

MEETING NOTICE

A meeting of the
Bayside Local Planning Panel
will be held in the Committee Room, Botany Town Hall
Corner of Edward Street and Botany Road, Botany
on **Tuesday 21 August 2018** at **6.00pm**

ON-SITE INSPECTIONS

On-site inspection/s will precede the meeting.

AGENDA

1 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

2 APOLOGIES

3 DISCLOSURES OF INTEREST

4 MINUTES OF PREVIOUS MEETINGS

Nil

5 REPORTS – PLANNING PROPOSALS

- 5.1 Post-Exhibition Report: Planning Proposal - 3 Macquarie Street & 3A
Maloney Street, Rosebery (The Lakes Hotel)3

6 REPORTS – DEVELOPMENT APPLICATIONS

- 6.1 SF18/1763 - DA-2017/1110 - Mutch Park, Wentworth Avenue,
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- 6.7 DA-2015/56/A - 336-340 Rocky Point Road, Ramsgate.....331

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

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

Meredith Wallace
General Manager

Bayside Local Planning Panel

21/08/2018

Item No	5.1
Subject	Post-Exhibition Report: Planning Proposal - 3 Macquarie Street & 3A Maloney Street, Rosebery (The Lakes Hotel)
Report by	Michael McCabe, Director City Futures
File	F11/216

Summary

On 14 March 2018 Council resolved to support a Planning Proposal for land at 3 Macquarie Street and 3A Maloney Street, Rosebery. The Planning Proposal seeks to amend the Botany Bay Local Environmental Plan 2013 to expand an Additional Permitted Use to allow carparking in association with The Lakes Hotel.

On 8 May 2018, the NSW Department of Planning & Environment issued a Gateway Determination to enable exhibition of the Planning Proposal. In accordance with the Gateway Determination, the Planning Proposal was publicly exhibited for 16 days from Wednesday 13 June 2018 to Friday 29 June 2018.

The purpose of this report is to inform the Bayside Local Planning Panel that public exhibition was undertaken in accordance with the conditions of the Gateway Determination, and that no submissions were received during the public exhibition period.

Officer Recommendation

- 1 That the Bayside Local Planning Panel acknowledges no submissions were received during the public exhibition process.
 - 2 That the Bayside Local Planning Panel recommends, in accordance with Section 3.36(2) of the Environmental Planning & Assessment Act 1979, Council exercises its delegation and make the Local Environmental Plan amendment, as exhibited, for 3 Macquarie Street and 3A Maloney Street, Rosebery.
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Background

On 14 March 2018, Council resolved to support a Planning Proposal for land at 3 Macquarie Street and 3A Maloney Street, Rosebery to amend the *Botany Bay Local Environmental Plan 2013* to expand an Additional Permitted Use to allow carparking in association with The Lakes Hotel. **Figure 1** below shows the location of the subject site.



Figure 1 – Aerial photograph of the subject site and adjoining Lakes Hotel

On 8 May 2018, the NSW Department of Planning and Environment issued a Gateway Determination to enable exhibition of the Planning Proposal. In accordance with the Gateway Determination (see **Attachment 1**), the Planning Proposal was publicly exhibited for 16 days from Wednesday 13 June 2018 to Friday 29 June 2018. This was two days longer than the minimum required 14 day period stipulated in the Gateway Determination. Details of the community engagement that occurred in relation to this Planning Proposal are included later in this report.

The purpose of this report is to inform the Bayside Local Planning Panel that public exhibition was undertaken in accordance with the conditions of the Gateway Determination, and that no submissions were received during the exhibition period.

Next Step

In the event that Council resolves to endorse the notification of the Planning Proposal, it will be forwarded to the Department of Planning and Environment so that the LEP amendment can be drafted, subject to any amendments resolved by Council. Council has delegation from the Minister to make this LEP amendment.

Conclusion

The Planning Proposal has been exhibited in accordance with the requirements of the Gateway Determination. There were no submissions received during the exhibition process. In accordance with Section 3.36(2) of the *Environmental Planning and Assessment Act 1979*,

Council can now exercise its delegation and make the Local Environmental Plan amendment, as exhibited, for 3 Macquarie Street and 3A Maloney Street, Rosebery.

Community Engagement

The community engagement actions in relation to this Planning Proposal were:

- Publicly exhibiting the Planning Proposal for 16 days from Wednesday 13 June 2018 to Friday 29 June 2018.
 - Sending notification letters to surrounding landowners.
 - Providing hard copies of all materials for inspection at both the Eastgardens and Mascot libraries.
 - Advertising the Planning Proposal in the Southern Courier, providing notification of the exhibition period and where exhibition materials could be viewed, including on Council's 'Have Your Say' web page.
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Attachments

Gateway Determination [↓](#)



Planning & Environment

Gateway Determination

Planning proposal (Department Ref: PP_2018_BSIDE_001_00): to amend Clause 17 Schedule 1 of the Botany LEP 2013 to permit car parking as an additional permitted use at 3 Macquarie Street and 3A Maloney Street, Rosebery in association with the Lakes Hotel.

I, the Director, Sydney Region East at the Department of Planning and Environment, as delegate of the Greater Sydney Commission, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Botany Bay Local Environmental Plan (LEP) 2013 to amend Clause 17 Schedule 1 to permit car parking as an additional permitted use at 3 Macquarie Street and 3A Maloney Street, Rosebery in association with the Lakes Hotel should proceed subject to the following conditions:

1. Community consultation is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal is classified as low impact as described in *A guide to preparing local environmental plans* (Department of Planning and Environment 2016) and must be made publicly available for a minimum of **14 days**; and
 - (b) the planning proposal 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 as identified in section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
2. Consultation is to include any current occupiers of the subject sites.
3. No consultation is required with the following public authorities / organisations under section 3.34(2)(d) of the Act.
4. A public hearing is not required to be held into the matter by any person or body under section 3.34(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 submission or if reclassifying land).
5. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
 - a. the planning proposal authority has satisfied all the conditions of the Gateway determination;


PP_2018_BSIDE_001_00 (IRF 18/2186)



Planning & Environment

- b. the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - c. there are no outstanding written objections from public authorities.
6. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated *8th* day of *May* 2018.


Amanda Harvey
Director, Sydney Region East
Planning Services
Department of Planning and Environment
Delegate of the Greater Sydney Commission

PP_2018_BSIDE_001_00 (IRF 18/2186)

Bayside Local Planning Panel

21/08/2018

Item No	6.1
Application Type	Outdoor Recreation
Application No	SF18/1763
Lodgement Date	06/07/2017
Property	DA-2017/1110 - Mutch Park, Wentworth Avenue, Pagewood
Ward	Port Botany
Owner	Sydney Water Corporation
Applicant	Bayside Council
Proposal	Construction of a skate park and associated works.
No. of Submissions	Three (3) submissions
Cost of Development	\$1,623,250
Report by	Michael McCabe, Director City Futures

Officer Recommendation

That development application DA-2017/1110 for the construction of a skate park and associated works at Mutch Park, Pagewood be APPROVED pursuant to Section 4.16(1) of the *Environmental Planning and Assessment Act 1979*.

Location Plan



Attachments

- 1 Planning Report
- 2 Architectural Plans [↓↓](#)

BAYSIDE COUNCIL

Planning Assessment Report

Application Details

Author:	James Arnold (Arnold Urban) – Consultant Planner
Report Date:	26 July 2018
DA Number:	DA-2017/1110
DA Lodgement Date:	6 July 2017
Property:	Mutch Park (Wentworth Avenue, Pagewood) Lot 3881 and 3882 DP 752015
Owner:	Sydney Water Corporation
Applicant:	Bayside Council
Proposal:	Construction of a skate park and associated works
Recommendation:	Approval, subject to conditions
Submissions:	Three (3) submissions

Key Issues

- **Contamination** – Mutch Park has a history of contamination with Asbestos Containing Materials (ACM) being present within fill materials in the park. There is an existing Environmental Management Plan (EMP) in place to ensure the park is suitable for the existing outdoor recreational use which the proposed skate park will continue. The application includes further detail investigations of the section of the park where the skate park is proposed. These investigations have resulted in an Asbestos Management Plan (AMP) being prepared and draft conditions have been included requiring the updating of the EMP after the skate park is constructed. Council's Environmental Scientist has reviewed the proposal and raised no objections subject to conditions.
- **Flooding** – The proposed skate park is located at a low point within Mutch Park which is flood affected. During the assessment process, issues were raised with regards to flooding and downstream impacts. The proposal has been amended to address these issues by further raising the level of the skate park and introducing a bund (earthworks flooding mound) adjacent to the skate park to further minimise downstream flooding impacts. Council's Development Engineer has reviewed the proposal as amended and raised no objections subject to conditions.

Recommendation

That development application DA-2017/1110 for the construction of a skate park and associated works at Mutch Park, Pagewood be **APPROVED** pursuant to Section 4.16(1) of the *Environmental Planning and Assessment Act 1979*.

Background

- There are no known previous applications on the site that are of relevance to the assessment of the subject proposal.
- On 31 March 2016, a community consultation session was held in relation to the proposal which discussed a range of issues that are outlined in the Community Consultation Meeting Minutes and Design Report submitted with the application. The consultation indicated that key stakeholders were in support of the proposal, subject to minor design modifications, which were considered as part of the final design of the proposal as lodged.
- The site, Mutch Park, has a history of contamination which has been revealed in various site investigations undertaken in recent years. Contamination associated with fill material present across the site has been identified and was the subject of an Environmental Management Plan (EMP) for the park, prepared by JBS&G in 2014. The fill material was found to have been impacted with building materials or waste products including Asbestos Containing Material (ACM) in the form of fragments of fibre cement sheet. Benzo(a)pyrene (B(a)P) contamination was also identified at three isolated locations in the vicinity of the proposed works above the relevant human health criteria.
- The purpose of the EMP is to ensure the continued suitability of the site for public recreational open space use, to protect the health and safety of persons who access the site and to prevent further degradation of the environment. The EMP was also required to ensure that when ACM is encountered in fill or soil and when B(a)P is encountered at the identified locations, it is appropriately managed to ensure the protection of human health. The current proposal involves some minor excavation and therefore, this EMP has to be considered, as outlined in this report.
- On 6 July 2017, the subject DA-2017/1110 was lodged with Council. The application was referred to various external agencies and internal Council officers.
- Between 1 August 2017 and 6 September 2017, the application was publicly notified and advertised in accordance with the *Botany Bay Development Control Plan 2013* (BBDCP 2013). In response, three submissions were received which primarily were comments on the design and operations rather than objections. These have been considered in the assessment as detailed under the submissions section of this report.
- In December 2017, amended plans were submitted (Revision H, Dated 20 December 2017) to address Council's Development Engineers comments relating to flooding and stormwater management. The amendments related only to adjustments to the levels of the skate park, specifically to further raise the levels to minimise the risk of flooding. No changes were made to the functional design of the skate park.
- In June 2018, amended stormwater management plans were submitted as a result of ongoing discussion and analysis of flooding and stormwater management. The amendments included the introduction of a bund (earthworks flooding mound) adjacent to the north of the skate park to further minimise flooding risks to the skate park and surrounding areas.

Proposal

The development application seeks consent for the construction of a skate park and associated works. The development is to be located in the south-western portion of Mutch Park near the Wentworth Avenue frontage.

Details of the proposal are as follows:

- Construction of a skate park, known as Pagewood Plaza. The skate park has an area of approximately 1,650m² and includes a quarter pipe, flat banks, ledges, rails, and bars;
- Earthworks fill to raise existing ground levels for the skate park. Some minimal excavation works are proposed associated with storm water drainage and footings;
- Widening of the internal access road to 6.3m at various points including the layback and crossover to Wentworth Avenue to allow emergency vehicle access;
- Pedestrian footpaths and ramps leading into the skate park from Wentworth Avenue and the existing car parking areas;
- A shade structure (7m x 5m) in the north-west section of the skate park;
- Retention of the two existing car parking areas adjacent to the new skate park. The existing informal parking arrangements will be formalised with new line markings and accessible car parking spaces provided;
- DDA compliant access ramp from the car park and Wentworth Avenue to the skate park;
- Provision of landscaping including new trees to be planted around the skate park and retention of all significant existing trees;
- Provision of amenities including furniture, lighting, bins, a drinking fountain, and formal and informal seating areas;
- Provision of bicycle racks;
- Signage comprising an entry sign and signage on seating walls; and
- Stormwater management infrastructure.

The proposal seeks to fill a gap in existing skate infrastructure in the region and has had consideration for the other skate parks in the wider area, including Bondi Beach, Waterloo, Redfern, Maroubra Beach, Five Dock, and Cammeray. Consultation on the design was undertaken with members of the Sydney Skate Association and individual skate professionals, with the design focusing on participation to cater for all riders and skills levels. The design and consultation process resulted in a design which is known as a 'skate plaza', designed to reflect an urban plaza including level changes, terracing, stairs, ledges, flat banks and exhibition spaces.

The proposal is illustrated in **Figures 1 to 3** below.



Figure 1. Perspective view of the proposed Skate Park looking north (Source: Enlocus, June 2017)

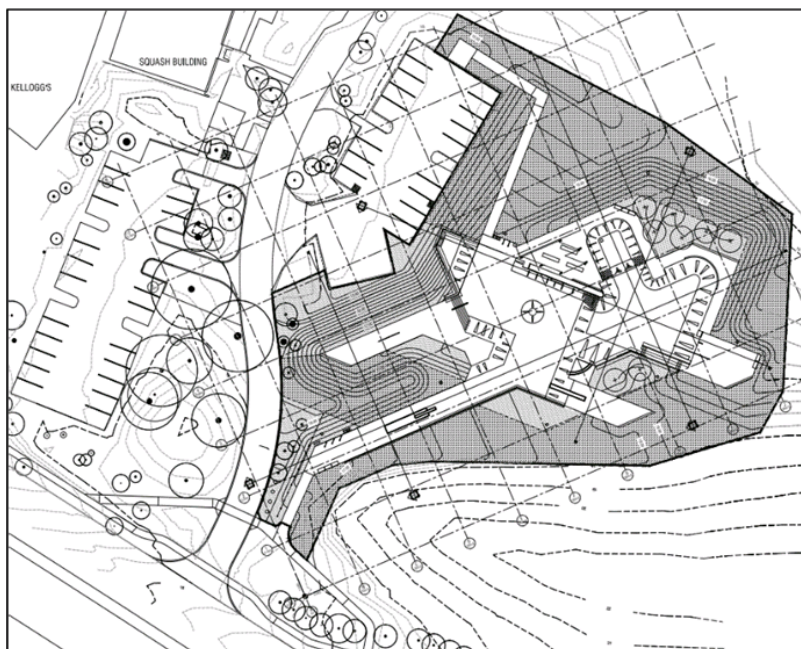


Figure 2. Site Plan (Source: Enlocus, December 2017)

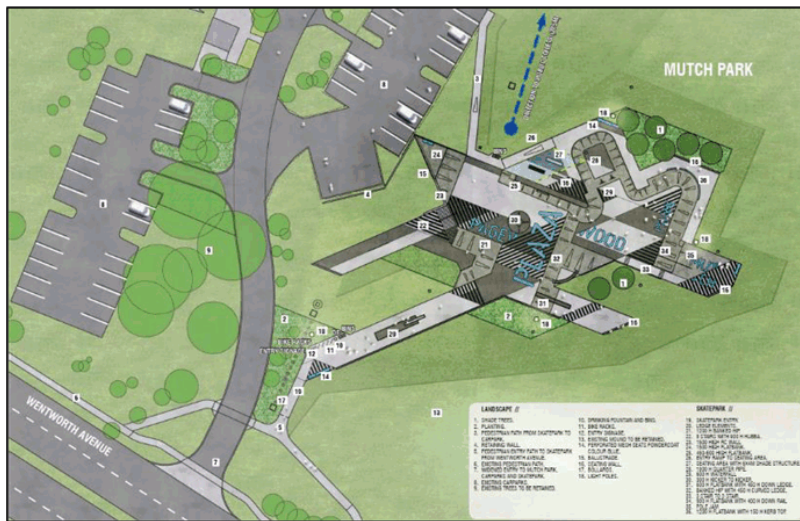


Figure 3. Notification Plan (Source: Enlocus, June 2017)

Site and Locality Description

The subject site is Mutch Park which is located in the suburb of Pagewood, approximately 8km south of the Sydney CBD. The park is comprised of two allotments legally described as Lot 3881 and 3882 in DP 752015, and is owned by Sydney Water and managed by Bayside Council. The park is generally rectangular in shape with an area of 12.9ha and dimensions of approximately 500m by 250m. The park is bound by Heffron Road to the north, Wentworth Avenue to the south, Bonnie Doon Golf Course to the east, and residential and commercial properties to the west. The park contains large open grassed areas, stands of mature trees, tennis courts, a building containing squash courts, cricket nets, children's playground, BBQ facilities, a public toilet block, and three car parking areas (Figure 4).

The skate park is proposed to be located in the south-western portion of the park, near the existing squash court building and the Wentworth Avenue frontage. This portion of the park has an internal access road from Wentworth Avenue, two at-grade car parking areas, and a single storey building containing squash courts and associated amenities. The skate park is proposed in a clear grassed area on the eastern side of the internal road, approximately 50m north of Wentworth Avenue. Refer to Figure 5 to 9 for recent photographs of the area where the skate park is proposed to be located.



Figure 4. Marked up aerial image of the southern portion of Mutch Park (Source: maps.six.nsw.gov.au / Marked: James Arnold, 2018)



Figure 5. Location of proposed skate park looking north-west (Source: James Arnold, July 2018)



Figure 6. Location of proposed skate park looking south (Source: James Arnold, July 2018)



Figure 7. Wentworth Avenue crossing to Mutch Park internal road (Source: James Arnold, July 2018)



Figure 8. Mutch Park internal road looking north from Wentworth Avenue (Source: James Arnold, July 2018)



Figure 9. Mutch Park Squash Courts (Source: James Arnold, July 2018)

Development in the area surrounding the southern portion of Mutch Park comprises of a mix of land uses including low density residential, light industrial and open space areas. A contextual aerial image is provided in **Figure 10**.

To the south of Mutch Park, on the opposite side of Wentworth Avenue, is a light industrial area characterised by single and two storey factory buildings. The Bonnie Doon Golf Course adjoins the eastern boundary of the site while to the immediate west is the Kellogg's administration building. A low density residential area of Pagewood is located to the north-west with the nearest dwellings being over 150m from the site of the proposed skate park. The remainder of Mutch Park, comprising tennis courts and other areas of open space exist to the north.



Figure 10. Marked up aerial image of the Mutch Park and surroundings areas (Source: maps.six.nsw.gov.au / Marked: James Arnold, 2018)

Referrals

Internal

The development application was referred to Council's Development Engineer, Environmental Scientist, Tree Management Officer, Traffic Engineer and Strategic/Heritage Planner. No objections were raised to the proposal subject to conditions of consent which have been imposed.

External

The development application was referred to the Roads and Maritime Services (RMS), the Local Aboriginal Land Council, the NSW Office of Environment and Heritage, NSW Police, and Sydney Water.

Sydney Water (letter dated 2 August 2017) raised no objections and provided comments relating to Environmental Management which have been included as conditions in the draft consent. The RMS (letter dated 16 November 2017) granted concurrence for the skate park access works under Section 138 of the Roads Act, subject to conditions which have been included in the draft consent. The NSW Police (letter dated 7 September 2017) were also consulted and raised no objections subject to the imposition of standard conditions to manage crime risk.

No response was received from the NSW Office of Environment and Heritage and the Local Aboriginal Land Council.

Statutory Considerations

An assessment of the application has been undertaken in accordance with the matters for consideration under section 4.15 of the *Environmental Planning and Assessment Act 1979*.

Environmental Planning and Assessment Act 1979 – Part 4, Division 5 – Special Procedures for Integrated Development and Environmental Planning and Assessment Regulations 2000 – Part 6, Division 3 – Integrated Development

The relevant requirements under Division 5 of the EP&A Act and Part 6, Division 3 of the EP&A Regulations have been considered. The development application was originally referred to RMS for integrated approval under Section 138 of the Roads Act for proposed works to Wentworth Avenue. In a response dated 28 September 2017, RMS stated that the proposal was not integrated development as Council is both the consent authority for the development and the approval authority for Wentworth Avenue. Despite this, in a further letter from the RMS dated 16 November 2017, concurrence was granted for the skate park access works and conditions provided which have been included on the consent.

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

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

The following Environmental Planning Instruments are relevant to this application:

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP) aims to facilitate the effective delivery of infrastructure across the State and among other things, identifies matters to be considered in the assessment of development adjacent to particular types of development. The relevant clauses of the Infrastructure SEPP have been considered below:

Clause 101 – Development with frontage to a Classified Road

Pursuant to Clause 101(2) of the SEPP (Infrastructure) 2007, a consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:

- *Where practicable, vehicular access to the land is provided by a road other than the classified road, and*
- *The safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*
 - *The design of the vehicular access to the land, or*
 - *The emission of smoke or dust from the development, or*
 - *The nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- *The development is of a type that is not sensitive to traffic noise or vehicle emissions or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road*

The site has a frontage to a classified road being Wentworth Avenue and therefore this clause applies. Vehicular access to the proposal utilises the existing driveway from Wentworth Avenue and there is no other practical point of vehicle access by a road other than a classified road. As part of the proposal, the vehicular access is proposed to be widened slightly to provide for improved pedestrian and emergency vehicle access to the site.

A Traffic Impact Assessment Report prepared by Bitzios Consulting (dated 29 June 2017) was submitted with the application which has considered the impact of the proposal on the operation of Wentworth Avenue. The report indicates that the proposal would generate a total of 14 vehicle trips in the weekend peak hour and 10 vehicle trips in the weekday PM school peak. The report recommends a reduction in the speed limit on Wentworth Avenue near Mutch Park from 70km/h to 60km/h and recommends that consideration is given to a left turn lane into the site. In regards to these recommendations, discussions were held between the applicant and the RMS in November 2017. Following consideration of the minimal traffic generation of the proposal along with traffic conditions along Wentworth Avenue including local crash data, the RMS indicated that a left turn lane was not required and that a speed limit reduction was not warranted (letter dated 16 November 2017). Accordingly, the proposal seeks only to widen the access driveway to Wentworth Avenue, with no other traffic measures proposed.

Council's Traffic Engineer has considered the proposal and raised no objections. The proposal is consistent with Clause 101(a) and (b).

An Acoustic report prepared by Rodney Stevens Acoustics was submitted with the application, however, it does not address road noise to the proposed skate park. Regardless, the skate park is a type of outdoor recreation which is not a land use that is considered sensitive to road noise. Accordingly, the proposal is consistent with Clause 101(c).

Clause 102 – Impact of road noise or vibration on non-road development

The proposed development is for an outdoor recreation area which is not a type of development listed as being sensitive to road noise or vibration and therefore this clause does not apply.

Clause 104 – Traffic-generating development

Pursuant to Clause 104, certain development must be referred to the Roads and Maritime

Services (RMS) for comment based on the type, capacity or location of the proposal. The proposal does not meet the criteria to be considered traffic-generating development (car parking for 50 or more vehicles) and therefore an RMS referral is not required under this clause. It is noted however that the RMS has provided comment on the proposal and raised no objections subject to conditions.

State Environmental Planning Policy No. 55 – Remediation of Land

The provisions of *State Environmental Planning Policy 55 - Remediation of Land* (SEPP 55), along with the requirements of Part 3K Contamination of the BBDCP 2013, have been considered in the assessment of the development application.

Clause 7 requires Council to be satisfied that the site is or can be made suitable for its intended use at the time of determination of an application.

A range of information relating to site contamination was submitted with the application which indicates that the likelihood of encountering contaminated soils on the site is relatively high given the site has been identified as containing contaminated materials within the fill layer, primarily being Asbestos Containing Material (ACM).

The site has a history of contamination and an Environmental Site Assessment was prepared by JBS&G for Sydney Water in 2014. This report concluded that the site can be suitable for recreational open space use subject to the development of an Environmental Management Plan (EMP). JBS&G subsequently prepared the EMP for Sydney Water in 2014 which noted that redevelopment of the site would require a review of the EMP to ensure contamination is managed appropriately. The purpose of the EMP is to ensure the continued suitability of the site for public recreational open-space use, to protect the health and safety of persons who access the site, and to prevent further degradation of the environment.

For the proposed skate park within the south-western portion of Mutch Park, further assessment of contamination was conducted by JBS&G for Council which recommended preparation of an Asbestos Management Plan (AMP) for implementation during the Skate Park development works, after which the current EMP would require review and updating for ongoing use of the park including the skate park area.

An AMP was prepared for Council and was submitted with the development application. The AMP supersedes the existing EMP for the duration of the development works within the skate park area. The EMP will continue to apply to other areas of Mutch Park during this period, and will require revision on completion of the skate park works for ongoing use and maintenance of Mutch Park including the new skate park area.

The development application was referred to Council's Environmental Scientist who raised no objections to the proposal subject to relevant conditions being imposed. This referral noted the following:

There is an Environmental Management Plan for Mutch Park that manages residual contamination across the site. I note that there will be minimal excavation for drainage and minor levelling. For the most part of the development works will involve raising the site levels to facilitate construction.

Additional testing of the location of the proposed skate park has been undertaken by JBS&G and an assessment and management of the Sump Pump and Drainage Line and an Asbestos Management Plan for the construction of the skate park has been compiled.

RECOMMENDATIONS

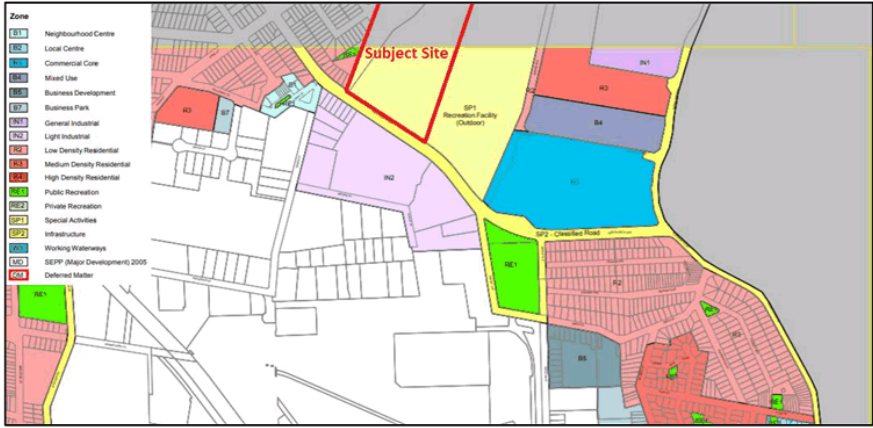
No objections subject to the following conditions

Given the above, subject to the successful implementation of the AMP and subsequent updating of the EMP to include the skate park, the site is considered suitable for the proposed outdoor recreational skate park use, subject to relevant conditions as outlined in the Attachment.

Accordingly, the proposal is satisfactory in regards to the provisions of SEPP 55.

Botany Bay Local Environmental Plan 2013


Botany Bay Local Environmental Plan 2013 (BBLEP 2013) has been considered in the assessment of the proposal and the following information is provided:

Botany Bay Local Environmental Plan 2013 – Relevant Clauses	Assessment of Proposal	Complies?
Land use Zone (CI 2.2)	The site is zoned SP1 Recreation Facility (Outdoor) under the BBLEP 2013.	-
		
<p>Figure 11. BBLEP2013 zoning map (Source: legislation.nsw.gov.au / Marked: James Arnold, 2018)</p>		
Is the proposed use/works permitted with development consent? (CI 2.3)	<p>The proposed development for a skate park is characterised as a <i>recreation facility (outdoor)</i> which is defined as (bold and underlining added):</p> <p><i>“recreation facility (outdoor) means a building or place (other than a recreation area) <u>used predominantly for outdoor recreation</u>, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, <u>skate board ramp</u>, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).”</i></p>	Yes

Botany Bay Local Environmental Plan 2013 – Relevant Clauses	Assessment of Proposal	Complies?
	<p>The uses permitted with consent in this zone are listed in Item 3 as:</p> <p><i>“The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose”</i></p> <p>A skate park is listed as a use within the definition of a recreation facility (outdoor) which is the purpose of the zone and is therefore permitted with consent.</p>	
<p>Does the proposed use/works meet the objectives of the zone? (Cl 2.3)</p>	<p>The proposed development is consistent with the objectives of the SP1 Recreation Facility (outdoor) zone which are:</p> <ul style="list-style-type: none"> ○ <i>To provide for special land uses that are not provided for in other zones.</i> <p><u>Comment:</u> The proposed skate park is the type of special land use, being an outdoor recreational facility, for which this zone was intended.</p> <ul style="list-style-type: none"> ○ <i>To provide for sites with special natural characteristics that are not provided for in other zones.</i> <p><u>Comment:</u> The proposed skate park is a minor built element within the larger natural surroundings of Mutch Park. The proposal will not involve the removal of any existing trees and will provide for new trees and landscaping around the edges of the skate park to appropriately integrate into the natural surroundings.</p> <ul style="list-style-type: none"> ○ <i>To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.</i> <p><u>Comment:</u> The proposed skate park is an outdoor recreational facility for which this zone was intended. The development has been designed to minimise impacts on the surrounding land as discussed throughout this assessment.</p>	<p>Yes</p>
<p>Does Schedule 1 – Additional Permitted Uses apply to the site? (Cl 2.5)</p> <p>If so what additional uses are permitted on the site?</p>	<p>The site is identified as ‘18’ on the additional permitted uses maps. Schedule 1 Cl.18 is applicable which stipulates that development for the purposes of a recreation area is permitted with development consent. A recreation area is defined as:</p> <p><i>“A recreation area means a place used for outdoor recreation that is normally open to the public, and includes:</i></p> <ul style="list-style-type: none"> <i>(a) a children’s playground, or</i> <i>(b) an area used for community sporting activities, or</i> <i>(c) a public park, reserve or garden or the like,</i> 	<p>Yes</p>

Botany Bay Local Environmental Plan 2013 – Relevant Clauses	Assessment of Proposal	Complies?
	<p><i>and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor)*.</i></p> <p>The proposal is a <i>recreation facility (outdoor)</i> which is permissible in the zone pursuant to CI 2.3 of BBLEP 2013 and therefore the proposal does not rely on this clause for permissibility.</p>	
Is demolition proposed? (CI 2.7)	There are no existing structures which are proposed to be demolished.	N/A
What is the height of the building? (CI 4.3)	There is no maximum height applying to the subject site and there are no buildings proposed.	N/A
Does the height of the building comply with the maximum building height?		
Is the proposed development in a R3/R4 zone? If so does it comply with site of 2000m ² min and maximum height of 22 metres and maximum Floor Space Ratio of 1.5:1? (CI 4.3(2A))	The site is not located within the R3 Medium Density Residential or R4 High Density Residential zone.	N/A
What is the proposed Floor Space Ratio? (CI 4.4)	There is no maximum FSR applying to the subject site and there are no buildings proposed.	N/A
Does the Floor Space Ratio of the building comply with the maximum Floor Space Ratio?		
Is the site within land marked "Area 3" on the Floor Space Ratio Map?	The site is not located in an Area 3 zone.	N/A
If so, does it comply with the sliding scale for Floor Space Ratio in Clause 4.4A?		
Is the land affected by road widening or any land acquisition? (CI 5.1)	The subject site is not affected by road widening or any other land acquisition.	N/A
Is the site listed in Schedule 5 as a heritage	Not applicable as the site does not contain a heritage item, is not within the vicinity of a heritage item and is not within a Heritage Conservation Area.	N/A

Botany Bay Local Environmental Plan 2013 – Relevant Clauses	Assessment of Proposal	Complies?
item or within a Heritage Conservation Area?		
<p>The following provisions in Part 6 of Botany Bay Local Environmental Plan apply–</p> <ul style="list-style-type: none"> ○ 6.1 – Acid Sulfate Soils ○ 6.2 – Earthworks ○ 6.3 – Stormwater Management 	<p>The portion of the site where the skate park is proposed is within Class 5 Acid Sulfate Soil zone. The clause states that:</p> <p><i>Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.</i></p> <p>The proposal includes minimal excavation as it generally involves filling to achieve the necessary contours to reduce disturbing the ACM in the soil. The land is not below 5m AHD and the development does not involve any excavation that is likely to lower the watertable below 1m AHD. Accordingly, an ASS management plan is not required to be prepared and the proposal satisfies this clause.</p> <p>The proposal includes earthworks fill to raise the levels for the skate park and for stormwater management works. Minimal excavation is proposed. These earthworks are considered appropriate given the site contamination and the works will not result in any significant adverse impacts on adjoining properties or the natural features of the site.</p> <p>The proposed stormwater management works (as amended) involve a new pit and pipe network to connect to an existing pipe within Mutch Park and a bund to minimise downstream flooding impacts.</p> <p>During the assessment process, Council's Development Engineer raised issues with regards to the flood affectation of the site, with the skate park being located at an existing low point and natural flood basin within Mutch Park. It is understood that the originally proposed levels of the skate park and the additional downstream flooding impacts of the development were not supported. To resolve these issues, the proposal was amended to further raise the levels of the skate park and introduce a bund adjacent to the north of the skate park. The bund is essentially an earthworks mound (to be turfed) that will be approximately 1m in height and will act to retain flood waters to minimise impacts on downstream areas. In a final referral dated 10 July 2018, Council's Development Engineer raised no objection to the amended proposal subject to conditions which will require a Flood Risk Management Plan to be prepared.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

Botany Bay Local Environmental Plan 2013 – Relevant Clauses	Assessment of Proposal	Complies?
<ul style="list-style-type: none"> 6.4 – Terrestrial Biodiversity 	<p>Given the above, the proposal is considered to satisfy this clause.</p> <p>A small portion along the eastern edge of Mutch Park is identified as containing an Endangered Ecological Community (EEC) – being Eastern Suburbs Banksia Scrub (as shown in Part 3M of BBDCP 2013 and BBLEP 2013 – Figure 12). The south-western portion of Mutch Park where the skate park and associated works are proposed, is well separated by approximately 130m from this EEC and is located at a much lower level at the bottom of the hill. Accordingly, it is considered highly unlikely the proposal would have any adverse impacts on this vegetation and thus satisfies this clause.</p>	Yes
		
<p>Figure 12. Marked Endangered Ecological Communities map showing the location of the skate park being well separated from identified Banksia Scrub (Source: BBDCP 2013 / Marked: James Arnold, 2018)</p>		
<ul style="list-style-type: none"> 6.9 – Development in areas subject to aircraft noise 6.15 – Active Street frontage 	<p>The site is located outside of the 20 ANEF Contour and as such this clause is not applicable.</p> <p>The site is not affected by the active street frontage requirements.</p>	<p>N/A</p> <p>N/A</p>

S4.15(1)(a)(ii) – Provisions of any Draft EPI's

No draft environmental planning instruments are of relevance in the assessment of the proposed development.

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

The following development control plan is relevant to this application:

Botany Bay Development Control Plan 2013

The proposal development has been assessed against the controls contained in the Botany Bay Development Control Plan 2013 (BBDCP 2013) as follows:

Part 3 – General Provisions

Provision	Control	Assessment of Proposal	Complies?
3A.2. Parking Provisions of Specific Uses	<p><u>Recreation Facilities (indoor)</u></p> <ul style="list-style-type: none"> ○ Squash Court – 3 spaces/court <p><u>Others</u></p> <p>Parking assessment based on survey of similar developments required</p>	<p>The proposed development seeks to utilise the two existing car parking areas located adjacent to the proposed skate park in the southern portion of Mutch Park.</p> <p>These car parking areas are primarily used for the existing squash courts and other park users. It is noted that there is another car parking area further north which caters for the Tennis Courts.</p> <p>Existing Squash courts – 4 courts requires 12 spaces</p> <p>Proposed skate park – requires 14 car spaces as per submitted Traffic Impact Assessment which included a survey of a similar skate park (Chifley Skate Park on Bunnerong Road).</p> <p>Requirement: 26 spaces (combined demand for the existing squash courts and the proposed skate park)</p> <p>Proposal: 49 spaces (existing – to be line marked and accessible spaces introduced)</p> <p><u>Car Parking Detailed Discussion</u></p> <p>There is existing car parking located within the portion of Mutch Park where the Skate Park is proposed, comprising two separate car parks, which are to be retained and formalised with line marking. One of the car parking areas is located to the west of the internal road containing approximately 26 spaces and the other area is located to the east, adjacent to where the Skate Park is proposed, containing approximately 23 spaces. There</p>	Yes

Provision	Control	Assessment of Proposal	Complies?
		<p>is a total of 49 car parking spaces which are to be shared with the existing squash courts, the Skate Park and the remainder of the uses of Mutch Park.</p> <p>The Traffic Impact Assessment stated that the proposed skate park generated the need for 14 car parking spaces based on surveys of other similar facilities in the vicinity (based on an hourly turnover of vehicles and proximity to public transport – buses on Wentworth Avenue). This car parking requirement for the proposed skate park, coupled with the need for 12 spaces for the squash court results in 26 car parking spaces needed for these two uses which is adequately provided for in the existing car parking areas. The remaining spaces are for the use of other users of Mutch Park. It is noted that there is another car parking area further north which caters for the Tennis Courts and a car parking area off Heffron Road catering for users at the northern end of the park.</p>	
3A.3.1 – Car Park Design	C1 All off-street parking facilities shall be designed in accordance with AS2890.1 & AS2890.6 (for people with disabilities).	The existing car parking areas will comply with the relevant AS.	Yes
	C2 Vehicle access points, loading/unloading area and the internal circulation of an off-street parking facility shall be designed in a manner that entry to and exit from the site is made in a forward direction (except for dwelling houses).	Car parking area allows for entry and exit in a forward manner.	Yes
	C6 All parking bays shall be clearly designated, sign posted and line marked. Signage and line marking shall comply with AS2890.1. These markings shall be maintained at all times.	Line marking of the existing car parking areas is proposed in accordance with the relevant AS.	Yes

Provision	Control	Assessment of Proposal	Complies?
	C13 Pedestrian entrances and exits shall be separated from vehicular access paths.	The plans demonstrate that there is separate entry and exits within the car park for vehicles and pedestrians. Pedestrians can access the site from Wentworth Avenue and from the car parking areas. Access ramps are provided to ensure access to the skate park from the car parking areas.	Yes
	C15 Vehicle access points of the property should not be located: <ul style="list-style-type: none"> In places with high traffic volumes, such as classified or arterial roads; Close to intersections as outlined in Section 3.2.3 of AS2890.1; 	The site has only one street frontage to Wentworth Avenue with an existing vehicle entry point to be used by the proposed development.	Yes
	C35 Accessible parking spaces for people with disabilities shall be designed in accordance with AS2890.6.	Traffic Report indicates that two accessible car spaces will be provided.	Yes
	C36 All off-street parking facilities shall allocate accessible parking spaces for people with disabilities at the rate in accordance with Part 3C - Access and Mobility.	Traffic Report indicates that two accessible car spaces will be provided.	Yes
	C37 Accessible parking spaces shall be located close to an accessible lift, ramp or building entrance and be provided with an accessible path of travel	Accessible parking has been provided with accessible ramps provided between the parking area and the skate facility.	Yes
	C40 The waste collection point shall be designed to: <ul style="list-style-type: none"> Allow waste loading operations to occur on a level surface away from parking areas, turning areas, aisles, internal roadways and ramps; and Provide sufficient side and vertical clearance to allow the lifting arc for automated bin lifters to remain clear of any walls 	Waste collection will be provided by Council under existing arrangements. Proposed waste bins are located near the access road which will allow for easy Council collection.	Yes

Provision	Control	Assessment of Proposal	Complies?
	or ceilings and all service ducts, pipes and the like.		
3A.3.2 Bicycle Parking	C1-C5 To comply with AS2890.3 and AUSTROADS (i.e. 10% of the required amount of car parking = 2)	The plans indicate three 'semi hoop' bike stands to be provided. No specific motor cycle parking is proposed, however given the significant amount of car parking spaces surplus over the requirements, there will be sufficient space for motorcycle parking.	Yes – on merit
3B – Heritage	Various requirements to manage and protect heritage significance.	Not applicable as the site does not contain a heritage item, is not within the vicinity of a heritage item and is not within a Heritage Conservation Area.	N/A
3C – Access and Mobility	Public open space and facilities (Table 1) – Accessible Parking – In a vehicle parking area containing 6-49 vehicle spaces, one accessible vehicle space, designed in accordance with relevant Australian Standards will be provided. The ratio of accessible parking spaces will comply with Table D3.5 of BCA, except that car parks for retail and medical facilities will provide 5% of spaces as accessible. Refer to AS2890 Part 6 for relevant standards for accessible parking spaces.	Access ramps have been provided from the accessible car parking spaces. There are existing toilet facilities in the park. Traffic Report indicates that two accessible car spaces will be provided which complies with the requirements.	Yes
3G – Stormwater Management	Various stormwater management requirements	Council's Development Engineer has reviewed the proposed stormwater management (as amended) and raised no objection subject to conditions. Refer to BBLEP 2013 stormwater clause for detailed discussion.	Yes
3H – Sustainable Design	Various sustainability requirements.	The proposal does not contain BASIX affected buildings and therefore a BASIX certificate is not required. The overall design of the proposal is not inconsistent with the sustainability objectives.	Yes

Provision	Control	Assessment of Proposal	Complies?
31 – Crime Prevention, Safety and Security	<p>The Crime Prevention Through Environmental Design (CPTED) principles are:</p> <ul style="list-style-type: none"> • Surveillance • Access control • Territorial reinforcement • Space management 	<p>The proposal was accompanied by a CPTED assessment which is considered below:</p> <ul style="list-style-type: none"> • Surveillance - The proposed plaza style skate park is unique in the region to ensure that the park will attract high patronage and will have natural surveillance. The location of the facility at the southern end of Mutch Park and it being significantly raised above the existing ground levels will create relatively clear sightlines from Wentworth Avenue. The proposed widening of the vehicle entry and driveway from Wentworth Avenue will further assist with sightlines into the skate park area from the street. Low level lighting will be present in the evening, which will enhance visual surveillance within the park and by pedestrians and passing vehicles. • Access control – Entry and general signage is proposed which will inform people of where to access the skate park and the rules of use. The main pedestrian and vehicular access point to Mutch Park via Wentworth Avenue will remain and will be widened which will improve safety and access for emergency vehicles. The entry paths define the access controls for the site and alternate exit points to the Wentworth Avenue pathway, Heffron Road, and to the north-western side will prevent any entrapment issues. • Territorial reinforcement – The main pedestrian and vehicle entry points are considered to be legible and provide for natural surveillance. Proposed signage and lighting will further assist in making the space safe. Bollards and landscaping will assist in ensuring that vehicles and 	Yes

Provision	Control	Assessment of Proposal	Complies?
		<p>pedestrians are kept within the areas for such use.</p> <ul style="list-style-type: none"> Space management – A Management and Maintenance Plan has been submitted which outlines how the facility will be managed and maintained to ensure that it remains in a clean, tidy and safe state. Public spaces that are clean and tidy are more likely to be looked after by local community or visitors than spaces that are dirty as well as anti-social behaviour is also discouraged as the message of community caring and respect dominates. <p>The NSW Police have reviewed the proposal and conducted a Safer by Design Crime Risk Evaluation. The assessment determined the proposed skate park has a medium crime risk rating on a sliding scale of low, medium, high and extreme. No objection was raised to the proposal and recommendations were provided relating to the provision of CCTV etc. These recommendations have been included as conditions of consent.</p> <p>Given the above, the proposal is considered to satisfy these provisions.</p>	
3J – Aircraft Noise and OLS	Various aircraft noise and OLS requirements.	The subject site is located outside the ANEF contour zones, being located beyond the 20 ANEF contour. In relation to the Obstacle limitation surface, there are no works proposed which exceed this maximum height of 15.24 metres.	Yes
3K – Contamination	Various contamination requirements.	Refer to the discussion above in State Environmental Planning Policy (SEPP) No. 55 – Remediation of Land section of the report addressing contamination.	Yes
3L – Landscaping	Various landscaping requirements.	The proposal appropriately provides landscaped areas surrounding the skate park which will include trees and will	Yes

Provision	Control	Assessment of Proposal	Complies?
		integrate the skate area into the park. No existing trees are proposed to be removed.	
3M – Natural Resources	Various natural resources requirements.	Refer to BBLEP 2013 Terrestrial Biodiversity Clause.	Yes
3N - Waste Minimisation & Management	Various waste requirements.	A Management and Maintenance Plan was submitted with the application which includes measures to ensure the Skate Park will remain clean. Bins are proposed near the Wentworth Avenue entrance to the skate park adjacent to the internal access road. This location will allow for easy Council collection of waste.	Yes

Part 8 – Character Precincts

Part 8.3.2 Desired Future Character of the Pagewood Character Precinct has been considered in the assessment of the proposal.

The subject site, being Mutch Park, is located within an area of mixed character consisting of low density residential areas, industrial, and large areas of open space. The proposed development for a skate park within Mutch Park is consistent with the function and diversity desired character as it will enhance the public domain and streetscape within the precinct by providing a new public recreational facility with landscaping. The proposal will also facilitate increased usage of Mutch Park and enhance connections between the street and the park.

The skate park is appropriately located to minimise noise impacts on surrounding properties which are primarily commercial, industrial or open spaces which are not noise sensitive. The location is over 100m from the nearest residential property and the submitted Acoustic Report has determined that the proposal will comply with the relevant noise criteria. Furthermore, recommendations are provided in the submitted Acoustic Report to further minimise noise through measures such as smooth surfaces and limited opening hours. The recommendations of this report have been included as conditions of consent.

There is likely to be limited traffic generation arising from the proposal given a large proportion of users are likely to arrive either on foot or by public transport. There are no view corridors which will be obstructed by the proposal.

The proposal is consistent with the public domain and environment controls in that the proposal provides a skate park facility to add to the range of recreational uses that are available within Mutch Park and surrounding areas.

The proposal is considered to be consistent with the Desired Future Character of the Pagewood Precinct.

S4.15C(1)(a)(iv) – Provisions of regulations

The proposed development is consistent with the relevant provisions of the Environmental Planning and Assessment Regulation 2000.

S4.15C(1)(b) – Likely Impacts of Development

The likely impacts of the development have been considered throughout the preceding assessment against the relevant Environmental Planning Instruments and Development Control Plans. No significant adverse impacts have been identified. Potential impacts during construction will be appropriately mitigated and managed through standard conditions of consent and relevant standards.

S4.15C(1)(c) – Suitability of the site

The proposed skate park is a permissible use within the SP1 Recreation Facility (Outdoor) zone which is a zone specifically nominated for this type of use. The portion of the site selected for the development is appropriately located in close proximity to Wentworth Avenue and the existing internal access road and car parking areas which will support the use. The issue of site contamination has been considered in this assessment and subject to conditions of consent including successful implementation of the submitted Asbestos Management Plan, the site is suitable for the proposed recreational use.

S4.15C(1)(d) – Submissions

The development application was notified and advertised between 1 August 2017 to 8 September 2017 in accordance with Part 2 of the Botany Bay DCP 2013 – Notification and Advertising. In response, three submissions were received, which contained comments rather than objections to the proposal.

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

Issue 1: Kellogs submission (adjoining commercial property) – No objection in principle to the skate park. Points for consideration including ensuring crime risk is reduced, that the design is compatible with surrounds, car parking, and traffic flow.

Comment: The proposal is considered to be consistent with the Crime Prevention Through Environmental Design Principles which is detailed within the BBDCP 2013 section of this report. Furthermore, the NSW Police have provided comments on the proposal to minimise crime risks which have been included as conditions of consent and include requirements such as lighting and digital surveillance.

The design of the skate park has been assessed as being compatible with the surrounding park including landscaping areas around the perimeter and new trees to integrate into the park.

The proposal will rely on existing car parking which will remain compliant with the relevant car parking rates in the BBDCP 2013. The proposal includes the widening of the Wentworth Avenue vehicular entrance to ensure emergency vehicles will have efficient access to the site.

Issue 2: Hill mound between the Skate Park and Wentworth Avenue hides the park from view

Comment: The existing hill mound to the south of the park will partially block views to the skate park, however relatively clear view lines will be available through the Wentworth Avenue vehicular entrance to the south and south-west. These sightlines are shown in the photograph in **Figure 13**. Given the close proximity of the skate park to the street these view lines are

considered sufficient to minimise crime risks. It is also noted that the NSW Police have reviewed the proposal and raised no objection subject to a range of recommendations to ensure crime risk is minimised. These recommendations have been included as conditions of consent. Refer to Part 31 BBDCP 2013 assessment within this report for further discussions on crime and safety.



Figure 13. Sightline from Wentworth Avenue towards the area of the proposed skate park (Source: James Arnold, July 2018)

Issue 3: No public toilets for the skate park

Comment: There are existing public toilets within Mutch Park approximately 200m north of the proposed skate park.

Issue 4: Increased traffic along Page Street turning left into Wentworth Avenue. No right hand turn along Wentworth Avenue to access the Park.

Comment: Traffic generation has been considered in this report and is considered to be minor and will have no significant impact on the surrounding streets. Given the minimal traffic generation, a right turn lane from Wentworth Avenue is not warranted.

Issue 5: Will the car park close in the evenings?

Comment: It is understood that the application does not propose to alter the existing closure of the car park in the evenings which is varied in relation to the last booking at Council's Squash courts. Generally, the operating hours of the car park are 6.30am to 8-9.30pm.

Issue 6: How will Council deal with anti-social behaviour?

Comment: Regular Council ranger patrols and NSW police patrons in the area will seek to discourage anti-social behaviour.

S4.15C(1)(e) – Public Interest

The proposed development is considered to be in the public interest as it will provide a new outdoor public recreation facility in a suitable location.

Conclusion

The proposal is for the construction of a skate park and associated works at Mutch Park, Pagewood. The proposal is consistent with the key planning provisions contained within the Infrastructure SEPP, SEPP 55, BBLEP 2013 and the BBDCP 2013.

The development is characterised as a recreational facility (outdoor) which is permissible in the zone and will provide a unique plaza style skate park which will attract people from the local area as well as the surrounding region. The design appropriately integrates into the parkland setting with landscaping and trees proposed to surround the skate park. The location within the park is sufficiently separated from sensitive residential areas, however is within close enough proximity to Wentworth Avenue to ensure casual surveillance.

For these reasons, the development application is recommended for approval subject to conditions of consent.

Attachment**Schedule 1 – Conditions of Consent****Premises: Mutch Park, Wentworth Avenue, Pagewood****DA No: 2017/1110****SCHEDULE OF CONSENT CONDITIONS****GENERAL CONDITIONS**

- The development is to be carried in accordance with the following plans listed below and endorsed with Council's stamp, except where amended by other conditions of this consent.

Plan	Reference	Author	Dated
Pagewood Plaza Construction Drawings – Full Set of Plans	Project No. 1512 Revision H	Enlocus	20/12/17
Concept Stormwater Plans	Dwg No. C001, 101, 201, 301 – Revision 2 Dwg No. C501, 502, 503, 505, 506 – Revision 1	Jones Nicholson Consulting Engineers	06/07/18

Reference Document	Author	Dated
Statement of Environmental Effects	City Plan Strategy and Development Pty Ltd	27/06/17
Acoustic Assessment	Rodney Stevens Acoustics	01/02/16
Asbestos Management Plan – 52632/107972 Rev 0	JBS&G	22/06/17
CPTED Assessment Report	Unknown	Unknown
Environmental Management Plan – 42894-57608 Rev 0	JBS&G	15/05/14
Estimate of Probable Costs	Enlocus	30/06/17
Flood Safety Report	Jones Nicholson Consulting Engineers	28/11/17
Geotech Addendum Letter	Civil Test	29/06/17
Management and Maintenance Plan – Pagewood Plaza	Enlocus	Unknown
Pagewood Plaza Design Report	Enlocus	26/05/15

Pre-works Soil Assessment Letter Report	JBS&G	18/12/15
Pump Sump and Drainage Line Soil Assessment Letter Report	JBS&G	15/02/17
SEPP 55 Suitability Letter	JBS&G	02/06/17
Traffic Impact Assessment – Version 002	Bitzios Consulting	29/06/17

2. This Consent relates to land in Lot 3381 and Lot 3882 in DP 752015, and as such, building works must not encroach on to adjoining lands or other public places, except as otherwise permitted by this consent.
3. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
4. The consent given does not imply that works can commence until such time that: -
 - a) Detailed plans and specifications of the building have been endorsed with a Construction Certificate by: -
 - i) The consent authority; or,
 - ii) An accredited certifier; and,
 - b) The person having the benefit of the development consent: -
 - i) Has appointed a principal certifying authority; and,
 - ii) Has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and,
 - iii) The person having the benefit of the development consent has given at least 2 days notice to the Council of the person's intention to commence the erection of the building.

CONDITIONS IMPOSED BY EXTERNAL AUTHORITIES

5. The conditions imposed by **RMS** are as follows:
 - a) RMS has previously resumed and dedicated a strip of land as road along the Wentworth Avenue frontage of the subject property, as shown by grey colour on the attached aerial – 'X' (refer to RMS letter dated 16/11/17). All buildings and structures, together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth), along the Wentworth Avenue boundary.
 - b) The design and construction of the gutter crossing on Wentworth Avenue shall be in accordance with RMS requirements. Details of these requirements should be obtained from RMS, Manager Developer Works, State Wide Delivery, Parramatta (Telephone 9598 7798).

Detailed design plans of the proposed kerb and gutter crossing are to be submitted to RMS for approval prior to the issue of a Construction Certificate and commencement of any road works.

A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior of the release of the approved road design plans by RMS.

- c) In accordance with AS 2890.1 – 2004 (Parking Facilities, Part 1: Off-street car parking), the driveway shall be a minimum of 6 metres in width for a minimum distance of 6 metres from the property boundary.
- d) The driveway will be restricted to left in and left out movements only.
- e) All vehicles are to enter and exit the site in a forward direction. The swept path of the longest vehicle (to service the site) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.
- f) Sight distances from the proposed vehicular crossing to vehicles on Wentworth Avenue are to be in accordance with the Austroads Guide to Road Design: Part 4A Unsignalised and Signalised Intersections and AS 2890. Vegetation and proposed landscaping / fencing must not hinder sight lines to and from the vehicular crossings to motorists, pedestrians and cyclists.
- g) All loading and unloading must be carried out on site.
- h) Should the post development stormwater discharge from the subject site into the RMS system exceed the pre-development discharge, detailed design plans and hydraulic calculations of any changes are to be submitted to RMS for approval, prior to the commencement of works on site.

Details should be forwarded to: suppiah.thillai@rms.nsw.gov.au

A plan checking fee will be payable and a performance bond may be required before RMS approval is issued. With regard to the Civil Works requirement, please contact the RMS Project Engineer, External Works Ph: 8849 2114.

- i) All works associated with the development (including utility adjustment / relocation works) are to be at no cost to RMS.

6. The conditions imposed by **Sydney Water** are as follows:

- a) Prior to commencing works, a program of works including a timeline of activities and contact details of the contractor must be provided to Sydney Water.
- b) Environmental Management Plan (EMP) has identified the presence of Asbestos Contamination at the park including the area where the proposed works will be delivered. Specific requirements of working with soil materials in the area are outlined under Section 6 which includes (but not limited to):
 - i) Persons within the works area must wear appropriate Protective Personal Equipment (PPE) in accordance with Section 6.3 of the EMP;

- ii) Stockpile of excavated spoil must be managed in accordance with Section 6.4 of the EMP;
- iii) Spoil Management must be in accordance with Section 6.3 and 6.4 of the EMP.

7. The conditions imposed by **NSW Police** are as follows:

- a) Digital technology should be used to receive, store and process data. Recording equipment should be secured away from public access areas to restrict tampering with the equipment and data. All access areas to the building be covered by such equipment including mail delivery ports. This equipment needs to be checked and maintained on a regular basis.
- b) Any proposed landscaping and vegetation should adhere to the following principles:
 - i) Shrubs, bushes, plants should remain under 900mm in height;
 - ii) Branches of large trees should start at a height of two meters and higher.
- c) Sightlines from Wentworth Avenue to the Skate Park need to be clear and unobstructed. This will assist with natural surveillance and reduce hiding spots and dark areas for potential offenders.
- d) Any proposed seating area, recreation park or grass area should be positioned somewhere which can be viewed easily by the community.
- e) Lighting (lux) levels for this development must be commensurate with a medium crime risk. The emphasis should be on installing low glare / high uniformity lighting levels in line with AS:1158.
- f) Lighting sources should be compatible with requirements of any surveillance system installed within the development.
- g) The luminaries (light covers) should be designed to reduce opportunities for malicious damage.
- h) Improved lighting needs to extend from the development towards adjacent streets. Consideration must be given to pedestrians walking from the development to surrounding streets for the purpose of catching public transport etc. Areas adjoining pathways should be illuminated to avoid opportunities for concealment or entrapment.
- i) A Graffiti Management Plan needs to be incorporated into the maintenance plan for the development.
- j) Graffiti resistant materials and anti-graffiti coating should be utilised throughout the development or at least ground levels situated on the outsides of buildings.

PRIOR TO COMMENCEMENT OF DEMOLITION WORKS OR ANY DEVELOPMENT OR WORK

- 8. A sign must be erected in a prominent position on any work site on which work involved in the erection of a building is being carried out;

- a) stating that unauthorised entry to the work site is prohibited;
- b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours;
- c) the Development Approval number;
- d) the name of the Principal Certifying Authority including an after hours contact telephone number; and

Any such sign is to be removed when the work has been completed.

9. Toilet facilities are to be provided at or in the vicinity of the work site on which work involves:
- a) demolition and construction of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site;
 - b) Each toilet provided:
 - i) must be standard flushing toilet; and,
 - ii) must be connected:
 - 1 to a public sewer; or
 - 2 if connection to a public sewer is not practicable to an accredited sewerage management facility approved by the Council; or,
 - 3 if connection to a public sewer or an accredited sewerage management facility is not practicable to some other sewerage management facility approved by the Council.

The provisions of toilet facilities in accordance with this condition must be in place before work commences.

10. Prior to the commencement of works, the applicant must inform Council, in writing, of:
- a) The name of the contractor, and licence number of the licensee who has contracted to do, or intends to do, the work: or
 - b) The name and permit number of the owner-builder who intends to do the work;
 - c) The Council also must be informed if: -
 - i) A contract is entered into for the work to be done by a different licensee; or
 - ii) Arrangements for the doing of the work are otherwise changed.
11. Where demolition is proposed, the following shall be provided to Council at least forty-eight (48) hours prior to the commencement of demolition:
- a) Written notice, indicating the date when demolition of the building is to commence.
 - b) This persons full name and address.
 - c) Details of Public Liability Insurance.
12. The land to which this Consent relates must be fenced and enclosed to protect the entry or access to the land and site by lawful persons. The fencing must be in place before demolition works commence.

13. This Consent shall not preclude the demolisher from giving notice to other statutory authorities, such as Sydney Water Corporation, WorkCover, etc.
14. Should the demolition process require a building waste container(s) (builders' skip), then such container must not be placed or left upon the public road, footpath, reserve or the like without the prior approval of the Council. The use of any part of Council's road reserve must also have prior approval of Council.
15. Vibration levels induced by the demolition activities must not exceed levels listed in Standard DIN 4150-3 (1999-02), Structural vibration Part 3 – Effects of vibration on structures Table 12-7. The operation of plant and equipment must not give rise to the transmission of vibration nuisance or damage to other premises.
16. Prior to commencement of any works, application(s) shall be made to Council's Customer Services Counter and obtained the following approvals and permits on Council's property/road reserve under *Road Act 1993* and *Local Government Act 1993*: - (It should be noted that any works shown within Council's road reserve or other Council Lands on the development approval plans are indicative only and no approval for these works is given until this condition is satisfied.)
 - a) Permit to erect hoarding on or over a public place, including Council's property/road reserve,
 - b) Permit to construction works, place and/or storage building materials on footpaths, nature strips,
 - c) Permit to install temporary ground anchors in public land,
 - d) Permit to discharge ground water to Council's stormwater drainage system,
 - e) Permit for roads and footways occupancy (long term/ short term),
 - f) Permit to construct vehicular crossings, footpaths, kerbs and gutters over road reserve,
 - g) Permit to open road reserve area, including roads, footpaths, nature strip, vehicular crossing or for any purpose whatsoever, such as relocation / re-adjustments of utility services,
 - h) Permit to place skip/waste bin on footpath and/or nature strip, and
 - i) Permit to use any part of Council's road reserve or other Council lands.
17. All works carried out on the public roads shall be inspected and approved by Council's engineer. Documentary evidence of compliance with Council's requirements shall be obtained prior to proceeding to the subsequent stages of construction, encompassing not less than the following key stages:
 - a) Initial pre-construction on-site meeting with Council's engineers to discuss concept and confirm construction details, traffic controls and site conditions/constraints prior to commencement of the construction of the civil works associated with the road widening;
 - b) Prior to placement of concrete (kerb and gutter and footpath);

- c) Prior to construction and placement of road pavement materials; and
- d) Final inspection.

Note: Council's standard inspection fee will apply to each of the above set inspection key stages. Additional inspection fees may apply for additional inspections required to be undertaken by Council.

18. An Erosion and Sediment Control Plan (ESCP) shall be prepared in accordance with the Landcom Managing Urban Stormwater – Soils and Construction 4th Edition (2004). All management measures recommended and contained within the Erosion and Sediment Control Plan (ESCP) shall be implemented in accordance with the Landcom Managing Urban Stormwater – Soils and Construction 4th Edition (2004). This plan shall be implemented prior to commencement of any site works or activities. All controls in the plan shall be maintained at all times. A copy of the ESCP shall be kept on-site at all times and made available to Council Officers on request.
19. A sufficient area shall be provided onsite to enable separate stockpiling of excavated materials for sampling and analysis prior to removal or re-use on site. Details of this area shall be provided in the Erosion and Sediment Control Plan (ESCP) prior to the commencement of any development or work. This plan shall incorporate and reference the construction environmental management plan and address site limitations.
20. Erosion and sediment control devices shall be installed and functioning prior to the commencement of any demolition, excavation or construction works upon the site in order to prevent sediment and silt from site works (including demolition and/or excavation) being conveyed by stormwater into public stormwater drainage system, natural watercourses, bushland and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the legislative requirements and guidelines including the Protection of the Environment Operations Act 1997.

These devices shall be maintained in a serviceable condition AT ALL TIMES throughout the entire demolition, excavation and construction phases of the development and for a minimum one (1) month period after the completion of the development, where necessary.
21. Soil and sedimentation controls are to be put in place prior to commencement of any work on site. The controls are to be maintained in effective working order during construction. The controls are to be designed and installed in accordance with the Soil and Water Management for Urban Development Guidelines produced by the Southern Sydney Regional Organisation of Council. Copies of the guidelines are available from Council.
22. A Soil and Water Management Plan shall be prepared in accordance with Soil and Water Management for Urban Development Guidelines produced by the Southern Sydney Region Organisation of Councils. A copy of the plan must be submitted to Council. The Plan must include details of the proposed erosion and sediment controls to be installed on the building site. A copy of the Soil and Water Management Plan must be kept on-site at all times and made available on request. Sediment control devices shall not be located beneath the driplines of trees, which are to be retained.

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

23. The required Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 has to be paid. The Long Service Levy is

payable at 0.35% of the total cost of the development, however this is a State Government Fee and can change without notice.

24. Prior to the issue of any Construction Certificate, at the proposed point of construction site entry, photographic survey showing the existing conditions of Council's and RMS infrastructure shall be submitted to Council and Principal Certifying Authority. The survey shall detail the physical conditions and identify any existing damages to the roads, kerbs, gutters, footpaths, driveways, street trees, street signs and any other Council assets fronting the property and extending to a distance of 50m from the development. Failure to do so may result in the applicant/developer being liable for any construction related damages to these assets. Any damage to Council's infrastructure during the course of this development shall be restored at the applicant's cost.
25. Prior to the issue of any Construction Certificate, the applicant shall contact "Dial Before You Dig" to obtain a utility service diagram for, and adjacent to the property. The sequence number obtained from "Dial Before You Dig" shall be forwarded to Principal Certifying Authority. All utilities within the work zone shall be protected during construction. Any adjustments or damage to public utilities/services as a consequence of the development and associated construction works shall be restored or repaired at the applicant's expense.
26. A **Flood Risk Management Plan**, prepared by a qualified practicing Civil Engineer must be provided prior to the issue of a Construction Certificate. The Plan must be prepared to make provision for the following:
 - a) The plan must be in accordance with the design plans prepared by Jones Nicholson Consulting Engineers and dated 06/07/2018;
 - b) Recommendations on all precautions to minimise risk to personal safety of occupants and the risk of property damage for the total development. Such recommendations must be consistent with the approved development. The flood impacts on the site shall be assessed for the 100 year ARI storm events. The precautions shall include but not be limited to the following:
 - i) Types of materials to be used to ensure the structural integrity of the structure to immersion and impact of velocity and debris.
 - ii) Waterproofing methods, including electrical equipment, wiring, fuel lines or any other service pipes or connections.
 - iii) Flood warning signs/depth indicators for areas that may be inundated.
 - iv) A flood evacuation strategy.
 - c) Specify the architectural and structural plans upon which the above recommendations have been incorporated.

Details demonstrating compliance are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate

27. **Structural Certificate – 1% AEP** – A suitable qualified engineer is to certify that the structure can withstand the forces of floodwater, scour, debris and buoyancy in a 1% AEP flood
28. **Building Materials Flood Resistant** – All building materials shall be flood resistant, or flood compatible to a height of 500mm above the 1% AEP flood, or flow level. All internal

electrical switches, power points or similar utilities liable to flood damage shall be set at a minimum of 500mm above the 1% AEP flood, or flow level. Details shall be provided and approved prior to the issue of a construction certificate

29. **Submission of drainage details** – Prior to the issue of the Construction Certificate, detailed drainage design plans for the management of stormwater are to be submitted to Council or an Accredited Certifier for assessment and approval. Design certification and drainage design calculations are to be submitted with the plans. Botany DCP Part 10 – Stormwater Management Technical guidelines sets out the minimum documentation requirements for detailed design plans.

CONDITIONS TO BE SATISFIED DURING WORKS

30. Throughout the demolition and construction period, Council's warning sign for soil and water management shall be displayed on the most prominent point of the building site, visible to both the street and site workers. A copy of the sign is available from Council's Customer Service Counter.
31. During demolition and construction works, the applicant/builder is required to ensure the protection and preservation of all boundary fencing or boundary walls between the subject site and adjoining properties. Any damage caused as a result of such works will be at the full cost of the applicant/builder.
32. The Applicant shall conduct all demolition, construction and related deliveries wholly on site. If any use of Council's road reserve is required then separate applications are to be made at Council's Customer Services Department.
33. The approved Waste Management Plan shall be complied with at all times during demolition, construction and on-going use of the site.
34. All vehicles transporting soil, sand or similar materials to or from the site shall cover their loads at all times.
35. Demolition work shall be carried out in accordance with Australian Standards *AS 2601-1991 Demolition of Structures* and the requirements of the SafeWork NSW.
36. This approval does not permit any dewatering of the site. If groundwater is encountered during works, all work shall stop and a modification application may be required.
37. As the development involves an excavation that extends below the level of the base of the footings of a building or road on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- a) Protect and support the adjoining premises from possible damage from the excavation, and
 - b) Where necessary, underpin the adjoining premises to prevent any such damage.
 - c) Must at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of his intention to do so to the owner of the adjoining allotment of land and, furnish particulars of the excavation to the owner of the building being erected or demolished.
 - d) Any retained existing structures and or services on this and adjoining properties are not endangered during any demolition excavation or construction work associated

with the above project. The applicant is to provide details of any shoring, piercing, or underpinning prior to the commencement of any work. The construction shall not undermine, endanger or destabilise any adjacent structures.

e) If the soil conditions required it:

- i. Retaining walls associated with the erection of a building or other approved methods of preventing movement or other approved methods of preventing movement of the soil must be provided, and
- ii. Adequate provision must be made for drainage.

38. If the land to which the application relates is served by a common sewerage system that is also used by others, then measures must be placed in effect and prior to the commencement of work to ensure the operation of the sewerage system is without disruption to other joint users.

39. Noise from construction activities associated with the development shall comply with the NSW Environment Protection Authority's Interim Construction Noise Guideline and the *Protection of the Environment Operations Act 1997*.

a) **Level Restrictions**

Construction period of 4 weeks and under:

the L₁₀ sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 20 dB(A).

Construction period greater than 4 weeks and not exceeding 26 weeks:

the L₁₀ sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 10 dB(A).

b) **Time Restrictions**

Construction/demolition work shall be limited to the following hours:

Monday to Friday: 07:00 am to 05:00 pm

Saturday: 08:00 am to 01:00 pm

No Construction to take place on Sundays or Public Holidays.

c) **Silencing**

All possible steps should be taken to silence construction site equipment.

40. The vehicular entry/exits to the site must be protected from erosion and laid with a surface material which will not wash into the street drainage system or watercourse.

41. During demolition, excavation and construction, care must be taken to protect Council's infrastructure, including street signs, footpath, kerb, gutter and drainage pits etc. Protecting measures shall be maintained in a state of good and safe condition throughout the course of demolition, excavation and construction. The area fronting the site and in the vicinity of the development shall also be made safe for pedestrian and vehicular traffic at all times. Any damage to Council's infrastructure (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery

vehicles) shall be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council.

42. During demolition, excavation, construction and deliveries, access to the site shall be available in all weather conditions. The area shall be stabilised and protected from erosion to prevent any vehicles (including deliveries) tracking soil materials onto street drainage system/watercourse, Council's lands, public roads and road-related areas. Hosing down of vehicle tyres shall only be conducted in a suitable off-street area where wash waters do not enter the stormwater system or Council's land.
43. During construction work the Council nature strip shall be maintained in a clean and tidy state at all times. The nature strip shall be suitably replaced where damaged due to construction work in accordance with Council Specification at the completion of construction, and at the Applicant's expense.
44. **Disposal of Site Water** – Ground water shall only be pumped or drained to Council's stormwater system if the water is clean and unpolluted. The standard used to determine the acceptability of the quality of the water is the 'Australian and New Zealand Environment and Conservation Council - Australian Water Quality Guidelines for Fresh and Marine Waters 1992'.

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

45. **Road Reserve Permits** – All contractors shall comply with the following during all stages of demolition and construction:
 - a) A Waste Container on Public Road Reserve Permit must be obtained prior to the placement of any waste container or skip bin in the road reserve (i.e. road or footpath or nature strip). Where a waste container or skip bin is placed in the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
 - b) A Road Opening Permit must be obtained prior to any excavation in the road reserve (i.e. road or footpath or nature strip). Where excavation is carried out on the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
 - c) A Hoarding Permit must be obtained prior to the erection of any hoarding (Class A or Class B) in the road reserve (i.e. road or footpath or nature strip). Where a hoarding is erected in the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
 - d) A Crane Permit must be obtained from Council prior to the operation of any activity involving the swinging or hoisting of goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway. Permits can be obtained from Council's Customer Service Centre.

- e) A Permit to Dewater or Pump Out a site must be obtained prior to the discharge of pumped water into the road reserve, which includes Council stormwater pits and the kerb and gutter. Permits can be obtained from Council's Customer Service Centre.
- 46. **Building Operations Not Permitted on Roadway** – Stockpiles are not permitted to be stored on Council property (including nature strip) unless prior approval has been granted. In addition stockpiles of topsoil, sand, aggregate, soil or other material shall be stored clear of any drainage line or easement, natural watercourse, kerb or road surface
- 47. **Disturbed Areas Stabilised Against Erosion** – All disturbed areas shall be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls
- 48. **Pollutants Not Washed Into Stormwater System** – Building, demolition and construction works not to cause stormwater pollution and being carried out in accordance with Section 2.8 of Council's Stormwater Pollution Control Code 1993. Pollutants such as concrete slurry, clay and soil shall not be washed from vehicles onto roadways, footways or into the stormwater system. Drains, gutters, roadways and access ways shall be maintained free of sediment. Where required, gutters and roadways shall be swept regularly to maintain them free from sediment.

Note: The Applicant may be liable to prosecution under the Environmental Planning and Assessment Act 1979 for a breach of an approval condition, or under the Protection of the Environment Operations Act 1997, if its employees, agents or sub-contractors allow sediment, including soil, excavated material, building materials, or other materials to be pumped, drained or allowed to flow to the street, stormwater pipes or waterways. The Applicant shall ensure that its employees, agents or sub-contractors understand and maintain sediment control measures
- 49. **No Construction Activity on Roadway Without Approval** – Construction related activities must not take place on the roadway without Council approval.

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

Activities involving occupation of the parking lane for durations longer than allowed under a Temporary Roadside Closure Permit require a Construction Zone Permit and must not occur prior to the erection of Construction Zone signs by the RMS.

Permit application forms should be lodged at Council's Customer Service Centre allowing sufficient time for evaluation. An information package is available on request.
- 50. **Requirement For Road Opening Permit** – Roads Act approval does not eradicate the need for the Contractor to obtain a Road Opening Permit prior to undertaking excavation in the road or footpath.
- 51. **Contamination – Management during construction** – All works shall be carried out in accordance with the following reports or plans:
 - a) JBS&G (15 February 2017) 'Pump Sump and Drainage Line Soil Assessment Letter'
 - b) JBS&G (22 June 2017) 'Asbestos Management Plan – Mutch Park, Wentworth Avenue, Pagewood, NSW'

52. **Additional information – Contamination** – Any new information that comes to light during demolition or construction which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council and the accredited certifier immediately.
53. **Waste Classification – Excavated Materials** – All materials excavated from the site (fill or natural) shall be classified in accordance with the NSW Environment Protection Authority (EPA) Waste Classification Guidelines (2014) prior to being disposed of to a NSW approved landfill or to a recipient site.
54. **Importation of Fill (General)** – To prevent contaminated soil being used onsite and to ensure that it is suitable for the proposed land use, all imported fill shall be appropriately certified material and shall be validated in accordance with the:
 - a) Office of Environment and Heritage (OEH) approved guidelines; and
 - b) Protection of the Environment Operations Act 1997; and
 - c) Protection of the Environment Operations (Waste) Regulation 2014.

All imported fill shall be accompanied by documentation from the supplier which certifies that the material has been analysed and is suitable for the proposed land use.
55. **Erosion and Sediment Controls – ESCP** – The principal contractor or owner builder must install and maintain water pollution, erosion and sedimentation controls in accordance with:
 - a) The Erosion and Sediment Control Plan;
 - b) “Managing Urban Stormwater - Soils and Construction” (2004) Landcom (‘The Blue Book’); and
 - c) Protection of the Environment Operations Act 1997.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

56. Prior to use and occupation of the building an Occupation Certificate must be obtained under Section 109C(1)(c) and 109M of the *Environmental Planning and Assessment Act 1979*.
57. All applications associated with works on Council's land must be made at least 7-10 days prior to the programmed completion of works and all construction must be completed and approved by Council.
58. At the completion of landscaping on the site, the Applicant is required to obtain a Certificate of Compliance from the Landscape Consultant to certify that the landscaping has been installed in accordance with the Council approved landscape plan. The Certificate is to be submitted to the Council prior to the Issue of an Occupation Certificate.
59. Any damage not shown in the photographic survey submitted to Council before site works have commenced will be assumed to have been caused by the site works (unless evidence to prove otherwise). All damages as a result from site works shall be rectified at the applicant's expense to Council's satisfaction, prior to occupancy of the development and release of damage deposit.

60. **Council's Reserve Damaged During Construction** – Where Council's park/reserve is damaged as a result of building work or vehicular building traffic, this area shall be restored by Council at the applicant's expense. Repairs shall be completed prior to the issue of the Occupation Certificate.
61. **S138 Roads Act 1993** – All works within the road reserve, which are subject to approval pursuant to Section 138 of the Roads Act 1993, shall be completed and accepted by council
62. **Certify Overland Flow Path** – Prior to occupation a Chartered Professional Engineer shall certify that the construction of the overland flow path, including construction of all channels, pipes, banks, levees, Bunds, etc, have been undertaken in accordance with the approved plans. The Chartered Professional Engineer shall also certify that the overflow weir and bund wall adjacent to the overland flow path have been constructed in accordance with the approved plans and that they are provided in accordance with Botany DCP Part 10 – Stormwater Management Technical Guidelines. The certificate must be based on inspection of the site and review of a work-as-executed plan of the overland flow path, which shall be prepared by a Registered Surveyor. A copy of the engineer's certificate and surveyor's works-as-executed plan shall be provided to Council where Council is not the Principal Certifying Authority
63. **Stormwater System Certified** – Prior to occupation a Chartered Professional Engineer shall certify that the stormwater system has been constructed in accordance with the approved plans and as required by Council's Botany DCP Part 10 – Stormwater Management Technical Guidelines. The certificate shall be in the form specified in Botany DCP Part 10 – Stormwater Management Technical Guidelines and include an evaluation of the completed drainage works. A works-as-executed drainage plan shall be prepared by a registered surveyor based on a survey of the completed works. A copy of the certificate and works-as-executed plan(s) shall be supplied to the Principal Certifying Authority. A copy shall be provided to Council if Council is not the Principal Certifying Authority
64. **Advisory Plaque of Overland Flows** – Prior to commencement of operations, an advisory plaque shall be fixed to a visible location in such a way that it cannot be removed, containing the wording "The Skate Park and carpark may be subject to overland flows in heavy storms. Keep clear of the area when flows occur". The owners shall preserve the plaque in good condition and keep it visible
65. **Drainage System Constructed According to Plans** – The drainage system shall be constructed in accordance with the approved drainage plans. All stormwater drainage plumbing work shall comply with the NSW Code of Practice: Plumbing and Drainage and Australian Standard AS3500
66. **Provide Silt/Litter Arrestor Pit** – A silt/litter arrestor pit as detailed in Council's Botany DCP Part 10 – Stormwater Management Technical Guidelines shall be provided prior to discharge of stormwater from the site.
67. **Asbestos – Clearance Certification** – Following the installation of the marker and capping layers in the asbestos works area a clearance inspection must be completed by a licensed asbestos assessor to confirm the appropriate encapsulation of the underlying asbestos impacted soils. A clearance certificate shall be prepared following the successful completion of the clearance inspection detailing the completed works.

The report shall be submitted to the Principal Certifying Authority (and the Council if the Council is not the Principal Certifying Authority) after completion of works and prior to the issue of any occupation certificate.

68. **Update of Environmental Management Plan – Mutch Park** – To ensure that management of residual soil contamination is inclusive of any changes due to development, following the completion of the proposed redevelopment works at the site the existing Environmental Management Plan - Mutch Park, Heffron Road and Wentworth Avenue, Eastgardens, NSW dated 15 May 2014 by JBS&G (EMP) must be updated and detail the requirements for the site future operation with regards to the remaining asbestos and other contamination identified at Mutch Park, including the skate park site. This shall incorporate all recommendations within the 'Asbestos Management Plan – Mutch Park, Wentworth Avenue, Pagewood, NSW' dated June 2017 and the 'Pump Sump and Drainage Line Soil Assessment Letter' dated February 2017.

The updated EMP shall be submitted to the Principal Certifying Authority (and the Council if the Council is not the Principal Certifying Authority) after completion of works and prior to the issue of any occupation certificate.

CONDITIONS FOR THE ONGOING USE OF THE DEVELOPMENT

69. **Maintenance of Water Treatment Devices** – All wastewater and stormwater treatment devices (including drainage systems, sumps and traps) shall be regularly maintained in order to remain effective. All solid and liquid wastes collected from the device shall be disposed of in accordance with the Protection of the Environment Operations Act, 1997.
70. **Overland Flow Path and Overflow Weir** – The overland flow path and overflow weir shall not be obstructed, restricted or altered without the approval of Bayside Council.
71. The luminance levels of any external lighting must comply with Australian Standards AS 4282-1997 *Control of obtrusive effects of outdoor lighting*, at all times.

PAGEWOOD PLAZA CONSTRUCTION DRAWINGS //

// MUTCH PARK, WENTWORTH AVENUE, PAGEWOOD NSW 2035.

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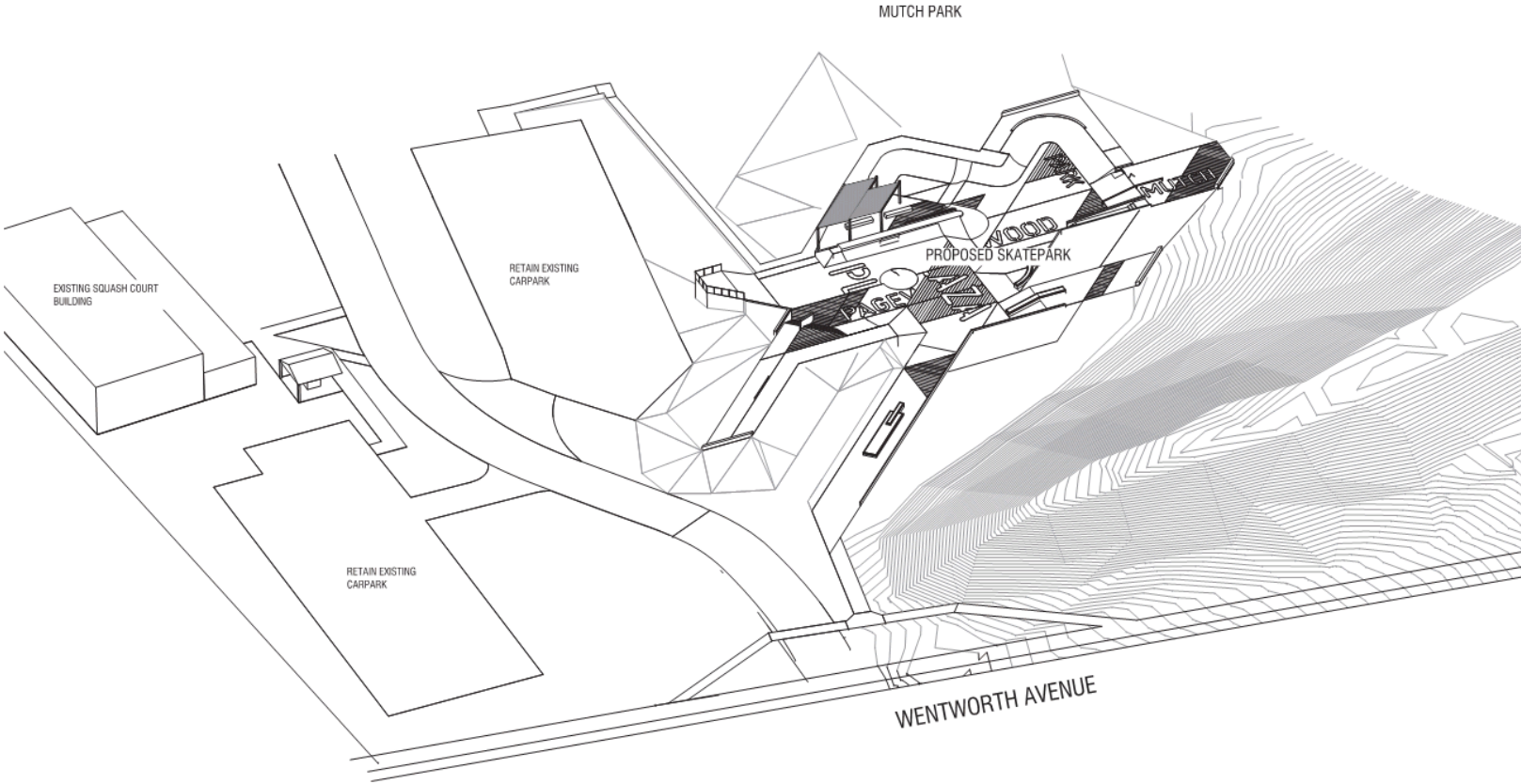
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PROJECT NUMBER	DRAWING NUMBER	REVISION NUMBER
1512_CD001		A

-WARNING-
CONTRACTOR TO VERIFY LOCATION, DEPTH/CLEARANCE AND ALIGNMENT OF OVERHEAD AND UNDERGROUND SERVICES. CONTRACTOR TO ACQUIRE CURRENT AND RELEVANT DATA BEFORE YOU DO ONE CALL. SERVICE DRAWINGS AND ADHERE TO ALL REQUIREMENTS FOR WORK NEAR SERVICES INCLUDING CLEARANCE, SIGNS, BARRIERS AND IMPROVING SERVICE AUTHORITY PRIOR TO COMMENCEMENT OF WORKS.
THE LOCATION OF UNDERGROUND SERVICES INDICATED IN THIS SET OF DRAWINGS ARE INDICATIVE ONLY. IF LOCATIONS HAVE BEEN SURVEYED BY A LICENSED SURVEYOR.

-SITE DIMENSIONS-
CONTRACTOR TO SATISFY THEMSELVES OF SITE CONDITIONS, CHANGES IN LEVEL, AND DIMENSIONS PRIOR TO FABRICATION OF SITE SPECIFIC ITEMS OR PRIOR TO ORDERING/PURCHASING MATERIALS. WHERE DISCREPANCIES EXIST BETWEEN DRAWINGS AND SITE CONDITIONS CONTRACTOR TO NOTIFY SUPERINTENDENT PRIOR TO COMMENCEMENT OF WORKS.

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Client // Council Name:
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Project Name:
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<p>GENERAL NOTES // ON SITE WORKS</p> <p>G01 ALL WORKS TO BE PERFORMED TO COMPLY WITH THE OCCUPATIONAL HEALTH AND SAFETY ACT 2004 AND THE OCCUPATIONAL HEALTH AND SAFETY REGULATIONS 2007</p> <p>G02 TRAFFIC / PEDESTRIAN MANAGEMENT PLANS AS REQUIRED FOR WORKS - ON SITE ONLY - TO BE SUBMITTED TO SUPERINTENDENT PRIOR TO THE COMMENCEMENT OF WORKS. REFER TO G08.</p> <p>G03 ALL SERVICE AUTHORITIES TO BE NOTIFIED AND RELEVANT PERMITS RECEIVED PRIOR TO THE COMMENCEMENT OF ANY WORKS.</p> <p>G04 SETOUT AS PER DETAILS SHOWN ON SET OUT DRAWINGS.</p> <p>G05 ALL CO-ORDINATES ARE TO A LOCAL GRID SET OUT USING THE TRIANGULATION OF 3 KNOWN MGA GRID POINTS. REFER TO SITE PLAN CD004. ALL LEVELS TO AHD.</p> <p>G07 ALL SIDE ENTRY & JUNCTION FIT LIDS, VALVE COVERS, ETC WITHIN THE WORK AREA ARE TO BE ADJUSTED TO SUIT NEW DESIGN LEVELS.</p> <p>G08 ROAD CONSTRUCTION AND LANDSCAPING MATERIALS TO BE IN ACCORDANCE WITH THE SPECIFICATION.</p> <p>G09 ALL SOFT LANDSCAPING MATERIALS TO BE IN ACCORDANCE WITH THE SPECIFICATION.</p> <p>G10 ALL LINEMARKING TO BE LONG-LIFE, THERMOPLASTIC PRODUCT AND METHOD TO BE SUPPLIED TO SUPERINTENDENT FOR APPROVAL.</p> <p>G11 THESE DRAWINGS SHALL BE READ IN CONJUNCTION WITH ALL ENGINEERING AND OTHER CONSULTANTS DRAWINGS. THE SPECIFICATION AND WITH SUCH OTHER WRITTEN INSTRUCTIONS AS MAY BE ISSUED DURING THE COURSE OF THE CONTRACT.</p> <p>G12 ANY DISCREPANCIES BETWEEN THE DRAWINGS OR THE DRAWINGS AND/OR SPECIFICATION AND/OR THE SPECIFIED STANDARDS MUST BE REPORTED TO THE SUPERINTENDENT AND A WRITTEN INSTRUCTION RECEIVED PRIOR TO PROCEEDING WITH THE WORKS. DURING THE TENDERING PROCESS TENDERS SHALL ASSURE THE LARGER OR GREATER CRITERIA IN TERMS OF COST IN THE ABSENCE OF THE OTHER INSTRUCTION.</p> <p>G13 THE CONTRACTOR SHALL REPORT TO THE SUPERINTENDENT ANY DIFFERENCE IN SITE CONDITIONS TO THOSE INDICATED ON THE DRAWINGS.</p> <p>G14 THE DRAWINGS DO NOT SHOW ALL DETAILS OF FIXTURES, INSERTS, SLEEVES, OPENING ETC, REQUIRED BY THE VARIOUS TRADES. ALL SUCH DETAILS, INCLUDING OPENINGS FOR CONSTRUCTION PURPOSES, MUST BE APPROVED BY THE SUPERINTENDENT AND A WRITTEN INSTRUCTION RECEIVED PRIOR TO PROCEEDING WITH THE WORKS.</p> <p>G15 ALL WORKMANSHIP AND MATERIALS SHALL BE IN ACCORDANCE WITH THE RELEVANT CURRENT AUSTRALIAN STANDARD INCLUDING ALL AMENDMENTS, AND THE REQUIREMENTS OF THE LOCAL STATUTORY AUTHORITY, EXCEPT WHERE VARIED BY THE CONTRACT DOCUMENTS. ANY DISCREPANCIES BETWEEN THE DRAWINGS, SPECIFICATION AND THE SPECIFIED STANDARDS MUST BE REPORTED TO THE SUPERINTENDENT AND A WRITTEN INSTRUCTION RECEIVED PRIOR TO PROCEEDING WITH THE WORKS.</p> <p>G16 ALL DIMENSION ARE IN MILLIMETERS UNLESS NOTED OTHERWISE. ALL LEVELS ARE IN METERS UNLESS OTHERWISE NOTED.</p> <p>G17 ALL DIMENSIONS RELEVANT TO SETTING OUT AND OFF-SITE WORKS SHALL BE VERIFIED BY THE CONTRACTOR BEFORE CONSTRUCTION OR FABRICATION IS COMMENCED. THE ENGINEER'S DRAWINGS SHALL NOT BE SCALED.</p> <p>G18 THE CONTRACTOR MUST MAINTAIN THE CONSTRUCTION AREA IN A SAFE CONDITION AND MUST ENSURE THAT ADEQUATE BARRIERS, LIGHT AND SIGNS ARE INSTALLED AND MAINTAINED WHERE NECESSARY IN ACCORDANCE WITH AS1742.3-1995.</p> <p>G19 TRENCHES THROUGH NATURE STRIPS AND SOFT LANDSCAPED AREAS TO BE FINISHED WITH MK 100MM TOPSOIL AND GRASSED TO MATCH ADJACENT SURFACE LEVELS.</p> <p>G20 THE FILL WIDTH AND DEPTH OF TRENCH ABOVE OVERLAY ZONE AS DEFINED BY AS 3726 TO BE BACKFILLED AND COMPACTED TO 98% MODIFIED DRY DENSITY (GMD).</p> <p>G21 ALL CONCRETE PIPES TO BE STEEL REINFORCED CLASS 2, R/F UNLESS NOTED OTHERWISE.</p> <p>G22 ALL EXISTING AREAS OF PAVEMENT, PAVING, K&C, FOOTPATH MUST BE SAW-CUT NEATLY BEFORE EXCAVATION.</p> <p>G23 LOCATION OF UNDERGROUND SERVICES SHOWN ON PLAN ARE INDICATIVE ONLY. NO GUARANTEE IS GIVEN THAT ALL EXISTING SERVICES ARE SHOWN. CONSTRUCTION IS TO CEPTAIN ALL SERVICES CROSSING PROPOSED UNDERGROUND DRAINS PRIOR TO THE CONSTRUCTION OF THE DRAIN AND NOTIFY COUNCIL'S SUPERVISING OFFICER OF ANY CONFLICT IMMEDIATELY. CONTRACTOR IS TO ALLOW ADEQUATE TIME IN HIS WORK PROGRAM FOR COUNCIL TO MODIFY THE DESIGN OR TO ARRANGE MODIFICATIONS OF SERVICE.</p> <p>G24 TACTILE PAVEMENT TO BE 300MMX300MM POLYURETHANE WARNING TACTILE INDICATOR TILE, COLOUR GREY TO MATCH PREVIOUS PRAM CROSSING TACTILE PAVEMENT, BY GUARDIAN TACTILE SYSTEMS (08) 9240 1888 OR APPROVED EQUIVALENT.</p> <p>G25 ALL AREA OF PAVEMENTS, K&C AND FOOTPATHS DISTURBED BY CONTRACTOR DURING CONSTRUCTION OF DRAIN MUST BE REINSTATE TO THE ORIGINAL CONDITION.</p> <p>G26 ALL ADJACENT DISTURBED VALVES, FITS, MANHOLES, SERVICES COVERS ETC TO MATCH NEW FINISHED SURFACE LEVEL.</p> <p>G27 ALL SERVICES ARE TO BE PROTECTED DURING CONSTRUCTION. ATTENTION IS DRAWN TO MINIMUM COVER REQUIREMENTS OVER EXISTING SERVICES. FOR ON SITE WORKS (EXCLUDING SUPPLY ONLY CONTRACTS)</p> <p>G28 WHERE INTERRUPTION OR DIVERSION OF LOCAL TRAFFIC IS REQUIRED TO COMPLETE WORKS, CONTRACTOR TO SUBMIT TRAFFIC MANAGEMENT PLAN TO SUPERINTENDENT FOR WRITTEN APPROVAL BY ROAD AUTHORITY - RMS OR RTA- PRIOR TO PROCEEDING.</p> <p>CONCRETE NOTES</p> <p>C01 ALL WORKMANSHIP AND MATERIALS SHALL BE IN ACCORDANCE WITH AS3600-2009 CONCRETE STRUCTURES EXCEPT WHERE VARIED BY THE CONTRACT DOCUMENTS.</p> <p>C02 BEAM DEPTHS ARE WRITTEN FIRST AND INCLUDED SLAB THICKNESS. BEAMS AND SLABS ARE TO BE POURED TOGETHER UNLESS NOTED OTHERWISE.</p> <p>C03 SIZE OF CONCRETE ELEMENTS DO NOT INCLUDE THICKNESS OF APPLIED FINISHES.</p> <p>C04 NO HOLES, CHASES OR EMBEDMENT OF PIPES OTHER THAN THOSE SHOWN ON THE STRUCTURAL DRAWINGS SHALL BE MADE IN CONCRETE MEMBERS WITHOUT PRIOR APPROVAL OF THE SUPERINTENDENT.</p> <p>C05 CONSTRUCTION JOINTS SHALL BE PROPERLY FORMED AND USED ONLY WHERE SHOWN ON THE DRAWINGS OR SPECIFICALLY APPROVED BY THE SUPERINTENDENT.</p> <p>C06 ALL EXPOSED CONCRETE CORNERS TO HAVE 15MM CHAMFER U.N.O.</p> <p>C07 CAMBER OF SUSPENDED SLABS SHALL BE POSITIVE UPWARD CAMBER OF 3MM PER 1000MM SPAN UNLESS OTHERWISE STATED. BEAMS SHALL BE CAMBERED AS SHOWN ON DRAWINGS. NO CAMBER IS REQUIRED TO POST-TENSIONED BEAMS AND SLAB.</p> <p>C08 FORMWORK AND BACK PROPPING SHALL BE DESIGNED, CONSTRUCTED AND STRIPPED IN ACCORDANCE WITH AS910. REFER TO DRAWINGS AND SPECIFICATION FOR CLASS OF SURFACE FINISHES.</p> <p>C09 UNO CONCRETE COMPONENTS AND QUALITY SHALL BE AS FOLLOWS:</p> <table><tr><td>PRECAST CROSSING UNITS</td><td>40MPa</td></tr><tr><td>PRECAST PAVINGS</td><td>40MPa</td></tr><tr><td>CONCRETE KERB AND CHANNEL</td><td>32MPa</td></tr><tr><td>CONCRETE SLAB NOMINATED FOR SPORTS FACILITY</td><td>32MPa</td></tr><tr><td>CONNECTING ROADSIDE PATHWAYS</td><td>25MPa</td></tr></table> <p>(MAXIMUM AGGREGATE SIZE SHALL BE 20MM) OR AS NOTED.</p> <p>C10 CONCRETE DESIGN STRENGTH (F_c AT 28 DAYS) AND BASIC MIX DETAILS UNO SHALL BE AS FOLLOWS:</p> <p>GRADE 132 SLUMP 100MM AGGREGATE 20MM FOR FOOTINGS.</p> <p>GRADE 132 SLUMP 80MM AGGREGATE 20MM FOR PAVEMENT SLABS/WALLS.</p> <p>C11 ALL CEMENT IS TO BE GENERAL PURPOSE "PORTLAND GREY CEMENT" UNLESS OTHERWISE STATED IN THE DRAWINGS AND SPECIFICATION.</p> <p>C12 CONCRETE SLUMP TO BE A MAXIMUM OF 80MM UNLESS OTHERWISE STATED ON THE DRAWINGS.</p> <p>C13 FREE DROPPING OF CONCRETE FROM A HEIGHT GREATER THAN 1000MM IS NOT PERMITTED.</p> <p>C14 SURFACES RECEIVING GROUT SHALL BE LEFT ROUGH AND FREE OF LAITANCE.</p> <p>C15 CONCRETE MUST BE CURED BY AN APPROVED METHOD IN ACCORDANCE WITH THE SPECIFICATION FOR SEVEN DAYS AFTER POURING.</p> <p>C16 REINFORCEMENT IS REPRESENTED DIAGRAMMATICALLY AND NOT NECESSARILY SHOWN IN TRUE PROJECTION OF SCALE.</p> <p>C17 REINFORCEMENT SYMBOLS:</p> <p>N = NORMAL DUCTILITY CLASS HOT ROLLED DEFORMED BARS 500N GRADE OR MESH TO A51302 & A51302 4871 WITH FSY EQUAL TO 500MPa.</p> <p>R = NORMAL DUCTILITY CLASS 250N PLAIN ROUND BAR TO A51302 4871 WITH FSY EQUAL TO 250MPa.</p> <p>L = LOW DUCTILITY CLASS 500L REINFORCING MESH OR BAR TO A51302 4871 WITH FSY EQUAL TO 500MPa.</p> <p>C18 WELDING OF REINFORCEMENT SHALL NOT BE PERMITTED WITHOUT THE APPROVAL OF THE SUPERINTENDENT.</p> <p>C19 MINIMUM CONCRETE COVER TO ALL REINFORCEMENT (FINISHES NOT INCLUDED):</p> <table><tr><td>SLABS (TOP)</td><td>30MM</td></tr><tr><td>SLABS (BOTTOM)</td><td>50MM</td></tr><tr><td>WALLS AND FOOTINGS</td><td>50MM</td></tr></table> <p>C20 ALL REINFORCEMENT SHALL BE SECURELY SUPPORTED IN ITS CORRECT POSITION DURING CONCRETING BY APPROVED BAR CHAIRS, SPACERS OR SUPPORT BARS AT 1000MM MAXIMUM CENTRES. THE CHAIR MATERIAL SHALL SUIT THE EXPOSURE CONDITIONS.</p> <p>C21 REINFORCEMENT FOR ANY ONE POUR SHALL BE PLACED AND TIED PRIOR TO INSPECTION BY SUPERINTENDENT PRIOR TO PROCEEDING WITH POURING OF SLAB OR WALL. CONTRACTOR SHALL NOTIFY SUPERINTENDENT 2-HOURS PRIOR TO POURING OF SLAB OR WALL. PRIOR TO MACHINE EXCAVATION, USE HAND EXCAVATION TO LOCATE ROOTS IN THE VICINITY OF TREES TO BE RETAINED. CONTRACTOR TO SUBMIT A WORKS METHODS STATEMENT TO COUNCIL FOR APPROVAL PRIOR TO COMMENCEMENT OF CONSTRUCTION.</p> <p>C22 2 X N/2 DIAGONAL CORNER BARS 1200MM LONG ARE REQUIRED AT ALL RE-ENTRANT CORNERS OF OPENINGS IN SLABS AND WALLS.</p> <p>C23 REINFORCEMENT LENGTHS ARE IN MILLIMETRES AND ARE PLAN LENGTH ONLY. TURN DOWN AND CRANKS ARE NOT INCLUDED IN THE DIMENSION.</p> <p>C24 BARS SHOWN STAGGERED ON PLAN SHALL BE PLACED ALTERNATELY.</p> <p>C25 BARS SHALL BE EVENLY DISTRIBUTED OVER THE WIDTH OF THE STRIP INDICATED ON THE DRAWINGS UNLESS NOTED OTHERWISE.</p> <p>C26 ALL EMBEDMENTS SHALL BE HOT DIP GALVANISED.</p> <p>C27 DURING THE CONSTRUCTION OF SUSPENDED OR CANT-LEVERED CONCRETE ELEMENTS THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING THE STRUCTURE IN A STABLE CONDITION AND ENSURING NO PART SHALL BE OVERSTRESSED UNDER CONSTRUCTION ACTIVITIES.</p> <p>C28 THE STRUCTURAL WORK SHOWN ON THESE DRAWINGS HAVE BEEN DESIGNED FOR MINIMUM LIVE LOADS AS FOLLOWS:</p> <table><tr><td>PAVEMENT</td><td>5.0kPa</td></tr><tr><td>SHADE STRUCTURES/SHELTERS</td><td>0.25kPa</td></tr></table> <p>SITE DRAINAGE</p> <p>D01 SITES SHOULD BE DRAINED SO THAT WATER CANNOT POND AGAINST OR NEAR PAVED AREAS. THE GROUND IMMEDIATELY ADJACENT TO ANY PAVEMENT OR CONCRETE STRUCTURES SHOULD BE GRADED TO FALL 50MM OVER THE FIRST METRE. WHERE THIS IS IMPRACTICABLE (I.E. ON SEVERAL SLOPING SITES) USE A G. DRAINS ADJACENT TO THESE AREAS WHERE THE GROUND FALLS TOWARDS THE PAVEMENT OR STRUCTURE.</p> <p>D02 DISCHARGE FROM ANY DRAINAGE MUST BE DIRECTED AWAY FROM THE CONSTRUCTION AREAS DURING CONSTRUCTION PROCESS TO ENSURE WATER DOES POND ADJACENT TO AREA OF EXCAVATION OR BUILDING.</p> <p>D03 FOR ALL SITES THE NATURAL GROUND IMMEDIATELY ADJACENT TO THE CONSTRUCTION AREA SHALL BE GRADED TO A UNIFORM FALL OF 50MM/M. AWAY FROM THE PAVEMENT AND STRUCTURE OVER THE FIRST METRE. THE SURFACE WATER AND SUB-SURFACE WATER IS TO BE DRAINED TO AN APPROPRIATE LEGAL POINT OF DISCHARGE. REFER TO THE ATTACHED SKETCH.</p> <p>D04 WATERING AND LANDSCAPE BEDS ARE NOT PERMITTED ADJACENT TO BUILDING(S) AND ADJACENT TO THE PERIMETER CONCRETE PAVING SLAB. SHALLOW (300MM MAX.) AGRICULTURAL DRAIN IS TO BE INSTALLED BELOW GROUND LEVEL AT THE OUTER PERIMETER OF THE CONCRETE PAVING SLAB CONNECTED TO A GRAVITY FEED LEGAL POINT OF DISCHARGE. SUB-SURFACE WATER IN THE FORM OF PERCHED WATER TABLE MAY OCCUR WHERE SILTY CLAYS AND SANDS OVERLY IMPERMEABLE CLAY. WHERE THIS OCCURS AND AGRICULTURAL DRAIN MUST BE PROVIDED TO DIVERT THE FLOW OF WATER AWAY FROM THE CONCRETE PAVING SLAB & STRUCTURES. THIS DRAIN SHOULD BE EMBEDDED INTO IMPERMEABLE CLAY. SPECIAL ATTENTION SHOULD BE MADE NOT TO UNDERMINE THE FOOTINGS/STRUCTURES.</p> <p>D05 PROVIDE SITE DRAINAGE TO PREVENT SURFACE SOIL SATURATION OR WATER PONDING NEAR PAVEMENT & STRUCTURES.</p> <p>D06 CARE SHALL BE TAKEN WITH SURFACE DRAINAGE OF THE ALLOTMENT FROM THE START OF CONSTRUCTION. THE DRAINAGE SYSTEM SHALL BE COMPLETED BY THE FINISH OF CONSTRUCTION.</p> <p>D07 PLUMBING TRENCHES SHALL BE SLOPED AWAY FROM THE BUILDING AND SHALL BE BACKFILLED WITH CLAY IN THE TOP 300MM WITHIN 1.5M OF THE BUILDING. THE CLAY USED FOR BACKFILLING SHALL BE COMPACTED. WHERE PIPES PASS UNDER THE FOOTING & PAVEMENT SYSTEM, THE TRENCH SHALL BE BACKFILLED WITH CLAY OR CONCRETE TO RESTRICT THE INGRESS OF WATER BENEATH.</p> <p>D08 SUBSURFACE DRAINS SHALL BE FREE DRAINING AND SHALL BE ABLE TO BE INSPECTED AND MAINTAINED. SUBSURFACE DRAINS SHALL BE PROTECTED BY FILTERS AND GEOTEXTILE NOTE: WHEREVER PRACTICABLE, SUBSURFACE DRAINS SHOULD BE AVOIDED NEAR ANY CONCRETE STRUCTURE OR PAVEMENT.</p> <p>D09 REFER TO SECTION 5 AND 6 AS2870-1995 AND AS2870-2011 FOR FULL SET OF DETAILING AND CONSTRUCTION REQUIREMENTS.</p> <p>D10 REFER TO SOIL TEST AND DETAIL SHEETS FOR ADDITIONAL CONSTRUCTION AND MAINTENANCE REQUIREMENTS WHICH FORM PART OF THIS DESIGN.</p> <p>D11 THE FOOTING & CONCRETE PAVEMENT DESIGN IS BASED ON A SITE HAVING PROPER SITE DRAINAGE. IF THE ABOVE DRAINAGE REQUIREMENTS CANNOT BE ACHIEVED CONTACT LANDSCAPE ARCHITECT FOR FURTHER ADVICE.</p> <p>PREPARATION OF SUB-BASE FOR SLABS ON GROUND</p> <p>F1 ALL PAVEMENT SLABS TO BE POURED OVER AN APPROPRIATE SUBGRADE MATERIAL IN COMPLIANCE WITH THE RECOMMENDATIONS PREPARED BY THE GEOTECHNICAL REPORT SUPPLIED BY CIVILTEST PTY LTD (REPORT NO: 2150302). EARTHWORKS SHALL BE COMPLETED IN ACCORDANCE WITH REQUIREMENTS OF AS 3798 - "GUIDELINES ON EARTHWORKS FOR COMMERCIAL AND RESIDENTIAL DEVELOPMENTS". GEOTEXTILE LAYER TO BE LAID OUT ACROSS ENTIRE SITE AREA WHERE FILL IS REQUIRED PRIOR TO PLACEMENT OF IMPORTED FILL.</p> <p>F2 PROVIDE FILL UNDER SLAB WHERE REQUIRED TO PRODUCE FINISHED LEVELS AS SHOWN ON PLANS.</p> <p>F3 THERE IS TO BE NO SITE SCAPE THROUGHOUT ENTIRE SITE AREA.</p> <p>F4 PIPELINES, PREVIOUS CONSTRUCTION AND OTHER MATERIALS UNDESIRABLE FOR INCORPORATION IN THE WORKS. TOP SOIL MAY BE STOCKPILED FOR LATER USE. ALL OTHER MATERIAL TO BE REMOVED FROM SITE OTHER THAN BEST OF FILL, SUFFICIENT OF WHICH SHALL BE RETAINED TO BALANCE FILLING.</p> <p>F5 PRIOR TO PLACEMENT OF ANY FILL MATERIAL, THE EXPOSED SURFACE IS TO BE PROOF ROLLED WITH FULLY LOADED TANGDEM TIPPER WITH THREE INFLATED TO APPROX. 350 KPa. ALL "SOFT SPOTS" OR AREAS SHOWING MOVEMENT TO BE EXCAVATED AND REPLACED WITH CONTROLLED FILL - R LAYERS NOT EXCEEDING 150MM FOR LEVEL PAVEMENT AND 200MM FOR BUILT-UP AREAS - FOR RETESTING.</p> <p>TREE NOTES</p> <p>T1 CAREFUL AND CONTINUOUS ATTENTION SHOULD BE PAID IN THE PLACEMENT OF TREES, GARDENING AND RELATED ACTIVITIES WITHIN A BUILDING LOT AS WELL AS ITS IMMEDIATE ADJOINING PROPERTIES. THE OWNERS ATTENTION IS DRAWN TO APPENDIX 8 OF AS 2870 (PERFORMANCE REQUIREMENTS AND FOUNDATION MAINTENANCE)</p> <p>T2 ANY VEGETATION TO BE REMOVED OR TRIMMED SHALL BE IN ACCORDANCE WITH PLANNING PERMIT REQUIREMENTS AND SUBJECT TO SUPERINTENDENTS APPROVAL.</p> <p>T3 EXISTING TREES TO BE RETAINED, UNLESS WHERE SPECIFIED OTHERWISE, CONTRACTOR TO TAKE CARE TO ENSURE THAT NO DAMAGES OCCUR TO TREES TO BE RETAINED AS PER TREE PROTECTION STANDARD AS 4370 2009. CONTRACTOR NOT TO PLACE SPILL FROM EXCAVATIONS, BULK MATERIALS, HARMFUL MATERIALS OR PARKING/STORAGE MACHINERY WITHIN TREE DRIP LINES.</p> <p>T4 TREE REMOVAL: CONTRACTOR TO CONFIRM AND MARK WITH SPRAY PAINT ALL TREES TO BE REMOVED WITH DESIGNATED COUNCIL SUPERVISING OFFICER ON SITE PRIOR TO COMMENCING ANY WORK. STUMP GRINDING ALL TREES TO A DEPTH OF 500MM, REMOVE ALL DEBRIS OFF SITE AND REINSTATE NATURE STRIP. CONTRACTOR TO TAKE EXTREME CARE NOT TO DAMAGE OTHER RETAINED TREES, SERVICES OR OTHER INFRASTRUCTURE DURING TREE REMOVAL WORKS.</p> <p>T5 WORKS NEAR TREES: WITHIN THE TREE DRIP LINE OR 5 METERS FROM THE TREE TRUNK OR WHICHEVER IS GREATER, THE CONTRACTOR SHALL SEEK APPROVAL FROM THE COUNCIL SUPERVISING OFFICER FOR WORKS INCLUDING CUTTING AND FILL OPERATIONS. PRIOR TO MACHINE EXCAVATION, USE HAND EXCAVATION TO LOCATE ROOTS IN THE VICINITY OF TREES TO BE RETAINED. CONTRACTOR TO SUBMIT A WORKS METHODS STATEMENT TO COUNCIL FOR APPROVAL PRIOR TO COMMENCEMENT OF CONSTRUCTION.</p> <p>BULK EXCAVATION AND PAVEMENT NOTES</p> <p>B01 THERE IS TO BE NO SITE SCAPE THROUGHOUT ENTIRE SITE AREA.</p> <p>B02 AFTER BULK EXCAVATION HAS BEEN COMPLETED THE FORMED SURFACE SHALL BE PROOF ROLLED AND TESTED IN ACCORDANCE WITH THE SPECIFICATION.</p> <p>B03 ALL FILLING IS TO BE CARRIED OUT IN 150MM LAYERS UNLESS OTHERWISE STATED & COMPACTED TO 98% OF MAXIMUM MODIFIED DRY DENSITY. FILLING IN ROAD RESERVES IS TO BE CARRIED OUT USING APPROVED CLAY FILL. TOPSOIL & ALL VEGETATION MATTER TO BE STRIPPED FROM SITE PRIOR TO FILLING. ALL FILLING TO COMPLY WITH AS3798.</p> <p>B04 EARTHWORKS WITHIN ROAD RESERVES AND LOTS SHALL BE TESTED BY A NATA REGISTERED GEOTECHNICAL LABORATORY IN ACCORDANCE WITH AS3798 AND AS1289 AND MEET THE REQUIREMENTS OF COUNCIL.</p> <p>B05 COMPACTION TESTING AND PROOF ROLLING OF EACH PAVEMENT LAYER TO BE IN ACCORDANCE WITH AS 3798 AND AS 1289 AND SHALL MEET THE FOLLOWING STANDARDS, UNLESS OTHERWISE SPECIFIED:</p> <p>I - SUB GRADE 98% MODIFIED DRY DENSITY</p> <p>II - BASE COURSE LAYERS 96% MODIFIED DRY DENSITY</p> <p>III - ASPHALT 100% MODIFIED DRY DENSITY</p> <p>B06 SOFT SPOTS OR HEAVE AREAS IN SUB GRADE SHALL BE EXCAVATED TO A SUITABLE FOUNDATION APPROVED BY SUPERINTENDENT, BACKFILLED WITH APPROVED GRANULAR MATERIAL OR CONTROLLED FILL IN 150MM LAYERS FOR LEVEL SLAB AND 200MM FOR BUILT-UP AREAS AND COMPACTED TO 98% M.M.D.D.</p> <p>B07 REFER TO FC WALLS AND MINOR STRUCTURE TYPICAL DETAILS FOR MINIMUM BEARING CAPACITY. FOUNDATION MATERIAL FOR RC FOOTINGS TO BE 90KPa UNO.</p> <p>B08 ON COMPLETION OF WORKS THE CONTRACTOR IS RESPONSIBLE FOR THE REMOVAL AND DISPOSAL OF EXCESS SPOIL FROM THE SITE.</p> <p>B09 ANY SOFT, WET OR UNSUITABLE SUB GRADE MATERIALS AS DEFINED IN THE SPECIFICATION, SHALL BE REMOVED AND REPLACED WITH AN APPROVED MATERIAL AND PROPERLY COMPACTED TO COUNCIL REQUIREMENTS.</p> <p>B10 ALL SURPLUS EXCAVATED MATERIALS (EXCLUDING TOPSOIL) SHALL BE PLACED ON SITE A DIRECTED BY THE SUPERINTENDENT.</p> <p>B11 APPROVED FILL MATERIALS SHALL BE PLACED IN UNIFORMED LAYERS, COMPACTED, TESTED AND PROOF ROLLED IN ACCORDANCE WITH THE SPECIFICATION. THE FINISHED EARTHWORKS LEVELS SHALL BE PROOF ROLLED AND TESTED AS SPECIFIED PRIOR TO PAVEMENT CONSTRUCTION.</p> <p>B12 DURING CONSTRUCTION THE CONTRACTOR SHALL BE RESPONSIBLE FOR CONSTRUCTING AND MAINTAINING A TEMPORARY SITE DRAINAGE SYSTEM AND TO MAINTAIN THE SITE IN A DRY AND STABLE CONDITION. DETAILS OF THE DRAINAGE SYSTEM SHALL BE SUBMITTED FOR THE APPROVAL OF THE SUPERINTENDENT.</p> <p>B13 UNLESS OTHERWISE STATED ALL BATTERS SHAPED TO FINAL PROFILE SHALL BE CONSTRUCTED AT A MAXIMUM BATTER SLOPE OF 1 IN 4 IN ACCORDANCE WITH COUNCIL STANDARDS. TEMPORARY CONSTRUCTION BATTER TO BE LIMITED TO A MAXIMUM OF 1 IN 1.5. STEEPER BATTERS/SLOPES SHALL NOT BE CONSTRUCTED UNLESS APPROVED BY THE SUPERINTENDENT. STABILIZATION AND EROSION PROTECTION SHALL BE PROVIDED AS DIRECTED BY THE SUPERINTENDENT, AT THE CONTRACTOR'S EXPENSES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE STABILITY OF HIS TEMPORARY WORKS.</p> <p>B14 ALL UNDERGROUND SERVICES SHALL BE LAID PRIOR TO FINAL SEALING OF ANY PAVEMENTS.</p> <p>B15 ALL TRENCHES UNDER PAVED SURFACES ARE TO BE BACKFILLED WITH 200MM NOMINAL SIZE CLASS 2 CRUSHED ROCK & COMPACTED TO 98% MAXIMUM MODIFIED DRY DENSITY. REFER TO GEOTECHNICAL REPORT RECOMMENDATIONS.</p> <p>B16 DRAINAGE BEDDING TYPE IS TO BE "H22" IN ACCORDANCE WITH AS 3725 UNLESS OTHERWISE SPECIFIED.</p> <p>SIGNAGE AND ROAD LINEMARKING NOTES</p> <p>L01 ALL SIGNAGE TO BE MANUFACTURED IN ACCORDANCE WITH AS1742 "MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES"</p> <p>L02 UNLESS OTHERWISE SHOWN, ALL SIGNS AND LINEMARKINGS TO BE INSTALLED IN ACCORDANCE WITH RMS TRAFFIC ENGINEERING MANUAL VOLUME 2 "SIGN AND LINEMARKING"</p> <p>L03 ALL LINEMARKINGS TO BE CARRIED OUT BY A CONTRACTOR APPROVED BY COUNCIL SUPERINTENDENT REPRESENTATIVE.</p> <p>L04 ALL REDUNDANT LINEMARKINGS TO BE REMOVED BY GRINDING PRIOR TO THE INSTALLATION ON NEW LINEMARKING.</p> <p>FOOTING NOTES</p> <p>F01 THE ASSUMED FOUNDING LEVELS OF THE FOOTINGS IS TO BE AS INDICATED ON THE DRAWING. BEFORE ANY REINFORCEMENT OR CONCRETE IS PLACED, THE SAFE BEARING CAPACITY OF THE GROUND IS TO BE VERIFIED BY THE GEOTECHNICAL ENGINEER. EXCAVATION SHALL CONTINUE UNTIL THE REQUIRED BEARING CAPACITY IS FOUND. THE OVER- EXCAVATION SHALL BE BACK FILLED WITH BLINDING CONCRETE TO THE ASSUMED FOUNDING LEVEL.</p> <p>F02 THE CONTRACTOR IS TO ALLOW FOR THE ENGAGEMENT OF THE GEOTECHNICAL ENGINEER TO VERIFY THE FOUNDING MATERIAL.</p> <p>F03 OVER-EXCAVATION WITHIN THE INFLUENCE ZONE (45DEGREE LINE DOWN FROM BASE OF THE WALL) OF ANY RETAINING WALL IS NOT ALLOWED WITHOUT THE PRIOR APPROVAL OF THE APPROVAL OF THE EXCAVATION SEQUENCE BY THE SUPERINTENDENT.</p> <p>PRECAST CONCRETE</p> <p>PC1 IF CRANES ARE TO BE LOCATED ON SLAB DURING ERECTION, DETAILS SHALL BE SUBMITTED TO THE ENGINEER PRIOR TO POURING GROUND FLOOR SLAB. PRIOR TO LIFTING OF ANY WALL PANELS THE MANUFACTURER OF CONTRACTOR SHALL PROVIDE TO THE ENGINEER ALL RELEVANT CRANE WHEEL AND OUTRIGGER LOADING TO BE APPLIED ON THE FLOOR SLAB AND SHALL PROVIDE LOAD SPREADING AS DIRECTED BY THE ENGINEER.</p> <p>PC2 LEVEL AND POSITION PANELS IN THEIR FINAL POSITION USING PATENTED PLASTIC SHIMS AND 20mm THICK CONTINUOUS GROUT BED.</p> <p>PC3 APPLY STIFF NON-SHRINK GROUT TO ALL HORIZONTAL JOINTS AND FERRULE HOLES AS REQUIRED.</p> <p>PC4 GROUT TO BE USED SHALL BE NON SHRINK, NON-STAINING, HAVE A 28 DAY CHARACTERISTIC STRENGTH OF 40 MPa. DETAILS OF THE PROPOSED GROUT USED SHALL BE SUBMITTED TO THE ENGINEER FOR APPROVAL.</p> <p>PC5 ALL SEALANTS SHALL BE AS SPECIFIED BY THE ARCHITECT.</p> <p>PC6 ALL PANELS TO ACHIEVE CONCRETE GRADE NOS MINIMUM AT TIME OF LIFTING. REFER ALSO TO NOTE PC4.</p> <p>STEEL FABRICATION</p> <p>S1 ALL WORKMANSHIP AND MATERIALS SHALL BE IN ACCORDANCE WITH AS4100, AS 4600, AS1554 AND AS HB63 EXCEPT WHERE VARIED BY THE CONTRACT DOCUMENTS.</p> <p>S2 UNLESS NOTED OTHERWISE, ALL STEEL SHALL BE:</p> <p>GRADE 300 PLUS FOR HOT ROLLED SECTIONS</p> <p>GRADE 300 PLUS FOR WELDED SECTIONS</p> <p>GRADE 300 PLUS FOR MERCHANT BAR</p> <p>GRADE 250 PLUS FOR PLATE</p> <p>GRADE C350 FOR RHS, CHS AND SHS</p> <p>S3 CONTRACTOR TO PROVIDE PREFERRED METHOD OF FABRICATION AND ASSEMBLY. MATERIALS, DIMENSIONS, LIFTING POINTS, FIXINGS, PENETRATIONS ETC FOR SUPERINTENDENT APPROVAL. ALLOWANCE TO PREPARE SHOP DRAWINGS AS REQUIRED BY FABRICATOR TO COMPLETE WORKS AS DOCUMENTED.</p> <p>S4 ALL DIMENSIONS SHALL BE VERIFIED ON SITE PRIOR TO FABRICATION.</p> <p>S5 ALL BOLTS, NUTS AND WASHERS SHALL BE HOT DIP GALVANIZED.</p> <p>S6 ALL STEELWORK (STRUCTURAL) BELOW GROUND SHALL BE IN CASED IN 50MM MINIMUM CONCRETE ALL ROUND. REFER CD000 FOR MINIMUM COVER FOR REINFORCEMENT STEEL.</p> <p>S7 THE ENDS OF ALL TUBULAR MEMBERS ARE TO BE SEALED WITH NOMINAL THICKNESS PLATES AND CONTINUOUS RILET WELDED UNLESS NOTED OTHERWISE.</p> <p>S8 ALL HOT DIPPED GALVANISED MEMBERS SHALL BE PROVIDED WITH VENT AND DRAINAGE HOLES IN ACCORDANCE WITH THE GALVANISER'S RECOMMENDATIONS AND TO THE ACCEPTANCE OF THE SUPERINTENDENT.</p> <p>S9 WHERE MEMBERS OR STEEL WORKS SHOWN ON THE STRUCTURAL OR ARCHITECTURAL DRAWINGS ARE REQUIRED TO BE CURVED, BENT OR FOLDED, THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE METHODS REQUIRED TO ACHIEVE THE REQUIRED SHAPE WITHOUT LOCALISED DISTORTION OF THE MEMBERS.</p> <p>S10 THE CONTRACTOR SHALL PROVIDE AND LEAVE IN PLACE, UNTIL PERMANENT BRACING ELEMENTS ARE CONSTRUCTED, SUCH TEMPORARY BRACING AS IS NECESSARY TO STABILISE THE STRUCTURE DURING ERECTION.</p> <p>S11 THE CONTRACTOR SHALL PROVIDE ALL CLEATS AND DRILL ALL HOLES NECESSARY FOR FIXING STEEL, TIMBER AND OTHER ELEMENTS TO STEEL WHETHER OR NOT DETAILED ON THE STRUCTURAL DRAWINGS.</p> <p>S12 THE FABRICATOR AND ERECTION OF THE STRUCTURAL STEELWORK SHALL BE SUPERVISED BY QUALIFIED PERSONNEL EXPERIENCED IN SUCH SUPERVISION TO ENSURE THAT ALL REQUIREMENTS OF CHS S AND THE DESIGN ARE MET. DETAILS OF ERECTION SEQUENCE SHALL BE SUBMITTED TO THE SUPERINTENDENT FOR REVIEW PRIOR TO THE COMMENCEMENT OF ERECTION. THE APPROVED ERECTION SEQUENCE SHALL NOT BE VARIED DURING THE ERECTION PROCESS WITHOUT THE APPROVAL OF THE SUPERINTENDENT.</p> <p>S13 STRUCTURAL STEELWORK SHALL HAVE THE FOLLOWING SURFACE TREATMENT IN ACCORDANCE WITH THE SPECIFICATION AND SHOWN ON THE DRAWINGS. ANY DISCREPANCIES IN THE DRAWINGS AND SPECIFICATION* SHALL BE REPORTED TO THE SUPERINTENDENT.</p> <p>S14 ALL STEEL WORK (EXPECT PAINTED STEELWORK AS SPECIFIED BY THE ARCHITECTS) TO BE HOT DIPPED GALVANISED IN ACCORDANCE WITH THE SPECIFICATION, INCLUDING ALL BOLTS AND FIXINGS.</p> <p>WELDING NOTES</p> <p>W1 ALL SHOP WELDS SHALL BE IN ACCORDANCE WITH AS 1554 UNLESS NOTED OTHERWISE. ALL WELDING SHALL COMPLY WITH AS 1554 AND AS 4100.</p> <p>W2 BEFORE COMMENCEMENT FABRICATION TO SUBMIT DETAILS OF PROPOSED WELDING PROCEDURES TO THE SUPERINTENDENT. FABRICATOR TO PROCEED AT OWN RISK PRIOR TO ACCEPTANCE OF WELDING PROCEDURE.</p> <p>W3 OTHER THAN SITE WELDS, IF ANY, SHOWN ON THE SHOP DRAWINGS, DO NOT WELD ON SITE WITHOUT PRIOR APPROVAL FROM THE SUPERINTENDENT WHEREVER POSSIBLE. LOCATE SITE WELDS IN POSITIONS FOR DOWN HAND WELDING.</p> <p>W4 WELDING SHALL BE CARRIED OUT UNDER THE IMMEDIATE AND CONTINUOUS SUPERVISION OF A SUPERVISOR EMPLOYED BY THE FABRICATOR. THIS PERSON SHALL HAVE QUALIFICATION AS DESCRIBED IN AS1554 AND THESE QUALIFICATIONS SHALL BE SUBMITTED TO THE SUPERINTENDENT ON REQUEST.</p> <p>W5 TESTING OF WELDS 100% OF WELD TO BE VISUALLY INSPECTED.</p>		PRECAST CROSSING UNITS	40MPa	PRECAST PAVINGS	40MPa	CONCRETE KERB AND CHANNEL	32MPa	CONCRETE SLAB NOMINATED FOR SPORTS FACILITY	32MPa	CONNECTING ROADSIDE PATHWAYS	25MPa	SLABS (TOP)	30MM	SLABS (BOTTOM)	50MM	WALLS AND FOOTINGS	50MM	PAVEMENT	5.0kPa	SHADE STRUCTURES/SHELTERS	0.25kPa
PRECAST CROSSING UNITS	40MPa																				
PRECAST PAVINGS	40MPa																				
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CONCRETE SLAB NOMINATED FOR SPORTS FACILITY	32MPa																				
CONNECTING ROADSIDE PATHWAYS	25MPa																				
SLABS (TOP)	30MM																				
SLABS (BOTTOM)	50MM																				
WALLS AND FOOTINGS	50MM																				
PAVEMENT	5.0kPa																				
SHADE STRUCTURES/SHELTERS	0.25kPa																				

- WARNINGS -

CONTRACTOR TO VERIFY LOCATION, DEPTH/CLEARANCE AND ALLOWANCE OF OVERHEAD AND UNDERGROUND SERVICES. CONTRACTOR TO ASSURE CLARITY AND RELEVANT DIAL BEFORE YOU DISCLOSE CALL SERVICES DRAWINGS AND ADHERE TO ALL REQUIREMENTS FOR WORKS NEAR SERVICES INCLUDING CLEARANCES, EASEMENTS AND UNDERPASS SERVICE AUTHORITIES PRIOR TO COMMENCEMENT OF WORKS. THE LOCATION OF UNDERGROUND SERVICES INDICATED IN THIS SET OF DRAWINGS ARE INDICATIVE ONLY. PIT LOCATIONS HAVE BEEN SURVEYED BY A LICENSED SURVEYOR.

- SITE DIMENSIONS -

CONTRACTOR TO SATISFY THEMSELVES OF SITE CONDITIONS, CHANGES IN LEVEL, AND DIMENSIONS PRIOR TO FABRICATION OF SITE SPECIFIC ITEMS OR PRIOR TO DROPPING/REMOVING MATERIALS. WHERE DISCREPANCIES EXIST BETWEEN DRAWINGS AND SITE CONDITIONS CONTRACTOR TO NOTIFY SUPERINTENDENT PRIOR TO COMMENCEMENT OF WORKS.

- COPYRIGHT AND INTELLECTUAL PROPERTY RIGHTS -

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Drawing Status:

CONSTRUCTION DRAWINGS
FOR TENDER

Notes // Legend:

SITE SPECIFIC NOTES:

01: REFER TO GEOTECHNICAL REPORT SUPPLIED BY CIVILTEST PTY LTD (REPORT NO: 2150302)

02: DIGITAL SURVEY PROVIDED BY COUNCIL/NOVA & FREEDER

H	For Tender	20.12.17
G	For Tender	15.11.17
F	Issued for Development Application	30.05.17

Client // Council Name:
BAYSIDE COUNCIL
PO Box 21, Rockdale NSW 2216

Project Name:
PAGEWOOD PLAZA
Mutch Park
Wentworth Avenue, Pagewood, New South Wales, 2035

Landscape Architect // Principal Consultant:



ENILOCUS
Building & Land & Air Survey Group
2-37 Murrumbidgee Street
Sydney NSW 2000
Tel: +61 2 9611 7522
Fax: +61 2 9611 7522
www.enilocus.com.au

Structural Engineers:	Lighting and Electrical Engineers:	Other Consultants:
MATRIX GROUP PTY LTD 2-37 Murrumbidgee Street Sydney NSW 2000 Tel: +61 2 9611 7522 Fax: +61 2 9611 7522 www.enilocus.com.au	JAMES NICHOLSON Level 15, 36 Darling Street Sydney NSW 2000 Tel: +61 2 9611 7522 Fax: +61 2 9611 7522 www.enilocus.com.au	

Drawing Title:
General Notes

Scale:	N/A	Date of Issue:	20.12.17
Format/Size:	A1	Contract Reference No:	1512
Design Review:	RG	Final Review // Approval:	JM

Project // Drawing Number:
1512_CD001

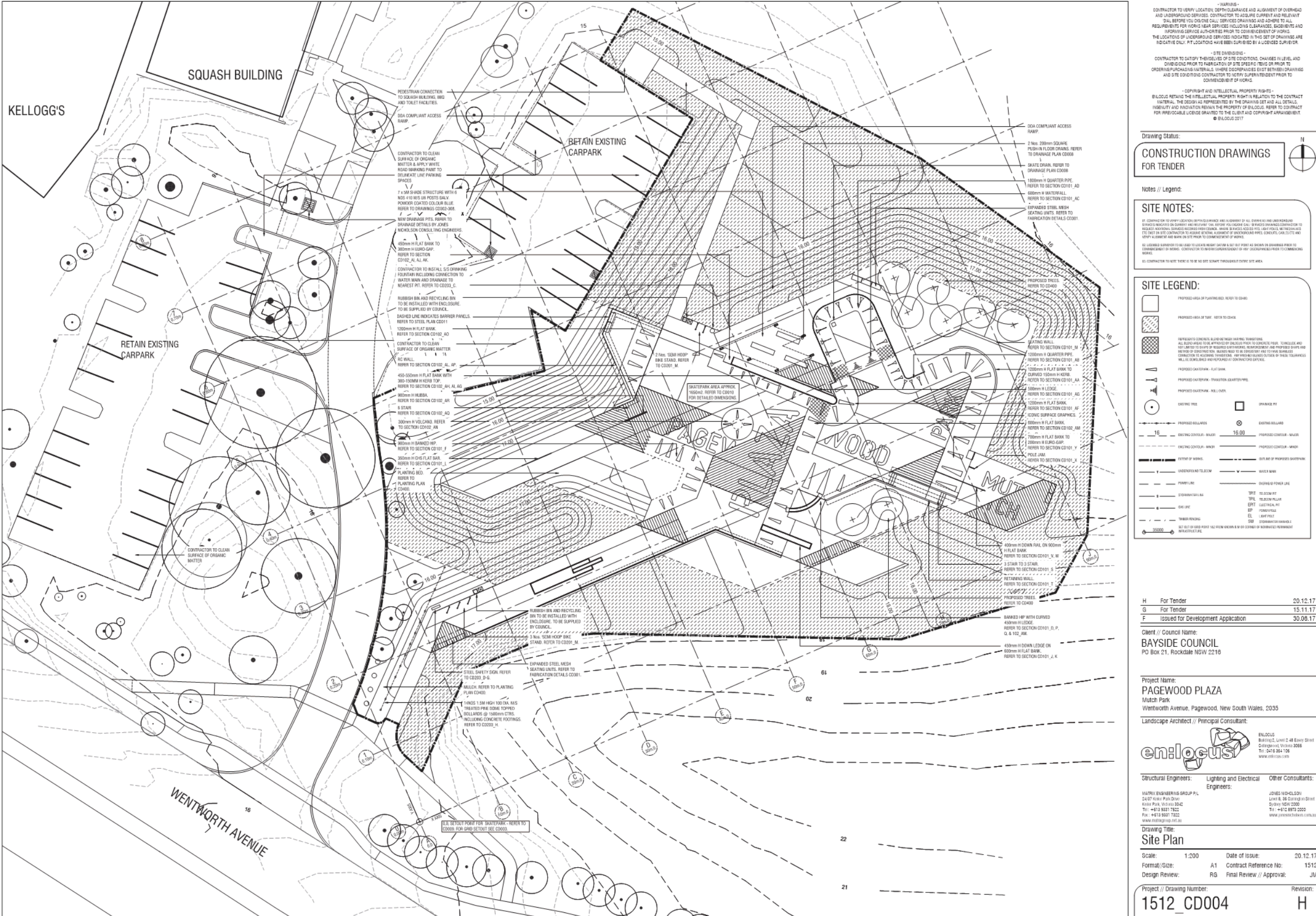
Revision:
H









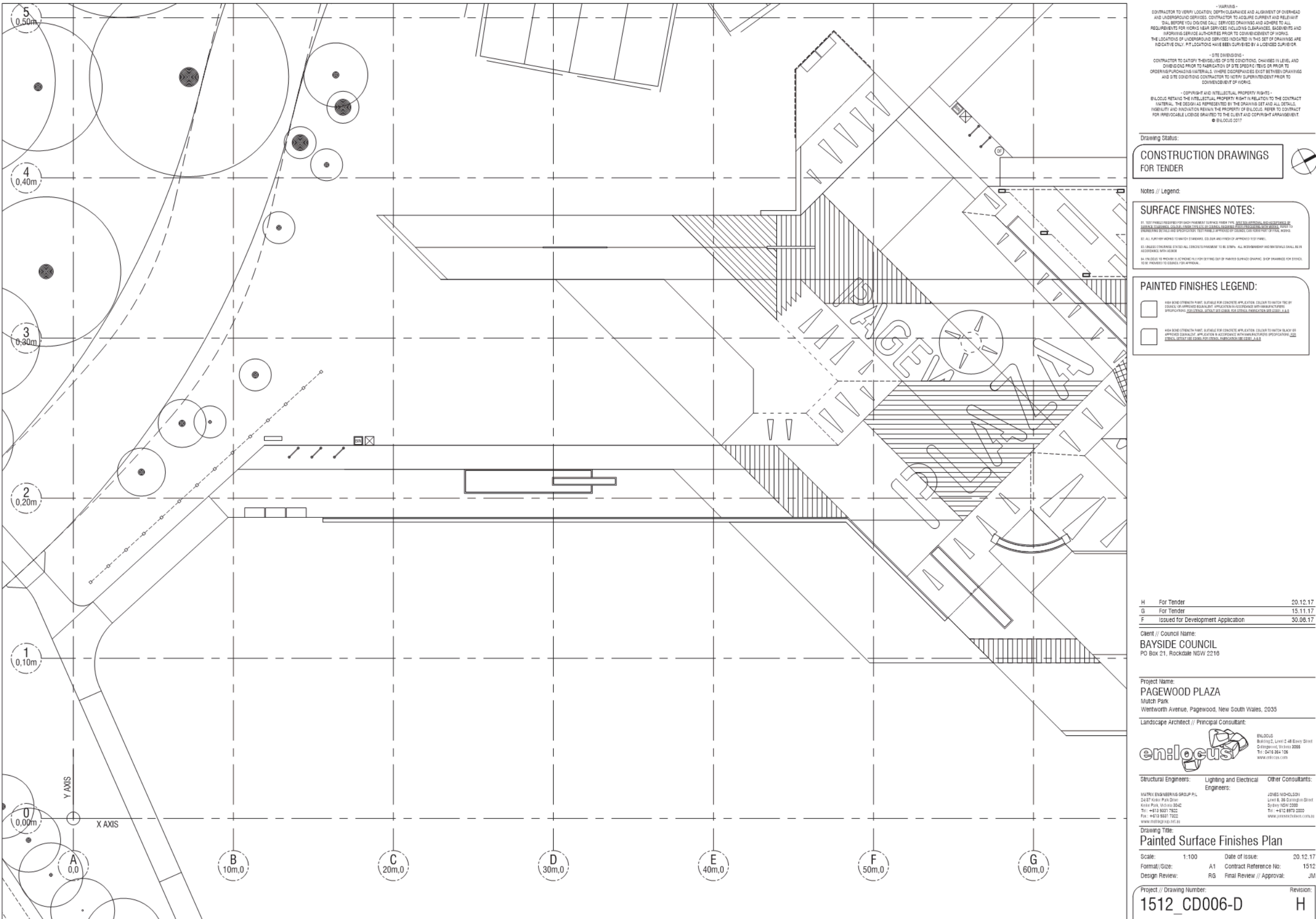




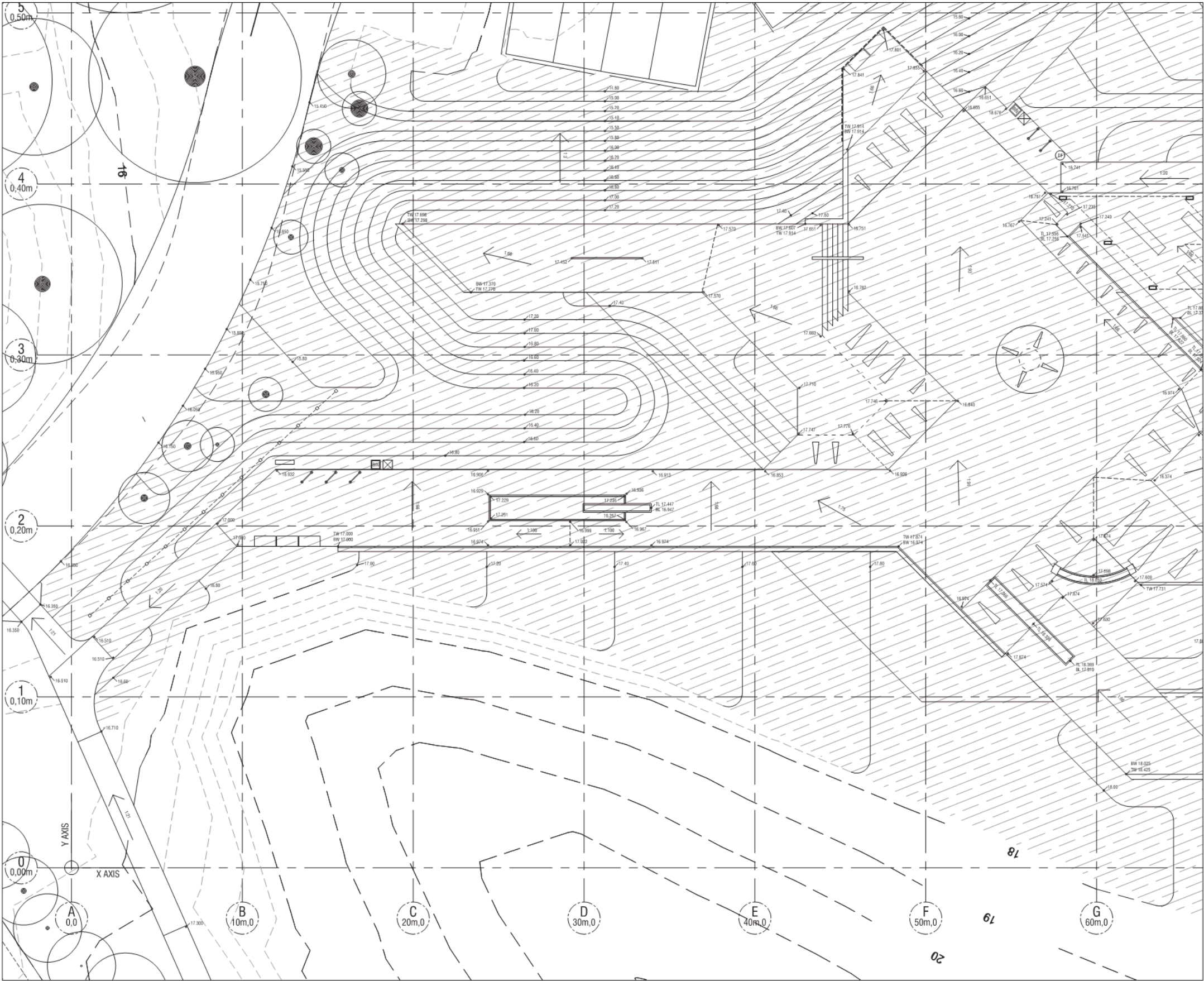












NOTES:

- CONTRACTOR TO VERIFY LOCATION, DEPTH, CLEARANCE AND ALIGNMENT OF OVERHEAD AND UNDERGROUND SERVICES. CONTRACTOR TO ACQUIRE CURRENT AND RELEVANT DATA BEFORE YOU DO ONE CALL SERVICE DRAWINGS AND ADHERE TO ALL REQUIREMENTS FOR WORK NEAR SERVICES INCLUDING CLEARANCE, SIGNAGE AND WORKING SERVICE AUTHORITY PRIOR TO COMMENCEMENT OF WORKS.
- THE LOCATION OF UNDERGROUND SERVICES INDICATED IN THIS SET OF DRAWINGS ARE INDICATIVE ONLY. IF LOCATIONS HAVE BEEN SURVEYED BY A LICENSED SURVEYOR.
- SITE DRAINAGE:**
 - CONTRACTOR TO SATISFY THEMSELVES OF SITE CONDITIONS, CHANGES IN LEVEL, AND DRAINAGE PRIOR TO FABRICATION OF SITE SPECIFIC TENDR PRIOR TO ORDERING/PURCHASING MATERIALS. WHERE DISCREPANCIES EXIST BETWEEN DRAINAGE AND SITE CONDITIONS CONTRACTOR TO NOTIFY SUPERINTENDENT PRIOR TO COMMENCEMENT OF WORKS.
- COPYRIGHT AND INTELLECTUAL PROPERTY RIGHTS:**
 - ENLOCUS RETAINS THE INTELLECTUAL PROPERTY RIGHTS IN RELATION TO THE CONTRACT MATERIAL. THE DESIGN AS REPRESENTED BY THE DRAWING SET AND ALL DETAILS, INFORMATION AND INNOVATION REMAINS THE PROPERTY OF ENLOCUS. REFER TO CONTRACT FOR IRREVOCABLE LICENSE GRANTED TO THE CLIENT AND COPYRIGHT ASSIGNMENT.
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Drawing Status:
**CONSTRUCTION DRAWINGS
FOR TENDER**

Notes // Legend:

LEVEL NOTES:

AT ALL LEVELS FOR NEW CONSTRUCTION WITH SITE & DRAINAGE PLANS AND SECTIONS, DESIGNER AND/OR FINISHES TO BE CONSIDERED BY CONTRACTOR OR IN-CHARGE CLERK FOR APPROVAL BY WRITING PRIOR TO WORKS COMMENCING/CONTINUING.

LEVELS LEGEND:

- EXISTING CONTOUR - MAJOR
- EXISTING CONTOUR - MINOR
- PROPOSED CONTOUR - MAJOR
- PROPOSED CONTOUR - MINOR
- GRADE DRAINAGE (PT. REFER TO CROSS)
- DRAINAGE (PT. REFER TO CROSS)
- TOP OF PAV. (PT. REFER TO CROSS)
- INDICATOR SPOT LOCATION FOR ISOLATED HIGHPOINT AND DIRECTION/ARROWS OF FLOW

H	For Tender	20.12.17
G	For Tender	15.11.17
F	Issued for Development Application	30.08.17

Client // Council Name:
BAYSIDE COUNCIL
PO Box 21, Rockdale NSW 2216

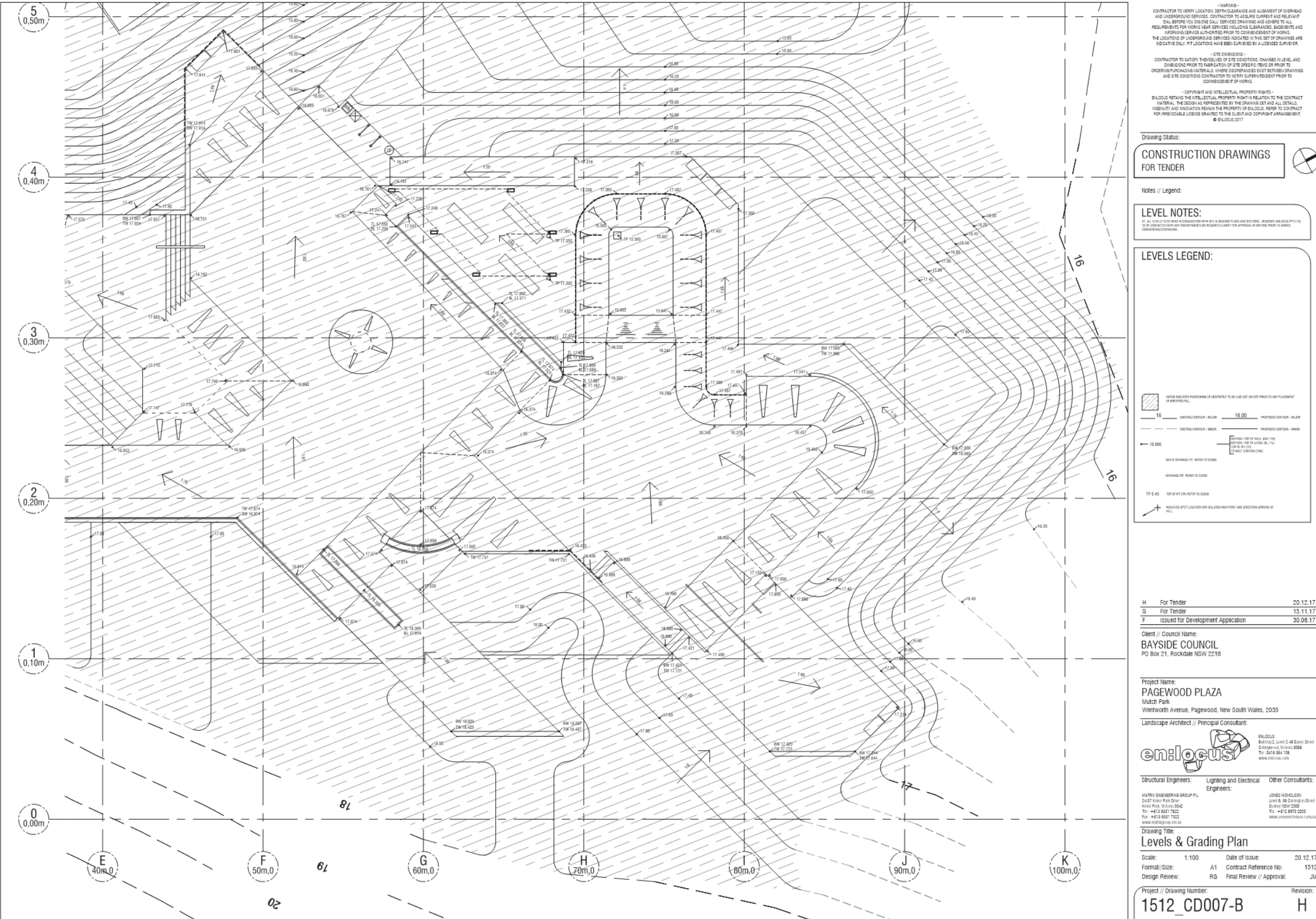
Project Name:
PAGEWOOD PLAZA
Mutch Park
Wentworth Avenue, Pagewood, New South Wales, 2035

Landscape Architect // Principal Consultant:
en:locus
ENLOCUS
Building 2, Level 2 48 Bower Street
Dorridgeville, Victoria 3005
Tel: +61 3 9614 106
www.enlocus.com

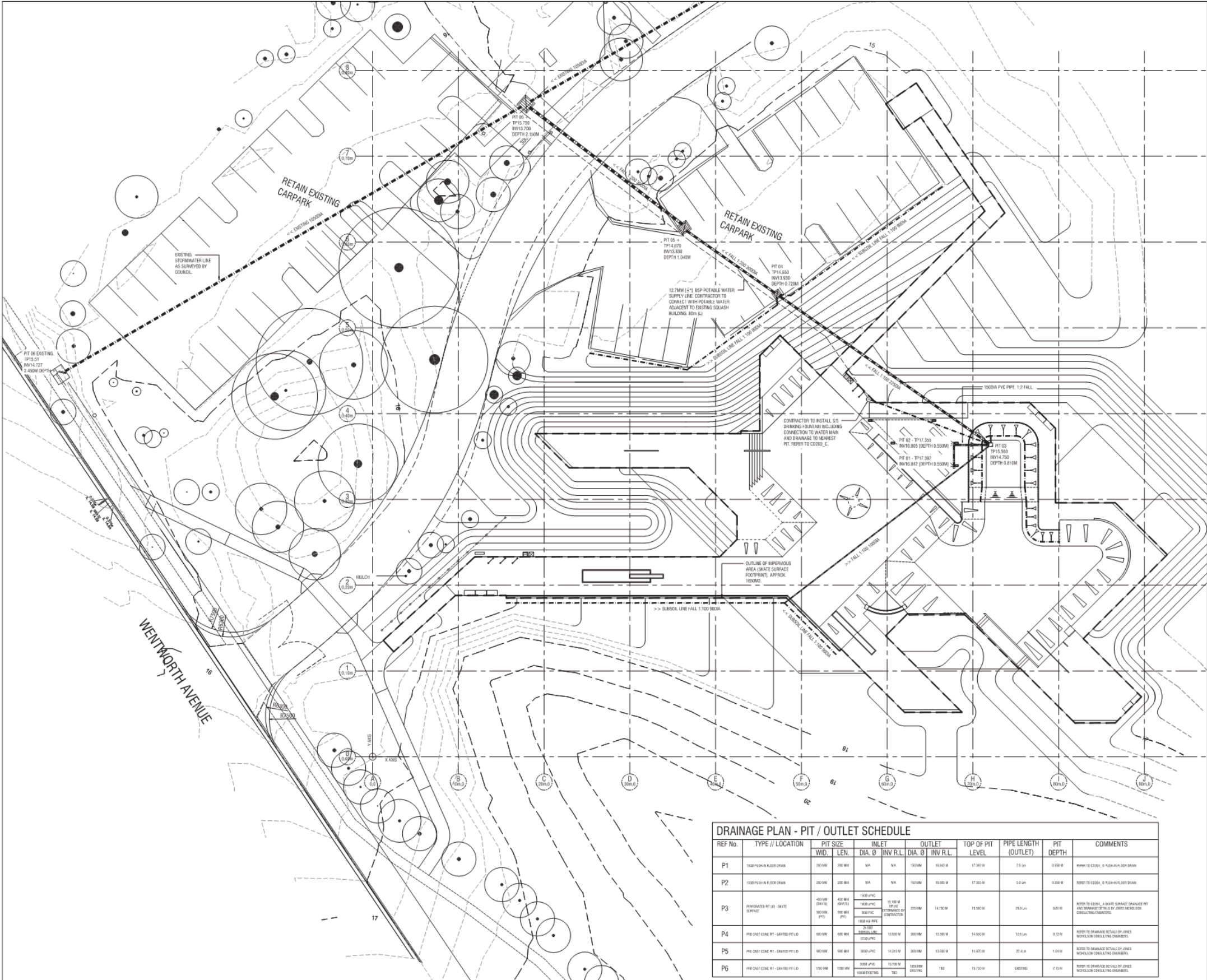
Structural Engineers: **Lighting and Electrical Engineers:**
MASTRI ENGINEERING GROUP PTY LTD
24/37 Kew Road
Kew, Victoria 3015
Tel: +61 3 9331 7522
Fax: +61 3 9331 7522
www.mastriengineering.com.au

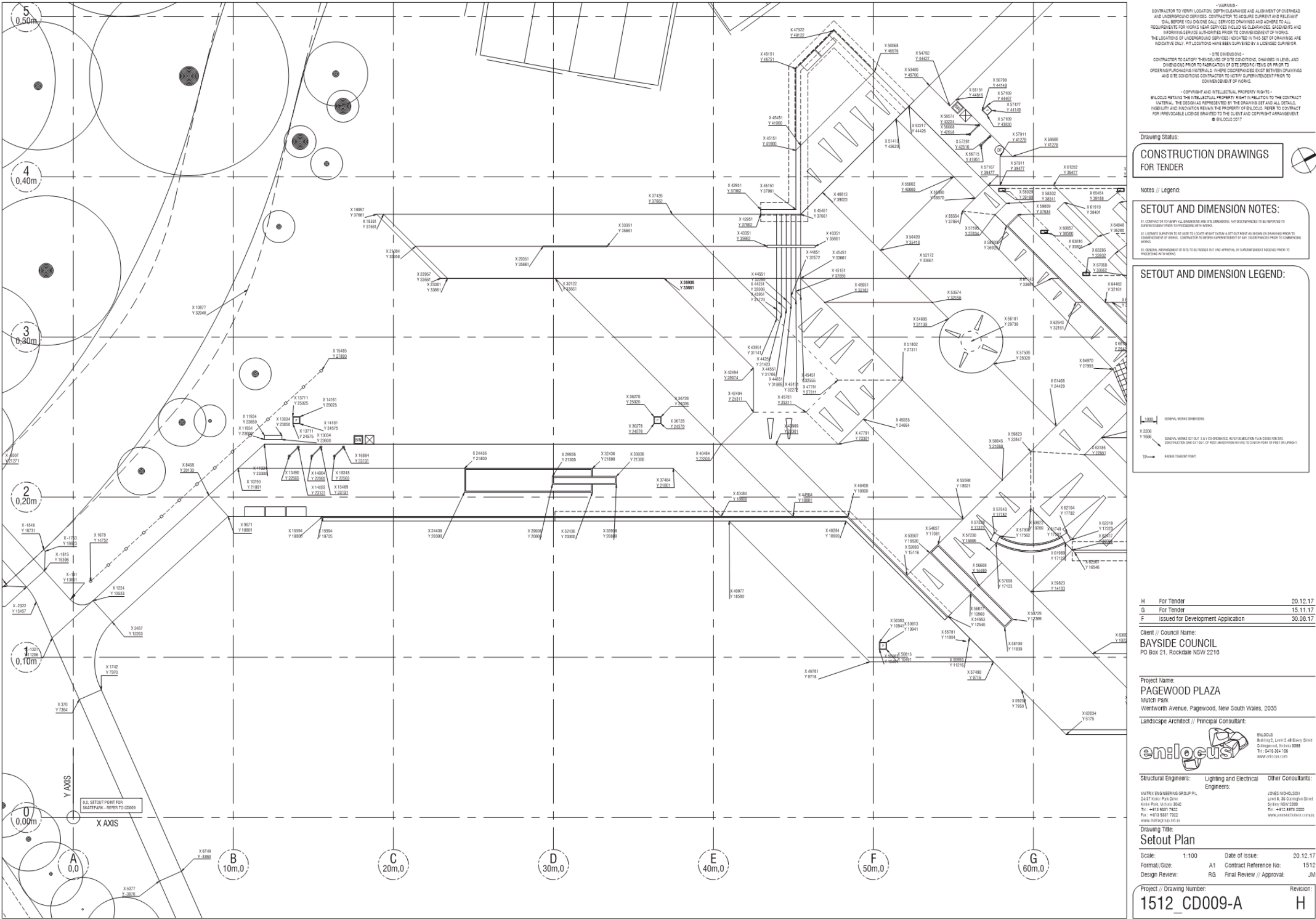
Drawing Title:
Levels & Grading Plan
Scale: 1:100 Date of Issue: 20.12.17
Format/Size: A1 Contract Reference No: 1512
Design Review: RG Final Review // Approval: JM

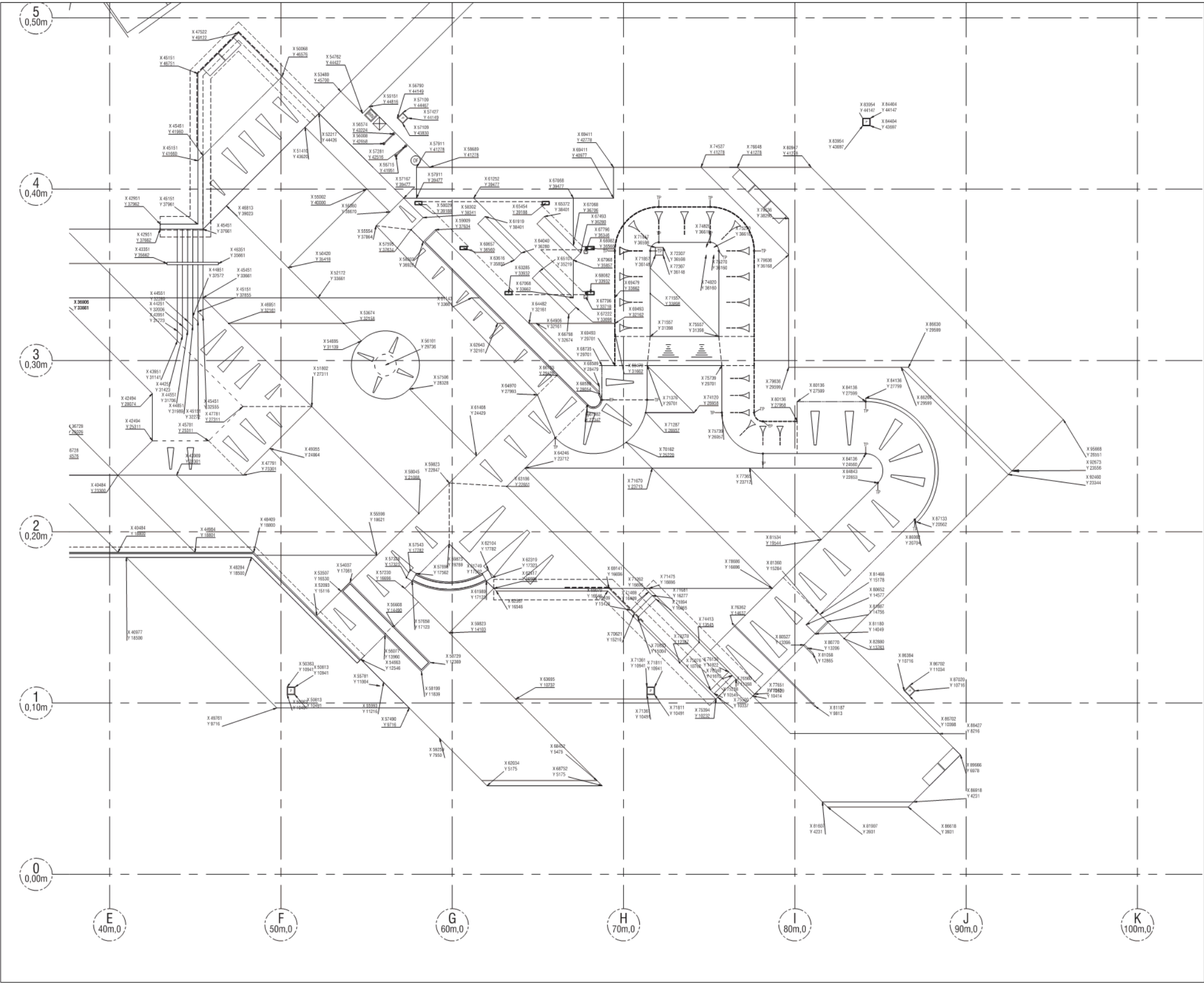
Project // Drawing Number:
1512_CD007-A
Revision:
H











-WARNING-
CONTRACTOR TO VERIFY LOCATION, DEPTH/CLEARANCE AND ALIGNMENT OF OVERHEAD
AND UNDERGROUND SERVICES. CONTRACTOR TO ACQUIRE CURRENT AND RELEVANT
DATA BEFORE YOU DO ONE CALL. SERVICES DRAWING AND ADHERE TO ALL
REQUIREMENTS FOR WORK NEAR SERVICES INCLUDING CLEARANCE, SIGNS AND
IMPROVING SERVICE AUTHORITY PRIOR TO COMMENCEMENT OF WORKS.
THE LOCATION OF UNDERGROUND SERVICES INDICATED IN THIS SET OF DRAWINGS ARE
INDICATIVE ONLY. ALL LOCATIONS HAVE BEEN SURVEYED BY A LICENSED SURVEYOR.

-SITE DIMENSIONS-
CONTRACTOR TO SATISFY THEMSELVES OF SITE CONDITIONS, CHANGES IN LEVEL, AND
CHANGES PRIOR TO FABRICATION OF SITE SPECIFIC ITEMS OR PRIOR TO
ORDERING/PURCHASING MATERIALS. WHERE DISCREPANCIES EXIST BETWEEN DRAWINGS
AND SITE CONDITIONS CONTRACTOR TO NOTIFY SUPERINTENDENT PRIOR TO
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Drawing Status:
**CONSTRUCTION DRAWINGS
FOR TENDER**

Notes // Legend:
SETOUT AND DIMENSION NOTES:
S1. CONTRACTOR TO VERIFY ALL DIMENSIONS AND SITE CONDITIONS. ANY DISCREPANCIES TO BE REPORTED TO
SUPERINTENDENT PRIOR TO PROCEEDING WITH WORKS.
S2. CONTRACTOR TO BE RESPONSIBLE FOR SETTING OUT POINTS AS SHOWN ON DRAWINGS PRIOR TO
COMMENCEMENT OF WORKS. CONTRACTOR TO SUPERINTENDENT OF ANY DISCREPANCIES PRIOR TO COMMENCING
WORKS.
S3. GENERAL MANAGEMENT OF SITE TO BE PROVIDED OUT AND APPROVAL, IN SUPERINTENDENT'S DISCRETION PRIOR TO
PROCEEDING WITH WORKS.

SETOUT AND DIMENSION LEGEND:

1:1000 GENERAL WORKS DIMENSIONS
1:2000 GENERAL WORKS SET OUT - ALL DIMENSIONS. NOTES DIMENSIONS FOR SETTING OUT
CONSTRUCTION DIMENSIONS SET OUT - ALL DIMENSIONS. NOTES DIMENSIONS FOR SETTING OUT
CONSTRUCTION DIMENSIONS SET OUT - ALL DIMENSIONS. NOTES DIMENSIONS FOR SETTING OUT

H	For Tender	20.12.17
G	For Tender	15.11.17
F	Issued for Development Application	30.08.17

Client // Council Name:
BAYSIDE COUNCIL
PO Box 21, Rockdale NSW 2216

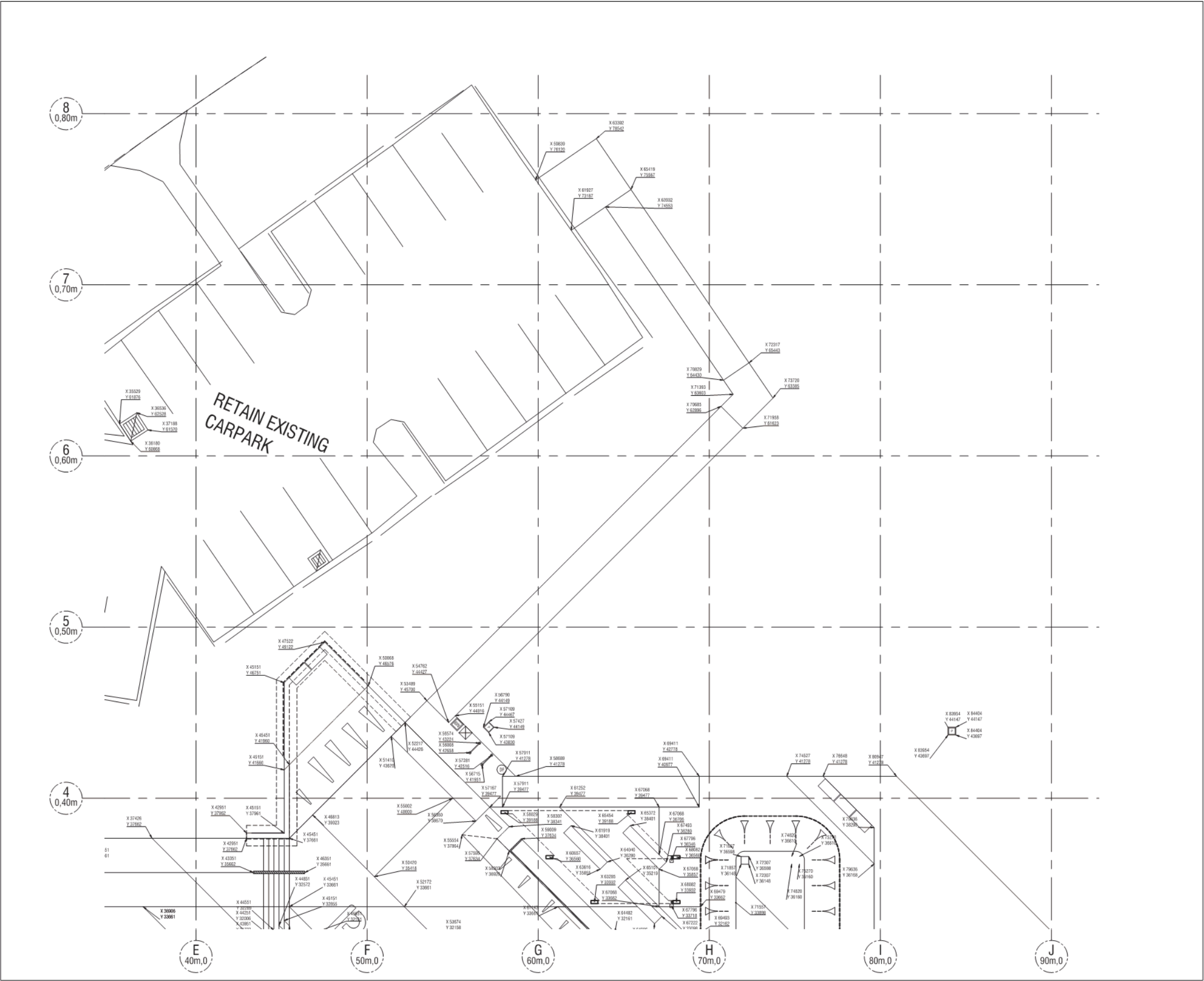
Project Name:
PAGEWOOD PLAZA
Mutch Park
Wentworth Avenue, Pagewood, New South Wales, 2035

Landscape Architect // Principal Consultant:
en:locus
ENLOCUS
Bridgford, Level 2-48 River Street
Dorchester, Dorset DT1 1LH
Tel: +44 (0)1392 364106
www.enlocus.com

Structural Engineers: **Lighting and Electrical** Other Consultants:
Engineers:
MATHIE ENGINEERING GROUP PTY LTD
24/27 Kooka Park Drive
Kooka Park, Victoria 3042
Tel: +61 (0)3 9331 7522
Fax: +61 (0)3 9331 7522
www.mathie-engineering.com.au

Drawing Title:
Setout Plan
Scale: 1:100 Date of Issue: 20.12.17
Format/Size: A1 Contract Reference No: 1512
Design Review: RG Final Review // Approval: JM

Project // Drawing Number:
1512_CD009-B Revision:
H



CONSTRUCTION DRAWINGS FOR TENDER

Notes // Legend:

SETOUT AND DIMENSION NOTES:

01. CONTRACTOR TO VERIFY ALL DIMENSIONS AND SET DIMENSIONS. ANY DISCREPANCIES TO BE REPORTED TO SUPERVISOR PRIOR TO PROCEEDING WITH WORK.

02. CONTRACTOR TO BE USED TO VERIFY HEIGHT DATUM A SET OUT POINT AS SHOWN ON DIMENSIONS PRIOR TO COMMENCEMENT OF WORK. CONTRACTOR TO NOTIFY SUPERVISOR OF ANY DISCREPANCIES PRIOR TO COMMENCING WORK.

03. GENERAL ARRANGEMENT OF SET OUT TO BE PROVIDED BY AND APPROVED BY SUPERVISOR PRIOR TO PROCEEDING WITH WORK.

SETOUT AND DIMENSION LEGEND:

1:1000 GENERAL WORK DIMENSIONS

1:2000 GENERAL WORK SET OUT (BY CONTRACTOR) SET OUT DIMENSIONS (FOR SET OUT DIMENSIONS)

1:1000 GENERAL WORK SET OUT (BY CONTRACTOR) SET OUT DIMENSIONS (FOR SET OUT DIMENSIONS)

1:1000 GENERAL WORK SET OUT (BY CONTRACTOR) SET OUT DIMENSIONS (FOR SET OUT DIMENSIONS)

Client // Council Name:
BAYSIDE COUNCIL
PO Box 21, Rockdale NSW 2216

Project Name:
PAGEWOOD PLAZA
Mutch Park
Wentworth Avenue, Pagewood, New South Wales, 2035

Landscape Architect // Principal Consultant:
en:locus
en:locus
Bulwer Street, Level 2-48 Bulwer Street
Dorridge, Victoria 3005
Tel: 0418 364 106
www.enlocus.com.au

Structural Engineers: Lighting and Electrical
Engineers: Other Consultants:

Structural Engineers: JONES MCGLINCHY
2417 Kew Road
Kew, Victoria 3102
Tel: +61 3 9571 7522
Fax: +61 3 9571 7522
www.jonesmcglinchy.com.au

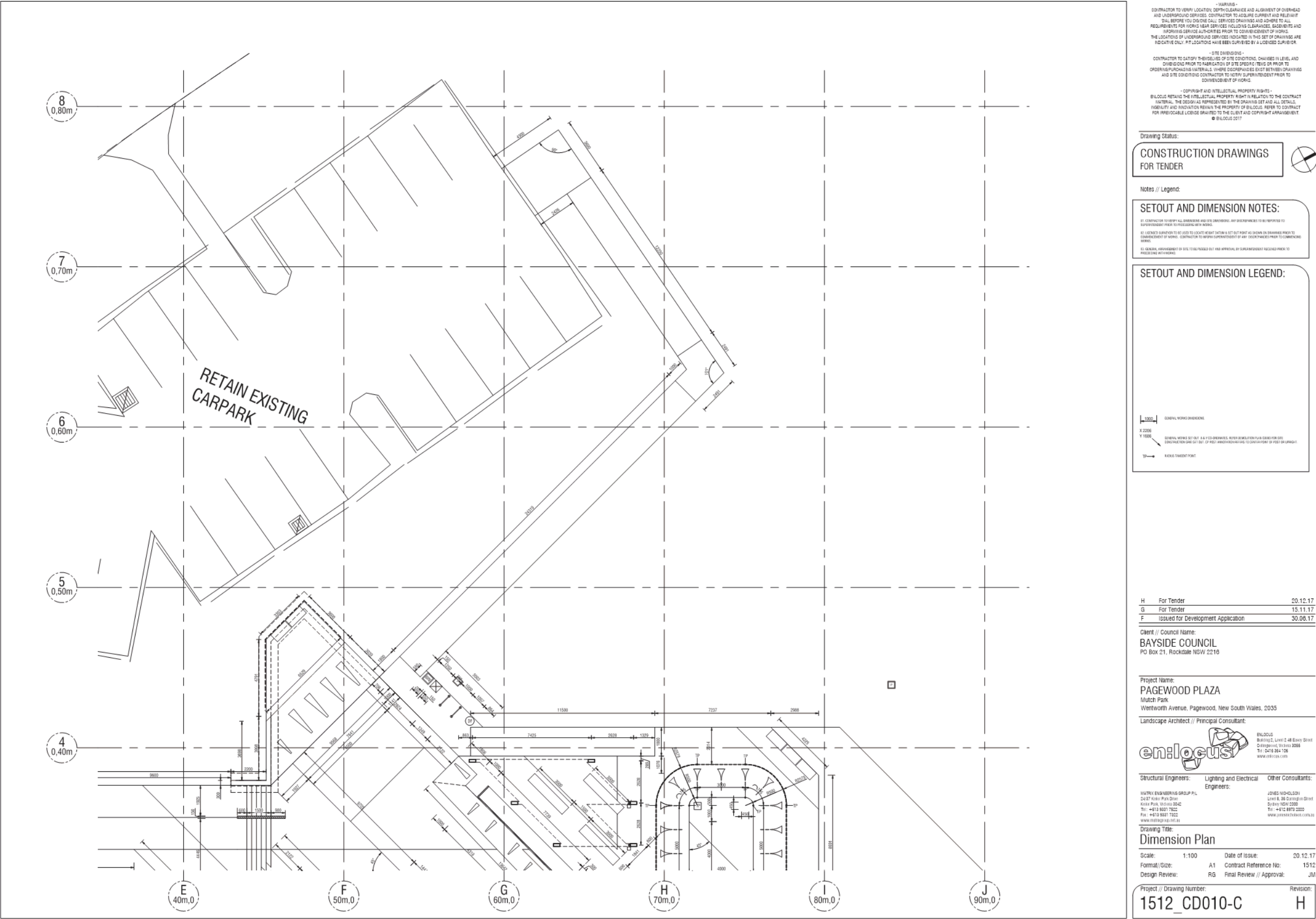
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Setout Plan

Scale: 1:100
Date of Issue: 20.12.17
Format/Size: A1
Contract Reference No: 1512
Design Review: RG
Final Review / Approval: JM

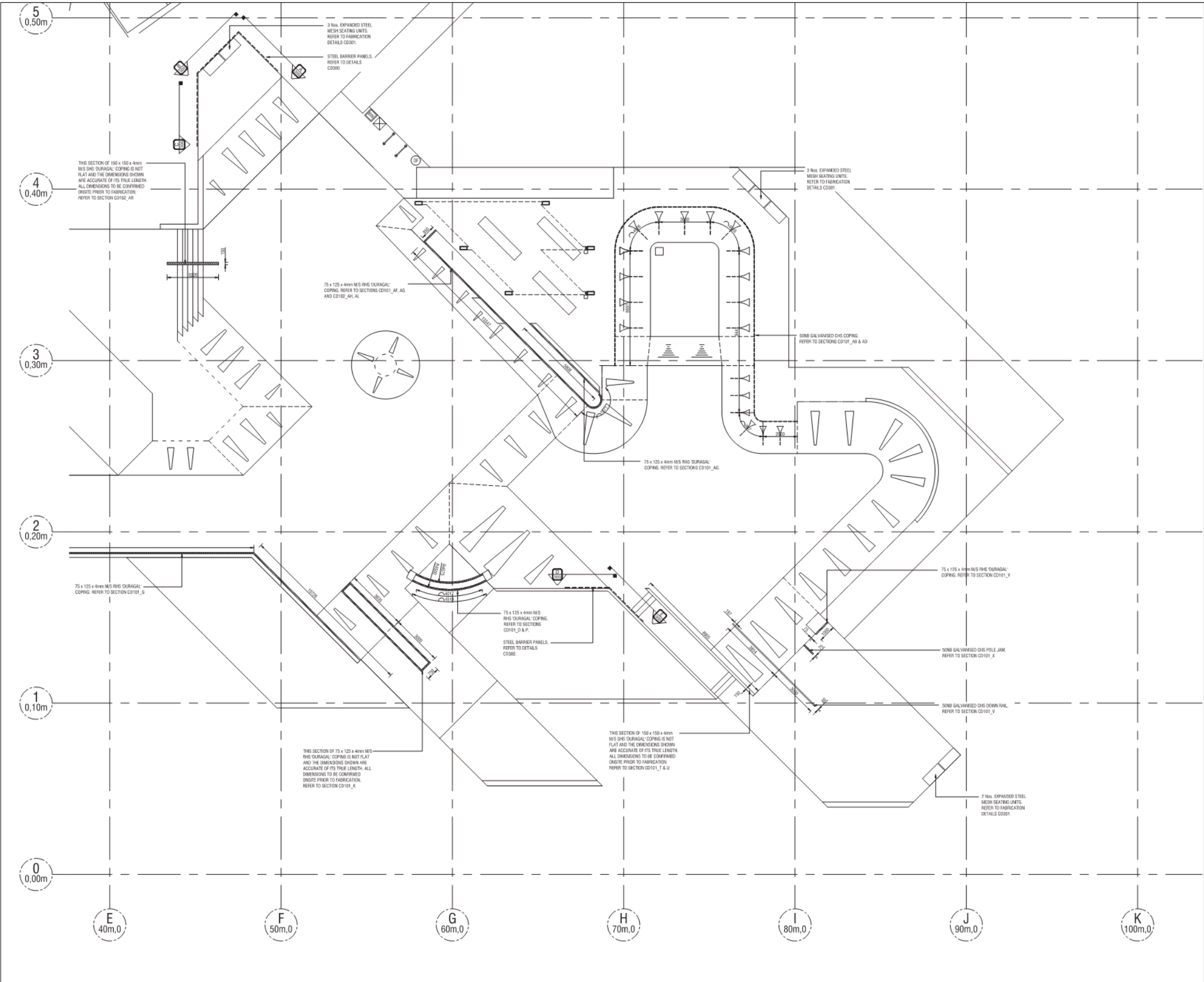
Project // Drawing Number:
1512_CD009-C
Revision: H











CONTRACTOR TO VERIFY LOCATION, DEPTH/CLEARANCE AND ALIGNMENT OF OVERHEAD AND UNDERGROUND SERVICES. CONTRACTOR TO ACQUIRE CURRENT AND RELEVANT DATA BEFORE YOU DO ONE CALL. SERVICE DRAWINGS AND ADHERE TO ALL REQUIREMENTS FOR WORKING NEAR SERVICES INCLUDING CLOSURES, SIGNAGE AND IMPROVING SERVICE AUTHORITY PRIOR TO COMMENCEMENT OF WORKS.

THE LOCATION OF UNDERGROUND SERVICES INDICATED IN THIS SET OF DRAWINGS ARE INDICATIVE ONLY. ALL LOCATIONS HAVE BEEN SURVEYED BY A LICENSED SURVEYOR.

CONTRACTOR TO SATISFY THEMSELVES OF SITE CONDITIONS, CHANGES IN LEVEL, AND DIMENSIONS PRIOR TO FABRICATION OF STEELWORK. THIS SET OF DRAWINGS IS FOR INFORMATION ONLY. CONTRACTOR TO VERIFY ALL DIMENSIONS AND LOCATIONS PRIOR TO COMMENCEMENT OF WORKS.

CONTRACTOR TO SATISFY THEMSELVES OF SITE CONDITIONS, CHANGES IN LEVEL, AND DIMENSIONS PRIOR TO FABRICATION OF STEELWORK. THIS SET OF DRAWINGS IS FOR INFORMATION ONLY. CONTRACTOR TO VERIFY ALL DIMENSIONS AND LOCATIONS PRIOR TO COMMENCEMENT OF WORKS.

CONTRACTOR TO SATISFY THEMSELVES OF SITE CONDITIONS, CHANGES IN LEVEL, AND DIMENSIONS PRIOR TO FABRICATION OF STEELWORK. THIS SET OF DRAWINGS IS FOR INFORMATION ONLY. CONTRACTOR TO VERIFY ALL DIMENSIONS AND LOCATIONS PRIOR TO COMMENCEMENT OF WORKS.

Drawing Status:
CONSTRUCTION DRAWINGS FOR TENDER

Notes // Legend:

STEEL NOTES:

01. CONTRACTOR TO VERIFY ALL DIMENSIONS AND LOCATIONS. ANY DISCREPANCIES TO BE REPORTED TO SUPERVISOR PRIOR TO PROCEEDING WITH WORKS.

02. LOCATIONS ARE SHOWN TO BE USED TO LOCATE HEAVY DUTY AND LIGHT DUTY POINT AS SHOWN ON DRAWINGS PRIOR TO COMMENCEMENT OF WORKS. CONTRACTOR TO SUPERVISE/IMPLEMENT OF ANY DISCREPANCIES PRIOR TO COMMENCEMENT OF WORKS.

03. GENERAL ARRANGEMENT OF STEEL TO BE PROVIDED BUT NOT WELDING. ANY DISCREPANCIES ARE TO BE PROVIDED WITH WORKS.

STEEL LEGEND:

150 x 150 x 4mm M5 SWS DURAGAL COPING REFER TO DETAIL PLAN CD001.

75 x 125 x 4mm M5 RWS DURAGAL COPING REFER TO DETAIL PLAN CD001.

FRONT FACE TANGENT POINT

FRONT FACE OF COPING LENGTH SHOWN IN MILLIMETRES

FRONT FACE OF COPING RADIUS SHOWN IN MILLIMETRES

FRONT FACE OF COPING RADIUS SHOWN IN MILLIMETRES

H	For Tender	20.12.17
G	For Tender	15.11.17
F	Issued for Development Application	30.08.17

Client // Council Name:
BAYSIDE COUNCIL
PO Box 21, Rockdale NSW 2216

Project Name:
PAGEWOOD PLAZA
Mutch Park
Wentworth Avenue, Pagewood, New South Wales, 2035

Landscape Architect // Principal Consultant:
en:locust
en:locust, Level 2-48 Bower Street
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www.enlocust.com.au

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Fax: +61 3 9331 7322
www.mastriengineering.com.au

JONES MCGLASHIN
Level 8, 38 Kensington Street
Sydney NSW 2000
Tel: +61 2 8573 2000
www.jonesmcglashin.com.au

Drawing Title:
Steel Plan

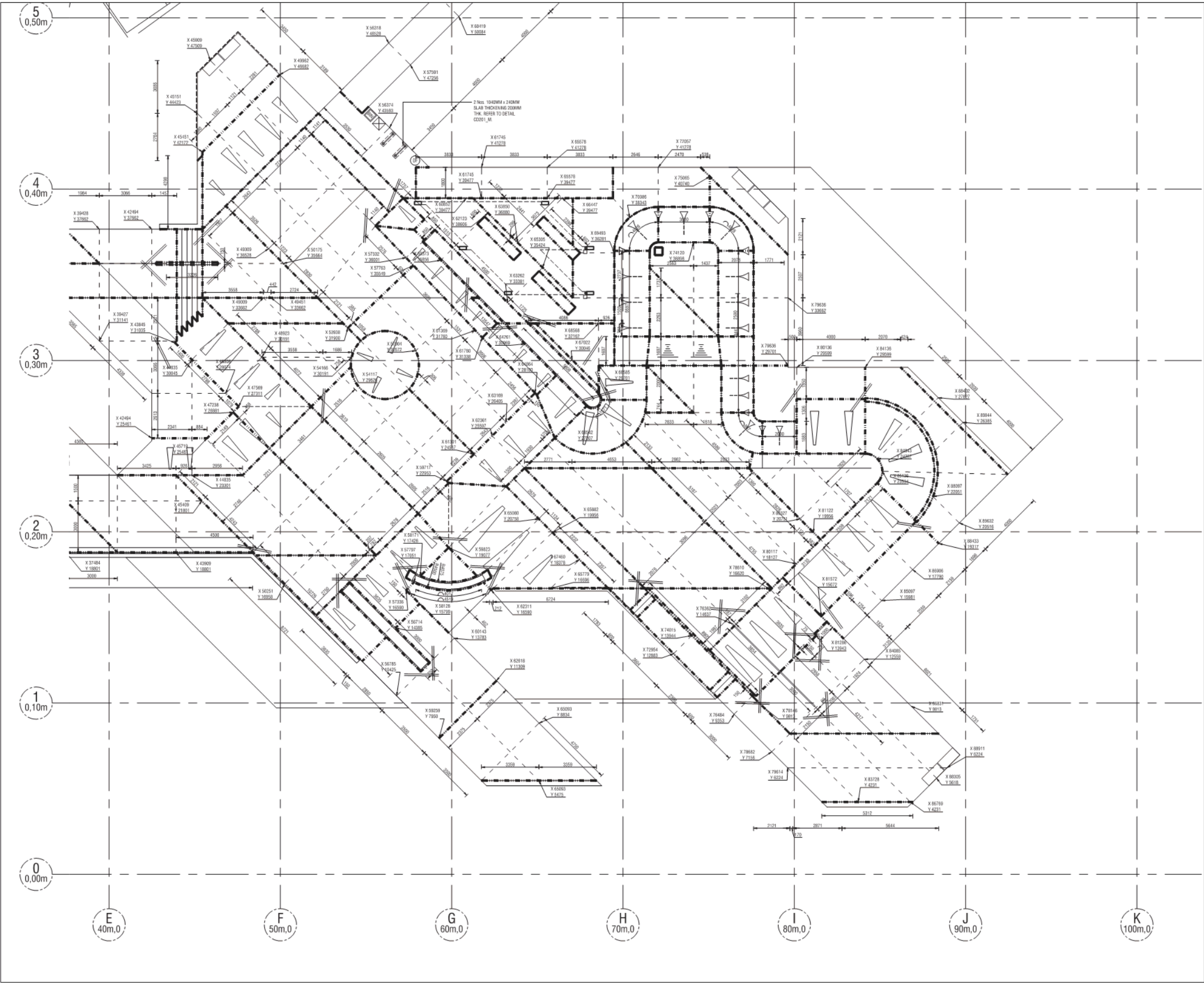
Scale: 1:100 Date of Issue: 20.12.17

Format/Size: A1 Contract Reference No: 1512

Design Review: RG Final Review // Approval: JM

Project // Drawing Number: **1512_CD011-B** Revision: **H**





CONSTRUCTION DRAWINGS FOR TENDER

Notes // Legend:

CONCRETE JOINTS NOTES:

- 01. REFER TO DETAIL REPORT SUPPLIED BY CIVIL TEST REPORT NO. 102002 DATED 04/06/16 FOR ALL CONCRETE JOINTS.
- 02. SEE DETAIL REPORT FOR ALL JOINTS TO BE USED FOR CONCRETE JOINTS.
- 03. JOINTS SHALL BE USED FOR ALL JOINTS TO BE USED FOR CONCRETE JOINTS.
- 04. PRIOR TO CONCRETE POUR, ALL JOINTS SHALL BE USED FOR CONCRETE JOINTS.

CONCRETE JOINTS LEGEND:

- 01. JOINTS TO BE USED FOR ALL JOINTS TO BE USED FOR CONCRETE JOINTS.
- 02. JOINTS TO BE USED FOR ALL JOINTS TO BE USED FOR CONCRETE JOINTS.
- 03. JOINTS TO BE USED FOR ALL JOINTS TO BE USED FOR CONCRETE JOINTS.
- 04. JOINTS TO BE USED FOR ALL JOINTS TO BE USED FOR CONCRETE JOINTS.
- 05. JOINTS TO BE USED FOR ALL JOINTS TO BE USED FOR CONCRETE JOINTS.
- 06. JOINTS TO BE USED FOR ALL JOINTS TO BE USED FOR CONCRETE JOINTS.
- 07. JOINTS TO BE USED FOR ALL JOINTS TO BE USED FOR CONCRETE JOINTS.
- 08. JOINTS TO BE USED FOR ALL JOINTS TO BE USED FOR CONCRETE JOINTS.
- 09. JOINTS TO BE USED FOR ALL JOINTS TO BE USED FOR CONCRETE JOINTS.
- 10. JOINTS TO BE USED FOR ALL JOINTS TO BE USED FOR CONCRETE JOINTS.
- 11. JOINTS TO BE USED FOR ALL JOINTS TO BE USED FOR CONCRETE JOINTS.
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- 16. JOINTS TO BE USED FOR ALL JOINTS TO BE USED FOR CONCRETE JOINTS.
- 17. JOINTS TO BE USED FOR ALL JOINTS TO BE USED FOR CONCRETE JOINTS.
- 18. JOINTS TO BE USED FOR ALL JOINTS TO BE USED FOR CONCRETE JOINTS.
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- 20. JOINTS TO BE USED FOR ALL JOINTS TO BE USED FOR CONCRETE JOINTS.
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- 22. JOINTS TO BE USED FOR ALL JOINTS TO BE USED FOR CONCRETE JOINTS.
- 23. JOINTS TO BE USED FOR ALL JOINTS TO BE USED FOR CONCRETE JOINTS.
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Client // Council Name:
BAYSIDE COUNCIL
PO Box 21, Rockdale NSW 2216

Project Name:
PAGEWOOD PLAZA
Mutch Park
Wentworth Avenue, Pagewood, New South Wales, 2035

Landscape Architect // Principal Consultant:
en:locus
en:locus, Level 2, 48 River Street
Dorsetville, Victoria 3005
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Structural Engineers: Lighting and Electrical
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Sydney NSW 2000
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Drawing Title:
Concrete Joints Plan

Scale: 1:100 **Date of Issue:** 20.12.17
Format/Size: A1 **Contract Reference No:** 1512
Design Review: RG **Final Review / Approval:** JM

Project // Drawing Number: 1512_CD012-B **Revision:** H



Bayside Local Planning Panel

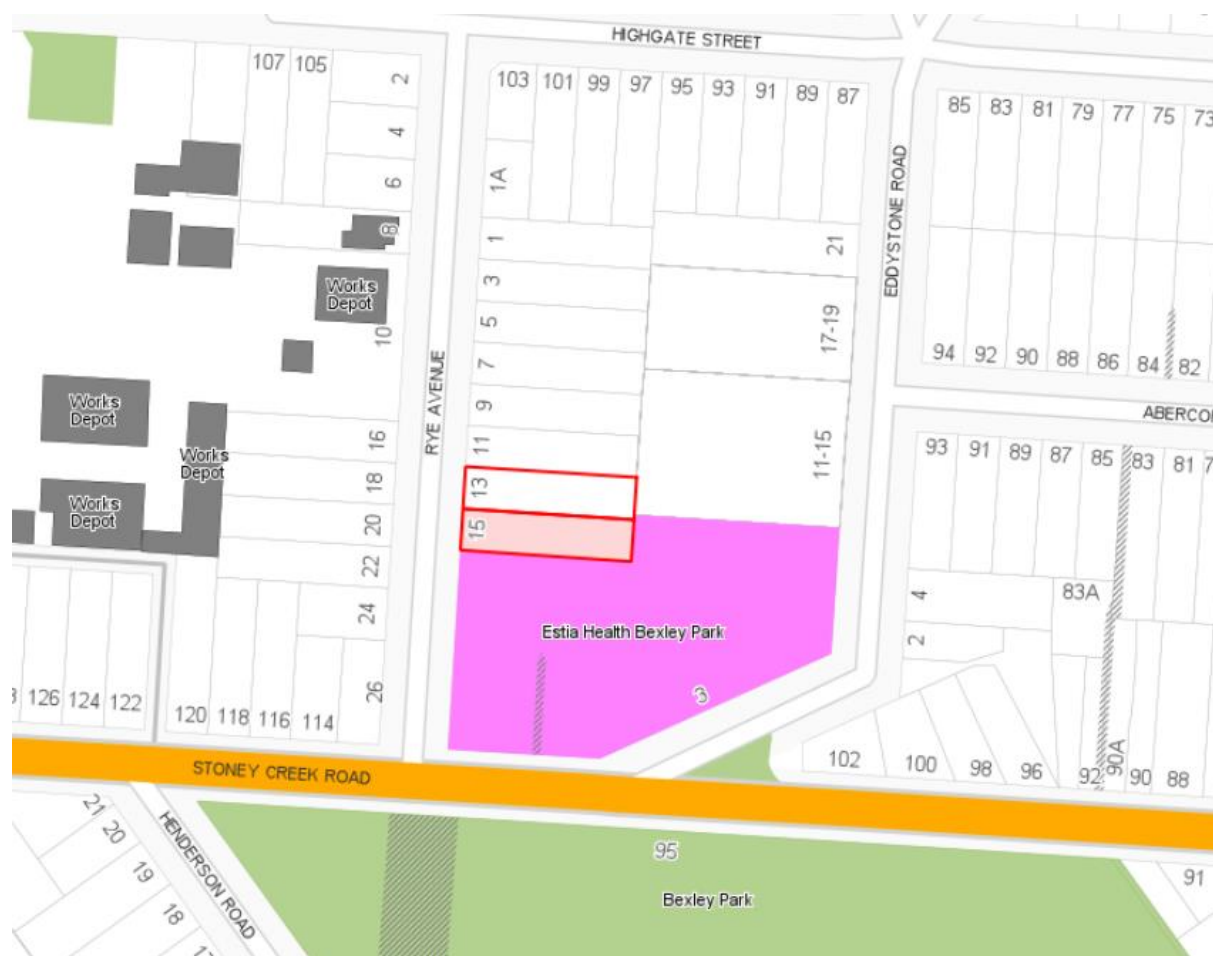
21/08/2018

Item No	6.2
Application Type	Division 8.2 Review
Application No	S82-2018/1
Lodgement Date	08/06/2018
Property	S82-2018/1 for No.13 and 15 Rye Avenue, Bexley
Ward	Bexley
Owner	Folkstone Investment Management Limited
Applicant	Mammoth Projects
Proposal	Division 8.2 Review of Determination of DA-2017/403 for the demolition of existing buildings and construction of a child care centre with capacity for 92 children to operate from 7am to 7pm, Monday to Friday.
No. of Submissions	One (1)
Cost of Development	\$2,997,774
Report by	Michael McCabe, Director City Futures

Officer Recommendation

- 1 That the Application S82-2018/1, being a Division 8.2 Review of Determination of DA-2017/403 being a refusal of the demolition of existing structures and construction of a two (2) storey childcare centre including basement level carpark and signage at No. 13-15 Rye Avenue Bexley be APPROVED, subject to the recommended conditions of consent.
 - 2 That the objectors be notified of the Bayside Local Planning Panel decision.
-

Location Plan



Attachments

- 1 Planning Assessment Report
- 2 Landscape Architectural Plan Set - Issue G
- 3 Basement Drainage Plan - Revision 5
- 4 Ground Floor Drainage Plan - Revision 5
- 5 Easement Relocation Plan
- 6 Plan of Management - July 2018 [↓↓↓↓↓↓↓](#)

BAYSIDE COUNCIL

Planning Assessment Report

Application Details

Application Number:	S82-2018/1
Date of Receipt:	8 June 2018
Property:	13 Rye Avenue, BEXLEY (Lot 11 DP 5207) 15 Rye Avenue, BEXLEY (Lot 12 DP 5207)
Owner:	The Trust Company Limited
Applicant:	Mammoth Projects
Proposal:	13-15 Rye Avenue, BEXLEY NSW 2207 - Review of Determination of DA-2017/403 for the demolition of existing buildings and construction of a child care centre with capacity for 92 children to operate 7am to 7pm Monday to Friday
Recommendation:	Approved
No. of submissions:	One (1)
Author:	Alexandra Hafner
Date of Report:	27 July 2018

Key Issues

The following key issues apply:

1. Pre-Development Application PDA-2017/27 for the construction of a two (2) storey childcare centre catering for 100 children including basement level carpark and demolition of existing structures was issued by Council on 21 June 2017;
2. Development Application No. DA-2017/403 for the demolition of existing structures and construction of a two storey childcare centre accommodating 109 children; 24 staff with basement level carpark and signage was refused by the Bayside Planning Panel on 27 February 2018.
3. Key issues relating to DA-2017/403 were identified as the following :

Streetscape and Built Form	The development did not appropriately reflect the residential character of the area and surrounds and had unacceptable detrimental impact on the streetscape and adjoining properties
First Floor Play Area	The first floor outdoor play area was contrary to Council's standards and presented substantial bulk and scale and amenities concerns.
Car Parking	The revised basement level plans resulted in a deficiency of one (1) parking space.
Trees	The potential impact of the basement level design on the two (2) trees located on the adjoining property and within proximity of the property boundary was unacceptable.
Noise	Insufficient information was provided to ensure compliance with the acoustic criteria to minimise noise to adjoining properties.
Submissions	Six (6) submissions were received with a 37 signatory petition, all of which objected to the proposal.

4. The subject review application has suitably demonstrated to resolve all matters identified under DA-2017/403 and the relevant heads of consideration under Section 4.15 of the *Environmental Planning and Assessment Act, 1979* (the Act) as shown in the below Report.

Recommendation

1. That the Division 8.2 Review relating to Development Application No.DA-2017/403 for the proposed demolition of existing structures and construction of a two storey child care centre and its use to accommodate 93 children; 22 staff (including a cook and administrative staff) and basement level car park for 16 vehicles at No. 13 and 15 Rye Avenue, Bexley, be APPROVED pursuant to Section 8.4 of the *Environmental Planning and Assessment Act 1979* and subject to the conditions of consent attached to this report.
2. That the objectors be advised of the Bayside Planning Panel's decision.

Background

History

DA-2017/403 was refused under Section 80(1)(b) of the *Environmental Planning and Assessment Act, 1979*, for the following reasons:

1. *The proposed child care centre has not been designed in character with the existing streetscape, having been designed with substantial non-compliances to setbacks and no articulation, in contravention of Clause 11 of Part 6.1, and Parts 4.2 and 5.1 within the Rockdale Development Control Plan, 2011.*
2. *The bulk and scale of the proposal will present unacceptable massing and bulk when viewed from the adjoining property, 11 Rye Avenue.*
3. *The proposed first floor outdoor play area is in contravention of Clause 27(a) of the Rockdale Development Control Plan, 2011, and presents bulk and scale and amenity issues to adjoining properties.*
4. *The 109 children proposed for the site is well in excess of the maximum permitted of 50 by Clause 3 in Part 6.1 of the Rockdale Development Control Plan, 2011. The development has failed to satisfy Council that there are no unreasonable impacts on the amenity of adjoining properties and the streetscape.*
5. *The proposed development does not adequately cater for its on-site parking demand as required by Part 4.6 of the Rockdale Development Control Plan, 2011.*

6. *The development has not adequately addressed stormwater management for the site in terms of the drainage easement that has been identified as existing between 13 and 15 Rye Avenue.*
7. *The information provided to Council is insufficient to properly assess the impact of the proposed works on the trees on the adjoining property, 11 Rye Avenue.*
8. *The information provided to Council is insufficient to properly assess the noise level impact.*
9. *The information provided to Council is insufficient to properly assess the requirements of Part 4 of the Childcare Centre Guideline.*
10. *The proposal has not satisfied the objectives of key controls within the Rockdale Local Environmental Plan, 2011, including the zone objectives, height of buildings and floor space ratio.*
11. *The proposal will result in detrimental environmental impacts in the locality, pursuant to Section 79C(1)(b) of the Environmental Planning and Assessment Act, 1979.*
12. *The adverse environmental impacts of the proposal mean that the site is not considered to be suitable for the development as proposed, pursuant to Section 79C(1)(c) of the Environmental Planning and Assessment Act, 1979.*
13. *The approval of this application is considered contrary to the public interest, pursuant to Section 79C(1)(e) of the Environmental Planning and Assessment Act, 1979.*

The subject application was submitted to Council on 8 June 2018 and exhibited in accordance with the Regulations, 2000, and RDCP, 2011, until 11 July 2017 and one (1) submission was received. Items of concern related to the carrying capacity of the centre exceeding those surrounding the site; on street parking availability; traffic generation; and proximity to surrounding centres.

A Request for Information (RFI) was sent to the Applicant on 25 June and 16 July 2018 relating to the following:

- Stormwater and engineering matters;
- Non-compliances with the SEPP - Child Care Services and Part 4 - Education and Care Services National Regulations including calculation of unencumbered indoor and outdoor play areas; emergency and evacuation procedures and an amended Plan of Management;
- Clarification under Clause 4.3 of the RLEP 2011 relating to maximum permissible building heights; and
- Soil and erosion control plans and minimum landscaping requirements of the RDCP 2011.

A meeting was held in response to the above and additional and revised information was received by Council on 26 July 2018 with a reduction in the overall placement of children from 93 to 92. The additional and revised information is relied upon for the assessment in this Report and is referred to as Revision M.

Proposal

The subject application is a Division 8.2 Review of the determination of Development Application No. DA-2017/403 under Section 8.3 of the *Environmental Planning and Assessment Act, 1979* (the Act). The application addresses the Reasons for Refusal, determined on 27 February 2018 by the Bayside Planning Panel (BPP) as well as an assessment of the proposal under Section 4.15 of the Act.

The proposed development seeks consent for the demolition of existing structures and construction of a two storey child care centre and its use to accommodate 92 children; 22 staff (including a cook and admin staff) and a basement level car park for 16 vehicles. The Review submission has also incorporated the following design and operational amendments:

- A shift of the proposed development in an easterly direction to increase the primary setback in

accordance with Council's prevailing 5.9m setback and secondary setback of 7.6m with a recessed pedestrian entry portico as requested by Council;

- An increase in the building's articulation along both the northern and western elevations;
- A more sympathetic and less contemporary form representing a front elevation and roof pitch which reads as two (2) dwellings. The street elevation continues the 1920's architectural language with a primary and secondary gable roof form. This language appropriately reflects the prevailing architectural typology of Rye Avenue;
- The creation of an internal courtyard and smaller outdoor space on the first floor to minimise bulk and potential noise and amenity impacts to surrounding residential development; and
- The reduction in number of children from 109 to 92 and staff from 24 to 22 with compliant parking spaces in the Basement Level which has been setback from the root zone of the existing tree at No. 11 Rye Avenue.



Figure 1. Photomontage (as taken from Applicant's SEE).

Specifically, the development shall comprise of the following:

Demolition and Excavation:

- Demolition of existing structures in accordance with the accompanying Demolition Plan, Drawing No. A701, Revision M and dated 25 July 2018; and
- Relocation of an existing stormwater easement which traverses the site in an east/west direction towards the southern allotment boundary.

Basement Level

- Excavation and earthworks to RL 37.53 to construct Basement Level 1;
- 16 car parking spaces, in addition to one (1) accessible space;
- Dedicated, marked pedestrian pathways with bicycle and pram parking
- A laundry and bin storage area; and
- Storage.

Ground Floor

- Playroom 1: 0-2 years - 15 children and 4 staff;
- Playroom 2: 0-2 years - 15 children and 4 staff;
- Playroom 3: 2-3 years - 17 children and 4 staff;
- Lobby area; parents room; cot room;
- Reception and Directors Office;
- Change rooms and bathrooms;
- Separate accessible toilet; and

- Outdoor play area and associated storage.

First Floor

- Playroom 4: 2-3 years - 10 children and 2 staff;
- Playroom 5: 2-5 years - 12 children and 2 staff;
- Playroom 6: 3-5 years - 12 children and 2 staff;
- Playroom 7: 3-5 years - 11 children and 2 staff;
- Two shared bathrooms; three bathrooms; one accessible bathroom;
- Staff room; kitchen; central outdoor play area; and
- Storage room.

The first floor outdoor play area has been reduced in size with movement away from the northern allotment boundary and the creation of an internal courtyard arrangement which will mitigate potential noise impacts. The Applicant submits the following with regards to the operation of outdoor play areas:

- *A variety of activities will be provided throughout the day, these activities involve both indoor free-play and structured learning and outdoor play.*
- *Outdoor activity programs are generally held for a maximum one hour duration throughout the day, particularly over the summer to minimise UV exposure. Outdoor play is dependent upon weather conditions and is generally reduced during colder, inclement periods.*
- *The times over which all the children are engaged in outdoor play simultaneously are fairly limited and would generally occur upon arrival in the morning until the commencement of indoor structured learning and again in the afternoon prior to departure (although this would vary according to seasonal conditions).*

The proposed development also includes associated landscaping; engineering/stormwater works; fencing and associated business identification signage. The facility seeks to operate from Monday to Friday, 7.00am to 7.00pm inclusive and to be used by *Little Learning School* with the following statement provided in the SEE:

'Since 2004, Little Learning School has been operating centres throughout NSW and currently have over 26 with more centres due to open within the next 12 months. The business is managed by a team that holds significant industry experience. This enables them to provide quality education and care for children's preschooling years in an environment that allows children to explore and grow as individuals.'

Some of the current centres include:

- *Alexandria - 84 places*
- *Chatswood - 86 places*
- *Granville - 80 places*
- *Killarney Heights - 120 places (opening soon).'*

Site location and context

The subject site, comprised of two regular shaped allotments, is legally identified as Lots 11 and 12 in DP 5207. Consolidated, the site has a primary frontage of 24.385 metres addressing Rye Avenue; equal depths of 50.29 metres and total site area of 1226sqm (by Survey). The site is currently occupied by two, single storey brick dwelling houses with pitched roofs and ancillary forms of development, including rear detached and attached sheds; awnings structures and various trees and plantings as shown in the figure below.

An easement exists between the sites identified as 13 and 15 Rye Avenue Bexley, the beneficiary being 11-15 Eddystone Road.

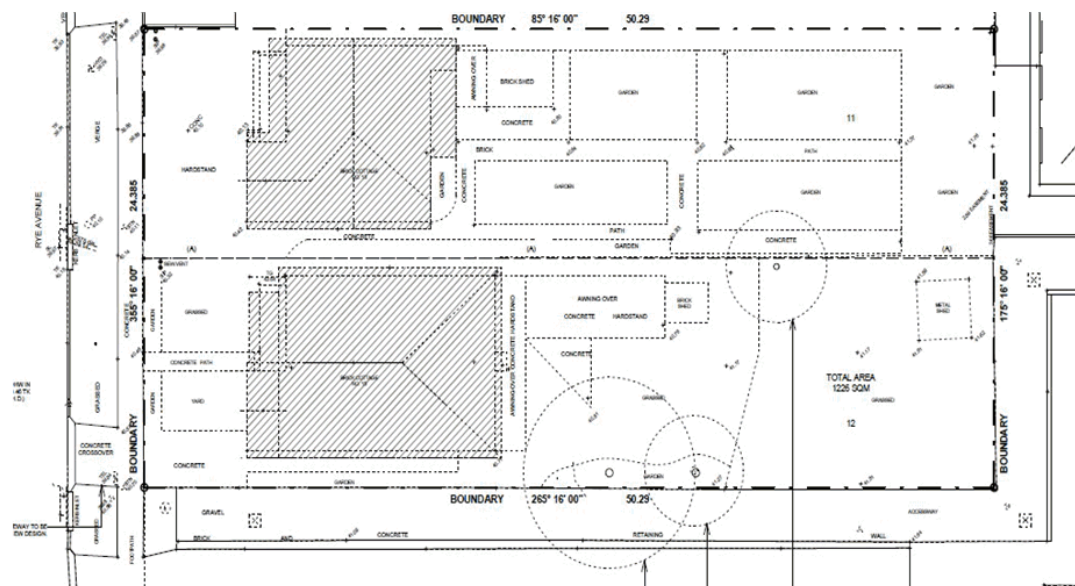


Figure 2. Subject site.



Figure 3. Existing dwelling houses on subject sites.

Located on the eastern side of Rye Avenue, the site is zoned R3 - Medium Density Residential, as are all directly adjoining properties.

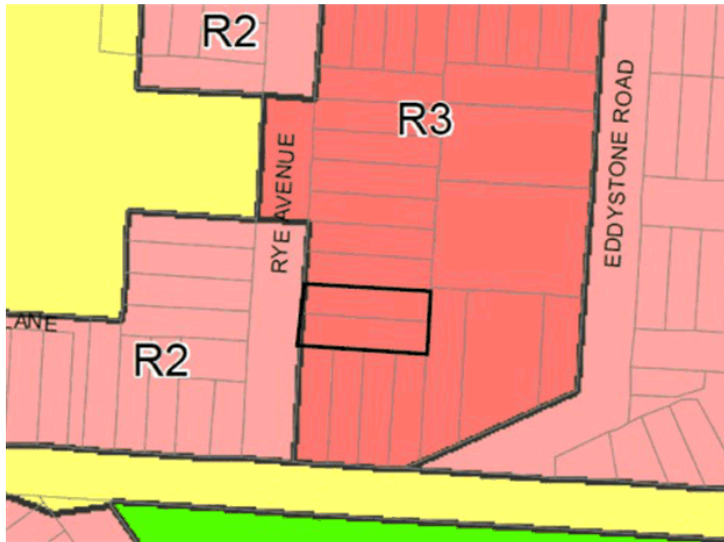


Figure 4. Land Zoning Map.



Figure 5. Aerial image of site and surrounds (Source: sixmaps)

Immediately north is a single storey dwelling house with pitched roof form; to the south exists a recently constructed two storey aged care facility known as Estia Health Bexley, separated from the site by a driveway and passageway between Rye Avenue and Eddystone Road to the east. The rear of the site is comprised of a townhouse development at No. 11-15 Eddystone Road. Development along Rye Avenue is comprised of low density dwelling houses of an older stock, interspersed with more contemporary builds including a two storey dual occupancy development at the corner of Highgate Street. These projects, other than the aged care facility, maintain a residential form and character.

The western side of Rye Avenue is zoned R2 - Low Density Residential and is reflected by the entire street comprised of single storey dwelling houses excluding one recent two storey dwelling house. The Bayside Council Depot is located directly opposite the site with its main vehicle entry fronting Rye Avenue.

Statutory Considerations

Environmental Planning and Assessment Act, 1979

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

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

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

The following Environmental Planning Instruments are relevant to this application:

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

The *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* has been considered in the assessment of the application. The table below outlines the key controls within the SEPP that are applicable to the application:

Applicable Clause	Provision	Proposed Development	Complies
22 – Concurrence of Regulatory Authority for certain applications (Red. 107/108 of Education and Care Services National Regulations)	Concurrence of regulatory required where a variation to the minimum required indoor/outdoor play areas is proposed	Concurrence of regulatory authority not sought by the Applicant.	N/A
23 – Child Care Planning Guideline	The consent authority must take into consideration any applicable provisions of the Child Care Planning Guideline in relation to the proposed development	The provisions of the Child Care Planning Guidelines have been taken into consideration in this assessment and detailed below.	Yes
25 – Non-Discretionary Development Standards	a) Location The development may be located at any distance from an existing or proposed early education and care facility.	The subject site is located in accordance with the provisions of this Clause.	Yes
	b) Indoor/Outdoor Space (i) 3.25sqm/child indoor (ii) 7sqm/child outdoor	Total indoor = 308.2sqm accommodating 92 children Total outdoor = 652.56sqm accommodating 92 children	Yes
	c) Site Area and Site Dimensions The development may be located on a site of any size and have any length of street frontage or any allotment depth	Consolidated, the subject site has a primary frontage of 24.385 metres addressing Rye Avenue and total site area of 1226sqm (by Survey).	Yes
	d) Colour of building materials or shade structures. The development may be any colour or colour scheme unless it is a State or local Heritage item or in a heritage conservation area.	External finishes are provided on the East and West Elevation, Drawing No. A401, Revision M and are acceptable with regards to this Clause.	Yes
26 – Development Control Plans	A provision of a DCP that requires a requirement, standard or control in relation to any of the following matters (including by reference to ages, age ratios, groupings, numbers or the like, of children) does not apply to development for the purpose of a centre based child care facility:		
	a) operational or management plans or arrangements (including hours of operation)	The application is accompanied by a Revised Plan of Management which provides guidelines and controls for the	Yes

		operation and management of the proposed childcare centre within 13 and 15 Rye Avenue.	
	b) demonstrated need or demand for child care services	A childcare centre needs analysis accompanied the Review Application which states the following:	Yes
	c) proximity of facility to other early childhood education and care facilities	<ul style="list-style-type: none"> - The majority of the nearby facilities are not yet meeting the latest quality standards and the local area would benefit from a well-managed purpose built facility which will achieve/exceed the National Quality Standards; - The site is well located in regards to highest reported occupancy with most centres in the immediate vicinity reporting limited or no vacancies; - An unmet demand exists for the service with the additional need for places estimated to be from 150-250 places over the forecast period to 2021. 	
	d) any matter relating to development for the purpose of a centre based childcare facility:	Part 3 of the Guideline does not apply to this proposal as per <i>ArtMade Architectural Pty Ltd v Willoughby City Council [2018] NSWLEC 1022.</i>	Yes
	i) the design principles set out in Part 3 of the Child Care Planning Guideline, or		
	ii) the matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning height, side and rear setbacks or car parking rates)	Assessment against Part 4 undertaken below.	

The proposed development is satisfactory with regards to the provisions of the SEPP.

Education and Care Services National Regulations (National Regulations)

The National Regulations supports the National Law by providing detail on a range of operational requirements for an education and care services including minimum requirements relating to the operation of education and care services organised around each of the seven quality areas. An assessment is undertaken in the table below against the relevant Clauses of the National Regulations:

Part 4 – Education and Care Services National Regulations			
Regulation	Design Guidance	Proposal	Complies
104 – Fencing or barrier that encloses outdoor spaces	Outdoor space that will be used by children will be enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it.	A condition is imposed on the Notice of Determination requiring details for outdoor fencing to be submitted to the satisfaction of the Certifying Authority in accordance with this Clause.	Yes – subject to condition.
106 – Laundry and hygiene facilities	On site laundry facilities	An internal laundry facility is provided within the proposed Basement Level.	Yes
107 – Indoor space requirements	Min 3.25sqm unencumbered indoor space per child	Refer to <i>SEPP – Educational Establishments and Child Care Facilities 2017</i> table above.	Yes
	Storage - Min 0.3m ³ per child external - Min 0.2m ³ per child internal	A condition is imposed on the Notice of Determination requiring minimum storage areas to be demonstrated satisfactory by the Certifying Authority in accordance with the provisions of this Clause.	Yes – subject to condition.
	Prams, bikes and scooters should be located adjacent to the building entrance	A pram, bicycle and scooter storage area is located adjoining the proposed Basement Level.	Yes
108 – Outdoor space requirements	Min 7sqm unencumbered outdoor space	Total outdoor = 652.56sqm accommodating 92 children	Yes
109 – Toilet and Hygiene Facilities	Toilet and hygiene facilities should be designed to maintain the amenity and dignity of the occupants.	A condition is imposed on the Notice of Determination requiring all toilet and hygiene facilities for children to be junior toilets' low level sinks and appropriately sized hand drying facilities with direct access from both indoor and outdoor play areas. Further, appropriate windows and screens shall be provided for	Yes – subject to condition.

		supervision and privacy.	
110 – Ventilation and Natural Light	Adequate natural light and ventilation to indoor areas used by children.	Natural light and ventilation provided to all indoor playrooms used by children.	Yes
111 – Administration Spaces	Adequate accessible area or areas for the purposes of conducting the administrative functions	Accessible reception and staff room provided.	Yes
112 – Nappy change facilities	Changing bench with appropriate bathing; hand wash and storage facilities	Appropriate nappy change facilities are illustrated on the floor plans.	Yes
113 – Outdoor space natural environment	Outdoor spaces that allow children to explore and experience the natural environment	Varied spaces within nominated outdoor play areas incorporating a mixture of garden beds; permeable artificial turf; sensory wall; timber decking; vegetable garden and a variety of textures and materials.	Yes
114 Outdoor space shade	Adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.	The Landscape Plan shows adequate areas of shade provided by active and passive shade mechanisms, including sails and vegetation on the ground floor and by the development itself. Upper and lower level play areas are shaded through the verandah and eave overhangs with the ground level shaded through fixed shade sails.	Yes
115 – Premises Designed to Facilitate Supervision	Rooms/facilities (including toilets, activity rooms etc) designed to facilitate supervision of children at all times, having regard to the need to maintain their rights and dignity.	A condition is imposed requiring facilities to be designed to maximise supervision of children including nil doors to children's toilet cubicles; appropriately located windows to bathrooms/nappy change areas and installation of vision panels where appropriate.	Yes – subject to condition.
97/168 – Emergency and evacuation procedures	Emergency and evacuation plan should	Emergency Evacuation Plan provided in	Yes
	be submitted with a DA.	accordance with regulations.	

The provisions of the Regulations are satisfied in this instance.

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

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP) applies to the site. The site contains trees that are subject to approval by Council under clause 4.1.7 of Rockdale Development Control Plan 2011, conferred by:

- (a) development consent, or
- (b) a permit granted by Council.

DA-2017/403 was referred to Council's Tree Management Officer and the following comments received:

- *As recommended by the Consultant Arborist in the submitted Arboricultural Impact Assessment Report, the trees located adjacent to the common boundary within 11 Rye Avenue is to be reflected on all plans.*
- *Additionally, either the basement car park is to be setback a minimum of 3.0 metres from the tree or alternatively root mapping is to be undertaken by a suitably qualified Arborist to establish root patterns for the neighbouring Bottle brush and determine appropriate setbacks.*
- *Further, a Tree Protection Plan is to be prepared by an AQP Level 5 Consultant Arborist and submitted to ensure adequate protection for the trees within 11 Rye Avenue.*
- *Finally a Site Arborist is to be appointed to oversee works within the vicinity of the neighbouring trees.*

DA-2017/403 was refused on the basis of the above and that works will impact the two trees located within 11 Rye Avenue.

A revised and updated Arboricultural Impact Assessment, prepared by NSW Tree Services and dated 28 May 2018 (Report Reference AIA - MAM (B) 05/18-U accompanies the application and was referred to Council's Tree Management Officer for review and comment. The following conclusions were made by the relevant Officer:

- *Existing site trees may be removed, subject to at least six replacement trees being planted;*
- *The Tibouchina sp. and Callistemon viminalis trees in the neighbouring property at 11 Rye Avenue Bexley are to be retained and protected;*
- *A Tree Protection Plan is required to be provided by a Consultant Arborist with AQF Level 5 qualifications in Horticulture (Arboriculture), for the construction phase of the development; and*
- *That a Site Arborist with AQF Level 5 qualifications in Horticulture (Arboriculture) be appointed to supervise the construction phases of the development especially during the installation of the storm water systems.*

Provided that the above comments and conditions are adhered to, the proposal is satisfactory with regards to the SEPP (Vegetation in Non-Rural Areas) 2017 and resolves the above reasons for refusal of DA-2017/403.

State Environmental Planning Policy No 55—Remediation of Land

Under the provisions of Clause 7 of SEPP 55, a consent authority must not consent to the carrying out of development on land unless:

- (a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purposes for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

Matters relating to SEPP 55 were considered satisfactory under the original application, DA-2017/403,

and remain unchanged. The subject site is zoned for residential purposes, being R3 - Medium Density Residential under the *Rockdale Local Environmental Plan, 2011* (RLEP 2011). Adjoining properties are similarly zoned with no record of clean-up notices or licences issued by the Environmental Protection Authority that applies to the site.

The Applicant submitted a *Preliminary Site Investigation*, prepared by Environmental Earth Sciences and dated April 2017 (Revision 217031V) accompanied both the DA and Division 8.2 Review. The PSI concluded that *'the findings of the historical investigation and site inspection into current and historical uses for the site located at 13 and 15 Rye Avenue, Bexley, NSW, did not identify any current or historical potentially contaminating land use activities that are likely to have impacted on the contamination status of the site.'*

Based on the findings of this PSI, the site is considered suitable for the proposed childcare centre'.

The provisions of Clause 7 of SEPP 55 remain satisfied in this instance.

State Environmental Planning Policy No 64—Advertising and Signage

This Policy applies to all signage that is visible from a public place or public reserve except for a signage that is exempt development. Clause 8 of SEPP 64 requires the following:

A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:

- (a) that the signage is consistent with the objectives of this Policy as set out in Clause 3(1) (a), and*
- (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.*

The proposed development seeks consent for the installation of one (1) 1.2m x 1.57m business identification signage located on the western elevation fronting Rye Avenue which was assessed under DA-2017/403 and determined satisfactory. Notwithstanding this, the proposed signage is considered again under Schedule 1 of SEPP 64 - Advertising and Signage.

Assessment Criteria		Comment	Compliance
1) Character of the area	Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed business identification sign relates to the proposed use. Whilst there is no consistent signage theme for Rye Avenue, the adjoining seniors living complex incorporates business identification signage also, deemed acceptable and suitable in the R3 - Medium Density Residential zone.	Yes
	Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	Refer above.	

2) Special areas	Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The site is not heritage listed nor is it located within a heritage conservation area. The proposed 1.2m x 1.57m solid cutout lettering will not be a dominant feature of the development and will not detract from the character of Rye Avenue. The signage therefore bears negligible impact on the character of Rye Avenue.	Yes
3) Views and Vistas	Does the proposal obscure or compromise important views?	There are no views of importance along Rye Avenue.	N/A
	Does the proposal dominate the skyline and reduce the quality of vistas?	The signage will be affixed to the western elevation fronting Rye Avenue. No vistas will be compromised by the proposed signage.	Yes
	Does the proposal respect the viewing rights of other advertisers?	As per the above, the proposed signage will not impose upon the viewing rights of adjoining advertisers.	Yes
4) Streetscape setting or landscape	Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The proposed sign is of a scale; proportion and form that is consistent with the streetscape along Rye Avenue and its setting.	Yes
	Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed sign is appropriate for the business use and contributes to the visual interest of Rye Avenue.	Yes
	Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposed sign is comprised of one (1) business identification sign only, in a rational and simple manner.	Yes
	Does the proposal screen unsightliness?	N/A	N/A
	Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed sign shall be affixed to the western elevation and does not protrude above the subject development; structures or tree canopies either on the site nor along Rye Avenue.	Yes
	Does the proposal require ongoing vegetation management?	The proposed location and siting of the sign will not require ongoing vegetation management.	Yes

5) Site and building	Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The scale, proportion and siting of the proposed sign is appropriate for a childcare centre.	Yes
	Does the proposal respect important features of the site or building, or both?	The siting of the proposed sign is suitably located to mitigate impacts upon architectural features of the subject site and adjoining development, whilst contributing to the business use. The scale is minimal, demonstrating consideration of the Rye Avenue streetscape.	Yes
	Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed sign is designed to respect the architectural designed building and complement its use through the provision of business identification.	Yes
6) Associated devices and logos with advertisements and advertising structures	Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	There are no safety devices; platforms; lighting devices or other associated devices to be considered.	Yes
7) Illumination	Would illumination result in unacceptable glare?	The proposed signage will not be illuminated.	N/A
	Would illumination affect safety for pedestrians, vehicles or aircraft?	As per the above.	N/A
	Would illumination detract from the amenity of any residence or other form of accommodation?	As per the above.	N/A
	Can the intensity of the illumination be adjusted, if necessary?	As per the above.	N/A
	Is the illuminated subject to a curfew?	As per the above.	N/A
8) Safety	Would the proposal reduce safety for any public road?	The proposed signage will not reduce either the pedestrian or vehicular safety of Rye Avenue as it is wholly contained within the site itself; affixed to the western elevation and setback from Rye Avenue.	Yes
	Would the proposal reduce the safety for pedestrians or cyclists?	As per the above.	Yes

	Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	As per the above.	Yes
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The provisions of SEPP 64 remain satisfied and the proposed business identification sign is acceptable in this regard.

Rockdale Local Environmental Plan 2011

Relevant clauses	Compliance with objectives	Compliance with standard/provision
2.3 Zone R3 Medium Density Residential	Yes	Yes - see discussion
2.7 Demolition requires consent	Yes	Yes - see discussion
4.3 Height of buildings	Yes	Yes - see discussion
4.4 Floor space ratio - Residential zones	Yes	Yes - see discussion
6.1 Acid Sulfate Soil - Class 5	Yes	Yes - see discussion
6.2 Earthworks	Yes	Yes - see discussion
6.4 Airspace operations	Yes	Yes - see discussion
6.7 Stormwater	Yes	Yes - see discussion
6.12 Essential services	Yes	Yes - see discussion

2.3 Zone R3 Medium Density Residential

The subject site is zoned R3 - Medium Density Residential and the proposed development, defined as a *centre based child care facility*, is permissible with consent. The objectives of this zone are as follows:

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

The proposed development is consistent with the objectives of the zone as it will enable another land use which provides facilities and services meeting the day to day needs of surrounding residents and is therefore acceptable with regards to the R3 - Medium Density Residential Zone and the objectives which support it.

2.7 Demolition requires consent

The application is accompanied by a Demolition Plan, Drawing No. A701 and dated 5 June 2018. The Plan nominated all existing site structures to be removed in accordance with the provisions of this Clause, including two (2) existing dwelling houses. The proposed development is deemed acceptable in this regard.

4.3 Height of buildings

Clause 4.3 permits a maximum building height of 8.5 metres, measured from NGL (existing).

The proposed development seeks an overall building height of 8.44 metres (Roof Ridge RL 48.870 - RL 40.43) which satisfies the numerical provisions of this Clause. In doing so, the development maintains satisfactory sky exposure and daylight to buildings; key areas and the public domain along Rye Avenue and will provide an appropriate transition in built form and land use intensity. Accordingly, the development also satisfies the objectives of this Clause.

Matters relating to building height were not a reason for refusal under DA-2017/403 and no further consideration is required in this regard.

4.4 Floor space ratio - Residential zones

Clause 4.3 permits a maximum FSR of 0.60:1 for the subject site.

The proposed development seeks an overall GFA of 698.551sqm, equating to an FSR of 0.57:1, complying with the numerical provisions of this Clause. In this regard, the proposed density is in accordance with the desired future character of Bexley; will have minimal adverse environmental effects on the use or enjoyment of adjoining properties and will maintain an appropriate visual relationship between new development and the existing character of the area. The objectives of this Clause are therefore also satisfied.

Matters relating to FSR were not a reason for refusal under DA-2017/403 and no further consideration is required in this regard.

6.1 Acid Sulfate Soil - Class 5

Acid Sulfate Soils (ASS) – Class 5 affects the property. However, development consent is not required as the site is not within 500 metres of adjacent Class 1, 2, 3 or 4 that is below 5 AHD. Matters relating to acid sulfate soils were not a reason for refusal under DA-2017/403 and no further consideration is required in this regard.

6.2 Earthworks

The application is accompanied by *Geotechnical Investigation*, prepared by AssetGeo and dated 23 May 2017 (Ref 4349-R1). The Report undertakes an assessment on the extent of earthworks and excavation required to accommodate the proposed basement level car park. As described within the Report, *'the building and basement footprint is proposed to be within the front half of the site, with the rear half to be an outdoor play area. The finished floor level of the basement is proposed to be approximately 3m below ground'*.

The Report contains a set of recommendations for design and construction of the development including those relating to earthworks; vibration management; subgrade preparation; fill; and footings. The Report was referred to Council's Development Engineer under the remit of Clause 6.2 and deemed satisfactory with regards to ensuring works will not have a detrimental impact upon the environmental processes of the site and those adjoining, subject to recommended conditions contained therein. The proposed development remains acceptable in this regard.

6.4 Airspace operations

The proposed development is affected by the Obstacle Limitation Surface (OLS) which is set at 70

metres to Australian Height Datum (AHD). The proposed building height is at 8.44 metres (Roof Ridge RL 48.870 - RL 40.43) metres to AHD and in this regard, it is considered that the proposed development will continue to have minimal adverse impact on the OLS and hence remains acceptable with regards to this Clause. No further consideration is required in this regard.

6.7 Stormwater

The application is accompanied by revised Stormwater Plans, prepared by Greenview Consulting, Revision 5 and dated 17 July 2018. The roof and stormwater runoff is nominated to drain to an OSD system based on the Ground Floor FFL 40.43 and was referred to Council's Development Engineer for review and comment. Council's Engineer has advised that standard conditions are to be included in the Notice of Determination that the discharge of stormwater will be required to comply with Rockdale Technical Specification for Stormwater Management with appropriate certification and checklist completed and received prior to release of the Construction Certificate. The provisions of this Clause are satisfied and no further consideration is required in this regard.

6.12 Essential services

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

S4.15(1)(a)(ii) - Provisions of any Draft EPI's

There are no draft EPI's applicable to the subject site.

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

The following Development Control Plan is relevant to this application:

Rockdale Development Control Plan 2011

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

Relevant clauses	Compliance with objectives	Compliance with standard/provision
4.1.1 Views and Vista	Yes	Yes - see discussion
4.1.3 Water Management	Yes	Yes - see discussion
4.1.4 Soil Management	Yes	Yes - see discussion
4.1.5 Contaminated Land	Yes	Yes - see discussion
4.1.7 Tree Preservation	Yes	Yes - see discussion
4.1.9 Lot size and Site Consolidation - Child care centres	Yes	Yes - see discussion
4.2 Streetscape and Site Context - General	Yes	Yes - see discussion
4.3.1 Open Space and Landscape Design	Yes	Yes - see discussion
4.4.2 Solar Access - General Controls	Yes	Yes - see discussion
4.4.5 Visual privacy	Yes	Yes - see discussion
4.4.6 Noise Impact - Non-residential	Yes	Yes - see discussion
4.5.2 Social Equity - Equitable Access	Yes	Yes - see discussion
4.6 Parking Rates - Child Care Centres	Yes	Yes - see discussion
4.7 Waste Storage and Recycling Facilities	Yes	Yes - see discussion
6.1 Provision of Child Care Places	Yes	No - see discussion

Relevant clauses	Compliance with objectives	Compliance with standard/provision
6.1 Child Care Centre - Location	Yes	Yes - see discussion
6.1 Child Care Centre - Visual and Acoustic Impact	Yes	Yes - see discussion
6.1 Child Care Centre - Indoor and Outdoor Space	Yes	Yes - see discussion
6.1 Child Care Centre - Parking and Pedestrian Safety	Yes	Yes - see discussion
6.1 Child Care Centre - Hours of Operation	Yes	Yes - see discussion
6.4 Advertising and Signage	Yes	Yes - see discussion

4.1.1 Views and Vista

There are no views benefited from either within the site or from those adjoining. Matters relating to views and vistas in accordance with this Clause were considered satisfactory under DA-2017/403 and remain as such. No further consideration is required in this regard.

4.1.3 Water Management

These matters are considered suitably satisfied under Clause 6.7 of the RLEP 2011 and discussed above. Revised and additional detail has been submitted to Council to demonstrate the proposed development provides stormwater management in accordance with Council's Technical Specification - Stormwater Management. No further consideration is required in this regard.

4.1.4 Soil Management

The application is accompanied by a revised Environmental Site Management Layout, prepared by Greenview Consulting, Revision 2. The Plan identifies general erosion and sediment control strategies are proposed to ensure that the potential for impact on adjoining land and surrounding waterways is minimised. This includes temporary fencing which shall be erected along the boundaries of the site. Subject to conditions, the provisions of this Clause are satisfied.

4.1.5 Contaminated Land

These matters are considered suitably satisfied under *State Environmental Planning Policy No. 55 - Remediation of Land*, discussed above. No further consideration is required in this regard.

4.1.7 Tree Preservation

Matters relating to tree preservation considered under this Clause have been suitably addressed and deemed satisfactory under the *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*. No further consideration is required in this regard.

4.1.9 Lot size and Site Consolidation - Child care centres

Consolidated, the subject site has a primary frontage of 24.385 metres (by Survey) in accordance with the minimum lot width requirements of this Clause. These matters were considered satisfied under DA-2017/403 and no further consideration is required in this regard.

4.2 Streetscape and Site Context - General

As stated in the previous Report to the Panel, assessment of the development directly relates to the below objective and control within RDCP 2011:

Objective B - To ensure development responds to predominant streetscape qualities.

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

Development within the relevant context of the site is characterised by low and medium density residential development with new dual occupancy stock and townhouse development interspersed with single and two storey dwellings. Brick dwelling houses are characterised by a consistent treatment of a primary front building line/facade and recessed secondary facades with verandahs fully located behind primary setbacks. Directly opposite the site is the Bayside Council Works Depot which is accessed via a medium duty vehicular crossing and the Estia Health Aged Care Facility is located directly south of the site.

The proposed design of the facility under DA-2017/403 was considered contemporary and failed to achieve consistency with the existing Rye Avenue streetscape with the following reason of refusal given by the BPP:

1. The proposed child care centre has not been designed in character with the existing streetscape, having been designed with substantial non-compliance to setbacks and no articulation, in contravention of Clause 11 of Part 6.1 and Parts 4.2 and 5.1 within the Rockdale Development Control Plan 2011.

Revised plans considered under the subject review application have responded to this requirement through the following:

- The introduction of two pitched roof forms that are compatible with the existing low density character of single dwelling houses;
- An increase in the primary setback to be consistent with the predominant and prevailing streetscape;
- Additional articulation to the western/front facade and northern/side elevation;
- The introduction of additional materials and finishes to the front facade to minimise and soften the apparent bulk and scale;
- Reduce the contemporary nature of the proposed design and make this more akin to two dwellings with a central link.

The proposal has introduced increased articulation along the northern allotment boundary with the creation of two garden beds and reducing the depth of the development through the internalisation of the Level 1 Outdoor Play Area. This area previously formed a reason of refusal under DA-2017/403 based on a concern for amenity including bulk; noise and potential overlooking. The Applicant has addressed this reason for refusal through the internalisation of the play area with screening, eliminating impacts to the adjoining dwelling house. This, combined with the reduction in children from 109 to 92, results in a reduction of noise; amenity and overlooking impacts.

The proposed development is satisfactory with regards to streetscape and supported in this instance.

4.3.1 Open Space and Landscape Design

Matters relating to open space and landscape design were considered satisfactory under DA-2017/403. Notwithstanding this, the Applicant has submitted a Revised Landscape Architectural Plan Set, prepared by Arcadia and dated July 2018. The Plan demonstrates the design and configuration of

the children's outdoor play area and site landscaping, incorporating a range of textures; materials and elements with the following features:

- Meandering paths;
- Timber decking and bridge;
- Sand pits with play house;
- Mound climb, vegetable garden and walk through house; with a sensory and music wall.

The applicant submits the following with regards to the nominated outdoor play areas:

- *A variety of activities will be provided throughout the day, these activities involve both indoor free-play and structured learning and outdoor play;*
- *Outdoor activity programs are generally held for a maximum one hour duration throughout the day, particularly over the summer to minimise UV exposure. Outdoor play is also dependent upon weather conditions and is generally reduced during colder, inclement periods; and*
- *The times over which all the children are engaged in outdoor play simultaneously are fairly limited and would generally occur upon arrival in the morning until the commencement of indoor structured learning and again in the afternoon prior to departure (although this would vary according to seasonal conditions).*

Council notes the following in this regard:

1. The proposed plan provides 15% (185sqm) deep soil planting area with the siting and location of the basement level allow for deep soil at the rear and front of the property. Operationally, outdoor areas are unable to solely consist of planting and so, the Applicant has provided this as a combination of deep soil planting; permeable turn and impermeable surfaces;
2. Site surface runoff is minimised through permeable outdoor landscape materials allowing water to drain into deep soil behind the basement level carpark;
3. Perimeter planing on all three allotment boundaries including sensory corner garden beds contribute to deep soil planting;
4. An increased 1.55m northern allotment boundary setback softens and screens this edge;
5. Additional tree planting contained within the primary setback and fronting Rye Avenue contributes to the residential character of Rye Avenue whilst providing increased permeability to landscaped areas.

Modified and revised detail was submitted to Council's Landscape Architect for review and comment and determined satisfactory with regards to the provisions of this Clause. The proposed development is acceptable in this regard.

4.4.2 Solar Access - General Controls

Matters relating to solar access were considered under DA-2017/403 and determined satisfactory. The site has an east-west orientation and application accompanied by Shadow Diagrams, Drawing No. A502; A503 and A504, Revision L. The Plans demonstrate there will be minimal impact on adjoining properties in terms of overshadowing with the bulk of shadows falling west onto Rye Avenue in the morning; south onto the driveway and aged care facility in the middle of the day and east, onto the subject site itself in the afternoon.

No further consideration is required in this regard.

4.4.5 Visual privacy

Matters relating to visual privacy were considered satisfactory under DA-2017/403 as the windows to the northern; eastern and southern boundaries were considered '*suitably offset or have sufficient*

separation to minimise overlooking potential'. Council however, 'did not support the first floor outdoor play area given Clause 27(a) in Part 6.3 of Child Care Centres which states that outdoor play areas are to be located at the rear of a building and on the ground floor'.

Revised Architectural Plans, Revision M, have addressed the above through the redesign and reconfiguration of the first floor level with the creation of an internal courtyard/outdoor play area. All other matters to be considered in relation to visual privacy remain satisfied under the review application due to the separation due to the vehicle crossing to the aged care facility directly south and the proposed building separation which exists to the eastern adjoining townhouse development which is no less than 23.190 metres (ground floor to rear allotment boundary) and 19.490 metres (first floor to the rear allotment boundary). The development remains acceptable in this regard.

4.4.6 Noise Impact - Non-residential

Matters relating to non-residential development and amenity impacts to adjacent residential development as a result of noise; hours of operation and/or service deliveries was determined unsatisfactory under DA-2017/403 therefore formed a reason for refusal. Accordingly, the application is accompanied by a Revised Acoustic Impact Assessment, prepared by Rodney Stevens Acoustics, Report No. R170217R2 and dated 24 May 2018.

This Report undertakes an assessment of noise from the proposed development in accordance with the criteria contained within the *AAAC Guideline for Child Care Centre Acoustic Assessment, October 2013* on the following:

- Existing noise environment and ambient noise survey;
- Noise emissions from the mechanical plant including proposed air conditioning units; carpark exhaust; kitchen exhaust and basement carpark roller door;
- Noise emissions from the outdoor play areas; and
- External noise intrusion into the proposed development.

The following recommendations shall be incorporated into the proposal:

- *Individual air conditioning mechanical plan units with a sound power level of no more than 50 dB(A) @ one metre shall be selected. The units shall be located either on the roof of the building (preferably screened) or on the western side of the building;*
 - *The mechanical plan should not be used, or left on, after the centre's hours of operation (excluding a window period before and after opening hours) in order to minimise any adverse impacts to nearby sensitive receivers;*
 - *A 1.8m barrier to the north and east, and 2.1m to the south should be installed around the proposed ground floor play area constructed out of masonry or other brick/concrete construction material; and*
 - *The following rules should be incorporated into the Centre's Management Plan in order to achieve acoustic compliance;*
1. *A contact phone number for the Centre's Director should be made available to parents and neighbours;*
 2. *Crying children should be taken into the Centre and comforted;*
 3. *The behaviour of children should be monitored and modified as required by adequately trained child care workers; and*
 4. *Parents and guardians should be informed of the importance of noise minimisation when entering the site; dropping off or picking up children.*

The Report was referred to Council's Senior Environmental Health Officer and determined satisfactory,

subject to recommended conditions which are imposed on the Notice of Determination.

4.5.2 Social Equity - Equitable Access

Matters relating to equitable access were considered under the original DA-2017/403 and determined satisfactory insofar that a DDA accessible parking space is provided within the basement level with direct and unencumbered access to the lift to all levels. A separate and accessible DDA WC is available on the proposed first floor level. The BCA Statement, prepared by Steve Watson and Partners and dated 30 June 2017 remains applicable in this instance and subject to the requirements contained therein, remains satisfactory with regards to the provisions of this Clause.

No further consideration is required in this regard.

4.6 Parking Rates - Child Care Centres

The proposed development incorporates basement level car parking to accommodate a total of 16 parking spaces in tandem arrangements including one (1) DDA accessible parking space in the following composition:

- Eight (8) staff parking spaces;
- Seven (7) pick up/drop off parking spaces; and
- One (1) DDA accessible parking space.

The following assessment is provided against the relevant rates contained within the RDCP 2011:

Rate	Requirement	Proposed	Complies
1 space/20 children	92 children/20 = 4.6 (5 spaces required)	8 (including one DDA accessible space)	Yes
1 space/2 members (part or full time)	22 staff/2 = 11 spaces required	8	No – refer below
1 bicycle space/10 children	9 spaces	8	No – refer below

The allocation of the parking spaces is to be conditioned to ensure the rates are provided in accordance with the above numerical requirements and is therefore considered acceptable in this regard. The following additional matters formed reasons for refusal of the original DA-2017/403:

Reason 1. Turning bay to be provided within the basement.

A turning bay is required for blind aisles in accordance with AS 2890.1 in car parks open to the public, the maximum length of a blind aisle shall be equal to the width of six 90 degree spaces plus 1m, unless provision is made for cars to turn around at the end and drive out forwards.

Comment

The basement level car park is not public and therefore should not have been considered under the remit of the above. Notwithstanding, the length of the blind aisle starts from Parking Space No. 8 with Space's No. 9 and 10 not considered part of the blind aisle as they are directly opposite the ramp. The length of the blind aisle is therefore 5, not 7, as per AS 2890.1 when the turning bay is required. Additionally, the proposed design features a wide parking aisle (9.1m not 5.8m as required by AS2890.1) and therefore allows vehicles to manoeuvre within the aisle in order to enter and exit in a forward direction. The proposed design complies with AS2890.1.

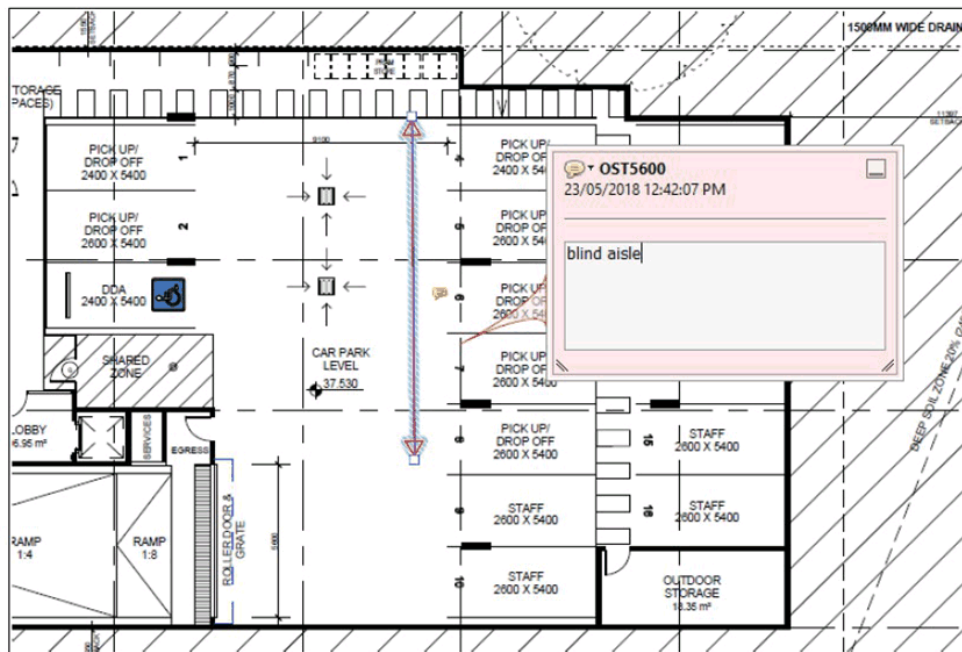


Figure 6. Basement level design and blind aisle length (source: Traffic Assessment Report, TEF Consulting).

Reason 2: Accessible space does not comply with AS 2890.6 with the column shown within the shared area.

Comment

The column which was previously located within the shared area has been relocated within the revised Basement Level design as shown in Figure 6 above and therefore complies with AS2890.6.

Reason 3: One additional staff car space shall be provided within the Basement.

Comment

The subject review application has reduced both the childcare numbers from 109 to 92 and staff from 24 to 22, therefore reducing the parking spaces required. The numbers and allocation complies with the total car parking provisions under DCP 2011 (as demonstrated above) and therefore deemed satisfactory in this regard. The proposal does however, seek to vary the total number of bicycle spaces from nine (9) to eight (8) which is suitably justified within the accompanying Traffic Assessment Report. Council's Development Engineer has deemed the variation acceptable insofar as the uptake of bicycle use being less than 4% of the total people employed in the area being 4% which translates into one (1) bicycle user out of 22 staff.

The proposal is therefore acceptable with the considerations of Part 4.6 of the DCP 2011 and no further consideration is required in this regard.

4.7 Waste Storage and Recycling Facilities

The Waste Management Plan (WMP) submitted under DA-2017/403 is deemed satisfactory with

regards to Council's Technical Specification - Waste Minimisation and Management regarding construction waste and ongoing management of waste facilities. The WMP details waste management processes including destination for the demolition and construction phases for the proposed development.

Revised architectural plans, Revision M, details ground level waste storage facilities along the southern elevation with sufficient area and volume for a 660L and 1100L bin. The Applicant confirms the volumes of the proposed storage area meets tenants ongoing waste management requirements. The provisions of this Clause are satisfied.

6.1 Provision of Child Care Places

The Notice of Determination, Reason for Refusal 4 states the following:

4. The 109 children proposed for the site is well in excess of the maximum permitted of 50 by Clause 6.3 of the Rockdale Development Control Plan 2011. The development has failed to satisfy Council that there are no unreasonable impacts on the amenity of adjoining properties and the streetscape.

Having reduced the number of children from 109 to 93, and further reduced placement numbers to 92, the proposed centre shall accommodate the following mix:

- 30 x 0-2 years;
- 27 x 2-3 years; and
- 35 x 3-5 years.

The relevant objectives of this Clause are to minimise the adverse impacts associated with childcare centres on adjoining properties and surrounding areas, such as those created by noise, traffic generation and on-street parking. The revised information considered under the review application has demonstrated to suitably address potential impacts relating to noise, traffic generation and on-street parking as discussed in the above body of this Report (Parts 4.4.6 and Part 4.6 respectively). The variation to the maximum capacity permitted under Clause 6.1.1. is suitably justified in this instance.

Whilst the proposal exceeds the maximum capacity permitted under Clause 6.1.3 of the DCP 2011, the proposal satisfies the ratio of spaces required for children under the age of 2 years in accordance with Clause 6.1.1. The development is acceptable in this regard.

6.1 Child Care Centre - Location

The review application is accompanied by a *Childcare Needs Assessment Report*, prepared by Business Geographics Pty Ltd and dated June 2017. The Report undertakes an assessment of the location of the subject site against the major catchment area with existing long day care centres as shown in the Figure below.

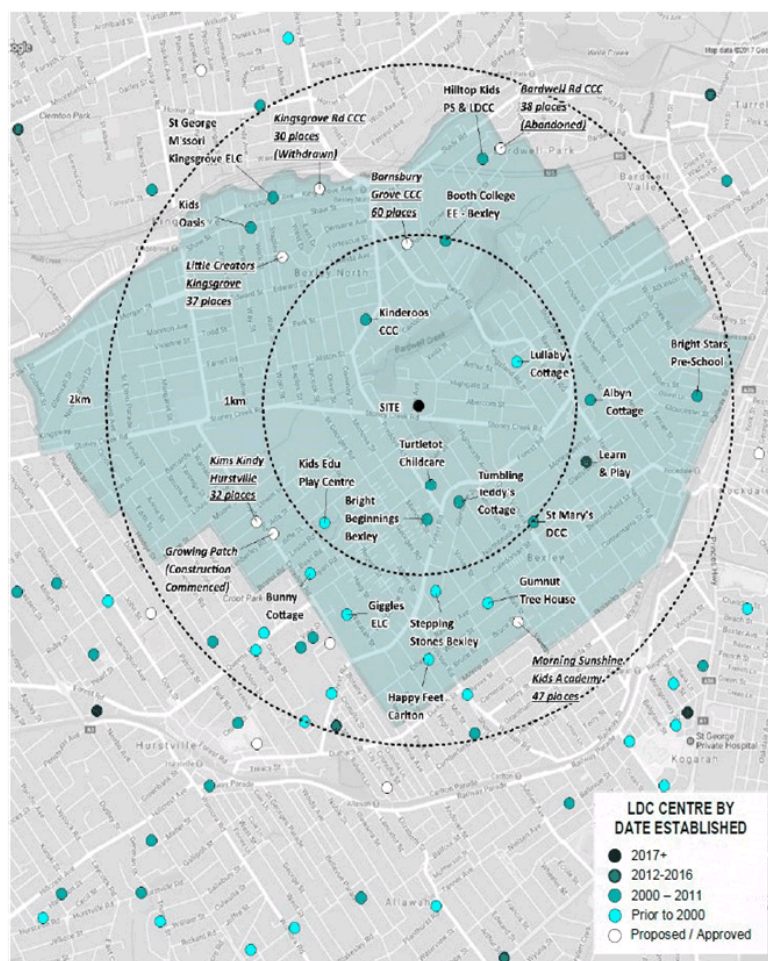


Figure 7. LDC Centre by date established.

The Report concludes the total estimated daily demand for long day care generated in the major catchment is for 728 places with the location of the new centre suitably justified in this instance.

6.1 Child Care Centre - Visual and Acoustic Impact

Matters relating to visual and acoustic privacy are considered in Part 4.4.5 and 4.4.6 above and deemed satisfactory. The review application has suitably demonstrated that the development has been orientated and designed to minimise potential visual privacy and noise impacts (particularly to the northern adjoining residential allotment) in accordance with the objectives of this Clause. No further consideration is required in this regard.

6.1 Child Care Centre - Indoor and Outdoor Space

Matters relating to indoor and outdoor unencumbered space are reviewed and determined satisfactory under State Environmental Planning Policy (Educational Establishments and Child Care Facilities) in the above body of this Report. No further consideration is required in this regard.

6.1 Child Care Centre - Parking and Pedestrian Safety

Matters relating to parking and pedestrian safety are considered and deemed satisfactory under Part 4.6 of the RDCP 2011 above. No further consideration is required in this regard.

6.1 Child Care Centre - Hours of Operation

The proposed centre seeks to operate from 7.00am to 7.00pm, Monday to Friday, in accordance with the provisions of this Clause.

6.4 Advertising and Signage

These matters were considered suitable satisfied under *State Environmental Planning Policy No. 64 - Advertising and Signage*, discussed above. No further consideration is required in this regard.

S4.15(1)(a)(iv) - Provisions of regulations

The proposed development is not inconsistent with the relevant provisions of the *Environmental Planning and Assessment Regulation, 2000*.

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

The proposed development has demonstrated to provide a positive planning outcome with consideration of the likely impacts of development and measures taken to mitigate these impacts discussed below:

Construction

Standard conditions are imposed relating to construction works, including restrictions on hours in accordance with EPA requirements.

Public Domain

The proposed childcare centre will not impede upon pedestrian access for Rye Avenue.

Access, Traffic and Transport

Sufficient off street parking facilities are provided for both staff and parent drop off/pick up wholly contained within the basement level. Matters relating to access, traffic and transport were considered and discussed under Clause 4.6 of the RDCP 2011 above and deemed satisfactory under the review application as the revised design addressed blind aisle and aisle width requirements under AS2890.1; accessible parking space design requirements under AS2890.6; and minimum parking numbers under Council's rates.

Additionally, the traffic generated from the proposed development was considered satisfactory at the Bayside Traffic Advisory Committee on 7 February 2018.

Staff to Child Ratio

The Education and Care Services National Regulations, specifies staff to child ratios which are to be adhered to by child care centre operators. Given the proposal seeks to accommodate 92 children under the revised scheme (30 x 0-2 years; 27 x 2-3 years; and 35 x 3-5 years), the following minimum number of staff are required:

Staff to Child Ratio	Requirement	Proposed	Complies
	0-2 years = 1:4 (8 staff required) 2-3 years = 1:5 (5 staff required) 3-5 years = 1:4 (9 staff required)	22	Yes

Given the above, for the breakdown of children proposed, the centre accommodates 22 staff and therefore satisfies the requirements of the Regulations.

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

A critical review of DA-2017/403 and the reasons for refusal against the design under the review application demonstrate a reduction in the perceived intensity and amenity impacts through a reduction in placement numbers; greater articulation and internalisation of the Level 1 Outdoor Play Area. As demonstrated in the table below, there are no known major physical constraints, environmental impacts, natural hazards or exceptional circumstances that would hinder the suitability of the site for the proposed development:

DA-2017/403 – Reasons for Refusal	Review Application
<p>1. The proposed child care centre has not been designed in character with the existing streetscape, having been designed with substantial non-compliances to setbacks and no articulation, in contravention of Clause 11 of Part 6.1 and Parts 4.2 and 5.1 of the RDCP 2011</p>	<p>The review application has responded by:</p> <ul style="list-style-type: none"> • Introducing two pitched roof forms that are compatible with the single dwelling character of Rye Avenue; • Aligning the primary setback with the predominant and prevailing setback of Rye Avenue; • Amending western and northern elevations through additional articulation • Varying the materials and finishes of the western façade to minimise bulk and scale and soften the streetscape; • Amending and reducing the contemporary nature of the façade to make this more akin to two dwellings with a central link.
<p>2. The bulk and scale of the proposal will present unacceptable massing and bulk when viewed from the adjoining property.</p>	<p>The articulation of the northern façade fronting 11 Rye Avenue has been amended to create two garden beds with a reduction in building depth and relocation of the Level 1 Outdoor Play Area.</p>
<p>3. The proposed first floor outdoor play area is in contravention to Clause 27(a) of the Rockdale DCP 2011 and presents bulk and scale and amenity issues to adjoining properties.</p>	<p>First floor play areas are discouraged due to amenity, noise and potential for overlooking. The review application has suitably addressed these impacts through the internalisation of the outdoor play area; screening and minimising acoustic impacts; eliminating potential overlooking to the low density residential zone and reducing the overall depth of the building. There is also a reduction on the number of children from 109 to 92.</p>
<p>4. The 109 children proposed for the site is well in excess of the maximum permitted of 50 by Clause 3 in Part 6.1 of the Rockdale DCP 2011. The development has failed to satisfy Council there is no unreasonable impacts on the amenity of adjoining properties and the streetscape.</p>	<p>The proposed number of children has been reduced from 109 to 93 and further again to 92, equating to a 16% reduction.</p> <p>Whilst the proposed still exceeds the maximum 50 permitted under this Clause, the development has suitably demonstrated to address anticipated traffic; noise and other impacts identified under DA-2017/403.</p>
<p>5. The proposed development does not adequately cater for its onsite parking demand and as required by Part 4.6 of the RDCP 2011.</p>	<p>The revised design and reduction in number of children has demonstrated compliance with Part</p>

	4.6 of the RDCP 2011 in terms of numbers and design.
6. The development has not adequately addressed stormwater management for the site in terms of drainage easement that has been identified as existing between 13 and 15 Rye Avenue.	Consent has been issued from the beneficiaries of the easement being No. 11 to 15 Eddystone Road in relocation to the easement relocation with revised engineering and relocation plans being approved by Council's Development Engineer.
7. The information provided to Council is insufficient to properly assess the impact of the proposed works on the trees on the adjoining property at 11 Rye Avenue.	A revised Arborist Statement accompanies the review application which suitably addresses the impacts and required protection mechanisms in relation to trees located on the adjoining property at 11 Rye Avenue. This detail was referred to Council's Tree Management Officer for review and determined satisfactory with regards to detail contained therein.
8. The information provided to Council is insufficient to properly assess the noise impact.	A revised Acoustic Impact accompanies the review application which suitably addresses the impacts of noise on the adjoining residential allotments. This detail was referred to Council's Senior Environmental Health Officer for review and determined satisfactory with regards to detail contained therein.
9. The information provided to Council is insufficient to properly assess the requirements of Part 4 of the Child Care Centre Guidelines.	The review application, including reduction in child care numbers, was assessed against the requirements of part 4 of the Child Care Centre Guidelines and determined satisfactory with regards to the performance provisions contained therein.
10. The proposal has not satisfied the objectives of key controls within the RLEP 2011 including zone objectives, height of buildings and floor space ratio.	The review application has demonstrated to be satisfactory with regards to zone objectives; maximum building height and floor space ratio controls.
11. The proposal will result in detrimental environmental impacts of the locality, pursuant to Section 79C(1)(b) of the Environmental Planning and Assessment Act, 1979.	The review application has demonstrated to be satisfactory with regards to the impacts of the locality and therefore the site considered to be suitable for the proposed development and not contravene the public interest.
12. The adverse environmental impacts of the proposal mean that the site is not considered to be suitable for the development as proposed, pursuant to Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979.	
13. The approval of the application is considered to be contrary to the public interest, pursuant to Section 79C(1)(e) of the Environmental Planning and Assessment Act, 1979.	

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

The proposal was exhibited for a period of 14 days in accordance with the *Environmental Planning and Assessment Regulations, 2000*, and Rockdale DCP 2011. One (1) submission was received with items of concern discussed below:

Concern: *Capacity*

Council comment: Concerns were raised regarding the capacity of the centre in excess of those surrounding it. It is noted that the review application has further reduced the overall capacity from 109 to

92 and whilst this exceeds the maximum permitted under Part 6.1 of the RDCP 2011, impacts which may be generated from the increase in placement numbers relating to noise; traffic generation and on-street parking are discussed and deemed satisfactory in the body of the Report above.

Concern: *Parking (street) and existing centres in the vicinity*

Council comment: Concerns were raised regarding the impact on on-street parking availability with expected increased traffic volumes which are discussed and deemed satisfactory in Part 4.6 above. Matters relating to proximity to nearby child care centres are examined and suitably justified within the accompanying *Childcare Needs Assessment* prepared by Business Geographics Pty Ltd, dated June 2017 in Part 6.1 and under Clause 26 of the SEPP (Educational Establishments and Child Care Centres) above.

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

The subject review application has been assessed in accordance with the relevant provisions of the *Environmental Planning and Assessment Act, 1979*; which requires an assessment against the provisions of the following:

- *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017*;
- *Education and Care Services National Regulations (National Regulations)*;
- *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*;
- *State Environmental Planning Policy No. 55 - Remediation of Land*;
- *State Environmental Planning Policy No. 64 - Advertising and Signage*;
- *Rockdale Local Environmental Plan, 2011*; and
- Rockdale Development Control Plan.

The proposed childcare centre facility has demonstrated to comply with the relevant provisions contained within each of the above listed environmental planning instruments; Regulations and relevant DCP requirements. It is considered that the proposed development has merit, is in the public interest and is recommended for approval on this basis.

S7.12 Fixed development consent levies

The proposal was referred to Council's Section 7.11 Contributions Planner who has confirmed that the proposed development is captured under Clause 2.3.2 of the *Rockdale Section 94 Contributions Plan 2004* and 'levies for the demand created by employees at the rate of 1% of the construction cost'. Accordingly, a standard condition of development consent has been imposed in respect to a levy applied under this Plan.

Schedule 1 - Draft Conditions of consent

General Conditions

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

1. The term of this consent is limited to a period of five (5) years from the date of the original approval. The consent will lapse if the development does not commence within this time.

2. The development must be implemented substantially in accordance with the plans listed below, the application form and on any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.

Plan/Dwg No.	Drawn by	Dated	Received by Council
Architectural Plan Set			
Demolition Plan, Drawing No. A701, Revision M	Armada	25 July 2018	26 July 2018
Site and Roof Plan, Drawing No. A201, Revision M	Armada	25 July 2018	26 July 2018
Carpark Plan, Drawing No. A202, Revision M	Armada	25 July 2018	26 July 2018
Ground Floor Plan, Drawing No. A203, Revision M	Armada	25 July 2018	26 July 2018
First Floor Plan, Drawing No. A204, Revision M	Armada	25 July 2018	26 July 2018
Cross Section, Drawing No. A301, Revision M	Armada	25 July 2018	26 July 2018
East and West Elevation, Drawing No. A401, Revision M	Armada	25 July 2018	26 July 2018
South and North Elevation, Drawing No. A402, Revision M	Armada	25 July 2018	26 July 2018
Landscape Architectural Plans			
Landscape Plan - Ground Floor	Arcadia Landscape Architecture	July 2018	26 July 2018
Landscape Plan - First Floor	Arcadia Landscape Architecture	July 2018	26 July 2018
Landscape Plan - East Elevation	Arcadia Landscape Architecture	July 2018	26 July 2018
Landscape Plan - West Elevation	Arcadia Landscape Architecture	July 2018	26 July 2018
Landscape Palette	Arcadia Landscape Architecture	July 2018	26 July 2018
Landscape Plan - Ground Floor (Specifications)	Arcadia Landscape Architecture	July 2018	26 July 2018

Landscape Plan - First Floor (Specifications)	Arcadia Landscape Architecture	July 2018	26 July 2018
Softworks Plan - Ground Floor	Arcadia Landscape Architecture	July 2018	26 July 2018
Softworks Plan - First Floor	Arcadia Landscape Architecture	July 2018	26 July 2018
Landscape Details and Specifications	Arcadia Landscape Architecture	July 2018	26 July 2018
Engineering Plan Set			
Basement 1 Drainage Plan, Drawing No. C02, Revision 5	Greenview Consulting	17 July 2018	27 July 2018
Ground Floor Drainage Plan, Drawing No. C03, Revision 5	Greenview Consulting	17 July 2018	27 July 2018
Proposed Easement Relocation Plan, Drawing No. C04, Revision 3	Greenview Consulting	17 July 2018	27 July 2018
Easement Long Section, Drawing No. C05, Revision 3	Greenview Consulting	17 July 2018	27 July 2018
Consultant Reports			
Revised Plan of Management	Little Learning School	July 2018	27 July 2018
Emergency and Evacuation Management Procedure	Mammoth Projects	-	27 July 2018
Preliminary Site Investigation, Revision 217031V1	Environmental Earth Sciences	April 2017	25 June 2018
Traffic Assessment Report,	TEF Consulting	7 June 2018	8 June 2018
Arboricultural Impact Assessment, Reference AIA-MAM (B) 05/18-U	NSW Tree Services Pty Ltd	28 May 2018	8 June 2018
Acoustic Impact Assessment, Reference R170217R2, Revision 1	Rodney Stevens Acoustics	24 May 2018	8 June 2018

3. All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).
4. A Construction Certificate must be obtained from Council or an Accredited Certifier prior to any building work commencing.
5. This approval is not to be construed as permission to erect any structure on or near a boundary contrary to the provisions of the Dividing Fences Act.
6. Excavation, filling of the site (with the exception of the area immediately under the building envelope), or construction of retaining walls are not permitted unless shown on the approved plans and authorised by a subsequent construction certificate.
7. The materials and façade details approved under condition 2 and any other relevant condition of this consent shall not be altered or amended at the construction certificate stage without a prior S4.55 application and approval under the EP&A Act.
8. Mail boxes must be installed along the street frontage of the property boundary in

accordance with Australia Post Guidelines. Prominent house numbers are to be displayed, with a minimum number size of 150 mm in height for each number and letter in the alphabet.

9. Traffic Management Instructions shall be provided to all Customers and Staff identifying and encouraging alternative traffic routes to the intersection of Stoney Creek Road and Rye Avenue and alternative transport means to reduce traffic impact at this intersection.

Development specific conditions

The following conditions are specific to the Development Application proposal.

10. Plan of Management
 - (a) The child care centre shall at all times be operated in accordance with the approved Plan of Management (PoM) that forms part of this consent;
 - (b) A copy of the PoM shall be made freely available to visitors who frequent the Centre as well as neighbouring property owners and residents if requested;
 - (c) The PoM shall be reviewed annually by the Centre's Operator. If the PoM is to be updated following the annual review, the Operator is required to ensure the following:
 - (i) That the PoM is consistent with all conditions of consent;
 - (ii) A copy of the amended PoM is provided to Council within 7 days of its completion;
 - (iii) The PoM is updated to include any comments and/or direction provided by Council.
11. The use of the premises, building services, equipment, machinery and, ancillary fittings shall not give rise to an "offensive noise" as defined under the provisions of the Protection of the Environment Operations Act, 1997.
12. The use of mechanical plant including air conditioners, fans, compressors, condensers, freezers, swimming pool or spa pumps (whether commercial or domestic) shall not cause sound pressure levels in excess of the criteria given in the NSW Industrial Noise Policy – 2000.
13. Temporary dewatering of the site to construct the subsurface structure is not permitted.
14. Trees located within the footprint of the proposed buildings may be removed.
15. The proposed warm water system shall be designed, installed and commissioned in accordance with the provisions of the Public Health Act 2010 and Public Health Regulation 2012 and the current code of practice published by the NSW Health department.
16. Should a thermostatic mixing valve be installed in the premises, the following requirements shall be met:
 - i) The thermostatic mixing valves shall be set at a predetermined temperature of no lower than 37 °C and no higher than 43 °C. The "fail safe" mixing valves shall be installed.
 - ii) A copy of the commissioning report for the thermostatic mixing valve shall be submitted to Council with an additional copy kept on the premises. The thermostatic mixing valves are to be serviced annually by a suitably qualified and registered plumber who has completed a TAFE course in mixing valves.
 - iii) The thermostatic mixing valve shall be registered with Council as a warm water system in accordance with the provisions of the Public Health Act 2010 and Public Health Regulation 2012.

17. The proposed development shall be designed, constructed and operated in compliance with the requirements of the Food Act 2003, Food Regulations 2004 and the Australian Standard AS 4674 – 2004 “Design, Construction and Fit out of Food Premises”.
18. The development shall comply with Part 4 of the *Education and Care Services National Regulations*.
19. The maximum number of persons working on the premises shall be limited to 22.
20. All playground structures and soft fall treatments shall satisfy the relevant AS/NZS standard (AS/NZS 4486.1:1997, AS/NZS 4422:1996).
21. All pavements shall comply with AS/NZS 4586:1999 standards Class W (low) for low slip resistance.
22. Post operational acoustic monitoring at the Applicant's expense shall be reported to Council six (6) months after the Centre becomes operational to demonstrate compliance with the predicted noise levels. If the Centre is not operating within the criteria, then ameliorative measures must be put into place, which may then include management/operational procedures.
23. Access and facilities for persons with a disability/mobility impairment shall be designed and provided in accordance with the Premises Standard of the *Disability Discrimination Act 1992*.

Prior to issue of the construction certificate

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

24. The following fees shall be paid to Council prior to the issue of a Construction Certificate. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges.
 - i. A Footpath Reserve Restoration Deposit of \$2,640.00. This is to cover repair of any damages, or other works to be done by Council. This includes construction, removal, or repair as required to: kerb and guttering, existing or new driveways; paved areas and concrete footpaths. The deposit may be lodged with Council in the form of a Bank Guarantee (Any proposed Bank Guarantee must not have an expiry date). The deposit will not be returned by Council until works are completed and all damage is restored and all specified works are completed by Council.
 - ii. An environmental enforcement fee of 0.25% of the cost of the works.
 - iii. A Soil and Water Management Sign of \$19.00.
25. For work costing \$25,000 or more, a Long Service Leave Levy shall be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.
26. An application for Driveway Works (Public Domain Construction – Vehicle Entrance/Driveway Application) / Frontage Works (Public Domain Frontage Works Construction Application) shall be made to Council's Customer Service Centre prior to issue of the Construction Certificate. All boundary frontage works, egress paths, driveways and fences shall comply with the approval. A fee is payable to Council. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges.
27. a. Pursuant to Section 7.12 of the Environmental Planning and Assessment Act

1979 and Rockdale Section 94A (Section 7.12) Development Contributions Plan 2008, a report is to be submitted to Council, prior to approval of the first Part 4A certificate required for the development, identifying the proposed cost of carrying out the development, as follows:

- i. Where the proposed cost of carrying out the development is less than \$1,000,000, a cost summary report prepared and certified by a building industry professional, or
- ii. Where the proposed cost of carrying out the development is \$1,000,000 or more, a detailed cost report prepared and certified by a quantity surveyor registered with the Australian Institute of Quantity Surveyors or a person who can demonstrate equivalent qualifications. This report is to be prepared in the form specified in Rockdale Section 94A Development Contributions Plan 2008 and the costs must be determined in accordance with clause 25J of the Environmental Planning and Assessment Regulation 2000.

Note:

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

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

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

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

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

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

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

28. An Arboricultural Impact Assessment Report and Tree Protection Plan prepared by a Consultant Arborist, with minimum AQF Level 5 qualifications in Arboriculture, and experienced in the protection of trees on development sites, shall be provided to Council prior to the construction phase. The report shall identify all trees on and adjoining the site, their condition and impacts of the proposed development on the trees, detail special construction methods to be used and protective measures, including fencing, to be implemented to ensure the long term health and stability of trees to be retained. Council reserves the right to reject any report considered unacceptable for the intended purpose.
A Site Arborist, with minimum AQF Level 5 qualifications in Arboriculture be appointment to supervise the construction phases of the Development and especially in respect to the installation of the Storm Water System.
29. Prior to the issue of the Construction Certificate, the approved plans must be submitted to Sydney Water Tap in™ online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.
- Sydney Water's Tap in™ online service is available at:
<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>
30. Prior to issue of the Construction Certificate, a longitudinal driveway profile shall be submitted to Principal Certifying Authority for assessment and approval. The profile shall start in the centre of the road and be along the critical edge (worst case) of the driveway. Gradients and transitions shall be in accordance with Council's Code. The profile shall be drawn to a scale of 1 to 25 and shall include all relevant levels, grades (%) and lengths.
31. The subsurface structure shall be designed with a waterproof retention system (ie tanking and waterproofing) with adequate provision for future fluctuation of the water table if the subsurface structure is below the groundwater table. The subsurface structure is required to be designed with consideration of uplift due to waterpressure and 'flotation' (buoyancy) effects. Subsoil drainage around the subsurface structure must allow free movement of groundwater around the structure, but must not be connected to the internal drainage system. The design of subsurface structure, tanking and waterproofing, and subsoil drainage shall be undertaken by a suitably experienced Chartered Professional Engineer(s). Design details and construction specifications shall be included in the documentation accompanying the Construction Certificate.
32. A copy of Permission to Discharge Trade Waste Water shall be obtained from Sydney Water prior to the discharge of trade waste water to the sewer system. A copy shall be provided to the Principal Certifying Authority (PCA) prior to issuing any Construction Certificate. A copy shall also be provided to Council if Council is not the PCA.
33. The mechanical exhaust ventilation system shall be installed in the kitchen and food preparation areas where cooking and heat producing processes are conducted. All equipment producing heat or steam shall be placed wholly under the ventilation canopy. The ventilation system shall be designed and installed by an appropriate qualified person in accordance with Australian Standards AS1668.1-1998 & 1668.2-2002.
34. All walls within the kitchen, food preparation, storage and display areas shall be of solid construction. Walls in food preparation areas shall be finished with one or a combination of glazed tiles, stainless steel, aluminium sheeting, laminated thermosetting plastic sheeting, polyvinyl sheeting with welded seams or similar

- impervious material which is adhered directly to the wall. The finishing materials of the wall surfaces shall provide a smooth even surface free from buckles, ledges, fixing screws, picture rails, open joint spaces, cracks or crevices.
35. The floors within the kitchen and food storage area shall be constructed of a suitable material which is non-slip, durable, resistant to corrosion, non-toxic, non-absorbent and impervious to moisture. Floors which drain to a floor waste shall be evenly graded (at least 1:100) so that water falls to the floor waste.
36. The surface finish of the ceiling shall not be perforated and shall be finished in an impervious material which is free from open joints, cracks, crevices, (in accordance with AS 4674-2004, acoustic and decorative panels are not to be used in wet areas, food preparation areas, bin storage areas or other areas where open food is displayed or served). The ceiling over the food preparation, storage and display areas shall be painted with a washable paint of a light colour. The intersection of walls and the ceiling shall be tight jointed, sealed and dust-proof.
37. A double bowl sink or two compartment tub which is of a size capable of fully immersing the largest piece of equipment shall be provided with hot and cold water supplied through a single spout in the kitchen/food preparation area. Double bowl sink or tubs shall be supplied with water of at least 45 °C in one bowl for washing purposes; and 80 °C in the other bowl for sanitising purposes if hot water sanitising occurs at the sink.
38. Premises shall be provided with a cleaner's or sluice sink, floor waste or other similar facility which is connected to drainage that is not intended for use to prepare food, wash any equipment or for hands/face washing for disposing of mop water and similar liquid waste and shall be located outside of areas where open food is handled.
39. Hand wash basins shall be located so that they are not obstructed, are at bench height either permanently fixed to a wall, supporting frame or sunk into the bench top, accessible and no further than 5 metres (excluding toilet hand basins) from any place where food handlers are handling open food, in the parts of the premises where open food is handled, in utensil/equipment washing areas, in staff entrance to areas where open food is handled and in toilet cubicles or immediately adjacent to toilets. Hand basins shall have a permanent supply of warm running potable water delivered through a single outlet and taps which operate hands free shall be provided at all hand basins with sufficient space between the spout and base of basin for the washing of hands and arms.
40. Rooms and areas designated for the storage and washing of garbage receptacles shall be designed and constructed in accordance with the following requirements;
- i) The floors and walls shall be constructed of a suitable material which is durable, smooth, resistant to corrosion, impervious to moisture and coved with a minimum radius of 25mm at the intersection of walls with floors
 - ii) The floor shall be graded and drained to a floor waste gully connected to the sewerage system and traps of the premises in accordance with all Sydney Water requirements
 - iii) Provide a hose tap connected to the water supply. Water used for cleaning garbage receptacles may be either potable or non potable water.
 - iv) The room shall be ventilated with either natural ventilation or alternatively mechanically ventilated in accordance with the requirements of Australian Standards AS 1668.
41. Prior to the issue of the Construction Certificate, detailed drainage design plans for the management of stormwater are to be submitted to Principal Certifying Authority for assessment and approval. Design certification, in the form specified in

Rockdale Technical Specification Stormwater Management, and drainage design calculations are to be submitted with the plans. The OSD tank must have a safe overflow that would direct overflow runoff away from the basement.

Council's Rockdale Technical Specification Stormwater Management sets out the minimum documentation requirements for detailed design plans. Stormwater management requirements for the development site, including the final discharge/end connection point, must comply with Rockdale Technical Specification Stormwater Management.

42. Prior to the issue of any Construction Certificate for the approved development, the architectural plans shall be amended to incorporate the following and to the satisfaction of the nominated Certifying Authority:
- (a) Elevations and Sections detailing fencing and/or a barrier that encloses outdoor spaces and be of a suitable height and design that children preschool age cannot go through; over or under in accordance with Clause 104 of *Part 4 - Education and Care Services National Regulations*. This shall not contradict the design requirements of the Acoustic Report referred to in Condition 2;
 - (b) Elevations and details of minimum storage volumes in accordance with Clause 107 of *Part 4 - Education and Care Services National Regulations*.
 - (c) Elevations and details of the children's toilet and hygiene facilities which shall be of a junior height; low level sink and appropriately sized hand drying facilities with direct access from both indoor and/or outdoor play areas where require. Additionally, appropriate windows and screens shall be provided for both supervision and privacy in accordance with Clause 109 of *Part 4 - Education and Care Services National Regulations*.
 - (d) Elevations and details of windows and doors to Playrooms with nil doors to children's toilet cubicles; appropriately located windows to bathrooms/nappy change areas and the installation of vision panels where appropriate in accordance with Clause 115 of *Part 4 - Education and Care Services National Regulations*.
 - (e) The intersection of walls and plinths with floors in the kitchen; food preparation; storage and display areas shall be covered with a minimal 25mm radius;
 - (f) A commercial kitchen shall be provided with a kitchen exhaust good in compliance with AS1668 Parts 1 and 2 where any cooking apparatus having a total maximum electrical output exceeding 8kW or a total gas power input exceeding 29MJ/H;
 - (g) The allocation of parking for the approved basement level design shall be 11 for staff and five (5) for drop-off/pick-up. All the pick-up and drop-off parking spaces must be a minimum of 2.6 metres wide.
 - (h) The design and construction of the off-street car, motorcycle and bicycle parking facilities shall comply with AS2890 - Parking Facilities services and shall be certified by a suitably qualified engineer.
43. Prior to the issue of any Construction Certificate, the existing easement burdening the site shall be relocated adjacent to the southern boundary. The easement size and details are to be in accordance with the proposed easement relocation plan, prepared by Greenview Consulting, Plan No. C03, Revision 3 and dated 17 July 2018.

Prior to commencement of works

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

44. A dilapidation survey shall be undertaken of all properties and/or Council infrastructure, including but not limited to all footpaths, kerb and gutter, stormwater

inlet pits, and road carriageway pavements, in the vicinity which could be potentially affected by the construction of this development. Any damage caused to other properties during construction shall be rectified. A copy of the dilapidation survey and an insurance policy that covers the cost of any rectification works shall be submitted to the Accredited Certifier (AC) or Council prior to Commencement of Works. The insurance cover shall be a minimum of \$10 million.

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

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

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

46. A sign must be erected at the front boundary of the property clearly indicating the Development Approval Number, description of work, builder's name, licence number and house number before commencement of work.
47. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - i. stating that unauthorised entry to the work site is prohibited, and
 - ii. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
Any such sign is to be removed when the work has been completed.
This condition does not apply to:
 - iii. building work carried out inside an existing building or
 - iv. building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
48. Prior to the commencement of work, a Tree Protection Zones shall be established in accordance with AS4970-2009 (Protection of trees on Development Sites) with protective fences at least 1.8 metres high erected outside the drip lines of the trees which are required to be retained. In this regard the boundary fence dividing the property from the Development site is deemed sufficient for partial protection. Additional protective fencing may also be required to extend the protection of the trees root zones into site and consist of chain wire mesh temporary fence panels securely mounted and braced to prevent movement, shall be in place prior to the commencement of any work on site and shall remain until the completion of all building and hard landscape construction. Excavations for services, waste bins, storage of materials and equipment, site residue, site sheds, vehicle access or cleaning of tools and equipment are not permitted within the Tree Protection Zones at any time.
49. Prior to the commencement of any work on site, a sign shall be placed in a prominent position on each protective fence identifying the area as a Tree Protection Zone and prohibiting vehicle access, waste bins, storage of materials and equipment, site residue and excavations within the fenced off area.
50. The site shall be secured by a 1800 mm (minimum) high temporary fence for the

duration of the work. Gates shall be provided at the opening points.

51. Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

During demolition / excavation / construction

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

52. A copy of the Construction Certificate and the approved plans and specifications must be kept on the site at all times and be available to Council officers upon request.
53. Hours of construction shall be confined to between 7 am and 6.30 pm Mondays to Fridays, inclusive, and between 8 am and 3.30 pm Saturdays with no work being carried out on Sundays and all public holidays.
54. Demolition operations shall not be conducted on the roadway or public footway or any other locations, which could lead to the discharge of materials into the stormwater drainage system.
55. All waste generated on site shall be disposed of in accordance with the submitted Waste Management Plan.
56. When soil conditions require it:
 - i. retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil shall be provided, and
 - ii. adequate provision shall be made for drainage.
57. All contractors shall comply with the following during all stages of demolition and construction:
 - A Waste Container on Public Road Reserve Permit must be obtained prior to the placement of any waste container or skip bin in the road reserve (i.e. road or footpath or nature strip). Where a waste container or skip bin is placed in the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
 - A Road Opening Permit must be obtained prior to any excavation in the road reserve (i.e. road or footpath or nature strip). Where excavation is carried out on the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
 - A Hoarding Permit must be obtained prior to the erection of any hoarding (Class A or Class B) in the road reserve (i.e. road or footpath or nature strip). Where a hoarding is erected in the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
 - A Crane Permit must be obtained from Council prior to the operation of any activity involving the swinging or hoisting of goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway. Permits can be obtained from Council's Customer Service Centre.

- A current Permit to Dewater or Pump Out a site must be obtained prior to the discharge of pumped water into the road reserve, which includes Council stormwater pits and the kerb and gutter. Permits can be obtained from Council's Customer Service Centre.
58. All demolition work shall be carried out in accordance with AS2601 – 2001: The Demolition of Structures and with the requirements of the WorkCover Authority of NSW.
59. The following conditions are necessary to ensure minimal impacts during construction:
- i. Building, demolition and construction works not to cause stormwater pollution and being carried out in accordance with Section 2.8 of Council's Stormwater Pollution Control Code 1993. Pollutants such as concrete slurry, clay and soil shall not be washed from vehicles onto roadways, footways or into the stormwater system. Drains, gutters, roadways and access ways shall be maintained free of sediment. Where required, gutters and roadways shall be swept regularly to maintain them free from sediment.
 - ii. Stormwater from roof areas shall be linked via a temporary downpipe to an approved stormwater disposal system immediately after completion of the roof area.
 - iii. All disturbed areas shall be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls.
 - iv. Building and demolition operations such as brickcutting, washing tools or paint brushes, and mixing mortar shall not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
 - v. Stockpiles are not permitted to be stored on Council property (including nature strip) unless prior approval has been granted. In addition stockpiles of topsoil, sand, aggregate, soil or other material shall be stored clear of any drainage line or easement, natural watercourse, kerb or road surface.
 - vi. Wind blown dust from stockpile and construction activities shall be minimised by one or more of the following methods:
 - a) spraying water in dry windy weather
 - b) cover stockpiles
 - c) fabric fences
 - vii. Access to the site shall be restricted to no more than two 3m driveways. Council's footpath shall be protected at all times. Within the site, provision of a minimum of 100mm coarse crushed rock is to be provided for a minimum length of 2 metres to remove mud from the tyres of construction vehicles.

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

In addition builders / demolishers are required to erect a 1.5m high fence

along the whole of the street alignment other than at the two openings. Such protection work, including fences, is to be constructed, positioned and maintained in a safe condition to the satisfaction of the Principal Certifying Authority, prior to the demolition of the existing structures and commencement of building operations.

- viii. Any noise generated during construction of the development shall not exceed limits specified in any relevant noise management policy prepared pursuant to the Protection of the Environment Operations Act, 1997 or exceed approved noise limits for the site.
- 60. Council's warning sign for soil and water management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign must be displayed throughout construction. A copy of the sign is available from Council.
- 61. Trees located within the footprint of the proposed buildings may be removed.
- 62. Trees located within adjoining properties or Council's nature strip shall not be removed or pruned without the written consent of Council in the form of a Permit issued under Council's Development Control Plan 2011.
- 63. Any pruning of branches or roots of trees growing from within adjoining properties requires the prior written consent of the tree's owners and the prior written consent of Council in the form of a Permit issued under Council's Development Control Plan 2011. The work must be carried out in accordance with AS4373:2007 by an experienced Arborist with minimum AQF Level 2 qualifications in Arboriculture.
- 64. Where drainage or paving works are proposed to be constructed in the area below the dripline of trees, the proposed works and construction methods must not damage the tree. Where either the trees or works were not shown in detail on the approved plans, then Council approval must be obtained by contacting Council's Tree Management Officer.
- 65. Underground Services such as pipelines or cables to be located close to trees, must be installed by boring or by such other method that will not damage the tree rather than open trench excavation. The construction method must be approved by Council's Tree Management Officer.
- 66. Existing soil levels within the drip line of trees to be retained shall not be altered without reference to Council's Tree Management Officer.
- 67. Building materials, site residue, machinery and building equipment shall not be placed or stored under the dripline of trees required to be retained.

Prior to issue of occupation certificate or commencement of use

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

- 68. A Final Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of the building.
- 69. Appropriate signage and tactile information indicating accessible facilities shall be provided at the main entrance directory, or wherever directional signage such as lifts or building directories or information is provided to those buildings where access and facilities for people with disabilities has been provided. Such signage shall have regard to the provisions of AS1428.1 and AS1428.2.
- 70. Tactile differentiation on floor surfaces indicating change of gradient shall be provided to those buildings where access and facilities for people with disabilities

has been provided. This includes the external parts of the building, eg. access walkways and ramps. Such differentiation shall have regard to the provisions of AS1428.4.

71. Where Council's park/reserve is damaged as a result of building work or vehicular building traffic, this area shall be restored by Council at the applicant's expense. Repairs shall be completed prior to the issue of the Final Occupation Certificate.
72. All excess excavated material, demolition material, vegetative matter and builder's rubbish shall be removed to the Waste Disposal Depot or the Regional Tip prior to final inspection.
Note: Burning on site is prohibited.
73. All landscape works are to be carried out in accordance with the approved landscape plans prior to the issue of an Occupation Certificate for the approved development. The landscaping is to be maintained to the approved standard at all times.
74. At least six (6) native or ornamental trees of at least 45 pot size and capable of growing to a minimum height of three (3) metres shall be planted in suitable locations within the property on completion of the building works and prior to the final inspection.
75. All works within the road reserve, which are subject to approval pursuant to Section 138 of the Roads Act 1993, shall be completed and accepted by council.
76. The noise reduction measures specified in the noise report prepared by Rodney Stevens Acoustics dated 24 May 2018 (Project Number: R170217R2: Revision 1) shall be validated by a Certificate of Compliance prepared by the acoustic consultant and submitted to the Principal Certifying Authority (PCA) prior to the issue of an Occupation Certificate. If Council is not the PCA, a copy shall be submitted to Council concurrently.
77. A Landscape Architect shall provide a report to the certifying authority (with a copy provided to Council, if Council is not the principal certifying authority) stating that the landscape works have been carried out in accordance with the approved plans and documentation.
78. Prior to occupation, a chartered professional engineer shall certify that the tanking and waterproofing has been constructed in accordance with the approved design and specification. A copy shall be provided to Council if council is not the Principal Certifying Authority.
79. Prior to occupation a Chartered Professional Engineer shall certify that the stormwater system has been constructed in accordance with the approved plans and as required by Rockdale Technical Specification Stormwater Management. The certificate shall be in the form specified in Rockdale Technical Specification Stormwater Management and include an evaluation of the completed drainage works. A works-as-executed drainage plan shall be prepared by a registered surveyor based on a survey of the completed works. A copy of the certificate and works-as-executed plan(s) shall be supplied to the Principal Certifying Authority. A copy shall be provided to Council if Council is not the Principal Certifying Authority.
80. The premises shall be registered with Councils Environmental Health Unit by the proprietor of the food business by completing the registration form available from Council.
81. A positive covenant shall be provided over the on-site detention system. A Section 88B Instrument and four (4) copies shall be lodged with the Positive Covenant Certificate Application.
82. A Certificate of playground safety installation compliance shall be submitted to Council prior to the release of the Final Occupation Certificate.

83. All nominated drop-off/pick-up spaces within the approved Basement Level shall be made freely available at all times during business hours of the childcare centre.
84. A Certificate is to be provided to Council certifying that all wet areas have been effectively waterproofed (prior to tiling) in accordance with AS3740 and the product manufacturers recommendations.

Roads Act

85. Where applicable, the following works will be required to be undertaken in the road reserve at the applicant's expense:
 - i) Construction of a new fully constructed concrete vehicular entrance;
 - ii) Removal of the existing concrete vehicular entrance, and/or kerb laybacks which will no longer be required;
 - iii) Construction of footpath and grass verge in the street frontage.
86. All footpath, or road and drainage modification and/or improvement works to be undertaken in the road reserve shall be undertaken by Council, or by a Private Licensed Contractor subject to the submission and approval of a Private Contractor Permit, together with payment of all inspection fees. An estimate of the cost to have these works constructed by Council may be obtained by contacting Council. The cost of conducting these works will be deducted from the Footpath Reserve Restoration Deposit, or if this is insufficient the balance of the cost will be due for payment to Council upon completion of the work.
87. This Roads Act approval does not eradicate the need for the Contractor to obtain a Road Opening Permit prior to undertaking excavation in the road or footpath.
88. Any driveway works to be undertaken in the footpath reserve by a private contractor requires an "Application for Consideration by a Private Contractor" to be submitted to Council together with payment of the application fee. Works within the footpath reserve must not start until the application has been approved by Council.

Development consent advice

- a. A street number shall be prominently displayed at the front of the development. The street number shall be a minimum of 120 mm in height to assist emergency services and visitors to locate the property. The numbering shall be erected prior to commencement of operations.
- b. You are advised to consult with your utility providers (i.e. Energy Aust, Telstra etc) in order to fully understand their requirements before commencement of any work.
- c. *Dial Before You Dig*

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

before You Dig service in advance of any construction or planning activities.

d. *Telstra Advice - Telecommunications Act 1997 (Commonwealth)*

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Commonwealth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800810443.

e. All asbestos fibre demolition material and asbestos dust shall be handled, stored and removed in accordance with the relevant legislation and guidelines including:

- Work Health and Safety Act 2011
- Work Health and Safety Regulation 2011
- Code of Practice for the Safe Removal of Asbestos [NOHSC: 2002 (2005)]
- Code of Practice for the Management and Control of Asbestos in Workplaces [NOHSC: 2018 (2005)]
- Protection of the Environment Operations (Waste) Regulation 2005

All work procedures shall be devised to minimise the release of dust and fibres. A checklist of safety precautions when working with asbestos is available in Health & Safety Guidelines prepared by the WorkCover Authority of NSW. Collection, storage and transportation is subject to the Protection of the Environment Operations (Waste) Regulation 2005.

f. Hazardous and/or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of the relevant statutory authorities (NSW WorkCover Authority and the NSW Environment Protection Authority), together with the relevant regulations, including:

- Work Health and Safety Act 2011
- Work Health and Safety Regulation 2011
- Protection of the Environment Operations (Waste) Regulation 2005.

g. Demolition and construction shall minimise the emission of excessive noise and prevent "offensive noise" as defined in the Protection of the Environment Operations Act 1997. Noise reduction measures shall include, but are not limited to the following strategies:

- choosing quiet equipment
- choosing alternatives to noisy activities
- relocating noise sources away from affected neighbours
- educating staff and contractors about quiet work practices
- informing neighbours of potentially noisy activities in advance
- equipment, such as de-watering pumps, that are needed to operate on any evening or night between the hours of 8 p.m. and 7 a.m. or on any Sunday or Public Holiday, shall not cause a noise nuisance to neighbours of adjoining or nearby residences. Where the emitted noise exceeds 5 dB(A) [LAeq(15m)] above the background sound level [LA90] at the most affected point on the nearest residential boundary at any time previously stated, the equipment shall

be acoustically insulated, isolated or otherwise enclosed so as to achieve the sound level objective.

- h. The removal, cleaning and disposal of lead-based paint shall conform with the requirements of the NSW Environment Protection Authority's guideline - "Lead Alert - Painting Your Home".
- i. All site works shall comply with the occupational health and safety requirements of the NSW WorkCover Authority.
- j. In the event of any inconsistency between conditions of this approval and the drawings/documents referred to in condition 2, the conditions of this approval prevail.



KEY PRINCIPLES GENERAL CHILDCARE

100



Sensory Experience



Gross Motor Learning



Discovery and Exploration



Integrated Learning



Age Group Consideration



Integrate with Nature

ARCADIA
LANDSCAPE ARCHITECTURE

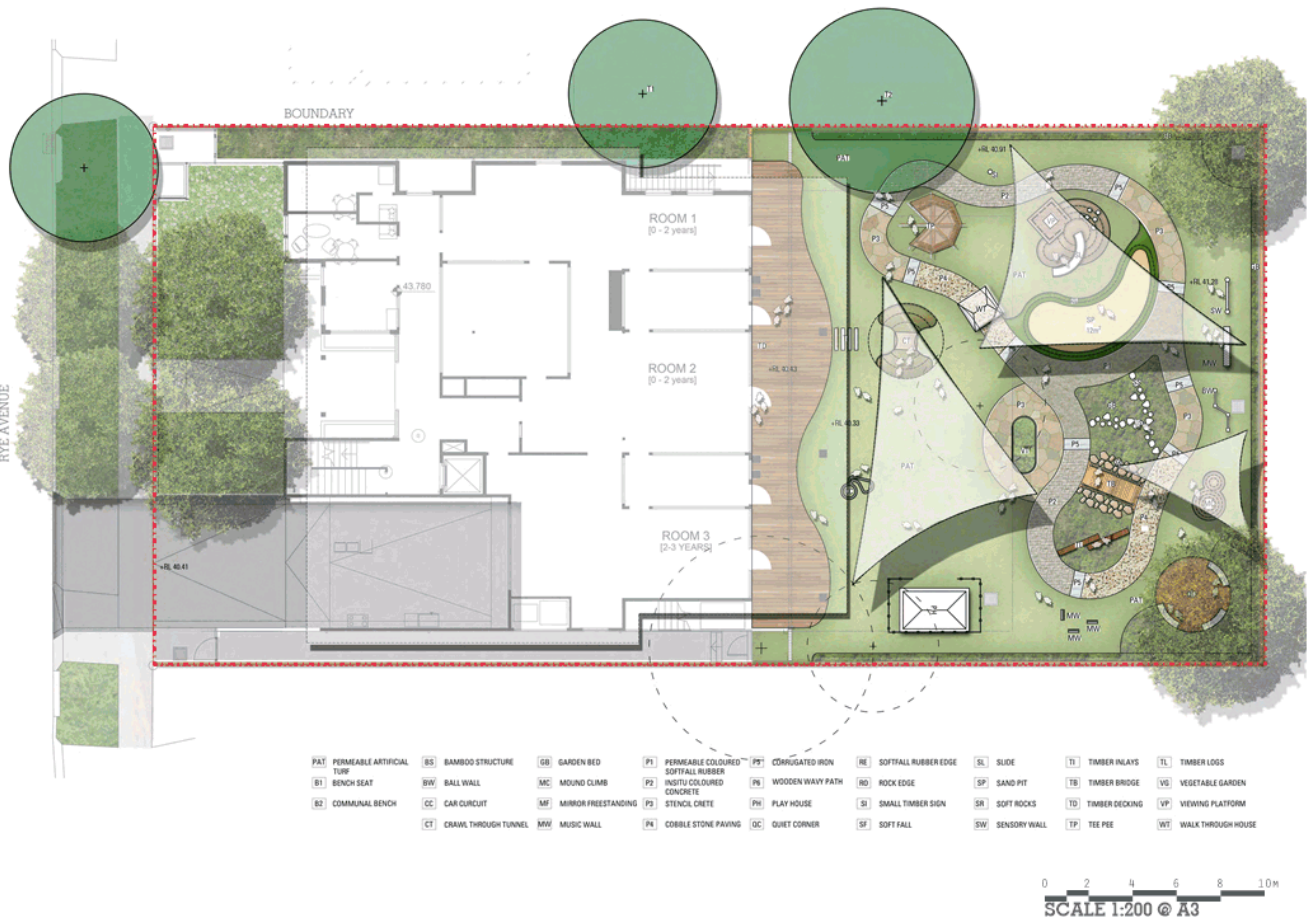
BEXLEY CHILDCARE / BEXLEY
DEVELOPMENT APPLICATION

PREPARED BY Arcadia Landscape Architecture DATE July 2018
CLIENT Little Learning School SCALE
PROJECT NO. 17-460 ISSUE G

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LANDSCAPE PLAN GROUND FLOOR

CHARACTER



BEXLEY CHILDCARE / BEXLEY
DEVELOPMENT APPLICATION



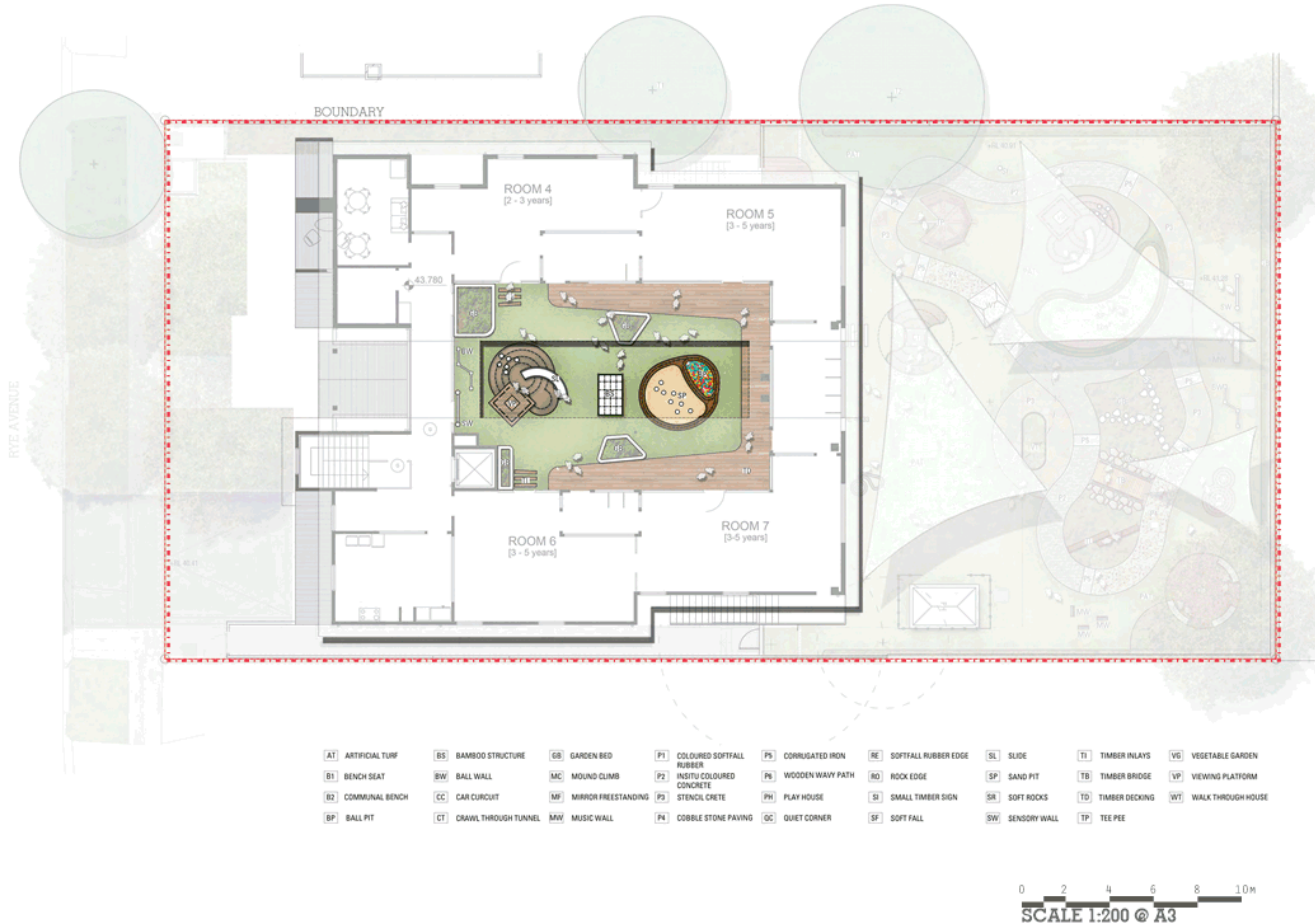
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LANDSCAPE PLAN FIRST FLOOR

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CHARACTER



ARCADIA
LANDSCAPE ARCHITECTURE

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LANDSCAPE EAST ELEVATION

103



ARCADIA
LANDSCAPE ARCHITECTURE

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LANDSCAPE EAST ELEVATION



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PLANTING PALETTE

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17-460 BEXLEY CHILDCARE GROUND FLOOR PLANT SCHEDULE					
CODE	BOTANIC NAME	COMMON NAME	MATURE SIZE (h x w / m)	PROPOSED POT SIZE	QUANTITY
TREES & PALMS					
Cc	Corymbia citriodora 'Scentuosus'	Lemon Scented Gum	10 x 8	300L	4
SHRUBS & ACCENTS					
Ast	Agave attenuata	Century Plant	1 x 1	300mm	10
Am	Acmena 'Allyn Magic'	Allyn Magic Lilly Pilly	1 x 1	300mm	19
Bh	Bambusa heterotachya cv. Variegated	Malay Dwarf Variegated	3 x 0.3	200mm	271
Dj	Dianella caerulea 'Little Jess'	Flax Lily	0.4 x 0.4	300mm	16
Isa	Isopogon anemonifolius	Drumsticks	0.5 x 0.5	300mm	3
Wa	Westringia Naringa	Coastal Rosemary	1.5 x 1.5	300mm	14
GRASSES & RUSHES					
Lv	Lomandra 'Verdey'	Mat Rush	0.6 x 0.6	150mm	47
Pl	Poa labillardieri 'Eskdale'	Tussock Grass	0.5 x 0.5	150mm	25
GROUNDCOVERS & CLIMBERS					
Dd	Dichondra repens 'Silver Falls'	Kidney Weed	0.2 x spreading	150mm	285
Vh	Viola hederacea	Native Violet	0.2 x 0.5	150mm	50
SENSORY GARDEN					
Ab	Alice vera baibacensis	Alice Vera	0.4 x 0.5	150mm	12
Cl	Cockyline frutescens	Red Custer	2 x 1.5	300mm	4
Ga	Gardenia augusta Florida'	Gardenia	1.5 x 1.5	200mm	4
Ld	Lavandula dentata	French Lavender	1 x 1	150mm	4
Ra	Rosmarinus officinalis	Rosemary	1.5 x 1.5	200mm	8
Ce	Ceumum sanctum	Holy Basil	0.6 x 0.4	200mm	6
Fa	Fennicetum Naitray'	Swamp Fennel	1 x 1	150mm	12
Cb	Cucumis byzantina	Lamb's Ears	0.2 x 0.2	150mm	12

ARCADIA
LANDSCAPE ARCHITECTURE

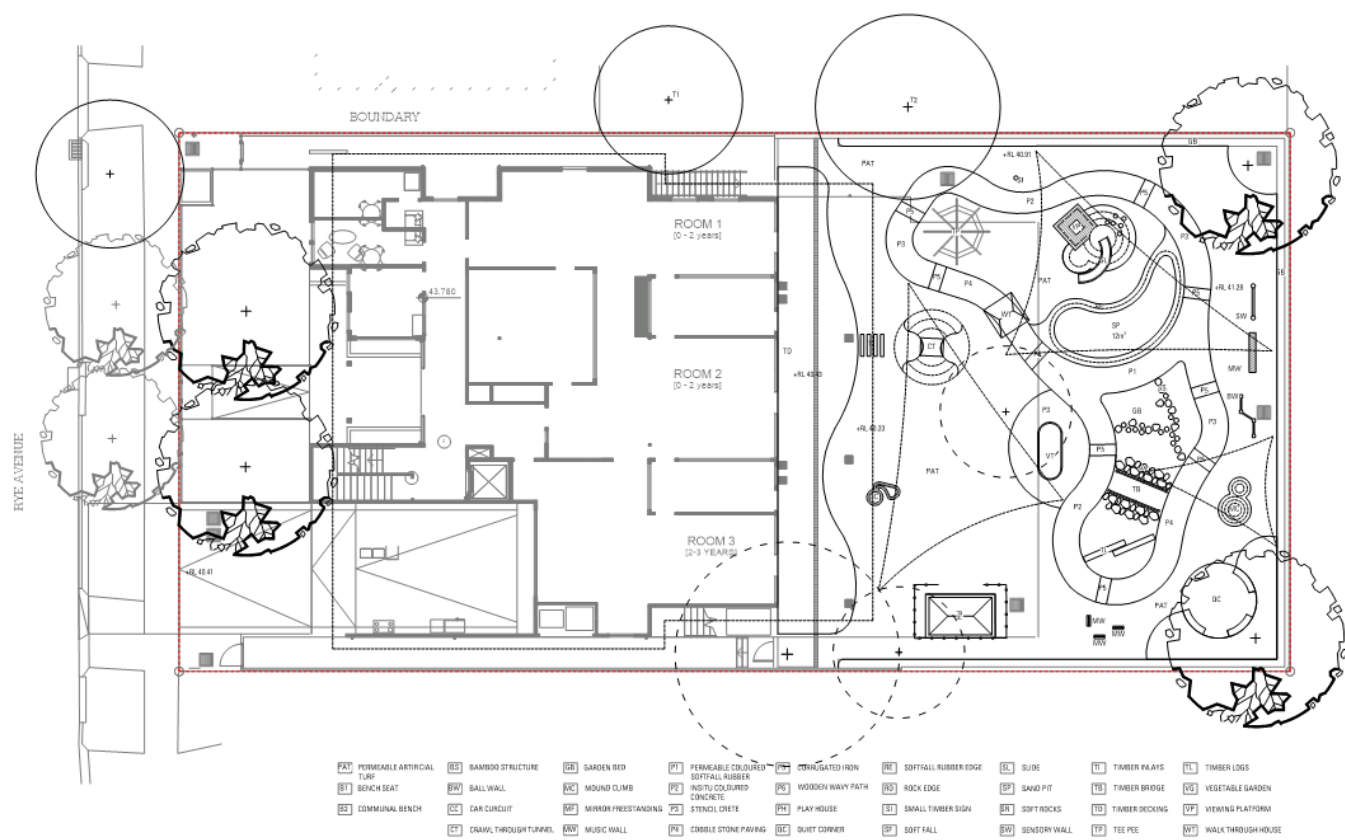
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LANDSCAPE PLAN - GROUND FLOOR

201



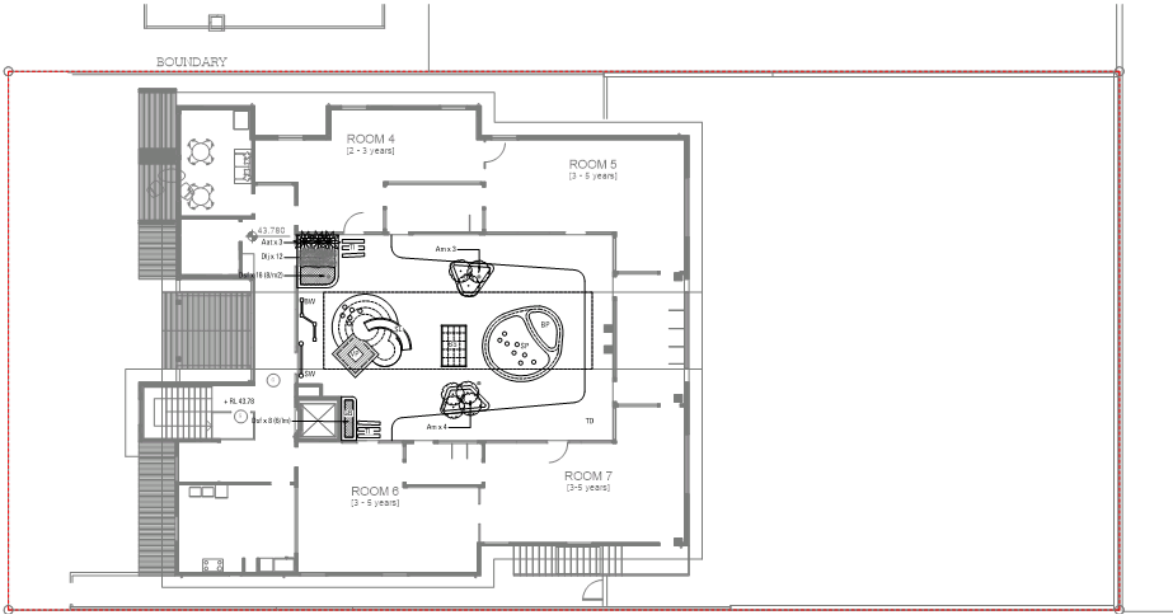
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LANDSCAPE PLAN - FIRST FLOOR

202



01 ARTIFICIAL TURF	05 BAMBOO STRUCTURE	09 GARDEN BED	13 COLOURED SOFTFALL RUBBER	17 CORRUGATED IRON	21 SOFTFALL RUBBER EDGE	25 SLIDE	29 TIMBER/SLATS	33 VEGETABLE GARDEN
02 BENCH SEAT	06 BAIL WALL	10 HUNG CLIMB	14 HAZEL COLOURED CONCRETE	18 WOODEN WAVY PATH	22 ROCK EDGE	26 SAND PIT	30 TIMBER/BOARD	34 VIEWING PLATFORM
03 COMMUNAL BENCH	07 CAR CURB CUT	11 HAZEL FREESTANDING	15 STENCIL CRETE	19 PLAY HOUSE	23 SMALL TIMBER SIGN	27 SOFT ROCKS	31 TIMBER DECKING	35 WALK THROUGH HOUSE
04 BALL PIT	08 CHAIN THROUGH TUNNEL	12 HAZEL WALL	16 COBBLE STONE PAVING	20 QUIET CORNER	24 SOFT FALL	28 SENSORY WALL	32 TEE PEE	

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BEXLEY CHILDCARE / BEXLEY
DEVELOPMENT APPLICATION

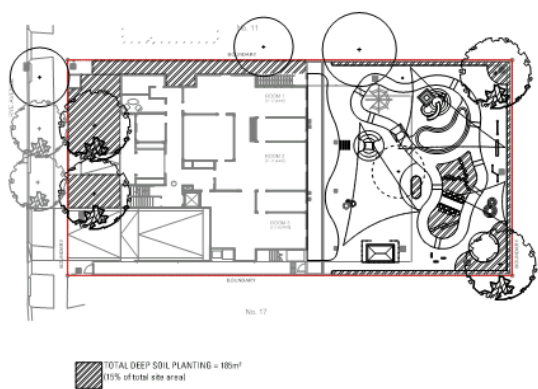


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DEEP SOIL ZONE - PLAN

201



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DEVELOPMENT APPLICATION

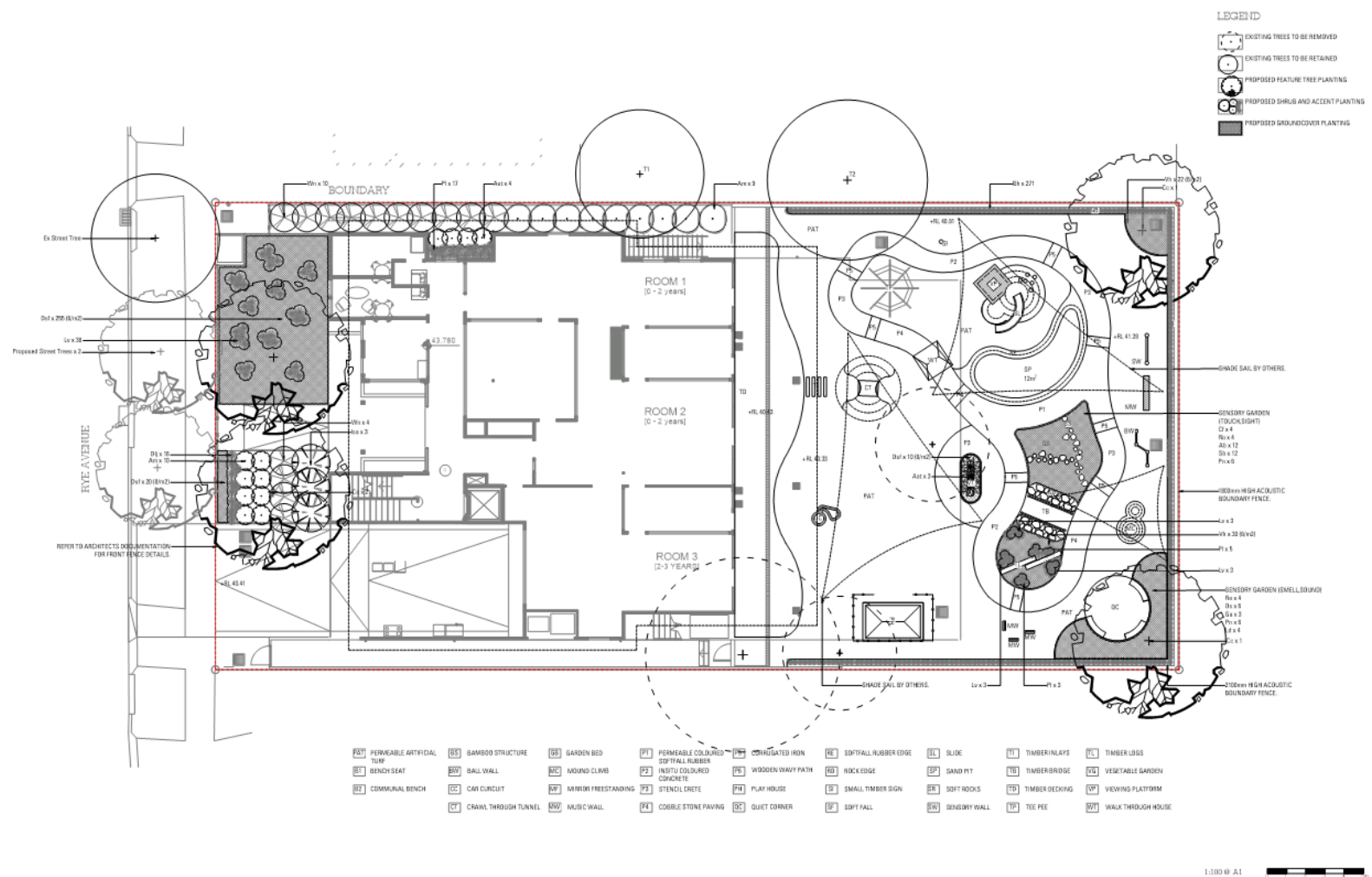


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SOFTWORKS PLAN - GROUND FLOOR

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BEXLEY CHILDCARE / BEXLEY
DEVELOPMENT APPLICATION

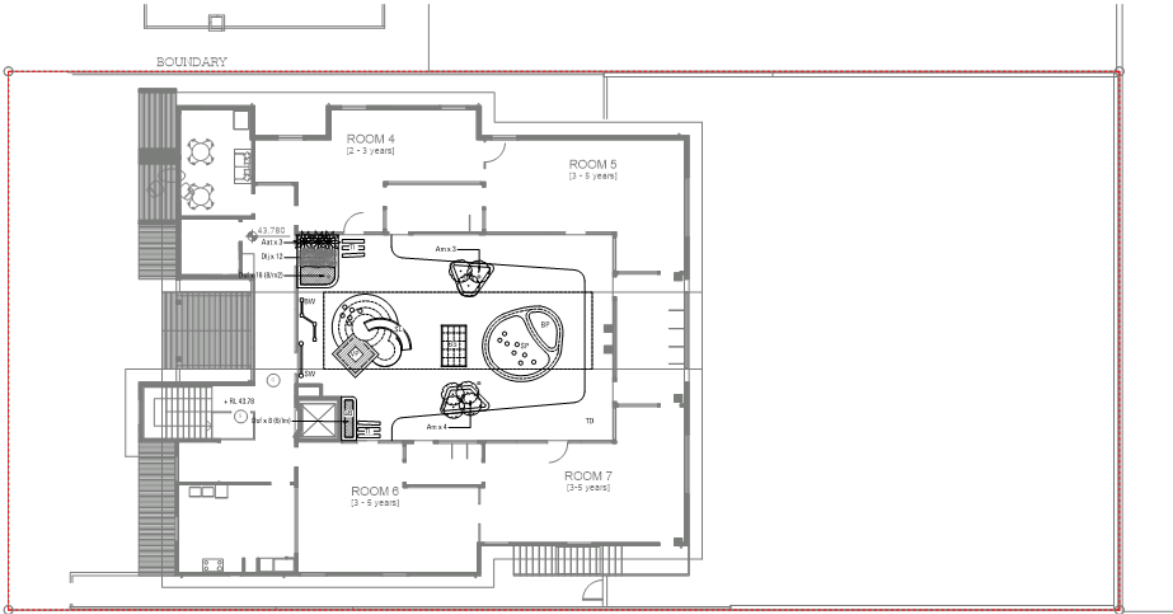


PREPARED BY	Arcadia Landscape Architecture	DATE	July 2018
CLIENT	Little Learning School	SCALE	1:100 @ A1
ARCHITECT	Armada Architects	ISSUE	G

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SOFTWORKS PLAN - FIRST FLOOR

402



- | | | | | | | | | |
|--------------------|-------------------------|------------------------|-----------------------------|---------------------|-------------------------|-----------------|-------------------|-----------------------|
| 01 ARTIFICIAL TURF | 05 BAMBOO STRUCTURE | 09 GARDEN BED | 13 COLOURED SOFTFALL RUBBER | 17 CORRUGATED IRON | 21 SOFTFALL RUBBER EDGE | 25 SLIDE | 29 TIMBER/SLATS | 33 VEGETABLE GARDEN |
| 02 BENCH SEAT | 06 BAIL WALL | 10 HUNG CLIMB | 14 HAZEL COLOURED CONCRETE | 18 WOODEN WAVY PATH | 22 ROCK EDGE | 26 SAND PIT | 30 TIMBER/BOARD | 34 VIEWING PLATFORM |
| 03 COMMUNAL BENCH | 07 CAR CURB CUT | 11 BAY/BI FREESTANDING | 15 STENCIL CRETE | 19 PLAY HOUSE | 23 SMALL TIMBER SIGN | 27 SOFT ROCKS | 31 TIMBER DECKING | 35 WALK THROUGH HOUSE |
| 04 BALL PIT | 08 CHAIN THROUGH TUNNEL | 12 MAJIC WALL | 16 COBBLE STONE PAVING | 20 QUIET CORNER | 24 SOFT FALL | 28 SENSORY WALL | 32 TEE PEE | |

1:100 @ A1



BEXLEY CHILDCARE / BEXLEY
DEVELOPMENT APPLICATION

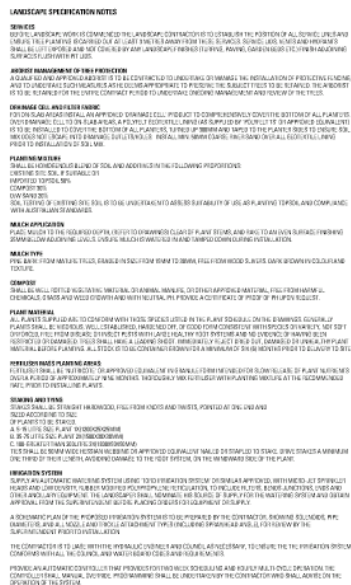


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1

501



PROVISION OF SECURE HOUSING FOR THE AUTOMATIC PRETREATMENT CONTROLLER TO BE LOCATED IN PROXIMITY WITH THE LANDFILL COMPACTOR AND LOCATION DETERMINED BY THE SUPERINTENDENT. WASTO TO CONNECT TO SAME. HOUSING LOCATION IS TO BE PROVIDED. THE CONTROLLER SHALL BE LOCATED IN A DRY PLACE, PROTECTED FROM THE WEATHER, AND ALL CABLE CONNECTIONS SHALL BE MADE WITH WATERPROOF CONNECTORS.

WATER SUPPLY POWER TO BE SUPPLIED BY WABLER.

IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO ENSURE AND MAINTAIN SATISFACTORY OPERATION OF THE FIREPROOF SYSTEM.

AFTER THE SYSTEM HAS BEEN INSTALLED TO THE SATISFACTION OF THE SUPERINTENDENT, THE INSTALLATION SHALL BE TESTED USING APPROVED CONDUITS, ACCESS PANELS, OF THE INSTALLED PLANT AND EQUIPMENT SHALL BE SUBJECT TO THE SEVERE AND DULCERATORY

TREATED PINE TIMBER EODING
TIMBER CODE: 1034 25MPA CLASSIFIED SACRATA PINE TIMBER STRENGTH SEX SEX MINIMUM TREATMENT SACRATA PINE SHAPED AND
ONE END INSTALLED IN LOCATIONS SHOWN IN THE DRAWINGS PLANT TO INVERTED SURFACE LEVELS

LANDSCAPE MAINTENANCE PROGRAM

MAINTENANCE SHALL MEAN THE CARE AND MAINTENANCE OF THE LANDSCAPE WORKS BY ACCEPTED HORTICULTURAL PRACTICES AS RECEIVING AN OUTSTANDING QUALITY APPROACH TO THE LANDSCAPE WORKS UNDER MAINTENANCE. THIS SHALL INCLUDE, BUT SHALL NOT BE LIMITED TO, WATERING, MOWING, FERTILIZING, PRUNING, REPLANTING, WEEDING, PEST AND DISEASE CONTROL, STAKING AND TYPING, REPLANTING, CULTIVATING, PLANNING, ALIQUOT, PRUNING, TOP DRESSING, MAINTAINING THE SOIL IN A HEALTHY AND PRODUCTIVE STATE.

GENERAL:
THE LANDSCAPE CONTRACTOR SHALL MAINTAIN THE LANDSCAPE WORKS FOR THE TERM OF THE MAINTENANCE (OR PLANT ESTABLISHMENT) PERIOD TO THE SATISFACTION OF THE COUNTY. THE LANDSCAPE CONTRACTOR SHALL ATTEND TO THE SITE DAILY ON WEEDS. THE MAINTENANCE PERIOD SHALL COMMENCE AT PRACTICAL COMPLETION AND CONTINUE FOR A PERIOD OF TWENTY (20) YEARS.

MAINTENANCE
STATE, TEST AND OILS/MARCA'S SHALL BE MAINTAINED REGULARLY SO AS TO ENSURE CONTINUOUS HEALTHY GROWTH.

IRRIGATION SCHEDULE
DURING THE TERM OF THE MAINTENANCE PERIOD THE LANDSCAPE CONTRACTOR SHALL REMAIN RESPONSIBLE FOR THE IRRIGATION SYSTEMS THAT MAY OCCUR AND RECORD THROUGHOUT THE MAINTENANCE PERIOD. THIS WORK SHALL BE CARRIED OUT REGULARLY SO THAT AT WEEKLY INTERVALS THE LAWN AND PLANTING ARE IN A COMPLETELY SUSTAINED AND VERY CONDITON.

REPLACEMENTS
THE LANDSCAPE CONTRACTOR SHALL REPLACE ALL PLANTS THAT ARE DAMAGED, LOST, OR DEAD AT THE LANDSCAPE CONTRACTOR'S COST. REPLACEMENTS SHALL BE OF THE SAME SIZE, COLOR, AND SPECIES AS THE PLANT THAT HAS DIED OR BEEN DAMAGED, SELECTED BY THE LANDSCAPE ARCHITECT. REPLACEMENTS SHALL BE MADE: (A) CONTINUING BASED NOT EXCEEDING TWO (2) WEEKS AFTER THE PLANT HAS DIED OR BEEN DAMAGED TO BE REPLACED.

STAKES AND TIES
THE LANDSCAPE CONTRACTOR SHALL STAKE, DUST, AND PLANT PLANT STAKES, AND THE MATERIALS SHALL BE AS DIRECTED BY THE LANDSCAPE ARCHITECT. REMAINING STAKES AND TIES AT THE END OF THE MAINTENANCE PERIOD SHALL BE AS DIRECTED.

PLANTING
TREES AND SHRUBS SHALL BE PROVIDED AS SPECIFIED BY THE LANDSCAPE ARCHITECT. PLANTING SHALL BE SPECIFIED AT THE DISCRETION OF THE DEVELOPER OR LANDSCAPE ARCHITECT AND SUBJECT TO THE COORDINATION OF THE PLANTING WITH THE MAINTENANCE OF EXISTING UTILITIES. ALL PLANTED MATERIAL SHALL BE FURNISHED FROM THE SITE.

PAVED SURFACES
ALL RELATED SURFACES SHALL BE MAINTAINED IN A CLEAN AND BEYOND REPAIR. IT IS NECESSARY IF NECESSARY TO INSURE THAT A FORTH OF PAVED SURFACES MAINTAINED. THEREFORE, MUCH BE KEPT CLEAR OF PAVED SURFACES AT ALL TIMES.

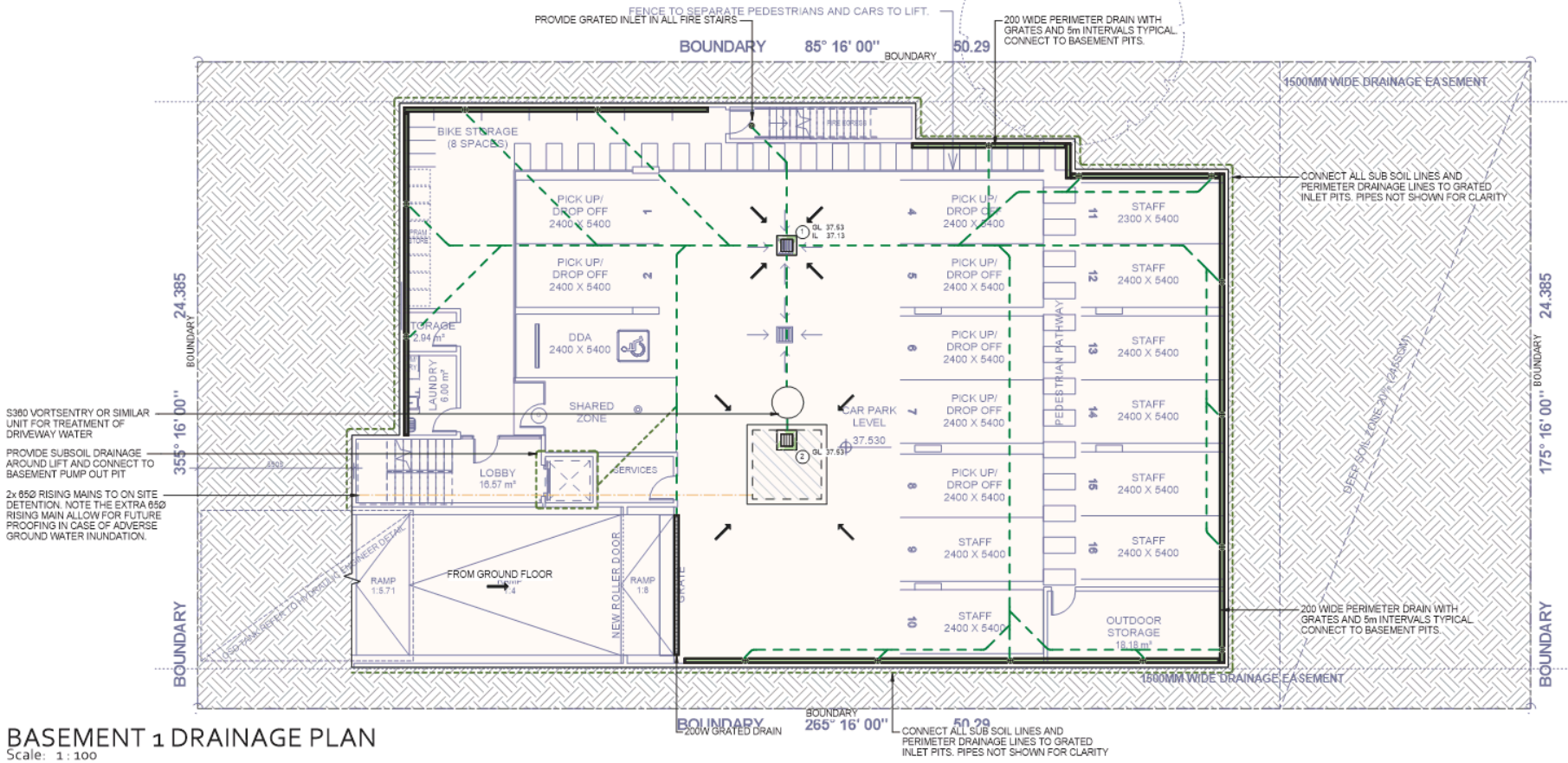
POST AND EXPOSED CEMENT

INTERDISCIPLINARY
CONDUCTED THROUGH COOPERATIONALLY ACCEPTABLE METHODS USING A NEW RESIDUAL APPROACH BETWEEN THE JOINT PLAY OF THE FEET'S BIOMECHANICAL AND THE RESIDUALS MANAGEMENT. RESIDUALS MANAGEMENT BY ANALYSIS OF GROWTH AND JOINT DEFORMATION THROUGHOUT GROWTH PLANS AND VALIDATION PHASE, AND A POSTERIORI ANALYSIS OF THE RESIDUALS MANAGEMENT AND THE USE OF THE POSTERIORI ANALYSIS DURING OPERATION THROUGHOUT THE COURSE OF THE WORK AND DURING THE MANAGEMENT PHASE.

SOIL SUBSIDENCE: SOIL SUBSIDENCE OCCURRING AFTER THE SOIL FILLING AND PREPARATION OPERATIONS SHALL BE MADE GOOD BY THE LANDSCAPE CONTRACTOR AT NO COST TO THE CLIENT.

Y	Arcadia Landscape Architecture Little Learning School	DATE	July 2018
		SCALE	As Shown

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BASEMENT 1 DRAINAGE PLAN

Scale: 1:100

- 1. ALL PIPES TO BE 100mm @ 1% MINIMUM UNLESS KNOWN OTHERWISE.
- 2. ALL BASES OF PITS TO BE BENCHMARKED (TO HALF PIPE DEPTH) TO THE INVERT OF THE OUTLET PIPE WITH ALL PIPES CUT FLUSH WITH SIDE OF PIT, TO ALLOW SMOOTH FLOW OF STORMWATER.
- 3. PROVIDE GALVANISED ANGLE SURROUNDINGS TO GRATE WHERE IN TRAFFICABLE AREAS.

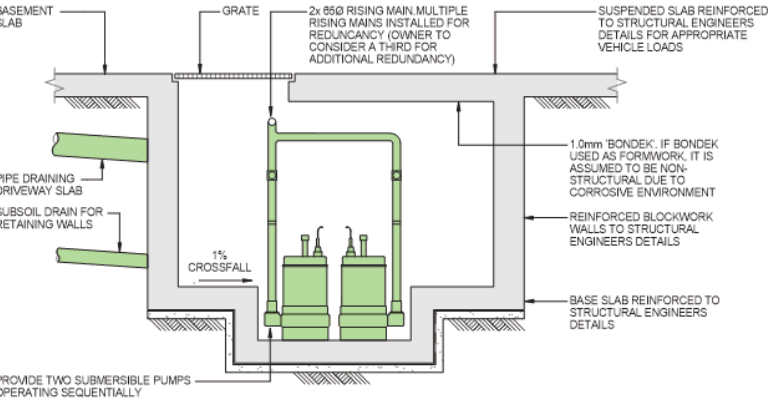
LEGEND

- HARDSTAND
- EARTH

CIV - FIXTURES SCHEDULE	
TYPE	DESCRIPTION
	PERIMETER GRATES
	PERIMETER STRIP DRAIN
	RAINWATER OUTLET
	SEALED STORMWATER PIT
	STORMWATER PIT GRATED
	200W GRATED STRIP DRAIN

CIV - STANDARD SYMBOLS	
	DESCRIPTION
	FALL ARROW
	KERB INLET PIT
	ROOF FALL ARROW

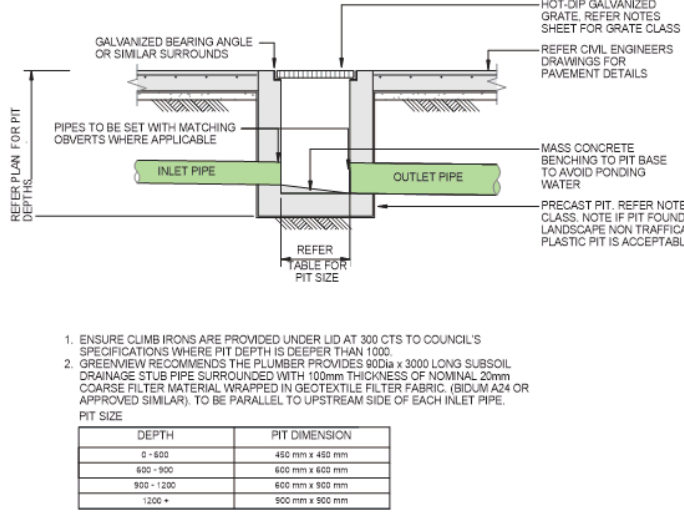
CIV - STORMWATER SERVICES	
TYPE	DESCRIPTION
	RM RISING MAIN
	SS SUB SOIL DRAINAGE
	STW STORMWATER



BASEMENT PUMPOUT TANK DETAIL

Scale: 1:20

- NOTES:
- 1. REFER TO HYDRAULIC ENGINEERS DETAILS FOR PUMP SPECIFICATIONS.

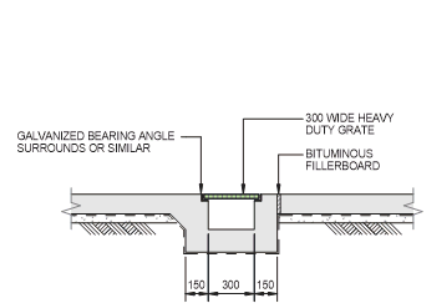


TYPICAL CONCRETE INLET PIT - CONCRETE SURFACE

Scale: 1:20

- 1. ENSURE CLIMB IRONS ARE PROVIDED UNDER LID AT 300 CTS TO COUNCIL'S SPECIFICATIONS WHERE PIT DEPTH IS DEEPER THAN 1000.
- 2. GREENVIEW RECOMMENDS THE PLUMBER PROVIDES 900dia x 3000 LONG SUBSOIL DRAINAGE STUB PIPE SURROUNDED WITH 100mm THICKNESS OF NOMINAL 20mm COARSE FILTER MATERIAL WRAPPED IN GEOTEXTILE FILTER FABRIC (BIDUM A24 OR APPROVED SIMILAR), TO BE PARALLEL TO UPSTREAM SIDE OF EACH INLET PIPE.

DEPTH	PIT DIMENSION
0 - 600	450 mm x 450 mm
600 - 900	600 mm x 600 mm
900 - 1200	600 mm x 900 mm
1200 +	900 mm x 900 mm



TYPICAL GRATED DRAIN DETAIL

Scale: 1:20

REV	DATE	BY	DESCRIPTION	REV	DATE	BY	DESCRIPTION
5	17.07.18	JPS	ISSUED FOR APPROVAL				
4	16.07.18	JPS	ISSUED FOR APPROVAL				
3	13.07.18	MJE	ISSUED FOR APPROVAL				
2	25.05.18	JPS	ISSUED FOR APPROVAL				
1	28.06.17	LTR	ISSUED FOR APPROVAL				

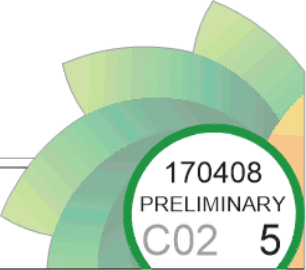


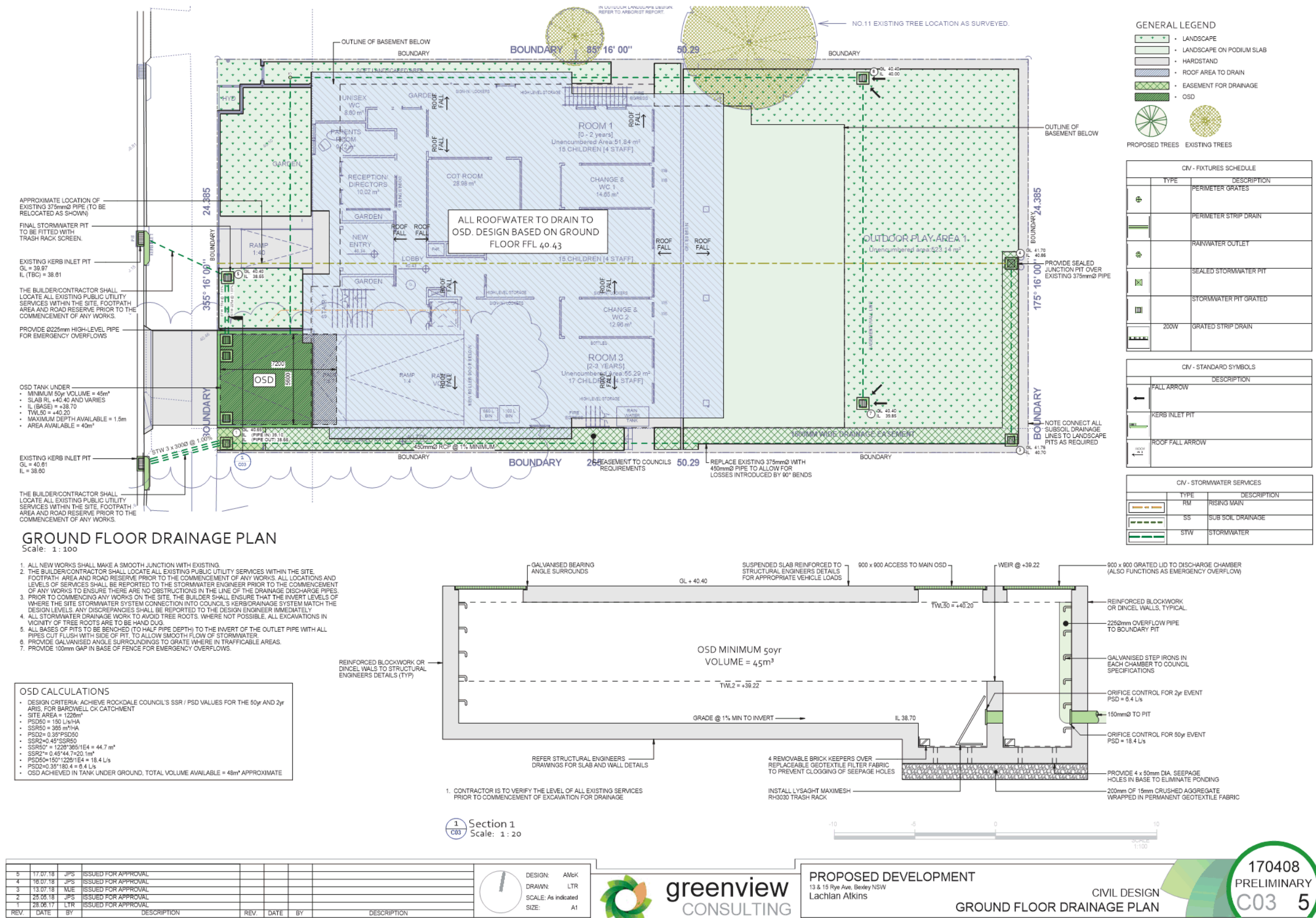
DESIGN: AMok
DRAWN: LTR
SCALE: As indicated
SIZE: A1

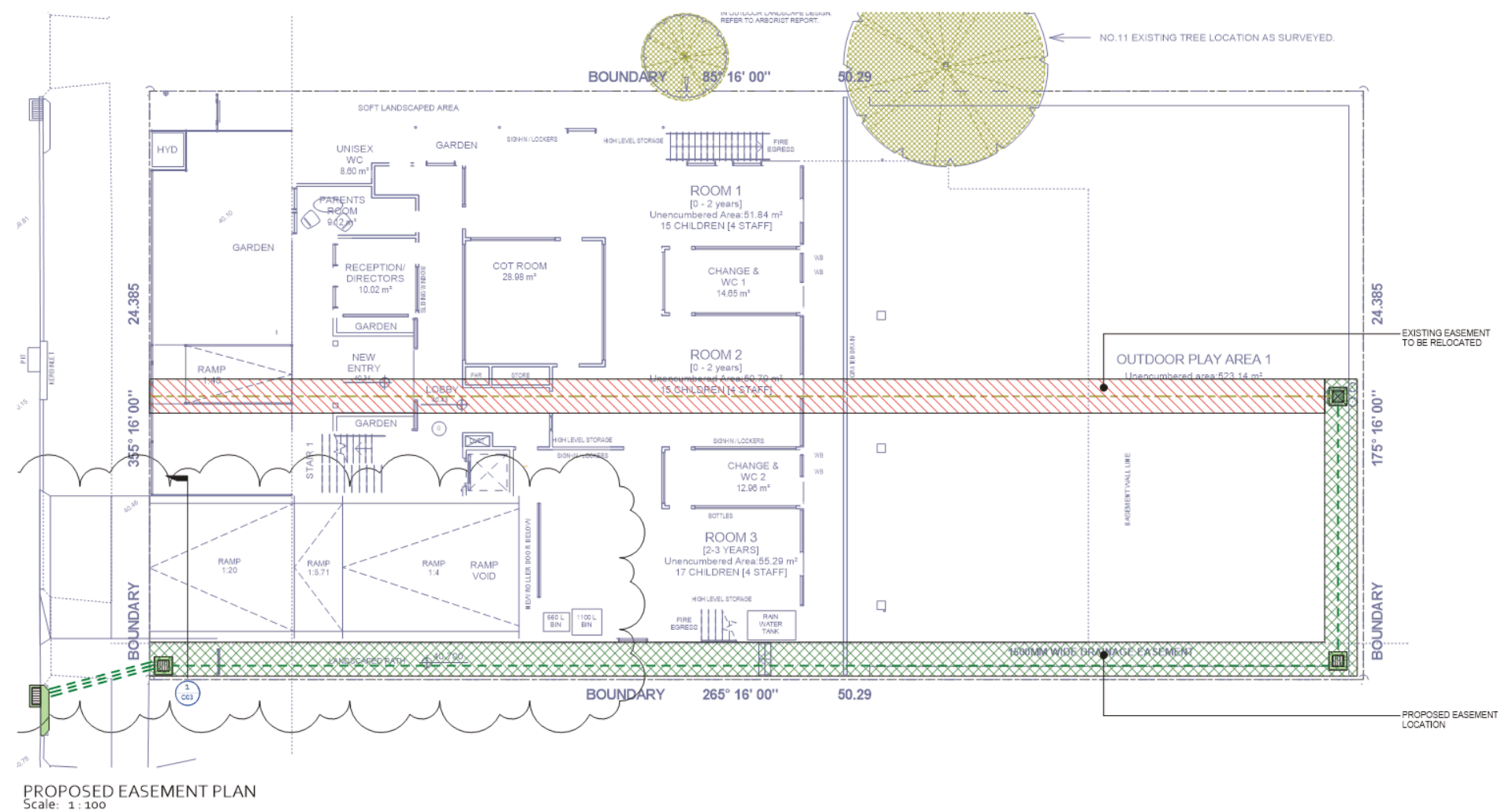


PROPOSED DEVELOPMENT
13 & 15 Rye Ave, Bexley NSW
Lachlan Atkins

CIVIL DESIGN
BASEMENT 1 DRAINAGE PLAN







REV	DATE	BY	DESCRIPTION	REV	DATE	BY	DESCRIPTION
3	17.07.18	JPS	ISSUED FOR APPROVAL				
2	16.07.18	JPS	ISSUED FOR APPROVAL				
1	13.07.18	MUE	ISSUED FOR APPROVAL				



DESIGN: AMok
DRAWN: LTR
SCALE: 1:100
SIZE: A1

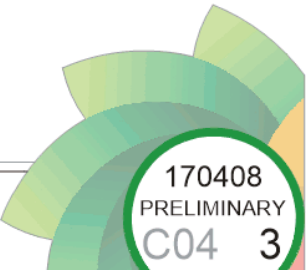


greenview
CONSULTING

PROPOSED DEVELOPMENT
13 & 15 Rye Ave, Bexley NSW
Lachlan Atkins

CIVIL DESIGN

PROPOSED EASEMENT RELOCATION PLAN



170408
PRELIMINARY
C04 3

CHILD CARE CENTRE MANAGEMENT PLAN

July 2018

CHILD CARE CENTRE MANAGEMENT PLAN

13-15 Rye Avenue, Bexley

Prepared by Little Learning School



CHILD CARE CENTRE MANAGEMENT PLAN

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CHILD CARE CENTRE MANAGEMENT PLAN

Reasoning

This Plan of Management document is required by council and is in place to provide an overview of the proposed operational approach by the child care operator. By having this in place, the child care operations aim to minimise any adverse effects on the neighbours and community. Further, this operational plan highlights the areas that are met as required by council's conditions of development consent for a child care centre.

Executive Summary

This proposed child care service is designed to cater for children from birth (six weeks) to five (5) years of age. The layout of the premises has been designed to be efficient for operational purposes, staffing and management while providing facilities for children that are compliant with the National Quality Standards. The design of the child care facility is also compliant with BCA, and The Education and Care Services National Regulations.

Philosophy

Our philosophy is that every child should be provided with a warm, nurturing and safe environment with a strong emphasis on learning, which caters to each individual child and the needs of their families.

Little Learning School endeavours to provide a 'family-like' atmosphere and as educators we recognise the importance of creating a link between your home and our Centres, where both families and educators work in partnership to develop the child as a whole in an educating and caring environment. Children and families are welcomed into the Centres regardless of cultural, religious or family beliefs and our educators are respectful of these practices.

Our values which guide our choices and decisions are placing the children at the very core of what we do. Children, parents and educators are the cornerstone of our success and we not only take pride in what we do but how we do it.

Our belief is that our innovative Child Care Centres are the best facilities where a child will gain their early social development and educational skills which will lead them to have the very best head start in life.

Centre Design

The centre has been designed in consultation with an Early Childhood Educational Consultant to ensure that the centre is purpose-built as a high quality facility for young children and meets all NSW Children's Services Regulations (2013) and the National Quality Standards (NQS) while allowing for a smooth flow of operations within the service.



CHILD CARE CENTRE MANAGEMENT PLAN

Business Name

Little Learning School Bexley

Location

13-15 Rye Avenue

Bexley, NSW 2207

Hours of Operation

The centre will operate from 7.00am – 7.00pm Monday to Friday 52 weeks of the year and close on all Public Holidays.

Number of Children

The centre accommodates a maximum of one hundred and nine (92) children per day between the ages of six weeks and six years.

The children will be cared for in four groups based on their ages and in accordance with the Child Care Regulations. The rooms will be divided as follows:

- Thirty (30) six week to 24 month old children
- Twenty-seven (27) two-to-three year old children
- Thirty-five (35) three-to-five year old children

The daily program will be based on their needs, individual development and progress. Each room will also be compliant at all times with the Child Care Regulation's child to staff ratio as seen below:

Age of children	Educator to child ratio	Applies
Birth to 24 months	1:4	All state and territories
Over 24 months and less than 36 months	1:5	All states and territories excluding VIC
	1:4	VIC
Over 36 months up to and including preschool age	1:11	ACT, NT, QLD, VIC
	1:10	NSW
	1:10 for centre-based services other than a preschool	SA
	1:10 for disadvantaged preschools	
	1:11 for preschools other than a disadvantaged preschool	
	1:10	TAS
	2:25 for children attending a preschool program	
	1:10	WA

Trusted - Loved - Preferred



CHILD CARE CENTRE MANAGEMENT PLAN

Playroom Facilities

Each group will be provided with developmentally appropriate learning programs within a purpose built playroom. The playrooms have been designed as large, open rooms to allow staff a "clear line of sight" of the children at all times.

Each group has access to a purpose-built bathroom facility adjacent to their playroom, allowing staff clear supervision of the children at all times. The bathrooms incorporate hand basins (1:15) and child sized toilets (1:15).

All playrooms incorporate a dedicated craft sink (including sink, bench top and lockable cupboards) for the clean-up of craft activities. Also included in each playroom are off-floor cupboards for the storage of resource items, store rooms and locker areas.

Staff Structure

The centre will be administered by a centre director who is supported by a 2IC and overall not less than twenty-two (22) staff including (21) fulltime teaching staff/supervisors and one (1) part time teaching staff/supervisors. Three (3) of the teaching staff will possess an Early Childhood Teaching degree or similar and the other nine will operate as trainees, assistants and all possessing either a TAFE Diploma in Centre Based Care or practical experience within the childcare industry.

All teaching staff must be able to demonstrate:

- The ability to create a safe environment for children.
- Knowledge of the stages of physical, emotional, cognitive, social and cultural development of children.
- Knowledge of activities and experiences appropriate for the various ages and stages of development of children.
- Knowledge of health, hygiene and nutrition needs of children.
- Experience caring for children

Teaching staff will work a daily eight hour shift (19 day month) with a minimum of two staff present at the Centre at all times.

One qualified staff member will be appointed Authorised Supervisor of the centre. This Authorised Supervisor will maintain overall supervision of provision of the service and will present at the centre for no less than 50% of the time that the service is provided as per the Children's Service Regulations 2013.

A part-time qualified kitchen hand/cook will be employed to prepare healthy meals daily on the premises for the children. The cook will hold a certificate attesting to the completion of a basic training course in food safety and nutrition.



CHILD CARE CENTRE MANAGEMENT PLAN

Supervision of Children

The centre is bound by the Children's Services Regulations to provide adequate levels of supervision to all children with all staff/child ratios to be maintained at all times.

In the case of a staff member being absent from the centre a casual employee with the equivalent qualification or experience will be employed as a replacement.

As prescribed by the Education and Care Services National Regulations all staff-child interactions will act to ensure the dignity and rights of each child being provided with the service. At no time will the child be subject to physical, verbal or emotional punishment, or be isolated for any reason other than illness. Instead children will be directed to acceptable behaviour through respect, emotional support, positive guidance and encouragement.

Security

Security is extremely important and an electronic high security system will be installed which limits and monitors who accesses the building. Entering the premises will require electronic access which will be in form of a password that is provided to parents and needing to be inserted in the high security keypad system. The password will provide access to the centre if you are entering on foot or if you are driving in via the garage and taking the lift. The password will unlock the door to the centre reception area and will be provided to parents upon enrolment at the service.

The password will be changed periodically for security reasons and provide to parents when updated. If a visitor requires to access the centre, there will be a door buzzer available which links to the centre director inside.

Every staff member including centre maintenance personnel will undergo a Working With Children Check (WWCC).

Deliveries

Deliveries to the centre from different suppliers (such as food, stationary, equipment, and cleaning products) will be required and these will be made via the basement parking provided. The visitor will need to press the buzzer linking to the centre and will be provided access to deliver the products.

Outdoor Play Times

Play is a vital component of a quality early childhood care and education program. Centre staff plan and program outdoor activities to meet the needs of children within their care, assessing their developmental level, areas of need, areas of strength and areas of interest. Programmed activities provided for development of gross motor skills, fine motor skills, language skills, creative skills, social skills and cognitive skills. This planned approach to outdoor play aims to maximize levels of child engagement in specific play experiences.



CHILD CARE CENTRE MANAGEMENT PLAN

In recognition of the value of outdoor play being indoors, the centre playground has been designed in such a way that it can operate as two separate, play areas allowing staff to plan activities most appropriate to the level of development of the children in their group.

The time dedicated to outdoor play within the daily routine is influenced by a number of factors. Firstly, each group of children will have a different daily routine as a consequence of their age-appropriate developmental needs. This variation in daily routine reduces the incidence of all children accessing the outdoor play environment at the same time.

Secondly, the planned time for outdoor play is will be scheduled to mimic the exact same approach the natural seasonal times despite some playground being on a first floor or indoors. In summer, to avoid the heat of the middle of the day, outdoor play will generally be scheduled earlier in the morning (anywhere between 8.00am – 11am) and later in the afternoon (anywhere between 3.30pm-6.00pm.) In winter, outdoor play will be scheduled to avoid the cooler mornings and darker evenings (morning 9.00 – 11.30am) and afternoons (2.00 – 4.30pm). It should be noted that these times fall within standard working hours and are restricted to the Monday to Friday operational hours.

Daily Routine

Time	Routine
7:00 am	Centre Opens Breakfast
7:30 am	Family Grouping
8:30 am	Free Play
9:30 am	Morning Tea
10:00 am	Indoor programmed experiences in individual rooms
11:30 am	Lunch
12:30 pm	Rest and Quiet Activities
1:45 pm	Dance and Move Classes
3:00 pm	Afternoon Tea
3:30 pm	Free Play
4:30 pm	Music Classes
5:30 pm	Family Grouping Late Snack
6:00 pm	Story Telling
7:00 pm	Centre Closed

First Floor Outdoor Area

Little Learning School has reviewed the revised architectural drawings for the Bexley Childcare at 13 – 15 Rye Avenue and confirm the following in relation to the design and location of age groups 3 – 5 on the first floor.

- The location and layout of First Floor playrooms have been appropriately designed to accommodate the 3-5 years old age groups and confirm that these locations and layout are acceptable under our operational standards.
- Operationally we generally accommodate the younger 0-3 age groups on the Ground Floor in our centres to streamline procedures in the event of an emergency.

Trusted - Loved - Preferred



CHILD CARE CENTRE MANAGEMENT PLAN

- The upper level rooms have access the ground level play area through staggered play times and shared use of the ground level play area and note the design of the first floor has acoustic merit to prevent break out noise.
- A flexible arrangement of outdoor areas is provided through a mixture of garden beds, permeable artificial turf, sensory wall, timber decking, vegetable garden and a variety of textures and materials.
- There is opportunity for the children on the Level 1 rooms to utilise the ground floor play area as part of the daily routine and can be accessed via the stairs of lift.
- As the outdoor area is compliant with the relevant standards we support the design and general arrangement of outdoor elements proposed by the architect and landscape architect.

Playground Surfacing and Landscaping

The playground has been designed to minimize the presence of hard surfaces. This will reduce potential noise generated by children running with wheeled toys, dropping items etc.

It has also been designed to feel similar to an outdoor natural environment which will give the children the feeling of being 'outside' playing.

Kitchen Facilities & Food

An onsite kitchen for food preparation and storage has been incorporated into the centre. The kitchen includes a stove, microwave, sink with hot water for washing dishes, refrigerator and rubbish bin facilities.

Meals served to children are healthy and nutritional to support the intake required by growing children. The centre will hire a kitchen hand/cook to help prepare the meals daily.

Waste Management

Internal rubbish bins will be located in each playroom and bathroom, as well as the kitchen and administration. These bins will be emptied daily by cleaning staff and at other times, if necessary, by centre staff. Recycling collection bins will also be located in each playroom and in the kitchen.

Laundry Facilities

The centre design incorporates an onsite laundry facility for staff use as per the Education and Care Services National Regulations.



CHILD CARE CENTRE MANAGEMENT PLAN

Centre Maintenance

The centre will have professional cleaners that clean according to Little Learning School's high standards of child care cleanliness. The centre will also be tidied up daily by the staff to ensure that the environment is neat at all times.

Further, the centre will also have weekly visits by Little Learning School's in-house maintenance personnel that will fix any items needing repairs to attention.

The centre will also have a dedicated WH&S officer to will manage all safety matters for children and staff.

Centre Support

The centre will have a designated Director and 2IC for every day management. Further, it will also have an Area Manager who will be working very closely with the Director and parents to ensure all requirements are met and exceeded. The Area Manager is senior ECT qualified with over 10 years of child care management experience.

The centre is also part of a high quality group with over 25 child care centres and have access to:

- General Manager
- Operations Manager
- Human Resources Manager
- Area Managers
- Financial Officer
- Parent Support Officer

The Little Learning School group of child care centres operates with very professional staff, structure and management which results in premium quality care to children and families. Little Learning School has several centres with an overall rating of 'Exceeding' the National Quality Standards.

Regulations & Compliance

The centre will adhere and comply with all regulations including:

Department	Area
Australian Children's Education & Care Quality Authority (ACECQA)	National Quality Framework National Quality Standards
Local State and Federal Government	Education and Care Services National Education
NSW Department of Education	Early Childhood Education monitoring, support, and regulation



Bayside Local Planning Panel

21/08/2018

Item No	6.3
Application Type	Development Application
Application No	SF18/1596
Lodgement Date	04/08/2017
Property	DA2016/150 - 42 Church Avenue, Mascot
Ward	Mascot
Owner	Karimbla Constructions Services (NSW) Pty Ltd
Applicant	Karimbla Constructions Services (NSW) Pty Ltd – Walter Gordon
Proposal	4.55(1A) Modification to amend Condition 101(c) to change hours of construction.
No. of Submissions	4 (four)
Cost of Development	0
Report by	Michael McCabe, Director City Futures

Officer Recommendation

- 1 That the Bayside Local Planning Panel determines the S4.55(1A) Application to modify Development Consent No. 2016/150 to change the hours of construction at 42 Church Avenue, Mascot.
- 2 That any objectors be notified of the determination made by the Bayside Local Planning Panel.

Location Plan



Attachments

Planning Report [↓](#)

Application Details

Application Number	DA-2016/150/02
Date of Receipt:	4 August 2017
Property:	42 Church Avenue, Mascot
Owners:	Karimbla Properties Pty Ltd
Applicant:	Karimbla Constructions Services (NSW) Pty Ltd
Proposal:	4.55(1A) Modification to amend Condition 101(c) to change hours of construction
Recommendation:	Approval – subject to conditions
Value:	Nil
No. of submissions:	4 (Four) objections
Author:	Sumeet Badhesha, Development Assessment Planner
Date of Report:	11 July 2017

Key Issues

Bayside Council received Development Application No. 2016/150/02 on 4 August 2017 seeking consent to modify the hours of construction approved via DA-2016/150 at 42 Church Avenue, Mascot.

The application was placed on public exhibition for a fourteen (14) day period from 23 August to 6 September 2017. Four objections were received.

The key issue in the assessment of the modification application includes the proposed extension of hours. The current proposal seeks to amend condition 101(c), which limits the hours of construction to 7am to 5pm Monday to Friday, 8am to 1pm on Saturdays, and no works during Sundays or Public Holidays. The modification application seeks consent to extend the hours of construction to 7am to 6pm Monday to Friday and 8am to 4pm during Saturdays.

The applicant claimed that the above listed restricted hours of construction are not aligned with the permissible hours of construction of other approved development within the Mascot area, and are preventing the development to be completed in a timely manner.

It is acknowledged that the originally approved hours of construction are not consistent with the approved hours for adjoining development. This was the case as the site is surrounded by established residential development and the noise impacts from construction works are much more significant as compared to when the adjoining developments were under construction.

The recommendation is for approval subject to modifications being made to the proposed extension to the hours of construction to 6pm Monday to Friday, and no extension during Saturdays. Please refer to assessment section below for detailed assessment.

Recommendation

It is RECOMMENDED that Council, resolve:

1. That Development Application No. 2016/150 for modifications to the originally approved hours of construction at 42 Church Avenue, Mascot, be APPROVED pursuant to Section 80(1)(a) of the Environmental Planning and Assessment Act 1979 and subject to the conditions attached to this report; and
- 1.
2. That any objectors be advised of the determination made by the Bayside Local Planning Panel.

Background

History

The application was approved on 20 July 2017 by the Sydney Central Planning Panel for the construction of a mixed use development incorporating a four (4) storey podium with four (4) x fourteen (14) storey towers containing 340 residential units, 512sqm of retail space, a childcare centre, private recreation facilities, basement and above ground 'sleeved' car parking for 510 car spaces and 35,532sqm of gross floor area and landscaping.



Approved Development - Photomontage

Approved Development DA-2016/150

Development Application (DA) 2016/150 was approved on 20 July 2017 by the Sydney Central Planning Panel for the following:

- Construction of a mixed use development incorporating a 4 storey podium with four x 14-storey towers containing residential units, retail space, child care centre, private recreation facilities, basement and above ground 'sleeved' car parking and 35,532m² of gross floor area;
- Landscaping and dedication of land along the Church Avenue frontage;
- Construction of southern half of a new east-west street along the northern alignment of the site;
- Landscaping and dedication of a new public park;
- Associated excavation, earthworks and landscaping; and
- Land subdivision.

2.

Approved Modification DA-2016/150/03

On 25 September 2017, Council approved under delegated authority a modification under the former Section 96(1) provisions (now Section 4.55(1)) as follows:

- Amend Condition 130(b) to reflect the correct FSR of 3.32:1 that is applicable for the development; and
- Amend Condition 152 to reflect the current application.

Modification DA-2016/150/04

The applicant seeks the following:

- The deletion of condition 144

3. This application is currently under assessment.

4.

Modification DA-2016/150/05

The applicant seeks the following:

5.

- Modification to the originally approved unit mix

6.

7. This application is currently under assessment.

Proposal

Proposed Modification DA-2016/150/02

The current proposal seeks to modify Condition 101(c) as follows:

101(c). Time Restrictions

(i) Monday to Friday 07:00am to ~~05:00pm~~ 06:00pm

(ii) Saturday 08:00am to ~~04:00pm~~ 04:00pm

(iii) No demolition or construction to take place on Sundays or Public Holidays.

Applicant's Justification: The hours proposed allow for a standard 8 hour work day on Saturdays thereby maximizing the efficiency of the site's workforce. The longer construction

hours will allow the development to be completed in a shorter timeframe than would otherwise be achievable. The hours proposed are consistent with those of Meriton's other approved development across Mascot and with the hours of construction permitted by other developers in this locality. Work will continue to be limited to daylight hours.

Assessing Officer's Justification: It is acknowledged that the construction hours permitted for the subject development are shorter in comparison to the standard construction hours that were permitted for surrounding development when they were undergoing construction. However, the subject development is one of the last towers to be constructed and is surrounded by established residential development with residents occupying majority of the surrounding towers or ready to be occupied. The adjoining towers were granted extended construction hours due to limited established residential development at that time. Based on existing conditions surrounding the site, and the level of impact on surrounding residents from construction activities, the extended hours sought by the applicant are not supported. Instead, an extension till 6pm Monday to Friday can be supported. These hours will still enable the development to be completed within a timely manner whilst also maintaining the amenity of surrounding residents.

Site Description

The subject site is legally known as 42 Church Avenue, Mascot and forms three parcels of land described as Lot 1 in DP 376752, Lot 3 in DP 376752 and Lot 21 in DP1014063.

The subject site is located on the western side of Bourke Street between Gardeners Road to the north, Kent Road to the west and Church Avenue to the south. Galloway Street runs along the northern boundary of the site. The site is approximately 120 metres to the north-west of Mascot Train Station.

The site is within the B4 Mixed Use zone of the BBLEP 2013 and is within Urban Block 1 of the Mascot Station Town Centre Precinct within Part 9A of the BBDCP 2013.

The site has a total area of 11,104sqm with a 108.5 metres street frontage to Church Avenue, a 101.5 metre street frontage to Bourke Street, a 101.9 metres western boundary length and a 109.1 metre northern boundary length. The site is generally flat.

The originally approved development is currently under construction.



Figure 1: Subject site marked in red

Statutory Considerations

The proposed development has been assessed under the provisions of the Environmental and Planning Assessment Act, 1979.

Section 4.55(1) – Modifications Involving Minimal Environmental Impact

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) *it is satisfied that the proposed modification is of minimal environmental impact, and*

Comment: The proposed changes are limited to extending the originally approved hours of construction. In order to minimise impacts and maintain amenity of the surrounding established residential development, the extension to the hours is supported subject to modifications (reduced hours as to what the applicant proposed).

It is considered to be of minimal environmental impact as it relates to the modification of an operational condition and involves no physical changes to the approved development.

- (b) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*

Comment: The changes to the consent relate to the modification of Development Consent No 2016/150 to amend Condition No. 101(c) in relation to the hours of construction to the approved mixed use development, which is same development is substantially as was originally approved. No physical changes are proposed.

(c) it has notified the application in accordance with

- i. the regulations, if the regulations so require, or*
- ii. a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*

The application was notified to affected properties as per the provisions of the BBDCP 2013 and four submissions were received during this time. The concerns raised within the submissions are discussed below within the "Submissions" section of this report.

(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

Please refer to "Submissions" section of this report below.

Section 4.15 - Matters for Consideration

The relevant matters for consideration pursuant to Section 4.15 are addressed as follows:

(a) The provisions of any EPI, draft EPI, DCP, Planning Agreement, draft Planning Agreement and any other matters prescribed by the Regulations.

Draft EPI

The proposal as modified is not subject to any draft EPI.

Planning Agreement

The proposal as modified is not subject to any current or draft planning agreement.

Botany Bay Local Environmental Plan 2013 (BBLEP 2013)

The proposed modifications do not result in a change in use of the development as was originally approved, or a use which is listed as prohibited. Accordingly, the proposed modifications do not raise any concern in relation to compliance with the BBLEP 2013.

Botany Bay Development Control Plan 2013

Given that the subject application makes no physical amendments to the approved development, there are no relevant provisions to the assessment of this application.

Environmental Planning and Assessment Regulations 2000

All relevant provisions of the Regulations have been considered in the assessment of the proposal as modified and there are no applicable provisions.

(b) Likely impacts

The proposed changes are limited to extending the originally approved hours of construction. In order to minimise impacts and maintain amenity of the surrounding established residential development, the extension to the hours is supported subject to modifications (reduced hours as to what the applicant proposed). Therefore, the proposed modification will have no significant adverse environmental, social or economic impacts on the locality.

(a)

(c) **Suitability of the site**

(b)

These matters have been considered in the assessment of the Section 96(1A) Application. It is considered that the proposed amendment is suitable in the context of the site and the locality.

(c)

(d) **Submissions**

(d)

In accordance with Part 2 of BBDCP 2013 – Notification and Advertising, the development application was notified to surrounding property owners for a fourteen (14) day period from 23 August 2017 to 6 September 2017. Four submissions were received within which the following issues were raised:

Issue 1: Increased noise

Concerns were raised within the submissions that the proposed extension to the approved hours of construction will result in additional noise impacts on the surrounding residents and detrimentally impact on the amenity of the residents. The extension to the hours sought is considered unacceptable and reduced hours are supported. Please refer to the “Description of Proposed Modifications” section of this report above for comments.

Issue 2: Illegal Parking on Church Avenue

The application solely relates to the modification to the approved hours and construction and no other changes have been proposed. The proposed modifications does not alter the parking situation.

Issue 3: Damage to footpath

Comments regarding the developer not repairing the nature strip and Council footpaths have been raised. Conditions were imposed in the original development consent requiring maintenance of the nature strip and footpath, and the applicant is required to comply with these conditions.

(e)

(e) **The public interest.**

(f)

(g) It is considered that approval of the proposed amendment will have no significant adverse impact upon the public interest.

Conclusion

(h)

Development Application No. 2016/150/02 for the modification to Condition 101(c) to change the approved hours of construction at 42 Church Avenue, Mascot has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979 and is recommended for approval subject to modified conditions of consent.

Attachment

Schedule 1 – Conditions of Consent**Premises: 42 Church Avenue, Mascot****DA No: 2016/150/02****SCHEDULE OF CONSENT CONDITIONS****GENERAL CONDITIONS**

- 1 The development is to be carried in accordance with the following plans and endorsed with Council's stamp, except where amended by other conditions of this consent. Reference documentation is also listed.

Plans	Author	Dated / Received by Council
DWG No. 0001 Rev B- Cover Sheet	Crone Architects	Dated 13 February 2017; Received 24 February 2017
DWG No. 0002 Rev A- Site Analysis		Dated 28 July 2016; Received 24 February 2017
DWG No. 0003 Rev A- Setback and Storey Height Analysis		Dated 28 July 2016; Received 24 February 2017
DWG No. 0004 Rev A- Existing Plan		Dated 28 July 2016; Received 24 February 2017
DWG No. 0005 Rev B- GA Parking Level 01- (Basement L01)		Dated 13 February 2017; Received 24 February 2017
DWG No. 0006 Rev C- GA Ground Level		Dated 3 May 2017; Received 11 May 2017
DWG No. 0007 Rev B- GA Level 01		Dated 13 February 2017; Received 24 February 2017
DWG No. 0008 Rev B- GA Level 02		Dated 13 February 2017; Received 24 February 2017
DWG No. 0009 Rev B- GA Level 03		Dated 13 February 2017; Received 24 February 2017
DWG No. 0010 Rev B- GA Level 04		Dated 13 February 2017; Received 24 February 2017
DWG No. 0011 Rev B- GA Level 05		Dated 13 February 2017; Received 24 February 2017
DWG No. 0012 Rev B- GA Level 06		Dated 13 February 2017; Received 24 February 2017

Plans	Author	Dated / Received by Council
DWG No. 0013 Rev B- GA Level 07		Dated 13 February 2017; Received 24 February 2017
DWG No. 0014 Rev B- GA Level 08		Dated 13 February 2017; Received 24 February 2017
DWG No. 0015 Rev B- GA Level 09		Dated 13 February 2017; Received 24 February 2017
DWG No. 0016 Rev B- GA Level 10		Dated 13 February 2017; Received 24 February 2017
DWG No. 0017 Rev B- GA Level 11		Dated 13 February 2017; Received 24 February 2017
DWG No. 0018 Rev B- GA Level 12		Dated 13 February 2017; Received 24 February 2017
DWG No. 0019 Rev B- GA Level 13		Dated 13 February 2017; Received 24 February 2017
DWG No. 0020 Rev A- GA Level 14 (Plant)		Dated 28 July 2016; Received 24 February 2017
DWG No. 0021 Rev A- GA Roof Level		Dated 28 July 2016; Received 24 February 2017
DWG No. 0022 Rev C- North Elevation (A+D)		Dated 3 July 2017; Received 5 July 2017
DWG No. 0023 Rev C- East Elevation (A+B)		Dated 3 July 2017; Received 5 July 2017
DWG No. 0024 Rev B- South Elevation (B+C)		Dated 3 July 2017; Received 5 July 2017
DWG No. 0025 Rev B- West Elevation (C+D)		Dated 3 July 2017; Received 5 July 2017
DWG No. 0026 Rev C- North Section/Elevation (B+C)		Dated 3 July 2017; Received 5 July 2017
DWG No. 0027 Rev C- South Section/Elevation (A+D)		Dated 3 July 2017; Received 5 July 2017
DWG No. 0028 Rev B- East Section/Elevation (C+D)		Dated 3 July 2017; Received 5 July 2017
DWG No. 0029 Rev B- West Section/Elevation (A+B)		Dated 3 July 2017; Received 5 July 2017
DWG No. 0030 Rev B- Section 01 (B+C)		Dated 3 July 2017; Received 5 July 2017

Plans	Author	Dated / Received by Council
DWG No. 0031 Rev C- Section 02 (A+D)		Dated 3 July 2017; Received 5 July 2017
DWG No. 0032 Rev B- Section 03 (C+D)		Dated 3 July 2017; Received 5 July 2017
DWG No. 0033 Rev B- GFA Plans		Dated 13 February 2017; Received 24 February 2017
DWG No. 0034 Rev A- GFA Plans		Dated 28 July 2016; Received 24 February 2017
DWG No. 0035 Rev A- GFA Plans		Dated 28 July 2016; Received 24 February 2017
DWG No. 0036 Rev D- Shadow Analysis- Winter Solstice		Dated 3 May 2017; Received 11 May 2017
DWG No. 0037 Rev D- Shadow Analysis- Winter Solstice		Dated 3 May 2017; Received 11 May 2017
DWG No. 0043 Rev B- ADG Cross Ventilation		Dated 13 February 2017; Received 24 February 2017
DWG No. 0044 Rev B- ADG Solar Access		Dated 13 February 2017; Received 24 February 2017
DWG No. 0045 Rev B- ADG Solar Access		Dated 13 February 2017; Received 24 February 2017
DWG No. 0046 Rev B- ADG Apartments Direct Sunlight Analysis		Dated 13 February 2017; Received 24 February 2017
DWG No. 0047 Rev B- ADG Apartments Direct Sunlight Analysis		Dated 13 February 2017; Received 24 February 2017
DWG No. 0048 Rev A- Materials Board		Dated 28 July 2016; Received 24 February 2017
DWG No. 0049 Rev A- BASIX Specification		Dated 28 July 2016; Received 24 February 2017
DWG No. 0051 Rev A- Perspective View 02		Dated 28 July 2016; Received 24 February 2017
DWG No. 0052 Rev A- Landscape Diagrams		Dated 13 February 2017; Received 24 February 2017
DWG No. 0053 Rev C- Shadow Analysis- Equinox		Dated 3 May 2017; Received 11 May 2017

Plans	Author	Dated / Received by Council
DWG No. 0054 Rev C- Shadow Analysis- Equinox		Dated 3 May 2017; Received 11 May 2017
DWG No. 0055 Rev A- NE Winter Solstice		Dated 13 February 2017; Received 24 February 2017
DWG No. 0056 Rev A- NW Winter Solstice		Dated 13 February 2017; Received 24 February 2017
DWG No. 0057 Rev A- NE Equinox		Dated 13 February 2017; Received 24 February 2017
DWG No. 0058 Rev A- NW Equinox		Dated 13 February 2017; Received 24 February 2017
DWG No. 0060 Rev A- Shadow Analysis Winter Solstice		Dated 14 June 2017; Received 20 June 2017
DWG No. 0061 Rev A- Shadow Analysis Winter Solstice		Dated 14 June 2017; Received 20 June 2017
DWG No. 0062 Rev A- Shadow Analysis Winter Solstice		Dated 14 June 2017; Received 20 June 2017
DWG No. 0063 Rev A- Shadow Analysis Winter Solstice		Dated 14 June 2017; Received 20 June 2017
DWG No. 0059 Rev A- Basement Storage/Bicycle Parking/Media Cupboard		Dated 13 February 2017; Received 24 February 2017
DWG No. CS-000 Rev C- Cover Sheet, Drawing Register and Legend	Urbis Pty Ltd	Dated 11 May 2017; Received 11 May 2017
DWG No. FI-200 Rev E- Planting Plan- Ground Level		Dated 11 May 2017; Received 11 May 2017
DWG No. FI-201 Rev E- Planting Plan- Ground Level		Dated 11 May 2017; Received 11 May 2017
DWG No. FI-202 Rev E- Planting Plan- Ground Level		Dated 11 May 2017; Received 11 May 2017
DWG No. FI-203 Rev E- Planting Plan- Ground Level		Dated 11 May 2017; Received 11 May 2017
DWG No. FI-204 Rev E- Planting Plan- Ground Level		Dated 11 May 2017; Received 11 May 2017
DWG No. FI-210 Rev A- Planting Plan- Level 4		Dated 15 July 2016; Received 11 May 2017

Plans	Author	Dated / Received by Council
DWG No. FI-211 Rev A- Planting Plan- Level 4		Dated 15 July 2016; Received 11 May 2017
DWG No. FI-212 Rev A- Planting Plan- Level 4		Dated 15 July 2016; Received 11 May 2017
Survey Plan- Sheets 1+2	LTS Lockley Registered Surveyors	Dated 12 September 2014; Received 29 August 2016
Civil Works Package- Rev B	At&I	Dated 2 May 2016; Received 24 February 2017
41176DP- Plan of Subdivision	Matthew Graham Smith	Dated 2014; Received 29 August 2016

Reference Document(s)	Author	Dated / Received by Council
ND 1502- Landscape Design Development Application Report	Urbis	Dated 2 May 2017; Received 11 May 2017
Letter to Council responding to additional information	Meriton Property Services Pty Ltd	Dated 4 May 2017; Received 11 May 2017
Response Matrix outlining Landscaping issues	Meriton Property Services Pty Ltd	Received 11 May 2017
Addendum Report – Arboricultural- Ref: 3504	TALC	Dated 6 February 2017; Received 24 February 2017
Traffic Impact Assessment Rev B- Ref: 248258	ARUP	Dated 17 February 2017; Received 24 February 2017
Clause 4.6 variation to the FSR development standard	Meriton Property Services Pty Ltd	Received 24 February 2017
Clause 4.6 variation to the height development standard	Meriton Property Services Pty Ltd	Received 18 May 2017
Reflectivity and Glare Assessment- Ref: 610.14464-R011-v1.0	SLR	Dated 23 January 2017; Received 24 February 2017
Response Matrix to additional information request by Council	Meriton Property Services Pty Ltd	Received 24 February 2017
Response to Council DA Traffic Issues	ARUP	Dated 17 February 2017; Received 24 February 2017
Design Statement for DA submission- Ref: CA3392	Crone Architects	Dated 7 July 2016; Received 29 August 2016
DCP Compliance Table	Meriton Property Services Pty Ltd	Received 29 August 2016
BASIX Certificate No. 741493M	Prepared by Efficient Living Pty Ltd	Dated 3 August 2016; Received 29 August 2016

Acoustic Report- Ref: 2016.1100.1/2807A/R0/TA	Acoustic Logic	Dated 28 July 2016; Received 29 August 2016
Waste Management Plan Rev C	Elephants Foot	Dated 26 August 2016; Received 29 August 2016
Access Report- Rev 2- MTN-017	Wall to Wall Design + Consulting	Dated 28 August 2016; Received 29 August 2016
Building Code of Australia Compliance Assessment Report- 1423-80-Rev 00	AE&D Group	Dated 13 July 2016; Received 29 August 2016
Qualitative Environmental Wind Assessment Report- Ref: 610.14464	SLR	Dated 28 July 2016; Received 29 August 2016
Arboricultural Assessment Report	TALC	Dated 9 June 2017; Received 10 July 2017
Construction Management Plan	Meriton Property Services Pty Ltd	Dated July 2016; Received 29 August 2016
Civil Infrastructure Development Application Report- Rev 01- Ref: 16-363-01	At&I	Dated August 2016; Received 29 August 2016
Remediation Action Plan- Ref: 73894.01	Douglas Partners	Dated July 2014; Received 29 August 2016
Detailed Site Investigation for Contamination- Ref: 73894.00	Douglas Partners	Dated July 2014; Received 29 August 2016
Geotechnical Investigation- Ref: GEOTLCOV25225AA-AC	Coffey	Dated 25 November 2014; Received 29 August 2016
Flood Report Rev 1	Calibre Consulting	Dated 27 July 2016; Received 29 August 2016
Crime Risk and Security Report	Meriton Property Services Pty Ltd	Dated 20 July 2016; Received 29 August 2016
Statement of Environmental Effects	Meriton Property Services Pty Ltd	Dated 29 August 2016; Received 29 August 2016
Advice regarding retail spaces on first floor	Urbis	Dated 5 June 2017; Received 20 June 2017
Letter addressing reasons for deferral	Meriton Property Services Pty Ltd	Dated 20 June 2017; Received 20 June 2017

- 2 No construction works (including excavation) shall be undertaken prior to the issue to the relevant Construction Certificate.
- 3 This Consent relates to land in Lot 1 in DP 376752, Lot 3 in DP 376752 and Lot 21 in DP1014063 and, as such, building works must not encroach on to adjoining lands or the adjoining public place.
- 4 The consent given does not imply that works can commence until such time that:
 - a) Detailed plans and specifications of the building have been endorsed with a Construction Certificate by:
 - i) The consent authority; or,
 - ii) An accredited certifier; and,

- b) The person having the benefit of the development consent:
 - i) Has appointed a principal certifying authority; and
 - ii) Has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and,
 - iii) The person having the benefit of the development consent has given at least 2 days notice to the council of the persons intention to commence the erection of the building.
- 5 All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- 6 Pursuant to clause 97A(3) of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for each building in the development are fulfilled.
 - a) Note:

Relevant BASIX Certificate means:

 - i) A BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under Section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or
 - ii) If a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate.
 - iii) BASIX Certificate has the meaning given to that term in the Environmental Planning and Assessment Regulation 2000.

CONDITIONS IMPOSED BY AN EXTERNAL AUTHORITY

Where relevant, the following external authority conditions apply:

The following conditions are imposed by **Ausgrid**:

- 7 Ausgrid has identified the following assets to be affected by the development works:
 - a) Close Proximity of overhead and/or underground cable/s on public land
 - i) Ausgrid require that due consideration be given to the compatibility of proposed development existing Ausgrid infrastructure, particularly in relation to risks of electrocution, fire risks, electric and magnetic fields (EMF), noise, visual amenity and other matters that may impact on Ausgrid or the development.
 - b) In general, conditions to be adhered to by the developer include, but are not limited to, the following:

- i) Any work undertaken near Overhead Power lines needs to be done in accordance with:
 - WorkCover Document ISSC 23 “Working Near Overhead Power Lines”
 - Ausgrid Network Standards
 - Ausgrid Electrical Safety Rules
- ii) The location of underground cables by using *Dial before you dig* and comply with the requirements of Ausgrid’s Network Standard 156: *Working near or around underground cables* before any excavation works are undertaken
- iii) Existing Ausgrid easements, leases and/or right of ways must be maintained at all times to ensure 24 hour access. No temporary or permanent alterations to this property tenure can occur without written approval from Ausgrid. For further details refer to Ausgrid’s Network Standard 143.
- c) The developer is required to make a formal submission to Ausgrid by means of a duly completed Preliminary Enquiry and/or Connection Application form, to allow Ausgrid to assess any impacts on its infrastructure and determine the electrical supply requirements for the development (e.g. whether a substation is required on site).
- d) The developer is to ensure that the proposed works do not contravene Ausgrid’s technical standards and statutory requirements, in regards to the safe and reliable operation of Ausgrid’s network.

The following conditions are imposed by **Sydney Airport Corporation Limited (SACL)**:

8

- a) This location lies within an area defined in schedules of the Civil Aviation (Buildings Control) Regulations which limit the height of structures to 15.24 metres above existing ground height (AEGH) without prior approval of the Civil Aviation Safety Authority.
- b) The application sought approval for the property development to a height of 51.0 metres Australian Height Datum (AHD).
- c) In the capacity as Airfield Design Manager and an authorised person of the Civil Aviation Safety Authority (CASA) under Instrument Number: CASA 229/11, in this instance, the Airfield Design Manager has no objection to the erection of this development to a maximum height of 51.0 metres AHD. Should you wish to exceed this height a new application must be submitted.
- d) Should the height of any temporary structure and/or equipment be greater than 15.24 metres AEGH, a new approval must be sought in accordance with the Civil Aviation (Buildings Control) Regulations Statutory Rules 1988 No. 161.

- e) Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Airports (Protection of Airspace) Regulations. Sydney Airport advises that approval to operate construction equipment (i.e. cranes) should be obtained prior to any commitment to construct.
 - f) "Prescribed airspace" includes "the airspace above any part of either an Obstacle Limitation Surface (OLS) or Procedures for Air Navigation Services – Aircraft Operations (PANS-OPS) surface for the airport (Regulation 6(1)). The height of the prescribed airspace at this location is 51 metres above AHD.
 - g) Planning for Aircraft Noise and Public Safety Zones: Current planning provisions (s.117 Direction 3.5 NSW Environmental Planning and Assessment Act 1979) for the assessment of aircraft noise for certain land uses are based on the Australian Noise Exposure Forecast (ANEF). The current ANEF for which Council may use as the land use planning tool for Sydney Airport was endorsed by Airservices in December 2012 (Sydney Airport 2033 ANEF). Whilst there are currently no national aviation standards relating to defining public safety areas beyond the airport boundary, it is recommended that proposed land uses which have high population densities should be avoided.
- (a) Application for Approval of Crane Operation
- (i) Pursuant to s. 183 of the Airports Act 1996 and Reg 7 of the Airports (Protection of Airspace) Regulations 1996, the Proponent must apply through the Airport to the Secretary of the Department of Infrastructure and Regional Development for approval of the operation ("controlled activity") set out in the Schedule.
 - (ii) An Application for approval must be given to the Airport at least 28 days before commencement of the operation.
 - (iii) The operation must not commence without approval, and must only proceed in compliance with any conditions imposed on such approval.
 - (iv) Sydney Airport has delegated authority from the Secretary to determine "short term" operations (less than 3 months).
 - (v) The Airport is required to invite submissions from CASA and Airservices regarding the proposed operation.
 - (vi) The Secretary and the Airport, as applicable, may request further information before determining an application.
 - (vii) The "Important Notes" must be read and accepted.
 - (viii) The Proponent must complete this Application and provide it to Sydney Airport, with a copy to the Council as part of the relevant Development Application.

The following conditions are imposed by the **NSW Roads and Maritime Services (RMS)**:

- 9 A strip of land has been dedicated as Public Road by private subdivision (DP1014063) along the Bourke Street frontage of the subject property, as shown by yellow colour on the attached aerial – “X”. The subject property is further affected by a road proposal at the corner of Bourke Street and Church Avenue, as shown by pink colour on the attached aerial – “Y”.

Roads and Maritime raises no objection to the development proposal provided all buildings and structures, together with any improvements integral to the future use of the site are clear of the land required for road.

- 10 The proponent is to be advised that the subject property is within a broad area under investigation for:

- a) The proposed F6 Project. In this regard, further information can be obtained at www.rms.ndw.gov.au/projects/motorwaydevelopment or by contacting F6 Corridor Study Team via – Email: motorwaydevelopment@rms.nsw.gov.au or by calling 1800789297.
- b) The contractor for the Westconnex new M5 Project has now been announced and the contractors current design requirements for this project do not require this property. Please note however the detailed design for the project has not been finalised and accordingly land requirements may be subject to change.
- c) The proposed Westconnex M4-M5 Link Project.

For more information on the Westconnex project, please call 1300660248, email info@westconnex.com.au or visit the project website www.westconnex.com.au

In addition to the above, Roads and Maritime has reviewed the development application and provides the following comments for Council’s consideration in the determination of the application:

- 11 A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of a Construction Certificate.
- 12 The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS289.20- 2002 for heavy vehicle usage.

The following conditions are imposed by **Sydney Water**:

13 Water

- a) The trunk water system has adequate capacity to service this development area. The existing 200mm water main in Church Avenue can service the proposed development.

14 Wastewater

- a) The trunk wastewater system has adequate capacity to service this development area. The existing 300mm wastewater main in Church Avenue can service the proposed development.

15 Sydney Water E-Planning

Sydney Water has an email address for planning authorities to submit statutory or strategic planning documents for review. This email address is urbangrowth@sydneywater.com.au. Further advice and requirements for this proposal are at attachments 1 and 2 (overleaf). If you require any further information, please contact Beau Reid of Urban Growth Strategy on 02 8849 5241 or e-mail david.demer@sydneywater.com.au

16 Sydney Water Servicing

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water. Make an early application for the certificate, as there may be water and wastewater pipes to be built that can take some time. This can also impact on other services and buildings, driveways or landscape designs.

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

17 Building Plan Approval

The developer must have building plans stamped and approved before any construction is commenced. Approval is needed because construction/building works may affect Sydney Water's assets (e.g. Water, sewer and stormwater mains).

For further assistance please telephone 13 20 92 or refer to the Building over or next to assets page on the Sydney Water website (see Plumbing, building and developing then Building over or next to assets).

The following conditions are imposed by **Sydney Trains**:

- 18 All excavation and construction works are to be undertaken in accordance with the details, methodology, advice, undertakings and recommendations detailed in the following documents:
- a) Geotechnical Investigation prepared by Coffey dated 25 November 2014 (Ref: GEOTLCOV25225AA-AC);
 - b) Potential Impacts on Sydney Trains Tunnel prepared by Coffey dated 1 May 2017 (Ref: 754-SYDGE197961-AB Rev 5);
 - c) Dewatering Management Plan prepared by Coffey dated 13 February 2017 (Ref: 754-SYDGE197961AD);
 - d) Survey Plans (Drawings Nos 21976 C Sheets 1-4) prepared by B&P Surveyors;
 - e) Bulk Excavation Plan- Drawing No. E-1500 dated August 16 prepared by Karimbla Construction Services;
 - f) Correspondence titled "Calculations for 900mm diameter foundation piles end bearing on Class III Shale" prepared by CD Group dated 26 April 2017.

The Principal Certifying Authority is not to issue the Construction Certificate until the measures detailed in the documents approved/certified by Sydney Trains under this

Condition are incorporated into the construction drawings and specifications prior to the issuing of the Construction Certificate. Prior to the commencement of works the Principal Certifying Authority is to provide verification to Sydney Trains that this condition has been complied with.

- 19 The following items are to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate:

- a) Machinery to be used during excavation/construction.
- b) Construction, Excavation and Demolition Plan listing the vibration generating equipment, anticipated levels of vibration and proposed method of monitoring.

The Principal Certifying Authority is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that this condition has been complied with.

- 20 If required by Sydney Trains, prior to the commencement of works, prior to the issue of the Occupation Certificate, or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.
- 21 An acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines".
- 22 Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.
- 23 If required by Sydney Trains, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- 24 A tunnel monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases) is to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate. The Principal Certifying Authority is not to issue a Construction Certificate until written confirmation has been received from Sydney Trains advising of the need to undertake the tunnel monitoring plan, and if required, that it has been endorsed.
- 25 Unless advised by Sydney Trains in writing, all excavation, shoring and piling works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects.
- 26 No rock anchors/bolts are to be installed into Sydney Trains property or easements.

- 27 Prior to the issuing of an Occupation Certificate the Applicant is to submit as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into Sydney Trains property or easements, unless agreed to be these authorities. The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied
- 28 If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Rail Corridor Management Group to determine the need for public liability insurance cover. If insurance cover is deemed necessary this insurance be for sum as determined by Sydney Trains and shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The Applicant is to contact Sydney Trains Rail Corridor Management Group to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.
- 29 If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Rail Corridor Management Group to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.
- 30 Sydney Trains or Transport for NSW (TfNSW), and persons authorised by those entities for the purpose of this condition, are entitled to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and these conditions of consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.
- 31 Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations including loading details for the development and must comply with all Sydney Trains requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
- 32 Copies of any certificates, drawings, approvals/certification or documents endorsed by, given to or issued by Sydney Trains must be submitted to Council for its records prior to the issuing of a Construction Certificate.
- 33 Any conditions issued as part of Sydney Trains approval/certification of any documentation for compliance with the Sydney Trains conditions of consent, those approval/certification conditions will also form part of the consent conditions that the Applicant is required to comply with.

The following conditions are imposed by **Water NSW**:

34 The following General Terms of Approval apply:

General

- a) An authorisation shall be obtained for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take identified.
- b) The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation.
- c) Sufficient permanent drainage shall be provided beneath and around the outside of the watertight structure to ensure that natural groundwater flow is not impeded and:
 - i) any groundwater mounding at the edge of the structure shall be at a level not greater than 10 % above the level to which the water table might naturally rise in the location immediately prior to the construction of the structure; and
 - ii) any elevated water table is more than 1.0 m below the natural ground surface existent at the location immediately prior to the construction of the structure; and
 - iii) where the habitable part of the structure (not being footings or foundations) is founded in bedrock or impermeable natural soil then the requirement to maintain groundwater flows beneath the structure is not applicable.
- d) Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves cause pollution of the groundwater.
- e) Documentation (referred to as a 'report') comprising measurements, maps, bore logs, calculations, results, discussion and justification for various matters related to the dewatering process must be provided. Information will be required at several stages: prior to construction commencing (initial report - which will accompany the application for the authorisation), at any time when an authorisation renewal is required or a significant change in activities occurs (intermediate report); and at the completion of dewatering and related operations (completion report). Reports need to be submitted in a format consistent with electronic retrieval without editing restrictions; raw data should be presented in Excel spreadsheets without editing restrictions.

Prior to excavation

- f) The following shall be included in the initial report:

- i) measurements of groundwater levels beneath the site from a minimum of three relevant monitoring bores, together with details of the bores used in the assessment including bore logs and three-dimensional identification information.
 - ii) a map of the site and its immediate environs depicting the water table (baseline conditions) shown relative to the topography and approved construction footprint from the surface level and below. An assessment of the potential variation in the water table during the life of the proposed building together with a discussion of the methodology and information on which this assessment is based.
 - iii) details of the present and potential groundwater flow paths and hydraulic gradients in and around the site; the latter in response to the final volumetric emplacement of the construction.
 - iv) a schedule for the ongoing water level monitoring and description of the methodology to be used, from the date of consent until at least two months after the cessation of pumping. [Note that groundwater level measurements should be undertaken on a continuous basis using automatic loggers in monitoring bores.]
- g) The Applicant shall assess the likely impacts of the dewatering activities on other groundwater users or structures or public infrastructure; this assessment will include an appropriate bore, spring or groundwater seep census and considerations relevant to potential subsidence or excessive settlement induced in nearby buildings and property, and be documented together with all calculations and information to support the basis of these in the initial report.
- h) Groundwater quality testing of samples taken from outside the footprint of the proposed construction, with the intent of ensuring that as far as possible the natural and contaminant hydrochemistry of the potential dewatered groundwater is understood, shall be conducted on a suitable number of samples and tested by a NATA-certified laboratory. Details of the sampling locations and the protocol used, together with the test results accompanied by laboratory test certificates shall be included in the initial report. An assessment of results must be done by suitably qualified persons with the intent of identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria for the intended dewatering purpose. In the event of adverse quality findings, the Applicant must develop a plan to mitigate the impacts of the hydrochemistry on the dewatered groundwater and present the details of all assessments and plans in the initial report.
- i) Groundwater quality testing generally in accordance with Clause 8, shall be undertaken on any anniversary or other renewal or alteration of any dewatering authorisation.
- j) A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and included in the initial report; together with details and calculation methods for the parameters and supporting information to confirm their development or measurement (e.g. permeability determined by slug-testing, pump-testing or other means).
- k) A copy of a valid consent for the development shall be provided in the initial report.

- l) The method of disposal of pumped water shall be nominated (i.e. reinjection, drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided in the initial report. The disposal of any contaminated pumped groundwater (sometimes called "tailwater") must comply with the provisions of the *Protection of the Environment Operations Act 1997* and any requirements of the relevant controlling authority.
 - m) Contaminated groundwater (i.e. above appropriate NEPM 2013 thresholds) shall not be reinjected into any aquifer. The reinjection system design and treatment methods to remove contaminants shall be nominated and included in the initial report and any subsequent intermediate report as necessary. The quality of any pumped water that is to be reinjected must be demonstrated to be compatible with, or improve, the intrinsic or ambient groundwater in the vicinity of the reinjection site.
8. During excavation
- n) Engineering measures designed to transfer groundwater around and beneath the basement shall be incorporated into the basement construction to prevent the completed infrastructure from restricting pre-existing groundwater flows.
 - o) Piping, piling or other structures used in the management of pumped groundwater shall not create a flooding hazard or induce mounding of groundwater. Control of pumped groundwater is to be maintained at all times during dewatering to prevent unregulated off-site discharge.
 - p) Measurement and monitoring arrangements to the satisfaction of the approval body are to be implemented. Weekly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a completion report provided after dewatering has ceased. Records of groundwater levels are to be kept and a summary showing daily or weekly levels in all monitoring bores provided in the completion report.
 - q) Pumped groundwater shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc.) without the controlling authority's approval and/or owner's consent/s. The pH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater shall be complied with.
 - r) Dewatering shall be undertaken in accordance with groundwater-related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulfate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.
 - s) The location and construction of groundwater extraction works that are decommissioned are to be recorded in the completion report. The method of decommissioning is to be identified in the documentation.
 - t) Access to groundwater management works used in the activity is to be provided to permit inspection when required by the approval body under appropriate safety procedures.
9. Following excavation

- u) Following cessation of the dewatering operations, the applicant shall submit the completion report which shall include:
 - i) detail of the volume of water taken, the precise periods and location of water taken, the details of water level monitoring in all of the relevant bores; and
 - ii) a water table map depicting the aquifer's settled groundwater condition and a comparison to the baseline conditions; and
 - iii) a detailed interpreted hydrogeological report identifying all actual resource and third party impacts, including an assessment of altered groundwater flows and an assessment of any subsidence or excessive settlement induced in nearby buildings and property and infrastructure.
- v) The completion report is to be assessed by the approval body prior to any certifying agency's approval for occupation or use of the completed construction.

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE COMMENCEMENT OF ANY WORKS

- 35 The proposed development shall comply with the following:
- (a) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - (i) Stating that unauthorised entry to the work site is prohibited;
 - (ii) Showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours;
 - (iii) The Development Approval number; and
 - (iv) The name of the Principal Certifying Authority including an afterhours contact telephone number.
 - (b) Any such sign is to be removed when the work has been completed.
- 36 If the land to which the application relates is served by a common sewerage system that is also used by others, then measures must be placed in effect and prior to the commencement of work to ensure the operation of the sewerage system is without disruption to other joint users.
- 37 A dilapidation report, including a photographic survey prepared by a Practising Structural Engineer, must be prepared on surrounding properties. A copy of the dilapidation report together with the accompanying photographs shall be given to the above property owner/s, and a copy lodged with Principal Certifying Authority prior demolition. The extent of the Dilapidation Survey is to be prepared by a practising Structural Engineer having regard to foundations/structures of the locality
- 38 Prior to the commencement of any demolition, excavation or remediation works, the applicant must inform Council, in writing, of:

- (a) The name of the contractor, and licence number of the licensee who has contracted to do, or intends to do, the work: or
 - (b) The name and permit number of the owner-builder who intends to do the work;
 - (c) The Council also must be informed if: -
 - (i) A contract is entered into for the work to be done by a different licensee; or
 - (ii) Arrangements for the doing of the work are otherwise changed.
- 39 Prior to commencement of any works, application(s) shall be made to Council's Customer Services Counter and obtained the following approvals and permits on Council's property/road reserve under Road Act 1993 and Local Government Act 1993: - (It should be noted that any works shown within Council's road reserve or other Council Lands on the development approval plans are indicative only and no approval for these works is given until this condition is satisfied.)
- a) Permit to erect hoarding on or over a public place, including Council's property/road reserve,
 - b) Permit to construction works, place and/or storage building materials on footpaths, nature strips,
 - c) Permit to install temporary ground anchors in public land,
 - d) Permit to discharge ground water to Council's stormwater drainage system,
 - e) Permit for roads and footways occupancy (long term/ short term),
 - f) Permit to construct vehicular crossings, footpaths, kerbs and gutters over road reserve,
 - g) Permit to open road reserve area, including roads, footpaths, nature strip, vehicular crossing or for any purpose whatsoever, such as relocation / re-adjustments of utility services,
 - h) Permit to place skip/waste bin on footpath and/or nature strip, and
 - i) Permit to use any part of Council's road reserve or other Council lands.
- 40 Erosion and sediment control devices shall be installed and in function prior to the commencement of any demolition, excavation or construction works upon the site in order to prevent sediment and silt from site works (including demolition and/or excavation) being conveyed by stormwater into public stormwater drainage system, natural watercourses, bushland, trees and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the legislative requirements and guidelines. These devices shall be maintained in a serviceable condition AT ALL TIMES throughout the entire demolition, excavation and construction phases of the development and for a minimum one (1) month period after the completion of the development, where necessary.
- 41 Prior to the commencement of demolition work a licensed demolisher who is registered with WorkCover NSW must prepared a Work Method Statement to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) and a copy shall

be sent to Council (if it is not the PCA). A copy of the Statement shall also be submitted to WorkCover NSW.

The statement must be in compliance with AS2601:1991 – ‘Demolition of Structures’, the requirements of WorkCover NSW and conditions of the Development Approval, and shall include provisions for:

- a) Enclosing and making the site safe, any temporary protective structures must comply with the “Guidelines for Temporary Protective Structures (April 2001)”;
 - b) Induction training for on-site personnel;
 - c) Inspection and removal of asbestos, contamination and other hazardous materials (by appropriately licensed contractors);
 - d) Dust control – Dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site;
 - e) Disconnection of Gas and Electrical Supply;
 - f) Fire Fighting – Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed;
 - g) Access and Egress – No demolition activity shall cause damage to or adversely affect the safe access and egress of this building;
 - h) Waterproofing of any exposed surfaces of adjoining buildings;
 - i) Control of water pollution and leachate and cleaning of vehicles tyres – Proposals shall be in accordance with the “Protection of the Environmental Operations Act 1997”;
 - j) Working hours, in accordance with this Development Consent;
 - k) Confinement of demolished materials in transit;
 - l) Proposed truck routes, in accordance with this Development Consent;
 - m) Location and method of waste disposal and recycling in accordance with the “Waste Minimisation and Management Act 1995”.
 - n) Sewer – common sewerage system ad08.
- 42 A sufficient area shall be provided onsite to enable separate stockpiling of excavated materials for sampling and analysis prior to removal or re-use on site. Details of this area shall be provided in the Soil and Water Management Plan (SWMP). This plan shall incorporate and reference the construction environmental management plan and address site limitations.
- 43 Toilet facilities are to be provided at or in the vicinity of the work site on which work involves:
- a) demolition and construction of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site;
 - b) Each toilet provided:
 - i) must be standard flushing toilet; and,

- ii) must be connected:
 - to a public sewer; or
 - if connection to a public sewer is not practicable to an accredited sewerage management facility approved by the Council; or,
 - if connection to a public sewer or an accredited sewerage management facility is not practicable to some other sewerage management facility approved by the Council.
 - c) The provisions of toilet facilities in accordance with this condition must be in place before work commences.
- 44 This Consent shall not preclude the demolisher from giving notice to other statutory authorities, such as Sydney Water Corporation, WorkCover, etc.
- 45 Prior to the commencement of any works, the site to which this approval relates must be adequately fenced or other suitable measures employed that are acceptable to the Principal Certifying Authority to restrict public access to the site and building works. Such fencing or other measures must be in place before the approved activity commences.
- 46 A Soil and Water Management Plan (SWMP) shall be prepared in accordance with the Landcom *Managing Urban Stormwater – Soils and Construction* 4th Edition (2004). All management measures recommended and contained within the Soil and Water Management Plan (SWMP) shall be implemented in accordance with the *Landcom Managing Urban Stormwater – Soils and Construction* 4th Edition (2004). This plan shall be implemented prior to commencement of any site works or activities. All controls in the plan shall be maintained at all times. A copy of the SWMP shall be kept on-site at all times and made available to Council Officers on request.
- 47 The Remedial Action Plan (RAP) shall be updated by a suitably qualified and experienced contaminated land consultant to reflect the current proposed development layout and to incorporate any new information of soil and groundwater found in any additional sampling and analysis.
- The RAP shall be submitted to Council prior to commencement of any remedial action works or any excavation, demolition or other building works undertaken that are not associated with the preparation of the RAP.
- 48 In accordance with the Contaminated Land Management Act 1997, notification of all category 2 remediation work to Council is required at least 30 days prior to commencement of works.
- 49 A separate site audit statement for the park that is to be dedicated to council is required and Council will require that there is no ongoing management of any land that is to be dedicated to Council.
- 50 The vehicular entry/exits to the site must be protected from erosion and laid with a surface material which will not wash into the street drainage system or watercourse.
- 51 Shaker pads and a wheel washer are to be installed at the entry/exit points to the site to prevent soil material leaving the site on the wheels of vehicles and other plant and equipment.

- 52 For any water from site dewatering to be permitted to go to the stormwater, the water must meet ANZECC 2000 Water Quality Guidelines for Fresh and Marine Water for the 95% protection trigger values for marine water. The results of all testing must be completed by a NATA accredited laboratory.

All laboratory results must be accompanied by a report prepared by a suitably qualified person indicating the water meets these guidelines and is acceptable to be released into council's stormwater system. If it is not acceptable, details of treatment measures to ensure that the water is suitable for discharge to council's stormwater shall be provided in this report. Reports shall be provided to council prior to discharge of any groundwater to the stormwater system.

- 53 To ensure that relevant engineering and water quality provisions are met during the period of dewatering for construction, prior to any water from site dewatering to be permitted to go to council's stormwater system a permit to discharge to the stormwater shall be obtained from Council. Dewatering shall not commence until this is issued by Council.

- 54 The applicant shall provide Council with a 24 hour contact number for the manager of the remediation works prior to the commencement of any works at the site.

- 55 Prior to commencement of any works, the Applicant must indemnify Council against all loss of or damage to the property of others and injury or death to any persons which may arise out of or in consequence of the carrying out of the work and against all claims, demands, proceedings, costs, charges and expenses whatsoever in respect thereof or in relation thereto. In this regard, the Applicant shall take out a public liability policy during the currency of the works in the sum of not less than \$20,000,000 and to be endorsed with City of Botany Bay Council as principal, and keep such policy in force at the Applicant's own expense. A certificate from the Applicant's insurers to this effect is to be **LODGED WITH COUNCIL BEFORE ANY WORK IS COMMENCED**. The amount of Common Law liability shall be unlimited.

- 56 Prior to the commencement of excavation or any building works, the required Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 has to be paid. The Long Service Levy is payable at 0.35% of the total cost of the development, however this is a State Government Fee and can change without notice.

- 57 The Applicant has permission to remove the following trees:

Tree #1, Tree #2, Tree #3, Tree #4, Tree #5, Tree #6, Tree #7, Tree #8, Tree #9, Tree #10, Tree #11, Tree #12, Tree #13, Tree #14, Tree #15, Tree #16, Tree #17, Tree #18, Tree #19, Tree #20, Tree #21, Tree #22, Tree #23, Tree #24, Tree #25, Tree #26, Tree #27, Tree #28, Tree #29, Tree #30, Tree #31, Tree #32, Tree #33, Tree #34, Tree #35, Tree #36, Tree #37, Tree #38, Tree #39, Tree #40, Tree #41, Tree #42, Tree #43, Tree #44, Tree #45, Tree #46, Tree #47, Tree #48, Tree #49, Tree #50, Tree #51, Tree #52, Tree #53, Tree #54, Tree #55, Tree #56, Tree #57, Tree #58, Tree #59, Tree #60, Tree #61, Tree #62, Tree #63, Tree #64, Tree #65, Tree #66, Tree #67, Tree #68, Tree #69, Tree #70, Tree #71, Tree #72, Tree #73 as identified by the Consultant Arborist in the report by Tree and Landscape Consultants (TALC) (*dated 9th June 2017*). **Note: Trees are not permitted to be removed until the Construction Certificate has been issued.**

Tree removal shall be undertaken by the Applicant at their own expense and adhere to the following:

- a) A qualified Arborist with their own public liability insurance must be engaged.
- b) All work is to take place on the Council road reserve with the appropriate safety and directional signage implemented to ensure public safety and access otherwise road and footpath closures require a Council Road Occupancy Permit.
- c) A Dial-Before-You-Dig enquiry is required prior to stump grinding the trunk and shall occur without damage to Council infrastructure or underground services/utilities.

Council will take no responsibility for any damage incurred to persons, property or services during the tree removal works.

- 58 A qualified practitioner, with a certificate of attainment in NWP331A Perform Conduit Evaluation, shall undertake a closed circuit television (CCTV) inspection and then report on the existing condition of the existing stormwater drainage infrastructure on Church Street and Bourke Road, road reserve. The camera and its operation shall comply with the following:

- a) The internal surface of the drainage pipe/culvert shall be viewed and recorded in a clear and concise manner,
- b) The CCTV camera used shall be capable to pan, tilt and turning at right angles to the pipe axis over an entire vertical circle to view the conduit joints,
- c) Distance from the manholes shall be accurately measured, and
- d) The inspection survey shall be conducted from manhole to manhole.

The written report, together with a copy of the digital video footage of the pipeline shall be submitted to Council prior to the commencement of any works. A written acknowledgment shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority.

Note: If the existing pipe is full of debris preventing the effective inspection of the pit and pipe system, the contractor shall clear the pipe to a degree where CCTV inspection is possible at the applicants expense.

- 59 To ensure that utility authorities and Council are advised of any effects to their infrastructure by the development, the applicant shall:

- a) Carry out a survey of all utility and Council services within the site including relevant information from utility authorities and excavation if necessary to determine the position and level of services,
- b) Negotiate with the utility authorities (eg AusGrid, Sydney Water, Telecommunications Carriers and Council in connection with:
 - i) The additional load on the system, and

- ii) The relocation and/or adjustment of the services affected by the construction.
- c) As part of this development, the Ausgrid lighting poles along Bourke Road and Church St, will need to be decommissioned and new lighting poles shall be constructed satisfying P2 lighting requirements and any other requirements as specified by Council, RMS and any other service provider,
- d) All above ground utilities shall be relocated underground in accordance with Ausgrid and any other affected and relevant service provider, and
- e) All underground and above ground infrastructure shall be constructed as specified by Ausgrid, RMS, Council and any other affected service provider. The location of the new electrical pillars, new lighting poles, any new pits and trenches for utilities shall be confirmed with Council prior to the issue of the relevant Construction Certificate.

Any costs in the relocation, adjustment, and provision of land or support of services as requested by the service authorities and Council are to be the responsibility of the developer.

- 60 Where any shoring is to be located on or is supporting Council's property, or any adjoining private property, engineering drawings certified as being adequate for their intended purpose by an appropriately qualified and practicing engineer, showing all details, including the extent of encroachment and the method of removal (or any other method) and de-stressing of shoring elements, shall be submitted with the Construction Certificate to the Principle Certifying Authority along with Council's (or other) consent if the works intrude on Council's (or other) property.

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

- 61 The applicant must prior to the issue of any Construction Certificate, pay the following fees:
- | | | |
|-----|---------------------------|-----------------------------------|
| (a) | Development Control | \$2,940.00 |
| (b) | Waste Levy | \$12,391.20; |
| (c) | Builders Security Deposit | \$629,880.00 (Condition No. 65) |
| (d) | Section 94 Contributions | \$5,194,622.36 (Condition No. 66) |
- 62 Prior to the issue of any Construction Certificate, the applicant shall lodge a Damage Deposit of **\$629,880.00** (GST Exempt) by way of cash deposit or unconditional bank guarantee to Council against possible damage to Council's asset during the course of the building works. The deposit will be refunded subject to inspection by Council 12 months after the completion of all works relating to the proposed development and Final Occupational Certificate has been issued.
- 63 Bayside Council being satisfied that the proposed development will increase the demand for public amenities within the area, and in accordance with Council's Section 94 Contributions Plans, a contribution of **\$5,194,622.36** is payable as calculated below:

(i) City of Botany Bay Section 94 Contributions Plan 2016

(j) The s94 contributions (as indexed to April quarter 2017) for residential are as follows:

a) Community Facilities- Citywide	\$798,693.83
b) Recreation Facilities- Mascot Precinct	\$81,027.65
c) Recreation Facilities- Citywide	\$3,469,129.18
d) Transport Management- Citywide	\$326,870.05
e) Transport Management- Mascot	\$459,437.20
f) Administration	\$59,518.46

(k) TOTAL: \$5,194,622.36

The total Section 94 Contribution of **\$5,194,622.36** is to be paid to Council prior to the issue of any Construction Certificate.

(l) **Note:** The Section 94 Contributions are subject to annual review and the current rates are applicable for the financial year in which your consent is granted. If you pay the contribution in a later financial year you will be required to pay the fee applicable at the time.

64 Prior to the issue of the relevant Construction Certificate, the applicant shall submit amended plans to Council's Manager of Development Services for approval, showing the following:

- a) Storage areas are to comply with the minimum ADG requirement of 6sqm for 1 bedroom apartments, 8sqm for 2 bedroom apartments and 10sqm for 3 bedroom apartments. 50% of the storage area is to be included within the apartments. A breakdown of the storage area is to be provided within a Schedule;
- b) The northern patios/courtyards of the ground floor apartments of Building A and D along Galloway Street (northern setback) are to be setback 3 metres from the site boundary to comply with the 3 metre setback requirement under Part 9A of the BBDCP 2013;
- c) Internal reconfiguration of the 2 and 3 bedroom apartments to provide an open storage area within/close to, the entry way of the apartment and be in addition to storage in the kitchen, bathrooms and bedrooms;
- d) Study nooks are to be provided to two and three bedroom units and are not to be enclosed in cupboard areas that do not have access to ventilation and sunlight. It is recommended that study nooks are located within the open planned area of the apartments;
- e) A loading dock management plan of the ground floor loading dock is to be prepared demonstrating the management of the loading dock during operations. This is to be provided to the Council and the Principal Certifying Authority prior to issue of the Occupation Certificate.
- f) Front entries of the apartments, dining rooms, kitchen floors and internal storage areas are to be finished with materials that are water resistant and easy to clean; and

- g) The location of mailboxes within the lobby of each building is to be identified on the amended plans.
 - h) The first floor level must be designed as flexible space to allow for future adaption. It must have a minimum floor to ceiling height of 3.3 metres.
 - i) The residential/commercial (dual use) first floor flexible space is to include design features which allow for future adaptability of this space for employment generating activities.
- 65 Storage cages located in car parking areas are to be provided with a perforated roof/ceiling that is located a minimum of 500mm away from any sprinkler heads. This will ensure compliance with Part E1.5 of the BCA & Australian Standard 2118 is maintained. Details are to be submitted to the certifying authority for approval prior to the issue of the relevant Construction Certificate.
- 66 Plans and specifications for the storage room for waste and recyclable materials shall be submitted to the Certifying Authority with the application for the relevant Construction Certificate. The garbage and recycling storage area shall be adequately ventilated, roofed and screened from public view. The floor shall be made of an impervious surface, drained to sewer and include a dry arrestor pit with a removable basket. Washing facilities shall be provided within close proximity to the garbage and recycling storage area.
- 67 The drawings for the construction certificate for the basement and above ground car park shall show the following parking requirements:

10. Car Parking Rates	11. Required
12. 0.6 space / 1 bed unit	13. 54.6 spaces
14. 0.9 space / bed unit	15. 156.6 spaces
16. 1.4 space / bed unit	17. 105 spaces
18. 1 visitor space / 7 dwellings	19. 48.6 spaces
20. Retail Spaces	21. 20 spaces
22. Child Care Centre	23. 29.5 spaces
24. TOTAL REQUIRED	25. 415 spaces (rounded up)
26. TOTAL PROVIDED	27. 510 spaces

Any excess parking is to be allocated to residential apartments. This information is to be provided prior to the issue of the relevant Construction Certificate.

- 68 Prior to the issue of the relevant Construction Certificate, any recommendations from the amended Qualitative Wind Assessment Report are to be incorporated into the

design in order to ensure compliance with Council's maximum wind criteria (as set out at Part 9A.4.5.4 Wind Mitigation, Control C1): as follows:

- (a) 10 metres/second along commercial/retail streets;
- (b) 13 metres/second along main pedestrian streets, parks and public places; and
- (c) 16 metres/second in all other streets.

- 69 The building shall be constructed in accordance with *AS2021- 2000: Acoustics, Aircraft Noise Intrusion, Building Siting and Construction*, the details of which must be prepared by a practicing professional acoustical consultant. The report shall be submitted to the certifying authority prior to the issue of the relevant Construction Certificate and the building plans endorsed with the required acoustical measures.

The measures required in the acoustical assessment report prepared by **Acoustic Logic, dated 28/07/2016, Report reference number 20161100.1/2807A/R0/TA** shall be undertaken in accordance with the provisions of *AS 2021 – 2000: Acoustics - Aircraft Noise Intrusion - Building Siting and Construction* to establish components of construction to achieve indoor design sound levels in accordance with Table 3.3 of AS2021 – 2000 shall be incorporated into the construction of the building.

The work detailed in the report includes:

- (a) Appropriate acoustic glazing to stated windows and doors,
 - (b) Detailed roof and ceiling construction,
 - (c) Wall and ceiling corner details and,
 - (d) External door specification,
 - (e) Acoustically treated mechanical ventilation.
- (m) **Note:** In many cases the applicant chooses to install air conditioning to meet mechanical ventilation requirements above. If they do it will require consideration of the noise from the air conditioner.

- 70 A suitable intercom system linked to all units within the development shall be provided at the vehicle entrance to the development to ensure any visitors to the site can gain access to the visitor parking in the car parking area. The details of the intercom system shall be submitted to Certifying Authority prior to the issue of the relevant Construction Certificate and its location and specifications endorsed on the construction drawings.

- 71 Prior to the issue of the relevant construction certificate, to ensure that utility authorities and Council are advised of any effects to their infrastructure by the development, the applicant shall:

- a) Carry out a survey of all utility and Council services within the site including relevant information from utility authorities and excavation if necessary to determine the position and level of services,
- b) Negotiate with the utility authorities (e.g. AusGrid, Sydney Water, Telecommunications Carriers and Council in connection with:
 - i. The additional load on the system, and

- ii. The relocation and/or adjustment of the services affected by the construction.

72 Prior to the issue of any Construction Certificate, at the proposed point of construction site entry, photographic survey showing the existing conditions of Council's and RMS infrastructure shall be submitted to Council and Principal Certifying Authority.

The survey shall detail the physical conditions and identify any existing damages to the roads, kerbs, gutters, footpaths, driveways, street trees, street signs and any other Council assets fronting the property and extending to a distance of 50m from the development. Failure to do so may result in the applicant/developer being liable for any construction related damages to these assets. Any damage to Council's infrastructure during the course of this development shall be restored at the applicant's cost.

73 A Construction Management Program shall be submitted to, and approved by the Private Certifying Authority prior to the issue of any Construction Certificate. The program shall detail:

- a) The proposed method of access to and egress from the site for construction vehicles, including access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or public reserves being allowed,
- b) The proposed phases of construction works on the site and the expected duration of each construction phase,
- c) The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken,
- d) The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process,
- e) The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site,
- f) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period,
- g) The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site,
- h) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an Accredited Certifier (Structural Engineering), or equivalent,
- i) Proposed protection for Council and adjoining properties, and

- j) The location and operation of any on site crane. Please note that a crane may require prior approval from Sydney Airports Corporation.
 - k) The location of any Construction Zone (if required) approved by Council's Traffic Committee, including a copy of that approval.
- 74 Prior to the issue of any Construction Certificate, a detailed Traffic Management Plan for the pedestrian and traffic management of the site during construction shall be prepared and submitted to the relevant road authority (Council or Roads and Maritime Services) for approval. The plan shall:
- a) be prepared by a RMS accredited consultant,
 - b) nominate a contact person who is to have authority without reference to other persons to comply with instructions issued by Council's Traffic Engineer or the Police,
 - c) during construction, if access from **Bourke Road** is required, the applicant is to submit documentary evidence to the Principal Certifying Authority that the required Section 138 Consent under the Roads Act, 1993 has been issued by the New South Wales Roads and Maritime Services, and
 - d) if required, implement a public information campaign to inform any road changes well in advance of each change. The campaign may be required to be approved by the Traffic Committee.

Note: Any temporary road closure shall be confined to weekends and off-peak hour times and is subject to Council's Traffic Engineer's approval. Prior to implementation of any road closure during construction, Council shall be advised of these changes and Traffic Control Plans shall be submitted to Council for approval. This Plan shall include times and dates of changes, measures, signage, road markings and any temporary traffic control measures.

- 75 Prior to the release of the relevant Construction Certificate, the following required section(s) are to be submitted to and approved by the Principal Certifying Authority:
- a) All driveways/access ramps/vehicular crossings shall conform with Australian Standards AS 2890.1 and Council requirements including but not limited to Section 8(v) of the DCP Stormwater Management Technical Guidelines, and
 - b) For commercial developments, the applicant shall provide longitudinal sections along the extremities and the centre line of each internal driveway/access ramp at a scale of 1:25. These long sections shall extend from the horizontal parking area within the property to the centre line of the roadway. The sections shall also show the clear height from the ramp to any overhead structure.
- 76 Prior to the release of the relevant Construction Certificate, the following required section(s) are to be submitted to and approved by the Principal Certifying Authority:
- a) All driveways/access ramps/vehicular crossings shall conform with Australian Standards AS 2890.1 and Council requirements including but not limited to Section 8(v) of the DCP Stormwater Management Technical Guidelines,
 - b) All service vehicles shall enter the property front in front out,

- c) Demonstrate safe headroom clearance of 4.5m is achieved in the driveway entrance and along the along the travel path, parking and manoeuvring areas of a Medium Rigid Vehicle (MRV), including Council's Garbage Truck,
 - d) Swept path analysis shall be provided for manoeuvring of commercial vehicles, and
 - e) A longitudinal section plotting headroom clearance above driveway access is to be provided for assessment.
- 77 Prior to the release of the relevant Construction Certificate, the following required section(s) are to be submitted to and approved by the Principal Certifying Authority:
- a) Disabled car parking spaces shall be provided and clearly marked as per the Stage 2 Traffic and Transport Report by ARUP Group, dated 10 August 2016, Australian Standards AS 2890.6, SEPP 65 Design Code and Council requirements, and
 - b) All off street disabled parking shall have access to the adjacent road(s) and to the communal open space as per Australian Standards AS 2890.6 and Council requirements.
- 78 Prior to the issue of any Construction Certificate, the applicant shall contact "Dial Before You Dig" to obtain a utility service diagram for, and adjacent to the property. The sequence number obtained from "Dial Before You Dig" shall be forwarded to Principal Certifying Authority. All utilities within the work zone shall be protected during construction. Any adjustments or damage to public utilities/services as a consequence of the development and associated construction works shall be restored or repaired at the applicant's expense.
- 79 Prior to the issue of any Construction Certificate, detail design and construction plans in relation to stormwater management and disposal system for the development shall be submitted to the Principal Certifying Authority and Council for approval.

(The detail drawings and specifications shall be prepared by a suitably qualified and experienced civil engineer and to be in accordance with Council's Development Control Plan 'Stormwater Management Technical Guidelines', AS/NSZ 3500 – Plumbing and Drainage Code and the BCA. All drawings shall correspond with the approved architectural plans.)

The plans shall incorporate but not be limited to the following:

- a) An On-Site Detention System (OSD) shall be designed according to Part 6 of the SMTG. It should be noted that OSD systems shall be designed to detain the stormwater runoff from the site for all storm events up to and including 1 in 100 year ARI storm and **permissible site discharge (PSD) shall be based on 1 in 5 year ARI peak flow generated from the site under the "State of Nature" condition (i.e. the site is totally grassed/turfed), rather than pre-development condition**,
- b) Incorporate a Stormwater Quality Improvement system to ensure compliance with Section 16 of Botany Bay's SMTG,
- c) The water quality improvement system and WSUD strategy proposal shall be designed to capture and treat at least 85% flows generated from the site.

- d) A WSUD Strategy and MUSIC model must be prepared and submitted to Council for the development. The MUSIC model must be prepared in line with the Draft NSW MUSIC Modelling Guidelines (Sydney Metro CMA). Sydney's Water's requirements are that the water quality improvement should meet or exceed the target as described in the "Botany Bay & Catchment Water Quality Improvement Plan" which was prepared by the Sydney Metropolitan Catchment Management Authority in April 2011, and
 - e) The submission of detailed calculations including computer modelling where required supporting the proposal.
- 80 A Site Audit Statement will be required for this site prior to the issue of any Occupation Certificate. To ensure the necessary assessment and remediation is completed a NSW Environment Authority (EPA) Accredited Site Auditor shall be appointed to the site prior to the commencement of any remediation works, excavation or commencement of works at the site. The Site Auditor shall review and endorse any additional investigation and remediation proposed prior to the commencement of any works. Evidence of this appointment shall be provided to council prior to the issue of any Construction Certificate.
- 81 An Acid Sulfate Soils Management Plan, that has been prepared by a suitably qualified and experienced environmental/geotechnical consultant, shall be submitted to the Principal Certifying Authority (and the Council if the Council is not the Principal Certifying Authority) prior to the issue of any Construction Certificate. This plan shall include any site specific procedures and mitigation measures required and shall include a site analysis from a NATA registered laboratory. The plan shall provide details of the following:
- a) Site specific mitigation measures to both minimise the disturbance of acid sulfate soils as well as any measures relating to acid generation and acid neutralisation of the soil;
 - b) Management of acid sulfate affected excavated material;
 - c) Measures taken to neutralise the acidity of any acid sulfate affected material; and
 - d) Run-off control measures for the acid sulfate affected soil.
- This report shall be provided prior to the issue of any construction certificate and all recommendations of the report shall be implemented during works on site.
- 82 The **private domain landscape** areas shown on the plan by Urbis, Plans CS-000, FI-200 to FI-204, FI-210 to FI-212 (Issue C, dated May 2017) shall comprise detailed landscape construction documentation (plans and specifications) to be submitted to and approved by Council's Landscape Architect prior to the issue of the Occupation Certificate. The landscape documentation is to be prepared by Urbis Landscape Architects and shall include, but not be limited to:
- a) Along Galloway Street deep soil landscaping setback shall be increased to three (3) metres forward of patios. Landscaping shall include a mix of medium and large canopy trees.
 - b) A planting plan at 1:100 showing all plant locations/groupings and plant centres/species. There is to be a dense layered planting scheme consisting of trees, shrubs and groundcovers in all of these areas.

- c) Canopy trees are required to be incorporated within the landscape setback along Galloway Street frontage and Church Avenue frontage.
 - d) A mix of medium sized, deciduous and evergreen trees are to be used extensively within the level 4 communal park. Any planters are required to be of adequate depth and soil volume to accommodate both large and medium size canopy trees in accordance with DCP Part 10 Part 4.6.
 - e) Elevated planter box sectional details and drainage details. All planter box depths and dimensions shall be in accordance with Council's DCP and capable of supporting medium and large canopy trees.
 - f) All deep soil areas to include canopy trees where feasible to mitigate the loss of existing mature trees on site and to provide a level of amelioration to the development that is appropriate to the scale of the building heights.
 - g) Indicate the location of all basement structures relative to the landscape areas.
 - h) Areas of paving, schedule of materials, edge treatments, tactiles, playground and fitness equipment details, and sectional construction details. Use of WSUD initiatives or materials is required to be indicated.
- 83 The **public domain landscape** areas shown on the plan by Urbis, Plans CS-000, FI-200 to FI-204, FI-210 to FI-212 (Issue C, dated May 2017) shall comprise detailed landscape construction documentation (plans and specifications) to be submitted to and approved by Council's Landscape Architect prior to the issue of the Construction Certificate for public domain works. The landscape documentation is to be prepared by Urbis Landscape Architects and shall include, but not be limited to:
- a) The clear delineation of all public domain areas as follows:
 - i) Galloway Street and Church Avenue footpath areas –
 - ii) The ground level Public park located between Building D and Building A
 - b) A planting plan at 1:100 showing all plant locations/groupings and plant centres/species. There is to be a dense layered planting scheme consisting of trees, shrubs and groundcovers in all of these areas.
 - c) Street trees are required along Church Avenue, Galloway Street and within the new community park south of Galloway Street.
 - d) All street trees are to be in accordance with Council's Street Tree Master Plan.
 - e) All deep soil areas are to include evergreen canopy trees where feasible to mitigate the loss of existing mature trees on site and to provide a level of amelioration comparable to the scale of the buildings.
 - f) Canopy trees are to be used extensively within the community park. Deciduous trees are to be incorporated in strategic locations to allow solar access and improve amenity. Any planters are required to be of adequate depth and soil volume to accommodate both large and medium size canopy trees in accordance with Councils DCP (Part 10 Part 4.6).

- g) A plant schedule listing all plants by botanical name, total plant numbers, plant spacings, pot sizes and staking. Canopy trees are to be a minimum litreage of 200 litres and street trees 400 litre.
- h) Specifications detailing soil and mulch finishes, root barriers, irrigation, edging and other landscape hardworks such as retaining walls, steps, planter walls, feature walls, skateboard restrictors, tree pits, tree grates, tree guards, tree pit treatments and so on in accordance with Council's Draft Public Domain specifications.
- i) The public park shall include a combination of seating in addition to blade seating walls. Incorporate picnic settings to improve amenity.
- j) Areas of paving, schedule of materials, edge treatments, tactiles and sectional construction details. Paving to Council Draft Public Domain schedule/specification. This includes areas within the new ground level community park. Drainage details in specific locations such as the public parks, use of WSUD initiatives or materials.
- k) Details of all fencing, privacy screening, arbors and the like – elevations and materials, impacting or visible to public domain areas.
- l) Details of all other hardscape landscape elements such as street furniture, pedestrian amenity lighting, playground and recreational equipment, water features and water stations, bins, bollards, public toilets, signage suite. Locations to be clearly identified on plan. Provide sectional construction details and elevations.
- m) Rigid polyethylene sheet type tree root barriers are to be specified as required to protect structural elements.
- n) A detailed public art proposal.
- o) Elevated planter box sectional details and drainage details. All planter box depths and dimensions shall be in accordance with Council's DCP (Part 10 Part 4.6) and capable of supporting medium and large canopy trees.
- p) Trees are to be used extensively throughout the site and shall be of an appropriate scale to complement and ameliorate buildings and for appropriate scaling within pedestrian areas – footpaths and open spaces. Deep soil zones must include larger trees. Trees are to be predominantly native, evergreen species using open canopy evergreens or selected deciduous for solar penetration.
- q) Indicate the location of all basement structures relative to the landscape areas.
- r) A tree removal and tree retention plan is required to be submitted that clearly shows trees numbered to correspond with the Arborist report.

DURING WORKS

- a) The applicant shall conduct all construction works and any related deliveries/activities wholly within the site. If any use of Council's road reserve is required, approval and permits shall be obtained from Council.
 - b) Construction operations such as brick cutting, washing tools or brushes and mixing mortar shall not be carried out on park/road reserve or in any other locations which could lead to the discharge of materials into the stormwater drainage system or onto Council's lands.
 - c) Hosing down or hosing/washing out of any truck (concrete truck), plant (eg concrete pumps) or equipment (eg wheelbarrows) on Council's road reserve or other property is strictly prohibited. Fines and cleaning costs will apply to any breach of this condition.
 - d) Pavement surfaces adjacent to the ingress and egress points are to be swept and kept clear of earth, mud and other materials at all times and in particular at the end of each working day or as directed by Council's Engineer.
- 85 During Demolition, Excavation and Construction, care must be taken to protect Council's infrastructure, including street signs, footpath, kerb, gutter and drainage pits etc. Protecting measures shall be maintained in a state of good and safe condition throughout the course of demolition, excavation and construction. The area fronting the site and in the vicinity of the development shall also be made safe for pedestrian and vehicular traffic at all times. Any damage to Council's infrastructure and surrounding development (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) shall be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council.
- 86 During Demolition, Excavation, Construction and Deliveries, access to the site shall be available in all weather conditions. The area shall be stabilised and protected from erosion to prevent any vehicles (including deliveries) tracking soil materials onto street drainage system/watercourse, Council's lands, public roads and road-related areas. Hosing down of vehicle tyres shall only be conducted in a suitable off-street area where wash waters do not enter the stormwater system or Council's land.
- 87 During construction, the applicant shall ensure that all works and measures have been implemented in accordance with approved Traffic Management Plan and Construction Management Plan at all times.
- 88 Any new information that comes to light during demolition or construction which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council and the accredited certifier immediately.
- 89 Any new information that comes to light during demolition or construction which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council and the accredited certifier immediately. All work on site shall cease until the council is notified and appropriate measures to assess and manage the contamination in accordance with any relevant NSW EPA adopted guidelines is completed by an appropriately qualified and experienced environmental consultant.
- 90 All remediation work must be carried out in accordance with:
- a) NSW Office of Environment and Heritage (OEH) 'Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites';

- b) NSW Environment Protection Authority (NSW EPA) guidelines under the Contaminated Land Management Act 1997;
 - c) State Environmental Planning Policy 55 (SEPP55) – Remediation of Land; and
 - d) The updated Remedial Action Plan (RAP).
- 91 Any material containing asbestos found on site during the demolition process shall be removed and disposed of in accordance with:
- a) SafeWork NSW requirements. An appropriately licensed asbestos removalist must complete all asbestos works if they consist of the removal of more than 10m² of bonded asbestos and/or any friable asbestos.
 - b) Protection of the Environment Operations Act 1997.
 - c) Protection of the Environment Operations (Waste) Regulation 2014.
 - d) NSW Environment Protection Authority Waste Classification Guidelines 2014.
- 92 For any water from site dewatering to be permitted to go to the stormwater system, the water must meet ANZECC 2000 Water Quality Guidelines for Fresh and Marine Water for the 95% protection trigger values for Marine Water. All testing must be completed by a NATA accredited laboratory. All laboratory results must be accompanied by a report prepared by a suitably qualified and experienced person indicating the water is acceptable to be released into Councils stormwater system. If it is not acceptable, details of treatment measures to ensure that the water is suitable for discharge to council's stormwater shall be provided in this report. Reports shall be provided to council prior to discharge of any groundwater to the stormwater system.
- 93 To ensure that relevant engineering and water quality provisions are met during the period of dewatering for construction, prior to any water from site dewatering to be permitted to go to council's stormwater system a permit to discharge to the stormwater shall be obtained from Council. Dewatering shall not commence until this is issued by Council.
- 94 All materials excavated from the site (fill or natural) shall be classified in accordance with the NSW Environment Protection Authority (EPA) Waste Classification Guidelines (2014) prior to being disposed of to a NSW approved landfill or to a recipient site.
- 95 To prevent contaminated soil being used onsite and to ensure that it is suitable for the proposed land use, all imported fill shall be appropriately certified material and shall be validated in accordance with the:
- a) Office of Environment and Heritage (OEH) approved guidelines; and
 - b) Protection of the Environment Operations Act 1997; and
 - c) Protection of the Environment Operations (Waste) Regulation 2014.
- All imported fill shall be accompanied by documentation from the supplier which certifies that the material has been analysed and is suitable for the proposed land use.
- 96 The principal contractor or owner builder must install and maintain water pollution, erosion and sedimentation controls in accordance with:

- a) The Soil and Water Management Plan;
 - b) “Managing Urban Stormwater - Soils and Construction” (2004) Landcom (‘The Blue Book’); and
 - c) Protection of the Environment Operations Act 1997.
- 97 During demolition, excavation, construction and any associated delivery activities, access to the site shall be available in all weather conditions. The area shall be stabilised and protected from erosion to prevent any construction-related vehicles (including deliveries) tracking soil materials onto street drainage system/watercourse, Council’s lands, public roads and road-related areas. Hosing down of vehicle tyres shall only be conducted in a suitable off-street area where wash waters do not enter the stormwater system or Council’s lands.
- 98 Results of the monitoring of any field parameters such as soil, groundwater, surface water, dust or noise measurements shall be made available to Council Officers on request throughout the remediation and construction works.
- 99 All possible and practicable steps shall be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from wind-blown dust, debris, noise and the like.
- 100 Vibration levels induced by the demolition activities shall not exceed 1mm/sec peak particle velocity (ppv) when measured at the footing of any occupied building.
- 101 The following shall be complied with during construction and demolition:
- (a) Construction Noise
 - (i) Noise from construction activities associated with the development shall comply with the NSW Environment Protection Authority’s Environmental Noise Manual – Chapter 171 and the Protection of the Environment Operations Act 1997.
 - (b) Level Restrictions
 - (i) Construction period of 4 weeks and under:
 - (1) The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 20dB(A).
 - (ii) Construction period greater than 4 weeks and not exceeding 26 weeks:
 - (1) The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 10 dB(A).
 - (c) Time Restrictions
 - (i) Monday to Friday 07:00am to ~~05:00pm~~ **06.00pm**
 - (ii) Saturday 08:00am to 01:00pm

- (iii) No demolition or construction to take place on Sundays or Public Holidays.

(Modified via 2016/150/02)

(d) Silencing

- (i) All possible steps should be taken to silence construction site equipment.

- 102 During excavation and construction work the Council nature strip shall be maintained in a clean and tidy state at all times. The nature strip shall be suitably replaced where damaged due to construction work in accordance with Council Specification at the completion of construction, and at the Applicant's expense.
- 103 During excavation and construction works, the applicant / builder is required to ensure the protection and preservation of all boundary fencing or boundary walls between the subject site and adjoining properties. Any damage caused as a result of such works will be at the full cost of the applicant/builder.
- 104 An experienced Landscape Contractor shall be engaged to undertake all landscaping (site and public domain) work and shall be provided with a copy of both the approved landscape drawing and the conditions of approval to satisfactorily construct the landscape to Council requirements. The contractor shall be engaged weekly for a minimum period of 52 weeks from final completion of landscaping for maintenance and defects liability, replacing plants in the event of death, damage, theft or poor performance. After that time regular and ongoing maintenance is required.
- 105 To ensure satisfactory growth and maintenance of the landscaping, a fully automatic drip irrigation system is required in all landscaped areas. The system shall be installed by a qualified landscape contractor and provide full coverage of planted areas with no more than 300mm between drippers, automatic controllers and backflow prevention devices, and should be connected to a recycled water source. Irrigation shall comply with both Sydney Water and Council requirements as well as Australian Standards, and be maintained in effective working order at all times.
- 106 The public footpaths in Church Avenue, Galloway Street and Bourke Road shall be constructed in accordance with the approved Public Domain Plan and Council specifications. The footpath dimensions, location, paver type and construction methods shall be in accordance with these specifications. Hold points and Council inspections are required after formwork setback and to prior pouring the concrete blinding slab, at the commencement of paving works and at final completion as a minimum. Pavers shall be ordered allowing for adequate lead time for manufacture (10-12 weeks).
- 107 New street trees at the pot size specified shall be installed in the accordance with the approved landscape plan. The trees shall be sourced from a reputable supplier that grows stock to the NATSPEC specifications. A Dial-Before-You-Dig enquiry is required prior to all planting - Council is not liable for any damage to subsurface infrastructure during public domain works. Two hold point inspections are required: prior planting trees to ensure plant stock is suitable and post-planting.
- 108 Fire booster assemblies and electrical kiosks and the like are to be housed within the building structure or screened by a built screen enclosure and/or landscaping so as

not to reduce the visual amenity of the development or the streetscape and public domain. The location of, and screening treatment surrounding these utilities is to be approved by Council's Landscape Architect prior to their installation.

- 109 Planter boxes constructed over a concrete slab shall be built in accordance with the following requirements:
- a) Ensure soil depths and dimensions in accordance with Council's DCP allowing a minimum soil depth of 1 metre to support trees. The base of the planter must be screeded to ensure drainage to a piped internal drainage outlet of minimum diameter 90mm, with no low points elsewhere in the planter. There are to be no external weep holes.
 - b) A concrete hob or haunch shall be constructed at the internal join between the sides and base of the planter to contain drainage to within the planter.
 - c) Planters are to be fully waterproofed and sealed internally with a proprietary sealing agent and applied by a qualified and experienced tradesman to eliminate water seepage and staining of the external face of the planter. All internal sealed finishes are to be sound and installed to manufacturer's directions prior to backfilling with soil. An inspection of the waterproofing and sealing of edges is required by the Certifier prior to backfilling with soil.
 - d) Drainage cell must be supplied to the base and sides of the planter to minimize damage to the waterproof seal during backfilling and facilitate drainage. Apply a proprietary brand filter fabric and backfill with an imported lightweight soil suitable for planter boxes compliant with AS 4419 and AS 3743. Install drip irrigation including to lawns.
 - e) Finish externally with a suitable paint, render or tile to co-ordinate with the colour schemes and finishes of the building.

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

- 110 Prior to the issue of the relevant Occupation Certificate, the floor surface of the entry, dining room and kitchen floor and internal storage areas are to be water-resist for all two and three bedroom apartments.
- 111 Prior to the issue of the relevant Occupation Certificate, car parking is to be allocated as follows:
- a) 317 residential spaces
 - b) 49 visitors spaces
 - c) 20 retail spaces
 - d) 29 child care centre spaces
 - e) 1 carwash bay located on the ground floor car park level
- Any excess parking is to be allocated to an apartment.
- 112 Prior to the issue of the relevant Occupation Certificate, at least 72 bicycle spaces are to be provided in the car park.

- 113 Any damage not shown in the photographic survey submitted to Council before site works have commenced will be assumed to have been caused by the site works (unless evidence to prove otherwise). All damages as a result from site works shall be rectified at the applicant's expense to Council's satisfaction, prior to occupancy of the development and release of damage deposit.
- 114 A qualified practitioner, with a certificate of attainment in NWP331A Perform Conduit Evaluation, shall undertake a closed circuit television (CCTV) inspection and then report on the existing condition of the existing and new stormwater drainage infrastructure on **Church Street, Bourke Road, and Galloway St.**

The camera and its operation shall comply with the following:

- a) The internal surface of the drainage pipe/culvert shall be viewed and recorded in a clear and concise manner,
- b) The CCTV camera used shall be capable to pan, tilt and turning at right angles to the pipe axis over an entire vertical circle to view the conduit joints,
- c) Distance from the manholes shall be accurately measured, and
- d) The inspection survey shall be conducted from manhole to manhole.

The written report, together with a copy of the digital video footage of the pipeline shall be submitted to Council for review. Any damage to the culvert/pipeline since the commencement of construction on the site shall be repaired in full to the satisfaction of Council. A written acknowledgement shall be obtained from Council (attesting this condition being appropriately satisfied) and submitted to the Principal Certifying Authority.

- 115 Prior to the issue of the relevant Occupation Certificate, documentation from a practising civil engineer shall be submitted to the Principal Certifying Authority certifying that the stormwater drainage system has been constructed generally in accordance with the approved stormwater management construction plan(s) and all relevant standards.
- 116 Prior to the issue of any Occupation Certificate, the applicant shall carry out the following works:
- a) On Church St, adjacent to development, reconstruct existing Kerb and Gutter for the full length of the property in accordance with Council Infrastructure Specifications. Location of kerb & gutter to be confirmed with Council prior to construction,
 - b) On Church St, adjacent to development, demolish existing concrete footpath and construct new paved footpath as per Council's Infrastructure and Landscape Architect specifications,
 - c) On Church St, adjacent to development, construct new stormwater pipe underneath the new kerb & gutter location and repair (where required), at the applicants expense, the existing 750 diameter pipe, as per Council's Infrastructure specifications,
 - d) On Bourke Road, adjacent to development, reconstruct existing Kerb and Gutter for the full length of the property in accordance with Council

Infrastructure Specifications. Location of kerb & gutter to be confirmed with Council prior to construction,

- e) On Bourke Road, adjacent to development, demolish existing concrete footpath and construct new paved footpath as per Council's Infrastructure and Landscape Architect specifications, and
 - f) Construct the relevant portion of the new Galloway Street as per civil engineering design and in accordance with Council Infrastructure specifications and with the written approval by Council. The road pavement shall be designed for construction vehicle traffic and certified by a suitably qualified pavement engineer.
- 117 Prior to the issue of any Occupation Certificate, inspection reports (formwork and final) for the works on the road reserve shall be obtained from Council's engineer and submitted to the Principal Certifying Authority attesting that this condition has been appropriately satisfied.
- 118 Prior to the issue of any Occupation Certificate, a restriction on Use of Land and Positive Covenant(s) shall be imposed on the development. The following covenants shall be imposed under Section 88(E) of the Conveyancing Act 1919 and lodged with the NSW Land and Property Information:
- a) Restriction on Use of Land for On-Site Detention System. Refer to Appendix B of the SMTG for suggested wording, and
 - b) Restriction on Use of Land for Stormwater Quality Improvement Device. Refer to Appendix E of the SMTG for suggested wording.

The terms of the 88 E instruments are to be submitted to Council for review and approval and Proof of registration at the Lands and Property Information Office shall be submitted to the Principal Certifying Authority and Council prior to occupation.

- 119 Prior to the issue of any Occupation Certificate, the following is to be complied with:
- a) Dedicate to Council and at no expense to the Council and generally in accordance with the Architectural Plans by Crone Architects, dated 28 July 2016, Part 22 of the Statement of Environmental Effects, by Meriton, dated 29 August 2016 and the following:
 - i. Dedicate the portion of land to Council for the purpose of widening Church Avenue. The areas of the land to be dedicated shall be the full length of Church Avenue frontage of the development site and as detailed in the Botany Bay Development Control Plan 2013. The Plan of Dedication shall be lodged with Council and registered with Land & Property Information prior to the issue of any Occupation Certificate. A copy of the registered document shall be submitted to Council for record purposes,
 - ii. Dedicate the portion of land to Council for the purpose of constructing new park off Galloway Street. The areas of the land to be dedicated shall be as detailed in the Botany Bay Development Control Plan 2013. The Plan of Dedication shall be lodged with Council and registered with Land & Property Information prior to the issue of any Occupation Certificate. A copy of the registered document shall be submitted to Council for record purposes, and

- iii. Dedicate the portion of land to Council for the purpose of constructing a portion of Galloway Street. The areas of the land to be dedicated shall be as detailed in the Botany Bay Development Control Plan 2013. The Plan of Dedication shall be lodged with Council and registered with Land & Property Information prior to the issue of any Occupation Certificate. A copy of the registered document shall be submitted to Council for record purposes.

120 A Stage 4 – Site Validation Report (SVR) shall be prepared by a suitably qualified contaminated land consultant and shall be in accordance with:

- a) NSW Office of Environment and Heritage (OEH) 'Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites';
- b) NSW Environment Protection Authority (NSW EPA) approved guidelines under the Contaminated Land Management Act 1997; and
- c) State Environmental Planning Policy 55 (SEPP55) – Remediation of Land.

The site validation report shall provide a notice of completion of remediation works, whether there are any ongoing site management requirements and a clear statement on the suitability of the likely proposed site use. The report shall be submitted to the Principal Certifying Authority (and the Council if the Council is not the Principal Certifying Authority). The report is to be submitted after completion of remediation works and prior to the issue of any occupation certificate.

121 To ensure that the site is suitable for the proposed use, a Site Audit Statement (SAS) completed by an accredited site auditor under the *Contaminated Land Management Act 1997* shall be submitted to Council for clearly demonstrating that the site is suitable for the proposed development. A separate SAS shall be provided for any land dedication to council, such as parks or roadways and the site audit statement shall not be subject to any ongoing management measures. This shall be provided to issue of any applicable Occupation Certificate.

Any conditions imposed on the SAS shall form part of this consent. The accredited site auditor shall provide Council with a copy any Site Audit Report (SAR) and Site Audit Statement (SAS) prior to the release of any applicable Occupation Certificate or applicable dedication of land to Council. In circumstances where the SAS conditions (if applicable) are not consistent with the consent, a Section 96 application pursuant to the *Environmental Planning & Assessment Act 1979* shall be submitted to ensure that they form part of the consent conditions.

122 Evidence of a Sydney Water permit or consent for discharge of wastewater to the sewer shall be submitted to the Principal Certifying Authority prior to any use or occupation of the premises. Where a permit or consent may not be required from Sydney Water, certification shall be provided verifying that any discharges to the sewer will meet specific standards imposed by Sydney Water.

123

- a) The Stratum subdivision of the development shall be the subject of a further Development Application to Council; and
- b) The subdivision application must be accompanied by a formal copy of the by-laws which shall be in accordance with the plans and documentation approved under this Consent and must also include the following:

- i) Responsibilities with regard to the ongoing maintenance of the building and landscaped areas at the property in accordance with the plans and details approved under Development Consent No. 16/150.
- ii) Responsibilities with regard to the maintenance of artificial features at the property in accordance with the plans and details approved under Development Consent No. 16/150.
- iii) Responsibilities regarding the maintenance of the car wash bay the Owners Corporation / building owner.
- iv) Responsibilities for ensuring owners and/or tenants have adequate and hygienic disposal and collection arrangements and for ensuring the waste storage area is appropriately maintained and kept in a clean and safe state at all times in accordance with a Plan of Management.
- v) Responsibilities to ensure that wastewater and stormwater treatment devices (including drainage systems, sumps and traps) are regularly maintained in order to remain effective. All solid and liquid wastes collected from the devices shall be disposed of in a manner that does not pollute waters and in accordance with the Protection of the Environment Operations Act 1997.
- vi) The Owners Corporation/Executive Committee obligations under clauses 177, 182, 183, 184, 185 and 186 of the *Environmental Planning and Assessment Regulation 2000*.
- vii) The linen plan must include details of any easements, encroachments, rights of way, including right of footway restriction as to user or positive covenants and include a Section 88B Instrument under the *Conveyancing Act, 1919*. Council is to be nominated as the only authority permitted to release, vary or modify any easements, encroachments, rights of way, restriction as to user or positive covenants;
- viii) A graffiti management plan for the removal of graffiti and similar vandalism within seven (7) days of its occurrence and surface re-instatement;
- ix) The stormwater drainage system (including all pits, pipes, absorption, detention structures, treatment devices, infiltration systems and rainwater tanks) shall be regularly cleaned, maintained and repaired to ensure the efficient operation of the system from time to time and at all times. The system shall be inspected after every rainfall event to remove any blockage, silt, debris, sludge and the like in the system. All solid and liquid waste that is collected during maintenance shall be disposed of in a manner that complies with the appropriate Environmental Guidelines;
- x) Maintenance of required acoustic measures of Development Consent No. 16/150; and
- xi) CCTV surveillance of all public areas within the development site.

- 124 That before entering a lease/occupancy agreement, all tenants and occupiers of the development are to be advised by the owner of the building that residents are not eligible to participate in on-street resident parking schemes.
- 125 Prior to the issue of the relevant Occupation Certificate, a sign to this effect shall be located in a prominent place, to Council's satisfaction, such as on a the notice board in the communal room, where it can easily be observed and read by persons entering the building.
- 126 Prior to the issue of the relevant Occupation Certificate, where a building is to be Strata Subdivided, a condition should be placed in the by-laws advising residents that they are not eligible to participate in on-street resident parking schemes.
- 127 Prior to release of the any Occupation Certificate the developer must submit to the Principal Certifying Authority an acoustic report to verify that the measures stated in the acoustic report have been carried out and certify that the construction meets the above requirements. The report must be prepared by a qualified practicing acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australian Acoustical Consultants).
- 128 All services (Utility, Council, etc.) within the road reserve (including the footpath) shall be relocated/adjusted to match the proposed/existing levels as required by the development.
- 129 Prior to the issue of any Occupation Certificate, street numbers shall be clearly displayed with such numbers being of contrasting colour and adequate size and location for viewing from the footway and roadway.
- 130 Prior to the issue of any Occupation Certificate, a Certificate of Survey from a Registered Surveyor shall be submitted to the Principal Certifying Authority and the Council to the effect that:
- (a) All reduced levels shown upon the approved plans, with relation to the required solar panels, drainage, boundary and road reserve levels, have been strictly adhered to; and
 - (b) A Floor Space Ratio (FSR) of ~~3.2:1~~ 3.32:1 and height of 51m AHD as approved under this Development Consent No. 16/150, have been strictly adhered to and any departures are to be rectified in order to issue the Occupation Certificate. (DA-16/150/03)
 - (c) The development as built, stands within Lot 1 in DP 376752, Lot 3 in DP 376752 and Lot 21 in DP1014063.
- 131 The applicant is responsible for the installation and protection of all regulatory/ parking / street signs fronting the property. Any damaged or missing street signs as a consequence of the development and associated construction works shall be replaced at full cost to the applicant.
- 132 Any air conditioning units are to be located so that they are not visible from the street or public place and are not obscure windows/window frames or architectural features of the development and installed in a manner not be inconsistent with the relevant provisions of the Building Code of Australia (BCA).
- 133 Landscaping on the property and in the public domain shall be installed in accordance with the approved landscape plan as stamped by Council's Landscape Architect prior

to the issue of an Occupation Certificate. This amended plan supercedes the original landscape plan prior to the issue of an Occupation Certificate. The landscaped areas on the property shall be maintained in accordance with the Council stamped and approved landscape documentation, the conditions of development consent and Council's DCP all times.

- 134 The Applicant is to submit payment for a Public Works Defects Liability Bond of \$250,000.00 for all hard structures, paving, drainage and so on within the public domain. The duration of the Bond shall be limited to a period of 12 months after Council approval of all public domain works. At the completion of the 12 month period the Bond shall be refunded pending a satisfactory inspection of the public domain work by Council. If rectification or maintenance work is required within this period then Council will forfeit all or part of the bond to undertake the required work, unless the Applicant undertakes this work.
- 135 The Applicant is to enter into an agreement with Council, to be prepared by Council's solicitors, at the applicant's expense, providing for the lodgment of a bond in the sum of \$100,000.00 after practical completion of landscape works within all public domain areas, to ensure establishment and maintenance of the landscaping in accordance with the approved plans until handover to Council. The lodgement of the bond shall not preclude the Council from initiating legal proceedings, should the landscaping not be established and maintained in accordance with this Consent, and is not intended to limit the period of compliance with the landscaping requirements to five (5) years. The bond may be applied by Council to the establishment and maintenance of the landscaping in accordance with the plan and Council should be entitled to recover any monies expended in excess of the bond in establishing, re-establishing, or maintaining the landscape in accordance with the plan. The applicant is to note that the bond specified under this condition must be remitted to Council, either in the form of monies held in trust, or as a certified banker's guarantee, together with a sum of \$550 (cash or cheque) for disbursements associated with the preparation of the agreement, prior to the issue of an Occupation Certificate by the Principal Certifying Authority.
- 136 At the completion of landscaping on the site, the Applicant is required to obtain a Certificate of Compliance from the Landscape Consultant to certify that the landscaping has been installed in accordance with the Council approved landscape plan. The Certificate is to be submitted to the Bayside Council prior to the Issue of an Occupation Certificate.
- 137 The public domain landscaping shall be installed in accordance with the approved landscape plan as stamped by Council's Landscape Architect prior to the issue of any Occupation Certificate. This amended plan supercedes the original landscape plan. The landscaped areas on the property shall be maintained in accordance with the approved landscape documentation and to Council's satisfaction all times.
- 138 Prior to use and occupation of the building an Occupation Certificate must be obtained under Section 109C(1)(c) and 109M of the Environmental Planning and Assessment Act 1979.

CONDITIONS WHICH MUST BE SATISFIED DURING THE ONGOING USE OF THE DEVELOPMENT

- 139 The commercial tenancy on ground floor is approved for the use as commercial premises and/or food and drink premises in accordance with the definition in the Standard Instrument.

- 140 The use of the retail tenancies is subject to a separate approval (DA or complying development certificate).
- 141 The use of the child care centre is subject to a separate development application for its fitout.
- 142 The stormwater drainage system (including all pits, pipes, absorption, detention structures, treatment devices, infiltration systems and rainwater tanks) shall be regularly cleaned, maintained and repaired to ensure the efficient operation of the system from time to time and at all times. The system shall be inspected after every rainfall event to remove any blockage, silt, debris, sludge and the like in the system. All solid and liquid waste that is collected during maintenance shall be disposed of in a manner that complies with the appropriate Environmental Guidelines.
- 143 New street trees shall be maintained by the Applicant/Owner/Strata Corporation for a period of 12 months after final inspection by Council. Maintenance includes twice weekly watering within the first 6 months then weekly thereafter to sustain adequate growth and health, bi-annual feeding, weed removal round the base, mulch replenishment at 3 monthly intervals (to 75mm depth) and adjusting of stakes and ties. Maintenance but does not include trimming or pruning of the trees under any circumstances.
- 144 Ongoing maintenance of the road verges and footpaths and nature strips in Church Avenue and Galloway Street shall be undertaken by the owner/body corporate/Strata Corporation. Maintenance includes mowing, watering and maintaining the landscaping in these areas at all times. Maintenance does not include pruning, trimming, shaping or any work to street trees at any time.
- 145 The use of the premises shall not give rise to any of the following when measured or assessed at “sensitive” positions within any other property. These “sensitive” positions should be selected to reflect the typical use of a property (ie any outdoor areas for day and evening but closer to the façade at night time), unless other positions can be shown to be more relevant.
- (a) The operation of all plant and equipment shall not give rise to an equivalent continuous (LAeq) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background LA90 level (in the absence of the noise under consideration).
 - (b) The operation of all plant and equipment when assessed on any residential property shall not give rise to a sound pressure level that exceeds LAeq 50dB(A) day time and LAeq 40 dB(A) night time.
 - (c) The operation of all plant and equipment when assessed on any neighbouring commercial/industrial premises shall not give rise to a sound pressure level that exceeds LAeq 65dB(A) day time/night time.
 - (d) For assessment purposes, the above LAeq sound levels shall be assessed over a period of 10-15 minutes and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content where necessary.
- 146 Any air conditioning units (where possible) shall comply with the following requirements:

- (a) Air conditioning units are not to be visible from the street or public place and are not to obscure windows/window frames or architectural features of the dwelling.
 - (b) A person must not cause or permit an air conditioner to be used on residential premises in such a manner that it emits noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open):
 - (i) Before 8 am or after 10 pm on any Saturday, Sunday or public holiday, or
 - (ii) Before 7 am or after 10 pm on any other day.
- 147 All loading and unloading associated with the retail tenancy is to be undertaken within the ground floor of Building B.
- 148 No garbage collection associated with the retail premises is permitted between 10pm and 6am.
- 149 The collection of garbage associated with the residential premises shall be restricted to 6am to 6pm Monday to Sunday.
- 150
- (a) The adaptable apartments approved under this development consent are to remain as adaptable units at all times; and
 - (b) The storage areas located within the basement shall be allocated to the relevant residential dwelling in any future subdivision of the site. In addition, any isolated storage areas and other spaces as identified by the NSW Police, shall be monitored by CCTV cameras at all times.
- 151 All parking bays shown on the approved architectural plans shall be set aside for parking purpose only and shall not be used for other purposes, e.g. storage of goods. Vehicle turning areas shall be kept clear at all times and no vehicles are permitted to park in these areas.
- ~~152 The applicant being informed that this approval shall be regarded as being otherwise in accordance with the information and particulars set out and described in the Development Application registered in Council's records as Development Application No. 16/150 dated as 29 August 2016 and further amended by DA-16/150/03 dated 22 September 2017 and that any alteration, variation, or extension to the use, would require further Approval. (DA-16/150/03)~~
- ~~(Deleted via DA-2016/150/02)~~

Bayside Local Planning Panel

21/08/2018

Item No	6.4
Application Type	Modification Application
Application No	SF18/1608
Lodgement Date	04/04/2018
Property	DA-2017/1155 - 671-683 Gardeners Road, Mascot
Ward	Mascot
Owner	Karimbla Properties (No. 46) PL
Applicant	Karimbla Properties (No. 46) PL
Proposal	Amendment of Conditions 7, 21 and 58, and deletion of Condition 22 of DA-2017/1155.
No. of Submissions	Nil
Cost of Development	Nil
Report by	Michael McCabe, Director City Futures

Officer Recommendation

- 1 That the Section 4.55(1A) application for the amendment of Conditions 7, 21 and 58, and deletion of Condition 22 is APPROVED subject to the following:
 - a amend Condition 7 to remove sub-section (a);
 - b amend Condition 58 to change the timing to prior to the issue of the relevant Occupation Certificate.
 - 2 Retain the wording of Conditions 21 and 22 per the original development consent issued under DA-2017/1155, as they relate to two separate approved development and areas of the site.
-

Location Plan



Attachments

Planning Report [↓](#)

Application Details

Application Number:	DA-2017/1155/02
Date of Receipt:	4 April 2018
Property:	671-683 Gardeners Road, Mascot (Lot 17 in DP 1238487)
Owner:	Karimbla Properties (No. 46) PL
Applicant:	Karimbla Properties (No. 46) PL
Proposal:	Amendment of Conditions 7, 21 and 58, and deletion of Condition 22
Recommendation:	Approve the proposed amendments to Conditions 7 and 58 and to retain the current wording for Conditions 21 and 22
Value:	Nil
Zoning:	B4 Mixed Use under Botany Bay Local Environmental Plan 2013
No. of submissions:	Nil
Author:	Andrew Ison, Senior Development Assessment Planner
Date of Report:	24 July 2018

Key Issues

The key issues relate to the following:

- Removal of a reference made to driveway width as it had already been approved as part of a previous Development Application (DA);
- Removal of the footpath crossing deposit fee as it is argued by the applicant that this had already been conditioned under the previous DA and is hence an erroneous condition; and
- Regulating the timing of the lodgement of a Certificate of Survey.

Recommendation

1. That the Section 4.55(1A) application for the amendment of Conditions 7, 21 and 58, and deletion of Condition 22 is **PARTLY APPROVED** subject to the following:
 - (a) Amend Condition 7 to remove sub-section (a);
 - (b) Amend Condition 58 to change the timing to prior to the issue of the relevant Occupation Certificate.
2. Retain the wording of Conditions 21 and 22 per the original development consent issued under DA-2017/1155, as they relate to two separate approved development and areas of the site.

Site Description

The subject site is commonly known as 671-675 Gardeners Road, Mascot (Lot 17 in DP 1238487). The site is irregular in shape, an area of 6.21 Hectares, and the mixed use development is currently under construction. The surrounding area is characterised primarily by various forms of commercial and industrial developments and uses. The subject site is located on the southern side of Gardeners Road, between Kent Road to the west and Bourke Road to the east.



Figure 1: Aerial showing subject site, marked in red (Source: Bayside IntraMaps)

Description of approved development and proposed modifications

Approved Development DA-2017/1155

Development Application (DA) 2017/1155 was approved on 18 January 2018 under delegated authority for the following:

- Alterations to approved building (under DA-2016/117) by replacing childcare centre with four residential apartments and replacing indoor gym with retail spaces including a 24 hour/7 gym.

Proposed Modifications DA-2017/1155/02

The applicant seeks to amend conditions as follows:

- Condition 7: Amend this condition as the driveway will be built at 12.6m wide as per original DA-2016/117 and approved Construction Certificate for the DA.
- Condition 21: Amend this condition to remove the footpath crossing deposit fee as the fee has been paid under separate development consent (DA-2016/117) that applies to the site and the overall development. The payment of this fee again would be “double dipping” in respect of the overall development occurring on the site.
- Condition 22: Delete this condition as the fee has been paid under separate development consent (DA-2016/117) that applies to the site and the overall development. The payment of this fee again would be “double dipping” in respect of the overall development occurring on the site.
- Condition 58: Amend this condition relating to a Certificate Survey from a Registered Surveyor to clarify the timing of these requirements and associate them to more relevant occupation phases.

The development application has been assessed in accordance with the relevant requirements of the *Environmental Planning and Assessment Act 1979 (EPA Act)* and is recommended for approval, subject to conditions of consent.

Statutory Considerations

Environmental Planning and Assessment Act, 1979

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

S.4.55(1A) – Modifications involving minimal environmental impact

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

(a) *it is satisfied that the proposed modification is of minimal environmental impact,*

The proposed modification does not involve any physical amendments to the approved development, and relates to the amendment and deletion of development consent conditions.

(b) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*

As discussed above, the proposed modification does not involve any physical amendments to the approved development.

(c) *it has notified the application in accordance with:*

- i. *the regulations, if the regulations so require, or*
- ii. *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*

Notification has been carried out in accordance with Part 2 of the Botany Bay Development Control Plan (DCP) 2013.

(d) *it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

No submissions have been received.

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

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

The following Environmental Planning Instruments are relevant to this application:

Botany Bay Local Environmental Plan 2013 (LEP)

Botany Bay Local Environmental Plan 2013 has been considered in the assessment of the Development Application. Given that the subject application makes proposes no physical amendments to the approved development, there are no relevant provisions to the assessment of this application.

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

There are no current Draft EPIs applicable to this development.

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

The following Development Control Plan is relevant to this application:

Botany Bay Development Control Plan 2013

Given that the subject application makes proposes no physical amendments to the approved development, there are no relevant provisions to the assessment of this application.

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

Clause 92 of the Regulation has been considered and there are no applicable provisions to the development.

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

Driveway width

Council has reviewed the Construction Certificate for DA-2016/117, issued by AED Group on 3 July 2017. Included in the bundle of documents was a ground floor plan which shows a 12.5m wide driveway at the kerb on the eastern side of the subject site.

Furthermore, Council referred this application to the Roads and Maritime Services for comment, and raised no objection to the modification.

Accordingly, Council is supportive of Condition 7 being amended to remove sub-section (a) with relation to the driveway width.

Footpath crossing deposit fee

Condition 11 of the consent issued under DA-2016/117 prescribed a Builders Damage Deposit and Performance Bond of \$531,300. This applied to the entire development, including the frontages along Gardeners Road and Kent Road.

Condition 21 of the subject DA consent prescribed a Footpath Crossing Deposit of \$81,535.05. This relates specifically to a deposit for the footpath crossing that relates to the driveway works for this application.

As such, it is considered that the two deposits are separate, and therefore Conditions are to be retained as they are currently worded.

Timing of the Certificate of Survey

The applicant has inferred that a number of Occupation Certificates will be issued, given the scale of the approved development under DA-2016/117 as well as this DA.

Condition 58 prescribed the submission of a Certificate of Survey from a Registered Surveyor to be submitted to the Principal Certifying Authority and Council relating to levels, the floor space ratio, building height and lot consolidation.

Council is supportive of the rewording of this condition to have this submission occur prior to the lodgement of the relevant Occupation Certificate rather than before any Occupation Certificate, so as to associate them to the more relevant occupation phases.

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

Site suitability was assessed as part of the original Development Application, and the modifications to the conditions do not change the deemed acceptable suitability of the approved development on the subject site.

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

In accordance with Part 2 of the Botany Bay Development Control Plan 2013 – Notification and Advertising the development application was notified to surrounding property owners for a fourteen (14) day period. No submissions were received.

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

Granting approval to the modified conditions will have no adverse impact on the public interest.

Section 94 Contributions

The proposed modification does not change any Section 94 Contributions that are payable, and as prescribed in the original development consent (as amended).

Conclusion

Development Application No. 2017/1155/2 for the Amendment of Conditions 7, 21 and 58, and deletion of Condition 22 at 671-683 Gardeners Road, Mascot has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979 and is recommended for partial approval subject to modified conditions of consent.

Attachment

Schedule 1 – Conditions of Consent

Premises: 671-679 Gardeners Road, Mascot

DA No: 2017/1155/02

SCHEDULE OF CONSENT CONDITIONS

GENERAL CONDITIONS

- The development is to be carried in accordance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent.

Drawing	Author	Dated
Ground Plan (Drawing No. DA-110-001, Revision S6)	Turner Architects	Dated 17/07/2017 Received 14/12/2017
Level 1 (Drawing No. DA-110-002, Revision S6)	Turner Architects	Dated 17/07/2017 Received 15/09/2017
Level 2 to 3 Plan (Drawing No. DA-110-003, Revision S6)	Turner Architects	Dated 17/07/2017 Received 15/09/2017
Level 4 Podium Plan (Drawing No. 110-004, Revision S7)	Turner Architects	Dated 17/07/2017 Received 15/09/2017
Level 5 to 13 Tower Plan (Drawing No. DA-110-005, Revision S8)	Turner Architects	Dated 17/07/2017 Received 15/09/2017
North Elevation (Drawing No. DA-250-001, Revision S5)	Turner Architects	Dated 17/07/2017 Received 15/09/2017
East Elevation (Drawing No. DA-250-002, Revision S4)	Turner Architects	Dated 17/07/2017 Received 15/09/2017
South Elevation (Drawing No. DA-250-003, Revision S4)	Turner Architects	Dated 17/07/2017 Received 15/09/2017
West Elevation (Drawing No. DA-250-004, Revision S4)	Turner Architects	Dated 17/07/2017 Received 15/09/2017
East Elevation – North South Street (Drawing No. DA-250-005, Revision S4)	Turner Architects	Dated 17/07/2017 Received 15/09/2017
West Elevation – Street (Drawing No. DA-250-006, Revision S4)	Turner Architects	Dated 17/07/2017 Received 15/09/2017
Gym Floor Plan (Drawing No. SF-MC-op4) Issue A	RML Services Group	Dated 08/09/2017 Received 15/09/2017

Reference Documents	Author	Dated
Cover Sheet	Turner Architects	Dated 17/07/2017 Received 15/09/2017
GFA Diagrams (Drawing No. DA-710-001, Revision S7)	Turner Architects	Dated 17/07/2017 Received 15/09/2017

Reference Documents	Author	Dated
ADG Diagrams (Drawing No. DA-721-001, Revision S3)	Turner Architects	Dated 17/07/2017 Received 15/09/2017
Site Survey (Drawing No. 21386, Sheet 1 – 3)	B & P Surveys	Dated 25/05/2016 Received 15/09/2017
Adaptable Apartments (Drawing No. DA-810-001, Revision S3)	Turner Architects	Dated 17/07/2017 Received 15/09/2017
Materials and Finishes (Drawing No. DA-910-001, Revision S3)	Turner Architects	Dated 17/07/2017 Received 15/09/2017
Perspective 1 (Drawing No. DA-920-003, Revision S3)	Turner Architects	Dated 17/07/2017 Received 15/09/2017
Perspective 2 (Drawing No. DA-920-004, Revision S3)	Turner Architects	Dated 17/07/2017 Received 15/09/2017
Perspective 3 (Drawing No. DA-920-005, Revision S3)	Turner Architects	Dated 17/07/2017 Received 15/09/2017
Perspective 4 (Drawing No. DA-920-006, Revision S3)	Turner Architects	Dated 17/07/2017 Received 15/09/2017
Architectural Statement (Revision B)	Turner	Dated 10/08/2017 Received 15/09/2017
Statement of Environmental Effects and DCP Assessment Table	Meriton Property Services Pty Ltd	Dated 14/09/2017 Received 15/09/2017
Thermal Comfort & BASIX Assessment (Issue C)	Efficient Living	Dated 10/08/2017 Received 15/09/2017
Acoustic Report (Revision 2)	Acoustic Logic	Dated 06/09/2017 Received 15/09/2017
Waste Management Plan (Revision D)	Elephants Foot	Dated 13/09/2017 Received 15/09/2017
Transport Impact Assessment	Arup	Dated 14/09/2017 Received 15/09/2017
Access Report (Revision 2)	Wall to Wall Design & Consulting	Dated 11/09/2017 Received 15/09/2017
Landscape Cover (Revision A)	Context	Dated -/09/2017 Received 15/09/2017
Streetscape / Public Domain Plan (Page 2, Issue A)	Context Landscape Design Pty Ltd	Dated -/09/2017 Received 15/09/2017
Landscape Masterplan Ground Level (Page 3, Issue A)	Context Landscape Design Pty Ltd	Dated -/09/2017 Received 15/09/2017
Landscape Masterplan Podium Level Building F (Page 4, Issue A)	Context Landscape Design Pty Ltd	Dated -/09/2017 Received 15/09/2017
Landscape Masterplan Podium Level (Page 5, Issue A)	Context Landscape Design Pty Ltd	Dated -/09/2017 Received 15/09/2017
Landscape Section Ground Level (Page 6, Issue A)	Context Landscape Design Pty Ltd	Dated -/09/2017 Received 15/09/2017
Landscape Section Ground Level (Page 7, Issue A)	Context Landscape Design Pty Ltd	Dated -/09/2017 Received 15/09/2017
Landscape Section Podium Level (Page 8, Issue A)	Context Landscape Design Pty Ltd	Dated -/09/2017 Received 15/09/2017
Planting / Indicative Palette & Schedule (Page 9, Issue A)	Context Landscape Design Pty Ltd	Dated -/09/2017 Received 15/09/2017
Construction Management Plan	Meriton Property Services Pty Ltd	Dated -/08/2017 Received 15/09/2017
Crime Risk and Security Report	Meriton Property Services Pty Ltd	Dated 31/08/2017 Received 15/09/2017
Gym Internal Arrangement (Drawing No. 174338 V1)	Spin Creative Design Pty Ltd	Dated 11/09/2017 Received 15/09/2017

2. This Consent relates to land in Lot 1 in DP 777315 Lot 500 in DP 1030729 and, as such, building works must not encroach on to adjoining lands or the adjoining public place.
3. The consent given does not imply that works can commence until such time that:
 - (a) Detailed plans and specifications of the building have been endorsed with a Construction Certificate by:
 - (i) The consent authority; or,
 - (ii) An accredited certifier; and,
 - (b) The person having the benefit of the development consent:
 - (i) Has appointed a principal certifying authority; and
 - (ii) Has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and,
 - (iii) The person having the benefit of the development consent has given at least 2 days notice to the council of the persons intention to commence the erection of the building.
4. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
5. Pursuant to clause 97A(3) of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the each building in the development are fulfilled.
Note: Relevant BASIX Certificate means:
 - (i) A BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under Section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or
 - (ii) If a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate.
 - (iii) BASIX Certificate has the meaning given to that term in the Environmental Planning and Assessment Regulation 2000.

CONDITIONS IMPOSED BY AN EXTERNAL AUTHORITY

6. The following conditions are imposed by the **Sydney Water**:
 - (a) Sydney Water Servicing
 - (i) A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water. The proponent is advised to make an early application for the certificate, as there may be water and wastewater pipes to be built that can take some time. This can also impact on other services and buildings, driveways or landscape designs.
Applications must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneypwater.com.au> Plumbing, building and developing> Developing Land development or telephone 13 20 92.
 - (b) Building Plan Approval
 - (i) The developer must have the building plans stamped and approved before any construction is commenced. Approval is needed because construction/building works may affect Sydney Water's assets (e.g. Water, sewer and stormwater mains). For further assistance please telephone 13 20 92 or refer to the Building over or next to assets page on the Sydney Water website (see Plumbing, building and developing then Building over or next to assets).
 - (c) Requirements for Business Customers for Commercial and Industrial Property Developments
 - (i) If this property is to be developed for Industrial or Commercial operations, it may need to meet the following requirements:

Trade Wastewater Requirements

If this development is going to generate trade wastewater, the property owner must submit an application requesting permission to discharge trade wastewater to Sydney Water's sewerage system. You must wait for approval of this permit before any business activities can commence.

The permit application should be emailed to Sydney Water's Business Customer Services at businesscustomers@sydneywater.com.au. It is illegal to discharge Trade Wastewater into the Sydney Water sewerage system without permission.

A Boundary Trap is required for all developments that discharge trade wastewater where arrestors and special units are installed for trade wastewater pre-treatment.

If the property development is for Industrial operations, the wastewater may discharge into a sewerage area that is subject to wastewater reuse. Find out from Business Customer Services if this is applicable to your development.

(d) Backflow Prevention Requirements

- (i) Backflow is when there is unintentional flow of water in the wrong direction from a potentially polluted source into the drinking water supply.

All properties connected to Sydney Water's supply must install a testable Backflow Prevention Containment Device appropriate to the property's hazard rating. Property with a high or medium hazard rating must have the backflow prevention containment device tested annually. Properties identified as having a low hazard rating must install a non-testable device, as a minimum.

Separate hydrant and sprinkler fire services on non-residential properties, require the installation of a testable double check detector assembly. The device is to be located at the boundary of the property.

Before you install a backflow prevention device:

1. *Get your hydraulic consultant or plumber to check the available water pressure versus the property's required pressure and flow requirements.*
2. *Conduct a site assessment to confirm the hazard rating of the property and its services. Contact PIAS at NSW Fair Trading on 1300 889 099.*

For installation you will need to engage a licensed plumber with backflow accreditation who can be found on the Sydney Water website: <http://www.sydneywater.com.au/Plumbing/BackflowPrevention/>

(e) Water Efficiency Recommendations

- (i) Water is our most precious resource and every customer can play a role in its conservation. By working together with Sydney Water, business customers are able to reduce their water consumption. This will help your business save money, improve productivity and protect the environment.

Some water efficiency measures that can be easily implemented in your business are:

- Install water efficiency fixtures to help increase your water efficiency, refer to WELS (Water Efficiency Labelling and Standards (WELS) Scheme, <http://www.waterrating.gov.au/>
- Consider installing rainwater tanks to capture rainwater runoff, and reusing it, where cost effective. Refer to <http://www.sydneywater.com.au/Water4Life/InYourBusiness/RWTCalculator.cfm>
- Install water-monitoring devices on your meter to identify water usage patterns and leaks.
- Develop a water efficiency plan for your business.

It is cheaper to install water efficiency appliances while you are developing than retrofitting them later.

(f) Contingency Plan Recommendations

- (i) Under Sydney Water's customer contract Sydney Water aims to provide Business Customers with a continuous supply of clean water at a minimum pressure of 15 meters head at the main tap. This is equivalent to 146.8kpa or 21.29psi to meet reasonable business usage needs.
Sometimes Sydney Water may need to interrupt, postpone or limit the supply of water services to your property for maintenance or other reasons. These interruptions can be planned or unplanned.
- (ii) Water supply is critical to some businesses and Sydney Water will treat vulnerable customers, such as hospitals, as a high priority.

7. The following conditions are imposed by the **NSW Roads and Maritime Service**

- ~~(a) The driveway width is to be in accordance with AS2890.1-2004 (Parking Facilities, Part 1: Off Street car parking; i.e 6 to 9 metres in width for a minimum distance of 6 metres from the property boundary.~~
~~Reason The proposed modification to the vehicular access on Gardeners Road appears to result in the vehicular crossover being excessively wide. This may encourage multiple vehicles exiting the premises simultaneously, which may obstruct driver sightlines to Gardeners Road. Further, this would create an excessive crossing with for pedestrians utilising the footpath on the site frontage.~~
- (b) The swept path of the longest vehicle (to service the site) entering and existing the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement. **(DA-2017/1155/02)**

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE COMMENCEMENT OF ANY DEMOLITION, EXCAVATION OR BUILDING WORKS

- 8. Prior to commencement of any works, the Applicant must indemnify Council against all loss of or damage to the property of others and injury or death to any persons which may arise out of or in consequence of the carrying out of the work and against all claims, demands, proceedings, costs, charges and expenses whatsoever in respect thereof or in relation thereto. In this regard, the Applicant shall take out a public liability policy during the currency of the works in the sum of not less than \$20,000,000 and to be endorsed with City of Botany Bay Council as principal, and keep such policy in force at the Applicant's own expense. A certificate from the Applicant's insurers to this effect is to be **LODGED WITH COUNCIL BEFORE ANY WORK IS COMMENCED**. The amount of Common Law liability shall be unlimited.
- 9. Prior to the commencement of excavation or any building works, the required Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 has to be paid. The Long Service Levy is payable at 0.35% of the total cost of the development, however this is a State Government Fee and can change without notice.
- 10. Prior to the commencement of excavation or any building works, at the proposed point of construction site entry, photographic survey showing the existing conditions of Council's and RMS infrastructure shall be submitted to Council and Principal Certifying Authority. The survey shall detail the physical conditions and identify any existing damages to the roads, kerbs, gutters, footpaths, driveways, street trees, street signs and any other Council assets fronting the property and extending to a distance of 50m from the development. Failure to do so may result in the applicant/developer being liable for any construction related damages to these assets. Any damage to Council's infrastructure during the course of this development shall be restored at the applicant's cost.
- 11. A Construction Management Program shall be submitted to, and approved in writing by the PCA prior to the commencement of excavation or any building works. The program shall detail:
 - (a) The proposed method of access to and egress from the site for construction vehicles, including access routes through the Council area and the location and type of temporary

vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or public reserves being allowed,

- (b) The proposed phases of construction works on the site and the expected duration of each construction phase,
- (c) The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken,
- (d) The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process,
- (e) The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site,
- (f) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period,
- (g) The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site,
- (h) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an Accredited Certifier (Structural Engineering), or equivalent,
- (i) Proposed protection for Council and adjoining properties, and
- (j) The location and operation of any on site crane. Please note that a crane may require prior approval from Sydney Airports Corporation.
- (k) The location of any Construction Zone (if required) approved by Council's Traffic Committee, including a copy of that approval.

12. Prior to the commencement of excavation or any building works, a detailed Traffic Management Plan for the pedestrian and traffic management of the site during construction shall be prepared and submitted to the relevant road authority (Council or Roads and Maritime Services) and approved by the relevant road authority. The plan shall:

- (a) be prepared by a RMS accredited consultant,
- (b) nominate a contact person who is to have authority without reference to other persons to comply with instructions issued by Council's Traffic Engineer or the Police,
- (c) during construction, if access from Kent Road is required, the applicant is to submit documentary evidence to the Principal Certifying Authority that the required Section 138 Consent under the Roads Act, 1993 has been issued by the New South Wales Roads and Maritime Services, and
- (d) if required, implement a public information campaign to inform any road changes well in advance of each change. The campaign may be required to be approved by the Traffic Committee.

Note: Any temporary road closure shall be confined to weekends and off-peak hour times and is subject to Council's Traffic Engineer's approval. Prior to implementation of any road closure during construction, Council shall be advised of these changes and Traffic Control Plans shall be submitted to Council for approval. This Plan shall include times and dates of changes, measures, signage, road markings and any temporary traffic control measures.

13. Prior to the commencement of any excavation or building work, the applicant shall contact "Dial Before You Dig" to obtain a utility service diagram for, and adjacent to the property. The sequence number obtained from "Dial Before You Dig" shall be forwarded to Principal Certifying Authority. All utilities within the work zone shall be protected during construction. Any adjustments or damage to public utilities/services as a consequence of the development and associated construction works shall be restored or repaired at the applicant's expense.

14. Erosion and sediment control devices shall be installed and functioning prior to the commencement of any demolition, excavation or construction works upon the site in order to prevent sediment and silt from site works (including demolition and/or excavation) being conveyed by stormwater into public stormwater drainage system, natural watercourses, bushland

and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the legislative requirements and guidelines including the Protection of the Environment Operations Act 1997.

These devices shall be maintained in a serviceable condition AT ALL TIMES throughout the entire demolition, excavation and construction phases of the development and for a minimum one (1) month period after the completion of the development, where necessary.

15. The vehicular entry/exits to the site must be protected from erosion and laid with a surface material which will not wash into the street drainage system or watercourse.
16. Shaker pads and a wheel washer are to be installed at the entry/exit points to the site to prevent soil material leaving the site on the wheels of vehicles and other plant and equipment.
17. The proposed development shall comply with the following:
 - (a) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - (i) Stating that unauthorised entry to the work site is prohibited;
 - (ii) Showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours;
 - (iii) The Development Approval number; and
 - (iv) The name of the Principal Certifying Authority including an afterhours contact telephone number.
 - (b) Any such sign is to be removed when the work has been completed.
18. Toilet facilities are to be provided at or in the vicinity of the work site on which work involves:
 - (a) demolition and construction of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site;
 - (b) Each toilet provided:
 - (i) must be standard flushing toilet; and,
 - (ii) must be connected:
 - (iii) to a public sewer; or
 - (iv) if connection to a public sewer is not practicable to an accredited sewerage management facility approved by the Council; or,
 - (v) if connection to a public sewer or an accredited sewerage management facility is not practicable to some other sewerage management facility approved by the Council.
 - (c) The provisions of toilet facilities in accordance with this condition must be in place before work commences.
19. Prior to commencement of any works, application(s) shall be made to Council's Customer Services Counter and obtained the following approvals and permits on Council's property/road reserve under Road Act 1993 and Local Government Act 1993: -
(It should be noted that any works shown within Council's road reserve or other Council Lands on the development approval plans are indicative only and no approval for these works is given until this condition is satisfied.)
 - (a) Permit to erect hoarding on or over a public place, including Council's property/road reserve,
 - (b) Permit to construction works, place and/or storage building materials on footpaths, nature strips,
 - (c) Permit to install temporary ground anchors in public land,
 - (d) Permit to discharge ground water to Council's stormwater drainage system,
 - (e) Permit for roads and footways occupancy (long term/ short term),
 - (f) Permit to construct vehicular crossings, footpaths, kerbs and gutters over road reserve,
 - (g) Permit to open road reserve area, including roads, footpaths, nature strip, vehicular crossing or for any purpose whatsoever, such as relocation / re-adjustments of utility services,
 - (h) Permit to place skip/waste bin on footpath and/or nature strip, and
 - (i) Permit to use any part of Council's road reserve or other Council lands.

20. Prior to the commencement of any works, the applicant must inform Council, in writing, of:
- The name of the contractor, and licence number of the licensee who has contracted to do, or intends to do, the work: or
 - The name and permit number of the owner-builder who intends to do the work;
 - The Council also must be informed if: -
 - A contract is entered into for the work to be done by a different licensee; or
 - Arrangements for the doing of the work are otherwise changed.

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions shall be satisfied prior to the issue of the relevant construction certificate unless otherwise stated

21. The applicant must, prior to the issue of the construction certificate pay the following fees:
- | | |
|-------------------------------|-------------|
| (a) Development Control | \$1,450.00 |
| (b) Footpath Crossing Deposit | \$81,535.05 |
22. Prior to the issue of any Construction Certificate, the applicant shall lodge a Footpath Crossing Deposit of **\$81,535.05** (GST Exempt) by way of cash deposit or unconditional bank guarantee to Council against possible damage to Council's asset during the course of the building works. The deposit will be refunded subject to inspection by Council 12 months after the completion of all works relating to the proposed development and Final Occupational Certificate has been issued.
23. Prior to the issue of the construction certificate a detailed management plan of the Gym shall be prepared and approved by Council. The plan shall ensure that the amenity of the residents shall be protected, with particular reference to how the gym is managed through unmanned hours.
24. Bayside Council, being satisfied that the proposed development will increase the demand for public amenities within the area, and in accordance with Council's Section 94 Contributions Plans, a contribution of **\$122,151.62** is payable, prior to the issue of the construction certificate, as calculated below:

City of Botany Bay Section 94 Contributions Plan 2016

The s94 contributions for the residential and retail is as follows (as indexed as of the date of consent) are as follows

a) Community Facilities:	\$18,780.03
b) Administration:	\$1,399.58
c) Open Space & Recreation (Mascot):	\$1,905.37
d) Open Space & Recreation (Citywide):	\$81,576.62
e) Transport (Mascot):	\$10,803.67
f) Transport (Citywide):	\$7,686.35

TOTAL: \$122,151.62

Note: The Section 94 Contributions are subject to annual review and the current rates are applicable for the financial year in which your consent is granted. If you pay the contribution in a later financial year you will be required to pay the fee applicable at the time.

25. Prior to the release of the Construction Certificate, the following required section(s) are to be submitted to and approved by Council:
- All driveways/access ramps/vehicular crossings shall conform with Australian Standards AS 2890.1 and Council requirements including but not limited to Section 8(v) of the DCP Stormwater Management Technical Guidelines, and
 - For residential flat developments, the applicant shall provide longitudinal sections along the extremities and the centre line of each internal driveway/access ramp at a scale of 1:25. These long sections shall extend from the horizontal parking area within the property to the

centre line of the roadway. The sections shall also show the clear height from the ramp to any overhead structure.

26. Prior to the release of the Construction Certificate, the following required section(s) are to be submitted to and approved by Council:
- All driveways/access ramps/vehicular crossings shall conform with Australian Standards AS 2890.1 and Council requirements including but not limited to Section 8(v) of the DCP Stormwater Management Technical Guidelines,
 - All service vehicles shall enter the property front in front out,
 - Demonstrate safe headroom clearance of 4.5m is achieved in the driveway entrance and along the along the travel path, parking and manoeuvring areas of a Medium Rigid Vehicle (MRV), including Council's Garbage Truck,
 - Swept path analysis shall be provided for manoeuvring of commercial vehicles, and
 - A longitudinal section plotting headroom clearance above driveway access is to be provided for assessment.
27. Prior to the release of the Construction Certificate, the following required section(s) are to be submitted to and approved by Council:
- Disabled car parking spaces shall be provided and clearly marked as per the Australian Standards AS 2890.6, SEPP 65 Design Code and Council requirements, and
 - All off street disabled parking shall have access to the adjacent road(s) and to the communal open space as per Australian Standards AS 2890.6 and Council requirements.
28. The drawings for the construction certificate for the car park shall show the following parking requirements:

Car Parking Rates	Required
0.6 space / 1 bed unit 59 units	36 spaces
0.9 space / bed unit 134 units	121 spaces
1.4 space / bed unit 50 units	70
1 visitor space / 7 dwellings	35 spaces
Retail Spaces	24 of which 12 shall be allocated to the Gym located in RG07
TOTAL REQUIRED	286
TOTAL PROVIDED	276

Excess car parking spaces within the development at 1-5 Kent Road are to be reallocated to 671-683 Gardeners Road so as to make up the shortfall identified in the table above.

Any parking in excess of 289 car parking spaces is to be allocated to a residential apartment or the retail tenancy.

29. The building shall be constructed in accordance with *AS2021- 2000: Acoustics, Aircraft Noise Intrusion, Building Siting and Construction*, the details of which must be prepared by a practicing professional acoustical consultant. The report shall be submitted to the certifying authority prior to the release of the Construction Certificate and the building plans endorsed with the required acoustical measures.
- The measures required in the acoustical assessment report prepared by **Acoustic Logic, dated 6 September 2017, Report reference number 20160869.1/1706A/R1/TA** shall be undertaken in accordance with the provisions of *AS 2021 – 2000: Acoustics - Aircraft Noise Intrusion - Building Siting and Construction* to establish components of construction to achieve indoor design sound levels in accordance with Table 3.3 of AS2021 – 2000 shall be incorporated into the construction of the building.
- The work detailed in the report includes:

- (a) Appropriate acoustic glazing to stated windows and doors,
- (b) Detailed roof and ceiling construction,
- (c) Wall and ceiling corner details and,
- (d) External door specification,
- (e) Acoustically treated mechanical ventilation.

Note: In many cases the applicant chooses to install air conditioning to meet mechanical ventilation requirements above. If they do it will require consideration of the noise from the air conditioner.

30. A suitable intercom system linked to all units within the development shall be provided at the vehicle entrance to the development to ensure any visitors to the site can gain access to the visitor parking in the car parking area. The details of the intercom system shall be submitted to Certifying Authority prior to the issue of the Construction Certificate and its location and specifications endorsed on the construction drawings.

DURING WORKS

31. An experienced Landscape Contractor shall be engaged to undertake all landscaping (site and public domain) work and shall be provided with a copy of both the approved landscape drawing and the conditions of approval to satisfactorily construct the landscape to Council requirements. The contractor shall be engaged weekly for a minimum period of 52 weeks from final completion of landscaping for maintenance and defects liability, replacing plants in the event of death, damage, theft or poor performance. After that time regular and ongoing maintenance is required.
32. Planter boxes including grass knolls constructed over a concrete slab shall be built in accordance with the following requirements:
- (a) Ensure soil depths and dimensions in accordance with Council's DCP allowing a minimum soil depth of 1 metre to support trees. The base of the planter must be screeded to ensure drainage to a piped internal drainage outlet of minimum diameter 90mm, with no low points elsewhere in the planter. There are to be no external weep holes.
 - (b) A concrete hob or haunch shall be constructed at the internal join between the sides and base of the planter to contain drainage to within the planter.
 - (c) Planters or grass knolls are to be fully waterproofed and sealed internally with a proprietary sealing agent and applied by a qualified and experienced tradesman to eliminate water seepage and staining of materials. All internal sealed finishes are to be sound and installed to manufacturer's directions prior to backfilling with soil. An inspection of the waterproofing and sealing of edges is required by the Certifier prior to backfilling with soil.
 - (d) Drainage cell must be supplied to the base and sides of any planter to minimize damage to the waterproof seal during backfilling and facilitate drainage. Apply a proprietary brand filter fabric and backfill with an imported lightweight soil suitable for planter boxes compliant with AS 4419 and AS 3743. Install drip irrigation including to lawns.
 - (e) Any walls shall be finished externally with a suitable paint, render or tile to co-ordinate with the colour schemes and finishes of the building.
33. During demolition, excavation and construction, care must be taken to protect Council's infrastructure, including street signs, footpath, kerb, gutter and drainage pits etc. Protecting measures shall be maintained in a state of good and safe condition throughout the course of demolition, excavation and construction. The area fronting the site and in the vicinity of the development shall also be made safe for pedestrian and vehicular traffic at all times. Any damage to Council's infrastructure (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) shall be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council.

34.

- (a) The applicant shall conduct all construction works and any related deliveries/activities wholly within the site. If any use of Council's road reserve is required, approval and permits shall be obtained from Council.
 - (b) Construction operations such as brick cutting, washing tools or brushes and mixing mortar shall not be carried out on park/road reserve or in any other locations which could lead to the discharge of materials into the stormwater drainage system or onto Council's lands.
 - (c) Hosing down or hosing/washing out of any truck (concrete truck), plant (eg concrete pumps) or equipment (eg wheelbarrows) on Council's road reserve or other property is strictly prohibited. Hosing down of vehicle tyres shall only be conducted in a suitable off-street area where wash waters do not enter the stormwater system or Council's land. Fines and cleaning costs will apply to any breach of this condition.
 - (d) Pavement surfaces adjacent to the ingress and egress points are to be swept and kept clear of earth, mud and other materials at all times and in particular at the end of each working day or as directed by Council's Engineer.
 - (e) During construction and deliveries, access to the site shall be available in all weather conditions. The area shall be stabilised and protected from erosion to prevent any vehicles (including deliveries) tracking soil materials onto street drainage system/watercourse, Council's lands, public roads and road-related areas.
35. During construction, the applicant shall ensure that all works and measures have been implemented in accordance with approved Traffic Management Plan and Construction Management Plan at all times.
36. Any new information that comes to light during demolition or construction which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council and the accredited certifier immediately. All work on site shall cease until the council is notified and appropriate measures to assess and manage the contamination in accordance with any relevant NSW EPA adopted guidelines is completed by an appropriately qualified and experienced environmental consultant.
37. Any material containing asbestos found on site during the demolition process shall be removed and disposed of in accordance with:
- (a) SafeWork NSW requirements. An appropriately licensed asbestos removalist must complete all asbestos works if they consist of the removal of more than 10m2 of bonded asbestos and/or any friable asbestos.
 - (b) Protection of the Environment Operations Act 1997.
 - (c) Protection of the Environment Operations (Waste) Regulation 2014.
 - (d) NSW Environment Protection Authority Waste Classification Guidelines 2014.
38. The principal contractor or owner builder must install and maintain water pollution, erosion and sedimentation controls in accordance with:
- (a) The Erosion and Sediment Control Plan;
 - (b) "Managing Urban Stormwater - Soils and Construction" (2004) Landcom ('The Blue Book'); and
 - (c) Protection of the Environment Operations Act 1997.
39. During demolition, excavation, construction and any associated delivery activities, access to the site shall be available in all weather conditions. The area shall be stabilised and protected from erosion to prevent any construction-related vehicles (including deliveries) tracking soil materials onto street drainage system/watercourse, Council's lands, public roads and road-related areas. Hosing down of vehicle tyres shall only be conducted in a suitable off-street area where wash waters do not enter the stormwater system or Council's lands.
40. Results of the monitoring of any field parameters such as soil, groundwater, surface water, dust or noise measurements shall be made available to Council Officers on request throughout the construction works.

41. Throughout the construction period, Council's warning sign for soil and water management shall be displayed on the most prominent point of the building site, visible to both the street and site workers. A copy of the sign is available from Council's Customer Service Counter.
42. All possible and practicable steps shall be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from wind-blown dust, debris, noise and the like.
43. Vibration levels induced by the demolition activities shall not exceed 1mm/sec peak particle velocity (ppv) when measured at the footing of any occupied building.
44. The following shall be complied with during construction and demolition:
 - (a) Construction Noise
 - (i) Noise from construction activities associated with the development shall comply with the NSW Environment Protection Authority's Interim Construction Noise Guideline and the Protection of the Environment Operations Act 1997.
 - (b) Level Restrictions
 - (i) Construction period of 4 weeks and under:
 - (1) The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 20dB(A).
 - (ii) Construction period greater than 4 weeks and not exceeding 26 weeks:
 - (1) The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 10 dB(A).
 - (c) Time Restrictions
 - (i) Monday to Friday 07:00am to 06:00pm
 - (ii) Saturday 08:00am to 04:00pm
 - (iii) No demolition or construction to take place on Sundays or Public Holidays.
 - (d) Silencing
 - (i) All possible steps should be taken to silence construction site equipment.
45. During excavation and construction work the Council nature strip shall be maintained in a clean and tidy state at all times. The nature strip shall be suitably replaced where damaged due to construction work in accordance with Council Specification at the completion of construction, and at the Applicant's expense.
46. During excavation and construction works, the applicant / builder is required to ensure the protection and preservation of all boundary fencing or boundary walls between the subject site and adjoining properties. Any damage caused as a result of such works will be at the full cost of the applicant/builder.

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

47. Prior to the issue of any Occupation Certificate, the applicant is to provide the following:
 - (a) Certification is to be provided to the Certifying Authority that all apartments should provide at least 10m³ of storage to comply with the minimum requirements for storage under the ADG with at least 50% of this storage requirement contained within the apartment.
48. Any damage not shown in the photographic survey submitted to Council before site works have commenced will be assumed to have been caused by the site works (unless evidence to prove otherwise). All damages as a result from site works shall be rectified at the applicant's expense to Council's satisfaction, prior to occupancy of the development and release of damage deposit.

49. Prior to the issue of any Occupation Certificate, documentation from a practising civil engineer shall be submitted to the Principal Certifying Authority certifying that the stormwater drainage system has been constructed generally in accordance with the approved stormwater management construction plan(s) and all relevant standards.
50. Any Stratum subdivision of the development shall be the subject of a further Development Application to Council.
51. That before entering a lease/occupancy agreement, all tenants and occupiers of the development are to be advised by the owner of the building that residents are not eligible to participate in on-street resident parking schemes.
52. Prior to the issue of the occupation certificate, a sign to this effect shall be located in a prominent place, to Council's satisfaction, such as on a notice board in the communal room, where it can easily be observed and read by persons entering the building.
53. To ensure satisfactory growth and maintenance of the landscaping, a fully automatic drip irrigation system is required in all landscaped areas. The system shall be installed by a qualified landscape contractor and provide full coverage of planted areas with no more than 300mm between drippers, automatic controllers and backflow prevention devices, and should be connected to a recycled water source. Irrigation shall comply with both Sydney Water and Council requirements as well as Australian Standards, and be maintained in effective working order at all times.
54. Landscaping on the property and in the public domain shall be installed in accordance with the approved landscape plan as stamped by Council's Landscape Architect prior to the issue of any Occupation Certificate. This amended plan supersedes the original landscape plan prior to the issue of an Occupation Certificate. The landscaped areas on the property shall be maintained in accordance with the Council stamped and approved landscape documentation, the conditions of development consent all times.
55. At the completion of landscaping on the site, the Applicant is required to obtain a Certificate of Compliance from the Landscape Consultant to certify that the landscaping has been installed in accordance with the Council approved landscape plan. The Certificate is to be submitted to Bayside Council prior to the Issue of an Occupation Certificate.
56. Prior to release of the Occupation Certificate the developer must submit to the Certifying Authority an acoustic report to verify that the measures stated in the acoustic report have been carried out and certify that the construction meets the above requirements. The report must be prepared by a qualified practicing acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australian Acoustical Consultants).
57. All services (Utility, Council, etc.) within the road reserve (including the footpath) shall be relocated/adjusted to match the proposed/existing levels as required by the development.
58. Prior to the issue of the relevant Occupation Certificate, a Certificate of Survey from a Registered Surveyor shall be submitted to the Principal Certifying Authority and the Council to the effect that:
 - (a) All reduced levels shown upon the approved plans, with relation to the required solar panels, drainage, boundary and road reserve levels, have been strictly adhered to; and
 - (b) A Floor Space Ratio (FSR) of 3.43:1 and a maximum height of 46.34m and up to a maximum of RL 51m AHD, as approved under this Development Consent No. 2017/1155, have been strictly adhered to and any departures are to be rectified in order to issue the Occupation Certificate.
 - (c) The development as built, stands within a consolidated lot otherwise described as Lot 1 in DP 777315 and Lot 500 in DP 1030729. **(DA-2017/1155/02)**

59. The applicant is responsible for the installation and protection of all regulatory/ parking / street signs fronting the property. Any damaged or missing street signs as a consequence of the development and associated construction works shall be replaced at full cost to the applicant.
60. Any air conditioning units are to be located so that they are not visible from the street or public place and are not obscure windows/window frames or architectural features of the development and installed in a manner not be inconsistent with the relevant provisions of the Building Code of Australia (BCA).
61.
 - (a) Prior to the issue of any Occupation Certificate, the retail spaces are to be allocated to the closest spaces to the retail tenancy.
 - (b) Prior to the issue of any Occupation Certificate, entry/egress doors to the development should have an electronically operated lock which require security swipe pass for entry. The lifts operating in the building should have the same security swipe pass technology. When an occupant buzzes in a visitor the lift should recognise the floor the occupant resides and only allow the visitor access to that floor in the lift.
62. Prior to use and occupation of the building an Occupation Certificate must be obtained under Section 109C(1)(c) and 109M of the Environmental Planning and Assessment Act 1979.

CONDITIONS WHICH MUST BE SATISFIED DURING THE ONGOING USE OF THE DEVELOPMENT

63. The use of the retail tenancies RG 08, 09, 10 and RG 26 are subject to a separate approval (DA or complying development certificate).
64. The stormwater drainage system (including all pits, pipes, absorption, detention structures, treatment devices, infiltration systems and rainwater tanks) shall be regularly cleaned, maintained and repaired to ensure the efficient operation of the system from time to time and at all times. The system shall be inspected after every rainfall event to remove any blockage, silt, debris, sludge and the like in the system. All solid and liquid waste that is collected during maintenance shall be disposed of in a manner that complies with the appropriate Environmental Guidelines.
65. Ongoing maintenance of the road verges and footpaths and nature strips in Kent Road Gardeners Road shall be undertaken by the owner/body corporate/Strata Corporation. Maintenance includes mowing, watering and maintaining the landscaping in these areas at all times. Maintenance does not include pruning, trimming, shaping or any work to street trees at any time.
66. The use of the premises shall not give rise to any of the following when measured or assessed at "sensitive" positions within any other property. These "sensitive" positions should be selected to reflect the typical use of a property (ie any outdoor areas for day and evening but closer to the façade at night time), unless other positions can be shown to be more relevant.
 - (a) The operation of all plant and equipment shall not give rise to an equivalent continuous (LAeq) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background LA90 level (in the absence of the noise under consideration).
 - (b) The operation of all plant and equipment when assessed on any residential property shall not give rise to a sound pressure level that exceeds LAeq 50dB(A) day time and LAeq 40 dB(A) night time.
 - (c) The operation of all plant and equipment when assessed on any neighbouring commercial/industrial premises shall not give rise to a sound pressure level that exceeds LAeq 65dB(A) day time/night time.

- (d) For assessment purposes, the above L_{Aeq} sound levels shall be assessed over a period of 10-15 minutes and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content where necessary.
67. Any air conditioning units shall comply with the following requirements:
- (a) Air conditioning units are not to be visible from the street or public place and are not to obscure windows/window frames or architectural features of the dwelling.
 - (b) A person must not cause or permit an air conditioner to be used on residential premises in such a manner that it emits noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open):
 - (i) Before 8 am or after 10 pm on any Saturday, Sunday or public holiday, or
 - (ii) Before 7 am or after 10 pm on any other day.
68. Visible light reflectivity from building materials use on new building facades must not exceed 20%.
69. The following shall be complied with at all times:
- (a) All loading and unloading associated with the retail tenancy is to be undertaken within the loading dock (basement) of Building C (1-5 Kent Road, Mascot).
 - (b) No garbage collection associated with the retail premises is permitted between 10pm and 6am.
 - (c) The collection of garbage associated with the residential premises shall be restricted to 6am to 6pm Monday to Sunday.
70. The following shall be complied with at all times:
- (a) Each residential dwelling (apartment) is approved as a single dwelling for use and occupation by a single family. They shall not be used for separate residential occupation or as separate residential flats. No plumbing fixtures, fittings, walls shall be deleted or added, doorways enclosed or any other changes made from the approved plans in Condition No. 1 of this Consent without the prior Consent of the Council, other than permitted by Exempt and Complying provisions;
 - (b) The adaptable apartments approved under this development consent are to remain unaltered at all times; and
 - (c) The storage areas located within the basement shall be allocated to the relevant residential dwelling in any future subdivision of the site. In addition, any isolated storage areas and other spaces as identified by the NSW Police, shall be monitored by CCTV cameras at all times.
71. All parking bays shown on the approved architectural plans shall be set aside for parking purpose only and shall not be used for other purposes, e.g. storage of goods. Vehicle turning areas shall be kept clear at all times and no vehicles are permitted to park in these areas. This is to be complied with at all times.

Gym conditions

72. A maximum of four (4) people may be employed at the Gym in association with the use.
73. The ongoing operation of the gym must meet relevant noise criteria as stipulated in condition 66. The operation of the gym shall not transmit vibration throughout the building, in particular to residential apartments and in order to ensure this, shock mats shall be installed in relevant areas to avoid the interference with the amenity of inhabitants.
74. No signage other than exempt or complying signage shall be installed in relation to the gym, any signage installed must maintain an active street frontage to allow passive surveillance to occur to the public domain. Signage detail beyond the provisions of exempt and complying within the LEP or SEPP will require an application to Council.

75. The operation of the gym shall be undertaken in accordance with relevant conditions of consent and the plan of management approved by Council.

Bayside Local Planning Panel

21/08/2018

Item No	6.5
Application Type	Development Application – Additions to Dwelling
Application No	SF18/1801
Lodgement Date	22/09/2017
Property	DA-2017/1165 - 10 Ivy Street, Botany
Ward	Botany Bay
Owner	C Psetelles
Applicant	C Psetells
Proposal	Alterations and additions to existing attached dwelling.
No. of Submissions	One
Cost of Development	\$48,000
Report by	Michael McCabe, Director City Futures

Officer Recommendation

- 1 That the Bayside Local Planning Panel support the variation to FSR development standard as contained in Clause 4.4 of Botany Bay Local Environmental Plan 2013, in accordance with the written request under Clause 4.6 of BLEP 2013 submitted by the applicant.
 - 2 That Development Application No. DA-2017/1165 for alterations and additions to an existing attached dwelling at 10 Ivy Street, Botany, be approved.
 - 3 That the objectors be notified of the determination.
-

Location Plan



Attachments

- 1 Planning Assessment Report
- 2 Elevations
- 3 Street Elevations
- 4 Roof Plan
- 5 Clause 4.6 [↓↓↓↓↓](#)

BAYSIDE COUNCIL

Planning Assessment Report

Application Details

Application Number:	2017/1165
Date of Receipt:	22 September 2017
Property:	10 Ivy Street, Botany
Lot & DP/SP No:	Lot 3 DP 1166762
Owner:	Mr C Pselleles
Applicant:	Mr C Pselleles & Urban Future
Proposal:	Alterations and additions to existing attached dwelling
Property Location:	Eastern side of Ivy Street
Value:	\$48,000.00
Zoning:	R3 – Medium Density Residential Botany Bay Local Environmental Plan 2013
Author	Lincoln Lawler
Date of Report:	17 May 2018
Classification of Building:	Class 1a - Dwelling
Present Use:	Residential Dwelling
No. of submissions:	One (1) submission received

Recommendation

1. That the Bayside Planning Panel support the variation to FSR development standard as contained in Clause 4.4 of Botany Bay Local Environmental Plan 2013, in accordance with the written request under Clause 4.6 of BLEP 2013 submitted by the applicant.
2. That development Application No. 2017/1165 for alterations and additions to an existing attached dwelling at 10 Ivy Street, Botany, be approved.

Site Description

The subject site consists of a two storey dwelling with a rooftop terrace which forms part of a set of three Torrens Titled attached dwellings development. The three attached dwellings were the result of a conversion and change of use of an existing industrial building via Development Application No. DA07/377 which was approved by Council on 27 February 2008.

The site is located on the eastern side of Ivy Street with Daphne Street to the north and Bay Street to the south. The site is surrounded by a mixture of low and medium density residential development. The site is square in shape and has an area of 144.50m², with the following dimensions:

Front – 12.13m
North side – 11.915m
South side – 11.895m
Rear – 12.13m



Figure 1. Locality plan



Figure 2. Aerial photo of subject site

Site History

DA-07/377 – was approved by Council on 27 February 2008 for the conversion and change of use of an existing industrial building into three attached multi-unit dwellings with associated landscaping, car parking and strata subdivision.

DA-07/377/02 – was approved by Council's Development Committee at that time on 4 May 2011 for internal alterations and additions an, reducing the tree preservation bond, straightening of the driveways, and changing the originally approved Strata title subdivision to Torrens title subdivision.

DA-07/377/03 – was lodged with Council on 27 May 2011 to reduce the S94 contributions rate. This application was refused by Council.

DA-2017/1165 – subject application

Description of Development

The development application seeks Council consent for the following works at 10 Ivy Street, Botany:

- Ground Floor:
 - Conversion of existing front courtyard to internal space
 - Minor internal alterations (replacement of doors within courtyard, new sliding door to bathroom)
- First Floor
 - Addition of a new balcony to the front bedroom
- Second Floor (rooftop terrace floor)
 - Enclosure of portion of rooftop terrace
 - Addition of a balcony to front of existing rooftop terrace
 - Open timber batten structure over portion of existing rooftop terrace

It is noted that the party wall owners consent has been provided from Teakbray Pty Ltd ATF Dragon World Wide Investments Unit Trust

Statutory Considerations

Environmental Planning and Assessment Act, 1979

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

S.4.15(1) - Matters for Consideration – General**S.4.15(1)(a)(i) - Provisions of Environmental Planning Instruments**

The following Environmental Planning Instruments are relevant to this application:

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

A BASIX Certificate is not required to be submitted as the cost of works proposed is less than \$50,000.

State Environmental Planning Policy No. 55 – Remediation of Land

The provisions of SEPP 55 have been considered in the assessment of the development application, along with the requirements of Part 3K- Contamination of the Botany Bay Development Control Plan 2013. The likelihood of encountering contaminated soils on the subject site is considered to be extremely low given the following:

- 1 The site has been approved for residential use and this application does not seek to change the use.
- 2 The existing Development approval considered a contamination assessment that concluded that the site was suitable for the proposed use.

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

Botany Bay Local Environmental Plan 2013

Botany Bay Local Environmental Plan 2013 has been considered in the assessment of the Development Application and the following information is provided:

Principal Provisions of BBLEP 2013	Compliance Yes/No	Comment
Landuse Zone	Yes	The site is zoned R3 Medium Density Residential zone under the BBLEP 2013.
Is the proposed use/works permitted with development consent?	Yes	The proposed development being alterations and additions to an existing attached dwelling is permissible with Council's consent under the BBLEP 2013.
Does the proposed use/works meet the objectives of the zones?	Yes	The proposed development is consistent with the objectives of the R3 zone.
Does Clause 2.5 and Schedule 1 – Additional Permitted Uses apply to the site?	N/A	Schedule 1 does not apply to the site.

Principal Provisions of BBLEP 2013	Compliance Yes/No	Comment
If so what additional uses are permitted on the site?		
What is the height of the building?	-	A maximum height of 10 metres applies to the subject site.
Does the height of the building comply with the maximum building height?	Yes	9.09m – proposed work within existing dwelling height
What is the proposed FSR?	-	The maximum FSR is 0.85:1 or 122.83m ²
Does the FSR of the building comply with the maximum FSR?	No	Site Area: 144.50m ² Ground floor: 77.70m ² First floor: 72.3m ² Second Floor (rooftop terrace): 24.70m ² Total GFA: 174.70m ² FSR: 1.21:1
Is the land affected by road widening? (Clause 5.1 – Relevant Acquisition)	N/A	The subject site is not affected by road widening.
Is the site listed in Schedule 5 as a heritage item or within a Heritage Conservation Area?	N/A	The site is not listed as a heritage item, nor is it located within a Heritage Conservation Area.
The following provisions in Part 6 of the LEP apply to the development– <ul style="list-style-type: none"> 6.1 – Acid sulphate soils 	Yes	The subject site is located within a Class 4 acid sulphate soils area pursuant to Clause 6.1 of the BBLEP2013. All works proposed are within existing building footprint and no significant cut/fill is proposed. Therefore no further site investigations are required to be carried out.
<ul style="list-style-type: none"> 6.3 - Stormwater management 	Yes	The development is of minimal impact as it proposes less than 30sqm of additional impervious area to the existing building, therefore there is no requirement for a stormwater plan. Proposes works to be connected to existing stormwater system.
<ul style="list-style-type: none"> 6.9 – Development in areas subject to aircraft noise 	Yes	The subject site is affected by Aircraft Noise being within ANEF contour 20-25. Conditions have been included that require the development to be constructed in accordance with AS2021.2015 which satisfies the clause.

The objectives and provisions of the BBLEP 2013 have been considered in relation to the subject development application. The proposal is considered satisfactory in terms of the BBLEP 2013.

Note 1: Clause 4.6 Exceptions to a Development Standard (FSR) - Clause 4.4 Floor Space Ratio

The maximum FSR permitted by the BBLEP 2013 is 085:1 (122.83m²). The development application seeks an FSR of 1.21:1 (174.7m²) being an additional 51.87m².

The existing development has a floor space ratio of 1:1.

The applicant has submitted a variation to Clause 4.4 pursuant to Clause 4.6 requesting a greater FSR. This variation is considered below.

Clause 4.6 of BBLEP 2013 states:-

- 1) *The objectives of this clause are as follows:*
 - a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
 - b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- 2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*
- 3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
 - a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*
- 4) *Development consent must not be granted for development that contravenes a development standard unless:*
 - a) *the consent authority is satisfied that:*
 - (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
 - b) *the concurrence of the Director-General has been obtained.*
- 5) *In deciding whether to grant concurrence, the Director-General must consider:*
 - a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
 - b) *the public benefit of maintaining the development standard, and*
 - c) *any other matters required to be taken into consideration by the Director-General before granting concurrence.*
- 6) *Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone*

E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:

- a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
- b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*

Note. *When this Plan was made it did not include Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E3 Environmental Management or Zone E4 Environmental Living.*

- 7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).*
- 8) This clause does not allow development consent to be granted for development that would contravene any of the following:*
 - a) a development standard for complying development,*
 - b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,*
 - c) clause 5.4.*

Consent may be granted for the proposal subject to Clause 4.6, notwithstanding that the proposal would contravene this development standard, as the FSR development standard is not expressly excluded from this Clause (Cl 4.6(2)). The applicant has provided a written request justifying the contravention of the development standard pursuant to Clause 4.6(3) of BBLEP 2013, which is considered below. The matters for consideration pursuant to Clause 4.6(4) and (5) are also considered below. Clause 4.6 (6), (7) and (8) are not relevant to the current proposal.

In assessing the proposed departure, consideration has been given to the objectives of the standard, the objectives of the zone, and the objectives of BBLEP 2013 (including Clause 4.6(1)) as outlined below. The following justification for this proposed departure from the FSR development standard has been provided by the applicant:

The proposed FSR variation is considered to be justified on the following basis:

1. Consistency with the objectives of the floor space ratio standard in the LEP objectives:

4.4 Floor space ratio [relevant clauses quoted]

(1) The objectives of this clause are as follows:

- (a) to establish standards for the maximum development density and intensity of land use,*
- (b) to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality,*
- (c) to maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing, and are not likely to undergo, a substantial transformation,*
- (d) to ensure that buildings do not adversely affect the streetscape, skyline or landscape when viewed from adjoining roads and other public places such as parks, and community facilities,*
- (e) to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain,*
- (f) to provide an appropriate correlation between the size of a site and the extent of any development on that site,*
- (g) to facilitate development that contributes to the economic growth of Botany Bay.*

(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

Applicant's justification

As demonstrated in the DA drawing package, the bulk and scale sits comfortably in its context and is compatible with the existing and desired future character of the locality. The proposal will not significantly alter the appearance of the existing dwelling, therefore, will not result in a substantial transformation of the building. We also note the proposal will not introduce adverse environmental impacts to the neighbouring properties.

2. Consistency with the objectives of the R3 – Medium Density Residential

1 Objective of zone

- *To provide for the housing needs of the community within a medium density residential environment*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents*
- *To encourage development that promotes walking and cycling*

Applicant's justification

The proposed FSR variation does not raise any inconsistency with the R3 Medium Density Residential zone objectives. The FSR is associated with a built form which is compatible with the height, bulk and scale of the dwellings of the site. The proposal will maintain the medium density residential environment, thereby confirming that the variation does not raise any inconsistency with the objectives of the zone.

3. Consistency with State and Regional planning policies

Applicant's justification

The proposed FSR variation ensures the orderly and economic use of land as envisaged by the Environmental Planning and Assessment Act, 1979 and is consistent with the objectives of the zone..

4. The variation allows for a better planning outcome

Applicant's justification

this development proposal seeks to increase the FSR of the existing dwelling in two areas:

- *Utilising the ground floor front courtyard*

We understand the front courtyard is already enclosed when viewed from the street elevation. Converting the courtyard into internal space aims to utilise the internal space and increase the living space area which will ultimately improve the internal amenity of the dwelling, whilst the physical appearance of the dwelling will not be altered. It is therefore considered that utilising the ground floor courtyard, although increases the dwelling's FSR, results in a better planning outcome for the dwelling.

- Partial enclosure to the existing rooftop terrace

The enclosure of the rooftop is to the portion of the roof that currently includes a shading structure. It is proposed to replace the shading structure with a solid roof which will also be located higher than the existing shading structure by 490mm, whilst new glazed doors will be added to this area, with no solid walls proposed. We also note that most of the enclosed rooftop will be hidden behind the existing stairwell structure when viewed from the street. It is therefore considered that the partial enclosure of the rooftop terrace results in a better planning outcome as it creates a more usable space for the residents of the dwelling, whilst having minimal impacts onto the streetscape and adjoining neighbours.

5. There are sufficient environmental grounds to permit the variation

The additional FSR is as a result of converting the front yard into internal space and enclosure of portion of the existing roof terrace, which will not significantly alter the appearance of the dwelling and will not introduce any environmental impact to the adjoining neighbours.

The site is zoned as R3 and is adjacent to DA approved apartments at No. 37A-39 Daphne Street. The DA approved 37A-39 Daphne Street, include an FSR of 1.37:1, as such the proposed FSR is not inconsistent with the bulk and scale in the immediate context.

6. The variation is in the public interest

The proposed development will be in the public interest as it is consistent with the objectives of the standard and the zone.

This Clause 4.6 variation has been assessed in accordance with the principles of *Wehbe v Pittwater Council [2007] NSW LEC 827* (Wehbe) in which the Hon. Brian Preston, Chief Justice of the Land and Environment Court, set out a new test (the long-standing 5 part test was set out in *Winten Property v North Sydney* (2001) 130 LGERA 79). This test sets out the following assessment process:

1. *The applicant must satisfy the consent authority that "the objection is well founded", and compliance with the development standard is unreasonable or unnecessary in the circumstances of the case;*
2. *The consent authority must be of the opinion that granting consent to the development application would be consistent with the policy's aim of providing flexibility in the application of planning controls where strict compliance with those controls would, in any particular case, be unreasonable or unnecessary or tend to hinder the attainment of the objects specified in s 5(a)(i) and (ii) of the Environmental Planning & Assessment Act 1979; and*
3. *It is also important to consider:*
 1. *whether non-compliance with the development standard raises any matter of significance for State or regional planning; and*
 2. *the public benefit of maintaining the planning controls adopted by the environmental planning instrument.*

The Chief Justice then expressed the view that there are 5 different ways in which an objection may be well founded and that approval of the objection may be consistent with the aims of the policy:

1. *the objectives of the standard are achieved notwithstanding non-compliance with the standard;*

2. *the underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*
3. *the underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*
4. *the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*
5. *the zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.*

These matters are considered below.

- A. Objection well founded and compliance with the development standard is unreasonable or unnecessary in the circumstance of the case (CI 4.6(3)(a))

The Land and Environment Court have set out a five part test for consent authorities to consider when assessing an application to vary a standard to determine whether the objection to the development standards is well founded. This test is outlined below for the variation to FSR.

- 1) *The objectives of the standard are achieved notwithstanding noncompliance with the standard*

The objectives of Clause 4.4 Floor Space Ratio of the Botany Bay LEP 2013 are:

- a) *to establish standards for the maximum development density and intensity of land use,*
- b) *to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality,*
- c) *to maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing, and are not likely to undergo, a substantial transformation,*
- d) *to ensure that buildings do not adversely affect the streetscape, skyline or landscape when viewed from adjoining roads and other public places such as parks, and community facilities,*
- e) *to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain,*
- f) *to provide an appropriate correlation between the size of a site and the extent of any development on that site,*
- g) *to facilitate development that contributes to the economic growth of Botany Bay.*

The proposal is consistent with the objectives of the FSR development standard for the following reasons:-

- The proposed development is compatible with the bulk and scale of the existing development in the area and the future desired character of the locality, given the nature of the site and locality;
- The proposal has maintained an appropriate visual character with the adjoining development and is consistent with the transformation of the area;
- It is not likely that there will be significant adverse impacts from the additional floor space proposed on the amenity of adjoining properties;

- The proposal provides for an appropriate correlation between size of the site and the extent of the development site as the additional floor space does not generate additional parking demand.
- 2) *The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary*

The underlying objective and purpose of the floor space ratio control has been achieved as stated above, therefore the standard is relevant even though strict compliance with the numerical requirement of 0.85:1 is not achieved which is not considered necessary in this instance as the proposal does meet all the objectives of Clause 4.4. The proposed development is compatible with the existing and desired future character of the area.

- 3) *The underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable*

The underlying objectives and purposes of the FSR control remain relevant to the proposed development. The proposed development is consistent with the objectives of the FSR control in the BBLEP 2013 as detailed above.

- 4) *The development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable*

While the FSR control has been varied previously for this site under BBLEP 1995, the development standard under BBLEP 2013 has not been abandoned. This development standard remains generally relevant in the area, and a variation to the standard is warranted as discussed above.

- 5) *The compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone*

It has been established that the proposed development is appropriate and strict adherence to the development standard in this instance is considered unreasonable and unnecessary. Furthermore, the additional floor space does not result in adverse impact to adjoining properties in terms of residential amenity.

The proposed development provides a high quality residential accommodation, which facilitates the orderly and economic development of the land in a manner that is appropriate in this area and is consistent with the streetscape presentation already approved at the site.

Accordingly, since the proposal does satisfy all the objectives of the FSR development standard pursuant to Clause 4.4 of BBLEP 2013, the proposed development is considered to be appropriate and strict adherence to the development standard in this instance is unreasonable and unnecessary.

The applicant's Clause 4.6 is well-founded and the departure is in the public interest given that the streetscape integrity and amenity to surrounding development is retained.

- B. Consistent with the policy's aim of providing flexibility in the application of planning controls where strict compliance with those controls would, in any particular case, be unreasonable

or unnecessary or tend to hinder the attainment of the objects specified in s 5(a)(i) and (ii) of the Environmental Planning & Assessment Act 1979; and

The Policy referred to in this instance is SEPP 1 which is not relevant in this case since Clause 4.6 is the applicable instrument, however, the objectives of both are similar in that flexibility in applying certain development standards to particular development and to achieve better outcomes for and from development by allowing flexibility in particular circumstances is desirable.

The objects specified in section 5 (a) (i) and (ii) of the Act are:-

- a) *to encourage:*
- (i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
 - (ii) *the promotion and co-ordination of the orderly and economic use and development of land.*

The non-compliance with the FSR standard is acceptable in this instance as the proposal does achieve the objectives of the development standard and in this instance will allow for the co-ordination of the orderly and economic use and development of land.

C. Sufficient Environmental Planning Grounds (CI 4.6(3)(b))

It is considered that there are sufficient environmental planning grounds arising from the proposal to support of this variation to the FSR development standard given:-

- The development will not adversely impact on the surrounding road network; and the acceptable level of car parking will not impact on the availability of on-street car parking;
- The proposal will not result in any excessive overshadowing with the anticipated shadowing impacts being negligible
- Other dwellings approved by both Council and have varied the FSR standard and have also complied with the height, overshadowing and parking controls as is what is currently proposed.

Therefore, it is considered that there are sufficient planning grounds for a variation to the FSR and the variation is not in the public interest.

D. Other Matters For Consideration (CI 4.6(1), (4) & (5))

The following matters pursuant to Clause 4.6 also need to be considered:-

- Objectives of Clause 4.6;
- Public interest and public benefit of maintaining the development standard CI 4.6(4)(a)(ii) and (5)(b) of BBLEP 2013); and
- Any matters of state or regional importance (CI 4.6(5)(a) of BBLEP 2013)

Objectives of Clause 4.6

The objectives of Clause 4.6 (pursuant to Cl 4.6(1) of BBLEP 2013) are:

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

The proposed development will achieve a suitable outcome for the site in that the proposal will not adversely impact on the visual amenity of the streetscape and provides for better internal amenity. This is addressed further in this assessment. Therefore, for the reasons outlined in this assessment, it is considered that flexibility can be applied to this development, in this instance as it does achieve a better outcome for the site.

Public Interest and Public Benefit

In terms of public benefit, the proposal will provide for a public benefit. The proposed development is compatible with the existing development and the approved development surrounding the site.

Preston CJ noted that there is a public benefit in maintaining planning controls and a SEPP 1 objection should not be used in an attempt to effect general planning changes throughout the area. In the current case, the planning control should be varied as it will not affect the general planning change in the area, as it will be consistent with other development already approved and construction in the area.

The proposed development will not impact on surrounding development in terms of height, overshadowing or car parking.

Matters of State or Regional Importance

The proposed variation to the FSR standard does not raise any matters of significance for state or regional planning. The variation is also not contrary to any state policy or ministerial directive.

Summary

The Clause 4.6 Exception to the FSR control has been assessed in accordance with relevant case law, being the principles of *Wehbe v Pittwater Council* [2007] NSW LEC 827. The proposal is consistent with the underlying objectives of the standard identified:

- The variation is 42.% over the site, where the maximum FSR permitted by the BBLEP 2013 is 0.85:1 (122.83m²). The proposed development seeks an FSR of 1.21:1 (174.7m²) being an additional 51.87m².
- The scale and bulk of the building maintains the streetscape and the design of rooftop enclosure is primarily of glass which provides a lightweight design response to the growing needs to the inhabitants.
- The additional overshadowing created by the development still maintains at least three hours of sunlight to neighbouring properties on June 21.
- The buildings address the desired future character of the area and the site is located in an area that is in transition to align the development to the R3 Medium Density.

It is considered that the Applicant has addressed the requirements of Clause 4.6(4) and the granting of consent is consistent with the aims and objectives of Clause 4.6 of BBLEP 2013 further the applicant's Clause 4.6 is well-founded. On this basis of, it is recommended that the development standard relating to the maximum FSR for the site pursuant to Clause 4.4 of the BBLEP 2013 should be varied in the circumstances as discussed above.

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

There are no current Draft EPIs applicable to this development

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

The following Development Control Plan is relevant to this application;

Botany Bay Development Control Plan 2013

The development proposal has been assessed against the controls contained in the Botany Bay Development Control Plan 2013 as follows:

Part 3G – Stormwater Management

The proposed works are to be connected to the existing stormwater system on the site. Due to the relatively small scale of the works and that no additional impervious area is being proposed, there is no requirement for a stormwater management plan.

The site is flood affected and requires habitable areas to be at a minimum finished floor level (FFL) of 5.40m AHD. The current FFL of the dwelling is at 5.02m AHD. The proposed works on the ground floor include incorporating an existing enclosed courtyard within the lounge room. Based on the small scale of the proposed works, minimal impacts on the existing property and surrounding properties, and existing site conditions, the minimum habitable FFL is impossible to enforce and a concession is granted by Council's Development Engineer.

Part 3J – Development Affecting Operation at Sydney Airport

The provisions of Australian Standard AS2021-2000 have been considered in the assessment of the development application, as the subject site is located within the 20-25 ANEF contour. Residential development in these areas is considered conditional under Table 2.1 of Australian Standard AS2021-2000 and development may take place subject to Council consent and compliance with the requirements of the AS2021-2015.

The standard requires that the external environment to the dwelling be considered for aircraft noise impacts. The following is required to be taken into account:

1. There is an existing residential premise on site and the development is for alterations and additions to this existing dwelling;
2. The degree the land is affected by aircraft noise is related to the use and operation of the airport as it affects the subject dwelling house;
3. Development in the immediate surrounding environment is residential; and

4. The outdoor environment, given the curfew and current operating patterns, are such that in daylight hours there will be sufficient opportunity to utilise the private open space without the presence of aircraft noise.

A condition has been included in the development consent requiring a report to be prepared by a suitably qualified consultant and which demonstrates compliance with AS2021-2015, prior to the issue of a construction certificate.

Part 3L- Landscaping and Tree Management

The set of three attached dwellings were the result of a conversion from a warehouse building. Therefore the subject dwelling was approved with no rear or front yard and private open space is limited to the internal courtyards and the rooftop terrace.

Part 3N- Waste Minimisation and Management

Works proposed are of minimal impact and standard conditions have been included in the development consent requiring proper management and disposal of waste generated during the construction and demolition phase. The proposed development will not alter the management of on-going household waste.

Part 4A- Dwelling House

The development application has been assessed against the controls contained in Part 4A of the DCP – Dwellings. The following table compares the proposed development with the relevant provisions of this policy.

Part	Control	Proposed	Complies
4A.2.4 Streetscape Presentation	C2 Development must be designed to reinforce and maintain the existing character of the streetscape.	The application seeks to incorporate the existing courtyard at the front of the dwelling within the living room and also enclose a section of the rooftop terrace to create an additional living space. The streetscape impacts as a result of the incorporation of the courtyard within the living room are considered to be minimal as the external changes are limited to windows and the front door and are considered minor.	Yes - Acceptable
	C3 Dwelling must reflect dominant roof lines and patterns of the existing streetscape.		
	C4 Building must address the street.		
	C5 Developments on sites with two or more frontages should address both frontages		
	C6 Dwelling front door is to be readily apparent from the street.		
	C11 New windows to be in keeping with existing		
	C13 New extensions to be consistent with existing materials		
		The streetscape impacts from the enclosure of the rooftop terrace are however considered acceptable and the development is consistent with the adjoining attached dwellings with rooftop terraces . It is acknowledged there is an existing pergola structure however this is a light	

		weight structure and the proposal is for a fully enclosed structure by way of glass which alleviates any additional bulk which is also set back from the road. The three storey appearance is consistent with the immediate locality.	
4A.2.7 Site Coverage	C2 For sites less than 200sqm site coverage is assessed on merits	No change to site coverage	N/A
4A.2.8 Building Setbacks	C1 Dwelling houses must comply with the following minimum setbacks as set out in Table 1 . Less than 12.5m lot width: <ul style="list-style-type: none"> • Front – comply with prevailing street setback or 6m min. • Side – assessed on merit. • Rear – 4 min. • Eaves – 450mm min. 	All works maintain existing dwelling setbacks.	N/A
4A.2.9 Landscape Area	C2 Development shall comply with the following minimum landscaped area requirements, based on the area of the site in Table 2 . Table 2 requires the following minimum landscaped area: (i) 15% for sites that are less than 250m ² .	Please refer to Part 3L Assessment above	Existing Situation
4A.3.1 Materials and Finishes	C1 A Schedule of Finishes and a detailed Colour Scheme for the building facade must accompany all Development Applications involving building works (refer to Council's Development Application Guide for further detail).	Proposed works are in keeping with existing	Yes
4A.3.2 Roofs and Attics/Dormer	C1 Where roof forms in a street are predominantly pitched, then any proposed roof should provide a similar roof form and pitch. C3 A variety of roof forms will be considered, provided that they relate appropriately to the architectural style of the proposed house and respect the scale and character of adjoining dwellings.	The roof form remains largely the same as previously approved. The rooftop room has a new roof, which is still flat just slightly higher than what currently exists on the site.	Yes
4A.3.3 Fences	C1 Front fences to be in keeping with the existing character of the dwelling house.	None proposed	N/A

	C7 Front fences higher than 1m are not encouraged. Max. height of front fence 1.2m (refer to figure 20)		
4A.4.1 Visual Privacy	C2 Visual privacy for adjoining properties must be minimised by: <ul style="list-style-type: none"> ▪ using windows which are narrow or glazing ▪ Ensuring that windows do not face directly on to windows, balconies or courtyards of adjoining dwellings ▪ Screening opposing windows, balconies and courtyards; and ▪ Increasing sill heights to 1.5 metres above floor level. 	It is considered that there is no change to any privacy from what currently exists at the site	Yes
4A.4.2 Acoustic Privacy	C1 Consider noise impacts on noise sensitive rooms within dwelling	Site is with ANEF 20-25. A condition has been included in the development consent requiring appropriate noise shielding techniques to comply with relevant Australian Standards.	Yes
4A.4.3 Solar Access	C1 Buildings (including alterations/additions/extensions) are to be designed and sited to maintain approximately 2 hours of solar access between 9am and 3pm on 21 June to windows in living areas (family rooms, rumpus, lounge and kitchens) and the principal open space areas such as swimming pools, patios and terraces, and drying areas of both the subject site and adjoining properties.	The rooftop room is located on the northern boundary with the impacts being cast onto the subject site and minimal impacts to surrounds which either are cast on the road or onto the front yard of the neighbouring electricity substation.	Yes
	C2 Solar panels on adjoining houses that are used for domestic needs within that dwelling must not be overshadowed for more than two hours between 9am to 3pm in mid-winter.	No solar panels on adjoining properties have been identified.	N/A
4A.4.4 Private Open Space	C2 For sites that are less than 250sqm, a minimum area of 25sqm applies.	Achievable	Yes

Part 8.4 – Botany Character Precinct

The site is located within the R3 Medium Density Residential zone of the Precinct on Ivy Street.

The dwelling has been designed to address the street and is consistent with the existing and desired character of the Botany Precinct. The dwelling is compliant regarding height and there are no changes

proposed for setbacks, site coverage, and private open space and is considered to have acceptable height, landscaping and solar access to neighbouring sites. As such the proposal is suitable for the site and is consistent with the desired future character of the Botany Precinct pursuant to Botany Bay Development Control Plan Part 8 Character Precincts.

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

The proposed development will intensify residential development in the area and meets the objectives of the R3 medium density residential zone. The approval of the proposed development does not have the potential to have an adverse environmental, social and economic impact in the locality.

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

The subject site is affected by flooding and has been designed in accordance with Council's relevant flooding controls, and is not known to be affected by any other natural hazards or other site constraints that are likely to have a significant adverse impact on the proposed development. The issue of likely site contamination has been considered, however, given the nature of the development, and that there is no change to the existing slab, further onsite investigation is not warranted.

The site is zoned R3 Medium Density Residential and this site predominantly accommodates an existing dwelling. The site is therefore considered suitable for the proposed development.

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

In accordance with Part 2 of the BBDCP 2013, the development application was notified to surrounding property owners. One submission was received during this time within which the following concerns were raised:

Issue 1: Noise generated from entertaining on the rooftop terrace

Comment: Any noise generated from the rooftop entertaining will now be able to be enclosed within the proposed structure. The use of this area is not for commercial use, and is ancillary to the existing dwelling, so not unlike the private open space area in any other backyard.

Issue 2: Noise generated during construction:

Comment: Standard noise conditions will be recommended as part of conditions of consent should consent be granted.

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

It is considered that granting approval to the proposed development is in the public interest as the proposed residential alterations and additions will have no significant adverse impact in this locality.

Conclusion

Development Application No. 2017/1165 for residential alterations and additions, construction of a rooftop room at 10 Ivy Street, Botany has been assessed in accordance with the relevant requirements of the *Environmental Planning and Assessment Act 1979* and is recommended for approval subject to conditions of consent.

Attachment**Schedule 1 – Conditions of Consent****Premises: 10 Ivy Street Botany****DA No: 201/1165****SCHEDULE OF CONSENT CONDITIONS****GENERAL CONDITIONS**

1. The development is to be carried in accordance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent.

Drawing Reference	Author	Date
Existing and proposed ground floor plan, DWG DA 03_01 Issue B	Urban Future	Dated: 20 September 2017
Existing and proposed first floor plan, DWG DA 03_02 Issue B	Urban Future	Dated: 20 September 2017
Existing and proposed second floor plan, DWG DA 03_03 Issue B	Urban Future	Dated: 20 September 2017
Existing and Proposed Street Elevations DWG DA 02_1 Issue B	Urban Future	Dated: 20 September 2017
Site Plan DWG DA01_01 Issue B	Urban Future	Dated: 20 September 2017

Documents	Author	Date
Construction Waste Management Plan	Urban Future	Dated 22 September 2017
Statement of Environmental Effects	Urban Future	undated

2. This Consent relates to land in Lot 3 in DP 1166762 and, as such, building works must not encroach on to adjoining lands or the adjoining public place.
3. The following shall be complied with:
 - a) All building work must be carried out in accordance with the provisions of the Building Code of Australia;
 - b) In accordance with Clause 94 *Environment Planning & Assessment Regulation 2000*, an automatic smoke detection and alarm system for early warning of

occupants must be installed in the building (dwellings). The installation must satisfy the following:-

- i) smoke alarms must comply with AS3786 - 1993;
- ii) smoke alarms must be connected to the consumer mains power where consumer power is supplied to the building; and
- iii) be located in a position as required by Vol 2. BCA.

4. The consent given does not imply that works can commence until such time that:
 - a) Detailed plans and specifications of the building have been endorsed with a Construction Certificate by:-
 - i) The consent authority; or,
 - ii) An accredited certifier; and
 - b) The person having the benefit of the development consent:-
 - i) Has appointed a Certifying Authority; and
 - ii) Has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and
 - iii) The person having the benefit of the development consent has given at least 2 days notice to the council of the persons intention to commence the erection of the building.

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE ISSUE OF ANY CONSTRUCTION CERTIFICATE

5. Prior to the issue of the Construction Certificate the required Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 has to be paid. The Long Service Levy is payable at 0.35% of the total cost of the development, however this is a State Government Fee and can change without notice.
6. Prior to the issue of the Construction Certificate the applicant must pay the following fees:-
 - a) Footpath Crossing Deposit \$1,716.00
 - b) Development Control \$247.00
7. Prior to the issue of any Construction Certificate, the applicant shall lodge a Footpath Crossing Deposit of **\$1,716.00** (GST Exempt) by way of cash deposit or unconditional bank guarantee to Council against possible damage to Council's asset during the course of the building works. The deposit will be refunded subject to inspection by Council 12 months after the completion of all works relating to the proposed development and Final Occupational Certificate has been issued.
8. Prior to the issue of the Construction Certificate, a report is required from a qualified plumber certifying that the existing drainage system, up to where it connects with a Council

drainage structure and/or discharges to the groundwater system, is clear of debris and fully operational.

Where the existing system is determined deficient, damaged and/or not operational, a new system shall be designed and constructed by a suitably qualified Civil Engineer in accordance with Council's Stormwater Management Technical Guidelines (SMTG) & AS 3500.

9. The building must be constructed in accordance with *AS2021- 2015: Acoustics, Aircraft Noise Intrusion, Building Siting and Construction*. Details of compliance must be outlined within a report prepared by a practicing professional acoustical consultant (who is a member of either the Australian Acoustical Society or the Association of Australian Acoustical Consultants). The report must be submitted to the Certifying Authority prior to the release of any Construction Certificate and the building plans must be endorsed with the required acoustical measures.

The measures required must be implemented in accordance with the provisions of *AS 2021 – 2015* to establish components of construction to achieve indoor design sound levels in accordance with Table 3.3 of *AS2021 – 2015*. The required measures shall be incorporated into the plans submitted with the Construction Certificate.

The work detailed in the report includes:

- a) Appropriate acoustic glazing to stated windows and doors,
- b) Detailed roof and ceiling construction,
- c) Wall and ceiling corner details and,
- d) External door specification,
- e) Acoustically treated mechanical ventilation.

Note: In many cases the applicant chooses to install air conditioning to meet mechanical ventilation requirements above. If they do it will require consideration of the noise from the air conditioner (requirements for noise from air conditioners is outlined elsewhere within this consent).

10. Prior to the issue of any Construction Certificate, all driveways/access ramps/vehicular crossings shall be designed to conform to the current Australian Standards AS 2890.1 and Council's Infrastructure Specifications. These include but are not limited to E-01, E-04, E-07 and E-16.

As part of this development, a new concrete driveway shall be constructed. A new five (5) metre wide driveway layback shall be constructed as part of the new driveway. A minimum of one (1.0) metre of kerb and gutter either side of the driveway layback shall be replaced to enable the correct tie-in with the existing kerb and gutter.

The design should be submitted to the PCA for approval. The approved design form part of the future road opening permit application.

11. Prior to the issue of any Construction Certificate, amended architectural plans reflecting the following design changes are required to be submitted:

- a) Removal of the Terrace outside Bedroom 2 and the conversion of sliding doors to windows.
 - b) Removal of the New Balcony from the second floor from the enclosed terrace and replacement of doors with windows.
12. Prior to the issue of any Construction Certificate, at the proposed point of construction site entry, photographic survey showing the existing conditions of Council's infrastructure shall be submitted to Council and Principal Certifying Authority. The survey shall detail the physical conditions and identify any existing damages to the roads, kerbs, gutters, footpaths, driveways, street trees, street signs and any other Council assets fronting the property and extending to a distance of 20m from the development. Failure to do so may result in the applicant/developer being liable for any construction related damages to these assets. Any damage to Council's infrastructure during the course of this development shall be restored at the applicant's cost.

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE COMMENCEMENT OF ANY DEVELOPMENT OR WORK

13. Prior to the commencement of demolition work a licensed demolisher who is registered with WorkCover NSW must prepare a Work Method Statement to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) and a copy sent to Council (if it is not the PCA). A copy of the Statement must also be submitted to WorkCover NSW.

The statement must be in compliance with *AS2601:1991 – Demolition of Structures*, the requirements of WorkCover NSW and conditions of the Development Approval, and must include provisions for:

- a) Enclosing and making the site safe, any temporary protective structures must comply with the *Guidelines for Temporary Protective Structures (April 2001)*;
- b) Induction training for on-site personnel;
- c) Inspection and removal of asbestos, contamination and other hazardous materials (by appropriately licensed contractors);
- d) Dust control – Dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site;
- e) Disconnection of Gas and Electrical Supply;
- f) Fire Fighting – Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed;
- g) Access and Egress – No demolition activity must cause damage to or adversely affect the safe access and egress of this building;
- h) Waterproofing of any exposed surfaces of adjoining buildings;

- i) Control of water pollution and leachate and cleaning of vehicles tyres – Proposals must be in accordance with the *Protection of the Environmental Operations Act 1997*;
 - j) Working hours, in accordance with this Development Consent;
 - k) Confinement of demolished materials in transit;
 - l) Proposed truck routes, in accordance with this Development Consent;
 - m) Location and method of waste disposal and recycling in accordance with the *Waste Minimisation and Management Act 1995*;
 - n) Sewer – common sewerage system
14. Where the demolition process requires a building waste container(s) (builders' skip), then such container must not be placed or left upon the public road, footpath, reserve or the like without the prior approval of the Council. The use of any part of Councils road reserve must also have prior approval of Council.
15. Any material containing asbestos found on site during the demolition process must be removed and disposed of in accordance with:
- a) WorkCover NSW requirements. An appropriately licensed asbestos removalist must complete all asbestos works if they consist of the removal of more than 10m² of bonded asbestos and/or any friable asbestos;
 - b) *Protection of the Environment Operations Act 1997*;
 - c) *Protection of the Environment Operation (Waste) Regulation 2014*;
 - d) *DECC Waste Classification Guidelines 2008*.
16. Where demolition is proposed, the following shall be provided to Council at least forty-eight (48) hours prior to the commencement of demolition:
- a) Written notice, indicating the date when demolition of the building is to commence.
 - b) The persons full name and address.
 - c) Details of Public Liability Insurance.
17. The Certifying Authority must be satisfied that: -
- a) In the case of work to be done by a licensee under the Home Building Act: -
 - i) Has been informed in writing of the licensee name and contractor licence number, and;
 - ii) Is satisfied that the licensee has complied with the requirements of Part 6 of the Home Building Act 1989; or,
 - b) In the case of work to be done by any other person: -

- i) Has been informed in writing of the persons name and owner-builder permit number, or;
 - ii) Has been given a declaration signed by the owner of the land that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of *owner builder work* in Section 29 the Home Building Act 1989.
 - c) And is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.
18. Prior to the commencement of works, the applicant must inform Council, in writing, of:
- a) The name of the contractor, and licence number of the licensee who has contracted to do, or intends to do, the work: or
 - b) The name and permit number of the owner-builder who intends to do the work;
 - c) The Council also must be informed if: -
 - i) A contract is entered into for the work to be done by a different licensee; or
 - ii) Arrangements for the doing of the work are otherwise changed.
19. The site to which this approval relates must be adequately fenced or other suitable measures employed that are acceptable to the Certifying Authority to restrict public access to the site and building works. Such fencing or other measures must be in place before the approved activity commences.
20. Building plans must be lodged through a Sydney Water Tap In Service for approval prior to commencement of works.
21. This Consent shall not preclude the demolisher from giving notice to other statutory authorities, such as Sydney Water Corporation, WorkCover, etc.
22. If the land to which the application relates is served by a common sewerage system that is also used by others, then measures must be placed in effect and prior to the commencement of work to ensure the operation of the sewerage system is without disruption to other joint users.
23. Prior to commencement of any works, relevant application(s) shall be made to Council's Customer Services Counter and obtained the following approvals and permits on Council's property/road reserve under Road Act 1993 and Local Government Act 1993: -
- (It should be noted that any works shown within Council's road reserve or other Council Lands on the development approval plans are indicative only and no approval for these works is given until this condition is satisfied.)*
- a) Permit to erect hoarding on or over a public place, including Council's property/road reserve,

- b) Permit to construction works, place and/or storage building materials on footpaths, nature strips,
- c) Permit for roads and footways occupancy (long term/ short term),
- d) Permit to construct vehicular crossings, footpaths, kerbs and gutters over road reserve,
- e) Permit to open road reserve area, including roads, footpaths, nature strip, vehicular crossing or for any purpose whatsoever, such as relocation / re-adjustments of utility services,
- f) Permit to place skip/waste bin on footpath and/or nature strip, and
- g) Permit to use any part of Council's road reserve or other Council lands.

(Application(s) shall be submitted minimum one (1) month prior to the planned commencement of works on the development site. The application will be referred to the Council's Engineering and Regulatory Services for approval, which may impose special conditions that shall be strictly adhered to by the applicant(s)).

DURING WORKS

- 24. The applicant must relocate the existing "No Stopping" sign at no expense to Council, in accordance with the approved plans.
- 25. During demolition and construction care must be taken to protect Council's infrastructure, including street signs, footpath, kerb, gutter and drainage pits etc. Protecting measures shall be maintained in a state of good and safe condition throughout the course of construction. The area fronting the site and in the vicinity of the development shall also be made safe for pedestrian and vehicular traffic at all times. Any damage to Council's infrastructure (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) shall be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council.
- 26. Any demolition work shall be carried out in accordance with Australian Standards AS 2601-1991 Demolition of Structures and the requirements of the NSW WorkCover Authority.
- 27. No demolition materials shall be burnt or buried on the site.
- 28. All services (Utility, Council, etc) within the road reserve (including the footpath) shall be relocated/ adjusted to match the proposed/existing levels as required by the development.
- 29. Vibration levels induced by the demolition activities shall not exceed 1mm/sec peak particle velocity (ppv) when measured at the footing of any adjoining occupied building. The operation of plant and equipment must not give rise to the transmission of vibration nuisance or damage to other premises.
- 30.
 - a) To ensure that utility authorities and Council are advised of any effects to their infrastructure by the development, the applicant shall: -

- i) Carry out a survey of all utility and Council services within the site including relevant information from utility authorities and excavation if necessary to determine the position and level of services.
 - ii) Negotiate with the utility authorities (eg Energy Australia, Sydney Water and Telecommunications Carriers) and Council in connection with: -
 - The additional load on the system; and
 - The relocation and/or adjustment of the services affected by the construction.
 - b) Any costs in the relocation, adjustment, and provision of land or support of services as requested by the service authorities and Council are to be the responsibility of the developer.
- 31. All possible and practicable steps shall be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from wind-blown dust, debris, noise and the like.
- 32. The following shall be complied with during construction and demolition:
 - a) Construction Noise

Noise from construction activities associated with the development shall comply with the NSW Environment Protection Authority's Interim Construction Noise Guideline and the Protection of the Environment Operations Act 1997.
 - b) Level Restrictions
 - i) Construction period of 4 weeks and under:

The L₁₀ sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 20dB(A).
 - ii) Construction period greater than 4 weeks and not exceeding 28 weeks:

The L₁₀ sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 10 dB(A).
 - c) Time Restrictions
 - i) Monday to Friday 07:00am to 05:00pm
 - ii) Saturday 08:00am to 01:00pm
 - iii) No Construction to take place on Sundays or Public Holidays.
 - d) Silencing

All possible steps should be taken to silence construction site equipment.

33. Toilet facilities are to be provided at or in the vicinity of the work site on which work involves:
- a) construction of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site;
 - b) Each toilet provided:
 - i) must be standard flushing toilet; and,
 - ii) must be connected:
 - to a public sewer; or
 - if connection to a public sewer is not practicable to an accredited sewerage management facility approved by the Council; or,
 - if connection to a public sewer or an accredited sewerage management facility is not practicable to some other sewerage management facility approved by the Council.
 - c) The provisions of toilet facilities in accordance with this condition must be in place before work commences.
34. The applicant shall conduct all construction and related deliveries wholly on site. If any use of Council's road reserve is required then separate applications are to be made at Council's Customer Services Department.
- 35.
- a) In order to prevent vehicles tracking soil or other materials onto public roads and washing of materials into the street drainage system or watercourse, during Excavation, Construction and Deliveries, access to the site shall be available in all weather conditions. The area shall be stabilised and protected from erosion; and,
 - b) In addition, concrete trucks and any other trucks that used for the transportation of building materials or similar, shall not traffic soil cement or other materials onto the road reserve. Hosing down of vehicle tyres shall only be conducted in a suitable off-street area where wash waters do not enter the stormwater system or enter Council's land.
 - c) Hosing down or hosing/washing out of any truck (concrete truck), plant (eg concrete pumps) or equipment (eg wheelbarrows) on Council's road reserve or other property is strictly prohibited. Fines and cleaning costs will apply to any breach of this condition.
 - d) Pavement surfaces adjacent to the ingress and egress points are to be swept and kept clear of earth, mud and other materials at all times and in particular at the end of each working day or as directed by Council's Engineer.
 - e) Building operations such as brick cutting, washing tools or brushes and mixing mortar shall not be carried out on public roadways or footways or in any other locations

which could lead to the discharge of materials into the stormwater drainage system or onto Council's lands.

36. During construction work the Council nature strip shall be maintained in a clean and tidy state at all times. The nature strip shall be suitably replaced where damaged due to construction work in accordance with Council Specification at the completion of construction, and at the Applicant's expense.

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE ISSUE OF A OCCUPATION CERTIFICATE

37. At the completion of works, an Occupation Certificate must be obtained under Section 109(c) and 109 (b) of the *Environmental Planning and Assessment Act 1979*. Specific forms are obtainable from Council for this purpose.
38. Prior to release of any Occupation Certificate the applicant must submit to the Certifying Authority an acoustic report to verify that the measures stated in the acoustic report have been carried out and to certify that the construction meets the relevant requirements. The report must be prepared by a qualified practicing acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australian Acoustical Consultants).
39. Any damage not shown in the photographic survey submitted to Council before site works have commenced will be assumed to have been caused by the site works (unless evidence to prove otherwise). All damages as a result from site works shall be rectified at the applicant's expense to Council's satisfaction, prior to occupancy of the development and release of damage deposit.

CONDITIONS WHICH MUST BE SATISFIED FOR THE ONGOING USE

40. The Council nature strip shall be repaired and/or replaced in accordance with Council Specification at the completion of all construction work at the Applicant's expense.
41. Ongoing maintenance of the grass nature strips shall be undertaken by the occupier, strata or owner. Maintenance includes mowing, watering and maintaining an even coverage of grass. Maintenance does not include pruning, trimming or any work to Council's street tree assets located on the Council nature strip under any circumstances at any time, including new street trees. All pruning is undertaken by Council only.
42. All intruder alarms shall be fitted with a timing device in accordance with the requirements of *Regulation 12A of the Noise Control Act, 1975*, and *AS2201, Parts 1 and 2 - 1978 Intruder alarm systems*
43. A person must not cause or permit an air conditioner to be used on residential premises in such a manner that it emits noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open):
 - a) Before 8 am or after 10 pm on any Saturday, Sunday or public holiday, or.

b) Before 7 am or after 10 pm on any other day

44. The stormwater drainage system (including all pits, pipes, absorption, detention structures, treatment devices, infiltration systems and rainwater tanks) shall be regularly cleaned, maintained and repaired to ensure the efficient operation of the system from time to time and at all times. The system shall be inspected after every rainfall event to remove any blockage, silt, debris, sludge and the like in the system. All solid and liquid waste that is collected during maintenance shall be disposed of in a manner that complies with the appropriate Environmental Guidelines.

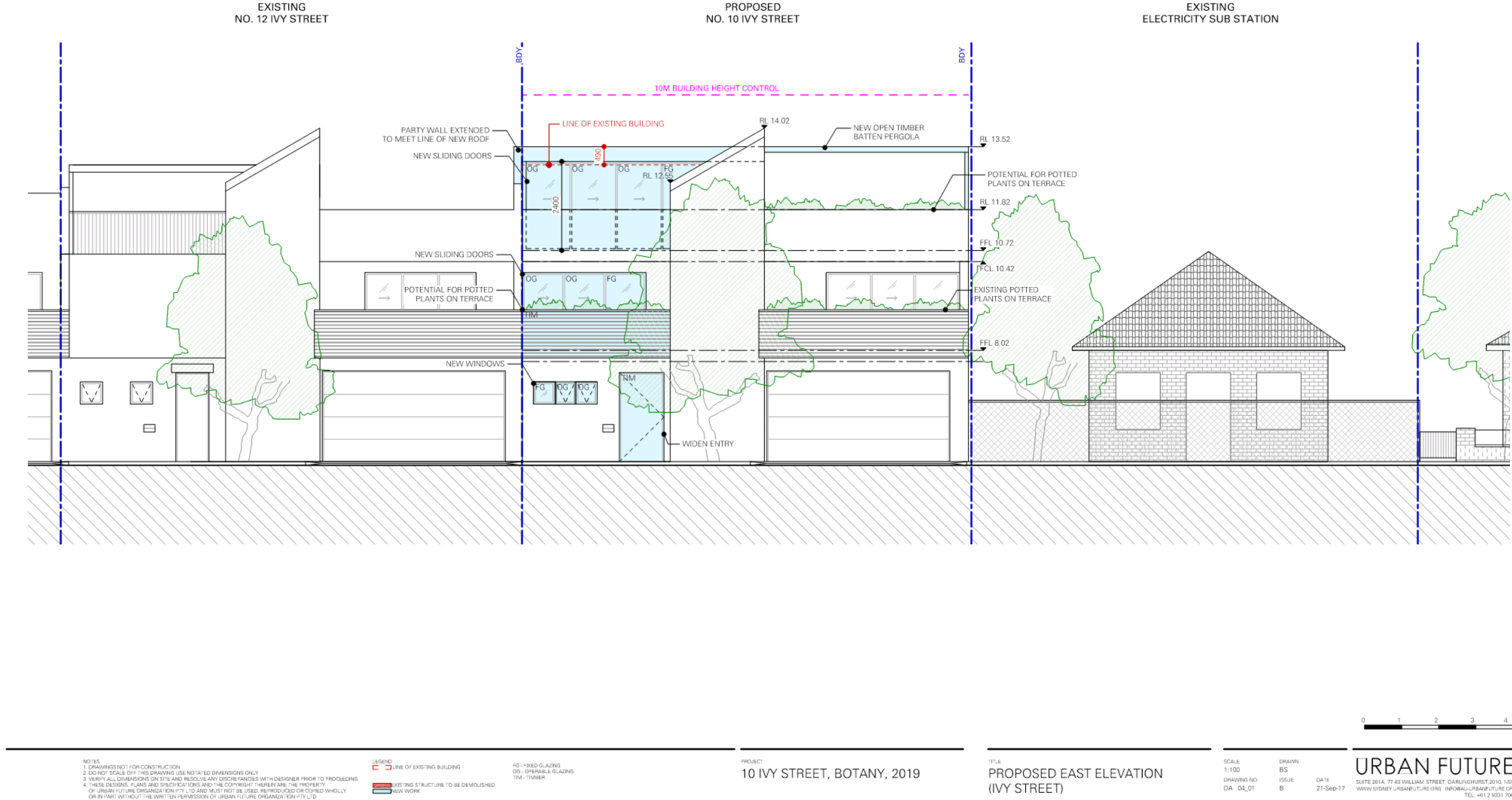
45. The operation of all plant and equipment shall not give rise to an equivalent continuous (LAeq) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background LA90 level (in the absence of the noise under consideration).

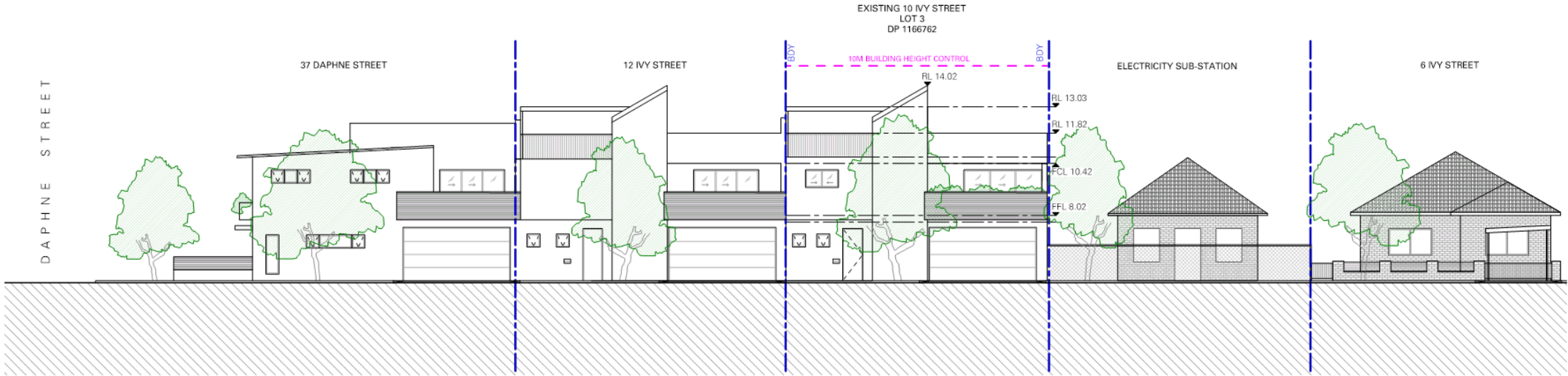
The operation of all plant and equipment when assessed on any residential property shall not give rise to a sound pressure level that exceeds LAeq 50dB(A) day time and LAeq 40 dB(A) night time.

The operation of all plant and equipment when assessed on any neighbouring commercial/industrial premises shall not give rise to a sound pressure level that exceeds LAeq 65dB(A) day time/night time.

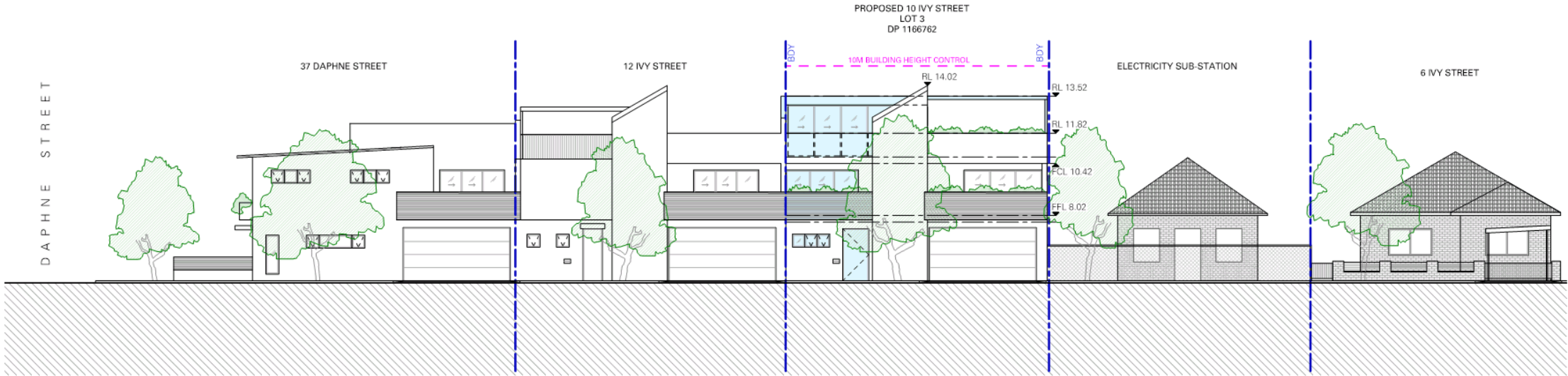
For assessment purposes, the above LAeq sound levels shall be assessed over a period of 10-15 minutes and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content where necessary.

46. Air conditioning units are not to be visible from the street or public place and are not to obscure windows/window frames or architectural features of the dwelling.





EXISTING STREET ELEVATION
1:200 @ A3



PROPOSED STREET ELEVATION
1:200 @ A3



NOTES:
1. DRAWINGS NOT FOR CONSTRUCTION
2. DO NOT SCALE OFF THIS DRAWING USE NOTATED DIMENSIONS ONLY
3. VERIFY ALL DIMENSIONS ON SITE AND RESOLVE ANY DISCREPANCIES WITH DESIGNER PRIOR TO PROCEEDING
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LEGEND:
- LINE OF EXISTING BUILDING
- BOUNDARY
- SOFT LANDSCAPE
- EXISTING STRUCTURE TO BE DEMOLISHED
- NEW WORK

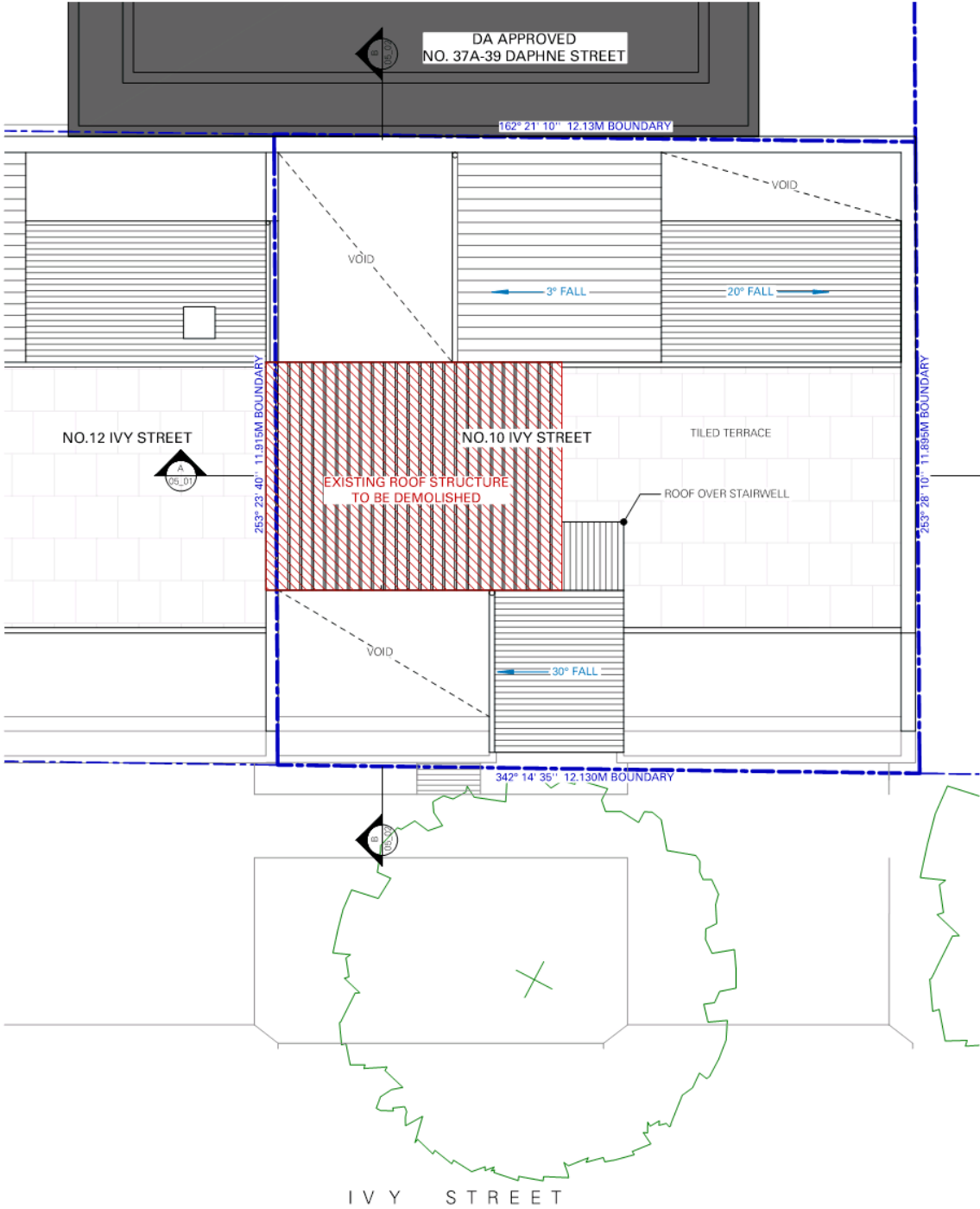
PROJECT
10 IVY STREET, BOTANY, 2019

TITLE
EXISTING & PROPOSED
STREET ELEVATION

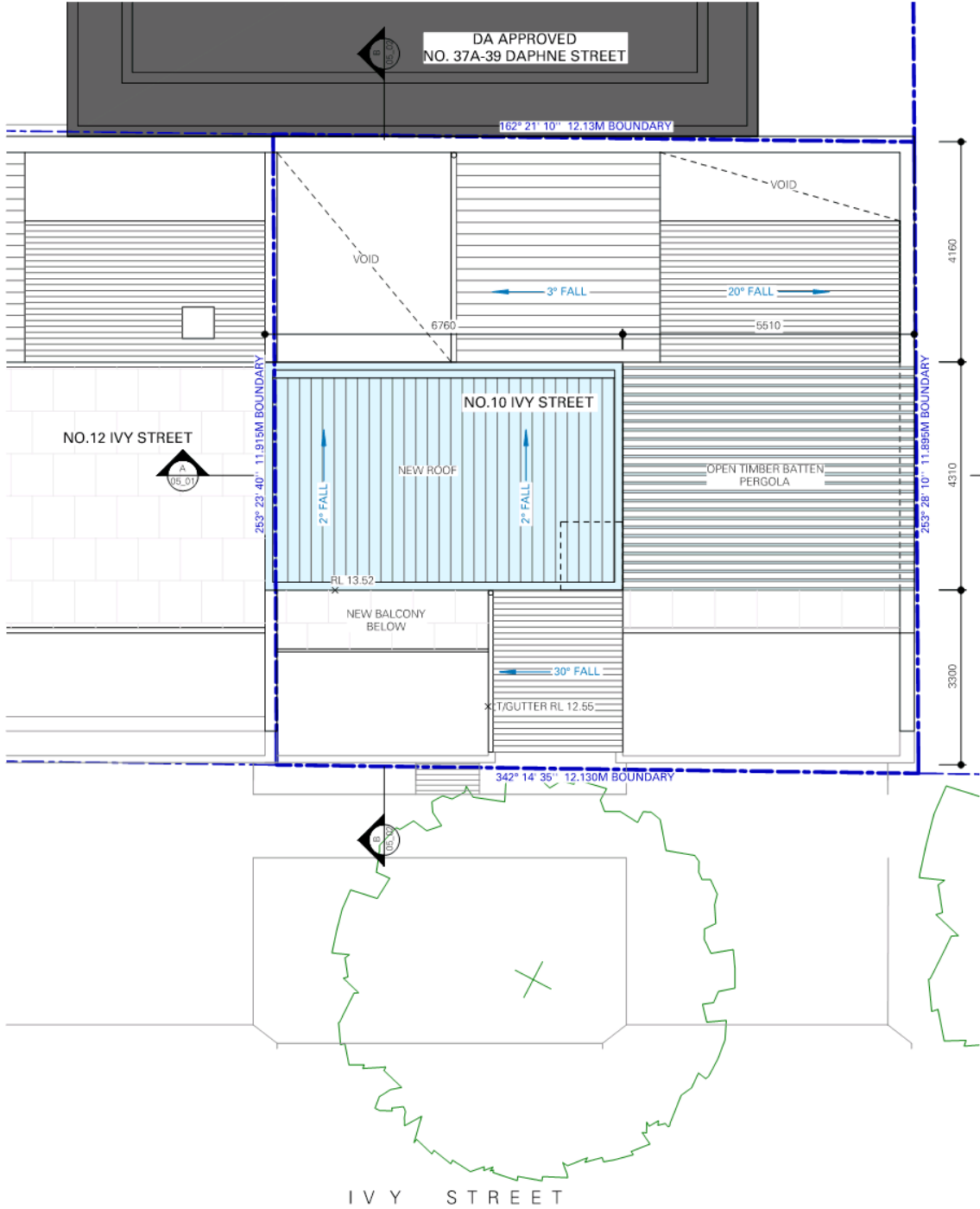
SCALE
1:200
DRAWING NO.
DA_02_01

DRAWN
BS
ISSUE
B
DATE
20-Sep-17

URBAN FUTURE
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EXISTING ROOF PLAN



PROPOSED ROOF PLAN

NOTES:
1. DRAWINGS NOT FOR CONSTRUCTION
2. DO NOT SCALE OFF THIS DRAWING USE NOTATED DIMENSIONS ONLY
3. VERIFY ALL DIMENSIONS ON SITE AND RESOLVE ANY DISCREPANCIES WITH DESIGNER PRIOR TO PROCEEDING
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LEGEND:
LINE OF EXISTING BUILDING
BOUNDARY
ROOF LANDSCAPE
EXISTING STRUCTURE TO BE DEMOLISHED
NEW WORK

PROJECT
10 IVY STREET, BOTANY, 2019

TITLE
EXISTING & PROPOSED
ROOF PLAN

SCALE
1:100
DRAWING NO.
DA_03_04

DRAWN
BS
ISSUE
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DATE
22-Sep-17

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CLAUSE 4.6 to CLAUSE 4.4 OF BOTANY BAY LEP 2013 EXCEPTIONS TO DEVELOPMENT STANDARDS – FLOOR SPACE RATIO VARIATION

This Clause 4.6 submission has been prepared to accompany the Development Application for the proposed alterations and additions to the existing dwelling house at 10 Ivy Street, Botany, 2019.

The proposal seeks a variation to the development standards contained within Clause 4.4 of the Botany Bay Local Environmental Plan 2013 – Floor Space Ratio of 0.85:1, as the proposal includes an FSR of 1.04:1 excluding the rooftop terrace and 1.2:1 including the rooftop terrace.

This submission contends that strict compliance with the maximum floor space ratio is unreasonable and/or unnecessary in the circumstances of the case and that the variation sought can be supported and that the Clause 4.6 exception to the development standard should be upheld.



Figure 1: Botany Bay FSR Map – No. 10 Ivy Street is outlined

Clause 4.6 Exceptions to development standards

- (1) The objectives of this clause are as follows:
 - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
 - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
 - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.

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- (4) Development consent must not be granted for development that contravenes a development standard unless:
- the consent authority is satisfied that:
 - the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
 - the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
 - the concurrence of the Secretary has been obtained.
- (5) In deciding whether to grant concurrence, the Secretary must consider:
- whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
 - the public benefit of maintaining the development standard, and
 - any other matters required to be taken into consideration by the Secretary before granting concurrence.
- (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:
- the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
 - the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.
- Note. When this Plan was made it did not include Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E3 Environmental Management or Zone E4 Environmental Living.
- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).
- (8) This clause does not allow development consent to be granted for development that would contravene any of the following:
- a development standard for complying development,
 - a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,
 - clause 5.4.

1. Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case – clause 4.6(3)(a)

It is considered that the development standard for FSR on the site is unreasonable and unnecessary for the following reasons:

MERITS OF THE PROPOSAL

As outlined in the Table below, the dwelling is currently over the FSR as it includes an FSR of 0.96:1. The proposed development seeks to increase the FSR to 1.2:1 (including the rooftop area).

	EXISTING	PROPOSED
GROUND FLOOR	66.8 SQM	77.7 SQM
FIRST FLOOR	72.3 SQM	72.3 SQM (NO CHANGES)
ROOFTOP	0	24.7 SQM
TOTAL	139.1 SQM (0.96:1 FSR)	174.7 SQM (1.2:1 FSR)

The additional FSR is in two areas:

- Converting the front courtyard into internal space (10.9 SQM)

We understand the front courtyard is already enclosed and converting it to internal space will not alter the appearance of the dwelling, therefore there will be no changes to existing bulk and scale

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- Partial enclosure to the existing roof terrace (24.7 SQM)

The proposed enclosure of a portion of the existing rooftop terrace, although increases the GFA by strict definition, will not significantly alter the appearance of the building, as the rooftop currently has a shading structure which will be replaced by a new roof. The proposal does not include solid walls and only includes glazing which will minimise the impact to the streetscape.

COMPLIANCE WITH OBJECTIVES OF THE STANDARD

Notwithstanding non-compliance with the numerical controls of the standard (Clause 4.4 of BBLEP) the proposal meets the objectives of the standard, as demonstrated in subclause 4 of this submission.

In particular, the following objectives of the standard have been considered:

(b) to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality

We understand this development proposal seeks to increase the FSR in two areas of the existing dwellings; utilising the ground floor front courtyard and partial enclosure to the existing rooftop terrace. The existing courtyard is already enclosed on the street elevation and the enclosure to the rooftop terrace is with glazed doors. As such, the physical appearance of the dwelling will not be significantly altered. It is therefore considered that the proposed development, FSR variation in particular, will not significantly affect the bulk and scale of the existing dwelling.

(d) to ensure that buildings do not adversely affect the streetscape, skyline or landscape when viewed from adjoining roads and other public places such as parks, and community facilities

As discussed above, the variation to the FSR does not significantly alter the physical appearance of the dwelling, as such the existing streetscape, skyline and landscape will not be affected.

(e) to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain

The following environmental impacts have been considered:

Overshadowing

Given the orientation of the site and as demonstrated in the accompanying shadow diagrams, the proposal results in negligible overshadowing impact on the neighbouring properties.

Visual bulk impact

The proposed development, the FSR variation in particular, results in negligible visual bulk impact given the following reasons:

- The proposal does not significantly alter the physical appearance of the building.
- The existing development is an attached dwelling with nil side setback to the adjoining dwelling on the northern side and nil rear setback to the adjoining property on the eastern side, whilst the southern property is an electricity sub-station. Therefore, the proposal will not adversely impact the neighbouring residential properties in terms of visual bulk.

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Privacy

The proposal does not introduce any overlooking impact on the adjoining residential properties.

The above factors demonstrate that strict compliance with the RLEP FSR standard is unreasonable and unnecessary in this circumstance.

2. Sufficient environmental planning grounds to justify contravening the development standard – clause 4.6(3) (b)

BETTER PLANNING OUTCOME

As discussed above, this development proposal seeks to increase the FSR of the existing dwelling in two areas:

- Utilising the ground floor front courtyard

We understand the front courtyard is already enclosed when viewed from the street elevation. Converting the courtyard into internal space aims to utilise the internal space and increase the living space area which will ultimately improve the internal amenity of the dwelling, whilst the physical appearance of the dwelling will not be altered. It is therefore considered that utilising the ground floor courtyard, although increases the dwelling's FSR, results in a better planning outcome for the dwelling.

- Partial enclosure to the existing rooftop terrace

The enclosure of the rooftop is to the portion of the roof that currently includes a shading structure. It is proposed to replace the shading structure with a solid roof which will also be located higher than the existing shading structure by 490mm, whilst new glazed doors will be added to this area, with no solid walls proposed. We also note that most of the enclosed rooftop will be hidden behind the existing stairwell structure when viewed from the street. It is therefore considered that the partial enclosure of the rooftop terrace results in a better planning outcome as it creates a more usable space for the residents of the dwelling, whilst having minimal impacts onto the streetscape and adjoining neighbours.

CONTEXT

The site is zoned as R3 and is adjacent to DA approved apartments at No. 37A-39 Daphne Street. The DA approved development at 37A-39 Daphne Street, includes an FSR of 1.37:1, as such the proposed FSR is 'not inconsistent' with the projected bulk and scale in the immediate context.

3. Adequately addressed the matters required to the demonstrative by subclause (3) – clause 4.6(4)(a)(i)

This report has adequately addressed the matters required to be demonstrated by subclause 3.

4. The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out – clause 4.6(4)(a)(ii)

The proposed development will be in the public interest as it is consistent with the objectives of the standard and the zone.

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BBLEP 2012 Floor Space Ratio Objectives:

(1) The objectives of this clause are as follows:

- (a) to establish standards for the maximum development density and intensity of land use,
- (b) to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality,
- (c) to maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing, and are not likely to undergo, a substantial transformation,
- (d) to ensure that buildings do not adversely affect the streetscape, skyline or landscape when viewed from adjoining roads and other public places such as parks, and community facilities,
- (e) to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain,
- (f) to provide an appropriate correlation between the size of a site and the extent of any development on that site,
- (g) to facilitate development that contributes to the economic growth of Botany Bay.

As demonstrated in the accompanying architectural drawings, the bulk and scale sits comfortably in its context and is compatible with the existing and desired future character of the locality. The proposal does not significantly alter the physical appearance of the existing dwelling, therefore, will not result in a substantial transformation of the building. We also note the proposal will not introduce adverse environmental impacts to the neighbouring properties.

Consistency with the objectives of the Zone R3 Medium Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To encourage development that promotes walking and cycling.

The proposed FSR variation does not raise any inconsistency with the R3 Medium Density Residential zone objectives. The FSR is associated with a built form which is compatible with the height, bulk and scale of the dwellings of the site. The proposal will maintain the medium density residential environment, thereby confirming that the variation does not raise any inconsistency with the objectives of the zone.

Bayside Local Planning Panel

21/08/2018

Item No	6.6
Application Type	Development Application
Application No	DA-1997/49/F
Lodgement Date	03/08/2017
Property	339-377 Forest Road, Bexley
Ward	Rockdale
Owner	Rev Fr. Samuel Guirguis
Applicant	Talaat Nasralla
Proposal	Proposal to remove ten (10) trees within the site.
No. of Submissions	Two(2) and one(1) petition
Cost of Development	Nil
Report by	Michael McCabe, Director City Futures

Officer Recommendation

- 1 That this Section 4.55(1A) Application, DA-1997/49/F, for modifications to the approved development at St Mary & St Mina's Coptic Orthodox Cathedral and College, 339-377 Forest Road, Bexley, be APPROVED, for the removal of Trees 15 and 48 only, pursuant to Section 4.55(1A) of the Environmental Planning and Assessment Act 1979, and subject to the modifications to conditions of consent as follows:

The additional conditions below are imposed:

85B Notwithstanding condition 85A above, the Southern Blue Gum tree (Tree no. 48), located between Tree 47 and 50, as well as, the Camphor Laurel tree (Tree no. 15) located near the centre of Broadford Street boundary, as identified in the Tree Risk Assessment Report, dated 12 April 2018 and prepared by Urban Tree Management may be removed. During the removal of Tree 48 all care is to be taken to prevent any damage to Tree 47 and 50. No other site trees within the site may be removed.

85C. Following removal of Trees 48 and 15, two (2) replacement trees shall be planted in a suitable location within the site with adequate space to allow them to develop into mature specimens. The two (2) replacement trees shall be compatible with the amenity of the site and be capable of growing more than 6 metres in height when mature.

85D. The Southern Blue Gum trees identified as Trees 47, 50 and 63 in the Tree Risk Assessment Report, dated 12 April 2018 and prepared by Urban Tree Management, located along the boundary of Bayview Street, shall be retained.

Within three (3) months of the issuing of this consent (DA-1997/49/F) remedial pruning and deadwood removal of all trees on site that are to be retained, particularly, trees 47, 50 and 63 shall be undertaken. A Consultant Arborist with minimum AQF Level 5 qualifications in Arboriculture shall be appointed to supervise the remedial

pruning and dead wood removal and that these cultural practices be maintained as is suitable for a heritage site, and required as a duty of care by the school.

85E. A Consultant Arborist with minimum AQF Level 5 qualifications in Arboriculture shall be appointed to supervise and make recommendations in regard to the retention and protection of Trees 47, 50 and 63. Options are to be explored for a suitable management plan and alternative solutions in lieu of brickwork to replace the damaged brick fence along Bayview Street to minimise damage to the trees and their roots. Built up soil and debris behind the existing brickwork shall be removed by hand to relieve pressure on the replacement fence.

85F. Trees 46 and 52 as identified on the revised Landscape Plan, dated, 4 April 2018 and prepared by Urban Tree Management Pty Ltd, shall be retained.

85G. A Plan of Management of trees for the whole site shall be submitted and approved by Council prior to the removal of Trees 15 and 48.

Reason for additional conditions 85B to 85G:

- *To ensure the protection of existing trees and minimise impacts on the streetscape and the amenity of the area.*

2 That the objectors be advised of the Bayside Local Planning Panel decision.

Location Plan



Attachments

- 1 Supplementary Report
- 2 Previous Planning Assessment Report
- 3 Tree Risk Assessment Report
- 4 Landscape Plan
- 5 Additional Information for Trees 46 & 52
- 6 Site Plan

7 Draft conditions of consent [↓↓↓↓↓↓↓↓](#)

BAYSIDE COUNCIL

Supplementary Planning Assessment Report

Application Details

Item Number:	[By Governance]
Application Number:	DA-1997/49/F
Date of Receipt:	3 August 2017
Property:	339-377 Forest Road, BEXLEY NSW 2207 Lot 11 DP 857373
Owners:	Coptic Orthodox Church (NSW) Property Trust
Applicant:	Mr T Nasralla
Proposal:	Removal ten (10) trees within the site
Recommendation:	Partial Approval
No. of Submissions:	One (1) and one (1) petition containing sixty-two (62) signatures
Author:	Helen Lai – Development Assessment Planner Marta M Gonzalez-Valdez – Coordinator Development Assessment
Date of Report:	19 July 2018

Key Issues

On 24 October 2017, the Bayside Local Planning Panel considered this development application and resolved:

The matter is deferred as the development application sought the removal of 10 trees and there is insufficient information to make a determination at this point.

Panel Note:

This item is deferred to allow the applicant, as a matter of urgency, to consider amending this development application and to identify the trees that represent a danger or risk or require tree management as assessed by an arborist. Following the above, the applicant must consider an overall landscape master plan for the total site that shows existing landscaping and trees with reference to the landscaping carried out in accordance with the approved landscape plan in the previous development consent and any amendments sought.

The applicant was requested to provide additional information to address the above. Revised documentation from the applicant was received on 4 April 2018 and 20 April 2018, which included a revised Landscape Plan, dated 4 April 2018 and Tree Risk Assessment Report, dated 12 April 2018 and prepared by Urban Tree Management Pty Ltd. The proposal has subsequently been amended to the removal of seven (7) trees only.

Specifically, these trees are located:

One (1) tree on Broadford Street boundary:

- Tree 15 – *Cinnamomum camphora* (Camphor Laurel) – located near the centre of Broadford Street boundary.

Six (6) trees on Bayview Street boundary:

- Tree 46 – located adjacent to Tree 48 and Tree 47.
- Tree 47 – *Eucalyptus globulus* (Southern Blue Gum) – located on the southern-east side of the boundary.
- Tree 48 – *Eucalyptus globulus* (Southern Blue Gum) – located between Tree 50 and Tree 47.
- Tree 50 – *Eucalyptus globulus* (Southern Blue Gum) – located near the centre of the boundary.
- Tree 52 – located adjacent to Tree 50.
- Tree 63 – *Eucalyptus globulus* (Southern Blue Gum) – located on the northern side of the boundary.

However, the revised Tree Risk Assessment Report, dated 12 April 2018 provides justification for the removal of five (5) trees only:

- Tree 15 – *Cinnamomum camphora* (Camphor Laurel)
- Tree 47 – *Eucalyptus globulus* (Southern Blue Gum)
- Tree 48 – *Eucalyptus globulus* (Southern Blue Gum)
- Tree 50 – *Eucalyptus globulus* (Southern Blue Gum)
- Tree 63 – *Eucalyptus globulus* (Southern Blue Gum)

The applicant and Arborist have not provided the species for Trees 46 and 52. In the absence of supporting evidence provided to Council for the removal of Trees 46 and 52 and given that in the revised Tree Risk Assessment Report only the five (5) trees as mentioned above have been assessed.

Council's Tree Management Officer has assessed the proposed development and provided the following comments:

"The above Development Application originally sought to remove 10 trees from within the grounds of the St Mary and St Minas School.

The site is listed as Heritage Item 131 of Rockdale LEP 2011 – Original Bexley School Building.

There is also a lot of community interest in preserving the site's trees for the amenity they bring.

The school engaged the services of a Consultant Arborists, Urban Tree Management, to assess the trees on the site and the reports dated 29 May 2016 and 12 April 2018 identified 5 trees for removal. The school subsequently lodged a Development Application to have the trees removed.

Peter Alland, Tree Management Officer only supported the removal of two trees and referred to those trees as Tree 3 and Tree 4. This information was based on a Landscape Plan submitted by Michael Siu.

Tree 3 is in fact Tree 48 Eucalyptus globulus, (southern Blue Gum), and Tree 4 is Tree 15 Cinnamomum camphora, (Camphor Laurel Tree) referred to By the Arborist Danny Draper in the Arborists reports submitted by Urban Tree Management.

The reports lodged by Urban Tree Management, the observations by Peter Alland, Bayside Council's Tree Management Officer, and myself, all make note that most of the trees on site have been subjected to poor pruning practices in the past that was not to industry standard, and as a result regrowth has caused structural defects in the trees that now require remedial pruning to rectify these defects and lengthen the trees retention and amenity. Also with respect to the retention of Trees 47, 50, and 63 alternative engineering solutions should be explored in regard to the replacement of the damaged brickwork of the retaining wall of the boundary fence along Bayview Street.

It is noted that a Pre-Development Application has also been lodged on 8 May 2018 for the construction of an eighty (80) place children facility at St Mary and St Mina's Cathedral and College and is currently under assessment. The proposed development will be located on the corner of Forest Road and Bayview Street and involves the removal of trees along the boundaries of Forest Road and Bayview Street, as well as, a new Landscape scheme for the site.

Recommendation

1. That this Section 4.55(1A) Application, DA-1997/49/F, for modifications to the approved development at St Mary & St Mina's Coptic Orthodox Cathedral and College, 339-377 Forest Road, Bexley, be **APPROVED**, for the removal of Trees 15 and 48 only, pursuant to Section 4.55(1A) of the Environmental Planning and Assessment Act 1979, and subject to the modifications to conditions of consent as follows:

The additional conditions below are imposed:

85B Notwithstanding condition 85A above, the Southern Blue Gum tree (Tree no. 48), located between Tree 47 and 50, as well as, the Camphor Laurel tree (Tree no. 15) located near the centre of Broadford Street boundary, as identified in the Tree Risk Assessment Report, dated 12 April 2018 and prepared by Urban Tree Management may be removed. During the removal of Tree 48 all care is to be taken to prevent any damage to Tree 47 and 50. No other site trees within the site may be removed.

85C. Following removal of Trees 48 and 15, two (2) replacement trees shall be planted in a suitable location within the site with adequate space to allow them to develop into mature specimens. The two (2) replacement trees shall be compatible with the amenity of the site and be capable of growing more than 6 metres in height when mature.

85D. The Southern Blue Gum trees identified as Trees 47, 50 and 63 in the Tree Risk Assessment Report, dated 12 April 2018 and prepared by Urban Tree Management, located along the boundary of Bayview Street, shall be retained.

Within three (3) months of the issuing of this consent (DA-1997/49/F) remedial pruning and deadwood removal of all trees on site that are to be retained, particularly, trees

47, 50 and 63 shall be undertaken. A Consultant Arborist with minimum AQF Level 5 qualifications in Arboriculture shall be appointed to supervise the remedial pruning and dead wood removal and that these cultural practices be maintained as is suitable for a heritage site, and required as a duty of care by the school.

85E. A Consultant Arborist with minimum AQF Level 5 qualifications in Arboriculture shall be appointed to supervise and make recommendations in regard to the retention and protection of Trees 47, 50 and 63. Options are to be explored for a suitable management plan and alternative solutions in lieu of brickwork to replace the damaged brick fence along Bayview Street to minimise damage to the trees and their roots. Built up soil and debris behind the existing brickwork shall be removed by hand to relieve pressure on the replacement fence.

85F. Trees 46 and 52 as identified on the revised Landscape Plan, dated, 4 April 2018 and prepared by Urban Tree Management Pty Ltd, shall be retained.

85G. A Plan of Management of trees for the whole site shall be submitted and approved by Council prior to the removal of Trees 15 and 48.

[Amendment F – S4.55(1A) inserted on 18 July 2018]

Reason for additional conditions 85B to 85G:

- *To ensure the protection of existing trees and minimise impacts on the streetscape and the amenity of the area.*

2. That the objectors be advised of the Bayside Local Planning Panel decision.

Proposal

The applicant originally applied for the removal of ten (10) trees. However, the applicant has amended the proposal to remove (7) trees on site. The proposed modification has reduced the number of trees for removal.

Assessment of the Panel's resolution

Compliance with the Panel's resolution is discussed below:

1. That this matter be DEFERRED to allow for:

(a) as a matter of urgency, to consider amending this development application

The applicant has amended the development application to reduce the number of trees proposed for removal. The amended proposal involves the removal of (7) trees including Trees 15, 46, 47, 48, 50, 52 and 63.

Assessment

The applicant has reconsidered the proposal in accordance with the Panel's note and revised the number of trees for removal. In this regard, the proposed development is considered to have reduced impacts and accordingly, satisfied the above.

(b) to identify the trees that represent a danger or risk or require tree management as assessed by an arborist.

A revised Tree Risk Assessment Report, dated 12 April 2018 and prepared by Urban Tree Management Pty Ltd identify five (5) of the seven (7) trees represent a danger or risk, as assessed by the Arborist.

The trees have been re-numbered in accordance with the original numbering system of the approved Landscape Plan dated 17 February 1997, Drawing No. 001357/T.M., Sheet 1 of 1, prepared by ULP – Urban Landscape Planners.

The works are prioritised 1-3:

Priority 1 – Immediate remedial action, unacceptable consequences/extreme safety risk, removal, pruning, isolation.

Priority 2 – Action within six (6) months, removal, pruning, further investigative or scientific testing works required.

Priority 3 – Currently no action required within the next twelve (12) months.

From the five (5) trees assessed, four (4) trees (Trees 47, 48, 50 and 63) has been identified as Priority 1 and one (1) tree (Tree 15) as Priority 2.

As there is insufficient information regarding tree 46 and 52, the Arborist has identified these trees as Priority 3. In this regard, no action is required and these trees shall be retained.

Trees 15, 47, 48, 50 and 63 discussed in the Tree Risk Assessment Report are supported for removal by the Arborist for the following reasons:

- *Tree 15 is an environmental weed.*
- *Tree 47, 48, 50 and 63 were planted in a narrow garden close to the school boundary, Tree 15 was planted or self-sown and all have developed crown projections over the street and root plates that have grown into the road reserve.*
- *The roots of Trees 47, 48, 50 and 63 have disrupted a small retaining wall along the common boundary and pavement in the street creating trip hazards where one elderly woman has fallen and sustained serious injury.*
- *The roots of these trees cannot be safely pruned for reasons of tree stability.*
- *Trees 47, 48, 50 and 63 have previously shed branches into the street, over the car park (Trees 47, 48 and 50) and into the playground and over a seating and table area (Tree 63) which has been isolated from the risk and is no longer used.*
- *The school has limited space and this area is important open space for the children which they want to safely access.*
- *The trees are growing on a dry hill top surrounded by hard pavement in an urban heat island which is not conducive to their preferred growing environment and they have been predated by borers as a consequence in prolonged dry periods and their life expectancy reduced.*
- *While these trees are not likely to collapse immediately they are an inappropriate species selection for the location and for the restricted planting areas for large trees causing their large structural roots to disrupt light structures nearby.*

- *The school and church is well trees for its intensive land use with gardens along most of its boundaries. The revised Landscape Plan tree planting proposal within the site and road reserve adjacent the Bayview Street frontage will provide for a continuous tree cover around the perimeter of the site with trees suitable for the planting spaces available.*
- *As Trees 47, 48, 50 and 63 continue to deteriorate they will pose a continuous risk to the people and property where they have been planted. These trees should be removed while structurally sound and replaced with suitable new plantings.*
- *All Camphor Laurel should be removed from the school and church and replaced with non-invasive native trees.*

The applicant provided additional reasons for the removal of Trees 46 and 52 on 31 July 2018 with the following reasons:

- *There are two trees No. 46 and 52 located at the middle of carparking causing narrowing of the car access & manoeuvring at this spot. I refer to the revised Landscape Plan and Urban Tree Management letter, dated 04.04.2018 by Mr Danny Draper recommendation for removal of these trees with replacement by new trees as noted.*
- *Back in year 2014, a car accident occurred for a lady from the church's congregation in this area due to the internal road is narrow and causes the lack of smooth traffic in this area. This will provide safe access to all cars and enhance internal car parking management.*

Assessment

The amended proposal was notified between 4 May 2018 and 31 May 2018. Council received one (1) letter of objection and one (1) petition during this period. Concerns raised were similar to those previously addressed in the Planning Assessment Report dated 16 October 2017.

Council's Tree Management Officer has assessed the revised Tree Risk Assessment Report and recommendations are generally consistent with those provided to the Panel on 24 October 2017. Most of the trees on site have been subject to poor pruning practices in the past that was not to industry standard, and as a result re-growth has caused structural defects in the trees that now require remedial pruning to rectify these defects and lengthen the trees retention and amenity. This was evident at the site meeting with Council's Tree Management Officer on 13 July 2018.

Tree 15 identified as the Camphor Laurel (*Cinnamomum camphora*) located adjacent to Broadford Street is supported for removal as the tree is causing damage to adjacent structures and far from full maturity. The Camphor Laurel is a weed, as such, is considered to have minimal impact on streetscape. Tree 48 identified as the Southern Blue Gum (*Eucalyptus globulus*) located adjacent to Bayview Street is in fairly poor condition with borer damage and a large cavity at 6 metres from the ground, which compromises the structural integrity of the tree. In this regard, Trees 48 and 15 has been supported for removal by Council's Tree Management Officer.

It is recommended that following the removal of Trees 15 and 48 two (2) replacement trees be planted within the site where adequate space will be provided for them to develop into mature specimens. The two (2) replacement trees shall be compatible with the amenity of the site and be capable of growing more than 6m. It is satisfied that

part of the streetscape lost will be restored with replacement planting and will continue encouraging native wildlife to the area.

In respect to Trees 47, 50 and 63, these trees are not supported for removal.

Trees 47, 50 and 63 are significant elements of considerable age in the local landscape which contribute to the amenity of the area as a whole and to the heritage nature of the original school buildings on site. There is no obvious evidence of defects which cannot be managed with appropriate and regular pruning and maintenance. In this regard, Trees 47, 50 and 63 are not supported for removal.

To ensure the protection and longevity of Tree 47, 50 and 63, a condition is included in the draft Notice of Determination for a Consultant Arborist with minimum AQF Level 5 qualifications in Arboriculture to be appointed to supervise the remedial pruning and dead wood removal of all trees on site that are to be retained and that these cultural practices be maintained.

Furthermore, the Consultant shall provide recommendations for alternate solutions to repair the boundary fence and damaged brickwork along Bayview Street.

An assessment on Trees 46 and 52 was not undertaken by Council's Tree Management Officer as there is no substantiated evidence or support from the Arborist to remove these trees. As such, these trees shall be retained.

(c) the applicant must consider an overall landscape master plan for the total site that shows existing landscaping and trees with reference to the landscaping carried out in accordance with the approved landscape plan in the previous development consent and any amendments sought.

The applicant's amended proposal was accompanied by a revised Landscape Plan, prepared by Urban Tree Management Pty Ltd and dated 4 April 2018, reference no. 19229. The revised Landscape Plan show the existing trees on site, the proposed trees for removal and proposed replacement trees. Trees are numbered in accordance with the approved Landscape Plan, dated 17 February 1997 and prepared by ULP – Urban Landscape Planners, drawing no. 001357/T.M.

Replacement trees are proposed to be planted between Bayview Street boundary and the internal kerb. New plantings are ensured by the applicant to provide a presentable streetscape and long term amenity to enhance the locality. Replacement plantings include:

- Nineteen (19) *Murraya paniculata* (Orange Jessamine) in 25 litre containers, along the Broadford Street boundary as screening and understory.
- Four (4) *Lagerstroemia indica* x *L. fauriei* 'Indian Summer' 'Biloxi' in 25 litre containers and planted in the narrow garden bed along the Bayview Street boundary. Allow to develop into mature trees and grow to a height of 8m.
- Four (4) *Lagerstroemia indica* x *L. fauriei* 'Indian Summer' 'Natchez' in 25 litre containers planted in the narrow garden bed along Bayview Street boundary. Allow to develop into mature trees and grow to height of 7m.
- Six (6) *Tristanopsis laurina* (Water Gum) in 75 litre containers grown to Natspec standards. Plant 1m from rear of curb along Bayview Street boundary.

Assessment

The applicant has provided a revised Landscape Plan, dated 4 April 2018. The revised Landscape Plan does not satisfy the Panel's request for a Landscape Master Plan, which should show the existing and approved landscaping on site, as well as, trees proposed for removal. As insufficient details have been provided on the revised Landscape Plan, future landscaping strategies for the school are uncertain and unclear. Particularly, with a possible future proposal for a child care centre which involves the removal of additional trees on site.

The revised Landscaped Plan was drafted by an Arborist and not a qualified Landscape Planner.

In this regard, the applicant has not satisfied the Panel's request for an overall Landscape Master Plan.

Conclusion

The proposal has been amended and additional information has been provided in this Supplementary Report, however, the issues raised by the Panel at the meeting of 24 October 2017 has not been fully addressed. Therefore, only Trees 15 and 48 are recommended for removal. All other trees part of the proposal shall be retained. It is recommended that the Panel determine the application in accordance with the recommendation provided.

BAYSIDE COUNCIL

Section 96(1A) – Delegated Report

1. APPLICATION DETAILS

Application Number:	DA-1997/49/F
Date of Receipt:	3 August 2017
Property:	339-377 Forest Road, BEXLEY NSW 2207 Lot 11 DP 857373
Owner:	Coptic Orthodox Church (NSW) Property Trust
Applicant:	Mr T Nasralla
Proposal:	To remove ten (10) trees within the site
Recommendation:	PARTIAL APPROVAL
No. of submissions:	Two(2) letters and one(1) petition containing fifty-seven(57) signatures
Author:	Helen Lai – Student Town Planner Marta M Gonzalez-Valdes – Coordinator Development Assessment
Date of Report:	16 October 2017

2. SUMMARY OF ISSUES

- The proposal seeks consent for the removal of ten(10) trees as shown in the submitted Landscape Plan. However, the Tree Risk Assessment Report submitted by the applicant only referred to four(4) trees. The applicant advised that the application would only pursue the removal of four(4) trees as recommended in the Tree Risk Assessment Report. Council's Tree Management Officer has reviewed the information and concurs with the recommendation to remove Trees No. 3 and 4 (Southern Blue Gum and Camphor Laurel) subject to replacement trees being planted on site. However, recommends the retention of Trees 1 and 2 (Southern Blue Gums) as well as remedial pruning of those trees.
- The site is identified as Heritage Item 131 on Schedule 5 of Rockdale LEP2011 – Original Bexley School Buildings. Council's heritage advisor supports the proposal.

3. RECOMMENDATION

That this Section 96(1A) application, DA-1997/49/F, for modifications to the approved development at St Mary & St Mina's Coptic Orthodox Cathedral and College, 339-377 Forest Road, Bexley, be **APPROVED** for the removal of Trees No. 3 and 4 within the site only pursuant to Section 96(1A) of the Environmental Planning and Assessment Act 1979 and subject to the modifications to conditions of consent attached to this report.

That the objectors be advised of the Bayside Local Planning Panel decision.

4. BACKGROUND

The following development applications are registered on this property:

- DA-1997/49 for proposed church and associated uses (residence, community hall, child care and primary school), approved on 16-Nov-1997.
- BA-1998/334 for church community hall Class 4, 9b, approved on 28-Sep-1998.
- DA-1997/49/A for s96 modification to modify consent to allow staged occupation of the church, school and facilities, approved on 10-Dec-1998.
- DA-2002/1208 for installation of new shed to be used for storage and bbq area, approved on 28-Oct-2002.
- DA-2004/1209 for s96 application addition of awnings to storage shed, approved on 10-Jun-2005.
- DA-2005/570 for proposed pergola, shared playground/car parking area and galvanised protective fence, approved on 26-Jun-2006.
- DA-1997/49/B for amendment to condition 8, approved on 07-Jul-2006.
- DA-2007/135 for erection of signage for existing church/school, approved on 25-Jan-2007.
- DA-1997/49/C for deletion of child care & priest residence from DA consent, approved on 07-Mar-2008.
- DA-2009/393 for erection of awning to existing shed located at Forest Road frontage, approved on 15-Jul-2009.
- PDA-2010/11 for alterations and additions to existing primary school, approved on 25-Sep-2009.
- DA-1997/49/D for s96 application to remove eight existing trees located along the northern boundary, partially approved on 06-Jun-2012.
- DA-1997/49/E for modification to utilise part of the building for Sunday school and vocational care centre for a maximum of 20 children at any time, withdrawn on 02-Dec-2013.
- DA-2015/90 for addition of a pergola between the community hall and school building within the St. Mary and St. Mina Coptic Orthodox, approved on 21-Oct-2014.

5. PROPOSAL

Council is in receipt of a development application, DA-1997/49/F, at 339-377 Forest Road, Bexley on the site known as St. Mary and St. Mina Coptic Church Orthodox College and Cathedral. The proposal seeks the removal of ten(10) trees within the site. The Tree Risk Assessment Report submitted with the application, dated 29 May 2016, provided justification for the removal of the four(4) trees only as follows:

- Tree 1 – Southern Blue Gum – Located on the northern side of Bayview Street boundary
- Tree 2 – Southern Blue Gum – Located within the centre of the boundary with Bayview Street
- Tree 3 – Southern Blue Gum – Located next to Tree 3 in Bayview Street boundary
- Tree 4 - Camphor Laurel – Located within the centre of the Broadford Street boundary

The applicant was requested to provide additional information in support of the removal of Trees No. 5-10 as identified in the Landscape Plan, however, the applicant advised they did not want to pursue removal of those trees but only the ones identified in the Tree Risk Assessment Report. Thus, in the absence of supporting evidence provided to Council only Trees No. 1-4 as indicated in the Landscape Plan and Tree Risk Assessment Report have been considered in the assessment of this application.

The main reasons for seeking the removal of the trees as stated by the applicant are:

- *The works will ensure that structures are not adversely impacted by the existing tree roots. The structural integrity of the structures is maintained.*
- *The safety of children will be enhanced.*
- *There are no adverse impacts to the heritage item on the site, given the distance from the trees to the heritage item.*
- *Neighbours amenity is not adversely affected in terms of noise, views or outlook.*

In addition, the applicant argues the trees are not significant and their removal will not create significant environmental impacts.

Following the assessment of the information submitted and for the reasons explained in this report only the removal of trees 3 and 4 is supported. The approved modification involves the inclusion of the additional conditions as follows:

85B. Notwithstanding condition 85A above, the Southern Blue Gum tree (Tree No. 3), located adjacent to Bayview Street and the Camphor Laurel tree (Tree No. 4) located adjacent to Broadford Street as identified in the Tree Risk Assessment Report dated 29 May 2016 and prepared by Urban Tree Management may be removed. During the removal of Tree No. 3 all care is to be taken to prevent any damage to Tree No. 2. No other site trees within the site may be removed. At least two(2) x 75 litre locally indigenous replacement trees shall be planted within the site on the Bayview Street and Forest Road boundaries following removal of the trees.

85C. The Southern Blue Gum trees identified as Trees No. 1 and 2 in the Tree Risk Assessment Report dated 29 May 2016 and prepared by Urban Tree Management located adjacent to Bayview Street shall be retained.

Within three (3) months of the issuing of this consent, remedial pruning of Trees No. 1 and 2 shall be undertaken to remove deadwood and branch stubs. The pruning shall be carried out by an experienced tree contractor with minimum AQF Level 3 qualifications in Arboriculture and be a Registered Practicing Arborist member of Arboriculture Australia or similar Arboriculture organisation. Options are to be explored for alternative fence treatment in lieu of brickwork to replace the damaged brick fence. The replacement fence materials must not damage the trees or their roots. Built up soil and debris behind the existing brickwork adjacent to the two trees shall be removed by hand to relieve pressure on the replacement fence.

6. SITE LOCATION AND CONTEXT

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- The subject site is legally described as Lot 11 DP 857373 and is known as 339-377 Forest Road, Bexley or St. Mary and St. Mina Coptic Church Orthodox College and Cathedral. The site is an irregular trapezoidal shape with a boundary length of 114.3m along the east boundary, 163m along the south-west boundary, and 75.8m along the north-east boundary and 68.3m along the north-west boundary. The total site area is approximately 8366sq.m. The topography of the site is relatively flat.
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- The site contains an existing school and cathedral that is located west of Forest Road between Bayview Street and Broadford Street. Adjoining developments includes a petrol depot station located opposite the site on Forest Road and a mix of one to two storey dwellings located within close proximity to the subject site. Additionally, a 5-6 storey apartment is located further along Forest Road north-east of the site.
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- The site contains several significant trees. The site is identified as a heritage item on Schedule 5 of the Rockdale LEP2011: Item 131 – Original Bexley School Buildings at 339-377 Forest Road, Bexley.
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7. REFERRALS

7.1 INTERNAL

The proposal has been referred to the following internal authorities:

- Heritage Advisor
- Tree Management Officer

Refer to comments provided by the Tree Management Officer under section 8.2.1.3. - Clause 5.9 Preservation of Trees or Vegetation and by the Heritage Advisor under section 8.2.1.3 – Clause 4.1.2 Heritage Conservation.

8. PLANNING CONSIDERATION

8.1 S96(1A) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT

Section 96(1A) of the Environmental Planning & Assessment Act 1979 states:

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify a development consent if:

- a) It is satisfied that the proposed modification is of minimal environmental impact, and

Comment: The proposal have been assessed by Council's Heritage Advisor and Tree Management Officer, who have considered the environmental impacts from the removal of Trees No. 1-4. Council's Heritage Advisor has supported the removal of the four(4) trees from a heritage perspective. However, in consideration of the comments provided by Council's Tree Management Officer, only the removal of Trees No. 3 and 4 and remedial pruning for Trees No. 1 and 2 is supported. In this regard, the proposed modifications are of minimal environmental impact.

- b) It is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and

Comment: The application is only for modifications to the development consent to allow the removal of trees. The proposal remains as previously approved, namely a place of public worship and associated uses (community hall and educational establishment). The proposal will not change the land use or substantially alter the nature of the development. As such, it is considered substantially the same development.

- c) it has notified the application in accordance with:
- (i) the regulations, if the regulations so require, or
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

Comment: The application has been notified in accordance with the provisions of Council's RDCP2011.

- d) It has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

Comment: Two(2) letters of objections and one(1) petition have been received.

8.2 S96(3) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT

S96(3) of the Environmental Planning and Assessment Act 1979 states:

In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 79C(1) as are of relevance to the development the subject of the application.

An assessment of the application has been carried out under the provisions of Section 79(C) of the Environmental Planning and Assessment Act, 1979. The matters of relevance to this application have been considered. The following is an assessment of the proposed development under the provisions of Section 79C (1) of the Environmental and Planning Assessment Act.

8.2.1 Provisions of Environmental Planning Instruments (S79C(1)(a)(i))

State Environmental Planning Policy (Infrastructure) 2007 Clause 101 – Development with frontage to classified road

The proposed development is located on land with a frontage to a classified road, i.e. Forest Road. In this regard, Clause 101- Development with frontage to a classified road, of the SEPP must be considered before consent can be granted.

The development involves access to and from the site from Forest Road. A secondary access also exists at the rear/side of the site from Broadford Street and Bayview Street.

The proposal does not involve any changes to the existing vehicular access to the site and is not for a traffic generating development. As such, the application has been considered in respect to the SEPP and no additional conditions of development consent are required to be imposed in this regard.

Rockdale Local Environmental Plan 2011 (RLEP 2011)

Relevant Clauses	Compliance with objectives	Compliance with standard/provision
8.2.1.1 Zone R2 Low Density Residential	Yes	Yes – see discussion
8.2.1.2 Clause 5.9 - Preservation of trees or vegetation	Yes	Yes – see discussion
8.2.1.3 Clause 4.1.2 - Heritage Conservation	Yes	Yes – see discussion
8.2.1.4 Acid Sulfate Soil – Class 5	Yes	Yes – see discussion
8.2.1.5 Earthworks	Yes	Yes – see discussion
8.2.1.6 Stormwater	Yes	Yes – see discussion
8.2.1.7 Essential Services	Yes	Yes – see discussion
8.2.1.8 Schedule 5 Environmental Heritage (Clause 5.10)	Yes	Yes

8.2.1.1 Zone R2 Low Density Residential

The subject site is zoned R2 – Low Density Residential Zone under the provisions of Rockdale Local Environmental Plan 2011 (RLEP2011). The proposal as previously approved is defined as a place of public worship and educational establishment, which constitutes a permissible development only with development consent. The proposed removal of trees is ancillary to the permissible uses within the site.

The objectives of the zone are:

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

The trees proposed to be removed are a significant feature of the streetscape and the amenity of the area. Therefore the removal of the four trees is not supported as it does not meet objectives 3 above.

It is recommended that only Trees 3 and 4 are removed subject to planting of two (2) x 75 litre locally indigenous replacement trees on site along the boundaries of Bayview Street and Forest Road.

Subject to the above, the proposal is considered to be consistent with the objectives of the zone as the streetscape and amenity of the area will not be unreasonably impacted.

8.2.1.2 Clause 5.9 - Preservation of trees or vegetation

The site contains trees that are subject to approval by Council under clause 5.9 of RLEP 2011. In accordance to the objectives of this zone, a person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:

- (a) development consent, or
- (b) a permit granted by Council.

The objective of this clause is to preserve the amenity of the area through the preservation of trees and other vegetation.

The applicant sought approval for the removal of ten(10) trees, however, the Tree Risk Assessment Report addresses only Trees No. 1-4. Council's Tree Management Officer is unable to justify the proposed removal of Trees No. 5-10 due to the absence of supporting evidence provided to Council.

A Tree Risk Assessment Report prepared by a qualified Arborist has recommended the removal of Trees No. 1-4 to be replaced with suitable new plantings. However, following the site meeting with the Consultant Arborist engaged by the applicant, Council's Tree Management Officer has recommended the removal of Trees No. 3 and 4 only. Tree 3 identified as the Southern Blue Gum (*Eucalyptus globulus*) located adjacent to Bayview Street is in fairly poor condition with borer damage and a large cavity at 6 metres from the ground, which compromises the structural integrity of the tree. Tree 4 identified as the Camphor Laurel (*Cinnamom camphora*) located adjacent to Broadford Street is also supported for removal as the tree is causing damage to adjacent structures and far from fully grown.

Therefore, Trees No. 3 and 4 may be removed. No other site trees within the site may be removed. At least two (2) x 75 litre locally indigenous replacement trees shall be planted within the site along Bayview Street and Forest Road boundaries.

In regard to the retention of Tress 1 and 2, Council's tree management officer states:

"Trees 1 and 2 are significant elements of considerable age in the local landscape which contribute to the amenity of the area as a whole and to the heritage nature of the original school buildings on site. A visual tree inspection undertaken from ground level has revealed no obvious evidence of defects which cannot be managed with appropriate and regular pruning and maintenance"

To ensure the protection and longevity of Trees 1 and 2, a condition is included in the draft Notice of Determination regarding remedial pruning of the trees to remove the deadwood and branch stubs. All work is to be carry out by a contractor with minimum AQF Level 3 qualifications in Arboriculture and be a Registered Practicing Arborist member of Arboriculture Australia or similar Arboriculture organisation. Options are to be explored for alternative fence treatment in lieu of brickwork to replace the damaged brick fence. The replacement fence material must not damage the trees or their roots. Built up soil and debris behind the existing brickwork adjacent to the two trees should be removed by hand to relieve pressure on the replacement fence. This is to be carried out within three months of approval.

Subject to compliance with the above Council is satisfied that the proposal is consistent with the objectives of this clause.

8.2.1.3 Clause 4.1.2 - Heritage Conservation

The site is listed as a heritage item on Schedule 5 of Rockdale LEP2011: Item 131 - Original Bexley School Buildings at 339-377 Forest Road, Bexley.

The applicant has provided justification from a heritage perspective for the removal of the trees.

Council's Heritage Advisor has assessed the proposal and provided the following Statement of Significance and physical description of the heritage item:

"This school is significant as one of a number of schools established in the St. George Area, during the late nineteenth, early twentieth century. It is aesthetically significant as a prominent building on a bend in Forest Road. (State Heritage Inventory).

The school comprises the original single storey Victorian style school and a later two storey Federation style building. The Victorian block is brick construction with gable roof clad with corrugated iron. The ends of the building have elaborate groups of three windows with sandstone sills, heads and decorative medallions. The ends of the barge boards are decorated. The Federation style block is red brick construction on the ground floor contrasting with rough cast stucco on the first floor. Roof cladding is corrugated iron. The whole of the Victorian building which was originally face brick has been painted to match the rest of the buildings."

The statement of significance and physical description refer to the school buildings and the historic use of the school in the 19th and early 20th centuries.

The trees proposed to be removed are 3 mature Eucalyptus globulus (Southern Blue Gums) and one mature Cinnamomum camphora (Camphor Laurel). The Eucalyptus globulus is a fast growing large tree that can grow up to 8 metres in less than 3 years. In this case, very large trees can be over 200 years old. The ones in Bayview Street were mature in 1943 when they were captured on an aerial photograph. Whilst it is possible the trees were in existence when the school was built it is unlikely they were a planting that was related to the historical development of the school. For this reason they

do not form part of the heritage significance of the property. The Camphor Laurel is a much later planting and does not appear on the 1943 aerial photo. This tree is therefore not considered to have any historical value in relation to the school."

Therefore, Council's Heritage Advisor has advised there are no heritage constraints to the removal of the four trees and thus, supports the proposal.

8.2.1.4 Acid Sulfate Soil – Class 5

Acid Sulfate Soils (ASS) – Class 5 affects the property. However, development consent is not required as the site is not within 500 metres of adjacent Class 1, 2, 3 or 4 which is below 5 AHD.

8.2.1.5 Earthworks

Earthworks including minor excavation may be required on site for the removal of Trees No. 3 and 4 as recommended by the Tree Management Officer. The objectives and requirements of Clause 6.2 of RLEP 2011 have been considered in the assessment of this application. It is considered that the proposed earthworks and excavation will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

8.2.1.6 Stormwater

There are no changes proposed to the previously approved stormwater system.

8.2.1.7 Essential Services

Services will generally be available on the site and there are no changes proposed.

8.2.2 Provisions of any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (S.79C(1)(a)(ii))

There are no Draft Environmental Planning Instruments that apply to this proposal.

8.2.3 Provisions of Development Control Plans (S.79C(1)(a)(iii))

Development Control Plan 2011

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

Relevant Clauses	Compliance with objectives	Compliance with standard/provision
8.2.3.1 Views and Vista	Yes	Yes – see discussion
8.2.3.2 Heritage Conservation	Yes	Yes – see discussion
8.2.3.3 Groundwater Protection	Yes	Yes – see discussion
8.2.3.4 Soil Management	Yes	Yes – see discussion
8.2.3.5 Tree Presevation	Yes	Yes – see discussion
8.2.3.6 Streetscape and Site Context - General	Yes	Yes – see discussion

8.2.3.1 Views and Vista

The removal of the trees will not significantly change the views currently experienced by residents within the area. Council's Tree Management has supported the removal of Trees No. 3 and 4, however, have imposed conditions in the draft Notice of Determination for two(2) x 75 litre locally indigenous replacement trees to be planted on site, which will reduce the impacts on views and restore the character and aesthetic of the streetscape along Broadford Street and Bayview Street. Additionally, the retention of Trees No. 1 and 2 will maintain the existing streetscape and character of Bayview Street, thus have minimal adverse impacts on the surrounding views presently enjoyed by residents.

8.2.3.2 Heritage Conservation

The proposed development is located on land on which a heritage item is located. In this regard, a Heritage Impact Statement prepared by Damien O'Toole Town Planning has been submitted. The statement has provided the following comments related to heritage conservation:

- There are no adverse impacts to the heritage item on the site, given the distance from the trees to the heritage item.
- The works are not inconsistent with the objectives of RLEP2011, that is, to conserve the environmental heritage of Rockdale. Additionally, the work will have no adverse impacts to the heritage significance of the site.
- The listing for the item does not mention any tree as being a significant aspect of the site. This view is concurred with. The listing derives from the site's historical association with education uses and aesthetic significance of the buildings, but not for any landscaping reason.
- Accordingly the removal of four(4) trees that are causing damage to structures and to the potential safety of children is acceptable in heritage terms.
- The removal of trees will have some effect on the visual amenity of the area, however the need to remove the trees is more pressing. No significant view is affected.
- The setting of the heritage item is not materially affected. The removal of trees will ensure that the structural stability of the site is maintained. The subject trees do not contribute towards the cultural significance of the site. No significant view is affected.

Council's Heritage Advisor have assessed the plans and the Heritage Impact Statement provided. The removal of the four (4) trees is supported as there are no heritage related constraints. The proposed works is sympathetic in style to the heritage item in terms of scale, design, bulk and materials. It is considered the proposed development will be in keeping with the qualities that make the heritage item and it's setting significant.

8.2.3.3 Groundwater Protection

The site is affected by the Groundwater Protection Zone 3, however, it is considered that excavation in relation to the removal of Trees No. 3 and 4 is not deep enough to cause any adverse impact on the Zone.

8.2.3.4 Soil Management

A Soil and Water Management was not submitted as there is no demolition, new buildings & significant earthworks or inground pools proposed.

8.2.3.5 Tree Preservation

The development proposal have been considered in relation to Trees No. 1-4 only. Council's Tree Management Officer have assessed the four(4) trees and the removal of Trees No. 3 and 4 have been recommended. Appropriate conditions is to be imposed in the draft Notice of Determination, regarding the removal of Trees No. 3 and 4, the retention of Trees No. 1 and 2

and for replacement tree planting of two 75 litre locally indigenous trees on in suitable locations on the Bayview Street and Forest Road Boundaries.

8.2.3.6 Streetscape and Site Context - General

The site is located in a R2 – Low density residential zone. The immediate context is relatively low scale consisting of single and two storey dwellings and commercial uses along Forest Road. The site is in proximity to the Bexley neighbourhood centre, which is undergoing change, as reflected in 5-6 storey apartments situated north-east of the site on the corner of Frederick Street and Forest Road.

The trees are a significant feature of the streetscape and amenity to the area. The removal of Trees No. 3 and 4 will have some impact on the existing character of the street, particularly along the boundaries of Bayview and Broadford Street. However, the proposal is not considered to completely destroy the streetscape as replacement tree planting, as proposed will compensate for the trees lost. Additionally, the removal of Trees No. 1 and 2 located along Bayview Street is not supported. In this regard, the proposal will not adversely impact upon the streetscape, amenity and desired future character of the area.

The proposed works will not affect the significance of the heritage item and will be in keeping with the qualities that make the heritage item and it's setting significant.

The proposal is considered to be consistent with the objectives of this clause.

8.2.4 Provisions of Regulations (S.79C(1)(a)(iv))

The provisions of the Regulations have been considered in the assessment of this development proposal where relevant to this S96 application.

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

The relevant matters pertaining to the likely impacts of the development have been addressed within the report. There are no further matters raised in this application that would alter the conclusions reached in the original assessment.

8.2.6 Suitability of the Site (S.79C(1)(c))

The suitability of the site for the proposed development was considered as part of the assessment of the initial application. Additional conditions of consent are proposed to further minimise any impacts on neighbouring properties and the streetscape. There are no other major physical constraints or exceptional circumstances that would hinder the suitability of the site for the proposed development as modified.

8.2.7 Public Submissions (S.79C(1)(d))

The development application has been notified in accordance with the provisions of Council's DCP. Two(2) letters of objection and one(1) petition containing fifty-seven(57) signatures have been received. In addition, the local newspaper, the St George and Sutherland Shire Leader, published an article titled 'Residents object to Bexley Coptic Church plan to remove trees', dated 28 August 2017.

The issues raised in the submission are discussed below:

Issue 1: Safety

Comment: Concerns have been raised regarding safety, such that, the trees identified to be removed are located in an area that is a parking lot not a playground. Additionally, the objectors suggests the retaining walls, footpaths and fence can be replaced without removing the trees. Council's Tree Management Officer has assessed the proposal and supports the removal of trees 3 and 4 only. Options are to be explored for alternative fencing to replace the damaged brickwork without removing Trees No. 1 and 2. This has been included as a condition of consent.

Issue 2: Continuous breach of conditions from the original DA by the applicant.

Comment: Concerns were raised regarding the applicant having continuously breached the conditions from the original DA without Council approval. Council advises this is not a relevant matter to this proposal.

Issue 3: Character and aesthetic beauty

Comment: It has been stated that the removal of the trees will destroy the character, peace and aesthetic of the area. It is further stated that the removal of the trees will impact the native wildlife that currently occupies the trees. Council advises that the removal of Trees No. 1 and 2 is not supported. Conditions imposed in the draft Notice of Determination for replacement tree planting in suitable locations on the Bayview Street and Forest Road boundaries will also restore part of the streetscape lost from the tree removal and continue to encourage native wildlife to the area. In this regard, it is considered there will be minimal impact to the character and aesthetic beauty of the streetscape surrounding the site.

Issue 4: Noise

Comment: The submission states that the removal of the trees will increase the level of noise currently experienced by residents and worsen the relationship between residents and the church. Council advises that the removal of Trees 3 and 4 will not significantly increase the level of noise as they are located towards the centre of the site along the boundaries and replacement planting is recommended to provide some buffer against the noise emanating from the church.

Issue 5: Lack of consideration to neighbours and residents

Comment: Concerns were raised regarding the lack of consideration the church has towards the residents living in the area. Council advises this is not a relevant planning matter to this proposal.

Issue 6: Parking

Comment: The residents claim that the removal of trees will increase chances of expanding the church and school, thus creating further parking issues. Council advises the proposal does not involve changes to the parking currently available on site. The proposal does not create the need for any additional car parking or an increase in floor area of the existing buildings on site. The existing driveway access will be retained. Therefore, the proposal has no impact to existing access, parking and traffic in the area.

8.2.8 Public Interest (S.79C(1)(e))

The proposed development as modified is considered satisfactory having regard to the objectives and requirements of Rockdale Local Environmental Plan 2011 and Development Control Plan 2011. Impacts on adjoining properties and the neighbourhood have been considered and addressed. Subject to compliance with the recommended conditions it is considered that the proposed development will be in the public interest.

9. CONCLUSION

The proposed modification is considered to satisfy the requirements of Section 96(1A) of the *EP&A Act 1979*, and it is recommended that the application be **approved** subject to the modifications to conditions of consent attached.



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REPORT: TREE RISK ASSESSMENT

**339 Forest Road
Bexley NSW**

Prepared 29 May 2016
Reference 19229
Revision 1
Prepared 12 April 2018

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1.0 SUMMARY & RECOMMENDATIONS

Urban Tree Management © has prepared this Tree Risk Assessment report for Talaat Nasralla on behalf of St Mary and St Minas College, 339 Forest Road, Bexley NSW 2207 (*the site*), to examine 4 trees within the grounds close to the property boundary to address concerns for the stability of the trees and risks to students, staff, parishioners attending *the site* and the public using the adjoining footpaths and streets from roots and potentially unsound branches.

Danny Draper (*the author*) attended *the site* on Wednesday 12 April 2017 and *the trees* were examined by a Visual Tree Assessment (VTA) (Mattheck and Breloer, 1994) conducted from the ground and a Tree Risk Assessment as a Level 2: *Basic Assessment* (Dunster *et al*, 2013, pp. 20-23). The site was attended again on Saturday 7 April 2018 and the trees reassessed and Tree 47 added. The have been renumbered to use the tree numbering system of the Landscape Plan dated 17/2/1997, scale 1:200, Dwg. No. 001357/T.M., Sheet 1 of 1, by ULP – Urban Landscape Planners, Terry A. Machin, 1a Annangrove Rd., Kenthurst, NSW 2158, and Revised Landscape Plan reference 19229.landscape plan, 4/4/2018, prepared by Urban Tree Management Australia Pty Ltd.

The works recommended are prioritized 1-3:

Priority 1 - Immediate remedial action, unacceptable consequences/extreme safety risk, *Removal, Pruning, Isolation*

Priority 2 - Action within 6 months, *Removal, Pruning, Further investigative or scientific testing works required*

Priority 3 - Currently no action required within the next 12 months

This report assessed 4 trees with Recommendations presented in tabular form, **Table 1.0 Priority 1** *Trees to be removed or pruned* and **Table 2.0 Priority 2** *Trees requiring further investigative works*. Trees identified as **Priority 3** *Currently no action required within the next 12 months* do not require any works and are not included in the Recommendations.

The trees the subject of this report are indicated in Appendix C – *Plan (aerial Photograph)* Showing location of the trees included in the Tree Risk Assessment.

Summary

Tree 47, 48, 50 and 63 were planted in a narrow garden bed close to the school boundary, Tree 15 was planted or self-sown and all have developed crown projections over the street and root plates that have grown into the road reserve. Tree 15 is an environmental weed. The roots of Trees 47, 48, 50 and 63 have disrupted a low retaining wall along the common boundary and pavement in the street creating trip hazards where one elderly woman has fallen and sustained serious injury. The roots of these trees cannot be safely pruned for reasons of tree stability. Trees 47, 48, 50 and 63 have previously shed branches into the street, over the car park (Trees 47, 48 and 50) and into the playground and over a seating and table area (Tree 63) which has been isolated from the risk and is no longer used. The school has limited space and this area is important open space for the children which they want to safely access. The trees are growing on a dry hill top surrounded by hard pavement in an urban heat island which is not conducive to their preferred growing environment and they have been predated by borers as a consequence in prolonged hot dry periods and their life expectancy reduced.

While these tree are not likely to collapse immediately they are an inappropriate species selection for the location and for the restricted planting areas for large trees causing their large structural roots to disrupt light structures nearby. The school and church site is well treed for its intensive land use with gardens along most of its boundaries. The revised Landscape Plan tree planting proposal within *the site* and road reserve adjacent the Bayview Street frontage will provide of a continuous tree cover around the perimeter of *the site* with trees suitable for the planting spaces available.

As Trees 47, 48, 50 and 63 continue to deteriorate they will pose a continuous risk to the people and property where they have been planted. Tree 1-4 should be removed while structurally sound and replaced with suitable new plantings. All Camphor Laurel should be removed from the school and church and replaced with non-invasive native trees.



Danny Draper
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Assoc. Dip. Hort. (Pk. Mgmt.),
Hort. Cert.,
TRAQ Cert. (ISA) Tree Risk Assessment

Table 1.0 Priority 1 Trees to be removed or pruned as indicated with options.

Tree No	Priority for Removal – unacceptable consequences/extreme safety risk 1 = Yes	Priority for Pruning <u>Deadwooding</u> throughout crown. <u>Reduction Pruning</u> over target in Lower / Mid / Upper crown, to N, S, E, W. <u>Selective Pruning</u> over target in Lower / Mid / Upper crown, to N, S, E, W.
47	Deadwood – Low volume in asymmetrical crown with bias to south. Other - Tree declining. Damaged retaining wall along boundary, disrupted and broken footpath in street as trip hazard.	
48	Cavity - trunk wounds as lesions from Longicorn borers (Order Cerambycidae) on trunk from east to west affecting approx. 45% of trunk circumference. Borers – Longicorn Borer. Deadwood – Moderate volume large deadwood throughout. Other – tree declining. Crown projects over playground, pavement and car park within school and foot path in street, car parking in street and vehicular traffic in street. Damaged retaining wall along boundary, disrupted and broken footpath in street as trip hazard.	
50	Has repeatedly shed branches >3 m long. Crown projects over playground, pavement and car park within school and foot path in street, car parking in street and vehicular traffic in street. Damaged retaining wall along boundary, disrupted and broken footpath in street as trip hazard.	
63	Cavity - in first order structural branch 400 mm diameter. Deadwood – medium volume throughout mid-upper crown. Lopped – mid crown with stubs up to 2 m long and 300 mm diameter with mature epicormic shoots distally over seating and playground to east. Detached branch – mid crown Fungal fruiting bodies – <i>Phellinus</i> sp. evident in branch tear wound on upper side of first order structural branch (FOSB) to north at 7 m. Crown projects over playground, seating within school, foot path in street, car parking in street and vehicular traffic in street. Damaged retaining wall along boundary, disrupted and broken footpath in street as trip hazard.	

Table 2.0 Priority 2 Trees requiring Removal, Pruning, Further investigative or scientific testing works.

Tree No	1 Aerial inspection 2 Aerial inspection & Resistograph test	1 Resistograph test of Trunk from ground 2 Aerial inspection & Resistograph test of Trunk	1 Root crown excavation 2 Root crown excavation & Resistograph test	1 Ongoing monitoring required	Removal <u>Deadwooding</u> throughout crown. <u>Reduction Pruning</u> over target in Lower / Mid / Upper crown, to N, S, E, W. <u>Selective Pruning</u> over target in Lower / Mid / Upper crown, to N, S, E, W.
15					<u>Remove</u> within 2 years. Growing 1 m from foot path in street. Greatest risk is from root growth causing damage and trip hazards. Particularly evident from 200 mm diameter first order root in street disrupting pavement.

2.0 METHODOLOGY & LIMITATIONS

Note: Individual methodologies applied as applicable.

- 2.1 A Level 2: *Basic Assessment* (Dunster *et al*, 2013, pp. 20-23) was conducted for each tree in this report. For a definition of *Basic Assessment*, see Glossary Part 2 – Appendix A.
- 2.2 The method of assessment of tree/s applied is adapted from the principles of Visual Tree Assessment (VTA) (Mattheck and Breloer, 1994) where each tree is assessed for anomalies that vary from expected average growth characteristics for the taxa when structurally sound, and a qualitative tree risk assessment using the *Level 2: Basic Assessment* of the Tree Risk Assessment Qualification (TRAQ) developed by the International Society of Arboriculture (ISA). The trees examined will be recorded on the UTM Site Assessment Record – Tree Risk Assessment TRAQ. This assessment and report is valid for 12 months from the date of inspection being the period that the likelihood of failure is estimated.
- 2.3 A Visual Tree Assessment is limited to observations made from the ground and trees as natural and dynamic living structures inherently have component parts that may be subject to failure and collapse in full or part despite appearing free from hazards and growth anomalies. This is due primarily to interactions with the environment (biotic and abiotic) such as predation from insects, birds and decay and ongoing multi-directional loading forces (primarily compression, tension and torsion) encountered from wind loading and rain. As their mass and shape changes over time, these often become foreseeable only by thorough investigative examination of the crown by an aerial inspection and/or testing of the structural branches and trunk with a Resistograph or root crown excavation examination and Resistograph testing. This is an example of TRAQ *Level 3. Advanced Assessment* (Dunster *et al*, 2013, pp. 23-34) and the assessor will make recommendations for such testing where it is considered necessary.
- 2.4 The *Level 2: Basic Assessment* of the Tree Risk Assessment Qualification (TRAQ) developed by the ISA considers the following process:
 - Locate and identify the tree or trees to be assessed.
 - Determine the targets and target zone for tree or branches of concern.
 - Review site history, conditions, and species failure profile.
 - Assess potential loads on the tree and its parts.
 - Assess general tree health.
 - Inspect the tree visually-using binoculars, mallet, probes, or shovel, as desired by the arborist or as specified in the scope of work.
 - Record observations of site conditions, defects and outward signs of possible internal defects and response growth.
 - If necessary, recommend an advanced assessment.
 - Analyze data to determine the likelihood and consequences of failure in order to evaluate the degree of risk.
 - Develop mitigation options and estimate residual risk for each option.
 - Develop and submit the report/documentation, including, when appropriate, advice on reinspection intervals.
- 2.5 Any dimensions recorded as averages, or by approximation are noted accordingly.
- 2.6 In this report Pruning as *Deadwooding* refers to *Large Deadwood* as defined in the Glossary.

- 2.7 Photographs are provided of subject trees for removal.
- 2.8 The meanings for terminology used in this report are shown in Appendix B and are taken from the following sources and shown in 2 sections as follows:
Section 1, IACA Dictionary for Managing Trees in Urban Environments (Draper and Richards, 2009), and
Section 2, Tree Risk Assessment Manual (Dunster *et al* 2013, pp. 163-170).
- 2.9 A Plan of the site showing the locations of the subject trees included in the Tree Risk Assessment is included as Appendix C.
- 2.10 Tree heights were recorded using a Nikon Forestry Pro Hypsometer or by approximation.

3.0 PRUNING STANDARDS

- 3.1 Any pruning recommended in this report is to be to the Australian Standard® AS4373 *Pruning of amenity trees*, and conducted in accordance with the *Guide to Managing Risks of Tree Trimming and Removal Work*, July 2016, Safe Work Australia.
- 3.2 All pruning or removal works are to be in accordance with the appropriate Tree Management Policy where applicable, or Tree Management Order (TMO), or Tree Preservation Order (TPO).
- 3.3 Tree maintenance work is specialised and in order to be undertaken safely to ensure the works carried out are not detrimental to the survival of a tree being retained, and to assist in the safe removal of any tree, should be undertaken by a qualified arboriculturist with appropriate competencies recognised within the Australian Qualification Framework, with a minimum of 5 years of continual experience within the industry of operational amenity arboriculture, and covered by appropriate and current types of insurance to undertake such works.

4.0 TREE RISK ASSESSMENT

Tree No.	Genus & species / Common Name	Condition G = Good F = Fair P = Poor M = Moribund D = Dead	Age Y = Young M = Mature O = Overmature	Ht. Approx. Metres *Approx	Defects CH = Cavity / Hollow CB = Cracks/Split/Buckling FR = Fungal Fruiting bodies SL = Severe Lean (>45°) PL = Progressive Lean <45° DB = Detached branch BI = Bark Inclusion BD = Bird damage B = Borer L = Logged RD = Root Damage/heaving / Soil cracks DW = Large deadwood OT = Other (comment?)	Tree part	Conditions of concern	Part size, m	Fall distance, metres	Target number	Target protection	Likelihood										Consequences			Risk rating of part 1 (from Matrix 2)	Priority		
												Improbable	Possible	Probable	Imminent	Very low	Low	Medium	High	Unlikely	Somewhat likely	Very likely	Negligible	Minor			Significant	Severe
15	Cinnamomum camphora Camphor Laurel	F	M	6	BI - appears stable.	First order structural branches	Collapse into street or onto buildings crown projects over street, footpath in street, pavement in school	3 0 0	9		None		1											1		1	M	Priority 2 - Remove
47	Eucalyptus globulus Southern Blue Gum	F	M	13	DW - Low volume in asymmetrical crown with bias to south. OT - Tree declining.	Deadwood	Collapse of branches as crown projects over car park and footpath in street onto staff, visitors and pedestrians in street Damaged retaining wall along boundary, disrupted and broken footpath in street as trip hazard.	4 0 0	2 1	2	Boundary fence		1					1	1					1		M	Priority 1 - Remove	
48	Eucalyptus globulus Southern Blue Gum	P	M	14	CH - trunk wounds as Lesions from Longhorn borers (Order Cerambycidae) on trunk from east to west affecting approx. 50% of trunk circumference. B - Longhorn Borer. DW - Moderate volume large deadwood. OT - tree declining. DB - Upper crown, 5 m long.	First order structural branches	Collapse of branches as crown projects over street, footpath in street, pavement in school, carpark in school and seating within school.	5 0 1 3 0 0	2	5	Pergola over seating area. Perimeter fence.		1					1	1					1		H	Priority 1 - Remove	
50	Eucalyptus globulus Southern Blue Gum	G	M	15	OT - has repeatedly shed branches >3 m long.	First order structural branches	Collapse of branches as crown projects over street, footpath in street, pavement in school, carpark in school and seating within school.	5 0 3 3 0 0	2	5	Pergola over seating area. Perimeter fence.		1					1	1					1		H	Priority 1 - Remove	
63	Eucalyptus globulus Southern Blue Gum	F	M	15	CH - in first order structural branch 400 mm diameter. DW - medium volume throughout mid-upper crown. L - mid crown with stubs up to 2 m long and 300 mm diameter with mature epicormic shoots distally over seating and playground to east. DB - Mid crown. FR - Phellinus sp. Extent in branch near wound on upper side of first order structural branch (PDSB) to north at 7 m.	Detached branch Deadwood	Collapse of branches as crown projects over playground & seats students staff, visitors and pedestrians in street Damaged retaining wall along boundary, disrupted and broken footpath in street as trip hazard.	3 0 0	2 2	4	Fence around seating area. Perimeter fence.		1					1	1					1		M	Priority 1 - Remove	

Matrix 1. Likelihood matrix.

Likelihood of failure	Likelihood of impacting target			
	Very low	Low	Medium	High
Imminent	Unlikely	Somewhat likely	Likely	Very likely
Probable	Unlikely	Unlikely	Somewhat likely	Likely
Possible	Unlikely	Unlikely	Unlikely	Somewhat likely
Improbable	Unlikely	Unlikely	Unlikely	Unlikely

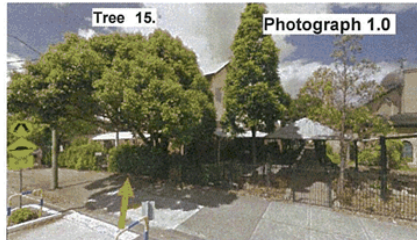
Matrix 2. Risk rating matrix.

Likelihood of failure & impact	Consequences of Failure			
	Negligible	Minor	Significant	Severe
Very likely	Low	Moderate	High	Extreme
Likely	Low	Moderate	High	High
Somewhat likely	Low	Low	Moderate	Moderate
Unlikely	Low	Low	Low	Low

4.1 TREE ASSESSMENT – VTA Assessment of tree/s or stand/s of trees.

UTM Tree No. / Stand No.	Genus & species / Common Name	Condition G = Good F = Fair P = Poor M = Moribund D = Dead	Age Y = Young M = Mature O = Overmature	Crown Form D = Dominant C = Codominant I = Intermediate S = Suppressed F = Forest E = Emergent	HL Approx. metres	Crown spread approx. metres / Orientation R = Radial, or other	Crown Symmetry 1 = symmetrical 2 = asymmetrical / Orientation	Crown cover / density % / D = dominant	DBH in mm @ 1.4m, or other, as indicated and trunk orientation other than R = radial, e.g. N/S	Trunk Lean 1 = Upright-Slight 2 = Moderate 3 = Severe 4 = Critical 5 = Asclepioid / Orientation ST = Static P = Progressive So = Self-correcting	Roots evident @ root crown 1 = None 2 = Adventitious 3 = Basal Flare 4 = Buttresses 5 = First Order Roots (FOR), No. & distribution e.g. R = radial, or one each to N, S, E, NE and W	Pests & diseases 1 = No or 2 = Yes (If 2, see comments)	Branch Bark included 1 = No or 2 = Yes or 3 = N/A	Vigour 1 = Good 2 = Poor	Form 1 = Good form 2 = Poor form	SRV Age, Vigour, Condition / Index Rating www.bch.org.au / ESTIMATED LIFE EXPECTANCY 1. Long 2. Medium 3. Short	Significance scale STARS www.bch.org.au / Retention Value 1=High 2=Medium 3=Low 4=Remove
15	<i>Cinnamomum camphora</i> Camphor Laurel	F	M	C	6	10x7 E/W	2 SE	90 90	400, R at ground / 400	5	5, x 2, S, NW	1	2	1	2	MGVF - 9 1	2 2
47	<i>Eucalyptus globulus</i> Southern Blue Gum	F	M	C	14	9 E/W	2 SE	75 80	400, R / 480	1	1.	1	1	1	2	MGVF - 9 2	2 2
48	<i>Eucalyptus globulus</i> Southern Blue Gum	P	M	C	14	12x8 E/W	2 E	75 75	600, R / 700	1	1.	2	2	1	2	MGVP - 6 2	2 2
50	<i>Eucalyptus globulus</i> Southern Blue Gum	G	M	C	14	9 R	2 N	85 90	650, R / 700	1	1.	1	1	1	1	MGVG - 10 1	2 2
63	<i>Eucalyptus globulus</i> Southern Blue Gum	F	M	D	15	18x12 N/S	2 W	85 90	700, R / 650	1	5, x 5, SSW, W, E, N, NW	2	1	1	2	MGVF - 9 1	2 2
Comments																	
15	Environmental weed species. Growing 1 m from property boundary and foot path within street with a first order root to southeast 200 mm diameter disrupting the pavement in the street creating trip hazards. Pruning the roots is not acceptable as the tree may become unstable or be weakened by decay pathogens entering the wounds affecting structural roots and trunk.																
47	Crown projects over footpath in street and walkway and car park within the church grounds and has shed branches onto the area. The tree is growing within a confined garden bed 1 m wide with root growth disrupting the boundary fence and a low retaining wall causing it to be rotated into the street, and pavement in the street creating trip hazards. Pruning the roots is not acceptable as it tree may become unstable or be weakened by decay pathogens entering the wounds affecting structural roots and trunk.																
48	The tree is growing within a confined garden bed <1 m wide with root growth disrupting the boundary fence and a low retaining wall causing it to be rotated into the street, and pavement in the street creating trip hazards. Trunk wound with lesion caused by Longicorn Borer extending from east to west affecting approximately 45% of trunk circumference. Moderate volume large deadwood throughout. Tree declining. Pruning the roots is not acceptable as the tree may become unstable or be weakened by decay pathogens entering the wounds affecting structural roots and trunk.																
50	Crown projects over street and footpath in street, pergola with seating within the school, and has shed branches onto the pergola. The tree is growing within a confined garden bed 1 m wide with root growth disrupting the boundary fence and a low retaining wall causing it to be rotated into the street, and pavement in the street creating trip hazards. Pruning the roots is not acceptable as it tree may become unstable or be weakened by decay pathogens entering the wounds affecting structural roots and trunk.																
63	Previously pruned in lower crown to east, reducing crown projection over playground 5 m away, with stubs up to 2 m long, 300 mm diameter with epicormic shoots distally. Phellinus sp. Fungal fruiting bodies evident in branch tear wound on upper side of first order structural branch (FOSB) to north at 7 m. Medium volume large deadwood throughout mid-upper crown. Crown projects over street, footpath in street, seating and table area within school, playground within school and church forecourt. The tree is growing within a confined garden bed 1 m wide with root growth disrupting the boundary fence and pavement in the street creating trip hazards. Pruning the roots is not acceptable as the tree may become unstable or be weakened by decay pathogens entering the wounds affecting structural roots and trunk.																

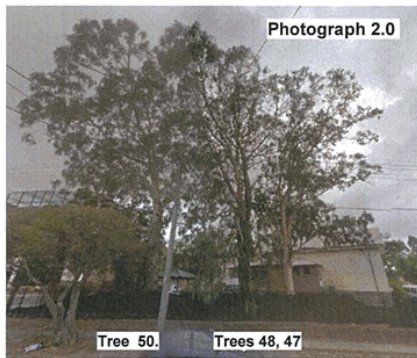
Photographs of subject trees



Photograph 1.0 View to southwest of Tree 15 *Cinnamomum camphora* – Camphor Laurel, showing crown projection over street, proximity to boundary and foot path in street. Arrow indicates location of disrupted pavement in street.

Source: Google, Street View, 5 Broadford Street, Bexley, December 2015, viewed 29 May 2017,

<https://www.google.com.au/maps/@-33.9458002,151.1276813,3a,75y,207.35h,91.15t/data=!3m6!1e1!3m4!1sCVW7YCKZIDV0G9QhImiQw!2e0!7i13312!8i6656>



Photograph 2.0 View to north of Trees 50, 48 and 47 *Eucalyptus globulus* – Southern Blue Gum, showing crown projection over street, proximity to boundary, damaged retaining wall and foot path in street.

Source: Google, Street View, 17 Bayview Street, Bexley, 14 February 2014, viewed 29 May 2017,

<https://www.google.com.au/maps/place/339+Forest+Rd,+Bexley+NSW+2207/@-33.946727,151.1272657,3a,82.3y,50.61h,116.89t/data=!3m6!1e1!3m4!1sLafpE3DYL5eUcTW0okHRw!2e0!7i13312!8i6656!4m5!3m4!1s0x6b12ba1c95c314bd:0xecf4546e0651d7bb!8m2!3d-33.946126!4d151.127346>



Photograph 3.0 View to north of Tree 63 (center) *Eucalyptus globulus* – Southern Blue Gum, showing crown projection over street, proximity to boundary and foot path in street.

Source: Google, Street View, 17 Bayview Street, Bexley, 14 February 2014, viewed 29 May 2017,

<https://www.google.com.au/maps/@-33.9463684,151.1269986,3a,75y,24.02h,113.7t/data=!3m6!1e1!3m4!1sMu2RVzzl6ZTYKxg7i8v!q!2e0!7i13312!8i6656>

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DISCLAIMER

The author and Urban Tree Management take no responsibility for actions taken and their consequences, contrary to those expert and professional instructions given as recommendations pertaining to safety by way of exercising our responsibility to our client and the public as our duty of care commitment, to mitigate or prevent hazards from arising or risks from being eliminated or mitigated or managed to reduce harm or damage, from a failure moment in full or part, from a structurally deficient or unsound tree or a tree likely to be rendered thus by its retention and subsequent deterioration from modification/s to its growing environment either existing or proposed, either above or below ground, contrary to our advice.

Appendix A

Glossary Parts 1 & 2

Part 1

Source:

Draper BD and Richards PA 2009, *Dictionary for Managing Trees in Urban Environments*, Institute of Australian Consulting Arboriculturists (IACA), CSIRO Publishing, Collingwood, Victoria, Australia.

Age of Trees

Age Most trees have a stable biomass for the major proportion of their life. The estimation of the age of a tree is based on the knowledge of the expected lifespan of the taxa in situ divided into three distinct stages of measurable biomass, when the exact age of the tree from its date of cultivation or planting is unknown and can be categorized as *Young*, *Mature* and *Over-mature* (British Standards 1991, p. 13, Harris *et al*, 2004, p. 262).

Young Tree aged less than <20% of life expectancy, *in situ*.

Mature Tree aged 20-80% of life expectancy, *in situ*.

Over-mature Tree aged greater than >80% of life expectancy, *in situ*, or *senescent* with or without reduced *vigour*, and declining gradually or rapidly but irreversibly to death.

Condition of Trees

Condition A tree's *crown form* and growth habit, as modified by its *environment* (aspect, suppression by other trees, soils), the *stability and viability* of the *root plate*, trunk and structural branches (first (1st) and possibly second (2nd) order branches), including structural defects such as wounds, cavities or hollows, *crooked* trunk or weak trunk/branch junctions and the effects of predation by pests and diseases. These may not be directly connected with *vigour* and it is possible for a tree to be of *normal vigour* but in *poor condition*. Condition can be categorized as *Good Condition*, *Fair Condition*, *Poor Condition* and *Dead*.

Good Condition Tree is of good habit, with *crown form* not severely restricted for space and light, physically free from the adverse effects of *predation* by pests and diseases, obvious instability or structural weaknesses, fungal, bacterial or insect infestation and is expected to continue to live in much the same condition as at the time of inspection provided conditions around it for its basic survival do not alter greatly. This may be independent from, or contributed to by *vigour*.

Fair Condition Tree is of good habit or *misshapen*, a form not severely restricted for space and light, has some physical indication of *decline* due to the early effects of *predation* by pests and diseases, fungal, bacterial, or insect infestation, or has suffered physical injury to itself that may be contributing to instability or structural weaknesses, or is faltering due to the modification of the *environment* essential for its basic survival. Such a tree may recover with remedial works where appropriate, or without intervention may stabilise or improve over time, or in response to the implementation of beneficial changes to its local environment. This may be independent from, or contributed to by *vigour*.

Poor Condition Tree is of good habit or *misshapen*, a form that may be severely restricted for space and light, exhibits symptoms of advanced and *irreversible decline* such as fungal, or bacterial infestation, major die-back in the branch and *foliage crown*, *structural deterioration* from insect damage e.g. termite infestation, or storm damage or lightning strike, ring barking from borer activity in the trunk, root damage or instability of the tree, or damage from physical wounding impacts or abrasion, or from altered local environmental conditions and has been unable to adapt to such changes and may decline further to death regardless of remedial works or other modifications to the local *environment* that would normally be sufficient to provide for its basic survival if in *good to fair* condition. Deterioration physically, often characterised by a gradual and continuous reduction in *vigour* but may be independent of a change in *vigour*, but characterised by a proportionate increase in susceptibility to, and *predation* by pests and diseases against which the tree cannot be sustained. Such conditions may also be evident in trees of advanced senescence due to normal phenological processes, without modifications to the growing environment or physical damage having been inflicted upon the tree. This may be independent from, or contributed to by *vigour*.

Moribund Advanced state of decline, dying or nearly dead.

Dead Tree is no longer capable of performing any of the following processes or is exhibiting any of the following symptoms:

Processes

Photosynthesis via its foliage crown (as indicated by the presence of moist, green or other coloured leaves);

Osmosis (the ability of the root system to take up water);

Turgidity (the ability of the plant to sustain moisture pressure in its cells);

Epicormic shoots or *epicormic strands* in Eucalypts (the production of new shoots as a response to stress, generated from latent or adventitious buds or from a *lignotuber*);

Symptoms

Permanent leaf loss;

Permanent wilting (the loss of turgidity which is marked by desiccation of stems leaves and roots);

Abscission of the *epidermis* (bark desiccates and peels off to the beginning of the sapwood).

Branch

Branch An elongated woody structure arising initially from the trunk to support leaves, flowers, fruit and the development of other branches. A branch may itself fork and continue to divide many times as successive orders of branches with the length and taper decreasing incrementally to the outer extremity of the crown. These may develop initially as a gradually tapering continuation of the trunk with minimal division as in a young tree or a tree of *excurrent habit*, or in a *sapling*, or may arise where the trunk terminates at or some distance from the root crown, dividing into first order branches to form and support the foliage crown. In an *acaulescent* tree, branches arise at or near the root crown. Similarly branches may arise from a *sprout mass* from damaged roots, branches or trunk.

Orders of branches The marked divisions between successively smaller branches (James 2003, p. 168) commencing at the initial division where the trunk terminates on a *deliquescent* tree or from *lateral* branches on an *excurrent* tree. Successive branching is generally characterised by a gradual reduction in branch diameters at each division, and each gradation from the trunk can be categorised numerically, e.g. first order, second order, third order etc. (See Figure 21.)

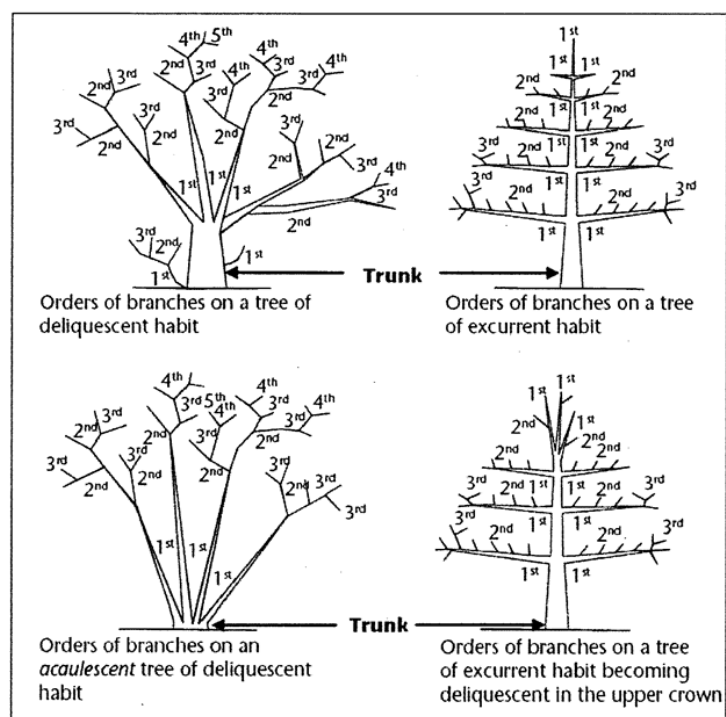


Figure 21 Orders of branches

Crown

Canopy 1. Of multiple trees, the convergence, or merging in full or part, of the crowns of two or more trees due to their proximity, where competition for light and space available in a forest environment is limited as each tree develops forming a continuous layer of foliage. 2. Used as a plural for crown. 3. Sometimes synonymously used for crown (USA).

Crown Of an individual tree all the parts arising above the trunk where it terminates by its division forming branches, e.g. the branches, leaves, flowers and fruit; or the total amount of foliage supported by the branches. The crown of any tree can be divided vertically into three sections and can be categorised as *lower crown*, *mid crown* and *upper crown* (Figure 8). For a *leaning* tree these can be divided evenly into crown sections of one-third from the base to apex. The volume of a crown can be categorised as the *inner crown*, *outer crown* and *outer extremity of crown* (Figure 9).

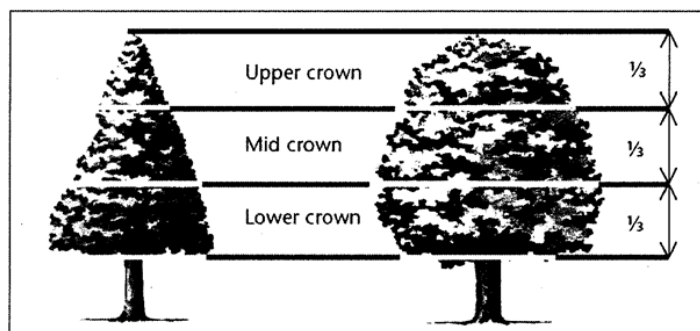


Figure 8 Sections of crown.

Lower crown The *proximal* or lowest section of a crown when divided vertically into one-third ($\frac{1}{3}$) increments. See also *Crown*, *Mid crown* and *Upper crown*.

Mid crown The middle section of a crown when divided vertically into one-third ($\frac{1}{3}$) increments. See also *Crown*, *Lower crown* and *Upper crown*.

Upper crown The *distal* or highest section of a crown when divided vertically into one-third ($\frac{1}{3}$) increments. See also *Crown*, *Mid crown* and *Lower crown*.

Deadwood

Deadwood Dead branches within a tree's crown and considered quantitatively as separate to *crown cover* and can be categorised as *Small Deadwood* and *Large Deadwood* according to diameter, length and subsequent *risk* potential. The amount of dead branches on a tree can be categorized as *Low Volume Deadwood*, *Medium Volume Deadwood* and *High Volume Deadwood*. See also *Dieback*.

Deadwooding Removing of dead branches by *pruning*. Such pruning may assist in the prevention of the spread of *decay* from *dieback* or for reasons of safety near an identifiable target.

Small Deadwood A dead branch up to 10mm diameter and usually <2 metres long, generally considered of low *risk* potential.

Large Deadwood A dead branch >10mm diameter and usually >2 metres long, generally considered of high *risk* potential.

High Volume Deadwood **High Volume Deadwood** Where >10 dead branches occur that may require *removal*.

Medium Volume Deadwood Where 5-10 dead branches occur that may require *removal*.

Low Volume Deadwood Where <5 dead branches occur that may require *removal*.

Dieback

Dieback The death of some areas of the *crown*. Symptoms are leaf drop, bare twigs, dead branches and tree death, respectively. This can be caused by root damage, root disease, bacterial or fungal canker, severe bark damage, intensive grazing by insects, *abrupt changes* in growth conditions, drought, water-logging or over-maturity. Dieback often implies reduced *resistance*, *stress* or *decline* which may be temporary. Dieback can be categorized as *Low Volume Dieback*, *Medium Volume Dieback* and *High Volume Dieback*.

High Volume Dieback Where >50% of the *crown cover* has died.

Medium Volume Dieback Where 10-50% of the *crown cover* has died.

Low Volume Dieback Where <10% of the *crown cover* has died. See also *Dieback*, *High Volume Dieback* and *Medium Volume Dieback*.

Epicormic shoots

Epicormic Shoots Juvenile shoots produced at branches or trunk from *epicormic strands* in some Eucalypts (Burrows 2002, pp. 111-131) or sprouts produced from dormant or latent buds concealed beneath the bark in some trees. Production can be triggered by fire, pruning, wounding, or root damage but may also be as a result of *stress or decline*. Epicormic shoots can be categorized as *Low Volume Epicormic Shoots*, *Medium Volume Epicormic Shoots* and *High Volume Epicormic Shoots*.

General Terms

Cavity A usually shallow void often localized initiated by a *wound* and subsequent *decay* within the trunk, branches or roots, or beneath bark, and may be enclosed or have one or more opening.

Decay Process of degradation of wood by microorganisms (Australian Standard 2007, p. 6) and fungus.

Included bark 1. The bark on the inner side of the *branch union*, or is within a concave *crotch* that is unable to be lost from the tree and accumulates or is trapped by *acutely divergent* branches forming a *compression fork*. 2. Growth of bark at the interface of two or more branches on the inner side of a branch union or in the crotch where each branch forms a branch collar and the collars roll past one another without forming a graft where no one collar is able to subsume the other. Risk of failure is worsened in some taxa where branching is *acutely divergent* or *acutely convergent* and ascending or erect.

Hollow A large void initiated by a *wound* forming a *cavity* in the trunk, branches or roots and usually increased over time by *decay* or other contributing factors, e.g. fire, or fauna such as birds or insects e.g. ants or termites. A hollow can be categorized as an *Ascending Hollow* or a *Descending Hollow*.

Visual Tree Assessment (VTA) A visual inspection of a tree from the ground based on the principle that, when a tree exhibits apparently superfluous material in its shape, this represents repair structures to rectify *defects* or to reinforce weak areas in accordance with the *Axiom of Uniform Stress* (Mattheck & Breloer 1994, pp. 12-13, 145). Such assessments should only be undertaken by suitably competent practitioners.

Leaning Trees

Leaning A tree where the *trunk* grows or moves away from upright. A lean may occur anywhere along the *trunk* influenced by a number of contributing factors e.g. genetically predetermined characteristics, competition for space or light, prevailing winds, aspect, slope, or other factors. A *leaning* tree may maintain a *static lean* or display an increasingly *progressive lean* over time and may be hazardous and prone to *failure* and *collapse*. The degrees of leaning can be categorized as *Slightly Leaning*, *Moderately Leaning*, *Severely Leaning* and *Critically Leaning*.

Slightly Leaning A leaning tree where the trunk is growing at an angle within 0°-15° from upright.

Moderately Leaning A leaning tree where the trunk is growing at an angle within 15°-30° from upright.

Severely Leaning A leaning tree where the trunk is growing at an angle within 30°-45° from upright.

Critically Leaning A leaning tree where the trunk is growing at an angle greater than >45° from upright.

Progressively Leaning A tree where the degree of *leaning* appears to be increasing over time.

Static Leaning A leaning tree whose lean appears to have stabilized over time.

Periods of Time

Periods of Time The life span of a tree in the urban environment may often be reduced by the influences of encroachment and the dynamics of the environment and can be categorized as *Immediate*, *Short Term*, *Medium Term* and *Long Term*.

Immediate An *episode* or occurrence, likely to happen within a twenty-four (24) hour period, e.g. tree failure or collapse in full or part posing an imminent danger.

Short Term A period of time less than <1 – 15 years.

Medium Term A period of time 15 – 40 years.

Long Term A period of time greater than >40 years.

Trunk

Trunk A single stem extending from the *root crown* to support or elevate the *crown*, terminating where it divides into separate *stems* forming *first order branches*. A trunk may be evident at or near ground or be absent in *acaulescent* trees of *deliquescent* habit, or may be continuous in trees of *excurrent* habit. The trunk of any *caulescent* tree can be divided vertically into three (3) sections and can be categorized as *Lower Trunk*, *Mid Trunk* and *Upper Trunk*. For a *leaning* tree these may be divided evenly into sections of one third along the trunk.

Acaulescent A *trunkless* tree or tree growth forming a very short *trunk*. See also *Caulescent*. (See Fig. 21)

Caulescent Tree grows to form a *trunk*. See also *Acaulescent*. (See Fig. 21)

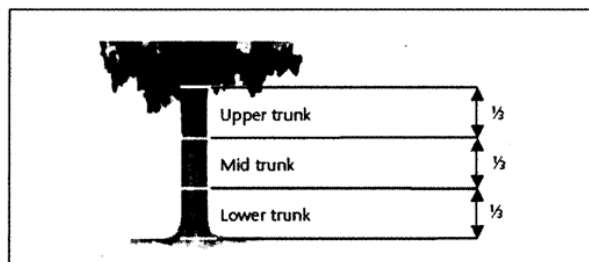


Figure 28 Trunk sections.

Lower trunk Lowest, or *proximal* section of a trunk when divided into one-third ($\frac{1}{3}$) increments along its *axis*. See also *Trunk*, *Mid trunk* and *Upper trunk*.

Mid trunk A middle section of a trunk when divided into one-third ($\frac{1}{3}$) increments along its *axis*. See also *Trunk*, *Lower trunk* and *Upper trunk*.

Upper trunk Highest, or *distal* section of a trunk when divided into one-third ($\frac{1}{3}$) increments along its *axis*. See also *Trunk*, *Lower trunk* and *Mid trunk*.

Roots

First Order Roots (FOR) Initial woody roots arising from the *root crown* at the base of the *trunk*, or as an *adventitious root mass* for structural support and *stability*. Woody roots may be buttressed and divided as a marked gradation, gradually tapering and continuous or tapering rapidly at a short distance from the root crown. Depending on soil type these roots may descend initially and not be evident at the root crown, or become buried by changes in soil levels. Trees may develop 4-11 (Perry 1982, pp. 197-221), or more first order roots which may radiate from the trunk with a relatively even distribution, or be prominent on a particular aspect, dependent upon physical characteristics e.g. leaning trunk, *asymmetrical crown*; and constraints within the growing *environment* from topography e.g. slope, soil depth, rocky outcrops, exposure to predominant wind, soil moisture, depth of *water table* etc.

Orders of Roots The marked divisions between woody roots, commencing at the initial division from the base of the trunk, at the *root crown* where successive branching is generally characterised by a gradual reduction in root diameters and each gradation from the trunk and can be categorized numerically, e.g. *first order roots*, second order roots, third order roots etc. Roots may not always be evident at the *root crown* and this may be dependent on species, age class and the growing environment. Palms at maturity may form an adventitious root mass.

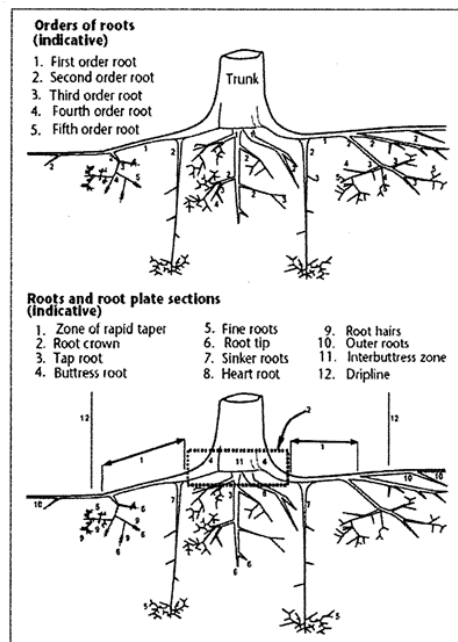


Figure 22 Orders of Roots

Root Plate The entire root system of a tree generally occupying the top 300-600mm of soil including roots at or above ground and may extend laterally for distances exceeding twice the height of the tree (Perry 1982, pp. 197-221). Development and extent is dependent on water availability, soil type, *soil depth* and the physical characteristics of the surrounding landscape.

Root Crown Roots arising at the base of a trunk.

Zone of Rapid Taper The area in the *root plate* where the diameter of *structural roots* reduces substantially over a short distance from the *trunk*. Considered to be the minimum radial distance to provide structural support and *root plate* stability. See also *Structural Root Zone (SRZ)*.

Structural Roots Roots supporting the infrastructure of the *root plate* providing strength and *stability* to the tree. Such roots may taper rapidly at short distances from the *root crown* or become large and woody as with gymnosperms and dicotyledonous angiosperms and are usually 1st and 2nd order roots, or form an *adventitious root mass* in monocotyledonous angiosperms (palms). Such roots may be crossed and grafted and are usually contained within the area of *crown projection* or extend just beyond the *dripline*.

Part 2

Source:

Dunster JA, Smiley ET, Matheny N, and Lilly S 2013, *Tree Risk Assessment Manual*, International Society of Arboriculture, Champaign, IL, USA.

Acceptable risk The degree or amount of risk that the owner, manager, or controlling authority is willing to accept.

Acceptable risk threshold The highest level of risk that does not exceed the owner's/manager's tolerance.

Advanced assessment An assessment performed to provide detailed information about specific tree parts, defects, targets, or site conditions. Specialized equipment, data collection and analysis, and/or expertise are usually required.

Basic assessment Detailed visual inspection of a tree and surrounding site that may include the use of simple tools. It requires that a tree risk assessor walk completely around the tree trunk looking at the site, aboveground roots, trunk, and branches.

Breach of duty (of care) Failure to take reasonable care to avoid injury or damage to a person or property in a situation where the law imposes a duty of care.

Client Person or organization contracting services.

Conclusions The summary and results of a risk assessment.

Consequences Outcome of an event.

Consequences of failure Personal injury, property damage, or disruption to activities due to failure of a tree or tree part.

Constant occupancy A target is present at nearly all times, 24 hours a day, 7 days a week.

Defect An imperfection, weakness, or lack of something necessary. In trees, defects are injuries, growth pattern, decay, or other conditions that reduce the tree's structural strength.

Degree of harm The amount or extent of injury, damage, or disruption.

Disruption A delay or interruption of progress or continuity.

Drive-by (assessment) Limited visual inspection from only one side of the tree, performed from a slow-moving vehicle; also may be called a windshield assessment.

Duty of care Legal obligation that requires an individual to apply reasonable actions when performing tasks that may potentially harm others.

Ethics The body of moral principles or values governing a group or individual's conduct.

Event Occurrence of a particular set of circumstances. In tree risk assessment, a tree or tree part impacting a target.

Extreme (risk rating) Defined by its placement in the risk matrix (see Matrix 2, section 4.0 Tree Risk Assessment); failure is *imminent* with a *high* likelihood of impacting the target, and the consequences of the failure are *severe*.

Harm Personal injury or death, property damage, or disruption of activities.

Hazard Situation or condition that is likely to lead to a loss, personal injury, property damage, or disruption of activities: a likely source of harm. In relation to trees, a hazard is the tree part(s) identified as a likely source of harm.

Hazard tree (synonymous, hazardous tree) A tree identified as a likely source of harm.

High (likelihood of impact) The failed tree or branch will most likely impact the target. This is the case when a fixed target is fully exposed to the assessed tree or near a high-use road or walkway with an adjacent street tree.

High (risk rating) Defined by its placement in the risk matrix (see Matrix 2, section 4.0 Tree Risk Assessment) consequences are *significant* and likelihood is *very likely* or *likely*, or consequences are *severe* and likelihood is *likely*.

Imminent (likelihood of failure) Failure has started or is most likely to occur in the near future, even if there is no significant wind or increased load.

Impact Striking a target or causing a disruption that affects activities.

Improbable (likelihood of failure) The tree or branch is not likely to fail during normal weather conditions and may not fail in many severe weather conditions within the specified time frame.

Inspection An organised and systematic examination.

Inspection frequency The number of inspections per given unit of time (e.g., once every three years).

Inspection interval The time between inspections.

Level(s) of assessment Categorisation of the breadth and depth of analysis used in an assessment.

Liability Something for which one is responsible. Legal responsibility.

Likelihood The chance of an event occurring. In the context of tree failures, the term may be used to specify: (1) the chance of a tree failure occurring; (2) the chance of impacting a specified target; and (3) the combination of the likelihood of a tree failing and the likelihood of impacting a specified target.

Likelihood of failure The chance of a tree failure occurring within the specified time frame.

Likelihood of failure and impact The chance of a tree failure occurring and impacting a target within the specified time frame.

Likelihood of impact The chance of a tree failure impacting a target during the specified time frame.

Likely (likelihood of failure and impact) Defined by its placement in the likelihood matrix (see Matrix 1, section 4.0 Tree Risk Assessment); imminent likelihood of failure and medium likelihood of impact, or probable likelihood of failure and high likelihood of impact.

Limitations Restraints or factors that restrict the precision, applicability, or extent of something.

Limited visual assessment A visual assessment from a specified perspective such as foot, vehicle, or aerial (airborne) patrol of an individual tree or a population of trees near specified targets to identify specified conditions or obvious defects.

Low (likelihood of impact) It is not likely that the failed tree or branch will impact the target.

Low (risk rating) Defined by its placement in the risk matrix (see Matrix 2, section 4.0 Tree Risk Assessment); consequences are *negligible* and likelihood is unlikely, or consequences are *minor* and likelihood is *somewhat* likely.

Matrix A rectangular array of rows and columns used to facilitate problem solving and decision making.

Medium (likelihood of impact) The failed tree or branch may or may not impact the target, with nearly equal likelihood.

Minor (consequences) Low-to-moderate property damage, small disruptions to traffic or a communications utility, or very minor injury.

Mitigation In tree risk management, the process for reducing risk.

Mitigation options Alternatives to reducing risk.

Mitigation priority Established hierarchy for mitigation of risk ratings, budget, resources, and policies.

Mobile target A target that is in motion or intermittently moving.

Moderate (risk rating) Defined by its place in the risk matrix (see Matrix 2, section 4.0 Tree Risk Assessment); consequences are *minor* and likelihood is *very likely* or *likely*, or likelihood is *somewhat likely* and consequences are *significant* or *severe*.

Movable target Target that can be relocated.

Multiple risks The concept that any tree, part, or failure mode could represent more than one type of risk.

Negligible Failure to exercise due care.

Negligible (consequences) low-value property damage or disruption that can be replaced or repaired and does not involve personal injury.

Occasional occupancy occupied by people or targets infrequently or irregularly.

Occupancy rate The amount of time targets are within a target zone.

Owner/manager The person or entity responsible for tree management or the controlling authority that regulates tree management.

Possible (likelihood of failure) Failure could occur, but it is unlikely during normal weather conditions within the specified time frame.

Prioritizing targets A process for classifying and ranking targets according to importance of value.

Probability The measure of the chance of occurrence expressed as a number between 0 (zero) and 1 (one), where 0 (zero) is impossibility and 1 (one) is absolute certainty. Often expressed as a percentage.

Probable (likelihood of failure) Failure may be expected under normal weather conditions within the specified time frame.

Protection factors Structures, trees, branches, or other factors that would prevent or reduce harm to targets in the event of a tree failure.

Qualitative tree risk assessment A process using ratings of consequences and likelihood to determine risk significance levels (e.g., *extreme*, *high*, *medium*, or *low*) and to evaluate the level of risk against qualitative criteria.

Quantitative tree risk assessment A process to estimate numerical probability values for consequences and to calculate numeric values for risk.

Recommendations One or many alternatives that are promoted to achieve a desired outcome, based on professional judgement.

Reporting (risk assessment reporting) Presenting the client with a summary statement describing in detail the results of an assessment.

Residual risk Risk remaining after mitigation.

Retain and monitor The recommendation to keep a tree and conduct follow-up assessments after a stated inspected interval.

Risk The combination of the likelihood of an event and the severity of the potential consequences. In the context of trees, risk is the likelihood of a conflict or tree failure occurring and affecting a target, and the severity of associated consequences-personal injury, property damage, or disruption of activities.

Risk aggregation The consideration of risks in combination.

Risk analysis The systematic use of information to identify sources and to estimate the risk.

Risk assessment The process of risk identification, analysis, and evaluation.

Risk categorisation The process of assigning risk and risk factors to categories based on severity or hierarchy.

Risk evaluation The process of comparing the assessed risk against given risk criteria to determine the significance.

Risk management The application of policies, procedures, and practices used to identify, evaluate, mitigate, monitor, and communicate tree risk.

Risk matrix (risk rating matrix) A tool for ranking and displaying risks by assigning ratings for consequences and likelihood.

Risk perception The subjective perceived level of risk from a situation or object, often differing from the actual level of risk.

Risk rating The level of risk combining the likelihood of a tree failing and impacting a specified target, and severity of the associated consequences.

Risk tolerance Degree of risk that is acceptable to the owner, manager, or controlling authority.

Scope of work The defined project objectives and requirements.

Severe (consequences) Serious personal injury or death, damage to high-value property, or disruption of important activities.

Somewhat likely (likelihood of failure and impact) Defined by its placement in the likelihood matrix (see Matrix 1, section 4.0 Tree Risk Assessment); *imminent* likelihood of failure and *low* likelihood of impact, or *probable* likelihood of failure and *low* likelihood of impact, or *probable* likelihood of failure and *medium* likelihood of impact, or *possible* likelihood of failure and *high* likelihood of impact.

Standard of care Degree of care that a reasonable person should exercise in performing duty of care; a measurement used to assess whether an individual acted in a reasonable manner.

Stratifying targets A process for classifying and ranking targets according to importance or value.

Structural defect Feature, condition or deformity of a tree that indicates a weak structure or instability that could contribute to tree failure.

Target People, property or activities that could be injured, damaged, or disrupted by a tree.

Target-based actions Risk mitigation actions aimed at reducing the likelihood of impact in the event of tree failure.

Target management Acting to control the exposure of targets to risk.

Target value The monetary worth of something; the importance or preciousness of something.

Target zone The area where a tree or branch is likely to land if it were to fail.

Time frame Time period for which an assessment is defined; time period for recommended mitigation.

Tree-based actions Risk mitigation actions aimed at reducing the likelihood of tree failure.

Tree conflict An interference between the needs of a tree and society or infrastructure.

Tree risk assessment A systematic process used to identify, analyse, and evaluate tree risk.

Tree risk evaluation The process of comparing the assessed risk against given risk criteria to determine the significance of the risk. to identify, evaluate, mitigate, monitor, and communicate tree risk.

Tree risk management The application of policies, procedures, and practices, used to identify, evaluate, mitigate, monitor, and communicate tree risk.

Unacceptable risk A degree of risk that exceeds the tolerance of the owner, manager, or controlling authority.

Unlikely (likelihood of failure and impact) defined by its placement in the likelihood matrix (see Matrix 1, section 4.0 Tree Risk Assessment); *possible* or *probable* likelihood of failure and *low* likelihood of impact, or *possible* likelihood of failure and *medium* likelihood of impact, or *improbable* likelihood of failure with any likelihood of impact rating, or any likelihood of failure rating with *very low* likelihood of impact.

Verbal report Oral report; results of the risk assessment delivered to the client orally.

Very likely (likelihood of failure and impact) Defined by its placement in the likelihood matrix (see Matrix 1, section 4.0 Tree Risk Assessment); *imminent* likelihood of failure and *high* likelihood of impact.

Very low (likelihood of impact) The chance of the failed tree or branch impacting the specified target is remote. This is the case in a rarely used site fully exposed to the assessed tree or an occasionally used site that is partially protected by trees or structures.

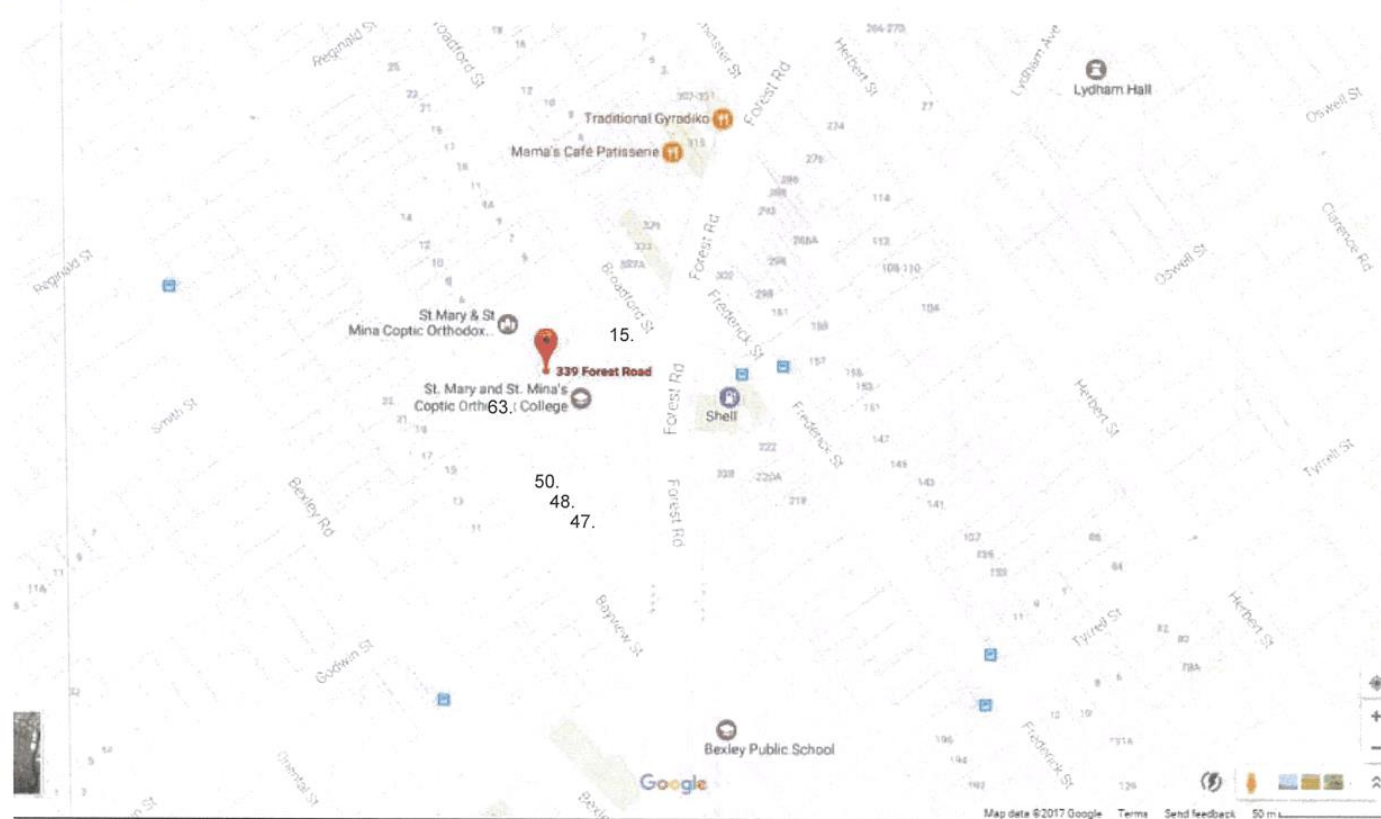
Visual assessment Method of assessing the structural integrity of trees using external symptoms of mechanical stress (such as bulges, reactive growth, etc.).

Walk-by (assessment) A limited visual inspection, usually from one side of the tree, performed as the tree risk assessor walks by the tree(s).

Work order A written document detailing the work to be completed and authorising performance of contracted work.

Written report A document with text, images, and/or references, delivered in print or electronic form, containing the results of the risk assessment.

Appendix B – Plan Showing location of subject trees - 339 Forest Road, Bexley NSW. Trees numbered per the Landscape Plan dated 17/2/1997, scale 1:200, Dwg. No. 001357/T.M., Sheet 1 of 1, by ULP – Urban Landscape Planners, Terry A. Machin, 1a Annangrove Rd., Kenthurst, NSW 2158 and Revised Landscape Plan reference 19229.landscape plan, 4/4/2018, prepared by Urban Tree Management Australia Pty Ltd.
 Source: Google Maps, viewed 29 May 2017, <https://www.google.com.au/maps/place/339+Forest+Rd,+Bexley+NSW+2207/@-33.9460681,151.12689,18z/data=!4m5!3m4!1s0x6b12ba1c95c314bd:0xecf4546e0651d7bb18m2!3d-33.946128!4d151.127346>



URBAN TREE MANAGEMENT © 2018. Our reference 19229.revision.1
Report: Tree Risk Assessment, 339 Forest Road, Bexley NSW ©

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Appendix C – Plan (aerial Photograph) Showing location of subject trees – 339 Forest Road, Bexley NSW. Trees numbered per the Landscape Plan dated 17/2/1997, scale 1:200, Dwg. No. 001357/T.M., Sheet 1 of 1, by ULP – Urban Landscape Planners, Terry A. Machin, 1a Annangrove Rd., Kenthurst, NSW 2158 and Revised Landscape Plan reference 19229.landscape plan, 4/4/2018, prepared by Urban Tree Management Australia Pty Ltd.
Source: Google Maps, viewed 29 May 2017, <https://www.google.com.au/maps/place/339+Forest+Rd,+Bexley+NSW+2207/@-33.9463388,151.1267646,267m/data=!3m1!1e3!4m5!3m4!1s0x6b12ba1c95c314bd:0xecf4546e0651d7bb!8m2!3d-33.946126!4d151.127346>





CONSULTING
ARBORICULTURIST
& HORTICULTURISTS

Urban Tree Management
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ACN 098 599 805
ABN 56 098 599 805

65 Excelsior Street
Merrylands NSW 2160

Phone 02 9760 1389

admin@utma.com.au
www.utma.com.au



Our ref: 19229.landscape plan

4 April 2018

St Mary's & St Mina's, Coptic Orthodox Church
Care of Ausegy Constructions and Development Pty Ltd
Attn: Talaat Nasralla
1a/721 Victoria Road
Ryde NSW 2112

Dear Talaat Nasralla,

LANDSCAPE PLAN - Revised to show new replacement tree plantings

St Mary's & St Mina's, Coptic Orthodox Church

339 Forest Road, Bexley NSW 2207 (*the site*)

CBD and South East Light Rail (CSELR)

Urban Tree Management writes for and on your behalf, to assist to address the concerns of Bayside Council detailed in their correspondence dated 5/2/2018, reference DA-1997/49/F from Marta M Gonzalez-Valdes, to provide replacement planting within *the site* and as street trees within Bayview Street to compensate for the removal of Trees 15, 46, 47, 48, 50, 52 and 63 as numbered on the Landscape Plan. Danny Draper (*the author*) attended the site on Wednesday 21 February 2018 and assessed the landscaping to prepare the revised Landscape Plan, see attached. The replacement plantings if planted and nurtured to maturity will provide long term amenity to replace and enhance the locality of the proposed tree removals. Each new tree is to be allowed to grow its mature height and spread.

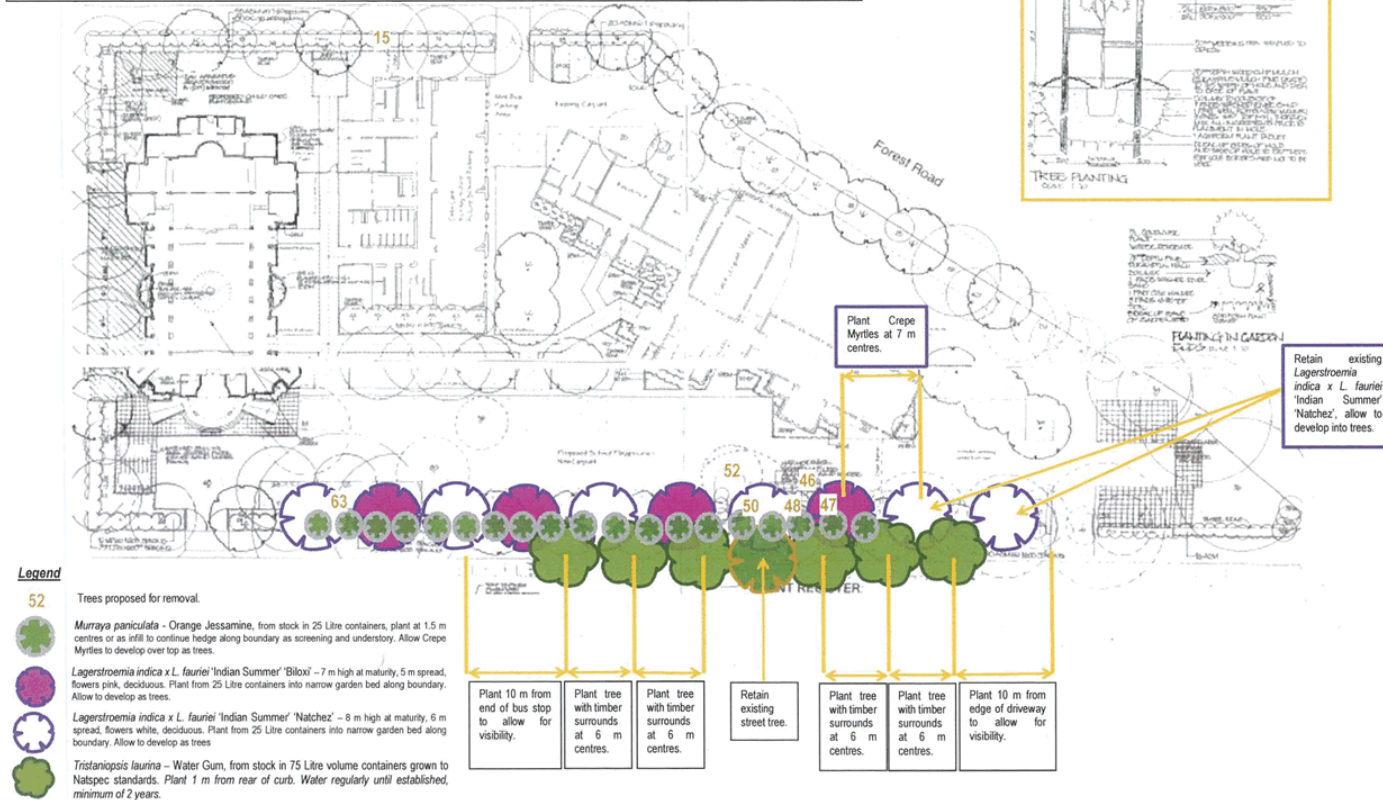
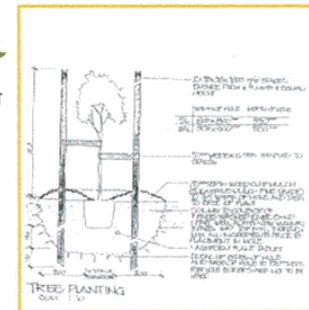
Yours sincerely,

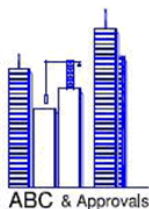
A handwritten signature in black ink, appearing to read 'D. Draper'.

Danny Draper
Principal Consultant
IACA ACM0012003
Urban Tree Management Australia P/L
Dip. Hort. (Arboriculture), (AQF Level 5),
Assoc. Dip. Hort. (Pk. Mgmt.),
Hort. Cert.
TRAQ (ISA) Tree Risk Assessment

LANDSCAPE PLAN – St Mary's & St Mina's, Coptic Orthodox Church, 339 Forest Road, Bexley.
 Revised to show new replacement tree plantings, reference 19229.landscape plan, 4/4/2018.
 Prepared by Urban Tree Management Australia Pty Ltd. 65 Excelsior Street, Merrylands NSW 2160, telephone 9760 1389.
 Based on the Landscape Proposal, dated 17/2/1997, scale 1:200, Dwg. No. 001357/T.M., Sheet 1 of 1, by ULP – Urban Landscape Planners, Terry A. Machin, 1a Armagrove Rd., Kenthurst, NSW 2158.

ntu
 URBAN TREE
 MANAGEMENT



**Aghapy Building Certifiers & Approvals Pty Ltd**

Building Certifiers, Structural Engineering Compliance & Swimming Pool
Certification

1A/721 Victoria Rd., Ryde NSW 2112

T/F: 02-9808 2960, Mob: 0422864790, Email: ausegy@y7mail.com

31st of July 2018

our ref.:EC475, Car Parking, St Mary

Bayside Council

Car Parking Management Report

Trees impacts to internal car parking management
At 721 Victoria Rd., Ryde NSW 2112

As request of St Mary's & St Maina's Coptic Orthodox Church, I hereby certify that there are two trees no. 46 and 52 located at the middle of carparking causing narrowing of the car access & manoeuvring at this spot. I refer to the revised landscaping plan & Urban tree management letter dated 04.04.2018 by Mr Danny Draper recommendation for removal of these trees with replacement them by new trees as noted. Copy attached.

Please note, back in year 2014, a car accident occurred for a lady from the church's congregation in this area due to the internal road is narrow and causes the lack of smooth traffic in this area.

I strongly recommend the Council to grant permission to remove these two trees no. 46 & 52.

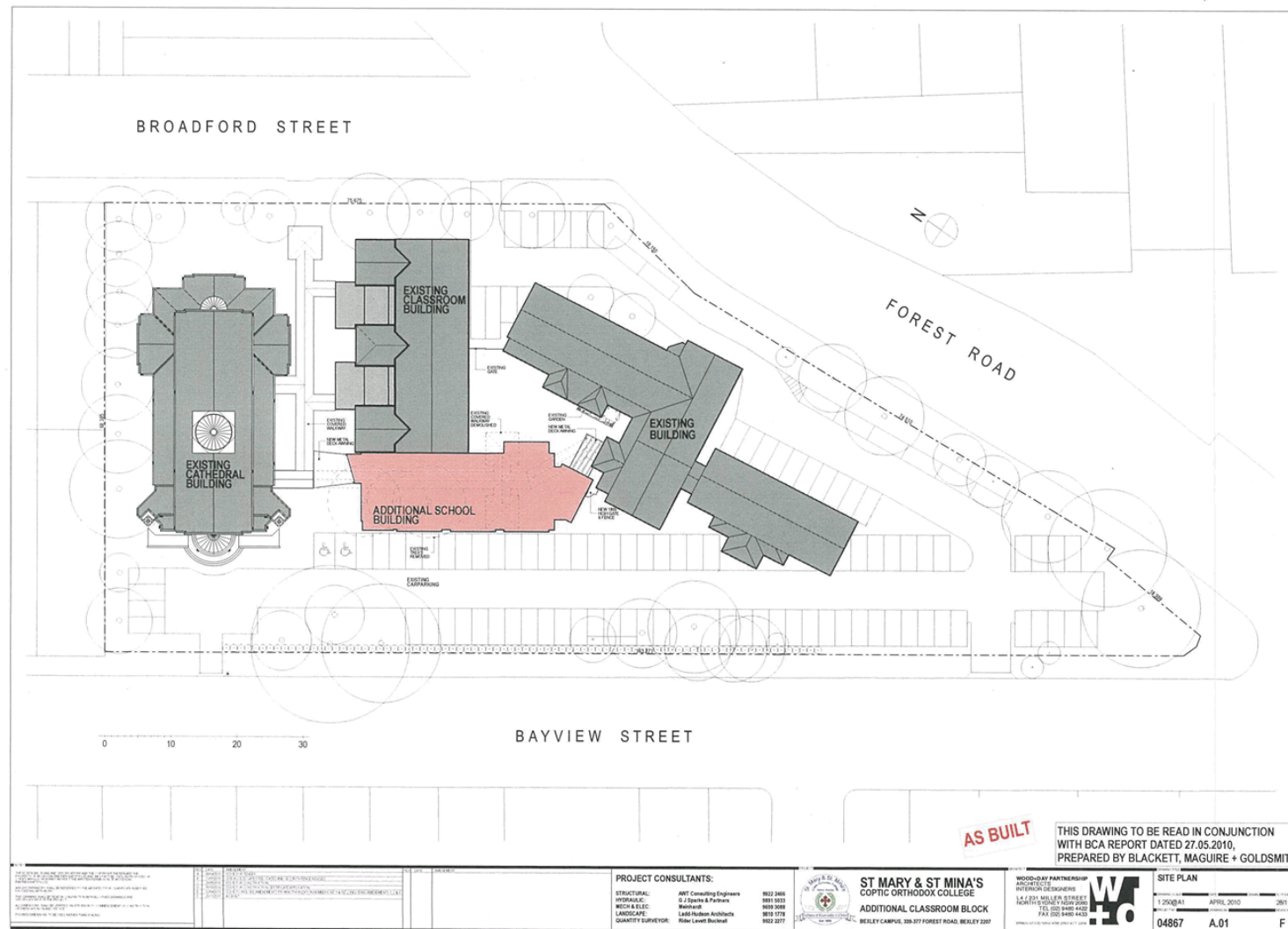
This will provide safe access to all cars and enhance internal car parking management.

If you have any further queries; Please do not hesitate to contact the undersigned.

Kind Regards,

Salwa Y Mohany
BSc. Civil Eng., M. IEAust, CPeng
Traffic Consultant

PAGE 1/1



NOTICE OF DETERMINATION

Section 96 of Environmental Planning and Assessment Act, 1979

S96 Approval Date	
Authority	Delegated Authority – Bayside Local Planning Panel
Reference	DA-1997/49/F
Contact	Marta M Gonzalez-Valdes 9562 1743

Mr T Nasralla
7/721 Victoria Road
RYDE NSW 2112

23. Property: 339-377 Forest Road, BEXLEY NSW 2207

24. Lot 11 DP 857373

Proposal: *Erection of a Church and reuse of the existing building to comprise a Primary School, English Chapel, community hall and carparking*

25. *[Amendment C – S96(1A) amended on 7 March 2008]*

Your application to modify Development Consent No. DA49/97 dated 26 November 1997 was considered under Section 96(1A) of the Environmental Planning and Assessment Act 1979 and is approved subject to the following conditions:

Development Application No 49097 has been approved pursuant to the provisions of Section 91AA of the Environmental Planning and Assessment Act as a **DEFERRED COMMENCEMENT** consent.

1. The Church building is to be designed and constructed to achieve a sound transmission loss of not less than 35dB(A) to ensure that noise from plant equipment and indoor activities shall not exceed the background (LA90) noise level by more than 5dB(A). Certification that the design and construction of the Church can meet this requirement is to be issued by a suitable qualified acoustic engineer which is to be submitted to Council within six (6) months of the date of consent. The acoustic engineer is also to certify that any amplified sound system installed or operated in the Church satisfies the stated criteria.

26. GENERAL CONDITIONS

The consent, pursuant to Section 91 of the Environmental Planning and Assessment Act, be subject to the following conditions:

1. The term of this consent is limited to a period of **two** (2) years from the date of the original approval. The consent will lapse if the development does not commence within this time.
2. The development must be implemented in accordance with the plans numbered DA-01 to DA-11 received by Council on 24 February 1997, amended by Plans numbered DA-03 and DA-13 dated 7 August 1997, amended by plans numbered SK-27(P01), SK-28(P01), SK-30(P01) dated 23 April 1998, amended by works shown in colour on

plans numbered A-31(B01, A-39(B01) and A-37(B01 dated 12 October 1998, the application form and on any supporting information received with the application and by the following conditions.

[S96(1) - Amended 6 July 1998]

[S96(2) amended on 3 September 1999]

3. The occupation of each stage of the proposed development is prohibited until all works associated with that stage have been certified as being in accordance with Council approval
 - **Stage 1** – Primary School, associated playground and 50 car parking spaces for both staff parking and parents dropping off and picking up children.
 - **Stage 2** – New Church, English Chapel, Community Hall, completion of all 100 car parking space, associated landscaping and roadworks.
 - **Stage 3** – Community facilities, Priest's residence, bookshop, toilet facilities and kitchen associated with Community Hall."

[S96(1) amended on 10 December 1998]

4. All of the works required to be carried out under the conditions of this Consent being maintained at all times in, good order and repair and to the satisfaction of Council.
5. All activity being conducted so 'that it causes no interference to the existing and future amenity of the adjoining occupations and the neighbourhood in general by the emission of noise, smoke, dust, fumes, grit, vibration, smell, vapour, steam, soot, ash., waste water, waste products, oil., electrical interference or otherwise.
6. All loading and unloading in relation to the use of the premises taking place wholly within, the property.
7. 100 off-street parking spaces are to be provided in accordance with the details submitted on Drawing No. 13 as revised on 7 August 1997 and received by Council on 12 August 1997. These spaces are to be linemarked and made freely available to all staff, parishioners and visitors to the premises.
8. Other than for Christmas, the Epiphany, New Year's Eve, Good Friday, Joy Saturday, Eastern Sunday, and the Feast Days of St Mary, St Mina and Pope Kyrolos, the gate of the vehicular entrance in front of the Church's entrance is to be locked between 5pm and 7am.

[Amendment B – S96(1A) amended on 7 July 2006]

9. 58 stacked parking spaces are to be provided on site in. accordance with the details submitted on Drawing No. 13 as revised pa 7 August 1997 and. received by Council on 12 August 1997.. These spaces are to be used during peak. attendance- feast days as set out in the Management Plan and on other occasions when demand for parking exceeds 140 spaces.
10. There is to be no external amplification equipment installed or used, on church grounds.
11. Any overflow congregation is to be catered for by closed circuit television installed in either the community hall and/or the classrooms of the school.
12. No Alcohol is to be sold or consumed within the community hall or within the parish grounds.

13. Noise sources within the community hall shall not exceed the background noise level (LA90) by more than 15dB(A) when measured outside any bedroom window.
14. The use of the Site and its building will be carried out in accordance with the Draft Site Management Plan as submitted, subject to the following additional provisions:
 - The Church's complaints register is to be kept up to date at all times. It shall be submitted to Council upon request or every 12 Months, whichever is greater.
 - All complainants will be notified by the church of the action taken to address their complaints within fourteen, (1-4)-days of the date of the complaint.
 - The parking arrangements for special events are to be reviewed annually in conjunction with Council. In the event that the peak parking demand cannot be met as outlined in the Management Plan, additional and for alternative parking areas will be identified. Such parking areas may necessitate the Church providing buses to ferry people to and from services.
15. The Community Hall is to be mechanically ventilated to limit noise transmission.
16. All windows and doors of the Community Hall are to be kept closed when the centre_ is used after 6:00p:m. in the evening to limit noise transmission.
17. All doors of the existing single storey building are to be fitted with self-closing doors fitted with seals to limit noise transmission.

[Amendment C – S96(1A) amended on 7 March 2008]
18. The Church is to be provided with mechanical ventilation and all window openings in the-northern, eastern and Western facades are to be kept closed while the Church is in .use to minimise breakout noise.
19. All entry/exit doors are to be designed to provide a sound lock.
20. No external bells, chimes or the like are permitted.
21. During feast days when all parishioners cannot be contained in the Church and English Chapel, closed circuit television is to be provided with the classrooms of the school and/or the community hall.
22. The Church is not to be used between midnight and 7:00a.m, except on the following occasions:
 - i. Christmas;
 - ii. Good Friday;
 - iii. Joy Saturday;
 - iv. New Year's Eve;
 - v. Epiphany
 - vi. Easter Mass;
 - vii. A maximum of 10 celebrations a year by visiting Bishops.
23. The 5.30 am Friday Vespers are to be held in the Chapel, not the Church.
24. Details of any external lighting shall be submitted with the Building Application. Such lighting shall be designed to protect the amenity of surrounding properties.
25. The-applicant shall give at least three (3) weeks' written notice of services which would involve congregations in excess of five hundred and fifty (550) persons to Council and to the Police. The applicant shall conduct its services and regulate traffic and parking related to the services on these occasions in accordance with the requirements of Council and the Police

26. A display notice shall be erected at the front of the church near the street alignment behind a protective transparent cover setting out the following information in English and another community language: The times and duration of any service where the congregation is expected to be in excess of five hundred and fifty (550) persons.
The details of these services shall be displayed on the notice board at least two (2) weeks prior to the services.
27. The pruning of the existing Lophosteom Confertus (Brush Box) trees is to preserve the screening affect of the trees to adjoining residential properties.
28. The existing garden adjacent to Bayview Street, between proposed parking spaces 44 and 46 is to be retained.
29. Prior to earthworks bitumen is to be removed from the dripline of trees by band, this is essential due to the shallow nature of the root zone, as machinery could adversely affect the root zone. Trees No. 6, 7, 8, 9, 10, 18, 57,58 and 59 will require this procedure.
30. Prior to fencing, remedial works will have to be carded out to improve the oxygen levels in. the soil, to tree Nos 3, 4, 5, 6, 7, 8, 9, 10, 57, 58 and 59.
31. Trees Nos. 3, 4,5, 6, 7 and 8 are to be fenced off in a safe zone area to a minimum of 3m from the trunk of each tree, the entire dripline zone is to be mulched with 75mm depth of wood and leaf chip mulch the remainder of the dripline outside of the safe zone area is to be a raised planked area for temporary construction zone access. At the edge of this zone hay bays are to be erected to prevent excess water flows or building Washes from entering the root zones.
32. Exclusion zone fencing and signs are to be erected to all trees previously mentioned prior to works commencing.
33. The total area fenced is to be mulched with leaf and wood chip to a depth of 75mm, this depth of mulch is to be maintained for the duration of the project, the mulch ie to be kept 'clear of the trunk Of the tree for approximately 1.00mm, mulch is to be free of weeds and contaminates and should consist of 70% leaf and 30% hardwood chip no greater than 50mm diameter.
34. No materials are to be stock-piled within the driplines of any tree. Trees to be removed are to be sectionally dropped and any stumps that are located within the dripline of trees to be retained, are to be removed by a stump grinding machine.
35. Construction personnel, including subcontractors, are to be make aware of the requirements to rigorously protect site trees.
36. Service trenches are to be excavated outside of the root zone, however, where this is not feasible and there appears to be a conflict with any lateral structural support roots of the tree, all care is to be taken to Manually excavate around or under such roots and position the trench with the minimum of root disturbance, All roots to be cut are to be cut cleanly. Shattered or damaged roots are to be excavated by hand to the nearest undamaged root section and cut cleanly and soil back-filled.
37. Soil levels are not be raised or compacted over root zones.
38. All trees are to be watered during dry spells i.e. two to three weeks without adequate rainfall. The root zone should be thoroughly watered and left to drain.
39. All fertilising is to be carried out by a qualified arboriculturist/horticulturist. Consideration should be given to the application of fertilisers to the dripline of trees.
40. Pruning and the removal of dead wood is to be carried out by a suitably qualified arborist, to the satisfaction of Council's Tree Officer.

41. The painting of any branches and roots shall be conducted using correct arboricultural practices. Roots will be cut cleanly to minimise stress and to encourage callus development and regrowth, during this procedure plant growth regulator which stimulates root growth such as Rootex "R" or similar may be used, according to manufacturer's application rates.
42. Tree climbing spikes are not to be used on trees which require pruning.
43. Where the dripline exists over proposed hard standing areas, excavation is to be kept to a minimum with light grading to minimise equipment weight on soil.
44. A qualified practicing Arborist must be present during initial remedial works, mulching and protection fencing installation.
45. The Arborist is required to coordinate meetings with Council's Tree Officer and be present during excavations for footings trenches and associated works.
46. The Arborist is required to make fortnightly visits to the site to assess the ongoing maintenance requirements necessary to monitor the trees progress and rectify any problems that may occur or vary any treatment, especially during the construction stage.
47. Paved areas are to be provided under the driplines of significant trees as detailed in the Landscape Proposal dated 17 December, 1997 and amendment 12 August 1997, in addition to paving also being provided for parking spaces 29, 30, 43, 44, 48, 93, 86, 87, 78 and 79.
48. A detailed landscape plan being prepared by a qualified landscape architect or an approved consultant for submission to and approval of Council prior to commencement of building operations. The landscaping of the site being carried out in accordance with the approved landscape plan, such landscaping being maintained at all times to the Council's satisfactions.
49. An investigation of the location of any footings, if any, of any previous known structures on-site. An archaeologist accredited by the Heritage Council of New South Wales should be present during initial site works to establish whether further investigations may be necessary.
50. The two (2) existing Phoenix Palm trees are to be retained.
51. The property boundary fence is to be an open simple metal fence, without decorative elements and painted a recessive colour. The fence is to continue past the acoustic walls with the landscaping strip to be located between the acoustic wall and boundary fence.
52. The existing single storey building is to be retained, however, accretions are to be removed. Details of which will be required to be submitted with the Building Application.
53. The gable form of the proposed community hall is to be kept as a distinct form, from the chapel and residence structure.
54. The wall and roof materials and the roof pitch of the additions to the existing single storey building are to match the existing. In addition, the proportions of the window openings are to match the existing. Details of which are to be submitted with the Building Application.
55. The detailing of the gable on the existing single storey building are to be reinstated by the removal of the cladding. Details of which are to be submitted with the Building Application.
56. The exterior brickwork and sandstone of the existing single storey building is to be cleansed of paint. Details of which are to be submitted with the Building Application.

57. The exterior trims of the existing single storey building are to be painted. Colours of which are to be submitted and approved by Council's Heritage Adviser prior to approval of the Building Application.
58. All new gutters -to be erected on the single storey building are to be of 'ogee' profile, with all downpipes to be circular. Details of which are to be submitted with the Building Application.
59. The glass to be placed behind the altar in the English chapel is to be coloured to Match the existing. Details of which are to be submitted with the Building Application.
60. All interior detailing of both the existing single storey and two-storey buildings are to be investigated before modification takes place.
61. The brickwork of the ground floor of the existing two-storey is not to be painted.
62. The first floor stucco and chimney are to be painted. Colours of which are to be submitted to and approved by Council's Heritage Adviser prior to approval of the Building Application.
63. All windows and doors are to be retained. Details of which are to be submitted with the Building Application.
64. The axis of transept of the church building is to line up with the wing of the 'Federation' style building (existing 2-storey building).
65. The colours and materials of the exterior of the Church building are to be submitted to and approved by Council's Heritage Adviser prior to approval of the Building Application. The colours and materials chosen are to be sympathetic to the existing buildings but expressive of the new building.
66. The submissions of a Building Application, together with plans and specifications, Complying with the requirements of the Building Code of Australia for a building of type C construction, classification 9b.
67. Excavation, filling of the site, or retaining wall construction shall not take place without the prior written approval of Council.
68. Compliance with the requirements of Council's Access Policy.
69. The building not being occupied until a final inspection has been carried out by Council's Building Surveyor and a Certificate of Classification has been issued.
70. The entrances on the western side of the Church, Which face the adjoining residential properties are to provide emergency access only. These door's are to remain dosed at all other times in order to limit disturbance front noise.
71. An appropriately qualified person or professional organisation is to certify that the school classrooms do not have any lead based paint or contain other building materials which are deemed to be detrimental to the health of children or staff.
[Amendment C – S96(1A) amended on 7 March 2008]
72. Approval is to be obtained from the Federal Airports Corporation for the operation of construction cranes. Information to be contained in the application is to include:
 - the maximum operating height of the crane;
 - the minimum resting height of the crane;
 - the desired operating hours;
 - the duration of the work;
 - the crane site

73. The copper dome of the Church is to be chemically treated to accelerate the oxidisation of the surface to minimise potential hazard to aircraft.
74. The following works Will be required to be undertaken at the applicant's expense: construction of a concrete footpath along the frontage of the development site; construction of a new fully constructed concrete vehicular entrance/s; removal of the existing concrete vehicular entrances, and/or kerb laybacks which will no longer be required; reconstruction of selected areas of the existing concrete footpath/vehicular entrances and/or kerb and gutter; removal-of redundant paving. The extent and dimensions of the works will be determined as required by the Director Engineering Services or his representative. An estimate of the cost to have these works constructed by Council may be obtained by contacting Council's overseer on 9562-1670. The cost of undertaking these works will be deducted from the Footpath Reserve Restoration Deposit, or if this is insufficient the balance of the cost will be due for payment to Council on completion of the work. Alternatively, the applicant may arrange to have the works constructed by a private contractor subject to Council, approval, and payment of inspection fees by the applicant.
75. Following completion. of concrete works in the footpath reserve area, the applicant is required to turf or landscape the balance of the area between the fence and the kerb over the full frontage of the proposed development. If landscaping is, proposed rather than turfing, details are to be submitted to the Property and Community Services Department for approval.
76. The northern vehicular entry in Bayview Street to be clearly marked and signposted 'entry' from the street and 'no exit' internally.
77. The driveway areas and entries to the car spaces are to be designed to match the 85th percentile Australian Standard Sweep Paths. Reference may be made to Council's "Parking and Loading Code".
78. The applicant is to confer with Energy Australia to determine if an electricity distribution substation is required. If so, it will be necessary for the final film survey plan to be endorsed with an area having dimensions 5m x 4m over the location of the proposed electricity distribution substation to be dedicated to Council as public roadway, or as otherwise agreed with Energy Australia. A copy of Energy Australia's written requirements are to be forwarded to Council, prior to release of the building plans.
79. Where stormwater is required to be directed to the Council stormwater system the applicant is to pay to Council a redevelopment drainage levy of \$5,300 prior to the release of the building plans: This payment is to be applied exclusively to the construction of pollution control works within the Bardwell Creek Drainage Catchment. If payment is made after 30th June, 1997 the amount to be adjusted in accordance- with Council's adopted fees and charges.
80. The applicant is to construct a 375 mm diameter pipeline from the existing Council drainage pit in Broad ford Street to a new pit to be constructed outside the development property. Details to be submitted prior to release of the building plans.
81. The draft Site Management Plan is to be amended to the satisfaction of the Director Town Planning Service and the Director - Engineering Services to incorporate changes required by conditions of this consent.
82. The Church is to utilise its three (3) existing mini-buses for the collection and return of parishioners to mitigate parking demands generated by the Church's Operations. These buses are to be used for all Sunday services, New Year's Eve, Christmas, the Epiphany, Good Friday, Joy Saturday and the Feast Days of St Mary St Mina and Pope Kyrolos and at any other times where the Church anticipate the demand for greater than 140 car parking spaces.

83. The applicant shall use all best endeavours to secure a community use agreement with Bexley Public School for thirty (30) car parking spaces in the school grounds noting that this agreement will be renewed yearly. Evidence that the agreement is in place is to be submitted to Council annually.
84. Any buses visiting the church are required to drop off and pick up passengers from within the church grounds.
85. That no Church Parish services are to be conducted in any of the existing buildings on site until all Stage 2 works are complete including all on-site parking.”
[S96(1) amended on 10 December 1998]
- 85A. The Brushbox tree identified as Tree No. 5 in the Arboriculture Impact Assessment Report dated 14 November 2011 and prepared by Redgum Horticultural and located adjacent to the north western corner of the Cathedral may be removed. No other trees within the site may be removed. Tree protection measures as detailed in Section 5.15 of the Arboriculture Impact Assessment Report dated 1 November 2011 and prepared by Redgum Horticultural shall be implemented during the removal of the nominated Brushbox tree.
[Amendment D – S96(2) inserted on 6 June 2012]
- 85B. *Notwithstanding condition 85A above, the Southern Blue Gum tree (Tree no. 48), located between Tree 47 and 50, as well as, the Camphor Laurel tree (Tree no. 15) located near the centre of Broadford Street boundary, as identified in the Tree Risk Assessment Report, dated 12 April 2018 and prepared by Urban Tree Management may be removed. During the removal of Tree 48 all care is to be taken to prevent any damage to Tree 47 and 50. No other site trees within the site may be removed.*
[Amendment F – S96(1A) inserted on]
- 85C. *Following removal of Trees 48 and 15, two (2) replacement trees shall be planted in a suitable location within the site with adequate space to allow them to develop into mature specimens. The two (2) replacement trees shall be compatible with the amenity of the site and be capable of growing more than 6 metres in height when mature.*
[Amendment F – S96(1A) inserted on]
- 85D. *The Southern Blue Gum trees identified as Trees 47, 50 and 63 in the Tree Risk Assessment Report, dated 12 April 2018 and prepared by Urban Tree Management, located along the boundary of Bayview Street, shall be retained.*

Within three (3) months of the issuing of this consent (DA-1997/49/F) remedial pruning and deadwood removal of all trees on site that are to be retained, particularly, trees 47, 50 and 63 shall be undertaken. A Consultant Arborist with minimum AQF Level 5 qualifications in Arboriculture shall be appointed to supervise the remedial pruning and dead wood removal and that these cultural practices be maintained as is suitable for a heritage site, and required as a duty of care by the school.
[Amendment F – S96(1A) inserted on]
- 85E. *A Consultant Arborist with minimum AQF Level 5 qualifications in Arboriculture shall be appointed to supervise and make recommendations in regard to the retention and protection of Trees 47, 50 and 63. Options are to be explored for a suitable management plan and alternative solutions in lieu of brickwork to replace the damaged brick fence along Bayview Street to minimise damage to the trees and their roots. Built up soil and debris behind the existing brickwork shall be removed by hand to relieve pressure on the replacement fence.*

[Amendment F – S96(1A) inserted on]

- 85F. *Trees 46 and 52 as identified on the revised Landscape Plan, dated, 4 April 2018 and prepared by Urban Tree Management Pty Ltd, shall be retained.*

[Amendment F – S96(1A) inserted on]

- 85G. *A Plan of Management of trees for the whole site shall be submitted and approved by Council prior to the removal of Trees 15 and 48.*

[Amendment F – S96(1A) inserted on]

Reason for additional conditions 85B to 85G:

- *To ensure the protection of existing trees and minimise impacts on the streetscape and the amenity of the area.*
86. No material or equipment of any description shall be stored in the area beneath the drip lines of the trees located adjacent to the north western boundary of the property.
- [Amendment D – S96(2) inserted on 6 June 2012]*
87. Pruning of trees may be undertaken to reduce the branches which are overhanging or encroaching on the neighbouring dwelling at No. 5 Broadford Street. The pruning shall be limited to removing outer secondary lateral branches to reduce the overhang, plus the removal of deadwood. The pruning shall be carried out by an experienced Arborist with minimum AQF Level 3 Qualifications in Arboriculture and shall be carried out in accordance with the relevant sections of AS 4373.
- [Amendment D – S96(2) inserted on 6 June 2012]*

27. ADVICE TO APPLICANT

- a. The payment to Council of a Footpath Reserve Restoration Deposit of \$55,000 prior to the release of the building plans. This is to cover repair of any damages, or other works to be done by Council. This includes construction, removal or repair as required to: kerb and guttering, existing or new driveways; paved areas and concrete footpaths. Where the Deposit is in the form of a Bank Guarantee, this is to be provided on Council's Bank Guarantee Form. If payment is to be made after 30th June, 1997, this amount is to be adjusted in accordance with Council's adopted fees and charges.
- b. Drainage details are to be approved prior to release of the building plans for the discharge of all roof and surface runoff to the requirements of Council's Stormwater Design Code.
- c. Stormwater runoff from the property is to be directed to Council's drainage pits.
- d. This application be advised of proposed changes to traffic conditions (Forest/Broadford, Forest/Bayview).
- e. Shall be submitted prior to commencement of work and/or occupation.
- f. Submission with the Building Application of existing and approved finished ground levels and proposed floor levels in relation to the level of the-footpath at the kerb.
- g. Submissions of a -geotechnical report prepared by a qualified Geotechnical Engineer is to be submitted to Council in conjunction with the structural details, This report must clearly indicate the soil classification for the given site together with any relevant recommendations.

- h. All materials, linings, surface finishes, fittings and fixtures must comply with Specification C1.10 of the building Code of Australia, "Early Fire Hazard Indices". Details to be submitted with the Building Application.
 - i. The means of egress from the entire building complying with Part DI and 1)2 of the Building Code of Australia.
 - j. The gradient of the ramp/pathway providing access for disabled persons not to be less than 1 in 14.
 - k. Provision of permanently illuminated exit signs on Or near exit doors and directional signs in corridors, stairways and the like indicating such exits in accordance with E4.5 of the Building Code of Australia. Details of the location being submitted with the Building Application.
 - l. A system of emergency lighting being provided within The building and installed in accordance with E4,2 of the Building Code of Australia. Details of the locations being submitted with the Building Application.
 - m. Provision of hydrants in accordance with E1.3 of the Building Code of Australia. Details of the location being submitted With the Building Application or alternatively a Letter of Compliance from the NSW Fire Brigade certifying that the existing street hydrants are adequate for the coverage of the building.

Note: Required hydrants shall .not be installed in any building and/or on. any site until after the Council has been furnished with a satisfactory report issued by the NSW Fire Brigades.
 - n. E1.4 Provision of hose reels in accordance with of the Building Code of Australia.
-

Should you have any further queries please contact Marta M Gonzalez-Valdes on 9562 1743.

Bayside Local Planning Panel

21/08/2018

Item No	6.7
Application Type	Modification Application
Application No	DA-2015/56/A
Lodgement Date	05/04/2017
Property	336-340 Rocky Point Road, Ramsgate
Ward	Botany Bay
Owner	Proprietors Of Strata Plan 94987
Applicant	Mr Peter Prasad – Pyramid Consulting Pty Ltd
Proposal	Deletion of deep soil area, internal reconfiguration to all levels including changes to unit layouts and conversion of plant rooms to third bedrooms, modification to communal open space areas, relocation of plant rooms and basement levels and provision of fire hydrant booster to Rocky Point Road facade.
No. of Submissions	Nil
Cost of Development	Unknown
Report by	Michael McCabe, Director City Futures

Officer Recommendation

- 1 That the Bayside Local Planning Panel not support a variation to the height and FSR development standards, as detailed within Clause 4.3 – Height of Building and Clause 4.4 – Floor Space Ratio of Rockdale LEP 2011 of this report.
 - 2 That Development Application No. 2015/56/A, being a Section 4.55(2) application to amend Development Consent Number 2015/56, be REFUSED pursuant to Section 4.16(1)(b) of the Environmental Planning and Assessment Act 1979 for the following reasons;
 - a The proposal as modified is unsatisfactory with respect of State Environmental Planning Policy 65, in relation to;
 - i Principle 1 - Context and Neighbourhood Character
 - ii Principle 2 - Built Form and Scale
 - iii Principle 3 – Density
 - iv Principle 5 – Landscape
 - v Principle 6 – Amenity
 - vi Principle 8 – Housing Diversity and Social Interaction.
 - b The proposal as modified is inconsistent with the aims and objectives of the Apartment Design Guide with respect of;
 - i 3D – Communal Open Space
 - ii 4D – Unit size and Layout
 - iii 4E – Private Open Space
-

- iv 4G – Storage
- c The proposal as modified is inconsistent with the objectives and provisions of Rockdale LEP 2011, Clause 4.3 - Height of Buildings.
- d The proposal as modified is inconsistent with the objectives and provisions of Rockdale LEP 2011, Clause 4.4 - Floor Space Ratio and is an overdevelopment of the site.
- e The proposal as modified results in poor residential amenity on site and is not therefore in the public interest.
- f The proposal as modified does not comply with the car parking requirements of Rockdale Development Control Plan 2011.
- g The proposal as modified is contrary to the future desired character of the Ramsgate Town Centre and will set a significant undesirable precedent.
- h The site is not suitable for the proposal as modified.
- i Insufficient and inaccurate information has been provided by the applicant of which to facilitate a thorough assessment of the impacts of the proposal as modified.
- j As per the provisions of Section 4.2 of the Environmental Planning and Assessment Act 1979, the works to which this application relates have been carried out without first obtaining a development consent and without a development consent being in force.

Location Plan



Attachments

- 1 Planning Report
- 2 Site & Roof Plan
- 3 B1 Plan
- 4 B2 Plan
- 5 North South Elevations
- 6 East West Elevations
- 7 Section AA
- 8 Section BB & CC
- 9 Landsacpe Plan
- 10 SEE
- 11 SEPP 65 Statement
- 12 Ground Floor with FSR Calculations
- 13 Original Consent [↓↓↓↓↓↓↓↓↓↓↓↓↓↓](#)

BAYSIDE COUNCIL

Section 4.55(2) – Planning Assessment Report

APPLICATION DETAILS

Application Number:	DA-2015/56/A
Date of Receipt:	05-Apr-2017
Property:	336-340 Rocky Point Road, RAMSGATE NSW 2217 Lot 1 DP 544870, Lot 2 DP 543414
Owner:	Proprietors Of Strata Plan 94987
Applicant:	Pyramid Consulting Pty Ltd
Proposal:	Deletion of deep soil area, internal reconfiguration to all levels including changes to unit layouts and conversion of plant rooms to third bedrooms, modification to communal open space areas, relocation of plant rooms and basement levels and provision of fire hydrant booster to Rocky Point Road facade
Recommendation:	Refusal
No. of submissions:	Nil
Author:	Fiona Prodromou – Senior Development Assessment Planner
Date of Report:	June 2018

KEY ISSUES

On 1 April 2015, Council approved DA-2015/56 for the demolition of existing structures and construction of a five storey mixed use development with basement levels, including 20 residential units (1 x 1 bedroom / 18 x 2 bedroom / 1 x 3 bedroom) and 2 commercial tenancies.

A 2:1 FSR and 16m height limit applies to the site. A variation to the FSR standard was approved as part of DA-2015/56, being 0.17:1 (8.5%) which is equivalent to a surplus 162sq/m of gross floor area. The height of the development as approved, complied with the standard.

Following the approval of the initial DA, plans approved by the PCA (Mr Stan Spyrou – Dix Gardener Pty Ltd) for the Construction Certificate were inconsistent with DA approved plans. Construction on site by the builder 'MCM Constructions' commenced. Construction was undertaken and completed on site, construction of the development is inconsistent with approved DA and CC plans.

In June 2017, the Strata Subdivision application was approved as a Complying Development Application by the Principal Certifying Authority - Mr Anthony Allen of Allen Consulting Surveyors – the resultant strata subdivision is inconsistent with both DA and CC approved plans for the site. The Strata Subdivision of this development as approved appears to be generally consistent with unauthorised works as constructed on site.

Commercial premises and residential dwellings on site are currently strata subdivided, held in separate ownership and occupied. To what extent dwellings are occupied is unknown.

Modifications proposed as part of this application, are the result of unauthorised works occurring on site during the construction process. The applicant seeks to legitimise and retain unauthorised works as detailed within this report.

Modifications include but are not limited to, reduction in rear building setback at ground level, decrease in building separation on site, increase in FSR, deletion of deep soil provision on site, modification to extent of basement levels, increase to commercial floor areas, reduction to communal open space provision, modification to unit sizes and types.

The proposal as modified further exceeds the FSR standard. An additional surplus of 243sq/m is proposed. This is equivalent to a further 13.2% variation to the FSR standard. Given the previous variation consented to i.e. 8.5%, the proposal as modified seeks to increase the FSR variation to 21.7%. This is not supported, there are nil site or development specific circumstances which warrant the proposed additional variation.

The proposal as modified comprises a deficiency of 3 on site commercial car spaces, which are a direct result of the unauthorised increase in commercial floor space on site.

The proposal as modified significantly reduces the previously approved level of communal open space on site, thus providing poor communal amenity for residents on site.

The proposal as modified deletes all deep soil planting areas previously approved on site.

Units 1 and 19 as modified are undersized and do not comply with the minimum unit areas as required by the provisions of the Apartment Design Guide. Additionally units 1 and 2 do not comprise sufficient private open space areas.

To date, a Final Occupation Certificate has not been issued for the site by the PCA – Dix Gardener Group Pty Ltd.

RECOMMENDATION

1. That the Bayside Planning Panel not support a variation to the height and FSR development standards, as detailed within Clause 4.3 – Height of Building and Clause 4.4 – Floor Space Ratio of Rockdale LEP 2011 of this report.
2. That Development Application No. 2015/56/A, being a Section 4.55(2) application to amend Development Consent Number 2015/56 be REFUSED pursuant to Section 4.16(1)(b) of the Environmental Planning and Assessment Act 1979 for the following reasons;
 - (a) The proposal as modified is unsatisfactory with respect of State Environmental Planning Policy 65, in relation to;
 - i. Principle 1 - Context and Neighbourhood Character
 - ii. Principle 2 - Built Form and Scale
 - iii. Principle 3 – Density
 - iv. Principle 5 – Landscape
 - v. Principle 6 – Amenity
 - vi. Principle 8 – Housing Diversity and Social Interaction.
 - (b) The proposal as modified is inconsistent with the aims and objectives of the Apartment Design Guide with respect of;

- i. 3D – Communal Open Space
 - ii. 4D – Unit size and Layout
 - iii. 4E – Private Open Space
 - iv. 4G – Storage
- (c) The proposal as modified is inconsistent with the objectives and provisions of Rockdale LEP 2011, Clause 4.3 - Height of Buildings.
- (d) The proposal as modified is inconsistent with the objectives and provisions of Rockdale LEP 2011, Clause 4.4 - Floor Space Ratio and is an overdevelopment of the site.
- (e) The proposal as modified results in poor residential amenity on site and is not therefore in the public interest.
- (f) The proposal as modified does not comply with the car parking requirements of Rockdale Development Control Plan 2011.
- (g) The proposal as modified is contrary to the future desired character of the Ramsgate Town Centre and will set a significant undesirable precedent.
- (h) The site is not suitable for the proposal as modified.
- (i) Insufficient and inaccurate information has been provided by the applicant of which to facilitate a thorough assessment of the impacts of the proposal as modified.
- (j) As per the provisions of Section 4.2 of the Environmental Planning and Assessment Act 1979, the works to which this application relates have been carried out without first obtaining a development consent and without a development consent being in force.

BACKGROUND

DA-2013/187 Refused 8 October 2013

Demolition of existing structures and construction of a five storey mixed use development comprising 3 commercial units, 22 residential units and 36 car parking spaces at ground and basement levels

S82-2014/5 Withdrawn 2 April 2014

Review of Determination - Demolition of existing structures and construction of a five storey mixed use development with rooftop communal open space, comprising 3 commercial units, 22 residential units and 35 car parking spaces at ground and basement levels

DA-2015/56 Approved by Council on 1 April 2015

Demolition of existing structures and construction of a five storey mixed use development with basement levels, including 20 residential units (1 x 1 bedroom / 18 x 2 bedroom / 1 x 3 bedroom) and 2 commercial tenancies

CC-2016/92 Approved 29 October 2015 (PCA – Dix Gardener Group Pty Ltd)

Stage 1: Bulk excavation, shoring piling

CC-2016/92/1 Approved 7 April 2016 (PCA – Dix Gardener Group Pty Ltd)

Stage 2: Structural building works up to and including ground floor slab

CC-2016/92/2 Approved 6 June 2016 (PCA – Dix Gardener Group Pty Ltd)
Stage 3: Structural building works up to and including roof level

CC-2016/92/3 Approved 26 August 2016 (PCA – Dix Gardener Group Pty Ltd)
Stage 4: Remainder of building works - erection of five (5) storey building containing twenty (20) residential units, two (2) commercial units and basement car parking.

DA-2015/56/A Submitted to Council 5 April 2017
Deletion of deep soil area, internal reconfiguration to all levels including changes to unit layouts and conversion of plant rooms to third bedrooms, modification to communal open space areas, relocation of plant rooms and basement levels and provision of fire hydrant booster to Rocky Point Road façade

11 April 2017
Additional information requested

26 April 2017
Further information submitted by applicant.
16 March 2017 BC-2017/37 – Submitted to Council
Building Certificate submitted to Council. Currently under assessment.

16 June 2017
CD-2017/270 Approved by PCA (Allen Consulting Surveyors Pty Ltd)
Strata subdivision creating 22 lots

30 June 2017
Strata subdivision registered with Land Titles Office

23 July 2017
Correct owners consent requested from the applicant.

13 August 2018
Correct Owners consent submitted to Council with strata seal.

To date nil Final Occupation Certificate has been issued for the development by the PCA.

SITE LOCATION AND CONTEXT

The subject site is a rectangular lot, with an irregular stepped northern boundary. The subject site is towards the southern end of the Ramsgate town centre in an area which is not as yet developed to its full potential.

The shopping strip is generally one and two storey retail and commercial properties fronting both sides of Rocky Point Road. The local government boundary between Bayside and Georges River runs along the centre of Rocky Point Road.

The site has a 24.79m frontage to Rocky Point Road, a depth of approximately 42.7m and a rear frontage of 20.12m to Clelland Lane, with an overall area of 919.05sq/m. The site has a fall of about two metres from Rocky Point Road to the rear boundary at Clelland Lane. Clelland lane to the rear is 5.5m in width and enables two way traffic.

The site is currently occupied by a 5 storey mixed use development, with vehicular access from the rear.



Site viewed from Rocky Pt Road



Site viewed from rear lane

332 Rocky Point Road to the north is occupied by a flat roofed 2 storey building that fills the complete site. The boundary between the site and its northern neighbour is irregularly aligned. 332 steps into the subject site with its rear boundary wider than the shop frontage.

The 2 storey building to the south at 344-348 Rocky Point Road is a two storey commercial building with a decorative facade. Both adjoining properties have windows facing on to the subject site along the side boundaries.

Development to the east of the site, across Clelland Lane, is characterised by one and two storey detached houses which are zoned R3 medium density residential. One property directly across from the southern part of the subject site, 39 Campbell Street directly behind the subject site has been converted for use as a doctor's surgery. Garages and rear parking for these properties is accessed from Clelland Lane.

Rocky Point Road is a major road & there are many bus routes that use this road providing regular public transport.

Further to the south of the site at the junction of Rocky Point & along Park Road are a number of three and four storey mixed use and residential flat buildings.

PROPOSAL

The proposal seeks to modify the original consent DA-2015/56/A as follows:

Basement 2

- i) Basement expanded further to the east, reconfigured and parking spaces relocated.
- ii) 12 car spaces as approved, 19 as modified
- iii) Deep soil area deleted and spaces 9/11/13 provided relocated in this location
- iv) Two additional tandem car spaces introduced and line marked i.e. car spaces forward of spaces for units 10 and 15.
- v) Relocation of storage cages
- vi) Edge of the driveway ramp and kerb changed from curved to straight

Basement 1 Floor

- i) Basement area reduced in extent and set in 7.29m from rear (eastern) boundary given existing sewer line on site.
- ii) 18 spaces approved, 16 spaces as modified
- iii) Deep soil area deleted and visitor spaces 1 – 3 provided in this location along with storage cages.
- iv) B1 level reconfigured and parking spaces relocated.
- v) Relocation of storage cages
- vi) Edge of the driveway ramp and kerb changed from curved to straight
- vii) Relocation of motorbike spaces

Ground Floor

- i) Building separation reduced from 11m to 7.6m (3.4m reduction in building separation)
- ii) Plant room adjoining shop 1 deleted and area converted to commercial area.
- iii) Shop 1 further expanded into part of previously approved communal open space area.
- iv) Shop 1 increased from 98sq/m to 168sq/m (increase in GFA 70sq/m)
- v) Communal open space area reduced from 110sq/m to 67sq/m.
- vi) Communal open space area reconfigured and deep soil area deleted.
- vii) Fire exit adjoining shop 2 to Rocky Point Road deleted.
- viii) Shop 2 expanded from 58sq/m to 82sq/m (increase in GFA 24sq/m)
- ix) Fire booster positioned in façade of shop 2
- x) Reconfiguration and relocation of services i.e. accessible toilet, garbage room, service stack
- xi) Modification to unit 1 as result of fire exit reconfiguration at basement level.
- xii) Unit 1 (2 bed) reduced in size from 75sq/m to 72sq/m and study nook added adjoining kitchen. Storage cupboard deleted.
- xiii) Gas water heater relocated adjoining unit 1
- xiv) Unit 2 (1 bed) increased in area from 67sq/m to 71.5sq/m, Storage cupboard deleted
- xv) Rear building setback reduced from 4.7m as approved to 3.7m (increase GFA 8sq/m)
- xvi) Reduction in size of private courtyards to units 1 and 2 from 13.3sq/m to 7.7sq/m as result of extension of rear building line referred to above in (xiv)
- xvii) Construction of pump room and electrical switch room

First Floor

- i) Services relocated
- ii) Supply air shaft repositioned to adjoin fire stairs southern side
- iii) Northern building separation reduced from 9.8m to 8.8m
- iv) Southern building separation reduced from 11.1m to 10.1m

- v) Unit 3 – kitchen expanded, storage cupboard deleted and laundry room changed to cupboard, unit size increased
- vi) Unit 4 – increase in unit size, reduction in balcony size
- vii) Unit 5 – Plant room converted to extra bedroom and unit 5 converted from 2 to 3 bedroom unit. Kitchen and laundry reconfigured, unit expanded in area and balcony reduced in size. Storage cupboard deleted.
- viii) Units 6 & 7 increased in depth from 7.8m to 8.9m
- ix) Unit 6 - increased in size from 82sq/m to 87.3sq/m, reduction in balcony size
- x) Unit 7 - increased in size from 80sq/m to 86sq/m, reduction in balcony size & deletion of storage cupboard.

Second Floor

- i) Services relocated
- ii) Supply air shaft repositioned to adjoin fire stairs southern side
- iii) Northern building separation reduced from 9.8m to 8.8m
- iv) Southern building separation reduced from 11.1m to 10.1m
- v) Unit 8 - kitchen expanded, storage cupboard deleted and laundry room changed to cupboard, unit size increased
- vi) Unit 9 - increase in unit size, reduction in balcony size
- vii) Unit 10 - Plant room converted to extra bedroom and unit 5 converted from 2 to 3 bedroom unit. Kitchen and laundry reconfigured, unit expanded in area and balcony reduced in size. Storage cupboard deleted.
- viii) Unit 11 - increased in size from 82sq/m to 87.3sq/m, reduction in balcony size
- ix) Unit 12 - increased in size from 80sq/m to 86sq/m, reduction in balcony size & deletion of storage cupboard.

Third Floor

- i) Services relocated
- ii) Supply air shaft repositioned to adjoin fire stairs southern side
- iii) Northern building separation reduced from 9.8m to 8.8m
- iv) Southern building separation reduced from 11.1m to 10.1m
- v) Unit 13 - kitchen expanded, storage cupboard deleted and laundry room changed to cupboard, unit size increased
- vi) Unit 14 - increase in unit size, reduction in balcony size
- vii) Unit 15 - Plant room converted to extra bedroom and unit 5 converted from 2 to 3 bedroom unit. Kitchen and laundry reconfigured, unit expanded in area and balcony reduced in size. Storage cupboard deleted.
- viii) Unit 16 - increased in size from 82sq/m to 87.3sq/m, reduction in balcony size
- ix) Unit 17 - increased in size from 80sq/m to 86sq/m, reduction in balcony size & deletion of storage cupboard.

Fourth Floor

- i) Services relocated
- ii) Supply air shaft repositioned to adjoin fire stairs southern side
- iii) Northern building separation reduced from 9.8m to 8.8m
- iv) Southern building separation reduced from 11.5m to 10.1m
- v) Unit 18 – unit size increased and balcony size reduced
- vi) Unit 19 – Unit increased in size, 3rd bedroom added and balcony increased
- vii) Unit 20 – Unit depth and size increased, balcony depth and size reduced
- viii) Western communal terrace reduced in size and width from 40sq/m to 17sq/m
- ix) Central communal terrace area reduced given introduction of 'front yard' to unit 20.

For clarity, the change in unit areas, from approved to proposed is illustrated in the below table.

Unit	Approved Size & POS	Proposed size & POS	Change to GFA
1 (2 bed)	75sq/m & 13.3sq/m terrace	72sq/m & 7.7sq/m POS	-3sq/m
2 (1 bed)	67sq/m & 13.3sq/m terrace	71.5sq/m & 7.7sq/m POS	+4.5sq/m
3 / 8 / 13 (2 bed)	80sq/m & 22sq/m POS	92sq/m & 19sq/m POS	+36sq/m
4 / 9 / 14 (2 bed)	80sq/m & 17sq/m POS	81sq/m & 13sq/m POS	+3sq/m
5 / 10 / 15 (2 bed)	80sq/m & 17sq/m POS	(3 bed) 96.2sq/m & 14sq/m POS	+48.6sq/m
6 / 11 / 16 (2 bed)	82sq/m & 33sq/m POS	87.3sq/m & 27sq/m POS	+15.9sq/m
7 / 12 / 17 (2 bed)	80sq/m & 14sq/m POS	86sq/m & 10sq/m POS	+18sq/m
18 (2 bed)	76sq/m & 33sq/m POS	82sq/m & 20sq/m POS	+6sq/m
19 (2 bed)	76sq/m & 17sq/m POS	(3 bed) 87sq/m & 24.5sq/m POS	+11sq/m
20 (3 bed)	116sq/m & 33sq/m POS	125sq/m & 26sq/m POS	+9sq/m

STATUTORY CONSIDERATIONS

An assessment of the application has been undertaken pursuant to the provisions of the *Environmental*

4.55(2) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT

4.55(2) states:

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to an in accordance with the regulations, modify the consent if:

- a) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*

Comment: In determining whether the proposal is 'substantially the same development' consideration has been given to the Land & Environment Court Case 'Moto Projects No.2 Pty Limited v North Sydney Council [1999] NSWLEC 280', which at paragraphs 55 and 56, Commissioner Bignold described the process for consideration of a proposed modification of development as follows:

"55. The requisite factual finding obviously requires a comparison between the development, as currently approved, and the development as proposed to be modified. The result of the comparison must be a finding that the modified development is "essentially or materially" the same as the approved development."

The proposal as modified alters the basement footprint, building layout, unit configurations, reduces the building separation, reduces communal open space provision, deletes deep soil and undertakes a range of other modifications detailed previously within this report.

Notwithstanding the above, the application is for modifications to the original development consent in order to legitimise unauthorised works which have occurred on site.

Whilst unauthorised works have occurred, the proposal as modified remains as commercial premises at ground level with shop top housing above and is deemed to be substantially the same development.

- b) *it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*

Comment: The proposal as modified was referred to relevant authorities.

- c) *it has notified the application in accordance with:*
 (i) *the regulations, if the regulations so require, or*
 (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*

Comment: The application has been notified in accordance with the provisions of Council's DCP 2011.

- d) *it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

Comment: No objections have been received.

4.55(3) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT

4.55(3) states:

In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application.

An assessment of the application has been carried out under the provisions of s4.15(c) of the Environmental Planning and Assessment Act, 1979. The matters of relevance to this application have been considered. The following is an assessment of the proposed development under the provisions of s4.15 (1) of the Environmental and Planning Assessment Act.

S4.15 (1) Matters for Consideration - General

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

The following Environmental Planning Instruments are relevant to this application:

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

The applicant has submitted a revised BASIX Certificate for the proposal as modified. The Certificate number is 559017M_05. Condition 5 can be modified to ensure the revised BASIX requirements are reflected and adhered to should the proposal have been supported. The proposal as modified satisfies the provisions of the SEPP.

State Environmental Planning Policy (Infrastructure) 2007

Clause 101 - Development with frontage to classified road

The approved development is located on land with a frontage to a classified road i.e. Rocky Point Road. In this regard, clause 101 of the SEPP applied and was considered in the original assessment.

The development was approved with access to and from the site via a secondary lane to the rear of the property. As such the development was unlikely to adversely impact upon traffic flow for the classified road and was deemed acceptable.

The proposal as modified does not alter the aforementioned and remains compliant with the provisions of this clause.

Clause 102 - Impact of road noise or vibration on non road development,

The subject site is adjacent to a road with an annual average daily traffic volume of more than 40,000 vehicles. As such dwellings within the development are likely to be adversely affected by road noise or vibration. Accordingly, Clause 102 of SEPP Infrastructure is required to be considered.

Original conditions of consent require the development to adhere to the recommendations of the Acoustic report by Acoustic Solutions, dated 16 June 2014. The proposal as modified does not alter the aforementioned and the revised proposal maintains compliance with the SEPP.

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

In accordance with clause 28(2) of this policy, the consent authority must take into consideration the following:

a. The advice of the Design Review Panel (DRP)

The proposal as modified was not referred to the Design Review Panel given the scope of changes proposed. Notwithstanding, an assessment has been undertaken below of the proposal as modified in relation to the relevant principles of the SEPP.

b. The design quality of the residential flat building when evaluated in accordance with the design quality principles.

The relevant design quality principles have been considered in the assessment of the proposal as modified below;

Principle 1 – Context & Neighbourhood Character

The height and FSR standards and relevant planning controls are intended to establish the future desired character for Ramsgate Town Centre.

Modifications undertaken to the development have resulted in a building form which exceeds the density and height limit for the subject site.

The modified proposal results in a building form with reduced building separation, reduced setbacks to the rear and greater bulk and scale than would otherwise be supported or permitted.

As a result of the above, the proposal as modified sets a significant undesirable precedent for the Ramsgate Town Centre, that is inconsistent with Councils vision of the future desired character of this neighborhood centre. In this regard it cannot be stated that the proposal as modified is consistent with this principle.

Principle 2 – Built Form and Scale

The proposal as modified has altered the originally approved building and basement footprints and has increased the bulk, scale and density of the development from that as originally approved.

Mechanical exhaust structures have been added to the building, these exceed the existing compliant height of the development on site. Details of the aforementioned have not been provided and these structures are clearly visible from the public domain.

Air supply shafts have been repositioned from within the building footprint in order to accommodate the third bedroom for units 5/10/15 and have been relocated to adjoin the southern side of the central fire stairs.

The proposal as modified has intensified the density of the development and overall bulk of the building on site as a direct result of reducing building separation on site, increasing the building depth and reducing ground and upper level building setbacks.

As a result of the manipulation of the building form, proportion and alignments, it is reiterated that the proposal as modified is inconsistent with the future desired character intended for the Ramsgate Town Centre.

In this regard it cannot be stated that the proposal as modified is consistent with this principle.

Principle 3– Density

A maximum 2:1 FSR applies to the subject site, which equates to a maximum gross floor area of 1837sq/m. As initially approved, an 8.5% variation (2.17:1) was consented to, permitting a surplus gross floor area of 162sq/m on site.

The proposal as modified has intensified the density of the development as a direct result of reducing building separation on site, increasing building depth, converting plant rooms to bedrooms, extending commercial floor areas and reducing building setbacks, private and communal open space areas.

The density of the development has been substantially increased beyond that previously approved. The modified proposal comprises a further 243sq/m of surplus floor area, which is a further 13.2% FSR variation and results in an overall FSR of 2.44:1 on site.

Combined with the previously approved FSR variation, the proposal as modified seeks a total FSR variation of 21.7% (2242sq/m) beyond that permitted by the development standard.

The proposed additional density is contrary to the FSR standard for the site and there are nil site or development specific circumstances, of which would warrant the additional FSR.

Given the above, the additional FSR is not supported, will set a substantial undesirable precedent and the proposal as modified is inconsistent with this principle.

Principle 4 Sustainability

During a site inspection of the property, it appears that privacy louvres on the inner eastern and inner western facades of the development have been installed incorrectly. As a result, levels of solar access to affected bedrooms, bathrooms and kitchens is minimal as a result.

The above is not conducive to good sustainable or passive solar design and minimises amenity for residents.

Principle 5– Landscape

The proposal has entirely deleted the previously approved deep soil area that was to be centrally located on site. Car parking and storage areas have been provided in place of the previously approved deep soil area.

The applicant's SEE states "*modification of the deep soil areas on Basement levels 1 and 2 and the ground floor, has been made necessary because of the location of a Sydney Water sewer pipe through the property*".

Details from Sydney Water illustrate that an existing 225mm waste water pipe is located further to the east, 6.5m in from the rear boundary of the property.



Whilst the location of the waste water pipe would necessitate a redesign of basement levels, this should not be at the expense and deletion of the entire deep soil provision on site.

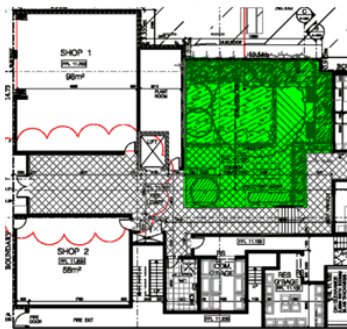
The removal of the entire deep soil area on site is unacceptable and nil effort has been made on the applicant's part to seek to reinstate or compensate for this loss on site.

The proposal is unsatisfactory in relation to this principle.

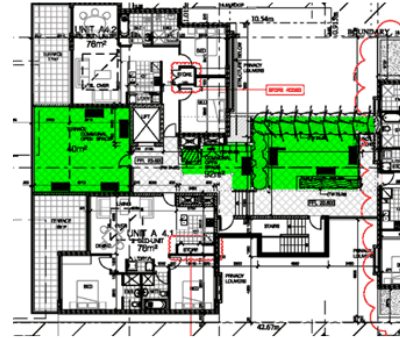
Principle 6 – Amenity

As approved the two ground floor units facing the rear lane comprised 13.3sq/m useable terrace areas with an adjoining planter. As a result of reducing the rear building setback at ground level from 4.7m as approved to 3.7m, not only has the gross floor area of the development increased, but the size of the courtyards to these units has reduced to 7.7sq/m. These courtyards are now below the minimum private open space requirements of the ADG. i.e. 15sq/m. This is unsatisfactory.

The development was originally approved with three communal areas for use by future residents, at ground level and on the fourth floor. A total of 223sq/m of communal area was provided within the development, being 110sq/m at level 4 and 113sq/m at ground level.



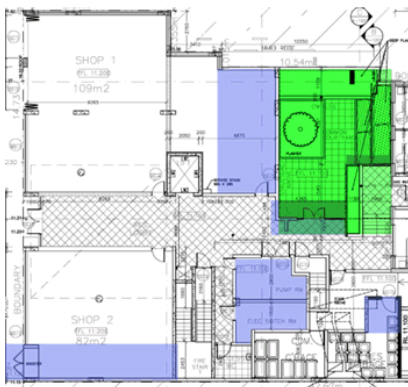
Ground level COS as Approved.



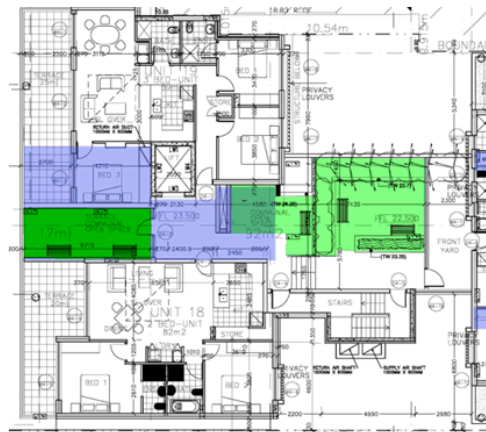
Level 4 COS as Approved

Communal open space areas on site have been substantially reduced as a result of the following unauthorized works;

- Reconfiguration of the ground floor level and extension of the floor area of shop 1 into both an adjoining plant room and the ground level communal open space area.
- The west facing terrace fronting Rocky Point Road has been reduced, as a result of the extension of the balcony and addition of a third bedroom to unit 19.
- Provision of screens and doorway to part of the central communal open space at level 4, in order to provide it as a 'front yard' to unit 20.



Ground level COS as Proposed



Level 4 COS as Proposed

The below table illustrates communal open space provision as approved and as proposed and constructed on site;

<i>Location</i>	<i>Approved</i>	<i>Proposed</i>	<i>Difference</i>
Ground Level	110sq/m	67sq/m	- 43sq/m
Level 4	113sq/m	57sq/m	- 56sq/m
Total	223sq/m	124sq/m	- 99sq/m

There has been an overall reduction of 99sq/m of communal open space within the development.

The applicant seeks to include circulation spaces as part of their communal area calculations. These areas are primarily internal circulation spaces and are not designed, nor located to be included within communal open space area calculations.

The proposal as modified comprises 124sq/m of communal open space on site, this is unsatisfactory.

Further to the above, the following is noted;

- (a) 11 of 20 (55%) of the units within the development comprise nil dedicated fixed internal storage provision i.e. units 1, 2, 3, 5, 7, 8, 10, 12, 13, 15, 17. This is unsatisfactory and contrary to the provisions of the ADG.
- (b) Ground level units 1 and 2 are not provided with sufficient overall private open space area.
- (c) Privacy louvres positioned on the inner east and inner west facades of the development have been installed incorrectly and levels of passive solar access to bedrooms, bathrooms and kitchens is minimized.
- (d) Insufficient car parking is provided for the expanded commercial uses on site.

The above matters are unsatisfactory and result in poor residential amenity, which is contrary to the provisions of the ADG.

Principle 7 - Safety

The proposal as modified does not alter the previously approved safety and security measures of the development.

Principle 8 - Housing Diversity and Social Interaction

The proposal as modified changes the unit mix within the development, increasing the range of larger dwellings as a result.

The modification to unit mix is satisfactory, however appropriate communal facilities and areas which encourage social interaction within the development are severely compromised as a result.

Given the above it cannot be stated that the proposal as modified satisfies this principle.

Principle 9 – Aesthetics

The proposal as modified does not alter the previously approved building materials, colors or finishes.

c. Apartment Design Guide

The original proposal was assessed against the provisions of the Residential Flat Design Code. The applicant's assessment of SEPP 65 was undertaken in conjunction with the RFDC.

Notwithstanding, current legislation i.e. the Apartment Design Guide applies and the proposal as modified has been assessed below accordingly.

Clause	Design Criteria	Approved	Proposed	Complies
3D – Communal Open Space	25% (229.75sq/m) site area 50% (114.8sq/m) direct sunlight to principle useable part of COS for min 2 hours 9am - 3pm midwinter	223sq/m COS in total - 110sq/m ground level - 113sq/m level 4, which received 2 hours solar access in midwinter	124sq/m - 67sq/m ground level - 57sq/m level 4 of which 50sq/m receives 2hrs sunlight in midwinter Insufficient COS provision on site.	No – reduction of COS by 99sq/m & insufficient solar access achieved.
3F – Visual Privacy	Building Separation Up to 4 storey 12m habitable / habitable 9m habitable / non habitable 5 storeys 18 habitable / habitable 12m habitable / non habitable	L1 – L4 Northern – 9.8m habitable / non habitable Southern – 11.1m habitable / habitable Level 5 Southern – 11.5m habitable / habitable Northern - 9.8m habitable/ non habitable Louvers provided between bedroom, kitchen, bathroom & laundry windows which are also slightly offset, to counter reduced building separation & maximize privacy.	L1 – L4 - Northern – 8.8m habitable / non habitable Southern – 10.1m habitable to habitable Level 5 Southern – 10.1m habitable / habitable Northern - 8.8m habitable/ non habitable Louvers provided to inner eastern and western facades.	No – whilst louvers address privacy concerns they are incorrectly installed & minimize passive solar access to bedrooms, kitchens & bathrooms.
4A – Solar, Daylight Access	Living rooms + POS of at least 70% (14 of 20) units receive min 2hrs direct sunlight b/w 9am - 3 pm midwinter Max 15% (3 of 20) units receive no direct sunlight b/w 9am - 3pm midwinter	15 of 20 (75%) receive min 2hrs direct sunlight b/w 9am - 3 pm midwinter Nil southerly aspect single unit dwellings	As approved As approved	Yes Yes
4B – Natural Ventilation	Min 60% (12 of 20) units naturally cross ventilated <18m glass line to glass line	16/20 units are naturally cross ventilated (80%) 6.8m – 13m building depth	As approved Up to 14.4m building depth	Yes Yes
4C – Ceiling Heights	2.7m Habitable 2.4m Non Habitable	2.7m Habitable 2.4m Non Habitable	2.7m Habitable 2.4m Non Habitable	Yes
4D – Unit Size & Layout	Minimum Areas 1 bed – 50sq/m (55sq/m / 2 bathrooms) 2 bed – 70sq/m (75sq/m / 2 bathrooms) 3 bed – 90sq/m (95sq/m / 2 bathrooms)	Unit 1 (2 bed / 2 bath) = 75sq/m Unit 2 (1 bed) = 67sq/m Units 3 / 4 / 5 / 8 / 9 / 10 / 12 / 13 / 14 / 15 / 17 (2 bed / 2 bath) = 80sq/m Unit 6 / 11 / 16 (2 bed / 2 bath) = 82sq/m Unit 7 (2 bed / 2 bath) = 80sq/m Unit 11 (2 bed / 2 bath) = 82sq/m Unit 18 / 19 (2 bed / 2 bath) = 76sq/m Unit 20 (3 bed) = 116sq/m	Unit 1 (2 bed / 2 bath) = 72sq/m Unit 2 (1 bed) = 71.5sq/m Units 3 / 8 / 13 (2 bed / 2 bath) = 92sq/m Units 4 / 9 / 14 (2 bed / 2 bath) = 81sq/m Units 5 / 10 / 15 (3 bed / 2 bath) = 96.2sq/m Units 6 / 11 / 16 (2 bed / 2 bath) = 87.3sq/m Units 7 / 12 / 17 (2 bed / 2 bath) = 86sq/m Unit 18 (2 bed / 2 bath) = 82sq/m Unit 19 (3 bed / 2 bath) = 87sq/m	No – Units 1 & 19 are undersized.

			Unit 20 (3 bed / 2 bath) = 125sq/m	
4E – POS	Ground Floor – 15sq/m 2 bed – 10sq/m 3 bed – 12sq/m	Ground Floor – 13.3sq/m 2 bed – 14sq/m / 17sq/m / 22sq/m / 33sq/m 3 bed – 33sq/m	Ground Floor – 7.7sq/m 2 bed – 10sq/m / 13sq/m / 19sq/m / 20sq/m / 27sq/m 3 bed – 14sq/m / 24.5sq/m / 26sq/m	No – Units 1 and 2 have insufficient POS area
4F – Common circulation and spaces	Max units off a circulation core on a single level is eight	Five	Five	Yes
4G – Storage	One bed = 6m3 Two bed = 8m3 Three bed = 10m3	Appropriate internal storage provided	11 of 20 (55%) units comprise nil dedicated fixed internal storage provision i.e. units 1, 2, 3, 5, 7, 8, 10, 12, 13, 15, 17.	No

Rockdale Local Environmental Plan 2011 (RLEP 2011)

The relevant provisions of RLEP are considered below;

Clause	Control	As Approved	Proposed	Complies	Objectives
2.3	Zone B4 Mixed Use	Commercial & RFB	Commercial & RFB	Yes	Yes
4.3	Height 16m	16m	Unknown height to air supply shaft and mechanical exhaust to shop 1. Height to rooftop and lift OR appears to remain as approved.	No – refer to discussion below	No
4.4	FSR 2:1	2.17:1 (162sq/m surplus / 8.5% Variation)	2.44:1 Further surplus 243sq/m / Additional 13.2% variation)	No – refer to discussion below	No
6.11	Active Street frontage	Commercial at street frontage	Commercial retained at street frontage	Yes	Yes

4.3 - Height of buildings

A maximum 16m height limit applies to the subject site. Plans submitted do not illustrate, confirm or justify the overall height of the relocated air supply shaft adjoining the central stairwell, nor the mechanical exhaust system installed on the northern elevation.

Given these structures likely exceed the parapet height of the development, they therefore breach the height standard for the site.

Given insufficient information has been submitted in regards to the aforementioned, the proposal as modified cannot be stated to comply with the objectives or requirements of this standard.

4.4 - Floor Space Ratio

A maximum 2:1 FSR applies to the subject site, which equates to a maximum gross floor area of 1837sq/m. The table below illustrated the FSR and GFA as approved and proposed;

Approved	Proposed	Complies
2.17:1 Variation of 8.5% (162sq/m) 0.17:1	2.44:1 Further variation of 13.2% Additional 243sq/m (0.27:1)	No

The proposal as modified increases the gross floor area of the development as a result of unauthorised works, undertaken on site by the developer, contrary to both the DA and CC approved plans.

Combined with the previously approved FSR variation, the proposal as modified seeks a total FSR variation of 21.7% (2242sq/m) beyond that permitted by the development standard.

As the proposal is a 4.55 application, a Clause 4.6 Exception to Development Standards is not required. Notwithstanding the variation to the FSR control as sought by the applicant has been assessed against the objectives of Clause 4.4 - Floor Space Ratio and the objectives of Clause 4.6 below.

In *Wehbe v Pittwater Council* [2007] NSW LEC 827 (Wehbe), the Land and Environment Court set out the following 5 different ways in which an objection to a development standard may be well founded. Consideration has been given to the aforementioned.

This assessment further considers the principles established by the Land and Environment court judgement *Four2Five v Ashfield Council* [2015] NSWLEC 90, where it was established that justification was required in order to determine whether a development standard was unreasonable or unnecessary on grounds other than whether the development achieved the objectives of standard. Consideration is to be given to the particular site circumstances of the site and development.

Applicants Justification

A summary of the applicants key arguments supporting the additional FSR are as follows:

- a) *The proposed FSR variation is still considered to be acceptable in this instance, given that the variation is minor and would be indiscernible.*
- b) *The appropriate built form outcome on the subject site would not appear out of character and in fact would appear consistent with that desired for the site and the locality in general. The highly articulated and fragmented building form together with the improvements in visual amenity resulting from increased setbacks of levels 3 and 4, further reduces visual and amenity impacts associated with the proposed built form.*
- c) *The proposal is considered to provide an appropriate prototype for similar mixed use developments along the eastern side of Rocky Point Road.*
- d) *The proposed changes to the FSR are not responsible for any adverse external amenity impacts to neighbouring properties.*
- e) *The high internal performance of the proposal combined with compliance with car parking further demonstrates that the proposed FSR can be accommodated on this site.*

Assessment

Following a review of the application, the additional FSR is not supported for the following reasons;

- a) The additional variation sought is unsatisfactory and contrary to the development standard which applies to the site. The applicant seeks to justify unauthorised works undertaken during construction and of which should not have occurred on site in the first instance.
- b) The subject site is the first redevelopment in a row of older commercial premises between Ramsgate and Park Roads in the Ramsgate Town Centre. Approval of the proposal as modified, which incorporates unauthorised works contrary to the DA and CC approved plans will set a significant undesirable precedent for redevelopment in this town centre, which is not in any way redeveloped to its full potential.
- c) The proposal as modified is contrary to the principles of SEPP 65 and the aims and objectives of the Apartment Design Guide as detailed previously within this report.
- d) The scale and nature of the proposed additional gross floor area is not in the public interest and has the potential to set a significant undesirable precedent. Council has not '*abandoned*' its planning control in relation to FSR.
- e) The proposal as modified does not comply with the car parking requirements of Rockdale DCP 2011 and is deficient 3 commercial car spaces. This is a direct consequence of the unauthorised increase to GFA on site.
- f) The proposal as modified is inconsistent with the aims of Rockdale Local Environmental Plan 2011 which seek to maintain and improve residential amenity.
- g) The additional GFA sought as part of this application results in poor amenity impacts on site given;
 - a. The substantial reduction of communal open space areas on site.
 - b. The deletion of deep soil areas on site which as a consequence restricts the nature and scale of landscaping which can be achieved on site.
 - c. Two of the twenty units within the development are of insufficient overall minimum internal area as required by the Apartment Design Guide.
 - d. Two of the twenty units within the development comprise insufficient overall minimum private open space areas as required by the Apartment Design Guide.
- h) The maximum development density for this site is established by original consent granted a variation to the FSR standard and the maximum density to be achieved upon this site was approved in the form of the original development. The proposal as modified is an overdevelopment of the subject site.
- i) There are nil development or site specific circumstances which warrant the additional floor space as proposed.
- j) The proposal as modified does not result in an improved outcome upon the subject site than the approved development.

- k) The applicant has not provided sufficient environmental planning grounds particular to the proposal as modified and the site, which demonstrate that the FSR standard is unreasonable or unnecessary.

It is reiterated that given the Land and Environment court judgement *Four2Five v Ashfield Council* [2015] NSWLEC 90, the applicant has been unable to establish the site and development specific circumstances which would otherwise warrant the additional FSR upon the subject site.

It is important to note that prior to the establishment of the judgement for the aforementioned court case, variations to development standards could have been supported on the basis of compliance with objectives and nil environmental planning impacts. Given the establishment of this judgement, varying the FSR of a site must be correlated to the particular circumstances of the site or development. This has not been demonstrated in this instance by the applicant.

Given the above, it is not considered that the proposed additional FSR should be supported. There are insufficient environmental planning grounds particular to the site and the development of which would justify and warrant a further variation and contravention of the FSR standard.

S4.15(1)(a)(ii) Provisions of any Draft EPI's

No relevant proposed instruments are applicable to the proposal as modified.

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

The following Development Control Plan is relevant to this application.

Rockdale Development Control Plan 2011

The application is subject to Rockdale DCP 2011. The relevant sections of RDCP 2011 are detailed below.

4.5.1 Social Equity Housing Diversity and Choice

The table below illustrates the required, approved and proposed unit mix within the development.

Requirement	As Approved	Proposed	Complies
1 bed - 10% (2) - 30% (7)	1 x 1 bed (5%)	1 x 1 bed (5%)	No – As approved
2 bed - 50% (10) - 75% (15)	18 x 2 bed (90%)	14 x 2 bed (70%)	Yes
3 bed - 10% (2) – 20% (4)	1 x 3 bed (5%)	5 x 3 bed (25%)	No

Whilst the proposal as modified seeks to vary the unit mix provisions, the mix of housing as proposed has the ability to cater for a range of diverse household types and will accommodate different housing options which will enable changing lifestyle needs and varying income groups.

4.6 – Car Parking, Access and Movement

The submitted Statement of Environmental Effects indicates that proposed changes will have no impact on parking. An assessment of car parking has been undertaken below;

Requirement	Proposed	Complies
1 space per studio – 2 bed unit - 15 x 1-2 bed units = 15 spaces required	26 residential car spaces	Yes – 1 surplus
2 spaces per 3 bed unit - 5 x 3 bed units = 10 spaces required		
Visitor Spaces - 1 per 5 units = 4 spaces required	4 visitor	Yes
1 dedicated car wash bay	1 dedicated car wash	Yes
1 space per 40sq/m commercial area - 250sq/m commercial space = 7 car spaces required	4 commercial spaces	No – 3 deficient commercial spaces
Total Required = 37 car spaces	35	3 commercial spaces deficient

The proposal as modified illustrates a deficiency of 3 on site commercial car parking spaces, which are required given the unauthorized increase in commercial floor area on site. The proposal as modified does not accommodate the required number of commercial car spaces on site.

The proposal should not rely upon public car parking areas to satisfy a deficiency in commercial car parking created on site as a result of unauthorized works. This is not in the public interest.

The applicant has not addressed the shortfall in commercial car parking on site, as required by the provisions of DCP 2011.

Further to the above, the following issues were raised by Councils Development Engineer;

- i. Accessible car parking spaces do not comply with AS2890.1:2009. The shared areas adjacent to the accessible space must be free of obstructions apart from a bollard and must be 2.4m wide for the length of the space. The shared area adjacent to the lift is less than 2.4m, and the other shared area adjacent to unit 3 has structural columns and walls.
- ii. All structural members i.e. columns are to be located outside parking spaces. Such columns as constructed result in obstructions and substandard car parking spaces.
- iii. Carwash bays must be 3.5m wide minimum, as required by Rockdale Technical Specification stormwater management.
- iv. Storage units 4, 6, and 10 at basement level 1, reduce the aisle width specified in AS2980.1:2004 and result in non-compliance with AS2890.14:2004.
- v. Storage units 19, 14, and 16 at basement level 2 reduce the aisle width specified in AS2980.1:2004.
- vi. The length of car parking spaces 11 and 12 appear to be less than 5.4m as required by AS2890.1:2004
- vii. The landing from basement one ramp to ground level, and the landing from basement one ramp to basement two has been adjusted. Nil swept paths or details have been provided to demonstrate compliance with Section 2.5.2.C of AS2890.1:2004.

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

The impacts of the proposal as modified have been previously detailed in this assessment.

Miscellaneous

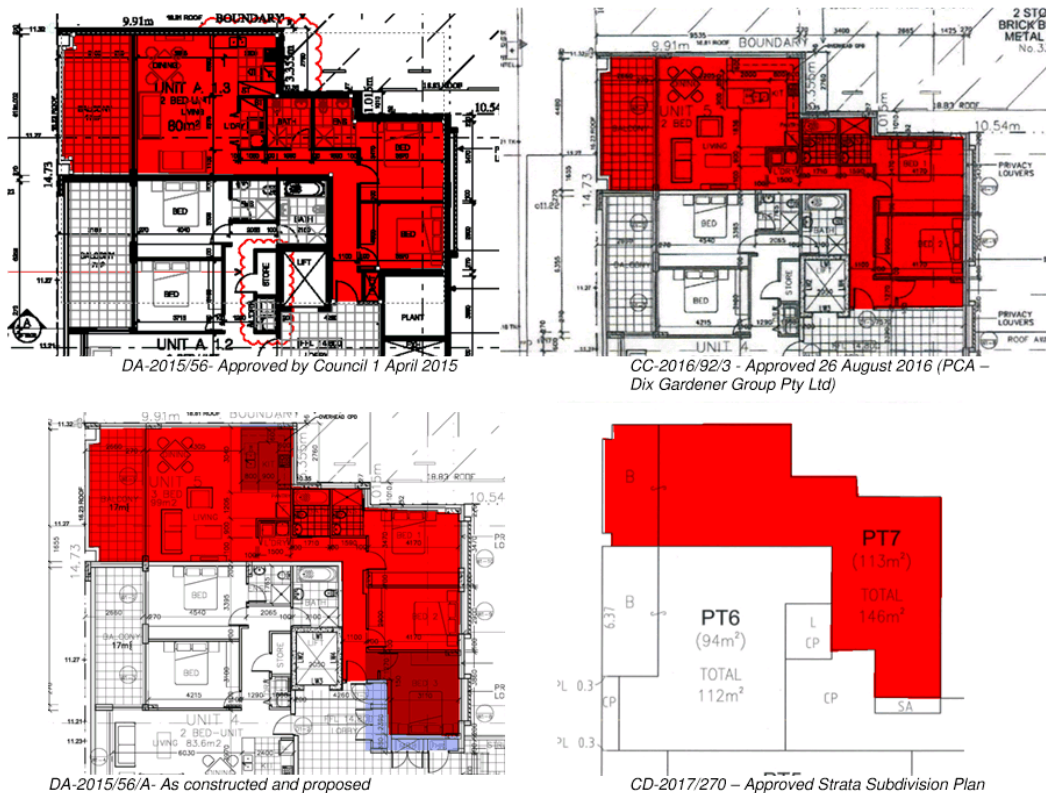
Plans and information as submitted with this application comprise a number of errors and are misleading in the information provided.

Measurements illustrated on plans are erroneous, not all modifications have been highlighted on plans or in submitted documentation, annotations are missing and revised balcony and unit sizes are incorrectly calculated on plans.

Should a further application be sought by the applicant, a thorough and comprehensive review of the building and changes undertaken is required to be accurately depicted both on plans and in any future documentation.

Further to the above, it is reiterated that CC plans as approved by the Private Certifying Authority are inconsistent with DA approved plans. Further, construction that has occurred on site is inconsistent with both DA and CC approved plans and the approval of the Strata Subdivision is also inconsistent with both the DA and CC plans.

The progressive change to unit 5 at level 1 of the development is one example;



The above is unsatisfactory.

S4.15(1)(c) – Suitability of the Site

The original proposal, as approved, maximised the achievable density upon the subject site. A minor variation to the FSR standard was granted, given the design of the development maximised amenity for neighbours and future occupants.

The proposal as modified results in a further substantial breach (243sq/m) to the FSR standard.

The additional FSR as sought by the applicant in this instance is unreasonable, unnecessary and unable to be accommodated on the site, without being at the expense of the amenity of occupants within the development. I.e. substantial reduction of communal open space areas, lack of suitable internal storage provision, reduction in size of ground level private terraces.

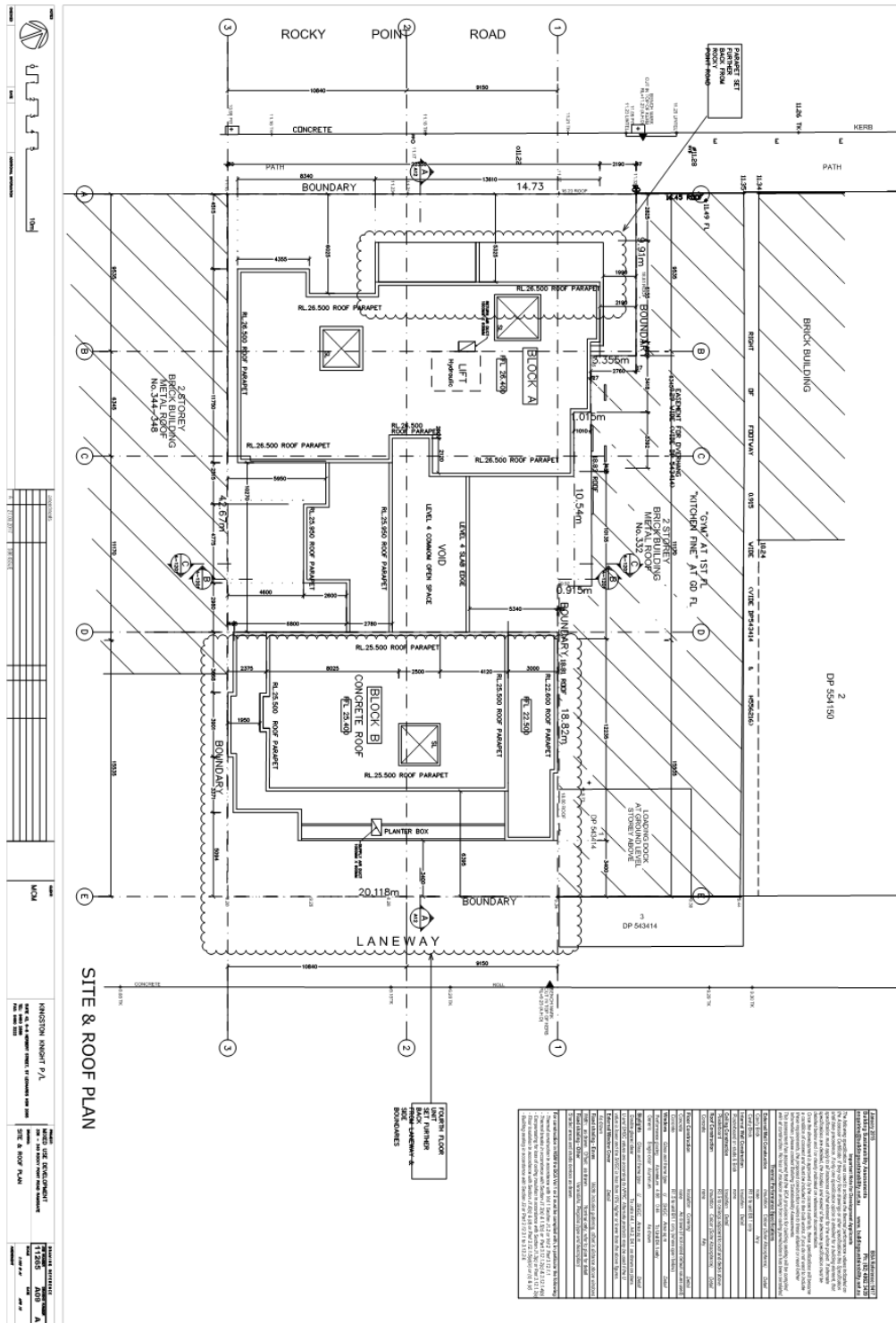
Given the above, the proposal as modified is not suitable for the subject site.

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

The proposal as modified was notified in accordance with the provisions of Rockdale DCP 2011. Council did not receive any submissions.

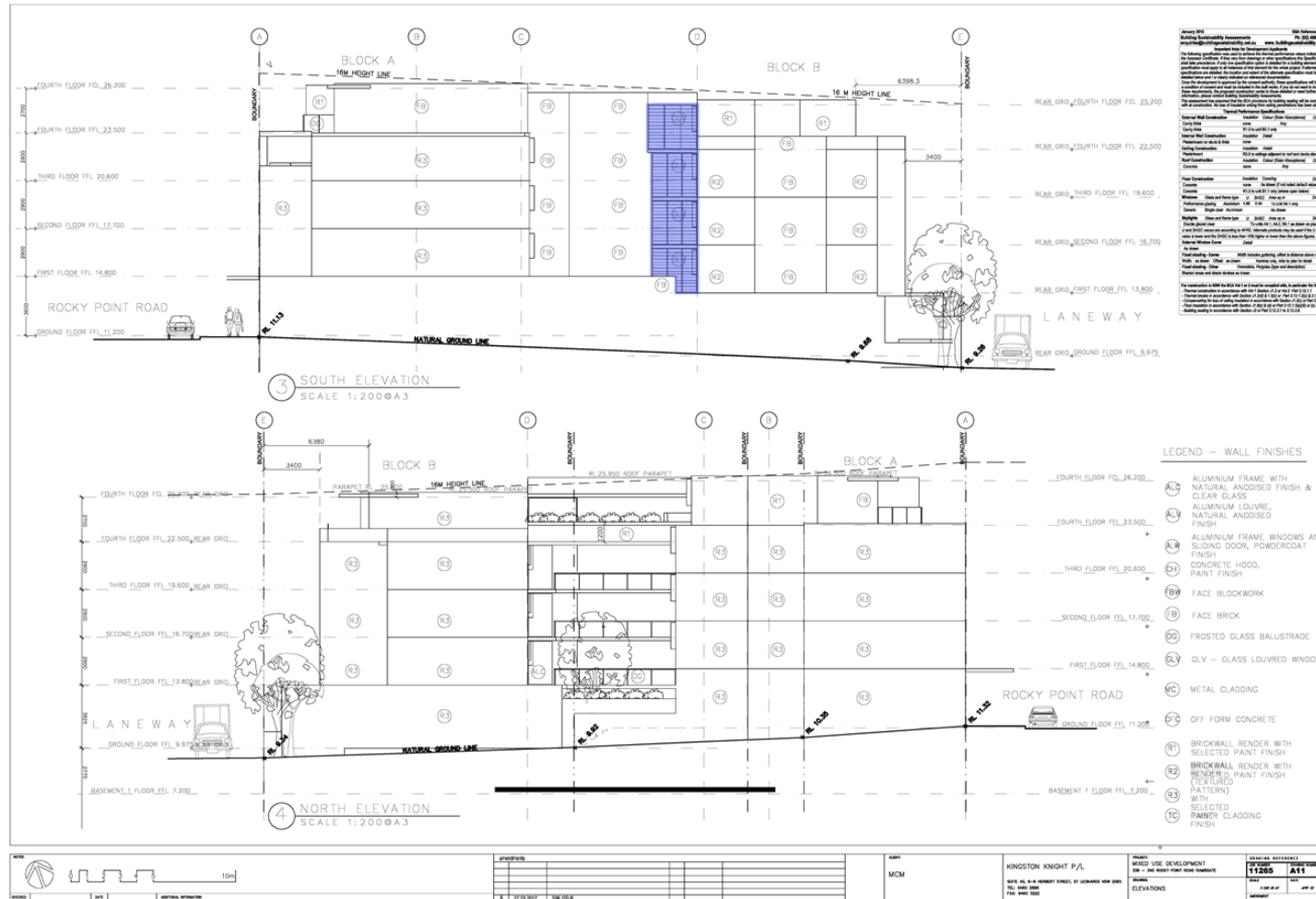
S4.15(1)(e) – Public Interest

The proposal as modified is unsatisfactory for the reasons previously outlined within this report and is therefore not in the public interest.

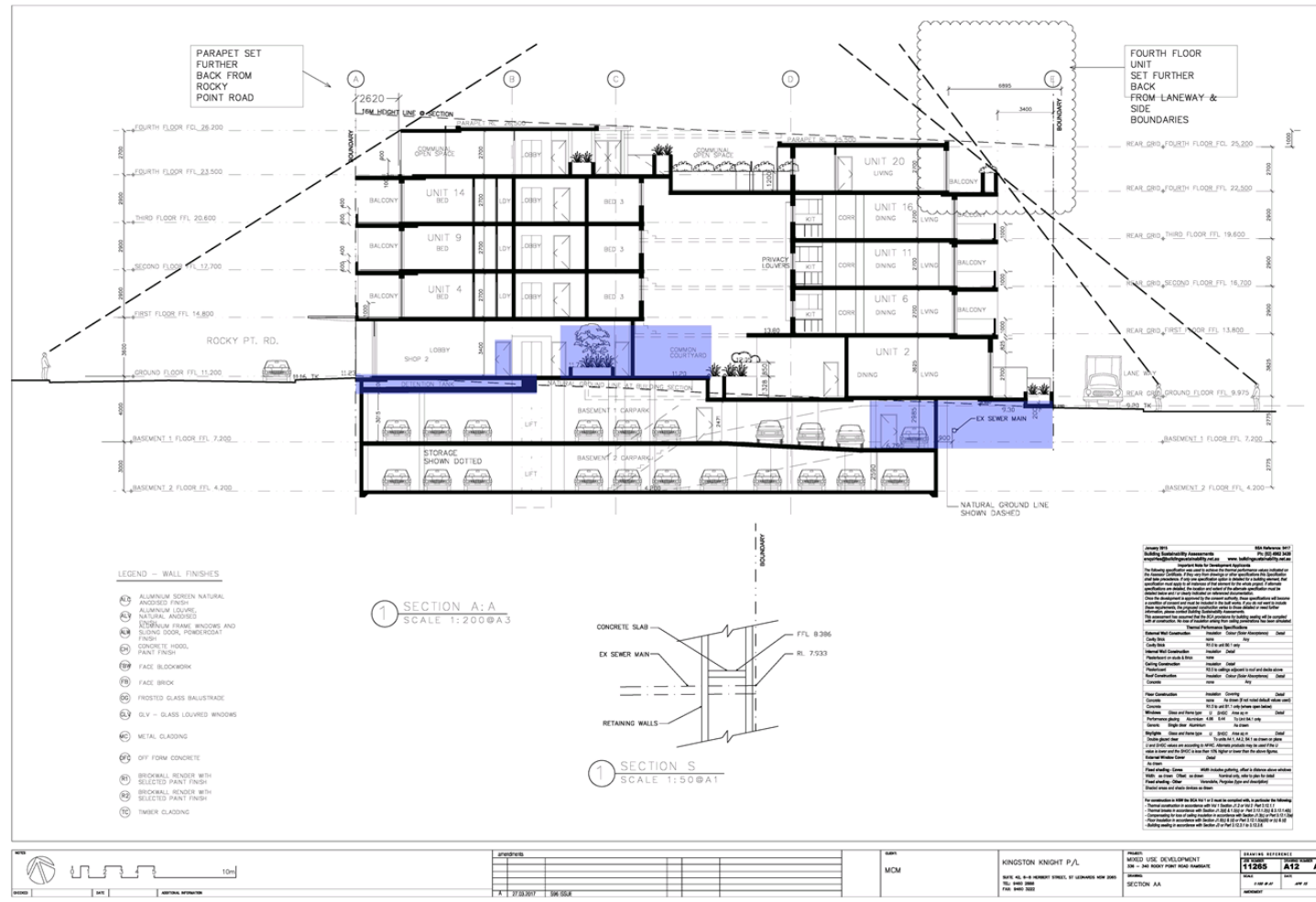


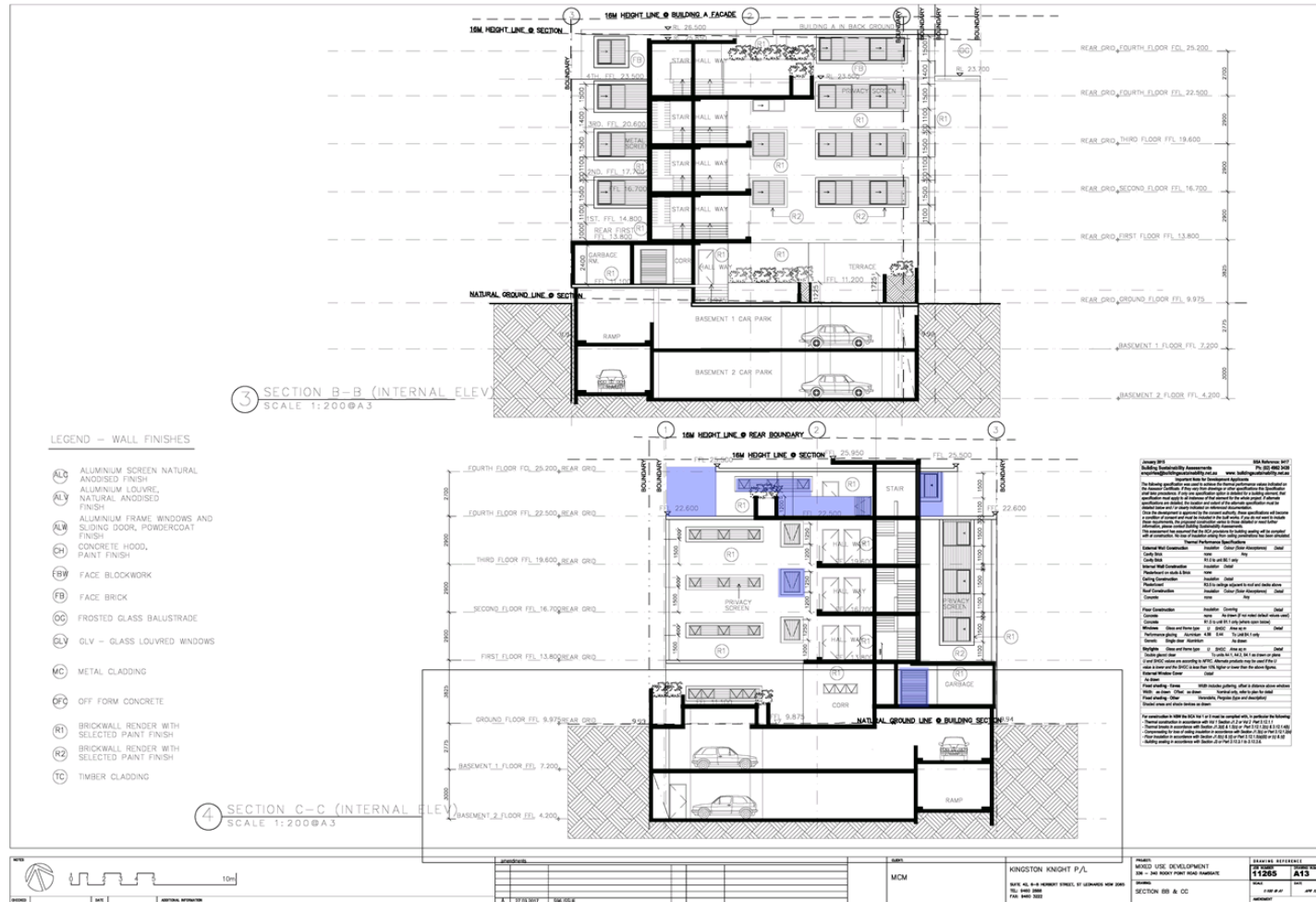
















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Amended Statement of Environmental Effects



Changes to residential units
336-340 Rocky Point Road
Ramsgate

R.J. Graham
BA (Hons), Dip. Ed., Grad Dip. Urban Planning, FPIA.

23 April 2017

1. Background

The amended proposal involves changes to a 5-storey mixed use development comprising of 2 ground floor commercial units, 21 residential units and 2 basement levels of parking containing 37 parking spaces at 336-340 Rocky Point Road, Ramsgate.

The development was granted Development Consent by Rockdale City Council on 1 April 2015, (DA N0, 2015/56)

Since the granting of the consent a number of changes to the plans have become necessary due to:

- the need for a Sydney water sewer pipe through the property,
- structural design and
- geotechnical requirements.

These matters have required a number of minor internal changes to the layout of units, common areas and car parking. In addition, the opportunity has been taken to improve the layout of some units to make more effective use of internal spaces, and to reduce the visual impact of the development from Rocky Point Road and the laneway to the rear of the site.

These changes require a modification of the consent in accordance with Section 96 (2) of the Environmental Planning and Assessment Act 1979.

This report sets out the nature of the changes and provides an assessment of the level of environmental impact and to what extent the original development has been modified.

2. Nature of the Changes

The changes proposed are set out in Table 1 and are detailed below and in the attached plans.. The most significant changes are:

Reduction of the deep soil landscaped areas on basement levels 1 and 2 and the ground floor. This has been made necessary because of the location of a Sydney Water sewer pipe through the property and consequent structural changes. They have resulted in a number of minor internal changes to the building of little or no environmental impact such as relocation of parking spaces, slight reductions in internal common areas and relocation of fire stairs and accesses.

Removal of the plant room from all levels of the building. This has allowed one unit on the ground, first and second floors to be converted from 2 bedroom to 3 bedroom units. This change does not require additional parking provision and the number of spaces provided is unchanged. It has also allowed a number of minor layout changes to internal spaces in unit to improve circulation and usability.

Setting back of the parapet to the Rocky Road Frontage on level 4 and moving units fronting on to the laneway frontage at the rear of the building on the same level backwards. This has resulted in a small reduction of the communal space and the removal of some features from the communal terrace on level 4.

All of the other changes are minor and within the building fabric. Most of these are of very minor consequence.

As table 1 sets out, none of the impacts is significant and will result in a building that is substantially the same development for which the consent was originally granted. The major impact on areas visible from off the site is a reduction in visual impact from Rocky Point Road and the laneway to the rear of the site.

336-340 Rocky Point Road Ramsgate - Statement of Environmental Effects

3. Statutory Requirements - Statutory Policy and Compliance

The proposed amendments to the approved development have been assessed in relation to all relevant legislation, SEPPs, Rockdale LEP and DCP and the original Statement of Environmental Effects. These matters are dealt with in detail below.

Under the EP&A Act 1979, the Consent Authority is to be satisfied that the *proposed modification is of minimal environmental impact*.

The environmental impact of the proposal given consent was set out in the amended SEE that accompanied the DA. Those matters are reviewed below in relation to the amended proposal.

3.1 - s.79C (1)(b)

The amended proposal will not result in any major change in the level of environmental impact on the matters referred to specifically in the SEE prepared by ABC Planning, namely:

- ❖ construction impacts, - the proposed building is almost identical in size and location and the impacts on the locality during the construction process will not change;
- ❖ day to day operation of the development - the development will provide the same facilities as the original and will operate in an identical manner;
- ❖ loss of views from any surrounding public or private place - changes to the setback of the parapet on levels 3 and removal of columns on the Rocky Point Road frontage on level 4 will reduce the visual impact of the development from public viewpoints on Rocky Point Road and adjoining public spaces;
- ❖ impacts on wilderness areas, endangered fauna - no change; or
- ❖ removal of significant trees or vegetation - no change.

These matters remain essentially unchanged in the amended proposal, with the most significant impact being an improvement in the level of visual impact from public places. Each is dealt with in more detail below.

3.1.1 Natural and Environmental Impacts s.79C (1)(b)

As with the original proposal, throughout the period of construction, all measures will be taken to ensure that any noise, dust, and vibration will be kept to a minimum. All construction works will comply with the Building Code of Australia and any other relevant legislation for the duration of the works.

The amendments will not change the day-to-day operations of the development are unlikely to cause any change in the levels of impacts due to noise, pollution, drainage and pedestrian / vehicular traffic.

The amended proposal will not result additional loss of views or outlook from any surrounding public or private place.

There are no wilderness areas on the site while no endangered fauna have been identified on or around the site.

The amended proposal does not involve the removal of any significant trees or vegetation on the site.

3.1.2 Social and economic impacts s.79C (1)(b)

The proposed changes to the mixed use development will not be detrimental to the social and economic environment in the locality - there will no additional residential or commercial facilities.

3.1.3 Built Environment Impacts s.79C (1)(b)

These matters were considered in the consent assessment and found to be satisfied. The proposed changes will not modify the development in any significant way and will not be responsible for any adverse environmental impacts in relation to loss of privacy, loss of view, noise, or traffic and parking impacts.

The sympathetic design is maintained and ensures that the proposal fits into the existing streetscape and is consistent with development envisaged by the zoning and associated controls.

3.1.4 Suitability of the site for development s.79C (1)(c)

The size and shape of the site is suitable for the proposed development. The proposed amendments to the development will not create any adverse bulk or scale impacts (the building shape and dimensions remain the same), and will not result in any loss of amenity to neighbouring properties. There will be no additional adverse bulk or scale impacts to those identified in the amended SEE.

3.1.5 The Public Interest s.79C (1)(e)

The amended development maintains the positive contribution to the public interest of the original proposal by making more effective use of a relatively undeveloped commercial site, providing an upgrade to the quality of the built environment, through improved local amenity, and by providing housing opportunities in an existing serviced area. The amended proposal provides those same benefits. The amended proposal also provides a positive contribution to the built and natural environment of this section of Ramsgate.

3.1.6 Social and economic impacts.

The amended development is essentially the same development as that given consent, and will provide positive impacts through the provision of additional housing stock in a developed area and additional and high quality commercial space in an existing commercial precinct. These benefits are maintained in the amended proposal.

3.1.7 Built environment impacts.

The amended proposal will not be responsible for any additional adverse environmental impacts in relation to loss of privacy, loss of view, noise, or traffic and parking impacts. The overall appearance of the building is unchanged and it will still fit into the existing streetscape. It is still consistent with the type of development envisaged by zoning and specific controls applicable in the Mixed Use zone.

4. Planning Policies

4.1 Relevant Policies and Codes

The planning policies relevant to the amended proposal include:

- ❖ SEPP 65 – Residential Flat Design Code;
- ❖ SEPP (Building Sustainability Index: BASIX) 2004;
- ❖ SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)
- ❖ Rockdale LEP 2011;
- ❖ Rockdale DCP 2011.

4.2 SEPP 65 - Residential Flat Design Code

See attached statement.

4.3 Building Sustainability Index

All of the BASIX commitments have been maintained

4.4 Urban Consolidation

The building contributes to urban consolidation to the same extent as the approved development.

4.5 Rockdale LEP 2011 -

4.5.1 Zoning

The proposed changes to the mixed use development do not alter its status under the zoning and is permissible in the zone and is consistent with the zone objectives: i.e.

- 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.

The nature of the development is unchanged and it still satisfies these objectives to the same extent as the original.

4.5.2 - Height of buildings

The building height is unchanged

4.5.3 Floor Space Ratio

The amended proposal has a Floor Space Ratio of 2.29:1 when measured in accordance with the gross floor definition in the LEP. This is an increase over the 2.17:1 in the approved development. The proposed FSR does not comply with the maximum permissible 2:1 FSR for the site. The proposed FSR was justified in the original on a number of points, each of which are contained in the accompanying Clause 4.6 variation (Appendix 1). A number of the changes have been occasioned by the relocation of the Sydney Water sewer, but the considerations set out in Appendix 1 still apply to the amended proposal.

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In general, the proposed FSR variation is still considered to be acceptable in this instance, given that the variation is minor and would be indiscernible. The appropriate built form outcome on the subject site would not appear out of character and in fact would appear consistent with that desired for the site and the locality in general. The highly articulated and fragmented building form together with the improvements in visual amenity resulting from increased setbacks of levels 3 and 4, further reduces visual and amenity impacts associated with the proposed built form. The proposal is considered to provide an appropriate prototype for similar mixed use developments along the eastern side of Rocky Point Road.

The proposed changes to the FSR are not responsible for any adverse external amenity impacts to neighbouring properties.

The high internal performance of the proposal combined with compliance with car parking further demonstrates that the proposed FSR can be accommodated on this site.

4.6 Rockdale DCP Provisions

4.6.1 Streetscape and urban design (Clauses 4.1 and 4.2)

It has been accepted through the assessment of the original proposal that the relevant streetscape integration and urban design requirements have been satisfied. These matters remain unchanged in the proposed amendment and accordingly the development still satisfies those provisions.

Matters listed under 4.1 and 4.2 of the DCP are unaffected by the amendments to the proposal.

4.6.2 Landscape planning and design (4.3)

Areas of the site counted as landscaped area (part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.) have been reduced because of the need to accommodate the Sydney Water sewer main. These areas have been landscaped with planter boxes which under the DCP are not considered to count as landscaped area. However, they still serve the same function as deep soil areas and serve to satisfy relevant principles of landscape planning and design as set out in Clause 4.3 of the DCP. As a result there will be little impact of the changes necessitated by the need to accommodate the sewer main.

Communal open space areas on the ground floor have been reduced to accommodate changed sewer location. Communal open space areas on the 4th floor have been reduced to allow for increased setbacks from Rocky Point Road, side boundary and rear laneway. Area provided meet requirements of DCP.

4.6.3 Sustainable building design (4.4)

No changes are proposed which affect these requirements.

4.6.4 Social equity.

There have been no changes in the following matters

- range of household types
- provision of facilities for people with disabilities

Accordingly the amendment will not change the level of provision for social equity.

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4.6.5 Car Parking, access and movement.

The changes proposed for these matters are mostly consequential upon the changes required because of the sewer main relocation. They include:

- re-arrangement of basement car parking (no change in number of spaces),
- retention of bicycle parking facilities,
- conversion of access stairs to waste storage to a ramp - this will assist in the removal of waste from the building, and
- changes to driveway ramp - improves vehicle access, circulation and manoeuvring.

There will be no negative impacts arising from these changes. Parking and access requirements of the DCP are met.

4.6.7 Site features

All of the matters listed under this clause remain unchanged in terms of their provision except for:

- removal of plant room on first floor (no longer required),
- some additional storage space, kitchen layout changes and additional bedrooms (reduced space requirements because of plant room removal),
- internal access changes, and
- minor kitchen and bathroom layout changes.

None of these matters result in additional impacts.

4.7 Comment

The modified proposal has little or no effect on any of the matters listed above. Most of the changes relate to detailed design, infrastructure and internal layout matters. There will be an improvement in the level of visual impact particularly from places on Rocky Point Road. The amended proposal will result in minimal change to the level of environmental impact from the proposal that has been given consent.

5. Summary of proposed changes in relation to Statutory and Policy requirements

None of the proposed changes impacts on the relationship of the overall proposal to the Rockdale DCP 2011 Compliance Table (Part 4 - General Principles for Development). That relationship was spelt out in detail in the amended Statement of Environmental Effects Submitted to Rockdale City Council on behalf of Architecture and Building Works Pty Ltd by ABC Planning in October 2014. The major issues to be addressed in the DCP and how the modified proposal relates to those is set out below:

- Floor space ratios have been slightly reduced. Building height remains the same. There is a minimal improvement in views and vistas with the increased setback of units on the top floor. The changes do not result in increased impact on heritage, water management, flood risk management, water conservation and soil conservation.
- The proposal satisfies landscaping, parking, vehicular and pedestrian access provisions of the DCP, and the amenity of the surrounding neighbourhood in relation to overshadowing and privacy is maintained.
- The development responds to the streetscape and site context in an identical manner as the building previously given consent. The streetscape character remains unchanged except for the slight increase in setback of the top floor units.

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- Apart from changes to the landscaping associated with the deep soil areas due to Sydney Water's requirements, the open space and landscape designs remain unchanged. The landscaped areas have been reduced to 15% of the site area as a result of these changes but this is in excess of the requirement in the Rockdale DCP 2011 (10%).
- There are some slight changes in the areas of private open space of the ground floor units, but these still satisfy DCP requirements with widths ranging from 4-10m and areas from 14.5m² to 40m².
- The DCP requires 105m² of communal open space. With the proposed changes the area is reduced from 278m² to 260m², well in excess of the requirements.
- Solar access remains at the same level as the original, as does natural ventilation and lighting, glazing and visual and acoustic privacy, noise impact and wind impact.
- Car parking access and movement provision remain largely unchanged. The modified layout provides for some minor improvements - ramp access to garbage bin areas, slight increase in manoeuvring space, slight increase in access way widths. Car parking provision (including spaces for people with a disability) remains unchanged.
- The provisions for site facilities remains unchanged.
- Storage areas have been increased.
- All units meet the apartment size requirements of the DCP (some units have been increased in floor area).
- Overall building design remains substantially the same except for setbacks of top floor units.
- Front and rear setbacks (ground level) remain unchanged as do the provision of commercial and retail facilities.

The proposed changes are very minor have had no effect on the overall level of compliance with the requirements of the DCP.

This statement of environmental effects demonstrates that the proposed modifications would have minimal environmental impact. Also, It shows that the modifications would result in substantially the same development as the development for which the consent was originally granted.

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Table 1: Summary of changes to unit design and layout 336 340 Rocky Point Road, Ramsgate

Building level	Proposed change	Reason for change	Impact
Basement 2 Floor	Deep soil area is relocated.	Requirement of Sydney Water infrastructure located at shallower depth.	Not counted as deep soil under DCP but planting retained - minimal impact.
	Storage spaces next to the driveway ramp have been rearranged	Minor rearrangement to allow for access and parking changes due to requirements of Sydney Water	Changes have no effect on overall building form and appearance.
	Edge of the driveway ramp changed from curved to straight	Improve access to basement carparks	Improved convenience for users.
	Car spaces 8, 9 & 10 have been relocated	Minor rearrangement to allow for access ramp changes and requirements of Sydney Water	No impact (no reduction in number of spaces).
	Driveway ramp kerb change from curved to straight	Improved vehicle circulation	No impact
Basement 1 Floor	Deep soil area is relocated. Now located on slab because of sewer changes. Reduced area of deep soil planting of approximately 16m ² .	Sydney Water infrastructure located at different depth	Reduced area of deep soil planting, but planter boxes used. Changes have minimal impact.
	Storage spaces next to the driveway ramp have been rearranged	Minor rearrangement to allow for access and parking changes and requirements of Sydney Water.	No impact
	Edge of the driveway ramp changed from curved to straight	Improve access to basement carparks	Improved convenience for residents.
	Car spaces 8, 9 & 10 have been relocated	Minor rearrangement to allow for deep soil area relocation and requirements of Sydney Water	No impact (no reduction in number of spaces).
	Driveway ramp kerb change from curved to straight	Improved vehicle circulation	No impact
Ground Floor	Accessible toilet and garbage area have been redesigned.	Changes allow pump room and electrical switch room to be accommodated in this area.	No reduction in size of facilities nor accessibility - No impact.
	Stairs from loading bay to garbage area have been changed to ramp	Change to improve convenience for users.	Improved arrangement and amenity for users.
	Total area of unit B 0.2 has been slightly reduced	Due to sewer main underneath, thus total area of the unit has been slightly reduced	Small reduction in unit size- no impact on overall design and appearance of building
	Common courtyard area has been reduced,	Provide for changes to location and extent of deep soil area.	Minimal impact and meets standards of Rockdale DCP 2011.
	Reduced deep soil planting area in foyer area.	Provide for changes to location and depth of sewer main.	Replaced by planter boxes so that impact of changes is minimised.
	Shop 1 area increased	Plant room area reduced and public entry to shop from lobby removed - entry from footpath only.	Minor impact - no change to appearance from street.
	Layout of planter boxes has been rearranged	Planter box re-arrangement to allow for deep soil changes	Minor impact on appearance of foyer area.
First floor	Kitchen layout of Unit A 1.3 has been slightly changed	Improve convenience of layout	No impact
	Plant room is converted to Bedroom 3 of Unit A 1.3	No plant room required	Minor impact - no change to parking provision required (2 spaces allocated)
	Service cupboard added next to Unit A 1.3 entrance	Provide space for access to 3rd bedroom within unit	Minor reduction in space in foyer area - no effect on circulation. Minor internal impact
	Pantry added next to laundry in Unit B 1.2	Increase internal storage space for unit	No Impact
	Storage next to main entry door converted to kitchen bench and cupboard in Unit B 1.1	Improve useability of kitchen	No impact
	An additional door near fire stairs open out to the service area	Improved access to fire stairs	No Impact
Second Floor	Kitchen layout of Unit A 2.3 has been slightly changed	Improve useability of kitchen	No Impact
	Plant room is converted to Bedroom 3 of Unit A 2.3	No plant room required	Minor impact - no change to parking provision required (2 spaces allocated)
	Service cupboard added next to Unit A 2.3 entrance	Provide space for access to 3rd bedroom within unit	Minor reduction in space in foyer area - no effect on circulation. Minor internal impact
	Pantry added next to laundry in Unit B 2.2	Increase internal storage space for unit	No Impact

	Storage next to main entry door converted to kitchen bench and cupboard in Unit B 2.1	Improve useability of kitchen	No impact
	Vanity unit in en-suite is relocated	Improve useability of bathroom	No impact
Third floor	Kitchen layout of Unit A 3.3 has been slightly changed	Improve useability of kitchen	No Impact
	Internal wall outside Bed 2 in Unit 3.3 is recessed	Allow internal access to new bedroom 3	No impact
	Plant room is converted to Bedroom 3 of Unit A 3.3	No plant room required	Minor impact - no change to parking provision required (2 spaces allocated)
	Service cupboard added next to Unit A 3.3 entrance	Provide space for access to 3rd bedroom within unit	Minor reduction in space in foyer area - no effect on circulation. Minor impact
	External columns outside living room of Unit A 3.2 have been pushed further into the building	Allows for increased setback of parapet from Rocky Point Road and for units 4.1 and 4.2 and foyer on fourth floor above.	Reduced visual impact of the building from the street.
	Cooktop in Unit B 3.2 is relocated	Improve convenience for users	No Impact
	Pantry added next to laundry in Unit B 3.2	Increase storage area in unit	No Impact
	Column added to the balcony of Unit B 3.2	Allows for increased setback of parapet from Rocky Point Road and for unit 4 above	Reduced visual impact of the building from the street.
	Storage next to main entry door converted to kitchen bench and cupboard in Unit B 3.1	Improve useability of kitchen	No impact
Fourth floor	Increased setback of parapet to Units 4.1 and 4.2 fronting Rocky Point Road	Reduce visual impact of units from Rocky Point Road	Reduction in visual impact of building at 4th floor level from street.
	Increased setback of unit 4.3 from laneway and side boundary	Reduce visual impact of units from laneway and adjoining properties	Reduction in visual impact of building at 4th floor level from street.
	Communal Terrace has been reduced in size	Reduction in size to allow for increased setback of units from Rocky point Road side boundary and laneway.	Minor reduction in useability of communal terrace space. Amount provided still meets DCP requirements. No impact
	An extra bedroom is added to Unit A 4.2	No plant room required	Minor impact - no change to parking provision required (2 spaces allocated)
	Planter box near the lift is deleted	Maintain circulation space with reduced communal terrace area	Minor reduction in space in foyer area - no effect on circulation. Minor impact
	Service cupboard near the lift is rearranged	To allow for reduction in lobby size	Minor impact
	Unit B 4.1: Bathtub space in the bathroom next to laundry is changed to storage cupboard	Improved internal circulation	no impact
	Kitchen sink in Unit B 4.1 is relocated	Improved useability of kitchen	No impact
	Doors of Bedroom 2 & 3 in unit B4.1 have been slightly moved, wardrobes reduced slightly in size	Allow for other internal changes	No impact

Appendix 1 - Section 4.6 Justification of variation of FSR

Clause 4.6 Floor Space Ratio:

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,

Assessment: The proposed 0.17:1 increase in FSR is considered to be minor and indiscernible. The distribution of floor space within the development has been sensibly provided to result in a bulk and scale which will not appear out of character in its context. The proposed height, setbacks and built form are compatible with surrounding development, noting that the overall bulk and scale of the proposal will be compatible with the residential flat buildings further south of the site along Park Road (refer to Figure 25 below).

Other indicators that the proposed density and intensity of development is suitable for the site are the provision of a compliant degree of car parking and bicycle parking. The commercial and residential development can be suitably accommodated within the existing pedestrian and vehicular network. The site is serviced by existing infrastructure in regard to water, sewer, electricity, gas and telecommunications. The site is also in close proximity to a range of infrastructure services including public transport, shops, recreational areas and other services. The financial contributions generated by the proposed development will also enhance existing services and infrastructure which ensures that the additional density can be accommodated.

b. to minimise adverse environmental effects on the use or enjoyment of adjoining properties,

Assessment: The proposed density on the subject site is appropriate as it provides for a built form which will sit comfortably in its existing and future surrounds when nearby properties are developed in accordance with the newly implemented LEP and DCP provisions.

The proposed FSR variation of 0.17:1 is considered to be minor (i.e. less than 10%). The distribution of floor space on the subject site has been provided for in an appropriate manner. The positive streetscape outcome has a significant benefit to the public domain.

The combination of these factors provides for an appropriate streetscape outcome whilst also maintaining amenity to surrounding properties and allowing for future redevelopment to occur in an orderly manner surrounding the subject site.

The high internal performance of the units in terms of solar access, ventilation, unit sizes, storage, private open space, separation distances, deep soil areas, parking and communal open space areas are further factors which demonstrate that the gross floor area sought on the subject site is suitable and consistent with that anticipated by the controls.

The lack of external impact to surrounding properties in regard to overshadowing, visual and acoustic privacy provides further justification for the proposed bulk. The proposal maintains the existing visual and acoustic privacy of surrounding neighbours by orientating the majority of windows and all private open space areas to the west overlooking Rocky Point Road or to the east overlooking Cleland Lane. The additional FSR is thereby indiscernible as a compliant FSR would have no different visual or amenity outcomes.

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.

Assessment: As mentioned above, the proposed 0.17:1 increase in FSR is considered to be minor and indiscernible. The distribution of floor space within the development has been sensibly provided to result in a bulk and scale which will not appear out of character in its context. The proposed height, setbacks and built form are compatible with surrounding development, noting that the overall bulk and scale of the proposal will be compatible with the residential flat buildings further south of the site along Park Road.

The overall built form generated by the proposed FSR will not appear out of character or appear as an overdevelopment in this context. The proposed FSR is compatible with the established streetscape, surrounding residential flat developments and future surrounds when nearby properties are developed in accordance with the newly implemented LEP and DCP provisions.

2. Consistency with the objectives of the B4 Mixed Use Zone

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.

Assessment: The subject site is zoned B4 Mixed Use under Rockdale LEP 2011. The proposed mixed use development is permissible in the B4 Mixed Use zone. The proposal is considered to satisfy the zone objectives of the B4 mixed use zone in that the proposed mix of commercial and residential land uses are compatible and consistent with that contemplated by the mixed use zoning. The provision of commercial and additional residential development on this site is considered to be an appropriate outcome given that the site is in close proximity to public transport along Rocky Point Road and is within the Ramsgate town centre which has numerous shops and services. The proposal is therefore considered to be consistent with the zone objectives.

3. Consistency with State and Regional planning policies

The proposed 0.17:1 increase in FSR on the site is considered to be minor and indiscernible. The FSR variation allows for the orderly and economic use of land as envisaged by the Environmental Planning and Assessment Act, 1979. The proposed FSR allows for achievement of a slight increase in building envelope/density to a site that is highly accessible to various uses and bus services. The provision of residential housing in close proximity to public transport and established services and recreation areas is consistent with the State Government Urban Consolidation Policy.

4. The variation allows for a better planning outcome

Assessment: The proposal will replace 2 attached out-dated commercial buildings with a high quality mixed use development, including 2 commercial units and 21 residential units, that is accessible to public transport, employment, parks and general services, which is a better planning outcome for the subject site.

The proposed distribution of FSR on the site has been provided in an appropriate and skilful manner by the architect. The units will achieve a high standard of accommodation given they outperform solar access, unit size, ventilation, storage, communal open space, private open space, separation distances, deep soil areas, parking and communal open space requirements.

The proposal provides for high quality residential units which include a variety of housing types to suit the needs of potential occupants ranging from singles, couples and small families.

The proposed height, setbacks and built form are compatible with surrounding development, noting that the overall bulk and scale of the proposal will be compatible with the residential flat buildings further south of the site along Park Road.

There are no adverse or unreasonable view, shadow or privacy impacts generated by the additional floor space. The proposal maintains the existing visual and acoustic privacy of surrounding neighbours by orientating the majority of windows and all private open space areas to the west overlooking Rocky Point Road or to the east overlooking Cleland Lane.

The variation to the FSR control therefore allows for a better planning outcome while it minimises the impacts to the surrounding properties and ensures for an appropriate bulk and scale along Rocky Point Road and Cleland Lane. The additional FSR is thereby indiscernible as a compliant FSR would have no different visual or amenity outcomes.

It is therefore considered that the variation to the FSR limit will not compromise the intent of the standard or the planning intent for the site and the area.

5. There are sufficient environmental grounds to permit the variation

The following assessment demonstrates that there are sufficient environmental grounds to permit the FSR variation:

☒ The proposal will result in the building having an FSR of 2.17:1. The proposed 0.17:1 increase in FSR is considered to be minor and indiscernible

☒ The lack of external impact to surrounding properties in regard to overshadowing, visual and acoustic privacy and loss of views

provides further justification for the proposed FSR.

☒ The proposal will replace 2 attached out-dated commercial buildings with a high quality mixed use development, including 2 commercial units and 21 residential units, that is accessible to public transport, employment, parks and general services, which is a better planning outcome for the subject site.

☒ The proposed distribution of FSR on the site has been provided in an appropriate and skilful manner by the architect.

☒ The units will achieve a high standard of accommodation given they outperform solar access, unit size, ventilation, storage, communal open space, private open space, separation distances, deep soil areas, parking and communal open space requirements.

☒ The proposal provides for high quality residential units which include a variety of housing types to suit the needs of potential occupants ranging from singles, couples and small families.

☒ The proposed height, setbacks and built form are compatible with surrounding development, noting that the overall bulk and scale of the proposal will be compatible with the residential flat buildings further south of the site along Park Road (refer to Figure 25 below).

☒ There are no adverse or unreasonable view, shadow or privacy impacts generated by the additional floor space.

☒ The proposal maintains the existing visual and acoustic privacy of surrounding neighbours by orientating the majority of windows and all private open space areas to the west overlooking Rocky Point Road or to the east overlooking Cleland Lane.

☒ The additional FSR is indiscernible as a compliant FSR would have no different visual or amenity outcomes.

☒ The numeric FSR provision is one of many standards which indicate whether a proposal is an over-development. In this instance, achievement of the objectives of the standard, high internal environmental performance and lack of external impact combine to demonstrate that the variation is warranted and that the proposal cannot be considered to be an over-development. The above factors demonstrate that there are both numerous internal and external factors which confirm that there are sufficient environmental grounds to permit the FSR variation.

6. The variation is in the public interest

It is considered that the combination of the above factors suitably demonstrates that the FSR standard is unreasonable and unnecessary in the circumstances of this proposal and the subject site. The benefits associated with the proposed development combined with the lack of amenity impacts such as overshadowing, privacy impacts or any significant view loss demonstrate that the proposal is a better form of development and that it is in the public interest.

Conclusion

For reasons mentioned herein, this Clause 4.6 variation is forwarded to Council in support of the development proposal at No. 336 – 340 Rocky Point Road, Ramsgate and is requested to be looked upon favourably by Council.

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30th March, 2017

SEPP 65**APPLICATION TO MODIFY A DEVELOPMENT CONSENT WITH DA NUMBER 2015/56 AT 336 – 340 ROCKY POINT ROAD, RAMSGATE .**

The following assessment of the proposal against the ten (10) design quality principles and the numerical controls of the 'Residential Flat Design Code' emphasises how the proposal achieves design excellence:

Principle		Proposed
Context	<p>Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area.</p> <p>Responding to context involves identifying the desirable elements of a location's current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area.</p>	<p>The design takes into account the prominent location of the site to ensure Rocky Point Road frontage is suitably addressed.</p> <p>The development is considered to be of a high architectural standard which meets the desired future character for Rocky Point Road.</p>
Scale	<p>Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings.</p> <p>Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area</p>	<p>The proposal is generally consistent with the bulk and scale controls applicable to the site under the Rockdale Local Environmental Plan and therefore is of an appropriate scale.</p> <p>The careful articulation, material and colour consideration, alongside precise planning, building location and use dedication, makes this proposition appropriate to the site.</p> <p>The proposed changes do not modify the bulk and scale of the development. All of the changes are within the building fabric.</p>
Built Form	<p>Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements.</p> <p>Appropriate built form defines the public domain, contributes to the character of</p>	<p>The development will provide a contemporary building, reinforce the desired character of the area and enhance the amenity of the locality.</p> <p>The proposed changes do not modify the built form. All of the</p>

SEPP 65 Report • 336-340 Rocky Point Rd, Ramsgate		Proposed
Principle		
	streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.	changes are within the building fabric.
Density	<p>Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents).</p> <p>Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.</p>	<p>The overall Floor Space Ratio and unit sizes proposed are acceptable and demonstrate compliance with the relevant controls applicable to the development.</p> <p>The proximity of the site to public transportation, established educational establishments, shopping precincts and quality public open space also ensures the density of the development will be sustainable.</p> <p>One unit on first, second & third floors were converted from 2 bedroom to 3 bedroom units. This has caused a slight increase in Gross Floor Area & Floor Space Ratio. The proposed increase in FSR is considered to be minor and indiscernible and does not result in modification of the bulk and scale of the project.</p> <p>Other indicators that the proposed slight increase in density are suitable for the site are that this change does not require additional parking provision and the number of spaces provided is unchanged.</p>
Resource, Water and Energy Efficiency	<p>Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction.</p> <p>Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.</p>	<p>The proposal maximises the orientation of the site to provide apartments with good solar access during winter months whilst ensuring all apartments are able to naturally cross ventilate in summer.</p> <p>Where possible, the proposal seeks to encourage recycling of building materials during demolition and construction. Further, the high quality of building materials selected for the development will ensure ongoing sustainability and will minimise future maintenance.</p>
Landscape	Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both	High quality landscaped environment has been created to complement the built form. Key

SEPP 65 Report

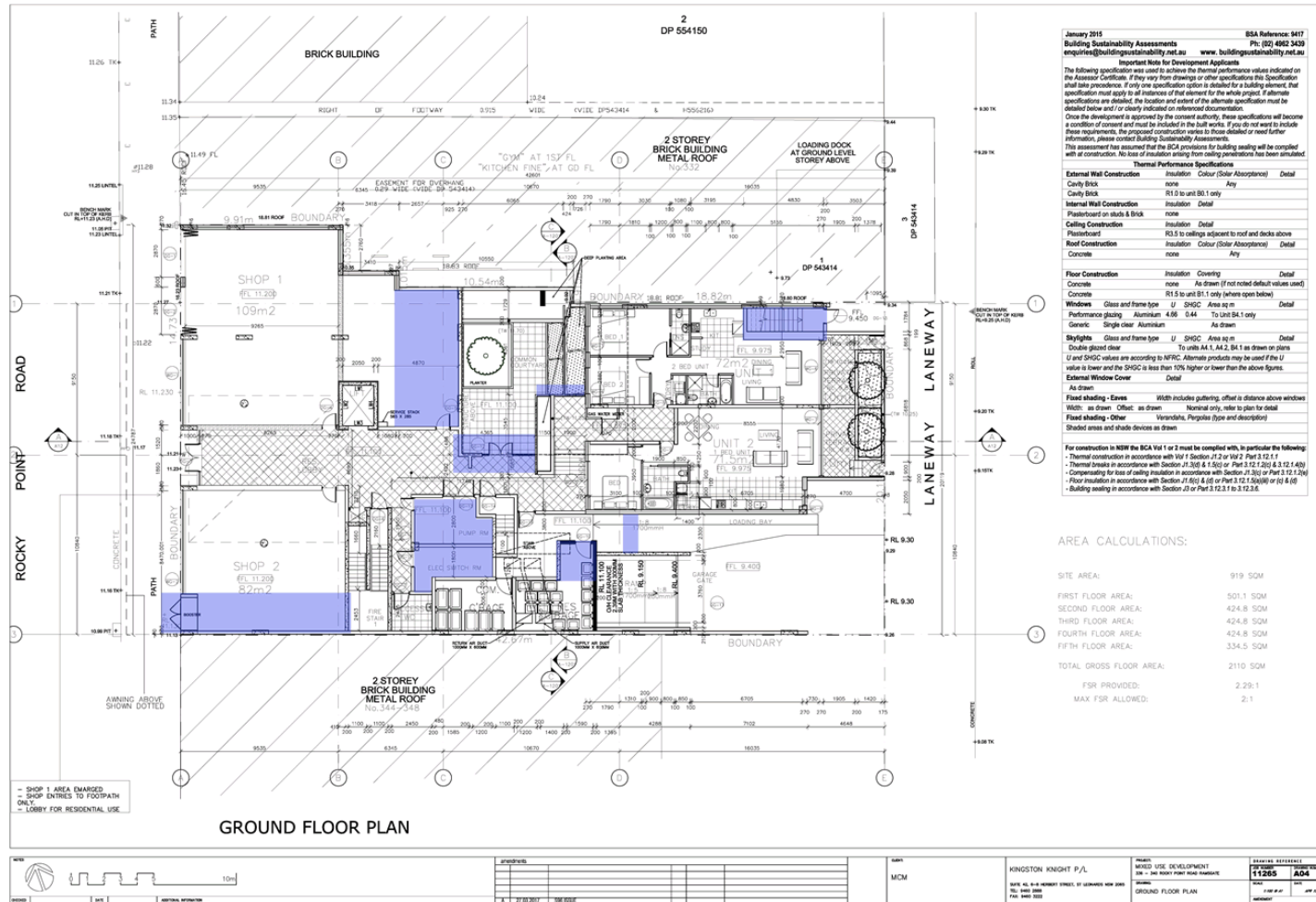
336-340 Rocky Point Rd, Ramsgate

Principle		Proposed
	<p>occupants and the adjoining public domain.</p> <p>Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character.</p> <p>Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours' amenity, and provide for practical establishment and long term management.</p>	<p>elements include the deep soil courtyard to the middle of the site, being inviting, low maintenance for the time-conscious resident, and not impeding on solar gains. The landscaping is considered essential to the success of this proposal, and has been carefully considered and integrated with the building design.</p> <p>Modification of the deep soil areas has been made necessary because of the location of a Sydney Water sewer pipe through the property. The deep soil planting has been relocated and rearranged which has resulted in slight reduction in the total deep soil area and common area. These changes to the project are considered to have little or no environmental impact.</p>
Amenity	<p>Good design provides amenity through the physical, spatial and environmental quality of a development.</p> <p>Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.</p>	<p>The development incorporates modern, open plan apartment layouts with relatively large bedrooms and built in storage.</p> <p>As previously discussed, the development maximises the orientation of the site to ensure 100% of the units receive a minimum of three (3) hours of solar access at mid-winter.</p> <p>The proposed modifications do not affect the amenity of the project.</p>
Safety and Security	<p>Good design optimises safety and security, both internal to the development and for the public domain.</p> <p>This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.</p>	<p>The safety and security of residents entering and exiting apartments has been well considered in the design of the development.</p> <p>The proposed modifications do not affect the entries and exits of the building.</p>
Social Dimensions	Good design responds to the social context	The proposed development

SEPP 65 Report	• 336-340 Rocky Point Rd, Ramsgate	
	<p>and needs of the local community in terms of lifestyles, affordability, and access to social facilities.</p> <p>New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community.</p>	<p>incorporates a variety of areas where future residents will be able to congregate and socialise, mainly through private balconies and courtyard areas to enhance its use for both active and passive recreation activities in all seasons.</p>
Aesthetics	<p>Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.</p>	<p>The proposal incorporates modern and durable materials which will ensure the building retains a desirable appearance in years to come. The variety of materials incorporated into the external appearance of the development assists to break the bulk and scale of the building to integrate the development with the current and anticipated future character of Rocky Point Road.</p> <p>The modifications are within the building fabric, thus do not affect the external appearance of the building.</p>



Angelica Wu (Reg. Arch 9948).



NOTICE OF APPROVAL FOR DEVELOPMENT

Section 81 (1)(A) of the Environmental Planning and Assessment Act, 1979

Approval Date 1 April 2015
 Authority Council
 Reference DA-2015/56
 Contact Fiona Prodromou 9562 1672



Architecture & Building Works Pty Ltd
 L1/45 Montgomery Street
 KOGARAH NSW 2217

Property: 336-340 Rocky Point Road, RAMSGATE NSW 2217
 Lot 1 DP 544870, Lot 2 DP 543414

Proposal: Demolition of existing structures and construction of five storey plus basement mixed use development, including 20 residential units, 2 commercial units and car parking

The above development is approved subject to the following conditions:

GENERAL CONDITIONS

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

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

<i>Plan</i>	<i>Drawn By</i>	<i>Dated</i>	<i>Received by Council</i>
<i>Architectural Plans</i>			
Basement 2 Plan Issue E (DA-1102)	Architecture & Building Works Pty Ltd	21/01/2015	02/02/2015
Basement 1 Plan Issue E (DA-1103)	Architecture & Building Works Pty Ltd	21/01/2015	02/02/2015
Ground Floor Plan	Architecture & Building	21/01/2015	02/02/2015

2 Bryant Street Rockdale NSW 2216 Australia
 PO Box 21 Rockdale NSW 2216 Australia
 Tel 02 9562 1666 Fax 02 9562 1777 Email rcc@rockdale.nsw.gov.au
 DX 25308 Rockdale www.rockdale.nsw.gov.au
 ABN 66 139 730 052

DA-2015/56

Issue E (DA-1104)	Works Pty Ltd		
First Floor Plan Issue E (DA-1105)	Architecture & Building Works Pty Ltd	21/01/2015	02/02/2015
Second Floor Plan Issue E (DA-1106)	Architecture & Building Works Pty Ltd	21/01/2015	02/02/2015
Third Floor Plan Issue E (DA-1107)	Architecture & Building Works Pty Ltd	21/01/2015	02/02/2015
Fourth Floor Plan Issue E (DA-1108)	Architecture & Building Works Pty Ltd	21/01/2015	02/02/2015
Roof Plan Issue E (DA-1109)	Architecture & Building Works Pty Ltd	21/01/2015	02/02/2015
Elevations Sheet 1 Issue E (DA-1301)	Architecture & Building Works Pty Ltd	21/01/2015	02/02/2015
Elevations Sheet 2 Issue E (DA-1302)	Architecture & Building Works Pty Ltd	21/01/2015	02/02/2015
Section AA Issue E (DA-1202)	Architecture & Building Works Pty Ltd	21/01/2015	02/02/2015
Sections BB & CC Issue E (DA-1201)	Architecture & Building Works Pty Ltd	21/01/2015	02/02/2015

3. All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).
4. **A Construction Certificate must be obtained from Council or an Accredited Certifier prior to any building work commencing.**
5. The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate Number 559017M_04 other than superseded by any further amended consent and BASIX certificate.

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

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

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

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

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6. A separate approval shall be submitted for the specific use/uses of the property. Additional conditions may be imposed on any such consent.
Note: Parking and loading provisions in a mixed use development may preclude certain uses.
7. This approval is not to be construed as permission to erect any structure on or near a boundary contrary to the provisions of the Dividing Fences Act.
8. Excavation, filling of the site (with the exception of the area immediately under the building envelope), or construction of retaining walls are not permitted unless shown on the approved plans and authorised by a subsequent construction certificate.
9. The materials and façade details approved under Condition 2 and any other relevant condition of this consent shall not be altered or amended at the construction certificate stage without a prior S96 application and approval under the Environmental Planning and Assessment Act.
10. Parking spaces shall be allocated to residential apartments / non-residential units in the development in the following manner and this shall be reflected in any subsequent strata subdivision of the development:

Allocated Spaces

Studio apartments, 1 bedroom apartments and 2 bedroom apartments	1 space per apartment
3 bedroom apartments and 3+ bedroom apartments	2 spaces per apartment
Commercial Units	1 space per 40m ² gross floor area

Non-Allocated Spaces

Residential Visitor Spaces	1 space per 5 apartments
Car Wash Bay	1 (as a visitor space)

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

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

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

DEVELOPMENT SPECIFIC CONDITIONS

The following conditions are specific to the Development Application proposal:

11. Materials, goods or machinery shall not be stored, placed or otherwise permitted to stand between the building line and the street alignment.
All loading, unloading and transfer of goods to and from the loading bay and premises

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shall take place wholly within the property. Loading areas are to be used only for the loading and unloading of goods, materials etc. not for any other purpose.

12. Loading and unloading within the site shall be restricted to commercial vehicles not exceeding the size and mass description of the SRV from AS2890.2:2002. Commercial vehicles greater in size and mass than the SRV are not permitted to enter the site.
13. Parking spaces shall not be enclosed without further approval of Council. The enclosure of car spaces is not permitted unless the enclosure complies with the design requirements of AS2890.1.
14. The existing and future owners (Registered Proprietor) of the property will be responsible for the operation and maintenance of the detention and pump systems. The registered proprietor will:
 - i) permit stormwater to be temporarily detained by the system;
 - ii) keep the system clean and free of silt, rubbish and debris;
 - iii) maintain, renew and repair the whole or parts of the system so that it functions in a safe and efficient manner, and in doing so complete the same within the time and in the manner specified in written notice issued by the Council;
 - iv) carry out the matters referred to in paragraphs (ii) and (iii) at the proprietor's expense;
 - v) not make any alterations to the system or elements thereof without prior consent in writing of the Council;
 - vi) permit the Council or its authorised agents from time to time upon giving reasonable notice (but at any time and without notice in the case of emergency) to enter and inspect the land for compliance with the requirements of this clause;
 - vii) comply with the terms of any written notice issued by the Council in respect to the requirements of this clause within the time stated in the notice.
15. All wastewater and stormwater treatment devices (including drainage systems, sumps and traps) shall be regularly maintained in order to remain effective. All solid and liquid wastes collected from the device shall be disposed of in accordance with the Protection of the Environment Operations Act, 1997.
16. The rainwater tank shall be routinely de-sludged and all contents from the de-sludging process disposed – solids to the waste disposal and de-sludged liquid to the sewer.
17. The use of mechanical plant including air conditioners, fans, compressors, condensers, freezers, swimming pool or spa pumps (whether commercial or domestic) shall not cause sound pressure levels in excess of the criteria given in the NSW Industrial Noise Policy - 2000.
18. Residential air conditioners shall not cause 'offensive noise' as defined by the Protection of the Environment Operations Act 1997 or contravene provisions of the Protection of the Environment (Noise Control) Regulation 2008 where emitted noise from a residential air conditioner can be heard within a habitable room in any other residential premises at night.

19. Temporary dewatering of the site to construct the subsurface structure is not permitted without permit from relevant authority.
- Ground water shall only be pumped or drained to Council's stormwater system if the water is clean and unpolluted. The standard used to determine the acceptability of the quality of the water is the 'Australian and New Zealand Environment and Conservation Council - Australian Water Quality Guidelines for Fresh and Marine Waters 2000'.
20. The visible light reflectivity from building materials used on the façade of the building shall not exceed 20% and shall be designed so as not to result in glare that causes any nuisance or interference to any person or place. A statement demonstrating compliance with these requirements shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for the relevant stage of works.
21. Bicycle parking facilities shall be designed in accordance with AS2890.3:1993.
- Parking areas associated with the subject development shall be designed strictly in accordance with AS2890.1 and AS2890.6.
- Car space number 12 should be designated as visitor space with disability. One of Visitor car space is to be replaced with resident car space.
- Internal height clearance shall be designed throughout the car park and access driveway in accordance with AS2890.1 and AS2890.6.
- Commercial vehicle facilities shall be designed strictly in accordance with AS2890.2:2002. The loading bay shall be designed to achieve a minimum internal height clearance of 4.5m.
22. All proposed lights shall comply with the Australian Standard AS4282 - 1997 "Control of the Obtrusive Effects of Outdoor Lighting". In this regard, the lighting of the premises shall be directed so as not to cause nuisance to the owners or occupiers of adjacent/adjoining premises or to motorists on adjoining or nearby roads.
23. Hot and cold water hose cocks shall be installed to the garbage room. Services or utility systems shall not be located in the garbage room.
24. A. In addition to complying with the requirements of the BCA, walls separating tenancies, shall be of discontinuous construction and satisfy the Association of Australian Acoustical Consultants (AAAC) 5 Star attribute for walls and provide an $D'nT, w + Crt \geq 50$.
- A report shall be submitted to the Principal Certifying authority for approval prior to the issue of any Construction Certificate. The report is to include BCA requirements and details of the common walls between residential apartments.
- A suitably qualified acoustic engineer with MIE Australia membership or employed by a consulting firm eligible for AAAC membership is to certify that the details provided in the said report satisfy the requirements of this condition, with the certification to be submitted to the Principal Certifying Authority for approval prior to the issue of any Construction Certificate.
- B. In addition to complying with the requirements of the BCA floors/ceilings separating tenancies shall be constructed to satisfy the AAAC 5 Star attribute for floors and provide an $L'nTw \leq 45$.
- A report shall be submitted to the Principal Certifying authority for approval prior

to the issue of any Construction Certificate for each of the building stages. The report is to include BCA requirements and details of floor/ceilings between residential apartments. Apartments designed with carpet covered floors shall be identified in the report.

A suitably qualified acoustic engineer with MIE Australia membership or employed by a consulting firm eligible for AAAC membership is to certify that the details provided in the said report satisfy the requirements of this condition, with the certification to be submitted to the Principal Certifying Authority for approval prior to the issue of any Construction Certificate for each of the building stages.

25. In order to ensure the design quality / excellence of the development is retained:
- i. The design architect is to have direct involvement in the design documentation, contract documentation and constructions changes of the project;
 - ii. The design architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of design issues throughout the life of the project;
 - iii. Evidence of the design architect's commission is to be provided to Council prior to the release of the Construction Certificate.
- The design architect of the project is not to be changed without prior notice and approval of the Council.
26. All vertical plumbing, other than roof water heads and downpipes, shall be concealed within the brickwork of the building. Any electrical kiosks or fire booster valves shall be located in unobtrusive locations and encased within the brickwork. Utilities shall be softened with landscaping so as not to detract from the overall appearance of the development and amenity of the streetscape. Details demonstrating compliance with this requirement shall be submitted to the Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate.
27. Where natural ventilation fails to comply with the provisions of the Building Code of Australia, mechanical ventilation shall be provided in accordance with Australian Standard, 1668, Part 2.
28. Receptacles are to be provided for the disposal of cigarette rubbish. The receptacles are to be located adjacent to the entrances of the buildings on private property. The receptacles are to be attractive and functional and maintenance of the receptacles is the responsibility of the building owner/manager.
29. All hot water systems/units which are located on the balcony of a dwelling/unit must be encased in a recessed box on the balcony with the lid/cover of the box designed to blend in with the building. All associated pipe work is to be concealed.
30. The Landscape Plan prepared by i2thmus Landscape Design is to be amended to provide specific construction design details, including a detailed specification, in regards to:
1. Planter finishes & treatment, soil depth, mulch and automatic irrigations system (required for all planters)
 2. Treatment and specifications of pergolas, seating, tables, outdoor equipment, flooring and bbq's etc.

3. Clarification of proposed concrete surfacing. *Note gravel pathways in communal areas are not acceptable.*
4. The provision of fixed planter boxes with a minimum width & height of 1m, to be provided to the eastern edge of balconies to levels 1 – 4 of Building B of the development. Planting shall comprise a minimum height of 1m within planters.

The above information shall be submitted and approved by Rockdale City Council prior to the issue of the Construction Certificate.

The species selection and location of planting shall maximise winter solar access and summer shade to dwellings. A minimum of one (1) small deciduous tree or evergreen tree shall be incorporated into each courtyard planting area.

A fully automated irrigation system, approved by Sydney Water, shall be installed and maintained to ensure adequate water is provided to planters & podium landscaping.

Retaining walls over 600mm in height shall be designed and specified by a suitably qualified structural engineer.

The approved completed landscape works shall be maintained for a period not less than 12 months.

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

PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE

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

31. A minimum floor to ceiling height of 2.7m shall be provided in all habitable areas. Non habitable areas shall comprise a minimum floor to ceiling height of 2.4m. Details shall be submitted prior to the issue of the Construction Certificate.
32. The following fees shall be paid to Council prior to the issue of a Construction Certificate. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges.
 - i. A Footpath Reserve Restoration Deposit of \$12,457.44. This is to cover repair of any damages, or other works to be done by Council. This includes construction, removal, or repair as required to: kerb and guttering, existing or new driveways; paved areas and concrete footpaths. The deposit may be lodged with Council in the form of a Bank Guarantee (Any proposed Bank Guarantee must not have an expiry date). The deposit will not be returned by Council until works are completed and all damage is restored and all specified works are completed by Council.
 - ii. An environmental enforcement fee of 0.25% of the cost of the works.
 - iii. Boundary Level
 - iv. A Soil and Water Management Sign (811) of \$16.50.

33. For work costing \$25,000 or more, a Long Service Leave Levy shall be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.
34. An application for Boundary levels shall be made to Council's Customer Service Centre prior to issue of the Construction Certificate. All boundary works, egress paths, driveways and fences shall comply with this level.
- A fee of \$380.00 is payable to Council for the determination of boundary levels. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges.
35. A Section 94 contribution of \$90,843.52 shall be paid to Council. Such contributions are only used towards the provision or improvement of the amenities and services identified below. The amount to be paid is adjusted at the time of payment, in accordance with the contribution rates contained in Council's current Adopted Fees and Charges. The contribution is to be paid prior to the issue of any construction certificate for works above the floor level of the ground floor. (Payment of the contribution is not required prior to any separate construction certificates issued only for demolition, site preparation works and the construction of basement levels). The contribution is calculated from Council's adopted Section 94 contributions plan in the following manner:
- | | |
|--|-------------|
| Open Space | \$59,471.59 |
| Community Services & Facilities | \$10,383.89 |
| Town Centre & Streetscape Improvements | \$5,368.58 |
| Pollution Control | \$15,399.19 |
| Plan Administration & Management | \$220.27 |
- Copies of Council's Section 94 Contribution Plans may be inspected at Council's Customer Service Centre, Administration Building, 2 Bryant Street, Rockdale.
36. A Section 94 contribution of \$314,538.69 shall be paid to Council. Such contribution is only used towards the provision of local infrastructure and facilities in the Ramsgate Town Centre. The contribution is to be paid prior to the issue of any construction certificate for works above the floor level of the ground floor. The amount to be paid is adjusted at the time of payment, in accordance with the contribution rates contained in Council's current Adopted Fees and Charges.
37. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance or owner builder's permit in force in accordance with Part 6 of that Act, that such a contract or permit is in place.
38. Compliance with Council's Development Control Plan (DCP) 2011 – Requirements for Access. Access in accordance with Australian Standard 4299 must be provided to and within 3 residential units, and between this unit(s) and its allocated car parking space. The allocated parking space will be located in close proximity to the access points of the building. The adaptable unit(s) are to be unit number(s) A1.1/A2.1/A3.1. Please note that compliance with this condition requires the relevant unit(s) to be constructed to comply with all the essential (Type C) requirements of AS4299.
- A minimum of 3 adaptable carparking space/s to be provided. The car spaces shall be identified and reserved at all times and be in the vicinity to lifts or as close as possible to public areas and facilities. The car spaces shall have minimum dimensions in accordance with AS 2890.6 and all spaces shall have an uninterrupted minimum headroom clearance of 2.5 metres free of all obstructions, such as service pipes,

fittings etc for use by vehicles fitted with roof mounted wheelchair racks.

The design and fitout of the commercial/retail areas are to be in accordance with Australian Standard 1428.1-2009.

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

39. The applicant shall confer with Ausgrid to determine if:
- a) an electricity distribution substation is required;
 - b) installation of electricity conduits in the footway is required;
 - c) satisfactory clearances to any existing overhead High Voltage mains will be affected.

Written confirmation of Ausgrid's requirements shall be obtained prior to issue Construction Certificate.

40. All low voltage street mains in that section of the street/s adjacent to the development shall be placed underground. This shall include any associated services and the installation of underground supplied street lighting columns where necessary. The applicant shall confer with Ausgrid to determine Ausgrid's requirements. Written confirmation of Ausgrid's requirements shall be obtained prior to issue Construction Certificate.
41. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For Quick Check agent details please contact Sydney Water.
- The consent authority or a private accredited certifier must ensure that a Quick Check agent/Sydney Water has appropriately stamped the plans before issue of any Construction Certificate.
42. Prior to issue of the Construction Certificate, a longitudinal driveway profile shall be submitted to Principal Certifying Authority for assessment and approval. The profile shall start in the centre of the road and be along the critical edge (worst case) of the driveway. Gradients and transitions shall be in accordance with Council's Code. The profile shall be drawn to a scale of 1 to 20 and shall include all relevant levels, grades (%) and lengths.
43. The subsurface structure shall be designed with a waterproof retention system (ie tanking and waterproofing) with adequate provision for future fluctuation of the water table. The subsurface structure is required to be designed with consideration of uplift due to water pressure and "flotation" (buoyancy) effects. Subsoil drainage around the subsurface structure must allow free movement of groundwater around the structure, but must not be connected to the internal drainage system. The design of subsurface structure, tanking and waterproofing, and subsoil drainage shall be undertaken by a suitably experienced Chartered Professional Engineer(s). Design details and construction specifications shall be included in the documentation accompanying the Construction Certificate.

44. Vibration monitoring

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

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

Where any such alarm triggers all excavation works must cease immediately.

Prior to the vibration monitoring equipment being reset by the professional engineer and any further work recommencing the event must be recorded and the cause of the event identified and documented by the professional engineer.

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

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

A copy of any written direction required by this condition must be provided to the Principal Certifying Authority within 24 hours of any event.

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

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

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

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

45. Adjoining buildings founded on loose foundation materials

The principal contractor must ensure that a professional engineer determines the possibility of any adjoining buildings founded on loose foundation materials being affected by piling, piers or excavation. The professional engineer (geotechnical consultant) must assess the requirements for underpinning any adjoining or adjacent buildings founded on such soil on a case by case basis and the principal contractor must comply with any reasonable direction of the professional engineer.

Note: A failure by contractors to adequately assess and seek professional engineering (geotechnical) advice to ensure that appropriate underpinning and support to adjoining land is maintained prior to commencement may result in damage to adjoining land and buildings. Such contractors are likely to be held responsible for any damages arising from the removal of any support to supported land as defined by section 177 of the Conveyancing Act 1919.

46. A Waste Management Plan shall be prepared and implemented in accordance with Rockdale Technical Specification Waste Minimisation and Management.
47. Mechanical ventilation and air conditioning systems shall comply with the requirements of the Building Code of Australia, and applicable standards AS1668.1-1998 The Use of Ventilation and Air-conditioning in Buildings Part 1: Fire and Smoke Control in Multi-compartment Buildings, and AS 1668.2 - 2002: The Use of Ventilation and Air-conditioning in Buildings Part 2: Ventilation Design for Indoor Air Contaminant Control.

The system shall be certified by a suitably qualified and experienced mechanical engineer prior to the issue of a Construction Certificate. A copy of the certificate shall be provided to the Principal Certifying Authority (PCA). A copy shall also be provided to Council if Council is not the PCA.
48. The low level driveway must be designed to prevent inflow of water from the road reserve. The assessment of flows and design of prevention measures shall be in accordance with the requirements of Rockdale Technical Specification Stormwater Management. Details shall be included in the documentation presented with the Construction Certificate application.
49. The car wash bay within basement level 1 is to be allocated as a designated visitor space. Visitor space 4 is to be allocated to a residential unit within the development to ensure all dwellings comprise parking as per the requirements of DCP 2011.
50. One car wash bay shall be provided & comprise dimensions of 3.5m x 5.5m. A sign shall be fixed saying 'Car Wash Bay'. A tap shall be provided. The runoff shall be directed and treated as per Rockdale Technical Specification Stormwater Management. Details shall be provided with the plans accompanying the Construction Certificate.
51. All car park level surface runoff shall be directed through a propriety oil and sediment filtration system prior to discharge. Details of the pit type, location, performance and manufacturer's maintenance and cleaning requirements shall be submitted and approved prior to the issue of the construction certificate.

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

The design of the basement structure will require consideration of the effects of the water table, both during and after construction (Tanking and waterproofing construction). The geotechnical report and stormwater drainage plans shall acknowledge tanked basement structure.

Provide gutter flow analysis and recommend the required crest level in the driveway to protect the low level driveway from flooding. Note: Where a crest is required, a longitudinal surface profile must be also be submitted for assessment. Drainage grates to be provided according to the position of crest in the driveway.

Provide overflow outlet from the OSD tank above 50 year storage. Grated pits are to be fully sealed above the OSD tank.

53. As the basement floor is being proposed closer to existing built structures on neighbouring properties, which may be in the zone of influence of the proposed works and excavations on this site, a qualified practicing geotechnical engineer must;
- All recommendations contained in the report prepared by SMEC Testing Services Pty Ltd, Project No. 19609/4124C, Report No. 14/0650A, Dated April 2014 shall be implemented.
 - Provide a certificate that the construction certificate plans are satisfactory from a geotechnical perspective
 - Confirm the proposed construction methodology
 - Prepare a Construction Methodology report demonstrating that the proposed construction methods (including any excavation, and the configuration of the built structures) will have no adverse impact on any surrounding property and infrastructure. The report must be submitted with the application for a Construction Certificate for the relevant stage of works.
 - Inspect the works as they progress. The Inspections are to occur at frequencies determined by the geotechnical engineer.
 - Where a Private Certifier issues the Construction Certificate a copy of the above documentation must be provided to Council, once the Construction Certificate is issued for the relevant stage of works.

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

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

54. The recommendations of the Acoustic Report in relation to traffic & plant noise, prepared by Acoustic Solutions Pty Ltd dated 16 June 2014 are to be implemented on site. Details are to be submitted to Council prior to the issue of the Construction Certificate.
55. The plan rooms shall be decreased in size and only be used for the purpose of plant.
56. The following car parking spaces shall be relocated as follows;
- a. A1.3 / A2.2 within basement level 2 to be provided further north to adjoin their respective storage areas.
 - b. Visitor space 1 within basement level 1 is to be relocated further north to align with the nearby structural support column indicated upon plans.
- Amended plans are to be submitted to Council for approval prior to the issue of the Construction Certificate.
57. A 1.8m high fixed privacy screen is to be provided to the south eastern balcony edge to Unit B4.1. Details to be submitted to Council for approval prior to the issue of the Construction Certificate.
58. The following conditions relate to safer by design principles.
- a. Areas of focus include the residential and vehicular entries, basement car park (including entry and exits), main entry areas to the development and garbage/storage areas. Details to be provided prior to the issue of the Construction Certificate.
 - b. A lighting maintenance policy shall be established for the development. Details to be provided prior to the issue of the Construction Certificate.
 - c. As malicious damage (graffiti) is often an offence committed at such developments, strong consideration is to be given to the use of graffiti resistant materials, particularly on fences and all ground floor areas. Details to be provided prior to the issue of the Construction Certificate.
 - d. Monitored CCTV cameras shall be installed in and around the development to maximise surveillance opportunities. Digital or video technology should be used to record images from the cameras.
 - e. Lighting shall be designed to the Australian and New Zealand Lighting Standards. Australia and New Zealand Lighting Standard 1158.1 - Pedestrian, requires lighting engineers and designers to consider crime risk and fear when selecting lamps and lighting levels.
 - f. Where applicable, security mirrors shall be installed within corridors and on blind corners to enable users to see around blind corners.
 - g. A street sign shall be prominently displayed at the front of the development to comply with Local Government Act, 1993, Section 124, Order No 8.
 - h. Signage shall be erected at entry/exit points and throughout the development to assist users and warn intruders they may be prosecuted.
 - i. Intercom facilities shall be installed into entry/exit points to enable residents to communicate and identify with people prior to admitting them to the development.

PRIOR TO COMMENCEMENT OF WORKS

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

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

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

Council's warning sign for soil and water management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign shall be erected prior to commencement of works and shall be displayed throughout construction.
61. A sign must be erected at the front boundary of the property clearly indicating the Development Approval Number, description of work, builder's name, licence number and house number before commencement of work. If owner/builder, the Owner/Builder Permit Number must be displayed.
62. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - i) stating that unauthorised entry to the work site is prohibited, and
 - ii) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

Any such sign is to be removed when the work has been completed.

This condition does not apply to:

 - iii) building work carried out inside an existing building or
 - iv) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
63. Where it is necessary to import landfill material onto the site to fill the land to levels shown on the plans forming part of the consent, a certificate, prepared by a suitably qualified and experienced Contaminated Land Consultant, shall be submitted to Council being the Regulatory Authority prior to the commencement of works, certifying that the imported fill is suitable for the land use.
64. The site shall be secured by a 1800 mm (minimum) high temporary fence for the duration of the work. Gates shall be provided at the opening points.

65. Where construction/building works require the use of a public place including a road or footpath, approval under Section 68 of the Local Government act 1993 for a Barricade Permit is to be obtained from Council prior to commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

66. A hoarding or fence shall be erected between the work site and the public place when the work involved in the erection or demolition of a building:

- i) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- ii) building involves the enclosure of a public place,

Where the development site adjoins a public thoroughfare, the common boundary between them must be fenced for its full length with a hoarding, unless, the least horizontal distance between the common boundary and the nearest part of the structure is greater than twice the height of the structure. The hoarding must be constructed of solid materials (chain wire or the like is not acceptable) to a height of not less than 1.8m adjacent to the thoroughfare.

Where a development site adjoins a public thoroughfare with a footpath alongside the common boundary then, in addition to the hoarding required above, the footpath must be covered by an overhead protective structure, type B Hoarding, and the facing facade protected by heavy duty scaffolding unless either:

- (i) the vertical height above footpath level of the structure being demolished is less than 4m; or
- (ii) the least horizontal distance between footpath and the nearest part of the structure is greater than half the height of the structure.

The overhead structure must consist of a horizontal platform of solid construction and vertical supports, and the platform must -

- (i) extend from the common boundary to 200mm from the edge of the carriageway for the full length of the boundary;
- (ii) have a clear height above the footpath of not less than 2.1m;
- (iii) terminate not less than 200mm from the edge of the carriageway (clearance to be left to prevent impact from passing vehicles) with a continuous solid upstand projecting not less than 0.5m above the platform surface; and
- (iv) together with its supports, be designed for a uniformly distributed live load of not less than 7 kPa

The 'B' Class hoarding is to be lit by fluorescent lamps with anti-vandalism protection grids.

Any such hoarding, fence or awning is to be removed when the work has been completed.

The principal contractor or owner builder must pay all fees and rent associated with the application and occupation and use of the road (footway) for required hoarding or overhead protection.

67. Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

68. Consultation with Ausgrid is essential prior to commencement of work. Failure to notify Ausgrid may involve unnecessary expense in circumstances such as:
- i) where the point of connection and the meter board has been located in positions other than those selected by Ausgrid or
 - ii) where the erection of gates or fences has restricted access to metering equipment.

DURING DEMOLITION / EXCAVATION / CONSTRUCTION

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

69. A copy of the Construction Certificate and the approved plans and specifications must be kept on the site at all times and be available to Council officers upon request.
70. Hours of construction shall be confined to between 7 am and 6.30 pm Mondays to Fridays, inclusive, and between 8 am and 3.30 pm Saturdays with no work being carried out on Sundays and all public holidays.
71. For Class 2, 3 and 4 structures, the building works are to be inspected during construction, by the principal certifying authority (or other suitably qualified person on behalf of the principal certifying authority) to monitor compliance with Council's approval and the relevant standards of construction encompassing the following stages:
- i) after excavation for, and before the placement of, any footing, and
 - ii) prior to covering waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within a building, and
 - iii) prior to covering any stormwater drainage connections, and
 - iv) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.
- Documentary evidence of compliance with Council's approval and relevant standards of construction is to be obtained prior to proceeding to the subsequent stages of construction and copies of the documentary evidence are to be maintained by the principal certifying authority and be made available to Council officers upon request.
72. Upon inspection of each stage of construction, the Principal Certifying Authority (or other suitably qualified person on behalf of the Principal Certifying Authority) is also required to ensure that adequate provisions are made for the following measures (as applicable), to ensure compliance with the terms of Council's approval:
- Sediment control measures
 - Provision of perimeter fences or hoardings for public safety and restricted access to building sites.
 - Maintenance of the public place free from unauthorised materials, waste containers or other obstructions.
73. Demolition operations shall not be conducted on the roadway or public footway or any other locations, which could lead to the discharge of materials into the stormwater drainage system.

74. All waste generated on site shall be disposed of in accordance with the submitted Waste Management Plan.
75. All excavation and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards and guarded and protected to prevent them from being dangerous to life or property. When excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building or an adjoining allotment of land, you shall:
- i) preserve and protect the building from damage and
 - ii) underpin and support the building in an approved manner, if necessary and
 - iii) give notice of intention to excavate below the level of the base of the footings of a building on an adjoining allotment of land to the owner at least 7 days prior to excavation and furnish particulars of the excavation to the owner of the building being erected or demolished.
- Note:** The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
- In this conditions **allotment of land** includes a public road and any other public place. Works shall not encroach onto or over adjoining properties, including retaining walls, fill material or other similar works. Soil shall not be lost from adjoining sites due to construction techniques employed on the subject site.
76. When soil conditions require it:
- i) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil shall be provided, and
 - ii) adequate provision shall be made for drainage.
77. All contractors shall comply with the following during all stages of demolition and construction:
- A Waste Container on Public Road Reserve Permit must be obtained prior to the placement of any waste container or skip bin in the road reserve (i.e. road or footpath or nature strip). Where a waste container or skip bin is placed in the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
 - A Road Opening Permit must be obtained prior to any excavation in the road reserve (i.e. road or footpath or nature strip). Where excavation is carried out on the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
 - A Hoarding Permit must be obtained prior to the erection of any hoarding (Class A or Class B) in the road reserve (i.e. road or footpath or nature strip). Where a hoarding is erected in the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.

- A Crane Permit must be obtained from Council prior to the operation of any activity involving the swinging or hoisting of goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway. Permits can be obtained from Council's Customer Service Centre.
 - A Permit to Dewater or Pump Out a site must be obtained prior to the discharge of pumped water into the road reserve, which includes Council stormwater pits and the kerb and gutter. Permits can be obtained from Council's Customer Service Centre.
78. All demolition work shall be carried out in accordance with AS2601 – 2001: The Demolition of Structures and with the requirements of the WorkCover Authority of NSW.
79. The following conditions are necessary to ensure minimal impacts during construction:
- i. Building, demolition and construction works not to cause stormwater pollution and being carried out in accordance with Section 2.8 of Council's Stormwater Pollution Control Code 1993. Pollutants such as concrete slurry, clay and soil shall not be washed from vehicles onto roadways, footways or into the stormwater system. Drains, gutters, roadways and access ways shall be maintained free of sediment. Where required, gutters and roadways shall be swept regularly to maintain them free from sediment.
 - ii. Stormwater from roof areas shall be linked via a temporary downpipe to an approved stormwater disposal system immediately after completion of the roof area.
 - iii. All disturbed areas shall be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls.
 - iv. Building and demolition operations such as brickcutting, washing tools or paint brushes, and mixing mortar shall not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
 - v. Stockpiles are not permitted to be stored on Council property (including nature strip) unless prior approval has been granted. In addition stockpiles of topsoil, sand, aggregate, soil or other material shall be stored clear of any drainage line or easement, natural watercourse, kerb or road surface.
 - vi. Wind blown dust from stockpile and construction activities shall be minimised by one or more of the following methods:
 - a) spraying water in dry windy weather
 - b) cover stockpiles
 - c) fabric fences
 - vii. Access to the site shall be restricted to no more than two 3m driveways. Council's footpath shall be protected at all times. Within the site, provision of a minimum of 100mm coarse crushed rock is to be provided for a minimum length of 2 metres to remove mud from the tyres of construction vehicles.

An all weather drive system or a vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be installed prior to commencement of any site works or activities, to prevent mud and dirt leaving the site and being deposited on the street. Vehicular access is to be controlled so as to prevent

tracking of sediment onto adjoining roadways, particularly during wet weather or when the site is muddy. Where any sediment is deposited on roadways it is to be removed by means other than washing and disposed of appropriately.

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

- viii. Any noise generated during construction of the development shall not exceed limits specified in any relevant noise management policy prepared pursuant to the Protection of the Environment Operations Act, 1997 or exceed approved noise limits for the site.
80. Council's warning sign for soil and water management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign must be displayed throughout construction. A copy of the sign is available from Council.

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE OR COMMENCEMENT OF USE

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

- 81. An Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of the building.
- 82. Where Council's park/reserve is damaged as a result of building work or vehicular building traffic, this area shall be restored by Council at the applicant's expense. Repairs shall be completed prior to the issue of the Occupation Certificate.
- 83. All excess excavated material, demolition material, vegetative matter and builder's rubbish shall be removed to the Waste Disposal Depot or the Regional Tip prior to final inspection.
Note: Burning on site is prohibited.
- 84. A by-law shall be registered and maintained for the life of the development, which requires that :
 - (a) balconies are not to be used as clothes drying areas, storage of household goods and air-conditioning units that would be visible from the public domain;
 - (b) an owner of a lot must ensure that all floor space within the lot complies with the acoustic conditions for floors specified in this consent;
 - (c) Notwithstanding subclause (b), in the event that a floor covering in the lot is removed, the newly installed floor covering shall have a weighted standardized impact sound pressure level not greater than L'nT,w 45 measured in accordance with AS ISO 140.7 and AS ISO 717.2. A test report from a qualified acoustic engineer employed by a firm eligible to membership of the Association of Australian Acoustical Consultants shall be submitted to the Owners Corporation within 14 days of the installation of the new floor covering demonstrating compliance with that standard. In the event that the standard is not complied

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with, the floor covering shall be removed and replaced with a floor covering that conforms to that standard in accordance with any directions given by the Owners Corporation.

Proof of registration of the By Law shall be submitted to Council prior to the issue of the Occupation Certificate.

85. Ground level surfaces are to be treated with anti-graffiti coating to minimise the potential of defacement. In addition, any graffiti evident on the exterior facades and visible from a public place shall be removed forthwith.
86. Lot 2 of DP 543414 and Lot 1 of DP 544870 are to be consolidated into one allotment. A copy of the plan of consolidation must be provided to the Principal Certifying Authority prior to release of the Strata Certificate.
87. All landscape works are to be carried out in accordance with the approved landscape plans. The landscaping is to be maintained to the approved standard at all times.
88. All works within the road reserve, which are subject to approval pursuant to Section 138 of the Roads Act 1993, shall be completed and accepted by council.
89. The underground placement of all low voltage street mains in that section of the street/s adjacent to the development, and associated services and the installation of underground supplied street lighting columns, shall be carried out at the applicant's expense. The works shall be completed and Ausgrid's requirements shall be met prior to issue of the Occupation Certificate.
90. The vehicular entry in Clelland Lane to be clearly marked and signposted "entry" or "no entry" from the street and "exit" or "no exit" internally.

Vehicles shall enter and exit the site in a forward direction at all times. A plaque with minimum dimensions 300mm x 200mm shall be permanently fixed to the inside skin of the front fence, or where there is no front fence a prominent place approved by the Principal Certifying Authority, stating the following: "Vehicle shall enter and exit the site in a forward direction at all times".

Prior to completion of the building works, a full width vehicular entry is to be constructed to service the property. Any obsolete vehicular entries are to be removed and reconstructed with kerb and gutter. This work may be done using either a Council quote or a private contractor. There are specific requirements for approval of private contractors.

The gate for the basement shall be located in order to permit the queuing of two (2) vehicles when waiting to enter the basement garage. The control mechanism for the gate shall be arranged such that access to the basement garage for registered proprietors of the commercial units, and their visitors, does not require security clearance or assisted entrance between the hours of 7:30am to 6:00pm Monday to Saturday and 7:30am to 1:00pm on Sunday. Where the hours of operation of the commercial units are approved outside of these hours, the access arrangements shall match the approved hours of operation.

Two bollards shall be installed by the Developer on shared zone between the disable car space in basement 1 and 2.

Bollards are to be constructed from steel pipe minimum 100mm diameter, domed at the top and filled with concrete. They are to be installed a minimum of 900mm into the ground and are to be 1100 mm out of the ground, painted white, with reflectors

attached. Future maintenance will be the responsibility of the owner and/or occupier.

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

91. A positive covenant pursuant to the Conveyancing Act 1919 shall be created on the title of the lots that contain the on site loading bay (minimum of 3.50m X 7.00m) for the maintenance of the loading facility.

A positive covenant pursuant to the Conveyancing Act 1919 shall be created on the title of the lots that contain the stormwater detention facility to provide for the maintenance of the detention facility.

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

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

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

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development.

93. Prior to occupation, a registered surveyor shall certify that the driveway(s) over the footpath and within the property have been constructed in accordance with the approved driveway profile(s). The certification shall be based on a survey of the completed works. A copy of the certificate and a works-as-executed driveway profile shall be provided to Council if Council is not the Principal Certifying Authority.

94. A.
- Testing and evaluation of the wall insulation system and floor system is to be carried out at post construction stage by a suitably qualified acoustical engineer to confirm compliance with acoustic conditions within this consent. A report is to be submitted to the PCA and Council, prior to the issue of the Occupation Certificate.
- B.
- Prior to any field acoustic compliance testing of the walls and floors in accordance with this condition, a report shall be provided to the testing engineer/ organisation certifying that the walls and floors have been constructed in accordance with the details submitted with the Construction Certificate/s. Any variations to CC approved documentation shall be approved by the Principal Certifying authority and identified in the report.
- C.
- Field testing and evaluation of the wall and floor insulation systems is to be carried out at a post construction stage by a suitably qualified acoustic engineer with MIE Australia membership or employed by a consulting firm eligible for AAC membership to demonstrate compliance with relevant conditions of consent.
- D.
- A report demonstrating compliance with this condition is to be submitted to the Principal Certifying authority for approval prior to the issue of any Occupation

Certificate for each of the building stages. The report is to include details of the walls and floors separating apartments. A copy of the report must be provided to Council if Council is not the Principal Certifying Authority.

95. The traffic and plant noise reduction measures specified in the noise report prepared by Acoustic Solutions Pty Ltd dated 16 June 2014 shall be validated by a Certificate of Compliance prepared by the acoustic consultant and submitted to the Principal Certifying Authority (PCA) prior to the issue of an Occupation Certificate. If Council is not the PCA, a copy shall be submitted to Council concurrently.
96. A certificate is to be provided to Council that all wet areas have been effectively waterproofed (prior to tiling) in accordance with AS3740 and the product manufacturer's recommendations.
97. A Landscape Architect shall provide a report to the certifying authority (with a copy provided to Council, if Council is not the principal certifying authority) stating that the landscape works have been carried out in accordance with the approved plans and documentation.
98. Prior to occupation, a chartered professional engineer shall certify that the tanking and waterproofing has been constructed in accordance with the approved design and specification. A copy shall be provided to Council if council is not the Principal Certifying Authority.
99. Prior to occupation a Chartered Professional Engineer shall certify that the stormwater system has been constructed in accordance with the approved plans and as required by Rockdale Technical Specification Stormwater Management. The certificate shall be in the form specified in Rockdale Technical Specification Stormwater Management and include an evaluation of the completed drainage works. A works-as-executed drainage plan shall be prepared by a registered surveyor based on a survey of the completed works. A copy of the certificate and works-as-executed plan(s) shall be supplied to the Principal Certifying Authority. A copy shall be provided to Council if Council is not the Principal Certifying Authority.
100. The pump system, including all associated electrical and control systems, shall be tested and inspected by a suitably qualified and experienced person. Records of testing shall be retained and provided to the certifying hydraulic engineer and/or PCA upon request.
101. The drainage system shall be constructed in accordance with the approved drainage plans and any amendments in red. All stormwater drainage plumbing work shall comply with the NSW Code of Practice: Plumbing and Drainage and Australian Standard AS3500.

Drainage grates shall be provided at the boundary. Width of the drainage grates shall be in accordance with Rockdale Technical Specification Stormwater Management.

A silt/litter arrestor pit as detailed in Rockdale Technical Specification Stormwater Management shall be provided prior to discharge of stormwater from the site.
102. Signs shall be displayed adjacent to all stormwater drains on the premises, clearly indicating "Clean water only - No waste".
103. The owner of the premises is required to comply with the following requirements when installing a rainwater tank:

- Inform Sydney Water that a Rainwater tank has been installed in accordance with applicable requirements of Sydney Water.
- The overflow from the rainwater tank shall be directed to the storm water system.
- All plumbing work proposed for the installation and reuse of rainwater shall comply with the NSW Code of Practice: Plumbing and Drainage and be installed in accordance with Sydney Water "Guidelines for rainwater tanks on residential properties.
- A first flush device shall be installed to reduce the amount of dust, bird faeces, leaves and other matter entering the rainwater tank.

INTEGRATED DEVELOPMENT/EXTERNAL AUTHORITIES

The following conditions have been imposed in accordance with Section 91A of the Environmental Planning and Assessment Act, 1979.

SYDNEY AIRPORTS CORPORATION LIMITED

104. Sydney Airport Corporation Limited (SACL) has approved the maximum height of the proposed building at 45.72 metres relative to Australian Height Datum (AHD). This height is inclusive of all vents, chimneys, aerials, TV antennae and construction cranes etc. No permanent or temporary structure is to exceed this height without further approval from Sydney Airport Corporation Limited.

Note: Under Section 186 of the Airports Act 1996, it is an offence not to give information to the Airport Operator that is relevant to a proposed "controlled activity" and is punishable by a fine of up to 50 penalty units.

For further information on Height Restrictions please contact SACL on 9667 9246.

105. ROADS AND MARITIME SERVICE

- a) A Road Occupancy Licence should be obtained from Transport management Centre for any works that may impact on traffic flows on Rocky Point Road during construction activities.
- b) Detailed design plans and hydraulic calculations of any changes to Rocky Point Road stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works.

Details should be forwarded to:
The Sydney Asset Management
Roads and Maritime Services
PO Box 973
PARRAMATTA CBD 2124

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime's approval is issued. With regard to the Civil Works requirement please contact the Project Engineer, External Works Ph: 8849 2114.

- c) The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Directions GTD2012/001.

The developer is to submit all documentation at least six (6) weeks prior to

commencement of construction and is to meet the full cost of the assessment by Roads and Maritime.

The report and any enquiries should be forwarded to:
Project Engineer, External Works
Sydney Asset Management
Roads and Maritime Services
PO Box 973
PARRAMATTA CBD 2124

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

- d) All works associated with the development shall be at no cost to Roads and Maritime.

ROADS ACT

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

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

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

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

107. Where applicable, the following works will be required to be undertaken in the road reserve at the applicant's expense:
- i) construction of a concrete footpath along the frontage of the development site;
 - ii) construction of a new fully constructed concrete vehicular entrance/s;
 - iii) removal of the existing concrete vehicular entrance/s, and/or kerb laybacks which will no longer be required;
 - iv) reconstruction of selected areas of the existing concrete Footpath/vehicular entrances and/or kerb and gutter;
 - v) construction of paving between the boundary and the kerb;
 - vi) removal of redundant paving;
 - vii) construction of kerb and gutter.
108. All footpath, or road and drainage modification and/or improvement works to be undertaken in the road reserve shall be undertaken by Council, or by a Private

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Licensed Contractor subject to the submission and approval of a Private Contractor Permit, together with payment of all inspection fees. An estimate of the cost to have these works constructed by Council may be obtained by contacting Council. The cost of conducting these works will be deducted from the Footpath Reserve Restoration Deposit, or if this is insufficient the balance of the cost will be due for payment to Council upon completion of the work.

109. All driveway, footpath, or road and drainage modification and/or improvement works to be undertaken in the road reserve shall be undertaken in accordance with Council's Subdivision and Civil Works Construction Specification (AUS-SPEC 1). Amendment to the works specification shall only apply where approved by Council. Where a conflict exists between design documentation or design notes and AUS-SPEC 1, the provisions of AUS-SPEC 1 shall apply unless otherwise approved by Council.
110. This Roads Act approval does not eradicate the need for the Contractor to obtain a Road Opening Permit prior to undertaking excavation in the road or footpath.
111. The following details shall be submitted to Council for assessment and approval pursuant to *Section 138 of the Roads Act 1993*, if awnings/structure proposed over Rocky Point Road Reserve:
 - i) Detailed design plans and specifications, including structural details; and
 - ii) Design certificate.

The structure shall be designed by a Chartered Professional Engineer (Structural).

Note: The structures are to be a minimum height of 4.6 metres above the footpath level. Drainage from the structure shall be connected to the stormwater system for the development.

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

112. Any driveway works to be undertaken in the footpath reserve by a private contractor requires an "Application for Consideration by a Private Contractor" to be submitted to Council together with payment of the application fee. Works within the footpath reserve must not start until the application has been approved by Council.
113. Following completion of concrete works in the footpath reserve area, the balance of the area between the fence and the kerb over the full frontage of the proposed development shall be turfed with either buffalo or couch (**not kikuyu**) or landscaped. If landscaping is proposed rather than turfing, details shall be submitted to the Property and Community Services Department for approval.

DEVELOPMENT CONSENT ADVICE

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

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets, please contact Dial before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required

to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before You Dig service in advance of any construction or planning activities.

c. *Telstra Advice - Telecommunications Act 1997 (Commonwealth)*

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Commonwealth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800810443.

- d. If Council is appointed as the Principal Certifying Authority (PCA), a fee shall be paid before a Construction Certificate is issued. If the fee is paid after the end of the financial year, it will be adjusted in accordance with Council's adopted fees and charges. The fees charged encompass **all** matters related to ensuring that the proposed development is carried out in accordance with the approved plans and any post inspection issues that may arise.
- e. Where Council is **not** engaged as the Principal Certifying Authority for the issue of the Subdivision Certificate (Strata), and the Section 88B Instrument contains easements and/or covenants to which Council is a Prescribed Authority, the Council must be provided with all relevant supporting information (such as works-as-executed drainage plans and certification) prior to Council endorsing the Instrument.
- f. All asbestos fibre demolition material and asbestos dust shall be handled, stored and removed in accordance with the relevant legislation and guidelines including:
- Work Health and Safety Act 2011
 - Work Health and Safety Regulation 2011
 - Code of Practice for the Safe Removal of Asbestos [NOHSC: 2002 (2005)]
 - Code of Practice for the Management and Control of Asbestos in Workplaces [NOHSC: 2018 (2005)]
 - Protection of the Environment Operations (Waste) Regulation 2005
- All work procedures shall be devised to minimise the release of dust and fibres. A checklist of safety precautions when working with asbestos is available in Health & Safety Guidelines prepared by the WorkCover Authority of NSW. Collection, storage and transportation is subject to the Protection of the Environment Operations (Waste) Regulation 2005.
- g. The water from the rainwater tank should not be used for drinking, Sydney Water shall be advised of the installation of the rainwater tank.
- h. If the development is **not** subject to BASIX, a mandatory rainwater tank may be required. Rainwater tank requirements for development **not** subject to BASIX are specified in Council's DCP 78.

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- i. In the event of any inconsistency between conditions of this approval and the drawings/documents referred to in condition 2, the conditions of this approval prevail.

ADDITIONAL INFORMATION

- To confirm the date upon which this consent becomes effective, refer to Section 83 of the Environmental Planning and Assessment Act, 1979. Generally the consent becomes effective from the determination date shown on the front of this notice. However if unsure applicants should rely on their own enquiries.
- To confirm the likelihood of consent lapsing, refer to Section 95 of the Act. Generally consent lapses if the development is not commenced within five years of the date of approval. However if a lesser period is stated in the conditions of consent, the lesser period applies. If unsure applicants should rely on their own enquiries.
- Section 82A allows Council to reconsider your proposal. Should you wish to have the matter reconsidered you should make an application under that section with the appropriate fee.
- Under Section 97 of the Act applicants who are dissatisfied with the outcome of a consent authority have a right of appeal to the Land and Environment Court. This right must be exercised within six (6) months from the date of this notice. The Court's Office is situated at Level 1, 225 Macquarie Street, Sydney (Telephone 9228 8388), and the appropriate form of appeal is available from the Clerk of your Local Court.

Should you have any queries please contact Fiona Prodromou on 9562 1672.



Luis Melim
Manager – Development Services