

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 9 October 2018 at 6.00 pm**

ON-SITE INSPECTIONS

On-site inspection/s will precede the meeting.

AGENDA

1 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

2 APOLOGIES

3 DISCLOSURES OF INTEREST

4 MINUTES OF PREVIOUS MEETINGS

4.1	Minutes of the Bayside Local Planning Panel Meeting - 11 September 2018	3
4.2	Minutes of the Bayside Local Planning Panel Meeting - 25 September 2018	17

5 REPORTS – PLANNING PROPOSALS

Nil

6 REPORTS – DEVELOPMENT APPLICATIONS

6.1	DA-2015/272 - 369E Bexley Road, Bexley	26
6.2	SF18/1972 - DA-2018/1068 - 11/30-32 Stephen Road, Botany	149
6.3	SF18/1978 - DA-2018/1078 - 20/30 Stephen Road, Botany.....	191
6.4	DA-2018/93 - 178 Frederick Street, Rockdale.....	233
6.5	DA-2015/289/C - 533-537 Princes Highway, Rockdale.....	292
6.6	SF18/2111 - DA-2017/1224/02 - 130-150 Bunnerong Road, Pagewood	432

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

9/10/2018

Item No	4.1
Subject	Minutes of the Bayside Local Planning Panel Meeting - 11 September 2018
Report by	Michael McCabe, Director City Futures
File	SC17/817

Recommendation

That the Minutes of the Bayside Local Planning Panel meeting held on 11 September 2018 be confirmed as a true record of proceedings.

Present

Jan Murrell, Chairperson
Robert Montgomery, Independent Specialist Member
Stephen Moore, Independent Specialist Member
Amber O'Connell, Community Representative

Also Present

Luis Melim, Manager Development Services
Bruce Cooke, Acting Manager Governance & Risk
Fiona Prodromou, Senior Development Assessment Planner
Andrew Ison, Senior Development Assessment Planner
Pascal Van de Walle, Senior Development Assessment Planner
Sumeet Badhesha, Development Assessment Planner
Helen Lai, Development Assessment Planner
Ben Tesoriero, Consultant Planner – CPS Planning
Bill Nikolovski, IT Support Officer
Lauren Thomas, Governance Officer

1 Acknowledgement of Traditional Owners

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

2 Apologies

There were no apologies received.

3 Disclosures of Interest

There were no disclosures of interest.

4 Minutes of Previous Meetings

4.1 Minutes of the Bayside Local Planning Panel Meeting - 28 August 2018

Decision

That the Minutes of the Bayside Local Planning Panel meeting held on 28 August 2018 be confirmed as a true record of proceedings.

5 Reports – Planning Proposals

Nil.

6 Reports – Development Applications

6.1 DA-2017/558 - DA-2017/558 - 24 Oswell Street, Rockdale

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

The following people spoke:

- Mrs Phoebe Scali, concerned resident, spoke for the officer's recommendation of refusal.
- Mr Jim Manwaring, affected neighbour, spoke for the officer's recommendation of refusal.
- Mr John Tseneke, affected neighbour, spoke for the officer's recommendation of refusal.
- Mr Darren Laybutt from Gat and Associates, spoke against the officer's recommendation of refusal and responded to the Panel's questions.

Panel Determination

- A. That Development Application DA-2017/558 for the demolition of existing structures and construction of a two storey detached dual occupancy including roof top terraces, basement level parking, front side fences and Torrens Title Subdivision from one lot into two lots, is **REFUSED** pursuant to Section 4.16(1)(b) of the *Environmental Planning and Assessment Act 1979* for the following reasons:
1. Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the proposed development does not satisfy the following requirements of *Rockdale Local Environmental Plan 2011*:

- a) Clause 2.3 Zone objectives and Land Use Table – the proposed development is not consistent with the objectives for the R2 Low Density Residential Zone in which the development is proposed to be carried out.
- b) Clause 4.1 Minimum subdivision lot size – the site area does not achieve the minimum subdivision lot size for dual occupancy development.
- c) Clause 4.4 Floor space ratio – the floor space ratio of the proposed development exceeds the maximum floor space ratio shown for the land on the Floor Space Ratio Map.
- d) Clause 4.6 – The applicant's written request to justify the contravention of clause 4.1 of the *Rockdale Local Environmental Plan 2011* has been considered, however the consent authority is not satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3) of clause 4.6.

Further, the consent authority is not satisfied that the proposed development will be in the public interest because it is inconsistent with the objectives of clause 4.1 and also the objectives of the R2 Low Density Residential Zone in which the development is proposed to be carried out.

As such, pursuant to clause 4.6(4) of the *Rockdale Local Environmental Plan 2011*, development consent must not be granted for the development.

- e) Clause 4.6 – The applicant has not provided a written request that seeks to justify the contravention of the development standard under clause 4.4 of the *Rockdale Local Environmental Plan 2011*. Pursuant to clause 4.6(3) of the *Rockdale Local Environmental Plan 2011* development consent must not be granted for the development.
2. The proposed development is unsatisfactory, pursuant to the provisions of Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*, as it does not comply with the following objectives and provisions of *Rockdale Development Control Plan 2011*:
- a) Part 4.1.1 Views and Vistas – Due to the topography of the local area, the proposal is in a prominent location. With the removal of street trees, site vegetation and a non-compliant floor space ratio, the design does not appropriately respond to the prominence of the site.
 - b) Part 4.1.7 Tree Preservation – The proposed development will result in the removal of two (2) street trees on the Holland Avenue frontage, and a large tree within the front setback to Oswell Street. The design of the proposed development has not adequately ensured the retention of significant trees.
 - c) Part 4.1.9 Lot size and Minimum Site Frontage – With a site area of 694.5sqm, the site fails to achieve compliance with the minimum 700sqm site area control for dual occupancy development.

- d) Part 4.2 Streetscape – Streetscape character – The use of a flat roof design in a local area characterised by pitched roofs fails to ensure a cohesive streetscape.
 - e) Part 4.2 Sandstone Walling, Rock Outcrops and Kerbing – the proposal includes excavation of a sandstone wall/rock outcrop on Holland Avenue where alternative access could be obtained via Oswald Street where the current vehicle access to the site is located.
 - f) Part 4.3.2 Private Open Space – The large roof top terraces on both dwellings give rise to unreasonable overlooking opportunities to adjoining property, and also impacts on acoustic amenity. The private open space area for Dwelling 1 will not receive adequate solar access at ground level, and the dwelling only achieves compliance overall by virtue of the oversized roof top terraces – see Part 4.4.2 Solar Access.
 - g) Part 5.1 Building Design – The proposed design and architectural style of the development fails to appropriately interpret and respond to the positive characteristics of the locality, including the dominant patterns, textures and compositions of buildings.
3. Having regard to the proposed development's non-compliances with the above-mentioned development standards of the *Rockdale Local Environmental Plan 2011*, as well as the development controls under the *Rockdale Development Control Plan 2011*, pursuant to the provisions of Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*, the proposed development will have an unacceptable impact on the natural and built environment.
 4. Pursuant to the provisions of Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*, the proposed development is not suitable for the site.
 5. Having regard to the reasons noted above, pursuant to the provisions of Section 4.15(1)(d) and Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, approval of the development application is not in the public interest.

B. That the objectors be advised of the decision of the Panel.

Name	For	Against
Jan Murrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Robert Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Stephen Moore	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Amber O'Connell	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reason for the Panel's Determination:

- On behalf of the applicant a request was made to defer determination of this matter however, the panel was not persuaded that a deferral could overcome the shortcomings of the application before it and address the community concerns as articulated at the meeting. As such, the applicant was advised that they have the opportunity to amend the plans with a Section 8.2 Review.
- The Panel considered the matter should be refused for the reasons in the officer's report and, in summary, the panel considers the proposal would be an inappropriate intrusion into this local area.

6.2 F18/404 - DA-2016/1155/3 - 671-683 Gardeners Road, Mascot

The following person spoke:

- Walter Gordon from Meriton spoke for the officer's recommendation and responded to the Panel's questions.

Panel Determination

That the Section 4.55(1A) application for the Modification of conditions 54 and 58 and deletion of condition 59 of DA-2017/1155 IS APPROVED subject to the following:

- (a) Amend Condition 54 for the landscaping to be completed to the public domain following the completion of the footpath by West Connex. These landscape works are to be completed in accordance with the approved landscape plan prior to the issue of the final occupation certificate.
- (b) Amend Condition 58 to change the timing of the lodgement of Certificate of Survey to prior to the issue of the final Occupation Certificate.
- (c) Retain the wording of Condition 59 as per the original development consent issued under DA-2017/1155, as the public domain works carried out for West Connex along Gardeners Road and Kent Road relate to the footpath only.

Name	For	Against
Jan Murrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Robert Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Stephen Moore	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Amber O'Connell	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reason for the Panel's Determination:

- The Panel considers that the modifications are minor and will not impact on the final outcome for landscaping works.

6.3 F18/404 - DA-2016/117/5 - 671-683 Gardeners Road, Mascot

The following person spoke:

Walter Gordon from Meriton spoke for the officer's recommendation and responded to the Panel's questions.

Panel Determination

That the Section 4.55(1A) application for the modification of Conditions 38, 83, 85, 86, 87, 88, 90, 93, 96, 97 and 101, and deletion of Condition 95 at 671-683 Gardeners Road, Mascot is APPROVED.

Name	For	Against
Jan Murrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Robert Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Stephen Moore	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Amber O'Connell	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reason for the Panel's Determination:

- The Panel is satisfied that the proposed modifications will not be an impact on the development.

6.4 SF18/1595 - DA-2017/1085 - 49 George Street, Eastlakes

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

The following people spoke:

- Mr Handojo Widjaja, affected neighbour, spoke against the officer's recommendation.
- Mr Roy Gutierrez, affected neighbour, spoke against the officer's recommendation.
- Ms Winnie Ho, affected neighbour, spoke against the officer's recommendation.
- Mr Tymur Chaskckyu, affected neighbour, spoke against the officer's recommendation.

- Moe Hijazi from Space 0.618:1 Design spoke for the officer's recommendation and responded to the Panel's questions.

Panel Determination

- 1 That Development Application DA-2017/1085 for the demolition of existing structures and construction of 2 x two storey semi-detached dwellings with basement parking at 49 George Street Eastlakes, is granted DEFERRED COMMENCEMENT CONSENT requiring the approval of the General Manager or nominee for amended plans to give effect to the following:
 - The driveway is to be re-designed to a central single driveway, a maximum 3 metres at the kerb and boundary. The landscape plan is to be amended accordingly to provide additional soft landscaping area and canopy trees both on the property and the Council verge.
 - The rear fourth bedrooms at the upper level are to be set back an additional 1 metre from the side boundaries.
 - The alfresco area outside walls are to be deleted and replaced with lightweight privacy screens a maximum of 3 metres in depth.
 - The landscape plan is to also provide for rear boundary plantings to provide intervening vegetation for the properties at the rear.
 - The fill on the western side pathway area is to be removed to provide for a better relationship with the property to the west and a dividing fence provided.
 - The materials, finishes and colours shall be reviewed to mitigate adverse impacts on adjoining properties and the streetscape particularly with regard to reflectivity and glare.
 - A right of way for the shared driveway is to be put in place prior to any occupation certificate.

On the submission of amended plans, both landscape and architectural, to satisfy the above requirements and being approved by Council, the operational conditions as recommended become effective.

- 2 That the Panel is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3) of Botany Bay Local Environmental Plan 2013 and that the proposed development is in the public interest as it is consistent with the objective of the FSR Standard and the objectives for the R2 Low Density Residential zone.
- 3 That any objectors be notified of the determination made by the Bayside Local Planning Panel.

Name	For	Against
Jan Murrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Robert Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Stephen Moore	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Amber O'Connell	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reason for the Panel's Determination:

- The Panel is of the opinion that, with the changes enumerated above, the development will provide an appropriate fit in the streetscape more consistent with the low density zone by also providing landscaping, trees that is reflective of a low density area.
- The Panel is satisfied that the conditions regarding window treatment, the requirement for enhanced landscaping, and the raising of sill heights to 1.5 metres will mitigate against the privacy concerns of neighbours. Especially having regard to the use of the rooms as bedrooms upstairs at the rear. In an urban/suburban situation, a certain degree of mutual overlooking is to be expected. With respect to the western living room window, given the relationship with the adjoining dwelling and the separation distance, the sill height is to be raised to 1.7 metres.
- The Panel is of the view that the changes proposed in the deferred commencement conditions will reduce the bulk of the building, particularly at the rear and will further reduce impacts to neighbouring properties.

6.5 DA-2017/224/B - DA-2017/224/B - 206 Rocky Point, Kogarah; 152-200 Rocky Point Road, Kogarah

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

The following people spoke:

- Ben Craig of Ethos Urban spoke for the officer's recommendation and responded to the Panel's questions.

Panel Determination

That Modification Application No. DA-2017/224/B, being a Section 4.55(1A) application to amend Development Consent No. DA-2017/224, for modification of Condition 19(a)(ii) to permit conversion of six (6) x three (3) bedroom units to two (2) bedroom units instead of one (1) bedroom units at 152-200 & 206 Rocky Point Road, Rockdale, is APPROVED pursuant to Section 4.55(1A) of the Environmental Planning and Assessment Act 1979 and subject to the modifications of conditions of consent attached to this report.

Name	For	Against
Jan Murrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Robert Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Stephen Moore ☒ ☐

Amber O'Connell ☒ ☐

Reason for the Panel's Determination:

- The Panel is satisfied that the modifications will not adversely impact on the outcome of the development.

6.6 DA-2016/296/C - DA-2016/296/C - 7-13 Willis Street, Wolli Creek

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

The following person spoke:

- Mr Joseph El Khowaja, Architect - Urban Link, spoke for the officer's recommendation and responded to the Panel's questions.

Panel Determination

That Modification Application No. DA-2016/296/C, being a Section 4.55(1A) application to amend Development Consent Number DA-2016/296 at 7-13 Willis Street, Wolli Creek, is APPROVED and the consent be amended in the following manner:

That conditions 2, 14, 30, 99, 111 be amended as follows:

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

Plan/Dwg No.	Drawn by	Dated	Received by Council
DA1000 (Issue D) – Areas / Compliance	Urban Link Architecture	26/09/16	26/09/16
DA2000 (Issue D) - Site Plan	Urban Link Architecture	26/09/16	26/09/16
DA2001 (Issue D) – Site Analysis Plan	Urban Link Architecture	24/02/16	26/02/16
DA2100 (Issue D) – Basement 02	Urban Link Architecture	26/09/16	26/09/16
DA2101 (Issue D) – Basement 01	Urban Link Architecture	26/09/16	26/09/16
DA2102 (Issue G) – Ground Floor	Urban Link Architecture	13/08/2018	13/08/2018
DA2103 (Issue F) – Level 01	Urban Link Architecture	23/5/17	10/7/17
DA2104 (Issue F) – Level 02	Urban Link Architecture	23/5/17	10/7/17

DA2105 (Issue F) – Level 03	Urban Link Architecture	23/5/17	10/7/17
DA2106 (Issue F) – Level 04	Urban Link Architecture	23/5/17	10/7/17
DA2107 (Issue F) – Level 05	Urban Link Architecture	23/5/17	10/7/17
DA2108 (Issue F) – Level 06	Urban Link Architecture	23/5/17	10/7/17
DA2109 (Issue F) – Level 07	Urban Link Architecture	23/5/17	10/7/17
DA2110 (Issue F) – Level 08	Urban Link Architecture	23/5/17	10/7/17
DA2111 (Issue D) – Roof Plan	Urban Link Architecture	26/09/16	26/09/16
DA3000 (Issue F) – North Elevation	Urban Link Architecture	23/5/17	10/7/17
DA3001 (Issue D) – North Internal Elevation	Urban Link Architecture	26/09/16	26/09/16
DA3002 (Issue D) – East Elevation	Urban Link Architecture	26/09/16	26/09/16
DA3003 (Issue F) – South Elevation	Urban Link Architecture	23/5/17	10/7/17
DA3004 (Issue D) – South Internal Elevation	Urban Link Architecture	26/09/16	26/09/16
DA3005 (Issue D) – West Elevation	Urban Link Architecture	26/09/16	26/09/16
DA3006 (Issue D) – Streetscapes	Urban Link Architecture	26/09/16	26/09/16
DA3100 (Issue F) – Sections North-South	Urban Link Architecture	23/5/17	10/7/17
DA3101 (Issue D) – Sections North-South	Urban Link Architecture	26/09/16	26/09/16
DA3102 (Issue D) – Sections East-West	Urban Link Architecture	26/09/16	26/09/16
DA3103 (Issue D) – Ramp Detail Section	Urban Link Architecture	26/09/16	26/09/16
DA3104 (Issue D) – Driveway Detail Section	Urban Link Architecture	26/09/16	26/09/16
DA5000 (Issue F) - Materials	Urban Link Architecture	23/5/17	10/7/17

[Amendment A - S96(1A) amended on 08/12/2017]

[Amendment C - 4.55(1A) amended on 11/09/2018]

14. Loading & Unloading (e.g. Removalist Vans / Trucks):

Loading and unloading shall be restricted as follows:

- (a) *Loading and unloading within the site shall be restricted to commercial vehicles not exceeding the size and mass description of Low Clearance Truck, maximum 3.1m height. Commercial vehicles greater in size and*

mass than the Low Clearance Truck SRV are not permitted to enter the site.

- (b) All loading, unloading and transfer of goods to and from the loading bay and premises, including removalist vans, shall take place wholly within the property.*
- (c) Loading areas are to be used only for the loading and unloading of goods, materials etc. not for any other purpose.*

[Amendment C - 4.55(1A) amended on 11/09/2018]

30. *Internal Height Clearance - Parking & Access*

- (a) Internal height clearance shall be designed throughout the car park and access driveway in accordance with AS2890.1 and AS2890.6.*
- (b) An amended Driveway Detail Section must be submitted to, and approved by, the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate demonstrating that an internal height clearance of 3.1m has been achieved within the ground floor ramp and manoeuvring areas for the Low Clearance Truck.*

[Amendment C - 4.55(1A) amended on 11/09/2018]

99. *Seventy-four (74) off-street car spaces, one (1) loading bay for a Low Clearance Truck, maximum 3.1m height and one (1) VAN service bay shared within a visitor parking shall be provided in accordance with the submitted plan and shall be sealed and line marked to Council's satisfaction prior to issue of the Occupation Certificate. The pavement of all car parking spaces, manoeuvring areas and internal driveways shall comply with Australian Standard AS3727 – Guide to Residential Pavements.*

[Amendment C - 4.55(1A) amended on 11/09/2018]

111. *Positive covenants pursuant to the Conveyancing Act 1919 shall be created on the title of the lots that contain the stormwater/rainwater tank facility to provide for the maintenance of the detention and treatment facility and waste removal by a private waste contractor for ongoing compliance.*

[Amendment C - 4.55(1A) amended on 11/09/2018]

The following additional condition 10A shall be inserted:

10A. *Waste & Recycling Collection / Removalist Drop-off's & Pick-ups - Operational Requirements*

- a) Waste & recycling collection and servicing, including removalist trucks, must be carried out entirely within the approved loading bay at all times.*
- b) Waste & recycling collection, deliveries, removalists and/or any other servicing must not, at any time, be undertaken from the Willis Street and Guess Avenue or elsewhere within the site.*

- c) *Waste and recycling shall be collected by a private waste contractor. A contract for waste and recycling collection must be entered into prior to issue of the Occupation Certificate. The company engaged must ensure that all recycling is collected separately from waste.*
- d) *Waste & recycling collection must be undertaken during off-peak times.*
- e) *The maximum size truck permitted to access the site is a Low Clearance Truck, maximum 3.1m height.*
- f) *The loading bay must be allocated as 'common property' on any future strata plan of subdivision under the Strata (Freehold) Schemes Act.*

[Amendment C - 4.55(1A) amended on 11/09/2018]

Reason for additional condition 10A is:

- *To ensure appropriate on going waste management by a private contractor on site.*

Name	For	Against
Jan Murrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Robert Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Stephen Moore	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Amber O'Connell	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reason for the Panel's Determination:

- The Panel is satisfied that the modifications are reasonable and should be approved.

6.7 SF18/1668 - DA-2013/197/4 - 40-54 Baxter Road, Mascot

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

The following people spoke:

- Ben Craig, Director of Ethos Urban, spoke for the officer's recommendation and responded to the Panel's questions.

Panel Determination

That the Section 4.55(1A) application for amendments to the approved hotel development, relating to modifications of the façade, increase in the height,

internal modifications and relocation of the pick-up / drop-off zone on Baxter Road at 40-54 Baxter Road, Mascot is APPROVED subject to the following:

- (a) Modify Condition 1 relating to approved plans except for the reference to the landscape plan should be 31 May 2018. The reference to the BCA Assessment Report should read 23 March 2018.
- (b) Modify Condition 7 relating to signage.

Name	For	Against
Jan Murrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Robert Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Stephen Moore	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Amber O'Connell	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reason for the Panel's Determination:

- The Panel is satisfied that the modifications are acceptable and will not have any adverse impact.

6.8 SF18/1844 - DA-2017/1185 - 256 Coward Street, Mascot

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

The following person spoke:

- Mr Nick Krikis, Krikis Tayler Architects, spoke for the officer's recommendation and responded to the Panel's questions.

Panel Determination

- 1 That the Bayside Local Planning Panel supports the variation to clause 4.4 relating to Floor Space Ratio in the Botany Bay Local Environmental Plan 2013 in accordance with the request under clause 4.6 submitted by the applicant.
- 2 That Development Application No. DA-2017/1185 for the reconfiguration of the approved Building A to provide 17 additional units is APPROVED subject to recommended conditions of consent and the following changes: Condition 6(a) and 7 with the note "unless already paid under DA-2014/146" (as modified); changes to the Plan numbers referred to in condition 2 as bolded in the table below and changes to condition 3 as bolded below.

Drawing / Document	Author	Received by Council
A111 C / Level 9	Krikis Tayler	20/06/18
A112 C / Level 10	Krikis Tayler	20/06/18
A112-01 C / Level 11	Krikis Tayler	20/06/18
A112-02 C / Level 12	Krikis Tayler	20/06/18
A113 C / Level 13	Krikis Tayler	20/06/18
A120 B / Elevations 1	Krikis Tayler	20/06/18
A124 B / Section	Krikis Tayler	20/06/18

Condition 3 is to read as follows:

*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 the relevant BASIX Certificate (**539890M-10**) for the development are fulfilled.*

Name	For	Against
Jan Murrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Robert Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Stephen Moore	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Amber O'Connell	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reason for the Panel's Determination:

- The Panel is satisfied that the development application to provide an additional 17 units for the building approved under DA-2014/146 will not create adverse environmental impact.

The Chairperson closed the meeting at 8:25 pm.

Jan Murrell
Chairperson

Bayside Local Planning Panel

9/10/2018

Item No	4.2
Subject	Minutes of the Bayside Local Planning Panel Meeting - 25 September 2018
Report by	Michael McCabe, Director City Futures
File	SC17/817

Recommendation

That the Minutes of the Bayside Local Planning Panel meeting held on 25 September 2018 be confirmed as a true record of proceedings.

Present

Jan Murrell, Chairperson
Marcia Doheny, Specialist Member
Ross Bonthorne, Specialist Member
Patrick Ryan, Community Representative

Also Present

Luis Melim, Manager Development Services
Fausto Sut, Manager Governance & Risk
Ben Latta, Coordinator Development Assessment
Patrick Nash, Senior Development Assessment Planner
Fiona Prodromou, Senior Development Assessment Planner
Andrew Ison, Senior Development Assessment Planner
Julia Hunt, Development Assessment Planner
Ian Vong, IT Support Officer
Lauren Thomas, Governance Officer

The Chairperson opened the meeting in at 6:08 pm.

1 Acknowledgement of Traditional Owners

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

2 Apologies

There were no apologies received.

3 Disclosures of Interest

Patrick Ryan declared a significant non-pecuniary interest in Item 6.4 – 41 O'Neill Street, Brighton Le Sands, being that the property is currently leased to the organisation that Mr Ryan works for and he stated that he would leave the meeting room during consideration and voting of the matter. The Chair agreed he should not participate in deliberations or discussion of this matter.

4 Minutes of Previous Meetings

4.1 Minutes of the Bayside Local Planning Panel Meeting - 11 September 2018

Decision

That the Minutes of the Bayside Local Planning Panel meeting held on 11 September 2018 be deferred to the next meeting of the Bayside Local Planning Panel as there was only one member present who was present at the previous meeting.

5 Reports – Planning Proposals

There were no planning proposals.

6 Reports – Development Applications

6.1 SF18/1583 - DA-2018/1084 - 57 Middlemiss Street, Mascot

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

The following person spoke:

- Mr Dirk Anderson, applicant and architect, spoke for the officer's recommendation and responded to the Panel's questions.

Panel Determination

- 1 The Bayside Local Planning Panel supports the variation to the FSR standard, as contained in Clause 4.4 – FSR of Botany Bay LEP 2013, in accordance with the request under clause 4.6 of BBLEP 2013 submitted by the applicant.
- 2 The Development Application No. DA-2018/1084 for the demolition of existing structures, Torrens title subdivision into three lots and construction of 3 x 2 storey attached dwellings at 57 Middlemiss Street, Mascot is APPROVED pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 and subject to the conditions of consent attached to this report with the exception of the removal of condition 26(a).
- 3 That the objector be notified of the Panel's determination.

Name	For	Against
Jan Murrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marcia Doheny	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ross Bonthorne	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Patrick Ryan	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reason for the Panel's Determination

- The panel considers the proposed development will make a positive contribution to the changing streetscape and the proposal is well designed with appropriate landscaping.

6.2 S82-2018/2 - S82-2018/2 - 111 Villiers Street, Rockdale

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

The following people spoke:

- Mr Rod Zoabi, architect, and Perry Savidis spoke against the officer's recommendation of refusal and responded to the Panel's questions.

Panel Determination

The Review of Determination No. S82-2018/2 for the demolition of the existing dwelling, construction of new dual occupancy with basement car parking, in ground swimming pool and torrens title subdivision at 111 Villiers Street, Rockdale, upholds the original determination to REFUSE the application pursuant to Section 4.16(1)(b) of the Environmental Planning and Assessment Act 1979 for the following reasons:

- 1 In accordance with Council's policy the applicant has not determined the precise location and width from the northern side boundary of the stormwater pipe and whether there is a need for an easement to be created in favour of the Council (at the applicant's expense). This is a fundamental issue and constraint that may have significant implications for the appropriate design and development potential for the subject site. Furthermore an overland flow path needs to be considered.
- 2 The proposed development, pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, is inconsistent with State Environmental Planning Policy - BASIX, as a valid BASIX certificate did not accompany the application.
- 3 Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not satisfy the objectives of the R3 - Medium Density Residential zone as per Rockdale Local Environmental Plan 2011, specifically *"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".

- 4 Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not satisfy Clause 4.1 (3B) - Minimum Subdivision Lot Size of Rockdale Local Environmental Plan 2011.
- 5 Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not satisfy Clause 4.4 - Floor Space Ratio of Rockdale Local Environmental Plan 2011.
- 6 Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not satisfy Clause 6.4 - Airspace Operations of Rockdale Local Environmental Plan 2011.
- 7 Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not satisfy Clause 6.6 - Flood Planning Land of Rockdale Local Environmental Plan 2011.
- 8 Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not satisfy Clause 6.7 - Stormwater of Rockdale Local Environmental Plan 2011.
- 9 Pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development does not satisfy the following requirements and objectives of Rockdale Development Control Plan 2011:
 - a Part 4.1.6 - Development on Sloping Sites
 - b Part 4.1.9 - Lot Size and Site Consolidation
 - c Part 4.2 - Streetscape and Site Context
 - d Part 4.4.2 - Solar Access - Low and medium density residential
 - e Part 4.4.3 - Natural Lighting and Ventilation - Residential
 - f Part 4.4.5 - Visual Privacy
 - g Part 5.1 - Low and Medium Density Residential
- 10 Pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development does not appropriately respond to the topography of the site, is excessive in terms of its bulk, scale and density and as a result adversely impacts upon the streetscape and amenity of the locality.
- 11 Pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development results in adverse overlooking and privacy impacts to surrounding residential properties.
- 12 Pursuant to the provisions of Section 4.15(1)(b) and Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, insufficient stormwater

information has been provided by the applicant in order to enable a thorough assessment of the potential stormwater impacts of the proposed development.

- 13 Pursuant to the provisions of Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the proposed development in its current form and design is not suitable for the subject site and the proposal would adversely impact upon the existing and future desired character of the locality.
- 14 Pursuant to the provisions of Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not in the public interest and is likely to set an undesirable precedent within the Local Government Area.
- 15 Pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development is unsatisfactory as it fails to demonstrate acceptable disposal of stormwater from the subject land.

Name	For	Against
Jan Murrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marcia Doheny	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ross Bonthorne	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Patrick Ryan	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reason for the Panel's Determination

- The panel is not satisfied the land is suitable for the development proposed and the variations from the development standards are not warranted in the circumstances of this case.

6.3 SF18/1954 - DA-2017/1060 - 213 King Street, Mascot

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

The following people spoke:

- Mr Sam Chrysosto, affected neighbour, spoke against the officer's recommendation.
- Mr Anthony Betros, consultant town planner from ABC Planning, spoke for the officer's recommendation and responded to the Panel's questions.

Panel Determination

- 1 The Bayside Local Planning Panel supports the variation to Clause 4.3 – Building Height of Botany Local Environmental Plan 2013 in accordance with the Clause 4.6 justification provided by the applicant.

- 2 The Development Application No. 2017/1060 for the demolition of the existing dwelling and construction of a residential flat building containing 12 units and basement parking at 213 King Street, Mascot, is APPROVED subject to the conditions attached to this report.
- 3 That the objectors be advised of the Bayside Local Planning Panel's decision.

Name	For	Against
Jan Murrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marcia Doheny	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ross Bonthorne	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Patrick Ryan	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reason for the Panel's Determination

- The Panel is satisfied the amended plans have addressed the Panel's previous concerns about adverse impacts and the development as shown in the amended plans respects the streetscape and minimizes adverse impacts on adjoining properties and now warrants approval.

6.4 DA-2018/32 - DA-2018/32 - 41 O'Neill Street, Brighton Le Sands

Patrick Ryan reiterated his interest in this item and left the meeting.

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

The following person spoke:

- Mr Ramez Guirguis, consultant planner, spoke for the officer's recommendation and responded to the Panel's questions.

Panel Determination

- 1 The Development Application No. DA-2018/32 for the proposed conversion of the existing dwelling to a five (5) room boarding house development at No. 41 O'Neil Street Brighton Le Sands, is APPROVED pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 and subject to the conditions of consent attached to this report together with further conditions to be imposed that give effect to the following:
 - Removal of the hard-stand area in the front setback area to be replaced with soft landscaping of appropriate vegetation and a canopy tree to be provided. A landscape plan is to be submitted and approved by Council's landscape architect prior to the construction certificate being issued.. This plan is to also include two appropriate street trees. A condition is to also be imposed for the maintenance of the landscaping for the life of the development.

- The driveway to O'Neill Street is to be removed and the kerb reinstated.
- The garage at the rear is to provide for two tandem spaces as well as a single space and this is to be shown in the plans prior to the construction certificate. (the tandem space is to be used for a small car only)
- The motor bike and bicycle storage is to be relocated to the rear off Sybil Lane.

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

Name	For	Against
Jan Murrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marcia Doheny	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ross Bonthorne	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Patrick Ryan	<input type="checkbox"/>	<input type="checkbox"/>

Reason for the Panel's Determination

- The Panel is satisfied the amended plans, subject to the above conditions, will provide appropriate amenity for the residents of the boarding house and it will sit comfortably in the streetscape in a landscaped setting.

Patrick Ryan returned to the meeting.

6.5 DA-2018/21 - DA-2018/21 - 41 Farr Street, Banksia

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

The following person spoke:

- George Andonoski, planner from GNA planning, spoke for the officer's recommendation and responded to the Panel's questions.

Panel Determination

- 1 The Bayside Planning Panel supports the variation to clause 4.1(2) in accordance with the Clause 4.6 written request provided by the applicant.
- 2 the Development Application No.DA-2018/21 for the demolition of the existing structures and subdivision of the existing lot into 2 Torrens title lots at 41 Farr Street, Banksia is APPROVED pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979 and subject to the conditions of consent attached to this report.
- 3 That the objector be advised of the Bayside Local Planning Panel's decision.

Name	For	Against
Jan Murrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marcia Doheny	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ross Bonthorne	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Patrick Ryan	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reason for the Panel's Determination

- The Panel considers the subdivision will facilitate two dwellings of a form consistent with the subdivision of the small lots in the street.

By way of comment, the Panel recommends to the Council that it considers the dwellings in Farr Street within the small lot subdivision and their unique form be considered as a conservation area in Council's comprehensive review of the LEP.

6.6 F18/404 - DA-2016/117/6 - 671-683 Gardeners Road, Mascot

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

The following person spoke:

- Walter Gordon, from Meriton, spoke for the officer's recommendation and responded to the Panel's questions.

Panel Determination

The Section 4.55(1A) application for the Deletion of Conditions 102, 104(c) and 107 is APPROVED subject to the following:

- Delete Conditions 104(c) and 107 as the child care centre was removed as part of DA-2017/1155.
- Retain the wording of Conditions 102 as per the original development consent issued under Development Application consent, based on advice from the Roads and Maritime Services.

Name	For	Against
Jan Murrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marcia Doheny	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ross Bonthorne	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Patrick Ryan	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reason for the Panel's Determination

- The panel considers the modification is consistent with changes already approved.

The Chairperson closed the meeting at 7:45 pm.

Jan Murrell
Chairperson

Bayside Local Planning Panel

9/10/2018

Item No	6.1
Application Type	Development Application
Application No	DA-2015/272
Lodgement Date	30/01/2015
Property	369E Bexley Road, Bexley
Ward	Bexley
Owner	Bayside Council
Applicant	Golden Goal Pty Ltd
Proposal	Change of use of two (2) of the four (4) existing tennis courts to two (2) mini football fields/multi-purpose sports fields (including field lighting), conversion of one (1) tennis court to car parking to provide a total of 38 off-street parking spaces, convert existing brick structure to kiosk/office and signage to heritage item (former quarry). The remaining tennis court will be used as a sitting / waiting area.
No. of Submissions	The latest notification attracted six (6) submissions raising objections to the development. In addition a petition containing eleven (11) signatures against the proposal was also submitted.
Cost of Development	\$400,000.00
Report by	Michael McCabe, Director City Futures

Officer Recommendation

- 1 That the Development Application No.DA-2015/272 for the proposed change of use of two (2) of the four (4) existing tennis courts to two (2) mini football fields/multi-purpose sports fields (including field lighting), conversion of one (1) tennis court to car parking to provide a total of 38 off-street parking spaces, convert existing brick structure to kiosk/office to heritage item (former quarry) at 369E Bexley Road, Bexley be APPROVED subject to the conditions attached to this report.
 - 2 That the objectors be advised of the Bayside Local Planning Panel's decision.
-

Location Plan



Attachments

- 1 Supplementary Assessment Report - Bexley Tennis Courts [↓](#)
- 2 Plan of Management [↓](#)
- 3 Draft Notice of Determination - 369 E Bexley Road Bexley [↓](#)
- 4 Original Assessment Report [↓](#)
- 5 Site Plan - 369E Bexley Rd Bexley [↓](#)
- 6 Fields Plan [↓](#)

BAYSIDE COUNCIL

Planning Assessment Report

Application Details

Application Number:	DA-2015/272
Date of Receipt:	30 January 2015
Property:	369 E Bexley Road BEXLEY NSW 2207
Owner:	Bayside Council
Applicant:	Golden Goal Pty Ltd
Proposal:	Change of use of two (2) of the four (4) existing tennis courts to two (2) mini football fields/multi-purpose sports fields (including field lighting), conversion of one (1) tennis court to car parking to provide a total of 38 off-street parking spaces, convert existing brick structure to kiosk/office to heritage item (former quarry) - the remaining tennis court will be used as a sitting / waiting area.
Recommendation:	Approval, subject to recommended conditions of consent which include a trial period for the proposal.
No. of Submissions:	The latest notification attracted six (6) submissions raising objections to the development. In addition a petition containing eleven (11) signatures against the proposal was also submitted.
Author:	Ben Tesoriero – Creative Planning Solutions Pty Limited
Coordinator	Marta M. Gonzalez-Valdes – Coordinator Major Assessments
Date of Report:	20 August 2018

Background

This report has been prepared to enable the Bayside Planning Panel's (BPP) further consideration of a development application (DA) for the proposed development described above at 369E Bexley Road, Bexley.

The BPP at its meeting of 13 June 2017 resolved to defer consideration of this DA to allow for the applicant to prepare and submit within two months a Plan of Management (PoM) to address issues including:

- Operational management;
- Measures to mitigate noise impacts from the facility;
- Traffic egress and ingress from Bexley Road and traffic management;
- Parking of patrons;
- The operation from 7:00pm to 10:00pm; and
- Community consultation mechanism.

On 14 August 2017 the applicant submitted a PoM in response to the BPP's additional information request. However, upon review it was ascertained that the submitted PoM did not adequately satisfy all of the above provisions outlined by the BPP. In particular, the bulk of the submitted PoM was not a management plan at all, but rather a justification on why Council should support the proposal.

The above bullet-points on what the PoM must cover were reiterated to the applicant, along with an elaboration on what Council believed the BPP's expectations were on the PoM to be submitted. This included suggestions on the following:

- Capacity of the facility;
- Hours of operation for the facility;
- Staffing arrangements, including contact details of the centre manager for any complaints;
- Anticipated schedule of activities at the centre;
- Traffic and parking management plan, including management of the parking areas, safety measures relating to persons arriving by foot and the crossing of Bexley Road, and safety measures to be put in place for the entry and egress to Bexley Road;
- Noise management plan to ensure the facility does not become a source of 'offensive noise' impacting adversely on the acoustic amenity of neighbours. This should include commitments on how the facility intends on being a responsible and good neighbour to local residents, as well as opportunities for community liaison over noise complaints – i.e. maintenance of a complaints register etc.;
- Security measures policy that outlines the safety and security measures proposed to be put in place by management – i.e. arrival and departure procedures etc.;
- Emergency response plan for injuries or incidents occurring at the facility; and
- Waste minimisation and recycling plan.

On 11 October 2017, the applicant submitted their revised PoM to Council for the proposed recreation facility at the current Bexley Tennis Courts.

On 17 October 2017 the consultant town planner advised Council that two (2) issues had been identified with the applicant's revised PoM. These issues are outlined below:

1. **Hours of Operation** – The DA proposal seeks hours of operation from 8am to 10pm Monday to Saturdays and then 8am to 9pm on Sundays. The applicant's revised PoM incorrectly referred to an operational start time of 7am on Monday to Saturdays. While this could be readily dealt with by the existing condition of consent No. 12, which clearly specifies the 8am start, it was recommended that the revised PoM be updated so there is no discrepancy.
2. **No Right Turn Bexley Road** – The revised PoM makes an acknowledgement that the existing access to the facility is not without issue, specifically referring to the possibility

for right turn access from the southbound lanes into the facility from Bexley Road. On this point, the PoM suggests this access be removed via a 'No Right Turn' sign or extension of the solid median divider. The consultant planner's concern with this suggestion was that the issue was not raised in Council's referrals, and also such a suggestion would need to be subject to advice from Council's Traffic Committee and also the Road and Maritime Service (RMS) given Bexley Road is a classified road. As such, it was recommended that Council's traffic officers review the recommendations of the submitted PoM ahead of the DA being put up to the BPP for determination..

On 24 October 2017 the revised PoM was notified to adjoining land owners in accordance with the provisions of the *Rockdale Development Control Plan 2011* (DCP2011), with the notification period closing on 7 November 2017.

In response to the notification of the revised PoM, six (6) submissions were received raising objections to the development. In addition a petition containing eleven (11) signatures against the proposal by Golden Goal Pty Ltd was submitted.

The objections raised in the submissions are summarised below. A detailed response to each of the submissions is provided later in this report.

1. Noise Impact – Concerns have been raised over the increase in the number of people that will be utilising the site, the associated noise impacts from players, and ancillary noise from vehicles, spectators, etc. Also concern has been raised that the PoM suggests using of a PA on the site.
2. Operating Hours – The proposed operating times from 7pm to 10pm are excessive and will impact on the sleep of nearby residents. Additionally concern is raised that the courts will continue to be used beyond this time if games are scheduled right up until 10pm.

Anomalies between the proposed operating hours in the amended DA submission and that within the PoM have also been raised.
3. Light spill from the illumination of the courts impacting adjoining residents.
4. Fauna impacts associated with the proposed illumination of the courts.
5. Manoeuvrability within the car park, and also the security of the car park after hours.
6. Provision of disabled parking within the car park.
7. Concerns about consumption of alcohol at the site.

On 21 November 2017 Council referred the DA to the RMS seeking comment on the proposed development.

On 15 December 2017 the RMS responded to Council indicating that an application for concurrence was required under Section 138 of the *Roads Act 1993*. The RMS noted however that support for the proposal in its current form could not be provided, based on the following:

1. Road safety and traffic efficiency concerns with any right turn movements by vehicles accessing the development site from Bexley Road.

2. Regarding the PoM, although this was supported by the RMS, details of measures proposed to enforce the left-in and left-out arrangement needed to be included in the plans.
3. The plans should give consideration to the feasibility of the proposed median extensions fitting within the road corridor.
4. RMS required clarification of the proposed service vehicle access arrangements for the development.
5. Requirements for the driveway to comply with the relevant Australian Standards.
6. All structures are to be wholly within the subject site.

On 19 April 2018 a letter was prepared by consultants Barker Ryan Stewart (BRS) for the RMS behalf of the applicant. The BRS letter was in response to the issues raised by the RMS, providing arguments why the proposal should be supported in its current form.

Despite the BRS letter, on 14 May 2018 the RMS issued a letter to Council indicating the RMS was unable to provide concurrence for the following reasons:

1. Roads and Maritime reiterates the road safety and traffic efficiency concerns (expressed in its letter dated 15 December 2017) with any right turn movements by vehicles accessing or exiting the development site to/from Bexley Road.
2. The application gives rise to the question of how Clause 101(2a) of *State Environmental Planning Policy (Infrastructure) 2007* has been addressed. In accordance with Clause 101 of *State Environmental Planning Policy (Infrastructure) 2007*, vehicular access is to be obtained via the local road (Eddystone Road) where practicable.
3. Should access via Eddystone Road prove to be impracticable, details of the reasoning should be provided.
4. If access via Eddystone Road proves to be impracticable, the driveway should be widened and a triangular island installed with appropriate signage and line marking installed to deter right turn movements into and out of the property.

On 4 June 2018, a further letter was prepared by BRS on behalf of the applicant for submission to the RMS. The BRS letter provided a detailed response to each of the four (4) issues raised by RMS in their letter dated 14 May 2018 as to why they should provide concurrence in relation to the proposed development.

In their letter to Council dated 16 July 2018, the RMS provided concurrence under Section 138 of the *Roads Act 1993*, subject to the following conditions being included in any consent issued by Council:

1. 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 Bexley Road boundary.
2. Access to and egress from the property shall be by left turn movements only. A 'Left Turn Only' sign is to be installed at the exit of the site. A 'No Entry' sign is to be installed

facing southeast bound traffic to preclude the right turn into the site. Signage is to meet Australian Standards.

3. The flexible bollards proposed on plan number SYD180083-SP-A, Revision A, dated 12 April 2018 are to be replaced with enhanced lane dividers such as those provided by Klemmfix or another similar provider.
4. The proposed works along Bexley Road shall be designed to meet Roads and Maritime requirements, and endorsed by a suitably qualified practitioner. The design requirements shall be in accordance with AUSTROADS and other Australian Codes of Practice. The certified copies of the design plans shall be submitted to Roads and Maritime for consideration and approval prior to the release of the Construction Certificate by the Principal Certifying Authority and commencement of road works.
5. The developer may be required to enter into a Works Authorisation Deed (WAD) for the abovementioned works. Please note that the WAD will need to be executed prior to Roads and Maritime assessment of the detailed civil design plans. Roads and Maritime fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.
6. The proposed lighting within the development is to be installed such that it does not distract or dazzle drivers on Bexley Road.
7. 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 for approval prior to the issue of a Construction Certificate.
8. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Bexley Road during construction activities.
9. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Bexley Road.
10. All vehicles are to enter and exit the property in a forward direction.
11. All vehicles are to be contained on site before being required to stop.
12. All works and signposting associated with the subject development shall be at no cost to Roads and Maritime.

In their letter dated 16 July 2018, Roads and Maritime also provided the following comments for Council's consideration in the determination of the application:

1. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004, AS2890.6-2009 and AS 2890.2 – 2002 for heavy vehicle usage. Parking Restrictions may be required to maintain the required sight distances at the driveway.
2. Sight distances from the proposed vehicular crossings to vehicles on Bexley Road are to be in accordance with the Austroads Guide to Road Design: Part 4A: Unsignalised

and Signalised Intersections (Section 3 – Sight Distance) and AS 2890. Vegetation and proposed landscaping/fencing must not hinder sight lines to and from the vehicular crossings to motorists, pedestrians and cyclists.

3. Council should ensure that the proposed illumination levels of the proposed lighting are in accordance with relevant guidelines and standards.

In their letter dated 16 July 2018, Roads and Maritime also outlined that they are unable to assess the proposed signage based on the information provided and requests that further information be forwarded under a separate application. Details of the proposed signage should include the type, size, location and photomontage for each of the proposed signs. For the information of the applicant, the RMS provided the following criteria which would need to be met:

1. Signage shall not obstruct line of sight to traffic control signals, driveways or other critical road infrastructure.
2. Signage displays shall not contain/use:
 - a. Flashing lights.
 - b. Electronically changeable messages.
 - c. Animated display, moving parts or simulated movement.
 - d. Complex displays that hold a drivers attention beyond "glance appreciation".
 - e. Displays resembling traffic signs or signals by use of colour, shape or words that can be construed as giving instruction to traffic (i.e. by using words such as 'halt' or 'stop').
 - f. A method of illumination that distracts or dazzles.
3. Construction and maintenance activities shall be undertaken wholly within the private property of the site.
4. All works associated with the proposed signage, including maintenance activities, shall be at no cost to Roads and Maritime.
5. The sign and ancillary support structures shall be frangible (breakable). Should the sign and support structures be infrangible, they shall be located outside the road side clear zone of Bexley Road in accordance with Austroads Guide to Road Design (Part 6: Roadside Design, Safety and Barriers, Section 4.2.2), or behind a Roads and Maritime approved crash barrier.

On 18 July 2018 Council's Development Engineer provided a referral response which has taken into consideration the RMS's letter dated 16 July 2018, as well as matters associated with traffic management, stormwater/flood management, and parking and access.

Regarding stormwater, the Development Engineer's referral response indicates that no stormwater plan was submitted with the DA. In this regard, the Development Engineer has recommended a condition of consent regarding a stormwater plan be prepared in accordance with the Rockdale Technical Specifications for Stormwater Management prior to the construction certificate.

On the matter of access and parking, Council's Development Engineer has undertaken an assessment of the proposal, including reference to a similar sporting club at Strathfield, as well as a response to questions raised by the consultant planner assessing the satisfactoriness of the proposal back in 2016. Regarding access and parking, Council's

Development Engineer has recommended approval, subject to conditions of consent – including those provided by the RMS in their letter dated 16 July 2018.

On the matter of flooding, the Development Engineer has noted in their referral response that per Council's GIS record, the site is not flood affected.

Assessment of the Plan of Management

The PoM includes seven (7) associated attachments that outline a comprehensive plan of operations for the facility including traffic, noise, complaints handling, terms and conditions of use and emergency management.

The following is an assessment on how the submitted PoM has taken on board the feedback from the BPP and Council by providing a comment against each of the PoM items required by the BPP:

- **Operational management**

Comment: When read in its entirety, the PoM along with its attachments and appendices is considered to be a comprehensive submission on how the overall facility will be managed. The PoM covers facility objectives, operations, capacity, staffing arrangements, traffic and parking management, noise management procedures, emergency management plans, child safety procedures, along with waste minimisation and recycling plans.

- **Measures to mitigate noise impacts from the facility**

Comment: Attachment 2 of the submitted PoM includes the Noise Management Procedure. This read in conjunction with Attachment 3 - Terms & Conditions, Attachment 4 – Complaint Handling Procedure and Attachment 5 – Player / Spectator Code of Conduct provides a comprehensive response on how Golden Goal intends to mitigate noise impacts from the facility.

Within the PoM, the applicant outlines how these aforementioned attachments have all been endorsed by, and are consistent with the acoustic assessment undertaken for the DA by Koikas Acoustics Pty Ltd.

The Noise Management Procedure within Attachment 2 identifies noise generating activities of the facility, and includes environmental noise controls which include:

- Time limits on when the facility will operate, reflecting the approved hours of use, i.e. Monday to Saturday 7am – 10pm and Sunday 8am – 9pm

Note: The discrepancy between the proposed hours of operation in the PoM and the DA proposal is noted, and is to be dealt with by way of consent conditions as discussed earlier in this report.

- Noise controls which include establishing expected standards for behaviour at the facility, clear signage erected to remind people to minimise noise and respect neighbours, CCTV cameras to monitor patron behaviour and investigate breaches in the terms and conditions of the use of the facility.

- Designated areas, being the restriction of the use of the premises to the two (2) fields furthest away from the residences.
- Maintenance of natural noise barriers, such as trees and vegetation surrounding the facility.
- Acoustic planning, such as limitation of amplified or public address systems other than as required for emergencies, field construction and materials used to minimise noise, erecting acoustic or natural barriers if necessary etc.

Attachment 2 also provides details on dealing with feedback and complaints regarding noise, including a communication plan with the local community via letterbox drops, social media etc., maintenance of a complaints register, provision of contact details. Further details on this are provided within Attachment 4 Complaints Handling Procedure.

- ***Traffic egress and ingress from Bexley Road and traffic management***

Comment: Attachment 1 Traffic & Parking Plan covers access to the facility. The PoM makes an acknowledgement that the existing access to the facility is not without issue, specifically referring to the possibility for right turn access from the southbound lanes into the facility from Bexley Road. On this point, the PoM suggests this access be removed via a 'No Right Turn' sign or extension of the solid median divider. The PoM notes that a right turn lane for Kingsland Road is located just beyond this access point and provides a viable and safe alternative for vehicles to gain access to the side street for parking or to redirect to the entry driveway of the facility.

The matter of traffic egress/ingress from the facility has been the subject of consultation with the RMS and also Council's Development Engineer. As discussed earlier in this report, concurrence has now been issued to the proposed development from the RMS, subject to conditions. The proposal is also supported by Council's Development Engineer subject to conditions also.

The PoM indicates that all communication with prospective visitors to the facility will guide them via the northbound access point.

The PoM also indicates that the applicant will work with Council and the RMS to assist with a more permanent solution regarding the aforementioned right turn access point on Bexley Road.

The PoM notes that both sides of Bexley Road are designated 'No Parking/Stopping' zones so all patrons to the facility will need to access the facility by parking on site or in nearby streets. The PoM outlines that this will be communicated in Golden Goal's promotional materials and when guiding patrons to the facility.

The PoM also outlines that special attention will be taken with the visibility at the entry / exit point of the facility to ensure any proposed landscaping, fencing or signage for the facility will not obscure the visibility for vehicles, pedestrians or cyclists at any time.

Note: Regarding the above, it is noted these matters have largely been addressed via the ongoing consultation with the RMS in 2017/2018 which has led to the RMS granting concurrent subject to conditions of consent.

Regarding pedestrian access to the facility, the PoM indicates that a secured, dedicated pedestrian walkway / access area will be erected in the facility based on the recommendation of Safeway Traffic Management Solutions to ensure the safety of pedestrians moving between the clubhouse building to the fields through the parking area.

The PoM indicates that the current Bexley Road underpass will not be promoted as an access point by the facility in any way to ensure the security and protection of patrons at all times, and that clear direction signage will be erected to guide patrons to the secure pedestrian access area at all times.

- **Parking of patrons**

Comment: Attachment 1 Traffic & Parking Plan covers management of the parking area, which although currently includes 18 parking spaces, will be expanded to 38 parking spaces under the DA.

The PoM outlines that the scheduling of competition games and training programs will be staggered on each of the fields so that there is a steady flow of traffic in and out of the facility to avoid large volumes of traffic at any one time.

The PoM commits CCTV installation within the car parking area to allow the ongoing monitoring of vehicle and pedestrian activity and to ensure compliance with Golden Goal's terms and conditions.

Attachment 1 and Attachment 3 Terms and Conditions specifies that all children aged 16 and under are to be accompanied by an adult at all times to ensure the safety of younger children at all times.

The PoM also outlines how the parking area will have clear signage erected which will safely direct patrons to the pedestrian access area and communicate the required safety provisions.

- **The operation from 7:00pm to 10:00pm**

Comment: The submitted PoM comprehensively details how the facility will be managed throughout all times of the day, including the evening period from 7pm to 10pm. The PoM includes details on staff scheduling, including those additional staff that will be working during the evening period. The PoM indicates the maximum capacities of the facility throughout different times of the day to ensure the efficient operation of the site.

Attachment 2 'Noise Management Procedure' outlines that where possible games will be scheduled only on one (1) court, particularly during evening hours after 8pm.

Additionally, for larger events at the facility, the PoM indicates that Golden Goal will aim to schedule such events at acceptable times to minimise disruption to neighbours and aim to avoid late evening / early morning timeslots where possible.

Note: An anomaly was identified in the submitted PoM. Throughout, the PoM refers to the operating hours of the facility being Monday to Saturday 7am to 10pm and Sunday 8am to 9pm.

However, as detailed in the assessment report for the subject DA, on 9 December 2015 the applicant submitted revised plans, supporting reports, and a letter dated 30

November 2015 which changed the proposed operating hours to 8am to 10:00pm Monday to Saturday and 8am to 9pm Sundays.

Having regard to the above, there is a discrepancy between the proposed start time on Monday to Saturday of 7am in the PoM, and 8am in the DA.

It is noted that Condition 2 of the draft consent indicates that the development must be implemented substantially in accordance the list of approved plans/documents, except as may be mended by the conditions of consent.

Condition 12 indicates that the approved hours are from 8am to 10pm Mondays to Saturdays and 8am to 9pm on Sundays. Therefore despite the aforementioned error in the PoM, the effect of Condition 2 and Condition 12 is that the approved operating hours will commence no earlier than 8am.

- **Community consultation mechanism**

Comment: Attachment 4 Complaints Handling Policy covers in detail how Golden Goal intend to respond to issues raised by stakeholders, improve community confidence in Golden Goal's administration of the facility and improve the provision of services at the site.

Attachment 2 'Noise Management Procedure' and Section 2.4 of Attachment 4 outlines how mechanisms will be put in place to inform nearby residents on how to make complaints, while the balance of Attachment 4 addresses how such complaints will be managed, including early resolution, responsiveness, documentation, objectivity and fairness, being flexible, confidentiality, how to manage unreasonable conduct by people making complaints, as well as ongoing monitoring of issues. Attachment 4 also includes the complaint register in Appendix 1.

Response to submissions

On 24 October 2017 the revised PoM was notified to adjoining land owners in accordance with the provisions of the *Rockdale Development Control Plan 2011* (DCP2011), with the notification period closing on 7 November 2017.

In response to the notification of the revised PoM, six (6) submissions were received raising objections to the development. In addition a petition containing eleven (11) signatures against the proposal by Golden Goal Pty Ltd was submitted.

Each of the issues raised in the submissions is covered below, followed by a comment from the assessing planner:

1. **Noise Impact – Concerns have been raised over the increase in the number of people that will be utilising the site, the associated noise impacts from players, and ancillary noise from vehicles, spectators, etc. Also concern has been raised that the PoM suggests using of a PA on the site.**

Comment: Concerns in relation to the noise impact on residents as a result of the proposed development has been an ongoing concern raised throughout the assessment of the DA with the applicant.

This concern has necessitated the submission of an acoustic report by the applicant which recommended the original proposal for use of all four (4) sports courts be reduced to only two (2) courts located furthest away from the residents for a trial period. Then if the emissions are such that the noise criterion is breached, then the use of a single court would need to be considered.

Following the applicant's submission of this acoustic advice, revised plans were submitted reducing the number of multi-purpose sports courts from four (4) to two (2) courts.

In line with the applicant's acoustic consultant recommendation, a condition of consent has been included requiring a trial period for the use of two courts. The requirement for ongoing use of the two (2) courts would be subject to a Section 96 modification supported by an acoustic report demonstrating the operation of the two sports courts achieves the noise criterion.

As demonstrated within the applicant's acoustic report, the use of only one of the two sports courts is predicted to comply with the noise criterion.

Given the above, the concerns raised by the objectors are legitimate, and have been appropriately considered as part of the assessment of the proposed DA. Should the trial period identify the operation of the courts exceeds the noise criterion, the effect of the aforementioned condition will revert the use of the courts to one only, whereby the noise criterion has been predicted to comply.

To help ensure noise is appropriately managed on the site, and to help ensure the applicant maintains the ability to use both courts, additional noise mitigation conditions were recommended in the originally completed assessment report.

Acknowledging the objections raised in relation to the notification of the PoM, the previously drafted condition regarding no amplified music has been expanded to prohibit the use of a Public Address (PA) system also, except where necessary in an emergency.

These recommended conditions, as amended, are included below:

Amplified music/voice – No amplified music of any kind is to be played within the outdoor play areas. Similarly, no Public Address (PA) or voice amplifying systems are to be utilised at the premises other than as required for emergencies.

Sitting/Waiting Area – No practising, kicking of balls, or warm up activities are to take place on the court identified as the "sitting/waiting area" on the approved plans.

Maximum number of players – The maximum number of players in each multipurpose sports field is limited to 10.

Noise from users – Adequate signage is erected in the vehicles car parking area to encourage spectators and participants to leave the premises quickly and quietly after training/games to mitigate possible nuisance noise.

- 2. Operating Hours – The proposed operating times from 7pm to 10pm are excessive and will impact on the sleep of nearby residents. Additionally concern is raised that the courts will continue to be used beyond this time if games are scheduled right up until 10pm.**

Anomalies between the proposed operating hours in the amended DA submission and that within the PoM have also been raised.

Comment: As outlined within the originally prepared assessment report, the Bexley Tennis Courts are identified within the PoM for the Bardwell Valley Parklands as an active recreation area for various hard court games. The PoM for the parklands also acknowledges the change of use of the existing tennis courts to soccer uses. In this regard, it is well established that the existing and future use of the site is to be for multisports activities. The subject DA is therefore consistent with the desired future character for the area.

It is also important to consider that although the existing tennis courts are now closed, they have long been used for sporting activity, including sporting activities of an evening whereby the six (6) 20m high light poles had been used to illuminate the tennis courts.

The proposal can therefore be seen as an augmentation of an existing approved use, not the introduction of a new use to the site.

When considering hours of operation, reference is made to the NSW Government's Environmental Protection Authority publication titled Industrial Noise Policy (INP). This specifies different times of the day in terms of their sensitiveness to activities which may impact on sensitive receivers, such as residential accommodation.

These are defined as follows:

- Day: the period from 7:00 am to 6:00 pm Monday to Saturday; or 8:00 am to 6:00 pm on Sundays and public holidays;
- Evening: the period from 6:00 pm to 10:00 pm; and
- Night: the remaining periods.

Within the above, the day time period is taken to be the least sensitive, the even period more sensitive, and the night time period the most sensitive whereby noise impacts can affect the sleep hours of most people. These times of day somewhat coincide with the pre-curfew and curfew hours outlined within AS 4282 – *Control of the obtrusive effects of outdoor lighting*. For example, stricter light spill standards apply after 11pm than before 11pm.

The current DA proposal seeks the following operating hours:

- Monday to Saturday 8am to 10:00pm; and
- Sundays - 8am to 9pm

These proposed hours fall entirely outside of the sensitive night-time period identified within the INP, and also outside of the curfew hours specified within AS 4282.

In this regard, provided the proposed development is able to achieve compliance with AS 4282, and the noise criterion of background plus 5dBA, then it is reasonable to permit the proposed operating hours sought by the applicant under DA-2015/272.

To ensure the proposal does not operate outside of the approved hours the following condition is recommended:

Curfew switches - *Curfew switches are to be installed, along with manual off switches, to each tower set, to ensure that the sports field light use does not extend beyond the approved times of use as detailed in the condition below.*

The aforementioned condition also addresses the concerns of the objectors that the courts will continue to be used beyond their approved hours if games are scheduled right up until 10pm.

As covered earlier in this assessment report, the discrepancy between the proposed operating hours in the PoM and DA proposal has been identified, and is appropriately addressed by way of consent conditions 2 and 12.

3. Light spill from the illumination of the courts impacting adjoining residents.

Comment: As outlined in the originally prepared assessment report, concerns in relation to light spill were also shared by the consultant assessing officer as part of the assessment of the proposal. For this reason, the applicant was required to submit to Council a report from a suitably qualified lighting engineer demonstrating the proposal complies with AS 4282 – *Control of the obtrusive effects of outdoor lighting*.

The latest revision of the applicant's light spill report submitted by HHH Consulting, dated 3 June 2016 concludes the following:

The current design is certified to comply with AS4282 – 1997. Control of the Obtrusive Effects of Light.

Given the above, the light spill impacts associated with the proposed development are considered to be within acceptable limits as compliance with the Australian Standard is claimed to have been met.

To ensure the operational light poles are compliant with the relevant Australian Standard, and to ensure the obtrusive effects of the proposed lighting at the adjoining residential property boundaries are within acceptable limits, the following conditions of consent have been recommended:

Light Spill – *The light spill at the adjoining residential boundaries to comply with the requirements of AS 4282 – Control of the obtrusive effects of outdoor lighting.*

Light Spill Validation Report. *A validation report must be obtained from a suitably qualified and experienced lighting engineer/consultant three (3) months after the commencement in operation of the development under DA-2015/272. The report should demonstrate and certify that light spill impacts with the development satisfy AS 4282- 1997 Control of the obtrusive effects of outdoor lighting. The report is to be forwarded to and approved by Council. This report must address (but not limited to) the level of light spill on adjoining residential properties. Any recommendations outlined in the report are to be implemented in accordance with the report.*

4. Fauna impacts associated with the proposed illumination of the courts.

Comment: As part of the assessment of the subject DA, the proposal was referred to Council's Environmental Project Officer. In their referral response Council's Environmental Project Officer raised no particular objections to the proposal with regard to clause 6.8 of LEP2011, but made the following comments:

- Construction must be contained within the site and not encroach on the bushland;
- Trees must be retained and protected as part of the development, with no construction within the canopy drip line, and no storage of materials or vehicles under trees.
- Any landscaping must constitute 50% plant species identified in Appendix B of the *Bardwell Valley Section Plant List* of the *Rockdale Technical Specifications Landscape* document. Additionally landscaping must not include any plant species identified in *Appendix B Section J Unacceptable Species Plan List* of the *Rockdale Technical Specifications Landscape* document.

Regarding the illumination of the courts, it is noted that the existing tennis courts include six (6) x 20m high light poles. As such, the proposal does not intend to illuminate an area that does not already have the capacity to do so. The proposal will however include new light poles and luminaries that will be compliant with the relevant Australian Standards for light spill. As such, this is considered to be an improved outcome with regard to any potential impact on fauna as a result of the illumination of the courts.

5. Manoeuvrability within the car park, and also the security of the car park after hours.

Comment: As part of the assessment of the subject DA, the proposal was referred to Council's Development Engineer for review. In their referral response, Council's Development Engineer has granted support for the proposal, subject to conditions.

Furthermore, it is noted that the RMS's external referral response granting concurrence to the proposal has included conditions regarding manoeuvrability of the car park. In particular that:

- The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004, AS2890.6-2009 and AS 2890.2 – 2002 for heavy vehicle usage. Parking Restrictions may be required to maintain the required sight distances at the driveway.
- Sight distances from the proposed vehicular crossings to vehicles on Bexley Road are to be in accordance with the Austroads Guide to Road Design: Part 4A: Unsignalised and Signalised Intersections (Section 3 – Sight Distance) and AS 2890. Vegetation and proposed landscaping/fencing must not hinder sight lines to and from the vehicular crossings to motorists, pedestrians and cyclists.

Regarding security of the car park, it is noted that the PoM commits CCTV installation within the car parking area to allow the ongoing monitoring of vehicle and pedestrian activity and to ensure compliance with Golden Goal's terms and conditions.

6. Provision of disabled parking within the car park.

Comment: The proposed development will be required to comply with the relevant Australian Standards for off-street parking, being AS 2890.1- 2004, AS2890.6-2009 and AS 2890.2 – 2002 for heavy vehicle usage. Notably, AS2890.6-2009 sets the minimum requirements for accessible car parking spaces in Australia.

7. Concerns about consumption of alcohol at the site.

Comment: The sale of alcohol is not proposed as part of the development. Regarding any potential anti-social behaviour at the facility, it is again noted that the PoM commits to CCTV installation within the car parking area to allow the ongoing monitoring of vehicle and pedestrian activity and to ensure compliance with Golden Goal's terms and conditions.

Conclusion

The submitted PoM has been assessed with regard to not only the matters raised by the BPP, but also the additional comments provided by Council and the PoM's relative cohesiveness with the DA as proposed. Aside from a small discrepancy regarding the operating times of the facility, it is generally considered the PoM satisfactorily responds to the requirements of the BPP for the reasons outlined in this assessment report.

As such, it is the opinion of the consultant assessing officer that the DA-2015/272 be approved, subject to the recommended conditions of consent.



Plan of Management

Golden Goal Bexley

September 2017

Version 1.13

Golden Goal Plan of Management v1.13

Page | 1

Executive Summary

Golden Goal Pty Ltd will reinvigorate the currently dormant Bexley Tennis Courts into a purpose built, high quality small sided football facility that meets the needs of the local community and is in line with Bayside Council's priorities outlined in the 2017/18 Operational Plan. The facility will play a key role in the renewal of council assets to provide additional recreational facilities for the local community and sporting associations. This will encourage growth of active participation in physical activity and social interactions for the benefit of the local community.

This plan and supporting documents will outline the operational management of the facility and the strategies proposed to minimise the impact to the neighbouring properties and maximise the benefit to the residents of Bayside Council area. Golden Goal Pty Ltd will fully fund the capital investment required for the site redevelopment with no impact on council or government funding.

The revised DA proposal that has been lodged for the re-purposing of the Bexley Tennis Courts has reduced the proposal of usage from 4 mini football fields to 2 with an increase in parking capacity. This has been lodged as a direct result of responding to council and community concerns and is a major strategy to minimise the impact on the local area. Golden Goal Pty Ltd are fully committed in negotiating a mutually beneficial resolution and provide a positive contribution to the local community.

Background

The Bexley Tennis Courts have not been in active operation for many years and the current site at 369E Bexley Road, Bexley has been a dormant facility and an unused asset for Bayside Council which has been prone to vandalism, misuse of property and a squatting area for local homeless residents. Golden Goal has pro-actively worked with the council over the past several years in view to reinvigorate this valuable community asset.

Golden Goal Pty Ltd is a well-established company that has extensive experience in operating mini football operations for almost 10 years. Golden Goal is a boutique facility and one of only two major private consortiums that run successful facilities in NSW.

Golden Goal Pty Ltd has a number of facilities currently operating. Most notably the two field complex that is operating within the Strathfield Tennis Club has been a successful operation for almost 10 years. This facility is a two field operation situated in a highly dense residential area that has made a significant contribution to the local community in providing a venue for both recreational and competition purposes. It is also of great service to the local schools and sporting organisations.

Golden Goal Pty Ltd is providing Bayside Council a fantastic opportunity to reinvigorate the Bexley area and encourage the local community to connect socially by participating in recreational football and providing an outlet for the local community to connect. This facility will play a significant role in facilitating the opportunities for all members of the community to engage in physical exercise and contribute to overall health and wellbeing of its community constituents.

Facility Objectives

Golden Goal Pty Ltd aims to provide a high quality facility, programs, staff and equipment to fully meet the requirements of sporting enthusiasts and to secure the facilities long term financial viability.

The facility will be dedicated to the community it serves and will support and sponsor community events, and host them whenever possible. The aim is that through the use of the facility, the communities' enjoyment and appreciation for sport and fitness will thrive.

Golden Goal Pty Ltd is dedicated to provide a facility that will be utilised by a diverse group of community members to enable them to interact, socialise and participate in physical activity. The provision of such a service ensures that the community has an outlet in which to dedicate their time and energy which serves a positive contribution to society in general.

The success of this facility will further entrench Bayside Council's commitment and support for the provision of sporting facilities and the utilisation of existing, valuable council assets for the benefit of the local community.

Facility Operations

- Hours of Operation

The Bexley facility will operate 7 days a week. The proposed operating hours are:

Monday to Saturday: 7am – 10pm

Sunday: 8am – 9pm

Facility Usage Overview

The Bexley Golden Goal facility will be available for use by the local community, organised groups and casual hire on a booking basis. The facility operations will vary depending on the levels of bookings within any given time period.

It is not anticipated that the facility will run to maximum capacity at all times and may experience seasonal demand.

Peak operating periods may be during times when competition programs are operating. Highest demand for this is expected to be during the summer season (Oct – Jan) with smaller scale competitions running Feb – May and June – Sept. Similarly demand for casual court hire may increase during periods of high rainfall where local grounds may be closed and during periods where the weather is more conducive to playing soccer.

Training academies will be operated on a fixed term basis generally aligned to school terms.

The maximum capacity for the facility is indicated by the table below and provides an overview of the types of activities that may take place during given time periods. As stated above it is **not** anticipated that all of these activities will be operating to this capacity at all times rather this is an indicator of the availabilities and capacity that the facility could operate under.

Facility Maximum Capacity

Day(s)	Time(s)	# of sessions per court	Court 1	Maximum Capacity	Court 2	Maximum Capacity
Monday to Friday	7am – 9am	2	Casual Court hire for personal trainers, boot camps etc	10 -15 per session	Early morning training academy	15 – 20 per session
Monday to Friday	9am – 4pm	7	Casual Court Hire	10 – 15 per session	Pre School Programs	15 – 20 per session
			School / community group/corporate events	10 – 15 per session		
Monday to Friday	4pm – 8pm	4	Training Academies	15 – 20 per session	Junior Competition	15 – 20 per session
			Junior Competition	15 – 20 per session	Casual Court Hire	15 – 20 per session
Monday to Friday	6pm – 10pm	4	Casual Court Hire	15 – 20 per session	Casual Court Hire	15 – 20 per session
			Senior Competition	15 – 20 per session	Senior Competition	15 – 20 per session
Saturday	7am – 12pm	5	Training Academies	15 – 20 per session	Training Academies	15 – 20 per session
			Junior Competition	15 – 20 per session	Junior Competition	15 – 20 per session
Saturday	12pm – 10pm	10	Casual Court Hire	15 – 20 per session	Casual Court Hire	15 – 20 per session
			Senior Competition	15 – 20 per session	Senior Competition	15 – 20 per session
Sunday	8am – 12pm	4	Casual Court Hire	15 – 20 per session	Casual Court Hire	15 – 20 per session
			Senior Competition	15 – 20 per session	Senior Competition	15 – 20 per session
Sunday	12pm – 9pm	9	Casual Court Hire	15 – 20 per session	Casual Court Hire	15 – 20 per session

Staffing Arrangements

Role	Hours of employment	Key responsibilities
Centre Manager	Full Time – including rotating weekend / evening roster	<ul style="list-style-type: none"> • Overall centre operations responsibility • Staff management and rostering • Community liaison • Complaint handling • Overseeing: <ul style="list-style-type: none"> ○ centre bookings processes ○ kiosk operations ○ maintenance processes ○ competition and academy operations
Competitions Coordinator	Part Time – evenings and weekends when competitions operating	<ul style="list-style-type: none"> • Competition registrations and schedules • Supervision of competition operations • Staff arrangements – referees, support staff etc • All associated administration
Canteen Coordinator	Full time – including rotating weekend / evening roster	<ul style="list-style-type: none"> • Staffing requirements • Ordering & stock management of canteen • Supervision of canteen operations
General	Casual	<ul style="list-style-type: none"> • Customer service staff for bookings / canteen • Referees and support staff for competitions • Coaching Staff for academy operations

The recruitment of these positions will take place once a confirmed commencement of operations has been approved. The contact details for the facility and Centre Manager will be clearly communicated on the premises and all promotional and online resources.

Traffic & Parking Arrangements

Golden Goal is committed to ensuring the design and development of the facility will be undertaken to meet all necessary requirements to ensure the wellbeing and safety of all participants, visitors, staff, local residents and passing pedestrians to the facility. The attached Traffic and Parking arrangements plan outlines the strategic vision and considerations that Golden Goal will put in place during the development stage.

Golden Goal is working closely with Safeway Traffic Management Solutions to ensure all the design and development of the facility addresses the concerns raised by Bayside Council and local residents, meets all of the regulatory safety requirements, and complies with the appropriate Australian Standards.

Refer to the Attachment 1 - Traffic & Parking Plan for further details.

Noise Management Procedure

Refer to Attachment 2 - Noise Management Procedure, Attachment 3 - Terms & Conditions and Attachment 4 – Complaint Handling Procedure and Attachment 5 – Player / Spectator Code of Conduct which have all been endorsed and are consistent with the assessment undertaken by Koikas Acoustics Pty Ltd confirming that the proposed facility will meet the noise compliance requirements.

It should also be noted that Golden Goal currently operates a very similar facility within the Strathfield Sports Club with similar operating hours for their 2 fields. The location of this facility is opposite residential apartments with only 21m from the facility playing area to the resident unit windows on flat terrain so is in very close proximity. This facility has been operating for almost 10 years with no residential complaints or issues due to noise or traffic concerns. Golden Goal has proactively worked with the local council and stakeholders to manage any potential issues and are committed to doing the same with the Bexley facility.

Emergency Management Plan

Refer to Attachment 6 - Emergency Management Plan.

Child Safety Procedures

The facility terms and conditions outlines the requirements for the supervision of children whilst in attendance at the facility. All children under 16 are required to be supervised by an adult at all times. This will ensure that children are not being dropped off and left unsupervised and ensures that an appropriate adult is in attendance so that children are adhering to the facility terms of use.

Should there be a requirement for children to be left unsupervised at the facility eg. Training academy the parent or guardian will be required to 'sign in' and 'sign out' the child. This will ensure that appropriate supervision is provided for the minors and all participants can be accounted for in the event of an emergency.

Casual hire and competition programs will require the presence of an adult at all times.

All staff at the facility will be required to supply a Working with Children clearance as a condition of employment.

The proposed construction of the facility will include securing the perimeter of the site so that the area on the northern end of the facility near the current public underpass / toilets will be fenced off to secure the fields from unauthorised access/persons. This area will not be promoted for use by the facility in any way to ensure the security and protection of patrons at all times. The lighting upgrade for the facility will also ensure that the area is well lit at all times.

Waste Minimisation and Recycling Plan

The facility will ensure that waste is managed in an efficient and sustainable way.

An appropriate waste contractor will be engaged once operations commence to effectively dispose and recycle the waste that the facility will generate.

Waste collection by the appointed contractor will be arranged to take place on a day / time each week that is least disruptive to the local community and not during peak usage times to ensure noise limits are adhered to and safety of all stakeholders is maintained.

Type	Provision	Location	Removal
General Waste & Recycling	Separate bins will be provided to allow separation of general waste & recycling by patrons and staff. These will be clearly marked and coloured (eg. yellow – recyclables; blue - general	Bins will be located in a number of locations in the facility – near football fields, in the spectator viewing area and in the vicinity of the clubhouse and carpark. Signage will be erected reminding patrons to dispose of rubbish.	Bins will be emptied regularly and moved to the waste storage area.
Kiosk waste	Separate bins will be provided to allow separation of general waste & recycling. These will be clearly marked and coloured (eg. yellow – recyclables; blue - general	Bins will be located within kiosk area	Bins will be emptied regularly and moved to the waste storage area.
Disposal of Oil	Oil will be collected in secure waste containers.	Will be located within kiosk area / waste storage area	Containers to be disposed of in safe and sustainable way.
Disposal of chemicals	Chemical cleaners / waste will be collected in secure waste containers.	Will be located within kiosk area / waste storage area	Containers to be disposed of in safe and sustainable way.



Attachment 1

Traffic & Parking Plan

Golden Goal Bexley

September 2017

Version 1.5

Traffic & Parking Arrangements

Golden Goal is committed to ensuring that all participants, visitors, staff, local residents and passing pedestrians have a safe, positive and enjoyable experience with the operation of this facility in the local area.

During the design and development phase of the facility Golden Goal will work with Safeway Traffic Management Solutions to ensure that all aspects in relation to the traffic management and parking access at the facility will meet all necessary safety, regulatory requirements and comply with the Australian Standards as required.

The strategic vision for Golden Goal's traffic & parking arrangements focuses on a few key areas:

1. Access to facility

The main entrance for the Bexley facility is from the north bound direction on Bexley Road heading towards Kingsgrove.

Whilst there currently appears to be a right turn access from the south bound lanes into the facility this is not the preferred option for Golden Goal. It will be the recommendation of Golden Goal that this access be removed via a "No Right Turn" sign or extension of the solid median divider. A right turn lane for Kingsland Road is located just beyond this access point and provides a viable and safe alternative for vehicles to gain access to the side street for parking or to redirect to the entry driveway of the facility.

The focus of all Golden Goal communication with prospective visitors to guide them to the facility via the north bound access point either as a direct route or via Kingsland Road. No communication, maps or access information will encourage visitors to turn right directly into the facility from Bexley Road.

Golden Goal will work proactively with Bayside Council and Roads & Maritime Services as required to provide a permanent solution to the right turn access point on Bexley Road.

2. Parking Area

The current site has capacity for 18 car spots. The DA proposal includes the conversion of one of the current tennis courts for additional parking which will increase the capacity to 38 off street parking spaces, which will include disabled access. This will significantly increase the parking capacity of the facility reducing the impact on the local neighbourhood.

The scheduling of competition games and training programs will be staggered on each of the fields so that there is a steady flow of traffic in and out of the facility to avoid large volumes of traffic at any one time.

A complete assessment and design of the parking area will be undertaken by the traffic consultant to ensure that all aspects of the parking provision including (but not limited to) signage, speed limits, line markings, disabled access, installation of bollards, safety mirrors etc meet all necessary requirements. During the facility development and construction phase the driveway, parking entry/exit points and parking area will ensure that allowances for two way traffic access is maintained at all points and a full swept path assessment will be undertaken to allow for the safe movement of vehicles in and out of the facility.

The parking area will have a CCTV installation to allow the ongoing monitoring of vehicle and pedestrian activity in this area to ensure compliance to Golden Goal's terms and conditions are upheld at all times.

During the assessment phase by the traffic management consultant investigation will be undertaken to determine whether there is an opportunity for a designated pick up / drop area for patrons 16 years and over. As per the term & conditions of the facility all children aged 16 and under are to be accompanied by an adult at all times to ensure the safety of younger children at all times.

The parking area will have clear signage erected which will safely direct patrons to the pedestrian access area and communicate the required safety provisions.

3. Entry and Egress to Bexley Road

Entry and Exit to the car park area will be a clearly marked 2 lane access. Golden Goal will work with the necessary stakeholders to implement a left turn only at the exit point of the carpark so that all cars leaving the facility must veer left to enter Bexley Road and will not be permitted to turn right to maximise safety for all pedestrians and vehicles in the vicinity of the facility.

Both sides of Bexley Road are designated 'No Parking/Stopping' zones so all patrons to the facility will need to access the facility by parking on site or in nearby streets. This will be clearly communicated in Golden Goal's promotional materials and when guiding patrons to the facility.

In line with the traffic management assessment special attention will be taken with the visibility at the entry / exit point of the facility to ensure any proposed landscaping, fencing or signage for the facility will not obscure the visibility for vehicles, pedestrians or cyclists at any time. Any additional safety equipment such as bollards, safety mirrors or additional signage will be installed as per the recommendations by the consultant or Bayside Council.

4. Pedestrian Safety and Access

A secured, dedicated pedestrian walkway / access area will be erected in the facility based on the recommendation of Safeway Traffic Management Solutions to ensure the safety of pedestrians moving between the clubhouse to the fields through the parking area. This pedestrian access area will also provide maximum safety for patrons arriving by foot to ensure they have the safest entry point to the facility and not be required to walk through the parking area. Appropriate fencing, barriers and signage will be installed to meet all required safety standards and to also ensure the safety of all pedestrians that are walking past the facility particularly in the vicinity of the main driveway / carpark.

As outlined in the plan of management the perimeter of the site will be secured so that the area on the northern end of the facility near the current public underpass / toilets will be fenced off to discourage access to the facility from this vicinity. The current underpass will not be promoted as an access point by the facility in any way to ensure the security and protection of patrons at all times. Clear direction signage will be erected to guide patrons to the secure pedestrian access area at all times.



Attachment 2

Noise Management Procedure

Golden Goal Bexley

September 2017

Version 1.7

1. Introduction

Golden Goal Pty Ltd recognises that the operation of a mini football facility will generate an increase in noise and activity at the currently unused site of the Bexley Tennis Courts. Golden Goal Pty Ltd is committed to effectively managing and limiting the nuisance environmental noise generated from the facilities operations by the implementation of a Noise Management Procedure.

The objectives of this plan are as follows:

- To determine areas in which the application of environmental noise control is required;
- To ensure approved activities do not exceed the existing background noise levels (in line with the EPA guidelines and acoustic assessment).
- To set procedures for the operation of this facility that will mitigate excessive noise generated by the facility activities.
- To educate and gain compliance to the plan from all stakeholders of Bexley Golden Goal.

The proposed procedures outlined in the plan of management and associated supporting documents has been endorsed by Koikas Acoustics Pty Ltd confirming that the planned activities of the facility will meet the noise compliance requirements in line with the acoustic assessment previously undertaken.

2. Program Scope

The Noise Management Procedure is limited to the following noise sources:

- Approved activities that are under the control of Golden Goal Pty Ltd in the operation of the Bexley facility

This program **excludes** the following:

- Traffic and background noise that is attributed by any factors outside of the facilities operations. The location of the facility on a 4 lane, 2 way local arterial road is taken into consideration
- Noise from neighbouring residential and commercial properties
- Emergency Warning Systems.

3. Management noise generating activities

The following measures shall be adopted to abate and control noise levels from the Bexley Golden Goal facility. These are used in order to ensure the levels of noise emanating from the facility are kept within the required levels and minimises the impact on neighbouring properties.

3.1 Environmental Noise Controls

The following measures will be put in place and communicated to all stakeholders.

3.1.1 Time Limits

The facility will operate within strict compliance of the approved operating times of Monday to Saturday 7am – 10pm and Sunday 8am – 9pm.

The facility terms and conditions will clearly outline this and patrons will be advised that fields need to be vacated promptly at the completion of their allocated activity.

3.1.2 Noise Controls

The facility terms and conditions will establish the expected standard for behaviour during facility activities and will outline the consequences to any breaches of these standards.

Clear signage will be erected at the facility to remind patrons to keep excess noise to minimum levels and to vacate the area respectfully to the neighbouring properties.

CCTV cameras will be installed that will be able to monitor patron behaviour and breaches so that action can be taken accordingly.

3.1.3 Designated Areas

The facility activities will be restricted to the two approved fields which are located at the northern end of the site. The positioning of the two fields places the key activity areas further away from the elevated residential areas and closer to the surrounding reserve.

3.1.4 Natural Barriers

Trees, grass and all other forms of vegetation that are currently on the site will be maintained and provide the opportunity to act as natural noise barriers for the facility operations.

3.1.5 Acoustic Planning

Noise prevention and abatement will be considered during the planning and development of the facility including:

- Limitation of amplification or public address systems (other than requirements for emergency management)
- Erecting acoustic or natural barriers if applicable
- Placement of equipment to minimise noise impact if necessary (eg. Airconditioning units etc)
- Field fencing is constructed using a high quality nylon netting that absorbs all impact with the ball minimising the noise impact

3.1.6 Noise Enforcement

The Bexley Golden Goal Terms & Conditions of use will advise patrons that Golden Goal management has the authority to suspend any activities if the noise levels exceed expected levels.

4. Exemptions to Limits of Operating Procedure

In certain circumstances, or for ad hoc events, the strategies above still may not be adequate to limit noise. If this is expected, **prior to the event** Golden Goal Pty will seek approval from Bayside Council and inform neighbouring properties where noise levels may exceed normal levels. The time frame for this activity can be agreed which is acceptable to all parties. Golden Goal Pty Ltd will ensure that all possible strategies are implemented to minimise the impact of noise from the event.

5. Identified Noise Generating Activities

Table 1 identifies activities of the Bexley Golden Goal facility that are potential sources of noise at levels that may be found intrusive to neighbouring properties. This table and explanations of the activities is expanded upon in the appendices.

Table 1:

Facility Activity	Potential Noise Impact	Control Strategy Refer to Appendix:
Casual Court Hire & Competitions	- Participant Conduct – on field	2
	- Participant Conduct – off field	2
	- Spectator Cheering	3
	- Loitering in the carpark	4
	- Vehicle noise entering / leaving the carpark	4
	- Music	5
	- PA / Megaphones	5
Competitions	- Referee Whistle	1
	- Larger numbers of spectators	6
Training Academies, School Groups and Pre-school programs	- Interactions of children and coaches	2
	- Larger numbers of groups	6
	- Parent / Guardian spectators	3
	- Sibling spectators	3
Corporate Groups / Functions	- Participant Conduct – on field	2
	- Participant Conduct – off field	2
	- Larger numbers of spectators	6

6. Emergency Noise

An emergency warning system for the facility will be in place to alert patrons to any risks to their personal safety. This may include alarms, loud speakers (used specifically for this purpose), sirens, etc. The use of this system will be in accordance to the Emergency Response Plan.

7. Feedback & Complaints

Golden Goal Pty Ltd will have a proactive and robust approach to any feedback or complaints that it receives in relation to any aspect of its operations. The Centre Manager will have ultimate responsibility for the management and resolution of any feedback or complaints from any stakeholders. However, as part of the Golden Goal Pty Ltd induction and training program the complaints handling policy and procedure will be reinforced to all staff employed by Golden Goal Pty Ltd. Responsibility for feedback and complaint management will form a part of each role within the facility.

The facility will have a feedback and complaints register that will be held on site which will document these together with resolutions of each of these. These will be used to inform the facilities ongoing continuous improvement strategies in order to address any concerns and improve the overall operations. The complaints register will be used to report trends and monitor any areas of concern that can be made available for review by Bayside Council upon request.

The facility will have an open door policy to engage with the local community should there be any concerns that are raised. Golden Goal Pty Ltd will communicate with the local community and neighbouring residents as part of their promotional campaign which will provide the contact details for the facility. The community will be able to contact Bexley Golden Goal in a variety of ways:

- Via phone
- Email
- Website

The communication plan to the local community will incorporate a range of modes to maximise the reach to the local area. This communication will provide all necessary information and contact details of the facility to the local community. This will include (but not be limited to):

- Letter box drop
- Social Media
- Local newspapers
- Community communications eg. Council newsletters / websites where possible
- Clear and visible premises signage

Further details are contained within the Golden Goal Complaints Handling Procedure.

8. Monitoring

Golden Goal Pty Ltd will implement a noise monitoring program once the facility is fully operational. A key component of this will be reviewing the feedback & complaints register, liaising with Bayside Council and the local community as required. Should issues in relation to noise complaints be of significant volume a formal acoustics assessment will be undertaken and strategies will be put in place to resolve any identified issues.

9. Enquiries

Further information regarding concerns with the level of noise can be addressed with the following personnel:

Contact	Role	Contact Details
Alex Medakovic	Director Golden Goal Pty Ltd	0425 221 225
Terry Palapanis	Director Golden Goal Pty Ltd	0411 788 874
TBA	Centre Manager	TBA
TBA	Manager on duty	TBA

10. References

- Environmental Protection Act 1994
- Environmental Protection Regulations 1998
- Environmental Protection (Noise) Policy 1997
- AS 2436 - Guide to Noise Control on Construction, Maintenance and Demolition Site
- AS 2220-1989 Emergency warning and intercommunication systems in buildings

Appendix 1 – Whistle usage during competitions

Golden Goal Pty Ltd will require the use of whistles by referees during scheduled competition tournaments. The following controls will be put in place to minimise the impact on the neighbouring properties.

Control	Management
Time Limit	As per scheduled operating hours.
Designated Areas	To be used only on Court 1 and 2 for scheduled competition games only.
Acoustic Barrier	Not applicable
Natural Barrier	Trees, vegetation and grass surroundings particularly on Court 1
Acoustic Planning	Competition games to be scheduled on Court 1 as the priority and Court 2 to be used as necessary to reduce potential impact. Where possible games will be scheduled only on one court particularly during evening hours after 8pm.
Noise Enforcement	Golden Goal Pty Ltd has the authority to enforce limits on all activities which contravene the noise management policy and may cease activities if required.

Appendix 2 – Participant conduct on / off the field

Golden Goal Pty Ltd expects that all registered participants will adhere to the terms and conditions of the facility and comply with the player code of conduct.

Control	Management
Time Limit	As per scheduled sessions / games.
Designated Areas	Football activity to be restricted to allocated fields. Whilst waiting for scheduled time slots participants are to use the player waiting area.
Acoustic Barrier	Field fencing is constructed using a high quality nylon netting that absorbs all impact with the ball minimising the noise impact
Natural Barrier	Trees, vegetation and grass surroundings particularly on Court 1
Acoustic Planning	All activity to be undertaken in line with facility terms and conditions and operating hours. Clear signage to be provided in the facility. Access to the terms and conditions and noise management policy to be visible and accessible at all times.
Noise Enforcement	Golden Goal Pty Ltd has the authority to enforce limits on all activities which contravene the terms & conditions and associated noise management policy and may cease activities if required. Golden Goal has the authority to ban players / patrons to the facility for any breach in conditions.

Appendix 3 – Spectator conduct

Golden Goal Pty Ltd expects that all spectators will adhere to the terms and conditions of the facility and comply with the spectator code of conduct.

Control	Management
Time Limit	As per scheduled sessions / games.
Designated Areas	Spectators are to remain within the spectator viewing areas at all times. No spectators are to enter the fields or any other restricted areas. All players/patrons/parents/guardians will be required to sign a player/spectator code of conduct. All children (spectators and players) under 16 are to be under the supervision of an adult at all times.
Acoustic Barrier	Shade sail to be erected in spectator viewing area to provide sun protection and act as a noise barrier.
Natural Barrier	Trees, vegetation and grass surroundings particularly on Court 1
Acoustic Planning	All activity to be undertaken in line with facility terms and conditions and operating hours. Clear signage to be provided in the facility. Access to the terms and conditions and noise management policy to be visible and accessible at all times.
Noise Enforcement	Golden Goal Pty Ltd has the authority to enforce limits on all activities which contravene the terms & conditions and associated noise management policy and may cease activities if required. Golden Goal has the authority to ban spectators to the facility for any breach in conditions.

Appendix 4 – Disruption and excessive noise in carpark

Golden Goal Pty Ltd expects that all players and visitors to the facility will adhere to the terms and conditions of the facility and comply with all associated traffic / driving regulations.

Control	Management
Time Limit	As per scheduled sessions / games.
Designated Areas	All access to the carpark area by vehicles and pedestrians to take extreme care and be vigilant to their surroundings. All cars are to park in designated parking bays only and adhere to the speed limits and restrictions in place. There is to be no loitering or unnecessary activity to take place in the carpark area. All players and visitors are asked to enter & leave the premises in a safe and respectful way.
Acoustic Barrier	Not applicable
Natural Barrier	Trees, vegetation and surroundings within carpark area.
Acoustic Planning	All activity to be undertaken in line with facility terms and conditions and operating hours. Clear signage to be provided in the facility indicating speed limits and noise restrictions. All parking bays will be clearly marked and accessible at all times. Access to the terms and conditions and noise management policy to be visible and accessible at all times.
Noise Enforcement	Golden Goal has the authority to ban any players or visitors to the facility for any breach in conditions or unsafe practices.

Appendix 5 – Use of PA/Sound Systems/Amplifiers or other

Golden Goal Pty Ltd understands that the facility is located within a residential area and is committed to being a responsible neighbor and ensure its activities are not disruptive to the local community. Any equipment that has the potential to contravene the noise management policy is strictly banned.

Control	Management
Time Limit	As per scheduled operating hours.
Designated Areas	The use of a PA / sound system is strictly limited to emergency situations. The playing of music and use of amplifiers / portable speakers of any type are strictly prohibited and breaches the facilities terms of use.
Acoustic Barrier	Not applicable
Natural Barrier	Not applicable
Acoustic Planning	All activity to be undertaken in line with facility terms and conditions and operating hours. Clear signage to be provided in the facility to remind patrons to keep noise to a minimum. Access to the terms and conditions and noise management policy to be visible and accessible at all times.
Noise Enforcement	Golden Goal has the authority to ban any players or visitors to the facility for any breach in conditions.

Appendix 6 – Larger numbers of spectators

Golden Goal Pty Ltd understands that at times there may be larger numbers of spectators to the facility eg. Competition finals series, tournaments etc. Golden Goal will undertake all necessary measures to schedule and manage these events to adhere to the noise management plan.

Control	Management
Time Limit	As per scheduled operating hours. Golden Goal will aim to schedule these events at acceptable times to minimise disruption to neighbours and aim to avoid late evening / early mornings timeslots where possible.
Designated Areas	Spectators are to remain within the spectator viewing areas at all times. No spectators are to enter the fields or any other restricted areas. All players/patrons/parents/guardians will be required to sign a player/spectator code of conduct. All children (spectators and players) under 16 are to be under the supervision of an adult at all times.
Acoustic Barrier	Not applicable
Natural Barrier	Trees, vegetation and grass surroundings particularly on Court 1
Acoustic Planning	All activity to be undertaken in line with facility terms and conditions and operating hours. Clear signage to be provided in the facility. Access to the terms and conditions and noise management policy to be visible and accessible at all times.
Noise Enforcement	Golden Goal Pty Ltd has the authority to enforce limits on all activities which contravene the terms & conditions and associated noise management policy and may cease activities if required. Golden Goal has the authority to ban spectators to the facility for any breach in conditions.



Attachment 3

Terms & Conditions

Golden Goal Bexley

September 2017

Version 1.5

Golden Goal Terms & Conditions v1.5 September 2017

Terms and Conditions

Players and Spectators use the facilities at their own risk, Golden Goal Pty Ltd, its parent or any affiliates do not accept responsibility for any injury or loss from the use of our centres.

By choosing to attend Golden Goal all persons accept the following "Terms and Conditions".

If you do not clearly understand any/all of any of these "Terms and Conditions" please contact Golden Goal for clarification.

These include, but are not limited to:

- Children under 16 must be supervised at all times by an adult.
- By entering, you agree to be filmed, photographed and recorded. You also agree that all the material we capture may be used by us for commercial purposes.
- Climbing on fencing and netting structures is strictly prohibited.
- Golden Goal facilities are monitored by a CCTV network.
- Anyone identified as being abusive and/or violent on the premises of Golden Goal may be banned from entry to the facility.
- Any illegal acts may be referred directly to the police by Golden Goal.
- Kicking, throwing, playing with any ball is not permitted in any area of the facility other than on the football fields.
- No alcohol, prohibited drugs, glassware, external food or chewing gum is allowed on the premises.
- Smoking is prohibited within the facilities.
- Intoxicated persons will not be allowed to use the facilities.
- Players must vacate the fields by the end of their allocated time without exception.
- The person making the booking is responsible for all those who use the facility in the allocated timeslot and must inform all those of the terms and conditions of use.
- Golden Goal reserves the right to eject any persons from the facility without refund who do not adhere to these terms.
- No "commercial activities" of any/all forms are permitted at Golden Goal other than those conducted by Golden Goal, unless otherwise authorised by Golden Goal in writing.
- These conditions may be amended at any time at the discretion of the Golden Goal management.
- Players cannot use boots with steel studs or "blades".
- No animals, other than certified Guide Dogs, are permitted on the premises of Golden Goal.
- Food and/or drinks of any form are not permitted on the courts.
- For safety reasons glass bottles are not permitted on the Golden Goal premises

Bookings and Payments

- All bookings must be paid for in advance unless authorised by the centre manager.
- All bookings are required to be secured with a credit card, in the event that you do not show or cancel the booking then the credit card will be charged.
- If Golden Goal is unable to provide the service offered we reserve the right to cancel your booking with appropriate notice.
- Block bookings are available at times subject to availability.
- In the event of heavy rain/electric storms, refunds will only be awarded if the fields or conditions are deemed unplayable by the centre manager.

Golden Goal Terms & Conditions v1.5 September 2017

Cancellations, Refunds, Credits.

- Cancellations must be made at least 48 hrs before scheduled booking time can be rescheduled for another time. In the event of a late cancellation (within 48 hours) you will be charged the full amount for the booking unless Golden Goal can resell the booking to another client.
- Refunds are not provided for any/all bookings. If you cancel your booking with more than 48 hours notice you will be given a credit to use in the future.
- No credits are provided for any/all competition bookings.
- Golden Goal management reserves the right to place 'no cancellation' terms on any booking. Any booking subject to this condition will be advised of this condition prior to the confirmation of the booking.

Liability & Insurance

- Golden Goal Pty Ltd conducts business with all required insurance policies in place including but not limited to public liability, professional indemnity and workers compensation.
- All persons entering the premises of Golden Goal accept responsibility for any injury or illness arising out of or in connection with their participation in activities at the premises.
- All persons have read and understand the level of participant insurance cover offered through the Golden Goal insurance policy and, if they believe this cover is inadequate for their particular circumstances, they acknowledge and agree to organise any additional insurances themselves.

Noise Restrictions

Golden Goal Bexley is located in a residential area and as such all staff and patrons of Golden Goal need to be respectful of the neighbouring properties.

- Anyone identified causing excessive noise and disruption on the premises may be banned from entry to the facility.
- Background music or other noise forming activity is strictly prohibited.
- The use of any form of amplifiers including portable speakers is strictly prohibited.
- The operating hours of the facility are to be strictly adhered to and no extensions of time will be allowed for competitions or court hire.
- Whistles are only to be used for competition events and not for general hire.
- The use of noise making instruments such as horns, drums etc is strictly prohibited and may result in removal from the facility, forfeit of points (competitions), equipment confiscation or total ban from the facility.
- All patrons are to vacate fields and associated areas promptly on completion of usage and are to leave the premises in an orderly manner.
- Golden Goal has the right to suspend all activities if the noise levels are excessive and disruptive to local residents.

Coaching Programs

- Only children registered in a program can participate.
- Children attending a Free Trial must be registered by their parent prior to participating.
- Sessions are only cancelled due to weather conditions in line with Football NSW's Hot Weather and Lightning policies.

Golden Goal Terms & Conditions v1.5 September 2017

- No "make up" sessions are provided for children who do not attend for any reason without prior authorisation.
- Parents/Guardians can cancel their child's registration with a minimum of 1 week notice, and a credit (not refund) for the balance will be placed on the parents account.
- Payment is required no later than the 1st week of attendance.
- Parents/guardian to ensure children are signed in / signed out when attending training sessions in the coaching register held in the clubhouse/kiosk.

Competitions & Tournaments

- All players participating in Golden Goal competitions and/or tournaments plus all spectators must abide by the Golden Goal competition rules and respective Code of Conduct.
- All registration fees and participant documentation is to be finalised prior to the commencing of competition. No players are able to take the field if fees are unpaid, and all documents are completed including player / spectator codes of conduct.
- A deposit is payable by each team at the time of registration and all fees finalised prior to the commencement of competition.
- In the event that the team withdraws from the competition the team will forfeit all registration and match fees. There are no refunds.
- All competition players accept, all risks necessarily flowing from your participation in the competition. Accordingly, to the extent permitted by law, your and your team members release all persons or corporations associated directly or indirectly with the conduct of the competition from all claims, demands and proceedings arising out of your and your team member's participation and you hereby indemnify them against all liability (including liability for their negligence and the negligence of others) for all injury, loss or damage arising out of or connected with your and your team member's participation in the competition. This release shall extend to Golden Goal and their respective related bodies corporate, directors, partners, managers, officers, agents, contractors, employees and volunteers, the owners, licensees and occupiers/owners of land and buildings upon which the competition or any part of it is conducted on or any other person or business which is involved directly or indirectly with the competition in any manner whatsoever. This release and indemnity continues forever and binds our heirs, executors, personal representative and assignees.

Privacy

- No customer information and data will be disclosed to any third party unless required to do so by Government Authorities or by law.



Attachment 4

Complaints Handling Policy

Golden Goal Bexley

September 2017

Version 1.5

Acknowledgements

The development of this policy has been based on a template from the NSW Ombudsman.

1. Introduction

1.1 Purpose

This policy is intended to ensure that Golden Goal Pty Ltd handles complaints fairly, efficiently and effectively.

The complaint management system is intended to:

- enable an effective response to issues raised by stakeholders in a timely and cost-effective way
- boost community confidence in our administrative process, and
- provide information that can be used by Golden Goal to deliver quality improvements in the provision of services

This policy provides guidance to our staff and any stakeholders who wish to make a complaint in relation to any of the facility operations.

1.2 Scope

This policy applies to all staff receiving or managing complaints from the public made to or about Bexley Golden Goal, in relation to the services provided, staff or complaint handling.

Staff grievances and public interest disclosures are dealt with through separate mechanisms.

1.3 Organisational commitment

Golden Goal expects all staff to be committed to fair, effective and efficient complaint handling. The following table outlines the nature of the commitment expected from staff and the way that commitment should be implemented.

Who	Commitment	How
Centre Manager	Promote a culture that values feedback and complaints and their effective resolution	<ul style="list-style-type: none"> • Liaises with all stakeholders in relation to complaint handling and feedback. • Provides adequate support and direction to key staff responsible for handling complaints. • Ensures that all complaints have been adequately resolved and communicated to complainant. • Regularly reviews reports about complaint trends and issues arising from complaints. • Encourages all staff to be alert to complaints and assist those responsible for handling complaints to resolve them promptly. • Encourages staff to make recommendations for system improvements. • Recognises and reward good complaint handling by staff. • Support recommendations for improvements arising from the analysis of complaint data.
All staff	Understand and complies with Bexley Golden Goal's complaint handling procedure	<ul style="list-style-type: none"> • Treat all people with respect, including people who make complaints. • Be aware of Bexley Golden Goal's complaint handling policies and procedures. • Assist people who wish to make complaints access the Bexley Golden Goal's complaints process. • Be alert to complaints and assist staff handling complaints resolve matters promptly. • Provide feedback to management on issues arising from complaints. • Implement changes arising from individual complaints and from the analysis and evaluation of complaint data as directed by management.

2. Guiding principles

2.1 People focus

Golden Goal is committed to seeking and receiving feedback and complaints about our staff, services, systems, practices, procedures and complaint handling.

Any concerns raised in feedback or complaints will be dealt with within a reasonable time frame.

People making complaints will be:

- provided with information about our complaint handling process
- provided with multiple accessible ways to make complaints
- listened to, treated with respect by staff and actively involved in the complaint process where possible and appropriate, and
- provided with reasons for our decision/s and any options for review.

2.2 No detriment to people making complaints

Golden Goal will take all reasonable steps to ensure that people making complaints are not adversely affected because a complaint has been made by them or on their behalf.

2.3 Anonymous complaints

Golden Goal accept anonymous complaints and will carry out an investigation of the issues raised where there is enough information provided.

2.4 Accessibility

Golden Goal will ensure that information about how and where complaints may be made to or about us is well publicised.

Golden Goal will ensure that the systems to manage complaints is easily understood and accessible as required, particularly for people who may require assistance.

If a person prefers or needs another person or organisation to assist or represent them in the making and/ or resolution of their complaint, Golden Goal will communicate with them through their representative if this is their wish.

Anyone may represent a person wishing to make a complaint with their consent (e.g. advocate, family member, legal or community representative etc).

2.5 Early resolution

Where possible, complaints will be resolved at first contact with Bexley Golden Goal.

2.6 Responsiveness

Golden Goal will promptly acknowledge receipt of complaints.

Golden Goal will assess and prioritise complaints in accordance with the urgency and/or seriousness of the issues raised.

If a matter concerns an immediate risk to safety or security the response will be immediate and will be escalated appropriately.

Golden Goal is committed to managing people's expectations, and will inform them as soon as possible, of the following:

- the complaints process
- the expected time frames for our actions
- the progress of the complaint and reasons for any delay
- their likely involvement in the process, and
- the possible or likely outcome of their complaint

Golden Goal will advise people as soon as possible when Golden Goal are unable to deal with any part of their complaint and provide advice about where such issues and/or complaints may be directed (if known and appropriate).

Golden Goal will also advise people as soon as possible when Golden Goal are unable to meet our time frames for responding to their complaint and the reason for our delay.

2.7 Documentation

All complaints and subsequent resolution and actions will be recorded in a complaints register that is held on site and will be maintained with all details and resolutions of the complaints received.

The complaints register will be made available to Bayside Council upon request.

2.8 Objectivity and fairness

Golden Goal will address each complaint with integrity and in an equitable, objective and unbiased manner.

Golden Goal will ensure that the person handling a complaint is different from any staff member whose conduct or service is being complained about where required.

Conflicts of interest, whether actual or perceived, will be managed responsibly. In particular, internal reviews of how a complaint was managed will be conducted by a person other than the original decision maker when required.

2.9 Responding flexibly

Golden Goal staff are empowered to resolve complaints promptly and with as little formality as possible.

Golden Goal will adopt flexible approaches to service delivery and problem solving to enhance accessibility for people making complaints and/or their representatives.

Golden Goal will assess each complaint on its merits and involve people making complaints and/or their representative in the process as far as possible.

2.10 Confidentiality

Golden Goal will protect the identity of people making complaints where this is practical and appropriate.

Personal information that identifies individuals will only be disclosed or used by Bexley Golden Goal as permitted under the relevant privacy laws and any relevant confidentiality obligations.

2.11 Empowerment of staff

All staff managing complaints are empowered to implement the complaint management process as relevant to their role and responsibilities.

Staff are encouraged to provide feedback on the effectiveness and efficiency of all aspects of our complaint management system.

2.12 Managing unreasonable conduct by people making complaints

Golden Goal are committed to being accessible and responsive to all people who approach us with feedback or complaints. At the same time our success depends on:

- our ability to do our work and perform our functions in the most effective and efficient way possible
- the health, safety and security of our staff, and
- our ability to allocate our resources fairly across the complaints Golden Goal receive.

When people behave unreasonably in their dealings with us, their conduct can significantly affect the progress and efficiency of our work. As a result, Golden Goal will take proactive and decisive action to manage any conduct that negatively and unreasonably affects us and will support our staff to do the same in accordance with this policy.

3. Complaint management process

3.1 Receipt of complaints

All complaints received by Bexley Golden Goal will be recorded in a complaints register together with any provided supporting information.

The record of the complaint will document:

- the contact information of the person making a complaint
- issues raised by the person making a complaint and the outcome/s they want
- any other relevant information
- any additional support the person making a complaint requires.

3.2 Acknowledgement of complaints

Golden Goal will acknowledge receipt of each complaint promptly, and preferably within 2 working days.

Consideration will be given to the most appropriate medium (e.g. email, letter, phone) for communicating with the person making a complaint.

3.3 Initial assessment and addressing of complaints

Initial assessment

After acknowledging the receipt of the complaint, Golden Goal will confirm whether the issue/s raised in the complaint is/are within our control. Golden Goal will also consider the outcome/s sought by the person making the complaint and, where there is more than one issue raised, determine whether each issue needs to be separately addressed.

When determining how a complaint will be managed, Golden Goal will consider:

- How serious, complicated or urgent the complaint is
- Whether the complaint raises concerns about people's health and safety
- How the person making the complaint is being affected
- The risks involved if resolution of the complaint is delayed, and
- Whether a resolution requires the involvement of other organisations.

Addressing complaints

After assessing the complaint, Golden Goal will consider how to manage it. To manage a complaint Golden Goal may:

- Give the person making the complaint further information or an explanation
- Gather information from the person or area that the complaint is about, or
- Further investigate the claims that are made in the complaint.

Golden Goal will keep the person making the complaint up to date on our progress, particularly if there are any delays. Golden Goal will communicate the outcome of the complaint using the most appropriate medium. Actions taken will be tailored to each case and take into account any regulatory requirements.

3.4 Providing reasons for decisions

Following consideration of the complaint and any investigation into the issues raised, Golden Goal will contact the person making the complaint and advise them:

- the outcome of the complaint and any action Golden Goal took
- the reason(s) for our decision
- the remedy or resolution(s) that Golden Goal have proposed or put in place, and
- options for further information if required

3.5 Closing the complaint, record keeping, redress and review

Golden Goal will keep comprehensive records about:

- How the complaint was managed
- The outcome(s) of the complaint/issue
- Any outstanding actions that need to be followed up.

Golden Goal will ensure that outcomes are properly implemented, monitored and reported as required.

4. Monitoring

4.1 Analysis and evaluation of complaints

Golden Goal will ensure that complaints are recorded in a systematic way so that information can be easily retrieved for reporting and analysis.

Regular monitoring will be undertaken on:

- the number of complaints received
- the outcome of complaints, including matters resolved at the frontline
- issues arising from complaints
- general feedback received
- systemic issues identified

Regular analysis of these will be undertaken to monitor trends, measure the quality of our customer service and make improvements to the overall operations.

Appendix 1 – Complaint Register

Date	Complainant	Relevant details of complaint	Staff Member reported to	How the complaint was received	Actions taken to resolve complaint	Date complaint closed	Any other comments / actions required



PLAYER'S CODE OF CONDUCT

1. Participate for your own enjoyment and benefit, not just to please parents, coaches or other parties.
2. Be a good sport. Play by the rules.
3. Control your temper. Verbal abuse of officials and sledging other players, deliberately distracting or provoking an opponent are not acceptable or permitted behaviours in any sport.
4. Never argue with an official. If you disagree, have your captain, coach or manager approach the official during a break or after the competition.
5. Treat all participants in your sport as you like to be treated. Do not bully or take unfair advantage of another competitor.
6. Condemn the use of violence in any form, whether it is by spectators, coaches, officials or players.
7. Work equally hard for yourself and your team. Your team's performance will benefit, so will you.
8. Cooperate with your coach, teammates and opponents. Without them there would be no competition.
9. Help out your team-mates, coaches, managers and administrators whenever you can.
10. Wherever possible contribute to the well being of our club.
11. Respect the rights, dignity and worth of all participants regardless of their gender, ability, cultural background or religion.

The Golden Goal officials can apply a penalty for any breach of the code. The penalty shall be proportional to the nature and severity of the breach. The penalty can include a suspension or expulsion from the centre and all competitions. I agree to abide by this code of conduct and to be subject to the rules and policies of Golden Goal.

_____	_____	_____	_____
Player's Signature	Player's Name (Print)	Team	Date

THE PARENT/GUARDIAN CODE OF CONDUCT

The support of parents, both fathers and mothers or guardians, is essential to the success of any youth program. This support, however, should be of the off-field variety in such activities as fund-raising, promotion, equipment maintenance, team sponsorship and other volunteer activities.

Overzealous, but well-meaning, parents can cause unwarranted problems if they are not familiar with the policies and philosophies of the game of football. Golden Goal has rules concerning the conduct of parents. Below is the code of conduct that the Golden Goal parents should follow:

1. Parents should clearly understand that the aim of youth football is to teach their children teamwork, good sportsmanship, fair play and a love for the sport of football.
2. Parents should understand that alcohol and the use of drugs at practices or games are strictly prohibited.
3. Parents should insist on a safe and healthy environment for their children to practice and compete.
 - a) Parents must stay in the areas outside the playing area during all sessions. Parents (except parent/coaches) are never allowed on the playing field during practice unless authorized by representatives of Golden Goal.
 - b) Parents are not allowed on the sidelines or playing field at the games. All spectators must remain outside the playing area. Only players, coaches, and appointed association officials may be on the sidelines of the playing area during the games, unless authorized by the coaching or administration staff.
4. Parents should encourage good sportsmanship by demonstrating positive support for all players, coaches and officials at every game, practice or other youth sports event.
 - a) Youth football is not professional football. Parents should cheer for their team, but your fan support must be kept in the proper perspective and always in good taste.
 - b) Unsportsmanlike conduct during games is prohibited and can result in penalties to the team / head coach on the field as well as possible expulsion from future events.
 - c) Derogatory statements towards game officials or the opposing team are prohibited and may result in the forfeiture of a game and/or suspension of the head coach as well as possible expulsion from future events.
5. Parents should work with Golden Goal officials to resolve issues with the coaching staff.

PLEASE REMEMBER TO ALWAYS HAVE A POSITIVE AND SUPPORTIVE ATTITUDE FOR YOUR PLAYER.

_____	_____	_____
Parent/Guardian Signature	Parent's Name (Print)	Date



Attachment 6

Emergency Management Plan

Golden Goal Bexley

September 2017

Version 1.3

Insurance

Insurance type	Policy coverage	Policy exclusions	Insurance company and contact	Last review date
Public Liability Insurance	\$20 million	To be finalised on approval of DA	To be finalised on approval of DA	
Building, Contents & Business Interruption Insurance	TBA	To be finalised on approval of DA and completion of construction	To be finalised on approval of DA and completion of construction	
Professional Indemnity Insurance	TBA	To be finalised on approval of DA and completion of construction	To be finalised on approval of DA and completion of construction	
Workers Compensation Insurance	TBA	To be finalised on approval of DA and completion of construction	To be finalised on approval of DA and completion of construction	

Property & infrastructure

All building and construction of the facility will comply with the local council building codes and Australian Standards for building construction, fire protection and other emergency situations.

The facility will be fully compliant with required standards for emergency situations and will be fitted with the required smoke detection equipment, fire protection and emergency response systems.

Installation of CCTV and back to base alarm system will ensure maximum security for the premises both when occupied and out of normal operating hours.

A regular maintenance schedule will be in place to ensure the premises to ensure all equipment is checked and tested, ensure the removal of leaves and litter from gutters and surrounding areas and the surrounding vegetation will be effectively maintained to ensure it is not a fire hazard or otherwise.

Golden Goal Emergency Management Plan v1.3 September 2017

The Emergency Action Plan

Emergency contacts

Organisation Name	Phone number
Emergency Services	000
State Emergency Services (SES)	132 500
Police	13 14 44
St George Hospital	02 9113 1111
Electrician (including after hours support)	To be appointed prior to commencement of operations
Plumber (including after hours support)	To be appointed prior to commencement of operations
Waste removal	To be arranged prior to commencement of operations
Utilities providers: Telephone Water Electricity	To be arranged prior to commencement of operations

Golden Goal Emergency Management Plan v1.3 September 2017

Emergency procedures

Procedures	Brief outline of procedures	Evacuation point/ address	Supporting documentation
<i>Fire Evacuation</i>	<i>1. Alarm raised and relevant emergency services authorities contacted. 2. Follow fire warden instructions. 3. Calmly evacuate the premises from nearest emergency exit. 4. Arrive at evacuation location. 5. Locate and account for all staff and patrons</i>	<i>Car park</i>	<i>Site Plan Map of evacuation locations Emergency procedures documentation and contact details</i>
<i>Injury (serious)</i>	<i>1. Alarm raised and relevant emergency services authorities contacted. 2. Follow first aid officer instructions 3. Await emergency services 4. Follow instructions by emergency services. 5. Contact participant emergency services contact 6. Record details in incident register</i>	<i>Emergency services instructions</i>	<i>Emergency procedures documentation and contact details</i>

Golden Goal Emergency Management Plan v1.3 September 2017

Procedures	Brief outline of procedures	Evacuation point/ address	Supporting documentation
<i>Injury (minor)</i>	<ol style="list-style-type: none"> 1. Alarm raised first aid officer contacted. 2. Follow first aid officer instructions 3. Administer first aid. 5. Contact participant emergency services contact if required 6. Record details in incident register 	<i>First Aid Kits located in clubhouse</i>	<i>Emergency procedures documentation and contact details</i>
<i>Power Outage</i>	<ol style="list-style-type: none"> 1. Alarm raised staff member in charge contacted 2. Patrons advised to remain calm and suspend any activities if unsafe to continue 3. Emergency services contacted if required. 4. Decision by centre manager of whether play is cancelled or resumed 	<i>Flashlights kept on premises in clubhouse</i>	<i>Emergency procedures documentation and contact details</i>
<i>Player violence / disruptive behaviour</i>	<ol style="list-style-type: none"> 1. Alarm raised staff member in charge advised 2. Staff member in charge to assess situation and contact police if required 3. Staff member in charge to determine appropriate course of action in line with centre terms & conditions 4. Staff member to record details of incident 		<i>Incident Register</i> <i>Terms & Conditions</i> <i>Player Code of conduct</i>

Golden Goal Emergency Management Plan v1.3 September 2017

Procedures	Brief outline of procedures	Evacuation point/ address	Supporting documentation
<i>Spectator violence / disruptive behaviour</i>	<ol style="list-style-type: none"> 1. Alarm raised staff member in charge advised 2. Staff member in charge to assess situation and contact police if required 3. Staff member in charge to determine appropriate course of action in line with centre terms & conditions 4. Staff member to record details of incident 		<i>Incident Register</i> <i>Terms & Conditions</i> <i>Spectator Code of conduct</i>

Evacuation drill schedule

Evacuation procedure type	Drill frequency	Position/person responsible	Next drill dates
<i>Fire, flood</i>	<i>Quarterly</i>	<i>Centre Manager</i>	<i>TBA</i>

Emergency Supplies

First Aid Kit Location

The first aid kit and defibrillator will be located in the facility clubhouse. There will be at least one staff member with a valid first aid certificate on duty at all times.

Fire Extinguishers Location

Fire extinguishers are located in the clubhouse and all staff will be trained on their usage in the event of an emergency as part of their training and induction.

Golden Goal Emergency Management Plan v1.3 September 2017

Emergency team roles & responsibilities

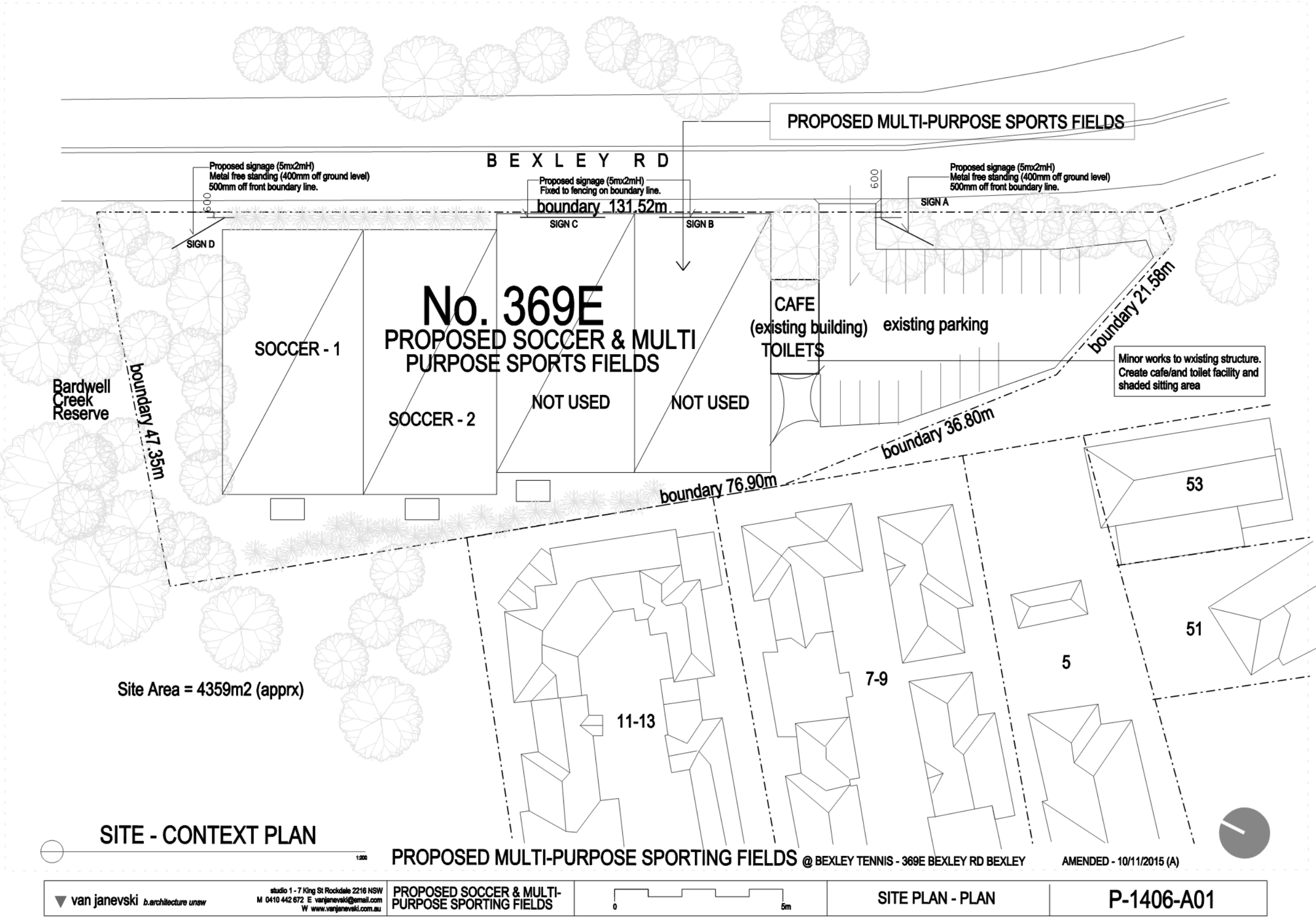
Role	Details of responsibilities	Person responsible	Email	Phone/Mobile numbers
Centre Manager	<ul style="list-style-type: none"> • <i>Contact emergency services</i> • <i>Undertake necessary processes to secure the safety of all patrons and staff on premises during an emergency</i> • <i>Ensure all procedures are kept up to date and communicated with all staff</i> • <i>Training of all staff in emergency procedures</i> 	<i>TBA</i>	<i>TBA</i>	<i>TBA</i>
First Aid Officer	<ul style="list-style-type: none"> • <i>Attend regular first aid training courses.</i> • <i>Administer first aid support in an emergency situation.</i> • <i>Contact ambulance services when necessary.]</i> 	<i>TBA</i>	<i>TBA</i>	<i>TBA</i>
Fire Warden	<ul style="list-style-type: none"> • <i>Attend relevant training courses.</i> • <i>Communicate procedures to all staff.</i> • <i>Supervise and action emergency evacuation procedures (including contacting emergency services, accounting for staff).</i> • <i>Conduct regular drills.</i> • <i>Update procedures regularly.</i> 	<i>TBA</i>	<i>TBA</i>	<i>TBA</i>

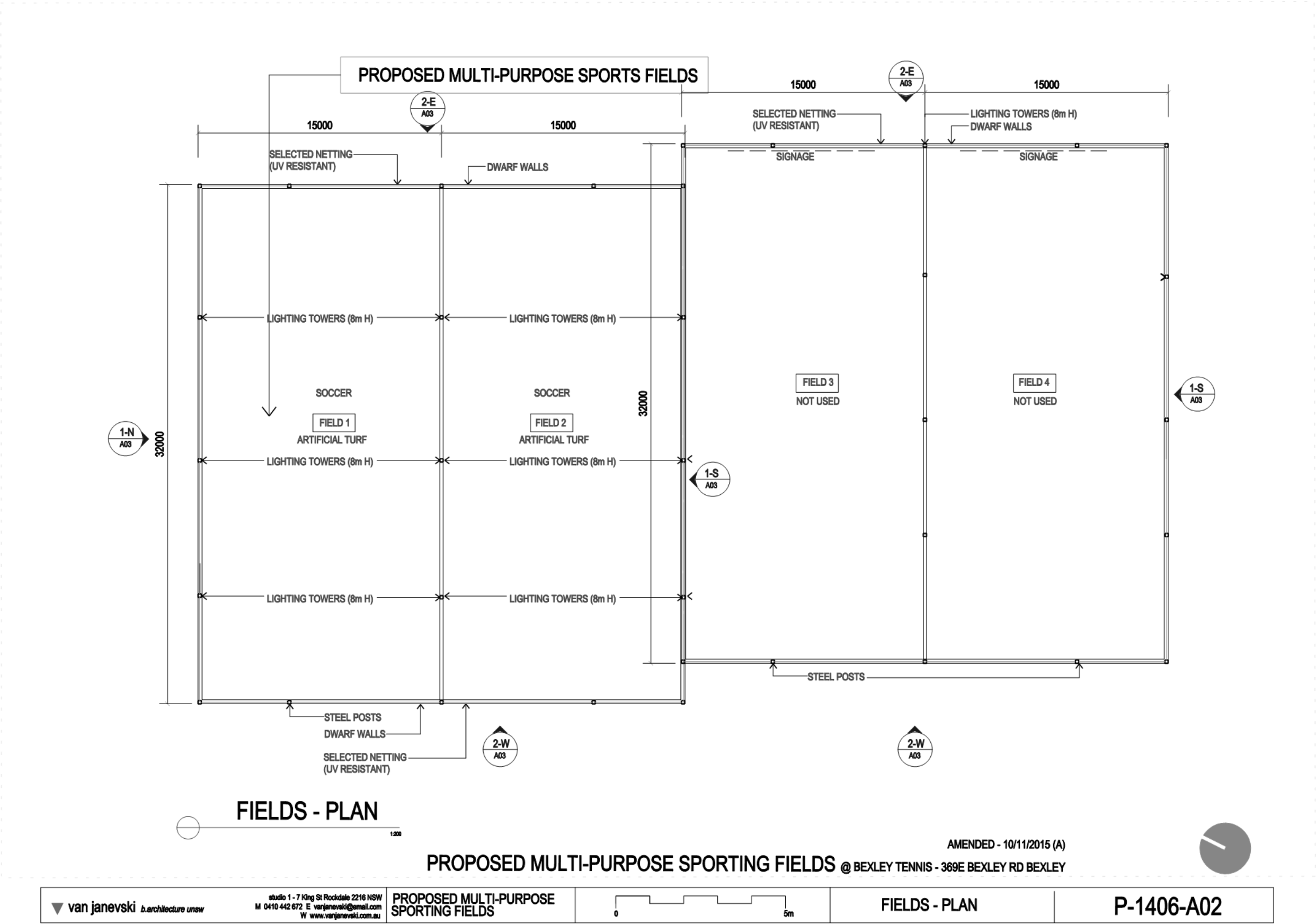
Golden Goal Emergency Management Plan v1.3 September 2017

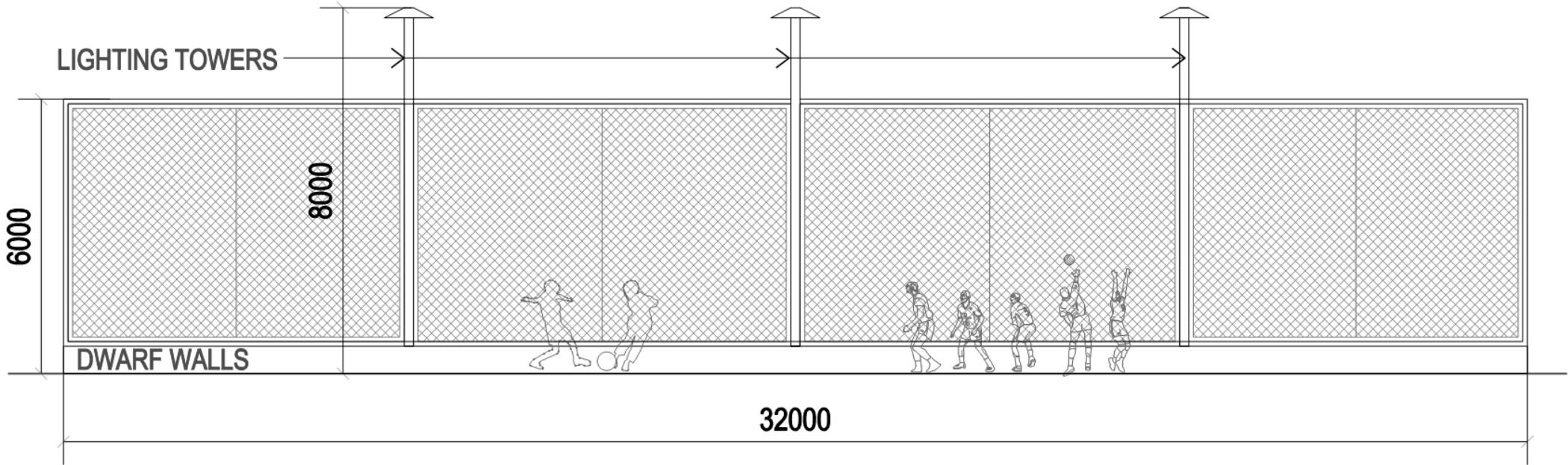
Contacts

Contact Type	Organisation	Contact Name	Contact Number
Insurance	TBA	To be finalised prior to operations commencing	
Telephone/internet services provider	TBA	To be finalised prior to operations commencing	
Golden Goal Director	Golden Goal Pty Ltd	Alex Medakovic	0425 221 225
Golden Goal Director	Golden Goal Pty Ltd	Terry Palapanis	0411 788 874
Accountant	TBA	To be finalised prior to operations commencing	
Solicitor	TBA	To be finalised prior to operations commencing	

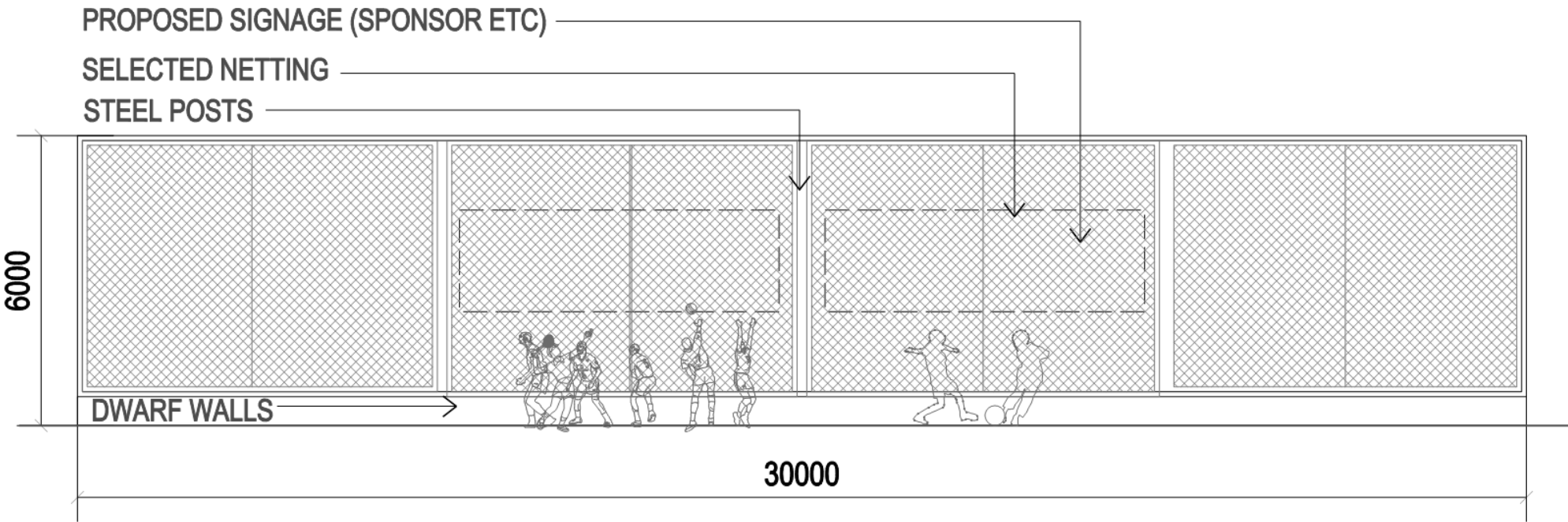
Golden Goal Emergency Management Plan v1.3 September 2017







1 NORTH-SOUTH TYPICAL ELEVATION



2 EAST-WEST TYPICAL ELEVATION

PROPOSED MULTI-PURPOSE SPORTING FIELDS @ BEXLEY TENNIS - 369E BEXLEY RD BEXLEY

van janevski b.architecture unsw	studio 1 - 7 King St Rockdale 2216 NSW M 0410 442 672 E vanjanevski@gmail.com W www.vanjanevski.com.au	PROPOSED MULTI-PURPOSE SPORTING FIELDS		ELEVATIONS	P-1406-A03
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Our Ref: DA-2015/272
Contact: Marta M Gonzalez-Valdes 9562 1666

Golden Goal Pty Ltd
PO BOX 82
SANS SOUCI NSW 2219

NOTICE OF DETERMINATION

Issued in accordance with section 4.18(1a) of the *Environmental Planning and Assessment Act, 1979*

Application Number:	DA-2015/272
Property:	369 E Bexley Road, BEXLEY (PT 12 SecB DP 4580), (PT 13 SecB DP 4580), (PT 14 SecB DP 4580), (PT 15 SecB DP 4580), (PT 16 SecB DP 4580), (PT 17 SecB DP 4580), (PT 18 SecB DP 4580), (PT 19 SecB DP 4580), (PT 20 SecB DP 4580)
Proposal:	Change of use of two (2) of the four (4) existing tennis courts to two (2) mini football fields/multi purpose sports fields (including field lighting), conversion of one (1) tennis court to car parking to provide a total of 38 off-street parking spaces, convert existing brick structure to kiosk/office to heritage item (former quarry).
Authority:	
Determination:	
Date of determination:	
Date consent commences:	
Date consent lapses:	

The above development is approved subject to the following conditions:

General Conditions

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

1. The term of this consent is limited to a period of five (5) years from the date of 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	Date	Date Received by Council
Site Plan P-1406-A01 Rev C	Van Janevski	01/08/2016	03/08/2016
Fields Plan P-1406-A02 Rev C	Van Janevski	01/08/2016	03/08/2016
Elevations P-1406-A03 Rev C	Van Janevski	01/08/2016	03/08/2016
Floor Plan - Cafe Alterations, Elevation 1, Elevation 2, Elevation 3 and Elevation 4 P-1406-A04 Rev C	Van Janevski	01/08/2016	03/08/2016
Plan of Management Golden Goal Bexley Version 1.13		September 2017	11/10/2017

3. All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).
4. **A Construction Certificate must be obtained from Council or an Accredited Certifier prior to any building work commencing.**
5. 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. Approval has not been granted for any signage associated with the proposed development. Any proposed signage shall be subject to a separate development application and approval by the Roads and Maritime Services unless complying with the Exempt and Complying Development SEPP.
7. Prior to the issue of a Construction Certificate, the following amendments shall be made (as marked in red on the approved plans):
 - All references to 'café' on the approved plans listed in condition 2 be substituted with 'kiosk' and the kiosk premises only be used for the selling of food, light refreshments and other small convenience items such as newspapers, films and the like, in an ancillary manner to the new mini football fields/multi-purpose sports fields.
 - The internal layout of the existing brick building be amended to ensure the kiosk component has a gross floor area not exceeding 15m² when utilising the appropriate definitions contained within the Dictionary of the Rockdale Local Environmental Plan 2011.
 - Delete signage as per RMS request.
8. The kiosk is to operate in conjunction with the operation of the Courts.
9. The light spill at the adjoining residential boundaries to comply with the requirements of AS 4282 – Control of the obtrusive effects of outdoor lighting.
10. Construction activities must be contained within the site and not encroach on the bushland.

Development specific conditions

The following conditions are specific to the Development Application proposal.

11. Any landscaping must constitute 50% plant species identified in Appendix B of the Bardwell Valley Section Plant List of the Rockdale Technical Specifications

Landscape document. Additionally, landscaping must not include any plant species identified in Appendix B Section J Unacceptable Species Plan List of the Rockdale Technical Specifications Landscape document.

12. The hours of operation for the two (2) mini football fields/multi-purpose sports fields, including the field lighting, kiosk and amenities room is from 8.00am to 10.00pm Monday to Saturday, and from 8.00am to 9.00pm on Sundays for a period of 6 months from the issue of an Occupation Certificate, after which time the hours of operation will revert to only one (1) mini football field/ multi-purpose sports field, along with the kiosk and amenities room from 8.00am to 10.00pm Monday to Saturday, and from 8.00am to 9.00pm on Sundays unless a further approval is obtained by way of a Section 4.55 modification application to retain the operation of the two (2) fields. The Section 4.55 modification application would need to be accompanied by a report prepared by a suitably qualified acoustic engineer demonstrating the vocal emissions are such that the noise criterion is not breached.
13. 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.
14. 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.
15. 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.
16. The off-street parking areas associated with the subject development shall be designed strictly in accordance with AS2890.1:2004.
17. All existing and proposed lights shall comply with the Australian Standard AS4282 - 1997 "Control of the Obtrusive Effects of Outdoor Lighting". In this regard, the lighting of the premises shall be directed so as not to cause nuisance to the owners or occupiers of adjacent/adjoining premises or to motorists on adjoining or nearby roads.
18. Retaining walls over 600mm in height shall be designed and specified by a suitably qualified structural engineer.
19. Environmental Health Conditions
 - a) 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".
 - b) 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.
 - c) The intersection of walls and plinths with floors in the kitchen, food preparation, storage and display areas shall be coved with a minimal 25mm radius.

- d) The floors within the kitchen, food preparation, storage and display areas shall be constructed of a suitable material which is non-slip, durable, resistant to corrosion, non-toxic, non-absorbent and impervious to moisture.
 - e) All surfaces of counters, bars, food display units, window display, self –service displays and bain-maries shall be smooth, durable, impervious and free from cracks, crevices and cavities. The underside shall have an impervious finish. Window displays for wet foods shall be covered at all intersections and installed in accordance with AS/NZS 3500.2.- 2003.
 - f) A commercial kitchen shall be provided with a kitchen exhaust hood in compliance with Australian Standard AS1668 Parts 1 & 2 where any cooking apparatus having a total maximum electrical output exceeding 8 kW, or a total gas power input exceeding 29 MJ/h.
 - g) Where premises are enclosed, windows shall be protected against the entry of pests by being tight-fitting and permanently fixed closed, or fitted with mesh screens which can be removed for cleaning or protected by a permanent mesh screen which can be cleaned in place. Entry/exits, serving hatches and similar openings to food premises shall be protected against the entry of pests by tight-fitting solid self closing doors, roller shutters or other means of closing off the entrance or tight fitting self-closing mesh screen doors.
 - h) Hot and cold food display and/or holding appliances shall be designed and capable of holding cold perishable foods at or below 5oC; and hot perishable foods at or above 60oC when the appliances are operating at full capacity.
 - i) 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.
 - j) All hand basins shall be provided with soap and a towel dispenser for dispensing single use towels or other means of drying hands and arms which prevents the transfer of pathogenic micro-organisms to the hands or arms. A receptacle for used towels shall be provided at the hand wash basin.
 - k) Provide a room or area for storage of garbage receptacles. Rooms and areas designated for the storage and washing of garbage receptacles shall be designed and constructed in accordance with Australian Standard AS 4674-2004.
20. No practising, kicking of balls, or warm up activities are to take place on the court identified as the "sitting/waiting area" on the approved plans.
21. The maximum number of players in each multi-purpose sports field is limited to 10.
22. A validation report must be obtained from a suitably qualified and experienced lighting engineer/consultant three (3) months after the commencement in operation of the development under DA-2015/272. The report should demonstrate and certify that light spill impacts with the development satisfy AS 4282-1997 Control of the obtrusive effects of outdoor lighting.

The report is to be forwarded to and approved by Council. This report must address (but not limited to) the level of light spill on adjoining residential properties. Any recommendations outlined in the report are to be implemented in accordance with

the report.

23. An automated curfew switch is to be installed, along with manual off switches, to each of the approved lighting masts and floodlights, to ensure that the light use does not extend beyond that permitted by this consent.
24. Adequate signage is erected in the vehicles car parking area to encouraged spectators and participants to leave the premises quickly and quietly after training/games to mitigate possible nuisance noise.
25. No amplified music of any kind is to be played within the outdoor play areas. Similarly, no Public Address (PA) or voice amplifying systems are to be utilised at the premises other than as required for emergencies.

Prior to issue of the construction certificate

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

26. 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 \$8,100. This is to cover repair of any damages, or other works to be done by Council. This includes construction, removal, or repair as required to: kerb and guttering, existing or new driveways; paved areas and concrete footpaths. The deposit may be lodged with Council in the form of a Bank Guarantee (Any proposed Bank Guarantee must not have an expiry date). The deposit will not be returned by Council until works are completed and all damage is restored and all specified works are completed by Council.
 - ii. An environmental enforcement fee of 0.25% of the cost of the works.
 - iii. A Soil and Water Management Sign of \$17.00.
27. 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.
28.
 - 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.

Notes:

- 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 4A 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 94A 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.

29. 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.

30. A copy of Permission to Discharge Trade Waste Water shall be obtained from Sydney Water prior to the discharge of trade waste water to the sewer system. A copy shall be provided to Principal Certifying Authority (PCA) prior to issuing the Construction Certificate. A copy shall also be provided to Council if Council is not the PCA.
31. The Accredited Certifier shall not issue a Construction Certificate until all structural or

equipment requirements for food premises specified in the conditions of development consent, the structural requirements of the Food Act 2003, Food Regulations 2004 and the Australian Standard AS 4674 – 2004 “Design, Construction and Fitout of Food Premises” have been incorporated in the plans and specifications for the Construction Certificate.

32. 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. Development with 10 or more car spaces shall incorporate into the drainage system a oil separator device capable of removing oil from the driveway and carpark stormwater runoff as per section 7.5.4 of Rockdale Technical Specification – stormwater management.

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.

33. Prior to the issue of the relevant Construction Certificate, a Construction Traffic Management Plan (TMP) prepared by a suitably qualified person shall be submitted to and approved by the Certifying Authority. The Plan shall address, but not be limited to, the following matters:
 - (a) ingress and egress of vehicles to the site;
 - (b) loading and unloading, including construction zones;
 - (c) predicted traffic volumes, types and routes; and
 - (d) pedestrian and traffic management methods.

Copies of the TMP shall be submitted to Council

34. An amended traffic report shall be provided to the Principal Certifying Authority for approval prior to issue of the Construction Certificate demonstrating compliance with the following:

- Proposed signage A provides for minimum sight distance as required by AS2890.1:2004.
- All other approved signage are located to allow sufficient sight distance.

35. Prior to issue of the construction certificate plans are to be amended showing the access driveway and the circulation roadway being a minimum 5.5m wide for at least the first 6m of the property boundary internally.

36. The site is affected by potential unstable cliff face. There are built structures, (including public assets) which may be in the zone of influence of the proposed works and excavations on this site. A qualified practicing geotechnical engineer must prepare a Construction Methodology report demonstrating that the proposed construction method 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.

Where a Private Certifier issues the Construction Certificate the document mentioned in the above paragraph must be provided to Council.

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 footing locations
- Proposed method of excavation
- Permanent and temporary support measures for excavation
- Potential settlements affecting footings/foundations
- Batter slopes
- Potential vibration caused by method of excavation
- De-watering including seepage and off site disposal rate (if any)

Prior to commencement of works

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

37. 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.

38. 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.

39. 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.
40. A Construction Management Plan (CMP) shall be prepared in accordance with the requirements of all relevant regulatory approval bodies. Prior to the commencement of works the Certifying Authority shall be satisfied that the construction Management Plan has obtained all relevant regulatory approvals. The Construction Management Plan shall be implemented during demolition, excavation and construction. Copies of the CMP shall be submitted to Council.

During demolition / excavation / construction

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

41. 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.
42. 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.
43. For Class 1 and 10 structures, the building works are to be inspected during construction, by the principal certifying authority (or other suitably qualified person on behalf of the principal certifying authority) to monitor compliance with Council's approval and the relevant standards of construction encompassing the following stages:
 - i. after excavation for, and prior to the placement of, any footings, and
 - ii. prior to pouring any in-situ reinforced concrete building element, and
 - iii. prior to covering 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.

44. All waste generated on site shall be disposed of in accordance with the submitted Waste Management Plan.
45. Any new information discovered during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination, shall be notified to Council being the Regulatory Authority for the management of contaminated land.
46. 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.

47. 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.
- 48. Existing site and/or street trees shall be adequately protected from damage during operations.
- 49. Protection of existing trees
 - a) No trees located within the site, adjoining properties or Council's nature strip shall be removed or pruned without the prior written consent of Council in the form of a Permit issued under Council's Development Control Plan 2011.
 - b) 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.
 - c) 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.
 - d) Existing soil levels within the drip line of trees to be retained shall not be altered without reference to Council's Tree Management Officer.
 - e) Building materials, site residue, machinery and building equipment shall not be placed or stored under the dripline of trees required to be retained.
- 50. 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.

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.

- 51. An Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of the lights.
- 52. 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.
- 53. Trading shall not commence until a final fit out inspection has been carried out by Council's Environmental Health Officer and all conditions of consent have been complied with. Council's Environmental Health Officer shall be given 2 business days advance notice of an inspection.

54. 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.
55. 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".
56. A minimum of 38 off street car spaces shall be provided in accordance AS2890.1:2004. and shall be sealed (new car spaces only) and linemarked (all car spaces) to satisfaction of Certifying Authority. The pavement of all car parking spaces, manoeuvring areas and internal driveways shall comply Austroads guide for commercial pavements.
57. Off-street car spaces shall be provided in accordance AS2890.1:2004. and shall be sealed and linemarked to satisfaction of Certifying Authority. The pavement of all car parking spaces, manoeuvring areas and internal driveways shall comply Austroads guide for commercial pavements.
58. 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.sydneyswater.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.
59. On completion of the installation of the mechanical ventilation systems and prior to the issue of the Occupation Certificate, a certificate of completion and performance from the design engineer shall be submitted to Council certifying that the system has been installed, inspected, commissioned, tested and performs in accordance with Australian Standards AS1668.
60. 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.
61. 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.
62. The premises shall be registered with the NSW Food Authority by the proprietor of the food business by completing the registration form available online at www.foodnotify.nsw.gov.au/nafris/ and providing documentary evidence to the Principal Certifying Authority of the completion of this notification with the Food Authority.
63. The proprietor of a food business must ensure that before any food is processed and

sold by retail on premises in the course of carrying on the business at least one food safety supervisor has been appointed for the premises. The details of the food safety supervisor including food safety supervisor certificate must be provided to Council prior to the issue of the occupation certificate.

64. Prior to occupation a Chartered Professional Engineer competent in geotechnics shall certify that the construction works has been constructed in accordance with the approved geotechnical report and include an evaluation of the completed works. A copy of the certificate shall be supplied to the Principal Certifying Authority. A copy shall be provided to Council if Council is not the Principal Certifying Authority.

Integrated development/external authorities

The following conditions have been imposed in accordance with Section 91A of the Environmental Planning and Assessment Act, 1979.

65.

Roads and Maritime Services Conditions

- i) 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 Bexley Road boundary.
- ii) Access to and egress from the property shall be by left turn movements only. A 'Left Turn Only' sign is to be installed at the exit of the site. A 'No Entry' sign is to be installed facing southeast bound traffic to preclude the right turn into the site. Signage is to meet Australian Standards.
- iii) The flexible bollards proposed on plan number SYD180083-SP-A, Revision A, dated 12 April 2018 are to be replaced with enhanced lane dividers such as those provided by Klemmfix or another similar provider.
- iv) The proposed works along Bexley Road shall be designed to meet Roads and Maritime requirements, and endorsed by a suitably qualified practitioner. The design requirements shall be in accordance with AUSTROADS and other Australian Codes of Practice. The certified copies of the design plans shall be submitted to Roads and Maritime for consideration and approval prior to the release of the Construction Certificate by the Principal Certifying Authority and commencement of road works.

The developer may be required to enter into a Works Authorisation Deed (WAD) for the abovementioned works. Please note that the WAD will need to be executed prior to Roads and Maritime assessment of the detailed civil design plans.

Roads and Maritime fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.

- v) The proposed lighting within the development is to be installed such that it does not distract or dazzle drivers on Bexley Road.

- vi) 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 for approval prior to the issue of a Construction Certificate.
- vii) A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Bexley Road during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>
- viii) All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Bexley Road.
- ix) All vehicles are to enter and exit the property in a forward direction.
- x) All vehicles are to be contained on site before being required to stop.
- xi) All works and signposting associated with the subject development shall be at no cost to Roads and Maritime.

Roads Act

66. The design and construction of the gutter crossing shall be in accordance with RMS requirements. Details of these requirements should be obtained from RMS's Project Services Manager, Traffic Projects Section, Blacktown (Ph 02 8814 2144).

Detailed design plans of the proposed gutter crossing are to be submitted to the RMS for approval prior to the commencement of any roadworks. It should be noted that a plan checking fee (amount to be advised) and lodgment of a performance bond may be required from the applicant prior to the release of the approved road design plans by the RMS.

67. 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.
68. 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.
69. 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.
 70. 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.
 71. All works associated with the proposed development shall be at no cost to the RMS.

Development consent advice

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

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

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

Additional Information

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

Should you have any further queries please contact Marta M Gonzalez-Valdes on 9562 1666

BAYSIDE COUNCIL

Planning Assessment Report

Application Details

Application Number:	DA-2015/272
Date of Receipt:	30 January 2015
Property:	369 E Bexley Road BEXLEY NSW 2207
Owner:	Bayside Council
Applicant:	Golden Goal Pty Ltd
Proposal:	Change of use of two (2) of the four (4) existing tennis courts to two (2) mini football fields/multi-purpose sports fields (including field lighting), conversion of one (1) tennis court to car parking to provide a total of 38 off-street parking spaces, convert existing brick structure to kiosk/office and signage to heritage item (former quarry) - the remaining tennis court will be used as a sitting / waiting area.
Recommendation:	Approval, subject to recommended conditions of consent which include a trial period for the proposal.
No. of Submissions:	The latest notification attracted five (5) written letters of objection, plus a petition containing thirteen (13) signatures also objecting to the proposal.
Author:	Ben Tesoriero – Creative Planning Solutions Pty Limited
Coordinator	Marta M. Gonzalez-Valdes – Coordinator Major Assessments
Date of Report:	30 May 2017

Key Issues

- **Noise Impact:** One of the key issues identified as part of the assessment of the subject DA, is the proposal's apparent inability to achieve compliance with the noise criterion of background plus 5dBA. This has been demonstrated within the applicant's submitted acoustic report.

The recommendation of the applicant's acoustic consultant is as follows:

"In my opinion, the use of two courts in the evening should be trialled and if the vocal emissions are such that the conservative noise is breached, then the use of a single court would need to be considered."

Based on the above recommendation submitted to Council by the applicant, the following condition of consent has been imposed:

Hours of Operation. The hours of operation for the two (2) mini football fields/multi-purpose sports fields, including the field lighting, kiosk and amenities room is from 8.00am to 10.00pm Monday to Saturday, and from 8.00am to 9.00pm on Sundays for a period of 6 months from the issue of an Occupation Certificate, after which time the hours of operation will revert to only one (1) mini football field/ multi-purpose sports field from 8.00am to 10.00pm Monday to Saturday, and from 8.00am to 9.00pm on Sundays unless a further approval is obtained by way of a Section 96 modification application to retain the operation of the two (2) fields. The Section 96 modification application would need to be accompanied by a report prepared by a suitably qualified acoustic engineer demonstrating the vocal emissions are such that the noise criterion is not breached.

- **Light Spill Impact:** Another key issue identified as part of the assessment of the subject DA was that pertaining to the potential light spill impacts of the development on adjoining residences. Immediately to the south-west of the proposed sports courts, on top of a 10m high escarpment, is the boundary to multi dwelling housing development facing Orpington Street.

The proposal will see the removal of 6 x 20m high light poles and luminaries across the four existing tennis courts, and the erection of 12 x 8m high light poles and luminaries across the two northern-most tennis courts.

A light spill report has been submitted with the DA concluding that the current design is certified to comply with AS4282 – 1997. *Control of the Obtrusive Effects of Light.*

Given the potential obtrusive effects of the sports field lighting was a significant concern held by the adjoining residents, the following conditions of consent have been included to ensure the installed lights operate within the limits set by AS4282 – 1997:

Light Spill – The light spill at the adjoining residential boundaries to comply with the requirements of AS 4282 – Control of the obtrusive effects of outdoor lighting.

Light Spill Validation Report. A validation report must be obtained from a suitably qualified and experienced lighting engineer/consultant three (3) months after the commencement in operation of the development under DA-2015/272. The report should demonstrate and certify that light spill impacts with the development satisfy AS 4282-1997 Control of the obtrusive effects of outdoor lighting.

The report is to be forwarded to and approved by Council. This report must address (but not limited to) the level of light spill on adjoining residential properties. Any recommendations outlined in the report are to be implemented in accordance with the report.

Recommendation

1. That the development application DA-2015/272 for the proposed change of use of two (2) of the four (4) existing tennis courts to two (2) mini football fields/multi-purpose sports fields (including field lighting), conversion of one (1) tennis court to car parking to provide a total of 38 off-street parking spaces, convert existing brick structure to kiosk/office and signage to heritage item (former quarry) - the remaining tennis court will be used as a sitting / waiting area at 369E Bexley Road, Bexley be APPROVED pursuant to Section 80(1)(a) of the *Environmental Planning and Assessment Act 1979* and subject to the conditions of consent attached to this report.
2. That the objectors be advised of the Bayside Planning Panel's decision.

Background

History

The subject development application (DA) was lodged with Council on 30 January 2015.

In accordance with the provisions of the Rockdale Development Control Plan 2011 (DCP), the DA was notified to adjoining owners on 4 February 2015, with the notification period closing on 26 February 2015. It is important to note the DA as originally lodged proposed the change of use of all four (4) tennis courts to multi-purpose sports courts, with the hours of operation being from 7am to 10:30pm seven (7) days per week.

In response to the notification of the DA as originally proposed (i.e. all four (4) tennis courts being used as multi-purpose sports courts), Council received seven (8) written submissions objecting to the proposal, along with a petition also objecting to the proposal which contained nine (9) signatures. The key objections to the proposal within these submissions can be summarised as follows:

- Noise impacts associated from the augmented use of the tennis courts on adjoining residents, in particular the hours of operation from 7am to 10:30pm seven (7) days per week;
- Increased traffic associated with the intensified use of the subject site, and subsequent impact on the surrounding road network's safety;
- Light spill from the proposed new light poles and luminaries located at the multi-purpose sports courts impacting on the amenity of adjoining residential areas; and
- Concerns over the loss of local tennis courts given the proposal is to convert existing tennis courts to multi-purpose sports courts.

Following a detailed assessment of the proposal, site inspection and review of the submissions received, a request for additional information was issued to the applicant on 20 March 2015. The information requested from the applicant included the following:

- Acoustic report to address the potential noise impacts on the adjoining residential development as a result of the intensified use of the tennis courts;
- Light spill report to address the potential effects of light spillage on the adjoining residential development and ensure compliance with *Australian Standard 4282-1997 'Control of the Effects of Outdoor Lighting'*; and
- Traffic and parking impact study to ascertain the impact the intensified use of the subject site will have on the existing parking arrangements, and also traffic given the proposal's location adjacent to a State Road.

On 13 August 2015 the applicant submitted to Council an acoustic report, light spill report and traffic and parking impact study in support of the proposed development.

A review of this additional information submitted to Council raised a number of further concerns with the proposed development which were conveyed to Council on 20 August 2015. These concerns included the following:

- The Acoustic Report indicated that surrounding residences will be impacted upon by the noise associated with the proposal, so much so that it appeared the noise objective set in the acoustic report was unable to be met by the proposal for a number of residential receivers. This was of concern as there are a large number of dwellings within the residential areas that would be impacted upon.

- With regard to the Lighting Design report, concerns included the report's acknowledgement that the proposal fails to comply with the *Australian Standard 4282-1997 'Control of the obtrusive effects of outdoor lighting'*. The diagrams within the report showed that light spill on adjoining residences was at least five (5) times greater than the maximum permitted under the AS 4282-1997. In any event, the report seemed deficient as it did not show the Lux levels on the boundary, as stipulated by AS 4282-1997. If this were to be the case, it was envisaged the level of non-compliance would be even greater.
- Further, in the additional information request a Traffic and Parking Impact Study was required to ascertain the impact the intensified use of the subject site would have on the existing parking arrangements, and also traffic given its location adjacent to a State Road. In response, the applicant submitted a Construction Traffic Management Report which outlined principals for traffic management during the construction phase of the development. As such, it was considered the required additional information in relation to traffic and parking remained outstanding.

On 26 August 2015 a meeting was held with Council staff, the applicant (Golden Goal Pty Ltd), and Council's consultant planner CPS. In this meeting the above issues with the proposal were reiterated, with the applicant and Council resolving that further additional information would be submitted by the applicant, along with consideration for a modified proposal that reduced the environmental impact of the proposal through utilisation of two (2) existing tennis courts for multi-purpose sports rather than the four (4) originally proposed.

On 9 December 2015 the applicant submitted revised plans, supporting reports, and a letter dated 30 November 2015 which changed the nature of the proposal, as had been resolved in the meeting held of 26 August 2015. The new description of the proposal was updated as follows:

Change of use of two (2) of the four (4) existing tennis courts to two (2) mini football fields/multi-purpose sports fields, including field lighting, converting existing brick structure to cafe/kiosk/office and signage to heritage item (former quarry) operating 8am to 10:00pm Monday to Saturday and 8am to 9pm Sundays.

Following submission of the applicant's revised proposal, the amended DA was re-notified in accordance with the DCP on 9 December 2015, with the notification period closing on 7 January 2016. In response to the second notification round, six (7) written submissions objecting to the revised proposal were received, along with a new petition containing eleven (11) signatures objecting to the revised proposal.

The key objections to the amended proposal outlined within the submissions can be summarised as follows:

- Noise impacts associated from the augmented use of the tennis courts on adjoining residents, in particular the proposed hours of operation;
- Criticism over the recommendations contained within the acoustic report prepared for the applicant, including whether the noise management measures may reasonably be achievable;
- Inadequate provision of on-site parking will result in loss of parking availability within the surrounding streets;
- Increased traffic associated with the intensified use of the subject site, and subsequent impact on the surrounding road network's safety;
- Light spill from the proposed new light poles and luminaries located at the multi-purpose sports courts impacting on the amenity of adjoining residential areas;
- Concerns over the loss of tennis courts with the proposal to convert existing tennis courts to multi-purpose sports courts; and
- Concerns that people will remain at the multi-purpose sports courts after games have finished, thus

continuing noise and associated amenity impacts into the night time period.

The assessment of the additional information submitted by the applicant and the submissions identified continued issues with the applicant's proposal. Principally this related to the traffic and parking report as it remained a report for the construction stage of the development and not the operational stage. In this regard Council issued a request that the traffic report for the operational stage of the proposal be submitted.

This updated traffic and parking report for the operational stage of the proposal was submitted to Council on 14 January 2016. A review of this report identified the following issues:

- The submitted traffic report substantially underestimated the traffic and parking impacts of the proposal. Given considerably more people will be occupying the site for the purposes of mini-football fields/multi-purpose sporting fields than that associated with tennis courts, a new traffic and parking assessment was needed.
- The traffic report indicated that the applicant's site plan contained insufficient information to enable the consultant to assess compliance and confirm parking certification with AS2890.1-2004 '*Parking facilities - Off-street car parking*'. The Site Plan needed to be updated so the consultant could confirm that the proposed parking layout complied with the relevant Australian Standards.
- The report indicated that the visibility to the right of the driveway is 84m. However when reviewing *Figure 7* of the report, and having regard to the proposed Site Plan, it was clear that visibility from the driver's position (i.e. 2.5m in from the kerb) was blocked by the proposed 'Sign A' for the sports courts. In this regard, the applicant was required to reduce Sign A in size as it was 5mx2mH, 400mm off ground level and 500mm off the front boundary. It was noted there was a discrepancy on the Site Plan where one notation indicated the sign was 500mm off the front boundary, but the dimension said 600mm. The same discrepancy applied to 'Sign D'.
- The traffic report did not consider the impact on parking demand during the cross-over period between those matches finishing and new matches starting at the sports courts. For example, there would inevitably be players/parents/spectators arriving before the preceding game's players/parents/spectators have vacated the site.
The only way this could work was if the applicant proposed to have 15-20min gaps between games to enable sufficient time for people to vacate the site and empty parking spaces, however this was not proposed.
- The proposal includes a café/kiosk/office, however the traffic report did not take into consideration the demand for parking of persons operating these facilities. The traffic report needed to be revised to consider the parking demand for all occupiers of the site, including those operating the facility as well as players, spectators and parents etc. There was also questions as to whether each of the referee's on the courts were leaving at the end of the match or whether they would stay on-site and continue to referee matches throughout the evening. If this were to be the case, it would be expected that referees would occupy car spaces throughout the evening meaning these would not be vacated for arriving players.
- In the December 2015 traffic report it was claimed that eighteen (18) parking spaces were to be formalised on the site to comply with AS/NZS2890-1-2004. However in the January 2016 revision of the report it now proposed to include nineteen (19) car parking spaces. The applicant was requested to confirm the number of parking spaces it wished to formalise in the car parking area to ensure compliance with AS/NZS2890-1-2004 once the Site Plan had been updated to include the information necessary for the consultant.

The above issues with the traffic and parking report were conveyed to the applicant on 2 February 2016 as part of a request for additional information on the issue. Also requested at this time was clarification of a number of matters contained within the applicant's submitted light spill report, including the use of averaged Lux levels at the residential boundary rather than identifying the maximum Lux level to ascertain compliance with the relevant Australian Standards for controlling the obtrusive effects of outdoor lighting.

On 24 March 2016, Council held a meeting with the applicant to discuss outstanding matters associated with the subject development application. This included discussions on the following issues:

- **Noise** – The acoustic consultant suggested a trial period for the proposed courts. Council requested that the applicant consider whether this was practical from an operational perspective.
- **Parking** – The traffic engineer stated they had been unable to confirm whether the nineteen (19) car parking spaces (claimed by applicant) would comply with the standards. Accordingly the parking layout was required to be shown on a plan and certified by the traffic consultant as meeting the relevant Australian Standards. In addition the applicant had not considered the demand for parking and change over time i.e. when teams arrive prior to end of previous matches.
- **Lighting** - The lighting report does not address the relevant standard and as such failed to demonstrate that the proposal complies with AS4282-1997.

The applicant was requested to provide this information by 3 June 2016 otherwise a report would be prepared recommending refusal of the DA.

The applicant failed to submit the required information by 3 June 2016, but following discussions with Council managed to submit this information on 9 June 2016.

In these latest plans, the proposal was essentially modified to include the change of use of two (2) of the four (4) existing tennis courts to two (2) mini football/multi-purpose fields (including field lighting), conversion of one (1) of the tennis courts to car parking to provide a total of 38 off-street parking spaces, conversion of the existing brick structure to a kiosk/office with signage. The proposed facility was to operate from 8am to 10:00pm Monday to Saturday and 8am to 9pm Sundays - the remaining tennis court is proposed to be used as a sitting/waiting area.

A review of the applicant's latest amendment to the proposal raised a number of queries from the consultant assessing officer which were put to Council on 5 July 2016. These queries/comments included the following:

- **Notification** – Given the nature of the changes to the applicant's proposal, the description of the DA as appearing on Council's website needed to be updated, and the revised plans/proposal be subjected to re-notification.
- **Owner's consent** – As the proposal will result in the loss of two tennis courts, it was requested that an internal referral take place to ensure the revised proposal has been approved internally by the Council as land owners. It was noted that the applicant's most recent proposal effectively halves the size of the existing facility by replacing sports courts with an increased parking area and a sitting/waiting area.
- **Permissibility** – Café's are a prohibited use on the site under the site's RE1 Public Recreation zone. Yet the applicant's plans indicate a café and toilets within an existing building on the site. The description of the DA on Council's website at present outlined this as being a café/kiosk/office. Kiosks are permitted within the zone, however are limited to a GFA of 15m² as per clause 5.4 of the *Rockdale Local Environmental Plan 2011* (LEP). Although the 3 June 2016 plans do not show an internal layout of this building, previous incarnations of plans by the applicant showed the café as having a GFA of 22m².

The consultant requested comment from Council to ascertain whether they would be amenable to a condition that limits the use of the building to a kiosk only, and also limit the size of the kiosk to 15m², or whether they would prefer amended plans from the applicant.

- **Existing Light Pole Removal** – In the applicant's latest lighting design report received on 8 June 2016 it was unclear how many light poles are proposed on the two multi-purpose sports fields. Also it was queried whether the applicant was to be removing or replacing the existing 20m light poles

as originally proposed, as it was now deleted from the latest lighting design report.

In the responses provided by Council the following was advised:

- **Notification** – The description of the proposal was updated on Council's website as per the applicant's amended plans and proposal. Furthermore, the amended plans submitted by the applicant in June 2016 were notified in accordance with the provisions of the DCP on 4 August 2016, with the notification period closing on 19 August 2016. In response to this notification, a petition containing 13 signatures and six(6) submissions objecting to the proposal were received.
- **Owner's consent** – The consultant assessing officer was advised that Council's property team provided extracts from the Plan of Management which confirm that the amended proposal would not be contrary to the Plan. In addition, Council's Senior Development Assessment Planner received verbal confirmation from the Property team that the amendments would not result in Council withdrawing owner's consent for the proposal.

It is understood Council's Senior Development Assessment Planner requested written confirmation on this matter also.

- **Permissibility** – Council's Senior Development Assessment Planner advised the applicant of the issue with café's not being permissible in the RE1 zone, along with the suggestion that the café be approved as a kiosk with maximum gross floor area of 15m². It is understood the applicant raised no objection to a condition of this nature being imposed.
- **Existing Light Pole Removal** – Council's Senior Development Assessment Planner held discussions with the applicant and received confirmation that amended plans would be submitted regarding the proposed lighting.

On 3 August 2016 revised plans addressing the following were received by Council:

- The existing 20m poles are to be removed;
- 6 x 8m high poles will be provided for each court (i.e. a total of 12 poles). The poles will be 75mm x 75mm wide, however the central poles will be provided back to back with total dimensions 100mm x 100mm.
- No excavation works will be required. The poles will be bolted into the existing footings.

The assessment report herein is based on the latest revision of the plans and proposal received by Council on 3 August 2016.

Proposal

Council is in receipt of a DA at No.369E Bexley Road, Bexley NSW 2207, which seeks consent for the following:

- Change of use of two (2) of the four (4) existing tennis courts to two (2) mini football fields/multi-purpose sports fields. The courts to be converted for sports use are the northernmost courts.
- Of the two (2) remaining tennis courts, the southernmost court is to be converted for use as part of an expansion to the existing car park accommodating twenty-two (22) car parking spaces, while the remaining court is to be used as a waiting area for the sports courts;
- Removal of the existing 20m high light poles at the tennis courts, and replacement of these with 6 x 8m high light poles for each tennis court that is to be converted into a multi-purpose sports court – i.e. a total of twelve (12) light poles.
- Conversion of the existing brick structure adjacent to the sports courts into a café with outdoor seating, along with a storage room and a unisex toilet;

- Erection of three (3) signs, and the resurfacing of one (1) existing sign adjacent to the car park entry. The three new signs are located as follows:
 - one (1) on the fencing of the new carpark area,
 - one (1) on the fencing of the waiting area, and
 - one (1) adjacent to sports court/field No.1 and Bexley Road.
- Operating of the two (2) sports courts from 8am to 10:00pm Monday to Saturday and 8am to 9pm Sundays;
- Formalisation of an existing car park to accommodate sixteen (16) vehicles and conversion of the southern-most tennis court into an additional parking area to accommodate twenty-two (22) vehicles. A total of thirty-eight (38) car parking spaces would therefore be provided.

Figure 1 below shows the location of each of the above components of the proposed development over an aerial photograph to distinguish the different facets of DA-2015/272.



Figure 1 – Diagram showing the location of the different components of the proposal under DA-2015/272 – as per the applicant's latest amendment submitted on 3 August 2016.

Source: <http://google.com.au/maps> - edited by CPS for diagrammatic purposes

Site location and context

The subject site is located at No.369E Bexley Road, Bexley NSW 2207, and legally referred to as Lots 12-20 Section B in Deposited Plan 4580. The subject forms part of the Bardwell Valley Parklands, and is located in the eastern portion of the parklands in a narrow wedge adjacent to Bexley Road.

The subject site is mostly rectangular in shape and occupies a wedge or strip between Bexley Road to the east and an escarpment to the west, whereby on top of the escarpment is residential accommodation in the form of multi dwelling housing.

These multi dwelling housing developments located on top of the escarpment are elevated approximately 10m above the surface level of the existing tennis courts. The addresses of these multi dwelling housing developments are 11-13 Orpington Street and 7-9 Orpington Street.

To the south of the site are single dwelling houses, some of which front Orpington Street and others front Eddystone Road. The dwellings houses to the south are also elevated, but above the area of the existing car park to be formalised rather than the sports courts.

To the north of the subject site is Bardwell Valley Parklands and Bardwell Creek.

To the east of the site is Bexley Road, with the land opposite Bexley Road to the east comprising Binnamittalong Gardens. Further to the east, beyond these gardens again, is residential accommodation which fronts Veron Road and Chamberlain Road.

Reference is made to **Figure 2** below which includes an aerial photograph of the subject site and surrounding development.



Figure 2 - Diagram of the subject site and surrounds. Highlighted in red is the subject site, while

highlighted in blue are the multi dwelling house developments located on top of the escarpment which have the highest potential to be impacted upon by the proposed development. To the north is the Bardwell Valley Parklands, to the east in Bexley Road and the Binnamittalong Gardens, while to the south are single dwelling houses atop an escarpment.

Source: www.google.com.au – edited by CPS for diagrammatic purposes



Figure 3 - View to the west from the surface of the existing tennis court (No 2) to the multi dwelling housing developments located on top of the escarpment which is approximately 10m high.

Source: CPS 2015



Figure 4 - View to the south from the surface of the existing tennis courts to the single dwelling houses located on top of the escarpment which is approximately 10m high. Also in this image is the existing brick building which is proposed to be renovated and utilised for the purposes of a kiosk/café/office ancillary to the sports courts.

Source: CPS 2015



Figure 5 - View to the west from the surface of the existing tennis court (No.4 which is to be converted into a multipurpose sports court), to the multi dwelling housing developments located on top of the escarpment which is approximately 8-10m high.

Source: CPS 2015



Figure 6 - View to the north from the car park which is to be formally line marked as part of the proposed development. Noted in this image is the existing brick building which is proposed to be renovated and utilised for the purposes of a kiosk/café/office ancillary to the sports courts.

Source: CPS 2015

Referrals

External Referrals

The DA-2015/272 was not subject to any external referrals.

Internal Referrals

Development Engineer

As part of the assessment of the subject DA, the proposal was referred to Council's Development Engineer for review. In their response dated 23 June 2016, the following comments were made in relation to the applicant's amended plans:

Stormwater

No stormwater plan was submitted with DA application. The new car parking areas shall have an oil separator as per section 7.5.4 of Rockdale Technical Specification – Stormwater Management. Conditions will be inserted to provide stormwater plan prior to construction certificate.

Access & Parking

Access is provided through an existing vehicular crossing via Bexley Road. Bexley Road is a classified road. To avoid queuing, the access driveway shall be minimum 5.5m for the first 6m inside the property boundary as per AS2890.1:2004.

In the Development Engineer's referral for the subject DA, a review of the applicant's traffic report has been undertaken, along with an assessment of a comparable sports facility within Strathfield. The assessment by Council's Development Engineer concludes that the proposal is considered to have sufficient parking spaces, subject to conditions in relation to following:

- A condition will be required to restrict the maximum number of players in each soccer fields to 10.

Assessing Officer Comment: This recommended condition to be imposed by Council's Development Engineer is considered appropriate given the applicant's proposal indicates that the multi purposes sports courts are to be utilised for five (5) per side soccer practice games, meaning that there will be a maximum of 10 players on each of the two (2) fields/courts. A condition to this effect will not stop an eleventh person being on court as a referee, as they are not considered to constitute a 'player'.

- Sporting activities management plan shall be submitted to the Certifying Authority prior to the Construction Certification. In any major events or competitions, two activates shall have 15-20 minutes separation to reduce any impact on Bexley Road Traffic Flows.

Assessing Officer Comment: It is considered this condition is reasonable to mitigate the cumulative traffic and parking impacts associated with back to back games taking place on the fields. A condition to this effect will therefore be included in the draft consent.

Traffic Generation

Council's Development Engineer has outlined that the traffic generation by the proposal is considered to be minimal, particularly when taken into context with the surrounding road environment.

Flooding

Council's Development Engineer advises that as per a GIS record, the site is not flood affected.

Other Comments

Council's Development Engineer has provided a response to a number of queries posed by the consultant assessment officer in relation to earlier incarnations of the applicant's traffic and parking report dated 2 February 2016:

Consultant Assessment Officer Comment: The report indicates that the applicant's site plan contains insufficient information to enable SafeWay to assess compliance and confirm a parking certification with AS2890.12004 'Parking facilities Offstreet car parking'. I am of the opinion that the Site Plan should be updated so SafeWay can confirm that the proposed parking layout complies with the relevant Australian Standards.

Council Development Engineer Response: Safeway certified the compliance as per AS2890.1 - hence acceptable.

Consultant Assessment Officer Comment: The report indicates that the visibility to the right of the driveway is 84m. However when reviewing Figure 7 of the report, and having regard to the proposed Site Plan, it is clear that visibility from the driver's position (i.e. 2.5m in from the kerb) is blocked by the proposed 'Sign A'. In this regard, we'd have to condition that Sign A be reduced in size as it is currently 5mx2mH, 400mm off ground level and 500mm off the front boundary. It is noted there is a discrepancy on the Site Plan where the one notation indicates it is 500mm off the front boundary, but the dimension says 600mm. The same discrepancy applies to 'Sign D'.

Council Development Engineer Response: Amended traffic report and architectural plans shall be submitted prior to Construction Certificate to relocating the proposed signage A to provide sight distance as per AS2890.1:2004 at the driveway access.

Consultant Assessment Officer Comment: The report does not consider the impact on parking demand during the crossover period between those matches finishing and new matches starting at the sports courts. For example, there will inevitably be players/ parents/ spectators arriving before the preceding game's players/parents/spectators have vacated the site. The only way I could see this working is if the applicant was proposing to have 15-20 minute gaps between games to enable sufficient time for people to vacate the site and empty parking spaces?

Council Development Engineer Response: Condition inserted to provide management plan for any bigger events to include 15 20 minutes separation between events.

Consultant Assessment Officer Comment: The proposal includes a café/kiosk/office, however the report does not take into consideration the demand for parking of persons operating these facilities. The report should be revised to consider the parking demand for all occupiers of the site, including those operating the facility as well as players, spectators and parents etc. There is also a questions as to whether each of the referee's on the courts are leaving at the end of the match or whether they would stay onsite and continue to referee matches throughout the evening. If this were to be the case, it would be expected that referees would occupy car spaces throughout the evening meaning these would not be vacated or arriving players.

Council Development Engineer Response: Latest traffic report (dated May 2016) considered the number of spectators and referees. See parking space calculation.

Recommendation

The application has been assessed and it is recommended that the following conditions to be included in the development consent.

Note: by Consultant Assessing Officer: Due to the considerable number on conditions to be imposed by the Development Engineer, these have not been copied into the assessment report. Reference should be made to the referral document for details of each of the conditions recommended.

Environmental Project Officer

As part of the assessment of the subject development application, the proposal was referred to Council's Environmental Project Officer. In their referral response dated 23 March 2015, Council's Environmental Project Officer raised no particular objections to the proposal, but made the following comments:

- Construction must be contained within the site and not encroach on the bushland;
- Trees must be retained and protected as part of the development, with no construction within the canopy drip line, and no storage of materials or vehicles under trees.
- Any landscaping must constitute 50% plant species identified in Appendix B of the Bardwell Valley Section Plant List of the Rockdale Technical Specifications Landscape document. Additionally landscaping must not include any plant species identified in Appendix B Section J Unacceptable Species Plan List of the Rockdale Technical Specifications Landscape document.

Consultant Assessment Officer Comment: The above comments have been noted and will form conditions of consent in relation to the proposed development's approval.

Environmental Health Officer

As part of the assessment of the subject development application, the proposal was referred to Council's Environmental Health Officer (EHO). In their referral response dated 26 February 2016, Council's Environmental Health Officer made the following comments:

- A review of the applicant's submitted acoustic report dated 27 July 2015 was undertaken;
- Based on the outcomes of the report, EHO have recommended a trial period for the proposal on the basis of potential noise impacts;
- EHO suggested a peer review of the applicant's submitted acoustic report;

- EHO have made recommendations for conditions of consent in relation to the following matters:
 - Noise from mechanical plant;
 - Compliance with relevant food standards and regulations;
 - Waste storage, management and disposal;
 - Safety and standards associated with the kiosk as a food premises.

Note: Due to the significant number of conditions imposed by EHO, reference should be made to the full referral response, or draft consent for details of these conditions.

Consultant Assessment Officer Comment: The recommended conditions of approval by Council's EHO are included within the draft consent. Also refer to comments provided under SEPP 55 assessment below.

Heritage Officer

As part of the consideration for the DA-2015/194, the proposal was forwarded to Council's heritage officer for comment. In the referral response from the Heritage Officer, general support for the proposal was granted, subject to conditions of consent recommending the size of the proposed signage be reduced so as to less the impact of the proposal on the significance of the former quarry.

The recommended condition by the Heritage Officer includes:

Signs A and D shall be no greater in height than 180mm from ground level to the top of the sign, and have 600mm high posts. Signs A and D shall be no greater than 2500mm in width. Signs B and C shall be no greater than 1500mm high and 2500mm wide. No landscaping is to be removed or impacted during the installation of the signs.

Consultant Assessment Officer Comment: The recommended condition of approval by Council's Heritage Officer is to be included within the draft consent.

Tree Management Officer

As part of the consideration for the DA-2015/194, the proposal was forwarded to Council's Tree Management Officer for comment. In the referral response from the Tree Management Officer, general support for the proposal was granted as the existing site trees would be unaffected by the proposal. However to ensure existing trees are retained and protected, a number of conditions have been recommended. These include conditions covering the following:

- No trees within Council's nature strip to be removed or pruned without obtaining Council consent,
- Where paving is to occur near trees, this is not to damage trees. Alternative construction techniques may need to be adopted.
- Care with location of underground services so as not to impact on trees,
- Building materials shall not be placed or stored under the drip line of trees required to be retained.

Consultant Assessment Officer Comment: The recommended conditions of approval by Council's Tree Management Officer are included within the draft 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.79C(1) - Matters for Consideration - General

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

The following Environmental Planning Instruments are relevant to this application:

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

The site is identified as being potentially contaminated given its previous industrial activities on the site. The applicant has submitted a Preliminary Site Investigation (PSI) report, prepared by EBG Environmental Geoscience dated May 2017 Report ID:EBG-02608 Stage 1.PSI.05.17. The report concludes that '.....the land is suitable for the proposed development.....'.

The report has been reviewed by Council's environmental health officer. Based on the conclusion of the report, the proposal is found to be satisfactory in regard to SEPP 55. Additional conditions are proposed and included in the Draft Notice of Determination in regard to the quality of any proposed landfill and actions if it is found during construction that the conclusions of the PSI have changed.

State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64)

The aims and objectives of *State Environmental Planning Policy No 64—Advertising and Signage* are to ensure that signage (including advertising) is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations, and is of high quality design and finish.

Clause 3 of SEPP 64 states outlines the aims of the policy which must be met by all signage.

This Policy aims:

to ensure that signage (including advertising):

*is compatible with the desired amenity and visual character of an area, and
provides effective communication in suitable locations, and
is of high quality design and finish, and*

to regulate signage (but not content) under Part 4 of the Act, and

to provide time-limited consents for the display of certain advertisements.

This Policy does not regulate the content of signage and does not require consent for a change in the content of signage.

Under the provisions of Clause 4 of SEPP 64 the proposed signage areas are defined as a "business identification signs". Consent is sought for the signage, including its location, area, and colours.

It is considered that the location and area of the proposed signs as described as shown on the applicant's submitted plans is consistent with the existing signage structures on the site (adjacent to the driveway entry) and to be expected with the proposed development for use of the existing sports courts.

The locations are considered to be suitable and appropriate for a recreational facility (outdoor). The resurfacing of the existing sign adjacent to the car park entry is expected, given it has been painted over since the use of the tennis courts ceased.

The two signs affixed to the fences of the sports court parking and waiting area are orientated perpendicular to the road, and as such will not be a distraction to vehicles. Whilst the signage proposed is typical of such sports courts that are enclosed by high metal fences, two signs close to each other are excessive and will be out of character with the heritage significance of the land. As such a condition of consent is proposed requiring the removal of sign B.

The sign located adjacent to sport court No.1 and Bexley Road is not dissimilar to that which is located at the opposite end of the site adjacent to the car park entry. This sign is low in height and surrounded by existing vegetation, so is not considered to be a dominant or discordant element in the streetscape. This sign will serve as a business identification sign for pedestrians and motorists approaching from the north, for which the development itself is somewhat disguised by existing vegetation and the slope of the land.

Based on the above, it is therefore considered that the location, area, and design of the future business identification signage is appropriate for the development and the busy locality in which it will be situated.

The proposed signs A,C and D comply with clause 8 of SEPP 64 as they are consistent with the objectives of the policy and satisfy the assessment criteria in Schedule 1. As such the proposed signs are supported.

Rockdale Local Environmental Plan 2011

CLAUSE	REQUIREMENT	PROPOSED	COMPLIES
Cl.2.3 Zone RE1 Public Recreation	Land uses permitted with consent: <i>Boat launching ramps; Child care centres; Community facilities; Environmental facilities; Environmental protection works; Jetties; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Signage;</i>	See comment below.	Yes

CLAUSE	REQUIREMENT	PROPOSED	COMPLIES
	<i>Water supply systems.</i>		
CI 4.3 – Height of Buildings	No maximum building height shown for the site on the Height of Buildings Map.	Although no building height limits apply to the subject site, it is noted the proposal will result in the erection of twelve (12) new light poles which will have a height of 8m.	N/A
CI 4.4 – Floor Space Ratio	No maximum floor space ratio is shown for the site on the Floor Space Ratio map.	Given the nature of the proposal, there is not anticipated to be any increase in gross floor area on the site.	N/A
CI 5.4 – Controls relating to miscellaneous permissible uses	If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed 15 square metres.	<p>The proposed development includes a kiosk which will occupy part of an existing brick building on the site between the courts and the car park. The brick building will also accommodate a storage room/office and a toilet. The submitted plans show the kiosk component of the existing brick building will have a gross floor area of 22m². Accordingly, the proposal is 7m² greater than the 15m² maximum permitted under CI.5.4.</p> <p>This is considered to be capable of being addressed via imposition of a condition of consent that the internal layout of the existing brick building be amended to ensure the kiosk component has a gross floor area not exceeding 15m² when utilising the appropriate definitions contained within the Dictionary of the <i>Rockdale Local Environmental Plan 2011</i>.</p> <p>This approach has been verified as being acceptable by both Council and the applicant. Accordingly the suggested condition is:</p> <p><i>Prior to the issue of a Construction Certificate, the following amendments shall be made (as marked in red on the approved plans):</i></p> <ul style="list-style-type: none"> <i>The internal layout of the existing brick building be amended to ensure the kiosk component has a gross floor area not exceeding 15m² when utilising the appropriate definitions contained within the Dictionary of the Rockdale Local Environmental Plan 2011.</i> 	No – condition
CI.5.4	Listed under Schedule 5 'Environmental Heritage' of LEP2011 is 'Former Quarry' at 369E Bexley Road, Bexley (Item No.102). The Former Quarry is identified under	See below for the referral response comments made by the heritage officer in relation to the site's local heritage significance.	Yes

CLAUSE	REQUIREMENT	PROPOSED	COMPLIES
	<p>LEP2011 as being of 'local' significance.</p> <p>The subject site is also immediately adjacent to local heritage item I101, being the Bardwell Creek Flora Reserve.</p> <p>As part of the consideration for the DA-2015/194, the proposal was forwarded to Council's heritage officer for comment.</p>		
Cl 6.1 Acid Sulfate Soils	Acid Sulfate Soils Management Plan if any acid sulfate soils are likely to be disturbed by proposed development.	Subject site is located on land identified as containing Class 5 Acid Sulfate soils. However, the proposed development does not include any significant earthworks and accordingly there is not likely to be any real opportunity to disturb acid sulphate soils on the site.	Yes
Cl.6.2 Earthworks	<p>(3) Before granting development consent for earthworks, the consent authority must consider the following matters:</p> <p>(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,</p> <p>(b) the effect of the proposed development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or the soil to be excavated, or both,</p> <p>(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) The proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.</p>	As has been confirmed by the applicant, the proposal will not result in any significant earthworks. It is the intention that the light poles be anchored to existing footings on the courts.	Yes
Cl 6.4 Airspace	- Max 45.72m Building Height Civil Aviation	The proposed development will result in the introduction of twelve (12) new light	Yes

CLAUSE	REQUIREMENT	PROPOSED	COMPLIES
Operations	Regulations, and - Max 80m Obstacle Limitation Surface (OLS) - ANEF contour of 20 or less for residential	poles associated with the sports courts, however given these light poles are to be a maximum of 8m high, they are not considered to impact on airspace operations, particular as existing higher light poles are located on and surrounding the site.	
Cl 6.7 Stormwater	Stormwater to be designed to maximise water permeable surfaces, include OSD where practical, and avoid/minimise impact of stormwater run-off on adjoining properties, native bushland and receiving waters.	The proposed development relates to a change of use of existing tennis courts to multi-purpose sports courts, along with the erection of light poles, formalisation of an existing hard stand parking area via line marking, expansion of the existing car park into one of the existing tennis courts, and utilisation of an existing brick building for the purposes of a kiosk/café/office. Given the above proposal will not increase hard surface areas or run off on the subject site, it is considered unnecessary to require any significant upgrade or augmentation to the existing stormwater arrangements on site. It is also noted the subject DA was referred to Council's Development Engineer who has raised no objection to the proposal, subject to the imposition of conditions.	Yes
Cl 6.8 Biodiversity Protection	Applies to land identifies as "Biodiversity" on the Terrestrial Biodiversity Map.	It is noted that a small portion of the subject site in the northern corner is identified as 'Biodiversity' on the Terrestrial Biodiversity Map. However as noted in the Figure 7 below, this is not land affected by works associated with the proposed development as the light poles and courts to be modified are positioned to the south of this biodiversity land.	Yes
Cl 6.9 Riparian land, watercourses and artificial waterbodies	Applies to land situated within 40m of the top of the bank of a watercourse or artificial waterbody.	The proposed development is to take place within 40m of a watercourse, namely the Bardwell Creek which is identified by Rockdale City Council as a major tributary of Wolli Creek that runs in a semi-natural watercourse downstream of Ellerslie Road – i.e. where the subject site is located. Refer to Figure 8 below.	See further comments below.
Cl 6.12 Essential Services	Access to services such as: - Water - Electricity - Sewerage disposal - Stormwater drainage - Road access	The subject site includes development that currently has access to all the essential services identified in clause 6.12. Given the relatively minor nature of the works proposed, it is considered unlikely that the proposal will result in any significant implications to these existing essential services.	Yes

2.3 Zone – RE1 Public Recreation

The subject site is zoned RE1 Public Recreation under the LEP 2011 (current version for 21 October 2016). Within the RE1 zone, development for the following purposes is identified as being permissible with development consent:

Boat launching ramps; Child care centres; Community facilities; Environmental facilities; Environmental protection works; Jetties; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Signage; Water supply systems

Importantly for the proposal under DA-2015/272, it is noted development for the purposes of 'recreation facilities (outdoor)', and 'kiosks' are permitted with consent. Not listed as being permitted with consent is development for the purposes of 'car parks', 'restaurants or cafes' or 'office premises'. By not being listed as permitted with consent under LEP2011, these land uses are effectively prohibited in the RE1 zone.

Within the Dictionary of the LEP2011, the above land uses are defined as follows:

recreation facility (outdoor) means a building or place (other than a recreation area) used predominantly for outdoor recreation, 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, skate board ramp, 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).

kiosk means premises that are used for the purposes of selling food, light refreshments and other small convenience items such as newspapers, films and the like.

car park means a building or place primarily used for the purpose of parking motor vehicles, including any manoeuvring space and access thereto, whether operated for gain or not.

restaurant or cafe means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided.

office premises means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

When having regard to the above definitions, it is clear the proposed change of use of two tennis courts to multi-purpose sports courts, and their subsequent illumination, would be consistent with the 'recreation facility (outdoor)' land use term. In addition, the proposed use of the existing brick building for the purposes of a kiosk would be consistent with the 'kiosk' land use term. Accordingly, both these land uses are considered to be satisfactorily permissible within the zone.

The formalisation and expansion of the existing car park through new line marking and utilising one of the existing tennis courts is considered to be a permissible use of the site, despite a

'car park' being a prohibited use. This is because the car park is ancillary to the recreation facility (outdoor) use which is permissible on the site.

It is also considered that a small office associated with the recreation facility (outdoor) can reasonably be defined as an ancillary use, and although labelled as an office on the plans, would fall short of the definition of a typical office premises by virtue of its subservient nature to the dominant use of the site which is the recreation facility (outdoor).

A café however is considered to be a prohibited use of the site as the definition outlines that a café is a building or place for which the principal purpose of its operation is for the selling of food and drink, whether or not liquor, take away meals and drinks or entertainment are also provided. The principal purpose of the subject site however is a recreation facility (outdoor) and as such, any other land uses on the site would have to be subservient to the dominant use of the recreation facility (outdoor).

In any event, it is considered the objective of permitting kiosks within the RE1 zone is to allow compatible land uses with public open space and recreational areas, rather than retail premises for which a café falls under the group use term.

For this reason, the following condition of consent is recommended:

*Prior to the issue of a **Construction Certificate**, the following amendments shall be made (as marked in red on the approved plans):*

- *All references to 'café' on the above plans be substituted with 'kiosk' and the kiosk premises only be used for the selling of food, light refreshments and other small convenience items such as newspapers, films and the like, in an ancillary manner to the new mini football fields/multi-purpose sports fields.*

The proposed signage is identified as being a permissible form of development under the site's RE1 'Public Recreation' zoning. The content of the signage included as part of the proposal (refer to plan 'Signage' P-1406-DA10) is affiliated with the proposed use of the site as a 'recreation facility (outdoor)', and therefore considered satisfactory when having regard to the objectives of the RE1 zone as it will help enable the land to be used for recreational purposes.

2.7 Demolition requires consent

The proposal includes demolition of the existing poles on the site, and one tennis court to make way for the expanded car parking area which has been assessed as satisfactory subject to imposition of consent conditions.

4.3 Height of buildings

As outlined in the table above, no building height development standards apply to the subject site under the provisions of LEP2011. Nevertheless, it is noted that the proposal is to include 8m high light poles which are considered to be of appropriate height given they are to replace existing 20m high light poles.

4.4 Floor space ratio

The proposal will include the adaptive reuse of the existing brick building on the site for the purposes of a store room, kiosk and unisex amenities. This will not result in any change to the building's gross floor area, and as such the floor space ratio for the land remains unchanged.

Despite this, it is noted that no prescribed floor space ratio limit applies to the land.

5.9 Preservation of trees or vegetation

The proposed development does not seek to remove any vegetation on the site, as it will largely make use of an existing car parking area, existing tennis courts, and an existing building. Accordingly little ground disturbance is anticipated, and consequently no impact on significant vegetation is envisaged.

5.10 Heritage Conservation

As outlined within the above table, listed under Schedule 5 'Environmental Heritage' of LEP2011 is a 'Former Quarry' at 369E Bexley Road, Bexley (Heritage Item No. I102). The Former Quarry is identified under LEP2011 as being of 'local' significance. The property is also immediately adjacent to Heritage Item I101, being the Bardwell Creek Flora Reserve.

As part of the consideration for the DA-2015/194, the proposal was forwarded to Council's heritage officer for comment. In the referral response from the Heritage Officer, general support for the proposal was granted, subject to conditions of consent recommending the size of the proposed signage be reduced so as to less the impact of the proposal on the significance of the former quarry.

The recommended condition by the Heritage Officer includes:

Signs A and D shall be no greater in height than 180mm from ground level to the top of the sign, and have 600mm high posts. Signs A and D shall be no greater than 2500mm in width. Signs B and C shall be no greater than 1500mm high and 2500mm wide. No landscaping is to be removed or impacted during the installation of the signs.

6.1 Acid Sulfate Soil - Class 5

The subject site is affected by class 5 acid sulfate soils. Clause 6.1 requires an Acid Sulfate Soils Management Plan be prepared for the carrying out of works for which the watertable is likely to be lowered below 1m AHD on adjacent class 1, 2, 3 or 4 land.

The proposed development does not involve excavation works on site, but rather anchoring the proposed new light poles to existing footings.

The proposed car park expansion will occur over the existing hard surface areas of the existing tennis court No.1, and aside from some minor grading, no significant earthworks are anticipated.

The nearest adjoining land identified as containing class 1, 2, 3 or 4 land is located 560m north-east of the subject site towards the Bardwell Valley Golf Club. The proposed basement works are not considered to lower the watertable of land located 560m away.

6.2 Earthworks

Clause 6.2 requires that any proposed earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of surrounding land.

As outlined above, the amount of earthworks proposed on the site are considered minimal, an unlikely to impact on environmental functions and processes. Furthermore the minor nature of

the necessary earthworks would mean that heritage items are satisfactorily protected. To ensure this, Council's referral response from the Heritage Officer has recommended conditions of consent be imposed.

6.4 Airspace operation

The purpose of clause 6.4 is to ensure that the relevant Commonwealth body is advised should the Limitation or Operation Surface of Sydney's Kingsford-Smith Airport be penetrated.

The proposed development will result in the introduction of twelve (12) new light poles associated with the sports courts, however given these light poles are to be a maximum of 8m high, they are not considered to impact on airspace operations, particular as existing higher light poles are located on and surrounding the site.

6.7 Stormwater

Council's Development Engineer has included recommended conditions of consent which are required to be satisfied prior to issue of the Construction Certificate to ensure that the new car park on the site satisfactorily complies with Council's Technical Specifications. Therefore, subject to recommended conditions the proposal is satisfactory with regards to this clause.

6.8 Biodiversity Protection

It is noted that a small portion of the subject site in the northern corner is identified as 'Biodiversity' on the Terrestrial Biodiversity Map. However as noted in the **Figure 7** below, this is not land affected by works associated with the proposed development as the light poles and courts to be modified are positioned to the south of this biodiversity land.

The provisions of clause 6.8 cover that before determining a development application for development on land to which this clause applies, the consent authority must consider any adverse impact of the proposed development on the following:

- (a) native ecological communities,
- (b) the habitat of any threatened species, populations or ecological community,
- (c) regionally significant species of fauna and flora or habitat,
- (d) habitat elements providing connectivity.

As part of the assessment of the subject development application, the proposal was referred to Council's Environmental Project Officer. In their referral response Council's Environmental Project Officer raised no particular objections to the proposal with regard to clause 6.8 of LEP2011, but made the following comments:

- Construction must be contained within the site and not encroach on the bushland;
- Trees must be retained and protected as part of the development, with no construction within the canopy drip line, and no storage of materials or vehicles under trees.
- Any landscaping must constitute 50% plant species identified in Appendix B of the Bardwell Valley Section Plant List of the Rockdale Technical Specifications Landscape document. Additionally landscaping must not include any plant species identified in Appendix B Section J Unacceptable Species Plan List of the Rockdale Technical Specifications Landscape document.



Figure 7: To the left in the above diagram is an extract from the LEP2011 Terrestrial Biodiversity Map with the subject site highlighted in red. Noted in this section of the diagram is a small component of the green shaded Biodiversity land impacting upon the northern portion of the site. To the right in the above diagram is an extract of the amended site plan showing the location of the sports courts/fields at the northern end of the site, along with the proposed sign. Noted here is how these elements of the proposal are not on land which is identified as Biodiversity under the Terrestrial Biodiversity Map (shown hatched in green).

Source: www.legislation.nsw.gov.au and submitted amended site plan by applicant – edited by CPS for diagrammatic purposes

6.9 Riparian land, watercourses and artificial waterbodies

A component of the proposed development is to take place within 40m of a watercourse, namely the Bardwell Creek which is identified by Rockdale City Council as a major tributary of Wollie Creek that runs in a semi-natural watercourse downstream of Ellerslie Road – i.e. where the subject site is located. The component only relates to the use of the courts, and replacement of the existing light poles with new light poles that will be anchored to existing footings. Accordingly, any environmental impacts associated with the proposal on the adjacent watercourse is considered to be insignificant.

Refer to **Figure 8** below for the location of the light poles to the aforementioned watercourse.

Before determining a development application to carry out development on land to which this clause applies, the consent authority must consider whether or not the development:

- (a) will cause any adverse impact on the following:
 - (i) the water quality within a watercourse or artificial waterbody,
 - (ii) aquatic and riparian species, habitats and ecosystems,
 - (iii) the stability of the bed, shore and banks of a watercourse or artificial waterbody,
 - (iv) the free passage of fish and other aquatic organisms within or along a watercourse or within an artificial waterbody,
 - (v) any future rehabilitation of a watercourse, artificial waterbody and riparian areas,
 - (vi) flows within a watercourse, and
- (b) will increase water extraction from a watercourse or artificial waterbody.

As mentioned, many facets of the proposal will involve minimal works that would unlikely cause any significant impact to the adjacent watercourse. This is because the proposal relates principally to the change of use of the tennis courts to multi-purposes sports, new light poles anchored to existing footings. The adaptive reuse of an existing building for the kiosk, and formalisation of an existing car park would be located further than 40m from the watercourse.

It is acknowledged there would be slightly more significant works associated with the expansion of the car park, however given this is to occur over the top of an existing tennis court and beyond the 40m zone of influence. There will be no vegetation removal, or increase in hard paved areas that would otherwise potentially impact on the watercourse.

As part of the assessment of the subject DA, the proposal was referred to Council's Environmental Management Officer who has raised no objection to the proposal with regard to clause 6.9 of LEP2011. Conditions of consent have however been recommended by the Environmental Management Officer, and these will be included within the draft consent.

Having regard to the above, the proposal is therefore considered acceptable when having regard to the provisions of clause 6.9 of LEP2011.



Figure 8: This diagram shows the distance from the proposed development (i.e. light poles) to Bardwell Creek, which is classified as a watercourse by Rockdale City Council.

Source: www.legislation.nsw.gov.au and submitted amended site plan by applicant – edited by CPS for diagrammatic purposes

6.12 Essential Services

It is considered that all services required to operate the proposal would already be connected to, and also be utilised under the current arrangements for the tennis courts. As such, the proposal will simply continue to utilise these services as part of the augmented use of the land.

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

Draft SEPP 64 is available for public comment until 30 June 2017. The draft SEPP aims at detailing controls in regard to trailer advertising. Another key change is the repeal of Clause 16(4) to allow transport corridor advertising with consent. The proposed changes do not affect the proposal.

No other relevant draft proposed instruments are applicable to this proposal.

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

The following Development Control Plan is relevant to this application.

Rockdale Development Control Plan 2011

The proposed development generally complies with the Rockdale Development Control Plan 2011 (DCP2011). A compliance table for the proposed development is provided below:

Relevant clauses	Compliance with objectives	Compliance with standard/provision
Part 4 General Principles for Development		
4.1.1 Views and Vista	Due to the minor physical works being proposed, and given the new light poles will be lower than the existing light poles, no impact on views or vistas is envisaged.	Due to the minor physical works being proposed, and given the new light poles will be lower than the existing light poles, no impact on views or vistas is envisaged.
4.1.2 Heritage Conservation	Refer to heritage officer referral response.	Refer to heritage officer referral response.
4.1.3 Water Management	As part of the assessment of the proposed development, the DA was referred to Council's Environmental Management Officer who has provided support for the development subject to conditions of consent.	As part of the assessment of the proposed development, the DA was referred to Council's Environmental Management Officer who has provided support for the development subject to conditions of consent.
4.1.4 Soil Management		
4.1.5 Contaminated Land		

Relevant clauses	Compliance with objectives	Compliance with standard/provision
4.1.6 Development on Sloping Sites	The proposed works are not taking place on sloping land.	The proposed works are not taking place on sloping land.
4.1.9 Lot size and Site Consolidation - isolated sites	No change to the existing lot size or subdivision arrangement is proposed as part of the development.	No change to the existing lot size or subdivision arrangement is proposed as part of the development.
4.2 Streetscape and Site Context - General	Conditions have been included to ensure tree retention, and signage impacts are minimised. This will ensure the presentation to Bexley Road remains satisfactory.	
4.2 Streetscape and Site Context - Fencing		
4.2 Streetscape and Site Context - Sandstone Walling, Rock Outcrops and Kerbing		
4.3.1 Open Space and Landscape Design	The proposal can be seen as a positive contribute to a public open space area that is in line with the Plan of Management for the Bardwell Valley Parklands.	
4.3.2 Private Open Space - Low density residential	The proposal will not result in any impacts to adjoining private open space areas given it is to occur at existing sports courts located 10m below residential development on the escarpment above. Refer to comments in relation to acoustic privacy and light spill below for details on how this may affect adjoining residential development.	
4.4.3 Natural Lighting and Ventilation - Residential	No overshadowing of adjoining land is anticipated due to the nature of the works proposed, and the site being on the foot on an escarpment.	
4.4.4 Glazing - General Controls	No significant glazing works are proposed.	
4.4.5 Visual privacy	The proposal will not result in any visual privacy impacts given it is to occur at existing sports courts located 10m below residential development on the escarpment above.	
4.4.5 Acoustic privacy	Refer to detailed response in relation to noise and acoustic privacy following this table.	
4.4.6 Noise Impact - Non-residential		
4.4.7 Wind Impact	The physical aspects of the proposal are generally limited to the demolition of 6 x 20m light	

Relevant clauses	Compliance with objectives	Compliance with standard/provision
	poles, and the erection of 12 x 8m light poles. As such no impacts on wind are envisaged.	
4.5.2 Social Equity - Equitable Access	Complies - refer to detailed comments on social equity in the response following this table.	
4.6 Parking Rates - Other Uses	Complies – refer to Development Engineer referral response and comments on traffic and parking following this table.	
4.6 Parking Provisions - Alterations and additions	Complies – refer to Development Engineer referral response and comments on traffic and parking following this table.	
4.6 Parking Provisions - Prior Contributions	Complies – refer to Development Engineer referral response and comments on traffic and parking following this table.	
4.6 Car Park Location and Design	Complies – refer to Development Engineer referral response and comments on traffic and parking following this table.	
4.6 Vehicles Enter and Exit in a Forward Direction	Complies – refer to Development Engineer referral response and comments on traffic and parking following this table.	
4.6 Basement Parking - General	No basement parking is proposed as part of the proposed development. New parking areas are to be at grade.	
4.6 Driveway Widths	Complies – refer to Development Engineer referral response and comments on traffic and parking following this table.	
4.6 Traffic - Classified Roads	Complies – refer to Development Engineer referral response and comments on traffic and parking following this table.	
4.6 Mechanical Parking Systems	No mechanical parking systems proposed.	
4.6 Access to Parking	Complies – refer to Development Engineer referral response and comments on traffic and parking following this table.	
4.6 Design of Loading Facilities	No loading facilities are proposed as part of the proposed development. Any deliveries are considered capable of being accommodated within the existing parking area.	

Relevant clauses	Compliance with objectives	Compliance with standard/provision
4.7 Air Conditioning and Communication Structures	No specific air condition of communication structures are identified as being proposed as part of the DA.	
4.7 Waste Storage and Recycling Facilities	Appropriate conditions of consent will be imposed to manage waste storage and recycling. Reference should also be made to the Environmental Health Officer referral response.	
6.4 Advertising and Signage	Signs are proposed to the sports courts. Conditions of consent have been included to ensure these signs are limited in size so as to have regard to the heritage significance of the site, and also to ensure they are not an issue with regard to safe vehicular entry and egress from the site.	

Views and Vista

The only structures of significant physical influence on the site are the light poles, as the signage, and works associated with the expansion to the car park are generally low scale.

The light poles will be 8m in height, and as such fall below the approximate 10m height of the adjacent escarpment from the former quarry on the site. In addition, the light poles will replace existing 20m high light poles on the site.

The subject site is not located in an area with direct or obscured water views.

Having regard to the above, the proposal is considered to be satisfactory when having regard to its impact on any views or vistas.

Heritage Conservation

Reference is made to the detailed discussions on heritage contained in the response to clause 5.4 of LEP2011.

Water Management

The proposal relates to the use of the tennis courts, along with replacement of existing light poles with new light poles and luminaires at the existing tennis courts on Bexley Road. Due to the nature of the proposed modification, it is considered unlikely that any significant impacts on water management will result.

Flood Risk Management

The proposal relates to a new use of existing sports infrastructure, retention of an existing light pole and luminaire at the existing tennis courts, and expansion of a car park. Due to the nature of the proposed works, it is considered unlikely that any significant impacts on flood risk management will result. It is further noted that the subject land has been identified by Council as not being impacted upon by flooding.

Soil Management

The subject site is identified as being located within a Class 5 Acid Sulfate Soils area. However, as has been outlined earlier in this assessment report, the proposal is not considered to have an impact on acid sulfate soils due to the minimum ground disturbance proposed as part of the development, and also due to the subject site being located more than 500m from the nearest Class 1, 2, 3, or 4 acid sulfate soil areas.

Noise Impact

Noise impacts associated with the intensification in use of sports fields/courts can be a significant issue for adjoining sensitive receivers, such as residential dwellings. In particular, when lighting is utilised to enable use of sports fields into the evening, this can become a disturbance to the amenity and quiet enjoyment time typically expected in residential areas.

Both Council's initial assessment of the proposal, along with submissions received by neighbours, raised the issue of noise impacts associated with the development – principally to those residences located on top of the quarry escarpment immediately adjacent to the sports courts which are to be illuminated.

As such, it was requested that the applicant have a suitably qualified acoustic engineer prepare a report detailing the forecasted noise impacts of the proposal, along with any mitigation measures to reduce the impact on adjoining residential property.

An acoustic report prepared by Koikas Acoustic dated 27 July 2015 was subsequently submitted by the applicant. This report indicated that surrounding residences will be impacted upon by the noise associated with the proposal, so much so that the noise objective (being background plus 5dBA (53dBA)) set in the acoustic report was unable to be met by the originally submitted proposal for those residential receivers adjacent to the sports courts. This was of concern as there are a large number of dwellings within these residential areas that would be impacted upon.

The acoustic consultant also modelled the anticipated noise impact with only three, two and one court being utilised instead of the four courts originally proposed.

With three courts being utilised, the noise criteria of background plus 5dBA (53dBA) was exceeded at three residential locations, but to a lesser dBA amount.

With two courts being utilised, the noise criteria of background plus 5dBA (53dBA) was exceeded, but at only two residential locations. Furthermore, the dBA level of exceedance at these two locations was notably less.

With only one court being utilised, the noise criteria of background plus 5dBA (53dBA) was achieved at all receiver locations.

The assessment of the submitted acoustic report identified a number of concerns in relation to the acoustic performance of the proposal, in particular the apparent inability to achieve compliance with the noise criteria. These concerns were raised with the applicant, and an addendum to the acoustic report dated 25 November 2015 was subsequently issued.

Importantly, in the addendum the acoustic engineer concluded with the following recommendation:

"In my opinion, the use of two courts in the evening should be trialled and if the vocal

emissions are such that the conservative noise is breached, then the use of a single court would need to be considered."

In line with the recommendation of the acoustic engineer, a letter from the applicant dated 30 November 2015 nominating the proposal be revised so only two of the four courts would be utilised for multi-purpose sports courts, instead of the four courts originally proposed.

No objection has been received by the applicant in relation to their acoustic consultant's suggested trial period.

The assessing officer acknowledges the potential risk faced by the applicant in proceeding with the development on the basis of a trial period. That risk being the cost required to carry out the proposed development, then the potential uncertainty of the both courts remaining in use beyond the trial period should the vocal emissions breach the noise criterion.

Nevertheless, it is important to balance the public benefits of the upgraded multi-purpose sports courts with the identified acoustic impacts of the proposal on adjoining residences, particularly as the neighbours have raised concerns in their written submissions objecting to the proposal on the basis of noise.

For this reason it is considered reasonable that the following condition of consent be imposed for the trial period suggested by the applicant's acoustic consultant:

The hours of operation for the two (2) mini football fields/multi-purpose sports fields, including the field lighting, kiosk and amenities room is from 8.00am to 10.00pm Monday to Saturday, and from 8.00am to 9.00pm on Sundays for a period of 6 months from the issue of an Occupation Certificate, after which time the hours of operation will revert to only one (1) mini football field/ multi-purpose sports field from 8.00am to 10.00pm Monday to Saturday, and from 8.00am to 9.00pm on Sundays unless a further approval is obtained by way of a Section 96 modification application to retain the operation of the two (2) fields. The Section 96 modification application would need to be accompanied by a report prepared by a suitably qualified acoustic engineer demonstrating the vocal emissions are such that the noise criterion is not breached.

Light Spill Impacts

Higher illuminating lights have the potential to impact on the built environment in terms of the obtrusive effects of outdoor lighting, particularly on land including residential accommodation.

As demonstrated within **Figure 2** earlier in this report, the nearest residential accommodation is that of the multi dwelling house developments fronting Orpington Street and backing onto the top of the escarpment above the existing sports courts. The property boundary to these dwellings is within 10m of the proposed development.

'Australian Standard AS4282-1997 – Control of the obtrusive effects of outdoor lighting' sets out guidelines for control of the obtrusive effects of outdoor lighting and gives recommended limits for the relevant lighting parameters to contain these effects within tolerable levels. The following is an extract from AS4282-1997 in relation to the effects on residents as a result of bright luminaries:

Section 2.6.1 Effects on residents Effects on residents generally involve a perceived change in amenity arising from either of the following:

- (a) *The illumination from spill light being obtrusive, particularly where the light enters rooms of dwelling that are normally dark, e.g. bedrooms. The illuminance on surfaces, particularly vertical surfaces, is an indicator of this effect.*
- (b) *The direct view of bright luminaries from normal viewing directions causing annoyance, distraction or even discomfort. The luminance of a luminaire, in a nominated direction, is an indicator of this effect. However, because of difficulties associated with the measurement of luminance, recommendation in the Standard are expressed in terms on the luminous intensity in specified directions.*

Tolerable levels of each of these light technical parameters will be influenced by the ambient lighting existing in that environment. This will be determined largely by the degree and type of the development of the area and by the road lighting in place.

Values of the light technical parameters that are acceptable during the earlier hours of the evening may become intolerable if they persist at later times when residents wish to sleep.

Given the above, it is important to assess the illumination spill on adjoining residential development whilst taking into consideration existing conditions, that being 20m high flood lights are already in place at the existing tennis courts, and the proposal will involve the removal of these light poles and luminaries, and replace them with twelve (12) new 8m high light poles for two (2) of the existing four (4) courts.

Table 2.1 within AS4282-1997 outlines the recommended maximum values of light for the control of obtrusive light both during curfew hours (i.e. after 11pm) and after curfew hours (before 11pm).

Table 2.1 provides that the recommended maximum Lux values at the boundaries of nearby residential properties is 10Lux for light or dark surrounds in pre-curfew hours, while at curfewed hours it is 2Lux in light surrounds and 1Lux in dark surrounds.

Although the nearby properties are located near approved light emitting sources already, such as the existing 20m high light poles, for the purposes of this assessment the more stringent dark surrounds criteria have been used. That is, a maximum 10Lux for pre-curfew hours and a maximum of 1Lux for curfewed hours.

As part of the assessment of the subject DA, Council has requested that the applicant submit a light spill report prepared by a suitably qualified lighting engineer. As outlined earlier within the Background section of this assessment report, a number of revisions to the proposal has taken place, and as such multiple revisions of the applicant's light spill report have also been necessary.

In the latest revision of the light spill report prepared by HHH Consulting, dated 3 June 2016, the following comments are made:

- The existing tennis courts currently have 6 x 20m high light poles with flood lights;
- The dwellings in the back are elevated at 10 metres (above the light fittings installed at 8m) most of the light spill will be absorbed by the trees.
- A lighting design was done using DiaLux V4.12 to ensure compliance with AS4282 – 1997. *Control of the Obtrusive Effects of Outdoor Lighting*

- The current design is certified to comply with *AS4282 – 1997. Control of the Obtrusive Effects of Light*.

As covered earlier within the Background section of this assessment report, a number of concerns were raised with the applicant's previous versions of the light spill report, including the use of averaging, and also failing to make a committing statement that the proposal would comply with *AS4282 – 1997. Control of the Obtrusive Effects of Outdoor Lighting*.

While components of the HHH Consulting report remain a little unclear, the report nonetheless concludes that the current design is certified to comply with *AS4282 – 1997. Control of the Obtrusive Effects of Light*.

Given the above, and also given the significant number of objections which have been received in relation to light spill from the proposed development, it is considered reasonable the following condition be imposed to verify the proposed lighting complies with the relevant Australian Standards once operational:

Light Spill. A validation report must be obtained from a suitably qualified and experienced lighting engineer/consultant three (3) months after the commencement in operation of the development under DA-2015/272. The report should demonstrate and certify that light spill impacts with the development satisfy AS 4282-1997 Control of the obtrusive effects of outdoor lighting.

The report is to be forwarded to and approved by Council. This report must address (but not limited to) the level of light spill on adjoining residential properties. Any recommendations outlined in the report are to be implemented in accordance with the report.

Social Equity

The proposal relates to the upgrade of existing light poles and luminaires at the existing sports courts within the Bardwell Valley Parklands. The proposal will also see the augmentation and formalisation of the existing car park, along with a modification in the use of the tennis courts to enable multi-purpose sporting activities.

Social benefits that can arise as a result of the proposal include the improved use and versatility of this existing community facility. However it is acknowledged that the impacts from the intensification of this use could cause some negative social issues with the residents adjoining the sports courts.

To balance the social benefits of the proposal with the potential impacts, a condition has been recommended in the applicant's submission for a trial period of the proposal. This is to ascertain the acoustic performance of the development and its potential to impact on adjoining residential areas. Should the results of the acoustic verification testing prove the noise criterion is unable to be achieved, then the use of only one sports court may be necessary to balance the social outcomes of the development.

Parking Rates – Other Uses

As part of the applicant's submission, a detailed traffic and parking impact assessment has been prepared for Council's consideration.

This report, prepared by SafeWay Traffic Management Solutions dated May 2016 notes that

neither the RTA Guide to Traffic Generating Developments, nor the Rockdale Development Control Plan 2011 provides any guide or recommendation for the parking requirements of multi-purpose sports courts.

In this regard the SafeWay report has applied an empirical assessment of the traffic generation and parking requirements for the sports courts based on worst case scenarios with both sports courts are being fully utilised at the same time for five-per-side soccer games. By allowing for 10 games to occur over a 12-hour period, the total daily trip generation for both fields would be 320 vehicles per day – relatively low traffic volumes compared with the daily traffic volume on an arterial road like Bexley Road.

Applying a similar empirical method to car parking demand, including the parking demand for both players, spectators, referees and other users would be 38 car parking spaces.

The applicant's latest amendment of the plans, prepared on 1 August 2016, demonstrate parking for 38 cars as part of the formalisation of the existing car park, and also the expansion of the car parking into the former southern-most tennis court adjacent to the existing brick building that is to become a kiosk, amenities and storage room.

Accordingly, the amended proposal complies with the recommendations put forward by the applicant's traffic and parking engineer.

For verification however, the proposal along with the amended plans and the SafeWay report were referred to Council's Development Engineer for assessment and comment. In their referral response, the following comments were made in relation to the access and parking:

- The proposed access via Bexley Road is capable of complying with AS2890.1 2004 subject to the driveway being a minimum 5.5m for the first 6m inside the property boundary.
- A minimum 28 car parking spaces are required to service the proposed development;
- Based on a comparison to another sporting club at Strathfield, Council's Development Engineer notes that the current proposal is considered to have sufficient parking spaces;
- A condition is required to restrict the maximum number of players in each soccer field to 10;
- Sporting activities management plan shall be submitted to the Certifying Authority prior to Construction Certification. In any major events or competitions, two activities shall have 15-20 minute separation to reduce impact on Bexley Road traffic flows.
- A suite of additional standard and non-standard conditions have been recommended by Council's Development Engineer which will be included in the draft consent.

Assessing Officer Comment - Having regard to the above points raised by the Development Engineer, it is considered the proposal is satisfactory for approval from a traffic and parking perspective. In particular, this is because the development will provide for 38 parking spaces, therefore achieving consistency with both the recommended parking rates outlined by the applicant's traffic and parking engineer, and also that of Council's Development Engineer.

It is noted the 38 parking spaces identified on the plans do not indicate any disabled parking spaces. As such, the necessity for such spaces to comply with the relevant Australian Standards would see the creation of some shared zones within the car park. This would place some downward pressure on the total number of parking spaces. Yet given the surplus provided by the applicant, it is envisaged this could easily be accommodated while still achieving consistency with the 28 minimum spaces recommended by Development Engineer.

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

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

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

The potential impacts related to the proposed modification has been considered in report to the LEP and DCP controls.

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

The relevant matters pertaining to the suitability of the site for the proposed development have been considered in the assessment of the proposal.

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.

Aside from a condition to update the plans submitted as part of the Section 96(1A) application, additional conditions of consent are not considered necessary in the circumstances of the case given the proposal simply relates to the retention of an existing light pole and luminaire that was originally identified for demolition under DA-2015/194.

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

As covered within the Background section of this report earlier, the proposal has been notified in accordance with the provisions of DCP 2011 on multiple occasions due to the significant number of amendments which have taken place to the proposal. These notification periods were:

- 4 February 2015 to 26 February 2015;
- 9 December 2015 to 7 January 2016; and
- 4 August 2016 to 19 August 2016.

The most recent notification was in relation to the amended development the subject of this assessment report, which is for:

Development Application - Change of use of two (2) of the four (4) existing tennis courts to two (2) mini football fields/multi-purpose sports fields (including field lighting), conversion of one (1) tennis court to car parking to provide a total of 38 off-street parking spaces, convert existing brick structure to kiosk/office and signage to heritage item (former quarry) operating 8am to 10:00pm Monday to

Saturday and 8am to 9pm Sundays - the remaining tennis court will be used as a sitting / waiting area.

In response to this notification period, a total of six (6) written submissions were received, along with a petition containing thirteen (13) signatories against the proposed development.

The following outlines each of the objections raised in the submissions, followed by a comment from the consultant assessing officer.

Noise Impact – *concerns have been raised by objectors in relation to the noise impacts associated with the proposed development, in particular noise associated with the use of the multi-purpose sports fields, car parking, and operation of the kiosk.*

Comment: Concerns in relation to the noise impact on residents as a result of the proposed development has been an ongoing concern by the consultant assessing officer.

This concern has necessitated the submission of an acoustic report by the applicant which recommended the original proposal for use of all four (4) sports courts be reduced to only two (2) courts located furthest away from the residents for a trial period. Then if the emissions are such that the noise criterion is breached, then the use of a single court would need to be considered.

Following the applicant's submission of this acoustic advice, revised plans were submitted reducing the number of multi-purpose sports courts from four (4) to two (2) courts.

In line with the applicant's acoustic consultant recommendation, a condition of consent has been included requiring a trial period for the use of two courts. The requirement for ongoing use of the two (2) courts would be subject to a Section 96 modification supported by an acoustic report demonstrating the operation of the two sports courts achieves the noise criterion.

As demonstrated within the applicant's acoustic report, the use of only one of the two sports courts is predicted to comply with the noise criterion.

Given the above, the concerns raised by the objectors are legitimate, and have been appropriately considered as part of the assessment of the proposed DA. Should the trial period identify the operation of the courts exceeds the noise criterion, the effect of the aforementioned condition will revert the use of the courts to one only, whereby the noise criterion has been predicted to comply.

To help ensure noise is appropriately managed on the site, and to help ensure the applicant maintains the ability to use both courts, the following additional noise mitigation conditions are recommended:

Amplified music – No amplified music of any kind is to be played within the outdoor play areas.

Sitting/Waiting Area – No practising, kicking of balls, or warm up activities are to take place on the court identified as the "sitting/waiting area" on the approved plans.

Maximum number of players – The maximum number of players in each multi-purpose sports field is limited to 10.

Noise from users – Adequate signage is erected in the vehicles car parking area to encouraged spectators and participants to leave the premises quickly and quietly after training/games to mitigate possible nuisance noise.

Light Spill – concerns have been raised by objectors in relation to the impacts of light spill on adjoining residences, and also light spill affecting fauna in the adjacent Bardwell Valley area.

Comment: Again, concerns in relation to light spill were also shared by the consultant assessing officer as part of the assessment of the proposal. For this reason, the applicant was required to submit to Council a report from a suitably qualified lighting engineer demonstrating the proposal complies with AS 4282 – Control of the obtrusive effects of outdoor lighting.

The latest revision of the applicant's light spill report submitted by HHH Consulting, dated 3 June 2016 concludes the following:

The current design is certified to comply with AS4282 – 1997. Control of the Obtrusive Effects of Light.

Given the above, the light spill impacts associated with the proposed development are considered to be within acceptable limits as compliance with the Australian Standard is claimed to have been met.

To ensure the operational light poles are compliant with the relevant Australian Standard, and to ensure the obtrusive effects of the proposed lighting at the adjoining residential property boundaries are within acceptable limits, the following conditions of consent have been recommended:

Light Spill – The light spill at the adjoining residential boundaries to comply with the requirements of AS 4282 – Control of the obtrusive effects of outdoor lighting.

Light Spill Validation Report. A validation report must be obtained from a suitably qualified and experienced lighting engineer/consultant three (3) months after the commencement in operation of the development under DA-2015/272. The report should demonstrate and certify that light spill impacts with the development satisfy AS 4282-1997 Control of the obtrusive effects of outdoor lighting.

The report is to be forwarded to and approved by Council. This report must address (but not limited to) the level of light spill on adjoining residential properties. Any recommendations outlined in the report are to be implemented in accordance with the report.

Hours of Operation – concerns have been raised by objectors in relation to the proposed hours of operation for the sports courts, including the impacts of such operating hours on adjoining residents by way of noise and light spill.

Comment: The Bexley Tennis Courts are identified within the Plan of Management for the Bardwell Valley Parklands as an active recreation area for various hard court games, and also acknowledges the change of use of the existing tennis courts to soccer uses.

In this regard, it is well established that the existing and future use of the site is to be for multi-sports activities. The subject DA is therefore consistent with the desired future character for the area.

It is also important to consider that although the existing tennis courts are now closed, they have long been used for sporting activity, including sporting activities of an evening whereby the six (6) 20m high light poles have been used to illuminate the tennis courts.

The proposal can therefore be seen as an augmentation of an existing approved use, not the introduction of a new use to the site.

When considering hours of operation, reference is made to the NSW Government's Environmental Protection Authority publication titled Industrial Noise Policy. This specifies different times of the day in terms of their sensitiveness to activities which may impact on sensitive receivers, such as residential accommodation.

These are defined as follows:

- Day: the period from 7:00 am to 6:00 pm Monday to Saturday; or 8:00 am to 6:00 pm on Sundays and public holidays;
- Evening: the period from 6:00 pm to 10:00 pm; and
- Night: the remaining periods.

Within the above, the day time period is taken to be the least sensitive, the even period more sensitive, and the night time period the most sensitive whereby noise impacts can affect the sleep hours of most people.

These times of day somewhat coincide with the pre-curfew and curfew hours outlined within AS 4282 – *Control of the obtrusive effects of outdoor lighting*. For example, stricter light spill standards apply after 11pm than before 11pm.

The proposal seeks the following operating hours:

- 8am to 10:00pm Monday to Saturday; and
- 8am to 9pm Sundays.

These proposed hours fall entirely outside of the sensitive night-time period identified within the INP, and also outside of the curfew hours specified within AS 4282.

In this regard, provided the proposed development is able to achieve compliance with AS 4282, and the noise criterion of background plus 5dBA, then it is reasonable to permit the proposed operating hours sought by the applicant under DA-2015/272.

However, to ensure the proposal does not operate outside of the approved hours the following condition is recommended:

Curfew switches - Curfew switches are to be installed, along with manual off switches, to each tower set, to ensure that the sports field light use does not extend beyond the approved times of use as detailed in the condition below.

Traffic and Parking – *the submissions have raised concern in relation to the proposal's impact on traffic and parking, in particular citing that the expanded car parking area will not be able to safely accommodate the proposed number of cars.*

Comment: Initial concerns were raised with the originally submitted DA in relation to traffic and parking impacts associated with the proposed development. In particular, the proposal's

ability to accommodate the necessary number of parking spaces within the existing parking area.

As such, the applicant was requested to submit to Council a traffic and parking assessment prepared by a suitably qualified engineer.

The submitted report demonstrated that the originally submitted proposal was unable to achieve compliance with the required number of parking spaces given the intensified use of the site, and small associated car park.

As a consequence, the proposal was amended by the applicant to reduce the number of multi-purpose sports courts from four to two, and also expand the existing car park by taking over one of the existing courts no longer to be utilised.

In doing so the applicant's proposal now demonstrates a total of 38 car parking spaces. This is consistent with the number of parking spaces forecast as being required in the traffic and parking report submitted by the applicant, and ten more spaces than identified as being necessary as part of Council's Development Engineer referral response.

Having regard to the above, the proposal is considered to provide a satisfactory level of parking despite the objections raised by neighbours are part of the notification of the proposal.

In terms of the proposal's impact on traffic, it is reiterated that the referral response from the Development Engineer raises no objection to the modified proposal subject to the imposition of conditions of consent which include both vehicular access and also parking arrangements. Furthermore, it is noted that the submitted traffic and parking report has concluded that a total of 320 vehicular trips per day to/from the site is considered low when taken into context with the adjacent arterial road of Bexley Road.

A specific question was raised by the consultant assessing officer with regard to the size and dimension of the proposed car parking to ensure compliance with AS2890.1-2004 'Parking facilities - Off-street car parking is achieved. In response Council's Development Engineer has stated that Safeway certified the compliance as per AS2890.1, and as such is acceptable.

Having regard to the above, it is considered that traffic and parking matters raised by objectors have been satisfactorily addressed by the amended proposal, submitted consultant reports, and recommendations of Council's Development Engineer.

Safety – concerns have been raised by objectors in relation to public safety. Including traffic and pedestrian safety impacts from the intensified use of the site, and anti-social behaviour taking place at the courts.

Comment: The concerns raised by objectors in relation to anti-social behaviour are somewhat generalised in nature, but it is worth noting that the converse of such arguments is the illumination and utilisation of the sports facility throughout the week can also serve as a deterrent for anti-social behaviour, and attract new users to an area which is currently closed and not utilised.

In addition, the following condition has been recommended to ensure possible nuisance noise associated with the sports facility is minimised to help ensure users leave the premises quickly and quietly after training/games:

Noise from users – Adequate signage is erected in the vehicles car parking area to encouraged spectators and participants to leave the premises quickly and quietly after training/games to mitigate possible nuisance noise.

It is also noted that the recommendation of the applicant's acoustic consultant, and also the recommendation of this assessment report, is the DA be subjected to a trial period, whereby based on the proposal's performance the use and hours of operation of the facility may be subject to change.

Matters associated with vehicular and pedestrian safety as a result of increased site usage are considered to have been satisfactorily covered in the comments above on traffic and parking. Once again it is noted that the proposal has been referred to Council's Development Engineer who has reviewed to proposal from a traffic and parking perspective and deemed it to be satisfactory when having regard to the relevant standards.

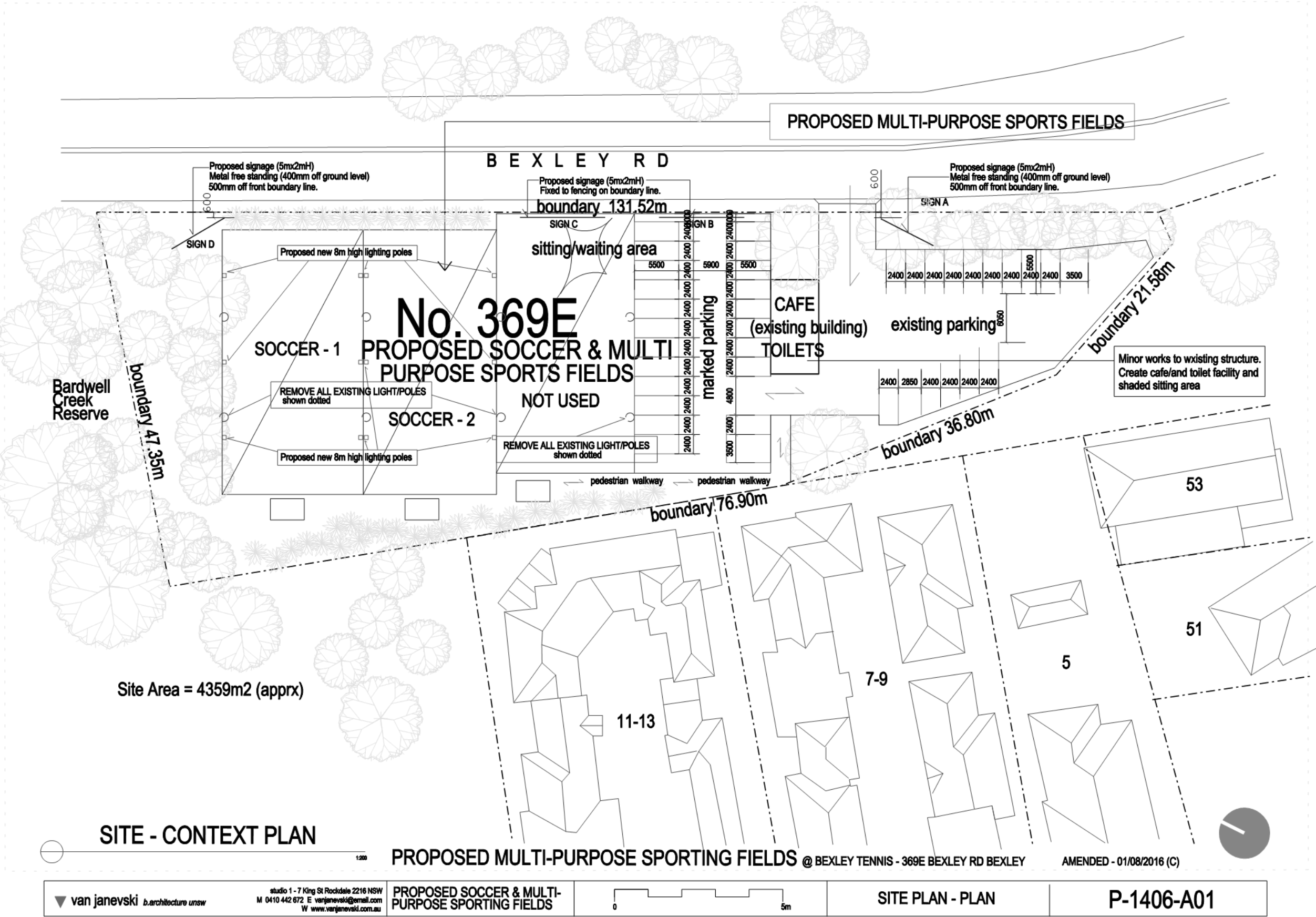
S.79C(1)(e) - Public interest

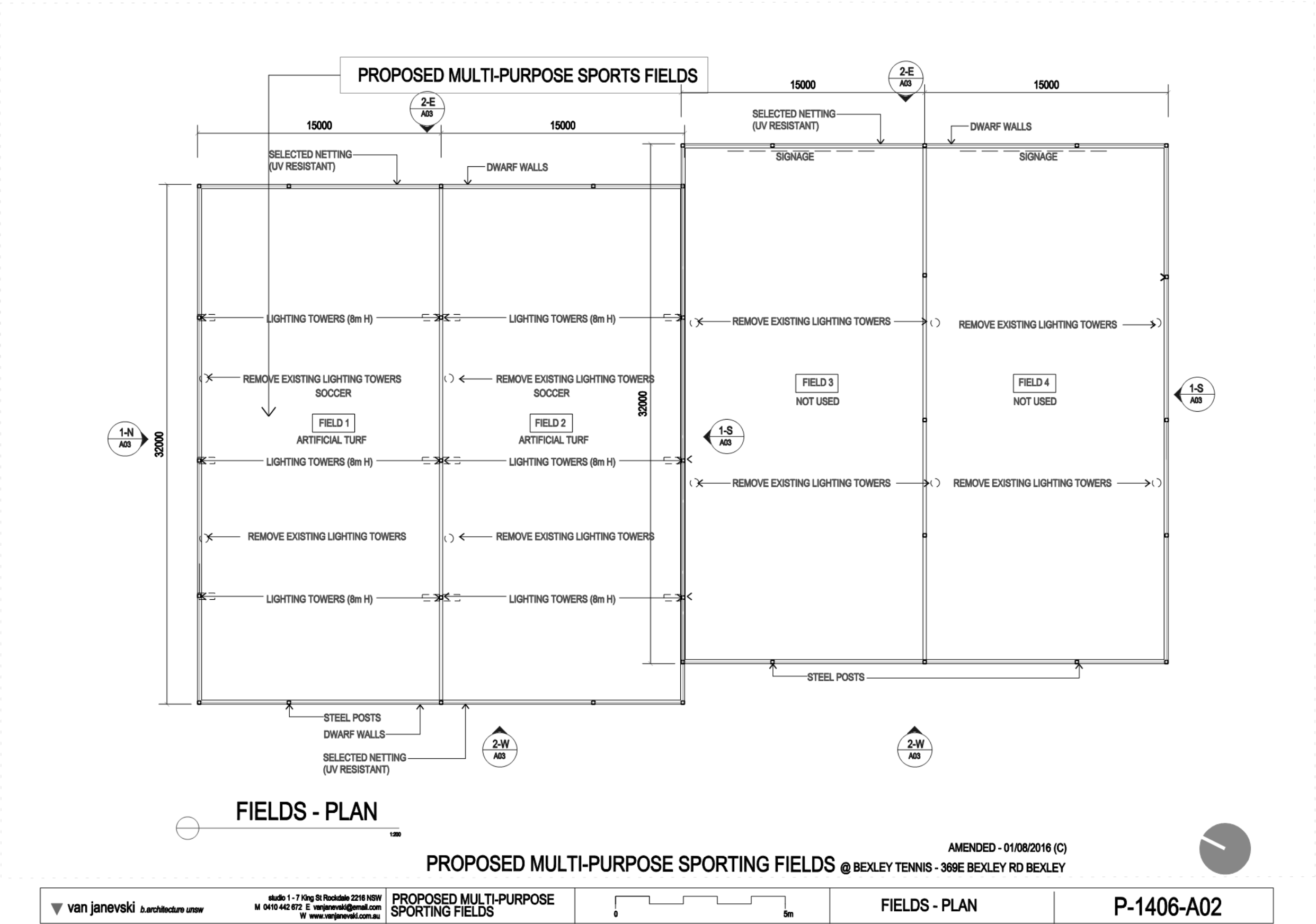
The proposal has been assessed against the relevant planning policies applying to the site having regard to the objectives of the controls. As demonstrated in the assessment of the development application, the proposal will allow the development of the site in accordance with its environmental capacity and in accordance with the Plan of Management for the Bardwell Valley Parkland.

The proposal will enable the improved use of an existing public sporting facility to the benefit of the community, however it is acknowledged that there will be potential impacts associated with the augmented use of the site, in particular noise and light spill to adjoining residential accommodation.

However, the recommended conditions of consent have been put in place to mitigate such impacts to within acceptable limits of the relevant Australian Standards, and noise criterion. In addition, as per the applicant's acoustic engineer recommendation, a trial period for the use of the courts has also been established by way of condition.

Based on the above, on balance the public benefit of the proposed sporting facility is considered to offset the potential impacts on adjoining residents such that the DA can be considered as being within the public interest.





Bayside Local Planning Panel

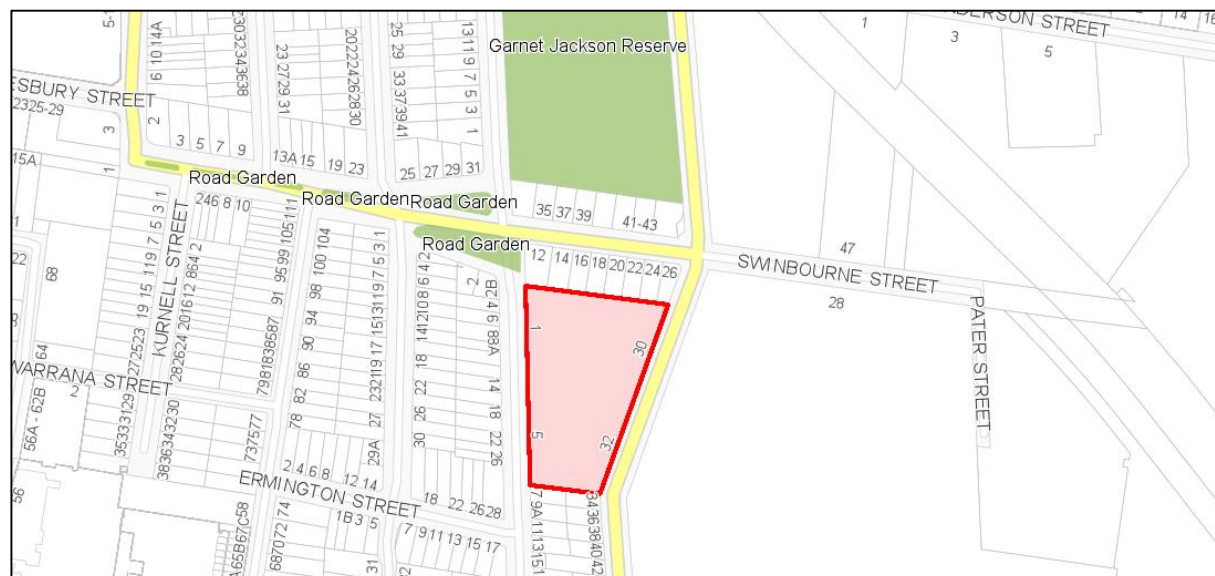
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Item No	6.2
Application Type	Development Application
Application No	SF18/1972
Lodgement Date	30/04/2018
Property	DA-2018/1068 - 11/30-32 Stephen Road, Botany
Ward	Botany Bay
Owner	Mr M S Weise & Mrs J C Govett
Applicant	Mr M S Weise
Proposal	Conversion of attic storage to bedroom.
No. of Submissions	Nil
Cost of Development	\$40,000.00
Report by	Michael McCabe, Director City Futures

Officer Recommendation

- 1 That the Bayside Local Planning Panel consider the Clause 4.6 request to vary the height standard contained in Clause 4.3 of the BBLEP 2013 and be satisfied that the variation will result in consistency with the objectives of the height standard and the objectives of the R2 Low Density Residential zone and it is therefore in the public interest to vary the control.
- 2 That Development Application No. DA-2018/1068, for conversion of the existing attic storage to a bedroom, at 32 Stephen Road, Botany, be APPROVED, subject to conditions of consent.

Location Plan



Attachments

- 1 Planning Assessment Report [↓](#)
- 2 Architectural Plans [↓](#)
- 3 Clause 4.6 Variation Request [↓](#)

BAYSIDE COUNCIL

Delegated Planning Assessment Report

Application Details

Application Number:	DA-2018/1068
Date of Receipt:	30 April 2018
Property:	11/30-32 Stephen Road, Botany
Lot & DP/SP No:	Lot 81 SP 81425
Owner:	Mr M S Weise & Mrs J C Govett
Applicant:	Mr M S Weise
Proposal:	Conversion of attic store room to bedroom in existing townhouse
Property Location:	11/30-32 Stephen Road, Botany
Value:	\$40,000
Zoning:	R2 – Low Density Residential Botany Bay Local Environmental Plan 2013
Author:	Helen Lai – Development Assessment Planner
Date of Report:	3 August 2018
Classification of Building:	Class 1a
Present Use:	Residential
No. of submissions:	Nil.

Key Issues

- Definition of development

The original approval (DA-2002/490) was defined as a multi-unit dwelling under the Botany Bay LEP 1995.

However, under Botany Bay LEP (BBLEP) 2013, the development is defined as a residential flat building as the building in which the subject unit (Unit 20) occupies has a shared access. The development cannot be defined as a multi-dwelling house as each unit does not have access at ground level.

In this regard, the proposed development has been assessed based on the Apartment Design Guide.

- Height

The proposed development involves raising the angle of the roof on the western elevation to a 15 degree pitch to accommodate an additional Bedroom 3 resulting in a maximum building height of 9.94m. Any structures above the maximum 8.5m building height permitted under BBLEP 2013 is a non-compliance.

However, it is important to note that the overall building height will remain 10m. The affected part of the roof will still be below the existing and approved 10m building height.

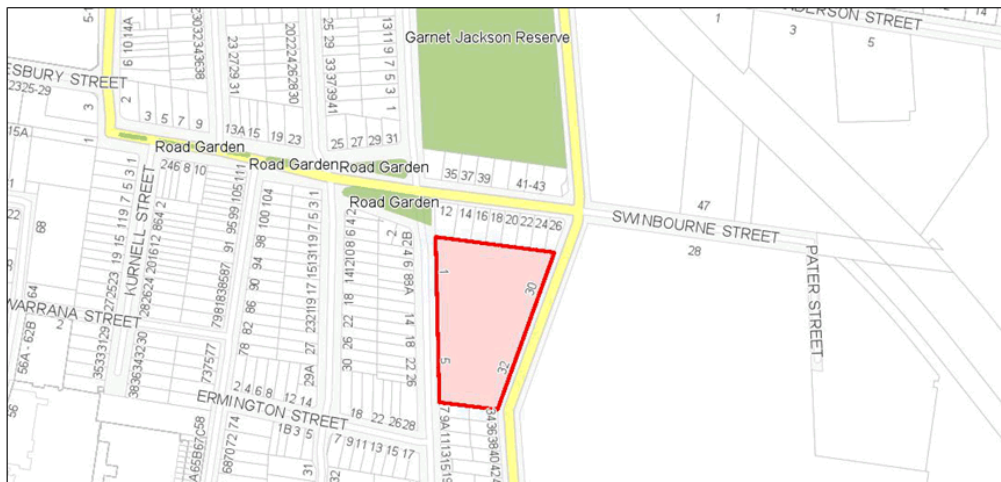
Recommendation

The development application 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.

Site Description

The site is known as Lot 1 SP 81034. The subject unit is known as Lot 81 SP 81425, 32 Stephen Road, Botany (Unit 11). The site is trapezoidal shaped and located on the western side of Stephen Road between Swinbourne Street to the north and Brighton Street to the west. The northern and southern boundaries have lengths of approximately 109.6m and 53.6m respectively. The western and eastern boundaries have lengths of 151.6m and 153.1m. The total site area is approximately 12,247.4m². The topography of the site is relatively flat on the Brighton Street side and steeper on the Stephen Road side.

Unit 11 is part of the Jasmine Block, which contains eleven (11) units in total, including five (5) units on the ground floor. Unit 11 occupies the first and second floor between Unit 11 to the north and Unit 9 to the south. A separate unit is located below Unit 11. The existing streetscape character is considered medium scale consisting of multi-dwelling houses and single to two-storey residential dwellings to the north. Southgate Industrial Estate is located opposite the subject site on Stephen Road. The residential streetscape is primarily characterised by pitched roofs. The proposed roof form will be consistent with the existing streetscape and developments on site.



The subject land is affected by Class 5 Acid Sulfate Soils (ASS).

The site is not a heritage item or located in the vicinity of another heritage item.

There are several trees on site, however, will not be impacted by the proposed development.

Site History

Council's records show the following applications were previously lodged for the subject site:

Development Application	Description	Date of Determination	Issuing Authority
DA-2002/490	Construction of a multi-unit residential development comprising of eight-six (86) dwellings, basement parking and garages.	21 November 2002	City of Botany Bay
DA-2003/350	Staged subdivision of a multi-unit residential development comprising eight-six (86) dwellings, associated basement parking, garages and landscaping. Section 96(1A) modification to staged strata subdivision, reduce to four (4) consecutive stages with Section 94 payments.	6 December 2002	City of Botany Bay
DA-2002/490/2	Section 96(2) - Modifications to various conditions of consent	15 October 2003	City of Botany Bay
DA-2002/490/3	Section 96(2) – Delete underground cabling requirements from consent.	2 March 2004	City of Botany Bay
DA-2006/465	Construction of ten (1) multi-unit dwellings.	Withdrawn	City of Botany Bay
DA-2006/466	Construction of twelve (12) multi-unit dwellings.	Withdrawn	City of Botany Bay
DA-2006/467	Construction of seventeen (17) multi-unit dwellings.	Withdrawn	City of Botany Bay
DA-2006/468	Consolidation, staged subdivision, construction of a retaining wall and filling of land to depths of between approximately 0.5m to 1m within proposed Lots 1, 2 and 3. Staged 1 subdivision involves the subdivision of the site into four (4) allotments. Staged 2 subdivision involves the subdivision of proposed Lot 4 (front Brighton Street) into nine (9) residential allotments.	24 April 2007	City of Botany Bay
DA-2002/490/4	Section 96 Application to modify development consent no. DA-2002/490 relating to a multi-unit residential development comprising of eighty-six (86) dwellings and associated at grade and basement parking.	23 May 2007	
DA-2002/490/5	Section 96(1A) modification to staged strata subdivision, reduce to four (4) consecutive stages with Section 94 payments to be paid with the four (4) consecutive stages. Stage 1 = 32 units, Stage 2 = 10 units, Stage 3 = 36 units, Stage 4 = 8 units.	26 October 2007	City of Botany Bay

DA-2003/350/2	Section 96(1A) modification to staged strata subdivision, reduce to four (4) consecutive stages with Section 94 payments to be paid with the four (4) consecutive stages. Stage 1 = 32 units, Stage 2 = 10 units, Stage 3 = 36 units, Stage 4 = 8 units.	29 October 2007	City of Botany Bay
DA-2002/490/6	Section 96(1A) – change from solar powered polar lights to LED lights	25 January 2008	City of Botany Bay
DA-2003/350/3	Section 96(1A) – to amend conditions no. 1, 2 and 7 from development consent no. DA-2003/350.	Withdrawn	City of Botany Bay
DA-2002/490/7	Section 96(1A) – to modify conditions no. 1, 8 and 68 from development consent no. DA-2002/490/3	Withdrawn	City of Botany Bay
DA-2002/490/8	Section 96(1A) application for pathways through the site connecting both Stephen Road and Brighton Street.	13 November 2008	City of Botany Bay
DA-2018/1078	Conversion of attic storage to bedroom of existing strata unit.	Under Assessment	Bayside Council

Description of Development

Council is in receipt of development application, DA-2018/1068, at 11/30 Stephen Road, Botany, which seeks consent to convert the attic storage to a bedroom.

Specifically, the proposal consists of the following:

- Demolition of part of the existing roof and construction of a new roof above the proposed bedroom 3 with a 15 degree pitch.
- Extension of existing walls and new timber framed walls on the second floor
- New robe for bedroom 3
- Cupboard
- New walk-in-robe and study alcove for the Master bedroom
- Installation of skylights above the Master bedroom and new bedroom 3
- New window on the western elevation for bedroom 3

Referral

The proposal has been referred to the following internal authorities:

INTERNAL

Council's Building Surveyor

Conditions are recommended in the development consent for all building works to comply with BCA.

Statutory Considerations

Environmental Planning and Assessment Act, 1979

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

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

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

The following Environmental Planning Instruments are relevant to this application:

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

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

State Environmental Planning Policy (SEPP) No. 65 – Design Quality of Residential Apartment Building

This application was lodged on 9 May 2018. As such, this application is assessed under the Apartment Design Guide (ADG) and the relevant provisions that relate to the proposed changes.

The application has submitted a SEPP 65 assessment of the proposed development as part of the Statement of Environment Effects.

The proposal has been assessed against the ADG requirements and is discussed below:

Control	Proposed	Compliance Yes/No
3F Visual privacy		
Up to 12m (4 storeys) - Habitable rooms and balconies: 6m - Non-habitable rooms: 3m	The existing setback on the northern side is approximately 5.58m. The non-compliance is considered acceptable given this is existing. The proposed rear setback (measured from the new roof to the unit behind) is approximately 9.1m.	No – however acceptable.
Windows should be offset from the windows of adjacent buildings.	The proposed development has been designed to minimise the overlooking of adjoining properties. The proposal will have one (1) new window on the western elevation facing the unit behind, however, will only be facing the building roof of unit 21. Furthermore, has a low sill height of 1.3m. One (1) skylight window will be installed above the new bedroom 3 and one (1) skylight above the master bedroom. Overlooking will not be possible. All other windows will be as existing.	Yes.
4A Solar and daylight access		
Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9am and 3pm at mid-winter. In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9am and 3pm at mid-winter.	The proposed development is minor in nature and scale and will cause minimal changes to solar access currently received by the subject dwelling and adjoining properties. In this regard, it is not likely that the proposed development will increase overshadowing to adjoining properties.	Yes.

4C Ceiling heights		
Measured from the finished floor level to finished ceiling level, minimum ceiling heights are: For 2 storey apartments - - 2.7m for main living area floor - 2.4m for second floor, where its area does not exceed 50% of the apartment area	The proposed ceiling height for bedroom 3 on the second floor is maximum 3.2m. There are no changes to the existing ceiling height on first floor.	Yes.
4D Apartment size and layout		
Apartments are required to have the following minimum internal areas: 3 bedroom = 90m ²	The proposed development will result in a three (3) bedroom unit. The proposed floor area is 121.9m ² .	Yes.
Bedrooms have a minimum dimension of 3m (excluding wardrobe space)	The proposed new bedroom 3 has a minimum dimension of 3m.	Yes.
4E Private open space and balconies		
All apartments are required to have primary balconies as follows: 3+ bedrooms = 12m ² and minimum 2.4m depth The minimum balcony depth to be counted as contributing to the balcony area is 1m.	The existing front balcony measures 9m ² and a maximum depth of 2.2m.	No – refer to Note 1.
4G Storage		
In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: 3+ bedroom apartments = 10m ³ At least 50% of the required storage is to be located within the apartment.	The existing storage space will be reduced to 3.67m ² as a result of the additional bedroom 3.	No – refer to Note 2.
4N Roof Design		
Roof design relates to the street. Roof treatments should be integrated with the building design.	The proposed modifications to the roof are minor and on the rear elevation, thus, will not be directly visible from Stephen Road. Notwithstanding, the proposed roof form and pitch above bedroom 3 will be consistent with the existing roof pitch above the master bedroom at 15 degrees. The applicant has also proposed to re-use the roof	Yes.

Skylights and ventilation systems should be integrated into the roof design.	tiles to maintain consistency with the existing roof. Skylights have been incorporated into the roof design as a sustainable feature of the building design. It is satisfied the proposal has been designed to maintain the existing character of the streetscape, further reflects dominant roof lines and patterns of adjoining buildings.	
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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
Land-use Zone	Yes.	The site is located within the R2 - Low Density Residential zone under BBLEP 2013.
Is the proposed use/works permitted with development consent?	Yes.	The development on site constitutes as a residential flat building. The proposal seeks consent for alterations and additions to the residential flat building, therefore is permissible with development consent in the R2 – Low Density Residential zone.
The relevant objectives of the R2 Low Density zone are: - <i>To provide for the housing needs of the community within a low density residential environment.</i> - <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i> - <i>To encourage development that promotes walking and cycling.</i>	Yes.	The proposed development is consistent with all the relevant objectives of the R2 – Low Density Residential zone, namely the development will continue to provide for the housing needs of the community within a low density residential environment.
Does Clause 2.5 and Schedule 1 – Additional Permitted Uses apply to the site? If so what additional uses are permitted on the site?	N/A.	Schedule 1 does not apply to this site.

Principal Provisions of BBLEP 2013	Compliance Yes/No	Comment
<p>What is the height of the building?</p> <p>Does the height of the building exceed the maximum building height?</p>	No – refer to Clause 4.6 discussed in this report.	<p>The maximum building height shown on the Height of Buildings Map is 8.5m.</p> <p>The proposed height of the new roof is 9.94m. A Clause 4.6 was submitted by the applicant.</p>
<p>What is the proposed FSR?</p> <p>Does the FSR of the building exceed the maximum FSR?</p>	Yes.	<p>The proposed gross floor area for Unit 11 has been calculated as follows:</p> <p>Ground Floor = 67.6m² First Floor = 54.3m² Total gross floor area = 121.9m²</p> <p>The proposed FSR calculated for the whole site is as follows:</p> <p>Total gross floor area: 11245.6m² Total site area: 12, 247m² Proposed FSR: 0.92:1</p> <p>The subject site is located on land marked "Area 3" as shown on the FSR Map. In this regard, the maximum FSR permissible for a residential flat building is 1:1 as per Clause 4.4.A (3)(b) of the BBLEP 2013. The proposed FSR does not exceed the maximum FSR permissible.</p>
<p>Is the proposed development in a R3/R4 zone? If so does it comply with site of 2000m² min and maximum height of 22 metres and maximum FSR of 1.5:1?</p>	N/A.	<p>The subject site is not located in a R3/R4 zone.</p>
<p>Is the site within land marked "Area 3" on the FSR Map?</p>	Yes.	<p>The subject site is within land marked Area 3. In accordance with Clause 4.4A(3)(b) of the BBLEP 2013, the maximum FSR permissible for a residential flat building is</p>

Principal Provisions of BBLEP 2013	Compliance Yes/No	Comment
If so, does it comply with the sliding scale for FSR in Clause 4.4A?		1:1. The proposed FSR complies with this Clause.
Is the proposed development in a R3/R4 zone? If so does it comply with site of 2000m ² min; maximum height of 22 metres; affected by ASS, contamination and noise, and maximum FSR of 1.65:1?	N/A.	The land is not affected by road widening.
Is the land affected by road widening? (Clause 5.1 – Relevant Acquisition)	N/A.	The land 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 land is not listed as a heritage item or within a Heritage Conservation Area.
6.1 – Acid sulphate soils	Yes.	The site is affected by ASS Class 5 that is defined as 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 water table is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land. The proposed development does not require excavation and therefore, does not trigger a requirement for ASS assessment.
6.3 – Stormwater management	Yes.	The proposed development does not involve changes to the existing stormwater system. In this regard, referral to Council's Development Engineer was not required.
6.9 – Development in areas subject to aircraft noise	Yes.	The subject site is not located within an ANEF contour and therefore, not subject to aircraft noise. As such, noise mitigation measures is not required for the proposed development.
6.16 – Design excellence	Yes.	The proposed design, materials and detailing is appropriate to the building type and location. Alterations to the façade is minimal. The proposed additional bedroom will improve the quality and amenity of the property for the current occupants.

Principal Provisions of BBLEP 2013	Compliance Yes/No	Comment
		<p>The development does not detrimentally impact on any view corridors.</p> <p>It is satisfied that the proposal is consistent with this Clause.</p>

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.

Clause 4.6 Variation to Height

The site has a maximum building height of 8.5m on the Height of Building Map, and with a proposed maximum height of 9.94m, which is a breach of 1.44m.

The applicant has provided a written Clause 4.6 variation request, providing justification for the proposals variation to the 8.5m height of building requirement, stating that it is unnecessary and unreasonable in the particular circumstances. Excerpts of the applicant's response are provided below:

"As required within the development standards, the maximum building height for this location is 8.5m. The existing building height is around 10.7m.

The proposed development outlined in the provided documents for DA-2018/1068 is for an external modification of the existing building that follows the same design principles as already established on the site in terms of appearance, and does not increase the overall building height at all, remaining within the existing building envelope.

As such, the proposed development will adhere to the key objectives of the LEP clause 4.3, which are as follows:

- (a) to ensure that the built form of Botany Bay develops in a coordinated and cohesive manner,*
- (b) to ensure that taller buildings are appropriately located,*
- (c) to ensure that building height is consistent with the desired future character of an area,*

The proposed development is an existing building, with no increase being proposed to the current height (the modification being no higher than 10.1m) and the design is consistent with the existing design throughout the overall 'East Central' complex.

- (d) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,*

The proposed development will have no impact to the visual impact, will not disrupt views or change privacy and solar access to neighbouring buildings, as it is contained within the envelope of the existing building.

- (e) 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 the proposed development is consistent with the existing design throughout the complex, and is in any case located away from the street view, there will be no adverse impact."

11 of 26

Consent may be granted for the proposal subject to Clause 4.6, notwithstanding that the proposal would contravene this development standard, as the Height of Building 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 Botany Bay Local Environmental Plan 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 *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:

- 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.*

In *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 1009 & NSW LEC 90 (*Four2Five*), the Court established that the construction of Clause 4.6 is such that it is not sufficient for the applicant to demonstrate that there are sufficient environmental planning grounds to justify contravening the development standards, as required by Clause 4.6(3)(b), or for the consent authority to be satisfied that the proposed development is consistent with 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, as required by Clause 4.6(4)(a)(ii). The Court outlines, that Clause 4.6 requires that in addition to the requirements listed above, the applicant must also establish that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, as is required by Clause 4.6(3)(a). This may involve reference to reasons 2-5 outlined within *Wehbe*.

The requirements of 4.6(3)(a), 4.6(3)(b), and 4.6(4)(a)(ii) are each addressed separately below:

Is the development standard unreasonable or unnecessary in the circumstances of the case?

Officer's Comments:

The applicant has provided justification for the variation to height, in that it is viewed as a minor variation. The additional height will result in minimal increase to bulk or overshadowing and will be below the height of the existing building. The Floor Space Ratio of the proposal does not exceed the development standard. The proposed development continues to allow for a roof form that is consistent and in line with the existing streetscape. Compliance with the development standard would therefore be unreasonable and unnecessary in this instance.

Are there sufficient environmental planning grounds to justify contravening the development standard?

Officer's Comments:

- The proposed alterations and additions are primarily internal.
- There will be minimal visual privacy impacts to the adjoining units as a result of the development.
- There will be minimal overshadowing to the adjoining units. Furthermore, the building of Unit 11 is elevated slightly lower than the rear property, as such, there will be minimal overshadowing to the rear property.
- The built form proposed is in keeping with the adjoining developments and is compliant with Councils Floor Space Ratio controls.
- Setbacks to the street, sides and rear are compliant. Sufficient landscaping is provided for the street form to be maintained.
- The roof form is existing. The proposal only involves raising the angle of the existing roof on the rear elevation. The overall height of the building (10m) will essentially remain the same. The roof on the western elevation will be raised to a 15 degree pitch, however, still remain below the approved 10m building height.

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

The following matters pursuant to Clause 4.6 also considered:-

- Objectives of Clause 4.6.
- Objectives of the Height of Building Standard.
- Public interest and public benefit of maintaining the development standard.
- Concurrence is assumed per planning circular PS 08-003.

Objectives of Clause 4.6

The objectives of Clause 4.6 (pursuant to Clause 4.6(1) of Botany Bay Local Environmental Plan 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.*

Officer's Comments:

Council recognises that the proposal meets the objectives of Clause 4.6 and those of the height of building standards notwithstanding the proposed non-compliance. The proposal will continue to facilitate a residential flat building within the R2 – Low Density Residential Zone, which generally meets the required desired future character of the Botany Precinct. No objections have been received in relation to the proposed development.

Objectives of the Height of Building

The objectives of Clause 4.3 Height of Buildings of the Botany Bay Local Environmental Plan 2013 are:

- *To ensure that the built form of Botany Bay develops in a coordinated and cohesive manner.*

13 of 26

- *To ensure that taller buildings are appropriately located.*
- *To ensure that building height is consistent with the desired future character of an area.*
- *To minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development.*
- *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.*

Officer's Comments:

The proposal is consistent with the objectives of the height of building development standard for the following reasons:-

- The non-compliant height does not create inappropriate scale or bulk for the development.
- Stephens Road is characterised by residential flat buildings, setting the prevailing streetscape and density of the area, which the development is in keeping with and will have minimal impact to the existing character of the area.
- The affected part of the roof is on the rear elevation, therefore, will not be viewed to be noticeably larger in scale than the other buildings within the street.
- There are no changes to the approved overall height of the building (10m).
- The proposed development will not add additional bulk to the building and aims to maintain the pitch and form of the roofs prevalent within the street.
- The proposed dwelling has been designed to be in keeping with the streetscape and has taken into consideration the amenity of the adjoining property regarding solar access and privacy and contributes to the Botany Precinct desired future character.

Objectives of the zone

The Objectives of the R2 Low Density Residential zone is as follows:

- *To provide for the housing needs of the community within a low density residential environment;*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents;*
- *To encourage development that promotes walking and cycling.*

Officer's Comments:

The proposed alterations and additions to the existing residential flat building is a permissible use within the R2 Low Density Residential Zone and is in keeping with the zone objectives. The proposal provides low density housing. The proposed development is consistent with the objectives within the zone.

Public Interest and Public Benefit

The proposed development will have minimal adverse impact on the streetscape, locality and adjoining units. The proposal is compatible with the existing development of the street and is in accordance with the Botany Bay Development Control Plan 2013 with regard to the Part 8 Desired Future Character for the Botany Precinct. There were no objections received during the public notification period for the proposal.

Summary

The Clause 4.6 exception to the height of building control has been assessed in accordance with relevant case law, being the principles of *Wehbe v Pittwater Council* [2007] NSW LEC 827 and *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 1009 & NSW LEC 90 (*Four2Five*) as well as the principles established in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118. The proposal is consistent

14 of 26

with the underlying objectives of the standard identified. The proposed development has been assessed against Councils' Botany Bay Local Environmental Plan 2013 and Botany Bay Development Control Plan 2013 controls which are compliant with the majority.

It has been established that the proposed development is appropriate and strict adherence to the development standard in this instance is unreasonable and unnecessary. Maintaining and enforcing the development standard in this case is viewed as unreasonable.

The applicant's Clause 4.6 is well-founded and the minor departure in height of building development standard for 32 Stephen Road is in the public interest. On this basis, it is recommended that the development standard relating to the maximum height of building for the site pursuant to Clause 4.3 of the Botany Bay Local Environmental Plan 2013 should be varied in the circumstances as discussed above.

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

No relevant proposed instruments are applicable to this proposal.

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

The following Development Control Plan is relevant to this application;

Botany Bay Development Control Plan 2013

Part 3A – Parking & Access

Control C2 of the Botany Bay Development Control Plan 2013 states that car parking provision shall be provided in accordance with Table 1. Table 1 identifies that residential flat buildings with two or more bedrooms are to provide two (2) car parking spaces.

The proposed development for Unit 11 will result in a total of three (3) bedrooms, therefore, two (2) parking spaces is required. There are no proposed changes to the existing layout of the basement carpark with two (2) parking spaces currently allocated to Unit 11. In this regard, the proposed development satisfies Part 3A – Parking & Access in BBDPC2013.

Access to the basement car park is via Stephen Road.

Part 3L- Landscaping and Tree Management

Control	Proposed	Complies
3L.4.2 Tree Works Requiring Council Approval		
C12 If consent is granted for the removal or pruning of a tree, suitable replacement tree/s will be required to be planted on the subject property by the property owner or applicant. Council will stipulate the minimum acceptable replacement tree/s pot size and number of trees and may recommend suitable species.	No trees proposed for removal.	Yes.

Control	Proposed	Complies
3L.5 Stormwater		
C1 Impervious surfacing is to be minimised. Permeable pavements are to be used where possible eg. Decks, pebbles, spaced pavers, specialised permeable pavers. Note: Run-off from paved areas can be minimised by directing runoff to garden beds. C2 Underground on-site stormwater detention (OSD) tanks and infiltration trenches are not to be located within soft landscaped areas.	No proposed changes to existing stormwater system.	Yes.

Part 3N- Waste Minimisation and Management

A Waste Management Plan prepared by the applicant, dated March 2018 was submitted to Council, which address the works involved including, the removal of certain materials during demolition works and re-use of materials on site.

Part 4C – Residential Flat Buildings

Control	Proposed	Complies
4C.2.2 Streetscape Presentation		
C1 New development must be compatible in building bulk and scale with adjoining residential developments and reflect the patterns of buildings in the streetscape. It must respond to building setbacks, building height and treatment of the building facades.	<p>The proposed conversion of the attic store room to a bedroom will have minimal impact on streetscape. Proposed modifications are mainly to the rear, thus, will not be directly visible from Stephen Road.</p> <p>The adjoining buildings within the site are similar in style. The proposed roof form will be similar to that of Unit 20 (DA-2018/1078) as both has proposed a similar development.</p> <p>The majority of buildings in the Jasmine Block are 3 storeys and the proposed new bedroom will be mainly within the roof/attic of the existing apartment.</p> <p>The development will be generally consistent with the architectural design, materials and finishes of the existing building.</p>	Yes.

16 of 26

4C.2.4 Landscaped Area and Deep Soil Planting		
C1 A residential flat development must have minimum landscaped area of 35% and a maximum hard landscaped area of 20%.	The proposed development will not reduce existing landscaped areas.	Yes.
4A.2.6 Setbacks		
C1 Building setbacks from the existing front boundary must match the setback of adjoining properties, but must be a minim of 3 metres of 4 metres if fronting a classified road.	There are no changes to the existing front setback. The front setback is approximately 12.2m from Stephen Road and 9.1m from Unit 21.	Yes
4C.4 Family Friendly Apartment Buildings		
C1 Family apartments are to include a study to meet the needs of couple families with dependents households. The design of the study should allow for a parent to easily work from home whilst supervising a child.	A study alcove is proposed in the master bedroom, which will allow a parent to work from home whilst supervising their two young children.	Yes.
C3 Other than the master bedroom, each bedroom is to be large enough to accommodate a single bed, a desk or table, and floor space for playing, to be illustrated on a standard apartment layout plan.	There are no changes to the existing size of bedroom 2, which currently accommodates two (2) single beds. The proposed bedroom 3 is 11.45m ² , thus, will provide sufficient space for a single bed, desk/table and floor space for playing.	Yes.

Part 8 – Botany Character Precinct

The proposed roof form is consistent with the current style of surrounding dwellings and is compliant with the objectives outlined in the R2 – Low Density Residential zone. The proposal is compliant regarding FSR, setbacks, site coverage, private open space and is considered to have acceptable height and solar access to neighbouring sites. As such, the proposal is suitable for the site and is relatively consistent with the desired future character of the Botany Precinct pursuant to Botany Bay Development Control Plan Part 8 Character Precincts.

Discussion

Note 1: Private open space and balconies

Design criteria 1, Objective 4E-1 of the ADG stipulates that for 3+ bedroom apartment units 12m² of private open space with a minimum 2.4m depth should be provided. The existing front balcony measures 9m² with a maximum depth of 2.2m. While the existing size does not comply with the ADG, this is considered acceptable as this is an existing non-compliance and controls from the ADG would not have been applicable to the original development.

Note 2: Storage

Design criteria 1, Objective 4D-1 of the ADG stipulates that for 3+ bedroom apartment units 10m³ of storage space should be provided. The existing storage space is 14m², therefore an existing non-

compliance. The proposed development will reduce the storage space to 3.67m² as a result of the additional bedroom 3. However, cupboard spaces on ground floor, a linen cupboard on second floor and additional storage space in the garage is provided that will continue to be sufficient for the occupants' use. As such, the non-compliance is considered acceptable.

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

The Regulations have been considered and in this instance, there are no applicable provisions to the development.

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

The proposed development will have no adverse environmental, social or economic impacts in the locality. There are minimal impacts related to the proposed development.

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

The subject site is not known to be affected by any 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 the long standing use of the land for residential purposes, onsite investigation is not warranted.

The site is zoned R2 – Low Density Residential and currently accommodates multi-dwelling houses. Accordingly, the site is suitable to accommodate the proposed development.

S.79C(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 from 14 May 2018 to 31 May 2018. No submissions were received.

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

The proposed development is considered satisfactory having regard to the objectives and requirements of Botany Bay Local Environmental Plan 2013 and Development Control Plan 2013. Impacts on adjoining properties have been considered and addressed. As such, it is considered that the proposed development is in the public interest.

Section 94 Contributions

No contributions are applicable for this proposed development.

Conclusion

Development Application No. 2018/1068 for conversion of the attic storage to a bedroom at 11/30-32 Stephen Road, 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: 11/30-32 Stephen Road, Botany****DA No: 2018/1068****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
Location Plan/Site Plan / 1130SR-0001	Matthew Weise	Dated: 28 September 2017 Received: 2 May 2018
Existing/Proposed Second Floor Plan / 1130SR-0003		Dated: 25 April 2018 Received: 2 May 2018
Existing/Proposed Second Floor Sect / 1130SR-0004		Dated: 25 April 2018 Received: 2 May 2018
Existing/Proposed Roof Plan / 1130SR-0005		Dated: 25 April 2018 Received: 2 May 2018
Proposed Second Floor Plan Elevations / 1130SR-0007 Sheet 1, 2 and 3 of 3		Dated: 25 April 2018 Received: 2 May 2018
Proposed Roof Demolition/New Walls / 1130SR-0009		Dated: 25 April 2018 Received: 2 May 2018
Detailed Second Floor Plan / 1130SR-0010		Dated: 25 April 2018 Received: 2 May 2018
Detailed Second Floor Section / 1130SR-0011 Sheet 1 and 2 of 2		Dated: 25 April 2018 Received: 2 May 2018

Reference Documents	Author	Dated
Detail Survey (For Unit 11)	Keystone Survey	Dated: 10 April 2018 Received: 2 May 2018
Statement of Environmental Effects	Matthew and Janelle Weise	Dated: March 2018 Received: 2 May 2018
Site Waste Minimisation and Management Plan	L Matthew and Janelle Weise	Dated: March 2018 Received: 2 May 2018

- This Consent relates to land in Lot 81 SP 81425 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.
 - c) New bedroom windows shall comply with D2.24 of the BCA.
 - d) All framing works shall comply with AS1684.
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. The applicant must prior to the issue of the construction certificate pay the following fees:-
 - a) Development Control \$247.00

7. 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 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.

8. Prior to the issue of the Construction Certificate, a plan (written and/or diagrammatic) shall be submitted and approved by the Certifying Authority, showing the storage location of construction building materials and plants and the method of access to the property. No storage of construction materials and plants to be allowed in road reserve area.

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE COMMENCEMENT OF ANY DEVELOPMENT OR WORK

9. 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.
10. 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.

11. 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.
12. 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.
13. This Consent shall not preclude the demolisher from giving notice to other statutory authorities, such as Sydney Water Corporation, WorkCover, etc.
14. 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 construction works, place and/or storage building materials on footpaths, nature strips,
 - b) Permit to place skip/waste bin on footpath and/or nature strip, and
 - c) 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

15. Any demolition work shall be carried out in accordance with Australian Standards AS 2601-2001 Demolition of Structures and the requirements of the NSW WorkCover Authority.
16. Any material containing asbestos found on site during the demolition process shall 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.
17. No demolition materials shall be burnt or buried on the site.
18. 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.
19. 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 Certifying Authority including an after hours contact the Local Environmental Plan phone number.
 - b) Any such sign is to be removed when the work has been completed.
20. 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. The operation of plant and equipment must not give rise to the transmission of vibration nuisance or damage to other premises.
21. Should the construction 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 Councils road reserve must also have prior approval of Council.
22. The submitted Waste Management Plan, dated March 2018 shall be complied with at all times during construction and on-going use of the site.
23. 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 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:

The L_{10} 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 L_{10} 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.

- 24. 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.

- 25. 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.

- 26. 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 construction. The area fronting the site and in the vicinity of the development shall also be

make 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.

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

27. If mechanical ventilation is required, details shall be submitted to Council within 21 days of the installation of the system and prior to the issue of any occupation certificate. A report prepared by a qualified air quality/mechanical engineer certifying that any mechanical ventilation/exhaust system as installed complies in all respects with the design and operation standards of AS 1668 – Mechanical Ventilation and Air Conditioning Codes, and the relevant provisions of the Protection of the Environment Operations Act 1997.
28. 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.
29. Prior to use and occupation of the building an Occupation Certificate must be obtained under Section 109C(1)(c) and 109N of the Environmental Planning and Assessment Act, 1979.

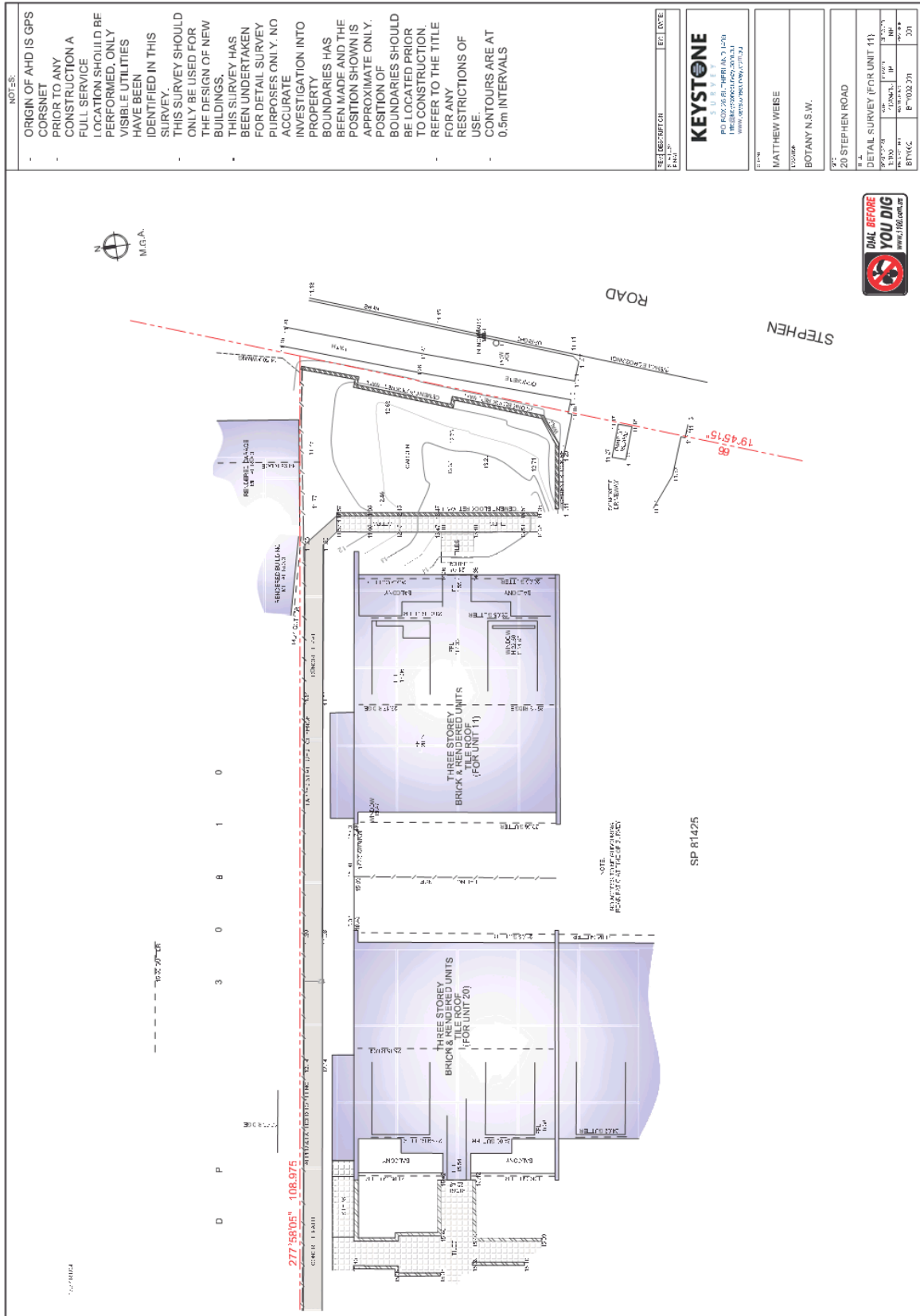
CONDITIONS WHICH MUST BE SATISFIED FOR THE ONGOING USE

30. 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.
31. The approved building on site constitutes a multi-dwelling house and the subject unit (20/30 Stephen Road) to which this consent relates to shall be occupied by a single family only. It 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.
32. All intruder alarms must be fitted with a timing device in accordance with the requirements of Protection of the Environment Operations (Noise Control) Regulation 2017, and AS2201, Parts 1 and 2 - 1978 Intruder alarm systems.
33. 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.
34. The Protection of the Environment Operations (Noise Control) Regulation 2017, states that noise from any air-conditioning units (measured as the Laeq 15 minute) is not to exceed the background level (measured as the La90 15 minute) by more than 5dBA at any time. The measurement is to be taken at boundary of the property. If the noise from the air conditioner contains any annoying characteristics, the measurements are to be corrected in accordance with the New South Wales Industrial Noise Policy. In addition noise from any air conditioning

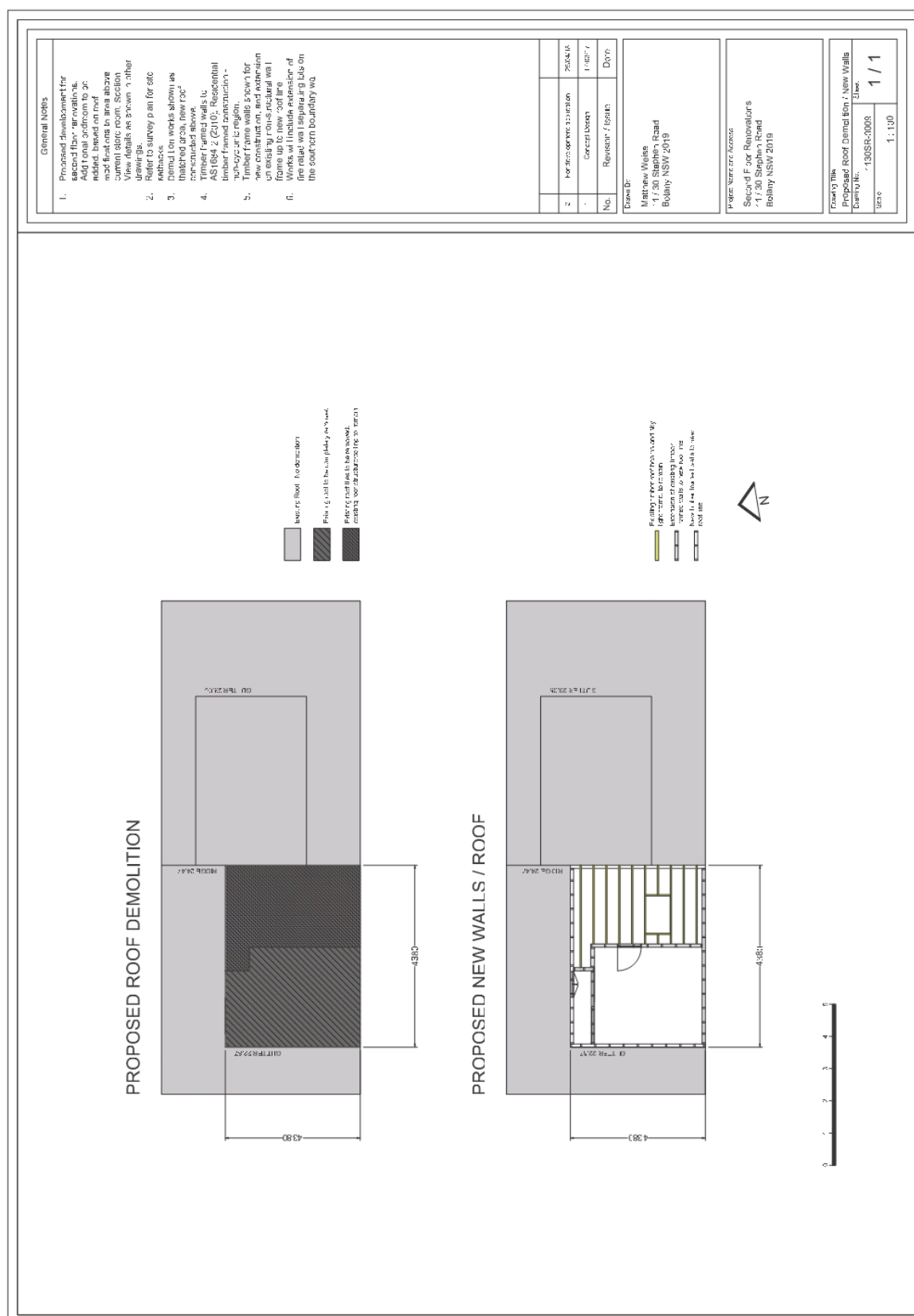
25 of 26

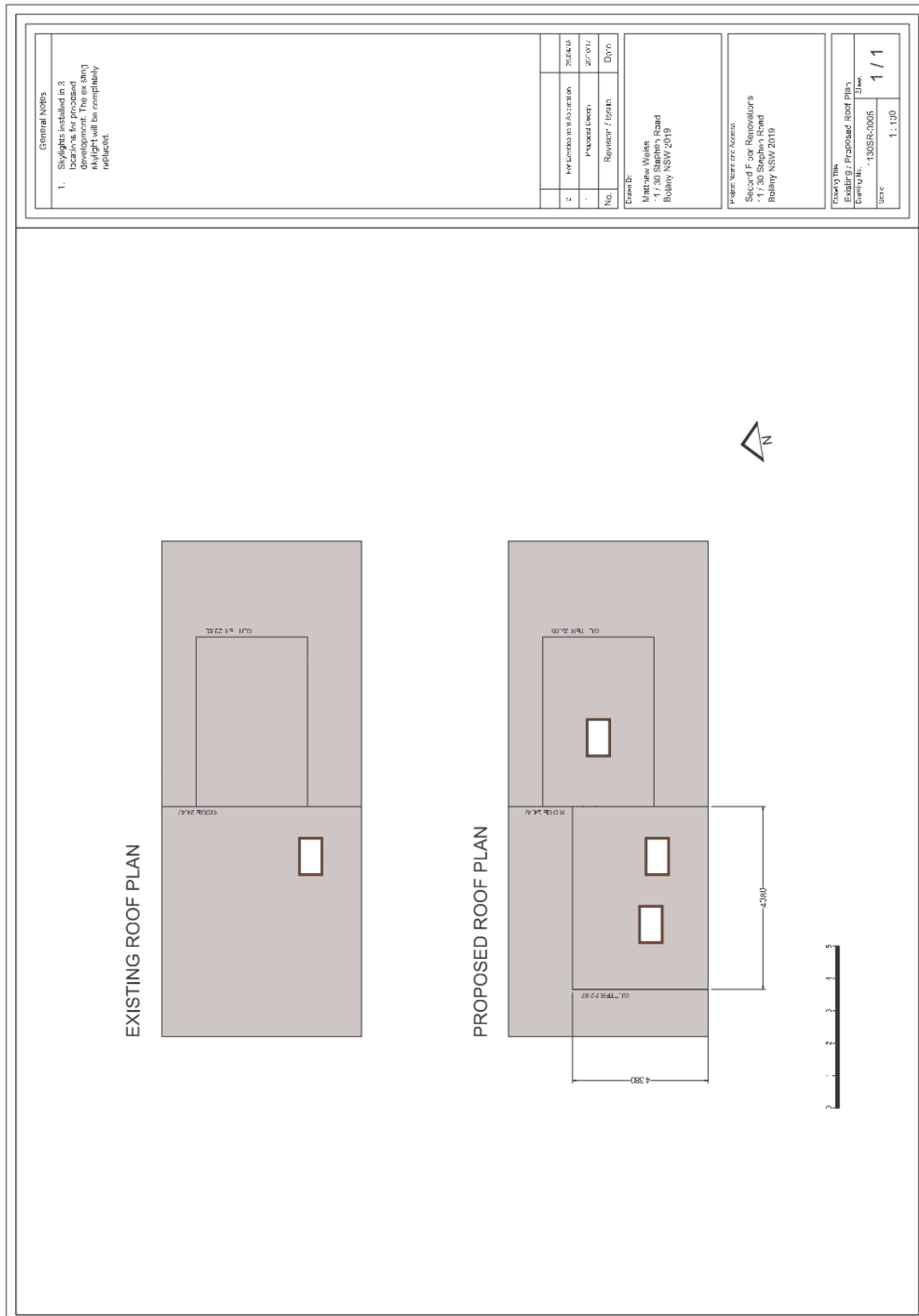
units are not to be audible within habitable room of other residence before 7am or after 10pm (Monday to Friday) or before 8am or after 10pm (Sat/Sun/Public Holidays).

Note: in order to meet this condition the compressors and any other noise generating part of the air conditioning unit is to be located a sufficient distance from any residential boundary to permit the sound from the unit to decay sufficiently to meet the standard, or enclosed in a suitable acoustic enclosure.

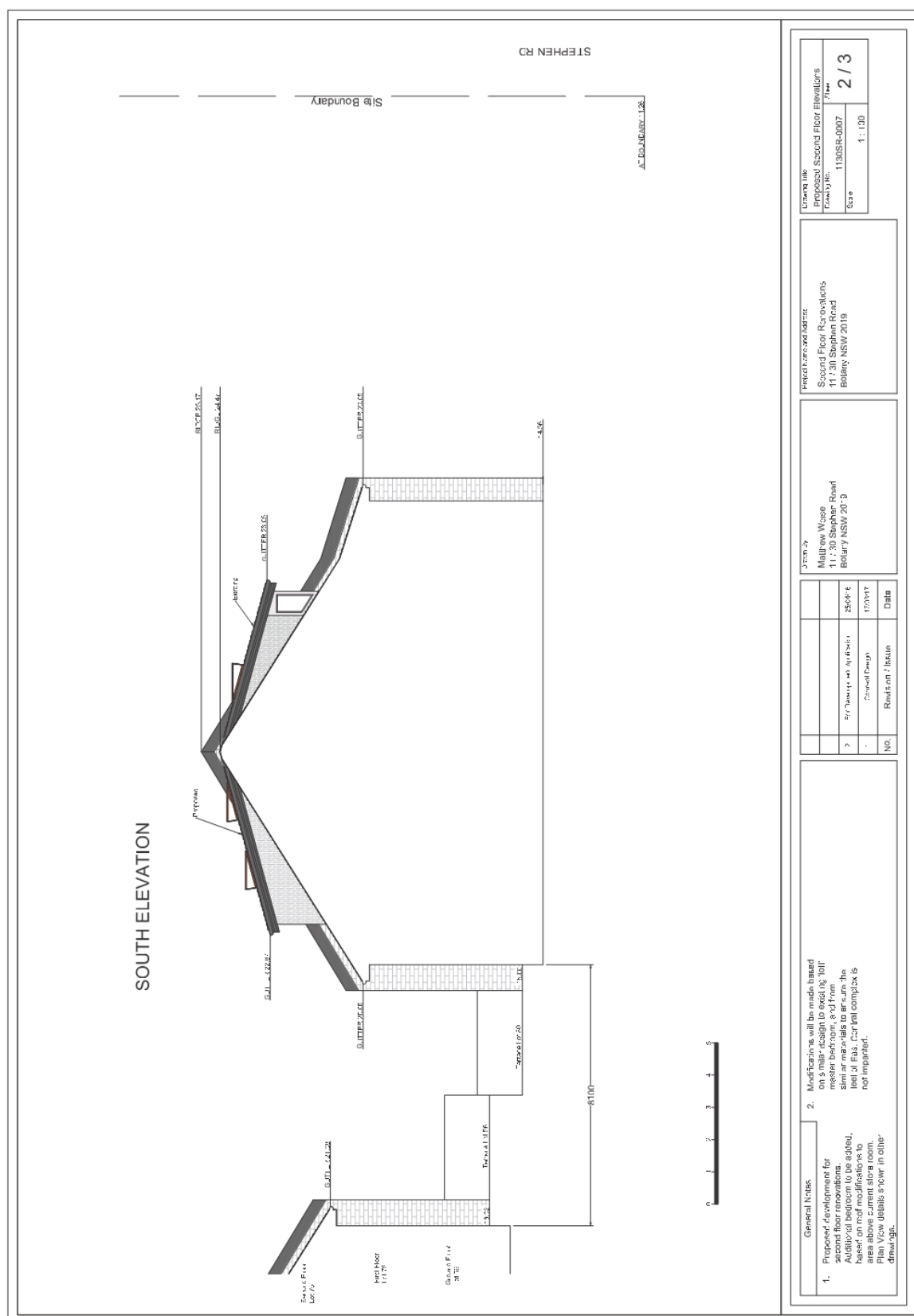


An aerial photograph of a residential development. The image shows several rows of townhouses or small apartment buildings arranged in a grid-like pattern. There are green spaces, trees, and parking areas interspersed between the buildings. Roads are visible at the top and bottom of the image. The Google logo is in the bottom right corner.











**Clause 4.6 submission requesting variation of Development
Standard (Clause 4.3 – Maximum Height of Buildings Botany
Bay Local Environmental Plan 2013)**

for the

**Interior and Exterior Renovation Works of Existing
Residence at 11/30 Stephen Rd, Botany
(Lot 81, Strata Plan 81034)**

Matthew and Janelle Weise

March 2018



11/30 Stephen Road, Botany (Lot 81, Strata Plan 81034)

TABLE OF CONTENTS

- 1. INTRODUCTION**
- 2. APPLICABLE DEVELOPMENT STANDARD BEING VARIED**
- 3. JUSTIFICATION OF VARIATION TO THE DEVELOPMENT STANDARDS**
- 4. SOCIAL OR ECONOMIC IMPACT OF THE PROPOSED DEVELOPMENT**
- 5. CONCLUSION**

1. INTRODUCTION

This clause 4.6 has been prepared in regards to the development application, DA-2018/1068, for an external modification to an existing residential apartment building for 11/30 Stephen Road Botany

The proposed development is seeking an exception to vary a development standard as referred to clause 4.6 of the Botany Bay Local Environmental Plan 2013. The variation is specifically in regards to building height, as described within clause 4.3 of the Botany Bay LEP, and the associated map with identifier 1100_COM_HOB_005_010_20130412.

2. APPLICABLE DEVELOPMENT STANDARD BEING VARIED

The proposed development seeks to vary the maximum building height, as described within clause 4.3 of the Botany Bay LEP, and the associated map with identifier 1100_COM_HOB_005_010_20130412. Clause 4.3 states:

4.3 Height of buildings

- (1) The objectives of this clause are as follows:
 - (a) to ensure that the built form of Botany Bay develops in a coordinated and cohesive manner,
 - (b) to ensure that taller buildings are appropriately located,
 - (c) to ensure that building height is consistent with the desired future character of an area,
 - (d) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,
 - (e) 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.
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.
- (2A) Despite subclause (2), if an area of land in Zone R3 Medium Density Residential or Zone R4 High Density Residential exceeds 2,000 square metres, the height of a building on that land may exceed the maximum height shown for the land on the Height of Buildings Map but must not exceed 22 metres.
- (2B) Subclause (2A) does not apply to land identified as “Area 1” on the Height of Buildings Map.
- (2C) Despite subclause (2), if an area of land identified as “Area 2” on the Height of Buildings Map has a site area exceeding 1,900 square metres, the maximum height for a building on that land may exceed the maximum height shown for the land on the Height of Buildings Map by no more than 2 metres.

11/30 Stephen Road, Botany (Lot 81, Strata Plan 81034)

The section of the applicable map, with location of proposed development highlighted



As required within the development standards above, the maximum building height for this location (I) is 8.5m. **The existing building height is around 10.7m (or a 25% increase).**

Clause 4.6 Exceptions to development standards states:

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.
- (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 Secretary has been obtained.

11/30 Stephen Road, Botany (Lot 81, Strata Plan 81034)

- (5) In deciding whether to grant concurrence, the Secretary 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 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:
 - (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,
 - (b1) clause 4.3 (2A),
 - (b2) clause 4.4B (3),
 - (c) clause 5.4.

3. JUSTIFICATION OF VARIATION TO THE DEVELOPMENT STANDARDS

The proposed development outlined in the provided documents for DA-2018/1068 is for an external modification of the existing building that follows the same design principles as already established on the site in terms of appearance, and does not increase the overall building height at all, remaining within the existing building envelope.

As such, the proposed development will adhere to the key objectives of the LEP clause 4.3, which are as follows:

- (a) *to ensure that the built form of Botany Bay develops in a coordinated and cohesive manner,*
- (b) *to ensure that taller buildings are appropriately located,*
- (c) *to ensure that building height is consistent with the desired future character of an area,*

The proposed development is an existing building, with no increase being proposed to the current height (the modification being no higher than 10.1m) and the design is consistent with the existing design throughout the overall 'East Central' complex.

(d) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,

The proposed development will have no change to the visual impact, will not disrupt views or change privacy and solar access to neighboring buildings, as it is contained within the envelope of the existing building and follows the same size, shape and structure of the existing building design.

(e) 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 the proposed development is consistent with the existing design throughout the complex, and is in any case located away from the street view, there will be no adverse impact.

As described, the proposed development is a modification to the existing building, which already has a height above the maximum height stated within the standards. The proposal does not aim to increase the building height, as the works will be contained within the existing building height. In view of the above, the requirement to strictly adhere to the numerical development standard for building height is considered to be unreasonable and unnecessary in this instance as the proposed development is not increasing the height to the existing building.

4. SOCIAL OR ECONOMIC IMPACT OF THE PROPOSED DEVELOPMENT

The broader social or economic impact to the Botany community can be determined based on the review of various documents and studies undertaken on the area. These include the following documents prepared for the City of Botany Bay including the *Review of the DCP requirements for unit mix Final Report* (2015), *Botany Bay Planning Strategy 2031 Final Report* (2009) and the *Housing Development Proposals Analysis and Evidence Base* (2016).

While these above reports do not specifically address the benefits of family friendly (3 bedroom apartments), some of the conclusions drawn do support the case that more of these types of apartments could be considered as an overall social and economic benefit to the Botany Bay LGA. Where there is now an affordability issue for many families looking to move into a larger dwelling, and considering that only 9% of existing dwellings are 'family friendly' apartments with 3 or more bedrooms, the increase in apartments of this size will almost certainly encourage couple families to remain in the area. Where this occurs as a result of the 'upgrade' of a 2 bedroom apartment as with this proposed development, it is only removing apartment stock from the 2nd largest dwelling type presently in the Botany Bay LGA, which is projected to become the largest proportion of dwelling type within the next 10 years.

The development of a 3 bedroom apartment, from an existing 2 bedroom apartment overall presents a very positive public interest outcome to the area based on the development of this family friendly apartment.

5. CONCLUSION

Having regard to the discussion above, it is considered that compliance with the height standard as specified in clause 4.3 Botany Bay LEP 2013 is both unreasonable and unnecessary in this particular case and it has been demonstrated that there are sufficient grounds to justify contravening the standard.

In addition, it is considered that the proposed development will provide a benefit in terms of public interest, and it does not conflict with the objectives of the standard and the objectives of the zone in which the development will be carried out.

We thereby put forward our request to vary clause 4.3 of the LEP, and the associated map with identifier 1100_COM_HOB_005_010_20130412, regarding an increase to the building height of 8.5m.

Matthew Weise

Bayside Local Planning Panel

9/10/2018

Item No	6.3
Application Type	Development Application
Application No	SF18/1978
Lodgement Date	31/05/2018
Property	DA-2018/1078 - 20/30 Stephen Road, Botany
Ward	Botany Bay
Owner	Mr L S Mayer & Ms N M Mastello
Applicant	Mr L S Mayer
Proposal	Conversion of attic storage to bedroom.
No. of Submissions	Nil
Cost of Development	\$40,000.00
Report by	Michael McCabe, Director City Futures

Officer Recommendation

- 1 That the Bayside Local Planning Panel consider the Clause 4.6 request to vary the height standard contained in Clause 4.3 of the BBLEP 2013 and be satisfied that the variation will result in consistency with the objectives of the height standard and the objectives of the R2 Low Density Residential zone and it is therefore in the public interest to vary the control.
- 2 That Development Application No. DA-2018/1078, for conversion of the existing attic storage to a bedroom, at 20/30 Stephen Road, Botany, be APPROVED, subject to the recommended conditions of consent.

Location Plan



Attachments

- 1 Planning Assessment Report [↓](#)
- 2 Architectural Plans [↓](#)
- 3 Clause 4.6 Variation [↓](#)

BAYSIDE COUNCIL

Delegated Planning Assessment Report

Application Details

Application Number:	DA-2018/1078
Date of Receipt:	31 May 2018
Property:	20/30 Stephen Road, Botany
Lot & DP/SP No:	Lot 74 DP 81425
Owner:	L. Mayer
Applicant:	Lance Mayer
Proposal:	Conversion of attic storage to bedroom
Property Location:	20/30 Stephen Road, Botany
Value:	\$40, 000
Zoning:	R2 – Low Density Residential Botany Bay Local Environmental Plan 2013
Author:	Helen Lai – Development Assessment Planner
Date of Report:	3 August 2018
Classification of Building:	Class 1a
Present Use:	Residential
No. of submissions:	Nil.

Key Issues

- Definition of development

The original approval (DA-2002/490) was defined as a multi-unit dwelling under the Botany Bay LEP 1995.

However, under Botany Bay LEP (BBLEP) 2013, the development is defined as a residential flat building as the building in which the subject unit (Unit 20) occupies has a shared access. The development cannot be defined as a multi-dwelling house as each unit does not have access at ground level.

In this regard, the proposed development has been assessed based on the Apartment Design Guide.

- Height

The proposed development involves raising the angle of the roof on the eastern elevation to a 15 degree pitch to accommodate an additional Bedroom 3 resulting in a max building height of 9.94m. Any structures above the maximum 8.5m building height permitted under the BBLEP 2013 is a non-

1 of 26

compliance. However, it is important to note that the overall building height will remain 10m. The affected part of the roof will still be below the existing approved 10m building height.

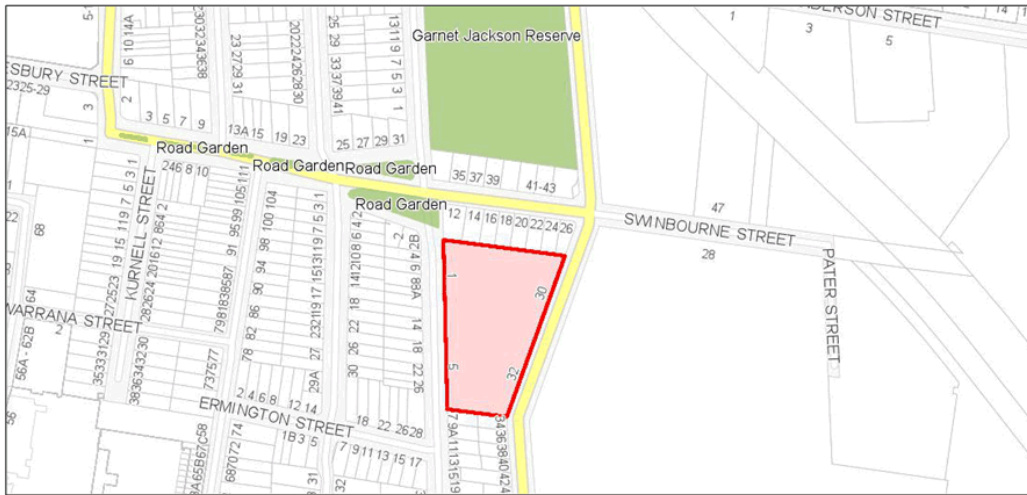
Recommendation

The development application 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.

Site Description

The site is known as Lot 1 SP 81034. The subject unit is known as Lot 74 DP 81425, 20/30 Stephen Road, Botany (Unit 20). The site is trapezoidal shaped and located on the western side of Stephen Road between Swinbourne Street to the north and Brighton Street to the west. The northern and southern boundaries have lengths of approximately 109.6m and 53.6m respectively. The western and eastern boundaries have lengths of 151.6m and 153.1m respectively. The total site area is approximately 12,247.4m². The topography of the site is relatively flat on the Brighton Street side and steeper on the Stephen Road side.

Unit 20 is part of the East Central Complex, which contains eleven (11) units in total, including five (5) units on the ground floor. Unit 20 occupies the first and second floor between Unit 21 to the north and Unit 17 to the south. A separate unit is located below Unit 20. The existing streetscape character is considered medium scale consisting of multi-dwelling houses and single to two-storey residential dwellings to the north. Southgate Industrial Estate is located opposite the subject site on Stephen Road. The residential streetscape is primarily characterised by pitched roofs. The proposed roof form will be consistent with the existing streetscape and developments on site.



Site History

Council's records show the following applications were previously lodged for the subject site:

Development Application	Description	Date of Determination	Issuing Authority
DA-2002/490	Construction of a multi-unit residential development comprising of eight-six (86) dwellings, basement parking and garages.	21 November 2002	City of Botany Bay
DA-2003/350	Staged subdivision of a multi-unit residential development comprising eight-six (86) dwellings, associated basement parking, garages and landscaping. Section 96(1A) modification to staged strata subdivision, reduce to four (4) consecutive stages with Section 94 payments.	6 December 2002	City of Botany Bay
DA-2002/490/2	Section 96(2) - Modifications to various conditions of consent	15 October 2003	City of Botany Bay
DA-2002/490/3	Section 96(2) – Delete underground cabling requirements from consent.	2 March 2004	City of Botany Bay
DA-2006/465	Construction of ten (1) multi-unit dwellings.	Withdrawn	City of Botany Bay
DA-2006/466	Construction of twelve (12) multi-unit dwellings.	Withdrawn	City of Botany Bay
DA-2006/467	Construction of seventeen (17) multi-unit dwellings.	Withdrawn	City of Botany Bay
DA-2006/468	Consolidation, staged subdivision, construction of a retaining wall and filling of land to depths of between approximately 0.5m to 1m within proposed Lots 1, 2 and 3. Staged 1 subdivision involves the subdivision of the site into four (4) allotments. Staged 2 subdivision involves the subdivision of proposed Lot 4 (front Brighton Street) into nine (9) residential allotments.	24 April 2007	City of Botany Bay
DA-2002/490/4	Section 96 Application to modify development consent no. DA-2002/490 relating to a multi-unit residential development comprising of eighty-six (86) dwellings and associated at grade and basement parking.	23 May 2007	
DA-2002/490/5	Section 96(1A) modification to staged strata subdivision, reduce to four (4) consecutive stages with Section 94 payments to be paid with the four (4) consecutive stages. Stage 1 = 32 units, Stage 2 = 10 units, Stage 3 = 36 units, Stage 4 = 8 units.	26 October 2007	City of Botany Bay
DA-2003/350/2	Section 96(1A) modification to staged strata subdivision, reduce to four (4)	29 October 2007	City of Botany Bay

	consecutive stages with Section 94 payments to be paid with the four (4) consecutive stages. Stage 1 = 32 units, Stage 2 = 10 units, Stage 3 = 36 units, Stage 4 = 8 units.		
DA-2002/490/6	Section 96(1A) – change from solar powered polar lights to LED lights	25 January 2008	City of Botany Bay
DA-2003/350/3	Section 96(1A) – to amend conditions no. 1, 2 and 7 from development consent no. DA-2003/350.	Withdrawn	City of Botany Bay
DA-2002/490/7	Section 96(1A) – to modify conditions no. 1, 8 and 68 from development consent no. DA-2002/490/3	Withdrawn	City of Botany Bay
DA-2002/490/8	Section 96(1A) application for pathways through the site connecting both Stephen Road and Brighton Street.	13 November 2008	City of Botany Bay
DA-2018/1078	Conversion of attic storage to bedroom of existing strata unit.	Under Assessment	Bayside Council

Description of Development

Council is in receipt of development application, DA-2018/1078, at 20/30 Stephen Road, Botany, which seeks consent to convert the attic storage to a bedroom.

Specifically, the proposal consists of the following:

- Demolition of part of the existing roof and construction of a new roof above the proposed bedroom 3 with a 15 degree pitch.
- Extension of existing walls and new timber framed walls on the second floor
- New robe for bedroom 3
- Cupboard
- New walk-in-robe and study alcove for the Master bedroom
- Installation of skylights above the Master bedroom and new bedroom 3
- New window on the eastern elevation for bedroom 3

Referral

The proposal has been referred to the following internal authorities:

INTERNAL

Council's Building Surveyor

The development application was referred to Council's Building Surveyor and has been supported subject to conditions recommended in the development consent for all building works to comply with BCA.

Statutory Considerations

Environmental Planning and Assessment Act, 1979

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

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

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

The following Environmental Planning Instruments are relevant to this application:

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

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

State Environmental Planning Policy (SEPP) No. 65 – Design Quality of Residential Apartment Building

This application was lodged on 9 May 2018. As such, this application is assessed under the Apartment Design Guide (ADG) and the relevant provisions that relate to the proposed changes.

The application has submitted a SEPP 65 assessment of the proposed development as part of the Statement of Environment Effects.

The proposal has been assessed against the ADG requirements and is discussed below:

Control	Proposed	Compliance Yes/No
3F Visual privacy		
Up to 12m (4 storeys) - Habitable rooms and balconies: 6m - Non-habitable rooms: 3m	The proposed setback on the northern side (measured from the new roof) is approximately 9.75m. The proposed rear setback (measured from the new roof to the unit behind) is approximately 12.5m.	No – however acceptable.
Windows should be offset from the windows of adjacent buildings.	The proposed development has been designed to minimise the overlooking of adjoining properties. The proposal will have one (1) new window on the eastern elevation facing the unit behind, however, will only be facing the building roof. Furthermore, has a low sill height of 1.3m. One (1) skylight window will be installed above the new bedroom 3 and one (1) skylight above the master bedroom. Overlooking will not be possible. All other windows will be as existing.	Yes.
4A Solar and daylight access		
Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9am and 3pm at mid-winter. In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9am and 3pm at mid-winter.	The proposed development is minor in nature and scale and will cause minimal changes to solar access currently received by the subject dwelling and adjoining properties. In this regard, it is not likely that the proposed development will increase overshadowing to adjoining properties.	Yes.
4C Ceiling heights		
Measured from the finished floor level to finished ceiling level, minimum ceiling heights are:	The proposed ceiling height for bedroom 3 on the second floor is maximum 3.2m.	Yes.

For 2 storey apartments - - 2.7m for main living area floor - 2.4m for second floor, where its area does not exceed 50% of the apartment area	There are no changes to the existing ceiling height on first floor.	
4D Apartment size and layout		
Apartments are required to have the following minimum internal areas: 3 bedroom = 90m ²	The proposed development will result in a three (3) bedroom unit. The proposed floor area is 121.9m ² .	Yes.
Bedrooms have a minimum dimension of 3m (excluding wardrobe space)	The proposed new bedroom 3 has a minimum dimension of 3m.	Yes.
4E Private open space and balconies		
All apartments are required to have primary balconies as follows: 3+ bedrooms = 12m ² and minimum 2.4m depth The minimum balcony depth to be counted as contributing to the balcony area is 1m.	The existing front balcony measures 9m ² and a maximum depth of 2.2m.	No – refer to Note 1.
4G Storage		
In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: 3+ bedroom apartments = 10m ³ At least 50% of the required storage is to be located within the apartment.	The existing storage space will be reduced to 3.67m ² as a result of the additional bedroom 3.	No – refer to Note 2.
4N Roof Design		
Roof design relates to the street. Roof treatments should be integrated with the building design. Skylights and ventilation systems should be integrated into the roof design.	The proposed modifications to the roof are minor and on the rear elevation, thus, will not be directly visible from Stephen Road. Notwithstanding, the proposed roof form and pitch above bedroom 3 will be consistent with the existing roof pitch above the master bedroom at 15 degrees. The applicant has also proposed to re-use the roof tiles to maintain consistency with the existing roof. Skylights have been incorporated into the roof design as a sustainable feature of the building design.	Yes.

	It is satisfied the proposal has been designed to maintain the existing character of the streetscape, further reflects dominant roof lines and patterns of adjoining buildings.	
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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
Land-use Zone	Yes.	The site is located within the R2 - Low Density Residential zone under BBLEP 2013.
Is the proposed use/works permitted with development consent?	Yes.	The proposal seeks consent for alterations and additions to the residential flat building. Residential flat buildings are permissible with development consent in the R2 – Low Density Residential zone.
The relevant objectives of the R2 Low Density zone are: - <i>To provide for the housing needs of the community within a low density residential environment.</i> - <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i> - <i>To encourage development that promotes walking and cycling.</i>	Yes.	The proposed development is consistent with all the relevant objectives of the R2 – Low Density Residential zone, namely the development will continue to provide for the housing needs of the community within a low density residential environment.
Does Clause 2.5 and Schedule 1 – Additional Permitted Uses apply to the site? If so what additional uses are permitted on the site?	N/A.	Schedule 1 does not apply to this site.
What is the height of the building? Does the height of the building exceed the maximum building height?	Yes.	The maximum building height shown on the Height of Buildings Map is 8.5m. The proposed height is 8.5m, therefore, does not exceed the maximum height permissible.

Principal Provisions of BBLEP 2013	Compliance Yes/No	Comment
What is the proposed FSR? Does the FSR of the building exceed the maximum FSR?	Yes.	<p>The proposed gross floor area for Unit 20 has been calculated as follows:</p> <p>Ground Floor = 67.6m² First Floor = 54.3m² Total gross floor area = 121.9m²</p> <p>The proposed FSR calculated for the whole site is as follows:</p> <p>Total gross floor area: 11245.6m² Total site area: 12, 247m² Proposed FSR: 0.92:1</p> <p>The subject site is located on land marked "Area 3" as shown on the FSR Map. In this regard, the maximum FSR permissible for a residential flat building is 1:1 as per Clause 4.4.A (3)(b) of the BBLEP 2013. The proposed FSR does not exceed the maximum FSR permissible.</p>
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 FSR of 1.5:1?	N/A.	The subject site is not located in a R3/R4 zone.
Is the site within land marked "Area 3" on the FSR Map? If so, does it comply with the sliding scale for FSR in Clause 4.4A?	Yes.	The subject site is within land marked Area 3. In accordance with Clause 4.4A(3)(b) of the BBLEP 2013, the maximum FSR permissible for a residential flat building is 1:1. The proposed FSR complies with this Clause.
Is the proposed development in a R3/R4 zone? If so does it comply with site of 2000m ² min; maximum height of 22 metres; affected by ASS, contamination and noise, and maximum FSR of 1.65:1?	N/A.	The land is not affected by road widening.
Is the land affected by road widening? (Clause 5.1 – Relevant Acquisition)	N/A.	The land 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 land is not listed as a heritage item or within a Heritage Conservation Area.

Principal Provisions of BBLEP 2013	Compliance Yes/No	Comment
6.1 – Acid sulphate soils	Yes.	<p>The site is affected by ASS Class 5 that is defined as 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 water table is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.</p> <p>The proposed development does not require excavation and therefore, does not trigger a requirement for ASS assessment.</p>
6.3 – Stormwater management	Yes.	<p>The proposed development does not involve changes to the existing stormwater system. In this regard, referral to Council's Development Engineer was not required.</p>
6.9 – Development in areas subject to aircraft noise	Yes.	<p>The subject site is not located within an ANEF contour and therefore, not subject to aircraft noise. As such, noise mitigation measures is not required for the proposed development.</p>
6.16 – Design excellence	Yes.	<p>The proposed design, materials and detailing is appropriate to the building type and location.</p> <p>Alterations to the façade is minimal. The proposed additional bedroom will improve the quality and amenity of the property for the current occupants.</p> <p>The development does not detrimentally impact on any view corridors.</p> <p>It is satisfied that the proposal is consistent with this Clause.</p>

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.

Clause 4.6 Variation to Height

The site has a maximum building height of 8.5m on the Height of Building Map, and with a proposed maximum height of 9.94m, which is a breach of 1.44m.

The applicant has provided a written Clause 4.6 variation request, providing justification for the proposals variation to the 8.5m height of building requirement, stating that it is unnecessary and unreasonable in the particular circumstances. Excerpts of the applicant's response are provided below:

"As required within the development standards, the maximum building height for this location is 8.5m. The existing building height is around 10.7m.

The proposed development outlined in the provided documents for DA-2018/1068 is for an external modification of the existing building that follows the same design principles as already established on the site in terms of appearance, and does not increase the overall building height at all, remaining within the existing building envelope.

As such, the proposed development will adhere to the key objectives of the LEP clause 4.3, which are as follows:

- (a) to ensure that the built form of Botany Bay develops in a coordinated and cohesive manner,*
- (b) to ensure that taller buildings are appropriately located,*
- (c) to ensure that building height is consistent with the desired future character of an area,*

The proposed development is an existing building, with no increase being proposed to the current height (the modification being no higher than 10.1m) and the design is consistent with the existing design throughout the overall 'East Central' complex.

- (d) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,*

The proposed development will have no impact to the visual impact, will not disrupt views or change privacy and solar access to neighbouring buildings, as it is contained within the envelope of the existing building.

- (e) 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 the proposed development is consistent with the existing design throughout the complex, and is in any case located away from the street view, there will be no adverse impact."

Consent may be granted for the proposal subject to Clause 4.6, notwithstanding that the proposal would contravene this development standard, as the Height of Building 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 Botany Bay Local Environmental Plan 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 *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:

- 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.*

In *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 1009 & NSW LEC 90 (*Four2Five*), the Court established that the construction of Clause 4.6 is such that it is not sufficient for the applicant to demonstrate that there are sufficient environmental planning grounds to justify contravening the development standards, as required by Clause 4.6(3)(b), or for the consent authority to be satisfied that the proposed development is consistent with 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, as required by Clause 4.6(4)(a)(ii). The Court outlines, that Clause 4.6 requires that in addition to the requirements listed above, the applicant must also establish that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, as is required by Clause 4.6(3)(a). This may involve reference to reasons 2-5 outlined within *Wehbe*.

The requirements of 4.6(3)(a), 4.6(3)(b), and 4.6(4)(a)(ii) are each addressed separately below:

Is the development standard unreasonable or unnecessary in the circumstances of the case?

Officer's Comments:

The applicant has provided justification for the variation to height, in that it is viewed as a minor variation. The additional height will result in minimal increase to bulk or overshadowing and will be below the height of the existing building. The Floor Space Ratio of the proposal does not exceed the development standard. The proposed development continues to allow for a roof form that is consistent and in line with the existing streetscape. Compliance with the development standard would therefore be unreasonable and unnecessary in this instance.

Are there sufficient environmental planning grounds to justify contravening the development standard?

Officer's Comments:

- The proposed alterations and additions are primarily internal.
- There will be minimal visual privacy impacts to the adjoining units as a result of the development.
- There will be minimal overshadowing to the adjoining units. Furthermore, the building of Unit 11 is elevated slightly lower than the rear property, as such, there will be minimal overshadowing to the rear property.
- The built form proposed is in keeping with the adjoining developments and is compliant with Councils Floor Space Ratio controls.
- Setbacks to the street, sides and rear are compliant. Sufficient landscaping is provided for the street form to be maintained.
- The roof form is existing. The proposal only involves raising the angle of the existing roof on the rear elevation. The overall height of the building (10m) will essentially remain the same. The roof on the eastern elevation will be raised to a 15 degree pitch, however, still remain below the approved 10m building height.

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

The following matters pursuant to Clause 4.6 also considered:-

- Objectives of Clause 4.6.
- Objectives of the Height of Building Standard.
- Public interest and public benefit of maintaining the development standard.
- Concurrence is assumed per planning circular PS 08-003.

Objectives of Clause 4.6

The objectives of Clause 4.6 (pursuant to Clause 4.6(1) of Botany Bay Local Environmental Plan 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.*

Officer's Comments:

Council recognises that the proposal meets the objectives of Clause 4.6 and those of the height of building standards notwithstanding the proposed non-compliance. The proposal will continue to facilitate a residential flat building within the R2 – Low Density Residential Zone, which generally meets the required desired future character of the Botany Precinct. No objections have been received in relation to the proposed development.

Objectives of the Height of Building

The objectives of Clause 4.3 Height of Buildings of the Botany Bay Local Environmental Plan 2013 are:

- *To ensure that the built form of Botany Bay develops in a coordinated and cohesive manner.*
- *To ensure that taller buildings are appropriately located.*
- *To ensure that building height is consistent with the desired future character of an area.*
- *To minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development.*
- *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.*

Officer's Comments:

The proposal is consistent with the objectives of the height of building development standard for the following reasons:-

- The non-compliant height does not create inappropriate scale or bulk for the development.
- Stephens Road is characterised by residential flat buildings, setting the prevailing streetscape and density of the area, which the development is in keeping with and will have minimal impact to the existing character of the area.
- The affected part of the roof is on the rear elevation, therefore, will not be viewed to be noticeably larger in scale than the other buildings within the street.

13 of 26

- There are no changes to the approved overall height of the building (10m).
- The proposed development will not add additional bulk to the building and aims to maintain the pitch and form of the roofs prevalent within the street.
- The proposed dwelling has been designed to be in keeping with the streetscape and has taken into consideration the amenity of the adjoining property regarding solar access and privacy and contributes to the Botany Precinct desired future character.

Objectives of the zone

The Objectives of the R2 Low Density Residential zone is as follows:

- *To provide for the housing needs of the community within a low density residential environment;*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents;*
- *To encourage development that promotes walking and cycling.*

Officer's Comments:

The proposed alterations and additions to the existing residential flat building is a permissible use within the R2 Low Density Residential Zone and is in keeping with the zone objectives. The proposal provides low density housing. The proposed development is consistent with the objectives within the zone.

Public Interest and Public Benefit

The proposed development will have minimal adverse impact on the streetscape, locality and adjoining units. The proposal is compatible with the existing development of the street and is in accordance with the Botany Bay Development Control Plan 2013 with regard to the Part 8 Desired Future Character for the Botany Precinct. There were no objections received during the public notification period for the proposal.

Summary

The Clause 4.6 exception to the height of building control has been assessed in accordance with relevant case law, being the principles of *Wehbe v Pittwater Council* [2007] NSW LEC 827 and *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 1009 & NSW LEC 90 (*Four2Five*) as well as the principles established in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118. The proposal is consistent with the underlying objectives of the standard identified. The proposed development has been assessed against Councils' Botany Bay Local Environmental Plan 2013 and Botany Bay Development Control Plan 2013 controls which are compliant with the majority.

It has been established that the proposed development is appropriate and strict adherence to the development standard in this instance is unreasonable and unnecessary. Maintaining and enforcing the development standard in this case is viewed as unreasonable.

The applicant's Clause 4.6 is well-founded and the minor departure in height of building development standard for 32 Stephen Road is in the public interest. On this basis, it is recommended that the development standard relating to the maximum height of building for the site pursuant to Clause 4.3 of the Botany Bay Local Environmental Plan 2013 should be varied in the circumstances as discussed above.

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

No relevant proposed instruments are applicable to this proposal.

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

The following Development Control Plan is relevant to this application;

Botany Bay Development Control Plan 2013**Part 3A – Parking & Access**

Control C2 of the Botany Bay Development Control Plan 2013 states that car parking provision shall be provided in accordance with Table 1. Table 1 identifies that residential flat buildings with two or more bedrooms are to provide two (2) car parking spaces.

The proposed development for Unit 20 will result in a total of three (3) bedrooms, therefore, two (2) parking spaces is required. There are no proposed changes to the existing layout of the basement carpark with two (2) parking spaces currently allocated to Unit 20. In this regard, the proposed development satisfies Part 3A – Parking & Access in BBDP2013.

Access to the basement car park is via Stephen Road.

Part 3L- Landscaping and Tree Management

Control	Proposed	Complies
3L.4.2 Tree Works Requiring Council Approval		
C12 If consent is granted for the removal or pruning of a tree, suitable replacement tree/s will be required to be planted on the subject property by the property owner or applicant. Council will stipulate the minimum acceptable replacement tree/s pot size and number of trees and may recommend suitable species.	No trees proposed for removal.	Yes.
3L.5 Stormwater		
C1 Impervious surfacing is to be minimised. Permeable pavements are to be used where possible eg. Decks, pebbles, spaced pavers, specialised permeable pavers. Note: Run-off from paved areas can be minimised by directing runoff to garden beds. C2 Underground on-site stormwater detention (OSD) tanks and infiltration trenches are not to be located within soft landscaped areas.	No proposed changes to existing stormwater system.	Yes.

Part 3N- Waste Minimisation and Management

A Waste Management Plan prepared by the applicant, dated March 2018 was submitted to Council, which address the works involved including, the removal of certain materials during demolition works and re-use of materials on site.

Part 4C – Residential Flat Buildings

Control	Proposed	Complies
4C.2.2 Streetscape Presentation		
C1 New development must be compatible in building bulk and scale with adjoining residential developments and reflect the patterns of buildings in the streetscape. It must respond to building setbacks, building height and treatment of the building facades.	<p>The proposed conversion of the attic store room to a bedroom will have minimal impact on streetscape. Proposed modifications are mainly to the rear, thus, will not be directly visible from Stephen Road.</p> <p>The adjoining buildings within the site are similar in style. The proposed roof form will be similar to that of Unit 11 (DA-2018/1068) as both has proposed a similar development.</p> <p>The majority of buildings in the East Central Complex are 3 storeys and the proposed new bedroom will be mainly within the roof/attic of the existing apartment.</p> <p>The development will be generally consistent with the architectural design, materials and finishes of the existing building.</p>	Yes.
4C.2.4 Landscaped Area and Deep Soil Planting		
C1 A residential flat development must have minimum landscaped area of 35% and a maximum hard landscaped area of 20%.	The proposed development will not reduce existing landscaped areas.	Yes.
4A.2.6 Setbacks		
C1 Building setbacks from the existing front boundary must match the setback of adjoining properties, but must be a minim of 3 metres of 4 metres if fronting a classified road.	There are no changes to the existing front setback. Unit 20 is located behind Unit 10. In this regard, the front setback is approximately 34m from Stephen Road and 10m from Unit 10.	Yes
4C.4 Family Friendly Apartment Buildings		
C1 Family apartments are to include a study to meet the needs of couple families with dependents households.	A study alcove is proposed in the master bedroom, which will allow a parent to work from	Yes.

Control	Proposed	Complies
The design of the study should allow for a parent to easily work from home whilst supervising a child.	home whilst supervising their two young children.	
C3 Other than the master bedroom, each bedroom is to be large enough to accommodate a single bed, a desk or table, and floor space for playing, to be illustrated on a standard apartment layout plan.	There are no changes to the existing size of bedroom 2, which currently accommodates two (2) single beds. The proposed bedroom 3 is 11.45m ² , thus, will provide sufficient space for a single bed, desk/table and floor space for playing.	Yes.

Part 8 – Botany Character Precinct

The proposed roof form is consistent with the current style of surrounding dwellings and is compliant with the objectives outlined in the R2 – Low Density Residential zone. The proposal is compliant regarding FSR, setbacks, site coverage, private open space and is considered to have acceptable height and solar access to neighbouring sites. As such, the proposal is suitable for the site and is relatively consistent with the desired future character of the Botany Precinct pursuant to Botany Bay Development Control Plan Part 8 Character Precincts.

Discussion

Note 1: Private open space and balconies

Design criteria 1, Objective 4E-1 of the ADG stipulates that for 3+ bedroom apartment units 12m² of private open space with a minimum 2.4m depth should be provided. The existing front balcony measures 9m² with a maximum depth of 2.2m. While the existing size does not comply with the ADG, this is considered acceptable as this is an existing non-compliance and controls from the ADG would not have been applicable to the original development.

Note 2: Storage

Design criteria 1, Objective 4D-1 of the ADG stipulates that for 3+ bedroom apartment units 10m³ of storage space should be provided. The existing storage space is 14m², therefore an existing non-compliance. The proposed development will reduce the storage space to 3.67m² as a result of the additional bedroom 3. However, cupboard spaces on ground floor, a linen cupboard on second floor and additional storage space in the garage is provided that will continue to be sufficient for the occupants' use. As such, the non-compliance is considered acceptable.

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

The Regulations have been considered and in this instance, there are no applicable provisions to the development.

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

The proposed development will have no adverse environmental, social or economic impacts in the locality. There are minimal impacts related to the proposed development.

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

The subject site is not known to be affected by any 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 the long standing use of the land for residential purposes, onsite investigation is not warranted.

The site is zoned R2 – Low Density Residential and currently accommodates multi-dwelling houses. Accordingly, the site is suitable to accommodate the proposed development.

S.79C(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 from 14 May 2018 to 31 May 2018. No submissions were received.

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

The proposed development is considered satisfactory having regard to the objectives and requirements of Botany Bay Local Environmental Plan 2013 and Development Control Plan 2013. Impacts on adjoining properties have been considered and addressed. As such, it is considered that the proposed development is in the public interest.

Section 94 Contributions

No contributions are applicable for this proposed development.

Conclusion

Development Application No. 2018/1078 for conversion of the attic storage to a bedroom at 20/30 Stephen Road, 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: 20/30 Stephen Road, Botany****DA No: 2018/1078****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
Location Plan/Site Plan / 2030SR-0001	Matthew Weise	Dated: 2 November 2017 Received: 9 May 2018
Existing/Proposed Second Floor Plan / 2030SR-0003		Dated: 25 April 2018 Received: 9 May 2018
Existing/Proposed Second Floor Sect / 2030SR-0004		Dated: 25 April 2018 Received: 9 May 2018
Existing/Proposed Roof Plan / 2030SR-0005		Dated: 25 April 2018 Received: 9 May 2018
Proposed Second Floor Plan Elevations / 2030SR-0007 Sheet 1, 2 and 3 of 3		Dated: 25 April 2018 Received: 23 July 2018
Proposed Roof Demolition/New Walls / 2030SR-0009		Dated: 25 April 2018 Received: 9 May 2018
Detailed Second Floor Plan / 2030SR-0010		Dated: 25 April 2018 Received: 9 May 2018
Detailed Second Floor Section / 2030SR-0011 Sheet 1 and 2 of 2		Dated: 25 April 2018 Received: 9 May 2018

Reference Documents	Author	Dated
Detail Survey (For Unit 20)	Keystone Survey	Dated: 10 April 2018 Received: 2 May 2018
Statement of Environmental Effects	Lance and Niki Mayer	March 2018
Site Waste Minimisation and Management Plan	Lance and Niki Mayer	March 2018

- This Consent relates to land in Lot 74 DP 81425 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.
 - c) New bedroom windows shall comply with D2.24 of the BCA.
 - d) All framing works shall comply with AS1684.
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. The applicant must prior to the issue of the construction certificate pay the following fees:-
 - a) Development Control \$247.00

7. 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 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.

8. Prior to the issue of the Construction Certificate, a plan (written and/or diagrammatic) shall be submitted and approved by the Certifying Authority, showing the storage location of construction building materials and plants and the method of access to the property. No storage of construction materials and plants to be allowed in road reserve area.

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE COMMENCEMENT OF ANY DEVELOPMENT OR WORK

9. 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.
10. 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.

11. 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.
12. 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.
13. This Consent shall not preclude the demolisher from giving notice to other statutory authorities, such as Sydney Water Corporation, WorkCover, etc.
14. 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 construction works, place and/or storage building materials on footpaths, nature strips,
 - b) Permit to place skip/waste bin on footpath and/or nature strip, and
 - c) 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

15. Any demolition work shall be carried out in accordance with Australian Standards AS 2601-2001 Demolition of Structures and the requirements of the NSW WorkCover Authority.
16. Any material containing asbestos found on site during the demolition process shall 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.
- 17. No demolition materials shall be burnt or buried on the site.
- 18. 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.
- 19. 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 Certifying Authority including an after hours contact the Local Environmental Plan phone number.
 - b) Any such sign is to be removed when the work has been completed.
- 20. 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. The operation of plant and equipment must not give rise to the transmission of vibration nuisance or damage to other premises.
- 21. Should the construction 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 Councils road reserve must also have prior approval of Council.
- 22. The submitted Waste Management Plan, dated March 2018 shall be complied with at all times during construction and on-going use of the site.
- 23. 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 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:

The L_{10} 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 L_{10} 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.

24. 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.

25. 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.

26. 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 construction. The area fronting the site and in the vicinity of the development shall also be

make 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.

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

27. If mechanical ventilation is required, details shall be submitted to Council within 21 days of the installation of the system and prior to the issue of any occupation certificate. A report prepared by a qualified air quality/mechanical engineer certifying that any mechanical ventilation/exhaust system as installed complies in all respects with the design and operation standards of AS 1668 – Mechanical Ventilation and Air Conditioning Codes, and the relevant provisions of the Protection of the Environment Operations Act 1997.
28. 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.
29. Prior to use and occupation of the building an Occupation Certificate must be obtained under Section 109C(1)(c) and 109N of the Environmental Planning and Assessment Act, 1979.

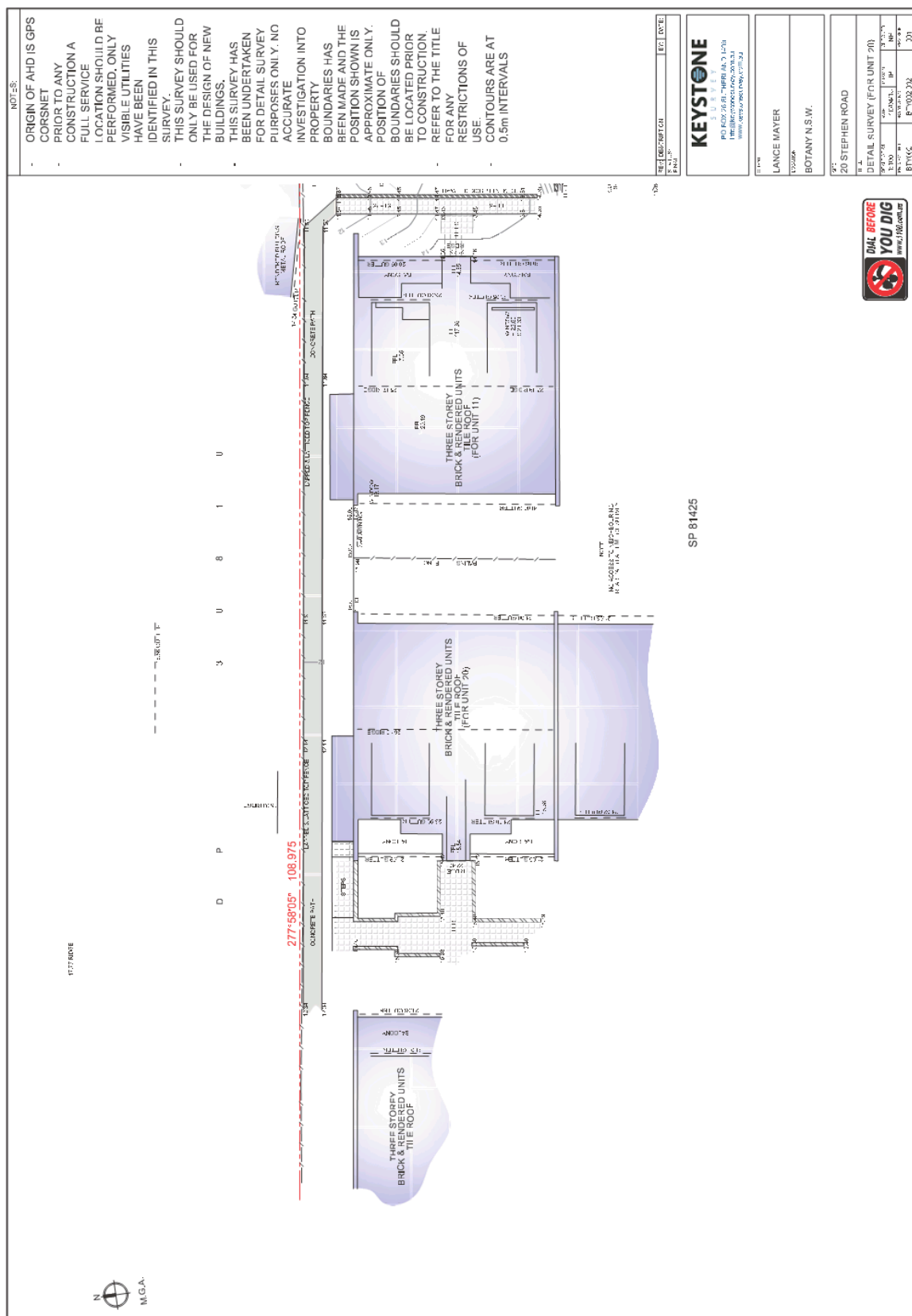
CONDITIONS WHICH MUST BE SATISFIED FOR THE ONGOING USE

30. 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.
31. The approved building on site constitutes a multi-dwelling house and the subject unit (20/30 Stephen Road) to which this consent relates to shall be occupied by a single family only. It 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.
32. All intruder alarms must be fitted with a timing device in accordance with the requirements of Protection of the Environment Operations (Noise Control) Regulation 2017, and AS2201, Parts 1 and 2 - 1978 Intruder alarm systems.
33. 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.
34. The Protection of the Environment Operations (Noise Control) Regulation 2017, states that noise from any air-conditioning units (measured as the Laeq 15 minute) is not to exceed the background level (measured as the La90 15 minute) by more than 5dBA at any time. The measurement is to be taken at boundary of the property. If the noise from the air conditioner contains any annoying characteristics, the measurements are to be corrected in accordance with the New South Wales Industrial Noise Policy. In addition noise from any air conditioning

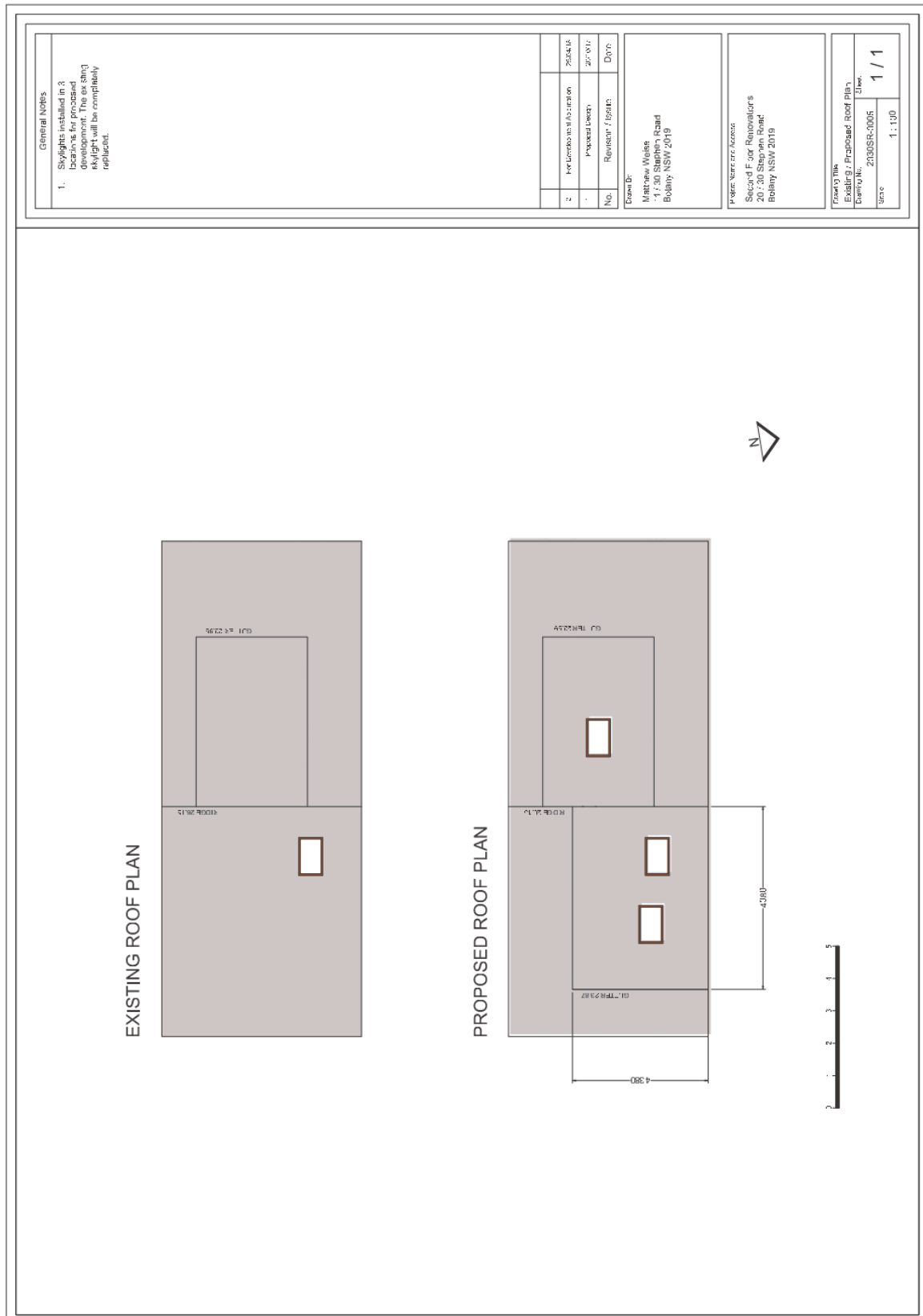
25 of 26

units are not to be audible within habitable room of other residence before 7am or after 10pm (Monday to Friday) or before 8am or after 10pm (Sat/Sun/Public Holidays).

Note: in order to meet this condition the compressors and any other noise generating part of the air conditioning unit is to be located a sufficient distance from any residential boundary to permit the sound from the unit to decay sufficiently to meet the standard, or enclosed in a suitable acoustic enclosure.



An aerial photograph of a residential development. The image shows several long, parallel rows of townhouses or small apartment units. The buildings have dark roofs and are arranged in a grid-like pattern. There are green spaces, including lawns and trees, interspersed between the building rows. A road runs along the bottom of the image, and another road is visible at the top. The Google logo is in the bottom right corner.









225

**Clause 4.6 submission requesting variation of Development
Standard (Clause 4.3 – Maximum Height of Buildings Botany
Bay Local Environmental Plan 2013)**

for the

**Interior and Exterior Renovation Works of Existing
Residence at 20/30 Stephen Rd, Botany
(Lot 74, Strata Plan 81034)**

Lance and Niki Mayer

March 2018



20/30 Stephen Road, Botany (Lot 74, Strata Plan 81034)

TABLE OF CONTENTS

- 1. INTRODUCTION**
- 2. APPLICABLE DEVELOPMENT STANDARD BEING VARIED**
- 3. JUSTIFICATION OF VARIATION TO THE DEVELOPMENT STANDARDS**
- 4. SOCIAL OR ECONOMIC IMPACT OF THE PROPOSED DEVELOPMENT**
- 5. CONCLUSION**

1. INTRODUCTION

This clause 4.6 has been prepared in regards to the development application, DA-2018/1078, for an external modification to an existing residential apartment building for 20/30 Stephen Road Botany

The proposed development is seeking an exception to vary a development standard as referred to clause 4.6 of the Botany Bay Local Environmental Plan 2013. The variation is specifically in regards to building height, as described within clause 4.3 of the Botany Bay LEP, and the associated map with identifier 1100_COM_HOB_005_010_20130412.

2. APPLICABLE DEVELOPMENT STANDARD BEING VARIED

The proposed development seeks to vary the maximum building height, as described within clause 4.3 of the Botany Bay LEP, and the associated map with identifier 1100_COM_HOB_005_010_20130412. Clause 4.3 states:

4.3 Height of buildings

- (1) The objectives of this clause are as follows:
 - (a) to ensure that the built form of Botany Bay develops in a coordinated and cohesive manner,
 - (b) to ensure that taller buildings are appropriately located,
 - (c) to ensure that building height is consistent with the desired future character of an area,
 - (d) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,
 - (e) 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.
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.
- (2A) Despite subclause (2), if an area of land in Zone R3 Medium Density Residential or Zone R4 High Density Residential exceeds 2,000 square metres, the height of a building on that land may exceed the maximum height shown for the land on the Height of Buildings Map but must not exceed 22 metres.
- (2B) Subclause (2A) does not apply to land identified as “Area 1” on the Height of Buildings Map.
- (2C) Despite subclause (2), if an area of land identified as “Area 2” on the Height of Buildings Map has a site area exceeding 1,900 square metres, the maximum height for a building on that land may exceed the maximum height shown for the land on the Height of Buildings Map by no more than 2 metres.

20/30 Stephen Road, Botany (Lot 74, Strata Plan 81034)

The section of the applicable map, with location of proposed development highlighted



As required within the development standards above, the maximum building height for this location (I) is 8.5m. **The existing building height is around 10.7m (or a 25% increase).**

Clause 4.6 Exceptions to development standards states:

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.
- (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 Secretary has been obtained.

20/30 Stephen Road, Botany (Lot 74, Strata Plan 81034)

- (5) In deciding whether to grant concurrence, the Secretary 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 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:
 - (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,
 - (b1) clause 4.3 (2A),
 - (b2) clause 4.4B (3),
 - (c) clause 5.4.

3. JUSTIFICATION OF VARIATION TO THE DEVELOPMENT STANDARDS

The proposed development outlined in the provided documents for DA-2018/1078 is for an external modification of the existing building that follows the same design principles as already established on the site in terms of appearance, and does not increase the overall building height at all, remaining within the existing building envelope.

As such, the proposed development will adhere to the key objectives of the LEP clause 4.3, which are as follows:

- (a) to ensure that the built form of Botany Bay develops in a coordinated and cohesive manner,
- (b) to ensure that taller buildings are appropriately located,
- (c) to ensure that building height is consistent with the desired future character of an area,

20/30 Stephen Road, Botany (Lot 74, Strata Plan 81034)

The proposed development is an existing building, with no increase being proposed to the current height (the modification being no higher than 10.1m) and the design is consistent with the existing design throughout the overall 'East Central' complex.

(d) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,

The proposed development will have no change to the visual impact, will not disrupt views or change privacy and solar access to neighboring buildings, as it is contained within the envelope of the existing building and follows the same size, shape and structure of the existing building design.

(e) 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 the proposed development is consistent with the existing design throughout the complex, and is in any case located away from the street view, there will be no adverse impact.

As described, the proposed development is a modification to the existing building, which already has a height above the maximum height stated within the standards. The proposal does not aim to increase the building height, as the works will be contained within the existing building height. In view of the above, the requirement to strictly adhere to the numerical development standard for building height is considered to be unreasonable and unnecessary in this instance as the proposed development is not increasing the height to the existing building.

4. SOCIAL OR ECONOMIC IMPACT OF THE PROPOSED DEVELOPMENT

The broader social or economic impact to the Botany community can be determined based on the review of various documents and studies undertaken on the area. These include the following documents prepared for the City of Botany Bay including the *Review of the DCP requirements for unit mix Final Report* (2015), *Botany Bay Planning Strategy 2031 Final Report* (2009) and the *Housing Development Proposals Analysis and Evidence Base* (2016).

While these above reports do not specifically address the benefits of family friendly (3 bedroom apartments), some of the conclusions drawn do support the case that more of these types of apartments could be considered as an overall social and economic benefit to the Botany Bay LGA. Where there is now an affordability issue for many families looking to move into a larger dwelling, and considering that only 9% of existing dwellings are 'family friendly' apartments with 3 or more bedrooms, the increase in apartments of this size will almost certainly encourage couple families to remain in the area. Where this occurs as a result of the 'upgrade' of a 2 bedroom apartment as with this proposed development, it is only removing apartment stock from the 2nd largest dwelling type presently in the Botany Bay LGA, which is projected to become the largest proportion of dwelling type within the next 10 years.

The development of a 3 bedroom apartment, from an existing 2 bedroom apartment overall presents a very positive public interest outcome to the area based on the development of this family friendly apartment.

5. CONCLUSION

Having regard to the discussion above, it is considered that compliance with the height standard as specified in clause 4.3 Botany Bay LEP 2013 is both unreasonable and unnecessary in this particular case and it has been demonstrated that there are sufficient grounds to justify contravening the standard.

In addition, it is considered that the proposed development will provide a benefit in terms of public interest, and it does not conflict with the objectives of the standard and the objectives of the zone in which the development will be carried out.

We thereby put forward our request to vary clause 4.3 of the LEP, and the associated map with identifier 1100_COM_HOB_005_010_20130412, regarding an increase to the building height of 8.5m.

Matthew Weise

Bayside Local Planning Panel

9/10/2018

Item No	6.4
Application Type	Conversion of existing garage to a secondary dwelling
Application No	DA-2018/93
Lodgement Date	23/04/2018
Property	178 Frederick Street, Rockdale
Ward	Rockdale
Owner	Mr Hassan Jammal
Applicant	A & K Engineering Group Pty Ltd
Proposal	Conversion of existing garage to a secondary dwelling.
No. of Submissions	One (1)
Cost of Development	\$6,000.00
Report by	Michael McCabe, Director City Futures

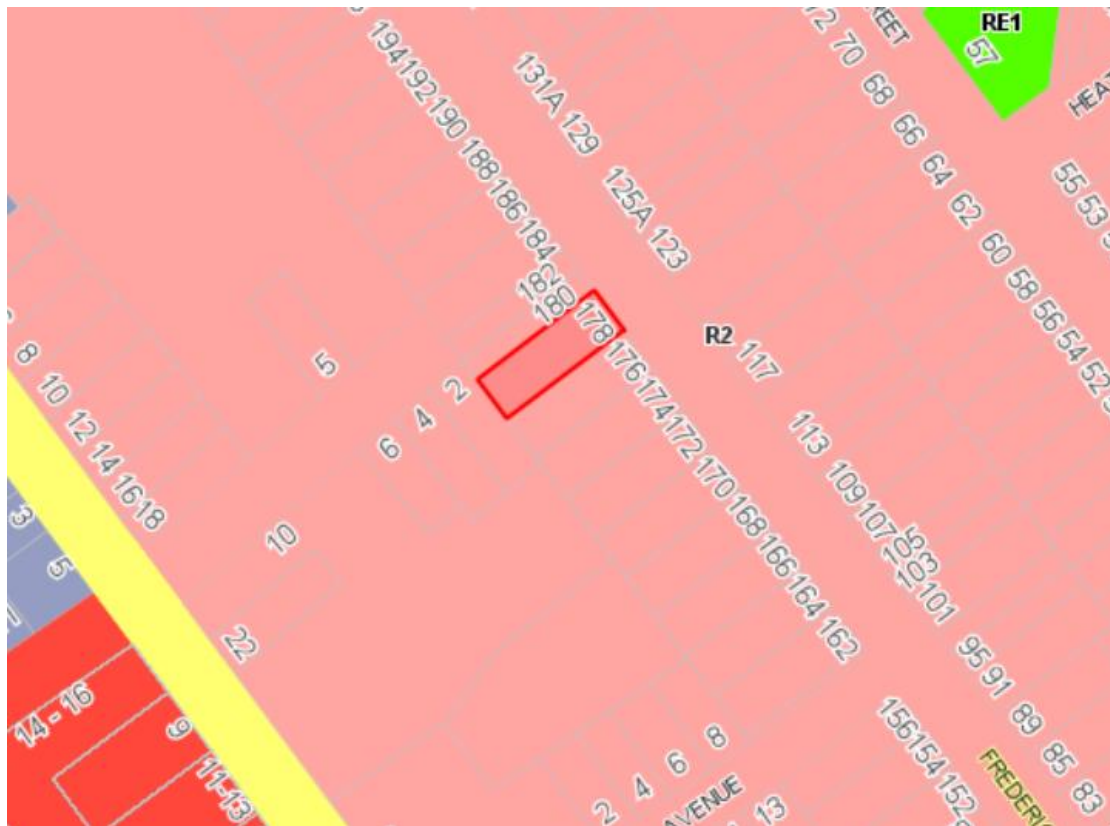
Officer Recommendation

- 1 That the Development Application No. DA-2018/93 for the proposed conversion of the existing garage to a secondary dwelling at 178 Frederick Street ROCKDALE be REFUSED pursuant to Section 4.16(1)(b) of the Environmental Planning and Assessment Act 1979 for the following reasons:
 - a Pursuant to the provision of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed conversion of the existing outbuilding into a secondary dwelling will result in a floor space ratio of 0.57:1 or 57% which is exceeding the allowable 50% by 14% and will also set an undesirable precedence in the area.
 - b Pursuant to the provisions of Section 4.15(1)(b) and Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, insufficient information has been provided by the applicant to allow a proper and thorough assessment of the impacts of the proposed development and the suitability of the site for the development.
 - c Pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development is unsatisfactory in terms of its standard of design, siting and location and would adversely impact upon the existing and likely future amenity of the neighbouring property owners and locality.
 - d Having regard to the previous reasons noted above, pursuant to the provisions of Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposal would result in an undesirable precedent and approval of the development application is not in the public interest.
 - e Pursuant to the provisions of Section 4.2(1) of the Environmental Planning and Assessment Act 1979, the works to which this application are related have been
-

carried out without first obtaining a development consent and without a development consent being in force.

- 2 That Council's Compliance Department investigate the unauthorised works and take further action as necessary.
 - 3 That the objector be advised of the Bayside Local Planning Panel's determination.
-

Location Plan



Attachments

- 1 Planning Assessment Report [↓](#)
- 2 Site Plan [↓](#)
- 3 Survey Report [↓](#)
- 4 Secondary Dwelling Elevations [↓](#)
- 5 Statement of Environmental Effects [↓](#)
- 6 Fire report [↓](#)

BAYSIDE COUNCIL

Planning Assessment Report

Application Details

Application Number:	DA-2018/93
Date of Receipt:	23 April 2018
Property:	178 Frederick Street, ROCKDALE (Lot 51 DP 1353)
Owner:	Mr Hassan Jammal
Applicant:	A & K Engineering Group Pty Ltd
Proposal:	Conversion of existing garage to a secondary dwelling
Recommendation:	Refused
No. of submissions:	1
Author:	Alex Buijs
Date of Report:	26 September 2018

Key Issues

The key issues related to this application are:

- The conversion of the existing outbuilding into a secondary dwelling will result in an excessive floor space ratio and will set an undesirable precedent.
- The proposed works do not satisfy Council's LEP in terms of floor space.
- The proposal sets an undesirable precedent if approved.
- No Clause 4.6 Variation for the floor space exceedence was submitted with the application
- Application is recommended for refusal.

Recommendation

1. That the Development Application No. DA-2018/93 for the proposed conversion of the existing garage to a secondary dwelling at 178 Frederick Street ROCKDALE be REFUSED pursuant to Section 4.16(1)(b) of the Environmental Planning and Assessment Act 1979 for the following reasons:

- a) Pursuant to the provision of Section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979, the proposed conversion of the existing outbuilding into a Secondary Dwelling will result in a floor space ratio of 0.57:1 or 57% which is exceeding the allowable 50% by 14% and will also set an undesirable precedence in the area.
- b) Pursuant to the provisions of Section 4.15(1)(b) and Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, insufficient information has been provided by the applicant to allow a proper and thorough assessment of the impacts of the proposed development and the suitability of the site for the development.

c) Pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development is unsatisfactory in terms of its standard of design, siting and location and would adversely impact upon the existing and likely future amenity of the neighbouring property owners and locality.

d) Having regard to the previous reasons noted above, pursuant to the provisions of Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposal would result in an undesirable precedent and approval of the development application is not in the public interest.

e) Pursuant to the provisions of Section 4.2(1) of the Environmental Planning and Assessment Act 1979, the works to which this application are related have been carried out without first obtaining a development consent and without first a development consent being in force.

2 That Councils Compliance Department investigate the unauthorised works and take further action as necessary.

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

Background

History

This Development Application was lodged to consider a determination by Council for the conversion of the existing outbuilding into a Secondary dwelling.

The conversion of the outbuilding into a secondary dwelling was also part of a Section 4.55 application previously lodged with Council (DA-2012/249/A), however this was later adjusted by deleting this conversion on the advice of Council as the conversion could not be determined as part of the Section 4.55.

The applicant was also advised that the conversion of this outbuilding into a Secondary dwelling would most likely not be supported as the approved floor space of the dwelling is already 50% of the total land area and including the floor space of secondary dwelling would result in a floor space ratio well over the allowable 50%.

The conversion of the outbuilding into a secondary dwelling is already finalised and occupied.

Proposal

Council is in receipt of a development application DA-2018/93 at 178 Frederick Street Rockdale for the conversion of an existing garage into a secondary dwelling.

Specifically, the proposal consists of:

- Two bedrooms.
- A study room.
- Kitchen and Living room
- Toilet and shower room

Site location and context

The site is known as Lot 51 DP 1353, 178 Frederick Street ROCKDALE NSW 2218.

The site is a rectangular shape with front and rear boundary widths of 15.240 m and the side boundaries are 45.235 m deep. The total site area is 689 sqm. The topography of the site is such that it slopes toward the street at the front of the property. The site contains a two storey dwelling and a garage at the rear of the property. The adjoining development includes a one storey dwelling on each of the adjoining properties.

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 (Building Sustainability Index: BASIX) 2004

The applicant has submitted a BASIX Certificate for the proposed development. The Certificate Number is 817900S

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

Reduction in Energy Consumption 47%
Reduction in Water Consumption 40%
Thermal Comfort Pass

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

Rockdale Local Environmental Plan 2011

Relevant clauses	Compliance with objectives	Compliance with standard/provision
2.3 Zone R2 Low Density Residential	Yes	Yes - see discussion
4.3 Height of buildings	Yes	Yes - see discussion
4.4 Floor space ratio - Residential zones	No - see discussion	No - see discussion
4.6 Exceptions to development standards	No - see discussion	No - see discussion
5.4 Controls relating to miscellaneous permissible uses - Secondary dwellings	Yes	Yes - see discussion
6.1 Acid Sulfate Soil - Class 5	Yes	Yes - see discussion
6.2 Earthworks	Yes	Yes - see discussion
6.3 Development in areas subject to aircraft noise	Yes	Yes
6.3 Between 20 and 25 ANEF (2033) contours	Yes	Yes - see discussion
6.7 Stormwater	Yes	Yes - see discussion

Relevant clauses	Compliance with objectives	Compliance with standard/provision
6.12 Essential services	Yes	Yes

2.3 Zone R2 Low Density Residential

The subject site is zoned R2 - Low Density Residential under the provisions of Rockdale Local Environmental Plan 2011 (RLEP 2011). The proposal is defined as a conversion of an existing outbuilding into a secondary dwelling which constitutes a permissible development only with development consent.

4.3 Height of buildings

The height of the proposed building is 3.5m and therefore does not exceed the maximum 8.5m height shown for the land on the Height of Buildings Map and accordingly the proposed height of the building satisfies the objectives of this clause.

4.4 Floor space ratio - Residential zones

The proposed development does not comply with clause 4.4(2) in RLEP 2011, which restricts the floor space ratio (FSR) to 0.5:1 in an R2 zone. The proposed development will result in an overall FSR of 0.58:1.

This floor space has been calculated as follows:

Floor space existing dwelling is approved as 344.21 sqm

The floor space of the proposed secondary dwelling is: 51.5 sqm.

Total site area: 689.18 sqm.

Total floor space is 395.71 sqm.

Floor space Ratio is: 395.71 / 689.18 equals 0.574:1 or 57.4 % of the total land area, which exceeds by 14.8 percent.

Furthermore the applicant has not submit a Clause 4.6 Variation in order for Council to undertake a proper assessment of the submitted information with regards to the floor space being in excess of the allowable 50 percent. It is also considered that approval of the proposal would create an undesirable precedent and is not in the public interest. As such the application is not supported in this instance and it is considered that the proposed FSR does not satisfy the objectives of Clause 4.4.

4.6 Exceptions to development standards

The application did not include a comprehensive Clause 4.6 Variation for justification of the additional floor space due to the conversion of the outbuilding into a Secondary Dwelling.

5.4 Controls relating to miscellaneous permissible uses - Secondary dwellings

The total floor area of the secondary dwelling is 54 square meters, less than the maximum allowable 60 sqm.

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.

6.2 Earthworks

No earthworks required

6.3 Between 20 and 25 ANEF (2033) contours

The proposal was accompanied by an Acoustic Compliance Certificate prepared by Acoustic Noise & Vibration Solutions P/L dated September 4, 2017, which addresses the matter of aircraft noise and details noise amelioration measures which are incorporated into the construction of the development in order to minimise aircraft noise impacts to future occupants, in compliance with the Australian Standards for indoor design sound levels.

The report states that

" Due to the non-compliance of windows in habitable rooms, internal noise levels were carried out at a time when aircraft was flying over the site. Noise levels were found to be under the required the 50 db(A) for a habitable area. However aircraft noise results may vary depending on the type of aircraft flying over the site. If any exceedance of the criteria occurs, we expect it to be negligible and not impact on the internal amenity of future residents"

6.7 Stormwater

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

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

No relevant proposed instruments are applicable to this proposal.

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
4.1.4 Soil Management	Yes	Yes
4.2 Streetscape and Site Context - General	Yes	Yes - see discussion
4.3.1 Open Space & Landscape Design - Low & medium density residential	Yes	Yes
4.3.2 Private Open Space - Secondary Dwelling	Yes	Yes - see discussion
4.4.1 Energy Efficiency - Residential		
4.4.2 Solar Access - Low and medium density residential	Yes	Yes - see discussion
4.4.5 Visual privacy	Yes	Yes
4.4.5 Acoustic privacy	Yes	Yes

Relevant clauses	Compliance with objectives	Compliance with standard/provision
4.6 Parking Rates - Dwelling House	Yes	Yes
4.7 Air Conditioning and Communication Structures	Yes	Yes
4.7 Laundry Facilities and Drying Areas	Yes	Yes
5.1 Storey Height and Setbacks - Secondary dwelling	Yes	No - see discussion

4.1.1 Views and Vista

The siting of the proposed building will ensure that there is minimal adverse impact on the surrounding views presently enjoyed by adjacent residents.

4.2 Streetscape and Site Context - General

The submitted proposal is for the existing garage to be converted into a secondary dwelling which is located behind the two storey dwelling and in the rear of the allotment. As such the existing streetscape is not dramatically or negatively affected by this conversion. No additional built form is proposed.

4.3.2 Private Open Space - Secondary Dwelling

The site provides an area of approx. 110 metres of private open space shared with the principle building

4.4.2 Solar Access - Low and medium density residential

The proposed development will have minimum impact of the level of sunlight currently received by adjoining properties and within the development site.

5.1 Storey Height and Setbacks - Secondary dwelling

DCP2011 requires a 0.9m side and rear setback to the rear and side of the proposed development to the side and rear boundaries.

However the proposal involves a 0.624m side setback to the south western side boundary and a 0.615m rear setback to the north western rear boundary

In this regard, the proposed setbacks to two sides of the proposed secondary dwelling do not comply and are considered to set an undesirable precedent for other secondary dwellings.

Fire Safety & Other Considerations - Clause 93 EP&A Regulation 2000

The proposal involves the conversion of an existing outbuilding into a secondary dwelling. A fire safety report (Performance Solution Report) prepared by J² Consulting Engineers, dated 6 April 2018, was submitted with the application.

The report provides the following statement under the heading "Requirements of Performance Solutions":

"Considering the relevant provisions of the BCA, the Performance solution, subject to the provision of the following requirements, is considered to meet and comply with the Performance Requirement P2.3.1:

1. Combustible covers and wall fixings that would increase the fire load and likely promote the spread of

fire between the affected wall and allotment boundary should not be attached to the affected walls.

2. The subject walls are to be provided with 1 layer of 16mm fire rated plasterboard installed between the timber stud structure and the corrugated sheet metal external façade. Alternatively, a weather resistant fire rated plasterboard may be used in lieu of reinstalling the existing corrugated steel cladding. The weather resistant fire rated plasterboard is required to achieve a minimum FRL of 60/60/60.

3. The subject window shall be provided with a Microlouvre radiation attenuation screen over the entire face of the glazed portion of the windows located within the subject wall (both fixed and openable portions). The attenuation screens shall be installed as per manufacturer's specifications.

The Performance solution has been developed using comparison with the Deemed-to-Satisfy (DTS) provisions via qualitative and quantitative assessment. The BCA recognises these Assessment Methods as acceptable methods for determining that the Performance solution satisfies the Performance Requirement in accordance with BCA Clauses 1.0.3(a)(i) and 1.0.5(b)(ii)"

This satisfies the requirements under Clause 93 EP&A Regulations 2000 with regards to Fire Safety.

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

Potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls and are addressed within this report.

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

The relevant matters pertaining to the suitability of the site for the proposed development have been considered in the assessment of the proposal. Although the site can be considered suitable for the proposed development, the floor space ratio of 0.57:1 that has now been established by the conversion of the outbuilding into a secondary dwelling is considered unacceptable in this instance as it is well in excess of the allowable 0.5:1 and will set an undesirable precedent in the area.

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

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

Issue 1: Concerns raised with regards to the destruction of the boundary fence between 2 properties.

Comment: The issues with a boundary fence is a civil matter and it is noted that the proposal does not seek to alter the fence.

Issue 2: Comment made with regards people already living in the proposed secondary dwelling.

Comment: This issue will be addressed by Council's Compliance team, following determination of the application.

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

The proposed development does not meet some of the principles of Local Environmental Plan 2011 LEP 2011 and Development Control Plan 2011 DCP 2011 and is considered to be unsatisfactory having regard to the objectives and requirements of Rockdale Local Environmental Plan 2011 and Development Control Plan 2011. Impacts on adjoining properties have been considered and addressed. As such it is considered that the proposed development is not in the public interest.

Schedule 1 - Draft Conditions of consent



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Bankstown NSW 2200

SURVEY REPORT

Date: 11-04-2018
Our reference: 11418B

As instructed we have surveyed the Position of the Constructed 2 Storey Brick/Rendered Residence, with Basement Under, and the alteration of Existing Garage to Secondary Dwelling, at 178 Frederick Street, Rockdale, being the whole of the land comprised in Lot 51 in Deposited Plan 1353 in the Local Government Area of Bayside, Parish of St George, and County of Cumberland.

The purpose of survey was to locate the Buildings, in relation to title boundaries and to determine finished levels only.

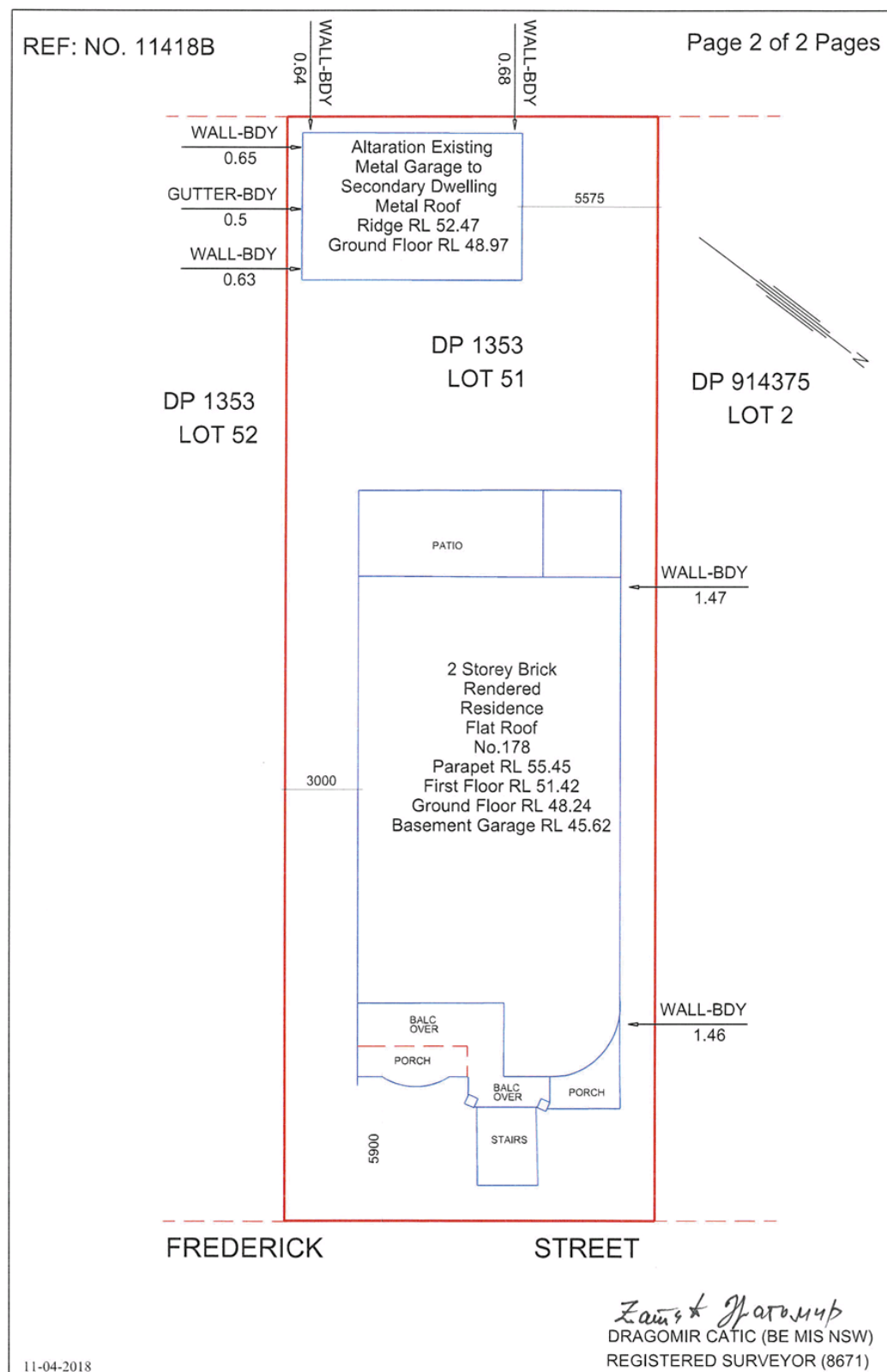
In my opinion the buildings erected thereon stands wholly on the subject land and do not encroach upon any adjoining property or street.

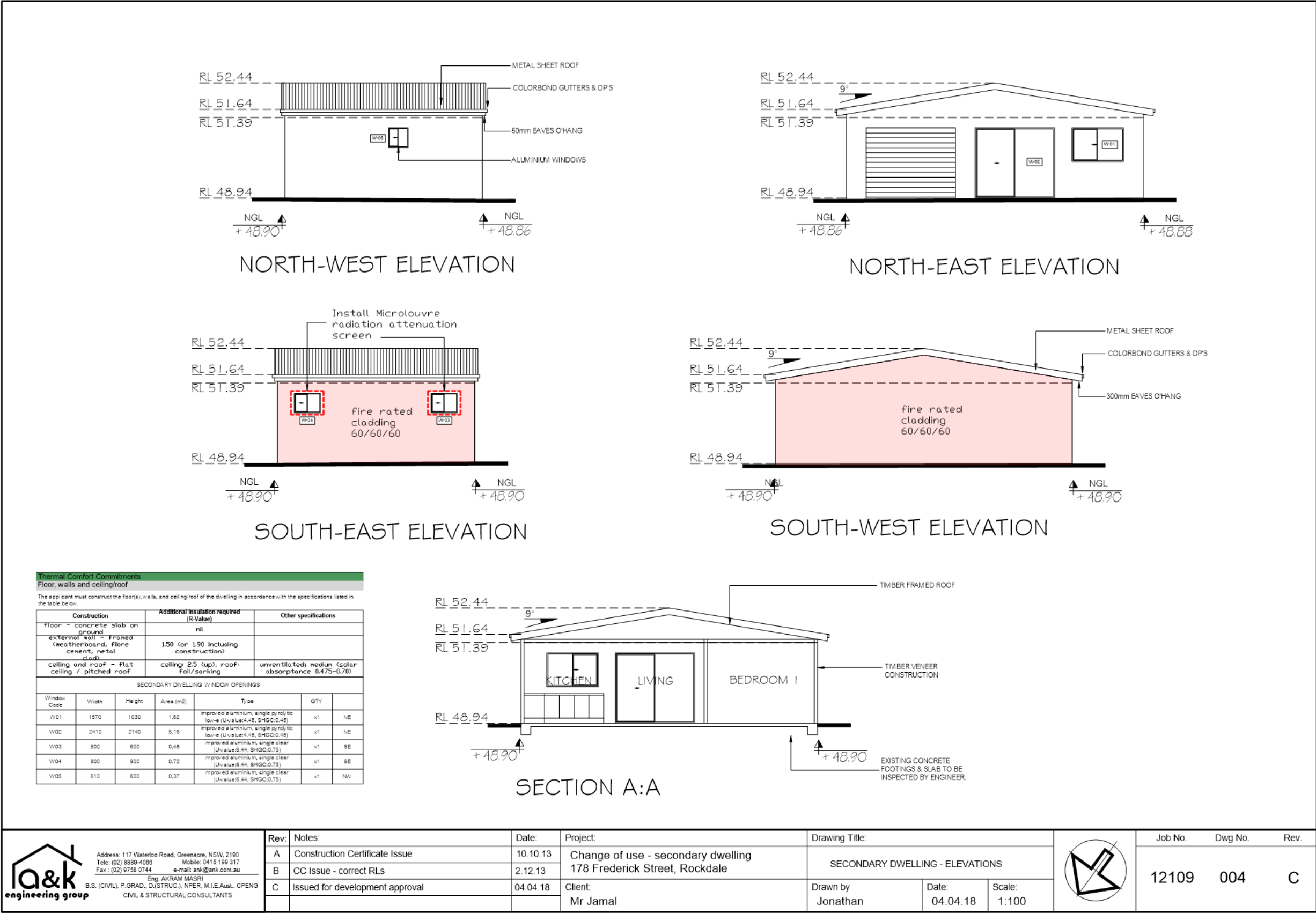
Offsets of walls from boundaries and finished levels to Aust. Height Datum are as shown on the attached sketch.

Fencing has not been located.

The distances shown from improvements to boundaries are not to be used for boundary definition purposes. Where additional improvements are proposed to be made to the property, further survey and marking of the boundaries may be required.


Dragomir Catic (BE MIS NSW)
Registered Surveyor (8671)







Statement of Environmental Effects



<i>The Proposal:</i>	<i>Secondary dwelling – conversion of existing garage</i>
<i>Project Address:</i>	<i>Lot 51 DP 1353</i>
<i>Date:</i>	<i>No. 178 Frederick Street, Rockdale</i>
<i>Project:</i>	<i>6th April 2018</i>
<i>Consent Authority</i>	<i>18156</i>
	<i>Bayside Council</i>



This submission has been prepared by

EPlanning Pty Ltd

B Cotten

Barry Cotten
MPIA CPP

Disclaimer

This planning report – statement of environmental effects, is based on the views, interpretations and opinions expressed by the author EPlanning and may not necessarily be the views, interpretations and opinions expressed by other consultants or professionals.

A number of issues within this report may be recognised to be interpretive. Where issues of this type are encountered, interpretations are made that are considered consistent with standard industry practice and those interpretations viewed by the author EPlanning.

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Table of Contents

Page

1.0 Town Planning Report Introduction

Page 4

1.1 Executive Introduction

Page 4

1.2 The Legislative Framework

Page 4

1.3 Town Planning context

Page 5

1.4 Executive Summary

Page 6

2.0 The Subject Site Description & Surrounds

Page 7

2.1 Title description

Page 7

2.2 Site description

Page 7

2.3 Site and surrounds context / streetscape character

Page 9

2.4 Site Analysis

Page 9

2.5 Planning Opportunities / Constraints

Page 11

3.0 The Proposed Development

Page 12

3.1 General Introduction

Page 12

3.2 Development Principles

Page 12

3.3 Development overview

Page 12

4.0 Environmental Planning and Assessment Act 1979

Page 13

4.1 Section 4.15 Evaluation (79C) (1)(a)(i) Statutory Considerations

Page 13

4.2 Section 4.15 Evaluation (79C) (1)(a)(ii) any Environmental Instruments

Page 13

4.3 Section 4.15 Evaluation (79C) (1)(a)(iii) any draft planning instruments

Page 18

4.4 Section 4.15 Evaluation (79C) (1)(a)(iii) DCP Assessment

Page 18

4.5 Section 4.15 Evaluation (79C) (1)(a)(iii) Any Planning Agreements

Page 20

4.6 Section 4.15 Evaluation (79C) (1)(a)(iv) The Regulations

Page 20

4.7 Section 4.15 Evaluation (79C) (a)(iv) Coastal Zone Management

Page 20

4.8 Section 4.15 Evaluation (79C) (1)(b) Likely Impacts

Page 20

4.9 Section 4.15 Evaluation (79C) (1)(c) Suitability of the site

Page 20

4.10 Section 4.15 Evaluation (79C) (1)(d) Any Submissions Made

Page 21

4.11 Section 4.15 Evaluation (79C) (1)(e) The Public Interest

Page 21

5.0 Planning Report Conclusion

Page 22

1.0 TOWN PLANNING REPORT INTRODUCTION

1.1 Executive Introduction

The proponent proposes a change of Use in relation to the conversion of the existing garage to a Secondary Dwelling (commonly known as Granny Flat) on Lot 51 DP 1353 No. 178 Frederick Street, Rockdale. The proposal will be assessed against the applicable provision of the State Environmental Planning Policy (Affordable Rental Housing) 2009 – Secondary Dwelling.

The existing building proposing the change of use to a Secondary Dwelling (Granny Flat) is located to the south-western corner of the allotment and consists of a single storey garage. The existing garage building appears to be constructed from lightweight material and is highlighted in the image below.



Plate: Front elevation of dwelling and garage

EPlanning Pty Ltd have reviewed this proposal and prepared this Town Planning report and describes the physical characteristics of the proposal, subject site and surrounds in its Town Planning context, while having regards to matters as of relevance to the subject application pursuant to Section 4.15 Evaluation (79C) of the Environmental Planning & Assessment Act 1979 (EP&A Act 1979).

This report is a town planning assessment that is to be submitted in concurrence with a deemed Local Development submission to the consent authority of Bayside Council. This town planning report is an environmental planning assessment that is to be submitted in concurrence with a deemed Local Development submission to that local consent authority.

In accordance with Part 1 of Schedule 1 of the Environmental Planning & Assessment Regulation 2000 (EPAARegs2000) the following information is provided:

- The environmental impacts of the development;
- How the environmental impacts of the development have been identified; and,
- The steps to be taken to protect the environment or to lessen the expected harm to the environment.



To address the above statutory requirements, this report considers the following matters:

- Description of the site, surrounding development and the wider locality;
- Description of the proposed development;
- Assessment of the proposed development in accordance with all statutory controls and Bayside Council's Development Control Plan (DCP); and,
- A broader environmental assessment of the proposal, having regard to the matters for consideration contained within Section 4.15 (79C) of the Environmental Planning & Assessment Act 1979 (EP&A Act 1979).

1.2 Legislative Framework

The Statutory framework are the Planning Instruments of;

- *State Environmental Planning Policy (Affordable Rental Housing) 2009*
- *Rockdale Local Environmental Plan 2011 (RLEP2011)*
- *Rockdale Development Control Plan 2011 (RDCP2011)*

This town planning report and subsequent consultant's reports have placed emphasis on these three (3) planning instruments / guidelines during the strategic and statutory assessment of the proposal. Other Legislative Instruments have been noted and subsequently assessed throughout this report and other consultant's reports.

As noted above, the key planning instruments applying to the land is acknowledged as the State Environmental Planning Policy (Affordable Rental Housing) and the Rockdale Local Environmental Plan 2011 (RLEP2011) and in this respect the relevant clauses of the instrument as applying to the land are discussed further below.

The definition of the proposal pursuant to the Section 19 Definition of State Environmental Planning Policy (Affordable Rental Housing) would best be defined as "**Secondary Dwelling**".

Development for the purposes of a secondary dwelling includes the following:

- (a) *the erection of, or alterations or additions to, a secondary dwelling,*
- (b) *alterations or additions to a principal dwelling for the purposes of a secondary dwelling.*

Note. The standard instrument defines secondary dwelling as follows:

secondary dwelling means a self-contained dwelling that:

- (a) *is established in conjunction with another dwelling (the principal dwelling), and*
- (b) *is on the same lot of land (not being an individual lot in a strata plan or community title scheme) as the principal dwelling, and*
- (c) *is located within, or is attached to, or is separate from, the principal dwelling.*

It is considered that conversion on the existing garage for purposes of a Secondary Dwelling will satisfy this definition contained within the State Environmental Planning Policy (Affordable Rental Housing).



The definition of the proposal pursuant to the Definitions of Rockdale Local Environmental Plan 2011 (RLEP2011) would also best be defined as "Secondary Dwelling".

Secondary dwelling means a self-contained dwelling that:

- (a) is established in conjunction with another dwelling (the **principal dwelling**), and
- (b) is on the same lot of land as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

Note. See clause 5.4 for controls relating to the total floor area of secondary dwellings.

Secondary dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

Permitted with consent

*Attached dwellings; Boarding houses; Building identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Educational establishments; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Health consulting rooms; Hostels; Places of public worship; Recreation areas; Respite day care centres; **Secondary dwellings**; Semi-detached dwellings; Seniors housing; Water supply systems*

Pursuant to Rockdale Local Environmental Plan 2011 (RLEP2011) the subject site is zoned R2 Low Density Residential and is considered to satisfy the statutory framework for the proposed use of the land and considered to be in the Public interest.

The Objectives of the R2 Low Density Zone are:-

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

It has been concluded that the proposal post re-developed could satisfy one (1) or more of the objectives for the zone, particularly provide for the housing needs of the community within a low density residential environment.

1.3 Town Planning Assessment

This assessment and subsequent report concludes that the Secondary Dwelling is consistent with the State Governments and Bayside Council's strategic planning objectives for the local Government Area.

The development application is supported by a Statement of Environmental Effects that:

- includes a satisfactory neighbourhood and site description, including the identification of the key features of the neighbourhood and site,
- shows how the siting and design response derives from and responds to the key features identified in the neighbourhood and site description, and
- demonstrates that the residential development proposal respects the existing or preferred neighbourhood character and satisfies objectives of the zone in the RLEP2011.



The proposed redevelopment consisting of the change of Use in relation to the conversion of the existing garage to a Secondary Dwelling (commonly known as Granny Flat) on Lot 51 DP 1353 No. 178 Frederick Street, Rockdale is defined as “*Development*” for the purposes of Clause 1.4 Definitions of the Environmental Planning & Assessment Act 1979 (EP&A Act 1979).

Pursuant to Clause 4.2 of the Environmental Planning & Assessment Act 1979 (EP&A Act 1979), the Clause stipulates that the development must not be carried out on the subject site until consent has been obtained. The application does not trigger any of the ‘Integrated Development’ provisions of Clause 4.8 of the Environmental Planning & Assessment Act 1979 and so no third-party approvals are required.

1.4 *Executive Summary*

The proposal provides for the desired future character of the streetscape / area of Frederick Street and will preserve the existing look and feel of the area to establishing character based on different uses, street patterns, subdivisions, densities and typologies.

The desired future character is determined through the strategic planning predominantly contained within the State Environmental Planning Policy (Affordable Rental Housing) and the Rockdale Local Environmental Plan 2011 (RLEP2011). The context during this process is crucial to support change and determine appropriate building types and planning controls. The proposal has been adequately assessed against Section 4.15 Evaluation (Heads of Consideration) of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979) and found to satisfy the principles of the legislation.

Therefore, on balance the proposed redevelopment consisting of change of Use in relation to the conversion of the existing garage to a Secondary Dwelling (commonly known as Granny Flat) on Lot 51 DP 1353 No. 178 Frederick Street, Rockdale as proposed is economically sound, ecologically sustainable and in the public interest and should be supported by Bayside Council and determined as approved.

2.0 THE SUBJECT SITE DESCRIPTION & SURROUNDS

2.1 The Rockdale Suburb



Rockdale is a suburb in southern Sydney, in the state of New South Wales, Australia. Rockdale is located 13 kilometres south of the Sydney central business district and is part of the St George area. Rockdale is one of the administrative centres for the local government area of the Bayside Council.

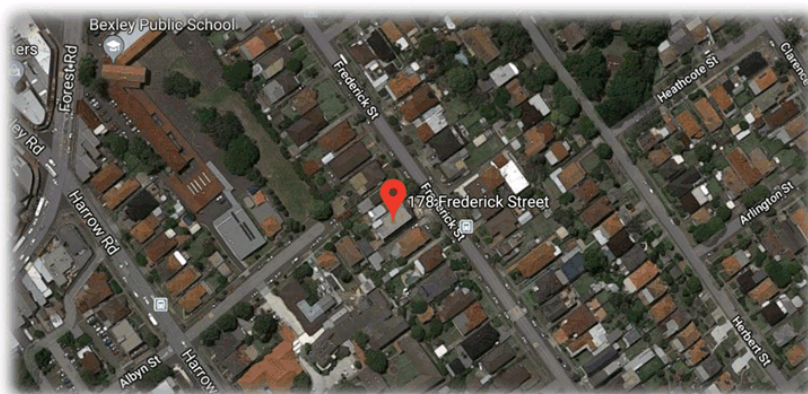


Plate: Site area

2.2 Site dimensions and topography

The subject site is located on western side of Frederick Street, Rockdale and has an overall site area of approximately 689.18sqm. The subject site consists of improvements of a two storey dwelling and detached single storey garage. There appears to be no topographic or environmental constraints onsite that would restrict such a proposal. The site is located in close proximity to residential and commercial precinct and numerous main transport nodes.

2.3 *Site and surrounds context / streetscape character*

The subject site is located within a low density residential area that is earmarked for considerable change in the near future and will predominantly be characterised by dwellings, townhouses and multiple dwellings varying in scales, with a varying range of floor plates and architectural designs and style. The existing dwelling provides for ample car parking onsite.

2.4 *Site Analysis*

The site analysis is the foundation of good design and is used as an initial source of information upon which to base the design and configuration of development taking account of all environmental constraints and opportunities, as they relate to the unique features of the site and nearby land.

Objectives:

- *Identify the constraints and opportunities for the development of the site.*
- *Provide an understanding of how the development relates to the site.*
- *Identify the capability and suitability of the site for development.*

The scope of the site analysis has addressed:

- contours, slope and north point;*
Response: These matters have been identified and addressed on the supporting documents, with the site generally orientated east to west.
- existing landscaping and vegetation;*
Response: The subject site has minor vegetation.
- existing buildings and structures;*
Response: The subject site has structures of dwelling and garage.
- roads, access points, parking, and traffic management devices and the like;*
Response: These matters have been identified and addressed. One (1) vehicle entry/exit is existing to Frederick Street.
- linkages; open space networks, pedestrian/cycle paths and the like;*
Response: There are no definable pedestrian / cycle pathways in the suburb.
- easements, services, existing infrastructure and utilities;*
Response: Services have been identified. Refer to the Survey plan.



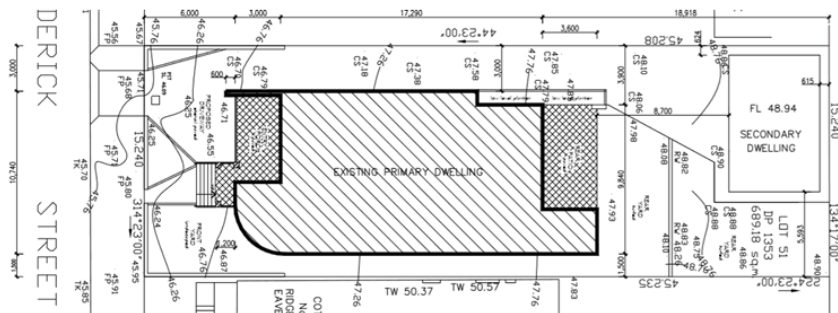
- vii) *hydraulic features, drainage lines, water features, drainage constraints, and the like;*
Response: These matters have been identified. There are no constraints or restrictions that are detrimental to the proposal.
- viii) *natural hazards (e.g. flooding, bushfire);*
Response: There are no natural hazards that would detrimentally affect the proposal.
- ix) *solar orientation, overshadowing prevailing winds;*
Response: These matters have been identified in more detail with the submission.
- x) *special environmental features such as threatened species habitat, endangered ecological communities and wetlands;*
Response: The subject site has no such species.
- xi) *items and relics of indigenous and non-indigenous heritage;*
Response: The subject site does contain heritage items.

In summary, the planning opportunities of the proposal far outweigh the constraints making the proposal an ideal development in principle.

3.0 THE PROPOSED DEVELOPMENT

3.1 General Introduction

The proposed development is illustrated in detail on the plans and supporting documents prepared by A&K Engineering Pty Ltd accompanying the development application and associated sub consultant's documentation. Below is the existing/proposed layout.



3.2 Development Principles and Overview

The proponent seeks Development Approval for a change of Use in relation to the conversion of the existing garage to a Secondary Dwelling (commonly known as Granny Flat) on Lot 51 DP 1353 No. 178 Frederick Street, Rockdale. The proposal will be assessed against the applicable provision of the State Environmental Planning Policy (Affordable Rental Housing) 2009.



4.0 STATEMENT of ENVIRONMENTAL EFFECTS

4.1 Section 4.15 Evaluation - Environmental Planning & Assessment Act, 1979

Section 4.15 Evaluation - Matters for Consideration, of the Environmental Planning and Assessment Act 1979, provide for those matters that may be taken into consideration as applicable.

(1) Matters for Consideration – general

In determining a development application consideration of the following matters are to be taken into consideration as are of relevance to the development the subject of the development application:

- a) *the provision of:*
 - (i) *any environmental planning instrument; and*
 - (ii) *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 (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii) *any development control plan;*
 - (iiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
 - (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph);*
 - (v) *any coastal zone management plan (within the meaning of the Coastal Protection Act 1979) that apply to the land to which the development application relates.*

that apply to the land to which the development application relates

- b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- c) *the suitability of the site for the development;*
- d) *any submissions made in accordance with the Act or the regulations; and*
- e) *the public interest.*

This statement of environmental effects has been structured pursuant to Section 4.15 Evaluation - Matters for Consideration, of the Environmental Planning and Assessment Act, 1979, that is of relevance to the proposal.





4.2 *Section S4.15(1)(a)(ii) any environmental planning instrument*

4.2.1 *State Environmental Planning Policy 55 (SEPP55)*

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) applies to the development. Clause 7 requires a consent authority to consider whether the land is contaminated, and if so, if that contamination can be remediated to allow for the proposed future use of the land.

The Environmental Protection Authorities intervention in relation to contaminated land is triggered when land contamination poses a significant risk of harm to public health or the environment. Generally, sites not posing a significant risk of harm will be dealt with by Council under the provisions of the Environmental Planning and Assessment Act 1979, in accordance with Managing Land contamination - Planning Guidelines and State Environmental Planning Policy 55 (SEPP 55).

The site is in a low density residential zone, with contamination of the site unlikely, and therefore no further assessment required.

4.2.2 *State Environmental Planning Policy (Infrastructure) 2007*

State Environmental Planning Policy (Infrastructure) 2007 assists the NSW Government, local councils and the communities they support by simplifying the process for providing infrastructure. The proposal is deemed Local development and therefore no referral required to any Government Agencies, and therefore Council's officers can assess the implications and other prescribed matters in relation to the proposal.

4.2.3 *State Environmental Planning Policy No. 19 - Bushland in Urban Areas*

The general aims of SEPP19 are:

(1) to protect and preserve bushland within the urban areas (a) its value to the community as part of the natural heritage, (b) its aesthetic value, and (c) its value as a recreational, educational and scientific resource.

Bushland is defined as 'land on which there is vegetation which is either a remainder of the natural vegetation of the land or, if altered, is still representative of the structure and floristics of the natural vegetation. Clause 4(2) states: A reference in this Policy to bushland zoned or reserved for public open space purposes is a reference to bushland within an area or zone identified by an environmental planning instrument as open space (other than for private recreation).

Given that the development is not located adjacent to or on land that contains significant vegetation, the SEPP will not be relevant.



4.2.4 State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP ARH)

SEPP (ARH) aims to provide new affordable rental housing and mitigate and loss of existing affordable rental housing by providing a consistent state wide planning regime. Specifically, SEPP ARH provides for new affordable rental housing by offering incentives such as expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards. An assessment of the proposed development under the provision of the SEPP (ARH) is provided below.

Division 2: Secondary dwellings

Development for the purposes of a secondary dwelling includes the following:

- (a) *The erection of, or alterations to, a secondary dwelling,*
- (b) *Alterations or additions to a principal dwelling for the purposes of a secondary dwelling.*

Note: The SEPP and the standard instrument defines secondary dwelling as:

"secondary dwelling means a self-contained dwelling that:

- (a) is established in conjunction with another dwelling (the principal dwelling), and*
- (b) is on the same lot of land (not being an individual lot in a strata plan or community title scheme) as the principal dwelling, and*
- (c) is located within, or is attached to, or is separate from, the principal dwelling."*

Land to which this division applies:

Requirement	Comment
This division applies to land within any of the following land use zones or within a land use zone that is equivalent to any of those zones, but only if development for the purposes of a dwelling house is permissible on the land:	
Zone R1 General Residential, or Zone R2 Low Density Residential, or Zone R3 Medium Density Development, or Zone R4 High Density Residential, or Zone R5 Large Lot Residential	Yes - The site is located in the R2 Low Density zone and accordingly a secondary dwelling is a permissible use with consistent under the RLEP2011.

Clause 21: Development to which this Division applies:

Requirement	Comment
This division applies to development on land to which this division applies for the purposes of a secondary dwelling.	Yes

Development may be carried out with consent:

Requirement	Comment
(2) A consent authority must not consent to development to which this Division applies if there is on the land, or if the development would result in there being on the land any dwelling other than the principal dwelling and the secondary dwelling.	Yes - The site is currently occupied by only the principal dwelling.
(3) A consent authority must not consent to development to which this division applies unless: (a) the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area allowed for a dwelling house on the land another environmental planning instrument ; and (b) the total floor area of the secondary dwelling is no more than 60m ² or, if a greater floor area is permitted in respect of a secondary dwelling in the land under another environmental planning instrument, that greater floor area.	Yes (a) The FSR adopted to the site is 0.5:1. The floor area as proposed would be 0.57:1 (b) A total floor area of 51sqm is proposed. Clause 5.4(9) Secondary Dwellings of RLEP2011 states (a) 60 square metres, (b) 43% of the total floor area of the principal dwelling.
(4) A consent authority must not refuse development to which this Division applies on either of the following grounds: (a) site area if: (i) the secondary dwelling is located within, or is attached to, the principal dwelling, or (ii) the site area is at least 450 square metres. (b) Parking if no additional parking is to be provided on the site.	(a)(i)The secondary dwelling is detached and located within the rear yard of the existing dwelling. (a) The site area is 689.18sqm. The proposed development is well designed and positioned on the site so that impact on local amenity is minimized. It is noted in the SEPP that Council may approve the application. (b) A garage is provided to replace the garage to be demolished for the primary dwelling.



Note: A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in sub-clause (4)

Requirement	Comment
A consent authority must not consent to a development application that would result in any subdivision of a lot on which development for the purposes of a secondary dwelling has been carried out under this Division.	Yes - The site does not propose any subdivision of the existing allotment.

The above assessment finds that the development of the secondary dwelling is consistent with the controls of Division 2 in the SEPP (ARH), and accordingly the proposal can be supported in its current form.

4.2.5 Rockdale Local Environmental Plan 2011 (RLEP2011)

The definition of the proposal pursuant to the Definitions of Rockdale Local Environmental Plan 2011 (RLEP2011) would also best be defined as "Secondary Dwelling".

secondary dwelling means a self-contained dwelling that:

- (a) is established in conjunction with another dwelling (the principal dwelling), and*
- (b) is on the same lot of land as the principal dwelling, and*
- (c) is located within, or is attached to, or is separate from, the principal dwelling.*

Note. See clause 5.4 for controls relating to the total floor area of secondary dwellings.

Secondary dwellings are a type of residential accommodation—see the definition of that term in this Dictionary.

Permitted with consent

Secondary dwellings: *Semi-detached dwellings; Seniors housing; Shop top housing*

Pursuant to Rockdale Local Environmental Plan 2011 (RLEP2011) the subject site is zoned R2 Low Density Residential and is considered to satisfy the statutory framework for the proposed use of the land and considered to be in the Public interest.

The Objectives of the R2 Low Density Zone are:-

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

It has been concluded that the proposal post re-developed could satisfy one (1) or more of the objectives for the zone, particularly provide for the housing needs of the community within a medium density residential environment and to ensure that a high level of residential amenity is achieved and maintained

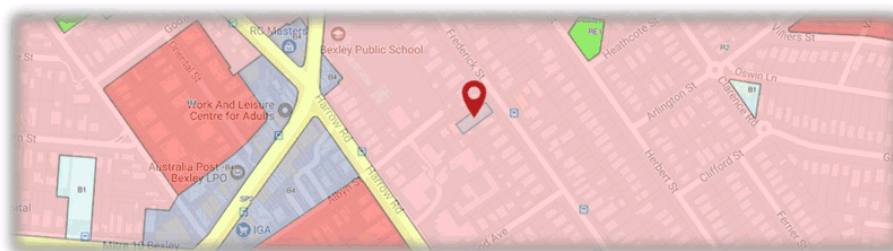


Plate: Land Zoning R2 Low Density Residential.

Clause 4.3 Height of buildings

(1) The objectives of this clause are as follows:

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

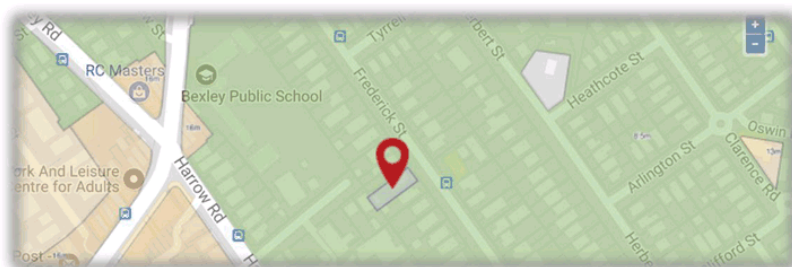


Plate: maximum height of building

Clause 4.4 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,
- (b) to minimise adverse environmental effects on the use or enjoyment of adjoining properties,
- (c) to maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing or likely to undergo a substantial transformation.

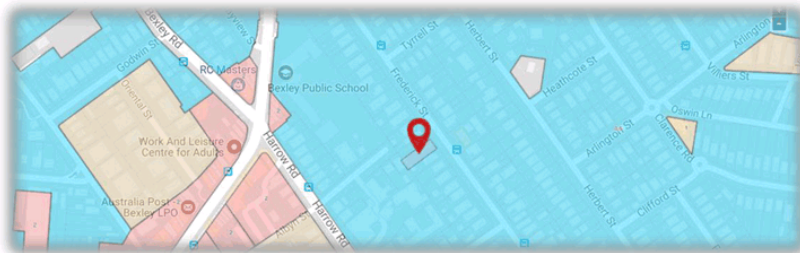


Plate: FSR 0.5:1.

The Floor Space Ratio for the site is noted as 0.5:1. However the development proposes a total Floor Space Ratio of 0.57:1. It is noted that there is no increase in gross building floor area, but rather simply a change of use of existing buildings on the site.

Such a variation to is reasonable on the basis that;

- (a) the breach of the FSR control does not result in a breach in any other Development Standard so there is no tangible nexus between the FSR variation and the overall intensity of site use;
- (b) the proposed FSR variation appears to be existing and will not result in any demonstrable detrimental impact to any sensitive land uses e.g. residential or open space, so the impact of the variation appears negligible; and
- (c) the FSR control largely serves the garage change of use and therefore does not result in adverse visual and amenity impacts on onsite to adjoining premises.

The proposal satisfies the Objectives of Clause 4.4 Floor Space Ratio, by establishing and maintaining the development density and intensity of land use, in order to achieve the desired future character of Rockdale. As noted throughout, there is no increase in gross floor area of buildings but rather a change of use to an existing structure and therefore the site coverage and floor area of the site is not increased in any capacity but being maintained and provided with a more economical use.

In summary, it is concluded that there are sufficient environmental planning grounds to approve the proposal in its current form.

**Clause 5.4 Controls relating to miscellaneous permissible uses**

- (9) Secondary dwellings - If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:
- (a) 60 square metres,
 - (b) 43% of the total floor area of the principal dwelling.

The proposed secondary dwelling is provided with a floor area of approximately 51sqm and satisfies this part of the LLEP2008.

4.3 *Section S4.15(1)(a)(ii) 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 (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)*

There appears to be no draft Environmental Planning Instruments affecting the land.

4.4 *Section S4.15(1)(a)(iii) – any development control plan*

The Rockdale Development Control Plan 2011 (RDCP2011) Part 5 Building Types 5.1 Low and Medium Density Residential is the subordinate document to the Rockdale Local Environmental Plan 2011 (RLEP2011), with the following chapters considered applicable to the proposal.

The key local development controls have been highlighted and discussed while all other relevant matters for consideration have been summarised and commented upon as detailed in the following sections of this statement. While the DCP is a relevant consideration when making a determination of this proposal, Council is reminded that the proclamation of the Environmental Planning and Assessment Amendment Act 2012 on 1 March 2013 confirmed the status and weight that should be placed on development control plans when making a determination of a development application.

The amendments to the Environmental Planning and Assessment Act 1979 clarified the purpose, status and content of development control plans (DCPs), and how they are to be taken into account during the development assessment process. The Amendment Act makes it clear that the *principal purpose of a DCP is to provide guidance to a consent authority on land to which the DCP applies.*

The Amendment Act reinforces that the *provisions contained in a DCP are not statutory requirements and are for guidance purposes only*. Furthermore, it should be noted that the weight a consent authority gives to a DCP in assessing a development application will depend on a number of factors, including whether the DCP provides a sensible planning outcome.

The Amendment Act confirms that Council can confidently apply development control plans *flexibly* and if a development application does not comply with provisions in a DCP, a consent authority *must be flexible* in the way it applies the controls and also allow for reasonable alternative solutions to achieve the objectives of those standards. The following table summarises the most relevant (not all) development controls and compliance with such controls.

Part 5 Building Types

5.1 Low and Medium Density Residential

Objectives

- A. To encourage development of a high standard of architectural merit and design
- B. To ensure the size and location of new dwellings allow for the sharing of views and preserve privacy and sunlight for neighbouring and new residents
- C. To minimise the impacts of dual occupancy and multi dwelling housing in areas where there is substantial detached housing
- D. To encourage innovative housing which is pleasant to live in, relates to the existing and future neighbourhood character, is responsive to the site and is environmentally sensitive
- E. To ensure orderly development of land on large sites and promote good economic use of land with a high standard of site layout and design
- F. To improve the range and quality of housing and residential environments which meet the diversity of peoples' needs and community expectations about health, safety and amenity

	Dwelling house & Attached dwelling	Dual occupancy & Semi-detached dwelling	Secondary dwelling	Multi dwelling housing	
	two	two	one	two	
Max height in storeys	on battle axe lot - one storey	dwelling located at rear - one storey	one	two	Is satisfied
Street Setback	<ul style="list-style-type: none"> must be consistent with the prevailing setbacks in the street if there is not a consistent or established setback, a 6m setback applies 		n/a	<ul style="list-style-type: none"> must be consistent with the prevailing setbacks in the street if there is not a consistent or established setback, a 6m setback applies 	NA
Secondary Street Setback	min 1.5m	min 3m	min 3m	min 3m	NA
Side setback	<ul style="list-style-type: none"> min 0.9m for single storey building or ground floor of a two storey building min 1.5m for first floor of a two storey building, except on lots with street frontages less than 15m, it may be set back a min of 1.2m 0m between Attached Dwellings and Semi-detached Dwellings 		min 0.9m	<ul style="list-style-type: none"> min 4.5m, except where dwellings does not primarily address side boundaries, side setbacks may be a min of 3m, and min 7.5m where setback includes side driveway 	0.9 metres
Rear setback and rear lane setback	<ul style="list-style-type: none"> min 3m for single storey building or ground floor of a two storey building min 6m for first floor of a two storey building, except when fronting a lane may be set back 3m 		min 0.9m	<ul style="list-style-type: none"> min 3m for single storey building or ground floor of a two storey building min 6m for first floor of a two storey building, except when fronting a lane may be set back 3m 	0.9 metres



4.5 *Section 4.15(1)(a)(iia) Any Planning Agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4*

Given the proposal at hand, it is considered that planning agreements are not required.

4.6 *Section 4.15(1)(a)(iv) The regulation (to the extent that they prescribe matters for the purposes of this paragraph)*

Clause 92, 93, 94 and 94A of the Environmental Planning and Assessment Regulation 2000 prescribes certain matters that must be considered by Council in determination of a development application.

4.7 *Section 4.15(1)(a)(v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979)*

The proposal is considered to have no direct result on the Coastal Zone.

4.8 *Section 4.15(1)(b) - The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality*

The environmental impacts of the proposed development on the natural and built environment are addressed in this report. The proposed development will not have a detrimental economic impact on the locality considering the residential nature of the surrounding and proposed land use.

4.9 *Section 4.15(1)(c) The Suitability of the Site for Development*

The proposed development is therefore considered suitable for this site; will have no impact on any coastal activities; and will have no adverse impacts on the natural scenic qualities of the area; no material loss of views from any public place and has no significant impact on vegetation.



4.10 *Section 4.15C(1)(d) Any submissions made in accordance with this Act or the regulations*

It is anticipated that the proposal will be advertised in accordance with Rockdale Council's notification policy. We do not anticipate any submission being received.

4.11 *Section 4.15(1)(e) The Public Interest*

The proposal is not considered to present any detrimental environmental planning impacts or amenity impacts onsite. The wider neighbourhood and community would be benefited with the proposal at hand.



5.0 PLANNING REPORT CONCLUSION

The proponent seeks Development Approval for a change of Use in relation to the conversion of the existing garage to a Secondary Dwelling (commonly known as Granny Flat) on Lot 51 DP 1353 No. 178 Frederick Street, Rockdale. The proposal will be assessed against the applicable provision of the State Environmental Planning Policy (Affordable Rental Housing) 2009.

The existing building proposing the change of use to a Secondary Dwelling (Granny Flat) is located to the north-western corner of the allotment and consists of a single storey garage.

There will be no measurable adverse environmental impact from the proposed development, which substantially complies with all of the relevant requirements and underlying objectives of the relevant State and Local Environmental Planning Instruments.

As noted above, the key planning instruments applying to the land is acknowledged as the State Environmental Planning Policy (Affordable Rental Housing) and the Rockdale Local Environmental Plan 2011 (RLEP2011) and in this respect the relevant clauses of the instrument as applying to the land has been discussed with the proposal complying with these instruments.

The siting, design and external appearance of the development is appropriate and relate sympathetically to the site and to the desired future scale and character of development in the surrounding locality.

The proposal has been adequately assessed against Section 4.15 Evaluation - Matters for Consideration, of the Environmental Planning and Assessment Act and found to satisfy the principles of the legislation.

On balance, the development is ecologically sustainable and in the public interest. Therefore, given the above assessment the proposal should be recommended and determined as approved by Rockdale City Council.

- **END** -



178 FREDERICK STREET, ROCKDALE

PERFORMANCE SOLUTION REPORT

DEVELOPED IN ACCORDANCE WITH
THE PERFORMANCE REQUIREMENT OF THE BCA

- PERMITTING UNPROTECTED OPENINGS WITHIN 900mm OF THE BOUNDARY
- EXTERNAL NON-FIRE RATD WALLS WITHIN 900mm OF THE BOUNDARY

DATE: 6 APRIL 2018
REPORT NO: 0782 - REV B FINAL
PREPARED FOR: A & K ENGINEERING GROUP PTY LTD
PREPARED BY: J² CONSULTING ENGINEERS | **FIRE SAFETY ENGINEERING**

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CONTENTS

EXECUTIVE SUMMARY & RECOMMENDATIONS	3
1.0 INTRODUCTION	4
1.1 Basis of the Report.....	4
1.2 Purpose of the Report.....	4
1.3 Limitations of the Report	4
1.4 Assumptions of the Report	4
2.0 FIRE ENGINEERING BRIEF.....	6
2.1 Relevant Stakeholders.....	6
2.2 Building and Occupant Characteristics	6
2.3 Hazards, Preventative and Protective Measures Available	7
3.0 PERFORMANCE SOLUTION 1 – EXTERNAL WALL AND OPENINGS WITHIN 0.9M OF THE BOUNDARY	9
3.1 Deemed-to-Satisfy Provisions.....	9
3.2 Deemed-to-Satisfy Deviation	9
3.3 Relevant Performance Requirement	10
3.4 Assessment Methodology	10
3.5 Acceptance Criteria	11
3.6 Qualitative and Quantitative Assessment	11
3.7 Assessment against relevant Performance Requirement	13
3.8 Assessment Conclusion	14
4.0 CONCLUSIONS.....	15
4.1 Conclusion.....	15
4.2 Specification of the Final Design	15
4.3 Maintenance Requirements	15
4.4 Requirements of the Performance solution	15
5.0 REFERENCES	16
Appendix A – Data Relied upon in the FEB/R Process	17

REVISION STATUS

REPORT NO.	REVISION	DATE	STATUS	WRITTEN	REVIEWED
0782	REV A	04/04/2018	DRAFT	MB	JS
0782	REV A	06/04/2018	FINAL	MB	JS
0782	REV B	06/04/2018	FINAL	MB	JS

COMMERCIAL IN CONFIDENCE

This document contains confidential material that is intended solely for J Squared Engineering Pty. Ltd. The project team and all regulatory authorities shall exercise precautionary measures to ensure that the information contained herein is not to be accessed by any third party. J Squared Engineering Pty. Ltd. will take no responsibility for the use of any information contained within this report by any third party.



EXECUTIVE SUMMARY & RECOMMENDATIONS

J² Consulting Engineers have been commissioned to carry out a fire safety engineering analysis and assessment of the residential development at 178 Frederick Street, Rockdale NSW. The proposed deviation from the BCA's Deemed to Satisfy (DTS) provisions is to permit the external non-fire rated wall and openings in the external wall of a class 1a residential dwelling to be located less than 900mm from the side allotment boundaries without achieving a fire rating.

This report provides a Fire Engineered Performance solution developed to permit these deviations from the BCA prescriptive requirements. The Performance solutions are proposed as follows:

Performance solutions	BCA DTS Provision	BCA Performance Requirement	Assessment Methodology
The performance solution proposes to permit openings in the external walls required to have an FRL and located within 900mm of a boundary fire source feature to not require protection in accordance with Clause 3.7.1.5(b).	3.7.1.3 & 3.7.1.5	P2.3.1	Qualitative and quantitative assessment demonstrating compliance with the performance requirements under 1.0.3(a)(i) via a comparative analysis under 1.0.5(b)(ii).

REQUIREMENTS OF PERFORMANCE SOLUTIONS

Considering the relevant provisions of the BCA, the Performance solution, subject to the provision of the following requirements, is considered to meet and comply with the Performance Requirement P2.3.1:

1. Combustible covers and wall fixings that would increase the fire load and likely promote the spread of fire between the affected wall and allotment boundary should not be attached to the affected walls.
2. The subject walls are to be provided with 1 layer of 16mm fire rated plasterboard installed between the timber stud structure and the corrugated sheet metal external façade. Alternatively, a weather resistant fire rated plasterboard may be used in lieu of reinstalling the existing corrugated steel cladding. The weather resistant fire rated plasterboard is required to achieve a minimum FRL of 60/60/60.
3. The subject window shall be provided with a Microlouvre radiation attenuation screen over the entire face of the glazed portion of the windows located within the subject wall (both fixed and openable portions). The attenuation screens shall be installed as per manufacturer's specifications.

The Performance solution has been developed using comparison with the Deemed-to-Satisfy (DTS) provisions via qualitative and quantitative assessment. The BCA recognises these Assessment Methods as acceptable methods for determining that the Performance solution satisfies the Performance Requirement in accordance with BCA Clauses 1.0.3(a)(i) and 1.0.5(b)(ii).



1.0 INTRODUCTION

J² Consulting Engineers have been commissioned to carry out a fire safety engineering analysis and assessment of the residential development at 178 Frederick Street, Rockdale NSW. The proposed deviation from the BCA's Deemed to Satisfy (DTS) provisions is to permit the external non-fire rated wall and openings in the external wall of a class 1a residential dwelling to be located less than 900mm from the side allotment boundaries without achieving a fire rating.

This report demonstrates that upon the adoption of a suitable performance solution, as detailed in the Executive Summary of the report, the relevant Performance Requirement of the Building Code of Australia (BCA) will be met.

1.1 Basis of the Report

This performance solution report is based on a desktop assessment of the following documentation:

- Building Code of Australia 2016, published by the Australian Building Codes Board (ABCB).
- International Fire Engineering Guidelines 2005, published by Australian Building Codes Board (ABCB).

1.2 Purpose of the Report

This report has been prepared to address non-compliance matters with the Deemed-to-Satisfy Provisions of the BCA (as tabled in the Executive Summary), and to provide a performance solution developed in accordance with the provisions of the BCA.

The purpose of this report is to demonstrate that the proposed development will satisfy Performance Requirement P2.3.1 as the design is at least equivalent to the relevant Deemed-to-Satisfy provisions of the BCA and/or satisfies the Performance Requirement of the BCA.

This report is prepared for the purposes of submitting to the Principal Certifying Authority (CA) for acceptance prior to the issuing of an Occupation Certificate relevant to the proposal.

1.3 Limitations of the Report

This report excludes any works not outlined above, however specifically excludes the following:

- Determining full compliance with the BCA, other than the matters identified in the executive summary of this report;
- Addressing any matters that are outside the scope or limitations of the BCA;
- Amendments to the Performance solution Brief due to design changes or incapacity to comply with the Trial Designs;
- Consideration of any structural elements or geotechnical matters relating to the building, including any structural or other assessment of the existing fire resistance levels of the building;
- This report does not provide concessions for any Performance solution or exemptions from the requirements of the BCA, other than that identified in the Executive Summary of this report;
- Determining compliance with the Disability Discrimination Act 1992 or Part D3 of the BCA;
- Reporting on hazardous materials, OH&S matters or site contamination;

1.4 Assumptions of the Report

This report provides a performance solution for the Deemed-to-Satisfy non-compliance identified in the Executive Summary. The remainder of the building is assumed to comply with the Deemed-to-Satisfy Provisions of the BCA for the purpose of this report.

The report is provided on the basis that:



- The Performance solution only applies to property detailed in section 2.2.
- The Performance solution is applicable to the design documentation provided for assessment and as listed in Section 1.1. Any future alteration, enlargement or addition will require re-assessment to determine the application of this solution to those changes.
- The Building will generally comply with the Deemed-to-Satisfy Provisions of the BCA, except where modified specifically by this report.
- It is assumed that the building will be subject to ongoing annual maintenance and the fire safety measures required by this report and the BCA will be maintained to a standard not less than their installation standard.



2.0 FIRE ENGINEERING BRIEF

The development of this report follows a consultative process with the client. Given the building is complete, a formal Fire Engineering Brief (FEB) was not developed for this project given the nature of the retrospective performance solution.

2.1 Relevant Stakeholders

Stakeholder/Role	Name
Client	A & K Engineering Group Pty Ltd
Principal Certifying Authority	TBC
Fire Engineer	J ² Engineering – James Sunjaya, Marie Beerbaum

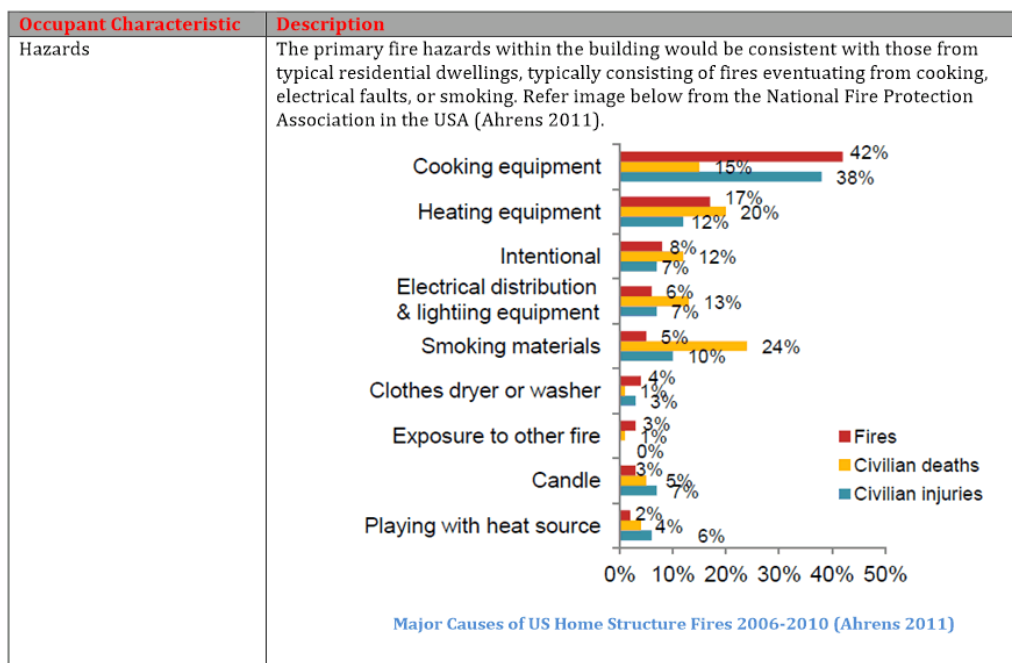
2.2 Building and Occupant Characteristics

General Building Characteristics

Building Characteristic	Description
Occupancy/Use	Class 1a residence
Building Class/es:	Class 1a
Type of construction:	N/A
Effective Height:	N/A
Location:	178 Frederick Street, Rockdale NSW.
General description of development:	Single storey residence.

Occupant Characteristics

Occupant Characteristic	Description
Type and number	Occupants are considered to be of characteristics consistent with that of the general Australian population with a combination of occupants of differing cultural backgrounds, ages, etc.
Occupant state	Building occupants may be awake or asleep times whilst residing within the building. Occupants may be intoxicated which may affect their decision making ability. Occupants are expected to have a good level of familiarity with the building given that it is most likely their principle place of residence. Visitors are considered to have a reasonable level of familiarity given the simple layout and relatively small footprint of the building.
Physical and mental attributes	The majority of occupants are considered to be mobile and ambulatory consistent with the remainder of the building and that of the general population.
Assistance required/available	It will be likely that assistance will not be required for most of the occupants to evacuate the building given that the dwelling will be designed to cater for any mobility requirements. Given the nature of the dwelling and level of relationship expected between fellow tenants, it is considered that occupants would assist in evacuating those incapable of evacuating themselves.
Training and Roles	Occupants are not considered to have any formal training in evacuation nor fire fighting however it is expected, due to the high level of familiarity of the building, that if alerted to the presence of a fire, occupants would be more than capable of evacuating the building.



2.3 Hazards, Preventative and Protective Measures Available

The hazards that are present in the building have been removed or reduced by six sub-systems of preventative and protective measures.

Sub-System	Present in Building/Requirements
A Fire initiation, development and control	Fire loads or heat release rates are not proposed to be in excess of a normal class 1 dwelling.
B Smoke development, spread and control	Smoke development and spread will not be inconsistent with that of a normal class 1 dwelling.
C Fire spread, impact and control	Whilst the boundary is located within 0.9m of the side allotment boundaries, the fire load contained within the building is not increased beyond that of a typical class 1 dwelling.
D Fire detection, warning and suppression	<p>The building is required to be served by a smoke alarm system with smoke alarms complying with AS3786. Smoke alarms are only required to be provided between living areas and sleeping areas as per the requirements of BCA.</p> <p>Smoke alarms are considered to be reliable when they are properly maintained. In Australia, it is mandatory that smoke alarms are hardwired and provided with battery backup. As is evident, this translates to a reliability in the order of 93% for contained fires as per the figure below (Ahrens 2010).</p>



Sub-System	Present in Building/Requirements																		
	<table><thead><tr><th>Category</th><th>All fires (%)</th><th>Non-confined fires (%)</th></tr></thead><tbody><tr><td>All power sources</td><td>83%</td><td>88%</td></tr><tr><td>Battery only</td><td>75%</td><td>81%</td></tr><tr><td>All hardwired</td><td>91%</td><td>94%</td></tr><tr><td>Hardwired without battery backup</td><td>89%</td><td>93%</td></tr><tr><td>Hardwired with battery backup</td><td>93%</td><td>95%</td></tr></tbody></table> <p>Smoke Alarm Operation in Reported Home Fires 2003-2006 (Ahrens 2010)</p>	Category	All fires (%)	Non-confined fires (%)	All power sources	83%	88%	Battery only	75%	81%	All hardwired	91%	94%	Hardwired without battery backup	89%	93%	Hardwired with battery backup	93%	95%
Category	All fires (%)	Non-confined fires (%)																	
All power sources	83%	88%																	
Battery only	75%	81%																	
All hardwired	91%	94%																	
Hardwired without battery backup	89%	93%																	
Hardwired with battery backup	93%	95%																	
E Occupant evacuation and control	The building is provided with a small footprint and the primary route of evacuation is considered to be the main entry door.																		
F Fire services intervention	The building is served by full time fire brigades at Kogarah (approx. 2.8km) and Arncliffe (approx. 2.8km) which are both at close proximity of the building and therefore fire services intervention is likely to occur within a time period equal or better than the majority of suburban Sydney.																		



3.0 PERFORMANCE SOLUTION 1 – EXTERNAL WALL AND OPENINGS WITHIN 0.9M OF THE BOUNDARY

This report has been prepared to document a performance solution proposed to permit unprotected openings to be located in the non-fire rated external wall of a class 1a residential dwelling. The non-fire rated wall and openings are located as near as 600mm from the side allotment boundary.

3.1 Deemed-to-Satisfy Provisions

Pursuant to 1.0.10(a) of Volume 2 of BCA 2016 the following DTS provisions have been identified as being subject to the performance solution:

3.7.1.3 External walls of Class 1 buildings

An external wall of a Class 1 building, and any openings in that wall, must comply with 3.7.1.5 if the wall is less than—

- (a) 900 mm from an allotment boundary other than the boundary adjoining a road alignment or other public space; or
- (b) 1.8 m from another building on the same allotment other than an appurtenant Class 10 building or a detached part of the same Class 1 building.

3.7.1.5 Construction of External Walls

- (a) External walls (including gables) required to be fire resisting (referred to in 3.7.1.3 or 3.7.1.6) must extend to the underside of a non-combustible roof covering or non-combustible eaves lining (See Figure 3.7.1.3(a) and (b)) and must—
 - (i) have an FRL of not less than 60/60/60 when tested from the outside; or
 - (ii) be of masonry-veneer construction in which the external masonry veneer is not less than 90 mm thick; or
 - (iii) be of masonry construction not less than 90 mm thick.
- (b) Openings in external walls required to be fire resisting (referred to in 3.7.1.3 or 3.7.1.6) must be protected by—
 - (i) non-openable fire windows or other construction with an FRL of not less than -/60/-; or
 - (ii) self-closing solid core doors not less than 35 mm thick.
- (c) Sub-floor vents, roof vents, weepholes and penetrations for pipes, conduits and the like need not comply with (b).
- (d) Concessions for non-habitable room windows

Despite the requirements in (b), in a non-habitable room, a window that faces the boundary of an adjoining allotment may be not less than 600 mm from that boundary or, where the window faces another building on the same allotment, not less than 1200 mm from that building provided that—

 - (i) in a bathroom, laundry or toilet, the opening has an area of not more than 1.2 m²; or
 - (ii) in a room other than referred to in (i), the opening has an area of not more than 0.54 m² and—
 - (A) the window is steel-framed, there are no opening sashes and it is glazed in wired glass; or
 - (B) the opening is enclosed with translucent hollow glass blocks.

3.2 Deemed-to-Satisfy Deviation

The external wall of the residential development has been identified as being located at an approximate distance of 600mm from the side allotment boundary. In accordance with DTS clause 3.7.1.5 an external wall located within 900mm of the boundary fire source feature is required to achieve an FRL of 60/60/60 when measured from only the outside. Furthermore, in accordance with 3.7.1.5(b)(i) above, the window openings located within walls within 900mm of the boundary are required to be protected via the installation of non-openable fire rated windows or other form of construction achieving and FRL of -/60/-. The glazed openings have been installed without fire resisting protection and are to remain openable, hence the DTS deviation. The extent of these openings can be seen in the figure below.

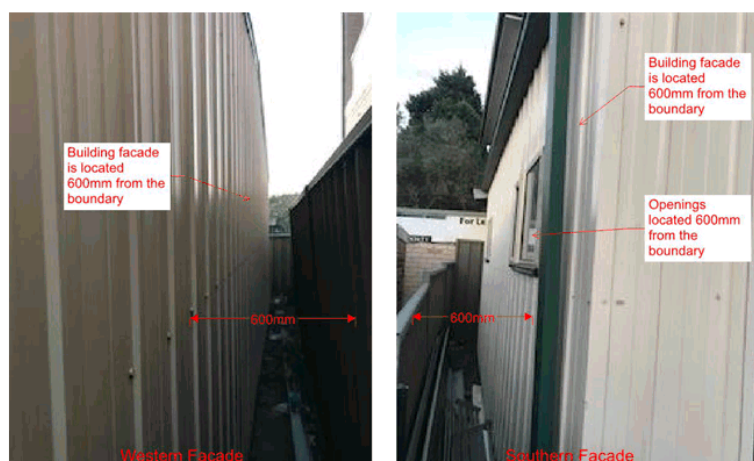


Figure 1 – Photos of the External Walls and Window Openings within 900mm from the Boundary

3.3 Relevant Performance Requirement

Pursuant to 1.0.10(b) of BCA the following performance requirement has been identified as being directly relevant to the DTS provisions identified in Section 3.1 above:

P2.3.1 Protection from the spread of fire

- (a) A Class 1 building must be protected from the spread of fire from—
 - (i) another building other than an associated Class 10 building; and
 - (ii) the allotment boundary, other than a boundary adjoining a road or public space. (see Figure 2.3.1)
- (b) A Class 10a building must not significantly increase the risk of fire spread between Class 2 to 9 buildings.

3.4 Assessment Methodology

In order to address the provisions of the BCA, a comparative and performance based approach will be adopted to demonstrate compliance of the Performance solution with the BCA. The proposed Performance solution will review the proposed solution using qualitative and quantitative measures against the requirements of P2.3.1.

To assess the window openings the proposed solution proposes to consider the radiant heat flux received at the subject building from an assumed window opening located on the boundary. The radiant heat flux will be calculated at the DTS setback of 900mm. Once this has been calculated, this level of radiant heat flux will be considered the BCA acceptable level of radiant heat flux. The radiant heat flux will then be calculated at the current 600mm to determine what level of attenuation is required to achieve an equivalent level or radiant heat flux.

The solution therefore attempts to demonstrate that:

$$RHF_{DTS} \geq RHF_{Proposed} \times AF$$

Where –

RHF_{DTS} = Radiant Heat Flux Received from Assumed Radiator at 900mm from boundary (DTS Scenario)

$RHF_{Proposed}$ = Radiant Heat Flux Received from Assumed Radiator at 600mm from boundary (Current Scenario)

AF = Attenuation Factor Proposed

Notably P2.3.1 only requires that fire spread from the neighbouring property is considered and does not consider the impact of fire spread from the subject building to the neighbouring property.



3.5 Acceptance Criteria

It must be accepted that the current non-fire rated walls and unprotected windows are provided with sufficient attenuation to achieve the equivalent level of radiant heat flux from the boundary as would be achieved if the building was located within 900mm of the side allotment boundary. If this can be demonstrated then compliance will be considered to be achieved. Simply put, if:

$$RHF_{DTS} > RHF_{Proposed} \times AF$$

then equivalence with the BCA is considered to be achieved and therefore the performance solution is proposed to comply with P2.3.1.

3.6 Qualitative and Quantitative Assessment

A Performance Solution is proposed to satisfy Performance Requirement P2.3.1 via a comparison to that permitted under the DTS provisions. This form of qualitative and quantitative assessment is permitted under 1.0.3(a)(ii) and 1.0.5(d) whereby the deviation is demonstrated, by comparison, to be at least the equivalent of the relevant DTS provision.

Fire Rating of External Wall

The external façade of the structure is located at 600mm from the boundary. Timber will ignite when exposed to a radiant heat flux from the boundary (in the order of 28kW/m² (Drysdale) for non-piloted ignition and 12W/m² (Drysdale) for piloted ignition) when exposed fire source feature and therefore is not permitted within the 900mm zone despite the fact that the external façade is constructed of non-combustible material.

Table 6.5 Criteria for ignition (various sources)

Material	Critical radiant heat flux (kW/m ²)		Critical surface temperature (°C)	
	Pilot	Spontaneous	Pilot	Spontaneous
Wood	12 ^a	28 ^a	350 ^b	600 ^c
Polymethylmethacrylate	21 ^d	—	—	—
Polymethylmethacrylate	11 ^e	—	310 ± 3 ^f	—
Polyoxymethylene	13 ^f	—	281 ± 5 ^f	—
Polyethylene	15 ^f	—	363 ± 3 ^f	—
Polypropylene	15 ^f	—	334 ± 4 ^f	—
Polystyrene	13 ^f	—	366 ± 4 ^f	—

^a General value for wood, vertical samples, Lawson and Simms (1952). The pilot value is consistent with the range of values found by Mikkola and Wichman (1989).

^b Deduced from flame spread under conditions of radiant heating (Harvard University). Value for wood compatible with Simms (1963).

^c Deduced by Simms (1963) for radiative heating. Lower value observed for convective heating (Section 6.4).

^d Quintiere (1981). Comparatively, these values are very high (see Section 7.2.5(c)).

^e Thomson *et al.* (1988). Horizontal samples.

^f Tewarson (1995). Horizontal samples, Factory Mutual Flammability Apparatus.

^g Thomson and Drysdale (1987). Horizontal samples.

Figure 2 – Radiant Heat Required for Piloted and Non-Piloted Ignition (Drysdale 1999)

The external façade which encroaches into the prohibited 900mm zone comprises corrugated steel cladding. The steel fascia will not ignite when exposed to a radiant heat however the BCA requires that the external wall achieves an FRL of 60/60/60 when measured from the outside of the building. In order to achieve a FRL of 60/60/60 it is proposed to provide 1 layer of 16mm thick fire rated plasterboard installed between the external façade and structural frame of the building to give the external wall a FRL of -/60/60. In this manner the external steel skin acts more as a non-combustible sacrificial layer in front of the external wall and the proposed fire rated plasterboard lining achieves the required level of protection. Alternatively, a weather resistant fire rated plasterboard may be used in lieu of reinstalling the existing corrugated steel cladding. The weather resistant fire rated plasterboard is required to achieve a minimum FRL of 60/60/60.



Protection of Openings in Wall

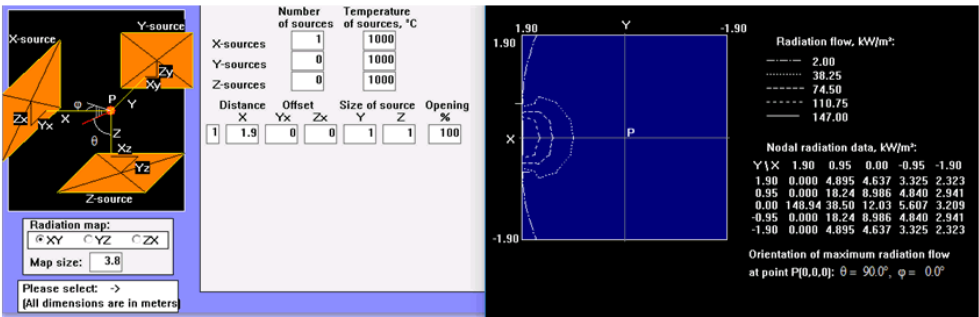
Openings exist within the southern external façade of the subject building that require protection as per the abovementioned requirements of the BCA. In accordance with performance requirement P2.3.1, a Class 1 building is to be protected from the spread of fire from the adjacent allotments and does not require assessment of effects of the spread of fire to the boundary or adjacent allotments. The comparative analysis will consider two scenarios:

DTS Scenario

A DTS scenario where the glazed opening in an external wall may be located at the line of an external wall at a distance of exactly 900mm from the boundary and comply with 3.7.1.5 without any supplemental fire rated protection. This window may be setback by a further 50mm (950mm from boundary), remain openable and have lightweight furnishings (curtains) located directly within the window.

Considering the exposure to the window furnishings within, Drysdale states that for piloted ignition, a radiant heat flux exceeding 12kW/m^2 will need to be achieved to result in fire spread to the combustible window furnishings. This is considered to be a DTS arrangement where fire spread would not occur.

Using Firewind, a calculation tool using the Stefan Boltzman equations, it can be established that this radiant heat flux would be achieved if the façade and window furnishings were subjected to flashover fire from a $1\text{m} \times 1\text{m}$ window opening located 950mm on the opposite side of the boundary (separated from combustible window furnishings by a total of 1.9m. Notably this would not result in fire spread for non-piloted ignition from the adjacent building to the subject building when constructed in accordance with BCA DTS requirements. The results of these calculations can be seen in the figure below.



Proposed Scenario

If we consider the same opening size mentioned above with setback of 950mm on the opposite side of the boundary, and the subject building opening located 650mm from the boundary, we can establish that at this 1.6m setback, a radiant heat flux of 16kW/m^2 will be produced, which is less than that required for the non-piloted ignition (28kW/m^2) of any timber building elements which are all concealed behind the non-combustible wall cladding. This can be seen in the following figure.

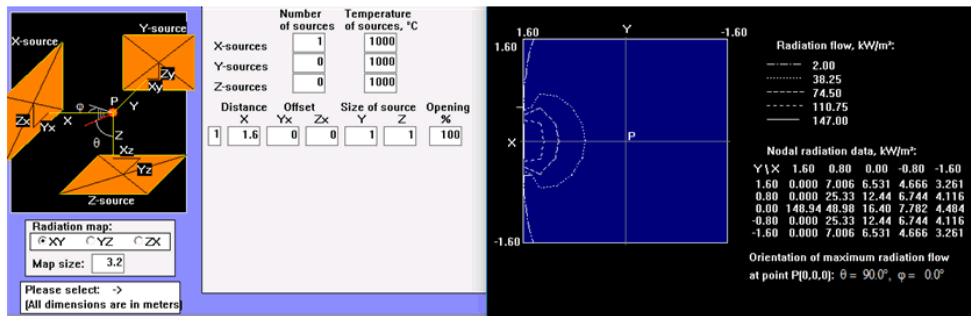


Figure 4 - Firewind calculation results - Current scenario.

However, as these window openings are required to be openable, there is a chance that ember ingress may occur which will result in the ability for piloted ignition to occur (which can occur at radiant heat fluxes exceeding 12 kW/m^2 as outlined in Drysdale and discussed above). To mitigate against ember ingress, it is proposed that additional treatment be provided in the form of radiant heat attenuation screens. Openings provided with Microlouvres attenuation screens have been proven to attenuate 49.4% of radiant heat flux. Calculating radiant heat flux received from the boundary opening (assuming flashover conditions of $1,000^\circ\text{C}$ are achieved), we determine that when attenuated, a radiant heat flux of 8.36 kW/m^2 is achieved as per the figure below once 49% of attenuation is provided. Notably, this is less than the 12 kW/m^2 identified within the DTS scenario as calculated in figure 3 above.

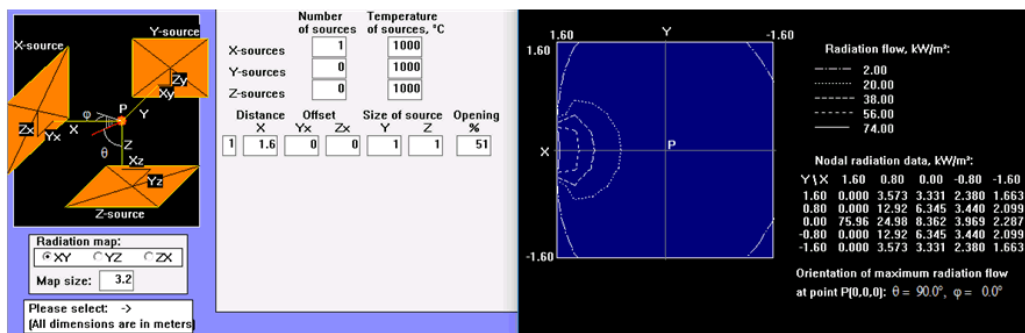


Figure 5 - Firewind calculation results - Proposed scenario.

From the above calculations $RHF_{DTS} = 12\text{ kW/m}^2$ and $RHF_{Proposed} \times AF = 8.36\text{ kW/m}^2$.

On the basis that the condition $RHF_{Proposed} \times AF < RHF_{DTS}$ is achieved, it is considered that in this instance the potential for the spread of fire between the boundary fire source feature and the subject building is less than that permitted under the DTS example. On this basis the proposed arrangement has been demonstrated to be at least the equivalent of the DTS provision 3.7.1.5.

On the basis of the above, as equivalence has been demonstrated, compliance with relevant performance requirement P2.3.1 is considered to be achieved.

3.7 Assessment against relevant Performance Requirement

The following table summarises the proposed quantitative assessment against the relevant performance requirement P2.3.1.

**P2.3.1**

(a) A Class 1 building must be protected from the spread of fire from -

(i) Another building other than an associated Class 10 building; and

N/A to this assessment.

(ii) The allotment boundary, other than a boundary adjoining a road or public space; and

The proposed treatment to the window openings using Microlouvre attenuation screens provides a condition which is considered to reduce radiant heat flux below that which would be permitted in a comparable DTS scenario. The external façade of the building is provided with a single layer of 16mm fire rated plasterboard to provide the wall with a FRL - /60/60.

3.8 Assessment Conclusion

After consideration of the qualitative and quantitative assessment undertaken above it is reasonable to conclude that the non-fire rated external wall and openings located in the external wall of the residence are at least the equivalent of openings permitted in a DTS compliant external wall with respect to the potential for spread of fire between neighbouring properties given the proposed method of treatment.

Considering the relevant provisions of the BCA, the Performance solution, subject to the provision of the following requirements, is considered to meet and comply with the Performance Requirement P2.3.1:

1. Combustible covers and wall fixings that would increase the fire load and likely promote the spread of fire between the affected wall and allotment boundary should not be attached to the affected walls.
2. The subject walls are to be provided with 1 layer of 16mm fire rated plasterboard installed between the timber stud structure and the corrugated sheet metal external façade. Alternatively, a weather resistant fire rated plasterboard may be used in lieu of reinstalling the existing corrugated steel cladding. The weather resistant fire rated plasterboard is required to achieve a minimum FRL of 60/60/60.
3. The subject window shall be provided with a Microlouvre radiation attenuation screen over the entire face of the glazed portion of the windows located within the subject wall (both fixed and openable portions). The attenuation screens shall be installed as per manufacturer's specifications.



4.0 CONCLUSIONS

4.1 Conclusion

The Performance solution has been developed using a quantitative assessment to assess the proposed performance solution against the relevant BCA Performance Requirement P2.3.1. The BCA recognises these Assessment Method as acceptable methods for determining that the Performance solution satisfies the Performance Requirement in accordance with BCA Clauses 1.0.3(a)(i) and 1.0.5(b)(ii).

Accordingly, based on the above, it is considered that the directly related Performance Requirement P2.3.1 has been met, provided the Performance solution requirements listed in the executive summary are implemented.

4.2 Specification of the Final Design

Considering the relevant provisions of the BCA and the above assessment, the Performance solution, subject to the provision of the Trial Design requirements, is considered to meet and comply with the Performance Requirement P2.3.1. The Trial Design requirements detailed in each solution and in the Executive Summary become the Performance solutions.

4.3 Maintenance Requirements

The recommendations of this report must form part of the fire safety certificate and the annual fire safety statement for the building to ensure the recommendations of this report are complied with throughout the building operation.

4.4 Requirements of the Performance solution

The discussions undertaken have demonstrated compliance with the relevant performance requirements via the proposed design and installation of offset measures. The offset measures required as part of this Performance solution are listed in the Executive Summary and must be fully implemented in order for compliance to be achieved.

James Sunjaya

Director
MFSE, B.Eng. (Elec.), B.Med.Sci.
BPB Accredited Fire Engineer Grade C10
VIC Registered Building Practitioner (Fire Safety)
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NPER and CPEng (Fire Safety, Building Services)

Marie Beerbaum

Senior Fire and Hydraulic Engineer
B. Civil & Env. Eng



5.0 REFERENCES

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Appendix A – Data Relied upon in the FEB/R Process

Common Abbreviations Used in Fire Engineering

Abbreviation/Term	Meaning
AFAC	Fire and Emergency Service Authorities Council
AS	Performance solution
ASB	Performance solution Brief - identical to FEB. ASB will not be used other than to relate this term to the Fire Engineering Brief.
ASR	Performance solution Report - identical to FEB. ASR will not be used other than to relate this term to the Fire Engineering Report.
BCA	Building Code of Australia.
CFD	Computational Fluid Dynamics – Used to describe the fire modelling for a building
Comparative	A methodology used for a fire engineering analysis that uses a comparison with the deemed to satisfy provisions of the BCA. This methodology shows that the performance solution is equivalent to the DTS provisions of the BCA and is often referred to as the equivalence approach.
DTS	Deemed-To-Satisfy - Representing the deemed to satisfy provisions set out in the BCA.
Equivalence	The equivalence approach is a fire engineering approach using a comparison to the DTS provisions of the BCA.
FEB	Fire Engineering Brief - identical to ASB. FEB is used throughout the report.
FER	Fire Engineering Report - identical to ASR. FER is used throughout the report.
FDS	Fire Dynamics Simulator – The software program used to perform fire modelling on buildings
FRL	Fire Resistance Level
FRNSW	Fire and Rescue New South Wales
IFEG	International Fire Engineering Guidelines
NFPA	National Fire Protection Authority
SFPA	Society of Fire Protection Engineers.

Client Design and Building Regulatory Objectives

The client design objectives are to address the issues of deemed-to-satisfy non-compliance with the production of a performance solution that meets the related Performance Requirement.

One of the purposes of this Fire Engineering Report is to provide the stakeholders with a document for consideration and to add further input with regards to the specific objectives.

The structure of the BCA is depicted in the following figure and is a hierarchal document with objectives, functional statements and Performance Requirement.



The primary objectives of the BCA are to protect the life safety of occupants by allowing them to exit the building without being exposed to hazardous or untenable conditions, the protection of adjacent buildings from collapse or fire spread and protection of the life safety of fire fighters by giving reasonable time for the emergency personnel to perform their duties.



The Performance Requirement are the only section of the BCA to which a design must comply, with objectives and functional statements given as guidance to explain the intent of the Performance Requirement. Satisfying the Performance Requirement can be achieved through one of three ways:

- a) Complying with Deemed-To-Satisfy (DTS) provisions of the BCA
- b) Formulating a performance solution which complies with the Performance Requirement
- c) Combination of a) and b)

For this particular project the means of compliance to the BCA will be shown by complying to a/b/c above.

BCA clause 1.0.9 provides the following assessment methods to determine that a building solution complies with the BCA

Performance Requirement:

- a) Evidence to support that the use of a material, form of construction or design meets a Performance Requirement or a Deemed-to-Satisfy Provision
- b) Verification Methods such as—
 - i) The verification methods in the BCA; or
 - ii) Such other verification methods as the appropriate authority accepts for determining compliance with the Performance Requirement
- c) Comparison with the Deemed-to-Satisfy Provisions
- d) Expert judgement

The assessment methods that will be adopted for this project are in accordance with 1.0.9 above and the specific methods are detailed in the performance solution sections.

Methods of Analysis

The methods of analysis used in the development of performance solutions are detailed in BCA Clause 1.0.9, and include

- 1.0.9(b)(i) *Verification Methods, such as the Verification methods in the BCA*
- 1.0.9(b)(ii) *Verification Methods, other than those in the BCA that the appropriate authority accepts for compliance with the Performance Requirement*
- 1.0.9(c) *Comparison to the deemed-to-satisfy provisions of the BCA*
- 1.0.9(d) *Expert judgement*


In order to satisfy BCA Clause 1.0.5 - Meeting the Performance Requirement

- (b) *formulating a performance solution which -*
 - (i) *complies with the Performance Requirement; or*
 - (ii) *is shown to be at least equivalent to the Deemed-to-Satisfy Provisions;*






The specific assessment methods used for the analysis are detailed in performance solution section for each issue.

Relevant IFEG Sub-Systems

The relevant IFEG sub-systems (SS) for this analysis are:

IFEG Sub-System	Description	Symbol
Sub-system A Fire Initiation and Development and Control	Limitation of ignition sources Limitation of nature and quantity of fuel Arrangement and configuration of fuel Separation of ignition sources and fuel Management of combustibles including housekeeping measures Electrical safety equipment Regular plant maintenance Adherence to procedures for 'hot work' (e.g. welding)	



IFEG Sub-System	Description	Symbol
Sub-system B Smoke Development and Spread and Control	Smoke barriers Natural smoke venting Mechanical smoke management	
Sub-system C Fire Spread and Impact and Control	Separation of fuel Separation of buildings Fire resistive barriers Fire resistive structural elements Fire resistive air-handling ducts Fire resistive dampers Exposure protection	
Sub-system D Fire Detection, Warning and Suppression	Automatic and manual detection equipment Automatic and manual warning equipment Surveillance equipment Automatic suppression equipment Manual suppression equipment	
Sub-system E Occupant Evacuation and Control	Evacuation plans Occupant training Emergency communications Egress signage Egress routes (including fire isolated elements)	
Sub-system F Fire Services Intervention	Type of fire services available (full-time/permanent or volunteer). Characteristics of fire services capability and resources Fire service access to the site and to the building Water supplies and infrastructure	

Acceptance Criteria and Factors of Safety for the Analysis

Qualitative Assessments

The acceptance criteria for qualitative assessments are the equivalence to a deemed to satisfy solution (preferred) or the collective agreement of the stakeholders. The IFEG allows both qualitative and quantitative approaches and states that - "the methods chosen will be appropriate to the approach used".

The IFEG states -

"In the minority of cases, qualitative analysis may be agreed during the FEB process to be sufficient for the consideration of a single non-compliance issue. The basis (logic) on which this approach is used should be documented with appropriate references. A "Delphi" approach may also be appropriate in certain circumstances, where a group of suitably qualified expert professionals reach consensus agreement regarding the suitability of a particular solution."

The IFEG further states -

"Both comparative and absolute approaches may be adopted in the analysis strategy. The methods chosen will be appropriate to the approach used."



Comparative approach:

Typically, the fire safety provided by one element, or a sub-system, or the complete fire safety system, is compared to the level of fire safety that would be achieved in an identical building in which that element, sub-system or system is designed in compliance with the deemed-to-satisfy or prescriptive provisions identified in Section 1.2.8. If the analysis is carried out on such a comparative basis, it will involve the same assumptions, models, calculations and input data for the proposed trial design and the deemed-to-satisfy or prescriptive design.

A comparative approach aims to determine whether the performance solution is equivalent to (or better than) the deemed-to-satisfy or prescriptive design. The comparative approach is often referred to as an "equivalence" approach."

Quantitative Assessments

The following acceptance criteria are proposed for the assessment of the performance solutions compliance with the Performance Requirement of the BCA.

The acceptance criteria will be to demonstrate that fire safety is not adversely affected and that the occupants may safely evacuate the building and/or the fire will not spread to adjacent property and/or will allow fire fighters to safely perform their duties.

Heat Radiation - The limiting condition for radiation is assumed to be in the range 1.57 to 6.3kW/m². The tolerance time for radiation at this level is 6 minutes.



$$T < 1.57\text{kW/m}^2 \text{ to } 6.3\text{kW/m}^2$$

Fire Brigade Intervention:

In considering the role of the fire brigade in attacking a fire, it is important to estimate the time at which the brigade will be effective in limiting the spread of the fire and reducing the heat output of the fire in the enclosure of fire origin. However this response time is variable and is a function of the time at which the alarm is received at the fire station, the travel time to the building, the setting-up time once the fire brigade has arrived and the time to impact the fire.

While the fire brigade will be available to assist evacuation through search and rescue of occupants, this action is not relied upon for occupant evacuation. The fire safety assessment is therefore conservative in this regard.

The conditions that define the tenability criteria for fire brigade personnel will be considered if the occupants cannot be shown to have sufficient available egress time prior to onset of untenable conditions. In certain instances the fire brigade intervention times will be required to be determined and tenability for the fire fighters assessed i.e. deletion of sprinklers from a carpark. The time for the fire brigade to arrive and commence fire fighting operations will be determined using the Fire Brigade Intervention Model or literature data on the fire brigade response time to fires.

Summary of Tenability Failure Criteria:

Condition	Criteria
Convective heat	Temperature > 60°C when smoke layer is below tenability height.
Radiant heat exposure	2.5kW/m ² at head height or smoke layer temperature exceeds 200°C when above tenability height of 2.1m.
Visibility	10m when smoke layer is below tenability height of 2.1m for large rooms or 5m for small rooms.
Toxicity	OD > 0.1m ⁻¹ (10dB/m) when smoke layer is below tenability height of 2.1m, but not accessed if visibly acceptable.

The following table is an overview of the tenability's as accepted by the Fire and Emergency Service Authorities Council (AFAC)¹.

¹ Weng Poh 'Tenability in building fires: Limits and design criteria'. Fire Australia, 2010, No. 3., pp 24-26



	Routine Condition	Hazardous Condition	Extreme Condition	Critical Condition
Maximum Time, min	25	10	1	<1
Maximum Temperature, °C	100	120	160	235
Maximum Radiation, kW/m ²	1	3	4 - 4.5	>10

Approaches and Methods of Analysis

Approach

Fire engineering design can involve the use of a number of approaches including:

- Comparative or Absolute
- Qualitative or Quantitative
- Deterministic or Probabilistic

The IFEG gives descriptions of each type of approach, where it can be noted that a deterministic or probabilistic approach can only be applied to a quantitative analysis. The differences between a comparative and absolute approach and typical examples of acceptance criteria are depicted in the following table (reproduced from UK Fire Engineering Guidelines PD7974-0).

Comparative vs. Absolute Approach

	Fire Safety Objectives	
Analysis Method	Deterministic	Probabilistic
Comparative	Time available for escape is at least equal to that in an equivalent code compliant building	Level of risk of life equivalent to a code compliant building
Absolute	The time available for escape exceeds the time to untenable conditions	Expected number of casualties per year

A definition of each type of approach is outlined in the following table, which has been adopted from the IFEG. The type of approach adopted will depend on the type of compliance issue in question and subsequent methods of analysis will be prepared.

Analysis Approaches

Approach	Definition
Comparative	A comparative approach aims to determine whether the performance solution is equivalent to (or better than) the deemed-to-satisfy or prescriptive design. The comparative approach is often referred to as an "equivalence" approach.
Absolute	In an absolute approach, results of the analysis are matched directly against the Performance Requirement of the BCA, using agreed acceptance criteria.
Qualitative	A qualitative analysis may be agreed during the FEB process to be sufficient for the consideration of minor stand-alone compliance issues. The basis (logic) on which this approach is used should be documented with appropriate references.
Quantitative	The complexity of the compliance issues will often require a quantitative approach. This entails the use of one or more of the many analysis methods available. The quantitative methods will often be supported by additional qualitative arguments.
Deterministic	Deterministic analyses are based on physical relationships derived from scientific theories and empirical results. Characteristically, for a given set of initial boundary conditions, a deterministic methodology will always produce the same outcome. They do not, however, indicate the probability of that outcome being realized.
Probabilistic	Probabilistic approaches use a variety of risk based methodologies. These methods generally assign reliabilities to the performance of the various fire protection measures and assign frequencies of occurrence of events. They may analyse and combine several different scenarios as part of a complete fire engineering evaluation of a building design. This use of multiple scenarios and their combination through probabilistic techniques is the key feature of some of the methods.



Construction and Commissioning Requirements

The fire safety measures shall be designed, installed and commissioned in accordance with the relevant Australian Standards.

- The management of the building must be aware of the Performance solution contained within the building, as well as the required measures for maintenance.
- The Building Management System, must incorporate maintenance measures to ensure satisfactory maintenance, testing and inspection of all fire safety measures.

All fire safety measures are to be commissioned and tested prior to occupation of the building. The fire services contractor must provide certification of the installation and commissioning of the fire services required by this report, including but not limited to:

- Fire Hydrant Systems
- Smoke detection
- Fire doors and smoke seals
- Exit signage & emergency lighting
- Appropriate door hardware and door swing

The fire safety measures within the building must be maintained to ensure correct operation at all times that the building is occupied. All firefighting equipment should be tagged when tested/inspected and log books kept up-to-date for all smoke detection, warning systems and sprinkler systems (where installed).

An annual fire safety certificate must be submitted to the local consent authority and the NSW Fire Brigade each year indicating satisfactory performance of the fire safety measures contained within the building. The annual fire safety statement should be displayed in a prominent place within the building (i.e. the main entry foyer).

The correct operation and maintenance of the buildings fire safety measures is critical in affording an adequate level of fire safety. Other issues identified in the FEB/R that will need to be incorporated into the management in use of the facility include:

- No smoking policy is to be implemented in all public areas.
- Commissioning and integrated function testing of all fire safety and protection systems including interfaces to ensure proper function.
- All essential services are to be maintained and tested in accordance with BCA and Australian Standard AS1851.
- Ensure exits and paths of travel to exits remain unobstructed (in particular stairways).
- Avoid storage of materials in unoccupied areas.
- Limit storage of flammable/combustible materials to designated and approved areas.
- Prevent chocking open fire/smoke doors.
- Prevent storage of materials that could hinder access to fire fighting equipment.

Bayside Local Planning Panel

9/10/2018

Item No	6.5
Application Type	Modification Application
Application No	DA-2015/289/C
Lodgement Date	29/08/2018
Property	533-537 Princes Highway, Rockdale
Ward	Rockdale
Owner	West Shanghai Rockdale Pty Ltd
Applicant	Bechara Chan & Associates
Proposal	Modification to plans including internal reconfiguration to Levels 6, 7 & 8, resulting in the creation of one (1) additional unit.
No. of Submissions	Two (2)
Cost of Development	\$350,000.00
Report by	Michael McCabe, Director City Futures

Officer Recommendation

That Development Application No 2015/289/C, being a Section 4.55(1A) application to amend Development Consent Number 2015/289, for modifications to plans including internal reconfiguration to Levels 6, 7 & 8, resulting in the creation of one (1) additional unit at 533-537 Princes Highway Rockdale be APPROVED and the consent amended in the following manner:

- A. By amending conditions 2 & 5 to read as follows:
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
Landscape Plan LS-102 Rev A	greenplan pty ltd	10/05/2018	16/05/2018
Basement 2 Plan Rev D	Bechara Chan & Associates Pty Ltd	15/05/2018	16/05/2018
Basement 1 Plan Rev D	Bechara Chan & Associates Pty Ltd	15/05/2018	16/05/2018
Ground Floor Plan Rev C	Bechara Chan & Associates Pty Ltd	14/05/2018	16/05/2018
Level 1 Plan Rev B	Bechara Chan & Associates Pty Ltd	11/05/2018	16/05/2018
Level 2 Plan Rev B	Bechara Chan & Associates Pty Ltd	11/05/2018	16/05/2018

Level 3 Plan Rev B	Bechara Chan & Associates Pty Ltd	11/05/2018	16/05/2018
Level 4 Plan Rev B	Bechara Chan & Associates Pty Ltd	11/05/2018	16/05/2018
Level 5 Plan Rev B	Bechara Chan & Associates Pty Ltd	11/05/2018	16/05/2018
Level 6 Plan Rev A	Bechara Chan & Associates Pty Ltd	03/07/2018	29/08/2018
Level 7 Plan Rev A	Bechara Chan & Associates Pty Ltd	03/07/2018	29/08/2018
Level 8 Plan Rev A	Bechara Chan & Associates Pty Ltd	03/07/2018	29/08/2018
Level 9 Plan Rev B	Bechara Chan & Associates Pty Ltd	11/05/2018	16/05/2018
Roof Plan Rev A	Bechara Chan & Associates Pty Ltd	03/07/2018	29/08/2018
North Elevation Rev G	Bechara Chan & Associates Pty Ltd	07/08/2018	29/08/2018
South Elevation Rev C	Bechara Chan & Associates Pty Ltd	-	29/08/2018
East Elevation (Princes Highway) Rev A	Bechara Chan & Associates Pty Ltd	03/07/2018	29/08/2018
West Elevation (Keats Ave) Rev A	Bechara Chan & Associates Pty Ltd	03/07/2018	29/08/2018
Side Elevation East Rev A	Bechara Chan & Associates Pty Ltd	03/07/2018	29/08/2018
Side Elevation West Rev B	Bechara Chan & Associates Pty Ltd	03/07/2018	29/08/2018
Section AA Rev E	Bechara Chan & Associates Pty Ltd	04/09/2018	05/09/2018

[Amendment C - 4.55(1A) amended on 09/10/2018]

5. *The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate Number 584079M_05 other than superseded by any further amended consent and BASIX certificate.*

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

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

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

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

[Amendment C - 4.55(1A) amended on 09/10/2018]

- B. Condition 72A is proposed to be imposed as follows;

72A. *An additional Section 7.11 contribution of \$5,711.12 shall be paid to Council given the additional unit created by DA-2015/289/C. 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 Occupation Certificate for the development.*

Copies of Council's Section 94 (Section 7.11) Contribution Plans may be inspected at Council's Customer Service Centre, Administration Building, 444-446 Princes Highway, Rockdale.

[Amendment C - 4.55(1A) amended on 09/10/2018]

Reason for additional condition 72A is:

- *To ensure additional 7.11 contributions are payable prior to the issue of the Occupation Certificate for the additional residential unit created on site.*

- C. That the objectors be notified of the Bayside Local Planning Panel's determination.

Location Plan



Attachments

- 1 Planning Assessment Report [↓](#)
- 2 Elevations [↓](#)
- 3 Section AA [↓](#)
- 4 Traffic Report [↓](#)
- 5 Statement of Environmental Effects [↓](#)
- 6 SEPP 65 Design Verification Statement [↓](#)
- 7 Revised BASIX [↓](#)

BAYSIDE COUNCIL

Planning Assessment Report

Application Details

Application Number:	DA-2015/289/C
Date of Receipt:	29 August 2018
Property:	533 - 535 Princes Highway, ROCKDALE (Lot 18 DP 659502) 537 Princes Highway, ROCKDALE (Lot 1 DP 436761)
Owner:	West Shanghai Rockdale Pty Ltd
Applicant:	Bechara Chan & Associates
Proposal:	533-537 Princes Highway, ROCKDALE NSW 2216 - Modification to plans including internal reconfiguration to Levels 6, 7 & 8, resulting in the creation of one (1) additional unit
Recommendation:	Approved
No. of submissions:	Two (2)
Author:	Fiona Prodromou
Date of Report:	23 September 2018

Key Issues

The proposal seeks to undertake minor modifications to the approved development in order to modify the unit mix on site, provide a street wall development to the Princes Highway and provide an additional 1 x 2 bedroom unit, resulting in an increase in the number of units on site from 55 to 56.

The proposal as modified remains compliant with the parking requirements of Rockdale DCP 2011 & as previously approved.

Two (2) submissions have been received in relation to the proposed development, the issues raised have been addressed in this report.

Recommendation

That Development Application No 2015/289/C, being a Section 4.55(1A) application to amend Development Consent Number 2015/289, for modifications to plans including internal reconfiguration to Levels 6, 7 & 8, resulting in the creation of one (1) additional unit at 533-537 Princes Highway Rockdale be APPROVED and the consent amended in the following manner:

A. By amending conditions 2 & 5 to read as follows:

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
Landscape Plan LS-102 Rev A	greenplan pty ltd	10/05/2018	16/05/2018
Basement 2 Plan Rev D	Bechara Chan & Associates Pty Ltd	15/05/2018	16/05/2018
Basement 1 Plan Rev D	Bechara Chan & Associates Pty Ltd	15/05/2018	16/05/2018
Ground Floor Plan Rev C	Bechara Chan & Associates Pty Ltd	14/05/2018	16/05/2018
Level 1 Plan Rev B	Bechara Chan & Associates Pty Ltd	11/05/2018	16/05/2018
Level 2 Plan Rev B	Bechara Chan & Associates Pty Ltd	11/05/2018	16/05/2018
Level 3 Plan Rev B	Bechara Chan & Associates Pty Ltd	11/05/2018	16/05/2018
Level 4 Plan Rev B	Bechara Chan & Associates Pty Ltd	11/05/2018	16/05/2018
Level 5 Plan Rev B	Bechara Chan & Associates Pty Ltd	11/05/2018	16/05/2018
Level 6 Plan Rev A	Bechara Chan & Associates Pty Ltd	03/07/2018	29/08/2018
Level 7 Plan Rev A	Bechara Chan & Associates Pty Ltd	03/07/2018	29/08/2018
Level 8 Plan Rev A	Bechara Chan & Associates Pty Ltd	03/07/2018	29/08/2018
Level 9 Plan Rev B	Bechara Chan & Associates Pty Ltd	11/05/2018	16/05/2018
Roof Plan Rev A	Bechara Chan & Associates Pty Ltd	03/07/2018	29/08/2018
North Elevation Rev G	Bechara Chan & Associates Pty Ltd	07/08/2018	29/08/2018
South Elevation Rev C	Bechara Chan & Associates Pty Ltd	-	29/08/2018
East Elevation (Princes Highway) Rev A	Bechara Chan & Associates Pty Ltd	03/07/2018	29/08/2018
West Elevation (Keats Ave) Rev A	Bechara Chan & Associates Pty Ltd	03/07/2018	29/08/2018
Side Elevation East Rev A	Bechara Chan & Associates Pty Ltd	03/07/2018	29/08/2018
Side Elevation West Rev B	Bechara Chan & Associates Pty Ltd	03/07/2018	29/08/2018
Section AA Rev E	Bechara Chan & Associates Pty Ltd	04/09/2018	05/09/2018

[Amendment C - 4.55(1A) amended on 09/10/2018]

5. The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate Number 584079M_05 other than superseded by any further amended consent and BASIX certificate.

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

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

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

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

[Amendment C - 4.55(1A) amended on 09/10/2018]

B. Condition 72A is proposed to be imposed as follows;

72A. An additional Section 7.11 contribution of \$5,711.12 shall be paid to Council given the additional unit created by DA-2015/289/C. 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 Occupation Certificate for the development.

Copies of Council's Section 94 (Section 7.11) Contribution Plans may be inspected at Council's Customer Service Centre, Administration Building, 444-446 Princes Highway, Rockdale.

[Amendment C - 4.55(1A) amended on 09/10/2018]

Reason for additional condition 72A is:

- To ensure additional 7.11 contributions are payable prior to the issue of the Occupation Certificate for the additional residential unit created on site.

C. That the objectors be notified of the Bayside Planning Panel's determination.

Background

History

26 September 2015

DA-2015/289 - Approved by Council for the construction of a part 8 and part 9 storey mixed use development, comprising fifty five (55) residential units, three (3) commercial units, basement parking and demolition of existing structures.

30 March 2016

DA-2015/289/A - Approved, permitting the modification of condition 27, to permit the owner to engage a different registered architect than the original designer for the next stages of the approval.

26 June 2018

DA-2015/289/B - Approved permitting modifications to layout of the approved building including the provision of additional services, new balcony to Unit 107, changes to terrace/courtyard areas and increase in height.

29 August 2018

DA-2015/289/C - Submitted to Council

4-19 September 2018

Public Notification

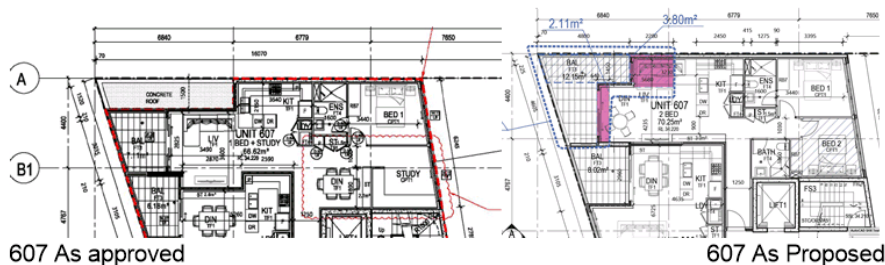
Proposal

The proposal as modified seeks to undertake minor alterations to the previously approved building envelope, in order to modify the unit mix on site and accommodate an additional 1 x 2 bedroom unit within the development.

Modifications are detailed below;

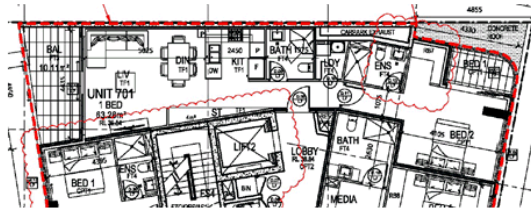
Level 6 (Unit 607)

Modify unit 607 from 1 bed + study (66.26sq/m) to a 2 bedroom unit (70.25sq/m) and modification to balcony to create an L shape private open space. An indentation along the southern common boundary fronting Princes Highway is proposed to be deleted & be replaced with balcony space to continue a street wall periphery development.



Level 7 & 8

Units 701 & 801 - Conversion of 2 x 1 bedroom (63sq.m) units to 2 x 2 bedroom (70sq/m) units. The layout of the unit has been flipped to provide a balcony with an orientation to the west, to take advantage of the district views and afternoon sun, rather than an internal view of the opposite building.

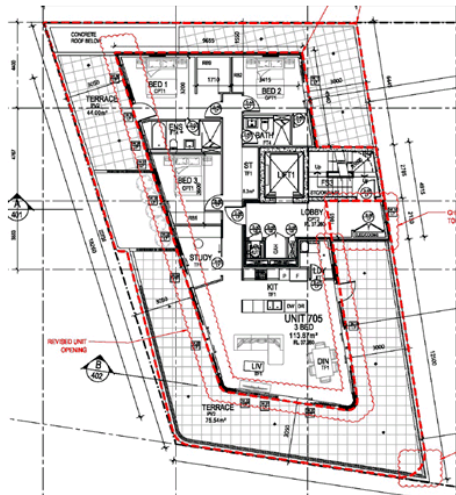


701 & 801 As Approved

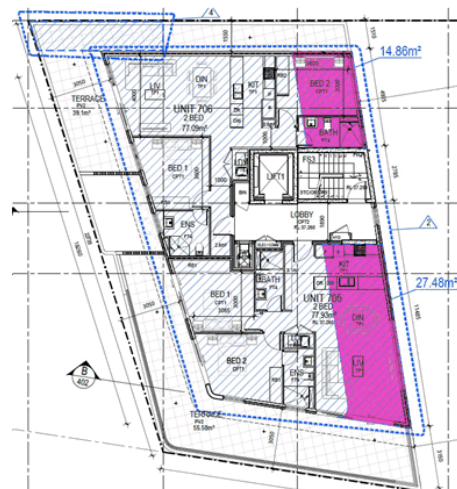


701 & 801 As Proposed

Unit 705 (1 x 3 bedroom unit) has been converted to 2 x 2 bedroom units (Units 705 (77.93sq/m) & 706 (77.09sq/m)). Additional floor area is proposed in lieu of previously approved wrap around balconies & the internal western building line is now proposed to be aligned with the floors below. An indentation along the southern common boundary fronting Princes Highway is proposed to be deleted & be replaced with balcony space to continue a street wall periphery development.



Unit 705 As Approved



Units 705 & 706 as Proposed.

Site location and context

The subject site comprises an irregularly shaped allotment with a frontage of approximately 21m to the Princes Highway (east), 28.5m to Keats Avenue (west) to the rear and a total site area of 1131.9sq/m. The site is currently vacant with the approved development under construction. The subject site is zoned B2 - Local Centre and comprises a frontage to a state road.



Directly adjoining the site to the south is 541-545 Princes Highway Rockdale, a multi storey mixed use development comprising two buildings, being 7 storeys fronting the Princes Highway and 9 storeys fronting Keats Ave, comprising 31 units, two basement levels and ground level parking for 43 vehicles, two commercial tenancies fronting Princes Highway and level 1 podium communal open space.

Further to the south lies 551-553 Princes Highway Rockdale, a multi storey mixed use development comprising two buildings being, 7 storeys fronting Princes Highway and 9 storeys fronting Keats Avenue, comprising 51 residential units, two (2) commercial tenancies fronting the Princes Highway, basement and ground level car park for 75 vehicles, and communal open space at podium level between the two buildings.

Further to the south of the site lies the "Arena" development at 555 Princes Highway. This development has been constructed at the periphery of the site with a central landscaped courtyard and pool. The Arena development is a mixed commercial residential development up to 10 storeys in height. It includes 178 residential units, 433sq/m of commercial floor space, 240sq/m of flexible space and basement car parking for 218 vehicles. The site comprises a central communal open space within the site, with recreational facilities for residents including a gym and pool.

To the west of the site (rear) lies the Keats Avenue development "Rockdale Gardens", being 3 x 13 storey towers comprising a total of 288 residential units, parking at ground and level 1 and commercial space on level 2. Further to the west lies the East Hills Railway line.

To the east of the site lies the Princes Highway. Directly opposite the site are mixtures of commercial and mixed use buildings ranging in height from one to ten storeys fronting the Princes Highway. Rockdale railway station and bus interchange are located further north of the site, within 200m walking distance.

Directly adjoining the site to the north lies the St George Tavern, a two storey art deco styled hotel / pub at ground level with associated residential accommodation at first floor. This building is generally built to boundaries and is located at the end of the block of sites bound by Hegerty St, Keats Ave & the Princes Highway. The St George Tavern is not listed as a Heritage Item.

The subject site is affected by:

- Frontage to a State Road
- 15.24m Building Height Civil Aviation Regulations / 51 OLS
- Class 5 Acid Sulfate Soils

- 20 - 25 ANEF (2033) contours

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*.

S4.55 (1A) - Modification

Section 4.55(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 is minor in its overall nature and as discussed within this report is 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: 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 approved development constitutes an 8 - 9 storey mixed commercial / residential building with basement parking levels and podium communal open space. The proposal as modified does not include changes to the number of approved levels, overall building envelope, façade treatments and separation of buildings on site remain unchanged. The proposed modifications are sought in order to rationalise apartment configuration, maximise amenity for future occupants, enable the provision of 1 additional 2 bedroom unit on site and provide a periphery street wall development to the Princes Highway.

Given the aforementioned the proposal as modified remains is essentially and materially the same as the approved development. As such, the proposal as modified is 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 was notified for a period of 14 days, from 4 - 19 September 2018, in accordance with the provisions of Council's DCP 2011.

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) submissions were received, issues raised have been addressed later in this report.

S4.55(3) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT

S4.55(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 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 Section 4.15 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 4.15(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 584079M_05. Condition 5 shall be modified accordingly, to ensure the revised BASIX requirements are reflected and adhered to. The proposal as modified is consistent with 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. Princes Highway. In this regard, clause 101- Development with frontage to a classified road, 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 road to the rear of the property, being Keats Avenue. 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 - Impact of road noise or vibration on non-road development, 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 Acouras Consultancy, dated 30/01/2015. 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 minor nature and 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 design quality principles have been considered in the assessment of the proposal below.

Principle 1 – Context & Neighbourhood Character

The proposal as modified does not significantly alter the building mass, bulk or scale of the previously approved development. A minor increase to the footprint of levels 6, 7 and 8 is proposed in order to reconfigure dwellings and include an additional dwelling on site.

The proposal as modified remains consistent with the established context of high density residential building forms surrounding the subject site within this portion of the Rockdale Town Centre.

The proposal as modified satisfies this principle.

Principle 2 – Built Form and Scale

As noted above, the proposal as modified does not significantly alter the previously approved building envelope on site. Additional floor area is proposed in lieu of previously approved wrap around balconies at level 7 & the internal western building line is now proposed to be aligned with the approved building line of floors below. An indentation along the southern common boundary fronting Princes Highway is proposed to be deleted & be replaced with balcony space to continue a street wall periphery development. -

The above modifications are minor and do not result in adverse impacts to the previously approved

building forms on site or to neighbouring properties. The proposed overall built form and scale remains consistent within its context. The proposal as modified is satisfactory in respect of this principle.

Principle 3– Density

No FSR controls apply to the subject site given its location within the Rockdale Town Centre. The proposal is satisfactory with respect of density given it retains an appropriate built form and scale on site which does not result in adverse impacts on site or to neighbouring properties.

Principle 4 - Sustainability

The proposal as modified retains the previously approved stormwater management measures, solar panels at rooftop level and planting at podium level, incorporating medium sized frangipani trees capable of growing to a height of 5m. The proposal as modified was accompanied by a revised BASIX and complies with the provisions of the relevant SEPP.

The proposal as modified remains consistent with this principle.

Principle 5– Landscape

Nil changes are sought to the previously approved landscaping on site. The proposal as modified remains consistent with this principle.

Principle 6 – Amenity

Unit 607 has been modified from a 1 bed + study (66sq/m) to a 2 bedroom unit (70.25sq/m) and the balcony has been altered to create an L shape private open space. An indentation along the southern common boundary fronting Princes Highway is proposed to be deleted & be replaced with balcony space to continue a street wall periphery development with the neighbouring multi storey development to the south.

Units 701/801, previously 2 x 1 bedroom units (63sq/m) have been converted into 2 x 2 bedroom (70sq/m) units. The layout of these units has been flipped to allow primary habitable areas to have a westerly orientation and thus benefit from western afternoon sun and district views, rather than an internal view of Building A fronting the Princes Highway.

Units 705 (77.93sq/m) and 706 (77.09sq/m) replace a previously approved 3 bedroom unit and are oriented to the east. An indentation along the southern common boundary fronting Princes Highway is proposed to be deleted & be replaced with balcony space to continue a street wall periphery development with the neighbouring multi storey development to the south.

All units as modified, are provided with compliant floor to ceiling heights, room dimensions, overall unit sizes and appropriate levels of inter unit storage. Units achieve sufficient solar access given their orientation and are adequately naturally ventilated. Appropriately designed and located communal open space at podium level further enhances residential amenity & all units are allocated 1 parking space as required by Rockdale DCP 2011. The proposal as modified remains satisfactory with this principle.

Principle 7 - Safety

The proposal as modified does not seek to alter previously approved safety and security measures for the development. The proposal as modified remains satisfactory with respect of this principle.

Principle 8 - Housing Diversity and Social Interaction

The proposal as revised results in a minor change to the unit mix on site. One (1) additional unit is proposed and the unit mix is modified as follows:

Approved	Proposed	Difference
13 x 1 bed	10 x 1 bed	- 3 x 1 bed
32 x 2 bed	37 x 2 bed	+ 5 x 2 bed
10 x 3 bed	9 x 3 bed	- 1 x 3 bed
55 units	56 units	+ 1 x 2 bed

Notwithstanding the above change to unit mix, the proposal as modified remains satisfactory in relation to this Principle as it retains a varied range and size of units which accommodate and cater to a varied demographic and different household types.

Principle 9 – Aesthetics

The proposal as modified does not alter the previously approved building materials, colours or finishes.

c. The Apartment Design Guide / Residential Flat Design Code

The original development was assessed against the Residential Flat Design Code, with a minor variation approved to the building separation on site.

The proposal as modified does not result in changes to the previously approved building separation or depth, cross ventilation and solar access remain compliant, as does internal storage provision and unit size is satisfactory. Communal open space on site remains as approved and universal access remains throughout the development. The proposal remains satisfactory with respect of the provisions of the ADG.

Rockdale Local Environmental Plan 2011

Relevant clauses	Compliance with objectives	Compliance with standard/provision
2.3 Zone B2 Local Centre	Yes	Yes - see discussion
4.3 Height of buildings	Yes	Yes - see discussion

2.3 Zone B2 Local Centre

The subject site is zoned B2 - Local Centre under the provisions of Rockdale Local Environmental Plan 2011 (RLEP 2011). The proposal as modified is defined as commercial premises and shop top housing which constitutes a permissible development only with development consent. The proposal as modified remains consistent with the objectives of the zone.

4.3 Height of buildings

A maximum 28m height limit applies to the subject site. The proposal as modified does not alter the

previously approved height of the development i.e. 27.66m (Top of lift / stair overrun to Eastern Building) & 29.62m (Top of lift overrun to western building). The proposal as modified remains consistent with the objectives of this clause.

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

No relevant proposed instruments are applicable to this proposal.

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
4.5.1 Social Equity - Housing Diversity and Choice	Yes	No - see discussion
4.5.2 Social Equity - Equitable Access	Yes	Yes - see discussion
4.6 Parking Rates - Shop-top Housing	Yes	Yes - see discussion
7.5.1 Street Role - Contributory Retail	Yes	Yes
7.5.1 Street Role - Centre Edge Commercial	Yes	Yes
7.5.2 Street Character	Yes	Yes

4.5.1 Social Equity - Housing Diversity and Choice

The table below illustrates the required, approved and proposed unit mix within the development.

Requirement	Approved	Proposed	Complies
1 bedroom 10% (6) - 20% (12)	13 x 1 bedroom 24%	10 x 1 bed 18%	Yes
2 bedroom 50% (28) - 75% (42)	32 x 2 bedroom 58%%	37 x 2 bed 66%	Yes
3 bedroom 10% (6) - 30% (17)	10 x 3 bedroom 18%	9 x 3 bed 16%	Yes

The proposal as modified complies with the requirements and objectives of this clause and is satisfactory in this regard.

4.5.2 Social Equity - Equitable Access

The proposal as modified does not alter the previously approved accessible measures proposed within the development. The previously approved Access Report prepared by Code Performance ref: 17387-R1.1 dated 11 May 2018 remains applicable and condition 39 as existing ensures compliance and provision of universal access throughout the development. The proposal as modified is satisfactory in this regard.

4.6 Parking Rates - Shop-top Housing

The original application was approved with 75 on site car parking spaces on site in accordance with

the provisions of Rockdale DCP 2011.

Two of the required commercial car spaces formed part of a shared parking arrangement with the visitor car spaces on site in order to facilitate compliance.

An assessment of the proposal has been undertaken below.

Requirement	Proposal	Complies
Residential (65 spaces)	65 <i>(including 6 accessible)</i>	Yes – Given shared arrangement between commercial / visitor spaces on site
9 visitor spaces <i>(20% reduction applied in town centre)</i>	9 <i>(2 shared with commercial)</i>	
3 commercial <i>(20% reduction applied in town centre)</i> <i>(2 commercial shared with visitor as part of shared agreement)</i>	1 dedicated accessible retail space <i>(2 shared with visitor)</i>	
1 loading / unloading bay	1 loading / unloading bay	

Notwithstanding the change in unit mix, the proposal as modified remains compliant with the car parking on site for the modified development.

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

The impacts of the proposal as modified have been previously detailed in this assessment.

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

The relevant matters pertaining to the suitability of the site for the development were considered in the assessment of the original proposal. The suitability of the site has not altered since the original assessment and there are no further matters or constraints which have been identified, that would otherwise render the site unsuitable for the proposal as modified.

The site is suitable for the proposal as modified.

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

The proposal as modified has been notified in accordance with the provisions of Rockdale DCP 2011 and two (2) submissions were received. The issues raised in the submissions are discussed below:

In 2013 residents were advised buildings on the Princes highway were not to be over 6 storeys in height / Original plans for this development were 7 storeys

Comment: Rockdale LEP 2011 permits a height limit of 28m, this is equivalent to a height of 9 storeys. The height of the proposal as modified in both metres and storeys is not altered from that previously approved i.e. 8 and 9 storeys.

Proposal is not suitable to neighbouring properties at 538 and 540 Princes Highway

Comment: The objector owns sites opposite the subject property on the eastern side of the Princes

Highway. The objector has not detailed what makes the proposal as modified unsuitable, nor the potential impact to the objectors properties. It is reiterated the height of the development remains as previously approved.

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

The proposal as modified has been assessed against the relevant planning policies applying to the site having regard to the objectives of the controls. As demonstrated in the assessment of the proposal as modified, the revised proposal remains generally compliant with relevant planning instruments and does not create adverse impacts on site, nor to surrounding properties. The proposal as modified is deemed to be in the public interest.

S7.11 Contribution towards provision or improvement of amenities or services

A Section 7.11 Contribution Payment of \$5,711.12 is payable in accordance with Council's Policy.

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

Level 4 Plan Rev B	Bechara Chan & Associates Pty Ltd	11/05/2018	16/05/2018
Level 5 Plan Rev B	Bechara Chan & Associates Pty Ltd	11/05/2018	16/05/2018
Level 6 Plan Rev A	Bechara Chan & Associates Pty Ltd	03/07/2018	29/08/2018
Level 7 Plan Rev A	Bechara Chan & Associates Pty Ltd	03/07/2018	29/08/2018
Level 8 Plan Rev A	Bechara Chan & Associates Pty Ltd	03/07/2018	29/08/2018
Level 9 Plan Rev B	Bechara Chan & Associates Pty Ltd	11/05/2018	16/05/2018
Roof Plan Rev A	Bechara Chan & Associates Pty Ltd	03/07/2018	29/08/2018
North Elevation Rev G	Bechara Chan & Associates Pty Ltd	07/08/2018	29/08/2018
South Elevation Rev C	Bechara Chan & Associates Pty Ltd	-	29/08/2018
East Elevation (Princes Highway) Rev A	Bechara Chan & Associates Pty Ltd	03/07/2018	29/08/2018
West Elevation (Keats Ave) Rev A	Bechara Chan & Associates Pty Ltd	03/07/2018	29/08/2018
Side Elevation East Rev A	Bechara Chan & Associates Pty Ltd	03/07/2018	29/08/2018
Side Elevation West Rev B	Bechara Chan & Associates Pty Ltd	03/07/2018	29/08/2018
Section AA Rev E	Bechara Chan & Associates Pty Ltd	04/09/2018	05/09/2018

[Amendment C - 4.55(1A) amended on 09/10/2018]

3. All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).
4. **A Construction Certificate must be obtained from Council or an Accredited Certifier prior to any building work commencing.**
5. *The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate Number 584079M_05 other than superseded by any further amended consent and BASIX certificate.*
Note: Clause 145(1)(a1) of the Environmental Planning & Assessment Regulation 2000 provides: A certifying authority must not issue a construction certificate for building work unless it is satisfied of the following matters: -
•(a1) that the plans and specifications for the building include such matters as each relevant BASIX certificate requires.
Note: Clause 154B(2) of the Environmental Planning & Assessment Regulation 2000 provides: "A certifying authority must not issue a final occupation certificate for a BASIX affected building to which this clause applies unless it is satisfied that each of the commitments whose fulfilment it is required to monitor has been fulfilled."

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

[Amendment C - 4.55(1A) amended on 09/10/2018]

6. A separate approval is required for the strata subdivision and specific use of the commercial tenancies. Additional conditions may be imposed on any such consent.

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

7. Balconies shall not be enclosed at any future time without prior development consent.
8. 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 EP&A Act.
9. 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.
10. The following address details shall apply to the development:
 - Residential units fronting the Princes Highway shall be known as 539 Princes Highway
 - Retail tenancy A shall be known as 537 Princes Highway
 - Retail tenancy B shall be known as 533 Princes Highway
 - Residential units fronting Keats Avenue shall be known as 2 Keats Avenue
 - Retail tenancy C shall be known as Shop 1 / 2 Keats Avenue.
11. Parking spaces shall be allocated to residential apartments / non-residential units in the development in the following manner and this shall be reflected in any subsequent strata subdivision of the development:

Allocated Spaces

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

3 bedroom - 2 spaces per unit

Visitors - 9 spaces (2 shared with commercial)

Commercial 1 space per 40sq/m - 3 spaces

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

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

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

Development specific conditions

The following conditions are specific to the Development Application proposal.

12. All loading, unloading and transfer of goods to and from the loading bay and premises shall take place wholly within the property. Loading areas are to be used only for the loading and unloading of goods, materials etc. not for any other purpose.
13. 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.
14. 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.
15. The existing and future owners (Registered Proprietor) of the property will be responsible for the operation and maintenance of the detention and treatment system. The registered proprietor will:
 - (i) permit stormwater to be temporarily detained by the system;
 - (ii) keep the system clean and free of silt, rubbish and debris;
 - (iii) maintain, renew and repair the whole or parts of the system so that it functions in a safe and efficient manner, and in doing so complete the same within the time and in the manner specified in written notice issued by the Council;
 - (iv) carry out the matters referred to in paragraphs (ii) and (iii) at the proprietor's expense;
 - (v) not make any alterations to the system or elements thereof without prior consent in writing of the Council;
 - (vi) permit the Council or its authorised agents from time to time upon giving reasonable notice (but at any time and without notice in the case of emergency) to enter and inspect the land for compliance with the requirements of this clause;
 - (vii) comply with the terms of any written notice issued by the Council in respect to the requirements of this clause within the time stated in the notice.
16. The existing and future owners (Registered Proprietor) of the property will be responsible for the efficient operation and maintenance of the pump system.

The Registered Proprietor will:

- i) permit stormwater to be temporarily detained and pumped by the system;
- ii) keep the system clean and free of silt, rubbish and debris;
- iii) maintain, renew and repair the whole or parts of the system so that it functions in a safe and efficient manner; and in doing so complete the same within the time and in the manner specified in written notice issued by the Council;
- iv) carry out the matters referred to in paragraphs (ii) and (iii) at the proprietor's expense;
- v) not make alterations to the system or elements thereof without prior consent in writing of the Council.
- vi) permit the Council or its authorised agents from time to time upon giving reasonable notice (but at any time and without notice in the case of emergency) to

enter and inspect the land for compliance with the requirement of this clause;
vii) comply with the terms of any written notice issued by the Council in respect to the requirements of this clause within the time stated in the notice.

17. 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.
18. 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.
19. 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.
20. 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.
21. Temporary dewatering of the site to construct the subsurface structure is not permitted without development consent.
22. 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.
23. Bicycle parking facilities shall be designed in accordance with AS2890.3:1993.

The off-street parking areas associated with the subject development and the 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.

24. 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.
25. 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.
26. The development shall achieve the following minimum equivalent AAAC Star Rating within the below specified areas of the development.
 - 3 Star for tiled areas within kitchens, balconies, bathrooms and laundries. Tiled flooring within corridors, living areas and bedrooms is not permitted.
 - 4 Star for timber flooring in any area.
 - 5 Star for carpet in any area.

- 5 Star for walls dividing occupancies.

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 floor/ceilings between residential apartments. Floor coverings within apartments shall be identified within 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 the relevant stage of works.

27. a) In order to ensure the design quality excellence of the development is retained:
 - i. Tony Owen Partners and / or an equivalent registered architect is to have direct involvement in the design documentation, contract documentation and construction stages of the project;
 - ii. The design architect is to have full access to the site and is to be authorized 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 the Department prior to release of the Construction Certificate.
- b) The design architect of the project is not to be changed without prior notice and approval of the Council or Department.

[Amendment A - S96(1A) amended on 30 March 2016]

28. All plumbing shall be concealed within the brickwork of the building. All hot water systems / units which are located on the balcony of a 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.

Utilities shall not 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.
29. 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.
30. Retaining walls over 600mm in height shall be designed and specified by a suitably qualified structural engineer.
31. Podium landscaping and paved areas shall be drained into the storm water drainage system. All waterproofing for planters on slab shall be installed and certified by a licensed waterproofing contractor.

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.

32. Prior to the commencement of work on site, the contractor must contact Council's Asset Maintenance Supervisor or Properties Team Leader on 9562 1500 to arrange removal and storage of Council's tree guards and grates surrounding the three Ficus street trees at the front of the site. Immediately following removal of the tree guards and grates, the tree pits shall be temporarily filled with road base and covered with cold or hot mix for pedestrian safety.
33. The provision of a 0.9 metre wide right of footway in favour of Rockdale City Council along the boundary with Keats Avenue. The right of footway is to be covered by a Section 88E Instrument, which may only be varied or extinguished with the consent of Rockdale City Council. Council requires proof of lodgement of the signed Subdivision Certificate and 88E Instrument with the Land Titles Office prior to the issue of the Occupation Certificate.

Prior to issue of the construction certificate

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

34. 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 \$19 569.50. 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 \$16.50.
 - iv. A fee of \$190 is payable to Council for the determination of boundary levels.
35. 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.
36. A Section 94 contribution of \$352 628.87 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	\$265 367.44
Community Services & Facilities	\$ 28 492.23
Town Centre & Streetscape Improvements	\$ 14 645.11
Pollution Control	\$ 42 252.84
Plan Administration & Management	\$ 1 871.25

Copies of Council's Section 94 Contribution Plans may be inspected at Council's Customer Service Centre, Administration Building, 2 Bryant Street, Rockdale.

37. Prior to the issue of the Construction Certificate a certificate from a practicing Structural Engineer, registered with NPER, shall be submitted to Council stating that the subsurface structural components located on the boundary of the public road, including but not limited to the slabs, walls and columns, have been designed in accordance with all SAA Codes for the design loading from truck and vehicle loads.
38. 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.
39. Compliance with Council's Development Control Plan (DCP) 2011 – Requirements for Access, must be provided to and within six (6) residential units, and between these units and their allocated car parking spaces. The allocated parking space will be located in close proximity to the access points of the building. The adaptable units are to be unit numbers 302/502/602/702/802.

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

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

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

40. The applicant shall confer with Ausgrid to determine if:
 - an electricity distribution substation is required.
 - installation of electricity conduits in the foot way is required.
 - satisfactory clearances to any existing overhead High Voltage mains will be affected.

Written confirmation of Energy Australia's requirements shall be obtained prior to issue Construction Certificate.

41. 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.

42. 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.

43. 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.
44. 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.
45. A visitor car space shall also operate as a car wash bay. A tap shall be provided. A sign shall be fixed saying 'Visitor Car Space and Car Wash Bay'. 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.
46. Prior to the issue of the Construction Certificate, detailed drainage design plans for the management of stormwater are to be submitted to the 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 site, including final discharge/end connection point, must comply with Rockdale Technical Specification Stormwater Management. Plans are to address the following.

- a. On-site detention shall have 2 and 50 year orifice controls.
- b. The use of a Water Sensitive Urban Design Approach (WSUD) to the design of the drainage system, including
 - a. Reduction in runoff and peak flows.
 - c. Conservation of water by reducing demand on potable water supplies.
 - d. Protection of water quality.
 - e. Concept stormwater design for basement level 1 to incorporate pits, carwash and grated drain for the ramp.
 - f. Stormwater control plans for basement 1.
 - g. Incorporation of an oil separator in accordance with Rockdale Technical Specification – Stormwater Management, section 7.5.4.
 - h. Basement pumpwell to comply with the requirements of the aforementioned technical specifications.
 - i. Discharge to the kerb and gutter must be less than 50l/sec for the combined discharge of the site for the 50 year ARI event.

j. Detailed stormwater design plans will require approval in concurrence with the RMS requirement.

47. Any sub-surface structure within the highest known groundwater table + 0.5m shall be designed with a waterproof retention system (i.e. tanking and waterproofing) with adequate provision for future fluctuation of the water table. The subsurface structure is required to be designed with consideration of uplift due to water pressure and "flotation" (buoyancy) effects. Subsoil drainage around the subsurface structure must allow free movement of groundwater around the structure, but must not be connected to the internal drainage system. The design of subsurface structure, tanking and waterproofing, and subsoil drainage shall be undertaken by a suitably experienced Chartered Professional Engineer(s). Design details and construction specifications shall be included in the documentation accompanying the Construction Certificate for the relevant stage of works.
48. 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.

49. As the basement floor is proposed closer to existing built structures upon 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;
- (a) Implement all recommendations contained in the report prepared by Aargus Pty Ltd, Report Ref: GS6073-1A, Dated 3 February 2015.
 - (b) Provide a certificate that the construction certificate plans are satisfactory from a geotechnical perspective and confirm the proposed construction methodology
 - (c) A Construction Methodology report is to be prepared, demonstrating that the proposed construction methods (including any excavation, and the configuration of the built structures) will have no adverse impact on any surrounding property and infrastructure. The report must be submitted with the application for a Construction Certificate for the relevant stage of works.
 - (d) Inspect the works as they progress. The Inspections are to occur at frequencies determined by the geotechnical engineer.
 - (e) Comment on proposed stormwater drainage design for the basement area, mainly on AGG line connections / permanent dewatering and a tanked basement structure.

NB: (i) If the proposed construction of the basement carpark impedes the water table, thus requiring dewatering of the site, the application is Integrated Development.
 (ii) From the proposed basement pumped discharge drainage systems are permitted subject to complying with the design criteria listed in DCP.
 (iii) The design of the basement structure will require consideration of the effects of the water table, both during and after construction (Tanking / waterproofing).

Where a Private Certifier issues the Construction Certificate a copy of the above documentation must be provided to Council, once the Construction Certificate is issued for the relevant stage of works.

Note: A failure by contractors to adequately assess and seek professional engineering (geotechnical) advice to ensure that appropriate underpinning and support to adjoining land is maintained prior to commencement may result in damage to adjoining land and buildings. Such contractors are likely to be held responsible for any damages arising from the removal of any support to supported land as defined by section 177 of the Conveyancing Act 1919.

50. Plans shall be amended prior to the issue of the Construction Certificate to require:
- a) Removal of sliding operable glazing above balustrade level to units fronting the Princes Highway. These balconies shall remain open. Glazing to units with balconies fronting the Princes Highway shall be upgraded to ensure units are appropriately acoustically insulated from road traffic noise.
 - b) The provision of a doorway directly connecting Lobby B to the loading bay on site.
 - c) The provision of amenities (toilets and showers) to ground floor retail tenancies.
 - d) The provision of a 3.3m floor to ceiling height within the building fronting the Princes Highway.

Details are to be submitted to the PCA for approval prior to the issue of the Construction Certificate.

Prior to commencement of works

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

51. 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) prior to issue of the Construction Certificate. The insurance cover shall be a minimum of \$10 million.
52. 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.

53. A Construction Management Plan (CMP) shall be prepared in accordance with the requirements of all relevant regulatory approval bodies. Access to the site for construction purposes via the Princess Highway is not permitted. Prior to the commencement of works the Certifying Authority shall be satisfied that the Construction Management Plan has obtained all relevant regulatory approvals. The Construction Management Plan shall be implemented during demolition, excavation and construction.

Prior to the issue of the relevant Construction Certificate, a Construction Traffic Management Plan (TMP) prepared by a suitably qualified person shall be submitted to and approved by the Certifying Authority. The Plan shall address, but not be limited to, the following matters:

- (a) ingress and egress of vehicles to the site;
 - (b) loading and unloading, including construction zones;
 - (c) predicted traffic volumes, types and routes; and
 - (d) pedestrian and traffic management methods.
- Copies of the CMP and TMP shall be submitted to Council.

54. 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.
55. 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.
56. 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.
57. 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.
58. 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.
59. 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.
- ii) where the erection of gates or fences has restricted access to metering equipment.
- iii) where clearances to any existing overhead High Voltage mains are affected.

During demolition / excavation / construction

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

- 60. 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.
- 61. 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.
- 62. 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.
- 63. 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.
- 64. 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.
- 65. All waste generated on site shall be disposed of in accordance with the submitted Waste Management Plan.
- 66. A Registered Surveyor's check survey certificate or compliance certificate shall be forwarded to the certifying authority detailing compliance with Council's approval at

the following stage/s of construction:

- i. After excavation work for the footings, but prior to pouring of concrete, showing the area of the land, building and boundary setbacks.
 - ii. Prior to construction of each floor level showing the area of the land, building and boundary setbacks and verifying that the building is being constructed at the approved level.
 - iii. Prior to fixing of roof cladding verifying the eave, gutter setback is not less than that approved and that the building has been constructed at the approved levels.
 - iv. On completion of the building showing the area of the land, the position of the building and boundary setbacks and verifying that the building has been constructed at the approved levels.
 - v. On completion of the drainage works (comprising the drainage pipeline, pits, overland flow paths, on-site detention or retention system, and other relevant works) verifying that the drainage has been constructed to the approved levels, accompanied by a plan showing sizes and reduced levels of the elements that comprise the works.
67. 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.

68. 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.
69. 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.
70. 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.
71. 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.
72. 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.

- 72A. *An additional Section 7.11 contribution of \$5,711.12 shall be paid to Council given the additional unit created by DA-2015/289/C. 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 Occupation Certificate for the development.*

Copies of Council's Section 94 (Section 7.11) Contribution Plans may be inspected at Council's Customer Service Centre, Administration Building, 444-446

Princes Highway, Rockdale.

[Amendment C - 4.55(1A) amended on 09/10/2018]

Reason for additional condition 72A is:

•To ensure additional 7.11 contributions are payable prior to the issue of the Occupation Certificate for the additional residential unit created on site.

73. An Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of the building.

73A. Traffic Signs, Signal & Loop Detector

(i) A traffic signals/signs, convex mirrors and loop detector are to be designed and installed to manage vehicular movement in driveways that provide safe vehicle access to the site and all basement levels. The arrangement shall control traffic to ensure safe movement of vehicles within basement car park at all times.

(ii) Prior to issue of the relevant Construction Certificate, a suitably qualified and experienced engineer shall design traffic management facilities within the site to the requirements of AS2890.1:2004 and relevant Austroads Guidelines. The facilities designed by the engineer shall include signals/signs (including traffic signal heads, vehicular guide signs, regulatory signs and warning signs), line marking and pavement markers, and other controls such as passing bays, traffic islands, median or separator and convex mirror to ensure safe movement of vehicles within the site at all times.

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

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

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

Reason for additional condition 73A is:

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

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

(i) Waste & recycling collection and servicing, including removalist trucks, must be carried out within the approved loading bay at all times.

(ii) Waste & recycling collection, deliveries, removalists and/or any other servicing must not, at any time, be undertaken from the Forest Roads and Harrow Road or elsewhere within the site.

(iii) Waste and recycling may be collected by a private waste contractor. A contract for waste and recycling collection must be entered into prior to issue of the Occupation Certificate. The company engaged must ensure that all recycling is collected separately from waste.

(iv) Waste & recycling collection must be undertaken during off-peak times.

(v) The maximum size truck permitted to access the site is a Small Rigid Vehicle

(SRV).

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

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

Reason for additional condition 73B is:

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

74. 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.
 75. 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.
 76. 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 comply with the conditions of this consent. 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 the conditions of this consent. In the event that the conditions are not complied with, the floor covering shall be removed and replaced with a floor covering that conforms to the conditions and 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 an Occupation Certificate.
77. Damage to brick kerb and/or gutter and any other damage in the road reserve shall be repaired using brick kerb and gutter of a similar type and equal dimensions. All works shall be to Council's satisfaction at the applicant's expense. Repairs shall be completed prior to the issue of the Occupation Certificate.
 78. 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.
 79. Lot 18 DP 659502 and Lot 1 DP 436761 shall be consolidated into one allotment. Council requires proof of lodgement of the plan of consolidation with the Land and Property Information Office prior to occupation.
 80. 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.
 81. 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.

82. 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.
83. 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".
84. 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.
85. A convex mirror is to be installed at outside of bends in the car park to provide increased sight distance for vehicles.
86. 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.
87. 75 off-street car spaces including 9 visitor and 1 retail space with 2 visitors spaces shared with retail including seven (7) accessible spaces shall be provided in accordance with the submitted plans. All spaces shall be paved and line marked, with visitor / retail spaces and made freely available at all times during business hours of the site for staff and visitors.

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

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

88. 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.
89. 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.

90. 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 with MIE Australia membership or employed by a consulting firm eligible for AAAC membership to confirm compliance with relevant conditions of this consent. A report is to be submitted to the PCA and Council, prior to the issue of the Occupation Certificate. The report is to include details & finishes of the walls and floors separating apartments.

Acoustic recommendations in relation to traffic, aircraft and plant emissions contained in the Acoustic Report prepared by Acouras Consultancy, dated 30/01/2015 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

91. On completion of the building, a suitably qualified Consultant is to certify that The Environmental Criteria for Road Traffic Noise, May 1999 standard has been met or, where this standard would not practically or reasonably be met, the internal noise objectives of the Building Code of Australia have been met before an occupation certificate will be issued.
92. 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.
93. 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.
94. The air conditioning system shall be certified by a suitably qualified and experienced engineer at the completion of installation prior to the issue of an Occupation Certificate.
95. 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.
96. 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.
97. The underground garage shall be floodproofed to a minimum of 100mm above the 1% Annual Exceedance Probability Gutter floor level. The levels shall be certified by a registered surveyor prior to construction of the driveway or other openings.

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

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

99. 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.
100. The provision of a 0.9 metre wide right of footway in favour of Rockdale City Council along the boundary with Keats Avenue. The right of footway is to be covered by a Section 88B Instrument, which may only be varied or extinguished with the consent of Rockdale City Council. These provisions are to be put into effect prior to release of the Occupation Certificate.
101. The recommendations of the Pedestrian Wind Environment Study prepared by Windtech, dated 12 December 2014 shall be implemented on site prior to the issue of the Occupation Certificate.
102. A positive covenant shall be created over the visitor parking spaces to ensure that the commercial units retain exclusive use of the spaces between 7.30am to 6.00pm Monday to Friday and 7.30am to 1.00pm on Saturdays and comply with the shared parking register. A suggested wording for the covenant is indicated below:

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

The Registered Proprietor will:

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

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

Integrated development/external authorities

The following conditions have been imposed in accordance with Section 91A of the Environmental Planning and Assessment Act, 1979.

103. Sydney Airport Corporation Limited

Sydney Airport Corporation Limited (SACL) has approved the maximum height of

the proposed building at 46.53 AHD 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.

104. Roads & Maritime Service

a) Detailed design plans and hydraulic calculations of any changes to the storm water drainage system are to be submitted to the Roads and Maritime for approval, prior to the commencement of any works. Details should be forwarded to :-

The Sydney Asset Management
PO Box 973
Parramatta CBD NSW 2124

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

b) The proposed development should be designed such that road traffic noise from Princes Highway is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102 (3) of State Environmental Planning Policy (Infrastructure) 2007.'

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 Direction 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.
Telephone 8849 2114
Fax 8849 2766

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

d) A Road Occupancy Licence should be obtained from Transport Management Centre (TMC) for any works that may impact on traffic flows on Princes Highway during construction activities.

e) A construction zone will not be permitted on Princes Highway.

f) All works associated with the proposed development shall be at no cost to the Roads and Maritime.

Roads Act

105. 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.

106. 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.
107. 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.
108. 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.
109. 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.
110. The following details shall be submitted to the PCA for assessment and approval pursuant to Section 138 of the Roads Act 1993, in relation to the awning over Princes Highway:
- i) Detailed design plans and specifications, including structural details; and

ii) Design certificate.

The awning shall be designed by a Chartered Professional Engineer (Structural).
 Note: Awnings are required to be set back a minimum of 600 mm from the kerb face and be a minimum height of 2.4 metres above the footpath level. Drainage from the awning shall be connected to the stormwater system for the development.

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

111. 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. Some forms of signage require separate development consent. Please refer to relevant planning policies for more information.
- b. A street/shop 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.
- c. 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.
- d. 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.
- e. *Telstra Advice – Dial Before You Dig*

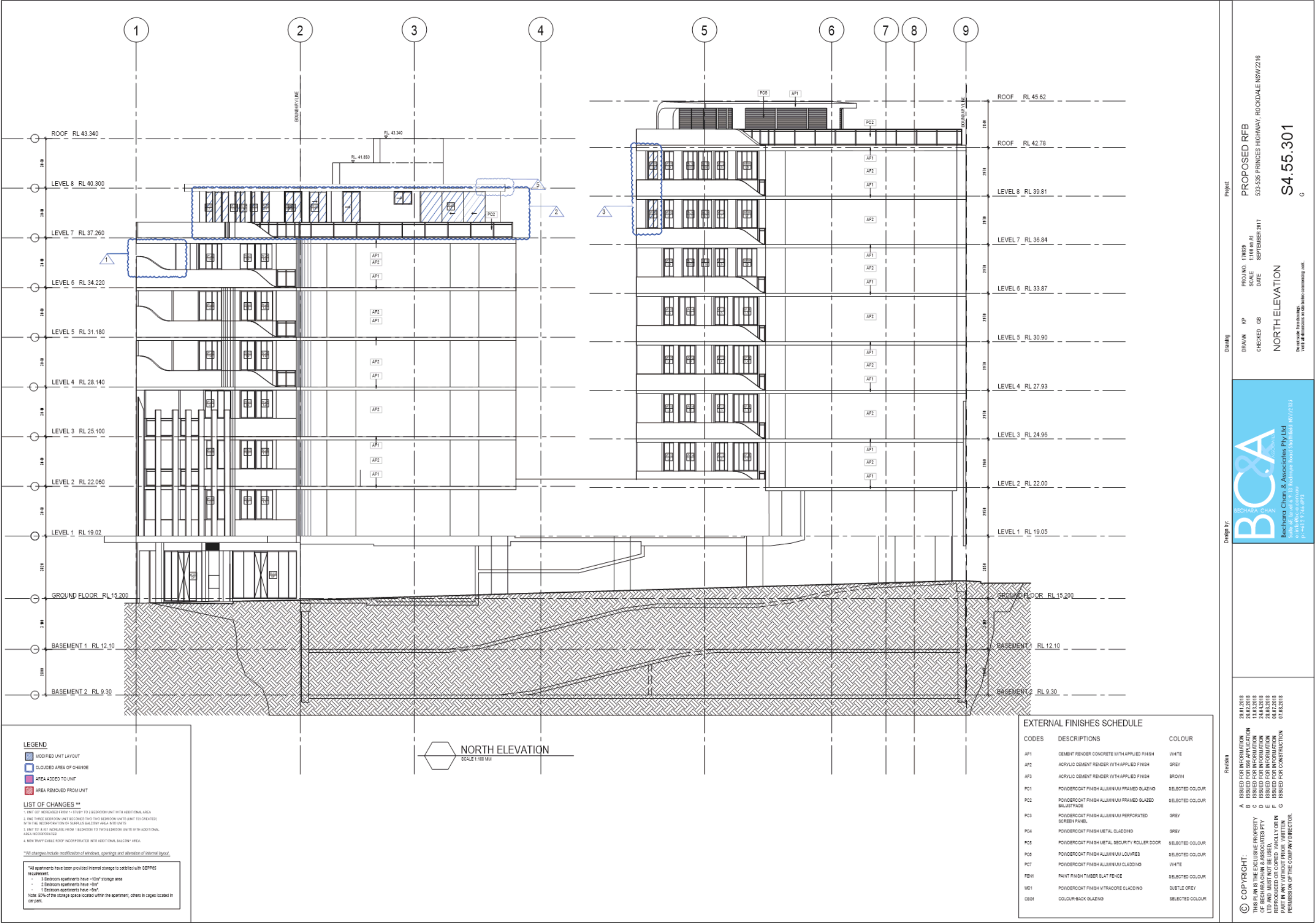
Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets, please contact Dial before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law 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.

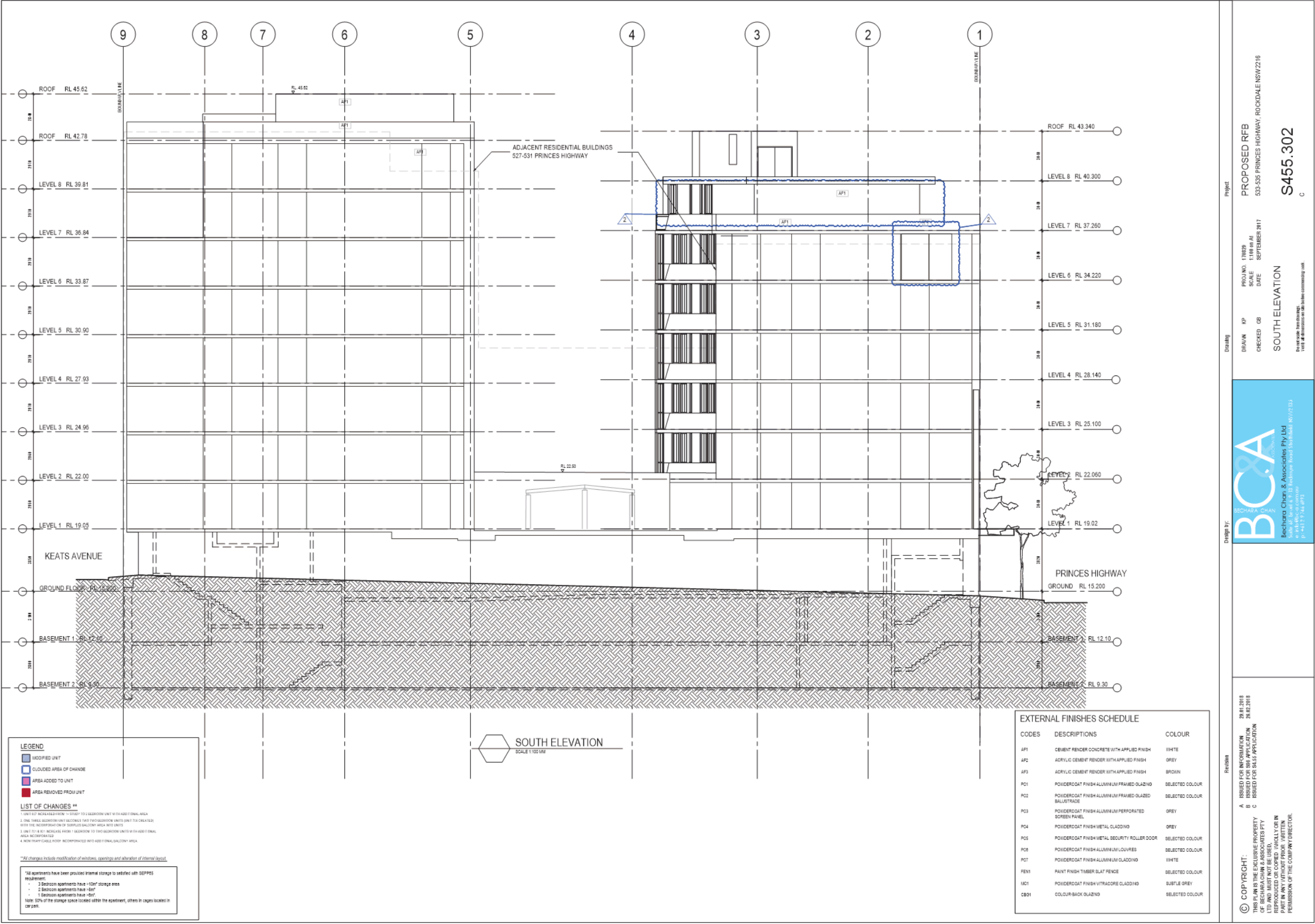
- f. Where Council is not engaged as the Principal Certifying Authority for the issue of the Subdivision Certificate (Strata), and the Section 88B Instrument contains easements and/or covenants to which Council is a Prescribed Authority, the Council must be provided with all relevant supporting information (such as works-as-executed drainage plans and certification) prior to Council endorsing the Instrument.
- g. 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

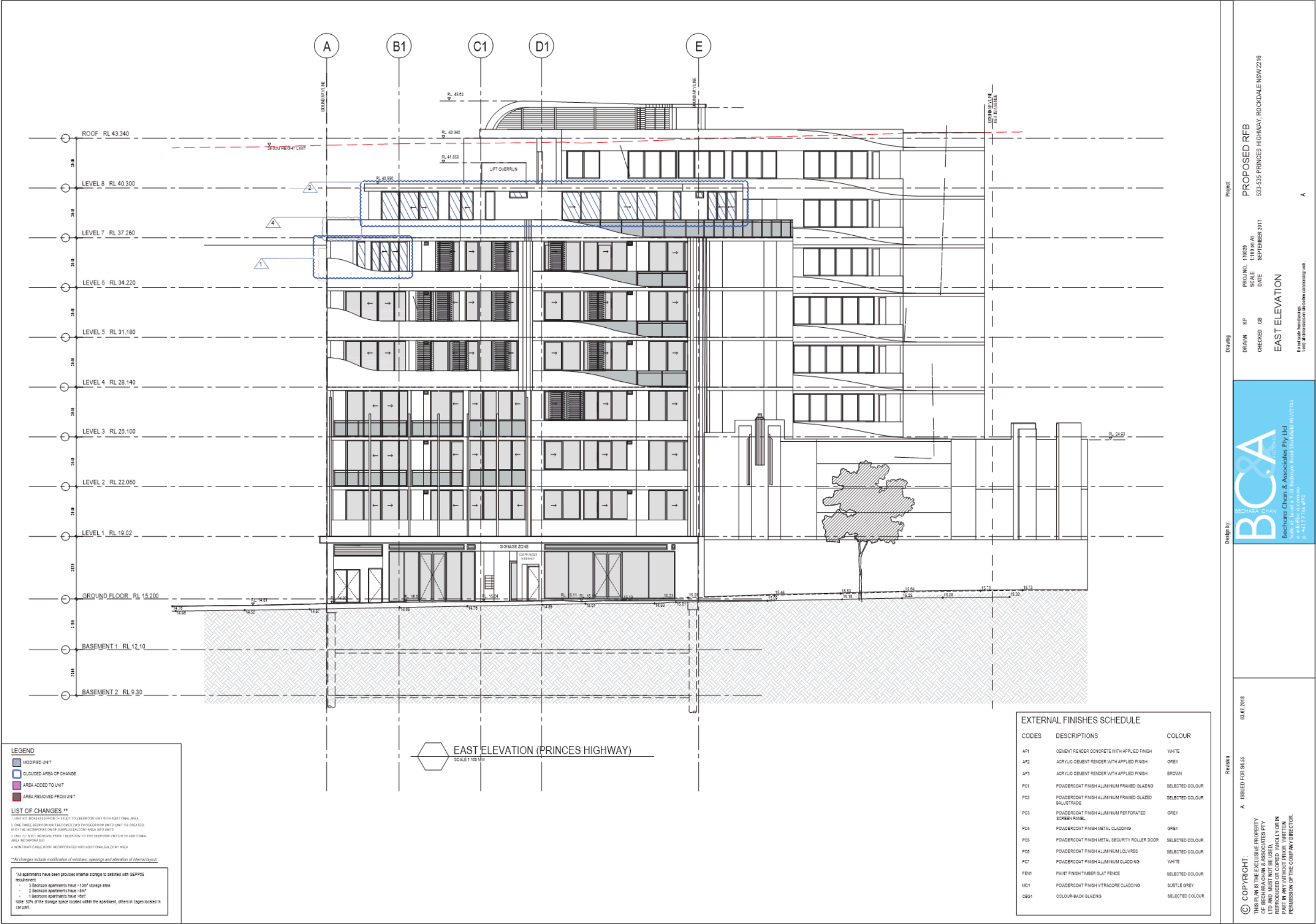
- Code of Practice for the Safe Removal of Asbestos [NOHSC: 2002 (2005)]
- Code of Practice for the Management and Control of Asbestos in Workplaces [NOHSC: 2018 (2005)]
- Protection of the Environment Operations (Waste) Regulation 2005

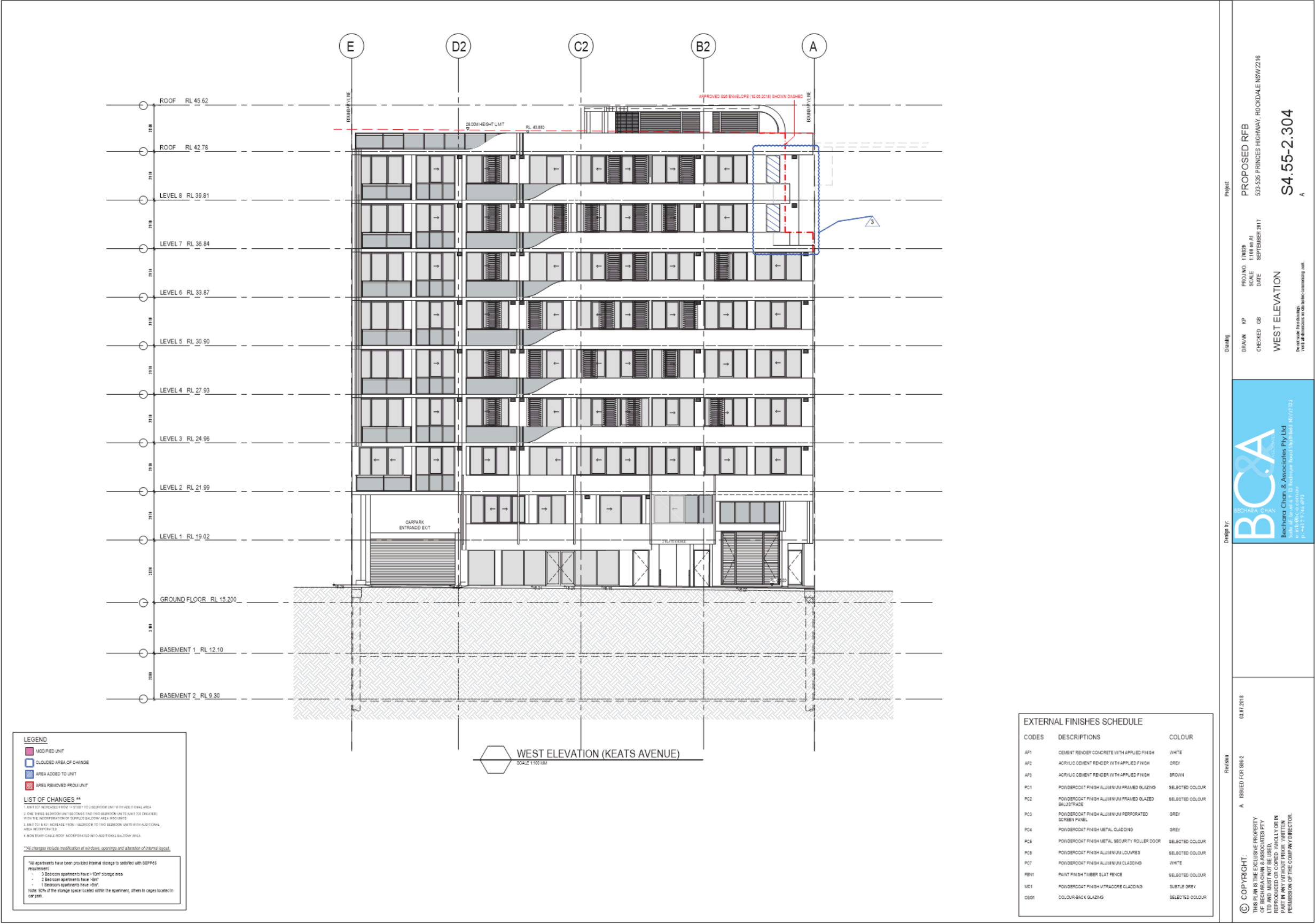
All work procedures shall be devised to minimise the release of dust and fibres. A checklist of safety precautions when working with asbestos is available in Health & Safety Guidelines prepared by the WorkCover Authority of NSW. Collection, storage and transportation is subject to the Protection of the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

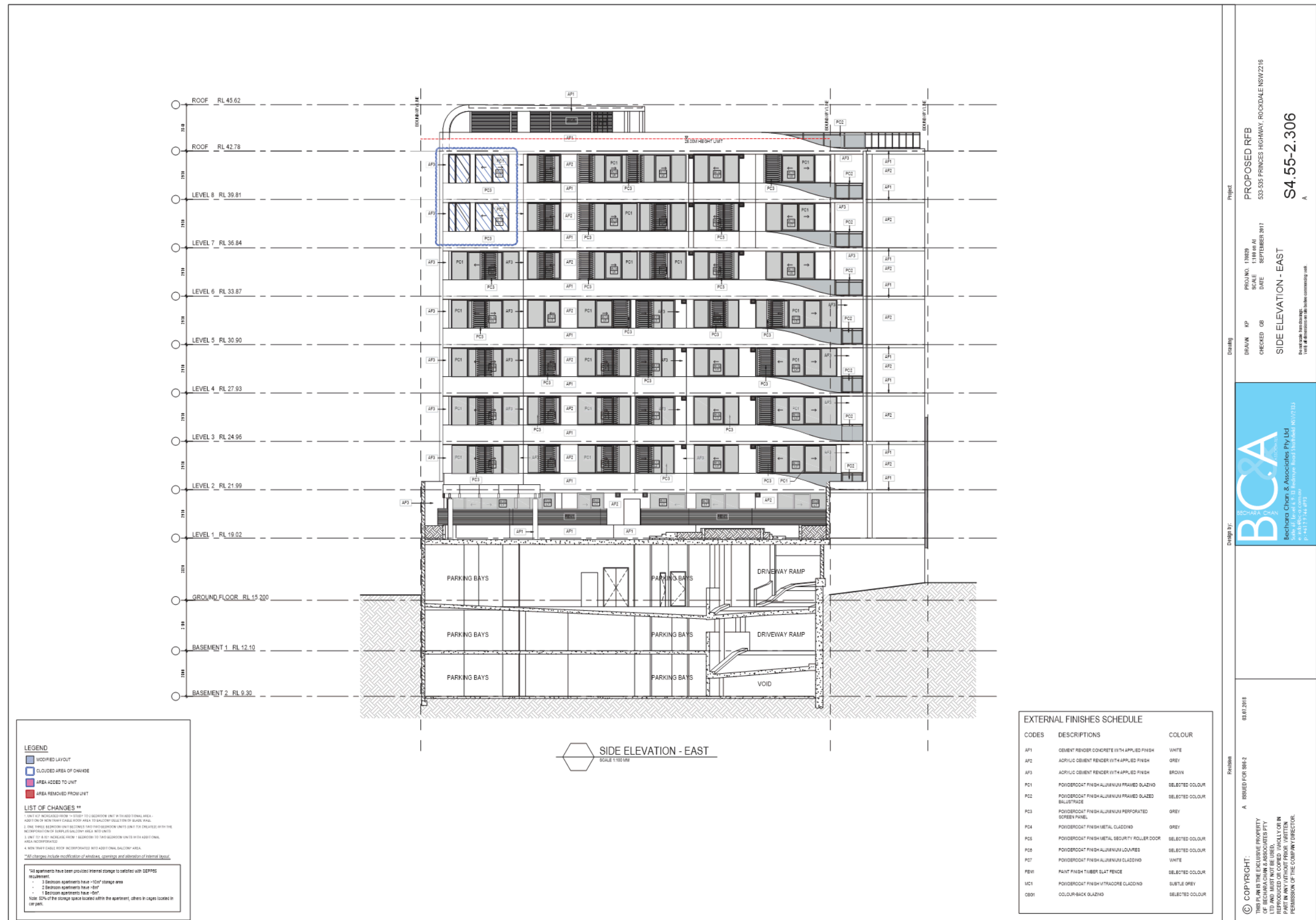
- h. Demolition and construction shall minimise the emission of excessive noise and prevent "offensive noise" as defined in the Protection of the Environment Operations Act 1997. Noise reduction measures shall include, but are not limited to the following strategies:
- choosing quiet equipment
 - choosing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



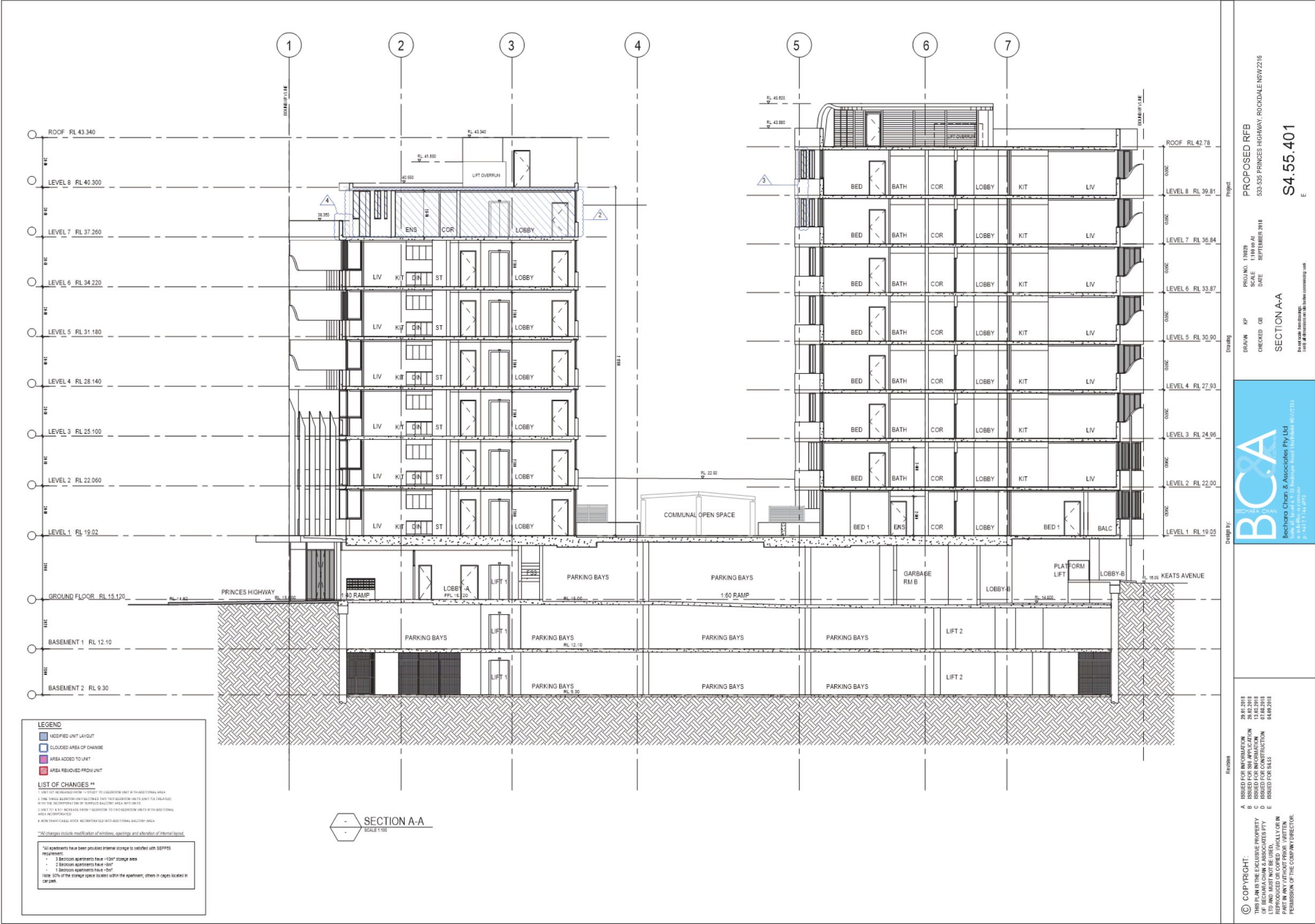


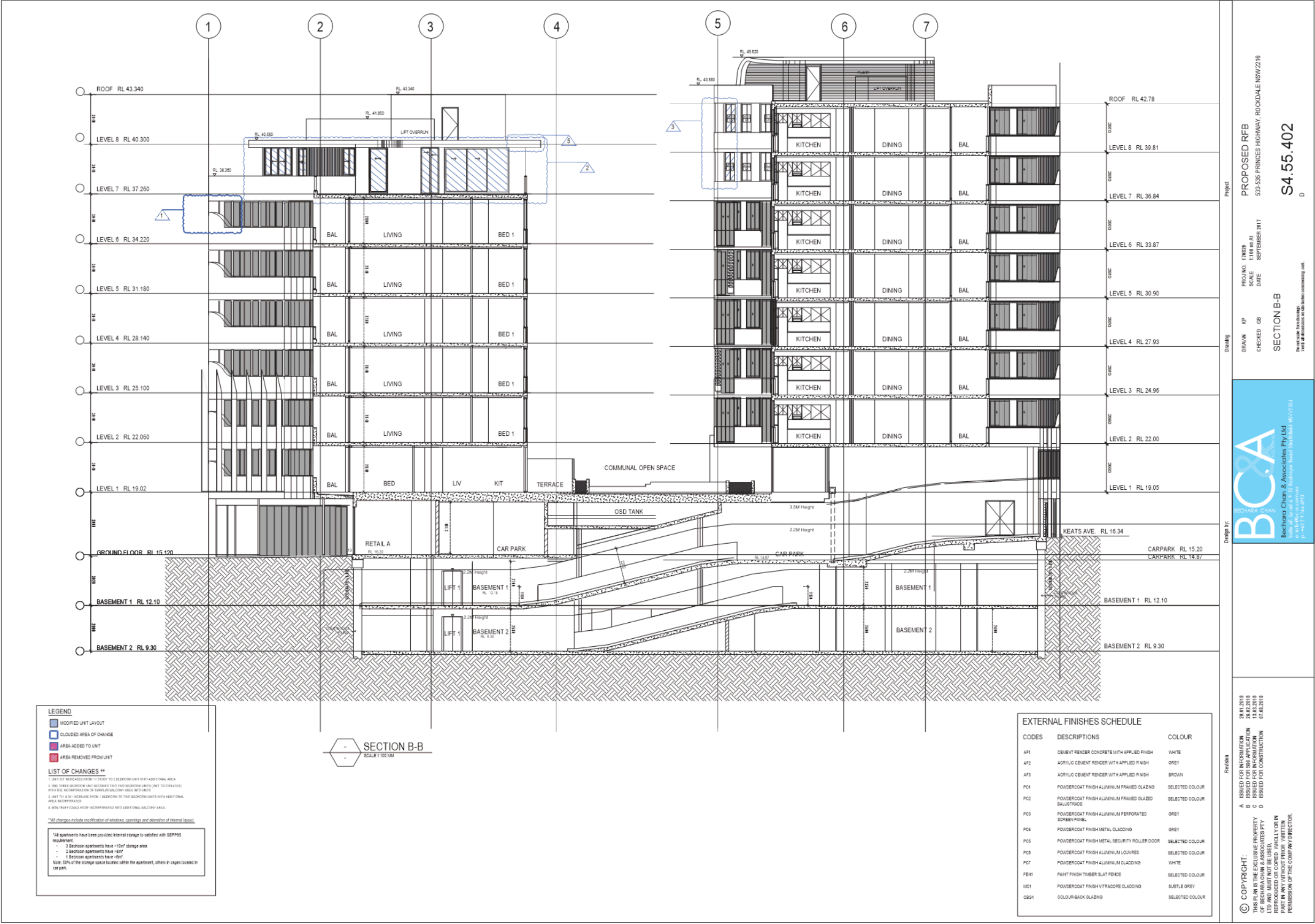












TRANSPORT AND TRAFFIC PLANNING ASSOCIATES

**PROPOSED
MIXED USE DEVELOPMENT
533 – 537 PRINCES HIGHWAY, ROCKDALE
S4.55 Application
*Assessment of Traffic and Parking Implications***

September 2018

Reference 14186

*TRANSPORT AND TRAFFIC PLANNING ASSOCIATES
Transportation, Traffic and Design Consultants
Suite 502, Level 5
282 Victoria Avenue
CHATSWOOD 2067
Telephone (02) 9411 5660
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*TRANSPORT AND TRAFFIC PLANNING ASSOCIATES***TABLE OF CONTENTS**

1.	INTRODUCTION	1
2.	DEVELOPMENT SCHEME	2
2.1	Site, Context and Existing Use	2
2.2	Approved Development	2
2.3	S96 Scheme	3
2.4	Proposed S4.55 Scheme	3
3.	ROAD NETWORK AND TRAFFIC CONTROLS	5
3.1	Road Network	5
3.2	Traffic Controls	5
3.3	Traffic Conditions	6
3.4	Public Transport Services	7
4.	PARKING	8
5.	ACCESS, INTERNAL CIRCULATION AND SERVICING	10
6.	TRAFFIC	12
7.	CONCLUSION	13

APPENDIX A TURNING PATH ASSESSMENT**LIST OF ILLUSTRATIONS**

FIGURE 1	LOCATION
FIGURE 2	SITE
FIGURE 3	ROAD NETWORK
FIGURE 4	TRAFFIC CONTROLS

TRANSPORT AND TRAFFIC PLANNING ASSOCIATES

1. INTRODUCTION

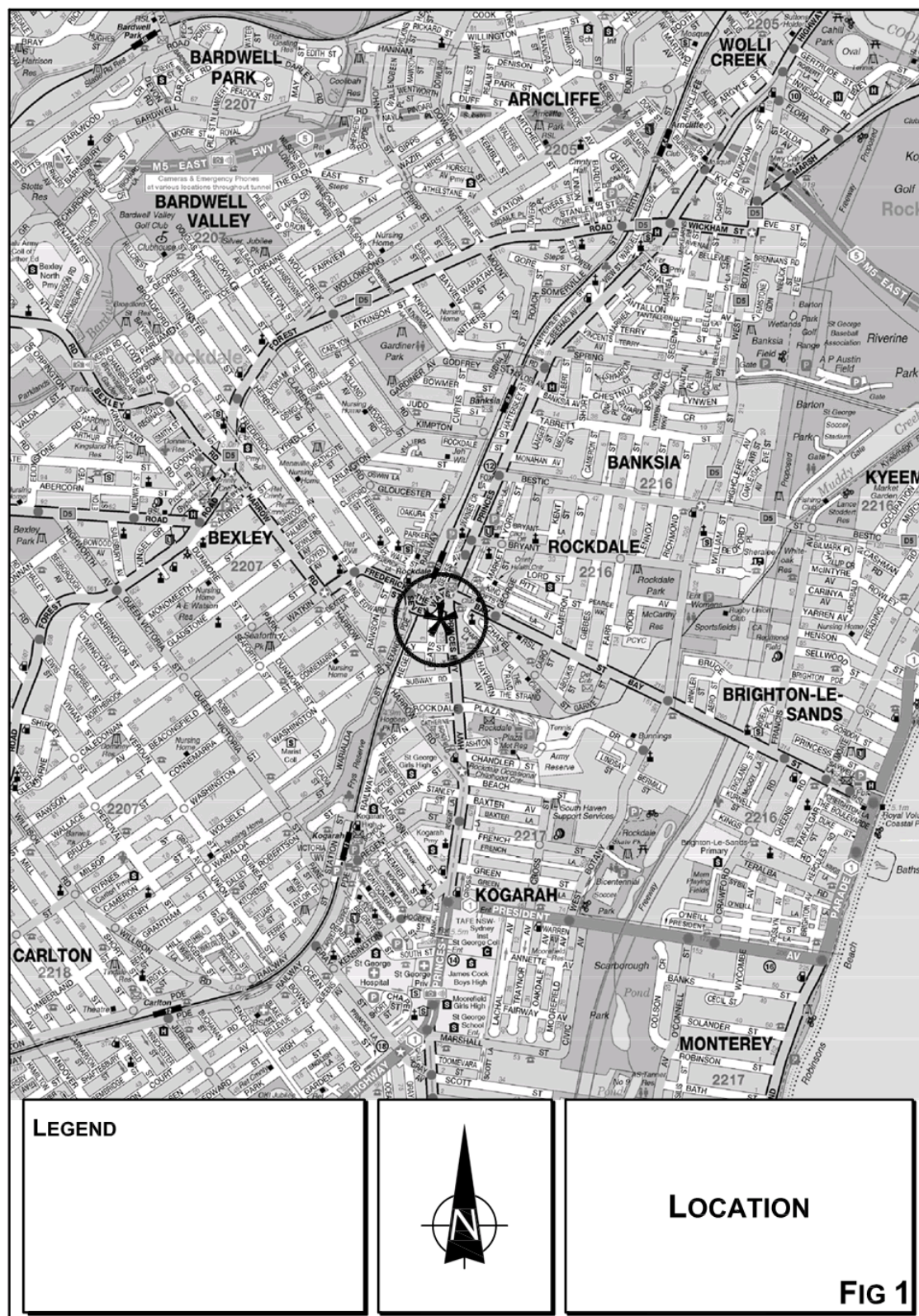
This report has been prepared to accompany a S96 Application to Bayside Council for proposed modifications to an approved mixed use development on the consolidated site of 533 – 535 and 537 – 539 Princes Highway, Rockdale (Figure 1).

Consent (DA-2015/298/B) was granted for a development comprising 55 residential apartments and 3 retail/commercial units with associated basement carparking. Subsequently, a S96 was submitted which largely retained all of the features of the approved development with some minor changes including refinement of the car parking and loading bay arrangements.

The proposed S4.55 scheme proposes to increase the number of apartments from 55 to 56 whilst retaining the basement parking as per the S96 scheme.

The purpose of this report is to:

- * describe the approved development and the proposed S4.55 modifications
- * describe the road network serving the site and traffic conditions on that network
- * assess the adequacy of the proposed car parking provision
- * assess the proposed access, internal circulation and servicing arrangements
- * assess the traffic potential implications of the development



TRANSPORT AND TRAFFIC PLANNING ASSOCIATES

2. DEVELOPMENT SCHEME

2.1 SITE, CONTEXT AND EXISTING USE

The development site (Figure 2) is located immediately to the south of the “Seven Ways” and occupies an irregular shaped area of some 1132m² with frontages to Princes Highway and Keats Avenue.

The site is currently occupied by two older style commercial buildings with residential flats on the upper level and garage parking with vehicle access on the Keats Avenue frontage. The surrounding area comprises:

- * the St George Tavern which adjoins to the north
- * the multi-level buildings with ground level retail and upper level apartments which adjoins to the south
- * the mixed commercial and retail uses extending along Princes Highway and Bay Street
- * the Rockdale Railway Station and its associated bus interchange just to the north

2.2 APPROVED DEVELOPMENT

Consent was granted to demolish the existing buildings and construct an 8 storey building with ground level retail/commercial units and basement parking comprising:

Residential

10 x One Bed Apartments

35 x Two Bed Apartments

10 x Three Bed Apartments

Total: 55 Apartments

Retail

160.7m² (3 units)



TRANSPORT AND TRAFFIC PLANNING ASSOCIATES

A total of 75 parking spaces were approved to be provided in the ground and basement levels with vehicle access provided on the Keats Avenue frontage.

2.3 S96 SCHEME

The submitted S96 scheme very closely reflects the approved development with some minor changes to the retail area and layout of the car park and loading dock while the application also serves to resolve and confirm issues raised by Council. The modified scheme comprises:

Residential

13 x One Bed Apartments

32 x Two Bed Apartments

10 x Three Bed Apartments

Total: 55 Apartments

Retail

152.92m² (3 units)

A total of 75 parking spaces are to be provided with a loading bay.

2.4 PROPOSED S4.55 SCHEME

The proposed S4.55 scheme very closely reflects the previously approved and S96 schemes which the provision of 1 additional apartment as follows:

Residential

10 x One Bed Apartments

37 x Two Bed Apartments

9 x Three Bed Apartments

Total: 56 Apartments

Retail

152.92m² (3 units)

A total of 75 parking spaces are to be provided with a loading bay.

TRANSPORT AND TRAFFIC PLANNING ASSOCIATES

Details of the proposed S4.55 development scheme are provided on the revised plans prepared by Bechara Chan & Associates which accompany the Application.

TRANSPORT AND TRAFFIC PLANNING ASSOCIATES

3. ROAD NETWORK AND TRAFFIC CONTROLS

3.1 ROAD NETWORK

The road network which serves the development site is shown on Figure 3 and includes:

- * *Princes Highway* – a State Highway and arterial route
- * *Bay Street - Seven Ways - Harrow Road - Bexley Road* – a State Road and sub-arterial route
- * *Rockdale Plaza Drive* – a collector road route
- * various major and minor collector road routes

Lister Street, Hegerty Street and Keats Avenue are local access roads although serving a minor collector road function to some extent in linking between Harrow Road and the Princes Highway.

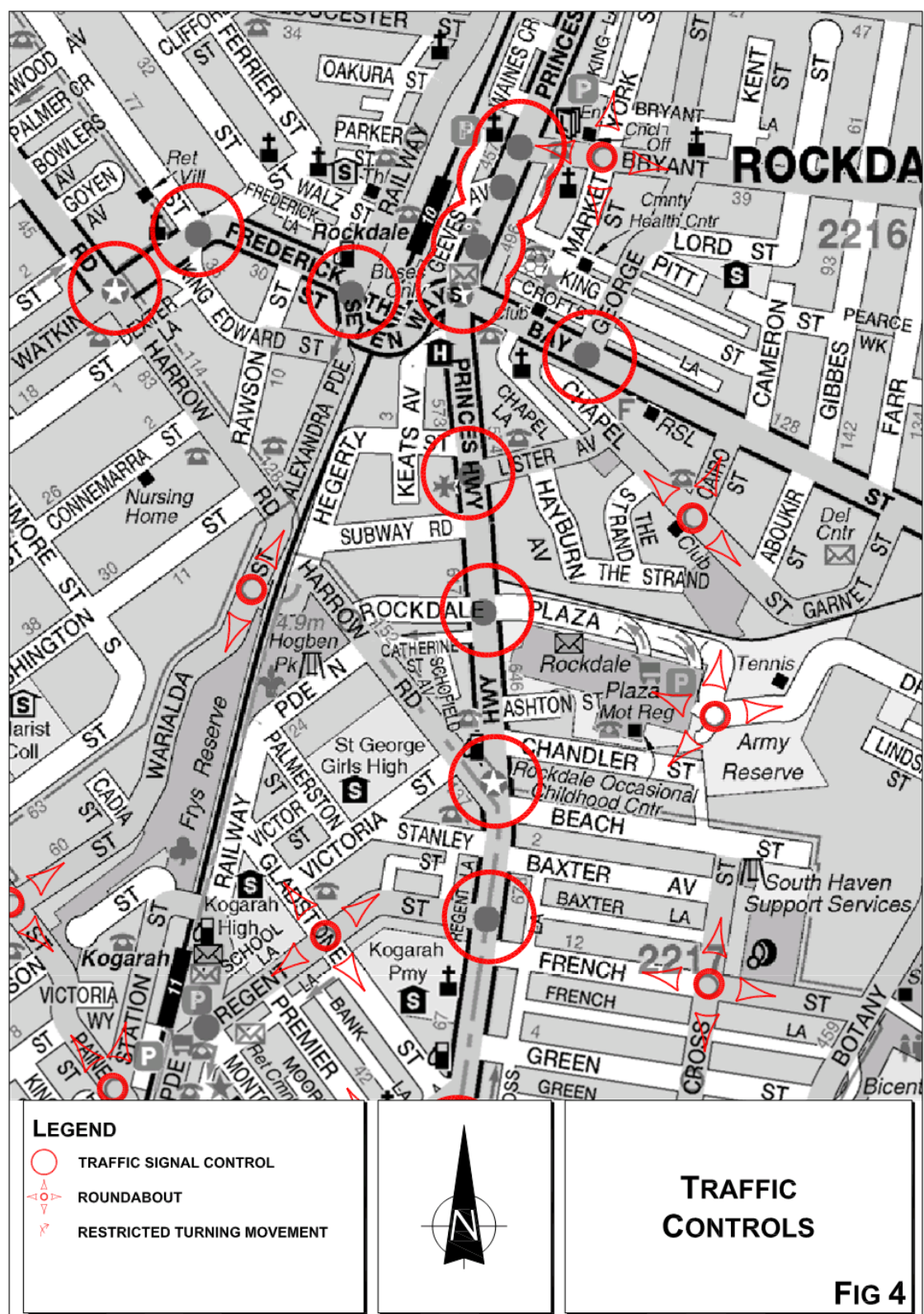
3.2 TRAFFIC CONTROLS

The existing traffic controls in the vicinity of the site are shown on Figure 4 and features of these controls are:

- * the traffic signals on Princes Highway at the Bay Street / Seven Ways, Lister Avenue, Rockdale Plaza and Harrow Road intersections
- * the median island along Princes Highway restricting Hegerty Street / Keats Avenue access movements to left in and left out only
- * the 50 kmph speed restriction on the local street system
- * the NO STANDING, BUS ZONE and 1 HOUR PARKING restrictions along the Highway
- * the peak directional CLEARWAY restrictions along each side of Princes Highway and Bay Street

Page 5





TRANSPORT AND TRAFFIC PLANNING ASSOCIATES

3.3 TRAFFIC CONDITIONS

An indication of traffic conditions on the roads in the vicinity is provided by data¹ published by the Roads and Maritime Services and traffic surveys undertaken for this study. The RMS data which is expressed in terms of Annual Average Daily Traffic is summarised in the following:

	AADT Volumes
Princes Highway south of Lister Street	43,528
Bay Street east of Princes Highway	23,052

Traffic surveys undertaken on Princes Highway just to the north of Lister Avenue during the morning and afternoon peak traffic periods reveal the following:

	AM	PM
Northbound	2,165	887
Southbound	520	1,822

The recorded flows reflect an arterial function while observation of traffic activity on the road system in the vicinity of the site during peak periods reveal relatively free flowing conditions except for stoppages due to traffic signal operation. Vehicle movements into and out of Keats Avenue are restricted to left in and left out only and the highly co-ordinated signal operation along the highway provides generous gaps for existing movements.

¹ Traffic Volumes and Supplementary Data
Roads and Maritime Services

TRANSPORT AND TRAFFIC PLANNING ASSOCIATES

3.4 PUBLIC TRANSPORT SERVICES

The Rockdale Railway Station is conveniently located some 200 metres north of the site while Sydney Buses operate high frequency local and 'line haul' services along Princes Highway providing convenient interconnection between the city and southern suburbs. These excellent public transport services are all within easy walking distance from the site.

TRANSPORT AND TRAFFIC PLANNING ASSOCIATES

4. PARKING

Rockdale City Councils' DCP 2011 Part 4 specifies an on-site parking provision in relation to the proposed development of:

Residential

1 and 2 Bed Apartments	1 space per apartment
3 Bed Apartments	2 spaces per apartment
Visitors*	1 space per 5 apartments

Retail*

1 space per 40m²

** a 20% reduction is allowed in the Rockdale Town Centre and a shared parking concession is also permitted*

Application of the above to the proposed S4.55 development scheme indicates a requirement of:

Residential

10 x 1 Bed Apartments	10 spaces
37 x 2 Bed Apartments	37 spaces
9 x 3 Bed Apartments	18 spaces

Total:

65 spaces

Visitors (56)

9 spaces

Retail 152.92m²

3 spaces

It is proposed to provide 75 parking spaces allocated as follows:

- 65 residential spaces (6 accessible)
- 9 visitor spaces (2 shared with retail)
- 1 retail space (accessible)

There will be 6 small car spaces which is consistent with the number contained within the existing consent.

TRANSPORT AND TRAFFIC PLANNING ASSOCIATES

It is also proposed to provide 4 motorcycle spaces and 7 bicycle spaces consistent with the consent.

It is apparent that the proposed parking provision will be adequate for the development and will be entirely compliant with Council's requirements.

TRANSPORT AND TRAFFIC PLANNING ASSOCIATES

5. ACCESS, INTERNAL CIRCULATION AND SERVICING

ACCESS

Vehicle access will involve a 6 metre wide combined driveway on the Keats Avenue frontage. The design of the access driveway remains as approved and complies with the design requirements of AS2890.1 and will be located where excellent sight distances are available.

INTERNAL CIRCULATION

The carpark will have a flexible two-way arrangement and the design elements including in ramp grades, aisle widths and parking bay dimensions will accord with AS2890.1 design criteria. Traffic signal control will be provided on the single lane ramp connecting between B2 and B3. These signals will operate as follows:

- auto revert to and dwell on green on B2 for descending car (and red on B3)
- car egressing from B3 stands in the waiting bay where there will be a sensor to detect its presence
- signals will change to red on B2 and any ingressing car will stand in the waiting bay on B2
- after a present clearance time, signals on B3 will change to green
- after a present clearance time, signals on B3 will change to red followed by the signal on B2 changing to green.

Details of vehicle manoeuvres in the car park are provided in the turning assessment in Appendix A.

TRANSPORT AND TRAFFIC PLANNING ASSOCIATES

SERVICING

Refuse removal will involve a small (6.4m) contract refuse vehicle collecting from the loading bay/in the first basement level. This vehicle will be the same as that used by Kuring-gai Council which only requires 2.6m headroom and can negotiate 1:5 ramp grade with 2.0m transitions.

The small retail units will also use this bay for vans etc. while occasional other small service vehicles (e.g. trades persons) will also be able to use the bay or the available visitor parking spaces. Details of a turning assessment for the 6.4m refuse vehicle are also provided in Appendix A.

TRANSPORT AND TRAFFIC PLANNING ASSOCIATES

6. TRAFFIC

The projected generation of the approved development was as follows:

	AM	PM
Residential		
56 Apartments @ 0.19 vtp (AM)	12 vtp	9 vtp
@ 0.15 vtp (PM)		
Retail - 5 spaces	2 vtp	2 vtp

The projected traffic distribution was as follows:

AM		PM	
IN	OUT	IN	OUT
4	10	8	3

The projected traffic generation of 11 – 14 vtp during the peak periods will remain unchanged from the S96 scheme and will only represent some 1 vt every 5 minutes. This will not have discernible traffic or safety implications on the surrounding network, in particular at the Keats Avenue/Princes Highway intersection.

TRANSPORT AND TRAFFIC PLANNING ASSOCIATES

7. CONCLUSION

The traffic and parking assessment provided in this report for the proposed S4.55 scheme indicates that the proposed development with frontage to Princes Highway in the Rockdale Town Centre will:

- * incorporate an appropriate parking provision
- * incorporate suitable vehicle access, internal circulation and servicing arrangements
- * not present any unsatisfactory traffic capacity, safety or environmental related implications

TRANSPORT AND TRAFFIC PLANNING ASSOCIATES

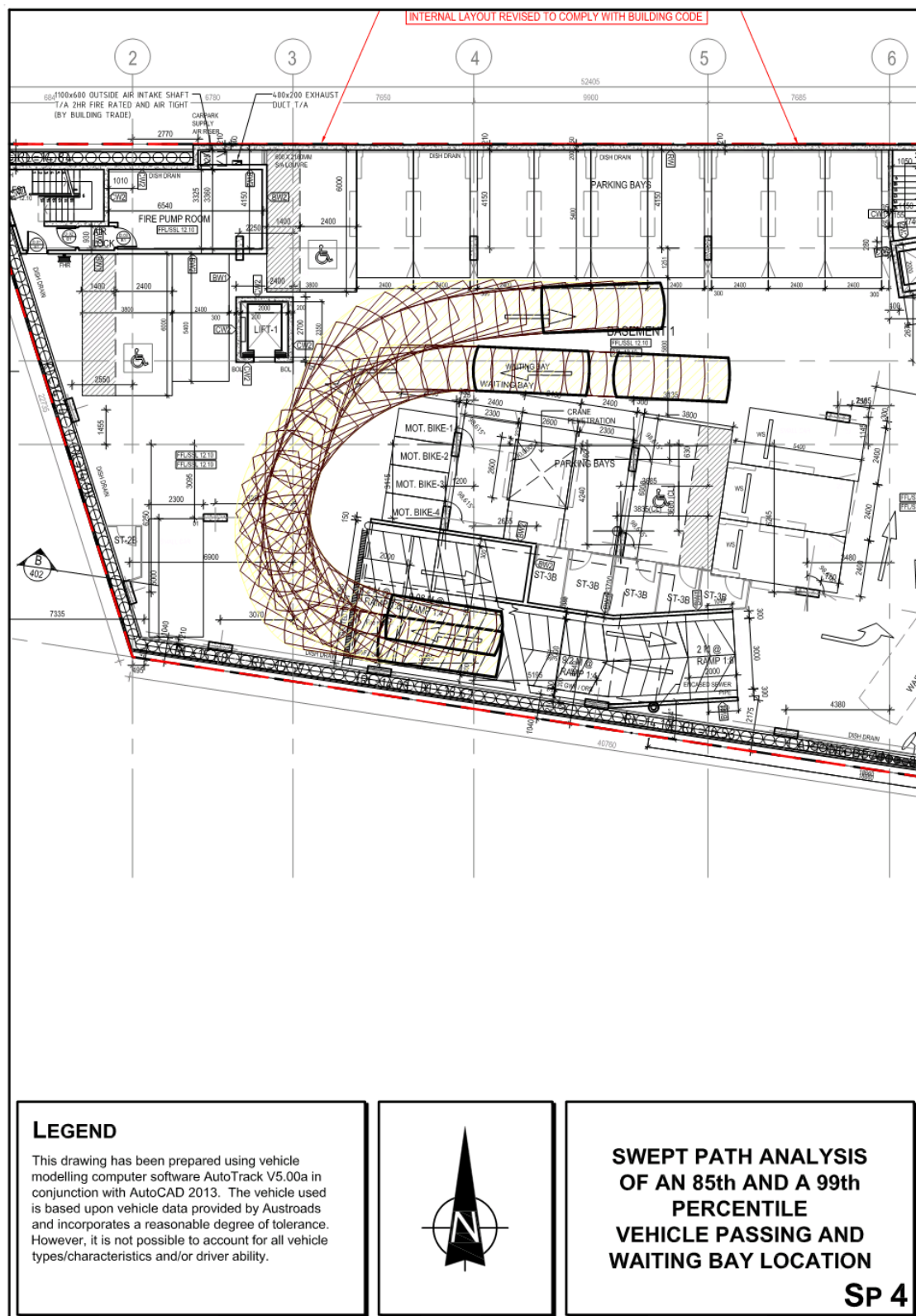
APPENDIX A

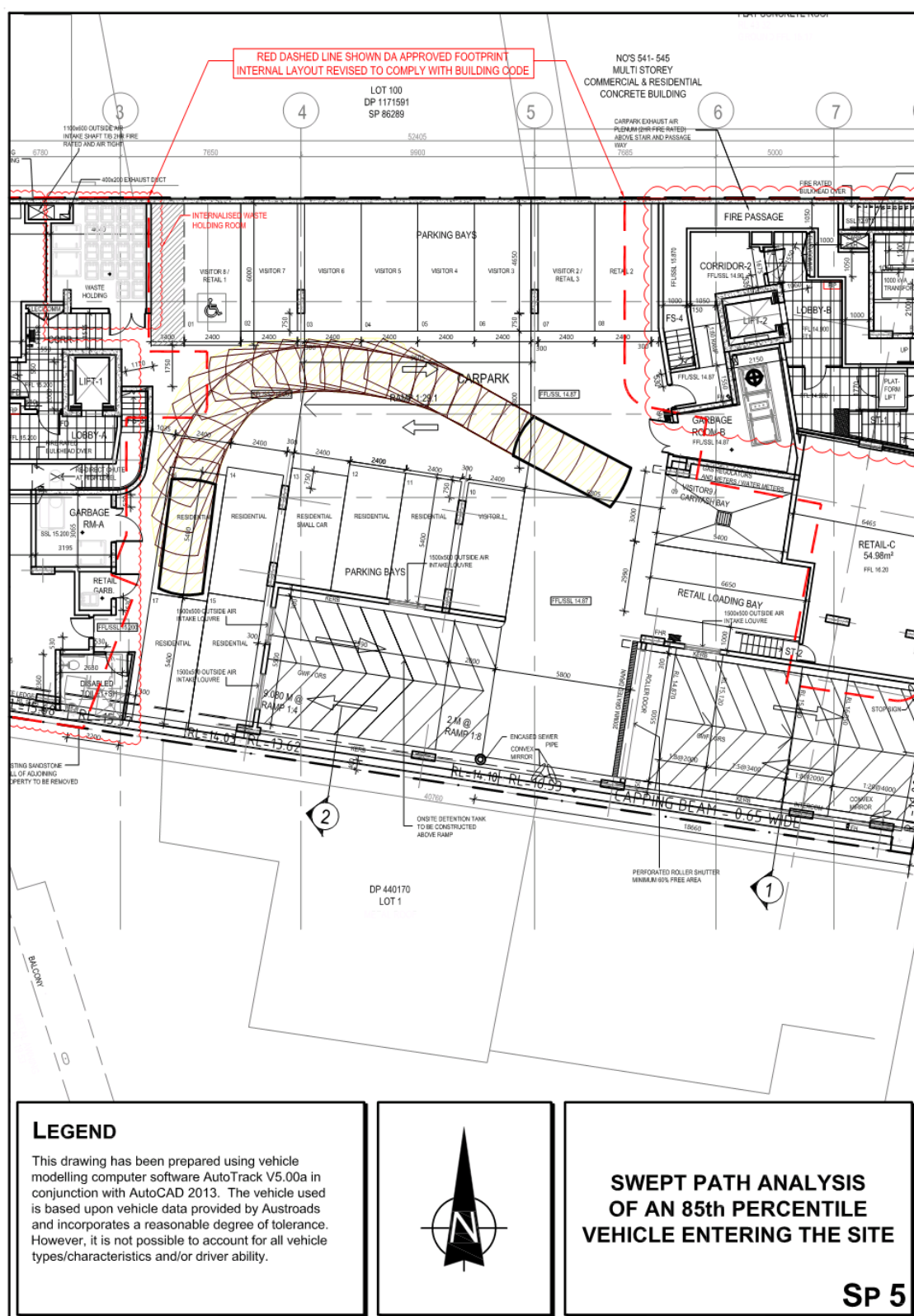
TURNING PATH ASSESSMENT



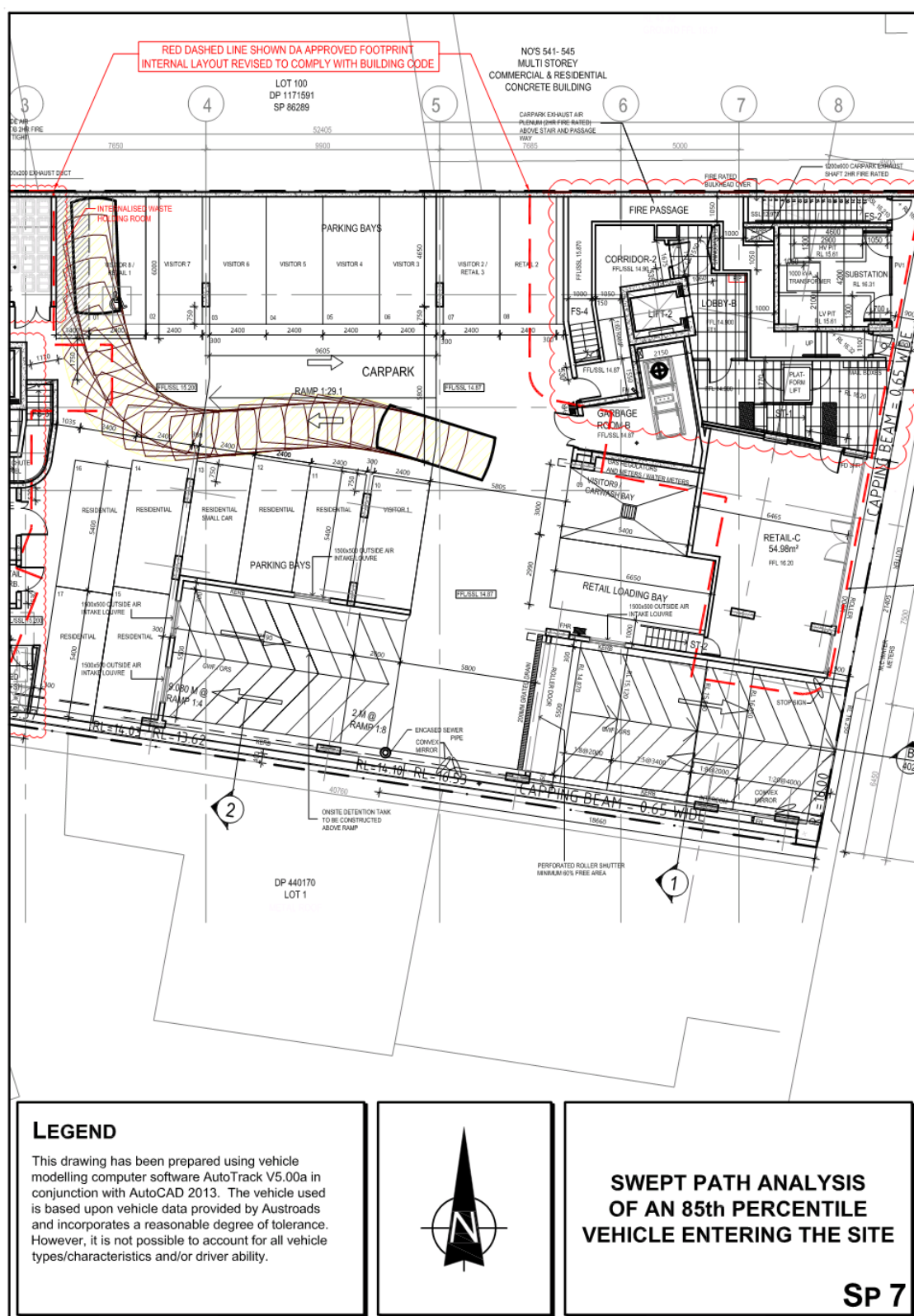


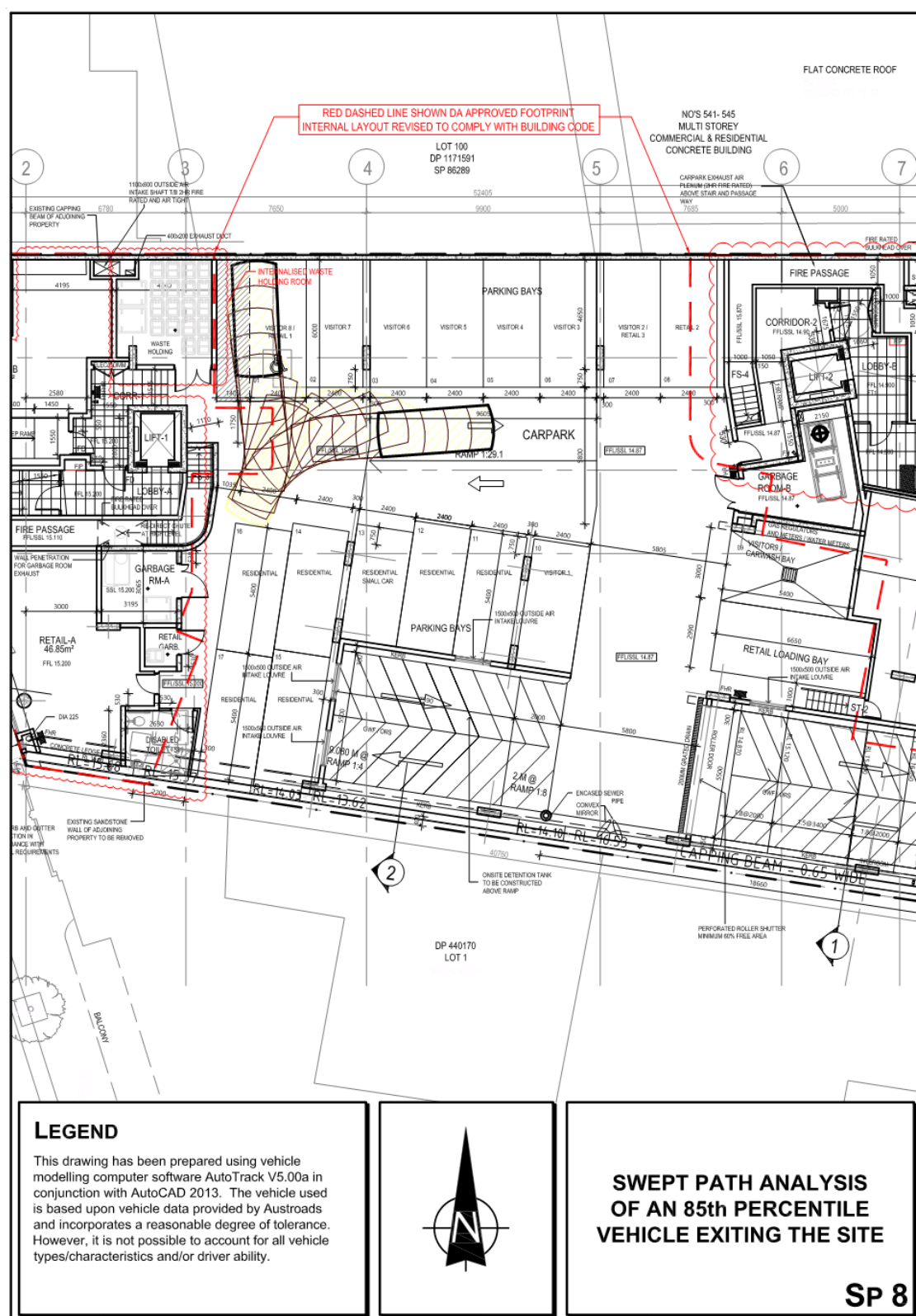




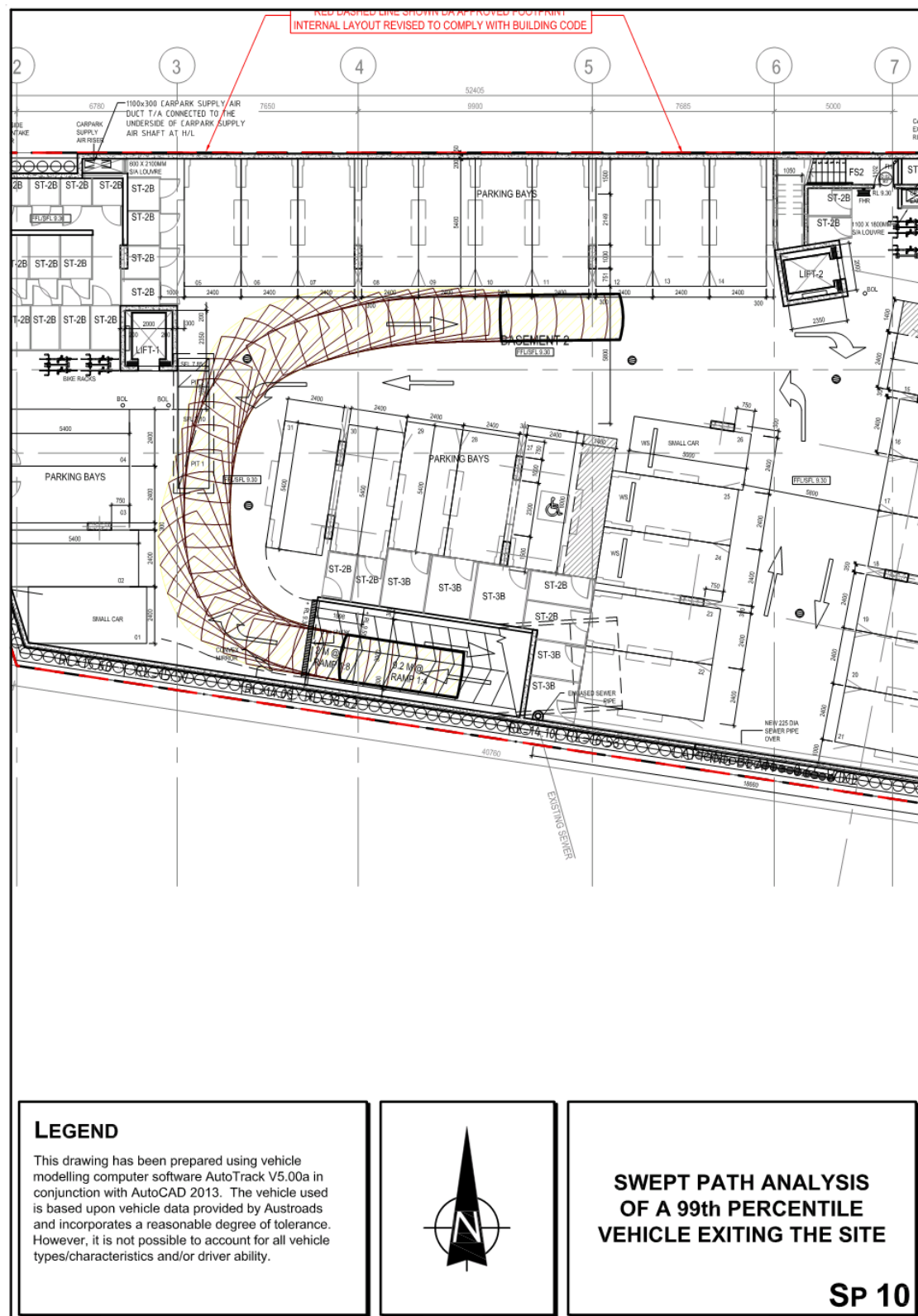


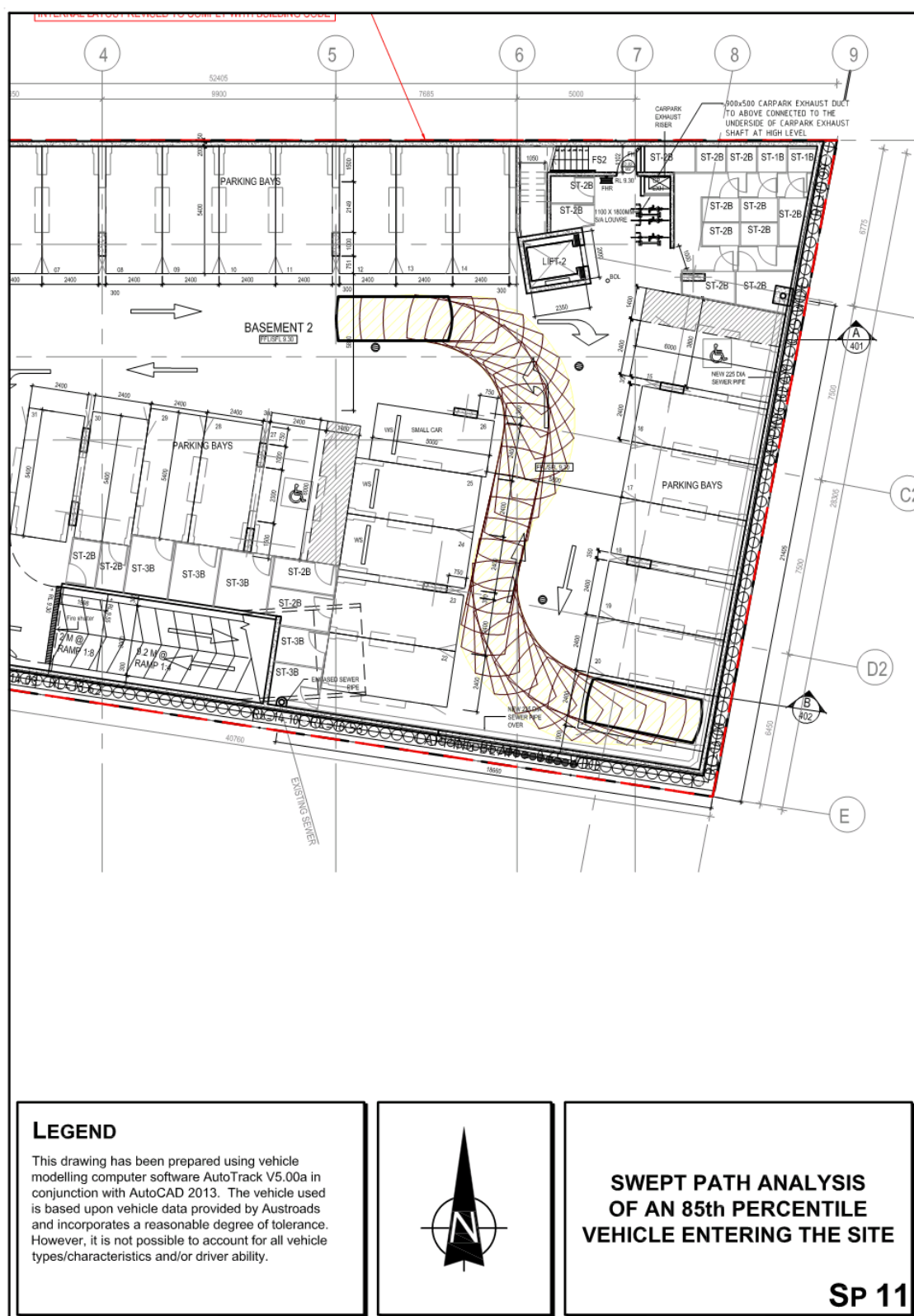


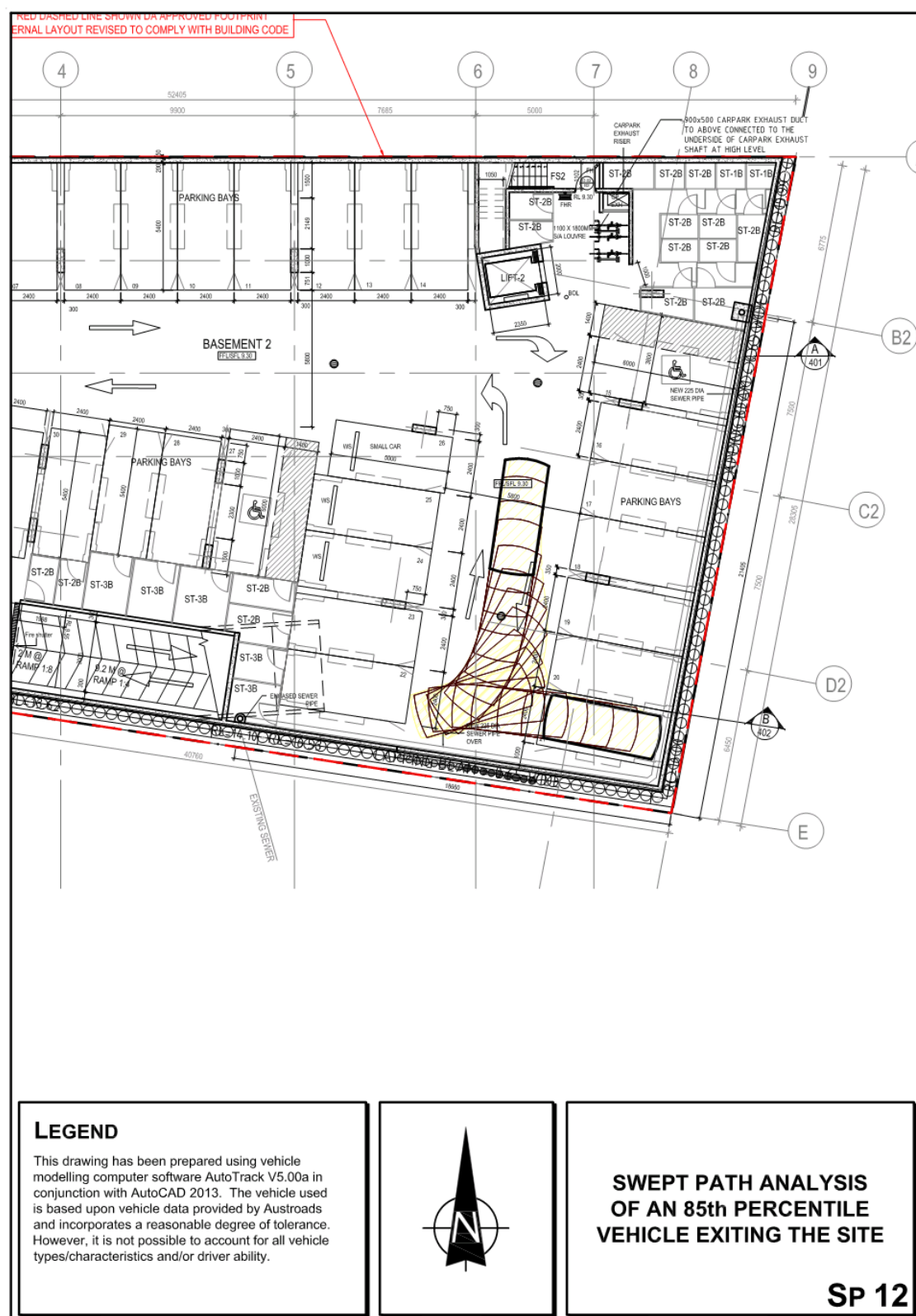


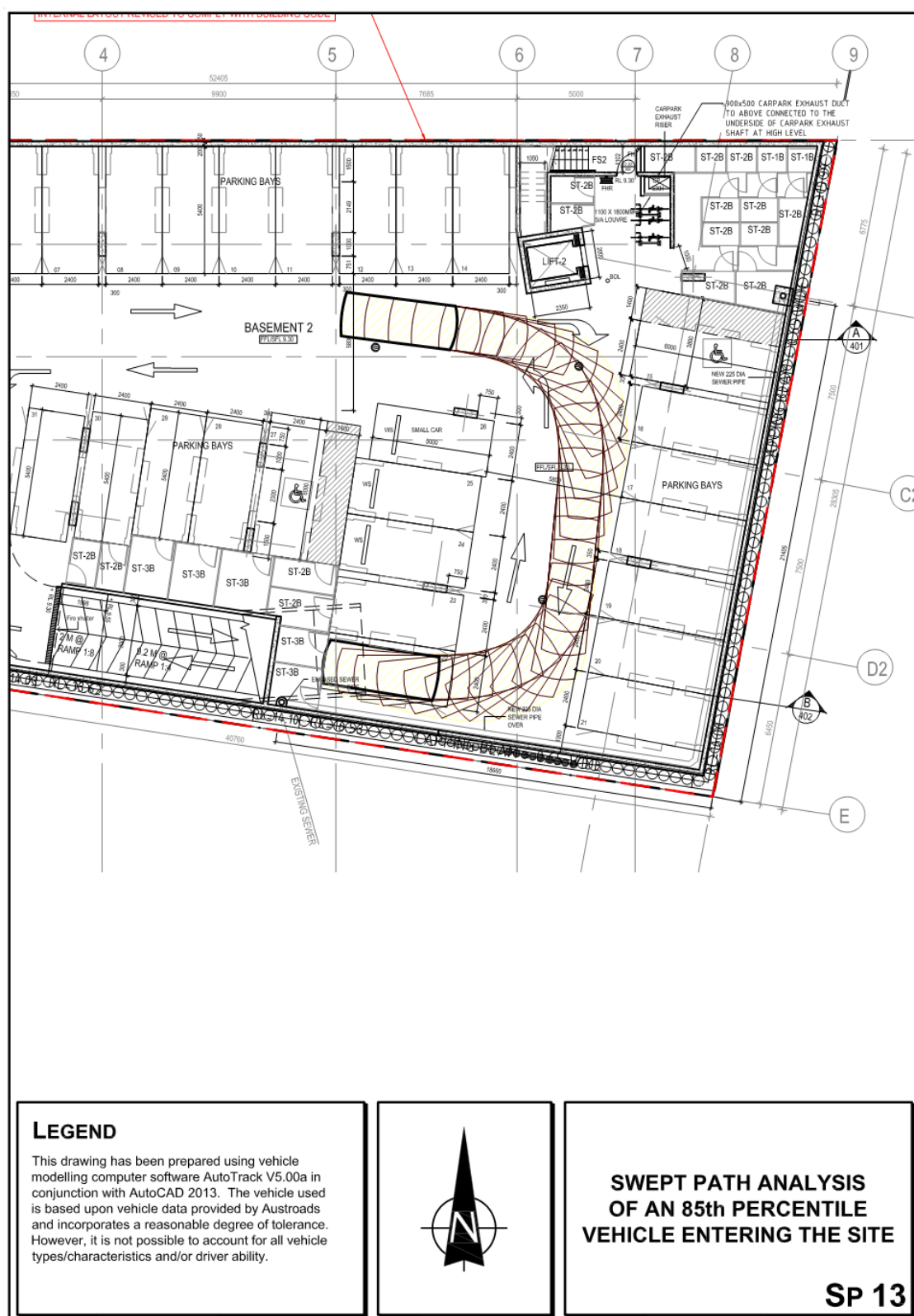


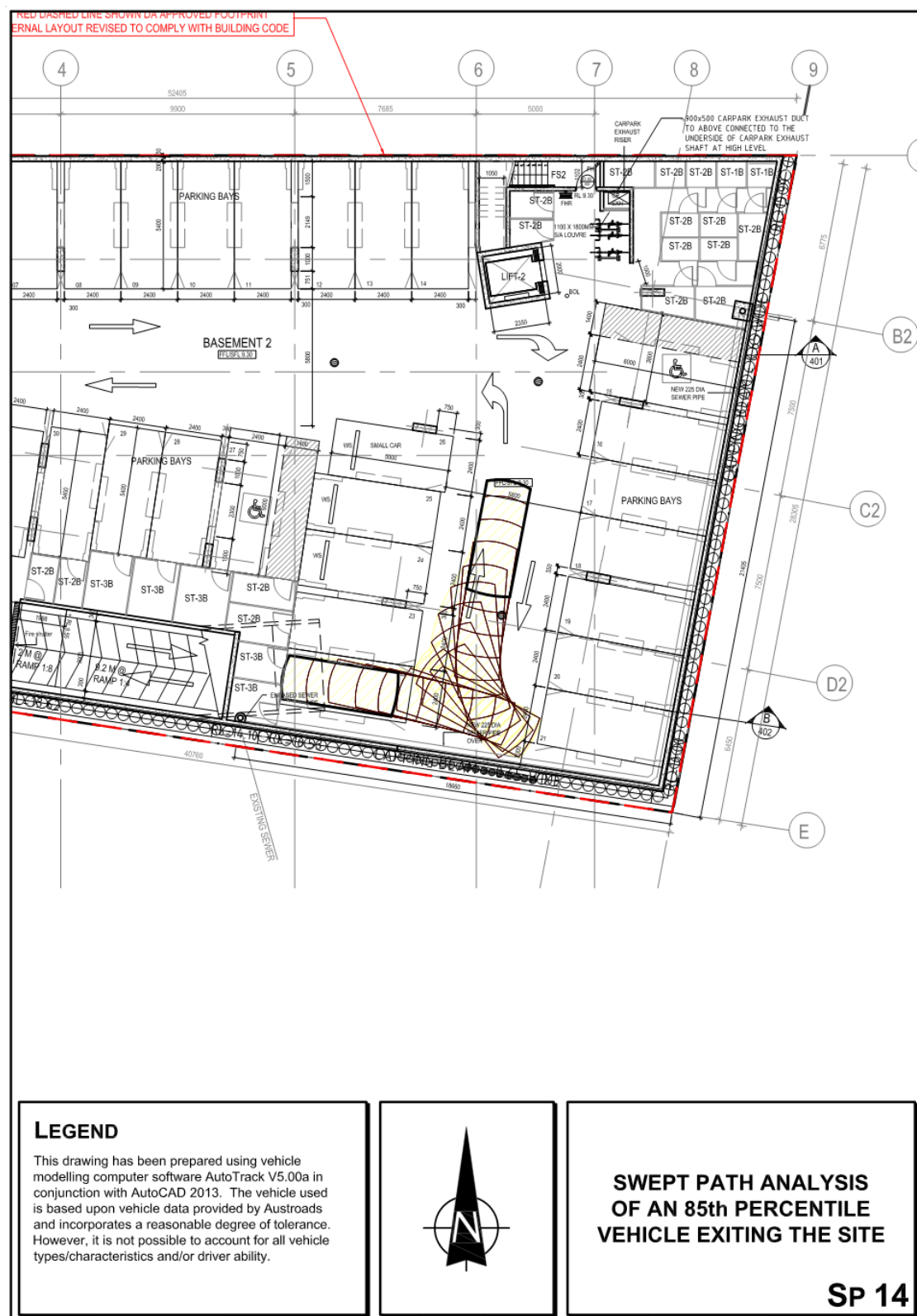














STATEMENT OF ENVIRONMENTAL EFFECTS

Section 4.55(1A) Application

533-539 Princes Highway
Rockdale

Prepared for: West Shanghai

REF 0064/18
28 August 2018





Contents

1. INTRODUCTION	3
2. SITE DESCRIPTION	3
3. DETAILS OF PROPOSED MODIFICATION	3
3.1 Modification to Approved Plans	3
3.2 Conditions of Consent to be Modified	6
4. STATUTORY AND POLICY COMPLIANCE	6
4.1 Section 4.55	6
4.2 Section 4.15 Assessment	7
4.3 Rockdale Local Environmental Plan 2011	11
4.4 Rockdale DCP 2011	11
4.5 Impact of Proposed Modification	11
4.5.1 Natural Environment	11
4.5.2 Built Environment	11
5. CONCLUSION	12

FIGURES

Figure 1 Approved Unit 607	4
Figure 2 Proposed Unit 607 (modification clouded blue)	4
Figure 3 Approved Level 7	5
Figure 4 Proposed Level 7 changes (blue hatched area indicates additional floor space)	6

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1. Introduction

We act for the applicant for a modification to an approved development at No. 533-539 Princes Highway, Rockdale under DA-2015/289/B. This Statement of Environmental Effects accompanies a Section 4.55(1A) application seeking to modify the balcony of Unit 607, replace Unit 705 (a 3 bedroom unit) with two x 2 bedroom units, and modify the layout of Unit 701.

Development consent was granted by the former Rockdale City Council on the 2 September 2015 for:

"Construction of a part 8 and part 9 storey mixed use development, comprising fifty five (55) residential units, three (3) commercial units, basement parking and demolition of existing structures."

A modification was approved by the former Rockdale City Council on 30 March 2016 to alter condition 27 relating to engaging the project architect to document the construction certificate.

A modification was approved by the Bayside Planning Panel on 26 June 2018 which made necessary adjustments to achieve compliance with the BCA and relevant Australian Standards, and to achieve greater efficiency in the use of floor plate areas within the approved building envelope.

The purpose of this Statement is to address the planning issues associated with the modified proposal and specifically to assess the likely impact of the development on the environment in accordance with the requirements of Sections 4.15 and 4.55 of the Environmental Planning & Assessment (EP&A) Act, 1979.

2. Site Description

The subject site is located on the western side of the Princes Highway to the south of the intersection of The Seven Ways and Bay Street. The site is known as Nos. 533-539 Princes Highway, Rockdale. It has a legal description of Lot 1 in DP436761 and Lot 18 in DP 659502. Construction of the approved development has commenced.

3. Details of Proposed Modification

3.1 MODIFICATION TO APPROVED PLANS

The proposed modifications relate to the approved building as follows:

- Level 6 – modification of the approved balcony to Unit 607 and subsequent reduction of the internal living area. This modification provides a variation to the relationship of the internal and external living areas and provides additional articulation to the façade at Level 6.



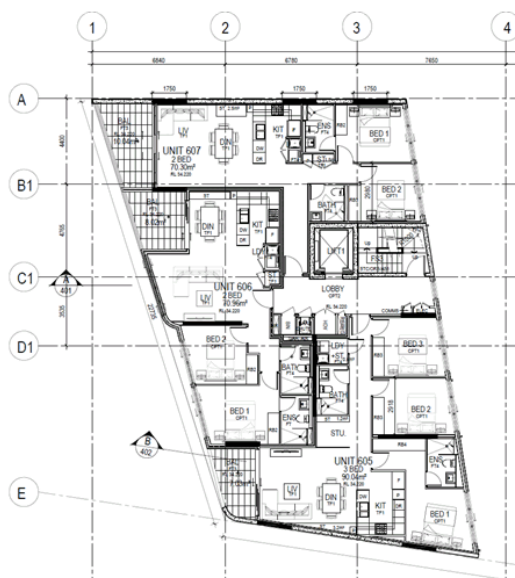


Figure 1 Approved Unit 607

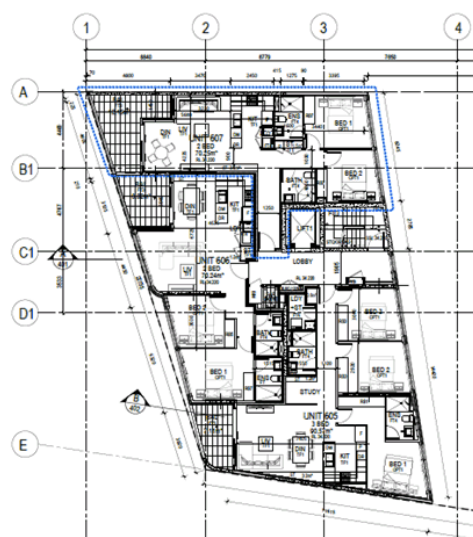


Figure 2 Proposed Unit 607 (modification clouded blue)

- Level 7:

- Replace Unit 705 (a 3 bedroom unit) with two x 2 bedroom units (Units 705 and 706) to provide additional unit yield without having an adverse impact on amenity between units or significant modification to the external appearance of the building. Between buildings, approved balconies are replaced with floor space containing a bedroom and a bathroom (Unit 706), a kitchen and living room (Unit 705). The eastern elevation will have additional bedroom and living room windows and doors to the approved terraces.
- Level 7 - modify the layout of Unit 701. The layout of the unit has been flipped to provide a balcony with an orientation to take advantage of the district views rather than an internal view of the opposite building.

The approved development has a floor space ratio (FSR) of 4,841m² (4.28:1). The modification approved by the Panel on 26 June 2018 reduced the FSR to 3.997:1 (4,524.2m²). The plans submitted with this application increase the FSR by 42.34m² to a total of 4,566.54m² with no changes to the external wall dimensions, floor plate sizes and setback, and shows a FSR of 4:1.

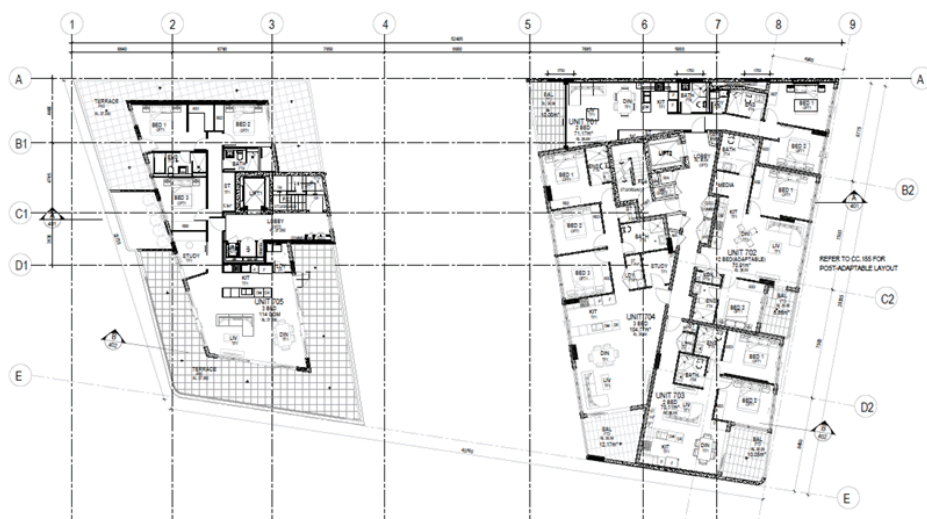


Figure 3 Approved Level 7

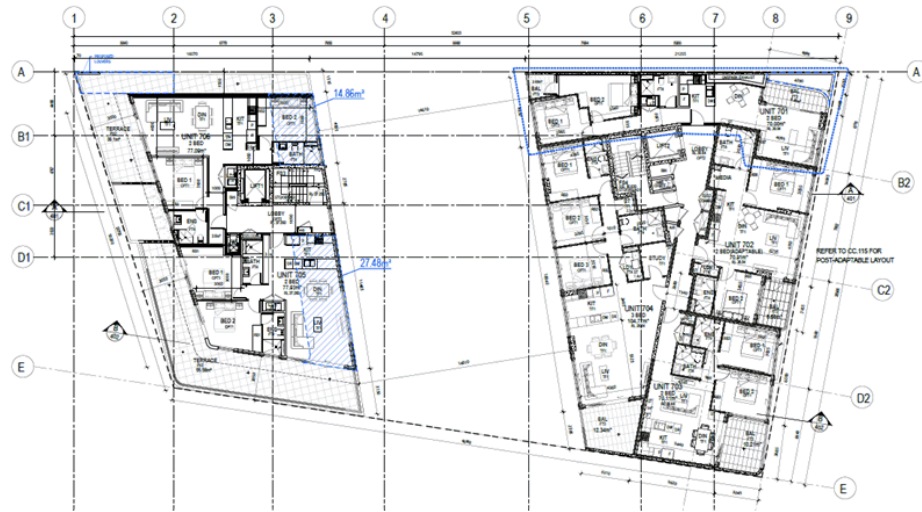


Figure 4 Proposed Level 7 changes (blue hatched area indicates additional floor space)

3.2 CONDITIONS OF CONSENT TO BE MODIFIED

Condition 1

The proposal necessitates the modification of consent condition number 1 of DA 2015/289/B to refer to plans prepared by Bechara Chan and Associates as lodged with this Section 4.55 application.

4. Statutory and Policy Compliance

4.1 SECTION 4.55

Section 4.55(1A) of the Environmental Planning & Assessment Act 1979 contains provisions relating to the modification of consent. Specifically, subclause (1) states the following:

" 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
- (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
- (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

(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.
Subsections (1), (2) and (5) do not apply to such a modification."

The general form of the building and the character and intensity of use is similar to that approved under DA-2015/289. The proposal does not require a new development application as the proposal is substantially the same as the originally approved development given that the proposal does not seek to alter the use or footprint of the building.

The visual appearance and relationship to the existing adjoining properties are similar to that approved under the original scheme. Furthermore, the proposed modification will have negligible environmental impacts as discussed in this Statement.

The proposed modifications will retain a similar building form and presentation when viewed from the site surroundings. The setbacks and commercial and residential land uses remain the same. The proposal will not alter the level of residential and commercial activity on the site and the general function of the building will remain consistent with the original approval, being a mixed use building. The footprint of the proposed building remains the same.

Given the above, it is evident that the proposal is substantially the same as the approved building both qualitatively and quantitatively. It is therefore considered that the proposed development will have minor environmental impacts on the locality and is appropriately categorised as a S.4.55(1A) application.

4.2 SECTION 4.15 ASSESSMENT

Section 4.55(3) requires consideration of Section 4.15(1)(a) of the EP&A Act, 1979 which is detailed as follows under the relevant subject headings.

SEPP Building Sustainability Index: BASIX 2004

SEPP (Building Sustainability Index: BASIX) 2004 commenced on 1 July 2004 an amended BASIX Certificate is provided with this application.

SEPP No. 65 – Design Quality of Residential Apartment Development

Part 2 of the Policy sets out 'Design Quality Principles' and Clause 30(2) requires the consent authority, in determining a development application to take into consideration the design quality of the residential apartment development when evaluated in accordance with these design quality principles.

The DA was assessed under the Residential Flat Design Code, which has been replaced with the Apartment Design Guide. The changes to the approved development have been assessed against the Apartment Design Guide and are provided in the following table, where it is demonstrated the proposed modification complies with the relevant provisions.

SEPP 65 APARTMENT DESIGN GUIDE (DESIGN CRITERIA) COMPLIANCE TABLE				
Clause Control	Requirement	Proposal		Complies ?
Communal and Public Open Space	Communal open space has a minimum area equal to 25% of the site (site area of 1,131.9m ² requires 282.97m ² of COS)	278m ² Unchanged from approval.	from DA	N/A

SEPP 65 APARTMENT DESIGN GUIDE (DESIGN CRITERIA) COMPLIANCE TABLE

Deep Soil Zones

Deep soil zones are to meet the following minimum requirements:

Site Area	Minimum Dimension	Deep Soil Zone (% of site area)
Above 1,500m ²	6m	7%

Unchanged from DA approval. Yes

Visual Privacy

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

Building Height	Habitable Rooms and Balconies	Non-habitable rooms
Up to 12m (4 storeys)	6m	3m
Up to 25m (5-8 storeys)	9m	4.5m

The proposed modifications retain the approved setbacks of the buildings and replace terraces with floor space on Level 7. Yes

Bicycle and Car Parking

For development in the following locations:

- on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or
- on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.

NA – DCP rates apply N/A

Unchanged from DA approval. 75 spaces as approved.

Solar Access and Daylight

Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas.

Unchanged from DA approval. Yes

SEPP 65 APARTMENT DESIGN GUIDE (DESIGN CRITERIA) COMPLIANCE TABLE

Natural Ventilation	At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.	Unchanged from DA approval.	Yes
Ceiling Height	Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line		
	Measured from finished floor level to finished ceiling level, minimum ceiling heights are:	Unchanged from DA approval.	
	<ul style="list-style-type: none"> Habitable Rooms – 2.7m Non-habitable rooms – 2.4m 2 storey apartments - 2.7m for main living area and 2.4m for second floor where its area does not exceeds 50% of the apartment area Attic Spaces - 1.8m at the edge of the room with a 30 degree minimum ceiling slope. If located in a mixed use area - 3.3m for ground and first floor to promote future flexibility 	All habitable rooms have 2.7m ceiling heights.	Yes
	These minimums do not preclude higher ceilings if desired.	Non-habitable rooms contain ceiling heights that are at least 2.4m	Yes
Apartment Layout	<p>Apartments are required to have the following minimum internal areas:</p> <p>Studio - 35m² 1 Bedroom - 50m² 2 Bedroom - 70m² 3 Bedroom - 90m²</p> <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each</p> <p>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.</p> <p>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms</p> <p>Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space)</p>	<p>Unit 607 is 70.25m² Unit 705 is 77.93m² Unit 706 is 77.09m²</p> <p>This additional area was not required when the DA was approved under the RFDC.</p> <p>N/A</p> <p>All windows meet the requirements of the BCA.</p> <p>The master bedrooms comply with these</p>	<p>Yes Yes Yes</p> <p>On merit</p> <p>N/A</p> <p>Yes</p> <p>Yes</p>

SEPP 65 APARTMENT DESIGN GUIDE (DESIGN CRITERIA) COMPLIANCE TABLE

Environmental Performance	Bedrooms have a minimum dimension of 3m (excluding wardrobe space)	requirements, refer to the plans for compliance. The bedrooms of proposed units comply with these requirements, refer to the plans for compliance.	Yes
	Living rooms or combined living/dining rooms have a minimum width of: 3.6m for studio and 1 bedroom apartments 4m for 2 and 3 bedroom apartments	The living areas of proposed units comply with these requirements, refer to the plans for compliance.	Yes
	The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts	The units have a minimum width of 4 metres, refer to the plans for compliance.	Yes
	Habitable room depths are limited to a maximum of 2.5 x the ceiling height	Refer to plans for compliance.	Yes
	In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.	Complies.	Yes
Open Space	All apartments are required to have primary balconies as follows: Studio - 4m ² 1 Bedroom - 8m ² (Minimum depth of 2m) 2 Bedroom - 10m ² (Minimum depth of 2m) 3 Bedroom - 12m ² (Minimum depth of 2.4m) The minimum balcony depth to be counted as contributing to the balcony area is 1m.	The balconies of Units 607, 705 and 706 exceed 2m in depth and are greater than 10m ² . Noted.	Yes -
Common Circulation Space	The maximum number of apartments off a circulation core on a single level is 8. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	Maximum of 8 dwellings off a single circulation space. N/A	Yes
Storage	In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: <ul style="list-style-type: none">• Studio - 4m²• 1 Bedroom - 6m²• 2 Bedroom - 8m²• 3 Bedroom - 10m²	Required storage is provided within the basement and within Units 607, 705 and 706 as indicated on the submitted plans.	Yes

SEPP 65 APARTMENT DESIGN GUIDE (DESIGN CRITERIA) COMPLIANCE TABLE

	At least 50% of the required storage is to be located within the apartment
--	--

4.3 ROCKDALE LOCAL ENVIRONMENTAL PLAN 2011

Under Rockdale Local Environmental Plan (LEP) 2011, the subject site is within the B2 Local Centre zone. The objectives of the B2 zone are:

- "
- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
 - To encourage employment opportunities in accessible locations.
 - To maximise public transport patronage and encourage walking and cycling.
 - To accommodate population growth through high density mixed use development that complements the role of retail, commercial, civic and cultural premises in the Rockdale town centre.
 - To create a lively Rockdale town centre with an amenable and pedestrian focused public domain activated by building uses that engage with the street."

The modified development continues to meet the objectives of the zone by providing high-quality residential accommodation and ground floor commercial space on a site well serviced by public transport. The consolidation of four lots of land is considered to be an orderly and economic redevelopment pattern.

There are no further provisions of the LEP that require consideration as part of this modification application.

4.4 ROCKDALE DCP 2011

The original application was assessed and approved under the Rockdale DCP 2011. The modification is comparable to that originally approved in terms of performance with the relevant controls. There are no further provisions of the DCP that require consideration as part of this modification application.

4.5 IMPACT OF PROPOSED MODIFICATION

4.5.1 Natural Environment

The proposal does not give rise to any additional environmental impacts beyond that considered and approved as part of the original application. The proposal will maintain compliance with the approved conditions of consent that are imposed to minimise all environmental impacts during construction and upon completion of the development. In light of the above, there are no significant or adverse environmental impacts resulting from the proposed modification of the approved development.

4.5.2 Built Environment

In terms of the relationship of the proposal to the adjoining properties, there is no change to the approved building setbacks, external wall heights, landscaped area, vehicle and pedestrian access points. The proposed modifications will improve amenity for residents and maintains the approved separation to the adjoining properties and will not give rise to any view, privacy, or solar access impacts and will maintain the approved building footprint.



Planning Ingenuity Pty Ltd

Statement of environmental effects
REF 0064/18

11



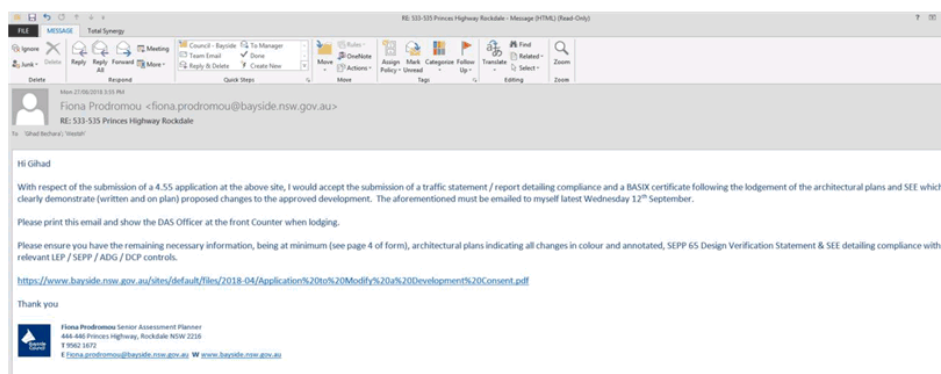
Accordingly, the modification to the existing development will have no adverse impact on the built and natural environment as outlined above.

5. Conclusion

The proposed modification will result in a development that is substantially the same as the approved mixed use building development under DA 2015/289. The modification will not generate any additional amenity impacts on neighbouring properties beyond the approved development, or result in any significant building form changes or visual impacts.

The application seeks to modify the balcony of Unit 607, replace Unit 705 (a 3 bedroom unit) with two x 2 bedroom units, and modify the layout of Unit 701. The proposal is consistent with the approval in terms of the relevant ADG, LEP and DCP controls and is worthy of Council's support.







Residential Flat Design Code

The Residential Flat Design Code provides additional detail for applying the design quality principles contained in SEPP 65. An assessment has been undertaken of the proposed development in relation to the Residential Flat Design Code, as detailed below.

		Objective	Design Criteria	Compliance
PART 3 – SITING THE DEVELOPMENT	3A - Site Analysis	3A – 1 Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context		N/A The proposal is for a modification to existing.
		3B – 1 Building types and layouts respond to the streetscape and site while optimising solar access within the development		Yes – The building maintains a reasonable solar access to the proposed dwellings and adjoining neighbours
	3B - Orientation	3B – 2 Overshadowing of neighbouring properties is minimised during mid- winter		N/A
		3C – 1 Transition between private and public domain is achieved without compromising safety and security		Yes – In addition a coffee shop is proposed on the ground floor to increase transition and maintain existing use.
	3C - Public Domain Interface	3C – 2 Amenity of the public domain is retained and enhanced		Yes



		Objective	Design Criteria	Compliance											
PART 3 – SITING THE DEVELOPMENT (Cont.)	3D - Communal and Public Open Space	3D – 1 An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping	1. Communal open space has a minimum area equal to 25% of the site 2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9am and 3pm on 21 June	N/A											
		3D – 2 Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting		N/A											
		3D – 3 Communal open space is designed to maximise safety	Good design achieves a built form that has good proportions and a balanced composition of elements,reflecting the internal lay	N/A											
		3D – 4 Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood		N/A											
	3E - Deep Soil Zones	3E – 1 Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality	Deep soil zones are to meet the following minimum requirements: <table><tr><th>Site area</th><th>Minimum dimensions</th><th>Deep soil zone (% of site area)</th></tr><tr><td>less than 650m²</td><td>-</td><td rowspan="4">7%</td></tr><tr><td>650m² - 1,500m²</td><td>3m</td></tr><tr><td>greater than 1,500m²</td><td>6m</td></tr><tr><td>greater than 1,500m² with significant existing tree cover</td><td>6m</td></tr></table>	Site area	Minimum dimensions	Deep soil zone (% of site area)	less than 650m ²	-	7%	650m ² - 1,500m ²	3m	greater than 1,500m ²	6m	greater than 1,500m ² with significant existing tree cover	6m
Site area	Minimum dimensions	Deep soil zone (% of site area)													
less than 650m ²	-	7%													
650m ² - 1,500m ²	3m														
greater than 1,500m ²	6m														
greater than 1,500m ² with significant existing tree cover	6m														



		Objective	Design Criteria	Compliance												
PART 3 – SITING THE DEVELOPMENT (Cont.)	3F - Visual Privacy	3F – 1 Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy	Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and <table><tr><th>Building height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr><tr><td>up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr><tr><td>up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr><tr><td>over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr></table>	Building height	Habitable rooms and balconies	Non-habitable rooms	up to 12m (4 storeys)	6m	3m	up to 25m (5-8 storeys)	9m	4.5m	over 25m (9+ storeys)	12m	6m	Yes – The proposal is not reducing the existing separation.
		Building height	Habitable rooms and balconies	Non-habitable rooms												
	up to 12m (4 storeys)	6m	3m													
	up to 25m (5-8 storeys)	9m	4.5m													
	over 25m (9+ storeys)	12m	6m													
	3F – 2 Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space.		Yes - The proposal is not effecting Privacy/shadow devices were incorporated into the design.													
3G - Pedestrian Access and Entries	3G – 1 Building entries and pedestrian access connects to and addresses the public domain		Yes. The proposal is not altering Building entries and pedestrian access.													
	3G – 2 Access, entries and pathways are accessible and easy to identify		Yes – The proposal is not altering Building entries and pedestrian access.													
	3G – 3 Large sites provide pedestrian links for access to streets and connection to destinations		N/A.													
3H - Vehicle Access	3H – 1 Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes		N/A													



		Objective	Design Criteria	Compliance
PART 3 – SITING THE DEVELOPMENT (Cont.)	3J - Bicycle and Car Parking	3J – 1 Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas.	For development in the following locations: - on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or - on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less. The car parking needs for a development must be provided off street	N/A
		3J – 2 BParking and facilities are provided for other modes of transport		N/A
		3J – 3 Car park design and access is safe and secure		N/A.
		3J – 4 Visual and environmental impacts of underground car parking are minimised		N/A
		3J – 5 Visual and environmental impacts of on-grade car parking are minimised		N/A
		3J – 6 Visual and environmental impacts of above ground enclosed car parking are minimised		N/A



		Objective	Design Criteria	Compliance
PART 4 – DESIGNING THE BUILDING -Amenity	4A - Solar and Daylight Access	4A – 1 To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space	1. Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas 2. In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid-winter 3. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter	Yes - The extension of the apartments towards east and west provides better opportunity to receive more of direct sun light from North.
		4A – 2 Daylight access is maximised where sunlight is limited		Yes.
		4A – 3 Design incorporates shading and glare control, particularly for warmer months		N/A
	4B - Natural Ventilation	4B – 1 All habitable rooms are naturally ventilated		Yes - (Modified apartments)
		4B – 2 The layout and design of single aspect apartments maximises natural ventilation		N/A
		4B – 3 The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents.	1. At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed 2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line	Yes - 100% of modified units are naturally ventilated.



PART 4 – DESIGNING THE BUILDING -Amenity		Objective	Design Criteria	Compliance											
4C - Ceiling heights	4C – 1 Ceiling height achieves sufficient natural ventilation and daylight access	Measured from finished floor level to finished ceiling level, minimum ceiling heights are: <table><tr><th colspan="2">Minimum ceiling height for apartment and mixed use buildings</th></tr><tr><td>Habitable rooms</td><td>2.7m</td></tr><tr><td>Non-habitable</td><td>2.4m</td></tr><tr><td>For 2 storey apartments</td><td>2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area</td></tr><tr><td>Attic spaces</td><td>1.8m at edge of room with a 30 degree minimum ceiling slope</td></tr><tr><td>If located in mixed used areas</td><td>3.3m for ground and first floor to promote future flexibility of use</td></tr></table>	Minimum ceiling height for apartment and mixed use buildings		Habitable rooms	2.7m	Non-habitable	2.4m	For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area	Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope	If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use	Yes -
	Minimum ceiling height for apartment and mixed use buildings														
	Habitable rooms	2.7m													
Non-habitable	2.4m														
For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area														
Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope														
If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use														
	4C – 2 Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms		Yes.												
	4C – 3 Ceiling heights contribute to the flexibility of building use over the life of the building		Yes.												
4D - Apartment size and layout	4D – 1 The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity	1. Apartments are required to have the following minimum internal areas: <table><tr><th>Apartment type</th><th>Minimum internal area</th></tr><tr><td>Studio</td><td>35m²</td></tr><tr><td>1 bedroom</td><td>50m²</td></tr><tr><td>2 bedroom</td><td>70m²</td></tr><tr><td>3 bedroom</td><td>90m²</td></tr></table> <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each 2. Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms</p>	Apartment type	Minimum internal area	Studio	35m²	1 bedroom	50m²	2 bedroom	70m²	3 bedroom	90m²	Yes -		
Apartment type	Minimum internal area														
Studio	35m²														
1 bedroom	50m²														
2 bedroom	70m²														
3 bedroom	90m²														



		Objective	Design Criteria	Compliance														
PART 4 – DESIGNING THE BUILDING -Amenity	4D - Apartment size and layout (Cont.)	4D – 2 Environmental performance of the apartment is maximised	1. Habitable room depths are limited to a maximum of 2.5 x the ceiling height 2. In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window	Yes - Refer to Floor Plans.														
		4D – 3 Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms	1. Master bedrooms have a minimum area of 10m2 and other bedrooms 9m2 (excluding ward-robe space) 2. Bedrooms have a minimum dimension of 3m (excluding ward-robe space) 3. Living rooms or combined living/dining rooms have a minimum width of: - 3.6m for studio and 1 bedroom apartments - 4m for 2 and 3 bedroom apartments 4. The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts	Yes – Refer to Floor Plans.														
	4E - Private Open Space and Balconies	4E – 1 The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity	1. All apartments are required to have primary balconies as follows: <table><tr><th>Dwelling type</th><th>Minimum area</th><th>Minimum depth</th></tr><tr><td>Studio apartments</td><td>4m²</td><td>-</td></tr><tr><td>1 bedroom apartments</td><td>8m²</td><td>2m</td></tr><tr><td>2 bedroom apartments</td><td>10m²</td><td>2m</td></tr><tr><td>3+ bedroom apartments</td><td>12m²</td><td>2.4m</td></tr></table> <p>The minimum balcony depth to be counted as contributing to the balcony area is 1m</p> <p>2. For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m2 and a minimum depth of 3m</p>	Dwelling type	Minimum area	Minimum depth	Studio apartments	4m²	-	1 bedroom apartments	8m²	2m	2 bedroom apartments	10m²	2m	3+ bedroom apartments	12m²	2.4m
Dwelling type	Minimum area	Minimum depth																
Studio apartments	4m²	-																
1 bedroom apartments	8m²	2m																
2 bedroom apartments	10m²	2m																
3+ bedroom apartments	12m²	2.4m																



	Objective	Design Criteria	Compliance
PART 4 – DESIGNING THE BUILDING -Amenity	4E – 2 Primary private open space and balconies are appropriately located to enhance liveability for residents		Yes.
	4E – 3 Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building		Yes.
	4E – 4 Private open space and balcony design maximises safety		Yes.
	4F – 1 Common circulation spaces achieve good amenity and properly service the number of apartments	1. The maximum number of apartments off a circulation core on a single level is eight 2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40	N/A
	4F – 2 Common circulation spaces promote safety and provide for social interaction between residents		N/A



		Objective	Design Criteria	Compliance
PART 4 – DESIGNING THE BUILDING -Configuration	4K - Apartment Mix	4K – 1 A range of apartment types and sizes is provided to cater for different household types now and into the future		N/A
		4K – 2 The apartment mix is distributed to suitable locations within the building.		N/A
	4L -Ground Floor Apartments	4L – 1 Street frontage activity is maximised where ground floor apartments are located		N/A
		4L – 2 Design of ground floor apartments delivers amenity and safety for residents		N/A
	4M -Facades	4M – 1 Building facades provide visual interest along the street while respecting the character of the local area		N/A
		4M – 2 Building facades provide visual interest along the street while respecting the character of the local area		N/A



		Objective	Design Criteria	Compliance
PART 4 – DESIGNING THE BUILDING -Configuration	4N -Roof Design	4N – 1 Roof treatments are integrated into the building design and positively respond to the street		Yes.
		4N – 2 Opportunities to use roof space for residential accommodation and open space are maximised		N/A
		4N – 3 Roof design incorporates sustainability features		Yes.
	4O -Landscape Design	4O – 1 Landscape design is viable and sustainable		N/A
		4O – 2 Landscape design contributes to the streetscape and amenity		N/A
	4P -Planting on structures	4P – 1 Appropriate soil profiles are provided		N/A
		4P – 2 Plant growth is optimised with appropriate selection and maintenance		N/A
		4P – 3 Planting on structures contributes to the quality and amenity of communal and public open spaces		N/A



		Objective	Design Criteria	Compliance
PART 4 – DESIGNING THE BUILDING -Configuration	4Q -Universal Design	4Q – 1 Universal design features are included in apartment design to promote flexible housing for all community members		Yes. (Modified Apartments)
		4Q – 2 A variety of apartments with adaptable designs are provided		Yes. (Modified Apartments)
		4Q – 3 Apartment layouts are flexible and accommodate a range of lifestyle needs		Yes. (Modified Apartments)
	4R -Adaptive Reuse	4R – 1 New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place		Yes
		4R – 2 Adapted buildings provide residential amenity while not precluding future adaptive reuse		Yes
	4S -Adaptive Reuse	4S – 1 Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement		N/A
		4S – 2 Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents		N/A



		Objective	Design Criteria	Compliance
PART 4 – DESIGNING THE BUILDING -Configuration	4T -Awnings and signage	4T – 1 Awnings are well located and complement and integrate with the building design		N/A
		4T – 2 Signage responds to the context and desired streetscape character		N/A
	4U -Energy Efficiency	4U – 1 Development incorporates passive environmental design		N/A
		4U – 2 Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer		N/A
		4U – 3 Adequate natural ventilation minimises the need for mechanical ventilation		Yes - 100% modified units are naturally ventilated.
	4V -Water Management and Conservation	4V – 1 Potable water use is minimised		N/A
		4V – 2 Urban stormwater is treated on site before being discharged to receiving waters		N/A
		4V – 3 Flood management systems are integrated into site design		N/A



		Objective	Design Criteria	Compliance
PART 4 – DESIGNING THE BUILDING -Configuration	4W -Waste Management	4W – 1 Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents		N/A
		4W – 2 Domestic waste is minimised by providing safe and convenient source separation and recycling		N/A
	4X -Building Maintenance	4X – 1 Building design detail provides protection from weathering		N/A
		4X – 2 Systems and access enable ease of maintenance		N/A
		4X – 3 Material selection reduces ongoing maintenance costs		N/A
CONCLUSION	4X -Building Maintenance			



CONCLUSION	Conclusion	It is considered the proposal demonstrates compliance with the design principles of both SEPP 65 and the Apartment Design Guide. It is an appropriate response to its context and will make a quality aesthetic contribution to the existing streetscape.
	Design Verification Statement	<p>In conclusion, I, Ezzat Zadeh, verify that as a Registered Architect with the NSW Architects Registration Board (Registration No.3552).</p> <p>I am nominated architect for Bechara Chan & Associates and have participated in the design and development of this project. I certify that the design has been developed in accordance with the ten design principles outlined above.</p> <p>In conclusion, we believe the proposed development satisfies the matters under Section 79C of the Environmental Planning and Assessment Act, 1979 and is generally in accordance with the general guidelines and recommendations contained in Council's code and general planning policies. As demonstrated in the Statement of Environmental Effects, prepared by Merson Pty. Ltd., the proposal will not result in adverse environmental impacts to nearby streetscapes, external appearance of the building or on the amenity of nearby residents and is viewed as a positive contribution to the current location.</p>

Ezzat Zadeh

28 August 2018

BASIX[®]Certificate

Building Sustainability Index www.basix.nsw.gov.au

Multi Dwelling

Certificate number: 584079M_05

This certificate confirms that the proposed development will meet the NSW government's requirements for sustainability, if it is built in accordance with the commitments set out below. Terms used in this certificate, or in the commitments, have the meaning given by the document entitled "BASIX Definitions" dated 06/10/2017 published by the Department. This document is available at www.basix.nsw.gov.au

This certificate is a revision of certificate number 584079M lodged with the consent authority or certifier on 10 February 2015 with application DA-2015/289.

It is the responsibility of the applicant to verify with the consent authority that the original, or any revised certificate, complies with the requirements of Schedule 1 Clause 2A, 4A or 6A of the Environmental Planning and Assessment Regulation 2000

Secretary

Date of issue: Wednesday, 19 September 2018

To be valid, this certificate must be lodged within 3 months of the date of issue.



Project summary		
Project name	Project @ 533 - 535, 537 - 539 Princ_05	
Street address	537-539 Princes Highway Rockdale 2216	
Local Government Area	Rockdale City Council	
Plan type and plan number	deposited 436761	
Lot no.	1	
Section no.	-	
No. of residential flat buildings	2	
No. of units in residential flat buildings	56	
No. of multi-dwelling houses	0	
No. of single dwelling houses	0	
Project score		
Water	✓ 41	Target 40
Thermal Comfort	✓ Pass	Target Pass
Energy	✓ 24	Target 20

Certificate Prepared by	
Name / Company Name:	Outsource Ideas P/L
ABN (if applicable):	12 130 092 661

Description of project

Project address

Project name	Project @ 533 - 535, 537 - 539 Princ_05
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Lot no.	1
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Project type

No. of residential flat buildings	2
No. of units in residential flat buildings	56
No. of multi-dwelling houses	0
No. of single dwelling houses	0

Site details

Site area (m²)	1131.90
Roof area (m²)	900
Non-residential floor area (m²)	152.92
Residential car spaces	65
Non-residential car spaces	10

Common area landscape

Common area lawn (m²)	0.0
Common area garden (m²)	130.0
Area of indigenous or low water use species (m²)	130.0

Assessor details

Assessor number	BDAV/13/1521
Certificate number	15210108
Climate zone	56

Project score

Water	✓ 41	Target 40
Thermal Comfort	✓ Pass	Target Pass
Energy	✓ 24	Target 20

Description of project

The tables below describe the dwellings and common areas within the project

Residential flat buildings - West Building, 36 dwellings, 8 storeys above ground

Dwelling no.	No. of bedrooms	Conditioned floor area (m ²)	Unconditioned floor area (m ²)	Area of garden & lawn (m ²)	Indigenous species (min area m ²)
U 101	2	72.01	0.0	0.0	0.0
U 201	2	71.37	0.0	0.0	0.0
U 205	1	50.0	0.0	0.0	0.0
U 304	1	50.0	0.0	0.0	0.0
U 403	2	70.16	0.0	0.0	0.0
U 502	2	70.91	0.0	0.0	0.0
U 601	2	72.06	0.0	0.0	0.0
U 701	2	70.0	0.0	0.0	0.0
U 801	2	70.0	0.0	0.0	0.0

Dwelling no.	No. of bedrooms	Conditioned floor area (m ²)	Unconditioned floor area (m ²)	Area of garden & lawn (m ²)	Indigenous species (min area m ²)
U 102	1	50.0	0.0	0.0	0.0
U 202	2	70.91	0.0	0.0	0.0
U 301	2	72.06	0.0	0.0	0.0
U 305	1	50.0	0.0	0.0	0.0
U 404	1	50.0	0.0	0.0	0.0
U 503	2	70.16	0.0	0.0	0.0
U 602	2	70.91	0.0	0.0	0.0
U 702	2	70.91	0.0	0.0	0.0
U 802	2	70.91	0.0	0.0	0.0

Dwelling no.	No. of bedrooms	Conditioned floor area (m ²)	Unconditioned floor area (m ²)	Area of garden & lawn (m ²)	Indigenous species (min area m ²)
U 103	1	51.13	0.0	0.0	0.0
U 203	2	70.0	0.0	0.0	0.0
U 302	2	70.91	0.0	0.0	0.0
U 401	2	72.06	0.0	0.0	0.0
U 405	1	50.0	0.0	0.0	0.0
U 504	1	50.0	0.0	0.0	0.0
U 603	2	70.11	0.0	0.0	0.0
U 703	2	70.11	0.0	0.0	0.0
U 803	2	72.0	0.0	0.0	0.0

Dwelling no.	No. of bedrooms	Conditioned floor area (m ²)	Unconditioned floor area (m ²)	Area of garden & lawn (m ²)	Indigenous species (min area m ²)
U 104	2	70.0	0.0	0.0	0.0
U 204	1	50.0	0.0	0.0	0.0
U 303	2	70.16	0.0	0.0	0.0
U 402	2	70.91	0.0	0.0	0.0
U 501	2	72.06	0.0	0.0	0.0
U 505	1	50.0	0.0	0.0	0.0
U 604	3	107.77	0.0	0.0	0.0
U 704	3	104.77	0.0	0.0	0.0
U 804	3	107.44	0.0	0.0	0.0

Residential flat buildings - East Building, 20 dwellings, 8 storeys above ground

Dwelling no.	No. of bedrooms	Conditioned floor area (m ²)	Unconditioned floor area (m ²)	Area of garden & lawn (m ²)	Indigenous species (min area m ²)
U105	3	90.0	0.0	0.0	0.0
U207	2	70.29	0.0	0.0	0.0
U308	2	70.93	0.0	0.0	0.0
U506	2	90.57	0.0	0.0	0.0
U606	2	70.74	0.0	0.0	0.0

Dwelling no.	No. of bedrooms	Conditioned floor area (m ²)	Unconditioned floor area (m ²)	Area of garden & lawn (m ²)	Indigenous species (min area m ²)
U106	2	70.0	0.0	0.0	0.0
U208	2	70.3	0.0	0.0	0.0
U406	3	90.57	0.0	0.0	0.0
U507	2	70.71	0.0	0.0	0.0
U607	2	70.25	0.0	0.0	0.0

Dwelling no.	No. of bedrooms	Conditioned floor area (m ²)	Unconditioned floor area (m ²)	Area of garden & lawn (m ²)	Indigenous species (min area m ²)
U107	2	70.3	0.0	0.0	0.0
U306	3	90.57	0.0	0.0	0.0
U407	2	70.71	0.0	0.0	0.0
U508	2	70.93	0.0	0.0	0.0
U705	3	114.0	0.0	0.0	0.0

Dwelling no.	No. of bedrooms	Conditioned floor area (m ²)	Unconditioned floor area (m ²)	Area of garden & lawn (m ²)	Indigenous species (min area m ²)
U206	3	90.0	0.0	0.0	0.0
U307	2	70.0	0.0	0.0	0.0
U408	2	70.93	0.0	0.0	0.0
U605	3	90.57	0.0	0.0	0.0
U706	1	77.09	0.0	0.0	0.0

Description of project

The tables below describe the dwellings and common areas within the project

Common areas of unit building - West Building

Common area	Floor area (m²)
Lift car (No. 1)	-
Substation Room	19.0
Switch & Comms room	27.0
Lobby for upper floor West Bld_Level-2	20.0
Lobby for upper floor West Bld_Level-5	20.0
Lobby for upper floor West Bld_Level-8	20.0

Common area	Floor area (m²)
Lift motor room West Bld	5.0
Garbage Waste Collection Rm B West	17.0
Ground floor lobby-A	10.0
Lobby for upper floor West Bld_Level-3	20.0
Lobby for upper floor West Bld_Level-6	20.0

Common area	Floor area (m²)
Sub Station Chamber rm	20.0
Waste holding area_GF	23.0
Lobby for upper floor West Bld_Level-1	20.0
Lobby for upper floor West Bld_Level-4	20.0
Lobby for upper floor West Bld_Level-7	20.0

Common areas of unit building - East Building

Common area	Floor area (m²)
Lift car (No. 2)	-
Disable Toilet_GF	5.0
Ground floor lobby-B	12.0
Lobby for upper floor East Bld_Level-3	15.0
Lobby for upper floor East Bld_Level-6	15.0

Common area	Floor area (m²)
Lift motor room East Bld	5.0
Garbage room-A_GF	11.0
Lobby for upper floor East Bld_Level-1	15.0
Lobby for upper floor East Bld_Level-4	15.0
Lobby for upper floor East Bld_Level-7	12.0

Common area	Floor area (m²)
Storage	10.0
Fire pump room	22.0
Lobby for upper floor East Bld_Level-2	15.0
Lobby for upper floor East Bld_Level-5	15.0

Common areas of the development (non-building specific)

Common area	Floor area (m²)	Common area	Floor area (m²)	Common area	Floor area (m²)
Basement Car park area-1	941.0	Basement Car park area-2	1000.0	GF Parking	575.0

BASIX Planning & Environment www.basix.nsw.gov.au Version: 2.3 / CASUARINA_3_6_6 Certificate No.: 584079M_05 Wednesday, 19 September 2018 page 6/27

Schedule of BASIX commitments

1. Commitments for Residential flat buildings - West Building

(a) Dwellings

- (i) Water
- (ii) Energy
- (iii) Thermal Comfort

(b) Common areas and central systems/facilities

- (i) Water
- (ii) Energy

2. Commitments for Residential flat buildings - East Building

(a) Dwellings

- (i) Water
- (ii) Energy
- (iii) Thermal Comfort

(b) Common areas and central systems/facilities

- (i) Water
- (ii) Energy

3. Commitments for multi-dwelling houses

4. Commitments for single dwelling houses

5. Commitments for common areas and central systems/facilities for the development (non-building specific)

- (i) Water
- (ii) Energy

Schedule of BASIX commitments

The commitments set out below regulate how the proposed development is to be carried out. It is a condition of any development consent granted, or complying development certificate issued, for the proposed development, that BASIX commitments be complied with.

1. Commitments for Residential flat buildings - West Building

(a) Dwellings

(i) Water	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) The applicant must comply with the commitments listed below in carrying out the development of a dwelling listed in a table below.			
(b) The applicant must plant indigenous or low water use species of vegetation throughout the area of land specified for the dwelling in the "Indigenous species" column of the table below, as private landscaping for that dwelling. (This area of indigenous vegetation is to be contained within the "Area of garden and lawn" for the dwelling specified in the "Description of Project" table).	✓	✓	
(c) If a rating is specified in the table below for a fixture or appliance to be installed in the dwelling, the applicant must ensure that each such fixture and appliance meets the rating specified for it.		✓	✓
(d) The applicant must install an on demand hot water recirculation system which regulates all hot water use throughout the dwelling, where indicated for a dwelling in the "HW recirculation or diversion" column of the table below.		✓	✓
(e) The applicant must install:			
(aa) a hot water diversion system to all showers, kitchen sinks and all basins in the dwelling, where indicated for a dwelling in the "HW recirculation or diversion" column of the table below; and		✓	✓
(bb) a separate diversion tank (or tanks) connected to the hot water diversion systems of at least 100 litres. The applicant must connect the hot water diversion tank to all toilets in the dwelling.		✓	✓
(e) The applicant must not install a private swimming pool or spa for the dwelling, with a volume exceeding that specified for it in the table below.	✓	✓	
(f) If specified in the table, that pool or spa (or both) must have a pool cover or shading (or both).		✓	
(g) The pool or spa must be located as specified in the table.	✓	✓	
(h) The applicant must install, for the dwelling, each alternative water supply system, with the specified size, listed for that dwelling in the table below. Each system must be configured to collect run-off from the areas specified (excluding any area which supplies any other alternative water supply system), and to divert overflow as specified. Each system must be connected as specified.	✓	✓	✓

Dwelling no.	Fixtures					Appliances		Individual pool				Individual spa		
	All shower-heads	All toilet flushing systems	All kitchen taps	All bathroom taps	HW recirculation or diversion	All clothes washers	All dish-washers	Volume (max volume)	Pool cover	Pool location	Pool shaded	Volume (max volume)	Spa cover	Spa shaded
All dwellings	3 star (> 7.5 but <= 9 L/min)	4 star	3 star	3 star	no	2 star	2 star	-	-	-	-	-	-	-

Alternative water source								
Dwelling no.	Alternative water supply systems	Size	Configuration	Landscape connection	Toilet connection (s)	Laundry connection	Pool top-up	Spa top-up
None	-	-	-	-	-	-	-	-

(ii) Energy	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) The applicant must comply with the commitments listed below in carrying out the development of a dwelling listed in a table below.			
(b) The applicant must install each hot water system specified for the dwelling in the table below, so that the dwelling's hot water is supplied by that system. If the table specifies a central hot water system for the dwelling, then the applicant must connect that central system to the dwelling, so that the dwelling's hot water is supplied by that central system.	✓	✓	✓
(c) The applicant must install, in each bathroom, kitchen and laundry of the dwelling, the ventilation system specified for that room in the table below. Each such ventilation system must have the operation control specified for it in the table.		✓	✓
(d) The applicant must install the cooling and heating system/s specified for the dwelling under the "Living areas" and "Bedroom areas" headings of the "Cooling" and "Heating" columns in the table below, in/for at least 1 living/bedroom area of the dwelling. If no cooling or heating system is specified in the table for "Living areas" or "Bedroom areas", then no systems may be installed in any such areas. If the term "zoned" is specified beside an air conditioning system, then the system must provide for day/night zoning between living areas and bedrooms.		✓	✓
(e) This commitment applies to each room or area of the dwelling which is referred to in a heading to the "Artificial lighting" column of the table below (but only to the extent specified for that room or area). The applicant must ensure that the "primary type of artificial lighting" for each such room in the dwelling is fluorescent lighting or light emitting diode (LED) lighting. If the term "dedicated" is specified for a particular room or area, then the light fittings in that room or area must only be capable of being used for fluorescent lighting or light emitting diode (LED) lighting.		✓	✓

(ii) Energy		Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(f) This commitment applies to each room or area of the dwelling which is referred to in a heading to the "Natural lighting" column of the table below (but only to the extent specified for that room or area). The applicant must ensure that each such room or area is fitted with a window and/or skylight.		✓	✓	✓
(g) This commitment applies if the applicant installs a water heating system for the dwelling's pool or spa. The applicant must:				
(aa) install the system specified for the pool in the "Individual Pool" column of the table below (or alternatively must not install any system for the pool). If specified, the applicant must install a timer, to control the pool's pump; and			✓	
(bb) install the system specified for the spa in the "Individual Spa" column of the table below (or alternatively must not install any system for the spa). If specified, the applicant must install a timer to control the spa's pump.			✓	
(h) The applicant must install in the dwelling:				
(aa) the kitchen cook-top and oven specified for that dwelling in the "Appliances & other efficiency measures" column of the table below;			✓	
(bb) each appliance for which a rating is specified for that dwelling in the "Appliances & other efficiency measures" column of the table, and ensure that the appliance has that minimum rating; and			✓	✓
(cc) any clothes drying line specified for the dwelling in the "Appliances & other efficiency measures" column of the table.			✓	
(i) If specified in the table, the applicant must carry out the development so that each refrigerator space in the dwelling is "well ventilated".			✓	

	Hot water	Bathroom ventilation system		Kitchen ventilation system		Laundry ventilation system	
Dwelling no.	Hot water system	Each bathroom	Operation control	Each kitchen	Operation control	Each laundry	Operation control
All dwellings	central hot water system 1	individual fan, ducted to façade or roof	manual switch on/off	individual fan, ducted to façade or roof	manual switch on/off	individual fan, ducted to façade or roof	manual switch on/off

Dwelling no.	Cooling		Heating		Artificial lighting						Natural lighting	
	living areas	bedroom areas	living areas	bedroom areas	No. of bedrooms &/or study	No. of living &/or dining rooms	Each kitchen	All bathrooms/toilets	Each laundry	All hallways	No. of bathrooms &/or toilets	Main kitchen
All dwellings	1-phase airconditioning EER 3.0 - 3.5	1-phase airconditioning EER 3.0 - 3.5	1-phase airconditioning EER 3.0 - 3.5	1-phase airconditioning EER 3.0 - 3.5	0	0	yes	yes	yes	yes	0	no

Dwelling no.	Individual pool		Individual spa		Appliances & other efficiency measures							
	Pool heating system	Timer	Spa heating system	Timer	Kitchen cooktop/oven	Refrigerator	Well ventilated fridge space	Dishwasher	Clothes washer	Clothes dryer	Indoor or sheltered clothes drying line	Private outdoor or unsheltered clothes drying line
All dwellings	-	-	-	-	gas cooktop & electric oven	3 star (new rating)	no	-	-	-	no	no

(iii) Thermal Comfort	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) The applicant must attach the certificate referred to under "Assessor details" on the front page of this BASIX certificate (the "Assessor Certificate") to the development application and construction certificate application for the proposed development (or, if the applicant is applying for a complying development certificate for the proposed development, to that application). The applicant must also attach the Assessor Certificate to the application for a final occupation certificate for the proposed development.			
(b) The Assessor Certificate must have been issued by an Accredited Assessor in accordance with the Thermal Comfort Protocol.			
(c) The details of the proposed development on the Assessor Certificate must be consistent with the details shown in this BASIX Certificate, including the details shown in the "Thermal Loads" table below.			
(d) The applicant must show on the plans accompanying the development application for the proposed development, all matters which the Thermal Comfort Protocol requires to be shown on those plans. Those plans must bear a stamp of endorsement from the Accredited Assessor, to certify that this is the case.	✓		
(e) The applicant must show on the plans accompanying the application for a construction certificate (or complying development certificate, if applicable), all thermal performance specifications set out in the Assessor Certificate, and all aspects of the proposed development which were used to calculate those specifications.		✓	

(iii) Thermal Comfort		Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(f) The applicant must construct the development in accordance with all thermal performance specifications set out in the Assessor Certificate, and in accordance with those aspects of the development application or application for a complying development certificate which were used to calculate those specifications.			✓	✓
(g) Where there is an in-slab heating or cooling system, the applicant must:		✓	✓	✓
(aa) Install insulation with an R-value of not less than 1.0 around the vertical edges of the perimeter of the slab; or				
(bb) On a suspended floor, install insulation with an R-value of not less than 1.0 underneath the slab and around the vertical edges of the perimeter of the slab.				
(h) The applicant must construct the floors and walls of the development in accordance with the specifications listed in the table below.		✓	✓	✓

Dwelling no.	Thermal loads	
	Area adjusted heating load (in mJ/m²/yr)	Area adjusted cooling load (in mJ/m²/yr)
U 101	2.0	27.0
U 102	30.0	22.0
U 103	37.0	29.0
U 104	39.0	42.0
U 201	5.0	30.0
U 203	10.0	32.0
U 204	25.0	49.0
U 205	23.0	42.0
U 301	6.0	31.0
U 303	11.0	33.0
U 304	26.0	49.0
U 305	24.0	42.0
U 401	7.0	31.0
U 402	18.0	37.0
U 403	12.0	33.0

Dwelling no.	Thermal loads	
	Area adjusted heating load (in mJ/m ² /yr)	Area adjusted cooling load (in mJ/m ² /yr)
U 404	27.0	49.0
U 405	25.0	42.0
U 501	7.0	32.0
U 502	18.0	38.0
U 503	12.0	34.0
U 504	27.0	50.0
U 505	25.0	43.0
U 601	9.0	35.0
U 602	20.0	40.0
U 603	14.0	36.0
U 604	25.0	54.0
U 701	10.0	36.0
U 702	21.0	41.0
U 703	15.0	37.0
U 704	26.0	55.0
U 801	11.0	21.0
U 802	30.0	31.0
U 803	23.0	31.0
U 804	38.0	51.0
All other dwellings	17.0	37.0

(b) Common areas and central systems/facilities

(i) Water	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) If, in carrying out the development, the applicant installs a showerhead, toilet, tap or clothes washer into a common area, then that item must meet the specifications listed for it in the table.		✓	✓
(b) The applicant must install (or ensure that the development is serviced by) the alternative water supply system(s) specified in the "Central systems" column of the table below. In each case, the system must be sized, be configured, and be connected, as specified in the table.	✓	✓	✓
(c) A swimming pool or spa listed in the table must not have a volume (in kLs) greater than that specified for the pool or spa in the table.	✓	✓	
(d) A pool or spa listed in the table must have a cover or shading if specified for the pool or spa in the table.		✓	
(e) The applicant must install each fire sprinkler system listed in the table so that the system is configured as specified in the table.		✓	✓
(f) The applicant must ensure that the central cooling system for a cooling tower is configured as specified in the table.		✓	✓

Common area	Showerheads rating	Toilets rating	Taps rating	Clothes washers rating
All common areas	no common facility	4 star	3 star	no common laundry facility

(ii) Energy	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) If, in carrying out the development, the applicant installs a ventilation system to service a common area specified in the table below, then that ventilation system must be of the type specified for that common area, and must meet the efficiency measure specified.		✓	✓
(b) In carrying out the development, the applicant must install, as the "primary type of artificial lighting" for each common area specified in the table below, the lighting specified for that common area. This lighting must meet the efficiency measure specified. The applicant must also install a centralised lighting control system or Building Management System (BMS) for the common area, where specified.		✓	✓
(c) The applicant must install the systems and fixtures specified in the "Central energy systems" column of the table below. In each case, the system or fixture must be of the type, and meet the specifications, listed for it in the table.	✓	✓	✓

Common area	Common area ventilation system		Common area lighting		
	Ventilation system type	Ventilation efficiency measure	Primary type of artificial lighting	Lighting efficiency measure	Lighting control system/BMS
Lift car (No. 1)	-	-	light-emitting diode	connected to lift call button	No
Lift motor room West Bld	no mechanical ventilation	-	fluorescent	manual on / manual off	No
Sub Station Chamber rm	no mechanical ventilation	-	fluorescent	manual on / manual off	No
Substation Room	no mechanical ventilation	-	fluorescent	manual on / manual off	No
Garbage Waste Collection Rm B West	ventilation exhaust only	-	fluorescent	motion sensors	No
Waste holding area_GF	ventilation exhaust only	-	fluorescent	motion sensors	No
Switch & Comms room	no mechanical ventilation	-	fluorescent	motion sensors	No
Ground floor lobby-A	no mechanical ventilation	-	fluorescent	daylight sensor and motion sensor	No
Lobby for upper floor West Bld_Level-1	no mechanical ventilation	-	fluorescent	daylight sensor and motion sensor	No
Lobby for upper floor West Bld_Level-2	no mechanical ventilation	-	fluorescent	daylight sensor and motion sensor	No
Lobby for upper floor West Bld_Level-3	no mechanical ventilation	-	fluorescent	daylight sensor and motion sensor	No
Lobby for upper floor West Bld_Level-4	no mechanical ventilation	-	fluorescent	daylight sensor and motion sensor	No
Lobby for upper floor West Bld_Level-5	no mechanical ventilation	-	fluorescent	daylight sensor and motion sensor	No
Lobby for upper floor West Bld_Level-6	no mechanical ventilation	-	fluorescent	daylight sensor and motion sensor	No
Lobby for upper floor West Bld_Level-7	no mechanical ventilation	-	fluorescent	daylight sensor and motion sensor	No
Lobby for upper floor West Bld_Level-8	no mechanical ventilation	-	fluorescent	daylight sensor and motion sensor	No

Central energy systems	Type	Specification
Central hot water system (No. 2)	gas instantaneous	Piping insulation (ringmain & supply risers): (a) Piping external to building: R0.3 (~13 mm); (b) Piping internal to building: R0.3 (~13 mm)
Lift (No. 1)	gearless traction with V V V F motor	Number of levels (including basement): 9

2. Commitments for Residential flat buildings - East Building

(a) Dwellings

(i) Water	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) The applicant must comply with the commitments listed below in carrying out the development of a dwelling listed in a table below.			
(b) The applicant must plant indigenous or low water use species of vegetation throughout the area of land specified for the dwelling in the "Indigenous species" column of the table below, as private landscaping for that dwelling. (This area of indigenous vegetation is to be contained within the "Area of garden and lawn" for the dwelling specified in the "Description of Project" table).	✓	✓	
(c) If a rating is specified in the table below for a fixture or appliance to be installed in the dwelling, the applicant must ensure that each such fixture and appliance meets the rating specified for it.		✓	✓
(d) The applicant must install an on demand hot water recirculation system which regulates all hot water use throughout the dwelling, where indicated for a dwelling in the "HW recirculation or diversion" column of the table below.		✓	✓
(e) The applicant must install: (aa) a hot water diversion system to all showers, kitchen sinks and all basins in the dwelling, where indicated for a dwelling in the "HW recirculation or diversion" column of the table below; and (bb) a separate diversion tank (or tanks) connected to the hot water diversion systems of at least 100 litres. The applicant must connect the hot water diversion tank to all toilets in the dwelling.		✓ ✓	✓ ✓
(e) The applicant must not install a private swimming pool or spa for the dwelling, with a volume exceeding that specified for it in the table below.	✓	✓	
(f) If specified in the table, that pool or spa (or both) must have a pool cover or shading (or both).		✓	
(g) The pool or spa must be located as specified in the table.	✓	✓	
(h) The applicant must install, for the dwelling, each alternative water supply system, with the specified size, listed for that dwelling in the table below. Each system must be configured to collect run-off from the areas specified (excluding any area which supplies any other alternative water supply system), and to divert overflow as specified. Each system must be connected as specified.	✓	✓	✓

Dwelling no.	Fixtures					Appliances		Individual pool				Individual spa		
	All shower-heads	All toilet flushing systems	All kitchen taps	All bathroom taps	HW recirculation or diversion	All clothes washers	All dish-washers	Volume (max volume)	Pool cover	Pool location	Pool shaded	Volume (max volume)	Spa cover	Spa shaded
All dwellings	3 star (> 7.5 but ≤ 9 L/min)	4 star	3 star	3 star	no	2 star	2 star	-	-	-	-	-	-	-

Alternative water source								
Dwelling no.	Alternative water supply systems	Size	Configuration	Landscape connection	Toilet connection (s)	Laundry connection	Pool top-up	Spa top-up
None	-	-	-	-	-	-	-	-

(ii) Energy	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) The applicant must comply with the commitments listed below in carrying out the development of a dwelling listed in a table below.			
(b) The applicant must install each hot water system specified for the dwelling in the table below, so that the dwelling's hot water is supplied by that system. If the table specifies a central hot water system for the dwelling, then the applicant must connect that central system to the dwelling, so that the dwelling's hot water is supplied by that central system.	✓	✓	✓
(c) The applicant must install, in each bathroom, kitchen and laundry of the dwelling, the ventilation system specified for that room in the table below. Each such ventilation system must have the operation control specified for it in the table.		✓	✓
(d) The applicant must install the cooling and heating system/s specified for the dwelling under the "Living areas" and "Bedroom areas" headings of the "Cooling" and "Heating" columns in the table below, in/for at least 1 living/bedroom area of the dwelling. If no cooling or heating system is specified in the table for "Living areas" or "Bedroom areas", then no systems may be installed in any such areas. If the term "zoned" is specified beside an air conditioning system, then the system must provide for day/night zoning between living areas and bedrooms.		✓	✓
(e) This commitment applies to each room or area of the dwelling which is referred to in a heading to the "Artificial lighting" column of the table below (but only to the extent specified for that room or area). The applicant must ensure that the "primary type of artificial lighting" for each such room in the dwelling is fluorescent lighting or light emitting diode (LED) lighting. If the term "dedicated" is specified for a particular room or area, then the light fittings in that room or area must only be capable of being used for fluorescent lighting or light emitting diode (LED) lighting.		✓	✓

(ii) Energy		Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(f) This commitment applies to each room or area of the dwelling which is referred to in a heading to the "Natural lighting" column of the table below (but only to the extent specified for that room or area). The applicant must ensure that each such room or area is fitted with a window and/or skylight.		✓	✓	✓
(g) This commitment applies if the applicant installs a water heating system for the dwelling's pool or spa. The applicant must:				
(aa) install the system specified for the pool in the "Individual Pool" column of the table below (or alternatively must not install any system for the pool). If specified, the applicant must install a timer, to control the pool's pump; and			✓	
(bb) install the system specified for the spa in the "Individual Spa" column of the table below (or alternatively must not install any system for the spa). If specified, the applicant must install a timer to control the spa's pump.			✓	
(h) The applicant must install in the dwelling:				
(aa) the kitchen cook-top and oven specified for that dwelling in the "Appliances & other efficiency measures" column of the table below;			✓	
(bb) each appliance for which a rating is specified for that dwelling in the "Appliances & other efficiency measures" column of the table, and ensure that the appliance has that minimum rating; and			✓	✓
(cc) any clothes drying line specified for the dwelling in the "Appliances & other efficiency measures" column of the table.			✓	
(i) If specified in the table, the applicant must carry out the development so that each refrigerator space in the dwelling is "well ventilated".			✓	

	Hot water	Bathroom ventilation system		Kitchen ventilation system		Laundry ventilation system	
Dwelling no.	Hot water system	Each bathroom	Operation control	Each kitchen	Operation control	Each laundry	Operation control
All dwellings	central hot water system 1	individual fan, ducted to façade or roof	manual switch on/off	individual fan, ducted to façade or roof	manual switch on/off	individual fan, ducted to façade or roof	manual switch on/off

Dwelling no.	Cooling		Heating		Artificial lighting						Natural lighting	
	living areas	bedroom areas	living areas	bedroom areas	No. of bedrooms &/or study	No. of living &/or dining rooms	Each kitchen	All bathrooms/toilets	Each laundry	All hallways	No. of bathrooms &/or toilets	Main kitchen
All dwellings	1-phase airconditioning EER 3.0 - 3.5	1-phase airconditioning EER 3.0 - 3.5	1-phase airconditioning EER 3.0 - 3.5	1-phase airconditioning EER 3.0 - 3.5	0	0	yes	yes	yes	yes	0	no

Dwelling no.	Individual pool		Individual spa		Appliances & other efficiency measures							
	Pool heating system	Timer	Spa heating system	Timer	Kitchen cooktop/oven	Refrigerator	Well ventilated fridge space	Dishwasher	Clothes washer	Clothes dryer	Indoor or sheltered clothes drying line	Private outdoor or unsheltered clothes drying line
All dwellings	-	-	-	-	gas cooktop & electric oven	3 star (new rating)	no	-	-	-	no	no

(iii) Thermal Comfort	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) The applicant must attach the certificate referred to under "Assessor details" on the front page of this BASIX certificate (the "Assessor Certificate") to the development application and construction certificate application for the proposed development (or, if the applicant is applying for a complying development certificate for the proposed development, to that application). The applicant must also attach the Assessor Certificate to the application for a final occupation certificate for the proposed development.			
(b) The Assessor Certificate must have been issued by an Accredited Assessor in accordance with the Thermal Comfort Protocol.			
(c) The details of the proposed development on the Assessor Certificate must be consistent with the details shown in this BASIX Certificate, including the details shown in the "Thermal Loads" table below.			
(d) The applicant must show on the plans accompanying the development application for the proposed development, all matters which the Thermal Comfort Protocol requires to be shown on those plans. Those plans must bear a stamp of endorsement from the Accredited Assessor, to certify that this is the case.	✓		
(e) The applicant must show on the plans accompanying the application for a construction certificate (or complying development certificate, if applicable), all thermal performance specifications set out in the Assessor Certificate, and all aspects of the proposed development which were used to calculate those specifications.		✓	

(iii) Thermal Comfort		Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(f) The applicant must construct the development in accordance with all thermal performance specifications set out in the Assessor Certificate, and in accordance with those aspects of the development application or application for a complying development certificate which were used to calculate those specifications.			✓	✓
(g) Where there is an in-slab heating or cooling system, the applicant must:		✓	✓	✓
(aa) Install insulation with an R-value of not less than 1.0 around the vertical edges of the perimeter of the slab; or				
(bb) On a suspended floor, install insulation with an R-value of not less than 1.0 underneath the slab and around the vertical edges of the perimeter of the slab.				
(h) The applicant must construct the floors and walls of the development in accordance with the specifications listed in the table below.		✓	✓	✓

Dwelling no.	Thermal loads	
	Area adjusted heating load (in mJ/m²/yr)	Area adjusted cooling load (in mJ/m²/yr)
U105	12.0	33.0
U106	28.0	38.0
U107	8.0	35.0
U206	37.0	17.0
U208	32.0	32.0
U306	38.0	17.0
U307	46.0	48.0
U308	33.0	32.0
U406	39.0	17.0
U408	34.0	32.0
U506	39.0	18.0
U507	45.0	49.0
U508	34.0	33.0
U605	27.0	24.0
U606	45.0	46.0

Dwelling no.	Thermal loads	
	Area adjusted heating load (in mJ/m ² /yr)	Area adjusted cooling load (in mJ/m ² /yr)
U607	45.0	43.0
U705	66.0	38.0
U706	63.0	42.0
All other dwellings	45.0	48.0

(b) Common areas and central systems/facilities

(i) Water	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) If, in carrying out the development, the applicant installs a showerhead, toilet, tap or clothes washer into a common area, then that item must meet the specifications listed for it in the table.		✓	✓
(b) The applicant must install (or ensure that the development is serviced by) the alternative water supply system(s) specified in the "Central systems" column of the table below. In each case, the system must be sized, be configured, and be connected, as specified in the table.	✓	✓	✓
(c) A swimming pool or spa listed in the table must not have a volume (in kLs) greater than that specified for the pool or spa in the table.	✓	✓	
(d) A pool or spa listed in the table must have a cover or shading if specified for the pool or spa in the table.		✓	
(e) The applicant must install each fire sprinkler system listed in the table so that the system is configured as specified in the table.		✓	✓
(f) The applicant must ensure that the central cooling system for a cooling tower is configured as specified in the table.		✓	✓

Common area	Showerheads rating	Toilets rating	Taps rating	Clothes washers rating
All common areas	no common facility	4 star	3 star	no common laundry facility

(ii) Energy	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) If, in carrying out the development, the applicant installs a ventilation system to service a common area specified in the table below, then that ventilation system must be of the type specified for that common area, and must meet the efficiency measure specified.		✓	✓
(b) In carrying out the development, the applicant must install, as the "primary type of artificial lighting" for each common area specified in the table below, the lighting specified for that common area. This lighting must meet the efficiency measure specified. The applicant must also install a centralised lighting control system or Building Management System (BMS) for the common area, where specified.		✓	✓
(c) The applicant must install the systems and fixtures specified in the "Central energy systems" column of the table below. In each case, the system or fixture must be of the type, and meet the specifications, listed for it in the table.	✓	✓	✓

Common area	Common area ventilation system		Common area lighting		
	Ventilation system type	Ventilation efficiency measure	Primary type of artificial lighting	Lighting efficiency measure	Lighting control system/BMS
Lift car (No. 2)	-	-	light-emitting diode	connected to lift call button	No
Lift motor room East Bld	no mechanical ventilation	-	fluorescent	manual on / manual off	No
Storage	no mechanical ventilation	-	fluorescent	manual on / manual off	No
Disable Toilet_GF	ventilation exhaust only	interlocked to light	fluorescent	motion sensors	No
Garbage room-A_GF	ventilation exhaust only	-	fluorescent	motion sensors	No
Fire pump room	no mechanical ventilation	-	fluorescent	manual on / manual off	No
Ground floor lobby-B	no mechanical ventilation	-	fluorescent	daylight sensor and motion sensor	No
Lobby for upper floor East Bld_Level-1	no mechanical ventilation	-	fluorescent	daylight sensor and motion sensor	No
Lobby for upper floor East Bld_Level-2	no mechanical ventilation	-	fluorescent	daylight sensor and motion sensor	No
Lobby for upper floor East Bld_Level-3	no mechanical ventilation	-	fluorescent	daylight sensor and motion sensor	No
Lobby for upper floor East Bld_Level-4	no mechanical ventilation	-	fluorescent	daylight sensor and motion sensor	No
Lobby for upper floor East Bld_Level-5	no mechanical ventilation	-	fluorescent	daylight sensor and motion sensor	No
Lobby for upper floor East Bld_Level-6	no mechanical ventilation	-	fluorescent	daylight sensor and motion sensor	No
Lobby for upper floor East Bld_Level-7	no mechanical ventilation	-	fluorescent	daylight sensor and motion sensor	No

Central energy systems	Type	Specification
Central hot water system (No. 1)	gas instantaneous	Piping insulation (ringmain & supply risers): (a) Piping external to building: R0.3 (~13 mm); (b) Piping internal to building: R0.3 (~13 mm)
Lift (No. 2)	gearless traction with V V V F motor	Number of levels (including basement): 8

5. Commitments for common areas and central systems/facilities for the development (non-building specific)

(b) Common areas and central systems/facilities

(i) Water	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) If, in carrying out the development, the applicant installs a showerhead, toilet, tap or clothes washer into a common area, then that item must meet the specifications listed for it in the table.		✓	✓
(b) The applicant must install (or ensure that the development is serviced by) the alternative water supply system(s) specified in the "Central systems" column of the table below. In each case, the system must be sized, be configured, and be connected, as specified in the table.	✓	✓	✓
(c) A swimming pool or spa listed in the table must not have a volume (in kLs) greater than that specified for the pool or spa in the table.	✓	✓	
(d) A pool or spa listed in the table must have a cover or shading if specified for the pool or spa in the table.		✓	
(e) The applicant must install each fire sprinkler system listed in the table so that the system is configured as specified in the table.		✓	✓
(f) The applicant must ensure that the central cooling system for a cooling tower is configured as specified in the table.		✓	✓

Common area	Showerheads rating	Toilets rating	Taps rating	Clothes washers rating
All common areas	no common facility	4 star	3 star	no common laundry facility

(ii) Energy	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) If, in carrying out the development, the applicant installs a ventilation system to service a common area specified in the table below, then that ventilation system must be of the type specified for that common area, and must meet the efficiency measure specified.		✓	✓
(b) In carrying out the development, the applicant must install, as the "primary type of artificial lighting" for each common area specified in the table below, the lighting specified for that common area. This lighting must meet the efficiency measure specified. The applicant must also install a centralised lighting control system or Building Management System (BMS) for the common area, where specified.		✓	✓
(c) The applicant must install the systems and fixtures specified in the "Central energy systems" column of the table below. In each case, the system or fixture must be of the type, and meet the specifications, listed for it in the table.	✓	✓	✓

Common area	Common area ventilation system		Common area lighting		
	Ventilation system type	Ventilation efficiency measure	Primary type of artificial lighting	Lighting efficiency measure	Lighting control system/BMS
Basement Car park area-1	ventilation (supply + exhaust)	carbon monoxide monitor + 2-speed fan	fluorescent	daylight sensor and motion sensor	No
Basement Car park area-2	ventilation (supply + exhaust)	carbon monoxide monitor + 2-speed fan	fluorescent	daylight sensor and motion sensor	No
GF Parking	ventilation exhaust only	carbon monoxide monitor + 2-speed fan	fluorescent	daylight sensors	No

Notes

1. In these commitments, "applicant" means the person carrying out the development.
2. The applicant must identify each dwelling, building and common area listed in this certificate, on the plans accompanying any development application, and on the plans and specifications accompanying the application for a construction certificate / complying development certificate, for the proposed development, using the same identifying letter or reference as is given to that dwelling, building or common area in this certificate.
3. This note applies if the proposed development involves the erection of a building for both residential and non-residential purposes (or the change of use of a building for both residential and non-residential purposes). Commitments in this certificate which are specified to apply to a "common area" of a building or the development, apply only to that part of the building or development to be used for residential purposes.
4. If this certificate lists a central system as a commitment for a dwelling or building, and that system will also service any other dwelling or building within the development, then that system need only be installed once (even if it is separately listed as a commitment for that other dwelling or building).
5. If a star or other rating is specified in a commitment, this is a minimum rating.
6. All alternative water systems to be installed under these commitments (if any), must be installed in accordance with the requirements of all applicable regulatory authorities. NOTE: NSW Health does not recommend that stormwater, recycled water or private dam water be used to irrigate edible plants which are consumed raw, or that rainwater be used for human consumption in areas with potable water supply.

Legend

1. Commitments identified with a "✔" in the "Show on DA plans" column must be shown on the plans accompanying the development application for the proposed development (if a development application is to be lodged for the proposed development).
2. Commitments identified with a "✔" in the "Show on CC/CDC plans and specs" column must be shown in the plans and specifications accompanying the application for a construction certificate / complying development certificate for the proposed development.
3. Commitments identified with a "✔" in the "Certifier check" column must be certified by a certifying authority as having been fulfilled. (Note: a certifying authority must not issue an occupation certificate (either interim or final) for a building listed in this certificate, or for any part of such a building, unless it is satisfied that each of the commitments whose fulfilment it is required to monitor in relation to the building or part, has been fulfilled).

Bayside Local Planning Panel

9/10/2018

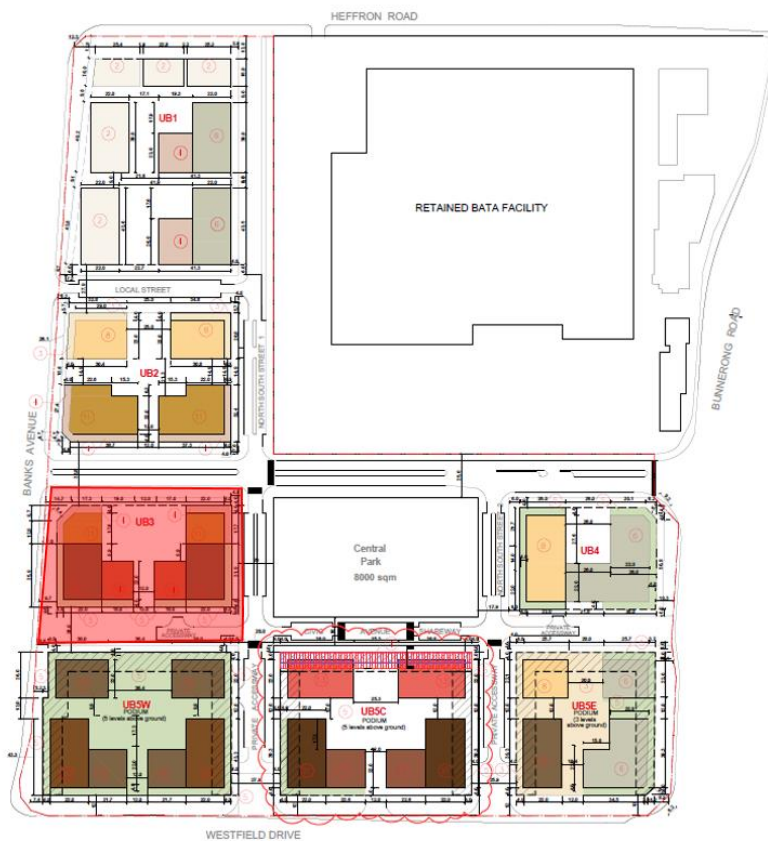
Item No	6.6
Application Type	Development Application
Application No	SF18/2111
Lodgement Date	06/09/2018
Property	DA-2017/1224/02 - 130-150 Bunnerong Road, Pagewood
Ward	Port Botany
Owner	Karimbla Properties (No. 39) Pty Ltd
Applicant	Karimbla Constructions Services (NSW) Pty Ltd
Proposal	Section 4.55(1) Application to correct an error in the Section 7.11 Contributions.
No. of Submissions	Nil
Cost of Development	N/A
Report by	Michael McCabe, Director City Futures

Officer Recommendation

That the Bayside Local Planning Panel approve the Section 4.55(1) Modification Application to modify Development Consent No. 2017/1224 to correct an error in the Section 7.11 Contributions at 130-150 Bunnerong Road, Eastgardens as follows:

- a Amend Conditions 24 and 25 to reflect amended Section 7.11 contributions.
-

Location Plan



Attachments

Planning Assessment Report [↓](#)

BAYSIDE COUNCIL

Planning Assessment Report

Application Details

Application Number:	2017/1224/02
Date of Receipt:	6 September 2018
Property:	130-150 Bunnerong Road Eastgardens Lot 2 in DP 1187426
Owners:	Karimbla Properties (No. 39) Pty Ltd
Applicant:	Karimbla Constructions Services (NSW) Pty Ltd
Proposal:	Section 4.55(1) Application to correct error in Section 7.11 contribution calculations.
Recommendation:	Approve
Value:	Nil
No. of submissions:	N/A
Author:	Sumeet Badhesha, Development Assessment Planner
Date of Report:	21 September 2018

Key Issues

Section 4.55(1) Application to modify Development Consent No. 2017/1224 to correct error in Section 7.11 contributions.

The application did not require public notification under Part 2 – Notification and Advertising of the BBDCP 2013 as the proposed modification was considered minor.

The key issue with this application relates to the calculation of Section 7.11 Contributions. The contribution amount stipulated in Conditions 24 and 25 have been calculated based on a dwelling yield of 386 apartments. However the proposed development provides a dwelling yield of 356 apartments. Accordingly, Conditions 24 and 25 have been modified to reflect the S7.11 contributions based on a dwelling yield of 356 apartments.

The modification application has been assessed in accordance with the relevant requirements of the *Environmental Planning and Assessment Act 1979 (EPA Act)* and is recommended approval, subject to modified conditions of consent in the attached Schedule.

Recommendation

It is RECOMMENDED that the Bayside Planning Panel:

1. Approve the Section 4.55(1) Modification Application to modify Development Consent No. 2017/1224 to correct error in S7.11 Contributions at 130-150 Bunnerong Road, Eastgardens; and

Item	Bayside Planning Panel Meeting 9/10/2018
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2. Resolve to modify Development Consent No. 2017/1224 under Section 4.55(1) of the Environmental Planning and Assessment Act 1979 as follows:
 - a) Amend Conditions 24 and 25 to reflect amended S7.11 contributions

Background

History

Stage 1 Masterplan

Integrated Development Application No. 14/96 was received by Council on 5 May 2014 for the redevelopment of the site for a staged mixed use development involving subdivision and concept approval for the location of public road network, private access ways through the site, on-site stormwater detention including water sensitive urban design (WSUD), Building Envelopes and Building Heights facilitating approximately 2,733 dwellings on site, parking spaces in above ground and basement facilities, and provision of 8,000sqm of public open space. The Capital Investment Value CIV for these works was \$128,431,190.00, therefore the former Joint Regional Planning Panel (JRPP) was the consent authority. On 28 August 2014, this application was referred to the JRPP in accordance with Schedule 4A of the Environmental Planning & Assessment Act 1979 (EP&A Act) as it has a CIV in excess of \$20 million (Reference No. 2014/SYE/105).

On 12 September 2014, Karimbla Constructions (NSW) Pty Ltd filed a Class 1 Appeal against Council's 'deemed refusal' of the application. The application was considered at a series of Section 34 conferences, whereby a series of amended plans were considered. Council and the applicant reached a Section 34 agreement and the appeal was upheld. On 7 August 2015 the development consent was issued.

The Stage 1 Masterplan consent is a concept approval and does not grant consent for any demolition, remediation, excavation or building works. It is noted however that remediation works have commenced on-site as Category 2 works under the State Environmental Planning Policy No. 55 – Remediation of Land. The approval is limited to the massing, modulation, overall siting and setbacks, maximum height of buildings, maximum GFA, uses, maximum FSR, public domain provisions, unit mix, minimum unit sizes, indicative unit numbers, and minimum car parking provisions.

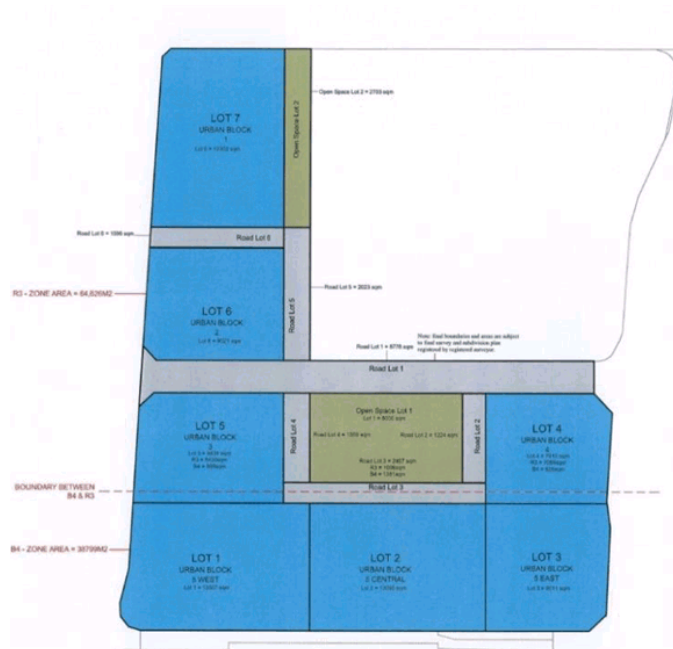


Figure 1. Approved Master plan concept subdivision plan DA-14/96

A number of modifications have been carried out to the Stage 1 Consent which include modifications to include reduction in the ground floor retail component, relocation of the civic retail square and extension of the five storey podium, additional residential units, deletion of the two childcare centres, reduction in podium height and provision of an additional level within the 6 tower forms in response to the reduced podium height, slight boundary adjustments to the subdivision, timing of deliverance of infrastructure projects, change in unit mix, size and northern setbacks at UB4 and UB3 and subsequent changes to the conditions of consent.

Subject Urban Block

The portion of the overall site relevant to this application is known as Urban Block 3 (UB3) in the Stage 1 consent. UB3 is located on the western side of the site between Banks Avenue to the west, East-West Boulevard (Tingwell Boulevard) to the north and north-street 1 (Finch Drive) to the east. The subdivision of the site in accordance with the Stage 1 consent has been approved under DA-15/104 and further modified under DA-15/104/05 and DA-14/96/03. UB3 is Lot 5 on the approved subdivision plan and has an area of 9,434sqm. The lot is generally rectangular in shape with a frontage to Banks Avenue, Tingwell Boulevard, Finch Drive and the southern boundary.

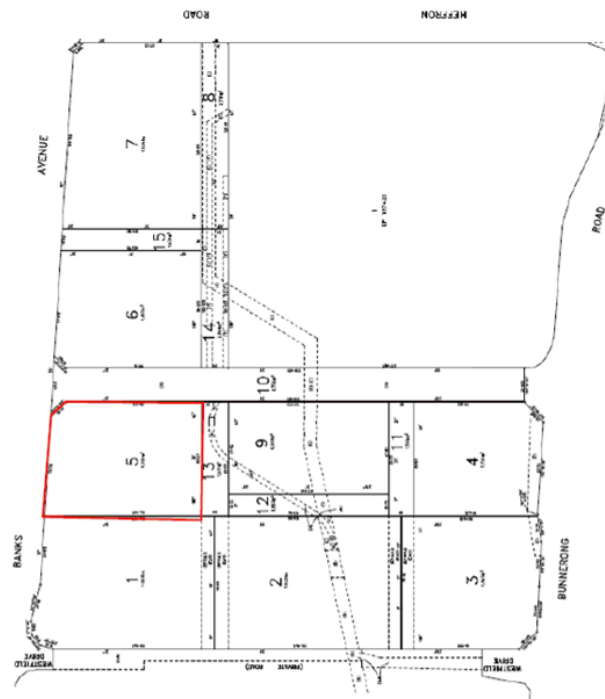


Figure 3. Approved subdivision plan (DA-15/104) with UB3 highlighted in red



Figure 4. Proposed location of UB3 on the subject site



Figure 5. Building envelope plan of the Stage 1 consent determined as part of DA-14/96/07

Approved Development

- DA-2017/1224- The approved development is for the construction of a residential apartment development consisting of three levels of basement, podium and six towers, 2 x 11 storeys, 2 x 14 storeys and 2 x 16 storeys and which will comprise of 356 units and will include landscaping across the site. Along the southern side of the site, the development proposes a pedestrian access pocket park as well as vehicular access to the basement car parking below. The application was approved by the Sydney Eastern City Planning Panel on 2 August 2018.

Description and Assessment of the Proposed S.4.55 (1) Modifications

The proposed modification seeks to amend Conditions 24 and 25 to correct an error in the calculation of the S7.11 Contributions. The contributions were calculated based on a dwelling yield of 386 apartments. However, the proposed development provides a dwelling yield of 356 apartments. Accordingly, Conditions 24 and 25 have been modified to reflect the S7.11 contributions based on a dwelling yield of 356 apartments.

The breakdown of the contributions is as below:

Community Facilities	\$	582,829.10
Recreation and Open Space	\$	6,013,136.89

Transport Facilities	\$	472,191.93
Administration	\$	51,842.08
Total in 2018/19	\$	7,120,000.00

Statutory Considerations

SECTION 4.55(1) CONSIDERATIONS (previously Section 96(1))

Section 4.55(1) of the Environmental Planning and Assessment Act 1979 states that

“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 granted by it to correct a minor error, misdescription or miscalculation.”

Council supports the proposed modification to amend Conditions 24 and 25 to reflect the correct contributions amount. Accordingly both conditions have been modified.

Planning Matters

State Environmental Planning Policy 65- Design Quality of Residential Apartment Development

The application relates to a condition that does not relate to the built form approved as part of DA-2017/1224. The building will continue to be consistent with the approved design that was originally assessed against SEPP 65 and the Apartment Design Guide.

Botany Bay Local Environmental Plan 2013

The application refers to modifications to S7.11 Contributions therefore there is no section within the Botany Bay Local Environmental Plan 2013 that is of relevance as part of this assessment. The previously conclusions that were approved in the parent DA have not been altered as part of this application. The proposal will continue to be consistent with the objectives of the BBLEP 2013 with regard to the B4- Mixed Use zone.

Botany Bay Development Control Plan 2013

The application refers to modifications to conditions relating to S7.11 Contributions therefore there is no section within the Botany Bay Development Control Plan 2013 that is of relevance as part of this assessment. The previously conclusions that were approved in the parent DA have not been altered as part of this application. The proposal is not contrary to the requirements of the BBDCP 2013.

Notification

The application was not required to be notified under Part 2 – Notification and Advertising of the BBDCP 2013.

Conclusion

The Section 4.55(1) Application seeks to modify Development Consent No. 2017/1224 which approved the Integrated development application for the construction of a residential apartment development consisting of three levels of basement, podium and six towers, 2 x 11 storeys, 2 x 14 storeys and 2 x 16 storeys. The development will comprise 356 units. The modification relates to S7.11 Contributions. The proposed modification will not alter the built form or character of the development, and will continue to ensure the development is carried out in an orderly manner. Therefore it is recommended that the Panel approve the proposed modifications to the proposal.

Attachment**Schedule 1 – Conditions of Consent****Premises: 130-150 Bunnerong Road, Eastgardens****DA No: 2018/1224/02****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
DA-010- Site Analysis Plan- Rev R1	Fox Johnston	Dated 9 November 2017; Received 27 November 2017
DA-011- Site Plan- Rev R1	Fox Johnston	Dated 9 November 2017; Received 27 November 2017
DA-100- Basement 03 Plan- Rev R1	Fox Johnston	Dated 29 September 2017; Received 11 December 2017
DA-101- Basement 02 Plan- Rev R1	Fox Johnston	Dated 29 September 2017; Received 11 December 2017
DA-102- Basement 01 Plan- Rev R1	Fox Johnston	Dated 29 September 2017; Received 11 December 2017
DA-103- Ground Floor Plan- Rev R5	Fox Johnston	Dated 24 April 2018; Received 8 May 2018
DA-104- Level 1 Plan- Rev R3	Fox Johnston	Dated 24 April 2018; Received 8 May 2018
DA-105- Level 2 Plan- Rev R2	Fox Johnston	Dated 24 April 2018; Received 8 May 2018
DA-106- Level 3 Plan- Rev R2	Fox Johnston	Dated 24 April 2018; Received 8 May 2018
DA-107- Level 4 Plan- Rev R2	Fox Johnston	Dated 24 April 2018; Received 8 May 2018
DA-108- Level 5 Plan- Rev R2	Fox Johnston	Dated 24 April 2018; Received 8 May 2018
DA-109- Levels 6-10 Plan- Rev R2	Fox Johnston	Dated 24 April 2018; Received 8 May 2018
DA-110- Level 11 Plan- Rev R2	Fox Johnston	Dated 24 April 2018; Received 8 May 2018
DA-111- Level 12 Plan- Rev R2	Fox Johnston	Dated 24 April 2018; Received 8 May 2018
DA-112- Level 13 Plan- Rev R2	Fox Johnston	Dated 24 April 2018; Received 8 May 2018
DA-113- Level 14 Plan- Rev R2	Fox Johnston	Dated 24 April 2018; Received 8 May 2018
DA-114- Level 15 Plan- Rev R2	Fox Johnston	Dated 24 April 2018; Received 8 May 2018
DA-115- Roof Plan- Rev R2	Fox Johnston	Dated 24 April 2018; Received 8 May 2018

DA-200- South Elevation Plan- Rev R3	Fox Johnston	Dated 24 April 2018; Received 8 May 2018
DA-201- East Elevation Plan- Rev R5	Fox Johnston	Dated 24 April 2018; Received 8 May 2018
DA-202- North Elevation Plan- Rev R3	Fox Johnston	Dated 24 April 2018; Received 8 May 2018
DA-203- West Elevation Plan- Rev R3	Fox Johnston	Dated 24 April 2018; Received 8 May 2018
DA-210- Section 1 Plan- Rev R2	Fox Johnston	Dated 24 April 2018; Received 8 May 2018
DA-211- Section 2 Plan- Rev R2	Fox Johnston	Dated 24 April 2018; Received 8 May 2018
DA-212- Section 3 Plan- Rev R2	Fox Johnston	Dated 24 April 2018; Received 8 May 2018
DA-213- Section 4 Plan- Rev R2	Fox Johnston	Dated 24 April 2018; Received 8 May 2018
DA-214- Section 5 Plan- Rev R2	Fox Johnston	Dated 24 April 2018; Received 8 May 2018
DA-215- Section 6 Plan- Rev R2	Fox Johnston	Dated 24 April 2018; Received 8 May 2018
DA-216- Section 7 Plan- Rev R2	Fox Johnston	Dated 24 April 2018; Received 8 May 2018
DA-399- GFA B3- Ground Plan- Rev R1	Meriton Property Services Pty Ltd	Dated 16 July 2018; Received 17 July 2018
DA-400- GFA Level 1 to L4 Plan- Rev R2	Fox Johnston	Dated 16 July 2018; Received 17 July 2018
DA-401- GFA L5 to L12 Plan- Rev R2	Fox Johnston	Dated 16 July 2018; Received 17 July 2018
DA-402- GFA L13 to Roof Plan- Rev R2	Fox Johnston	Dated 16 July 2018; Received 17 July 2018
DA-410- Solar- Ground to L3 Plan- Rev R2	Fox Johnston	Dated 3 May 2018; Received 8 May 2018
DA-411- Solar- L4 to L11 Plan- Rev R2	Fox Johnston	Dated 3 May 2018; Received 8 May 2018
DA-412- Solar- L12 to L15 Plan- Rev R1	Fox Johnston	Dated 9 November 2017; Received 8 May 2018
DA-420- Ventilation- Ground to L3 Plan- Rev R2	Fox Johnston	Dated 3 May 2018; Received 8 May 2018
DA-421- Ventilation- L4 to L11 Plan- Rev R2	Fox Johnston	Dated 3 May 2018; Received 8 May 2018
DA-422- Ventilation- L9 to L14 Plan- Rev R1	Fox Johnston	Dated 9 November 2017; Received 8 May 2018
DA-423- Ventilation- L15 Plan- Rev R1	Fox Johnston	Dated 9 November 2017; Received 8 May 2018
DA-430- Communal Open Space Shadow Diagram Plan- Rev R1	Fox Johnston	Dated 9 November 2017; Received 8 May 2018
DA-431- Deep Soil and COS Calculation Diagram Plan- Rev R2	Fox Johnston	Dated 24 April 2018; Received 8 May 2018
Privacy and screening- Rev R1	Fox Johnston	Dated May 2018; Received 17 May 2018

SKT003- Turning Paths- main basement ramp access- Issue A	ARUP	Dated 30 August 2017; Received 8 May 2018
SKT004- Lower basement circulation- Issue A	ARUP	Dated 30 August 2017; Received 8 May 2018
DA-1711-03- Rev B- Landscape Masterplan	Sturt Noble Associates	Dated 28 September 2017; Received 27 November 2018
DA-1711-04- Rev B- Ground Floor- Communal courtyard		Dated 28 September 2017; Received 27 November 2018
DA-1711-05- Rev B- Ground Floor- Public Open Space		Dated 28 September 2017; Received 27 November 2018
DA-1711-06- Rev B- West Block- Level 14 terrace and Level 11 terrace below		Dated 28 September 2017; Received 27 November 2018
DA-1711-07- Rev B- East Block- Level 14 terrace and Level 11 terrace below		Dated 28 September 2017; Received 27 November 2018
DA-1711-08- Rev B- East and West Block- Level 16 roof terraces		Dated 28 September 2017; Received 27 November 2018
DA-1711-09- Rev B- Design Elements		Dated 28 September 2017; Received 27 November 2018
DA-1711-10- Rev B- Indicative Planting		Dated 28 September 2017; Received 27 November 2018

Reference Document(s)	Author	Dated / Received by Council
DA Access Report Ref: MTN-040	Wall to Wall	Dated 28 September 2017; Received 27 November 2017
Acid Sulfate Soils Management Plan Ref: CES130805-MG-AD	Consulting Earth Scientists	Dated 21 January 2016; Received 17 August 2016
Development Application Acoustic Report Ref: 20171309.1/1611A/R1/TA	Acoustic Logic	Dated 16 November 2017; Received 27 November 2017
Arboricultural Impact Assessment Report	Jacksons Nature Works	Dated 16 October 2017; Received 27 November 2017
Thermal Comfort and BASIX Assessment Ref: 17-0216 Rev B	Efficient Living	Dated 14 November 2017; Received 27 November 2017
Building Code of Australia Compliance Assessment Report Ref: 1423-110 Rev 01	AED Group	Dated 17 November 2017; Received 27 November 2017
Construction Management Plan- Rev 1	Meriton Property Services Pty Ltd	Dated 27 October 2017; Received 27 November 2017
Crime Risk and Security Report	Meriton Property Services Pty Ltd	Dated 11 October 2017; Received 27 November 2017
SEPP 65 Design Statement and Apartment Design Guide	Fox Johnston	Dated November 2017; Received 27 November 2017

SEPP 55 Requirements	Consulting Earth Scientists	Dated 10 April 2014; Received 27 November 2017
Geotechnical Investigation Report Ref: GEOTLCOV24928AE-AC	Coffey Geotechnics Pty Ltd	Dated 5 February 2016; Received 27 November 2017
Quantity Surveying Cost Report	Steven Wehbe	Dated 17 November 2017; Received 27 November 2017
Site Surveys	JBW Surveyors Pty Ltd	Dated 16 September 2014; Received 27 November 2017
UB3 Solar Reflectivity and Glare Assessment Ref: 610.13932-R11	SLR	Dated 16 November 2017; Received 27 November 2017
Stage 1 Masterplan Consent Compliance Table	Meriton Property Services Pty Ltd	Received 27 November 2017
Statement of Environmental Effects	Meriton Property Services Pty Ltd	Dated October 2017; Received 8 May 2018
Waste Management Plan Rev B	Elephants Foot Waste Compactors Pty Ltd	Dated 17 October 2017; Received 27 November 2017
Qualitative Wind Assessment Ref: 610.13932.R10	SLR	Dated 12 October 2017; Received 27 November 2017
Clause 4.6 variation to vary height and FSR development standard	Meriton Property Services Pty Ltd	Dated 23 October 2017; Received 17 May 2017
Lift Traffic Analysis Report	KONE	Dated 7 May 2018; Received 17 May 2018
Addendum to traffic report	ARUP	Dated 10 May 2018; Received 17 May 2018
Swept/turning path report	ARUP	Dated 21 March 2018; Received 8 May 2018
Cover letter addressing RFI	Meriton Property Services Pty Ltd	Dated 8 May 2018; Received 8 May 2018
Civil Works Package- UB3	At&I	
13-155- 5600-01-Civil-DA Report/Stormwater Report	At&I	Dated September 2017; Received 8 May 2018
Stormwater Management Report- Rev 9	Aurecon	Dated 19 December 2011; Received 8 May 2018
Stage 2 Traffic and Transport Report	ARUP	Dated 30 August 2017; Received 8 May 2018
Traffic Letter	ARUP	Dated 21 November 2017; Received 8 May 2018
Apartment Schedule	Fox Johnston	Received 8 May 2018

- 2 This Consent relates to land in Lot 2 in DP 1187426 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 This development is a Stage 2 consent. The development must comply with all conditions of the Stage 1 consent DA-14/96 unless modified and agreed upon by Council within this consent.
- 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 4.55 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.
- 7
 - (a) Service Alterations – All mains, services, poles, etc., which require alteration due to works associated with the development, shall be altered at the applicant's expense.
 - (b) In designing the street tree layout, the consultant shall check and ensure that all new street trees are positioned such that there are no conflicts with the proposed street lights, utilities and driveway accesses. The proposed street lights will have priority over the street trees. All costs associated with the removal of existing street trees, where required, will be borne by the Developer.

- (c) All telecommunication and utility services are to be placed underground along the Street frontages. The extent of works required in order to achieve this outcome may involve works beyond the frontage of the development site. Plans are to be prepared and certified by a suitably qualified Electrical Design Consultant for decommissioning the existing network and constructing the new network; and are to be submitted to, and approved by Council and relevant utility authorities, prior to commencement of telecommunication and utility services works.
- (d) Street trees are to be provided in accordance with the Botany Street Tree Master Plan 2014.
- (e) In designing the street tree layout, the consultant shall check and ensure that all new street trees are positioned such that there are no conflicts with the proposed street lights, utilities and driveway accesses. The proposed street lights will have priority over the street trees. All costs associated with the removal of existing street trees, where required, will be borne by the Developer.
- (f) All telecommunication and utility services are to be placed underground along the flowing streets: The extent of works required in order to achieve this outcome may involve works beyond the frontage of the development site. Plans are to be prepared and certified by a suitably qualified Electrical Design Consultant for decommissioning the existing network and constructing the new network; and are to be submitted to, and approved by Council and relevant utility authorities, prior to commencement of work.

CONDITIONS IMPOSED BY AN EXTERNAL AUTHORITY

Where relevant, the following external authority conditions apply:

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

- (a) It is recommended for the nominated electrical consultant/contractor to provide a preliminary enquiry to Ausgrid to obtain advice for the connection of the proposed development to the adjacent electricity network infrastructure. An assessment will be carried out based on the enquiry which may include whether or not:
 - (i) The existing network can support the expected electrical load of the development
 - (ii) A substation may be required on-site, either a pad mount kiosk or chamber style and;
 - (iii) site conditions or other issues that may impact on the method of supply.

Please direct the developer to Ausgrid's website, www.ausgrid.com.au about how to connect to Ausgrid's network.

- (b) The need for additional electricity conduits in the footway adjacent to the development will be assessed and documented in Ausgrid's Design Information, used to prepare the connection project design.
- (c) All proposed vegetation underneath overhead power lines and above underground cables must comply with the requirements of ISSC 3 Guideline For Managing Vegetation Near Power Lines.
- (d) There are existing overhead electricity network assets in Banks Ave. Safework NSW Document – Work Near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between these mains/poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given to the positioning and operating of cranes and the location of any scaffolding.

The "as constructed" minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid's website, www.ausgrid.com.au

Based on the design of the development provided, it is expected that the "as constructed" minimum clearances will not be encroached by the building development. However it remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite.

Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost.

It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site.

- (e) There are existing underground electricity network assets in Banks Ave. Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Safework Australia – Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables.

9 The following conditions are imposed by **Civil Aviation Safety Authority (CASA)**:

- (a) The building must not exceed a maximum height of 91 metres AHD, inclusive of all lift over-runs, vents, chimneys, aerials, antennas, lightning rods, any roof top garden plantings, exhaust flues etc.
- (b) The proponent must ensure obstacle lighting arrangements have a remote monitoring capability, in lieu of observation every 24 hours, to alert SACL reporting staff of any outage. For detailed requirements for obstacle monitoring within the OLS of an aerodrome, refer to subsection 9.4.10 of the MOS Part 139.

- (c) Separate approval must be sought under the Regulations for any cranes required to construct the buildings. 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 Regulations. Therefore it is advisable that approval to operate construction equipment (i.e. cranes) should be obtained prior to any commitment to construct.
 - (d) At the completion of the construction of the building, a certified surveyor is to notify (in writing) the airfield design manager of the finished height of the building.
- 10 The following conditions are imposed by **Water NSW**:
- (a) A Water Supply Work Approval from WaterNSW must be obtained prior to commencing dewatering activity on the proposed site. Please complete an Application for approval for water supply works, and/or water use.
 - (b) An application for a Water Supply Works Approval will only be accepted upon receipt of supporting documentation, and payment of the applicable fee (see Application fees for New or amended Works and/or Use Approvals). The information required for the processing of the water supply work application may include preparation of a dewatering management plan. Please refer to checklist attached.
 - (c) If approved, the Approval will be issued for a period of up to 24 months to cover the dewatering requirements during the construction phase. It will include conditions to ensure that impacts are acceptable and that adequate monitoring and reporting procedures are carried out. The Approval will be issued subject to the proponent meeting requirements of other agencies and consent authorities. For example, an authorisation by either Sydney Water or the local Council, depending where the water will be discharged. If contaminants are likely, or are found to be present in groundwater, and are being discharged to stormwater, including high salinities, a discharge licence under the Protection of the Environment Operations Act 1997 (NSW) may also be required.
 - (d) Water NSW prefers "tanking" (ie. total water proofing below the seasonal high water table) of basement excavations, and avoids the ongoing extraction of groundwater after the initial construction phase. It is also advised to adopt measures to facilitate movement of groundwater post construction (eg. a drainage blanket behind the water-proof membrane).
 - (e) If the basement is not "tanked", the proponent will require a Water Access Licence (WAL) and need to acquire groundwater entitlements equivalent to the yearly ongoing take of groundwater. Please note: Acquiring groundwater entitlements could be difficult, and may cause delay in project completion. If a WAL is required, please complete an Application for a new water access licence with a zero share component.
- 11 The following conditions are imposed by the **NSW Roads and Maritime Services (RMS)**:
- (a) 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.

- (b) All demolition and construction vehicles are to be contained wholly within the site. All vehicles must enter the site before stopping as a construction zone will not be permitted on Bunnerong Road.
- (c) A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Bunnerong Road during construction activities.
- (d) Should the post development storm water discharge from the subject site into the Roads and Maritime system exceed the pre-development discharge, detailed design plans and hydraulic calculations of any charges are to be submitted to Roads and Maritime for approval, prior to the commencement of works on site. Details should be submitted to Suppiah Thillai: suppiah.thillai@rms.nsw.gov.au A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued.
- (e) The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001. The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment of Roads and Maritime. Details should be submitted to Suppiah Thillai: suppiah.thillai@rms.nsw.gov.au 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.
- (f) All works and regulatory signposting associated with the proposed development are to be at no cost to Roads and Maritime.

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

(a) Sydney Water Servicing

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.sydneywater.com.au > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

(b) Building Plan Approval

The approved plans must be submitted to the 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. The Sydney Water Tap in online self-service replaces our Quick Check Agents as of 30 November 2015.

The Tap in service provides 24/7 access to a range of services including:

- Building plan approvals
- Connection and disconnection approvals
- Diagrams
- Trade waste approvals
- Pressure information
- Water meter installations
- Pressure boosting and pump approvals
- Changes to an existing service or asset e.g. relocating or moving an asset

Sydney Waters Tap In online service is available at:

<http://sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

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

- 13 A dilapidation report, including a photographic survey prepared by a Practising Structural Engineer, 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.
- 14 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.
- 15 Erosion and sediment control devices shall be installed and in function prior to the commencement of any 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 construction phases of the development and for a minimum one (1) month period after the completion of the development, where necessary.
- 16 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.
- 17 This Consent shall not preclude the demolisher from giving notice to other statutory authorities, such as Sydney Water Corporation, WorkCover, etc.
- 18 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.

- 19 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.
- 20 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.
- 21 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 stormwater a permit to discharge to the stormwater shall be obtained from Council. Dewatering shall not commence until this is issued by Council.

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

- 22 Prior to the issue of the relevant Construction Certificate, construction plans are to show that all study rooms are to have a window in accordance with the requirements under SEPP 65 and the ADG.
- 23 Prior to the issue of the relevant Construction Certificate, construction plans to show that compliance with the Apartment Design Guide minimum storage rates has been achieved as follows:
 - (a) 1 Bedroom apartments 6m³
 - (b) 2 Bedroom apartments 8m³
 - (c) 3 Bedroom apartments 10m³

At least 50% of the required storage is to be located within the apartment.
- 24 Prior to the issue of any Construction Certificate, the following fees are to be paid:-

(a)	Development Control	\$13,583.00
(b)	Footpath Crossing Deposit	\$314,700.00 (See below)
(c)	Section 7.11 Contributions below)	\$7,720,000.00 \$7,120,000.00 (See below)
(d)	Long Service Levy	See below
(e)	Tree Maintenance Bond	\$7,500.00 (See below)

- (f) Street Tree Planting Bond \$7,500.00 (See below)
- (g) Public Works Defect Liability Bond \$25,000.00 (See below)

(Modified via DA-2017/1224/02)

- 25 Prior to the issue of any Construction Certificate, the payment of a monetary contribution of ~~\$7,720,000.00~~ **\$7,120,000.00** in accordance with Council's Section 94 Contributions Plan 2016 which is broken down as follows:

a)	Community Facilities	\$617,600.00 \$582,829.10
b)	Recreation Facilities	\$6,484,800.00 \$6,013,136.89
c)	Transport Management	\$540,400.00 \$472,191.93
d)	Administration	\$77,200.00 \$51,842.08

The Section 7.11 Contribution fees are subject to annual review and the current rates are applicable for the financial year in which the consent is granted. If the contribution is paid in a later financial year the fee applicable at the time will be required to be paid.

(Modified via DA-2017/1224/02)

- 26 Prior to the issue of any Construction Certificate, the required Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service payments Act 1986 must 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.
- 27 Prior to the issue of any Construction Certificate, the applicant shall lodge a Footpath Crossing Deposit of \$314,700.00 (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.
- 28 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.
- 29 Prior to the issue of any Construction Certificate, a Construction Management Program shall be submitted to the Principal Certifying Authority prior to the issue of a 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) Proposed protection for Council and adjoining properties, and
- (i) The location and operation of any on site crane. Please note that a crane may require prior approval from Sydney Airports Corporation.
- (j) The location of any Construction Zone (if required) approved by Council's Traffic Committee, including a copy of that approval.
- (k) The methodology to control dust on site.

30 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). 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, and
- (c) 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.

- 31 Prior to the issue 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.
- 32 Prior to the issue 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) A suitably qualified engineer shall design and certify the driveway access from Finch Drive to the development to ensure that stormwater from the road reserve is not directed into the basement structure, a suitable crest shall be provided to ensure flows are not directed into the basement structure, and
 - (c) 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.
- 33 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.
- 34 Prior to the release of the Construction Certificate, the following required section(s) are to be submitted to and approved by the Principal Certifying Authority:

- (a) At least fourteen (14) accessible car parking spaces shall be provided and clearly marked as specified in Australian Standards AS 2890.6, SEPP 65 Design Code and Council requirements, and
 - (b) All Accessible parking spaces shall be located within close proximity and easy access to the lift systems proposed for the building as per AS2890.6 and AS4299.
- 35 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 (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) The Ausgrid lighting poles along Banks Avenue, will need to be decommissioned and new lighting poles shall be constructed satisfying V2 lighting requirements any other requirements as specified by Council, RMS and any other service provider,
 - (d) All above ground utilities on Banks Avenue 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 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.

- 36 Prior to the issue of the relevant 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' (SMTG), 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) A minimum capacity 10000L of Rainwater Tank(s) shall be provided for the site with a combined catchment of at least the entire roof area of the development, only roof water shall be directed to the rainwater tank(s). In order to reduce pollutants entering the tank, a first flush device to divert minimum 1mm initial runoff from the roof area bypassing the tank shall be provided. Overflow from the rainwater tank shall be directed to the site drainage system. The rainwater tank(s) shall service the toilets, clothes washers and any outdoor irrigation/taps for landscaping within the development, and
- (f) Basement drainage shall be provided for the collection and removal of stormwater from all basement levels. The design is to comply with Botany DCP Part 10 Section 7 and AS/NZS 3500.3:2015, details of the pump out system shall be shown on the stormwater management plans, and
- (g) The pump out system from the basement carpark proposed shall discharge to the on-site stormwater detention (OSD) system, and
- (h) All surface runoff from parking facilities and access ways 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 to the Principal Certifier, and
- (i) All electricity supply provided for all pump systems proposed for the development shall be backed up by an external power source in the event of a power outage, and
- (j) Detailed calculations including computer modelling supporting the proposal.

All plans and documentation shall be certified by a suitably qualified engineer as specified in Botany DCP Part 10 Section 2.1.

- 37 Prior to the issue of the relevant Construction Certificate, at least two (2) car wash bays are to be provided. One of the additional residential spaces can be utilised for this purpose. A tap shall be provided along with a sign fixed to the wall saying 'Visitor Car Space and Car Wash Bay'. The car wash bay must be bunded in accordance with AS1940 – 1993 and AS/NZS 4452 – 1997 with direct connection to the sewer in accordance with a Sydney Water trade waste agreement.
- 38 Prior to the issue of the relevant Construction Certificate, a civil design plan must be prepared by a suitably qualified engineer and be approved by Bayside Council's Public Domain department for all frontage works that are required to be constructed within the public domain. A Public Domain Frontage Works application shall be submitted to Council for the works to be assessed, approved and a design brief provided, the form details can be found on the Bayside Council website. The frontage works shall be in accordance with any Council town centre plans, standard design drawings and specifications. Preliminary consultation with Council public domain department is highly recommended.
- 39 Prior to the issue of the relevant construction certificate, a Public Domain frontage landscape plan shall be submitted to Bayside Council. Landscape improvements plan shall be submitted and approved by Bayside Council's landscape architect. The plans shall include street planting, footpath paving, street tree pit treatments and tree guards, street furniture such as seats, bollards, bins, bike racks, and ground level soft landscaping treatment. The public domain landscape plans shall include the following:
- (a) Banks Avenue shall be planted with *Araucaria comlumnaris* (Cook Pines), minimum height to be installed five 5 meters high.
 - (b) Tingwell Boulevard shall be planted with *Angophora costata*, (Smooth-barked Apple)
 - (c) Finch Drive shall be planted with *Eucalyptus botryoides*, (Bangalay)
 - (d) Minimum pot size supplied to be planted for street trees is 400 Litres.
 - (e) Trees shall be sourced from a reputable supplier that grows to NATSPEC.
 - (f) A Dial-Before-You-Dig enquiry is required prior to all tree planting.
 - (g) Tree pits shall be backfilled with imported soil/compost, water holding additive and fertiliser, and mulched with leaf mulch to a depth of 100mm. The trees are to be staked in accordance with Council's Landscape DCP, and have installed a RootRain Civic for an effective tree watering.
 - (h) The Applicant is required to obtain a Council inspection of new trees prior to the planting to ensure plant stock is suitable and post planting prior to the maintenance period commencing.
 - (i) Rigid polyethylene sheet type tree root barriers shall be installed alongside the kerb and footpath edge for all new street trees for a depth of 900mm, for 3 metres each side of the tree centre and shall be located 150mm inward of the footpath and kerb edge, or any other built element. Root deflectors/directors surrounding the rootball are not permissible. The Applicant is required to contact Council's Landscape Architect for an inspection of root barriers located within the public domain prior to backfilling.

- (j) A raised concrete edge shall be installed around the landscape areas to contain soil and mulch finishes from spilling out onto adjoining pavements. The edge shall be raised a minimum of 150mm above the adjoining pavement. Timber retaining edges are unsuitable.
 - (k) All street verges will be treated with groundcovers, no turf unless approved by council.
 - (l) As a minimum, shrubs shall be planted across the front boundary and down both side boundaries to the building alignment. Plants shall be predominantly native, have low water requirements and be suited to the local soils.
 - (m) The street tree planting to all internal roads (Tingwell Boulevard and Finch Drive) are to use the Citygreen Stratavault system of planting to be incorporated into the updated Landscape Plans and documentation.
- 40 Prior to the issue of the relevant Construction Certificate, a suitably qualified engineer is to certify that the structure can withstand the forces of floodwater, scour, debris and buoyancy in a 1% AEP flood event. All building materials shall be flood resistant, or flood compatible to a height of RL 22.50m AHD. All internal electrical switches, power points or similar utilities liable to flood damage shall be set at or above RL 22.50m AHD. Details and certification shall be provided to the Principal Certifier for Assessment and approval.
- 41 If required, the subsurface structure shall be designed with a water proof retention system (i.e. tanking and waterproofing) to a level that provides adequate provision for the future fluctuation of the water table. This subsurface structure is required to be designed with consideration of uplift due to water pressure and "flotation" (buoyancy) effects. All subsoil drainage around this 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.
- 42 The construction methodology, parameters, and recommendations prepared by Coffey Geotechnics Pty Ltd, ref: GEOTLCOV24928AE-AC, dated 5 February 2016, shall be implemented and relied upon during the preparation of the construction certificate documentation and the construction of the proposed development.
- 43 The external walls of the building including attachments must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of a Construction Certificate, the Principal Certifying Authority and Principal Certifying Authority must:
- (a) Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the NCC; and
 - (b) Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.

- 44 Prior to the issue of the relevant Construction Certificate, details on the mechanical plant and equipment to be submitted to the Principal Certifying Authority. The report must:
- (a) identify each item of plant and equipment;
 - (b) the following additional criteria adopted by Bayside Council:
 - (i) 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).
 - (ii) 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.
 - (iii) 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.
 - (iv) 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.
- Note "sensitive" positions should be selected to reflect the typical use of a property (i.e. 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.
- 45 Prior to the issue of the relevant Construction Certificate, plans and specifications for the storage room for waste and recyclable materials shall be submitted to the Principal Certification Authority. 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.
- 46 Prior to the issue of the relevant Construction Certificate, any electrical kiosk, fire booster assembly or similar utilities must be located in an unobtrusive location away from vehicle and pedestrian entrances to the property and not within the landscaped street setback. The utilities must be 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 the Principal Certifying Authority prior to their installation. Fire booster assemblies should be housed within the external face of the building structure and screened from view from the public domain area.
- 47 Design verification is required to be submitted from a qualified designer to confirm the development is in accordance with the approved plans and details and continues to satisfy the design quality principles in State Environmental Planning Policy No. 65 Design Quality of Residential Apartment Development.

- 48 Design certification, prepared by a suitably qualified engineer shall be submitted to Principal Certifying Authority certifying the car parking area shown on the construction plans has been designed in accordance with AS 2890.1, AS2890.2, and AS2890.6.
- 49 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 Principal Certifying Authority and its location and specifications endorsed on the construction drawings.
- 50 The applicant is to submit payment of a Tree Maintenance Bond of \$7,500.00. The duration of the Bond shall be limited to a period of 6 months after planting of the new street trees and a satisfactory inspection from Council. At the completion of the Bond period the Bond shall be refunded pending an inspection of the trees by Council. If a tree is found to be dead, pruned or dying and will not recover Council will forfeit all or part of the bond to replace or maintain the tree/s, unless the Applicant undertakes this work under instruction from Council.
- 51 Prior to the issue of a Construction Certificate, the applicant is to submit payment for a Public Works Defects Liability Bond of \$25,000. The duration of the Bond shall be limited to a period of 6 months after Council approval of all public domain works. At the completion of the 6 month period the Bond shall be refunded pending a satisfactory inspection of the new public domain work by Council. If rectification or maintenance work is required in this period then Council will forfeit all or part of the bond to undertake the required work, unless the Applicant undertakes this work.
- 52 Prior to the issue of the construction certificate, the landscape areas shown on Sturt Noble Landscape plans dated 28/09/2017 Issue B shall be the subject of detailed landscape construction level documentation to be submitted to and approved by the Bayside Council's Landscape architect. The plans shall address the following:
 - (a) All four existing trees (Tree 11 and 21: *Casuarina glauca*. Trees 12 and 16: *Eucalyptus botryoides*. Trees) can be removed and shall be replaced with four (4) *Corymbia maculata*, supplied at 500 Litres minimum pot size, to be planted in the deep soil area along Banks Avenue frontage setback within the site.
 - (b) 500L minimum tree pot size is to be supplied for all trees on the ground level. The planting schedule is required to indicate pot sizes for all proposed plants;
 - (c) A minimum of 12 canopy trees shall be provided along Banks Avenue frontage landscape setback.
 - (d) All frontage landscape setback shall also include small and medium trees to provide a green buffer, this planting can include deciduous trees strategically located adjacent to north face terraces units to allow sun access in winter and shade in summer. Large canopy trees shall be included in all deep soil areas where the space allows. There shall be a variety of three heights in all setbacks inclusive of small, medium and large canopy trees with the majority (80 to 90%) being indigenous local or native species where possible. All trees must be of appropriate scale to complement and ameliorate the built form and to pedestrianise setbacks and entries and make use of feature or specimen trees. Feature/specimen trees are favoured suitable to the residential setting and to visually enhance the Banks Avenue setback and soften buildings as a component of the streetscape and public domain.
 - (e) Shrubs of varying heights shall be used throughout all setbacks of the site including at the base of the buildings to visually ground buildings and screen edges and façades. Lawn shall be minimised, and be limited to recreational

- areas in public open space area between UB5W and UB3, where sun access allows proper growth of grass.
- (f) Screen planting or buffer planting is required along the property boundary to provide screening and privacy for UB3 residents. Screen planting shall comprise tall, dense foliated shrubs that achieve a height of 2.5 metres and that retain foliage near ground level. Planter beds shall be a minimum width of 0.75 metres.
 - (g) Planter boxes located between public open space and south façade of building shall include trees and shrubs to provide wind break and privacy.
 - (h) Landscape plans shall include/display all proposed and retained levels, top of walls and all stormwater relevant information: location of underground stormwater, pits and rainwater tanks, ensuring deep soil availability for landscaping and tree planting is maximised.
 - (i) A planting plan indicating all plant locations, groupings and centre/spacing. There is to be a dense, layered planting of canopy trees, medium trees and shrubs of a varying height and feature in all landscaped areas. All landscaped areas adjacent to public domain shall follow CPTED principles.
 - (j) Landscape specifications detailing soil and mulch finishes, root barriers, irrigation, edge treatments and other landscape handworks/materials such as retaining walls and paving.
 - (k) Provide details, sections and materials of fences, privacy screening, pergolas and walls visible from the public domain of both external roads and public open space.
 - (l) Indicate the location of all basement structures relative to the landscape areas on the landscape plan.
 - (m) 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, 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.
 - (n) **Terraces landscape treatment.** Terraces shall include screen shrubs in planter boxes, with small leaves to perform as a wind breaker and mitigate wind conditions, in particular for terraces and balconies areas exposed to the southwest, from where the strongest winds prevail.
 - (o) Level 11, level 14, and level 16 roof private terraces shall include perimeter built in planter boxes, providing a total or partial enclose of each terrace. Pot plants are not supported. Planting in planter boxes shall include low maintenance feature and screen shrubs to grow 700 to 1000 mm high.
 - (p) Level 4 and level 5 open balconies shall be treated to mitigate wind effect with planter boxes with screen planting to reach 1800mm from ground level or balustrade 1395 mm high, to comply with requirements of Qualitative Wind Assessment, prepared by SLR Consulting Australia Pty Ltd, dated 12th October 2017.
 - (q) Synthetic turf is not supported. Timber deck is recommended instead to avoid raised of temperature produced by synthetic turf, overuse of water to control temperature in summer, and related environmental issues.

- (r) All proposed pergolas shall have climbers growing on top to ameliorate amenity and environment.
 - (s) Planter boxes will be fully automatic irrigated. Construction details, sections and external finishes shall be provided. Planter box depths and construction specifications to be in accordance with Apartment Design Guide, NSW Planning and Environment, July 2015.
 - (t) Maintenance schedule for all soft and hardscape works is to be provided.
 - (u) Deep soil area between UB5W and UB3 shall avoid lawn and maximised canopy planting; trees to be supplied at a minimum 400 Litre pot size.
 - (v) The exhaust stack within the central communal open space on the ground floor must be screened with either decorative panels, climbers or similar to enhance its visual appearance within the open space and the outlook for residents.
- 53 The Remedial Action Plan (RAP) shall avoid the use containment and contaminants should be treated onsite or removed from the site whenever possible. Any remediation that utilises a containment strategy for contaminants must be accompanied by a Long-term Environmental Management Plan (LTEMP). This LTEMP must be added to the title of the site.
- 54 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.
- 55 Prior to the issue of a Construction Certificate, an application for Property Address Allocation and associated fee is required to be submitted to Council. Determination of address numbers are in accordance with AS/NZS 4819:2011 Rural and Urban Addressing Standard and Section 5.2 of the NSW Address Policy.
- The form is available for download at:
<https://www.bayside.nsw.gov.au/services/development-construction/building-or-altering-property/commonly-used-forms>
- The general principles of addressing in NSW are described in the NSW Addressing User Manual, Ch.6 Addressing Principles. The manual is available for download at:
http://www.gnb.nsw.gov.au/data/assets/pdf_file/0007/199411/2018_NSW_Address_ing_User_Manual.pdf
- The numbering (sub-addresses) of the individual units in multi-level sites should be consistent with Australian Standards AS/NZS 4819:2011 Rural and Urban Addressing Standard & NSW Addressing User Manual.
- Developers of multi-level buildings are required to submit their schedule of addresses to Council for addressing approval prior to registration of the subdivision plan.

CONDITIONS WHICH MUST BE SATISFIED DURING WORKS

- 56 Construction operations shall comply with the following:

- (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.
 - (e) Concrete trucks and trucks 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 be conducted in a suitable off-street area where wash waters do not enter the stormwater system or enter Council's land.
 - (f) 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.
 - (g) All vehicles transporting soil, sand or similar materials to or from the site shall cover their loads at all times.
- 57 Vibration levels induced by the demolition activities shall 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. Prior to commencement a specific vibration monitor shall be set up to monitor and record the vibration levels affecting surrounding buildings.
- 58 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. A copy of any written direction required by this condition must be provided to the Principal Certifier 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.

- 59 Inspections must be conducted by Council's Engineer at the following occasions:
 - (a) Formwork inspection of driveway layback and adjacent kerb and gutter prior to laying of concrete,
 - (b) Formwork inspection of Council's kerb and gutter prior to laying of concrete,
 - (c) Formwork inspection of Council's footpath prior to laying of concrete,
 - (d) Inspections of the Banks Avenue road reserve prior and during the construction of the new road pavement,
 - (e) Final inspection of driveway layback and adjacent kerb and gutter,
 - (f) Final inspection of Council's kerb and gutter,
 - (g) Final inspection of Council's footpath,
 - (h) Final Inspection of new road pavement on Banks Avenue.
- 60 During demolition, excavation and construction, care must be taken to protect Council's infrastructure and surrounding buildings, 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 make safe for pedestrian and vehicular traffic at all times. Any damage to Council's infrastructure and surrounding buildings (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.
- 61 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.

- 62 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.
- 63 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.
- 64 The development is to be constructed to meet the following construction noise requirements:
- 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 10dB(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 07:00am to 03:00pm
 - iii) No Construction to take place on Sundays or Public Holidays.
 - d) Silencing
 - i) All possible steps should be taken to silence construction site equipment.
- 65 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 if required under this consent;
 - (b) "Managing Urban Stormwater - Soils and Construction" (2004) ('The Blue Book'); and
 - (c) Protection of the Environment Operations Act 1997.
- 66 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.
- 67 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 Remedial Action Plan 'Updated Remediation Action Plan - Proposed Mixed Use / Medium Density Residential Zone, Part Lot 1 in D.P. 776089, Westfield Drive, Eastgardens, NSW' prepared by Douglas Partners, Project 71631.12, dated September 2013.
- 68 The management of potential and actual acid sulfate soils shall be conducted in accordance with all recommendations within the '*Acid Sulfate Soils Management Plan – 130-150 Bunnerong Road, Pagewood, NSW*', Reference CES130805-MG-AD by Consulting Earth Scientists dated 21 January 2016.
- 69 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.
- 70 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.
- 71 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.

- 72 Results of the monitoring of any field parameters such as soil, surface water, dust or noise measurements shall be made available to Council Officers on request throughout the remediation and construction works.
- 73 Landscape construction should be carried out by a qualified landscape contractor to ensure that adequate standards of workmanship are achieved. Landscape contractors who are members of the Landscape Contractors Association of NSW should be engaged.
- 74 Landscaping shall be installed in accordance with the approved Sturt Noble landscape plans only stamped by Council's Landscape Architect and dated prior to the issue of a Construction Certificate. (This amended plan supercedes the original landscape plan).
- 75 In accordance with councils DCP, the following activities are prohibited beneath the canopy drip line of any tree required to be retained and protected unless otherwise approved under the development consent/plans:
 - (a) Excavations and trenching (with exception of the approved foundations and underground services);
 - (b) Ripping or cultivation of soil;
 - (c) Mechanical removal of vegetation;
 - (d) Soil disturbance or movement of natural rock;
 - (e) Soil level changes including the placement of fill material (excluding and suspended floor slab);
 - (f) Movement and storage of plant, equipment & vehicles;
 - (g) Erection of site sheds;
 - (h) Affixing of signage or hoardings to trees;
 - (i) Storage of building materials, waste and waste receptacles;
 - (j) Disposal of waste materials and chemicals including paint, solvents,

In accordance with AS 4970 – 2009, inspections shall be conducted by the Project Arborist in accordance with the following key milestones:

Prior to any work commencing on-site (including demolition, earthworks or site clearing) and following installation of tree protection fences, tags and trunk protection; During any excavations, building works and any other structure within the TPZ of the tree to be retained & protected, including any landscape works; A minimum of every month during the construction phase from Commencement to issue of the Occupation Certificate; and Following completion of the building works.

The Project Manager shall be responsible to notify the Project Arborist prior to any works within the Tree Protection Zones of protected tree within a minimum of 24 hours' notice.

- 76 If adjustment or connection to existing subsurface services or utilities within the road verge or the road carriageway is required, all work must be undertaken under the supervision and direction of Council's Tree Management Officer so as not to impact or harm the existing street tree. NOTE: Services may require re-routing at the Applicant's expense to ensure tree root protection. New overhead electrical property service wires shall located so that it is outside the tree canopy. No canopy pruning will be permitted for service wires.

- 77 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.
- 78
- (a) An experienced Landscape Contractor shall be engaged to undertake the landscaping 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.
 - (b) The contractor shall be engaged weekly for a minimum period of 13 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.
- 79 For the purposes of irrigating the landscaped areas, a water tank, minimum 25,000 litres in size but ideally equivalent to the building roof area to be drained, shall be installed on the property for stormwater collection and re-use.
- 80 All new street trees shall be installed prior to completion of the staged development. All tree planting work is to be completed and protective fencing, being 1.8 metre chainlink fence, erected around the trees for protection prior to the commencement of construction.
- 81 All internal access driveways, parking areas and pedestrian walkways shall be unit paved (interlocking pavers). Large areas of asphalt.
- 82 A raised concrete edge shall be installed around the landscape areas to contain soil and mulch finishes from spilling out onto adjoining pavements. The edge shall be raised a minimum of 150mm above the adjoining pavement. Timber retaining edges are unsuitable.
- 83 Planter boxes constructed over a concrete slab shall be built in accordance with the following requirements:
- (a) Ensure soil depths in accordance with Council's Landscape DCP. 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 AN OCCUPATION CERTIFICATE

- 84 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.
- 85 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.
- 86 Prior to the issue of an Occupation Certificate for occupation or use of residential flat development, a design verification statement shall be submitted to the PCA from a qualified designer certifying that the development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to Schedule 1 of *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development*.
- 87 The public area of the residential parts of each building must be designed by a practicing Interior Designer or other appropriately qualified person and include (but not limited to) colour schemes, artwork surface finishes, timber mid rails/skirting boards etc.
- 88 Prior to the issue of the relevant Occupation Certificate, car parking is to be allocated as follows:
 - (a) Minimum 547 residential spaces
 - (b) 36 residential visitor spaces
 - (c) 3 car share spaces with one located in car park and two on street;
 - (d) 2 car wash bays
 - (e) 1 service bay
- 89 Prior to the issue of the relevant Occupation Certificate, at least 36 bicycle spaces are to be provided in the car park. Consideration on having bike racks close to the lobby entries is encouraged.
- 90 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.
- 91 Prior to the issue of an Occupation Certificate, the underground placement of all low and/or high voltage street electrical 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, to the

satisfaction of the asset owner. The works shall be completed in accordance with Ausgrid's requirements and approved electrical design.

- 92 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.
- 93 Prior to the issue of any Occupation Certificate, the applicant shall carry out the following works:
- (a) On Banks Avenue, adjacent to development, remove redundant driveway crossover(s) and replace with kerb and gutter, turf, footpath and any other required tree planting and/or public domain improvements as specified by Council in accordance with Council's Infrastructure Specifications, and
 - (b) On Banks Avenue, adjacent to development, reconstruct existing kerb and gutter for the full length of the property in accordance with Council's Infrastructure Specifications,
 - (c) On Banks Avenue, adjacent to development, demolish existing concrete footpath and construct new footpath as per Council's Infrastructure and Landscape Architect specifications, and
 - (d) On Banks Avenue, adjacent to development, demolish existing road pavement and reconstruct road pavement full width as per Council's Infrastructure and Pavement Engineer's specifications.

- 94 The work to Tingwell Boulevard, Finch Drive, and Banks Avenue public footpath shall be constructed in accordance with Council specifications *outlined in the 'Frontage Works Approval'* Council document. The footpath dimensions, location, paver type and construction methods shall be in accordance with this specification only. Pavers shall be ordered accounting for adequate lead time for manufacture.

Construction hold points and Council inspections are required at the following points:

- (a) after formwork installation and to prior pouring the concrete blinding slab,
- (b) at the commencement of paving works, and
- (c) at final completion.

Council approval of public domain works is required prior issue of an Occupation Certificate.

- 95 Prior to the issue of the relevant 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.
- 96 Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that the vehicle access and off street parking facilities have been constructed in accordance with the approved construction plans, AS/NZS 2890.1, AS2890.2 and AS/NZS 2890.6, line marked and all signage relating to car parking erected.

Certification must be provided by a suitably qualified engineer, certifying the design of the completed works.

- 97 Prior to the issue of the Occupation Certificate, a Flood Risk Management Plan, prepared by a qualified practicing Civil Engineer must be provided, the flood impacts on the site shall be assessed for the 100 year ARI and Probable Maximum Flood (PMF) storm events. Additionally, the plan must make provision for the following:

- (a) Recommendations and precautions to minimise risk to personal safety of occupants and the risk of property damage for the total development, and
- (b) A flood evacuation strategy for occupants, and
- (c) Indication of the flood levels present on the site and surrounding streets.

The plan shall be located and fixed in a suitable location that can be accessed by all occupants to the satisfaction of the Principal certifier.

- 98 Prior to the issue of the Occupation Certificate, the following easements shall be created in conjunction with Council and the beneficiary:

- (a) Register a new 'Easement for public pedestrian access' over the pocket park on the southern side of the site.

- 99 Prior to the issue of the 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) Positive Covenant and Restriction on Use of Land for On-Site Detention System. Refer to Appendix B of the SMTG for suggested wording, and
- (b) Positive Covenant and Restriction on Use of Land for Pump-out System. Refer to Appendix B of the SMTG for suggested wording, and
- (c) Positive Covenant and Restriction on Use of Land for Stormwater Quality Improvement Device. Refer to Appendix C 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.

- 100 Prior to the issue of the Final Occupation Certificate, the Principal Certifying Authority is to ensure all units within the development are connected to an intercom system located at the vehicle entrance to the car parking area to ensure visitors to the site can access the visitor parking.

- 101 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. Details of street numbering shall be submitted to Council for approval in accordance with the NSW Addressing Policy prior to the issue of the Occupation Certificate. Application fees apply.

- 102 A report prepared by a qualified air quality/mechanical engineer certifying that the mechanical ventilation/exhaust system as installed complies in all respects with the design and operation standards of AS 1668 – Mechanical Ventilation and Air Conditioning Codes, and the relevant provisions of the Protection of the Environment Operations Act 1997 shall be submitted to Council within 21 days of the installation of the system and prior to the occupation of the premises.
- 103 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 the issue of the interim Occupation Certificate. 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.
- 104 Prior issue of an Occupation Certificate the Council footpath in front of the property is to be suitably repaired and made good after completion of construction works to Council specification and at the Applicant's expense. If existing pavers are damaged, subject to Council inspection and instruction, the Applicant is to source and purchase new pavers to match existing pavers in the street. If a significant number of new pavers are required Council may require that the entire frontage be replaced to allow for a uniform appearance. The footpath shall be maintained in a clean and tidy state at all times by the occupiers. Maintenance includes the removal of weeds and rubbish and periodic cleaning.
- 105 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.
- 106 The public domain and Council footpath area shall be upgraded with new paving, street furniture and street tree planting, to be installed by the applicant at the applicant's expense. All improvements shall be in accordance with approved *Sturt Noble Associates rev B* and Council Landscaping and Engineering specifications and requirements, and shall be constructed and complete prior to the issue of an Occupation Certificate.
- 107 Prior to the issue of the Occupation Certificate, a site works review is required demonstrating:
- (a) Extent and minimum dimensions of the site dedicated to landscaping comply with the Detailed landscaping plans
 - (b) All detailed works comply with detailed schedules and specifications included in the detailed landscape plans
 - (c) Any modifications to the design were an equivalent or better solutions to the requirements of the detailed landscape plans and do not affect the ability of the landscape treatment to achieve the design intent.
 - (d) Site cultivation, quality and depth of soil and mulches as a minimum complies with Council specifications and standards.
 - (e) Drainage of all open space and soft landscaping complies with detailed landscape plans and to Council standards

- 108 Prior to the issue of the Occupation Certificate, the following applies for landscape works specification for construction documents:
- (a) The Specification is to be read in conjunction with the Landscape Drawing Set, all other Consultant's documentation and revisions. Discrepancies are to be noted and clarified through a 'Request For Information' prior to construction. Allowance is to be made for all specified products. Equivalent alternatives to be documented when required and updated on As-Builts. All Australian Standards nominated in this Specification are to be the current issue.
- 109 The condition to be inserted under the heading of prior to Issue of Occupation Certificate is to read:
- a) That before entering a purchase/lease/occupancy agreement, or individual units are on-sold, 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.
 - b) 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 a directory board or notice board, where it can easily be observed and read by persons entering the building.
 - c) 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.
- 110 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 clearly demonstrating that the site is suitable for the proposed development. This shall be provided prior to the release of any Occupation Certificate.
- Any conditions imposed on the SAS shall form part of this consent. The accredited site auditor shall provide Council with a copy of the Site Audit Report (SAR) and Site Audit Statement (SAS) prior to the issuing of any Occupation Certificate. 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.
- 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. 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.
- 111 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.

- 112 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

- 113 The rooftop terraces are not to be enclosed as habitable space.
- 114 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. The water from the rainwater tank should not be used for drinking, the rainwater tank shall be routinely de-sludged and all contents from the de-sludging process disposed:
- (a) Solids shall be disposed to the waste disposal, and
 - (b) De-sludged liquid shall be disposed to the sewer.
- 115 Council's footway (area between property boundary and street kerb) is to be kept clean, tidy, washed and maintained at the applicant's expense.
- 116 Any BBQ area shall be managed in a manner so as to not adversely impact the amenity of the surrounding residents.
- 117 The landscaped areas on the property shall be maintained in accordance with the approved landscape documentation, the conditions of development approval and Council's Landscape DCP at all times. The Landscape Contractor shall be engaged weekly for a minimum period of 26 weeks from completion of the landscape installation to maintain the landscaping. After that time regular maintenance is required.
- 118 The automatic drip irrigation system shall be repaired and maintained in working order and in accordance with the approved landscape plan at all times.
- 119 The landscaped areas on the property shall be maintained in a clean and tidy state and with a dense, even coverage of plants to Council's satisfaction, and in accordance with conditions of consent and Council's Landscape DCP, at all times.

- 120 New street trees shall be maintained by the Applicant for the duration of the landscape bond period after planting. Maintenance includes periodic watering at a frequency to sustain adequate growth, annual feeding and weed removal but does not include trimming or pruning of the trees under any circumstances.
- 121 Ongoing maintenance of 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.
- 122 The operation of the premises shall be conducted in such a manner as not to interfere with or materially affect the amenity of the neighbourhood by reason of noise, vibration, odour, fumes, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil, or otherwise.
- 123 The use of the premises shall not give rise to air impurities in contravention of the Protection of the Environment Operations Act 1997. Waste gases released from the premises shall not cause a public nuisance nor be hazardous or harmful to human health or the environment.
- 124 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.
- 125 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.
- 126 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.
- 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.