Maximum GFA as permitted under B4 Zone	11152	m^2			
Height limit	22	metres			
Calculation			rate/m^2		
Maximum GFA as permitted under B4 Zone	11152	m^2			
Commercial allow	885	m^2	$1,200		$1,062,000
Residential floor space	10267	m^2	$1,700		$17,454,308
				Property Value	$18,516,308

2.RATE PER DWELLING BASIS

GFA	11152	m^2			
Commercial allow	885	m^2			
Residential floor space	10267	m^2			
Density per dwelling	80	m^2			
Potential number of dwellings	128				
Calculation					
Commercial allow	885	$1,500	m^2		$1,327,500
Dwellings	128	$135,000	per dwelling		$17,325,968
				Property Value	**$18,653,468**

VALUATION SUMMARY

1. FSR INDEX BASIS	$18,516,308
2.RATE PER DWELLING BASIS	$18,653,468
midpoint	$18,584,888
Property Value Adopt	**$18,580,000**

VALUE WITH THE AMENDMENTS AS REQUESTED IN THE PLANNING PROPOSAL
VALUATION CALCULATIONS
1. FSR INDEX BASIS (value based upom maximum FSR of 5.0:1)

Land area	3496				
fsr index	3.92				
Maximum GFA as permitted under B4 Zone	13707	m^2			
Height limit	28	metres			
No of floors	9				
Gross floor area per floor	1523	m^2			
Calculation			rate/m^2		
Maximum GFA as permitted under B4 Zone	13707	m^2			
Commercial allow	885	m^2	$1,200		$1,062,000
Residential floor space	12822	m^2	$1,725		$22,118,124
				Property Value	$23,180,124

2.RATE PER DWELLING BASIS

GFA	13707	m^2			
Commercial allow	885	m^2			
Residential floor space	12822	m^2			
Density per dwelling	80	m^2			
Potential number of dwellings	160				
Calculation					
Commercial allow	885	$1,200	m^2		$1,062,000
Dwellings below 22 metres	160	$137,500	per dwelling		$22,037,985
				Property Value	$23,099,985

VALUATION SUMMARY

1. FSR INDEX BASIS	$23,180,124
2.RATE PER DWELLING BASIS	$23,099,985
midpoint	$23,140,055
Property Value Adopt	**$23,140,000**

3. VALUE UPLIFT Calculation

1. VALUE UNDER CURRENT ZONING	$18,580,000
(value based upom maximum FSR of 3.19:1 and 22 metre ht limit)	
2. VALUE WITH THE AMENDMENTS AS REQUESTED IN THE PLANNING PROPOSAL	$23,140,000
(value based upom maximum FSR of 3.75:1 and 28 metre ht limit)	
3. UPLIFT IN VALUE	**$4,560,000**
ADDITIONAL GFA	**2,555 /m^2**
SHARING OF THE VALUE UPLIFT BETWEEN THE OWNER AND COUNCIL	
ROCKDALE COUNCIL 50%	**$2,280,000**
ROCKDALE COUNCIL 70%	**$3,192,000**
SHARED UPLIFT PER M2 FSR INDEX (calculated @50%)	**$892 /$m^2$**
SHARED UPLIFT PER M2 FSR INDEX (calculated @70%)	**$1,249 /$m^2$**

8. Sharing of Value Uplifts

We have made enquiries with several other Councils to determine if there is any common approach to the sharing of the benefit of additional value, relative to VPA's. We have concluded is that there is not any typical discount applied to the full uplift in value and that all discounts given are determined on a case by case basis. Our enquiries and experience in advising a number of Councils on similar matters, is that the range of discounts is generally from 30% up to 50%.

As you would be aware, the residential market across the broad Sydney area has been very strong over the last 12 months, and unit development sites have shown significant value increases from rates analysed only two to three (2-3) years ago. There are now a number of Chinese developers who have entered the apartment development market and these new buyers have secured a number of major sites around Sydney over the traditional Australian based development companies.

We are aware that about two (2) years ago now Meriton had agreed with Willoughby Council an amount for additional floor space on a residential development in Chatswood that equated to around 70% of the indicative 'full' value of that additional residential floor space at that time. We are also aware of a matter in Parramatta where BEM had provided advice that the value of the additional floor space should have been in the order of 60% of the 'full' value. We are also aware of a recent agreement by Lane Cove Council on major site located on the Pacific Highway at St Leonards, which involved a rezoning from commercial to a mixed use zoning resulted in the parties agreeing to Council sharing in 50% of the uplift in value. BEM has also been an advisor to Canada Bay Council on some major sites in the Rhodes Peninsula area, where VPA's have sought additional height and floor space, and agreements have been reached at between 50% and 70% of the full value of the additional floor space.

The share of the value uplift which we believe Council should expect to receive for an approved rezoning of the subject land holdings site can vary depending on a number of factors, however, based upon our knowledge of such agreements in other Sydney Local Government Areas, we believe the fair percentage of value sharing range is in the order of 50% to 70%.

9. Conclusions

81-83 Railway Pde

Our valuation calculations can be summarised as follows:

i)	Value under the existing planning controls	$3,110,000
ii)	Value, assuming the Rockdale LEP 2011 is amended as proposed under the Planning Proposal lodged with Rockdale Council	$3,770,000

The difference between the value of the property under the existing planning controls, as compared with the property value under the zoning amendments contained in the Planning Proposal, is quite small and indicates a value uplift of in the order of **$660,000.**

The sharing of the value uplift, based upon our knowledge of other similar transactions, could be apportioned between the parties within a range from **50% to 70%.** This ratio would result in a share of the benefit to Rockdale Council ranging from **$330,000 to 462,000. This value range is equivalent to a rate of 917/m²of 1,283/m² respectively of additional gross floor space index.**

75-81 Railway Pde

Our valuation calculations can be summarised as follows:

i)	Value under the existing planning controls	$15,720,000
ii)	Value, assuming the Rockdale LEP 2011 is amended as proposed under the Planning Proposal lodged with Rockdale Council	$19,530,000

The difference between the value of the property under the existing planning controls, as compared with the property value under the zoning amendments contained in the Planning Proposal, is quite significant and indicates a value uplift of in the order of **$3,810,000**.

The sharing of the value uplift, based upon our knowledge of other similar transactions, could be apportioned between the parties within a range from **50% to 70%.** This ratio would result in a share of the benefit to Rockdale Council ranging from **$1,905,000 to $2,667,000. This value range is equivalent to a rate of $886/m²of $1,240/m² respectively of additional gross floor space index.**

75-85 Railway Pde

Our valuation calculations can be summarised as follows:

i)	Value under the existing planning controls	$18,580,000
ii)	Value, assuming the Rockdale LEP 2011 is amended as proposed under the Planning Proposal lodged with Rockdale Council	$23,140,000

The difference between the value of the property under the existing planning controls, as compared with the property value under the zoning amendments contained in the Planning Proposal, is quite significant and indicates a value uplift of in the order of **$4,560,000**.

The sharing of the value uplift, based upon our knowledge of other similar transactions, could be apportioned between the parties within a range from **50% to 70%.** This ratio would result in a share of the benefit to Rockdale Council ranging from **$2,280,000 to $3,192,000. This value range is equivalent to a rate of $892/m²of $1,249/m² respectively of additional gross floor space index.**

11. Company Qualifications

This valuation advice has been prepared on specific instructions of **Rockdale City Council,** and is confidential to our instructing party.

This valuation advice is current as at the date of valuation only. The values assessed herein may change significantly and unexpectedly over a relatively short period (including as a result of general market movements or factors specific to the particular property). We do not accept liability for losses arising from such subsequent changes in value. Without limiting the generality of the above comment, we do not assume any responsibility or accept any liability where this valuation is relied upon after the expiration of 3 months from the date of the valuation, or such earlier date if you become aware of any factors that have any effect on the valuation.

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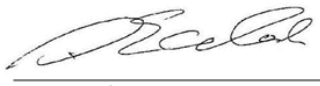
The report is not to be relied upon by any other person or for any other purpose. We accept no liability to third parties nor do we contemplate that this report will be relied upon by third parties. We invite other parties who may come into possession of this report to seek our written consent to them relying on this report. We reserve the right to withhold consent or to review the contents of this report in the event that our consent is sought.

Per:



Steve Eccleston FAPI CPV CPP
Registered Valuer No. VAL1287
Director
BEM Property Consultants Pty Ltd



Ian Blackall FAPI CPV CPP
Director
BEM Property Consultants Pty Ltd

Note:
The person who appears as the second signatory on this report has not inspected the subject property, nor physically inspected the sales and/or rental evidence within this report. However, the report has been checked as part of our internal quality assurance requirements for risk management.

DRAFT

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19 April 2017

General Manager
Bayside Council
2 Bryant Street
Rockdale
NSW 2216

Commercial in Confidence

VOLUNTARY PLANNING AGREEMENT LETTER OF OFFER
75-81 RAILWAY STREET, ROCKDALE

Dear Ms Wallace

On behalf of Zoe Holdings Rockdale Pty Ltd, we provide this revised letter of offer to enter into a Voluntary Planning Agreement (VPA) associated with the Planning Proposal related to 75-81 Railway Street, Rockdale (the site).

This correspondence provides an outline of the key terms we are willing to enter into and includes details of the public benefits that have been proposed to be included as part of the redevelopment of the site.

This letter is a formal offer to enter into the VPA for the purposes of section 93I(3) of the Environmental Planning and Assessment Act (EPA Act) and replaces any earlier offers.

NO.	ITEM	PARTICULARS
1	**PARTIES**	- Rockdale City Council (Council) and Zoe Holdings Rockdale Pty Ltd (Zoe).
2	**BACKGROUND**	- Zoe is the owner of the land known as 75-81 Railway Street Rockdale. - A planning proposal has been submitted to the Department of Planning and Environment (DPE) and a gateway approval for an increase in height to 28m has been issued. - Zoe offer to enter into a planning agreement with Council to provide development contributions under the terms set out in this correspondence.

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NO.	ITEM	PARTICULARS
3	**LAND TO WHICH VPA APPLIES**	- This VPA offer applies to the land described as 75-81 Railway Street, Rockdale. It comprises four allotments under common ownership by Zoe, being Lot 101 DP771165, Lot 3 DP 82942, Lot 1 DP455421 and Lot 1 DP912313.
4	**DEVELOPMENT TO WHICH VPA APPLIES**	- This VPA offer is made in consideration of Council's consent to a mixed use development on the subject land with a benchmark gross floor area of 11,000 square metres. In the event that the benchmark gross floor area is not realised or is exceeded then the value of development contributions set out in Item 6 will be reduced or increased as required on a per square metre pro rata basis based on $800 per square metre of gross floor area. In the event that the gross floor area realized is less than 9,394 square metres then this VPA offer will become null and void.
5	**OPERATION OF AGREEMENT**	- This VPA must be executed by both parties and will come into effect once the relevant amendment to the Rockdale Local Environmental Plan 2011 is made.

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NO.	ITEM	PARTICULARS
6	**DEVELOPMENT CONTRIBUTIONS**	This VPA offer comprises the following alternative development contributions options to a total value of $1.847 million for Option A and $1.847 million for Option B: **Option A** - Dedication of ~342 square metres of land (in stratum) for provision of proposed new public parking and a proposed future pedestrian connection between Hesten Lane and Waltz Street valued at $750,000. - A leaseback agreement between council and Zoe (or nominee) for the exclusive use and management responsibilities of the dedicated land as surplus car parking associated with the development for an initial 10 year period, with Zoe (or nominee) to have a first right of refusal on any extension to this initial lease period. The leaseback agreement will be for the exclusive use of the parking spaces for $600 per space per annum with a total value of $48,000 over the initial 10 year lease period. - The leaseback agreement between council and Zoe (or nominee) shall include a provision that enables Zoe (or nominee) to repurchase the land at any time during the lease period for $750,000. - Streetscape improvement works to a value of $1,049,000 and including: • Extension of Hesten Lane including construction of new road infrastructure, public car parking, retaining walls and soft landscaping, lighting and signage (scope to be agreed). • Streetscape improvement works to the Parker Street frontage to the site (scope to be agreed). • Streetscape improvement works to the footpath from Railway Street to the Guild Theatre (inside boundary). - An outline scope of the streetscape improvement works proposed is set out in Annexure A.

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NO.	ITEM	PARTICULARS
		- This offer does not include any works within private property to 83-85 Railway Street (Lot 1 DP3560). Option A will become null and void and Option B will apply in the event that council or Zoe is unable to secure ownership of 83-85 Railway Street or alternative public access arrangements over 83-85 Railway Street to the proposed pedestrian connection prior to the lodgement of a development application for the redevelopment of 75-81 Railway Street. **Option B** - Streetscape improvement works to a value of $1.847 million including: • Streetscape improvement works to the Hesten Lane, Parker Street and Railway Street frontages to the site (scope to be agreed). • Streetscape improvement works to the footpath from Railway Street to the Guild Theatre (inside boundary). • Streetscape improvement works to the northern side of Waltz Street between Walkin Street and Railway Street (scope to be agreed). - An outline scope of the streetscape improvement works proposed is set out in Annexure A.
7	**TIMING OF DEVELOPMENT CONTRIBUTIONS AND OTHER PUBLIC BENEFITS**	- The works as defined above are to be completed prior to the issue of an occupation certificate for the development of the site and prior to the commencement of a defects liability period of 52 weeks or as otherwise agreed between the parties.
8	**APPLICATIONS OF SECTION 94, 94a AND 94EF OF THE ACT**	- This VPA offer includes the application of sections 94, 94A and 94EF of the EPA Act.

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NO.	ITEM	PARTICULARS
9	**DISPUTE RESOLUTION**	- Any dispute on the terms of the VPA would be resolved by mediation in accordance with a process specified in the VPA. In particular, this must include an agreed process to resolve disputes over the valuation of the cost of specified streetscape improvement works.
10	**ASSIGNMENT OF DEALINGS**	- A party must not assign or novate the agreement without the prior written consent of the other party, which is not to be unreasonably withheld.
11	**COSTS**	- Zoe must pay both parties costs for preparing and executing the agreement (and any other instrument excluded under this agreement). Council's costs are to be capped at a maximum of $8,800.00 including GST.
12	**GST**	- A standard GST clause will be included in the VPA along the following lines: If there are supplies or consideration which is not consideration expressed as an amount of money under this agreement by one party to the other party that are not subject to Division 82 of A New Tax System (Goods and Service Tax) Act 1999, the parties agree: • To negotiate in good faith to agree the GST inclusive market value of those supplies prior to issuing tax invoices in respect of those supplies; and • That any amounts payable by the parties to each other in respect of those supplies will be set off against each other to the extent that they are equivalent in amount.

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We look forward to discussing this offer further with Council.

Kind regards

Alex Harb
For Zoe Holdings Rockdale Pty Ltd

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ANNEXURE A
OUTLINE SCOPE OF STREETSCAPE IMPROVEMENT WORKS

- Demolition of existing surfaces and disposal off-site.
- Compaction of existing sub-grade.
- Supply and installation and compaction of DGB20 base course to council standards.
- Supply and installation of F72 32MPa concrete base course.
- Supply and installation of spine and core pavement treatment in accordance with Rockdale Public Domain Paving Style Sheet dated 03/10/2015.
- Associated landscape works to council specifications.

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Schedule 3 Development Contributions

(Clause 7)

1. Option A Development Contributions

Part A: Works

Column 1 Item	Column 2 Development Contribution	Column 3 Agreed Contribution Value	Column 4 Hand-over Date
Hesten Lane extension and streetscape improvement to Parker Street and Railway Street			
A.1	A1. Extension of Hesten Lane southwards by approximately 21 metres over the Parking Land including: • construction of new road infrastructure for the full extension of Hesten Lane • public car parking on extension of Hesten Lane • retaining walls • soft landscaping • lighting • signage as shown on the Map in clause 4 of Schedule 3 and in accordance with the Detailed Design Specifications.	Combined Agreed Contribution Value for A.1, A.2,A.3 and A.4 is $1,049,000.	Prior to the issue of an Occupation Certificate for the Development. NOTE: The Works are subject to the Defect Liability Period once completed.
A.2	A2. Streetscape improvement works to upgrade the Parker Street frontage along the northern edge of the Land, as shown on the Map in clause 4 of Schedule 3 and in accordance with the Detailed Design Specifications.		Prior to the issue of an Occupation Certificate for the Development. NOTE: The Works are subject to the Defect Liability Period once completed.

A.3	A3. Streetscape improvement works to upgrade the existing footpath from Railway Street to the Guild Theatre (located within the boundary of the Land), as shown on the Map in clause 4 of Schedule 3 and in accordance with the Detailed Design Specifications.		Prior to the issue of an Occupation Certificate for the Development. NOTE: The Works are subject to the Defect Liability Period once completed.
A.4	A4. Streetscape and building frontage improvement works within the boundary of the Guild Theatre Site (Lot 2 DP 3560, Lot 3 DP 3560), in accordance with the Detailed Design Specifications.		Prior to the issue of an Occupation Certificate for the Development. NOTE: The Works are subject to the Defect Liability Period once completed.

Part B: Land dedication

Column 1	Column 2	Column 3	Column 4
Item	**Development Contribution**	**Agreed Contribution Value**	**Timing**
Land dedication for public parking and pedestrian connection			
B.	B1. Dedication to Council of the Parking Land to be used for provision of new public parking and a proposed future pedestrian connection linking Hesten Lane with Waltz Street.	$750,000	Prior to the issue of an Occupation Certificate for the Development.

2. Option B Development Contributions

Column 1	Column 2	Column 3	Column 4
Item	**Development Contribution**	**Agreed Contribution Value**	**Timing**
Streetscape improvement to Hesten Lane, Parker Street, Railway Street, Waltz Street and footpath from Railway Street to Guild Theatre			
A.1	A1. Streetscape improvement works to upgrade the street frontages of the Land on Hesten Lane, Parker Street and Railway Street, as shown on the Map in clause 4 of Schedule 3, and in accordance with the Detailed Design Specifications.	Combined Agreed Contribution Value for A.1, A.2, A.3 and A.4 is $1,847,000	Prior to the issue of an Occupation Certificate for the Development. NOTE: The Works are subject to the Defect Liability Period once completed.
A.2	A2. Streetscape improvement works to the northern side of Waltz Street between Walkin Street and Railway Street, as shown on the Map in clause 4 of Schedule 3, and in accordance with the Design Specifications.		Prior to the issue of an Occupation Certificate for the Development. NOTE: The Works are subject to the Defect Liability Period once completed.
A.3	A3. Streetscape improvement works to upgrade the existing footpath from Railway Street to the Guild Theatre (located within the boundary of the Land), as shown on the Map in clause 4 of Schedule 3 and in accordance with the Detailed Design Specifications.4.		Prior to the issue of an Occupation Certificate for the Development. NOTE: The Works are subject to the Defect Liability Period once completed.
A.4	A4. Streetscape and building frontage improvement works within the boundary of the Guild Theatre Site (Lot 2 DP 3560, Lot 3 DP 3560), in accordance with the Detailed Design Specifications.		Prior to the issue of an Occupation Certificate for the Development. NOTE: The Works are subject to the Defect Liability Period once completed.

3. Adjustment of Agreed Contribution Value

3.1 On each anniversary of the date of this Agreement the Agreed Contribution Value of each Item of Work specified in Column 3 of the tables in clause 1 and 2 in Schedule 3 will be increased by the same percentage as the percentage increase, if any, in the Consumer Price Index in the 12 months prior to the relevant anniversary. The increased Agreed Contribution Value will be the Agreed Contribution Value for the 12 months immediately following the relevant anniversary.

4. Map of Works



For avoidance of any doubt:

Option A relates to the area described in both purple and green;
Option B relates to the area described in both yellow and green; and
Options A & B (collectively) relate to the area described in yellow, green and purple.

75-81 Railway Street, Rockdale NSW

Lot 101 DP771165, Lot 3 DP 82942, Lot 1 DP455421 and

Lot 1 DP912313

Planning Agreement

Under s93F of the *Environmental Planning and Assessment Act 1979*

Bayside Council

and

Zoe Holdings Rockdale Pty Limited

Dated:

[7142369: 20951935_2]

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Contacts Sheet

Council:

Name: Bayside Council

Address: 444-446 Princes Highway, ROCKDALE NSW 2216

Telephone: 1300 581 299

Facsimile: (02) 9562 1777

Email:

Representative: Manager Strategic Planning

Developer:

Name: Zoe Holdings Rockdale Pty Limited

ACN: 169 548 770

Address: 9 Bestic Street ROCKDALE NSW 2216

Telephone: + 61 2 9642 5666

Facsimile: +61 2 9742 5905

Email: a.harb@elouraholdings.com.au

Representative: Alex Harb

Planning Agreement, 75-81 Railway Street, Rockdale NSW, Lot 101 DP771165, Lot 3 DP 82942, Lot 1 DP455421 and Lot 1 DP912313

This Agreement constitutes a planning agreement within the meaning of section 93F of the *Environmental Planning and Assessment Act 1979*, and facilitates the provision of Development Contributions to be used and applied towards a Public Purpose.

Parties

Bayside Council
of 444-446 Princes Highway, ROCKDALE NSW 2216
ABN: 80 690 785 443
(Council)

and

Zoe Holdings Rockdale Pty Limited
of 9 Bestic Street ROCKDALE NSW 2216
ACN 169 548 770
(Developer)

Background

A. The Developer owns the Land identified.

B. The Developer has requested the Instrument Change by way of an amendment to the Rockdale LEP.

C. The Developer intends to lodge a Development Application for the Development.

D. The Developer has offered to enter into a Planning Agreement in accordance with section 93F of the Act in connection with the Instrument Change and the carrying out of Development of the Land, on the terms and conditions of the Agreement.

E. The Developer will make Development Contributions in accordance with this Agreement in connection with the carrying out of the Development.

F. The parties agree that the maximum amount payable by the Developer for the Development Contribution and any amounts payable pursuant to sections 94, 94A and 94EF of the Act will be $1,847,000.00.

Operative provisions

Part 1 - Preliminary

1. Definitions and interpretation

1.1 In this Agreement the following definitions apply:

Above Ground Construction Certificate means the first Construction Certificate for the Development that authorises the erection of any building above ground level.

Act means the *Environmental Planning and Assessment Act* 1979 (NSW).

Actual Gross Floor Area means the actual Gross Floor Area approved under the Development Consent.

Agreement means this Agreement and includes any schedules, annexures and appendices to this Agreement.

Agreed Contribution Value means the value of the Works specified in Column 3 of the tables in clause 1 and clause 2 in Schedule 3 corresponding to that Item of Work, adjusted annually in accordance with clause 3 of Schedule 3, without regard to any amount payable pursuant to sections 94, 94A and 94EF of the Act.

Business Day means a day other than a Saturday, Sunday or bank or public holiday in Sydney, New South Wales.

Certifying Authority has the same meaning as in the Act.

Consent Authority has the same meaning as in the Act.

Contamination means the presence in, on or under land of a substance (whether a solid, liquid or gas) at a concentration above the concentration at which the substance is normally present on, in or under (respectively) land in the same locality, being a presence that presents a risk of harm to human health or to any other aspect of the environment.

Construction Certificate means a construction certificate within the meaning of section 109C(1)(b) of the Act.

Consultant has the same meaning as in the Records.

Consumer Price Index means the All Groups Consumer Price Index, Index numbers, quarterly, for Sydney published by the Australian Bureau of Statistics.

Contributions Plan means *Rockdale Section 94 Contributions Plan 2004*, made by the Council under section 94EA of the Act and approved by the Council on 26 May 2004, and as subsequently amended or replaced.

Council Land means any land where the Works are to be carried out, including the Railway Street Land, Waltz Street, Heston Lane and the Parking Land.

DCP means *Rockdale Development Control Plan 2011 – Special Precincts* and includes any development control plan applying to the Land that supersedes *Rockdale Development Control Plan 2011*.

Defect means any error, omission, shrinkage, blemish in appearance or other fault with respect to any Item of Work which adversely affects the ordinary use and/or enjoyment of the particular item.

Design Specifications means the specifications and all other requirements (including the Preliminary Design) set out in Schedule 4.

Detailed Design Specifications means the design specifications prepared in accordance with clause 11.

Development means the Development described in Item 2 of Schedule 2.

Development Application has the same meaning as in the Act.

Development Consent means any development consent, as defined by the Act, which authorises the carrying out of the Development on the Land, and includes:

(a) any conditions of consent to which the Development Consent is subject;

(b) any modifications of the Development Consent made under s.96 of the Act; and

(c) any subsequent development consent in respect of the Land and the Development.

Development Contribution means all or any aspect of the Option A Development Contributions or the Option B Development Contributions (as applicable) set out in Schedule 3, less any amount payable pursuant to sections 94, 94A and 94EF of the Act in respect of the Development.

Dispute means a dispute or difference between Council and the Developer arising out of this Agreement.

First Defects Liability Period, in relation to an Item of Work is twelve (12) months commencing on the date on which the Hand-Over occurs in respect of that Item of Work to the Council.

Force Majeure Event means any:

(a) lightning strike, severe storm, earthquake, natural disaster, landslide, bushfire, mudslide or tsunami;

(b) sabotage, vandalism, malicious damage, riot or a 'terrorist act' as defined in the *Terrorism Insurance Act 2003* (Cth);

(c) explosion, flood or fire resulting from any of the events in paragraph (a) or (b);

(d) war (declared or undeclared), civil war, insurrection, invasion, rebellion, revolution, military action or usurped power, martial law, act of public enemy, epidemic or embargo;

(e) ionising radiation, radioactive contamination, nuclear contamination or toxic, chemical or biological contamination;

that is beyond the reasonable control of a party, was not caused by an act or omission of the party, and could not have been prevented, avoided, mitigated, remedied or overcome by the party taking steps a prudent and reasonable person would have taken in the circumstances.

General Security means an unconditional undertaking for $400,000 as at the date of this Agreement adjusted annually in accordance with clause 24.3.

Gross Floor Area has the same meaning given to the term "gross floor area" in the Rockdale LEP.

GST has the same meaning as in the GST Law.

GST Law has the same meaning as in *A New Tax system (Goods and Services Tax) Act 1999* (Cth) and any other Act or regulation relating to the imposition or administration of the GST.

Hand-Over means the completion of the construction of an Item of Work in accordance with this Agreement and the delivery or dedication (as applicable) of that Item of Work to the Council in accordance with this Agreement.

Hand-Over Date, in relation to an Item of Work, means the date specified in Column 4 of the Tables in clause 1 and 2 in Schedule 3 corresponding to that Item of Work specified in Column 1 of those tables.

Instrument Change means an amendment to the Rockdale LEP which is substantially in accordance with the Planning Proposal and which increases the maximum permissible height for the Land to 28m.

Inspection and Test Plan has the same meaning as in the NSW Government Quality Management System Guidelines for Construction June 2005 and as subsequently amended or replaced.

Item of Work means:

(a) if the Developer is required to provide the Option A Development Contributions, the development contribution corresponding to an item specified in the Table in Part A of Clause 1 of Schedule 3;

(b) if the Developer is required to provide the Option B Development Contributions, the development contribution corresponding to an item specified in the Table in Clause 2 of Schedule 3;

Land means the whole or any part of the land specified and described in Item 1 of Schedule 2.

Latent Contamination means the presence of Contamination in, on or under the Railway Street Land or the Parking Land that:

(a) could not reasonably have been foreseen by a competent developer in the position of the Developer, and was not in fact foreseen by the Developer, at the date of this Agreement having regard to the information disclosed and otherwise available to the Developer and does not include any Contamination of which the Developer had knowledge or ought reasonably to have had knowledge at the date of this Agreement; and

(b) was not caused or contributed to by the Developer or any of its contractors.

Latent Contamination Costs means, for an Item of Work, an increase in costs (over and above the Agreed Contribution Value for that Item of Work) reasonably expected to be incurred by the Developer:

(c) that is a direct and natural consequence of a Latent Contamination; and

(d) that is no more than the increase that would be incurred by a competent and efficient developer having taken all reasonable and feasible steps to mitigate the impact of the relevant Latent Contamination.

Loss means any loss, claim, action, liability, damage, demands, cost, charge, which Council, its employees, officers, agents, contractors and workmen sustains, pays, suffers or incurs or is liable for arising in connection with the carrying out by the Developer of any Item of Work and the performance by the Developer of any obligation under this Agreement, including (but not limited to) reasonable legal and other expenses incurred in connection with investigating or defending any claim or action, whether or not resulting in any liability, and all amounts reasonably paid in settlement of any claim or action

Occupation Certificate has the same meaning as in the Act.

Option A Development Contributions means the development contributions set out in clause 1 of Schedule 3.

Option B Development Contributions means the development contributions set out in clause 2 of Schedule 3.

Party means a party to this Agreement, including their successors, agents and assigns.

Planning Proposal means the *Planning Proposal to Amend Rockdale Local Environmental Plan 2011 at 75-85 Railway Street Rockdale* submitted to the NSW Department of Planning & Environment on 15 September 2015 for changes to the height standard in relation to the Land by means of an amendment to the Rockdale LEP.

Preliminary Design means the agreed preliminary design of the Works, as set out in clause 4 of Schedule 4.

Parking Land means the portion of the Land identified on the map in Schedule 5, to be dedicated to Council.

Public Facility means a public amenity, a public service, a public facility, public land, public infrastructure, a public road, a public work, or any other act, matter or thing that meets a Public Purpose.

Public Infrastructure has the same meaning as in the Act.

Public Purpose has the same meaning as in section 93F(2) of the Act.

Railway Street Land means 83-85 Railway Street, Rockdale (being Lot 1 in Deposited Plan 3560).

Rectification Certificate means a compliance certificate as defined by section 109C(1)(a)(v) of the Act, to the effect that work the subject of a Rectification Notice has been completed in accordance with the Rectification Notice.

Rectification Notice means a notice in writing issued during the First Defects Liability Period or the Second Defects Liability Period that identifies a Defect in an Item of Work and requires rectification of the Defect within the Defects Liability Period.

Rectification Security means an unconditional undertaking for $100,000 as at the date of this Agreement adjusted annually in accordance with clause 24.3.

Records means the Rockdale Technical Guide-Works-As-Executed Records or as subsequently amended or replaced.

Regulation means the *Environmental Planning and Assessment Regulation 2000*.

Remaining Rectification Security means an unconditional undertaking for the amount equivalent to the cost of a Defect of the Item(s) of Work, as determined in accordance with clause 19.10.

Road Opening Permit means consent issued by the roads authority under section 139 of the *Roads Act 1993* for works associated with Items A1-A4 of the Items of Work specified in clause 1 or clause 2 in Schedule 3.

Rockdale LEP means *Rockdale Local Environmental Plan 2011* and includes any local environmental plan applying to the Land that supersedes *Rockdale Local Environmental Plan 2011*.

Second Defects Liability Period, in relation to an Item of Work, is twelve (12) months commencing on the date of the Rectification Certificate for a Defect provided by the Developer under clause 19.3.

Service Provider has the same meaning as in the NSW Government Quality Management System Guidelines, March 2012.

Site Conditions means any physical conditions encountered in the execution of the Works above, upon, under or over the surface of, or in the vicinity of, the Council Land, and includes:

(a) surface water, ground water, ground water hydrology and the effects of any de-watering;

(b) physical and structural conditions, above, upon and below Council Land, including old footings, underground structures, buildings, improvements, partially completed structures or in-ground works;

(c) topography of the Council Land, ground surface conditions and geology, including rock and sub-surface conditions or other materials encountered at, or in the vicinity of, the Council Land;

(d) climatic and weather conditions, including rain, surface water run-off and drainage, floods, water seepage, wind blown dust and sand, seasons and physical conditions that are a consequence of climatic and weather conditions;

(e) all existing systems and utilities, above or below ground level and all facilities with which such systems and utilities are connected;

(f) all improvements, including any artificial things, foundations, retaining walls and other structures installed by or on behalf of the Council or others;

(g) any Contamination, pollution, or other rubbish, spoil or waste; and

(h) underground strata forming part of the Council Land.

Strata Certificate has the same meaning as in the Strata Schemes Act.

Strata Plan means a strata plan or strata plan of subdivision within the meaning of the Strata Schemes Act.

Strata Schemes Act means the *Strata Schemes Development Act 2015* (NSW).

Works means:

(a) if the Developer is required to provide the Option A Development Contributions, all works specified in Part A of the Table in Clause 1 of Schedule 3; or

(b) if the Developer is required to provide the Option B Development Contributions, all works specified in the Table in Clause 2 of Schedule 3;

Works-As-Executed Records means a plan setting out a record of construction completed in accordance with the Rockdale Technical Guide – Works-As-Executed Records.

1.2 In the interpretation of this Agreement, the following provisions apply unless the context otherwise requires:

1.2.1 Headings and labels are inserted for convenience only and do not affect the interpretation of this Agreement.

1.2.2 If the day on which any act, matter or thing is to be done under this Agreement is not a Business Day, the act, matter or thing must be done on the next business day.

1.2.3 A reference to time is local time in Sydney.

1.2.4 A reference to dollars or $ means Australian dollars and all amounts payable under this Agreement are payable in Australian dollars.

1.2.5 A reference to a $ value relating to a Development Contribution is a reference to the value exclusive of GST.

1.2.6 A reference to any law, legislation or legislative provision includes any statutory modification, amendment or re-enactment, and any subordinate legislation or regulations issued under that legislation or legislative provision.

1.2.7 A reference to any agreement, deed or document is to that agreement, deed or document as amended, novated, supplemented or replaced.

1.2.8 A reference to a clause, part, schedule or attachment is a reference to a clause, part, schedule or attachment of or to this Agreement.

1.2.9 An expression importing a natural person includes any company, corporation, trust, partnership, joint venture, association, unincorporated association, body corporate, statutory body, statutory authority or governmental agency.

1.2.10 Where a word or phrase is given a defined meaning, another part of speech or other grammatical form in respect of that word or phrase has a corresponding meaning.

1.2.11 A word which denotes the singular denotes the plural, a word which denotes the plural denotes the singular, and a reference to any gender denotes the other genders.

1.2.12 Reference to the word "include" or "including" are to be construed without limitation.

1.2.13 A reference to this Agreement includes the agreement recorded in the Agreement.

1.2.14 A reference to a party to this Agreement includes a reference to the personal representatives, legal representatives, agents and contractors of the party, and the party's successors and assigns substituted by novation.

1.2.15 Any schedules, appendices and attachments form part of this Agreement.

1.2.16 Notes appearing in the Agreement are operative provisions of this Agreement.

1.2.17 A reference in this Agreement to the name and number of a zone under Rockdale LEP includes a reference to an equivalent zone under any local environmental plan that supersedes LEP.

2. Application of this Agreement

2.1 The parties agree that this document is a planning agreement within the meaning of section 93F of the Act and governed by subdivision 2 of Division 6 of Part 4 of the Act. An overview of how this Agreement satisfies the requirements of section 93F of the Act is set out in Schedule 1.

2.2 This Agreement applies to the Land and to the Development.

3. Status and operation of this Agreement

3.1 This Agreement constitutes an irrevocable offer by the Developer to enter into the Agreement in connection with the Development once all of the preconditions contained in clause 3.2 are satisfied. Further, it is agreed that, subject to clause 3.2:

3.1.1 this Agreement will commence from the date this document is entered into in accordance with clause 25C(1) of the Regulation; and

3.1.2 the Developer is under no obligation to make the Development Contributions to the Council unless and until all of the preconditions specified in clause 3.2 are satisfied.

3.2 Subject to clause 3.3, this Agreement becomes effective and operative upon all of the following preconditions being satisfied:

3.2.1 The Instrument Change has been made and has commenced and applies to the Development;

3.2.2 Development Consent is granted to the Development; and

3.2.3 this Agreement has been entered into by all parties as required by clause 25C(1) of the Regulation.

3.3 Clauses 4, 6, 23.2, 26 and 27 to 51 operate from the date of this Agreement.

3.4 The Developer's obligation to make Development Contributions only arises at the times specified in this Agreement.

4. Further agreements relating to this Agreement

4.1 The Parties may, at any time and from time to time, enter into agreements relating to the subject-matter of this Agreement that are not inconsistent with this Agreement for the purpose of implementing this Agreement.

4.2 A further agreement for the purpose of clause 4.1 may include (but is not limited to) matters pertaining to:

4.2.1 access to Land;

4.2.2 the rectification of Defects; and

4.2.3 detailed design and specification.

5. Surrender of right of appeal

The Developer must not commence or maintain, or cause to be commenced or maintained, any proceedings in the Land and Environment Court involving an appeal against, or questioning the validity of, a Development Consent relating to the Development or an approval under section 96 of the Act to modify a Development Consent relating to the Development to the extent that it relates to the existence of this Agreement or requires any aspect of this Agreement to be performed according to the terms of this Agreement.

6. Application of s94, s94A and s94EF of the Act to the Development

6.1 To the extent that Council is a Consent Authority for the Development, this Agreement excludes the application of sections 94 and 94A of the Act in respect of the Development.

6.2 To the extent that Council is not a Consent Authority for the Development, this Agreement does not exclude the application of sections 94 and 94A of the Act in respect of the Development and clause 6.4 shall apply.

6.3 This Agreement does not exclude the application of section 94EF of the Act in respect of the Development.

6.4 The Development Contributions provided under this Agreement are to be taken into consideration in determining development contributions under section 94 of the Act in respect of the Development.

6.5 If sections 94, 94A and 94EF of the Act are applicable to this Agreement and the Developer is required to pay any amounts payable pursuant to sections 94, 94A and 94EF of the Act at any time, then:

6.5.1 The Developer will attend to payment of any amounts payable under sections 94, 94A and 94EF of the Act as and when they are payable;

6.5.2 Upon payment of the amounts referred to in clause 6.5.1, the Developer will issue Council an invoice for an amount equivalent to the amounts referred to in clause 6.5.1; and

6.5.3 Upon receipt of the invoice referred to in clause 6.5.2, Council will attend to payment of the said invoice within 14 days of the date of the invoice.

6.6 If clause 6.5 applies, the parties expressly acknowledge and agree that any section 94, 94A and 94EF contributions payable shall not cause the total contributions payable by the Developer under this Agreement to exceed $1,847,000, adjusted annually in accordance with clause 3 of Schedule 3.

Part 2 – Development Contributions

7. Provision of Development Contributions

7.1 If at the time of the lodging of the Development Application for the Development:

7.1.1 the Council or the Developer has become the registered proprietor of the Railway Street Land; or

7.1.2 an easement or public positive covenant for public access over the Railway Street Land has been registered, or is required to be registered as a condition of a development consent relating to the Railway Street Land, on the certificate of title of the Railway Street Land;

then, the Developer must provide the Option A Development Contributions set out in clause 1 of Schedule 3 in the manner and by the times set out in clause 1 of Schedule 3.

7.2 If at the time of the lodging of the Development Application for the Development, the circumstances in clause 7.1.1 or clause 7.1.2 have not occurred the Developer must provide the Option B Development Contributions in the manner and at the times set out in clause 2 of Schedule 3.

7.3 Despite this clause 7, Council may apply a Development Contribution made under this Agreement or any amount received under any security under this section towards a Public Purpose other than the purpose specified in this Agreement if Council considers that the public interest would be better served by applying the Development Contribution towards that other purpose rather than the purpose so specified.

8. Procedures relating to the dedication of land

8.1 This clause 8 only applies if the Developer is required under clause 7.1 to provide the Option A Development Contributions.

8.2 The Developer must, at its own cost, take all steps required to dedicate the Parking Land to Council by the time specified in Column 4 in the table at clause 1, Part B, of Schedule 3.

8.3 Without limiting clause 8.2,

8.3.1 the Developer must give Council:

(a) for execution by Council as transferee, an instrument of transfer under the *Real Property Act 1900* relating to the Parking Land. The instrument of transfer must be duly signed by the Developer and be effective to transfer the title to the Parking Land;

(b) the certificate of title for the Parking Land;

(c) a discharge of any mortgage or other encumbrance on the Parking Land; and

(d) a withdrawal of any caveat affecting the land,

each in registerable form, such that the registration of the transfer and other documents will give Council unencumbered title to the Parking Land.

8.3.2 Council is to execute the instrument of transfer and return it to the Developer within 7 days of receiving it from the Developer;

8.3.3 the Developer is to lodge the instrument of transfer for registration at Land and Property Information within 7 days of receiving it from Council duly executed; and

8.3.4 the Developer is to do all things reasonably necessary to enable registration of the instrument of transfer to occur.

8.4 The Option A Development Contribution in clause 1, Part B, of Schedule 3 will be taken to be complied with once Council is registered proprietor of the Parking Land.

8.5 Council must provide the Developer with a tax invoice for its reasonable expenses incurred in relation to the dedication of land contemplated by this clause 8 and the Developer must pay those reasonable expenses promptly.

8.6 After the dedication of land contemplated by this clause 8, Council will use the land for car parking, a pedestrian footway area and to improve traffic flow in the area.

9. Parking Land Security

9.1 This clause 9 only applies if the Developer is required under clause 7.1 to provide the Option A Development Contributions.

9.2 If the Developer fails to dedicate the Parking Land to Council as required by clause 8 on or before the date on which transfer is required in Column 4 in the table at clause 1, Part B, of Schedule 3, then the Council may, after giving the Developer not less than 30 Business Days' notice in writing of its intention to do so and the Developer's subsequent failure to dedicate the Parking Land as required by this Agreement, compulsorily acquire the Parking Land for the amount of $1.00 in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991 (NSW)*.

9.3 The Council and the Developer agree that:

9.3.1 clause 9.2 is an agreement between the Developer and the Council for the purposes of section 30 of the *Land Acquisition (Just Terms Compensation) Act 1991 (NSW)*; and

9.3.2 in clause 9.2 the Developer and the Council have agreed on all relevant matters concerning the compulsory acquisition and the compensation to be paid for the acquisition of the Parking Land.

10. Approvals and consents for an Item of Work

10.1 Subject to clause 10.2, the Developer must, at its own cost, obtain all approvals and consents for the Works.

10.2 Council is responsible for obtaining development consent for the Item of Works identified in Item A.4 in each of the tables in clauses 1 and 2 of Schedule 3.

10.3 The Developer must not apply for a permit for installation of traffic management facilities until the approval of the Bayside Local Traffic Committee, under delegation by the NSW Roads and Traffic Authority in accordance with the *Road Transport (Safety and Traffic Management) Act* 1999, has been given.

10.4 The Developer will submit a Traffic Control Plan to the Council at least 10 Business days before any Item of Work is undertaken on any existing public assets owned, maintained or controlled by the Council. No Item of Work shall be commenced until the Traffic Control Plan has been approved by an adequately qualified person, who is qualified to perform traffic control safety instructions under the Roads and Traffic Authority Traffic Control at Work Sites document dated June 2010, or any subsequent amendment to that document. In addition no work shall commence on any Council assets until such time as the appropriate occupancy permission has been obtained and the appropriate fees and charges pertinent to such occupancy paid.

10.5 The Developer must not apply for a Construction Certificate from the Certifying Authority for an Item of Work until the Council (in its capacity as the future owner of the Item of Work and not as a planning authority) has approved the Detailed Design Specifications for the Works in accordance with clause 11.2.

11. Designing and carrying out of an Item of Work

11.1 The Developer must engage a Service Provider to prepare the Detailed Design Specifications for each Item of Work and the Developer must ensure that Detailed Design Specifications are in accordance with:

11.1.1 the Design Specifications (including the Preliminary Design);

11.1.2 the Quality Management System, developed by the Service Provider in accordance with AS/NZS ISO 9000:2000, and certified by a third party organisation accredited under a recognised product certification scheme in accordance with AS/NZS ISO 9001:2000;

11.1.3 any reasonable lawful requirements and directions of the Council that are notified in writing to the Developer; and

11.1.4 the conditions of any Development Consent granted in relation to an Item of Work and any other applicable approvals.

11.2 The Developer must submit the Detailed Design Specifications for the Works to Council together with all supporting documentation for approval by Council prior to carrying out the Works or any Item of Work.

11.3 Council must, acting reasonably, review the Detailed Design Specifications and within 20 Business Days after their submission either:

11.3.1 approve the Detailed Design Specifications; or

11.3.2 reject the Detailed Design Specifications (in which case, Council must provide comments to the Developer to explain what changes are required for Council to approve the Detailed Design Specifications).

11.4 If Council rejects the Detailed Design Specifications, the Developer must address Council's comments and resubmit the Detailed Design Specifications for approval by Council under this clause 11.

11.5 The Developer must carry out and complete each Item of Work or engage a Service Provider to carry out and complete each Item of Work, in accordance with:

11.5.1 the Detailed Design Specifications approved by the Council under this clause 11;

11.5.2 all applicable laws, including those relating to occupational health and safety;

11.5.3 the conditions of any development consent granted in relation to an Item of Work and any other applicable approvals; and

11.5.4 the conditions of any development consent or other approval granted in relation to the carrying out of that Item of Work.

12. Acceptance of Site Conditions

Subject to clause 22:

12.1 the Council makes no representation and gives no warranty to the Developer in respect of the Site Conditions likely to be encountered, or which may be encountered, during the execution of the Works or otherwise in respect of the condition of:

12.1.1 the Council Land;

12.1.2 any structure or other thing, on, under or adjacent to, or otherwise in the vicinity of, the Council Land;

12.2 the Developer must accept:

12.2.1 the Council Land;

12.2.2 any structure or other thing, on, under or adjacent to, or otherwise in the vicinity of, the Council Land;

in their existing condition (including when encountered) subject to all defects; and

12.3 the Developer agrees that it is responsible for, and assumes the risk of, and will not be entitled to make any claim or demand arising out of, or in any way in connection with, any additional work, increased costs and any damage, expense, loss, liability or delay (including any delay in achieving Hand-Over in respect of an Item of Works) it suffers or incurs arising out of, or in any way in connection with:

12.3.1 the Site Conditions actually encountered during the carrying out of the Works under this Agreement; the

12.3.2 the Council Land,

including the suitability or otherwise of the Council Land for the Works under this Agreement.

13. Not Used

14. Quality Management System for an Item of Work

14.1 The Developer or its Service Provider, if engaged under clause 11.5, must implement and construct each Item of Work in accordance with:

14.1.1 a Quality Management System developed by the Service Provider in accordance with AS/NZS ISO 9000:2000 and certified by a third party organisation accredited under a recognised product certification scheme in accordance with AS/NZS ISO 9001:2000; or

14.1.2 a project specific Quality Management Plan and Inspection and Test Plan developed by the Service Provider in accordance with the NSW

Government Quality Management Guidelines March 2012 and approved by the Council.

14.2 The Developer must ensure that the carrying out of each Item of Work is supervised in accordance with the requirements in the Records.

14.3 A Consultant must be appointed:

14.3.1 where the Item of Work is to be constructed by a Service Provider under contract to the Developer, by the Developer; or

14.3.2 where the Item of Work is to be constructed by the Developer, by the Council.

15. Access to the Land

15.1 The Developer is to permit Council, its officers, employees, agents and contractors to enter the Land at any time, upon giving reasonable prior notice, in order to inspect, examine or test any Item of Work.

15.2 The Council is to permit the Developer to enter and occupy any land owned or controlled by Council that is required, for the Developer to carry out any Item of Work under this Agreement or to perform any other obligation imposed on the Developer by or under this Agreement, upon giving reasonable prior notice.

16. Protection of people and property

16.1 The Developer is to ensure to the fullest extent reasonably practicable in relation to the carrying out of any Work that:

16.1.1 all necessary measures are taken to protect people and property; and

16.1.2 unnecessary interference with the passage of people and vehicles is avoided; and

16.1.3 nuisances and unreasonable noise and disturbances are prevented.

17. Hand-Over of Works

17.1 The Developer must achieve Hand-Over for each Item of Work on or before the Hand Over Date for that Item of Work.

17.2 The Developer must submit to the Council the Works-as-Executed Records and provide the Council with written notice that the Item of Work is nearing completion not less than 10 Business Days prior to the anticipated Hand-Over Date of the Item of Work.

17.3 Council, acting reasonably, may, within 5 Business Days of receipt of the notice under clause 17.2:

17.3.1 request information (in addition to the Works-as-Executed Records) that is relevant to the completion of the Item of Work and delay the Hand-Over of the Item of Work until the Developer has provided the additional information requested to Council's reasonable satisfaction;

17.3.2 notify the Developer that it has achieved Hand-over for that Item of Work; or

17.3.3 notify the Developer that it has not achieved Hand-over for that Item of Work, in which case Council must:

(a) identify the errors or omissions which in the opinion of Council need to be completed so that the Developer can achieve Hand-Over in respect of that Item of Work; or

(b) accept Hand-Over of the Item of Work and issue a Rectification Notice under clause 19.

17.4 On Hand-Over of an Item of Work:

17.4.1 the Developer must ensure that an unencumbered title to each Item of Work passes to Council and must give to Council any document of title to each Item of Work; and

17.4.2 subject to clause 19, Council accepts ownership, possession, risk and control of that Item of Work; and

17.5 Once Hand-Over has been achieved in respect of each of the Items of Work, Council will return to the Developer the General Security in accordance with clause 25.

18. Failure to Comply with the Hand-Over Date

18.1 If the Developer fails to achieve Hand-Over of an Item of Work by the Hand-Over Date the Council may, acting reasonably, call upon the General Security and carry out and complete the Item of Work itself, or engage a contractor to carry out and complete the Item of Work.

18.2 For the purposes of clause 18.1:

18.2.1 the Developer must allow the Council, its servants, agents and contractors to enter the Land at any time for the purpose of completing the relevant Item of Work;

18.2.2 if the Council incurs costs that are over and above the amount payable under the General Security, Council's additional costs will be a debt due from the Developer to Council, payable on demand.

18.3 For the purpose of clause 18.2.2, Council's costs of completing an Item of Work includes, but is not limited to:

18.3.1 the costs of Council's officers, personal representatives, agents and contractors reasonably incurred for that purpose;

18.3.2 all fees and charges necessarily or reasonably incurred by Council in order to have the Item of Work rectified; and

18.3.3 without limiting clause 18.3.2 all legal costs and expenses reasonably incurred by Council, by reason of the Developer's failure to comply with this Agreement.

18.4 In the event that the Developer fails to achieve Hand-Over in respect of an Item of Work by the Hand-Over Date, the Developer irrevocably and for valuable consideration appoints Council as its attorney and to execute all such documents and do all such things on the Developer's behalf as are necessary or desirable to enable an Handover to be achieved in respect of an Item of Work.

19. Rectification of Defects

19.1 During the First Defects Liability Period and the Second Defects Liability Period, the Council may, acting reasonably, give to the Developer a Rectification Notice.

19.2 The Developer must promptly comply with a Rectification Notice at its own cost according to the terms of the Rectification Notice.

19.3 When the Developer considers that rectification is complete, the Developer must give to the Council a Rectification Certificate relating to the Item of Work the subject of the relevant Rectification Notice.

19.4 If the Developer does not comply with a Rectification Notice, the Council may do such things as are necessary to rectify the Defect.

19.5 For the purposes of clause 19.4:

19.5.1 Council may call upon the Rectification Security or the Remaining Rectification Security to meet its costs in rectifying the Defect; and

19.5.2 if the Council incurs costs that are over and above the amount payable under the Rectification Security or the Remaining Rectification Security, Council's additional costs will be a debt due from the Developer to Council, payable on demand.

19.6 For the purpose of clause 19.5, Council's costs include:

19.6.1 the reasonable costs of Council's officers, personal representatives, agents and contractors reasonably incurred for that purpose;

19.6.2 all fees and charges necessarily or reasonably incurred by Council in order to have the Item of Work rectified; and

19.6.3 without limiting clause 19.6.2, all legal costs and expenses reasonably incurred by Council, by reason of the Developer's failure to comply with its obligations under this clause 19.

19.7 In the event that the Developer does not comply with a Rectification Notice, the Developer irrevocably and for valuable consideration appoints the Council as its attorney to execute all such documents and do all such things on the Developer's behalf as are necessary or desirable to enable the Council to rectify any Defects in accordance with a Rectification Notice given under this Agreement.

19.8 Subject to receipt by Council of a replacement unconditional undertaking if required under 19.9, Council must promptly after the expiration of the First Defects Liability Period, return to the Developer any unused portion of the Rectification Security.

19.9 If at the expiration of the First Defects Liability Period:

19.9.1 any Rectification Notice is outstanding; or

19.9.2 the Second Defect Liability Period for an Item of Work has not yet expired,

Council may retain a Remaining Rectification Security in relation to the Defect of the Item(s) of Work.

19.10 If Remaining Rectification Security is required under clause 19.9:

19.10.1 The Developer will provide Council with details of the costs associated with the rectification of the Defect in question and nominate the amount of the

Remaining Rectification Security proposed to be provided (**Proposed RRS**);

19.10.2 Council, acting reasonably, may within 5 Business Days of receipt of notification of the Proposed RRS:

(a) request further information from the Developer that is relevant to the determination of the Proposed RRS;

(b) notify the Developer that Council consents to the Proposed RRS; or

(c) notify the Developer that Council disagrees with the Proposed RRS.

19.10.3 If Council consents to the Proposed RRS under clause 19.10.2(b), the Proposed RRS is the Remaining Rectification Security for the relevant Item(s) of Work.

19.10.4 If Council disagrees with the Proposed RRS under clause 19.10.2(c), the Remaining Rectification Security for the relevant Item of Work(s) is to be determined by an independent quantity surveyor, agreed jointly between the parties or by the Institute of Quantity Surveyors, who will determine the Remaining Rectification Security for the relevant Item of Work(s).

19.11 The Remaining Rectification Security must be returned to the Developer within 5 Business Days of the expiry of the Second Defect Liability Period.

19.12 A Rectification Certificate that resolves and meets the requirements of an outstanding Rectification Notice discharges the Developer from any further obligation to comply with the relevant Rectification Notice. For the sake of clarity, this clause does not prevent Council from issuing a new Rectification Notice for an Item of Work that was previously subject to a Rectification Notice, during the Second Defect Liability Period.

19.13 Council must do all things reasonably necessary to enable the Developer to comply with a Rectification Notice that has been given in accordance with clause 19.

20. Damage and repairs to Work

20.1 The Developer, at its own cost, is to repair and make good to the reasonable satisfaction of Council any Loss or damage to an Item of Work from any cause whatsoever which occurs prior to the date on which Hand-over is achieved in respect of an Item of Work, except to the extent that such Loss is directly or indirectly caused or contributed to by Council.

21. Variation of Work

21.1 The design or construction of an Item of Work is not to be varied by the Developer after the Detailed Design Specifications have been approved by Council under clause 11, unless:

21.1.1 the parties agree in writing to the variation (prior to that variation being carried out); and

21.1.2 any consent or approval required under the Act or any other law to the variation is first obtained; and

21.1.3 the Developer bears all of Council's reasonable costs of and incidental to agreeing to and approving the variation under this Agreement.

21.2 If, after the Detailed Design Specifications have been approved by Council under clause 11, Council requests a variation to the design or construction of Item of Work,

21.2.1 the Developer will provide the Council with a fee quote for the costs of completing the Item of Work in accordance with the variation requested by Council;

21.2.2 the parties must agree a sum that will be payable by Council to the Developer to account for the increased costs of completing the Item of Work (**Variation Amount**). The Variation Amount will be an reasonable estimate of the additional costs directly attributable to the variation requested by Council; and

21.2.3 the parties must, acting reasonably, agree an extension to the Hand-Over Date in respect of the Item of Work;

21.2.4 the Developer must carry out the Item of Work in line with the variation requested by Council by the Hand-over Date (as extended under clause 21.2.3); and

21.2.5 Council must pay the Variation Amount to the Developer after the Item of Work (as varied) is complete, and within 28 days of receipt of a tax invoice for the amount claimed by the Developer.

22. Latent Contamination

22.1 The Developer will not be entitled to make, and Council will not be liable in connection with, any claim or demand arising out of or in connection with any Latent Contamination, except to the extent expressly provided for in this clause 22.

22.2 If the Developer encounters Latent Contamination while carrying out the Works, the Developer must promptly, and where possible before the Latent Contamination is disturbed, give Council written notice of the general nature of the Latent Contamination.

22.3 As soon as reasonably practicable after issuing a notice under clause 22.2, but in any event within 7 days of the Developer first becoming aware of the relevant Latent Contamination, the Developer must, as a condition precedent to any entitlement under clause 22.4 in respect of the Latent Contamination, give Council a written notice including:

22.3.1 details of the Latent Contamination encountered (with sufficient evidence to demonstrate to the reasonable satisfaction of Council that Latent Contamination is present);

22.3.2 details of the extent to which any Items of Work are effected by the Latent Contamination;

22.3.3 details of any estimated Latent Contamination Costs with details of how such amount has been calculated and why the various components of that amount are in each case Latent Contamination Costs, in sufficient detail (and supported by sufficient evidence) to enable the Council to substantiate that amount;

22.3.4 a written statement setting out any proposals the Developer may have for reducing the impact of any increase in costs arising from the alleged Latent Contamination; and

22.3.5 details of the steps that the Developer has taken, or proposes to take, to mitigate the impact of the Latent Contamination and to reduce any associated Latent Contamination Costs.

22.4 Within 20 Business Days after Council receives all of the information required by clause 22.3, Council must notify the Developer that it:

22.4.1 accepts that there is Latent Contamination and that the Latent Contamination will cause the Developer to incur the Latent Contamination Costs set out in the Developer's notice under clause 22.3, in which case Council may (at its absolute discretion):

(a) pay the Developer the Latent Contamination Costs set out in the Developer's notice under clause 22.3 within 20 Business Days of receipt of the Developer's notice under clause 22.3; or

(b) direct the Developer to cease carrying out the Item of Work effected by the Latent Contamination, in which case clause 22.5 will apply; or

22.4.2 rejects that there is Latent Contamination and that the Developer will incur Latent Condition Costs, in which case either party may refer the matter for resolution under clause 26 to determine whether or not there is Latent Contamination and, if there is determined to be Latent Contamination, to determine the value of the relevant Latent Contamination Costs – in which case clause 22.5 will apply once the value of those costs is determined; or

22.4.3 accepts that there is Latent Contamination but rejects that the Developer will incur the Latent Contamination Costs, in which case either party may refer the matter for resolution under 26 to determine the value of those costs, and clause 22.5 will apply once the value of those costs is determined.

22.5 Where this clause applies:

22.5.1 the parties must appoint an independent quantity surveyor to assess the value of the works already performed in respect of the Item of Work effected by the Latent Contamination (**Affected Item of Work**);

22.5.2 an independent quantity surveyor is a person:

(a) agreed between and jointly appointed by the parties; or

(b) where the parties are unable to reach agreement within 10 Business Days of Council serving a notice under clause 22.4 or the determination of a dispute under clause 26 (as applicable), a person appointed by the Institute of Quantity Surveyors;

22.5.3 the Developer must promptly provide Council and the independent quantity surveyor with:

(a) a detailed description of all work performed by the Developer in respect of the Affected Item of Work prior to the date of the direction under clause 22.4.1(b);

(b) evidence (including photographs and as built plans) of those works;

(c) evidence of the Developer's expenditure on those works;

(d) any other information requested by the independent quantity surveyor;

22.5.4 the independent quantity surveyor appointed must:

(a) act independently and with expedition; and

(b) take into consideration all documents, information and other material which the parties give the independent quantity surveyor;

22.5.5 within 10 Business Days of the independent quantity surveyor's assessment of the value of works already performed in respect of the Affected Item of Work, the Developer must pay Council the difference between that assessment and the Agreed Contribution Value. For the avoidance of doubt, if the value of the works already performed by the Developer as assessed by the independent quantity surveyor is more than the Agreed Contribution Value, the Developer will not be entitled to a refund for those works;

22.5.6 the decision of the independent quantity surveyor is final and binding; and

22.5.7 the parties will share the costs of the independent quantity surveyor equally.

Part 3 – Other Provisions

23. Indemnity and insurance

23.1 This clause 23 applies for the period between the commencement of construction of an Item of Work up until the expiration of the First Defects Liability Period and Second Defects Liability Period.

23.2 The Developer indemnifies Council from and against all Loss, except to the extent that any Loss is directly or indirectly caused or contributed to by any act, omission or negligence of Council, its employees, officers, agents, contractors and workmen.

23.3 The Developer is to take out and keep current to the reasonable satisfaction of Council the following insurances in relation to the Works required to be carried out by the Developer under this Agreement up until Hand-Over of the Works in accordance with this Agreement:

23.3.1 contract works insurance; noting Council as an interested party, for the full replacement value of the Works (including the cost of demolition, removal of debris, and remediation, consultants' fees and authorities' fees), to cover the Developer's liability in respect of damage to or destruction of the Works;

23.3.2 public liability insurance for at least $20,000,000 for a single occurrence, which covers Council, the Developer and any subcontractor of the Developer, for liability to any third party;

23.3.3 workers compensation insurance as required by law; and

23.3.4 any other insurance required by law.

23.4 If the Developer fails to comply with clause 23.3, Council may effect and keep in force such insurances and pay such premiums as may be necessary for that purpose and the amount so paid shall be a debt due from the Developer to Council, payable on demand.

23.5 The Developer is not to commence to carry out any Works unless it has first provided to Council a certificate of currency for each of the insurances specified in clause 23.3.

24. Provision of Security

24.1 On or before the grant of the Road Opening Permit, the Developer must give the Council 2 unconditional undertakings for:

24.1.1 the General Security; and

24.1.2 the Rectification Security,

for the due, prompt and proper observance and performance by the Developer of its obligations under this Agreement in relation to the Works.

24.2 Each unconditional undertaking required under clause 24.1 must be an irrevocable and unconditional on demand undertaking (with no expiry date) on terms approved in writing by Council. For the avoidance of doubt, the Developer must provide 2 separate unconditional undertakings.

24.3 On each anniversary of the date of this Agreement:

24.3.1 the security amount required for each unconditional undertaking required under clause 24.1 will be increased by the same percentage as the percentage increase, if any, in the Consumer Price Index in the 12 months prior to the relevant anniversary. The increased security amount will be the amount of security required for the 12 months immediately following the relevant anniversary; and

24.3.2 the Developer must provide replacement Security to Council for the revised Security Amount adjusted in accordance with clause 24.3.1.

24.4 Any unused portion of an unconditional undertaking that is held by the Council immediately prior to the receipt by Council of the replacement Bank Guarantee under clause 24.3.2, must be returned to the Developer upon receipt of the replacement unconditional undertaking.

24.5 The Parties agree that Council may, acting reasonably, impose conditions of Development Consent on the Development under section 80A of the Act specifying that the first Occupation Certificate for the Development must not be issued until the Developer has achieved Hand-Over for each of the Items of Work.

24.6 The Parties agree that, in respect of the Works, where Council is the certifying authority, it may withhold the issue of the relevant Construction Certificate or Occupation Certificate (as appropriate) until such time as the identified Item of Work is completed.

25. Release & return of General Security

The Council is to release the General Security to the Developer within 5 Business Days following the final Hand-Over of all of the Works.

26. Dispute Resolution

26.1 Any Dispute between the parties must be resolved under clause 26.

26.2 If a party wishes to have a Dispute resolved or determined, it must give a written notice (**Notice of Dispute**) to the other party. A Notice of Dispute must state that it is a notice under clause 26.2 and must specify in reasonable detail:

(a) the legal basis for and detailed particulars of the Dispute;

(b) the facts relied on; and

(c) the relief or outcome sought.

26.3 Within 10 Business Days after a Notice of Dispute is given (or a longer period agreed by the parties in writing), the parties must ensure that their senior representatives meet, undertake good faith negotiations and use their reasonable endeavours to resolve the Dispute.

26.4 If a Dispute is not resolved within the period referred to in clause 26.3, either party may give a written notice to the other party to refer the Dispute for expert determination (**Notice of Referral**).

26.5 Only an Expert (as defined in clause 26.6) may conduct an expert determination under this clause 26.

26.6 An Expert is a person:

(a) agreed between and jointly appointed by the parties; or

(b) where the parties are unable to reach agreement within 10 Business Days of a Notice of Referral, a person appointed by the Resolution Institute at the request of a party.

26.7 The parties must promptly enter into an engagement agreement with the Expert on terms reasonably required by the Expert.

26.8 An agreement for expert determination under this Agreement is not an arbitration agreement under the *Commercial Arbitration Act 2010* (NSW).

26.9 The parties agree that the Expert must:

(c) act as an expert and not as an arbitrator;

(d) act fairly, impartially and independently of each party;

(e) apply the Expert's own knowledge and expertise;

(f) determine and notify the parties of the procedure for conducting the expert determination as the Expert thinks fit, and is not bound by the rules of evidence;

(g) make any directions for conducting the expert determination as the Expert thinks fit;

(h) conduct investigations and enquiries, examine documents and interview persons to the extent the Expert considers necessary or desirable to resolve the Dispute;

(i) determine the Dispute as expeditiously as possible; and

(j) give the parties a written determination with reasons, within 30 Business Days after the date of the engagement agreement referred to in clause 26.6, or any later date the parties may agree in writing.

26.10 Each party is entitled to legal representation during the expert determination.

26.11 The Expert must use all reasonable endeavours to avoid any actual or potential:

(a) conflict of interest; or

(b) circumstance that may reasonably be considered to adversely affect the Expert's impartiality or independence.

26.12 The Expert must immediately give the parties written notice if the Expert becomes aware of the existence of anything described in clause 26.11.

26.13 To the extent permitted by law, the Expert's determination is final and binding on the parties unless:

(a) there is any fraud;

(b) there is a material miscalculation of figures or a material mistake in the description of any person, thing or matter; or

(c) both conditions below apply:

(a) the value of the claim exceeds $250,000; and

(b) within 60 Business Days after the Expert gives the parties the determination, a Party gives written notice to the other Party referring the matter to a Court.

26.14 Any party may make a written request to the Expert to correct the determination for:

(d) a minor mistake arising from an accident or omission; or

(e) a defect in form.

26.15 Each party must:

(a) cooperate in good faith with the Expert and the other party in the conduct of the expert determination; and

(b) use reasonable endeavours to comply with all requests and directions reasonably given by the Expert.

26.16 The parties must:

(a) comply with any reasonable direction of the Expert to provide security deposits for the Expert's fees and disbursements;

(b) each pay half of the Expert's fees and disbursements in connection with the expert determination; and

(c) bear their own costs in connection with the expert determination.

26.17 Nothing in clause 26 prejudices the right of a party to seek urgent injunctive or declaratory relief for any matter in connection with this Agreement.

26.18 Subject to clause 26.19, the parties must, and must ensure that the Expert must keep confidential, and not disclose to any other person:

(d) all proceedings and submissions relating to an expert determination under clause 26, including the fact that any step in the expert determination is occurring; and

(e) all documents and any other information (in any form) relating to the expert determination, including the Expert's determination.

26.19 A party may disclose confidential information referred to in clause 26.18:

(f) if that party obtains the prior written consent of the other party;

(g) as required by law; or

(h) to the extent necessary to give effect to or to enforce a determination.

26.20 Despite the existence of a Dispute or its referral to expert determination, each party must continue to perform their obligations under this Agreement.

26.21 A party must not appoint the Expert as arbitrator, advocate or adviser in any arbitral, judicial or adjudication proceedings relating to the Dispute or any part of it, except with the other party's written consent.

26.22 Clause 26 survives the termination or expiry of this Agreement.

27. Registration of this Agreement

27.1 The Developer acknowledges that Council intends to register this Agreement under section 93H of the Act on the Land and on registration by the Registrar-General the Agreement will be binding on and enforceable against the owner of the Land from time to time as if each owner for the time being had entered into this Agreement.

27.2 **Developer's obligations**

27.2.1 The Developer must as soon as practicable after the date of this Agreement and, in any event, no later than 60 Business Days after that date, obtain the consent of each person who has an estate or interest in the Land to the registration of this instrument.

27.2.2 The Developer must at the request of Council, sign any *Real Property Act* dealing, acknowledgement or document, provide all relevant consents (including the consent of any mortgagee or caveator) arrange for the production of the Certificates of Title for the Land and do all other things reasonably necessary to enable this Agreement to be registered pursuant to section 93H of the Act.

27.3 **Release and discharge of deed by Council**

27.3.1 This Agreement ends when the Developer has complied with all of its obligations imposed under the terms of this Agreement.

27.3.2 The Council must promptly do all things reasonably required by the Developer to release and discharge this Agreement with respect to any part of the Land (such that the Agreement is no longer registered by the Registrar-General under section 93H of the Act in relation to that part of the Land) upon the earlier of:

(a) the Developer having provided all of the Development Contributions in accordance with this Agreement; and

(b) this Agreement otherwise coming to an end.

27.4 **Registration of Strata Plans**

27.4.1 This Agreement will not remain or be newly registered by the Registrar-General under section 93H in relation to any newly created strata lot, subject to the Developer being in compliance with this Agreement to the reasonable satisfaction of the Council at that time.

27.4.2 For each Strata Plan lodged with the office of the Registrar-General, where that Strata Plan is intended to create a strata lot(s), the Council must do all things reasonably required by the Developer to ensure that this Agreement is not registered by the Registrar-General under section 93H of the Act in relation to any such lot.

27.4.3 If through error or other reason this Agreement is registered on the title to any strata lot, each party must do such things as are reasonably necessary, within 5 Business Days after being requested by the other, to facilitate the lodging and grant of a request for the registration of this Agreement to be removed from the title to that lot.

28. Lodgement of Caveat

28.1 The Developer acknowledges that the rights under this Agreement give Council a caveatable interest in the Land. Until such time as this Agreement is registered on the relevant folios of the Register held by the Land and Property Information (**LPI**) pertaining to the Land, the Developer agrees that Council may lodge a caveat on the relevant folios of the Register held by the LPI pertaining to the Land.

28.2 A caveat lodged by Council in accordance with this clause 28 must not prevent or prohibit the lodgement of any instrument dealing or matter required for the registration of any mortgage, subdivision plan, easement, covenant, right of way, deposited plan or strata plan relating to the Development. The Developer must not lodge a lapsing notice or take any action to obtain or seek a withdrawal or removal of the caveat, unless:

28.2.1 the Developer's obligations under this Agreement have been satisfied; or

28.2.2 this Agreement has otherwise come to an end.

28.3 If Council lodges a caveat in accordance with clause 28, Council must:

28.3.1 ensure that the caveat does not prevent or delay the registration of this Agreement;

28.3.2 immediately execute the relevant forms to remove the registration of any caveat lodged by Council in respect of the Land within 5 Business Days of registration of this Agreement on the Land in accordance with this clause 28;

28.3.3 provide any consent or other documentation required to permit the registration of:

(a) any easements to burden or benefit the Land;

(b) any variations of lease (including by way of exercise of option), or transfers of lease, over any part of the Land;

(c) any lease;

(d) the subdivision of the Land for the purpose of creating parcels; and

(e) the subdivision of the Parking Land.

29. Assignment and transfer

29.1 A Party must not assign, novate or deal with any right, including transfer of the Land, or obligation under the Agreement without the prior written consent of the other Party.

29.2 In respect of a request by the Developer for Council's consent under clause 29.1, Council must not unreasonably withhold consent under this clause, provided that the matters specified in clause 29.3 are satisfied.

29.3 The matters required to be satisfied for the purposes of clause 29.1 are:

29.3.1 the Developer has, at its own cost, first procured the execution by the person to whom the Developer's rights or obligations under this Agreement are proposed to be assigned, novated, sold, transferred, delegated or otherwise encumbered (**Proposed Transferee**), of an agreement in favour of the Council on terms satisfactory to Council acting reasonably; and

29.3.2 Council, by notice in writing to the Developer, has stated that evidence satisfactory to Council has been produced to show that the assignee or novatee, is reasonably capable of performing its obligations under the Agreement;

29.3.3 the Developer has agreed to pay all reasonable fees and expenses (including legal fees) incurred by Council in connection with the proposed assignment, novation or dealing and the investigation of the Proposed Transferee; and

29.3.4 the Developer is not in breach of this Agreement.

29.4 Any purported dealing in breach of clause 29 is of no effect.

29.5 Notwithstanding clause 29.1 the Developer may enter into a contract for sale, and may sell and transfer to a transferee part of the Land forming a strata lot on a proposed Strata Plan, without compliance with clause 29.3.

30. Review of this Agreement

30.1 The Developer is to provide to Council by not later than each anniversary of the date on which this Agreement is entered into a report detailing the performance of its obligations under this Agreement.

30.2 The Parties agree to review this Agreement at least once every 2 years, and otherwise if either Party is of the opinion that any change of circumstance has occurred, or is imminent, that materially affects the operation of this Agreement.

30.3 For the purposes of clause 30.2, the relevant changes include (but are not limited to):

(a) any change to a law that restricts or prohibits or enables Council or any other planning authority to restrict or prohibit any aspect of the Development;

(b) any change to the Development;

(c) any change to the Rockdale LEP;

(d) any change to or the making of any environment planning instrument that affects the Development;

(e) if the Developer is unable to obtain all consents necessary for the Developer to enter onto the Land and carry out Work as required by this Agreement;

(f) if contributions under section 94, 94A or 94EF are levied on the Development as a condition of Development Consent; and

(g) the exhibition of a draft contributions plan, within the meaning of the Act, relating to land in the Council's area.

30.4 For the purposes of addressing any matter arising from a review of this Agreement referred to in clause 30.2 the Parties are to use all reasonable endeavours to agree on and implement appropriate amendments to this Agreement.

30.5 If this Agreement becomes illegal, unenforceable or invalid as a result of any change to a law, the parties agree to do all things necessary to ensure that an enforceable agreement of the same or similar effect to this Agreement is entered into.

30.6 A failure by a Party to agree to take action requested by the other party as a consequence of a review referred to in clause 30.2 is not a dispute for the purposes of clauses 26 and is not a breach of this Agreement.

31. Notices

31.1 Any notice, consent, information, application or request that must or may be given or made to a Party under this Agreement is only given or made if it is in writing and sent in one of the following ways:

31.1.1 delivered or posted to that Party at its address set out in the Contacts Sheet; or

31.1.2 faxed to that Party at its fax number set out in the Contacts Sheet.

31.2 If a Party gives the other Party 3 Business Days' notice of a change of its address or fax number, any notice, consent, information, application or request is only given or made by that other Party if it is delivered, posted or faxed to the latest address or fax number.

31.3 Any notice, consent, information, application or request is to be treated as given or made if it is;

31.3.1 delivered, when it is left at the relevant address;

31.3.2 sent by post, 4 Business Days after it is posted; or

31.3.3 sent by fax, as soon as the sender receives from the sender's fax machine a report of an error free transmission to the correct fax number.

31.4 If any notice, consent, consent, information, application or request is delivered, or an error free transmission report in relation to it is received, on a day that is not a Business Day, or if on a Business Day, after 5pm on that day in the place of the

Party to whom it is sent, it is to be treated as having been given or made at the beginning of the next Business Day.

32. Approvals and consent

32.1 Unless expressly stated otherwise in this Agreement, and subject to any statutory obligations, a Party may give or withhold an approval or consent to be given under this Agreement in that Party's absolute discretion and subject to any conditions determined by the Party.

32.2 A Party is not obliged to give its reasons for giving or withholding consent or for giving consent subject to conditions.

33. Costs

33.1 The Developer must pay to Council the Council's reasonable costs of up to $45,000, for preparing, negotiating, executing and stamping this Agreement, and any document related to this Agreement, within 20 Business Days of a provision of a tax invoice by Council for such payment.

33.2 The Developer must pay to Council the Council's reasonable costs of enforcing this Agreement within 20 business days of a written demand by Council for such payment, except in the case of a dispute that is the subject of:

33.2.1 expert determination by an Expert under clause 26 in which case each party will bear its own costs; or

33.2.2 court proceedings, in which case any costs will be paid in accordance with orders of the court only.

34. Entire Agreement

34.1 This Agreement contains everything to which the Parties have agreed in relation to the matters it deals with.

34.2 No Party can rely on an earlier document, or anything said or done by another Party, or by a director, officer, agent or employee of that Party, before this Agreement was executed, except as permitted by law.

35. Further acts

35.1 Each Party must promptly execute all documents and do all things that another Party from time to time reasonably requests to effect, perfect or complete this Agreement and all transactions incidental to it.

36. Governing law and jurisdiction

36.1 This Agreement is governed by the law of New South Wales.

36.2 Each Party irrevocably and unconditionally submits to the non-exclusive jurisdiction of its courts and courts of appeal from them.

36.3 Each party waives any right to object to the exercise of jurisdiction by those courts on any basis.

37. Joint and individual liability and benefits

37.1 Except as otherwise set out in this Agreement:

37.1.1 any agreement, covenant, representation or warranty under this Agreement by 2 or more persons binds them jointly and each of them individually; and

37.1.2 any benefit in favour of 2 or more persons is for the benefit of them jointly and each of them individually.

38. No fetter

Nothing in this Agreement shall be construed as requiring Council to do anything that would cause it to be in breach of any of its obligations at law, and without limitation, nothing shall be construed as limiting or fettering in any way the exercise of any statutory discretion or duty.

39. No obligation or liability

The Developer acknowledges and agrees that:

39.1.1 Council (or any person on its behalf) does not assume or owe any duty of care or other responsibility or obligation to the Developer in relation to the Design Specifications or the Detailed Design Specifications, and will not be required to check the Design Specifications or the Detailed Design Specifications, for suitability, errors, omissions or compliance with the requirements of law, any approval or this Agreement;

39.1.2 the Developer will not be entitled to make, and Council will not be liable upon or in connection with, any claim, liability or Loss arising out of or in connection with any failure by Council (or any person on its behalf) to detect or notify the Developer of any lack of suitability, errors, omissions or non-compliance with the requirements of law, any authority or this deed in any part of the Design Specifications or the Detailed Design Specifications; and

39.1.3 no review of, comment upon, consent to, or approval or rejection of, nor failure or refusal to review, comment upon, consent to, or approve or reject, any Design Specifications or the Detailed Design Specifications (including under clause 11) or any other direction (including approval) by Council (or any person on its behalf) about such Design Specifications or the Detailed Design Specifications will:

(a) relieve the Developer from, or otherwise limit, alter or affect, the Developer's liabilities or responsibilities under this Agreement or otherwise at law or in equity; or

(b) prejudice Council's rights against the Developer whether under this Agreement or otherwise at law or in equity.

40. Representations and warranties

40.1 Each Party represent and warrant to each other Party that they have power to enter into this Agreement and comply with their obligations under the Agreement and that entry into this Agreement will not result in the breach of any law.

41. Severability

41.1 If a clause or part of a clause of this Agreement can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way.

41.2 If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this Agreement, but the rest of this Agreement is not affected.

41.3 The parties acknowledge that under and by virtue of section 93F(4) of the Act, any provision of this Agreement is not invalid by reason only that there is no connection between the Development and the object of the expenditure of any Development Contribution required to be made by that provision.

42. Modification

42.1 No modification of this Agreement will be of any force or effect unless it is in writing and signed by the Parties to this Agreement.

42.2 The Council acknowledges that the Developer may require the approval of any financier prior to agreeing to any modification to this Agreement.

43. Waiver

43.1 The fact that a Party fails to do, or delays in doing, something the Party is entitled to do under this Agreement, does not amount to a waiver of any obligation of, or breach of obligation by, another Party.

43.2 A waiver by a Party is only effective if it is in writing. A written waiver by a Party is only effective in relation to the particular obligation or breach in respect of which it is given.

43.3 It is not to be taken as an implied waiver of any other obligation or breach or as an implied waiver of that obligation or breach in relation to any other occasion.

44. Rights cumulative

44.1 Except as expressly stated otherwise in this Agreement, the rights to a Party under this Agreement are cumulative and are in addition to any other rights of that Party.

45. Duty

45.1 The Developer as between the Parties is liable for and must pay all duty (including any fine or penalty except where it arises from default by another Party) on or relating to this Agreement, any document executed under it or any dutiable transaction evidenced or effected by it.

45.2 If a Party other than the Developer pays any duty (including any fine or penalty) on or relating to this Agreement, any document executed under it or any dutiable transaction evidenced or effected by it as a result of the Developer first failing to pay such duty, the Developer must pay that amount to the paying Party on demand.

46. Effect of Schedules

46.1 The Schedules to this Agreement form part of this Agreement.

47. Relationship of the Parties

47.1 This Agreement is not intended to create a partnership, joint venture or agency relationship between the Parties.

48. GST

48.1 In this clause:

Adjustment Note, Consideration, GST, GST Group, Margin Scheme, Money, supply and **Tax Invoice** have the meaning given by the GST Law.

GST Act means the *A New Tax System (Goods and Services Tax) Act 1999 (Cth)*.

GST Amount means in relation to a Taxable Supply the amount of GST payable in respect of the Taxable Supply.

GST Law has the meaning given by the GST Act.

Input Tax Credit has the meaning given by the GST Law and a reference to an Input Tax Credit entitlement of a party includes an Input Tax Credit for an acquisition made by that party but to which another member of the same GST Group is entitled under the GST Law.

Taxable Supply has the meaning given by the GST Law excluding (except where expressively agreed otherwise) a Supply in respect of which the supplier chooses to apply the Margin Scheme in working out the amount on GST on that Supply.

48.2 Subject to clause 48.4 and clause 48.5.2:

48.2.1 except where specified to the contrary in this Agreement, all consideration payable under this Agreement in relation to any supply is exclusive of GST; and

48.2.2 if GST is payable on a Taxable Supply made under, by reference to or in connection with this Agreement, the Party providing the consideration for that Taxable Supply must also pay the GST Amount as additional Consideration.

48.3 Clause 48.2 does not apply to the extent that the Consideration for the Taxable Supply is expressly stated in this Agreement to be GST inclusive.

48.4 No additional amount shall be payable by Council under clause 48.2 unless, and only to the extent that, Council (acting reasonably and in accordance with the GST Law) determines that it is entitled to an Input Tax Credit for its acquisition of the Taxable Supply giving rise to the liability to pay GST.

48.5 If there are Supplies for Consideration which is not Consideration expressed as an amount of Money under this Agreement by one Party to the other Party that are not subject to Division 81 or Division 82 of the GST Act:

48.5.1 to negotiate in good faith to agree the GST inclusive market value of those Supplies prior to issuing Tax Invoices in respect of those Supplies; and

48.5.2 that any amounts payable by each Party in accordance with clause 48.2 (as limited by clause 48.4) to each other in respect of those Supplies will be set off against each other to the extent that they are equivalent in amount.

48.6 No payment of any amount pursuant to this clause 48, and no payment of the GST Amount where the Consideration for the Taxable Supply is expressly agreed to be GST inclusive, is required until the supplier has provided a Tax Invoice or Adjustment Note as the case may be to the recipient.

48.7 Any reference in the calculation of Consideration or of any indemnity, reimbursement or similar amount to a cost, expense or other liability incurred by a Party, must exclude the amount of any Input Tax Credit entitlement of that party in relation to the relevant cost, expense or other liability.

48.8 This clause continues to apply after expiration or termination of this Agreement.

49. Explanatory Note relating to this Agreement

49.1 The **Appendix** to this Agreement is the Explanatory Note relating to this Agreement required by clause 25E of the Regulation.

49.2 Pursuant to clause 25E(7) of the Regulation, each Party agrees that the Explanatory Note in the Appendix is not to be used to assist in construing this Planning Agreement.

50. New Laws

50.1 If the Developer is obliged by any new law to do something or pay an amount which it is already contractually obliged to do or pay under this Agreement then, to the extent only that the relevant obligation is required under both the new law and this Agreement, compliance with the new law will constitute compliance with the relevant obligation under this Agreement.

51. Force Majeure Events

51.1 This clause 51 applies in the case of a Force Majeure Event.

51.2 The Developer is not liable for any failure to comply with any of its obligations under this Agreement where the failure is caused or contributed to by a Force Majeure Event.

51.3 In the event that a Force Majeure Event occurs:

(a) The Developer will notify Council in writing as soon as is reasonably practicable the extent to which it is unable to perform its obligations (the **FME Notice**); and

(b) The parties must use their best endeavours to mitigate the adverse effects of the Force Majeure Event and perform their obligations under this Agreement as quickly as is reasonably possible.

51.4 If the Developer has complied with its responsibilities under clause 51.3(a) and is still unable to carry out its obligations under this Agreement due to a Force Majeure Event, then the parties must meet within 21 days of the FME Notice to discuss in good faith alternative arrangements or contributions which can be provided in light of the Force Majeure Event.

52. Counterparts

This Agreement may be executed in any number of counterparts all of which taken together constitute one instrument.

Execution

Executed as an Agreement at Rockdale date:

Executed on behalf of Bayside Council:

General Manager (sign)	Witness (sign)
Name of General Manager (print)	Witness – Name/Position (print)

Executed by Zoe Holdings Rockdale Pty Limited pursuant to s 127 of the *Corporations Act 2001*:

Director (sign)	Director/Secretary (sign)
Name of Director (print)	Name of Director/Secretary (print)

Schedule 1 Section 93F Requirements

(Clause 2.1)

Provision of the Act	This Agreement
Under section 93F(1), the Developer has:	
(a) sought a change to an environmental planning instrument	Yes
(b) made, or proposes to make, a Development Application.	Yes
(c) entered into an agreement with, or is otherwise associated with, a person, to whom paragraph (a) or (b) applies	No
Description of the land to which this Agreement applies – Section 93F(3)(a))	The whole of the Land described in Schedule 2 to this Agreement
Description of the change to the environmental planning instrument to which this Agreement applies – (Section 93F(3)(b)(i))	Additional permissible height of a proposed mixed-use development
The scope, timing and manner of delivery of Development Contributions required by this Agreement – (Section 93F(3)(c))	See Schedule 3 to this Agreement
Applicability of Sections 94 and 94A of the Act – (Sections 93F(3)(d) and 93F(5A))	See **clause 6**
Applicability of Section 94EF of the Act – (Section 93F(3)(d))	See **clause 6**
Benefits under the Agreement considered for Section 94 purposes – (Section 93F(3)(e)),	all Development Contributions under this Agreement
Dispute Resolution – (Section 93F(3)(f))	See **clauses 26**
Security & Enforcement of this Agreement – (Section 93F(3)(g))	See **clauses 24, 25**
Registration of the Agreement – (Section 93H)	Yes, see **clause 27**
Restriction on dealings	See **clause 28**
No obligation to grant consent or exercise functions – (Section 93F(9))	See **clause 38**

Schedule 2 Description of the Land and the Development

(Clause 1)

2. Item 1 The Land

Lot 101 DP771165,

Lot 3 DP82942,

Lot 1 DP455421; and

Lot 1 DP912313

(together known as 75-81 Railway Street, Rockdale).

3. Item 2 The Development

The development, within the meaning of the Act, of or on or including the Land for mixed uses, achieving not less than 10,300 square metre Gross Floor Area, under the Rockdale LEP once it is amended by the Instrument Change.

Schedule 3 Development Contributions

(Clause 7)

1. Option A Development Contributions

Part A: Works

Column 1	Column 2	Column 3	Column 4
Item	**Development Contribution**	**Agreed Contribution Value**	**Hand-over Date**
Hesten Lane extension and streetscape improvement to Parker Street and Railway Street			
A.1	A1. Extension of Hesten Lane southwards by approximately 21 metres over the Parking Land including: • construction of new road infrastructure for the full extension of Hesten Lane • public car parking on extension of Hesten Lane • retaining walls • soft landscaping • lighting • signage as shown on the Map in clause 4 of Schedule 3 and in accordance with the Detailed Design Specifications.	Combined Agreed Contribution Value for A.1, A.2,A.3 and A.4 is $1,049,000.	Prior to the issue of an Occupation Certificate for the Development. NOTE: The Works are subject to the Defect Liability Period once completed.
A.2	A2. Streetscape improvement works to upgrade the Parker Street frontage along the northern edge of the Land, as shown on the Map in clause 4 of Schedule 3 and in accordance with the Detailed Design Specifications.		Prior to the issue of an Occupation Certificate for the Development. NOTE: The Works are subject to the Defect Liability Period once completed.

A.3	A3. Streetscape improvement works to upgrade the existing footpath from Railway Street to the Guild Theatre (located within the boundary of the Land), as shown on the Map in clause 4 of Schedule 3 and in accordance with the Detailed Design Specifications.		Prior to the issue of an Occupation Certificate for the Development. NOTE: The Works are subject to the Defect Liability Period once completed.
A.4	A4. Streetscape and building frontage improvement works within the boundary of the Guild Theatre Site (Lot 2 DP 3560, Lot 3 DP 3560), in accordance with the Detailed Design Specifications.		Prior to the issue of an Occupation Certificate for the Development. NOTE: The Works are subject to the Defect Liability Period once completed.

Part B: Land dedication

Column 1	Column 2	Column 3	Column 4
Item	**Development Contribution**	**Agreed Contribution Value**	**Timing**
Land dedication for public parking and pedestrian connection			
B.	B1. Dedication to Council of the Parking Land to be used for provision of new public parking and a proposed future pedestrian connection linking Hesten Lane with Waltz Street.	$750,000	Prior to the issue of an Occupation Certificate for the Development.

2. Option B Development Contributions

Column 1	Column 2	Column 3	Column 4
Item	**Development Contribution**	**Agreed Contribution Value**	**Timing**
Streetscape improvement to Hesten Lane, Parker Street, Railway Street, Waltz Street and footpath from Railway Street to Guild Theatre			
A.1	A1. Streetscape improvement works to upgrade the street frontages of the Land on Hesten Lane, Parker Street and Railway Street, as shown on the Map in clause 4 of Schedule 3, and in accordance with the Detailed Design Specifications.	Combined Agreed Contribution Value for A.1, A.2, A.3 and A.4 is $1,847,000	Prior to the issue of an Occupation Certificate for the Development. NOTE: The Works are subject to the Defect Liability Period once completed.
A.2	A2. Streetscape improvement works to the northern side of Waltz Street between Walkin Street and Railway Street, as shown on the Map in clause 4 of Schedule 3, and in accordance with the Design Specifications.		Prior to the issue of an Occupation Certificate for the Development. NOTE: The Works are subject to the Defect Liability Period once completed.
A.3	A3. Streetscape improvement works to upgrade the existing footpath from Railway Street to the Guild Theatre (located within the boundary of the Land), as shown on the Map in clause 4 of Schedule 3 and in accordance with the Detailed Design Specifications.4.		Prior to the issue of an Occupation Certificate for the Development. NOTE: The Works are subject to the Defect Liability Period once completed.
A.4	A4. Streetscape and building frontage improvement works within the boundary of the Guild Theatre Site (Lot 2 DP 3560, Lot 3 DP 3560), in accordance with the Detailed Design Specifications.		Prior to the issue of an Occupation Certificate for the Development. NOTE: The Works are subject to the Defect Liability Period once completed.

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3. Adjustment of Agreed Contribution Value

3.1 On each anniversary of the date of this Agreement the Agreed Contribution Value of each Item of Work specified in Column 3 of the tables in clause 1 and 2 in Schedule 3 will be increased by the same percentage as the percentage increase, if any, in the Consumer Price Index in the 12 months prior to the relevant anniversary. The increased Agreed Contribution Value will be the Agreed Contribution Value for the 12 months immediately following the relevant anniversary.

4. Map of Works



For avoidance of any doubt:

Option A relates to the area described in both purple and green;
Option B relates to the area described in both yellow and green; and
Options A & B (collectively) relate to the area described in yellow, green and purple.

Schedule 4 Design Specifications

1. Specifications

- Demolition of existing surfaces and disposal off-site.
- Compaction of existing sub-grade.
- Supply and installation and compaction of DGB20 base course to Council standards.
- Supply and installation of SL72 32MPa concrete base course or standard otherwise agreed in writing by Council.
- Supply and installation of spine and core pavement treatment in accordance with Rockdale Public Domain Paving Style Sheet dated 03/10/2015.
- Associated landscape works to Council specifications.

2. General Requirements

- Public Domain Plan – Part 3: Preliminary Design of Schedule 4 – Design Specifications
- Specification for design – AUS-SPEC:
  - *0021 – Site regrading*
  - *0041 – Geometric road layout*
  - *0043 – Subsurface drainage (design)*
  - *0044 – Pathways and cycleways*
  - *0061 – Bridges and other structures*
  - *0074 – Stormwater drainage (design)*
  - *0160 – Quality (design).*
- Variation to Nominated Standards – where AUS-SPEC makes reference to the Austroads *Guide to Road Design*, the design shall comply with the NSW Roads and Traffic Authority Supplement to Austroads *Guide to Road Design*, and where AUS-SPEC makes reference to the Australian Standards AS1742 and AS1743, the design shall comply with the NSW Roads and Traffic Authority Supplement to Australian Standards AS1742 and AS1743.
- Inconsistency – where an inconsistency exists between the nominated design standards the prevailing standard shall be determined by the Council's Manager – City Infrastructure
- Applicable Legislation – Commonwealth and New South Wales Legislation.
- Drawing coordinates shall conform to GDA94 (Geocentric Datum of Australia). Levels shall conform to AHD (Australian Height Datum).
- Submission formats:
  - Two (2) printed copies of the plans
  - One (1) printed copy of the specification
  - Two (2) printed copies of the Review of Environmental Factors (REF)
  - One (1) USB with electronic format of all documents as follows:
    - Design drawings in DWG file format and portable document format (PDF).
    - Specification and REF in portable document format (PDF).

2.1 Limit of Works

- The limit of works shall be all works required to comply with AUS-SPEC, and shall be not less than the minimum requirements specified by the conditions of consent.

2.2 Drawing Presentation

- The detailed design plans are to be prepared in accordance with the Council's *Engineering Drawing Guide: for works in conjunction with developments and subdivisions*. The drawings must show all necessary design details for construction by the Developer.

2.3 Swept Paths

- The preparation and presentation of swept path diagrams shall be in accordance with the Council's *Engineering Drawing Guide: for works in conjunction with developments and*

subdivisions. Swept paths, based on the nominated design vehicle, must be provided for:
- All movements at intersections.

2.4 Design Parameters – Road and Pavement Design
- Design vehicle for swept path diagrams: design single unit bus, 12.5m long.
- Equivalent Standard Axles for pavement design: 3×10^5
- Design life for road pavement: 25 years
- Kerb profiles, pram ramps, etc shall be in accordance with the Model (Road) Drawings for Kerb and Gutter (R15) issued by the NSW Roads and Traffic Authority.

2.5 Drainage
- Drainage pipes shall be reinforced concrete (RC), rubber ring jointed (RRJ) pipes only.
- Pit details shall be in accordance with the Model (Road) Drawings for Stormwater Drainage (R11) – Gully Pits issued by the NSW Roads and Traffic Authority.

2.6 Subsurface Drainage
- Design of subsurface drainage shall be in accordance with *0043 – Subsurface drainage (design)*.
- Alternatively, the Roads and Traffic Authority's *Combined Stormwater and Subsurface Drainage* (Drawing reference MD.R33.A08.A) can be adopted.

2.7 Road Pavement
- A formal pavement design shall be prepared by a registered N.A.T.A. laboratory based on sampling and testing of the subgrade materials from the site. Details of the pavement design, results of subgrade testing (including 4 day soaked CBR's) are to be submitted with the design drawings.
- Pavements should be designed using the general principles of Austroads 1992 "Pavement Design – A Guide to the Structural Design of Road Pavements".
- Alternatively, the Roads and Traffic Authority's *Standard PTB Structure* (Drawing reference 0000.000.PT.0003) can be adopted.
- Sandstone shall not be used in pavements. Wearing surfaces shall be asphaltic concrete (AC) only.

2.8 Road Alignment
- Footpath design consistent with AS1428, and NSW Bicycle Guidelines. Attention is drawn to the provisions for minimum height clearance (2.2m); minimum clear width (1.5m); maximum grades (longitudinal and cross-fall); and kerb ramp details.
- All kerb returns must be designed such that no part of the vehicle crosses the centerline.
- All vehicle footpath crossing profiles are to be provided.
- The design must not result in any un-drained low-points, and as far as practicable low points within the kerb return shall be avoided to eliminate the use of pits with curved lintels.

2.9 Landscape Details
- Landscaping details are as agreed with Council in the Detailed Design Specifications.
- The landscape plan for the treatment of the road reserve must be separate to landscape treatments within the boundary of the property.

2.10 Traffic Facilities
- The following traffic facilities shall be provided in accordance with the NSW Roads and Traffic Authority Supplement to Austroads *Guide to Road Design*, and NSW Roads and Traffic Authority Supplement to Australian Standards AS1742 and AS1743.
  - Line marking and regulatory signage in New Road (East).
  - Parking signage in New Road (East).

2.11 On-Street Parking
- Where flush concrete edging is used as an edge treatment for pavement in lieu of standard kerb and gutter shapes adjacent to on-street parking spaces, wheel stops shall be designed in accordance with AS2890.3:1993.

2.12 Dilapidation Report

- The dilapidation report required by conditions of consent must include photos and details of surrounding public infrastructure and adjoining boundary fences.

2.13 Certification Requirements and Quality Assurance

Design qualification

- The design must be certified by a Professional Engineer with current registration on the National Professional Engineers Register (NPER), stating that the design meets the required standards:
  - Civil Engineering area of practice for all civil plans, including drainage design.
  - Structural Engineering area of practice for all structural load carrying elements.
- A certification report conforming to Annexure A of *0160 – Quality (design)* must accompany the design.

2.14 Utility Services – applicable only in relation to the Extension of Hesten Lane

- The extension of Hesten Lane (Item A.1 of the option A Development Contributions) shall comply with Ausgrid Network Standards for underground supply of electricity, including underground supply within the new road.

2.15 Street Lighting – applicable only in relation to the Extension of Hesten Lane

- The extension of Hesten Lane (Item A.1 of the Option A Development Contributions) shall design and implement new street lighting as required to meet the design lighting category from AS1158 (Category P3 – Lighting for roads and public spaces).
- The location of street lighting poles shall comply with RTA requirements:
  - Impact absorbing poles may be located not less than 1.0m from the edge of the nearest traffic lane; and
  - Non-impact absorbing poles may be located not less than 3.0m from the edge of the nearest traffic lane.
- Design to AusGrid Network Standard - Street Lighting Design and Construction NS119.
- Column footings must be designed according to the site conditions, and if standard details are being considered, the site conditions must be confirmed.

3. Specification

- A specification is to be developed based on AUS-SPEC. The compilation of the specification shall be undertaken in accordance with the Council's *Engineering Specification Guide: for works in conjunction with developments and subdivisions.*
- The specification compiler will be required to be a current subscriber to NATSPEC.

4. Preliminary Design

To be provided by the Developer at the time of the lodging of the Development Application for the Development.

Schedule 5 Parking Land

The area of land shown on the below map outlined in purple to be dedicated to Council as the Parking Land – being the area of approximately 342 square metres of the Land (in stratum) forming part of Lot 1 DP 912313 and part of Lot 1 DP 45541 for the provision of parking:



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Appendix

(Clause 49)

Environmental Planning and Assessment Regulation 2000

(Clause 25E)

Explanatory Note

Proposed Planning Agreement

Under s93F of the *Environmental Planning and Assessment Act 1979*

1. Parties

Bayside Council ABN 80 690 785 443 of 444-446 Princes Highway, Rockdale NSW 2216

(**Council**)

and

Zoe Holdings Rockdale Pty Limited ACN 169 548 770 of 9 Bestic Street ROCKDALE NSW 2216

(Developer)

2. Description of the Land to which the proposed Planning Agreement applies

2.1 75- 81 Railway Street, Rockdale as described in **Schedule 2** to the Agreement.

2.2 This Developer is the owner of the Land.

3. Description of proposed Development

3.1 The proposed redevelopment of the Land for mixed uses (being a minimum Gross Floor Area of 10,300 square metres).

3.2 In conjunction with the Development, the Developer will provide Development Contributions through either Option A Development Contributions or Option B Development Contributions.

3.3 The Option A Development Contributions must be provided if the Developer or Council becomes the registered proprietor of 83-85 Railway Street, Rockdale (being Lot 1 in Deposited Plan 3560) or otherwise obtains alternative public access arrangements over 83-85 Railway Street, Rockdale prior to the lodgement of the development application for the Development. The Option B Development Contributions must be provided if the circumstances which give rise to the Option A Development Contributions does not occur.

3.4 Both Options provide for general streetscape improvements on or near the Land. Option A provides for a smaller area of streetscape improvements than Option B but provides additional Development Contributions through the dedication of land. The Contribution Value of the Option A Development Contributions is $1,799,000 and the Option B Development Contributions is $1,847,000.

3.5 If the Option A Development Contributions apply, then in conjunction with the Development the Developer will provide:

3.5.1 the design, construction and dedication of land (approximately 342 square metres in stratum) for provision of proposed new public carparking and a section of proposed future pedestrian connection between Hesten Lane and Waltz Street, Rockdale;

3.5.2 southward extension of Hesten Lane, Rockdale including construction of new road infrastructure, public car parking, retaining walls, soft landscaping, lighting and signage (scope to be agreed);

3.5.3 streetscape improvement works to the Parker Street, Hesten Lane and Railway Street frontages of the Land (scope to be agreed);

3.5.4 streetscape improvement works to footpath from Railway Street, Rockdale to the Guild Theatre (refer to Schedule 5).

3.6 If the Option B Development Contributions apply, then in conjunction with the Development, the Developer will provide:

3.6.1 streetscape improvement works to the Hesten Lane, Parker Street and Railway Street frontages of the Land (scope to be agreed);

3.6.2 streetscape improvement works to footpath from Railway Street, Rockdale to the Guild Theatre (refer to Schedule 5);

3.6.3 streetscape improvement works to the northern side of Waltz Street between Walkin Street and Railway Street (scope to be agreed).

4. Summary of objectives, nature and effect of the proposed Planning Agreement

4.1 Objectives of proposed Planning Agreement

4.1.1 The objectives of the proposed Planning agreement are to:

4.1.1.1 provide Development Contributions for the benefit of the public in the form of streetscape improvement works;

4.1.1.2 if Option A Development Contributions apply:

- provide Development Contributions for the benefit of the public in the form of:
  - dedication of land at no cost to Council
  - works to create new public carparking, the extension of a road to provide better public access, and to facilitate a proposed future pedestrian connection; and

4.1.1.3 achieve the provision of these Development Contributions with greater certainty and at less risk and less cost to Council than would be possible through the outright purchase of the land or the use of section 94 development contributions alone.

4.2 Nature and effect of proposed Planning Agreement

4.2.1 The proposed Planning Agreement will not come into effect until the proposed instrument Change comes into force and Development Consent is granted for development achieving not less than 10,300 square metres of Gross Floor Area on the Land.

4.2.2 The proposed Planning Agreement will require the Developer to carry out streetscape improvement works and footpath improvement works for the Public Purpose of providing public amenities, at no cost to Council.

4.2.3 If the Option A Development Contributions apply, the proposed Planning Agreement will require the Developer to:

4.2.3.1 carry out the following additional Work for a public purpose:

- the design, construction and dedication of land for provision of proposed new public carparking and a proposed future pedestrian connection; and
- construction of new section of existing road for the provision of new public car parking and improved access by the public.

4.2.4 The estimated value of the Works and other contributions under the proposed Planning Agreement are $1,799,000 for the Option A Development Contributions and $1,847,000 for the Option B Development Contributions.

5. Assessment of the merits of the proposed Planning Agreement

5.1 The impact of the proposed Agreement on the public or any relevant section of the public

5.1.1 The proposed Planning Agreement impacts on the public by promoting the public interests as outlined in paragraph 5.2.1.

5.2 How the proposed Planning Agreement promotes the public interest and one or more objects of the *Environmental Planning and Assessment Act 1979*

5.2.1 The proposed Planning Agreement promotes the public interest by securing the provision of Development Contributions, through the carrying out of Work for the purposes of improving community facilities and, in general, for the purposes of improving and promoting the community's quality of life.

5.2.2 If the Option A Development Contributions apply, the proposed Planning Agreement will further promote the public interest by securing the dedication of land free of cost and the carrying out of additional Work, for the purposes of improving community facilities, infrastructure and services and, in general, for the purposes of improving and promoting the community's quality of life.

5.2.2 The proposed Planning Agreement promotes the objects of *the Environmental Planning and Assessment Act 1979* by;

- encouraging the development and conservation of natural and urban resources for the purpose of promoting the social and economic welfare of the community and a better environment;
- encouraging the promotion and co-ordination of the orderly and economic use and development of land;
- encouraging the provision of land for public purposes; and
- encouraging the provision and co-ordination of community services and facilities.

5.3 For Planning Authorities:

5.3.1 Development corporations – How the proposed Planning Agreement promotes its statutory responsibilities

N/A

5.3.2 Other public authorities – How the proposed Planning Agreement promotes the objects (if any) of the Act under which it is constituted

The proposed Planning Agreement promotes the Principles of *the Local Government Act 1993* by:

5.3.2.1 allowing Council to improve and develop the resources of the area appropriate to the current and future needs of the local community and the wider public through the provision of streetscape improvement works and footpath improvement works; and

5.3.2.2 if Option A applies, allowing Council to improve and develop the resources of the area through the provision of the new public car parking spaces, construction of a new section of an existing road and use dedicated land for provision of a proposed future pedestrian connection.

5.3.3 Councils – How the proposed Planning Agreement promotes the elements of the Council's Charter (cl 25E(2)(d))

5.3.3.1 Section 8 of the *Local Government Act* 1993 (NSW), previously set out the Council's charter. However, commencing 23 September 2016, the charter has been replaced with 'Guiding principles for councils' under section 8A of the Local Government Act.

Section 25E(2)(d) of the Environmental Planning and Assessment Regulation 2000 has not been amended to reflect the change. The current (section 8A Guidelines), and previous (section 8 Charter), requirements of the *Local Government Act* are addressed below.

5.3.3.2 The Planning Agreement promotes the following elements of the Council's charter, as stated under the previous wording of section 8 of the *Local Government Act 1993* (NSW):

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

The Planning Agreement promotes this aspect of Council's charter by providing for Council to provide improvements towards facilities for the community.

- "*to effectively plan for, account for, and manage the assets for which it is responsible*":

The Planning Agreement promotes this aspect of Council's charter by providing for Council to receive the benefit of streetscape improvement works which assist Council to manage the assets which are identified in the Planning Agreement as requiring improvement.

5.3.3.3 The Planning Agreement promotes the following elements of the Guiding principles for Councils in the exercise of Council functions, as stated under section 8A of the *Local Government Act 1993* (NSW):

- *"manage lands and other assets so that current and future local community needs can be met in an affordable way."*

The Planning Agreement provides a mechanism through which Council can manage its assets by delivering improvements to community facilities, in an affordable way.

- *"work with others to secure appropriate services for local community needs."*

The Planning Agreement provides a mechanism for Council to work with others, being the Developer, to secure streetscape improvements to public streets and footpath improvements, for local community needs.

Further, if Option A applies, the Planning Agreement provides a mechanism for Council to work with the Developer to provide new public car parking spaces, construction of a new section of an existing road and use dedicated land for provision of a proposed future pedestrian connection.

5.3.4 All planning authorities – Whether the proposed Planning Agreement conforms with the authority's capital works program

The works identified in the proposed Planning Agreement are not works which are part of the Council's capital works program however they are works which conform with aspects of the works identified as a priority by Council in its development contribution plans and will enable those works to be carried out with greater timeliness and certainty while reducing the financial risks to Council if Council were to do the works themselves.