

## **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 26 February 2019 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 - 12 February  
2019 .....3

### **5 REPORTS – PLANNING PROPOSALS**

Nil

### **6 REPORTS – DEVELOPMENT APPLICATIONS**

- 6.1 DA-2018/268 - 331 West Botany Road, Rockdale (Ador Reserve) .....11  
6.2 DA-2017/340/A - 413-425 Princes Highway, Rockdale .....71  
6.3 DA-2017/323 - 19 Barnsbury Grove, Bexley North .....262  
6.4 SF18/1613 - 7 Kurnell Street, Botany .....461  
6.5 DA-18/1109 - 2 Swinbourne Street, Botany .....549  
6.6 DA-18/1110 - 4 Swinbourne Street, Botany .....589  
6.7 S82-2018/4 - 61 Iliffe Street, Bexley .....631

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

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**

**26/02/2019**

Item No	4.1
Subject	<b>Minutes of the Bayside Local Planning Panel Meeting - 12 February 2019</b>
Report by	Fausto Sut, Manager Governance & Risk
File	SF18/2992

---

### **Recommendation**

That the Minutes of the Bayside Local Planning Panel meeting held on 12 February 2019 be confirmed as a true record of proceedings.

---

### **Present**

Jan Murrell, Chairperson  
Marcia Doheny, Independent Expert Member  
Robert Montgomery, Independent Expert Member  
Patrick Ryan, Community Representative

### **Also Present**

Luis Melim, Manager Development Services  
Fausto Sut, Manager Governance & Risk  
Ben Latta, Coordinator Development Assessment  
Christopher Mackey, Coordinator Development Assessment  
Andrew Ison, Senior Development Assessment Planner  
Angela Lazaridis, Senior Development Assessment Planner  
Adam Iskander, Development Assessment Planner  
Lauren Thomas, Governance Officer  
Wolfgang Gill, IT Officer

---

The Chairperson opened the meeting in the Botany Town Hall Committee Room at 6:02 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**

There were no disclosures of interest.

### **4 Minutes of Previous Meetings**

#### **4.1 Minutes of the Bayside Local Planning Panel Meeting - 11 December 2018**

##### **Decision**

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

#### **4.2 Minutes of the Bayside Local Planning Panel Meeting - 18 December 2018**

##### **Decision**

That the Minutes of the Bayside Local Planning Panel meeting held on 18 December 2018 be confirmed as a true record of proceedings.

### **5 Reports – Planning Proposals**

Nil.

### **6 Reports – Development Applications**

#### **6.1 DA-2014/146/A - 280 Coward Street, Mascot**

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

The following person spoke:

- David Krepp, from Toplace, 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 42 and 44 is APPROVED as follows:

- a) Modify Condition 42 relating to the Builder's Security Deposit.
- b) Modify Condition 44 relating to the Damage Deposit.

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

### Reason for the Panel's Determination

- The modification is minor, relating to deposits only, and will not change the built form of the development.

### 6.2 DA-2018/218 - DA-2018/218 - 376-378 Rocky Point Road, Sans Souci

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

The following people spoke:

- Michael Gheorghiu, Urban Planner representing the Applicant, spoke for the officer's recommendation and responded to the Panel's questions.
- Chris Tsioulos, from CMT Architects (the Applicant), spoke for the officer's recommendation and responded to the Panel's questions.

### Panel Determination

That the Development Application No.DA-2018/218 for the proposed demolition of structures on site, removal of trees on site and construction of a four (4) storey residential flat building comprising of 15 apartments and one (1) level of basement car parking at 376-378 Rocky Point Road, Sans Souci 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, with a minor change to delete from condition 2 "*except as may be amended in red on the attached plans*" and the following further condition:

The building is to be reduced in height by 120 mm to comply with the height standard and the plans amended prior to the construction certificate being issued.

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

Patrick Ryan



### **Reason for the Panel's Determination**

- The Panel is satisfied that, on its merits, the proposed development warrants approval. By way of comment, the Panel notes that the architect advised that the building can be reduced by 120mm without changing the architectural integrity and, as such, a Clause 4.6 variation to the height standard in the LEP is not required.

### **6.3 DA-2017/190 - DA-2017/190 - 117 Forest Road, Arncliffe**

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

The following people spoke:

- John Kavanagh, Architect, spoke against the officer's recommendation of refusal and responded to the Panel's questions.
- Genevieve Slattery, Planner, spoke against the officer's recommendation of refusal and responded to the Panel's questions.
- Kerry Saba, the applicant, spoke against the officer's recommendation of refusal and responded to the Panel's questions.

### **Panel Determination**

1. That Development Application No. 2017/190 for alterations to the existing building and addition of two(2) dwellings with access from Towers Place at 117 Forest Road, Arncliffe is REFUSED for the following reasons:
  - a. The bulk and scale is not compatible with the established residential character of the locality.
  - b. The proposed development will result in unacceptable amenity for the occupants of the existing units.
  - c. Pursuant to clause 94 of the Environmental Planning and Assessment regulation 2000, the application does not demonstrate that fire safety compliance can be achieved for the existing residential units.
  - d. The proposal creates an unacceptable relationship between the proposed new building and the existing building and does not provide resolution of loss of solar access to some rooms within existing north-facing units.
  - e. The proposal represents an overdevelopment of the site, particularly in terms of streetscape, character and relationship to adjoining buildings.
  - f. The application is unsatisfactory in respect to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 as the proposed alterations and additions to the existing residential flat building are contrary to the zone objectives for the land.

- g. Having regard to the reasons noted above, pursuant to the provisions of Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, approval of the development application is not in the public interest.

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

<b>Name</b>	<b>For</b>	<b>Against</b>
Jan Murrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marcia Doheny	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Robert Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Patrick Ryan	<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### **Reason for the Panel's Determination**

- The issue of existing use rights is not a reason for refusal of the application.
- It is acknowledged that some amendments have been made by the applicant. Despite these amendments, the Panel is not satisfied on an holistic assessment that the development is worthy of approval.
- Clause 94 of the EPA Regulation 2000 provides that: "In determining a development application to which this clause applies, a consent authority is to take into consideration whether it would be appropriate to require the existing building to be brought into total or partial conformity with the building code of Australia".
- The existing building, while being used as a residential flat building, sits comfortably within the site and presents as a single dwelling in context with the surrounding R2 low density residential area.
- The proposed development presents a density which is inappropriate in its context and zone.
- The existing residential units are undersized in terms of contemporary planning controls, nonetheless they have the benefit of being within a grand residence in commensurate landscape setting. The proposed additional building is therefore not acceptable.

#### **6.4 DA-2017/1224/2 - DA-2017/1224/3- 130-150 Bunnerong Road Eastgardens**

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**

That the Bayside Local Planning Panel APPROVES the Section 4.55(1A) Application to modify Development Consent No. 2017/1224 to modify the location of the fire control room and hydrant booster and minor unit reconfiguration at 130-150 Bunnerong Road, Eastgardens. The conditions are to be modified as follows:

Amend Condition No. 1 to reflect the amended plans.

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

**Reason for the Panel's Determination**

- The modification is to satisfy the requirements of the NSW Fire and Rescue Authority.

**6.5 DA-2017/1224/3 - DA-2017/1224/4- 130-150 Bunnerong Road Eastgardens**

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**

1. That the Bayside Local Planning Panel APPROVES the Section 4.55(1A) Application to modify Development Consent No. 2017/1224 to modify or delete Condition Nos. 36(e), 39(j), 79, 81, 82, 97 and 106 which relates to stormwater and landscaping conditions at 130-150 Bunnerong Road Eastgardens as follows:
  - a. Condition No. 36(e) is to be modified relating to rainwater tank requirements;
  - b. Condition No. 39(j) is to be deleted relating to raised landscape concrete edges;
  - c. Condition No. 79 is to be deleted which relates to the water tank size;
  - d. Condition No. 81 is to be modified relating to specific paving type/locations;

- e. Condition No. 82 is to be deleted relating to raised landscape concrete edges;
  - f. Condition No. 97 is to be deleted relating to flood risk management plan; and
  - g. Condition No. 106 is to be modified relating to public domain and footpath area.
2. That any objectors be notified of the determination by the Bayside Local Planning Panel.

Name	For	Against
Jan Murrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marcia Doheny	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Robert Montgomery	<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 changes are relatively minor and will not impact on the final built outcome and its compliance with relevant standards.

#### 6.6 DA-2016/165/02 - 19-25 Robey Street, Mascot

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

The following people spoke:

- Julian Furzer, DKO Architects, spoke for the officer's recommendation and responded to the Panel's questions.

#### Panel Determination

That the Bayside Local Planning Panel DEFERS the Section 4.55(1A) Application to modify Development Consent No. 16/165 to relocate travel path, reconfigure waste storage area, amendment to ramp entry to ground floor residential units, relocation of plant room, reconfiguration of bicycle parking, relocation of substation chamber and reconfiguration of retail units 1 and 2 at 19-25 Robey Street, Mascot, to allow submission to the Panel of the appropriate correspondence from Ausgrid.

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

Marcia Doheny	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Robert Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Patrick Ryan	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Reason for the Panel's Determination**

- Given the changes proposed the panel must be satisfied they are in accordance with the electricity authority's requirements, and as such it is appropriate to defer this matter for confirmation.

The Chairperson closed the meeting at 7:55 pm.

Jan Murrell  
**Chairperson**



## Bayside Local Planning Panel

26/02/2019

Item No	6.1
Application Type	Development Application
Application No	DA-2018/268
Lodgement Date	16/10/2018
Property	<b>331 West Botany Road, Rockdale (Ador Reserve)</b>
Ward	Rockdale
Owner	Bayside Council
Applicant	Bayside Council
Proposal	Construction of four (4) 18m high light poles and tiered seating stand for the existing synthetic sporting field
No. of Submissions	Two
Cost of Development	\$250,000.00
Report by	Michael McCabe, Director City Futures

## Officer Recommendation

1. That this Development Application (DA-2018/268) be **APPROVED** pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* and subject to conditions attached to this report.
2. That the objectors be advised of the Panel's determination.

## Location Plan



**Attachments**

- 1 Planning Assessment Report [↓](#)
- 2 Draft Notice of Determination [↓](#)
- 3 Site Plan [↓](#)
- 4 Site Section & Seating Details [↓](#)
- 5 Light Projection Analysis [↓](#)

# BAYSIDE COUNCIL

## Planning Assessment Report

### Application Details

<b>Application Number:</b>	DA-2018/268
<b>Date of Receipt:</b>	16 October 2018
<b>Property:</b>	Ador Reserve, Cnr Ador Avenue and West Botany Street, ROCKDALE NSW 2216 Lot 1 in Deposited Plan 721666
<b>Owner:</b>	Bayside City Council
<b>Applicant:</b>	Bayside City Council
<b>Proposal:</b>	Construction of four (4) 18m high light poles and tiered seating stand for the existing synthetic sporting field.
<b>Recommendation:</b>	Approval, subject to recommended conditions of consent
<b>No. of Submissions:</b>	Two (2) submissions have been received following notification of the DA in accordance with the provisions of the <i>Rockdale Development Control Plan 2011</i> .
<b>Author:</b>	Ben Tesoriero - Creative Planning Solutions Pty Limited
<b>Date of Report:</b>	4 February 2019

### Key Issues

The key issues with the proposal are as follows:

- **Council owned land** – The application has been assessed by an independent town planner as the proposal is located on Council owned land. Further, because the land owner is the Council, the DA must be determined by the Bayside Local Planning Panel in accordance with the Minister's direction dated 23 February 2018.
- **Light spill** – Given the proposal will augment the existing lighting arrangements at the sports field, the proposal has the potential to result in obtrusive light spillage impacting on sensitive receivers such as the adjoining residential areas.

A Light Projection Analysis submitted by the applicant has illustrated that the proposed development is capable of complying with *Australian Standards for Control of the obtrusive effects of outdoor lighting* (AS 4282-1997). A condition for a validation report will be imposed to ensure that the proposed lighting complies with AS 4282-1997, and that the lights be switched off automatically at 9:45pm each time they are in use so as not to impede with the amenity of adjoining property.

- **Acoustic impacts** – The proposal seeks not to increase the numbers of people utilising the sports fields at any-one time, or the areas of the sports field that will be illuminated. The proposal only seeks to improve the quality of illumination to the existing sports field.

The proposed tiered seating is modest in size (only 850mm high), and is positioned directly in front of a 1.15m high retaining wall and spectator mound. Further the tiered seating will improve the level of spectator comfort at the sports field, giving spectators a place to sit, rather than having to stand on the mound or sit along the retaining wall.

Having regard to the above, the proposed seating is not considered to unreasonably impact on either the acoustic amenity or visual privacy of nearby residential areas. The tiered seating will improve existing spectator comfort rather than attract larger spectator numbers to the field.

A condition of consent has been imposed to ensure curfew switches are installed on the light poles. The curfew switches will require illumination of the fields to cease at 9:45pm to ensure use of the fields does not encroach into the more sensitive night-time period – i.e. 10pm to 7am as recognised by the NSW EPA.

- **Traffic and parking** – The proposed development does not seek to increase the number of users at the sports field, nor does the proposal seek to extend the length of time throughout the year in which the sports field is utilised. As such, it is not anticipated that the proposal will result in a significant impact to the existing traffic and parking arrangements for the site.

Good parking opportunities already exist at the site, with perpendicular parking spaces aligning Ador Avenue to the north of the field, and a dedicated parking area adjacent to the St George PCYC to the south of the field.

Should matters relating to the use of the playing fields become an issue, this would be best dealt with by Council through adjustments to the licensing agreements entered into between the Council and any organisation using the sporting fields.

## Recommendation

1. That this Development Application (DA-2018/268) be **APPROVED** pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* and subject to conditions attached to this report.
2. That the objectors be advised of the Panel's determination.

## Background

### History

The following is a brief history on how the recently completed synthetic playing field at Ador Reserve has come about:

In 2015 an assessment of fields and open spaces within the then Rockdale local government area was undertaken by Smart Connections Consulting on behalf of Council. The assessment sought to identify and prioritise locations suitable for installation of synthetic playing fields.

The assessment identified the most location for a synthetic playing field was Ador Reserve. Some of the reasons why Ador Reserve was identified was because of its location having good access, parking and nearby public transport routes, along with the reserve already including some supporting infrastructure, such as existing lighting and seating.

Council at its meeting on 12 April 2017 resolved to support the St George Football Association (SGFA) in an application to the Federal Department of Infrastructure and Regional Development for funding of a synthetic football field at Ador Reserve.

In 2017, SGFA were successful in obtaining a \$2 million grant for Bayside Council to design, construct and ultimately deliver the synthetic football field at Ador Reserve. The major works associated with the project included:

- A new synthetic field complete with provision of infrastructure for four (4) new light poles (conduits, trenches and footings) to replace the existing four (4) light poles at the playing fields.
- Provision for a new seating area.
- New goal posts, line marking, corner posts, coaches box and player seating box.
- Perimeter fence and footpath around the field and a 2.4 meter high security fence on the boundary.
- Drainage to accommodate the rainwater run-off.
- The creation of a turfed spectator mound on the western side of the field.
- A sandstone retaining wall to provide for future seating.

In an Environmental Assessment carried out in January 2018 under Part 5 of the *Environmental Planning and Assessment Act 1979* (the Act), Bayside Council determined the above works constituted 'development without consent' pursuant to clause 65 of *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP).

On the weekend of 18/19 August 2018, the synthetic playing field at Ador Reserve had its grand opening.

Council at its meeting on 12 September 2018 awarded a permit to SGFA, Rockdale City Suns and St George Football Club for the 2018/2019 summer use of the new synthetic fields at Ador Reserve.

A summary of the assessment history of the subject DA (i.e. DA-2018/268) is provided as follows:

- On 16 October 2018 the subject DA was lodged with Bayside Council.
- On 22 October 2018 the application was notified in accordance with the Part 8 of the *Rockdale Development Control Plan 2011*, for two (2) weeks. Two (2) submissions have been received. The concerns raised in the submissions included:
  - light spill impacts,
  - parking impacts,
  - placement of the tiered seating,
  - loss of visual privacy from the spectator mound,
  - inadequate toilet facilities/sewerage network at the sports field, and
  - unauthorised access and use of the synthetic sports field.
- On 26 October 2018 a referral response was received from Sydney Water indicating the subject DA does not require assessment by Sydney Water.
- On 1 November 2018 a referral response was received from Council's Environmental Health Officer (EHO) raising no comment in relation to the proposed development, and referred to compliance with the relevant Australian Standards that may apply.

Note: The relevant Australian Standard in relation to 'light spillage' is *AS4282 Control of the Obtrusive Effects of Outdoor Lighting*. A light spill report has been submitted by the applicant as part of the DA package. This report is assessed later in this report.

- On 1 November 2018 a referral response was received from Council's Development Engineer recommending approval of the proposal from an engineering perspective, subject to the imposition of consent conditions. The consent conditions recommended by the Development Engineer pertained to preparation of a Plan of Management, and the ability of the structures to withstand flooding.

Note: On 31 October 2018 comments were provided from Council's Strategic Floodplain Engineer. The recommended conditions of consent provided by Council's Development Engineer cover flood matters and the requirement to complying with previous advice provided to the applicant regarding flooding. This is detailed later in the assessment report.

- On 1 November 2018 a referral response was received from Sydney Airport raising no objection to the erection of the light poles to a maximum height of 22.0 metres AHD.

Note: Earlier on 1 November 2018, a referral response was received from Sydney Airport raising no objection to the erection of the light poles to a maximum height of 21.0 metres AHD. However, the applicant subsequently confirmed that the light poles were to have a height (to AHD) of the following:

- P1 – 21.71
- P2 – 21.96
- P3 – 21.10
- P4 – 21.11

Given these heights exceeded the limit prescribed in the initial Sydney Airport referral response, subsequent correspondence between Council and Sydney Airport was

undertaken, resulting in the re-issued referral response from Sydney Airport increasing the permitted light pole height to 22.0 metres AHD.

- On 14 November 2018 the subject DA was referred to CPS for independent planning assessment.

## Proposal

The proposed development seeks consent for the installation of four (4) x 18m high light poles and tiered seating to the existing sports field at Ador Reserve. The light poles will replace temporary lighting currently used at the sports field with a permanent installation, and also augment two (2) existing light poles located at the southern end of the playing field.

Two of the light poles will be located along the eastern side of the field adjacent to West Botany Street, and the other two light poles will be located along the western side of the sports field adjacent to the existing spectator mound. The proposed light pole heights to AHD are:

- P1 – 21.71
- P2 – 21.96
- P3 – 21.10
- P4 – 21.11

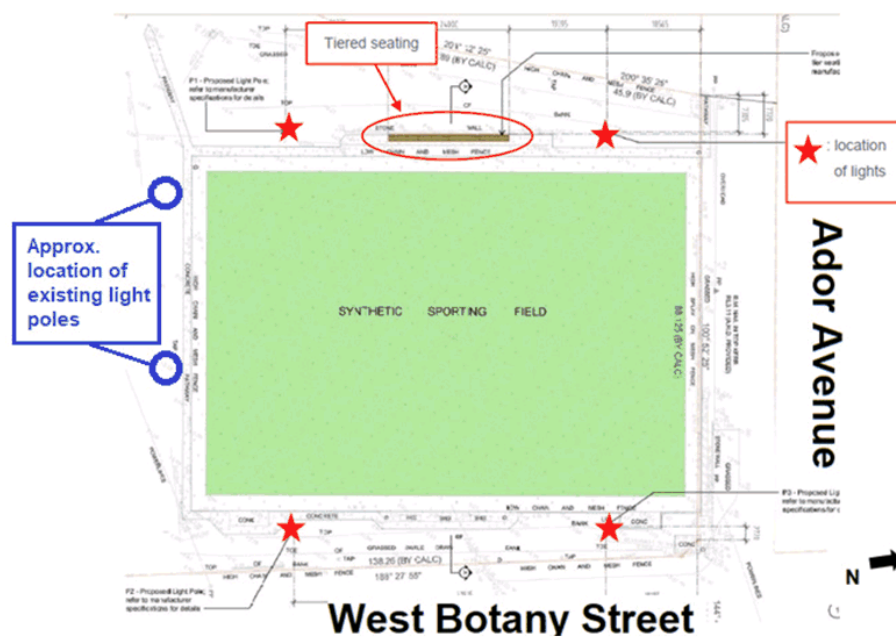
There is no trenching, conduit or footing work proposed for the light poles, with these works already having been carried out as 'development without consent' under the Part 5 approval granted in January 2018.

Similarly, the concrete slab and sandstone retaining wall cut into the spectator mound has also been constructed as 'development without consent' in anticipation of the proposed tiered seating.

In the applicant's submitted Statement of Environmental Effects it is indicated that the lights will only be used when the field is in use, and that it is anticipated that a condition will be placed on the consent to ensure appropriate use of the lighting.

The following diagrams and photographs help depict the nature and location of the proposed works at Ador Reserve.





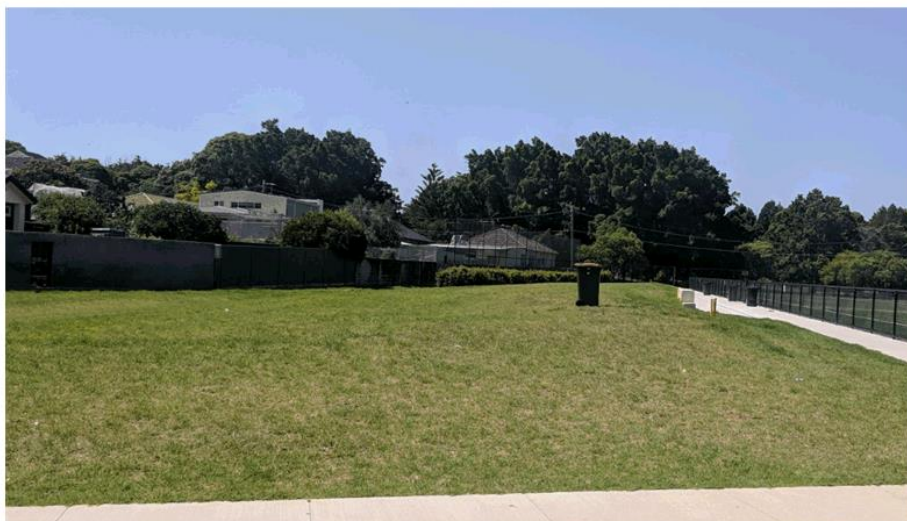
**Figure 1** – Diagram indicating the location of the four (4) light poles as well as the proposed tiered seating. Highlight in blue are two existing light poles which were used to illuminate the original sports field surface.  
Source: Submitted with Statement of Environmental Effects, edited for diagrammatic purposes.



**Figure 2** – Photograph captured from the north-eastern corner of the sports field looking south along the sports field's eastern boundary with West Botany Street. Two (2) light poles are proposed along this side of the sports field. The orange conduit and footings for one of the light poles is just viewable in the centre of the frame.

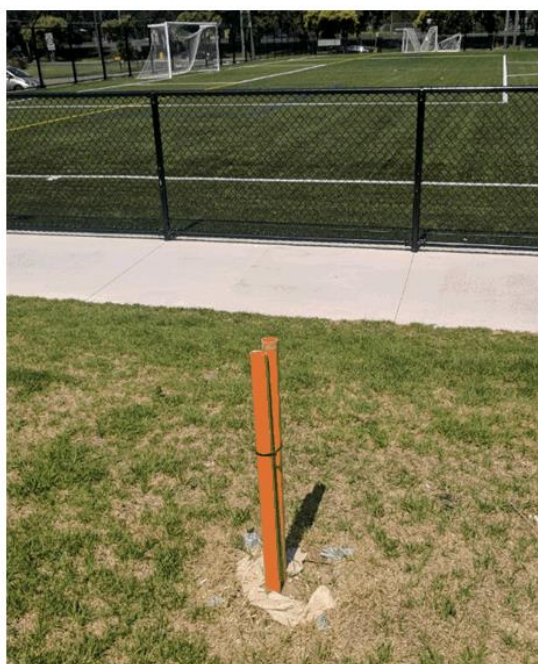
Source: CPS site inspection January 2019





**Figure 3** - Photograph captured from the south-western corner of the sports field looking north along the sports field's western boundary with the adjoining residential area to the left of frame. Two (2) light poles are proposed along this side of the sports field. The conduit and footings for one of the light poles is just viewable in the centre-right of the frame adjacent to the sandstone wall.

*Source: CPS site inspection January 2019*



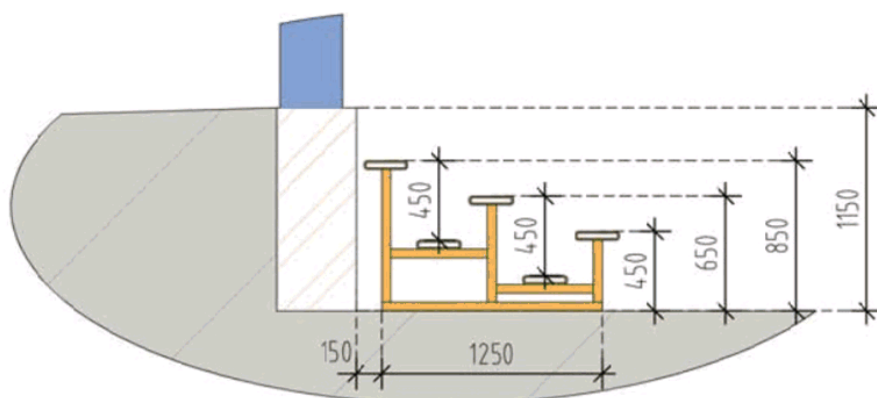
**Figure 4** – Photograph of one of the existing light pole fittings that has already been installed at Ador Reserve. The preparatory works were carried out as 'development without consent' under Council's January 2018 Part 5 approval.

*Source: CPS site inspection January 2019*



**Figure 5** – Photograph captured from the western side of the sports field looking north. In the centre of the frame is the concrete slab and sandstone retaining wall cut into the spectator mound which is to accommodate the proposed tiered seating. It is noted that the tiered seating is proposed on the slab, with the rear of the seating abutting the sandstone wall – refer to Figure 6 below for a cross section of the proposed seating against the sandstone retaining wall.

*Source: CPS site inspection January 2019*



**Figure 6** – Cross section of the proposed tiered seating in relation to the existing sandstone retaining wall behind. Note - The blue column on top of the retaining wall is the commencement of a light pole which is located just in front (to the south) of the seating area.

*Source: Applicant's drawings submitted with the DA.*





**Figure 7** – Photograph captured from the western side of the sports field looking south. In the centre-left of the frame is the concrete slab and sandstone retaining wall cut into the spectator mound. The slab is to accommodate the proposed tiered seating.

*Source: CPS site inspection January 2019*



**Figure 8** – Aerial image of Ador Reserve prior to the resurfacing and associated works that were undertaken in 2018. Highlighted in red are the light poles that existed to illuminate the playing field. Currently, only two (2) of these four (4) light poles remain, being the two at the bottom of the image. The light pole to the right of the image adjacent to West Botany Street, and the light pole to the top of the image adjacent to Ador Reserve have been removed.

*Source: CPS site inspection January 2019*

## Site location and context

Ador Reserve is located at the corner of Ador Avenue and West Botany Street, Rockdale. The land is formally known as Lot 1 in Deposited Plan 721666 (subject site).

Improvements at Ador Reserve include a newly constructed synthetic playing field, a spectator mound and sandstone retaining wall on the western side of the sports field, with open turf areas and fencing around the playing field's perimeter. Infrastructure in the form of conduits, footings and trenching in anticipation of the proposed light poles also exists at Ador Reserve.

Notably, before the recent resurfacing and associated works were undertaken at Ador Reserve, there were four (4) light poles illuminating the prior playing surface. Following completion of the resurfacing works, there are now only two light poles at the south end of the field.

A description of the land surrounding Ador Reserve is as follows:

- To the north of Ador Reserve is Ador Avenue, which includes perpendicular parking along both sides of the street. On the northern side of Ador Avenue is Rockdale Park.
- To the east of Ador Reserve is West Botany Street. On the eastern side of West Botany Street is the Rockdale Women's Sportsfields which is largely made up of netball courts utilised by the St George District Netball Association.
- To the south of Ador Reserve is an amenities block, car park and the St George Police Citizens Youth Club. Beyond these facilities the open space continues to McCarthy Reserve and an open concrete lined channel known as Muddy Creek.
- To the west of Ador Reserve is the raised spectator mound for the synthetic playing field, and beyond is low density residential accommodation, in the form of mostly single detached dwelling houses. A large screen fence is erected along part of the Ador Reserve's boundary with the adjoining residential area to prevent balls from crossing the boundary fence into privacy property.

The *Bayside Council Plan of Management for Community Land and Public Open Space 2016* (PoM) identifies the current use of Ador Reserve as including active recreation including soccer and cricket with lighting. The PoM also indicates that additional lighting along with sports field levelling, resurfacing and drainage works are envisaged for the future.

As covered earlier in this assessment report, the works associated with levelling of the sports field, along with resurfacing and drainage have already been undertaken as 'development without consent' pursuant to the provisions of the ISEPP. The additional lighting works and ancillary facilities at Ador Reserve are considered to be consistent with the PoM, and an anticipated development at the site.

Note: The preparation of the aforementioned PoM by Bayside Council was subject to community consultation whereby community workshops were held, along with invitations to make comment on the development of the PoM.



**Figure 9** – Aerial Image of Ador Reserve and surrounding land uses. In the above image the synthetic sports field was under construction. Works have since been completed – refer to site inspection photographs contained in this report for images of the current layout at Ador Reserve.

Source: <https://maps.six.nsw.gov.au/>



**Figure 10** – Photograph contained within the applicant's Statement of Environmental Effects showing the temporary lighting currently being utilised at the resurfaced Ador Reserve sports field.

Source: Applicant's submitted Statement of Environmental Effects





**Figure 11** – Photograph captured during the site inspection showing the temporary lighting used at the resurfaced Ador Reserve sports field. Also to the centre-right of frame is one of the existing light poles that has been in place prior to the resurfacing of the field in 2018.

Source: CPS site inspection January 2019

## Statutory Considerations

### *Environmental Planning and Assessment Act, 1979*

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

### **S.4.15(1) - Matters for Consideration - General**

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

The following Environmental Planning Instruments are relevant to this application:

#### **State Environmental Planning Policy No 55 – Remediation of Land**

The subject site is zoned RE1 (Public Recreation) under the *Rockdale Local Environmental Plan 2011* (RLEP). Prior to the current zoning the subject site was zoned 6(a) Existing Open Space under the *Rockdale Local Environmental Plan 2000*. As such, it is understood that contaminating land uses such as industrial, defence, and agricultural uses have not been permissible on the subject site for at least the last 18 years.

The subject site has no history of any written notices (contamination or clean up) having been issued on the site under the *Contaminated Land Management Act 1997* (source: <https://apps.epa.nsw.gov.au/prclmapp/searchregister.aspx>)

Site and desktop investigations have found no evidence that contaminating land uses are ongoing or have occurred in the past on adjoining land.

As part of the assessment of the subject DA, the proposal was referred to Council's environmental health offices. In their referral responses, no comments were raised in relation to potential site contamination.

The Environmental Assessment prepared in January 2018 by Bayside Council under Part 5 of the Act for the works associated with the sports field resurfacing, drainage, and light pole trenches, conduits and footings outlined if any contaminated material was discovered that it would be removed immediately from the site and disposed of in accordance with appropriate regulations. The proposed works do not include ground disturbance as the footings for the light poles have already been constructed, as with the slab for the tiered seating.

With reference to the above, there is no evidence to suggest that the subject site is contaminated and therefore further investigation is not considered to be warranted. Accordingly, the subject site is considered to be suitable for the proposed development subject to the imposition of recommended consent conditions.

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

It is evident from the works proposed, and the nature of preparatory works already carried out, that no trees need be removed as a result of the proposed development.

In this regard, the proposed development is suitable when considering the provisions and objectives of this SEPP.

### **Rockdale Local Environmental Plan 2011**

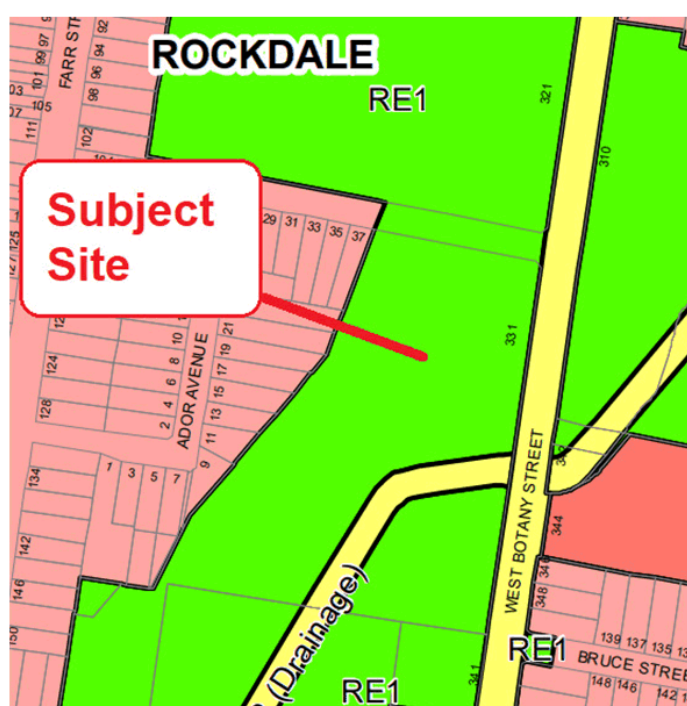
The relevant provisions of the RLEP have been considered against the proposed development and are discussed in the following:

<b>Relevant clauses</b>	<b>Compliance with objectives</b>	<b>Compliance with standard/provision</b>
2.3 Zone RE1 Public Recreation	Yes	Yes - see discussion
4.3 Height of buildings	N/A	N/A
4.4 Floor space ratio - Residential zones	N/A	N/A
5.10 Heritage conservation	N/A	N/A
6.1 Acid Sulfate Soil - Class 4 and 5	Yes	Yes – see discussion
6.2 Earthworks	Yes	Yes
6.4 Airspace Operation	Yes	Yes – see discussion
6.6 Flood planning	Yes	Yes – see discussion
6.7 Stormwater	Yes	Yes

Relevant clauses	Compliance with objectives	Compliance with standard/provision
6.8 Biodiversity Protection	Yes	Yes – see discussion
6.10 Wetlands	Yes	Yes – see discussion
6.12 Essential Services	Yes	Yes – see discussion

### 2.3 Zone RE1 Public Recreation

Pursuant to the RLEP Land Zoning Map – Sheet LZN\_004 (dated 12 October 2018), the subject site is zoned RE1 Public Recreation, refer to **Figure 12**.



**Figure 12** – Land Zoning Map extract, illustrating the RE1 zoning of the subject site in the centre of the image

Source: [legislation.nsw.gov.au](http://legislation.nsw.gov.au) – Rockdale Local Environmental Plan 2011

The objectives of the Public Recreation zone are:

- to enable land to be used by the public for open space and recreational activities,
- to provide a range of recreational settings and activities and compatible land uses, and
- to protect and enhance the natural environment for recreational purposes.

Within this land use zone the following applicable land uses are permitted with consent:

- Recreation Areas,



- *Recreation facilities (indoor), and*
- *Recreation facilities (outdoor).*

The existing Ador Reserve, as supported by its existing improvements, provides for an appropriate area to perform outdoor recreation, and therefore falls within the land use definition for recreation area. The RLEP defines recreation area, as follows:

***recreation area*** means a place used for outdoor recreation that is normally open to the public, and includes:

- (a) *a children's playground, or*
- (b) *an area used for community sporting activities, or*
- (c) *a public park, reserve or garden or the like,*  
*and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).*

The proposed development, being the erection of four (4) light poles will improve the illumination of the new sports field facility at Ador Reserve, and is therefore considered ancillary to the use of the subject site as a recreation area.

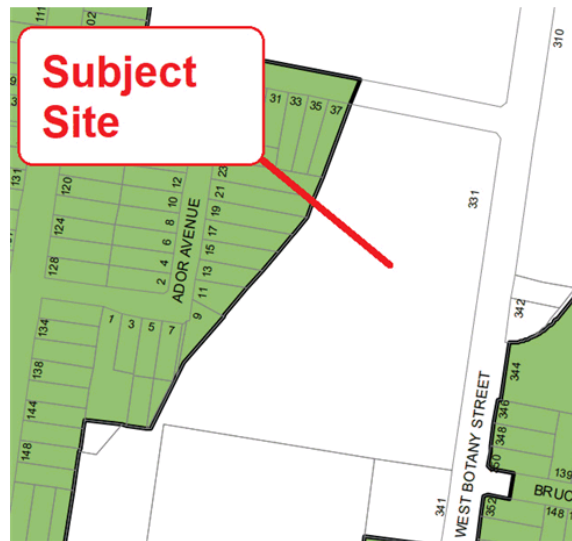
The installation of permanent light poles supports the existing use of the park as a recreation area, and will ensure better illumination of the sports fields than the temporary lighting that is currently used.

The proposal also includes the installation of tiered seating adjacent to the sandstone wall for spectators. Currently spectators can only stand on the spectator mound, or in the area adjacent to the retaining wall where the tiered seating is proposed.

Having regard to the above, the proposal further helps realise the RE1 zone objectives by enabling appropriately zoned land to be used for recreational activities, which is also consistent with the envisaged active use of the fields under the PoM.

#### **4.3 Height of buildings**

Pursuant to the Height of Building Map – Sheet HOB\_004 (dated 12 October 2018), the subject site is not identified as being restricted to a maximum height, refer to **Figure 13**.



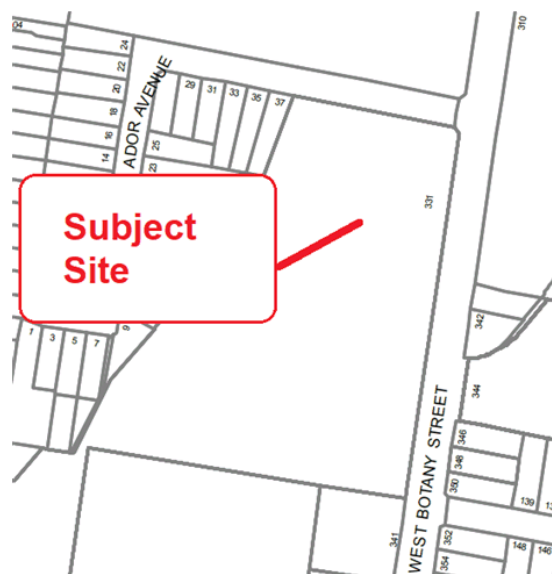
**Figure 13** – Maximum Height of Buildings Map extract, illustrating that the maximum height of building clause (4.3) has not been applied to the subject site.  
 Source: [legislation.nsw.gov.au](http://legislation.nsw.gov.au) – Rockdale Local Environmental Plan 2011

The proposal is furthermore not considered to offend the objectives of clause 4.3 as it will not impact on the sky exposure or unduly reduce daylight to any nearby buildings or public domain.

The 18m height of the proposed light poles needs to be considered in terms of any impact caused on the operations of the Sydney Airport, which is discussed under clause 6.4 of the RLEP below in this report.

#### **5.10 Heritage conservation**

Pursuant to the Heritage Map – Sheet HER 004 (dated 21 October 2016), the subject site is not identified as containing a heritage item, nor are the works located within 100m of a nearby heritage item. Refer to **Figure 14**.



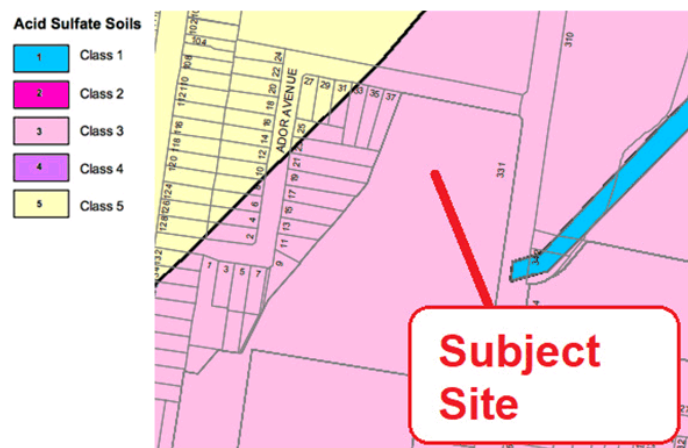
**Figure 14** – Heritage Map extract, illustrating that the subject site does not contain any heritage items, nor is it within the vicinity of any heritage items.

Source: [legislation.nsw.gov.au](http://legislation.nsw.gov.au) – Rockdale Local Environmental Plan 2011

Having regard to the above, the proposal does not offend the provisions and objectives of clause 5.10 of the RLEP.

#### **6.1 – Acid Sulfate Soils – Class 3 and 4**

Pursuant to the Acid Sulfate Soils Map – sheet ASS\_004 (dated 11 July 2014), the subject site is identified as being affected by Class 3 Acid Sulfate Soils (ASS), refer to **Figure 15**.



**Figure 15** – Acid Sulfate Soil Map extract, illustrating the subject site as being affected by Class 3 Acid Sulfate Soils

Source: [legislation.nsw.gov.au](http://legislation.nsw.gov.au) – Rockdale Local Environmental Plan 2011

Clause 6.1 outlines that an acid sulfate soils management plan must be prepared for any land identified as being affected by Class 3 ASS, for any proposed works that:

- Is 1 metre below natural ground surface for land identified as Class 3 ASS, or
- Will likely lower the water table below 1 metre for land identified as Class 3 ASS.

All earthworks associated with the trenching, conduit installation and footings for the light poles has already been undertaken as 'development without consent' pursuant to ISEPP. These works, along with the earthworks to accommodate the tiered seating adjacent to the retaining wall, were subject to the Part 5 approval by Bayside Council in January 2018.

The subject DA will only involve the erection of the light poles to the existing fittings, and the installation of the tiered seating to the existing concrete slab adjacent to the existing retaining wall.

Having regard to the above, it is evident the works associated with the subject DA will not involve works 1m below natural ground level, and be unlikely to lower the water table below 1m.

Accordingly, an acid sulfate soils management plan has been deemed unnecessary for the proposed development.

#### **6.4 – Airspace operations**

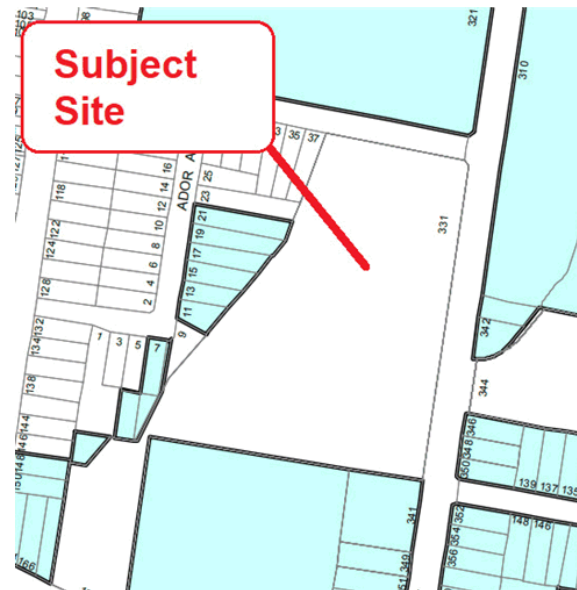
The proposed development is located within the inner horizontal surface (51m AHD) identified on Sydney Airports Obstacle Limitation Surfaces (OLS) map as declared by the Department of Infrastructure and Regional Development on 20 March 2015.

Accordingly, a referral was sent to Sydney Airport pursuant to the 183 Airports Act - Notification of decision under Reg 15A(2) of the Airports (Protection of Airspace) Reg's 1996. In their final referral response dated 1 November 2018, Sydney Airport raised no objection to the erection of the proposed development to a maximum height of 22.0 metres AHD.

In this regard, subject to conditions of consent ensuring the development complies with a maximum height of 22.0 metres AHD, the proposed development has satisfied the objectives and provisions of this clause.

#### **6.6 – Flooding**

Pursuant to the Flood Planning Map – Sheet FLD\_004 (dated 11 July 2014), the subject site is not identified as being located within a Flood Planning Area, however the north adjoining property is identified as being flood affected, refer to **Figure 16**.



**Figure 16** – Flood Planning Land extract, illustrating that the subject site not identified as being within a Flood Planning Area

Source: [legislation.nsw.gov.au](http://legislation.nsw.gov.au) – Rockdale Local Environmental Plan 2011

The proposed development will not incorporate any excavation as the light pole trenches, conduit installation and footings have already been undertaken. Similarly the retaining wall and concrete slab for the tiered seating has also been constructed.

Accordingly, the proposal will not impact the existing water storage capacity of the site, or the existing flooding behaviour of the immediate land and therefore will not impact the flood affected nature of adjoining properties.

The subject DA was referred to Council's Development Engineer as part of the assessment. The referral response has recommended the imposition of conditions of consent in relation to the structures being able to withstand flood waters, materials being flood resistant, and compliance with Council's previously issued flood advice to the client dated 31 July 2018.

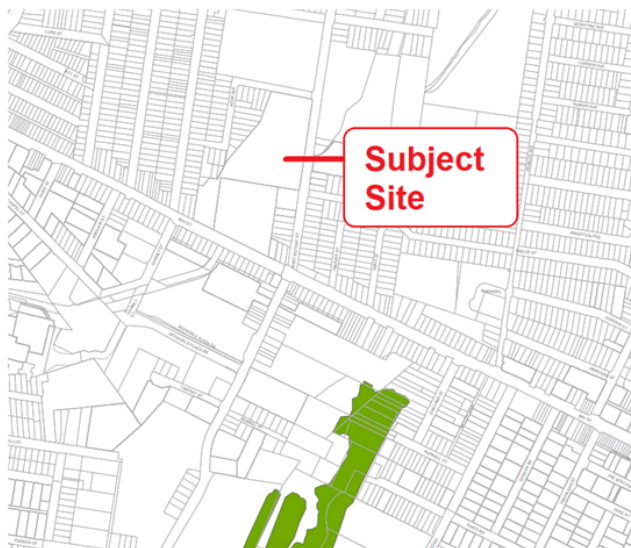
In this regard, further flooding investigation is unnecessary as the objectives of clause 6.6 are not offended by the proposed development.

### **6.7 – Stormwater**

All drainage works on the site have already been carried out under the Part 5 approval issued by Council in January 2018. The works which are the subject of this DA, being the erection of height poles and installation of tiered seating, will not generate the need for any augmentation of the site's existing stormwater arrangements.

**6.8, 6.9, 6.10 – Biodiversity protection, Riparian Land, and Wetlands**

The subject site, adjoining land, and land within the general vicinity of the site is not mapped as containing Environmentally Significant Land (ESL), whether that be biodiversity land, wetlands or terrestrial biodiversity – refer to **Figure 17, 18, and 19**.



**Figure 17 – Extract Environmentally Sensitive Land Map - Biodiversity**  
Source: [legislation.nsw.gov.au](http://legislation.nsw.gov.au) – Rockdale Local Environmental Plan 2011



**Figure 18 – Extract of Environmentally Sensitive Lands Map - Wetlands**  
Source: [legislation.nsw.gov.au](http://legislation.nsw.gov.au) – Rockdale Local Environmental Plan 2011



**Figure 19 – Extract of Terrestrial Biodiversity Map**  
 Source: [legislation.nsw.gov.au](http://legislation.nsw.gov.au) – Rockdale Local Environmental Plan 2011

#### **6.12 – Essential services**

Given the existing use of the site, essential services such as water, electricity, sewage, and local roads are already available.

Electrical services necessary for the light poles have already been installed under the previously Part 5 approval for the fields resurfacing in 2018.

Conditions of consent will be imposed requiring that consultation with the relevant utility providers be had prior to commencing any works to ensure that specific requirements for the provision of services are satisfied.

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

No relevant proposed instruments are applicable to this proposal.

#### **S.4.15(1)(a)(iii) - Provisions of any Development Control Plan**

The following development control plan is relevant to this application:

### Rockdale Development Control Plan 2011 (RDCP)

The relevant provisions of the RDCP have been considered against the proposed development and are discussed in the following:

Relevant clauses	Compliance with objectives	Compliance with standard/provision
4.1.1 Views and Vista	Yes	Yes – see discussion
4.1.2 Heritage Conservation	Yes	Yes – see discussion
4.1.3 Water Management	Yes	Yes – see discussion
4.1.4 Soil Management	Yes	Yes
4.1.8 Biodiversity	Yes	Yes
4.2 Streetscape and Site Context	Yes	Yes – see discussion
4.3.1 Open Space and Landscape Design	Yes	Yes – see discussion
4.6 Parking, Access and Movement	Yes	Yes – see discussion

#### 4.1.1 Views and Vista

Light poles and tiered seating are considered to be structures that are entirely consistent with, and expected within the visual landscape for active use sports fields, and in particular land that is zoned RE1 Public Recreation under the RLEP.

The subject site is positioned within a wider sporting field precinct which also includes the adjacent McCarthy Reserve, Rockdale Womens Sportsfields and CA Redmond Fields. All of these fields include light poles for illuminating the playing surfaces, and as such the addition of light poles to Ador Reserve will not be inconsistent with the views and vistas across adjacent sports fields.

Land within the vicinity of the subject site does not benefit from any water or district views, and as such the erection of the light poles will not interrupt important views or vistas

Submitted with the DA is a Light Projection Analysis prepared by Apex Lighting dated 7 June 2018. The report indicates the proposed lighting has been designed to confirm with Australian Standards for control of the obtrusive effects of outdoor lighting (AS 4282-1997) and Australian Standard for lighting of football fields (AS2560.2.3-2007). As such, the illumination of the fields and the light spill from the fields is considered to be within acceptable limits, therefore not resulting in unreasonable impacts to the visual outlook of adjoining property.

Conditions of consent will be imposed to ensure compliance with the aforementioned Australian Standards.

The tiered seating is to be wholly located behind the existing 1.15m high sandstone wall that is cut into the spectator mound. The height of the tiered seating is only 850mm, and as such will not be discernible from areas surrounding the site.



Having regard to the above, the proposal is considered to have an acceptable impact with regard to views and vistas.

#### 4.1.2 Heritage Conservation

As discussed in the assessment against clause 5.10 Heritage Conservation of the RLEP earlier within this report, Ador Reserve does not include any items of local or state heritage significance, nor is it located within a heritage conservation area. The works are not within the vicinity (100m) of any heritage items or conservations areas.

Further, a search of the Aboriginal Heritage Information Management System (AHIMS) database has identified no aboriginal sites or places within 50m of the subject site.

Having regard to the above, the proposal is considered not to unduly impact on environmental heritage.

#### 4.1.3 Water Management

As part of the 'development without consent' works associated with the field resurfacing, drainage works were also carried out including the construction of a total 377 linear metres of new stormwater drainage line, including 231 linear meters of 900mm diameter reinforced concrete pipe and associated items such as pits and a headwall. The Part 5 Environmental Assessment of January 2018 for the resurfacing works indicates the drainage works were undertaken to mitigate any flooding issues resulting from the proposed resurfacing works.

The proposed development relates only to the attachment of four light poles to existing fittings, and the installation of tiered seating to an existing concrete slab in front of the sandstone retaining wall. As such, the works will not impact or require augmentation to the existing stormwater management arrangements on the site.

The subject DA was referred to Council's Development Engineer as part of the assessment. The referral response has recommended the imposition of conditions of consent in relation to the structures being able to withstand flood waters, materials being flood resistant, and compliance with Council's previously issued flood advice to the client dated 31 July 2018 – see referral response section of this report for more details.

#### 4.1.4 Soil Management

Although it is not anticipated that the works will necessitate any excavation or fill, in the event some minor earthworks are required, a standard condition of consent will be imposed to ensure prior to any physical works commencing, an erosion and sediment control plan which details the proposed method of soil management and its implementation in accordance with The Blue Book - Managing Urban Stormwater: Soils & Construction by Landcom, must be prepared and submitted to the principal certifying authority.

#### 4.1.8 Biodiversity

As discussed in the assessment against clause 6.8, 6.9, and 6.10 of the RLEP earlier within this report, due to the minor nature of the proposed works, and the site being clear of any environmentally sensitive land, it is not anticipated that the works will impact the values of any environmentally sensitive land.

#### 4.2 Streetscape

The proposed development is designed and positioned appropriately in relation to the broader urban context. As discussed under 4.1.1 Views and Vistas, the proposed light poles and tiered seating are predictable structures in the local area given the surrounds are characterised by other sports fields that already include light poles illuminating playing surfaces.

West Botany Street is a busy classified road which is aligned by light poles. Streetlights are also included along Ador Avenue to illuminate the street and the associated parking areas. As such, neither the light poles nor the illuminated sports field surface will be incompatible with the local area.

The tiered seating is to be wholly located behind the existing sandstone wall that is cut into spectator mound. As such, the tiered seating, even when occupied, will be largely indiscernible from the surrounding streetscape.

Accordingly, the proposal has an acceptable streetscape impact.

#### 4.3.1 Open Space and Landscape Design

The proposed development does not seek to change the use of the open space or any of the existing landscaping. The works only pertain to the erection of the light poles to the existing footings, and the installation of tiered seating on the concrete slab that is cut into the spectator mound.

No tree removal is proposed, and the existing landscape arrangements on the site will not be impacted upon by the proposed works, which have been pre-empted by the works that were undertaken 'without consent' as part of the field resurfacing.

Accordingly, the proposal has an acceptable impact with regard to the open space and landscape design of the site.

#### 4.6 Parking, Access and Movement

The proposal is considered to essentially represent an 'alterations and additions' DA, being the addition of light poles and tiered seating to an existing sporting facility.

The development controls of Part 4.6 of the RDCP outline the following parking requirements for 'alterations and additions' to an existing development:

*'Additional parking is required to be provided equivalent to the increase in gross floor area, number of seats, number of beds, or whichever specific unit upon which car parking demand is measured.'*

In this regard, parking demand is a determinant of the 'number of seats' or 'number of participants' using the sports field, and therefore shall be the specific unit upon which car parking demand should be measured.

In terms of the proposed number of seats, despite part of the proposal including the installation of tiered seating, this is not anticipated to increase the number of spectators that attend the sports field. Currently the western side of the sports field includes a spectator mound and concrete area in front of the mound for spectators. The introduction of tiered seating to the concrete slab will give spectators an opportunity to sit down and watch the sports field, rather than having to stand, or sit along the sandstone wall adjacent to the mound.

As such, the seating can be seen as a measure to improve spectator comfort, rather than as a means to attract more spectators to the sports field. In this circumstance it is not anticipated that the works will generate additional parking demand.

As for the 'number of participants' using the sports field, this is not anticipated to result in an increase over the historical use of the field either. The reasons for this are as follows:

- Prior to the works associated with the field resurfacing, the Ador Reserve sports fields already included four (4) light poles illuminating the playing surface. Therefore there is a historical parking demand generated from the sports field which has been used for night-time sporting activities.
- The works recently carried out as 'development without consent' largely pertained to the resurfacing of the existing field. The works did not seek to enlarge the playing field which may otherwise have increased its capacity to accommodate additional participants.
- Given two of the pre-existing light poles were removed from the sports field, temporary lighting has been used at Ador Reserve to permit night-time use of the fields over the 2018/2019 spring/summer sporting season. As such, the installation of permanent lighting at the field is not anticipated to increase parking demand over that of the current situation.

The subject DA was referred to Council's Development Engineer who has assessed the proposal from a traffic and parking perspective. In their referral response, the following condition of consent has been recommended to address any potential traffic and parking issues that may arise as a result of the proposal:

**Traffic**

*Should the existing traffic and car parking situation deteriorate as a result of the erection and operation of the subject lighting poles, then at Council's request a specific Plan of Management must be prepared and submitted to the satisfaction of Council.*

*The Plan of Management must include details of training days and hours, player numbers, and mitigating measures ensuring the operation of the sports field will result in minimised traffic and parking impacts.*

**Reason:** *to ensure the existing traffic and parking situation is not negatively impacted by the proposed development*

At the Bayside Planning Panel Meeting on 27 November 2018, the Panel considered DA-2018/89 which proposed the installation of two (2) light poles to the existing Brighton Memorial Playing Field at 43 Crawford Road, Brighton Le Sands.

Similarly, the assessment report and draft consent for DA-2018/89 recommended a condition (Condition 28) requiring the applicant to submit a Plan of Management covering details of training days and hours, player numbers, and mitigating measures ensuring the operation of the sports field would not result in traffic and parking impacts.

A draft condition (Condition 7) was also included prescribing the maximum number of participants permitted to use the sports field at any one time based on the existing use of the sports field.

While the Panel unanimously supported the recommendation to approve the DA, the Panel did so subject to the deletion of the aforementioned conditions of consent (i.e. Condition 7 and Condition 28).

In the 'Reasons for the Panel's Determination' contained within the Minutes of the Bayside Local Planning Panel Meeting for 27 November 2018, the Panel explained that matters relating to the use of playing fields are best dealt with through a licensing agreement entered to between the Council and any user of the sporting fields, rather than through the imposition of consent conditions.

Given the Development Engineer's referral response for the subject DA (i.e. DA-2018/268) was issued on 1 November 2018, prior to the Panel's determination of DA-2018/89 on 27 November 2018, Council's Development Engineer was not privy to the Panel's stance on such conditions.

Accordingly, given the Panel's direction on DA-2018/89, the aforementioned condition recommended by the Development Engineer has been omitted from the draft consent.

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

Clause 92-94 of the Regulations outlines the matters to be considered in the assessment of a DA.

The matters prescribed by clause 92-94 of the Regulations does not apply to the proposed development. In this regard the provisions of the Regulations have been considered.

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

The majority of the likely impacts resulting from the proposed development has been considered in the assessment of the proposal against the RLEP and RDCP. The likely impacts that are not covered within the assessment against Council's planning controls, or which require further consideration include:

- Light Spill Impacts, and
- Acoustic Impacts.

##### **Light Spill Impacts**

Ador Reserve's sports field lighting will need to comply with the Australian Standards for Control of the obtrusive effects of outdoor lighting (AS 4282-1997). The most pertinent of the requirements of AS 4282-1997 to the assessment of the development, is considered to be the obtrusive light intensity at the boundary of the site and adjacent residential development. Table 2.1 within AS 4282-1997 provides that obtrusive light intensity at site boundaries before 11pm are to be as follows:

- 10 Lux or less at a residential boundary, and
- 25 Lux or less at a commercial boundaries.

For reader reference, twilight exhibits a lux level of 10.8.

After 11pm, the Lux levels at the site boundaries are to be reduced to 2 Lux in light surrounds and 1 Lux in dark surrounds.

The proposal seeks to add four (4) lighting poles with attached luminaires for use at the sports fields. In the applicant's submitted Statement of Environmental Effects it is indicated that the lights will only be used when the field is in use, and that it is anticipated that a condition will be placed on the consent to ensure appropriate use of the lighting.

The DA has been supported by a Light Projection Analysis, prepared by Apex Lighting (dated 7 June 2018). The report considers the obtrusive effects of the proposed light poles at the boundaries of the adjacent low density residential area, indicating that a maximum of 3.76 Lux is anticipated, with an average reading of 2.53 Lux.

Although the Light Projection Analysis forecasts compliance with the AS 4282-1997, to ensure that the predictions within the Light Projection Analysis are accurate, and that compliance with AS 4282-1977 is achieved, the following consent condition is recommended:

**# Light Spill Validation Report**

*A validation report must be obtained from a suitably qualified and experienced lighting engineer prior to commencing use of the light poles at the playing fields for sporting activities. The report shall demonstrate and certify that light spill impacts comply with the Australian Standard AS4282-1997 'Control of Obtrusive Effects of Outdoor Lighting'.*

To further minimise the potential for late-evening lighting nuisance, all sports field lights are required to be extinguished by 9.45pm. The cessation of sports field lighting use at 9:45pm will ensure compliance is achieved with the 11pm curfew established under AS 4282-1997, and will also ensure noise generated from the use of the sports fields does not unduly impact on the night-time period, which is generally accepted by the NSW EPA as being from 10pm to 7am.

In this regard, the following conditions of consent are recommended in relation to the operation of the light poles:

**# Automatic light switch**

*An automated curfew switch is to be installed, along with manual off switches, for each light pole.*

**# Light curfew**

*The sports field lights are to be automatically extinguished by 9:45pm. Should use of the playing fields conclude earlier, the lights are to be extinguished at the earlier concluding time.*

It is also noted that as part of the assessment of the subject DA, the proposal was referred to Council's Environmental Health Officer who referred to the Australian Standards for compliance to be achieved.

**Acoustic Impact**

For the similar reasons as to why the proposed development is not anticipated to result in an increased traffic and parking impact, it is not anticipated that the proposal will have an undue noise impact on the amenity of adjoining sensitive receivers. This is because there is unlikely to be a significant change in the historical noise environment for the following reasons:

- Prior to works associated with the field resurfacing, the Ador Reserve sports fields already included four (4) light poles illuminating the playing surface. Therefore there is a historical use of the sports fields that elevated the noise of the surrounding environment during the evening.
- The works recently carried out as 'development without consent' largely pertained to the resurfacing of the existing field. The works did not seek to enlarge the playing field which may otherwise have increased its capacity to accommodate additional participants and therefore increase noise.
- Given two of the pre-existing light poles were removed from the sports field, temporary lighting has been used at Ador Reserve to permit night-time use of the fields over the 2018/2019 spring/summer sporting season. As such, the installation of permanent lighting at the field is not anticipated to increase noise over that of the current situation.

As outlined by the Bayside Planning Panel in their determination of a similar DA for additional light poles at the Memorial Park Playing Fields, should matters relating to the use of the playing fields become an issue, this would be best dealt with by Council through a licensing agreement entered to between the Council and any organisation using the sporting fields.

Reference is made to the discussion on light spillage above whereby a condition relating to the operation of the light poles recommends automatic curfew switch be installed ensuring the lights are not utilised beyond 9:45pm. Aside from ensuring compliance with curfew hours under AS 4282-1997, the cessation of lights at 9.45pm will also ensure the fields stop being used by 10pm, which is in-line with the NSW EPA's night-time period.

It is also noted that as part of the assessment of the subject DA, the proposal was referred to Council's Environmental Health Officer who had no comment in relation to potential noise impacts as a result of the proposed development.

#### **S.4.15(1)(d) - Public submissions**

The proposed development was notified on 22 October 2018 for a period of two (2) weeks during which public comment could be received. Two (2) submissions were received during the notification period. The issues raised in the submissions are indicated below, along with a comment from the consultant planner.

##### **1. Lighting**

A submission questioned what type of lights are proposed, and questioned the impact the lights would have on the amenity of their premises. The objector notes that the existing lights used at the sports field are disruptive and stressful.

**Comment** – Submitted with the DA is a Light Projection Analysis which indicates the lights to be used are:

- *Philips OptiVision LED gen2 BVP525 50K 757 T30 IP66 3 module*

The lights will be affixed to 18m high light poles, with the locations of the light poles aligning with the existing light pole footings on the site. As such, two light poles are proposed along the eastern boundary adjacent to West Botany Street, and two light poles are proposed on the western boundary adjacent to the spectator mound.

The existing lights being utilised at the sports field are temporary lights only, and it is possible these lights are neither specified nor positioned in a fashion that ensures compliance with the Australian Standards for control of the obtrusive effects of outdoor lighting (AS 4282-1997).

Despite the Light Projection Analysis forecasting compliance with AS 4282-1997, a condition of consent has been recommended for the applicant to submit a validation report once the light poles have been erected to ensure compliance with Light Projection Analysis is achieved.

Conditions recommending curfew switches and automatic cessation of lights after 9:45pm have also been recommended to ensure light spill and noise associated with the use of the field is within acceptable limits.

## **2. Inadequate Parking**

A submission has raised concerns over an expected increase in spectators, and insufficient parking to accommodate the increase.

**Comment** – The proposal does not seek to augment the use of the sports field, and as covered earlier in this assessment report, the proposal is therefore not anticipated to result in a marked increase in the number of spectators visiting the field. Rather the proposal will provide dedicated seating for spectators that would otherwise be standing on the mound or sitting along the retaining wall.

Even if there were to be some minor periodic increase in the number of spectators visiting the playing field, Ador Reserve is considered to be well serviced by car parking, with Ador Avenue including extensive perpendicular parking along both sides of the street to the north of the playing field. To the south of the playing field there is also a large car park adjacent to the St George PCYC.

## **3. Location of Seating**

A submission has requested that the proposed seating be located in front of the retaining wall, and not on top of the retaining wall.

**Comment** – The plans submitted with the DA indicate that the proposed seating will be located in front of the sandstone retaining wall, and not on top of it. The plans submitted will form part of the development consent, and as such the applicant will be required to carry out the works in accordance with these approved plans.

The proposed seating has a height of 850mm, with the sandstone retaining wall behind having a height of 1.15m. As such spectators using the seating will be largely screened from adjoining property by the wall and the raised spectator mound behind.

## **4. Loss of Privacy**

A submission has raised concern that the spectator mound allows persons to overlook the adjoining residential boundary and impact on the visual privacy of residents.

**Comment** – The proposal pertains only to the erection of four (4) light poles to existing fittings, and for the installation of a small seating area in front of an existing retaining wall. The proposal includes no changes to the spectator mound which was completed 'without consent' under the provisions of the ISEPP and Part 5 of the Act.

Privacy issues or complaints resulting from with existing site arrangements are not the subject of this DA, and should be directed separately to Council.

#### **5. Incidents of Trespass**

A submission has included complaints of persons jumping the boundary fence and using the playing fields without permission to do so.

**Comment** – Complaints regarding the unauthorised use of the sports field should be directed separately to Council, and are not specifically relevant to the light poles and spectator seating proposed under the subject DA.

#### **6. Inadequacy of existing toilet facilities**

A submission has included complaints over the inadequacy of the existing toilet facilities and associated sewerage network.

**Comment** – Complaints regarding the adequacy of the site's toilet facilities and sewerage networks should be directed separately to Council, and are not specifically relevant to the light poles and spectator seating proposed under the subject DA.

The objector is however advised that the existing amenities building is currently proposed to be demolished with new public toilets to be constructed at Ador Reserve adjacent to the current amenities building. For further details, reference should be made to the Ordinary Meeting of Bayside Council Agenda and Minutes for 12 December 2018.

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

The proposed development will support the safe use of the sports field at Ador Reserve by improving lighting after sunset, and also improving spectator comfort through the inclusion of a small seating area.

Increasing opportunities for participation in organised outdoor activities is in the public interest. The improved use of the subject site supports the economic use of the land, and helps reduce the need to use additional land for recreational activities to cater for the demand of the community.

The proposed works are also consistent with the future works outlined within the *Bayside Council Plan of Management for Community Land and Public Open Space 2016*.

With imposition of the recommended conditions of consent, it is considered that the proposed development is in the public interest.

*Report prepared by:*



**Ben Tesoriero**  
**Consultant Planner**  
**Creative Planning Solutions Pty Limited**  
**4 February 2019**



## Attachment 1 – Draft Non-Standard conditions of consent

### **# Light Spill Validation Report**

*A validation report must be obtained from a suitably qualified and experienced lighting engineer prior to the issue of any Occupation Certificate. The report shall demonstrate and certify that light spill impacts comply with the Australian Standard AS4282-1997 'Control of Obtrusive Effects of Outdoor Lighting'.*

### **# Automatic light switch**

*An automated curfew switch is to be installed, along with manual off switches, for each light pole.*

### **# Light curfew**

*The sports field lights are to be automatically extinguished by 9:45pm on training days, Monday – Thursday (inclusive). Should the training conclude earlier, the lights are to be extinguished at the earlier concluding time.*

Our Ref: DA-2018/268  
 Contact: Pascal van de Walle 9562 1666

Bayside Council  
 PO BOX 21  
 ROCKDALE NSW 2216

## NOTICE OF DETERMINATION

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

**Application Number:** DA-2018/268  
**Property:** 331 West Botany Street, ROCKDALE (PT 1 DP 721666)  
**Proposal:** Construction of four (4) 18m high light poles and tiered seating stand for existing synthetic sporting field

**Authority:**

**Determination:**

**Date of determination:**

**Date consent commences:**

**Date consent lapses:**

### General Conditions

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

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

Plan/Dwg No.	Drawn by	Dated	Received by Council
Site Plan, A100, Rev. A	MB	05/10/2018	16/10/2018
Site Section; Seating Details, A200, Rev. A	MB	05/10/2018	16/10/2018
Construction Management Plan and Soil and Sediment Control Plan, A100, Rev. A	MB	05/10/2018	16/10/2018
Light Projection Analysis, 17121-05-B	Apex Lighting	07/06/2018	16/10/2018

Waste Management Plan, 18/138430/TRIM F18/596	Hania Hapsellis	Undated	16/10/2018
--	--------------------	---------	------------

3. **A Construction Certificate must be obtained from Council or an Accredited Certifier prior to any building work commencing.**

### Development specific conditions

The following conditions are specific to the Development Application proposal.

4. Sydney Airport Approval  
Sydney Airport Corporation Limited (SACL) has approved the maximum height of the proposed building at 22 metres relative to Australian Height Datum (AHD). This height is inclusive of all vents, chimneys, aerials, TV antennae and construction cranes etc. No permanent or temporary structure is to exceed this height without further approval from Sydney Airport Corporation Limited.  
  
Note: Under Section 186 of the Airports Act 1996, it is an offence not to give information to the Airport Operator that is relevant to a proposed "controlled activity" and is punishable by a fine of up to 50 penalty units.  
  
For further information on Height Restrictions please contact SACL on 9667 9246.
5. Light Curfew  
The sports field lights are to be automatically extinguished by 9:45pm. Should use of the playing fields conclude earlier, the lights are to be extinguished at the earlier concluding time.
6. Automatic Light Switch  
An automated curfew switch is to be installed, along with manual off switches, for each light pole.
7. Light Spill Validation Report  
A validation report must be obtained from a suitably qualified and experienced lighting engineer prior to commencing use of the light poles at the playing fields for sporting activities. The report shall demonstrate and certify that light spill impacts comply with the Australian Standard AS4282-1997 'Control of Obtrusive Effects of Outdoor Lighting'.
8. Compliance with Flood Advice  
The development shall comply with the Rockdale Development Control Plan (DCP) 2011, and the Planning Considerations and Development Controls listed in the Flood Advice email dated 31 July 2018. All plans submitted with the Construction Certificate must demonstrate compliance with the Flood Advice email, and all works carried out in accordance with the email prior to issue of any Occupation Certificate.

### Prior to issue of the construction certificate

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

9. 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.
10. Prior to issue of any 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.

11. All building materials shall be flood resistant, or flood compatible to a height of 500mm above the 1% AEP flood, or flow level. All internal electrical switches, power points or similar utilities liable to flood damage shall be set at a minimum of 500mm above the 1% AEP flood, or flow level. Details shall be provided and approved prior to the issue of a construction certificate.
12. The following must be complied with in the plans submitted with the Construction Certificate:
  - Underground power and wiring to be provided to the light poles shall be of water sealed conduits.
  - All power points and connections to be provided 500mm above the 1 in 100-year flood level.
13. Prior to the issue of the Construction Certificate, the approved plans must be submitted to Sydney Water Tap in™ online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

Sydney Water's Tap in™ online service is available at:

<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

### **Prior to commencement of works**

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

14. Prior to issue of any Construction Certificate an erosion and sediment control plan which details the proposed method of soil management and its implementation in accordance with The Blue Book - Managing Urban Stormwater: Soils & Construction by Landcom, must be prepared and submitted to the principal certifying authority.
15. 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.
16. 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.
17. Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

### **During demolition / excavation / construction**

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

18. A copy of the Construction Certificate and the approved plans and specifications must be kept on the site at all times and be available to Council officers upon request.
19. Hours of construction shall be confined to between 7 am and 6.30 pm Mondays to Fridays, inclusive, and between 8 am and 3.30 pm Saturdays with no work being carried out on Sundays and all public holidays.
20. 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.
21. All waste generated on site shall be disposed of in accordance with the submitted Waste Management Plan.
22. All existing street trees shall be retained and protected during construction.

### **Prior to issue of occupation certificate or commencement of use**

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

23. An Occupation Certificate shall be obtained in relation to the approved works prior to any use of the lighting.
24. Where Council's park/reserve is damaged as a result of building work or vehicular building traffic, this area shall be restored by Council at the applicant's expense. Repairs shall be completed prior to the issue of the Occupation Certificate.

### **Roads Act**

25. 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.

### **Development consent advice**

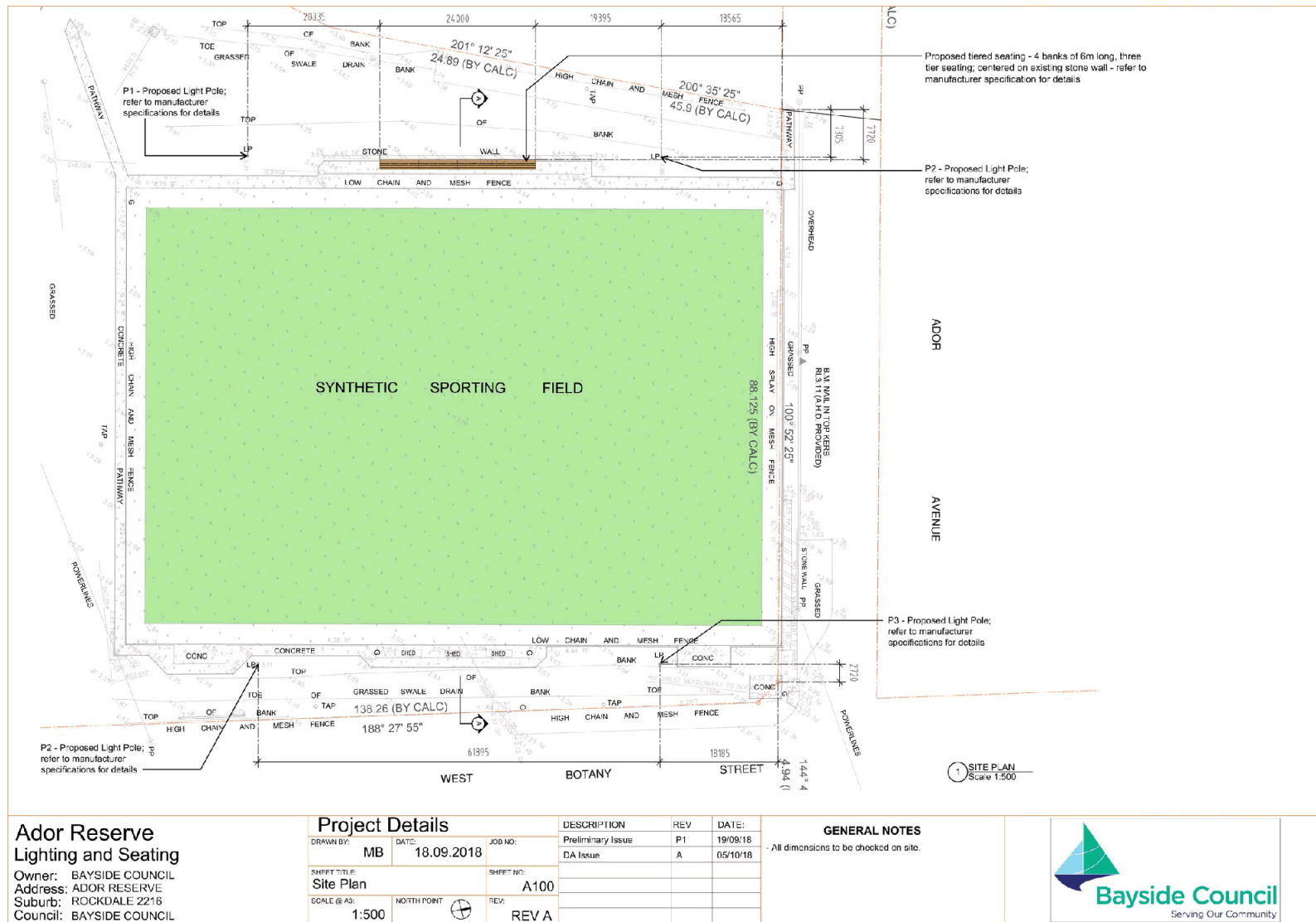
- a. You are advised to consult with your utility providers (i.e. Energy Aust, Telstra etc) in order to fully understand their requirements before commencement of any work.
- b. Demolition and construction shall minimise the emission of excessive noise and prevent "offensive noise" as defined in the 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.

**Additional Information**

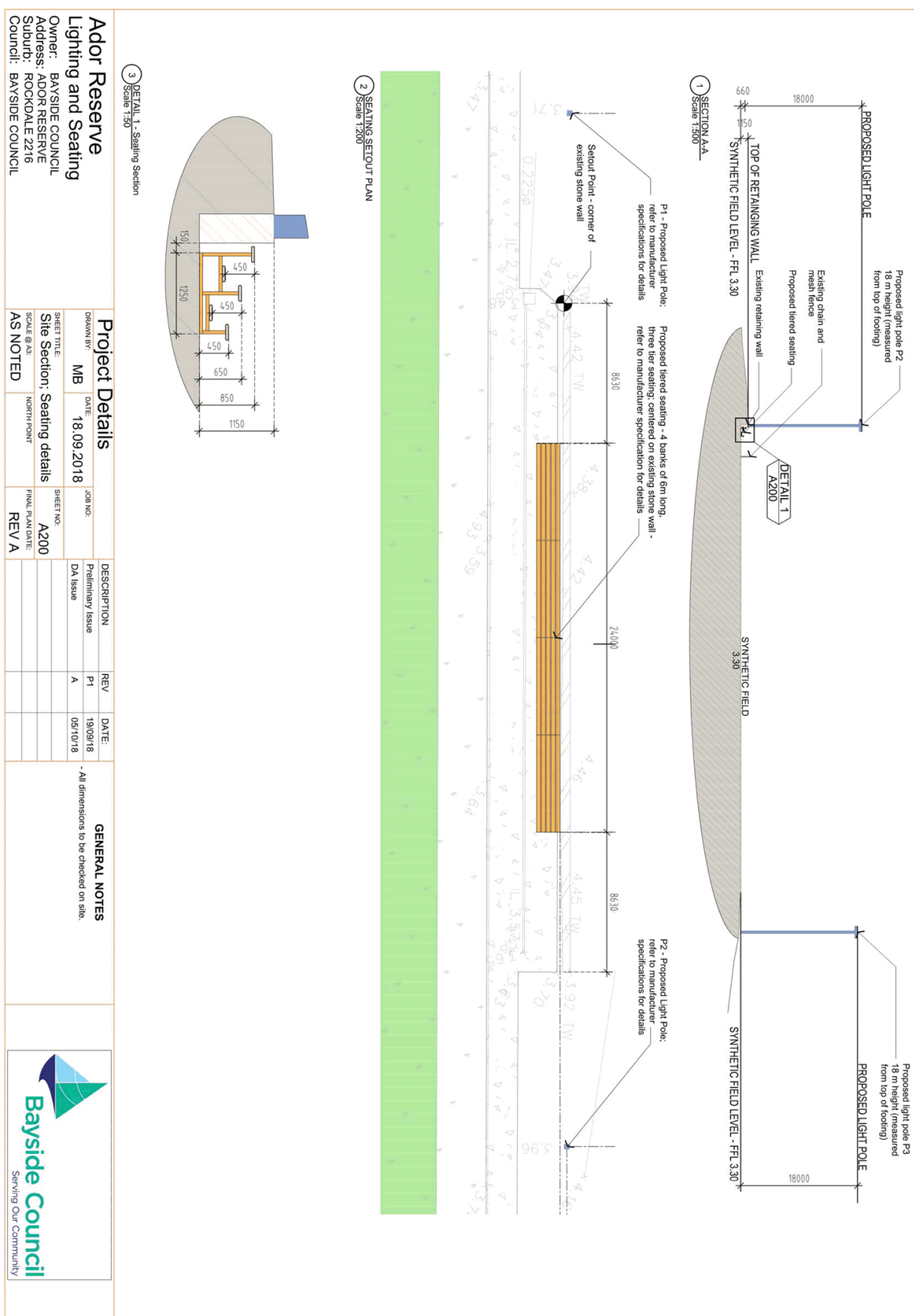
- To confirm the date upon which this consent becomes effective, refer to Section 83 of the *Environmental Planning and Assessment Act, 1979*. Generally the consent becomes effective from the determination date shown on the front of this notice. However if unsure applicants should rely on their own enquiries.
- 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 Pascal van de Walle on 9562 1666





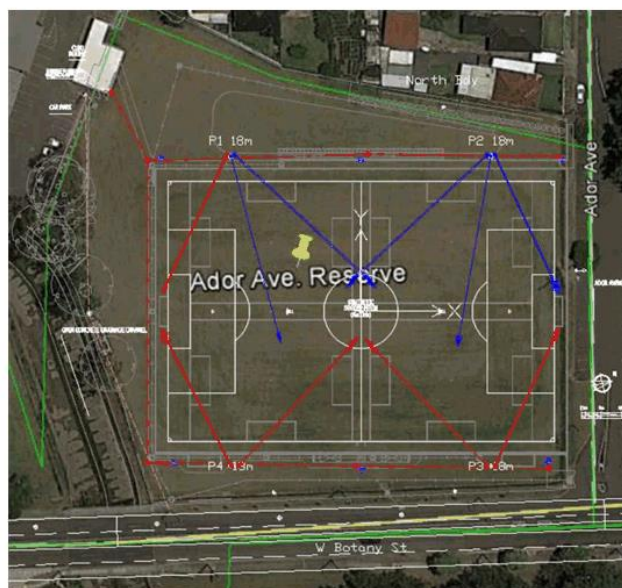


## Ador Avenue Reserve

### Synthetic Field - LED

Project code: 17121-05-B  
Date: 07-06-2018

Description: Rev A - Original issue  
Rev B - P1 and P2 moved 0.5m West, P4 moved 1m North



The nominal values shown in this report are the result of precision calculations, based upon precisely positioned luminaires in a fixed relationship to each other and to the area under examination. In practice the values may vary due to tolerances on luminaires, luminaire positioning, reflection properties and electrical supply.

**APEX Lighting**  
2/12A Loyalty Road  
North Rocks  
NSW 2151

E-Mail: [sales@apexlighting.com.au](mailto:sales@apexlighting.com.au)

CalcuLuX Area 79.0.0

Ador Avenue Reserve  
17121-05-B

Synthetic Field - LED

APEX Lighting  
Date: 07-06-2018

## 1. Project Description

### 1.1 Description

Designed to conform with:

- AS2560.2.3-2007- Lighting for football (all codes)-  
Amateur level: Comp 100 lx/Semi-pro 200 lx
- AS4282 Obtrusive light, Level 1 Intensity control  
(large area),  $E_v \leq 10$  lx,  
 $TI \leq 20\%$  (based on adaptation luminance of 0.1 cd/m<sup>2</sup>).

Philips OptiVision LED gen2 BVP525 50K 757 T30 IP66 3 module  
LT and LO versions used to mitigate obtrusive light (integral shields).

Weight=25 kg(remote gear), Windage=0.31 m<sup>2</sup>(at 40° tilt).

Note trunnion depth is 31mm, longer bolts may required.

Floodlight ref tilt (Imax) is noted as "TILT90".

Subtract 30° from TILT90 to get the tilt of the visor.

All luminaires are tilted with visor at  $\leq 40^\circ$ .

Floodlights should be spaced at least 95cm apart.

Driver rating: 230-400V +/-10% 50Hz.

Run current: 415V=3.6A, 240V=6.2A P=1392W

Refer to Mounting instructions for inrush current details.

Cable from driver to floodlight 6C+E 1000V (by others):

Length<25m use 1.5mm<sup>2</sup>, Length<=50m use 2.5mm<sup>2</sup>.

Tolerances on light flux: +/- 7%

Can be mounted over/under without modification/accessories,

(single cross-arm only, if two or more cross-arms

are required, then provision must be made for sufficient

offset to avoid the luminaires on the

lower arm/s shadowing those on the upper arm).

MF=0.88=15000 hours, based on LLMF=0.94 from manufacturer  
data, and LMF=0.94 (dirt) from BS5489.1 Table B.1

(E1/2/3/4 MH>6m and 4 year clean)

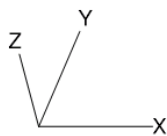
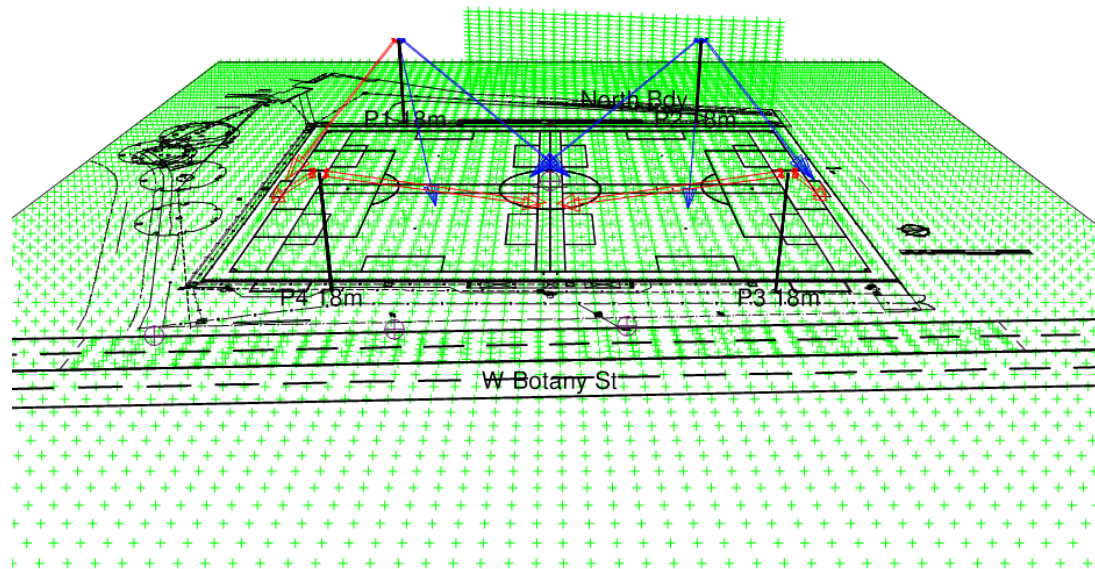
Note: L80B10=50,000 hours

Ador Avenue Reserve  
17121-05-B

Synthetic Field - LED

APEX Lighting  
Date: 07-06-2018

### 1.2 3-D Project Overview



→ BVP525 T30 50K A-NBLT

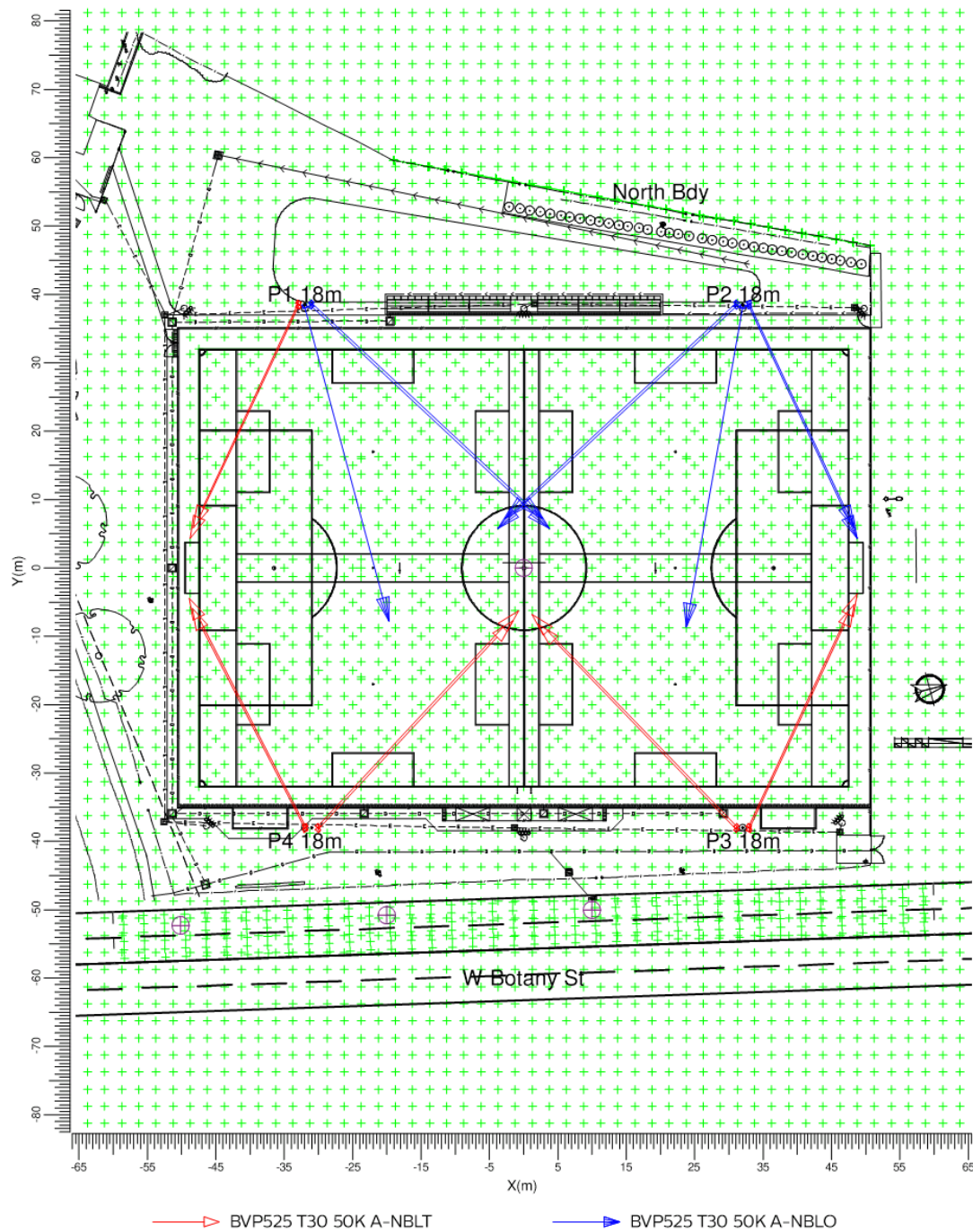
→ BVP525 T30 50K A-NBLO

Ador Avenue Reserve  
17121-05-B

Synthetic Field - LED

APEX Lighting  
Date: 07-06-2018

### 1.3 Top Project Overview



Scale  
1:750

Ador Avenue Reserve  
17121-05-B

Synthetic Field - LED

APEX Lighting  
Date: 07-06-2018

## 2. Summary

### 2.1 Observer Information

Code	Observer	Position		
		X (m)	Y (m)	Z (m)
Aa	Centre	-0.00	-0.00	1.50
Bb	W Botany St EB TI (O1)	-119.99	-54.31	1.50
Cc	W Botany St EB TI (O2)	-80.00	-53.00	1.50
Dd	W Botany St EB TI (O3)	-50.19	-52.25	1.50
Ee	W Botany St EB TI (O4)	-20.00	-50.76	1.50
Ff	W Botany St EB TI (O5)	10.00	-50.01	1.50

### 2.2 Obstacle Information

Obstacle	Transparency (%)	Position		
		X (m)	Y (m)	Z (m)
P1 18m	0	-32.00	38.50	0.00
P2 18m	0	32.00	38.50	0.00
P3 18m	0	32.00	-38.00	0.00
P4 18m	0	-31.00	-38.00	0.00

### 2.3 Project Luminaires

Code	Qty	Luminaire Type	Lamp Type	Power (W)	Flux (lm)
A	10	BVP525 T30 50K A-NBLT	1 * LED1930/757	1301.5	1 * 183011
B	8	BVP525 T30 50K A-NBLO	1 * LED1930/757	1301.5	1 * 183011

The total installed power: 23.43 (kWatt)

Number of Luminaires Per Switching Mode:

Switching Mode	Luminaire Code		Power (kWatt)
	A	B	
Competition 100 lux	5	5	13.02
Semi-pro 200 lux	10	8	23.43
Obtrusive 100 lux	5	5	13.02
Obtrusive 200 lux	10	8	23.43

Number of Luminaires Per Arrangement:

Arrangement	Luminaire Code		Power (kWatt)
	A	B	
P1 18m	2	3	6.51
P2 18m	0	5	6.51
P3 18m	4	0	5.21
P4 18m	4	0	5.21

Ador Avenue Reserve  
17121-05-B

Synthetic Field - LED

APEX Lighting  
Date: 07-06-2018

## 2.4 Calculation Results

### Switching Modes:

Code	Switching Mode	Maintenance factor
1	Competition 100 lux	0.88
2	Semi-pro 200 lux	0.88
3	Obtrusive 100 lux	1.00
4	Obtrusive 200 lux	1.00

### (II) Luminance Calculations:

Calculation	Switching Mode	Type	Unit	Ave	Max	Min/Ave	Min/Max
Soccer 100 lx	1	Horizontal Illuminance	lux	119		0.64	0.42
Surrounds Ev 100 lx	3	Illuminance -> Aa	lux	9.05			
North Bdy Ev 100 lx	3	Surface Illuminance	lux	1.29	1.93		
Soccer 200 lx	2	Horizontal Illuminance	lux	211		0.74	0.50
Surrounds Ev 200 lx	4	Illuminance -> Aa	lux	16.6			
North Bdy Ev 200 lx	4	Surface Illuminance	lux	2.53	3.76		

### Glare Rating for Grid of Observers:

Calculation	Switching Mode	Observer Grid	Reference Grid	Reflectance	GR-Max
Soccer 100 lx GR	1	Soccer GR@1.5m	Soccer 95x64m	0.25	47.0
Soccer 200 lx GR	2	Soccer GR@1.5m	Soccer 95x64m	0.25	44.4

### Obtrusive Light Calculations:

Switching Mode	Observer Code	Adaptation Luminance (cd/m2)	Direction	Threshold Increment (%)
3	Bb	0.10	(1.00, 0.03, 0.00)	6.6
3	Cc	0.10	(1.00, 0.03, 0.00)	6.6
3	Dd	0.10	(1.00, 0.03, 0.00)	4.6
3	Ee	0.10	(1.00, 0.03, 0.00)	5.5
3	Ff	0.10	(1.00, 0.03, 0.00)	0.0

Switching Mode	ULR
1	0.01
2	0.01
3	0.01
4	0.01



Ador Avenue Reserve  
17121-05-B

Synthetic Field - LED

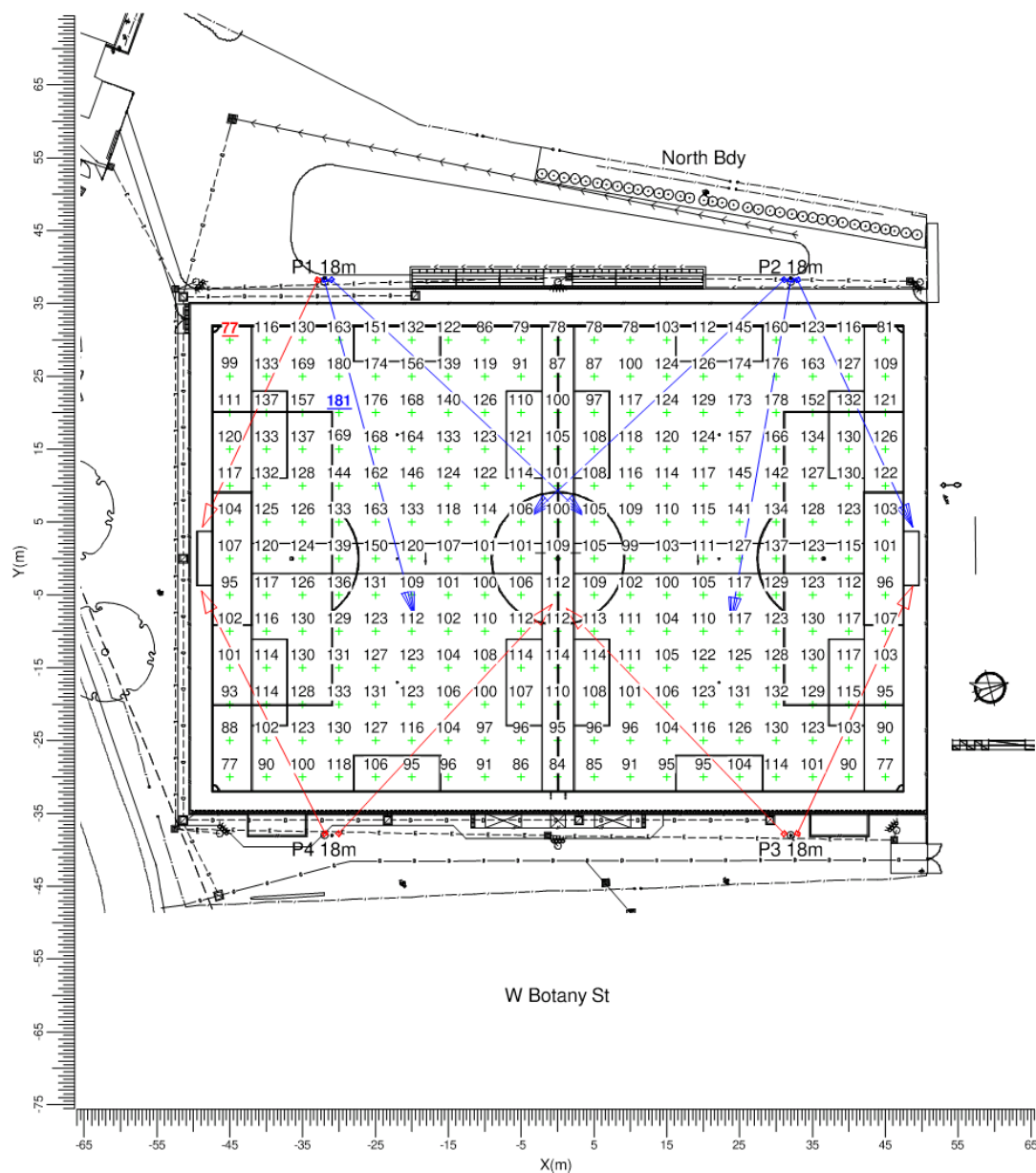
APEX Lighting  
Date: 07-06-2018

### 3. Calculation Results

#### 3.1 Soccer 100 lx: Graphical Table

Competition 100 lux

Grid : Soccer 95x64m at Z = -0.00 m  
Calculation : Horizontal Illuminance (lux)



→ BVP525 T30 50K A-NBLT

→ BVP525 T30 50K A-NBLO

Average  
119

Min/Ave  
0.64

Min/Max  
0.42

Project maintenance factor  
0.88

Scale  
1:750

Ador Avenue Reserve  
17121-05-B

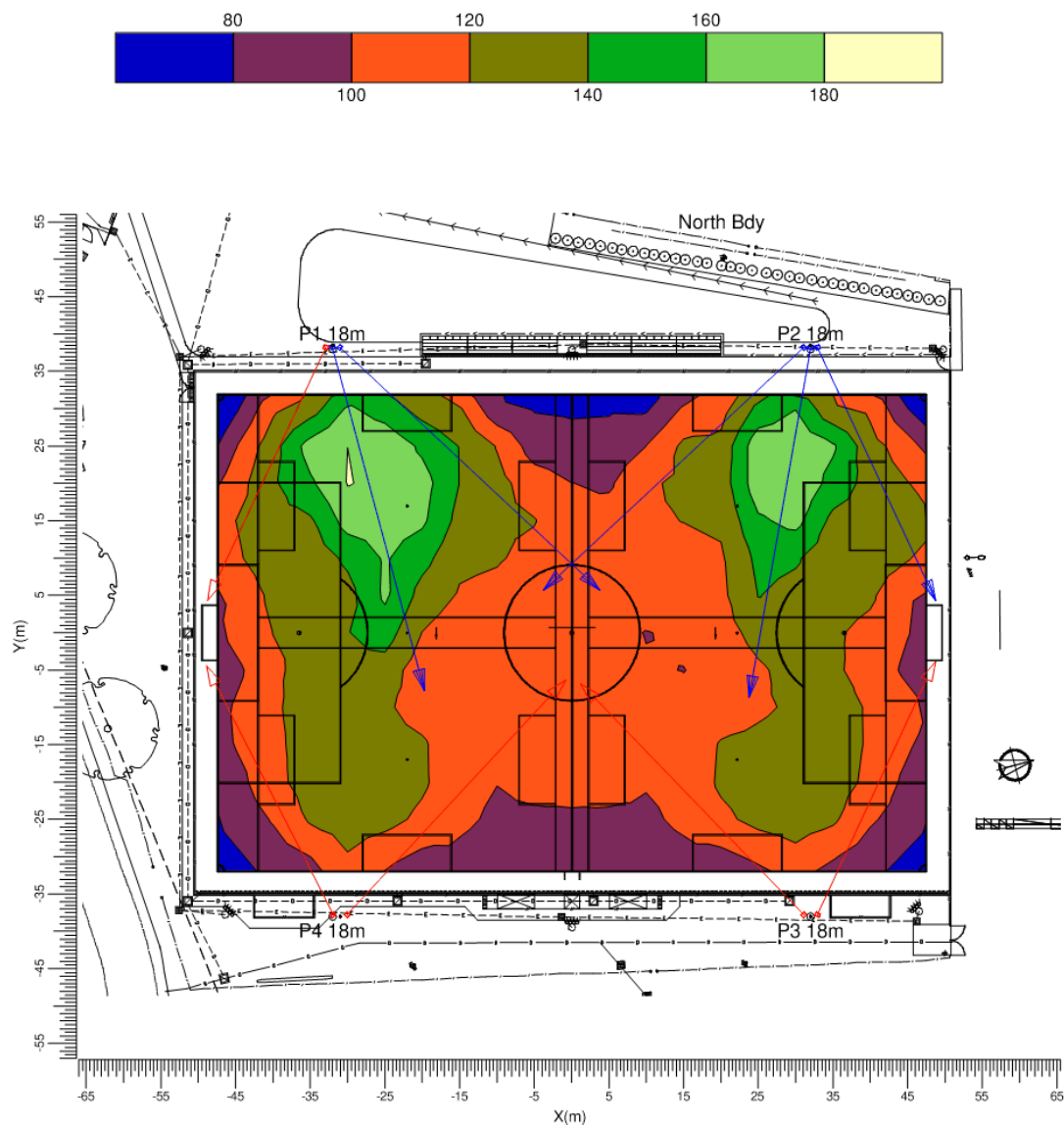
Synthetic Field - LED

APEX Lighting  
Date: 07-06-2018

### 3.2 Soccer 100 lx: Filled Iso Contour

Competition 100 lux

Grid : Soccer 95x64m at Z = -0.00 m  
Calculation : Horizontal Illuminance (lux)



→ BVP525 T30 50K A-NBLT      → BVP525 T30 50K A-NBLO  
 Average 119      Min/Ave 0.64      Min/Max 0.42      Project maintenance factor 0.88      Scale 1:750

Ador Avenue Reserve  
17121-05-B

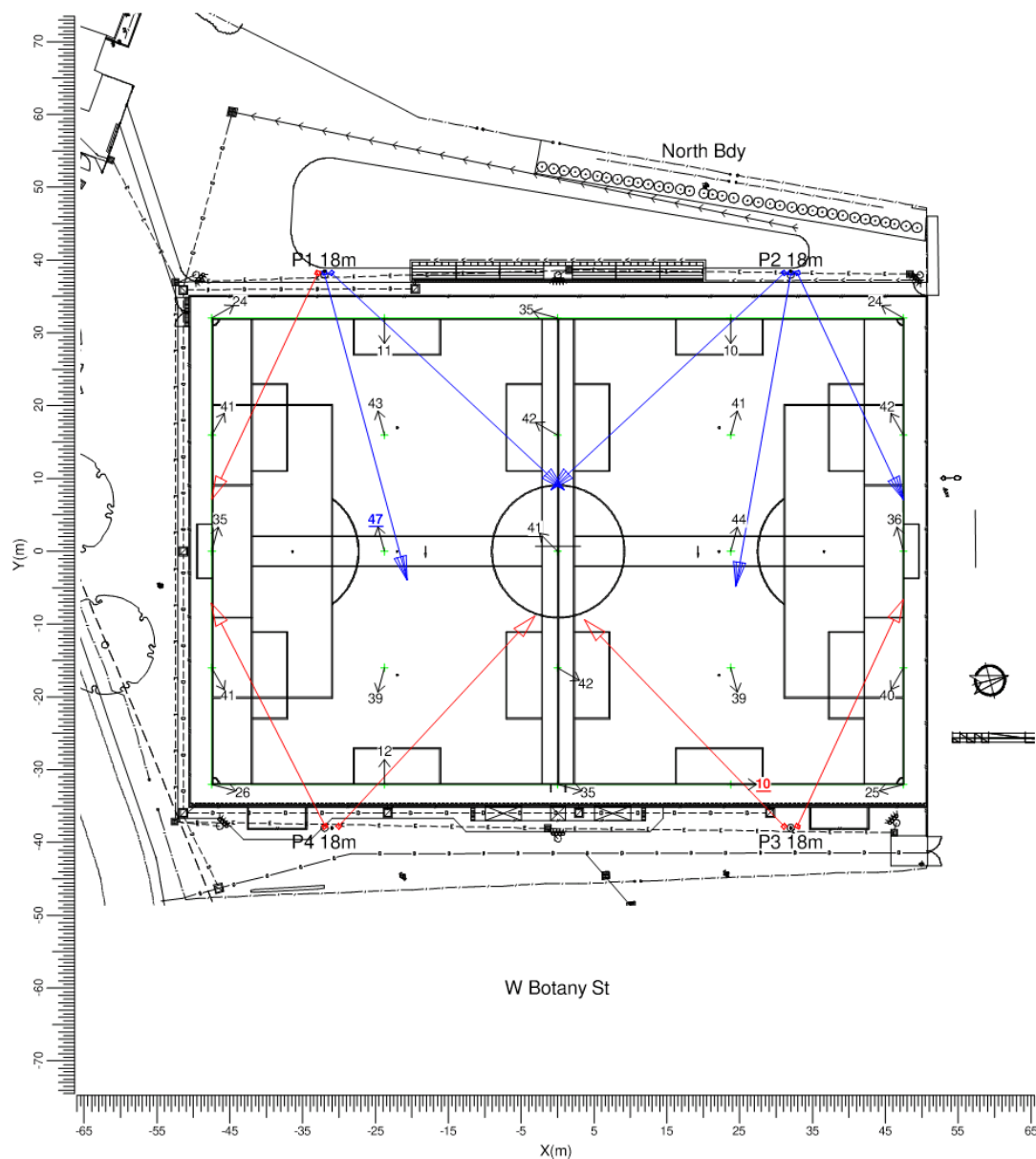
Synthetic Field - LED

APEX Lighting  
Date: 07-06-2018

### 3.3 Soccer 100 lx GR: Graphical Table

Competition 100 lux

Grid of Observers : Soccer GR@1.5m  
Calculation : Glare Rating  
Grid for Background Luminance: Soccer 95x64m (Reflectance: 0.25)  
Vertical Viewing Angle : -2.0 deg



→ BVP525 T30 50K A-NBLT

→ BVP525 T30 50K A-NBLO

Maximum  
470

Project maintenance factor  
0.88

Scale  
1:750

Ador Avenue Reserve  
17121-05-B

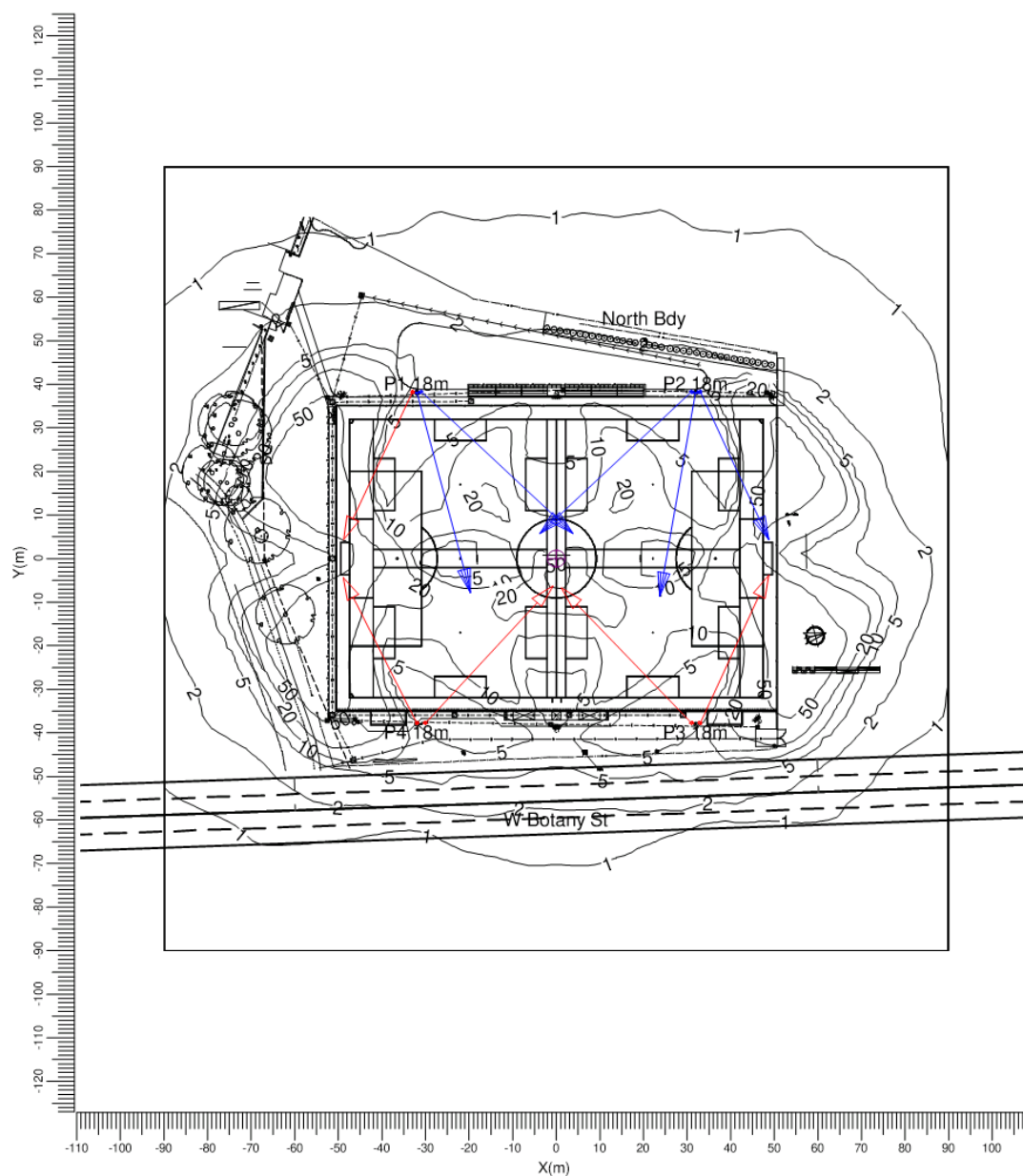
Synthetic Field - LED

APEX Lighting  
Date: 07-06-2018

### 3.4 Surrounds Ev 100 lx: Iso Contour

Obtrusive 100 lux

Grid : Surrounds at Z = -0.00 m  
Calculation : Illuminance towards Centre (lux)  
Height above grid : 1.50 m



→ BVP525 T30 50K A-NBLT

→ BVP525 T30 50K A-NBLO

Average  
9.05

Project maintenance factor  
1.00

Scale  
1:1250

Ador Avenue Reserve  
17121-05-B

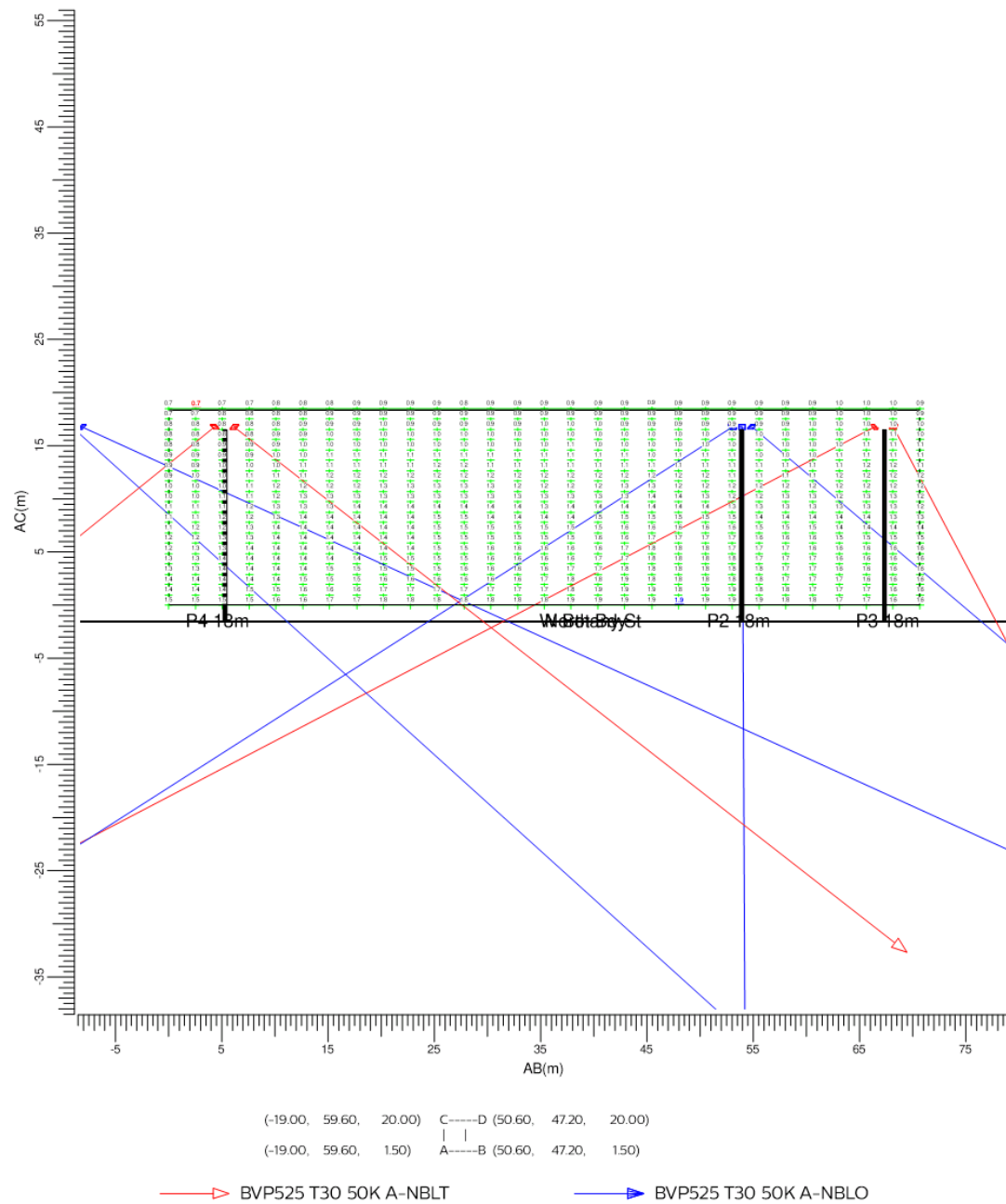
Synthetic Field - LED

APEX Lighting  
Date: 07-06-2018

### 3.5 North Bdy Ev 100 lx: Graphical Table

Obtrusive 100 lux

Grid : North Bdy  
Calculation : Surface Illuminance (lux)



Average  
1.29

Maximum  
1.93

Project maintenance factor  
1.00

Scale  
1:500

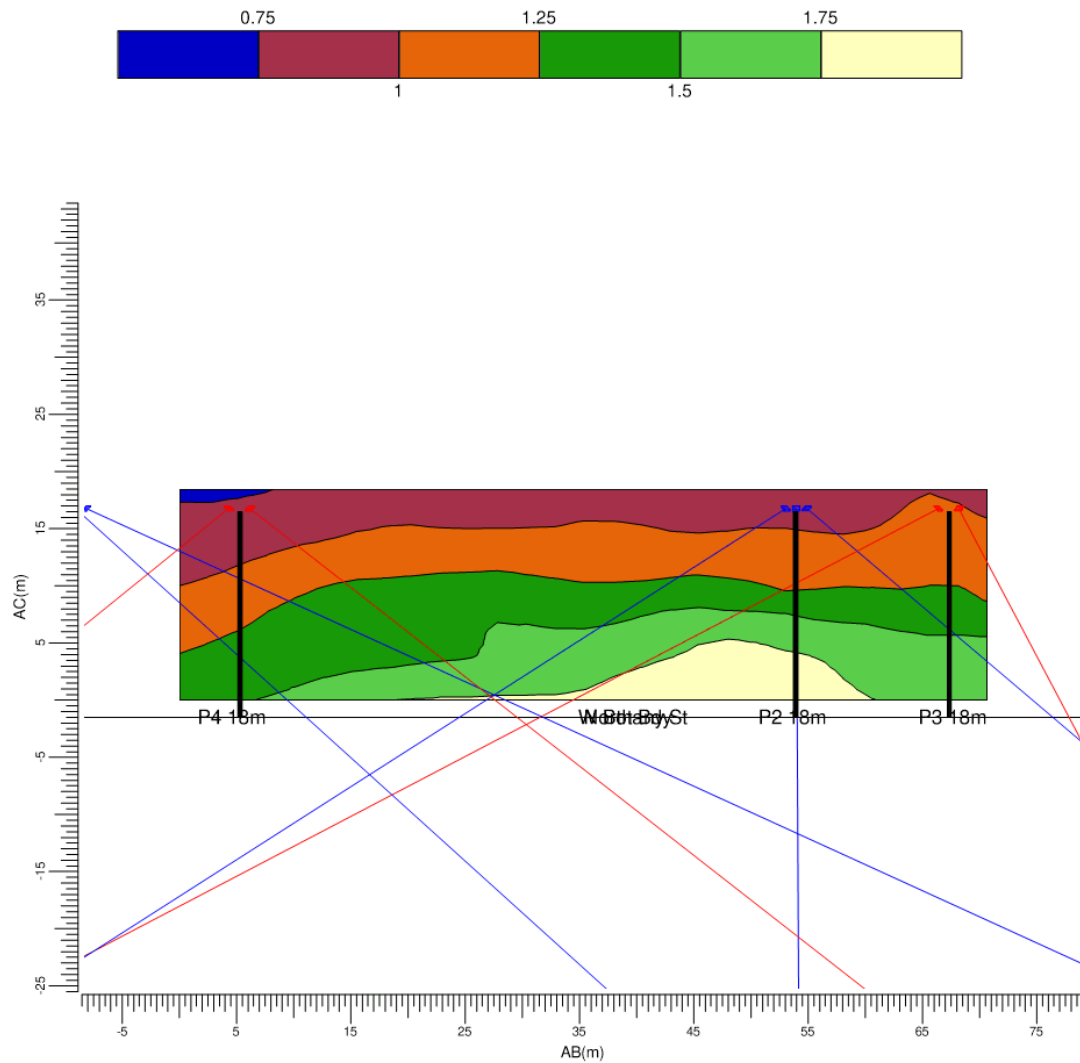
Ador Avenue Reserve  
17121-05-B

Synthetic Field - LED

APEX Lighting  
Date: 07-06-2018

## 3.6 North Bdy Ev 100 lx: Filled Iso Contour

Obtrusive 100 lux

Grid : North Bdy  
Calculation : Surface Illuminance (lux)

BVP525 T30 50K A-NBLT

BVP525 T30 50K A-NBLO

Average  
1.29Maximum  
1.93Project maintenance factor  
1.00Scale  
1:500

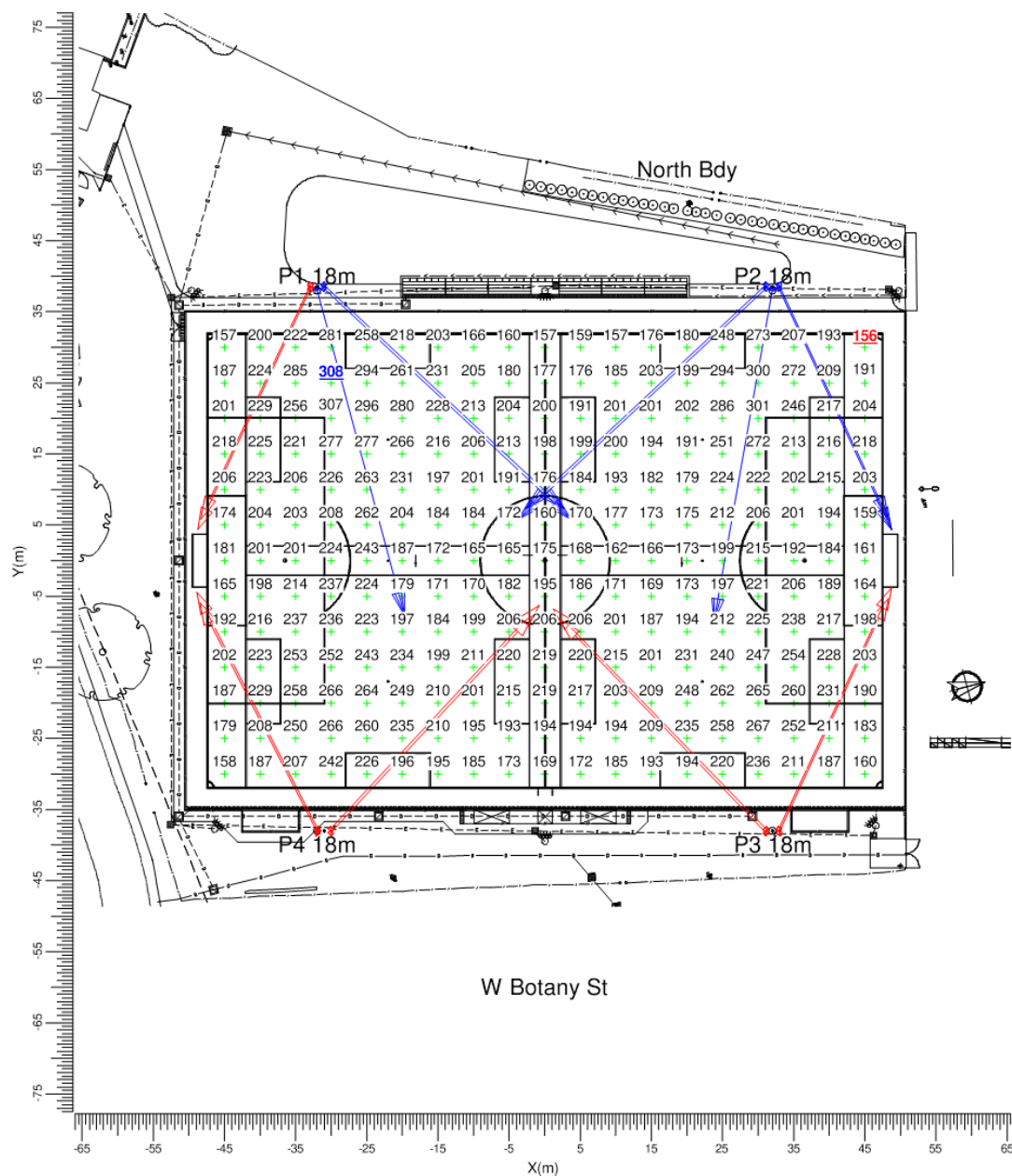
Ador Avenue Reserve  
17121-05-B

Synthetic Field - LED

APEX Lighting  
Date: 07-06-2018

## 3.7 Soccer 200 lx: Graphical Table

Semi-pro 200 lux

Grid : Soccer 95x64m at Z = -0.00 m  
Calculation : Horizontal Illuminance (lux)

BVP525 T30 50K A-NBLT

BVP525 T30 50K A-NBLO

Average  
211Min/Ave  
0.74Min/Max  
0.50Project maintenance factor  
0.88Scale  
1:750



Ador Avenue Reserve  
17121-05-B

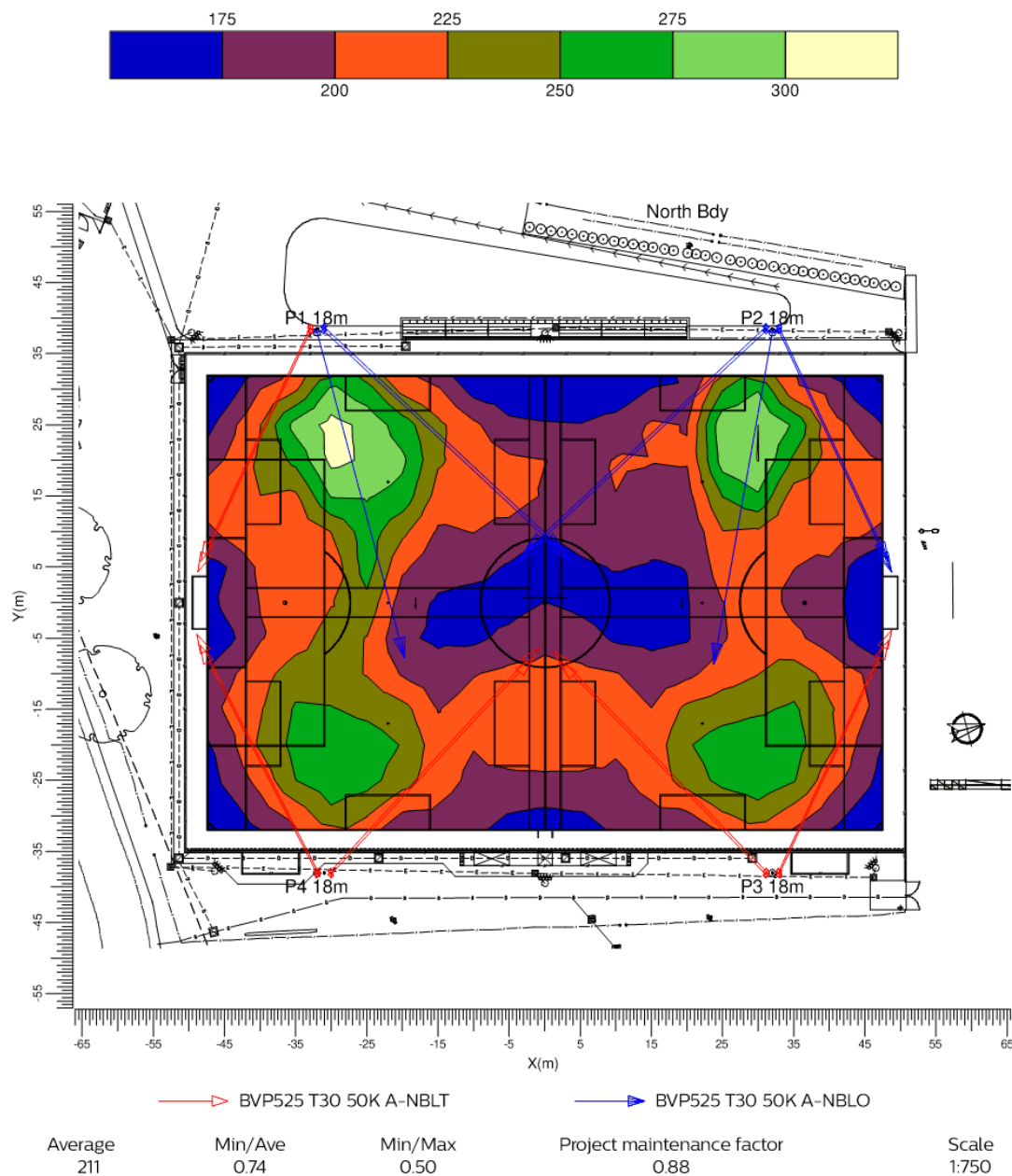
Synthetic Field - LED

APEX Lighting  
Date: 07-06-2018

### 3.8 Soccer 200 lx: Filled Iso Contour

Semi-pro 200 lux

Grid : Soccer 95x64m at Z = -0.00 m  
Calculation : Horizontal Illuminance (lux)



Philips Lighting B.V. - CalcuLuX Area 7.9.0.0 17121-05-B Ador Field Rockdale

Page: 14/20

Ador Avenue Reserve  
17121-05-B

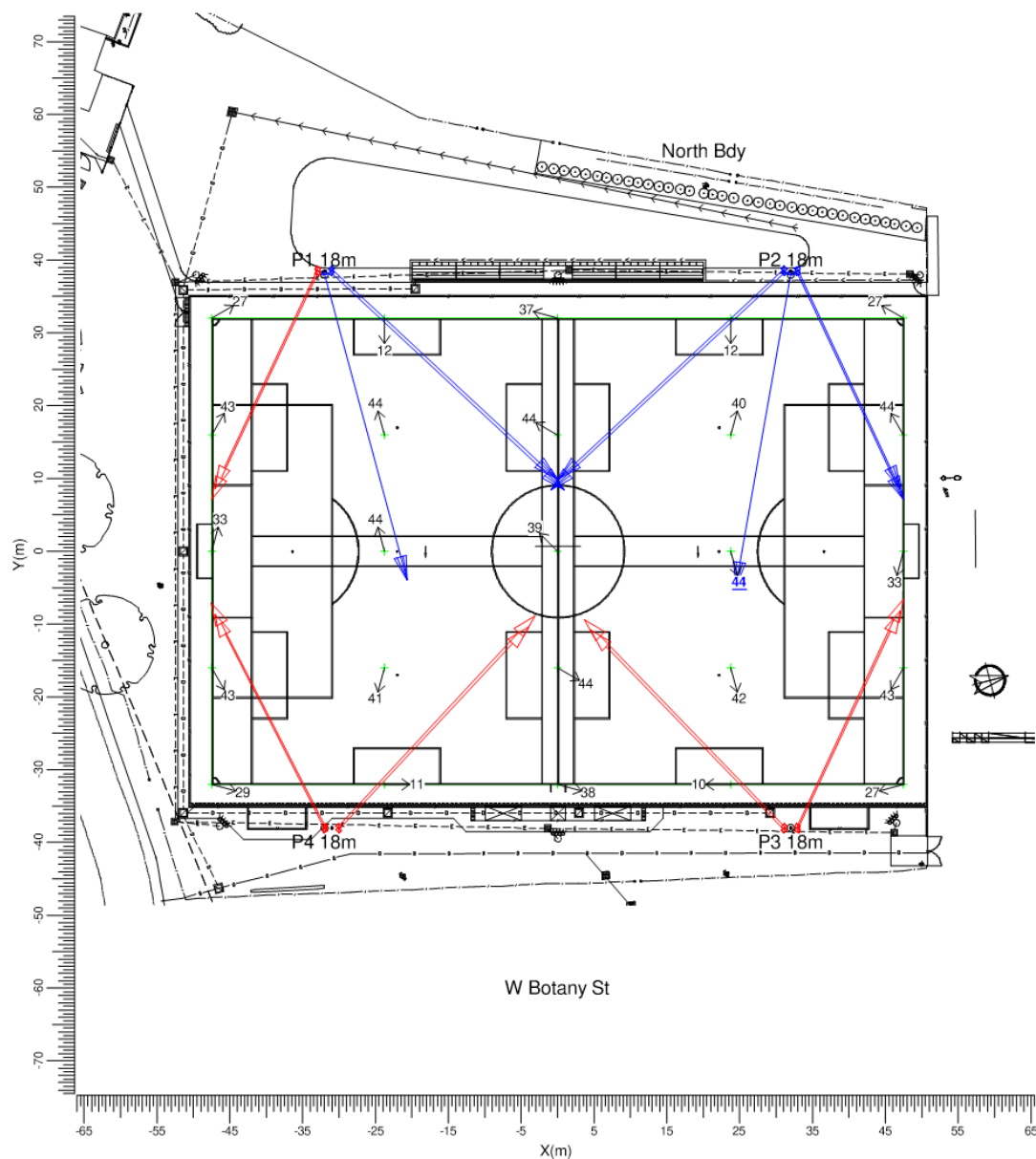
Synthetic Field - LED

APEX Lighting  
Date: 07-06-2018

### 3.9 Soccer 200 lx GR: Graphical Table

Semi-pro 200 lux

Grid of Observers : Soccer GR@1.5m  
Calculation : Glare Rating  
Grid for Background Luminance: Soccer 95x64m (Reflectance: 0.25)  
Vertical Viewing Angle : -2.0 deg



→ BVP525 T30 50K A-NBLT

→ BVP525 T30 50K A-NBLO

Maximum  
44.4

Project maintenance factor  
0.88

Scale  
1:750

Ador Avenue Reserve  
17121-05-B

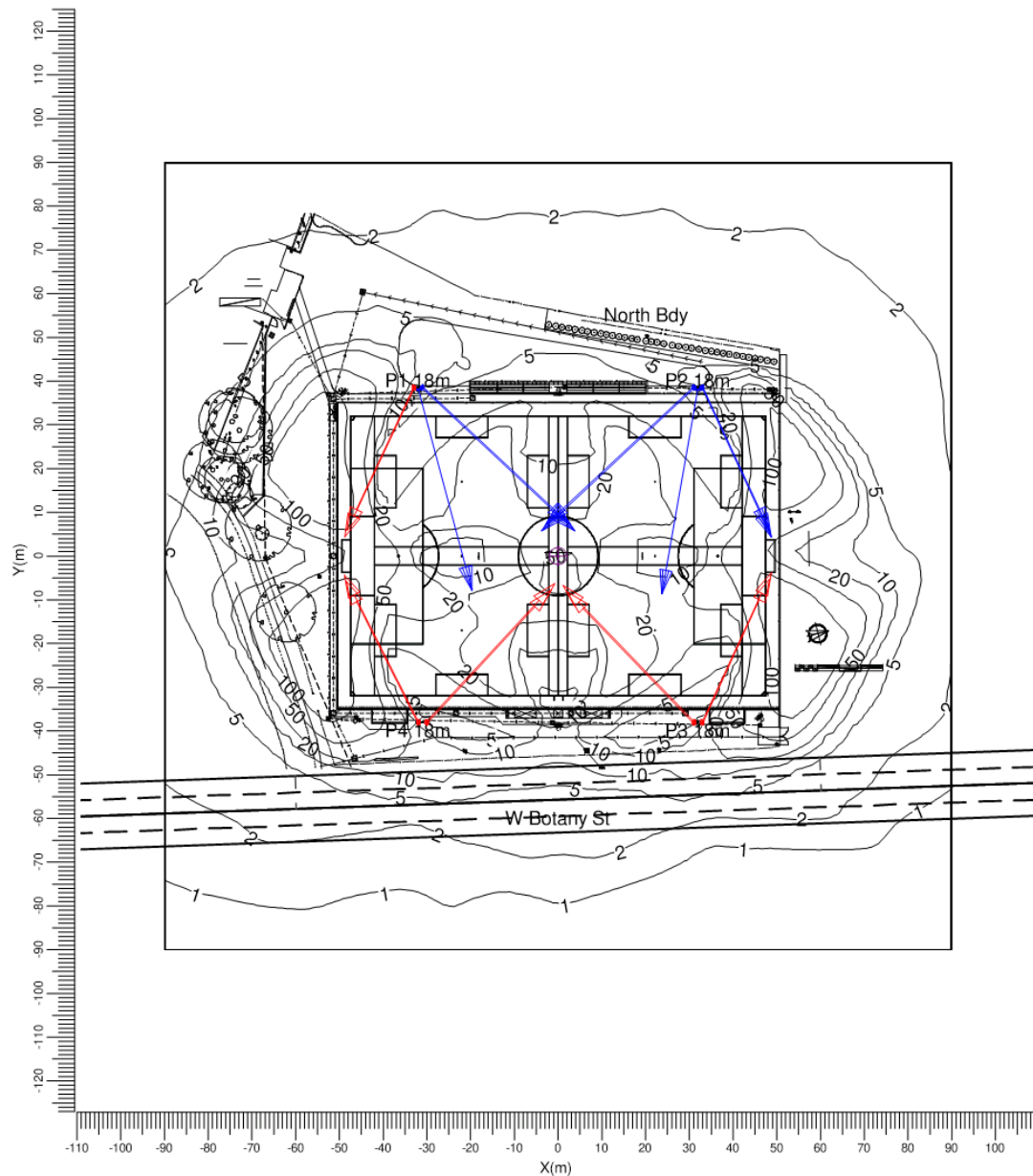
Synthetic Field - LED

APEX Lighting  
Date: 07-06-2018

### 3.10 Surrounds Ev 200 lx: Iso Contour

Obtrusive 200 lux

Grid : Surrounds at Z = -0.00 m  
Calculation : Illuminance towards Centre (lux)  
Height above grid : 1.50 m



→ BVP525 T30 50K A-NBLT

→ BVP525 T30 50K A-NBLO

Average  
16.6

Project maintenance factor  
1.00

Scale  
1:1250

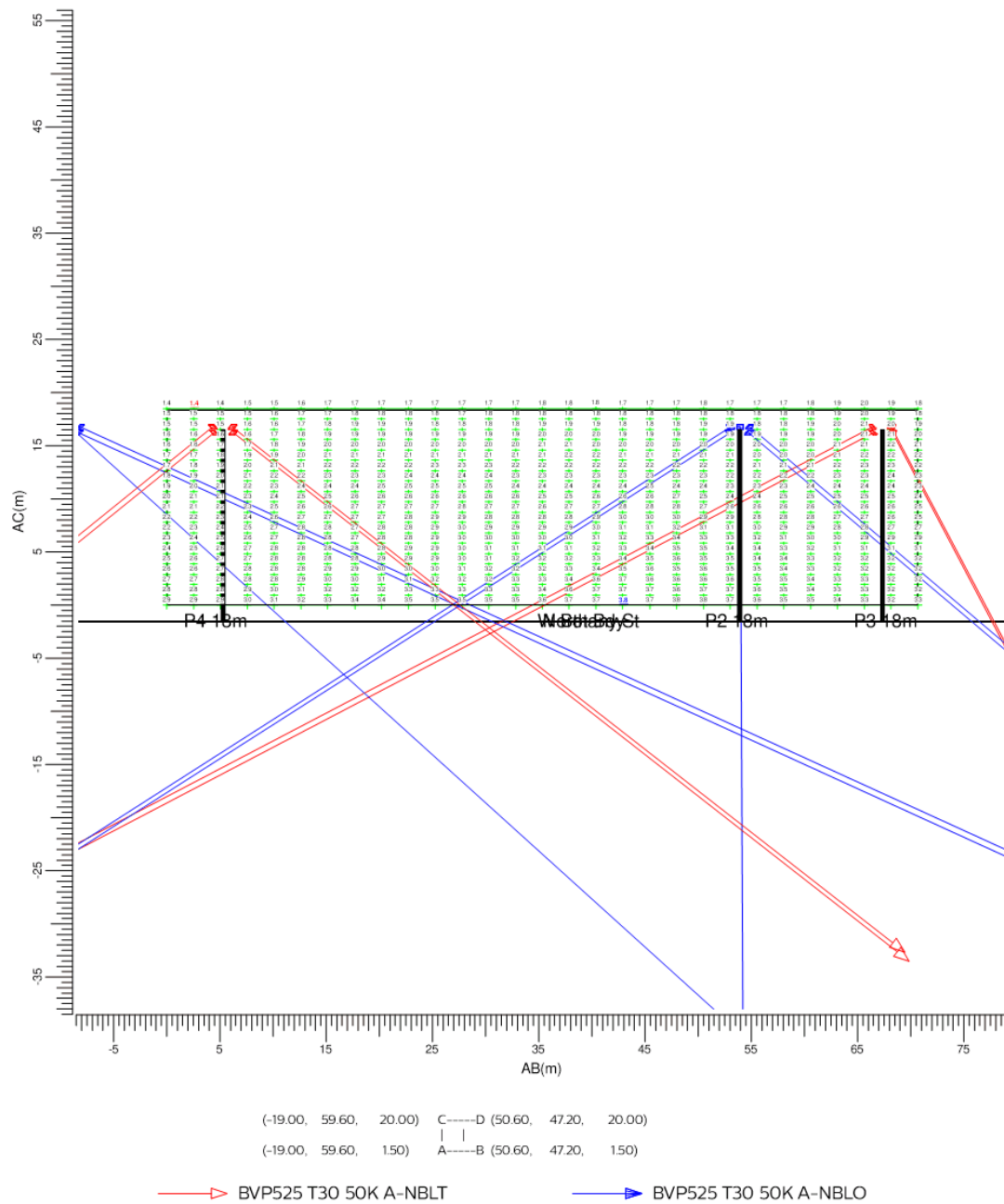
Ador Avenue Reserve  
17121-05-B

Synthetic Field - LED

APEX Lighting  
Date: 07-06-2018

## 3.11 North Bdy Ev 200 lx: Graphical Table

Obtrusive 200 lux

Grid : North Bdy  
Calculation : Surface Illuminance (lux)Average  
2.53Maximum  
3.76Project maintenance factor  
1.00Scale  
1:500

Ador Avenue Reserve  
17121-05-B

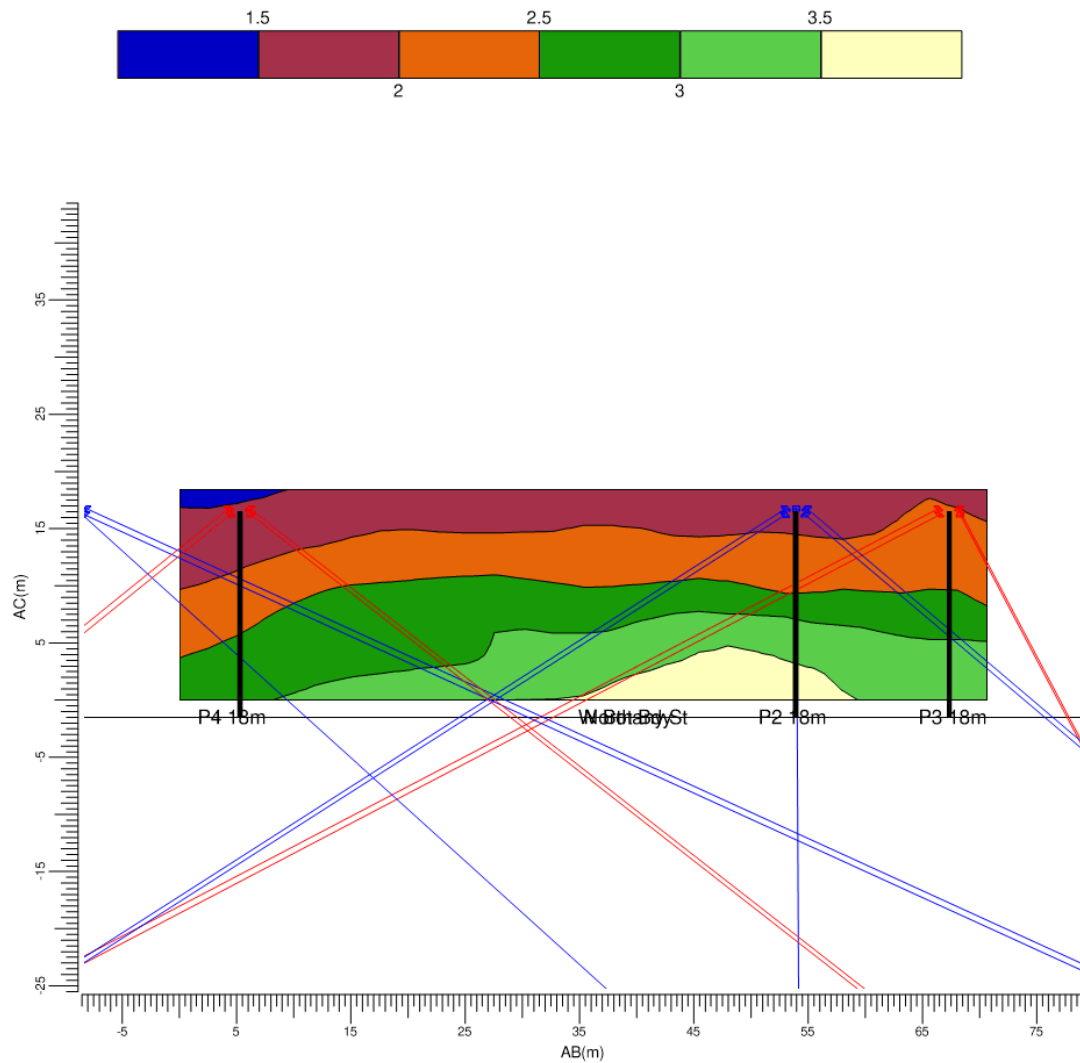
Synthetic Field - LED

APEX Lighting  
Date: 07-06-2018

### 3.12 North Bdy Ev 200 lx: Filled Iso Contour

Obtrusive 200 lux

Grid : North Bdy  
Calculation : Surface Illuminance (lux)



(-19.00, 59.60, 20.00) C-----D (50.60, 47.20, 20.00)  
(-19.00, 59.60, 1.50) A-----B (50.60, 47.20, 1.50)

→ BVP525 T30 50K A-NBLT

→ BVP525 T30 50K A-NBLO

Average  
2.53

Maximum  
3.76

Project maintenance factor  
1.00

Scale  
1:500

Ador Avenue Reserve  
17121-05-B

Synthetic Field - LED

APEX Lighting  
Date: 07-06-2018

## 4. Luminaire Details

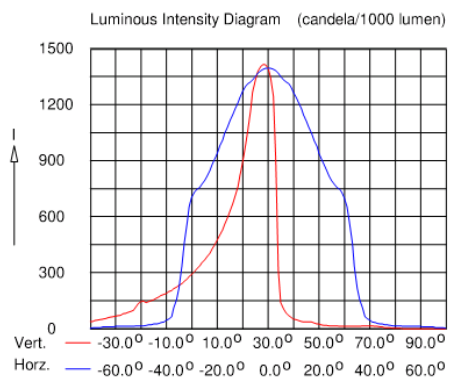
### 4.1 Project Luminaires

OptiVision LED  
BVP525 T30 50K 1xLED1930/757 A-NBLT

Light output ratios

DLOR	: 0.74
ULOR	: 0.00
TLOR	: 0.74
Ballast	: N/A
Lamp flux	: 183011 lm
Luminaire wattage	: 1301.5 W
Measurement code	: LVA1505002

Note: Luminaire data not from database.

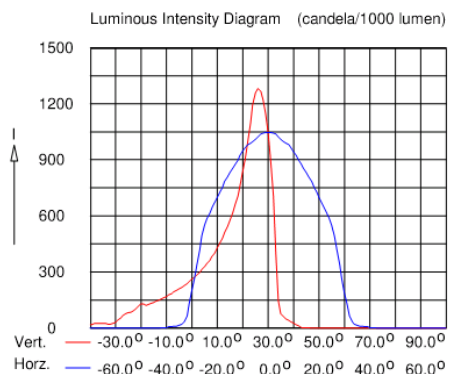


OptiVision LED  
BVP525 T30 50K 1xLED1930/757 A-NBLO

Light output ratios

DLOR	: 0.52
ULOR	: 0.00
TLOR	: 0.52
Ballast	: N/A
Lamp flux	: 183011 lm
Luminaire wattage	: 1301.5 W
Measurement code	: LVA1409003

Note: Luminaire data not from database.



Ador Avenue Reserve  
17121-05-B

Synthetic Field - LED

APEX Lighting  
Date: 07-06-2018

## 5. Installation Data

### 5.1 Legends

#### Project Luminaires:

Code	Qty	Luminaire Type	Lamp Type	Flux (lm)
A	10	BVP525 T30 50K A-NBLT	1 * LED1930/757	1 * 183011
B	8	BVP525 T30 50K A-NBLO	1 * LED1930/757	1 * 183011

#### Arrangements:

Code	Arrangement
1	P3 18m
2	P1 18m
3	P2 18m
4	P4 18m

#### Switching Modes:

Code	Switching Mode
1	Competition 100 lux
2	Semi-pro 200 lux
3	Obtrusive 100 lux
4	Obtrusive 200 lux

### 5.2 Luminaire Positioning and Orientation

Qty and Code	Position			Aiming Points			Aiming Angles			Arr.	Switching Modes			
	X (m)	Y (m)	Z (m)	X (m)	Y (m)	Z (m)	Rot.	Tilt90	Tilt0		1	2	3	4
1 * A	-31.95	-38.27	17.71	-48.43	-5.92	0.00	117.0	64.0	0.0	1	-	+	-	+
1 * A	-31.95	-37.73	18.25	-48.94	-4.39	0.00	117.0	64.0	0.0	1	+	+	+	+
1 * A	-30.05	-38.27	17.71	-1.60	-7.76	0.00	47.0	67.0	0.0	1	-	+	-	+
1 * A	-30.05	-37.73	18.25	-0.73	-6.29	0.00	47.0	67.0	0.0	1	+	+	+	+
1 * A	-32.95	38.23	18.25	-48.76	4.32	0.00	-115.0	64.0	0.0	2	+	+	+	+
1 * A	-32.95	38.77	17.71	-48.30	5.86	0.00	-115.0	64.0	0.0	2	-	+	-	+
1 * B	-32.00	38.23	18.25	-19.69	-7.69	0.00	-75.0	69.0	0.0	2	+	+	+	+
1 * B	-31.05	38.23	18.25	3.72	5.81	0.00	-43.0	69.0	0.0	2	+	+	+	+
1 * B	-31.05	38.77	17.71	2.69	7.31	0.00	-43.0	69.0	0.0	2	-	+	-	+
1 * B	31.05	38.23	18.25	-3.72	5.81	0.00	-137.0	69.0	0.0	3	+	+	+	+
1 * B	31.05	38.77	17.71	-2.69	7.31	0.00	-137.0	69.0	0.0	3	-	+	-	+
1 * B	32.00	38.23	18.25	23.74	-8.59	0.00	-100.0	69.0	0.0	3	+	+	+	+
1 * B	32.95	38.23	18.25	48.76	4.32	0.00	-65.0	64.0	0.0	3	+	+	+	+
1 * B	32.95	38.77	17.71	48.30	5.86	0.00	-65.0	64.0	0.0	3	-	+	-	+
1 * A	31.05	-38.27	17.71	2.07	-8.26	0.00	134.0	67.0	0.0	4	-	+	-	+
1 * A	31.05	-37.73	18.25	1.18	-6.80	0.00	134.0	67.0	0.0	4	+	+	+	+
1 * A	32.95	-38.27	17.71	48.30	-5.36	0.00	65.0	64.0	0.0	4	-	+	-	+
1 * A	32.95	-37.73	18.25	48.76	-3.82	0.00	65.0	64.0	0.0	4	+	+	+	+



---

**Bayside Local Planning Panel**

**26/02/2019**

Item No	6.2
Application Type	S4.55(1A) Modification
Application No	DA-2017/340/A
Lodgement Date	18/12/2018
Property	<b>413-425 Princes Highway, Rockdale</b>
Ward	Rockdale
Owner	Mr Andrew Gordon Beehag, Mr Ian Alexander Beehag, Ms Glenda Elizabeth Roberts
Applicant	CDA Sydney Pty Ltd
Proposal	Modification to extend the deferred commencement period from twelve (12) months to twenty-four (24) months.
No. of Submissions	Nil
Cost of Development	\$16,881,347
Report by	Michael McCabe, Director City Futures

---

**Officer Recommendation**

That Development Application No DA-2017/340/A, being a Section 4.55(1A) application to amend Development Consent Number 2017/340, for the construction of a seven (7) storey mixed use development comprising two (2) commercial tenancies at ground level, a hotel containing eighty-eight (88) guest rooms and basement car-park at 413-425 Princes Highway, Rockdale be APPROVED and the consent amended in the following manner:

By amending the deferred commencement condition to read as follows:

1. An amended energy performance report prepared by an accredited energy auditor or certifying consultant is required to be submitted for Council's records. The report should contain the following information: -
    - 1.1 The total anticipated energy consumption of the hotel before occupation.
    - 1.2 Details of all passive and active energy efficient design measures incorporated into the development.
  2. The Architectural Plans are to be amended so as to demonstrate the following:-
    - 2.1 Solar screens are to be provided to the four (4) facades of the building in accordance with the recommendations of the amended energy performance report. Screens are to be designed and positioned to respond to their specific orientations so as to improve the building's environmental performance and contribute to its architectural aesthetics of the building.
    - 2.2 Without exceeding the maximum permissible height of 22 metres from the natural ground level (as stipulated under the Rockdale Local Environmental Plan 2011), servicing strategy drawings are to be prepared by a registered
-

mechanical engineer / hydraulic engineer demonstrating the incorporation and coordination of building services including air-conditioning, elevators, etc. The architectural drawings are to specify the extent and location of reduced ceiling heights as documented in drawing No. DA 3003 - Revision 'A' to accommodate the proposed services, whilst complying with the requirements of the Building Code of Australia (BCA).

- 2.3 Location of the electricity kiosk and the emergency exits are to be clearly identified in the architectural plans and they must be located behind the building line. It is noted that the structures should be located at appropriate distances from the boundaries and ideally screened by plantings.
- 2.4 The amended plans should incorporate articulation to the glass wall facades concurrent with the evaluation of energy performance of the building.
3. An amended Landscaped Plans is to be provided so as to demonstrate the following:-
  - 3.1 For the 3rd level roof slab landscape.-
    - a. In collaboration with the landscape architect and engineers, design details are required to ensure set-downs (seating areas) and appropriate soil depths, widths and volumes are incorporated in locations that are beneficial to the growth of the proposed landscape spaces,
    - b. Specify waterproofing methods, irrigation system and adequate drainage provided.
    - c. Specify the type of lightweight soil mixes on slab (soils should be free draining), porous and suitable for the selected plants species.
    - d. Details of the technical irrigation system. Please note that the irrigation system has to be connected to stormwater drainage as part of the Water Design Urban Design Principle (WDUDP).
    - e. A centrally located pedestrian corridor (with an east-west orientation) from the Third Floor Level so as to provide an equitable access to the landscaped area for maintenance and customer amenity purposes.
    - f. A copy of the Maintenance Management Plan demonstrating the cycle plant replacement, de-weeding and automatic irrigation system maintenance.
  - 3.2 For the Ground Floor nature strip (Princes Highway interface).-
    - a. Callistemon "Great Balls of Fire" proposed along frontage shall be replaced with low growing shrubs and ground covers under, to reach maximum 700 millimetre height to address Crime Prevention and the Assessment of Development Applications.
    - b. Street tree refereed as TFH in landscape plans, Ficus Hilli Standard shall be replaced with Platanus species (London Plane) as per Rockdale Street tree Master Plan and Council's specifications. All telecommunication and utility services are to be placed underground along Princes Highway frontages.

4. Based on the findings of the Stage 1 of the Site Contamination Report, a Stage 2 "Detail Site Investigation" is required to be provided in response to the provisions of the State Environmental Planning Policy No. 55- Remediation of the Land.
5. The site is subject to "minimum flood level" restrictions. Amended Stormwater Drainage Design Plans for the management of stormwater. Design certification(s) as specified in the Rockdale Technical Specification Stormwater Management and drainage design calculations are to be submitted with the plans. Council's Rockdale Technical Specification Stormwater Management sets out the minimum documentation requirements for detailed design plans. Stormwater management requirements for the development site, including the final discharge/end connection point, must comply with Rockdale Technical Specification Stormwater Management. The drainage plans must show how groundwater is managed within basement including shoring walls, temporary and permanent. Subsoil drainage shall be provided and designed to allow the free movement of groundwater around any proposed structure but is not to be connected to the internal drainage system. The design shall take into consideration any geotechnical recommendations.

Please note:

- a) The subsoil drainage for groundwater management for the proposed development shall be in accordance with the requirements of the Rockdale Development Control Plan 2011 and its Clauses 4.1.3 and 4.1.4 together with the Rockdale Technical Specification — Stormwater Management.
  - b) The basement pump-well size shall be in accordance with Clause 4.2.4 of the Rockdale Development Control Plan 2011 Technical Specification for Stormwater Management. Implement all recommendations contained in the preliminary geotechnical investigation report prepared by Douglas Partners Pty Ltd, Report Ref: Project No. 84654, dated 30 January 2015.
  - c) Since the site is subject to a minimum flood level, the design of the basement car-park access ramp crest level is to be 500 millimetres above the 1 in 100 year flow level.
  - d) Provide stormwater control details to the driveway area draining to basement.
6. Confirmation from Sydney Trains of approval/certification of the following final version items:-
    - 6.1 Geotechnical and Structural report/drawings that meet Sydney Trains requirements. The Geotechnical Report must be based on actual borehole testing conducted on the site closest to the rail corridor.
    - 6.2 Construction methodology with construction details pertaining to structural support during excavation. The Applicant is to be aware that Sydney Trains will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements.
    - 6.3 Cross sectional drawings showing the rail corridor, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the rail corridor. All measurements are to be verified by a Registered Surveyor.
    - 6.4 Detailed Survey Plan showing the relationship of the proposed developed with respect to Sydney Trains easement and rail corridor land.

- 6.5 If required by Sydney Trains, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.

The period of the Deferred Commencement is **twenty-four (24)** months from the date of Determination. Upon receiving written notification from Council that the above requirements have been satisfied, your consent will become operable and will be subject to the following Conditions.

---

## Location Plan



---

## Attachments

- 1 Planning Assessment Report [↓](#)
- 2 Previous Assessment Report for Bayside Planning Panel 10/07/18 [↓](#)

# BAYSIDE COUNCIL

## Planning Assessment Report

### Application Details

---

<b>Application Number:</b>	DA-2017/340/A
<b>Date of Receipt:</b>	18 December 2018
<b>Property:</b>	413 Princes Highway, ROCKDALE (Lot 7 DP 11344), (Lot 8 DP 11344) 415 Princes Highway, ROCKDALE (Lot 4 DP 11344), (Lot 5 DP 11344), (Lot 6 DP 11344) 421 - 423 Princes Highway, ROCKDALE (Lot 2 DP 11344), (Lot 3 DP 11344) 425 Princes Highway, ROCKDALE (Lot 1 DP 11344)
<b>Owner(s):</b>	Mr Andrew Gordon Beehag Mr Ian Alexander Beehag Ms Glenda Elizabeth Roberts Mrs Glenda Elizabeth Roberts
<b>Applicant:</b>	CDA Sydney Pty Ltd
<b>Proposal:</b>	413-425 Princes Highway, ROCKDALE NSW 2216 - Modification to extend the deferred commencement period from 12 months to 24 months
<b>Recommendation:</b>	Approved
<b>No. of submissions:</b>	NIL
<b>Author:</b>	Kimberley Bautista
<b>Date of Report:</b>	4 February 2019

### Key Issues

---

The applicant seeks to extend the deferred commencement timeframe originally granted, from 12 to 24 months.

### Recommendation

---

That Development Application No. 2017/340/A being a Section 4.55(1A) application to amend Development Consent No. 2017/340 for the demolition of the existing structures for the construction of a seven (7) storey mixed used development comprising two (2) commercial tenancies at Ground Floor, a hotel containing eighty-eight (88) guest rooms and basement car park at 413-425 Princes Highway, Rockdale be APPROVED and the consent amended in the following manner:

A. By amending the deferred commencement condition to read as follows:

The consent shall not operate until you satisfy Council about the following matters:

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

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

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

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

2.1 Solar screens are to be provided to the four (4) facades of the building in accordance with the recommendations of the amended energy performance report. Screens are to be designed and positioned to respond to their specific orientations so as to improve the building's environmental performance and contribute to its architectural aesthetics of the building.

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

2.3 Location of the electricity kiosk and the emergency exits are to be clearly identified in the architectural plans and they must be located behind the building line. It is noted that the structures should be located at appropriate distances from the boundaries and ideally screened by plantings.

2.4 The amended plans should incorporate articulation to the glass wall facades concurrent with the evaluation of energy performance of the building.

3. An amended Landscaped Plans is to be provided so as to demonstrate the following:-

3.1 For the 3rd level roof slab landscape.-

- a. In collaboration with the landscape architect and engineers, design details are required to ensure set-downs (seating areas) and appropriate soil depths, widths and volumes are incorporated in locations that are beneficial to the growth of the proposed landscape spaces,
- b. Specify waterproofing methods, irrigation system and adequate drainage provided.
- c. Specify the type of lightweight soil mixes on slab (soils should be free draining), porous and suitable for the selected plants species.
- d. Details of the technical irrigation system. Please note that the irrigation system has to be connected to stormwater drainage as part of the Water Design Urban Design Principle (WDUDP).
- e. A centrally located pedestrian corridor (with an east-west orientation) from the Third Floor Level so as to provide an equitable access to the landscaped area for maintenance and customer amenity purposes.
- f. A copy of the Maintenance Management Plan demonstrating the cycle plant replacement, dweeding and automatic irrigation system maintenance.

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

- a. Callistemon "Great Balls of Fire" proposed along frontage shall be replaced with low growing shrubs and ground covers under, to reach maximum 700 millimetre height to address Crime Prevention and the Assessment of Development Applications.
- b. Street tree refereed as TFH in landscape plans, Ficus Hilli Standard shall be replaced with Platanus species (London Plane) as per Rockdale Street tree Master Plan and Council's specifications. All telecommunication and utility services are to be placed underground along Princes Highway frontages.

4. Based on the findings of the Stage 1 of the Site Contamination Report, a Stage 2 "Detail Site Investigation" is required to be provided in response to the provisions of the State Environmental Planning Policy No. 55- Remediation of the Land.

5. The site is subject to "minimum flood level" restrictions. Amended Stormwater Drainage Design Plans for the management of stormwater. Design certification(s) as specified in the Rockdale Technical Specification Stormwater Management and drainage design calculations are to be submitted with the plans. Council's Rockdale Technical Specification Stormwater Management sets out the minimum documentation requirements for detailed design plans. Stormwater management requirements for the development site, including the final discharge/end connection point, must comply with Rockdale Technical Specification Stormwater Management. The drainage plans must show how groundwater is managed within basement including shoring walls, temporary and permanent. Subsoil drainage shall be provided and designed to allow the free movement of groundwater around any proposed structure but is not to be connected to the internal drainage system. The design shall take into consideration any geotechnical recommendations.

Please note:

- a) The subsoil drainage for groundwater management for the proposed development shall be in accordance with the requirements of the Rockdale Development Control Plan 2011 and its Clauses 4.1.3 and 4.1.4 together with the Rockdale Technical Specification — Stormwater Management.
- b) The basement pump-well size shall be in accordance with Clause 4.2.4 of the Rockdale Development Control Plan 2011 Technical Specification for Stormwater Management. Implement all recommendations contained in the preliminary geotechnical investigation report prepared by Douglas Partners Pty Ltd, Report Ref: Project No. 84654, dated 30 January 2015.
- c) Since the site is subject to a minimum flood level, the design of the basement carpark access ramp crest level is to be 500 millimetres above the 1 in 100 year flow level.
- d) Provide stormwater control details to the driveway area draining to basement.

6. Confirmation from Sydney Trains of approval/certification of the following final version items:-

6.1 Geotechnical and Structural report/drawings that meet Sydney Trains requirements. The Geotechnical Report must be based on actual borehole testing conducted on the site closest to the rail corridor.

6.2 Construction methodology with construction details pertaining to structural support during excavation. The Applicant is to be aware that Sydney Trains will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements.

6.3 Cross sectional drawings showing the rail corridor, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the rail corridor. All measurements are to be verified by a Registered Surveyor.

6.4 Detailed Survey Plan showing the relationship of the proposed developed with respect to Sydney Trains easement and rail corridor land.

6.5 If required by Sydney Trains, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.

The period of the Deferred Commencement is **twenty-four (24)** months from the date of determination. It is important we hear from you about the outstanding matters above as soon as possible to avoid any other delay.

## Background

### History

- On 1 May, 2017 Development Application No. 2017/340 was lodged for the demolition of the existing structures for the erection of a seven (7) storey hotel comprising eighty-eight (88) guests rooms with ground floor commercial component over a three (3) level basement car parking accessed via Waines Crescent.
- This was referred to the Bayside Planning Panel (BPP) meeting on 10 July 2018, with a recommendation of deferred commencement. The BPP granted a Deferred Commencement consent subject to the following matters being satisfied:

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

*1.1 The total anticipated energy consumption of the hotel before occupation.*

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

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

*2.1 Solar screens are to be provided to the four (4) facades of the building in accordance with the recommendations of the amended energy performance report. Screens are to be designed and positioned to respond to their specific orientations so as to improve the building's environmental performance and contribute to its architectural aesthetics of the building.*

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

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



*should be located at appropriate distances from the boundaries and ideally screened by plantings.*

*2.4 The amended plans should incorporate articulation to the glass wall facades concurrent with the evaluation of energy performance of the building.*

*3. An amended Landscaped Plans is to be provided so as to demonstrate the following:-*

*3.1 For the 3rd level roof slab landscape.-*

- a. In collaboration with the landscape architect and engineers, design details are required to ensure set-downs (seating areas) and appropriate soil depths, widths and volumes are incorporated in locations that are beneficial to the growth of the proposed landscape spaces,*
- b. Specify waterproofing methods, irrigation system and adequate drainage provided.*
- c. Specify the type of lightweight soil mixes on slab (soils should be free draining), porous and suitable for the selected plants species.*
- d. Details of the technical irrigation system. Please note that the irrigation system has to be connected to stormwater drainage as part of the Water Design Urban Design Principle (WDUDP).*
- e. A centrally located pedestrian corridor (with an east-west orientation) from the Third Floor Level so as to provide an equitable access to the landscaped area for maintenance and customer amenity purposes.*
- f. A copy of the Maintenance Management Plan demonstrating the cycle plant replacement, dweeding and automatic irrigation system maintenance.*

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

- a. Callistemon "Great Balls of Fire" proposed along frontage shall be replaced with low growing shrubs and ground covers under, to reach maximum 700 millimetre height to address Crime Prevention and the Assessment of Development Applications.*
- b. Street tree refereed as TFH in landscape plans, Ficus Hilli Standard shall be replaced with Platanus species (London Plane) as per Rockdale Street tree Master Plan and Council's specifications. All telecommunication and utility services are to be placed underground along Princes Highway frontages.*

*4. Based on the findings of the Stage 1 of the Site Contamination Report, a Stage 2 "Detail Site Investigation" is required to be provided in response to the provisions of the State Environmental Planning Policy No. 55- Remediation of the Land.*

*5. The site is subject to "minimum flood level" restrictions. Amended Stormwater Drainage Design Plans for the management of stormwater. Design certification(s) as specified in the Rockdale Technical Specification Stormwater Management and drainage design calculations are to be submitted with the plans. Council's Rockdale Technical Specification Stormwater Management sets out the minimum documentation requirements for detailed design plans. Stormwater management requirements for the development site, including the final discharge/end connection point, must comply with Rockdale Technical Specification Stormwater Management. The drainage plans must show how groundwater is managed within basement including shoring walls, temporary and permanent. Subsoil drainage shall be provided and designed to allow the free movement of groundwater around any proposed structure but is not to be connected to the internal drainage system. The design shall take into consideration any geotechnical recommendations.*

*Please note:*

- a) The subsoil drainage for groundwater management for the proposed development shall be in accordance with the requirements of the Rockdale Development Control Plan 2011 and its Clauses*

- 4.1.3 and 4.1.4 together with the Rockdale Technical Specification — Stormwater Management.
- b) The basement pump-well size shall be in accordance with Clause 4.2.4 of the Rockdale Development Control Plan 2011 Technical Specification for Stormwater Management. Implement all recommendations contained in the preliminary geotechnical investigation report prepared by Douglas Partners Pty Ltd, Report Ref: Project No. 84654, dated 30 January 2015.
- c) Since the site is subject to a minimum flood level, the design of the basement carpark access ramp crest level is to be 500 millimetres above the 1 in 100 year flow level.
- d) Provide stormwater control details to the driveway area draining to basement.

6. Confirmation from Sydney Trains of approval/certification of the following final version items:-

6.1 Geotechnical and Structural report/drawings that meet Sydney Trains requirements. The Geotechnical Report must be based on actual borehole testing conducted on the site closest to the rail corridor.

6.2 Construction methodology with construction details pertaining to structural support during excavation. The Applicant is to be aware that Sydney Trains will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements.

6.3 Cross sectional drawings showing the rail corridor, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the rail corridor. All measurements are to be verified by a Registered Surveyor.

6.4 Detailed Survey Plan showing the relationship of the proposed developed with respect to Sydney Trains easement and rail corridor land.

6.5 If required by Sydney Trains, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.

The period of the Deferred Commencement is **twelve (12)** months from the date of determination. Upon receiving written notification from Council that the above requirements have been satisfied, your consent will become operable and will be subject to the following conditions.

### Proposal

The proposal seeks consent to extend the deferred commencement period for an additional twelve (12) months. This will allow the extension of the previously approved determination which is due to expire 10 July 2019. The applicant states this extension is necessary as they need for more time to address the following:

- Limited availability of the required equipment necessary to provide the Environmental and Energy reports
- The issue of accessibility on site liaising with tenants within the existing building to ensure appropriate access is provided working in and around their availability without disturbing their businesses.
- The issue of a back and forth process between the architect and energy consultant as the facade has a continued evolution of changed to meet the energy requirement. This is necessary as the deferred commencement conditions require the engagement and liaison with an Accredited Energy Auditor.
- Mechanical Hydraulic engineers delayed response as they are currently experiencing a heavy workload.

- Structural/civil engineers experiencing delays on reporting on construct-ability with respect to waterproofing and further flood reporting

This time period extension is to enable the applicant to provide all necessary information to meet Council conditions before the consent becomes operable. By approving the extension, the applicant is to satisfy Council of the deferred commencement conditions by no later than 10 July 2020.

### Site location and context

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

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

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

The site is located within the Rockdale commercial town centre. It is noted that the site does not contain significant trees worthy of retention. The site is not a heritage listed item nor is it located in a heritage conservation area. The site is located approximately 240.6 metres northeast of the Rockdale Railway Station, taxi rank and buses, which convey passengers to the Airport and Sydney CBD.

A development application is currently under consideration by Council for the development of the site at Nos. 12 Waines Crescent, located on the opposite side of the street towards the west, for a mixed use residential and commercial development.

## Statutory Considerations

### *Environmental Planning and Assessment Act, 1979*

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

### **S4.55 (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 proposed modification does not alter the previously approved development and 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: The application is only for a minor modification to the development consent, in order to enable additional time for the applicant to satisfy the deferred commencement conditions. The proposal remains as previously approved, namely a mixed use development. The proposed modification does not change the land use or substantially alter the nature of the development. As such it is considered substantially the same development.

*c) it has notified the application in accordance with:*

*(i) the regulations, if the regulations so require, or*

*(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*

Comment: The application did not require public notification as per 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: N/A

#### 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:

##### **Rockdale Local Environmental Plan 2011**

Relevant clauses	Compliance with objectives	Compliance with standard/provision
------------------	----------------------------	------------------------------------

Rockdale Local Environmental Plan 2011	Yes	Yes - see discussion
--	-----	----------------------

#### Rockdale Local Environmental Plan 2011

The modification to extend the deferred commencement date does not result in a major change to the previously approved development in regard to compliance with the provisions of the Rockdale Local Environmental Plan 2011.

### **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
Rockdale Development Control Plan 2011	Yes	Yes - see discussion

#### Rockdale Development Control Plan 2011

The modification to extend the deferred commencement date does not impact on compliance of the approved development with the controls in the Rockdale Development Control Plan 2011.

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

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

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

The applicant requests an additional 12 month time frame be granted to the original deferred commencement period (i.e. 12 months) in order to provide a total 24 month period in which to satisfy the original deferred commencement condition requirements.

The applicant requests the additional time in order to enable the client a *"sufficient amount of time to liaise with all stakeholders involved, along with obtaining the appropriate approvals between the Applicant and authorities as this will also take a fair amount of time in the process"*.

Given the above, the proposal as modified is not deemed to be unreasonable and the provision of an additional 12 month period is supported.

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

The proposal as modified does not alter the suitability of the site for the approved development. The site remains suitable as originally determined as part of the original application.

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

The proposal as modified did not require notification in accordance with the provisions of Rockdale

DCP 2011.

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

The proposal as modified is satisfactory and deemed to be in the public interest.

### **Schedule 1 - Draft Conditions of consent**

#### **General Conditions**

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

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

#### Architectural Plans. -

Plan/Drawing No.	Drawn by	Revision Date	Received by Council
Site Plan - DA 1005, Revision B	CD Architects	06.12.2017	12.04.2018
Demolition Plan - DA 1007, Revision A	CD Architects	01.05.2017	12.04.2018
Basement 3 Level Floor Plan - DA 1101, Revision C	CD Architects	06.04.2018	12.04.2018
Basement 2 Level Floor Plan - DA 1102, Revision C	CD Architects	06.04.2018	12.04.2018
Basement 1 Level Floor Plan - DA 1103, Revision D	CD Architects	06.04.2018	12.04.2018
Ground Floor Plan - DA 1104, Revision D	CD Architects	06.04.2018	12.04.2018
Level 01 Floor Plan - DA 1105, Revision D	CD Architects	06.04.2018	12.04.2018
Level 02 Floor Plan - DA 1106, Revision C	CD Architects	06.04.2018	12.04.2018
Level 03 Floor Plan - DA 1107, Revision D	CD Architects	06.04.2018	12.04.2018
Level 04 Floor Plan - DA 1108, Revision D	CD Architects	06.04.2018	12.04.2018
Level 05 Floor Plan - DA 1109, Revision D	CD Architects	06.04.2018	12.04.2018

Level 06 Floor Plan - DA 1110, Revision D	CD Architects	06.04.2018	12.04.2018
Roof Terrace Plan - DA 1111, Revision D	CD Architects	06.04.2018	12.04.2018
North Elevation Plan - DA 2001, Revision D	CD Architects	06.04.2018	12.04.2018
South Elevation Plan - DA 2002, Revision D	CD Architects	06.04.2018	12.04.2018
East Elevation Plan - DA 2003, Revision D	CD Architects	06.04.2018	12.04.2018
West Elevation Plan - DA 2004, Revision D	CD Architects	06.04.2018	12.04.2018
Section A - DA 3001, Revision C	CD Architects	06.12.2017	12.04.2018
Section B - DA 3002, Revision C	CD Architects	06.12.2017	12.04.2018
Section C - DA 3004, Revision A	CD Architects	06.04.2018	12.04.2018
Sections Through Loading Bay, Through Driveway, Through Typical Bedroom - DA 3003, Revision A	CD Architects	01.05.2017	12.04.2018
Accessible Units Layout - DA 5001, Revision B	CD Architects	12.10.2017	12.04.2018
3D Views - North East View - DA 7031, Revision D	CD Architects	06.04.2018	12.04.2018
3D Views - South East View - DA 7032, Revision D	CD Architects	06.04.2018	12.04.2018
Awning Details - DA 7055, Revision A	CD Architects	06.04.2018	12.04.2018
Public Art - Drawing No. 7060	CD Architects	May 2017	16.01.2018
Public Art - Hotel Facade Concept	Artlandish - Jane Cavanough, Art and Design	-	16.01.2018
Schedule of Materials and Finishes	CD Architects	-	12.04.2018

Supporting Documentation. -

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

Landscape Plan - Level 3, 1612.GD.02, Issue C	Greenland Design Landscape Architects	11.12.2017	12.04.2018
Waste Management Plan - Revision F	Elephants Foot Recycling Solutions	09/04/2018	12.04.2018
Statement of Compliance with Volume 1 of the Building Code of Australia	HHH Consulting	6 April, 2018	12.04.2018
Access and Mobility Report Statement of Compliance, Issue A	ABS Accessible Building Solutions	6 April, 2018	12.04.2018
Wind Assessment Report, Revision 2	Ana Civil Pty Ltd	6 April, 2018	12.04.2018
Provision for fire engineering - Reference No. 17082-L02	Innova Services - Fire Safety Engineering	12 April, 2018	12.04.2018
Traffic and Parking Report - Reference No. 17033	The Transport Planning Partnership	20/04/2017	01.05.2017
Geotechnical Desktop Study Report - Reference No. E23324 GA	EIAustralia	28 April 2017	01.05.2017

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

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

6. Excavation, filling of the site (with the exception of the area immediately under the building envelope), or construction of retaining walls are not permitted unless shown on the approved plans and authorised by a subsequent construction certificate.
7. The materials and façade details approved under condition 2 and any other relevant condition of this consent shall not be altered or amended at the construction certificate stage without a prior S4.55 application and approval under the EP&A Act.
8. All works are to be carried out in accordance with the conditions provided by NSW Road and Maritime Services, Sydney Trains, NSW Police Force, Sydney Airport, Water NSW and Ausgrid and listed at the end of this consent.

### Development specific conditions

The following conditions are specific to the Development Application proposal.

9. The development approved under this consent shall be used for hotel or tourist accommodation and not for any other purpose without Council's separate written



consent.

10. All noise generated by the proposed development must be attenuated to prevent levels of noise being emitted to adjacent premises, which possess tonal, beating and similar characteristics or which exceeds background noise levels by more than 5 dB(A).
11. Materials, goods or machinery shall not be stored, placed or otherwise permitted to stand between the building line and the street alignment.
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. The existing and future owners (Registered Proprietor) of the property will be responsible for the operation and maintenance of the detention system. The registered proprietor will:
  - (i) permit stormwater to be temporarily detained by the system;
  - (ii) keep the system clean and free of silt, rubbish and debris;
  - (iii) maintain, renew and repair the whole or parts of the system so that it functions in a safe and efficient manner, and in doing so complete the same within the time and in the manner specified in written notice issued by the Council;
  - (iv) carry out the matters referred to in paragraphs (ii) and (iii) at the proprietor's expense;
  - (v) not make any alterations to the system or elements thereof without prior consent in writing of the Council;
  - (vi) permit the Council or its authorised agents from time to time upon giving reasonable notice (but at any time and without notice in the case of emergency) to enter and inspect the land for compliance with the requirements of this clause;
  - (vii) comply with the terms of any written notice issued by the Council in respect to the requirements of this clause within the time stated in the notice.
14. 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.
15. All wastewater and stormwater treatment devices (including drainage systems, sumps and traps) shall be regularly maintained in order to remain effective. All solid and liquid wastes collected from the device shall be disposed of in accordance with the Protection of the Environment Operations Act, 1997.
  16. The 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.
  17. The use of mechanical plant including air conditioners, fans, compressors, condensers, freezers, swimming pool or spa pumps (whether commercial or domestic) shall not cause sound pressure levels in excess of the criteria given in the NSW Industrial Noise Policy – 2000.
  18. Any discharge to the sewer from the subject premises shall be in accordance with the requirements of Sydney Water.
  19. 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.
  20. All proposed lights shall comply with the Australian Standard 4282 - 1997 "Control of the Obtrusive Effects of Outdoor Lighting". In this regard, the lighting of the premises shall be directed so as not to cause nuisance to the owners or occupiers of adjacent/adjoining premises or to motorists on adjoining or nearby roads.
  21. Hot and cold water hose cocks shall be installed to the garbage room.
  22. This consent does not provide approval for footpath dining. Footpath dining is regulated through a licensing agreement with Council. In this regard, you are advised to contact Council's Customer Service Centre to obtain a copy of a licensing agreement entitled *Outdoor Dining Licensing Agreement*.
  23. Services or utility systems shall not be located in the garbage room.
  24.
    - a) In order to ensure the design quality I excellence of the development is retained:
      - i. A registered architect is to have direct involvement in the design documentation, contract documentation and construction stages of the project;
      - ii. The design architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of design issues throughout the life of the project;
      - iii. Evidence of the design architect's commission is to be provided to Bayside Council prior to issue of the Construction Certificate.
    - b) The design architect of the project is not to be changed without prior notice and approval of Bayside Council.
  25. All plumbing shall be concealed within the fabric or material of the building. Utilities shall be softened with landscaping so as not to detract from the overall appearance of the development and amenity of the streetscape. Details demonstrating compliance with this requirement shall be submitted to the Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate.

26. 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.
27. Receptacles are to be provided in commercial development for the disposal of cigarette rubbish. The receptacles are to be located adjacent to the entrances of the buildings on private property. The receptacles are to be attractive and functional and maintenance of the receptacles is the responsibility of the building owner/manager.
28. The external walls of the building including attachments must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of a Construction Certificate and Occupation Certificate the Certifying Authority and Principal Certifying Authority must:
  - a. Be satisfied that suitable evidence is provided to demonstrate that the products and systems (including installation) proposed for use or used in the construction of external walls, including finishes and claddings such as synthetic or aluminium composite panels, comply with the relevant requirements of the NCC; and
  - b. Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.
29. Prior to the issue of the Construction Certificate for the relevant stage of works, the following details shall be submitted to the Principal Certifying Authority in relation to the awning over Princes Highway frontage:
  - i. Detailed design plans and specifications, including structural details and,
  - ii. Design certificate.

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

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

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

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

30. Public Domain Frontage Work Application shall be submitted to Council for all civil and landscape works in public domain together with the following details:-
  - a) Service Alterations – All mains, services, poles, etc., which require alteration due to works associated with the development, shall be altered at the applicant's

expense.

b) In designing the street tree layout, the consultant shall check and ensure that all new street trees are positioned such that there are no conflicts with the proposed street lights, utilities and driveway accesses. The proposed street lights will have priority over the street trees. All costs associated with the removal of existing street trees, where required, will be borne by the Developer.

c) Street trees are to be provided in accordance with the Rockdale Street Tree Master Plan. The designated specie is *Platanus acerifolia* (London Plane) for Princess Highway, planted at ten (10) meters centres.

d) Verge strip shall be planted with four (4) *Platanus acerifolia* (London Plane) as per Rockdale Street Tree Management Plan.

i) Pot size supplied shall be not less than 200 Litre.

ii) Height above container 3.5meters, calliper at 300mm greater than 60mm, with a clear trunk height of 1.5 meters.

iii) Trees supplied shall be healthy and vigorous, free of pest and disease, free from injuries.

iv) Trees provided shall conform to NATSPEC guide.

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

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

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

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

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

1. Waste & recycling collection and servicing, including removalist trucks, must be carried out entirely within the approved loading bay at all times.
2. Waste & recycling collection, deliveries, removalists and / or any other servicing must not, at any time, be undertaken from the Princes Highway and Waines Crescent or elsewhere within the site.
3. Waste and recycling may collected by a private waste contractor. A contract for waste and recycling collection must be entered into prior to issue of the Occupation Certificate. The company engaged must ensure that all recycling is collected separately from waste.
4. Waste & recycling collection must be undertaken during off-peak times.
5. The maximum size truck permitted to access the site is a Small Rigid Vehicle (SRV).

6. The loading bay must be allocated as 'common property' on any future strata plan of subdivision under the Strata (Freehold) Schemes
33. This consent does not permit the erection or display of any advertising signs. Most advertising signs or structures require development consent. Applicants should make separate enquiries with Council prior to erecting or displaying any advertising signage.
34. A total of 22 hotel car spaces, 6 commercial / retails car spaces, a minimum of 1 motorcycle parking spaces and a minimum of 2 bicycle parking spaces must be provided within the development. The parking must be allocated in accordance with the Rockdale Development Control Plan (Rockdale DCP) 2011 and RMS guide requirements in accordance with the minimum rates provided in the table below.

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

35. The design and construction of the off-street parking facilities shall comply with Australian Standards, as follows:-
- AS/NZS 2890.1:2004
  - AS2890.2:2002
  - AS2890.3:1993
  - AS/NZS2890.6:2009
  - Comply with Rockdale Technical Specification – Stormwater Management, in relation to the minimum width and configuration of car wash bays.
  - Provide bicycle parking facilities for residents that are class 1 or 2 in accordance with AS2890.3:1993. Bicycle parking facilities for residents shall not be Class 3 facilities.
  - Comply with Council's Vehicular Entrance Policy in relation to the design of the access driveways, in particular the layout of the access driveways shall be provided in the form of a layback in the kerb and gutter.
  - The SRV loading dock area to have minimum of 3.5m height clearance.
  - The car parking spaces shall not be enclosed at any time.
  - For parking with people with disabilities, the clearance above the parking bay shall be 2.5 minimum.
  - The basement driveway design has to ensure that all traffic give priority for incoming vehicles. Signage and convex mirrors or similar and waiting bays will have to be installed and certified by a professional Traffic Engineer.
  - A buzzer providing access to the Loading bay must be provided to Waste Contractor prior to issue of the Occupation Certificate.

- A car park / drop off management plan to be prepared a suitably qualified and experienced Traffic engineer
- Allocate all off street visitor parking, loading bays and car wash bays as 'common property' on any future strata plan of subdivision under the Strata (Freehold) Schemes Act.

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

36. The following condition applies regarding traffic signs, waiting/passing bays:-

a. A traffic signs, convex mirrors and waiting bays are to be designed and installed to manage vehicular movement in driveways that provides safe vehicle access to the site and all basement levels. The arrangement shall control traffic to ensure safe movement of vehicles within basement car park at all times.

b. Prior to issue of the relevant Construction Certificate, a suitably qualified and experienced engineer shall design traffic management facilities and propose a traffic management plan for the site to the requirements of AS 2890.1:2004 and relevant AustRoads Guidelines. The facilities designed by the engineer shall include vehicular guide signs, regulatory signs and warning signs, line marking and pavement markers, and other controls such as waiting / passing bays, median or separator and convex mirror to ensure safe movement of vehicles within the site at all times.

37. Work Activities on Council Sites - Application Requirements

All contractors shall obtain permits for, and comply with permit conditions during all stages of demolition and construction. Refer to Council "Work Activities on Council Sites Application Form" to obtain permits for the following activities listed below. Contractors must have a valid permit prior to undertaking any work or activity within the public domain. Fines apply if an activity commences without a valid permit being issued.

- Road, Footpath and Road Related Area Closure (EP05).  
This permit will allow the applicant to close a road or part of, footpath or car park to vehicle or pedestrian traffic.
- Stand and Operate Registered Vehicle or Plant (EP03)  
This permit is used when construction activities involve working from a vehicle parked on the street including mobile crane, concrete truck, concrete pump or other similar vehicles.
- Occupy Road with Unregistered Item (EP02)  
This permit will allow the applicant to place unregistered items within the roadway including waste containers and skip bins.
- Works Zone (EP01)  
This permit is used when a statutory work zone is required to conduct construction activities adjacent to the work site. These applications are assessed by Council officers and are referred to the Traffic Committee for approval.

- v. Scaffolding, Hoarding and Fencing (EP04)  
This permit applies to all temporary structures to enclose a work area within the public domain. These include site fencing, types A & B hoarding, type A & B hoarding with scaffolding and type B hoarding plus site sheds.
- vi. Temporary Shoring/Support (EP09)  
This permit will allow the applicant to install temporary support system in or under a public road to support excavation below the existing road surface level. The support systems include ground anchors and shoring.
- vii. Tower Crane (EP06)  
This permit is used when tower crane(s) are used inside the work site and will swing, slew or hoist over Council property or asset.
- viii. Public Land Access (EP08)  
This permit is used by applicants to access or occupy Council land including access over plus access over and occupy any part of Council land.
- ix. Temporary Dewatering (EP07)  
This permit is used when temporary dewatering is required to pump out water from the construction site into Council stormwater drainage system including gutter, pits and pipes. Dewatering management plan and water quality plan are required for this application.

### **Prior to issue of the construction certificate**

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

- 38. The following fees shall be paid to Council prior to the issue of a Construction Certificate. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges.
  - i. A Footpath Reserve Restoration Deposit of \$58,635.00 is required. This is to cover repair of any damages, or other works to be done by Council. This includes construction, removal, or repair as required to: kerb and guttering, existing or new driveways; paved areas and concrete footpaths. The deposit may be lodged with Council in the form of a Bank Guarantee (Any proposed Bank Guarantee must not have an expiry date). The deposit will not be returned by Council until works are completed and all damage is restored and all specified works are completed by Council.
  - ii. An environmental enforcement fee of 0.25% of the cost of the works.
  - iii. A Soil and Water Management Sign of \$18.00.
- 39. For work costing \$25,000 or more, a Long Service Leave Levy shall be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.
- 40. An application for Driveway Works (Public Domain Construction – Vehicle Entrance/Driveway Application) / Frontage Works (Public Domain Frontage Works Construction Application) shall be made to Council's Customer Service Centre prior to issue of the Construction Certificate. All boundary frontage works, egress paths, driveways and fences shall comply with the approval. A fee is payable to Council. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges.

41. Pursuant to Section 7.12 of the Environmental Planning and Assessment Act 1979 and Rockdale Section 94A (Section 7.12) Development Contributions Plan 2008, a report is to be submitted to Council, prior to approval of the first Part 4A certificate required for the development, identifying the proposed cost of carrying out the development, as follows:
- i. Where the proposed cost of carrying out the development is less than \$1,000,000, a cost summary report prepared and certified by a building industry professional, or
  - ii. Where the proposed cost of carrying out the development is \$1,000,000 or more, a detailed cost report prepared and certified by a quantity surveyor registered with the Australian Institute of Quantity Surveyors or a person who can demonstrate equivalent qualifications. This report is to be prepared in the form specified in Rockdale Section 94A Development Contributions Plan 2008 and the costs must be determined in accordance with clause 25J of the Environmental Planning and Assessment Regulation 2000.

Note:

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

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

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

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

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

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

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



writing that the proposed development is exempt from the levy.

42. Prior to the issue of the Construction Certificate a certificate from a practicing Structural Engineer, registered with NPER, shall be submitted to Council stating that the subsurface structural components located on the boundary of the public road, including but not limited to the slabs, walls and columns, have been designed in accordance with all SAA Codes for the design loading from truck and vehicle loads.
43. A system of fire and smoke alarms and/or detection system (as applicable) shall be provided throughout the building. Details shall be submitted for assessment and approval prior to application for a Construction Certificate.
44. Provide hose reels to the existing building in accordance with the relevant provisions of Part E1.4 of the Building Code of Australia and AS 2441:1988. Details of the location shall be submitted for approval prior to installation.
45. A list of the proposed and existing essential services to be installed in the building shall be submitted to Council in accordance with the relevant requirements.
46. Compliance with Council's Development Control (DCP) 2011 in relation to requirements for access. Compliance with this condition will require the design and fitout of the commercial/retail areas to be in accordance with Australian Standard 1428.1-2009.

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

47. The applicant shall confer with Ausgrid to determine if an electricity distribution substation is required. Written confirmation of Ausgrid's requirements shall be obtained prior to issue Construction Certificate.
48. The applicant shall confer with Ausgrid to determine if installation of electricity conduits in the footway is required. Written confirmation of Ausgrid's requirements shall be obtained prior to issue Construction Certificate.
49. The applicant shall confer with Ausgrid to determine if satisfactory clearances to any existing overhead High Voltage mains will be affected. Written confirmation of Ausgrid's requirements shall be obtained prior to issue Construction Certificate.
50. Prior to the issue of the Construction Certificate, the approved plans must be submitted to Sydney Water Tap in™ online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

Sydney Water's Tap in™ online service is available at:  
<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

51. Details shall be submitted to Council for assessment and approval pursuant to Section 138 of the Roads Act 1993 in relation to the following:
  - i) Construction of footpath and streetscape works.
  - ii) Public domain and drainage works.
    - Footpath alignment, width and surface finish;
    - Landscaping and tree planting areas;

- Street lighting layout and details;
- Drainage plus kerb & gutter alignment and details;
- Asphalt pavement detail showing minimum 6m wide carriage way;
- Detailed plan of the intersections of Waines Crescent and Princes Highway;
- Removal of redundant power pole(s) and proposal for undergrounding of power along Waines Crescent and Princes Highway frontages.

iii) Construction of vehicular entrance.

52. Prior to issue of the Construction Certificate, a longitudinal driveway profile shall be submitted to Principal Certifying Authority for assessment and approval. The profile shall start in the centre of the road and be along the critical edge (worst case) of the driveway. Gradients and transitions shall be in accordance with Council's Code. The profile shall be drawn to a scale of 1 to 25 and shall include all relevant levels, grades (%) and lengths.
53. A Construction Management Plan (CMP) shall be prepared in accordance with the requirements of all relevant regulatory approval bodies. Prior to the commencement of works the Certifying Authority shall be satisfied that the Construction Management Plan has obtained all relevant regulatory approvals. The Construction Management Plan shall be implemented during demolition, excavation and construction.

Prior to the issue of the relevant Construction Certificate, a Construction Traffic Management Plan (TMP) prepared by a suitably qualified person shall be submitted to and approved by the Certifying Authority. The Plan shall address, but not be limited to, the following matters:

- (a) ingress and egress of vehicles to the site;
- (b) loading and unloading, including construction zones;
- (c) predicted traffic volumes, types and routes; and
- (d) pedestrian and traffic management methods.

Note: The swept path of the longest vehicle entering and existing the subject site, as well as manoeuvrability through the site, shall be in accordance with Austroads. A swept path plan shall be submitted to Certifying Authority for approval illustrating compliance with this requirement, prior to release of the Construction Certificate.

Any proposed landscaping, fencing or signage is not to impede the desired sight lines of all road users including pedestrians and cyclists.

All road works / regulatory signposting associated with the proposed development shall be at no cost to the Council or RMS.

COPIES OF THE CMP AND TMP SHALL BE SUBMITTED TO COUNCIL.

54. As the basement floor are being proposed closer to existing built structures on neighbouring properties, which may be in the zone of influence of the proposed works and excavations on this site, a qualified practising geotechnical engineer must;
- (a) Implement all recommendations contained in the Geotechnical Desktop Study Report prepared by EI Australia – Report E23324 GA, Dated 28 April 2017.
  - (b) Provide a certificate that the construction certificate plans are satisfactory from a geotechnical perspective and
  - (c) Confirm that the proposed construction methodology

To prepare a Construction Methodology report demonstrating that the proposed construction methods (including any excavation, and the configuration of the built structures) will have no adverse impact on any surrounding property and infrastructure. The report must be submitted with the application for a Construction Certificate for the relevant stage of works.

(d) Inspect the works as they progress. The Inspections are to occur at frequencies determined by the geotechnical engineer.

(e) The geotechnical engineer to comment on proposed stormwater drainage design for the basement area, mainly on AGG line connections / permanent dewatering and a tanked basement structure.

NB: (i) If the proposed construction of the basement carpark impedes the water table, thus requiring dewatering of the site, the application is Integrated Development.

(ii) From the proposed basement pumped discharge drainage systems are permitted subject to complying with the design criteria listed in DCP.

(iii) The design of the basement structure will require consideration of the effects of the water table, both during and after construction (Tanking / waterproofing).

(f) Where a Private Certifier issues the Construction Certificate a copy of the above documentation must be provided to Council, once the Construction Certificate is issued for the relevant stage of works.

Note: A failure by contractors to adequately assess and seek professional engineering (geotechnical) advice to ensure that appropriate underpinning and support to adjoining land is maintained prior to commencement may result in damage to adjoining land and buildings. Such contractors are likely to be held responsible for any damages arising from the removal of any support to supported land as defined by section 177 of the Conveyancing Act 1919.

55. Vibration monitoring equipment must be installed and maintained, under the supervision of a professional engineer with expertise and experience in geotechnical engineering, between any potential source of vibration and any building identified by the professional engineer as being potentially at risk of movement or damage from settlement and/or vibration during the excavation and during the removal of any excavated material from the land being developed.

a) If vibration monitoring equipment detects any vibration at the level of the footings of any adjacent building exceeding the peak particle velocity adopted by the professional engineer as the maximum acceptable peak particle velocity an audible alarm must activate such that the principal contractor and any sub-contractor are easily alerted to the event.

b) Where any such alarm triggers all excavation works must cease immediately. Prior to the vibration monitoring equipment being reset by the professional engineer and any further work recommencing the event must be recorded and the cause of the event identified and documented by the professional engineer.

c) Where the event requires, in the opinion of the professional engineer, any change in work practices to ensure that vibration at the level of the footings of any adjacent building does not exceed the peak particle velocity adopted by the professional engineer as the maximum acceptable peak particle velocity these changes in work

practices must be documented and a written direction given by the professional engineer to the principal contractor and any sub-contractor clearly setting out required work practice.

d) The principal contractor and any sub-contractor must comply with all work directions, verbal or written, given by the professional engineer.

e) A copy of any written direction required by this condition must be provided to the Principal Certifying Authority within 24 hours of any event.

f) Where there is any movement in foundations such that damaged is occasioned to any adjoining building or such that there is any removal of support to supported land the professional engineer, principal contractor and any sub-contractor responsible for such work must immediately cease all work, inform the owner of that supported land and take immediate action under the direction of the professional engineer to prevent any further damage and restore support to the supported land.

*Note:* Professional engineer has the same mean as in Clause A1.1 of the BCA.

*Note:* Building has the same meaning as in section 4 of the Act i.e. "building includes part of a building and any structure or part of a structure".

*Note:* Supported land has the same meaning as in Section 88K of the Conveyancing Act 1919.

56. Any sub-surface structure within the highest known groundwater table / rock + 0.5m shall be designed with a waterproof retention system (i.e. tanking and waterproofing) with adequate provision for future fluctuation of the water table. The subsurface structure is required to be designed with consideration of uplift due to water pressure and "flotation" (buoyancy) effects. Subsoil drainage around the subsurface structure must allow free movement of groundwater around the structure, but must not be connected to the internal drainage system. The design of subsurface structure, tanking and waterproofing, and subsoil drainage shall be undertaken by a suitably experienced Chartered Professional Engineer(s). Design details and construction specifications shall be included in the documentation accompanying the Construction Certificate for the relevant stage of works.

A design certificate is required to be submitted for the design of the Basement system including shoring wall. The certificate shall be issued by a Chartered Professional Engineer competent in Structural engineering.

The design of the basement and any other underground structure or excavation shall take into consideration of geotechnical recommendations.

*Please Note:*

- a. All structures that are fully and significantly below ground shall be fully tanked to finished ground level,
- b. After construction is completed no seepage water is to discharge to the kerb.
- c. Permanent dewatering will not be permitted.
- d. Continuous monitoring of ground water levels may be required.

57. Prior to the issue of a Construction Certificate for building works, the Certifying Authority shall ensure that a letter from a qualified practicing Traffic Engineer registered on the National Engineering Register (NER), or a Compliance Certificate (issued in accordance with Section 109C of the Environmental Planning and

Assessment Act 1979), has been issued to the Certifying Authority stating that the design of the off-street parking facilities including ramp control traffic signals comply with the conditions of consent.

58. Prior to issue of Construction Certificate, swept path analysis shall be submitted to the Certifying Authority for assessment and approval.

The swept path drawings shall include the entry/exit of the internal ramps within the basement levels and an 'SRV' sized vehicle entering/exiting of the loading bay in accordance with section 7.2 of Councils Technical Specification – Traffic, Parking and Access.

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

59. Prior to the issue of the construction certificate approval from the utility provider is required for the works the existing utility with the road reserve fronting boundary. You are required to consult with your utility providers (i.e. Energy Aust, Telstra etc) in order to fully understand their requirements before commencement of any work.
60. A copy of Permission to Discharge Trade Waste Water shall be obtained from Sydney Water prior to the discharge of trade waste water to the sewer system. A copy shall be provided to Principal Certifying Authority (PCA) prior to issuing the Construction Certificate.
61. The mechanical exhaust ventilation system shall be installed in the kitchen and food preparation areas where cooking and heat producing processes are conducted. All equipment producing heat or steam shall be placed wholly under the ventilation canopy. The ventilation system shall be designed and installed by an appropriate qualified person in accordance with Australian Standards AS1668.1-1998 & 1668.2-2002.
62. Plans and specifications showing details of all the constructions recommended in Section 4 and 6 of report titled 'DA Acoustic Assessment, 413-425 Princes Highway, Rockdale' prepared by Acoustic Logic Dated 18-04-2017 Ref 20170423.1/1804A/RO/MF', shall be submitted and approved by the Principal Certifying Authority prior to the release of the Construction Certificate.
63. The low level driveway must be designed to prevent inflow of water from the road reserve. The assessment of flows and design of prevention measures shall be in accordance with the requirements of Rockdale Technical Specification Stormwater Management. Details shall be included in the documentation presented with the Construction Certificate application.
64. Any part of the proposed building within 3m of the proposed detention tank or absorption trench shall be constructed on a pier and beam foundation with piers extending no less than 300mm below the bottom of the tank or trench base. This requirement shall be reflected on the Construction Certificate plans and supporting documentation.
65. All basement surface runoff including car wash bay shall be directed through a propriety oil and sediment filtration system prior to discharge. Details of the pit type, location, performance and manufacturer's maintenance and cleaning requirements shall be submitted and approved prior to the issue of the construction certificate.

The owners/occupiers are to undertake all future maintenance and cleaning to the

manufacturer's requirements.

66. Prior to the issue of the Construction Certificate, amended detailed drainage design plans for the management of stormwater are to be submitted to Principal Certifying Authority for assessment and approval. Design certification, in the form specified in Rockdale Technical Specification Stormwater Management, and drainage design calculations are to be submitted with the plans. Council's Rockdale Technical Specification Stormwater Management sets out the minimum documentation requirements for detailed design plans. Stormwater management requirements for the development site, including the final discharge/end connection point, must comply with Rockdale Technical Specification Stormwater Management.

*The drainage plans must show how groundwater is managed within basement including shoring walls, temporary and permanent.*

*Subsoil drainage shall be provided and designed to allow the free movement of groundwater around any proposed structure, but is not to be connected to the internal drainage system*

*The design shall take into consideration of geotechnical recommendations.*

Note:

- a. The subsoil drainage for groundwater management for the proposed development should be in accordance with the requirements of DCP 4.1.3, 4.1.4 and Rockdale Technical Specification – Stormwater Management.
  - b. The basement pumpwell size shall be in accordance with Clause 4.2.4 of DCP2011- Technical Specification for Stormwater Management. Implement all recommendations contained in the preliminary geotechnical investigation report prepared by Douglas Partners Pty Ltd, Report Ref: Project 84654, dated 30 January 2015.
  - c. Since the site is subject to MFL, the design of the basement carpark access ramp crest level is to be 500mm above the 1 in 100 year flow level.
  - d. In accordance with Technical specification – Stormwater Management to recheck and provide stormwater control details to the driveway area draining to basement.
  - e. The site is subject MFL restriction. The minimum floor levels applying to the site, identified by the Overland Flow Study by S & E Ivanov Consultancy, dated 6 July 2014.
67. The internal surface (that is facing the inside of the loading dock) of the available walls and ceiling of the loading dock shall be lined with 50mm thick hydrophobic Rockwool faced with minimum 11% open perforated corrugated metal, plasterboard or similar acoustically absorptive material.

### **Prior to commencement of works**

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

68. A dilapidation survey shall be undertaken of all properties and/or Council infrastructure, including but not limited to all footpaths, kerb and gutter, stormwater inlet pits, and road carriageway pavements, in the vicinity which could be potentially affected by the construction of this development. Any damage caused to other properties during construction shall be rectified. A copy of the dilapidation survey and an insurance policy that covers the cost of any rectification works shall be submitted

to the Accredited Certifier (AC) or Council prior to Commencement of Works. The insurance cover shall be a minimum of \$10 million.

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

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

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

70. A sign must be erected at the front boundary of the property clearly indicating the Development Approval Number, description of work, builder's name, licence number and house number before commencement of work. If owner/builder, the Owner/Builder Permit Number must be displayed.
71. A sign must be erected at the front boundary of the property clearly indicating the Development Approval Number, description of work, builder's name, licence number and house number before commencement of work. If owner/builder, the Owner/Builder Permit Number must be displayed.
72. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
  - i. stating that unauthorised entry to the work site is prohibited, and
  - ii. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours. Any such sign is to be removed when the work has been completed. This condition does not apply to:
    - iii. building work carried out inside an existing building or
    - iv. building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
73. The site shall be secured by a 1800 mm (minimum) high temporary fence for the duration of the work. Gates shall be provided at the opening points.
74. Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.
75. A system of fire and smoke alarms and/or detection system (as applicable) shall be provided throughout the building. Details shall be submitted for assessment and approval prior to commencement of works.
76. Consultation with Ausgrid is essential prior to commencement of work. Failure to notify Ausgrid may involve unnecessary expense in circumstances such as:
  - i) where the point of connection and the meter board has been located in positions other than those selected by Ausgrid or
  - ii) where the erection of gates or fences has restricted access to metering equipment.
77. Where clearances to any existing overhead High Voltage mains are affected, the

builder shall make arrangements with Ausgrid for any necessary modification to the electrical network in question. These works shall be at the applicant's expense. Ausgrid's requirements under Section 49 Part 1 of the Electricity Supply Act 1995 shall be met prior to commencement of works or as agreed with Ausgrid.

### **During demolition / excavation / construction**

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

78. A copy of the Construction Certificate and the approved plans and specifications must be kept on the site at all times and be available to Council officers upon request.
79. Hours of construction shall be confined to between 7 am and 6.30 pm Mondays to Fridays, inclusive, and between 8 am and 3.30 pm Saturdays with no work being carried out on Sundays and all public holidays.
80. For Class 2, 3 and 4 structures, the building works are to be inspected during construction, by the principal certifying authority (or other suitably qualified person on behalf of the principal certifying authority) to monitor compliance with Council's approval and the relevant standards of construction encompassing the following stages:
  - i. after excavation for, and before the placement of, any footing, and
  - ii. prior to covering waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within a building, and
  - iii. prior to covering any stormwater drainage connections, and
  - iv. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

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

81. For Class 5-9 structures, the building works are to be inspected during construction, by the principal certifying authority (or other suitably qualified person on behalf of the principal certifying authority) to monitor compliance with Council's approval and the relevant standards of construction encompassing the following stages:
  - i. after excavation for and before the placement of, any footing, and
  - ii. prior to covering any stormwater drainage connections, and
  - iii. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

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

82. Upon inspection of each stage of construction, the Principal Certifying Authority (or other suitably qualified person on behalf of the Principal Certifying Authority) is also required to ensure that adequate provisions are made for the following measures (as applicable), to ensure compliance with the terms of Council's approval:
  - Sediment control measures
  - Provision of perimeter fences or hoardings for public safety and restricted



- access to building sites.
  - Maintenance of the public place free from unauthorised materials, waste containers or other obstructions.
83. Demolition operations shall not be conducted on the roadway or public footway or any other locations, which could lead to the discharge of materials into the stormwater drainage system.
84. All waste generated on site shall be disposed of in accordance with the submitted Waste Management Plan.
85. A Registered Surveyor's check survey certificate or compliance certificate shall be forwarded to the certifying authority detailing compliance with Council's approval at the following stage/s of construction:
- i. After excavation work for the footings, but prior to pouring of concrete, showing the area of the land, building and boundary setbacks.
  - ii. Prior to construction of each floor level showing the area of the land, building and boundary setbacks and verifying that the building is being constructed at the approved level.
  - iii. Prior to fixing of roof cladding verifying the eave, gutter setback is not less than that approved and that the building has been constructed at the approved levels.
  - iv. On completion of the building showing the area of the land, the position of the building and boundary setbacks and verifying that the building has been constructed at the approved levels.
  - v. On completion of the drainage works (comprising the drainage pipeline, pits, overland flow paths, on-site detention or retention system, and other relevant works) verifying that the drainage has been constructed to the approved levels, accompanied by a plan showing sizes and reduced levels of the elements that comprise the works.
86. When soil conditions require it:
- i. retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil shall be provided, and
  - ii. adequate provision shall be made for drainage.
87. Any new information discovered during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination, shall be notified to Council being the Regulatory Authority for the management of contaminated land.
88. Provide drop edge beams where and if necessary to contain all filling within the building envelope.
89. All demolition work shall be carried out in accordance with AS2601 – 2001: The Demolition of Structures and with the requirements of the WorkCover Authority of NSW.
90. The following conditions are necessary to ensure minimal impacts during construction:
- i. Building, demolition and construction works not to cause stormwater pollution and being carried out in accordance with Section 2.8 of Council's Stormwater Pollution Control Code 1993. Pollutants such as concrete slurry, clay and soil shall not be washed from vehicles onto roadways,

footways or into the stormwater system. Drains, gutters, roadways and access ways shall be maintained free of sediment. Where required, gutters and roadways shall be swept regularly to maintain them free from sediment.

- ii. Stormwater from roof areas shall be linked via a temporary downpipe to an approved stormwater disposal system immediately after completion of the roof area.
- iii. All disturbed areas shall be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls.
- iv. Building and demolition operations such as brickcutting, washing tools or paint brushes, and mixing mortar shall not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
- v. Stockpiles are not permitted to be stored on Council property (including nature strip) unless prior approval has been granted. In addition stockpiles of topsoil, sand, aggregate, soil or other material shall be stored clear of any drainage line or easement, natural watercourse, kerb or road surface.
- vi. Wind blown dust from stockpile and construction activities shall be minimised by one or more of the following methods:
  - a) spraying water in dry windy weather
  - b) cover stockpiles
  - c) fabric fences
- vii. Access to the site shall be restricted to no more than two 3m driveways. Council's footpath shall be protected at all times. Within the site, provision of a minimum of 100mm coarse crushed rock is to be provided for a minimum length of 2 metres to remove mud from the tyres of construction vehicles.

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

In addition builders / demolishers are required to erect a 1.5m high fence along the whole of the street alignment other than at the two openings. Such protection work, including fences, is to be constructed, positioned and maintained in a safe condition to the satisfaction of the Principal Certifying Authority, prior to the demolition of the existing structures and commencement of building operations.

- viii. Any noise generated during construction of the development shall not exceed limits specified in any relevant noise management policy prepared pursuant to the Protection of the Environment Operations Act, 1997 or exceed approved noise limits for the site.
91. Council's warning sign for soil and water management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign must be displayed throughout construction. A copy of the sign is available from Council.

**Prior to issue of occupation certificate or commencement of use**

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

92. An Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of the building.
93. Appropriate signage and tactile information indicating accessible facilities shall be provided at the main entrance directory, or wherever directional signage such as lifts or building directories or information is provided to those buildings where access and facilities for people with disabilities has been provided. Such signage shall have regard to the provisions of AS1428.1 and AS1428.2.
94. Tactile differentiation on floor surfaces indicating change of gradient shall be provided to those buildings where access and facilities for people with disabilities has been provided. This includes the external parts of the building, eg. access walkways and ramps. Such differentiation shall have regard to the provisions of AS1428.4.
95. Where Council's park/reserve is damaged as a result of building work or vehicular building traffic, this area shall be restored by Council at the applicant's expense. Repairs shall be completed prior to the issue of the Occupation Certificate.
96. All excess excavated material, demolition material, vegetative matter and builder's rubbish shall be removed to the Waste Disposal Depot or the Regional Tip prior to final inspection.  
Note: Burning on site is prohibited.
97. The approved recommendations from the Flood Management Report shall be implemented prior to occupation.
98. Lots 1, 2, 3, 4, 5, 6, 7 and 8 of DP 11344 shall be consolidated into one allotment. Council requires proof of lodgement of the plan of consolidation with the Land and Property Information Office prior to occupation.
99. All landscape works are to be carried out in accordance with the approved landscape plans prior to the issue of an Occupation Certificate for the approved development. The landscaping is to be maintained to the approved standard at all times.
100. All works within the road reserve, which are subject to approval pursuant to Section 138 of the Roads Act 1993, shall be completed and accepted by council.
101. The underground placement of all low voltage street mains in that section of the street/s adjacent to the development, and associated services and the installation of underground supplied street lighting columns, shall be carried out at the applicant's expense. The works shall be completed and Ausgrid's requirements shall be met prior to issue of the Occupation Certificate.
102. Where an electricity substation is required by Ausgrid, a final film survey plan shall be endorsed with an area having the required dimensions as agreed with Ausgrid over the location of the proposed electricity distribution substation site. The substation must be located within the boundary of the development site, or within the building, subject to compliance with the BCA. The substation site shall be dedicated to Council as public roadway, or as otherwise agreed with Ausgrid. Ausgrid's requirements shall be met prior to release of the issue of the Occupation Certificate.
103. The vehicular entry in Waines Crescent to be clearly marked and signposted ("entry")

or "no entry") from the street and ("exit" or "no exit") internally.

104. The following has been correctly installed:-
    - A convex mirror (outside of bends in the car park) to provide increased sight distance for vehicles.
    - Give way signs entering vehicles and entry sign recommending driver turn on their headlights.
    - A valet parking service shall be proposed for hotel guests.
    - The single lane 2 way ramps shall be controlled by waiting bays giving priority to incoming vehicles.
    - A car park/drop off management plan to be prepared a suitably qualified and experienced Traffic engineer.
  105. The provision of a minimum 1.0m wide Footway easement along Waines Crescent frontage. The right of footway is to be covered by a Section 88B Instrument, which may only be varied or extinguished with the consent of Bayside Council.
- Council requires proof of lodgement of the signed Subdivision/Strata Certificate and 88B Instrument with the Land Titles Office.
106. Suitable vehicular bollards shall be provided outside the exit doors that adjoin the vehicle circulation area or other exit door(s) that may be blocked by parked vehicles.
  107. Bollard(s) shall be installed by the Developer on adaptable shared spaces.
  108. Twenty-eight (28) off-street car spaces shall be provided in accordance with the submitted plan and shall be linemarked to Council's satisfaction. The pavement of all car parking spaces, manoeuvring areas and internal driveways shall comply with Australian Standard AS3727 – Guide to Residential Pavements.
  109. Prior to the issue of the Final Occupation Certificate, a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water.

It is recommended that applicants apply early for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator. For help either visit [www.sydneywater.com.au](http://www.sydneywater.com.au) > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

110. Prior to occupation, a registered surveyor shall certify that the driveway(s) over the footpath and within the property have been constructed in accordance with the approved driveway profile(s). The certification shall be based on a survey of the completed works. A copy of the certificate and a works-as-executed driveway profile shall be provided to Council if Council is not the Principal Certifying Authority.
111. Where the installation of electricity conduits is required in the footway, the builder shall install the conduits within the footway across the frontage/s of the development site, to Ausgrid's specifications. Ausgrid will supply the conduits at no charge. A Road Opening Permit must be obtained from Council prior to the installation of the conduits. The builder is responsible for compaction of the trench and restoration of the footway in accordance with Council direction. A Compliance Certificate from Ausgrid shall be obtained prior to the issue of the Occupation Certificate.
112. The acoustic treatment measures specified in the report titled 'DA Acoustic Assessment, 413-425 Princes Highway, Rockdale' prepared by Acoustic Logic Dated 18-04-2017 Ref 20170423.1/1804A/RO/MF, shall be validated by a

Certificate of Compliance prepared by a suitably qualified acoustic consultant and submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

113. A Landscape Architect shall provide a report to the certifying authority (with a copy provided to Council, if Council is not the principal certifying authority) stating that the landscape works have been carried out in accordance with the approved plans and documentation.
114. On completion of the installation of the mechanical ventilation systems and prior to the issue of the Occupation Certificate, a certificate of completion and performance from the design engineer shall be submitted to Council certifying that the system has been installed, inspected, commissioned, tested and performs in accordance with Australian Standards AS1668.
115. Prior to occupation, a chartered professional engineer shall certify that the tanking and waterproofing has been constructed in accordance with the approved design and specification. A copy shall be provided to Council if council is not the Principal Certifying Authority.
116. Prior to occupation a Chartered Professional Engineer shall certify that the stormwater system has been constructed in accordance with the approved plans and as required by Rockdale Technical Specification Stormwater Management. The certificate shall be in the form specified in Rockdale Technical Specification Stormwater Management and include an evaluation of the completed drainage works. A works-as-executed drainage plan shall be prepared by a registered surveyor based on a survey of the completed works. A copy of the certificate and works-as-executed plan(s) shall be supplied to the Principal Certifying Authority. A copy shall be provided to Council if Council is not the Principal Certifying Authority.
117. The underground garage shall be floodproofed to a minimum of 100mm above the 1% Annual Exceedance Probability gutter flow. The levels shall be certified by a registered surveyor prior to construction of the driveway or other openings.
118. The development shall comply with Rockdale Development Control Plan (DCP) 2011, and the Planning Considerations and Development Controls listed in the Gutter Flow Analysis prepared By Australian Consulting Engineers Pty Ltd, Dated 15 September 2017, Ref: 170216.GFA.1
119. Positive covenants pursuant to the Conveyancing Act 1919 shall be created on the title of the lots that contain
  1. The stormwater detention facility to provide for the maintenance of the system; and
  2. Car Park / drop off management plan.
  3. Waste management by private contractor.
120. The drainage system shall be constructed in accordance with the approved drainage plans and any amendments in red. All stormwater drainage plumbing work shall comply with the NSW Code of Practice: Plumbing and Drainage and Australian Standard AS3500.

Drainage grates shall be provided at the boundary. Width of the drainage grates shall be in accordance with Rockdale Technical Specification Stormwater Management.

A silt/litter arrestor pit as detailed in Rockdale Technical Specification Stormwater Management shall be provided prior to discharge of stormwater from the site.

121. Signs shall be displayed adjacent to all stormwater drains on the premises, clearly indicating "Clean water only - No waste".

122. On at least one occasion in every 12 month period following the date of the first 'Fire Safety Certificate' issued for the property, the owner must provide Council with an annual 'Fire Safety Certificate' to each essential service installed in the building.

### **Integrated development/external authorities**

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

123. TRANSPORT SYDNEY TRAINS

ST1. If required by Sydney Trains, prior to the commencement of works, prior to the issue of the Occupation Certificate, or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.

ST2. An acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines".

ST3. Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.

ST4. If required by Sydney Trains, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

ST5. If required by Sydney Trains, a track monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases) is to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate. The Principal Certifying Authority is not to issue a Construction Certificate until written confirmation has been received from Sydney Trains advising of the need to undertake the track monitoring plan, and if required, that it has been endorsed.

ST6. No rock anchors/bolts are to be installed into Sydney Trains property or easements.

ST7. Prior to the issuing of an Occupation Certificate the Applicant is to submit as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment

into Sydney Trains property or easements, unless agreed to be these authorities. The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied

ST8. If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Rail Corridor Management Group to determine the need for public liability insurance cover. If insurance cover is deemed necessary this insurance be for sum as determined by Sydney Trains and shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The Applicant is to contact Sydney Trains Rail Corridor Management Group to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.

ST9. If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Rail Corridor Management Group to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.

ST10. Sydney Trains or Transport for NSW (TfNSW), and persons authorised by those entities for the purpose of this condition, are entitled to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and these conditions of consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.

ST11. Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.

ST12. Prior to the issuing of a Construction Certificate the applicant is to submit to Sydney Trains for review and endorsement a report detailing all Machinery to be used during excavation/construction. The Principal Certifying Authority is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that this condition has been complied with.

ST13. Copies of any certificates, drawings, approvals/certification or documents endorsed by, given to or issued by Sydney Trains must be submitted to Council for its records prior to the issuing of a Construction Certificate.

ST14. Any conditions issued as part of Sydney Trains approval/certification of any documentation for compliance with the Sydney Trains conditions of consent, those

approval/certification conditions will also form part of the consent conditions that the Applicant is required to comply with.

ST15. No scaffolding or hoarding is to be used facing the rail corridor unless prior written approval has been obtained from Sydney Trains. To obtain approval the proponent will be required to submit details of the scaffolding and hoarding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor. Unless agreed to by Sydney Trains in writing, scaffolding shall not be erected without isolation and protection panels.

124. NSW POLICE FORCE

- i) Monitored CCTV facilities shall be implemented throughout the development. Areas of focus include the basement car park (including entry and exits), main entry areas to the development and garbage/storage areas. Details to be provided prior to the issue of the Construction Certificate.
- ii) A lighting maintenance policy shall be established for the development. Details to be provided prior to the issue of the Construction Certificate.
- iii) Lighting shall be designed to the Australian and New Zealand Lighting Standards. Australia and New Zealand Lighting Standard 1158.1 - Pedestrian, requires lighting engineers and designers to consider crime risk and fear when selecting lamps and lighting levels.
- iv) Where applicable, security mirrors shall be installed within corridors and on blind corners to enable users to see around blind corners.
- v) A street sign shall be prominently displayed at the front of the development to comply with Local Government Act, 1993, Section 124, Order No 8.
- vi) Signage shall be erected at entry/exit points and throughout the development to assist users and warn intruders they may be prosecuted.
- vii) As malicious damage (graffiti) is often an offence committed at such developments, strong consideration is to be given to the use of graffiti resistant materials, particularly on fences and all ground floor areas. Details to be provided prior to the issue of the Construction Certificate.
- viii) More information is required on submission of development applications for the proposed uses regarding the placement of public amenities, other than the proposed public toilets. The location of ATMs, public telephones, garbage bins etc, can impact greatly on how the area will be occupied and the level of crime it will absorb.
- ix) Intercom facilities shall be installed into entry/exit points to enable residents to communicate and identify with people prior to admitting them to the development.
- x) Monitored CCTV cameras shall be installed in and around the building to



maximise surveillance opportunities. Digital or video technology should be used to record images from the cameras.

125. SYDNEY AIRPORT CORPORATION LIMITED

Sydney Airport Corporation Limited (SACL) has approved the maximum height of the proposed building at 37.5 metres relative to Australian Height Datum (AHD). This height is inclusive of all vents, chimneys, aerials, TV antennae and construction cranes, etc. No permanent or temporary structure is to exceed this height without further approval from Sydney Airport Corporation Limited.

**Note:** Under Section 186 of the Airports Act 1996, it is an offence not to give information to the Airport Operator that is relevant to a proposed "controlled activity" and is punishable by a fine of up to 50 penalty units.

For further information on Height Restrictions please contact SACL on 9667 9246.

126. TRANSPORT ROADS AND MARITIME SERVICES

RMS1. The redundant driveways on the eastern boundary shall be removed and replaced with kerb and gutter to match existing. The design and construction of the kerb and gutter on Princes Highway shall be in accordance with Road and Maritime requirements. Details of these requirements should be obtained from Roads and Maritime Services, Manager Developer Works, Statewide Delivery, Parramatta (telephone 9598 7798).

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

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

RMS2. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to the Roads and Maritime for approval, prior to the commencement of any works. Details should be forwarded to:-

The Sydney Asset Management  
Roads and Maritime Services  
PO Box 973, Parramatta CBD 2124

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766.

RMS3. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.

The developer is to submit all documentation at least six (6) prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime. The report and any enquiries should be forwarded to:-

Project Engineer, External Works  
Sydney Asset Management  
Roads and Maritime Services  
PO Box 973, Parramatta CBD 2124

Telephone: 8849 2114  
Fax: 8849 2766

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

RMS4. No Stopping zones should be installed across the Princess Highway frontage of the development to maintain clear driver sight lines from Waines Crescent (north leg) to road users on the Princes Highway.

RMS5. A Road Occupancy License (ROL) should be obtained from the Transport Management Centre for any works that may impact on traffic flows on Princes Highway during construction activities.

RMS6. All demolition and construction vehicles are to be contained wholly within the site or on Waines Crescent. A construction zone will not be permitted on the Princes Highway.

RMS7. All works and regulatory signposting associated with the subject development shall be at no cost to Roads and Maritime.

127. WATER NSW

W1. A Water Supply Work Approval from WaterNSW must be obtained prior to commencing dewatering activity on the proposed site. Please complete an Application for approval for water supply works, and/or water use.

W2. An application for a Water Supply Works Approval will only be accepted upon receipt of supporting documentation, and payment of the applicable fee (see Application fees for New or amended Works and/or Use Approvals). The information required for the processing of the water supply work application may include preparation of a dewatering management plan. The checklist is to be attached to the consent.

W3. If approved, the Approval will be issued for a period of up to 24 months to cover dewatering requirements during the construction phase. It will include conditions to ensure that impacts are acceptable and that adequate monitoring and reporting procedures are carried out. The Approval will be issued subject to the proponent meeting requirements of other agencies and consent authorities. For example, an

authorisation by either Sydney Water or the Local Council, depending where the water will be discharged. If contaminants are likely, or are found to be present in ground water, and are being discharged to stormwater, including high salinities, a discharge license under the Protection of the Environment Operations Act 1997 (NSW) may also be required.

W4. WaterNSW prefer "tanking" (i.e. total water proofing below the seasonal high water table) of basement excavations, and voids the ongoing extraction of groundwater after the initial construction phase. It is also advised to adopt measures to facilitate movement of groundwater post construction (e.g. a drainage blanket behind the water-proof membrane).

W5. If the basement is not "tanked", the proponent will require a Water Access Licence (WAL) and need to acquire groundwater entitlements equivalent to the yearly ongoing take of groundwater. Please note: Acquiring groundwater entitlements could be difficult and may cause delay in project completion. If a WAL is required, the applicant is to complete an "Application for a new water licence with a zero share component."

## Roads Act

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

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

### Note:

- a. Detailed plans of the upgrade works within Waines Crescent including regulatory signs are required to be submitted to Council for assessment and approval pursuant to Section 138 of the Roads Act 1993, prior to the issue of the Construction Certificate.
  - b. Traffic Committee approval Line marking and regulatory signage shall be in accordance with RMS requirements and guidelines and shall be approved Bayside Traffic Committee.
129. 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.

130. 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.
131. Following completion of concrete works in the footpath reserve area, the balance of the area between the fence and the kerb over the full frontage of the proposed development shall be turfed with either buffalo or couch (not kikuyu).

### Development consent advice

- a. Some forms of signage require separate development consent. Please refer to relevant planning policies for more information.
- b. You are advised to consult with your utility providers (i.e. Energy Aust, Telstra etc) in order to fully understand their requirements before commencement of any work.
- c. *Dial Before You Dig*

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

- d. All asbestos fibre demolition material and asbestos dust shall be handled, stored and removed in accordance with the relevant legislation and guidelines including:
  - Work Health and Safety Act 2011
  - Work Health and Safety Regulation 2011
  - Code of Practice for the Safe Removal of Asbestos [NOHSC: 2002 (2005)]
  - Code of Practice for the Management and Control of Asbestos in Workplaces [NOHSC: 2018 (2005)]
  - Protection of the Environment Operations (Waste) Regulation 2005

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

- e. Hazardous and/or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of the relevant statutory authorities (NSW WorkCover Authority and the NSW Environment Protection Authority), together with the relevant regulations, including:
  - Work Health and Safety Act 2011
  - Work Health and Safety Regulation 2011
  - Protection of the Environment Operations (Waste) Regulation 2005.

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

RMS1. The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS 2890.6-2009 and AS 2890.2-2002 for heavy vehicle usage.

RMS2. The proposed development should be designed such that road traffic noise from the Princes Highway is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102(3) of the the State Environmental Planning Policy (Infrastructure) 2007.

Should you require further clarification regarding the Road and Maritime requirements, please contact the RMS on 8849 2008 or e:-  
development.sydney@rms.nsw.gov.au

**Bayside Planning Panel****10/07/2018**

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


**Officer Recommendation**

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

## Location Plan



## Attachments

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

## BAYSIDE COUNCIL

### Planning Assessment Report

#### Application Details

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

#### Key Issues

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

#### Recommendation

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

1 of 53



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

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

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

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

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

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

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

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

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

3.1 For the third level roof slab landscape.-

- a. In collaboration with the landscape architect and engineers, design details are required to ensure set-downs (seating areas) and appropriate soil depths, widths and volumes are incorporated in locations that are beneficial to the growth of the proposed landscape species.
- b. Specify waterproofing methods, irrigation system and adequate drainage provided.
- c. Specify the type of lightweight soil mixes on slab (soils should be free draining), porous and suitable for the selected plants species.
- d. Details of the technical irrigation system. Please note that the irrigation system has to be connected to stormwater drainage as part of the Water Design Urban Design Principle (WDUDP).
- e. A centrally located pedestrian corridor (with an east-west orientation) from the Third Floor Level is to be provided so as to provide an equitable access to the landscaped area for maintenance and customer amenity purposes.
- d. A copy of the Maintenance Management Plan demonstrating the cycle plant replacement, doweeding and automatic irrigation system maintenance.

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

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

## Background

### History

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

3 of 53

concerning the following issues:-

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

### Proposal

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

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

4 of 53

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

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

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

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

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

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

parameters.

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



#### Site location and context

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

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

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

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

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

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

6 of 53

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

## Statutory Considerations

### *Environmental Planning and Assessment Act, 1979*

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

#### **S4.46 - Development that is Integrated Development**

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

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

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

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

The following Environmental Planning Instruments are relevant to this application:

##### **State Environmental Planning Policy (Infrastructure) 2007**

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

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

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

##### **101 Development with frontage to classified road. -**

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

directly adjacent to a railway corridor.

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

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

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

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

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

**104 Traffic-generating development. -**

(1) This clause applies to development specified in Column 1 of the Table to Schedule 3 that involves:  
(a) new premises of the relevant size or capacity, or  
(b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.

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

(3) Before determining a development application for development to which this clause applies, the consent authority must:  
(a) give written notice of the application to the RTA within 7 days after the application is made, and  
(b) take into consideration:  
(i) any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, the RTA advises that it will not be making a submission), and

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

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

#### State Environmental Planning Policy No 55—Remediation of Land

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

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

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

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

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

#### Rockdale Local Environmental Plan 2011



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

### 2.3 Zone B4 Mixed Use

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

The objectives of the zone are:

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

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

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

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

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

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

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

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

#### 2.7 Demolition requires consent

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

#### 4.3 Height of buildings

There is a height limit specified under Clause 4.3 "Height of the Buildings" of the Rockdale Local Environmental Plan 2011 (Rockdale LEP), which is specified at 22 metres for developments situated on land coloured "R2" brown on the "The Height of Buildings Map" (Sheet\_004). The proposed hotel has a maximum height of approximately 21.7 metres, which has been verified thus the maximum height limit would not be breached.

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

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

#### 4.4 Floor space ratio - Residential zones

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

#### 6.1 Acid Sulfate Soil - Class 5

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

#### 6.2 Earthworks

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

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

#### 6.3 Between 25 and 30 ANEF (2033) contours

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

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

#### 6.4 Airspace operations

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

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

#### 6.7 Stormwater

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

#### 6.12 Essential services

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

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

The following Development Control Plan is relevant to this application:

#### **Rockdale Development Control Plan 2011**

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

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

#### 4.1.1 Views and Vista

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

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

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

#### 4.1.3 Water Management

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

#### 4.1.4 Soil Management

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

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

#### 4.1.9 Lot size and Site Consolidation - Mixed use

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

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

#### 4.2 Streetscape and Site Context - General

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

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

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

#### 4.3.1 Open Space and Landscape Design

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

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

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

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

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

#### 4.4.1 Energy Efficiency - Retail, Commercial and Industrial Development

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

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

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

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

#### 4.4.2 Solar Access - General Controls

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

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

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

#### 4.4.5 Visual privacy

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

#### 4.4.5 Acoustic privacy

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

#### 4.4.6 Noise Impact

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

#### 4.4.7 Wind Impact

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

#### 4.5.2 Social Equity - Equitable Access

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

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

#### 4.6 Car Park Location and Design

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

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

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

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

#### 4.6 Vehicles Enter and Exit in a Forward Direction

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

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

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

17 of 53



#### 4.6 Design of Loading Facilities

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

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

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

#### 4.7 Waste Storage and Recycling Facilities

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

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

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

#### 5.3 Mixed Use - Awnings

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

#### 5.4 Highway Commercial - Development Setbacks

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

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

#### 5.4 Highway Commercial - Building Design

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

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

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

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

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

#### 5.4 Highway Commercial - Public Domain Interface

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

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

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

#### 7.5.1 Street Role - Service Laneway

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

The building recess prescriptive measures would be as follows:-

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

The proposal provides the following setbacks:-

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

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

#### 7.5.1 Street Role - Centre Edge Residential

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

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

#### 7.5.1 Commercial Space

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

#### **S4.15(1)(iv) - Provisions of regulations**

Clauses 92-94 of the Regulations outline the matters to be considered in the assessment of a development application. Clause 92 requires the consent authority to consider the provisions of AS 2601:1991 - *Demolition of Structures* when demolition of a building is involved. In this regard a condition of consent is proposed to ensure compliance with the standard.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **S7.12 Fixed development consent levies**

21 of 53

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

### Schedule 1 - Draft Conditions of consent

#### General Conditions

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

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

#### *Architectural Plans. -*

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

## Bayside Planning Panel

10/07/2018

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

*Supporting Documentation. -*

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

23 of 53

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

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

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

6. Excavation, filling of the site (with the exception of the area immediately under the building envelope), or construction of retaining walls are not permitted unless shown on the approved plans and authorised by a subsequent construction certificate.
7. The materials and façade details approved under condition 2 and any other relevant condition of this consent shall not be altered or amended at the construction certificate stage without a prior S4.55 application and approval under the EP&A Act.
8. All works are to be carried out in accordance with the conditions provided by NSW Road and Maritime Services, Sydney Trains, NSW Police Force, Sydney Airport, Water NSW and Ausgrid and listed at the end of this consent.

#### Development specific conditions

The following conditions are specific to the Development Application proposal.

9. Work Activities on Council Sites - Application Requirements

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

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

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

25 of 53



14. The existing and future owners (Registered Proprietor) of the property will be responsible for the operation and maintenance of the detention system. The registered proprietor will:
  - (i) permit stormwater to be temporarily detained by the system;
  - (ii) keep the system clean and free of silt, rubbish and debris;
  - (iii) maintain, renew and repair the whole or parts of the system so that it functions in a safe and efficient manner, and in doing so complete the same within the time and in the manner specified in written notice issued by the Council;
  - (iv) carry out the matters referred to in paragraphs (ii) and (iii) at the proprietor's expense;
  - (v) not make any alterations to the system or elements thereof without prior consent in writing of the Council;
  - (vi) permit the Council or its authorised agents from time to time upon giving reasonable notice (but at any time and without notice in the case of emergency) to enter and inspect the land for compliance with the requirements of this clause;
  - (vii) comply with the terms of any written notice issued by the Council in respect to the requirements of this clause within the time stated in the notice.
15. The existing and future owners (Registered Proprietor) of the property will be responsible for the efficient operation and maintenance of the pump system.

The Registered Proprietor will:

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

- NSW Industrial Noise Policy – 2000.
19. Any discharge to the sewer from the subject premises shall be in accordance with the requirements of Sydney Water.
  20. The visible light reflectivity from building materials used on the façade of the building shall not exceed 20% and shall be designed so as not to result in glare that causes any nuisance or interference to any person or place. A statement demonstrating compliance with these requirements shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for the relevant stage of works.
  21. All proposed lights shall comply with the Australian Standard 4282 - 1997 "Control of the Obtrusive Effects of Outdoor Lighting". In this regard, the lighting of the premises shall be directed so as not to cause nuisance to the owners or occupiers of adjacent/adjoining premises or to motorists on adjoining or nearby roads.
  22. Hot and cold water hose cocks shall be installed to the garbage room.
  23. This consent does not provide approval for footpath dining. Footpath dining is regulated through a licensing agreement with Council. In this regard, you are advised to contact Council's Customer Service Centre to obtain a copy of a licensing agreement entitled *Outdoor Dining Licensing Agreement*.
  24. Services or utility systems shall not be located in the garbage room.
  25.
    - a) In order to ensure the design quality I excellence of the development is retained:
      - i. A registered architect is to have direct involvement in the design documentation, contract documentation and construction stages of the project;
      - ii. The design architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of design issues throughout the life of the project;
      - iii. Evidence of the design architect's commission is to be provided to Bayside Council prior to issue of the Construction Certificate.
    - b) The design architect of the project is not to be changed without prior notice and approval of Bayside Council.
  26. All plumbing shall be concealed within the fabric or material of the building. Utilities shall be softened with landscaping so as not to detract from the overall appearance of the development and amenity of the streetscape. Details demonstrating compliance with this requirement shall be submitted to the Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate.
  27. Where natural ventilation fails to comply with the provisions of the Building Code of Australia, mechanical ventilation shall be provided in accordance with Australian Standard, 1668, Part 2.
  28. Receptacles are to be provided in commercial development for the disposal of cigarette rubbish. The receptacles are to be located adjacent to the entrances of the buildings on private property. The receptacles are to be attractive and functional and maintenance of the receptacles is the responsibility of the building owner/manager.
  29. The external walls of the building including attachments must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of a Construction Certificate and Occupation Certificate the Certifying Authority and Principal Certifying Authority must:
    - a. Be satisfied that suitable evidence is provided to demonstrate that the products and systems (including installation) proposed for use or used in the construction of external walls, including finishes and claddings such as

27 of 53

- synthetic or aluminium composite panels, comply with the relevant requirements of the NCC; and
- b. Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.
30. Prior to the issue of the Construction Certificate for the relevant stage of works, the following details shall be submitted to the Principal Certifying Authority in relation to the awning over Princes Highway frontage:
- i. Detailed design plans and specifications, including structural details and,
  - ii. Design certificate.
- The awning shall be designed by a Chartered Professional Engineer (Structural). Awning design shall comply with following requirement of Rockdale Development Control Plan section 5.3:
- a) minimum soffit height of 3.3m;
  - b) maximum fascia height of 600mm;
  - c) minimum setback from edge of kerb of 600 mm;
  - d) maximum step of 900mm on sloping sites, which must not compromise environmental protection.
- Following completion of the installation of the awning a certificate from a Chartered Professional Engineer (Structural) shall be submitted to Bayside Council stating that the awning has been constructed in accordance with the design plans and specifications.
- Subject to compliance with the requirements above, Bayside Council grants approval pursuant to Section 138 of the Roads Act 1993. Council's approval remains whilst the structure is in place and the structural stability of the awning is not compromised. Maintenance of the awning is the responsibility of the owner of the land.
31. Public Domain Frontage Work Application shall be submitted to Council for all civil and landscape works in public domain together with the following details:-
- a) Service Alterations – All mains, services, poles, etc., which require alteration due to works associated with the development, shall be altered at the applicant's expense.
  - b) In designing the street tree layout, the consultant shall check and ensure that all new street trees are positioned such that there are no conflicts with the proposed street lights, utilities and driveway accesses. The proposed street lights will have priority over the street trees. All costs associated with the removal of existing street trees, where required, will be borne by the Developer.
  - c) Street trees are to be provided in accordance with the Rockdale Street Tree Master Plan. The designated specie is *Platanus acerifolia* (London Plane) for Princess Highway, planted at ten (10) meters centres.
  - d) Verge strip shall be planted with four (4) *Platanus acerifolia* (London Plane) as per Rockdale Street Tree Management Plan.
    - i) Pot size supplied shall be not less than 200 Litre.
    - ii) Height above container 3.5meters, calliper at 300mm greater than 60mm, with a clear trunk height of 1.5 meters.
    - iii) Trees supplied shall be healthy and vigorous, free of pest and disease, free from

injuries.

iv) Trees provided shall conform to NATSPEC guide.

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

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

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

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

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

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

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

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

29 of 53

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

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

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

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

30 of 53

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

#### **Prior to issue of the construction certificate**

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

38. The following fees shall be paid to Council prior to the issue of a Construction Certificate. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges.
  - i. A Footpath Reserve Restoration Deposit of \$58,635.00 is required. This is to cover repair of any damages, or other works to be done by Council. This includes construction, removal, or repair as required to: kerb and guttering, existing or new driveways; paved areas and concrete footpaths. The deposit may be lodged with Council in the form of a Bank Guarantee (Any proposed Bank Guarantee must not have an expiry date). The deposit will not be returned by Council until works are completed and all damage is restored and all specified works are completed by Council.
  - ii. An environmental enforcement fee of 0.25% of the cost of the works.
  - iii. A Soil and Water Management Sign of \$18.00.
39. For work costing \$25,000 or more, a Long Service Leave Levy shall be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.
40. An application for Driveway Works (Public Domain Construction – Vehicle Entrance/Driveway Application) / Frontage Works (Public Domain Frontage Works Construction Application) shall be made to Council's Customer Service Centre prior to issue of the Construction Certificate. All boundary frontage works, egress paths, driveways and fences shall comply with the approval. A fee is payable to Council. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges.
41. Pursuant to Section 7.12 of the Environmental Planning and Assessment Act 1979 and Rockdale Section 94A (Section 7.12) Development Contributions Plan 2008, a report is to be submitted to Council, prior to approval of the first Part 4A certificate required for the development, identifying the proposed cost of carrying out the development, as follows:
  - i. Where the proposed cost of carrying out the development is less than \$1,000,000, a cost summary report prepared and certified by a building industry professional, or
  - ii. Where the proposed cost of carrying out the development is \$1,000,000 or more, a detailed cost report prepared and certified by a quantity surveyor registered with the Australian Institute of Quantity Surveyors or a person who can demonstrate equivalent qualifications. This report is to be prepared in the form specified in Rockdale Section 94A Development

31 of 53

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

Note:

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

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

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

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

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

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

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

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

32 of 53

- shall be submitted to Council in accordance with the relevant requirements.
46. Compliance with Council's Development Control (DCP) 2011 in relation to requirements for access. Compliance with this condition will require the design and fitout of the commercial/retail areas to be in accordance with Australian Standard 1428.1-2009.
- Note:** Compliance with Council's Development Control Plan (DCP) 2011 and the Building Code of Australia does not necessarily guarantee that the development meets the full requirements of the Disability Discrimination Act (DDA) 1992. It is the responsibility of the applicant to make the necessary enquiries to ensure that all aspects of the DDA legislation are met.
47. The applicant shall confer with Ausgrid to determine if an electricity distribution substation is required. Written confirmation of Ausgrid's requirements shall be obtained prior to issue Construction Certificate.
48. The applicant shall confer with Ausgrid to determine if installation of electricity conduits in the footway is required. Written confirmation of Ausgrid's requirements shall be obtained prior to issue Construction Certificate.
49. The applicant shall confer with Ausgrid to determine if satisfactory clearances to any existing overhead High Voltage mains will be affected. Written confirmation of Ausgrid's requirements shall be obtained prior to issue Construction Certificate.
50. Prior to the issue of the Construction Certificate, the approved plans must be submitted to Sydney Water Tap in™ online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.
- Sydney Water's Tap in™ online service is available at:  
<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>
51. Details shall be submitted to Council for assessment and approval pursuant to Section 138 of the Roads Act 1993 in relation to the following:
- i) Construction of footpath and streetscape works.
  - ii) Public domain and drainage works.
    - Footpath alignment, width and surface finish;
    - Landscaping and tree planting areas;
    - Street lighting layout and details;
    - Drainage plus kerb & gutter alignment and details;
    - Asphalt pavement detail showing minimum 6m wide carriage way;
    - Detailed plan of the intersections of Waines Crescent and Princes Highway;
    - Removal of redundant power pole(s) and proposal for undergrounding of power along Waines Crescent and Princes Highway frontages.
  - iii) Construction of vehicular entrance.
52. Prior to issue of the Construction Certificate, a longitudinal driveway profile shall be submitted to Principal Certifying Authority for assessment and approval. The profile shall start in the centre of the road and be along the critical edge (worst case) of the driveway. Gradients and transitions shall be in accordance with Council's Code. The profile shall be drawn to a scale of 1 to 25 and shall include all relevant levels, grades (%) and lengths.
53. A Construction Management Plan (CMP) shall be prepared in accordance with the requirements of all relevant regulatory approval bodies. Prior to the commencement of works the Certifying Authority shall be satisfied that the Construction Management

33 of 53



Plan has obtained all relevant regulatory approvals. The Construction Management Plan shall be implemented during demolition, excavation and construction.

Prior to the issue of the relevant Construction Certificate, a Construction Traffic Management Plan (TMP) prepared by a suitably qualified person shall be submitted to and approved by the Certifying Authority. The Plan shall address, but not be limited to, the following matters:

- (a) ingress and egress of vehicles to the site;
- (b) loading and unloading, including construction zones;
- (c) predicted traffic volumes, types and routes; and
- (d) pedestrian and traffic management methods.

Note: The swept path of the longest vehicle entering and existing the subject site, as well as manoeuvrability through the site, shall be in accordance with Austroads. A swept path plan shall be submitted to Certifying Authority for approval illustrating compliance with this requirement, prior to release of the Construction Certificate.

Any proposed landscaping, fencing or signage is not to impede the desired sight lines of all road users including pedestrians and cyclists.

All road works / regulatory signposting associated with the proposed development shall be at no cost to the Council or RMS.

COPIES OF THE CMP AND TMP SHALL BE SUBMITTED TO COUNCIL.

54. As the basement floor are being proposed closer to existing built structures on neighbouring properties, which may be in the zone of influence of the proposed works and excavations on this site, a qualified practising geotechnical engineer must;

- (a) Implement all recommendations contained in the Geotechnical Desktop Study Report prepared by EI Australia – Report E23324 GA, Dated 28 April 2017.
- (b) Provide a certificate that the construction certificate plans are satisfactory from a geotechnical perspective and
- (c) Confirm that the proposed construction methodology

To prepare a Construction Methodology report demonstrating that the proposed construction methods (including any excavation, and the configuration of the built structures) will have no adverse impact on any surrounding property and infrastructure. The report must be submitted with the application for a Construction Certificate for the relevant stage of works.

(d) Inspect the works as they progress. The Inspections are to occur at frequencies determined by the geotechnical engineer.

(e) The geotechnical engineer to comment on proposed stormwater drainage design for the basement area, mainly on AGG line connections / permanent dewatering and a tanked basement structure.

NB: (i) If the proposed construction of the basement carpark impedes the water table, thus requiring dewatering of the site, the application is Integrated Development.

(ii) From the proposed basement pumped discharge drainage systems are permitted subject to complying with the design criteria listed in DCP.

(iii) The design of the basement structure will require consideration of the effects of the water table, both during and after construction (Tanking / waterproofing).

(f) Where a Private Certifier issues the Construction Certificate a copy of the above documentation must be provided to Council, once the Construction Certificate is issued for the relevant stage of works.

Note: A failure by contractors to adequately assess and seek professional engineering (geotechnical) advice to ensure that appropriate underpinning and support to adjoining land is maintained prior to commencement may result in damage to adjoining land and buildings. Such contractors are likely to be held responsible for any damages arising from the removal of any support to supported land as defined by section 177 of the Conveyancing Act 1919.

55. Vibration monitoring equipment must be installed and maintained, under the supervision of a professional engineer with expertise and experience in geotechnical engineering, between any potential source of vibration and any building identified by the professional engineer as being potentially at risk of movement or damage from settlement and/or vibration during the excavation and during the removal of any excavated material from the land being developed.
  - a) If vibration monitoring equipment detects any vibration at the level of the footings of any adjacent building exceeding the peak particle velocity adopted by the professional engineer as the maximum acceptable peak particle velocity an audible alarm must activate such that the principal contractor and any sub-contractor are easily alerted to the event.
  - b) Where any such alarm triggers all excavation works must cease immediately. Prior to the vibration monitoring equipment being reset by the professional engineer and any further work recommencing the event must be recorded and the cause of the event identified and documented by the professional engineer.
  - c) Where the event requires, in the opinion of the professional engineer, any change in work practices to ensure that vibration at the level of the footings of any adjacent building does not exceed the peak particle velocity adopted by the professional engineer as the maximum acceptable peak particle velocity these changes in work practices must be documented and a written direction given by the professional engineer to the principal contractor and any sub-contractor clearly setting out required work practice.
  - d) The principal contractor and any sub-contractor must comply with all work directions, verbal or written, given by the professional engineer.
  - e) A copy of any written direction required by this condition must be provided to the Principal Certifying Authority within 24 hours of any event.
  - f) Where there is any movement in foundations such that damaged is occasioned to any adjoining building or such that there is any removal of support to supported land the professional engineer, principal contractor and any sub-contractor responsible for such work must immediately cease all work, inform the owner of that supported land and take immediate action under the direction of the professional engineer to prevent any further damage and restore support to the supported land.

Note: Professional engineer has the same mean as in Clause A1.1 of the BCA.

35 of 53

*Note:* Building has the same meaning as in section 4 of the Act i.e. "building includes part of a building and any structure or part of a structure".

*Note:* Supported land has the same meaning as in Section 88K of the Conveyancing Act 1919.

56. Any sub-surface structure within the highest known groundwater table / rock + 0.5m shall be designed with a waterproof retention system (i.e. tanking and waterproofing) with adequate provision for future fluctuation of the water table. The subsurface structure is required to be designed with consideration of uplift due to water pressure and "flotation" (buoyancy) effects. Subsoil drainage around the subsurface structure must allow free movement of groundwater around the structure, but must not be connected to the internal drainage system. The design of subsurface structure, tanking and waterproofing, and subsoil drainage shall be undertaken by a suitably experienced Chartered Professional Engineer(s). Design details and construction specifications shall be included in the documentation accompanying the Construction Certificate for the relevant stage of works.

A design certificate is required to be submitted for the design of the Basement system including shoring wall. The certificate shall be issued by a Chartered Professional Engineer competent in Structural engineering.

The design of the basement and any other underground structure or excavation shall take into consideration of geotechnical recommendations.

*Please Note:*

- a. All structures that are fully and significantly below ground shall be fully tanked to finished ground level,
- b. After construction is completed no seepage water is to discharge to the kerb.
- c. Permanent dewatering will not be permitted.
- d. Continuous monitoring of ground water levels may be required.

57. Prior to the issue of a Construction Certificate for building works, the Certifying Authority shall ensure that a letter from a qualified practicing Traffic Engineer registered on the National Engineering Register (NER), or a Compliance Certificate (issued in accordance with Section 109C of the Environmental Planning and Assessment Act 1979), has been issued to the Certifying Authority stating that the design of the off-street parking facilities including ramp control traffic signals comply with the conditions of consent.
58. Prior to issue of Construction Certificate, swept path analysis shall be submitted to the Certifying Authority for assessment and approval.

The swept path drawings shall include the entry/exit of the internal ramps within the basement levels and an 'SRV' sized vehicle entering/exiting of the loading bay in accordance with section 7.2 of Councils Technical Specification – Traffic, Parking and Access.

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

59. Prior to the issue of the construction certificate approval from the utility provider is required for the works the existing utility with the road reserve fronting boundary. You are required to consult with your utility providers (i.e. Energy Aust, Telstra etc) in order to fully understand their requirements before commencement of any work.

60. A copy of Permission to Discharge Trade Waste Water shall be obtained from Sydney Water prior to the discharge of trade waste water to the sewer system. A copy shall be provided to Principal Certifying Authority (PCA) prior to issuing the Construction Certificate.
61. The mechanical exhaust ventilation system shall be installed in the kitchen and food preparation areas where cooking and heat producing processes are conducted. All equipment producing heat or steam shall be placed wholly under the ventilation canopy. The ventilation system shall be designed and installed by an appropriate qualified person in accordance with Australian Standards AS1668.1-1998 & 1668.2-2002.
62. Plans and specifications showing details of all the constructions recommended in Section 4 and 6 of report titled 'DA Acoustic Assessment, 413-425 Princes Highway, Rockdale' prepared by Acoustic Logic Dated 18-04-2017 Ref 20170423.1/1804A/RO/MF', shall be submitted and approved by the Principal Certifying Authority prior to the release of the Construction Certificate.
63. The low level driveway must be designed to prevent inflow of water from the road reserve. The assessment of flows and design of prevention measures shall be in accordance with the requirements of Rockdale Technical Specification Stormwater Management. Details shall be included in the documentation presented with the Construction Certificate application.
64. Any part of the proposed building within 3m of the proposed detention tank or absorption trench shall be constructed on a pier and beam foundation with piers extending no less than 300mm below the bottom of the tank or trench base. This requirement shall be reflected on the Construction Certificate plans and supporting documentation.
65. All basement surface runoff including car wash bay shall be directed through a propriety oil and sediment filtration system prior to discharge. Details of the pit type, location, performance and manufacturer's maintenance and cleaning requirements shall be submitted and approved prior to the issue of the construction certificate.  
  
The owners/occupiers are to undertake all future maintenance and cleaning to the manufacturer's requirements.
66. Prior to the issue of the Construction Certificate, amended detailed drainage design plans for the management of stormwater are to be submitted to Principal Certifying Authority for assessment and approval. Design certification, in the form specified in Rockdale Technical Specification Stormwater Management, and drainage design calculations are to be submitted with the plans. Council's Rockdale Technical Specification Stormwater Management sets out the minimum documentation requirements for detailed design plans. Stormwater management requirements for the development site, including the final discharge/end connection point, must comply with Rockdale Technical Specification Stormwater Management.

*The drainage plans must show how groundwater is managed within basement including shoring walls, temporary and permanent.*

*Subsoil drainage shall be provided and designed to allow the free movement of groundwater around any proposed structure, but is not to be connected to the internal drainage system*

*The design shall take into consideration of geotechnical recommendations.*  
Note:

- a. The subsoil drainage for groundwater management for the proposed development should be in accordance with the requirements of DCP 4.1.3, 4.1.4 and Rockdale Technical Specification – Stormwater Management.
  - b. The basement pumpwell size shall be in accordance with Clause 4.2.4 of DCP2011- Technical Specification for Stormwater Management. Implement all recommendations contained in the preliminary geotechnical investigation report prepared by Douglas Partners Pty Ltd, Report Ref: Project 84654, dated 30 January 2015.
  - c. Since the site is subject to MFL, the design of the basement carpark access ramp crest level is to be 500mm above the 1 in 100 year flow level.
  - d. In accordance with Technical specification – Stormwater Management to recheck and provide stormwater control details to the driveway area draining to basement.
  - e. The site is subject MFL restriction. The minimum floor levels applying to the site, identified by the Overland Flow Study by S & E Ivanov Consultancy, dated 6 July 2014.
67. The internal surface (that is facing the inside of the loading dock) of the available walls and ceiling of the loading dock shall be lined with 50mm thick hydrophobic Rockwool faced with minimum 11% open perforated corrugated metal, plasterboard or similar acoustically absorptive material.

#### **Prior to commencement of works**

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

68. A dilapidation survey shall be undertaken of all properties and/or Council infrastructure, including but not limited to all footpaths, kerb and gutter, stormwater inlet pits, and road carriageway pavements, in the vicinity which could be potentially affected by the construction of this development. Any damage caused to other properties during construction shall be rectified. A copy of the dilapidation survey and an insurance policy that covers the cost of any rectification works shall be submitted to the Accredited Certifier (AC) or Council prior to Commencement of Works. The insurance cover shall be a minimum of \$10 million.
69. A Soil and Water Management Plan shall be prepared. The Plan must include details of the proposed erosion and sediment controls to be installed on the building site. A copy of the Soil and Water Management Plan must be kept on-site at all times and made available on request.

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

Council's warning sign for soil and water management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign shall be erected prior to commencement of works and shall be displayed throughout construction.
70. A sign must be erected at the front boundary of the property clearly indicating the Development Approval Number, description of work, builder's name, licence number and house number before commencement of work. If owner/builder, the Owner/Builder Permit Number must be displayed.
71. A sign must be erected at the front boundary of the property clearly indicating the

38 of 53

Development Approval Number, description of work, builder's name, licence number and house number before commencement of work. If owner/builder, the Owner/Builder Permit Number must be displayed.

72. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
  - i. stating that unauthorised entry to the work site is prohibited, and
  - ii. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours. Any such sign is to be removed when the work has been completed. This condition does not apply to:
    - iii. building work carried out inside an existing building or
    - iv. building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
73. The site shall be secured by a 1800 mm (minimum) high temporary fence for the duration of the work. Gates shall be provided at the opening points.
74. Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.
75. A system of fire and smoke alarms and/or detection system (as applicable) shall be provided throughout the building. Details shall be submitted for assessment and approval prior to commencement of works.
76. Consultation with Ausgrid is essential prior to commencement of work. Failure to notify Ausgrid may involve unnecessary expense in circumstances such as:
  - i) where the point of connection and the meter board has been located in positions other than those selected by Ausgrid or
  - ii) where the erection of gates or fences has restricted access to metering equipment.
77. Where clearances to any existing overhead High Voltage mains are affected, the builder shall make arrangements with Ausgrid for any necessary modification to the electrical network in question. These works shall be at the applicant's expense. Ausgrid's requirements under Section 49 Part 1 of the Electricity Supply Act 1995 shall be met prior to commencement of works or as agreed with Ausgrid.

#### **During demolition / excavation / construction**

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

78. A copy of the Construction Certificate and the approved plans and specifications must be kept on the site at all times and be available to Council officers upon request.
79. Hours of construction shall be confined to between 7 am and 6.30 pm Mondays to Fridays, inclusive, and between 8 am and 3.30 pm Saturdays with no work being carried out on Sundays and all public holidays.
80. For Class 2, 3 and 4 structures, the building works are to be inspected during construction, by the principal certifying authority (or other suitably qualified person on behalf of the principal certifying authority) to monitor compliance with Council's approval and the relevant standards of construction encompassing the following stages:
  - i. after excavation for, and before the placement of, any footing, and

- ii. prior to covering waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within a building, and
  - iii. prior to covering any stormwater drainage connections, and
  - iv. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.
- Documentary evidence of compliance with Council's approval and relevant standards of construction is to be obtained prior to proceeding to the subsequent stages of construction and copies of the documentary evidence are to be maintained by the principal certifying authority and be made available to Council officers upon request.
81. For Class 5-9 structures, the building works are to be inspected during construction, by the principal certifying authority (or other suitably qualified person on behalf of the principal certifying authority) to monitor compliance with Council's approval and the relevant standards of construction encompassing the following stages:
- i. after excavation for and before the placement of, any footing, and
  - ii. prior to covering any stormwater drainage connections, and
  - iii. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.
- Documentary evidence of compliance with Council's approval and relevant standards of construction is to be obtained prior to proceeding to the subsequent stages of construction and copies of the documentary evidence are to be maintained by the principal certifying authority and be made available to Council officers upon request.
82. Upon inspection of each stage of construction, the Principal Certifying Authority (or other suitably qualified person on behalf of the Principal Certifying Authority) is also required to ensure that adequate provisions are made for the following measures (as applicable), to ensure compliance with the terms of Council's approval:
- Sediment control measures
  - Provision of perimeter fences or hoardings for public safety and restricted access to building sites.
  - Maintenance of the public place free from unauthorised materials, waste containers or other obstructions.
83. Demolition operations shall not be conducted on the roadway or public footway or any other locations, which could lead to the discharge of materials into the stormwater drainage system.
84. All waste generated on site shall be disposed of in accordance with the submitted Waste Management Plan.
85. A Registered Surveyor's check survey certificate or compliance certificate shall be forwarded to the certifying authority detailing compliance with Council's approval at the following stage/s of construction:
- i. After excavation work for the footings, but prior to pouring of concrete, showing the area of the land, building and boundary setbacks.
  - ii. Prior to construction of each floor level showing the area of the land, building and boundary setbacks and verifying that the building is being constructed at the approved level.
  - iii. Prior to fixing of roof cladding verifying the eave, gutter setback is not less than that approved and that the building has been constructed at the approved levels.
  - iv. On completion of the building showing the area of the land, the position of the building and boundary setbacks and verifying that the building has been constructed at the approved levels.

- v. On completion of the drainage works (comprising the drainage pipeline, pits, overland flow paths, on-site detention or retention system, and other relevant works) verifying that the drainage has been constructed to the approved levels, accompanied by a plan showing sizes and reduced levels of the elements that comprise the works.
- 86. When soil conditions require it:
  - i. retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil shall be provided, and
  - ii. adequate provision shall be made for drainage.
- 87. Any new information discovered during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination, shall be notified to Council being the Regulatory Authority for the management of contaminated land.
- 88. Provide drop edge beams where and if necessary to contain all filling within the building envelope.
- 89. All demolition work shall be carried out in accordance with AS2601 – 2001: The Demolition of Structures and with the requirements of the WorkCover Authority of NSW.
- 90. The following conditions are necessary to ensure minimal impacts during construction:
  - i. Building, demolition and construction works not to cause stormwater pollution and being carried out in accordance with Section 2.8 of Council's Stormwater Pollution Control Code 1993. Pollutants such as concrete slurry, clay and soil shall not be washed from vehicles onto roadways, footways or into the stormwater system. Drains, gutters, roadways and access ways shall be maintained free of sediment. Where required, gutters and roadways shall be swept regularly to maintain them free from sediment.
  - ii. Stormwater from roof areas shall be linked via a temporary downpipe to an approved stormwater disposal system immediately after completion of the roof area.
  - iii. All disturbed areas shall be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls.
  - iv. Building and demolition operations such as brickcutting, washing tools or paint brushes, and mixing mortar shall not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
  - v. Stockpiles are not permitted to be stored on Council property (including nature strip) unless prior approval has been granted. In addition stockpiles of topsoil, sand, aggregate, soil or other material shall be stored clear of any drainage line or easement, natural watercourse, kerb or road surface.
  - vi. Wind blown dust from stockpile and construction activities shall be minimised by one or more of the following methods:
    - a) spraying water in dry windy weather
    - b) cover stockpiles
    - c) fabric fences
  - vii. Access to the site shall be restricted to no more than two 3m driveways. Council's footpath shall be protected at all times. Within the site, provision



of a minimum of 100mm coarse crushed rock is to be provided for a minimum length of 2 metres to remove mud from the tyres of construction vehicles.

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

In addition builders / demolishers are required to erect a 1.5m high fence along the whole of the street alignment other than at the two openings. Such protection work, including fences, is to be constructed, positioned and maintained in a safe condition to the satisfaction of the Principal Certifying Authority, prior to the demolition of the existing structures and commencement of building operations.

- viii. Any noise generated during construction of the development shall not exceed limits specified in any relevant noise management policy prepared pursuant to the Protection of the Environment Operations Act, 1997 or exceed approved noise limits for the site.
- 91. Council's warning sign for soil and water management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign must be displayed throughout construction. A copy of the sign is available from Council.

#### **Prior to issue of occupation certificate or commencement of use**

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

- 92. An Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of the building.
- 93. Appropriate signage and tactile information indicating accessible facilities shall be provided at the main entrance directory, or wherever directional signage such as lifts or building directories or information is provided to those buildings where access and facilities for people with disabilities has been provided. Such signage shall have regard to the provisions of AS1428.1 and AS1428.2.
- 94. Tactile differentiation on floor surfaces indicating change of gradient shall be provided to those buildings where access and facilities for people with disabilities has been provided. This includes the external parts of the building, eg. access walkways and ramps. Such differentiation shall have regard to the provisions of AS1428.4.
- 95. Where Council's park/reserve is damaged as a result of building work or vehicular building traffic, this area shall be restored by Council at the applicant's expense. Repairs shall be completed prior to the issue of the Occupation Certificate.
- 96. All excess excavated material, demolition material, vegetative matter and builder's rubbish shall be removed to the Waste Disposal Depot or the Regional Tip prior to final inspection.  
Note: Burning on site is prohibited.

42 of 53

97. The approved recommendations from the Flood Management Report shall be implemented prior to occupation.
98. Lots 1, 4, 5, 6, 7 and 8 of DP 11344 shall be consolidated into one allotment. Council requires proof of lodgement of the plan of consolidation with the Land and Property Information Office prior to occupation.
99. All landscape works are to be carried out in accordance with the approved landscape plans prior to the issue of an Occupation Certificate for the approved development. The landscaping is to be maintained to the approved standard at all times.
100. All works within the road reserve, which are subject to approval pursuant to Section 138 of the Roads Act 1993, shall be completed and accepted by council.
101. The underground placement of all low voltage street mains in that section of the street/s adjacent to the development, and associated services and the installation of underground supplied street lighting columns, shall be carried out at the applicant's expense. The works shall be completed and Ausgrid's requirements shall be met prior to issue of the Occupation Certificate.
102. Where an electricity substation is required by Ausgrid, a final film survey plan shall be endorsed with an area having the required dimensions as agreed with Ausgrid over the location of the proposed electricity distribution substation site. The substation must be located within the boundary of the development site, or within the building, subject to compliance with the BCA. The substation site shall be dedicated to Council as public roadway, or as otherwise agreed with Ausgrid. Ausgrid's requirements shall be met prior to release of the issue of the Occupation Certificate.
103. The vehicular entry in Waines Crescent to be clearly marked and signposted ("entry" or "no entry") from the street and ("exit" or "no exit") internally.
104. The following has been correctly installed:-
  - A convex mirror (outside of bends in the car park) to provide increased sight distance for vehicles.
  - Give way signs entering vehicles and entry sign recommending driver turn on their headlights.
  - A valet parking service shall be proposed for hotel guests.
  - The single lane 2 way ramps shall be controlled by waiting bays giving priority to incoming vehicles.
  - A car park/drop off management plan to be prepared a suitably qualified and experienced Traffic engineer.
105. The provision of a minimum 1.0m wide Footway easement along Waines Crescent frontage. The right of footway is to be covered by a Section 88B Instrument, which may only be varied or extinguished with the consent of Bayside Council.  
Council requires proof of lodgement of the signed Subdivision/Strata Certificate and 88B Instrument with the Land Titles Office.
106. Suitable vehicular bollards shall be provided outside the exit doors that adjoin the vehicle circulation area or other exit door(s) that may be blocked by parked vehicles.
107. Bollard(s) shall be installed by the Developer on adaptable shared spaces.
108. Twenty-eight (28) off-street car spaces shall be provided in accordance with the submitted plan and shall be linemarked to Council's satisfaction. The pavement of all car parking spaces, manoeuvring areas and internal driveways shall comply with Australian Standard AS3727 – Guide to Residential Pavements.

109. Prior to the issue of the Final Occupation Certificate, a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water.
- It is recommended that applicants apply early for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.
- Application must be made through an authorised Water Servicing Coordinator. For help either visit [www.sydneyswater.com.au](http://www.sydneyswater.com.au) > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.
110. Prior to occupation, a registered surveyor shall certify that the driveway(s) over the footpath and within the property have been constructed in accordance with the approved driveway profile(s). The certification shall be based on a survey of the completed works. A copy of the certificate and a works-as-executed driveway profile shall be provided to Council if Council is not the Principal Certifying Authority.
111. Where the installation of electricity conduits is required in the footway, the builder shall install the conduits within the footway across the frontage/s of the development site, to Ausgrid's specifications. Ausgrid will supply the conduits at no charge. A Road Opening Permit must be obtained from Council prior to the installation of the conduits. The builder is responsible for compaction of the trench and restoration of the footway in accordance with Council direction. A Compliance Certificate from Ausgrid shall be obtained prior to the issue of the Occupation Certificate.
112. The acoustic treatment measures specified in the report titled 'DA Acoustic Assessment, 413-425 Princes Highway, Rockdale' prepared by Acoustic Logic Dated 18-04-2017 Ref 20170423.1/1804A/RO/MF, shall be validated by a Certificate of Compliance prepared by a suitably qualified acoustic consultant and submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.
113. A Landscape Architect shall provide a report to the certifying authority (with a copy provided to Council, if Council is not the principal certifying authority) stating that the landscape works have been carried out in accordance with the approved plans and documentation.
114. On completion of the installation of the mechanical ventilation systems and prior to the issue of the Occupation Certificate, a certificate of completion and performance from the design engineer shall be submitted to Council certifying that the system has been installed, inspected, commissioned, tested and performs in accordance with Australian Standards AS1668.
115. Prior to occupation, a chartered professional engineer shall certify that the tanking and waterproofing has been constructed in accordance with the approved design and specification. A copy shall be provided to Council if council is not the Principal Certifying Authority.
116. Prior to occupation a Chartered Professional Engineer shall certify that the stormwater system has been constructed in accordance with the approved plans and as required by Rockdale Technical Specification Stormwater Management. The certificate shall be in the form specified in Rockdale Technical Specification Stormwater Management and include an evaluation of the completed drainage works. A works-as-executed drainage plan shall be prepared by a registered surveyor based on a survey of the completed works. A copy of the certificate and works-as-executed plan(s) shall be supplied to the Principal Certifying Authority. A copy shall be provided to Council if Council is not the Principal Certifying Authority.
117. The underground garage shall be floodproofed to a minimum of 100mm above the

- 1% Annual Exceedance Probability gutter flow. The levels shall be certified by a registered surveyor prior to construction of the driveway or other openings.
118. The development shall comply with Rockdale Development Control Plan (DCP) 2011, and the Planning Considerations and Development Controls listed in the Gutter Flow Analysis prepared By Australian Consulting Engineers Pty Ltd, Dated 15 September 2017, Ref: 170216.GFA.1
  119. Positive covenants pursuant to the Conveyancing Act 1919 shall be created on the title of the lots that contain
    1. The stormwater detention facility to provide for the maintenance of the system; and
    2. Car Park / drop off management plan.
    3. Waste management by private contractor.
  120. The drainage system shall be constructed in accordance with the approved drainage plans and any amendments in red. All stormwater drainage plumbing work shall comply with the NSW Code of Practice: Plumbing and Drainage and Australian Standard AS3500.
- Drainage grates shall be provided at the boundary. Width of the drainage grates shall be in accordance with Rockdale Technical Specification Stormwater Management.
- A silt/litter arrestor pit as detailed in Rockdale Technical Specification Stormwater Management shall be provided prior to discharge of stormwater from the site.
121. Signs shall be displayed adjacent to all stormwater drains on the premises, clearly indicating "Clean water only - No waste".
  122. On at least one occasion in every 12 month period following the date of the first 'Fire Safety Certificate' issued for the property, the owner must provide Council with an annual 'Fire Safety Certificate' to each essential service installed in the building.
  - 123.

#### **Integrated development/external authorities**

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

#### **124. TRANSPORT SYDNEY TRAINS**

ST1. If required by Sydney Trains, prior to the commencement of works, prior to the issue of the Occupation Certificate, or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.

ST2. An acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines".

ST3. Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.

ST4. If required by Sydney Trains, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

ST5. If required by Sydney Trains, a track monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases) is to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate. The Principal Certifying Authority is not to issue a Construction Certificate until written confirmation has been received from Sydney Trains advising of the need to undertake the track monitoring plan, and if required, that it has been endorsed.

ST6. No rock anchors/bolts are to be installed into Sydney Trains property or easements.

ST7. Prior to the issuing of an Occupation Certificate the Applicant is to submit as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into Sydney Trains property or easements, unless agreed to be these authorities. The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

ST8. If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Rail Corridor Management Group to determine the need for public liability insurance cover. If insurance cover is deemed necessary this insurance be for sum as determined by Sydney Trains and shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The Applicant is to contact Sydney Trains Rail Corridor Management Group to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.

ST9. If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Rail Corridor Management Group to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.

ST10. Sydney Trains or Transport for NSW (TfNSW), and persons authorised by

those entities for the purpose of this condition, are entitled to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and these conditions of consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.

ST11. Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.

ST12. Prior to the issuing of a Construction Certificate the applicant is to submit to Sydney Trains for review and endorsement a report detailing all Machinery to be used during excavation/construction. The Principal Certifying Authority is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that this condition has been complied with.

ST13. Copies of any certificates, drawings, approvals/certification or documents endorsed by, given to or issued by Sydney Trains must be submitted to Council for its records prior to the issuing of a Construction Certificate.

ST14. Any conditions issued as part of Sydney Trains approval/certification of any documentation for compliance with the Sydney Trains conditions of consent, those approval/certification conditions will also form part of the consent conditions that the Applicant is required to comply with.

ST15. No scaffolding or hoarding is to be used facing the rail corridor unless prior written approval has been obtained from Sydney Trains. To obtain approval the proponent will be required to submit details of the scaffolding and hoarding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor. Unless agreed to by Sydney Trains in writing, scaffolding shall not be erected without isolation and protection panels.

#### 125. NSW POLICE FORCE

i) Monitored CCTV facilities shall be implemented throughout the development. Areas of focus include the basement car park (including entry and exits), main entry areas to the development and garbage/storage areas. Details to be provided prior to the issue of the Construction Certificate.

ii) A lighting maintenance policy shall be established for the development. Details to be provided prior to the issue of the Construction Certificate.

iii) Lighting shall be designed to the Australian and New Zealand Lighting Standards. Australia and New Zealand Lighting Standard 1158.1 - Pedestrian, requires lighting engineers and designers to consider crime risk and fear when

47 of 53

selecting lamps and lighting levels.

iv) Where applicable, security mirrors shall be installed within corridors and on blind corners to enable users to see around blind corners.

v) A street sign shall be prominently displayed at the front of the development to comply with Local Government Act, 1993, Section 124, Order No 8.

vi) Signage shall be erected at entry/exit points and throughout the development to assist users and warn intruders they may be prosecuted.

vii) As malicious damage (graffiti) is often an offence committed at such developments, strong consideration is to be given to the use of graffiti resistant materials, particularly on fences and all ground floor areas. Details to be provided prior to the issue of the Construction Certificate.

viii) More information is required on submission of development applications for the proposed uses regarding the placement of public amenities, other than the proposed public toilets. The location of ATMs, public telephones, garbage bins etc, can impact greatly on how the area will be occupied and the level of crime it will absorb.

ix) Intercom facilities shall be installed into entry/exit points to enable residents to communicate and identify with people prior to admitting them to the development.

x) Monitored CCTV cameras shall be installed in and around the building to maximise surveillance opportunities. Digital or video technology should be used to record images from the cameras.

126. SYDNEY AIRPORT CORPORATION LIMITED

Sydney Airport Corporation Limited (SACL) has approved the maximum height of the proposed building at 37.5 metres relative to Australian Height Datum (AHD). This height is inclusive of all vents, chimneys, aerials, TV antennae and construction cranes, etc. No permanent or temporary structure is to exceed this height without further approval from Sydney Airport Corporation Limited.

**Note:** Under Section 186 of the Airports Act 1996, it is an offence not to give information to the Airport Operator that is relevant to a proposed "controlled activity" and is punishable by a fine of up to 50 penalty units.

For further information on Height Restrictions please contact SACL on 9667 9246.

127. TRANSPORT ROADS AND MARITIME SERVICES

RMS1. The redundant driveways on the eastern boundary shall be removed and replaced with kerb and gutter to match existing. The design and construction of the kerb and gutter on Princes Highway shall be in accordance with Road and Maritime requirements. Details of these requirements should be obtained from Roads and Maritime Services, Manager Developer Works, Statewide Delivery, Parramatta (telephone 9598 7798).

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

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

RMS2. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to the Roads and Maritime for approval, prior to the commencement of any works. Details should be forwarded to:-

The Sydney Asset Management  
Roads and Maritime Services  
PO Box 973, Parramatta CBD 2124

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766.

RMS3. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.

The developer is to submit all documentation at least six (6) prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime. The report and any enquiries should be forwarded to:-

Project Engineer, External Works  
Sydney Asset Management  
Roads and Maritime Services  
PO Box 973, Parramatta CBD 2124

Telephone: 8849 2114  
Fax: 8849 2766

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

RMS4. No Stopping zones should be installed across the Princess Highway frontage of the development to maintain clear driver sight lines from Waines Crescent (north leg) to road users on the Princes Highway.

RMS5. A Road Occupancy License (ROL) should be obtained from the Transport Management Centre for any works that may impact on traffic flows on Princes Highway during construction activities.

49 of 53



RMS6. All demolition and construction vehicles are to be contained wholly within the site or on Waines Crescent. A construction zone will not be permitted on the Princes Highway.

RMS7. All works and regulatory signposting associated with the subject development shall be at no cost to Roads and Maritime.

128. WATER NSW

W1. A Water Supply Work Approval from WaterNSW must be obtained prior to commencing dewatering activity on the proposed site. Please complete an Application for approval for water supply works, and/or water use.

W2. An application for a Water Supply Works Approval will only be accepted upon receipt of supporting documentation, and payment of the applicable fee (see Application fees for New or amended Works and/or Use Approvals). The information required for the processing of the water supply work application may include preparation of a dewatering management plan. The checklist is to be attached to the consent.

W3. If approved, the Approval will be issued for a period of up to 24 months to cover dewatering requirements during the construction phase. It will include conditions to ensure that impacts are acceptable and that adequate monitoring and reporting procedures are carried out. The Approval will be issued subject to the proponent meeting requirements of other agencies and consent authorities. For example, an authorisation by either Sydney Water or the Local Council, depending where the water will be discharged. If contaminants are likely, or are found to be present in ground water, and are being discharged to stormwater, including high salinities, a discharge licence under the Protection of the Environment Operations Act 1997 (NSW) may also be required.

W4. WaterNSW prefer "tanking" (i.e. total water proofing below the seasonal high water table) of basement excavations, and voids the ongoing extraction of groundwater after the initial construction phase. It is also advised to adopt measures to facilitate movement of groundwater post construction (e.g. a drainage blanket behind the water-proof membrane).

W5. If the basement is not "tanked", the proponent will require a Water Access Licence (WAL) and need to acquire groundwater entitlements equivalent to the yearly ongoing take of groundwater. Please note: Acquiring groundwater entitlements could be difficult and may cause delay in project completion. If a WAL is required, the applicant is to complete an "Application for a new water licence with a zero share component."

#### **Roads Act**

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

50 of 53

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

**Note:**

- a. Detailed plans of the upgrade works within Waines Crescent including regulatory signs are required to be submitted to Council for assessment and approval pursuant to Section 138 of the Roads Act 1993, prior to the issue of the Construction Certificate.
  - b. Traffic Committee approval Line marking and regulatory signage shall be in accordance with RMS requirements and guidelines and shall be approved Bayside Traffic Committee.
130. All footpath, or road and drainage modification and/or improvement works to be undertaken in the road reserve shall be undertaken by Council, or by a Private Licensed Contractor subject to the submission and approval of a Private Contractor Permit, together with payment of all inspection fees. An estimate of the cost to have these works constructed by Council may be obtained by contacting Council. The cost of conducting these works will be deducted from the Footpath Reserve Restoration Deposit, or if this is insufficient the balance of the cost will be due for payment to Council upon completion of the work.
131. This Roads Act approval does not eradicate the need for the Contractor to obtain a Road Opening Permit prior to undertaking excavation in the road or footpath.
132. Following completion of concrete works in the footpath reserve area, the balance of the area between the fence and the kerb over the full frontage of the proposed development shall be turfed with either buffalo or couch (not kikuyu).

**Development consent advice**

- a. Some forms of signage require separate development consent. Please refer to relevant planning policies for more information.
- b. You are advised to consult with your utility providers (i.e. Energy Aust, Telstra etc) in order to fully understand their requirements before commencement of any work.
- c. *Dial Before You Dig*

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets, please contact Dial before You Dig at [www.1100.com.au](http://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

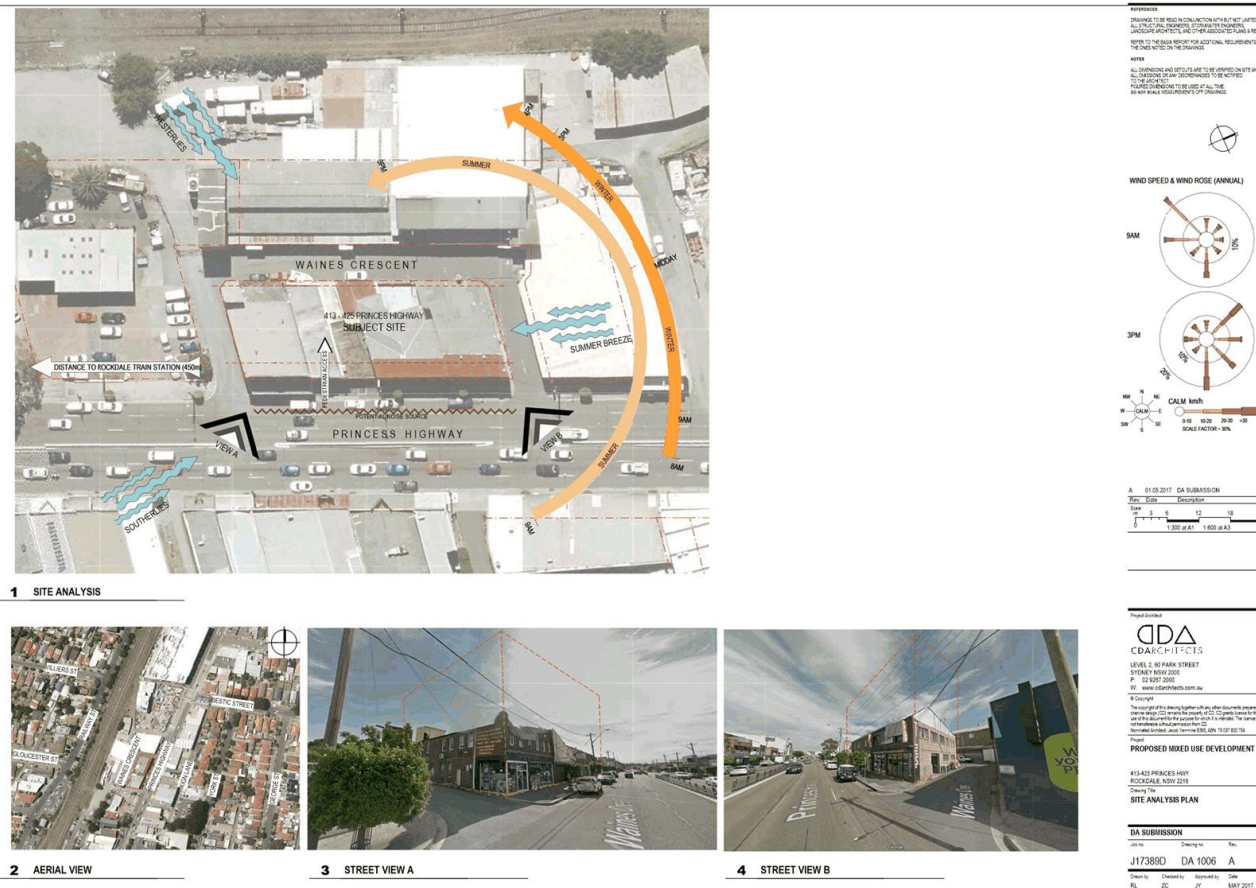
51 of 53

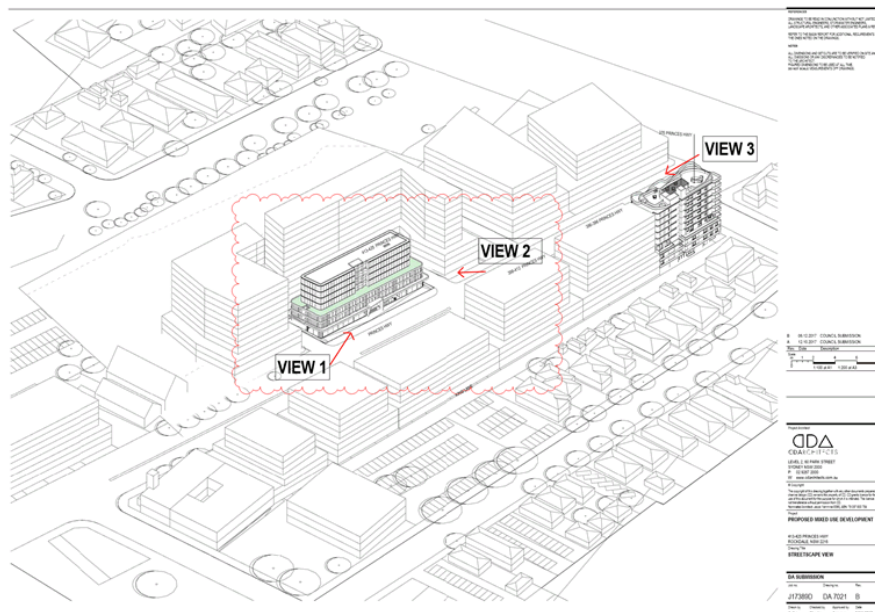
- nominal location of plant or assets on the relevant property via contacting the Dial before You Dig service in advance of any construction or planning activities.
- d. All asbestos fibre demolition material and asbestos dust shall be handled, stored and removed in accordance with the relevant legislation and guidelines including:
- Work Health and Safety Act 2011
  - Work Health and Safety Regulation 2011
  - Code of Practice for the Safe Removal of Asbestos [NOHSC: 2002 (2005)]
  - Code of Practice for the Management and Control of Asbestos in Workplaces [NOHSC: 2018 (2005)]
  - Protection of the Environment Operations (Waste) Regulation 2005
- All work procedures shall be devised to minimise the release of dust and fibres. A checklist of safety precautions when working with asbestos is available in Health & Safety Guidelines prepared by the WorkCover Authority of NSW. Collection, storage and transportation is subject to the Protection of the Environment Operations (Waste) Regulation 2005.
- e. Hazardous and/or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of the relevant statutory authorities (NSW WorkCover Authority and the NSW Environment Protection Authority), together with the relevant regulations, including:
- Work Health and Safety Act 2011
  - Work Health and Safety Regulation 2011
  - Protection of the Environment Operations (Waste) Regulation 2005.
- f. Demolition and construction shall minimise the emission of excessive noise and prevent "offensive noise" as defined in the Protection of the Environment Operations Act 1997. Noise reduction measures shall include, but are not limited to the following strategies:
- choosing quiet equipment
  - choosing alternatives to noisy activities
  - relocating noise sources away from affected neighbours
  - educating staff and contractors about quiet work practices
  - informing neighbours of potentially noise activities in advance
  - equipment, such as de-watering pumps, that are needed to operate on any evening or night between the hours of 8 p.m. and 7 a.m. or on any Sunday or Public Holiday, shall not cause a noise nuisance to neighbours of adjoining or nearby residences. Where the emitted noise exceeds 5 dB(A) [LAeq(15m)] above the background sound level [LA90] at the most affected point on the nearest residential boundary at any time previously stated, the equipment shall be acoustically insulated, isolated or otherwise enclosed so as to achieve the sound level objective.
- g. All site works shall comply with the occupational health and safety requirements of the NSW WorkCover Authority.
- h. In the event of any inconsistency between conditions of this approval and the drawings/documents referred to in condition 2, the conditions of this approval prevail.
- i. TRANSPORT ROAD AND MARITIME SERVICES ADVISORY NOTES:

RMS1. The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS 2890.6-2009 and AS 2890.2-2002 for heavy vehicle usage.

RMS2. The proposed development should be designed such that road traffic noise from the Princes Highway is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102(3) of the the State Environmental Planning Policy (Infrastructure) 2007.

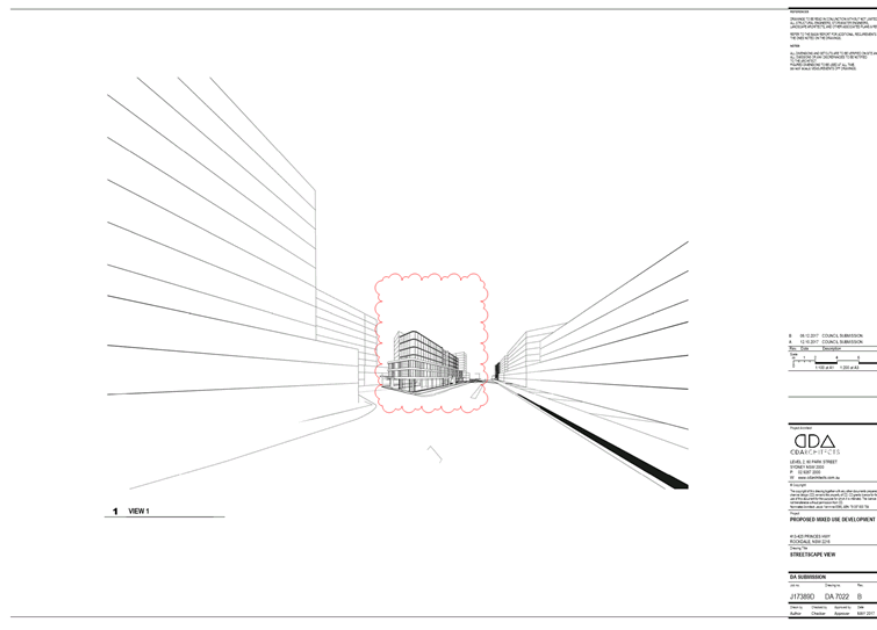
Should you require further clarification regarding the Road and Maritime requirements, please contact the RMS on 8849 2008 or e:-  
development.sydney@rms.nsw.gov.au

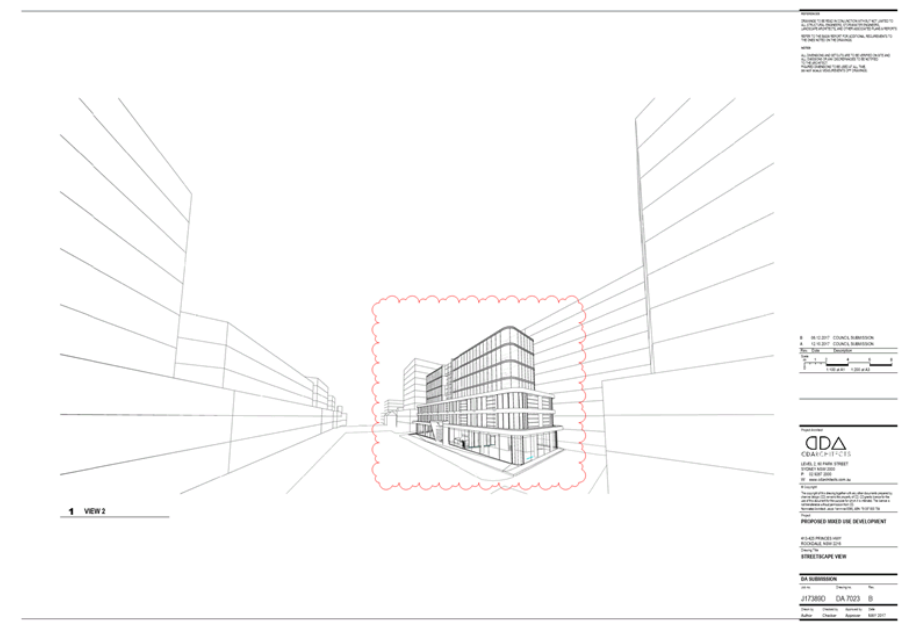




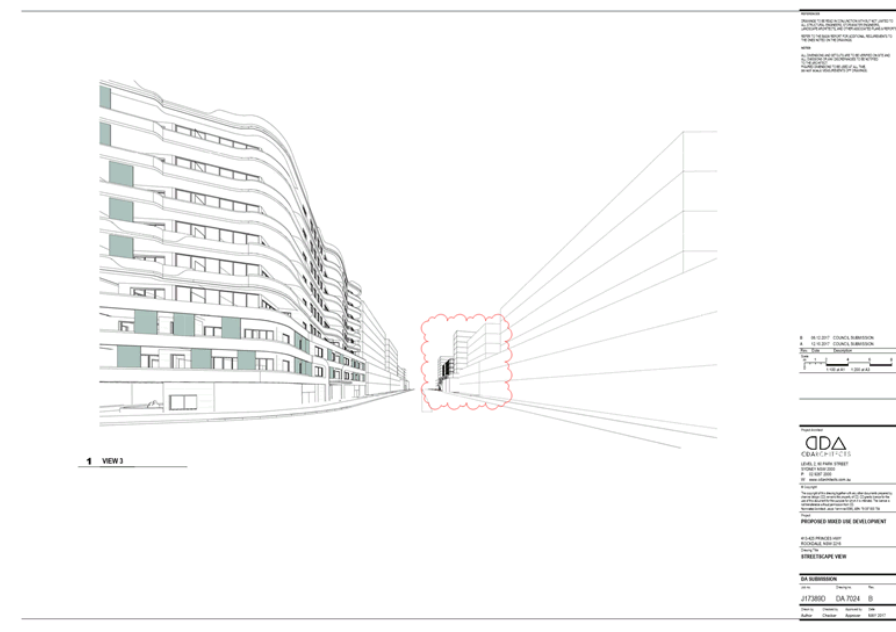
Bayside Planning Panel

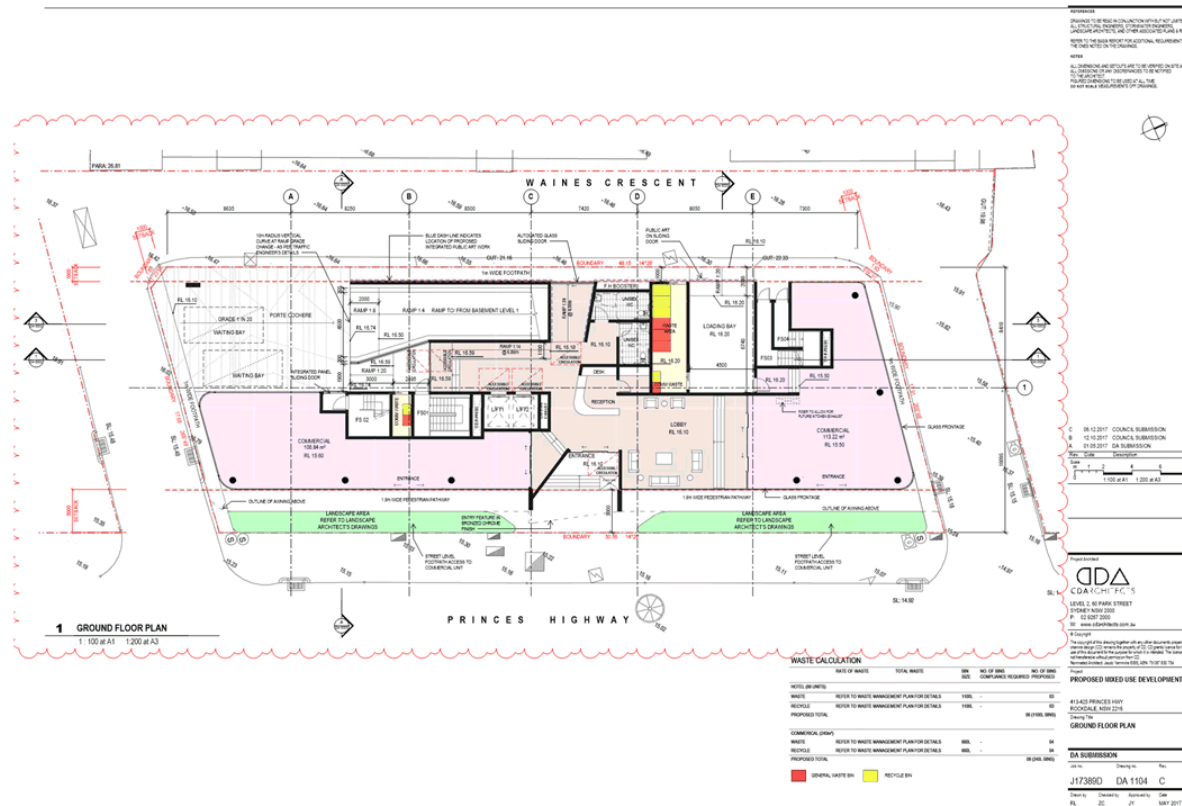
10/07/2018





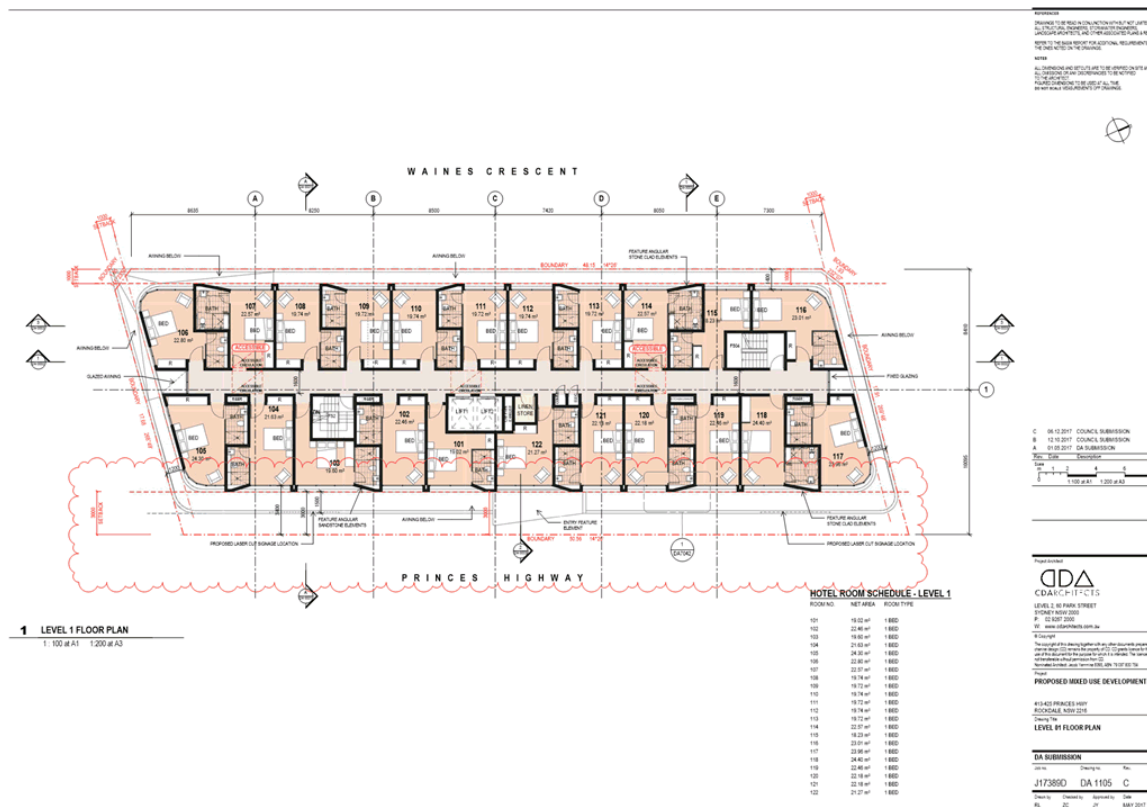






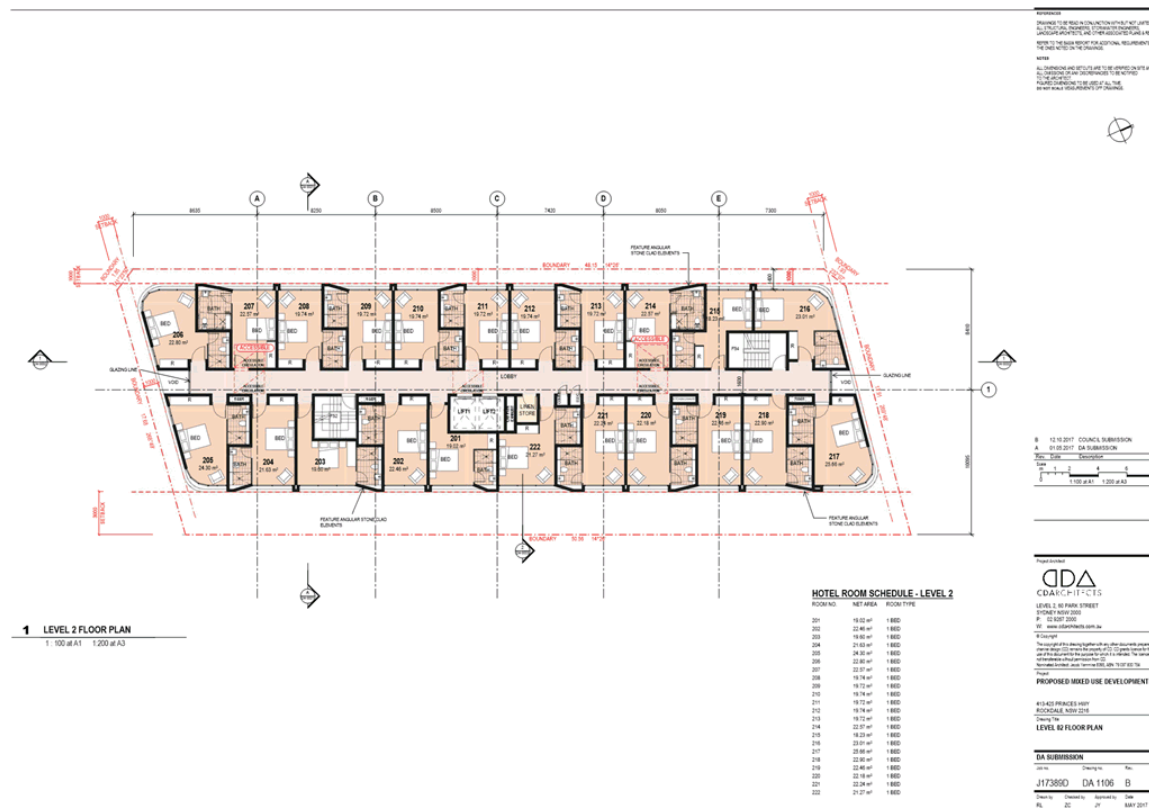
## Bayside Planning Panel

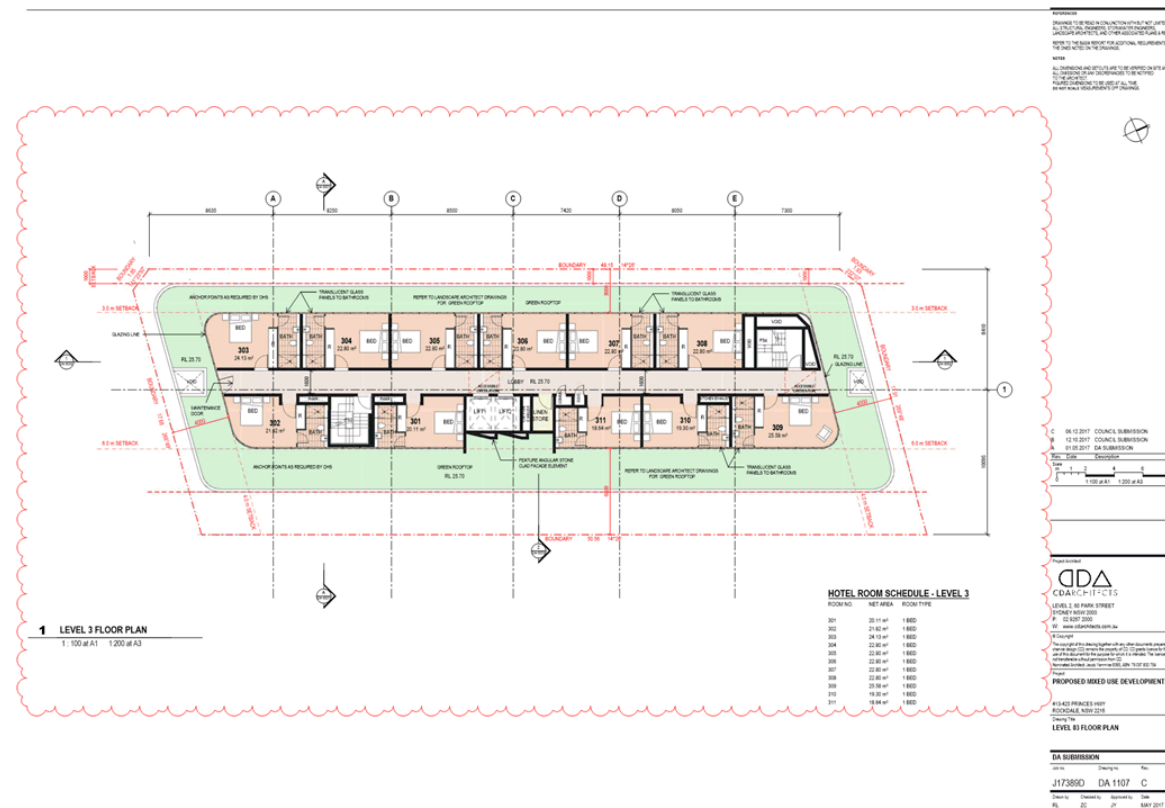
10/07/2018



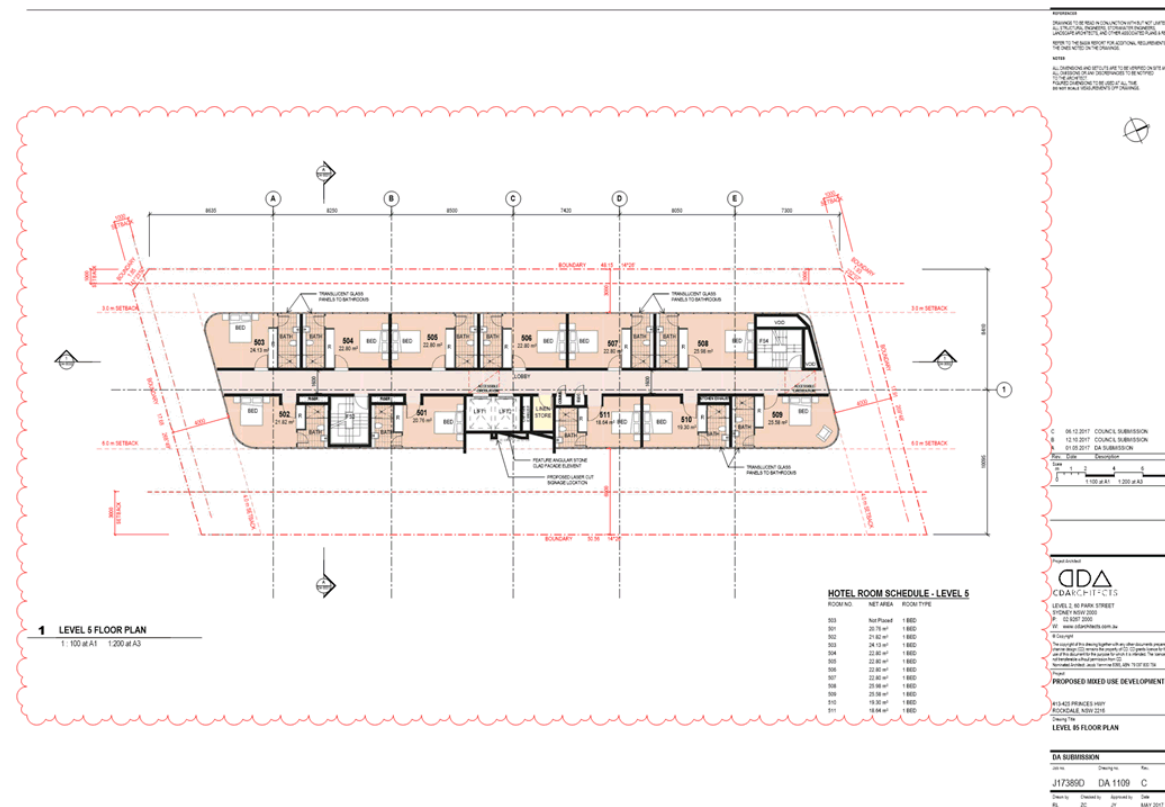
Item 6.3 – Attachment 4

174

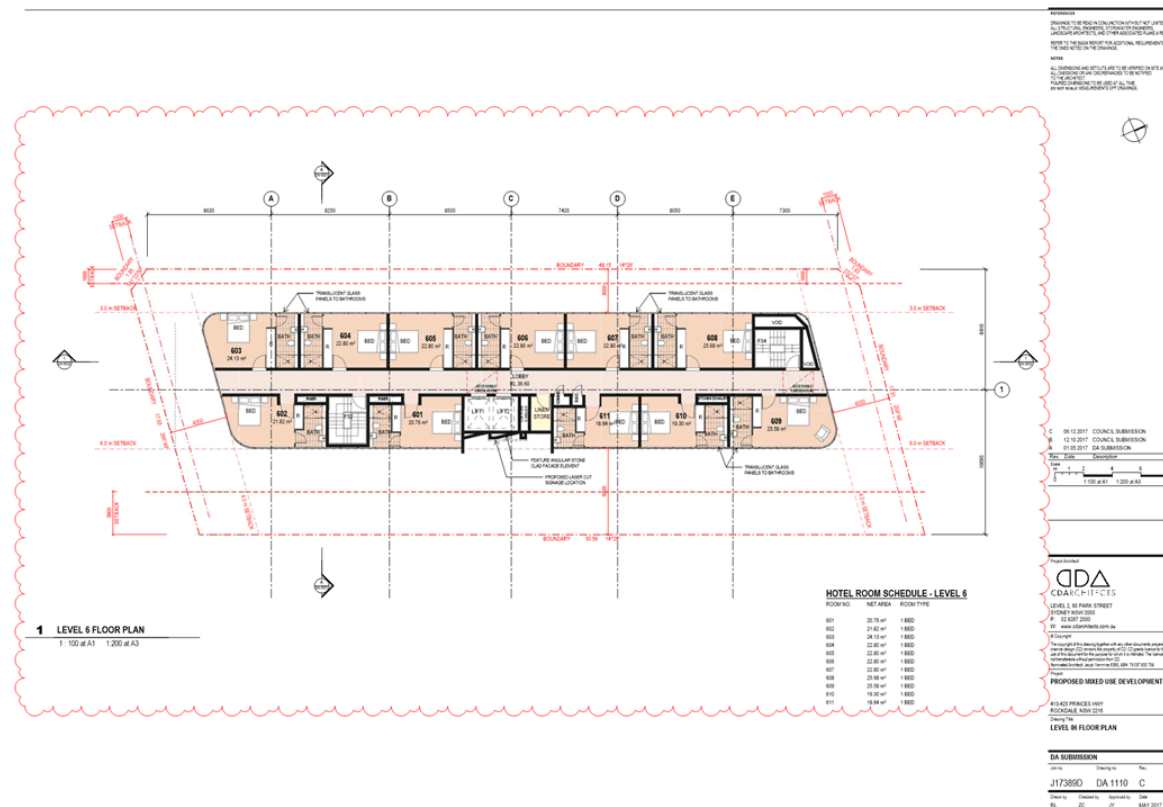




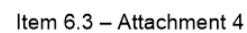


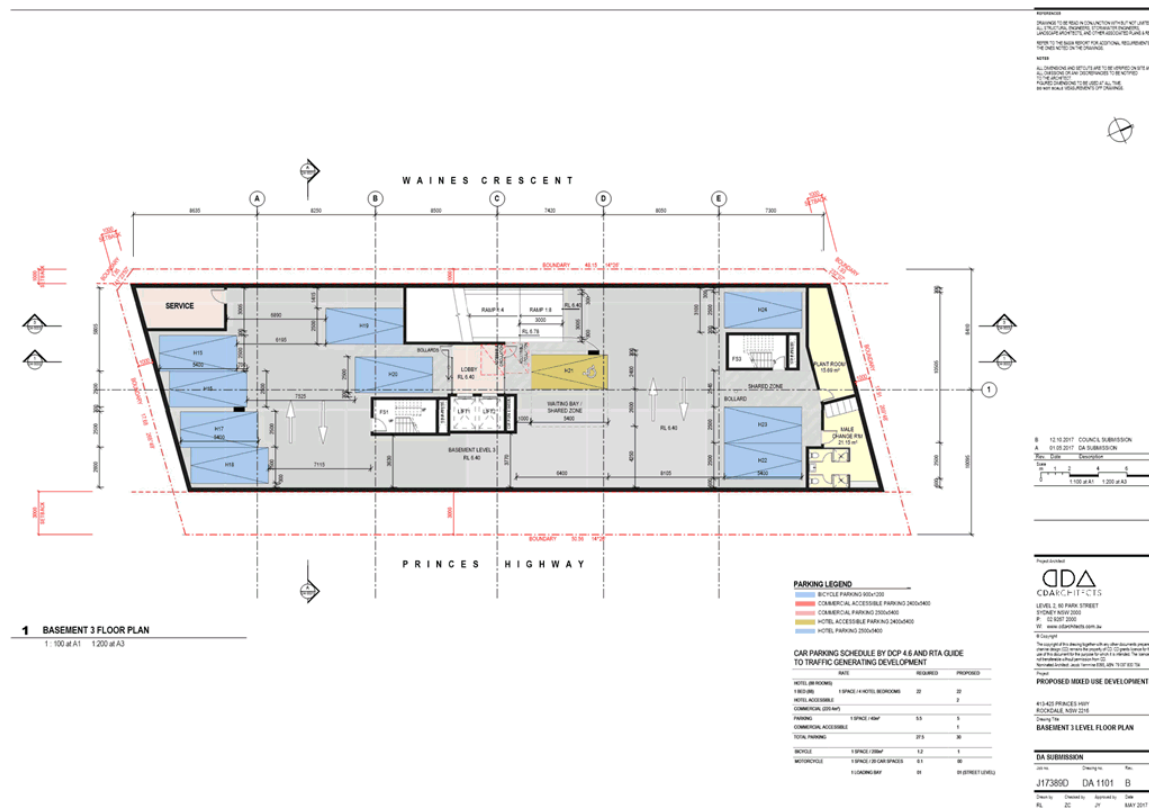


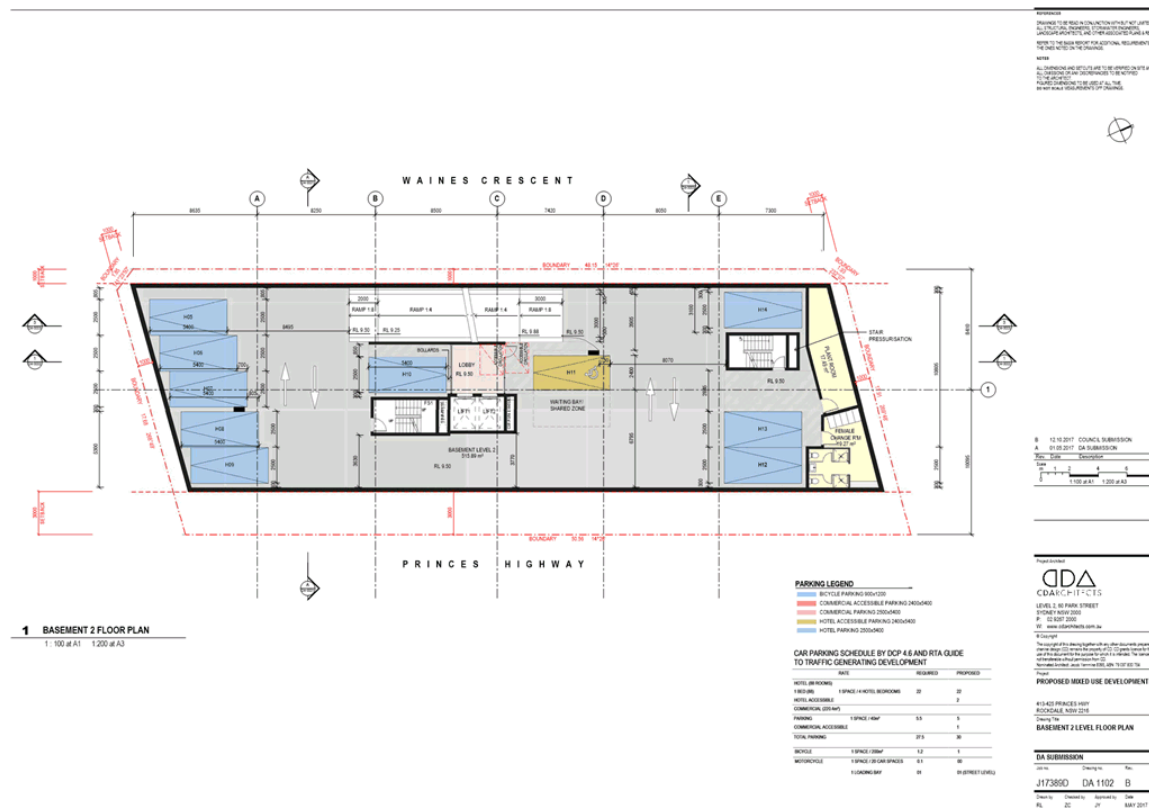
Item 6.3 – Attachment 4

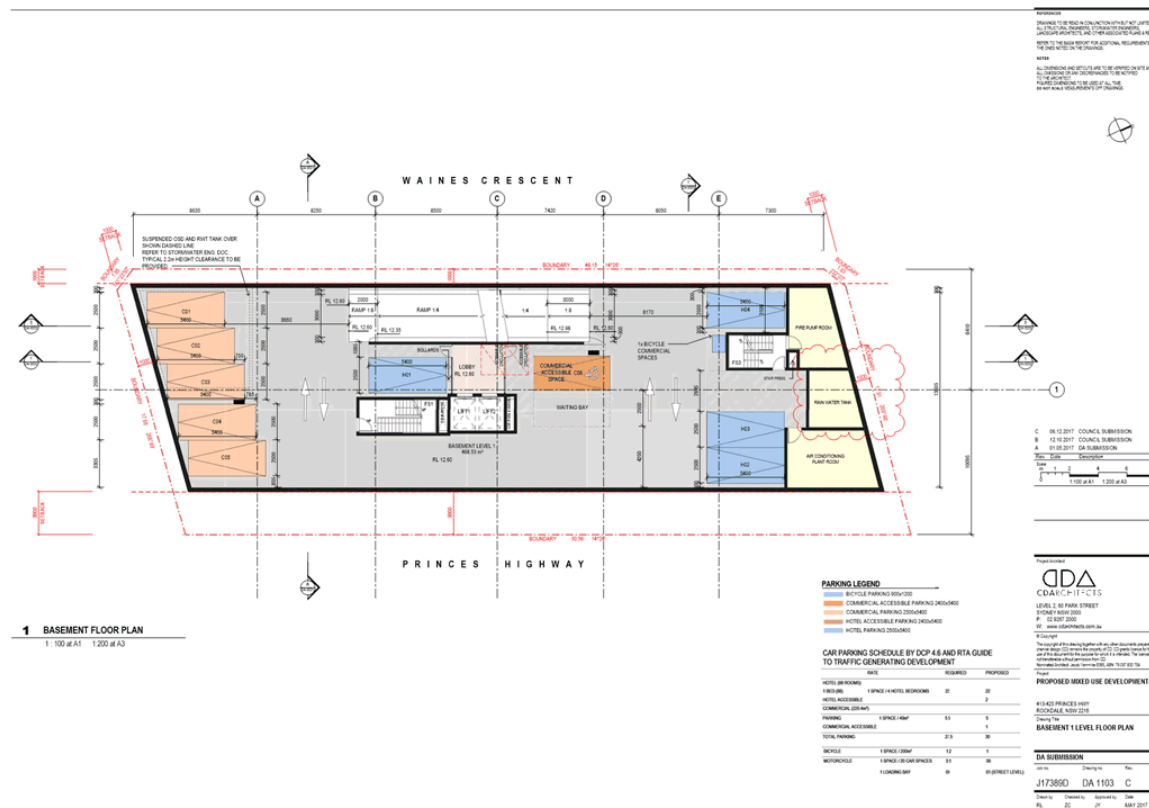






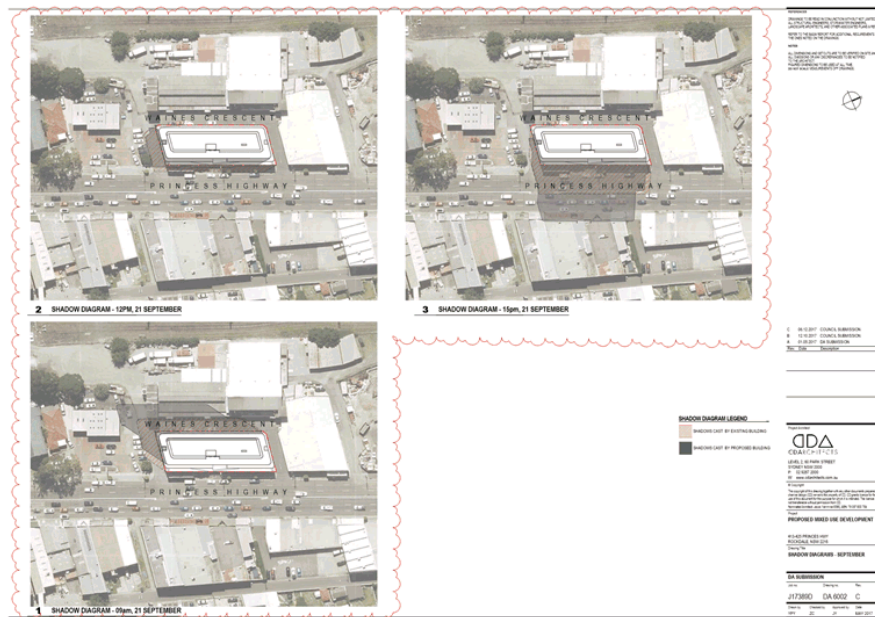


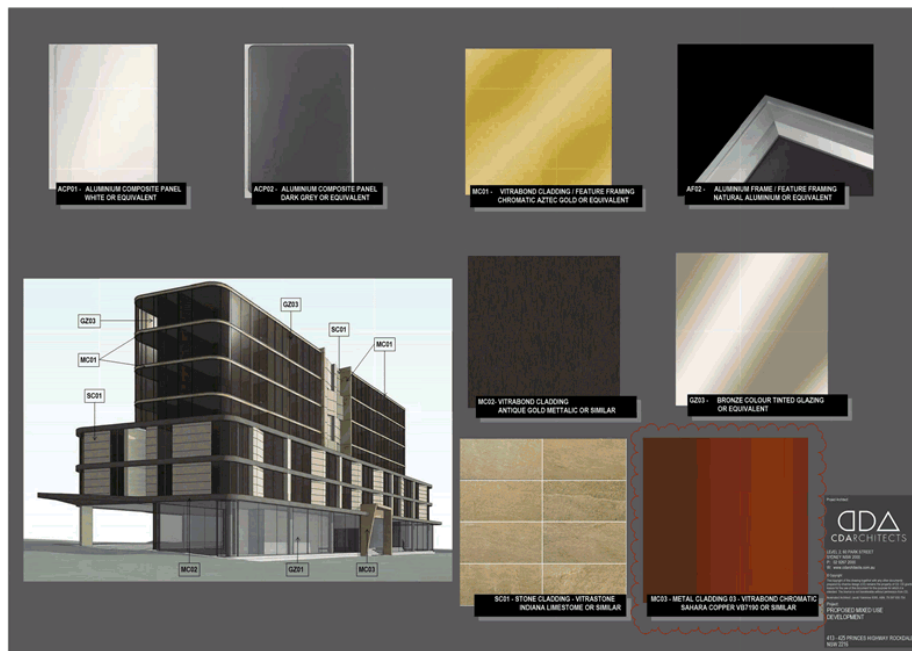




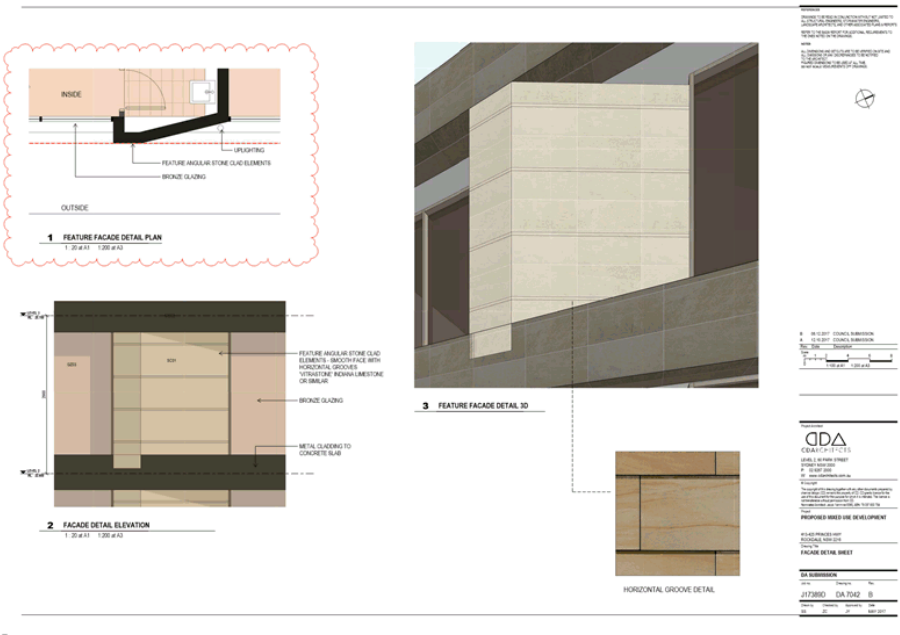


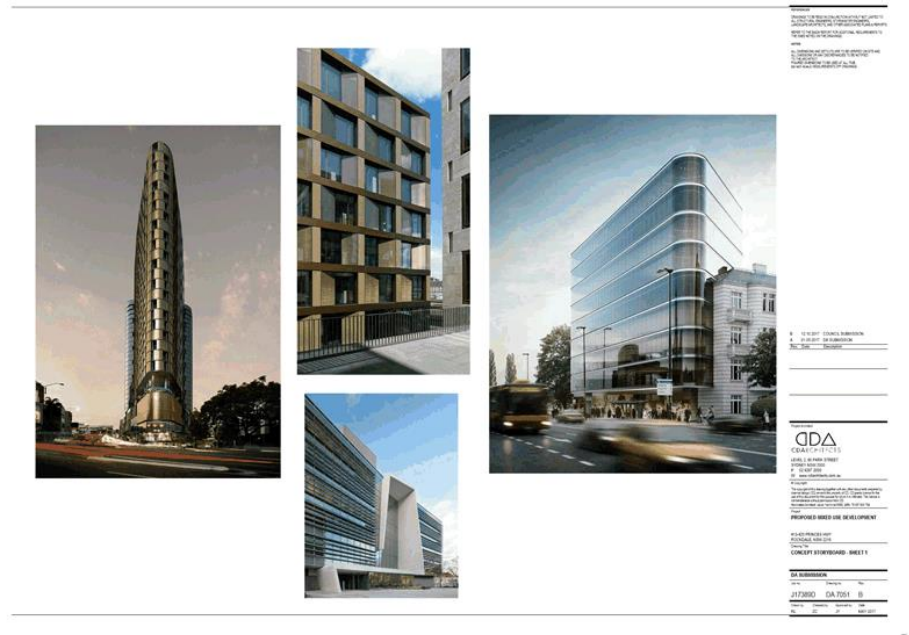






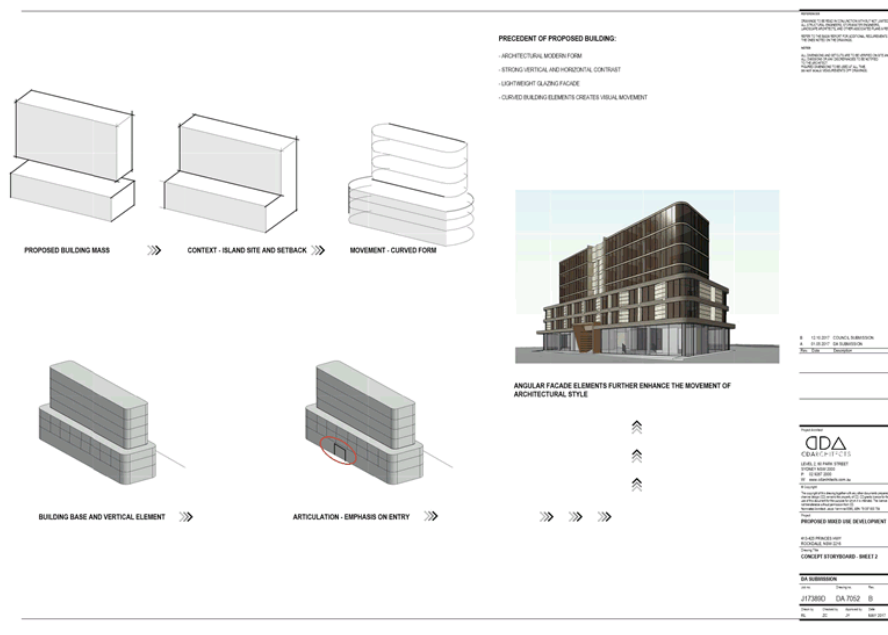




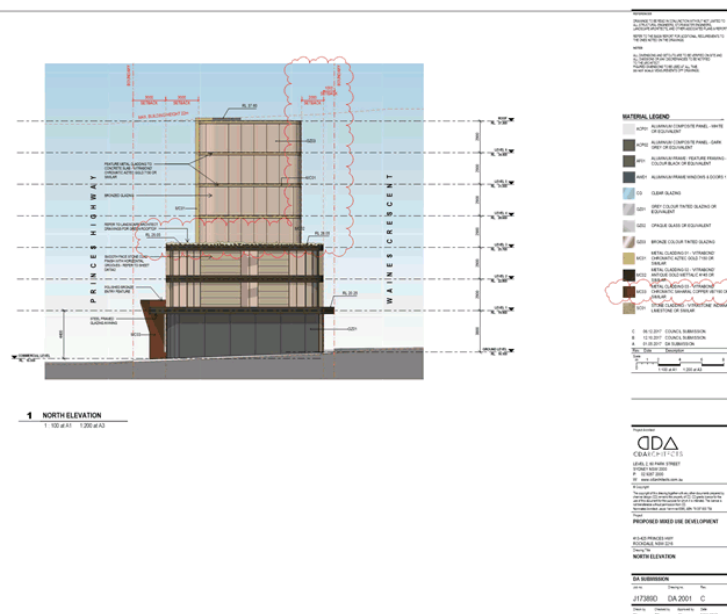


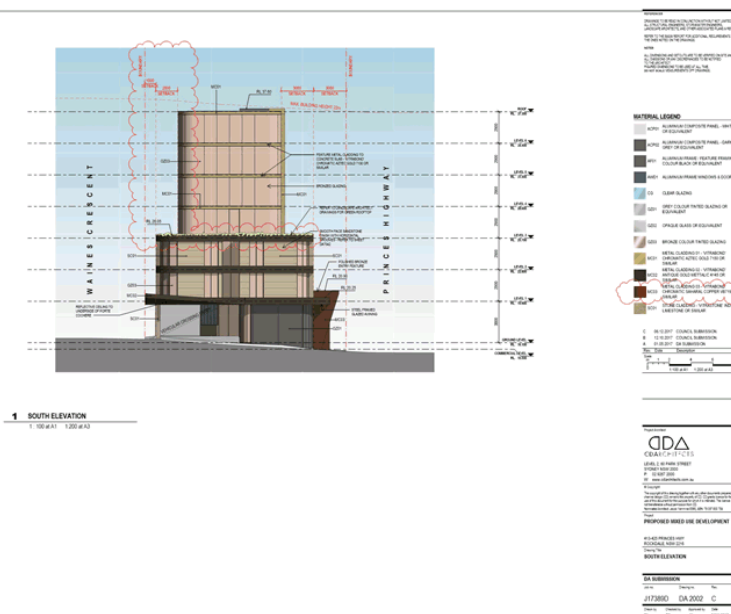
## Bayside Planning Panel

10/07/2018

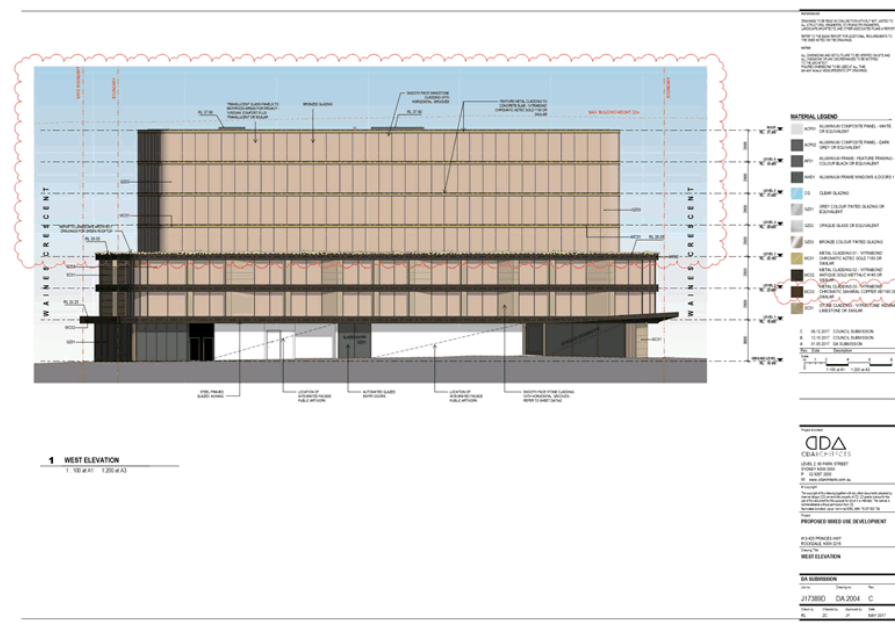




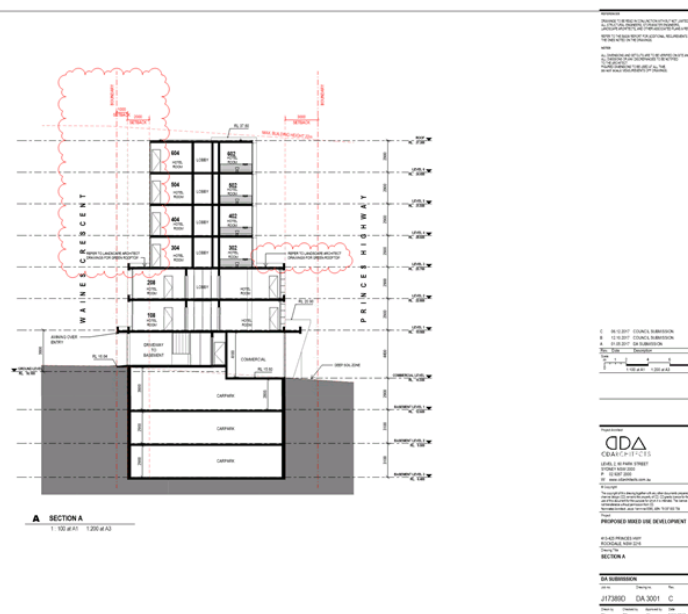


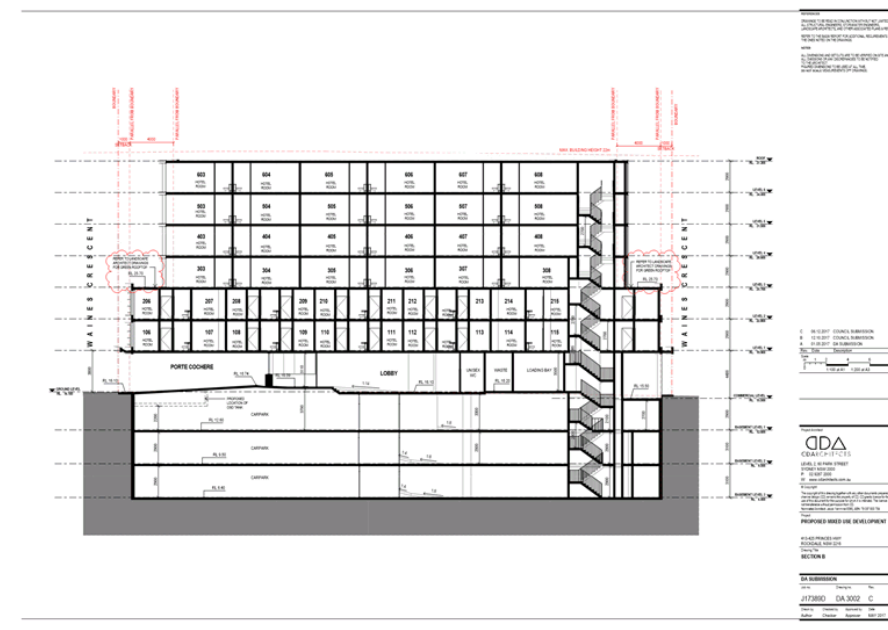


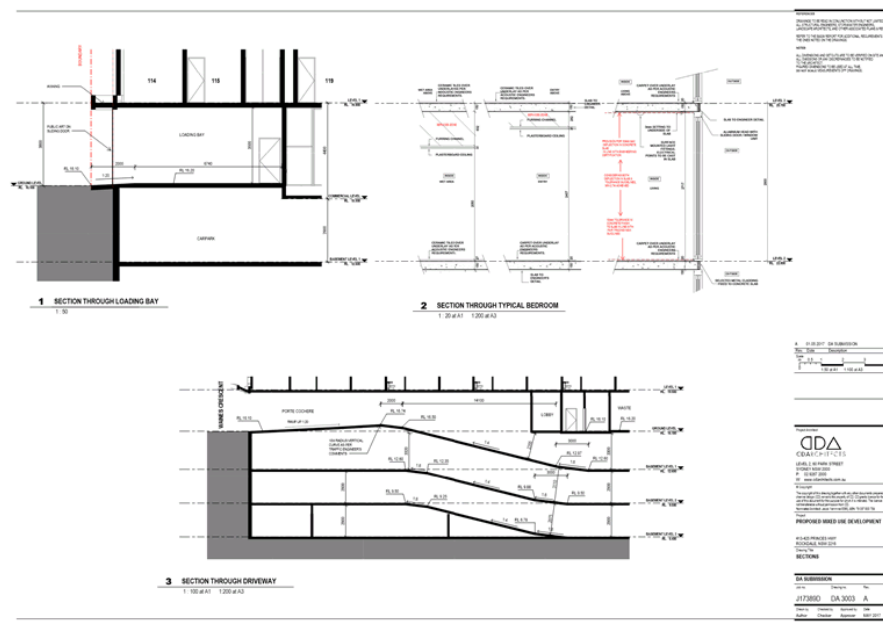


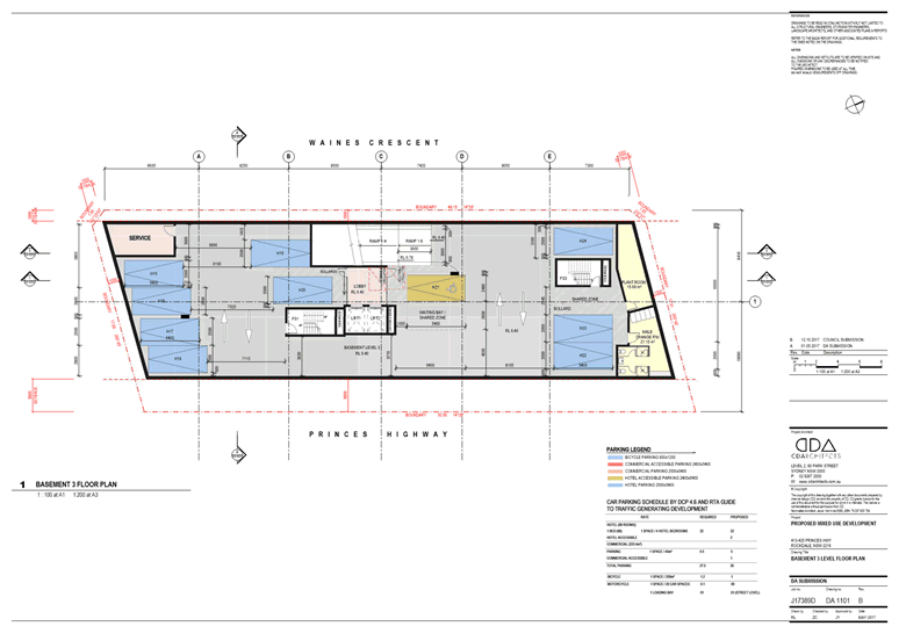


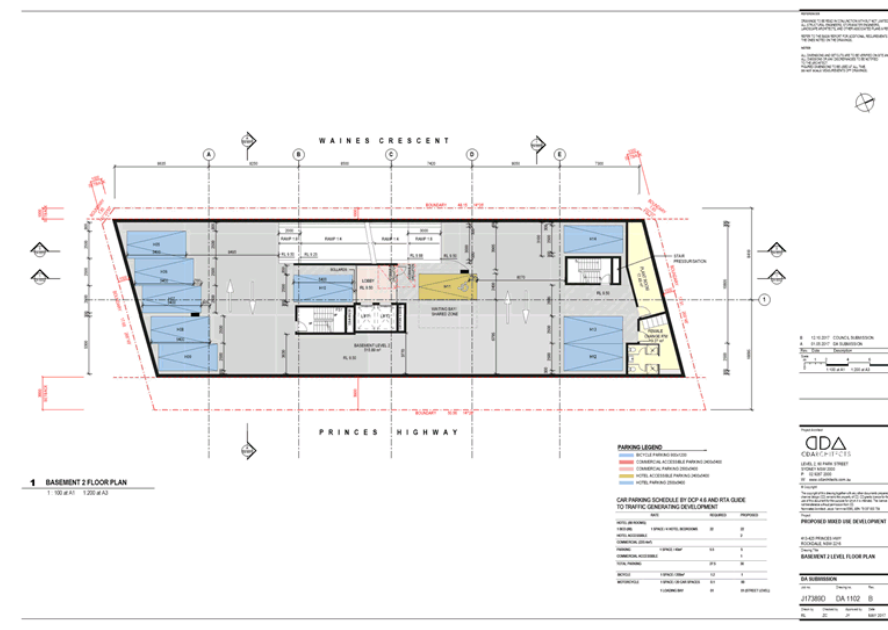


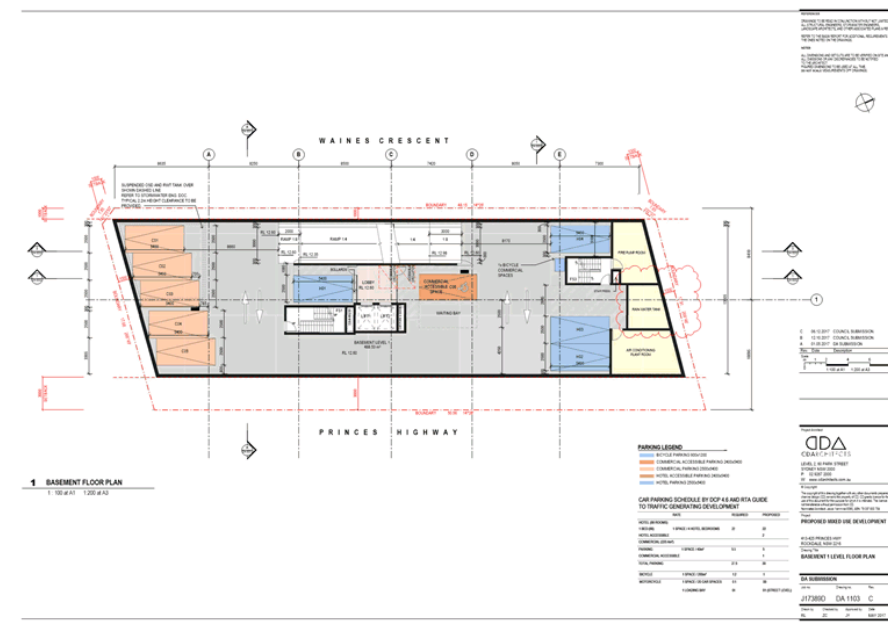












Bayside Planning Panel

10/07/2018



Project Name: Bayside Local Planning Panel  
 Project Number: 10/07/2018  
 Project Location: Bayside Local Planning Panel  
 Project Status: 10/07/2018

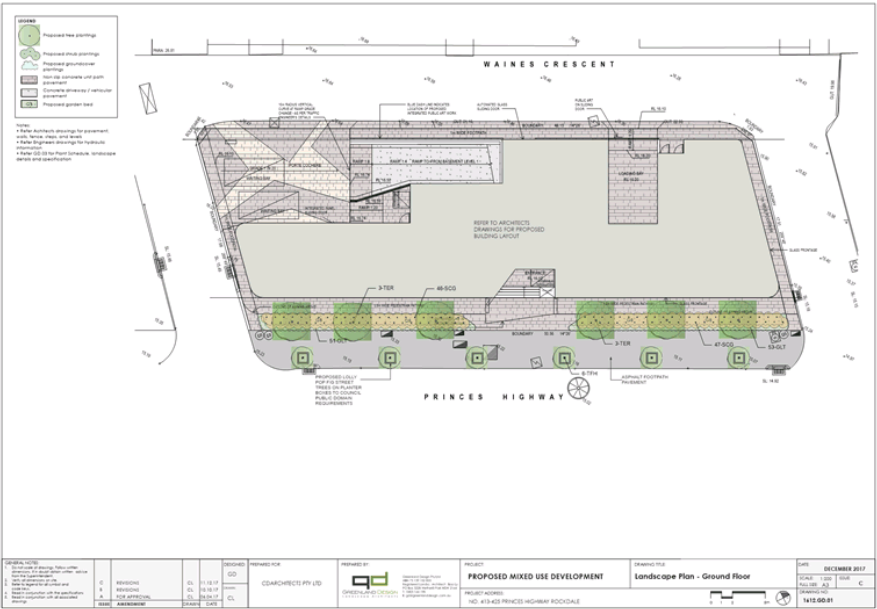
Project Name: Bayside Local Planning Panel  
 Project Number: 10/07/2018  
 Project Location: Bayside Local Planning Panel  
 Project Status: 10/07/2018

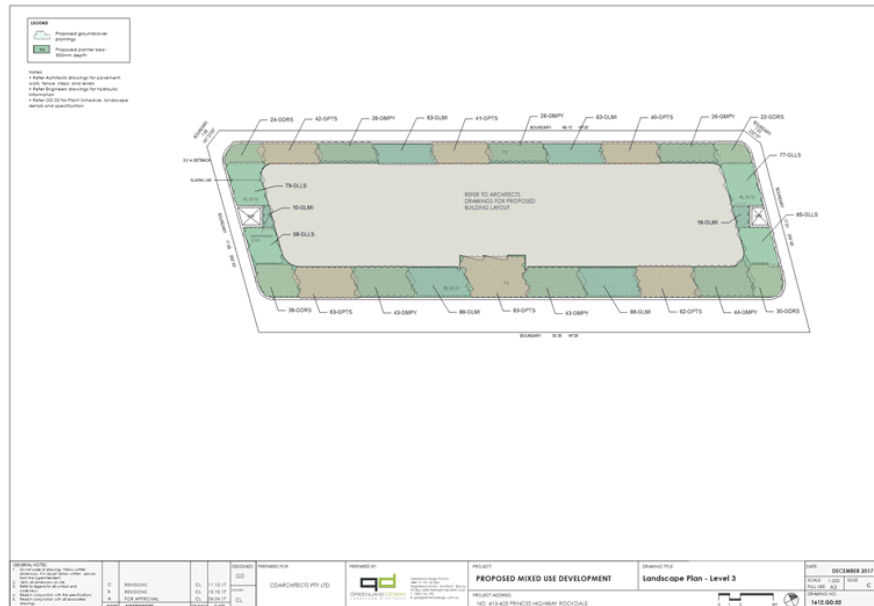
Project Name: Bayside Local Planning Panel  
 Project Number: 10/07/2018  
 Project Location: Bayside Local Planning Panel  
 Project Status: 10/07/2018

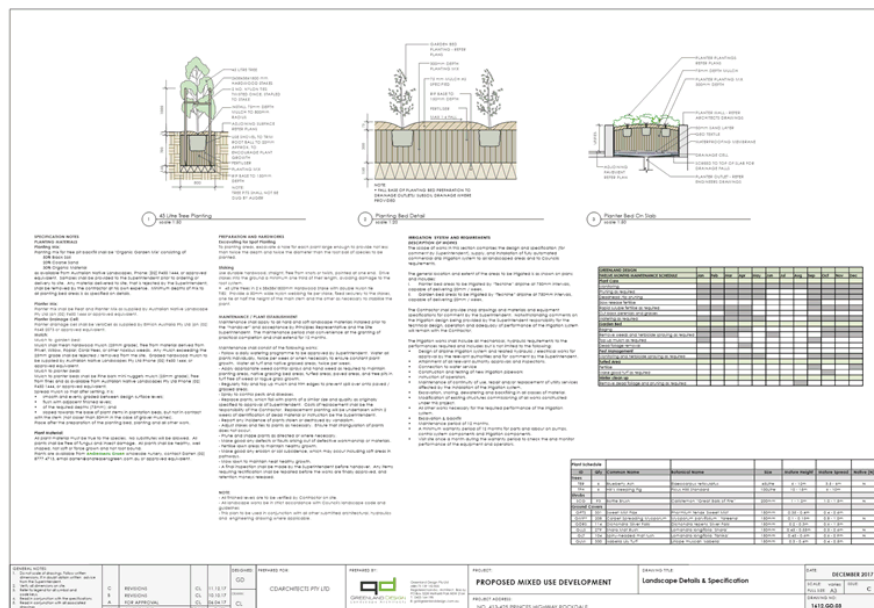


<b>PROPOSAL</b>	
1. PROJECT NAME	WAINES CR. PRINCES HWY. DEVELOPMENT
2. PROJECT LOCATION	WAINES CR. PRINCES HWY. DEVELOPMENT
3. PROJECT DESCRIPTION	WAINES CR. PRINCES HWY. DEVELOPMENT
4. PROJECT OWNER	WAINES CR. PRINCES HWY. DEVELOPMENT
5. PROJECT CONTACT	WAINES CR. PRINCES HWY. DEVELOPMENT
6. PROJECT STATUS	WAINES CR. PRINCES HWY. DEVELOPMENT
7. PROJECT DATE	WAINES CR. PRINCES HWY. DEVELOPMENT
8. PROJECT TYPE	WAINES CR. PRINCES HWY. DEVELOPMENT
9. PROJECT AREA	WAINES CR. PRINCES HWY. DEVELOPMENT
10. PROJECT SIZE	WAINES CR. PRINCES HWY. DEVELOPMENT
11. PROJECT COST	WAINES CR. PRINCES HWY. DEVELOPMENT
12. PROJECT RISK	WAINES CR. PRINCES HWY. DEVELOPMENT
13. PROJECT BENEFIT	WAINES CR. PRINCES HWY. DEVELOPMENT
14. PROJECT IMPACT	WAINES CR. PRINCES HWY. DEVELOPMENT
15. PROJECT SUSTAINABILITY	WAINES CR. PRINCES HWY. DEVELOPMENT
16. PROJECT COMMUNITY	WAINES CR. PRINCES HWY. DEVELOPMENT
17. PROJECT ECONOMIC	WAINES CR. PRINCES HWY. DEVELOPMENT
18. PROJECT SOCIAL	WAINES CR. PRINCES HWY. DEVELOPMENT
19. PROJECT ENVIRONMENTAL	WAINES CR. PRINCES HWY. DEVELOPMENT
20. PROJECT CULTURAL	WAINES CR. PRINCES HWY. DEVELOPMENT
21. PROJECT HISTORICAL	WAINES CR. PRINCES HWY. DEVELOPMENT
22. PROJECT ARCHITECTURAL	WAINES CR. PRINCES HWY. DEVELOPMENT
23. PROJECT ENGINEERING	WAINES CR. PRINCES HWY. DEVELOPMENT
24. PROJECT LANDSCAPE	WAINES CR. PRINCES HWY. DEVELOPMENT
25. PROJECT INTERIOR	WAINES CR. PRINCES HWY. DEVELOPMENT
26. PROJECT EXTERIOR	WAINES CR. PRINCES HWY. DEVELOPMENT
27. PROJECT FURNITURE	WAINES CR. PRINCES HWY. DEVELOPMENT
28. PROJECT LIGHTING	WAINES CR. PRINCES HWY. DEVELOPMENT
29. PROJECT SOUND	WAINES CR. PRINCES HWY. DEVELOPMENT
30. PROJECT VIBRATION	WAINES CR. PRINCES HWY. DEVELOPMENT
31. PROJECT AIR QUALITY	WAINES CR. PRINCES HWY. DEVELOPMENT
32. PROJECT WATER QUALITY	WAINES CR. PRINCES HWY. DEVELOPMENT
33. PROJECT SOIL QUALITY	WAINES CR. PRINCES HWY. DEVELOPMENT
34. PROJECT CLIMATE	WAINES CR. PRINCES HWY. DEVELOPMENT
35. PROJECT BIODIVERSITY	WAINES CR. PRINCES HWY. DEVELOPMENT
36. PROJECT CULTURAL HERITAGE	WAINES CR. PRINCES HWY. DEVELOPMENT
37. PROJECT SOCIAL EQUITY	WAINES CR. PRINCES HWY. DEVELOPMENT
38. PROJECT ECONOMIC EQUITY	WAINES CR. PRINCES HWY. DEVELOPMENT
39. PROJECT ENVIRONMENTAL EQUITY	WAINES CR. PRINCES HWY. DEVELOPMENT
40. PROJECT CULTURAL EQUITY	WAINES CR. PRINCES HWY. DEVELOPMENT
41. PROJECT HISTORICAL EQUITY	WAINES CR. PRINCES HWY. DEVELOPMENT
42. PROJECT ARCHITECTURAL EQUITY	WAINES CR. PRINCES HWY. DEVELOPMENT
43. PROJECT ENGINEERING EQUITY	WAINES CR. PRINCES HWY. DEVELOPMENT
44. PROJECT LANDSCAPE EQUITY	WAINES CR. PRINCES HWY. DEVELOPMENT
45. PROJECT INTERIOR EQUITY	WAINES CR. PRINCES HWY. DEVELOPMENT
46. PROJECT EXTERIOR EQUITY	WAINES CR. PRINCES HWY. DEVELOPMENT
47. PROJECT FURNITURE EQUITY	WAINES CR. PRINCES HWY. DEVELOPMENT
48. PROJECT LIGHTING EQUITY	WAINES CR. PRINCES HWY. DEVELOPMENT
49. PROJECT SOUND EQUITY	WAINES CR. PRINCES HWY. DEVELOPMENT
50. PROJECT VIBRATION EQUITY	WAINES CR. PRINCES HWY. DEVELOPMENT
51. PROJECT AIR QUALITY EQUITY	WAINES CR. PRINCES HWY. DEVELOPMENT
52. PROJECT WATER QUALITY EQUITY	WAINES CR. PRINCES HWY. DEVELOPMENT
53. PROJECT SOIL QUALITY EQUITY	WAINES CR. PRINCES HWY. DEVELOPMENT
54. PROJECT CLIMATE EQUITY	WAINES CR. PRINCES HWY. DEVELOPMENT
55. PROJECT BIODIVERSITY EQUITY	WAINES CR. PRINCES HWY. DEVELOPMENT
56. PROJECT CULTURAL HERITAGE EQUITY	WAINES CR. PRINCES HWY. DEVELOPMENT
57. PROJECT SOCIAL EQUITY EQUITY	WAINES CR. PRINCES HWY. DEVELOPMENT
58. PROJECT ECONOMIC EQUITY EQUITY	WAINES CR. PRINCES HWY. DEVELOPMENT
59. PROJECT ENVIRONMENTAL EQUITY EQUITY	WAINES CR. PRINCES HWY. DEVELOPMENT
60. PROJECT CULTURAL EQUITY EQUITY	WAINES CR. PRINCES HWY. DEVELOPMENT
61. PROJECT HISTORICAL EQUITY EQUITY	WAINES CR. PRINCES HWY. DEVELOPMENT
62. PROJECT ARCHITECTURAL EQUITY EQUITY	WAINES CR. PRINCES HWY. DEVELOPMENT
63. PROJECT ENGINEERING EQUITY EQUITY	WAINES CR. PRINCES HWY. DEVELOPMENT
64. PROJECT LANDSCAPE EQUITY EQUITY	WAINES CR. PRINCES HWY. DEVELOPMENT
65. PROJECT INTERIOR EQUITY EQUITY	WAINES CR. PRINCES HWY. DEVELOPMENT
66. PROJECT EXTERIOR EQUITY EQUITY	WAINES CR. PRINCES HWY. DEVELOPMENT
67. PROJECT FURNITURE EQUITY EQUITY	WAINES CR. PRINCES HWY. DEVELOPMENT
68. PROJECT LIGHTING EQUITY EQUITY	WAINES CR. PRINCES HWY. DEVELOPMENT
69. PROJECT SOUND EQUITY EQUITY	WAINES CR. PRINCES HWY. DEVELOPMENT
70. PROJECT VIBRATION EQUITY EQUITY	WAINES CR. PRINCES HWY. DEVELOPMENT
71. PROJECT AIR QUALITY EQUITY EQUITY	WAINES CR. PRINCES HWY. DEVELOPMENT
72. PROJECT WATER QUALITY EQUITY EQUITY	WAINES CR. PRINCES HWY. DEVELOPMENT
73. PROJECT SOIL QUALITY EQUITY EQUITY	WAINES CR. PRINCES HWY. DEVELOPMENT
74. PROJECT CLIMATE EQUITY EQUITY	WAINES CR. PRINCES HWY. DEVELOPMENT
75. PROJECT BIODIVERSITY EQUITY EQUITY	WAINES CR. PRINCES HWY. DEVELOPMENT
76. PROJECT CULTURAL HERITAGE EQUITY EQUITY	WAINES CR. PRINCES HWY. DEVELOPMENT
77. PROJECT SOCIAL EQUITY EQUITY EQUITY	WAINES CR. PRINCES HWY. DEVELOPMENT
78. PROJECT ECONOMIC EQUITY EQUITY EQUITY	WAINES CR. PRINCES HWY. DEVELOPMENT
79. PROJECT ENVIRONMENTAL EQUITY EQUITY EQUITY	WAINES CR. PRINCES HWY. DEVELOPMENT
80. PROJECT CULTURAL EQUITY EQUITY EQUITY	WAINES CR. PRINCES HWY. DEVELOPMENT
81. PROJECT HISTORICAL EQUITY EQUITY EQUITY	WAINES CR. PRINCES HWY. DEVELOPMENT
82. PROJECT ARCHITECTURAL EQUITY EQUITY EQUITY	WAINES CR. PRINCES HWY. DEVELOPMENT
83. PROJECT ENGINEERING EQUITY EQUITY EQUITY	WAINES CR. PRINCES HWY. DEVELOPMENT
84. PROJECT LANDSCAPE EQUITY EQUITY EQUITY	WAINES CR. PRINCES HWY. DEVELOPMENT
85. PROJECT INTERIOR EQUITY EQUITY EQUITY	WAINES CR. PRINCES HWY. DEVELOPMENT
86. PROJECT EXTERIOR EQUITY EQUITY EQUITY	WAINES CR. PRINCES HWY. DEVELOPMENT
87. PROJECT FURNITURE EQUITY EQUITY EQUITY	WAINES CR. PRINCES HWY. DEVELOPMENT
88. PROJECT LIGHTING EQUITY EQUITY EQUITY	WAINES CR. PRINCES HWY. DEVELOPMENT
89. PROJECT SOUND EQUITY EQUITY EQUITY	WAINES CR. PRINCES HWY. DEVELOPMENT
90. PROJECT VIBRATION EQUITY EQUITY EQUITY	WAINES CR. PRINCES HWY. DEVELOPMENT
91. PROJECT AIR QUALITY EQUITY EQUITY EQUITY	WAINES CR. PRINCES HWY. DEVELOPMENT
92. PROJECT WATER QUALITY EQUITY EQUITY EQUITY	WAINES CR. PRINCES HWY. DEVELOPMENT
93. PROJECT SOIL QUALITY EQUITY EQUITY EQUITY	WAINES CR. PRINCES HWY. DEVELOPMENT
94. PROJECT CLIMATE EQUITY EQUITY EQUITY	WAINES CR. PRINCES HWY. DEVELOPMENT
95. PROJECT BIODIVERSITY EQUITY EQUITY EQUITY	WAINES CR. PRINCES HWY. DEVELOPMENT
96. PROJECT CULTURAL HERITAGE EQUITY EQUITY EQUITY	WAINES CR. PRINCES HWY. DEVELOPMENT
97. PROJECT SOCIAL EQUITY EQUITY EQUITY EQUITY	WAINES CR. PRINCES HWY. DEVELOPMENT
98. PROJECT ECONOMIC EQUITY EQUITY EQUITY EQUITY	WAINES CR. PRINCES HWY. DEVELOPMENT
99. PROJECT ENVIRONMENTAL EQUITY EQUITY EQUITY EQUITY	WAINES CR. PRINCES HWY. DEVELOPMENT
100. PROJECT CULTURAL EQUITY EQUITY EQUITY EQUITY	WAINES CR. PRINCES HWY. DEVELOPMENT



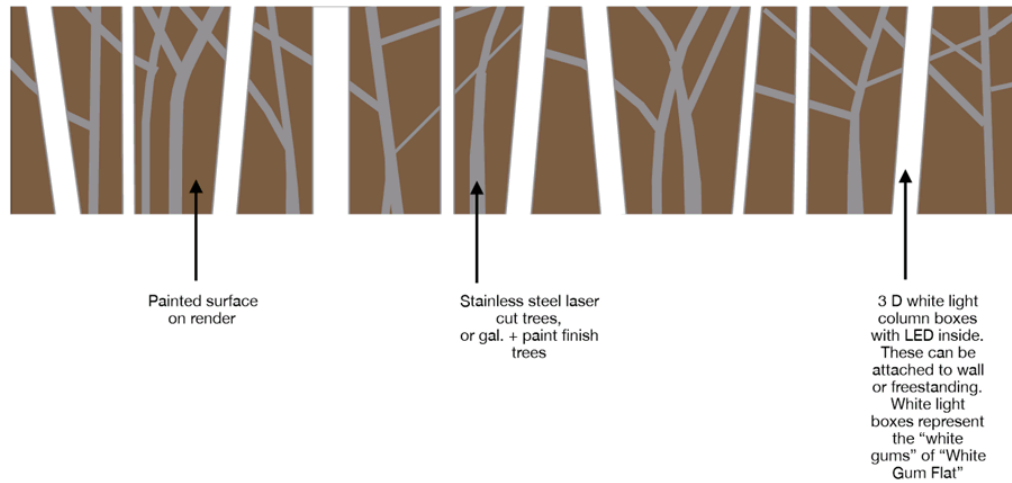






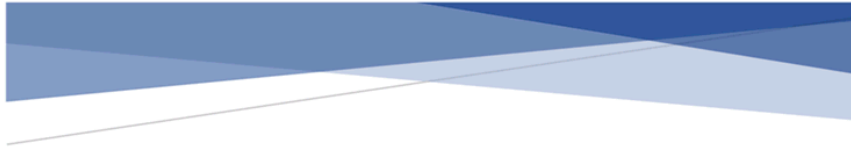


*Rockdale* was known by Europeans as Frog Hollow, then **White Gum Flat** and later as West Botany.



413-425 Princes Hwy Rockdale - Hotel facade concept





413-425 Princes Highway, Rockdale  
Proposed Mixed Use Development  
Traffic and Parking Assessment Report

Prepared for:  
Chanine Developments  
20/04/2017

The Transport Planning Partnership  
E: info@tpp.net.au

The Transport  
Planning Partnership

## 413-425 Princes Highway, Rockdale Proposed Mixed Use Development Traffic and Parking Assessment Report


Client: Chanine Developments

Version: Final

Date: 20/04/2017

TTPP Reference: 17033

### Quality Record

Version	Date	Prepared by	Reviewed by	Approved by	Signature
Final	20/04/17	Lalaine Malaluan	Michael Lee	Michael Lee	

The Transport Planning Partnership (TTPP) has prepared this report in accordance with the instructions of Chanine Developments for their sole and specific use. Any other persons who use any information contained herein do so at their own risk.

17033\_r01v01\_Final Traffic Report\_ 170420.docx

i

The Transport  
Planning Partnership

## Table of Contents

1	Introduction .....	1
2	Existing Conditions .....	2
2.1	Site Description .....	2
2.2	Road Network .....	3
2.2.1	Princes Highway .....	3
2.2.2	Waines Crescent .....	3
2.3	Public transport .....	3
2.4	Pedestrian and Cycle Infrastructures .....	5
3	Proposed Development .....	6
3.1	Development Description .....	6
3.2	Proposed Vehicle Access Arrangements .....	6
3.3	Proposed Loading Area .....	6
3.4	Valet Parking .....	6
4	Traffic Assessment .....	7
5	Parking Assessment .....	9
5.1	Car Parking Requirement .....	9
5.2	Bicycle Parking Requirement .....	10
5.3	Motorcycle Parking Requirement .....	10
5.4	Internal carpark arrangement .....	10
6	Summary and Conclusion .....	12

## Tables

Table 2.1: Bus Services within Vicinity of Subject Site .....	4
Table 4.1: Traffic Generation Estimates .....	7
Table 5.1: Car Parking Statutory Requirement .....	9

## Figures

Figure 2.1: Locality Plan .....	2
Figure 2.2: Public Transport Map .....	4

The Transport Planning Partnership (TPP) has prepared this report in accordance with the instructions of Charine Developments for their sole and specific use. Any other persons who use any information contained herein do so at their own risk.



The Transport  
Planning Partnership

## APPENDICES

- A. ARCHITECTURAL BASEMENT CAR PARK PLANS
- B. SWEPT PATH DIAGRAM

The Transport Planning Partnership (TPP) has prepared this report in accordance with the instructions of Charine Developments for their sole and specific use. Any other persons who use any information contained herein do so at their own risk.

17033\_r01v01\_Final Traffic Report\_ 170420.docx

iii

## 1 Introduction

This traffic and parking assessment report relates to a proposed mixed use development at 413-425 Princes Highway, Rockdale. The proposed development is for the demolition of all buildings on site and construct in their place a seven-storey building comprising of 126 hotel rooms with approximately 203m<sup>2</sup> of commercial floor area. Three levels of basement parking are also proposed consisting of 34 car park spaces, which is inclusive of seven accessible parking spaces.

It is noted that the hotel is proposed to be developed as a 3-4 star hotel. Its patron would be mainly derived from international tourists arriving and departing at Sydney Kingsford Smith Airport. Valet parking will also be offered as a service to hotel's guests if required. A mini-bus will also be provided to shuttle hotel guests between key pick up locations (e.g. airport) and the hotel.

A development application is being prepared for lodgement with Bayside Council for the proposed development. The Transport Planning Partnership (TPPP) has been commissioned by Chanine Developments to prepare this traffic and parking report assessing the traffic and parking effects of the proposed development. This report is to accompany the development application.

The report is set out as follows:

- Chapter 2 discusses the existing conditions including a description of the subject site
- Chapter 3 provides a brief description of the proposed development
- Chapter 4 examines the traffic generation and its impacts (if any)
- Chapter 5 assesses the proposed on-site parking provision and internal layout, and
- Chapter 6 presents the summary and conclusion of the assessment.

2

Existing Conditions

2.1

Site Description

The proposed development is located at 413-425 Princes Highway, Rockdale and is under the jurisdiction of Bayside Council. The site is currently occupied by low-rise commercial establishments with frontage to Princes Highway.

The subject site is situated within the B4 Mixed Use Zone of Rockdale Town Centre. The location is in close proximity to commercial establishments, government offices and public transport facilities. The location of the subject site and its vicinity are presented in Figure 2.1.

Figure 2.1: Locality Plan



---

The Transport  
Planning Partnership

---

## 2.2 Road Network

The proposed development is bounded by Waines Crescent and Princes Highway. A brief description of surrounding roads is presented below.

### 2.2.1 Princes Highway

Princes Highway is a Roads and Maritime Services (RMS) declared State Road that connects New South Wales, Victoria and South Australia. The New South Wales section runs from Sydney City to Eden at the Victorian Border.

Within the vicinity of the site, it is configured as a four-lane, two-way road with speed limit of 60km/hr. Median rails are also present along the stretch of the road.

Time restricted on-street parking is permitted on the both sides of the road on section starting south of Waines Crescent. Half hour parking is implemented from 10:00PM to 6:00PM Monday to Friday in the northbound direction, and 10:00PM to 3:00PM Monday to Friday in the southbound direction. Clearway restriction is implemented from 3:00PM to 7:00PM, but only in the southbound direction. On Saturdays, half hour parking is permitted from 8:30AM to 12:30PM.

### 2.2.2 Waines Crescent

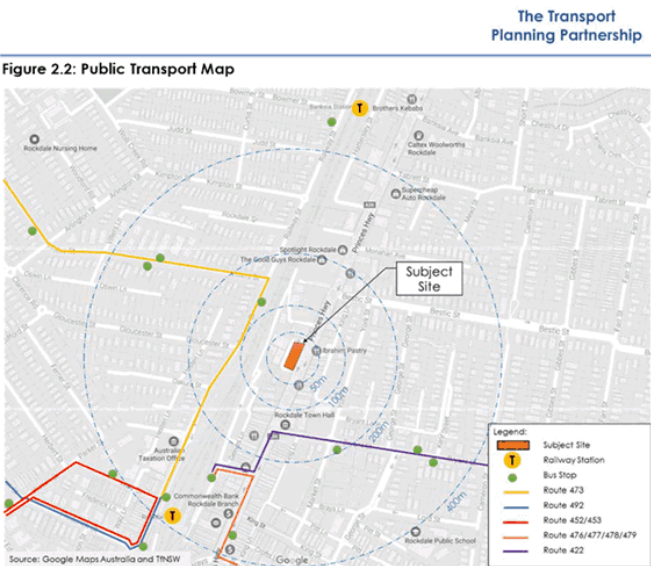
Waines Crescent is a one-lane, one-way (in the northbound direction) local road bordering the proposed site. This road mainly serves as the loading dock access and customer and employee parking for existing establishments. Parking is not permitted on sections perpendicular to Princes Highway. Waines Crescent is a loop road connecting to Princes Highway at two places. The resultant intersections are configured as priority intersections.

## 2.3 Public transport

The subject site is located in close proximity to two railway stations, Banksia Railway Station and Rockdale Railway Station. Banksia Railway Station is located approximately 550m from the site, while Rockdale Railway Station is located approximately 450m from the site. These stations are located approximately 6-7 minutes walk from the site.

These stations are serviced by T4 Eastern Suburbs and Illawarra Line which runs from Bondi Junction to Waterfall via Sydney CBD. During peak hours, trains typically arrive at these stations every 10 minutes.

Several bus stops are also located within the vicinity of the site. A summary of bus stops location, route and timetable are presented in Figure 2.2 and Table 2.1. These services run from Rockdale to city, inner west, south west, and southern Sydney.



**Table 2.1: Bus Services within Vicinity of Subject Site**

Route No.	Route Connectivity Description	Typical Weekday Frequency During Peak Hour
473	Rockdale to Campsie	30 minutes
492	Rockdale to Drummoyne	20 minutes
452	Rockdale to Beverly Hills	20 minutes
476	Rockdale to Sans Souci	30 minutes
477	Rockdale to Miranda	15 minutes
478	Rockdale to Ramsgate	20 minutes
479	Rockdale to Kyeemagh	30 minutes
422	Kogarah to City	30 minutes

---

The Transport  
Planning Partnership

---

## 2.4 Pedestrian and Cycle Infrastructures

Fully constructed pedestrian footpaths are observed on both sides of Princes Highway. However, Waines Crescent does not have any constructed pedestrian footpath. Signalised pedestrian crossings are available at the Bestic Street and Bryant Street intersections with Princes Highway.

There are no cycle facilities in the immediate vicinity of the site.

### 3 Proposed Development

#### 3.1 Development Description

The proposed development is for a seven-storey, mixed-use development consisting of 126 3-4 star hotel rooms with 203m<sup>2</sup> of commercial floor area. The commercial floor area is proposed to be provided in two separate commercial tenancies on the ground floor. The hotel rooms are proposed on Level 1 to Level 6.

The proposed development includes a three-level basement car park with a total of 34 car park spaces. This includes six accessible car park spaces. In addition, one bicycle parking space is also proposed for use by commercial tenants.

Appendix A contains the architectural layout plans of the proposed basement car park.

#### 3.2 Proposed Vehicle Access Arrangements

Access to the car park is along the western section of Waines Crescent. From Waines Crescent, the basement car park can be accessed via a single lane, two-way ramp.

A valet parking service will be offered to hotel guests. As such, two waiting bays are proposed off Waines Crescent for use by hotel guests to drop off their vehicles. These would then be driven into the basement by hotel staff for storing.

#### 3.3 Proposed Loading Area

The proposed development includes an on-site loading dock with one loading bay. The loading area is proposed to be located on the ground floor which can be accessed on the northern section of Waines Crescent.

The loading dock has been designed to accommodate vehicles up to an Australian Standard 6.4m long small rigid vehicle (SRV). Swept path analysis of a SRV accessing the loading bay has been carried out and is provided in Appendix B. The analysis found that a SRV can enter and exit the site in a forward direction satisfactorily.

#### 3.4 Valet Parking

Valet parking services are proposed to be provided for hotel guests. Hotel guests would drop off their vehicles on the waiting bays on the ground floor for the hotel staff to park them inside the basement car park.

## 4 Traffic Assessment

Traffic generation rates for various land uses are provided in the RMS' *Guide to Traffic Generating Development* and the updated technical direction (TDT 2013/04) with revised rates. However, tourist hotels like the one being proposed are not included in the RMS guidelines. In this case, the RMS traffic generation rate for motels has been adopted and modified as discussed below.

It is noted that a hotel consultant has advised that typical check-in time for the proposed development would 2:00PM, and the check-out time would be 10:00AM. Thus, peak hotel activity i.e. traffic demand arising from hotel guests arriving and departing would occur outside the surrounding network commuter peak periods. In addition, the site's close proximity to high frequency public transport services, including train services at Rockdale and Banksia Railway Stations, would also reduce vehicle trips to and from the proposed development.

In the light of the above, for traffic analytical purposes the traffic generation rates for the proposed hotel during the commuter peak periods have been conservatively assumed to be half that of the RMS suggested traffic generation rate for motel developments.

The estimated development traffic is summarised in Table 4.1.

**Table 4.1: Traffic Generation Estimates**

Land Use	Size (No. of Units/Area)	Design Rate		Trip Generation	
		Morning Peak	Evening Peak	Morning Peak	Evening Peak
Hotel (Motel)	126 rooms	0.17 per unit	0.17 per unit	21	21
Commercial	203m <sup>2</sup>	1.6 per 100m <sup>2</sup> GFA	1.2 per 100m <sup>2</sup> GFA	3	2
<b>TOTAL</b>				<b>24</b>	<b>23</b>

The hotel use is estimated to generate 21 vehicles per hour (vph) during the peak period. The estimated trips that would be generated by the commercial use is 3 vph during the morning peak, and 2 vph during the evening peak. In total, the proposed development is expected to generate approximately 24 vph during the peak period.

In reality, the development traffic for the hotel component would much lower than that estimated for reasons stated above. Therefore, this is a conservative assessment.

At any rate, the estimated 24 vph is considered to be moderate, especially when compared to the traffic volumes on Princes Highway. RMS counting station on Princes Highway south of Taylor Avenue indicates that the peak hour volumes on the Princes Highway in the peak direction range from 1,500 vph to 2,000 vph. The estimated development traffic of 24 vph is less than two per cent of the peak direction volume on the Princes Highway.



**The Transport  
Planning Partnership**

In the light of the above discussions, the proposed development is not expected to generate any adverse traffic impacts on the local road network.

## 5 Parking Assessment

### 5.1 Car Parking Requirement

Parking assessment for the proposed development has been assessed against the statutory requirements set out in Rockdale Development Control Plan 2011 (RDCP). However, RDCP does not have a specific parking rate for a hotel use. RDCP states that if a parking rate has not been specified for a certain land use, the parking requirement for that proposed development is to be calculated using parking rates contained in the RMS *Guide to Traffic Generating Developments*. It is noted that the RMS suggested a parking rate of one space per four rooms.

A summary of RDCP car parking requirements are presented in Table 5.1.

**Table 5.1: Car Parking Statutory Requirement**

Proposed Use	Rooms/Floor Area (m <sup>2</sup> )	RDCP Parking Rate	Required Parking
Hotel	126	1 space/ 4 bedrooms	32
Commercial (with 20% reduction on non-residential use)	203m <sup>2</sup>	1 space/ 40sqm GFA	5
<b>Total</b>			<b>37</b>

From the above table, the proposed development is required to provide a total of 37 car parking spaces. This consists 32 hotel car parking spaces and five commercial parking spaces.

The proposed carpark provides a total of 34 car spaces, which includes:

- 32 standard car spaces for hotel use (including 6 accessible car spaces), and
- 2 commercial car spaces (including one accessible car parking).

It is noted that the proposed parking provision for the hotel component satisfies the RDCP requirement, however the proposed car parking provision for the commercial use is three spaces less than the RDCP requirement.

It is further noted that the suggested RDCP parking rate for commercial use is 1 space per 40m<sup>2</sup>. This parking rate is consistent with the parking rate in the RMS guidelines for commercial developments. The RMS guidelines indicate this as unrestrained parking rate i.e. it does not consider the location of the development site in terms of its proximity to public transport nodes and other amenities in a town centre environment such as the locality of the subject site.

As noted previously, the site is located within the Rockdale Town Centre and within 450m walking distance to Rockdale Railway Station. In this regard, it is noted many local councils specify suppressed parking for various land uses located in close

---

**The Transport  
Planning Partnership**

proximity to railway stations and within town centre environment. Typically suppressed parking rates for commercial developments would be approximately half of the RDCP rate.

On this basis, it is noted that the proposed parking provision for the proposed commercial use would be satisfactory.

## 5.2 Bicycle Parking Requirement

Rockdale DCP requires commercial land use to provide 1 bicycle space per 200m<sup>2</sup> of gross floor area. The RDCP has no specific bicycle parking requirement for hotel developments.

On this basis, the proposed development would require one (1) bicycle parking space for commercial use. As this is expected to be used by employees, the facility is classified as Class B bicycle in accordance with AS2890.3:2015.

The proposed bicycle parking space is located on the first basement level, thus providing enough security as required by the standard. To further comply with the Australian Standard, the size of the parking space should be able to accommodate the size of a standard bicycle. Specifically, the space should consider the bicycle design envelope of 1.8m length, 0.5m width, and 1.2m height.

## 5.3 Motorcycle Parking Requirement

A minimum of 1 motorcycle car space for commercial use is required by Rockdale DCP to be provided for every 20 commercial car spaces. As there are only 2 commercial car parking spaces that are provided on the proposed development, it is not required to provide motorcycle parking.

## 5.4 Internal carpark arrangement

A three-level basement parking is proposed to serve the subject development. As discussed in Section 3.2, a single lane, two-way straight ramp is located adjacent to Waines Crescent on each level, parallel to the longitudinal side of the development. The ramps have a main gradient of 1:5 with the transitions having a 1:8 slope at both ends of the ramp.

All the car parking spaces are configured as a 90-degree parking spaces with the same orientation as the ramp. These consists mainly of hotel car spaces which are classified as Class 2 car parking facility as stated in AS 2890.1:2004. Class 2 car parking spaces are required to have dimensions of 2.5m width and 5.4 length.

Commercial parking spaces are located on the first basement level. The commercial car parking spaces would be used by staff and as such have been designed as Class

---

The Transport  
Planning Partnership

1A facilities. Class 1A car parking spaces are required to have dimensions of 2.4m by 5.4m.

Both Class 1A and Class 2 car parking facilities require a minimum of 5.8m aisle width.

Accessible car parking spaces are distributed on all three levels. These have been designed based on design requirements stipulated in AS2890.6:2009. AS2890.6:2009 requires accessible car spaces and the adjacent shared area each to have dimensions of 2.4m wide by 5.4m long.

It is further noted that the basement car parking has a minimum headroom of 2.2m generally throughout the car park, and 2.5m above accessible car spaces.

Bicycle parking space is also located on the first basement level, adjacent to the stairs on the northern side.

A review of the architectural basement car park plans indicates the proposed car spaces comply with the design requirements set out in the relevant Australian Standard as discussed above.

## 6 Summary and Conclusion

This report examines the traffic and parking implications of a proposed mixed use development at 413-425 Princes Highway, Rockdale. A summary of the findings in this report are presented below:

- The proposed development involves the construction of a seven-storey mixed-use development with a total of 126 hotel rooms and 203m<sup>2</sup> of commercial floor area.
- A three level basement car park is proposed. Access to car park is proposed to be off Waines Crescent.
- The traffic generation of the proposed development has been estimated to be approximately 24 vehicles per hour during the peak period. As the check-in and check-out times are well outside of the commuter peak period, the proposed development is expected to generate less traffic than this during the commuter peak periods.
- The estimated development traffic is considered to be low and as such is not expected to generate any adverse traffic impacts.
- Based on Rockdale DCP, the development is required to provide a total of 37 car parking spaces. The proposed supply is 34 car parking spaces. The short fall of three car spaces is considered to be acceptable for reasons stated in the report.
- The proposed car parking layout and access arrangement are considered to be satisfactory.

Overall, the traffic and parking effects of the proposed development are considered to be satisfactory.

The Transport  
Planning Partnership

## Appendix A

Architectural Basement Car Park Plans

17033\_r01v01\_Final Traffic Report\_ 170420.docx

Appendix A



Item 6.3 – Attachment 15





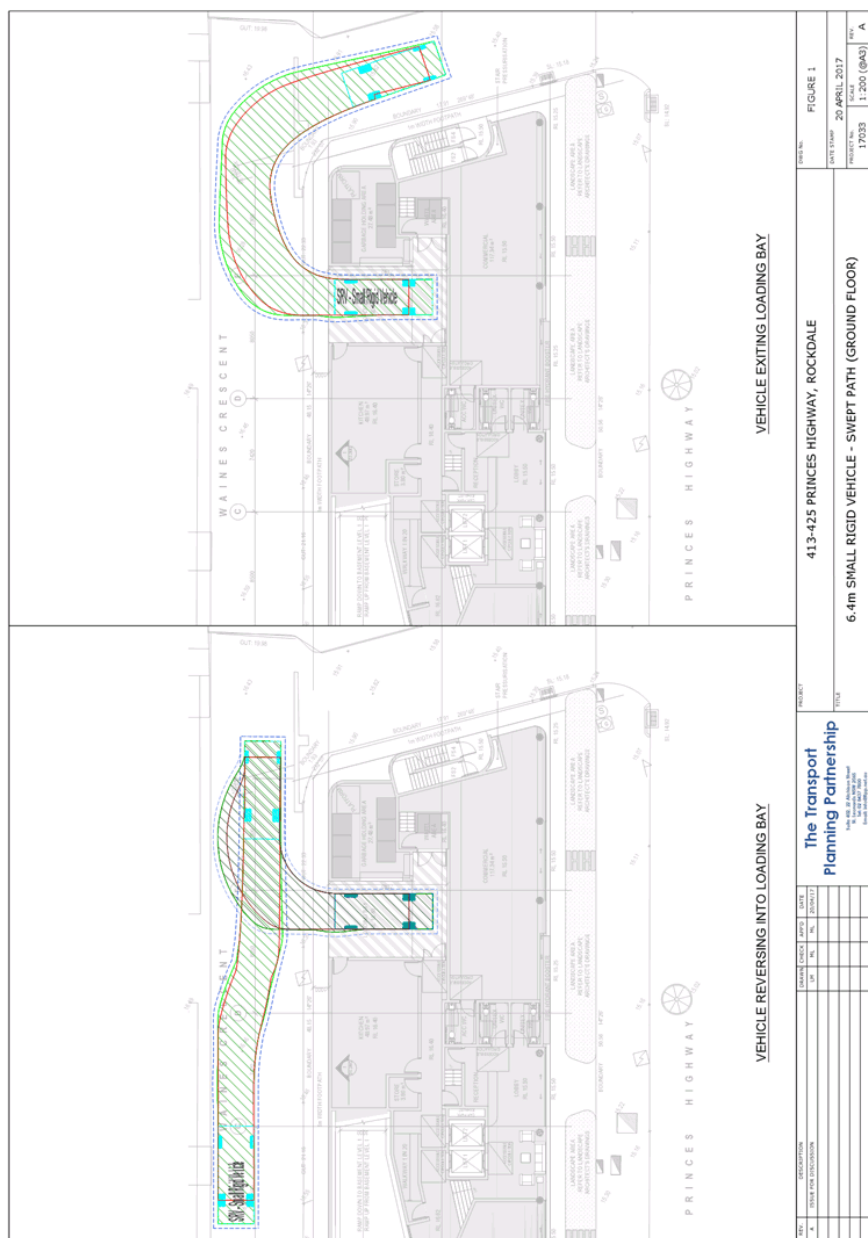




The Transport  
Planning Partnership

## Appendix B

### Swept Path Diagrams



The Transport Planning Partnership  
Suite 402 Level 4, 22 Atchison Street  
St Leonards NSW 2065

P.O. Box 237  
St Leonards NSW 1590

02 8437 7800

[info@tpp.net.au](mailto:info@tpp.net.au)

[www.tpp.net.au](http://www.tpp.net.au)



## WASTE MANAGEMENT PLAN

PREPARED FOR  
Chanine Developments

Commercial Development  
413-425 Princes Highway Rockdale,  
NSW 2216

9/04/2018

Ph: 1800 025 073

---

*The information contained in this document produced by Elephants Foot Recycling Solutions is solely for the use of the client identified on the cover sheet for the purpose for which it has been prepared for. Elephants Foot Recycling Solutions undertakes no duty, nor accepts any responsibility to any third party who may rely upon this document. This document may not be copied or reproduced without written permission from Elephants Foot Recycling Solutions.*

**ELEPHANTS FOOT WASTE COMPACTORS PTY LTD** ABN 70 001 378 294  
Sydney Head Office 44-46 Gibson Ave Padstow NSW 2211 | PH: +612 9780 3500 | Fax: +612 9707 2588  
Website: [www.elephantsfoot.com.au](http://www.elephantsfoot.com.au) | Email: [info@elephantsfoot.com.au](mailto:info@elephantsfoot.com.au)  
Offices in Victoria & Queensland – Toll Free: 1800 025 073



#### REVISIONS

Revision	Copy No.	Date	Prepared by	Reviewed by	Approved by	Remarks
A	1	31/03/2017	H Wilkes	A Armstrong	N Beattie	Draft
B	1	11/04/2017	H Wilkes	A Armstrong	N Beattie	Updated Plans
C	1	19/04/2017	H Wilkes	A Armstrong	N Beattie	Amendment
D	1	15/05/2017	H Wilkes	A Armstrong	N Beattie	Final
E	1	6/04/2018	H Wilkes	A Armstrong	A Armstrong	Updated Plans and Council Comments
F	1	9/04/2018	H Wilkes	A Armstrong	A Armstrong	Amendment

#### DISTRIBUTION LIST

Recipient Name	Company	Revision
Rudy Jasin	CDArchitects	F

**ELEPHANTS FOOT WASTE COMPACTORS PTY LTD** ABN 70 001 378 294  
 Sydney Head Office 44-46 Gibson Ave Padstow NSW 2211 | PH: +612 9780 3500 | Fax: +612 9707 2588  
 Website: www.elephantsfoot.com.au | Email: info@elephantsfoot.com.au  
 Offices in Victoria & Queensland – Toll Free: 1800 025 073

### EXECUTIVE SUMMARY

This waste management plan covers the ongoing management of waste generated by the commercial development located at Rockdale Hotel, 413-425 Princes Hwy Rockdale 2216.

Waste audit and management strategies are recommended for new developments to provide support for the building design and promote strong sustainability outcomes for the building. All recommended waste management plans will comply with council codes and any statutory requirements. The waste management plan has three key objectives:

- i. **Ensure waste is managed to reduce the amount of waste and recyclables to land fill** by assisting residents to segregate appropriate materials that can be recycled; displaying signage to remind and encourage recycling practices; and through placement of recycling and waste bins in the retail precinct to reinforce these messages.
- ii. **Recover, reuse and recycle** generated waste wherever possible.
- iii. **Compliance** with all relevant codes and policies.

To assist in providing clean and well-segregated waste material, it is essential that this waste management plan is integral to the overall management of the building and clearly communicated to residents and tenants.

**ELEPHANTS FOOT WASTE COMPACTORS PTY LTD** ABN 70 001 378 294  
Sydney Head Office 44-46 Gibson Ave Padstow NSW 2211 | PH: +612 9780 3500 | Fax: +612 9707 2588  
Website: [www.elephantsfoot.com.au](http://www.elephantsfoot.com.au) | Email: [info@elephantsfoot.com.au](mailto:info@elephantsfoot.com.au)  
Offices in Victoria & Queensland – Toll Free: 1800 025 073

i



## TABLE OF CONTENTS

REVISIONS .....	i
DISTRIBUTION LIST .....	i
EXECUTIVE SUMMARY .....	i
GLOSSARY OF TERMS .....	iv
LIST OF TABLES .....	v
INTRODUCTION .....	1
ROCKDALE CITY COUNCIL .....	2
OBJECTIVES .....	2
REQUIREMENTS .....	2
GENERATED WASTE VOLUMES .....	3
CONSTRUCTION AND DEVELOPMENT WASTE .....	3
BUILDING MANAGER/WASTE CARETAKER .....	3
REPORTING .....	4
EDUCATION .....	4
HOTEL WASTE PLAN .....	5
BIN SUMMARY .....	5
WASTE MANAGEMENT – HOTEL .....	6
HOTEL ROOMS .....	6
KITCHEN WASTE .....	6
OTHER WASTE STREAMS .....	7
COMMON AREAS .....	7
WASHROOM FACILITIES .....	7
GREEN WASTE .....	7
RETAIL WASTE PLAN .....	8
BIN SUMMARY .....	8
WASTE MANAGEMENT – RETAIL TENANCIES .....	9
WASTE ROOM AREAS .....	10
WASTE FACILITY CLEANING AND MAINTANCE .....	10
COLLECTION OF WASTE .....	11
HOTEL .....	11
RETAIL .....	11
COLLECTION AREA .....	11
GARBAGE ROOMS .....	12

**ELEPHANTS FOOT WASTE COMPACTORS PTY LTD** ABN 70 001 378 294  
 Sydney Head Office 44-46 Gibson Ave Padstow NSW 2211 | PH: +612 9780 3500 | Fax: +612 9707 2588  
 Website: [www.elephantsfoot.com.au](http://www.elephantsfoot.com.au) | Email: [info@elephantsfoot.com.au](mailto:info@elephantsfoot.com.au)  
 Offices in Victoria & Queensland – Toll Free: 1800 025 073

ii

CONSTRUCTION REQUIREMENTS .....	12
SIGNAGE.....	12
VENTILATION .....	13
STORM WATER PREVENTION & LITTER REDUCTION .....	13
ADDITIONAL INFORMATION.....	14
LIMITATIONS .....	14
USEFUL CONTACTS .....	15
APPENDICES.....	16
APPENDIX A DRAWING EXERPTS .....	16
APPENDIX A.1 GROUND LEVEL HOTEL AND RETAIL WASTE ROOMS .....	16
APPENDIX B ROCKDALE CITY COUNCIL EQUIPMENT SPECIFICATIONS .....	17
APPENDIX B.1 BIN DIMENSIONS .....	17
APPENDIX B.2 SIGNAGE FOR WASTE & RECYCLING BINS .....	18
APPENDIX C WASTE MANAGEMENT EQUIPMENT SPECIFICATIONS.....	19
APPENDIX C.1 TYPICAL BIN MOVER .....	19

**ELEPHANTS FOOT WASTE COMPACTORS PTY LTD** ABN 70 001 378 294  
 Sydney Head Office 44-46 Gibson Ave Padstow NSW 2211 | PH: +612 9780 3500 | Fax: +612 9707 2588  
 Website: [www.elephantsfoot.com.au](http://www.elephantsfoot.com.au) | Email: [info@elephantsfoot.com.au](mailto:info@elephantsfoot.com.au)  
 Offices in Victoria & Queensland – Toll Free: 1800 025 073

iii

## GLOSSARY OF TERMS

TERM	DESCRIPTION
<i>Baler</i>	A device that compresses waste into a mould to form bales which may be self-supporting or retained in shape by wire ties and strapping
<i>Chute</i>	A ventilated, essentially vertical pipe passing from floor to floor of a building with openings as required to connect with hoppers and normally terminating at its lower end at the roof of the central waste room(s)
<i>Collection Area/Point</i>	The position or area where waste or recyclables are actually loaded onto the collection vehicle
<i>Compactor</i>	A Machine for compressing waste into disposable or reusable containers
<i>Composter</i>	A container/machine used for composting specific food scraps
<i>Crate</i>	A plastic box used for the collection of recyclable materials
<i>Garbage</i>	All domestic waste (Except recyclables and green waste)
<i>Hopper</i>	A fitting into which waste is placed and from which it passes into a chute or directly into a waste container. It consists of a fixed frame and hood unit (the frame) and a hinged or pivoted combined door and receiving unit
<i>Recycling</i>	Glass bottles and jars – PET, HDPE and PVC plastics; aluminium aerosol and steel cans; milk and juice cartons; soft drink, milk and shampoo containers; paper, cardboard, junk mail, newspapers and magazines
<i>Green</i>	Garden organics such as small branches, leaves and grass clippings, tree and shrub pruning, plants and flowers, and weeds
<i>L</i>	Litre(s)
<i>Liquid Waste</i>	Non-hazardous liquid waste generated by commercial premises that is supposed to be connected to sewer or collected for treatment and disposal by a liquid waste contractor (including grease trap waste)
<i>Mobile Garbage Bin(s) (MGB)</i>	A waste container generally constructed of plastic with wheels with a capacity in litres of 120, 240, 660, 1000 or 1100, 1500 or 2000
<i>Putrescible Waste</i>	Component of the waste stream liable to become putrid. Usually breaks down in a landfill to create landfill gases and leachate. Typically applies to food, animal and organic products.

**ELEPHANTS FOOT WASTE COMPACTORS PTY LTD** ABN 70 001 378 294  
 Sydney Head Office 44-46 Gibson Ave Padstow NSW 2211 | PH: +612 9780 3500 | Fax: +612 9707 2588  
 Website: [www.elephantsfoot.com.au](http://www.elephantsfoot.com.au) | Email: [info@elephantsfoot.com.au](mailto:info@elephantsfoot.com.au)  
 Offices in Victoria & Queensland – Toll Free: 1800 025 073

LIST OF TABLES

Table 1 Calculated Waste Generation - Hotel ..... 5  
Table 2: Calculated Waste Generation – Retail..... 8  
Table 3: Waste Room Areas ..... 10

**ELEPHANTS FOOT WASTE COMPACTORS PTY LTD** ABN 70 001 378 294  
Sydney Head Office 44-46 Gibson Ave Padstow NSW 2211 | PH: +612 9780 3500 | Fax: +612 9707 2588  
Website: www.elephantsfoot.com.au | Email: info@elephantsfoot.com.au  
Offices in Victoria & Queensland – Toll Free: 1800 025 073

### INTRODUCTION

The following waste management plan pertains to the commercial development located at Rockdale Hotel, 413-425 Princes Hwy Rockdale 2216. The completed development will be a commercial hotel. This waste management plan is an operational waste management plan and will address the phases of the completed development.

For the purpose of this report the proposed development will consist of:

- One building for a hotel with 7 levels consisting of;
  - 88 hotel rooms in total
  - 2 retail tenancies with a total of 225.88m<sup>2</sup>

All figures and calculations are based on area schedules as advised by our client and shown on architectural drawings.

**ELEPHANTS FOOT WASTE COMPACTORS PTY LTD** ABN 70 001 378 294  
Sydney Head Office 44-46 Gibson Ave Padstow NSW 2211 | PH: +612 9780 3500 | Fax: +612 9707 2588  
Website: [www.elephantsfoot.com.au](http://www.elephantsfoot.com.au) | Email: [info@elephantsfoot.com.au](mailto:info@elephantsfoot.com.au)  
Offices in Victoria & Queensland – Toll Free: 1800 025 073

**ROCKDALE CITY COUNCIL**

The assessment of waste volumes is an estimate only and will be influenced by the development's management and occupant's attitude to waste disposal and recycling.

The waste and recycling will be guided by the services and acceptance criteria of the Rockdale City Council. The hotel and retail waste will be collected by private contractor.

All waste facilities and equipment are to be designed and constructed to be in compliance with the Rockdale City Council's *Development Control Plan 2011* and *Waste Minimisation and Management (2011)*, Australian Standards and statutory requirements.

**OBJECTIVES**

- To minimise resource requirements and construction waste through reuse and recycling and the efficient selection and use of resources
- To minimise demolition waste by promoting adaptability in building design and focusing upon end of life deconstruction
- To encourage building designs, construction and demolition techniques in general which minimise waste generation
- To maximise reuse and recycling of household waste and industrial/commercial waste
- To plan for sustainable waste management, through the preparation of a site waste minimisation and management plan
- To ensure waste is transported and disposed of in a lawful manner
- To ensure waste management systems are compatible with collection services
- To minimise risks and impacts on public domain and residential amenity associated with waste management at all stages of development.

**REQUIREMENTS**

- Development must comply with Council's Technical Specification – Waste Minimisation and Management regarding construction waste and ongoing management of waste facilities.
- Waste must be minimised through source separation of waste, reuse and recycling by ensuring appropriate storage and collection facilities.
- Waste storage areas/facilities must be appropriately located so that they are easily accessed by tenants and do not have negative impacts on the streetscape or the residential amenity of occupants and neighbours with regards to smell, visual appearance or noise disturbance.
- Development must incorporate convenient access for waste collection
- For mixed uses, industrial and other non-residential uses, waste storage facilities should be designed to cater for different needs of multiple tenants as well as future changes in uses.

**ELEPHANTS FOOT WASTE COMPACTORS PTY LTD** ABN 70 001 378 294  
 Sydney Head Office 44-46 Gibson Ave Padstow NSW 2211 | PH: +612 9780 3500 | Fax: +612 9707 2588  
 Website: [www.elephantsfoot.com.au](http://www.elephantsfoot.com.au) | Email: [info@elephantsfoot.com.au](mailto:info@elephantsfoot.com.au)  
 Offices in Victoria & Queensland – Toll Free: 1800 025 073

### GENERATED WASTE VOLUMES

The assessment of projected waste volumes is a calculated estimate only and will be influenced by the development's management and occupant's waste disposal and recycling practices.

### CONSTRUCTION AND DEVELOPMENT WASTE

The head contractor will be responsible for removing all construction-related waste offsite in a manner that meets all authority requirements. Please refer to the separate waste management plan submitted for construction waste as part of the Development Application.

### BUILDING MANAGER/WASTE CARETAKER

All waste equipment movements are to be managed by the building manager/cleaners at all times. No tenants or guests will be allowed to transport waste or recyclables from the waste room; tenants and guests will only transport their waste to the allocated bin room.

The building manager/cleaner duties include, but are not limited to, the following:

- General maintenance and cleaning of the chute doors on each level (Frequency dependent on waste generation and will be determined based upon building operation);
- Organising, maintaining and cleaning the general and recycled waste holding areas (Frequency will depend on waste generation and will be determined based upon building operation);
- Transporting of bins as required;
- Organising both garbage and recycled waste pick-ups as required;
- Cleaning and exchanging all bins;
- Ensure site safety for residents, children, visitors, staff and contractors;
- Abide by all relevant OH&S legislation, regulations, and guidelines;
- Assess any manual handling risks and prepare a manual handling control plan for waste and bin transfers; and
- Provide to staff/contractors equipment manuals, training, health and safety procedures, risk assessments, and PPE to control hazards associated with all waste management activities

*NOTE: It is the responsibility of the building manager to monitor the number of bins required for the development. As waste volumes may change according to the development's management and occupants' attitudes to waste disposal and recycling, bin numbers and sizes may need to be altered to suit the building operation.*

**ELEPHANTS FOOT WASTE COMPACTORS PTY LTD** ABN 70 001 378 294  
Sydney Head Office 44-46 Gibson Ave Padstow NSW 2211 | PH: +612 9780 3500 | Fax: +612 9707 2588  
Website: [www.elephantsfoot.com.au](http://www.elephantsfoot.com.au) | Email: [info@elephantsfoot.com.au](mailto:info@elephantsfoot.com.au)  
Offices in Victoria & Queensland – Toll Free: 1800 025 073

#### REPORTING

It is recommended that building management ensure that all waste service providers submit monthly reports on all equipment movements and weights of any waste and recycling products removed from the development. Regular reviews of servicing should take place to ensure operational and economic best practise and to assist with sustainability reporting.

#### EDUCATION

Building management is responsible for creating and managing the waste management education process.

Educational material encouraging correct separation of garbage and recycling items should be provided to the hotel guests. It is recommended that information is provided in multiple languages to support correct practices.

It is expected that leasing arrangements with retail/commercial operations contain direction on waste management services and expectations.

**ELEPHANTS FOOT WASTE COMPACTORS PTY LTD** ABN 70 001 378 294  
Sydney Head Office 44-46 Gibson Ave Padstow NSW 2211 | PH: +612 9780 3500 | Fax: +612 9707 2588  
Website: [www.elephantsfoot.com.au](http://www.elephantsfoot.com.au) | Email: [info@elephantsfoot.com.au](mailto:info@elephantsfoot.com.au)  
Offices in Victoria & Queensland – Toll Free: 1800 025 073



### HOTEL WASTE PLAN

The Rockdale City Council's *Waste Minimisation & Management Technical Specification* and Rockdale City Council's Waste Department has been referenced to calculate the total number of bins required for the hotel.

Hotel waste generation rates are as follows:

Waste: 1 x 240L MGBs/4 hotel rooms/ per week  
= 60L/hotel room/per week

Recycling: 1 x 240L MGBs/4 hotel rooms/ per week  
= 60L/hotel room/per week

Please note that calculations are based on generic figures; waste generation rates may differ according to the residents' waste management practice. A seven day operating week has been assumed.

**Table 1** Calculated Waste Generation - Hotel

Hotel Accommodation	Hotel Rooms #	Waste Calculation (L/hotel room/week)	Generated Waste (L/week)	Recycling Calculation (L/hotel room/week)	Generated Recycling (L/week)
Hotel	88	60	5280	60	5280
<b>TOTAL</b>			<b>5280</b>		<b>5280</b>

### BIN SUMMARY

The following assumptions have been taken into consideration:

- Waste and recycling are collected from around the hotel by cleaners; and
- The number of bins has been rounded up for best operational with outcome.

Using the assumptions stated, the required capacity and quantity of garbage and recycling bins is as follows:

#### Garbage:

**Standard** 5 x 1100L MGBs collected **weekly**  
**Proposed** 3 x 1100L MGBs collected **twice times weekly**

#### Recycling:

**Standard** 5 x 1100L MGBs collected **weekly**  
**Proposed** 3 x 1100L MGBs collected **twice times weekly**

**Total number of bins: 6x 1100L MGBs**

**NOTE:** The choice of bin sizes are subject to the stakeholders preference/capability (and as built constraints), bin sizes and quantities may be changed. As waste volumes may change

**ELEPHANTS FOOT WASTE COMPACTORS PTY LTD** ABN 70 001 378 294  
Sydney Head Office 44-46 Gibson Ave Padstow NSW 2211 | PH: +612 9780 3500 | Fax: +612 9707 2588  
Website: [www.elephantsfoot.com.au](http://www.elephantsfoot.com.au) | Email: [info@elephantsfoot.com.au](mailto:info@elephantsfoot.com.au)  
Offices in Victoria & Queensland – Toll Free: 1800 025 073

according to the development's type, bin numbers and collection frequencies may be altered to suit the building operation.

#### WASTE MANAGEMENT – HOTEL

##### HOTEL ROOMS

The vast majority of people who stay in hotels generally spend a relatively short time at the facility, therefore the waste generated in each unit is managed by the staff. Most waste generated is from goods received at the loading dock in the form of packaging (cardboard and plastic film), food waste, recyclables (mixed containers), newspapers and magazines. Office paper may also be generated however this is generally a minimal quantity.

All guests of each hotel suite will be supplied with a collection receptacle in each unit (generally in the main room and bathroom, under bench or similar alternate area) to deposit garbage and collect recyclable material suitable for one days storage. Garbage receptacles must be supplied with bin liners. Recycling must not be bagged. It is recommended that hotel guests use a crate or dedicated bin for collecting recyclables within the allocated hotel space provided to ensure correct separation before recyclables are transferred to the garbage room. It is expected that hotel guests will place clean and empty recycling items into the collection bins.

Nominated staff or cleaners will collect the waste from the guests' rooms. They will also transport sorted garbage and recyclable items to the hotel garbage room on the ground level and place bagged garbage into 1100L collection bins and recycling (comingled) into 1100L collection bins. Collection will be undertaken by a private waste contractor on the agreed days of collection.

NOTE: Subject to the stakeholders preference/capability (and as built constraints), bin sizes and quantities may be changed.

##### KITCHEN WASTE

The staff in kitchen areas will be required to be responsible for the storage of waste and recycling back of house (BOH). On completion of each trading day or as required, nominated staff/cleaners will transport their waste and recycling to the hotel waste area and place waste and recycling into the appropriate collection bins.

Food handling for food cooked or prepared, served and consumed on site will produce a typical waste composition of food scraps from plates, packaging waste and some plastics.

It is recommended that:

- All waste should be bagged and waste bins should be plastic lined;
- Bagging of recyclables is not permitted;
- All waste collections located both during operations;
- Individual recycling programs are recommended to ensure commingled recycling is separated correctly;
- Arrangements will be made for storing used and unused cooking oil in a bunded storage area;
- The operator will organise grease interceptor trap servicing;

**ELEPHANTS FOOT WASTE COMPACTORS PTY LTD** ABN 70 001 378 294  
 Sydney Head Office 44-46 Gibson Ave Padstow NSW 2211 | PH: +612 9780 3500 | Fax: +612 9707 2588  
 Website: www.elephantsfoot.com.au | Email: info@elephantsfoot.com.au  
 Offices in Victoria & Queensland – Toll Free: 1800 025 073

- A suitable storage area needs to be provided and affectively banded for chemicals, pesticides and cleaning products;
- Dry basket arresters need to be provided to the floor wastes in the food preparation and waste storage areas; and
- All flattened cardboard will be collected and removed to the waste room recycling mgb

**NOTE:** Subject to the stakeholders preference/capability (and as built constraints), bin sizes and quantities may be changed.

#### OTHER WASTE STREAMS

Disposal or recycling of electronic, liquid waste and home detox (paint/chemicals etc.) will be organised with the assistance of the building management. These items must not be placed in waste or recycling bins due to safety and environmental factors.

Building management should refer to Councils comprehensive website for further information.

#### COMMON AREAS

The lobbies, retail amenities and circulation areas will be supplied with suitably branded waste and recycling bins, where considered appropriate. Building management will monitor use and ensure bins are exchanged and cleaned. These areas generate negligible waste however garbage and recycling receptacles should be placed in convenient locations.

#### WASHROOM FACILITIES

Washroom facilities in retail and staff areas should be supplied with collection bins for paper towels (if used). Sanitary bins for female restroom facilities must also be arranged with an appropriate contractor.

Building management will monitor use and ensure waste bins are exchanged and cleaned.

#### GREEN WASTE

If green waste is generated by the building's landscaped areas, it will be collected and removed from site by the maintenance contractor during scheduled or arranged servicing of these areas.

**ELEPHANTS FOOT WASTE COMPACTORS PTY LTD** ABN 70 001 378 294  
Sydney Head Office 44-46 Gibson Ave Padstow NSW 2211 | PH: +612 9780 3500 | Fax: +612 9707 2588  
Website: [www.elephantsfoot.com.au](http://www.elephantsfoot.com.au) | Email: [info@elephantsfoot.com.au](mailto:info@elephantsfoot.com.au)  
Offices in Victoria & Queensland – Toll Free: 1800 025 073

## RETAIL WASTE PLAN

The Rockdale City Council's *Waste Minimisation & Management Technical Specification* has been referenced to calculate the total number of bins required for the retail areas. Please note that calculations are based on generic figures; waste generation rates may differ according to the tenants' waste management practice. Please note that if food tenants are placed, the waste generation rates will require adjustment. A seven day operating week has been assumed.

**Table 2: Calculated Waste Generation – Retail**

Type	NLA (m <sup>2</sup> )	Waste Calculation (L/100m <sup>2</sup> /day)	Generated Waste (L/week)	Recycling Calculation (L/100m <sup>2</sup> /day)	Generated Recycling (L/week)
<b>Retail Area 1</b>					
Food	37.85	80	211.96	135	357.6825
Restaurant	37.84	670	1774.696	135	357.588
Non-Food (<100m <sup>2</sup> )	37.85	50	132.475	25	66.2375
<b>TOTAL</b>	<b>113.54</b>		<b>2119.131</b>		<b>781.508</b>
<b>Retail Area 2</b>					
Food	37.63	80	210.728	135	355.6035
Restaurant	37.63	670	1764.847	135	355.6035
Non-Food (>100m <sup>2</sup> )	37.63	50	131.705	50	131.705
<b>TOTAL</b>	<b>112.89</b>		<b>2107.28</b>		<b>842.912</b>
<b>Overall Total</b>	<b>226.43</b>		<b>4226.411</b>		<b>1624.42</b>

## BIN SUMMARY

The bins required of the retail area is as follows

### Retail Waste Room 1:

Garbage:  
**Standard** 4 x 660L MGBs collected weekly  
**Proposed** 1 x 660L MGBs collected four times weekly

Recycling:  
**Standard** 2 x 660L MGBs collected weekly  
**Proposed** 1 x 660L MGBs collected twice weekly

### Retail Waste Room 2:

Garbage:  
**Standard** 4 x 660L MGBs collected weekly  
**Proposed** 1 x 660L MGBs collected four times weekly

**ELEPHANTS FOOT WASTE COMPACTORS PTY LTD** ABN 70 001 378 294  
 Sydney Head Office 44-46 Gibson Ave Padstow NSW 2211 | PH: +612 9780 3500 | Fax: +612 9707 2588  
 Website: www.elephantsfoot.com.au | Email: info@elephantsfoot.com.au  
 Offices in Victoria & Queensland – Toll Free: 1800 025 073

<b>Recycling:</b>	
<b>Standard</b>	2 x 660L MGBs collected <b>weekly</b>
<b>Proposed</b>	1 x 660L MGBs collected <b>twice weekly</b>

**Total number of bins: 4x 660L MGBs**

**NOTE:** Subject to the stakeholders preference/capability (and as built constraints), bin sizes and quantities may be changed. As waste volumes may change according to the development's type, bin numbers and collection frequencies may be altered to suit the building operation.

#### **WASTE MANAGEMENT – RETAIL TENANCIES**

The ground level tenants will be required to be responsible for their own storage of waste and recycling back of house (BOH). On completion of each trading day or as required, nominated staff/cleaners will transport their waste and recycling to the allocated retail waste area and place waste and recycling into the appropriate collection bins. (see APPENDIX A.1 GROUND LEVEL HOTEL AND RETAIL WASTE ROOMS).

Food handling for food cooked or prepared, served and consumed on site will produce a typical waste composition of food scraps from plates, packaging waste and some plastics. Café or restaurant staff will be responsible for their waste management.

Cardboard is a major component of the waste generated by retail. All cardboard should be flattened (to save bin space), placed in and collected from bulk bins. Whilst cardboard is bulky, it is generally lightweight however it can be contaminated with food or liquid which makes it unsuitable for recycling.

It is recommended that:

- All waste should be bagged and waste bins should be plastic lined;
- Bagging of recyclables is not permitted;
- All waste collections located both during operations;
- Individual recycling programs are recommended for retailers to ensure commingled recycling is separated correctly;
- Any food and beverage tenant will make arrangements for storing used and unused cooking oil in a bunded storage area;
- The operator will organise grease interceptor trap servicing;
- A suitable storage area needs to be provided and affectively bunded for chemicals, pesticides and cleaning products;
- Dry basket arresters need to be provided to the floor wastes in the food preparation and waste storage areas;
- Washroom facilities should be supplied with collection bins for paper towels (if used); and
- All flattened cardboard will be collected and removed to the waste room recycling mgb

**NOTE:** Subject to the stakeholders preference/capability (and as built constraints), bin sizes and quantities may be changed.

**ELEPHANTS FOOT WASTE COMPACTORS PTY LTD** ABN 70 001 378 294  
 Sydney Head Office 44-46 Gibson Ave Padstow NSW 2211 | PH: +612 9780 3500 | Fax: +612 9707 2588  
 Website: www.elephantsfoot.com.au | Email: info@elephantsfoot.com.au  
 Offices in Victoria & Queensland – Toll Free: 1800 025 073

### WASTE ROOM AREAS

The hotel waste room will need to hold all the bins required between collections and allow enough room to clean and safely manoeuvre bins. A bin wash down area is provided in this area (see APPENDIX A.1: GROUND LEVEL HOTEL AND RETAIL WASTE ROOMS).

Only council approved waste and recycling bins will be used on site.

The areas allocated for hotel waste room, retail waste room, bulky goods and collection areas are detailed in Table 3 below. The areas provided are considered suitable for purpose.

**Table 3: Waste Room Areas**

Location	Waste Room Type	Equipment	Recommended Area (m <sup>2</sup> )
Ground Floor	Hotel Waste Room	3x 1100L MGBs (waste) 3x 1100L MGBs (recycling)	17
Ground Floor	Retail Waste Room	2x 660L MGBs (waste) 2x 660L MGBs (recycling)	8

### WASTE FACILITY CLEANING AND MAINTENANCE

It will be the responsibility building management to determine an appropriate cleaning schedule for the bins and waste rooms once the building is operational.

It is recommended that at a minimum, the bins are cleaned once every 2 week and the waste rooms are cleaned once every week.

**ELEPHANTS FOOT WASTE COMPACTORS PTY LTD** ABN 70 001 378 294  
 Sydney Head Office 44-46 Gibson Ave Padstow NSW 2211 | PH: +612 9780 3500 | Fax: +612 9707 2588  
 Website: www.elephantsfoot.com.au | Email: info@elephantsfoot.com.au  
 Offices in Victoria & Queensland – Toll Free: 1800 025 073

## COLLECTION OF WASTE

### HOTEL

A private contractor will be engaged to collect hotel waste to an agreed schedule.

The waste collection vehicle will enter the ground level loading bay via Waines Crescent. Collection will occur directly from the hotel garbage area via a wheel in wheel out arrangement.

If the kitchen area of the hotel generates more than 50 litres per day of meat, seafood or poultry waste, daily waste collection must be arranged.

### RETAIL

A private contractor will be engaged to collect retail waste to an agreed schedule.

The waste collection vehicle will enter the ground level loading bay via Waines Crescent. Collection will occur directly from the retail garbage area via a wheel in wheel out arrangement.

Premises which generate at least 50 litres per day of meat, seafood or poultry waste must have that waste collected on a daily basis or must store that waste in a dedicated and refrigerated waste storage area until collection.

## COLLECTION AREA

Only council authorised collections contractors will be providing the site's waste and recycling removals.

All access and egress details including a swept path analysis for all vehicle movements on site will be provided by the traffic consultant's report.

If collection is on-site, the vehicle must be able to enter and exit the site in a forward direction and so that collection vehicles do not impede general access to, from or within the site. Access driveways to be used by collection vehicles must be of sufficient strength to support such vehicles.

The collection areas will need to be reviewed by a traffic consultant to confirm that these (and other trucks if required) can enter and exit the building in a forward direction. The final number of truck movements will depend on management of waste contract; final configuration of waste and recycling arrangements therefore number of bin lifts and additional irregular truck movements for hard waste.

It is our understanding that a traffic consultant is preparing drawings to confirm the swept paths for waste collections, access and egress, internal manoeuvring to assume parked position for loading and to exit, load requirements as well as collection vehicle dimensions. This information and supporting drawings will be provided separate to this report.

*NB: As a minimum requirement for collection vehicle access, Council will require indemnity against any claims for loss or damage to the pavement or other driving surface. Council may also require indemnity against liabilities, losses, damages and any other demands arising from any on-site collection service. In all cases, a hazard assessment will need to be conducted prior to Council agreeing to undertake the service.*

**ELEPHANTS FOOT WASTE COMPACTORS PTY LTD** ABN 70 001 378 294  
Sydney Head Office 44-46 Gibson Ave Padstow NSW 2211 | PH: +612 9780 3500 | Fax: +612 9707 2588  
Website: [www.elephantsfoot.com.au](http://www.elephantsfoot.com.au) | Email: [info@elephantsfoot.com.au](mailto:info@elephantsfoot.com.au)  
Offices in Victoria & Queensland – Toll Free: 1800 025 073



## GARBAGE ROOMS

### CONSTRUCTION REQUIREMENTS

The garbage room will be required to contain the following facilities to minimise odours, deter vermin, protect surrounding areas, and make it a user-friendly and safe area:

- Waste room floor to be sealed with a two pack epoxy;
- Waste room walls and floor surface is flat and even;
- All corners coved and sealed 100mm up, this is to eliminate build-up of dirt;
- For residential: a hot and cold water facility with mixing facility and hose cock must be provided for washing the bins;
- For retail/commercial: a cold water facility with hose cock must be provided for washing the bins;
- Any waste water discharge from bin washing must be drained to sewer in accordance with the relevant water board. (Sydney water);
- Tap height of 1.6m;
- Storm water access preventatives (grate);
- All walls painted with light colour and washable paint;
- Equipment electric outlets to be installed 1700mm above floor levels;
- The room must be mechanically ventilated;
- Light switch installed at height of 1.6m;
- Waste rooms must be well lit (sensor lighting recommended);
- Optional automatic odour and pest control system installed to eliminate all pest types and assist with odour reduction – this process generally takes place at building handover – building management make the decision to install;
- All personnel doors are hinged and self-closing;
- Waste collection area must hold all bins – bin movements should be with ease of access;
- Conform to the building code of Australia, Australian standards and local laws; and
- Childproofing and public/operator safety shall be assessed and ensured

### SIGNAGE

The building manager/caretaker is responsible for waste room signage including safety signage (see APPENDIX B.2). Appropriate signage must be prominently displayed on walls and above all bins, clearly stating what type of waste or recyclables is to be placed in the bin underneath.

All chute doors on all residential levels will be labelled with signs directing chute operations and use of chute door.

**ELEPHANTS FOOT WASTE COMPACTORS PTY LTD** ABN 70 001 378 294  
 Sydney Head Office 44-46 Gibson Ave Padstow NSW 2211 | PH: +612 9780 3500 | Fax: +612 9707 2588  
 Website: [www.elephantsfoot.com.au](http://www.elephantsfoot.com.au) | Email: [info@elephantsfoot.com.au](mailto:info@elephantsfoot.com.au)  
 Offices in Victoria & Queensland – Toll Free: 1800 025 073



**VENTILATION**

Waste and recycling rooms must have their own exhaust ventilation system either;

- Mechanically - exhausting at a rate of 5L/m<sup>2</sup> floor area, with a minimum rate of 100L/s minimum; or
- Naturally - permanent, unobstructed, and opening direct to the external air, not less than one-twentieth (1/20) of the floor area

Mechanical exhaust systems shall comply with AS1668 and not cause any inconvenience, noise or odour problem.

**STORM WATER PREVENTION & LITTER REDUCTION**

Building management shall be responsible for the following to minimise dispersion of site litter and prevent stormwater pollution to avoid impact to the environment and local amenity:

- Promote adequate waste disposal into the bins;
- Secure all bin rooms (whilst affording access to staff/contractors);
- Prevent overfilling of bins, keep all bin lids closed and bungs leak-free;
- Take action to prevent dumping or unauthorised use of waste areas; and
- Ensure collection contractors clean-up any spillage that may occur when clearing bins

**ELEPHANTS FOOT WASTE COMPACTORS PTY LTD** ABN 70 001 378 294  
Sydney Head Office 44-46 Gibson Ave Padstow NSW 2211 | PH: +612 9780 3500 | Fax: +612 9707 2588  
Website: [www.elephantsfoot.com.au](http://www.elephantsfoot.com.au) | Email: [info@elephantsfoot.com.au](mailto:info@elephantsfoot.com.au)  
Offices in Victoria & Queensland – Toll Free: 1800 025 073

#### ADDITIONAL INFORMATION

Transfer of waste and all bin movements require minimal manual handling therefore the operator must assess manual handling risks and provide any relevant documentation to building management. If required, a bin-tug, trailer or tractor consultant should be contacted to provide equipment recommendations. Hitches may require installation to move multiple bins to the collection area. Council must be informed of any hitch attachments required to be installed on bins.

#### LIMITATIONS

The purpose of this report is to document a Waste Management Plan as part of a development application and is supplied with the following conditions:

- Drawings, estimates and information contained in this waste management plan have been prepared by analysing the information, plans and documents supplied by you and third parties including Council and government information. The assumptions based on the information contained in the WMP is outside the control of EFRS;
- The figures presented in the report are an estimate only – the actual amount of waste generated will be dependent on the occupancy rate of the building/s and waste generation intensity as well as the building managements approach to educating residents and tenants regarding waste management operations and responsibilities;
- The building manager will make adjustments as required based on actual waste volumes (if waste is greater than estimated) and increase the number of bins and collections accordingly;
- The report will not be used to determine or forecast operational costs or prepare any feasibility study or to document any safety or operational procedures;
- The report has been prepared with all due care however no assurance or representation is made that the WMP reflects the actual outcome and EFRS will not be liable to you for plans or outcomes that are not suitable for your purpose, whether as a result of incorrect or unsuitable information or otherwise;
- EFRS offer no warranty or representation of accuracy or reliability of the WMP unless specifically stated;
- Any manual handling equipment recommended should be provided at the recommendation of the appropriate equipment provider who will assess the correct equipment for supply;.

**ELEPHANTS FOOT WASTE COMPACTORS PTY LTD** ABN 70 001 378 294  
Sydney Head Office 44-46 Gibson Ave Padstow NSW 2211 | PH: +612 9780 3500 | Fax: +612 9707 2588  
Website: [www.elephantsfoot.com.au](http://www.elephantsfoot.com.au) | Email: [info@elephantsfoot.com.au](mailto:info@elephantsfoot.com.au)  
Offices in Victoria & Queensland – Toll Free: 1800 025 073

**USEFUL CONTACTS**

Elephants Foot Recycling Solutions does not warrant or make representation for goods or services provided by suppliers.

**Rockdale City Council Customer Service**

Phone: 02 9562 1666

Email: [rcc@rockdale.nsw.gov.au](mailto:rcc@rockdale.nsw.gov.au)

**SULO MGB (MGB, Public Place Bins, Tugs and Bin Hitches)**

Phone: 1300 364 388

**CLOSED LOOP (Organic Dehydrator)**

Phone: 02 9339 9801

**ELECTRODRIVE (Bin Mover)**

Phone: 1800 333 002

Email: [sales@electrodrive.com.au](mailto:sales@electrodrive.com.au)

**RUD (Public Place Bins, Recycling Bins)**

Phone: 07 3712 8000

Email: [info@rud.com.au](mailto:info@rud.com.au)

**CAPITAL CITY WASTE SERVICES**

Phone: 02 9359 9999

**REMONDIS (Private Waste Services Provider)**

Phone: 13 73 73

**SITA ENVIRONMENTAL (Private Waste Services Provider)**

Phone: 13 13 35

**NATIONAL ASSOCIATION OF CHARITABLE RECYCLING ORGANISATIONS INC. (NACRO)**

Phone: 03 9429 9884

Email: [information@nacro.org.au](mailto:information@nacro.org.au)

**PURIFYING SOLUTIONS (Odour Control)**

Phone: 1300 636 877

Email: [sales@purifyingsolutions.com.au](mailto:sales@purifyingsolutions.com.au)

**Elephants Foot Recycling Solutions (Chutes, Compactors and eDiverter Systems)**

44 – 46 Gibson Avenue

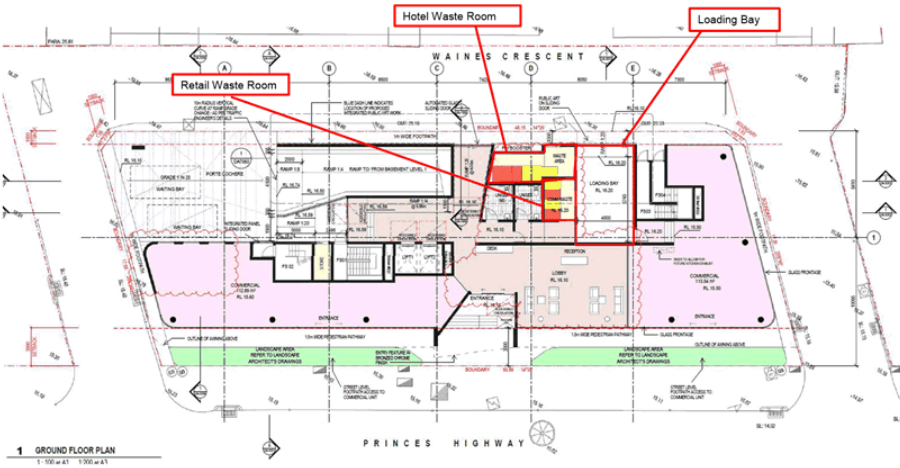
Padstow NSW 2211

Free call: 1800 025 073

Email: [natalie@elephantsfoot.com.au](mailto:natalie@elephantsfoot.com.au)

**ELEPHANTS FOOT WASTE COMPACTORS PTY LTD** ABN 70 001 378 294  
 Sydney Head Office 44-46 Gibson Ave Padstow NSW 2211 | PH: +612 9780 3500 | Fax: +612 9707 2588  
 Website: [www.elephantsfoot.com.au](http://www.elephantsfoot.com.au) | Email: [info@elephantsfoot.com.au](mailto:info@elephantsfoot.com.au)  
 Offices in Victoria & Queensland – Toll Free: 1800 025 073

APPENDICES  
APPENDIX A DRAWING EXERPTS  
APPENDIX A.1 GROUND LEVEL HOTEL AND RETAIL WASTE ROOMS



Source: CDArchitects, 413-425 Princes Hwy Rockdale, Title: Ground Floor Plan, Drawing No.DA 1104, RevD, Date: April 2018

ELEPHANTS FOOT WASTE COMPACTORS PTY LTD ABN 70 001 378 254  
Sydney Head Office 44-55 Gibson Ave Paddisow NSW 2211 | PH +612 9780 3500 | Fax +612 9707 2588  
Website: www.elephantsfoot.com.au | Email: info@elephantsfoot.com.au  
Offices in Victoria & Queensland - Toll Free 1800 025 073

**APPENDIX B ROCKDALE CITY COUNCIL EQUIPMENT SPECIFICATIONS****APPENDIX B.1 BIN DIMENSIONS**

Mobile Garbage Bins (MGB's) are generally categorised and sized according to the volume capacity of each bin. The size of the bins that are used in the provision of waste and recycling services in the Rockdale LGA are described in the following Table.

Bin Type & Capacity	Height	Width	Depth
240 Litre MGB	1100mm	580mm	740mm
1100 Litre MGB	1470mm	1370mm	1245mm

**ELEPHANTS FOOT WASTE COMPACTORS PTY LTD** ABN 70 001 378 294  
Sydney Head Office 44-46 Gibson Ave Padstow NSW 2211 | PH: +612 9780 3500 | Fax: +612 9707 2588  
Website: [www.elephantsfoot.com.au](http://www.elephantsfoot.com.au) | Email: [info@elephantsfoot.com.au](mailto:info@elephantsfoot.com.au)  
Offices in Victoria & Queensland – Toll Free: 1800 025 073

## APPENDIX B.2 SIGNAGE FOR WASTE &amp; RECYCLING BINS

## WASTE SIGNS

Signs for garbage, recycling and organics bins should comply with the standard signs promoted by the Department of Environment and Heritage.

Example wall posters



Example bin lid stickers



## SAFETY SIGNS

The design and use of safety signs for waste rooms and enclosures should comply with AS1319 Safety Signs for Occupational Environment. Safety signs should be used to regulate and control safety behaviour, warn of hazards and provide emergency information, including fire protection information. Below are some examples. Each development will need to decide which signs are relevant for its set of circumstances and service provided.

Examples of Australian Standards:



Australian Standards are available from the SAI Global Limited website ([www.saiglobal.com](http://www.saiglobal.com)).  
Source: Better Practice Guide to Waste Management in Multi-Unit Dwellings, 2008, DECC

**APPENDIX C WASTE MANAGEMENT EQUIPMENT SPECIFICATIONS****APPENDIX C.1 TYPICAL BIN MOVER****Typical applications:**

- Move trolleys, waste bin trailers and 660litre/1100 litre bins up and down a ramp incline. Ideal for Apartment Buildings (to move waste bins located at a basement level to road level).
- Quiet, smooth operation with zero emissions and simple to use, no driver's licence required

**Features:**

- Up to 1 Tonne on a ramp surface (depending on ballast and incline)
- Anti-rollback system on slopes
- Foot print: 1548L x 795W x 1104H (handle in the drive position)
- Pin Hitch is standard however alternate hitching options may be available to suit your specific application (e.g. tow ball)

**Safety Features:**

- Intuitive paddle lever control
- Stops and repels the unit if activated when reversing.
- Site assessment recommended to assess ramp incline steepness (*See Useful Contacts*)

**ELEPHANTS FOOT WASTE COMPACTORS PTY LTD** ABN 70 001 378 294  
Sydney Head Office 44-46 Gibson Ave Padstow NSW 2211 | PH: +612 9780 3500 | Fax: +612 9707 2588  
Website: [www.elephantsfoot.com.au](http://www.elephantsfoot.com.au) | Email: [info@elephantsfoot.com.au](mailto:info@elephantsfoot.com.au)  
Offices in Victoria & Queensland – Toll Free: 1800 025 073

---

**Bayside Local Planning Panel**

**26/02/2019**

Item No	6.3
Application Type	Development Application
Application No	DA-2017/323
Lodgement Date	31/03/2017
Property	<b>19 Barnsbury Grove, Bexley North</b>
Ward	Bexley
Owner	Mr Q C Liu
Applicant	Advance Development Group
Proposa;	Construction of a single storey childcare centre with capacity for 54 children operating from 7:00am to 7:00pm Monday to Friday and 9:00am to 5:00pm for four (4) Saturdays throughout the year with basement parking and demolition of existing structures
No. of Submissions	37 individual submissions, 1 petition with 21 signatures
Cost of Development	\$980,000
Report by	Michael McCabe, Director City Futures

---

**Officer Recommendation**

1. That Bayside Local Planning Panel refuse Development Application No. DA-2017/323 for the construction of a single storey childcare centre with capacity for 54 children operating from 7:00am to 7:00pm Monday to Friday and 9:00am to 5:00pm for four (4) Saturdays throughout the year with basement parking and demolition of existing structures, for the following reasons:
    - a. Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposal satisfy the requirement to demonstrate that the site can be made suitable for the proposed development as required by cl. 7 of State Environmental Planning Policy No. 55 – Remediation of Land. The proposal is noted as having the potential to contain contamination from uncontrolled imported fill which has not been further investigated as recommended in the submitted Preliminary Site Investigation.
    - b. Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposal does not comply with the nondiscretionary minimum outdoor play space development standards of Schedule 5 of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017. The proposal has insufficient outdoor play area for 54 children, requiring 378m<sup>2</sup> of unencumbered outdoor play space.
    - c. Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with the requirements of Clause 1(2) of Schedule 5 of the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 as it is inconsistent with the provisions of Part 4 of the Child Care Planning Guideline (Education and Care Services National Regulations), specifically in relation to the
-

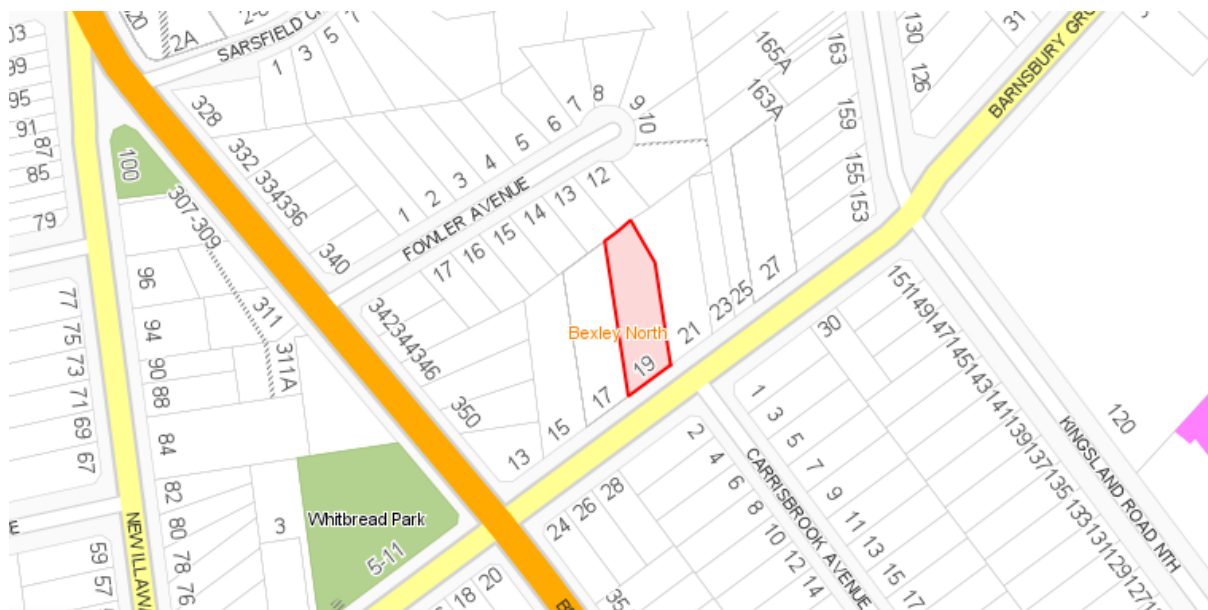


provision of natural light and ventilation to indoor areas used by children, administrative space for staff, soil assessment requirements and emergency evacuation procedures.

- d. 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 the proposed development does not satisfy the requirements of Clause 4.4.2 Solar Access of the Rockdale DCP 2011. The proposal will result in significant reductions in the solar access to private open space of adjacent dwellings located to the west of the site.
- e. 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 the proposed development does not respond or appropriately relate to the natural topography of the subject site, resulting in adverse privacy, acoustic and visual amenity impacts upon surrounding properties. The proposal is inconsistent with the provisions and objectives of Clause 4.1.6 Development on Sloping Sites and 4.4.5 Visual Privacy, as per Rockdale DCP 2011.
- f. Pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposal does not provide satisfactory ceiling height to provide adequate natural light within indoor play rooms or opportunity for natural ventilation. The proposal is inconsistent with the provisions and objectives of Clause 4.4.3 Natural Lighting and Ventilation, as per Rockdale DCP 2011.
- g. Pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposal does not provide a safe basement car-parking area with adequate separation of pedestrians from vehicle movements and as such does not comply with the equitable access requirements of Clause 4.6 Car Parking, Access and Movement of Rockdale DCP 2011.
- h. Pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposal does not satisfy the requirements of Clause 6.1 of Rockdale DCP 2011. Specifically, the requirements for the provision of Child Care Places, Location, Visual and Acoustic Impact, Indoor and Outdoor Space, Parking and Pedestrian Safety, and Hours of Operation are not satisfied.
- i. Pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the constraints of the site necessitate excessively high acoustic fencing in order to mitigate acoustic impacts to adjoining residential neighbours.
- j. 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.
- k. Pursuant to the provisions of Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the site is not suitable for the proposed development.

- I. Pursuant to the provisions of Section 4.15(1)(d) & 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, having regard to the reasons noted above and the number of submissions received by Council against the proposed development, approval of the development application is not in the public interest.
2. That the objectors be advised of the Bayside Planning Panel's determination.

## Location Plan



## Attachments

- 1 Planning Assessment Report [↓](#)
- 2 Amended Site Plan and Driveway Profile DA-2017/323 [↓](#)
- 3 Amended Elevations - DA-2017/323 [↓](#)
- 4 Amended Floor Plan - DA 2017/323 [↓](#)
- 5 Amended traffic report [↓](#)
- 6 Traffic Report - 19 Barnsbury Grove Bexley North - Advance Development Group [↓](#)
- 7 Traffic Survey Report - 19 Barnsbury Grove Bexley North - Advance Development Group [↓](#)
- 8 Statement of Environmental Effects - 19 Barnsbury Grove Bexley North - Advance Development Group [↓](#)
- 9 Acoustic Report - 19 Barnsbury Grove Bexley North - Advance Development Group [↓](#)
- 10 Preliminary Site Investigation - 19 Barnsbury Grove Bexley North [↓](#)

# BAYSIDE COUNCIL

## Planning Assessment Report

### Application Details

---

<b>Application Number:</b>	DA-2017/323
<b>Date of Receipt:</b>	31 March 2017
<b>Property:</b>	19 Barnsbury Grove, BEXLEY NORTH (Lot 10 DP 1108902)
<b>Owner:</b>	Mr Qing Chen Liu
<b>Applicant:</b>	Advance Development Group
<b>Proposal:</b>	Construction of a single storey childcare centre with capacity for 54 children operating from 7:00am to 7:00pm Monday to Friday and 9:00am to 5:00pm for four (4) Saturdays throughout the year with basement parking and demolition of existing structures
<b>Recommendation:</b>	Refused
<b>No. of Submissions:</b>	37 individual submissions and 1 petition with 21 signatories
<b>Author:</b>	Michael St Clair (Cardno) – Ben Latta
<b>Date of Report:</b>	22 January 2019

### Key Issues

---

The proposal has been assessed to not be compliant against the provisions contained within State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017. The Savings and transitional provisions contained at Schedule 5 of the SEPP require consent authorities to ensure that regulatory requirements detailed within Part 4 of the Child Care Planning Guideline be satisfied before determining a development application for a centre-based child care facility. The following aspects have not been satisfactorily demonstrated through the submitted documentation:

- **Unencumbered Outdoor Play Space Provision** – The proposal is assessed to be deficient in the area required for unencumbered outdoor play space in accordance with the requirements stipulated within the Education and Care Services National (ECSN) Regulations. These require that 7m<sup>2</sup> of unencumbered play space be provided for each child care position that is provided within the centre. The proposal details that adequate space has been provided. However, the calculation requires

that the covered verandah space to the rear of the centre be included within this area. The characteristics of this aspect of the proposal are not consistent with the requirements and as such cannot be included. The external unencumbered play space has a 58.85m<sup>2</sup> deficient, equating to the play space for 9 children.

- **Emergency and Evacuation Procedures** – The application provided no detail as to how emergency and evacuation procedures would be implemented throughout the site. This is required to be submitted to Council prior to an application being able to be determined due to the lack of clear locations within the immediate location of the site for children and their carers to muster, as well as only one defined egress point.
- **Soil Assessment** – The Preliminary Site Investigation undertaken as part of the assessment of the application identified that areas of uncontrolled fill exist within the site in conjunction with the potential for past use of pesticides. As such, the report recommended that a Detailed Site investigation be undertaken. This additional assessment has not occurred to date.
- **Unencumbered Indoor Play Space Provision** – The 0-2 room is deficient in its calculation for internal unencumbered play space, with the room providing 4.165m<sup>2</sup> less space than required by the regulations.
- **Ventilation and Natural Light** – The centre is proposed to be ventilated using mechanical means due to acoustic impacts associated with adjacent residential uses. Natural light is deficient, with only small windows located on the east and west elevations of the centre. Northern aspects are obscured by a deep verandah that limits natural light penetration into the internal play areas. Ceiling heights are not compliant with relevant controls, with 2.75m proposed and 3.3m required.
- **Administration Space** – The centre has been designed to have all administrative spaces located within a roof attic space. There is no reception space proposed adjacent to the entry to the site.
- **Nappy change facilities** – The two older children's rooms are not able to provide nappy change facilities in the shared toilet area. The increase in size of this aspect of the proposal will further impact the internal/external unencumbered space non-compliance issues.
- **Overshadowing** – The fencing proposed around the rear play area along the western boundary will create significant overshadowing impacts to adjacent dwelling private open space. Along this boundary acoustic fencing is proposed to a height of 2.4m, with this fencing to be constructed on top of a 0.8m high retaining wall. The combined effect of 3.2m of fencing/retaining wall height will significantly impact the amount of solar access that will be afforded to the adjacent villa development with a 3m wide setback of private open space along this boundary.

The proposed development and its standard of design is unsatisfactory with respect of the low density residential streetscape and site context of the property. The proposal is inconsistent with the following objective of the R2 Low Density Residential zone. *"To ensure that land uses are carried out in a context and setting that minimizes any impact on the character and amenity of the area."*

The proposed development does not respond or appropriately relate to the natural topography of the subject site, thus resulting in adverse privacy and visual amenity impacts upon surrounding properties.

The proposal is not consistent with the objectives of Clause 6.2 of the Rockdale Local Environmental Plan, with the proposed earthworks lifting the existing ground level along the western boundary of the site by 0.8m. Further, the requirement to screen the adjacent residential properties from the noise generated by the site will require fencing up to 2.4m in height along this boundary. These two aspects combined create severe impacts to the amenity of the private open space for each of the units that is directly adjacent to this boundary.

The key issues for this application have been articulated to the applicant on a number of occasions, with the required changes being unsatisfactorily applied. The application is not supportable in its current form and it is recommended that the application be refused.

The development was notified in accordance with the provisions of Rockdale DCP 2011. A total of 18 individual submissions, a preformatted letter submitted from 19 individuals and 1 petition with 21 signatures were received during the notification period.

The application is being reported to the Bayside Planning Panel given the number of submissions received opposing the proposed development. The recommendation is for Refusal.

## Recommendation

---

That Bayside Local Planning Panel **refuse** Development Application No. DA-2017/323 for the construction of a single storey childcare centre with capacity for 54 children operating from 7:00am to 7:00pm Monday to Friday and 9:00am to 5:00pm for four (4) Saturdays throughout the year with basement parking and demolition of existing structures, for the following reasons:

- a) Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposal satisfy the requirement to demonstrate that the site can be made suitable for the proposed development as required by cl. 7 of State Environmental Planning Policy No. 55 – Remediation of Land. The proposal is noted as having the potential to contain contamination from uncontrolled imported fill which has not been further investigated as recommended in the submitted Preliminary Site Investigation.
- b) Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposal does not comply with the nondiscretionary minimum outdoor play space development standards of Schedule 5 of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017. The proposal has insufficient outdoor play area for 54 children, requiring 378m<sup>2</sup> of unencumbered outdoor play space.
- c) Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with the requirements of Clause 1(2) of Schedule 5 of the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 as it is inconsistent with the provisions of Part 4 of the Child Care Planning Guideline (Education and Care Services National Regulations), specifically in relation to the

provision of natural light and ventilation to indoor areas used by children, administrative space for staff, soil assessment requirements and emergency evacuation procedures.

- d) 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 the proposed development does not satisfy the requirements of Clause 4.4.2 Solar Access of the Rockdale DCP 2011. The proposal will result in significant reductions in the solar access to private open space of adjacent dwellings located to the west of the site.
- e) 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 the proposed development does not respond or appropriately relate to the natural topography of the subject site, resulting in adverse privacy, acoustic and visual amenity impacts upon surrounding properties. The proposal is inconsistent with the provisions and objectives of Clause 4.1.6 Development on Sloping Sites and 4.4.5 Visual Privacy, as per Rockdale DCP 2011.
- f) Pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposal does not provide satisfactory ceiling height to provide adequate natural light within indoor play rooms or opportunity for natural ventilation. The proposal is inconsistent with the provisions and objectives of Clause 4.4.3 Natural Lighting and Ventilation, as per Rockdale DCP 2011.
- g) Pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposal does not provide a safe basement car-parking area with adequate separation of pedestrians from vehicle movements and as such does not comply with the equitable access requirements of Clause 4.6 Car Parking, Access and Movement of Rockdale DCP 2011.
- h) Pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposal does not satisfy the requirements of Clause 6.1 of Rockdale DCP 2011. Specifically, the requirements for the provision of Child Care Places, Location, Visual and Acoustic Impact, Indoor and Outdoor Space, Parking and Pedestrian Safety, and Hours of Operation are not satisfied.
- i) Pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the constraints of the site necessitate excessively high acoustic fencing in order to mitigate acoustic impacts to adjoining residential neighbours.
- j) 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.
- k) Pursuant to the provisions of Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the site is not suitable for the proposed development.
- l) Pursuant to the provisions of Section 4.15(1)(d) & 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, having regard to the reasons noted above and the number of submissions received by Council against the proposed development, approval of the development application is not in the public interest.

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

## Background

---

### History

There are no recent applications relating to the subject property or current applications pending for immediately adjoining sites.

18 August 2016

Pre-DA meeting was held with Council. The key matters raised included streetscape impacts associated with front setbacks, parking for cars located within the front setback of the proposed building, visual privacy impacts along the western boundary of the site and amenity impacts regarding the location/screening of the proposed play areas.

31 March 2017

DA-2017/323 submitted to Council

7 April 2017 to 24 April 2017

Public notification of proposal

3 May 2017 to 17 May 2017

Extended public notification of proposal

9 May 2017

Request for information letter sent to applicant identifying a number of deficiencies in the submitted architectural plans

22 May 2017

Amended architectural plans were submitted to Council. Only minor changes made to scheme.

7 June 2017

Consideration by the Bayside Traffic Development Advisory Committee

13 October 2017

Request for information letter sent to applicant identifying a number of deficiencies throughout the submitted supporting studies and compliance against the Education and Care Services National Regulation 2011.

6 December 2017

Amended architectural plans were submitted to Council. Plans were amended to address concerns raised, with a letter provided to address Traffic issues raised. Compliance against the Education and Care Services National Regulation was not addressed in detail.

8 March 2018

Request for information sent to applicant identifying concerns with the driveway ramp design within the amended plans submitted in December 2017.

2 May 2018

Amended architectural plans were submitted to Council. Plans addressed issues raised with the ramp design.

8 May 2018

Meeting with applicant to discuss range of outstanding issues that remain unresolved

10 May 2018

Request for information sent to applicant detailing the issues discussed in meeting. Amendments required related to basement carpark layout, provision of required unencumbered play space to rear of proposed centre, amendments to earthworks required to reduce overshadowing impacts to adjoining properties to the west and amendments to the administrative spaces to be provided.

19 July 2018

Amended architectural plans were submitted to Council in response to meeting held with Council in May.

## Proposal

Council is in receipt of a development application DA-2017/323 at 19 Barnsbury Grove, Bexley North, which seeks consent to demolish existing structures on site and the construction of a childcare centre with the capacity for 54 children.

The centre is proposed to operate between the hours of 7.00am to 7.00pm Monday to Friday and 9.00am to 5.00pm on four (4) Saturdays throughout the year (dates not specified) for special events such as Christmas parties and open days. The centre would not open on Sundays or gazetted public holidays, except for gazetted public holidays.

Specifically, the proposal consists of:

- Basement carpark, with;
  - 9 carparks,
  - Laundry facilities,
  - Waste storage area, and
  - Lift access
- Childcare centre with a capacity of 54 children, with;
  - Administration facilities,
  - Babies room for 17 children aged 0-2,
  - Toddler room for 17 children aged 2-3, and
  - Preschool room for 20 children aged 3-5.
- Outdoor play space, including;
  - Patterned rubber soft fall play space
  - Balance beams and 3D Rubber animals
  - Artificial turfed area
  - 2 sandpits
  - Wooden decked area with bench seating
  - Shade sail over portion of sandpits, artificial turf and decked area
  - Perimeter garden areas with planted trees and shrubs (not playable)

The centre will have a maximum of 13 staff members working at the centre at any given time. This includes 11 staff involved in the supervision of children as well as an additional 2 staff members for cooking and cleaning duties as well as a centre manager.



The proposal indicates that business identification signage is to be installed on the front façade of the building above the main entry to the centre. The specific details of the signage are not provided other than indicating that a 2.85m by 0.75m area will be utilised with the "Signage to Consultants Details". The proposed signage meets the requirements of exempt development and approval is not sought through this application for the installation of this signage.

### **Site location and context**

The subject site is known as Lot 10 DP 1108902, 19 Barnsbury Grove. The site is irregular in shape with an offset frontage to Barnsbury Grove and a tapering of the eastern boundary at the rear of the site. The site has a street frontage to Barnsbury Grove of 20.115m, with a site width of 17.8m. The lot has an overall area of 1,007m<sup>2</sup>. Figure 1 details the site location, showing the site and surrounding development patterns.

The site is zoned R2 – Low Density Residential, with the existing use of the site comprising a detached dwelling. Figure 2 shows the zoning for the site and surrounding area. The surrounding development is predominately residential, with the immediate properties containing a mix of detached housing and multi-dwelling housing uses. The site is located within 260m of Booth College Early Education Centre and 340m of Bexley North Primary School, both located on Kingsland Road North.

There are no significant trees located on site, one street tree is located within the front verge of the site. A significant tree is located adjacent to the western boundary to the site.

The site is not heritage listed or located within a Heritage Conservation Area. The site is located 120m to the west of Heritage Item I164 – Glendalough McIlveen Museum and Research Centre.

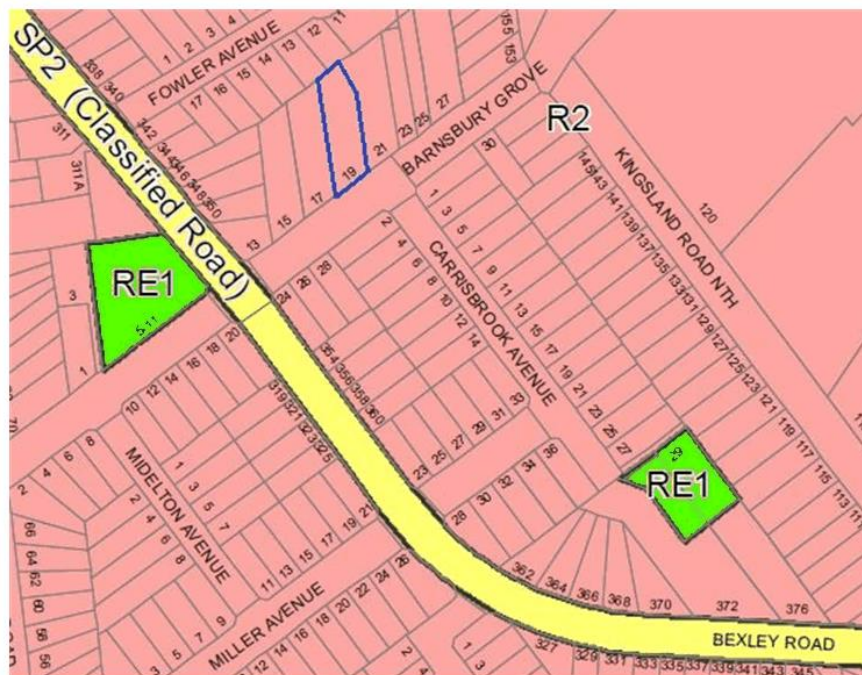


Figure 1 – Zoning Plan



Figure 2 – Aerial (Source: Nearmap 2018)

## Statutory Considerations

### *Environmental Planning and Assessment Act, 1979*

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

#### **S.4.15(1) - Matters for Consideration - General**

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

The following Environmental Planning Instruments are relevant to this application:

##### **State Environmental Planning Policy (Infrastructure) 2007**

Clause 45 of the State Environmental Planning Policy (Infrastructure) 2007 requires consent authorities to consider the impact of proposed developments on existing power distributions networks. In regards to the proposed application, Clause 45 (1a) indicates that '*the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole...*' and Clause 45 (2biii) indicates that '*Development carried out within 5m of an exposed overhead electricity power line*' requires the consent authority to consider the impacts of the development on the infrastructure asset.

The subject site has an existing power pole located within the road reserve to the front of the site. The existing driveway, which is proposed to be renewed and widened, is located up to 1m from this power pole. Additionally, the proposed driveway and its associated works will pass underneath the existing exposed overhead electricity power line. However, these works are unlikely to involve 'penetration of ground' in any substantive manner, not requiring concurrence under the provisions of this clause.

##### **State Environmental Planning Policy (Exempt and Complying Development Codes) 2008**

Division 2 of Part 2 within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 relates to the Advertising and Signage Exempt Development Code. The proposal includes limited detail about the proposed location of a Business Identification Sign to be installed above the main entrance to the building on the front façade of the building. The submitted documentation does not assess the impacts of this sign. The development standards that relate to an exempt Business Identification Sign are detailed within Clause 2.85 of the SEPP. The detail provided has been assessed against these development standards and the proposal will satisfy these requirements in their current form. As such, approval for the sign as detailed within the application is not required. Should the intention for the sign change, a subsequent development application would be required.

##### **State Environmental Planning Policy No 64—Advertising and Signage**

This policy applies to all signage that is visible from a public place except for signage that is exempt development. In granting consent, Council must take into account whether the signage is consistent with the objectives of this policy and whether the signage satisfies the criteria specified in Schedule 1 of SEPP 64.

Documentation accompanying the DA states that nil signage is proposed as part of this application. Given the nature of the proposed use this is unusual, notwithstanding, should

this application be approved proposed future signage would be subject to the lodgement, assessment and determination of a s.4.55 application at a future date.

### **State Environmental Planning Policy No. 55 – Remediation of land**

Clause 7 of the State Environmental Planning Policy No. 55 – Remediation of Land details that Contamination and remediation are to be considered in determining a development application. Clause 7(1a) requires that Council must not consent to the carrying out of development on land unless it has considered whether the land is contaminated. Clause 7(2) requires that a preliminary investigation of the land concerned must be considered for any development that would involve the change of use on any land specified in subclause (4). Clause 7 (4) states that;

*The land concerned is:*

- a) *Land that is within an investigation area,*
- b) *Land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
- c) *To the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital-land:*
  - i. *In relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
  - ii. *On which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

Clause 7 (4c) requires that any development proposing a change of use for child care purposes requires that a preliminary investigation must be considered if there is no knowledge (or an incomplete knowledge) as to whether development as listed in Table 1 of the contaminated land planning guideline has occurred and on land which would have been lawful to carry out such development.

The subject site was developed for residential purposes following the end of World War 2. Prior to this, the site was utilised for agricultural purposes following settlement. The nature of the agricultural use that occurred on the site prior to residential development is unknown. Additionally, the nature of the subsequent residential occupation of the site is unknown. It appears that the rear of the site has been used for horticultural purposes and that an extensive pool has been located within the rear of the property. The pool has now been removed and the area filled. There is enough doubt with the historic uses at the site to warrant the completion of a preliminary assessment.

Further to the provisions contained within the Remediation of Land SEPP, the ECSN Regulation requires that one of the following be provided (Regulation 25 (d));

- i. A soil assessment for the site of the proposed education and care services premises;
- ii. If a soil assessment for the site of the proposed education and care services premises has previously undertaken, a statement to that effect, specifying when the soil assessment was undertaken;
- iii. A statement made by the applicant that states that, to the best of the applicant's knowledge that site history does not indicate that the site is likely to be contaminated in a way that poses an unacceptable risk to the health of children

Following a request for a Preliminary Site Investigation be undertaken for the site, a preliminary assessment was undertaken in December 2017 (Aargus Australia, 8/12/17). The

findings of this investigation concluded that a Detailed Site Investigation should be undertaken before the site be developed due to the following:

- Potential importation of uncontrolled fill that may contain various contaminants;
- Current or past use of pesticides
- Driveway and carpark areas where leaks and spills from cars may have occurred:  
and
- Potential asbestos based building materials.

The investigation concluded by stating:

*"Based on the information collected during this investigation and in reference to Clause 7 of SEPP 55, the site will be suitable subject to the completion of a Detailed Site Investigation (and after remediation and validation, if required) for the proposed childcare centre development with basement car parking and landscaping area."*

To date no Detailed Site Investigation has been completed and as such, the requirements of cl. 7 of SEPP 55 have not been satisfied.

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

The State Environmental Planning Policy (Educational Establishment and Child Care Facilities) 2017 commenced on 1 September 2017. This application was lodged on the 31 March 2017, predating the commencement of this SEPP. Schedule 5 of the SEPP lists the Savings and Transitional provisions that apply. Clause 1 of the schedule details the savings provisions that apply to any application affected by this SEPP. Subclause 1 details that the SEPP 'does not apply to or in respect of the determination of a development application made under Part 4 of the Act, but not finally determined before the commencement of this Policy'. This subclause precludes this application from assessment against this SEPP. However, subclause 2 of Schedule 5 states 'Despite subclause (1), before determining a development application referred to in that subclause for the development of a centre-based child care facility, the consent authority must take into consideration the regulatory requirements and the National Quality Framework Assessment Checklist set out in Part 4 of the Child Care Planning Guideline, in relation to the proposed development'.

The proposal relates to the development of a 'centre-based child care facility' therefore subclause (2) of Schedule 5 of the SEPP applies. The following table details the assessment against the National Quality Framework Assessment Checklist contained within the *Child Care Planning Guideline*:

#### National Quality Framework Assessment Checklist

Regulation	Design Guidance	Proposal	Complies
<b>104 – Fencing or barrier that encloses outdoor spaces</b>	Outdoor space that will be used by children will be enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it.	The rear outdoor play area will be adequately fenced due to the acoustic requirements of the site.	Yes
<b>106 – Laundry and hygiene facilities</b>	On site laundry facilities	Laundry facilities provided in basement of site. Details of the laundry are not illustrated on the plans, with the space capable of accommodating required facilities	Yes

<b>107 – Unencumbered indoor space</b>	Min 3.25m <sup>2</sup> unencumbered indoor space per child	0-2 room = 51.1m <sup>2</sup> (15 children can be accommodated) 2-3 room = 56.3m <sup>2</sup> (17 children can be accommodated) 3-5 room = 71.4m <sup>2</sup> (21 children can be accommodated)	<b>No (See below)</b> Yes Yes
	Storage <ul style="list-style-type: none"> <li>- Min 0.3m<sup>3</sup> per child external</li> <li>- min 0.2m<sup>3</sup> per child internal</li> </ul>	External = 29.7m <sup>3</sup> (16.2m <sup>3</sup> required)  Internal = 16.5m <sup>3</sup> (10.8m <sup>3</sup> required)	Yes  Yes
	Prams, bikes and scooters should be located adjacent to the building entrance	No space has been provided adjacent to the entry of the centre to temporarily store Prams, bikes or scooters	<b>No (see below)</b>
<b>108 – Outdoor Space Requirements</b>	Min 7m <sup>2</sup> per child unencumbered outdoor space	378m <sup>2</sup> required for 54 children  319.15m <sup>2</sup> provided of outdoor play space 70.9m <sup>2</sup> provided of outdoor play space under the verandah to the rear of the centre.  Verandah has a perimeter of 42.7m, with only 13.75m open to the outdoor play space. Not compliant with having at least 1/3 of perimeter open to outdoor play space	<b>No (see below)</b>
<b>109 – Toilet and Hygiene facilities</b>	Toilet and Hygiene facilities should be designed to maintain the amenity and dignity of the occupants	The centre has appropriate space to provide toilet and hygiene facilities for the use of children and staff.	Yes
<b>110 – Ventilation &amp; Natural light</b>	Adequate natural light and ventilation to indoor areas used by children	Ventilation – The centre is proposed to be primarily mechanically ventilated due to acoustic impacts to surrounding properties associated with opening windows  Natural Light – External windows to play rooms are limited to high sill windows on east/west elevations of building. North facing windows are included for each room, with these opening onto the verandah space. Ceiling height is 2.75m , with no roof skylights provided.	<b>No (See below)</b>  <b>No (See below)</b>
<b>111 – Administrative Space</b>	Adequate accessible area or areas for the purposes of conducting administrative functions	The design of the centre has provided all administrative space on the first floor. There is no reception space on the ground floor of the centre, with parents directly accessing play rooms from the entry lobby.	<b>No (See Below)</b>
<b>112 – Nappy change facilities</b>	Changing bench with appropriate bathing, hand wash & storage facilities	Nappy change facilities are incorporated into the 0-2 year old room. However, these facilities are not provided in the shared bathroom space for the two older age group rooms. The age group of 2-3 still require these facilities with the toilet space requiring expansion to accommodate this.	<b>No (See below)</b>



<b>113 – Outdoor Space: Natural Environment</b>	Outdoor spaces that allow children to explore and experience the natural environment	The landscape plan indicates that extensive plantings will occur surrounding the external play space to aid in acoustic protection to adjoining properties. Further detail would be required for this aspect should approval be granted	Yes
<b>114 – Outdoor Space – Shade</b>	Adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun	The proposal indicates that shading will be provided to the outdoor play space. Detail is not provided, with further information required to ensure adequate protection of children	No (See below)
<b>115 – Premises designed to facilitate supervision</b>	Rooms / facilities (including toilets, activity rooms etc.) designed to facilitate supervision of children at all times, having regard to the need to maintain their rights and dignity.	The proposal includes windows between each of the indoor rooms. Windows are also provided between the indoor and outdoor play spaces. These allow supervision to occur throughout the centre	Yes
<b>97 / 168 – Emergency &amp; Evacuation Procedures</b>	Emergency and evacuation plan should be submitted with a DA	The submitted documentation does not provide any detail as to how emergencies or evacuation will be managed throughout the site	No (See below)
<b>25 – Soil Assessment</b>	Where children will have access to soil the regulatory authority requires a preliminary investigation of the soil. To ensure consistency between the development consent and the service approval, a soil assessment should be undertaken as part of the DA process	No assessment has been included in the submitted documentation to satisfy Clause 25(d) of the regulations (or the requirement of SEPP 55 discussed above).	No (See below)

Part 4 of the Child Care Planning Guidelines relates directly to the regulatory requirements detailed within the ECSN regulations.

#### **Indoor Space Requirements**

Regulation 107 of the ECSN Regulations require that 'Every child being educated and cared for within a facility must have a minimum of 3.25m<sup>2</sup> of unencumbered indoor space. The design of the centre incorporates three rooms, with the following capacities and required indoor unencumbered open space;

- 0-2 Year old – 17 Childcare spaces – 55.25m<sup>2</sup> unencumbered indoor play space
- 2-3 Year old – 17 Childcare spaces – 55.25m<sup>2</sup> unencumbered indoor play space
- 3-5 Year old – 20 Childcare spaces – 65.0m<sup>2</sup> unencumbered indoor play space

The submitted plans for the centre indicate that the 0-2 year old room will be deficient in this requirement, providing only 51.1m<sup>2</sup> of space. This standard is a mandatory requirement within the ECSN Regulations, with a requirement of any variation to this standard to be referred to the Department of Education for concurrence.

This referral has not occurred due to the last set of updated plans still not satisfactorily addressing this deficiency in the application. Should this application continue to be pursued in its current form then a referral to the Department of Education should be commenced.

Additionally, space has not been provided adjacent to the entry of the Childcare centre or adjacent to the entry of individual rooms for the storage of prams, bikes and scooters.

#### **Outdoor Space Requirements**

Regulation 108 requires that 7.0m<sup>2</sup> of unencumbered outdoor space be provided for every child being educated and cared for within the facility. The proposal indicates that a total of 54 children will be catered for within the proposed centre, equating to a requirement of 378m<sup>2</sup>. The submitted plans indicate 386m<sup>2</sup> of outdoor space will be provided. In addition to the space requirements, the provided play space is required to be unencumbered by other uses such as pathways or thoroughfares, storage areas, laundry spaces and 'other space that is not suitable for children'. Verandah areas can be included within the outdoor unencumbered space determination when a number of conditions are met. In this case, verandah areas are to provide at least one third of their perimeter open to the outdoor play space. To satisfy this requirement, the designed undercover area is required to provide 14.23m of its overall perimeter of 42.7m open. The proposal has been designed to have only 13.75m open and is therefore deficient in this regard meaning that the verandah area cannot be included in the outdoor unencumbered space area. When this is removed, only 319.15m<sup>2</sup> of outdoor space is provided, meaning that only 45 childcare spaces can be supported.

This standard is a mandatory requirement within the ECSN Regulations, with a requirement of any variation to this standard to be referred to the Department of Education for concurrence. As stated above, this referral has not occurred due to this deficiency only being identified within the latest set of submitted plans.

#### **Ventilation and Natural Light**

Regulation 110 of the ECSN Regulations require that 'services must be well ventilated, have adequate natural light, and be maintained at a temperature that ensures the safety and wellbeing of children'. The ceiling height proposed throughout the building is indicated to be 2.75m. This is less than the required 3.3m within the Rockdale DCP and does not provide adequate scope to include windows along the eastern and western sides of the Childcare centre. As such, the provision of natural light will be limited to the three play rooms. This is particularly relevant to the middle room as this is reliant to the two adjacent room's high sill height windows to provide adequate light to illuminate this room through the internal windows.

Further, ventilation is significantly hindered due to acoustic impacts associated with the Childcare centre being located in a residential area directly adjacent to a town house development. Acoustic treatments require all external windows to remain closed when the centre is in operation to mitigate noise impacts on surrounding residents. Windows in Cot room should be operable to allow natural ventilation.

#### **Administrative Space**

Regulation 111 of the ECSN Regulations require that 'a service must provide adequate area or areas for the purposes of conducting the administrative functions of the service, consulting with parents of children and conducting private conversations'. The submitted plans detail an office space, staff room, kitchen and amenities. These are located within the first floor of the centre, within the roof space of the building. No section has been provided of this detail and there is no provision for external lighting. Further, there is no administrative space located within the ground floor of the building, with all three care rooms accessed directly from the entry lobby with no form of reception space. The design of the centre does not include any space where meetings of a private nature can take place.



The design is not appropriate for a newly constructed centre and is emblematic of an over development of the site.

#### **Nappy Change Facilities**

Regulation 112 of the ECSN Regulations require that 'Child care facilities must provide for children who wear nappies, including appropriate hygienic facilities for nappy changing and bathing. All nappy changing facilities should be designed and located in an area that prevents unsupervised access by children'.

The submitted plans do not make provision for space for nappy changing facilities for the two older age group rooms. Specifically, the 2-3 year old room only has access to a communal bathroom (shared with the 3-5 year old room) that contains space for four toilets. This room is also indicated as having no spare bench space in which to locate a change facility. The 0-2 year old room has been provided with facilities.

#### **Outdoor Space – Shade**

Regulation 114 requires that adequate shaded areas be provided for outdoor play areas. The proposal indicates that a shade structure will be incorporated into the outdoor play area, however no detail for this structure has been provided. This information was requested in the last request for further information sent to the applicant, with no detail provided to enable assessment.

#### **Emergency and Evacuation Procedures**

The application does not provide any detail as to how emergency and evacuation procedures will be managed throughout the site. This aspect is a requirements under regulations 97 and 168 of the ECSN Regulations. The constraints of the site and surrounding area require consideration of emergency and evacuation processes at the application stage to ensure that safe egress can be provided for all children under care in the event of an emergency and that children can be safely cared for external to the building.

#### **Soil Assessment**

Regulation 25 requires that each site of a new childcare centre undergo a soil assessment to determine if the site has been contaminated prior to development occurring. As discussed above in relation to *State Environmental Planning Policy No. 55 – Remediation of Land*, a Preliminary Site Investigation has been undertaken which recommended that a further Detailed Site Investigation be conducted. This assessment has not been undertaken by the applicant and is therefore unable to satisfy this requirement of the ECSN Regulation.

### **Rockdale Local Environmental Plan 2011**

<b>Relevant clauses</b>	<b>Compliance with objectives</b>	<b>Compliance with standard/provision</b>
2.3 Zone R2 Low Density Residential	No	No - see discussion
2.7 Demolition requires development consent	Yes	Yes - see discussion
4.3 Height of buildings	Yes	Yes - see discussion
4.4 Floor space ratio - Residential zones	Yes	Yes - see discussion

Relevant clauses	Compliance with objectives	Compliance with standard/provision
6.1 Acid Sulfate Soil - Class 5	Yes	Yes - see discussion
6.2 Earthworks	No	No - see discussion
6.4 Airspace operations	Yes	Yes - see discussion
6.7 Stormwater	Yes	Yes - see discussion
6.12 Essential Services	Yes	Yes – see discussion

### **2.3 Zone R2 Low Density Residential**

The subject site is zoned R2 – low Density Residential under the provisions of the Rockdale Local Environmental Plan 2011 (RLEP 2011). The proposal is defined as a child care centre which constitutes a permissible development only with development consent. The objectives of the zone are:

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

The proposed development is not consistent with the third objective listed above. The proposal has unacceptable impacts on the amenity of adjacent dwellings in respect to overshadowing to villas located to the west of the site.

### **2.7 Demolition requires development consent**

The proposed development seeks consent for the demolition of existing structures on site and hence satisfies the provisions of this clause.

### **4.3 Height of buildings**

The height of the proposed child care centre is 6.8m.

Therefore, the proposed development does not exceed the maximum 8.5m height shown for the land on the Height of Buildings Map.

Further, the proposed development will maintain satisfactory sky exposure and daylight to buildings, key areas and public domain, and will integrate into the existing built form and land use intensity. Accordingly, the proposed height of the building satisfies the objectives of this clause.

### **4.4 Floor space ratio - Residential zones**

The Gross Floor Area of the proposed development has been calculated as 356.5m<sup>2</sup> over a site area of 1,007m<sup>2</sup>. In this regard, the proposed floor space ratio (FSR) for the building is 0.354:1 and therefore does not exceed the maximum 0.5:1 FSR permitted for the land as shown on the Floor Space Ratio Map.

Further, the proposed density is in accordance with the desired future character of Bexley North, will have minimal adverse environmental effects on the use or enjoyment of adjoining

properties, and will maintain an appropriate visual relationship between new development and the existing character of the area.

Accordingly, the proposed FSR for the development meets the objectives and satisfies the maximum FSR permitted by Clause 4.4 in RLEP 2011.

#### **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 500m of adjacent Class 1, 2, 3 or 4 ASS that is below 5m AHD.

#### **6.2 Earthworks**

The proposal involves extensive excavation within the site to accommodate the basement level, as well as the proposed raising of the rear portion of the site to provide a level outdoor play space. The requirement to undertake excavation to support the basement car parking is supportable. However, the proposed inclusion of retaining walls and increase in ground level along the western boundary is not. The proposed levelling of the rear play area will result in sections along the western boundary being increased by up to 0.8m. In addition to the raising of the ground level, the proposal requires acoustic fencing to be installed surrounding the rear play area of between 2.1-2.4m in height. Along the western boundary this will result in a combined height of 3.2m of retaining walls and fencing.

The villas along the western boundary are orientated to provide their private open space along this boundary. The proposed 3.2m of fencing will result in unsatisfactory amenity impacts to these residents with significant losses of solar access through the significant overshadowing that will occur. As such, the objectives and assessment considerations are not met in respect to clause 6.2 of the RELP.

#### **6.4 Airspace operations**

The proposed development is affected by the Obstacle Limitation Surface (OLS) which is set at 60m AHD. The building has a maximum height of 51.113m AHD and in this regard, it does not protrude above the OLS and it is considered that the proposed building will have minimal adverse impact on the OLS.

#### **6.7 Stormwater**

Council's Development Engineers indicate that Stormwater can be adequately managed within the site.

#### **6.12 Essential services**

Services will generally be available on the site.

### **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
4.1.3 Water Management	Yes	Yes
4.1.4 Soil Management	Yes	Yes – see discussion
4.1.6 Development on sloping sites	No	No – see discussion
4.1.7 Tree Preservation	Yes	Yes – see discussion
4.1.9 Lot Size and Site Consolidation	No	No – see discussion
4.2 Streetscape and Site Context – General	Yes	Yes – see discussion
4.2 Streetscape and Site Context – Fencing	Yes	Yes – see discussion
4.2 Streetscape and Site Context – Sandstone Walling, Rock Outcrops and Kerbing	Yes	Yes
4.3.1 Open Space and Landscape Design	Yes	No – see discussion
4.4.2 Solar Access	No	No – see discussion
4.4.3 Natural Lighting and Ventilation	No	No – see discussion
4.4.5 Visual and Acoustic Privacy – Visual Privacy	Yes	Yes - see discussion
4.4.5 Visual and Acoustic Privacy – Acoustic Privacy	Yes	Yes - see discussion
4.6 Parking, Access and Movement	Yes	Yes - see discussion
4.7 Site Facilities	Yes	Yes - see discussion
6.1 Child Care Centres	Yes	Yes - see discussion

#### **4.1.4 Soil Management**

The Sediment Control Plan submitted details the general erosion and sediment control strategies proposed to ensure that the potential for impacts on adjoining land and surrounding waterways is minimised.

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

#### **4.1.6 Development on Sloping Sites**

The proposal is situated on a site with a slight slope. The proposal is seeking to level the rear outdoor play space, with this resulting in areas of fill of up to 0.8m along the western boundary of the site. The cumulative impact associated with this fill and the proposed acoustic treatments will result in unsupportable high fencing. This is not consistent with the objective to protect the amenity of adjoining properties. The last request to the applicant detailed this non-compliance, with no change within the proposal made in the latest submitted plans received by Council.

#### **4.1.7 Tree Preservation**

The development proposal does not involve the removal of any trees. Nonetheless, Council's Tree Management Officer has recommended appropriate conditions, regarding the protection and retention of the street tree and existing trees within adjoining properties.

#### **4.1.9 Lot Size and Site Consolidation**

The development proposal indicates that the site has a site width 17.779m. The controls within the DCP require that a child care centre have a minimum site width of 18m when not located on a corner block. The proposal is not compliant with this requirement, falling 0.221m short (discrepancy of 1.23%).

The objectives of this control have not been met, with unacceptable impacts associated with overshadowing and under provision of required facilities.

#### **4.2 Streetscape and Site context – General**

The proposal is located in a R2 Zone. The immediate context is relatively low scale, consisting of single and two storey dwellings, with 'Booth College' located 120m to the east along Barnsbury Grove the prominent development within the area. The proposed double storey child care centre is consistent with the desired and future character of the area in terms of height, bulk and scale, and is generally appropriate in this context. It should be noted that the entrance to the basement garage is located on the low side of the block and is in keeping with the street character.

The proposed front setback is consistent with the variable setbacks of the properties on either side of the site and in this regard the residential streetscape will be retained and complemented.

The proposed built form on site complies with the required height and FSR requirements. The proposed development has been designed with appropriate use of articulation & modulation to the façade via the incorporation of a residential style portico and front pathway.

The proposal has been designed with only minimal windows overlooking the, providing only limited casual surveillance from cot rooms and the entry foyer. The lack of administrative space within the ground floor significantly limits opportunities of casual surveillance of the public domain. Further, the proposed fences and plantings have been sited so as to provide clearly defined public, semi-public and private spaces.

#### **4.2 Streetscape and Site context – Fencing**

The proposal does not include the provision of fencing along the street frontage of the site, with planting instead proposed to delineate the private space from the public street. Lap and

Cap fencing will be provided on either side forward of the building line to a height of 1.2m. The remainder of the site will have fences to a minimum height of 1.8m, constructed in the Lap and Cap style. Sections of the fencing around the rear play area have been increased in height to 2.1m to account for acoustic privacy requirements. The fence along the western boundary will be further increased in size to 2.4m with the addition of a clear perplex screen angled at 45 degrees into the play area to further mitigate for acoustic privacy.

The proposed fencing is designed to be in keeping with the surrounding fencing styles. The height of the rear fences is not compliant with the DCP. This non-compliance is required to satisfy the acoustic requirements of the development as detailed in the submitted Acoustic Assessment.

#### **4.3.1 Open Space and Landscape Design**

The total landscaped area provided within the proposal has not been updated within the resubmitted plans. However, the proposal still does not achieve its minimum requirement of a childcare centre is 20% of the site area, with substantial areas of soft fall provided in the rear play space rather than natural landscaping material (i.e. grass, mulch).

The landscaped area within the front setback is residential in character, ensuring the residential feel of the street is maintained. This area is not located next to another front setback landscaped area but maintains the regular pattern of landscaping within the street.

#### **4.4.2 Solar Access**

Whilst the proposed childcare centre is one storey in height (with administrative spaces provided for within the roof spaces), the fill that is required along the western boundary to provide a level outdoor play space will result in the ground level along this boundary being raised. The extent of fill proposed is up to 0.8m in places, with an acoustic fence of 2.4m in height placed on top. This will result in a fence/retaining wall height of 3.2m along this boundary providing a significant barrier to adequate solar access to the properties located to the west of the site. The development to the west is characterised by villa construction, with the access driveway along the west of the site and private open space to the east. The private open space, which adjoins the childcare centre site, is only 3m deep for the full length of this boundary. By providing 3.2m high fencing along this boundary, the villas located to the west will have significant reductions in their solar access. This loss of amenity is not supported by Council.

#### **4.4.3 Natural Lighting and Ventilation**

All buildings other than residential buildings are required to provide a ceiling height of 3.3m to allow for adequate Natural lighting and ventilation provision within new development. The proposed ceiling height is 2.75m for the childcare centre, being deficient 0.55m. The design of the centre is lacking appropriate window locations to allow adequate solar access with the lower ceiling height further exacerbating this issue. The proposal requires redesign to allow further natural lighting through increases to the ceiling height in conjunction with the inclusion of further windows.

Ventilation is proposed to be provided primarily by mechanical means. This is due to the requirement to keep both windows and doors closed with the centre is in operation to limit acoustic impacts to surrounding residents.

#### **4.4.5 Visual and Acoustic Privacy – Visual Privacy**

The proposed child care centre has been designed and sited to minimise the overlooking of adjoining properties. The proposal is a single storey in height (with roof space administrative offices) providing limited opportunities for overlooking into adjoining properties to occur. This

is further mitigated through the inclusion of 1.8m high fences adjacent to the internal play spaces and 2.1/2.4m high fences around the rear external play space.

#### **4.4.5 Visual and Acoustic Privacy – Acoustic Privacy**

The Childcare centre has the potential to generate Acoustic Privacy concerns throughout the operation of the site. The applicant has undertaken an Acoustic assessment of the proposal in regards to any impacts to surrounding buildings. The report indicated that there are three potential noise sources that could impact Acoustic privacy being:

- Children playing inside the playrooms and outside in the outdoor area;
- Cars entering and leaving the carpark; and
- Air-conditioning condensing units.

The report assessed each of these noise sources against established noise criterion for the site. The report found that a range of mitigation measures would need to be employed to ensure that the required noise level would be met. These measures include;

- 2.1/2.4m high sound barrier wall installed around the outside play area to the rear of the site.
- All windows and doors to internal play spaces to be closed when children are inside
- Outdoor play space to be used by only one age group at any one time (Maximum of 20 children)
- Crying children to be taken inside
- Amplified sound and music should not be played in the outdoor play area.
- Install air-conditioning condenser units along the southern façade of the centre at least 7m away from the east and west boundaries.
- Develop a noise compliant process as detailed within the Acoustic Report

These mitigations measures have been included within the draft Notice of Determination to ensure compliance

#### **4.5.2 Equitable Access**

No Access Report has been provided with the submitted development application. The Statement of Environmental Effects indicates that the centre will allow for equitable access through the inclusion of a lift from the basement car parking area as well as providing ramps and level accesses throughout.

#### **4.6 Parking, Access and Movement**

The parking rates within the DCP require the following rate of spaces be provided within the site.

- 1 space per 20 children – 54 children indicated – 2.7 spaces required
- 1 space per 2 members of staff (full or part-time) – 13 staff (operational Management Plan) – 6.5 spaces required

The proposal has provided 9 spaces, with 10 (9.2 spaces) required meaning the proposal is deficient by one space. One of the provided 9 spaces is indicated as being an accessible space. These will all be provided within a basement carpark area accessed by a single driveway entering the site. The driveway will be located in the same location as the existing driveway on site, with a ramp constructed to access the lower basement area. Council's Development Engineers have assessed this component, finding the proposal meets Council's and Australian Standards for car park design. Concern is raised however of the lack of separation of pedestrian access ways within the basement from vehicle movements. The basement will require redesign to provide a pedestrian pathway that will be located

outside of the vehicle manoeuvring area as well as increasing parking space provision to 10 spaces.

A requirement for 6 bicycle spaces exists for the proposal under the controls contained within the DCP. None have been provided for and should the application continue to be pursued 6 spaces should be incorporated into the design.

The application has been referred to Roads and Maritime Services (RMS) for comment and has been considered by Bayside Traffic Development Advisory Committee. RMS indicated that they have no concerns with the proposed development in their response dated 26 June 2017, providing additional comments in regards to parking being in accordance with Council requirements, that parking is designed in accordance with Australian Standards and that a Construction Traffic Management Plan be required prior to the issue of a Construction Certificate if approved. The Bayside Traffic Committee recommended following its meeting in the 7<sup>th</sup> June 2017 that a pedestrian warning system be provided at the basement car park driveway to enhance pedestrian safety.

#### **4.7 Site Facilities**

##### *Air-conditioning and Communication structures*

The proposal indicates that two air-conditioning units will be required. The Noise assessment requires these to be placed within the south façade of the centre with appropriate sound barriers located on either side to minimise acoustic impacts to adjacent residential properties. The application has been modified to locate these units within the Bins store within the basement of the development. This location is supported by Council

##### *Waste Storage and Recycling Facilities*

The provided documentation does not adequately describe how waste is to be managed and minimised throughout the demolition or construction stages of work. It is not understood how demolition material will be managed on site, how any Asbestos material found on site will be managed and how the excavated material will be disposed of. Additionally, the proposal is very light on detail as to how waste will be managed throughout the operation of the site, especially in regards to any biohazardous waste that is generated through the operation of the site.

A bin storage room is shown in the submitted documentation to have an area of 5.5m<sup>2</sup>. This space will provide for 8 bins to be stored in the area including limited space for manoeuvring. Based on standard rates for waste storage for similar childcare centres throughout Sydney, this site should be providing 9 standard bins for both general and recycling waste (based off Penrith's waste guidelines for childcare centres, requiring 80L of capacity for every 100m<sup>2</sup> GFA). The 18 bins deemed to be required for this development would require an area of 7.8m<sup>2</sup> plus required manoeuvring space.

A detailed Waste Management and Minimisation Plan is required to be provided to Council should the current application be further pursued.

##### *Laundry facilities and Drying Areas*

The proposal includes an onsite laundry facility located within the basement carpark area of the site. The specific design of this space has not been included at this stage of the assessment process, with further details to be provided prior to the issue of a Construction Certificate. This space will be required to demonstrate adequate space to allow both washing and drying facilities in addition to the storage of soiled linen. Space should also be provided to allow the sorting and storage of clean linen separate to the dirty areas of the space.



### **6.1 Child Care Centres**

#### *Provision of Child Care Places*

Any new child care centre should provide 33% of its positions to children aged under 2 years of age. The proposal includes three rooms, with each room proposed to contain the following number of children;

- 0-2 years – 17 Children
- 2-3 years – 17 Children
- 3-5 years – 20 Children.

The youngest room is indicated to be for children aged 0-2 years of age, providing 31.4% of the places within the centre. This does not meet the requirement for 33% of the children in the centre to be under 2 years of age.

The proposal has applied for 54 children to be accommodated on site, whereas the DCP limits the size of a childcare centre in a residential area to 50 places unless suitable justification has been provided within the Development Application. The applicant has provided justification for why an increase is warranted in this case, citing the width and depth of the block as allowing enough size to accommodate the required features of a centre of this size. Further the site fall is conducive to a basement garage. The design of the centre has been indicated to be in keeping with the surrounding residential character of the site. This justification is not supported due to the lack of appropriate administrative space within the centre, deficiency in the provision of indoor and outdoor unencumbered play space, lack of 1 car space and significant amenity impacts to adjoining properties to the west.

#### *Location*

The site has been identified as appropriate for the establishment of a new purpose built childcare centre. The site is located in a residential area and is located 250m away from a primary school and a further education centre run by the Salvation Army. Public transport routes run in close proximity of the site along Bexley Road.

Some concern surrounds the location of the site due to its proximity to an established childcare centre located at Booth College at a distance of 260m to the southeast. Traffic issues and on-street parking are also raised as concerns for the site. Public submissions indicated that on-street parking is at a premium during school peak periods. This time of high demand is typically a time of high demand for a childcare centre.

#### *Building Design*

The building has been designed to appear residential in character from the main street frontage, with a single storey height and windows on either side of the main entry to the building to be in keeping with the surrounding residential character. Signage is not indicated in the submitted plans, but is expected to be provided for development of this type.

#### *Visual and Acoustic Impact*

An Acoustic Impact assessment has been prepared for the site, with further discussion of this aspect of the proposal contained above.

#### *Indoor and Outdoor Space*

This aspect of the proposal has been addressed above within the assessment against the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017.

#### *Parking and Pedestrian Safety*

9 car park spaces will be provided on site for the use of staff and parents during operation of the site. These spaces will be provided for in a basement garage located directly below the childcare centre. There will be no parking provided at ground level within the front setback of the childcare centre. The basement garage entrance has been designed to benefit from the natural slope of the site, with the garage placed on the low side of the street frontage in order to minimise depths of excavation required and the resultant grade of the entry ramp.

The application has been supported by a Traffic Impact Assessment that investigated the existing traffic conditions surrounding the site. This indicated that adequate on-street parking exists to support the operation of the centre, providing overflow parking provision if needed. Concern was raised as to the adequacy of this assessment based on the possibility that this assessment was undertaken during school holidays where on-street parking demand is significantly reduced. Further, concern was raised about appropriate sight distances for vehicles departing the site being able to see vehicles travelling along Barnsbury Grove from Bexley Road. Council's Development Engineers have reviewed this aspect of the application and have confirmed that the design of the driveway provides adequate sightlines to ensure safety of existing vehicle movements along Barnsbury Grove.

#### *Hours of Operation*

The proposal for the childcare centre indicates that the centre will operate between 7am and 7pm Monday to Friday. Additionally, the proposal seeks approval to operate on 4 Saturdays throughout the year between 9am and 5pm to host special events for a centre Christmas Party and open days.

Council concurs with the proposed operation of the site during 7am and 7pm during weekdays throughout the year with the exception of gazetted public holidays. However, concern is raised at the proposed weekend activities of the site. During general operation of the site children drop off and pick up is staggered across the day resulting in the impacts assessed within this application. Weekend activities will result in activity occurring on site in concentrated periods of time placing greater impacts to the surrounding residential area. As such, this aspect of the proposal cannot be supported

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

Clause 92-94 of the Regulations outline the matters to be considered in the assessment of a development application. Clause 92 requires the consent authority to consider the provisions of AS 2601:1991 – *Demolition of Structures* when demolition of a building is involved.

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

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

##### **Density and Scale**

The proposal has been designed to reflect the surrounding single storey residential development that predominates in the immediate vicinity of the site. The proposal includes a basement entry ramp on the low side of the street frontage to minimise the appearance of the garage entry way. The front façade has been designed to appear residential in character. Indicated signage is minimal in nature, however it is expected that business signage will be provided as allowed through exempt development standards.

The proposal complies with FSR requirements, side setback distances and height provision. Landscaping is minimal within the front setback in keeping with childcare style operations.

Fences to the rear of the site will be required to be constructed to higher level than standard to provide adequate sound barriers around the rear play area. The proposal indicates that the upper portion of these fences will be constructed of clear Perspex and will be angled in at 45 degrees to limit the impacts of this increased height. Fences within the front setback will be low in height to maintain the existing street character, with further detail required to show how fencing will be provided around the front entryway to ensure safety of children accessing the centre.

#### **Staff to Child Ratio**

The ECSN Regulations specifies the minimum staff to child ratios which are to be adhered to by child care centre operators. The proposal seeks to accommodate 54 children (17 x 0-2 yrs old, 17 x 2-3 yrs old, 20 x 3-5 yrs old), as such the following minimum number of staff are required.

Staff to Child Ratio	Requirement	Proposed	Complies
	0-2yrs 1 per 4 children (17 children = 4.25 Staff)	10 childcare staff (SoEE)	SoEE does not comply with requirement
	2-3 yrs 1 per 5 children (17 children = 3.4 staff)	11 childcare staff (PoM)	PoM complies with requirement
	3-6 yrs 1 per 11 children (20 children = 2 staff)		
	Minimum 11 child care staff required		

The Statement of Environmental Effects (SoEE) indicates that 10 staff will be employed within the centre. This is deficient to the requirements set out in the ECSN Regulations. The proposal requires that a minimum of 11 child care staff be employed on site. This number of staff does not include any additional staff employed for cooking, cleaning or administration roles within the centre.

The provided Plan of Management (PoM) details that 11 child care staff will be employed within the site. The assessment of the application requires that further consideration of the ECSN Regulations be undertaken by the applicant prior to a development consent being able to be issued for the site.

#### **Parking and Traffic Generation**

The proposal has been assessed against the parking requirements contained within the Rockdale DCP, with a Traffic Impact Assessment undertaken in accordance with RMS's Guide to Traffic Generating Developments. The proposal has indicated that 9 spaces will be provided within the basement carpark, one of which will be a disabled space. The disabled space is located adjacent to lift access to the centre above. DCP provisions require 10 spaces to be provided for a development of this size. The layout of the basement carpark is not supported, with pedestrian movements required to occur within the vehicle manoeuvring area. The basement carpark layout and parking provision is deficient for a childcare centre and is not supported in its current form.

The Traffic Impact Assessment details that impacts to the surrounding intersections adjacent to the site will not 'noticeably affect their performance'. Doubt was raised about the timing for when the traffic counts were conducted, specifically to determine whether they accounted for school based trips. The applicant has indicated that this is the case, with no dates for when surveys were undertaken provided. Further the application has been assessed by

Council's Traffic committee, with the only requirement relating to the provision of mirrors at the top of the ramp to allow drivers and pedestrians to see each other when traversing the ramp crossing.

**Waste**

The proposal provided minimal information about the proposed waste management and minimisation processes that would be employed during the demolition, construction and ongoing operation of the site. No information has been provided to show how demolition waste from the site, with the potential to contain asbestos, will be managed. Further, no detail has been provided as to how construction waste will be disposed of off-site, in particular the extensive amount of excavation material that will be generated and transported through the local road network to disposal sites. Appropriately registered waste facilities should be identified showing adequate measures have been identified to minimise the impacts of the development on adjacent properties and on the wider surrounding area.

Operational waste management processes should also be further detailed, especially noting the amount of bio-hazardous waste that will be generated through the ongoing operation of the site. Additional assessment of the bin storage area contained within the site should be undertaken to demonstrate that it is adequate to handle the amount of waste that will be generated by the site weekly.

**Landscaping and Unencumbered outdoor play space**

The documents submitted indicate that both landscaping area and unencumbered open space requirements are met for the development. The assessment of this application identified that Unencumbered outdoor play space calculations had been undertaken incorrectly, requiring redesign of the rear play space. This required the reduction of plated garden beds and an increase in open play areas. The landscape plan hasn't been modified according to these changes, with a need to provide different surface types to minimise artificial surfaces throughout the centre (reduce amount of soft fall rubber and artificial turf, increase the amount of natural grassed and mulched areas).

Further, resubmitted plans showing an increase in unencumbered outdoor play space still remain deficient, with areas shown to be under the cover of a verandah not meeting the standards required for this type of space. It appears that the number of childcare spaces proposed is too high for the site, with these requirements not being able to be met through lack of space.

It is possible that by modifying the proposal to achieve the requirement for unencumbered outdoor space that the number of childcare spaces in the centre may need to be reduced. If this is to occur then each of the three rooms should be equally affected to maintain the ratios proposed for the site in respect to age groupings.

**Soils**

Noting the sensitive nature of the proposed use of the site as a childcare centre, a further Detailed Site Investigation is required to be undertaken as recommended in the Preliminary Site Investigation conducted and submitted with this application. This investigation would require that the site be deemed uncontaminated prior to the issue of a development consent for the site.

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

Concern is raised in relation to the suitability of the site for the proposed development

Site constraints including the cross fall of the site and the proximity of adjoining dwellings to the west combined with the design of the proposal and intended capacity for the childcare

centre result in an overdevelopment of the site resulting in the application being unsuitable for this location. Further, considerations with respect to site contamination do not address the provisions of SEPP 55.

For the reasons outlined previously within this report, the subject site is not considered to be suitable for the proposed development.

#### **S.4.15(1)(d) - Public submissions**

The development has been notified in accordance with the provisions of Rockdale DCP 2011 and thirty-seven (37) individual submissions and a petition with 21 signatories was received. The issues raised in the resident's submission are discussed below;

*Issue 1: Increase to Traffic congestion in surrounding streets.*

*Comment:* The applicant prepared a Traffic Impact Assessment to assess the additional traffic generated by the development within the existing traffic conditions surrounding the site. This study found that impacts would be minor, with the centre not resulting in any noticeable affects to traffic congestion at the surrounding intersections. However, there is doubt as to the timing of when the traffic survey occurred. It is possible that the survey did not account for school traffic associated with the nearby school as it may have occurred within the school holidays. Reporting does not detail the dates of the survey, with this information not provided when requested from the applicant.

*Issue 2: Impacts to pedestrian safety along Barnsbury Grove*

*Comment:* The proposal has been assessed by Council's Development Engineers to ensure that driveway design complies with Australian Standards in regards to gradients in conjunction with the required sightlines for this type of commercial development. Appropriate visibility has been provided to ensure that vehicles both entering and exiting the site can observe pedestrians utilising the existing footpath along the sites street frontage. Concern still remains as to the safety of pedestrians within the basement garage area of the centre, with no separation provided between vehicles and pedestrians accessing the centre.

*Issue 3: Inadequate notification to affected residents in area.*

*Comment:* Concern was raised that not all affected residents had been adequately notified of the proposed development of the site. This specifically related to concerns about impacts to on-street parking around the site. Council have advertised the application in accordance with the established policy for notification of Development Applications of this nature. Further, parking has been assessed by the applicant in submitted Traffic Impact studies and in accordance with required parking rates detailed within Section 4 of the Rockdale DCP.

*Issue 4: Inappropriate timing for supporting assessments*

*Comment:* Concern was raised that the acoustic and traffic assessments were conducted during school holidays, therefore not accounting for the cumulative impacts associated with the operation of the nearby Bexley North Public School. It was noted that the assessment dates (29 September to 7 October 2017) for the noise assessment fell within school holidays and that the traffic assessment was conducted on a weekday in September 2017 (school holidays 23 September to 8 October 2017).

Acoustic Assessment - The impact on the noise assessment would be to result in a more conservative assessment of the site, with noise measurements undertaken to determine the overall background noise for the site which would be expected to be lower in periods of school holidays. This would result in more stringent noise criteria in which the proposal would be assessed against. The application was referred to Council's Environmental Health Officer were it was deemed that the application was satisfactory on noise and food premises

grounds subject to the imposition of a range of conditions should the application be approved.

Traffic Assessment - The concerns for the Traffic Assessment are well grounded and were considered as part of the assessment of the application. Additional information was sought from the applicant in this regard, indicating that 'The traffic counts undertaken of the nearby intersection collected include traffic from the Bexley North Primary School since the school traffic is part of the existing traffic conditions'. The date of the conducted study was not provided. Council's Traffic Development Advisory Committee has reviewed the application and did not provide any comment on the veracity of the assessment undertaken, indicating that the standard of the study as adequate for the development application.

*Issue 5: Proximity of existing childcare centres*

*Comment:* Concern was raised that an existing childcare centre is operating in close proximity to the site. Booth College operates an early education centre on nearby Kingsland Road North, located at a distance of 220m from the site. This centre operates a similar service and would be in direct competition with the proposed site. This aspect has been considered as part of the application as required by Section 6 of the DCP. However, state legislation that was enacted during the assessment of this application reduces the weight that can be placed on this aspect of the assessment of a childcare centre application. It is expected that both centres will be fully utilised by the public, with increased competition potentially placing downwards pressure on childcare centres fees which would benefit the wider community.

*Issue 6: Increase to on-street parking demand*

*Comment:* Concern was raised that the centre would further increase demand for on-street parking. The provided Traffic Impact Assessment indicated that there was adequate on-street parking within the vicinity of the site. Public submissions place doubt on this statement indicating that the assessment was firstly undertaken during school holidays and that photos contained within the report were taken on a Monday when residents generally do not park on the street due to garbage truck movements. This second point highlights that there is alternative parking locations that are able to absorb any perceived deficiency in on-street parking space provided in the area. The first aspect relating to school holidays has been discussed previously. Double parking was raised as a potential outcome of a lack of on-street parking. This is a policing matter and would be dealt with as the needs arise if evidence of this occurring was raised.

*Issue 7: Increase in noise levels resulting from development*

*Comment:* Concerns were raised about an increase to noise levels within surrounding residential properties as a result of the development. A Noise Assessment has been conducted for the site that established the background noise levels for the site over a week period (conducted on school holidays which should result in a slightly lower background noise level). This noise level was then used as the base to determine the noise assessment criteria for the proposal against established appropriate noise generation levels for this form of development. This then determined what noise mitigation measures would be required to ensure compliance within adjacent residential properties. Should the application be approved a condition would be required to be imposed that will require confirmatory noise assessment to be undertaken within 3 months of the centre being fully operational. Should the modelled noise levels not be achievable, further noise mitigation measures will be required to reduce noise impacts to the stated levels.

*Issue 8: Overshadowing and privacy impacts*

*Comment:* Submissions received indicated a general concern that the development would overshadow the surrounding residences and impact privacy, especially properties to the west of the site. The proposal is single storey in nature and complies with the required

setbacks for the site. However, the proposal seeks to level the rear of the site to provide an outdoor play space with no grade. This would result in cut and fill occurring within the rear of the site, lower the existing ground level along the eastern boundary and raising the existing ground level along the western boundary. This rise along the western boundary would result in an increase to ground levels of up to 0.8m in sections. This increase would be coupled with fence heights in excess of the standard 1.8m high fencing, with 2.1-2.4m high Acoustic fencing proposed surrounding the rear play area. These two factors combined would result in a solid wall (retaining wall and acoustic fencing) of up to 3.2m high along the western boundary of the site.

To the west of the site is a development that contains 4 villas. These villas are orientated to back onto this boundary, with a 3m setback. The private open space for these dwellings are located within this setback. The proposed fencing along this boundary will severely impact the solar access to these spaces, with no assessment of these impacts included within the submitted documentation. This issue was raised within discussions with the applicant, with proposed options provided to mitigate this. No changes to the height of fencing/retaining walls was detailed in additional information provided.

There will be no privacy impacts, due to the excessive height of fencing ensuring that there will be no windows overlooking adjacent properties.

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

For the reasons outlined previously in this report, it is not considered that the proposed development is in the public interest.

**S7.12(1)(e) – Fixed development consent levies**

S7.12 contributions can be levied in accordance with Councils adopted fees and charges.











**CARPARK, RAMP AND DRIVEWAY  
CERTIFICATION OF A PROPOSED  
CHILDCARE CENTRE DEVELOPMENT**  
*19 Barnsbury Grove in Bexley North*

Prepared for: T. Liu

A1615710N (Version 2b)

April 2018

*Suite 195, 79 to 83 Longueville Road, Lane Cove NSW 2066*

**Telephone: 02 8004 2434**  
*[sydney@mltraffic.com.au](mailto:sydney@mltraffic.com.au)*

**Facsimile: 1300 739 523**  
*[www.mltraffic.com.au](http://www.mltraffic.com.au)*

ABN 69 981 485 197



## 1. INTRODUCTION

ML Traffic Engineers was commissioned by T. Liu to prepare a car parking certification report of the proposed childcare centre development for 19 Barnsbury Grove in Bexley North.

The car park is provided at one basement level with vehicle access and egress via Barnsbury Grove.

Reference is made to AS2890.1, and AS2890.6 and Council's Transport Development Control Plan for compliance.

## 2. DRIVEWAY AND RAMPS

The details of the ground level driveway to the basement level are as follows from the inbound perspective for the purposes of description:

- The driveway is 6 metres wide at the property line and then narrows to 4.8 metres at the garage door
- The gradients are as follows along the centreline from the inbound perspective for descriptive purposes:
  - 5 percent for 6 metres
  - 10 percent for 2 metres
  - 10.6 percent for 4.4 metres
  - 5 percent for 2 metres

Headroom clearance of 2 metres is achieved.

A convex safety mirrors is provided at the bottom of basement 1 to improve upon sight distance for an outbound driver to see an inbound driver for the purposes of road safety.

## 3. CAR SPACES

The details of the car parking areas are as follows:

### Basement Level

- The car parking aisle is 6.6 metres wide minimum for the 90-degree car spaces and 3.78 metres wide minimum for the parallel car space.
- The general ninety-degree car spaces are a minimum 2.5 metres wide with a length of 5.6 metres.
  - Car spaces adjacent to walls generally have an additional 300mm clearance



- The disabled car space is 3 metres wide and 5.5 metres long with a shared zone of 2.4 metres wide and 5.5 metres long
  - Bollards with setback 800mm (+ or – 50mm) from the parking aisle should be provided in the shared zone
- The parallel car spaces are 3 metres wide and the lengths are as follows:
  - Car space 8 and 9 are 6.5 metres long
  - Car space 10 is 6 metres long
- Blind aisle extensions have been provided
- A turning bay is provided for improving the manoeuvrability of cars
- Column setback and length for the 90-degree car spaces is 600mm and complies with a parking aisle width of 6.6 metres (800mm more than the minimum requirement)

#### 4. SWEPT PATHS

A swept turning path analysis is performed using B85&B99 vehicles to confirm that vehicle movements are adequate.

The following Swept Paths have been performed:

- B85 car space 1 (disabled)
  - The car space will need to be swapped with the shared zone for compliance
- B85 car forward inbound and reverse outbound for car spaces 5 and 7
- B85 car reverse inbound and forward outbound for car spaces 9
- B99 car basement turnover using turning bay

Swept Paths show adequate manoeuvrability for all turning movements.

Swept Paths are provided in Appendix A

#### 5. SIGHT DISTANCE

The car driver's sight distance requirement to enter the external road is stated in Figure 3.2 of AS2890.1.

The sight distance varies according to the speed of the external road. Barnsbury Grove has a sign posted speed limit of 50km/hr.

The minimum sight distance required is 45 metres. The minimum vehicle sight distance is met.

*The pedestrian sight distance triangle is met.*



## **6. CONCLUSIONS AND RECOMMENDATIONS**

The car parking area and driveway is generally compliant with Australian Standards and Council's DCP.



## **APPENDIX A**

### **Swept Paths**



**CARPARK, RAMP AND DRIVEWAY  
CERTIFICATION OF A PROPOSED  
CHILDCARE CENTRE DEVELOPMENT**  
*19 Barnsbury Grove in Bexley North*

Prepared for: T. Liu

A1615710N (Version 1c)

March 2017

Suite 195, 79 to 83 Longueville Road, Lane Cove NSW 2066  
Telephone: 02 8004 2434 Facsimile: 1300 739 523  
sydney@mltraffic.com.au www.mltraffic.com.au  
ABN 69 981 485 197





## 1. INTRODUCTION

ML Traffic Engineers was commissioned by T. Liu to prepare a car parking certification report of the proposed childcare centre development for 19 Barnsbury Grove in Bexley North.

The car park is provided at one basement level with vehicle access and egress via Barnsbury Grove.

Reference is made to AS2890.1, and AS2890.6 and Council's Transport Development Control Plan for compliance.

## 2. DRIVEWAY AND RAMPS

The details of the ground level driveway to the basement level are as follows from the inbound perspective for the purposes of description:

- The driveway is 6.8 metres wide at the property line and then narrows to 4.8 metres at the garage door
- The gradients are as follows along the centreline from the inbound perspective for descriptive purposes:
  - 10 percent for 2 metres
  - 17 percent for 8.8 metres
  - 10 percent for 2 metres

Convex safety mirrors are required at the bottom of basement 1 and the 90-degree bends to improve upon sight distance for an outbound driver to see an inbound driver for the purposes of road safety.

## 3. CAR SPACES

The details of the car parking areas are as follows:

### Basement Level

- The car parking aisle is 6.4 metres wide
- The general ninety-degree car spaces are a minimum 2.4 metres wide with a length of 5.6 metres.
  - Car spaces adjacent to walls generally have an additional 300mm clearance
- The disabled car space is 3 metres wide and 5.5 metres long with a shared zone of 2.4 metres wide and 5.5 metres long
  - Bollards are to be set back 800mm (+ or – 50mm) from the parking aisle



- 
- The parallel car spaces are 3 metres wide and the lengths are as follows:
  - Car space 9 is 7.7 metres long
  - Car space 10 is 7 metres long
  - Car space 11 is 6 metres long
- Blind aisle extensions of 1000mm have been provided
- Column setback and length for the 90 degree car spaces complies as per AS2890.1:2004.

#### 4. SWEPT PATHS

A swept turning path analysis is performed using a B85 vehicle to confirm that vehicle movements are adequate for car space 9 and 10.

The following Swept Paths have been performed:

- Inbound and outbound parking movements for parallel car space 10 while the adjacent car spaces are occupied

Swept Paths show adequate manoeuvrability for all turning movements.

Swept Paths are provided in Appendix A

#### 5. SIGHT DISTANCE

The car driver's sight distance requirement to enter the external road is stated in Figure 3.2 of AS2890.1.

The sight distance varies according to the speed of the external road. Barnsbury Grove has a sign posted speed limit of 50km/hr.

The minimum sight distance required is 45 metres. The minimum vehicle sight distance is met.

The pedestrian sight distance triangle is met with convex safety mirrors on both sides of the ramp.



**6. CONCLUSIONS AND RECOMMENDATIONS**

The car parking area and driveway is generally compliant with Australian Standards and Council's DCP.

*Certification of a Proposed Childcare Development in Bexley North  
A1615710N Carpark 1cb*

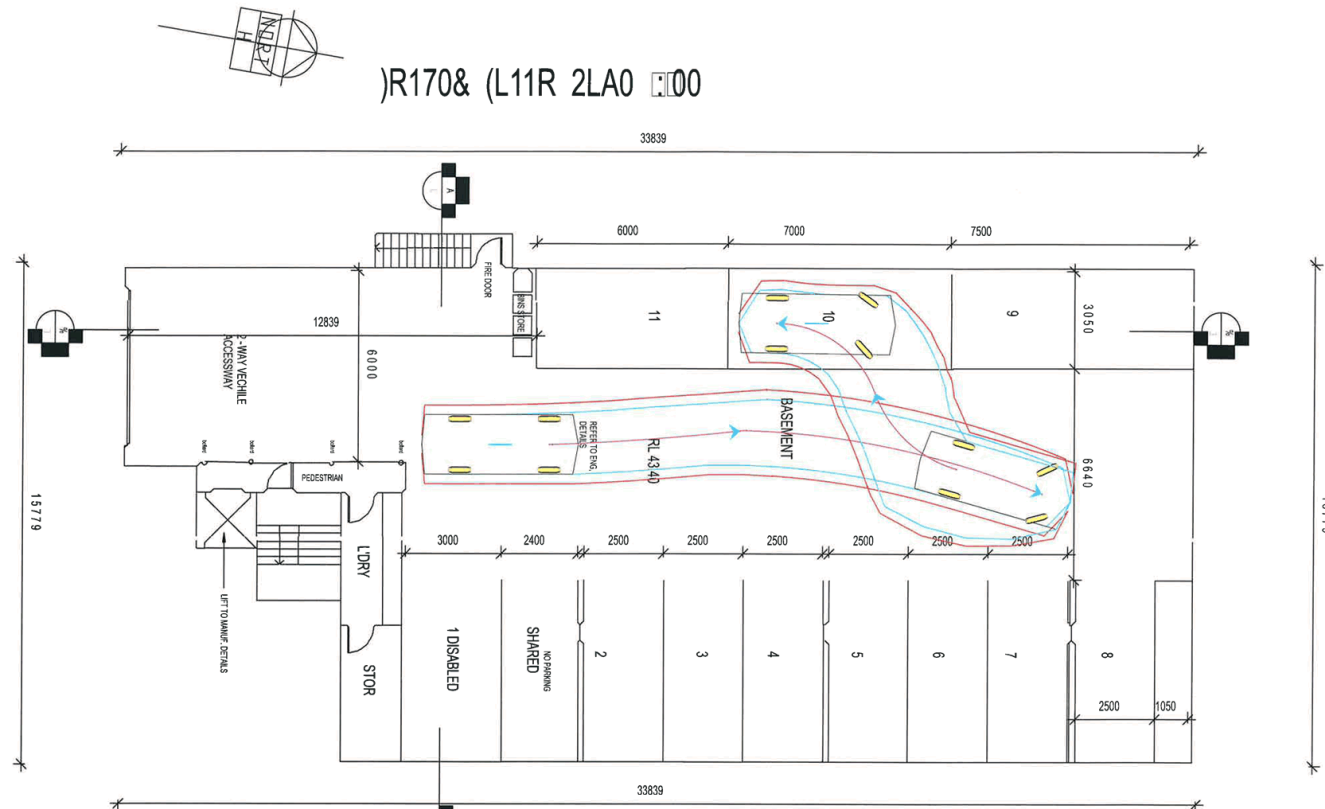
*BC/ML  
Page 4*

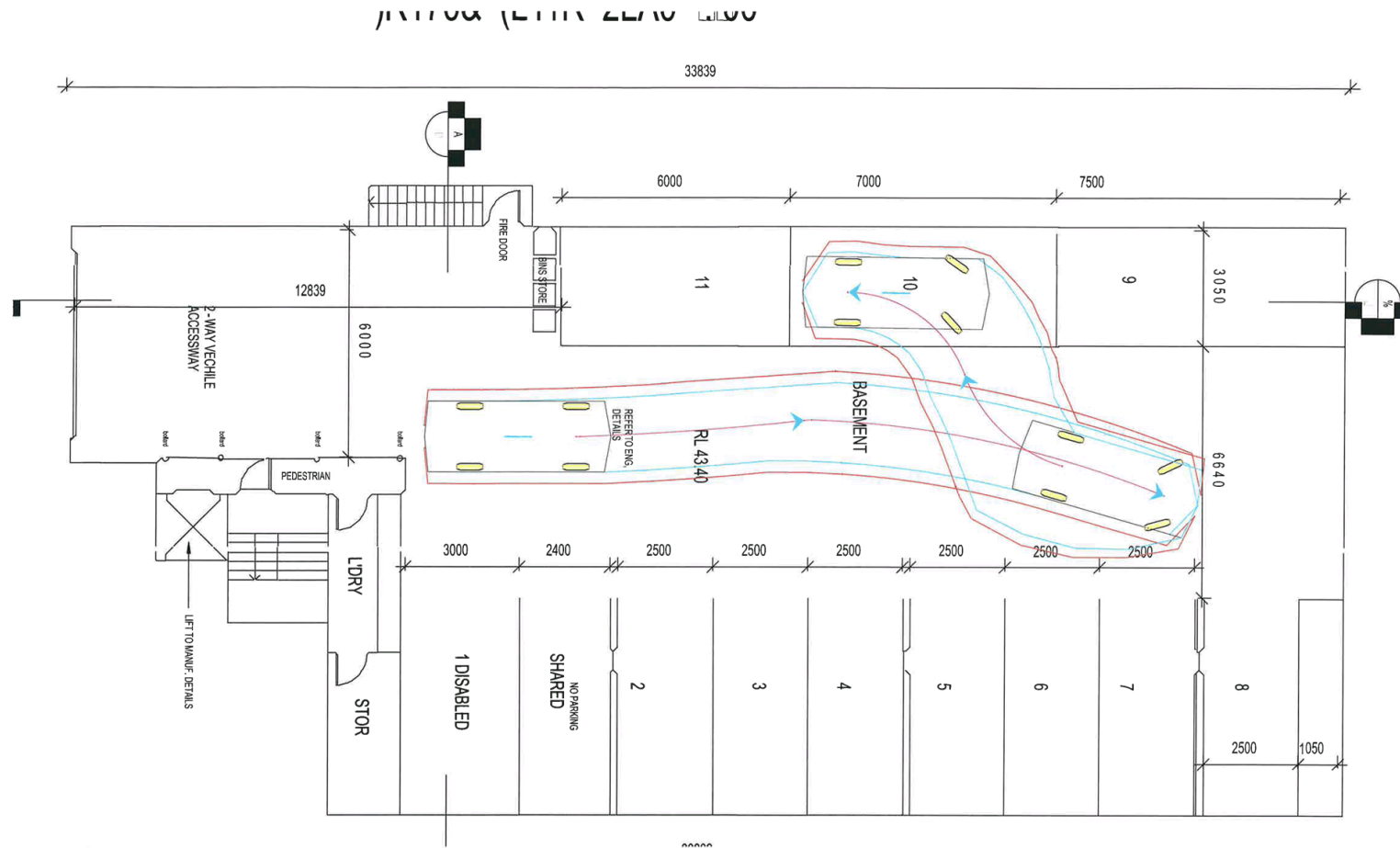


**APPENDIX A**  
**Swept Paths**

*Certification of a Proposed Childcare Development in Bexley North  
A1615710N Carpark 1cb*

*BC/ML  
Page 5*







# **TRAFFIC AND PARKING IMPACT ASSESSMENT OF A PROPOSED CHILDCARE CENTRE**

***19 Barnsbury Grove in Bexley North***

## **Traffic and Parking Impact Report**

Prepared for: Advance Development Group Pty Ltd

A1615710N (1a)

September 2016

*Suite 195, 89-93 Longueville Road, Lane Cove NSW 2066*

**Telephone: 0418 256 674**  
*[sydney@mltraffic.com.au](mailto:sydney@mltraffic.com.au)*

**Facsimile: 1300 739 523**  
*[www.mltraffic.com.au](http://www.mltraffic.com.au)*

ABN 69 981 485 197



## **1. INTRODUCTION**

ML Traffic Engineers was commissioned by Advance Development Group to undertake a traffic and parking impact assessment of a proposed childcare centre at 19 Barnsbury Grove in Bexley North. The site is currently a dwelling house fronting Barnsbury Grove.

This traffic report focuses on the proposed development and changes in car usage and car park utilisation and additional trips from the proposed development.

In the course of preparing this assessment, the subject site and its environs have been inspected, plans of the development examined, and all relevant traffic and parking data collected and analysed.

## **2. BACKGROUND AND EXISTING CONDITIONS OF THE PROPOSED LOCATION**

### **2.1 Location and Land Use**

The proposed Childcare Centre is located to the southeast of Bexley North town centre and is in an area near the Bexley North Public and Booth College.

Currently the site is for residential land use.

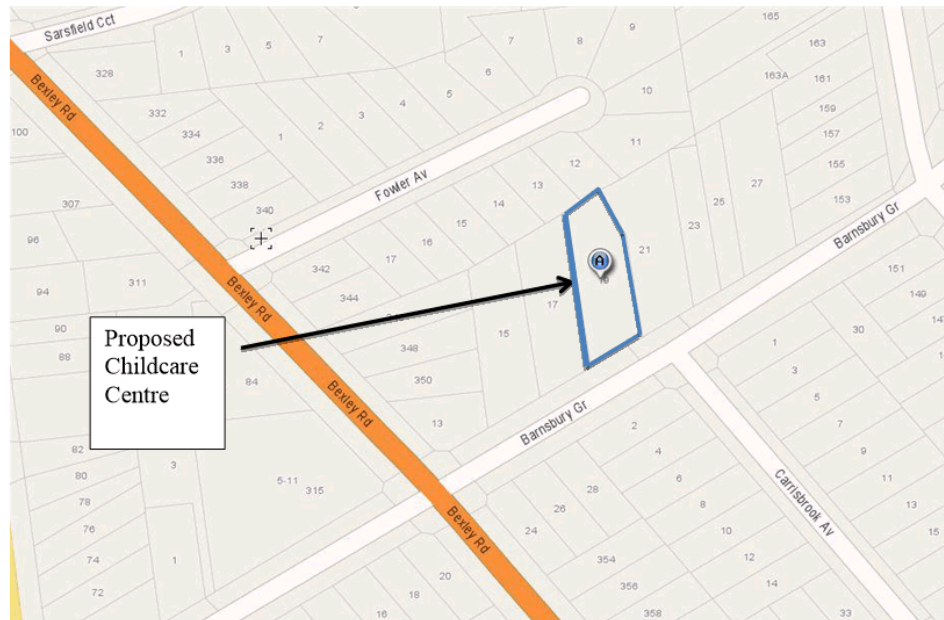
Figures 1 and 2 show the location of the development site from the aerial and street map perspective respectively.

Figure 3 shows photographs of the site.





Figure 1: Location of the Subject Site on Aerial (12<sup>th</sup> September 2016)



**Figure 2: Street Map of the Location of the Development Site**



Figure 3: Photo of site from The Barnsbury Grove

## 2.2 Road Network

This section describes the roads near the proposed development.

Bexley Road is a collector road. It has two lanes each way. The sign posted speed limit is 60km/hr. On-street parking is not permitted near Barnsbury Close. Figure 4a shows a photograph of Bexley Road.

Barnsbury Grove is a local road and has two lanes each way. The sign posted speed limit is 50km/hr. Unrestricted on-street parking is permitted at any time. Figure 4b shows a photograph of Barnsbury Grove.

Kingsland Road North is a local road with one lane each way. The sign posted speed limit is 50 km/hr. Unrestricted on-street parking is permitted at any time. Figure 4c shows a photograph on Kingsland Road.





Figure 4a: Bexley Road



Figure 4b: Barnsbury Grove looking Northeast



Figure 4c: Kingsland Road North

### 2.3 Public Parking Opportunities

The development site is located in a residential area on a local road. Site investigations show that there is unrestricted on-street parking on all surrounding streets including Barnsbury Grove, Carrisbrook Avenue and Kingsland Road North. There are sufficient on-street parking opportunities to accommodate for increased parking demands.

### 2.4 Intersection Description

As part of the traffic assessment, two intersections were assessed:

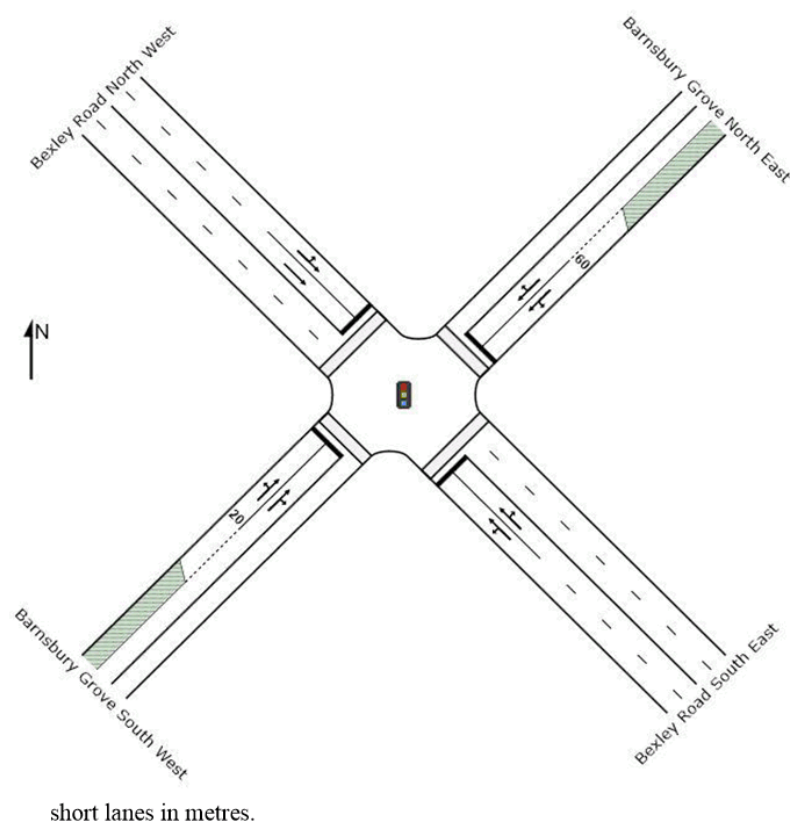
- The signalised intersection of Barnsbury Grove and Bexley Road
- The priority intersection of Barnsbury Grove and Kingsland Road North



External traffic travelling to and from the development site will most likely need to travel through the above intersection.

The signalised intersection of Barnsbury Grove and Bexley Road is a four leg intersection. All turn movements are permitted except for right turn movements from Bexley Road to Barnsbury Grove heading south west. Pedestrian crossings are provided on all approaches.

Figure 5 presents the layout of this intersection using SIDRA – an industry standard intersection software. The numbers on the lane represent the length of



short lanes in metres.  
**Figure 5: Signalised Intersection Barnsbury Grove and Bexley Road (SIDRA 7)**



The priority intersection of Barnsbury Grove and Kingsland Road is a four leg intersection. All turn movements are permitted. Drivers on Kingsland Road North must yield to drivers on Barnsbury Grove. Figure 6 presents the layout of this intersection using SIDRA.

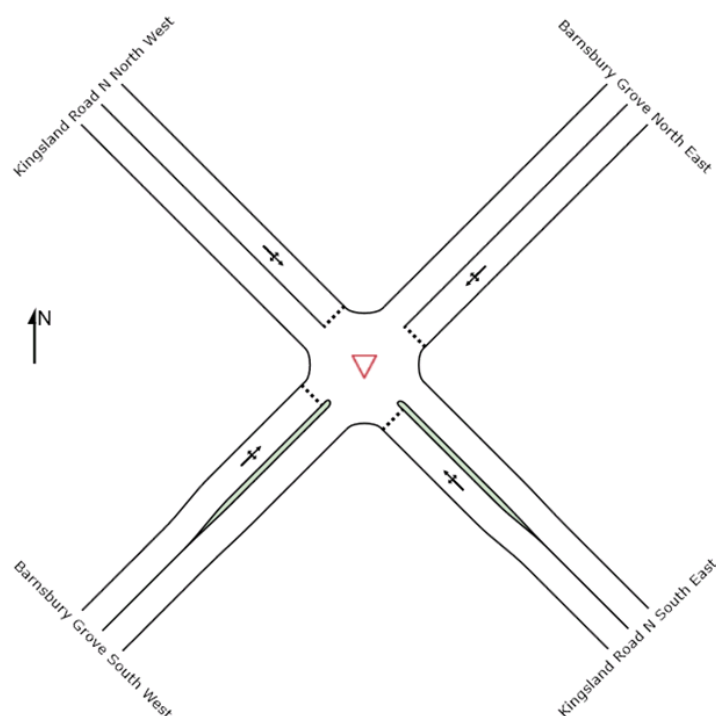


Figure 6: Priority intersection of Barnsbury Grove and Kingsland Road North(SIDRA)

## 2.5 Existing Traffic Volumes

As part of the traffic assessment, traffic counts have been undertaken at the intersection for the weekday AM and PM period. The peak hours were 8am – 9am for the weekday AM peak hour. The PM peak hour was 5pm to 6pm. The traffic surveys were undertaken on a weekday in September 2016.



The following Figures present the traffic volumes in vehicles for the weekday peak hours.

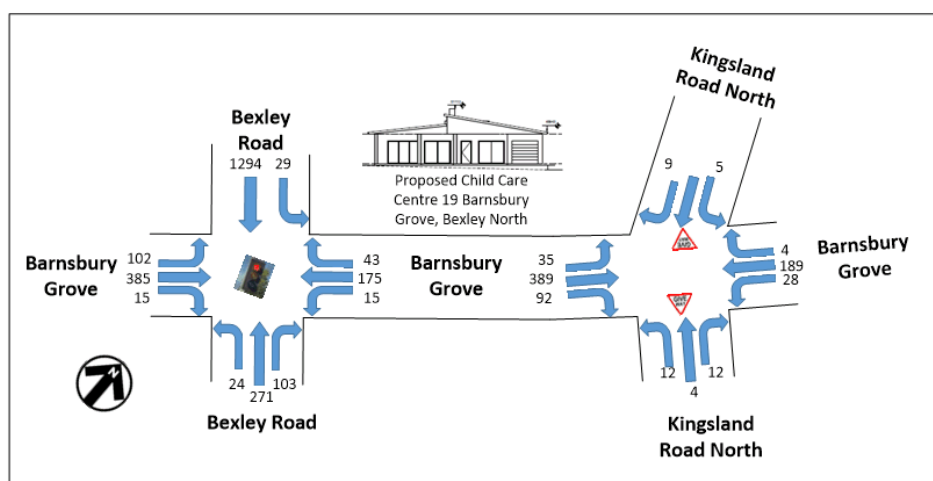


Figure 7: Existing Weekday Traffic Volumes AM Peak Hour

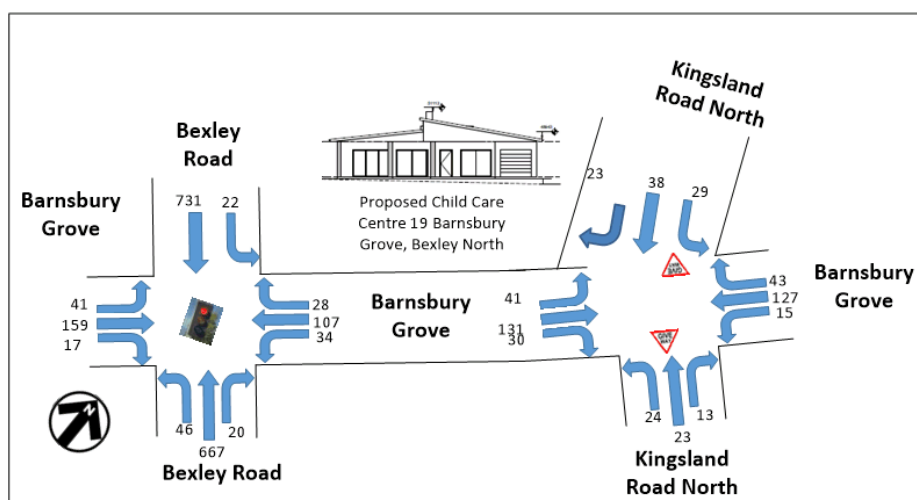


Figure 8: Existing Weekday Traffic Volumes PM Peak Hour





## 2.6 Intersection Assessment

An intersection assessment has been undertaken for:

- The signalised intersection of Barnsbury Grove and Bexley Road
- The priority intersection of Barnsbury Grove and Kingsland Road North

The existing intersection operating performance was assessed using the SIDRA software package (version 6) to determine the Degree of Saturation (DS), Average Delay (AVD in seconds) and Level of Service (LoS) at each intersection. The SIDRA program provides Level of Service Criteria Tables for various intersection types. The key indicator of intersection performance is Level of Service, where results are placed on a continuum from 'A' to 'F', as shown in Table 1.

LoS	Traffic Signal / Roundabout	Give Way / Stop Sign / T-Junction control
A	Good operation	Good operation
B	Good with acceptable delays and spare capacity	Acceptable delays and spare capacity
C	Satisfactory	Satisfactory, but accident study required
D	Operating near capacity	Near capacity & accident study required
E	At capacity, at signals incidents will cause excessive delays.	At capacity, requires other control mode
F	Unsatisfactory and requires additional capacity, Roundabouts require other control mode	At capacity, requires other control mode

**Table 1: Intersection Level of Service**

The Average Vehicle Delay (AVD) provides a measure of the operational performance of an intersection as indicated below, which relates AVD to LOS. The AVD's should be taken as a guide only as longer delays could be tolerated in some locations (i.e. inner city conditions) and on some roads (i.e. minor side street intersecting with a major arterial route). For traffic signals, the average delay over all movements should be taken. For roundabouts and priority control intersections (sign control) the critical movement for level of service assessment should be that movement with the highest average delay.



LoS	Average Delay per Vehicles (seconds/vehicle)
A	Less than 14
B	15 to 28
C	29 to 42
D	43 to 56
E	57 to 70
F	>70

**Table 2: Intersection Average Delay (AVD)**

The degree of saturation (DS) is another measure of the operational performance of individual intersections. For intersections controlled by traffic signals both queue length and delay increase rapidly as DS approaches 1. It is usual to attempt to keep DS to less than 0.9. Degrees of Saturation in the order of 0.7 generally represent satisfactory intersection operation. When DS exceed 0.9 queues can be anticipated.

The results of the intersection analysis are as follows:

Signalised intersection of Barnsbury Grove with Bexley Road

- The overall intersection is LoS C for the AM peak hour and has a LoS A for the PM peak hour
- There is spare capacity at this intersection for both peak hours

Priority intersection of Barnsbury Grove with Kingsland Road North

- All turn movements have a LoS A or B for both peak hours
- There is spare capacity at this intersection for both peak hours

The full Sidra results are presented in Appendix A.

## 2.7 Public Transport

A bus stop is located approximately 120 metres from the proposed development site on Barnsbury Grove and is serviced by route 491 that goes from Hurstville to Five Dock. On Bexley Road there is a bus stop approximately 110 meters from the development. This stop is serviced by the 493 service which runs from Roselands to Rockdale. The development site is approximately 600 metres from Bexley North Station which is a part of the T2 (Airport, Inner West & South Line) train line. Figure 9 shows the proximity of the site to public transport services.



Overall the site has excellent access to public transport.

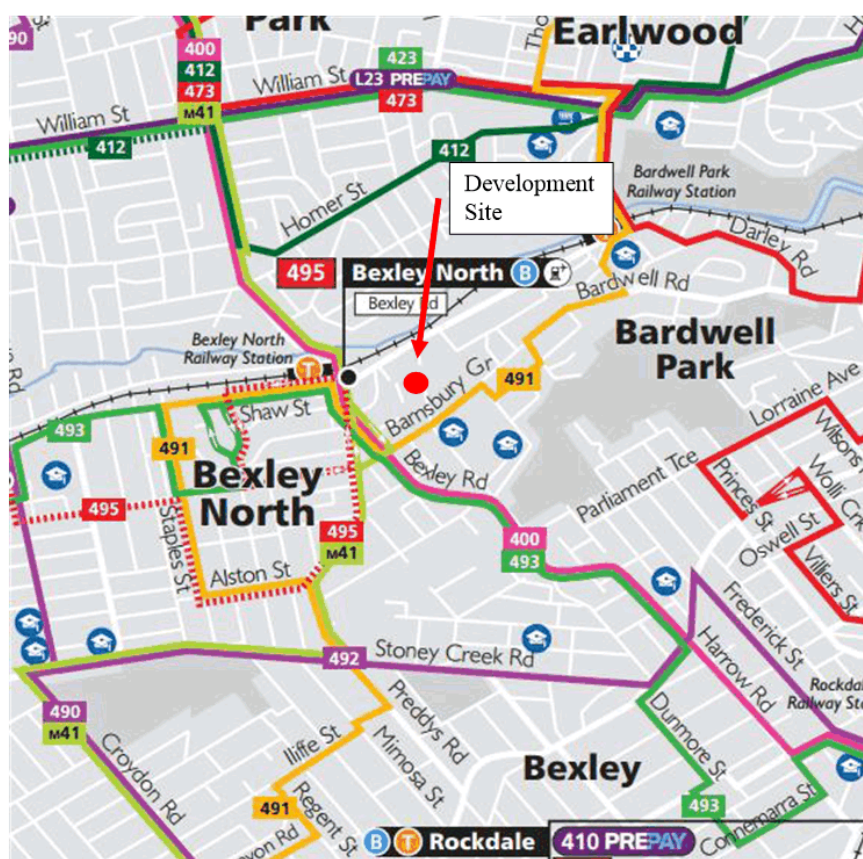


Figure 9: Public Transport Services Nearby

## 2.8 Conclusions on the Existing Conditions

The proposed development is located in a residential area with suitable on-street parking along the surrounding street including Barnsbury Grove, Carrisbrook Avenue and Kingsland Road North.

The nearby intersection has spare capacity to accommodate additional traffic.



The site has access to public transport through the bus routes operating along Bexley Road and Barnsbury Grove, as well as Bexley North train station.

### **3. PROPOSED CHILDCARE**

The proposed childcare will accommodate 60 children along with 10 staff.

Eleven car spaces will be provided in the basement carpark:

- 10 car spaces for staff and visitors
- 1 accessible car space for people with disabilities

Vehicular access and egress will be via a Barnsbury Grove.

A full scaled plan of the proposed development is provided as part of the Development Application. Scaled measurements should use these plans.



## 4. CAR PARKING CONSIDERATIONS

### 4.1 Rockdale Council Planning Scheme

The car parking requirements for a childcare are presented in *Rockdale City Council's Development Control Plan* with the car parking rates as follows as it applies to the proposed development:

#### Childcare

- 1 car space per 20 children
- 1 space per 2 staff members

The proposed childcare will accommodate 60 children and 10 staff members. Table 3 summarises the car parking requirements for the proposed childcare. The proposed childcare complies with council's car parking requirements.

Proposed Childcare				
Use	Number	Car Parking Rate	Car Spaces Required	Car Spaces Provided
Children	60	1 per 20 children	3	11
Employees	10	1 per 2 staff	5	
		<b>Total</b>	<b>8</b>	<b>11</b>

Table 3: Summary of car parking requirements

### 4.2 Adequacy of Car Parking Provision

The proposed development complies with council's car parking requirements.

In circumstances where visitor parking demand exceeds the provided car spaces, there is sufficient on-street parking available on Barnsbury Grove, Carrisbrook Avenue and Kingsland Road North to accommodate the additional demand.

### 4.3 Traffic Management Plan

A traffic management plan will be implemented to encourage staff to use public bus services, car share, cycle or walk.

### 4.4 Staff Car Parking demand

Staff arrivals and departures are staged/staggered to ensure that the staff-student ratio is maintained with all staff on site in the core 9am to 5pm hour with peak staff car parking demand in the core period and does not coincide with the main drop off and pick up periods.



## 5. VEHICLE TRAFFIC IMPACT CONSIDERATIONS

This section discusses the vehicle traffic impacts of the proposed development.

### 5.1 Traffic Generation

The NSW RTA Guide to Traffic Generating Development document publishes trip generation rates for “long day care” for childcare centres as follows:

- 0.8 trips per child between 7am and 9am
- 0.3 trips per child between 2:30pm and 4pm
- 0.7 trips per child between 4pm and 6pm

Staff will arrive and leave before the drop off period (7am to 9am) and the pickup period (4pm to 6pm) respectively. Table 4 presents the estimated peak period trips.

	Children	Trip Rate per child	Trips
AM Peak Hour (7am- 9am)	60	0.8	48
PM Peak Hour (4pm- 6pm)		0.7	42

**Table 4: Trips Generated by the Childcare Centre in the Weekday Peak Periods**

Table 5 presents the peak hour trips and trip distribution assuming that the peak hour represents 70 percent of the peak period. The generated trips in the peak hour are modest.

	Origin	Destination	Total
AM Peak Hour	17	17	34
PM Peak Hour	15	15	30

**Table 5: Trips Generated by the Childcare in the Weekday Peak Hour**

### 5.2 Traffic Volumes

The additional development trips are assigned onto the local traffic network. The following figures present the existing with the development trips (in red for origin trips and blue for destination trips) for the weekday AM and PM peak hours.

The additional development trips represent a small proportion of the existing traffic volumes.

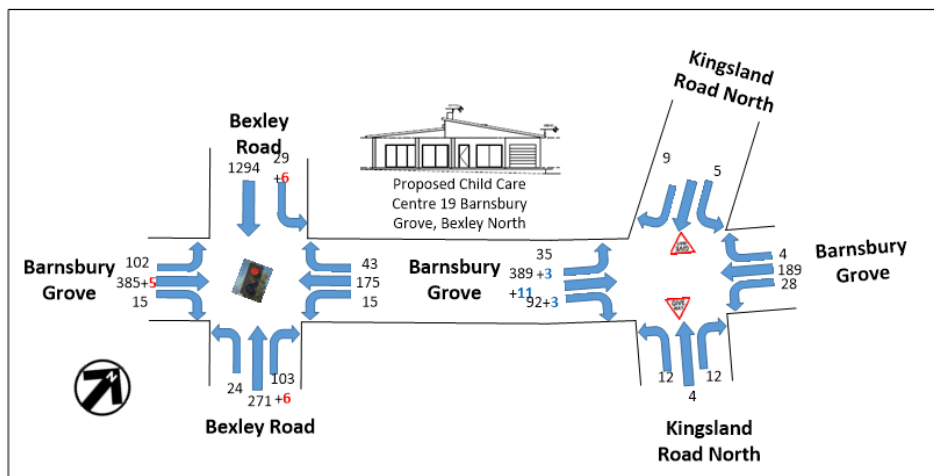
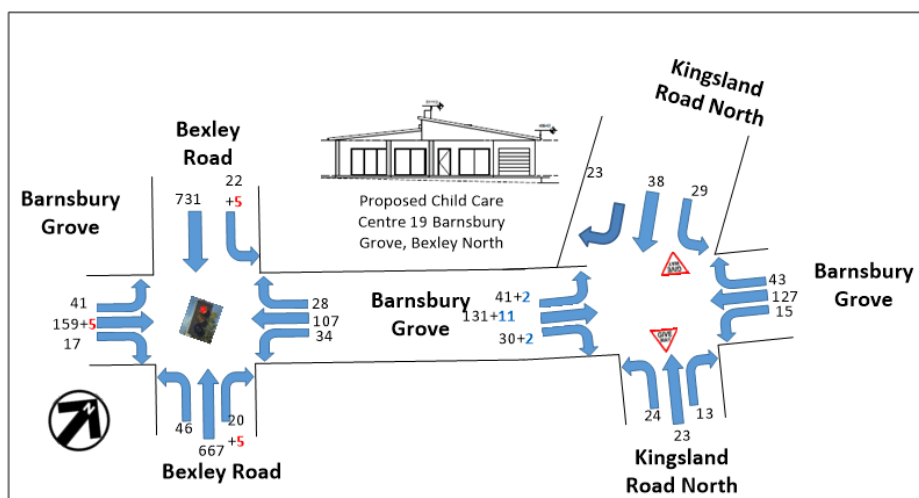


Figure 10: Weekday AM Peak Hour Traffic Volumes (Development Origin Trips in Red and Destination Trips in Blue)







**Figure 11: Weekday PM Peak Hour Traffic Volumes (Development Origin Trips in Red and Destination Trips in Blue)**

### 5.3 Intersection Assessment

An intersection assessment has been undertaken for the two nearby intersections.

The results of the intersection analysis are as follows for the AM and PM peak hours:

Signalised intersection of Barnsbury Grove with Bexley Road

- The overall intersection is LoS C for the AM peak hour and has a LoS A for the PM peak hour
- The additional development trips do not change the turn movement LoS for either of the peak hours or the overall intersection LoS

Priority intersection of Barnsbury Grove with Kingsland Road North

- All turn movements have a LoS A or B for both peak hours
- The additional development trips do not change the turn movement LoS for either of the peak hours or the overall intersection LoS

The full Sidra results with the development traffic are presented in Appendix B. The existing conditions are presented in Appendix A.





## 6. CONCLUSIONS

Based on the considerations presented in this report, it is considered that:

### *Parking*

- The proposed development complies with council's car parking requirements
- In circumstances that the demand for visitor car spaces exceeds the provided visitor car space, there is ample on-street parking on Barnsbury Grove, Carrisbrook Avenue and Kingsland Road North to accommodate the additional demand.

### *Traffic*

- The proposed development is a modest trip generator for the weekday AM and PM peak hours.
- The additional trips from the proposed development can be accommodated at the nearby intersections and road network without noticeably affecting intersection performance, delays or queues.
- There are no traffic engineering reasons why the proposed childcare centre at 19 Barnsbury Grove, Bexley North should be refused.



## APPENDIX A

### ***SIDRA Intersection Results for Existing Traffic Conditions***

Movement Performance - Vehicles											
Mov ID	OD Mov	Demand Flows		Deg. Satn	Average Delay	Level of Service	95% Back of Queue		Prop. Queued	Effective Stop Rate	Average Speed
		Total	HV				Vehicles	Distance			
		veh/h	%	v/c	sec		veh	m		per veh	km/h
SouthEast: Bexley Road South East											
1	L2	24	0.0	0.278	17.7	LOS B	7.2	50.4	0.57	0.51	45.5
2	T1	271	0.0	0.278	12.2	LOS B	7.2	50.4	0.57	0.51	49.7
3	R2	103	0.0	0.460	41.8	LOS D	4.5	31.5	0.96	0.80	33.4
Approach		398	0.0	0.460	20.2	LOS C	7.2	50.4	0.67	0.58	43.9
NorthEast: Barnsbury Grove North East											
4	L2	43	0.0	0.075	29.1	LOS C	1.5	10.2	0.72	0.70	40.0
5	T1	175	0.0	0.377	30.3	LOS C	7.1	49.7	0.85	0.71	39.9
6	R2	15	0.0	0.377	35.9	LOS D	7.1	49.7	0.86	0.71	39.0
Approach		233	0.0	0.377	30.4	LOS C	7.1	49.7	0.83	0.71	39.8
NorthWest: Bexley Road North West											
7	L2	29	0.0	0.807	34.3	LOS C	28.5	199.7	0.94	0.89	37.8
8	T1	1294	0.0	0.807	28.8	LOS C	28.6	200.1	0.94	0.89	40.7
Approach		1323	0.0	0.807	28.9	LOS C	28.6	200.1	0.94	0.89	40.6
SouthWest: Barnsbury Grove South West											
10	L2	102	0.0	0.168	29.1	LOS C	3.4	23.6	0.75	0.73	37.3
11	T1	385	0.0	0.792	34.6	LOS C	17.6	122.9	0.93	0.89	33.9
12	R2	15	0.0	0.792	39.1	LOS D	17.6	122.9	0.93	0.89	35.2
Approach		502	0.0	0.792	33.6	LOS C	17.6	122.9	0.89	0.86	34.6
All Vehicles		2456	0.0	0.807	28.6	LOS C	28.6	200.1	0.88	0.82	39.6

**Table A1: Weekday Priority Intersection Performance of Barnsbury Grove and Bexley Road AM Peak Hour**



Movement Performance - Vehicles											
Mov ID	OD Mov	Demand Flows		Deg Satn	Average Delay	Level of Service	95% Back of Queue		Prop. Queued	Effective Stop Rate	Average Speed
		Total veh/h	HV %	v/c	sec		Vehicles veh	Distance m		per veh	km/h
SouthEast: Kingsland Road N South East											
21	L2	13	0.0	0.036	6.1	LOS A	0.1	0.9	0.35	0.61	52.1
22	T1	4	0.0	0.036	5.2	LOS A	0.1	0.9	0.35	0.61	52.4
23	R2	13	0.0	0.036	9.8	LOS A	0.1	0.9	0.35	0.61	52.1
Approach		29	0.0	0.036	7.6	LOS A	0.1	0.9	0.35	0.61	52.1
NorthEast: Barnsbury Grove North East											
24	L2	29	0.0	0.175	5.6	LOS A	0.7	5.1	0.03	0.52	54.3
25	T1	199	0.0	0.175	4.4	LOS A	0.7	5.1	0.03	0.52	54.6
26	R2	4	0.0	0.175	9.0	LOS A	0.7	5.1	0.03	0.52	54.3
Approach		233	0.0	0.175	4.7	LOS A	0.7	5.1	0.03	0.52	54.6
NorthWest: Kingsland Road N North West											
27	L2	5	0.0	0.030	6.9	LOS A	0.1	0.7	0.50	0.69	51.2
28	T1	4	0.0	0.030	6.4	LOS A	0.1	0.7	0.50	0.69	51.5
29	R2	9	0.0	0.030	10.9	LOS A	0.1	0.7	0.50	0.69	51.2
Approach		19	0.0	0.030	8.8	LOS A	0.1	0.7	0.50	0.69	51.2
SouthWest: Barnsbury Grove South West											
30	L2	37	0.0	0.445	5.6	LOS A	2.5	17.2	0.04	0.52	53.9
31	T1	409	0.0	0.445	4.5	LOS A	2.5	17.2	0.04	0.52	54.3
32	R2	97	0.0	0.445	7.8	LOS A	2.5	17.2	0.04	0.52	53.9
Approach		543	0.0	0.445	5.1	LOS A	2.5	17.2	0.04	0.52	54.2
All Vehicles		824	0.0	0.445	5.2	NA	2.5	17.2	0.06	0.53	54.1

**Table A2: Weekday Roundabout Intersection Performance Barnsbury Grove and Kingsland Road North AM Peak Hour**



Movement Performance - Vehicles											
Mov ID	OD Mov	Demand Flows		Deg Satn	Average Delay sec	Level of Service	95% Back of Queue		Prop. Queued	Effective Stop Rate per veh	Average Speed km/h
		Total veh/h	HV %	% v/c			Vehicles veh	Distance m			
SouthEast: Bexley Road South East											
1	L2	46	0.0	0.488	13.1	LOS B	4.3	30.4	0.79	0.69	48.1
2	T1	667	0.0	0.488	7.6	LOS A	4.3	30.4	0.79	0.68	52.9
3	R2	20	0.0	0.488	13.2	LOS B	4.1	28.6	0.79	0.68	48.3
Approach		733	0.0	0.488	8.1	LOS A	4.3	30.4	0.79	0.68	52.5
NorthEast: Barnsbury Grove North East											
4	L2	34	0.0	0.092	16.8	LOS B	0.4	3.0	0.84	0.70	46.0
5	T1	107	0.0	0.396	12.3	LOS B	1.9	13.2	0.91	0.73	49.1
6	R2	28	0.0	0.396	17.9	LOS B	1.9	13.2	0.91	0.73	47.8
Approach		169	0.0	0.396	14.2	LOS B	1.9	13.2	0.90	0.72	48.3
NorthWest: Bexley Road North West											
7	L2	22	0.0	0.406	12.8	LOS B	3.5	24.4	0.76	0.65	48.5
8	T1	611	0.0	0.406	7.3	LOS A	3.5	24.5	0.76	0.64	53.4
Approach		633	0.0	0.406	7.5	LOS A	3.5	24.5	0.76	0.64	53.2
SouthWest: Barnsbury Grove South West											
10	L2	41	0.0	0.110	15.9	LOS B	0.5	3.7	0.85	0.70	43.2
11	T1	159	0.0	0.482	12.6	LOS B	2.5	17.5	0.93	0.75	42.5
12	R2	17	0.0	0.482	17.1	LOS B	2.5	17.5	0.93	0.75	44.5
Approach		217	0.0	0.482	13.5	LOS B	2.5	17.5	0.91	0.74	42.7
All Vehicles		1752	0.0	0.488	9.1	LOS A	4.3	30.4	0.80	0.68	50.9

**Table A3: Weekday Priority Intersection Performance of Barnsbury Grove and Bexley Road PM Peak Hour**



Movement Performance - Vehicles											
Mov ID	OD Mov	Demand Flows		Deg. Satn	Average Delay	Level of Service	95% Back of Queue		Prop. Queued	Effective Stop Rate	Average Speed
		Total veh/h	HV %		sec		Vehicles veh	Distance m		per veh	km/h
SouthEast: Kingsland Road N South East											
21	L2	25	0.0	0.056	5.9	LOS A	0.2	1.4	0.24	0.55	53.2
22	T1	24	0.0	0.056	4.9	LOS A	0.2	1.4	0.24	0.55	53.5
23	R2	14	0.0	0.056	7.7	LOS A	0.2	1.4	0.24	0.55	53.2
Approach		63	0.0	0.056	5.9	LOS A	0.2	1.4	0.24	0.55	53.3
NorthEast: Barnsbury Grove North East											
24	L2	16	0.0	0.169	5.7	LOS A	0.7	4.7	0.14	0.53	53.8
25	T1	134	0.0	0.169	4.6	LOS A	0.7	4.7	0.14	0.53	54.1
26	R2	45	0.0	0.169	7.2	LOS A	0.7	4.7	0.14	0.53	53.8
Approach		195	0.0	0.169	5.3	LOS A	0.7	4.7	0.14	0.53	54.0
NorthWest: Kingsland Road N North West											
27	L2	31	0.0	0.088	6.0	LOS A	0.3	2.3	0.27	0.56	53.2
28	T1	40	0.0	0.088	5.0	LOS A	0.3	2.3	0.27	0.56	53.5
29	R2	24	0.0	0.088	7.7	LOS A	0.3	2.3	0.27	0.56	53.2
Approach		95	0.0	0.088	6.0	LOS A	0.3	2.3	0.27	0.56	53.3
SouthWest: Barnsbury Grove South West											
30	L2	43	0.0	0.170	5.6	LOS A	0.7	4.8	0.10	0.52	53.9
31	T1	138	0.0	0.170	4.6	LOS A	0.7	4.8	0.10	0.52	54.2
32	R2	32	0.0	0.170	6.9	LOS A	0.7	4.8	0.10	0.52	53.9
Approach		213	0.0	0.170	5.1	LOS A	0.7	4.8	0.10	0.52	54.1
All Vehicles		565	0.0	0.170	5.4	NA	0.7	4.8	0.16	0.53	53.8

**Table A4: Weekday Roundabout Intersection Performance Barnsbury Grove and Kingsland Road North PM Peak Hour**



## APPENDIX B

### ***SIDRA Intersection Results for Existing and Childcare Traffic Conditions***

Movement Performance - Vehicles											
Mov ID	OD Mov	Demand Flows		Deg Satn	Average Delay	Level of Service	95% Back of Queue		Prop. Queued	Effective Stop Rate	Average Speed
		Total veh/h	HV %				Vehicles veh	Distance m		per veh	
				v/c	sec						km/h
SouthEast: Bexley Road South East											
1	L2	24	0.0	0.278	17.7	LOS B	7.2	50.4	0.57	0.51	45.5
2	T1	271	0.0	0.278	12.2	LOS B	7.2	50.4	0.57	0.51	49.7
3	R2	109	0.0	0.489	42.2	LOS D	4.8	33.7	0.97	0.80	33.2
Approach		404	0.0	0.489	20.6	LOS C	7.2	50.4	0.68	0.59	43.6
NorthEast: Barnsbury Grove North East											
4	L2	43	0.0	0.075	29.1	LOS C	1.5	10.2	0.72	0.70	40.0
5	T1	175	0.0	0.377	30.3	LOS C	7.1	49.7	0.85	0.71	39.9
6	R2	15	0.0	0.377	35.9	LOS D	7.1	49.7	0.86	0.72	39.0
Approach		233	0.0	0.377	30.4	LOS C	7.1	49.7	0.83	0.71	39.8
NorthWest: Bexley Road North West											
7	L2	35	0.0	0.810	34.6	LOS C	28.8	201.9	0.95	0.90	37.6
8	T1	1294	0.0	0.810	29.1	LOS C	28.9	202.4	0.95	0.90	40.5
Approach		1329	0.0	0.810	29.2	LOS C	28.9	202.4	0.95	0.90	40.4
SouthWest: Barnsbury Grove South West											
10	L2	102	0.0	0.168	29.1	LOS C	3.4	23.6	0.75	0.73	37.3
11	T1	390	0.0	0.801	35.2	LOS D	18.0	125.9	0.93	0.90	33.7
12	R2	15	0.0	0.801	39.7	LOS D	18.0	125.9	0.93	0.90	35.0
Approach		507	0.0	0.801	34.1	LOS C	18.0	125.9	0.89	0.87	34.4
All Vehicles		2473	0.0	0.810	28.9	LOS C	28.9	202.4	0.88	0.83	39.4

**Table B1: Weekday Priority Intersection Performance of Barnsbury Grove and Bexley Road with Childcare Traffic AM Peak Hour**



Movement Performance - Vehicles											
Mov ID	OD Mov	Demand Flows		Deg. Satn	Average Delay	Level of Service	95% Back of Queue		Prop. Queued	Effective Stop Rate	Average Speed
		Total veh/h	HV %	% v/c	sec		Vehicles veh	Distance m		per veh	km/h
SouthEast: Kingsland Road N South East											
21	L2	13	0.0	0.036	6.1	LOS A	0.1	0.9	0.35	0.61	52.1
22	T1	4	0.0	0.036	5.2	LOS A	0.1	0.9	0.35	0.61	52.4
23	R2	13	0.0	0.036	9.8	LOS A	0.1	0.9	0.35	0.61	52.1
Approach		29	0.0	0.036	7.6	LOS A	0.1	0.9	0.35	0.61	52.1
NorthEast: Barnsbury Grove North East											
24	L2	29	0.0	0.175	5.6	LOS A	0.7	5.1	0.03	0.52	54.3
25	T1	199	0.0	0.175	4.4	LOS A	0.7	5.1	0.03	0.52	54.6
26	R2	4	0.0	0.175	9.1	LOS A	0.7	5.1	0.03	0.52	54.3
Approach		233	0.0	0.175	4.7	LOS A	0.7	5.1	0.03	0.52	54.6
NorthWest: Kingsland Road N North West											
27	L2	5	0.0	0.030	7.0	LOS A	0.1	0.7	0.50	0.69	51.1
28	T1	4	0.0	0.030	6.4	LOS A	0.1	0.7	0.50	0.69	51.4
29	R2	9	0.0	0.030	11.1	LOS A	0.1	0.7	0.50	0.69	51.1
Approach		19	0.0	0.030	8.9	LOS A	0.1	0.7	0.50	0.69	51.2
SouthWest: Barnsbury Grove South West											
30	L2	40	0.0	0.453	5.6	LOS A	2.5	17.8	0.04	0.52	53.9
31	T1	414	0.0	0.453	4.5	LOS A	2.5	17.8	0.04	0.52	54.2
32	R2	100	0.0	0.453	7.9	LOS A	2.5	17.8	0.04	0.52	53.9
Approach		554	0.0	0.453	5.2	LOS A	2.5	17.8	0.04	0.52	54.2
All Vehicles		835	0.0	0.453	5.2	NA	2.5	17.8	0.06	0.53	54.1

**Table B2: Weekday Roundabout Intersection Performance Barnsbury Grove and Kingsland Road North with Childcare Traffic AM Peak Hour**



Movement Performance - Vehicles											
Mov ID	OD Mov	Demand Flows		Deg Satn	Average Delay sec	Level of Service	95% Back of Queue		Prop. Queued	Effective Stop Rate per veh	Average Speed km/h
		Total veh/h	HV %	% v/c			Vehicles veh	Distance m			
SouthEast: Bexley Road South East											
1	L2	46	0.0	0.495	13.2	LOS B	4.4	31.0	0.79	0.69	48.1
2	T1	667	0.0	0.495	7.7	LOS A	4.4	31.0	0.79	0.68	52.9
3	R2	25	0.0	0.495	13.2	LOS B	4.1	28.7	0.79	0.68	48.3
Approach		738	0.0	0.495	8.2	LOS A	4.4	31.0	0.79	0.68	52.4
NorthEast: Barnsbury Grove North East											
4	L2	34	0.0	0.092	16.8	LOS B	0.4	3.0	0.84	0.70	46.0
5	T1	107	0.0	0.398	12.4	LOS B	1.9	13.2	0.91	0.73	49.1
6	R2	28	0.0	0.398	17.9	LOS B	1.9	13.2	0.91	0.73	47.8
Approach		169	0.0	0.398	14.2	LOS B	1.9	13.2	0.90	0.72	48.3
NorthWest: Bexley Road North West											
7	L2	27	0.0	0.410	12.8	LOS B	3.5	24.6	0.76	0.65	48.4
8	T1	611	0.0	0.410	7.3	LOS A	3.5	24.7	0.76	0.64	53.4
Approach		638	0.0	0.410	7.5	LOS A	3.5	24.7	0.76	0.64	53.2
SouthWest: Barnsbury Grove South West											
10	L2	41	0.0	0.110	15.9	LOS B	0.5	3.7	0.85	0.70	43.2
11	T1	164	0.0	0.495	12.6	LOS B	2.6	18.1	0.93	0.75	42.4
12	R2	17	0.0	0.495	17.2	LOS B	2.6	18.1	0.93	0.75	44.5
Approach		222	0.0	0.495	13.6	LOS B	2.6	18.1	0.92	0.74	42.7
All Vehicles		1767	0.0	0.495	9.2	LOS A	4.4	31.0	0.81	0.68	50.8

**Table B3: Weekday Priority Intersection Performance of Barnsbury Grove and Bexley Road PM with Childcare Traffic Peak Hour**





Movement Performance - Vehicles											
Mov ID	OD Mov	Demand Flows		Deg. Satn	Average Delay	Level of Service	95% Back of Queue		Prop. Queued	Effective Stop Rate	Average Speed
		Total veh/h	HV %		sec		Vehicles veh	Distance m		per veh	km/h
SouthEast: Kingsland Road N South East											
21	L2	25	0.0	0.057	5.9	LOS A	0.2	1.4	0.24	0.55	53.2
22	T1	24	0.0	0.057	4.9	LOS A	0.2	1.4	0.24	0.55	53.5
23	R2	14	0.0	0.057	7.8	LOS A	0.2	1.4	0.24	0.55	53.2
Approach		63	0.0	0.057	6.0	LOS A	0.2	1.4	0.24	0.55	53.3
NorthEast: Barnsbury Grove North East											
24	L2	16	0.0	0.170	5.7	LOS A	0.7	4.7	0.14	0.53	53.8
25	T1	134	0.0	0.170	4.6	LOS A	0.7	4.7	0.14	0.53	54.1
26	R2	45	0.0	0.170	7.3	LOS A	0.7	4.7	0.14	0.53	53.8
Approach		195	0.0	0.170	5.4	LOS A	0.7	4.7	0.14	0.53	54.0
NorthWest: Kingsland Road N North West											
27	L2	31	0.0	0.089	6.0	LOS A	0.3	2.3	0.28	0.57	53.1
28	T1	40	0.0	0.089	5.1	LOS A	0.3	2.3	0.28	0.57	53.4
29	R2	24	0.0	0.089	7.8	LOS A	0.3	2.3	0.28	0.57	53.1
Approach		95	0.0	0.089	6.1	LOS A	0.3	2.3	0.28	0.57	53.2
SouthWest: Barnsbury Grove South West											
30	L2	45	0.0	0.182	5.6	LOS A	0.7	5.2	0.10	0.52	53.9
31	T1	149	0.0	0.182	4.6	LOS A	0.7	5.2	0.10	0.52	54.2
32	R2	34	0.0	0.182	7.0	LOS A	0.7	5.2	0.10	0.52	53.9
Approach		228	0.0	0.182	5.1	LOS A	0.7	5.2	0.10	0.52	54.1
All Vehicles		581	0.0	0.182	5.4	NA	0.7	5.2	0.16	0.54	53.8

**Table B4: Weekday Roundabout Intersection Performance Barnsbury Grove and Kingsland Road North with Childcare Traffic PM Peak Hour**

# **STATEMENT OF ENVIRONMENTAL EFFECTS**

**Construct a Purpose Built Childcare  
Centre for up to 60 Child Placements**

**at**

**No 19 Barnsbury Grove Bexley North**

# **STATEMENT OF ENVIRONMENTAL EFFECTS**

**February 2017**

COPYRIGHT:  
THIS DOCUMENT REMAINS THE PROPERTY OF PLANNING DIRECTION PTY LTD  
AND IS NOT TO BE REPRODUCED IN PART OR FULL WITHOUT THE EXPRESS  
WRITTEN CONSENT OF PLANNING DIRECTION PTY LTD.

**TABLE OF CONTENTS**

	<b>PAGE NO</b>
<b>1.0 INTRODUCTION</b>	<b>1</b>
<b>2.0 SITE ANALYSIS</b>	<b>3</b>
<b>2.1 Subject Site</b>	<b>3</b>
<b>2.2 Site Context</b>	<b>5</b>
<b>3.0 PROPOSED DEVELOPMENT</b>	<b>7</b>
<b>3.1 Description of Proposal</b>	<b>7</b>
<b>3.2 Details of Proposal</b>	<b>7</b>
<b>3.3 Design Approach</b>	<b>9</b>
<b>4.0 TOWN PLANNING LEGISLATION</b>	<b>10</b>
<b>4.1 Zoning and Zone Objectives</b>	<b>10</b>
<b>4.2 Specific Clauses of the LEP</b>	<b>13</b>
<b>5.0 DEVELOPMENT CONTROL PLAN</b>	<b>14</b>
<b>6.0 EDUCATION &amp; CARE SERVICES NATIONAL REGULATIONS</b>	<b>26</b>
<b>7.0 SECTION 79(C) CHECKLIST</b>	<b>31</b>
<b>8.0 CONCLUSION</b>	<b>33</b>

## 1.0 INTRODUCTION

**Planning Direction P/L** has been engaged to prepare a Statement of Environmental Effects to accompany a development application to Bayside Council. The applicant proposes to establish a childcare centre at No 19 Barnsbury Grove Bexley North.

The applicant seeks consent specifically to undertake the following development:

- Demolish the existing dwelling; and
- Construct a purpose built single storey childcare centre catering for up to 60 child placements over a single level of basement car parking. The proposed childcare centre is to cater for age groups of between 0-5 years of age.

By way of background the applicant met with Council officers on 18 August 2016 to discuss preliminary plans for the proposed centre. Council by way of correspondence dated 30 August 2016 identified various statutory and policy documents that the applicant needed to address plus identified design elements. The applicant and designer has subsequently revised the design by providing specifically basement car parking and reducing the front building setback.

The applicant is aware of the Department of Education and Bayside (Rockdale) Council's guidelines. The applicant has given full consideration to the abovementioned documents in finalising the design. The proposed development has been site specifically designed so as to contain the building within the typical building zone of the street and minimise impacts.

The Statement is intended to assist Bayside Council in its determination of the development application by providing an assessment of the proposal against the provisions of the governing planning instruments being Rockdale Local Environmental Plan 2011 and the associated Development Control Plan. Consideration has also been given to the provisions of the Education and Care Services National Regulations and the heads of consideration under Section 79C of the Environmental Planning and Assessment Act 1979.

The statement should be read in conjunction with the following:

- Development plans prepared by *Actron Design Pty Ltd.*
- Acoustic report prepared by *DK Acoustics P/L.*
- Section J report prepared by **Sustainable Thermal Solutions.**
- Landscape plan prepared by **Conzept Landscape Architects.**
- Traffic report prepared by **ML Traffic Engineers.**

## 2.0 SITE ANALYSIS

### 2.1 Subject Site

The subject site is situated on the northern side of Barnsbury Grove Street, approximately 70m to the north east of Bexley Road and is known as No 19 Barnsbury Grove Bexley North.



### Subject Site

The subject site is legally identified, as Lot 10 in DP 1108902.

The subject site is irregular in configuration with angled front and rear boundaries and a splay to the eastern side boundary towards the rear of the site. The subject site has a width of 20.115m and an average depth of approximately 60m.

The subject site has a total site area of **1,007sqm**. A survey plan of the lot accompanies the development application.

Existing improvements on the site include a single storey brick and tile residence with a single carport.



**Existing Dwelling**

With regards to topography the subject site has a gradual cross fall from the eastern side boundary to the western side boundary. The proposed development is capable of being adequately drained via gravity flow to Council's existing stormwater infrastructure in Barnsbury Grove.

There are no substantive trees requiring removal to facilitate the proposed development. The existing large tree in the nature strip will be retained as part of the proposal. The subject site contains no critical habitat.

There are no identified heritage items located on the subject site or on adjoining properties. The subject site is not located within a conservation zone.

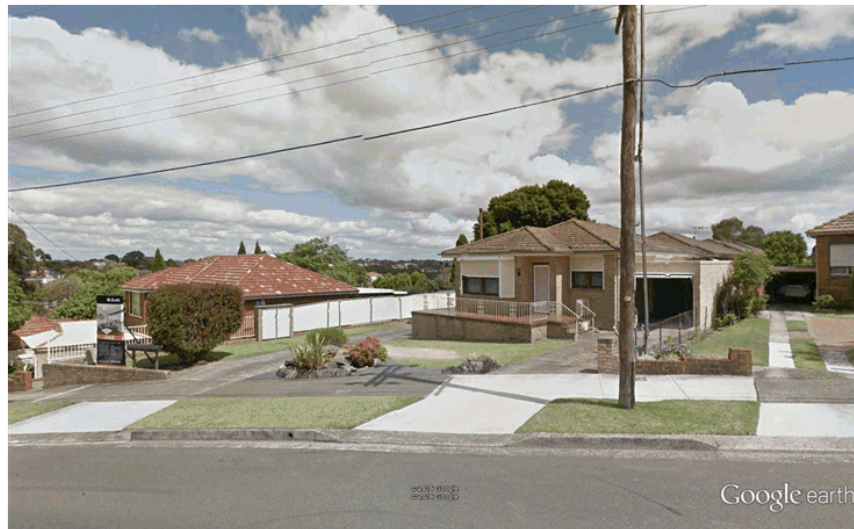
## **2.2 Site Context**

The subject site is situated within an established residential precinct, which contains a mixture of land uses including detached dwellings and villa development.

Existing development on the immediately adjoining properties comprises of the following;



- Immediately adjoining the subject site to the west is a single storey villa development of brick and tile construction. This adjoining villa development maintains a lower ground level owing to the cross fall in the land and is well separated from the subject. With regards to the proposed design on the subject site, there are highlight type windows proposed along the side elevations of the building and being effectively single storey, there will be no privacy loss or excessive overshadowing.



**Adjoining western property**

- Immediately adjoining the subject site to the east appears to be 2 lots including a battle axe style allotment and a street fronting lot containing an older style brick. This adjoining dwelling is substantively setback from the subject site with the battle axe access handle adjoining the common boundary. There are no implications in terms of privacy loss or overshadowing given the large setbacks between the two sites, the rise in ground levels to the east and single storey nature of the proposed development.



**Adjoining eastern property**

- Situated to the rear of the subject site are 2 residential properties fronting Fowler Avenue. These properties back on to the subject site and are well distant subsequently the proposal will not give rise to privacy or overshadowing implications.
- The precinct is well serviced by public transport with a regular bus service running along Bexley Road.
- Reasonable sight distances exist in both directions along Barnsbury Grove.
- It is noted that Barnsbury Grove does not have a childcare centre operating in the street. The nearest childcare centres are located in the following streets:
  - 1) No 14-16 Peddys Road Bexley;
  - 2) No 3 Chamberlain Rd Bexley; and
  - 3) No 9a 11 New Illawarra Road Bexley North.

### **3.0 PROPOSED DEVELOPMENT**

#### **3.1 Description of Proposal**

The applicant seeks consent to undertake the following development:

- Demolish the existing dwelling; and
- Construct a purpose built single storey childcare centre catering for up to 60 child placements over a single level basement parking area. The childcare centre is proposed to cater for age groups of between 0-5 years of age.

#### **3.2 Details of Proposal**

The proposal in detail is as follows: -

- Construct a new single storey purpose built childcare centre over a single level of basement parking. The centre will have its principal entry prominent to the street accessed from a level pathway running directly from the street front.
- The applicant proposes to provide for 11 car spaces within the basement parking level. The proposed on-site parking makes provision for 1 disabled parking spot and a shared zone. The basement level will also include a laundry and store room. Lift access is proposed from the basement parking level to the upper level internal area of the building.
- Landscaping is provided across the frontage.
- A reception and office area is provided at the entry for parents;
- The reception will include a sign-in area and noticeboard;
- A cot room, disabled toilet, nappy change room, kitchen and staff room are also provided near the entrance of the building;
- There are three large open plan play areas with associated storage lockers and craft sinks and lockers catering for 60 children between the ages of 0-5;
- Two indoor storage areas and three craft sinks are provided;
- A children's bathroom is provided at the rear of the building allowing for both internal and external access to the facilities for the benefit of the children;

- A transition area in the form of an undercover verandah is provided at the rear of the building opening out to the rear external play area;
- A large soft-fall external play area is provided at the rear with level access off the rear of the building. The external play area has an appropriate transition zone and ample opportunities for shade and also has a storage area for outdoor play equipment;
- The external playground will be furnished with sandpits, soft-fall play area and play equipment to stimulate child interaction and promote physical activity;
- Shaded areas are provided in the playground within the transition zone; and
- Acoustic measures will be adopted throughout the site.

#### Staff and Hours of Operation

There will be a maximum of 10 staff members working at the centre at any given time. A cook and cleaning staff will also attend the site periodically.

The hours of operation sought are between 7.00AM to 7.00PM Monday to Friday and the applicant requires approval to open between 9.00AM to 5.00PM on 4 Saturdays in the year for special events such as the Christmas party and open days.

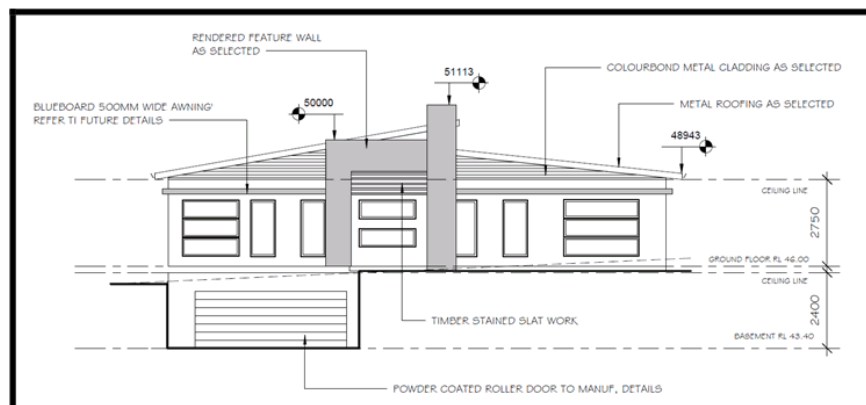
The starting time at 7.00AM is to enable staff to open and prepare the centre each morning. Only a few children will be attending the centre as early as 7.00AM given the starting times of some working parents. Children attending the centre early in the morning will be kept inside the centre and not allowed outside until set play times commence during the day. The applicant proposes to run the centre all year breaking only for weekends generally and public holidays.

### **3.3 Design Approach**

The proposed design solution responds to the circumstances of the site and locality as established by the site analysis process. The applicant seeks to provide a much-needed service within the locality (including care for 0-2 year old children).

The applicant has provided an appropriate design responding to the specific design criteria of the Department of Education. The operator of the centre will be experienced in the management and running of childcare centres.

A key consideration in the design was the provision of disabled/pram access throughout the centre with a level grade access and the provision of lift access to the internal areas of the building directly from the basement parking level. The proposed building has been purposely designed to maintain an appearance of a typical dwelling house. Neutral colour tones and finishes are proposed to the building.



### **Proposed Street Frontage Appearance**

Landscape planting is proposed across the frontage of the site to compliment the built form.

Security and safety of the children has also been a primary consideration and the provision of viewing opportunities throughout the building is provided.

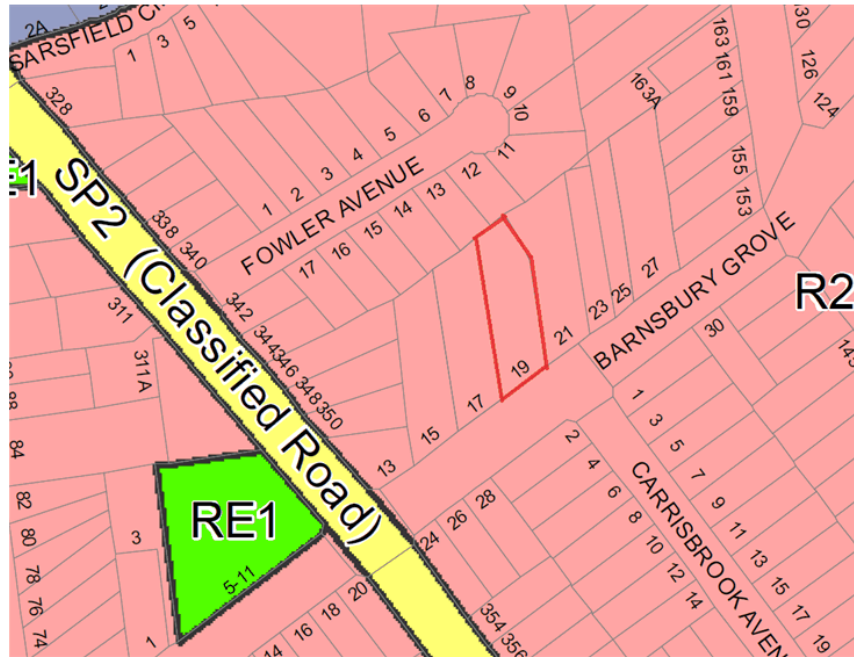
In addition the design solution provides for a secure basement level of car parking, a security pedestrian entrance to the premises and the appropriate use of lighting to illuminate the premises.

The provision of one consolidated wide driveway provides ease of viewing opportunities of vehicles entering and leaving the site.

#### 4.0 TOWN PLANNING LEGISLATION

##### 4.1 Zoning:

The subject site is zoned R2 Low Density Housing under the Rockdale Local Environmental Plan 2011.



The proposal relates to the establishment of a childcare centre, which is defined to mean:

*a building or place used for the supervision and care of children that:*

- (a) provides long day care, pre-school care, occasional child care or out-of-school-hours care, and*
- (b) does not provide overnight accommodation for children other than those related to the owner or operator of the centre, but does not include:*
- (c) a building or place used for home-based child care, or*
- (d) an out-of-home care service provided by an agency or organisation accredited by the Children's Guardian, or*

- (e) a baby-sitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or*  
*(f) a service provided for fewer than 5 children (disregarding any children who are related to the person providing the service) at the premises at which at least one of the children resides, being a service that is not advertised, or*  
*(g) a regular child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium), by or on behalf of the person conducting the facility, to care for children while the children's parents are using the facility, or*  
*(h) a service that is concerned primarily with the provision of:*  
*(i) lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or*  
*(ii) private tutoring, or*  
*(i) a school, or*  
*(j) a service provided at exempt premises (within the meaning of Chapter 12 of the Children and Young Persons (Care and Protection) Act 1998)*

Comment:

The proposed use accords with the above definition and is permissible in the zone.

The R2 zone objectives are 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 ensure that land uses are carried out in a context and setting that minimises any impact on the character and amenity of the area.*

Comment:

The proposed development provides for a single storey building that will appear as a typical dwelling thus maintaining the existing low density character of the precinct consistent with the zone objectives.



The proposal represents the provision of a valuable service in the locality being easily accessible from nearby homes, the town centre and public transport.

The front setback of the property will be suitably paved, treated and landscaped to maintain a domestic appearance.

The proposed location of the childcare centre is appropriate being at the gateway entry to an established low density precinct and appropriately utilises a large block of land ensuring the development can be readily contained on site.

Such is consistent also with the scale of the adjoining villa development. In view of the above the proposal is consistent with the zone objectives and existing and evolving built form.

#### **4.2 Specific Clauses of the LEP**

##### **Height of Buildings**

A maximum building height of 8.5m applies. The proposal complies given the height given it is single storey only. The subject site is situated within an 'obstacle limitation surface area' with a maximum height of 15.24m established by the Civil Aviation Regulations.

The proposed building as noted is well below this regulated height limit.

##### **Floor Space Ratio**

A maximum floor space ratio (FSR) of 0.5:1 applies.

The proposed development has a maximum FSR of 0.317:1 being well under the maximum permitted.

##### **Acid Sulphate Soils**

The proposed development is well distant from waterways and is not constrained by acid sulphate soils, being a category class 5.



**Earthworks**

*(1) The objectives of this clause are as follows:*

*(a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,*

*(b) to allow earthworks of a minor nature without requiring separate development consent.*

*(2) Development consent is required for earthworks unless:*

*(a) the work is exempt development under this Plan or another applicable environmental planning instrument, or*

*(b) the work is ancillary to other development for which development consent has been given.*

*(3) Before granting development consent for earthworks, the consent authority must consider the following matters:*

*(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,*

*(b) the effect of the proposed development on the likely future use or redevelopment of the land,*

*(c) the quality of the fill or the soil to be excavated, or both,*

*(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,*

*(e) the source of any fill material and the destination of any excavated material,*

*(f) the likelihood of disturbing relics,*

*(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.*

**Comment:**

Excavation is proposed to provide for the basement parking level and pedestrian access. The extent of excavation for a single level basement is kept clear of the site boundaries and is contained under the building footprint for the most part. No adverse impacts are envisaged to adjoining buildings or adjoining properties, on the basis of contractors following established building standards.

## 5.0 DEVELOPMENT CONTROL PLAN 2011

### Site Analysis

A detailed site analysis has been undertaken and a plan accompanies the development submission. A written analysis complimenting the site analysis plan is provided in Part 2 of this statement of environmental effects.

**Part 6.1** of the DCP specifically deals with development controls for childcare centres. These controls are summarised with a comment in relation to each as follows: -

#### *Provision of Child Care Places*

- 1. Child care centres must provide a minimum of 33% of their child care spaces for children under the age of 2 years.*
- 2. The breakdown of ages of the proposed number of children and the clarification in relation to group sizes are required to be provided with the Development Application.*
- 3. A maximum number of 50 children is permitted in a child care centre in residential zones, unless it can be demonstrated by the applicant that any additional children will not result in unreasonable impact on the amenity of adjoining properties and/or streetscape.*

#### Comment:

The childcare centre proposes a total of 60 placements with one third of these being within the 0-2 year's age group as required by the development control.

The breakdown of placements has been previously provided however it is proposed to provide 20 places within the 0-2 year's age group, 20 places within the 2-3 year's age group and 20 places within the 3-5 year's age group.

It is noted that a maximum of 50 children is generally preferred within new childcare centre development however the site lends itself to a larger centre particularly given the depth and frontage (in excess of 20m) of the subject site. The subject site can comfortably accommodate a centre for 60 placements well within all development

standards and controls relating to bulk, scale and density. The fall in the land also lends itself to the provision of a basement level of parking utilising the existing driveway crossing.

A detailed site analysis has been provided with the development plans and an analysis of adjoining development has been provided within this statement of environmental effects. It is noted that the subject land is flanked by an existing villa development and a large battle axe allotment on the other side. The proposed building will for all intents and purposes appear as a normal single storey dwelling house in keeping with the character of the locality.

The proposal for a 60 place childcare centre will not overly impact on the amenity or the character of the area given the locational characteristics of the site, the ability to provide basement parking and the single storey nature of the building.

### ***Location***

*4. In locating a new child care centre the following guideline should be considered:*

*Child care centres are preferably located:*

- *within or close to commercial/town centres/major places of employment;*
- *near public transport;*
- *in residential areas adjacent to commercial or mixed use developments;*
- *close to schools, libraries, churches and other community facilities;*
- *in/adjacent to public open space ;*
- *on large corner sites or sites which adjoin no more than 2 residential properties;*
- *within purpose built buildings for child care.*

*Child care centres should not be located:*

- *in close proximity to existing or approved child care centres in residential zones;*

- *on the same street in residential zones, depending on the nature and length of the street, where another centre (including a centre that has been approved) already exists;*
- *where there are unsatisfactory on street parking/traffic conditions or restrictions (for example, on bus stops, no standing areas, unsafe traffic volumes or with poor sight distances);*
- *on narrow, one way, dead end roads or cul de sacs (unless the property has a double street frontage with a drive-through capability);*
- *on sites with a boundary to Classified Roads;*
- *on steep sites;*
- *in view of the entrance to drug clinics, sex industry, adult entertainment premises and other such uses;*
- *in/adjacent to industrial areas/contaminated sites or other similar site where health hazard may occur;*
- *within 100 metres from high voltage transmission lines, pylons and electrical substations or any other electromagnetic radiation;*
- *in flood risk areas.*

*6. Centres in the vicinity of existing/approved centres must demonstrate that there are no negative cumulative impacts on;*

*a. traffic movement, on street parking and pedestrian safety;*

*b. noise; and*

*c. residential streetscape.*

*7. Child care centres should be located where there is maximum pedestrian safety, such as:*

*a. foot ways adjacent to the site are wide enough for prams to pass;*

*b. pedestrian access is segregated from any vehicular access to the site;*

*c. dropped kerbs are provided for pram or wheelchair access where necessary;*

*d. adequate pedestrian crossing facilities are provided to access the site from nearby train stations/bus stops.*

*8. Child care centres are not permitted on properties:*

*a. subject to a high hazard 1% Annual Exceedance Probability (1 in 100 year) flood or high hazard overland flows; or*

*b. subject to a 1% Annual Exceedance Probability (1 in 100 year) flood or overland flows that are not high hazard, unless there is an area within the development above the Probable Maximum Flood of sufficient size to comfortably accommodate all the children and staff.*

*9. Child care centres are not to be located on sites with any boundary to classified roads or at busy intersections.*

*10. Council may consider a reduction in allotment width for a child care centre accommodating no more than 20 children. However, the applicant must demonstrate in the application that the required indoor/outdoor space, car parking and landscaping have been provided.*

**Comment:**

The subject site displays the following desirable site selection characteristics:

- Being situated on a non-main road on the periphery of a low density precinct;
- The subject site has a compliant 20m width;
- The site is within close vicinity of a number of schools;
- The site is within walking distance of bus stops;
- There are no transmission lines nearby;
- The site is not steep;
- The site is not near bushland.
- The centre is for 60 children and as such this represents a minor departure from the control. It should be noted that 20 of the proposed places are for babies or toddlers being low impact placements given they will generally be wholly contained within the building. There is much need for places for infants and toddlers and the creation of this purpose built centre will ensure that all children are adequately catered for on-site. The number of places offered will therefore have minimal impact and is consistent with the control which seeks to protect the low density nature of the precinct;
- A safe drop-off and pick-up area is provided on-site within the basement parking level area with a number of dedicated visitor spaces;

- Disabled access has been successfully negotiated on-site with lift access throughout the building and level pedestrian access provided from the street; and
- The site is large and has access to an extensive playground area at the rear.

The proposed development has been designed based on undertaking a thorough site analysis process. The proposed development fully utilises site opportunities and provides a quality development. It is noted that the DCP discourages the location of childcare centres next to villa development on the basis of potential amenity impacts. There will be no overshadowing of the villas and viewing opportunities to the north from the proposed building are constrained through design.

An acoustic report has also been prepared and an effective management strategy is formulated by the acoustic consultant to minimise noise disturbance to the adjoining villas thus addressing this consideration. Noise from the centre will be reasonably contained.

The subject site is not flood affected, the site is not affected by overland flow or threat from bushfire.

The subject site does not front a main road or noise source.

The subject site has been used previously for residential purposes and therefore is unlikely to contain contaminants. Accordingly consideration pursuant to SEPP 55 Remediation of Land should not be necessary. In addition Council has recently approved a childcare centre on the site after reviewing this consideration.

Accordingly the proposal is reasonable in terms of location considerations.

### ***Building Design***

*11. Child care centres must be designed in character with the existing streetscape (ie buildings located in residential areas must maintain an appearance consistent with the nearby residential streetscape).*

*12. In residential areas, child care centre development must observe the prevailing street setbacks and the side/rear setbacks required for*

*a dwelling house. See Part 5.1 Low and medium density residential in this DCP.*

*13. Children under 2 years of age must be cared for on the ground floor of a building to facilitate ease of access and safety.*

*14. An above ground floor child care centre may only be considered where there is no alternative location on the ground floor. It will be assessed on its merits with respect to child safety and/or impacts on residential amenity.*

*15. Building design is to provide linkages between indoor and outdoor spaces that enable uninterrupted lines of sight and visual interaction with the outside environment from each activity centre, providing a high degree of supervision throughout, both indoors and outdoors.*

*16. Details are to be provided of all advertising structures that are proposed to be located on the site.*

*17. All new child care centres, building conversions and additions to existing premises must comply with the minimum access requirements outlined in Section 4.5.2 of this DCP.*

**Comment:**

The streetscape character of the proposal has been previously discussed. Essentially the building will appear as a single storey dwelling when viewed from the street in keeping with the immediate character of the locality.

The proposal accords with the prevailing street and side setbacks. There is significant separation between the proposed building and adjoining dwellings.

The building is single storey as favoured by the development controls with all age groups being cared for on a single level.

The indoor play areas appropriately open out on to a transition area and the rear outdoor play area. Indoor/outdoor bathrooms are provided for the benefit of children.

The proposal accords with the access requirements of the DCP.

***Visual and Acoustic Impact***

*18. Buildings must be orientated and designed to minimise potential impacts on the residential amenity of adjoining property with regards to visual privacy and noise. Adequate screening should be provided where balconies and decks cause privacy concerns for adjoining properties.*

*19. A number of factors must be considered to ameliorate noise generation from child care centres. These include:*

- a. layout and orientation of the building;*
- b. erection of noise barriers;*
- c. insulation of external noise sources (e.g. air conditioners);*
- d. window glazing;*
- e. fencing placement, design and materials.*

*20. An Acoustic Report undertaken by a suitably qualified acoustic consultant is required for centres in/adjacent to residential zones. The report must demonstrate how the site planning and building design minimise noise impacts, and that noise levels (measured at any point on the boundary of the site between the centre and adjoining property over a 15-minute period) will not exceed 5dBA above the background level. The report should include recommended noise attenuation measures.*

*21. A Plan of Management is required for centres in/adjacent to residential zones indicating the hours and specifics of indoor/outdoor play and how noise impacts upon neighbours will be minimised. The use of outdoor playing areas may be limited subject to site and adjoining property circumstances.*

*22. All boundary fencing to play areas must provide sound insulation equal to a lapped timber fence.*

*23. Where the centre is affected by excessive noise, the centre must be designed to minimise the impact of that noise source, for example, using appropriate screening devices or locating sensitive areas (e.g. sleeping rooms) away from the source of noise.*

*24. Child care centres must be insulated according to AS 2021-2000 Acoustics Aircraft Noise Intrusion if it is located on land that exceeds 20 Australian Noise Exposure Forecast (ANEF) contours.*



Comment;

An acoustic report detailing noise mitigation measures accompanies the development plans.

External play time is limited during the day and dependant on weather conditions. The design makes provision for covered outdoor space in and attached to the building to supplement occasions of inclement weather.

Appropriate management recommendations and the installation of acoustic barriers are made as part of the report.

### ***Indoor and Outdoor Space***

*25. The child care centre must comply with the minimum indoor space and the minimum outdoor space provisions as prescribed by the Children's Services Regulation 2004 and included in the following table:*

Comment:

The DCP desires that childcare centres 3.25sqm/child of unencumbered internal space and 7sqm/child of outdoor space as per the overriding Department guidelines.

The details of the proposal are as follows:

The total outdoor play area is 445sqm. With 60 children this represents an average of 7.41sqm per child.

It should be noted that the external ground level playground will be principally used by the 2-5 year old children representing an average of 11.12sqm/child.

The total unencumbered indoor play area is 204sqm. With 60 children this represents an average of 3.4sqm per child.

The proposed development will provide quality space for the children and workers consistent with Department guidelines. The square metre rate adopted for the site also assists in minimising the bulk and site coverage of the development without compromising the quality of the service.

The proposed floor space and outdoor space has been carefully conceived and available space has been optimised.

***Parking and Pedestrian Safety***

*30. Development must comply with the car parking, access and movement requirements contained in Part 4 General Principles for Development of this DCP.*

*31. All on-site parking arrangements must ensure the visual attributes of the streetscape are maintained, particularly having regard to the street character, existing landscaping, tree removal and number of vehicle crossings.*

*32. On-site vehicular movements must be separated from pedestrian access by safety fencing, gates or other means.*

*33. Where on-site parking and a drop off and pick up area cannot be provided due to site constraints, adequate provision of on street parking and kerbside drop off and pick up must be demonstrated.*

*34. All applications for child care centres must be supported by a Traffic Report prepared by a suitably qualified traffic engineer/company addressing as a minimum the following factors:*

- a. the prevailing traffic conditions*
- b. the likely impact of the proposed development on existing traffic flows and the surrounding street system*
- c. pedestrian and traffic safety*
- d. justification of any variation to the parking requirements (if any proposed) and*
- e. how impacts of drop-off and pick up will be accommodated.*

*35. The use of the kerb side parking lane may be permitted for set down and pick up of children subject to meeting the following criteria:*

- a. the road carriageway has a minimum width of 12m; and*
- b. parking restrictions and/or traffic controls do not prevent the lawful use of the street for parking; and*
- c. the street is not a classified road; and*
- d. the dedication of the on-street parking for set down and pick up*

*does not extend beyond the side property boundaries of the site, and does not encroach within 10m of a corner of another street; and*

*e. a Road Safety Audit (Stage 5 Audit) has been undertaken by an accredited auditor in accordance with AUSTROADS and the audit result is satisfactory; and*

*f. the parking is not used by staff or a resident.*

*36. Traffic calming devices in heavily trafficked routes or places where there is potential of traffic hazards are to be provided at the cost of the applicant.*

**Comment:**

The applicant has provided 11 car spaces on-site within a single basement level of parking being a logical design initiative given the topographical circumstances of the site. The on-site provision also allows for a disabled car space and maneuvering capabilities.

The proposed on-site car parking provisions should ensure that staff and parents can park on-site given the staggered arrival departure times of families.

It should be noted that there remains opportunity in front of the site on-street should the need arise.

A traffic report accompanies the development plans detailing the merits of the application.

***Hours of Operation***

*37. Specific hours of operation are required to be submitted with the Development Application.*

*38. In residential zones the hours of operation are limited to between 7 am and 7 pm, Monday to Friday. Extensions to the hours will only be considered where there will be minimal conflicts with surrounding properties, such as traffic and noise impact.*

**Comment:**

The hours of operation sought are between 7.00AM to 7.00PM Monday to Friday and the applicant requires approval to open

between 9.00AM to 5.00PM on 4 Saturdays in the year for special events such as the Christmas party and open days.

### **Crime Prevention**

The proposed building has been designed with specific regard to security and safety both within the subject site and in adjoining public areas (the street). The following features of the design solution ensure compliance with the objectives and principles of the DCP:

- The front entrance is easily identified and provides opportunity for casual surveillance of the common driveway and a basement parking area is provided thus enhancing security.
- Three clearly defined ground floor indoor spaces are proposed and a transition zone provided with good viewing opportunities of the rear recreation area.
- Appropriate landscape planting is proposed across the frontage of the site.
- Security gates are proposed along the side setbacks allowing for emergency access also.

### **Views**

There are no specific views to be gained from the subject site or adjoining dwellings.

### **Privacy**

The proposed building is single storey in height with minimal windows in the side elevations. The building has been design to appear as a typical dwelling house. Viewing is directed towards the street frontage and the rear and given the single storey nature of the building the opportunity for overlooking into neighbour's properties will be minimal.

The weekday daytime business hours of the operation will also ensure that reasonable levels of residential amenity of adjoining properties are maintained.

Given air conditioning will be provided for the comfort of the children, windows will be essentially closed. The children also

experience sleep time and quiet time during the day and only a short period of the day is spent outside (weather permitting).

The noise generated during the day will be contained during normal business hours from Monday to Friday and as a result should not unduly affect the adjoining property owners.

An acoustic report is submitted in support of the proposal.

### **Overshadowing**

Adjoining dwellings are not adversely affected by the proposed development in terms of overshadowing.

Shadows will be cast in a sweeping motion across the street frontage. The extent of shadows cast will be no more significant than the current circumstance with a dwelling house.

### **Waste Management**

Waste collected on-site will be stored in bins located to the side of the building. Staff will wheel the bins to the street for general collection by Council. Only general domestic waste will be generated by the use.

Surplus packaging, cardboard or paper products will be placed in the Council issue recycling bin. Should an additional service be required, suitable arrangements will be made with Council.

## **6.0 EDUCATION & CARE SERVICES NATIONAL REGULATIONS & PLAN OF MANAGEMENT**

The National Regulations is the relevant legislative provision governing the licensing, administration and appropriateness of childcare centres in NSW. The Regulations stipulate the requirements for new centres and operators. The Regulations have recently been recently adopted to address trends in centre operation and licensing. The Department has advised that all applications will need to address the relevant criteria in the planning of the proposed centre.

A summary of considerations is provided below:

### **a. Services**

The subject site has an existing dwelling and therefore services such as telephone lines, water, electricity and drainage exist in the street. The proposed development will also include suitable fire prevention and first aid equipment in accordance with the requirements.

### **b. Ventilation and Temperature Control**

The design of the building allows good cross ventilation and also provides suitable shaded areas to reduce the affects of high temperature. The transition zone will provide shading opportunities over part of the rear yard. The building will also be provided with air conditioning, which will service the sleep rooms, staff areas and the indoor play areas. The proposed building will be constructed with suitable insulation and as such the building will be resilient to extreme temperature conditions.

### **c. Lighting**

The proposed development has been designed to maximise the opportunities for natural sunlight within the indoor play areas with the strategic positioning of windows along the exterior of the building. Areas within the building that do not receive adequate natural sunlight will be provided with suitable artificial light or utilised for support facilities.

**d. Access and Supervision**

The design of the childcare centre makes appropriate consideration for access and supervision of the children within the building. The design of the building has minimised hallways and provided large open areas that will allow easy access within the building to adjoining rooms and to the rear of the site. The design has also provided playrooms with easy access to back up rooms, such as kitchen and laundry facilities and toilets. The supervision of children within the centre has been addressed with the provision of large open play areas and low level dividing walls, which will allow supervision of children from neighbouring rooms. Lift access is provided from the basement parking level to all areas of the building allowing for disabled access.

**e. Doors and Windows**

The design of the doors and windows within the building will allow easy access and supervision as detailed previously. Areas that are to be restricted to access by children will be provided with suitable doors and locks.

**f. Access for the Disabled**

The proposed development has been designed with regards to accessibility for the disabled and mothers with prams in particular all areas of the building are able to be accessed via a lift from the basement parking area which includes a designated disabled parking space. The design of the childcare centre will allow easy and direct access throughout the centre via at-grade pathways to the individual playrooms and the rear outdoor play area. Adequate disabled access to essential backup facilities, such as toilets, is provided.

**g. Playroom**

The proposed development has provided three large indoor playroom areas. Each of the playrooms has been designed to be the central hub of the building with essential backup facilities located adjacent to these areas.

The minimum space required by the Regulation is  $3.25m^2$  of unencumbered floor space per child. The childcare centre will accommodate up to 60 children. Therefore the proposal is required to

provide a minimum of 195m<sup>2</sup> of unencumbered playroom. The proposed childcare centre will provide **204m<sup>2</sup>** of unencumbered playroom floor space (including the arts and craft area) and as such complies with the minimum floor space requirement.

The playrooms have been designed in a regular configuration to allow for the provision of zones. The playroom areas can be classified as a modified open plan.

#### **h. Toilets**

The proposed development has provided toilet areas within the building that are easily accessible from the internal playrooms and the outdoors play area. The toilets will be furnished to allow a wide range of ages to utilise the toilet area appropriate to their age. The toilet areas have also been designed to provide suitable privacy for children utilising the toilets.

#### **i. Children's Lockers or Shelving**

Suitable lockers, shelving and storage will be provided for the children's personal items, toys and clothing within the childcare centre, which will be easily accessible by the children and supervisors.

#### **j. Storage**

The proposed development includes internal and external storage rooms. The storage rooms are large enough in area to accommodate bulky items, including chairs, play equipment, toys, etc.

#### **k. Entry**

The main entry to the building is easily identifiable and is serviced by an unimpeded pedestrian pathway from the street and lift access from the basement. Appropriately reception, staff room and the office are situated near the entry for the convenience of patrons. The siting of the reception and office near the entry also allows for the monitoring of arrivals and departures to and from the centre. Space for displays and notices is also provided within the entry area.



**l. Directors Office & Administration**

Parent interviews can be conducted in the office. It will be easily accessible to parents entering the centre and it will also accommodate any meetings that are required with the Director. Additional opportunity for meetings can also be arranged in the staff room should the need arise.

**m. Staffroom, Toilets and Kitchen**

A staffroom has been provided near the entry. This room will allow staff to rest, eat, prepare teaching programs and/or run staff meetings. The staffroom benefits from having an external wall, which will allow natural light and air within the room and access to lockers and a toilet. A kitchen is provided on the ground floor with denied access for children. The kitchen area is of a sufficient size for staff activities and sufficiently separated from the internal play rooms.

**O. Nappy Change Area**

As the proposed development will be accommodating children between the ages of 0-2 years the proposed childcare centre has provided a nappy changing room. The nappy changing room has been located in close proximity to the playroom area for supervision purposes. The size and layout of the nappy change area is satisfactory and visible from the main playroom.

**n. Sleep Area**

The children will utilise the general internal playrooms for sleep time or quiet time given their respective age and the 0-2 year age group have a cot room (sleeping room). No clash between children playing and sleeping will arise given the appropriate allocation of time for various activities.

**q. Playground**

The Department guidelines require that the playground area can be split into the following three (3) areas:

- i. Open area for gross motor skills like running;*
- ii. Quiet area for focused play like a sandpit and formal quiet area for contained play like finger **painting**; and*
- iii. Active area for busy physical play like climbing.*

The proposed development provides for a large playground area with a total area of 445m<sup>2</sup>. Within the external play area it is proposed to include a transition zone and a shade structure to promote outdoor activities. The outdoor area will provide sufficient area for children to run around in a structured landscaped environment. Sufficient area is also provided for outdoor recreational toys and climbing equipment.

The covered areas at the rear of the building, will allow children to carry out finger painting and the like in an outdoor setting separate to the other outdoor activities enjoyed by other children.

The total playground area is in excess of the minimum requirement. The playground areas have direct and easy access to the internal playrooms and also provide easy access to the toilets within the building. The outdoor area will comprise of a mixture of paved/hard surface areas and soft-fall landscaped areas. The outdoor recreation area has specifically been designed to increase the potential activities for the children and is suitably secured from the street frontage or adjoining residences.

**p. Parent Information**

Parents attending the centre will be given an information brochure outlining rules and policies of the centre. The parents will be advised of their responsibilities in terms of food brought onto the site and the need to keep sick children at home.

The parent will also be requested to provide information and special requirements relating to their child.

Parents will be informed of their obligations relating to the parking of vehicles and leaving the site in a timely and safe manner.

## 7.0 SECTION 79(C) CHECKLIST

The following provides an assessment of the proposal against the provisions of Section 79(C) of the Environmental Planning and Assessment Act 1979.

### 1. Matters for consideration – General

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

*(a) the provisions 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 Director-General 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, and*

*(iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and*

*(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*

*(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,*

### **Comment:**

The proposal is permissible pursuant to the Rockdale LEP 2011.

The proposal is satisfactory in relation to the zone objectives and the principal performance objectives and numerical requirements of Council's DCP.

The applicant has given due consideration to the design guidelines prior to finalising the design.

**SEPP 55 – Remediation of Land**

The subject site has been previously used for residential use. Accordingly the considerations pursuant to SEPP 55 are not triggered in this instance.

*(a) The likely impacts of that development, including environmental impacts on both the natural and built environments and social and economic impacts in the locality.*

**Comment:**

The proposed use will have a positive influence on the surrounding environment through the provision of a valuable service to the local workforce and community. The nature of the operation and design initiatives will ensure that the surrounding residential locality will not be adversely affected. There are no adverse economic or environmental impacts arising as a result of the development.

The provision of a larger purpose built centre on the site catering for all ages has distinct social and economic merit and advantages.

*(b) The suitability of the site for the development.*

The subject site has a size and configuration, which is suitable for the proposed use. The construction of a childcare centre on the site and in the zone is a positive planning outcome.

*(c) Any submissions made in accordance with the Act or the regulations.*

**Comment:** Not applicable

*(d) The public interest*

**Comment:**

Approval of the use will benefit many and the site is well located within a low density residential precinct within close vicinity to public transport nodes, shops and a number of schools. Accordingly the use is in the public interest.

## **8.0 CONCLUSION**

The proposed childcare development is permissible under the Rockdale LEP 2011 and on balanced consideration the proposal is reasonable and appropriate.

The proposed development/use will provide a valuable service to the local workforce and residents alike.

The proposed development has been designed to be sympathetic with the surrounding residential character and the building will not be prominent when viewed from a public place.

The proposed centre will essentially be operated during typical business hours of a weekday, ensuring that only minimal disruption to the neighbourhood is likely by way of noise and traffic movements.

Overall the proposed development has been thoughtfully designed and includes an appropriate selection of landscape species, which will contribute to the streetscape and provide formal on-site car parking.

The provision of a basement parking area and landscaped frontage also derives streetscape benefits as opposed to providing at grade parking at the front of the centre.

In view of the above, the proposed development is desirable and appropriate. Council approval is recommended.



Environmental Noise Impact Assessment  
Proposed Childcare Centre  
19 Barnsbury Grove, Bexley North

Ref: 160927

8 November 2016

**Prepared for:**

Mr T.Liu

DK ACOUSTICS PTY LTD  
ACN 168 516 158  
PO BOX 321 RIVERWOOD NSW 2210  
T (02) 8003 3220, 0439 070 117

ENVIRONMENTAL NOISE IMPACT ASSESSMENT  
19 BARNSBURY GROVE, BEXLEY NORTH

**DOCUMENT CONTROL**

Report status	Date	Document number	Prepared by*
DRAFT	14/10/2016		
FINAL	8/11/2016	160927	Danny Kastak

\* for and on behalf of DK Acoustics Pty Ltd

<b>Document:</b>	Environmental Noise Impact Assessment
<b>Project:</b>	Proposed Childcare Centre
<b>Project location:</b>	19 Barnsbury Grove, Bexley North

**Prepared by:**

DK Acoustics Pty Ltd  
PO Box 321 Riverwood NSW 2210  
Phone: (02) 8003 3220  
Mobile: 0439 070 117  
Email: danny@acousticreports.com.au  
ACN 168 516 158

©2016 DK ACOUSTICS PTY LTD

DK Acoustics has prepared this document for the sole use of the Client. No other party should rely on this document without prior written consent of DK Acoustics. This document has been prepared based on the Client's description of its requirements and the Author's experience. The Author may have relied upon information provided by the Client and other third parties to prepare this document, some of which may not have been verified. Recommendations made in this report are those needed to satisfy acoustic requirements only and do not take into account other requirements such as structural, fire, thermal, ventilation or other aspects of building construction. Subject to the above conditions, this document may be transmitted and reproduced only in its entirety.

REPORT PREPARED FOR: MR T.LIU  
©2016 DK ACOUSTICS PTY LTD  
8 Nov 2016

2

ENVIRONMENTAL NOISE IMPACT ASSESSMENT  
19 BARNSBURY GROVE, BEXLEY NORTH

## CONTENTS

SECTION 1	INTRODUCTION.....	4
SECTION 2	AMBIENT NOISE MEASUREMENTS .....	5
2.1	Measured Background Noise Levels.....	5
2.2	Measured Road Traffic Noise Levels.....	6
2.3	Measurement Equipment.....	6
2.4	Noise Level Descriptors.....	6
SECTION 3	NOISE CRITERIA.....	7
3.1	Council Requirements.....	7
3.2	Association of Australian Acoustical Consultants Guideline .....	7
3.3	EPA Amenity and Intrusiveness Criteria .....	8
3.4	Noise Criteria .....	9
SECTION 4	NOISE EMISSION .....	10
4.1	Description of the Development .....	10
4.2	Children Playing – Sound Power Levels .....	10
4.3	Children Playing – Outdoor Play Area.....	11
4.4	Children Playing – Indoor Activity/Playrooms .....	12
4.5	Carpark.....	12
4.6	Air-conditioning Plant .....	13
4.7	Predicted Cumulative Noise Levels.....	13
SECTION 5	NOISE CONTROL RECOMMENDATIONS.....	15
5.1	Outdoor Play Areas .....	15
5.2	Sound Barrier Walls .....	15
5.3	Windows and External Doors.....	16
5.4	Building Construction.....	16
5.5	Mechanical Ventilation .....	16
5.6	Air Conditioning Plant .....	17
5.7	Managing a Noise Complaint .....	17
SECTION 6	CONCLUSION.....	18
APPENDICES A - B		

REPORT PREPARED FOR: MR T.LIU  
©2016 DK ACOUSTICS PTY LTD  
8 Nov 2016

3



ENVIRONMENTAL NOISE IMPACT ASSESSMENT  
19 BARNSBURY GROVE, BEXLEY NORTH

## SECTION 1 INTRODUCTION

A new Childcare Centre is proposed to be built at 19 Barnsbury Grove, Bexley North comprising one outdoor play area, three indoor play areas and a cot room inside a single storey brick building and car-parking in the basement. The Centre will cater for up to 60 children aged 0 to 5 years. The proposed operating hours of the Centre are between 7 am and 6 pm, Monday to Friday.

The nearest potentially affected residences are located along the northern, eastern and western boundaries of the development site. Residences are also located to the south, directly across the Barnsbury Grove. The ambient noise in the vicinity is dominated by road traffic on Bexley Road and Barnsbury Grove.

The following noise sources have been identified as part of this development that may potentially affect the neighbouring properties:

- ❑ Children playing inside the playrooms and outside in the outdoor area;
- ❑ Cars entering and leaving the carpark; and
- ❑ Air-conditioning condensing units.

Noise control recommendations to reduce the noise emission from the proposed Childcare Centre to acceptable noise levels to comply with Council requirements, the "Technical Guideline – Childcare Centre Noise Assessment" published by the Association of Australian Acoustical Consultants (AAAC) and the NSW Environmental Protection Authority (EPA) noise guidelines are given in Section 5 of this report.

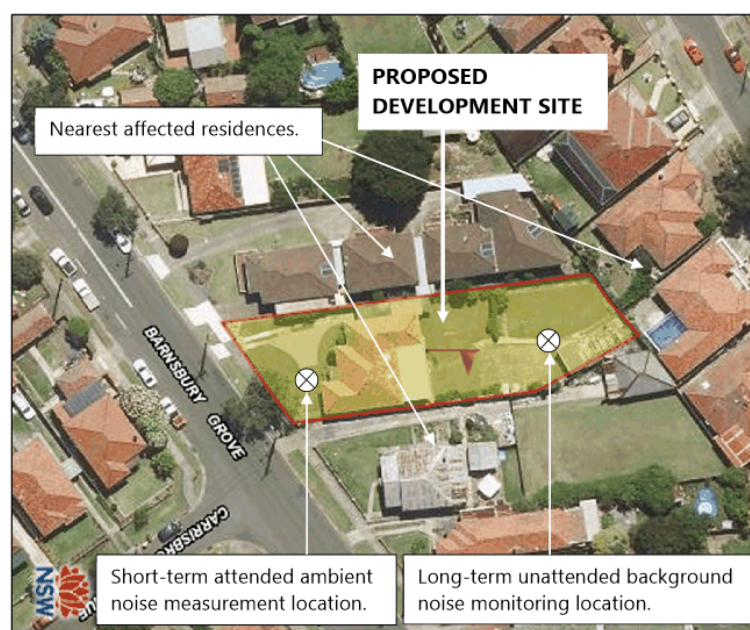


FIGURE 1 – Site Location

REPORT PREPARED FOR: MR T.LIU  
©2016 DK ACOUSTICS PTY LTD  
8 Nov 2016

ENVIRONMENTAL NOISE IMPACT ASSESSMENT  
19 BARNSBURY GROVE, BEXLEY NORTH

## SECTION 2 AMBIENT NOISE MEASUREMENTS

### 2.1 Measured Background Noise Levels

Background noise measurements were carried out for 8 days between Thursday 29 September and Friday 7 October 2016. The noise monitor was placed in the backyard of the existing residential property at 19 Barnsbury Grove, Bexley North. Refer site location in Figure 1 in Section 1 of this report. The background noise in this area is affected by road traffic on Bexley Road and Barnsbury Grove.

To account for the temporal variation of background noise levels, the EPA recommends the use of the Rating Background Level (RBL) to be used in the assessment. The results of the ambient noise survey are shown in Appendix A and the RBL for the required time periods is summarised in Table 1 below.

A short-term  $L_{90}$  background noise level of 48 dB(A) and  $L_{Aeq}$  noise level of 58 dB(A) were measured in the front yard of the existing residential property at 19 Barnsbury Grove, Bexley North, between 5:38 pm and 5:53 pm on Thursday 29 September 2016.

The background noise measurements were carried out in the absence of noise from the proposed development and are representative of the background levels at the nearest residences, as required by the EPA in Section 3.1 of the NSW Industrial Noise Policy.

**TABLE 1 – Measured Rating Background Noise Levels (backyard)**

Measurement Location	Time Period	Rating Background Level (RBL), dB(A)	$L_{Aeq, 1hour}$ Noise Level, dB(A)
19 Barnsbury Grove, Bexley North (backyard)	Friday (30/09/16)	48	57
	Saturday (1/10/16)	49	64
	Sunday (2/10/16)	38	77
	Monday (3/10/16)	43	60
	Tuesday (4/10/16)	48	63
	Wednesday (5/10/16)	47	56
	Thursday (6/10/16)	45	54
	Friday (7/10/16)	43	57
	<b>Median*</b>	<b>47</b>	<b>56</b>

\* Median value, excluding the values on Saturday and Sunday and periods affected by rain and/or high wind.

ENVIRONMENTAL NOISE IMPACT ASSESSMENT  
19 BARNSBURY GROVE, BEXLEY NORTH

Meteorological conditions during the measurements consisted of clear and cloudy skies and periods of rain and/or high wind as shown in Appendix A. Recorded data during periods of rain and/or high wind was excluded from the background noise levels. Atmospheric conditions at all other times were ideal for noise monitoring.

## 2.2 Measured Road Traffic Noise Levels

A daytime  $L_{Aeq, 1hour}$  noise level of 56 dB(A) was measured in the backyard, refer Table 1.1 above. This level marginally exceeds the recommended AAAC road traffic noise criterion of 55 dB(A), in Section 3.2 of this report, for an outdoor play area. This level however complies with the EPA amenity criterion of 55 to 60 dB(A), in Section 3.3, for an active recreation area.

## 2.3 Measurement Equipment

Background and road traffic noise level measurements were made with Svantek 979 Sound Analyser, Type 1 precision environmental sound analyser, and Infobyte Noise Monitor iM4-102, Type 2 precision environmental noise monitors, meeting all applicable requirements of Australian Standard AS1259 for an integrating-averaging sound level meter, set to Fast Response.

The measurement system was field calibrated with CEL-284/2 Class 1L calibrator prior to the noise survey. Calibration check was performed at the end of the noise survey and the calibration drift was found to be less than 1 dB and was therefore acceptable.

## 2.4 Noise Level Descriptors

$L_{Aeq}$  noise level descriptor is defined as “the value of the A-weighted sound pressure level of a continuous steady sound that, within the measurement time interval, has the same sound pressure as a sound under consideration whose level varies with time” [AS2107-2000].

The  $L_{Aeq}$  is determined by integrating the sound level over time and studies have shown that human reaction to time-varying noise is quite accurately represented by the  $L_{Aeq}$  level [Marshall Long, “Architectural Acoustics”, 2006].

$L_{Aeq (15minute)}$  noise level descriptor refers to the  $L_{Aeq}$  noise level evaluated over a fifteen-minute period.

$L_{Aeq (1hour)}$  noise level descriptor refers to the highest 10th-percentile hourly  $L_{Aeq}$  noise level evaluated over a specified daytime or night-time period.

$L_{A90}$  noise level descriptor is defined as the exceeded A-weighted sound pressure level that occurred for 90 percent of the time in a measurement period (the lowest 10 percentile of the measured noise levels). The  $L_{90}$  noise level is considered as the background noise level.

ENVIRONMENTAL NOISE IMPACT ASSESSMENT  
19 BARNSBURY GROVE, BEXLEY NORTH

### SECTION 3 NOISE CRITERIA

#### 3.1 Council Requirements

Rockdale Development Control Plan 2011, Part 6.1 – Child Care Centres, requires the following controls in relation to noise:

*20. An Acoustic Report undertaken by a suitably qualified acoustic consultant is required for centres in/adjacent to residential zones. The report must demonstrate how the site planning and building design minimise noise impacts, and that noise levels (measured at any point on the boundary of the site between the centre and adjoining property over a 15-minute period) will not exceed 5dBA above the background level. The report should include recommended noise attenuation measures.*

#### 3.2 Association of Australian Acoustical Consultants Guideline

The “Childcare Centre Noise Assessment Technical Guideline” published by the Association of Australian Acoustical Consultants (AAAC), revised in October 2013, recommends the following for assessing the level of noise at residential receptors:

##### **Outdoor Play Area**

*For most centres as the duration of time that children are allowed to play outside is reduced then the overall noise impact reduces. Therefore, it is reasonable to allow a higher level of noise impact for a shorter duration of outdoor play. AAAC members regard that a total time limit of approximately 2 hours outdoor play per day (eg 1 hour in the morning and 1 hour in the afternoon) should allow an additional emergence above the background of 5 dB.*

**Up to 2 hours (total) per day** - The  $L_{eq,15\ min}$  noise level emitted from the outdoor play area shall not exceed the background noise level by more than 10 dB at the assessment location.

**More than 2 hours per day** - The  $L_{eq,15\ min}$  noise level emitted from the outdoor play area shall not exceed the background noise level by more than 5 dB at the assessment location.

*The assessment location is defined as the most affected point on or within any residential receiver property boundary. Examples of this location may be:*

- 1.5 m above ground level, or
- on a balcony at 1.5 m above floor level, or
- outside a window on the ground or higher floors.

##### **Indoor Play Area, Mechanical Plant, Pick up and Drop off**

*The  $L_{eq,15\ minute}$  noise level emitted from the cumulative noise impact of children playing indoors, mechanical plant and traffic on the site shall not exceed the background noise level by more than 5 dB at the assessment location.*

ENVIRONMENTAL NOISE IMPACT ASSESSMENT  
19 BARNSBURY GROVE, BEXLEY NORTH

### **Traffic Noise**

*Traffic noise on local roads generated by vehicles associated with the Childcare centre arriving and leaving the site (for example vehicles travelling on public roads) shall comply with  $L_{eq,1hour}$  50 dB(A) at the assessment location.*

For proposals that are located within 60 metres of an arterial road, the AAAC Guideline recommends the following noise criteria:

### **Road, Rail Traffic and Industry**

*The noise level  $L_{eq,1 hour}$  from road, rail traffic or industry at any location within the outdoor play or activity area during the hours when the Centre is operating shall not exceed 55 dB(A).*

*The noise level  $L_{eq,1 hour}$  from road, rail traffic or industry at any location within the indoor play or sleeping areas of the Centre during the hours when the centre is operating shall not exceed 40 dB(A).*

### **3.3 EPA Amenity and Intrusiveness Criteria**

The NSW Environmental Protection Authority (EPA) published the Industrial Noise Policy (INP) in January 2000 to provide guidelines to assess noise emission from new and existing developments and to establish noise criteria that would protect the community from excessive intrusive noise and preserve amenity for specific land uses.

The INP states that "Where noise impacts are predicted, noise-source managers should seek to achieve the criteria by applying feasible and reasonable mitigation measures" [Section 1.4.5 of the INP].

The Policy states that a noise source is generally considered to be intrusive if the noise from the source, when measured over a 15 minute period, exceeds the background noise by more than 5 dB(A) on residential property boundaries. The measured rating background levels are given in Section 2 of this report.

To protect the amenity of residences in a suburban area, Table 2.1 "Amenity criteria" of the Policy requires that the noise emission not exceed an  $L_{Aeq}$  55 to 60 dB(A) during the day at residential receptors.

To protect the amenity of recreation areas, Table 2.1 "Amenity criteria" of the Policy requires that the noise emission not exceed 55 to 60 dB(A) at recreation areas.

The noise criteria are assessed within the nearest residential properties and are summarised in Table 2 below.

ENVIRONMENTAL NOISE IMPACT ASSESSMENT  
19 BARNSBURY GROVE, BEXLEY NORTH

**TABLE 2 – EPA Noise Criteria**

Location	Time Period	$L_{eq}$ (PERIOD) Amenity Criterion	$L_{eq}$ (15 MINUTE) Intrusiveness Criterion
Nearby residences	Day (7 am – 6 pm)	55 – 60 dB(A)	52 dB(A)
Active recreation area (e.g. school playground)	When in use	55 – 60 dB(A)	-

The INP states that “where a noise source contains certain characteristics, such as tonality, impulsiveness, intermittency, irregularity or dominant low-frequency content, there is evidence to suggest that it can cause greater annoyance than other noise at the same noise level” [Section 4.1 of the INP].

Correction factors are to be added to the measured or predicted noise levels at the receiver before comparison with the criteria. The level of noise from children playing and mechanical plant is typically without the above characteristics and modifying factors are therefore usually not applicable.

### 3.4 Noise Criteria

Based on the measured background noise levels of 47 dB(A) during the day, in Section 2.1 of this report, the noise criteria are summarised in Table 3 below to meet Council requirements detailed in Section 3.1.

These criteria are assessed within the nearest residential properties and outside the windows of the nearest residences.

**TABLE 3 – Noise Criteria**

Receptor Location	$L_{eq}$ (15 Minute) Noise Criteria
Nearby residences	<b>52 dB(A)</b>

The cumulative noise impact of children playing indoors, vehicles accessing the site and mechanical plant should comply with this criterion. The noise emission from children playing outdoors normally occurs at a different time and is assessed separately as recommended by the Childcare Centre Noise Assessment Technical Guideline in Section 3.2 of this report.

It is recommended that the  $L_{eq,1hour}$  intrusive noise level from road traffic not exceed 40 dB(A) within the indoor play areas and sleeping areas of the Centre during the operating hours, to meet AAAC Childcare Centre Noise Assessment Technical Guideline, detailed in Section 3.2 of this report.

The  $L_{eq,period}$  noise level from road traffic at any location within the outdoor play area of the Centre during the hours when the centre is operating should not exceed 55 to 60 dB(A) to comply with the EPA requirements in Section 3.3 of this report.

REPORT PREPARED FOR: MR T.LIU  
©2016 DK ACOUSTICS PTY LTD  
8 Nov 2016



ENVIRONMENTAL NOISE IMPACT ASSESSMENT  
19 BARNSBURY GROVE, BEXLEY NORTH

## SECTION 4 NOISE EMISSION

The noise measurements and assessment in this report were carried out in accordance with the Australian Standard AS1055.1-1997 "Acoustics - Description and Measurement of Environmental Noise".

The sound pressure level at the receiver location is calculated using the following formula, based on International Standard ISO 9613-2:1996 "Acoustics – Attenuation of sound during propagation outdoor – Part 2: General method of calculation":

$$L_p = L_w - 20 \times \log_{10}(D) - 8 - A_{\text{barrier}}$$

where:  $L_p$  is the sound pressure level at the receiver location (dB);  
 $L_w$  is the sound power level of the noise source (dB);  
 $D$  is the distance between the noise source and the receiver location (m);  
 $A_{\text{barrier}}$  is the attenuation due to sound barrier between the noise source and the receiver.

### 4.1 Description of the Development

A new Childcare Centre is proposed to be built at 19 Barnsbury Grove, Bexley North. The Centre will comprise one outdoor play area, three indoor play areas and a cot room inside a single storey brick building. Car parking will be provided in the basement with a capacity for 11 cars.

The Centre will cater for up to 60 children aged 0 to 5 years and operate between 7:00 am and 6:00 pm, Monday to Friday.

The following noise sources have been identified as part of this development that may potentially affect the neighbouring properties:

- ☐ Children playing inside the playrooms;
- ☐ Children playing outside in the outdoor area;
- ☐ Cars entering and leaving the carpark;
- ☐ Air-conditioning plant.

The noise emission is assessed at the nearest potentially affected residences, located along the northern, eastern and western boundaries of the development site. Residences are also located to the south, directly across the Barnsbury Grove.

The noise assessment was based on the architectural drawings by Actron Design Pty Ltd, dated 2/09/2016, refer floor plan in Appendix B.

### 4.2 Children Playing – Sound Power Levels

The Childcare Centre will cater for up to 60 children with 20 children aged 0 to 2 years, 20 children aged 2 to 3 years and 20 children aged 3 to 5 years. The children will be allowed to play inside the building and in the outdoor play area.

The windows and external doors of the Centre will be closed while children are playing inside. The internal space of the Centre will be air-conditioned.

REPORT PREPARED FOR: MR T.LIU  
©2016 DK ACOUSTICS PTY LTD  
8 Nov 2016

10

ENVIRONMENTAL NOISE IMPACT ASSESSMENT  
19 BARNSBURY GROVE, BEXLEY NORTH

For assessing the typical worst possible noise emission from the Childcare Centre, 60 children were assumed to be playing inside the building at the same time and each age group was assumed to be playing in the outdoor play area separately.

Based on previous noise measurements at various childcare centres in Sydney and the sound levels provided by AAAC<sup>1</sup>, the sound power levels for children playing are shown in Table 4 below.

The noise emission was modelled by equally distributing the children over the proposed outdoor area. On any single day, children are likely to be positioned in small groups at various locations in the outdoor play area, however, when the scenarios are averaged over a longer period of time, the noise emission is likely to be equal to the noise emitted from children equally distributed over the outdoor area.

**TABLE 4 – Sound Power Levels of Children Playing**

Description	L <sub>eq</sub> Sound Power Levels (dB) at Octave Band Centre Frequencies (Hz)								
	63	125	250	500	1k	2k	4k	8k	dB(A)
20 children playing (0 – 2 years)	57	63	69	75	77	74	70	66	<b>81</b>
20 children playing (2 – 3 years)	62	68	74	80	82	79	75	71	<b>86</b>
20 children playing (3 – 5 years)	72	77	82	79	82	82	76	64	<b>87</b>

#### 4.3 Children Playing – Outdoor Play Area

The predicted L<sub>Aeq</sub> levels of noise at the nearby residences, from children playing in the outdoor area, are shown in Table 5 below. The noise levels are calculated based on the sound power levels in Table 4 above.

<sup>1</sup> Page 7 of the “Technical Guideline – Childcare Centre Noise Assessment” published by the Association of Australian Acoustical Consultants (AAAC).



ENVIRONMENTAL NOISE IMPACT ASSESSMENT  
19 BARNSBURY GROVE, BEXLEY NORTH

**TABLE 5 – Calculated noise levels outside the nearest residences – outdoor play area**

Description	Receptor Location	Calculated $L_{eq}$ (15 Minute) Noise Levels			Noise Criteria
		Without a sound barrier wall	With a 1.8 m sound barrier wall	With a 2.1/2.4 m sound barrier wall	
Outdoor play area with 20 children, (3 – 5 yrs)	Outside the windows of the residential house to the west of the outdoor play area	59 dB(A) (no fence)	57 dB(A) (1.8m fence)	52 dB(A) (2.4m fence)	52 dB(A)
	Adjoining property to the north of the development (1.5m above ground)	58 dB(A) (no fence)	53 dB(A) (1.8m fence)	50 dB(A) (2.1m fence)	52 dB(A)

#### 4.4 Children Playing – Indoor Activity/Playrooms

The predicted  $L_{eq}$  level of noise from 60 children playing *inside*, with the doors/windows of the playroom open, are as follows, based on the sound power levels in Table 4 above:

- ❑ **65 dB(A)** outside the windows of the residential building to the west of the development. This level of noise exceeds the noise criterion of 52 dB(A) in Section 3 of this report.

#### 4.5 Carpark

The carpark will be located in the basement with a capacity for 11 cars. Cars will enter and leave the carpark via Barnsbury Grove.

The NSW Roads and Maritime Services in their "Guide to Traffic Generating Developments" estimates a traffic generation rate for child care centres of 1.4 vehicle trips per child in the morning peak 2 hours and 0.8 vehicle trips per child in the afternoon peak hours. Based on 60 children in the proposed development, 42 vehicle trips per hour will occur during the morning peak hour.

For assessing the worst typical noise emission from the carpark, 42 cars were assumed to enter and leave the carpark within 1 hour during the day (equivalent to 11 cars in a 15 minute assessment period).

Based on previous noise measurements of various carparks in Sydney, the sound power levels of cars is shown in Table 6 below.

ENVIRONMENTAL NOISE IMPACT ASSESSMENT  
19 BARNSBURY GROVE, BEXLEY NORTH

**TABLE 6 –  $L_{Aeq,15 \text{ Minute}}$  Sound Power Levels of Cars Entering/Leaving the Carpark**

Description	$L_{Aeq,15 \text{ Minute}}$ Sound Power Levels (dB) at Octave Band Centre Frequencies (Hz)							
	63	125	250	500	1k	2k	4k	8k
Cars entering and leaving the carpark (11 trips in 15 minutes) <sup>(1)</sup>	77	71	69	67	67	62	59	55
								<b>71</b>

<sup>(1)</sup> The time corrected  $L_{Aeq,15 \text{ minute}}$  sound power level of 71 dB(A) is calculated based on an overall sound power level of 85 dB(A) for a car travelling along the first 10 metre section of the driveway. The overall sound power level of 85 dB(A) is estimated based on the average of mean energy emission levels taken in various locations in the U.S. and Europe, consisting of over 6000 passby events [Handbook of Noise and Vibration Control, Malcolm J. Crocker, John Wiley & Sons Inc., New Jersey, 2007, p.1429].

The predicted  $L_{Aeq,15 \text{ minute}}$  noise levels from cars entering and leaving the carpark are as follows:

- ❑ **43 dB(A)** outside the windows of the residential building to the west of the development. This level of noise complies with the noise criterion of 52 dB(A) in Section 3 of this report.
- ❑ **30 dB(A)** outside the windows of the residential building to the east of the development. This level of noise complies with the noise criterion of 52 dB(A) in Section 3 of this report.

The above noise levels are calculated based on the sound power levels in Table 6 above and assuming a 1.2 metre high sound barrier wall along the boundaries of the development site.

#### 4.6 Air-conditioning Plant

An outdoor air-conditioning condensing unit has not yet been selected for this development. For two typical condensing units, located along the southern façade of the Centre building, at least 7 metres from the eastern and western boundaries, and with a sound power level of 75 dB(A), the calculated noise levels from the condensers are as follows:

- ❑ **49 dB(A)** within the residential properties to the east and west of the development. This level of noise complies with the noise criterion of 52 dB(A) in Section 3 of this report.

The above noise level is calculated based on two condensing units operating simultaneously, each with a sound power level of 75 dB(A), and assuming a 1.5 metre high sound barrier wall along the sides of the condensers.

#### 4.7 Predicted Cumulative Noise Levels

The predicted (calculated)  $L_{Aeq}$  levels of noise from the proposed Childcare Centre, with the noise controls recommended in Section 5 of this report implemented, are summarised in Table 7 below.

REPORT PREPARED FOR: MR T.LIU  
©2016 DK ACOUSTICS PTY LTD  
8 Nov 2016

13

ENVIRONMENTAL NOISE IMPACT ASSESSMENT  
19 BARNSBURY GROVE, BEXLEY NORTH

The predicted noise levels comply with the noise criteria in Section 3 of this report at the nearest residences.

**TABLE 7 – Calculated noise levels outside the nearest residences**

Receptor Location	Noise Source	Calculated Leq (15 Minute) Noise Level	Noise Criteria Leq (15 Minute) Noise Level
<p>Within the adjoining property to the east of the development (1.5 m above ground). With a 2.1 m sound barrier wall along the northern boundary of the outdoor play area.</p>	Outdoor play area with: • 20 children aged 3-5	50 dB(A)	52 dB(A)
	Indoor play areas with windows and external doors closed	27 dB(A)	52 dB(A)
	Air-conditioning condensing unit (2 x SWL 75 dB(A))	20 dB(A)	
	Carpark	<20 dB(A)	
	TOTAL (excluding outdoor play)	29 dB(A)	52 dB(A)
<p>Outside the windows of the residence to the west of the development. With a 2.4 m sound barrier wall along the western boundary of the outdoor play area.</p>	Outdoor play area with: • 20 children aged 3-5	52 dB(A)	52 dB(A)
	Indoor play areas with windows and external doors closed	42 dB(A)	52 dB(A)
	Air-conditioning condensing unit (2 x SWL 75 dB(A))	49 dB(A)	
	Carpark	43 dB(A)	
	TOTAL (excluding outdoor play)	51 dB(A)	52 dB(A)

ENVIRONMENTAL NOISE IMPACT ASSESSMENT  
19 BARNSBURY GROVE, BEXLEY NORTH

## SECTION 5 NOISE CONTROL RECOMMENDATIONS

It is recommended that the following noise controls be implemented to reduce the noise emission from the proposed Childcare Centre to comply with the noise criteria in Section 3 of this report.

### 5.1 Outdoor Play Areas

The following noise management controls are recommended to reduce the noise emission from the outdoor play areas:

- ❑ It is recommended that the outdoor play area be used by children in only one age group at any one time, 0 – 2 years, 2 – 3 years or 3 – 5 years. This will minimise the noise emission from children playing in the outdoor areas outside the adjacent premises;
- ❑ Maximum of **20 children** are allowed to play in the outdoor play area at the same time;
- ❑ Crying children should be taken inside the Centre;
- ❑ Amplified sound and music should not be played in the outdoor play area.

### 5.2 Sound Barrier Walls

It is recommended that the following sound barrier walls be constructed along the boundaries of the outdoor play area and carpark driveway, refer Appendix B:

- ❑ 2.4 metre high sound barrier wall along the western boundary of the outdoor play area to reduce the noise emission outside the windows of the residential house to the west; and
- ❑ 2.1 metre high sound barrier wall elsewhere around the outdoor play area; and
- ❑ 1.5 metre high sound barrier wall along the eastern and western sides of the outdoor air-conditioning condensing unit(s); and
- ❑ 1.2 metre high sound barrier wall along the eastern and western boundaries of the carpark driveway and the front yard.

The sound barrier walls around the outdoor play area should return to the Centre building, as shown in Appendix B. Any gates required in the sound barrier walls should be of a solid construction.

The sound barrier walls should be constructed from Colorbond, lapped and capped timber fence or masonry. The top section of the sound barrier (above 1.8 metres) may also be constructed from 10 mm thick plexiglass or 6.4 mm thick laminated glass.

The height of the sound barrier walls recommended above is from the existing ground level. The sound barrier walls should therefore be increased if the site is to be excavated and the sound barrier walls are to be installed at a lower ground level.

The 2.1 and 2.4 metre high sound barrier walls may comprise a 2.1 metre vertical wall or a sloping section built on top of a 1.8 metre vertical wall, as shown in Figure 2 below.

REPORT PREPARED FOR: MR T.LIU  
©2016 DK ACOUSTICS PTY LTD  
8 Nov 2016

15

ENVIRONMENTAL NOISE IMPACT ASSESSMENT  
19 BARNSBURY GROVE, BEXLEY NORTH

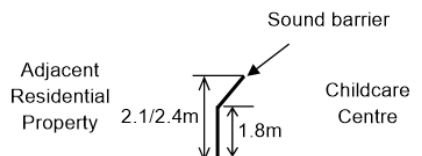


FIGURE 2 – Sound Barrier Wall

### 5.3 Windows and External Doors

It is recommended that the windows and external doors of the playrooms be closed while children are playing inside and during activities with high levels of noise, such as a TV or amplified music playing inside, to reduce the noise emission within the adjoining residences.

The recommended glazing assemblies for the playrooms are given in Table 8 below. Alternative glazing assembly may be used provided the  $R_w$  rating and the glass thickness are achieved or exceeded.

Standard entrance door, at the front of the Centre, will be acoustically acceptable.

TABLE 8 – Recommended Glazing Constructions

Window / Door	Minimum $R_w$	Glazing Construction
Playrooms external glazed doors	25	Single glazing: 5 mm thick toughened glass with Schlegel Q-Lon acoustic seals
Playrooms windows	24	Single glazing: 4 mm thick float glass with Schlegel Q-Lon acoustic seals

### 5.4 Building Construction

Standard external wall and roof/ceiling constructions will be acoustically acceptable.

### 5.5 Mechanical Ventilation

The playrooms will be required to be mechanically ventilated when the windows and external doors are closed to comply with Section F4.5 of the Building Code of Australia and the following Clause 43 of the Children (Education and Care Services) Supplementary Provisions Regulation 2004:

#### 43 Ventilation, light and heating

(1) *The premises of an education and care service must have access to natural light and must be properly ventilated, lit and heated when children are being provided with the service.*

ENVIRONMENTAL NOISE IMPACT ASSESSMENT  
19 BARNSBURY GROVE, BEXLEY NORTH

It is recommended that the noise emission from any ventilation plant be acoustically treated, if necessary, to reduce the noise emission level inside the playrooms and sleeping areas to 40 dB(A).

#### 5.6 Air Conditioning Plant

The mechanical plant, including air conditioning plant, has not yet been selected for this development. The following noise controls are recommended to reduce the noise emission from the outdoor air-conditioning condensing unit(s):

- ❑ Install the condenser(s) along the southern façade of the Centre building, at least 7 metres away from the eastern and western boundaries of the development.
- ❑ Install a sound barrier wall along the eastern and western sides of the condenser(s), refer Section 5.2 of this report.
- ❑ The sound power level of the condenser(s) should be limited to **75 dB(A)**.

Notwithstanding this, the noise emission from any air conditioning unit(s) and mechanical plant should be acoustically treated to reduce the noise emission level at the neighbouring properties to levels complying with the noise criteria in Section 3 of this report.

#### 5.7 Managing a Noise Complaint

It is recommended that attended noise monitoring be carried out should there be a noise complaint and appropriate measures be taken to reduce the noise to comply with the noise criteria.

Contact phone number should be displayed at the front of the premises and the management should nominate a representative to manage noise complaints. Complainants should be informed that their complaints are being addressed and that action is being taken to reduce the noise emission.

ENVIRONMENTAL NOISE IMPACT ASSESSMENT  
19 BARNSBURY GROVE, BEXLEY NORTH

## SECTION 6 CONCLUSION

Acoustical investigation of the noise emission from the proposed Childcare Centre at 19 Barnsbury Grove, Bexley North was carried out to assess the impact on the nearby residential premises.

Provided the noise control recommendations in Section 5 of this report are implemented, the level of noise emitted by the proposal and road traffic noise intrusion will comply with the noise limits required by Council, the Association of Australian Acoustical Consultants (AAAC) and the NSW Environmental Protection Authority (EPA), detailed in Section 3 of this report.

Report prepared by  
**DK Acoustics Pty Ltd**



**Danny Kastak**, BE, MEngSc., MIEAust., MAAS  
Senior Acoustical Engineer

### MEMBERSHIPS

Member of the Australian Acoustical Society and the Institute of Engineers, Australia and a practicing consulting acoustical engineer since 1997. The work in this reported has been performed in accordance with the terms of these memberships.

### QUALIFICATIONS

Bachelor of Engineering, The University of New South Wales, 1993.  
Master of Engineering Science, The University of New South Wales, 1996.

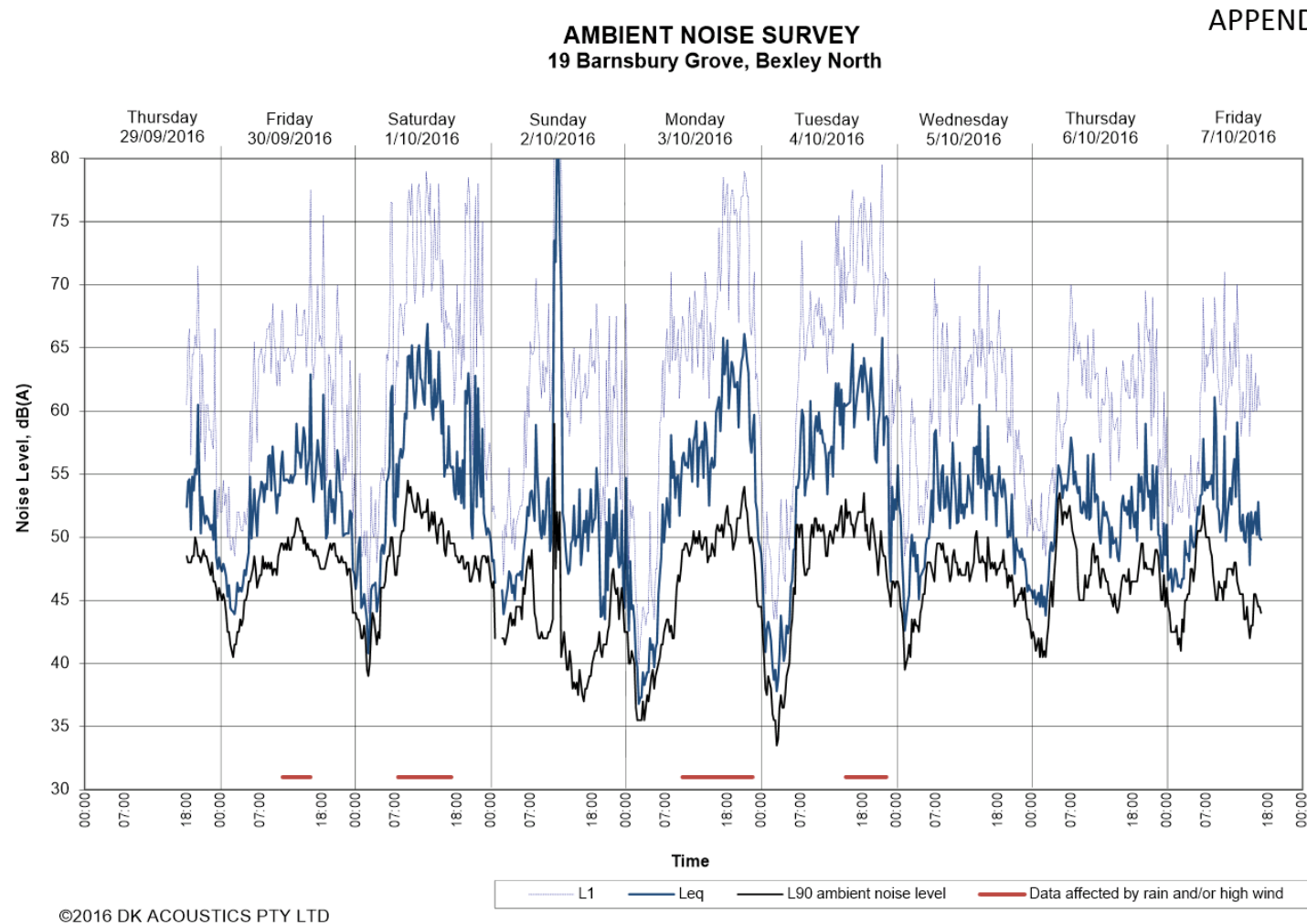
### Attachments:

Appendix A – Ambient Noise Survey  
Appendix B – Proposed Floor Plan and Recommended Sound Barrier Walls

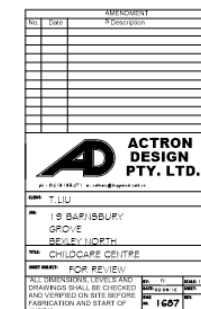
---

REPORT PREPARED FOR: MR T.LIU  
©2016 DK ACOUSTICS PTY LTD  
8 Nov 2016

18









**Aargus**

Environmental - Remediation - Engineering - Laboratories - Drilling

# **PRELIMINARY SITE INVESTIGATION**

**19 Barnsbury Grove,  
Bexley North NSW**

*Prepared for*

**Advance Development Pty Ltd**

8<sup>th</sup> December 2017

HEAD OFFICE: PO Box 398 Drummoyne NSW 1470  
Aargus Pty Ltd ACN 050 212 710 • Aargus Holdings Pty Ltd ACN 063 579 313  
Aargus Australia Pty Ltd ACN 086 993 937 • Aargus Recruitment Pty Ltd ACN 098 905 894  
Telephone: 1300 137 038 • Facsimile: 1300 136 038 • Email: [admin@aargus.net](mailto:admin@aargus.net) • Website: [www.aargus.net](http://www.aargus.net)

**Other office locations in NSW - QLD - VIC - SA and 4 overseas countries**

8<sup>th</sup> December 2017  
Preliminary Site Investigation, Ref: ES7115  
Property: 19 Barnsbury Grove, Bexley North NSW

Page 2 of 30

**CONTROLLED DOCUMENT  
DISTRIBUTION AND REVISION REGISTER**

**DISTRIBUTION LIST**

Copy No.	Custodian	Location
1	Nick Kariotoglou	Aargus Pty Ltd (Library)
2	Tom Liu	Advance Development Pty Ltd

**Note:** This distribution list identifies the current custodians of controlled copies of the subject document. It is expected that these custodians would be responsible for:

- the storage of the document
- ensuring prompt incorporation of amendments
- making the document available to pertinent personnel within the organization
- encouraging observance of the document by such personnel
- making the document available for audit

**DOCUMENT HISTORY**

Document No.	Revision No.	Issue Date	Description
ES7115	0	08/12/2017	Initial Issue



Approved for release by:

**Mark Kelly**  
Environmental Manager

Date: 08/12/2017

© Aargus Pty Ltd



8<sup>th</sup> December 2017  
 Preliminary Site Investigation, Ref: ES7115  
 Property: 19 Barnsbury Grove, Bexley North NSW

Page 3 of 30

## TABLE OF CONTENTS

<b>TABLE OF CONTENTS .....</b>	<b>3</b>
<b>LIST OF TABLES.....</b>	<b>4</b>
<b>LIST OF FIGURES.....</b>	<b>4</b>
<b>LIST OF APPENDICES .....</b>	<b>5</b>
<b>ABBREVIATIONS .....</b>	<b>6</b>
<b>EXECUTIVE SUMMARY.....</b>	<b>7</b>
<b>1 INTRODUCTION.....</b>	<b>9</b>
1.1 BACKGROUND.....	9
1.2 OBJECTIVE .....	9
1.3 SCOPE OF WORKS .....	10
<b>2 SITE IDENTIFICATION AND DESCRIPTION.....</b>	<b>11</b>
2.1 SITE IDENTIFICATION .....	11
2.2 SITE INSPECTION.....	12
2.3 TOPOGRAPHY AND SURFACE WATER DRAINAGE .....	13
2.4 SURROUNDING LAND USES .....	13
<b>3 SITE HISTORY .....</b>	<b>14</b>
3.1 LAND TITLES.....	14
3.2 AERIAL PHOTOGRAPHS .....	15
3.3 EPA RECORDS .....	16
3.4 SECTION 149 CERTIFICATES.....	16
3.5 INDUSTRIAL PROCESSES AND PRODUCTS MANUFACTURED.....	16
3.6 FORMER CHEMICAL STORAGE AND TRANSFER AREAS .....	17
3.7 PRODUCT SPILL & LOSS HISTORY .....	17
3.8 DISCHARGES TO LAND, WATER AND AIR .....	17
3.9 HISTORICAL USE OF ADJACENT LAND .....	17
3.10 DISCUSSION AND SUMMARY OF SITE HISTORY .....	18
<b>4 ENVIRONMENTAL SETTING.....</b>	<b>19</b>
4.1 SENSITIVE ENVIRONMENTAL RECEPTORS .....	19
4.2 SOIL .....	19
4.3 GEOLOGY .....	19
4.4 ACID SULFATE SOILS .....	20
4.5 HYDROGEOLOGY .....	20
4.6 LOCAL METEOROLOGY .....	21
<b>5 AREAS OF POTENTIAL ENVIRONMENTAL CONCERN .....</b>	<b>22</b>
<b>6 PRELIMINARY CONCEPTUAL SITE MODEL .....</b>	<b>23</b>
<b>7 CONCLUSION AND RECOMMENDATIONS.....</b>	<b>26</b>
<b>LIMITATIONS .....</b>	<b>28</b>
<b>REFERENCES.....</b>	<b>30</b>

© Aargus Pty Ltd



8<sup>th</sup> December 2017  
Preliminary Site Investigation, Ref: ES7115  
Property: 19 Barnsbury Grove, Bexley North NSW

Page 4 of 30

## LIST OF TABLES

Table 1: Site Identification .....	11
Table 2: Surrounding Land Uses .....	13
Table 3: Land Title Information .....	14
Table 4: Summary of Historical Aerial Photos.....	15
Table 5: Summary of Potential Areas and Contaminants of Concern .....	22
Table 6: Conceptual Site Model .....	24

## LIST OF FIGURES

Figure 1:	Site Locality
Figure 2:	Site Lot and DP Numbers
Figure 3:	Site Features

8<sup>th</sup> December 2017  
Preliminary Site Investigation, Ref: ES7115  
Property: 19 Barnsbury Grove, Bexley North NSW

Page 5 of 30

## LIST OF APPENDICES

- APPENDIX A: SITE PLANS
- APPENDIX B: PROPOSED DEVELOPMENT PLANS & SITE SURVEY PLANS
- APPENDIX C: SITE PHOTOGRAPHS
- APPENDIX D: LAND TITLE INFORMATION
- APPENDIX E: CURRENT AND HISTORICAL AERIAL PHOTOGRAPHS
- APPENDIX F: NSW EPA RECORDS
- APPENDIX G: GROUNDWATER BORE SEARCH
- APPENDIX H: LOCAL METEOROLOGY
- APPENDIX I: IMPORTANT INFORMATION ABOUT YOUR REPORT

© Aargus Pty Ltd



8<sup>th</sup> December 2017

Preliminary Site Investigation, Ref: ES7115

Property: 19 Barnsbury Grove, Bexley North NSW

Page 6 of 30

## ABBREVIATIONS

ADWG	Australian Drinking Water Guidelines
ANZECC	Australian and New Zealand Environment and Conservation Council
AST	Aboveground Storage Tank
BGL	Below Ground Level
BTEX	Benzene, Toluene, Ethyl benzene and Xylene
COC	Contaminants of Concern
DLWC	Department of Land & Water Conservation
DNR	Department of Natural Resources
DQOs	Data Quality Objectives
POEO	Protection of the Environment Operations
DSI	Detailed Site Investigation
EPA	Environment Protection Authority
ESA	Environmental Site Assessment
HIL	Health-Based Soil Investigation Level
LGA	Local Government Area
NEHF	National Environmental Health Forum
NEPC	National Environmental Protection Council
NEPM	National Environmental Protection Measure
NHMRC	National Health and Medical Research Council
OCP	Organochlorine Pesticides
OPP	Organophosphate Pesticides
PAH	Polycyclic Aromatic Hydrocarbon
PCB	Polychlorinated Biphenyl
PID	Photo Ionisation Detector
PQL	Practical Quantitation Limit
PSH	Phase Separated Hydrocarbon
PSI	Preliminary Site Investigation
QA/QC	Quality Assurance / Quality Control
RAC	Remediation Acceptance Criteria
RAP	Site Remediation Plan
RPD	Relative Percentage Difference
SAC	Site Assessment Criteria
SCID	Stored Chemical Information Database
SEPP	State Environment Planning Policy
SMP	Site Management Plan
SVC	Site Validation Criteria
TCLP	Toxicity Characteristics Leaching Procedure
TPH	Total Petroleum Hydrocarbons
TRH	Total Recoverable Hydrocarbons
UCL	Upper Confidence Limit
UST	Underground Storage Tank
VOC	Volatile Organic Compounds
VHC	Volatile Halogenated Compounds

© Aargus Pty Ltd



8<sup>th</sup> December 2017  
Preliminary Site Investigation, Ref: ES7115  
Property: 19 Barnsbury Grove, Bexley North NSW

Page 7 of 30

## EXECUTIVE SUMMARY

Aargus Pty Ltd (Aargus) was appointed by Advanced Development Pty Ltd (the 'client') to undertake a Preliminary Site Investigation (PSI) within the property located at 19 Barnsbury Grove, Bexley North NSW (the 'site'). The site is proposed for the demolition of existing buildings and redevelopment into a childcare centre with one level basement parking and landscaping areas.

A PSI was requested by the Bayside Council to determine the potential for onsite contamination. This report shall provide a preliminary assessment of any site contamination and, if required, provide a basis for a more detailed investigation.

At the time of the inspection (1<sup>st</sup> December 2017), the site was used for residential purposes. A brick house with tile roof was observed at the southern portion, whilst the backyard and front yard were mainly covered by grass.

The land title information provided suggested that the site was used by private individuals since from at least 1924. In 2016, the site was transferred to the current site owner Qing Chen Liu. Aerial photographs concur with the Title information in that the site has been predominantly occupied for residential purposes.

The findings of the assessment indicated the following areas of potential environmental concern:

- Potential importation of uncontrolled fill that may contain various contaminants;
- Current or past use of pesticides;
- Driveway and carpark areas where leaks and spills from cars may have occurred; and
- Potential asbestos based building materials.

© Aargus Pty Ltd





8<sup>th</sup> December 2017  
Preliminary Site Investigation, Ref: ES7115  
Property: 19 Barnsbury Grove, Bexley North NSW

Page 8 of 30

The contaminants that may be present in some of these areas were considered to be of low significance in terms of risk to the human and environmental receptors identified. However, a Detailed Site Investigation (DSI) is required to confirm the presence and extent of contamination in order to determine the suitability of the site for the proposed development application and to address the data gaps identified.

Based on the information collected during this investigation and in reference to Clause 7 of SEPP 55, the site will be suitable subject to the completion of a Detailed Site Investigation (and after remediation and validation, if required) for the proposed childcare centre development with basement car parking and landscaping area.

© Aargus Pty Ltd



8<sup>th</sup> December 2017  
Preliminary Site Investigation, Ref: ES7115  
Property: 19 Barnsbury Grove, Bexley North NSW

Page 9 of 30

## 1 INTRODUCTION

### 1.1 Background

Aargus Pty Ltd (Aargus) was appointed by Advanced Development Pty Ltd (the 'client') to undertake a Preliminary Site Investigation (PSI) within the property located at 19 Barnsbury Grove, Bexley North NSW (the 'site'). The location of the property is presented in Figure 1 of Appendix A.

It is understood that the site is proposed for the demolition of existing buildings and redevelopment into a childcare centre with one level basement parking and landscaping areas. The proposed development plans can be found in Appendix B.

A site investigation was requested by Bayside Council to determine the potential for onsite contamination as part of the Development Application (DA).

### 1.2 Objective

The primary objectives of this PSI are as follows:

- Identify potential areas where contamination may have occurred from current and historical activities;
- Identify potential contaminants associated with potentially contaminating activities;
- Assess the potential for soils and groundwater to have been impacted by current and historical activities; and
- Assess the suitability of the site for redevelopment into a childcare centre with basement car parking and landscaping areas.

8<sup>th</sup> December 2017  
Preliminary Site Investigation, Ref: ES7115  
Property: 19 Barnsbury Grove, Bexley North NSW

Page 10 of 30

### 1.3 Scope of Works

The scope of works for this PSI includes:

- Review of the physical site setting and site conditions based on a site inspection, including research of the location of sewers, drains, holding tanks and pits, spills, patches of discoloured vegetation, etc. (where applicable);
- Research and review of the information available, including previous environmental investigations, current and historical titles information, review of aerial photographs, groundwater bore searches, EPA notices, council records, anecdotal evidence, site survey and site records on waste management practices;
- Development of a preliminary Conceptual Site Model (CSM) to demonstrate the interactions between potential sources of contamination, exposure pathways and human/ecological receptors identified; and
- Recommendations for additional investigations should any data gaps be identified or possible strategies for the management of the site, where relevant.

This report was prepared with reference to the NSW Environment Protection Authority (EPA) "*Guidelines for Consultants Reporting on Contaminated Sites*" (2011).

8<sup>th</sup> December 2017  
 Preliminary Site Investigation, Ref: ES7115  
 Property: 19 Barnsbury Grove, Bexley North NSW

Page 11 of 30

## 2 SITE IDENTIFICATION AND DESCRIPTION

### 2.1 Site Identification

Site identification information and land use is summarised in the table below.

**Table 1: Site Identification**

<b>Lot and DP Number (Address)</b>	Lot 10 in DP 1108902 (19 Barnsbury Grove, Bexley North NSW)		
<b>Coordinates *</b>	<b>Corner</b>	<b>Latitude</b>	<b>Longitude</b>
	South-East	-33.940328	151.116749
	South-West	-33.940433	151.11657
	North	-33.939822	151.116594
<b>Approx. Site Area</b>	1,007m <sup>2</sup>		
<b>Local Government Area</b>	Bayside Council		
<b>Parish</b>	St George		
<b>County</b>	Cumberland		
<b>Current Land Zoning**</b>	R2 – Low density Residential		
<b>Proposed Land Use</b>	Childcare		
<b>Current Site Owner</b>	Qing Chen Liu		
<b>Site End Users</b>	Workers, children, visitors		

Notes: \* refer to <http://maps.six.nsw.gov.au/>

\*\* refer to Rockdale Local Environmental Plan 2011

The site boundary and Lot and DP numbers are presented in Figure 2 of Appendix A. A survey plan provided by the client is included in Appendix B.

8<sup>th</sup> December 2017  
Preliminary Site Investigation, Ref: ES7115  
Property: 19 Barnsbury Grove, Bexley North NSW

Page 12 of 30

## 2.2 Site Inspection

A site visit was carried out on Friday 1<sup>st</sup> December 2017 by an Aargus field engineer to inspect the site for any potential sources of contamination and document any observations made regarding the current site conditions. At the time of the site inspection, the following observations were made:

- The site was irregular in shape and currently used for residential purposes.
- The site consisted of a double brick house with tile roof and grass covered yard.
- The main access to the site was along Barnsbury Grove on the southern boundary.
- There was a concrete driveway with minor cracks.
- A wooden garage with metal roof was located in the southeast portion of the site.
- No signs of stress were observed on the weeds, although there were signs of dehydration in some areas.
- A rainwater tank was observed in the backyard near the northeast boundary.
- A metal shed was near the rainwater tank.
- A wooden shed / storage room with metal roof was located in the northeast corner of the site.
- The site was bounded by colorbond and/or timber fences.
- No surface standing water was noticed at the site.

The site features are presented in Figure 3 of Appendix A. Site photographs are included in Appendix C.

8<sup>th</sup> December 2017  
Preliminary Site Investigation, Ref: ES7115  
Property: 19 Barnsbury Grove, Bexley North NSW

Page 13 of 30

### 2.3 Topography and Surface Water Drainage

The following observations were made during the site inspection carried out on the 1<sup>st</sup> December 2017:

- The site slopes to the west at approximately 10% slope.
- Stormwater runoff from the site is expected to flow in a westerly direction along Barnsbury Grove.

Copies of the topographical survey provided by the client, including existing stormwater and sewer drainage plans can be found in Appendix B.

### 2.4 Surrounding Land Uses

The surrounding land uses identified are described in the table below:

**Table 2: Surrounding Land Uses**

Orientation	Description
North	Low density residential properties
East	Low density residential properties
South	Barnsbury Grove then low density residential properties
West	Low density residential properties

8<sup>th</sup> December 2017  
 Preliminary Site Investigation, Ref: ES7115  
 Property: 19 Barnsbury Grove, Bexley North NSW

Page 14 of 30

### 3 SITE HISTORY

#### 3.1 Land Titles

A review of historical documents held at the NSW Department of Lands offices was undertaken to identify the current and previous land owners, and potential land uses. The results of the title search are summarised in the following table.

**Table 3: Land Title Information**

Year	Lot 10 in DP1108902 (19 Barnsbury Grove, Bexley North NSW)
2016-2017	Qing Chen Liu
2007-2016	Robert Ernest Woellner and Ngaire Woellner
2007-2007	Robert Ernest Woellner
	Prior: 1/533819 and 2/533819
1969-2007	Robert Ernest Woellner
	Prior: VOL 7431 FOL 212
1958-1969	Robert Ernest Woellner
	Prior: VOL 7197 FOL 66
1958-1958	Walter Ernest Cox
1957-1958	Arthurs James Parnell
1956-1957	Percival George Dorran and Pearl Frances Dorran
1955-1956	Emese James
1950-1955	Albert Gorman and Mary Ann Gorman
	Prior: VOL 3668 FOL 113
1924-1950	Albert Gorman and Mary Ann Gorman

In summary, the land title information provided suggested that the site was used by private individuals since at least 1924. In 2016, the site was transferred to the current site owner Qing Chen Liu.

A copy of the historical land titles information obtained by Aargus can be found in Appendix D.

8<sup>th</sup> December 2017  
 Preliminary Site Investigation, Ref: ES7115  
 Property: 19 Barnsbury Grove, Bexley North NSW

Page 15 of 30

### 3.2 Aerial Photographs

Selected aerial photographs obtained from the NSW Department of Lands were reviewed to describe the site features and surrounding areas at various timelines. A summary of the review is presented in the table below.

**Table 4: Summary of Historical Aerial Photos**

Year	Site	Surrounding areas
1943	The site was observed to be part of a larger property together with the western adjoining lot and was used for residential purposes.	N: Vacant S: Street then low density residential. E: Residential then low density residential W: Low density residential properties
1991	The site comprised of a low density residential building in the southern portion. A swimming pool in the central portion and a small shed structure in the north-east site corner. A driveway was observed along the south-western site boundary. The remaining site area was covered by grass.	N: Low density residential S: Barnsbury Grove then low density residential E: Low density residential W: Low density residential
2005	No apparent changes were observed from last photograph.	No apparent changes were observed from last photograph.
2017	No apparent changes were observed from last photograph except that the swimming pool was removed.	No apparent changes were observed from last photograph.

In summary, land use of the site appeared to have been residential from at least 1943 to the current year. In 1943, the site forms part of a larger property together with the western adjoining lot for the low density residential uses. Before 1991, a residential dwelling was constructed on site and remained the same until now.

The general land use of the immediate site vicinity seems to have been consistently low-density residential, with the exception of around 1943 when the property to the east was potentially used for commercial purpose.

Copies of current and historical aerial photographs are presented in Appendix E.

© Aargus Pty Ltd





8<sup>th</sup> December 2017  
Preliminary Site Investigation, Ref: ES7115  
Property: 19 Barnsbury Grove, Bexley North NSW

Page 16 of 30

### **3.3 EPA Records**

#### **3.3.1 CLM Act 1997**

The NSW EPA publishes records of contaminated sites under Section 58 of the Contaminated Land Management (CLM) Act 1997. The notices relate to investigation and/or remediation of site contamination considered to pose a significant risk of harm under the definition in the CLM Act. However, it should be noted that the EPA record of Notices for Contaminated Land does not provide a record of all contaminated land in NSW.

A search of the EPA database revealed that the subject site is not listed. In addition, no other properties were listed within the Bexley North suburb.

Copies of the EPA records are included in Appendix F.

#### **3.3.2 POEO Register**

A search of the POEO Register revealed that the site was not listed. A copy of the POEO register search is included in Appendix F.

### **3.4 Section 149 Certificates**

The Planning Certificate – Section 149 (2) of the Environmental Planning & Assessment Act 1979 for the site was not provided at the time of the reporting.

### **3.5 Industrial Processes and Products Manufactured**

The site was known to be used primarily for residential purposes.

© Aargus Pty Ltd



8<sup>th</sup> December 2017  
Preliminary Site Investigation, Ref: ES7115  
Property: 19 Barnsbury Grove, Bexley North NSW

Page 17 of 30

### **3.6 Former Chemical Storage and Transfer Areas**

It is unlikely that the site contains former chemical storage and transfer areas and/or products manufactured based on the available historical information and site inspection.

### **3.7 Product Spill & Loss History**

It was indicated by the client, that to their knowledge no serious land or water contamination had occurred.

Approximately half of the site area is currently either occupied by a building and/ or sealed surfaces. At the time of the inspections, the sealed surfaces of the driveway and parking area were in generally good condition with only minor cracks and staining observed.

### **3.8 Discharges to Land, Water and Air**

The POEO public register suggests that no licence has been granted for the site to discharge into land, water and air.

In addition, based on the site inspection, no discharges to land, water and/or air was noticed.

### **3.9 Historical Use of Adjacent Land**

It was indicated by the client that to their knowledge, the adjacent lands to the site have been used primarily for low density residential developments.

This is consistent with the historical aerial photographs revealed.

© Aargus Pty Ltd



8<sup>th</sup> December 2017  
Preliminary Site Investigation, Ref: ES7115  
Property: 19 Barnsbury Grove, Bexley North NSW

Page 18 of 30

### 3.10 Discussion and Summary of Site History

Based on available information, the site historical usage is summarised as follows:

- Land title information provided suggested that the site was used by private individuals since at least 1924. In 2016, the site was transferred to the current site owner Qing Chen Liu. This was consistent with the aerial photography which appeared to be residential properties since 1943.
- The general land use of the immediate site vicinity seems to have been consistently low-density residential, with the exception of around 1943 when the property to the east was potentially used for commercial purposes.
- The Section 149 Planning Certificate was not provided by the client.

## 4 ENVIRONMENTAL SETTING

### 4.1 Sensitive Environmental Receptors

The nearest down-gradient watercourse is Wolli Creek, approximately 300m north of the site, that eventually discharges into the Cooks River, located approximately 3km east of the site. Cooks River flows southeast and ultimately discharges into Botany Bay.

Bardwell Creek is located approximately 500m to the south-east of the site.

### 4.2 Soil

The Soil Landscape Map of Sydney (soil Landscape Series Sheet 9130, Scale 1:100,000, 2002), prepared by the Soil Conservation Service of NSW, indicates that the site is located within the Gynea landscape area and typically consists of shallow highly permeable residual soil.

### 4.3 Geology

The Geological Map of Sydney (Geological Series Sheet 9130, Scale 1:100,000, 1983), published by the Department of Mineral Resources indicated the site is located on the boundary of two geological soil profiles:

- the residual soils to be underlain by Triassic Age Shale of the Wianamatta Group, comprising black to dark grey shale and laminate; and / or
- the residual soils to be underlain by Hawkesbury Sandstone comprising medium to coarse grained quartz sandstone, very minor shale and laminite lenses.

8<sup>th</sup> December 2017  
Preliminary Site Investigation, Ref: ES7115  
Property: 19 Barnsbury Grove, Bexley North NSW

Page 20 of 30

#### 4.4 Acid Sulfate Soils

To determine whether there is a potential for acid sulphate soils to be present at the site, reference was made to the NSW Department of Land & Water Conservation (DLWC) *Acid Sulphate Soil Risk Maps* (Edition Two, December 1997, Scale 1:250,000), specifically Map No. 93 – “Botany Bay”. A review of the map indicated that there is “no known occurrence” of acid sulphate soil materials at the site.

In addition, according to Rockdale Local Environmental Plan 2011, the site is located within the Class 5 area which also suggested that the presence of acid sulphate soils was considered to be unlikely.

#### 4.5 Hydrogeology

Based on available information, our desktop study indicates that groundwater from site is likely to be flowing towards Wolli Creek (approximately 300m north of the site) that eventually discharges into the Cooks River.

A search of the New South Wales Water Information Website (<http://waterinfo.nsw.gov.au/>) revealed no groundwater bores within a 500m radius of the site.

The groundwater on site was unlikely to be used for human consumption since the site is not located within the SEPP boundary for the Sydney Drinking Water Catchment. Aargus previous experience suggests that the groundwater is likely to be present at a shallow depth within the more permeable clay soils in the area. Groundwater present within the clay soils is likely to be under semi-confined conditions with low recharge rates during heavy rainfall events. In addition, groundwater is likely to be fresh or brackish based on other site investigations conducted by Aargus in the area.

A copy of the groundwater bore search records can be found in Appendix G.

© Aargus Pty Ltd



8<sup>th</sup> December 2017  
Preliminary Site Investigation, Ref: ES7115  
Property: 19 Barnsbury Grove, Bexley North NSW

Page 21 of 30

#### **4.6 Local Meteorology**

The monthly rainfall of the local area can be represented by the data collected by Bureau of Meteorology (BOM) from the rainfall gauge located in Marrickville Golf Club, which is located approximately 3.5km northeast of the site. Records collected from 1904 till April 2017 indicated that the average annual rainfall amount is 1014.4mm.

A copy of the BOM record can be found in Appendix H.

8<sup>th</sup> December 2017  
 Preliminary Site Investigation, Ref: ES7115  
 Property: 19 Barnsbury Grove, Bexley North NSW

Page 22 of 30

## 5 AREAS OF POTENTIAL ENVIRONMENTAL CONCERN

Based on the site inspection, site history, previous reports and review of available information from the desktop study, the potential Areas of Environmental Concern (AEC) and their associated Contaminants of Concern (CoC) for the site were identified. These are summarised in the following table.

**Table 5: Summary of Potential Areas and Contaminants of Concern**

Potential AEC	Potentially contaminating activity	Potential CoCs	Likelihood of Site Impact	Justification
Entire site	Importation of fill material from unknown origin	Metals, TPH, BTEX, PAH, OCP, PCB, Phenols, Cyanides, Asbestos	Low	Based on the site observations and site topography, the presence of imported fill material is likely to be minimal, with the exception of the northern central area where a swimming pool was observed to have been filled in via the aerial photography review
	Potential for pesticides to have been sprayed or injected on or underneath concrete slabs	OCP	Low	The site is not known for having been used for agricultural purposes from the 1950s when OCPs were first introduced into Australia. If use of OCPs has occurred, the impact is likely to have been localised and limited to the topsoil layer.
Site Driveway	Leaks from vehicles	Metals, TPH, BTEX, PAH	Low	The site driveway was observed to be partially sealed by concrete slab and bricks. Only minor cracks and staining was noticed on the sealed surfaces which indicate the leakage is unlikely to penetrate the existing hard standing surface.
Building Structures	Potential Asbestos/Fibro Features	Asbestos	Low	If present, these will be removed by licensed contractors.

8<sup>th</sup> December 2017  
Preliminary Site Investigation, Ref: ES7115  
Property: 19 Barnsbury Grove, Bexley North NSW

Page 23 of 30

## 6 PRELIMINARY CONCEPTUAL SITE MODEL

### 6.1 Conceptual Site Model

The Preliminary Conceptual Site Model (CSM) presented in the table below provides a representation of the potential risks associated with the linkages between the following elements:

- Potential contamination sources and their associated contaminants of concern identified in Section 5. Only potential areas of concern with a significance rating of low to high were included;
- Potential human receptors that may be impacted by site contamination are current and future end-users, construction workers and the general public within the immediate vicinity;
- Potential environmental receptors identified in Section 4;
- Potential exposure pathways; and
- Whether each source-pathway-receptor pollution linkage are complete, limited or not present, based on current and future site conditions.

© Aargus Pty Ltd





8<sup>th</sup> December 2017

Preliminary Site Investigation, Ref: ES7115

Property: 19 Barnsbury Grove, Bexley North NSW

Page 24 of 30

**Table 6: Conceptual Site Model**

Potential Sources	Potential Receptor	Potential Exposure Pathways	Complete Linkages	Risk	Justification
Fill across the site  Leakage from vehicles  Historical or current use of pesticides	Site users or the general public	Dermal contact, inhalation or ingestion of exposed impacted soils	Limited (Current)	Low	Direct contact with impacted soils is limited to the grassed areas at the northeast portion of the site.
			Limited (Future)	Negligible	If present, contaminated soils are likely to be remediated and removed. Clean soil will be placed within the proposed landscaping area where direct contact may have occurred.
	The aquatic ecosystems at Wolli Creek	Migration of impacted groundwater and surface water run-off	Yes (Current)	Low	No obvious sources of contamination were observed on site that could migrate off site with surface water run-off.
			No (Future)	Low	If present, contaminated soils and groundwater is likely to be remediated and any remaining residual contamination would likely be at acceptable concentrations upon reaching the creek.
	Underlying Aquifer	Leaching and migration of contaminants through groundwater infiltration	Limited (Current)	Low	The groundwater is likely to be present at a shallow depth within the underlying clay soil. However, depending on the thickness of the expected confining clay layer and leachability of metals and organic compounds, vertical migration of contaminants may be limited.
			No (Future)	Low	If present, contaminated soils and groundwater is likely to be remediated and any remaining residual contamination would likely be at acceptable concentrations upon reaching the underlying aquifer
Potential asbestos containing building structures	Site users or the general public	Inhalation or ingestion	Limited (Current)	Low	No fibro-cement containing material was noted on site.
			No (Future)	Negligible	If present, this will be removed by a licensed contractor.

8<sup>th</sup> December 2017  
Preliminary Site Investigation, Ref: ES7115  
Property: 19 Barnsbury Grove, Bexley North NSW

Page 25 of 30

#### **6.1.1 Data Gaps**

Based on the CSM, the following data gaps were identified with respect to the pollution linkages identified:

- Information from the Section 149 Planning Certificates.
- Confirmation if contamination has occurred from current and historical site activities through collection and laboratory analysis of soil samples.

8<sup>th</sup> December 2017  
Preliminary Site Investigation, Ref: ES7115  
Property: 19 Barnsbury Grove, Bexley North NSW

Page 26 of 30

## 7 CONCLUSION AND RECOMMENDATIONS

The findings of the assessment indicated the following areas of potential environmental concern:

- Potential importation of uncontrolled fill that may contain various contaminants;
- Current or past use of pesticides;
- Driveway and carpark areas where leaks and spills from cars may have occurred; and
- Potential asbestos based building materials.

The contaminants that may be present in some of these areas were considered to be of low significance in terms of risk to the human and environmental receptors identified. However, a Detailed Site Investigation (DSI) is required to confirm the presence and extent of contamination in order to determine the suitability of the site for the proposed development application and to address the data gaps identified.

Based on the information collected during this investigation and in reference to Clause 7 of SEPP 55, the site will be suitable subject to the completion of a Detailed Site Investigation (and after remediation and validation, if required) for the proposed childcare centre development with basement car parking and landscaping area.

© Aargus Pty Ltd



8<sup>th</sup> December 2017  
Preliminary Site Investigation, Ref: ES7115  
Property: 19 Barnsbury Grove, Bexley North NSW

Page 27 of 30

Thank you for the opportunity to undertake this work. We would be pleased to provide further information on any aspects of this report.

For and on behalf of

**Aargus Pty Ltd**

**Written by:**



**Ningye Zhang**

Environmental Engineer

**Reviewed By:**



**Mark Kelly**

Environmental Manager

8<sup>th</sup> December 2017  
Preliminary Site Investigation, Ref: ES7115  
Property: 19 Barnsbury Grove, Bexley North NSW

Page 28 of 30

## LIMITATIONS

The Aargus assessment is based on the result of limited site investigations and sample testing. Neither Aargus, nor any other reputable consultant, can provide unqualified warranties nor does Aargus assume any liability for site conditions not observed or accessible during the time of the investigations.

Despite all reasonable care and diligence, the materials encountered and concentrations of contaminants measured may not be representative of conditions between the locations sampled and investigated. There is always some disparity in subsurface conditions across a site that cannot be fully defined by investigation. Hence it is unlikely that measurements and values obtained from sampling and testing during environmental works carried out at a site will characterise the extremes of conditions that exist within the site. In addition, site characteristics may change at any time in response to variations in natural conditions, chemical reactions, truck movement or contractor movement of soils and other events, e.g. groundwater movement and or spillages of contaminating substances. These changes may occur subsequent to Aargus investigations and assessment.

This report and associated documentation and the information herein have been prepared solely for the use of the client at the time of writing the report and is valid (for the purposes of management or transport of material) for a period of one month only from the date of issue. Any other reliance assumed by third parties on this report shall be at such parties' own risk. Any ensuing liability resulting from use of the report by third parties cannot be transferred to Aargus.

Whilst this report provides a review of site conditions encountered at sampling locations within the investigation, it should be noted that if materials are proposed to be moved from site - Part 5.6, Section 143 of the Protection of the Environment Operations (POEO) Act 1997 states that it is an offence for waste to be transported to a place that cannot lawfully be used as a facility to accept that waste. It is the duty of the owner and transporter of the waste to ensure that all material removed from a site must be accompanied by an appropriate waste classification report and materials are disposed of appropriately. An environmental or validation report does not constitute a waste classification report and results are treated

© Aargus Pty Ltd



8<sup>th</sup> December 2017  
Preliminary Site Investigation, Ref: ES7115  
Property: 19 Barnsbury Grove, Bexley North NSW

Page 29 of 30

differently. Aargus accepts no liability for the unlawful disposal of waste materials from any site. Aargus does not accept any responsibility for the material tracking, loading, management, transport or disposal of waste from the site. If material is to be removed from a site, before disposal of any material to a licensed landfill is undertaken, the site owner must ensure an appropriate waste classification exists for all materials on the site planning to be removed, the waste producer will need to obtain prior consent from the licensed landfill/recycler. The receiving site should check to ensure that the material received matches the description provided in the report.

Opinions are judgements, which are based on our understanding and interpretation of current regulatory standards, and should not be construed as legal opinions.

Appendix I – Important information about your environmental site report should also be read in conjunction with this report.

---

© Aargus Pty Ltd



8<sup>th</sup> December 2017  
Preliminary Site Investigation, Ref: ES7115  
Property: 19 Barnsbury Grove, Bexley North NSW

Page 30 of 30

## REFERENCES

This report was prepared with reference to the following guiding documents:

- ANZECC/NHMRC (1992) – “Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites”. Australian and New Zealand Environment and Conservation Council and the National Health and Medical Research Council, Canberra;
- ANZECC National Water Quality Management Strategy “Australian Water Quality Guidelines for Fresh and Marine Waters”, 1992.
- Department of Urban Affairs and Planning – EPA (1998) “Managing Land Contamination – Planning Guidelines – SEPP 55 – Remediation of Land”;
- National Environment Protection (Assessment of Site Contamination) Amendment Measure 2013 (No.1);
- NSW DEC, “Guidelines for the Assessment and Management of Groundwater Contamination” (March 2007);
- NSW DEC “Guidelines for the NSW Site Auditor Scheme” (2017, 3<sup>rd</sup> edition). NSW Environment Protection Authority, Sydney;
- NSW EPA “Guidelines for Consultants Reporting on Contaminated Sites” (2011). NSW Environment Protection Authority, Sydney;
- NSW EPA “Guidelines on the Duty to Report Contamination under the Contaminated Land Management Act 1997” (2009). NSW Environment Protection Authority, Sydney;
- NSW EPA “Sampling Design Guidelines” (1995). NSW Environment Protection Authority, Sydney

© Aargus Pty Ltd



# APPENDIX A

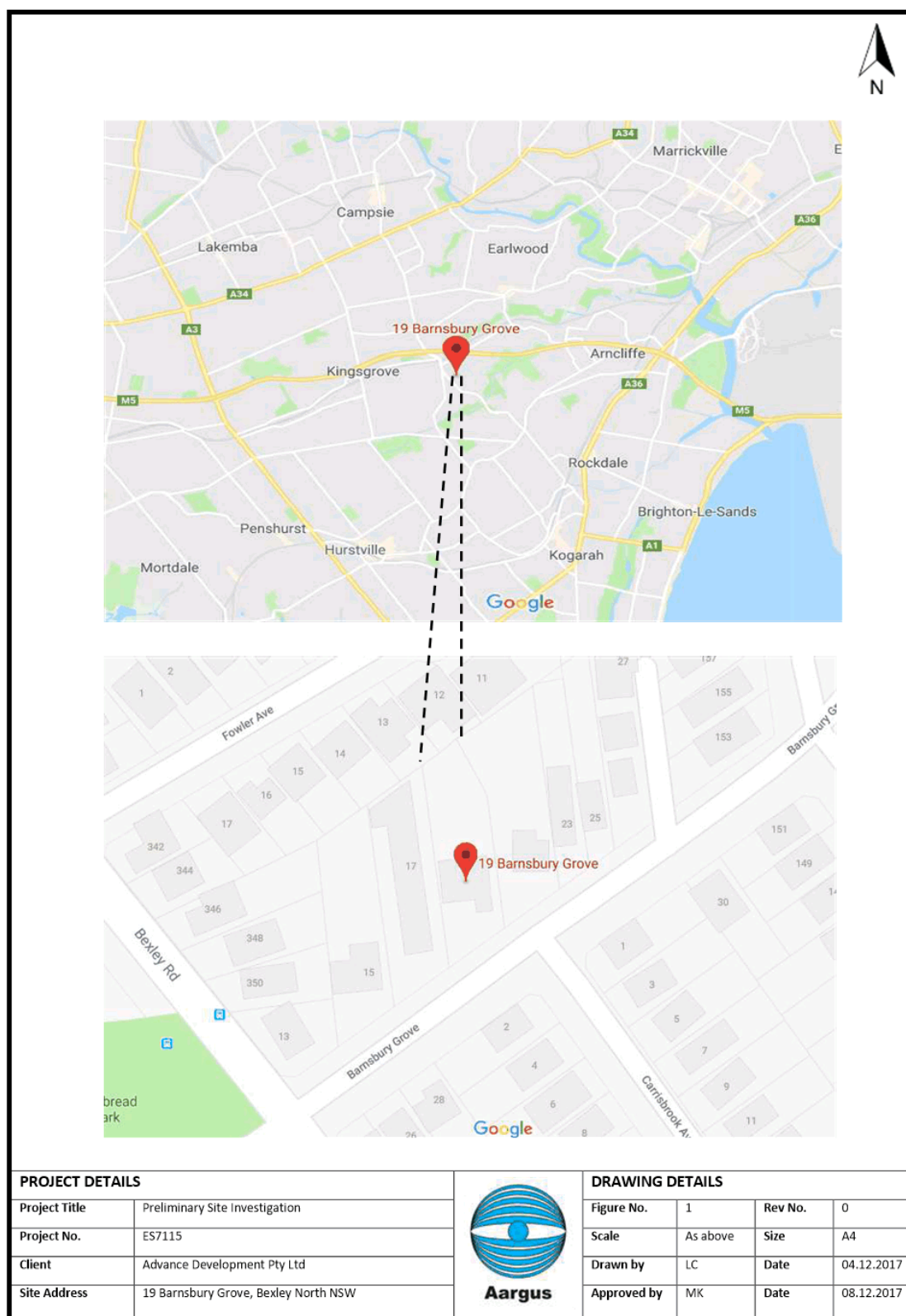
---

## SITE PLANS





## SITE LOCALITY MAP




ABN 75 050 212 710

Aargus Pty Limited

Environment – Remediation – Geotechnical Engineering



<b>PROJECT DETAILS</b>			<b>DRAWING DETAILS</b>			
<b>Project Title</b>	Preliminary Site Investigation		<b>Figure No.</b>	2	<b>Rev No.</b>	0
<b>Project No.</b>	ES7115		<b>Scale</b>	As above	<b>Size</b>	A4
<b>Client</b>	Advance Development Pty Ltd		<b>Drawn by</b>	LC	<b>Date</b>	04.12.2017
<b>Site Address</b>	19 Barnsbury Grove, Bexley North NSW		<b>Approved by</b>	MK	<b>Date</b>	08.12.2017

## SITE FEATURES



ABN 75 050 212 710

Aargus Pty Limited

Environment – Remediation – Geotechnical Engineering

# **APPENDIX B**

---

## **PROPOSED DEVELOPMENT AND SITE SURVEY PLANS**

















# APPENDIX C

---

## SITE PHOTOGRAPHS



**SITE PHOTOGRAPHS**

<b>Client:</b>	Advance Development Pty Ltd
<b>Project:</b>	Preliminary Site Investigation
<b>Site Location:</b>	19 Barnsbury Grove, Bexley North NSW
<b>Job No.:</b>	ES7115
<b>Photos Taken By:</b>	LC

**Photograph N° 1**

View of : the site of the front  
Looking: north  
Inspected on 01.12.2017

**Photograph N° 2**

View of : driveway  
Looking: North

**Photograph N° 3**

View of : rainwater tank and metal shed  
Looking: North west  
Inspected on 01.12.2017

**Photograph N° 4**

View of : back yard  
Looking: South  
Inspected on 01.12.2017

**Photograph N° 5**

View of : wooden shed in the northeast corner  
Looking: North  
Inspected on 01.12.2017

**Photograph N° 6**

View of : back of the dwelling  
Looking: West  
Inspected on 01.12.2017

# **APPENDIX D**

---

## **LAND TITLE INFORMAITON**



**TITLE SEARCH**

Computer Folio Certificate issued under  
Section 96D of the Real Property Act 1900

No. 21

Search certified to:

30/11/2017 11:46 AM

COMPUTER FOLIO REFERENCE	
10/1108902	
EDITION No. & DATE OF CURRENT CERTIFICATE OF TITLE	
4	30/3/2016

Page 1

LAND

LOT 10 IN DEPOSITED PLAN 1108902

AT BEXLEY

LOCAL GOVERNMENT AREA BAYSIDE

PARISH OF ST GEORGE COUNTY OF CUMBERLAND

TITLE DIAGRAM DP1108902

FIRST SCHEDULE

QING CHEN LIU

(T AK319871)

SECOND SCHEDULE (3 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 B152371 COVENANT
- 3 AK319872 MORTGAGE TO AUSTRALIA AND NEW ZEALAND BANKING GROUP LIMITED

NOTATIONS

UNREGISTERED DEALINGS: NIL

\*\*\* END OF SEARCH \*\*\*

jsteyns

PRINTED ON 30/11/2017 21

The Registrar General certifies that at the date and time specified above the person(s) described in the First Schedule was the registered proprietor of an estate in fee simple (or other such estate or interest set out in the Schedule) in the land described, subject to any exceptions, encumbrances, interests, and entries which appear in the Second Schedule.

\* ANY ENTRIES PRECEDED BY AN ASTERISK DO NOT APPEAR ON THE CURRENT EDITION OF THE CERTIFICATE OF TITLE  
WARNING: THE INFORMATION APPEARING UNDER NOTATIONS HAS NOT BEEN FORMALLY RECORDED IN THE REGISTER.



Registrar General

**HISTORICAL TITLE SEARCH**Certificate issued under Section 96G  
of the Real Property Act 1900

No. 35

Search certified to: 30/11/2017 12:07PM

Computer Folio Reference: 2/533819

Page 1

First Title(s): SEE PRIOR TITLE(S)

Prior Title(s): VOL 10999 FOL 19

Recorded	Number	Type of Instrument	C.T. Issue
-----	-----	-----	-----
28/3/1988		TITLE AUTOMATION PROJECT	LOT RECORDED FOLIO NOT CREATED
5/7/1988		CONVERTED TO COMPUTER FOLIO	FOLIO CREATED CT NOT ISSUED
5/3/2007	DP1108902	DEPOSITED PLAN	FOLIO CANCELLED

\*\*\* END OF SEARCH \*\*\*

doccop1

PRINTED ON 30/11/2017 35

The Registrar General certifies that at the date and time specified above the information set out in this search constitutes the historical record of all dealings recorded in or action taken in respect of the mentioned title which is required to be kept by the Registrar General under section 32(7) of the Real Property Act 1900.



Registrar General

33 /Req:CL85533 /Doc:DL AD048824 /Rev:16-Apr-2007 /Sts:OK,OK /Prt:30-Nov-2017 12:06 /Seq:1 of 1  
 Ref:lpi:syd-dre1 /Src:W /WARNING: A4 Copy Supplied by LPI NSW for Conveyancing Purposes Only.

Form: 01T  
 Release: 2.1  
 www.lpi.nsw.gov.au

① **TRANSFER**  
 New South Wales  
 Real Property Act 1900



**AD48824E**

PRIVACY NOTE: this information is legally required and will become part of the public record

**STAMP DUTY**

Office of State Revenue use only

NEW SOUTH WALES DUTY  
 13-04-2007 0004186815-001  
 SECTION 67-ORIGINAL  
 NO DUTY PAYABLE

**(A) TORRENS TITLE**

10/1108902

**(B) LODGED BY**

Delivery Box	Name, Address or DX and Telephone <b>R. WILLIAMSON FOR</b> Paul Burgess Legal Services Pty Ltd PO Box 418 PANAMTA NSW 2213 Reference: <b>PB</b>	CODES <b>T</b> <b>TW</b> (Sheriff)
--------------	---	---

**(C) TRANSFEROR**

ROBERT ERNEST WOELLNER

**(D) CONSIDERATION**

The transferor acknowledges receipt of the consideration of \$ **1.00** and as regards

**(E) ESTATE**

the land specified above transfers to the transferee an estate in fee simple

**(F) SHARE TRANSFERRED**

**(G)**

Encumbrances (if applicable):

**(H) TRANSFeree**

ROBERT ERNEST WOELLNER AND NGAIRE WOELLNER

**(I)**

TENANCY: Joint Tenants

**(J) DATE**

13 April 2007

I certify that the person(s) signing opposite, with whom I am personally acquainted or as to whose identity I am otherwise satisfied, signed this instrument in my presence.

Signature of witness:

Name of witness:

Address of witness:

*Paul Burgess*  
**PAUL BURGESS**  
1/130 Tower St  
Panama

Certified correct for the purposes of the Real Property Act 1900 by the transferor.

Signature of transferor:

*Robert Ernest Woellner*  
*Ngaire Woellner*

Certified for the purposes of the Real Property Act 1900 by the person whose signature appears below.

Signature:

Signatory's name:  
 Signatory's capacity:

*Paul Burgess*  
**Paul Burgess**  
 transferee's solicitor

All handwriting must be in block capitals.

Page 1 of \_\_\_\_\_  
 number additional  
 pages sequentially

Land and Property Information NSW



## HISTORICAL TITLE SEARCH

Certificate issued under Section 96G  
of the Real Property Act 1900

No. 34

Search certified to: 30/11/2017 12:07PM

Computer Folio Reference: 1/533819

Page 1

First Title(s): SEE PRIOR TITLE(S)

Prior Title(s): VOL 10999 FOL 18

Recorded -----	Number -----	Type of Instrument -----	C.T. Issue -----
28/3/1988		TITLE AUTOMATION PROJECT	LOT RECORDED FOLIO NOT CREATED
30/6/1988		CONVERTED TO COMPUTER FOLIO	FOLIO CREATED CT NOT ISSUED
20/8/1999	6112449	MORTGAGE	EDITION 1
25/5/2001	7640007	DISCHARGE OF MORTGAGE	EDITION 2
5/3/2007	DP1108902	DEPOSITED PLAN	FOLIO CANCELLED

\*\*\* END OF SEARCH \*\*\*

doccopl

PRINTED ON 30/11/2017 34

The Registrar General certifies that at the date and time specified above the information set out in this search constitutes the historical record of all dealings recorded in or action taken in respect of the mentioned title which is required to be kept by the Registrar General under section 32(7) of the Real Property Act 1900.



Registrar General



**HISTORICAL TITLE SEARCH**Certificate issued under Section 96G  
of the Real Property Act 1900

No. 89

Search certified to: 30/11/2017 11:47AM

Computer Folio Reference: 10/1108902

Page 1

First Title(s): OLD SYSTEM

Prior Title(s): 1-2/533819

Recorded	Number	Type of Instrument	C.T. Issue
-----	-----	-----	-----
5/3/2007	DP1108902	DEPOSITED PLAN	FOLIO CREATED EDITION 1
30/3/2007	AD26264	TRANSFER	EDITION 2
13/4/2007	AD48824	TRANSFER ✓	EDITION 3
30/3/2016	AK319871	TRANSFER	
30/3/2016	AK319872	MORTGAGE	EDITION 4

\*\*\* END OF SEARCH \*\*\*

jsteyns

PRINTED ON 30/11/2017 89

The Registrar General certifies that at the date and time specified above the information set out in this search constitutes the historical record of all dealings recorded in or action taken in respect of the mentioned title which is required to be kept by the Registrar General under section 32(7) of the Real Property Act 1900.



Registrar General

37 / Reg: C185537 / Doc: CT 10999-019 CT / Rev: 04-Feb-2011 / Sys: OK OK / Pft: 30-Nov-2017 12:20 / Seq: 1 of 2  
 Ref: \_\_\_\_\_

**CERTIFICATE OF TITLE**  
 NEW SOUTH WALES  
 Application No. 3427  
 Prior Titles Volume 5533 Folio 3  
 Volume 7431 Folio 212

**CANCELLED**  
 Vol. 10999 Fol. 19  
 ID \_\_\_\_\_  
 Edition issued 28-2-1969.

1 certify that the person described in the First Schedule is the registered proprietor of the undermentioned estate in the land within described subject nevertheless to such exceptions circumstances and interests as are shown in the Second Schedule

Witness *M. Lint*

**PLAN SHOWING LOCATION OF LAND**  
 SEE AUTO FOLIO

**ESTATE AND LAND REFERRED TO**  
 S  
 Estate in Fee Simple in Lot 2 in Deposited Plan 533819 at Baxley in the Municipality of Rockdale Parish of St. George and County of Cumberland being part of Portion 142 granted to James Chandler on 19-10-1831.

**FIRST SCHEDULE**  
~~WARRIANG, GEORGE, Typist, and JORRIANNE CLARK, 181088, Small, Typist, both of Baxley North as Joint Proprietors as to the part of the land above described formerly comprised in Certificate of Title Volume 5533 Folio 3, and ROBERT RINNESE, 180244, of Baxley North, Public Servant as to the part formerly comprised in Certificate of Title Volume 7431 Folio 212.~~

**SECOND SCHEDULE**  
 CRY  
 1. Reservations and conditions, if any, contained in the Crown Grant above referred to.  
 2. Covenants contained in Transfers Nos. A847306 and B152371 [affixing parts].

**NOTE: ENTRIES RULED THROUGH AND AUTHENTICATED BY THE SEAL OF THE REGISTRAR GENERAL ARE CANCELLED.**

*Jackson*  
 Registrar General

**WARNING: THIS DOCUMENT MUST NOT BE REMOVED FROM THE LAND TITLES OFFICE.**

37 / Reg:1185531 / Doc:CT 10999-019 CT / Rev:04-Feb-2011 / Sts:OK,OK / Ptt:30-Nov-2017 12:20 / Seq:2 of 2  
Ref: 91:sysd-ctrl/Src:W / Message: Supplied by LPI NSW

442

36 /Reg:CI85536 /Doc:CT 10999-018 CT /Rev:04-Feb-2011 /Sts:OK OK /Pri:30-Nov-2017 12:20 /Seq:1 of 2  
Ref: 10999-018 CT /Rev:04-Feb-2011 /Sts:OK OK /Pri:30-Nov-2017 12:20 /Seq:1 of 2

NEW SOUTH WALES  
Application No. 3427  
Prior Title Volume 7431 Folio 214  
212

**CERTIFICATE OF TITLE**  
PROPERTY ACT, 1900, as amended.

Vol. 10999 Fol. 18  
Edition issued 28-2-1969.

**CANCELLED**

I certify that the person described in the First Schedule is the registered proprietor of the undermentioned estate in the land within described subject nevertheless to such exceptions circumstances and interests as are shown in the Second Schedule.

Witness *M. McInt*  
Registrar General.

**PLAN SHOWING LOCATION OF ESTATE TO FOLIO**

**WARNING: THIS DOCUMENT MUST NOT BE REMOVED FROM THE LAND TITLES OFFICE.**

PERSONS ARE CAUTIONED AGAINST ALTERING OR ADDING TO THIS CERTIFICATE OR ANY NOTIFICATION HEREON

ESTATE AND LAND REFERRED TO  
Estate in Fee Simple in Lot 1 in Deposited Plan 533819 at Bexley in the Municipality of Rockdale Parish of St. George and County of Cumberland being part of Portion 142 granted to James Chandler on 19-10-1831.

**FIRST SCHEDULE**  
ROBERT ERNEST WOELLNER, of Bexley North, Public Servant.

**SECOND SCHEDULE**  
1. Reservations and conditions, if any, contained in the Crown Grant above referred to.  
2. Covenant contained in Transfer No. E152371.p

*J. J. J.*  
Registrar General

**NOTE: ENTRIES RULED THROUGH AND AUTHENTICATED BY THE SEAL OF THE REGISTRAR GENERAL ARE CANCELLED.**

# **APPENDIX E**

---

## **CURRENT AND HISTORICAL AERIAL PHOTOGRAPHS**



## HISTORICAL AERIAL PHOTOGRAPHS - 1943



### LEGEND

Site Boundary



### PROJECT DETAILS

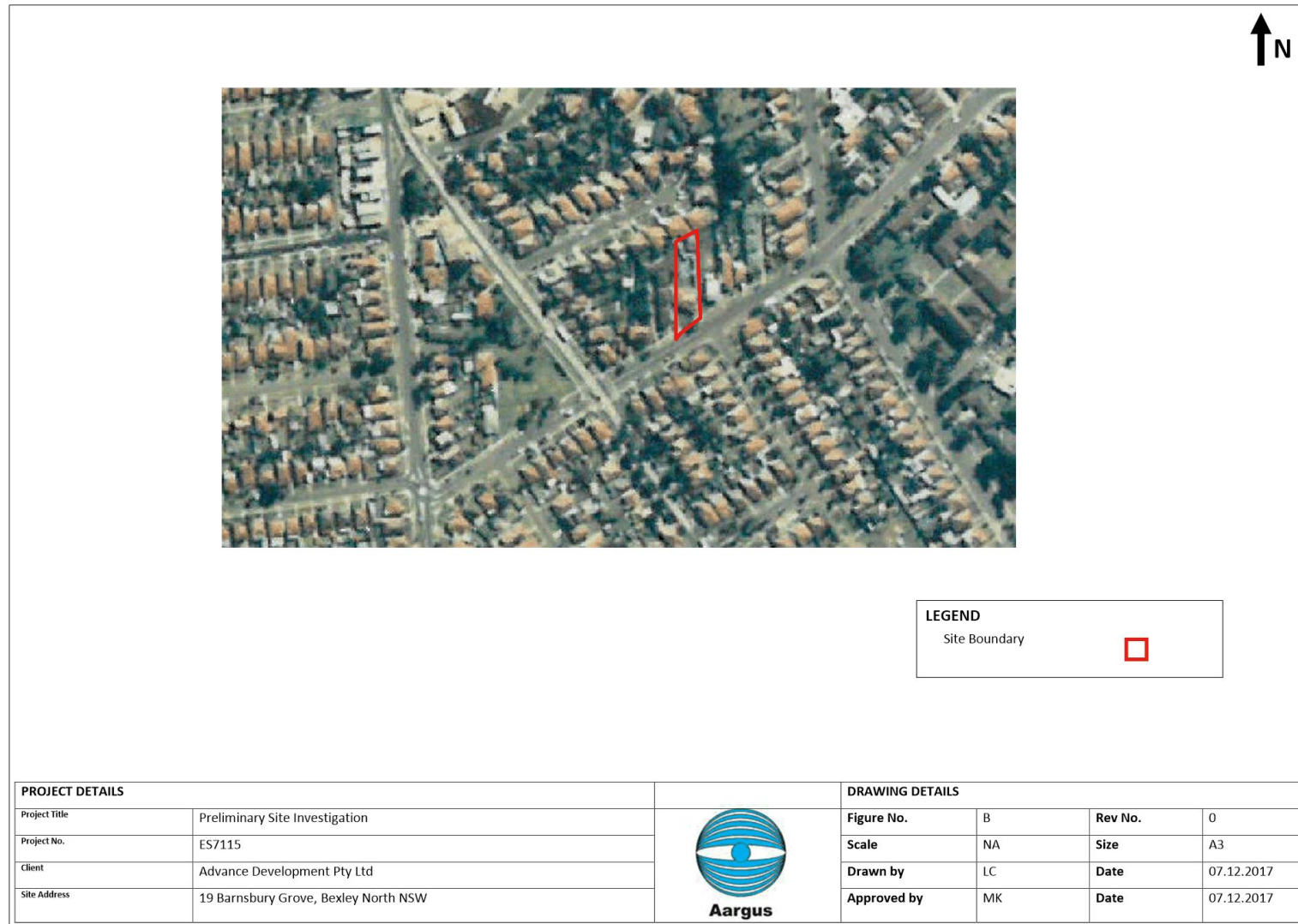
Project Title	Preliminary Site Investigation
Project No.	ES7115
Client	Advance Development Pty Ltd
Site Address	19 Barnsbury Grove, Bexley North NSW



### DRAWING DETAILS

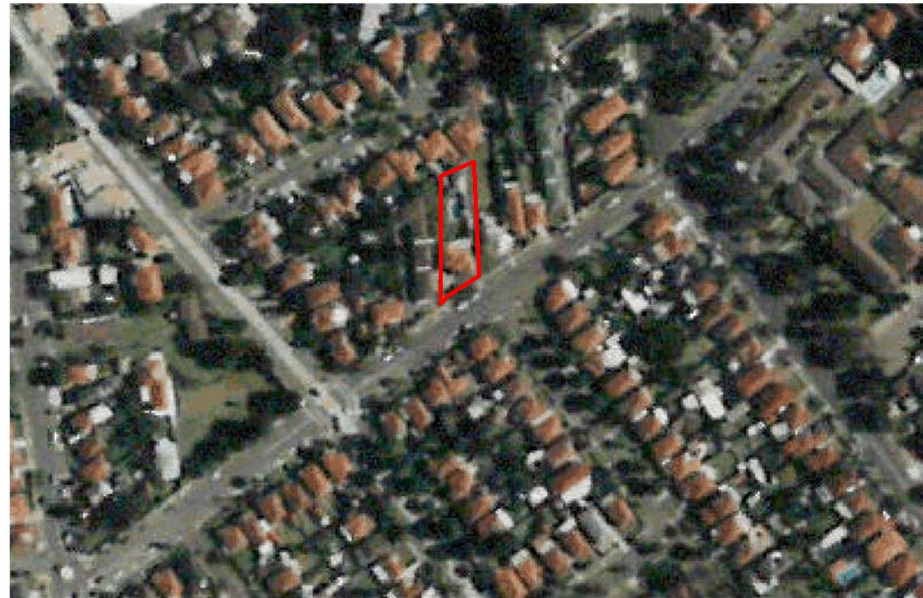
Figure No.	A	Rev No.	0
Scale	NA	Size	A3
Drawn by	LC	Date	07.12.2017
Approved by	MK	Date	07.12.2017

## HISTORICAL AERIAL PHOTOGRAPHS - 1991





## HISTORICAL AERIAL PHOTOGRAPHS - 2005



### LEGEND

Site Boundary



### PROJECT DETAILS

Project Title	Preliminary Site Investigation
Project No.	ES7115
Client	Advance Development Pty Ltd
Site Address	19 Barnsbury Grove, Bexley North NSW



### DRAWING DETAILS

Figure No.	C	Rev No.	0
Scale	NA	Size	A3
Drawn by	LC	Date	07.12.2017
Approved by	MK	Date	07.12.2017

## HISTORICAL AERIAL PHOTOGRAPHS - 2017



### LEGEND

Site Boundary



### PROJECT DETAILS

Project Title	Preliminary Site Investigation
Project No.	ES7115
Client	Advance Development Pty Ltd
Site Address	19 Barnsbury Grove, Bexley North NSW



### DRAWING DETAILS

Figure No.	D	Rev No.	0
Scale	NA	Size	A3
Drawn by	LC	Date	07.12.2017
Approved by	MK	Date	07.12.2017

# **APPENDIX F**

---

## **NSW EPA RECORDS**



12/5/2017

DECCW | Search results

[Home](#) [Contaminated land](#) [Record of notices](#)

## Search results

Your search for: Suburb: BEXLEY NORTH

did not find any records in our database.

If a site does not appear on the record it may still be affected by contamination. For example:

- Contamination may be present but the site has not been regulated by the EPA under the Contaminated Land Management Act 1997 or the Environmentally Hazardous Chemicals Act 1985.
- The EPA may be regulating contamination at the site through a licence or notice under the Protection of the Environment Operations Act 1997 (POEO Act).
- Contamination at the site may be being managed under the [planning process](#).

More information about particular sites may be available from:

- The [POEO public register](#)
- The appropriate planning authority: for example, on a planning certificate issued by the local council under [section 149 of the Environmental Planning and Assessment Act](#).

See [What's in the record and What's not in the record](#).

If you want to know whether a specific site has been the subject of notices issued by the EPA under the CLM Act, we suggest that you search by Local Government Area only and carefully review the sites that are listed.

This public record provides information about sites regulated by the EPA under the Contaminated Land Management Act 1997, including sites currently and previously regulated under the Environmentally Hazardous Chemicals Act 1985. Your inquiry using the above search criteria has not matched any record of current or former regulation. You should consider searching again using different criteria. The fact that a site does not appear on the record does not necessarily mean that it is not affected by contamination. The site may have been notified to the EPA but not yet assessed, or contamination may be present but the site is not yet being regulated by the EPA. Further information about particular sites may be available from the appropriate planning authority, for example, on a planning certificate issued by the local council under section 149 of the Environmental Planning and Assessment Act. In addition the EPA may be regulating contamination at the site through a licence under the Protection of the Environment Operations Act 1997. You may wish to search the POEO public register. [POEO public register](#)

Search Again

Refine Search

### Search TIP

To search for a specific site, search by LGA (local government area) and carefully review all sites listed.

... [more search tips](#)

**For business and industry ()**

^

5 December 2017

**For local government ()**

^

## Contact us

☎ 131 555 (tel:131555)

💻 Online (<http://www.epa.nsw.gov.au/about-us/contact-us/feedback/feedback-form>)

✉ [info@epa.nsw.gov.au](mailto:info@epa.nsw.gov.au) (<mailto:info@epa.nsw.gov.au>)

📍 EPA Office Locations (<http://www.epa.nsw.gov.au/about-us/contact-us/locations>)

Accessibility (<http://www.epa.nsw.gov.au/about-us/contact-us/website-service-standards/help-index>)

Disclaimer (<http://www.epa.nsw.gov.au/about-us/contact-us/website-service-standards/disclaimer>)

Privacy (<http://www.epa.nsw.gov.au/about-us/contact-us/website-service-standards/privacy>)

Copyright (<http://www.epa.nsw.gov.au/about-us/contact-us/website-service-standards/copyright>)

Find us on

🐦 in 📺  
([https://twitter.com/epa\\_nsw](https://twitter.com/epa_nsw))

<http://app.epa.nsw.gov.au/prclmapp/searchresults.aspx?LGA=&Suburb=BEXLEY%20NORTH&Notice=&Name=&Text=&DateFrom=&DateTo=>

1/1

12/5/2017

Environment &amp; Heritage | PRPOEO

[Home](#) [Environment protection licences](#) [POEO Public Register](#) [Search for licences, applications and notices](#)

## Search results

Your search for: **General Search** with the following criteria

**Suburb** - BEXLEY NORTH

returned 0 result

Search Again

For business and industry () ^

For local government () ^

### Contact us

☎ 131 555 (tel:131555)

💻 Online (<http://www.epa.nsw.gov.au/about-us/contact-us/feedback/feedback-form>)

✉ [info@epa.nsw.gov.au](mailto:info@epa.nsw.gov.au) (mailto:[info@epa.nsw.gov.au](mailto:info@epa.nsw.gov.au))

📍 EPA Office Locations (<http://www.epa.nsw.gov.au/about-us/contact-us/locations>)

[Accessibility \(http://www.epa.nsw.gov.au/about-us/contact-us/website-service-standards/help-index\)](http://www.epa.nsw.gov.au/about-us/contact-us/website-service-standards/help-index)

[Disclaimer \(http://www.epa.nsw.gov.au/about-us/contact-us/website-service-standards/disclaimer\)](http://www.epa.nsw.gov.au/about-us/contact-us/website-service-standards/disclaimer)

[Privacy \(http://www.epa.nsw.gov.au/about-us/contact-us/website-service-standards/privacy\)](http://www.epa.nsw.gov.au/about-us/contact-us/website-service-standards/privacy)

[Copyright \(http://www.epa.nsw.gov.au/about-us/contact-us/website-service-standards/copyright\)](http://www.epa.nsw.gov.au/about-us/contact-us/website-service-standards/copyright)

Find us on     [\(https://www.epa.nsw.gov.au/\)](https://www.epa.nsw.gov.au/)

<http://app.epa.nsw.gov.au/prpoeoapp/SearchResult.aspx?SearchTag=all&searchrange=general&range=general>

1/1

# **APPENDIX G**

---

## **GROUNDWATER BORE SEARCH**



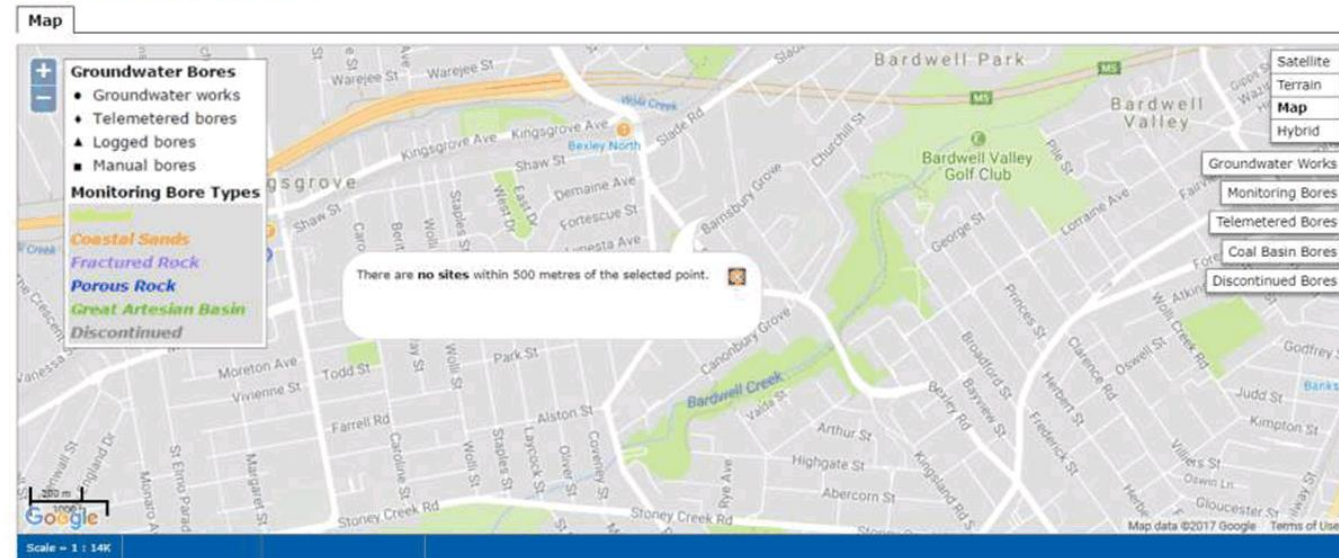


All Groundwater » All Groundwater Map » Greater Sydney Region

## Georges River Basin

[bookmark this page](#)

All data times are Eastern Standard Time



# **APPENDIX H**

---

## **LOCAL METEOROLOGY**





## Monthly Rainfall (millimetres)

## MARRICKVILLE GOLF CLUB

Station Number: 066036 · State: NSW · Opened: 1904 · Status: Open · Latitude: 33.92°S · Longitude: 151.14°E · Elevation: 6 m

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
1904					87.3	0.5	303.1	37.3	26.7	38.6	0.0	25.4	
1905	42.0	68.1	227.2	151.1	162.3	52.6	9.1	7.6	35.5	46.3	6.4	77.9	886.1
1906	46.1	7.0	134.5	8.9	115.3	28.0	3.8	121.7	35.2	41.2	93.4	59.7	694.8
1907	67.9	84.5	192.6	29.7	31.8	195.5	4.5	6.3	5.1	7.2	26.6	50.7	702.4
1908	25.8	191.5	31.0	55.0	46.4	10.6	212.7	219.3	53.0	17.0	2.0	15.2	879.5
1909	17.8	148.0	19.1	30.5	20.6	110.0	15.1	29.6	104.0	35.8	72.8	91.5	694.8
1910	135.2	16.6	156.4	73.2	107.5	61.9	224.8	5.6	48.2	53.3	19.1	149.9	1051.7
1911	348.0	121.3	55.9	61.0	38.1	2.5	163.8	164.4	46.2	19.5	39.3	53.4	1113.4
1912	27.9	158.6	112.1	139.7	80.1	43.2	218.3	54.6	14.0	21.1	74.6	44.1	988.3
1913	13.8	34.3	257.1	173.1	411.2	303.0	199.7	0.0	42.6	34.3	10.9	8.9	1488.9
1914	14.4	25.0	203.7	40.1	96.8	131.1	220.8	54.4	97.1	148.9	76.1	157.6	1266.0
1915	23.4	26.8	92.2	222.6	96.8	26.2	122.0	26.7	28.6	16.7	0.0	63.8	745.8
1916	21.8	54.3	52.6	120.1	38.4	42.4	70.6	97.0	123.5	312.4	69.7	78.9	1081.7
1917	56.5	169.9	8.7	319.0	82.8	131.8	9.0	39.6	101.4	97.7	186.4	40.6	1243.4
1918	229.5	90.8	29.0	161.9	7.4	3.9	211.0	46.9	69.9	19.2	20.7	11.4	901.6
1919	28.9	96.1	84.8	57.4	416.7	32.4	31.7	4.6	79.8	46.6	80.1	63.6	1022.7
1920	137.5	32.3	27.7	59.3	5.1	57.4	125.9	24.7	29.4	24.3	42.2	341.0	906.8
1921	67.4	23.9	75.6	154.3	145.6	17.1	152.0	24.4	84.1	55.4	73.3	145.0	1018.1
1922	133.5	75.1	41.4	29.2	89.0	25.0	243.1	41.0	99.5	49.3	14.6	40.7	881.4
1923	51.6	13.8	20.0	150.7	26.7	101.2	174.2	139.4	42.5	33.2	26.7	41.4	821.4
1924	111.9	58.5	95.8	134.3	49.3	48.2	38.4	57.1	74.9	25.9	79.6	67.4	841.3
1925	70.7	41.3	44.1	29.4	430.8	154.0	4.1	86.4	18.0	16.3	99.7	16.0	1010.8
1926	84.6	9.1	247.4	75.4	71.9	31.5	57.7	27.4	41.7	5.6	1.0	142.2	795.5
1927	105.7	16.3	93.5	370.6	40.6	86.6	6.1	10.7	45.5	83.8	154.2	62.0	1075.6
1928	46.7	198.9	109.0	87.9	65.8	157.5	102.1	31.2	3.6	42.7	3.8	19.3	868.5
1929	3.8	254.8	107.7	121.9	175.3	77.7	65.0	75.2	41.7	185.2	75.4	31.8	1215.5
1930	105.9	16.5	101.6	172.5	95.0	194.1	77.7	18.3	7.4	53.6	10.4	125.0	978.0
1931	33.5	47.8	145.8	170.7	95.5	39.1	282.4	6.6	110.2	17.0	81.5	88.9	1119.0
1932	7.6	149.6	68.1	113.8	42.9	16.5	44.5	61.7	195.8	26.7	80.8	88.1	896.1
1933	218.4	3.3	48.0	195.1	132.1	44.5	71.4	3.3	70.1	74.2	99.3	70.1	1029.8
1934	44.5	227.1	48.5	191.8	134.9	85.1	194.8	125.7	223.8	46.5	81.5	55.1	1459.3
1935	53.8	91.7	41.1	23.4	54.9	89.4	40.9	3.3	69.9	74.9	35.6	114.6	693.5
1936	80.8	126.0	80.8	42.9	53.8	62.7	15.7	27.9	30.0	16.5	9.7	81.0	627.8
1937	68.6	31.8	204.7	123.7	22.4	342.9	62.7	89.9	7.9	73.2	114.0	39.4	1181.2
1938	189.7	75.4	25.9	33.5	92.5	5.6	87.6	204.0	33.5	68.1	28.2	6.1	850.1
1939	67.3	2.5	185.4	112.3	59.2	12.4	25.7	73.2	58.2	53.1	44.2	14.7	708.2
1940	13.2	7.4	12.2	145.0	98.8	43.4	72.6	27.7	77.0	44.5	58.4	202.7	802.9
1941	112.8	41.1	29.2	90.9	26.9	40.1	40.9	59.9	43.7	52.1	13.7	18.3	569.6
1942	4.8	37.1	384.3	14.2	38.6	121.7	28.2	16.5	21.8	140.2	112.5	92.5	1012.4
1943	42.2	14.2	40.4	44.7	411.7	26.9	6.9	191.8	117.3	46.0	149.1	57.4	1148.6
1944	55.4	65.8	48.8	62.0	62.0	53.8	67.1	86.6	37.1	19.8	11.4	19.6	589.4
1945	68.8	54.6	26.9	281.4	154.9	166.1	71.4	40.6	8.4	24.9	58.2	50.5	1006.7
1946	15.2	57.2	137.7	235.2	53.1	147.6	1.3	2.8	14.5	50.5	75.7	19.8	810.6
1947	42.7	87.6	61.0	126.7	92.7	40.6	12.2	35.8	12.2	46.2	103.4	213.9	875.0
1948	175.3	44.7	125.5	27.2	157.7	171.7	17.3	26.9	50.8	19.8	17.8	58.8	893.5
1949	228.3	113.3	101.6	27.2	83.8	312.7	48.0	117.9	197.4	38.6	90.2	41.1	1400.1
1950	100.1	151.6	142.2	146.8	140.0	573.5	290.3	78.0	99.3	107.2	94.7	21.8	1945.5
1951	267.7	46.7	116.3	40.6	135.1	293.4	19.8	172.0	83.3	55.9	9.1	28.4	1268.3

Quality control: 12.3 Done &amp; acceptable, 12.3 Not completed or unknown

## Monthly Rainfall (millimetres)

## MARRICKVILLE GOLF CLUB

Station Number: 066036 · State: NSW · Opened: 1904 · Status: Open · Latitude: 33.92°S · Longitude: 151.14°E · Elevation: 6 m

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
1952	30.0	40.9	73.7	309.4	43.4	181.4	185.7	229.9	10.4	148.6	67.1	36.6	1357.1
1953	66.8	167.1	98.0	17.3	284.5	21.3	47.5	36.8	27.7	63.5	30.2	7.4	868.1
1954	98.0	274.6	19.6	16.3	27.4	8.6	90.9	42.7	67.6	188.2	86.9	103.9	1024.7
1955	222.3	287.0	221.2	100.8	297.4	93.0	27.2	10.7	30.5	39.1	260.6	188.0	1777.8
1956	100.1	543.3	323.3	21.8	104.6	200.9	46.2	79.2	24.1	48.8	5.8	25.7	1523.8
1957	57.4	85.9	167.9	23.6	3.3	33.0	146.8	148.8	15.0	9.7	21.3	44.7	757.4
1958	111.0	267.7	337.3	38.9	11.9	209.0	29.7	83.8	26.4	52.1	12.2	96.0	1276.0
1959	119.4	199.1	119.9	54.9	40.4	108.2	157.0	59.7	63.0	304.0	102.4	59.7	1387.7
1960	70.4	69.6	54.6	26.2	110.5	65.3	90.9	53.6	62.7	223.5	66.3	198.6	1092.2
1961	68.8	65.5	42.2	79.5	20.6	46.5	42.2	168.9	36.8	47.2	423.2	93.5	1134.9
1962	113.3	113.0	55.4	69.3	248.7	2.8	71.1	106.4	75.2	23.9	7.6	160.5	1047.2
1963	126.2	63.0	375.7	190.8	192.0	231.1	53.3	274.6	25.7	58.4	35.1	290.8	1916.7
1964	18.5	34.3	168.1	135.6	46.7	341.6	8.6	22.4	16.5	71.1	71.1	55.4	989.9
1965	24.9	12.4	15.0	131.3	33.5	193.8	97.3	23.4	87.9	157.2	13.7	48.0	838.4
1966	18.8	113.9	203.3	183.7	50.1	113.3	11.4	67.6	50.6	38.0	140.2	68.2	1059.1
1967	153.1	164.4	101.8	46.8	31.0	214.0	20.8	211.9	68.3	55.4	78.6	18.8	1164.9
1968	109.5	15.0	86.1	11.2	85.8	20.3	47.8	22.2	3.1	4.2	17.5	76.1	498.8
1969	51.7	195.6	104.0	169.7	44.2	149.3	29.8	155.4	45.0	49.0	255.5	37.4	1286.6
1970	94.1	60.4	140.1	58.7	15.2	27.2	0.0	31.9	132.9	18.1			
2001								39.0	57.0	29.0	74.0	18.0	
2002	67.0	313.0	33.0	26.0	75.0	18.0	9.0	13.0	20.0	19.0	19.0	88.0	700.0
2003	5.0	53.0	70.0	242.0	335.0	57.0	42.0	34.0	8.0	61.0	81.0	52.0	1040.0
2004	51.0	43.0	4.0	2.0	8.0	27.0	28.0	86.0	54.0	200.0	42.0	71.0	616.0
2005	60.0	95.0	45.0	17.0	29.0	64.0	61.0	0.0	40.0	56.0	92.0	37.0	596.0
2006	61.0	33.0	29.0	2.0	20.0	157.0	98.0	68.0	147.0	8.0	22.0	13.0	658.0
2007	10.0	105.0	49.0	113.0	12.0	333.0	31.0	99.0	48.0	33.0	122.0	77.0	1032.0
2008	53.0	325.0	64.0	155.0	4.0	109.0	55.0	34.0	73.0	44.0	44.0	73.0	1033.0
2009	18.0	125.0	17.0	50.0	115.0	75.0	48.0	4.0	17.0	158.0	24.0	54.0	705.0
2010	24.0	164.0	50.0	32.0	149.0	93.0	30.0	18.0	46.0	79.0	165.0	75.0	925.0
2011	29.0	16.0	153.0	216.0	112.0	63.0	264.0	38.0	71.0	32.0	169.0	154.0	1317.0
2012	112.0	140.0	221.0	163.0	23.0	211.0	52.0	8.0	20.0	24.0	48.0	38.0	1060.0
2013	133.0	169.0	71.0	109.0	2.0	308.0	30.0	14.0	47.0	18.0	183.0	31.0	1115.0
2014	7.0		117.0	61.0	9.0	84.0	12.0	243.0	48.0	131.0	18.0	161.0	
2015	159.0	101.0	49.0	413.0	102.0	90.0	54.0	60.0	56.0	31.0	81.0	69.0	1265.0
2016	251.0	29.0	117.0	86.0	13.0	300.0	108.0	82.0		27.0	34.0	66.0	
2017	48.0	177.0	267.0	71.0	19.0	116.0	11.0	21.0	0.0	59.0	40.0		

Quality control: 12.3 Done &amp; acceptable, 12.3 Not completed or unknown



© Copyright Commonwealth of Australia 2017, Bureau of Meteorology.  
 Prepared using Climate Data Online, Bureau of Meteorology <http://www.bom.gov.au/climate/data>.  
 Contact us using details on <http://www.bom.gov.au/climate/how/contacts.shtml>.  
 We have taken all due care but cannot provide any warranty nor accept any liability for this information.  
<http://www.bom.gov.au/other/copyright.shtml>

Page 2 of 3

## Monthly Rainfall (millimetres)

## MARRICKVILLE GOLF CLUB

Station Number: 066036 · State: NSW · Opened: 1904 · Status: Open · Latitude: 33.92°S · Longitude: 151.14°E · Elevation: 6 m

## Statistics for this station calculated over all years of data

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
<b>Mean</b>	81.1	100.9	106.8	106.4	95.1	110.6	80.8	66.6	55.2	62.3	68.4	74.3	1014.4
<b>Lowest</b>	3.8	2.5	4.0	2.0	2.0	0.5	0.0	0.0	0.0	4.2	0.0	6.1	498.8
<b>5th percentile</b>	7.7	9.1	17.1	14.3	7.5	5.9	4.7	3.4	7.4	10.7	4.0	13.1	613.0
<b>10th percentile</b>	14.5	15.0	26.0	22.0	12.2	16.6	9.0	6.4	10.8	17.0	9.2	18.0	694.4
<b>Median</b>	63.9	69.6	85.4	82.8	65.8	77.7	52.0	40.8	46.0	46.2	58.4	59.2	1011.6
<b>90th percentile</b>	173.7	199.1	221.2	213.9	188.7	280.9	212.4	167.6	103.5	148.8	147.3	157.2	1366.3
<b>95th percentile</b>	228.0	274.6	266.5	279.4	331.2	312.2	241.3	210.7	132.0	187.8	181.6	198.1	1494.1
<b>Highest</b>	348.0	543.3	384.3	413.0	430.8	573.5	303.1	274.6	223.8	312.4	423.2	341.0	1945.5

## 1) Calculation of statistics

Summary statistics, other than the Highest and Lowest values, are only calculated if there are at least 20 years of data available.

## 2) Gaps and missing data

Gaps may be caused by a damaged instrument, a temporary change to the site operation, or due to the absence or illness of an observer.

## 3) Further information

<http://www.bom.gov.au/climate/cdo/about/about-rain-data.shtml>.

# **APPENDIX I**

---

## **IMPORTANT INFORMATION ABOUT YOUR REPORT**





## IMPORTANT INFORMATION ABOUT YOUR ENVIRONMENTAL SITE ASSESSMENT

These notes have been prepared by Aargus (Australia) Pty Ltd and its associated companies using guidelines prepared by ASFE (The Association) of Engineering Firms Practising in the Geo-sciences. They are offered to help you in the interpretation of your Environmental Site Assessment (ESA) reports.

### REASONS FOR CONDUCTING AN ESA

ESA's are typically, though not exclusively, carried out in the following circumstances:

- as pre-acquisition assessments, on behalf of either purchaser or vender, when a property is to be sold;
- as pre-development assessments, when a property or area of land is to be redeveloped or have its use changed for example, from a factory to a residential subdivision;
- as pre-development assessments of greenfield sites, to establish "baseline" conditions and assess environmental, geological and hydrological constraints to the development of, for example, a landfill; and
- as audits of the environmental effects of an ongoing operation.

Each of these circumstances requires a specific approach to the assessment of soil and groundwater contamination. In all cases however, the objective is to identify and if possible quantify the risks that unrecognised contamination poses to the proposed activity. Such risks may be both financial, for example, cleanup costs or limitations on site use, and physical, for example, health risks to site users or the public.

### THE LIMITATIONS OF AN ESA

Although the information provided by an ESA could reduce exposure to such risks, no ESA, however, diligently carried out can eliminate them. Even a rigorous professional assessment may fail to detect all contamination on a site. Contaminants may be present in areas that were not surveyed or sampled,

or may migrate to areas which showed no signs of contamination when sampled.

### AN ESA REPORT IS BASED ON A UNIQUE SET OF PROJECT SPECIFIC FACTORS

Your environmental report should not be used:

- when the nature of the proposed development is changed, for example, if a residential development is proposed instead of a commercial one;
- when the size or configuration of the proposed development is altered;
- when the location or orientation of the proposed structure is modified;
- when there is a change of ownership
- or for application to an adjacent site.

To help avoid costly problems, refer to your consultant to determine how any factors, which have changed subsequent to the date of the report, may affect its recommendations.

### ESA "FINDINGS" ARE PROFESSIONAL ESTIMATES

Site assessment identifies actual subsurface conditions only at those points where samples are taken, when they are taken. Data derived through sampling and subsequent laboratory testing are interpreted by geologists, engineers or scientists who then render an opinion about overall subsurface conditions, the nature and extent of contamination, its likely impact on the proposed development and appropriate remediation measures. Actual conditions may differ from those inferred to exist, because no professional, no matter how qualified, and no subsurface exploration program, no matter how comprehensive, can reveal what is hidden by earth, rock and time. The actual interface between materials may be far more gradual or abrupt than a report indicates. Actual conditions in areas not sampled may differ from predictions. Nothing can be done to help minimise its impact. For this reason owners should retain the services of their consultants

through the development stage, to identify variances, conduct additional tests which may be needed, and to recommend solutions to problems encountered on site.

#### **SUBSURFACE CONDITIONS CAN CHANGE**

Natural processes and the activity of man change subsurface conditions. As an ESA report is based on conditions, which existed at the time of subsurface exploration, decisions should not be based on an ESA report whose adequacy may have been affected by time. Speak with the consultant to learn if additional tests are advisable.

#### **ESA SERVICES ARE PERFORMED FOR SPECIFIC PURPOSES AND PERSONS**

Every study and ESA report is prepared in response to a specific brief to meet the specific needs of specific individuals. A report prepared for a consulting civil engineer may not be adequate for a construction contractor, or even some other consulting civil engineer. Other persons should not use a report for any purpose, or by the client for a different purpose. No individual other than the client should apply a report even apparently for its intended purpose without first conferring with the consultant. No person should apply a report for any purpose other than that originally contemplated without first conferring with the consultant.

#### **AN ESA REPORT IS SUBJECT TO MISINTERPRETATION**

Costly problems can occur when design professionals develop their plans based on misinterpretations of an ESA. To help avoid these problems, the environmental consultant should be retained to work with appropriate design professionals to explain relevant findings and to review the adequacy of their plans and specifications relative to contamination issues.

#### **LOGS SHOULD NOT BE SEPARATED FROM THE ENGINEERING REPORT**

Final borehole or test pit logs are developed by environmental scientists, engineers or geologists based upon their interpretation of field logs (assembled by site personnel) and laboratory evaluation of field samples. Only final logs customarily included in our reports. These logs should not under any circumstances be redrawn for inclusion in site remediation or other design drawings, because drafters may commit errors or omissions in the transfer process. Although photographic reproduction eliminates this problem, it does nothing to minimise the possibility of contractors misinterpreting the logs during bid preparation. When this occurs, delays, disputes and unanticipated costs are the all-too-frequent result.

To reduce the likelihood of boring log misinterpretation, the complete report must be available to persons or organisations involved in the project, such as contractors, for their use. Those who do not provide such access may proceed under the mistaken impression that simply disclaiming responsibility for the accuracy of subsurface information always insulates them from attendant liability. Providing all the available information to persons and organisations such as contractors helps prevent costly construction problems and the adversarial attitudes that may aggravate them to disproportionate scale.

#### **READ RESPONSIBILITY CLAUSES CLOSELY**

Because an ESA is based extensively on judgement and opinion, it is necessarily less exact than other disciplines. This situation has resulted in wholly unwarranted claims being lodged against consultants. To help prevent this problem, model clauses have been developed for use in transmittals. These are not exculpatory clauses designed to foist liabilities onto some other party. Rather, they are definitive clauses that identify where your consultant's responsibilities begin and end. Their use helps all parties involved recognise their individual responsibilities and take appropriate action. Some of these definitive clauses are likely to appear in your ESA report, and you are encouraged to read them closely. Your consultant will be pleased to give full and frank answers to your questions.



---

**Bayside Local Planning Panel**

**26/02/2019**

Item No	6.4
Application Type	Development Application
Application No	SF18/1613
Lodgement Date	09/05/2018
Property	<b>7 Kurnell Street, Botany</b>
Ward	Port Botany
Owner	Mr and Mrs Basoeki
Applicant	Bureau SRH Architecture Pty Ltd
Proposal	Demolition of existing structures; Torrens Title Subdivision and construction of a two x 2 storey semi-detached dwellings
No. of Submissions	Three (3)
Cost of Development	\$949,477
Report by	Michael McCabe, Director City Futures

---

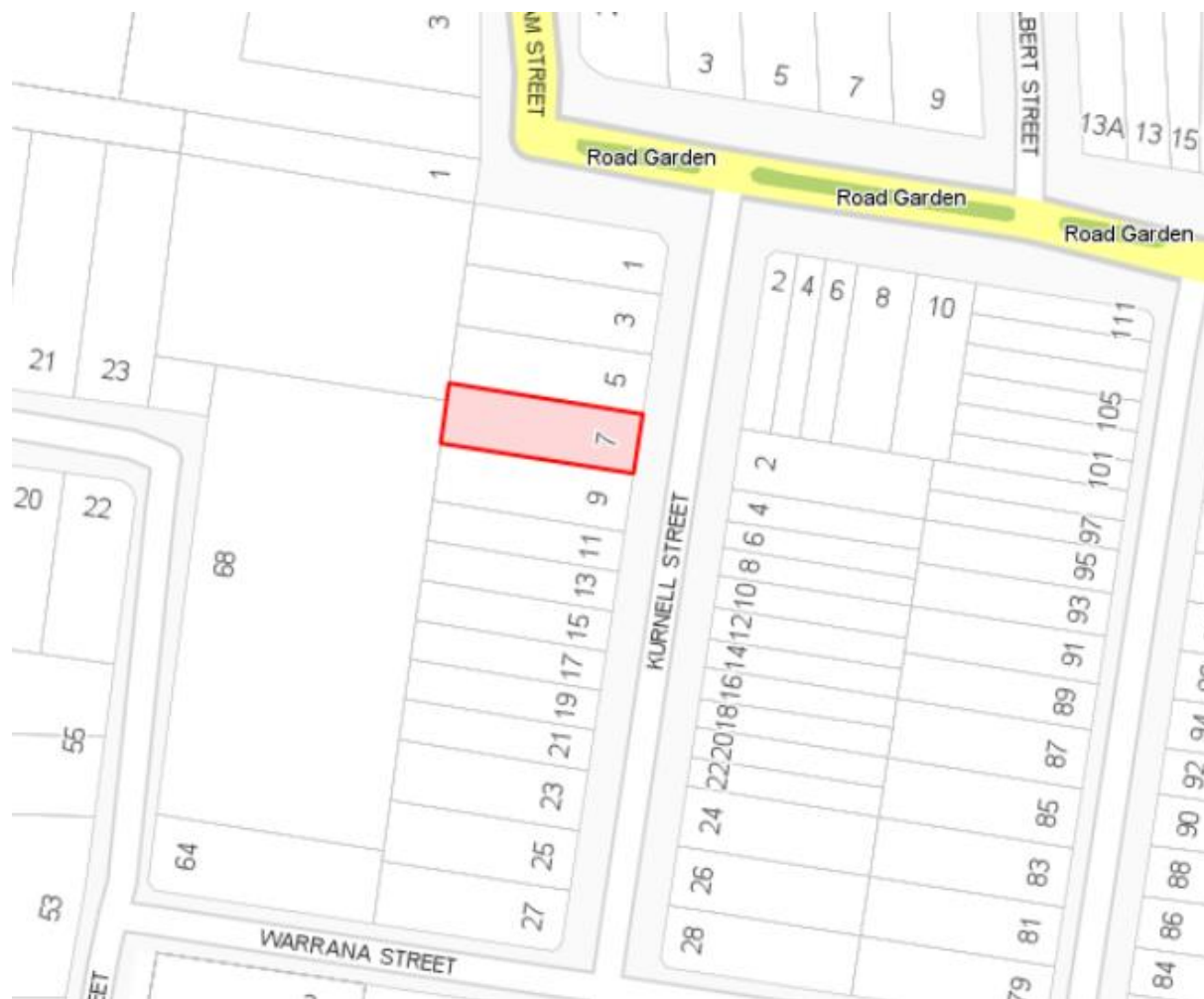
**Officer Recommendation**

1. That the Bayside Planning Panel exercising the functions of the Council as the consent authority pursuant to s4.16 of the Environmental Planning and Assessment Act 1979 not support the variation to the FSR standard, as contained in Clause 4.4A(3)(d) – FSR of Botany Bay LEP 2013 as it is not satisfied that the applicant's request has adequately addressed the matters required to be demonstrated by clause 4.6 of that plan, and the proposed development would not be in the public interest because it is not consistent with the objectives of that particular standard and the objectives for the development within the zone.
  2. That Development application DA-2018/1067 for the demolition of existing structures, Torrens title subdivision into two lots and the construction of a semi-detached dwelling arrangement at No. 7 Kurnell Street, Botany, be REFUSED for the following reasons:
    - a. Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development does not satisfy Clause 4.4 of Botany Bay LEP 2013 relating to floor space ratio and the Clause 4.6 written variation request submitted by the applicant is not supported,
    - b. Pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development does not meet the objectives of Clause 4A.4.3 of Botany Bay DCP 2013 Solar access Control C2, overshadowing of solar panels on adjoining houses,
    - c. Pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act, the proposed development is excessive in terms of bulk, size and density, and is inconsistent with the character and streetscape, and would adversely impact upon the amenity of the locality, and
    - d. Having regard to the issues raised in submissions received by Council in opposition to the proposed development, pursuant to the provisions of Section 4.15(1)(b) of the
-

Environmental Planning and Assessment Act, the proposal is not in the public interest.

3. That the objector be notified of the Panel's determination.

## Location Plan



## Attachments

- 1 Planning Assessment Report 7 Kurnell Street Botany [↓](#)
- 2 Survey Plan [↓](#)
- 3 Elevations [↓](#)
- 4 Shadow Diagrams [↓](#)
- 5 Shadow Diagrams FSR compliant scheme [↓](#)
- 6 Clause 4.6 Report [↓](#)
- 7 Site Plan [↓](#)



# BAYSIDE COUNCIL

## Planning Assessment Report

### Application Details

---

Application Number:	2018/1067
Date of Receipt:	27 April 2018
Property:	7 Kurnell Street, Botany
Lot & DP/SP No:	Lot 38 DP 15704
Owner:	Balari Investments P/L
Applicant:	Bureau SRH Architecture Pty Ltd – Eugene Kirkwood
Applicant Address:	3/2 Verona Street, Paddington 2021
Proposal:	Demolition of existing structures; Torrens Title Subdivision into two lots and construction of two x 2 storey semi-detached dwellings
Property Location:	Located on the western side of Kurnell Street between Swinbourne and Warrana Streets
Value:	\$949,477.00
Zoning:	Botany Bay Local Environmental Plan 2013 R2 Low Density Residential
Author:	Petra Blumkaitis
Date of Report:	21 January 2019
Classification of Building:	1a – Dwelling 10a – Garage
Present Use:	Residential
No. of submissions:	Three (3) objections

### Key Issues

Key issues are:

1. Non-compliance with Botany Bay Local Environmental Plan floor space ratio (FSR) control. The permitted FSR for the site is 0.5:1 while the proposed FSR is 0.76:1, a variation of 25.7%. The variation and the submitted Clause 4.6 request to vary a development standard is addressed in this report,
2. Overshadowing of solar panels on the adjoining property to the south for greater than two hours between 9am and 3pm in mid-winter, in contravention of clause C2 of the Botany Bay Development Control Plan 2013, and
3. Impacts on streetscape and amenity of the locality.

# BAYSIDE COUNCIL

## Planning Assessment Report

### Recommendation

---

1. That the Bayside Planning Panel exercising the functions of the Council as the consent authority pursuant to s4.16 of the Environmental Planning and Assessment Act 1979 not support the variation to the FSR standard, as contained in Clause 4.4A(3)(d) – FSR of Botany Bay LEP 2013 as it is not satisfied that the applicant's request has adequately addressed the matters required to be demonstrated by cl4.6 of that plan, and the proposed development would not be in the public interest because it is not consistent with the objectives of that particular standard and the objectives for the development within the zone.
2. That Development application DA-2018/1067 for the demolition of existing structures, Torrens title subdivision into two lots and the construction of a semi-detached dwelling arrangement at No. 7 Kurnell Street, Botany, be REFUSED for the following reasons:
  - a. Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development does not satisfy Clause 4.4 of Botany Bay LEP 2013 relating to floor space ratio and the Clause 4.6 written variation request submitted by the applicant is not supported,
  - b. Pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development does not meet the objectives of Clause 4A.4.3 of Botany Bay DCP 2013 Solar access Control C2, overshadowing of solar panels on adjoining houses,
  - c. Pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act, the proposed development is excessive in terms of bulk, size and density, and is inconsistent with the character and streetscape, and would adversely impact upon the amenity of the locality, and
  - d. Having regard to the issues raised in submissions received by Council in opposition to the proposed development, pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act, the proposal is not in the public interest.
3. That the objector be notified of the Panel's determination.

### Site Description

---

The site, legally identified as Lot 38 DP 15704, is located on the western side of Kurnell Street between Swinbourne and Warrana Streets. The site is regular in shape and has a total area of 485m<sup>2</sup>. The site is currently accommodated by a single storey brick and fibro dwelling house with detached fibro sheds and various trees and plantings. See locality map below.

Surrounding development comprises of single storey detached dwelling immediately adjoining the subject to the north and south, the Bayside Council depot to the rear and a mix of single storey detached dwellings and one and two storey semi-detached dwellings along Kurnell Street.

# BAYSIDE COUNCIL

## Planning Assessment Report



Figure 1. Site location

### Site History

The subject DA was lodged with Council on 27 April 2018. No previous applications are recorded.

### Description of Development

The proposal is for the demolition of structures and the construction of two semi-detached dwellings each containing four bedrooms, three bathrooms, living areas and single attached garage. The details of the application are as follows:

- Demolition of existing structures and associated site clearing;
- Torrens Title subdivision of the existing lot into proposed Lots 1 and 2 of 242.5m<sup>2</sup> each;
- Construction of two x 2 storey dwellings consisting of:

## BAYSIDE COUNCIL

### Planning Assessment Report

1. Ground floor- kitchen, walk-in pantry, dining and living room, laundry, toilet, single car garage, and stairs to first floor;
  2. First floor – four bedrooms, ensuite, bathroom, and stairs to ground floor; and
- Landscaping.

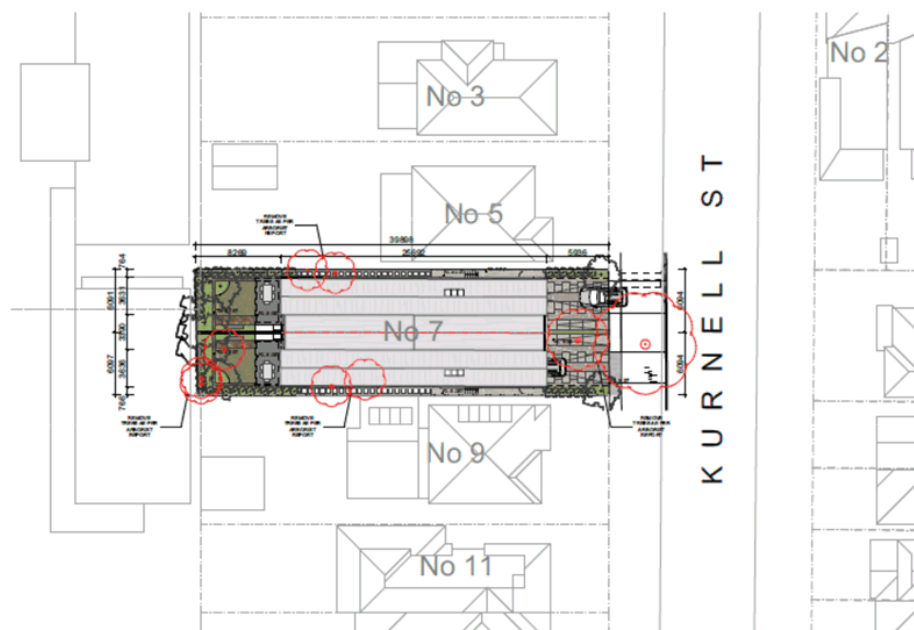


Figure 2. Site Plan

#### Statutory Considerations

##### *Environmental Planning and Assessment Act, 1979*

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

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

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

The following Environmental Planning Instruments are relevant to this application:

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

# BAYSIDE COUNCIL

## Planning Assessment Report

The application is accompanied by BASIX Certificate Number 922192M dated Thursday 26 April 2018. The Certificate demonstrates the proposed development satisfies the relevant water; thermal comfort and energy commitments as required by SEPP (BASIX).

The provisions of the SEPP are satisfied in this instance.

### State Environmental Planning Policy No. 55 – Remediation of Land

The provisions of SEPP 55 have been considered in the assessment of the application, along with the requirements of Part 3K- Contamination of the Botany Bay Development Control Plan 2013 (BBDCP 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 properties to either side 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.

### Botany Bay Local Environmental Plan 2013

The application is considered under Botany Bay Local Environmental Plan 2013 (BBLEP 2013) and the following information is provided:

Principal Provisions of BBLEP 2013	Compliance	Comment
<b>2.1</b> Land use zones	Yes	The site is zoned R2 – Low Density Residential under the BBLEP 2013.
<b>2.2</b> Is the proposed use/works permitted with development consent?	Yes	The proposed use as two semi-detached dwellings is permissible with Council's consent under the BBLEP 2013.
<b>2.3</b> Does the proposed use/works meet the objectives of the zones?	No	The proposed development is inconsistent with the objectives for R2 low density residential land because the proposal does not meet the specified FSR control and is akin to medium density development.
<b>2.5</b> Does Clause 2.5 and Schedule 1 – Additional Permitted Uses apply to the site?	N/A	The additional permitted uses in Clause 2.5 and Schedule 1 do not apply to the site.
<b>3.6</b> Land to which this Plan applies may be subdivided,	Yes	The proposal includes the subdivision of the existing lot into two (2) lots of 242m <sup>2</sup>

# BAYSIDE COUNCIL

## Planning Assessment Report

Principal Provisions of BBLEP 2013	Compliance	Comment
but only with development consent.		each. Botany Bay LEP 2103 does not specify a minimum lot size.
<b>2.7</b> Demolition of a building or work may be carried out only with development consent.	Yes	The proposal includes demolition of the existing detached dwelling house and ancillary structures on site.
<b>4.3 Height of Buildings</b> The height of a building on any land is not to exceed the maximum shown on the Height of Buildings Map.	Yes	<p>Clause 4.3 permits a maximum building height of 8.5 metres as measured from natural ground level (existing) for the subject site.</p> <p>The proposed development seeks a building height, at the highest point, of 6.6m which is compliant with the maximum permitted in accordance with this Clause.</p> <p>Despite the numerical compliance with this Clause the proposal does not meet the objective to minimise the loss of solar access to existing development, as the proposal will significantly overshadow the adjoining property to the south.</p>
<b>4.4 Floor space ratio</b> The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map	No	<p>The subject site is within Area 3 and as such Clause 4.4A(3)(d) states <i>the maximum floor space ratio for all other development for the purpose of residential accommodation is 0.5:1</i></p> <p>The proposed development is <i>other development</i> because it is a semi-detached development; not a dwelling house, multi dwelling housing, or a residential flat building.</p> <p>The proposed development seeks an FSR of 0.76:1 which is not compliant with the maximum permitted FSR of 0.5:1. The extent of the variation is 25.7% thereby requiring determination by the Bayside Planning Panel. A s.4.6 variation request has been submitted with the application and is addressed later in this report.</p>
<b>5.10 - Heritage</b>	N/A	The site is not listed as a heritage item or located within a Heritage Conservation Area.

## BAYSIDE COUNCIL

### Planning Assessment Report

Principal Provisions of BBLEP 2013	Compliance	Comment
<b>Part 6</b> provisions which apply to the development– <ul style="list-style-type: none"> <li><b>6.1</b> – Acid sulfate soils</li> </ul>	Yes	6.1 – Acid sulfate soils: Class 4. The proposed works will involve minimal excavation (surface scraping) mainly associated with preparing the site for the new dwellings. Further investigation is not warranted.
<ul style="list-style-type: none"> <li><b>6.2</b> – Earthworks</li> </ul>	Yes	6.2 – Earthworks on site will be required for site preparation. The anticipated impact from the earthworks is acceptable.
<ul style="list-style-type: none"> <li><b>6.3</b> – Stormwater Management</li> </ul>	Yes	6.3 – Council's Development Engineer has reviewed the application supported the proposal, subject to recommended conditions.

The objectives and provision of the BBLEP 2013 have been considered in relation to the subject development application. The proposal is considered unsatisfactory in terms of the BBLEP 2013.

#### **Clause 4.6 Variation to floor space ratio**

The site is nominated as having a maximum floor space ratio (FSR) of 0.5:1 on the BBLEP 2013 FSR map. The proposed semi-detached dwellings will result in a FSR of 0.76:1, which is a variation of 25.7%.

The site is located in Area 3. Clause 4.4A of BBLEP 2013 permits higher density for dwelling houses based on the size of the lot. The subject property has a site area of 485sq.m. Under Clause 4.4A, a dwelling house would be allowed to have a maximum FSR of 0.55:1.

The applicant has provided a written Clause 4.6 variation request, providing justification for the proposals variation to the 0.5:1 FSR requirement, stating that it is unnecessary and unreasonable in the particular circumstances.

In *Wehbe v Pittwater Council [2007] NSW LEC 827 (Wehbe)*, the Land and Environment Court set out the following five 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.*

## BAYSIDE COUNCIL

### Planning Assessment Report

- 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*.

Consent may be granted for the proposal subject to Clause 4.6, notwithstanding that the proposal would contravene this development standard, as the FSR development standard is not expressly excluded from this Clause (Cl 4.6(2)). The applicant has provided a written request justifying the contravention of the development standard pursuant to Clause 4.6(3) of Botany Bay Local Environmental Plan 2013, which is considered below.

#### 4.6 Variation request assessment

##### Clause 4.6(3)

Clause 4.6(3) states consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the application that seeks to justify the contravention of the development standard by demonstrating:

- (a) That the compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.

The applicant has argued the FSR standard is unreasonable or unnecessary in the following three points:

- *Firstly, there are no adverse consequences attributable to the proposed non-compliant aspect of the development. To ensure absolute compliance with the FSR standard would necessitate the removal of large areas of floor space within the proposed building.*
- *Secondly, bearing in mind that the building meets the DCP criteria for size, scale and setbacks etc, and is therefore within the building envelope envisaged in the relevant planning framework, there would be no improvement in any potential impact on the amenity of adjoining properties by reducing the FSR.*
- *Thirdly, requiring compliance for the sake of numerical satisfaction would not result in any variation in the building's fit within the streetscape and desired future character, which are the matters sought to be achieved within Clause 4.4A itself.*



## BAYSIDE COUNCIL

### Planning Assessment Report

#### Comments:

The development application proposes a development that will result in buildings which are larger in bulk, scale and appearance to the existing dwellings in the area. The excessive bulk and scale of the dwellings will result in detrimental impacts on the neighbouring dwellings in regard to overshadowing. As can be seen from the submitted plans, the footprint and bulk of the proposed buildings extend significantly beyond the footprint and bulk of the buildings in Kurnell Street, including neighbouring semi-detached dwellings.



**Figure 3.** Streetscape Kurnell Street

The streetscape of Kurnell Street is characterised by a mix of semi-detached dwellings some with first floor additions predominantly set back further than the ground floor and single storey detached dwellings. The desired future character of the locality remains as existing, supported by the subdivision pattern and development style along Kurnell Street.

Compliance with the development standard will permit semi-detached dwellings with a lesser bulk and size and subsequent lesser negative impacts to be built on the site. Compliance will not hinder the orderly and appropriate development of the land.

## BAYSIDE COUNCIL

### Planning Assessment Report

Application of the FSR development standard is not considered unreasonable or unnecessary in the circumstances of this case.

- (b) That there are sufficient environmental planning grounds to justify contravening the development standard

The applicant argues there is sufficient grounds to justify the variation in the below extract from the written variation request:

*"The development in the main meets the objectives and controls of the relevant Environmental Planning Instrument and DCP. It acknowledges the site's location by maintaining the required side set backs and proposing a built form that retains a low intensity.*

*Within Kurnell Street, both nearby the site and further along its length are a number of examples of semi detached dwellings that have been extended up by a level. Sometimes on both sides and sometimes on one half only. In most cases these upper floors cover most of the ground floor footprint that by default enlarges the resulting FSR to greater than 0.55:1."*

*"The subject proposal seeks to demolish the existing dwelling on the site and construct a new building containing two new dwellings. As evidenced by the table within the SEE submitted to Council, the proposal meets all of the numerical standards within the DCP relating to site cover, setbacks, landscaped open space and design criteria. Accordingly, the proposal will provide good amenity to its future residents, without negatively impacting on adjoining properties in terms of expected shadow impact, aural or visual privacy etc.*

*A better planning outcome can also be considered in terms of the potential impact of the proposal on the public domain and in an urban design sense. Any assessment of these issues must consider the proposal in terms of the context of the site, its built form, the need for varied residential opportunities within a low density format in the locality, the design parameters of the relevant DCP and the long term potential for similar development on adjoining properties."*

*"...no significant adverse impacts arise from the non-compliance with the LEP FSR standard and therefore compliance would be merely for the sake of numerical accuracy."*

Comments:

There are no environmental planning grounds to justify contravening the development standard. The site is not otherwise constrained by flood affectation, steepness, easements, heritage items or other matters of the like which would hinder the orderly development of the land, and justify varying the development standard. A development application for sensitively and appropriately designed semi-detached dwellings which complied with the FSR control would be permissible on the site and is likely to be supported.

#### Clause 4.6(4)

Clause 4.6(4) states consent may 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)

Comment: Council is not satisfied that the written request has adequately addressed the matters required to be demonstrated in subclause (3) because the negative impacts the proposal will result

## BAYSIDE COUNCIL

### Planning Assessment Report

in have not been addressed nor an attempt to mitigate them made, no particular circumstances for the subject site have been identified which make a variation reasonable or necessary, and sufficient planning grounds to justify a variation have not been demonstrated.

- (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

Comment: The following matters pursuant to Clause 4.6 are therefore also considered:-

- Objectives of the Floor Space Ratio Standard.
- Objectives of the LR2 Low Density Residential zone
- Public interest
- Objectives of Botany Bay LEP 2013 Clause 4.6

#### **Objectives of Clause 4.4 Floor space ratio**

The objectives of Clause 4.4 FSR of the Botany Bay Local Environmental Plan 2013 are:

- *To establish standards for the maximum development density and intensity of land use,*
- *To ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality,*
- *To maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing, and are not likely to undergo, a substantial transformation,*
- *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,*
- *To minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain,*
- *To provide an appropriate correlation between the size of a site and the extent of any development on that site,*
- *To facilitate development that contributes to the economic growth of Botany Bay.*

Additionally, Clause 4.4A contains the following objectives:

- (a) to ensure that the bulk and scale of development is compatible with the character of the locality,
- (b) to promote good residential amenity.

Comments:

The proposal is inconsistent with the objectives of the FSR development standard for the following reasons:-

- The proposal exceeds a reasonable density and intensity of use on the site. The proposal will result in unacceptable impacts on neighbouring properties due to the intensity of the proposed development.
- The resulting bulk and scale of the proposal is incompatible with the existing character of the locality. It is also excessive for the likely desired future character of the locality, as should each site of a similar size in Kurnell Street be redeveloped with a similar variation to the permitted FSR the future character of the locality will become dominated by dwellings with excessive bulk,

## BAYSIDE COUNCIL

### Planning Assessment Report

limited to no landscaping, repeated detrimental impacts to neighbours and an overall unattractive streetscape and public domain.

- Kurnell Street is not currently undergoing a substantial transformation nor is it anticipated to do so in the foreseeable future. It is not included in any State plan or policy which will change the development potential of the land. As such the maintenance of the relationship between the existing character in the locality and any new development would best be achieved through compliance with the relevant development standards.
- The proposed buildings are anticipated to adversely affect the streetscape when viewed from the adjoining road because of the bulk and style design of the buildings, in a street where first floor additions are predominantly set back and have a smaller floor plate than the ground floor beneath.
- An FSR of 0.5:1 on the subject site is considered appropriate to maintain the character of the locality and adequate to permit redevelopment of the site.
- The development standard can facilitate development which could contribute to the economic growth of Botany Bay without a variation to that standard.

#### **Objectives of the R2 Low Density Residential 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.*

Comments:

The proposed semi-detached dwelling houses are a permissible use within the R2 Low Density Residential Zone.

The proposal provides additional housing to serve the housing needs of the community however the size of the proposed dwellings is not consistent with the low density scale of development in Kurnell Street.

The proposal may encourage walking and cycling as it is located close to employment, recreation, schools and retail opportunities.

#### **Public Interest and Public Benefit**

The proposed variation is not in the public interest as it will result in adverse impacts to neighbouring properties and the character of the locality.

During the public notification period for the development application three (3) submissions (all from the neighbouring property owners/residents to the south of the subject site) opposing the proposal were received. The matters raised in the submissions are addressed later in this report.

#### **Objectives of Clause 4.6 Exceptions to development standards**

The objectives of Clause 4.6 (pursuant to Clause 4.6(1) of Botany Bay Local Environmental Plan 2013) are:

## BAYSIDE COUNCIL

### Planning Assessment Report

- 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.

#### Comments:

The subject site is not constrained by any particular environmental issues, such as rocky outcrops, steepness and the like which would warrant flexibility in applying development standards to achieve better outcomes for and from development of the site. Good planning outcomes can be achieved on site while complying with the FSR standard.

#### Summary

The Clause 4.6 variation request to the floor space ratio 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*). The proposal is inconsistent 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 while compliant with some are noncompliant in significant and unsupportable ways.

It has been established that the proposed development is inappropriate and adherence to the development standard in this instance is reasonable and necessary.

The applicant's Clause 4.6 request is not well-founded and the major departure in FSR development standard for 7 Kurnell Street, Botany is not in the public interest. On this basis, it is recommended that the development standard relating to the maximum FSR for the site pursuant to Clause 4.4 of the Botany Bay Local Environmental Plan 2013 should not be varied.

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

There are no current Draft EPIs applicable to this development

#### S. 4.15(1)(a)(iii) - Provisions of any Development Control Plan

The following Development Control Plan is relevant to this application:

#### Botany Bay Development Control Plan 2013

The application has been assessed against the controls contained in the BBDCP 2013. The discussion below compares the proposal with the relevant provisions of this Policy.

#### Part 3A – Parking & Access

The table below compares the proposal with the relevant provisions of this Part of the DCP.

Control	Proposed	Complies
<b>3A.2 – Parking provisions of specific uses</b>		
<b>C2 – Semi detached dwelling</b>		
One space per dwelling	Two spaces per dwelling are proposed with a single garage	Yes

## BAYSIDE COUNCIL

### Planning Assessment Report

Control	Proposed	Complies
	and one driveway parking space for each dwelling.	
<b>C4</b> – Tandem or stack parking	One garage space and one driveway space aligned with the garage are allocated to each dwelling.	Yes
<b>3A.3.1 – Car park design</b>		
<b>C10</b> – Off street parking facilities are not permitted within the front setback	Both single garages are behind the front building line.	Yes
<b>C13</b> – Pedestrian and vehicular paths separated	The driveways and pedestrian access to the dwellings are separated from each other.	Yes
<b>C14</b> – One vehicle access point per property	One vehicle access point for each semi-detached dwelling is proposed.	Yes
<b>C26</b> – Tandem car parking only permitted where spaces are allocated to the same single dwelling.	Tandem parking (garage and driveway) are allocated to the same single dwelling.	Yes
<b>C28</b> – Min 3m wide access driveway for dwelling houses	The width of each vehicle crossover is 3m.	Yes

#### **Part 3E – Subdivision and Amalgamation**

The table below compares the proposal with the relevant provisions of this Part of the DCP with a merit assessment discussed further below.

Control	Proposed	Complies
<b>3E.2.1 General Torrens Title Subdivision and Amalgamation</b>		
<b>C1</b> – Subdivision shall be consistent with the desired future character of the area under Part 8 of the BBDCP2013.	The proposed subdivision is generally consistent with the rectilinear subdivision pattern of the area.	Yes
<b>C2</b> – Subdivision must not compromise any significant features of existing or adjoining sites including streetscape character, landscape features or trees.	The proposed subdivision does not have a detrimental impact to the streetscape character. The proposed semi-detached dwellings for the proposed new lots are considered to not be consistent with the streetscape character due to size and bulk	Yes

## BAYSIDE COUNCIL

### Planning Assessment Report

Control	Proposed	Complies
C3 – Subdivision must have similar characteristics to the prevailing street pattern of lots fronting the same street.	The proposed subdivision will have similar characteristics to the prevailing street pattern of narrow, rectangular lots fronting Kurnell Street.	Yes
C4 – Applications which propose the creation of new allotments shall demonstrate that future development for the site can comply with all Parts of the DCP.	The proposed dwellings to be sited on the new lots cannot demonstrate compliance with all Parts of the DCP, particularly shown in the large variation proposed to the permissible FSR.	No
C5 – Applications must demonstrate that the following has been considered. (i) Site topography and other natural and physical features (ii) Existing services (iii) Existing vegetation (iv) Existing easements or the need for new easements (v) Vehicle access (vi) And land dedication required (vii) Potential flood affectation and stormwater management requirements (viii) Contamination of the land (ix) Existing buildings or structures (x) Heritage Items, Conservation Areas and adjoining Heritage Items	The proposed development includes the removal of a street tree, however all other matters have been considered.	Partial
C6 – Subdivision must not result in the creation of a new lot that contains significant site features that would render the land unable to be developed.	The proposed subdivision results in two residential allotments with the same site features.	Yes
C7 – Subdivision which results in additional residential allotments of land within ANEF contour of 30+ is not permitted.	The site is located outside ANEF contour 20.	Yes
C8 – Subdivision is not permitted in areas identified to be affected by projected 2100 sea level rise by NSW State Government.	The site has not been identified to be affected by projected 2100 sea level rise.	N/A
<b>3E.2.2 Residential Torrens Title</b>		
C2 – Proposed subdivision or amalgamation must have characteristics similar to the prevailing subdivision pattern of lots fronting the same street, in terms of area, dimensions, shape and orientation.	The proposed subdivision will result in lots with similar areas, dimensions, shape and	Yes

# BAYSIDE COUNCIL

## Planning Assessment Report

Control	Proposed	Complies
	orientation to that existing in Kurnell Street.	
C7 – All lots created shall have a least one (1) frontage to the street.	Both new lots will front Kurnell Street.	Yes

### Part 3G – Stormwater Management

The table below compares the proposal with the relevant provisions of this Part of the DCP.

Control	Proposed	Complies
C1 – Development shall not be carried out on or for any lands unless satisfactory arrangements have been made with and approved by Council to carry out stormwater drainage works.	The application is accompanied by Concept Stormwater Plans prepared by Triaxial Consulting which were referred to Council's Development Engineer for review and comment (Issue A, dated 13.04.18).  Council's Development Engineer is satisfied with the proposal.	Yes

### Part 3H – Sustainable Design

The table below compares the proposal with the relevant provisions of this Part of the DCP.

Control	Proposed	Complies
C1 – For all proposed residential development where BASIX applies, the application is to be accompanied by a BASIX Certificate.	The application was accompanied by BASIX Certificate No. 922192M.	Yes

### Part 3K – Contamination

DCP Requirement	Proposed	Complies
O1 – To ensure that the development of contaminated or potentially contaminated land does not pose a risk to human health or the environment.	An assessment against the relevant provisions of the SEPP 55 is undertaken in S. 4.15(1)(a)(i) above.	Yes

### Part 3L- Landscaping and Tree Management

Control	Proposed	Complies
<b>3L.1.2 – Development Application Submission Requirements</b>		
C1 – Landscape documentation is required to be submitted in accordance with Table 1.	The application is accompanied by a Landscape	Yes



## BAYSIDE COUNCIL

### Planning Assessment Report

Control	Proposed	Complies
	Plan prepared by Carmichael Studios, Drawing No. SK 01 Rev F undated.	
<b>3L.2 – General Requirements</b>		
<b>C1</b> – Existing trees including street trees must be preserved.	Four trees are proposed to be removed, three from the site and one street tree. The removal of the site trees, subject to replanting of advanced suitable species is supported. However Council's Tree Management Officer advises the street tree must be retained. The location of the driveway conflicts with the street tree and is not supported.	No
<b>C2</b> – Landscaping will be designed to reduce the bulk, scale and size of building and to shade and soften hard paved areas.	The proposed landscaping will slightly mitigate the bulk, scale and size of the proposed building however the small area in which larger species could be successfully grown will be largely occupied by driveways and pedestrian access paths.	No
<b>C3</b> – Landscaping is to be used to define the transition between public and private spaces.	The proposed landscaping will assist in delineating between the public road reserve and the private dwelling spaces.	Yes
<b>C4</b> – Landscape screening or buffers are to be included and designed so as to enhance privacy between properties and softening of wall and facades.	The proposed landscaping will enhance the privacy enjoyed between the semi-detached dwellings and the neighbouring properties.	Yes
<b>C9</b> – A deep soil landscape zone is required for all developments.	Deep soil zones are available in the rear garden to each semi-detached dwelling.	Yes
<b>C12</b> – Areas containing trees are to be of suitable dimensions to allow for lateral root growth as well as adequate water penetration and air exchange to the soil substrate.	Possible locations for tree species include the rear garden and the road reserve. Selection of suitable species and planting location should	Yes

## BAYSIDE COUNCIL

### Planning Assessment Report

Control	Proposed	Complies
	enable lateral root growth and water and air penetration into the soil.	

#### **Part 3N- Waste Minimisation and Management**

The application is accompanied by a Waste Minimisation and Management Plan, prepared in accordance with the BBDCP 2013. The Plan addresses works involved including minor excavation and fill to the site, in addition to the construction of the works proposed and is acceptable with regards to the relevant parts of this Part of the BBDCP 2013.

#### **Part 4A- Dwelling House**

The application is accompanied by a Site Analysis Plan which identified opportunities and affectations of the site.

The table below compares the proposal with the relevant provisions of this Part.

Control	Proposed	Complies
<b>4A.2.1 Design Excellence</b>		
<b>C1</b> – To achieve design excellence in urban design, development should account for those matters listed in the DCP.	The proposed development accounts for some of the matters listed however it does not minimise impacts on neighbours by maintaining appropriate levels of solar access, providing quality landscaping and avoiding a bulky appearance.	No
<b>C2</b> – A Development Application for a new dwelling house or major alteration to a dwelling must include a written statement to demonstrate how design excellence will be achieved in the proposed development and meet the requirements identified in C1	The application was not accompanied with a written design excellence statement.	No
<b>4A.2.2 Site Analysis</b>		
<b>C1</b> – A site analysis plan shall be submitted with all Development Applications.	A site analysis plan prepared by Bureau SRH was submitted with the DA.	Yes
<b>4A.2.3 Local Character</b>		
<b>C1</b> – Development must be designed to respond to the opportunities and constraints identified in the Site Analysis	The proposal generally responds to the site analysis, however there are matters which are not well addressed; primarily being the east-west site orientation and the subsequent shadowing effects to the property to the south, the retention and provision of	No

## BAYSIDE COUNCIL

### Planning Assessment Report

	landscape and deep soil planting areas and trees and the fit of the proposal with the streetscape.	
<b>C2</b> – Development must comply with the relevant Desired Future Character Statements in Part 8.	The Desired Future Character is addressed later in this report.	See below
<b>4A.2.4 Streetscape Presentation</b>		
<b>C1</b> – New dwellings must be designed to reflect the Desired Future Character Statement in Part 8 – Character Precincts and are to reinforce the architectural features and identify which contributes to its character.	The contribution the proposed makes to the desired future character of the Botany Character Precinct is addressed later in this report	See below
<b>C2</b> – Development must be designed to reinforce and maintain the existing character of the streetscape.	The proposal is inconsistent with the existing character of the streetscape because the first floor is not setback from the ground floor, like the majority of first floors along the street, the proposed materials are not seen elsewhere in the street and there is limited opportunity for landscape area and tree planting on the site.	No
<b>C3</b> Development must reflect dominant roof lines and patterns of the existing streetscape (refer to Figure 3).	The character of Kurnell Street includes numerous semi-detached dwellings many with first floor additions with smaller floor plates than the ground floor and pitched roofs.	No
<b>C4</b> – Building must appropriately address the street.	The proposed dwellings address Kurnell Street with easily identifiable pedestrian and vehicular access from the street.	Yes
<b>C6</b> – The entrance to a dwelling must be readily apparent from the street.	The entrances to each dwelling will be readily apparent from Kurnell Street.	Yes
<b>C7</b> – Dwelling are to have windows to the street from a habitable room to encourage passive surveillance.	The proposal will include a first floor bedroom door and balcony in each dwelling which faces the street.	Yes
<b>C10</b> - Development must retain characteristic features prevalent in houses in the street, including verandas, front gables, window awnings, bay windows, face brickwork or stone details.	The proposal does not retain or reflect characteristic design features prevalent in the street. These features include set back first floors and hipped roofs.	Yes

## BAYSIDE COUNCIL

### Planning Assessment Report

<b>4A.2.5 Height</b>		
<b>C1</b> – Maximum height of buildings must be in accordance with the Height of Buildings Map.	The proposed development seeks a building height of 6.6m which is compliant with the permitted 8.5m maximum.	Yes
<b>C3</b> – New buildings are to consider and respond to the predominant and characteristic height and storeys of buildings within the neighbourhood. Note: Characteristic building height is defined as the average building height of the two adjoining buildings.	The proposal exceeds the characteristic building height as defined because the adjoining dwellings are single storey. However there are many examples in Kurnell Street of two storey dwellings with a similar height to that proposed for the semi-detached dwellings. The number of storeys non-compliance with the height clause is acceptable.	Yes
<b>4A.2.6 Floor space ratio</b>		
<b>C1</b> – The maximum FSR of the development must comply with the Floor Space Ratio Map and Clause 4.4 and 4.4A of the BBLEP 2013.	Clause 4.4A permits an overall FSR of 0.5:1 for the subject site.  The proposed development seeks an overall FSR of 0.76:1 which is not compliant with the maximum permitted FSR. The extent of the variation is 25.7% thereby requiring determination by the Bayside Planning Panel. A s4.6 variation request has been submitted and is addressed earlier in this report.	No
<b>4A.2.7 Site Coverage</b>		
<b>C2</b> - For sites between 200-250m <sup>2</sup> the maximum site coverage is 65% of the lot.	Each lot of the subject site is 242m <sup>2</sup> , making 65% of the site area equal to 157.3m <sup>2</sup> . The proposed site coverage is a total of 114m <sup>2</sup> . The proposed site coverage is 47% of the site area and therefore compliant with this Control.	Yes
<b>4A.2.8 Building Setbacks</b>		
<b>C1</b> – Dwelling houses must comply with the minimum setbacks in Table 1. For lot widths less than 12.5m: a) Front setback – prevailing or 6m b) Side setback – merit c) Rear setback – 4m d) Eaves – 450mm from boundary	Proposed:  a) – 6m, which matches prevailing b) – 900mm c) – 11m d) – 900mm (box gutters)	Yes

## BAYSIDE COUNCIL

### Planning Assessment Report

<b>C5</b> - To avoid the appearance of bulky or long walls side and rear setbacks should be stepped or walls articulated by projecting or recessing window elements, or a variation in materials.	The side walls of the proposal are to be finished with differing materials and articulated along their length. This will contribute to lessening the bulk appearance of the proposal.	Yes
<b>4A.2.9 Landscape Area</b>		
<b>C2</b> - Development shall comply with the minimum landscaped area requirement in <b>Table 2</b> : <250m <sup>2</sup> – 15%	Landscape area = 78m <sup>2</sup> (32%).	Yes
<b>C3</b> - Landscaped Area is to be fully permeable deep soil zones which are areas of natural ground or soil, not planter boxes (refer to definition in Part 3L – Landscaping).	Half of the rear yard landscape area is proposed to be a deck and 5m <sup>2</sup> of the front yard is part of the driveway. This means 35m <sup>2</sup> or 44% of the landscape area is not permeable deep soil zones.	No
<b>C4</b> – Site structure to retain existing trees.	Council's Tree Management Officer has advised the street tree and a cedar in the front yard should be retained. The proposed development removes both. Appropriate replanting could mitigate the removal of the two existing trees.	No
<b>C8</b> - The front setback is to be fully landscaped with trees and shrubs and is not to contain paved areas other than driveways and entry paths. Paving is restricted to a maximum of 50% of the front setback area.	50% (3m <sup>2</sup> ) of the front setback is landscaped.	Yes
<b>C9</b> – The front setback area must contain at least one tree for frontages up to 11.5 metres in width and 2 trees for frontages great than this.	The proposal includes one tree in the outside corners of the existing lot front setback.	Yes
<b>4A.3.1 Materials and Finishes</b>		
<b>C1</b> - A Schedule of Finishes and a detailed Colour Scheme must accompany all Development Applications.	A schedule of material and finished prepared by Bureau SRH was submitted with the development application.	Yes
<b>C3</b> – Material, colours, architectural details and finishes must be sympathetic to the surrounding locality.	The proposed materials are contemporary and not sympathetic to the surrounding locality	No
<b>C4</b> - The use of materials with different textures are to be used to break up uniform buildings.	The proposed materials are a mix of metal cladding, painted concrete, aluminium windows and glass balustrades. The mix of materials	Yes

## BAYSIDE COUNCIL

### Planning Assessment Report

	and textures may break up the long walls of the semi-detached dwellings.	
<b>C5</b> – All materials and finishes must have low reflectivity.	The proposed dark colours for most of the development will ensure low reflectivity.	Yes
<b>C7</b> – Terracotta roof tiles must be used where this is the predominant roofing material.	Terracotta roof tiles are the predominant roofing material in the street. The proposal intends to use metal roofing.	No
<b>C10</b> The exterior walls of new dwellings must incorporate different materials, colours and textures to add interest and articulate the façade.	The exterior walls are proposed to be either metal cladding or painted concrete. The garage door is to be metal. A small amount of interest and articulation may result from the use of these materials on the façade.	Yes
<b>C11</b> – New development must incorporate colour schemes that are consistent with the predominant colour schemes in the street. No expansive use of white, light or primary colours which dominate the streetscape are permitted.	The proposed dark colours are no consistent with the red brick and light colour paints on dwellings in Kurnell Street.	No
<b>4A.3.2 Roof and Attics/Dormers</b>		
<b>C1</b> – Where roof forms in a street are predominantly pitched, then any proposed roof should provide a similar roof form and pitch.	The predominant roof form is pitched. The proposal includes part pitched and part flat roofs.	Yes
<b>C2</b> – Flat or skillion roof forms may be located to the rear of a development site provided it is not a corner location and does not detract from the streetscape.	The part pitched and part flat roof continues for the length of the dwellings from front to rear.	Yes
<b>C3</b> – A variety of roof forms will be considered, provided they related appropriately to the architectural style of the proposed house and respect the scale and character of adjoining dwellings.	The proposed part pitched and part flat roofs relate appropriately to the style of the proposed dwellings and respect the scale and character of other roofs in the street.	Yes
<b>C4</b> – Pitched roofs must have a minimum eave overhang of 450mm (excluding gutters).	The amended elevations show a nil eave overhang.	No
<b>4A.3.3 Fences</b>		
<b>C1</b> - Front fences are to compliment the period or architectural style of the existing dwelling house.	No front fences are proposed.	N/A

## BAYSIDE COUNCIL

### Planning Assessment Report

<b>C18</b> – Side fences of a height of 1.8 metres are not to extend beyond the front building line.	The existing side fences taper from an approximate height of 1.8m down to the front boundary.	Yes
<b>4A.4.1 Visual Privacy</b>		
<b>C2</b> - Visual privacy for adjoining properties must be minimised by: <ul style="list-style-type: none"> <li>▪ using windows which are narrow or glazing</li> <li>▪ Ensuring that windows do not face directly on to windows, balconies or courtyards of adjoining dwellings</li> <li>▪ Screening opposing windows, balconies and courtyards; and</li> <li>▪ Increasing sill heights to 1.5 metres above floor level.</li> </ul>	The proposal includes first floor windows which are narrow either vertically or horizontally and with high sill heights in the north and south elevations. The large fixed windows adjacent to the staircases should be of an obscure or frosted glazing.	Yes
<b>C3</b> - First floor balconies are only permitted when adjacent to a bedroom	The proposed first floor balconies and the front and rear of the dwellings are adjacent to bedrooms.	Yes
<b>C4</b> – First floor balconies are only permitted at the rear of the dwelling if wholly located over the ground floor, providing the requirements in <b>C1</b> , <b>C2</b> and <b>C3</b> above are met	The first floor rear balconies are not located over the ground floor. The balconies extend beyond the floorplate of the ground floor, forming a roof for part of the hard surface landscape (rear deck) area below.	No
<b>C6</b> - Balconies are to be designed to minimise overlooking to other properties.  <b>Note:</b> Where a proposed development increases the potential for overlooking of adjoining properties, the Council may require balconies to be limited in size and in some cases, fitted with privacy screens or fin walls. Partially recessed balconies are encouraged at the rear to ensure the privacy of surrounding properties is maintained.	The rear balconies are centred within the site and provided with privacy screens on the outer sides. The design of the rear balconies will minimise overlooking to neighbouring properties.	Yes
<b>4A.4.3 Solar Access *see further discussion at the end of this DCP table.</b>		
<b>C1</b> – Buildings are to be designed and sited to maintain approximately 2 hours of solar access between 9am and 3pm on 21 June to windows in living areas (family rooms, rumpus, lounge and kitchens) and to 50% of the primary private open space areas of both the subject site and adjoining properties.	The proposed development will not permit two hours of solar access between the hours of 9am and 3pm during mid-winter to the primary private open space of the subject site.  Two hours of solar access during the specified period will also not be available to the north facing	No* Refer to comments in Note 1 below

## BAYSIDE COUNCIL

### Planning Assessment Report

	windows of the adjoining dwelling to the south.	
<b>C2</b> – Solar panels on adjoining house that are used for domestic needs within that dwelling must not be overshadowed for more than two hours between 9am to 3pm in mid-winter.	The solar panels on the adjoining property to the south, which are used for domestic needs will be overshadowed for more than two hours between 9am and 3pm during mid-winter.	No
<b>C6</b> – For development adjoining a semi-detached dwelling, first floor additions may need to be setback in order to provide adequate solar access to the living areas within the adjoining dwellings and their principal open space areas.	The proposed first floor is not set back.	No
<b>4A.4.4 Private Open Space</b>		
<b>C1</b> - Each dwelling is to have a private open space that:		
(i) Has at least one area with a minimum area of 36m <sup>2</sup> ;	(i) The rear private open space area for each dwelling is 60m <sup>2</sup> .	Yes
(ii) Is located at ground level with direct access to the internal living areas of the dwelling;	(ii) Direct access is to the space is from the living room.	Yes
(iii) Maximises solar access;	(iii) Solar access is maximised as much as possible for a site with an east-west orientation.	Yes
(iv) Is visible from a living room door or window of the subject development;	(iv) The open space is visible from the living room.	Yes
(v) Minimises overlooking from adjacent properties;	(v) The potential for overlooking from adjacent properties is minimised with boundary walls, planting and balcony screens.	Yes
(vi) Is generally level;	(vi) The open space is level.	Yes
(vii) Is oriented to provide for optimal year round use;	(vii) The open space faces to the west which is not optimal for year round use, however on sites with an east-west orientation and the road to the east the west orientation is all that is available.	Yes



## BAYSIDE COUNCIL

### Planning Assessment Report

(viii) Is appropriately landscaped; and	(viii) The open space is provided with soft and hard landscaped areas, a built in bbq and areas for planting.	Yes
(ix) Is located or screened to ensure privacy;	(ix) The private open space will not be visible from the street.	Yes
<p>Note: Private open space is not to include:</p> <p>(i) Non-recreational structures (including garages, tool sheds and such like structures);</p> <p>(ii) Swimming pools; and</p> <p>(iii) Driveways, turning areas and car spaces, drying areas and pathways.</p>		
<b>C2</b> – Sites less than 250m <sup>2</sup> may have minimum area of 25m <sup>2</sup> .	The subdivided sites will have an area of 242m <sup>2</sup> each. The open space areas are 60m <sup>2</sup> , in excess of the minimum 25m <sup>2</sup> required by this Control.	Yes
<b>C3</b> – For terraces and decks to be included in calculations of areas for private open space, these must be of a useable size (minimum 10m <sup>2</sup> ) with one length dimensions being a minimum of 2 metres, and be accessible from a communal living area of the dwelling.	The proposed rear decks are greater than 10m <sup>2</sup> and both width and depth is greater than 2 metres.	Yes
<b>C5</b> – The primary private open space is to be located at the rear of the property.	The primary private open space is located at the rear of the proposed dwellings.	Yes
<b>4A.4.5 Safety and Security</b>		
<b>C1</b> – Dwellings must be designed to encourage passive surveillance of the street	The proposal encourages passive surveillance of the street through the first floor east elevation balcony and the clear addressing and accessing of the site for pedestrians and vehicles from the street.	Yes
<b>4A.4.7 Vehicle Access</b>		
<b>C1</b> Driveways within a property shall have a minimum width of 3 metres. Note: An additional clearance of 300mm is required (for each side) if the driveway is located adjacent to a solid structure (i.e. masonry wall).	The proposed driveways are a minimum width of 3m, and are not adjacent to a solid structure.	Yes
<b>C4</b> – Vehicular crossing shall be sited so that existing street trees, bus stops, bus zones, power lines and other services are not affected.	An existing street tree is proposed to be removed to accommodate the new driveways. A replacement	No

## BAYSIDE COUNCIL

### Planning Assessment Report

	street tree is proposed to be planted between the new driveway laybacks.	
<b>C6</b> - The number of vehicle crossings is to be limited to one (1) per allotment.	One (1) vehicle crossing is proposed to each of the proposed allotments in accordance with the provisions of this Clause.	Yes
<b>C7</b> – Vehicular crossings shall be sited so as to minimise any reduction in on-street kerb side parking.	The proposed driveways may allow a small car to park between the driveways. It is anticipated the proposed driveways will result in the loss of one or two on street kerbside parking spaces.	No
<b>4A.4.8 Car Parking</b>		
<b>C1</b> Development must comply with Part 3A – Car Parking	The proposed development incorporates two (2) off street parking spaces in accordance with the provisions of this Clause.	Yes
<b>C2</b> – The provision of car parking must reasonably satisfy the need of current and future residents, but recognise the need to balance car parking access and provision with design, heritage, landscape and streetscape objectives.	The provision of two parking spaces for each dwelling is considered a suitable balance between resident need and design objectives.	Yes
<b>C3</b> Car parking is to be located at the rear of the site with access from a rear lane. If rear lane access is not possible, parking must be provided behind the front building alignment.	No rear lane is available to the site. The proposed single garages are accessed from Kurnell Street and located behind the front building alignment. Parking in the driveway will be forward of the front building line.	Yes
<b>C5</b> – Variations to the provision of car parking may be permitted in exceptional circumstances. However, the variations are not to allow the dominance of the garage/carport at the street frontage.	The proposed single garages are integrated into the dwelling design and do not dominate the street frontage.	Yes
<b>C8</b> – In new development the garage/carport is to be setback 5.5 metres from the front boundary.	The garages are proposed to be setback 6m from the front boundary.	Yes
<b>C20</b> – Reflective or smooth materials are not permitted for garage doors. Materials that complement the design and materials of the house are to be used.	The proposed garage door material is metal. This material may be both smooth and reflective.	No

\*Note 1 - 4A.4.3 Solar Access

## BAYSIDE COUNCIL

### Planning Assessment Report

The applicant submitted amended plans with the aim to reduce the overshadowing of the solar panels on the adjoining property. However the amended plans did not achieve compliance with BBDCP2103 Clause 4A.4.3 Control 2 which requires domestic use solar panels on adjoining houses to not be overshadowed for more than two hours between the hours of 9am and 3pm in mid-winter.

The applicant also submitted drawings of a possible semi-detached dwelling scheme for the site which was compliant with the FSR control, for the purposes of comparison. The FSR compliant scheme achieved a slight improvement in solar access to the panels. However the compliant scheme did not make a reasonable attempt to reduce the bulk of the building at first floor and as such it continued to be non-compliant with the solar access control. It is considered that a FSR compliant scheme which also creatively addressed the solar access requirement is likely to result in a proposal which can be compliant with both controls and yield a satisfactory semi-detached development on the site.

The applicant made an offer to the neighbouring owners to relocate the solar panels, at the applicant's expense, so that the panels would not be unacceptably overshadowed by the proposal. A letter from the neighbours was presented to Council, which acknowledge that the neighbours would be willing to negotiate with the applicant the relocation of the solar panels. In the letter the neighbours state 'To formalise our compensation agreement, we would require confirmation from you that the above compensation measures are acceptable to you and we provide you with a quote from a reputable installer'. The letter reiterates the neighbour's objection to the proposal on the basis of bulk and FSR. Based on this, it is our view that the agreement has not been finalised. Further it seems the neighbours have an expectation that Council would be involved in this matter and at the very least impose a condition of consent regarding the agreement.

Council cannot approve a development application which is dependent on works being carried out on a site other than the development site. The relocation of the solar panels would need to be completed first after which a development application may be prepared and assessed for the subject site, which may result in a favourable determination.

In addition to the above, the proposal does not comply with the solar access control in the DCP as the two windows on the southern neighbouring property do not receive a minimum of 2 hours solar access in mid winter.

For the above reasons the proposal is not supported.

#### **Part 8 – Botany Character Precinct**

Part 8.4.2 Desired Future Character of the Botany Precinct has been considered in the assessment of the application in the below table and fails to comply with a number of the controls contained therein. In particular, development is required to retain trees, be consistent with the streetscape and minimise impacts to neighbouring properties, which the proposed development does not achieve.

The following comments are made with respect to the relevant character guidelines desired by the DCP.

Item	Comment
<i>Function and Diversity</i>	The proposed development is considered to not enhance the public domain or streetscape of Kurnell Street. The proposal does not maintain or complement the existing development pattern of modestly sized first floor additions to semi-detached or free-standing dwellings in the street.

## BAYSIDE COUNCIL

### Planning Assessment Report

<i>Form, Massing, Scale and Streetscape</i>	The proposed development fails to maintain the density of the area as shown by the FSR non-compliance and presents a mass and scale not in keeping with the streetscape.
<i>Setbacks</i>	The proposed development generally complies with the prevailing street setbacks. However front setbacks are predominantly paved with little opportunity for deep soil planting.  The proposed side setbacks comply with the minimum 900mm required.
<i>Landscaping</i>	The proposed landscaping, while meeting the numerical minimums provided in the BBDCP2013 provides limited opportunities for deep soil planting and softening of the buildings. Additionally it is proposed to remove and replace a street tree which Council's Tree Management Officer requires to be retained.
<i>Heritage</i>	The site is not affected by heritage requirements.
<i>Fencing</i>	No front fencing is proposed. The existing side fencing is to remain.
<i>Noise</i>	The site is not affected noise criterion listed in this control.
<i>Subdivision</i>	The proposed subdivision is discussed elsewhere in this report and considered to respond appropriately to the various grids patterns established by the surrounding low density zone.
<i>Public Domain and Environment</i>	The proposed development will not raise any inconsistencies with the provisions of this control.
<i>Solar Access</i>	Matters relating to solar access are discussed in Part 4A.4.3 above.
<i>Traffic and Access</i>	Adequate off-street parking arrangements are provided for each dwelling house with some traffic and parking impacts to the surrounding street network.
<i>Views</i>	The proposed development does not affect existing views either to or across the site.
<i>Risk</i>	Not applicable in this instance.

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

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

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

Likely impacts on the natural and built environments, and social and economic impacts in the locality have been considered in the assessment of the application and negative impacts on the current built environment due to the size, bulk and style of the proposal are anticipated. A development

## BAYSIDE COUNCIL

### Planning Assessment Report

compliant with the floor space ratio control would correspondingly be smaller and have a lesser bulk appearance making it more suitable to the existing built environment. The design of the current proposal is out of character with the existing streetscape.

The overshadowing impact on the neighbouring property to the south is anticipated to have negative economic and personal results.

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

The suitability of the site for the proposal has been considered in the assessment of the development application. 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 non-compliance of the proposal with controls in both the Botany Bay LEP 2013 and DCP 2013 and the anticipated adverse impacts resulting from these areas of non-compliance make the site unsuitable to the proposed development.

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

In accordance with Part 2 of the BBDCP 2013, the development application was notified to surrounding property owners for a 14 day period from 4 April 2018 to 20 April 2018. One (1) unique submission (a total of three separate submissions from the same owner/resident) was received which raises concerns which are examined and addressed below.

**Concern:** Overshadowing of private open space and solar panels.

*Comment:* The proposed development is assessed as being non-compliant with Clause 4A.4.3 C2 of the Botany Bay DCP 2013 because it will result in overshadowing of solar panels used for domestic purposes on the neighbouring property, for two hours or more between 9am and 3pm during mid-winter. This is one of the reasons Council is recommending the Bayside Planning Panel refuse the application.

**Concern:** Excessive FSR.

*Comment:* The applicant has submitted a request to vary the maximum floor space ratio permitted on the site (0.5:1), to allow an FSR of 0.76:1. Council does not support the excessive FSR nor the variation request. This is addressed earlier in this report and is one of the reason Council is recommending the Bayside Planning Panel refuse the application.

**Concern:** Bulk, too large a building for the site.

*Comment:* The bulk appearance of the proposal is a result of the proposed floor space ratio. A proposal which is compliant with the FSR development standard may reduce the bulk and size of the building on the site. The long side walls of the proposal have been articulated with varied setbacks along their length, and this will create a visual difference and relief when viewed obliquely from the short ends of the building (ie. from the street) however the bulk of the building when viewed from the neighbouring properties will remain large.

## **BAYSIDE COUNCIL**

### **Planning Assessment Report**

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

Granting approval to the proposed development will have adverse impacts on the neighbouring property and the locality, and is not recommended. The proposal is considered to not be in the public interest.

#### **Section 94 Contributions**

Council's S7.11 Planner has confirmed that a levy of \$20,000 applies to the proposed development should the proposed development be approved.

## Application Details

---

Application Number:	2018/1067
Date of Receipt:	27 April 2018
Property:	7 Kurnell Street, Botany
Lot & DP/SP No:	Lot 38 DP 15704
Owner:	Balari Investments P/L
Applicant:	Bureau SRH Architecture Pty Ltd – Eugene Kirkwood
Applicant Address:	3/2 Verona Street, Paddington 2021
Proposal:	Demolition of existing structures; Torrens Title Subdivision into two lots and construction of two x 2 storey semi-detached dwellings
Property Location:	Located on the western side of Kurnell Street between Swinbourne and Warrana Streets
Value:	\$949,477.00
Zoning:	Botany Bay Local Environmental Plan 2013 R2 Low Density Residential
Author:	Petra Blumkaitis
Date of Report:	21 January 2019
Classification of Building:	1a – Dwelling 10a – Garage
Present Use:	Residential
No. of submissions:	Three (3) objections

## Key Issues

---

Key issues are:

1. Non-compliance with Botany Bay Local Environmental Plan floor space ratio (FSR) control. The permitted FSR for the site is 0.5:1 while the proposed FSR is 0.76:1, a variation of 25.7%. The variation and the submitted Clause 4.6 request to vary a development standard is addressed in this report,
2. Overshadowing of solar panels on the adjoining property to the south for greater than two hours between 9am and 3pm in mid-winter, in contravention of clause C2 of the Botany Bay Development Control Plan 2013, and
3. Impacts on streetscape and amenity of the locality.

## Recommendation

1. That the Bayside Planning Panel exercising the functions of the Council as the consent authority pursuant to s4.16 of the Environmental Planning and Assessment Act 1979 not support the variation to the FSR standard, as contained in Clause 4.4A(3)(d) – FSR of Botany Bay LEP 2013 as it is not satisfied that the applicant's request has

adequately addressed the matters required to be demonstrated by cl4.6 of that plan, and the proposed development would not be in the public interest because it is not consistent with the objectives of that particular standard and the objectives for the development within the zone.

2. That Development application DA-2018/1067 for the demolition of existing structures, Torrens title subdivision into two lots and the construction of a semi-detached dwelling arrangement at No. 7 Kurnell Street, Botany, be REFUSED for the following reasons:
  - a. Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development does not satisfy Clause 4.4 of Botany Bay LEP 2013 relating to floor space ratio and the Clause 4.6 written variation request submitted by the applicant is not supported,
  - b. Pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development does not meet the objectives of Clause 4A.4.3 of Botany Bay DCP 2013 Solar access Control C2, overshadowing of solar panels on adjoining houses,
  - c. Pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act, the proposed development is excessive in terms of bulk, size and density, and is inconsistent with the character and streetscape, and would adversely impact upon the amenity of the locality, and
  - d. Having regard to the issues raised in submissions received by Council in opposition to the proposed development, pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act, the proposal is not in the public interest.
3. That the objector be notified of the Panel's determination.

## **Site Description**

---

The site, legally identified as Lot 38 DP 15704, is located on the western side of Kurnell Street between Swinbourne and Warrana Streets. The site is regular in shape and has a total area of 485m<sup>2</sup>. The site is currently accommodated by a single storey brick and fibro dwelling house with detached fibro sheds and various trees and plantings. See locality map below.

Surrounding development comprises of single storey detached dwelling immediately adjoining the subject to the north and south, the Bayside Council depot to the rear and a mix of single storey detached dwellings and one and two storey semi-detached dwellings along Kurnell Street.





Figure 1. Site location

## Site History

The subject DA was lodged with Council on 17 April 2018. No previous applications are recorded.

## Description of Development

The proposal is for the demolition of structures and the construction of two semi-detached dwellings each containing four bedrooms, three bathrooms, living areas and single attached garage. The details of the application are as follows:

- Demolition of existing structures and associated site clearing;
- Torrens Title subdivision of the existing lot into proposed Lots 1 and 2 of 242.5m<sup>2</sup> each;
- Construction of two x 2 storey dwellings consisting of:

1. Ground floor- kitchen, walk-in pantry, dining and living room, laundry, toilet, single car garage, and stairs to first floor;
  2. First floor – four bedrooms, ensuite, bathroom, and stairs to ground floor; and
- Landscaping.

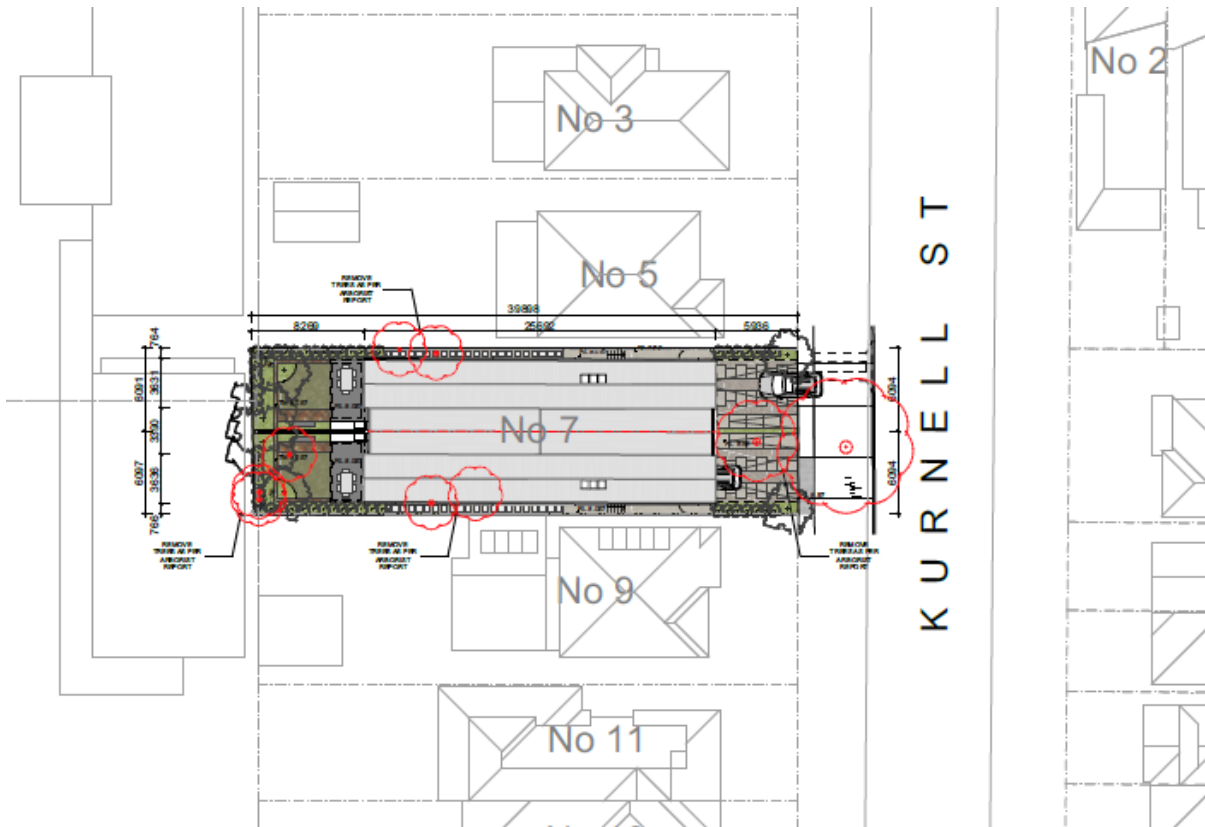


Figure 2. Site Plan

## Statutory Considerations

### *Environmental Planning and Assessment Act, 1979*

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

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

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

The following Environmental Planning Instruments are relevant to this application:

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

The application is accompanied by BASIX Certificate Number 922192M dated Thursday 26 April 2018. The Certificate demonstrates the proposed development satisfies the relevant water; thermal comfort and energy commitments as required by SEPP (BASIX).

The provisions of the SEPP are satisfied in this instance.

### State Environmental Planning Policy No. 55 – Remediation of Land

The provisions of SEPP 55 have been considered in the assessment of the application, along with the requirements of Part 3K- Contamination of the Botany Bay Development Control Plan 2013 (BBDCP 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 properties to either side 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.

### Botany Bay Local Environmental Plan 2013

The application is considered under Botany Bay Local Environmental Plan 2013 (BBLEP 2013) and the following information is provided:

Principal Provisions of BBLEP 2013	Compliance	Comment
<b>2.1</b> Land use zones	Yes	The site is zoned R2 – Low Density Residential under the BBLEP 2013.
<b>2.2</b> Is the proposed use/works permitted with development consent?	Yes	The proposed use as two semi-detached dwellings is permissible with Council's consent under the BBLEP 2013.
<b>2.3</b> Does the proposed use/works meet the objectives of the zones?	No	The proposed development is inconsistent with the objectives for R2 low density residential land because the proposal does not meet the specified FSR control and is akin to medium density development.
<b>2.5</b> Does Clause 2.5 and Schedule 1 – Additional Permitted Uses apply to the site?	N/A	The additional permitted uses in Clause 2.5 and Schedule 1 do not apply to the site.
<b>3.6</b> Land to which this Plan applies may be subdivided, but only with development consent. 1.	Yes	The proposal includes the subdivision of the existing lot into two (2) lots of 242m <sup>2</sup> each. Botany Bay LEP 2103 does not specify a minimum lot size.
<b>2.7</b> Demolition of a building or work may be carried out only with development consent. 2.	Yes	The proposal includes demolition of the existing detached dwelling house and ancillary structures on site.

Principal Provisions of BBLEP 2013	Compliance	Comment
<b>4.3 Height of Buildings</b> The height of a building on any land is not to exceed the maximum shown on the Height of Buildings Map.	Yes	<p>Clause 4.3 permits a maximum building height of 8.5 metres as measured from natural ground level (existing) for the subject site.</p> <p>The proposed development seeks a building height, at the highest point, of 6.6m which is compliant with the maximum permitted in accordance with this Clause.</p> <p>Despite the numerical compliance with this Clause the proposal does not meet the objective to minimise the loss of solar access to existing development, as the proposal will significantly overshadow the adjoining property to the south.</p>
<b>4.4 Floor space ratio</b> The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map	No	<p>The subject site is within Area 3 and as such Clause 4.4A(3)(d) states <i>the maximum floor space ratio for all other development for the purpose of residential accommodation is 0.5:1</i></p> <p>The proposed development is <i>other development</i> because it is a semi-detached development; not a dwelling house, multi dwelling housing, or a residential flat building.</p> <p>The proposed development seeks an FSR of 0.76:1 which is not compliant with the maximum permitted FSR of 0.5:1. The extent of the variation is 25.7% thereby requiring determination by the Bayside Planning Panel. A s.4.6 variation request has been submitted with the application and is addressed later in this report.</p>
<b>5.10 - Heritage</b>	N/A	The site is not listed as a heritage item or located within a Heritage Conservation Area.
<b>Part 6 provisions which apply to the development–</b> <ul style="list-style-type: none"> <li><b>6.1 – Acid sulfate soils</b></li> </ul>	Yes	6.1 – Acid sulfate soils: Class 4. The proposed works will involve minimal excavation (surface scraping) mainly associated with preparing the site for the new dwellings. Further investigation is not warranted.
<ul style="list-style-type: none"> <li><b>6.2 – Earthworks</b></li> </ul>	Yes	6.2 – Earthworks on site will be required for site preparation. The anticipated impact from the earthworks is acceptable.

Principal Provisions of BBLEP 2013	Compliance	Comment
<ul style="list-style-type: none"> <li>6.3 – Stormwater Management</li> </ul>	Yes	6.3 – Council's Development Engineer has reviewed the application supported the proposal, subject to recommended conditions.

The objectives and provision of the BBLEP 2013 have been considered in relation to the subject development application. The proposal is considered unsatisfactory in terms of the BBLEP 2013.

#### **Clause 4.6 Variation to floor space ratio**

The site is nominated as having a maximum floor space ratio (FSR) of 0.5:1 on the BBLEP 2013 FSR map. The proposed semi-detached dwellings will result in a FSR of 0.76:1, which is a variation of 25.7%.

The site is located in Area 3. Clause 4.4A of BBLEP 2013 permits higher density for dwelling houses based on the size of the lot. The subject property has a site area of 485sq.m. Under Clause 4.4A, a dwelling house would be allowed to have a maximum FSR of 0.55:1.

The applicant has provided a written Clause 4.6 variation request, providing justification for the proposals variation to the 0.5:1 FSR requirement, stating that it is unnecessary and unreasonable in the particular circumstances.

In *Wehbe v Pittwater Council* [2007] NSW LEC 827 (*Wehbe*), the Land and Environment Court set out the following five 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*.

Consent may be granted for the proposal subject to Clause 4.6, notwithstanding that the proposal would contravene this development standard, as the FSR development standard is not expressly excluded from this Clause (Cl 4.6(2)). The applicant has provided a written request justifying the contravention of the development standard pursuant to Clause 4.6(3) of Botany Bay Local Environmental Plan 2013, which is considered below.

#### **4.6 Variation request assessment**

##### **Clause 4.6(3)**

Clause 4.6(3) states consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the application that seeks to justify the contravention of the development standard by demonstrating:

- (a) That the compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.

The applicant has argued the FSR standard is unreasonable or unnecessary in the following three points:

- ☐ *Firstly, there are no adverse consequences attributable to the proposed non-compliant aspect of the development. To ensure absolute compliance with the FSR standard would necessitate the removal of large areas of floor space within the proposed building.*
- ☐ *Secondly, bearing in mind that the building meets the DCP criteria for size, scale and setbacks etc, and is therefore within the building envelope envisaged in the relevant planning framework, there would be no improvement in any potential impact on the amenity of adjoining properties by reducing the FSR.*
- ☐ *Thirdly, requiring compliance for the sake of numerical satisfaction would not result in any variation in the building's fit within the streetscape and desired future character, which are the matters sought to be achieved within Clause 4.4A itself.*

##### **Comments:**

The development application proposes a development that will result in buildings which are larger in bulk, scale and appearance to the existing dwellings in the area. The excessive bulk and scale of the dwellings will result in detrimental impacts on the neighbouring dwellings in regard to overshadowing. As can be seen from the submitted plans, the footprint and bulk of the proposed buildings extend significantly beyond the footprint and bulk of the buildings in Kurnell Street, including neighbouring semi-detached dwellings.



**Figure 3.** Streetscape Kurnell Street

The streetscape of Kurnell Street is characterised by a mix of semi-detached dwellings some with first floor additions predominantly set back further than the ground floor and single storey detached dwellings. The desired future character of the locality remains as existing, supported by the subdivision pattern and development style along Kurnell Street.

Compliance with the development standard will permit semi-detached dwellings with a lesser bulk and size and subsequent lesser negative impacts to be built on the site. Compliance will not hinder the orderly and appropriate development of the land.

Application of the FSR development standard is not considered unreasonable or unnecessary in the circumstances of this case.

(b) That there are sufficient environmental planning grounds to justify contravening the development standard

The applicant argues there is sufficient grounds to justify the variation in the below extract from the written variation request:

*“The development in the main meets the objectives and controls of the relevant Environmental Planning Instrument and DCP. It acknowledges the site’s location by maintaining the required side set backs and proposing a built form that retains a low intensity.*

*Within Kurnell Street, both nearby the site and further along its length are a number of examples of semi detached dwellings that have been extended up by a level. Sometimes on both sides and*

*sometimes on one half only. In most cases these upper floors cover most of the ground floor footprint that by default enlarges the resulting FSR to greater than 0.55:1."*

*"The subject proposal seeks to demolish the existing dwelling on the site and construct a new building containing two new dwellings. As evidenced by the table within the SEE submitted to Council, the proposal meets all of the numerical standards within the DCP relating to site cover, setbacks, landscaped open space and design criteria. Accordingly, the proposal will provide good amenity to its future residents, without negatively impacting on adjoining properties in terms of expected shadow impact, aural or visual privacy etc.*

*A better planning outcome can also be considered in terms of the potential impact of the proposal on the public domain and in an urban design sense. Any assessment of these issues must consider the proposal in terms of the context of the site, its built form, the need for varied residential opportunities within a low density format in the locality, the design parameters of the relevant DCP and the long term potential for similar development on adjoining properties."*

*"...no significant adverse impacts arise from the non-compliance with the LEP FSR standard and therefore compliance would be merely for the sake of numerical accuracy."*

Comments:

There are no environmental planning grounds to justify contravening the development standard. The site is not otherwise constrained by flood affectation, steepness, easements, heritage items or other matters of the like which would hinder the orderly development of the land, and justify varying the development standard. A development application for sensitively and appropriately designed semi-detached dwellings which complied with the FSR control would be permissible on the site and is likely to be supported.

#### **Clause 4.6(4)**

Clause 4.6(4) states consent may 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)

Comment: Council is not satisfied that the written request has adequately addressed the matters required to be demonstrated in subclause (3) because the negative impacts the proposal will result in have not been addressed nor an attempt to mitigate them made, no particular circumstances for the subject site have been identified which make a variation reasonable or necessary, and sufficient planning grounds to justify a variation have not been demonstrated.

- (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

Comment: The following matters pursuant to Clause 4.6 are therefore also considered:-

- Objectives of the Floor Space Ratio Standard.
- Objectives of the LR2 Low Density Residential zone
- Public interest
- Objectives of Botany Bay LEP 2013 Clause 4.6



**Objectives of Clause 4.4 Floor space ratio**

The objectives of Clause 4.4 FSR of the Botany Bay Local Environmental Plan 2013 are:

- *To establish standards for the maximum development density and intensity of land use,*
- *To ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality,*
- *To maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing, and are not likely to undergo, a substantial transformation,*
- *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,*
- *To minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain,*
- *To provide an appropriate correlation between the size of a site and the extent of any development on that site,*
- *To facilitate development that contributes to the economic growth of Botany Bay.*

Additionally, Clause 4.4A contains the following objectives:

- (a) to ensure that the bulk and scale of development is compatible with the character of the locality,
- (b) to promote good residential amenity.

Comments:

The proposal is inconsistent with the objectives of the FSR development standard for the following reasons:-

- The proposal exceeds a reasonable density and intensity of use on the site. The proposal will result in unacceptable impacts on neighbouring properties due to the intensity of the proposed development.
- The resulting bulk and scale of the proposal is incompatible with the existing character of the locality. It is also excessive for the likely desired future character of the locality, as should each site of a similar size in Kurnell Street be redeveloped with a similar variation to the permitted FSR the future character of the locality will become dominated by dwellings with excessive bulk, limited to no landscaping, repeated detrimental impacts to neighbours and an overall unattractive streetscape and public domain.
- Kurnell Street is not currently undergoing a substantial transformation nor is it anticipated to do so in the foreseeable future. It is not included in any State plan or policy which will change the development potential of the land. As such the maintenance of the relationship between the existing character in the locality and any new development would best be achieved through compliance with the relevant development standards.
- The proposed buildings are anticipated to adversely affect the streetscape when viewed from the adjoining road because of the bulk and style design of the buildings, in a street where first floor additions are predominantly set back and have a smaller floor plate than the ground floor beneath.
- An FSR of 0.5:1 on the subject site is considered appropriate to maintain the character of the locality and adequate to permit redevelopment of the site.
- The development standard can facilitate development which could contribute to the economic growth of Botany Bay without a variation to that standard.

**Objectives of the R2 Low Density Residential 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.*

Comments:

The proposed semi-detached dwelling houses are a permissible use within the R2 Low Density Residential Zone.

The proposal provides additional housing to serve the housing needs of the community however the size of the proposed dwellings is not consistent with the low density scale of development in Kurnell Street.

The proposal may encourage walking and cycling as it is located close to employment, recreation, schools and retail opportunities.

**Public Interest and Public Benefit**

The proposed variation is not in the public interest as it will result in adverse impacts to neighbouring properties and the character of the locality.

During the public notification period for the development application three (3) submissions (all from the neighbouring property owners/residents to the south of the subject site) opposing the proposal were received. The matters raised in the submissions are addressed later in this report.

**Objectives of Clause 4.6 Exceptions to development standards**

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.*

Comments:

The subject site is not constrained by any particular environmental issues, such as rocky outcrops, steepness and the like which would warrant flexibility in applying development standards to achieve better outcomes for and from development of the site. Good planning outcomes can be achieved on site while complying with the FSR standard.

**Summary**

The Clause 4.6 variation request to the floor space ratio control has been assessed in accordance with relevant case law, being the principles of *Wehbe v Pittwater Council* [2007] NSWLEC 827 and *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 1009 & NSW LEC 90 (*Four2Five*). The proposal is inconsistent 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 while compliant with some are noncompliant in significant and unsupportable ways.

It has been established that the proposed development is inappropriate and adherence to the development standard in this instance is reasonable and necessary.

The applicant's Clause 4.6 request is not well-founded and the major departure in FSR development standard for 7 Kurnell Street, Botany is not in the public interest. On this basis, it is recommended that the development standard relating to the maximum FSR for the site pursuant to Clause 4.4 of the Botany Bay Local Environmental Plan 2013 should not be varied.

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

There are no current Draft EPIs applicable to this development

#### **S. 4.15(1)(a)(iii) - Provisions of any Development Control Plan**

The following Development Control Plan is relevant to this application:

#### **Botany Bay Development Control Plan 2013**

The application has been assessed against the controls contained in the BBDCP 2013. The discussion below compares the proposal with the relevant provisions of this Policy.

#### **Part 3A – Parking & Access**

The table below compares the proposal with the relevant provisions of this Part of the DCP.

Control	Proposed	Complies
3A.2 – Parking provisions of specific uses		
C2 – Semi detached dwelling		
One space per dwelling	Two spaces per dwelling are proposed with a single garage and one driveway parking space for each dwelling.	Yes
C4 – Tandem or stack parking	One garage space and one driveway space aligned with the garage are allocated to each dwelling.	Yes
3A.3.1 – Car park design		
C10 – Off street parking facilities are not permitted within the front setback	Both single garages are behind the front building line.	Yes
C13 – Pedestrian and vehicular paths separated	The driveways and pedestrian access to the dwellings are separated from each other.	Yes
C14 – One vehicle access point per property	One vehicle access point for each semi-detached dwelling is proposed.	Yes
C26 – Tandem car parking only permitted where spaces are allocated to the same single dwelling.	Tandem parking (garage and driveway) are allocated to the same single dwelling.	Yes

Control	Proposed	Complies
C28 – Min 3m wide access driveway for dwelling houses	The width of each vehicle crossover is 3m.	Yes

### **Part 3E – Subdivision and Amalgamation**

The table below compares the proposal with the relevant provisions of this Part of the DCP with a merit assessment discussed further below.

Control	Proposed	Complies
<b>3E.2.1 General Torrens Title Subdivision and Amalgamation</b>		
C1 – Subdivision shall be consistent with the desired future character of the area under Part 8 of the BBDCP2013.	The proposed subdivision is generally consistent with the rectilinear subdivision pattern of the area.	Yes
C2 – Subdivision must not compromise any significant features of existing or adjoining sites including streetscape character, landscape features or trees.	The proposed subdivision does not have a detrimental impact to the streetscape character. The proposed semi-detached dwellings for the proposed new lots are considered to not be consistent with the streetscape character due to size and bulk	Yes
C3 – Subdivision must have similar characteristics to the prevailing street pattern of lots fronting the same street.	The proposed subdivision will have similar characteristics to the prevailing street pattern of narrow, rectangular lots fronting Kurnell Street.	Yes
C4 – Applications which propose the creation of new allotments shall demonstrate that future development for the site can comply with all Parts of the DCP.	The proposed dwellings to be sited on the new lots cannot demonstrate compliance with all Parts of the DCP, particularly shown in the large variation proposed to the permissible FSR.	No
C5 – Applications must demonstrate that the following has been considered. (i) Site topography and other natural and physical features (ii) Existing services (iii) Existing vegetation (iv) Existing easements or the need for new easements (v) Vehicle access (vi) And land dedication required (vii) Potential flood affectation and stormwater management requirements (viii) Contamination of the land (ix) Existing buildings or structures (x) Heritage Items, Conservation Areas and adjoining Heritage Items	The proposed development includes the removal of a street tree, however all other matters have been considered.	Partial

Control	Proposed	Complies
C6 – Subdivision must not result in the creation of a new lot that contains significant site features that would render the land unable to be developed.	The proposed subdivision results in two residential allotments with the same site features.	Yes
C7 – Subdivision which results in additional residential allotments of land within ANEF contour of 30+ is not permitted.	The site is located outside ANEF contour 20.	Yes
C8 – Subdivision is not permitted in areas identified to be affected by projected 2100 sea level rise by NSW State Government.	The site has not been identified to be affected by projected 2100 sea level rise.	N/A
<b>3E.2.2 Residential Torrens Title</b>		
C2 – Proposed subdivision or amalgamation must have characteristics similar to the prevailing subdivision pattern of lots fronting the same street, in terms of area, dimensions, shape and orientation.	The proposed subdivision will result in lots with similar areas, dimensions, shape and orientation to that existing in Kurnell Street.	Yes
C7 – All lots created shall have a least one (1) frontage to the street.	Both new lots will front Kurnell Street.	Yes

### **Part 3G – Stormwater Management**

The table below compares the proposal with the relevant provisions of this Part of the DCP.

Control	Proposed	Complies
C1 – Development shall not be carried out on or for any lands unless satisfactory arrangements have been made with and approved by Council to carry out stormwater drainage works.	<p>The application is accompanied by Concept Stormwater Plans prepared by Triaxial Consulting which were referred to Council's Development Engineer for review and comment (Issue A, dated 13.04.18).</p> <p>Council's Development Engineer is satisfied with the proposal.</p>	Yes

### **Part 3H – Sustainable Design**

The table below compares the proposal with the relevant provisions of this Part of the DCP.

Control	Proposed	Complies
C1 – For all proposed residential development where BASIX applies, the application is to be accompanied by a BASIX Certificate.	The application was accompanied by BASIX Certificate No. 922192M.	Yes

**Part 3K – Contamination**

DCP Requirement	Proposed	Complies
O1 – To ensure that the development of contaminated or potentially contaminated land does not pose a risk to human health or the environment.	An assessment against the relevant provisions of the SEPP 55 is undertaken in S. 4.15(1)(a)(i) above.	Yes

**Part 3L- Landscaping and Tree Management**

Control	Proposed	Complies
<b>3L.1.2 – Development Application Submission Requirements</b>		
C1 – Landscape documentation is required to be submitted in accordance with Table 1.	The application is accompanied by a Landscape Plan prepared by Carmichael Studios, Drawing No. SK 01 Rev F undated.	Yes
<b>3L.2 – General Requirements</b>		
C1 – Existing trees including street trees must be preserved.	Four trees are proposed to be removed, three from the site and one street tree. The removal of the site trees, subject to replanting of advanced suitable species is supported. However Council's Tree Management Officer advises the street tree must be retained. The location of the driveway conflicts with the street tree and is not supported.	No
C2 – Landscaping will be designed to reduce the bulk, scale and size of building and to shade and soften hard paved areas.	The proposed landscaping will slightly mitigate the bulk, scale and size of the proposed building however the small area in which larger species could be successfully grown will be largely occupied by driveways and pedestrian access paths.	No
C3 – Landscaping is to be used to define the transition between public and private spaces.	The proposed landscaping will assist in delineating between the public road reserve and the private dwelling spaces.	Yes
C4 – Landscape screening or buffers are to be included and designed so as to enhance privacy between properties and softening of wall and facades.	The proposed landscaping will enhance the privacy enjoyed between the semi-detached dwellings and the neighbouring properties.	Yes

Control	Proposed	Complies
C9 – A deep soil landscape zone is required for all developments.	Deep soil zones are available in the rear garden to each semi-detached dwelling.	Yes
C12 – Areas containing trees are to be of suitable dimensions to allow for lateral root growth as well as adequate water penetration and air exchange to the soil substrate.	Possible locations for tree species include the rear garden and the road reserve. Selection of suitable species and planting location should enable lateral root growth and water and air penetration into the soil.	Yes

### **Part 3N- Waste Minimisation and Management**

The application is accompanied by a Waste Minimisation and Management Plan, prepared in accordance with the BBDCP 2013. The Plan addresses works involved including minor excavation and fill to the site, in addition to the construction of the works proposed and is acceptable with regards to the relevant parts of this Part of the BBDCP 2013.

### **Part 4A- Dwelling House**

The application is accompanied by a Site Analysis Plan which identified opportunities and affectations of the site.

The table below compares the proposal with the relevant provisions of this Part.

Control	Proposed	Complies
<b>4A.2.1 Design Excellence</b>		
C1 – To achieve design excellence in urban design, development should account for those matters listed in the DCP.	The proposed development accounts for some of the matters listed however it does not minimise impacts on neighbours by maintaining appropriate levels of solar access, providing quality landscaping and avoiding a bulky appearance.	No
C2 – A Development Application for a new dwelling house or major alteration to a dwelling must include a written statement to demonstrate how design excellence will be achieved in the proposed development and meet the requirements identified in C1	The application was not accompanied with a written design excellence statement.	No
<b>4A.2.2 Site Analysis</b>		
C1 – A site analysis plan shall be submitted with all Development Applications.	A site analysis plan prepared by Bureau SRH was submitted with the DA.	Yes
<b>4A.2.3 Local Character</b>		
C1 – Development must be designed to respond to the opportunities and constraints identified in the Site Analysis	The proposal generally responds to the site analysis, however there are matters which are not well addressed; primarily being the east-	No

	west site orientation and the subsequent shadowing effects to the property to the south, the retention and provision of landscape and deep soil planting areas and trees and the fit of the proposal with the streetscape.	
C2 – Development must comply with the relevant Desired Future Character Statements in Part 8.	The Desired Future Character is addressed later in this report.	See below
4A.2.4 Streetscape Presentation		
C1 – New dwellings must be designed to reflect the Desired Future Character Statement in Part 8 – Character Precincts and are to reinforce the architectural features and identify which contributes to its character.	The contribution the proposed makes to the desired future character of the Botany Character Precinct is addressed later in this report	See below
C2 – Development must be designed to reinforce and maintain the existing character of the streetscape.	The proposal is inconsistent with the existing character of the streetscape because the first floor is not setback from the ground floor, like the majority of first floors along the street, the proposed materials are not seen elsewhere in the street and there is limited opportunity for landscape area and tree planting on the site.	No
C3 Development must reflect dominant roof lines and patterns of the existing streetscape (refer to Figure 3).	The character of Kurnell Street includes numerous semi-detached dwellings many with first floor additions with smaller floor plates than the ground floor and pitched roofs.	No
C4 – Building must appropriately address the street.	The proposed dwellings address Kurnell Street with easily identifiable pedestrian and vehicular access from the street.	Yes
C6 – The entrance to a dwelling must be readily apparent from the street.	The entrances to each dwelling will be readily apparent from Kurnell Street.	Yes
C7 – Dwelling are to have windows to the street from a habitable room to encourage passive surveillance.	The proposal will include a first floor bedroom door and balcony in each dwelling which faces the street.	Yes
C10 - Development must retain characteristic features prevalent in houses in the street, including verandas, front gables, window awnings, bay windows, face brickwork or stone details.	The proposal does not retain or reflect characteristic design features prevalent in the street. These features include set back first floors and hipped roofs.	Yes



<b>4A.2.5 Height</b>		
C1 – Maximum height of buildings must be in accordance with the Height of Buildings Map.	The proposed development seeks a building height of 6.6m which is compliant with the permitted 8.5m maximum.	Yes
C3 – New buildings are to consider and respond to the predominant and characteristic height and storeys of buildings within the neighbourhood. Note: Characteristic building height is defined as the average building height of the two adjoining buildings.	The proposal exceeds the characteristic building height as defined because the adjoining dwellings are single storey. However there are many examples in Kurnell Street of two storey dwellings with a similar height to that proposed for the semi-detached dwellings. The number of storeys non-compliance with the height clause is acceptable.	Yes
<b>4A.2.6 Floor space ratio</b>		
C1 – The maximum FSR of the development must comply with the Floor Space Ratio Map and Clause 4.4 and 4.4A of the BBLEP 2013.	Clause 4.4A permits an overall FSR of 0.5:1 for the subject site.  The proposed development seeks an overall FSR of 0.76:1 which is not compliant with the maximum permitted FSR. The extent of the variation is 25.7% thereby requiring determination by the Bayside Planning Panel. A s4.6 variation request has been submitted and is addressed earlier in this report.	No
<b>4A.2.7 Site Coverage</b>		
C2 - For sites between 200-250m <sup>2</sup> the maximum site coverage is 65% of the lot.	Each lot of the subject site is 242m <sup>2</sup> , making 65% of the site area equal to 157.3m <sup>2</sup> . The proposed site coverage is a total of 114m <sup>2</sup> . The proposed site coverage is 47% of the site area and therefore compliant with this Control.	Yes
<b>4A.2.8 Building Setbacks</b>		
C1 – Dwelling houses must comply with the minimum setbacks in Table 1. For lot widths less than 12.5m: Front setback – prevailing or 6m Side setback – merit Rear setback – 4m Eaves – 450mm from boundary	Proposed:  a) – 6m, which matches prevailing b) – 900mm c) – 11m d) – 900mm (box gutters) 3.	Yes
C5 - To avoid the appearance of bulky or long walls side and rear setbacks should be stepped or walls articulated by projecting or recessing window elements, or a variation in materials.	The side walls of the proposal are to be finished with differing materials and articulated along their length. This will contribute to lessening the bulk appearance of the proposal.	Yes

<b>4A.2.9 Landscape Area</b>		
C2 - Development shall comply with the minimum landscaped area requirement in Table 2: <250m <sup>2</sup> – 15%	Landscape area = 78m <sup>2</sup> (32%).	Yes
C3 - Landscaped Area is to be fully permeable deep soil zones which are areas of natural ground or soil, not planter boxes (refer to definition in Part 3L – Landscaping).	Half of the rear yard landscape area is proposed to be a deck and 5m <sup>2</sup> of the front yard is part of the driveway. This means 35m <sup>2</sup> or 44% of the landscape area is not permeable deep soil zones.	No
C4 – Site structure to retain existing trees.	Council's Tree Management Officer has advised the street tree and a cedar in the front yard should be retained. The proposed development removes both. Appropriate replanting could mitigate the removal of the two existing trees.	No
C8 - The front setback is to be fully landscaped with trees and shrubs and is not to contain paved areas other than driveways and entry paths. Paving is restricted to a maximum of 50% of the front setback area.	50% (3m <sup>2</sup> ) of the front setback is landscaped.	Yes
C9 – The front setback area must contain at least one tree for frontages up to 11.5 metres in width and 2 trees for frontages great than this.	The proposal includes one tree in the outside corners of the existing lot front setback.	Yes
<b>4A.3.1 Materials and Finishes</b>		
C1 - A Schedule of Finishes and a detailed Colour Scheme must accompany all Development Applications.	A schedule of material and finished prepared by Bureau SRH was submitted with the development application.	Yes
C3 – Material, colours, architectural details and finishes must be sympathetic to the surrounding locality.	The proposed materials are contemporary and not sympathetic to the surrounding locality	No
C4 - The use of materials with different textures are to be used to break up uniform buildings.	The proposed materials are a mix of metal cladding, painted concrete, aluminium windows and glass balustrades. The mix of materials and textures may break up the long walls of the semi-detached dwellings.	Yes
C5 – All materials and finishes must have low reflectivity.	The proposed dark colours for most of the development will ensure low reflectivity.	Yes

**\*Note 1 - 4A.4.3 Solar Access**

C7 – Terracotta roof tiles must be used where this is the predominant roofing material.	Terracotta roof tiles are the predominant roofing material in the street. The proposal intends to use metal roofing.	No
C10 The exterior walls of new dwellings must incorporate different materials, colours and textures to add interest and articulate the façade.	The exterior walls are proposed to be either metal cladding or painted concrete. The garage door is to be metal. A small amount of interest and articulation may result from the use of these materials on the façade.	Yes
C11 – New development must incorporate colour schemes that are consistent with the predominant colour schemes in the street. No expansive use of white, light or primary colours which dominate the streetscape are permitted.	The proposed dark colours are no consistent with the red brick and light colour paints on dwellings in Kurnell Street.	No
A4.3.2 Roof and Attics/Dormers		
C1 – Where roof forms in a street are predominantly pitched, then any proposed roof should provide a similar roof form and pitch.	The predominant roof form is pitched. The proposal includes part pitched and part flat roofs.	Yes
C2 – Flat or skillion roof forms may be located to the rear of a development site provided it is not a corner location and does not detract from the streetscape.	The part pitched and part flat roof continues for the length of the dwellings from front to rear.	Yes
C3 – A variety of roof forms will be considered, provided they related appropriately to the architectural style of the proposed house and respect the scale and character of adjoining dwellings.	The proposed part pitched and part flat roofs relate appropriately to the style of the proposed dwellings and respect the scale and character of other roofs in the street.	Yes
C4 – Pitched roofs must have a minimum eave overhang of 450mm (excluding gutters).	The amended elevations show a nil eave overhang.	No
4A.3.3 Fences		
C1 - Front fences are to compliment the period or architectural style of the existing dwelling house.	No front fences are proposed.	N/A
C18 – Side fences of a height of 1.8 metres are not to extend beyond the front building line.	The existing side fences taper from an approximate height of 1.8m down to the front boundary.	Yes
4A.4.1 Visual Privacy		
C2 - Visual privacy for adjoining properties must be minimised by: <ul style="list-style-type: none"> <li>▪ using windows which are narrow or glazing</li> <li>▪ Ensuring that windows do not face directly on to windows, balconies or courtyards of adjoining dwellings</li> </ul>	The proposal includes first floor windows which are narrow either vertically or horizontally and with high sill heights in the north and south elevations. The large fixed windows adjacent to the staircases	Yes

<ul style="list-style-type: none"> <li>▪ Screening opposing windows, balconies and courtyards; and</li> <li>▪ Increasing sill heights to 1.5 metres above floor level.</li> </ul>	should be of an obscure or frosted glazing.	
C3 - First floor balconies are only permitted when adjacent to a bedroom	The proposed first floor balconies and the front and rear of the dwellings are adjacent to bedrooms.	Yes
C4 – First floor balconies are only permitted at the rear of the dwelling if wholly located over the ground floor, providing the requirements in C1, C2 and C3 above are met	The first floor rear balconies are not located over the ground floor. The balconies extend beyond the floorplate of the ground floor, forming a roof for part of the hard surface landscape (rear deck) area below.	No
<p>C6 - Balconies are to be designed to minimise overlooking to other properties.</p> <p>Note: Where a proposed development increases the potential for overlooking of adjoining properties, the Council may require balconies to be limited in size and in some cases, fitted with privacy screens or fin walls. Partially recessed balconies are encouraged at the rear to ensure the privacy of surrounding properties is maintained.</p>	The rear balconies are centred within the site and provided with privacy screens on the outer sides. The design of the rear balconies will minimise overlooking to neighbouring properties.	Yes
4A.4.3 Solar Access *see further discussion at the end of this DCP table.		
C1 – Buildings are to be designed and sited to maintain approximately 2 hours of solar access between 9am and 3pm on 21 June to windows in living areas (family rooms, rumpus, lounge and kitchens) and to 50% of the primary private open space areas of both the subject site and adjoining properties.	<p>The proposed development will not permit two hours of solar access between the hours of 9am and 3pm during mid-winter to the primary private open space of the subject site.</p> <p>Two hours of solar access during the specified period will also not be available to the north facing windows of the adjoining dwelling to the south.</p>	No* Refer to comments in Note 1 below
C2 – Solar panels on adjoining house that are used for domestic needs within that dwelling must not be overshadowed for more than two hours between 9am to 3pm in mid-winter.	The solar panels on the adjoining property to the south, which are used for domestic needs will be overshadowed for more than two hours between 9am and 3pm during mid-winter.	No
C6 – For development adjoining a semi-detached dwelling, first floor additions may need to be setback in order to provide adequate solar access to the living areas within the adjoining dwellings and their principal open space areas.	The proposed first floor is not set back.	No

4A.4.4 Private Open Space		
<p>C1 - Each dwelling is to have a private open space that:</p> <p>(i) Has at least one area with a minimum area of 36m<sup>2</sup>;</p> <p>(ii) Is located at ground level with direct access to the internal living areas of the dwelling;</p> <p>(iii) Maximises solar access;</p> <p>(iv) Is visible from a living room door or window of the subject development;</p> <p>(v) Minimises overlooking from adjacent properties;</p> <p>(vi) Is generally level;</p> <p>(vii) Is oriented to provide for optimal year round use;</p> <p>(viii) Is appropriately landscaped; and</p> <p>(ix) Is located or screened to ensure privacy;</p> <p>Note: Private open space is not to include:</p> <p>(i) Non-recreational structures (including garages, tool sheds and such like structures);</p> <p>(ii) Swimming pools; and</p> <p>(iii) Driveways, turning areas and car spaces, drying areas and pathways.</p>	<p>(i) The rear private open space area for each dwelling is 60m<sup>2</sup>.</p> <p>(ii) Direct access is to the space is from the living room.</p> <p>(iii) Solar access is maximised as much as possible for a site with an east-west orientation.</p> <p>(iv) The open space is visible from the living room.</p> <p>(v) The potential for overlooking from adjacent properties is minimised with boundary walls, planting and balcony screens.</p> <p>(vi) The open space is level.</p> <p>(vii) The open space faces to the west which is not optimal for year round use, however on sites with an east-west orientation and the road to the east the west orientation is all that is available.</p> <p>(viii) The open space is provided with soft and hard landscaped areas, a built in bbq and areas for planting.</p> <p>(ix) The private open space will not be visible from the street.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

C2 – Sites less than 250m <sup>2</sup> may have minimum area of 25m <sup>2</sup> .	The subdivided sites will have an area of 242m <sup>2</sup> each. The open space areas are 60m <sup>2</sup> , in excess of the minimum 25m <sup>2</sup> required by this Control.	Yes
C3 – For terraces and decks to be included in calculations of areas for private open space, these must be of a useable size (minimum 10m <sup>2</sup> ) with one length dimensions being a minimum of 2 metres, and be accessible from a communal living area of the dwelling.	The proposed rear decks are greater than 10m <sup>2</sup> and both width and depth is greater than 2 metres.	Yes
C5 – The primary private open space is to be located at the rear of the property.	The primary private open space is located at the rear of the proposed dwellings.	Yes
4A.4.5 Safety and Security		
C1 – Dwellings must be designed to encourage passive surveillance of the street	The proposal encourages passive surveillance of the street through the first floor east elevation balcony and the clear addressing and accessing of the site for pedestrians and vehicles from the street.	Yes
4A.4.7 Vehicle Access		
C1 Driveways within a property shall have a minimum width of 3 metres. Note: An additional clearance of 300mm is required (for each side) if the driveway is located adjacent to a solid structure (i.e. masonry wall).	The proposed driveways are a minimum width of 3m, and are not adjacent to a solid structure.	Yes
C4 – Vehicular crossing shall be sited so that existing street trees, bus stops, bus zones, power lines and other services are not affected.	An existing street tree is proposed to be removed to accommodate the new driveways. A replacement street tree is proposed to be planted between the new driveway laybacks.	No
C6 - The number of vehicle crossings is to be limited to one (1) per allotment.	One (1) vehicle crossing is proposed to each of the proposed allotments in accordance with the provisions of this Clause.	Yes
C7 – Vehicular crossings shall be sited so as to minimise any reduction in on-street kerb side parking.	The proposed driveways may allow a small car to park between the driveways. It is anticipated the proposed driveways will result in the loss of one or two on street kerbside parking spaces.	No
4A.4.8 Car Parking		
C1 Development must comply with Part 3A – Car Parking	The proposed development incorporates two (2) off street parking spaces in accordance with the provisions of this Clause.	Yes

C2 – The provision of car parking must reasonably satisfy the need of current and future residents, but recognise the need to balance car parking access and provision with design, heritage, landscape and streetscape objectives.	The provision of two parking spaces for each dwelling is considered a suitable balance between resident need and design objectives.	Yes
C3 Car parking is to be located at the rear of the site with access from a rear lane. If rear lane access is not possible, parking must be provided behind the front building alignment.	No rear lane is available to the site. The proposed single garages are accessed from Kurnell Street and located behind the front building alignment. Parking in the driveway will be forward of the front building line.	Yes
C5 – Variations to the provision of car parking may be permitted in exceptional circumstances. However, the variations are not to allow the dominance of the garage/carport at the street frontage.	The proposed single garages are integrated into the dwelling design and do not dominate the street frontage.	Yes
C8 – In new development the garage/carport is to be setback 5.5 metres from the front boundary.	The garages are proposed to be setback 6m from the front boundary.	Yes
C20 – Reflective or smooth materials are not permitted for garage doors. Materials that complement the design and materials of the house are to be used.	The proposed garage door material is metal. This material may be both smooth and reflective.	No

The applicant submitted amended plans with the aim to reduce the overshadowing of the solar panels on the adjoining property. However the amended plans did not achieve compliance with BBDCP2103 Clause 4A.4.3 Control 2 which requires domestic use solar panels on adjoining houses to not be overshadowed for more than two hours between the hours of 9am and 3pm in mid-winter.

The applicant also submitted drawings of a possible semi-detached dwelling scheme for the site which was compliant with the FSR control, for the purposes of comparison. The FSR compliant scheme achieved a slight improvement in solar access to the panels. However the compliant scheme did not make a reasonable attempt to reduce the bulk of the building at first floor and as such it continued to be non-compliant with the solar access control. It is considered that a FSR compliant scheme which also creatively addressed the solar access requirement is likely to result in a proposal which can be compliant with both controls and yield a satisfactory semi-detached development on the site.

The applicant made an offer to the neighbouring owners to relocate the solar panels, at the applicant's expense, so that the panels would not be unacceptably overshadowed by the proposal. A letter from the neighbours was presented to Council, which acknowledge that the neighbours would be willing to negotiate with the applicant the relocation of the solar panels. In the letter the neighbours state 'To formalise our compensation agreement, we would require confirmation from you that the above compensation measures are acceptable to you and we provide you with a quote from a reputable installer'. The letter reiterates the neighbour's objection to the proposal on the basis of bulk and FSR. Based on this, it is our view that the agreement has not been finalised. Further it seems the neighbours have an expectation that Council would be involved in this matter and at the very least impose a condition of consent regarding the agreement.

Council cannot approve a development application which is dependent on works being carried out on a site other than the development site. The relocation of the solar panels would need to be completed first after which a development application may be prepared and assessed for the subject site, which may result in a favourable determination.

In addition to the above, the proposal does not comply with the solar access control in the DCP as the two windows on the southern neighbouring property do not receive a minimum of 2 hours solar access in mid winter.

For the above reasons the proposal is not supported.

### **Part 8 – Botany Character Precinct**

Part 8.4.2 Desired Future Character of the Botany Precinct has been considered in the assessment of the application in the below table and fails to comply with a number of the controls contained therein. In particular, development is required to retain trees, be consistent with the streetscape and minimise impacts to neighbouring properties, which the proposed development does not achieve.

The following comments are made with respect to the relevant character guidelines desired by the DCP.

Item	Comment
<i>Function and Diversity</i>	The proposed development is considered to not enhance the public domain or streetscape of Kurnell Street. The proposal does not maintain or complement the existing development pattern of modestly sized first floor additions to semi-detached or free-standing dwellings in the street.
<i>Form, Massing, Scale and Streetscape</i>	The proposed development fails to maintain the density of the area as shown by the FSR non-compliance and presents a mass and scale not in keeping with the streetscape.
<i>Setbacks</i>	The proposed development generally complies with the prevailing street setbacks. However front setbacks are predominantly paved with little opportunity for deep soil planting.  The proposed side setbacks comply with the minimum 900mm required.
<i>Landscaping</i>	The proposed landscaping, while meeting the numerical minimums provided in the BBDCP2013 provides limited opportunities for deep soil planting and softening of the buildings. Additionally it is proposed to remove and replace a street tree which Council's Tree Management Officer requires to be retained.
<i>Heritage</i>	The site is not affected by heritage requirements.
<i>Fencing</i>	No front fencing is proposed. The existing side fencing is to remain.
<i>Noise</i>	The site is not affected noise criterion listed in this control.
<i>Subdivision</i>	The proposed subdivision is discussed elsewhere in this report and considered to respond appropriately to the various grids patterns established by the surrounding low density zone.
<i>Public Domain and Environment</i>	The proposed development will not raise any inconsistencies with the provisions of this control.
<i>Solar Access</i>	Matters relating to solar access are discussed in Part 4A.4.3 above.



<i>Traffic and Access</i>	Adequate off-street parking arrangements are provided for each dwelling house with some traffic and parking impacts to the surrounding street network.
<i>Views</i>	The proposed development does not affect existing views either to or across the site.
<i>Risk</i>	Not applicable in this instance.

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

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

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

Likely impacts on the natural and built environments, and social and economic impacts in the locality have been considered in the assessment of the application and negative impacts on the current built environment due to the size, bulk and style of the proposal are anticipated. A development compliant with the floor space ratio control would correspondingly be smaller and have a lesser bulk appearance making it more suitable to the existing built environment. The design of the current proposal is out of character with the existing streetscape.

The overshadowing impact on the neighbouring property to the south is anticipated to have negative economic and personal results.

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

The suitability of the site for the proposal has been considered in the assessment of the development application. 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 non-compliance of the proposal with controls in both the Botany Bay LEP 2013 and DCP 2013 and the anticipated adverse impacts resulting from these areas of non-compliance make the site unsuitable to the proposed development.

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

In accordance with Part 2 of the BBDCP 2013, the development application was notified to surrounding property owners for a 14 day period from 4 April 2018 to 20 April 2018. One (1) unique submission (a total of three separate submissions from the same owner/resident) was received which raises concerns which are examined and addressed below.

**Concern:** Overshadowing of private open space and solar panels.

*Comment:* The proposed development is assessed as being non-compliant with Clause 4A.4.3 C2 of the Botany Bay DCP 2013 because it will result in overshadowing of solar panels used for domestic purposed on the neighbouring property, for two hours or more between 9am and 3pm

during mid-winter. This is one of the reasons Council is recommending the Bayside Planning Panel refuse the application.

**Concern:** Excessive FSR.

*Comment:* The applicant has submitted a request to vary the maximum floor space ratio permitted on the site (0.5:1), to allow an FSR of 0.76:1. Council does not support the excessive FSR nor the variation request. This is addressed earlier in this report and is one of the reason Council is recommending the Bayside Planning Panel refuse the application.

**Concern:** Bulk, too large a building for the site.

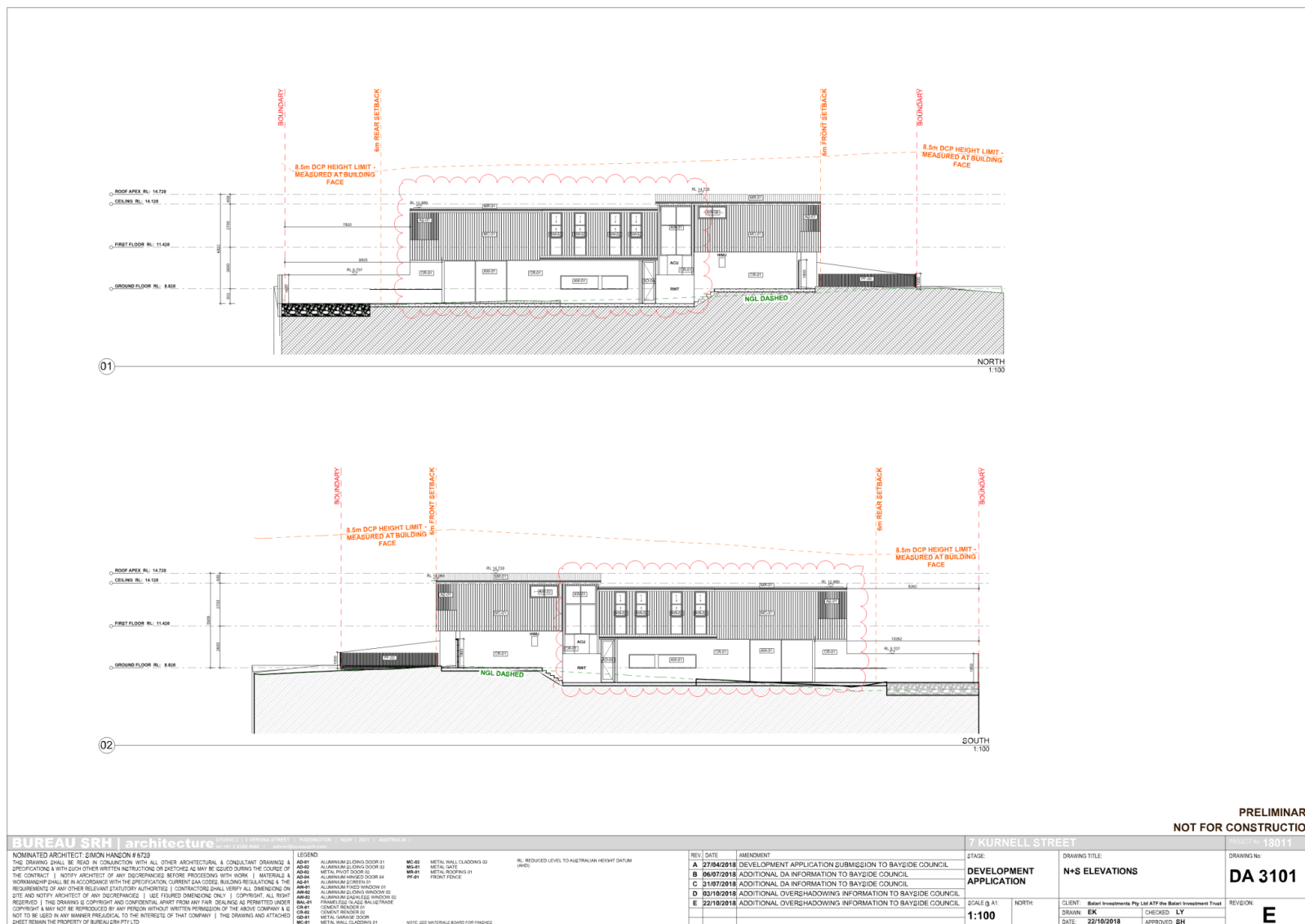
*Comment:* The bulk appearance of the proposal is a result of the proposed floor space ratio. A proposal which is compliant with the FSR development standard may reduce the bulk and size of the building on the site. The long side walls of the proposal have been articulated with varied set-backs along their length, and this will create a visual difference and relief when viewed obliquely from the short ends of the building (ie. from the street) however the bulk of the building when viewed from the neighbouring properties will remain large.

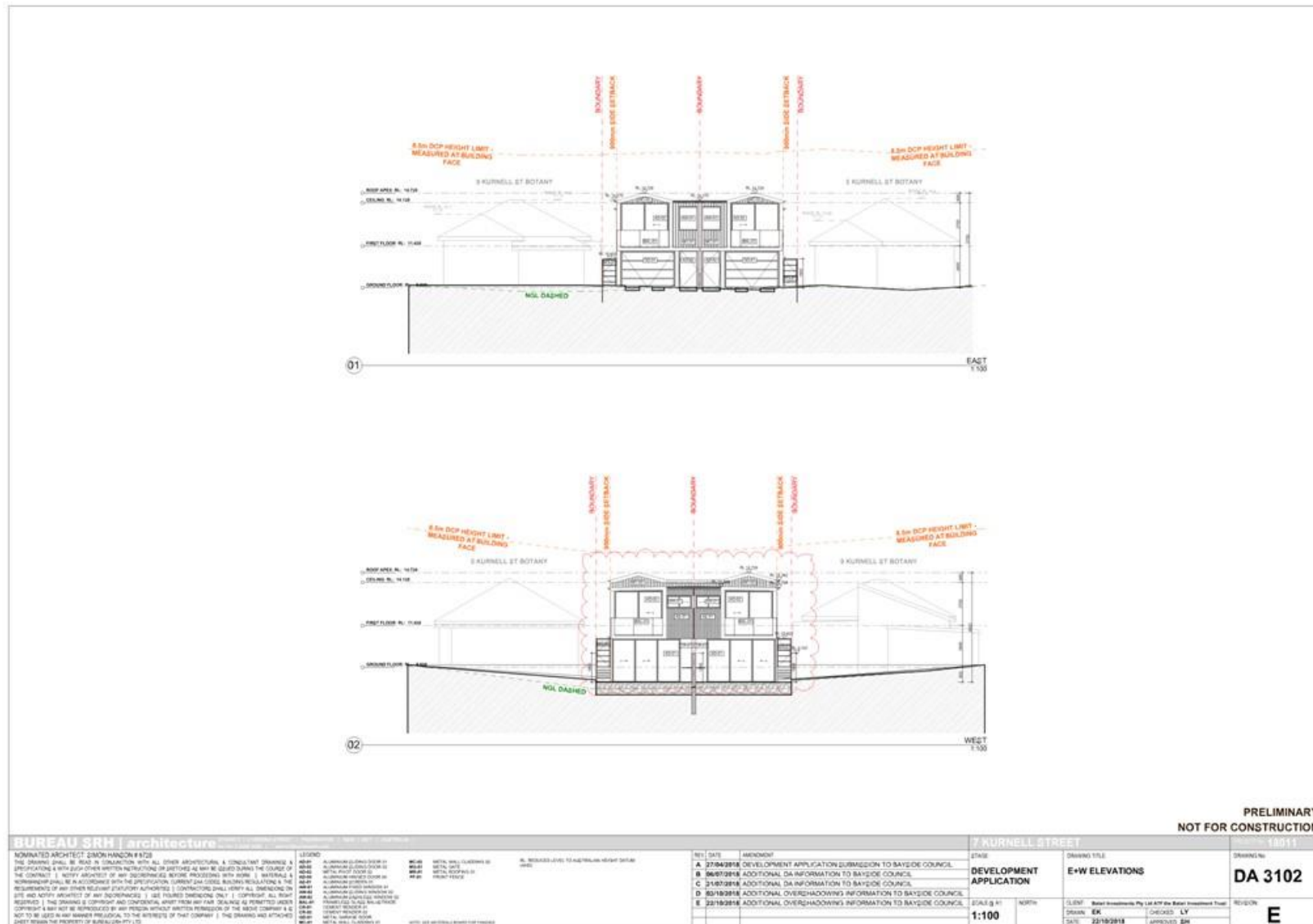
#### **S.4.15(1)(e) - Public interest**

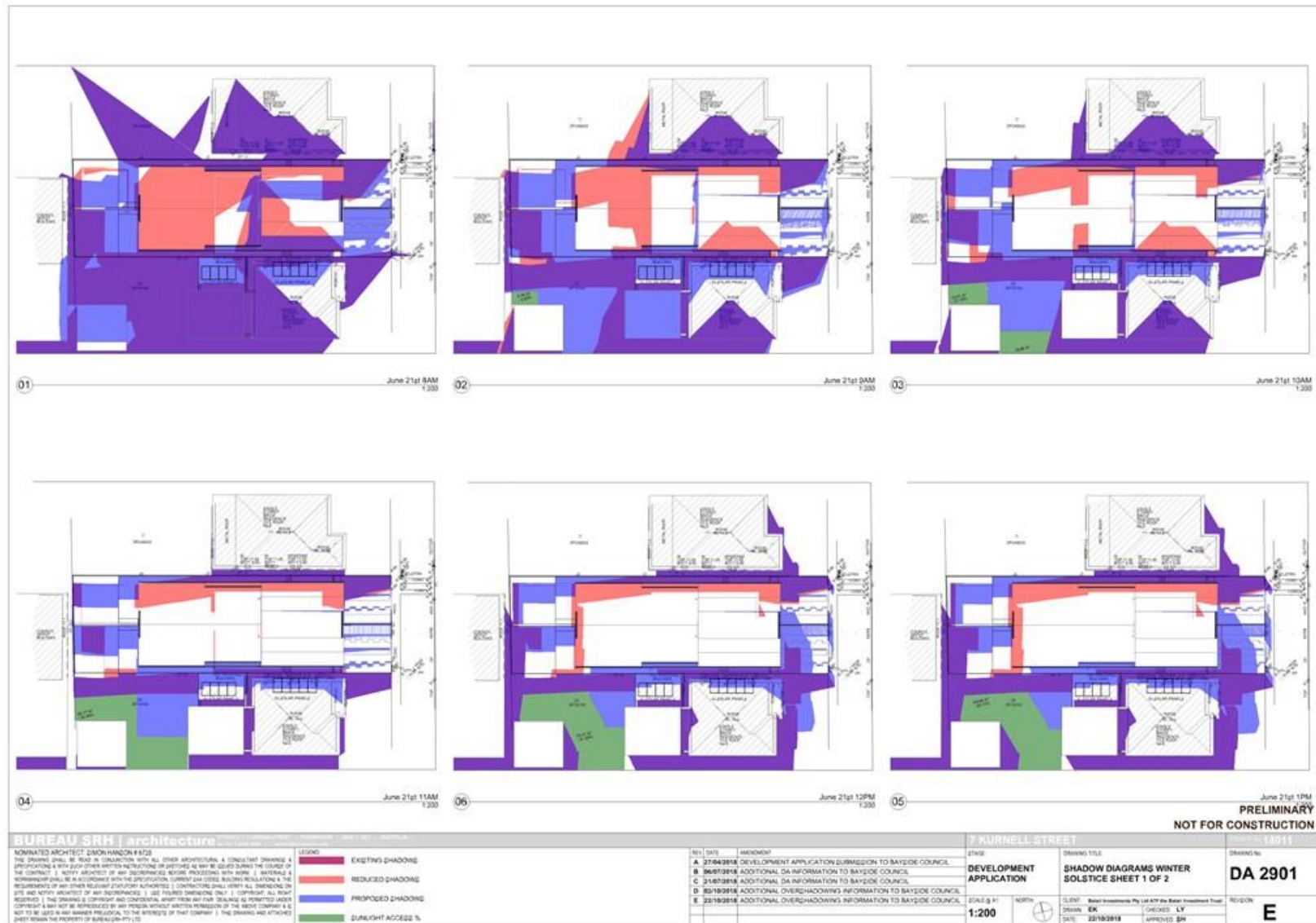
Granting approval to the proposed development will have adverse impacts on the neighbouring property and the locality, and is not recommended. The proposal is considered to not be in the public interest.

#### **Section 94 Contributions**

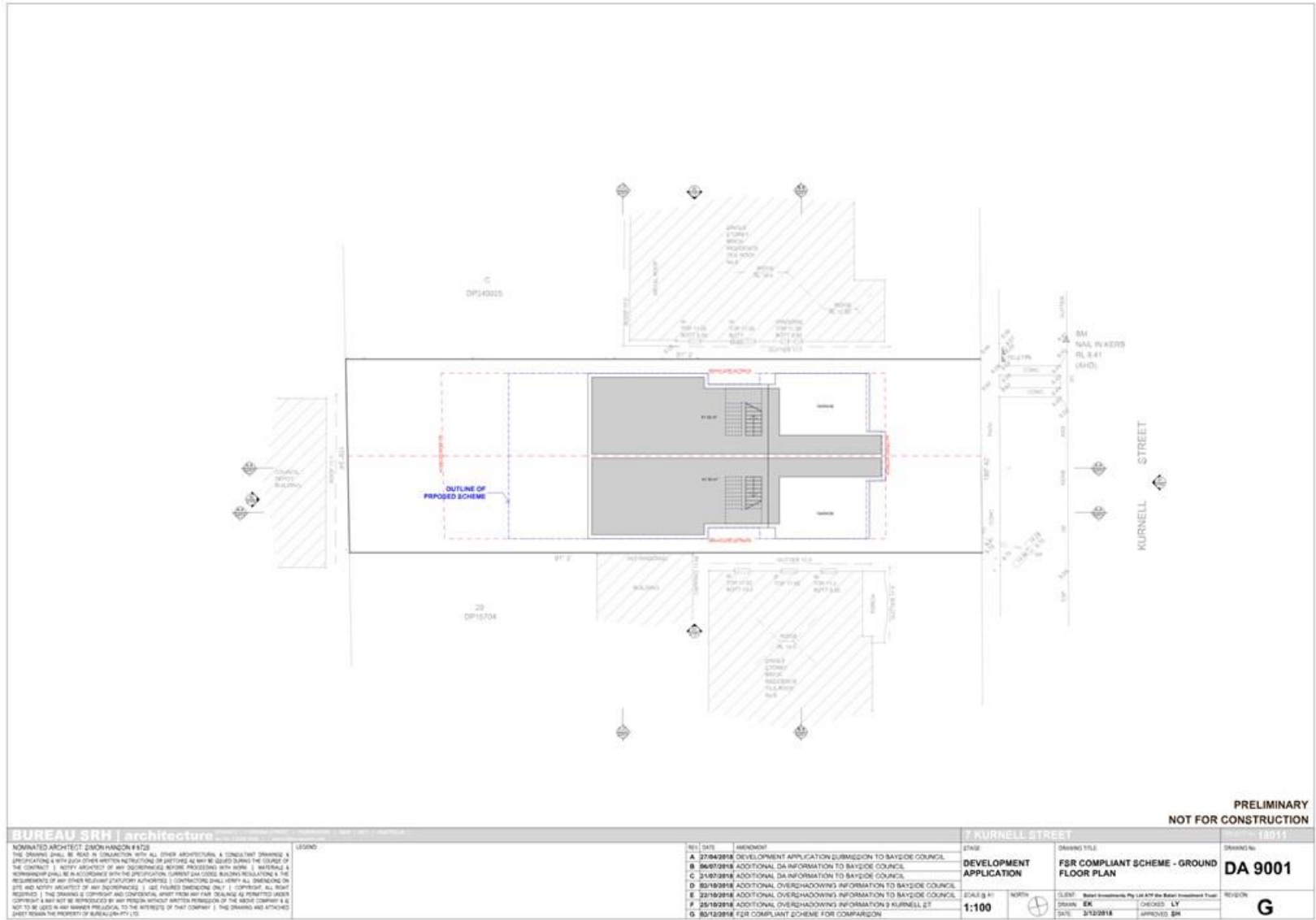
Council's S7.11 Planner has confirmed that a levy of \$20,000 applies to the proposed development should the proposed development be approved.



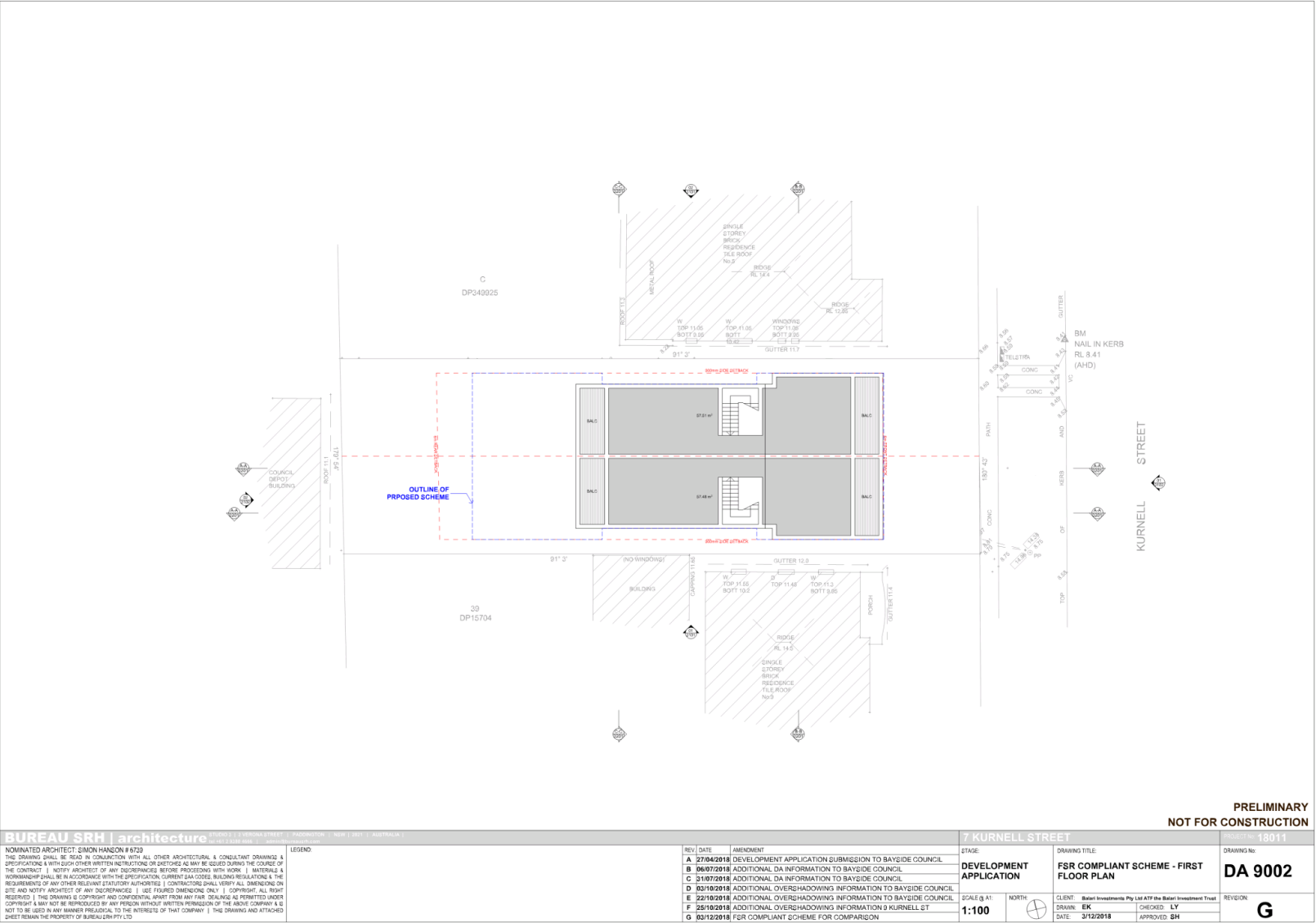




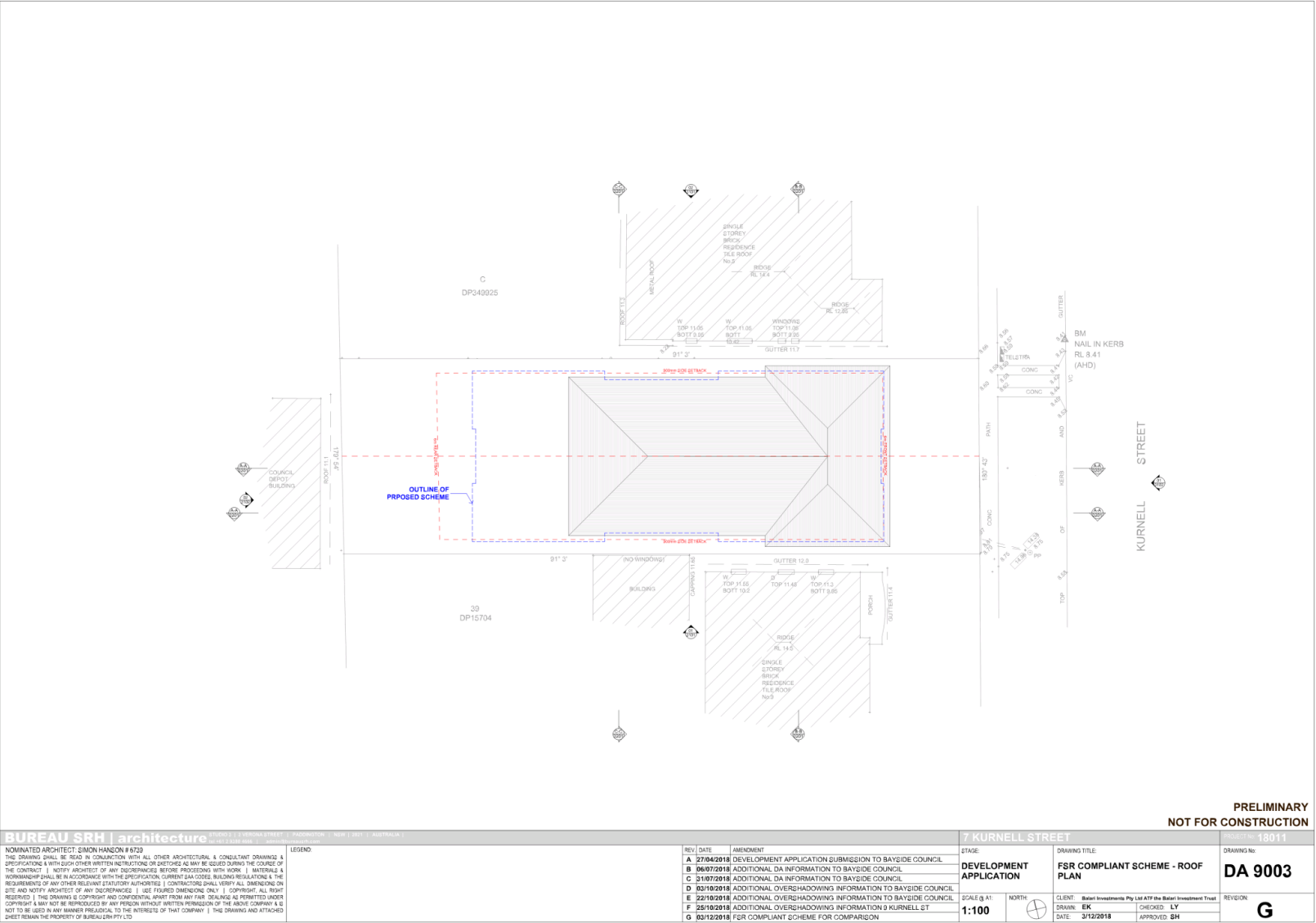


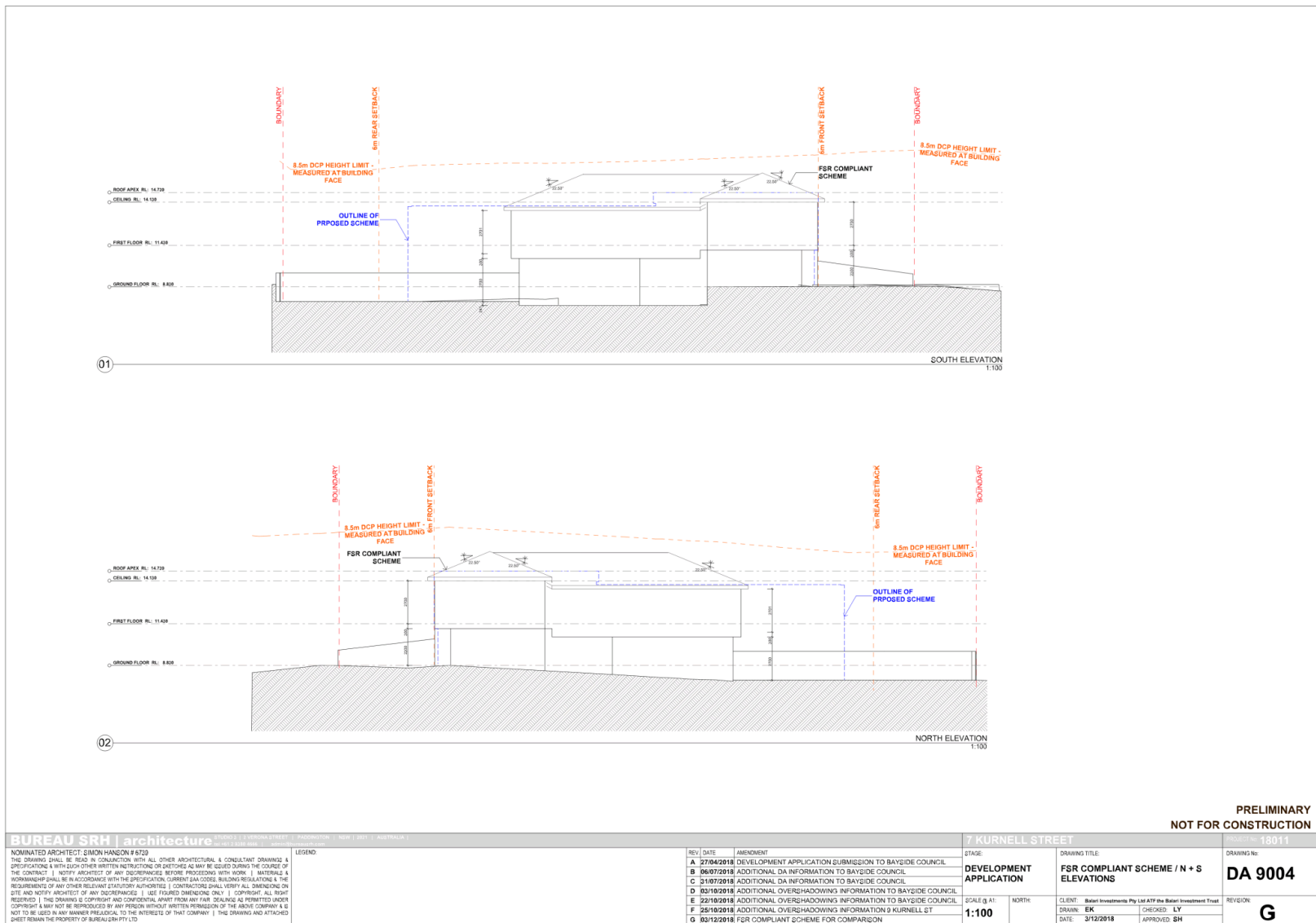


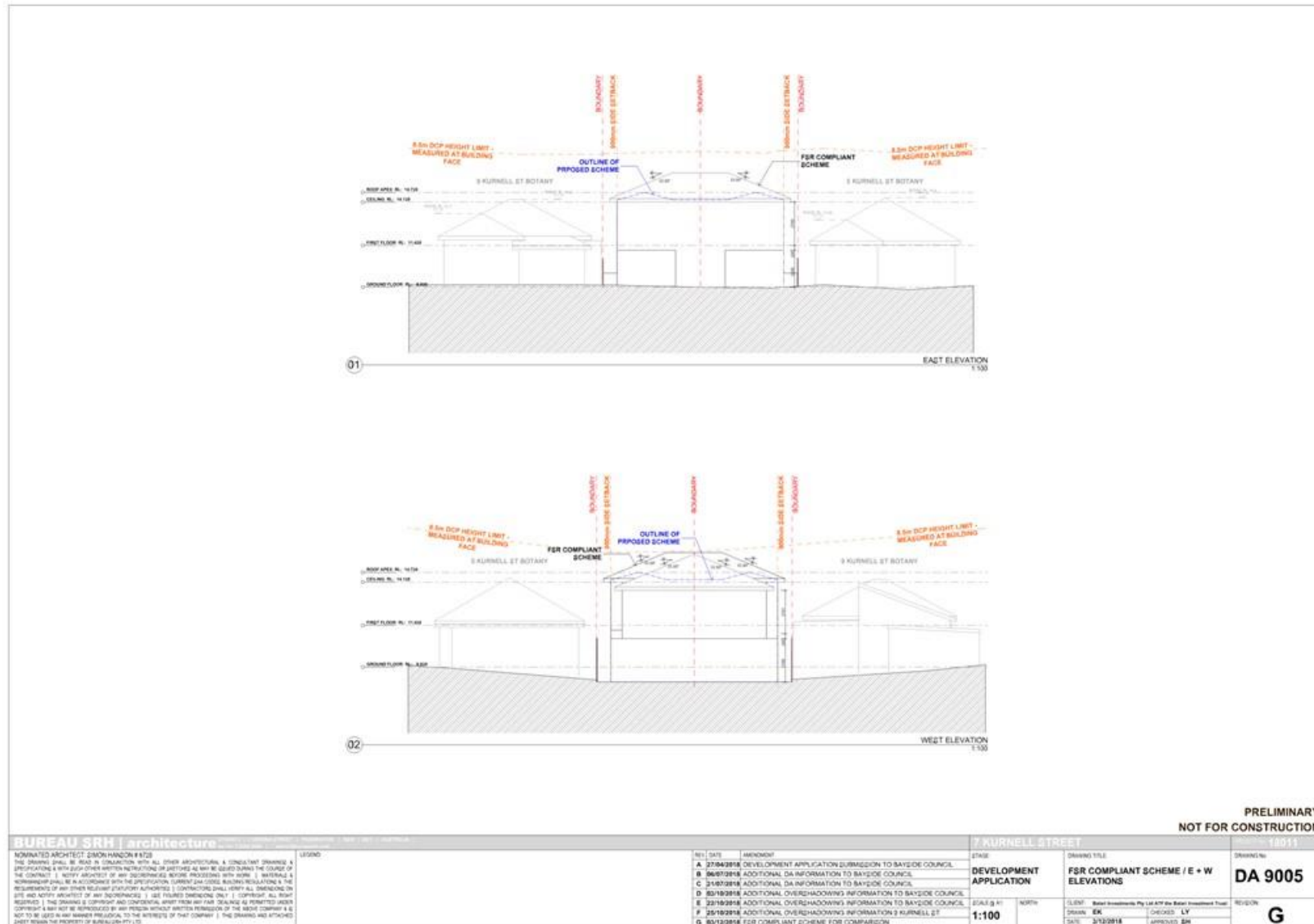


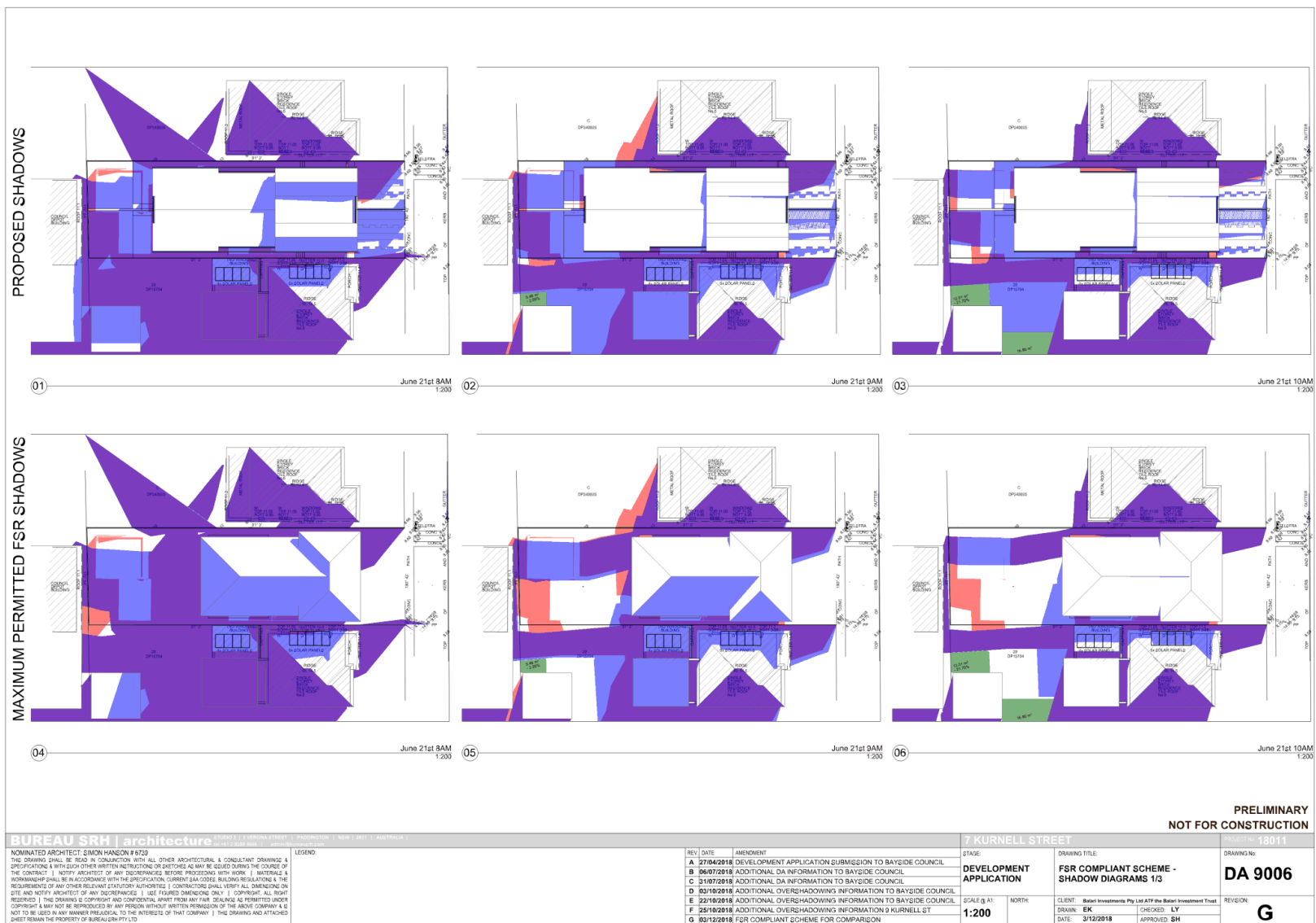


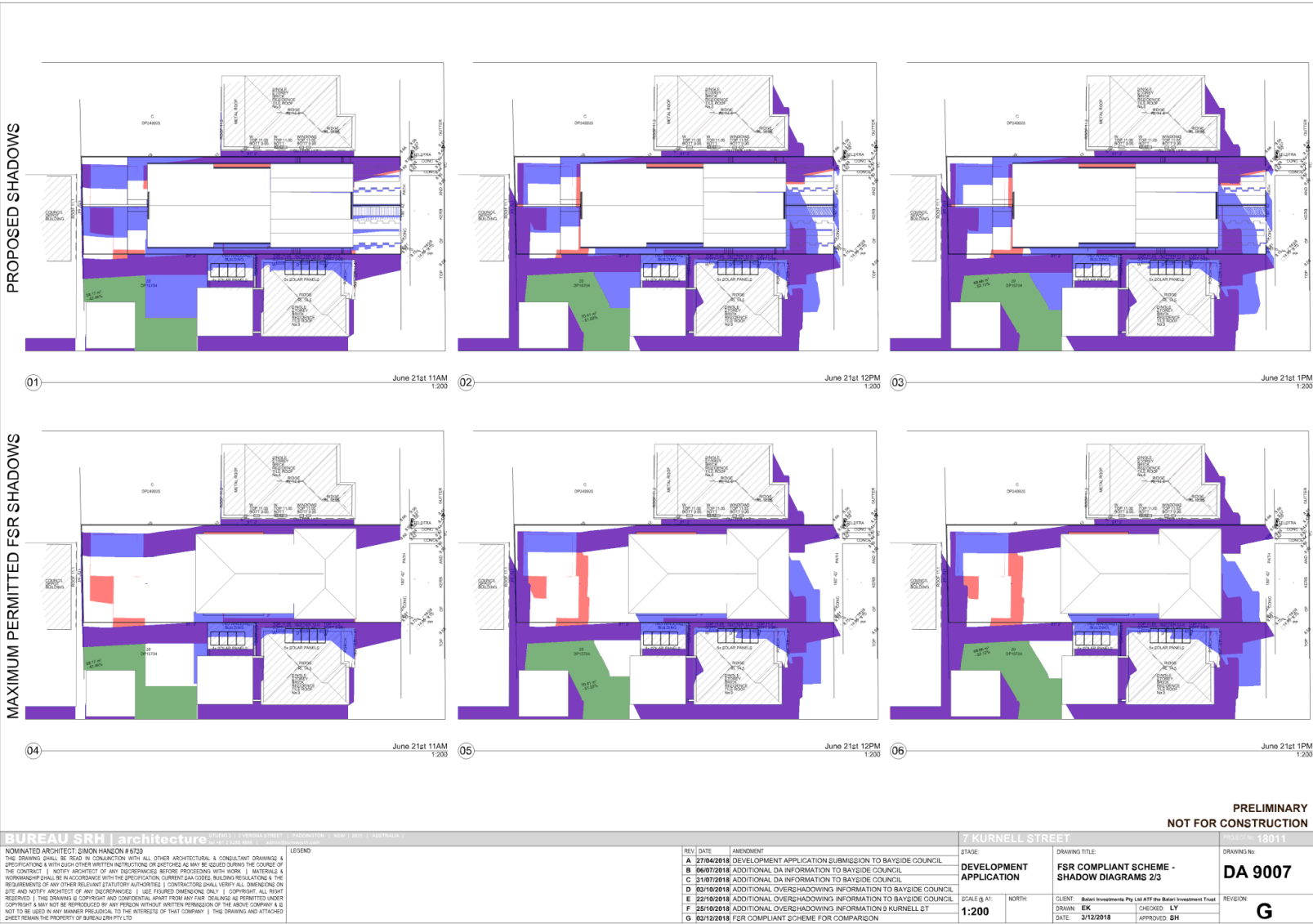


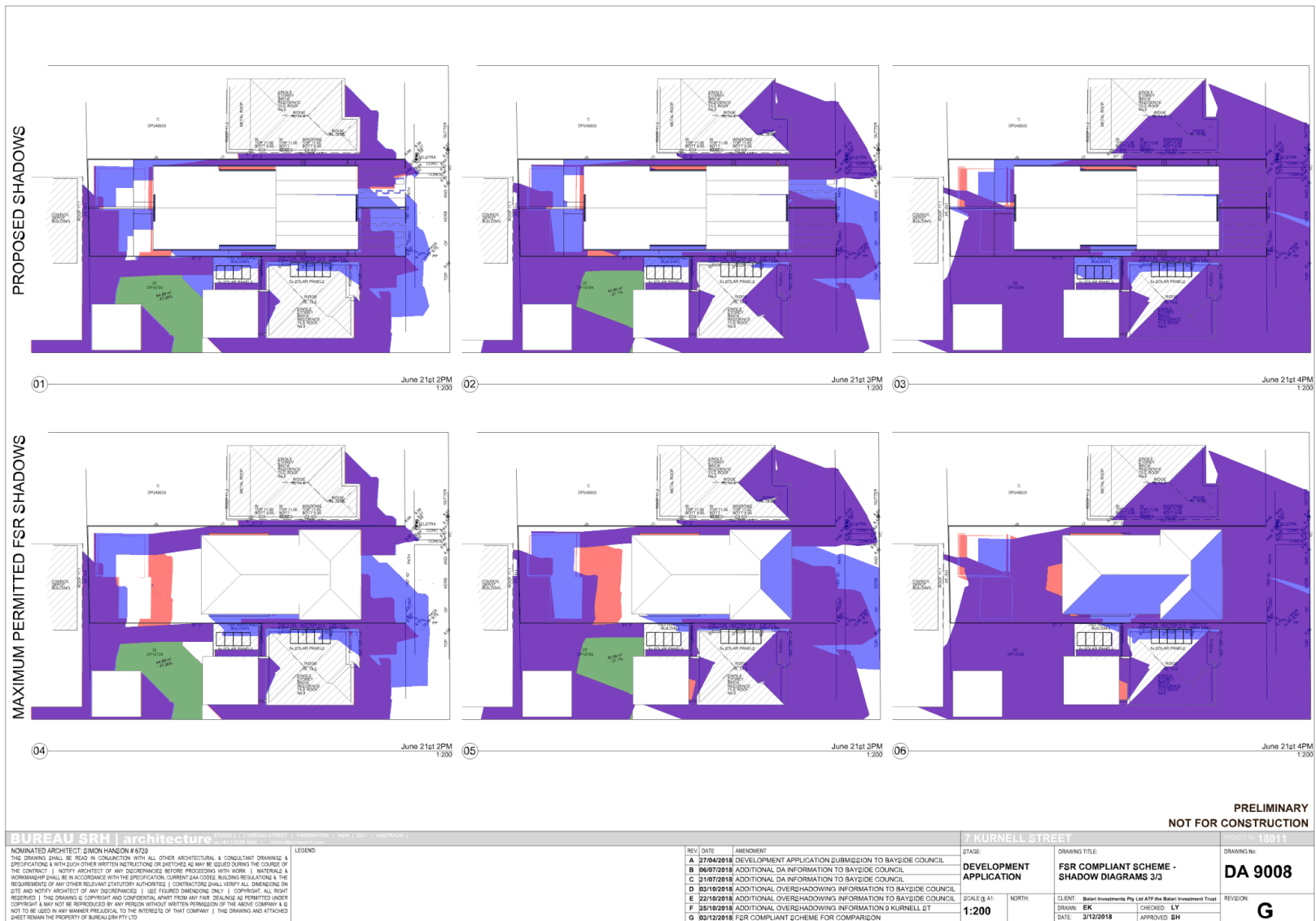
















**CLAUSE 4.6 VARIATION**

**CLAUSE 4.4A – EXCEPTIONS TO FLOOR SPACE  
RATIO FOR RESIDENTIAL ACCOMMODATION**

**BOTANY BAY LEP 2013**



**Proposed Semi Detached Dwellings,**

**7 Kurnell Street, Botany**

**23 April, 2018**

## TABLE OF CONTENTS

1. INTRODUCTION.....	1
2. SITE & LOCATION .....	2
3. CLAUSE 4.6 VARIATION .....	5
4. THE TERMS OF CLAUSE 4.6 .....	6
5. ENVIRONMENTAL PLANNING GROUNDS .....	9
6. CONSISTENCY WITH THE STANDARD & ZONE OBJECTIVES.....	11
7. COMPLIANCE UNREASONABLE OR UNNECESSARY .....	12
8. CONCURRENCE OF THE SECRETARY .....	13
9. CONCLUSION .....	13

## LIST OF ILLUSTRATIONS

*Figure 1 –Site Survey*

*Figure 2 – Existing Building*

*Figure 3 - Location Map*

*Figure 4 – Aerial Photo*

*Figure 5 – FSR Map*

*Figure 6 – Zoning Map*



Plan Urban Services Pty Limited  
7 Chudleigh Street  
Rydalmere NSW 2116

tel/fax: 02 8812 5331  
mob: 416 233 541  
abn 91 528 083 843



## 1. INTRODUCTION

This report has been prepared to support the submission of a Development Application (DA) to be lodged with Bayside Council. The proposal seeks approval for the demolition of the existing dwelling and outbuildings at 7 Kurnell Street, Botany and the construction of a pair of semi detached dwellings and the re subdivision of the land.

This report has been prepared in relation to the plans titled *SK 0001 - SK 8001 (Not Consecutive), Project No. 18011, Revision 6, dated 18-04-2018*, drawn by *Bureau SRH Architecture*.

Under *Clause 4.4A* of the LEP the maximum permissible floor space ratio (FSR) can be varied from that shown on the LEP FSR map in relation to Development Applications (DAs) for residential accommodation. The proposal exceeds the maximum permissible FSR available under the Clause. Accordingly, a request to vary the FSR standards under *Clause 4.4A* of the *LEP* needs to be prepared, which is the purpose of this report.

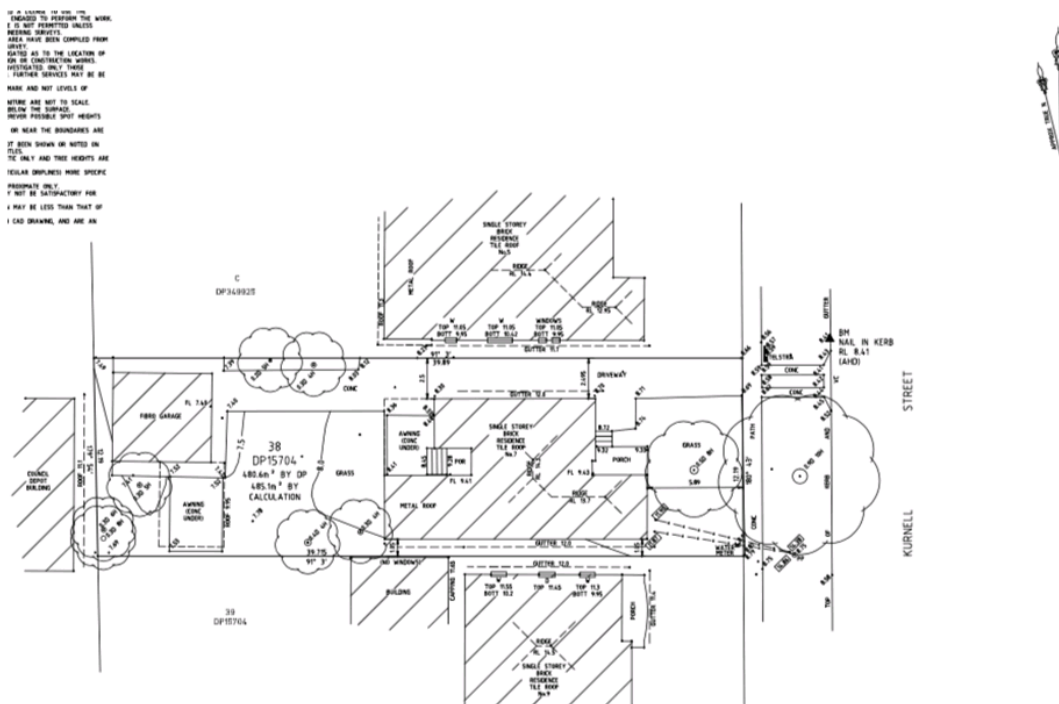


7 Kurnell Street, Botany – Proposed Semi Detached dwellings. Clause 4.6 Report (April 2018)

The subject site occupies Lot 38 in DP 15704 and is known as 7 Kurnell Street, Botany. It is located on the western side of Kurnell Street approximately 50 metres (m) south of its intersection with Swinbourne Street and has an area of 485.1m<sup>2</sup>.

The property is rectilinear in shape with a frontage to Kurnell Street of 12.19m, a side (northern) boundary of 39.89m, a southern side boundary of 39.715m and a rear (western) boundary also of 12.19m, (see Survey in [figure 1](#) below). The site has a fall of between 1m – 1.5m from east to west

### Figure 1 – Site Survey



The adjoining developments are predominantly single dwellings of one and two storeys and of varied style and age. The immediately adjoining building to the south (No. 9) is a pair of semi detached dwellings, with the northern half containing a first floor addition, while the adjoining dwelling to the north (No. 5) is a single storey dwelling. Further west of the site is a large industrial area off Clevedon and Pemberton Streets, however there is no direct access to Kurnell Street, from these sites.

The existing streetscape in Kurnell Street is shown in [figure 2](#) below.

**Figure 2 – Existing Streetscape**



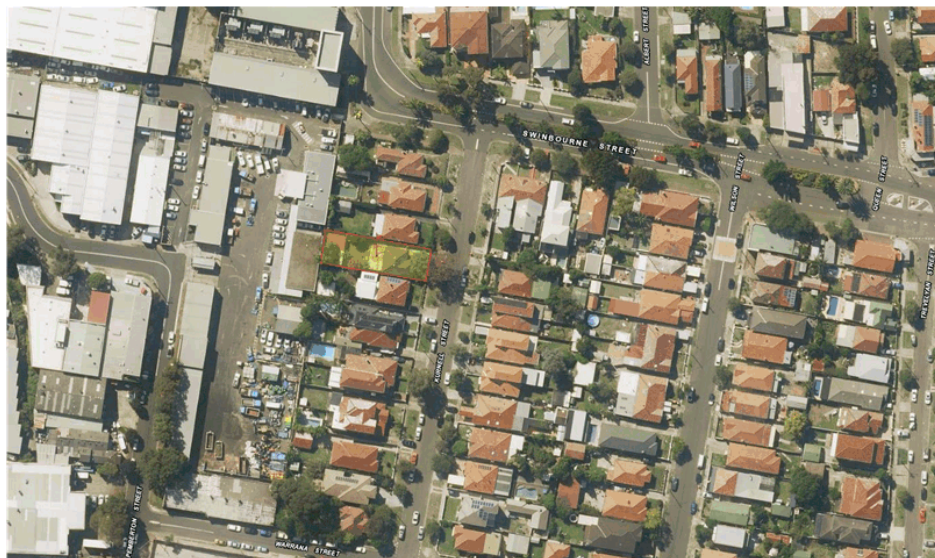
Source: Google Maps

The site is approximately 3 - 5 minutes drive from the local centre of Botany. Recreation areas / facilities include Botany golf course, Booralee Park, Garnet Jackson Reserve and various Clubs and other recreation facilities.

The general location of the property and the surrounding built form are shown in [figures 3](#) and [4](#) on the following page.

**Figure 3 – Location Map**

Map reproduced with permission of UBD. Copyright Universal Publishers Pty Ltd. DG 05/05

**Figure 4 – Aerial Photo**

Source: © DEPARTMENT OF LANDS SIX Portal

### 3 CLAUSE 4.6 VARIATION

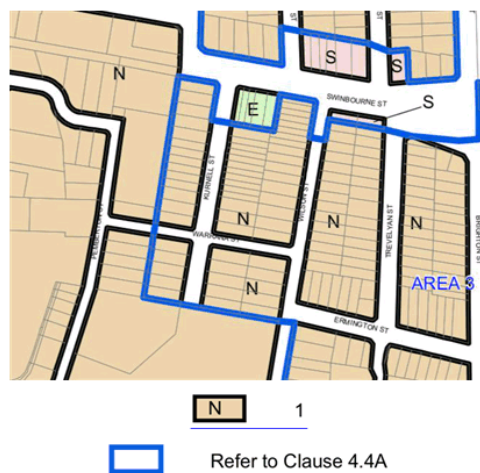
*Clause 4.6* of the LEP outlines the matters to be considered by Council where a proposal seeks to vary a numerical standard contained within the LEP. The subject development seeks to vary the FSR standard currently contained within *clause 8.6* of the LEP and therefore an assessment under clause 4.6 is required.

*Clause 4.4* of the *LEP* states in part:

- (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.....*

The associated LEP FSR map applicable to the site is shown in *figure 5* below.

**Figure 5 – FSR Map**



Source: Botany Bay LEP – FSR Map

*Clause 4.4A* of the *LEP* then provides variations to the maximum permissible FSR applicable to Das for residential Accommodation and states in part as follows:

#### *4.4A Exceptions to floor space ratio for residential accommodation*

*(1) .....*

*(2) This clause applies to land identified as “Area 3” on the Floor Space Ratio Map.*



*(3) Despite clause 4.4 (2), the following provisions relate to floor space ratios on land to which this clause applies:*

*(a) the maximum floor space ratio for a dwelling house is not to exceed the floor space ratio applicable to the site area of the land on which the dwelling house is situated:*

<i>Site Area</i>	<i>Maximum Floor Space Ratio</i>
<i>&lt;200 square metres</i>	<i>0.85:1</i>
<i>200–250 square metres</i>	<i>0.80:1</i>
<i>251–300 square metres</i>	<i>0.75:1</i>
<i>301–350 square metres</i>	<i>0.70:1</i>
<i>351–400 square metres</i>	<i>0.65:1</i>
<i>401–450 square metres</i>	<i>0.60:1</i>
<i>&gt;450 square metres</i>	<i>0.55:1</i>

*(b).....*

*(d) the maximum floor space ratio for all other development for the purpose of residential accommodation is 0.5:1.*

The effect of subclause *(3)(d)* is that the permissible FSR falls from 1:1 to 0.5:1 for residential accommodation, while the proposal seeks to achieve 0.76:1. This outcome is achievable in compliance with all of the relevant DCP requirements and in consideration of a number of similar sized semi detached / dual occupancy developments in Kurnell Street and the surrounding area, which suggests that Council has been willing to vary or abandon the standard in the past

#### **4. THE TERMS OF CLAUSE 4.6**

Development consent may still be granted to the proposed development (despite the non-compliance with the maximum height and FSR) if variations to the relevant controls are approved under clause 4.6 of the LEP. Clause 4.6 states as follows:



7 Kurnell Street, Botany – Proposed Semi Detached dwellings.. Clause 4.6 Report (April 2018)

#### 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. ...

(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.

(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. ...*

*(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). (some bold added) ...*

This document provides a written request from the applicant seeking to justify the contravention of the FSR standard in accordance with clause 4.6. Clause 4.6 continues to be an appropriate and frequently applied mechanism to ensure that planning rules have appropriate levels of flexibility, when the circumstances warrant it. Some recent examples of the application of Clause 4.6 by the Land and Environment Court are as follows:

- In *Micaul Holdings Pty Limited v Randwick City Council* [2015] NSWLEC 1386 the Land and Environment Court approved a residential flat building in Randwick with a 55 per cent variation of the height limit (at its highest point) and a 20 per cent exceedance of the floor space ratio control.

The Court was satisfied that the clause 4.6 request by the applicant's town planner was comprehensive and had addressed all of the prerequisites. The Court was also persuaded that the site was 'unusual in terms of its location at the low point of the locality, its proximity to larger RFBs that would not comply with the building height development standard and its flood affectation'. Those features, when taken together with other benefits of the proposal such as its design excellence and internal amenity, provided sufficient environmental planning grounds to justify approval via clause 4.6.

- In *Moskovich v Waverley Council* [2016] NSWLEC 1015 the Land and Environment Court approved a residential flat building in Bondi with a floor space ratio of 1.5:1.

The development standard was 0.9:1. The exceedance was around 65 per cent. The Court's decision set out a detailed analysis of the decision of the Court in *Four2Five v Ashfield Council*, which concluded that the large numerical exceedance of the FSR control could be supported.



7 Kumell Street, Botany – Proposed Semi Detached dwellings.. Clause 4.6 Report (April 2018)



- In *Baker Kavanagh Architects v Sydney City Council* [2014] NSWLEC 1003 the Court granted a development consent for a three-storey shop top housing development in Woolloomooloo. In this decision, the Court, approved a floor space ratio variation of 187 per cent.

## 5 ENVIRONMENTAL PLANNING GROUNDS

There are sufficient environmental planning grounds to justify contravening the FSR standard contained in [Clause 8.6](#) of the [LEP](#).

The development in the main meets the objectives and controls of the relevant Environmental Planning Instrument and DCP. It acknowledges the site's location by maintaining the required side set backs and proposing a built form that retains a low intensity.

Within Kurnell Street, both nearby the site and further along its length are a number of examples of semi detached dwellings that have been extended up by a level. Sometimes on both sides and some times on one half only. In most cases these upper floors cover most of the ground floor footprint, that by default enlarges the resulting FSR to greater than 0.55:1

It is also interesting to note that a previous proposal at nearby 16 William Street, incorporated a similar size and FSR to that currently proposed. Council originally refused the DA, with the applicant appealing that decision to the Land & Environment Court. The Council accepted a Clause 4.6 request to vary the FSR and as part of a mediation process the DA was approved.

The subject proposal seeks to demolish the existing dwelling on the site and construct a new building containing two new dwellings. As evidenced by the table within the SEE submitted to Council, the proposal meets all of the numerical standards within the DCP relating to site cover, setbacks, landscaped open space and design criteria. Accordingly, the proposal will provide good amenity to its future residents, without negatively impacting on adjoining properties in terms of expected shadow impact, aural or visual privacy etc.

A better planning outcome can also be considered in terms of the potential impact of the proposal on the public domain and in an urban design sense. Any assessment of these issues must consider the proposal in terms of the context of the site, its built form, the need for varied residential opportunities within a low density format in the locality, the design parameters of



7 Kurnell Street, Botany – Proposed Semi Detached dwellings.. Clause 4.6 Report (April 2018)

the relevant DCP and the long term potential for similar developments on adjoining properties. These matters are discussed within the Statement of Environmental Effects submitted with the DA, with the proposal performing well in regard thereto.

It may be suggested in certain submissions that all of the above benefits could be achieved by a smaller compliant development. However, the proposal does achieve these requirements as and a reduction in FSR within the proposed building, would impact on the viability of the project and liveability of the proposed dwellings to a level not commensurate with the minor nature of the proposed variation. The increased FSR would also not improve amenity for future residents and as it is within a compliant building envelope will not reduce privacy or amenity to adjoining properties.

In the circumstances of this proposal a better outcome is also achieved by varying the relevant height standard through:

- The re invigoration of an older residential site with a new vibrant modern building, that although greater in FSR, respects its surroundings and reduces its impact on potential future adjoining redevelopments.
- The achievement of relevant LEP objectives and satisfaction of the DCP standards designed to ensure quality design outcomes, protect residential amenity and acceptable levels of privacy and solar access between adjoining developments.

In this context if the varied FSRs are not approved:

- The orderly and economic use of the land (as promoted by the objects of the EP&A Act, 1979) would be suboptimal; and
- The site's capacity to provide increased commercial and residential variety and opportunities within the locality would be not be fully utilised.

Furthermore, no significant adverse impacts arise from the non-compliance with the LEP FSR standard and therefore compliance would be merely for the sake of numerical accuracy. These facts, taken together, constitute environmental planning grounds sufficient to justify contravening the development standard.



7 Kumell Street, Botany – Proposed Semi Detached dwellings.. Clause 4.6 Report (April 2018)

## 6 CONSISTENCY WITH THE STANDARD & ZONE OBJECTIVES

The proposed development will be in the public interest because it is consistent with the objectives of both the LEP FSR standard and relevant land use zone. The reasons why are set out below.

*Clause 4.4A* of the LEP contains objectives indicating the purpose of the exceptions to FSR control. The objectives are listed and below together with comments on the proposal's performance against it.

*(a) to ensure that the bulk and scale of development is compatible with the character of the locality,*

**Comment:** The building envelope of the current proposal achieves the detailed requirements for height setbacks, landscaped area and other design criteria contained within both the LEP and DCP. In this context the bulk and scale is commensurate with adjoining and nearby dwellings and will fit within the desired future character of the locality.

*(b) to promote good residential amenity.*

**Comment:** As mentioned above, as the building meets the design, bulk and scale criteria of the relevant planning framework it will maintain and promote a good residential amenity in its locality.

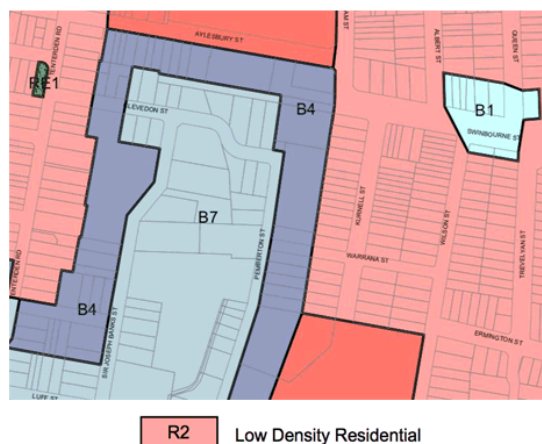
The LEP zones the subject site *R2 Low Density Residential* and the proposed re development is permissible with Council's consent. The relevant zoning is shown in *figure 6* on the following page.

The relevant zone objectives within the LEP are 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.*

The proposal satisfies these objectives in that it increases the range and type of residential accommodation available in the area within a scheme that fits with the lower density nature of the precinct. The proposal will not disadvantage walking and / or cycling opportunities.

### Figure 6 – Zoning Map



Source: Botany Bay LEP 2013 – Zoning Map

**7 COMPLIANCE UNREASONABLE OR UNNECESSARY**

Compliance with the development standard is unreasonable or unnecessary in the circumstances of this case. There are two primary reasons why this is so.

**Firstly**, there are no adverse consequences attributable to the proposed non-compliant aspect of the development. To ensure absolute compliance with the FSR standard would necessitate the removal of large areas of floor space within the proposed building.

The burden placed on the landowner via such a requirement would be disproportionate to any adverse consequences attributable to the proposed non-compliant development (relying on comments made in an analogous context, in *Botany Bay City Council v Saab Corp* [2011] NSWCA 308 [15]).

**Secondly**, bearing in mind that the building meets the DCP criteria for size, scale and setbacks etc., and is therefore within the building envelope envisaged in the relevant planning framework, there would be no improvement in any potential impact on the amenity of adjoining properties by reducing the FSR.

*Thirdly*, requiring compliance for the sake of numerical satisfaction would not result in any variation in the building's fit within the streetscape and desired future character, which are the matters sought to be achieved within *Clause 4.4A* itself.

In view of all of the above, compliance with the numerical LEP standard for FSR is considered to be unreasonable and unnecessary in the circumstances. If approved, the proposal (when built) will not be out of place with, nor detrimental to the amenity of its surroundings and will fit within the desired future character of the area as envisaged in the relevant planning framework. The proposed development represents a good fit with the aims of the LEP, the objectives of both the height standard and relevant zone.

Approval of the increased FSR allows for a development that provides improved overall supply of housing stock in the area, bettering both housing choice and affordability.

## 8 CONCURRENCE OF THE SECRETARY

In accordance with the recent Planning Circular (PS 18 – 003) dated 21 February, 2018 the concurrence of the Secretary (of Department of Planning and Environment) can now be assumed for the proposed height variation.

## 9 CONCLUSION

An assessment undertaken against the relevant planning framework indicates that the proposal is an acceptable one. It will not impact negatively on the amenity of nearby residents. The variation to the FSR standard contained within the LEP is a matter that any reasonable Authority properly exercising its planning powers could agree to.

*David Furlong - Director*

*BTP, MPLA*



7 Kumell Street, Botany – Proposed Semi Detached dwellings.. Clause 4.6 Report (April 2018)



**Bayside Local Planning Panel**

**26/02/2019**

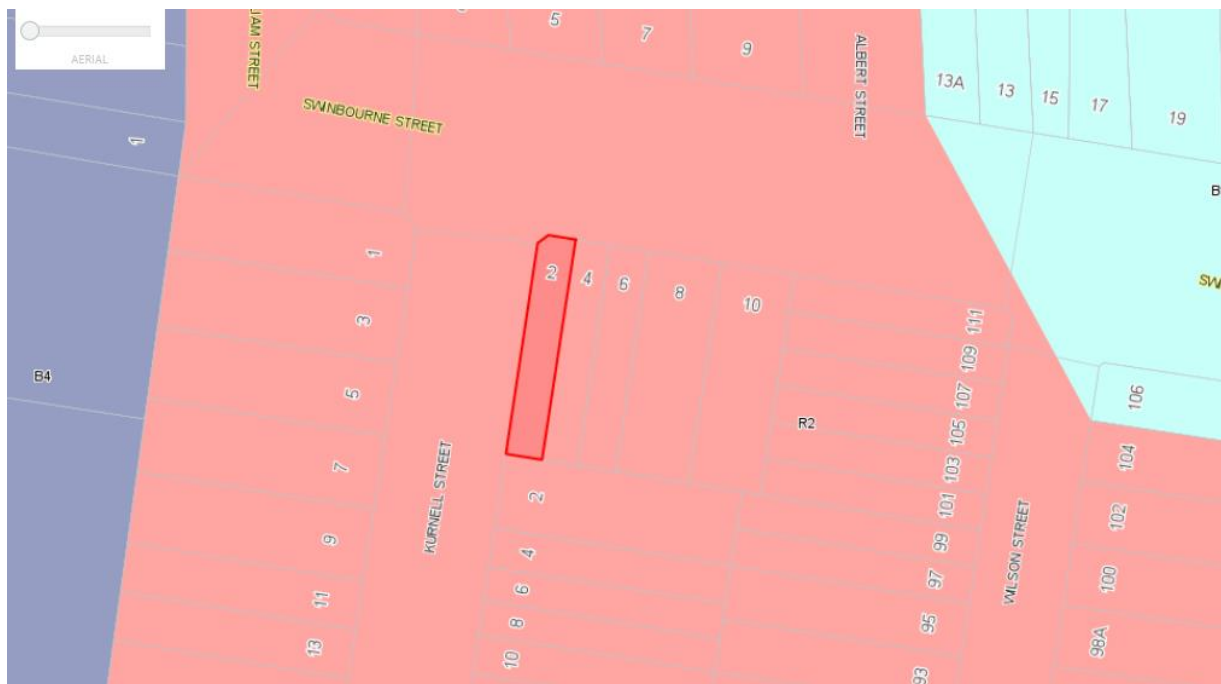
Item No	6.5
Application Type	Development Application
Application No	DA-18/1109
Lodgement Date	18/06/2018
Property	<b>2 Swinbourne Street, Botany</b>
Ward	Port Botany
Owner	Gamze Erkoru Deniz Huseyin
Applicant	Archispectrum
Proposal	Alterations and first floor addition to an existing attached dwelling
No. of Submissions	Nil
Cost of Development	\$150,000.00
Report by	Michael McCabe, Director City Futures

---

**Officer Recommendation**

1. THAT the Panel exercising the functions of the Council as the consent authority pursuant to Section 4.16 of the Environmental Planning & Assessment Act 1979 approves a variation to the Floor Space Ratio development standard prescribed by Clause 4.4 of Botany Local Environmental Plan 2013.
  2. THAT Development Application No.2018/1109 for alterations and first floor addition to an existing attached dwelling at 2 Swinbourne Street, Botany is APPROVED pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979.
-

## Location Plan





# BAYSIDE COUNCIL

## Planning Assessment Report

---

### Application Details

---

<b>Application Number:</b>	2018/1109
<b>Date of Receipt:</b>	18 June 2018
<b>Property:</b>	2 Swinbourne Street, Botany
<b>Owner:</b>	D Huseyin and G Erkoru
<b>Applicant:</b>	Archispectrum
<b>Proposal:</b>	Alterations and first floor addition to an existing attached dwelling.
<b>Recommendation:</b>	Approval
<b>Value:</b>	\$150,000.00
<b>No. of submissions:</b>	Nil
<b>Author:</b>	Patrick Nash – Senior Development Assessment Planner
<b>Date of Report:</b>	12 February 2018

### Key Issues

---

Bayside Council received Development Application No. 2018/1109 on 18 June 2018 seeking consent for alterations and first floor addition to an existing attached dwelling at 2 Swinbourne Street, Botany.

The design of the development has been amended a series of times during the assessment process to address a number of design issues raised by Council.

Key issues in the assessment of the proposal include the non-compliance with floor space ratio development standard and the relationship of the proposed first floor with the roof form of the existing dwelling. The amended proposal provides a design which ensures that the principle existing building form is kept intact which maintains the unity of the three detached dwellings and their presentation to Swinbourne Street.

The site is subject to a maximum allowable FSR of 0.55:1 (125.4m<sup>2</sup>). The amended proposal has an FSR of 0.61:1 or 139.5m<sup>2</sup>. This represents a variation of 14.1m<sup>2</sup> or 11.2%. The applicant has provided a Clause 4.6 variation to the floor space ratio development standard which provides justification for the exceedance in gross floor area. Design changes are recommended to reduce the extent of the FSR breach which will result in an improved built form presentation when viewed from the public domain.

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.

Item

Bayside Planning Panel Meeting  
26/02/2019

## Recommendation

---

It is RECOMMENDED that the Bayside Planning Panel, resolve:

- 1 THAT the Panel exercising the functions of the Council as the consent authority pursuant to Section 4.16 of the Environmental Planning & Assessment Act 1979 approves a variation to the floor space ratio development standard prescribed by clause 4.4 of Botany Local Environmental Plan 2013.
- 2 THAT Development Application No.2018/1109 for alterations and first floor addition to an existing attached dwelling at 2 Swinbourne Street, Botany is APPROVED pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979.

## Background

---

### History

#### Previous applications

There is no recent town planning history on the site.

#### Subject application

- DA-2018/1109 was submitted to Council on 18 June 2018.
- On 22 June 2018 the application was notified to surrounding properties for a period of 14 days in accordance with Botany Bay DCP 2013. No submissions were received.
- Council requested additional information on 17 September 2018 to address concerns associated with heritage, streetscape impacts, poor integration of the proposal into the existing building, cost of works, roof form and the extent of the floor space ratio non-compliance.
- The applicant submitted amended plans on 5 October 2018. The applicant was subsequently advised that the changes made do not satisfactorily address the concerns raised.
- Further amended plans were submitted on 6 November 2018. These plans are relied upon for assessment in this report.
- On 10 January 2019 the applicant submitted a revised clause 4.6 exception relating to the non-compliance with the floor space ratio development standard.
- On 24 January 2019 the applicant submitted a full set of revised drawings. These drawings are relied upon for assessment in this report.

### Proposal

The development application seeks consent for alterations and first floor addition to an existing attached dwelling. The proposed development is further described as follows:

#### Ground Floor

- Enlargement at the rear of the ground floor (kitchen/dining/living area);

- New internal stairs to facilitate access to the first floor;
- Internal reconfigurations;
- Removal of existing rear pergola; and
- New rear verandah.

#### First Floor

- New first floor incorporating 2 bedrooms, an ensuite and bathroom.

Externally, the first floor addition has a flat roof, is positioned behind the original roof form of the existing dwelling and has a relatively contemporary appearance.

#### Site Description

The site is legally known as Lot A in DP 444706 and commonly known at 2 Swinbourne Street, Botany. The site is located on the corner of Swinbourne Street and Kurnell Street. The site has a primary frontage to Swinbourne Street of 4.7m and a secondary frontage to Kurnell Street of 35m. The total site area is 228m<sup>2</sup>. The site is relatively flat and has vehicular access at the rear of the allotment, off Kurnell Street.

The subject property is a dwelling in a group of three single storey attached dwellings (No's 2 to 6 Swinbourne Street – see Figure 1 below) with a shared hipped and tiled roof. The property dates from the late Federation/Interwar period. The subject property is adjacent to a heritage item listed in BBLEP 2013 as *Streetscape —verge plantings of Canary Island Date Palm (*Phoenix canariensis*), Swinbourne Street (William to Queen Streets)*, a locally significant item number I158 and within the vicinity of *Electricity Substation No 340, 3 William Street* a heritage item (I80) of local significance.

The streetscape along Swinbourne Street and along Kurnell Street is characterised by a mixture of one and two storey dwellings that are on varying lot sizes. Pitched tiled roof forms appear to be fairly common throughout.



**Figure 1: The group of attached dwellings at 2-6 Swinbourne Street, Botany**

## Statutory Considerations

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

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

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

The following Environmental Planning Instruments are relevant to this application:

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

*State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* ("BASIX") applies to the proposed development. The development application was accompanied by a compliant BASIX Certificate No.A317630 dated 1 June 2018.

#### 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; and
2. The adjoining and adjacent properties are currently used for residential purposes;

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

#### Botany Bay Local Environmental Plan 2013

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

Principal Provisions of BBLEP 2013	Compliance Yes/No	Comment
Landuse Zone	N/A	The site is zoned R2 - Low Density Residential under the BBLEP 2013.
Is the proposed use/works permitted with development consent?	Yes	Attached dwellings are permissible with Council's consent under the BBLEP 2013.
Does the proposed use/works meet the objectives of the zones?	Yes	The proposed development is consistent with the objectives in the BBLEP 2013.

Principal Provisions of BBLEP 2013	Compliance Yes/No	Comment
Building Height	Yes	The maximum building height for the site is 8.5 metres.  Proposed Height: 6.77 metres
Floor Space Ratio	No – Refer to Note 1 below	The maximum FSR for the site is 0.55:1 (125.4m <sup>2</sup> ) under the provisions of Clause 4.4.  The proposed FSR is 0.61:1 (139.5m <sup>2</sup> ). This represents a variation of 14.1m <sup>2</sup> or 11.2%.  The proposed FSR does not comply with Council's requirements under the Botany Bay Local Environmental Plan 2013. A Clause 4.6 variation to the FSR Standard has been submitted as part of the proposal. Refer to Note 1 discussion below.
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?	N/A	The site is not within Area 3 on the FSR Map. However, surrounding allotments are which will inform the future character in the locality.
Is the land affected by road widening? (Clause 5.1 – Relevant Acquisition)	N/A	The site is not affected by road widening.
Is the site listed in Schedule 5 as a heritage item or within a Heritage Conservation Area?	Yes – Refer to Note 2 below	The subject property is adjacent to a heritage item listed in BBLEP 2013 as <i>Streetscape —verge plantings of Canary Island Date Palm (Phoenix canariensis), Swinbourne Street (William to Queen Streets)</i> , a locally significant item number 1158 and within the vicinity of <i>Electricity Substation No 340, 3 William Street</i> a heritage item (180) of local significance.  Refer to Note 2 below.
The following provisions in Part 6 of the LEP apply to the development—  6.2 – Excavation	Yes	The proposal involves minimal excavation works.
6.3 – Stormwater management	Yes	The application was referred to Council's Development Engineer for assessment

Principal Provisions of BBLEP 2013	Compliance Yes/No	Comment
6.9 – Development in areas subject to aircraft noise	Yes	and the recommended conditions have been included in the development consent.  Not applicable. The site is located in the <20 ANEF area.

**Note 1 – Floor Space Ratio non-compliance**

The site is subject to a maximum allowable FSR of 0.55:1 (125.4m<sup>2</sup>) in accordance with clause 4.4 of BBLEP 2013. The proposed development has an FSR of 0.61:1 or 139.5m<sup>2</sup>. This represents a variation of 14.1m<sup>2</sup> or 11.2%.

The applicant has provided a Clause 4.6 variation to the floor space ratio development standard which provides justification for the exceedance in gross floor area. Excerpts from the applicant's variation are outlined as follows:

- *The first floor addition does not breach the height control set out by the Botany Bay Local Environmental Plan 2013 and is designed in a manner that provides a compatible streetscape and appropriate contextual outcome.*
- *The proposed addition is at the rear and does not alter the principal historic building or its roof form as it presents to the street.*
- *Rear additions of similar bulk and scale have been approved and constructed to other buildings in the street.*
- *The proposal will have no adverse impact on existing public and private views.*
- *The existing building and proposed addition is consistent with the height and scale of similar surrounding dwellings.*
- *The FSR non-compliance will not create additional building bulk that results in environmental amenity impacts in terms of overshadowing, loss of views, loss of privacy or loss of visual amenity.*

Consent may be granted for the proposal subject to Clause 4.6, notwithstanding that the proposal would contravene this development standard, as the FSR development standard is not expressly excluded from this Clause (Cl 4.6(2)). The applicant has provided a written request justifying the contravention of the development standard pursuant to Clause 4.6(3) of BBLEP 2013, which is considered below. The matters for consideration pursuant to Clause 4.6(4) and (5) are also considered below.

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 *Wehbe*.

The requirements of 4.6(3)(a), 4.6(3)(b), and 4.6(4)(a)(ii) are each addressed separately below:

**4.6(3)(a) compliance with the development standard is unreasonable or unnecessary in the circumstances of the case**

**4.6(3)(b) Are there are environmental planning grounds to justify the contravention of the standard**

**Officer's comments – Environmental Planning grounds**

The sites at 2 – 10 Swinbourne Street have a maximum FSR of 0.55:1. Conversely, the surrounding residential allotments, also within the R2 – Low Density Residential zone, are identified as being within 'N' which is within 'Area 3' on the Floor Space Ratio map which accompanies BBLEP 2013. See below:



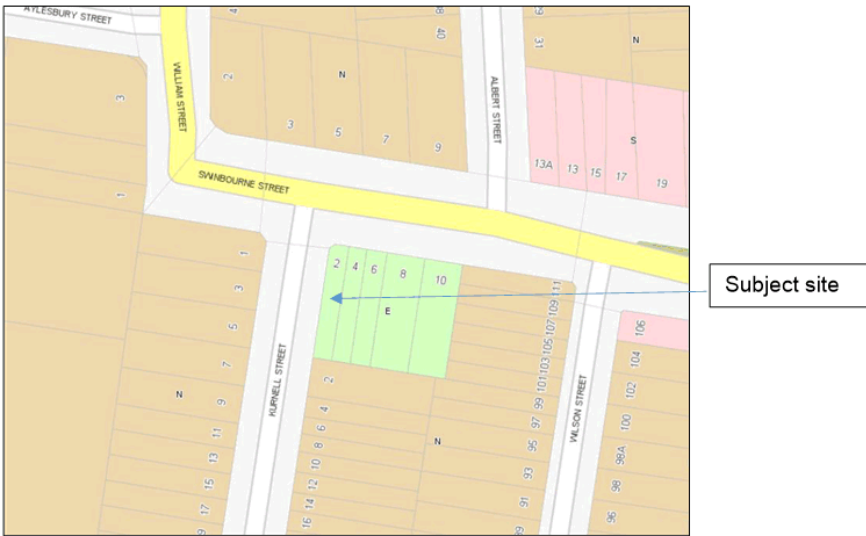


Figure 2: FSR map excerpt

The maximum allowable FSR for dwellings on the surrounding sites identified as 'N' in Figure 2 above is as follows:

Site Area	Maximum Floor Space Ratio
<200 square metres	0.85:1
200–250 square metres	0.80:1
251–300 square metres	0.75:1
301–350 square metres	0.70:1
351–400 square metres	0.65:1
401–450 square metres	0.60:1
>450 square metres	0.55:1

The effect of the differing FSR's is such that the proposed size and scale of the development is compatible with the permitted bulk and scale on surrounding site. Consequently, it can be substantiated that the proposal will be consistent with the desired future character of this locality. For example – the majority of the neighbouring allotments on the eastern side of Kurnell Street would have applicable FSR's from 0.65:1 to 0.80:1, depending on their exact site area.

It is considered that the design of the development could be improved through a reduction in gross floor area. This would consequently improve its streetscape presentation and minimise overshadowing impacts caused to neighbouring properties. In this regard, it is recommended that the 7.5m<sup>2</sup> ensuite on the first floor is deleted, and the footprint of that level reduced accordingly. The rear building setback would be increased. The result FSR non-compliance would be 6.6m<sup>2</sup>.



This design change would result in a less bulky building presentation, improved presentation to Kurnell Street and reduces the extent of overshadowing caused to the neighbouring allotment at No.4 Kurnell Street at 3pm on June 21<sup>st</sup>. The ensuing development is considered to be contextually appropriate within the site and the broader streetscape. The additional gross floor area (i.e. – approximately 6.6m<sup>2</sup>) proposed above the allowable FSR does not contribute to any adverse environmental impacts to neighbouring residential allotments and would not detract from the streetscape.

Compliance is unreasonable or unnecessary

Compliance with the development standard is considered to be unreasonable or unnecessary in the circumstances of the case because the objectives of the FSR development standard are achieved notwithstanding non-compliance with the standard. An assessment of the proposal against the objectives of clause 4.4 in BBLEP 2013 is provided within this discussion.

Cl. 4.6(4)(a)(ii): 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 are also taken into consideration:

- Objectives of Clause 4.6;
- Objectives of the Floor Space Ratio Standard;
- Objectives of the R2 Low Density Residential zone;
- Public Interest and public benefit of maintaining the development standard.

Objectives of Clause 4.6

The objectives of Clause 4.6 of the 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:

Notwithstanding the numerical non-compliance of the FSR, the proposal satisfies the objectives of Clause 4.6 and those of the floor space ratio standards as it will facilitate the redevelopment of a dwelling within the R2 Low Density Residential zone that is consistent with the desired future character of the Botany Character Precinct. Flexibility can be granted as the proposed achieves the objectives of the FSR development standard and is consistent with the objectives of the zone.

Objectives of the Floor Space Ratio Standard

The objectives of the Floor Space Ratio Standard are:

- a) *to establish standards for the maximum development density and intensity of land use,*
- b) *to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality,*
- c) *to maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing, and are not likely to undergo, a substantial transformation,*

- d) *to ensure that buildings do not adversely affect the streetscape, skyline or landscape when viewed from adjoining roads and other public places such as parks, and community facilities,*
- e) *to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain,*
- f) *to provide an appropriate correlation between the size of a site and the extent of any development on that site,*
- g) *to facilitate development that contributes to the economic growth of Botany Bay.*

Officer's Comments:

- The proposal maintains an appropriate visual bulk and scale relationship with the neighbouring properties and the existing and future character of the area, noting that the surrounding allotments are capable of re-developing with a higher FSR than what is currently proposed. The correlation between the size of the site and the proposed extent of development is appropriate and acceptable;
- By locating the addition at the rear and maintaining the single storey presentation of the existing dwelling at the front, the proposal maintains an appropriate visual relationship between the new development and the existing character of the areas, in particular the group of attached dwellings at 2 to 6 Swinbourne Street;
- The location of the addition at the rear ensures that the proposal does not adversely affect the primary streetscape (i.e. – Swinbourne Street), skyline or landscape when viewed from adjoining roads and other public places such as parks, and community facilities;
- The proposed development does not have any adverse impacts on the use or enjoyment of adjoining properties and the public domain subject to a condition of consent requiring the footprint of the first floor to be reduced through deletion of the ensuite; and
- The proposal helps to facilitate development that contributes to the economic growth of Botany Bay through the provision of improved residential accommodation.

Objectives of the zone

The objectives of the R2 Low Density Residential zone are 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 FSR variation will result in a development that is in keeping with the bulk and scale of low density residential development within the R2 zone and is therefore consistent with the zone objectives in that providing for the housing needs of the community within a low density residential environment.

Public Interest and Public Benefit

The proposed development will be in the public interest because it is consistent with the objectives of the FSR development standard and the objectives of the R2 – Low Density Residential zone.

The development will provide additional residential accommodation to the dwelling on the subject site without adverse impacts on the streetscape and the locality and is consistent with the desired future character of the Botany Character Precinct as prescribed within Part 8-Character Precinct of the Botany Bay Development Control Plan 2013.

#### Summary

The request to vary the FSR development standard has been assessed in accordance with the provisions of Clause 4.6 and relevant case law, being the principles of *Wehbe v Pittwater Council* [2007] NSWLEC 827 and *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 1009 & NSW LEC 90 (*Four2Five*). The proposal is consistent with the underlying objectives of the standard identified.

The proposal and Council's assessment has concluded that compliance with the FSR development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.

The applicant's Clause 4.6 variation is well-founded and the departure in the FSR is compatible with the existing residential development and recently approved development within the locality that is in the public interest. On this basis, it is recommended that the development standard relating to the maximum FSR for the site pursuant to Clause 4.4 of the Botany Bay Local Environmental Plan 2013 should be varied in the circumstances as discussed above.

#### Note 2 – Heritage

The subject property is adjacent to a heritage item listed in BBLEP as *Streetscape —verge plantings of Canary Island Date Palm (Phoenix canariensis), Swinbourne Street (William to Queen Streets)*, a locally significant item number I158 and within the vicinity of *Electricity Substation No 340, 3 William Street* a heritage item (I80) of local significance.

The amended plans were reviewed by Council's Heritage Advisor who provided the following comments:

*The applicant has amended the design in order to reduce the heritage impact of the development. The proof of the principal building form is to be retained intact. This will maintain the unity of the three detached dwellings and importantly keep their contribution to Swinbourne Street intact. The side view from further down Swinbourne Street and William Street will be dramatically altered and visually the two storey addition will stand out. This is mitigated against by it being separate from the roof of the front portion.*

*The design is a major improvement on the previous schemes and as a result the heritage impact will be minimal.*

*The development is supported.*

In view of the above, the proposed development is considered to satisfy clause 5.10 – heritage conservation within BBLEP 2013.

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

There are no current Draft EPIs applicable to this development

**S.4.15(1)(a)(iii) - Provisions of any Development Control Plan****Botany Bay Development Control Plan 2013**

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

***Part 3A- Parking and Access***

Part	Control	Proposed	Complies
3A.2. Parking Provisions of Specific Uses	Attached dwelling house = 1 space	The existing car parking space at the rear of the allotment is proposed to be retained.	Yes

***Part 3G – Stormwater Management***

The application was referred to Council's Development Engineer who raised no objections to the proposed development subject to appropriate conditions imposed in the consent.

***Part 3J – Aircraft Noise and OLS***

Not applicable.

***Part 3K – Contamination***

Refer to previous SEPP 55 discussion.

***Part 3L – Landscaping and Tree Management***

The existing landscaping throughout the site would remain unaltered for the most part. However, there would be a in a minor reduction to the size of the existing rear lawn area due to the proposed ground floor verandah. The suitability of this outcome is discussed in more detail under Part 4A – Dwelling Houses.

***Part 3N- Waste Minimisation and Management***

A Waste Management Plan (WMP) was submitted with the application. Conditions are included to ensure all waste generated will be stockpiled, managed and disposed of appropriately.

***Part 4A- Dwelling Houses***

The development application has been assessed against the controls contained in *Part 4A of the DCP – Dwellings*. The following table compares the proposed development with the relevant provisions of this policy.

Control	Proposed	Complies
<b>4A.2.4 Streetscape Presentation</b>		
<b>C17</b> Any alteration to an individual semi-detached dwelling must recognise it as being one of a pair.	The design of the proposed first floor will maintain the unity of the three attached dwellings given that the original and principal roof form at the front of the dwelling is not proposed to be altered. Consequently, the proposed first floor is positioned at the rear of the existing dwelling and will not be dominant when viewed from Swinbourne Street. The additions will be visible from Kurnell Street, however, this is an accepted consequence given that the site is a corner allotment. There are various windows facing the street to encourage passive surveillance.	Yes
<b>C18</b> Extensions must integrate with the existing building. Extensions must address the likelihood that the adjoining semi may be developed in the future.		
<b>C19</b> Uncharacteristic roof forms and details (such as Mansard roofs) will not be allowed if they have an impact on the streetscape.		
<b>C20</b> As identified in Figure 5 the two dwellings that constitute the semi form must be as consistent as possible in scale and material.		
<b>C21</b> Roof design must prevent the flow of stormwater onto the adjoining semi.		
<b>C7</b> Dwelling houses are to have windows to the street from a habitable room to encourage passive surveillance.		
<b>4A.2.7 Site Coverage</b>		
<b>C2</b> For sites under 200m <sup>2</sup> the maximum site coverage is assessed on merits. For these sites, the numerical control which applies to sites between 200m <sup>2</sup> and 250m <sup>2</sup> is considered appropriate – 65% maximum.	The proposed site coverage is approximately 59% which complies with the 65% maximum. It is noted that the proposal results in a reduction in site area as the existing pergola over the paved area at the rear/side of the dwelling is being removed.	Yes
<b>4A.2.8 Building Setbacks</b>		
<b>C.1</b> Dwelling houses must comply with the following minimum setbacks as set out in Table 1.	No change to the existing front setback to Swinbourne Street.  The new works on the ground floor are proposed to be setback approximately 930mm from the western side boundary which is consistent with the existing dwelling and is supported.  The first floor is setback 2m from the western side boundary with the exception of the stairs which are setback 900mm. These setbacks do	N/A
<ul style="list-style-type: none"> <li>Minimum front setback – comply with the prevailing street setback or 6 metres (min)</li> <li>Minimum side setback - Assessed on merit</li> </ul>		Yes

	not cause any unreasonable streetscape impacts and/or impacts for nearby properties.	
<ul style="list-style-type: none"> <li>• Minimum rear setback – 4m</li> </ul>	The rear setback of the first floor is 8.3m which is compliant. This setback will be increased with the design changes recommended (i.e. – deletion of the ensuite and subsequent decrease in the first floor length).	Yes
<ul style="list-style-type: none"> <li>• Zero lot lines (with Council Discretion) – On merit based on building type and open space provisions</li> </ul>	The first floor addition is proposed as a new party wall with No.4 Swinbourne Street. This is considered to be a logical outcome and is supported.	Yes
<ul style="list-style-type: none"> <li>• Eaves – 450mm minimum setback</li> </ul>	No eaves as flat roof proposed.	Yes
<p><b>C2</b> New developments on corner lots are to provide a minimum secondary street setback of 3 metres.</p>	<p>The proposed development provides a secondary street setback of 900mm up to 2m which does not comply with the 3m guideline.</p> <p>A 3m setback would be approximately half of the width of the allotment which is not reasonable given that it would result in a compromised internal floor layout.</p> <p>The presentation of the building along the Kurnell Street elevation is acceptable subject to the first floor ensuite being removed. This will reduce the length of the first floor, ensuring an acceptable streetscape outcome is achieved. The first floor contains an external lightweight cladding finish to provide an appropriate softening of the upper level.</p> <p>The building elements in breach of the minimum secondary street setback requirement of 3 metres do contribute to additional overshadowing at 9am on June 21<sup>st</sup>. However, the overshadowing would be cast across Kurnell Street and therefore there would be no loss of residential amenity.</p> <p>The proposed first floor is required to bear some relationship with the footprint of the existing dwelling. A 3m side setback would result in a disjointed building composition, given the</p>	No – acceptable on merit

	<p>footprint of the existing building and the narrow allotment width.</p> <p>On balance, the proposed breach is acceptable in this instance.</p>	
<b>4A.2.9 Landscape Area</b>		
<p><b>C2</b> Development shall comply with the following minimum landscaped area requirements, based on the area of the site in <b>Table 2</b>.</p> <p>Table 2 requires the following minimum landscaped area:</p> <ul style="list-style-type: none"> <li>Sites less than 250sqm = 15%</li> </ul>	<p>The proposed development retains 17.5% (40m<sup>2</sup>) of the site area as landscaped area which complies with the 15% maximum.</p>	Yes
<b>4A.3.1 Materials and Finishes</b>		
<p><b>C10</b> The exterior walls of new dwellings must incorporate different materials, colours and textures to add interest and articulate the facade.</p>	<p>A Schedule of Colours and Finishes has been provided.</p> <p>The materials, colours, architectural detail and finishes are sympathetic to the surrounding locality, and add interest to the facade.</p>	Yes
<b>4A.3.2 Roofs and Attics/Dormer</b>		
<p><b>C1</b> Where roof forms in a street are predominantly pitched, then any proposed roof should provide a similar roof form and pitch.</p>	<p>The proposed roof is a flat roof which is acceptable given that the existing pitched roof at the front of the dwelling is proposed to be retained.</p>	Yes
<b>4A.4.1 Visual Privacy</b>		
<p><b>C2</b> Visual privacy for adjoining properties must be minimised by:</p> <ul style="list-style-type: none"> <li>using windows which are narrow or glazing</li> <li>Ensuring that windows do not face directly on to windows, balconies or courtyards of adjoining dwellings</li> <li>Screening opposing windows, balconies and courtyards; and</li> <li>Increasing sill heights to 1.5 metres above floor level.</li> </ul>	<p>The visual privacy outcomes proposed are acceptable for the following reasons:</p> <ul style="list-style-type: none"> <li>The windows proposed on the western (side) elevation on the first floor would overlook the public domain (Kurnell Street).</li> <li>The window proposed on the southern (rear) elevation on the first floor services a non-active room (Bed 1) and is sufficiently separated from the closest adjacent dwelling to the south.</li> <li>The windows proposed on the northern (front) elevation on the first floor service a staircase and would look across the roof of the existing dwelling.</li> <li>No windows are proposed on the eastern elevation due to the nil setback/party wall proposed with No.4 Swinbourne Street.</li> </ul>	Yes

<b>4A.4.3 Solar Access</b>		
<b>C1</b> Buildings (including alterations/ additions/ extensions) are to be designed and sited to maintain approximately 2 hours of solar access between 9am and 3pm on 21 June to windows in living areas (family rooms, rumpus, lounge and kitchens) and the principal open space areas such as swimming pools, patios and terraces, and drying areas of both the subject site and adjoining properties.	<p>The applicant has submitted shadow diagrams with the application. A summary of the overshadowing impacts is provided below:</p> <p><i>June 21<sup>st</sup> – 9:00am</i></p> <p>Additional overshadowing across Kurnell Street to the west.</p> <p><i>June 21<sup>st</sup> – 12 noon</i></p> <p>Additional overshadowing within the rear yard of the subject site itself.</p> <p><i>June 21<sup>st</sup> – 3:00pm</i></p> <p>Additional overshadowing within the rear yard of the adjoining dwelling at No.4 Swinbourne Street. There would also be some overshadowing across the roof of that dwelling.</p> <p>The private open space area in the rear yard of the neighbouring dwelling at No.4 would still receive some solar access opportunities between 12 noon and 3:00pm on June 21<sup>st</sup>. There would be no overshadowing impacts caused to living areas within neighbouring properties.</p>	Yes
<b>4A.4.4 Private Open Space</b>		
<b>C2</b> For sites less than 250sqm, a minimum area of 25sqm applies. <b>C3</b> For terraces and decks to be included, these must have minimum size of 10sqm.	There is a 52m <sup>2</sup> private open space area within the rear yard which is compliant.	Yes
<b>4A.4.7 Vehicle Access</b>		
<b>C1</b> Driveways within a property shall have a minimum width of 3 metres.	No changes are proposed to the existing vehicular access arrangements.	Yes
<b>C6</b> The number of vehicle crossings is to be limited to one (1) per allotment.	There is currently one (1) vehicle crossing servicing the site. No changes are proposed to this arrangement.	Yes
<b>4A.4.8 Car Parking</b>		



<p><b>C3</b> Car parking is to be located at the rear of the site with access from a rear lane. If rear lane access is not possible, parking must be provided behind the front building alignment. For existing and new dwellings, a garage or carport in order of priority must be:</p> <p>(i) Located at the rear of the site with access from a rear lane;</p> <p>(ii) At the rear of the site with access from the street frontage;</p> <p>(iii) Located at the side of the dwelling house, at least 1 metre behind the front building alignment and 5.5 metres from the front boundary; or</p> <p>(iv) Located at the side of the dwelling house, at least 1 metre behind the front building alignment.</p>	<p>There is an existing hardstand car parking space at the rear of the allotment. No changes are proposed in this regard.</p>	<p>Yes</p>
--	---	------------

#### **Part 8- Botany Character Precinct**

Part 8.4.2 - Desired Future Character of the Botany Precinct has been considered in the assessment of the application. The design of the proposed development would be consistent with the stated desired future character of this precinct in that:

- The proposal would *"maintain and enhance low density residential accommodation in the form of detached/attached dwellings with a maximum height of 2 storeys"* ;
- The proposed *"alterations and additions to existing development would complement the height and architectural style found in the immediate vicinity"* ;and
- The design of the development seeks to retain the original roof at the front of the dwelling and therefore *"maintains roof forms to reflect the characteristics of the prevailing designs within the street"*.

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

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

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

The proposed development will have no significant adverse environmental, social or economic impacts in the locality.

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

The proposed alterations and additions are resultant in a built form that is appropriate in the context of the site and the locality.

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

In accordance with Part 2 – Advertising & Notification of the Botany Bay Development Control Plan (BBDCP) 2013, the development application was notified and advertised for 14 days from 22 June 2018. No submissions were received. It is noted that the amended plans were not required to be re-notified because the proposed development would result in similar or less impacts for adjoining properties and/or the streetscape.

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

Granting approval to the proposed development will have no significant adverse impact on the public interest.

**Conclusion**

Development Application No. 2018/1109 for alterations and first floor addition to an existing attached dwelling at 2 Swinbourne Street, Botany has been assessed in accordance with the relevant requirements of the *Environmental Planning and Assessment Act 1979*.

The proposal results in a non-compliance with the floor space ratio development standard within BBLEP 2013. A condition of consent has been included to reduce the building footprint on the first floor, which would result in a development that does not cause any unreasonable impacts for the streetscape and/or the amenity of adjoining properties. Therefore, the proposal is recommended for approval subject to conditions of consent.

**Attachment****Schedule 1 – Conditions of Consent**

Premises: 2 Swinbourne Street, Botany

DA No: DA2018/1109

**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 N°	Author	Dated Received
DA03 Rev D Proposed Ground Floor Plan	Archispectrum	Dated: 24/1/19 Received: 24/1/19
DA04 Rev D Proposed First Floor Plan		Dated: 24/1/19 Received: 24/1/19
DA05 Rev D Proposed Roof Plan		Dated: 24/1/19 Received: 24/1/19
DA06 Rev D		

Proposed Site & Roof Plan		Dated: 24/1/19 Received: 24/1/19
DA07 Rev D Proposed North & South Elevations		Dated: 24/1/19 Received: 24/1/19
DA08 Rev D Proposed West Elevation		Dated: 24/1/19 Received: 24/1/19
DA09 Rev D Proposed Sections		Dated: 24/1/19 Received: 24/1/19
DA17 Rev D Landscape Calculations		Dated: 24/1/19 Received: 24/1/19
DA18 Rev D External Finishes Schedule		Dated: 24/1/19 Received: 24/1/19
DA19 Rev D BASIX Commitment Sheet		Dated: 24/1/19 Received: 24/1/19
DA20 Rev D Stormwater concept plan		Dated: 24/1/19 Received: 24/1/19

Reference Document(s)	Author	Date Received
BASIX Certificate Number: A317630	Greenworld Architectural Drafting	Dated: 1 June 2018 Received: 18 June 2018
Waste Management Plan Issue A	Archispectrum	Dated: June 2018 Received: 18 June 2018

2. This Consent relates to land in Lot A in DP 444706 and, as such, building works must not encroach on to adjoining lands or the adjoining public place.
3. The following shall be complied with:
  - a) All building work must be carried out in accordance with the provisions of the Building Code of Australia;
  - b) In accordance with Clause 94 *Environment Planning & Assessment Regulation 2000*, an automatic smoke detection and alarm system for early warning of occupants must be installed in the building (dwellings). The installation must satisfy the following:-
    - i) smoke alarms must comply with AS3786 - 1993;
    - ii) smoke alarms must be connected to the consumer mains power where consumer power is supplied to the building; and
    - iii) be located in a position as required by Vol 2. BCA.
4. 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 Certificates (as referenced at Condition No. 1) for the development are fulfilled.

Note:

a) Relevant BASIX Certificate means:

- i) A BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under Section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or
- ii) If a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate.

b) BASIX Certificate has the meaning given to that term in the *Environmental Planning and Assessment Regulation 2000*.

5. 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.

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

6. The ensuite on the first floor plan must be deleted and the length of the first floor reduced accordingly. There shall be no changes to the dimensions of any other areas within the first floor plan. Revised plans reflecting the above change are required to be submitted to the Certifying Authority (and Council where it is not the PCA) prior to the issue of a Construction Certificate.

7. Prior to the issue of a 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.

8. The applicant must prior to the obtainment of the approved plans and specifications pay the following fees:-

a) Footpath Crossing Deposit                      \$1,079.00

b) Development Control \$899.00

9. Prior to the issue of a Construction Certificate, the applicant shall lodge a Footpath Crossing Deposit of \$1,079.00 (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.
10. A dilapidation report, including a photographic survey prepared by a Practising Structural Engineer, must be prepared in respect of the property known as 4 Swinbourne Street, Botany. A copy of the dilapidation report together with the accompanying photographs shall be given to the above property owner/s, and a copy lodged with Certifying Authority prior to the issue of a Construction Certificate.
11. Prior to the issue of a Construction Certificate, at the proposed point of construction site entry, a full photographic survey showing the existing conditions of Council's infrastructure shall be submitted to Council and the Principal Certifying Authority. The survey shall detail the physical conditions and identify any existing damages to the road, kerb, gutter, footpath, 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 will result in the applicant 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.
12. Prior to the issue of a Construction Certificate, a plan (written and/or diagrammatic) shall be submitted and approved by the Principal 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.
13. Prior to the issue of a Construction Certificate, a detailed stormwater design prepared by a suitably qualified engineer shall be prepared and be in accordance with Council DCP part 10 and relevant Australian Standards.
14. Prior to the issue of a Construction Certificate, the approved plans must be submitted to Sydney Water Tap in<sup>TM</sup> 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.
15. Prior to the issue of a Construction Certificate, a certificate from a practicing Structural Engineer shall be submitted confirming that the existing building elements are structurally adequate to support all proposed additional loads.

**CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE COMMENCEMENT OF ANY DEVELOPMENT OR WORK**

16. The Principal 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.
- 17. 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.
- 18. 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. This Consent shall not preclude the demolisher from giving notice to other statutory authorities, such as Sydney Water Corporation, WorkCover, etc.
- 20. If the land to which the application relates is served by a common sewerage system that is also used by others, then measures must be placed in effect and prior to the commencement of work to ensure the operation of the sewerage system is without disruption to other joint users.
- 21. Erosion and sediment control devices shall be installed prior to the commencement of any demolition, excavation or construction works upon the site in order to prevent sediment and silt from site works (including demolition and/or excavation) being conveyed by stormwater into Council's stormwater system, natural watercourses, bushland, trees and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the requirements of the Protection of Environment Operations Act 1997 and the Department of Environment, Climate Change and Water guidelines. These device shall be maintained in a serviceable condition AT ALL TIMES throughout the entire demolition, excavation and construction phases of the development and for a minimum one (1) month period after the completion of the development, where necessary.
- 22. If an excavation associated with the proposal extends below the level of the base of the footings of a building on an adjoining allotment of land or the common boundary fence the person causing the excavation to be made:

- a) Must preserve and protect the building/ fence from damage; and,
  - b) If necessary, underpin and support such building in an approved manner;
  - c) Must at least be 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of the intention to do so to the owner of the adjoining allotment of land and, furnish particulars of the excavation to the owner of the building being erected or demolished;
  - d) Existing structures and or services on this and adjoining properties are not endangered during any demolition excavation or construction work associated with the above project. The applicant is to provide details of any shoring, piercing, or underpinning prior to the commencement of any work. The construction shall not undermine, endanger or destabilise any adjacent structures.
  - e) If the soil conditions required it:
    - i. Retaining walls associated with the erection of a building (swimming pool) or other approved methods of preventing movement or other approved methods of preventing movement of the soil must be provided and:-
    - ii. Adequate provision must be made for drainage.
23. Prior to commencement of any works, application(s) shall be made to Council's Customer Services Counter for the following approvals and permits on Council's property/road reserve under Road Act 1993 and Local Government Act 1993 as appropriate: -
- (It should be noted that any works shown within Council's road reserve or other Council Lands on the development approval plans are indicative only and no approval for these works is given until this condition is satisfied.)
- a) Permit to erect hoarding on or over a public place, including Council's property/road reserve
  - b) Permit to construction works, place and/or storage building materials on footpaths, nature strips
  - c) Permit for roads and footways occupancy (long term/ short term)
  - d) Permit to construct vehicular crossings, footpath, kerb and gutter over road reserve
  - e) Permit to open road reserve area, including roads, footpaths, nature strip, vehicular crossing or for any purpose whatsoever
  - f) Permit to place skip/waste bin on footpath and/or nature strip
  - g) Permit to use any part of Council's road reserve or other Council lands
24. Prior to the commencement of demolition work a licensed demolisher who is registered with WorkCover NSW must prepared a Work Method Statement to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) and a copy shall be

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

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

- a) Enclosing and making the site safe, any temporary protective structures must comply with the “Guidelines for Temporary Protective Structures (April 2001)”;
- b) Induction training for on-site personnel;
- c) Inspection and removal of asbestos, contamination and other hazardous materials (by appropriately licensed contractors);
- d) Dust control – Dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site;
- e) Disconnection of Gas and Electrical Supply;
- f) Fire Fighting – Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed;
- g) Access and Egress – No demolition activity shall cause damage to or adversely affect the safe access and egress of this building;
- h) Waterproofing of any exposed surfaces of adjoining buildings;
- i) Control of water pollution and leachate and cleaning of vehicles tyres – Proposals shall be in accordance with the “Protection of the Environmental Operations Act 1997”;
- j) Working hours, in accordance with this Development Consent;
- k) Confinement of demolished materials in transit;
- l) Proposed truck routes, in accordance with this Development Consent;
- m) Location and method of waste disposal and recycling in accordance with the “Waste Minimisation and Management Act 1995”.
- n) Sewer – common sewerage system ad08.

#### **DURING WORKS**

25. The proposed development shall comply with the following:

- a) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
  - i) Stating that unauthorised entry to the work site is prohibited;
  - ii) Showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours;
  - iii) The Development Approval number; and



- iv) The name of the Principal Certifying Authority including an afterhour's contact telephone number.
  - b) Any such sign is to be removed when the work has been completed.
- 26. The demolisher shall comply with Australian Standard 2601 - 2001 "Demolition of Structures".
- 27. Precautions to be taken shall include compliance with the requirements of the WorkCover Authority of New South Wales, including but not limited to:
  - a) Protection of site workers and the general public.
  - b) Erection of hoardings where appropriate.
  - c) Asbestos handling and disposal where applicable.
  - d) Any disused service connections shall be capped off.
  - e) The disposal of refuse is to be to an approved waste disposal depot.
- 28. Hazardous or Special Wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of WorkCover NSW and the Department of Environment, Climate Change and Water and with the provisions of the:
  - a) Occupational Health and Safety Act, 2000;
  - b) Occupational Health and Safety Regulation 2001;
  - c) Protection Of the Environment Operations Act 1997 (NSW); and
  - d) NSW Department of Environment and Climate Change Waste Classification Guidelines (2008).
- 29. Any material containing asbestos found on site during the demolition process the 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;
  - d) DECC Waste Classification Guidelines 2008.
  - e) No demolition materials shall be burnt or buried on the site.
- 30. The demolition and disposal of materials incorporating lead such as lead paint and dust shall be conducted in accordance with:
  - a) AS2601-2001 - Demolition of structure.
  - b) AS4361.2-1998 – Guide to Lead Paint Management-Residential and Commercial Buildings

31. In order to ensure safe handling of asbestos materials, the re-use or sale of asbestos building materials is strictly prohibited.
32. No demolition materials shall be burnt or buried on the site.
33. Should the demolition process require a building waste container(s) (builders' skip), then such container must not be placed or left upon the public road, footpath, reserve or the like without the prior approval of the Council. The use of any part of Council's road reserve must also have prior approval of Council.
34. Throughout the construction period, Council's warning sign for soil and water management shall be displayed on the most prominent point of the building site, visible to both the street and site workers. A copy of the sign is available from Council's Customer Service Counter.
35. The approved Waste Management Plan shall be complied with at all times during demolition, construction and on-going use of the site.
36. All possible and practicable steps shall be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from wind-blown dust, debris, noise and the like.
37.
  - a) All excavations and backfilling shall be executed safely and in accordance with appropriate professional standards; and all excavations shall be properly guarded and protected to prevent them from being dangerous to life or property;
  - b) Existing structures and or services on this and adjoining properties are not endangered during any demolition excavation or construction work associated with the above project. The applicant is to provide details of any shoring, piercing, or underpinning prior to the commencement of any work. The construction shall not undermine, endanger or destabilise any adjacent structures.
  - c) As the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
    - i) Protect and support the adjoining premises from possible damage from the excavation, and
    - ii) Where necessary, underpin the adjoining premises to prevent any such damage.
38. The following shall be complied with during construction and demolition:
  - a) Construction Noise

Noise from construction activities associated with the development shall comply with the NSW Environment Protection Authority's Interim Construction Noise Guideline and the Protection of the Environment Operations Act 1997.
  - b) Level Restrictions
    - i) Construction period of 4 weeks and under:

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

- ii) Construction period greater than 4 weeks and not exceeding 26 weeks:

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

- 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.

- 39. 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.

40.

- a) In order to prevent vehicles tracking soil or other materials onto public roads and washing of materials into the street drainage system or watercourse, during Excavation, Construction and Deliveries, access to the site shall be available in all weather conditions. The area shall be stabilised and protected from erosion; and,
- b) In addition, concrete trucks and any other trucks that used for the transportation of building materials or similar, shall not traffic soil cement or other materials onto the road reserve. Hosing down of vehicle tyres shall only be conducted in a suitable off-street area where wash waters do not enter the stormwater system or enter Council's land.
- c) Hosing down or hosing/washing out of any truck (concrete truck), plant (eg concrete pumps) or equipment (eg wheelbarrows) on Council's road reserve or other property is strictly prohibited. Fines and cleaning costs will apply to any breach of this condition.
- d) Pavement surfaces adjacent to the ingress and egress points are to be swept and kept clear of earth, mud and other materials at all times and in particular at the end of each working day or as directed by Council's Engineer.
- e) Building operations such as brick cutting, washing tools or brushes and mixing mortar shall not be carried out on public roadways or footways or in any other locations which could lead to the discharge of materials into the stormwater drainage system or onto Council's lands.

- 41. During demolition, excavation and construction, care must be taken to protect Council's infrastructure, including street signs, footpath, kerb, gutter and drainage pits etc.

Protecting measures shall be maintained in a state of good and safe condition throughout the course of construction. The area fronting the site and in the vicinity of the development shall also be safe for pedestrian and vehicular traffic at all times. Any damage to Council's infrastructure (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) shall be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council.

42. During construction work the Council nature strip shall be maintained in a clean and tidy state at all times. The nature strip shall be suitably replaced where damaged due to construction work in accordance with Council Specification at the completion of construction, and at the Applicant's expense.

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

43. Prior to the issue of an Occupation Certificate, the constructed stormwater drainage system shall be inspected and certified by a suitably qualified engineer. The certification shall demonstrate compliance with the approved plans, relevant Australian Standards, Council Specifications.
44. 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 the issue of the Occupation Certificate of the development and release of damage deposit.
45. The Council nature strip in Kurnell Street shall be repaired and/or replaced and maintained in accordance with Council Specification at the completion of all construction work at the Applicant's expense.
46. 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**

47. 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.
48.
  - a) Air conditioning units are not to be visible from the street or public place and are not to obscure windows/window frames or architectural features of the dwelling.
  - b) Noise from any air-conditioning units (measured as the  $L_{aeq\ 15\ minute}$ ) is not to exceed the background level (measured as the  $L_{a90\ 15\ minute}$ ) 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 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).

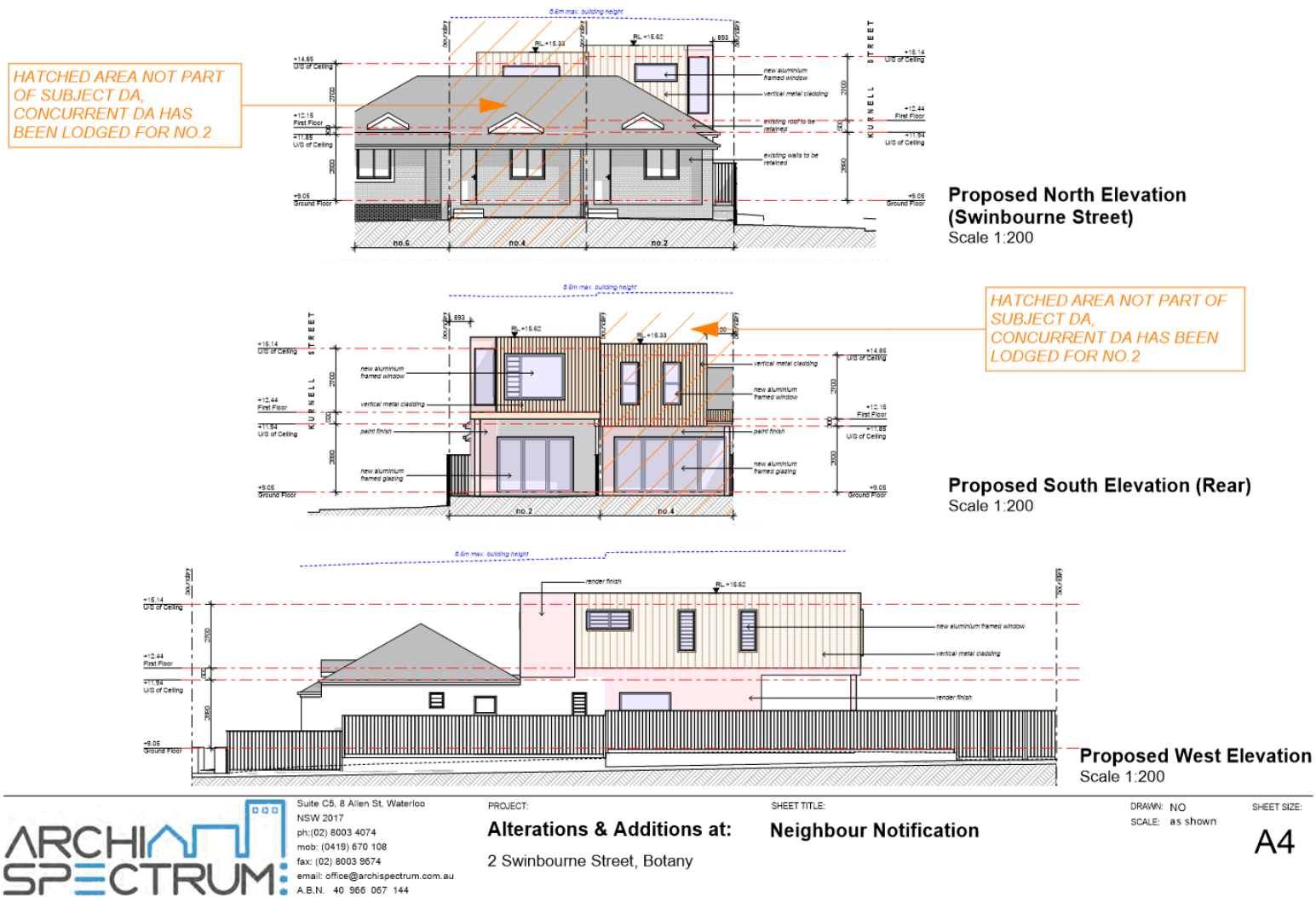
Note: In order to meet this condition, the compressors and any other noise generating part of the air conditioning unit, are to be located a sufficient distance from any residential boundary to permit the sound from the unit to decay sufficiently to meet the standard, or enclosed in a suitable acoustic enclosure.



SHEET TITLE:

**Neighbour Notification**

SHEET SIZE:  
**A4**



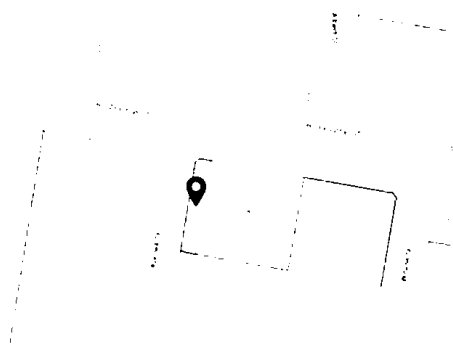


**2 Swinbourne Street, Botany**

**REQUEST FOR VARIATION TO FLOOR SPACE RATIO DEVELOPMENT  
STANDARD PURSUANT TO CLAUSE 4.6(4) OF BOTANY BAY LOCAL  
ENVIRONMENTAL PLAN 2013**

**Clause 4.4 – Floor Space Ratio**

Clause 4.4 of the Botany Bay Local Environmental Plan 2013 and the associated map prescribes a floor space ratio of 0.55:1 for the subject site (125.4 m<sup>2</sup>). The proposal seeks to provide a floor space ratio of 0.61:1 (139.5 m<sup>2</sup>) which exceeds this control by 14.1m<sup>2</sup> or 11.2%.



It can be seen from the above map extract that the area surrounding the subject site has an FSR of 1:1, whilst the group of dwellings 2 – 8 Swinbourne Street have an FSR of 0.55:1

The proposal therefore seeks to vary the Floor Space Ratio development standard.

The objectives of Clause 4.4 are as follows:

- (a) to establish standards for the maximum development density and intensity of land use,*



- (b) to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality,*
- (c) to maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing, and are not likely to undergo, a substantial transformation,*
- (d) to ensure that buildings do not adversely affect the streetscape, skyline or landscape when viewed from adjoining roads and other public places such as parks, and community facilities,*
- (e) to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain,*
- (f) to provide an appropriate correlation between the size of a site and the extent of any development on that site,*
- (g) to facilitate development that contributes to the economic growth of Botany Bay.*

The zoning of the land is R2 Low Density Residential. The objectives of the zone are:

- To provide for the housing needs of the community within a low density residential environment.*
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- To encourage development that promotes walking and cycling.*

#### **Clause 4.6 – Exceptions to Development Standards**

Clause 4.6 of the Botany Bay Local Environmental Plan 2013 allows for exceptions of Development Standards. The objectives of this Clause 4.6 are:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

The clause goes on to state:

- (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) *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.*

This document constitutes the written request referred to in Clause 4.6(3) in relation to the proposal's breach of the height of building development standard.

The NSW Department of Planning and Infrastructure (DP&I) provides guidance on how to prepare Clause 4.6 variations; 'Varying development standards: A Guide' (August 2011). This written request to vary the standards is based on the DP&I's Guide.

#### **Clause 4.6(3) and 4.6(4)**

In order to assess whether strict compliance with the development standard is unreasonable or unnecessary in this particular case, the proposal is

considered against the four matters required to be established under Clause 4.6.

**1. Compliance with the development standard must be unreasonable or unnecessary in the circumstances of the case:**

Compliance with the development standards is considered unreasonable and unnecessary given the following circumstances of the case:

- The first floor addition does not breach the height control set out by the Botany Bay Local Environmental Plan 2013 and is designed in a manner that provides a compatible streetscape and appropriate contextual outcome.
- The proposed addition is at the rear and does not alter the principal historic building or its roof form as it presents to the street
- Rear additions of similar bulk and scale have been approved and constructed to other buildings in the street
- The proposal will have no adverse impact on existing public and private views
- The existing building and proposed addition is consistent with the height and scale of similar surrounding dwellings
- The FSR non-compliance will not create additional building bulk that results in environmental amenity impacts in terms of overshadowing, loss of views, loss of privacy or loss of visual amenity.

**2. There are sufficient environmental planning grounds to justify contravening the development standard:**

Given the nature of the height breach and the consistency of the proposal against the zone objectives and FSR objectives (see point 4 below), there are sufficient environmental planning grounds to justify contravening the development standard.

The FSR can be achieved without adverse impacts. The development as proposed fits contextually within the site and streetscape. In the circumstances of the case, there are sufficient planning grounds to justify contravening the development standard including:

- The intensity of the development is appropriate and acceptable, having regard to existing adjacent development
- Non-compliance with the standard does not contribute to adverse environmental impacts and the appearance of the development when viewed from the public domain will be positive;

The proposed development does not alter the principal historic building or its roof form as it presents to the street: it reads as a quite separate contemporary structure;

- The proposed development achieves compliance with the relevant underlying objectives of the standard and the objectives of the zone; and
- The proposal will:
  - Promote the orderly and economic use and development of land,
  - Promote good design and amenity of the built environment,
  - (Promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,

which are identified as specific objects of the Act (Section 1.3 of the EP&A Act, 1979).

The above is considered to represent sufficient environmental planning grounds to justify contravening the development standard and as such compliance with the development standard is unreasonable or unnecessary in the circumstances of this case. The resultant development will therefore be in the public interest.

When considered alongside the lack of adverse environmental impacts arising from the additional height and the consistency of the proposal with the objectives of the FSR development standard and the objectives of the R2 zone, a variation to the control is in the public interest in accordance with Clause 4.6(4)(a)(ii) of the LEP. As such the proposal meets the assessment criteria set out in Clause 4.6(3)(a) and (b) and (4)(a).

**3. The applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3):**

The written request adequately addresses the matters referred to above by Clause 4.6(3).

**4. The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out:**

The proposal will be in the public interest as it meets the objectives of the FSR development standard as follows:

- The resultant building will be compatible with the bulk and scale of the existing and desired future character of the locality,
- By locating the addition at the rear and maintaining the existing dwelling at the front, the proposal maintains an appropriate visual relationship between the new development and the existing character of the area,
- The location of the addition at the rear ensures that the proposal does not adversely affect the primary streetscape, skyline or landscape when viewed from adjoining roads and other public places such as parks, and community facilities,
- The proposal has no adverse impacts on the use or enjoyment of adjoining properties or the public domain,
- The proposal helps to facilitate development that contributes to the economic growth of Botany Bay.

The proposal will also be in the public interest as it provides for the housing needs of the community within a low density residential environment, thereby Meeting the relevant objectives of the R2 zone.

As the proposal satisfies the zone and development standard objectives strict compliance with the standard is not therefore required in order to achieve compliance with the objectives.

Strict compliance would result in an inflexible application of policy and a clumsy building form. It does not serve any purpose that should outweigh the positive outcomes of the development and therefore a better planning outcome overall.

The proposed development is consistent with the provisions of orderly and economic development of land, in that it proposes to provide new housing with a high level of design and amenity, in a manner, which meets the objectives of applicable controls. This new residential accommodation over its economic life is consistent with the promotion and coordination of the orderly use and development of land.

### Conclusion

This document has considered that there are more than sufficient environmental planning grounds to justify the variation on the basis that compliance with the standard would be unreasonable and unnecessary in the circumstances of this particular case. As demonstrated above, the proposed development will be in the public interest because it is consistent with the objectives of the FSR standard and the objectives of the R2 zone.

---

In the context of other requirements of Clause 4.6, it is considered that no matters of State or regional planning significance are raised by the proposed development. Moreover, it is considered that there would be no public benefit in maintaining the particular planning control in question, in the case of this specific development.

This submission is considered to adequately address the matters required by Clause 4.6 and demonstrates that compliance with the development standard would be unreasonable and unnecessary in the circumstances of this case.

Despite the proposal's non-compliance with the proposed standard, the proposed development is considered to meet the objectives of the standard and the objectives of the R2 zone.



Lewis Adey MPIA CPP  
Director, aSquare Planning Pty Ltd

10 January 2019

**Bayside Local Planning Panel**

**26/02/2019**

Item No	6.6
Application Type	Development Application
Application No	DA-18/1110
Lodgement Date	18/06/2018
Property	<b>4 Swinbourne Street, Botany</b>
Ward	Port Botany
Owner	Mr M G Collins
Applicant	Archispectrum
Proposal	Alterations and first floor addition to existing attached dwelling.
No. of Submissions	One (1)
Cost of Development	\$150,000.00
Report by	Michael McCabe, Director City Futures

---

**Officer Recommendation**

1. THAT the Panel exercising the functions of the Council as the consent authority pursuant to Section 4.16 of the Environmental Planning & Assessment Act 1979 approves a variation to the floor space ratio development standard prescribed by clause 4.4 of Botany Local Environmental Plan 2013.
  2. THAT Development Application No.2018/1110 for alterations and first floor addition to an existing attached dwelling at 4 Swinbourne Street, Botany is APPROVED pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979.
  3. That objectors be advised of the panel's decision.
-

## Location Plan



## Attachments

- 1 Planning Assessment Report [↓](#)
- 2 Site Plan [↓](#)
- 3 Elevations [↓](#)
- 4 Clause 4.6 Exception - FSR [↓](#)



# BAYSIDE COUNCIL

## Planning Assessment Report

---

### Application Details

---

<b>Application Number:</b>	2018/1110
<b>Date of Receipt:</b>	18 June 2018
<b>Property:</b>	4 Swinbourne Street, Botany
<b>Owner:</b>	Mark Collins
<b>Applicant:</b>	Archispectrum
<b>Proposal:</b>	Alterations and first floor addition to an existing attached dwelling.
<b>Recommendation:</b>	Approval
<b>Value:</b>	\$150,000.00
<b>No. of submissions:</b>	One (1)
<b>Author:</b>	Patrick Nash – Senior Development Assessment Planner
<b>Date of Report:</b>	12 February 2018

### Key Issues

---

Bayside Council received Development Application No. 2018/1110 on 18 June 2018 seeking consent for alterations and first floor addition to an existing attached dwelling at 2 Swinbourne Street, Botany.

The design of the development has been amended a series of times during the assessment process to address a number of design issues raised by Council.

Key issues in the assessment of the proposal include the non-compliance with floor space ratio development standard and the relationship of the proposed first floor with the roof form of the existing dwelling. The amended proposal provides a design which ensures that the principle existing building form is kept intact which maintains the unity of the three detached dwellings and their presentation to Swinbourne Street.

The site is subject to a maximum allowable FSR of 0.55:1 (115.83m<sup>2</sup>). The amended proposal has an FSR of 0.69:1 or 146.3m<sup>2</sup>. This represents a variation of 30.47m<sup>2</sup> or 26.3%. The applicant has provided a Clause 4.6 variation to the floor space ratio development standard which provides justification for the exceedance in gross floor area. Design changes are recommended to reduce the extent of the FSR breach which will result in an improved built form presentation and reduce the visibility of the first floor as viewed from the rear of the neighbouring residential properties.

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.

Item Bayside Planning Panel Meeting  
26/02/2019

## Recommendation

---

It is RECOMMENDED that the Bayside Planning Panel, resolve:

- 1 THAT the Panel exercising the functions of the Council as the consent authority pursuant to Section 4.16 of the Environmental Planning & Assessment Act 1979 approves a variation to the floor space ratio development standard prescribed by clause 4.4 of Botany Local Environmental Plan 2013.
- 2 THAT Development Application No.2018/1110 for alterations and first floor addition to an existing attached dwelling at 4 Swinbourne Street, Botany is APPROVED pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979.

## Background

---

### History

#### Previous applications

There is no recent town planning history on the site.

#### Subject application

- DA-2018/1110 was submitted to Council on 18 June 2018.
- On 22 June 2018 the application was notified to surrounding properties for a period of 14 days in accordance with Botany Bay DCP 2013. One (1) submission was received which is addressed later in this report.
- Council requested additional information on 17 September 2018 to address concerns associated with heritage, streetscape impacts, poor integration of the proposal into the existing building, cost of works, roof form and the extent of the floor space ratio non-compliance.
- The applicant submitted amended plans on 5 October 2018. The applicant was subsequently advised that the changes made do not satisfactorily address the concerns raised.
- Further amended plans were submitted on 6 November 2018. These plans are relied upon for assessment in this report.
- On 10 January 2019 the applicant submitted a revised clause 4.6 exception relating to the non-compliance with the floor space ratio development standard.
- On 24 January 2019 the applicant submitted a full set of revised drawings. These drawings are relied upon for assessment in this report.

### Proposal

The development application seeks consent for alterations and first floor addition to an existing attached dwelling. The proposed development is further described as follows:

#### Ground Floor

- Internal reconfigurations and enlargement of the ground floor in a westerly direction;
- New internal stairs to facilitate access to the first floor;
- Removal of existing rear pergola, metal shed and hard paving in the rear yard; and

- New rear verandah.

#### First Floor

- New first floor incorporating 2 bedrooms, an ensuite and bathroom.

Externally, the first floor addition has a flat roof, is positioned behind the original roof form of the existing dwelling and has a relatively contemporary appearance.

#### **Site Description**

The site is legally known as Lot B in DP 444706 and commonly known at 4 Swinbourne Street, Botany. The site has a frontage to Swinbourne Street of 5.79m and an overall site area of 210.6m<sup>2</sup>. The site is relatively flat. There is an existing driveway crossing at the front of the site adjacent to the front boundary, however this does not appear to be utilised. The existing dwellings shares a brick party wall with both No.2 and No.4 Swinbourne Street.

The subject property is a dwelling in a group of three single storey attached dwellings (No's 2 to 6 Swinbourne Street – see Figure 1 below) with a shared hipped and tiled roof. The property dates from the late Federation/Interwar period. The subject property is adjacent to a heritage item listed in BBLEP 2013 as *Streetscape —verge plantings of Canary Island Date Palm (Phoenix canariensis), Swinbourne Street (William to Queen Streets)*, a locally significant item number I158 and within the vicinity of *Electricity Substation No 340, 3 William Street* a heritage item (I80) of local significance.

The streetscape along Swinbourne Street and along Kurnell Street is characterised by a mixture of one and two storey dwellings that are on varying lot sizes. Pitched tiled roof forms appear to be fairly common throughout.



**Figure 1: The group of attached dwellings at 2-6 Swinbourne Street, Botany**

## Statutory Considerations

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

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

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

The following Environmental Planning Instruments are relevant to this application:

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

*State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* ("BASIX") applies to the proposed development. The development application was accompanied by a compliant BASIX Certificate No.A317787 dated 1 June 2018.

#### 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; and
2. The adjoining and adjacent properties are currently used for residential purposes;

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

#### Botany Bay Local Environmental Plan 2013

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

Principal Provisions of BBLEP 2013	Compliance Yes/No	Comment
Landuse Zone	N/A	The site is zoned R2 - Low Density Residential under the BBLEP 2013.
Is the proposed use/works permitted with development consent?	Yes	Attached dwellings are permissible with Council's consent under the BBLEP 2013.
Does the proposed use/works meet the objectives of the zones?	Yes	The proposed development is consistent with the objectives in the BBLEP 2013.

Principal Provisions of BBLEP 2013	Compliance Yes/No	Comment
Building Height	Yes	The maximum building height for the site is 8.5 metres.  Proposed Height: 6.63 metres
Floor Space Ratio	No – Refer to Note 1 below	The maximum FSR for the site is 0.55:1 (125.4m <sup>2</sup> ) under the provisions of Clause 4.4.  The proposed FSR is 0.69:1 (146.3m <sup>2</sup> ). This represents a variation of 30.47m <sup>2</sup> or 26.3%.  The proposed FSR does not comply with Council's requirements under the Botany Bay Local Environmental Plan 2013. A Clause 4.6 variation to the FSR Standard has been submitted as part of the proposal. Refer to Note 1 discussion below.
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?	N/A	The site is not within Area 3 on the FSR Map. However, surrounding allotments are which will inform the future character in the locality.
Is the land affected by road widening? (Clause 5.1 – Relevant Acquisition)	N/A	The site is not affected by road widening.
Is the site listed in Schedule 5 as a heritage item or within a Heritage Conservation Area?	Yes – Refer to Note 2 below	The subject property is adjacent to a heritage item listed in BBLEP 2013 as <i>Streetscape —verge plantings of Canary Island Date Palm (Phoenix canariensis), Swinbourne Street (William to Queen Streets)</i> , a locally significant item number 1158 and within the vicinity of <i>Electricity Substation No 340, 3 William Street</i> a heritage item (180) of local significance.  Refer to Note 2 below.
The following provisions in Part 6 of the LEP apply to the development—  6.2 – Excavation	Yes	The proposal involves minimal excavation works.
6.3 – Stormwater management	Yes	The application was referred to Council's Development Engineer for assessment

Principal Provisions of BBLEP 2013	Compliance Yes/No	Comment
6.9 – Development in areas subject to aircraft noise	Yes	and the recommended conditions have been included in the development consent.  Not applicable. The site is located in the <20 ANEF area.

**Note 1 – Floor Space Ratio non-compliance**

The site is subject to a maximum allowable FSR of 0.55:1 (125.4m<sup>2</sup>) in accordance with clause 4.4 of BBLEP 2013. The proposed development has an FSR of 0.69:1 or 146.3m<sup>2</sup>. This represents a variation of 30.47m<sup>2</sup> or 26.3%.

The applicant has provided a Clause 4.6 variation to the floor space ratio development standard which provides justification for the exceedance in gross floor area. Excerpts from the applicant's variation are outlined as follows:

- *The first floor addition does not breach the height control set out by the Botany Bay Local Environmental Plan 2013 and is designed in a manner that provides a compatible streetscape and appropriate contextual outcome.*
- *The proposed addition is at the rear and does not alter the principal historic building or its roof form as it presents to the street.*
- *The rear addition will not be relatively discernible from the side street as this is not a corner property.*
- *Rear additions of similar bulk and scale have been approved and constructed to other buildings in the street.*
- *The proposal will have no adverse impact on existing public and private views.*
- *The existing building and proposed addition is consistent with the height and scale of similar surrounding dwellings.*
- *The FSR non-compliance will not create additional building bulk that results in environmental amenity impacts in terms of overshadowing, loss of views, loss of privacy or loss of visual amenity.*

Consent may be granted for the proposal subject to Clause 4.6, notwithstanding that the proposal would contravene this development standard, as the FSR development standard is not expressly excluded from this Clause (Cl 4.6(2)). The applicant has provided a written request justifying the contravention of the development standard pursuant to Clause 4.6(3) of BBLEP 2013, which is considered below. The matters for consideration pursuant to Clause 4.6(4) and (5) are also considered below.

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 *Wehbe*.

The requirements of 4.6(3)(a), 4.6(3)(b), and 4.6(4)(a)(ii) are each addressed separately below:

**4.6(3)(a) compliance with the development standard is unreasonable or unnecessary in the circumstances of the case**

**4.6(3)(b) Are there are environmental planning grounds to justify the contravention of the standard**

**Officer's comments – Environmental Planning grounds**

The sites at 2 – 10 Swinbourne Street have a maximum FSR of 0.55:1. Conversely, the surrounding residential allotments, also within the R2 – Low Density Residential zone, are identified as being within 'N' which is within 'Area 3' on the Floor Space Ratio map which accompanies BBLEP 2013. See below:





Figure 2: FSR map excerpt

The maximum allowable FSR for dwellings on the surrounding sites identified as 'N' in Figure 2 above is as follows:

Site Area	Maximum Floor Space Ratio
<200 square metres	0.85:1
200–250 square metres	0.80:1
251–300 square metres	0.75:1
301–350 square metres	0.70:1
351–400 square metres	0.65:1
401–450 square metres	0.60:1
>450 square metres	0.55:1

The effect of the differing FSR's is such that the proposed size and scale of the development is compatible with the permitted bulk and scale on surrounding site. Consequently, it can be substantiated that the proposal will be consistent with the desired future character of this locality. For example – the majority of the neighbouring allotments on the eastern side of Kurnell Street and Wilson Street would have applicable FSR's from 0.65:1 to 0.80:1, depending on their exact site area.

It is considered that the design of the development could be improved through a reduction in gross floor area. In this regard, it is recommended that the 8.2m<sup>2</sup> ensuite on the first floor is deleted, and the footprint of that level reduced accordingly. The rear building setback would be increased. The resultant FSR non-compliance would be 22.27m<sup>2</sup>.

This design change would result in a less bulky building presentation when viewed from the adjoining residential properties and reduces the extent of overshadowing, most notably that



caused to the neighbouring allotment at No.6 Kurnell Street at 3pm on June 21<sup>st</sup>. The ensuing development is considered to be contextually appropriate within the site and the broader streetscape. The additional gross floor area proposed above the allowable FSR does not contribute to any adverse environmental impacts to neighbouring residential allotments and would not detract from the streetscape.

Compliance is unreasonable or unnecessary

Compliance with the development standard is considered to be unreasonable or unnecessary in the circumstances of the case because the objectives of the FSR development standard are achieved notwithstanding non-compliance with the standard. An assessment of the proposal against the objectives of clause 4.4 in BBLEP 2013 is provided within this discussion.

Cl. 4.6(4)(a)(ii): 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 are also taken into consideration:

- Objectives of Clause 4.6;
- Objectives of the Floor Space Ratio Standard;
- Objectives of the R2 Low Density Residential zone;
- Public Interest and public benefit of maintaining the development standard.

Objectives of Clause 4.6

The objectives of Clause 4.6 of the 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:

Notwithstanding the numerical non-compliance of the FSR, the proposal satisfies the objectives of Clause 4.6 and those of the floor space ratio standards as it will facilitate the redevelopment of a dwelling within the R2 Low Density Residential zone that is consistent with the desired future character of the Botany Character Precinct. Flexibility can be granted as the proposed achieves the objectives of the FSR development standard and is consistent with the objectives of the zone.

Objectives of the Floor Space Ratio Standard

The objectives of the Floor Space Ratio Standard are:

- a) *to establish standards for the maximum development density and intensity of land use,*
- b) *to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality,*
- c) *to maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing, and are not likely to undergo, a substantial transformation,*
- d) *to ensure that buildings do not adversely affect the streetscape, skyline or landscape when viewed from adjoining roads and other public places such as parks, and community facilities,*

- e) *to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain,*
- f) *to provide an appropriate correlation between the size of a site and the extent of any development on that site,*
- g) *to facilitate development that contributes to the economic growth of Botany Bay.*

Officer's Comments:

- The proposal maintains an appropriate visual bulk and scale relationship with the neighbouring properties and the existing and future character of the area, noting that the surrounding allotments are capable of re-developing with a higher FSR than what is currently proposed. The correlation between the size of the site and the proposed extent of development is appropriate and acceptable;
- By locating the addition at the rear and maintaining the single storey presentation of the existing dwelling at the front, the proposal maintains an appropriate visual relationship between the new development and the existing character of the areas, in particular the group of attached dwellings at 2 to 6 Swinbourne Street;
- The location of the addition at the rear ensures that the proposal does not adversely affect the primary streetscape (i.e. – Swinbourne Street), skyline or landscape when viewed from adjoining roads and other public places such as parks, and community facilities;
- The proposed development does not have any adverse impacts on the use or enjoyment of adjoining properties and the public domain subject to a condition of consent requiring the footprint of the first floor to be reduced through deletion of the ensuite; and
- The proposal helps to facilitate development that contributes to the economic growth of Botany Bay through the provision of improved residential accommodation.

Objectives of the zone

The objectives of the R2 Low Density Residential zone are 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 FSR variation will result in a development that is in keeping with the bulk and scale of low density residential development within the R2 zone and is therefore consistent with the zone objectives in that providing for the housing needs of the community within a low density residential environment.

Public Interest and Public Benefit

The proposed development will be in the public interest because it is consistent with the objectives of the FSR development standard and the objectives of the R2 – Low Density Residential zone.

The development will provide additional residential accommodation to the dwelling on the subject site without adverse impacts on the streetscape and the locality and is consistent with the desired future character of the Botany Character Precinct as prescribed within Part 8-Character Precinct of the Botany Bay Development Control Plan 2013.

#### Summary

The request to vary the FSR development standard has been assessed in accordance with the provisions of Clause 4.6 and relevant case law, being the principles of *Wehbe v Pittwater Council* [2007] NSWLEC 827 and *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 1009 & NSW LEC 90 (*Four2Five*). The proposal is consistent with the underlying objectives of the standard identified.

Council's assessment has concluded that compliance with the FSR development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.

The applicant's Clause 4.6 variation is well-founded and the departure in the FSR is compatible with the existing residential development and recently approved development within the locality that is in the public interest. On this basis, it is recommended that the development standard relating to the maximum FSR for the site pursuant to Clause 4.4 of the Botany Bay Local Environmental Plan 2013 should be varied in the circumstances as discussed above.

#### Note 2 – Heritage

The subject property is adjacent to a heritage item listed in BBLEP as *Streetscape —verge plantings of Canary Island Date Palm (Phoenix canariensis), Swinbourne Street (William to Queen Streets)*, a locally significant item number 1158 and within the vicinity of *Electricity Substation No 340, 3 William Street* a heritage item (180) of local significance.

The amended plans were reviewed by Council's Heritage Advisor who provided the following comments:

*The applicant has amended the design in order to reduce the heritage impact of the development. The proof of the principal building form is to be retained intact. This will maintain the unity of the three detached dwellings and importantly keep their contribution to Swinbourne Street intact. The side view from further down Swinbourne Street and William Street will be dramatically altered and visually the two storey addition will stand out. This is mitigated against by it being separate from the roof of the front portion.*

*The design is a major improvement on the previous schemes and as a result the heritage impact will be minimal.*

*The development is supported.*

In view of the above, the proposed development is considered to satisfy clause 5.10 – heritage conservation within BBLEP 2013.

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

There are no current Draft EPIs applicable to this development

#### **S.4.15(1)(a)(iii) - Provisions of any Development Control Plan**

Botany Bay Development Control Plan 2013

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

**Part 3A- Parking and Access**

Part	Control	Proposed	Complies
3A.2. Parking Provisions of Specific Uses	Attached dwelling house = 1 space	The subject site does not contain any car parking. No changes are proposed to this arrangement.	N/A

**Part 3G – Stormwater Management**

The application was referred to Council's Development Engineer who raised no objections to the proposed development subject to appropriate conditions imposed in the consent.

**Part 3J – Aircraft Noise and OLS**

Not applicable.

**Part 3K – Contamination**

Refer to previous SEPP 55 discussion.

**Part 3L – Landscaping and Tree Management**

The proposed development would result in the provision of additional soft landscaping because the existing shed and hard paving at the rear of the site are proposed to be substituted with new soft landscaping. Refer to additional discussion detail under Part 4A – Dwelling Houses.

**Part 3N- Waste Minimisation and Management**

A Waste Management Plan (WMP) was submitted with the application. Conditions are included to ensure all waste generated will be stockpiled, managed and disposed of appropriately.

**Part 4A- Dwelling Houses**

The development application has been assessed against the controls contained in *Part 4A of the DCP – Dwellings*. The following table compares the proposed development with the relevant provisions of this policy.

Control	Proposed	Complies
4A.2.4 Streetscape Presentation		

<p><b>C17</b> Any alteration to an individual semi-detached dwelling must recognise it as being one of a pair.</p> <p><b>C18</b> Extensions must integrate with the existing building. Extensions must address the likelihood that the adjoining semi may be developed in the future.</p> <p><b>C19</b> Uncharacteristic roof forms and details (such as Mansard roofs) will not be allowed if they have an impact on the streetscape.</p> <p><b>C20</b> As identified in Figure 5 the two dwellings that constitute the semi form must be as consistent as possible in scale and material.</p> <p><b>C21</b> Roof design must prevent the flow of stormwater onto the adjoining semi.</p> <p><b>C7</b> Dwelling houses are to have windows to the street from a habitable room to encourage passive surveillance.</p>	<p>The design of the proposed first floor will maintain the unity of the three attached dwellings given that the original and principal roof form at the front of the dwelling is not proposed to be altered. Consequently, the proposed first floor is positioned at the rear of the existing dwelling and will not be dominant when viewed from Swinbourne Street.</p>	<p>Yes</p>
<b>4A.2.7 Site Coverage</b>		
<p><b>C2</b> For sites under 200m<sup>2</sup> the maximum site coverage is assessed on merits. For these sites, the numerical control which applies to sites between 200m<sup>2</sup> and 250m<sup>2</sup> is considered appropriate – 65% maximum.</p>	<p>The proposed site coverage is approximately 63.6% which complies within the 65% maximum.</p>	<p>Yes</p>
<b>4A.2.8 Building Setbacks</b>		
<p><b>C.1</b> Dwelling houses must comply with the following minimum setbacks as set out in Table 1.</p> <ul style="list-style-type: none"> <li>Minimum front setback – comply with the prevailing street setback or 6 metres (min)</li> <li>Minimum side setback - Assessed on merit</li> <li>Minimum rear setback – 4m</li> </ul>	<p>No change to the existing front setback to Swinbourne Street.</p> <p>The first floor is proposed to be setback 1.08m from the eastern side boundary which is acceptable given that the dwelling is positioned in a group of attached dwellings on narrow allotments.</p> <p>The rear setback of the first floor is 8.5m which is compliant. This setback will be increased with the design changes recommended (i.e. – deletion of the ensuite and subsequent decrease in the first floor length).</p>	<p>N/A</p> <p>Yes</p> <p>Yes</p>

<ul style="list-style-type: none"> <li>Zero lot lines (with Council Discretion) – On merit based on building type and open space provisions</li> </ul>	The eastern ground and first floor walls are proposed to be constructed on zero lot line with the adjoining attached dwelling at No.2 Swinbourne Street. This is considered to be a logical outcome and is supported in light of the other similar DA on the site at No.2.	Yes
<ul style="list-style-type: none"> <li>Eaves – 450mm minimum setback</li> </ul>	No eaves as flat roof proposed.	Yes
<b>C2</b> New developments on corner lots are to provide a minimum secondary street setback of 3 metres.	The subject site is not a corner allotment.	N/A
<b>4A.2.9 Landscape Area</b>		
<b>C2</b> Development shall comply with the following minimum landscaped area requirements, based on the area of the site in <b>Table 2</b> . Table 2 requires the following minimum landscaped area: <ul style="list-style-type: none"> <li>Sites less than 250sqm = 15%</li> </ul>	The proposed development retains 32.3% (68.1m <sup>2</sup> ) of the site area as landscaped area which complies with the 15% maximum.	Yes
<b>4A.3.1 Materials and Finishes</b>		
<b>C10</b> The exterior walls of new dwellings must incorporate different materials, colours and textures to add interest and articulate the facade.	A Schedule of Colours and Finishes has been provided.  The materials, colours, architectural detail and finishes are sympathetic to the surrounding locality, and add interest to the façade.	Yes
<b>4A.3.2 Roofs and Attics/Dormer</b>		
<b>C1</b> Where roof forms in a street are predominantly pitched, then any proposed roof should provide a similar roof form and pitch.	The proposed roof is a flat roof which is acceptable given that the existing pitched roof at the front of the dwelling is proposed to be retained.	Yes
<b>4A.4.1 Visual Privacy</b>		
<b>C2</b> Visual privacy for adjoining properties must be minimised by: <ul style="list-style-type: none"> <li>using windows which are narrow or glazing</li> <li>Ensuring that windows do not face directly on to windows, balconies or courtyards of adjoining dwellings</li> <li>Screening opposing windows, balconies and courtyards; and</li> <li>Increasing sill heights to 1.5 metres above floor level.</li> </ul>	The visual privacy outcomes proposed are acceptable for the following reasons: <ul style="list-style-type: none"> <li>The windows proposed on the eastern (side) elevation on the first floor would overlook the roof of the adjoining dwelling at No.6 Swinbourne Street.</li> <li>The window proposed on the southern (rear) elevation on the first floor services a non-active room (Bed 1) and is sufficiently separated from the closest adjacent dwelling to the south.</li> </ul>	Yes

	<ul style="list-style-type: none"> <li>The windows proposed on the northern (front) elevation on the first floor service a staircase/void and would look across the roof of the existing dwelling.</li> <li>No windows are proposed on the western elevation due to the nil setback/party wall proposed with No.2 Swinbourne Street.</li> </ul>	
<b>4A.4.3 Solar Access</b>		
<p><b>C1</b> Buildings (including alterations/ additions/ extensions) are to be designed and sited to maintain approximately 2 hours of solar access between 9am and 3pm on 21 June to windows in living areas (family rooms, rumpus, lounge and kitchens) and the principal open space areas such as swimming pools, patios and terraces, and drying areas of both the subject site and adjoining properties.</p>	<p>The applicant has submitted shadow diagrams with the application. A summary of the overshadowing impacts is provided below:</p> <p><i>June 21<sup>st</sup> – 9:00am</i></p> <p>Additional overshadowing within the rear yard of the subject site itself.</p> <p><i>June 21<sup>st</sup> – 12 noon</i></p> <p>Additional overshadowing within the rear yard of the subject site itself.</p> <p><i>June 21<sup>st</sup> – 3:00pm</i></p> <p>Additional overshadowing within the rear yard of the subject site itself and within the rear yard of the neighbouring dwelling at No.6 Swinbourne Street.</p> <p>The proposed development would result in some additional overshadowing within the rear yard of the adjoining property at No.6 Swinbourne Street which, on balance, is acceptable and satisfies the BBDP 2013 controls. The following comments are noted:</p> <p>There would be no additional overshadowing caused to windows in living areas for adjoining properties.</p> <p>The subject site has a north-south axis, effectively any first floor addition will result in some overshadowing impacts. In the circumstances of this case, the first floor is required to be well setback</p>	Yes

	<p>behind the original roof form to ensure that the building integrity of the group of attached dwellings is maintained.</p> <p>The recommended design changes (deletion of the first floor ensuite) will result in an increase to the rear building setback and a subsequent reduction in the extent of overshadowing caused.</p> <p>The height of the first floor addition has been minimised as far as practically possible noting the flat roof form proposed and 2.7m floor to ceiling heights which are nominal.</p>	
<b>4A.4.4 Private Open Space</b>		
<p><b>C2</b> For sites less than 250sqm, a minimum area of 25sqm applies.</p> <p><b>C3</b> For terraces and decks to be included, these must have minimum size of 10sqm.</p>	There is a 73m <sup>2</sup> private open space area, inclusive of the lawn and verandah.	Yes
<b>4A.4.7 Vehicle Access</b>		
<b>C1</b> Driveways within a property shall have a minimum width of 3 metres.	No changes are proposed to the existing driveway crossing at the front of the site.	Yes
<b>C6</b> The number of vehicle crossings is to be limited to one (1) per allotment.	There is currently one (1) vehicle crossing servicing the site. No changes are proposed to this arrangement.	Yes
<b>4A.4.8 Car Parking</b>		
<p><b>C3</b> Car parking is to be located at the rear of the site with access from a rear lane. If rear lane access is not possible, parking must be provided behind the front building alignment. For existing and new dwellings, a garage or carport in order of priority must be:</p> <p>(i) Located at the rear of the site with access from a rear lane;</p> <p>(ii) At the rear of the site with access from the street frontage;</p> <p>(iii) Located at the side of the dwelling house, at least 1 metre behind the front building alignment and 5.5 metres from the front boundary; or</p> <p>(iv) Located at the side of the dwelling house, at least 1 metre behind the front building alignment.</p>	There is an existing driveway crossing at the front of the site, however, there is a front fence which prohibits vehicular access onto the property. As such, the site does not contain any off street car parking and no changes are proposed to this arrangement.	Yes

**Part 8- Botany Character Precinct**



Part 8.4.2 - Desired Future Character of the Botany Precinct has been considered in the assessment of the application. The design of the proposed development would be consistent with the stated desired future character of this precinct in that:

- The proposal would *"maintain and enhance low density residential accommodation in the form of detached/attached dwellings with a maximum height of 2 storeys"* ;
- The proposed *"alterations and additions to existing development would complement the height and architectural style found in the immediate vicinity"* ;and
- The design of the development seeks to retain the original roof at the front of the dwelling and therefore *"maintains roof forms to reflect the characteristics of the prevailing designs within the street"*.

#### **S.4.15(1)(iv) - Provisions of regulations**

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

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

The proposed development will have no significant adverse environmental, social or economic impacts in the locality.

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

The proposed alterations and additions are resultant in a built form that is appropriate in the context of the site and the locality.

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

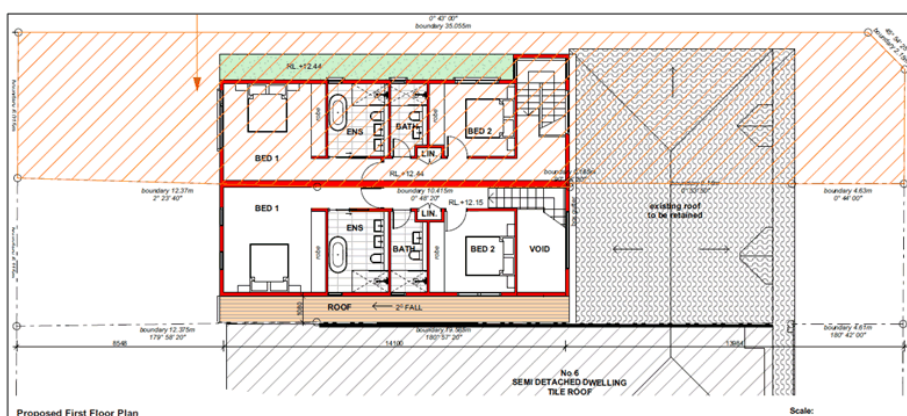
In accordance with Part 2 – Advertising & Notification of the Botany Bay Development Control Plan (BBDCP) 2013, the development application was notified and advertised for 14 days from 22 June 2018. One (1) submission was received which is addressed below. It is noted that the amended plans were not required to be re-notified because the proposed development would result in similar or less impacts for adjoining properties and/or the streetscape.

Concern: The existing chimney at No.6 Swinbourne Street must not be removed.

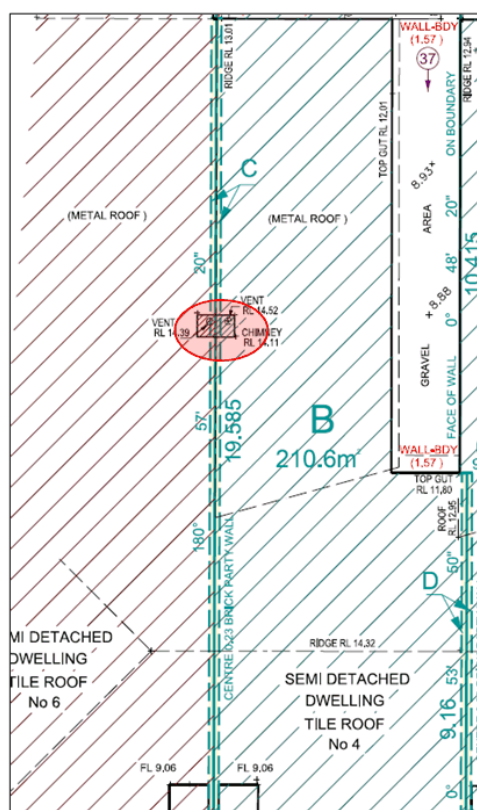
Comment: A condition of consent has been included which states that the existing shared chimney must be insitu. It is noted that the design has been altered to ensure that the proposed first floor addition is setback from the common boundary with No.6, the existing shared chimney is consequently preserved. This is depicted in the plan extracts below:



**Figure 3: Original first floor plan. Note the proposed wall on nil setback to No.6**



**Figure 4: Amended first floor plan incorporating a side setback to No.6**



**Figure 5: Survey plan extracted showing chimney location**

Concern: Impacts of potential damage.

Comment: Council's standard conditions of consent have been included in this respect, this is inclusive of a condition requiring a dilapidation report to be prepared for the adjoining properties.

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

Granting approval to the proposed development will have no significant adverse impact on the public interest.

## Conclusion

Development Application No. 2018/1110 for alterations and first floor addition to an existing attached dwelling at 4 Swinbourne Street, Botany has been assessed in accordance with the relevant requirements of the *Environmental Planning and Assessment Act 1979*.

The proposal results in a non-compliance with the floor space ratio development standard within BBLEP 2013. A condition of consent has been included to reduce the building footprint on the first floor, which would result in a development that does not cause any unreasonable impacts for the streetscape and/or the amenity of adjoining properties. Therefore, the proposal is recommended for approval subject to conditions of consent.

## Attachment

### Schedule 1 – Conditions of Consent

Premises: 4 Swinbourne Street, Botany

DA No: DA2018/1110

#### 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 N°	Author	Dated Received
DA03 Rev D Proposed Ground Floor Plan	Archispectrum	Dated: 24/1/19 Received: 24/1/19
DA04 Rev D Proposed First Floor Plan		Dated: 24/1/19 Received: 24/1/19
DA05 Rev D Proposed Roof Plan		Dated: 24/1/19 Received: 24/1/19
DA06 Rev D Proposed Site & Roof Plan		Dated: 24/1/19 Received: 24/1/19
DA07 Rev D Proposed North & South Elevations		Dated: 24/1/19 Received: 24/1/19
DA08 Rev D Proposed West Elevation		Dated: 24/1/19 Received: 24/1/19
DA09 Rev D Proposed Sections		Dated: 24/1/19 Received: 24/1/19
DA17 Rev D Landscape Calculations		Dated: 24/1/19 Received: 24/1/19
DA18 Rev D External Finishes Schedule		Dated: 24/1/19 Received: 24/1/19
DA19 Rev D BASIX Commitment Sheet		Dated: 24/1/19 Received: 24/1/19
DA20 Rev D		Dated: 24/1/19

Stormwater concept plan		Received: 24/1/19
-------------------------	--	-------------------

Reference Document(s)	Author	Date Received
BASIX Certificate Number: A317787	Greenworld Architectural Drafting	Dated: 1 June 2018 Received: 18 June 2018
Waste Management Plan Issue A	Archispectrum	Dated: June 2018 Received: 18 June 2018

2. This Consent relates to land in Lot B in DP 444706 and, as such, building works must not encroach on to adjoining lands or the adjoining public place.
3. No works are permitted to the existing chimney shared with No.6 Swinbourne Street which must remain insitu.
4. 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.
5. Pursuant to clause 97A(3) of the *Environmental Planning & Assessment Regulation 2000*, it is a condition of this development consent that all the commitments listed in the relevant BASIX Certificates (as referenced at Condition No. 1) for the development are fulfilled.

Note:

- a) Relevant BASIX Certificate means:
    - i) A BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under Section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or
    - ii) If a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate.
  - b) BASIX Certificate has the meaning given to that term in the *Environmental Planning and Assessment Regulation 2000*.
6. 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.

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

- 7. The ensuite on the first floor plan must be deleted and the length of the first floor reduced accordingly. There shall be no changes to the dimensions of any other areas within the first floor plan. Revised plans reflecting the above change are required to be submitted to the Certifying Authority (and Council where it is not the PCA) prior to the issue of a Construction Certificate.
- 8. Prior to the issue of a 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.
- 9. The applicant must prior to the obtainment of the approved plans and specifications pay the following fees:-
  - a) Footpath Crossing Deposit                      \$1,079.00
  - b) Development Control                              \$899.00
- 10. Prior to the issue of a Construction Certificate, the applicant shall lodge a Footpath Crossing Deposit of \$1,079.00 (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.
- 11. A dilapidation report, including a photographic survey prepared by a Practising Structural Engineer, must be prepared in respect of the adjoining properties known as 2 and 6 Swinbourne Street, Botany. A copy of the dilapidation report together with the accompanying photographs shall be given to the above property owners, and a copy lodged with Certifying Authority prior to the issue of a Construction Certificate.
- 12. Prior to the issue of a Construction Certificate, at the proposed point of construction site entry, a full photographic survey showing the existing conditions of Council's infrastructure shall be submitted to Council and the Principal Certifying Authority. The

survey shall detail the physical conditions and identify any existing damages to the road, kerb, gutter, footpath, 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 will result in the applicant 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.

13. Prior to the issue of a Construction Certificate, a plan (written and/or diagrammatic) shall be submitted and approved by the Principal 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.
14. Prior to the issue of a Construction Certificate, a detailed stormwater design prepared by a suitably qualified engineer shall be prepared and be in accordance with Council DCP part 10 and relevant Australian Standards.
15. Prior to the issue of a Construction Certificate, the approved plans must be submitted to Sydney Water Tap in<sup>TM</sup> 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.
16. Prior to the issue of a Construction Certificate, a certificate from a practicing Structural Engineer shall be submitted confirming that the existing building elements are structurally adequate to support all proposed additional loads.

**CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE COMMENCEMENT OF ANY DEVELOPMENT OR WORK**

17. The Principal 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.
18. Prior to the commencement of works, the applicant must inform Council, in writing, of:
  - a) The name of the contractor, and licence number of the licensee who has contracted to do, or intends to do, the work: or

- b) The name and permit number of the owner-builder who intends to do the work;
- c) The Council also must be informed if: -
  - i) A contract is entered into for the work to be done by a different licensee; or
  - ii) Arrangements for the doing of the work are otherwise changed.
- 19. The site to which this approval relates must be adequately fenced or other suitable measures employed that are acceptable to the 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.
- 20. This Consent shall not preclude the demolisher from giving notice to other statutory authorities, such as Sydney Water Corporation, WorkCover, etc.
- 21. If the land to which the application relates is served by a common sewerage system that is also used by others, then measures must be placed in effect and prior to the commencement of work to ensure the operation of the sewerage system is without disruption to other joint users.
- 22. Erosion and sediment control devices shall be installed prior to the commencement of any demolition, excavation or construction works upon the site in order to prevent sediment and silt from site works (including demolition and/or excavation) being conveyed by stormwater into Council's stormwater system, natural watercourses, bushland, trees and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the requirements of the Protection of Environment Operations Act 1997 and the Department of Environment, Climate Change and Water guidelines. These device shall be maintained in a serviceable condition AT ALL TIMES throughout the entire demolition, excavation and construction phases of the development and for a minimum one (1) month period after the completion of the development, where necessary.
- 23. If an excavation associated with the proposal extends below the level of the base of the footings of a building on an adjoining allotment of land or the common boundary fence the person causing the excavation to be made:
  - a) Must preserve and protect the building/ fence from damage; and,
  - b) If necessary, underpin and support such building in an approved manner;
  - c) Must at least be 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of the intention to do so to the owner of the adjoining allotment of land and, furnish particulars of the excavation to the owner of the building being erected or demolished;
  - d) Existing structures and or services on this and adjoining properties are not endangered during any demolition excavation or construction work associated with the above project. The applicant is to provide details of any shoring, piercing, or underpinning prior to the commencement of any work. The construction shall not undermine, endanger or destabilise any adjacent structures.
  - e) If the soil conditions required it:



- i. Retaining walls associated with the erection of a building (swimming pool) or other approved methods of preventing movement or other approved methods of preventing movement of the soil must be provided and:-
  - ii. Adequate provision must be made for drainage.
- 24. Prior to commencement of any works, application(s) shall be made to Council's Customer Services Counter for the following approvals and permits on Council's property/road reserve under Road Act 1993 and Local Government Act 1993 as appropriate: -
 

(It should be noted that any works shown within Council's road reserve or other Council Lands on the development approval plans are indicative only and no approval for these works is given until this condition is satisfied.)

  - a) Permit to erect hoarding on or over a public place, including Council's property/road reserve
  - b) Permit to construction works, place and/or storage building materials on footpaths, nature strips
  - c) Permit for roads and footways occupancy (long term/ short term)
  - d) Permit to construct vehicular crossings, footpath, kerb and gutter over road reserve
  - e) Permit to open road reserve area, including roads, footpaths, nature strip, vehicular crossing or for any purpose whatsoever
  - f) Permit to place skip/waste bin on footpath and/or nature strip
  - g) Permit to use any part of Council's road reserve or other Council lands

- 25. Prior to the commencement of demolition work a licensed demolisher who is registered with WorkCover NSW must prepared a Work Method Statement to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) and a copy shall be sent to Council (if it is not the PCA). A copy of the Statement shall also be submitted to WorkCover NSW.

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

- a) Enclosing and making the site safe, any temporary protective structures must comply with the "Guidelines for Temporary Protective Structures (April 2001)";
- b) Induction training for on-site personnel;
- c) Inspection and removal of asbestos, contamination and other hazardous materials (by appropriately licensed contractors);
- d) Dust control – Dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site;

- e) Disconnection of Gas and Electrical Supply;
- f) Fire Fighting – Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed;
- g) Access and Egress – No demolition activity shall cause damage to or adversely affect the safe access and egress of this building;
- h) Waterproofing of any exposed surfaces of adjoining buildings;
- i) Control of water pollution and leachate and cleaning of vehicles tyres – Proposals shall be in accordance with the "Protection of the Environmental Operations Act 1997";
- j) Working hours, in accordance with this Development Consent;
- k) Confinement of demolished materials in transit;
- l) Proposed truck routes, in accordance with this Development Consent;
- m) Location and method of waste disposal and recycling in accordance with the "Waste Minimisation and Management Act 1995".
- n) Sewer – common sewerage system ad08.

#### **DURING WORKS**

26. The proposed development shall comply with the following:
- a) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
    - i) Stating that unauthorised entry to the work site is prohibited;
    - ii) Showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours;
    - iii) The Development Approval number; and
    - iv) The name of the Principal Certifying Authority including an afterhour's contact telephone number.
  - b) Any such sign is to be removed when the work has been completed.
27. The demolisher shall comply with Australian Standard 2601 - 2001 "Demolition of Structures".
28. Precautions to be taken shall include compliance with the requirements of the WorkCover Authority of New South Wales, including but not limited to:
- a) Protection of site workers and the general public.
  - b) Erection of hoardings where appropriate.
  - c) Asbestos handling and disposal where applicable.
  - d) Any disused service connections shall be capped off.

- e) The disposal of refuse is to be to an approved waste disposal depot.
29. Hazardous or Special Wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of WorkCover NSW and the Department of Environment, Climate Change and Water and with the provisions of the:
- a) Occupational Health and Safety Act, 2000;
  - b) Occupational Health and Safety Regulation 2001;
  - c) Protection Of the Environment Operations Act 1997 (NSW); and
  - d) NSW Department of Environment and Climate Change Waste Classification Guidelines (2008).
30. Any material containing asbestos found on site during the demolition process the 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;
  - d) DECC Waste Classification Guidelines 2008.
  - e) No demolition materials shall be burnt or buried on the site.
31. The demolition and disposal of materials incorporating lead such as lead paint and dust shall be conducted in accordance with:
- a) AS2601-2001 - Demolition of structure.
  - b) AS4361.2-1998 – Guide to Lead Paint Management-Residential and Commercial Buildings
32. In order to ensure safe handling of asbestos materials, the re-use or sale of asbestos building materials is strictly prohibited.
33. No demolition materials shall be burnt or buried on the site.
34. Should the demolition process require a building waste container(s) (builders' skip), then such container must not be placed or left upon the public road, footpath, reserve or the like without the prior approval of the Council. The use of any part of Councils road reserve must also have prior approval of Council.
35. Throughout the construction period, Council's warning sign for soil and water management shall be displayed on the most prominent point of the building site, visible to both the street and site workers. A copy of the sign is available from Council's Customer Service Counter.
36. The approved Waste Management Plan shall be complied with at all times during demolition, construction and on-going use of the site.

37. All possible and practicable steps shall be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from wind-blown dust, debris, noise and the like.
- 38.
- a) All excavations and backfilling shall be executed safely and in accordance with appropriate professional standards; and all excavations shall be properly guarded and protected to prevent them from being dangerous to life or property;
  - b) Existing structures and or services on this and adjoining properties are not endangered during any demolition excavation or construction work associated with the above project. The applicant is to provide details of any shoring, piercing, or underpinning prior to the commencement of any work. The construction shall not undermine, endanger or destabilise any adjacent structures.
  - c) As the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
    - i) Protect and support the adjoining premises from possible damage from the excavation, and
    - ii) Where necessary, underpin the adjoining premises to prevent any such damage.
39. The following shall be complied with during construction and demolition:
- a) Construction Noise

Noise from construction activities associated with the development shall comply with the NSW Environment Protection Authority's Interim Construction Noise Guideline and the Protection of the Environment Operations Act 1997.
  - b) Level Restrictions
    - i) Construction period of 4 weeks and under:

The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 20dB(A).
    - ii) Construction period greater than 4 weeks and not exceeding 26 weeks:

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

40. 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.
- 41.
- a) In order to prevent vehicles tracking soil or other materials onto public roads and washing of materials into the street drainage system or watercourse, during Excavation, Construction and Deliveries, access to the site shall be available in all weather conditions. The area shall be stabilised and protected from erosion; and,
  - b) In addition, concrete trucks and any other trucks that used for the transportation of building materials or similar, shall not traffic soil cement or other materials onto the road reserve. Hosing down of vehicle tyres shall only be conducted in a suitable off-street area where wash waters do not enter the stormwater system or enter Council's land.
  - c) Hosing down or hosing/washing out of any truck (concrete truck), plant (eg concrete pumps) or equipment (eg wheelbarrows) on Council's road reserve or other property is strictly prohibited. Fines and cleaning costs will apply to any breach of this condition.
  - d) Pavement surfaces adjacent to the ingress and egress points are to be swept and kept clear of earth, mud and other materials at all times and in particular at the end of each working day or as directed by Council's Engineer.
  - e) Building operations such as brick cutting, washing tools or brushes and mixing mortar shall not be carried out on public roadways or footways or in any other locations which could lead to the discharge of materials into the stormwater drainage system or onto Council's lands.
42. 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 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**

43. Prior to the issue of an Occupation Certificate, the constructed stormwater drainage system shall be inspected and certified by a suitably qualified engineer. The certification shall demonstrate compliance with the approved plans, relevant Australian Standards, Council Specifications.
44. 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 the issue of the Occupation Certificate of the development and release of damage deposit.

45. 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**

46. 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.

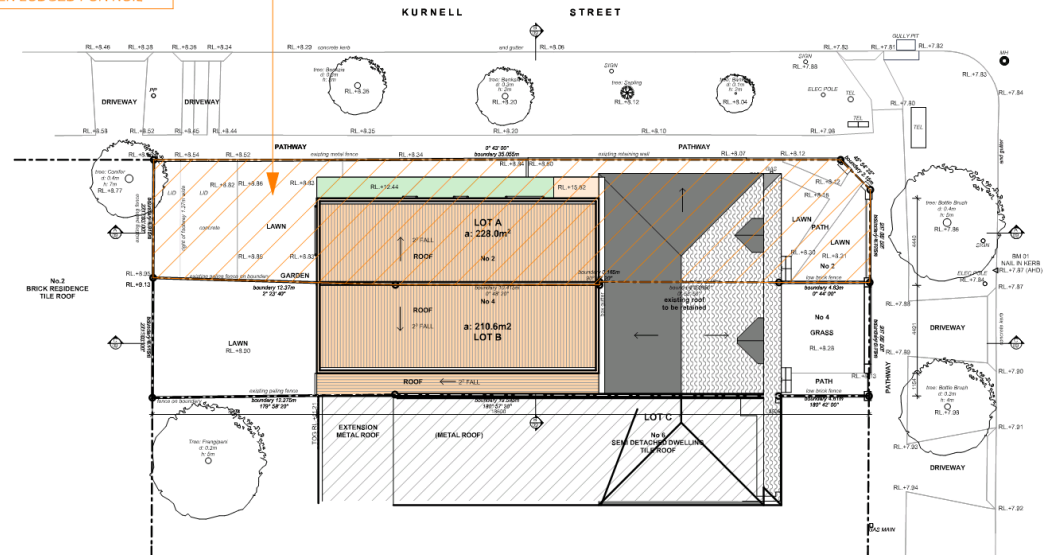
47.

- a) Air conditioning units are not to be visible from the street or public place and are not to obscure windows/window frames or architectural features of the dwelling.
- b) Noise from any air-conditioning units (measured as the  $L_{aeq\ 15\ minute}$ ) is not to exceed the background level (measured as the  $L_{a90\ 15\ minute}$ ) 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 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, are 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.

## PRELIMINARY ISSUE FOR REVIEW 24/01/2019

HATCHED AREA NOT PART OF  
SUBJECT DA, CONCURRENT DA  
HAS BEEN LODGED FOR NO.2



Proposed Site & Roof Plan  
Scale 1:200

Scale:



**ARCHI SPECTRUM**  
Suite C5, 8 Alton St, Warrnambool VIC 3240  
ph: (02) 8003 4074 mob: (0419) 670 108 fax: (02) 8003 0674  
email: office@archispectrum.com.au A.B.N. 40 066 067 144

DESIGNS CONTAINED IN THESE DRAWINGS  
AND SPECIFICATIONS ARE THE PROPERTY OF  
ARCHISPECTRUM AND ARE SUBJECT TO  
COPYRIGHT LAWS. THEY MUST NOT BE  
REPRODUCED IN WHOLE OR PART OR USED  
IN ANY OTHER WAY WITHOUT WRITTEN  
CONSENT.  
DO NOT SCALE DIMENSIONS. ALL DIMENSIONS  
SHOULD BE VERIFIED ON SITE BEFORE  
COMMENCEMENT OF ANY WORK. IN CASE OF  
ANY DISCREPANCIES, IT SHOULD BE VERIFIED  
BEFORE CONTINUING FURTHER WORKING.



ISSUE	DATE	DESCRIPTION
A	19.06.2018	DA issue for Council
B	05.10.2018	Revised DA issue for Council
C	05.11.2018	Revised DA issue for Council
D	24.01.2019	Revised DA issue for Council

PROJECT:  
**Alterations & Additions at:**  
4 Swinbourne Street, Botany

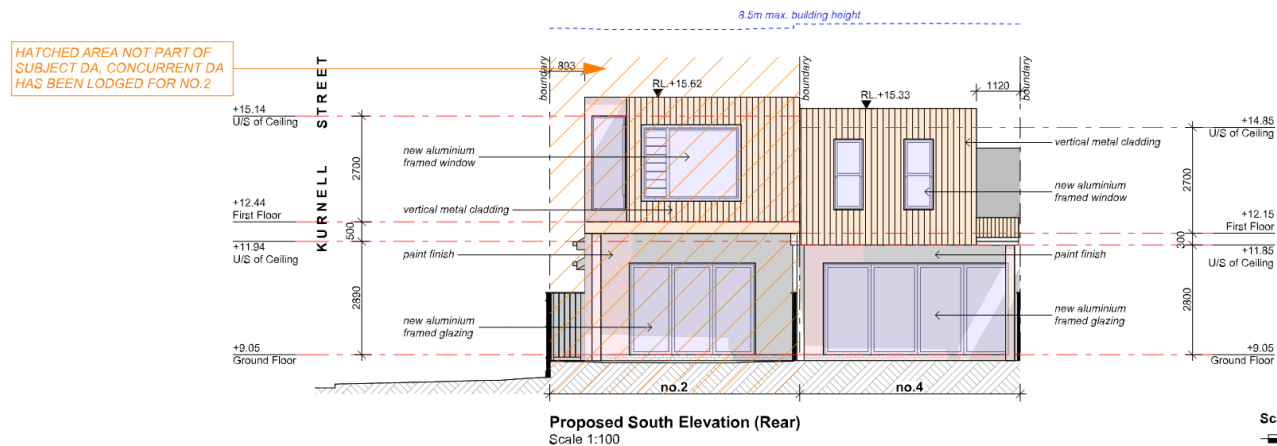
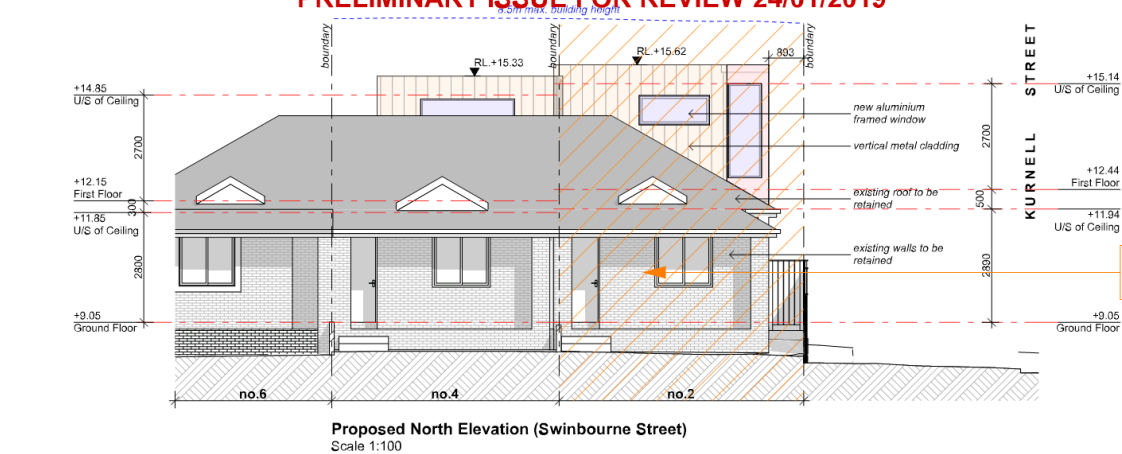
CLIENT:  
Patricia Folsom  
4 Swinbourne Street, Botany

SHEET TITLE:  
**Proposed Site & Roof Plan**

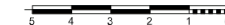
SCALE: 1:200 @ A3  
DRAWN: BAJ

SHEET SIZE: DWG NO: REVISION:  
**A3 DA06 D**

## PRELIMINARY ISSUE FOR REVIEW 24/01/2019



Scale:



**ARCHI SPECTRUM**

DESIGNS CONTAINED IN THESE DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF ARCHISPECTRUM AND ARE SUBJECT TO COPYRIGHT LAWS. THEY MUST NOT BE REPRODUCED IN WHOLE OR PART OR USED IN ANY OTHER WAY WITHOUT WRITTEN CONSENT.

DO NOT SCALE DIMENSIONS. ALL DIMENSIONS SHOULD BE VERIFIED ON SITE BEFORE COMMENCEMENT OF ANY WORK. IN CASE OF ANY DISCREPANCIES, IT SHOULD BE VERIFIED BEFORE CONTINUING FURTHER WORK.

Unit C5, 8 Alton EL, Warrimoo NSW 2517  
ph: (02) 8003 4074 mob: (0419) 670 108 fax: (02) 8003 0674  
email: office@archispectrum.com.au A.B.N. 40 066 067 144

ISSUE	DATE	DESCRIPTION
A	19.06.2018	DA issue for Council
B	05.10.2018	Revised DA issue for Council
C	05.11.2018	Revised DA issue for Council
D	24.01.2019	Revised DA issue for Council

PROJECT:

Alterations & Additions at:  
4 Swinbourne Street, Botany

CLIENT:  
Patricia Folsom  
4 Swinbourne Street, Botany

SHEET TITLE:

Proposed North &amp; South Elevations

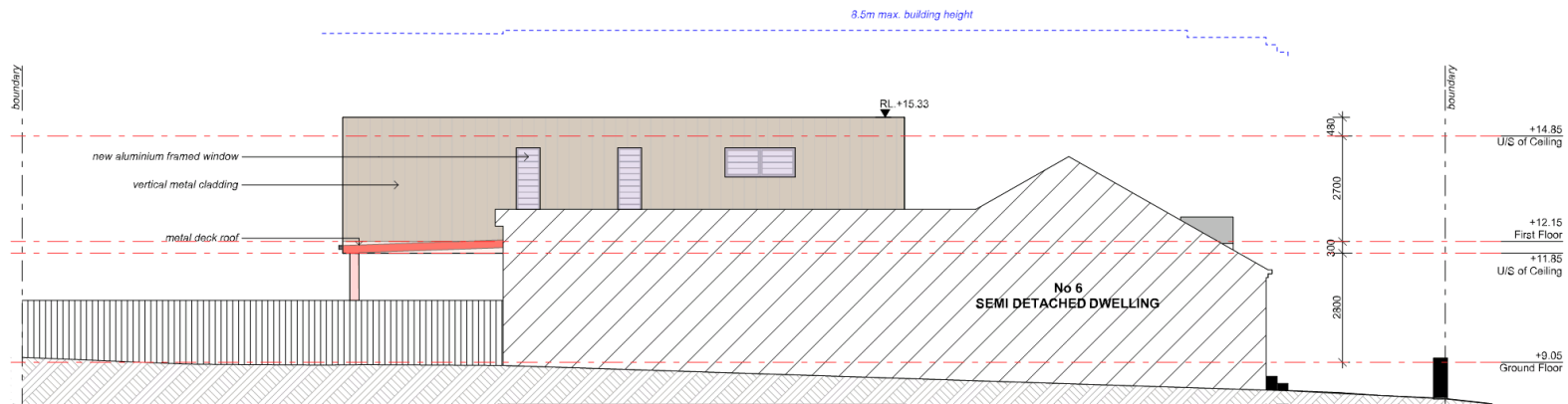
SCALE: 1:100 @ A3  
DRAWN: BAJ

SHEET SIZE: DWG NO: REVISION:

A3 DA07 D



## PRELIMINARY ISSUE FOR REVIEW 24/01/2019



Proposed East Elevation (no.4 Swinbourne)  
Scale 1:100

Scale:



**ARCHI SPECTRUM**  
DESIGNS CONTAINED IN THESE DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF ARCHISPECTRUM AND ARE SUBJECT TO COPYRIGHT LAWS. THEY MUST NOT BE REPRODUCED IN WHOLE OR PART OR USED IN ANY OTHER WAY WITHOUT WRITTEN CONSENT.  
DO NOT SCALE DIMENSIONS. ALL DIMENSIONS SHOULD BE VERIFIED ON SITE BEFORE COMMENCEMENT OF ANY WORK. IN CASE OF ANY DISCREPANCIES, IT SHOULD BE VERIFIED BEFORE CONTINUING FURTHER WORKING.  
Swin CE, 8 Alton St, Warrnambool VIC 3240  
ph: (02) 8003 4074 mob: (0419) 670 108 fax: (02) 8003 0674  
email: office@archispectrum.com.au A.B.N. 40 066 067 144

ISSUE	DATE	DESCRIPTION
A	19.06.2018	DA issue for Council
B	05.10.2018	Revised DA issue for Council
C	05.11.2018	Revised DA issue for Council
D	24.01.2019	Revised DA issue for Council

PROJECT:  
**Alterations & Additions at:**  
4 Swinbourne Street, Botany

CLIENT:  
**Patricia Folsom**  
4 Swinbourne Street, Botany

SHEET TITLE:  
**Proposed East Elevation**

SCALE: 1:100 @ A3  
DRAWN: BAJ

SHEET SIZE: DWG NO: REVISION:  
**A3 DA08 D**

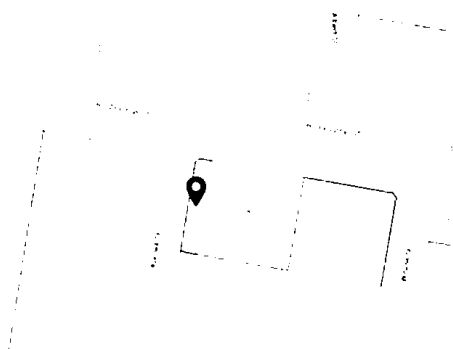


4 Swinbourne Street, Botany

**REQUEST FOR VARIATION TO FLOOR SPACE RATIO DEVELOPMENT  
STANDARD PURSUANT TO CLAUSE 4.6(4) OF BOTANY BAY LOCAL  
ENVIRONMENTAL PLAN 2013**

**Clause 4.4 – Floor Space Ratio**

Clause 4.4 of the Botany Bay Local Environmental Plan 2013 and the associated map prescribes a floor space ratio of 0.55:1 for the subject site (125.4 m<sup>2</sup>). The proposal seeks to provide a floor space ratio of 0.61:1 (139.5 m<sup>2</sup>) which exceeds this control by 14.1m<sup>2</sup> or 11.2%.



It can be seen from the above map extract that the area surrounding the subject site has an FSR of 1:1, whilst the group of dwellings 2 – 8 Swinbourne Street have an FSR of 0.55:1

The proposal therefore seeks to vary the Floor Space Ratio development standard.

The objectives of Clause 4.4 are as follows:

- (a) to establish standards for the maximum development density and intensity of land use,*

- (b) to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality,*
- (c) to maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing, and are not likely to undergo, a substantial transformation,*
- (d) to ensure that buildings do not adversely affect the streetscape, skyline or landscape when viewed from adjoining roads and other public places such as parks, and community facilities,*
- (e) to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain,*
- (f) to provide an appropriate correlation between the size of a site and the extent of any development on that site,*
- (g) to facilitate development that contributes to the economic growth of Botany Bay.*

The zoning of the land is R2 Low Density Residential. The objectives of the zone are:

- To provide for the housing needs of the community within a low density residential environment.*
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- To encourage development that promotes walking and cycling.*

#### **Clause 4.6 – Exceptions to Development Standards**

Clause 4.6 of the Botany Bay Local Environmental Plan 2013 allows for exceptions of Development Standards. The objectives of this Clause 4.6 are:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

The clause goes on to state:

- (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) *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.*

This document constitutes the written request referred to in Clause 4.6(3) in relation to the proposal's breach of the height of building development standard.

The NSW Department of Planning and Infrastructure (DP&I) provides guidance on how to prepare Clause 4.6 variations; 'Varying development standards: A Guide' (August 2011). This written request to vary the standards is based on the DP&I's Guide.

#### **Clause 4.6(3) and 4.6(4)**

In order to assess whether strict compliance with the development standard is unreasonable or unnecessary in this particular case, the proposal is

considered against the four matters required to be established under Clause 4.6.

**1. Compliance with the development standard must be unreasonable or unnecessary in the circumstances of the case:**

Compliance with the development standards is considered unreasonable and unnecessary given the following circumstances of the case:

- The first floor addition does not breach the height control set out by the Botany Bay Local Environmental Plan 2013 and is designed in a manner that provides a compatible streetscape and appropriate contextual outcome.
- The proposed addition is at the rear and does not alter the principal historic building or its roof form as it presents to the street
- The rear addition will not be relatively discernable from the side street as this is not a corner property.
- Rear additions of similar bulk and scale have been approved and constructed to other buildings in the street
- The proposal will have no adverse impact on existing public and private views
- The existing building and proposed addition is consistent with the height and scale of similar surrounding dwellings
- The FSR non-compliance will not create additional building bulk that results in environmental amenity impacts in terms of overshadowing, loss of views, loss of privacy or loss of visual amenity.

**2. There are sufficient environmental planning grounds to justify contravening the development standard:**

Given the nature of the height breach and the consistency of the proposal against the zone objectives and FSR objectives (see point 4 below), there are sufficient environmental planning grounds to justify contravening the development standard.

The FSR can be achieved without adverse impacts. The development as proposed fits contextually within the site and streetscape. In the circumstances of the case, there are sufficient planning grounds to justify contravening the development standard including:

- The intensity of the development is appropriate and acceptable, having regard to existing adjacent development

- Non-compliance with the standard does not contribute to adverse environmental impacts and the appearance of the development when viewed from the public domain will be positive;  
The proposed development does not alter the principal historic building or its roof form as it presents to the street: it reads as a quite separate contemporary structure;
- The proposed development achieves compliance with the relevant underlying objectives of the standard and the objectives of the zone; and
- The proposal will:
  - Promote the orderly and economic use and development of land,
  - Promote good design and amenity of the built environment,
  - (Promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,which are identified as specific objects of the Act (Section 1.3 of the EP&A Act, 1979).

The above is considered to represent sufficient environmental planning grounds to justify contravening the development standard and as such compliance with the development standard is unreasonable or unnecessary in the circumstances of this case. The resultant development will therefore be in the public interest.

When considered alongside the lack of adverse environmental impacts arising from the additional height and the consistency of the proposal with the objectives of the FSR development standard and the objectives of the R2 zone, a variation to the control is in the public interest in accordance with Clause 4.6(4)(a)(ii) of the LEP. As such the proposal meets the assessment criteria set out in Clause 4.6(3)(a) and (b) and (4)(a).

**3. The applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3):**

The written request adequately addresses the matters referred to above by Clause 4.6(3).

**4. The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out:**

The proposal will be in the public interest as it meets the objectives of the FSR development standard as follows:

- The resultant building will be compatible with the bulk and scale of the existing and desired future character of the locality,
- By locating the addition at the rear and maintaining the existing dwelling at the front, the proposal maintains an appropriate visual relationship between the new development and the existing character of the area,
- The location of the addition at the rear ensures that the proposal does not adversely affect the primary streetscape, skyline or landscape when viewed from adjoining roads and other public places such as parks, and community facilities,
- The proposal has no adverse impacts on the use or enjoyment of adjoining properties or the public domain,
- The proposal helps to facilitate development that contributes to the economic growth of Botany Bay.

The proposal will also be in the public interest as it provides for the housing needs of the community within a low density residential environment, thereby Meeting the relevant objectives of the R2 zone.

As the proposal satisfies the zone and development standard objectives strict compliance with the standard is not therefore required in order to achieve compliance with the objectives.

Strict compliance would result in an inflexible application of policy and a clumsy building form. It does not serve any purpose that should outweigh the positive outcomes of the development and therefore a better planning outcome overall.

The proposed development is consistent with the provisions of orderly and economic development of land, in that it proposes to provide new housing with a high level of design and amenity, in a manner, which meets the objectives of applicable controls. This new residential accommodation over its economic life is consistent with the promotion and coordination of the orderly use and development of land.

### Conclusion

This document has considered that there are more than sufficient environmental planning grounds to justify the variation on the basis that compliance with the standard would be unreasonable and unnecessary in the

---

circumstances of this particular case. As demonstrated above, the proposed development will be in the public interest because it is consistent with the objectives of the FSR standard and the objectives of the R2 zone.

In the context of other requirements of Clause 4.6, it is considered that no matters of State or regional planning significance are raised by the proposed development. Moreover, it is considered that there would be no public benefit in maintaining the particular planning control in question, in the case of this specific development.

This submission is considered to adequately address the matters required by Clause 4.6 and demonstrates that compliance with the development standard would be unreasonable and unnecessary in the circumstances of this case.

Despite the proposal's non-compliance with the proposed standard, the proposed development is considered to meet the objectives of the standard and the objectives of the R2 zone.



Lewis Adey MPIA CPP  
Director, aSquare Planning Pty Ltd

10 January 2019



---

**Bayside Local Planning Panel**

**26/02/2019**

Item No	6.7
Application Type	Division 8.2 Review
Application No	S82-2018/4
Lodgement Date	31/10/2018
Property	<b>61 Iliffe Street, Bexley</b>
Ward	Bexley
Owner	Mohamad Wehbi
Applicant	Planzone Pty Ltd
Proposal	Division 8.2 Review Application No.S82-2018/4 for Demolition of existing structures; Torrens Title subdivision to create two lots; construction of an attached dual occupancy on the rear lot; construction of a detached dual occupancy on the front lot and Torrens Title subdivision of all lots containing the dual occupancies to achieve a total of four (4) dwelling.
No. of Submissions	3 and a petition containing 9 signatures
Cost of Development	\$1,606,712.11
Report by	Michael McCabe, Director City Futures

---

**Officer Recommendation**

1. That Division 8.2 Review Application No.S82-2018/4 for demolition of existing structures; Torrens Title subdivision to create two lots; construction of an attached dual occupancy on the rear lot; construction of a detached dual occupancy on the front lot and Torrens Title subdivision of all lots containing the dual occupancies to achieve a total of four (4) dwellings within the site at 61 Iliffe Street, Bexley be **REFUSED** pursuant to Section 4.16(1)(b) of the Environmental Planning and Assessment Act 1979 for the following reasons:
    - a. Insufficient and conflicting 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.
    - b. The proposed development, pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, does not achieve the minimum subdivision lot size in Clause 4.1(3B) of Rockdale Local Environmental Plan 2011.
    - c. Pursuant to the provisions of Section 4.15(1)(a)(i), the extent of gross floor area proposed for Lot 4 does not comply with the Floor Space Ratio development standard within Clause 4.4 of Rockdale Local Environmental Plan 2011.
    - d. Pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development does not meet the controls and objectives of Rockdale Development Control Plan 2011 in respect of:
-

Part 4.1.7 - Tree Preservation

Part 4.1.9 - Lot Size and Site Consolidation - Dual Occupancy

Part 4.2 - Streetscape and Site Context

Part 4.3.1 - Open Space & Landscape Design

Part 4.4.5 - Visual Privacy

Part 5.1 - Residential Subdivision

- e. Pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979 the proposed development is likely to result in the following adverse environmental impacts:
    - i. Natural Environment – Further tree removal.
    - ii. b) Built Environment - Excessive bulk of dwelling 4, privacy/overlooking and insufficient soft landscaping.
  - f. The proposed development, pursuant to the provisions of Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, is not considered suitable for the site, in view of its density, subdivision pattern, poor presentation of the access corridor the street, non-conformity to the minimum subdivision lot size, tree removal and insufficient soft landscaping.
  - g. Pursuant to the provisions of Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, and in consideration of the impacts and submissions made, the proposed development is not considered to be in the public interest and is likely to set an undesirable precedent.
2. That the objectors be advised of the Bayside Local Planning Panel's decision.
-

## Location Plan



## Attachments

- 1 Planning Assessment Report [↓](#)
- 2 Subdivision Plan [↓](#)
- 3 Stage 1 Subdivision Plan [↓](#)
- 4 Elevations [↓](#)
- 5 Site Plan [↓](#)
- 6 Landscape Area Plan [↓](#)

# BAYSIDE COUNCIL

## Planning Assessment Report

### Application Details

---

<b>Application Number:</b>	S82-2018/4
<b>Date of Receipt:</b>	31 October 2018
<b>Property:</b>	61 Iliffe Street, BEXLEY (Lot P DP 18317)
<b>Owner:</b>	Mr Mohamad Ghassan Wehbi
<b>Applicant:</b>	Planzone Pty Ltd
<b>Proposal:</b>	Review of Determination - Demolition of existing structures; Torrens Title subdivision to create two lots; construction of an attached dual occupancy on the rear lot; construction of a detached dual occupancy on the front lot and Torrens Title subdivision of all lots containing the dual occupancies to achieve a total of four(4) dwellings within the site
<b>Recommendation:</b>	Refused
<b>No. of submissions:</b>	3 and a petition containing 9 signatures
<b>Author:</b>	Patrick Nash
<b>Date of Report:</b>	11 February 2019

### Key Issues

---

The key issues associated with this application relate to:

- Minimum subdivision lot size;
- Minimum frontage width for dual occupancy development;
- Insufficient soft landscaping;
- Floor Space Ratio variation;
- Conflicting and inconsistent documentation throughout the application;
- Visual privacy, external appearance, colours, materials and building bulk of the development; and
- Tree removal.

Whilst the proposed development does satisfactorily resolve some of the reasons for refusal in DA-2017/514, there are a number of outstanding planning matters. As such, on review of the proposed amended development, refusal is recommended.

### Recommendation

---

That this Development Application be **REFUSED** pursuant to Section 4.16(1)(b) of the Environmental Planning and Assessment Act 1979 for the following reasons:

1. Insufficient and conflicting 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.
2. The proposed development, pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, does not achieve the minimum subdivision lot size in Clause 4.1(3B) of Rockdale Local Environmental Plan 2011.
3. Pursuant to the provisions of Section 4.15(1)(a)(i), the extent of gross floor area proposed for Lot 4 does not comply with the Floor Space Ratio development standard within Clause 4.4 of Rockdale Local Environmental Plan 2011.
4. Pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development does not meet the controls and objectives of Rockdale Development Control Plan 2011 in respect of:
  - Part 4.1.7 - Tree Preservation
  - Part 4.1.9 - Lot Size and Site Consolidation - Dual Occupancy
  - Part 4.2 - Streetscape and Site Context
  - Part 4.3.1 - Open Space & Landscape Design
  - Part 4.4.5 - Visual Privacy
  - Part 5.1 - Residential Subdivision
5. Pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979 the proposed development is likely to result in the following adverse environmental impacts:
  - a) Natural Environment – Further tree removal.
  - b) Built Environment - Excessive bulk of dwelling 4, privacy/overlooking and insufficient soft landscaping.
6. The proposed development, pursuant to the provisions of Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, is not considered suitable for the site, in view of its density, subdivision pattern, poor presentation of the access corridor the street, non-conformity to the minimum subdivision lot size, tree removal and insufficient soft landscaping.
7. Pursuant to the provisions of Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, and in consideration of the impacts and submissions made, the proposed development is not considered to be in the public interest and is likely to set an undesirable precedent.

## Background

---

### History

Council's records show that the following applications were previously lodged:

PDA2014/ 52, Demolition of existing structures, Torrens title subdivision of 1 lot into 2 lots, and construction of a detached dual occupancy on the newly created lots - Letter issued on 30 July 2014.

DA2015/460, Construction of two (2) storey at front and single (1) storey at rear detached dual occupancy, outbuildings, front fence, strata subdivision comprising two (2) lots and demolition of existing building - Approved on 2 September 2016.

PDA2017/ 24 Demolition of existing structures; Torrens title subdivision of one lot into two; construction of a two storey attached dual occupancy on the rear lot and a two storey detached dual occupancy on the front lot with associated Torrens title subdivision - Letter issued on 12 May 2017.

DA- 2017/514 for demolition of existing structures, Torrens title subdivision to create two lots, construction of an attached dual occupancy on the rear lot, construction of a detached dual occupancy on the front lot and Torrens title subdivision of all lots containing the dual occupancies to achieve a total of four (4) dwellings within the site was refused under Delegated Authority on 12 September 2018.

#### Current Part 8.2 Review application

31 October 2018 - The Part 8.2 review application seeking a review of the refusal of DA-2017/514 was submitted to Council.

6 November 2018 - The application was neighbour notified for a period of 14 days in accordance with the requirements of Rockdale DCP 2011. Three (3) submissions and a petition containing nine (9) signatures was received.

18 January 2019 - Correspondence was sent to the applicant outlining preliminary concerns following an initial review of the application. These matters related to: lawful access to the proposed lots, the calculation of proposed lot size, width of the access handle, calculation of landscaped area, tree removal and outdated arborist report.

6 February 2019 - The applicant submitted updated plans and additional information concerning the matters raised by Council.

#### **Proposal**

The subject application seeks consent for demolition of existing structures; Torrens Title subdivision to create two lots; construction of an attached dual occupancy on the rear lot; construction of a detached dual occupancy on the front lot and Torrens Title subdivision of all lots containing the dual occupancies to achieve a total of four(4) dwellings within the site.

The development is proposed to be carried out in stages as follows:

Stage 1 - Subdivision of the land into 2 lots, construction of an attached dual occupancy on the rear lot and subdivision of the completed dual occupancy into 2 lots.

Stage 2 - Construction of a detached dual occupancy on the front lot and subdivision of the dual occupancy into 2 lots.

The information in the submitted Statement of Environmental Effects states that the application includes the provision of an access handle to access and service each of the lots.

#### **Site location and context**

The subject site is known as Lot P in DP 18317, at 61 Iliffe Street, Bexley. The site is a battle axe shape lot with a front boundary of 13.69m, rear boundary width of 26.57m and a full length northern side boundary of 82.26m while the southern side boundary has a step in it having a front section of 39.625m, middle perpendicular section of 12.88m and rear section of 42.625m. The site has a total site area of

1,675 sq.m. The topography of the site is such that it has a moderate fall to the rear of 3.5m (RL 52.0 at the front to RL 48.5 at the rear). The subject site contains a single storey dwelling and detached garage with carport at the rear of the dwelling. The site is located on the northwestern side of Iliffe Street between Lavender Avenue and Hancock Street. Adjoining development to the sides includes a single storey villa development to the north east and single and two storey dwelling houses to the south west. Two single storey dwellings adjoin the rear boundary of the site and front Ada Street to the rear (north west). There is a mix of one storey and two storey residential buildings within close proximity to the subject property.

## 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 application was accompanied by four (4) compliant BASIX Certificates - one for each of the proposed dwellings.

#### **Rockdale Local Environmental Plan 2011**

Relevant clauses	Compliance with objectives	Compliance with standard/provision
2.3 Zone R2 Low Density Residential	Yes	Yes
2.6 Subdivision - consent requirements	Yes	Yes - see discussion
2.7 Demolition requires consent	Yes	Yes - see discussion
4.1 Minimum subdivision lot size	No - see discussion	No - see discussion
Dual occupancy		
4.3 Height of buildings	Yes	Yes - see discussion
4.4 Floor space ratio - Residential zones	No - see discussion	No - see discussion
6.2 Earthworks	Yes - see discussion	Yes
6.4 Airspace operations	Yes	Yes
6.12 Essential services	Yes	Yes

#### 2.6 Subdivision - consent requirements

The current application seeks consent to subdivide the land and thereby complies with the requirements of this clause.

#### 2.7 Demolition requires consent

The proposed development seeks consent for the demolition of the existing dwelling house on the site and hence satisfies the provisions of this clause.

#### 4.1 Minimum subdivision lot size

Clause 4.1 (3) of Rockdale LEP 2011 states that the size of any lot resulting from a subdivision of land is not to be less than the minimum size shown on the Lot Size Map in relation to that land. The map shows a minimum lot size of 450m<sup>2</sup> applying to the subject site. Stage 1 of the proposal will include the subdivision of the site into two (2) Torrens title lots as follows:

- Lot 1 (front) - 876.42m<sup>2</sup>
- Lot 2 (rear) - 700.92m<sup>2</sup> (excluding access handle)

Accordingly, the proposed subdivision into two lots complies with Clause 4.1 of RLEP 2011.

Subdivision of the completed attached dual occupancy (on the rear lot) and detached dual occupancy (on the front lot) is also sought. In this regard, the provisions of clause 4.1 (3B) are noted and reproduced below for reference:

*(3B) Despite subclause (3), development consent may be granted to the subdivision of a lot on which there is an existing dual occupancy, or on which a dual occupancy is proposed, if:*

- (a) the area of each lot resulting from the subdivision is equal to or greater than 350m<sup>2</sup>, and*
- (b) each of the lots will have one of the dwelling on it.*

The information submitted with the application states that lawful access to each of the lots is to be established via the shared access handle that will service all 4 lots.

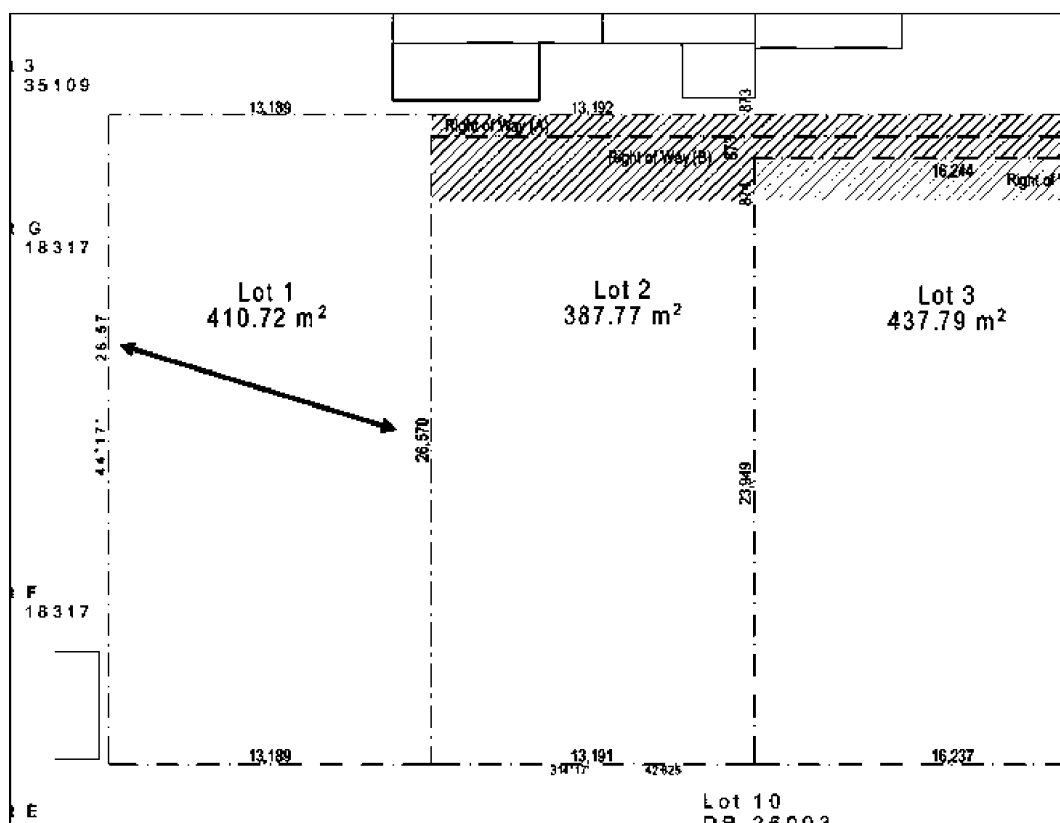
The submitted plans showing the proposed site areas appear to be inclusive of the access corridor/Right of Way apportioned to some of the lots. In this regard, reference is made to Subdivision Plan Drawing No 2.1.3. It is acknowledged that Subdivision Site Area Plan Drawing 2.1.5 excludes part of the access corridor for some of the lots (not lot 2, however). However, this is based on the access corridor being 2.6m wide, not 3.6m as referenced in other parts of the documentation submitted.

The exclusion of the access corridor is not supported by Council given the provisions within clause 4.1(3A) which states the following:

*If a lot is a battle-axe lot with an access handle, the area of the access handle is not to be included in calculating the lot size for the purposes of subclause (3).*

Nevertheless, lots 1, 3 and 4 appear to be capable of complying with the 350m<sup>2</sup> requirement, should the area(s) of the access handle be excluded. However, the size of Lot 2 is deficient and the lot dimensions shown are incorrect. The rear boundary dimension and the internal lot dimension of Lot 2 are both shown as 26.57m. See below:





In view of the above, the proposed subdivision of lot 2 does not conform to the numerical requirements of clause 4.1 because once the access corridor is removed from the site area calculation the lot would be less than 350m<sup>2</sup> in area. The minimum subdivision lot size is a development standard in RLEP 2011. No clause 4.6 exception was submitted with the application. As such, the consent authority does not have any power to approve the application.

### 4.3 Height of buildings

The height of the proposed development is a maximum of 7.8m (unit 1), 8.04m (unit 2), 7.7m (unit 3) and 7.5m (unit 4). As such, the proposal does not exceed the maximum 8.5m height shown for the land on the Height of Buildings Map.

#### 4.4 Floor space ratio - Residential zones

Clause 4.4 of the Rockdale Local Environmental Plan 2011 stipulates the floor space ratio of a building on any land is not to exceed the maximum floor space ratio shown on the Floor Space Ratio Map which is 0.5:1 applying to the site.

The total gross floor across the entire site (i.e- with no subdivision) is 745.88m<sup>2</sup>, resulting in an FSR of 0.44:1 on the 1675m<sup>2</sup> site.

The applicant's figures of FSR of the subdivided lots are as follows:

- Lot 1: 0.38:1 (159.14m<sup>2</sup>)
- Lot 2: 0.45:1 (176.97m<sup>2</sup>)
- Lot 3: 0.43:1 (188.74m<sup>2</sup>)
- Lot 4: 0.50:1 (221.03m<sup>2</sup>).

The proposed FSR's have been calculated based on the site area of each lot, inclusive of a portion of the Right of carriageway associated with each lot. This is demonstrated on the *FSR Site Area Plan Drawing No 2.1.4*.

The proposed FSR of Lot 4 does not comply with the development standard. See below:

Site area 438.64m<sup>2</sup> x 0.5 = 219.32m<sup>2</sup>

Proposed gross floor = 221.03m<sup>2</sup>

Whilst acknowledged as being minor, the consent authority does not have any statutory power to consent to the application in the absence of a clause 4.6 exception.

#### 6.2 Earthworks

Earthworks including excavation are required on site for the proposed footings of the proposed development. The objectives and requirements of Clause 6.2 of RLEP 2011 have been considered in the assessment of this application. It is considered that the proposed earthworks and excavation will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

#### 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
4.1.4 Soil Management	Yes	Yes
4.1.7 Tree Preservation	No - see discussion	No - see discussion
4.1.9 Lot size and Site Consolidation - Dual Occupancy	No - see discussion	No - see discussion
4.2 Streetscape and Site Context - General	No - see discussion	No - see discussion
4.3.1 Open Space & Landscape Design - Low & medium density residential	No - see discussion	No - see discussion
4.3.2 Private Open Space - Low density residential	Yes	Yes
4.4.2 Solar Access - Low and medium density residential	Yes - see discussion	Yes - see discussion
4.4.3 Natural Lighting and Ventilation - Residential	Yes	Yes
4.4.5 Visual privacy	No - see discussion	No - see discussion

Relevant clauses	Compliance with objectives	Compliance with standard/provision
4.6 Parking Rates - Dual Occupancy	Yes	Yes
4.6 Car Park Location and Design	Yes	Yes
4.7 Air Conditioning and Communication Structures	Yes	Yes
4.7 Waste Storage and Recycling Facilities	Yes	Yes
4.7 Laundry Facilities and Drying Areas	Yes	Yes
5.1 Storey Height and Setbacks - Dual occupancy & Semi-detached dwelling	Yes	Yes
5.1 Attics	Yes - see discussion	Yes - see discussion
5.1 Residential Subdivision	No - see discussion	No - see discussion

#### 4.1.7 Tree Preservation

The amended submission received during the assessment of the application confirms that the application seeks removal of one (1) tree, that being tree 49 - Peppercorn as shown in the landscape plans. It is noted that the previous application granted by Council involved the removal of eleven (11) trees for a dual occupancy development (DA2015/460). Whilst the works approved in this application were not constructed, a number of trees within the site were removed. The following issues have been identified:

- The submitted Arborist report is outdated and based on the previous design that was refused by Council. In any case, the Tree Management Plan in this arborist report recommends retention of tree 49, which is now proposed to be removed. Dwelling 2 has been designed to be in the footprint of tree 49, hence its removal being sought. However, given the extensive tree removal already undertaken at the site and the retention recommendation made in the arborist report, the removal of this tree is not supported.

In view of the above, the proposed development does not satisfy the objective of Part 4.1.7 of RDCP 2011 which seeks to *ensure the existing urban forest amenity is maintained and preserved*.

#### 4.1.9 Lot size and Site Consolidation - Dual Occupancy

Dual occupancy development is required to contain a minimum lot size of 700m<sup>2</sup> and a minimum frontage width of 15m. The proposed lot sizes are as follows:

- Stage 1 (lot 2) - 700.92m<sup>2</sup>
- Stage 2 (lot 1) - 876.42m<sup>2</sup>

Based on the frontage width of 13.69m to Iliffe Street and a 3.6m access corridor, the street frontage of Lot 4 addressing Iliffe Street would be 10.09m.

The *Subdivision Plan* is not reflective of this because it shows a 11.07m frontage for Lot 4. Further, this drawing states that the 3.6m wide access corridor excludes the retaining walls. Given that at least one of the retaining walls (along the north eastern side boundary) is within the access corridor, the resultant width of Lot 4 would be reduced further (i.e - below 10.09m). The application contains inconsistent and conflicting information in respect of the width of the access corridor and the ensuing width (and areas) of the proposed lots - refer to discussion under Part 5.1 of RDCP 2011.

The non-compliant frontage of Lot 4 at the front of the site would result in an allotment that is not consistent with the prevailing cadastral pattern in the street as the street frontage width of nearby lots

appear to be wider than what is proposed. The frontage width of the attached dual occupancy at the rear of the site would effectively be the access corridor - refer to discussion under Part 5.1: Residential Subdivision which raises concerns with this aspect of the development.

#### 4.2 Streetscape and Site Context - General

The design of the proposed development is not considered to satisfy the following controls within this part of RDCP 2011:

- Control 1 states that development is to respond and sensitively relate to the broader urban context including topography, block patterns and subdivision, street alignments, landscape, view and the patterns of development in the area. The proposed subdivision creates a narrow lot addressing Illiffe Street which is inconsistent with the prevailing subdivision pattern in the immediate context; and
- Control 4 which requires the building design, use of materials and architectural features to have regard to those of surrounding buildings and ensure a cohesive streetscape. Concern is raised with external materials and colours which are insufficiently varied throughout the development. Additionally, the side elevations on the first floor of the dwelling on Lot 4 at the front of the site do not contain sufficient architectural modulation, noting that they are up to 16m in length on a single plane and present poorly to the streetscape and the neighbouring properties.

#### 4.3.1 Open Space & Landscape Design - Low & medium density residential

The proposal is required to provide a minimum of 25% of the site area as landscaped area - this equates to 418.75m<sup>2</sup>. The proposed development contains a total of 23.7% (396.25m<sup>2</sup>) which does not comply and represents a shortfall of 22.3m<sup>2</sup> or 1.3%. This non-compliance is not supported for the following reasons:

- As a result of further tree removal sought, the proposal does not achieve objective A which seeks *to conserve significant natural features of the site, including existing mature trees and vegetation*;
- The treatment at the front of unit 1 is dominated by hard surfaces which creates compromised residential amenity. The 22.3m<sup>2</sup> shortfall in landscaped area is therefore not insignificant given that a parcel of lawn at the front of unit 1 would result in a superior planning outcome; and
- The design of the access handle does not contain any soft landscaping, contrary to Part 5.1 of RDCP 2011. Refer to further discussion later in this report.

#### 4.4.2 Solar Access - Low and medium density residential

The application was accompanied by shadow diagrams. The anticipated overshadowing impacts of the development are acceptable and do not unreasonably reduce the extent of solar access for surrounding properties. The proposed development complies with the provisions of RDCP 2011 in this respect.

#### 4.4.5 Visual privacy

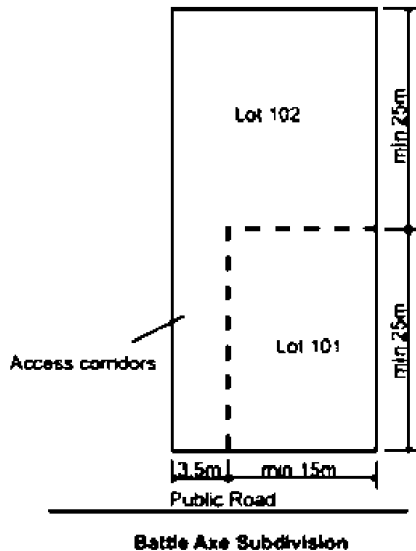
Visual privacy concerns are raised with the timber deck proposed at the rear of unit 4. This structure is proposed to be elevated above existing ground level and has the capacity to result in overlooking impacts to the neighbouring property to the south. This aspect of the proposal is not supported.

#### 5.1 Attics

The design of the dwellings on lots 1, 2 and 3 incorporate the use of attics and dormer windows which are generally acceptable and satisfy the RDCP 2011 controls.

#### 5.1 Residential Subdivision

The controls in this part of RDCP 2011 specify that battle axe subdivision must achieve a minimum allotment depth of 25m, minimum frontage of 15m and minimum width of 3.5m for the access corridor. This is shown in the diagram below:



The width of the access handle is detailed as being 3.6m. However, the specific dimensions shown on the *Subdivision Plan* do not clearly indicate how this figure is arrived at, noting that the drawing also states that the 3.6m width is exclusive of retaining walls. The width of the access corridor appears to narrow as it extends in a northerly direction into the site. *Subdivision Site Area Plan* depicts a much narrower access corridor and is inconsistent with the remainder of the documentation.

Notwithstanding the above inconsistencies, the following concerns are raised:

Council's Development Engineer has advised that an additional 0.3m clearance is required from all structural elements (i.e. – retaining walls) directly adjacent to the access corridor in accordance with AS2890.1:2004. The proposal involves the construction of retaining wall along either side of the access corridor. A clearly dimensioned drawing demonstrating compliance with this requirement has not been supplied.

The design of the access corridor does not provide for any soft landscaping to improve its appearance, particularly given that it is over 80 metres in length and would present a 'gun barrel' appearance from the public domain at the front of the site. The amended landscape plans detail the access corridor as being 3m in width which is inconsistent with the architectural drawings.

The design of the proposed access corridor is contrary to control 27d in Part 5.1 of RDCP 2011 which states that access corridors are to include appropriate landscaping to maintain the amenity of the area.

The proposed non-compliance with the 15m frontage width requirement is not supported for reasons previously identified in this report.

**Other Matters**

It is noted that the submitted architectural plans do not scale correctly. The dimensions shown on the drawings are therefore unable to be accurately verified.

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

Clauses 92-94 of the Regulations outline the matters to be considered in the assessment of a development application. Clause 92 requires the consent authority to consider the provisions of AS 2601:1991 - *Demolition of Structures* when demolition of a building is involved. No further concerns are raised in this regard.

**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 found to be unacceptable.

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

The site is not considered to be suitable for the subdivision and resultant density proposed. This is evidenced through the various non-compliances with the LEP and DCP controls.

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

The development has been notified in accordance with the provisions of Rockdale DCP 2011 and 3 submissions and a petition containing 9 signatures has been received. The issues raised in the submission are summarised below:

Issue 1: Detrimental impact upon residential amenities/need to avoid cramming/extent of open space  
Comment: These matters are generally addressed in the main body of the report.

Issue 2: Ground stability and drainage/water discharge/bin storage  
Comment: This concern is not considered to constitute reasons for refusal.

Issue 3: Loss of privacy and overlooking  
Comment: Privacy and overlooking concerns are raised and constitute a reason for refusal. It is however noted that overlooking to No.63 is not considered to result in adverse impacts given the building separation provided.

Issue 4: Inadequate parking and access/tree removal  
Comment: These matters are addressed in the main body of the report.

Issue 5: Non-compliance with minimum dimension requirements for battle-axe subdivision  
Comment: These matters are addressed in the main body of the report and constitute reasons for refusal.

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

The proposed development 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.

**S7.11 Contribution towards provision or improvement of amenities or services**

A Section 7.11 Contribution Payment would be payable in accordance with Council's Policy for the proposed development. However, the application is not supported.

***Civil Aviation Act, 1988***

The site is within an area that is subject to the Civil Aviation (Building Controls) Regulations 1988 made under the *Civil Aviation Act, 1988*.

**Civil Aviation (Building Control) Regulations 1988**

The Regulations require a separate approval from the Civil Aviation Safety Authority if a building or structure exceeds a prescribed height limit.

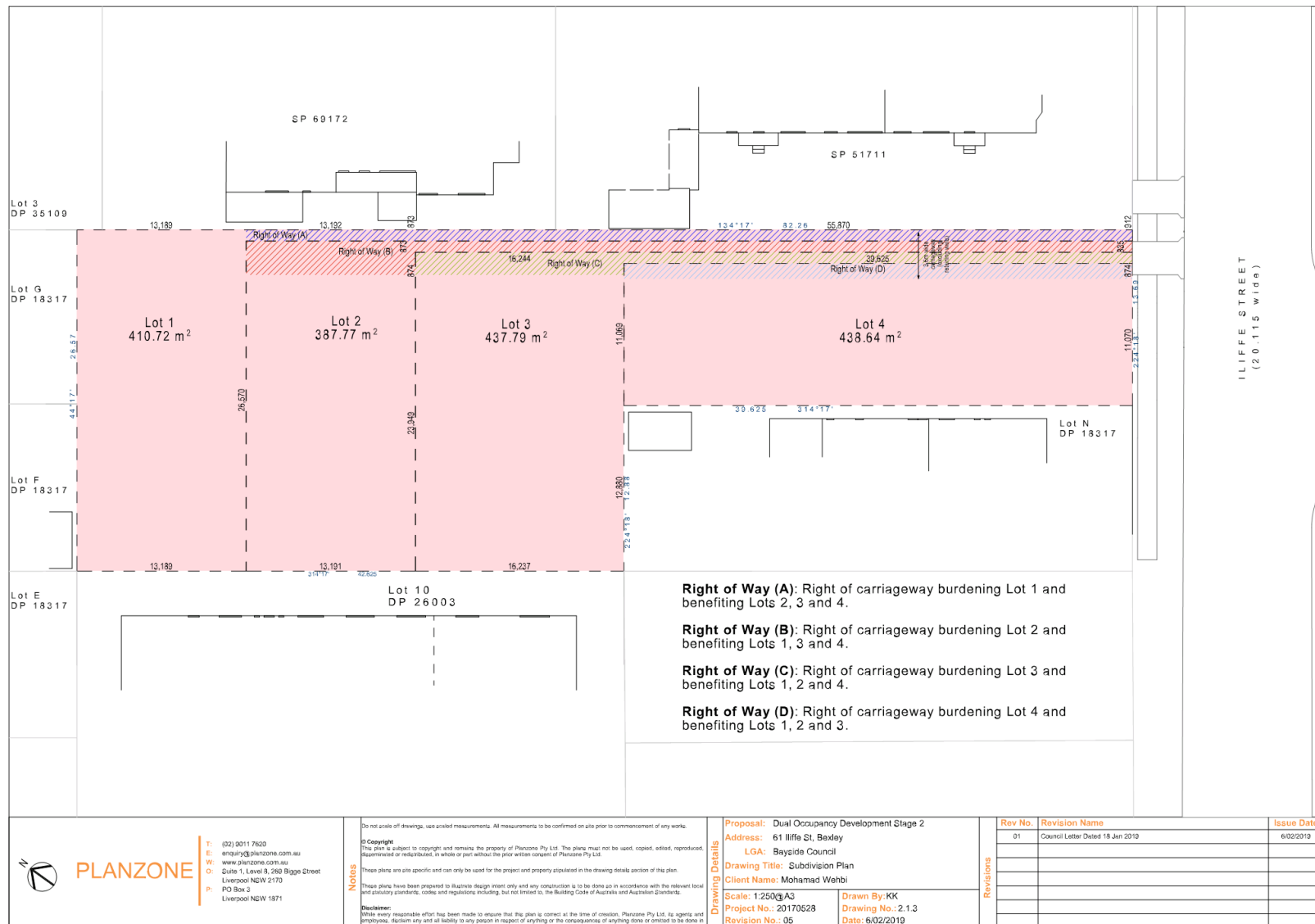
**Section 5 Prohibition of the construction of buildings of more than 50 feet in height in specified areas**

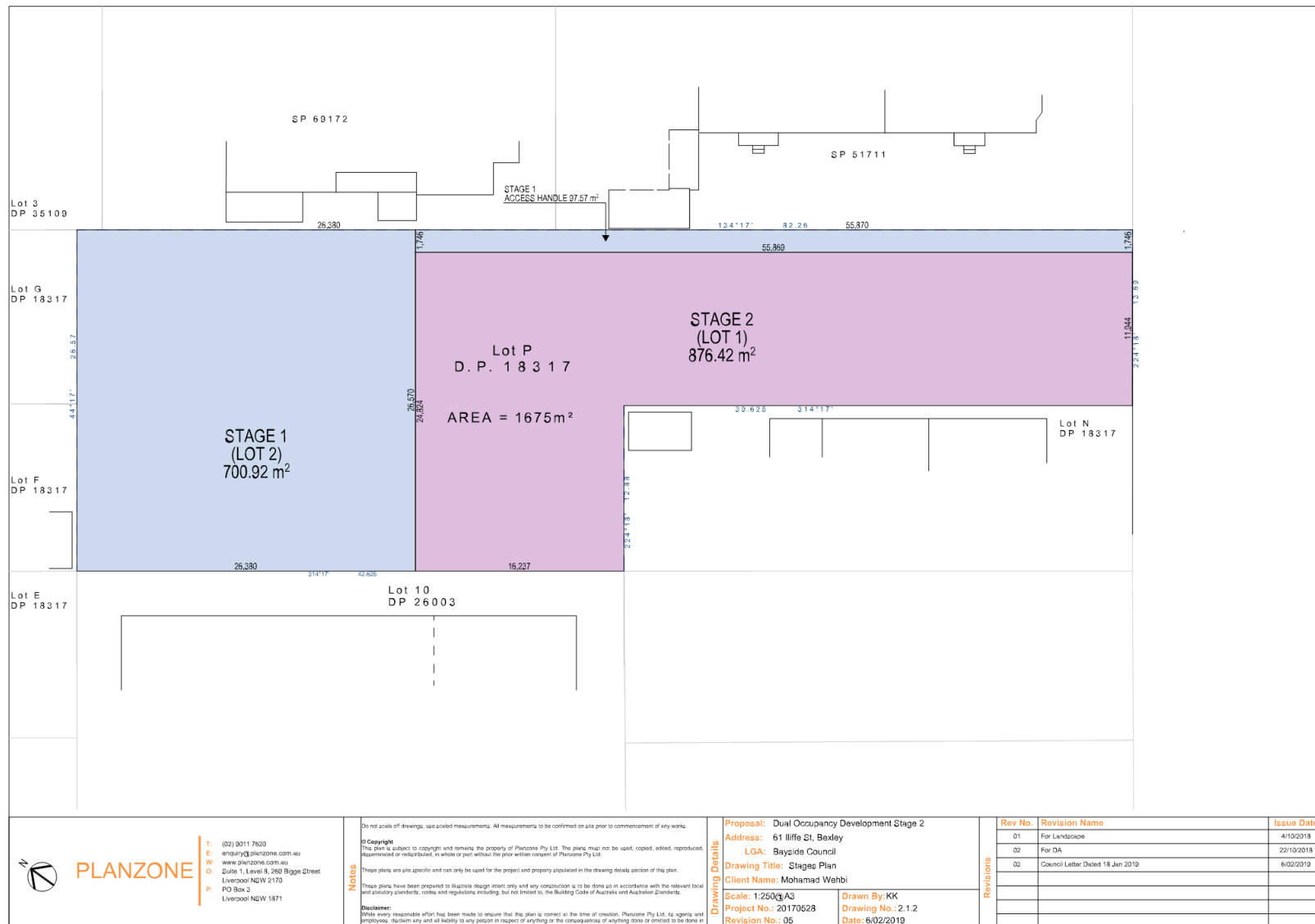
The maximum height of the proposed development does not exceed the prescribed height limit by the 15.24m Building Height Civil Aviation Regulations.

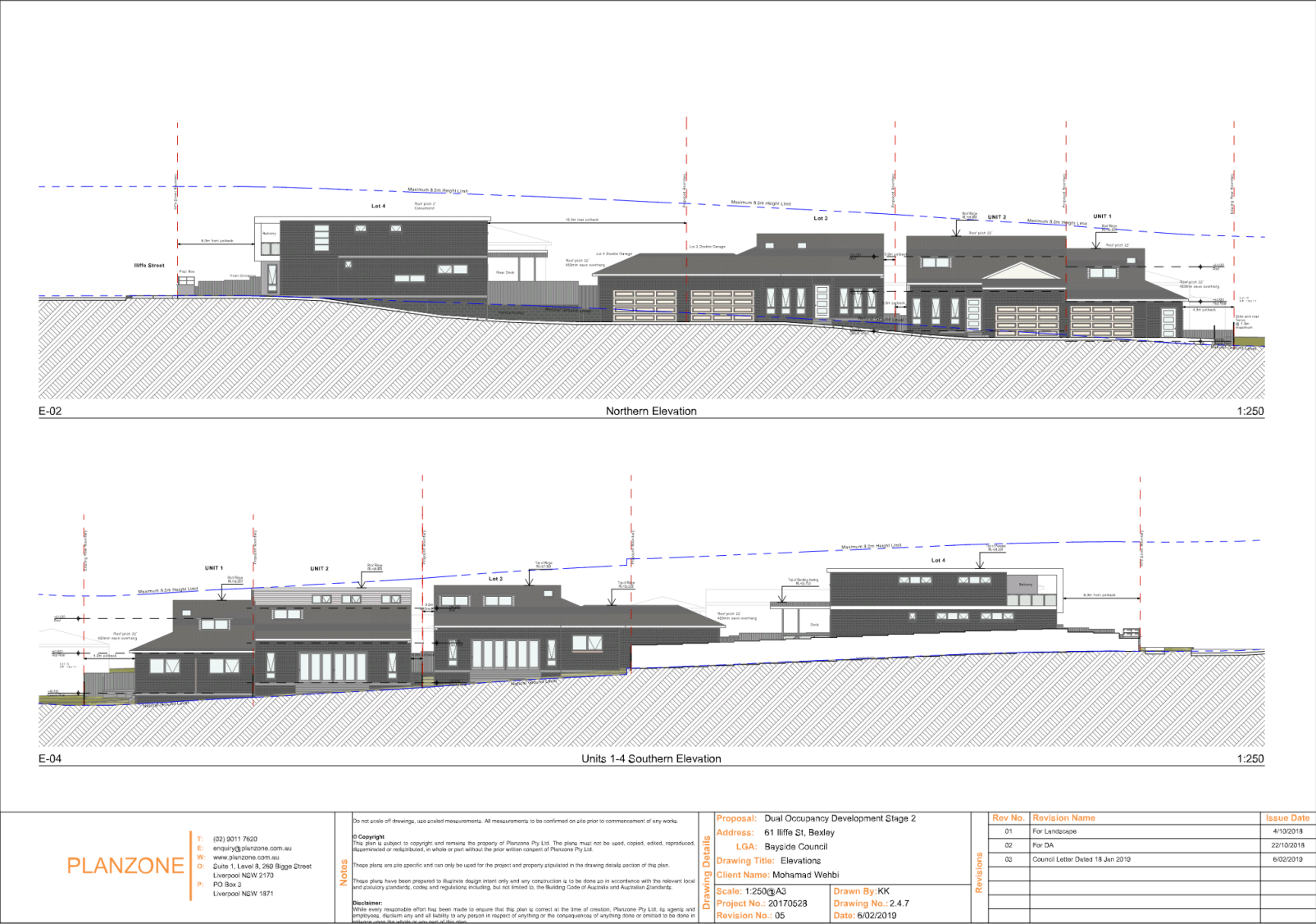
## **Schedule 1 - Draft Conditions of consent**

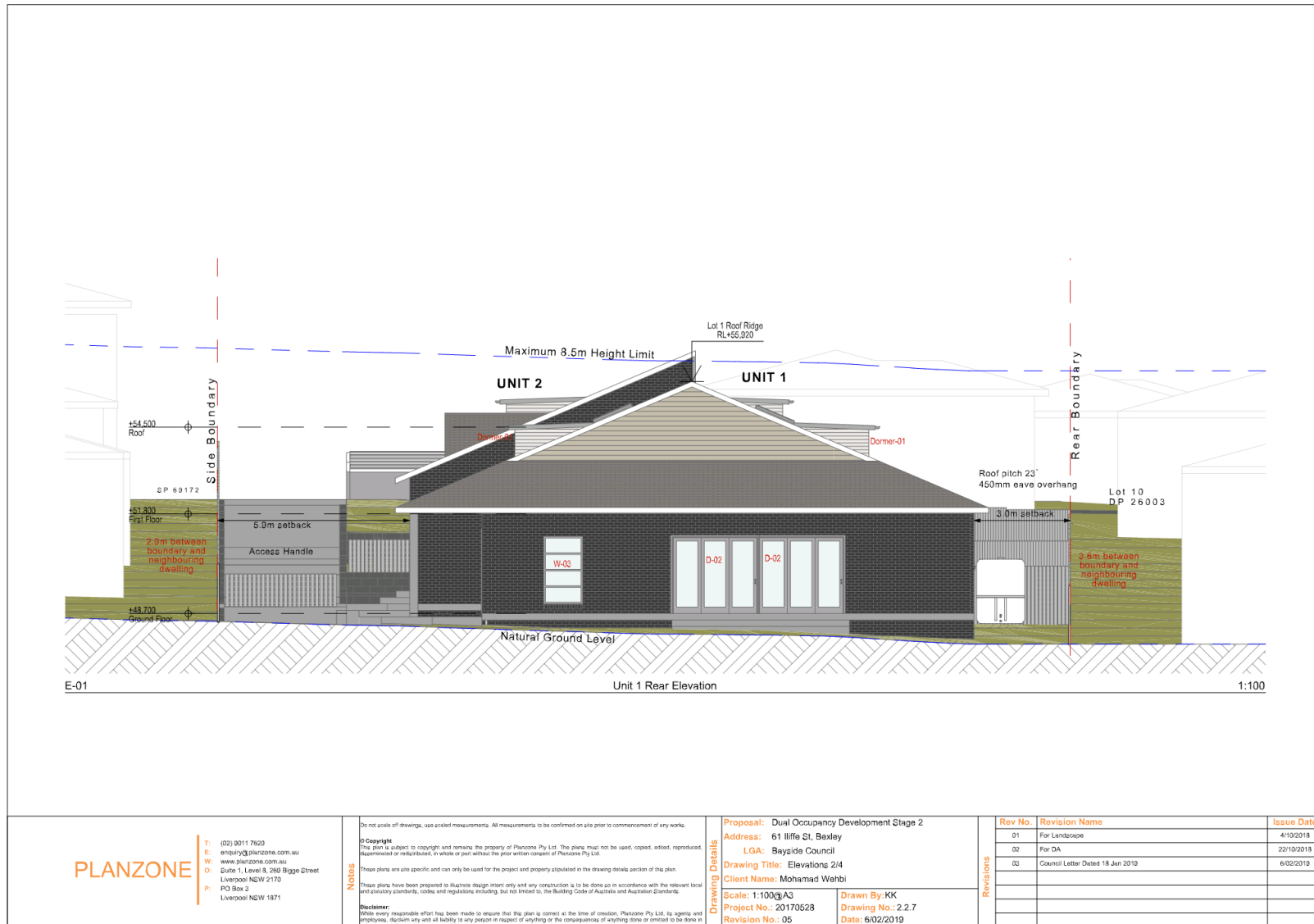
---



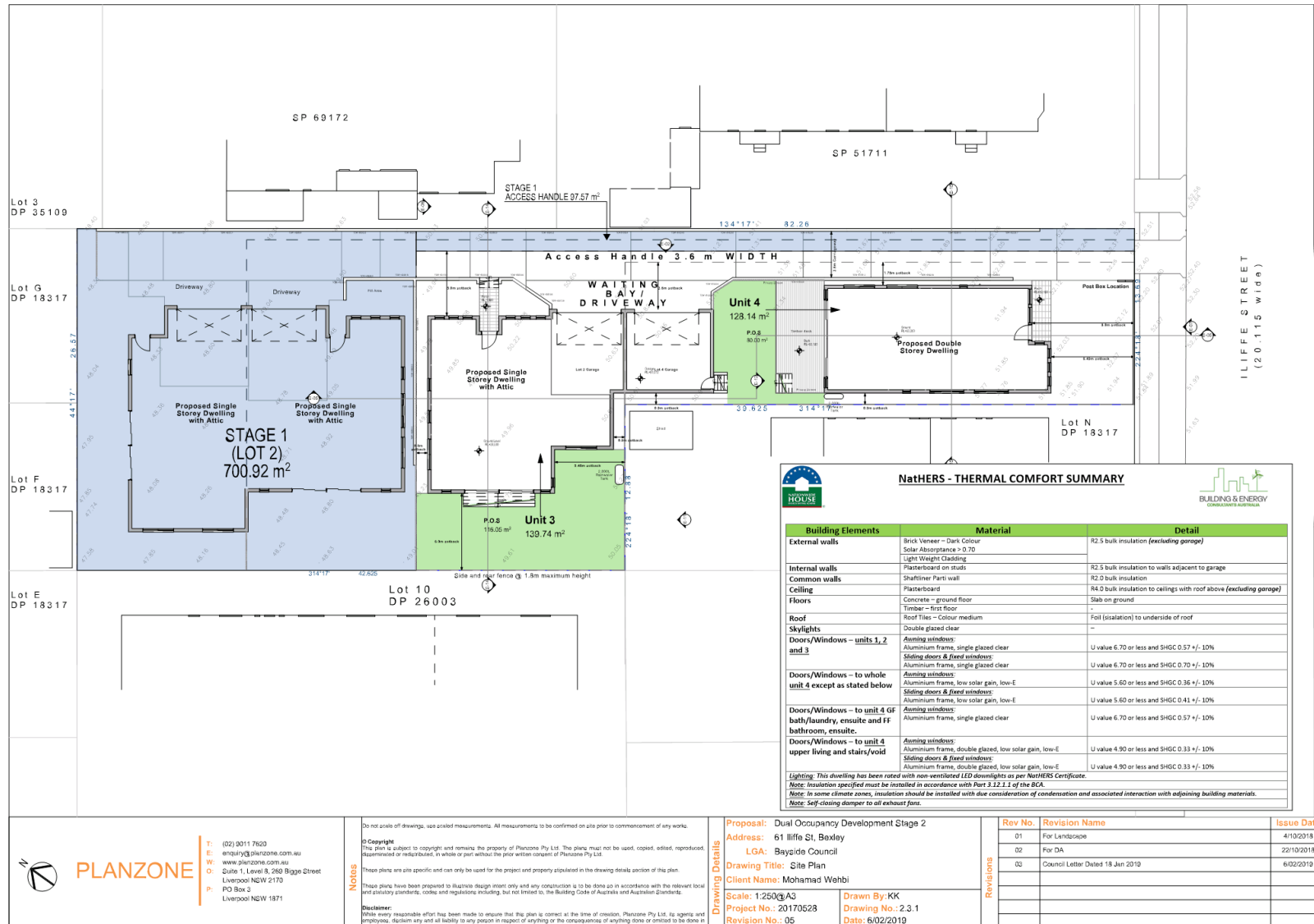


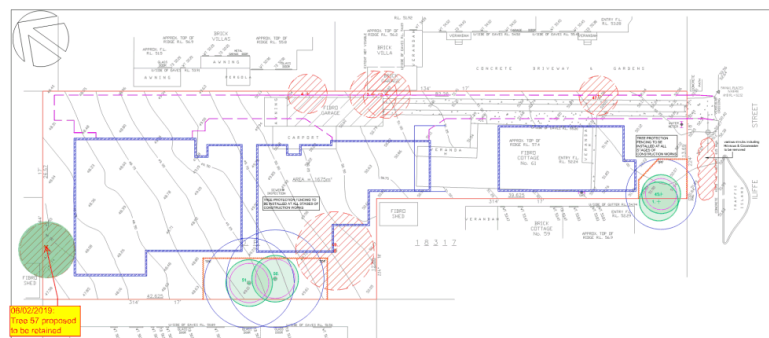






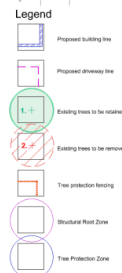




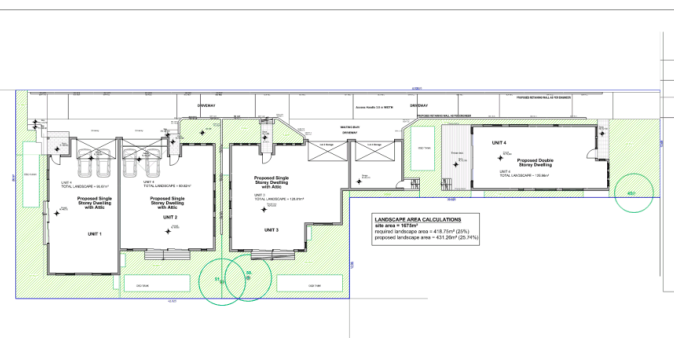


EXISTING TREE PLAN 1:250

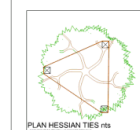
REFER TO ARBORIST REPORT AS PREPARED BY HORTICULTURAL  
MANAGEMENT SERVICES FOR DETAILED TREE INVENTORY, TREE  
PROTECTION AND TREE MANAGEMENT REQUIREMENTS OF TREES  
45,47,49,50,51 & 57



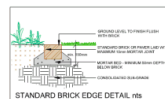
EXISTING TREE SCHEDULE							
TREE NO.	TREE	HGT (m)	CAN (m)	TRK (m)	condition	retain / remove	COMMENTS
1	Coccol Palm	6	5	0.15	poor	RETAIN	adjacent property
2	deciduous tree	7	6	0.1	fair	remove	in construction zone
3	deciduous tree	7	5	0.1	poor	remove	in construction zone
4	deciduous tree	6	5	0.1	fair	remove	in construction zone
45	Bottlebrush	5	5	multi	fair	RETAIN	mainland ground levels
47	Bottlebrush	4.5	5	multi	fair	remove	in construction zone
49	Peppercorn Tree	9	10	0.54	poor	remove	in construction zone
50	Flame Tree	12	6	0.5m	good	RETAIN	mainland ground levels
51	Flame Tree	9	6	0.5m	good	RETAIN	mainland ground levels
52	Illu Bilu	13	7	0.4	poor	remove	in construction zone



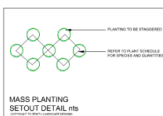
LANDSCAPE AREA PLAN 1:250

[illegible][illegible]

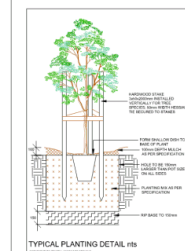
PLAN HESSIAN TIES nts



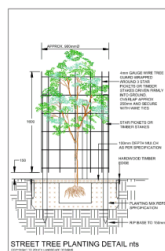
STANDARD BRICK EDGE DETAIL n1



**MASS PLANTING  
SETOUT DETAIL nts**  
continued from 10/12/14



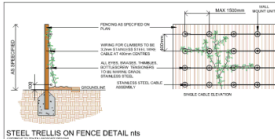
TYPICAL PLANTING DETAIL (inches)



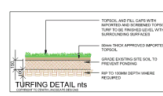
STREET TREE PLANTING DETAIL rts



MASS PLANTING BE  
PREPARATION DET



STEEL TRELLIS ON FENCE DETAIL nts



**TURFING DETAIL nts**



STEPPING STONES DETAIL, n.b.

**DISCLAIMER:**  
Every effort is made to ensure the accuracy of these documents, however they should be thoroughly checked before being issued to any other persons or authority or used for construction purposes. Any inaccuracies, omissions or discrepancies should be referred back to Zerivh Landscape Design immediately.

**NOTES**

1. Vehicular pavement, fencing and built structure details shall be to Architect's specification.
2. All surface and sub-surface requirements shall be to Engineers detail.
3. All dimensions should be taken in preference to scaling.
4. All dimensions should be checked on-site prior to commencing construction.
5. Contractors shall verify the location of all site features prior to commencing work.
6. Site testing has not been undertaken as part of the preparation of this design. Contractors shall determine the need for soil testing prior to any planting works.
7. A search of underground services has not been undertaken as part of the preparation of this design; it is recommended that Contractors contact DIAL, BIRCHINGDON ON 01223 353333.
8. This plan is to be read in conjunction with the architectural and engineering plan sets.
9. It is recommended that an approved root barrier be installed to manufacturers recommendations to all tree planting in the vicinity of structures, walls and hard paving.

A	REVISED ARCHITECTURAL DESIGN	04.10.18
Rev. no.	Description	Date
ARBORIST:	HORTICULTURAL MANAGEMENT SERVICES	
SURVEY:	GEO POINT SURVEYORS	
HYDRAULIC:	STATIKER	
ARCHITECT:	PLANZONE	
CLIENT:	ASHGARD MUEHL	



61 ILLIFE STREET  
BEXLEY

TITLE:	LANDSCAPE PLAN		
STATUS:	DA	SCALES:	AS SPEC.
DRAWN:	MAG	SHEET: 3 OF 3	REVISION:
CHECKED:	MFG	DRAWING No.	
DATE:	25.09.17	17-3553 LO3	A